



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

February 24, 2026 - 6:30 PM
Donald E. Carroll City Commission Chambers
City Hall, 1376 E. Ninth Street

Sharon McDonald Mayor
Joshua Rardin Mayor Pro-Tem, District 4
Baxter Pattillo District 1
Stephen Burnett District 2
Warren Robinson District 3
Vacant District 5
Mark Tapley District 6

Stephanie Hernandez Acting City Manager
Darrell Mori City Attorney
Rachel Hughs City Clerk

MISSION STATEMENT as Adopted by the City Commission on March 24, 1995.
The City of Alamogordo is a Municipal Corporation that exists solely for the purpose of providing the best possible services to our customers, the citizens of Alamogordo. We are committed to providing these services with honesty, integrity, compassion, fairness, and a commitment to excellence.

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

In accordance with Section 10-15-1.D, NMSA 1978 (2010 Cumulative Supplement), this agenda has been posted on the east bulletin board located in the south of the City Hall and in the glass case located outside the north entrance of the City Hall, distributed to the appropriate news media, and posted on the City website: <http://ci.alamogordo.nm.us> within the required time frame. As a courtesy, the entire Agenda Packet has also been posted on the City of Alamogordo website: <http://ci.alamogordo.nm.us>

The Mayor and City Commission request that all cell phones be turned off or set to vibrate. Members of the audience are requested to step outside the Commission Chambers to respond to or to conduct a phone conversation. The Alamogordo Commission Chambers is wheelchair accessible. Other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Clerk's Office at 575-439-4100.

CALL TO ORDER & ROLL CALL

Announce the presence of a Quorum.

INVOCATION & PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

COMMISSIONER DISTRICT 5 VACANCY

1. Appointment to the Commissioner District 5 vacancy. *(City Commission)*

PRESENTATIONS

2. City update on current projects in construction. (*Justen Boyle, Senior Project Manager, Joseph Samora, Project Manager*)

PUBLIC COMMENT

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

CITY MANAGER'S REPORT

REMARKS AND INQUIRIES BY THE CITY COMMISSION

CONSENT AGENDA (Roll Call Vote Required for an Ordinance or Resolution)

All matters listed under the Consent Agenda are considered to be routine by the City Commission and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

3. Approve the minutes for the Special Commission Meeting on February 5, 2026, the Regular Commission Meeting on February 10, 2026, and the Special Commission Meeting on February 12, 2026. (*Rachel Hughs, City Clerk*)
4. Approve the statements related to the Executive Closed Session of the Special Meeting held on February 12, 2026. (*Rachel Hughs, City Clerk*)
5. Consider, and act upon, adoption and final publication of Ordinance 1721 amending Chapter 23 of the city code of ordinance to rededicate the local economic development tax and fund balance for the construction, operations, and maintenance of a municipal natatorium. (*Stephanie Hernandez, Acting City Manager*) **(Roll Call Vote Required)**

ITEMS REMOVED FROM CONSENT AGENDA

NEW BUSINESS

6. Consider, and act upon, first publication of Ordinance 1722 authorizing the delivery of a loan agreement and intercept agreement for \$12,000,000 for the construction, equipping and furnishing of a municipal natatorium. (*Evelyn Huff, Finance Director*) **(Roll Call Vote Required)**

EXECUTIVE SESSION (Roll Call Vote Required)

7. Recess into Executive Closed Session in compliance with 10-15-1(H)(2) NMSA (as amended) to discuss: Limited Personnel Matters (Hiring of the City Manager). **(Roll Call Vote Required)**

RECONVENE INTO OPEN SESSION

8. (Action, if any, related to Limited Personnel Matters) **(Roll Call Vote Required)**

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 2/24/2026

Report Date: 02/17/2026

Report No: 1.

Submitted By: Rachel Hughs

Subject: Appointment to the Commissioner District 5 vacancy. *(City Commission)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Appoint a Candidate to District 5.

Background:

On January 13, 2026, Resolution 2026-02 was approved, declaring a vacancy exists on the City Commission for District 5. The following individuals have submitted all the required documents to the City Clerk by the deadline of February 13, 2026. The following candidates have been verified by the City Clerk as valid candidates for the District 5 position.

Candidates (in the order all their required documents were received and verified)

Vesta Sherrie Edmond

Shelley Marie Dowhanik-Baron

Alfonso "Al" C. Hernandez

After being appointed to fill the vacancy, the new District 5 Commissioner will take the Oath of Office, take their seat at the dais.

Candidates for the District 5 Vacant Position

(names in the order documents
were received and verified)

Vesta Sherrie Edmond
Shelley Marie Dowhanik-Baron
Alfonso “Al” C. Hernandez

Commissioner District 5 Candidates

The following candidates have been verified by the City Clerk as qualified for the District 5 vacancy.

Candidates in the order all their required documents were received.

Candidate Name	Physical Address	Date all Documents Submitted	Letter of Interest	Declaration of Candidacy	Disclosure Statement	Affidavit of Voter Registration	Verified
Vesta Sherrie Edmond	805 Miami Ave	1/27/2026	✓	✓	✓	✓	Yes
Shelley Marrie Dowhanik-Baron	3300 Airport Rd Trlr G22	1/29/2026	✓	✓	✓	✓	Yes
Alfonso "Al" C. Hernandez	509 Virginia Ave	2/9/2026	✓	✓	✓	✓	Yes



Verified By: Rachel Hughs, MMC, City Clerk

RECEIVED
JAN 27 2026
CITY CLERK

January 27, 2026


Rachel Hughs
Alamogordo City Clerk
1376 E. 9th Street
Alamogordo, NM 88310

I am writing to express my interest in the District 5 Commissioner seat.

I am committed to serving and representing my District in decision-making projects that impact both my District and the City as a whole.

I look forward to continuing the positive work that has already been established in District 5 while looking for other projects to support for continuous growth and improvement in the city of Alamogordo.

Sincerely,



Vesta S. Edmond



City of
ALAMOGORDO

Disclosure Statement of Real Property and Businesses

CITY CHARTER Article V Section 3 Disclosure: Each candidate for City office shall file a disclosure statement with the City Clerk at the time of filing for the office. This statement shall identify all real property and businesses in New Mexico in which the candidate has a financial interest.

I, Vesta Sherrie Edmond, candidate for the appointed office of
(print name)

Commissioner, do hereby state for my affidavit that:
(print Mayor, Commissioner District, or Municipal Judge)

I, Vesta Sherrie Edmond, hereby disclose the following real property and businesses in New Mexico in which I have a financial interest:

List all real property and businesses below.

805 Miami Avenue

Vesta Sherrie Edmond

Signature


STATE OF NEW MEXICO }
 } ss.
County of Otero }

Subscribed and sworn to before me this 26 day of January, 2026
by Vesta Sherrie Edmond

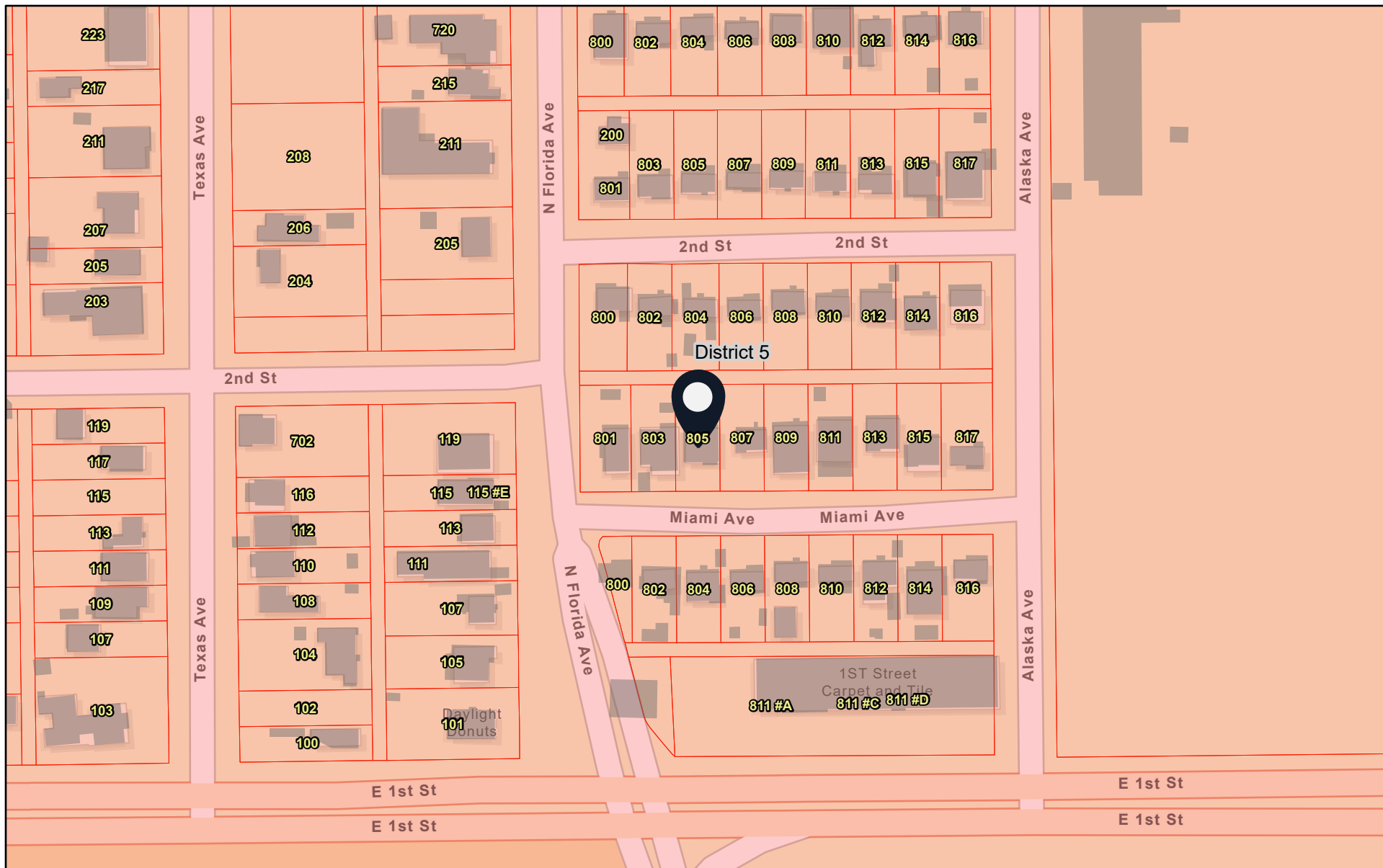
My commission expires: 12/22/2027

Breanna Coleman
Notary Public Signature





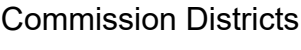

Notary Stamp

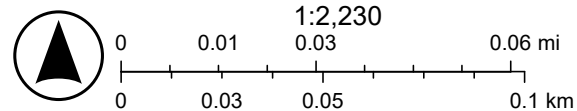
 **State of New Mexico**
Notary Public
Breanna Christine Coleman
Commission Number 2001699
Expiration Date 12/22/2027

Commission Districts



1/29/2026

	Structures		District 5		Alamogordo City Limits
	Addresses		Commission Districts		Parcels_ETJ



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Letter of Interest — District 5 Commissioner, Alamogordo, NM

Shelley Dowhanik-Baron
3300 Airport Road, Trlr G22
Alamogordo, NM 88310
(208) 869-2668
sheld34x@icloud.com

RECEIVED
JAN 29 2026
CITY CLERK

January 29, 2026

Alamogordo Mayor and City Commission
Alamogordo City Hall
1376 E. Ninth Street
Alamogordo, NM 88310

Dear Mayor McDonald and Members of the City of Alamogordo Commission:

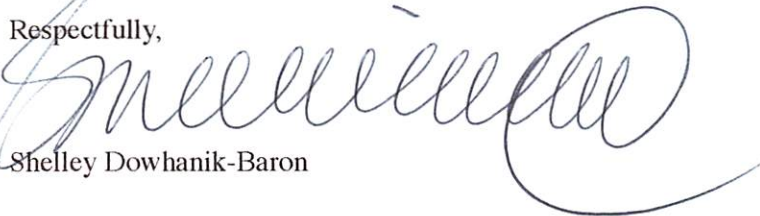
I am writing to formally express my interest in serving as Commissioner for District 5 of the City of Alamogordo. I seek this opportunity because I believe my professional experience as a city engineer, combined with my strong commitment to our community, would allow me to make meaningful and positive contributions to the residents of District 5 and to the City of Alamogordo as a whole.

Alamogordo is a community with welcoming citizens, strong roots, and significant potential. Like many residents, I am concerned about the condition of our aging infrastructure; limited economic diversification; challenges related to talent recruitment and leadership retention; the need for proactive master planning; and the importance of public transparency and effective communication. I believe leadership grounded in listening, collaboration, and clear communication is essential to addressing both current challenges and long-term planning needs.

As a former city engineer, I have experience in successful project planning and delivery, municipal budgeting, stakeholder engagement at the citizen, regulatory, and governmental levels, and practical, data-driven fiscal management. My professional background is rooted in solutions-oriented problem-solving and thoughtful decision-making, skills that I would bring directly to the work of the Commission.

Thank you for your consideration of my letter of interest. I would welcome the opportunity to further discuss my qualifications, priorities, and vision for serving District 5 and the City of Alamogordo.

Respectfully,



Shelley Dowhanik-Baron



Disclosure Statement of Real Property and Businesses

CITY CHARTER Article V Section 3 Disclosure: Each candidate for City office shall file a disclosure statement with the City Clerk at the time of filing for the office. This statement shall identify all real property and businesses in New Mexico in which the candidate has a financial interest.

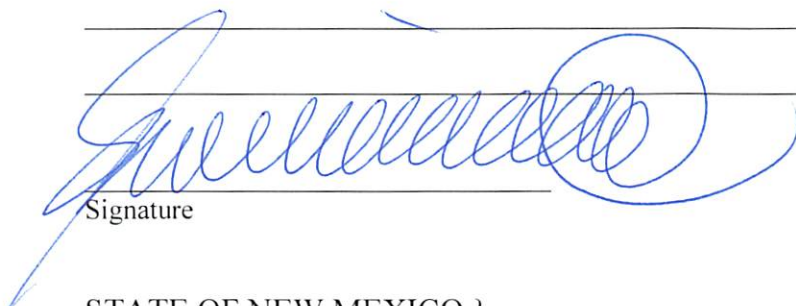
I, Shelley Marie Dowhanik-Baron, candidate for the appointed office of
(print name)

Commissioner District 5, do hereby state for my affidavit that:
(print Mayor, Commissioner District, or Municipal Judge)

I, Shelley Marie Dowhanik-Baron, hereby disclose the following real property and businesses in New Mexico in which I have a financial interest:

List all real property and businesses below.

- none (currently rent my home).


Signature

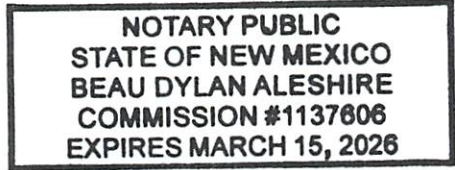
STATE OF NEW MEXICO }
 } ss.
County of Otero }

Subscribed and sworn to before me this 24th day of January, 2026
by Shelley Marie Dowhanik-Baron.

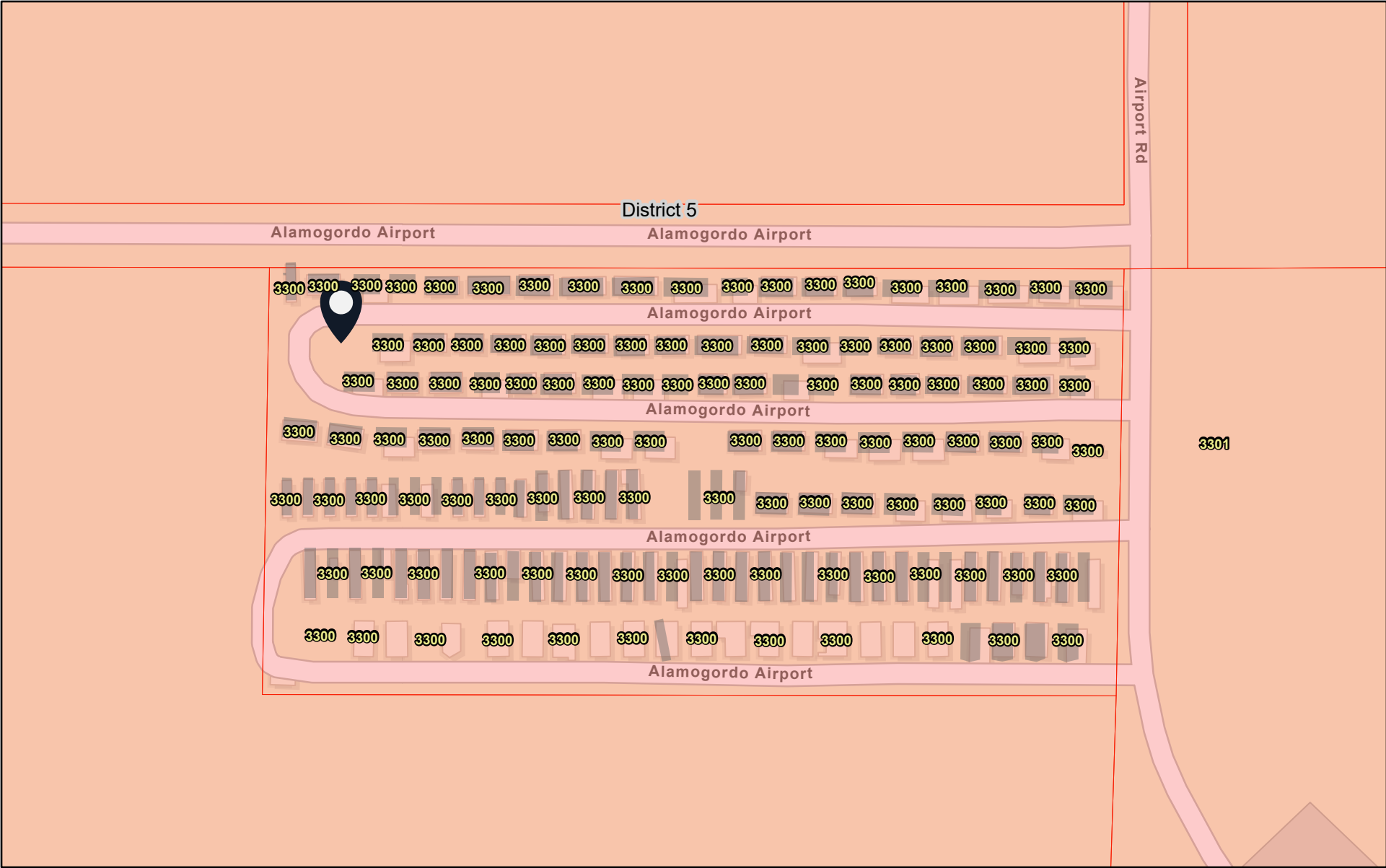
My commission expires: 3/15/2026


Notary Public Signature

Notary Stamp

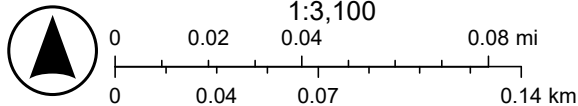


Commission Districts



1/29/2026

Addresses Commission Districts Parcels_ETJ
Structures District 5 Alamogordo City Limits



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Dear Mayor and members of the Commission,

I am writing to formally express my interest in being appointed to serve the remaining term of the district 5 city commission position. I am committed to public service and motivated by a strong desire to contribute to thoughtful, ethical, and effective local governance that reflects the needs and values of our community.

I bring a collaborative approach, a willingness to listen, and a strong sense of responsibility to public decision-making. Through my professional and community experiences, I have developed the ability to engage respectfully with diverse viewpoints, evaluate complex issues, and work toward practical solutions that benefit the community. I believe these skills are essential to serving effectively on the commission.

If appointed, my priorities would include promoting transparency and accountability in city government, supporting responsible fiscal management and encouraging meaningful community engagement. I am committed to representing all residents fairly. Making informed decisions. and upholding public trust.

Thank you for your time and consideration. I would be honored to serve our city and district 5 once again and welcome the opportunity to discuss my qualifications and interest further.

Respectfully,



Alfonso Al Hernandez

RECEIVED
FEB 09 2026
CITY CLERK



City of ALAMOGORDO

DISTRICT 5

DECLARATION OF CANDIDACY

I, Hernandez Alfonso "Al" C, being first duly sworn upon my oath, do hereby state for my affidavit that:

I, Hernandez Alfonso "Al" C, hereby declare that I am a candidate for the office of District 5 (Five) City Commissioner, a two-year term to expire on December 31, 2027.

I affirm that I currently reside at 509 Virginia Ave, located within the City Limits of Alamogordo, New Mexico, and within the boundaries of District 5 (Five). I have been a resident of Alamogordo, New Mexico, at the above-stated address, since November of 2006.

- I affirm that my name and resident address, as stated in this Declaration of Candidacy, are identical to my name and resident address as stated in my affidavit of registration on file with the Otero County Clerk.
I affirm that I am eligible and legally qualified to hold the office for which I have declared my candidacy.
I affirm that I have not been convicted of a felony; however, if I have been convicted of a felony, I affirm that my elective franchise has been restored and that I have been granted a pardon or a certificate by the Governor restoring my full rights of citizenship.
I affirm that I, or my authorized representative, can be reached at the following telephone number(s) for purposes of receiving telephone notice 575-430-9746 or 575 921-3632, or by email at al.boole@valco.com

I affirm that this Declaration of Candidacy is an affidavit under oath and that any false statement knowingly made herein constitutes a fourth-degree felony under the laws of New Mexico.

[Signature]
Signature of Candidate

STATE OF NEW MEXICO }
County of Otero } ss.

Subscribed and sworn to before me this 19th day of January, 2026 by ALFONSO "AL" C Hernandez

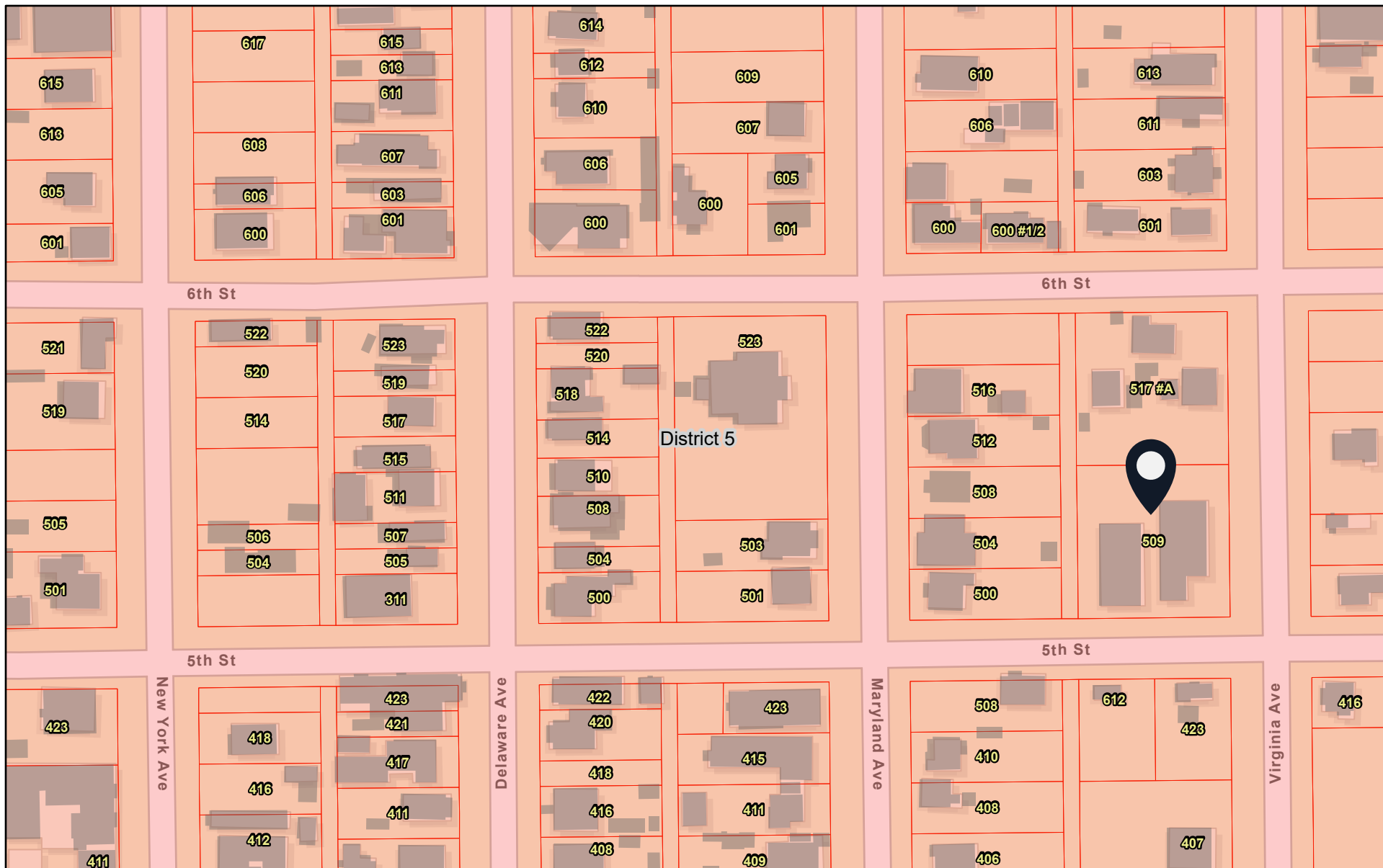
My commission expires: 06/27/2026
Notary Stamp

[Signature: Cheri C Moore]
Notary Public Signature

State of New Mexico
Notary Public
Cheri C Moore

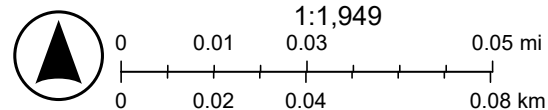
Received in the Office of the Notary Public on the 9th day of February, 2026 at 1:10 a.m./p.m.
Expiration Date 6/27/2026

Commission Districts



2/9/2026

Addresses
 Commission Districts
 Parcels_ETJ
 District 5
 Alamogordo City Limits
 Structures



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

AGENDA REPORT

CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 2/24/2026

Report Date:

Report No: 2.

Submitted By:

Subject: City update on current projects in construction. (*Justen Boyle, Senior Project Manager, Joseph Samora, Project Manager*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background:

CITY OF ALAMOGORDO PROJECTS

JUSTEN BOYLE
SENIOR PROJECT MANAGER



Agenda

2025 Completed Projects

Projects in construction

Questions

COMPLETED PROJECTS

PROJECTS COMPLETED	TIME / COST	PROJECT COMPLETED	TIME / COST
MONTE VISTA CEMETERY WALL	3 MONTHS / \$247K	F4 PHASE 1	6 MONTHS / \$100K
BASIN SEDIMENT REMOVAL	6 MONTHS / \$368K	10 th Street CBC	11 MONTHS / \$587K
HUBBARD BRIDGE	3 MONTHS / \$1.8M	GOLF COURSE IRRIGATION	6 MONTHS / \$2.3M
NY WSRP	6 MONTHS / \$1.8M	ZOO IT INFRASTRUCTURE	3 MONTHS / \$438K
LOWER HEIGHTS	4 MONTHS / \$2.2M	ZOO WALL	6 MONTHS / \$540K

CURRENT CONSTRUCTION PROJECTS

- LOWER AND UPPER HEIGHTS WATERLINE REPLACEMENT
- SOUTH RESERVOIR
- FAIRGROUNDS INTERSECTION
- TANK REHAB
- DUCK POND
- LANDFILL CELL 6
- FIRE STATION 2
- MAINSTREET MAKEOVER – GREAT BLOCKS
- OREGON WSRP 001 PHASE 1
- F-4 PROJECT PHASE 2

CONSTRUCTION

LOWER AND UPPER HEIGHTS - UTILITIES DEPARTMENT

THIS PROJECT WAS AWARDED AT \$987,063.14 TO CROSSTOWN CONSTRUCTION IN SEPTEMBER 29, 2025. THE SUBSTANTIAL COMPLETION WILL BE EARLY APRIL 2026.

CONSTRUCTION

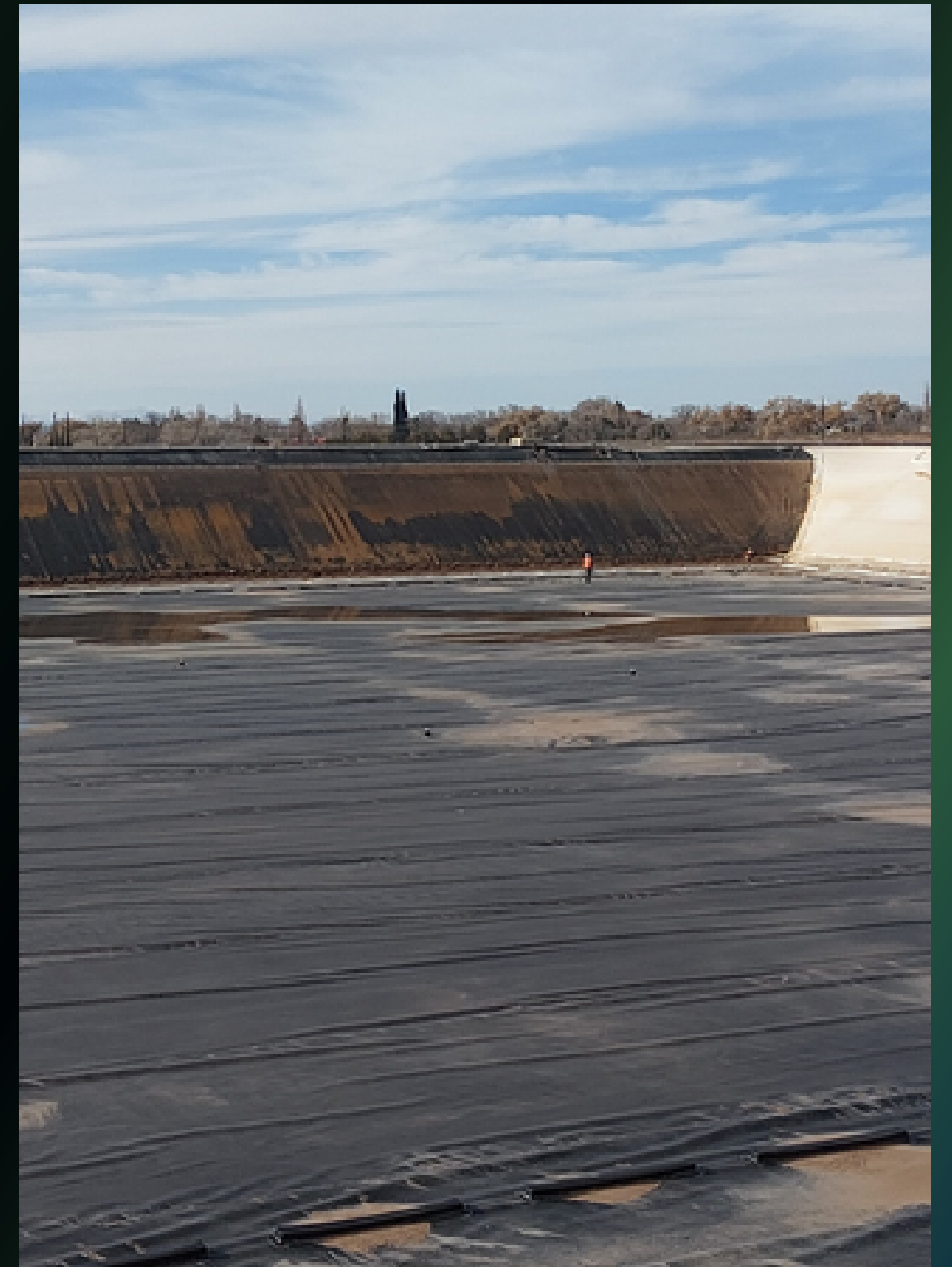


CONSTRUCTION

LA LUZ SOUTH RESERVOIR COVER, TOWER AND CATWALK
REPLACEMENT- UTILITIES DEPARTMENT

THIS PROJECT WAS AWARDED AT \$4,586,180 TO KE&G ON
DECEMBER 10, 2025. THE SUBSTANTIAL COMPLETION IS AIMED TO
BE COMPLETED BY THE END OF JULY, BEING 3 MONTHS AHEAD OF
SCHEDULE.

CONSTRUCTION



CONSTRUCTION

WHITE SANDS BLVD/ FARIGROUNDS ROAD TRAFFIC SIGNAL- PUBLIC WORKS/ UTILITIES/ CITY MANAGER

THIS PROJECT WAS AWARDED AT \$2,203,069.62 TO ROCK CANYON CONSTRUCTION IN JANUARY 19, 2026, WITH THE POSSIBILITY OF THE ARM BARS BEING ON HOLD. THE SUBSTANTIAL COMPLETION IS SCHEDULED TO BE COMPLETED IN MAY 2026.

CONSTRUCTION



CONSTRUCTION

LOWER ALAMO, CALLAHAN, AND OCOTILLO WATER TANK
REHABILITATION- UTILITIES DEPARTMENT

THIS PROJECT WAS AWARDED AT \$7,091,581 TO D&R TANK WATER STORAGE SOLUTIONS IN FEBRUARY 2026. THE FIRST TANK BEING WORKED ON WILL BE THE CALLAHAN TANK, AS THIS PROJECT IS ONE TANK AT A TIME TO ENSURE WATER AVAILABILITY TO THE PUBLIC. THE SUBSTANTIAL COMPLETION IS AUGUST 2027. THIS IS GIVING A 6-MONTH TIME FRAME PER TANK.

CONSTRUCTION



CONSTRUCTION

ALAMEDA ZOO DUCK POND IMPROVEMENTS - PARKS AND
RECREATION

THIS PROJECT WAS AWARDED AT \$124,599 TO LANCON. THIS
PROJECT HAS NOT STARTED. IT IS CURRENTLY ON HOLD BY THE
STATE.

CONSTRUCTION

OTERO/GREENTREE REGIONAL LANDFILL CELL #6- UTILITIES
DEPARTMENT

THIS PROJECT WAS AWARDED AT \$1,998,402.72 TO CBKN
DIRTWORKS. THIS PROJECT STARTED ON DECEMBER 12, 2025 AND
THE SUBSTANTIAL COMPLETION IS SCHEDULED TO BE COMPLETED
ON MAY 4, 2026.

CONSTRUCTION



CONSTRUCTION

CITY OF ALAMOGORDO FIRE STATION 2 IMPROVEMENTS- FIRE DEPARTMENT

THIS PROJECT WAS AWARDED AT \$1,229,378 TO NATIONAL CONSTRUCTION. THIS PROJECT STARTED ON JANUARY 21, 2026, AND THE SUBSTANTIAL COMPLETION IS SCHEDULED TO BE COMPLETED ON JULY 29, 2026. BEING 4 MONTHS AHEAD OF SCHEDULE

CONSTRUCTION



CONSTRUCTION

GREAT BLOCKS MAIN STREET - UTILITIES DEPARTMENT

THIS PROJECT WAS AWARDED AT \$2,564,473 TO CROSSTOWN CONSTRUCTION IN FEBRUARY 2025 WITH TWO CHANGE ORDERS TO BENEFIT THE FUTURE TRAFFIC PATTERNS. THE SUBSTANTIAL COMPLETION WAS COMPLETED IN NOVEMBER 2025, WITH THE EXCEPTION OF THE ARM BARS, WHICH ARE ON DELIVERY.

CONSTRUCTION



CONSTRUCTION

OREGON WSRP 001 (PHASE 1) – UTILITIES DEPARTMENT

THIS PROJECT WAS AWARDED AT \$4,226,205 TO LA LUZ DIRT AND PAVING ON DECEMBER 18, 2024. WITH TWO CHANGE ORDERS TO BENEFIT THE FUTURE NATATORIUM, THE SUBSTANTIAL COMPLETION WILL BE IN MARCH. DEPENDING ON THE WEATHER, THE LATEST IS EARLY APRIL.

CONSTRUCTION



CONSTRUCTION

F4 PHANTOM (PHASE 2) – UTILITIES DEPARTMENT

PHASE 2 COMES WITH A SMALLER BUDGET THAN PHASE 1.

ESTIMATE BUDGET IS \$20,000

CONTRACTORS –

ZUNI AND PNM (ELECTRICAL FOR LIGHTS ON JET AND FLAG)

ROCK CANYON (DIRTWORK OF ENTIRE AREA)

LA LUZ DIRT AND PAVING (SETTING WALL IN PLACE)

NATIONAL LANDSCAPING (ENTIRE AREA OF ROCK)

LA LUZ CART AWAY (DONATING THE BLOCKS FOR BOTH WALLS)

CONSTRUCTION

F4 PHANTOM (PHASE 2) – UTILITIES DEPARTMENT

PHASE 2 COMES WITH A SMALLER BUDGET THAN PHASE 1.

ESTIMATE BUDGET IS \$20,000

CONTRACTORS –

M.A.S. METALWORKS (SIGN)

MAINSTREET (BENCHES AND TRASH CANS)

DISTINCT CONCRETE (SLABS FOR BENCHES AND TRASH CANS)

GENERAL HYDRONICS CONCRETE (SIDEWALK TO THE MONUMENT)

KE&G (SIDEWALK FIX AROUND JET THAT WAS DAMAGED)

CONSTRUCTION

F4 PHANTOM (PHASE 2) – UTILITIES DEPARTMENT

PHASE 2 COMES WITH A SMALLER BUDGET THAN PHASE 1.

ESTIMATE BUDGET IS \$20,000

CONTRACTORS –

HANES GEO COMPONENTS (FABRIC FOR BACK OF LOT)

WSC I (DONATION FOR THE REMAINING OF THE FABRIC)

MESA VERDE (DISCOUNTED ASPHALT AND CONCRETE IN PHASE 1

AND NOW DONATING ALL LANDSCAPE ROCK FOR PHASE 2)

CONSTRUCTION



UPDATE-PUBLIC INQUIRY

HIGHWAY 54/70 WATERLINE REPLACEMENT

THANK YOU

ENGINEERING DIVISION

AGENDA REPORT

CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 2/24/2026

Report Date: 02/18/2026

Report No: 3.

Submitted By: Beau Dylan Aleshire

Subject: Approve the minutes for the Special Commission Meeting on February 5, 2026, the Regular Commission Meeting on February 10, 2026, and the Special Commission Meeting on February 12, 2026.
(Rachel Hughs, City Clerk)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the minutes.

Background:

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION SPECIAL MEETING MINUTES
5:15 PM, DONALD E. CARROLL COMMISSION CHAMBERS
February 5, 2026**

**SHARON MCDONALD, MAYOR
JOSHUA RARDIN, MAYOR PRO-TEM
BAXTER PATTILLO, COMMISSIONER
STEPHEN BURNETT, COMMISSIONER
WARREN ROBINSON, COMMISSIONER**

**VACANT, COMMISSIONER
MARK TAPLEY, COMMISSIONER
STEPHANIE HERNANDEZ, ACTING CITY
MANAGER
DARRELL MORI, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

CALL TO ORDER & ROLL CALL

Mayor McDonald called the meeting to order at 5:15 PM. Roll Call was taken by the Deputy City Clerk. Deputy City Clerk Aleshire announced there was a quorum present. Commissioner Tapley was initially absent, but was later present for the Executive Session.

INVOCATION & PLEDGE OF ALLEGIANCE

The Invocation was given by Commissioner Robinson, and the Pledge of Allegiance was led by Mayor Pro-Tem Rardin.

APPROVAL OF AGENDA

Commissioner Burnett moved to approve.
Commissioner Pattillo seconded the motion.
Motion Passed with a vote of 5 - 0 - 0.

EXECUTIVE SESSION

1. Adjourn into Executive Closed Session in compliance with 10-15-1(H)(2), NMSA 1978 (as amended), to discuss: Limited Personal Matters (Hold City Manager Interviews).

Commissioner Robinson moved to Adjourn to Executive Session at 5:18 PM.
Commissioner Pattillo seconded the motion.
Motion Passed with a vote of 5 - 0 - 0.

ADJOURNMENT

ATTEST:

Mayor Sharon McDonald

City Clerk Rachel Hughs

(Prepared by Dylan Aleshire, Deputy Clerk)
Approved at the Regular Meeting held on February 24, 2026.

CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING DRAFT MINUTES
6:30 PM, DONALD E. CARROLL COMMISSION CHAMBERS
February 10, 2026

SHARON MCDONALD, MAYOR
JOSHUA RARDIN, MAYOR PRO-TEM
BAXTER PATTILLO, COMMISSIONER
STEPHEN BURNETT, COMMISSIONER
WARREN ROBINSON, COMMISSIONER

VACANT, COMMISSIONER
MARK TAPLEY, COMMISSIONER
STEPHANIE HERNANDEZ, ACTING CITY
MANAGER
DARRELL MORI, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK

CALL TO ORDER & ROLL CALL

Mayor McDonald called the meeting to order at 6:30 PM. Roll Call was taken by the Deputy City Clerk. Deputy City Clerk Aleshire announced there was a quorum present.

INVOCATION & PLEDGE OF ALLEGIANCE

The Invocation was given by Pastor Joshua Dancer from Bethel Baptist Church, and the Pledge of Allegiance was led by Mayor Pro-Tem Rardin.

APPROVAL OF AGENDA

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

PRESENTATIONS

None.

PUBLIC COMMENT

1. Russel Davis said he wanted to talk about the Alameda Park Zoo's Earth Day Celebration. In 2025, it was scheduled for the same day as Easter in the Park. From a vendor standpoint, it took organizations weeks to round up everything. We could not set up the day before. We set up in the morning. Earth Day was from 10:00 AM to 4 PM, and Easter was from 9 AM to 12 PM. The wind closed the event early at 12:30 PM. This year, it's on the same day as the Holloman Air Force Base's Legacy of Liberty Air Show. The City said there was no malice involved in any of that. But attending both events isn't realistic for some people and organizations. In 2027, the City may or may not hold the event. There could be conflict again. It is a tragedy that this is happening for a second year in a row. On the City's Facebook pages, the comments are off. There is only an application on the Zoo's website. I do not know if they are reaching out to past vendors. I encourage everyone to speak up and reach out to the City.
2. Evan Lambert said we need continuity, stability, and professionalism. No matter who is picked for the City Manager position, that person will lean heavily on Acting City Manager Hernandez, unless Acting City Manager Hernandez herself is chosen. We let go of a very good previous City Manager after an escapade involving a franchise owner. There aren't enough opportunities here, and we need a hard focus on community involvement. There is a vacant seat for District 5. We have candidates and the traditional appointment process for that. We need transparency with that.
3. Jerry Martinez said he was a pastor and that the City has been more transparent since the Mayor was elected. Our City and County need to be more transparent about items and issues. Not fighting amongst each other or covering things up. Acting City Manager Hernandez is well qualified. People I have talked to in the community are rooting for her. She has the qualifications. There is no transparency regarding that. People are pretty upset.
4. Kim Great White Owl Murillo said on October 22nd, a Commissioner stated that he had no conflict of interest. In my view, that was profoundly misleading after my investigation. I presented a detailed letter to each Commissioner about my concerns, but received no response from anyone. We have a right to have responsible public servants who respond to our concerns. I read an article about the City Manager position and Acting City Manager Hernandez. Even amid controversy, she has risen above, taken responsibility, and managed the problem. I don't know what you are looking for, but I, along with other citizens, am looking for her. I am glad that you are going through the process

which has brought the truth. We need and demand the truth.

5. Rudy Contreras said he spoke to a lot of people about the City Commission. A lot of people do not believe in the City Commission. There is no transparency, honesty, or commitment to citizens of the community by certain Commissioners. I would like to know each of your votes for a City Manager. Why are you delaying this appointment so much?

CITY MANAGER'S REPORT

Acting City Manager Hernandez made the following comments:

1. All City facilities will be closed for the upcoming holiday on Monday.
2. To follow up regarding Commissioner Tapley's question, the RV is gone. Our officers took care of it.
3. We are in budget week. That is where the City Manager and Finance Director go through every single line. We actually started the process in November. In December, managers enter their budget and go over it with directors. Directors make changes through mid-January. Reports are compiled. Then we bring every single director, who can choose to bring managers, and we sit down and go line by line. We have gone over ten thousand lines this week, and we make them justify every single line. It can get cumbersome. People can get concerned because we will cut. However, we will also increase the budget if you are doing extremely well. We realign your budget. We want to ensure that what was presented to the Commission last year, is what is happening this year, and we want to ensure we are confident in what is brought before you in May. I do not like cutting, but I do not like government waste even more. We have a finite amount of money. If the department does not do what they say, we will not waste money on that. We will realign with what they are supposed to be doing. We will be doing this all week.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Robinson asked if we had started with the bowling alley lanes yet. Mayor McDonald said yes, it is done. Commissioner Tapley said that he had been out there on Thursday, and heard a lot of positive things out there from the people running it. It is much easier and smoother. They tell me that Fridays and Saturdays are pretty busy.

Commissioner Burnett asked for an update regarding RAD Retrocade and the White Sands Theater. Acting City Manager Hernandez said White Sands Theater cleaned out the building, but they are working on getting Oppenheimer up. The goal was to get them open by December of this year, so they could do that. After Oppenheimer, they will start working on the construction plans. The plans for RAD were recently in TRC, and I know that they passed first approval. I know some interior stuff was done, like cleaning out. Commissioner Burnett asked about the audit for Ultra Health. Acting City Manager Hernandez said a letter was sent out. Finance Director Huff said we have been unable to get them to comply. We have tried sending certified letters to addresses here and to corporate addresses. At one time, we got hold of a person who said they would provide information. They gave the information to another person, who came back and told us that they did not field. We passed all the information over to City Attorney Mori. At this point, we will have to file legal action against them to recoup the money. I do not believe they are going to be able to comply with an audit. So, it is in City Attorney Mori's hands. Commissioner Burnett said for Mayor McDonald's event, what happens if four or more Commissioners show up? Acting City Manager Hernandez said we will post a possible quorum.

Mayor McDonald said she received information from a citizen regarding Code Blue at the last Commission meeting. I reached out to the County, specifically County Commissioner Marquadt. I was hoping to get an answer by this meeting. I know they met today. I can reach out to them tomorrow. They were going to look into it and get back with us. We spoke with others about the other issue with trash in Downtown. We have something in the works for that. Items being brought before the Commission are being looked at. On Thursday, February 19, 2026, from 6 PM to 7:30 PM, the Dudley Community Center and Park at 623 Maryland Avenue will hold the District 5 Commissioners Forum, where people in our community can meet candidates and ask questions. A set of questions has already gone out. When the seat became vacant, people asked me about it with concerns. At the time, I told them I did not know. I have told them about how the appointment will take place. Lastly, I had the opportunity to be a judge for the Royal Angel Pageant this past Saturday. I met several of the candidates, and I thought it was really great for the children and parents to come out. I was proud to be a part of that. Children are a spotlight in our community, and they show courage in coming out and being a part of that. Thank you to the people who organized it, who allowed me to be a part of it.

Commissioner Burnett asked if the Commission could get a comprehensive plan for the Golf Course. What are we doing and getting? Acting City Manager Hernandez said we had the budget meeting for the Golf Course today. I believe he will come before the Commission on March 24th to discuss what has happened, where we are, and what we are doing. A comprehensive plan has already been approved by the Commission. Commissioner Burnett asked if something could be done for the pothole on 13th Street. Acting City Manager Hernandez said Public Works Director Vargas was on it. Commissioner Burnett said it was not something that could be fixed just by filling it in. Mayor Pro-Tem Rardin said it was around west Florida to Indiana Street.

CONSENT AGENDA

- 1. Approve the minutes for the Regular Commission Meeting on January 27, 2026. (Rachel Hughs, City Clerk)**
- 2. Approve the statements related to the Executive Closed Session of the Regular Meeting held on January 27, 2026. (Rachel Hughs, City Clerk)**
- 3. Approve the statements related to the Executive Closed Session of the Special Meeting held on February 5, 2026. (Rachel Hughs, City Clerk)**
- 4. Consider, and act upon, an amendment to the grant funding from the New Mexico Aging and Long-Term Services Department for the Senior Companion Program (SCP), Care Companion Program (CCP), and Foster Grandparent Program (FGP) FY26 contracts. The purpose of the amendment is to revise the original SCP contract amount from \$49,532.50 to \$31,532.50, thereby decreasing the total dollar amount by \$18,000.00; the original CCP contract from \$27,000.00 to \$18,000, thereby decreasing the total dollar amount by \$9,000.00; and the original FGP contract amount from \$69,525.00 to \$42,525.00, thereby decreasing the total dollar amount by \$27,000.00 (Magdalena Morales, ASC Manager, Eileen Flint, Community Services Director)**
- 5. Consider, and act upon, Resolution 2026-06 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 February 10, 2026. (Evelyn Huff, Finance Director) (Roll Call Vote Required)**

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

ITEMS REMOVED FROM CONSENT AGENDA

None.

NEW BUSINESS

- 6. Consider, and act upon, the fireworks display, cost, and contract. (Stephanie Hernandez, Acting City Manager, and Darrell Mori, City Attorney)**

Acting City Manager Hernandez said fireworks are a controversial issue. Last year, we did drones, and the year before that, we canceled because of the fires in Ruidoso. There are a lot of mixed feelings, and so we brought it forward to the Commission to see what you want to do. Commissioner Rardin asked if a public poll could be put on the City's website. Acting City Manager Hernandez said we have to make a decision because it is the 250th Anniversary. We are running out of time and vendors. Commissioner Rardin said it is February. Acting City Manager Hernandez said yes, there are no longer drones available. Commissioner Rardin asked if we could do both drones and fireworks. Acting City Manager Hernandez said you are talking about over \$100,000. Drones alone are over \$80,000 this year. Commissioner Rardin asked if the fireworks were \$55,000. Acting City Manager Hernandez said yes. There are no drones.

City Attorney Mori said regarding concerns, the normal firework provider that the City has used is no longer available, so we have to look outside the area. The one provider that is willing has given us a copy of their contract. The terms are dangerous on the City's side. The provider has the final say on whether the fireworks go off or not. It is not up to the City or the Fire Department. If the provider decides to cancel the fireworks because of a weather event, which

isn't a defined term, or even if they postpone or change the day, if it isn't done on the original or optional day, then the provider would get the full price with no fireworks to show. There are risks to the contract. We reached out to see if they would be willing to negotiate some terms, but we have not heard back from them. As it is the 250th Anniversary, our selections are slim, and we are at the mercy of these providers. At the moment, we only have one. We wanted to bring it to the Commissioner for a decision.

Commissioner Pattillo said historically, for the past five years, how many times have we had a fireworks display? Acting City Manager Hernandez said three. One year was canceled, then the next year we did drones instead.

Commissioner Burnett asked if the previous contract was similar to this new one, or if it was very different. Acting City Manager Hernandez said it was similar, but this new one is less favorable. Our local provider passed away, so we had to go and find someone willing to come down here and do a fireworks show. Commissioner Burnett asked if the provider had contracts with other municipalities. Acting City Manager Hernandez said we did not ask. We were just happy to find someone willing to come do it.

Mayor McDonald said she saw the certificate of liability insurance for \$5,000,000. What does that cover? Acting City Manager Hernandez said we require it to name the City as an additional insured in case of accidents or if something happens.

Commissioner Burnett asked if Johnny had reached out. Acting City Manager Hernandez said not him, but someone did, yes. Commissioner Burnett said he had reached out to me asking if we were going to do it. I think he needed to schedule some things as well.

Mayor Pro-Tem Rardin said so the options are basically fireworks or nothing this year. Acting City Manager Hernandez said yes. Mayor Pro-Tem Rardin said the City has done this my whole life, short of the last two years. I think they moved it to Grigg's Field once, where it didn't really work. We should just go ahead and do the fireworks this year. The drone show last year was cool, but \$80,000 is a lot of money.

Commissioner Pattillo said so we are basically gambling on whether the weather would call this off, and sinking fifty percent of the cost towards that, correct? City Attorney Mori said that when it is a weather-related incident or cancellation, the common term you will hear is "Act of God" cancellation. Here, we have a backup day. So if it is canceled on the 4th, we will move to the 5th. If those conditions are still there, and the fireworks provider decides the conditions still exist, they will cancel it again. "If the display rescheduled on the alternate date, as stated here, is canceled due to force majeure, the seller has the right to retain, and the buyer agrees to pay the seller one hundred percent of the total contract price." So if a weather condition precludes it from happening on the fourth or fifth, we would have to pay one hundred percent of the price, which is the \$55,000. I believe that is what happened a few years ago when the fireworks were canceled due to fires.

Mayor Pro-Tem Rardin asked if the language could be changed. City Attorney Mori said we are asking, and it has been done in the past. We just want direction from the Commission first before proceeding. Mayor Pro-Tem Rardin said that is standard language for contracts. City Attorney Mori said we get to pick an alternate day. The 4th is the initial day, and the 5th is the alternate. If conditions continue, that is when we may see issues. City Attorney Mori said they reached out to see if they are willing to alter terms, specifically if they are willing to pay one hundred percent, should they cancel it, which is the risky part. The decision is solely on the seller, based on this contract, on whether conditions merit a show or not.

Commissioner Pattillo asked how long the search for vendors has gone on. Acting City Manager Hernandez said we started in October. Commissioner Pattillo asked if we felt confident this was our last chance. Acting City Manager Hernandez said yes, and they are waiting for your answer. Commissioner Burnett asked when the deadline was. Acting City Manager Hernandez said tomorrow. City Attorney Mori said we were to hold on until we talked to the Commission. Acting City Manager Hernandez said we only got it on the day of the last Commission Meeting, so I was unable to put it on until now.

Mayor McDonald said it has been warm for a winter season. Say that we enter into fire season, and it gets dangerous for fireworks. If we say yes tonight, and if fire conditions prevail, would we be stuck with a \$55,000 bill? City Attorney

Mori said if it was canceled on both days. We do have an alternate date. If conditions continue on both days, we would foot the bill if they cancel. Acting City Manager Hernandez said that is one of the concerns. We have had a dry monsoon season, and this winter wasn't particularly cold. We are concerned the fires will start earlier, but to be fair, that is always a concern in the desert.

Commissioner Burnett asked what would happen if we canceled, like two months prior. City Attorney Mori said he believed we would be on the hook for the fifty percent. Acting City Manager Hernandez said we owe fifty percent as soon as we sign the contract. City Attorney Mori said yes.

Commissioner Pattillo said it was worth the gamble, with it being the 250th Anniversary. I wonder what our partners at Holloman Air Force Base and White Sands Missile Range would say if we opted not to do the line item for that.

Mayor Pro-Tem Rardin moved to approve the \$55,000 for the fireworks display and to authorize staff to enter into negotiations.

Commissioner Tapley seconded the motion.

Motion Passed with a vote of 5 - 1 - 0. Mayor Sharon McDonald voted nay.

7. Discussion and refresher on executive session confidentiality, open government requirements, and ethics obligations for elected officials. (*Stephanie Hernandez, Acting City Manager*)

Acting City Manager Hernandez said we have an obligation here to the Commission and staff. The attached materials were from Ethics Trainings held in 2023 and 2024. We chose not to do it in 2025 because of the possibility of four new Commissioners. In essence, we did not want to waste the money and just have to do it again in early 2026. I am bringing this forward at this time because unresolved issues within the Governing Body have begun to affect City operations. Disagreements among the Governing Body are healthy and expected. However, in recent weeks, these disagreements have resulted in operational consequences affecting staff and City operations. Departments such as the City Attorney's Office, the City Clerk's Office, and Finance have all been pulled into these issues. It places employees in uncomfortable situations and negatively impacts morale among directors, managers, and staff. She proceeded to go over the attachments.

City Attorney Mori said he spoke briefly on confidentiality at the meeting last week. We have one new Commissioner now, and are set to have another one in the next few weeks. I reached out to Clinton Nicely, who presented last week regarding the Self-Insurer's Fund. He and I will do another OMA and GCA training on March 24th. It will be a reminder to sitting Commissioners and new training for the two new Commissioners. The Commission and the public can always have a good refresher on the law, so we can ensure we are being as effective as possible for the City. Commissioner Robinson asked when that would be. City Attorney Mori said it would be at the Regular Commission Meeting on March 24th. He and I will both be doing the training as a joint measure.

Mayor Pro-Tem Rardin said there is equipment hanging from the ceiling in the room that we do Executive Sessions. Does that record? Acting City Manager Hernandez said no. It only records if you are on a Zoom meeting and actually hit record. All of that is speakers. Mayor Pro-Tem Rardin said it flashes blue lights sometimes. Acting City Manager Hernandez said it sometimes updates, and you will hear a sound. Like everything, they are scheduled for updates. They do not record. Mayor Pro-Tem Rardin said in Teams meetings that a transcript is produced. Acting City Manager Hernandez said no, that is only if you turn that on. City Attorney Mori said there is a feature that can do that, especially if you are going to record a meeting. In this case, the Commission has hosted every one. So it would only be if someone actively hits record. Mayor Pro-Tem Rardin said three or four sensors hang in there. I did not know if they record what was discussed. Acting City Manager Hernandez said those are the speakers. Mayor Pro-Tem Rardin said so they are not on the microphone side. Acting City Manager Hernandez said they are both.

Mayor McDonald asked what was stated that was not defined at the last meeting. What was actually said by you through a phone call, and what was actually said by Mayor Pro-Tem Rardin. Acting City Manager Hernandez said that Mayor Pro-Tem Rardin had previously said he was advised by the City Attorney. Mayor Pro-Tem Rardin said he had a conversation with City Attorney Mori, yes. Acting City Manager Hernandez asked if that was what Mayor McDonald was referring to. Mayor McDonald said yes. Mayor Pro-Tem Rardin said he was told that we should not go back behind closed doors to talk about what we were to discuss. City Attorney Mori said that the conversation

was just a general advice question on the Open Meetings Act and what can and cannot be discussed in Executive Session. The Executive Session is a limited exception to the Open Meetings Act. When the Commission is body goes in there, it has to be narrowly tailored, and the Commission has to stay on the subject. Otherwise, certain topics have to be held in an Open Session. That was just a direction to ensure that, as the Commission goes into Executive Session, you are clear on what is going on in that Session. That way, we can be fully transparent with the public. Commissioner Burnett asked for an example of an item. City Attorney Mori said we recently went into Executive Session to discuss pending litigation and legal matters. If in those discussions, something with Parks or Streets came up, we cannot divulge into that. We have to stay on-topic with what was put on notice to the public. Acting City Manager Hernandez said that for a government, there are five exceptions, but you can only stick to what was noticed. Commissioner Robinson said so the public is not privileged to those sessions. If they want transparency, we cannot have transparency if we are dealing with in a private setting, right? Acting City Manager Hernandez said yes. Those are set up to protect the City from potential litigation and giving away positions. Those Executive Sessions are really to protect the City and talk about your one employee. Personnel issues are typically confidential. You are allowed to go talk about the City Manager or City Manager recruitment process. Commissioner Robinson said if the public made an IPRA request on what happened, what would you inform them? City Attorney Mori said it depends. What is said in Executive Session is confidential, but the Commission has the ability to disclose what was said, but certain things, like if staff is given a direction, not to act upon, but lets look into options. If a record exists, then that can be, if there is a record. The transparency comes out of the Executive Session because the Commission cannot make an official action. Acting City Manager Hernandez said let's say we want to purchase a piece of land, a parcel. We would go into Executive Session and give the information. We would ask what you are allowing us to negotiation, and you would give us authority by direction. We have noticed the property, and it is on the agenda. We do not want to give away position to protect the City's finances. Once City staff can make the agreement, we would bring it to an open meeting and the Commission would make that decision. We can only stay within the Commission's direction to do. If the Commission only gave direction up to \$100,000, but we could only get it to \$110,000, we would have to go back into an Executive Session and say this is the best we can do, and do we have authority, and can we go back to negotiate? Then we would bring that forward at the next meeting's Executive Session. Commissioner Robinson said so when we go into Executive Session, we need to stay on the agenda and not veer off. City Attorney Mori said absolutely. It all comes back to, for an official action, it would come back out here to an open session. Commissioner Robinson said so the public would know what we decided, but not how we decided it. Acting City Manager Hernandez said not always. Going back to the previous example, if you gave authorization to go up to \$100,000, but nothing came of it. We would never come back into Open Session. Mayor McDonald said the point I was trying to make is to stick to the subject matter in the last meeting. Not so much that confidentiality was breached. City Attorney Mori said we just want to make sure the Commission stays on topic when they go into Executive Session.

8. Consider, and act upon, the use of LEDA funds. (Stephanie Hernandez, Acting City Manager)

Acting City Manager Hernandez said we had a discussion on LEDA funds last year. Because I thought we were going to use all those funds, I turned away a lot of applications. Once the last applicant withdrew, I asked if some were still interested. Some have reached out to me. We are limited on funds. I listed everyone who has reached out. Direction is all we need. We can also use those funds for demolition or for other City-owned facilities.

Commissioner Robinson asked how much funding we had. Acting City Manager Hernandez said approximately \$950,000. Mayor Pro-Tem Rardin asked where that number came from. Last year we had \$1,900,000, and we spent \$650,000 on the bowling alley. Acting City Manager Hernandez said I failed to remember we had the economic development contract out of that one. We did the Zoo wall. Mayor Pro-Tem Rardin asked how much that was. Acting City Manager Hernandez said \$385,650. Then the contract. Mayor Pro-Tem Rardin asked how much the contract was. Acting City Manager Hernandez said she got a number from Finance Director Huff's projections. Mayor Pro-Tem Rardin said it shows here as \$385,000 for a transfer-out, then \$2,725,000 budgeted expenditures with a balance of \$934,847. Finance Director Huff said correct.

Commissioner Burnett said he spoke to the EDD a couple of times regarding the appropriate use of LEDA funds. Unfortunately, they could not give me a direct answer regarding whether we were using funds correctly. Acting City Manager Hernandez said they won't. What they will provide is direction. I have spoken with Kevin and Jim. Commissioner Burnett said he asked about City-owned facilities and using those funds. They said they do not think it is an appropriate use of the funds. Acting City Manager Hernandez said through LEDA, it is not. We are saying

through a referendum that was approved to use. We cannot use LEDA funds on a City-owned facility like that. Mayor Pro-Tem Rardin said through the referendum, it only authorized up to \$4,000,000 to use on the pool, correct? Acting City Manager Hernandez said no. It had no less than \$4,000,000. Mayor Pro-Tem Rardin said he was under the impression we were moving \$4,000,000 from LEDA to the pool. Acting City Manager Hernandez said we did. He said so then the remainder of the fund was to be used for other LEDA projects? She said we could use it for other LEDA projects or City-owned facilities. That is how we were able to pay for the bowling alley and Zoo.

Commissioner Pattillo asked if there was an approximate figure for the listed demolition projects. Acting City Manager Hernandez said she had an old one for La Placita. I asked for an updated one for Oregon. Half of it is a little over \$100,000. The full Oregon School would be \$400,000. I do not know about the hotel by Applebees, which we are in foreclosure on. It will be a hefty one. Once we take ownership, I anticipate pressure for us to knock it down or sell as-is to a developer. We would have to get it appraised for that. Commissioner Pattillo asked what the pros and cons were for leaving the funds in the Fund for now. Acting City Manager Hernandez said that it is a Commission decision. I will always think we need to invest in our own assets, but we also have some cool businesses that could potentially benefit. Mayor Pro-Tem Rardin asked how far we were with the foreclosure process regarding the hotel. Acting City Manager Hernandez said that the process depends on the judge's calendar and how quickly they turn over paperwork. Once that occurs, we still have a redemption period of a year. We are probably looking at eighteen months. City Attorney Mori said if we get awarded the property, they have a year to redeem it and bring it back up to compliance or standard and pay whatever debts are on there. There would be nothing the City could do until a year after the judgment is given, if the City prevails. Mayor Pro-Tem Rardin said so for example, if we got it tomorrow morning, it would be next June or July before we could reasonably touch it. Acting City Manager Hernandez said we may be able to do something sooner since it is a health and safety issue. It would be a City-owned facility, so we may be able to do something. Mayor Pro-Tem Rardin said we are still looking at roughly a year. City Attorney Mori said we are still at the mercy of the District Judge's schedule. Commissioner Pattillo asked if there were any restrictions or harm that would result in keeping the funds in the LEDA fund and tabling this. Acting City Manager Hernandez said no, not at all. City Attorney Mori said the City was just looking for direction. People were interested, and an application was sent forth. We want to know what the Commission wants to do. Do they want to see the applications? Table it and wait? Or go in a different direction? Mayor Pro-Tem Rardin asked how many applications we had. Acting City Manager Hernandez said three. I am giving the other two businesses time. They reached out last year and I told them no, and we wouldn't have any more money. They are gathering information now. Mayor Pro-Tem Rardin asked if there was enough in the fund to help all three businesses. Are they asking for more than that? Acting City Manager Hernandez said it depends on how you split it. You may be able to help two, but for the most part, they are all asking for the full amount. Two are asking for amounts that are less, but I am not sure about the ones that have not yet come in. I have an idea, but I have not seen it on paper.

Mayor Pro-Tem Rardin said regarding the possession of the hotel, we do budget \$300,000 a year for demolition. Acting City Manager Hernandez said we do. We have a list of one hundred properties that we need to go through. The hotel would skip to the top because it is a true eyesore. Mayor Pro-Tem Rardin said it is a true health, safety, and welfare issue. Where else could we pull money from? She said there is the General Fund.

Commissioner Pattillo said he would like to request a written plan for what the demolition costs would be, and that the existing and any incoming LEDA applications be distributed. Acting City Manager Hernandez asked if he meant distributed as in raw and no analysis. Commissioner Pattillo said when it makes sense to, an idea on the approximate price and basic strategy for the three properties in addition to the LEDA applications. I would just ask for more time and information. Acting City Manager Hernandez said so just the LEDA application, no staff analysis or any of that? Commissioner Burnett said we should be able to see all the applicants and what they have to offer. We can go through and make a decision based off that. Mayor McDonald so said no demolitions? Commissioner Burnett said yes, we already asked for that. Acting City Manager Hernandez said so the plan for the three properties, and when we have all the information gathered, we will bring that all forward. So it will not be piecemeal; you will see it all complete. Commissioner Pattillo said yes ma'am. Any staff recommendations would be helpful.

Commissioner Pattillo moved to table this item and have staff come back at a later date with a written plan for all three properties and all applications that have been received.

**Commissioner Robinson seconded the motion.
Motion Passed with a vote of 6 - 0 - 0.**

ADJOURNMENT

**Commissioner Robinson moved to adjourn at 7:43 PM.
Commissioner Burnett seconded the motion.
Motion Passed with a vote of 6 - 0 - 0.**

ATTEST:

Mayor Sharon McDonald

City Clerk Rachel Hughs

(Prepared by Dylan Aleshire, Deputy Clerk)
Approved at the Regular Meeting held on February 24, 2026.

DRAFT

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION SPECIAL MEETING MINUTES
5:30 PM, DONALD E. CARROLL COMMISSION CHAMBERS
February 12, 2026**

**SHARON MCDONALD, MAYOR
JOSHUA RARDIN, MAYOR PRO-TEM
BAXTER PATTILLO, COMMISSIONER
STEPHEN BURNETT, COMMISSIONER
WARREN ROBINSON, COMMISSIONER**

**VACANT, COMMISSIONER
MARK TAPLEY, COMMISSIONER
STEPHANIE HERNANDEZ, ACTING CITY
MANAGER
DARRELL MORI, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

CALL TO ORDER & ROLL CALL

Mayor McDonald called the meeting to order at 5:31 PM. Roll Call was taken by the Deputy City Clerk. Deputy City Clerk Aleshire announced there was a quorum present.

INVOCATION & PLEDGE OF ALLEGIANCE

The Invocation was given by Commissioner Robinson, and the Pledge of Allegiance was led by Commissioner Tapley.

APPROVAL OF AGENDA

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

EXECUTIVE SESSION

1. Adjourn into Executive Closed Session in compliance with 10-15-1(H)(2), NMSA 1978 (as amended), to discuss: Limited Personal Matters (Hold City Manager Interviews).

Commissioner Robinson moved to adjourn into Executive Session at 5:32 PM.
Commissioner Burnett seconded the motion.
Motion Passed with a vote of 6 - 0 - 0.

ADJOURNMENT

ATTEST:

Mayor Sharon McDonald

City Clerk Rachel Hughs

(Prepared by Dylan Aleshire, Deputy Clerk)
Approved at the Regular Meeting held on February 24, 2026.

AGENDA REPORT

CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 2/24/2026

Report Date:

Report No: 4.

Submitted By: Rachel Hughs

Subject: Approve the statements related to the Executive Closed Session of the Special Meeting held on February 12, 2026. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: The statement is required per the Open Meetings Act.

Background:

Approve the following statements authorizing them to be included in the minutes of February 24, 2026:
"The Governing Body of the City of Alamogordo, New Mexico, hereby states that on February 12, 2026, an Executive Closed Session was held, and the matters discussed in the closed meeting were limited only to discuss Limited Personal Matters (Hold City Manager Interviews)."

AGENDA REPORT

CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 2/24/2026

Report Date:

Report No: 5.

Submitted By: Stephanie Hernandez

Subject: Consider, and act upon, adoption and final publication of Ordinance 1721 amending Chapter 23 of the city code of ordinance to rededicate the local economic development tax and fund balance for the construction, operations, and maintenance of a municipal natatorium. *(Stephanie Hernandez, Acting City Manager)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background:

ORDINANCE NO. 1721**AN ORDINANCE AMENDING CHAPTER 23 OF THE CITY CODE OF ORDINANCE TO REDEDICATE THE LOCAL ECONOMIC DEVELOPMENT TAX AND FUND BALANCE FOR THE CONSTRUCTION, OPERATIONS AND MAINTENANCE OF A MUNICIPAL NATATORIUM AND OTHER CITY-OWNED FACILITIES**

WHEREAS, the City Commission of the City of Alamogordo previously adopted Resolution No. 2024-37 providing notice to the Otero County Clerk of a referendum to submit to the voters a question regarding the rededication of the City's Local Economic Development Tax and a portion of the Local Economic Development Fund balance for the construction, establishment, and maintenance of a municipal natatorium and other City-owned facilities, and;

WHEREAS, the referendum was duly placed on the ballot and submitted to the qualified registered electors of the City of Alamogordo at the General Election held on November 5, 2024, and;

WHEREAS, at said General Election, a majority of voters voting on the question approved the rededication of the 0.125% Local Economic Development Tax to fund debt service for the construction and maintenance of a municipal natatorium, with excess revenues to be used for maintenance and operation of City-owned facilities, and further approved the rededication of not less than \$4,000,000 from the Local Economic Development Fund balance toward construction of the natatorium, and;

WHEREAS, the approval of the referendum reflects the expressed will of the voters to authorize a funding mechanism that minimizes reliance on additional taxes, fees, or general fund expenditures for the construction and long-term operation of the natatorium and related municipal facilities, and;

WHEREAS, the City Commission finds that formally amending the City Code to reflect the voter-approved rededication of the Local Economic Development Tax is necessary to ensure consistency with the election results, compliance with state law, fiscal transparency, and the prudent stewardship of public funds; and

WHEREAS, the rededication of the existing Local Economic Development Tax, as approved by the voters, is intended to reduce the financial burden on Alamogordo taxpayers by

utilizing an existing revenue stream to fund capital construction and associated debt service for the natatorium, rather than imposing new or increased taxes; and

WHEREAS, the City Commission further finds that the construction and operation of a municipal natatorium serve a valid public purpose by promoting public health, safety, recreation, quality of life, and economic vitality within the City of Alamogordo.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that the City Code of the City of Alamogordo Chapter 23-04 is hereby amended to implement the results of the voter-approved referendum conducted at the General Election held on November 5, 2024, as follows:

23-04-190. Dedication—Municipal Infrastructure Gross Receipts Tax.

Revenue from the municipal infrastructure gross receipts tax will be used for the purpose(s) listed below:

- (1) ~~Furthering or implementing economic development plans and projects as defined in the local economic development act.~~ **Rededication:** The .125% Local Economic Development Tax is hereby formally rededicated for the purpose of funding debt service associated with the construction, establishment, and maintenance of a municipal natatorium, and for the maintenance and operation of City-owned facilities, consistent with the authorization approved by the voters.
- (2) **Use of Fund Balance:** Not less than Four Million Dollars (\$4,000,000.00) from the Local Economic Development Fund balance shall be rededicated and used to support the construction of the municipal natatorium.

23-04-200. Effective date—Municipal Infrastructure Gross Receipts Tax.

The effective date of the **rededicated** municipal infrastructure gross receipts tax shall be either January 1 or July 1, whichever date occurs first after the expiration of at least three (3) months from the date the ordinance from which sections 23-04-160—23-04-200 derives is adopted unless an election is held on the question of approving the ordinance, in which case the effective date shall be either July 1 or January 1, whichever date occurs first after the expiration of three (3) months from the date when the results of the election are certified to be in favor of the ordinance's adoption.

The date of the certification of the statewide 2024 general election results, 26th day of November, 2024.

BE IT FURTHER ORDAINED, that the Mayor of the City of Alamogordo, New Mexico is authorized and directed to do all things necessary to implement this ordinance that is lawfully adopted.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2026.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Sharon McDonald, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Darrell Mori, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 2/24/2026

Report Date: 02/17/2026

Report No: 6.

Submitted By: Evelyn Huff

Subject: Consider, and act upon, first publication of Ordinance 1722 authorizing the delivery of a loan agreement and intercept agreement for \$12,000,000 for the construction, equipping and furnishing of a municipal natatorium. (*Evelyn Huff, Finance Director*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the ordinance

Background: This is the next step in applying for the \$12,000,000 loan to construct the new natatorium. The initial application has been submitted to the New Mexico Finance Authority. This loan will be funded with the GRT that was rededicated through referendum.

STATE OF NEW MEXICO)
COUNTY OF OTERO) ss.
CITY OF ALAMOGORDO)

The City Commission (the “Governing Body”) of the City of Alamogordo, New Mexico, met in regular session in full conformity with the law and the rules and regulations of the Governing Body at Alamogordo Municipal Offices, 1376 East Ninth Street, Alamogordo, New Mexico, being the regular meeting place of the Governing Body, on the _____ day of March, 2026, at the hour of 6:30 p.m. Upon roll call, the following members were found to be present:

Present: _____

Absent: _____

Also Present: _____

Thereupon, there was officially filed with the Clerk a copy of a proposed ordinance in final form.

CITY OF ALAMOGORDO, NEW MEXICO
ORDINANCE NO. 1722

AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND INTERCEPT AGREEMENT BY AND BETWEEN THE CITY OF ALAMOGORDO, NEW MEXICO (THE “GOVERNMENTAL UNIT”) AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT NOT TO EXCEED \$12,000,000, TOGETHER WITH INTEREST THEREON, FOR THE PURPOSE OF DEFRAYING THE COST TO (I) ACQUIRE, CONSTRUCT, PURCHASE, EQUIP, FURNISH, MAKE ADDITIONS TO, RENOVATE, REHABILITATE BEAUTIFY OR OTHERWISE IMPROVE THE CITY’S NATATORIUM, (II) FUND A LOAN AGREEMENT RESERVE ACCOUNT, AND (III) PAY EXPENSES; PROVIDING FOR THE PLEDGE AND PAYMENT OF THE PRINCIPAL AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE REVENUES OF THE 0.125% MUNICIPAL INFRASTRUCTURE GROSS RECEIPTS TAX IMPOSED PURSUANT TO GOVERNMENTAL UNIT ORDINANCE NO. 1091, ADOPTED MAY 9, 2000, AS AMENDED BY GOVERNMENTAL UNIT ORDINANCE NO. 1722, ADOPTED FEBRUARY 24, 2026, AND SECTION 7-19(D)-9, NMSA 1978, AS AMENDED; APPROVING THE DELEGATION OF AUTHORITY TO MAKE CERTAIN DETERMINATIONS REGARDING THE LOAN AGREEMENT PURSUANT TO THE SUPPLEMENTAL PUBLIC SECURITIES ACT; PROVIDING FOR THE DISTRIBUTION OF MUNICIPAL INFRASTRUCTURE GROSS RECEIPTS TAX REVENUES TO BE REDIRECTED BY THE STATE TAXATION AND REVENUE DEPARTMENT TO THE NEW MEXICO FINANCE AUTHORITY OR ITS ASSIGNS FOR THE PAYMENT OF PRINCIPAL AND INTEREST DUE ON THE LOAN AGREEMENT PURSUANT TO AN INTERCEPT AGREEMENT; APPROVING THE FORM AND TERMS OF, AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT AND INTERCEPT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT AND INTERCEPT AGREEMENT.

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

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

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

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

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

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

WHEREAS, the Governmental Unit desires to provide that distributions of the Pledged Revenues may be redirected to the Finance Authority or its assigns pursuant to an Intercept Agreement between the Governmental Unit and the Finance Authority (the "Intercept Agreement") for the payment of amounts due under the Loan Agreement; and

WHEREAS, other than the Pledged Revenues, no revenues collected by the Governmental Unit shall be pledged to the Loan Agreement; and

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

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

WHEREAS, the Governing Body intends by this Ordinance to authorize the execution and delivery of the Loan Agreement in the amount and for the purposes set forth herein with the final interest rates and principal amount set forth in the Sale Certificate; and

WHEREAS, pursuant to Sections 6-14-8 through 6-14-11 NMSA 1978, as amended (the "Supplemental Public Securities Act"), the Commission is authorized to adopt an ordinance delegating to one or more of its members, City officers, or City employees the authority to sign a contract for the purchase or sale of public securities or to accept a binding bid for public securities and to determine the sale for public securities to be issued so long as such sale is within the parameters established by an authorizing ordinance adopted in conformity with the Supplemental Public Securities Act; and

WHEREAS, in order to, among other things, allow the City flexibility in setting the pricing date of the Loan and optimize interest rates for the City, the Commission desires to grant to the Mayor, Manager, Finance Director or any other employee of the City when designated by a certificate signed by the Mayor (collectively, the “Designated Officers”), the authority (a) to determine the terms of the Loan within the parameters set forth herein; and (b) to make any changes with respect thereto from those terms which were before the Commission at the time of adoption of this Ordinance, provided such terms do not exceed the parameters set forth for such terms in this Ordinance; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE GOVERNMENTAL UNIT:

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

“Act” means the general laws of the State, including Sections 3-31-1 through 3-31-12, 6-14-1 through 6-14-12, NMSA 1978, and 7-19(D)-9, NMSA 1978, as amended, and enactments of the Governing Body relating to the Loan Agreement and the Intercept Agreement, including this Ordinance.

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

“Authorized Officers” means the Mayor, Manager, Finance Director and Treasurer, and Clerk of the Governmental Unit.

“Bonds” means public project revolving fund revenue bonds, if any, issued hereafter by the Finance Authority and specifically related to the Loan Agreement and the Loan Agreement Payments.

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

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

“Distributing State Agency” means the department or agency of the State, as described on the Term Sheet, authorized to distribute the Pledged Revenues on behalf of the Governmental Unit.

“Expense Fund” means the expense fund created pursuant to the Indenture to be held and administered by the Trustee to pay Expenses.

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

“Finance Authority” means the New Mexico Finance Authority.

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

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

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

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

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

“Income Fund” means the “City of Alamogordo, New Mexico Gross Receipts Tax Income Fund” created by the Governmental Unit and to be maintained by the Governmental Unit to which all Pledged Revenues are credited.

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

“Intercept Agreement” means the Intercept Agreement between the Governmental Unit and the Finance Authority providing for the direct payment by the Distributing State

Agency to the Finance Authority of Pledged Revenues in amounts sufficient to pay Loan Agreement Payments, and any amendments or supplements to the Intercept Agreement.

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

“Loan Agreement” means the Loan Agreement dated the Closing Date between the Finance Authority and the Governmental Unit which provides for the financing of the Project and requires payments by or on behalf of the Governmental Unit to the Finance Authority.

“Loan Agreement Payment” means, collectively, the Principal Component and the Interest Component to be paid by the Governmental Unit as payment of the Loan Agreement as shown on Exhibit “B” thereto.

“Loan Agreement Payment Date” means each date a payment is due on the Loan Agreement as shown on Exhibit “B” thereto.

“Loan Agreement Principal Amount” means the original principal amount of the Loan Agreement as shown on the Term Sheet.

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

“Ordinance” means this Ordinance adopted by the Governing Body on March __, 2026 approving the Loan Agreement and the Intercept Agreement and pledging the Pledged Revenues, as amended from time to time.

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

“Pledged Revenues” means the revenues derived from the Governmental Unit’s 0.125% municipal infrastructure gross receipts tax imposed pursuant to Governmental Unit Ordinance No. 1091, adopted May 9, 2000, as amended by Governmental Unit Ordinance No. 1722, adopted February 24, 2026, and section 7-19(d)-9, NMSA 1978, as amended, imposed on all persons engaging in business in the Governmental Unit, which tax equals, subject to the exemptions specified in Section 7-19D-9 NMSA 1978, one-eighth of one percent of the gross receipts of all persons engaging in business in the Governmental Unit for the month in which the tax is distributed to the Governmental Unit (provided that the Governmental Unit is not pledging and the term “Pledged Revenues” does not include the state-shared gross receipts tax or any other local option gross receipts tax income received by the City). Pledged Revenues also means (i) the distribution to the Governmental Unit pursuant to Section 7-9-46 NMSA 1978, which is in lieu of revenue that would have been received by the Governmental Unit pursuant to

Section 7-19(D)-9 NMSA 1978, but for the deductions provided by 7-9-92 and 7-9-93 NMSA 1978, and (ii) any similar distributions made to the Governmental Unit in lieu of gross receipts tax revenues.

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

“Project” means the (i) acquisition, construction, purchase, equipping, furnishing, making additions to, renovating, rehabilitating, beautifying or otherwise improving the Governmental Unit’s natatorium, (ii) funding of a Loan Agreement Reserve Account, and (iii) paying Expenses.

“Sale Certificate” means one or more certificates executed by the Mayor, Manager, or Finance Director, dated on or before the date of execution of the Loan Agreement, setting forth the final terms of the Loan Agreement.

“State” means the State of New Mexico.

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

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

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

Section 3. Authorization of the Project, the Loan Agreement, and the Intercept Agreement. The Project and the method of financing the Project through the pledge of the Pledged Revenues and the execution and delivery of the Loan Agreement and the Intercept Agreement are hereby authorized and ordered. The Project is for the benefit of the Governmental Unit and its residents.

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

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

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

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

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

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

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

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

H. The net effective interest rate on the Loan will not exceed twelve percent (12.0%) per annum, which is the maximum rate permitted by State law, with the final interest rate approved in the Sale Certificate.

Section 5. Loan Agreement and Intercept Agreement - Authorization and Detail.

A. Authorization. This Ordinance has been adopted by the affirmative vote of a three-quarters majority of all of the members of the Governing Body. For the purpose of protecting the public health, conserving the property, protecting the general welfare and prosperity of the residents of the Governmental Unit and completing the Project, it is hereby declared necessary that the Governmental Unit, pursuant to the Act, pledge the Pledged Revenues and execute and deliver the Loan Agreement and the Intercept Agreement evidencing a special, limited obligation of the Governmental Unit to pay the principal amount not to exceed \$12,000,000, and the pledge of the Pledged Revenues and the execution and delivery of the Loan Agreement and the Intercept Agreement are hereby authorized, subject to final approval of the principal amount and interest rates in a subsequent Sale Certificate. The Governmental Unit shall use the proceeds of the Loan to finance the completion of the Project, fund the Loan Agreement Reserve Account, and to pay Expenses.

B. Detail. The Loan Agreement and Intercept Agreement shall be in substantially the forms of the Loan Agreement and Intercept Agreement presented at the meeting of the Governing Body at which this Ordinance was adopted. The Loan shall be

in an original aggregate principal amount not to exceed \$12,000,000, shall be payable in installments of principal due on June 1 of the years designated in Exhibit “B” to the Loan Agreement and bear interest payable on June 1 and December 1 of each year, commencing on December 1, 2026, at the rates designated in Exhibit “B” to the Loan Agreement, as approved in the Sale Certificate.

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

Section 7. Special Limited Obligation. The Loan Agreement shall be secured by the pledge of the Pledged Revenues as set forth in the Loan Agreement and shall be payable solely from the Pledged Revenues. The Loan Agreement, together with other obligations of the Governmental Unit thereunder, shall be a special, limited obligation of the Governmental Unit, payable solely from the Pledged Revenues as provided in this Ordinance and the Loan Agreement and shall not constitute a general obligation of the Governmental Unit or the State, and the holders of the Loan Agreement may not look to any general or other fund of the Governmental Unit for payment of the obligations thereunder. Nothing contained in this Ordinance nor in the Loan Agreement, nor any other instruments, shall be construed as obligating the Governmental Unit (except with respect to the application of the Pledged Revenues), as incurring a pecuniary liability or a charge upon the general credit of the Governmental Unit or against its taxing power, nor shall a breach of any agreement contained in this Ordinance, the Loan Agreement, or any other instrument impose any pecuniary liability upon the Governmental Unit or any charge upon its general credit or against its taxing power. The Loan Agreement shall never constitute an indebtedness of the Governmental Unit within the meaning of any State constitutional provision or statutory limitation and shall never constitute or give rise to a pecuniary liability of the Governmental Unit or a charge against its general credit or taxing power. Nothing herein shall prevent the Governmental Unit from applying other funds of the Governmental Unit legally available therefor to payments required by the Loan Agreement, in its sole and absolute discretion.

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

A. Program Account, Finance Authority Debt Service Account and Loan Agreement Reserve Account. The Governmental Unit hereby consents to creation of the (i) Finance Authority Debt Service Account to be held and maintained by the Finance Authority, (ii) Program Account to be held by the Trustee pursuant to the

Indenture, and (iii) Loan Agreement Reserve Account to be held by the Trustee, each in connection with the Loan. The Governmental Unit hereby approves: (i) of the deposit of the portion of the proceeds of the Loan Agreement in the Program Account, the Loan Agreement Reserve Account, and the Finance Authority Debt Service Account, and (ii) for payment of the Expenses.

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

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

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

B. Completion of the Project. Upon completion of the Project, any balance remaining in the Program Account shall be transferred and deposited into the Finance Authority Debt Service Account, as provided in the Loan Agreement and the Indenture.

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

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

A. Deposit of Pledged Revenues. Pledged Revenues shall be paid to the Finance Authority for deposit in the Finance Authority Debt Service Account and remittance to the Trustee in an amount sufficient to pay principal, interest and other amounts due under the Loan Agreement.

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

C. Use of Surplus Revenues. After making all the payments hereinabove required to be made by this Section, any moneys remaining in the Finance

Authority Debt Service Account shall be transferred to the Governmental Unit on a timely basis and shall be applied to any other lawful purpose, including, but not limited to, the payment of Parity Obligations and bonds or obligations subordinate and junior to the Loan Agreement, or other purposes authorized by the Governmental Unit, the Constitution and laws of the State, as the Governmental Unit may from time to time determine.

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

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

Pursuant to the Supplemental Public Securities Act, Section 6-14-8 et seq., NMSA 1978, the Mayor, Manager, or Finance Director is hereby delegated authority to execute the Sale Certificate and to determine any or all of the final terms of the Loan Agreement, subject to the parameters and conditions contained in this Ordinance. The Manager shall present the Sale Certificate to the Governing Body in a timely manner, before or after the execution and delivery of the Loan Agreement, at a regularly scheduled public meeting of the Governing Body.

Section 12. Amendment of Ordinance. This Ordinance may be amended by ordinance of the Governing Body without receipt by the Governmental Unit of any additional consideration, but only with the prior written consent of the Finance Authority. This Ordinance will be supplemented by the terms set forth in the Sale Certificate.

Section 13. Ordinance Irrepealable. After the Loan Agreement and Intercept Agreement have been executed and delivered, this Ordinance shall be and remain

irrepealable until all obligations due under the Loan Agreement shall be fully paid, canceled and discharged, as herein provided.

Section 14. Severability Clause. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 15. Repealer Clause. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

Section 16. Effective Date. Upon due adoption of this Ordinance, it shall be recorded in the book of the Governmental Unit kept for that purpose, authenticated by the signatures of the Mayor and Clerk of the Governmental Unit, and the title and general summary of the subject matter contained in this Ordinance (set out in Section 18 below) shall be published in a newspaper which maintains an office and is of general circulation in the Governmental Unit, or posted in accordance with law, and said Ordinance shall be in full force and effect thereafter, in accordance with law.

Section 17. General Summary for Publication. Pursuant to the general laws of the State, the title and a general summary of the subject matter contained in this Ordinance shall be published in substantially the following form:

(Form of Summary of Ordinance for Publication)

City of Alamogordo, New Mexico
Notice of Adoption of Ordinance

Notice is hereby given of the title and of a general summary of the subject matter contained in Ordinance No.1722 duly adopted and approved by the Governing Body of the City of Alamogordo, New Mexico, on March __, 2026. A complete copy of the Ordinance is available for public inspection during the normal and regular business hours of the City Clerk, 1376 East Ninth Street, Alamogordo, New Mexico.

The title of the Ordinance is:

CITY OF ALAMOGORDO, NEW MEXICO
ORDINANCE NO. 1722

AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND INTERCEPT AGREEMENT BY AND BETWEEN THE CITY OF ALAMOGORDO, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT

NOT TO EXCEED \$12,000,000, TOGETHER WITH INTEREST THEREON, FOR THE PURPOSE OF DEFRAYING THE COST TO (I) ACQUIRE, CONSTRUCT, PURCHASE, EQUIP, FURNISH, MAKE ADDITIONS TO, RENOVATE, REHABILITATE BEAUTIFY OR OTHERWISE IMPROVE THE CITY'S NATATORIUM, (II) FUND A LOAN AGREEMENT RESERVE ACCOUNT, AND (III) PAY EXPENSES; PROVIDING FOR THE PLEDGE AND PAYMENT OF THE PRINCIPAL AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE REVENUES OF THE 0.125% MUNICIPAL INFRASTRUCTURE GROSS RECEIPTS TAX IMPOSED PURSUANT TO GOVERNMENTAL UNIT ORDINANCE NO. 1091, ADOPTED MAY 9, 2000, AS AMENDED BY GOVERNMENTAL UNIT ORDINANCE NO. 1722, ADOPTED FEBRUARY 24, 2026, AND SECTION 7-19(D)-9, NMSA 1978, AS AMENDED; APPROVING THE DELEGATION OF AUTHORITY TO MAKE CERTAIN DETERMINATIONS REGARDING THE LOAN AGREEMENT PURSUANT TO THE SUPPLEMENTAL PUBLIC SECURITIES ACT; PROVIDING FOR THE DISTRIBUTION OF MUNICIPAL INFRASTRUCTURE GROSS RECEIPTS TAX REVENUES TO BE REDIRECTED BY THE STATE TAXATION AND REVENUE DEPARTMENT TO THE NEW MEXICO FINANCE AUTHORITY OR ITS ASSIGNS FOR THE PAYMENT OF PRINCIPAL AND INTEREST DUE ON THE LOAN AGREEMENT PURSUANT TO AN INTERCEPT AGREEMENT; APPROVING THE FORM AND TERMS OF, AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT AND INTERCEPT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT AND INTERCEPT AGREEMENT.

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

(End of Form of Summary for Publication)

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF MARCH, 2026.

CITY OF ALAMOGORDO, NEW MEXICO

By _____
Mayor Sharon McDonald

[SEAL]

ATTEST:

By _____
Clerk Rachel Hughs

Commissioner _____ then moved adoption of the foregoing Ordinance, duly seconded by Commissioner _____.

The motion to adopt said Ordinance, upon being put to a vote, was passed and adopted on the following recorded vote:

Those Voting Aye: _____

Those Voting Nay: _____

Those Absent: _____

_____ () members of the Governing Body having voted in favor of said motion, the Mayor declared said motion carried and said Ordinance adopted, whereupon the Mayor and the Clerk signed the Ordinance upon the records of the minutes of the Governing Body.

After consideration of matters not relating to the Ordinance, the meeting on the motion duly made, seconded and unanimously carried, was adjourned.

CITY OF ALAMOGORDO, NEW MEXICO

By _____
Mayor Sharon McDonald

[SEAL]

ATTEST:

By _____
Clerk Rachel Hughs

AGENDA REPORT

CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 2/24/2026

Report Date:

Report No: 7.

Submitted By: Josh Rardin

Subject: Recess into Executive Closed Session in compliance with 10-15-1(H)(2) NMSA (as amended) to discuss: Limited Personnel Matters (Hiring of the City Manager). **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background:

AGENDA REPORT

CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 2/24/2026

Report Date:

Report No: 8.

Submitted By:

Subject: (Action, if any, related to Limited Personnel Matters) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: