

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 PM, DONALD E. CARROLL COMMISSION CHAMBERS
March 25, 2025**

**SUSAN PAYNE, MAYOR
SHARON MCDONALD, MAYOR PRO-TEM
CRYSTAL GUTHRIE, COMMISSIONER
STEPHEN BURNETT, COMMISSIONER
WARREN ROBINSON, COMMISSIONER**

**JOSHUA RARDIN, COMMISSIONER
MARK TAPLEY, COMMISSIONER
STEPHANIE HERNANDEZ, ACTING CITY
MANAGER
ASHLEY SMITH, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

CALL TO ORDER & ROLL CALL

Mayor Payne called the meeting to order at 6:30 PM. Roll Call was taken by the Deputy City Clerk. Commissioner Burnett was initially absent but present for the Executive Session. Deputy City Clerk Aleshire announced there was a quorum present.

INVOCATION & PLEDGE OF ALLEGIANCE

The Invocation was given by Matt Celoria of Bethel Baptist Church, 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 6 - 0 - 0.

PRESENTATIONS

1. Presentation on potential program to offer income support, case management, and sheltering services to those experiencing homelessness. (Nicole Martinez, Executive Director of Mesilla Valley Community of Hope; Natalie Green, Housing and Neighborhood Revitalization Administrator for the City of Las Cruces)

Ms. Martinez said she was the Executive Director of the Mesilla Valley Community of Hope, which is located in Las Cruces, and would speak about some of the programming and services provided for the unsheltered there. She proceeded to give her presentation.

Commissioner Robinson asked if Ms. Martinez had received bids or calls nationwide asking how they did this. It seems like you have established a workable model. Do you get questions all the time? Ms. Martinez said yes, especially during COVID because we are a non-congregate shelter. While I cannot say it's appropriate for every community, we all have a responsibility to take care of our own in the capacity we have been given. I am happy to share knowledge. I talk to people weekly and have conducted tours with people from different states. I make sure to tell them that if they are going to do some of these things, make sure you have an end to homelessness for people so that it is tied to not only infrastructure but those services and then the housing component as well.

Mayor Payne asked about the success rate for getting people into permanent housing. Ms. Martinez said it depends on your definition of success. I would argue that two hundred and fifty-six people sleeping in my backyard is a measure of success. They are safely in our area and have access to amenities. In terms of housing, that is harder to capture. Overall, we house one thousand five hundred and forty-one people that came to our facility. We would be housing more if we had more housing opportunities. We had hundreds of our apartments bought out by corporations, and we put caps on the number of people we could transition into. We may have someone who leaves Camp Hope and does not get housed but then later gets housed. That does not always get captured in data. Mayor Payne said she understood that the goal is to get them to transition to sheltered. Is there a goal of creating some kind of independence? How long do they get to stay? Are there policies on that? Ms. Martinez said they do not have policies on that. In our last fiscal year, the stay was about seventy-three days. We have flexibility because it is not HUD or government-funded. We have gone back and forth to figure out how to manage something like Camp Hope, which had not been done in our area before. We were trying to figure out if they should stay three or six months, but sometimes that can be arbitrary. Many of those we work with have trauma or mental health issues, so they may take longer. To tell them they are back on the street after three months is doing a disservice to them or the business

owner who now has somebody camped out behind their business. I am willing to take that on as that service provider. We are working towards housing stability and independence. We are transitioning people to housing, but it is not always a direct pipeline from Camp Hope. Mayor Payne said you are not government-funded but receive funds from the city? Ms. Martinez said yes. To clarify, we have a lot of different types of funding, like HUD rental vouchers, VA funding, New Mexico Finance Authority funding, and funding from the City of Las Cruces. The thing that is not funded is Camp Hope. We just use donations. That is the only program that is not. Mayor Payne asked what the annual budget was. Ms. Martinez said it was around \$6,000,000. Mayor Payne asked how much the City of Las Cruces provided of that amount. Ms. Martinez said she would have to look into that, but the most the City of Las Cruces has been contributing was for the Mano y Mano Day Labor program, which we are paying people wages for. There is also the Outreach Program, and they also pay for I believe CDGB funding, of which we get around \$30,000 to be a shelter. They also have discretionary funding, where we staff our person who does social security benefits. They also had ARPA funding and tenet-based rental assistance. A hefty portion of our funding comes from the City of Las Cruces. Mayor Payne asked how many employees there were. Ms. Martinez said she had forty-two employees.

Ms. Green said she was the Neighborhood Revitalization Administrator for the City of Las Cruces and would speak about their housing programs. She proceeded to give her presentation.

Mayor Pro-Tem McDonald said you mentioned you donate land to a person who is building a house, and the average cost is \$250,000. Do you get to see the \$50,000? Ms. Green said that was just an example and housing costs vary. We often work with Habitat for Humanity to help them identify existing parcels in neighborhoods across Las Cruces. They often negotiate with developers. We have seen lots worth around \$25,000, but whatever contribution we make, we want to see a direct benefit pass to the homeowner. When I speak about the Affordable Housing Act, I often say it is a misnomer. It is not that it is cheaper for the developer to build; it is that we either somehow subsidized the rent or cost to the end user. Again, we want to see that the benefit is passed directly to the eligible beneficiary. That is an allowable use in the State of New Mexico and an exemption to the anti-donation clause. There are still some stipulations, like either your city or county has to have an affordable housing plan and a general oversight ordinance. You can use some of your comp plan to support your affordable housing goals. Mayor Pro-Tem McDonald asked what the average cost was to house a person. Ms. Green said for single-family home ownership, it varies. For example, three homes were built between 2020 and 2023. Two of the build costs were \$173,000 and \$171,000. We provided a number of cost deductions, and in that instance, it was \$64,000. The homeowner's actual mortgage at the end of the day was \$108,000. In that case, we did an impact fee reduction, CDBG funding to reduce the land cost, home funding to reduce construction costs, and donations from various suppliers to help cover appliances. Mayor Pro-Tem McDonald asked what the average mortgage cost was. Ms. Green said for Habitat for Humanity, it is typically about \$100,000 that the homeowner has to pay back. To secure our funding and ensure compliance during the affordability period, we file what is essentially a soft second mortgage. It is forgivable over time as long as they remain in their home for fifteen or twenty years. Tierra del Sol has a different model. Their housing costs are higher because they do not have volunteer labor and hire contractors. Our TDS houses cost about \$200,000. We typically subsidize the mortgage by covering a portion of the construction costs, and we see a direct reduction in the sales price. Mayor Pro-Tem McDonald asked if the State funding goes through the New Mexico Finance Authority or Habitat for Humanity. Ms. Green said we fund those two through our federal entitlement programs. We use CDBG and our home funds. We get a direct allocation from the US Department of Housing and Urban Development. The balance state or other communities that are not entitlement, would go directly to the State and ask for those funds. Funding is available for both those programs. There are also a few things out of the Mortgage Finance Authority, which just launched its ZIP Program, which is zero interest and open to private developers. We just launched a zero-interest revolving loan fund, where we lend them money to build the house, and then at the closing table, we get all of our funding back one hundred percent. That helps them build houses faster. Mayor Payne asked if that was just for construction. Ms. Green said yes, just for construction. The client still has to meet the income eligibility, and I believe the construction loans were around nine to ten percent interest, which was incurred during the build. Mayor Payne asked if these were done by private contractors. Ms. Green said some were. Tierra del Sol typically works with a private contractor to construct the houses. They help income-qualify the clients and provide the homeowner counseling. Then, the private developer builds the house, and at the closing table, there are some reductions. Mayor Payne said I am assuming the private developer gets paid to build the house. Ms. Green said yes, they get a developer fee. The last one I saw was about \$6,000 to \$8,000 per house. It is a nominal fee. Habitat is a bit different because they hold their own mortgages, and most of the work is done by volunteers, but their volunteer pool is very small. They only build during the October to April season, so there is a lower capacity for single-family homes. We are working to increase their capacity and find alternative programming. Some of the funds from the legislature are to purchase a single-family subdivision. We will be buying fifty-two lots, and next year, we are going to build out those

fifty-two houses for first-time homebuyers. Our hope is to match it with some of the down payment assistance programming that came out. There were down payments targeting some essential jobs we need in our state, like social workers and medical providers, to help retain that industry in our communities. Mayor Payne asked if that was what the housing was going to be for. Ms. Green said some of the lots will be. There are still low to moderate-income individuals, but they are in specialties we need in the community. They will have to work in the community for a period of time to realize the benefit and get that down payment assistance forgiven. Mayor Pro-Tem McDonald asked about the success rate for financing and finding people to work for Habitat for Humanity. Also, has the multigenerational unit been built? Ms. Green said that one was coming. Some of the older neighborhoods have casitas. You used to be able to do it through a special use permit, but the new zoning code allows folks to just do it by rights with exceptions. You have to have the right setbacks, you have to get a permit, and you have to find the place to build an ADU. We hope to see more of those because our residents can use them as income-producing, or we will see additional housing units come on board.

Mayor Payne asked what entitlement funds were. Ms. Green said entitlement funds are formula funding that local communities automatically get from the federal government based on certain criteria. For the US Department of Housing and Urban Development, our population size has to meet a certain threshold, and then they allocate that funding every single year to us as long as we are in compliance and do all the paperwork. Mayor Payne asked if the population size needed to be larger or smaller. Ms. Green said there are five CDBG entitlements in New Mexico, and I think they need to have fifty thousand or more. They are Albuquerque, Santa Fe, Las Cruces, Rio Rancho, and Farmington. The State gets the rest of the money. Mayor Payne said so Alamogordo could not do something like that. Ms. Green said that as a community, you should demand that they spend some of those funds in Southern New Mexico. For home funds, there are only three participating jurisdictions: Albuquerque, Las Cruces, and the State of New Mexico. You have to have a much larger population. The State holds those funds in a lump sum, and they distribute them. Mayor Payne asked how much the portion mentioned was between the home funds and the entitlement. How much are we talking about? Ms. Green said for the City of Las Cruces, between both funding sources, it is \$1,500,000. It is \$1,000,000 in CDBG and \$500,000 in home funds.

Mayor Payne asked Ms. Martinez how the residential neighbors of the Community of Hope handled that. Are there any problems? Ms. Martinez said it is not always kumbaya. We have been there since the 1990's, so many businesses there came after the Community of Hope was established. We have worked hard to retain the relationships we have with the businesses around us. While many of them are impacted, we are trying to mitigate it. That is part of why the Mano y Mano Day Labor Program has been so important for our community. If a business is being impacted by an unsanctioned encampment, then our outreach team is on it, and the Mano y Mano program is trying to clean it up. We are trying to bring people closer to us so they do not impact the surrounding community. I think it is really important that we are a part of our community. People have said we should move them four miles out of town. However, we need to be near services for people, like bus lines, grocery stores, and healthcare services. It would be a huge disservice if we were doing something where they were not neighbors. Ours is about a mile from downtown, in an industrial part of town. Mayor Payne asked if there were occasions when law enforcement was called and how often that happens. Ms. Martinez said we hardly ever have law enforcement respond to Camp Hope. If we do, it is a last resort. It is typically because we tried to work with someone. We use our security, and the social workers are trained in de-escalation. On the campus as a whole, issues might arise, such as a phone being stolen and law enforcement being called. We have a lot of those calls that will come through or people who have major behavioral health issues. This is where we want them to have them because we have all the safety nets around. I do not have a general number of what the entire Community of Hope's campus calls would look like. I can tell you that for Camp Hope, it is minimal. Mayor Payne said that when calling law enforcement, is mental health a big part of it, or are there other issues? How do you ensure no one brings in weapons or drugs? Do you have a policy? How would you handle that? Is it even an issue? Ms. Martinez said we are on city property, so we are not allowed to have weapons. We use signage, a security guard, and many staff with eyes on it. All the agencies have their own criteria for screening as people are coming in. Camp Hope is very low-barrier, so we are not inspecting people's things unless we have a reason to. There has to be a good reasonable suspicion to go and check on those things. We realize that some of the people we work with have mental health issues. Whether or not they come to the Community of Hope, people like that in our community have housing and safety nets. We also want to treat addiction issues like the disease it is and work with people. We have recovery teams there on the Community of Hope campus. We have been strategic about which partners we should bring in to help address those issues. Mayor Payne asked if there was a shelter as well. Ms. Martinez said the only sheltering we do is through Camp Hope, but the Gospel Rescue Mission is across the street from us. Mayor Payne asked how many shelters were in Las Cruces. Ms. Martinez said there is Camp Hope, the Gospel Rescue Mission, and La Casa, which is a domestic violence shelter. Mayor Payne

said there were only two homeless shelters. Ms. Martinez said yes, the third shelter is specifically for domestic violence.

PUBLIC COMMENT

1. Dave Dooling said he was working with Alamogordo MainStreet to develop a science discovery program proposal. We recently received a \$12,500 grant from Simons Foundation International. We were one of twelve small MainStreet communities in the nation to get this. It runs through August. We will develop a proposal or plan to hold a science festival in the MainStreet district. The shape it will take is to be determined, but we are going to poll community members to find out what they would like to have done. We want this to showcase Alamogordo science students, where they design, build, and execute a project that would then be demonstrated on MainStreet at the festival. If we win in September, it will be a one-year grant running from September 2025 through 2026. We are looking to have the festival in April of next year. We want to beat the heat and pull it off during school. There will be exhibitors, and we will solicit companies to provide STEM exhibits as a part of the project. We will talk to city and county staff members in the next few months to build this out.

2. Scott Frederick said his organization, the US Veterans Motorcycle Club, financially supports Honor Flights and helps coordinate the welcome home. The next local event will be on April 26, 2025, at around 4:00 PM, where we will meet two veterans, Gloria Fernandez and Thomas McKeen, in El Paso. The City of El Paso does an impressive welcome home with hundreds of people and a band. We go meet them on motorcycles. The 49th Wing is supporting us with a van. They will be picked up in El Paso and escorted back. We should be back here around 7:00 PM. Support from local law enforcement and first responders has been phenomenal. The Alamogordo Police Department typically catches us at the city line, and the Alamogordo Fire Department puts up a tower with a flag over New York Avenue. We hope to get Patron's Hall reserved again this year. If not, it will be somewhere else on New York Avenue. Help us welcome them home back to Tularosa.

3. Heather Flodin signed up to speak but declined to do so.

CITY MANAGER'S REPORT

Acting City Manager Hernandez made the following comments:

1. We will be interviewing for the City Attorney position next week. We hope to have somebody in before our current City Attorney, Ashley Smith, leaves.

2. The Fun Center Presentation will be on April 8th in the Commission Chambers. We will advertise it on social media and the jumbotron to inform the public.

3. I will be out of the office from 3/26/2025 to 3/28/2025.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Tapley asked if they got the Department of Finance Authority's signature on the irrigation project. Acting City Manager Hernandez said yes, all five are good to go. All is going well. We have a meeting next week to develop our communication plan so everyone knows where we are at. This will be a big project.

Commissioner Rardin asked for an update on the nearby bridge project. 10th Street being blocked is a major inconvenience. When will it open up on the other end so we only have one detour? Acting City Manager Hernandez said, as mentioned before, that we are going to try to pull that into our floodwater mitigation and have a ditch. A grant initially funded it, so there are some complications. Finance Director Huff said Smith Engineering is working on the drainage model so we can properly size the bridge. When we looked at replacing the bridge instead of just doing the wing walls, it became clear that it was just way too small for what the drainage plan for the Washington Canal should be. We tasked the engineer with looking at the 2019 drainage model and updating it so it is correct. Once they have that, they can tell us we need a ten-year or twenty-five year, and where that fits. The other part is the Department of Transportation grant, which was written just for wing walls and sidewalks. We are in the process of talking with them to see if the change in scope will be approved or if we need to fund this all by ourselves. That is where we are at with the funding and design side. Commissioner Rardin asked if we would go for an RFP on this and go for a new bid. Finance Director Huff said yes. Commissioner Rardin asked if we are going to do a CES. Finance Director Huff said no. Once the design is completed, we will go out for a competitive procurement. Commissioner Rardin asked if it would be around a year before this is done. Finance Director Huff said I would not say a year. The good thing about the design is that it is all DOT standard once we determine the size of the bridge we need. We are talking with the engineer about including an accelerated construction timeline in the competitive bid. Commissioner Rardin asked about the other detour. Will that be another week or two? Acting City Manager Hernandez said about two weeks.

Commissioner Rardin said it has already been closed a week, so is it an additional two weeks? Finance Director Huff said the PSA that went out said one more week.

Mayor Payne said we did the groundbreaking ceremony for the F-4 Project last Wednesday. It was cool to see so many people out there; there were close to one hundred and fifty people. We are excited to get that started. It will be finished somewhere around August.

Mayor Payne said we have a contractor working on one of the bridges who had great things to say about our city. He said he was looking forward to putting down roots here.

Mayor Payne said our next meeting is on April 8th, the Month of the Military Child. Let's support our military and wear purple shirts. I will be making a proclamation about that.

CONSENT AGENDA

2. Approve the minutes for the Regular Commission meeting on March 11, 2025. (Rachel Hughs, City Clerk)

3. Consider, and act upon, Resolution 2025-07, requesting approval of the FY 2026 Rates & Fees document at the Alamogordo-White Sands Regional Airport. (Troy Orr, Airport Manager) (Roll call vote required)

4. Consider, and act upon, Resolution 2025-08 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 March 25, 2025. (Evelyn Huff, Finance Director) (Roll Call Vote Required)

5. Consider, and act upon, acceptance of a grant agreement from the New Mexico Department of Finance, in the amount of \$400,000, for transitional housing and shelter facilities for victims of domestic violence in Alamogordo. (Evelyn Huff, Finance Director)

6. Consider, and act upon Resolution 2025-09 establishing a six-month moratorium on new off-premise billboards for the City of Alamogordo. (Stella Rael, City Planner) (Roll Call Vote Required)

Commissioner Robinson moved to approve.
Commissioner Rardin seconded the motion.
Motion Passed with a vote of 6 - 0 - 0.

ITEMS REMOVED FROM CONSENT AGENDA

None.

NEW BUSINESS

7. Consider, and act upon Ordinance 1713 Case Z-2025-0002(A) for first publication of a map amendment to rezone 1537 S. Florida Ave. from R-1 Single Family Dwelling District to C-3 Business District.(Stella Rael, City Planner) (Roll Call Vote Required)

City Planner Rael gave her presentation, detailed her process, and recommended approval since this request would not be materially detrimental to surrounding property owners or the public. She said it would actually correct the zoning required for a commercial business. The zoning should have been fixed when permits were issued for Alamo Bus Company to place their business. It should not have been in a single-family dwelling district.

Commissioner Tapley moved to approve.
Commissioner Rardin seconded the motion.
Motion Passed with a vote of 6 - 0 - 0.

8. Consider, and act upon Ordinance 1714 Case Z-2024-0007(A) for first publication of a map amendment to rezone 2595 Holly Ave. from MH-1 Manufactured Housing Dwelling District to R-4 Multiple Family Dwelling District.(Stella Rael, City Planner) (Roll Call Vote Required)

City Planner Rael gave her presentation, detailed her process, and recommended approval since this request would not be materially detrimental to surrounding property owners or the public. She said the reason for this request is that the same owner that purchased 2405 and built duplexes there now intends to do the same thing on this parcel. Mayor Payne asked if it was with duplexes on this parcel. City Planner Rael said yes.

Mayor Pro-Tem McDonald asked whether the units would be new or old ones moved onto this property. City Planner Rael said they are new.

Commissioner Guthrie said she would abstain from voting on this.

Commissioner Robinson moved to approve.

Commissioner Rardin seconded the motion.

Motion Passed with a vote of 5 - 0 - 1. Commissioner Crystal Guthrie voted to abstain.

9. Overview of the hiring process for a City Manager, with discussion and possible direction to staff. (Susan L. Payne, Mayor)

Mayor Payne said we initially started the hiring process but then waited the first year in order to seat the Commissioner for District One. As we now have Commissioner Guthrie, we are resuming the hiring process.

Human Resources Director Osborne said the recruitment for the City Manager is not any different from that of a Street Maintenance Laborer. We have a process in our policy, and we follow it. First, we need a vacancy. We received authorization to post and recruit a City Manager. The job description was reviewed prior to posting. The recruitment was open until filled. We received many applications, and there were valid delays in moving forward, as Mayor Payne previously mentioned. At this time, we have a number of applications that have been reviewed and scored by Human Resources. Human Resources takes every application and reviews it based on the job qualifications. After that, it comes down to math. For example, if a job requires a bachelor's degree in public administration, we will look at each application and score it. If they do not have the degree, that would be a zero. If they have the degree, it is a one. If they exceed the requirement, it is a two. While the candidates can be different, the scoring and process have continuity. After they are assessed, each candidate will have a score, and then they can really be compared. Going back to the applications for City Manager, they have been reviewed, scored, and some were made available to the Commission before the holidays. There are now additional applications ready for the Commission's review. Going back to the process, once Human Resources does the screening, we have recommendations for those who meet the qualifications for the position. The supervisor, manager, or director is always offered the opportunity to review every application. They often agree with our assessment and scoring. Sometimes, we miss something they caught. The Commission will have the opportunity to review all applications.

Mayor Payne said let's talk about how we will proceed. Commissioner Rardin said he would like to review what we have. Mayor Payne said she wanted to bring up some concerns. An outside entity spoke with a couple of commissioners and offered to pay for a search firm. Part of the issue is that the same entity spoke with Acting City Manager Hernandez, an applicant who has tried to stay out of it. One of our commissioners has given the impression that she is not being considered. It was brought to my attention that was the impression she got. The entity came and spoke with her, even though she had explained to them that she needed to stay out of it. They gave her the impression that they did not think she was a viable candidate. We do not know that yet, we have to look at all the applications. I called our outside counsel for guidance because I did not know how to proceed. I was advised, and I agree, that I needed to bring this up tonight in the interest of transparency. I am concerned this process has been completely tainted. We may need to consider going out for an RFP and hiring a search firm to start this process. At this point, I am concerned about litigation. I am not comfortable with this. If you decide not to proceed with a search firm, well, I believe this process has been tainted. We are setting ourselves up for potential litigation if we do not do something different.

Commissioner Rardin said the direction of the Commission in December was to hold off until we have the other seat filled. The position was advertised in the newspaper, but it was not advertised in the last one. The direction of the Commission was to leave it open. Once the commissioner was seated, we would review what came in and take a step one way or another. Let's go in and review these to see if there are viable candidates. There are twenty-eight of them. Mayor Payne said she did not have a problem with that. The issue is that a commissioner approached an applicant and gave them the impression they were not a viable candidate. The Sacramento Mountains Foundation offered to pay. Commissioner Rardin said we all knew that. Mayor Payne said she did not. They approached two commissioners, but I knew nothing about it. Commissioner Rardin said I told you. Mayor Payne said you did not tell me who it was. Commissioner Rardin said I told you it was the Sacramento Mountains Foundation. Mayor Payne said the Chair of that Foundation made a visit yesterday, even though an email from our Acting City Manager was sent out that said, "I cannot discuss this with you because I am an applicant." He chose to come over anyway to speak with her and basically almost told her verbatim the same language that one of our commissioners used. I am concerned. I am all about transparency. This process needs to be fair, and in the interest of fairness, we need to consider going out for an RFP. The Sacramento Mountains Foundation has gone as far as getting prices and bids. We are the City. That is our job. It is fine if they want to do that, but how do we demonstrate to the public that we are being fair and transparent? We have an outside entity that says they do not want to be involved, and I believe them, but they are getting bids from search firms. We cannot do that. Does anybody else see a problem with that? It was a red flag for me, and I was uncomfortable when it was first mentioned. I am very uncomfortable now. Commissioner Rardin said the Foundation offered to pay for the head hunter firm but did not offer to pick it. That is up to us. They also offered to pay a supplement of X amount of dollars up to a certain amount to get us to where we could get a very qualified City Manager. The salary. Mayor Payne said that when you make a statement like that, you are already suggesting that one of our applicants is not qualified. Commissioner Rardin said he was not. Mayor Payne said my concern is the impression you are leaving where one of our applicants is not qualified. Commissioner Rardin said he did not know because we had not seen them. We have only seen half of them. Mayor Payne said you previously said they offered to get us a supplement to get us a really qualified applicant. How do we know we do not already have a really qualified applicant? Commissioner Rardin said we may. We will review the additional ones that are here tonight, and if we decide we do not see anything we like, we will hire a firm. Mayor Payne said a commissioner had already made a comment to an applicant suggesting they were not going to be considered. Commissioner Rardin said he did not know which commissioner that was. Mayor Payne said if you want to know which commissioner it was, I will tell you, but the applicant was uncomfortable enough to bring it to my attention. The bigger issue is that the commissioner said it to her, and then the Chair of the Sacramento Mountains Foundation said almost the same thing, word-for-word. The statement was made, "Well, you will be okay in the background" or "You will be okay, right? You will be good even if you do not get it. You will be fine because you like working in the background." I am asking how we prove, in the interest of transparency, that we are not compromised in some way. At this point, we have an issue. Being the Mayor and having to deal with this sucks, and I do not like it. I am super uncomfortable and frustrated. I always say this is why we cannot have nice things. I do not know how to handle this and make it right. I called outside counsel, who said, "You need to say it in a public meeting and on the record." That is what I am doing. Commissioner Rardin said part of the problem is that you are consulting with outside counsel, who is not here and does not hear the whole story. Our attorney is who we should be asking, not outside counsel. My question for our attorney is, would it be safe to go to Executive Session tonight and review our applicants? By the way, someone closed the listing. It was taken out of the newspaper and closed. The direction of the Commission at the time was to leave it open until filled. We are not filled yet, are we? City Attorney Smith said the problem is we already have the potential for a lawsuit because of things that have been said to an applicant. They would have the right and could sue. Commissioner Rardin asked if that was in the event we were to go forward with hiring one of these applicants. City Attorney Smith said they could sue in any event, whether it is reviewed or not. They would have some legal standing if they chose to do that. The big thing is the perception, and it does appear this pool has possibly been tainted. People could perceive it as there has already been a pre-selection, which is something we cannot do. Acting City Manager Hernandez said this was about her. This puts staff in a really awkward position. One of the reasons it is hard is because people are reaching out to me, City Clerk Hughs, Human Resources Director Osborne, City Attorney Smith, and I am over all of them. I feel that staff are maybe uncomfortable, and I suggested we should go out for a headhunting firm for that reason. Staff are so involved in this, and we should not be. Commissioner Rardin said it has put us in a very difficult position with the fact our Acting City Manager is an applicant. You are technically our employee right now. You are the go-to person and the one we are supposed to ask. With my questions, I have tried to go through the City Clerk or City Attorney to leave you out of it because you are involved and in the running. What are we supposed to do? Acting City Manager Hernandez said that is why I said a headhunting firm be the best, or a recruiter. Staff feel like they are betraying me, and there there is an awkwardness. I was uncomfortable with John Wheeler coming to talk to me. I was under the impression he was coming to talk about the City Attorney position.

I can read you the email. I told him that as far as the City Manager position, I cannot talk about that and that he should please send whatever documentation he has to the City Commission, whether it be through email or when they are discussing it on Tuesday. You can come to speak to them directly about that. I told him I had to avoid any perception of conflict of interest or influencing the process. I was uncomfortable with the conversation, and, despite the fact I told him I did not want to have the meeting on that, but I was game on the golf course. It put me in an awkward position, too. I still want what is in the city's best interest and to keep up with what we are doing. I feel it is getting more complicated than needed, and we need to be fair to all candidates. There could be a better candidate than me, and they deserve a fair shot, too. My opinion is that a headhunting firm would be best. Mayor Payne said she was counseling outside the city. Geno Zamora is contracted through the New Mexico Municipal League. Commissioner Rardin said they are to advise our attorneys, not us directly. Acting City Manager Hernandez said we have a contract with him for all city matters. Mayor Payne said he is not only an attorney with decades of municipal league experience but also a city councilman in Santa Fe. I am trying to keep staff out of it, but I do not know what to do. I want to make sure we are following the legal process. Commissioner Rardin asked if we had a contract with Randy Van Vleck, or if he was a contract attorney with us. Acting City Manager Hernandez said no sir, but if you would like us to have one, we could reach out. Commissioner Rardin said he just redid our zoning ordinance for us. Acting City Manager Hernandez said she believed that the contract was closed. Commissioner Rardin said he trusted Randy Van Vleck, who had worked with the League for thirty years. Mayor Payne said she trusted Geno Zamora, who has done work with the Alamogordo Public Schools, us, and other municipalities. Commissioner Rardin said the Commission previously gave direction on this, and we have ten additional applicants. I do not see the harm in looking at them. We already looked at the previous nineteen, and none of us felt we saw anything that popped out at that time. We have held up these other people who applied for about three or four months. We need to quit kicking the can down the road. Mayor Payne said I am not kicking the can down the road. A sitting City Commissioner approached an applicant and gave them the impression that they would not even be considered, and then the Sacramento Mountains Foundation told her the same thing. If I were an applicant, I would not be feeling great. Commissioner Rardin said he did not know which commissioner Mayor Payne was talking about. Mayor Payne said they know who they are, and we cannot prove the whole process was not tainted. I am not comfortable with it. It cannot be the first time in the City of Alamogordo's history that we had an Acting City Manager who was also an applicant for the City Manager. Commissioner Rardin said it pretty much is. Mayor Payne said if it is, we need a lesson learned here. I am sorry you do not trust our attorney, but it is all I have. I am not comfortable with the Sacramento Mountains Foundation picking and choosing which commissioners to talk to about this. Commissioner Rardin said they may be, but that is their right, and they are allowed to talk to us. Mayor Payne said it may be their right, but it is pretty disrespectful. Commissioner Rardin said the outside counsel is getting your side of the story. They may not be getting all the details. I was unaware that John Wheeler met with any of the staff. Mayor Payne said the details are very simple, and it is very cut and dry. Mayor Payne asked Acting City Manager Hernandez if it happened. Acting City Manager Hernandez said yes ma'am. Mayor Payne said I am not trying to be argumentative. I am trying to keep us out of litigation. I want this process to go forward, but I was told this information. Commissioner Rardin asked why the rest of the Commission was not told. Mayor Payne asked why John Wheeler only went to a couple of you. Commissioner Rardin said John Wheeler of the Foundation reached out back in November, and we talked about this. Mayor Payne said you did not tell me it was the Foundation. Commissioner Rardin said he did.

Commissioner Guthrie asked what the process was in deciding where we go from this point, arguments aside. Is this still in our hands? Where does this go from here? Commissioner Rardin said it is in all of our hands. This is the one employee that the staff does not hire. Commissioner Guthrie asked if this was a conversation we discussed and voted on in a meeting or Executive Session. Mayor Payne said we have to do as much publically as possible. Commissioner Rardin said this conversation should have happened behind closed doors. There were allegations made. Mayor Payne said it was not an allegation; it had happened. An allegation is when I think you may have. Commissioner Rardin said we should adjourn into an Executive Session to discuss this. Commissioner Guthrie asked if we needed to make a decision today on how to proceed forward. Commissioner Rardin said no.

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

Mayor Payne tabled this item to be brought back at a later meeting.

EXECUTIVE SESSION (Roll Call Vote Required)

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

Deputy City Clerk Aleshire said Commissioner Burnett would attend the session by phone.

Commissioner Rardin moved to adjourn into Executive Session at 8:14 PM.

Commissioner Robinson seconded the motion.

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

ADJOURNMENT

ATTEST:


City Clerk Rachel Hughes


Mayor Susan Payne

(Prepared by Dylan Aleshire, Deputy Clerk)
Approved at the Regular Meeting held on April 8, 2025.