



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

October 11, 2016 - 6:30 PM
City Hall, City Commission Chambers
1376 E. Ninth St.

Richard Boss Mayor
Al Hernandez Mayor Pro-Tem, District 5
Jason Baldwin District 1
Nadia Sikes District 2
Susan Payne District 3
Jenny Turnbull District 4
Erica Martin District 6

Maggie Paluch Acting City Manager
Canon P. Stevens Interim 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 bulletin board located in the east/west lobby 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 575-439-4205.

CALL TO ORDER & ROLL CALL

Announce the presence of a Quorum.

INVOCATION & PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PRESENTATIONS

1. Presentation by Edward Summers concerning water services at located at 1105 Madison Ave.
(Edward Summers, presenter)

2. Presentation by John Douglass concerning Kids Kingdom. (*John Douglas, presenter*)

PUBLIC COMMENT

Residents must sign up with the City Clerk to address the City Commission. Comments are limited to 3 Minutes, and there will be a maximum of 21 Minutes allowed for Public Comment.

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. Consider, and act upon, an agreement for closure of a driveway at 811 First Street related to the Florida Avenue Realignment at First Street project. (*Nancy Beshaler, Project Manager*)
4. Consider, and act upon, the approval of Resolution No. 2016-40 requesting written approval from the Local Government Division of the Department of Finance & Administration, State of New Mexico for the revised budget figures computed as of October 11, 2016. (*Kathy Gilsdorf, Budget Analyst*) (**Roll Call Vote required**)

ITEMS REMOVED FROM CONSENT AGENDA

NEW BUSINESS

5. Consider and act upon drainage issues on New York Avenue between 1st and 10th Street. (*Brian Cesar, Public Works Director*)
6. Consider and act upon, sewer service issue at 1417 Cuba. (*Brian Cesar, Public Works Director*)
7. Consider, and act upon, Change Order No. 1, RFQ 2016-02, to Smith Engineering Company related to the engineering and design services for the North Scenic Drive Extension to Mesa Verde Ranch Road project, in an amount not to exceed \$43,541.63, including tax.
8. Consider, and act upon, award of IFB No. 2016-08 to Fiesta Mobile Homes, LLC, related to the Mobile Home - Otero/Greentree Regional Landfill project, in an amount not to exceed \$98,583.88, including tax.
9. Consider and act upon Ordinance No. 1529 amending Chapter 24 of the *Code of Ordinances* to include Off-Highway Motor Vehicles.

EXECUTIVE SESSION (Roll Call Vote Required)

10. Adjourn into Executive Session in compliance with Section 10-15-1(H), NMSA 1978, to discuss: limited personnel matters (PSAP staffing) and purchase, acquisition or disposal of real property (115 South Florida). (**Roll Call Vote required**)

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 10/11/2016

Report Date: 10/4/2016

Report No: 1.

Submitted By: Rachel Hughs

Subject: Presentation by Edward Summers concerning water services at located at 1105 Madison Ave.
(*Edward Summers, presenter*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: Edward Summers, rental property owner has a concern with water services at located at 1105 Madison Ave.



RECEIVED
SEP 14 2016
CITY CLERK

City of Alamogordo City Commission Meeting

AGENDA REQUEST FORM

Date: 9-14-16

Date of Meeting:

~~9-27-16~~ OCT. 10, 2016

Name:

EDWARD SUMMERS

Address:

10 COTTON AV.

ALAMORDO

ZIP 88310

Phone Number:

575-442-3934

E-Mail Address:

Item requested will be for: (Please check one)

☒ Information only

☐ Action Item

☐ Discussion/Action

☐ Public Hearing

☐ Report

☐ Other: _____

Brief description of topic to be discussed:

Please attach one original of any documents pertaining to the topic -

We do not allow handouts at the meeting

Signature: Edward Summers

Please return to:

Nancy Jacobs, CMC, City Clerk
City of Alamogordo
1376 E. 9th Street
Alamogordo, NM 88310

Phone: (575) 439-4205

Fax: (575) 439-4396

E-mail: njacobs@ci.alamogordo.nm.us

Revised 3/2/2016

Mark T - 9/15

P.S.

ALSO IF ONE OF MY RENTALS IS VACATED & THE WATER BILL IS LEFT UNPAID I AM BILLED FOR IT.

PAGE 1
OF 2

INEPT? CITY GOVERNMENT

↑ ~~⊗~~ VERY UNFAIR

↓ SEPT. 13 2016

⊗ WATER SERVICE SHUT OFF = \$28.50 EA. MONTH COST.

⊗ WATER SERVICE TURNED ON = UNUSED \$48.50 EA. MONTH ^{+ USAGE}

↙ COMPARE TO: ↘

P.N.M. ELEC. SERVICE

⊗ ELEC. SERVICE SHUT OFF = ZERO COST EA. MONTH

⊗ ELEC. SERVICE TURNED ON = 5:47^{+ USAGE} EA. MONTH

⊗ I TALKED TO THE HEAD OF THE CITY WATER DEPT. OF THE ABOVE & HE TOLD ME THAT IF PNM CO. WANTED TO CHARGE FOR THEIR ELEC. ^{THOUGH SHUT OFF} (EACH MONTH) THAT THAT IS THEIR

PREROGATIVE (OR OR DOES NOT IS IT THE P.R.C. DISALOWS IT)

→ SINCERELY - PROB. OWNER

P.S.

PAGE 2 OF 2

9-14-16

ALSO I HAVE A HOUSE AT 1105 MADISON
AVE, THAT WAS VACANT FOR ONLY ABOUT
2 WEEKS IN AUG. '16 BEFORE IT WAS RENTED
& I WAS SENT A BILL FOR 50.00+. THIS HAS
NEVER EVER HAPPENED BEFORE. ??? PLEASE
REALIZE THAT IS NOT FAIR. PLEASE DO
RESCIND THAT LAW - IT IS VERY UNFAIR. I
AM THE OWNER OF SEVERAL HOUSES IN TOWN
& I TRY TO BE SELECTIVE IN WHOM I RENT
TO - SO IF A PERSON WANTS TO RENT FROM
ME I ASK FOR REFERENCES 1ST & THE HOUSE
MAY BE VACANT FOR A WHILE TILL RENTED,
PLEASE CONSIDER THIS SERIOUSLY. THANK YOU
AGAIN - Edward Summers

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 10/11/2016

Report Date: 10/6/2016

Report No: 2.

Submitted By: Rachel Hughs

Subject: Presentation by John Douglass concerning Kids Kingdom. (*John Douglas, presenter*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: John Douglass helped in the construction of Kids Kingdom and would like to see a new design in its place.



RECEIVED
SEP 26 2016
CITY CLERK

City of Alamogordo City Commission Meeting

AGENDA REQUEST FORM

Date: Sept 26, 2016

Date of Meeting: Oct 11, 2016

Name: John Douglass

Address: 3509 Thunder Road

Alamogordo, NM ZIP 88310

Phone Number: 575-430-9273

E-Mail Address: jdouglass@tulavosa.net

Item requested will be for: (Please check one)

☒ Information only ☐ Action Item ☐ Discussion/Action

☐ Public Hearing ☐ Report ☐ Other: _____

Brief description of topic to be discussed:

Please attach one original of any documents pertaining to the topic -

We do not allow handouts at the meeting

Replacement of the kids kingdom playcape.

Signature: John C. Douglass

Please return to: Nancy Jacobs, CMC, City Clerk
City of Alamogordo
1376 E. 9th Street
Alamogordo, NM 88310

Phone: (575) 439-4205

Fax: (575) 439-4396

E-mail: njacobs@ci.alamogordo.nm.us

Nancy Jacobs

From: jdouglass@tularosa.net
Sent: Wednesday, September 28, 2016 2:52 PM
To: Nancy Jacobs
Subject: Kid's Kingdom Playscape

Ms. Jacobs: The Kid's Kingdom playscape which was lost to Alamogordo on September 23 was an asset which I feel should be replaced. Kid's Kingdom was my idea and I headed the people who raised the money and built it.

One of the main benefits to Alamogordo is that Kid's Kingdom was built with volunteer labor using donated materials and money to pay for other materials and construction supervision. I think the people of Alamogordo feel correctly that Kid's Kingdom belonged to them and pride in the accomplishment is justified.

LETS DO IT AGAIN

According to the Alamogordo Daily News Kid's Kingdom was valued at \$750,000.

We built it using about \$120,000 and we have a few hundred dollars after paying for repair parts over the years.

I feel we should start over with a new design including what the children of Alamogordo want in the new playscape. It is impossible to proceed without the approval of the City of Alamogordo and an understanding of what insurance money could be used.

I would be pleased if allowed to speak to the City Commissioners and answer questions at the October 11 meeting.

Sincerely,

John Douglass

Nancy Jacobs

From: Nancy Jacobs
Sent: Monday, September 26, 2016 4:59 PM
To: 'jdouglass@tularosa.net'
Cc: Cheryl OteroBaker; Rachel Hughs
Subject: Playscape information

Mr. Douglass-

I received your request to be on an agenda today. Cheryl, who you spoke with, told me you were instrumental in the design and development of Kids Kingdom and that you wished to address the Commission with that information. Would it be possible to write this down in a document I could distribute to our Commissioners? I feel they would enjoy reading about this before there was any discussion, and that form would be more effective than a presentation at this point. We could decide at that point if you would present at a Commission meeting.

Let me know what you think-

nj

Nancy E. Jacobs, CMC
City Clerk
City of Alamogordo
1376 E. Ninth St.
Alamogordo, NM 88310
(575) 439-4205
njacobs@ci.alamogordo.nm.us

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 10/11/2016

Report Date: 10/5/2016

Report No: 3.

Submitted By: Nancy Beshaler

Subject: Consider, and act upon, an agreement for closure of a driveway at 811 First Street related to the Florida Avenue Realignment at First Street project. *(Nancy Beshaler, Project Manager)*

Fiscal Impact: \$6,000

Amount Budgeted: \$355,422.00

Fund: 122-9499-430.61-20 (EN1405)

Additional Fiscal Impact:

Recommendation: Approve the agreement for closure of a driveway at 811 First Street related to the Florida Avenue Realignment at First Street project.

Background: Due to the realignment of Florida Avenue at First Street it is necessary to close the western driveway at 811 First Street where First Street Tile and Carpet is located. City staff have negotiated with the property owners, concluding in an agreement for the following:

- the westernmost driveway onto First Street will be closed
- the west face of the block wall, the dumpster enclosure, and the existing sign post will be removed by the contractor in order to maintain egress for vehicles
- the city will provide a perpetual right of egress across the adjacent city property to the west, allowing access to an exit onto North Florida Avenue at the alley to the north
- the city will pay the owners \$6,000 for the replacement of the sign post based upon a written estimate

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 10/11/2016

Report Date: 10/5/2016

Report No: 4.

Submitted By: Kathy Gilsdorf

Subject: Consider, and act upon, the approval of Resolution No. 2016-40 requesting written approval from the Local Government Division of the Department of Finance & Administration, State of New Mexico for the revised budget figures computed as of October 11, 2016. (*Kathy Gilsdorf, Budget Analyst*) **(Roll Call Vote required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Beginning Cash Balances \$0

Revenues (\$2,514,729) Decrease

Expenditures \$1,046,167 Increase

Transfers In/Out \$0

Net Impact (\$3,560,896) Decrease

Recommendation: Approve Resolution 2016-40 **(Roll Call vote required)**

Background: The City Commission adopted the Fiscal Year budget on May 24, 2016. The Department of Finance & Administration granted written approval of the City of Alamogordo's Fiscal Year 2016-2017 Final Budget on August 26, 2016. Resolution 2016-40 amends the Budget to reflect a more true and accurate projection of the actual revenues and expenditures. A summary and explanation of revisions are attached for your review.

RESOLUTION NO. 2016-40

A RESOLUTION REQUESTING THE DEPARTMENT OF FINANCE AND ADMINISTRATION, STATE OF NEW MEXICO, APPROVE REVISED BUDGET FIGURES FOR CERTAIN LINE ITEMS IN THE CITY'S BUDGET FOR FISCAL YEAR 2016-2017.

WHEREAS, the City of Alamogordo, New Mexico wishes approval to change some of the budget line item figures of various funds; and

WHEREAS, the Department of Finance and Administration, State of New Mexico, gave its written interim approval to the City of Alamogordo, New Mexico's annual budget on June 15, 2016, for fiscal year 2016-2017; and

WHEREAS, the City of Alamogordo, New Mexico, has tabulated on the following pages the additional resources and expenditures for fiscal year 2016-2017.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that the City's annual budget for fiscal year 2016-2017 be and hereby is revised as of October 9, 2016 to reflect a more true and accurate projection of the actual revenues and expenditures for fiscal year 2016-2017 as shown on the following pages.

NOW, BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that the Department of Finance and Administration, State of New Mexico, be requested to give its written approval to the revised budget figures computed on August 11, 2016 as a more true and accurate projection of the actual revenues and expenditures for fiscal year 2016-2017.

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Alamogordo, New Mexico, at a Regular Meeting held this 11th day of October 2016.

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

By: _____
Richard A. Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Lauren Truitt, Asst. City Attorney

ALL FUNDS SUMMARY
BUDGET 2016-2017

1/12TH REQ RSRV
1,402,507
Fund Reserve Policy
487,127
Bal. Remaining

3,890,886

FY17 BUDGET - RESOLUTION 2016-40 (#3) October 11, 2016

FUND NO.	FY 2016-2017 FUND DESCRIPTION	UNAUDITED BEGINNING CASH BALANCE	ESTIMATED REVENUES	TRANSFERS IN	TRANSFERS OUT	NET CASH TRANSFERS	BUDGETED EXPENDITURES	ESTIMATED ENDING CASH BALANCE	LOCAL RESERVE REQUIREMENTS UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE
11	GENERAL OPERATING FUND	8,647,206	17,594,668	1,208,987	4,789,121	(3,580,134)	16,468,760	6,192,980	1,889,634	4,303,347
	Revision #1	0	0	0	0	0	8,000	(8,000)		
	Revision #2	0	0	0	0	0	9,557	(9,557)		
	Revision #3	0	0	0	0	0	7,500	(7,500)		
	Revision #10	0	0	0	81,141	(81,141)	306,263	(387,404)		
	Revision #11	0	30,000	0	0	0	30,000	0		
	Total Revised Fund 11	8,647,206	17,624,668	1,208,987	4,870,262	(3,661,275)	16,830,080	5,780,519		5,780,519
12	INTERNAL SERVICE FUND	365,931	0	0	365,931	(365,931)	0	(0)		(\$0)
15	CORRECTIONS-JAIL	12,557	109,394	63,300	0	63,300	180,251	5,000		\$5,000
16	LODGER'S TAX-PROMOTIONAL FUND	133,841	224,639	0	0	0	346,071	12,409		\$12,409
	Revision #10	0	0	0	0	0	459	(459)		
	Total Revised Fund 16	133,841	224,639	0	0	0	346,530	11,950		11,950
17	POLICE COURT BOND	6,338	0	0	0	0	0	6,338		\$6,338
19	COURT AUTOMATION FUND	30,746	81,014	0	0	0	80,623	31,137		\$31,137
	Revision #10	0	0	0	0	0	260	(260)		
	Total Revised Fund 19	30,746	81,014	0	0	0	80,883	30,877		30,877
20	LODGER'S TAX-CITY	218,324	381,627	220,000	1,720	218,280	708,912	109,319		\$109,319
	Revision #4	0	0	0	0	0	2,500	(2,500)		
	Revision #10	0	0	0	0	0	3,034	(3,034)		
	Total Revised Fund 20	218,324	381,627	220,000	1,720	218,280	714,446	103,785		103,785
21	D.A.R.E. DONATIONS FUND	15,868	5,409	0	0	0	15,601	5,676		\$5,676
22	DESIGNATED GIFT FUND	26,880	950	0	0	0	20,752	7,078		\$7,078
24	GRANT CAPITAL IMPROVEMENT	0	699,811	0	0	0	691,955	7,856		\$7,856
	Revision #5	0	8,743	0	0	0	8,743	0		
	Revision #9	0	62,728	0	0	0	69,000	(6,272)		
	Total Revised Fund 24	0	771,282	0	0	0	769,698	1,584		1,584
27	MUNICIPAL COURT OPERATIONS	0	8,500	397,818	0	397,818	403,413	2,905		\$2,905
	Revision #10	0	0	5,514	0	5,514	5,514	0		
	Total Revised Fund 27	0	8,500	403,332	0	403,332	408,927	2,905		2,905
28	POLICE CONTINGENCY	50,292	8,487	0	0	0	14,960	43,819		\$43,819
31	CEMETERY-PERPETUAL CARE	786,285	21,880	0	0	0	0	808,165		\$808,165
32	COMMUNITY SERVICES	3,275	853,019	3,486,987	15,480	3,471,507	4,322,801	5,000		\$5,000
	Revision #10	0	0	57,541	0	57,541	57,541	0		
	Total Revised Fund 32	3,275	853,019	3,544,528	15,480	3,529,048	4,380,342	5,000		5,000
33	FIRE PROTECTION	397,398	606,364	0	0	0	785,106	218,656	47,056	\$171,600
36	LAW ENFORCEMENT FUND	6,743	115,440	0	0	0	119,919	2,264		\$2,264
37	STATE HIGHWAY FUND	109,640	39,195	0	0	0	31,564	117,271		\$117,271
38	TRAFFIC SAFETY FUND	52,991	30,451	0	0	0	30,000	53,442		\$53,442
39	STATE JUDICIAL	3,253	75,500	0	0	0	75,500	3,253		\$3,253
40	AIRPORT IMPROVEMENT PROJECTS	0	655,560	216,159	0	216,159	864,271	7,448		\$7,448
42	1984 GROSS RECEIPTS TAX	3,463,672	1,634,314	0	4,258,776	(4,258,776)	0	839,210	217,173	\$622,037
	Revision #10	0	0	0	16,400	(16,400)	0	(16,400)		
	Total Revised Fund 42	3,463,672	1,634,314	0	4,275,176	(4,275,176)	0	822,810	217,173	605,637
44	TRANSPORTATION FUND	301,293	3,873,914	1,633,204	17,200	1,616,004	5,790,023	1,188		\$1,188
	Revision #10	0	0	16,400	0	16,400	16,400	0		
	Total Revised Fund 44	301,293	3,873,914	1,649,604	17,200	1,632,404	5,806,423	1,188		1,188
48	NEW MEXICO C.D.B.G.	90,276	1,000,000	260,732	0	260,732	1,290,275	60,733		\$60,733
49	1986 GROSS RECEIPTS TAX	9,337,698	1,705,083	0	7,496,444	(7,496,444)	1,084,548	2,461,789	268,113	\$2,193,676
50	PROPERTY ACQUISITION	55,975	2,015	65,000	0	65,000	116,421	6,569		\$6,569
	Revision #13	0	0	0	0	0	(200)	200		
	Total Revised Fund 50	55,975	2,015	65,000	0	65,000	116,221	6,769		6,769

53	GENERAL OBLIGATION	763,600	1,067,809	0	0	0	1,004,968	826,441		\$826,441
54	REVERSE OSMOSIS PROJECT RSV	16,538	5,684,900	5,447,185	0	5,447,185	11,128,739	19,884		\$19,884
56	99 GRT FLOOD CONTROL BOND PROJ	411,157	2,541,194	3,634,564	0	3,634,564	6,586,915	(0)		(\$0)
	Revision #15	0	0	0	0	0	(2,761,875)	2,761,875		
	Total Revised Fund 56	411,157	2,541,194	3,634,564	0	3,634,564	3,825,040	2,761,875		2,761,875
59	REVENUE BOND P & I FUND	7,818	14,880,434	2,336,436	0	2,336,436	12,360,486	4,864,202		\$4,864,202
	Revision #14	0	0	280,079	0	280,079	488,371	(208,292)		
	Revision #15	0	(4,655,910)	0	0	0	0	(4,655,910)		
	Total Revised Fund 59	7,818	10,224,524	2,616,515	0	2,616,515	12,848,857	(0)		(0)
61	MUNICIPAL INFRASTRUCTURE .0625%	653,987	406,391	0	1,056,257	(1,056,257)	0	4,121		\$4,121
63	COMMUNITY DEVELOPMENT	0	74,800	464,998	0	464,998	515,774	24,024		\$24,024
	Revision #10	0	0	0	0	0	7,538	(7,538)		
	Revision #13	0	0	0	0	0	200	(200)		
	Total Revised Fund 63	0	74,800	464,998	0	464,998	523,512	16,286		16,286
65	INSPECTIONS	0	0	0	0	0	0	0		\$0
69	1994 GROSS RECEIPTS	1,872,234	1,624,065	0	2,491,155	(2,491,155)	0	1,005,144	569,230	\$435,914
71	ALAMO SENIOR CENTER	19,479	741,698	432,882	0	432,882	1,189,059	5,000		\$5,000
	Revision #10	0	0	16,260	0	16,260	16,260	0		
	Total Revised Fund 71	19,479	741,698	449,142	0	449,142	1,205,319	5,000		5,000
74	ALAMO SENIOR CENTER GIFT	98,508	21,159	0	0	0	68,529	51,138		\$51,138
75	RETIRED & SENIOR VOL. PROGRAM	6,104	244,475	30,857	0	30,857	276,436	5,000		\$5,000
	Revision #10	0	0	1,826	0	1,826	1,826	0		
	Total Revised Fund 75	6,104	244,475	32,683	0	32,683	278,262	5,000		5,000
81	WATER/SEWER OPERATING	9,747,968	14,311,209	4,095,595	1,791,837	2,303,758	22,734,348	3,628,587	988,773	\$2,639,814
	Revision #8	0	0	0	0	0	0	0		
	Revision #10	0	0	0	0	0	64,077	(64,077)		
	Total Revised Fund 81	9,747,968	14,311,209	4,095,595	1,791,837	2,303,758	22,798,425	3,564,510	988,773	2,575,737
82	98 JT WATER/SEWER BOND P&I	1,595,071	3,188,429	1,961,081	0	1,961,081	5,129,605	1,614,976	1,545,100	\$69,876
	Revision #14	0	0	0	0	0	18,874	(18,874)		
	Total Revised Fund 82	1,595,071	3,188,429	1,961,081	0	1,961,081	5,148,479	1,596,102		1,596,102
86	SOLID WASTE COLLECTION SYS.	391,541	2,033,746	110,000	99,413	10,587	2,036,450	399,424	320,293	\$79,131
	Revision #10	0	0	0	0	0	4,649	(4,649)		
	Total Revised Fund 86	391,541	2,033,746	110,000	99,413	10,587	2,041,099	394,775	320,293	74,482
88	BONITO CAMPGROUND	3,357,870	0	0	2,980,414	(2,980,414)	0	377,456		\$377,456
	Revision #18	0	74,000	0	0	0	74,000	0		
	Total Revised Fund 88	3,357,870	74,000	0	2,980,414	(2,980,414)	74,000	377,456	0	377,456
89	ESGRT .0625%	1,692,801	764,071	0	125,000	(125,000)	369,266	1,962,606	230,180	\$1,732,426
	Revision #16	0	(94,290)	0	0	0	0	(94,290)		
	Total Revised Fund 81	1,692,801	669,781	0	125,000	(125,000)	369,266	1,868,316	230,180	1,638,136
90	GOLF COURSE	115,033	1,443,627	143,834	1,720	142,114	1,673,320	27,454		\$27,454
	Revision #10	0	0	0	0	0	6,928	(6,928)		
	Total Revised Fund 90	115,033	1,443,627	143,834	1,720	142,114	1,680,248	20,526		20,526
91	AIRPORT	201,984	257,470	79,711	0	79,711	428,040	111,125	35,858	\$75,267
	Revision #6	0	10,000	0	0	0	11,000	(1,000)		
	Revision #7	0	0	0	0	0	7,500	(7,500)		
	Revision #10	0	0	0	0	0	2,717	(2,717)		
	Total Revised Fund 91	201,984	267,470	79,711	0	79,711	449,257	99,908	35,858	64,050
94	OTERO GREENTREE REG LANDFILL	4,548,076	1,004,974	0	1,720	(1,720)	2,337,006	3,214,324	1,558,302	\$1,656,022
	Revision #10	0	0	0	0	0	7,797	(7,797)		
	Revision #12	0	0	0	0	0	450,000	(450,000)		
	Total Revised Fund 94	4,548,076	1,004,974	0	1,720	(1,720)	2,794,803	2,756,527	1,558,302	1,198,225
96	SELF-INSURED FUND	768,892	202,232	0	0	0	203,692	767,432		\$767,432
98	PAYROLL CLEARING	193,597	0	0	0	0	0	193,597		\$193,597
104	UTILITY DEPOSITS	739,804	0	0	0	0	0	739,804		\$739,804
105	ECONOMIC DEVELOPMENT	6,214,563	873,155	0	0	0	1,377,828	5,709,890		\$5,709,890
107	SELF INSURED/LIABILITY	517,613	5,349	140,640	0	140,640	190,000	473,602		\$473,602
109	2004 GRT CAPITAL OUTLAY	10,458,110	3,274,154	0	937,782	(937,782)	11,060,791	1,733,691	559,361	\$1,174,330
	Revision #8	0	0	0	0	0	0	0		
	Revision #14	0	0	0	280,079	(280,079)	0	(280,079)		
	Total Revised Fund 109	10,458,110	3,274,154	0	1,217,861	(1,217,861)	11,060,791	1,453,612	559,361	894,251
113	2009 G.O. BOND ACQ FUND	105,113	0	0	0	0	97,340	7,773		\$7,773
114	SIDEWALKS REVOLVING LOANS	133,232	1,572	0	0	0	31,900	102,904		\$102,904
115	CORP ESCROW ACCOUNT RESV	0	0	0	0	0	0	0		\$0
116	REG WATER SUPPLY TRANS LN	2,886	0	0	0	0	0	2,886		\$2,886
117	2011 JT W/S REF/IMP REVBD	17,053	0	0	0	0	10,000	7,053		\$7,053
118	2011 NMFA ST GRT STREET #15	0	0	0	0	0	0	0		\$0

119	2012 GRT REF/IMP REVBD	1,452,277	75,845	0	0	0	1,399,000	129,122		\$129,122
	Revision #15	0	2,050,000	0	0	0	2,050,000	0		
	Total Revised Fund 119	1,452,277	2,125,845	0	0	0	3,449,000	129,122	0	129,122
121	2015 GO BONDS-FUN CENTER	5,982,109	61,800	0	0	0	5,871,160	172,749		\$172,749
	Revision #17	0	0	0	0	0	75,210	(75,210)		
	Total Revised Fund 121	5,982,109	61,800	0	0	0	5,946,370	97,539	0	97,539
122	2015 GO BONDS-STREETS	3,397,224	15,000	0	0	0	3,300,844	111,380		\$111,380
901	HOUSING LOW RENT OPERATING	986,190	791,468	0	0	0	973,565	804,093	197,289	\$606,804
	Revision #10	0	0	0	0	0	(3,913)	3,913		
	Total Revised Fund 901	986,190	791,468	0	0	0	969,652	808,006	197,289	610,717
903	HOUSING HOMEOWNERSHIP OPER	679,898	48,203	0	0	0	272,034	456,067	5,339	\$450,728
	Revision #10	0	0	0	0	0	437	(437)		
	Total Revised Fund 903	679,898	48,203	0	0	0	272,471	455,630	5,339	450,291
904	HOUSING CAPITAL FUND PROJECTS	0	1,036,695	0	0	0	1,036,695	0		\$0
TOTALS FY2017		81,264,815	83,888,429	26,807,590	26,807,590	0	128,151,683	37,001,561	8,431,701	28,569,861
Prior Resolution		81,264,815	86,403,158	26,429,970	26,429,970	0	127,105,516	40,562,457		
#3 Adjustments to Resolution 2016-40		0	(2,514,729)	377,620	377,620	0	1,046,167	(3,560,896)		

Resolution # 2016-40 October 11, 2016

RECURRING/ NON- RECURRING	FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
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REVISION #1

Budget revision is requested to increase expenditures for reimbursement of unbudgeted executive recruitment expenses for City Manager, Attorney and City Clerk. Funds are requested from fund balance.

Non-Recurring	11	GENERAL FUND <i>Expenditures</i>				
		011-1701-415.57-83	Personnel Service Costs	11,100	8,000	19,100

REVISION #2

Budget revision is requested to increase expenditures for Zia Therapy to pay out the FY16 Contract. The amount carried over from FY16 to FY17 was incorrect due to a payment being attached to an incorrect project. Funds are requested from fund balance.

	11	GENERAL FUND <i>Expenditures</i>				
Recurring	GC1601	011-2400-419.57-34	Contract Services	31,852	9,557	41,409

REVISION #3

Budget revision is requested to increase expenditures to correct the overtime amount for the APA Resource Program. Due to the professional services agreement signed on 7/26/16, the overtime funding increased to \$15,000 for events. Funds are requested from fund balance.

	11	GENERAL FUND <i>Expenditures</i>				
Recurring		011-4704-429.20-04	Overtime	7,500	7,500	15,000

REVISION #4

Budget revision is requested to increase expenditures to purchase a new needed floor stripping machine. The previous stripping equipment is a minimum of 20 years old. This machine is a vital to a healthy operation of the Civic Center and would reduce the time needed for stripping of the floors. The new stripping matching will cost \$1,800 with the remaining \$700 would cover pads, floor scrapers, cleaning products and any other upfront costs of the machine. Funds are requested from fund balance.

	20	LODGER'S TAX- CITY SHARE <i>Expenditures</i>				
Non-Recurring		020-0006454.50-50	Equipment	7,750	2,500	10,250

REVISION #5

Budget revision is requested to increase revenue and expenditures for the Federal Grant for bulletproof vests for the new FY17 award of \$10,000. The revision also corrects the amount for the FY06 project.

	24	GRANT CAPITAL IMPROVEMENT <i>Revenues</i>				
Non-Recurring		024-0000-317.16-73	Federal Grant	3,535	(2,396)	1,139
	PSBV06	024-0000-317.16-73	Federal Grant	0	1,139	1,139
	PSBV16	024-0000-317.16-73	Federal Grant	0	10,000	10,000
		Total Revenue		3,535	8,743	12,278
		<i>Expenditures</i>				
		024-0000-419.31-05	Uniforms	3,535	(2,396)	1,139
	PSBV06	024-0000-419.31-05	Uniforms	0	1,139	1,139
	PSBV16	024-0000-419.31-05	Uniforms	0	10,000	10,000
		Total Expenditures		3,535	8,743	12,278

RECURRING/ NON- RECURRING	FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
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REVISION #6

Budget revision is requested to increase revenue and expenditures for the State Aviation Grant for annual maintenance. The grant requires a 10% city match. Funds are requested from fund balance.

	91	AIRPORT				
		<i>Revenues</i>				
Non-Recurring	AP1701	091-0000-317.16-13	State Grant	0	10,000	10,000
		<i>Expenditures</i>				
	AP1701	091-0006-459.33-05	Airport Maintenance Supplies	0	5,822	5,822
	AP1701	091-0006-459.44-17	AWOS Maintenance Agreement	0	5,178	5,178
		Total Expenditures		0	11,000	11,000

REVISION #7

Budget revision is requested to increase expenditures to contract the USDA for Wildlife Damage Control for gopher control. The funds are requested from fund balance.

	91	AIRPORT				
		<i>Expenditures</i>				
Non-Recurring		091-0006-459.33-05	Airport Maintenance Supplies	20,042	7,500	27,542

REVISION #8

Budget revision is requested to reallocate FY2017 funds for street projects to the 2016 Street Maintenance Program.

	81	WATER/SEWER OPERATING				
		<i>Expenditures</i>				
		081-9303-465.67-70	Water Line improvements	3,600,000	(800,000)	2,800,000
Non-Recurring	EN1608	081-9303-465.67-70	Water Line improvements	0	800,000	800,000
		Total Expenditures		3,600,000	0	3,600,000
	109	2004 GRT CAPITAL OUTLAY				
		<i>Expenditures</i>				
		109-9003-430.65-01	Street Program-Prep Work	1,105,986	(108,750)	997,236
		109-9003-430.65-02	Street Program - Surfacing	4,730,457	(1,025,000)	3,705,457
		109-9003-430.65-03	Street Program - Preservation	200,000	(200,000)	0
Non-Recurring	EN1608	109-9003-430.65-02	Street Program - Surfacing	0	1,333,750	1,333,750
		Total Expenditures		6,036,443	0	6,036,443

REVISION #9

Budget revision is requested to increase revenue and expenditures for the additional funds received from the Assistance to Firefighters Grant Program through FEMA. The Grant is for the purchase of five (5) SCBA's and 10 radios. The City match is \$6,272 which will come from the Fund Balance.

	24	GRANT CAPITAL IMPROVEMENT				
		<i>Revenues</i>				
Non-Recurring	FD1702	024-0000-317.16-73	Federal Grant	0	62,728	62,728
		<i>Expenditures</i>				
	FD1702	024-0000-419.50-50	Other Services/Equipment	0	69,000	69,000

RECURRING/ NON- RECURRING	FUND NO. REVISION #10	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
Budget revision is requested to increase expenditures to budget the increases for APSOA, AFSCME, and Non-Represented Employees approved by Commission at the September 13, 2016 Commission Meeting.						
	11	GENERAL FUND				
		<i>Transfers Out</i>				
		011-0000-491.18-27	Trans to (27) Mun Ct	397,808	5,514	403,322
		011-0000-491.18-32	Tran to (32) Comm Serv	3,386,987	57,541	3,444,528
		011-0000-491.18-71	Trans to (71) Sen Center	432,882	16,260	449,142
		011-0000-491.18-75	Trans to (75) RSVP	30,857	1,826	32,683
			Total Transfers Out	4,248,534	81,141	4,329,675
Recurring		<i>Expenditures</i>				
		011-1301-413.20-01	SUPERVISORY	225,000	2,616	227,616
		011-1301-413.20-02	OPERATIONAL	46,800	1,440	48,240
		011-1301-413.20-10	RETIREMENT	38,459	574	39,033
		011-1301-413.20-12	RETIREE HEALTH CARE	5,436	81	5,517
		011-1301-413.20-15	SOCIAL SECURITY	21,615	324	21,939
		011-1301-413.20-30	WORKER'S COMP. INSURANCE	1,583	24	1,607
			Total City Manager	338,893	5,059	343,952
		011-1501-415.20-01	SUPERVISORY	87,255	23,300	110,555
		011-1501-415.20-02	OPERATIONAL	105,821	3,256	109,077
		011-1501-415.20-10	RETIREMENT	30,150	928	31,078
		011-1501-415.20-12	RETIREE HEALTH CARE	4,261	132	4,393
		011-1501-415.20-15	SOCIAL SECURITY	16,723	525	17,248
		011-1501-415.20-30	WORKER'S COMP. INSURANCE	863	25	888
			Total Legal	245,073	28,166	273,239
		011-1602-415.20-01	SUPERVISORY	43,365	522	43,887
		011-1602-415.20-02	OPERATIONAL	32,882	1,012	33,894
		011-1602-415.20-10	RETIREMENT	10,677	329	11,006
		011-1602-415.20-12	RETIREE HEALTH CARE	1,509	47	1,556
		011-1602-415.20-15	SOCIAL SECURITY	6,118	186	6,304
		011-1602-415.20-30	WORKER'S COMP. INSURANCE	858	23	881
			Total Purchasing	95,409	2,119	97,528
		011-1701-415.20-01	SUPERVISORY	75,000	2,308	77,308
		011-1701-415.20-02	OPERATIONAL	115,210	3,526	118,736
		011-1701-415.20-03	TEMP/PART-TIME	19,345	595	19,940
		011-1701-415.20-10	RETIREMENT	29,651	911	30,562
		011-1701-415.20-12	RETIREE HEALTH CARE	4,191	129	4,320
		011-1701-415.20-15	SOCIAL SECURITY	16,751	514	17,265
		011-1701-415.20-30	WORKER'S COMP. INSURANCE	1,235	37	1,272
			Total Human Resources	261,383	8,020	269,403
		011-2001-411.20-01	SUPERVISORY	60,000	1,846	61,846
		011-2001-411.20-02	OPERATIONAL	57,077	1,739	58,816
		011-2001-411.20-10	RETIREMENT	18,124	507	18,631
		011-2001-411.20-12	RETIREE HEALTH CARE	2,562	71	2,633
		011-2001-411.20-15	SOCIAL SECURITY	10,149	287	10,436
		011-2001-411.20-31	WORKER'S COMP. INSURANCE	754	21	775
			Total City Clerk	148,666	4,471	153,137
		011-2102-415.20-01	SUPERVISORY	124,900	1,874	126,774
		011-2102-415.20-02	OPERATIONAL	292,894	9,011	301,905
		011-2102-415.20-10	RETIREMENT	59,118	1,540	60,658
		011-2102-415.20-12	RETIREE HEALTH CARE	8,356	217	8,573
		011-2102-415.20-15	SOCIAL SECURITY	31,149	871	32,020
		011-2102-415.20-30	WORKER'S COMP. INSURANCE	2,451	63	2,514
			Total Accounting	518,868	13,576	532,444
		011-2302-415.20-02	OPERATIONAL	61,975	1,891	63,866
		011-2302-415.20-04	OVERTIME	500	0	500
		011-2302-415.20-10	RETIREMENT	8,769	268	9,037
		011-2302-415.20-12	RETIREE HEALTH CARE	1,240	37	1,277
		011-2302-415.20-15	SOCIAL SECURITY	4,223	151	4,374
		011-2302-415.20-30	WORKER'S COMP. INSURANCE	367	11	378
			Total Accounts Receivable	77,074	2,358	79,432
		011-3104-429.20-01	SUPERVISORY	41,803	1,287	43,090
		011-3104-429.20-02	OPERATIONAL	72,584	2,234	74,818
		011-3104-429.20-10	RETIREMENT	16,186	498	16,684
		011-3104-429.20-12	RETIREE HEALTH CARE	2,287	71	2,358

RECURRING/ NON- RECURRING	FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
		011-3104-429.20-15	SOCIAL SECURITY	8,488	281	8,769
		011-3104-429.20-30	WORKER'S COMP. INSURANCE	3,414	103	3,517
			Total Code Enforcement	144,762	4,474	149,236
		011-3303-419.20-01	SUPERVISORY	65,762	2,024	67,786
		011-3303-419.20-02	OPERATIONAL	250,398	7,035	257,433
		011-3303-419.20-10	RETIREMENT	44,737	1,281	46,018
		011-3303-419.20-12	RETIREE HEALTH CARE	6,323	181	6,504
		011-3303-419.20-15	SOCIAL SECURITY	24,430	725	25,155
		011-3303-419.20-30	WORKER'S COMP. INSURANCE	25,465	705	26,170
			Total Facility Maintenance	417,115	11,951	
		011-3402-419.20-01	SUPERVISORY	65,771	2,024	67,795
		011-3402-419.20-02	OPERATIONAL	114,087	3,510	117,597
		011-3402-419.20-03	TEMP/PART-TIME	10,571	325	10,896
		011-3402-419.20-10	RETIREMENT	26,946	829	27,775
		011-3402-419.20-12	RETIREE HEALTH CARE	3,808	118	3,926
		011-3402-419.20-15	SOCIAL SECURITY	15,605	469	16,074
		011-3402-419.20-30	WORKER'S COMP. INSURANCE	1,168	34	1,202
			Total MIS	237,956	7,309	245,265
		011-3503-419.20-02	OPERATIONAL	126,447	3,746	130,193
		011-3503-419.20-10	RETIREMENT	25,250	530	25,780
		011-3503-419.20-12	RETIREE HEALTH CARE	3,569	75	3,644
		011-3503-419.20-15	SOCIAL SECURITY	13,594	299	13,893
		011-3503-419.20-30	WORKER'S COMP. INSURANCE	8,885	171	9,056
			Total Fleet Maintenance	177,745	4,821	182,566
		011-3705-419.20-02	OPERATIONAL	151,603	3,212	154,815
		011-3705-419.20-10	RETIREMENT	21,452	454	21,906
		011-3705-419.20-12	RETIREE HEALTH CARE	3,032	64	3,096
		011-3705-419.20-15	SOCIAL SECURITY	11,842	257	12,099
		011-3705-419.20-30	WORKER'S COMP. INSURANCE	887	19	906
			Total Planning	188,816	4,006	192,822
		011-3804-429.20-01	SUPERVISORY	42,092	1,296	43,388
		011-3804-429.20-02	OPERATIONAL	131,817	3,358	135,175
		011-3804-429.20-10	RETIREMENT	24,608	659	25,267
		011-3804-429.20-12	RETIREE HEALTH CARE	3,478	93	3,571
		011-3804-429.20-15	SOCIAL SECURITY	15,448	372	15,820
		011-3804-429.20-30	WORKER'S COMP. INSURANCE	18,030	412	18,442
			Total Animal Control	235,473	6,190	241,663
		011-4004-420.20-01	SUPERVISORY	47,310	1,456	48,766
		011-4004-420.20-02	OPERATIONAL	305,807	6,495	312,302
		011-4004-420.20-10	RETIREMENT	49,966	1,126	51,092
		011-4004-420.20-12	RETIREE HEALTH CARE	7,062	159	7,221
		011-4004-420.20-15	SOCIAL SECURITY	28,670	636	29,306
		011-4004-420.20-30	WORKER'S COMP. INSURANCE	2,445	47	2,492
			Total Dispatch	441,260	9,919	451,179
		011-4104-420.20-01	SUPERVISORY	944,044	28,000	972,044
		011-4104-420.20-02	OPERATIONAL	1,759,695	63,137	1,822,832
		011-4104-420.20-03	TEMP/PART-TIME	9,896	304	10,200
		011-4104-420.20-10	RETIREMENT	801,342	24,948	826,290
		011-4104-420.20-12	RETIREE HEALTH CARE	66,733	2,076	68,809
		011-4104-420.20-15	SOCIAL SECURITY	57,943	1,984	59,927
		011-4104-420.20-30	WORKER'S COMP. INSURANCE	149,031	4,998	154,029
		011-4104-420.31-05	UNIFORMS	57,253	5,260	62,513
			Total Police	3,845,937	130,707	3,976,644
		011-4204-421.20-01	SUPERVISORY	209,454	4,427	213,881
		011-4204-421.20-02	OPERATIONAL	610,460	34,503	644,963
		011-4204-421.20-10	RETIREMENT	264,447	11,334	275,781
		011-4204-421.20-12	RETIREE HEALTH CARE	20,204	860	21,064

RECURRING/ NON- RECURRING	FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
		011-4204-421.20-15	SOCIAL SECURITY	21,541	740	22,281
		011-4204-421.20-30	WORKER'S COMP. INSURANCE	44,988	2,138	47,126
		011-4204-421.31-05	UNIFORMS	0	1,800	1,800
			Total Fire	1,171,094	55,802	1,226,896
		011-4704-429.20-02	OPERATIONAL	131,173	3,945	135,118
		011-4704-429.20-10	RETIREMENT	40,533	1,219	41,752
		011-4704-429.20-12	RETIREE HEALTH CARE	3,279	99	3,378
		011-4704-429.20-15	SOCIAL SECURITY	2,003	63	2,066
		011-4704-429.20-30	WORKER'S COMP. INSURANCE	8,354	233	8,587
			Total APS Resource	185,342	5,559	190,901
		011-5405-419.20-02	OPERATIONAL	45,760	1,408	47,168
		011-5405-419.20-10	RETIREMENT	6,475	199	6,674
		011-5405-419.20-12	RETIREE HEALTH CARE	915	28	943
		011-5405-419.20-15	SOCIAL SECURITY	3,700	113	3,813
		011-5405-419.20-30	WORKER'S COMP. INSURANCE	269	8	277
			Total GIS	57,119	1,756	58,875
		TOTAL GENERAL FUND EXPENDITURES		8,787,985	306,263	9,094,248
Recurring	16	LODGER'S TAX - PROMOTIONAL				
		<i>Expenditures</i>				
		016-0001-419.20-01	SUPERVISORY	11,960	368	12,328
		016-0001-419.20-10	RETIREMENT	1,692	52	1,744
		016-0001-419.20-12	RETIREE HEALTH CARE	239	8	247
		016-0001-419.20-15	SOCIAL SECURITY	952	29	981
		016-0001-419.20-30	WORKER'S COMP. INSURANCE	73	2	75
			Total Expenditures	14,916	459	15,375
Recurring	19	COURT AUTOMATON				
		<i>Expenditures</i>				
		019-1201-412.20-03	TEMP/PART-TIME	6,760	208	6,968
		019-1201-412.20-10	RETIREMENT	957	29	986
		019-1201-412.20-12	RETIREE HEALTH CARE	135	4	139
		019-1201-412.20-15	SOCIAL SECURITY	541	17	558
		019-1201-412.20-30	WORKER'S COMP. INSURANCE	39	2	41
			Total Expenditures	8,432	260	8,692
Recurring	20	LODGER'S TAX - CITY'S SHARE				
		<i>Expenditures</i>				
		020-0006-454.20-01	SUPERVISORY	23,920	736	24,656
		020-0006-454.20-02	OPERATIONAL	30,893	950	31,843
		020-0006-454.20-03	TEMP/PART-TIME	25,736	720	26,456
		020-0006-454.20-10	RETIREMENT	10,726	329	11,055
		020-0006-454.20-12	RETIREE HEALTH CARE	1,516	47	1,563
		020-0006-454.20-15	SOCIAL SECURITY	9,203	192	9,395
		020-0006-454.20-30	WORKER'S COMP. INSURANCE	4,893	60	4,953
			Total Expenditures	106,887	3,034	109,921
Recurring	27	MUNICIPAL COURT				
		<i>Transfers In</i>				
		027-0000-391.19-11	Trans fr (11) General Fund	397,818	5,514	403,332
		<i>Expenditures</i>				
		027-1201-412.20-01	SUPERVISORY	84,658	1,317	85,975
		027-1201-412.20-02	OPERATIONAL	98,298	2,991	101,289
		027-1201-412.20-10	RETIREMENT	19,968	609	20,577
		027-1201-412.20-12	RETIREE HEALTH CARE	2,822	86	2,908
		027-1201-412.20-15	SOCIAL SECURITY	18,294	345	18,639
		027-1201-412.20-30	WORKER'S COMP. INSURANCE	1,097	26	1,123
		027-2801-427.20-03	TEMP/PART-TIME	3,640	112	3,752
		027-2801-427.20-10	RETIREMENT	515	16	531
		027-2801-427.20-12	RETIREE HEALTH CARE	73	2	75
		027-2801-427.20-15	SOCIAL SECURITY	291	9	300
		027-2801-427.20-30	WORKER'S COMP. INSURANCE	21	1	22
			Total Expenditures	225,137	5,514	230,651

RECURRING/ NON- RECURRING	FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
Recurring	32	COMMUNITY SERVICES				
		<i>Transfers In</i>				
		032-0000-391.19-11	Trans fr (11) General Fund	3,386,987	57,541	3,444,528
		<i>Expenditures</i>				
		032-0006-419.20-02	OPERATIONAL	49,519	1,524	51,043
		032-0006-419.20-10	RETIREMENT	7,007	215	7,222
		032-0006-419.20-12	RETIREE HEALTH CARE	990	31	1,021
		032-0006-419.20-15	SOCIAL SECURITY	3,668	122	3,790
		032-0006-419.20-30	WORKER'S COMP. INSURANCE	4,928	146	5,074
			Total Cemetery	66,112	2,038	68,150
		032-6106-450.20-01	SUPERVISORY	54,684	1,683	56,367
		032-6106-450.20-02	OPERATIONAL	145,866	4,488	150,354
		032-6106-450.20-03	TEMP/PART-TIME	148,212	2,234	150,446
		032-6106-450.20-10	RETIREMENT	37,850	1,058	38,908
		032-6106-450.20-12	RETIREE HEALTH CARE	5,350	149	5,499
		032-6106-450.20-15	SOCIAL SECURITY	26,853	669	27,522
		032-6106-450.20-30	WORKER'S COMP. INSURANCE	12,291	285	12,576
			Total Leisure Services	431,106	10,566	441,672
		032-6206-410.20-01	SUPERVISORY	51,488	1,584	53,072
		032-6206-410.20-02	OPERATIONAL	394,765	15,780	410,545
		032-6206-410.20-10	RETIREMENT	63,145	2,457	65,602
		032-6206-410.20-12	RETIREE HEALTH CARE	8,926	347	9,273
		032-6206-410.20-15	SOCIAL SECURITY	38,198	1,389	39,587
		032-6206-410.20-30	WORKER'S COMP. INSURANCE	23,963	621	24,584
			Total Parks	580,485	22,178	602,663
		032-6306-452.20-01	SUPERVISORY	50,000	1,538	51,538
		032-6306-452.20-02	OPERATIONAL	116,488	3,584	120,072
		032-6306-452.20-03	TEMP/PART-TIME	49,038	1,508	50,546
		032-6306-452.20-10	RETIREMENT	30,496	939	31,435
		032-6306-452.20-12	RETIREE HEALTH CARE	4,311	132	4,443
		032-6306-452.20-15	SOCIAL SECURITY	16,767	530	17,297
		032-6306-452.20-30	WORKER'S COMP. INSURANCE	14,445	419	14,864
			Total Zoo	281,545	8,650	290,195
		032-6606-450.20-01	SUPERVISORY	75,000	2,308	77,308
		032-6606-450.20-02	OPERATIONAL	30,436	(3,759)	26,677
		032-6606-450.20-10	RETIREMENT	14,919	(205)	14,714
		032-6606-450.20-12	RETIREE HEALTH CARE	2,109	(29)	2,080
		032-6606-450.20-15	SOCIAL SECURITY	8,397	(116)	8,281
		032-6606-450.20-30	WORKER'S COMP. INSURANCE	613	(8)	605
			Total Administration	131,474	(1,809)	129,665
		032-7101-455.20-01	SUPERVISORY	46,360	1,426	47,786
		032-7101-455.20-02	OPERATIONAL	284,014	8,738	292,752
		032-7101-455.20-03	TEMP/PART-TIME	87,738	2,700	90,438
		032-7101-455.20-10	RETIREMENT	54,738	1,684	56,422
		032-7101-455.20-12	RETIREE HEALTH CARE	7,737	238	7,975
		032-7101-455.20-15	SOCIAL SECURITY	31,163	1,027	32,190
		032-7101-455.20-30	WORKER'S COMP. INSURANCE	3,452	105	3,557
			Total Library	515,202	15,918	531,120
		TOTAL COMMUNITY SERVICES EXPENDITURES		2,005,924	57,541	2,063,465
Recurring	42	1984 GROSS RECEIPTS				
		<i>Transfers Out</i>				
		042-0000-491.18-44	Trans to (44) Transportation	1,365,605	16,400	1,382,005
Recurring	44	TRANSPORTATION				
		<i>Transfers In</i>				
		044-0000-391.19-42	Trans fr (42) 84 GRT	1,365,605	16,400	1,382,005

RECURRING/ NON- RECURRING	FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
		<i>Expenditures</i>				
		044-5203-431.20-01	SUPERVISORY	69,210	2,130	71,340
		044-5203-431.20-02	OPERATIONAL	207,077	6,371	213,448
		044-5203-431.20-10	RETIREMENT	39,095	1,203	40,298
		044-5203-431.20-12	RETIREE HEALTH CARE	5,526	170	5,696
		044-5203-431.20-15	SOCIAL SECURITY	20,867	679	21,546
		044-5203-431.20-30	WORKER'S COMP. INSURANCE	40,989	1,240	42,229
		044-5303-431.20-02	OPERATIONAL	109,452	3,368	112,820
		044-5303-431.20-10	RETIREMENT	15,487	477	15,964
		044-5303-431.20-12	RETIREE HEALTH CARE	2,189	67	2,256
		044-5303-431.20-15	SOCIAL SECURITY	10,321	270	10,591
		044-5303-431.20-30	WORKER'S COMP. INSURANCE	16,520	425	16,945
		Total Expenditures		536,733	16,400	553,133
Recurring	63	ENGINEERING				
		<i>Expenditures</i>				
		063-5005-419.20-02	OPERATIONAL	192,241	5,905	198,146
		063-5005-419.20-10	RETIREMENT	38,522	836	39,358
		063-5005-419.20-12	RETIREE HEALTH CARE	5,445	118	5,563
		063-5005-419.20-15	SOCIAL SECURITY	20,680	472	21,152
		063-5005-419.20-30	WORKER'S COMP. INSURANCE	7,273	207	7,480
		Total Expenditures		264,161	7,538	271,699
Recurring	71	ALAMO SENIOR CENTER				
		<i>Transfers In</i>				
		071-0000-391.19-11	Trans fr (11) General Fund	432,882	16,260	449,142
		<i>Expenditures</i>				
		071-8023-445.20-01	SUPERVISORY	50,781	1,563	52,344
		071-8023-445.20-02	OPERATIONAL	75,677	2,329	78,006
		071-8023-445.20-03	TEMP/PART-TIME	14,167	436	14,603
		071-8023-445.20-10	RETIREMENT	19,232	591	19,823
		071-8023-445.20-12	RETIREE HEALTH CARE	2,718	84	2,802
		071-8023-445.20-15	SOCIAL SECURITY	11,090	345	11,435
		071-8023-445.20-30	WORKER'S COMP. INSURANCE	3,893	120	4,013
		071-8024-445.20-01	SUPERVISORY	45,254	1,393	46,647
		071-8024-445.20-02	OPERATIONAL	65,845	1,972	67,817
		071-8024-445.20-03	TEMP/PART-TIME	14,634	450	15,084
		071-8024-445.20-10	RETIREMENT	17,347	526	17,873
		071-8024-445.20-12	RETIREE HEALTH CARE	2,452	74	2,526
		071-8024-445.20-15	SOCIAL SECURITY	9,904	305	10,209
		071-8024-445.20-30	WORKER'S COMP. INSURANCE	4,020	118	4,138
		071-8025-445.20-01	SUPERVISORY	22,139	681	22,820
		071-8025-445.20-02	OPERATIONAL	49,970	992	50,962
		071-8025-445.20-03	TEMP/PART-TIME	2,410	74	2,484
		071-8025-445.20-10	RETIREMENT	10,204	236	10,440
		071-8025-445.20-12	RETIREE HEALTH CARE	1,442	34	1,476
		071-8025-445.20-15	SOCIAL SECURITY	6,001	140	6,141
		071-8025-445.20-30	WORKER'S COMP. INSURANCE	3,257	55	3,312
		071-8026-445.20-01	SUPERVISORY	7,741	238	7,979
		071-8026-445.20-02	OPERATIONAL	541	17	558
		071-8026-445.20-10	RETIREMENT	3,430	36	3,466
		071-8026-445.20-12	RETIREE HEALTH CARE	485	5	490
		071-8026-445.20-15	SOCIAL SECURITY	1,936	20	1,956
		071-8026-445.20-30	WORKER'S COMP. INSURANCE	1,160	2	1,162
		071-8030-445.20-03	TEMP/PART-TIME	10,611	326	10,937
		071-8030-445.20-15	SOCIAL SECURITY	812	25	837
		071-8030-445.20-30	WORKER'S COMP. INSURANCE	62	2	64
		071-8115-445.20-01	SUPERVISORY	29,142	897	30,039
		071-8115-445.20-02	OPERATIONAL	50,008	1,539	51,547
		071-8115-445.20-03	TEMP/PART-TIME	210	6	216
		071-8115-445.20-10	RETIREMENT	11,200	345	11,545
		071-8115-445.20-12	RETIREE HEALTH CARE	1,583	49	1,632
		071-8115-445.20-15	SOCIAL SECURITY	6,329	196	6,525
		071-8115-445.20-30	WORKER'S COMP. INSURANCE	1,257	39	1,296
		Total Expenditures		558,944	16,260	575,204

RECURRING/ NON- RECURRING	FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
Recurring	75	RETIRED SENIOR VOLUNTEER PROGRAM				
		<i>Transfers In</i>				
		075-0000-391.19-11	Trans fr (11) General Fund	30,857	1,826	32,683
		<i>Expenditures</i>				
		075-8201-445.20-02	OPERATIONAL	23,045	709	23,754
		075-8201-445.20-10	RETIREMENT	6,921	101	7,022
		075-8201-445.20-12	RETIREE HEALTH CARE	978	15	993
		075-8201-445.20-15	SOCIAL SECURITY	3,887	57	3,944
		075-8201-445.20-30	WORKER'S COMP. INSURANCE	286	4	290
		075-8701-445.20-02	OPERATIONAL	18,336	564	18,900
		075-8701-445.20-10	RETIREMENT	2,917	80	2,997
		075-8701-445.20-12	RETIREE HEALTH CARE	412	12	424
		075-8701-445.20-15	SOCIAL SECURITY	1,611	45	1,656
		075-8701-445.20-25	GROUP HEALTH INSURANCE	1,347	1	1,348
		075-8701-445.20-30	WORKER'S COMP. INSURANCE	120	4	124
		075-8801-445.20-02	OPERATIONAL	6,112	188	6,300
		075-8801-445.20-10	RETIREMENT	1,188	26	1,214
		075-8801-445.20-12	RETIREE HEALTH CARE	168	4	172
		075-8801-445.20-15	SOCIAL SECURITY	657	15	672
		075-8801-445.20-30	WORKER'S COMP. INSURANCE	49	1	50
			Total Expenditures	68,034	1,826	69,860
Recurring	81	WATER/SEWER OPERATING				
		<i>Expenditures</i>				
		081-1602-461.20-01	SUPERVISORY	4,731	145	4,876
		081-1602-461.20-02	OPERATIONAL	42,670	1,313	43,983
		081-1602-461.20-10	RETIREMENT	6,707	207	6,914
		081-1602-461.20-12	RETIREE HEALTH CARE	948	29	977
		081-1602-461.20-15	SOCIAL SECURITY	3,799	117	3,916
		081-1602-461.20-30	WORKER'S COMP. INSURANCE	3,867	102	3,969
			Total Central Receiving	62,722	1,913	64,635
		081-1803-461.20-01	SUPERVISORY	151,488	4,661	156,149
		081-1803-461.20-02	OPERATIONAL	50,511	1,554	52,065
		081-1803-461.20-10	RETIREMENT	28,583	879	29,462
		081-1803-461.20-12	RETIREE HEALTH CARE	4,040	124	4,164
		081-1803-461.20-15	SOCIAL SECURITY	16,319	497	16,816
		081-1803-461.20-30	WORKER'S COMP. INSURANCE	1,198	36	1,234
			Total Administration	252,139	7,751	259,890
		081-2202-461.20-01	SUPERVISORY	61,000	1,385	62,385
		081-2202-461.20-02	OPERATIONAL	211,369	5,862	217,231
		081-2202-461.20-10	RETIREMENT	38,540	1,026	39,566
		081-2202-461.20-12	RETIREE HEALTH CARE	5,447	145	5,592
		081-2202-461.20-15	SOCIAL SECURITY	20,649	580	21,229
		081-2202-461.20-30	WORKER'S COMP. INSURANCE	6,350	175	6,525
			Total Customer Service	343,355	9,173	352,528
		081-5503-461.20-01	SUPERVISORY	42,092	1,296	43,388
		081-5503-461.20-02	OPERATIONAL	300,041	9,232	309,273
		081-5503-461.20-10	RETIREMENT	48,412	1,489	49,901
		081-5503-461.20-12	RETIREE HEALTH CARE	6,843	210	7,053
		081-5503-461.20-15	SOCIAL SECURITY	31,295	842	32,137
		081-5503-461.20-30	WORKER'S COMP. INSURANCE	20,857	512	21,369
			Total Utility Maintenance	449,540	13,581	463,121
		081-5603-432.20-01	SUPERVISORY	44,934	1,383	46,317
		081-5603-432.20-02	OPERATIONAL	107,442	3,306	110,748
		081-5603-432.20-10	RETIREMENT	21,561	664	22,225
		081-5603-432.20-12	RETIREE HEALTH CARE	3,047	94	3,141
		081-5603-432.20-15	SOCIAL SECURITY	12,679	375	13,054
		081-5603-432.20-30	WORKER'S COMP. INSURANCE	8,312	241	8,553
			Total Wastewater Treatment Plant	197,975	6,063	204,038
		081-5703-461.20-01	SUPERVISORY	64,584	1,987	66,571
		081-5703-461.20-02	OPERATIONAL	288,942	8,891	297,833
		081-5703-461.20-10	RETIREMENT	50,024	1,539	51,563
		081-5703-461.20-12	RETIREE HEALTH CARE	7,070	218	7,288

RECURRING/ NON- RECURRING	FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
		081-5703-461.20-15	SOCIAL SECURITY	27,541	870	28,411
		081-5703-461.20-30	WORKER'S COMP. INSURANCE	20,780	607	21,387
			Total Water Filter Plant	458,941	14,112	473,053
		081-7803-464.20-01	SUPERVISORY	45,594	1,402	46,996
		081-7803-464.20-02	OPERATIONAL	244,126	7,511	251,637
		081-7803-464.20-10	RETIREMENT	40,996	1,260	42,256
		081-7803-464.20-12	RETIREE HEALTH CARE	5,795	178	5,973
		081-7803-464.20-15	SOCIAL SECURITY	22,569	714	23,283
		081-7803-464.20-30	WORKER'S COMP. INSURANCE	13,819	419	14,238
			Total Construction	372,899	11,484	384,383
		TOTAL WATER/SEWER EXPENDITURES		2,137,571	64,077	2,201,648
Recurring	86	SOLID WASTE <i>Expenditures</i>				
		086-1003-434.20-02	OPERATIONAL	97,540	3,503	101,043
		086-1003-434.20-10	RETIREMENT	13,875	422	14,297
		086-1003-434.20-12	RETIREE HEALTH CARE	1,961	60	2,021
		086-1003-434.20-15	SOCIAL SECURITY	7,472	239	7,711
		086-1003-434.20-30	WORKER'S COMP. INSURANCE	14,571	425	14,996
			Total Expenditures	135,419	4,649	140,068
Recurring	90	GOLF COURSE <i>Expenditures</i>				
		090-0101-456.20-01	SUPERVISORY	45,372	1,396	46,768
		090-0101-456.20-02	OPERATIONAL	130,692	4,022	134,714
		090-0101-456.20-10	RETIREMENT	24,913	767	25,680
		090-0101-456.20-12	RETIREE HEALTH CARE	3,521	109	3,630
		090-0101-456.20-15	SOCIAL SECURITY	16,672	433	17,105
		090-0101-456.20-30	WORKER'S COMP. INSURANCE	8,049	201	8,250
			Total Expenditures	229,219	6,928	236,147
Recurring	91	AIRPORT <i>Expenditures</i>				
		091-0006-459.20-01	SUPERVISORY	42,630	1,312	43,942
		091-0006-459.20-02	OPERATIONAL	24,912	767	25,679
		091-0006-459.20-10	RETIREMENT	9,557	294	9,851
		091-0006-459.20-12	RETIREE HEALTH CARE	1,351	41	1,392
		091-0006-459.20-15	SOCIAL SECURITY	5,520	166	5,686
		091-0006-459.20-30	WORKER'S COMP. INSURANCE	4,496	137	4,633
			Total Expenditures	88,466	2,717	91,183
Recurring	94	OTERO/GREENTREE LANDFILL <i>Expenditures</i>				
		094-0903-434.20-01	SUPERVISORY	38,854	1,186	40,040
		094-0903-434.20-02	OPERATIONAL	172,502	4,528	177,030
		094-0903-434.20-10	RETIREMENT	29,907	808	30,715
		094-0903-434.20-12	RETIREE HEALTH CARE	4,228	114	4,342
		094-0903-434.20-15	SOCIAL SECURITY	18,613	457	19,070
		094-0903-434.20-30	WORKER'S COMP. INSURANCE	30,217	704	30,921
			Total Expenditures	294,321	7,797	302,118
Recurring	901	HOUSING LOW RENT OPR <i>Expenditures</i>				
		901-0007-463.20-01	SUPERVISORY	52,080	1,602	53,682
		901-0007-463.20-02	OPERATIONAL	118,273	17,354	135,627
		901-0007-463.20-10	RETIREMENT	24,105	2,682	26,787
		901-0007-463.20-12	RETIREE HEALTH CARE	3,408	378	3,786
		901-0007-463.20-15	SOCIAL SECURITY	12,309	1,516	13,825
		901-0007-463.20-30	WORKER'S COMP. INSURANCE	7,243	807	8,050
						0
		901-0107-463.20-02	OPERATIONAL	140,631	(15,321)	125,310
		901-0107-463.20-10	RETIREMENT	19,900	(2,169)	17,731
		901-0107-463.20-12	RETIREE HEALTH CARE	2,813	(307)	2,506
		901-0107-463.20-15	SOCIAL SECURITY	11,998	(1,856)	10,142
		901-0107-463.20-25	GROUP HEALTH INSURANCE	25,833	(7,819)	18,014
		901-0107-463.20-30	WORKER'S COMP. INSURANCE	6,545	(770)	5,775
		901-0107-463.20-31	WORKER'S COMP. ADMIN. FEE	56	(10)	46
			Total Expenditures	425,194	(3,913)	421,281

RECURRING/ NON- RECURRING	FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
Recurring	903	HOUSING HOMEOWNERSHIP OPR				
		<i>Expenditures</i>				
		903-0007-463.20-01	SUPERVISORY	3,920	121	4,041
		903-0007-463.20-02	OPERATIONAL	7,071	218	7,289
		903-0007-463.20-10	RETIREMENT	1,555	48	1,603
		903-0007-463.20-12	RETIREE HEALTH CARE	220	7	227
		903-0007-463.20-15	SOCIAL SECURITY	982	28	1,010
		903-0007-463.20-30	WORKER'S COMP. INSURANCE	568	15	583
			Total Expenditures	14,316	437	14,753

REVISION #11

Budget revision is requested to increase revenue and expenditures for the new Canine Program within the Police Department. Expected first year revenue and expense for FY2017 are estimated to be \$30,000. This will be an ongoing, recurring program.

Recurring	11	GENERAL FUND				
		<i>Revenue</i>				
		011-4104-316.15-81	Misc. Revenue/Equipment/Serv	0	30,000	30,000
		<i>Expenditures</i>				
		011-4104-420.57-39	Animal Expense	0	30,000	30,000

REVISION #12

Budget revision is requested to increase expenditures to purchase a Caterpillar 826K Compactor to replace the 2008 Caterpillar 816 Compactor which will be traded in the purchase. The move of these funds from fund balance and the approval for the purchase has been approved by the Otero-Greentree Landfill boards as of 9-15-16.

Non-Recurring	94	OTERO/GREENTREE LANDFILL				
		<i>Expenditures</i>				
		094-0903-434.69-85	Capital Equipment	68,066	450,000	518,066

REVISION #13

Budget revision is requested to move funds from Fund 50 (Property Acq) to Fund 63 Engineering for a USFS Scoping Letter mailing which is required for the USFS permit necessary for construction of the McKinley Channel Project.

Non-Recurring	50	PROPERTY ACQUISITION				
		<i>Expenditures</i>				
	EN0226	050-0000-419.61-20	Property Acquisition	25,000	(200)	24,800
Non-Recurring	63	ENGINEERING				
		<i>Expenditures</i>				
	EN0226	063-5005-419.30-45	Postage	270	200	470

REVISION #14

Budget revision is requested to adjust the budget for the Series 2005 JT W/S Revenue Bond, and the Series 2008 GRT Bond that were refinanced on 8/19/2016, based upon the final closing documents received from NMFA. The original budget was based upon estimates only.

Non-Recurring	59	GRT P & I				
		<i>Transfers In</i>				
		059-0000-391.9-109	Tran Fr (109) Street GRT	937,782	280,079	1,217,861
		<i>Expenditures</i>				
		059-0000-472.72-42	Interest 2008 NMFA #9	33,500	575,550	609,050
		059-0000-472.71-52	Principle 2016 SSGRT	0	130,000	130,000
		059-0000-472.72-52	Interest 2016 SSGRT	227,440	(175,567)	51,873
		059-0000-472.71-43	Principle 2008 NMFA #7	2,705,000	(145,000)	2,560,000
		059-0000-472.72-43	Interest 2008 NMFA #7	66,704	245,797	312,501
		059-0000-472.71-51	Principle 2016 MGRT	70,000	(5,000)	65,000
		059-0000-472.72-51	Interest 2016 MGRT	36,279	(8,500)	27,779
		059-0000-472.74-00	Bond/Loan Expenses	368,903	(128,909)	239,994
			Total Expenditures	3,507,826	488,371	3,996,197
Non-Recurring	82	JT WATER/SEWER P&I				
		<i>Expenditures</i>				
		082-0000-471.72-08	Interest 2005 Jt W/S	62,796	(35,584)	27,212

RECURRING/ NON- RECURRING	FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
		082-0000-472.71-53	Principle 2016 Jt W/S	313,000	(18,000)	295,000
		082-0000-472.72-53	Interest 2016 Jt W/S	28,996	(7,905)	21,091
		082-0000-472.74-00	Bond/Loan Expenses	-	80,363	80,363
			Total Expenses	404,792	18,874	423,666
Non-Recurring	109	STREET CAPITAL GRT				
		<i>Transfers Out</i>				
		109-0000-491.18-59	Trans to (59) GRT P & I	937,782	280,079	1,217,861

REVISION #15

Budget revision is requested to adjust the budget for the Series 2004 GRT Bond, and the Series 2008 GRT Bond that were refinanced on 7/1/2016, based upon the final closing documents received from NMFA. The original budget was based upon estimates only.

Non-Recurring	56	99 GRT FLOOD CONTROL				
		<i>Expenditures</i>				
	EN0226	056-0000-471.74-00	Bond/Loan Expenses	56,392	(56,392)	0
	EN0226	056-0000-472.74-00	Bond/Loan Expenses	(21,327)	56,392	35,065
	EN0226	056-9499-990.67-03	Alamogordo Flood Control-COE	5,261,875	(2,761,875)	2,500,000
			Total Expenditures	5,296,940	(2,761,875)	2,535,065
Non-Recurring	59	GRT P & I				
		<i>Revenues</i>				
		059-0000-319.15-45	Loan Proceeds	6,870,000	(4,655,910)	2,214,090
Non-Recurring	119	2012 GRT REF/IMP REV BOND				
		<i>Revenues</i>				
	CS1601	119-0000-317.15-45	Loan Proceeds	70,845	2,050,000	2,120,845
		<i>Expenditures</i>				
	CS1601	119-0000-471.74-00	Bond/Loan Expenses	(16,905)	16,905	0
	CS1601	119-0000-472.74-00	Bond/Loan Expenses	0	29,336	29,336
	CS1601	119-6199-990.63-91	Bldg Imp/Natatorium	87,751	2,003,759	2,091,510
			Total Expenditures	70,846	2,050,000	2,120,846

REVISION #16

Budget revision is requested to decrease revenues for EN1305 Reclaimed Water Looping fundyd by 2 NMED Grants. The Grant was for \$400,750 of which \$306,460 was spent and reimbursed before the end of the grant. The budget revision reduces the revenue line by 94,290 which reverted back to the state at the end of FY16.

Non-Recurring	89	ESGRT .0625% FUND				
		<i>Revenues</i>				
	EN1305	089-0000-317.16-13	State Grant	400,750	(94,290)	306,460

REVISION #17

Budget revision is requested to increase expenditures for the Family Entertainment Center for the bid. The funds are requested from fund balance

Non-Recurring	121	2014A GO BONDS-FUND CENTER				
		<i>Expenditures</i>				
	PW1513	121-6199-990.60-01	Capital Outlay	5,871,160	75,210	5,946,370

REVISION #18

Budget revision is requested to increase revenue and expenditures for the State Grant for Bonio Lake Watershed.

Non-Recurring	88	BONITO CAMPGROUND				
		<i>Revenue</i>				
	CS1602	088-0000-317.16-59	Other Grants	0	74,000	74,000
		<i>Expenditures</i>				
	CS1602	088-0003-461.57-34	Contract Services	0	74,000	74,000

Department of Finance and Administration
Local Government Division
Financial Management Bureau
SCHEDULE OF BUDGET ADJUSTMENTS

REVISED 12/08/06

ENTITY NAME: City of Alamogordo
FISCAL YEAR: 2016/2017
DFA Resolution Number: _____

For Local Government Division use only:

(A) ENTITY RESOLUTION NUMBER	(B) FUND	(C) REVENUE EXPENDITURE TRANSFER (TO or FROM)	(D) APPROVED BUDGET	(E) ADJUSTMENT	(F) ADJUSTED BUDGET	(G) PURPOSE
2016-40 #1	101	EXPENDITURE	\$16,468,760	\$8,000	\$16,476,760	City Manager Recruitment
2016-40 #2	"	EXPENDITURE	\$16,476,760	\$9,557	\$16,486,317	Incorrect carry-over
2016-40 #3	"	EXPENDITURE	\$16,486,317	\$7,500	\$16,493,817	Professional Services
2016-40 #10	"	EXPENDITURE	\$16,493,817	\$306,263	\$16,800,080	Union pay increases/NON-REP
2016-40 #10	"	TRANSFER TO	(\$4,789,121)	(\$81,141)	(\$4,870,262)	Union pay increases/NON-REP
2016-40 #11	"	REVENUE	\$17,594,668	\$30,000	\$17,624,668	Canine Program
2016-40 #11	"	EXPENDITURE	\$16,800,080	\$30,000	\$16,830,080	Canine Program
2016-40 #16	202	REVENUE	\$764,071	(\$94,290)	\$669,781	Reduce Grant
2016-40 #10	201	TRANSFER FROM	\$461,118	\$5,514	\$466,632	Union pay increases/NON-REP
2016-40 #10	"	EXPENDITURE	\$664,287	\$5,774	\$670,061	Union pay increases/NON-REP
2016-40 #4	214	EXPENDITURE	\$1,054,983	\$2,500	\$1,057,483	Equipment
2016-40 #10	"	EXPENDITURE	\$1,057,483	\$3,493	\$1,060,976	Union pay increases/NON-REP
2016-40 #10	216	TRANSFER FROM	\$1,633,204	\$16,400	\$1,649,604	Union pay increases/NON-REP
2016-40 #10	"	TRANSFER TO	(\$4,275,976)	(\$16,400)	(\$4,292,376)	Union pay increases/NON-REP
2016-40 #10	"	EXPENDITURE	\$5,821,587	\$16,400	\$5,837,987	Union pay increases/NON-REP
2016-40 #10	217	TRANSFER FROM	\$3,486,987	\$57,541	\$3,544,528	Union pay increases/NON-REP
2016-40 #10	"	EXPENDITURE	\$4,322,801	\$57,541	\$4,380,342	Union pay increases/NON-REP
2016-40 #10	219	TRANSFER FROM	\$463,739	\$18,086	\$481,825	Union pay increases/NON-REP
2016-40 #10	"	EXPENDITURE	\$1,465,495	\$18,086	\$1,483,581	Union pay increases/NON-REP
2016-40 #10	299	EXPENDITURE	\$970,027	\$7,538	\$977,565	Union pay increases/NON-REP
2016-40 #13	"	EXPENDITURE	\$977,565	\$200	\$977,765	Project Postage
2016-40 #5	300	REVENUE	\$16,996,480	\$8,743	\$17,005,223	Federal Grant
2016-40 #5	"	EXPENDITURE	\$44,911,987	\$8,743	\$44,920,730	Federal Grant
2016-40 #13	"	EXPENDITURE	\$44,920,730	(\$200)	\$44,920,530	Project Postage
2016-40 #15	"	EXPENDITURE	\$44,920,530	(\$2,761,875)	\$42,158,655	Adjust Bonds/ Loans
2016-40 #15	"	EXPENDITURE	\$42,158,655	\$2,050,000	\$44,208,655	Adjust Bonds/ Loans
2016-40 #17	"	EXPENDITURE	\$44,208,655	\$75,210	\$44,283,865	Capital Project
2016-40 #15	"	REVENUE	\$17,005,223	\$2,050,000	\$19,055,223	Adjust Bonds/ Loans
2016-40 #14	"	TRANSFER TO	(\$9,490,483)	(\$280,079)	(\$9,770,562)	Adjust Bonds/ Loans
2016-40 #9	"	REVENUE	\$19,055,223	\$62,728	\$19,117,951	Additional Grant
2016-40 #9	"	EXPENDITURE	\$44,283,865	\$69,000	\$44,352,865	Additional Grant
2016-40 #14	402	EXPENDITURE	\$5,283,958	(\$35,584)	\$5,248,374	Adjust Bonds/ Loans
2016-40 #15	403	REVENUE	\$18,068,863	(\$4,655,910)	\$13,412,953	Adjust Bonds/ Loans
2016-40 #14	"	TRANSFER FROM	\$4,297,517	\$280,079	\$4,577,596	Adjust Bonds/ Loans
2016-40 #14	"	EXPENDITURE	\$12,283,399	\$542,829	\$12,826,228	Adjust Bonds/ Loans
2016-40 #10	500-Water	EXPENDITURE	\$22,734,348	\$64,077	\$22,798,425	Union pay increases/NON-REP
2016-40 #10	500-Solid Waste	EXPENDITURE	\$2,036,450	\$4,649	\$2,041,099	Union pay increases/NON-REP
2016-40 #6	500-Airport	REVENUE	\$257,470	\$10,000	\$267,470	Aviation Grant
2016-40 #6	"	EXPENDITURE	\$428,040	\$11,000	\$439,040	Aviation Grant
2016-40 #7	"	EXPENDITURE	\$439,040	\$7,500	\$446,540	Gopher control
2016-40 #10	"	EXPENDITURE	\$446,540	\$2,717	\$449,257	Union pay increases/NON-REP
2016-40 #10	500-Golf Course	EXPENDITURE	\$1,673,320	\$6,928	\$1,680,248	Union pay increases/NON-REP
2016-40 #18	500-Bonito Lake	REVENUE	\$0	\$74,000	\$74,000	New Grant
2016-40 #18	"	EXPENDITURE	\$0	\$74,000	\$74,000	New Grant
2016-40 #10	700	EXPENDITURE	\$4,784,081	\$4,321	\$4,788,402	Union pay increases/NON-REP
2016-40 #12	"	EXPENDITURE	\$4,788,402	\$450,000	\$5,238,402	Compactor
Total Adjustments				(\$1,468,562)		

ATTEST:

Title

(Date)

Mayor/Board Chairman

(Date)

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 10/11/2016

Report Date: 9/29/2016

Report No: 5.

Submitted By: Brian Cesar

Subject: Consider and act upon drainage issues on New York Avenue between 1st and 10th Street. *(Brian Cesar, Public Works Director)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Provide direction to Staff.

Background:

At the August 9, 2016 Regular Commission Meeting, a presentation was given about a drainage concern on the 800 block of New York. Staff was directed to refine estimates and bring options back to the Commission to address the drainage issues on New York between 1st and 10th Street.

As discussed at the August 9th meeting, problems exist along the entire length of New York from 1st to 10th Street. Attached are a number of photos showing the standing water left after the August 10, 2016 rain storm.

To address the drainage issues from 1st Street to 10th Street on New York Avenue, replace water service lines, complete ADA requirements and repave, the total estimated cost is \$ 1,716,000. Of this amount, intersection rebuilds are estimated at \$450,000, water service line replacements are estimated at \$216,000 and concrete and paving installation at \$1,050,000.

To address the drainage issues on the 800 block of New York, replace water service lines, complete ADA requirements and repave, the total estimated cost is \$247,600. Of this amount, (2) intersection rebuilds are estimated at \$100,000, water service line replacements are estimated at \$21,600 and concrete and paving installation at \$126,000.

In both options it should be noted that the extended corner areas between 10th and 8th Street would be removed. After discussion with the Engineering Department, the funding for the water portion of the above projects should be able to come from already budgeted monies for the SMP. The drainage and paving funds would need to come from Fund 109 balance and could be incorporated in either the design contract that will be discussed tonight or could be incorporated into the next design RFP that will go out in the Spring.

As an alternative, an existing street in the current SMP could be shifted to a later date or this project can be placed into the current plan as the new sixth year.

Staff is requesting direction on how to proceed.

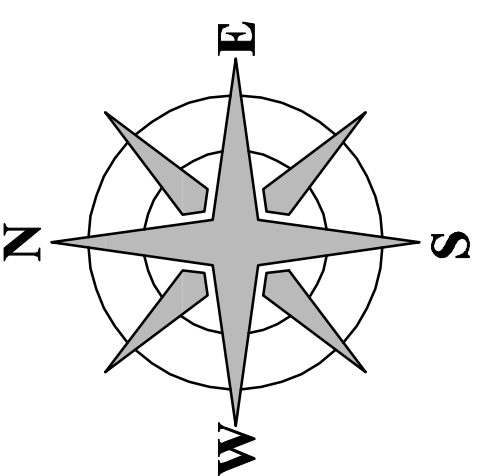




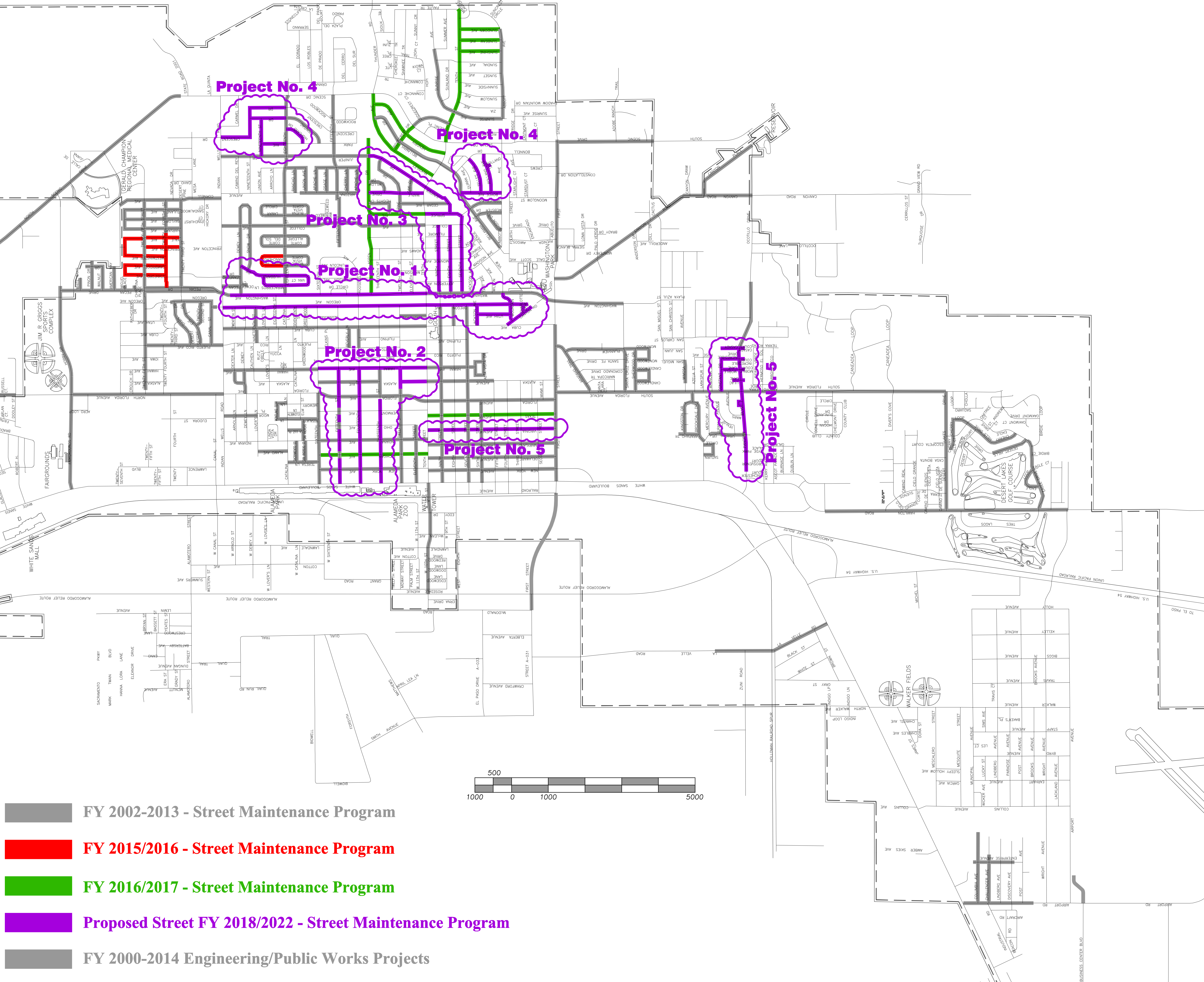








City of Alamo



The Proposed Street Maintenance Program projects are labeled in order of design and construction.

Project No 1 (2018)

Washington Ave (arterial road) – 10th St to Indian Wells
Oregon Ave – Charlotte to Indian Wells
Van Ct.
Miracerros
Hubbard Dr
Jackson – Cuba to Oregon
Utah Ave – Jackson to Mt View
Mt View – Canyon to Washington
Canyon – Ditch to Cuba
Charlotte – Canyon to Oregon

10 St

Park Western Line
Republic - 10th Western Line
Inter connect by City Hall
Make Master to Oregon Ave?
4-6-16

Project 2

Hawaii Ave 10th St to 16th St
Alaska Ave 10th St to 12th St
15th St - WSB to Hawaii Ave
14th St - WSB to Hawaii Ave
13th St WSB to Florida Ave
12th St - Florida Ave to Hawaii Ave.

6 St

Project 3

7th St Washington Ave to College
8th St - Washington Ave to College
9th St - Washington Ave to College
Spruce Ave - 7th St to 10th St
Maple Dr 10th St to Aspen Dr
Juniper Dr - Spruce to Aspen Dr

6 St

Project 4

Boyce Ave Abbott Ave to Bellamah Ave
Telles Ave – Boyce Ave to Bonnell Dr
Rolland Ave - Boyce Ave to Bonnell Dr
Highland Dr Park Ave to 18th St
Park Ave – 18th St to 19th St
19th St Juniper to Pontiac Dr
Pontiac Dr 18th St to Crescent Dr
Crescent Dr 18th St to Indian Wells

8 St

Project 5

Virginia Ave. 1st St to 10th St
Panoram Blvd Hamilton Rd. to Casady
Lilac Ln (end to end)
Mobile Ln – Constant to Panorama
Mobile Ct – Panorama to End
Incredible Ct – Panorama to End
Incredible Dr – Panorama to Constant Dr
Casady Court – Panorama to End
Casady Panorama to end
Constant Dr – Florida and Incredible Dr

10 St

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 10/11/2016

Report Date: 9/29/2016

Report No: 6.

Submitted By: Brian Cesar

Subject: Consider and act upon, sewer service issue at 1417 Cuba. *(Brian Cesar, Public Works Director)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Provide direction to Staff.

Background:

Commission has requested that the area between Beverly Lane and 15th Street off of Cuba Avenue be reviewed for a possible alley extension and to resolve an issue that arose when the former property owner allowed neighboring property owners to connect to his sewer service line.

The alleyway between Beverly Lane and 15th Street is 16 feet wide, the area between the property at 1417 Cuba and the fence line of the adjacent property is 10 feet. This would require a taking of property from (4) residents and would make all (4) properties non-compliant with set-back requirements. Until an appraisal of the properties in question is completed, an estimate of the cost of the taking cannot be made. In addition, the overhead power line owned by PNM would need to be relocated at an estimated cost of \$25,000.

A new main line would need to be installed from the manhole in the City alleyway, east for approximately 200 feet where an additional new manhole would be installed. Six sewer service lines would need to be extended to the new sewer main line. Cost for the sewer portion of this project is estimated at \$28,800.

Total cost of this project is estimated at \$53,800 with the property cost to be added once an appraisal has been conducted. Funding for this project has not been included in this fiscal year's budget and would need to come from fund balance, if approved.

Commission is reminded that by Ordinance, sewer service lines are the property owners' responsibility.

Below are photos of the areas in question.





Staff is requesting direction from Commission.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 10/11/2016

Report Date: 10/5/2016

Report No: 7.

Submitted By: Brian Cesar

Subject: Consider, and act upon, Change Order No. 1, RFQ 2016-02, to Smith Engineering Company related to the engineering and design services for the North Scenic Drive Extension to Mesa Verde Ranch Road project, in an amount not to exceed \$43,541.63, including tax.

Fiscal Impact: \$43,541.63

Amount Budgeted: \$4,183,674.00

Fund: 109-9003-430.65-29 PW1606

Additional Fiscal Impact:

Recommendation: Approve the Change Order.

Background: This project was approved by City Commission on May 10, 2016.

This Change Order is to provide for a Traffic Impact Analysis (TIA) mandated by the New Mexico Department of Transportation (NMDOT) as part of its permitting process. The TIA was not part of the original project planning or scope.



City of Alamogordo



Public Works Dept. • 2600 N. Florida Ave. • Alamogordo, NM 88310 • (575) 439-4129 • FAX (575) 439-4270

CONTRACT CHANGE ORDER

CHANGE ORDER NO. 1

NORTH SCENIC DRIVE EXTENSION TO MESA VERDE RANCH ROAD
ENGINEERING & DESIGN SERVICES

RFQ NO. 2016-02

DATE: OCTOBER 3, 2016

ENGINEER: SMITH ENGINEERING COMPANY
201 N. CHURCH ST., SUITE 200A
LAS CRUCES, NM 88001

OWNER: CITY OF ALAMOGORDO
1376 E. NINTH ST.
ALAMOGORDO, NM 88310

THE FOLLOWING CHANGES ARE HEREBY MADE TO THE CONTRACT DOCUMENTS:

Engineering and design services in addition to the original scope of work to include a Traffic Impact Analysis mandated by the New Mexico Department of Transportation as part of its permitting process.

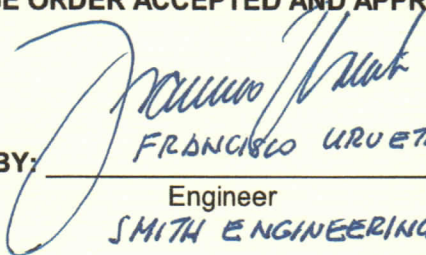
REVISED CONTRACT AMOUNT

1. Original Contract Amount \$126,276.13*
2. Total Contract Amount Including Previously
Approved Change Orders \$126,276.13*
3. Amount of this Change Order (Increase)..... \$ 43,541.63*
4. Total Revised Contract Amount to Date \$169,817.76*

* includes New Mexico Gross Receipts Tax.

The work covered by this order shall be performed under the same terms and conditions as that included in the original contract.

CHANGE ORDER ACCEPTED AND APPROVED:

BY:  FRANCISCO URUETA 10-4-16
Engineer Date
SMITH ENGINEERING CO

CHANGE ORDER APPROVED BY CITY COMMISSION / ACTING CITY MANAGER:

BY: _____
Mayor/Acting City Manager Date

BY: _____
Assistant City Attorney Date



September 20, 2016

Bob Johnson, Contract Coordinator
City of Alamogordo
2600 Florida Avenue
Alamogordo, New Mexico 88310

RE: Scenic Drive Traffic Impact Analysis

Dear Mr. Johnson,

Based on a meeting with NMDOT District 2 Traffic Engineer (Francisco Sanchez, PE), Smith understands the NMDOT will require that a Traffic Impact Analysis (TIA) be submitted with the permit application. The TIA will be conducted to address specific issues associated with the proposed development. The evaluation will include roadway and intersection level of service calculations, traffic signal warrant and systems analyses, roadway and intersection design, and safety analysis.

Based on Mr. Sanchez's requirements, the TIA will address the following items:

- Study purpose
- Development description – Project Background
- Study area land use description – Surrounding Area
- Existing roadway and traffic conditions – Traffic counts will be performed
- Safety analysis (3-years) – Accident records will be requested from NMDOT
- Background traffic growth – A growth rate will be determined in conjunction with NMDOT
- Trip generation, distribution, assignment and traffic projections. Combination of existing and projected growth
- Traffic analysis for each analysis year, including traffic signal warrants. Analysis will include: level of service and delay for signalized intersections, No build condition implementation year, Build condition Implementation year, 10 year horizon No build condition, 10 year Build Condition.
- Impact assessment for each analysis year
- Queuing analysis
- Summary of findings and recommendations

Based on current NMDOT requirements (meetings/emails), we have assumed that two (2) intersections will have to be included in the analysis. These intersections are:

- N Scenic Dr and White Sands Boulevard
- N Scenic Dr and US 54 Relief Route

Smith will perform traffic counts and vehicle turning movements will be observed at the above intersections to determine existing traffic patterns over the course of a weekday. We will complete 12 hour intersection counts at both intersections and install tube counters at the US 54 and White Sands Boulevard (near the intersections) at both North and South Bound lanes. We will leave the counters all week to get four (4) day counts.

Also, current and future traffic projections generated by the NMDOT will be used (if available). In addition, Smith will coordinate directly with Francisco Sanchez and his staff to verify the assumptions prior to conducting the analysis and to incorporate the findings from any study that may be currently being undertaken by NMDOT in the proposed project vicinity.

Smith will analyze the intersections to determine traffic volumes for the AM and PM peak during the weekdays. The existing traffic scenario will be modeled and existing levels of service will be determined. The projected traffic generated will be added to the existing traffic to calculate the build condition levels of service and determine the immediate impact. Finally, the existing traffic will be projected forward and the traffic generated will be added to calculate the horizon build condition levels of service and determine the future impact. The initial analysis year will be 2017 and horizon year will be 2027 for the TIA.

As part of this TIA, Smith will incorporate the existing traffic signal cycle time and queue length in the study for the two (2) intersections mentioned before.

Smith currently uses Trafficware Software - Syncro 9 and HCS 2010 to analyze the traffic volumes to determine intersection Level of Services (LOS), Roadway LOS and the optimizations of proposed traffic signals. Reports generated from the software will be included in the final TIA report.

Once a draft of the report is completed, we will submit a copy to the City for review. The City's comments will be incorporated in the report before final submission to NMDOT.

The following is a breakdown of our fee:

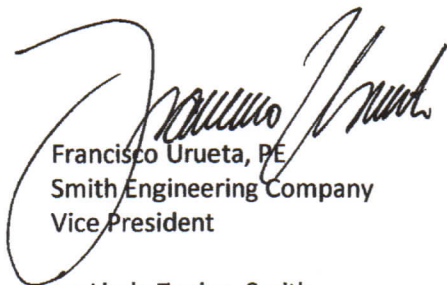
Traffic Counts (man hours, mileage):	\$ 7,000.00
Meetings and Data gathering:	\$ 3,100.00
Draft Report:	\$ 27,000.00
Final Report:	\$ 3,100.00
TOTAL	\$ 40,200.00

Not included in our scope are: Boundary survey for property acquisition, environmental services, utility line extensions and design of recommended improvements.

Our proposed schedule is as follows:

Traffic counts and proposed traffic distribution:	21 days after notice to proceed
Draft report:	45 days after traffic distribution is approved by NMDOT
Final Report:	14 days after Draft is approved by the City

Let me know if this information will suffice, or if we need to add something else. Thank you very much for your support, and this opportunity to help you in this great project for your city. If you have questions, please do not hesitate to contact me.



Francisco Urueta, PE
Smith Engineering Company
Vice President

cc: Linda Zuniga, Smith

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 10/11/2016

Report Date: 10/4/2016

Report No: 8.

Submitted By: Robert Blanton

Subject: Consider, and act upon, award of IFB No. 2016-08 to Fiesta Mobile Homes, LLC, related to the Mobile Home - Otero/Greentree Regional Landfill project, in an amount not to exceed \$98,583.88, including tax.

Fiscal Impact: \$98,583.88
Amount Budgeted: \$225,000.00
Fund: 094-0903-434.60-01 PW1706

Additional Fiscal Impact:

Recommendation: Approve the award.

Background: Project will consist of providing a new mobile home at the Otero/Greentree Regional Landfill; complete, delivered, and set-up with new full concrete pad foundation. The mobile home serves as the residence for the full-time Landfill caretaker/scalehouse operator. This employee also provides after-hours and weekend support for haulers and customers. The existing mobile home is in excess of 23 years old and is in a severe state of disrepair.

Project was advertised on August 28, 2016. Bids were opened on September 29, 2016 at 2:00 p.m. with one (1) responsive bidder: Fiesta Mobile Homes, LLC. Please refer to the attached bid tabulation. Only the base bid item will be awarded.

Funding for this project was approved by the joint (Otero and Greentree) annual Landfill board meeting held on March 31, 2016.

BID TABULATION
MOBILE HOME - OTERO/GREENTREE REGIONAL LANDFILL
IFB NO. 2016-08
SEPTEMBER 29, 2016 2:00 PM
PURCHASING DEPARTMENT

ITEM NO.	QUANTITY	DESCRIPTION	Fiesta Mobile Homes, LLC
			Total Price
Base Bid	1 L/S	Mobile Home, Complete, Delivered, and Set-Up *	\$91,000.00
Add. Alt. No. 1	1 L/S	Crown Molding	\$695.00
Add. Alt. No. 2	1 L/S	Bathroom Countertop Upgrade	No Bid
Add. Alt. No. 3A	1 L/S	Kitchen Countertop Upgrade	\$1,360.00
Add. Alt. No. 3B	1 L/S	Kitchen Countertop Upgrade	No Bid
Add. Alt. No. 4	1 L/S	Roofing Upgrade	\$2,600.00
Add. Alt. No. 5	1 L/S	Propane Gas Pack	No Charge
		NMGRT (Base Bid Only)	\$7,583.88
		TOTAL (Base Bid Only Plus NMGRT)	\$98,583.88

* AWARD BASE BID ITEM ONLY

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 10/11/2016

Report Date: 10/6/2016

Report No: 9.

Submitted By: Lauren Truitt

Subject: Consider and act upon Ordinance No. 1529 amending Chapter 24 of the *Code of Ordinances* to include Off-Highway Motor Vehicles.

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve Ordinance No. 1529 for first publication.

Background: The New Mexico Legislature amended the Off-Highway Motor Vehicle Act during the 2016 Legislative Session. This ordinance will adopt the amendments to Section 66-3-1001, NMSA 1978.

Attached is Section 66-3-1011 NMSA 1978, Operation on Streets or Highways- Prohibited Areas, Section 66-3-1001.1, Definitions, and Title 18, Ch 15, Part 3 NMAC.

ORDINANCE NO. 1529**AN ORDINANCE AMENDING CHAPTER TWENTY FOUR OF THE CODE OF ORDINANCES TO INCLUDE ARTICLE 24-02, SECTIONS 24-02-01 THROUGH 24-02-03.**

WHEREAS, the New Mexico Legislature amended the Off-Highway Motor Vehicle Act ("Act") (Sections 66-3-1001, NMSA 1978) during the 2016 Legislative Session permitting the operation of off-highway motor vehicles on paved roads; and

WHEREAS, newly created Article 24-02, Sections 24-02-01 through 24-02-03 of the Alamogordo Code of Ordinances adopt Sections 66-3-1001, NMSA 1978 by reference; and

WHEREAS, the Act, as amended, authorizes a municipality to establish separate speed limits and operating restrictions for off-highway vehicles where they are authorized to operate on paved streets or highways; and

BE IT ORDAINED by the City Commission of the City of Alamogordo New Mexico that Chapter Twenty Four of the *Code of Ordinances* be amended to include the following:

**ARTICLE 24-02
OFF-HIGHWAY MOTOR VEHICLES****24-02-01. Definitions.**

As used in this Article, the following definitions shall apply:

- A. "Off-highway motor vehicle" means a motor vehicle designed by the manufacturer for operation exclusively off the highway or road and includes:
1. "all-terrain vehicle", which means a motor vehicle fifty inches or less in width, having an unladen dry weight of one thousand pounds or less, traveling on three or more low-pressure tires and having a seat designed to be straddled by the operator and handlebar-type steering control;
 2. "off-highway motorcycle", which means a motor vehicle traveling on not more than two tires and having a seat designed to be straddled by the operator and that has handlebar-type steering control;
 3. "recreational off-highway vehicle", which means a motor vehicle designed for travel on four or more non-highway tires, for recreational use by one or more persons, and having:
 - (a) a steering wheel for steering control;
 - (b) non-straddle seating;

- (c) maximum speed capability greater than thirty-five miles per hour;
- (d) gross vehicle weight rating no greater than one thousand seven hundred fifty pounds;
- (e) less than eighty inches in overall width, exclusive of accessories;
- (f) engine displacement of less than one thousand cubic centimeters; and
- (g) identification by means of a seventeen-character vehicle identification number; or

- 4. By rule of the New Mexico Department of Game and Fish, any other vehicles that may enter the market and fit the general profile of vehicles operated off the highway for recreational purposes.

24-02-02. Operation on streets or highways – prohibited areas.

- A. A person shall not operate an off-highway motor vehicle on any:

- 1. limited access highway or freeway at any time;
- 2. paved street or highway except as provided in Subsections B. or C. of this section;
- 3. walking trails; or
- 4. city parks.

- B. Off-highway motor vehicles may cross streets or highways, except limited access highways or freeways, if the crossings are made after coming to a complete stop prior to entering the roadway. Off-highway motor vehicles shall yield the right of way to oncoming traffic and shall begin a crossing only when it can be executed safely and then cross in the most direct manner as close to a perpendicular as possible.

- C. A recreational off-highway vehicle may be operated on a paved street or highway owned and controlled by the City of Alamogordo if:

- 1. the vehicle has one or more headlights and one or more taillights that comply with the Off-Highway Motor Vehicle Act;

2. the vehicle has brakes, mirrors, and mufflers;
3. the operator has a valid driver's license, instruction permit, or provisional license and an off-highway motor vehicle safety permit;
4. the operator is insured in compliance with the provisions of the Mandatory Financial Responsibility Act, Sec. 66-5-201 through 66-5-248, NMSA 1978; and
5. the operator of the vehicle is wearing eye protection and a safety helmet that comply with the Off-Highway Motor Vehicle Act.

24-02-03. Obedience to traffic laws required.

Any person operating an off-highway motor vehicle within the city limits shall obey all traffic laws, rules, and regulations, including the speed limit as posted and vehicle equipment requirements under Section 12-7-9.9 of the New Mexico Uniform Traffic Ordinance.

DONE this _____ day of _____, 2016.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Richard Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Lauren Truitt, Assistant City Attorney

66-3-1001. Short title. (1985)

[Sections 66-3-1001](#) through [66-3-1016](#) [and [66-3-1017](#) through [66-3-1020](#)] NMSA 1978 may be cited as the "Off-Highway Motor Vehicle Act".

History: 1953 Comp., § 64-3-1001, enacted by Laws 1978, ch. 35, § 197; 1985, ch. 189, § 1.

66-3-1001.1. Definitions. (2009)

As used in the Off-Highway Motor Vehicle Act:

- A. "board" means the off-highway motor vehicle advisory board;
- B. "department" means the department of game and fish;
- C. "division" means the motor vehicle division of the taxation and revenue department;
- D. "fund" means the trail safety fund;
- E. "off-highway motor vehicle" means a motor vehicle designed by the manufacturer for operation exclusively off the highway or road and includes:
 - (1) "all-terrain vehicle", which means a motor vehicle fifty inches or less in width, having an unladen dry weight of one thousand pounds or less, traveling on three or more low-pressure tires and having a seat designed to be straddled by the operator and handlebar-type steering control;
 - (2) "off-highway motorcycle", which means a motor vehicle traveling on not more than two tires and having a seat designed to be straddled by the operator and that has handlebar-type steering control;
 - (3) "snowmobile", which means a motor vehicle designed for travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners or low-pressure tires;
 - (4) "recreational off-highway vehicle", which means a motor vehicle designed for travel on four or more non-highway tires, for recreational use by one or more persons, and having:
 - (a) a steering wheel for steering control;
 - (b) non-straddle seating;
 - (c) maximum speed capability greater than thirty-five miles per hour;
 - (d) gross vehicle weight rating no greater than one thousand seven hundred fifty pounds;
 - (e) less than eighty inches in overall width, exclusive of accessories;
 - (f) engine displacement of less than one thousand cubic centimeters; and
 - (g) identification by means of a seventeen-character vehicle identification number; or
 - (5) by rule of the department, any other vehicles that may enter the market that fit the general profile of vehicles operated off the highway for recreational purposes;
- F. "staging area" means a parking lot, trailhead or other location to or from which an off-highway motor vehicle is transported so that it may be placed into operation or removed from operation; and
- G. "unpaved public roadway" means a dirt graveled street or road that is constructed, signed and maintained for regular passenger-car use by the general public.

History: Laws 2005, ch. 325, § 1; 2009, ch. 53, § 1.

66-3-1002. Repealed. (1990)

66-3-1003. Off-highway motor vehicles; registration. (2005)

Unless exempted from the provisions of the Off-Highway Motor Vehicle Act, a person shall not operate an off-highway motor vehicle unless the off-highway motor vehicle has been registered in accordance with Chapter [66](#), Article [3](#) NMSA 1978. The owner shall affix the validating sticker as provided in Chapter [66](#), Article [3](#) NMSA 1978.

History: 1953 Comp., § 64-3-1003, enacted by Laws 1978, ch. 35, § 199; 1985, ch. 189, § 3; 1987, ch. 17, § 1; 2005, ch. 325, § 2.

66-3-1004. Registration certificate and nonresident permit fees; renewal; distribution of fees. (2009)

Fees shall be collected and distributed as follows:

- A. the fees for registering an off-highway motor vehicle are:
 - (1) seventeen dollars (\$17.00) for each off-highway motor vehicle, of which five dollars (\$5.00) is appropriated to the division to defray the cost of making and issuing registration certificates, validating stickers and nonresident permits for off-highway motor vehicles. The remaining twelve dollars (\$12.00) shall be deposited in the motor vehicle suspense fund for distribution pursuant to Section [66-6-23](#) NMSA 1978; and
 - (2) an amount determined by rule of the department not to exceed forty dollars (\$40.00) for an off-highway user fee for each off-highway motor vehicle, which shall be distributed to the fund;
- B. upon a change of ownership, the new owner shall make application and pay registration fees of:
 - (1) seventeen dollars (\$17.00) in the same manner as provided by rules of the division for original registration; and
 - (2) an amount determined by rule of the department not to exceed forty dollars (\$40.00) for an off-highway user fee for each off-highway motor vehicle, which shall be distributed to the fund;
- C. except for an off-highway vehicle that is currently in compliance with another state's off-highway vehicle registration, user fee or similar law or rule demonstrated by certificate of registration, permit or similar evidence, the fees for a nonresident permit of an off-highway motor vehicle are either:
 - (1) seventeen dollars (\$17.00), of which five dollars (\$5.00) is appropriated to the division to defray the cost of making and issuing registration certificates, validating stickers and nonresident permits for off-highway motor vehicles. The remaining twelve dollars (\$12.00) shall be deposited in the motor vehicle suspense fund for distribution pursuant to Section 66-6-23 NMSA 1978, and an amount determined by rule of the department not to exceed forty dollars (\$40.00) for each off-highway motor vehicle, which shall be distributed to the fund; or
 - (2) seventeen dollars (\$17.00) for a ninety-day permit, of which five dollars (\$5.00) is appropriated to the division to defray the cost of making and issuing registration certificates, validating stickers and nonresident permits for off-highway motor vehicles. The remaining twelve dollars (\$12.00) shall be deposited in the motor vehicle suspense fund for distribution pursuant to Section 66-6-23 NMSA 1978;
- D. except as provided in Paragraph (2) of Subsection C of this section, each nonresident permit shall be:
 - (1) good for two years after the month in which the off-highway motor vehicle nonresident permit is issued; and
 - (2) renewed every two years;
- E. the off-highway user fee for each off-highway motor vehicle shall be paid upon obtaining and renewing each registration certificate or nonresident permit;
- F. duplicate registration certificates and nonresident permits shall be issued upon payment of a seven-dollar-fifty-cent (\$7.50) fee, which is appropriated to the division to defray the cost of making and issuing duplicate registration certificates and nonresident permits for off-highway motor vehicles;
- G. a fee of one dollar (\$1.00) on registration certificates and nonresident permits shall be collected for the litter control and beautification fund; and
- H. the department, in conjunction with other agencies and departments, may establish and maintain sites to collect fees and issue permits for residents and nonresidents.

History: 1953 Comp., § 64-3-1004, enacted by Laws 1978, ch. 35, § 200; 1985, ch. 189, § 4; 1987, ch. 17, § 2; 2005, ch. 325, § 3; 2007, ch. 319, § 36; 2009, ch. 53, § 2.

66-3-1004. Registration certificate and nonresident permit fees; renewal; distribution of fees. (2009)

Fees shall be collected and distributed as follows:

- A. the fees for registering an off-highway motor vehicle are:
 - (1) seventeen dollars (\$17.00) for each off-highway motor vehicle, of which five dollars (\$5.00) is appropriated to the division to defray the cost of making and issuing registration certificates, validating stickers and nonresident permits for off-highway motor vehicles. The remaining twelve dollars (\$12.00) shall be deposited in the motor vehicle suspense fund for distribution pursuant to Section [66-6-23](#) NMSA 1978; and
 - (2) an amount determined by rule of the department not to exceed forty dollars (\$40.00) for an off-highway user fee for each off-highway motor vehicle, which shall be distributed to the fund;
- B. upon a change of ownership, the new owner shall make application and pay registration fees of:
 - (1) seventeen dollars (\$17.00) in the same manner as provided by rules of the division for original registration; and
 - (2) an amount determined by rule of the department not to exceed forty dollars (\$40.00) for an off-highway user fee for each off-highway motor vehicle, which shall be distributed to the fund;
- C. except for an off-highway vehicle that is currently in compliance with another state's off-highway vehicle registration, user fee or similar law or rule demonstrated by certificate of registration, permit or similar evidence, the fees for a nonresident permit of an off-highway motor vehicle are either:
 - (1) seventeen dollars (\$17.00), of which five dollars (\$5.00) is appropriated to the division to defray the cost of making and issuing registration certificates, validating stickers and nonresident permits for off-highway motor vehicles. The remaining twelve dollars (\$12.00) shall be deposited in the motor vehicle suspense fund for distribution pursuant to Section 66-6-23 NMSA 1978, and an amount determined by rule of the department not to exceed forty dollars (\$40.00) for each off-highway motor vehicle, which shall be distributed to the fund; or
 - (2) seventeen dollars (\$17.00) for a ninety-day permit, of which five dollars (\$5.00) is appropriated to the division to defray the cost of making and issuing registration certificates, validating stickers and nonresident permits for off-highway motor vehicles. The remaining twelve dollars (\$12.00) shall be deposited in the motor vehicle suspense fund for distribution pursuant to Section 66-6-23 NMSA 1978;
- D. except as provided in Paragraph (2) of Subsection C of this section, each nonresident permit shall be:
 - (1) good for two years after the month in which the off-highway motor vehicle nonresident permit is issued; and
 - (2) renewed every two years;
- E. the off-highway user fee for each off-highway motor vehicle shall be paid upon obtaining and renewing each registration certificate or nonresident permit;
- F. duplicate registration certificates and nonresident permits shall be issued upon payment of a seven-dollar-fifty-cent (\$7.50) fee, which is appropriated to the division to defray the cost of making and issuing duplicate registration certificates and nonresident permits for off-highway motor vehicles;
- G. a fee of one dollar (\$1.00) on registration certificates and nonresident permits shall be collected for the litter control and beautification fund; and
- H. the department, in conjunction with other agencies and departments, may establish and maintain sites to collect fees and issue permits for residents and nonresidents.

History: 1953 Comp., § 64-3-1004, enacted by Laws 1978, ch. 35, § 200; 1985, ch. 189, § 4; 1987, ch. 17, § 2; 2005, ch. 325, § 3; 2007, ch. 319, § 36; 2009, ch. 53, § 2.

66-3-1004. Registration certificate and nonresident permit fees; renewal; distribution of fees. (2009)

Fees shall be collected and distributed as follows:

- A. the fees for registering an off-highway motor vehicle are:
 - (1) seventeen dollars (\$17.00) for each off-highway motor vehicle, of which five dollars (\$5.00) is appropriated to the division to defray the cost of making and issuing registration certificates, validating stickers and nonresident permits for off-highway motor vehicles. The remaining twelve dollars (\$12.00) shall be deposited in the motor vehicle suspense fund for distribution pursuant to Section [66-6-23](#) NMSA 1978; and
 - (2) an amount determined by rule of the department not to exceed forty dollars (\$40.00) for an off-highway user fee for each off-highway motor vehicle, which shall be distributed to the fund;
- B. upon a change of ownership, the new owner shall make application and pay registration fees of:
 - (1) seventeen dollars (\$17.00) in the same manner as provided by rules of the division for original registration; and
 - (2) an amount determined by rule of the department not to exceed forty dollars (\$40.00) for an off-highway user fee for each off-highway motor vehicle, which shall be distributed to the fund;
- C. except for an off-highway vehicle that is currently in compliance with another state's off-highway vehicle registration, user fee or similar law or rule demonstrated by certificate of registration, permit or similar evidence, the fees for a nonresident permit of an off-highway motor vehicle are either:
 - (1) seventeen dollars (\$17.00), of which five dollars (\$5.00) is appropriated to the division to defray the cost of making and issuing registration certificates, validating stickers and nonresident permits for off-highway motor vehicles. The remaining twelve dollars (\$12.00) shall be deposited in the motor vehicle suspense fund for distribution pursuant to Section [66-6-23](#) NMSA 1978, and an amount determined by rule of the department not to exceed forty dollars (\$40.00) for each off-highway motor vehicle, which shall be distributed to the fund; or
 - (2) seventeen dollars (\$17.00) for a ninety-day permit, of which five dollars (\$5.00) is appropriated to the division to defray the cost of making and issuing registration certificates, validating stickers and nonresident permits for off-highway motor vehicles. The remaining twelve dollars (\$12.00) shall be deposited in the motor vehicle suspense fund for distribution pursuant to Section [66-6-23](#) NMSA 1978;
- D. except as provided in Paragraph (2) of Subsection C of this section, each nonresident permit shall be:
 - (1) good for two years after the month in which the off-highway motor vehicle nonresident permit is issued; and
 - (2) renewed every two years;
- E. the off-highway user fee for each off-highway motor vehicle shall be paid upon obtaining and renewing each registration certificate or nonresident permit;
- F. duplicate registration certificates and nonresident permits shall be issued upon payment of a seven-dollar-fifty-cent (\$7.50) fee, which is appropriated to the division to defray the cost of making and issuing duplicate registration certificates and nonresident permits for off-highway motor vehicles;
- G. a fee of one dollar (\$1.00) on registration certificates and nonresident permits shall be collected for the litter control and beautification fund; and
- H. the department, in conjunction with other agencies and departments, may establish and maintain sites to collect fees and issue permits for residents and nonresidents.

History: 1953 Comp., § 64-3-1004, enacted by Laws 1978, ch. 35, § 200; 1985, ch. 189, § 4; 1987, ch. 17, § 2; 2005, ch. 325, § 3; 2007, ch. 319, § 36; 2009, ch. 53, § 2.

66-3-1004.1. Repealed. (2009)

66-3-1005. Exemptions. (2005)

The provisions of the Off-Highway Motor Vehicle Act shall not apply to persons who operate off-highway motor vehicles on privately held lands or to off-highway motor vehicles that are:

- A. owned and operated by an agency or department of the United States, this state or a political subdivision of this state;
- B. operated exclusively on lands privately held; provided that the appropriate tax or fee has been paid in lieu of the motor vehicle registration fees;
- C. owned by nonresidents and used in this state only for organized and endorsed competition purposes; provided that the use is not on a rental basis;
- D. brought into this state by manufacturers or distributors for wholesale purposes and not used for demonstrations;
- E. in the possession of dealers as stock-in-trade and not used for demonstration purposes;
- F. farm tractors, as defined in Section [66-1-4.6](#) NMSA 1978, special mobile equipment, as defined in Section [66-1-4.16](#) NMSA 1978, or off-highway motor vehicles being used for agricultural operations; or
- G. used exclusively on private closed courses, whether owned by the rider or another person; provided that, if applicable, the excise tax and registration fees have been paid and are current.

History: 1953 Comp., § 64-3-1005, enacted by Laws 1978, ch. 35, § 201; 1985, ch. 189, § 5; 2005, ch. 325, § 5.

66-3-1006. Grounds for refusing registration or certificate of title. (2005)

The division may refuse registration or issuance of a certificate of title or any transfer of a registration certificate if:

- A. the division has reasonable grounds to believe that the application contains any false or fraudulent statement or that the applicant has failed to furnish the required information or reasonable additional information requested by the division or that the applicant is not entitled to the issuance of a certificate of title or registration certificate of the off-highway motor vehicle under the Motor Vehicle Code [[66-1-1](#) NMSA 1978] or laws of this state;
- B. the division has reasonable grounds to believe that the off-highway motor vehicle is stolen or embezzled or that the granting of a registration certificate or the issuance of a certificate of title would constitute a fraud against the rightful owner or other person having a valid lien upon the off-highway motor vehicle;
- C. the division has reasonable grounds to believe that a nonresident applicant is not entitled to registration issuance under the laws of the nonresident applicant's state of residence;
- D. the required fees have not been paid; or
- E. the motor vehicle excise tax has not been paid pursuant to Chapter [7](#), Article [14](#) NMSA 1978.

History: 1953 Comp., § 64-3-1006, enacted by Laws 1978, ch. 35, § 202; 1985, ch. 189, § 6; 2005, ch. 325, § 6.

66-3-1007. Evidentiary value of certificate of title. (2005)

A certificate of title issued by the division for an off-highway motor vehicle shall be received as prima facie evidence of the ownership of the off-highway motor vehicle named in the certificate and as prima facie evidence of all liens and encumbrances against the off-highway motor vehicle appearing on the certificate.

History: 1953 Comp., § 64-3-1007, enacted by Laws 1978, ch. 35, § 203; 1985, ch. 189, § 7; 2005, ch. 325, § 7.

66-3-1008. Validating stickers to be furnished by division. (2005)

The division, upon registering an off-highway motor vehicle, shall issue to the owner validating stickers as provided in Section [66-3-14](#) NMSA 1978.

History: 1953 Comp., § 64-3-1008, enacted by Laws 1978, ch. 35, § 204; 1985, ch. 189, § 8; 2005, ch. 325, § 8.

66-3-1009. Repealed. (1991)

66-3-1010. Licensing. (1985)

Drivers of off-highway motor vehicles are not required to be licensed.

History: 1953 Comp., § 64-3-1010, enacted by Laws 1978, ch. 35, § 206; 1985, ch. 189, § 10.

66-3-1010.1. Off-highway motor vehicle safety training organization; approval and certification. (2009)

- A. An off-highway motor vehicle safety training organization that offers and conducts an off-highway motor vehicle safety training course shall be approved and certified by the department. Applicants for approval and certification shall submit an application to the department for consideration.
- B. The department may approve and certify an organization that meets the minimum criteria established by the department for an off-highway motor vehicle safety training organization. Each approval and certification shall be renewed annually.

History: Laws 2005, ch. 325, § 9; 2009, ch. 53, § 3.

66-3-1010.2. Off-highway motor vehicle safety permit; requirements; issuance. (2009)

A person under the age of eighteen shall be required to successfully complete an off-highway motor vehicle safety training course for which the person shall have parental permission. The course shall be conducted by an off-highway motor vehicle safety training organization that is approved and certified by the department. Upon successful completion of the course, the person shall receive an off-highway motor vehicle safety permit issued by the organization.

History: Laws 2005, ch. 325, § 10; Laws 2009, ch. 53, § 4.

66-3-1010.3. Operation and equipment; safety requirements. (2009)

- A. A person shall not operate an off-highway motor vehicle:
 - (1) in a careless, reckless or negligent manner so as to endanger the person or property of another;
 - (2) while under the influence of intoxicating liquor or drugs as provided by Section [66-8-102](#) NMSA 1978;
 - (3) while in pursuit of and with intent to hunt or take a species of animal or bird protected by law unless otherwise authorized by the state game commission;
 - (4) in pursuit of or harassment of livestock in any manner that negatively affects the livestock's condition;
 - (5) on or within an earthen tank or other structure meant to water livestock or wildlife, unless the off-highway motor vehicle is on a route designated by the landowner or land management agency as an off-highway motor vehicle route;

- (6) in a manner that has a direct negative effect on or interferes with persons engaged in agricultural practices;
 - (7) in excess of ten miles per hour within two hundred feet of a business, animal shelter, horseback rider, bicyclist, pedestrian, livestock or occupied dwelling, unless the person operates the vehicle on a closed course or track;
 - (8) unless in possession of the person's registration certificate or nonresident permit;
 - (9) unless the vehicle is equipped with a spark arrester approved by the United States forest service; provided that a snowmobile is exempt from this provision;
 - (10) when conditions such as darkness limit visibility to five hundred feet or less, unless the vehicle is equipped with:
 - (a) one or more headlights of sufficient candlepower to light objects at a distance of one hundred fifty feet; and
 - (b) at least one taillight of sufficient intensity to exhibit a red or amber light at a distance of two hundred feet under normal atmospheric conditions;
 - (11) that produces noise that exceeds ninety-six decibels when measured using test procedures established by the society of automotive engineers pursuant to standard J-1287; or
 - (12) where off-highway motor vehicle traffic is prohibited under local, state or federal rules or regulations.
- B. A person under the age of eighteen shall not operate an off-highway motor vehicle:
- (1) or ride upon an off-highway motor vehicle without wearing eye protection and a safety helmet that is securely fastened in a normal manner as headgear and that meets the standards established by the department;
 - (2) without an off-highway motor vehicle safety permit; or
 - (3) while carrying a passenger.
- C. A person under the age of eighteen but at least ten years of age shall not operate an off-highway motor vehicle unless the person is visually supervised at all times by a parent, legal guardian or a person over the age of eighteen who has a valid driver's license. This subsection shall not apply to a person who is at least:
- (1) thirteen years of age and has a valid motorcycle license and off-highway motor vehicle safety permit; or
 - (2) fifteen years of age and has a valid driver's license, instructional permit or provisional license and off-highway motor vehicle safety permit.
- D. A person under the age of ten shall not operate an off-highway motor vehicle unless:
- (1) the all-terrain vehicle or recreational off-highway vehicle is an age-appropriate size-fit vehicle established by rule of the department; and
 - (2) the person is visually supervised at all times by a parent, legal guardian or instructor of a safety training course certified by the department.
- E. An off-highway motor vehicle shall not be sold or offered for sale if the vehicle produces noise that exceeds ninety-six decibels when measured using test procedures established by the society of automotive engineers pursuant to standard J-1287. This subsection shall not apply to an off-highway motor vehicle that is sold or offered for sale only for organized competition.

History: Laws 2005, ch. 325, § 11; 2009, ch. 53, § 5.

66-3-1010.4. Safety helmet; civil liability. (2005)

Failure by a passenger or driver to use a safety helmet while on an off-highway motor vehicle shall not in any instance constitute fault or negligence and shall not limit or apportion damages.

History: Laws 2005, ch. 325, § 12.

66-3-1010.5. Requirements of dealers to distribute safety information. (2009)

A dealer selling off-highway motor vehicles shall distribute information provided by the department to off-highway motor vehicle purchasers on state laws, environmental and cultural considerations, customs, safety requirements, training programs, operating characteristics and potential risk of injury associated with off-highway motor vehicles.

History: Laws 2005, ch. 325, § 13; 2009, ch. 53, § 6.

66-3-1011. Operation on streets or highways; prohibited areas. (2016)

- A. A person shall not operate an off-highway motor vehicle on any:
 - (1) limited access highway or freeway at any time; or
 - (2) paved street or highway except as provided in Subsection B, C or D of this section.
- B. Off-highway motor vehicles may cross streets or highways, except limited access highways or freeways, if the crossings are made after coming to a complete stop prior to entering the roadway. Off-highway motor vehicles shall yield the right of way to oncoming traffic and shall begin a crossing only when it can be executed safely and then cross in the most direct manner as close to a perpendicular angle as possible.
- C. If authorized by ordinance or resolution of a local authority or the state transportation commission, a recreational off-highway vehicle or an all-terrain vehicle may be operated on a paved street or highway owned and controlled by the authorizing entity if:
 - (1) the vehicle has one or more headlights and one or more taillights that comply with the Off-Highway Motor Vehicle Act;
 - (2) the vehicle has brakes, mirrors and mufflers;
 - (3) the operator has a valid driver's license, instruction permit or provisional license and an off-highway motor vehicle safety permit;
 - (4) the operator is insured in compliance with the provisions of the Mandatory Financial Responsibility Act [[66-5-201](#) through [66-5-239](#) NMSA 1978]; and
 - (5) the operator of the vehicle is wearing eye protection and a safety helmet that comply with the Off-Highway Motor Vehicle Act.
- D. By ordinance or resolution, a local authority or state transportation commission may establish separate speed limits and operating restrictions for off-highway vehicles where they are authorized to operate on paved streets or highways pursuant to Subsection C of this section.
- E. A person shall not operate an off-highway motor vehicle on state game commission-owned, -controlled or -administered land except as specifically allowed pursuant to Chapter [17](#), Article [6](#) NMSA 1978.
- F. A person shall not operate an off-highway motor vehicle on land owned, controlled or administered by the state parks division of the energy, minerals and natural resources department, pursuant to Chapter [16](#), Article [2](#) NMSA 1978, except in areas designated by and permitted by rules adopted by the secretary of energy, minerals and natural resources.
- G. Unless authorized, a person shall not:
 - (1) remove, deface or destroy any official sign installed by a state, federal, local or private land management agency; or
 - (2) install any off-highway motor vehicle-related sign.

History: 1953 Comp., § 64-42-11, enacted by Laws 1975, ch. 240, § 11; recompiled as 1953 Comp., § 64-3-1011, by Laws 1978, ch. 35, § 207; 1985, ch. 189, § 11; 2005, ch. 325, § 14; 2009, ch. 53, § 7; 2016, ch. 91, § 1.

66-3-1012. Driving of off-highway motor vehicles adjacent to highway. (2005)

- A. Off-highway motor vehicles issued a validating sticker or nonresident permit may be driven adjacent to a highway, yielding to all vehicles entering or exiting the highway, in a manner so as not to interfere with traffic upon the highway, only for the purpose of gaining access to or returning from areas designed for the operation of off-highway motor vehicles by the shortest

possible route and when no other route is available or when the area adjacent to a highway is being used as a staging area. Such use must occur between the highway and fencing that separates the highway from private or public lands.

- B. When snow conditions permit, an off-highway motor vehicle may be operated on the right-hand side of a highway, parallel, but not closer than ten feet, to the inside of the plow bank.

History: 1953 Comp., § 64-3-1012, enacted by Laws 1978, ch. 35, § 208; 1985, ch. 189, § 12; 2005, ch. 325, § 15.

66-3-1013. Liability; local registration prohibited. (2005)

- A. A landowner shall not be held liable for damages arising out of off-highway motor vehicle-related accidents or injuries occurring on the landowner's lands in which the landowner is not directly involved unless the entry on the lands is subject to payment of a fee.
- B. It is unlawful to operate an off-highway motor vehicle on private lands or roads except with the express permission of the landowner or leaseholder of the lands.

History: 1953 Comp., § 64-42-13, enacted by Laws 1975, ch. 240, § 13; recompiled as 1953 Comp., § 64-3-1013, by Laws 1978, ch. 35, § 209; 1985, ch. 189, § 13; 2005, ch. 325, § 16.

66-3-1014. Accidents and accident reports. (2005)

The driver of an off-highway motor vehicle involved in an accident resulting in injuries to or the death of a person or resulting in damage to public or private property to the extent of five hundred dollars (\$500) or more shall immediately notify a law enforcement agency of the accident and the facts relating to the accident. If the driver is under the age of eighteen, the driver's parent or legal guardian shall immediately notify a law enforcement agency of the accident and the facts relating to the accident.

History: 1953 Comp., § 64-42-14, enacted by Laws 1975, ch. 240, § 14; recompiled as 1953 Comp., § 64-3-1014, by Laws 1978, ch. 35, § 210; 1985, ch. 189, § 14; 2005, ch. 325, § 17.

66-3-1015. Enforcement. (2009)

A wildlife conservation officer, state police officer or peace officer of this state or any of its political subdivisions, upon displaying the officer's badge of office, has the authority to enforce the provisions of the Off-Highway Motor Vehicle Act and may:

- A. require an off-highway motor vehicle operator to produce:
 - (1) the registration certificate or nonresident permit;
 - (2) proof of successful completion of an off-highway motor vehicle training course conducted by an off-highway safety training organization approved and certified by the department, when required by Section [66-3-1010.2](#) NMSA 1978; and
 - (3) the personal identification of the operator; and
- B. issue citations for violations of the provisions of the Off-Highway Motor Vehicle Act.

History: 1953 Comp., § 64-3-1015, enacted by Laws 1978, ch. 35, § 211; 1985, ch. 189, § 15; 2005, ch. 325, § 18; 2009, ch. 53, § 8.

66-3-1016. Repealed. (2009)

66-3-1017. Off-highway motor vehicle advisory board created; members; compensation. (2009)

- A. The "off-highway motor vehicle advisory board" is created to advise the department on matters related to administration of the Off-Highway Motor Vehicle Act. The board shall consist of the following seven members appointed by the governor:
 - (1) one landowner living near a national forest or bureau of land management property that is used extensively for recreational off-highway vehicle activity;

- (2) one producer or one grazing permittee on public lands from the farming or livestock industry;
 - (3) one person from the off-highway motor vehicle industry;
 - (4) one off-highway motor vehicle user;
 - (5) one hunter or angler;
 - (6) one quiet recreationalist, such as a hiker, backpacker, birdwatcher, equestrian, mountain biker, rock climber or archaeological enthusiast; and
 - (7) one member with expertise in injury prevention or treatment.
 - B. The board shall select a chair and a vice chair.
 - C. The board shall meet at the call of the chair but not less than twice annually.
 - D. Members shall be appointed to staggered terms of two years each; provided that no more than four terms expire in any one year. The board members shall select by lot four members to serve initial terms of three years each. A vacancy shall be filled by appointment of the governor for the remainder of the unexpired term. Members of the board shall be entitled to reimbursement pursuant to the Per Diem and Mileage Act [[10-8-1](#) NMSA 1978].
- History: Laws 2005, ch. 325, § 19; 2009, ch. 53, § 9.

66-3-1018. Department; powers and duties. (2009)

- A. The department shall cooperate with appropriate federal agencies, public and private organizations and corporations and local government units to implement the provisions of the Off-Highway Motor Vehicle Act.
- B. The department:
 - (1) shall accept and evaluate all applications for approval and certification of an off-highway motor vehicle safety training organization and approve and certify those that meet the minimum criteria;
 - (2) shall notify the division of the off-highway motor vehicle safety training organizations that have received approval and certification;
 - (3) shall establish and revise as appropriate minimum criteria to approve and certify an off-highway motor vehicle safety training organization. The criteria shall include requirements for curriculum and materials for:
 - (a) training instructors to teach off-highway motor vehicle safety;
 - (b) training the public about off-highway motor vehicle safety and age-appropriate size-fit use of off-highway motor vehicles; and
 - (c) teaching responsible use of off-highway motor vehicles with respect to environmental considerations, private property restrictions, agricultural and rural lifestyles and cultural considerations, off-highway motor vehicle operating laws and prohibitions against operating off-highway motor vehicles under the influence of alcohol or drugs;
 - (4) shall implement a state off-highway motor vehicle safety training and certification program;
 - (5) shall adopt and promulgate rules regarding the:
 - (a) age-appropriate size-fit use of all-terrain vehicles or recreational off-highway motor vehicles;
 - (b) acceptance or accreditation of instruction or safety courses provided by other states; and
 - (c) standards covering the specifications of eye protection and safety helmets;
 - (6) may recommend, with public participation and input, off-highway motor vehicle park, facility and trail locations to the state, county, tribal or local governing body or private entity that owns or administers the land upon which the park, facility or trail is located. The department shall establish criteria to recommend locations that include consideration of off-highway motor vehicle operating laws and effects on:
 - (a) wildlife and the environment;
 - (b) adjacent state, county, federal, tribal and private property;
 - (c) other recreational and nonrecreational uses on the same or adjacent lands; and

- (d) archaeological, cultural and historic resources and customs;
- (7) shall recommend restoration or, if deemed necessary, closure of off-highway motor vehicle tracks or trails to the state, county, tribal or local governing body or private entity that owns or administers the land upon which the tracks or trails are located if they pose significant or irreversible environmental damage, a danger to users or a public nuisance as determined by the department. The department shall consider the construction of alternative tracks or trails as part of the closure process;
- (8) shall accept and evaluate all applications for grants from the fund for implementation of the provisions of the Off-Highway Motor Vehicle Act. The department shall establish criteria for grants from the fund that include consideration of the:
 - (a) applicant's financial and legal status;
 - (b) applicant's management plan, including specific measures to avoid or minimize environmental damage to public and private lands and danger to users and spectators;
 - (c) operating budget for the park, trail, facility or staging area;
 - (d) availability of matching funds; and
 - (e) public participation and input;
- (9) shall certify tour guides;
- (10) shall prepare a management plan that accomplishes the purposes of the Off-Highway Motor Vehicle Act in a cost-effective manner and relies on existing agencies' available funding with specific qualifications for program implementation, which shall include joint powers agreements with the department of public safety and other law enforcement agencies for law enforcement and other agencies as appropriate for carrying out the provisions of the Off-Highway Motor Vehicle Act;
- (11) shall develop and implement an overall enforcement strategy for the entire state that includes:
 - (a) cooperation with federal, state and local law enforcement agencies to provide training and educational materials related to off-highway motor vehicle use;
 - (b) coordination efforts related to off-highway motor vehicle use with participating law enforcement agencies;
 - (c) developing strategies for addressing and minimizing impacts on farmers and ranchers in rural agricultural areas, on hunters and anglers and on non-motorized recreationalists by off-highway motor vehicle use; and
 - (d) using law enforcement DUI-type "blitzes" in heavily used areas, staging areas or other problem areas;
- (12) shall develop and implement an overall educational strategy for the entire state that:
 - (a) incorporates materials developed by the United States department of agriculture forest service program that teaches trail etiquette and respect for natural resources;
 - (b) includes the development of New Mexico-specific written, video or other educational materials and educational programs that address the impact of off-highway motor vehicles on traditional living culture, agricultural land and private property; and
 - (c) includes the development and maintenance of a web site containing rules and regulations, safety information and educational material relating to resource protection and the impact of off-highway motor vehicles on traditional living culture, agricultural land and historical sites;
- (13) shall develop an overall strategy for phased implementation of an information system to track information, such as use patterns, injury data, ecological data, natural resource data and data relating to the impact of off-highway motor vehicles on traditional living culture and on agricultural land. The strategy shall include:
 - (a) identification and implementation of appropriate data collecting mechanisms, such as a toll-free number or a web-based data collecting process; and

- (b) development of an information system program capable of interfacing with existing government and private databases or other information systems;
- (14) may implement noise enforcement by the testing of sound levels of off-highway motor vehicles at the time of registration and equip law enforcement officers with sound meters for field testing of sound levels;
- (15) may contract with government or quasi-government agencies to conduct analysis of the impact of off-highway motor vehicle use on forests, rangeland and other natural resources and use the data obtained to make recommendations to the appropriate land management agency;
- (16) shall review the definition of "off-highway motor vehicle" as needed to include new classes of off-highway motor vehicles as they become available in the marketplace;
- (17) shall, in cooperation with the division, determine the size, composition, attachment mechanism, letter or number height and other properties of off-highway motor vehicle identification. This identification may be a traditional license plate, stick-on lettering as used for boat identification or another form of identification that is visible and readable;
- (18) shall present its semiannual plans and progress to the advisory board for the board's input and response; and
- (19) may collaborate with the appropriate land agencies to develop criteria for signage relating to off-road motor vehicle use, including the size, visibility, graphics and frequency of signage.

History: Laws 2005, ch. 325, § 20; 2009, ch. 53, § 10.

66-3-1019. Fund created; disposition. (2009)

- A. The "trail safety fund" is created in the state treasury. The fund is a nonreverting fund and consists of revenues from off-highway motor vehicle registration and user fees, grants and donations. No more than thirty percent of the fund may be used for administrative overhead, and at least fifty percent shall be devoted to law enforcement and education. Income from investment of the fund shall be credited to the fund. The fund shall be administered by the department, and money in the fund is appropriated to the department to carry out the purposes of the Off-Highway Motor Vehicle Act. Expenditures from the fund shall be by warrant of the secretary of finance and administration upon vouchers signed by the director of the department of game and fish or the director's authorized representative.
- B. The department shall make annual distributions from the fund for the following purposes:
 - (1) administrative;
 - (2) law enforcement;
 - (3) education and training;
 - (4) information system development and management;
 - (5) resource monitoring and protection and trail building, maintenance and restoration; and
 - (6) implementation of other provisions of the Off-Highway Motor Vehicle Act.

History: Laws 2005, ch. 325, § 21; 2009, ch. 53, § 11.

66-3-1020. Penalties. (2009)

- A. A person who violates the provisions of the Off-Highway Motor Vehicle Act is guilty of a penalty assessment misdemeanor. A parent, guardian or custodian who causes or knowingly permits a child under the age of eighteen years to operate an off-highway motor vehicle in violation of the provisions of the Off-Highway Motor Vehicle Act is in violation of that act and subject to the same penalty as the child operating the off-highway motor vehicle in violation of that act.

- B. As used in the Off-Highway Motor Vehicle Act, "penalty assessment misdemeanor" means violation of any provision of the Off-Highway Motor Vehicle Act for which a violator may be subject to the following:

CLASS 1 VIOLATIONS	SECTION VIOLATED	PENALTY ASSESSMENT
failure to possess a registration certificate or nonresident permit	66-3-1010.3	\$10.00
violations involving headlights or taillights	66-3-1010.3	10.00
failure to possess an off-highway motor vehicle safety permit	66-3-1010.3	10.00
selling a vehicle that produces noise in excess of ninety-six decibels	66-3-1010.3	10.00
any violation of the Off-Highway Motor Vehicle Act not otherwise specifically defined elsewhere in this section	66-3-1010.3	10.00
CLASS 2 VIOLATIONS	SECTION VIOLATED	PENALTY ASSESSMENT
failure to complete a required off-highway motor vehicle safety training course	66-3-1010.2	\$50.00
operating a vehicle in excess of ten miles per hour within two hundred feet of a business, animal shelter, horseback rider, bicyclist, pedestrian, livestock or occupied dwelling	66-3-1010.3	50.00
a person under the age of eighteen but at least fifteen years of age who operates an off-highway motor vehicle in violation of the supervision requirements of the Off-Highway Motor Vehicle Act	66-3-1010.3	50.00
operating an off-highway motor vehicle that produces noise that exceeds ninety-six decibels	66-3-1010.3	50.00
unauthorized installation, removal, destruction or defacing of a motor vehicle sign	66-3-1011	50.00
CLASS 3 VIOLATIONS	SECTION VIOLATED	PENALTY ASSESSMENT
operating a vehicle that is not equipped with an approved spark arrester	66-3-1010.3	\$100.00
operating an off-highway motor vehicle while in pursuit of and with intent to hunt or take a species of animal or bird protected by law, unless otherwise authorized by the state game commission	66-3-1010.3	100.00

operating an off-highway motor vehicle in pursuit of or harassment of livestock in any manner that negatively affects the livestock's condition	66-3-1010.3	100.00
operating an off-highway motor vehicle on or within an earthen tank or other structure meant to water livestock or wildlife	66-3-1010.3	100.00
operating a motor vehicle in a manner that has a direct negative effect on or interferes with persons engaged in agricultural practices	66-3-1010.3	100.00
a person under the age of eighteen operating an off-highway motor vehicle without wearing eye protection and a safety helmet	66-3-1010.3	100.00
a person under the age of eighteen operating an off-highway motor vehicle while carrying a passenger	66-3-1010.3	100.00
a person under the age of fifteen but at least ten years of age who operates an off-highway motor vehicle in violation of the supervision requirements of the Off-Highway Motor Vehicle Act	66-3-1010.3	100.00
a person under the age of ten operating an all-terrain vehicle or recreational off-highway motor vehicle that is not an age-appropriate size-fit or who operates an off-highway motor vehicle in violation of the supervision requirements of this section	66-3-1010.3	100.00

CLASS 4 VIOLATIONS	SECTION VIOLATED	PENALTY ASSESSMENT
operating an off-highway motor vehicle in a careless, reckless or negligent manner so as to endanger the person or property of another	66-3-1010.3	\$200.00
operating an off-highway motor vehicle on any road or area closed to off-highway motor vehicle traffic under local, state or federal regulations	66-3-1010.3	200.00
operating an off-highway motor vehicle on a limited-access highway or freeway	66-3-1011	200.00

- C. The penalty for second, third and subsequent violations within a three-year time period shall be increased as follows:
- (1) a second violation in a class 1 penalty category involving failure to possess a registration certificate or nonresident permit shall be increased to a class 2 penalty category;
 - (2) any class 2 or class 3 violation for a second or greater infraction within a three-year period shall be increased to the next-highest penalty assessment category; and

(3) each subsequent violation in a class 4 penalty category will result in an additional penalty of two hundred dollars (\$200).

- D. Multiple violations for the same incident shall be treated as a single event and shall not result in graduated penalties.
- E. The term "penalty assessment misdemeanor" does not include a violation that has caused or contributed to the cause of an accident resulting in injury or death to a person.
- F. When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of a notice of penalty assessment, a fine imposed upon later conviction shall not exceed the penalty assessment established for the particular penalty assessment misdemeanor, and probation imposed upon a suspended or deferred sentence shall not exceed ninety days.

History: Laws 2005, ch. 325, § 22; 2009, ch. 53, § 12.

66-3-1021. Legislative oversight. (2009)

In addition to reporting to the legislative finance committee pursuant to the performance review and budgeting process, the department shall report to the appropriate interim committee appointed by the New Mexico legislative council on the status of implementation of the Off-Highway Motor Vehicle Act. The department shall report to the appropriate committee of the legislature on the status of existing and proposed rules and relevant enforcement issues.

History: Laws 2009, ch. 53, § 13.

TITLE 18 TRANSPORTATION AND HIGHWAYS
CHAPTER 15 OFF-HIGHWAY MOTOR VEHICLE SAFETY
PART 3 OFF-HIGHWAY MOTOR VEHICLE SAFETY STANDARDS

18.15.3.1 ISSUING AGENCY: New Mexico Department of Game and Fish.
 [18.15.3.1 NMAC - Rp, 18.15.3.1 NMAC, 5-28-10]

18.15.3.2 SCOPE: This rule prescribes safety standards, registration, and safety permit requirements for all persons seeking to operate an off-highway motor vehicle and applies to all persons seeking to operate an off-highway motor vehicle safety training organization, or serve as an off-highway motor vehicle instructor or guide in New Mexico.
 [18.15.3.2 NMAC - Rp, 18.15.3.2 NMAC, 5-28-10]

18.15.3.3 STATUTORY AUTHORITY: NMSA 1978, Sections 66-3-1001 through 66-3-1020.
 [18.15.3.3 NMAC - Rp, 18.15.3.3 NMAC, 5-28-10]

18.15.3.4 DURATION: Permanent.
 [18.15.3.4 NMAC - Rp, 18.15.3.4 NMAC, 5-28-10]

18.15.3.5 EFFECTIVE DATE: May 28, 2010, unless a later date is cited at the end of a section.
 [18.15.3.5 NMAC - Rp, 18.15.3.5 NMAC, 5-28-10]

18.15.3.6 OBJECTIVE: The purpose of this rule is to provide minimum and uniform standards for the registration, permitting and safe operation of off-highway motor vehicles and for the certification of off-highway motor vehicle safety training organizations, instructors and guides, and matters incident thereto.
 [18.15.3.6 NMAC - Rp, 18.15.3.6 NMAC, 5-28-10]

18.15.3.7 DEFINITIONS:

- A. "ASI" means the ATV safety institute, a division of the specialty vehicle institute of America.
- B. "Board" means the off-highway motor vehicle advisory board.
- C. "Certificate" means one of the following documents issued by the department on a non-exclusive basis

authorizing a person to:

- (1) "safety training permit": operate an off-highway motor vehicle if under 18 years of age or;
- (2) "instructor certificate": serve as an off-highway motor vehicle safety training organization, a lead instructor, guide

or junior instructor.

- D. "CPSC" means the consumer product safety commission.
- E. "Department" means the New Mexico department of game and fish.
- F. "Designee" means a person authorized to perform certain specified duties on behalf of the department.
- G. "Director" means the director of the New Mexico department of game and fish.
- H. "Division" means the motor vehicle division of the New Mexico taxation and revenue department.
- I. "Enrolled" means that a student has attended the first day of a scheduled safety training course and will continue

until the course is completed.

J. "Extension site" means a location other than the main off-highway motor vehicle safety training organization's training site where a certified organization offers OHV safety training courses.

K. "Guide" means a person who is certified as a lead instructor by the department and who guides or directs an off-highway vehicle organized tour.

L. "Implied Consent Act" means Sections 66-8-105 through 66-8-112, NMSA 1978.

M. "Junior instructor" means a person over the age of eighteen (18) but less than twenty-one (21) years of age certified by the department pursuant to the instructor qualifications and standards criteria of these rules as meeting the minimum qualifications to teach and evaluate a student in a department certified off-highway motor vehicle safety training course under the direct supervision of a lead instructor.

N. "Lead instructor" means a person at least twenty-one (21) years of age certified by the department pursuant to the instructor qualifications and standards criteria of these rules as meeting the minimum qualifications to teach and evaluate a student in a department certified off-highway motor vehicle safety training course.

O. "Moral turpitude" means behavior that gravely violates the accepted moral standards of the community.

P. "MSF" means the motorcycle safety foundation.

Q. "Off-highway motor vehicle" means a motor vehicle designed by the manufacturer for operation exclusively off the highway or road as defined in statute or as designated by the director.

R. "Off-highway motor vehicle safety training organization" (also referred to in these rules as "OHV safety training organization" or "organization") means a business, certified by the department as qualified to provide safety training.

- S. **"Person"** means an individual, firm, partnership, association, corporation, limited liability company, or other legal entity.
- T. **"Proctored exam"** means an exam monitored by a lead instructor or a junior instructor under the direct supervision of a lead instructor.
- U. **"Revocation or revoked"** means the involuntary permanent termination of a certificate by the board for cause.
- V. **"Staging area"** means a parking lot, trailhead or other location to or from which an off-highway motor vehicle is transported so that it may be placed into operation or removed from operation.
- W. **"Student"** means a person who has enrolled in an OHV safety training course certified by the board.
- X. **"Suspended or suspension"** means the involuntary permanent termination of a certificate by the board for cause.
- Y. **"Trail etiquette"** means the correct and appropriate interaction between all types of trail users; respect for and adherence to rules and laws governing use on public and private land; respect for the environment and avoidance of causing any adverse impacts to the environment; not littering and making sure campfires are extinguished.
- [18.15.3.7 NMAC - Rp, 18.15.3.7 NMAC, 5-28-10]

18.15.3.8 OPERATION REQUIREMENTS:

- A. **License not required:** Drivers of off-highway motor vehicles are not required to be licensed.
- B. **Prohibitions:** A person shall not operate an off-highway motor vehicle:
- (1) in a careless, reckless or negligent manner so as to endanger the person or property of another;
 - (2) while under the influence of intoxicating liquor or drugs as provided by Section 66-8-102 NMSA 1978;
 - (3) while in pursuit of and with intent to hunt or take a species of animal or bird protected by law unless otherwise authorized by the state game commission;
 - (4) in pursuit of or harassment of livestock in any manner that negatively affects the livestock's condition;
 - (5) on or within an earthen tank or other structure meant to water livestock or wildlife, unless the off-highway motor vehicle is on a route designated by the landowner or land management agency as an off-highway motor vehicle route;
 - (6) in a manner that has a direct negative effect on or interferes with persons engaged in agricultural practices;
 - (7) in excess of ten miles per hour within two hundred feet of a business, animal shelter, horseback rider, bicyclist, pedestrian, livestock or occupied dwelling, unless the person operates the vehicle on a closed course or track;
 - (8) unless in possession of the person's registration certificate or nonresident permit and the registration decal is attached to the off-highway vehicle as outlined in 18.15.3.12 NMAC;
 - (9) unless the vehicle with an internal combustion engine is equipped with a spark arrester approved by the United States forest service; provided that a snowmobile is exempt from this provision;
 - (10) when conditions such as darkness limit visibility to five hundred feet (500) or less, unless the vehicle is equipped with:
 - (a) one or more headlights of sufficient candlepower to light objects at a distance of one hundred-fifty feet (150); and
 - (b) at least one taillight of sufficient intensity to exhibit a red or amber light at a distance of two hundred feet (200') under normal atmospheric conditions;
 - (11) that produces noise that exceeds ninety-six (96) decibels when measured using test procedures established by the society of automotive engineers pursuant to standard J-1287;
 - (12) where off-highway motor vehicle traffic is prohibited under local, state, or federal rules or regulations.
- C. **Requirements for minors:** A person under the age of eighteen (18) shall not operate an off-highway motor vehicle:
- (1) or ride upon an off-highway motor vehicle without wearing eye protection and a safety helmet that is securely fastened in a normal manner as headgear that meets the standards established by the department in these rules;
 - (2) without an off-highway motor vehicle safety permit; or
 - (3) while carrying a passenger.
- D. **Visual supervision:** A person under the age of eighteen (18) but at least ten (10) years of age shall not operate an off-highway motor vehicle unless the person is visually supervised at all times by a parent, legal guardian or a person over the age of eighteen (18) who has a valid driver's license. This rule does not apply to a person who is at least:
- (1) thirteen (13) years of age and has a valid motorcycle license and off-highway motor vehicle safety permit; or
 - (2) fifteen (15) years of age and has a valid driver's license, instructional permit or provisional license and off-highway motor vehicle safety permit.
- E. **Minors under 10 years of age:** A person under the age of ten (10) shall not operate an off-highway motor vehicle unless:
- (1) the all-terrain vehicle is an age-appropriate size-fit vehicle established by rule of the department; and
 - (2) the person is visually supervised at all times by a parent, legal guardian or instructor of a safety training course certified by the department.
- F. **Organized tour exception:** The requirements of Subsections D and E of this section do not apply to a person who is part of an organized tour under the guidance or direction of a guide certified by the department under these rules.
- G. **Noise standard:** An off-highway motor vehicle may not be sold or offered for sale if the vehicle produces noise that exceeds ninety-six (96) decibels when measured using test procedures established by the society of automotive engineers

pursuant to standard J-1287. This subsection shall not apply to an off-highway motor vehicle that is sold or offered for sale only for organized competition.

H. Prohibited areas of operation. A person shall not operate an off-highway motor vehicle on any:

- (1) limited access highway or freeway at any time; or
- (2) any paved street or highway except as provided in Subsection B of Section 66-3-1011 NMSA 1978.

I. Public lands restrictions. A person shall not operate an off-highway motor vehicle on state game commission owned, controlled, or administered land or on land owned, controlled, or administered by the state parks division of the energy, minerals and natural resources department except in compliance with Subsections C and D of Section 66-3-1011 NMSA 1978.

J. Public highway restrictions: Off-highway motor vehicles may only be driven adjacent to a highway for the purpose of gaining access to or returning from areas designed for the operation of off-highway vehicles by the shortest possible route and when no other route is available or when the area adjacent to a highway is being used as a staging area. Such use must occur between the highway and fencing that separates the highway from private or public lands, and the operator of the off-highway motor vehicle shall yield to all vehicles entering or exiting the highway, in a manner that does not interfere with highway traffic. When snow conditions permit, an off-highway motor vehicle may be operated on the right-hand side of a highway, parallel, but not closer than ten feet (10) to the inside of the plow bank.

K. Accidents and accident reports: The driver of an off-highway motor vehicle involved in an accident resulting in injuries to or the death of a person or resulting in damage to public or private property to the extent of five hundred dollars (\$500) or more shall immediately notify a law enforcement agency of the accident and the facts relating to the accident. If the driver is under the age of eighteen, the driver's parent or legal guardian shall immediately notify a law enforcement agency of the accident and the facts relating to the accident.

[18.15.3.8 NMAC - Rp, 18.15.3.8 NMAC, 5-28-10; A, 12-30-11]

18.15.3.9 EQUIPMENT REQUIREMENTS:

A. Safety helmets: All off-highway motor vehicle operators and passengers under the age of eighteen (18) shall wear safety helmets that comply with the safety standards of Title 49 Transportation, Chapter V - National Highway Traffic Safety Administration, Department of Transportation, Part 571-Federal Motor Vehicle Safety Standards, Subpart B-Federal Motor Vehicle Safety Standards, Standard No. 218, Motorcycle helmets of the Code of Federal Regulations (49CFR571.218). A helmet exhibiting the symbol DOT in conformance with 49CFR571.218 shall constitute prima facie evidence of compliance with this standard.

B. Eye protection: Unless the off-highway motor vehicle has a protective windscreen, all off-highway motor vehicle operators and passengers under the age of eighteen (18) must wear eye protection that meets or exceeds the Vehicle Equipment Safety Standards Regulations VESC-8 (Minimum Requirements for Motorcycles, Eye Protection Section 11-1306(e) or the American National Standards Institute (ANSI) Standard Z87.1 and more generally known as safety glasses or safety goggles. Additionally, the protective eyewear must be free of scratches, give a clear view to both sides and be fastened securely.

C. Age appropriate size-fit: Standards governing the relationship between the engine displacement level (in cubic centimeters, or cc.) of an all-terrain vehicle (ATV) and the minimum age an operator must attain before he may operate an ATV with higher than minimum engine displacement levels, combined with objective measurements of how a rider physically fits on an ATV and can operate basic equipment features, are called "age appropriate size-fit" standards.

(1) No person under six (6) years of age shall operate an all-terrain vehicle on public land.

(2) Operators under the age of ten (10) shall not operate an ATV with an engine size greater than 100cc and shall comply with the physical fit standards set forth below in Subsection D of this section.

(3) Operators from ages ten (10) through fifteen (15) shall not operate an ATV with an engine size greater than 250cc and shall comply with the physical fit standards set forth below in Subsection D of this section.

(4) Notwithstanding Paragraph (3) of this subsection, operators who are fourteen (14) or fifteen (15) years of age and who possess a valid driver's license may operate an ATV with an engine size not greater than 450 cc.

(5) Operators at least sixteen (16) years of age may operate an ATV with an engine size greater than 250cc.

D. Physical fit standards: Unless the relationship between an operator and the ATV being operated complies with the following standards, there is a violation of the age appropriate size-fit standards of these rules, regardless of whether the operator is in compliance with the engine size standards of Subsection C immediately preceding.

(1) Clearance between ATV seat and inseam while standing up on foot pegs: The intent for requiring a clearance is two-fold: the first is to permit the rider to stand up and absorb shocks through the legs while traversing rough terrain; the second is to minimize the possibility of the rider being struck by the seat and catapulted over the handle bars. Three to six inches should be a minimum clearance. The maximum will be controlled by the reference point below.

(2) Upper legs: The upper portion of the leg, roughly from the top of the knee to the hip (or the lap if sitting in a chair) should be approximately horizontal. A little above or below the horizontal is not a violation of this standard, but gross departures (knees significantly below or above the hips) shall warrant further inquiry. Knees that are significantly above the hips and which contact the handlebars in both directions when they are turned constitute a violation of this standard.

(3) Foot length: With the heel of the right shoe locked against the footpeg or in the proper position on the running board, the toe should be able to depress the foot brake with a simple downward rotation of the foot. Contact with engine or exhaust protrusions should be examined. The rider should be able to operate the brakes consistently without hesitation. The same principle applies to the left side of the ATV where the gearshift is located.

(4) **Grip reach:** With the rider in the normal seated position (not leaning forward) and the hands on the handlebars, the elbows should have a distinct angle between the upper arm and the forearm. If the elbows are straight out, the rider has no ability to turn the handlebars. If the elbows are less than right angles, the rider is too large for the ATV and steering is difficult possibly throwing the rider off balance.

(5) **Throttle reach:** With the right hand in the normal operating position, the thumb must easily operate the throttle. The rider must be able to turn the handlebars to both the extreme left and extreme right position without any interference with easy operation.

(6) **Brake reach:** With the hands in the normal operating position and the fingers straight out, the first joint (from the tip) of the middle finger should extend beyond the brake lever. If not, the hand is too small to effectively grasp the lever in an emergency. The thumb must also reach the engine stop switch. The rider should be able to squeeze the brake lever comfortably and repeatedly.

[18.15.3.9 NMAC - Rp, 18.15.3.9 NMAC, 5-28-10]

18.15.3.10 MINIMUM CRITERIA FOR APPROVAL AND CERTIFICATION OF OFF-HIGHWAY MOTOR VEHICLE SAFETY TRAINING ORGANIZATIONS AND INSTRUCTORS/GUIDES:

A. ASI standard adopted. The department shall approve and certify all motor vehicle safety training organizations for ATV's whose applications establish that they will:

(1) utilize ASI's instructional materials, e-course, or a materially equivalent curriculum; and

(2) comply with the inclusion of New Mexico specific curriculum with respect to environmental considerations, private property restrictions, agricultural and rural lifestyles and cultural considerations, laws and prohibitions against operating off-highway motor vehicles under the influence of alcohol or drugs.

B. MSF standard adopted. The department shall approve and certify all motor vehicle safety training organization for off-highway motorcycles whose applications establish that they will:

(1) utilize the MSF "dirt bike school" instructional materials, e-course, or a materially equivalent on-line curriculum;

and

(2) comply with the inclusion of New Mexico specific curriculum with respect to environmental considerations, private property restrictions, agricultural and rural lifestyles and cultural considerations, laws and prohibitions against operating off-highway motor vehicles under the influence of alcohol or drugs.

C. Snowmobile standard. [Reserved]

D. Out of state safety permits. A current off-highway motor vehicle safety permit issued by another state to a person under the age of eighteen (18), or an ASI, MSF or equivalent certificate as determined by the department evidencing completion of an OHV safety training course, shall satisfy the requirement for completion of an off-highway motor vehicle safety training course before operating an off-highway motor vehicle in New Mexico. New Mexico residents under the age of eighteen (18) must successfully complete an off-highway motor vehicle safety course that complies with these rules.

E. Grandfathered safety permits. Safety certificates issued prior to January 1, 2007, by ASI, MSF, 4-H or equivalent certificates as determined by the department evidencing completion of an OHV safety training course, shall satisfy the requirement for completion of an off-highway motor vehicle safety training course before operating an off-highway motor vehicle in New Mexico.

[18.15.3.10 NMAC - Rp, 18.15.3.10 NMAC, 5-28-10]

18.15.3.11 ON-LINE SAFETY TRAINING:

A. Hours requirement. An OHV safety training program shall provide at least 4 hours of curriculum on safe and responsible off-highway vehicle operation. Upon successful completion of the curriculum and final exam, a safety permit will be issue. A student must correctly answer at least seventy percent (70%) of the questions to pass the final exam and receive a permit.

B. Curriculum requirement: Only the curriculum, chapter review material and final examination questions approved by the department may be used. An on-line safety training curriculum must include lessons about:

(1) safety awareness.

(2) New Mexico operations requirements as required by 18.15.3.8 NMAC of these rules;

(3) safety equipment requirements as required by 18.15.3.9 of these rules;

(4) age-appropriate size-fit use of off-highway motor vehicles as outlined by Subsection C and D of 18.15.3.8 NMAC of these rules;

(5) responsible use of off-highway motor vehicles with respect to environmental considerations, private property restrictions, agricultural and rural lifestyles and cultural considerations, and restrictions against operating off-highway motor vehicles under the influence of alcohol or drugs;

(6) respecting ATV's: safety awareness; preparation to ride; controls and equipment checks; starting procedures; posture, starting out, shifting gears, braking and parking; turning; quick stops and swerving; riding strategies; riding over obstacles; riding on hills; and safe riding practices; and

(7) trail etiquette: how to deal with fences, land use ethic.

C. Other requirement: A safety training organization shall provide the department with a monthly (or as requested) report of students who successfully completed the on-line safety training course. The information should include the students first and last name, middle initial, date of birth, last four of social security number, and students home telephone number, date training was

completed, the students final grade and total time for completion of the training course. This information shall remain confidential by the safety training organization and the department and for sole purpose of record keeping.

[18.15.3.11 NMAC - N, 5-28-10]

18.15.3.12 DISPLAY OF IDENTIFICATION PLATES:

A. All off-highway motor vehicles: shall display an identification decal or plate assigned to the vehicle for which it is issued by the division, or a suitable decal as issued by the department for validation purposes, which shall contain the year and month for which it expires, except those exempted under this rule or 66-3-1005 NMSA 1978.

B. Identification plate or decal: shall at all times be securely fastened to the vehicle for which it is issued, and shall be mounted or affixed in a position clearly visible, shall be maintained in a condition so as to be clearly legible, and displayed only for the period for which it is valid. Nothing shall be used to block, dim, or cover any portion of the plate or decal. All identification devices or decals issued on or after January 1, 2012 shall be displayed as follows:

(1) Motorcycles shall display decal horizontally on the left fork leg of the motorcycle, and shall be visible from the left side of the motorcycle.

(2) ATVs shall display decal horizontally on the left rear quadrant on permanent plastic or metal frame and visible from the left side of the all-terrain vehicle.

(3) UTV/ROV shall display decal horizontally on the left front quarter panel of a recreational off-highway vehicle.

(4) Snowmobiles shall display decal horizontally on the left tunnel on the back of snowmobile.

C. Exceptions: No off-highway vehicle shall deviate from this display requirement except as described below:

(1) unless displaying a valid license plate, temporary registration, or dealer demonstration permit, and the plate, temporary registration, or dealer permit is visible from the rear of the vehicle;

(2) non-residents who have a valid off-highway vehicle permit displayed on their off-highway vehicle that is currently in compliance with another state's off-highway vehicle registration, user fee or similar law or rule demonstrated by certificate of registration, permit or similar evidence.

D. Replacement fee: The division shall charge seven dollars and fifty cents (\$7.50) transition fee to replace a previously issued license plate for a decal when requested by the registered owner of an off-highway motor vehicle. The previously issued license plate will be surrendered upon reissue of a decal, and the decal will be valid for the remaining term of the registration.
[18.15.3.12 NMAC - N, 12-30-11]

HISTORY OF 18.15.3 NMAC:

History of Repealed Material:

18.15.3 NMAC, Off-Highway Motor Vehicle Safety Standards, filed December 14, 2006 by the Off-Highway Motor Vehicle Safety Board - Repealed effective May 28, 2010 and replaced by 18.15.3 NMAC, Off-Highway Motor Vehicle Safety Standards, effective May 28, 2010, filed by Department of Game and Fish.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 10/11/2016

Report Date: 10/4/2016

Report No: 10.

Submitted By: Rachel Hughs

Subject: Adjourn into Executive Session in compliance with Section 10-15-1(H), NMSA 1978, to discuss: limited personnel matters (PSAP staffing) and purchase, acquisition or disposal of real property (115 South Florida). **(Roll Call Vote required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: