

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 PM, DONALD E. CARROLL COMMISSION CHAMBERS
April 22, 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 City Clerk. City Clerk Hughs announced there was a quorum present.

INVOCATION & PLEDGE OF ALLEGIANCE

The Invocation was given by Pastor Bill Heithold from Trinity Lutheran Church, and the Pledge of Allegiance was led by Commissioner Rardin.

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Alamogordo Fire Department presentation of Firefighter of the Year to Firefighter Jacob Lawrence. (*John Stroope, III, Fire Department Lieutenant*)

Fire Department Lt. Stroop explained the award process and presented the Firefighter of the Year award to Firefighter Jacob Lawrence.

2. Alamogordo Fire Department presentation of the Lifesaving Award to Firefighter Estrella Martinez and Firefighter Jacob Lawrence. (*Jerry Ramirez, Fire Chief*)

Fire Chief Ramirez presented the Lifesaving Award to Firefighters Estrella Martinez and Jacob Lawrence for their extraordinary act of heroism on March 23, 2025, in response to a raging structure fire. They rescued the homeowner trapped in the residence, conducted first aid, and helped extinguish the fire. Their bravery helped save the life of the homeowner. Acting City Manager Hernandez said I want to thank the Fire Department for their service and dedication to the service of the citizens of Alamogordo and for helping other communities during times of devastation.

PUBLIC COMMENT

Dean Hackett said he was in the Otero County Fair Association and had been the Chair for the last five years. The Otero County Fair Association is not Otero County, and we do not work for them. Our Association is a 501(c)(3) that leases the Fairgrounds from the County for events. We rely on facility rentals, donations, and fundraising for day-to-day operations. We also receive some money from the County in the form of a grant. We have been out at the Fairgrounds for eighty-six years. That parking lot is essential for us to be able to continue.

Sheila Coca said she was with the Otero County Fair Association. The Association leases the Fairgrounds Facility from Otero County. The Fair itself is only a small portion of the stewardship we provide. We provide others like emergency evacuations, CDL training, a food bank, food co-op deliveries, parking for elections, fire and emergency response training, mobile unit deployment, and others in the works like evacuation for the high school. On April 29, 2024, a sitting City Commissioner came to the Fair office to support an event, telling us we dodged a bullet. The

Commissioner said there was almost a truck stop in the parking lot, and the only reason the sale fell through was because of the State easement west of the parking lot. I asked the Commissioner why the City would consider selling, and the Commissioner was at a loss for words. Five weeks after that conversation, the Otero County Fairgrounds became the Fire Command Central for the Ruidoso fires. We housed over seven hundred firefighters and staff for eleven days. Disasters and the need for evacuation can happen in a split second. That is one of the reasons the facility's parking lot is such a valuable resource. It is centrally located and large enough to accommodate these situations. I ask that we work together to find a solution for the community.

Maggie McColley said she left the Tularosa Basin Regional Dispatch Authority (TBRDA) because of poor leadership, lack of communication, and alienation as a result of the merger between the Alamogordo Police Department (APD) and Otero County Sheriff's Office (OCSO) Dispatch. TBRDA Director Barney spent most of his time with OCSO Dispatch and only occasionally stopped within APD. At that point, we were rapid-fired a slew of information to the one or two of us there actively working a radio, and we were expected to relay it to everyone else in dispatch. When we went to the new center, there was not the sense of unity we were promised. There was no true attempt to learn how APD was functioning. There was no attempt to sit with any dispatchers who could teach and show him how we did things and why. My understanding is that you are required to be certified within the State of New Mexico within three hundred and sixty-five days of job placement. His contract states nine months. He is still, two years later, not certified. I did not leave dispatch because I could not handle it. I left because of the lack of communication, lack of leadership, and the unwillingness to learn from anyone else.

McKayla Finnigan said she was a former APD and TBRDA dispatcher who was forced to resign a year after the merger took place after she refused to be bullied and threatened into abandoning her two-year-old daughter to appease TBRDA Director Barney's wishes. Multiple hostile working environment complaints were made against him by myself and others due to that, and other issues. All of them were written off as unfounded by the County. The City and Cloudcroft members of the TBRDA Board have been continuously undermined and manipulated by the County. The County has made it clear they have a blatant disregard for State law. The County has not only supported but encouraged the continuous breaking of the law by allowing TBRDA Director Barney to remain on the dispatch floor answering calls and working a radio channel. He has refused to get his New Mexico Dispatch Certification for the past two years despite attending a variety of other events that are not required. His contract clearly states he has nine months from his hire date, and according to State law, one year from the hire date to complete the academy. The turnaround rate is so high that, at one point that multiple travel dispatchers were working to cover shifts. Poor management ran off most of the employees. The most compelling reason to take back dispatch is the safety of our citizens and first responders. It is time for the City step up.

Rachel Craig said she was a TBRDA and APD dispatcher for nearly two years. I left when they asked me to choose between my child and my job. Dispatch is a stressful job that people choose because they love it. We are the people that answer the phone when you call 911, and we get the right people to you to save lives. Because of poor leadership, policy inconsistencies, and not prioritizing people, they have run off multiple certified dispatchers with experience. We would go back in a heartbeat if the City took it back. The Board was supposed to be governing policies, but the policies were changed monthly if not weekly. We were required to sign them. If we did not sign them, it did not mean anything, you were still required to comply. Locks were put on the light switches, and we were treated like children and chained to our desks by our headsets. We were treated like lesser people. We were given short breaks to go to the bathroom and told no if something else were to happen. One tyrannical person belittled us and minimized our responsibilities to our children and families, and we left. I was told that if I did not go to nightshift, I would be fired. I told them because of my son, who has separation anxiety and abandonment issues, I could not do nights. Mayor Payne asked if she had made arrangements for that. Mrs. Craig said she had her husband and mom, but my son still struggles. Someone else offered to go to nights so I could remain on days, and they were told no. So I left.

Kyle Meisbauer said he wanted to speak on behalf of his personal experience as well as the men and women of TBRDA who too afraid to come forward due to proven retaliation. After 13 years of honorable and decorated service in the United States Air Force, I joined TBRDA to continue serving my community as a Training Coordinator in September 2024. During my time with TBRDA, TBRDA Director Barney routinely made disparaging and cruel remarks about the staff members and City Board members such as APD Chief Kunihiro and Acting City Manager Hernandez. From experience after seeing it in the military, this type of behavior can foster a defiance by staff

members towards their chain of command in regard to working for the City. Additionally, TBRDA Director Barney routinely showed favoritism towards certain employees he considered his friends, and mistreated others who were not. After four weeks of service, I was terminated by TBRDA Director Barney with zero verbal or written warnings for, and I quote, "Not following commands, unwilling to learn, and unprofessional behavior" all of which were not supported by more than twenty pages of documentation and witness statements that I provided to the County HR Director and County Manager. Rather, the County Manager gave TBRDA Director Barney cart blanche until he attempted to fire someone else, where he was then told he was no longer warranted in firing people without due course. TBRDA Director Barney spends money on frivolous programs that do not improve the quality of dispatch capabilities. He is never around; he spends most of his time going to training and conferences to better himself, not the agency. He could not be bothered to go to the New Mexico Law Enforcement Academy. He has repeatedly retaliated against staff members when they report concerns to HR. Rather than addressing the issue, the County protects him by telling employees that they will not investigate the issues unless the employee transfers out of TBRDA. I have evidence to back up those claims if you would like to see them.

Holley Gamble said she was hired by the County as a dispatcher a few years ago. I trained at the New Mexico Law Enforcement Academy in Santa Fe where I got my certification. I graduated as Valedictorian of a state-wide class. When TBRDA formed, I continued as a dispatcher under the merged structure where I served both the City and County. I ended up having to consistently refuse to lie about and undermine my coworkers, specifically former City dispatchers, despite incessant pressure from leadership to do so. The day following a grievance hearing regarding that issue, I was terminated. I want to give an example of why withdrawal is necessary. The Fire Department has raised a lot of the same concerns that dispatchers like myself have brought up since the very beginning. While we were written up or put on punitive probationary plans for pointing out avoidable problems, the Fire Department was also being kept in the dark and undermined with bad data, and made to beg for basic information we had. That same dismissive attitude towards the City in general permeates the entire 911 center. When brand-new dispatchers are mocking City leaders openly in recent Board meetings, I do not think that is a coincidence. It is a culture of contempt and sustained by TBRDA's leadership. I do not think anybody wanted this to fail. Everybody came together to hopefully make this work, and I commend those in City leadership who are willing to cut losses and prioritize safety over pride. It is not ethical to enable dysfunction to avoid conflict. I strongly support withdrawal.

CITY MANAGER'S REPORT

Acting City Manager Hernandez made the following comments:

1. Since the last meeting, four projects have been completed: The Hubbard Bridge, the Cemetery Wall, the Griggs and Public Works Basins, and the New York Water and Sewer Replacement Program. The Great Blocks project with the sidewalks and streets is ongoing. We do not have definitive answers regarding 10th and Washington, but we will have more answers in the next couple of weeks as we continue to meet with the Department of Transportation (DOT) and engineers to give you a better timeline and possible solutions.
2. As we have more projects going out, from when they are advertised to when it is awarded, it is very important that all questions go directly to the Purchasing Office. It cannot go to the Commission because that will disqualify them from participating in the proposal.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Burnett asked Acting City Manager Hernandez if she received the picture he sent her. She replied yes, she replied to the email. To give you update, I was shocked and gave Commissioner Tapley an update since that is his district. At the Golf Course, they were pouring pads for the windmills, and the windmills are there to help aerate the ponds. I did not realize the conditions they were in until Commissioner Burnett sent the pictures. We stopped the project this morning, and I had Engineering and Inspectors go out there. Staff had poured them. I spoke to Parks and Recreation Director Bass. We are more than likely going to tear them out. I spoke to Mr. Dalpes, who is in favor of the windmills and wanted a say in where the windmills are. I told them we will coordinate communications and see if we can roll this into the big irrigation project. We will have a certified contractor moving forward on that.

Mayor Pro-Tem McDonald said that MainStreet is moving along well. Things are happening on New York like the makeover, and MainStreet asks people to come down and shop. We are working on the murals for the west side of the alley. We did the base coat for two shipment containers and they will be painted tomorrow. Let them know we

are supporting them.

Mayor Payne presented a five-year anniversary certificate to Acting City Manager Hernandez.

CONSENT AGENDA

- 3. Approve the minutes for the Regular Commission meeting on April 8, 2025. (Rachel Hughs, City Clerk)**
- 4. Approve the statements related to the Executive Closed Sessions held on April 8, 2025. (Rachel Hughs, City Clerk)**
- 5. Consider, and act upon, the award of RFP 2025-004 On-Call Plumbing Services to General Hydronics Plumbing, LLC. (Jimmy Vargas, Public Works Director)**
- 6. Consider, and act upon, the award of IBF 2025-01 Re-Bid Sodium Hypochlorite to PVS DX Inc. in the amount not to exceed \$285,000.00. (David Nunnelley, Utilities Director)**
- 7. Consider, and act upon, Resolution 2025-11 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 April 22, 2025. (Evelyn Huff, Finance Director) (Roll Call Vote Required)**
- 8. Consider, and act upon, Ordinance 1713 Case Z-2025-0002(A) for adoption and final 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)**
- 9. Consider, and act upon, Ordinance 1714 Case Z-2024-0007(A) for adoption and final 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)**

Mayor Payne said we are pulling items three, five, and nine.

Commissioner Robinson moved to approve the Consent Agenda as amended without Items 3, 5, and 9.
Commissioner Rardin seconded the motion.
Motion Passed with a vote of 7 - 0 - 0.

ITEMS REMOVED FROM CONSENT AGENDA

- 3. Approve the minutes for the Regular Commission meeting on April 8, 2025. (Rachel Hughs, City Clerk)**
City Clerk Hughs said two corrections needed to be made regarding the names of the new City Attorney, Darrell Mori, under City Manager's Report, and Joyce Gobrecht, under Public Comment.

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

- 5. Consider, and act upon, the award of RFP 2025-004 On-Call Plumbing Services to General Hydronics Plumbing, LLC. (Jimmy Vargas, Public Works Director)**

Commissioner Rardin said this does not have a dollar amount. Does it vary, or is there a cap per year? I know it is an on-call type of deal. Public Works Director Vargas said no cap, and it is an on-call. Commissioner Rardin said so if needed, could they go to a million dollars? Public Works Director Vargas said exactly. Finance Director Huff said only if it is in their budget. Commissioner Rardin asked if we did proposals where we did not have a dollar amount or

fiscal impact. Public Works Director Vargas said mostly through an on-call process.

Commissioner Burnett said he would abstain from voting.

Commissioner Robinson moved to approve.

Commissioner Guthrie seconded the motion.

Motion Passed with a vote of 6 - 0 - 1. Commissioner Burnett abstained.

9. Consider, and act upon, Ordinance 1714 Case Z-2024-0007(A) for adoption and final 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)

Commissioner Guthrie abstained from voting.

Commissioner Robinson moved to approve.

Mayor Pro-Tem McDonald seconded the motion.

Motion Passed with a vote of 6 - 0 - 1. Commissioner Guthrie abstained.

NEW BUSINESS

10. Consider, and act upon, Ordinance 1715 for first publication repealing Ordinance 1557 pertaining to the approval of a Local Economic Development Project for secured financial assistance proposed by PreCheck, INC. (*Ashley Smith, City Attorney; Kevin Wilson & Jim Lucero, New Mexico Economic Development Department*) (Roll Call Vote Required)

Mr. Wilson said he was one of the two regional representatives for Region Six, which is the southeast area of the state. The New Mexico Economic Development Department's Regional Representative Team is the boots on the ground for the Department. We are here today because we want to take the original ordinance off of your rolls. We need to close out the project, and by statute, we need to pass a repealing ordinance to do so. I have some information on the investment made with the State. We made a \$100,000 investment back in 2018. We saw state GRTs of \$573,345, a net state benefit of \$1,728,000, and a return on investment of one thousand six hundred and twenty-eight percent.

Commissioner Rardin moved to approve.

Commissioner Burnett seconded the motion.

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

11. Consider, and act upon, approving the City of Alamogordo withdrawing from the Tularosa Basin Regional Dispatch Authority (TBRDA) in accordance with the Joint Powers Agreement. (*Susan L. Payne, Mayor; Stephanie J. Hernandez, Acting City Manager; David Kunihiro, Police Chief; Jerry Ramirez, Fire Chief*).

Deputy Police Chief Glidden said Police Chief Kunihiro could not be here today, but he wrote an essay for me to read. "Good evening, Honorable Mayor and Commission. Please accept my sincere regrets as I am unable to attend this evening's meeting while attending to a family member's medical needs. I want to take a moment to share my experiences and thoughts concerning the Tularosa Basin Regional Dispatch Authority. In August of 2023, all the dispatchers who were working out of the Dispatch Center at the Alamogordo Police Department physically moved into what is known today as TBRDA. I am aware there are reservations and anxiety as the move was a big change. Changing employers, changing the norm. We are creatures of habit, and change is not easy. With that being said, I was optimistic that the formation of our local Public Safety Answering Point (PSAP) was going to be successful. I remain optimistic about TBRDA's potential for success, although I do have some concerns. Specifically, I am uneasy about how certain matters have recently been handled by Otero County, as well as about the current Director's professionalism when it comes to effectively managing and leading the organization. That said, I want to emphasize that from my perspective, Director Barney demonstrates a strong depth of knowledge and experience in PSAP operations, and the technical requirements essential for running a successful 911 center. My concerns come from continued conversations with former and current TBRDA employees in addition to conversation with some of the

TBRDA board members. Concerns regarding Director Barney's open criticism of the City of Alamogordo to his subordinates, and the City's alleged attempts to prevent TBRDA from success. Concerns of his do-as-I-say, not-as-I-do mentality; the inconsistency of do-as-I-say, not-as-I-do, has caused confusion and frustration among staff. Employees are expected to follow specific standards and protocols that seem to be selectively enforced. This type of leadership has undeniably impacted moral, contributing to a notable increase in turnover within the organization. Concerns that Director Barney is in breach of his employment agreement, as he has yet to obtain his New Mexico Telecommunicator's Certification. Some members of Otero County argue that his national level of certification and the State of New Mexico is not complying with its own administrative code by failing to offer the two-week certification by waiver course. However, Director Barney was given a verbal direction years ago from the TBRDA Board to complete the full three-week certification. These same members contend that Director Barney was unable to dedicate three weeks to attend the Academy, despite the fact that he attended more training both in and out of state than all the subordinates combined over the last year. Additionally, some argue that certification is not required to serve as Director of PSAP. While this is technically true, this only applies to the Director if he is not actively working on the dispatch floor answering calls or handling radio traffic. As of the last Board meeting, Director Barney was still performing those duties, which would be in direct violation of New Mexico law. Other concerns that the joint powers agreement only gave TBRDA Board members the ability to hire and supervise the Director and not take action against the Director or even remove the Director if necessary. Concerns that during the last TBRDA Board meeting, though Otero County Manager Pamela Heltner agreed to consider amending the current contract between Otero County and the Director as requested from Mrs. Heltner. Emails containing thoughts on how to better the joint powers agreement and contract were sent to her. Concerns that the joint powers agreement and the Director's contract was to be discussed at the April 17th Board Meeting, but was mysteriously canceled a few days prior. Concerns that Ms. Heltner sent an email on April 16th indicating she had renewed Director Barney's contract despite knowing that there were concerns from the City and Cloudcroft board members. Concerns that the County Attorney, R. B. Nichols, sent an email the evening prior to the last board meeting stating, and I quote, "I think it is vitally important for the TBRDA Board members to understand that their vote is only a recommendation. Director Barney's Contract is with Otero County, and per the operating framework of TBRDA, final employment determinations fall under the purview of the County." Basically, it leads us to believe that TBRDA is not a partnership. It has become increasingly clear that the future success or failure of the organization is currently being determined by Otero County rather than by the Board comprised of its intended stakeholders. If Pamela Heltner and others making decisions on behalf of Otero County are unwilling to revise the existing joint powers to grant TBRDA full authority to hire, supervise, and, if necessary, terminate the 911 Director, then I would support the City's separation from TBRDA. The City has invested millions of taxpayer dollars into this organization and should not continue to fund an entity over which it has no meaningful oversight or control. In my view, continuing to do so would present a misuse of public funds."

Fire Chief Ramirez said we have not seen a completion, a certification, a certified dispatcher, or getting the correct dispatch information. I have received numerous calls where the information construed over the airways for first responders was not accurate. When questioned on that, we get pushed to the side. I also have an email from R. B. Nichols that states, "Critics also claim Barney failed to provide a dedicated dispatcher for the Alamogordo Fire Department. No formal board action has addressed this, and day-to-day operations arguably fall outside the Board's scope. Even so, a thoughtful discussion on mission need, efficiency, and resource use would show that a dedicated AFD dispatcher is not practical. Data from January 1, 2025, to today reveals AFD averages 1.79 calls." Chief Ramirez said the total number of calls in 2024 was one thousand seven hundred and sixty-one calls. We are not medical at the moment, but we are in the process of getting EMT certified. That number consists of fire calls, car crashes, vehicle fires, fire alarms, hazmat incidents, and so forth. So, of the ninety days of fiscal year 2025, from January to mid-April, we are currently at five hundred and thirty-six calls. Going back to the one-point-seven-nine daily calls that were assumed here, that is not true. Back to the letter, "Less than an hour of work leaving a dedicated dispatcher idle and inefficient. A shared dispatcher handling AFD and other agencies could manage five to ten calls daily, two to four hours, matching industry norms." Going forward, I was informed that TBRDA has also taken on Tularosa, Mescalero, Cloudcroft. I was informed that under the fire aspect, they were to provide Mescalero with their own dispatchers. That is also not true. The dispatchers currently working in TBRDA are now being taxed to dispatch those calls also within the County. Why are we being pushed to the side and not getting the correct information? This is a two-and-a-half-year issue that we have fought. I have met with TBRDA Director Barney, and Acting City Manager Hernandez has met with him, too. We talked about when this was going to change. From talking to the current dispatchers, I can tell you they are forced to be put into these positions to dispatch for City fire. There is a difference between law enforcement dispatching and fire dispatching. We asked TBRDA Director Barney when that was going

to be completed, and I still have not received an answer from him. My recommendation as a City member and Director of the Alamogordo Fire Department is that we pull back from TBRDA. I have calls for reference for the Commission so you can see the mishaps that happen from the inconsistencies on a daily basis.

Acting City Manager Hernandez said she wanted to emphasize that we have tried. I have individually met with them, and the budget is always a huge concern. They have a \$4,200,000 budget. To put that in perspective, the only department in the City that has a budget like that is the Alamogordo Police Department, with almost one hundred personnel. Dispatch has about twenty. At the end of the day, I want to emphasize again that I have tried, Police Chief Kunihiro has tried, Fire Chief Ramirez has tried, and we are promised one thing face-to-face, but nothing has really changed. As Fire Chief Ramirez mentioned, fire and police dispatch are completely different, and the dispatchers are not trained in fire dispatch. I am not blaming the dispatchers. When they give incorrect information, that is because the leadership has failed to provide them with the tools to properly dispatch for the fire department. That puts the citizens of Alamogordo in jeopardy. Even after the County Attorney's letter, I was still optimistic that we could get through this if we could update the JPA and contract and they would accept our changes to it. When the email came in from County Manager Heltner saying our concerns were not relevant, it felt like a slap in the face to the City. They did not say this, but it felt like they were telling us to shut up, sit down, hand us our check, and let us do our thing. This item was originally to be a discussion, not an action item. We met with them in October, and they kept canceling all the way through March. She continued that Mayor Payne had said, after five cancellations, that we needed to have a meeting. A special meeting was held on March 27th to begin addressing some of the critical issues that kept being put off, including the astronomical budget. I want to make it clear we were not asking for TBRDA Director Barney's termination. His contract was up, and we were asking not to renew it. We were not after him. We thought he served his purpose, and we now needed new leadership for the role. In the executive session, they were supposed to speak about that. On April 2nd, they called a special meeting on April 3rd. April 2nd is when we received the letter from the County Attorney, which basically says our vote is a recommendation and TBRDA Director Barney's contract is with Otero County. Per the operating framework, final employment determination falls under the County. The letter specifically said why it is not an issue and why they will not be addressing it. At the April 3rd meeting, we had an exhaustive conversation. At the end of that, Chief Kunihiro asked if they were willing to accept the City's recommendation on the contract and JPA. Without hesitation, they said yes, as long as we provide the comments by a certain time so we can discuss it at the regularly scheduled board meeting on April 17th. We provided the comments with plenty of time. On April 10th, before the meeting but after we submitted our comments, I received a request for an executive session from County Manager Heltner to have both governing bodies, the City Commission and the County Commission. After researching it, I felt this could not be an executive session and could be done in an open meeting. I did that on Friday. On Monday, instead of reaching out to my email and responding about the open meeting, we got a notification that the April 17th meeting was going to be canceled until further notice. Basically, until we had the joint meeting. Keep in mind that we gave our comments about the changes we would like to see. A unilateral decision was made by the County, and these letters and emails are in your packet, informing the Board that County Manager Heltner has renewed TBRDA Director Barney's contract, completely dismissing the concerns and bypassing the Board's prior agreement to discuss the amendments. At the end of the day, I want to reiterate this is not personal. I like TBRDA Director Barney and think he is very intelligent. I truly believe he was here for a purpose, which was to help join the dispatchers. I feel his time is up, and he lacks leadership. I do believe he plays favoritism, and we see it at the Board level, so I have no doubt he does it with his subordinates. At the end of the day, the Board members felt that it was in the best interest of the citizens of Alamogordo to bring it to the Commission and ask permission to withdraw from TBRDA in accordance with the JPA. The citizens of Alamogordo live within Otero County, and we are the biggest incorporated city within the County. Our citizens pay County and City taxes. They are already paying double for the service they are not getting. I think it is incumbent upon us to ensure the citizens of Alamogordo are taken care of. In my estimate, they are paying more than other communities being served, such as Tularosa, Cloudcroft, and Mescalero. I believe no meaningful input is taken seriously from the City, and I think we should bring dispatch back. It serves our citizens and public safety with Fire and Police. We are also putting them in danger. We need to really consider all the issues they have in serving our citizens.

Mayor Payne said we serve the citizens of Alamogordo, and these are taxpayer dollars. Right now, we are putting in \$1,000,000. When former City Manager Rick Holden was here, we, the City, decided the budget. The County did not think we were putting in enough money and so Sheriff Black and TBRDA Director Barney came to speak to City Manager Holden. City Manager Holden told them we were not putting in any more money until we see how this thing goes. That was in the first year the dispatch center was up. He also said we were not willing to spend any more

money until we see how this all works. They left. I think Acting City Manager Hernandez was willing to put in a little more money, but City Manager Holden said absolutely not. I know the argument now is that the City should put in sixty percent, but after that has happened, I am glad we did not. They are basically telling us to give us your money, sit down, be quiet, and you are not allowed any input. When you cancel a public meeting without notice, as a government entity, for five meetings in a row with no public notice, what would happen here? The Attorney General would be all over us. The citizens would be all over us. The comment was made that you cannot blame TBRDA Director Barney because you are not following the contract. I asked how we would follow the contract or discuss any of this when you are canceling half a year of meetings in a row. How are we supposed to get anything done? In March, Acting City Manager Hernandez said in an email that if we do not meet, because they tried to cancel the meeting again, I am recommending that we pull out of TBRDA. That was the only reason we got the meeting. That would have been the sixth meeting in a row that was canceled. This Commission could not do that, yet this was how the Board was operating. I am concerned. I cannot imagine all of this happening, all these things, going over our heads, and doing everything they want anyway, without the intention that they wanted the City to pull out. Who does that? You cannot possibly think we are going to hand over more than \$1,000,000 in taxpayer dollars and let you say you do not have a say in anything. No one does that. Again, I think the County wants us to pull out and they do not want this partnership. If they do, it concerns me. I think we are doing a disservice to our taxpayers if we continue this partnership or if we even consider it. Some of us take this very seriously. It is important to be responsible, and this is not being responsible.

Commissioner Rardin said it took twenty years to get this done. Everyone who pays a cell phone bill, or any telephone bill, pays a portion of the PSAP money. We have worked on getting these two joined together so we can access that funding. I would hate to see this end because of a little squabble. Anytime you join two government entities together, you will have problems. It will take time to work out. I do not know all the details you do. You are supposed to share that with us, and we do not hear about it until there is a problem. I have a question about the fact they renewed his contract. In the JPA, under Article 2, it says, "The board created herein shall enter into contracts for, oversee all operations of, and mediate any and all problems between the parties to this agreement and third parties concerning TBRDA that will serve as an area consisting of the county, city, and Cloudcroft." Basically, that statement says the County does not have any authority, the City does not have any authority, that Board has the authority. How did they extend the contract when the Board had never approved it? It also says the Board will choose a Chairperson, a Vice-Chairperson, and a Secretary. As far as the Board goes, who is in charge of calling and canceling the meetings? Acting City Manager Hernandez said the Chairperson. Commissioner Rardin asked who the Chairperson was. Acting City Manager Hernandez said Sheriff Black. To address other things, the 911 money to join has dried up. The State only gives maybe \$250,000. We do not have the big funding of millions of dollars that was promised to come in. The rest is up to the City and County to put in. Cloudcroft does not put in because of some agreement they made with the Sheriff's Department. Commissioner Rardin said we would lose \$250,000 in funding if we pulled out. Acting City Manager Hernandez said no, we would lose about \$2,000,000 in funding if we stayed in. It is very clear that we do not have control. It talks about renewal and hiring, not about disciplinary or termination. Commissioner Rardin said the statement under establishments and powers says the Board has all the authority. It is like the Solid Waste Authority Board we have. Acting City Manager Hernandez said to emphasize that, the County Attorney, in a public meeting, at the budget hearings, said, the landfill is run by the City, and they run that however they want. Commissioner Rardin said it is not, it is run by the Board. The Solid Waste Authority Board only meets once a year unless there is an issue. I think that is the key to why it has been so successful. Again, the way the statement reads, the Board has the authority. Acting City Manager Hernandez said I have communicated with you on seven different occasions through my weekly recaps. It started in October-November, and we did not meet. So, I started letting you know that there were more issues. I have communicated clearly through my weekly recaps, especially regarding the lack of service on the Fire Department. I tell you when there is an issue so you are aware. There is no reason to tell you when things are hunky-dory. Otherwise, my report would be one hundred pages long.

City Attorney Smith said she agreed with Commissioner Rardin in his analysis of the contract. It clearly says that the Board shall oversee all operations. The Board members consist of four City, four County, and two Cloudcroft. The problem is, County has said no, that is not true; you are just an advisory board, which is not how this contract is written by any means. The way this contract is written is like how the City Manager position is. Commissioner Rardin said they are an at-will employee, yes. City Attorney Smith said their Director is basically supposed to be their City Manager for their Board. Unfortunately, with what we have been seeing lately, that is not how it is being handled. I would argue the contract that the County entered into violated this initial contract. This initial contract was first, and

it was filed with the State. The employment contract that states that he is basically a County employee is not correct. It should not have been written that way. It should have been a contract with the Board. Unfortunately, that is not how they did it, and the County is telling the Board members that they do not get a say now. Commissioner Rardin said he understood the Board using the County's HR Department for the contract and hiring. That is how we do the Landfill where our HR handles the employees, but they are employees of the board. Mayor Payne said the argument was that the contract is between him and the County, and the County can renew it, but they do not need our permission. Commissioner Rardin said the Board needs to go in and name a Director because they do not have one. Acting City Manager Hernandez said we have tried several times, and that is where we got to this point. We have tried. I will refer you to County Manager Heltner's email where she clearly states she is the authority over all contracts with the County. We cannot address the issues if six meetings continuously get canceled. Mayor Payne said my argument is, okay, you renewed his contract, but that still does not give you the authority to place. You can tell me he works for the County, but that does not mean that because you hired him, we have to keep him as the Director of TBRDA. Their argument is, yes, you do. Commissioner Rardin said the JPA does not say that. Mayor Payne said you need to talk to County Attorney Nichols; I was hoping he would be here tonight. Commissioner Rardin said maybe that is the answer. Before we pull the trigger to pull out, the entire Board can meet with the County Commission. I know that is difficult. It took so long to get this accomplished. We can sit down with our attorney and their attorney. I am not an attorney, but it is cut and dry when it says the Board has the authority. Mayor Payne said I am not sure how you are going to get a different answer when they just renewed his contract. In the last meeting, I said this JPA was done back when former City Manager Brian Cesar and former Police Chief Denton were here. They were the ones that agreed to this. I would have never agreed to this to begin with because it was poorly written. I was not involved then, and that is water under the bridge. I also said if this is the issue, the City should take over the HR and Administrative portion. We will be the fiscal agent, and he can report to us. They said we could talk about that. I said let's put the JPA on the next meeting. Instead of having the meeting, they canceled it and renewed his contract. I do not understand why they are working so hard to protect him or ensure his continued employment, but we heard from five dispatchers, and I got a phone call from a sixth. Acting City Manager Hernandez said we are missing the point. We are putting our citizens, EMS, and Fire in danger. Fire Chief Ramirez can tell you how many times he met with TBRDA Director Barney to come up with a solution. I can give you an example of how it does not matter what we say. When there is a domestic violence call, that puts an officer in a different mind-frame. Instead of pitching that out as requested by Police Chief Kunihiro, they chose not to do that. That puts our officers in danger when they show up to a call, and they are not sure if it is domestic or not. They have to go through a billion questions. She continued that Commissioner Rardin has expressed concern about having to call and answer a million questions and not get the information dispatched to the Police Department. We are missing the point. As far as TBRDA Director Barney, his contract was up, and it was the perfect time to move us all forward. It has clearly been stated that is not the direction. I do not have issues with TBRDA Director Barney; I have issues with how this was all handled. Our Fire and Police Departments are putting their lives on the line, and our concerns with that are just irrelevant to the point where they are continuing the employment of the individual who continuously disregards the men and women on the street and disregards Police Chief Kunihiro and Fire Chief Ramirez. That is the point of this whole thing. We can pull this back for cheaper and have control over it. We are stuck with this for two more years.

Commissioner Robinson said if we do this, how does that happen logistically? Do the dispatchers go somewhere else? Acting City Manager Hernandez said no, we would hire our own dispatchers. He asked where their operation center would be. She said it would be where it was before, at the Police Department. He asked how quickly that would be operational. She said we would have to give six months notice per the JPA, and we would have it up and running within that six months. Commissioner Rardin asked how much money it would cost to get that back up and running. She said it would cost us a little money, and we would want to update and become completely off the servers of the County. We are getting the final cost, but when we met with Bootheel IT Services (BITS), they were talking about \$300,000 to get our servers and everything off the County. We would want to run our own. As a reminder, they are asking us to pay sixty percent of the \$4,200,000 without us having any say. There is an offset. Are we willing to take the risk of giving them their money and us not having any say? Or is it at least if we put in additional money to get it back that we have a say over it? Commissioner Rardin said he has heard the word control multiple times in this conversation. It seems we want to be in control, and they do, too. Mayor Payne and Acting City Manager Hernandez said no. Commissioner Rardin said the bottom line is that the Board is in control. Commissioner Robinson said the Board is not in control. There is no control. Commissioner Rardin said that when the Chairperson cancels the meeting, the Board needs to start asking why it was canceled. Commissioner Robinson said they are not doing that. Mayor Payne said that is not true. I did ask several times. I finally had to threaten to pull out of TBRDA if we did

not have a meeting. This is not about control. This is about being responsible for over \$1,000,000. They want more. It is also about the safety of our citizens. There is such ridiculously high turnover, and that comes down to leadership. We would not accept it here. I do not think the County would accept it in any of their other departments. I agree with Acting City Manager Hernandez that TBRDA Director Barney is very smart, but there is so much technology over there that you cannot do your job. They are too busy pressing buttons, inputting information, and asking questions. We had the former Dispatcher of the Year quit. That should tell you everything you need to know. Nobody wants to control anything, but we want a seat at the table if we are going to spend that much in taxpayer dollars. We should get an equal seat at the table. Honestly, we were never given a reason why the meetings were canceled. Commissioner Rardin said we need to answer that question. Mayor Payne said we have. Commissioner Rardin said we, as a governing body, need to write a letter and say we need an answer.

Commissioner Burnett asked what legal ramifications we had to get the situation rectified as far as the contract. City Attorney Smith said that as far as the contract goes, all we have to do is a one hundred and eighty-day written notice and give it to the Board. It is a letter saying we are withdrawing from this and we do not have to give an explanation. Nothing in here says we can only withdraw under certain circumstances. We had some of the dispatchers talk about leadership and a hostile working environment. Because TBRDA is a board, and we are joined like co-op, as the City, we would be held liable should anyone sue. From what I have heard, I have serious concerns about the City's liability issues. Additionally, if our Police and Fire Departments are not getting accurate information or called out late, and someone passes away, it will come back on us. They are going to sue TBRDA, the County, and the City. It will be a joint lawsuit where we have liability for it. As far as this contract and pulling out, there really isn't any. Commissioner Burnett asked what the Board itself could do to override the contract. City Attorney Smith said if we say we want to withdraw and we give that notice, there is nothing the Board can do to us. Commissioner Burnett said the Board is supposed to have the control or power. Acting City Manager Hernandez said that was the conversation we were supposed to have on April 17th. To update the JPA to allow the TBRDA Board to have authority over TBRDA. Not the County. Commissioner Rardin said we have that. Acting City Manager Hernandez said they canceled the meeting. Legally speaking, are you asking if we can sue? Commissioner Burnett said I am not asking to sue. I am saying that the Board is supposed to already be in control. Commissioner Rardin said the JPA we have now says the Board has control. Commissioner Burnett asked what the Board itself could do to override the re-signing of Director Barney's contract. City Attorney Smith said that, in theory, they should vote on it. The problem is that is not what they did. Commissioner Burnett said if there are ten members in total and six do not want to renew the contract, then what? Acting City Manager Hernandez said that was where the vote on April 3rd was heading, a six to four vote. That is when everything got canceled. Mayor Payne said the issue is they already signed the contract, so anything we do now is in violation of that contract. Commissioner Rardin asked where Cloudcroft was in all of this. Fire Chief Ramirez said Cloudcroft's Chief Wuersching has talked about positive reinforcement on that, like if it would be better to put a suspension in place for TBRDA Director Barney. At times, he also gets incorrect information for his service, and that also shows a lack of coordination. Commissioner Rardin asked if the volunteer fire departments in the County have been having the same issues. Fire Chief Ramirez said on Saturday evening, we had a call for a hiker that fell in a canyon. Originally, this call was initiated through County side at about seven o'clock in the evening. The City has a certified technical rescue team and a rope team to perform these kinds of duties. We were not dispatched or notified by any County member whatsoever. It was the AMR Supervisor who knew what we had in the Department, and that was not made until 10:30 at night. This gentleman who was up there had severe injuries and was waiting all this time for help. You mentioned if the County was getting the same things. Why wouldn't the County have gone through Dispatch to say? They know what we have. Why wouldn't they have called us immediately to be dispatched up there? The same thing with the Shooters nightclub fire. I received a call from Acting City Manager Hernandez about that. They were fighting that fire, and she asked me if I knew anything about it. I told her I did not, and she sent me the Facebook post. When I looked at the time stamp, I thought it would be a burnt pile of rubble by the time I got there. When I drove out there, they were still actively engaging. I went to the County Chief and asked why we were not dispatched on this when it was right outside City jurisdiction. We had capable units to come and help, and we stayed there until almost midnight, assisting them. Again, there is a lack of coordination. We sit in these Board meetings and have discussions so we can work on the JPA's and both sides, City and County, can come into agreements. All of a sudden, all County members say they value him highly, but I have met with them and they say they are lacking the same things in coordination. They are not getting a response and getting issues over and over.

Commissioner Tapley asked what changes to the JPA were you referring to? Acting City Manager Hernandez said they are simple changes in the JPA and contract. The Director reports directly to the Board, and the Board has the

authority to hire, supervise, discipline, and terminate. That is what we requested. If you look at the JPA and his contract and job description, they all say something different. We wanted to get them in alignment with one another to ensure the Director is clearly an employee of the Board. I ask you to take real consideration with what Police Chief Kunihiro and Fire Chief Ramirez say. I do not deal with this on a daily basis; they do. I request you weigh heavily on their words. Commissioner Rardin said I do not see how the contract they signed with the Director is even legal. As a Board, you never approved it. Mayor Payne said they insist he is a County employee. Commissioner Rardin said the City Commission should sit down with the County Commission and their Board, and that will be difficult to set up, to find out why. This JPA says you only meet one time a year. Acting City Manager Hernandez said it does say that, but the Board agreed to meet monthly for operational purposes. Although we can do more, it says that we have to meet once a year at a minimum. Commissioner Rardin said it says the Board will meet once annually every March or at the call of the Chairperson upon proper notice and in compliance with the Open Meetings Act. Commissioner Burnett said he thought that everyone sitting down together was a great idea. I only say this because if we set up the meeting and they cancel, we have our answer. Mayor Payne said she did not think they would cancel. Acting City Manager Hernandez said they refused to meet. So, are we going to continue? Commissioner Burnett said we are demanding a meeting. Acting City Manager Hernandez said they would have a meeting. Commissioner Rardin said the entire governing body has more pull than just two board members. Acting City Manager Hernandez said it was four. We can set it up, but I want to say that I coordinated the last meeting, and it took four months. We have no recourse in these four months for anything. Commissioner Rardin said that we do according to the JPA. Acting City Manager Hernandez said agreed. These are the same arguments we have had with them. It is very frustrating. Commissioner Rardin said if we were to approve this tonight and pull out, we would still be six months down the road before we can legitimately pull out and set ours back up. Say it takes thirty days for us, which is probably optimistic, to sit down with the County and Board to figure out what is going on and what everyone is doing. Mayor Payne said I am not sure how you are going to get different information. There are only three County Commissioners, and one of them sits on the Board. Commissioner Rardin said that going back to Fire Chief Ramirez's comments, I thought we had JPAs in place for mutual aid, such as the Shooter's fire. Fire Chief Ramirez said his understanding was that it was a gentleman's agreement with mutual aid between the City and County. We were talking about going into automatic aid, which I am all for with the County. However, I have concerns. It would benefit the City and the County; however, when I have asked for certification levels because we are IFSAC-accredited, my concern was what am I getting coming into the City. Commissioner Rardin said theirs is different because it is a volunteer-type deal. Trying to force them to get certifications and stuff is a little different. We can say either you meet this or you do not have a job. In my opinion, who cares who puts the fire out, whether it is us or them. We are all here for the same purpose.

Acting City Manager Hernandez said going back to the joint meeting, I wanted to read Otero County Manager Pamela Heltner's email. She says, "So I as the signatory on the employment contract and person designated to handle employment matters for all County employees, renewed his contract yesterday with the knowledge and support of the Board of County Commissioners." Commissioner Rardin asked how the County approved his contract. Was it done in a meeting? If they did not, they violated the Open Meetings Act because they did not approve the contract in there. Mayor Payne said that is not our problem. Commissioner Rardin said the contract is supposed to be approved by the Board, not Otero County. Mayor Payne said she understood that. That is why we are here in an open meeting talking about it. We cannot police the County. Our issue is whether we want to continue this. By continuing this, we are dismissing five people here who had serious concerns. I do not see where it is going to be any better with the County on this. I am more than happy to collaborate with the County on other matters, but on this, we simply do not agree.

Commissioner Robinson moved to approve pulling out of TBRDA.

Mayor Pro-Tem McDonald seconded the motion.

Motion Passed with a vote of 4 - 3 - 0. Commissioners Burnett, Rardin, and Tapley voted nay.

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

Mayor Payne appointed Justin Purvis to the Airport Zoning Board and Patricia Cox to the Senior Volunteer Programs Advisory Council. No one was opposed.

EXECUTIVE SESSION

13. Adjourn into Executive Closed Session in compliance with 10-15-1(h)(8), NMSA 1978 (as amended) to discuss Real Property: the sale of the Fairgrounds Parking Lot.

Commissioner Burnett moved to Adjourn into Executive Session at 8:33 PM.

Commissioner Tapley seconded the motion.

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

ADJOURNMENT

ATTEST:


City Clerk Rachel Hughes


Mayor Susan Payne

(Prepared by Dylan Aleshire, Deputy Clerk)

Approved at the Regular Meeting held on May 13, 2025.