

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
DECEMBER 6, 2016**

**RICHARD BOSS, MAYOR
JASON BALDWIN, COMMISSIONER
NADIA SIKES, COMMISSIONER
JENNY TURNBULL, COMMISSIONER
SUSAN PAYNE, COMMISSIONER**

**AL HERNANDEZ, MAYOR PRO-TEM
ERICA MARTIN, COMMISSIONER
MAGGIE PALUCH, ACTING CITY MANAGER
LAUREN TRUITT, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

CALL TO ORDER / ROLL CALL / INVOCATION / PLEDGE OF ALLEGIANCE

Mayor Boss called the meeting to order at 6:30 p.m. Roll Call was taken by the City Clerk. Clerk Hughs announced there was a quorum present. Invocation was given by Rev. Dwight Harp and the Pledge of Allegiance was led by Commissioner Baldwin.

Mayor Boss made the following statement:

Mayor Boss wanted to address an article that was published in the Alamogordo Daily News. When speaking with the Daily news, he mistakenly said that a decision was made in the Executive session. While the Commission did discuss the matter in Executive Session, no affirmative action was made in Executive Session. Any decisions regarding this matter will be made in public session as required by the Open Meetings Act.

APPROVAL OF AGENDA

City Attorney Truitt asked to remove Item 3 from the consent agenda, to amend and be more specific of the statement related to pending litigations.

City Clerk Hughs asked to amend the minutes of the November 1, 2016 to correct the two Commissioners that voted nay which were Commissioners Turnbull and Payne.

Mayor Pro-Tem Hernandez asked to remove Item #7 from the Consent Calendar and amend the wording on Items 2 and remove Item 3.

**Mayor Pro-Tem Hernandez moved to approve the agenda as amended.
Commissioner Sikes seconded the motion. Motion carried with a vote of 7-0-0.**

PRESENTATIONS

1. Discussion and possible action on presentation of Air Force Career Skills Program. *(CSP Program Manager, Kimberly Lawhorn)*

CSP Program Manager, Kimberly Lawhorn spoke on a new program that is being offered by the Air Force. This is basically an on-the-job training apprenticeship and internship program. Airmen, who are within 180 days of separation or retirement, have the opportunity to participate in this program. Participating companies, for apprenticeships and internships, must be approved by the Department of Labor, the Department of Veterans, or the Department of Education, and the company must be accredited as a business in the Town. Participating service members are allowed to travel up to 50 miles from where they are stationed. These service members cannot be paid any wages for their work, because they are still getting paid a regular check from the Air Force. Internships include legal, veterinary and culinary, and usually have some sort of federal, local government, or private sector affiliation. The apprenticeships are certified accredited by the American National Standard of Instruction, and The U.S. Department of Labor Office of Apprenticeship. There are lists or websites available for service members to see if a business is participating in this program. On-the-job training and job shadowing are two other parts of this program, and are a little less restrictive. On-the-job

training only requires a tax ID from the business. The job shadowing is anywhere from one to three days and can shadow at more than one job, however, the service member must fill out a separate application for each job.

Commissioner Baldwin asked how long prior to their retirement or their leaving. Ms. Lawhorn replied 180 days and they fill out the application 30 days prior to the date they want to start.

City Manager Paluch wanted to know how the City of Alamogordo can get involved. Ms. Lawhorn suggested getting the word out through the newspaper by saying that the City of Alamogordo is willing to participate in the Career Skills Program that the Air Force is offering Airmen.

PUBLIC COMMENT

Paul Sanchez commented on the following:

Mr. Sanchez thanked the Mayor for his earlier correction. He asked if they got a response on the RFP for the City Manager search, and if we did, have we suspended spending any money on that, for six months. Acting City Manager Paluch answered that we did do an RFP, we did receive responses, it has not been awarded, and no money has been spent. Mr. Sanchez then spoke about his concerns about using the Chamber of Commerce calendar on the City's new app. He would like to see the app to be open to any organization. Acting City Manager Paluch stated that the app is really for tourism and promoting the City of Alamogordo. Other events will be integrated into our new website which should become available the beginning of January.

Eugene Downer commented on the following:

He thanked Eric Marion and his staff for the removal of dead trees and for plantings on First Street. He also thanked Bud Wiser, Johnny Crain and Kathy Chase for making the zoo look very Christmassy. Lastly, he wanted to thank Commissioner Payne for operation roundup. He spoke on gophers and the possible health risks they may cause.

CITY MANAGER'S REPORT

Acting City Manager Maggie Paluch made the following remarks:

1. She spoke on the redesign of the pool natatorium and said are hopeful to see some revised plans by the end of December.
2. She announced that the reflective pavement markings, done by Sandbar Construction, is complete, and that it was completed 30 days ahead of schedule.
3. She stated that the Commission will see the approval for the award of the bid for the First and Florida realignment project on the next commission meeting. The project is within budget and will take approximately Nine months to complete. Staff is working on a RFP for updating the comprehensive plan.
4. She stated that the Commission had previously approved the sale of two large surplus items, the stripper machine and the crack seal machine, by the Public Works Department. The appraised value of both these machines was estimated at \$55,000; however, the City sold both machines for \$69,000. The proceeds will most likely go towards the total cost of replacing the ten yard dump truck.
5. She announced the groundbreaking for the Family Fun Center will be on December 15th at 10:00 a.m.
6. She stated that the Aftermath K9 Grant Award that the police department won, with the help of the entire community, will be on December 8th at 3:30 p.m. in the Alamogordo Police Station lobby.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Pro-Tem Hernandez made the following comments:

He said he was accused of having a conflict of interest with former Water Billing Manager Armando Ortega. He wanted to make it clear, for the record, that he has no ties to Mr. Ortega.

CONSENT AGENDA

2. Approve the minutes for the November 1, 2016 and November 15, 2016 Regular meetings. *(Rachel Hughs, City Clerk)*
3. Approve the statements related to the Executive Session held on November 15, 2016. *(Rachel Hughs, City Clerk) Removed*
4. Approve the City Commission Regular Meeting Schedule for Calendar Year 2017. *(Rachel Hughs, City Clerk)*
5. Consider, and act upon, approval of a Pipeline Encroachment Agreement with Union Pacific Railroad related to the Reclaimed Water Line Looping project. *(Nancy Beshaler, Project Manager)*
6. Approve Resolution No. 2016-43 establishing rates for residential solid waste collection and related services effective January 1, 2017. *(Mark Threadgill) (Roll Call Required)*
8. Consider and act upon final publication of Ordinance 1530, a request for a map amendment to the official zoning map of the City of Alamogordo to rezone the property located at 1806 9th Street from-C1 – Neighborhood Business to R3 – Two Family Dwelling. *(Stella Rael, Planning and Zoning Administrator) (Roll Call Required)*
9. Consider and act upon final publication for Ordinance No. 1532 Creating a new section in the Code of Ordinances pertaining to the White Sands Beautification. *(Lauren Truitt, City Attorney) (Roll Call Required)*
10. Consider, and act upon a Release of Lien for property located at 1112 Airport Ave. *(Lauren Truitt, City Attorney)*
11. Consider, and act upon, a request to release a utility line filed in 2008 for the property located at 404 Zia Avenue. *(Lauren Truitt, City Attorney)*

Mayor Pro-Tem asked to remove Item #7 from the Consent Calendar.

Mayor Pro-Tem Hernandez moved to approve Items 4, 5, 6, 8, 9, 10, 11, and 2 as amended of the consent calendar.

Commissioner Baldwin seconded the motion.

Roll call was taken for items No. 6, 8 & 9 .

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

ITEMS REMOVED FROM CONSENT AGENDA

7. Consider, and act upon, final publication for Ordinance No. 1531 Amending certain sections and adding new sections to Chapter 29 regulating special events. *(Lauren Truitt, City Attorney) (Roll call required)*

Paul Sanchez commented on the following:

Mr. Sanchez asked about item number Three A – three alpha. He was concerned about the definition of locally grown. He stated that locally grown could mean New Mexico, the Southwest or Otero County. He also stated that in a previous meeting the Farmer's Market Coordinator stated that she would allow items that are not produced locally, to come and participate in this farmer's market. His concern was that a non-city employee could possibly be making an arbitrary decision, to allow a person to come in and sell products at this farmer's market.

City Attorney Truitt stated that there are two ways we can address the issue; the first way would be not to approve the ordinance and come back with amendments. Another way would be, to introduce another ordinance that simply adds definitional and a new section to Chapter Nine, and to come before the Commission for approval.

Mayor Boss asked if the commission can act upon the ordinance now, and then amend it at a later date. City Attorney Truitt answered correct, this would be the most expedient way to address this. Mr. Sanchez responded by saying; however the Commission chooses to handle it, he appreciates and would prefer the most expedient way because this is a pretty big problem.

James Archibald commented on the following:

Mr. Archibald was concerned about section five of the ordinance, the issuance and eligibility section. He stated that this ordinance removed a section where owners of the property where the event is to be held, had to sign the application. He was concerned about the ability of the resident to protest the event. He stated that it would be an arbitrary decision by the City, to just shut an entire street down.

City Attorney Truitt stated that once a permit is granted by the City Manager, a notice will be published. Although it is not stated in this ordinance, a citizen would have the right to appeal the decision to the City Commission. This appeal process would fall under the general appeals section of the code of ordinances. Mr. Archibald clarified by stating that nobody on the street would have to actually agree to the special event being held, but the permit would be granted, and then the citizen would have the opportunity to appeal. City Attorney Truitt stated that there is a time requirement, and explained the time for publication of the permit and the availability for someone to protest the event. Mr. Archibald stated that it seems you are taking a voice away, like there is no approval process from the people that it would directly affect, before it takes affect. City Attorney Truitt said that the City Manager would make a determination on issuing the permit, based on the interest of the City of Alamogordo, and all those things would be taken into consideration. Mr. Archibald added that he finds it odd, that it could possibly be down to one person versus a group agreeing to it or maybe even a percentage of the residents of that area, and, that they would have to fight it after the permit was granted.

Commissioner Payne asked City Attorney Truitt if Section Two F would apply to appeals of administrative review decision. City Attorney Truitt answered yes and then spoke of the alternate process through the general appeals section of the code of ordinances.

Mayor Pro-Tem Hernandez asked City Attorney Truitt if she could make, or look at the items of concern that were brought up, and then would it come back to the commission to vote again to change it, or if we vote on it now, it's what it is. City Attorney Truitt clarified Mayor Pro-Tem Hernandez's question by stating that the definitional provision that Mr. Sanchez brought up for local goods and probably some other terms that could be defined more clearly. She said the Commission could approve the ordinance as is tonight, and that would go into effect after it's been published in the newspaper. Then a separate amendment, adding the definitional provision, would be brought back to the Commission. She stated if the Commission has other changes, besides that, then they shouldn't approve the ordinance as is.

Mayor Pro-Tem Hernandez moved to approve.

Commissioner Sikes seconded the motion.

Roll call was taken.

Motion carried with a vote of 6-1-0.

Commissioner Payne voted nay.

WORK SESSION

12. Discussion concerning utility base rates. (Mark Theadgill, Customer Service Manager)

Customer Service Manager Threadgill spoke on water base rates and explained that we are here because of events that began back in 2004. The adoption of Ordinance 1208 was proposed to fairly distribute cost of water, sewer and garbage services to all customers. The City of Alamogordo staff recommended that all inactive utility billing accounts, which have access to a city provided service, pay a minimum distribution charge. Prior to 2016, the ordinance was not being applied as written, which brought about some language revisions and policies. Specific areas of concern were activating inactive accounts and charging the base rates.

Commissioner Turnbull asked Customer Service Manager Threadgill how we are notifying the owners of the inactive accounts, when we are activating them. Customer Service Manager Threadgill said we send them a letter. He stated that in the letter they are doing this activation based on City Ordinances and policies. They also include a base rate request form, with a paragraph in the form notifying the property owner that if the property is vacant and they do not need water service or trash service, to please fill out the base rate request form.

Commissioner Payne asked how much the base rate was. Customer Service Manager Threadgill answered that the majority of our customers, mostly residential, have a three-quarter inch meter, is \$13.60 a month for sewer, \$13.90 a month for water and \$1.00 a month for a surcharge.

Mayor Boss asked Customer Service Manager Threadgill if he could give his philosophy of why we have a rate for those people that are not connected to water, yet have water available to them. Customer Service Manager Threadgill said that he could, but would like to explain it later in his presentation.

Customer Service Manager Threadgill explained what base rates mean to the Water/Sewer system for the City of Alamogordo. He stated that the base rates comprise about 50% of our total revenues. This is a very steady revenue stream that our lenders and bond council look favorably upon when setting rates and assessing our bond capacity. This does add to our ability to borrow money at a lower rate, and have our bonds rated higher, which also means that we get a lower rate on our bonds, even if consumption drops.

Customer Service Manager Threadgill stated he needed to make a correction on the chart handed out (See Agenda Book for handout). The Ruidoso amount is off by a factor of ten when he did the conversion of gallons to cubic feet. This base rates comparison does not affect our ranking it still keeps Alamogordo below average. It still keeps us in the middle of these cities for comparison. He explained the criteria used to make these comparisons.

Commissioner Martin asked if other communities charge a base rate on vacant properties. Customer Service Manager Threadgill explained what other municipalities charge as their base rates and other rates that are applied. He went on to explain more about criteria used for these comparisons and the quirks in comparing his study.

Customer Service Manager Threadgill spoke about base rates or any rates on inactive accounts. He explained how the availability of water to a property adds value to that property. When new lines or extensions are installed there are requirements to install fire suppression systems or fire hydrants. There is a protection that the entire community enjoys. There are two questions that need to be addressed: Should property owners with inactive accounts have to pay, if the answer is yes, then, how much that should be. He explained that the \$1 annual capital surcharge has specific language and what it is to be used for. Part of that language is for improvements to the system. The inactive accounts don't add anything to the improvements of the system, but they are going to benefit from the system, eventually. They are benefitting from it right now, just from the standpoint, that water is available.

Commissioner Sikes stated Customer Service Manager Threadgill made an extremely compelling argument as to why people should pay something. This is a system that we all take advantage of, and it is a system that we want to maintain. Even if the properties are empty, it is important that people pay

into it. Fire fighting and availability are compelling arguments. She acknowledged that his presentation had actually changed my mind.

Mayor Boss agreed with Commissioner Sikes and told Customer Service Manager Threadgill he had changed his mind, also.

Commissioner Payne asked when they started enforcing this ordinance. Customer Service Manager Threadgill answered it was actually early 2016 when they started doing it on a consistent and regular basis. Commissioner Payne did not understand an email that was sent earlier in the day, and the number of accounts that are being charged a base rate. Customer Service Manager Threadgill explained the meaning of the email, and added that there are 13,419 locations total where service is available, and 12,839 of that are active. Commissioner Payne asked what qualifies as active. Customer Service Manager Threadgill replied that they have someone to bill, and that the charge could be just a base rate. He also explained that there could be a base rate that his department did not setup. He explained that if a resident plans on leaving town for three months, a resident can be put on base rates. Commissioner Payne stated that she was not aware of that. Commissioner Payne asked if we were to do away with the base rate on the inactive accounts, you are saying that we would be losing out on a million dollars a year. Mr. Threadgill answered no; he thought that last year, the estimate was about \$387,000 a year. He added that there is a benefit of this system for everyone. If we don't share the cost amongst all beneficiaries, then all active accounts will continue to see increases. The cost of water is going to continue to go up. When the RO plant comes online, that will be the most expensive water the City of Alamogordo has ever purchased. It will continue to be the most expensive until we stop using it. It does ensure the viability of the community going forward because we have available water for growth and to address the needs of the entire community.

Mayor Boss asked if there had been any type of projection that compared the revenues to expenditures and has factored in the aging of our equipment. Customer Service Manager Threadgill said that this was done in 2014. We are due for a new rate analysis that will come in time for the 2018 Budget. Mayor Boss questioned if this rate analysis would give them a basis in determining what the base rate should be.

Commissioner Sikes asked what was the average base rate being charged. Customer Service Manager Threadgill said that if an account is on base rates then it is being charged \$29.93. Commissioner Sikes then asked if that would affect the trash company they have a contract with. Mr. Threadgill answered that the trash company bills the City for a core amount a month. Commissioner Sikes asked about base rates for empty buildings. Mr. Threadgill explained that base rates are based on meter size. The 6 inch meter would be the most expensive; however, he believed that there are no longer any vacant 6 inch meters anywhere.

Commissioner Baldwin thanked Customer Service Manager Threadgill for the presentation and wanted to point out that the homeowner has an option to disconnect the service. He acknowledged that it is very costly. He asked if they want to keep the disconnect fee the same at 24 times the base rate plus the disconnection fee. Customer Service Manager Threadgill replied that the fee is actually 24 times the base rate plus the actual cost to remove the infrastructure. That would cost thousands of dollars. Commissioner Baldwin asked how many accounts were being billed, when the ordinance was not being billed correctly. Customer Service Manager Threadgill answered that when he looked at it in 2015, there were 1355 inactive accounts that were not being charged. Commissioner Baldwin stated that this is revenue that we have not seen yet, we started collecting in 2016. This fund has been managing without it. Customer Service Manager Threadgill replied that it has been managing with rate increases and with the dollar capital surcharge. He added that if we been collecting these amounts, then would the dollar capital surcharge or the rate increases from FY 2014 and 2015 been necessary. Commissioner Baldwin agreed that property owners need to pay the fee, but the fee amount needs to be determined.

Commissioner Martin asked if they could give a discount for property owners that owned several properties. Commissioner Baldwin stated there are owners that are on a fixed income and there are situations that occur, where the city should be able to step back and try to help a citizen. Customer Service Manager Threadgill explained that our billing system is somewhat archaic. He said now that we have the radio read system, which has not been fully implemented yet, it was his recommendation to get away from this geographical based billing system. It worked when everything was manual, but thinks that we can be a little more accommodating in helping address some of these situations.

Mayor Boss asked if we are in a position to let the customer select their billing date. Customer Service Manager Threadgill said it was his recommendation that it would be on one of the billing dates that they have, not just any particular day of the month. Right now, he does not have the ability to arbitrarily change people back and forth between cycles.

Commissioner Payne stated she was torn about this issue. She stated that maybe they could instill a time limit for a property to be vacant before they charge base rates. She said the due dates for paying the water bill was a huge deal and it would make a difference.

Mayor Boss asked if we could wait until we go through the budget process and at that time get an idea of how much revenue we need for the expenditures we've incurred to give some insight as to how much should be charged. Acting City Manager Paluch agreed with Mayor Boss that we do not have enough information at this time to change the rates. It is her recommendation to wait until after the budget process. Customer Service Manager Threadgill stated that it's going to impact future rates in one way or the other.

Commissioner Sikes asked if our water utility department would continue to contact people to comply with the existing ordinance until they can come up with type of basis for a charge. Customer Service Manager Threadgill said as long as this ordinance is in effect, that he has no choice but to enforce it. Commissioner Sikes asked why deposits for a business are not returned back to the business. Customer Service Manager Threadgill answered the ordinance. The ordinance states that homeowners that have 12 months of good credit, good credit being defined as no more than two late fees in a 12 month period, will have their deposit accredited to their account. This is homeowners, not businesses, not renters.

Mayor Pro-Tem Hernandez was concerned about charging the base rate up to the property's value. He added that if we are going to charge this, then the money needs to come back into our system. He did not think it was fair that only certain consumers pay for a bigger portion than others, if they are not using the system. Customer Service Manager Threadgill replied that he thinks that is where they are trying to get at, with the inactive account charges. Mayor Pro-Tem Hernandez stated there is currently no impact fee for subdivisions. Customer Service Manager Threadgill replied there was an ordinance but no impact fee.

Commissioner Turnbull asked if they could revisit impact fees for new construction. Customer Service Manager Threadgill said impact fees exist, they are part of our ordinance, but there has never a dollar amount assigned to it. They passed an ordinance for water and sewer impact fees in the late 90's. Commissioner Turnbull asked him how about when a subdivision or a new home gets connected to the city water supply. He replied that right now the developer is responsible for providing water and sewer service to all the lots in that division. They give us a warranty on that, when the warranty expires it becomes ours in perpetuity. In the new ordinance they have a two year waiver on them having to pay base rates for each lot, unless they sell the lot or they make application for water service.

Ken Driscoll commented on the following:

Mr. Driscoll was upset and asked the Commission several questions about these fees. He felt that these fees are aimed at apartment owners because tenants have been skipping town without paying their water bills. He also felt that there should be no charges if they are not connected to the system.

Diana Driscoll commented on the following:

Ms. Driscoll was concerned with the term inactive accounts. She stated she is getting charged with activation fees and base rates. She also stated when a tenant stops paying their bill and supposedly had their water turned off, the City is billing the property manager. She continued to say that when the City turns off the water and people go back out and turn it back on, then the property manager is getting stuck with paying for that, because the City does not have a way of locking meters. She was concerned about the timeliness of receiving her water bills, because this is the only way that she is being notified of continuous water usage. She stated that if the City is able to notify her, then maybe she may be able to correct the issue, and not get stuck with an expensive water bill and an excessive amount of water wasted. She was frustrated that we, as a community, should be conservative of our water, yet they cannot be notified of when continuous flow is occurring. There is an abundance of technology that the city can use to help the property owner, but it is not being utilized.

Mayor Boss asked Customer Service Manager Threadgill if the City has the technology to see if water is running continuously. He answered, sort of. The system is supposed to generate and notify the customer in a case like this; however this process does not work. The continuous consumption alert does work, but does not occur as instantaneously as they were led to believe. He stated that their system is not functioning as they expected. It does not meet the requirements that were requested in the RFP. He said our legal department is in contact with the vendor at this point.

Commissioner Payne said this was exactly why she has a problem with charging anyone \$30 a month. This system is not working like it is supposed to. Ms. Driscoll had a point about charging people for a reconnect fee, when in theory this system is supposed to be saving us money. Customer Service Manager Threadgill replied that base rates are totally separate issues. He also stated if there was a leak abatement and they could bring it to the City and would work with them to reduce that bill. City Attorney Truitt announced that the legal department is in contact with the contractor and said we have acknowledged that there are issues with the system, but would advise to hold off discussion of the system until they are able to discuss something with that contractor and figure out where we stand in that respect. Commissioner Payne reiterated that when she hears of these things, that the Commission should rethink these base rate charges.

Commissioner Martin asked City Attorney Truitt if the contractor has given us a timeline of how long it will take. City Attorney Truitt answered there are issues and the legal department was working on it. She also added that there is potential that this topic could fall under a threatened litigation to go into Executive Session to discuss. She wanted to caution the Commission, since our legal department is in contact with their legal department. We have acknowledged that there are issues with the system, and it would be best to leave it at that. If they would like to have more discussion about the issue it would be more appropriate to be done in Executive Session.

Katie Whitlock commented on the following:

Ms. Whitlock stated she was not aware of the City Ordinance that is being discussed. She thought the City should disclose everything that may affect a homeowner. She thought that this ordinance has the potential to create more rentals than home ownership.

Customer Service Manager Threadgill explained that property owners are responsible for municipal utility bills, not gas or electric, which are private companies, unless they file a waiver of liability form. If there is no liability form on file, then the property owner is responsible for that tenant charge. Also, disclosure of fees is fairly well known. The City did notify, by email, the Building Contractors Association and the Otero County Association of Realtors when we were revising and coming up with new policies. At that time, we sent out notification and a chance to respond at this time.

Chuck Hartman commented on the following:

Mr. Hartman was there representing the Kiwanis Club of Alamogordo. He stated the property owned by the Kiwanis Club, located at 2201 Cornell, has been used as the Club's storage unit. Ten years ago, he had requested the City Commission to remove the water meter, which they did. About 2 months

ago they received a water bill. He respectfully requests to generate a waiver to terminate the assessment of \$30 a month. He stated the City put a water meter without any consent from them.

Customer Service Manager Threadgill said during the installation phase of the new AMR system, there were many inactive locations that had AMR meters installed. It was a grand sweep through the community, where if there was a location ID, then it got a meter; no questions asked. As far as, not having a structure hooked up, it's not a matter of using water or sewer that triggers these charges, but a matter of availability.

Pat Waggy commented on the following:

Ms. Waggy stated she received two water bills and explained that she lives on a fixed income.

Marilyn Kite commented on the following:

Ms. Kite asked Customer Service Manager Threadgill if a meter reader physically goes out to read the meter or does he rely on the Automated Meter Reading system. She stated that her and her husband came before the commission on April 26th meeting for over a \$1000 bill for a tenant that had been in there for 17 months. She stated they were never notified by the City that there was active water usage at their property, until the City went and pulled the meter. She said Mr. Threadgill stated at previous commission meeting that no one was ever sent a bill, and that they were not the only ones that had unauthorized usage and that there were accounts much higher than theirs. Since this ordinance has been since 2004, how much unauthorized usage or non-billing has been thrown out the window, because someone from water billing didn't call the property owner to say that there is active water usage at this house?

Customer Service Manager Threadgill said he could not disagree with Ms. Kite. Over the years, there have been thousands of inactive accounts with inactive consumption that has not been billed. The City is working on addressing this issue, and utilizing the system that is in place. They rely on both meter readers and the Automated Meter reading system.

Mayor Boss asked if before they installed the electronic meter readers, were meters read once a month. If there was a water leak, it was possible that a month went by before it was noticed. But, now the expectation is the next day? Customer Service Manager Threadgill said they way the system is configured, in order to trigger a continuous consumption alert, we send out courtesy notices. They send these notices are sent out 24 hours a day for 72 hours straight. At that point, the alert is flagged. Mayor Boss asked if that part of the system is working on every meter. Customer Service Manager Threadgill stated that the system has issues and that's as far as he would state, with the City Attorney's caution towards discussion of the system.

Mayor Pro-Tem Hernandez wanted to clarify that meters cannot be locked at times. He stated that there was discussion about manufacturing a device. Customer Service Manager Threadgill interrupted to state that locks have been obtained that will work on all of our meters now. Mayor Pro-Tem Hernandez said he just wanted to clarify that, because that was an issue before. He then asked at what point does the City file a lien or what will we do when these people don't pay for something that they know they are not using. Customer Service Manager Threadgill explained that based on the policy, the bill is placed in collections for 90 days. If the collection agency is unable to collect, then the bill reverts back to us. We then file a lien on the property, if that does not trigger service within 180 days, then we proceed with foreclosure. Mayor Pro-Tem Hernandez stated that the City is going to get into the property business. When a property is left to someone who lives out of state, he believes that they will not pay.

Katie Whitlock commented on the following:

Ms. Whitlock asked for the waiver to be offered at the time the tenants come in to sign up for water.

Ken Driscoll commented on the following:

Mr. Driscoll explained that he does not sign the waiver because the City charges a high deposit. He claims that renters have an electric and gas deposit, and now a water deposit; he believes that renters will look elsewhere to rent.

Customer Service Manager Threadgill explained that the City of Alamogordo has a tiered deposit system. If the property owner does not have a waiver of liability on file, then a tenant pays \$140 deposit. If the property owner files a waiver of then the deposit is \$210. The extra money charged is because the City has absorbed full liability if that tenant skips town without paying that utility bill. Under State law and City policy, the City can assess those charges against the property owner, if there is no waiver on file.

Commissioner Turnbull stated that when they have a tenant move out they inform the owner that they can go to the City and sign the waiver.

City Manager Paluch stated that at the City Housing Authority they work in conjunction with the Water Department to find out if the tenant has left a bill, then they deduct that out of the security deposit.

Mayor Boss thanked Mark Threadgill and the public for this information.

ADJOURNMENT

Mayor Pro-Tem Hernandez moved to adjourn at 9:24 p.m.

Commissioner Turnbull seconded the motion.

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



Rachel Hughes
City Clerk Rachel Hughes

Richard Boss
Mayor Richard Boss

(Prepared by Eric Barraza, Deputy City Clerk)

Approved at the Regular Meeting held on December 20, 2016.