



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

December 17, 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

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

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

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

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

In accordance with Section 10-15-1.D, NMSA 1978 (2010 Cumulative Supplement), this agenda has been posted on the 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. Outgoing Plaque for District 1 Commissioner, Nick Paul. (Susan Payne, Mayor)

2. Recognition of Officer Eric Cisneros, Officer Neil Zeck, and Sergeant James Watts for their exemplary actions on July 15, 2023. *(Stephanie J. Hernandez, Acting City Manager, and Ryan Glidden, Deputy Police Chief).*

3. Presentation on the Tularosa Basin Regional Dispatch Authority (TBRDA) End-of-Year Wrap-Up: Call Volume, Successes, and Challenges. *(Stephanie J. Hernandez, Acting City Manager, and John Barney, Director)*

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.

4. Approve the minutes for the Regular Commission meeting on December 3, 2024. *(Rachel Hughs, City Clerk)*

5. Consider, and act upon, Resolution No. 2025-01 determining reasonable notice of meetings of the Alamogordo City Commission for the year 2025 (Open Meetings Act). *(Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**

6. Consider, and act upon, the City Commission Regular Meeting Schedule of date, time, and place for the 2025 calendar year. *(Rachel Hughs, City Clerk)*

7. Consider, and act upon, Resolution 2024-72 relating to a rate increase of 2.47% effective January 1, 2025 for residential solid waste collection through Southwest Disposal. *(Evelyn Huff, Finance Director)* **(Roll Call Vote Required)**

8. Consider, and act upon, approval of Client Change Order 1, in the amount of \$349,629.76 plus NMGR to Yearout Energy Services Co, LLC for LED Light Standardization *(Evelyn Huff, Finance Director)*

ITEMS REMOVED FROM CONSENT AGENDA

NEW BUSINESS

9. Consider, and act upon, Ordinance 1706 for final publication, approving a loan agreement in the amount of 32,500,00 with the New Mexico Finance Authority for repairing, replacing, extending, and upgrading water and sewer infrastructure. *(Chris Muirhead, Modrall Sperling, and John Archuleta, Bosque Advisors)* **(Roll Call Vote Required)**

10. Consider, and act upon, the Phase One design for the Fairgrounds Road extension to the railroad tracks, encompassing traffic study and signal upgrades, to facilitate traffic flow to the bypass. *(Stephanie J. Hernandez, Acting City Manager and Justen Boyle, Project Manager).*

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/17/2024

Report Date: 12/10/2024

Report No: 1.

Submitted By:

Subject: Outgoing Plaque for District 1 Commissioner, Nick Paul. (*Susan Payne, Mayor*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background:

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/17/2024

Report Date: 12/10/2024

Report No: 2.

Submitted By:

Subject: Recognition of Officer Eric Cisneros, Officer Neil Zeck, and Sergeant James Watts for their exemplary actions on July 15, 2023. (*Stephanie J. Hernandez, Acting City Manager, and Ryan Glidden, Deputy Police Chief*).

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background:

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/17/2024

Report Date: 12/10/2024

Report No: 3.

Submitted By: Stephanie Hernandez

Subject: Presentation on the Tularosa Basin Regional Dispatch Authority (TBRDA) End-of-Year Wrap-Up: Call Volume, Successes, and Challenges. *(Stephanie J. Hernandez, Acting City Manager, and John Barney, Director)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background:



Tularosa Basin Regional Dispatch Authority (TBRDA) End-of-Year Wrap-Up

Call Volume, Successes, and
C h a l l e n g e s

John Barney-Director



Background

- Established through a Joint Powers Agreement between Otero County, the City of Alamogordo, and the Village of Cloudcroft.
- Created to serve as a Public Safety Answering Point (PSAP) for enhanced 911 services aimed at improving response times for accidents, fires, crimes, and natural disasters.
- Created in 2021, but did not “go live” until August of 2023.

Governance

- Managed by a Board comprising representatives from Otero County (4), the City of Alamogordo (4), and the Village of Cloudcroft (2).
- Responsibilities include overseeing operations, budgets, and contracts.

Funding

- Initial costs split equally between Otero County and the City of Alamogordo.
- Annual cost contributions reviewed based on call volume and service demands.
- Financial agent: Otero County.



Alamogordo Call Volume- Calendar Year 2024

APD:
34,268

AFD:
1,762

Types of Calls: Abandoned 911 Calls, Fire Alarms, Traffic Stops, Disturbances, Traffic Crashes, Structure Fires, Faud, Juvenile, Stolen Vehicle, and Mental Health Welfare Check



Otero County Call Volume- Calendar Year 2024

SO:
30,130

Fire:
7,250

Types of Calls: Abandoned 911 Calls, Fire Alarms, Traffic Stops, Disturbances, Traffic Crashes, Structure Fires, Faud, Juvenile, Stolen Vehicle, and Mental Health Welfare Check, EMS, Search and rescue, Stabbings, Suicides.



Cloudfcroft Call Volume- Calendar Year 2024

PD: 1,077

Types of Calls: Alarm Calls, Traffic Stops, Fire Alarm, Thefts, Property Damage, Parking Complaints, Follow Up, Animal Compkaints.

Fire: 287



All Other Call Volume- Calendar Year 2024

PD: 3,732

Agencies: Tularosa Fire and Police, DA office,
US Forest Service, Livestock, Game and Fish,
National Park.

Fire: 155



Challenges

- Brand New Center, built from the ground up
- Improving a highly efficient standardized workflow.
- **Training Gaps:** Struggles to ensure all staff are adequately trained on new technology or protocols.
- **QA Feedback Resistance:** Staff being resistant to constructive feedback from the QA program.

Staffing Structure

- | | | |
|----------------------|---------------------------------------|--------------------|
| • 911 Director | • (4) Floor Shift Supervisors | • (2) QA Training |
| • Deputy Director | • (8) Communication Training Officers | • (2) NCIC/Records |
| • Operations Manager | • (17) Communication Officers | |

Other

- **Public Misunderstandings:** Educating the public on the role and capabilities of the center.



Successes

- **Policy Development:** Establishing clear, actionable protocols for all scenarios.
- **Growth of the Center:** Building and improving the center's structure and operations from the ground up.
- **Innovative Leadership:** Driving cultural change and building trust under your leadership.
- **Protocol Compliance:** Implementation of more high level EMD Program.

Other Positive Info

- **Leadership Development:** Identifying and nurturing future leaders within the team.
- **Regional Partnerships:** Positive collaborations with agencies across jurisdictions.
- **Collaborative Culture:** A supportive work environment emphasizing teamwork.
- APCO33 Training Program




Looking Forward

- **Leadership Development:** Train future leaders, empower supervisors, and establish a mentoring program.
- **Staffing:** Recruit additional staff and implement retention strategies like wellness and incentive programs.
- **Partner Agency Collaboration:** Strengthen trust and build mutual response strategies with partner agencies.
- **Mescalero Relationship:** Build partnerships with Mescalero leadership for better communication and culturally sensitive responses.
- **Community Outreach:** Increase public education, trust, and safety awareness through events and campaigns.
- **Technology Upgrades:** Invest in new systems, enhance staff training, and streamline protocols for efficiency.
- **Operational Culture:** Foster transparency, respect, and teamwork within the center and externally.
- **Training Programs:** Offer advanced training, certifications, and realistic scenario-based drills.
- **Innovation:** Continue research projects and position the center as a regional public safety model.

Questions and Comments

When they clear their minds, they feel so sorry to bring hurt to the ones they love. Friendship and family love are under threatened

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/17/2024

Report Date: 12/10/2024

Report No: 4.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the Regular Commission meeting on December 3, 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 DRAFT MINUTES
6:30 PM, DONALD E. CARROLL COMMISSION CHAMBERS
December 3, 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 6:31 PM. Roll Call was taken by the Deputy City Clerk. Commissioner Paul attended by phone. Deputy City Clerk Aleshire announced there was a quorum present.

INVOCATION & PLEDGE OF ALLEGIANCE

The Invocation was given by Pastor Charles Bennet of the Christian Joy Center, and the Pledge of Allegiance was led by Mayor Pro-Tem McDonald.

APPROVAL OF AGENDA

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

PUBLIC COMMENT

1. Mark Werner said he wanted to express his interest in being on the Airport Advisory Board. He would bring a lifetime of experience and dedication to aviation as a professional and community advocate. He earned his degree in Aviation Technology from Eastern New Mexico University in 1971. He held a private pilot's license and an aircraft mechanics license. His career spanned thirty-two years in aircraft maintenance with Western and Delta Airlines, where he worked for years as a Regional Safety Manager. He was honored to currently serve on the F-4 Gateway Freedom Monument Committee, which contributes to the community's aviation heritage.
2. Chris Jensen said he was concerned about Item 5 and a back alley for rezoning. He did not want to lose the back alley because he had a camper there. If they took the back alley away, he would have to reconfigure his front yard for the camper.
3. Courtney McCary said she was here to represent With Many Hands, a grassroots organization in Alamogordo. In October 2023, she presented a public statement to the Parks and Recreation Board introducing the nonprofit organization and what they hoped to accomplish in partnership with the City. Our organization's focus is to unite working people across Alamogordo, Otero County, and southeast New Mexico. We seek to increase civic engagement by empowering community members through addressing local concerns. We seek to increase food sovereignty, strengthen the local food economy, and create productive spaces in some of the empty lots throughout town. After we petitioned for the ability to steward an empty lot at 601 Maryland Avenue, our organization gave public comment at a December 2023 Commission Meeting to express our gratitude and excitement for the official completion of a memorandum of understanding that allowed action to our words. By securing this memorandum of understanding, we were able to continue a grant agreement with our fiscal sponsor, which allowed for \$125,000 to be brought into the local economy. Residents were able to participate in over thirty volunteer events. We had over three hundred and fifty volunteer hours logged this year, and we are excited to continue our work into 2025.
4. Paul Daniels said he visited with John of SRC Construction and his crew. They are very good and have been open about what they will do. He said they will be upstanding and do the job they say they will. I feel comfortable with them doing construction on Cottonwood West.

CITY MANAGER'S REPORT

Acting City Manager Hernandez made the following comments:

1. None.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Payne said in last week's weekly report, Acting City Manager Hernandez stated there was a long conversation with people from Deming in Luna County concerning the Family Fun Center. I asked about that, and it

sounded very productive. They had said they were willing to come meet with us. I think we could have them come in early January. It sounds like they are having better luck running it themselves rather than hiring it out. The Governor is visiting on January 8th.

CONSENT AGENDA

- 1. Approve the minutes for the Regular Commission meeting on November 19, 2024. (Rachel Hughs, City Clerk)**
- 2. Consider, and act upon, Resolution 2024-71 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 December 3, 2024. (Evelyn Huff, Finance Director) (Roll Call Vote Required)**
- 3. Consider, and act upon, the award of Public Works Bid No. 2024-011, Alameda Park Zoo Electrical/Cable Project No.IT2501, to Zuni Electric, Inc, related to the Alameda Park Zoo Electrical/Cable Project for an amount not to exceed \$378,187.80, including NMGRT. (Justen Boyle, Project Manager)**

Mayor Payne said Item 2 was to be pulled for discussion because Mayor Pro-Tem McDonald had some questions. Commissioner Rardin asked to pull Item 3 for discussion.

**Commissioner Burnett moved to approve the Consent Agenda as amended.
Commissioner Tapley seconded the motion.
Motion Passed with a vote of 7 - 0 - 0.**

ITEMS REMOVED FROM CONSENT AGENDA

- 2. Consider, and act upon, Resolution 2024-71 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 December 3, 2024. (Evelyn Huff, Finance Director) (Roll Call Vote Required)**

Finance Director Huff said there is a new format, and what I presented for the last couple of budget revisions has looked different. It comes directly out of our ERP software used to do our accounting. If you look at this first revision, which is for the Best Friends grant, it shows you the lines being debited and credited. In this case, the credit line is the revenue that grants others the ability to add the new grant. The debited line is the contracted services to add the expense for the new grant. There is a note under the first line that comes directly from the departments, which here states that this grant was awarded by Best Friends to be used for reducing the costs of spaying and neutering. That is how all the Entry Proofs go. The next Entry Proof is a revenue adjustment for the REC Center, and the note there talks about projections for revenue increases and how that revenue will be spent. So this different format has the same information as before, but you can now see the accounting of it plus what the departments said when they entered it. The recaps in the front are the same, which includes the All Funds Summary and summary with all revisions listed.

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

- 3. Consider, and act upon, the award of Public Works Bid No. 2024-011, Alameda Park Zoo Electrical/Cable Project No.IT2501, to Zuni Electric, Inc, related to the Alameda Park Zoo Electrical/Cable Project for an amount not to exceed \$378,187.80, including NMGRT. (Justen Boyle, Project Manager)**

Commissioner Rardin asked where the normal comparison of bids was. Project Manager Boyle said this normally had an Excel sheet, but this one is different. The pricing was close, but the check marks show that the other contractor had documents missing. So, that was voided. You could not compare them equally with documents missing, and I wanted to show this differently because of that. Commissioner Rardin said he wanted to see the pricing breakdown. Project Manager Boyle said there were lump sums on the bidding part, but it is not something to compare since one had documents missing. Having your documents in order is part of the bidding process. I

wanted to show why I am rejecting one. Commissioner Rardin asked if those were the only two bidders. Project Manager Boyle said yes. Both showed up for the mandatory pre-bid and bid opening, but only one had all their documents. Commissioner Rardin asked what they were going to do. Project Manager Boyle said they would be boring through the ground to do cable and electrical from in front of the Gift Shop down to the Education Building. The Zoo currently does not have a fast responsive internet. This would help with the card reader on the register, which does not work sometimes. This will also be updating cables and lights along the sidewalk, which are important in winter when it gets dark earlier.

Commissioner Rardin moved to approve.

Commissioner Tapley seconded the motion.

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

NEW BUSINESS

4. Consider, and act upon, Resolution 2024-67 for the acceptance and approval of the FY23 Audit. (Alan D. "A.J." Bowers, CRI - Carr, Riggs & Ingram) (Roll Call Vote Required)

Mr. Bowers said he was a partner with Carr, Riggs, & Ingram, and he was the partner for the audit itself. He would briefly summarize the two-hundred and twenty-two page document.

Timeline

We started the audit in August 2023, did planning in September 2023, and did fieldwork in both November 2023 and July 2024. The exit conference was in September 2024, the audit report date was in October 2024, and it was released from the State Auditor's Office in November 2024. The gap between November 2023 and July 2024 was additional work that needed to be done as part of the Housing Authority transition. Housing is under new management as it was moved to the Eastern Regional Housing Authority, but it is still reported in your books, and there was a lot of work done to make sure that it was reported accordingly.

Auditor's Reports

The Independent Auditor's Report is before the Financial Statements, and it is the overall report. It is an unmodified opinion, which is the best opinion you can get. It means the Financial Statements are presented fairly in accordance with U.S. GAAP. The user of the financial was able to rely on those numbers to the material amount. We were able to substantiate all the numbers and transactions to the amount we tested, which we would call the clean opinion. Whether it is a hard number like a cash amount, we can substantiate that with a bank statement or confirmation. If it is an estimate, like PARA pensions or a depreciation expense, we look at the policies and procedures and audit those items as well. There were no errors where we could not render that opinion.

Moving on to the second report around Page 205. Every audit conducted under New Mexico state audit rules is conducted under government auditing standards. That means we report anything we find to you in this report on the Financial Statements. It is a negative assurance report, meaning we do not render an opinion on internal controls. It says here are items we found and others may exist that we did not identify. It summarizes the results of our testing controls, and we look at controls and compliance as it relates to determining additional audit procedures or any sort of compliance items we have to report to you. You will also have what we call any sort of findings; anything in the report we found as part of the audit would be reported there. There are three levels of findings under government auditing standards, and two are under the state audit rules, so there are five total. Material Weakness is the highest level and the biggest portion. The second would be a Significant Deficiency, meaning definitions do not rise to the level of material but still merit attention to the governing body. The next would be Material Noncompliance, which is when you do not comply with a grant, debt covenant, or something material. In the State of New Mexico, we also report Other Noncompliance or Other Matters. Things that do not rise to the level of Material Noncompliance like travel or procurement that was not material, or someone forgetting to sign a purchase order. There were eleven financial statement findings covered in detail at the exit conference. Those will tell you what happened, the cause, and our recommendation for what the City's response is.

The last report in Financial is the Uniform Guidance Report. This is over the major federal program. If the City

spends over \$750,000 in federal awards, we have to conduct a single audit. We tested two major programs this year: The Coronavirus State and Local Official Recovery, and the Public Housing Capital Fund. Both of those were tested for compliance requirements considered direct and material. We do render unmodified opinions on those grants. It is not a legal opinion because we are not attorneys, but it means you have complied in all material respects with those grants. There were two findings at the Significant Deficiency level related specifically to those grants. That will be in the findings around Page 200. You will be getting a full summary of the report itself, which I do not believe has been sent out. It will have our findings and our communications required by standards.

Auditor Responsibility

We are external and independent, so we are not part of your control system. We cannot make management decisions and are not part of monitoring.

Management Responsibility

The procedures and responsibilities are establishing and maintaining internal controls, the selection and application of accounting principles, fair presentation of the financial statements and results of operations, maintenance of complete and accurate accounting records, and the design and implementation of programs and controls to prevent and detect fraud.

New Standard Implementation

Four new standards were implemented that will be disclosed. None had a significant impact on the City. GASB Statement Number 96 is Subscription-Based Information Technology Arrangements. It is something you might see pop up in the future, but none this year. Five new standards will be coming out over the next few years.

Value-Added Suggestions

We are available to the City for questions and to provide training, if needed.

Commissioner Burnett moved to approve.
Commissioner Robinson seconded the motion.
Motion Passed with a vote of 7 - 0 - 0.

5. Consider, and act upon, Ordinance 1709 Case Z-2024-0006(A) for first publication of a map amendment to rezone Cottonwood West Replat B Subdivision Lots 13-15, 28-33, 36-41, 44-46 from R-1 Single Family Dwelling District to R-3 Two Family Dwelling District to construct residential duplexes and Lots 1-12 from R-1 Single Family Dwelling District to R-2 Townhouse Dwelling District to construct Townhomes. (Stella Rael, City Planner) (Roll Call Vote Required)

City Planner Rael said on the zoning map for the Cottonwood West Replat B, the entire subdivision is zoned R-1 Single Family Dwelling District. The request is not to change the zoning for the entire subdivision, but just certain lots within it. The first two rows of the subdivision, on the east side, will remain R-1. The next three lots to the west, the entire row, consisting of Lots 13-15, 28-33, 36-41, and 44-46 are being requested to change from R-1 to R-3 Two Family Dwelling District in order to construct residential duplexes. In the final row on the west side, consisting of Lots 1-12, the request is to change from R-1 to R-2 Townhouse Dwelling District to construct town homes. We currently have multiple mixed-use areas in town that work well. The application for the request was filed on November 13, 2024, and the legal notice was published in the Alamogordo News on November 19, 2024. Twenty certified/returns receipt letters were mailed to all property owners of record within two hundred feet from the property excluding public right-of-way. As of November 26, 2024, no letters were returned undeliverable and no letters of opposition were received. One email and two phone calls were received asking for more information. Mr. Jensen spoke of his concern in Public Comment about the alley being vacated. The alley he was referring to is between the Cottonwood West subdivision and the neighboring Cottonwood Heights subdivision. That alley will not be affected at all. Previously, former City Manager Rick Holden, myself, and Mr. Pacheco had met. At that time, Mr. Holden recommended vacating the alleys within the subdivision. So we are just talking about interior alleys. Staff recommends approval since this request will not be materially detrimental to surrounding property owners or the

public and will also assist in accommodating the growth of the city and provide additional housing.

Mayor Pro-Tem McDonald said on the design of the two-family units, on Lots 13-15 and 28-33, which are at the entry of the subdivision, it seems those units will be out in front. The garages are ten by twelve or eleven by fourteen. In the construction of most garages, a one-car garage would be at least twelve by twenty. So it is short. Regularly it would be two hundred and forty square feet, but these are two hundred and thirty-three square feet. You could probably get one car and a motorcycle in that. Most three bedrooms usually have two-car families. So how would that work with being in the front with traffic congestion? SUVs being made now are bigger. If someone were to buy a house with a smaller garage, they would not be able to fit a regularly-sized SUV in there. City Planner Rael said you are referring to the homes at the bottom of the home specification attachment. I cannot answer the questions regarding the sizes of the garages because I am not a contractor. However, along with the garage, there are driveways that will provide additional parking for those duplexes. Everyone is entitled to park along public right-of-way, which is the curbs. Mayor Pro-Tem McDonald said we have had a couple of things happen. Break-ins, damage to cars parked outside, and security for single families, like the wife or mother. Also, people who are driving late at night not having access to get into the garage. I brought this up because those different things have happened this year, so that might be looked at with a new development going in. City Planner Rael said she understood the concern, but we cannot control that crime. I believe the parking will be sufficient, but we can look into that more and report back to you.

Commissioner Rardin moved to approve.
Commissioner Robinson seconded the motion.
Motion Passed with a vote of 7 - 0 - 0.

6. Consider, and act upon, Resolution 2024-69 to finalize the City of Alamogordo Local Hazard Mitigation Plan Update. (Jerry Ramirez, Fire Chief) (Roll Call Vote Required)

Chief Ramirez said the Local Hazard Mitigation Plan is a five-year plan that the City adopted and has in place. The Plan substitutes within the event of a natural or man-made disaster. For example, if we had a wildfire here as Ruidoso did, then by having the Plan in place, we would be able to apply for FEMA funding. The first thing FEMA and the Department of Homeland Security will look at is the Plan itself and ensure it is updated to release funds for reimbursement. Currently, the Plan has been in the project for over a year. Right now we are on Task 27, which has been updated and adopted by the State of New Mexico, and the Department of Homeland Security, and is in the hands of FEMA. Task 28 would be to have it adopted by City personnel, the Commission, and then it would move forward with FEMA's approval. Once it solidified at that five-year timeframe, we would receive the books and binders to be presented to the general public, the Commission, or any staff that had an inquiry into the plan itself. The original Plan submitted five years ago was completed, and it only had about eighteen different projects in it. The Plan now has twenty-three projects in it. There may be added projects within the next five years. Regarding where we are now, we are hoping FEMA approves everything. They will go through it and submit anything they see as a discrepancy for change or a question for information. We will research it and give them the requested information so they can add it in, and then it gets submitted back. We are hoping to hear from FEMA by the middle of next week, or no later than the end of the month. The Plan expires December 31, 2024.

Commissioner Robinson said as it expires, do you go to the next phase? Chief Ramirez said yes sir. With the new phase going on, we are trying to beat the time to get the Plan updated and in place before the end of 2024. It was submitted to the Department of Homeland Security on September 27th, which finalized its submission on October 7th with minor deficiencies that have since been corrected and resubmitted. It was approved, so it moved on to FEMA.

Commissioner Rardin asked if Chief Ramirez thought FEMA would kick it back by the end of the year. Chief Ramirez said hopefully. They were sending a lot of personnel down to different states to help with flooding and hurricane recovery efforts. The Bold Planning Coordinator, Emily Long, notified us that people were back in the office now and there was no reason why, with minimal discrepancies, we could not have it submitted and completed in time.

Mayor Pro-Tem McDonald moved to approve.
Commissioner Tapley seconded the motion.

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

7. Discuss Current Challenges in Law Enforcement and Policing for the Future: Transitioning to Real-Time Crime Centers (RTCC). (Stephanie Hernandez, Acting City Manager; David Kunihiro, Alamogordo Police Chief; Jeremy Story, Las Cruces Police Chief; Cameron Lewis, Flock Safety; Mark Solano, Flock Safety).

Chief Kunihiro said he intended to discuss the current state of the Alamogordo Police Department with brief statistics. Afterward, he would turn it over to Chief Story of the Las Cruces Police Department to discuss their challenges and where they were moving toward. Lastly, Mr Lewis of Flock Safety will discuss some technology we are moving forward with.

Alamogordo Police Department

Chief Kunihiro said one of the challenges faced by the Alamogordo Police Department, or APD, is staffing. Our current staff are forty-two officers out of fifty-six positions. We are down twenty-five percent with officers. Around last July or August, the hiring incentives were implemented. They seem to be pretty successful. Since they were implemented, we have hired twenty-one officers. Twenty of those officers chose to take the hiring incentive, whether it be three years or five years. We retained eighteen of those. One voluntarily left, and one other involuntarily left. I believe the hiring incentive is working. Since last August, I have noticed lots of applications and interest, but a decline in actual turnout for the physical and written testing. Our last testing a month ago only netted four people for tryouts on the field, but none passed. It has been a steady decline, and we are hurting. To give you an idea of the overall calls for service, in 2021, we responded to twenty-six thousand calls. We are on pace this year to respond to thirty-five thousand calls for service. Mayor Payne said that is over one call per citizen in a year. That is a lot of calls. Chief Kunihiro said calls for service are trending up while our staffing levels are not doing the same. Regarding general crime statistics, in 2023 we had seven homicides. In 2024, we have had four. Some top reported crimes, by sheer number, are shoplifting, larceny, criminal trespass, criminal damages, and disturbances. Disturbances range from domestic to those that do not know each other. A statistic that I found alarming was regarding stolen vehicles. I ran data from the past four years, and we are averaging eighty-three stolen vehicles per year. The recovery rate is approximately fifty percent, meaning half the vehicles are leaving the jurisdiction and have not been recovered. A vision that I had, and one that other police departments like Las Cruces are moving towards, is for a Real-Time Crime Center. We are in the process of purchasing license plate readers and live-view Pan Tilt Zoom cameras, also called PTZs, to be strategically placed throughout the city. In your packet are three stories from the New Mexico State Police where the license plate readers helped solve a vehicle homicide, a kidnapping of five children, and a stolen vehicle. In November 2024, we partnered with the Border Patrol regarding two kidnapping suspects from Alamogordo we were looking for. Border Patrol entered it into their license plate reader and got a hit. A day later, we arrested the suspects.

Mayor Payne asked why and how the vehicles were stolen. Chief Kunihiro said there could be all kinds of reasons. She said when she reads about vehicle break-ins, it is usually an unsecured vehicle. He said a lot of our auto burglaries are unsecured vehicles. There was a Tik-Tok challenge that showed how certain vehicles could easily be stolen. My vision is to figure out how to police more efficiently, and how to better keep the community safe without us bringing in staff like we hoped.

Chief Kunihiro continued that he wanted to explain what a Real Time Crime Center, or RTCC, is. The RTCC's mission is to provide a law enforcement agency with the ability to capitalize on a wide and expanding range of technology for efficient and effective policing. Such efforts may allow officers to respond quickly or even immediately to crimes in progress or crimes that have recently occurred. These technologies allow law enforcement to respond to crime more efficiently with improved operational intelligence with a proactive emphasis on officer, citizen, and community safety. However, an RTCC is not a big brother or government overreach. It is the utilization of technology available to us to solve and prevent more crimes, and so police more efficiently.

Las Cruces Police Department

Chief Story said we are sister cities and crime does not respect borders. We get criminals from Alamogordo that come to Las Cruces and vice versa. Anything done to enhance the safety of Alamogordo also benefits Las Cruces. We have seen similar trends in Las Cruces. From 2019 to 2023, we have seen a seventy-one percent increase in

property crime and a twenty-five percent increase in violent crime. Regarding property crime, we have seen an increase in stolen vehicles. In 2022, we had over one thousand stolen vehicles, putting us at eighteenth in the country out of three hundred and ninety cities. Regarding the license plate technology mentioned earlier, we were the first in the state to adopt Flock Safety. In January 2022, we started with the license plate readers. We currently have eighteen of them in a seventy-seven square mile city, meaning that is not a lot. However, we took our recovery rate for auto theft from fifty to sixty percent up to eighty and ninety percent. We are moving towards an RTCC for the same reasons Chief Kunihiro mentioned. We have the same problems with staffing and getting qualified applicants, which is a nationwide problem. Fewer people want to be police officers now than ever. We are trying to do more with less, and looking for force multipliers. The technology we have today is a way to have a force multiplier with fewer resources. In a perfect world, we would still be fully staffed and have the technology, because that would be the best scenario for our citizens. But right now we have fewer officers and technology is being used to fill the gaps. The RTCC will probably be operational in February, but all the pieces of technology are still useful without that RTCC. The more you can implement right away, the greater the benefit to the City of Alamogordo will be. I will give you a few real examples using the license plate readers in Las Cruces. We had a shooting of a juvenile. Other kids tried to carjack him, and he fled, but he was shot in the back. He drove himself to the hospital, but all he could say was that it was a black charger. Using the license plate readers, we were able to identify one black charger that was in the area during the crime. That by itself will never be a cause for an arrest. It is a breadcrumb to explore and hopefully end up with an arrest after a lot of police work. We were able to find out that the black charger was stolen, and we located it with the suspect and rifle still in the car. There was a homicide this year where a body was dumped in a park. There was evidence that the victim's vehicle was on-scene at one point, so we used the license plate readers to figure out a timeline for when the homicide occurred and when the body was dumped. We also knew the vehicle did not leave the general area. We found the vehicle stashed in a neighborhood, and we were able to use other people's cameras to get a video of the suspect dumping the victim's car. There was another incident where a cyclist was shot by a motorist, and all he gave was a description of the vehicle. Based on that description, we found a match. After a lot of police work and investigation, we contacted the registered owner, who confessed to the shooting. Those three examples show the value of this technology. We have also recovered over two hundred stolen vehicles just using license plate readers. I am a big proponent of technology, and there are things we have to do to ensure we have checks and balances in place, just like any system that involves human beings. That way, we use it to have the biggest impact for citizens and avoid downsides.

Flock Safety

Mr. Lewis said he was the Territory Manager for Flock Safety here in New Mexico and West Texas. As both Chiefs have mentioned, across the United States, agencies are experiencing a shortage of staff and people who want to be police officers. Agencies are using technology to bolster staffing shortages and provide eyes to where a police officer would normally be. We collaborate with police departments to maximize staff and act as a force multiplier with the utilization of technology such as license plate readers and live video cameras. Our goal is to eliminate crime across the United States, and over two thousand crimes are solved per week nationwide using Flock technology. One of ten crimes solved in the United States was done using Flock technology. We work with over five thousand cities and agencies across the United States. We put sensors in the community to detect when an incident occurs. We would be a safety and service partner. We are a city-infrastructure light company, and most of our devices are solar-powered to be deployed where and when you need them. We handle the installation, maintenance, software upgrades, hardware upgrades, and permitting with NMDOT and the city's street departments. We also store the data in the AWS government cloud, which is the most encrypted service offered in the United States. The information is owned proprietary by the law enforcement agencies and Flock has no way of accessing that data or selling it. Every image taken is owned by the law enforcement agency we partner with.

Moving on to the products we are planning to deploy in Alamogordo, the first is the Falcon License Plate Reader. We can deploy these on any roadway, whether Highway 70 or White Sands Boulevard. It is a solar-powered option and no fees are being incurred for deploying this technology. There is no downtime, they take images twenty-four hours a day, three hundred and sixty-five days a year. These also have real-time alerts. They are ethically built without facial recognition or speed tracking. They just take images identifying the license plate and make, model, and body style of the vehicle, providing indiscriminate evidence to law enforcement. Going back to real-time alerts, when a vehicle entered into the FBI's NCIC, NCMEC, or Amber Alerts, enters the jurisdiction, law enforcement is notified immediately. We have Vehicle Fingerprint technology that allows us to identify vehicles without a license plate. These would be motion-activated cameras that capture an image as a vehicle passes by. This technology is

built with privacy in mind. All data is owned solely by the customer and will never be sold to third parties. By default, all data is hard deleted after thirty days and unrecoverable. No individual or personal data is collected or accessible. Whenever an officer uses this technology, a search reason must be entered. There is an audit trail for every search conducted. We offer the LPR Transparency Portal as a resource, so residents can see what the LPR policy for the department is, what searches are being conducted, and who the agency is sharing with. The Transparency Portal is customizable for each department we work with.

The next product is the Condor Live Video Camera. These are available hard-wired or in a solar option. PTZ was mentioned by Chief Kunihiro earlier, that is Pan Tilt Zoom, meaning these cameras can be manipulated and zoomed in. We also have fixed cameras that just look at a single intersection but cannot be manipulated. This camera is for active monitoring and investigative purposes. These are controllable from anywhere like a mobile device, laptop or desktop, or an RTCC. Permissions are distributed by admins within the department.

FlockOS is our RTCC technology. This pulls all the information from the cameras into one location to paint a bigger picture. So you would be able to see, when an alert happens, what live video cameras you have in the area, where officers may be, and how to deploy resources where needed. It is about getting real-time intelligence and information without limitations. FlockOS is scalable, meaning as the tech stack increases, we can take that information and display it. There is a Community Camera Registry program where we can work with individuals and businesses in the city to pull images for APD to utilize if they choose to provide that information. It gives the community the ability to raise their hand and say I want to provide information if needed. He gave three examples of the Flock system assisting with solving crimes in New Mexico.

Commissioner Robinson asked if the Flock system was part of APD's budget. Chief Kunihiro said we have some money now, but we will be looking to budget it in the future as well.

Commissioner Rardin asked what price we were looking at. Acting City Manager Hernandez said this item is here for discussion and I encourage questions. This is completely new for Alamogordo and we thought this would be a good way to be transparent with citizens. We take every complaint and crime seriously. Unfortunately, sometimes our hands are tied by staffing or statutory constraints. We are talking about a \$100,000 investment right now. That may seem like a large investment, but one officer costs about that much. We are not replacing officers as Chief Story said. This is a helpful tool for our officers and their investigations. We believe citizens will benefit from it. Commissioner Rardin asked how many cameras we would receive for the \$100,000 initial investment. Chief Kunihiro said he did not have an exact number, but over twenty-five for sure. Commissioner Rardin asked if those would be placed in various areas around town. Chief Kunihiro said yes sir. Commissioner Rardin asked if the cameras were wireless. Chief Kunihiro said the cameras are a mixture of license plate readers and live-view cameras. Commissioner Rardin asked if there were specific areas where we were to put the cameras. Chief Kunihiro said they had identified areas they would like to put them. Commissioner Rardin asked how much money APD currently had. You said some was set aside. \$100,000 is not that much in the grand scheme of things. Acting City Manager Hernandez said we have the \$100,000 to get started. I failed to mention that this is just one part of our approach. We also have the mobile LBT trailer that has been pretty successful. We are also putting cameras on Washington Park and Kids Zone. We are here because we want to move towards a Real-Time Crime Center, and this is our first step. We want to see how successful it is and gauge if it works for us. Eventually, maybe we can pull in some businesses and do community outreach. Mr. Lewis said the long-term goal, within a few years, is to have operators within an RTCC available immediately when a crime is committed. Commissioner Rardin asked if this was budgeted to be set up, what would that cost be? It would at least be staff and infrastructure. Is that a \$500,000 or \$1,000,000 project? Chief Story said his comparisons would not be apples to apples, but it would be cheaper to hire civilians and easier to find qualified applicants there than with commissioned officers. The salary range would be approximately \$50,000 to \$60,000 a year plus benefits. In Las Cruces, we made a significant investment, and we just signed a new contract with Flock in addition to our existing one. We had \$1,100,000 tied into renovations and technology to equip our RTCC. You will have the infrastructure you are putting out in the community plus wherever you house this, which will have to be renovated and equipped. The initial investment for you guys in Alamogordo would probably be \$500,000 to \$750,000, but after that, that investment would last for a while without putting more money into it. Commissioner Rardin asked if this could be incorporated into the existing Dispatch Center in the event it could be expanded. Chief Kunihiro said that was not a thought of mine at this point. My thought was the vacant dispatch area within the Police Department itself. I believe we have an area where we could incorporate this immediately without a huge cost, at least structure-wise. Commissioner Rardin asked if that was the station on Virginia. Chief Kunihiro said yes. Commissioner Rardin said budget hearings will be coming up in a few

months, and you are all already in that process. Personally, I support that. \$500,000 could be coughed up for capital outlay. Acting City Manager Hernandez said absolutely. That is the goal and why the conversation is being started early. When we start our ICIP listing or budget process, we don't want the Commission to be surprised with a huge investment in there. Commissioner Rardin asked if this was something that could be put on the ICIP list. The next session is coming up in January. Acting City Manager Hernandez said yes, it would have to go on the next ICIP listing. Commissioner Rardin asked if it was too late for this year. Acting City Manager Hernandez said yes.

Commissioner Burnett asked if Otero County's Sheriff Black had entertained this as well. Chief Kunihiro said he knew they were looking at license plate reading technology, but could not say if Sheriff Black was moving towards Flock Safety or an RTCC.

Mayor Payne asked that if a stolen vehicle entered a section of town, would it make an instant match? Mr. Lewis said correct. Mayor Payne said so we would have to get a notification of it first, right? Chief Kunihiro said it could be implemented in different ways. What I plan is to have our dispatchers alerted, then officers alerted, as soon as we have an NCIC hit. As soon as a stolen vehicle crossed an LPR. There is an estimated delay of ten to fifteen seconds for the signal to be sent to us, so we would know when that vehicle crossed that sensor. Mayor Payne asked if any was usable in criminal cases, or if it was just a tool. Chief Story said it was usable, but should never be the sole basis for charges. It is also a tool that helps us get to a conclusion. Without it, we would have had several cases we could have never solved. A lot of work needed to still be done after we used it. Mayor Payne said let's say you make an arrest and have a trial. Is there ever a time when something like this is used? Commissioner Burnett said so would it be admissible in court? Chief Story said it is admissible in court. There is transparency and a lot of times it will be in the charging document. From the beginning of arrest or charging, it will be right there. Chief Kunihiro said Mr. Lewis mentioned the thirty-day storage earlier, after which the data is purged from the Flock system. If we use it for an investigation, we download it and it becomes our record. Also, we could give access. For example, Chief Story could give us access to his Flock cameras, and we could have nationwide access potentially. As he mentioned before, we have a lot of people that go back and forth between our cities. We could get access to the Las Cruces LPRs. That wouldn't help us much from a distance, but we can call and say this or that person just crossed an LPR. Mayor Payne asked if that could be used to help construct a timeline. Chief Kunihiro said yes. Mayor Payne asked if this technology could be used for traffic accidents. Chief Kunihiro said sure. The initial plan is to try the cameras at major intersections, like 1st and White Sands, Panorama and White Sands, and 10th and White Sands. If there is an event within that camera view, we will capture it.

Commissioner Rardin asked if the cameras at the Courthouse on New York were from Flock. Chief Kunihiro said those would be considered a third-party system that belongs to the County. If they wanted to give us access to those, they could. They could let us know they want to participate. Commissioner Rardin asked if these cameras would just be mounted on stoplight arms. Mr. Lewis said we will use existing infrastructure where possible, whether that is a streetlight the city maintains or a PNM utility pole. If a pole cannot be utilized, we will install our own and go through NMDOT and city permitting requirements. It could be a break wave pole, a normal pole, behind barriers, or follow whatever the guidelines will be.

Mayor Payne said these were just her thoughts, but she would rather invest in this than PSAP. This will be an incredible tool that we need to find the money for. Commissioner Rardin asked staff to put together a top package of what they wanted, and also a scaled-down package. Give us your wishlist and then what you will settle for. Mayor Payne said it could be built on, and it does not need to be done all at once. Acting City Manager Hernandez said we are not trying to build Rome in a day, but we are trying to get there eventually. We have a wishlist and we are trying to look at putting something in the budget. Commissioner Rardin said in the grand scheme of things, \$500,000 is not that much money for the City and could be scrapped up from somewhere. I know you are asking for \$100,000, but if \$500,000 is needed for the first go around to see how this works, well. Acting City Manager Hernandez said we only started with \$100,000 but the Commission is taking to this better than expected. Commissioner Robinson said this is a good update. When will it come back to the Commission? Mr. Lewis said whenever the Commission wanted. Mayor Payne said if we do not pay attention to crime, Alamogordo will turn into something unrecognizable.

Commissioner Paul said regarding issues APD is facing, specifically the bonus and incentive program, my understanding is that Chief Kunihiro felt the program was effective to an extent. Would it be possible to pull data regarding staffing levels before the program was implemented, what it looked like during the program, and then after the program? It would give the Commission an idea if that program was something to revisit to get staffing

levels closer to where they need to be. The technology is great, and we need to make use of it, but it does not replace physical officers or boots on the ground. I would like to see information about that. I would also like to encourage city staff to get in contact with legislators about getting these items on next year's ICIP list and work out what the realistic asked amounts would be. Technology is only growing, and we need to start using it sooner rather than later. Chief Kunihiro said regarding staff levels, in July 2023, we were down thirty-seven officers. We implemented the hiring incentives after Officer Ferguson's death. We hired twenty-one from that point, and at a certain time, we were at about fifty officers. We slimmed back down to forty-two with four in the application/background process. We are likely to have forty-five to forty-six shortly, but we are hovering around that number. Mayor Payne asked if some of that was just attrition. Chief Kunihiro said yes, there have been several retirements and some others that simply did not want to do police work anymore. Acting City Manager Hernandez said the sign-on bonuses helped to stabilize things a little bit. We were getting a lot of turnovers where they would come to us, pass, and then leave. The sign-on bonuses keep them here for three to five years. Mayor Payne asked if we were still doing the sign-on bonuses. Acting City Manager Hernandez said through the end of this year, then we will reevaluate. We planned to do what Senator-Elect Paul had mentioned regarding the legislators. Chief Kunihiro said the hiring incentive is working now, and we retain them for three to five years, but we are working on how we retain them for a career. We have applied for law enforcement retention funds, which is money that the State passes for certain benchmarks in a law enforcement career. Retaining and recruiting are equally important. Mayor Payne asked if something was done regarding the return to work. Was it extended? Chief Kunihiro said yes, anyone who retired before January 1, 2024, can return to work for up to thirty-six months. Acting City Manager Hernandez said it would not affect their retirement.

8. Consider and act upon, Ordinance 1710 for first publication, an ordinance amending Chapter 11 of the Criminal Code, Articles 06-330 Obstructing Impeding, or Camping in Public Rights-of-Way and Adding Article 09-010-060 Regulating Camping on Public and Private Property. (Susan L. Payne, Mayor) (Roll Call Vote Required)

Mayor Payne said I asked for this to be put on the Agenda. Acting City Manager Hernandez said a concern we have is lots where the property owners are out of town. They may live out of town and so are not here to physically see their property. So when people are out on their property, it leaves the property owners with liability and our police force without a way to say, "You have to remove from this property, this is not your property". Some of the frustration we have is reaching the people, some is the property owners not being able to see what is happening on their property. So this ordinance is giving property owners their rights back, such as the right to say who is allowed on their property and who is not. That is where the private property portion of this comes from. Mayor Payne said we have issues with public property as well. There are times when people camp on public property or City streets. We need an ordinance in place to better define that. Part of the problem is the officer's hands were tied because we did not have a clear definition of what camping is, or what is permissible and what is not. This tightens and cleans that up, and it is better defined. We had a gentleman come by and speak to us regarding issues he had.

Commissioner Burnett asked if the penalties were for the property owner or the occupant. City Attorney Smith said it would be the occupant or whoever is doing the illegal camping if they do not have the written permission we will require. Commissioner Burnett said there was a new encampment on Florida across from the City Yard. Mayor Payne said that has been addressed. City Attorney Smith said it has been addressed several times. Acting City Manager Hernandez asked Commissioner Burnett if it was still there. Commissioner Burnett said he did not know. Acting City Manager Hernandez asked when the last time it was there. Commissioner Burnett said it was there on Saturday on an empty lot that used to be a trailer or RV park. I know that Beth Crabbe was notified that someone was there. Acting City Manager Hernandez said yes, they moved down the line. Commissioner Burnett yes they moved, there was a whole encampment built.

Commissioner Burnett asked how this ordinance would affect RV parks or the KOA. Are they potentially camping in an RV? Mayor Payne asked if he meant in a legally permitted campground. Commissioner Rardin said it does not say legally permitted campground. Acting City Manager Hernandez said they have permission from the owner by renting the space. That's a business. It should not affect them. Mayor Payne said that under (c) Owner Permission, it says, "Non-household members must receive written permission from the property owners to camp on private property." Commissioner Rardin said this is obviously to address homeless camping. If they have permission from the property owner to camp there, then essentially there is nothing we can do. Acting City Manager Hernandez said in that case, they would have permission to be there. It is up to the property owner. This gives the property owner

the right to say no, or us the ability to remove somebody without having to seek someone in Florida. Commissioner Rardin said property owners already have the right to trespass anyone from their property. Acting City Manager Hernandez said there are sometimes delays when we try to find that property owner. City Attorney Smith said even if they have permission, we do put limits such as camping in front yards or unenclosed areas is limited to a maximum of forty-eight consecutive hours within any seven-day period. Commissioner Rardin said at the KOA, they are allowed to stay there for thirty days. It says they can only do seventy-two hours. Mayor Payne said that under 11-09-040 Prohibited Camping Activities, there are certain things outlined, like camping with unreasonable noise, camping that poses a fire hazard, camping on properties without access to waste disposal facilities or sanitation, and campers on both public and private property must comply with all noise ordinances, fire safety code, public health regulation, including waste and sanitation requirements. Commissioner Rardin asked if the KOA would fall under (a) Enclosed Areas Camping. City Attorney Smith said it would. Additionally, section 11-09-060 lists our exceptions. We could add an exception to that for authorized campgrounds. Commissioner Rardin said if you have a property owner with property west of the tracks, and they give a homeless person permission to stay, I do not see a problem with that. This ordinance would prohibit that. The property owner should have the right to do whatever they want with their property and allow someone to stay there in a tent, camper, or trailer. City Attorney Smith said going back to the enclosed area and KOA, they would fall under enclosed camping. Commissioner Rardin asked where that was. City Attorney Smith said 11-09-030 section (a). The next section, (b), is front yards and unenclosed camping. Mayor Payne said another issue is by Basin Electronics, where there was a camper there. Commissioner Rardin said he had permission to be on the property. Mayor Payne said he had raw sewage going into the ground. Commissioner Rardin said that is a different issue, but they still had permission from the property owner. Mayor Payne asked if raw sewage going into the ground was problematic. Commissioner Rardin said yes. Mayor Payne said she agreed with Commissioner Rardin's example of a person west of the tracks, but if there is a health and safety issue for residents, that would fall under a prohibited camping activity regardless of private or public property.

Commissioner Paul said when it becomes a public nuisance, even if on private property, that is not a good look for the City. It does not encourage people to want to visit, stay, or spend money in the community. So there is a within reason if someone is parking an RV on property, but if it is a broken down piece of junk, it should not be allowed. Mayor Payne said there is a large motorhome continually parked by the library, and I have helped them several times. They do not have a place to hook up, and I have a concern it will become a health and safety issue for others if allowed. Commissioner Rardin asked if it was moved periodically. Mayor Payne said yes. Acting City Manager Hernandez said there was concern they were emptying sewage on the street. Mayor Payne said we are not targeting the less fortunate. The issue is that we have to think of all our residents. I get emails and calls from people concerned about this. Some will not even take their children to our parks anymore. I do not have all the solutions, but we need to address this issue before it gets worse. It is the City's job to maintain our properties and public spaces for all to enjoy. That is the point of this ordinance.

Commissioner Tapley said if a property owner invites someone else for a couple of days to camp in front of their house, but it turns into a six-month deal, is that what this ordinance is trying to prevent? City Attorney Smith said yes, we are trying to prevent someone from camping in a front yard for several months or long term. There are exemptions though. One of which is emergency situations, where camping is permitted during emergencies such as natural disasters. Or City-sanctioned events, or seasonal and religious activities. Commissioner Tapley said Ruidoso burned down and someone has room for their camper. Would that be considered an emergency situation? City Attorney Smith said we still have an ordinance that does not allow people to do RVs. It would have to come before the Commission for an exception. This ordinance doesn't get rid of that ordinance.

Commissioner Rardin said the definition of camping here does say tent, vehicle, or other temporary structure. That is technically a camper or RV, right? Acting City Manager Hernandez said the situation in Ruidoso was a declared emergency. So that would fall under an emergency order. We do understand those situations, but if two or three months turn into a year, it becomes another issue.

Mayor Payne said as we look at thirty-one thousand people in the City, some have real concerns that need to be addressed. We need to address the crime that we started seeing lately. We need to address seeing mattresses on the sidewalk. I think it is less compassionate to just drive by and think that's okay rather than address it. We have different organizations like 100% Otero that want to address the housing and lack of it. Someone tried to start a shelter at the old House of Prayer, and even he said he found it challenging. I do not have an answer, but I am looking at this from a City standpoint, and we need to address the issue.

Commissioner Rardin said under the current ordinance we have, we have teeth right now to prohibit anyone from camping on the public right-of-way or City-owned property. Someone was recently arrested at the Fairgrounds for being there too long. If they have permission to be on private property, I do not have an issue with it. We currently contact the property owner, and if they do not want them there, they trespass them. Acting City Manager Hernandez said that we sometimes cannot get a hold of the property owner in a timely manner. City Manager Smith said an issue with our trespassing ordinance is that it requires a person to have notice they are trespassed from the property. If someone comes onto your property, and they are camping without your permission, we can tell them they are now trespassing and need to leave, but we cannot charge them criminally at the time because of the notice requirement. So this ordinance would give us more teeth because we are not requiring notice. You do not have permission to be here. It would streamline things. Acting City Manager Hernandez said the objective is not to punish anyone by any means. It is giving property owners back their right to be able to have us do this, rather than waiting a time period. It also goes in line with Code violations like when you have a ton of vehicles or tires or anything in your yard, or a dilapidated structure. The future of Alamogordo is to grow and become a place to visit. We have to start efforts now, and there is a greater good.

Commissioner Paul moved to approve.

Commissioner Robinson seconded the motion.

Motion Passed with a vote of 6 - 1 - 0. Commissioner Rardin voted nay.

9. Appointments to Boards and Committees. (Susan L. Payne, Mayor)

Mayor Payne said there were five applications for the one vacancy on the Airport Advisory Board. Acting City Manager Hernandez said that Jeff Rabon previously held that position for sixteen years and I want to thank him for his service. Mayor Payne appointed Mark Werner, who spoke during Public Comment, to the vacancy on the Airport Advisory Board. No one was opposed.

EXECUTIVE SESSION

10. Recess into Executive Closed Session in compliance with 10-15-1(H)(2)NMSA (as amended) to discuss: Limited Personnel Matters (City Manager).

Mayor Pro-Tem McDonald moved to recess into executive session.

Commissioner Tapley seconded the motion.

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

RECONVENE INTO OPEN SESSION

11. Take any action as a result of the Executive Closed Session.

Mayor Pro-Tem McDonald moved to reconvene into open session.

Commissioner Robinson seconded the motion.

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

Mayor Payne said the Commission concluded more time is needed to evaluate applicants. The Commission did not take any action at this time.

Commissioner Rardin moved to adjourn.

Commissioner Burnett seconded the motion.

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

ADJOURNMENT

ATTEST:

Mayor Susan Payne

City Clerk Rachel Hughs

(Prepared by Dylan Aleshire, Deputy Clerk)

Approved at the Regular Meeting held on December 17, 2024.

DRAFT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/17/2024

Report Date: 11/05/2024

Report No: 5.

Submitted By: Rachel Hughs

Subject: Consider, and act upon, Resolution No. 2025-01 determining reasonable notice of meetings of the Alamogordo City Commission for the year 2025 (Open Meetings Act). *(Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the Resolution.

Background:

The Open Meetings Act requires each public body to establish its notice provisions annually. This Resolution accomplishes that requirement. The final agenda for each regular meeting of the City Commission is to be posted seventy-two (72) hours prior to the meeting.

RESOLUTION NO. 2025-01

RESOLUTION DETERMINING REASONABLE NOTICE OF MEETINGS OF THE GOVERNING BODY OF ALAMOGORDO, NEW MEXICO (ALAMOGORDO CITY COMMISSION)

WHEREAS, the State of New Mexico has determined that the formation of public policy and the conduct of business by vote shall be conducted in meetings which are open to the public, as set forth in Section 10-15-1 NMSA 1978 (As Amended); and,

WHEREAS, reasonable notice of the time and place of any meeting of a public body is necessary to carry out the policy set forth above; and,

WHEREAS, in those limited instances in which meetings of this Alamogordo City Commission may be closed to the public, the law and the public business also require reasonable notice to the public of the time and place of such meeting; and,

WHEREAS, Section 10-15-1 NMSA 1978 (As Amended) requires each public body to determine at least annually what notice shall be reasonable when applied to the public body.

NOW, THEREFORE, BE IT RESOLVED by the Alamogordo City Commission of the City of Alamogordo, New Mexico, that reasonable time for giving notice of meetings is:

REGULAR MEETINGS: Notice shall be given at least ten (10) days in advance of any regular meeting.

SPECIAL MEETINGS: Notice shall be given at least three (3) days in advance of any special meeting.

EMERGENCY MEETINGS: Notice shall be given at least twenty-four (24) hours in advance of any meeting considering emergency matters involving a clear and present danger to the health, welfare, or safety of the citizens of the City of Alamogordo.

NOW, THEREFORE, BE IT FURTHER RESOLVED that reasonable manner for giving notice of meetings shall be:

REGULAR MEETINGS: Notices of the date, time, and place of such meeting shall be posted in at least two conspicuous places in or about the City Hall Building, Alamogordo, New Mexico, at least ten (10) days prior to the meeting, or by publication [as that term is defined in Section 3-1- 2(J) NMSA 1978 (As Amended)], as well as on the city web site of notice of date, time, and place of meeting at least ten (10) days prior to the meeting. An agenda containing a list of specific items of business to be discussed or transacted at the meeting, or information about how an agenda may be obtained, shall be posted in at least two conspicuous places in or about the City Hall Building, Alamogordo, New Mexico, at least seventy-two (72) hours prior to the meeting. Proof of notice shall be accomplished by executing and filing in the official minutes of the Commission, a certificate by the Municipal Clerk attesting to posting in compliance herewith or by the publisher of the publishing newspaper attesting to publication in compliance herewith. Notice shall be provided to broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that submit a written request for such notice.

SPECIAL AND EMERGENCY MEETINGS: Notices of the date, time, and place of the meeting shall be posted in at least two conspicuous places in or about the City Hall Building, Alamogordo, New Mexico, at least three (3) days prior to the meeting for a Special Meeting, and at least twenty-four (24) hours prior to the meeting for an Emergency Meeting. Proof of notice shall be accomplished by executing and filing in the official minutes of the Commission, a certificate by the Municipal Clerk attesting to posting in compliance herewith. Notice shall be provided to broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that submit a written request for such notice.

It is expressly allowed by rule of the Alamogordo City Commission that a member or members may participate in a meeting of the Commission by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend in person. Each member participating by conference telephone must be identifiable when speaking, all Commission members must be able to hear each other, and members of the public attending the meeting must be able to hear any Commissioner who speaks.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2025.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Susan L. Payne, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Ashley Smith, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/17/2024

Report Date: 12/05/2024

Report No: 6.

Submitted By: Rachel Hughs

Subject: Consider, and act upon, the City Commission Regular Meeting Schedule of date, time, and place for the 2025 calendar year. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the regular commission meeting dates.

Background:

The City Commission approves the regular Commission meeting dates for the upcoming year. The commission meetings for 2025 will be on the second and fourth Tuesday of every month. However, in November, the meetings will be on the first Wednesday due to the Municipal Election and the third Tuesday, and in December, the meetings will be on the first and third Tuesday. The meetings begin at 6:30 p.m. and will be held at the Donald E. Carroll Commission Chambers at City Hall, 1376 E. Ninth Street, Alamogordo, New Mexico.

A Public Notice of the regular meetings will be posted at City Hall and on the City website until after the last meeting in December 2025. The Public Notice will also be published in the Alamogordo Daily Newspaper.

2025

City of Alamogordo

January						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

March						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

April						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

May						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

June						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

July						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

August						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

September						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

October						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

December						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Commission
Meeting

Payday

Holiday
(observed)Municipal
Election



NOTICE OF PUBLIC MEETINGS 2025

The Governing Body (City Commission) of the City of Alamogordo, New Mexico, will meet in regular session on the second and fourth Tuesday of every month. However, in November, the meetings will be on the first Wednesday and the third Tuesday, and in December, the meetings will be on the first and third Tuesday. The meetings begin at 6:30 p.m. and will be held at the Donald E. Carroll Commission Chambers at City Hall, 1376 E. Ninth Street, Alamogordo, New Mexico.

Regular Commission Meeting Dates and Time (6:30 p.m.)	
January 14	January 28
February 11	February 25
March 11	March 25
April 8	April 22
May 13	May 27
June 10	June 24
July 8	July 22
August 12	August 26
September 9	September 23
October 14	October 28
November 5	November 18
December 2	December 16

The Agenda for each meeting is available from the City Clerk's Office seventy-two (72) hours prior to the meeting date. The Donald E. Carroll 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.

I certify this notice was posted in December 2024 on the east-south lobby bulletin board in City Hall and the glass case outside the north entrance of City Hall. It will remain posted until after the last meeting in December 2025. The notice was also posted on the City website under <https://ci.alamogordo.nm.us/336/City-Commission>, and published in the Legal Section of the Alamogordo Daily News.

Rachel Hughs, City Clerk



CITY OF ALAMOGORDO CITY COMMISSION REGULAR MEETING SCHEDULE FOR 2025

The Governing Body (City Commission) of the City of Alamogordo, New Mexico, will meet in regular session on the second and fourth Tuesday of every month. However, in November, the meetings will be on the first Wednesday and the third Tuesday, and in December, the meetings will be on the first and third Tuesday. The meetings begin at 6:30 p.m. and will be held at the Donald E. Carroll Commission Chambers at City Hall, 1376 E. Ninth Street, Alamogordo, New Mexico.

Deadline for placing items and attachments on the Agenda (by noon)	Date Agenda available (5:00 p.m.)	Regular Meeting Date and Time (6:30 p.m.)
January 7	January 10	January 14
January 21	January 17	January 28
February 4	February 7	February 11
February 18	February 21	February 25
March 4	March 7	March 11
March 18	March 21	March 25
April 1	April 4	April 8
April 15	April 18	April 22
May 6	May 9	May 13
May 20	May 23	May 27
June 3	June 6	June 10
June 17	June 20	June 24
July 1	July 4	July 8
July 15	July 18	July 22
August 5	August 8	August 12
August 19	August 22	August 26
September 2	September 5	September 9
September 16	September 19	September 23
October 7	October 10	October 14
October 21	October 24	October 28
October 28	October 31	November 5
November 12	November 14	November 18
November 25	November 28	December 2
December 9	December 12	December 16

APPROVED THE 17TH DAY OF DECEMBER 2024.

Susan L. Payne, Mayor

Rachel Hughs, City Clerk

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/17/2024

Report Date: 12/10/2024

Report No: 7.

Submitted By: Evelyn Huff

Subject: Consider, and act upon, Resolution 2024-72 relating to a rate increase of 2.47% effective January 1, 2025 for residential solid waste collection through Southwest Disposal. (*Evelyn Huff, Finance Director*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Staff recommends approval per agreement with Southwest Disposal.

Background: Notification of a rate adjustment from Southwest Disposal is required under Section 7.5 Adjustments to Service Fee Municipal Solid Waste Agreement with Waste Connections of New Mexico, Inc. d/b/a SOUTHWEST DISPOSAL dated February 1, 2020.

As stated in the notice from Southwest Disposal dated October 22, 2024 the rate adjustment is an increase in the monthly residential charge of 2.47% as well as increases for overload services and city facilities.

Residential Service	\$0.29 per month
Overload Service	\$1.44 per unit
City facilities	\$328.08 per month

NOTE: These are the rates Southwest Disposal charges the city for solid waste pick-up. Residential customers are charged, in addition to the SW Disposal rates, \$3.20 per month convenience center fee and \$2.71 per month tipping/admin fee. The current monthly charge to residential customers is \$17.70. If the increase is approved the monthly charge will increase to \$17.99 per month.



Dave Nunnelley
Utilities Director
City of Alamogordo

October 22, 2024

Re: Request annual rate increase

Dear Mr. Nunnelly

We at Southwest Disposal would like to thank you and the City of Alamogordo for your business. Per the terms of our current waste collection contract, Southwest Disposal requests a 2.47% rate increase in the monthly unit rates effective January 1, 2025. This increase is based on the All-Items Consumer Price Index, All Urban Consumers, U.S. City Average as published by the U.S. Department of Labor, Bureau of Statistics as indicated on the attached schedule from October 1, 2023, through September 30, 2024.

Changes to be as follows;

1. Residential service increase from \$11.79 to \$12.08 per unit.
2. Overload service increase from \$58.10 to \$59.54 per unit.
3. City owned facilities increase from \$13,282.73 to \$13,610.81

Again we wish to thank the City for allowing Southwest Disposal to provide your service. If I can provide you with additional information or answer any questions you may have, please give us a call.

Sincerely,

Rex McCourt
District Manager

CPI change 10/1/23 to 9/30/24 calculation

Index for October 2023	307.671
Index for September 2023	<u>315.301</u>
Change	7.6

Calculation of CPI % $7.6/307.671=.0247017$

		<u>CPI increase</u>	2.47%	With CPI
			2.47%	New rate
Residential rate	11.79		0.29	12.08
Overload	58.1		1.44	59.54
Commercial	13282.73		328.08	13610.81

Consumer Price Index for All Urban Consumers (CPI-U) Original Data Value

Series Id: CUUR0000SA0

Not Seasonally Adjusted

Series Title: All items in U.S. city average, all urban consumers, not

Area: U.S. city average

Item: All items

Base Period: 1982-84=100

Years: 2014 to 2024

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2014	233.916	234.781	236.293	237.072	237.900	238.343	238.250	237.852	238.031	237.433	236.151	234.812
2015	233.707	234.722	236.119	236.599	237.805	238.638	238.654	238.316	237.945	237.838	237.336	236.525
2016	236.916	237.111	238.132	239.261	240.229	241.018	240.628	240.849	241.428	241.729	241.353	241.432
2017	242.839	243.603	243.801	244.524	244.733	244.955	244.786	245.519	246.819	246.663	246.669	246.524
2018	247.867	248.991	249.554	250.546	251.588	251.989	252.006	252.146	252.439	252.885	252.038	251.233
2019	251.712	252.776	254.202	255.548	256.092	256.143	256.571	256.558	256.759	257.346	257.208	256.974
2020	257.971	258.678	258.115	256.389	256.394	257.797	259.101	259.918	260.280	260.388	260.229	260.474
2021	261.582	263.014	264.877	267.054	269.195	271.696	273.003	273.567	274.310	276.589	277.948	278.802
2022	281.148	283.716	287.504	289.109	292.296	296.311	296.276	296.171	296.808	298.012	297.711	296.797
2023	299.170	300.840	301.836	303.363	304.127	305.109	305.691	307.026	307.789	307.671	307.051	306.746
2024	308.417	310.326	312.332	313.548	314.069	314.175	314.540	314.796	315.301			

RESOLUTION NO. 2024-72

A RESOLUTION REQUESTING THE APPROVAL OF THE RATE INCREASE FOR RESIDENTIAL SOLID WASTE COLLECTION THROUGH SOUTHWEST DISPOSAL.

WHEREAS, the City of Alamogordo, New Mexico provides residential solid waste collection services to the City's residents; and

WHEREAS, the CITY provides the residential solid waste collection services through an agreement with an independent contractor; and

WHEREAS, the agreement provides that the rates for residential solid waste collection services may be revised annually.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that the rates for residential solid waste collection and related services as specified in Exhibit "A" be adopted and become effective January 1, 2025.

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Alamogordo, New Mexico, at a Regular Meeting held this 17th day of December 2024.

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

By: _____
Susan L. Payne, Mayor

ATTEST:

Rachel Hughs, City Clerk

PPROVED AS TO FORM:

Ashley Smith, City Attorney

EXHIBIT "A"

Resolution No. 2024-72

Residential and Other Solid Waste Collection: Effective January 1, 2025

Curb or alley collection	\$17.99 mo.
Overload Service	\$59.54 per unit
Other:	
City owned facilitates	\$13,610.81 mo.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/17/2024

Report Date: 12/09/2024

Report No: 8.

Submitted By: Evelyn Huff

Subject: Consider, and act upon, approval of Client Change Order 1, in the amount of \$349,629.76 plus NMGR to Yearout Energy Services Co, LLC for LED Light Standardization (*Evelyn Huff, Finance Director*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: Total of Client Change Order 1 - \$713,180.76

Total Amount from Descope - (\$363,551.00)

Total Additional Funds - \$349,629.76 plus NMGR

Recommendation: Approve Client Change Order 1

Background: This contingency request covers the following scopes:

CCR -1 Contract Changes:

The approval of CCR 1 moved funds from the scope of work in this contract to the owners contingency in this contract, this change order addresses the contract changes due to this approval as follows:

FIM 4.00 -Library solar descope, the removal of this solar array per the approval of CCR 1 reduces the Yearout Energy's Annual Savings Guarantee for FIM 4 by 109,383 kWh annually which equates to a reduction in year one savings by \$(7,698.00).

FIM 5.00 Wi-Fi Thermostats descope (all unit heaters) the removal of this scope reduces the Yearout Energy's Annual Savings Guarantee for FIM 5 by 674 kWh, 302 Therms, and 74.1 Gallons of Propane annually which equates to a reduction in year one savings by \$(584.20)

The CCR 1 contract changes are scopes of Work and Yearout Energy Guaranteed Savings reductions per the approval of this document, no cost increase.

CCR -2 Balance of funds:

LED Standardization at the following locations, City Hall, Civic Center, Library, Senior Center, Senior Fitness Center, Police Department Office, Fire Stations 1-5-6-7 and adding a 5% attic stock for all fixture types was partially funded with contingency funds in CCR 2 and the balance of funds for the LED Standardization scope add will be fully funded by this Client Change Order 1.

The total funding from contingencies and descoping for this is \$349,629.76 plus tax of \$28,625.94 for a grand total of \$378,255.70



7601 Jefferson Street NE
Albuquerque, NM 87109
Ph : (505)884-0994

Change Order

Project:

03-223591 City of Alamogordo PC
2600 N. Florida Ave.
Alamogordo, NM 88310

Change Order: 1

Date: 11/6/2024

Architect's Project:

Contract Number 03-223591-10

To Contractor:

Yearout Energy Services Co LLC
7601 Jefferson Street NE
Albuquerque, NM 87109

The Contract is changed as follows:

This Client Change Order is for LED Standardization - balance of funding (Part 2 of 2), and addresses contract scope reductions and Yearout Energy Guaranteed Savings reductions due to CCR 1. Reference Exhibit A for technical details.

This change order reduces the Yearout Energy's Annual Savings Guarantee for Solar FIM by 109,383 units annually, which equates to a reduction in year one savings by \$7,698.00. As well as Wi-Fi Thermostats FIM by 674 kWh, 302 Therms, and 74.1 Gallons of Propane, which equates to a reduction in year one savings by \$584.20.

The approval and full funding by this change order for LED standardization will not change the Yearout Energy Guaranteed Savings.

\$348,947.85

Tax: \$28,570.11

Total: \$377,517.96

The original Contract Amount was	\$4,586,308.60
Net change by previously authorized Change Orders	\$0.00
The Contract Amount prior to this Change Order was	\$4,586,308.60
The Contract will be increased by this Change Order in the amount of	\$377,517.96
The new Contract Amount including this Change Order will be	\$4,963,826.56
The Contract Time will be unchanged.	
The date of Substantial Completion as of the date of this Change Order therefore is	9/15/2025

NOT VALID UNTIL SIGNED BY THE ARCHITECT , CONTRACT AND OWNER.

ARCHITECT	Yearout Energy Services Co LLC CONTRACTOR 7601 Jefferson Street NE Albuquerque, NM 87109	OWNER
(Signature)	(Signature)	(Signature)
By	By	By
Date	Date	Date

Nov 6, 2024

To: City of Alamogordo
1376 East Ninth Street
Alamogordo, NM 88310

Subject: LED Standardization balance of funding (Part 2 of 2), Addressing contract changes including Yearout Energy Guaranteed Savings reductions due to CCR 1.

Scope of Work:

This contingency request covers the following scopes:

CCR -1 Contract Changes:

The approval of CCR 1 moved funds from the scope of work in this contract to the owners contingency in this contract, this change order addresses the contract changes due to this approval as follows:

FIM 4.00 -Library solar descope, the removal of this solar array per the approval of CCR 1 reduces the Yearout Energy's Annual Savings Guarantee for FIM 4 by 109,383 kWh annually which equates to a reduction in year one savings by \$(7,698.00).

FIM 5.00 Wi-Fi Thermostats descope (all unit heaters) the removal of this scope reduces the Yearout Energy's Annual Savings Guarantee for FIM 5 by 674 kWh, 302 Therms, and 74.1 Gallons of Propane annually which equates to a reduction in year one savings by \$(584.20)

The CCR 1 contract changes are scopes of Work and Yearout Energy Guaranteed Savings reductions per the approval of this document, no cost increase.

CCR -2 Balance of funds:

LED Standardization at the following locations, City Hall, Civic Center, Library, Senior Center, Senior Fitness Center, Police Department Office, Fire Stations 1-5-6-7 and adding a 5% attic stock for all fixture types was partially funded with contingency funds in CCR 2 and the balance of funds for the LED Standardization scope add will be fully funded by this Client Change Order 1.

The total funding for this is \$349,629.76 plus tax of \$28,625.94 for a grand total of \$378,255.70

Included Attachments:

Reference Attachment of CCR 2 -Split funded

Reference Attachment of CCR 1 -scope-savings and time

Schedule: Based on the Contract, Schedule S & PO issuance predicated the project duration, the current completion date is September 15th, 2025. Based on this and the added scope of this change request the completion date will not extend and will remain September 15th, 2025.

Gary Verlinden
Yearout Energy
Sr Project Manager



CLIENT CONTINGENCY REQUEST FORM

Client Name:

Project Name/Type:

Project Number:

Contract/PO Number:

Date:

Description:

Submitted by/Title:

Scope of Work: This is to descope the FIM 4.00 -Library solar, FIM 5.00 Wi-Fi Thermostats descope all unit heaters and FIM 8.00 sports lighting to change manufacture and specifications. This will move the cost of work savings to the owner's contingency. Reference Exhibit A for further details. All the Terms and Conditions not expressly changed herein shall remain in full force and effect. The change in scope reduces the Yearout Energy's Annual Savings Guarantee for FIM 4 by 109,383 kWh annually which equates to a reduction in year one savings by \$(7,698.00) and FIM 5 by 674 kWh, 302 Therms, and 74.1 Gallons of Propane annually which equates to a reduction in year one savings by \$(584.20)

Requested Contingency Amount	\$-363,551.00
The Contract Time will change by	0 Days
The date of Substantial Completion as of this contingency request will be	NA
**Contingency tracking will be provided as an attachment with executed contingency request	

Client:

Contractor: Yearout Energy Services Co, LLC

Authorized Signature

Authorized Signature

Printed Name & Title of Authorized Personnel

Printed Name & Title of Authorized Personnel

Date

Date



Oct 22, 2024

To: City of Alamogordo
1375 East Ninth Street
Alamogordo, NM 88310

Attention:

Subject: This is to descope the FIM 4.00 -Library solar, FIM 5.00 Wi-Fi Thermostats (descope all unit heaters) and FIM 8.00 sports lighting to change manufacture and specifications.

Scope of Work:

This contingency request covers the following scopes:

1) FIM 4.00 -Library solar

The owner has requested descope the library roof top solar array due to the age and condition of the existing roof. The change in scope reduces the Yearout Energy's Annual Savings Guarantee for FIM 4 by 109,383 kWh annually which equates to a reduction in year one savings by \$(7,698.00), reference Attachment -FIM 4. The credit value for this is \$(227,761.00) and it will be moved from the Schedule of Values FIM number 4 -Solar PV to Schedule of Values FIM number 18 - Contingency.

2) FIM 5.00 Wi-Fi Thermostats

The Yearout Energy Engineer has reviewed the financial analysis for 28 Wi-Fi thermostats at all the Unit heaters in this scope and the construction costs exceed the savings it would produce over its lifecycle. The city recommended removing these from the FIM Wi-Fi scope. The change in scope reduces the Yearout Energy's Annual Savings Guarantee for FIM 5 by 674 kWh, 302 Therms, and 74.1 Gallons of Propane annually which equates to a reduction in year one savings by \$(584.20). Reference Attachment – FIM 5. The credit value for this is \$(33,376.00) and it will be moved from the Schedule of Values FIM number 5 - Wi-Fi Thermostats to Schedule of Values FIM number 18 - Contingency.

3) FIM 8.00 Sports Lighting

Sports Lighting - The owner has requested changing manufactures of the sports lighting from a Ephesus solid-state LED sports lighting system to a SportsCluster system with Total Light Control – TLC for LED technology. Reference Attachment – FIM 8. This produced a savings, the credit value

for this is \$(102,414.00) and it will be moved from the Schedule of Values FIM number 8 Sports Lighting to Schedule of Values FIM number 18 - Contingency.

Schedule: this will not change the project schedule.

Total credit without Tax: \$363,551.00, plus tax separately of \$29,765.74

Gary Verlinden
Yearout Energy
Sr Project Manager

To see the full details of this reference attachment refer to the executed Contingency Change Request 1.



CLIENT CONTINGENCY REQUEST FORM

Client Name:

Project Name/Type:

Project Number:

Contract/PO Number:

Date:

Description:

Submitted by/Title:

Scope of Work: LED Standardization at the following locations, City Hall, Civic Center, Library, Senior Center, Senior Fitness Center, Police Department Office, Fire Stations 1-5-6-7 and adding a 5% attic stock for all fixture types. The Attachments– LED Lighting Standardization -Audit has the technical detail for all locations and Exhibit A includes further details. All the Terms and Conditions not expressly changed herein shall remain in full force and effect.

Requested Contingency Amount	\$363,551.00
The Contract Time will change by	Days
The date of Substantial Completion as of this contingency request will be	Sept 15, 2025
**Contingency tracking will be provided as an attachment with executed contingency request	

Client:

Contractor: Yearout Energy Services Co, LLC

Authorized Signature

Authorized Signature

Printed Name & Title of Authorized Personnel

Printed Name & Title of Authorized Personnel

Date

Date



Nov 4, 2024

To: City of Alamogordo
1376 East Ninth Street
Alamogordo, NM 88310

Subject: LED Standardization – Multi-site

Scope of Work:

This contingency request covers the following scopes:

LED Standardization at the following locations, City Hall, Civic Center, Library, Senior Center, Senior Fitness Center, Police Department Office, Fire Stations 1-5-6-7 and adding a 5% attic stock for all fixture types. The Attachment – LED Lighting Standardization -Audit has the technical detail for all locations, existing fixtures and replacement fixtures that are included in this scope.

This scope add will be a split funded, the Owners Contingency will fund \$363,551.00 and the balance will be funded through a Client Change Order.

Schedule: Based on the Contract, Schedule S & PO issuance predicated the project duration, the current completion date is September 15th, 2025. Based on this and the added scope of this change request the completion date will not extend and will remain September 15th, 2025.

Total without Tax: \$363,551.00, plus tax separately of \$29,765.74

Gary Verlinden
Yearout Energy
Sr Project Manager

Change Order



Project:	City of Alamogordo
Change Order Date:	11/4/2024
Change Order No.:	1

Change Order Description:

LED Standardization at the following sites: City Hall, Civic Center, Library, Senior Center, Senior Fitness center, Fire Stations 1-5-6-7, Police Department Office and 5% attic stock of all fixture types.

Pre-Construction	Amount	
Design and Other Engineering	\$	787.50
Planning, Submittals, Safety, Scheduling, etc.	\$	3,687.50
Construction		
Base Standardization (city hall,civic center, library, Sr Cntr, Sr Exer Cntr)	\$	361,253.88
5% attic stock -All fixture types	\$	21,432.14
Police station standardization -less troffers	\$	22,915.40
Standardization- Aesthetics (Sr Center, Sr Fitness, Fire Stations & Library)	\$	111,697.73
0	\$	-
Construction Management	\$	52,812.50
Project Engineering	\$	1,225.00
General Conditions	\$	19,110.40
Commissioning	\$	11,011.82
Measurement & Verification	\$	1,212.28
Other Construction Costs	\$	41,199.99
Profit	10.00%	\$ 64,834.61
Subtotal Before Taxes	\$	713,180.76
Program Administrator Fees (not required on CO's)	0.00%	\$ -
Taxes (on CO funds only)	8.1875%	\$ 28,625.94
Grand Total	\$	741,806.70

Solutions List

Solution	Description	Qty
Existing		
CFL-CF23W-1	Existing Fixture w/CFL Lamp(s) & Ballast(s)	25
CFL-CF23W-2	Existing Fixture w/CFL Lamp(s) & Ballast(s)	8
EXIT-CFT9W-1	Existing EXIT Sign w/CF Lamp(s)	15
F-F20T12-1	Existing Fixture w/LF Lamp(s) & Ballast(s)	4
F-F32T8-1	Existing Fixture w/LF Lamp(s) & Ballast(s)	65
F-F32T8-2	Existing Fixture w/LF Lamp(s) & Ballast(s)	46
F-F32T8-3	Existing Fixture w/LF Lamp(s) & Ballast(s)	173
LED-L135-1		7
LED-L135-2		5
LED-L20-1		9
LED-L9-1		25
LIN-LED-L08T8LED-2		4
LIN-LED-L11T8LED-2		16
MH-MH32-1	Existing Fixture w/Metal Halide Lamp(s)	54
UFL-FU31T8/3-2		9
Proposed		
(1) EXRG M6	Universal Mount Exit Sign	15
(1) LED14T8/U/840	LED TYPE C LED TUBE	4
(1) LED8T8/LC/G/4/840 48 4000K	TYPE 2 4FT T8 1 LAMP	65
(1) LED9A19/830-4PK	LED A19 LAMP	3
(1) RSX2 LED P3 40K R3	RSX Area Fixture size 2 P3	7
(1) RSX2 LED P3 40K R5 MVOLT	RSX Area Fixture size 2 P3 R5	5
(1) STAK 2X2 4000LM 80CRI 40K	2' x 2' LED Troffer, 2000 Lumen, 120-277V, 4000k, Constant Current D	13
(1) STAK 2X4 4000LM 80CRI 40K	2' x 4' LED Troffer, 4000 Lumen, 120-277V, 4000k, Constant Current D	229
(1) TWX2 LED ALO 40K MVOLT P	Wall Pack 54w, 6,850 Lumen, 120-277v, 4000k	9
(1) WF4 LED 30K40K50K MVOLT	4" LED Downlight Retrofit, 11w, 790 Lumen, Switchable White	25
(1) WF6 LED 30K40K50K MVOLT	6" LED Downlight Retrofit, 14w, 1120 Lumen, Switchable White	20
(1) WF8 LED 30K40K50K MVOLT	8" LED Downlight Retrofit, 20W, 1710 Lumen, Switchable White	64
(2) LED8T8/LC/G/4/840 48 4000K	TYPE 2 4FT T8 2 LAMP	6
Control		
SPODMRA JOT DX WH	Dimmer	43
WSXA JOT PDT DX WH	day light sensor/dimmer/OCC Sensors	40

Solutions List

CCR 2 - Attachment - Original package -Civic Center

Solution	Description	Qty
Existing		
EXIT-LED5W-1	Existing EXIT Sign w/LED Lamp(s)	4
EXIT-LED5W-2	Existing EXIT Sign w/LED Lamp(s)	4
F-F32T8-2	Existing Fixture w/LF Lamp(s) & Ballast(s)	5
INCAN-I60-2	Existing Fixture w/Standard Incandescent Lamp(s)	10
INCAN-I65-1	Existing Fixture w/Standard Incandescent Lamp(s)	3
LED-L12-2		67
LED-L16-1	Existing LED Fixture w/LED Lamp(s) & Driver(s)	20
LED-L20-1		3
LED-L37-1		3
LED-L40-1	Existing LED Fixture w/LED Lamp(s) & Driver(s)	12
LED-L9-1		1
MV-MV175-1	Existing Fixture w/Mercury Vapor Lamp(s)	2
Proposed		
(1) EU2L M12	Emergency LED Frog Eye	4
(1) EXRG M6	Universal Mount Exit Sign	4
(1) LED9A19/830	LED A19 ONE LAMP	7
(1) STAK 2X2 2000LM 80CRI 40K	2' x 2' LED Troffer, 2000 Lumen, 120-277V, 4000k, Constant Current D	12
(1) STAK 2X4 4000LM 80CRI 40K	2' x 4' LED Troffer, 4000 Lumen, 120-277V, 4000k, Constant Current D	5
(1) TWX1 LED ALO 40K MVOLT D	Wall Pack 22w, 2,950 Lumen, 120-277v, 4000k	3
(1) WF6 LED 30K40K50K MVOLT	6" LED Downlight Retrofit, 14w, 1120 Lumen, Switchable White	2
(1) WF8 LED 30K40K50K MVOLT	8" LED Downlight Retrofit, 20W, 1710 Lumen, Switchable White	20
(2) LED8T8/LC/G/4/840 48 4000K	TYPE 2 4FT T8 2 LAMP	67
(2) LED9A19/830	LED A19 TWO LAMP	10
Control		

Solutions List

CCR 2 - Attachment -Original package -Library

Solution	Description	Qty
Existing		
EXIT-I25-2	Existing EXIT Sign Incandenscent Lamp(s)	4
EXIT-I5-2	Existing EXIT Sign Incandenscent Lamp(s)	7
EXIT-LED5W-2	Existing EXIT Sign w/LED Lamp(s)	2
F-F32T8-2	Existing Fixture w/LF Lamp(s) & Ballast(s)	1
F-F40T12-1	Existing Fixture w/LF Lamp(s) & Ballast(s)	3
F-F40T12-2	Existing Fixture w/LF Lamp(s) & Ballast(s)	5
F-F96T8-2	Existing Fixture w/LF Lamp(s) & Ballast(s)	3
HAL-H200-1	Existing Fixture w/Halogen Lamp(s)	1
HAL-H65/LV-1	Existing Fixture w/Halogen Lamp(s)	9
INCAN-I65-1	Existing Fixture w/Standard Incandescent Lamp(s)	14
INCAN-I85-1	Existing Fixture w/Standard Incandescent Lamp(s)	2
LED-L16-1	Existing LED Fixture w/LED Lamp(s) & Driver(s)	9
LED-L20-1		2
LED-L25-1	Existing LED Fixture w/LED Lamp(s) & Driver(s)	56
LED-L37-1		2
LED-L40-1	Existing LED Fixture w/LED Lamp(s) & Driver(s)	262
Proposed		
(1) BLWP4 30L ADP LP 840	4FT LED WRAP 3000 LUMEN	30
(1) CNY LED P1 40K MVOLT DDB	Canopy	10
(1) EU2L M12	Emergency LED Frog Eye	6
(1) EXRG M6	Universal Mount Exit Sign	7
(1) LED12DP3LRW83040 120	LED PAR 30 LAMP	8
(1) LED8T8/LC/G/4/840 48 4000K	TYPE 2 4FT T8 1 LAMP	11
(1) LED9A19/830-4PK	LED A19 LAMP	16
(1) STAK 2X2 2000LM 80CRI 40K	2' x 2' LED Troffer, 2000 Lumen, 120-277V, 4000k, Constant Current	3
(1) STAK 2X2 4000LM 80CRI 40K	2' x 2' LED Troffer, 2000 Lumen, 120-277V, 4000k, Constant Current	23
(1) STAK 2X4 4000LM 80CRI 40K	2' x 4' LED Troffer, 4000 Lumen, 120-277V, 4000k, Constant Current	252
(1) TWX2 LED ALO 40K MVOLT F	Wall Pack 54w, 6,850 Lumen, 120-277v, 4000k	4
(1) WF6 LED 30K40K50K MVOLT	6" LED Downlight Retrofit, 14w, 1120 Lumen, Switchable White	3
(2) LED36T8/G/8/830	8FT T8 TYPE C LED 2 LAMP	3
(2) LED8T8/LC/G/4/840 48 4000K	TYPE 2 4FT T8 2 LAMP	6
Control		
SPODMRA JOT DX WH	Dimmer	2
WSXA JOT PDT DX SA WH	Wireless Wall Switch Sensor with Dimming, Occupancy Detection and	8

Solutions List

CCR 2 - Attachment - Original package -Senior Center

Solution	Description	Qty
Existing		
CFL-CF13W-1		18
CFL-CF23W-1	Existing Fixture w/CFL Lamp(s) & Ballast(s)	3
CFL-CF23W-2	Existing Fixture w/CFL Lamp(s) & Ballast(s)	73
CFL-CF32W-1	Existing Fixture w/CFL Lamp(s) & Ballast(s)	12
CFL-CF40W-1		12
EXIT-CFT9W-1	Existing EXIT Sign w/CF Lamp(s)	7
F-F32T8-1	Existing Fixture w/LF Lamp(s) & Ballast(s)	88
F-F32T8-2	Existing Fixture w/LF Lamp(s) & Ballast(s)	79
F-F32T8-3	Existing Fixture w/LF Lamp(s) & Ballast(s)	13
F-F32T8-4	Existing Fixture w/LF Lamp(s) & Ballast(s)	2
LED-L135-1		12
LED-L20-1		21
LED-L9-1		22
LED-L9-4		7
LIN-LED-L08T8LED-2		33
LIN-LED-L11T8LED-1		5
LIN-LED-L11T8LED-2		127
MH-MH32-1	Existing Fixture w/Metal Halide Lamp(s)	3
Proposed		
(1) BLWP4 20L ADP GZ10 LP840	4' Low-Profile Led Wraparound Fixture, 2000 Lumen, 120-277V 4000k	104
(1) CNY LED P1 40K MVOLT DDE Canopy		2
(1) ESX1 LED P4 40 K R5	RSX AREA FIXTURE SIZE 1 P1 LUMEN PACKAGE 4000K CCT TYF	9
(1) ESX1 LED P4 40K R3	ESX LED AREA LUMINAIRE SIZE 1 P4 LUMEN PACKAGE 4000K C	3
(1) EXRG M6	Universal Mount Exit Sign	7
(1) LED14T8/U/840	LED TYPE C LED TUBE	4
(1) LED21ED17/740	LED HID TYPE B ED 17 LAMP	15
(1) LED9A19/830-4PK	LED A19 LAMP	40
(1) STAK 1X4 2000LM 80CRI 40K	1' x 4' LED Troffer, 2000 Lumen, 120-277V, 4000k, Constant Current I	22
(1) STAK 2X2 2000LM 80CRI 40K	2' x 2' LED Troffer, 2000 Lumen, 120-277V, 4000k, Constant Current I	12
(1) STAK 2X2 4000LM 80CRI 40K	2' x 2' LED Troffer, 2000 Lumen, 120-277V, 4000k, Constant Current I	33
(1) STAK 2X4 4000LM 80CRI 40K	2' x 4' LED Troffer, 4000 Lumen, 120-277V, 4000k, Constant Current I	31
(1) TWX2 LED ALO 40K MVOLT F	Wall Pack 54w, 6,850 Lumen, 120-277v, 4000k	19
(1) WF6 LED 30K40K50K MVOLT	6" LED Downlight Retrofit, 14w, 1120 Lumen, Switchable White	6
(1) WF8 LED 30K40K50K MVOLT	8" LED Downlight Retrofit, 20W, 1710 Lumen, Switchable White	70
(2) LED8T8/LC/G/4/840 48 4000K	TYPE 2 4FT T8 2 LAMP	144
(4) LED8T8/LC/G/4/840 48 4000K	TYPE C 4FT T8 4 LAMP	6
(5) LED9A19/830-4PK	LED A19 5 LAMP	7
Remove	Remove Fixtures	15
Control		
SPODMRA JOT DX WH	Dimmer	2
WSXA JOT PDT DX SA WH	Wireless Wall Switch Sensor with Dimming, Occupancy Detection and	9

CCR 2- LED Standardization -Police Department Office

Material Summary

Classification	Manufacturer	SKU	Description	Qty	Qty Addl	Total Qty
CONTROL						
CONTROL	Acuity Controls	SPODMRA JOT DX WH	JOT Switch	0	0	0
CONTROL	Lithonia Lighting	WSXA JOT DX WH	wall occ with dimming	6	0	6
				Materials Total		6
DRIVER						
DRIVER	Current powered by GE	LED/DR/D2L/LW	2-LAMP DRIVER	0	0	0
DRIVER	Current powered by GE	LED/DR/D4L/LW	4-LAMP DRIVER	0	0	0
				Materials Total		0
FIXTURE						
FIXTURE	Lithonia Lighting	BLWP4 20L ADP GZ10 LP840	4' Low-Profile Led Wraparound Fixture, 2000 Lumen, 120-277V 4000k	0	0	0
FIXTURE	Lithonia Lighting	CNY LED P1 40K MVOLT DDB	Canopy	5	0	5
FIXTURE	Lithonia Lighting	ESXF2 ALO SWW2 KY DDB	WALL PACK	1	0	1
FIXTURE	Lithonia Lighting	EU2L M12	Emergency LED Frog Eye	0	0	0
FIXTURE	Lithonia Lighting	EXRG M6	Universal Mount Exit Sign	0	0	0
FIXTURE	Lithonia Lighting	FMLS1 11 14840 M4	Low Profile Square LED Flush Mount	0	0	0
FIXTURE	Lithonia Lighting	RSX1LED P1 40K R3 MVOLT MA	RSX LED AREA LUMINAIRE	0	0	0
FIXTURE	Lithonia Lighting	STAK 1X4 3000LM 80CRI 40K COL	1X4 LED TROFFER, 3000 LUMEN	0	0	0
FIXTURE	Lithonia Lighting	STAK 2X2 2000LM 80CRI 40K COL	2' x 2' LED Troffer, 2000 Lumen, 120-277V, 4000k, Constant Current Dimr	0	0	0
FIXTURE	Lithonia Lighting	STAK 2X4 4000LM 80CRI 40K COL	STAK 2X4 W EM	4	0	4
FIXTURE	Lithonia Lighting	STAK 2X4 4000LM 80CRI 40K COL	2' x 4' LED Troffer, 4000 Lumen, 120-277V, 4000k, Constant Current Dimr	17	0	17
FIXTURE	Lithonia Lighting	TWX1 LED ALO 40K MVOLT DDBT	Wall Pack 22w, 2,950 Lumen, 120-277v, 4000k	0	0	0
FIXTURE	Lithonia Lighting	TWX2 LED ALO 40K MVOLT PE DD	Wall Pack 54w, 6,850 Lumen, 120-277v, 4000k	7	0	7
FIXTURE	Lithonia Lighting	WF4 LED 30K40K50K MVOLT 90CF 4"	LED Downlight Retrofit, 11w, 790 Lumen, Switchable White	0	0	0
FIXTURE	Lithonia Lighting	WF6 LED 30K40K50K MVOLT 90CF 6"	LED Downlight Retrofit, 14w, 1120 Lumen, Switchable White	0	0	0
FIXTURE	Lithonia Lighting	WF8 LED 30K40K50K MVOLT 90CF 8"	LED Downlight Retrofit, 20W, 1710 Lumen, Switchable White	0	0	0
				Materials Total		34
KIT						
KIT	Lithonia Lighting	2x2SMKSHP	MOUNT KIT	0	0	0
KIT	Lithonia Lighting	DGA14	DRYWALL GRID ADAPTER	0	0	0
				Materials Total		0
LAMP						
LAMP	Current powered by GE	(2) LED8T8/LC/G/4/840 48 4000K 80 TYPE C 4 FT T8 2 LAMP		0	0	0
LAMP	Current powered by GE	(4) LED8T8/LC/G/4/840 48 4000K 80 TYPE C 4 FT T8 4 LAMP		0	0	0
LAMP	Lithonia Lighting	LBK 4FT 4 4000LMHE 80CRI 40K M	4ft 4 bar Light Bar Kit	0	0	0
LAMP	Current powered by GE	LED11A21/827-4PK	A-LINE LAMP	0	0	0
LAMP	Current powered by GE	LED12DP3LRW83040 120	LED PAR 30 LAMP	0	0	0
LAMP	Current powered by GE	LED14T8/U/840	LED TYPE C LED TUBE	0	0	0
LAMP	Current powered by GE	LED21ED17/740	LED HID TYPE B ED 17 LAMP	0	0	0
LAMP	Current powered by GE	LED7DP203W830/35	LED PAR20 LAMP	0	0	0
LAMP	Current powered by GE	LED9A19/830-4PK	LED A19 LAMP	0	0	0
				Materials Total		0
RECYCLING						
RECYCLING	GENERIC	BALLAST - ELECTRONIC	BALLAST - ELECTRONIC	137	0	137
RECYCLING	GENERIC	BALLAST - MAG-STD	BALLAST - MAG-STD	579	0	579
RECYCLING	GENERIC	CFL	COMPACT FLUORESCENT LAMP	284	0	284
RECYCLING	GENERIC	CIRC	CIRCLINE FLUORESCENT LAMP	2	0	2
RECYCLING	GENERIC	EXIT	EXIT SIGN	89	0	89
RECYCLING	GENERIC	HAL	HALOGEN INCANDESCENT LAMP	10	0	10
RECYCLING	GENERIC	INCAN	STANDARD INCANDESCENT LAMP	41	0	41
RECYCLING	GENERIC	LF 2FT	LF 2FT	4	0	4
RECYCLING	GENERIC	LF 4FT	LF 4FT	1,909	0	1,909
RECYCLING	GENERIC	LF 6FT	LF 6FT	24	0	24
RECYCLING	GENERIC	LF 8FT	LF 8FT	162	0	162
RECYCLING	GENERIC	MH	METAL HALIDE LAMP	85	0	85
RECYCLING	GENERIC	MV	MERCURY VAPOR LAMP	2	0	2
				Materials Total		3,328

CCR 2- CALM -LED Standardization - 5% Attic Stock

CALM- SPARES -5%		QTY
SPODMRA JOT DX WH	JOT Switch	5
WSXA JOT DX WH	wall occ with dimming	5
BLWP4 20L ADP GZ10 LP840	4' Low-Profile Led Wraparound Fixture, 2000 Lumen, 120-277V 4000k	3
CNY LED P1 40K MVOLT DDB	Canopy	3
RSX2 LED P3 40K R3	RSX AREA FIXTURE SIZE 1 P1 LUMEN PACKAGE 4000K CCT TYPE R3 DISTRIBUTION	3
RSX2 LED P3 40K R5 MVOLT SPA DDBXD	ESX LED AREA LUMINAIRE SIZE 1 P4 LUMEN PACKAGE 4000K CCT TYPE R3 DISTRIBUTION	3
ESXF1 ALO SWW2 YS DDB	FLOODLIGHT	3
EU2L M2	Emergency LED Frog Eye	3
EXRG M6	Universal Mount Exit Sign	5
FMLS1 11 14840 M4	Low Profile Square LED Flush Mount	3
RSX1LED P1 40K R3 MVOLT MA	RSX LED AREA LUMINAIRE	3
STAK 2X2 4000LM 80CRI 40K COLT MIN10 MVOLT JOT	2X2	5
STAK 1X4 2000LM 80CRI 40K COLT MIN10 MVOLT	1' x 4' LED Troffer, 2000 Lumen, 120-277V, 4000k, Constant Current Dimming to 10%;	3
STAK 2X4 4000LM 80CRI 40K COLT MIN10 MVOLT JOT	2' x 4' LED Troffer, 4000 Lumen, 120-277V, 4000k, Constant Current Dimming to 10%; JOT Enabled	38
TFX1 LED 40K MVOLT THK DDBXD M6	54w, 7,300 Lumen, Flood Light, 120-277v, 4000k	3
TWX1 LED ALO 40K MVOLT DDBTXD	Wall Pack 22w, 2,950 Lumen, 120-277v, 4000k	3
TWX2 LED ALO 40K MVOLT PE DDBTXD	Wall Pack 54w, 6,850 Lumen, 120-277v, 4000k	3
WF4 LED 30K40K50K MVOLT 90CRI MW	4" LED Downlight Retrofit, 11w, 790 Lumen, Switchable White	3
WF6 LED 30K40K50K MVOLT 90CRI MW M6	6" LED Downlight Retrofit, 14w, 1120 Lumen, Switchable White	3
WF8 LED 30K40K50K MVOLT 90CRI MW	8" LED Downlight Retrofit, 20W, 1710 Lumen, Switchable White	10
LED/DR/D2L/LW	2-LAMP DRIVER	25
(2) LED8T8/LC/G/4/840 48 4000K 80 1050 LED/DR/D2L/LW	TYPE 2 4FT T8 2 LAMP	50
LED9A19/830-4PK	LED A19 LAMP	25

CCR 2 - Attachment 3 -LED Standardization - Aesthetics -Fire Stations 1-5-6-7, Library & Senior Center

Scope of Work

Area Information			Existing					Proposed				
Location	Area	Room	ID#	Qty	Fixture	Fixture Attributes	Fixture Description	Action	Proposed	Description	Qty	Control Qty
Fire Station 1	Fire Station 1	Bay	14	12	F-F96T12-2	Industrial Strip-8 foot-No Lens-Chain-5000-No	Existing Fixture w/LF Lamp(s) & Ballast(s)	Replace	(1) CPHB 12000LM SEF GCL MD MVOLT GZ10 40K 80CRI DWH	HIGH BAY LIGHTING	12	0
Fire Station 5	Fire Station 5	Bay	19	12	F-F96T12-2	Industrial Strip-8 foot-Wire Cage-Surface-5000-No	Existing Fixture w/LF Lamp(s) & Ballast(s)	Relamp	(1) CPHB 12000LM SEF GCL MD MVOLT GZ10 40K 80CRI DWH	HIGH BAY LIGHTING	12	0
Fire Station 6	Fire Station 6	Bay	6.1	0	F-F32T8-2		Existing Fixture w/LF Lamp(s) & Ballast(s)	Install	(1) CPHB 12000LM SEF GCL MD MVOLT GZ10 40K 80CRI DWH	HIGH BAY LIGHTING	16	0
Fire Station 7	Fire Station 7	Bay	2	6	F-F96T12-2	Strip-8 foot-No Lens-Surface-5000-No	Existing Fixture w/LF Lamp(s) & Ballast(s)	Relamp	(1) CPHB 12000LM SEF GCL MD MVOLT GZ10 40K 80CRI DWH	HIGH BAY LIGHTING	6	0
Library	Main Building	Lobby hallway	6	3	LED-L25-1	Troffer-1X4-Frosted-Surface-4000-No	Existing LED Fixture w/LED Lamp(s) & Driver(s)	Replace	(1) STAK 1X4 3000LM 80CRI 40K COL MIN10 ZT MVOLT	1X4 LED TROFFER, 3000 LUMEN	3	0
Library	Main Building	Mens room	11	3	LED-L25-1	Troffer-1X4-Frosted-Surface-4000-No	Existing LED Fixture w/LED Lamp(s) & Driver(s)	Replace	(1) STAK 1X4 3000LM 80CRI 40K COL MIN10 ZT MVOLT	1X4 LED TROFFER, 3000 LUMEN	3	0
Library	Main Building	Ladies room	13	4	LED-L25-1	Troffer-1X4-Frosted-Surface-4000-No	Existing LED Fixture w/LED Lamp(s) & Driver(s)	Replace	(1) STAK 1X4 3000LM 80CRI 40K COL MIN10 ZT MVOLT	1X4 LED TROFFER, 3000 LUMEN	4	0
Library	Main Building	Circulation desk	18	2	LED-L25-1	Troffer-1X4-Frosted-Surface-4000-No	Existing LED Fixture w/LED Lamp(s) & Driver(s)	Replace	(1) STAK 1X4 3000LM 80CRI 40K COL MIN10 ZT MVOLT	1X4 LED TROFFER, 3000 LUMEN	2	0
Library	Main Building	Eugene manlove rhodes room	20	6	LED-L25-1	Troffer-1X4-Frosted-Surface-4000-No	Existing LED Fixture w/LED Lamp(s) & Driver(s)	Replace	(1) STAK 1X4 3000LM 80CRI 40K COL MIN10 ZT MVOLT	1X4 LED TROFFER, 3000 LUMEN	6	0
Library	Main Building	Genealogy and Reference	22	1	LED-L25-1	Troffer-1X4-Frosted-Surface-4000-No	Existing LED Fixture w/LED Lamp(s) & Driver(s)	Replace	(1) STAK 1X4 3000LM 80CRI 40K COL MIN10 ZT MVOLT	1X4 LED TROFFER, 3000 LUMEN	1	0
Library	Main Building	Main library	27	9	LED-L25-1	Troffer-1X4-Frosted-Surface-4000-No	Existing LED Fixture w/LED Lamp(s) & Driver(s)	Replace	(1) STAK 1X4 3000LM 80CRI 40K COL MIN10 ZT MVOLT	1X4 LED TROFFER, 3000 LUMEN	9	0
Senior Center	Senior Center Interior	Entrance	6	6	LIN-LED-L11T8LED-2	Troffer-1X4-Frosted-Surface-3000-No		Replace	(1) STAK 1X4 3000LM 80CRI 40K COL MIN10 ZT MVOLT	1X4 LED TROFFER, 3000 LUMEN	6	0
Senior Center	Senior Center Interior	RSVP Office	7	2	LIN-LED-L11T8LED-2	Troffer-1X4-Frosted-Surface-3000-No		Replace	(1) STAK 2X2 2000LM 80CRI 40K COLT MIN10 MVOLT JOT	2' x 2' LED Troffer, 2000 Lumen, 120-277V, 4000k, Co	2	1
Senior Center	Senior Center Interior	SVP Mgr Office	8	2	LIN-LED-L11T8LED-2	Troffer-1X4-Frosted-Surface-3000-No		Replace	(1) STAK 2X2 2000LM 80CRI 40K COLT MIN10 MVOLT JOT	2' x 2' LED Troffer, 2000 Lumen, 120-277V, 4000k, Co	2	1
Senior Center	Senior Center Interior	FGP Office	9	2	LIN-LED-L11T8LED-2	Troffer-1X4-Frosted-Surface-3000-No		Replace	(1) STAK 2X2 2000LM 80CRI 40K COLT MIN10 MVOLT JOT	2' x 2' LED Troffer, 2000 Lumen, 120-277V, 4000k, Co	2	1
Senior Center	Senior Center Interior	Activity Room	13	23	LIN-LED-L11T8LED-2	Troffer-1X4-Frosted-Surface-3000-No		Replace	(1) STAK 1X4 3000LM 80CRI 40K COL MIN10 ZT MVOLT	1X4 LED TROFFER, 3000 LUMEN	23	0
Senior Center	Senior Center Interior	Lapidary	24	9	LIN-LED-L11T8LED-2	Troffer-1X4-Frosted-Surface-3000-No		Replace	(1) STAK 1X4 3000LM 80CRI 40K COL MIN10 ZT MVOLT	1X4 LED TROFFER, 3000 LUMEN	9	0
Senior Center	Senior Center Interior	Stage Entry	27	6	LIN-LED-L11T8LED-2	Troffer-1X4-Frosted-Surface-3000-No		Replace	(1) STAK 1X4 3000LM 80CRI 40K COL MIN10 ZT MVOLT	1X4 LED TROFFER, 3000 LUMEN	6	0
Senior Center	Senior Center Interior	Dining Room	29	22	LIN-LED-L11T8LED-2	Troffer-1X4-Frosted-Surface-3000-No		Replace	(1) STAK 1X4 3000LM 80CRI 40K COL MIN10 ZT MVOLT	1X4 LED TROFFER, 3000 LUMEN	22	0
Senior Center	Senior Center Interior	MOW Reception	58.1	0	LIN-LED-L11T8LED-2			Install	(1) STAK 2X2 2000LM 80CRI 40K COLT MIN10 MVOLT JOT	2' x 2' LED Troffer, 2000 Lumen, 120-277V, 4000k, Co	2	1
Senior Center	Senior Center Interior	Case Manager Office	63.1	0	LIN-LED-L11T8LED-2			Install	(1) STAK 2X2 2000LM 80CRI 40K COLT MIN10 MVOLT JOT	2' x 2' LED Troffer, 2000 Lumen, 120-277V, 4000k, Co	2	1
Senior Center	Senior Center Interior	Nutrition Coordinator Office	64.1	0	LIN-LED-L11T8LED-2			Install	(1) STAK 2X2 2000LM 80CRI 40K COLT MIN10 MVOLT JOT	2' x 2' LED Troffer, 2000 Lumen, 120-277V, 4000k, Co	2	1
Senior Center	Senior Center Interior	Classroom 1 and 2	66	4	LIN-LED-L11T8LED-2	Troffer-1X4-Frosted-Surface-3000-No		Replace	(1) STAK 1X4 3000LM 80CRI 40K COL MIN10 ZT MVOLT	1X4 LED TROFFER, 3000 LUMEN	4	0
Senior Center	Senior Center Interior	Billiard Room	85	28	LIN-LED-L11T8LED-2	Troffer-1X4-Frosted-Surface-3000-No		Replace	(1) STAK 1X4 3000LM 80CRI 40K COL MIN10 ZT MVOLT	1X4 LED TROFFER, 3000 LUMEN	28	0

These revisions supersede the fixtures indicated in the original LED Standardization for the Library and Senior Center only at the locations indicated in the chart above, the intent of these revisions is to install new fixtures at these locations in lieu of retrofitting existing fixtures while conforming to lighting standardization at more city locations.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/17/2024

Report Date: 12/11/2024

Report No: 9.

Submitted By: Stephanie Hernandez

Subject: Consider, and act upon, Ordinance 1706 for final publication, approving a loan agreement in the amount of 32,500,00 with the New Mexico Finance Authority for repairing, replacing, extending, and upgrading water and sewer infrastructure. (*Chris Muirhead, Modrall Sperling, and John Archuleta, Bosque Advisors*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background:

CITY OF ALAMOGORDO, NEW MEXICO
ORDINANCE NO. 1706

AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND BETWEEN THE CITY OF ALAMOGORDO, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY (THE "FINANCE AUTHORITY"), EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT NOT TO EXCEED \$32,500,000, TOGETHER WITH INTEREST THEREON, FOR THE PURPOSE OF (1) ACQUIRING, EXTENDING, BETTERING, REPAIRING OR OTHERWISE IMPROVING THE GOVERNMENTAL UNIT'S JOINT UTILITY SYSTEM, (2) FUNDING A LOAN AGREEMENT RESERVE ACCOUNT; AND (3) PAYING EXPENSES; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE LOAN AGREEMENT SOLELY FROM THE NET REVENUES FROM THE GOVERNMENTAL UNIT'S JOINT UTILITY SYSTEM; APPROVING THE DELEGATION OF AUTHORITY TO MAKE CERTAIN DETERMINATIONS REGARDING THE LOAN AGREEMENT PURSUANT TO THE SUPPLEMENTAL PUBLIC SECURITIES ACT; RATIFYING ACTIONS HERETOFORE TAKEN; APPROVING THE FORMS OF THE LOAN AGREEMENT AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT.

Capitalized terms used in the following recitals have the same meaning as defined in Section 1 of this Ordinance unless the context requires otherwise.

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 has determined and hereby determines that the Project may be financed with amounts borrowed under the Loan Agreement and that it is in the best interest of the Governmental Unit and its residents that the Loan Agreement be executed and delivered and that the financing of the Project take place by executing and delivering the Loan Agreement; and

WHEREAS, the Governmental Unit may use the Net Revenues to finance the Project and the Project will provide for the public health, peace and safety of the Governmental Unit and its residents; and

WHEREAS, The Governmental Unit now owns, operates and maintains water and sewer facilities, which the Governmental Unit hereby declares shall be continued to be operated as a joint public utility; and

WHEREAS, the Governmental Unit has heretofore provided for the imposition of rates and charges against users of the System; and

WHEREAS, the Governing Body has determined that it may lawfully pledge the Net Revenues for the payment of amounts due under the Loan Agreement; and

WHEREAS, except as described in the Term Sheet, the Net Revenues have not heretofore been pledged to secure the payment of any obligation which is currently outstanding; and

WHEREAS, the Loan Agreement shall be a special, limited obligation of the Governmental Unit, payable solely from the Net Revenues and shall not constitute a general obligation of the Governmental Unit, or a debt or pledge of the faith and credit of the Governmental Unit or the State; and

WHEREAS, the Loan Agreement shall be executed and delivered pursuant to the Act, and with an irrevocable first lien, but not necessarily an exclusive first lien, on the Net Revenues; and

WHEREAS, the Governing Body intends by this Ordinance to authorize the execution and delivery of the Loan Agreement in the amount and for the purposes set forth herein; and

WHEREAS, there have been presented to the Governing Body and there presently are on file with the City Clerk this Ordinance and the form of the Loan Agreement, which are incorporated by reference and considered to be a part hereof; and

WHEREAS, the Governing Body hereby determines that the Project to be financed with the Loan is to be used for governmental purposes of the Governmental Unit and will not be used for purposes which would cause the Loan Agreement to be deemed a "private activity bond" as defined by the Internal Revenue Code of 1986, as amended; and

WHEREAS, pursuant to Sections 6-14-8 through 6-14-12 NMSA 1978, as amended (the "Supplemental Public Securities Act"), the Governing Body is authorized to adopt a Ordinance delegating to one or more of its members, officers, or employees the authority to sign a pricing certificate setting forth the terms of the Loan so long as such terms are within the parameters established by an authorizing ordinance or Ordinance adopted in conformity with the Supplemental Public Securities Act; and

WHEREAS, in order to allow the Governmental Unit flexibility, the Governing Body desires to grant to the Mayor and the City Manager or any other employee of the Governmental Unit when designated by a certificate signed by the Mayor (collectively, the "Designated Officers"), the authority (a) to determine any or all of the following terms of the Loan: (i) the interest and principal payment dates, (ii) the principal amounts, denominations, and maturity dates, (iii) the sale prices, (iv) the interest rates, (v) the interest payment periods, and (vi) the amount of underwriting discount, if any; and (b) to make any changes with respect thereto from those terms which were before the Governing Body at the time of adoption of this Ordinance, provided such terms do not exceed the parameters set forth for such terms in this Ordinance; and

WHEREAS, the Governmental Unit will approve the specific terms of the Loan and authorize execution of the Loan Agreement in a certification of the Designated Officers pursuant to the terms of this Ordinance as set forth in the Pricing Certificate; and

WHEREAS, all required authorizations, consents and approvals in connection with (i) the use and pledge of the Net Revenues to the Finance Authority (or its assigns) for the payment of amounts due under the Loan Agreement, (ii) the use of the proceeds of the Loan Agreement to finance the Project, and (iii) the authorization, execution and delivery of the Loan Agreement which are required to have been obtained by the date of this Ordinance, have been obtained or are reasonably expected to be obtained.

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

Section 1. Definitions. As used in the Ordinance, the following terms shall, for all purposes, have the meanings herein specified, unless the context clearly requires otherwise (such meanings to be equally applicable to both the singular and the plural forms of the terms defined):

“Act” means the general laws of the State, including Sections 3-31-1 through 3-31-12 and Sections 6-21-1 through 6-21-31, NMSA 1978, as amended, and enactments of the Governing Body relating to the Loan Agreement, including this Ordinance.

“Aggregate Annual Debt Service Requirement” means the total principal and interest payments due and payable pursuant to the Loan Agreement and on all Parity Obligations secured by a pledge of any of the Net Revenues for any one Fiscal Year.

“Authorized Officers” means, in the case of the Governmental Unit, the Mayor, Finance Director and City Manager, and in the case of the Finance Authority the Chairman, Vice-Chairman and Secretary of the Board of Directors and the Chief Executive Officer or any other officer or employee of the Finance Authority designated in writing by an Authorized Officer.

“Bonds” means public project revolving fund revenue bonds, if any, issued hereafter by the Finance Authority to fund or reimburse the Loan Agreement.

“Closing Date” means the date of execution, delivery and funding of the Loan Agreement.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations thereunder.

“Completion Date” means the date of final payment of the cost of the Project.

“Expenses” means the cost of issuance of the Loan Agreement and the Bonds, if any, and the periodic and regular fees and expenses incurred by the Finance Authority in administering the Loan Agreement, including legal fees.

“Finance Authority” means the New Mexico Finance Authority.

“Finance Authority Debt Service Account” means the debt service account in the name of the Governmental Unit within the Debt Service Fund as defined in the Indenture held and administered by the Finance Authority to pay principal and interest on the Loan Agreement as the same become due.

“Fiscal Year” means the period commencing on July 1 in each calendar year and ending on the last day of June of the next succeeding calendar year, or any other twelve-month period which any appropriate authority may hereafter establish for the Governmental Unit as its fiscal year.

“Governing Body” means the City Commission of the Governmental Unit, and any future successor governing body of the Governmental Unit.

“Governmental Unit” means the City of Alamogordo, New Mexico.

“Herein,” “hereby,” “hereunder,” “hereof,” “hereinabove” and “hereafter” refer to the entire Ordinance and not solely to the particular section or paragraph of the Ordinance in which such word is used.

“Indenture” means the General Indenture of Trust and Pledge dated as of June 1, 1995, as amended and supplemented, by and between the Finance Authority and the Trustee, as successor trustee, or the Subordinated General Indenture of Trust and Pledge dated as of March 1, 2005, as supplemented, by and between the Finance Authority and the Trustee, as successor trustee, as determined by the Finance Authority pursuant to a Pledge Notification or Supplemental Indenture (as defined in the Indenture).

“Joint Water and Sewer System,” “Joint System,” “System,” or “Utility” means the municipally owned public utility designated as the Governmental Unit's water system and sanitary sewer system (continued as a joint system) consisting of all properties, real, personal, mixed or otherwise, now owned or hereafter acquired by the Governmental Unit through purchase, construction or otherwise, and used in connection with said water system and sanitary sewer system of the Governmental Unit and in any way appertaining thereto, whether situated within or without the limits of the Governmental Unit.

“Loan” means the funds in the Loan Agreement Principal Amount to be loaned to the Governmental Unit by the Finance Authority pursuant to the Loan Agreement.

“Loan Agreement” means the Loan Agreement dated the Closing Date between the Finance Authority and the Governmental Unit which provides for the financing of the Project and requires payments by or on behalf of the Governmental Unit to the Finance Authority and/or the Trustee and any amendments or supplements thereto, and including the exhibits attached to the Loan Agreement.

“Loan Agreement Principal Amount” means the original principal amount of the Loan Agreement as shown on the Term Sheet and approved in the Pricing Certificate.

“Loan Agreement Reserve Account” means the loan agreement reserve account in the name of the Governmental Unit established under the Indenture, funded from the proceeds of the Loan Agreement, and administered by the Trustee pursuant to the Indenture.

“Loan Agreement Reserve Requirement” means, with respect to the Loan, the amount shown as the Loan Agreement Reserve Account Deposit on the Term Sheet, which amount shall not to exceed the least of (i) ten percent (10%) of the Loan Agreement Principal Amount, (ii) 125% of

the average annual principal and interest requirements under the Loan Agreement, or (iii) the maximum annual principal and interest requirements under the Loan Agreement.

“Net Revenues” means the gross revenues of the System after deducting Operation and Maintenance Expenses of the System that are pledged to payment of the Loan Agreement Payments pursuant to the Ordinance and described on the Term Sheet.

“NMSA 1978” means the New Mexico Statutes Annotated, 1978 compilation, as amended and supplemented.

“Operation and Maintenance Expenses” (or a phrase of similar import) means all reasonable and necessary current expenses of the Governmental Unit, paid or accrued, of operating, maintaining and repairing the System, and shall include, without limiting the generality of the foregoing, legal and overhead expense of the various Governmental Unit departments directly related and reasonably allocable to the administration of the System, insurance premiums, the reasonable charges of depository banks and paying agents, contractual services, professional services required by this ordinance, salaries and administrative expenses, labor, the cost of materials and supplies used for current operation, but shall not include any allowance for depreciation, liabilities incurred by the Governmental Unit as the result of its negligence in the operation of the System, extensions, enlargements or betterments, or any charges for the accumulation of reserves for capital replacements.

“Ordinance” means this Ordinance as adopted by the Governing Body on December 17, 2024, approving the Loan Agreement and pledging the Net Revenues to the payment of the Loan Agreement, as amended from time to time.

“Parity Obligations” means the Loan Agreement and any other obligations, now outstanding or hereafter issued or incurred, payable from or secured by a lien or pledge of the Net Revenues and issued with a lien on the Net Revenues on parity with the Loan Agreement, including those obligations described on the Term Sheet, if any.

“Pricing Certificate” means one or more certificates executed by the Mayor, Finance Director, or City Manager pursuant to and as authorized by Section 6-14-10.2, NMSA 1978, setting forth the final terms of the Loan.

“Program Account” means the account in the name of the Governmental Unit established pursuant to the Indenture and held by the Trustee for the deposit of the net proceeds of the Loan Agreement for disbursement to the Governmental Unit for payment of the costs of the Project.

“Project” means acquiring, extending, bettering, repairing or otherwise improving the Governmental Unit’s Joint Utility System, funding the Loan Agreement Reserve Account, and paying Expenses.

“Revenues” or “gross revenues” from the System means all income and revenues derived by the Governmental Unit from the operation of the System, or any part thereof, whether resulting from extensions, enlargements or betterments to the System, or otherwise, and includes all revenues received by the Governmental Unit or any municipal corporation succeeding to the rights of the Governmental Unit from the System and from the sale and use of water, water service and facilities, sanitary sewer service and facilities, or any combination thereof to the inhabitants of the

Governmental Unit (including all territorial annexations which may be made while the Loan Agreement is outstanding), or from the sale and use of water, water service and facilities, sanitary sewer service and sewer facilities, and facilities or any combination thereof, by means of the System owned and operated by the Governmental Unit as the same may at any time exist to serve customers outside the Governmental Unit limits as well as customers within the Governmental Unit limits, and also means income derived from the investment of any money in any of the funds established herein or contained herein (but excluding such income from investments in the Rebate Fund) even though such investment income is to be credited to the particular fund from which such investment is made.

“State” means the State of New Mexico.

“Term Sheet” means Exhibit “A” to the Loan Agreement.

“Trustee” means BOKF, NA, Albuquerque, New Mexico, or any successor trust company, national or state banking association or financial institution at the time appointed the Trustee by the Finance Authority.

Section 2. Ratification. All action heretofore taken (not inconsistent with the provisions of this Ordinance) by the Governing Body and officers of the Governmental Unit directed toward the Project and the execution and delivery of the Loan Agreement be, and the same hereby are, ratified, approved and confirmed.

Section 3. Authorization of the Project and the Loan Agreement. The Project and the method of financing the Project through execution and delivery of the Loan Agreement are hereby authorized and ordered. The Project is for the benefit of the Governmental Unit.

Section 4. Findings. The Governmental Unit hereby declares that it has considered all relevant information and data and hereby makes the following findings:

A. The Project is needed to meet the needs of the Governmental Unit and its residents and the execution and delivery of the Loan Agreement is necessary and advisable.

B. Moneys available and on hand for the Project from all sources other than the Loan are not sufficient to defray the cost of the Project.

C. The Net Revenues may lawfully be pledged to secure the payment of amounts due under the Loan Agreement.

D. It is economically feasible to defray, in whole or in part, the costs of the Project by the execution and delivery of the Loan Agreement.

E. The Project and the execution and delivery of the Loan Agreement pursuant to the Act to provide funds for the financing of the Project are necessary and in the interest of the public health, safety, and welfare of the residents of the Governmental Unit.

F. The Governmental Unit will complete the Project, in whole or in part, with the net proceeds of the Loan.

G. Other than as described in the Term Sheet, the Governmental Unit does not have any outstanding obligations payable from Net Revenues which it has incurred or will incur prior to the initial execution and delivery of the Loan Agreement.

H. The net effective interest rate on the Loan shall not exceed twelve percent (12.0%) per annum, which is the maximum rate permitted by State law.

Section 5. Loan Agreement - Authorization and Detail.

A. Authorization. This Ordinance has been adopted by the affirmative vote of a seventy-five percent majority of all of the members of the Governing Body. For the purpose of protecting the public health, conserving the property, protecting the general welfare and prosperity of the residents of the Governmental Unit and completing the Project, it is hereby declared necessary that the Governmental Unit, pursuant to the Act, execute and deliver the Loan Agreement evidencing a special, limited obligation of the Governmental Unit to pay a principal amount not to exceed \$32,500,000, plus interest, and the execution and delivery of the Loan Agreement are hereby authorized. The Governmental Unit shall use the proceeds of the Loan to (i) finance the Project, (ii) fund the Loan Agreement Reserve Account, and (iii) pay Expenses.

B. Detail. The Loan Agreement shall be in substantially the form presented at the meeting of the Governing Body at which this Ordinance was adopted. The Loan shall be in an aggregate principal amount not to exceed \$32,500,000, shall be payable in installments of principal due on May 1 of the years designated in Exhibit "B" to the Loan Agreement and bear interest payable on May 1 and November 1 of each year, commencing on May 1, 2025 at the rates designated in Exhibit "B" to the Loan Agreement, all as approved in the Pricing Certificate. The Loan shall be placed in a private sale at par and shall have a maximum term of 30 years. The underwriter's discount for the Loan shall not exceed 2% of the par amount of the Loan.

Section 6. Approval of Loan Agreement. The form of the Loan Agreement as presented at the meeting of the Governing Body at which this Ordinance was adopted is hereby approved. Authorized Officers are hereby individually authorized to execute, acknowledge and deliver the Loan Agreement with such changes, insertions and omissions as are consistent with this Ordinance and as may be approved by such individual Authorized Officers, and the City Clerk is hereby authorized to affix the seal of the Governmental Unit on the Loan Agreement and attest the same. The execution of the Loan Agreement by an Authorized Officer shall be conclusive evidence of such approval.

Section 7. Special Limited Obligation. The Loan Agreement shall be secured by the pledge of the Net Revenues as set forth in the Loan Agreement and this Ordinance and shall be payable solely from the Net Revenues. The Loan Agreement, together with interest thereon and other obligations of the Governmental Unit thereunder, shall be a special, limited obligation of the Governmental Unit, payable solely from the Net Revenues as provided in this Ordinance and the Loan Agreement and shall not constitute a general obligation of the Governmental Unit or the State, and the holders of the Loan Agreement may not look to any general or other fund of the Governmental Unit for payment of the obligations thereunder. Nothing contained in this Ordinance or in the Loan Agreement, or any other instruments, shall be construed as obligating the Governmental Unit (except with respect to the application of the Net Revenues), as incurring a pecuniary liability or a charge upon the general credit of the Governmental Unit or against its taxing

power, nor shall a breach of any agreement contained in this Ordinance, the Loan Agreement, or any other instrument impose any pecuniary liability upon the Governmental Unit or any charge upon its general credit or against its taxing power. The Loan Agreement shall never constitute an indebtedness of the Governmental Unit within the meaning of any State constitutional provision or statutory limitation and shall never constitute or give rise to a pecuniary liability of the Governmental Unit or a charge against its general credit or taxing power. Nothing herein shall prevent the Governmental Unit from applying other funds of the Governmental Unit legally available therefor to payments required by the Loan Agreement, in its sole and absolute discretion.

Section 8. Disposition of Proceeds: Completion of the Project.

A. Program Account, Finance Authority Debt Service Account and Loan Agreement Reserve Account. The Governmental Unit hereby consents to creation of the Finance Authority Debt Service Account to be held and maintained by the Finance Authority and to the Program Account and Loan Agreement Reserve Account to be held and maintained by the Trustee pursuant to the Indenture, each in connection with the Loan. The Governmental Unit hereby approves: (i) the deposit of a portion of the proceeds of the Loan Agreement in the Program Account as set forth in the Term Sheet; (ii) the deposit of a portion of the proceeds of the Loan Agreement in the amount of the Loan Agreement Reserve Requirement in the Loan Agreement Reserve Account as set forth in the Term Sheet; and (iii) the payment of Expenses, all as set forth in the Term Sheet.

The proceeds derived from the execution and delivery of the Loan Agreement shall be deposited promptly upon the receipt thereof in the Program Account, Finance Authority Debt Service Account and Loan Agreement Reserve Account, all as provided in the Loan Agreement and the Indenture.

The money in the Program Account shall be used and paid out solely for the purpose of completing the Project in compliance with applicable law and the provisions of the Loan Agreement and the Indenture.

The Governmental Unit will complete the Project with all due diligence.

B. Completion of the Project. Upon the Completion Date, the Governmental Unit shall execute and send to the Finance Authority a certificate stating that payment for the Project has been completed. As soon as practicable after the Completion Date, and, in any event, not more than sixty (60) days from the Completion Date, any balance remaining in the Program Account shall be transferred and deposited into the Finance Authority Debt Service Account, as provided in the Loan Agreement and the Indenture.

C. Finance Authority and Trustee Not Responsible. The Finance Authority and the Trustee shall in no manner be responsible for the application or disposal by the Governmental Unit or by its officers of the funds derived from the Loan Agreement or of any other funds herein designated.

Section 9. Deposit of Net Revenues, Distributions of the Net Revenues and Flow of Funds.

A. Deposit of Net Revenues. Net Revenues shall be paid directly by the Governmental Unit to the Finance Authority for deposit in the Finance Authority Debt Service Account and remittance to the Trustee in an amount sufficient to pay principal, interest, premium, if any, and other amounts due under the Loan Agreement, including sufficient Net Revenues in the Loan Agreement Reserve Account to maintain the Loan Agreement Reserve Requirement.

B. Termination on Deposits to Maturity. No payment shall be made into the Finance Authority Debt Service Account if the amounts in the Finance Authority Debt Service Account and Loan Agreement Reserve Account total a sum at least equal to the entire aggregate amount to become due as to principal and interest on, and any other amounts due under, the Loan Agreement in which case moneys in such accounts in an amount at least equal to such principal and interest requirements shall be used solely to pay such obligations as the same become due, and any moneys in excess thereof in such accounts shall be transferred to the Governmental Unit and used as provided below.

C. Use of Surplus Revenues. After making all the payments hereinabove required to be made by this Section, any moneys remaining in the Finance Authority Debt Service Account shall be transferred to the Governmental Unit on a timely basis and shall be applied to any other lawful purpose, including, but not limited to, the payment of any Parity Obligations or bonds or obligations subordinate and junior to the Loan Agreement, or other purposes authorized by the Governmental Unit, the Constitution and laws of the State, as the Governmental Unit may from time to time determine.

Section 10. Lien on Net Revenues. Pursuant to this Ordinance and the Loan Agreement, the Net Revenues are hereby authorized to be pledged to, and are hereby pledged, and the Governmental Unit grants a security interest therein for, the payment of the principal, interest, and any other amounts due under the Loan Agreement subject to the uses thereof permitted by and the priorities set forth in this Ordinance. The Loan Agreement constitutes an irrevocable and first lien, but not necessarily an exclusive first lien, on the Net Revenues with the lien thereon of the Parity Obligations as set forth herein and in the Loan Agreement. The Governmental Unit shall not create a lien on the Net Revenues superior to that of the Loan Agreement.

Section 11. Authorized Officers; Delegation. Authorized Officers are hereby individually authorized and directed to execute and deliver any and all papers, instruments, opinions, affidavits and other documents and to do and cause to be done any and all acts and things necessary or proper for carrying out this Ordinance, the Loan Agreement, and all other transactions contemplated hereby and thereby. Authorized Officers are hereby individually authorized to do all acts and things required of them by this Ordinance and the Loan Agreement for the full, punctual and complete performance of all the terms, covenants and agreements contained in this Ordinance and the Loan Agreement, including but not limited to, the execution and delivery of closing documents in connection with the execution and delivery of the Loan Agreement, and the publication of the summary of this Ordinance set out in Section 17 of this Ordinance (with such changes, additions and deletions as may be necessary).

Pursuant to the Supplemental Public Securities Act, Section 6-14-8 et seq., NMSA 1978, the Mayor, Finance Director, and City Manager are each hereby delegated authority to accept and to determine any or all of the final terms of the Loan Agreement and to execute the Pricing Certificate, subject to the parameters and conditions contained in this Ordinance. The Mayor, Finance Director,

or City Manager shall present the Pricing Certificate and the final terms of the Loan Agreement to the Governing Body in a timely manner, before or after execution and delivery of the Loan Agreement, at a regularly scheduled public meeting of the Governing Body.

Section 12. 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 13. Ordinance Irrepealable. After the Loan Agreement has 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 14. 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 15. 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 16. 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 17 below) shall be published in a newspaper which 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 17. 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. 1706 duly adopted and approved by the City Commission of the City of Alamogordo, New Mexico, on December 17, 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.

CITY OF ALAMOGORDO, NEW MEXICO
ORDINANCE NO. _____

AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND BETWEEN THE CITY OF ALAMOGORDO, NEW MEXICO (THE “GOVERNMENTAL UNIT”) AND THE NEW MEXICO FINANCE AUTHORITY (THE “FINANCE AUTHORITY”), EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT NOT TO EXCEED \$32,500,000, TOGETHER WITH INTEREST THEREON, FOR THE PURPOSE OF (1) ACQUIRING, EXTENDING, BETTERING, REPAIRING OR OTHERWISE IMPROVING THE GOVERNMENTAL UNIT’S JOINT UTILITY SYSTEM, (2) FUNDING A LOAN AGREEMENT RESERVE ACCOUNT; AND (3) PAYING EXPENSES; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE LOAN AGREEMENT SOLELY FROM THE NET REVENUES FROM THE GOVERNMENTAL UNIT’S JOINT UTILITY SYSTEM; APPROVING THE DELEGATION OF AUTHORITY TO MAKE CERTAIN DETERMINATIONS REGARDING THE LOAN AGREEMENT PURSUANT TO THE SUPPLEMENTAL PUBLIC SECURITIES ACT; RATIFYING ACTIONS HERETOFORE TAKEN; APPROVING THE FORMS OF THE LOAN AGREEMENT AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT.

(End of Form of Summary for Publication)

(Signature Page Follows)

PASSED, APPROVED AND ADOPTED THIS 17TH DAY OF DECEMBER, 2024.

CITY OF ALAMOGORDO, NEW MEXICO

ATTEST:

Susan L. Payne, Mayor

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Ashley Smith, City Attorney

**City of Alamogordo, New Mexico
Notice of Meeting, Public Hearing
and Intent to Adopt Ordinance**

The City of Alamogordo, New Mexico (the "City") hereby gives notice of a regular City Commission meeting for Tuesday, December 17, 2024, at the hour of 6:30 pm, in the City Commission Chambers at City Hall, 1376 East Ninth Street, Alamogordo, New Mexico. At such meeting, the City Commission will hold a public hearing concerning and will consider for adoption the ordinance described below. Complete copies of the proposed ordinance are available for public inspection during the normal and regular business hours of the City Clerk, at the Alamogordo Municipal Office, 1376 East Ninth Street, Alamogordo, New Mexico.

AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND BETWEEN THE CITY OF ALAMOGORDO, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY (THE "FINANCE AUTHORITY"), EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT NOT TO EXCEED \$32,500,000, TOGETHER WITH INTEREST THEREON, FOR THE PURPOSE OF (1) ACQUIRING, EXTENDING, BETTERING, REPAIRING OR OTHERWISE IMPROVING THE GOVERNMENTAL UNIT'S JOINT UTILITY SYSTEM; (2) FUNDING A LOAN AGREEMENT RESERVE ACCOUNT; AND (3) PAYING EXPENSES; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE LOAN AGREEMENT SOLELY FROM THE NET REVENUES FROM THE GOVERNMENTAL UNIT'S JOINT UTILITY SYSTEM; APPROVING THE DELEGATION OF AUTHORITY TO MAKE CERTAIN DETERMINATIONS REGARDING THE LOAN AGREEMENT PURSUANT TO THE SUPPLEMENTAL PUBLIC SECURITIES ACT; RATIFYING ACTIONS HERETOFORE TAKEN; APPROVING THE FORMS OF THE LOAN AGREEMENT AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT.

A summary of the subject matter of the Ordinance is contained in its title. This notice constitutes compliance with Section 3-17-3 NMSA 1978.

Published in the Alamogordo Daily News November 26, 2024
23600

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/17/2024

Report Date: 12/11/2024

Report No: 10.

Submitted By: Stephanie Hernandez

Subject: Consider, and act upon, the Phase One design for the Fairgrounds Road extension to the railroad tracks, encompassing traffic study and signal upgrades, to facilitate traffic flow to the bypass. *(Stephanie J. Hernandez, Acting City Manager and Justen Boyle, Project Manager).*

Fiscal Impact:

Amount Budgeted:

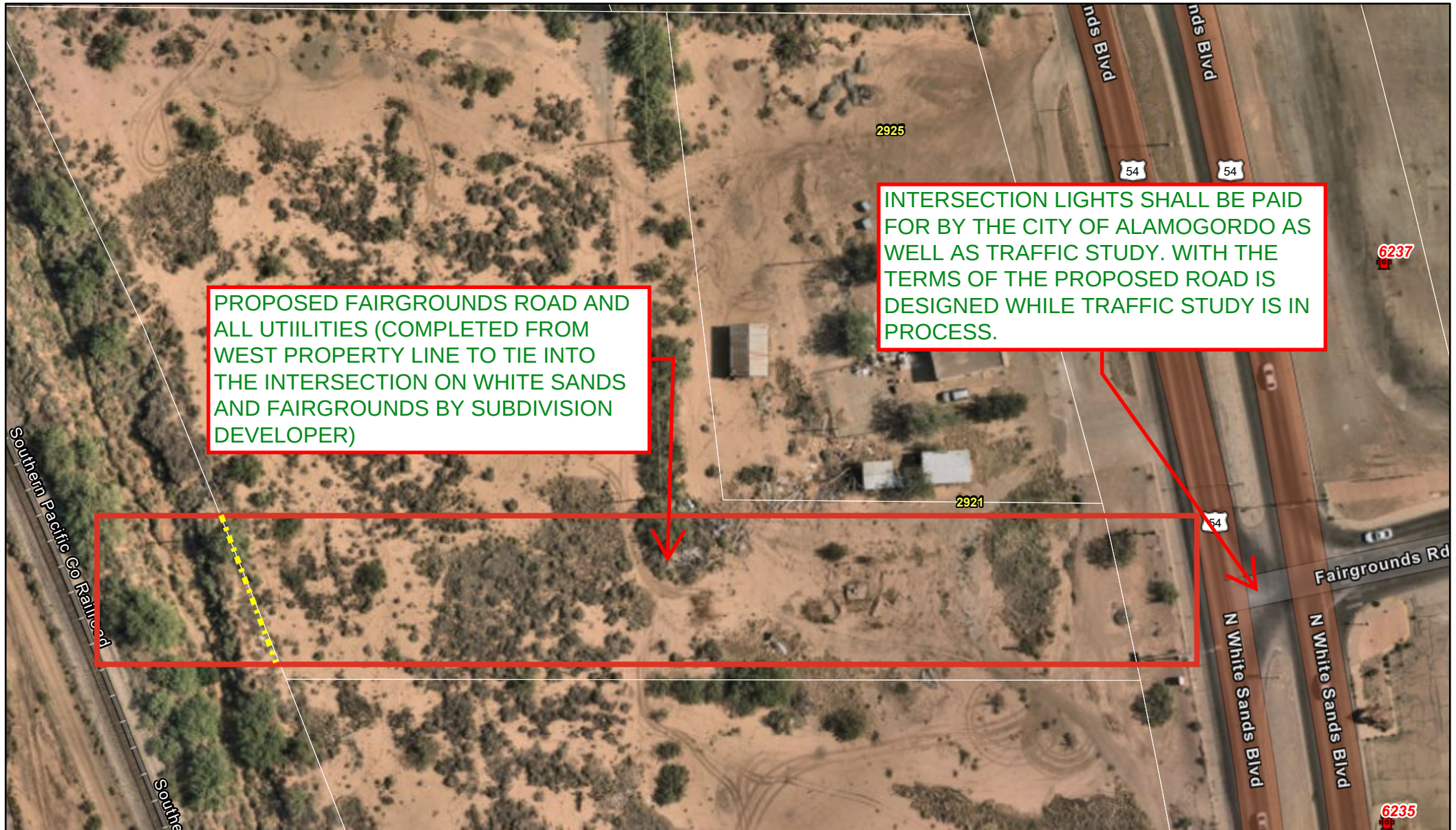
Fund:

Additional Fiscal Impact:

Recommendation:

Background:

ArcGIS Web Map



12/11/2024, 1:41:44 PM

Fire Hydrants

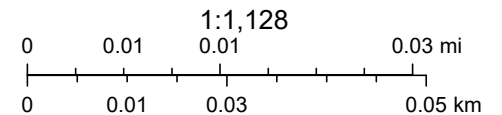


WAITING INSPECTION



Parcels ETJ

Alamogordo City Limits



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Web AppBuilder for ArcGIS