



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

September 10, 2024 - 6:30 PM

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

Susan L. Payne Mayor
Sharon McDonald Mayor Pro-Tem, District 5
Nick Paul District 1
Stephen Burnett District 2
Warren Robinson District 3
Josh Rardin District 4
Mark Tapley District 6

Rick Holden 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 east bulletin board located in the south of the City Hall and in the glass case located outside 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. Constitution Week Proclamation. (Susan L. Payne, Mayor)

PUBLIC COMMENT

Residents must sign up with the City Clerk to address the City Commission. The standard allotted time is 3 minutes, but the Mayor reserves the right to change depending on the number of public comments.

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 Regular Commission meeting on August 27, 2024. *(Rachel Hughs, City Clerk)*
3. Consider, and act upon, Resolution No. 2024-60 approving the submission of an application to the New Mexico Finance Authority Water Trust Board for project approval and financial assistance in the amount of \$3,035,050, with a \$455,258 City match, for the replacement of a reclaimed water pivot transmission pipeline. *(Debbie Osborne, Grant Coordinator)* **(Roll Call Vote Required)**
4. Consider, and act upon, Resolution No. 2024-61 approving the submission of an application to the New Mexico Finance Authority Water Trust Board for project approval and financial assistance in the amount of \$3,083,455, with a \$462,520 City match, for the replacement of a waterline in the Granada Hills area, Alamogordo, NM. *(Debbie Osborne, Grant Coordinator)* **(Roll Call Vote Required)**
5. Consider, and act upon, amended publication of Ordinance 1705, approving a loan from the New Mexico Finance Authority regarding the Yearout Contract and EPC project. *(Evelyn Huff, Finance Director and Chris Muirhead)* **(Roll Call Vote Required)**

ITEMS REMOVED FROM CONSENT AGENDA

NEW BUSINESS

6. Presentations and Discussions: Understanding Transparency & Ethics Obligations for the City of Alamogordo. Effective Governance for the City of Alamogordo. *(Geno Zamora, Ortiz & Zamora Law Firm)*

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 9/10/2024

Report Date: 08/30/2024

Report No: 1.

Submitted By: Beau Dylan Aleshire

Subject: Constitution Week Proclamation. (*Susan L. Payne, Mayor*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Presentation only.

Background:

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 9/10/2024

Report Date: 08/30/2024

Report No: 2.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the Regular Commission meeting on August 27, 2024. *(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 PM, DONALD E. CARROLL COMMISSION CHAMBERS
August 27, 2024**

**SUSAN PAYNE, MAYOR
SHARON MCDONALD, MAYOR PRO-TEM
NICHOLAS PAUL, COMMISSIONER
STEPHEN BURNETT, COMMISSIONER
WARREN ROBINSON, COMMISSIONER**

**JOSHUA RARDIN, COMMISSIONER
MARK TAPLEY, COMMISSIONER
RICK HOLDEN, CITY MANAGER
ASHLEY SMITH, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

CALL TO ORDER & ROLL CALL

Mayor Payne called the meeting to order at 6:29 PM. Roll Call was taken by the Deputy City Clerk. Deputy City Clerk Aleshire announced there was a quorum present.

INVOCATION & PLEDGE OF ALLEGIANCE

The Invocation was given by Pastor Joe Bryant of Grace Baptist Church, and the Pledge of Allegiance was led by Commissioner Rardin.

APPROVAL OF AGENDA

**Mayor Pro-Tem McDonald moved to approve the Consent Agenda minus Items 8 and 9.
Commissioner Burnett seconded the motion.
Motion Passed with a vote of 7 - 0 - 0.**

PUBLIC COMMENT

James Ori said he was with the US Veteran's Motorcycle Club. There will be an Honor Flight on September 21st with three local Vietnam veterans returning to the Alamogordo community. The Otero County Fairgrounds donated their location to host the welcome home. Back in April, we had the Fire and Police Departments give support in escorting the veterans home. We had a big turnout last time, and it was really heartfelt by the veterans. We would love to have the support of the community, the Fire Department, and the Police Department if they can. The return will be at around 7:30 PM to 7:45 PM.

CITY MANAGER'S REPORT

City Manager Holden made the following remarks:

- 1.** There is good news regarding the natural gas issues in the two mobile home parks. White Sands Mobile Home Park is in the process of installing their natural gas system. The owner of Desert Palms, Mr. Dunn, gave me his intent to go back to natural gas. He said he was awaiting a bid from New Mexico Gas and two other contractors and would not ask for a variance to utilize propane as an alternative. These are good indications that mobile home park owners are taking their responsibilities seriously per the New Mexico Mobile Home Act, our ordinances, and the Fire Code. I commend the owners for taking that action. As soon as I get formal confirmation on Desert Palms, I will notify the Commission.
- 2.** We were fortunate with Bonito Lake and managed to save it from the fires. We have been in contact with Fish and Game and will reopen the lake for fishing this weekend. Fish are still in the lake, and the water quality is good. There is sufficient liability coverage because it is an unimproved area, and signs will be marked accordingly. People have already been going out there to fish, and the State has been writing tickets for those fishing without a license. We may get another load of fish. The State pays us to put fish there, and they also provide signage and enforcement. There will be Porta Pottys out there, too.
- 3.** There has been concern about Paiute Park. In April, the Commission received the Parks Master Plan, which detailed what was going on at Paiute Park. We have sped up the process since then. This will be a natural park, not a traditional one with monkey bars and slides. There will be sand diggers, where kids can play in the sand and dig, and barbecue grills. Decorative gravel for the river will be delivered to the site this week. Picnic tables have been ordered, are on route, and should be installed by mid-September. Most landscaping should be completed by the end of September, plus other final planning contingent upon the weather. Parks staff understand the necessity of getting the park up and running.
- 4.** The Engineering Department has done a tremendous job, and Project Manager Boyle has over forty projects being worked on. The Commission can expect to see work in many places throughout the community. The

Commission was notified earlier this week about the traffic control plan for 10th Street and New York Avenue in preparation for the Great Blocks project. This will result in significant changes to the downtown, including how it looks, operates, and how traffic flows. There may be social media rhetoric because this will involve change, which is difficult for all of us. When we change the current lane patterns and stop signs, there will be confusion, but this all meets traffic and engineering requirements. Once everything has been done, including new water and sewer lines, paved streets, and new lights standards, it will rival any other downtown in New Mexico. It is designed to boost the economic development impact of the project and help Alamogordo grow in new ways.

Mayor Payne asked City Manager Holden what Silverado Park would have. He said there would be smaller equipment, and it would not have anything elaborate. Nothing is out there now except a basketball hoop that a private individual placed there. The property was donated as a park, as required, in the permitting and platting process. We previously took down the Pavilion at the end of Oregon Avenue, and we plan to repurpose it to go out there, along with picnic tables, barbecue grills, and some minor playground equipment. Silverado Park is also in the Parks Master Plan.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Payne said she visited Clovis for the Annual Municipal League Meeting and made new contacts. There were discussions on affordable housing, but I do not believe they defined what that actually was. We listened to the ideas the State was trying to implement, and a department was created within the Governor's Office to address the housing issues all over. In terms of new housing developments and residential communities, I believe Alamogordo is ahead of the curve compared to other cities. We have private companies doing it while others are talking about State funding. The houses being built in our area are also more affordable compared to other areas in the state. We have been doing things that other cities are just now talking about.

I want to give a shout-out to Representative Jim Townsend, who is phenomenal at communication and follow-up. Mr. Townsend was willing to get involved in the issue at Desert Palms. He worked hard and did a lot of follow-ups to ensure our residents were taken care of. I want to thank him for working with us on that.

CONSENT AGENDA

1. Approve the minutes for the Regular Commission meeting on August 13, 2024. (Rachel Hughes, City Clerk)

3. Consider, and act upon, Resolution 2024-58, declaring 801 Arapaho Trl. to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety. (Josh Sides, Code Enforcement Manager) (Roll Call Vote Required)

4. Consider, and act upon, the award of Public Works Bid No. 2024-007, Striping City-Wide Project No. PW2406, to Prestigious Paving LLC, related to the Alamogordo Striping City-Wide project for an amount not to exceed \$94,071.03, including NMGR. (Justen Boyle, Project Manager)

5. Consider, and act upon, Resolution 2024-59 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 27, 2024. (Evelyn Huff, Finance Director) (Roll Call Vote Required)

Commissioner Rardin removed Item 2 from the Consent Agenda.

Commissioner Paul moved to approve the Consent Agenda as amended.

Commissioner Burnett seconded the motion.

Motion Passed with a vote of 7 - 0 - 0

ITEMS REMOVED FROM CONSENT AGENDA

2. Consider, and act upon, the award of RFP 2024-003 Economic Development Services to Alamogordo

Chamber of Commerce. (Stephanie Hernandez, Assistant City Manager)

Commissioner Rardin said the RFP to award does not have a dollar amount. How much is it? Assistant City Manager Hernandez said \$50,000. He asked if that was the total for the whole year. She said it was. He asked if it was coming out of Fund 105. She said yes. He asked what would be done next year if the Fund 105 money goes away. She said there would still be a fund balance. He said he thought we were putting it on the ballot to reallocate it to something else. She said half of it. He said he thought we were talking about bringing it in-house. She said it is, that is why it is only \$50,000. I am doing most of the work with potential companies requesting LEDA funds. We want to be able to provide city tours and branding initiatives, which is what this contract is for. The majority of it will be in-house. He asked if this would be over and above existing contracts. She said yes, which is why this went out for RFP.

Commissioner Robinson moved to approve.

Commissioner Tapley seconded the motion.

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

NEW BUSINESS

6. Consider, and act upon, Resolution 2024-57, declaring 1409 Crescent Dr. is no longer so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety. (Josh Sides, Code Enforcement Manager) (Roll Call Vote Required)

Mayor Payne said she liked that this resolution declared 1409 Crescent Drive was no longer dilapidated. Code Enforcement Manager Sides said he brought this forward to show that the process does work, and it is now a beautiful structure. The property was condemned via resolution on February 13, 2024. On May 9, 2024, it was sold to One Tree JV Incorporated. I conducted the reinspection on August 12, 2024. Code Enforcement Manager Sides proceeded to show pictures of the property to the Commission.

Commissioner Burnett moved to approve.

Mayor Pro-Tem McDonald seconded the motion.

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

7. Consider, and act upon, the final plat for Case S-2024- 0001(A), Fairgrounds Subdivision. (Stella Rael, City Planner)

City Planner Rael said the property owner, the Crimmins Family Limited Partnership, is requesting that the City approve an eleven lot subdivision for the property. Per Ordinance 1197, a subdivision resulting in an increase of more than two lots requires City Commission approval through the subdivision process. The area is Zone C-3 Business District. The Technical Review Committee reviewed and approved the plat, and staff also recommended approval of the plat.

Commissioner Tapley asked where Lot 5 was. City Planner Rael said on the plat, Lot 5 is between Lot 4 and Lot 7. Commissioner Rardin said the lot size was strange. What could be put on that? City Planner Rael said probably nothing. It would probably be used for the turnaround in that area.

Mayor Payne asked if homes would be put on this. City Planner Rael said no, it is all commercial.

Commissioner Rardin asked if the intersection issue had been worked out. City Manager Holden said significant work still needs to be done there. I spent time with Dennis Crimmins and Assistant City Manager Hernandez looking at that. As Fairgrounds Road is to be extended west towards the railroad tracks, it will be a four-way intersection as opposed to three. The State will require a complete restructuring of the signalization of the intersection. We have been visiting with the State and possible federal partners to potentially build a roundabout. I tend to believe the roundabout is a great idea, but it will probably take too long to get done. The State and federal government together could almost do that project without much expense for us. The roundabout would slow traffic down and eliminate the need for signalization at the intersection. There will likely still be wrecks, but at least people will slow down, and the path will be controlled. I don't think it will happen because Mr. Crimmins will want to do this project sooner rather

than later. We will work with him on a LEDA application because this will create significant new commercial development and growth for the area. It would also give us a reason to start looking at small growth opportunities along that White Sands area. I know he has at least one tenant lined up for a retail facility and that restaurants are being looked at. None of that plays into the approval of a plat, though. The plat meets the requirements we have. You will be advised of developments as Mr. Crimmins tells us what and where he plans to put things. What goes in out there is not determined at a staff or Commission level. Commissioner Rardin said he was not excited about the roundabout idea. They recently put three in over at Truth or Consequences, and it is a mess. City Manager Holden said communities are sometimes adverse to change. Roundabouts are a true method of moving people around. In Texas, many cities are going to them. They are phenomenal after you get used to them. Again, they are a great way to slow traffic down and keep traffic moving throughout the community without a lot of starts and stops. If we do the intersection the old way, it will just be another nightmare with waiting for lights to change and people speeding up. We will work with Mr. Crimmins to everyone's advantage so everyone can benefit. Mayor Payne said she likes roundabouts and thinks they could look nice aesthetically if done right.

Commissioner Robinson moved to approve.

Mayor Pro-Tem McDonald seconded the motion.

Motion Passed with a vote of 6 - 0 - 1. Commissioner Josh Rardin voted to abstain.

EXECUTIVE SESSION

8. Recess into Executive Closed Session in compliance with 10-15-1(H)(8) NMSA (as amended) to discuss: Real Property land acquisition of Mountain Park Trout Farm located at 1086 US Highway 82. (Roll Call Vote Required)

Item removed from agenda.

RECONVENE INTO OPEN SESSION

9. Take any action as a result from the Executive Closed Session.

Item removed from agenda.

ADJOURNMENT

Mayor Pro-Tem McDonald moved to adjourn at 7:16 PM.

Commissioner Burnett seconded the motion.

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

ATTEST:

Mayor Susan Payne

City Clerk Rachel Hughs

(Prepared by Dylan Aleshire, Deputy Clerk)

Approved at the Regular Meeting held on September 10, 2024.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 9/10/2024

Report Date: 09/03/2024

Report No: 3.

Submitted By: Deborah Osborne

Subject: Consider, and act upon, Resolution No. 2024-60 approving the submission of an application to the New Mexico Finance Authority Water Trust Board for project approval and financial assistance in the amount of \$3,035,050, with a \$455,258 City match, for the replacement of a reclaimed water pivot transmission pipeline. (*Debbie Osborne, Grant Coordinator*) **(Roll Call Vote Required)**

Fiscal Impact: \$455,258

Amount Budgeted: \$0.00

Fund: 089

Additional Fiscal Impact: A 15% match in the amount \$455,258 is required.

Recommendation: Approve Resolution No. 2024-60 approving the submission of an application to NMFA Water Trust Board.

Background: The City wishes to submit an application to the New Mexico Finance Authority Water Trust Board for funding in the 2025 Water Project Fund funding cycle, requesting project approval and financial assistance to replace the reclaimed water pivot transmission pipeline. The pivot transmission line has exceeded its life expectancy and needs to be replaced due to age, deterioration, and failures of the existing line. This project is shovel ready with plans, specs, and cost estimates have been received. The existing reclaimed transmission line would be replaced beginning at the entrance road near the City's Water Reclamation Facility and ending near the pivot sprinkler site. The length of the new transmission line is approximately 2.5 miles. Type and size of line shall be in conformance with AWWA C-905, 10-inch and 8-inch.

RESOLUTION NO. 2024-60

RESOLUTION AUTHORIZING FILING OF AN APPLICATION FOR FINANCIAL ASSISTANCE FROM THE NEW MEXICO FINANCE AUTHORITY WATER TRUST BOARD TO CONSTRUCT REPLACEMENT OF A RECLAIMED WATER PIVOT TRANSMISSION PIPELINE

WHEREAS, the City of Alamogordo, New Mexico, whose project to construct replacement of a reclaimed water pivot transmission pipeline and,

WHEREAS, the City of Alamogordo, New Mexico, may apply for financial assistance from the New Mexico Finance Authority Water Trust Board to fund the replacement of a reclaimed water pivot transmission pipeline project; and

WHEREAS, the City of Alamogordo, New Mexico, is eligible to apply for funding from the New Mexico Finance Authority Water Trust Board.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that the filing of an application to the New Mexico Finance Authority Water Trust Board for funding in the 2025 Water Project Fund funding cycle is hereby authorized. The project type falls under water conservation or recycling, treatment or water reuse projects and proposes to replace approximately 2.5 miles of a transmission pipeline. The financial assistance requested is in the amount of \$3,035,050.00. The City of Alamogordo is prepared to meet the 15% match requirement of \$455,258.00.

BE IT FURTHER RESOLVED that the City Manager, Rick Holden, is hereby designated as the City of Alamogordo's representative to act on behalf of this application.

PASSED, APPROVED AND ADOPTED by the City Commission on this _____ day of _____ 2024.

CITY OF ALAMOGORDO, NEW MEXICO
A New Mexico Municipal Corporation

By: _____
Susan L. Payne, Mayor

ATTEST:

By: _____
Rachel Hughs, City Clerk

APPROVED AS TO FORM;

By: _____
Ashley Smith, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 9/10/2024

Report Date: 09/03/2024

Report No: 4.

Submitted By: Deborah Osborne

Subject: Consider, and act upon, Resolution No. 2024-61 approving the submission of an application to the New Mexico Finance Authority Water Trust Board for project approval and financial assistance in the amount of \$3,083,455, with a \$462,520 City match, for the replacement of a waterline in the Granada Hills area, Alamogordo, NM. (*Debbie Osborne, Grant Coordinator*) **(Roll Call Vote Required)**

Fiscal Impact: \$462,520.00

Amount Budgeted: \$0.00

Fund: 61

Additional Fiscal Impact: A 15% match in the amount of \$462,520.00 is required.

Recommendation: Approve Resolution No. 2024-61 approving the submission of an application to NMFA Water Trust Board for water line replacement in the Granada Hills area.

Background: The City wishes to submit an application to the New Mexico Finance Authority Water Trust Board for funding in the 2025 Water Project Fund funding cycle, requesting project approval and financial assistance to replace a waterline in the City's Granada Hills area. The existing six-inch asbestos cement waterline within the Granada Hills area has experienced a high failure rate due to poor bedding practices when initially installed. The total anticipated replacement length water line is 1.7 miles. The existing six-inch line will be abandoned in place as much as possible. Each residential water service line will be replaced as part of this project to include: service line tap, service line, meter can, meter riser, customer side shutoff valve, and all miscellaneous fittings within the City's service side. The existing 30-inch ductile iron transmission line will not be impacted as part of this project.

RESOLUTION NO. 2024-61

RESOLUTION AUTHORIZING FILING OF AN APPLICATION FOR FINANCIAL ASSISTANCE FROM THE NEW MEXICO FINANCE AUTHORITY WATER TRUST BOARD TO CONSTRUCT REPLACEMENT OF A WATERLINE IN THE GRANADA HILLS AREA, ALAMOGORDO, NM

WHEREAS, the City of Alamogordo, New Mexico, whose project to construct replacement of a waterline in the Granada Hills area, Alamogordo, NM and,

WHEREAS, the City of Alamogordo, New Mexico, may apply for financial assistance from the New Mexico Finance Authority Water Trust Board to fund the replacement of a waterline in the Granada Hills area Alamogordo, NM, project; and

WHEREAS, the City of Alamogordo, New Mexico, is eligible to apply for funding from the New Mexico Finance Authority Water Trust Board.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that the filing of an application to the New Mexico Finance Authority Water Trust Board for funding in the 2025 Water Project Fund funding cycle is hereby authorized. The project type falls under water storage, conveyance or delivery projects and proposes to replace approximately 1.7 miles of waterline. The financial assistance requested is in the amount of \$3,083,455.00. The City of Alamogordo is prepared to meet the 15% match requirement of \$462,520.00.

BE IT FURTHER RESOLVED that the City Manager, Rick Holden, is hereby designated as the City of Alamogordo's representative to act on behalf of this application.

PASSED, APPROVED AND ADOPTED by the City Commission on this _____ day of _____ 2024.

CITY OF ALAMOGORDO, NEW MEXICO
A New Mexico Municipal Corporation

By: _____
Susan L. Payne, Mayor

ATTEST:

By: _____
Rachel Hughs, City Clerk

APPROVED AS TO FORM;

By: _____
Ashley Smith, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 9/10/2024

Report Date: 09/05/2024

Report No: 5.

Submitted By:

Subject: Consider, an act upon, amended publication of Ordinance 1705, approving a loan from the New Mexico Finance Authority regarding the Yearout Contract and EPC project. (*Evelyn Huff, Finance Director and Chris Muirhead*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: We are amending Ordinance 1705, which was originally approved in August, to correct the percentage of gross receipts tax pledged. The original document said a quarter percent when we only need to pledge an eighth percent. This will align our ordinance with the loan documents approved by NMFA.

CITY OF ALAMOGORDO, NEW MEXICO
ORDINANCE NO. _____

AMENDING ORDINANCE NO. 1705, ADOPTED AUGUST 13, 2024 (“ORDINANCE 1705”), WHICH, AMONG OTHER RELATED ACTIONS, AUTHORIZED THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND INTERCEPT AGREEMENT BY AND BETWEEN THE CITY OF ALAMOGORDO, NEW MEXICO (THE “GOVERNMENTAL UNIT”) AND THE NEW MEXICO FINANCE AUTHORITY (THE “FINANCE AUTHORITY”) AND PROVIDED FOR THE PAYMENT OF THE LOAN FROM THE REVENUES OF THE 1/4 OF ONE PERCENT (0.25%) INCREMENT OF MUNICIPAL GROSS RECEIPTS TAX IMPOSED ON ALL PERSONS ENGAGING IN BUSINESS IN THE CITY PURSUANT TO SECTION 7-19D-9 NMSA 1978 AND CITY ORDINANCE NO. 620-81 (“MUNICIPAL GROSS RECEIPTS TAX”), TO CORRECT THE PLEDGE OF MUNICIPAL GROSS RECEIPTS TAX REVENUES TO 1/8 OF ONE PERCENT (0.125%) CONSISTENT WITH THE LOAN AGREEMENT AND ORDINANCE NO. 1594, ADOPTED ON MAY 13, 2020; AND REPEALING ACTIONS INCONSISTENT WITH SUCH AMENDMENT.

WHEREAS, the Governmental Unit is a legally and regularly created, established, organized and existing municipality under the general laws of the State; and

WHEREAS, the Governing Body adopted Ordinance No. 1705 on August 13, 2024, by which it: authorized the execution and delivery of a Loan Agreement and Intercept Agreement by and between the Governmental Unit and the Finance Authority, evidencing a special, limited obligation of the Governmental Unit to pay a principal amount of not to exceed \$4,000,000, together with interest thereon, for the purpose of (1) acquiring, constructing and improving energy efficiency projects associated with Governmental Unit facilities, (2) funding a loan agreement reserve account, and (3) paying costs of issuance of the Loan; approved the delegation of authority to make certain determinations regarding the Loan pursuant to the Supplemental Public Securities Act; provided for the payment of the Loan from the revenues of the 1/4 of one percent (0.25%) increment of Municipal Gross Receipts Tax; provided for the distributions of the revenues of the Municipal Gross Receipts Tax from the State Taxation And Revenue Department to be redirected to the Finance Authority or its assigns pursuant to the Intercept Agreement for the payment of principal and interest due on the Loan Agreement; ratifying actions heretofore taken; repealed all action inconsistent with this ordinance; and authorized the taking of other actions in connection with the execution and delivery of the Loan Agreement and the Intercept Agreement; and

WHEREAS, the pledge of the revenues of 1/4 of one percent (0.25%) increment of Municipal Gross Receipts Tax to payment of amounts due under the Loan Agreement is inconsistent with the Finance Authority’s approval of the Loan and the City’s intention to pledge the gross receipts tax revenues imposed pursuant to Governmental Unit Ordinance No. 1601, adopted May 13, 2020, by which the Governmental Unit imposed on any person engaging in business within the City of Alamogordo a gross receipts tax increment equal to 1/8 of one percent (.125%); and

WHEREAS, the Governing Body has therefore determined to amend Ordinance 1705 to correct such inconsistency and pledge the revenues from the Governmental Unit's Municipal Gross Receipts Tax increment of 1/8 of one percent (0.125%) to payment of amounts due under the Loan Agreement; and

WHEREAS, Ordinance No. 1705 provides that it prior to the date of the initial delivery of the Loan Agreement to the Finance Authority, the provisions of Ordinance No. 1705 may be supplemented or amended by ordinance or resolution of the Governing Body with respect to any changes which are not inconsistent with the substantive provisions of Ordinance No. 1705; and

WHEREAS, the correction to the pledge of revenues is not inconsistent with the substantive provisions of Ordinance No. 1705.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO THAT:

Section 1. Definitions. Unless otherwise defined herein, capitalized terms have the same meaning as defined in Ordinance No. 1705.

Section 2. Amendment to Section 1 of Ordinance No. 1705. The definition of "Pledged Revenues" in Section 1 of Ordinance No. 1705, is hereby deleted in its entirety and replaced to read as follows:

"Pledged Revenues" means the revenues derived from (i) the one-eighth of one percent (0.125%) increment of municipal gross receipts tax imposed on all persons engaging in business in the City by City Ordinance No. 1601, adopted May 13, 2020, with an effective date of January 1, 2021, which tax equals, subject to the exemptions specified in Section 7-19D-11 NMSA 1978, one-eighth of one percent (0.125%) of the gross receipts of all persons engaging in business in the City for the month in which the tax is distributed to the City and (ii) the distribution to the City made pursuant to Section 7-1-6.46 NMSA 1978, as that distribution relates to the one-eighth of one percent (0.125%) increment of municipal gross receipts tax imposed on all persons engaging in business in the City by Ordinance No. 1601, which revenues are reduced pursuant to the deductions under Sections 7-9-92 and 7-9-93 NMSA 1978; provided that the City intends that Section 3-31-6(C) NMSA 1978 applies expressly to the amount of revenues pledged pursuant to this Ordinance (the City is not pledging and the term "Pledged Revenues" does not include the state-shared gross receipts tax or any other local option gross receipts tax income received by the City).

Section 3. Amendment of Ordinance. Prior to the date of the initial delivery of the Loan Agreement to the Finance Authority, the provisions of this Ordinance may be supplemented or

amended by ordinance or resolution of the Governing Body with respect to any changes which are not inconsistent with the substantive provisions of this Ordinance. This Ordinance may be amended by ordinance of the Governing Body without receipt by the Governmental Unit of any additional consideration, but only with the prior written consent of the Finance Authority.

Section 4. Ordinance Irrepealable. After the Loan Agreement and Intercept Agreement have been executed and delivered, this Ordinance shall be and remain irrepealable until all obligations due under the Loan Agreement shall be fully paid, canceled and discharged, as provided therein.

Section 5. Severability Clause. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 6. Repealer Clause. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

Section 7. Effective Date. Upon due adoption of this Ordinance, it shall be recorded in the book of the Governmental Unit kept for that purpose, authenticated by the signatures of the Mayor and the City Clerk of the Governmental Unit, and the title and general summary of the subject matter contained in this Ordinance (set out in Section 8, below) shall be published in a newspaper which maintains an office and is of general circulation in the Governmental Unit, or posted in accordance with law, and such Ordinance shall be in full force and effect thereafter, in accordance with law.

Section 8. General Summary for Publication. Pursuant to the general laws of the State, the title and a general summary of the subject matter contained in this Ordinance shall be published in substantially the following form:

(Form of Summary of Ordinance for Publication)

City of Alamogordo, New Mexico
Notice of Adoption of Ordinance

Notice is hereby given of the title and of a general summary of the subject matter contained in Ordinance No. _____ duly adopted and approved by the City Commission of the City of Alamogordo, New Mexico, on September _____, 2024. A complete copy of the Ordinance is available for public inspection during the normal and regular business hours of the City Clerk, 1376 East Ninth Street, Alamogordo, New Mexico.

The title of the Ordinance is:

CITY OF ALAMOGORDO, NEW MEXICO
ORDINANCE NO. _____

AMENDING ORDINANCE NO. 1705, ADOPTED AUGUST 13, 2024 (“ORDINANCE 1705”), WHICH, AMONG OTHER RELATED ACTIONS, AUTHORIZED THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND INTERCEPT AGREEMENT BY AND BETWEEN THE CITY OF ALAMOGORDO, NEW MEXICO (THE “GOVERNMENTAL UNIT”) AND THE NEW MEXICO FINANCE AUTHORITY (THE “FINANCE AUTHORITY”) AND PROVIDED FOR THE PAYMENT OF THE LOAN FROM THE REVENUES OF THE 1/4 OF ONE PERCENT (0.25%) INCREMENT OF MUNICIPAL GROSS RECEIPTS TAX IMPOSED ON ALL PERSONS ENGAGING IN BUSINESS IN THE CITY PURSUANT TO SECTION 7-19D-9 NMSA 1978 AND CITY ORDINANCE NO. 620-81 (“MUNICIPAL GROSS RECEIPTS TAX”), TO CORRECT THE PLEDGE OF MUNICIPAL GROSS RECEIPTS TAX REVENUES TO 1/8 OF ONE PERCENT (0.125%) CONSISTENT WITH THE LOAN AGREEMENT AND ORDINANCE NO. 1594, ADOPTED ON MAY 13, 2020; AND REPEALING ACTIONS INCONSISTENT WITH SUCH AMENDMENT.

A summary of the subject matter of the Ordinance is contained in its title. This notice constitutes compliance with Section 6-14-6, NMSA 1978.

(End of Form of Summary for Publication)

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF SEPTEMBER, 2024.

CITY OF ALAMOGORDO, NEW MEXICO

ATTEST:

Mayor

City Clerk

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 9/10/2024

Report Date: 09/06/2024

Report No: 6.

Submitted By:

Subject: Presentations and Discussions: Understanding Transparency & Ethics Obligations for the City of Alamogordo. Effective Governance for the City of Alamogordo. (*Geno Zamora, Ortiz & Zamora Law Firm*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: There will be two different presentations by Mr. Zamora. Presentation 1 is "Understanding Transparency and Ethics Obligations for the City of Alamogordo." Presentation 2 is "Effective Governance for the City of Alamogordo."

Understanding Transparency and Ethics Obligations for the City of Alamogordo

Presented to the Alamogordo City Commission

September 10, 2024

Geno Zamora, Esq.



ORTIZ & ZAMORA
Attorneys at Law, LLC

Laws/Practices to Be Reviewed

- New Mexico Open Meetings Act (OMA), § 10-15-1, et seq.
- New Mexico Inspection of Public Records Act (IPRA), § 14-2-1, et seq. – **IPRA Case Law**
- New Mexico Governmental Conduct Act, § 10-16-1, et seq.
- City Commission Code of Conduct Ordinance 2-02-060

OMA Important Provisions

- **Decisions must be made in open meetings (§10-15-1(A)):**
 - Public entitled to the greatest possible information including the official acts of officers and employees
 - Formulation of public policy or the conduct of business by vote shall be done in open meetings
 - All persons shall be permitted to attend and listen, reasonable efforts shall be made to accommodate use of audio and video devices
- **Applies to all meetings with a quorum of members (§10-15-1(D)):**
 - No rolling quorums
 - Meetings of a quorum by email/text/phone included

Open Meetings Act

- Agendas

- Meeting notices published 72 hours in advance
 - No amendments within 72 hours
 - Publication required on website
- Meeting Notices shall contain an agenda with a list of specific items of business to be discussed or transacted (§10-15-1(F))
 - Agenda order
 - Creation of agenda
- Emergency Meetings
 - AG must be informed of emergency meetings within 10 days after the emergency meeting
 - Must be unforeseen circumstances that will likely result in injury or damage to persons or property or substantial financial loss

OMA

-

Important Provisions

- **Minutes (§10-15-1(G)):** The policymaking body shall keep written minutes of all its meetings including:
 - Date, time and place of meeting
 - Names of members in attendance and absent
 - Substance of proposals considered and a record of votes
 - Minutes shall be prepared within 10 days, shall be approved at the next meeting with a quorum and are not official until approved by the policymaking body

Open Meetings Act – Executive Sessions

- Section 10-15-1(H), permitted for:
 - (1) discussions pertaining to **issuance, suspension, renewal or revocation of a license**
 - (2) **Limited personnel matters of any individual public employee**
 - (3) **deliberations** in connection with an administrative adjudicatory proceeding (when determining rights after a trial-type hearing)
 - (5) **Collective bargaining** strategy and negotiations
 - (6) Reviewing **competitive sealed proposals and negotiations** under the Procurement Code, for proposals over \$2,500
 - (7) **Attorney-client privileged** discussions of pending or threatened litigation
 - (8) Discussions of the acquisition or disposal of **real property or water rights**
- **Executive session must be publicly noticed, state specific statutory provision, and state the subject with reasonable specificity. Section 10-15-1(I)**
- **Final action shall occur in an open meeting**

Open Meetings Act – Public Comment

- **Public Comment period**
 - Not required by OMA, but highly recommended
 - Allow reasonable amount of time and diverse perspectives (3 minutes or less)
 - Apply time restrictions uniformly, no special treatment, no sharing of time
 - Cannot control criticism
 - Consider an introductory script in agenda
 - Speak respectfully
 - Try to limit to issues within the authority of the Body
 - Personnel matters should be directed to the City Manager
 - Applies to identified period at one point in meeting not every agenda item
 - Unless ordinances require public comment on specific items (such as land use or new ordinances)

Recent Issues in OMA

- Vague Agenda Items
- Executive Session placeholders
- Discussions during a meeting recess
- Compliance with minutes requirements
- Enforcement of public comment rules
- Properly posted meeting notices
- ATTORNEY GENERAL INQUIRIES
 - Costly – monetarily and public opinion
- **Enforcement and penalties: AG, DA or individual enforcement; penalties include misdemeanor and/or fines, attorneys fees and costs (§10-15-3)**
- **Failure to comply = invalid action (§10-15-3(A))**

OMA and Virtual Meetings

- Previous virtual meeting guidance only applied during Public Health Emergency
- Meetings should now be in-person with infrequent Body member remote attendance
- If a member is attending remotely:
 - Identify yourself at start of meeting and when you speak
 - All votes must be by Roll Call Vote
 - If the audio or video is interrupted the Chair should suspend the discussion until it is operational again.

Open Meetings Act — Best Practices

- **Meeting Notices and Agendas**
 - Publish by 5 pm Friday the week before
 - Include copies of/links to Council packet, minutes, and meeting videos online
 - No additions, only noted deletions, after publishing
- Use specific language in agenda items, including Executive Session
- Post draft meeting minutes online within 10 days, until final minutes are adopted
- NO rolling quorums!

Inspection of Public Records Act (IPRA)

- **Public has the right to inspect public records except for limited exclusions**
 - Records include emails, texts, pictures, videos, etc.
 - Includes draft documents
 - Unless there is a specific exclusion, it is typically public record
 - If the Request is vague or contradictory, you can ask the Requester for Clarity
- **Response Timelines (§ 14-2-8): Immediately or as soon as practicable but not later than 15 days**
- **Enforcement action (§14-2-12): Brought by AG, DA or requestor**
- **Penalties: Damages up to \$100 per day, costs and attorney's fees (§14-2-11)**

Newer IPRA Caselaw

- *Britton v. Office of the AG of N.M.* (2018)
Your search must find all documents!
 - Need trained records custodian with comprehensive compliance procedures
 - Allows for Punitive Damages and Attorneys' Fees for all IPRA litigation
- *Libit v. UNM Foundation, Inc. and the Board of Regents of the University of New Mexico*, Second Judicial District Court, (2018)
 - If you have a private entity fundraising solely for you, their documents and communications regarding that fundraising may be subject to IPRA. – Booster Clubs
- *American Civil Liberties Union of N.M v. Duran*, 2016-NMCA-063
 - You must produce the document even if they already have it

Potential Cost to Municipalities

- Money is becoming the driving force behind IPRA litigation
 - \$130,000 paid by the N.M. Secretary of State's Office
 - \$90,334.49 awarded against Doña Ana County.
 - \$397,659.02 awarded against the N.M. Governor's Office
- **Plus you are paying your attorneys too!**
 - Typically, no NMSIF coverage

What can we do about the new IPRA cases?

■ **Help your Record's Custodians**

- Provide them with the resources and staff to ensure IPRA compliance
- Training – Provide Record's Custodians with the I.T. training and ensure that the I.T. Department plays a role in records searches.
 - It is no longer good enough just to ask for administrators to turn over records. You must find them, if they exist.

■ **Use your legal counsel**

- Make sure that your legal counsel is involved in building the IPRA process, especially communications with requestors.
- If the City's employees aren't sure how something in IPRA works, ensure that they have a way to pass a request up to legal counsel.

IPRA - Best Practices

- ALWAYS Use City Email for City Business
 - Avoids a search of your personal email
- Only Use City Cell Phones for City Business
 - Understand implications of using personal cell
- Written Communications Should Always be Professional
 - Write like a 3rd party is going to read your emails
- City should have a centralized public records custodian, with records as primary duty

New Mexico Governmental Conduct Act (GCA)

- General rules for public officers or employees (§10-16-3):
 - Treat their position as public trust and use powers/resources only to advance the public interests, not obtain personal benefits or pursue private interests
 - Conduct themselves in a manner that justifies the confidence placed in them by the people
 - Full disclosure of real or potential conflicts of interest shall be a guiding principle for determining appropriate conduct
 - Make reasonable efforts to avoid undue influence and abuse of office

NMGCA (cont.)

- Prohibited Political activities (§10-16-3.1):
 - No coercion to contribute, vote or participate in political activity
 - No threats to deny promotion or pay increase
 - No requiring employee contribution or event ticket
 - No advising an employee to take part in political activity
 - No use of governmental property for non-authorized purposes

Official Acts Involving Personal Interest

- Official Acts for personal financial interest prohibited (§10-16-4):
 - Knowing and willful violation is a 4th degree felony
 - Public officer or employee is disqualified from engaging in any official act directly affecting their financial interest
- Strict limitations on contracts with Governing Body family members (§10-16-7):
 - Officer must disclose own or family member's substantial interest in a contractor
 - Procurement must be by competitive process
 - Family = spouse, parents, children or siblings

NMGCA (cont.)

- Other important provisions:
 - No honoraria for speeches/service relating to performance of public duties (up to \$100 and expenses ok) §10-16-4.1
 - Disclosure of outside employment (officials and employees) §10-16-4.2
 - No use of confidential information for private gain §10-16-6
 - Prohibited bidding if participated in preparation of bid §10-16-13

NMGCA (cont.)

- Enforcement and additional penalties (§ 10-16-14, 17, 18):
 - Enforced by State Ethics Commission
 - May be referred to AG or DA for civil or criminal action
 - Penalties: discipline, dismissal, demotion or suspension
 - Criminal penalties include misdemeanor (unless otherwise specified) and up to \$1,000 fine
 - 4th degree felony for official act for financial gain
 - Civil penalties of \$250 per violation up to \$5,000

Ethics — Best Practices

- Avoid conflicts and improper interactions with employees
- Abstain from decisions affecting personal financial interests
- Be careful with political campaigns
- Public disclosures of financial interests, non-profit, memberships and gifts received

City Commission Code of Conduct

- **Ordinance 2-02-060** applicable to elected or appointed officials
- Maintain public trust
 - Act with highest principles worthy of public respect, trust, and support
 - Shall not create perception of misuse of public position
 - Shall not disseminate untrue, inaccurate, or misleading information
- Avoid conduct creating the appearance of impropriety
 - Shall not knowingly engage in conduct violating the rights of others
 - Shall refrain from all conduct where personal gain or advantage is involved indicating personal benefit
- No financial interest in City business if person is in a decision-making capacity regarding that interest
 - Disclosure requirements
 - Disqualified from participating in debate, decision, or vote
- No prejudice or favoritism to hire, promote, or reward family members, relatives, friends, or political supporters **or to hinder or punish enemies and opponents.**

City Commission Code of Conduct

- Disclose **conflicts of interest** in a public meeting and clerk shall record in the minutes
- **May not solicit** gifts, personal benefits, favors, gratuities or political or charitable contributions that create a reasonable inference that special access, services, favors, or official/unofficial actions
- No misuse of confidential/non-public information, or attempt to obtain info for personal benefit
- No misuse of city property and resources for private gain or personal advantage
 - Certain rental exemptions

City Commission Code of Conduct

- No misuse of City Property for political purposes
 - Public funds, staff time, facilities, property, equipment, data, etc.
- Limits on political activity
 - No coercion or intimidation regarding political contributions
 - Shall not require an employee to perform political activities
- No retaliation against any individual for reporting a violation
 - Includes adverse employment action
- Enforced by City Ethics Panel
 - Penalties: up to \$500 fine, censure, criminal referral to district attorney, referral for removal

Topics Covered, Questions, Discussion

- New Mexico Open Meetings Act
- New Mexico Inspection of Public Records Act
- New Mexico Governmental Conduct Act
- City Commission Code of Conduct



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ORTIZ & ZAMORA
Attorneys at Law, LLC

Effective Governance for the City of Alamogordo

Presented to the Alamogordo City Commission

September 10, 2024

Geno Zamora, Esq.



ORTIZ & ZAMORA
Attorneys at Law, LLC

Overview

- Knowing Roles
 - Form of Government
 - Commission
 - Mayor
 - City Manager
- Effective Leadership
- Productive Norms

Charter – Form of Government

- Form of Government: Commission-Manager form of government – Art. II
 - Ord. 2-01-010 “as provided for by Sections 3-14-1 through 3-14-9, N.M.S.A. 1953”
- Elected Officers (Art. IV):
 - 6 Commissioners
 - 1 Mayor
 - 1 Municipal Judge
- Art. VII, §§1 and 2
 - Governing Body = Commissioners and Mayor
 - Unless otherwise provided by Charter, “equal voting power, privileges and prerogatives”

Charter – Governing Body

- “The governing body shall be comprised of six (6) members known as commissioners and one (1) member to be known as mayor.” Art. VII, § 2
- All Commissioners, including the Mayor, except as otherwise provided by this Charter, shall have equal voting power, privileges and prerogatives.” Art. VII, § 1
- NMSA § 3-14-12 power/duties
 - Pass all ordinances and other measures conducive to the welfare of the municipality
 - **Role of boards and commissions, including advisory
 - Perform all acts required for general welfare
 - Create office of manager and all offices necessary
 - Appoint manager and hold responsible for proper and efficient administration
- Meetings (Art. VII, § 5)
 - Regular meetings twice monthly
 - Special meetings called by Mayor or any 2 Commissioners
 - Emergency meetings called by Mayor or any Commissioner

Charter - Mayor

- Duties and Powers of Mayor (Art. VII, §§ 1 and 2):
 - Preside at meetings and perform such duties as imposed by the Commission
 - Has “all the powers and duties of a Commissioner, including the right to vote upon all questions under consideration”
 - Head of City for ceremonial and military purposes
 - Appoints and may remove members of public boards, commissions and committees, with advice of and subject to approval of a majority of the Commission
 - Leads, guides, and develops short- and long-range plans with the Commission and Manager
 - Presents annual state of the City message
- Mayor Pro-Tem, in the absence of the Mayor performs the duties of the Mayor. Art. VII § 3

Charter – City Manager

- Appointment (Art. XI, § 1):
 - Shall be appointed based on qualifications for an indefinite term
 - Salary fixed by the Commission
 - Appointment or removal by no fewer than 4 Commissioners or 3 Commissioners and Mayor
- Duties (Art. XI, § 2):
 - Chief executive officer of the City
 - Has a seat, but not a vote, at every Commission meeting
 - Enforce and carry out all Commission ordinances, rules and regulations
 - “Shall employ and discharge employees of the City” (see also Ord. 2-03-080)
 - Prepare and submit an annual budget to the Commission
 - Make recommendations concerning welfare of City
 - Duties relating to civil process

City Manager and Departments

- Ord. 2-03-025 – Each department is subject to the control and supervision of the city manager
 - Commission approval to add departments
- Ord. 2-03-110 – City manager – administration
 - Shall appoint a director for each department, who serves until removed by the city manager
 - Department director shall manage the department, subject to supervision and control of the city manager
- Ord. 2-03-130 – Office of city attorney created consisting of city attorney, and such officers and employees as may be provided by the city manager
- Ord. 2-03-180 – Office of the city clerk created consisting of the city clerk and such employees as may be provided for by the city manager
- Ord. 2-05-12 – Police Chief shall be appointed by and serve at the pleasure of the city manager
- Other departments separately created by ordinance

Effective Governing Bodies

Eight Characteristics of an effective Governing Body

1. Commit to a vision of high expectations for achievement
2. Strong shared beliefs and values about the services provided by the City and work environment
3. Accountability driven – spending less time on operational issues and more time on policies and planning to improve outcomes
4. Collaborative relationship with staff and the community, inform and engage internal and external stakeholders in achieving City goals

Effective Governing Bodies

5. Data savvy – embrace and monitor data and use to drive continuous improvement (even when data is negative), dispelling rumors and one-time experiences
6. Align and sustain resources, including training and professional development
7. Governing Body leads as a united team with the City Manager and Administrators, each in their respective roles
8. Governing Body members take part in team building, development, and training (sometimes with administrators and staff) to build shared knowledge, values, and commitments for their improvement efforts

*Adapted from a study of effective school boards

Effective Governing Bodies

- How can the Governing Body of the City be more effective?
 - Attend local, regional, state, national conferences?
 - Team building and retreats? One to One member meetings?
 - Request more data on City services? Dashboards?
 - Commission meetings out in the community?
 - Strategic planning (3 to 5 yrs)? Facilities master planning?
 - Communication with community and/or internally?

Norms

What are they?

- Agreed upon expectations of one another
 - Identified need for guidance
 - Areas where policy is unclear

Why do we need them?

- Norms are important for interaction between
 - Governing Body members
 - Governing Body and City Manager/Staff
- Establish baseline civility
- Increase productivity/efficiency
- Focus on mission, not individual needs
- Effective leadership

Norms

- Board Meetings
 - Respectful treatment of each other in Council meetings
 - Conduct business through the meeting chair
 - Avoid personalizing
 - Minimize interpersonal conflicts in front of the public
 - Governing Body does not evaluate staff in public
 - Establish procedures for creation of and order of agenda
 - How engage community in your meetings?
 - Board speaks with one voice when providing direction or seeking information

Norms

Interaction with City Manager and staff

- Reminder: City Manager responsible for all staff
- How and when to communicate with the City Manager?
 - Who and when is appropriate to call?
 - Consider how to respect each other's time and resources
 - What is a reasonable response time?
 - Periodic email updates from City Manager?
- Governing Body is the “eyes and ears”, City Manager, Directors, and staff are “hands and feet”

Topics
Covered,
Questions,
Discussion

- Roles
- Effective Leadership
- Norms



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