



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

November 7, 2017 - 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 City Manager
Petria Schreiber 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 on our recent Public Protection Classification (PPC) survey that was conducted by the Insurance Service Office (ISO). (Jim LeClair, Fire Chief, & Paul Tooley, owner & consultant of Turbo Design)

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.

2. Approve the minutes for the October 24, 2017 Regular meeting. *(Rachel Hughs, City Clerk)*
3. Approve the release of liens that have passed the 4-year statute of limitations. *(Petria Schreiber, City Attorney)*
4. Approve the State Grants-in-Aid award from the New Mexico State Library for local library support. *(Sharon Rowe, Library Manager)*
5. Approve Resolution No. 2017-34 adopting new rates for garbage collection effective January 1, 2018. *(Mark Threadgill, Customer Service Manager)* **(Roll Call Vote Required)**
6. Approve the Investment Report for the quarter ending September 30, 2017, in accordance with the City of Alamogordo Investment Ordinance. *(Julianne Hall, Finance Director)*
7. Accept the DFA Quarterly Report for the period ending September 30, 2017. *(Julianne Hall, Finance Director)*
8. Consider and act upon final publication of Ordinance No. 1546 Amending certain sections of the Code of Ordinances concerning purchasing. *(Petria Schreiber, City Attorney and Barbra Pyeatt, Procurement Manager)* **(Roll Call Vote Required)**
9. Consider and act upon final publication of Ordinance No. 1548, an ordinance amending Sections 2-14-040 and 2-14-050 of the Alamogordo Code of Ordinances regarding economic development. *(Petria, Schreiber, City Attorney)* **(Roll Call Vote Required)**
10. Approve Resolution No. 2017-33 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 November 7, 2017. *(Kathy Gilsdorf, Budget Analyst)* **(Roll Call Vote required)**

ITEMS REMOVED FROM CONSENT AGENDA

UNFINISHED BUSINESS

11. Consider and act upon, Ordinance No. 1544 amending sections 28-03-005, 28-03-100, and 28-03-085 of the Alamogordo Code of Ordinances regarding water and sewer service. *(Mark Threadgill, Customer Service Manager)* **(Roll Call Vote Required)**

NEW BUSINESS

12. Consider, and act upon, Change Order No. 3, Public Works Bid No. 2017-001, to Smithco Construction, Inc. related to the 1-MGD Brackish Water Treatment Facility project, in an amount not to exceed \$26,488.48, including tax. *(Bob Johnson, Engineering Manager)*

13. Consider and act upon first publication of Ordinance No. 1547, An ordinance repealing the entire personnel manual (Appendix B) of the City of Alamogordo code of ordinances and authorizing the City Manager to develop and implement a personnel manual at their discretion. (*Katie Josselyn, Human Resources Director and Maggie Paluch, City Manager*) **(Roll Call Vote Required)**

14. Consider and act upon request from Tommie Herrell to continue building a path between his development on Florida and the Alamogordo Senior Center across the City's land adjacent to the Senior Center. (*Petria Schreiber, City Attorney*)

15. Consider and act upon first publication of Ordinance 1551, an Ordinance Amending Section 12-04-015 of the City of Alamogordo Code of Ordinances Regarding Firework Dates of Use. (*Petria Schreiber, City Attorney*) **(Roll Call Vote Required)**

16. Appointments to Boards and Committees. (*Richard Boss, Mayor*)

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/07/2017

Report Date: 10/31/2017

Report No: 1.

Submitted By:

Subject: Presentation on our recent Public Protection Classification (PPC) survey that was conducted by the Insurance Service Office (ISO). (*Jim LeClair, Fire Chief, & Paul Tooley, owner & consultant of Turbo Design*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: This presentation is in regards to our recent Public Protection Classification (PPC) survey that was conducted by the Insurance Service Office (ISO). This presentation will discuss our last rating, where we are now, what we were graded on, what was accomplished, and what the City of Alamogordo can do better in the future to lower our current rating.



Public Protection Classification (PPC™)



Paul Tooley
Chief - T or C Fire (ISO Class 2)
Owner - Turbo Design



Turbo FSRSoftware™



Public Protection Classification (PPC™)



Jim LeClair
Alamogordo - Fire Chief





PPC™

- 1900's – Disastrous Fires

- 1904 – Great Baltimore Fire
 - 140 Acres
 - 70 Blocks
 - 1,526 Buildings



- National Board of Fire Underwriters

- 1909 - Developed the Municipal Inspection & Grading System.

- ISO® – (Insurance Services Office)

- Founded in 1971 in a merger of smaller underwriting service organizations. Today, extensive information on more than 47,000 fire-response jurisdictions.



ISO[®] -PPC[™] & State Fire

- **1955** – NM State Fire Marshal created.
- **1959** – The Fire Protection Fund Act was passed by the NM Legislature.
 - State-wide distribution - \$2,500
 - 0.9% tax on Insurance Premiums, now 3%
- **1971** – State distribution expands to ISO's[®](PPC[™])
- **ISO[®] - PPC[™] Grading 1 to 10**
 - Class 1 – Superior property fire protection.
 - Class 10 – Minimum protection.



PPC™

- Class 1 - 90.00 or more
- Class 2 - 80.00 to 89.99
- Class 3 - 70.00 to 79.99
- Class 4 - 60.00 to 69.99
- Class 5 - 50.00 to 59.99
- Class 6 - 40.00 to 49.99
- Class 7 - 30.00 to 39.99
- Class 8 - 20.00 to 29.99
- Class 9 - 10.00 to 19.99
- Class 10- 0.00 to 9.99



PPC™

- What does the Classification mean?
 - Assuming all other factors are equal, the price of property insurance in a community with a good PPC™ is lower than in a community with a poor PPC™.
 - State Fire Funding is tied to a community's PPC™.

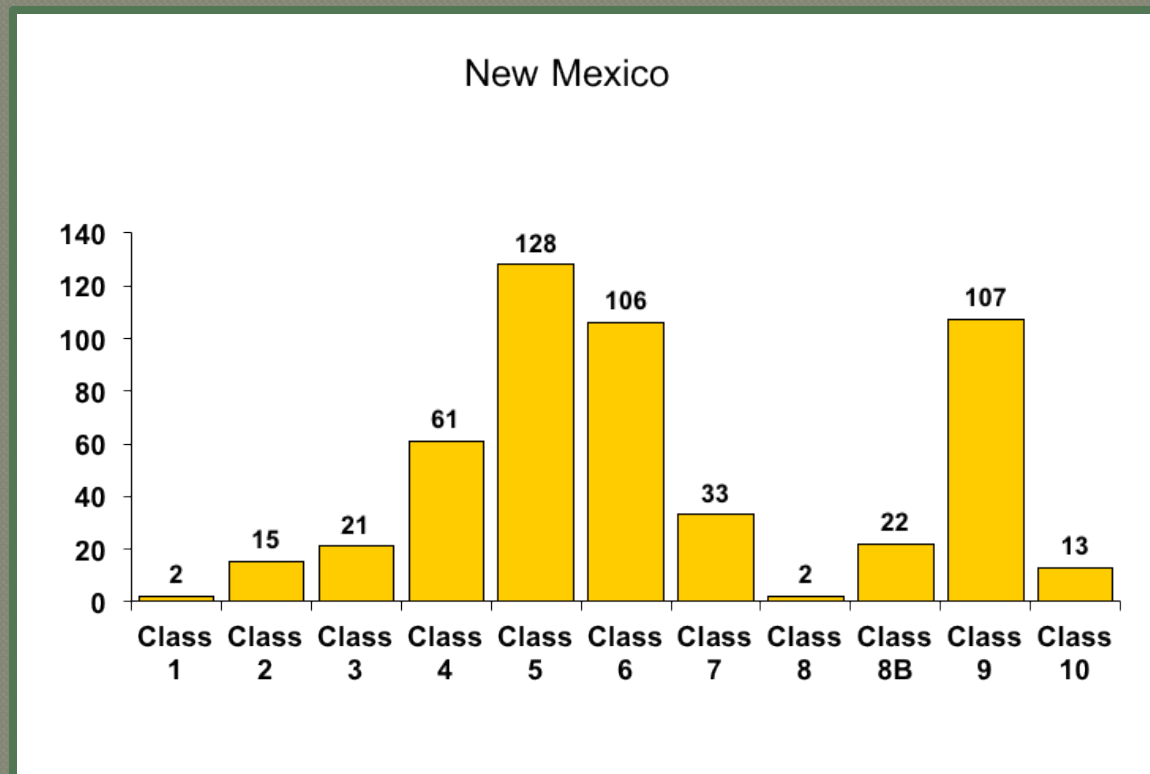


FY18 – State Fire Funds

● Class 1	\$111,701	\$41,393
● Class 2	\$104,255	\$38,923
● Class 3	\$95,914	\$36,143
● Class 4	\$87,572	\$33,361
● Class 5	\$83,401	\$30,582
● Class 6	\$79,232	\$27,800
● Class 7	\$75,062	\$26,413
● Class 8	\$70,893	\$25,023
● Class 9	\$52,824	\$20,861
● Class 10	\$47,260	\$0.00



PPC™



393 Fire Districts
FY-18 \$55,042,634



PPC™



Fire Suppression Rating Schedule

State of NM Adopted – 1971

Updated - 1980

Latest Update – 2012

Closer to AWWA, NFPA, & APCO standards

$$\begin{aligned}
PPC &= \frac{100 - \{(CEC + CFD + CWS + COC + CCRR) - 0.5[(CWS) - 0.8(CFD + COC)]\}}{10} \\
CER &= \frac{ER}{100} \times 3 \quad TC = (AR + AP) + EDP + TTC + TQA \\
T_6 &= \frac{\Sigma(\text{Hazardous Materials Training Hours})}{6 \text{ Hours} \times (\text{Number of Members})} \times 1 \quad CEC = \frac{(EC)}{600(NE)} [I + 0.5(I')] \times 6 \quad T_1 = (FA)(U) \\
CTC &= \frac{TC}{100} \times 4 \quad CCP = \frac{ODF + (PSO/2) + (OCF/3)}{EE + EL + 0.5(ES) - AP} \times 2.5 \quad IOS = IO + IS \quad LEC = \sum_{i=1}^n LEC_i \\
IQT C &= \frac{\text{Total Number of Existing Certified Fire Investigators}}{\text{Total Number of Existing Fire Investigators}} \times 3 \quad CDC = \frac{RDC}{100} \times 3 \quad IQT = IQTC + IQTE \quad CFSE = \frac{(FSP + FSQT)}{40} \times 2.2 \quad ELCE = \sum_{i=1}^n ELCE_i \\
PIC &= \frac{\text{Total Number of Existing Certified Inspectors}}{\text{Total Number of Fire Inspectors}} \times 3 \quad ER = ERS_1 \text{ or } ERS_2 \quad FT = \frac{FF}{50} \times 3 \quad CW = \frac{TLC_i}{NFF_i} \times 100 \quad SCE = \sum_{i=1}^n SCE_i \\
T_8 &= \text{Frequency} \times \left(\frac{\text{Number of Pre-Planned Buildings}}{\text{Number of Buildings}} \right) \times 12 \quad CRP = \frac{RCP}{600(NRP)} \times 0.5 \quad CCRR = CPCE + CPSE + CIP \quad ESCE = \sum_{i=1}^n ESCE_i \\
RCP &= \sum_{i=1}^n RCP_i \quad CPCE = \frac{(PCR + PS + PCT + PCP)}{40} \times 2.2 \quad EP = \sum_{i=1}^n EP_i \quad CFC = \frac{FDC}{NE + NL} \times 100 \\
CPC &= \frac{(EP + RP + OP + AAP) \text{ Up to BFF}}{BFF} \times 3 \quad EC = \sum_{i=1}^n EC_i \quad T_4 = \frac{\Sigma(\text{New Driver Operator Training Hours})}{60 \text{ Hours} \times (\text{Number of New Driver Operators})} \times 5 \quad IS = \frac{\text{Structure Fire Receiving Cause and Origin Investigation}}{\text{Total Structural Fires}} \times 4 \\
FSCE &= \frac{\text{The Required Number of Hours of Continuing Education per Year per Educator}}{10} \times 5 \quad PC_i = \frac{\text{Pump Capacity, Up to 1000 gpm}}{1000 \text{ gpm}} \quad TLC = \sum_{i=1}^n TLC_i \\
CH &= \frac{PH}{100} \times 3 \quad COC = \frac{SOP + IMS}{100} \times 2 \quad FSQT = FSEC + FSCE \quad HC_i = \frac{SC_i + AC_i}{1200 \text{ feet}} \\
NRL &= \frac{EL}{8} \quad RLSC = \sum_{i=1}^n RLSC_i \quad SWC_i = \sum_{a=1}^n SWC_{ak} \quad HI = \frac{FI}{50} \times 4 \quad CLS = \left(\frac{LCE + SCE + 0.5(ELCE) + 0.5(ESCE)}{772(NL) + 356(NS)} \right) (A) \times 4 \quad NFF = \sum_{i=1}^n NFF_i \\
CDA &= \left[\left(\frac{EC}{600(EE)} \times 0.6(AE) \right) + \left(\frac{LCE + SCE + 0.5(ELCE) + 0.5(ESCE)}{772(EL) + 356(ES)} \times 0.4(AL) \right) \right] \times 10 \quad CRLS = \frac{RLSC}{NRL(772) + NRS(356)} \times 0.5 \quad T_7 = \frac{\Sigma(\text{Recruit Training Hours})}{240 \text{ Hours} \times (\text{Number of Recruits})} \times 5 \\
T_{3OC} &= \frac{(\text{Number of Certified Officers})}{\text{Number of Officers}} \times 6 \quad FSP = FSPR + FSPS + FSPJ + FSPL \quad EC_i = (PC_i)(HC_i)(E_i) \quad T_3 = T_{3OC} + T_{3OE} \\
T_{3OE} &= \frac{\Sigma(\text{Officer Continuing Education Hours})}{12 \text{ Hours} \times (\text{Number of Officers})} \times 6 \quad SS = \sum_{i=1}^n SS_i \quad IQTE = \frac{\text{The Required Number of Hours of Continuing Education per Year Per Investigator}}{40} \times 3 \quad EM = \sum_{i=1}^n EM_i \quad T_2 = \frac{\Sigma(\text{Company Training Hours})}{16 \text{ Hours} \times (\text{Number of Members})} \times 25 \\
PIE &= \frac{\text{The Required Number of Hours of Continuing Education per Year per Inspector}}{24} \times 3 \quad HD_i = \sum_{a=1}^n HD_a \quad PS = \frac{\text{Number of Non-Residential Structures Inspected Annually}}{\text{Number of Non-Residential Structures}} \times 8 \\
NFF_i &= (C_i)(O_i)[1.0 + (X + P_i)] \quad CIP = \frac{(IOS + IQT + IRS)}{20} \times 1.1
\end{aligned}$$



Fire Protection Area: City of Alamogordo, NM



414. Credit for Emergency Reporting: 2.40 3

422. Credit for Telecommunicators: 3.84 4

432. Credit for Dispatch Circuits: 0.60 3

440. Credit for Communications: 10

513. Credit for Engine Companies: 6.00 6

523. Credit for Reserve Pumps: 0.50 0.5

532. Credit for Pump Capacity: 3.00 3

549. Credit for Ladder/Service: 4.00 4

553. Credit for Reserve L/S Trucks: 0.50 0.5

561. Credit for Deployment Analysis: 7.41 10

571. Credit for Company Personnel: 2.91 15

581. Credit for Training: 9.00 9

730. Credit for Op Considerations: 2.00 2

590. Credit for Fire Department: 50

616. Credit for Supply System: 28.84 30

621. Credit for Hydrants: 2.98 3

631. Credit for Insp. and Testing: 5.50 7

640. Credit for Water Supply: 40

Divergence:

1050. Community Risk Reduction: 4.90 5.5

Total Credit: 105.5

Calc PPC

3500

Basic Fire Flow

frmCommunityRisk

Fire Prevention
Fire Prevention
Fire Prevention
Fire Safety
Fire Safety
Fire Investigation
Fire Investigation

1. Enter the number of non-residential buildings in your community: 1655

Code Currently Adopted: IFC

What Edition: 2003

(PCR) 1.06 (10 Points)

3. Number of actual fire inspections per year: 1655

4. Does the community use their own inspectors?
☒ Yes
☐ No

4.1 Enter the number of fire prevention inspectors: 10

4.2 Enter the average yearly number of fire inspections over the past three years: 1655

5. Does the Community use state/county fire inspectors?
☐ Yes
☒ No

5.1-Enter the number of state/county inspectors: 0

5.2-Enter the average yearly number of fire inspections over the past three years: 0

6. Does the Community use in-service fire inspectors?
☐ Yes
☒ No

6.1-Enter the number of in-service inspectors: 0

6.2-Enter the average yearly number of fire inspections over the past three years: 0

7. Are records kept?
☒ Complete
☐ Partial
☐ None

7.1 How are they maintained?
☐ Individual Building
☐ Occupancy
☒ Both

(Ps) 8.00 (8 Points)

Save Calculate 4.90 (5.5 Points) Cancel





PPC™

● **Fire Suppression Rating Schedule**

- **Emergency Communications** (10 points)
- **Fire Department** (50 points)
- **Water Supply** (40 points)
- **Community Risk Reduction** (5.5 points)

● **TOTAL POINTS – 105.5**



Emergency Communications

Emergency Reporting (3 points) [2.40]

Telecommunicators (4 points) [3.84]

Dispatch Circuits (3 points) [0.60]

ISO® -FSRS (10 points) [6.84]



Fire Department

Engine Companies (6 points) [6.00]

Reserve Engines (.5 points) [0.50]

Pump Capacity (3 points) [3.00]

Ladder/Service Companies (4 points) [4.00]

Reserve Ladder/Service (.5 points) [0.50]

Personnel (15 points) [2.91]

Training (9 points) [9.00]

Operational Considerations (2 points) [2.00]

Deployment Analysis (10 points) [7.56]

ISO® -FSRS (50 points) [35.47]





Water Supply

Supply System (30 points) **[26.90]**

Hydrant Size, Type & Installation (3 points) **[2.93]**

Inspection & Fire Flow Testing of Hydrants (7 points) **[5.50]**

ISO[®] -FSRS (40 points) **[35.33]**



Community Risk Reduction

Fire Prevention Code Adoption & Enforcement (2.2 points) [1.60]

Public Fire Safety Education (2.2 points) [2.09]

Fire Investigation (1.1 points) [1.10]

ISO® -FSRS (5.5 points) **[4.79]**





● Divergence:

- Even the best fire department will be less than fully effective if it has an inadequate water supply. Similarly, even a superior water supply will be less than fully effective if the fire department lacks the equipment, personnel, or operational considerations to use the water.



PPC™



Class – 3

Communications	Before	After		
414 - EMERGENCY REPORTING	100%	80%	-20%	
422 - TELECOMMUNICATORS	50%	96%	46%	
432 - DISPATCH CIRCUITS	60%	20%	-40%	
Fire Department				
513 - ENGINE COMPANIES	77%	100%	23%	
523 - RESERVE PUMPERS	75%	100%	25%	
532 - PUMP CAPACITY	100%	100%	0%	
549 - LADDER SERVICE	97%	100%	3%	
553 - RESERVE LADDER SERVICE	17%	100%	83%	
561 - DEPLOYMENT ANALYSIS	63%	76%	13%	
571 - COMPANY PERSONNEL	20%	20%	0%	
580 - TRAINING	39%	100%	61%	
730 - OPERATIONAL CONSIDERATIONS	0%	100%	100%	
Water Supply				
616 - SUPPLY SYSTEM	86%	90%	4%	
621 - HYDRANTS	97%	98%	1%	
631 - INSPECTION & FLOW TESTING	63%	79%	16%	
Community Risk				
1050 - COMMUNITY RISK REDUCTION	0%	87%	87%	
Divergence				
	-5.98	-3.48	2.50	
Total Credit	61.83	78.95	17.12	

Communications	Before	After			Class 2
414 - EMERGENCY REPORTING	100%	80%	-20%		2.40
422 - TELECOMMUNICATORS	50%	96%	46%		3.84
432 - DISPATCH CIRCUITS	60%	20%	-40%	2 Circuits	1.20
Fire Department					
513 - ENGINE COMPANIES	77%	100%	23%		6.00
523 - RESERVE PUMPER	75%	100%	25%		0.50
532 - PUMP CAPACITY	100%	100%	0%		3.00
549 - LADDER SERVICE	97%	100%	3%		4.00
553 - RESERVE LADDER SERVICE	17%	100%	83%		0.50
561 - DEPLOYMENT ANALYSIS	63%	76%	13%		7.56
571 - COMPANY PERSONNEL	20%	20%	0%		2.91
580 - TRAINING	39%	100%	61%		9.00
730 - OPERATIONAL CONSIDERATIONS	0%	100%	100%		2.00
Water Supply					
616 - SUPPLY SYSTEM	86%	90%	4%		26.90
621 - HYDRANTS	97%	98%	1%		2.93
631 - INSPECTION & FLOW TESTING	63%	79%	16%	Testing	7.00
Community Risk					
1050 - COMMUNITY RISK REDUCTION	0%	87%	87%	Fire Codes	5.28
Divergence					
	-5.98	-3.48	2.50		-4.25
Total Credit	61.83	78.95	17.12		80.82

Communications	Before	After			Class 2		Class 1
414 - EMERGENCY REPORTING	100%	80%	-20%		2.40		2.40
422 - TELECOMMUNICATORS	50%	96%	46%		3.84		3.84
432 - DISPATCH CIRCUITS	60%	20%	-40%	2 Circuits	1.20	Emerg. Power @ FS & Monitor	3.00
Fire Department							
513 - ENGINE COMPANIES	77%	100%	23%		6.00		6.00
523 - RESERVE PUMPERS	75%	100%	25%		0.50		0.50
532 - PUMP CAPACITY	100%	100%	0%		3.00		3.00
549 - LADDER SERVICE	97%	100%	3%		4.00		4.00
553 - RESERVE LADDER SERVICE	17%	100%	83%		0.50		0.50
561 - DEPLOYMENT ANALYSIS	63%	76%	13%		7.56		7.56
571 - COMPANY PERSONNEL	20%	20%	0%		2.91	More Personnel on duty (19)	8.23
580 - TRAINING	39%	100%	61%		9.00		9.00
730 - OPERATIONAL CONSIDERATIONS	0%	100%	100%		2.00		2.00
Water Supply							
616 - SUPPLY SYSTEM	86%	90%	4%		26.90		26.90
621 - HYDRANTS	97%	98%	1%		2.93		2.93
631 - INSPECTION & FLOW TESTING	63%	79%	16%	Testing	7.00		7.00
Community Risk							
1050 - COMMUNITY RISK REDUCTION	0%	87%	87%	Fire Codes	5.28		5.28
Divergence							
	-5.98	-3.48	2.50		-4.25		-2.12
Total Credit	61.83	78.95	17.12		80.82		90.07

6 Mains - 1 Sub		
Class 4	\$558,793.00	
Class 3	\$611,627.00	
Increase Next Year	\$52,834.00	

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/07/2017

Report Date:

Report No: 2.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the October 24, 2017 Regular meeting. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the minutes.

Background: This is required by the Open Meetings Act.

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
October 24, 2017**

**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, CITY MANAGER
PETRIA SCHREIBER, 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. Commissioner Martin and Commissioner Turnbull were as absent. Clerk Hughs announced there was a quorum present. Invocation was given by Commissioner Payne and the Pledge of Allegiance was led by Commissioner Sikes.

APPROVAL OF AGENDA

Mayor Pro-Tem Hernandez moved to approve the agenda as approve.
Commissioner Baldwin seconded the motion. Motion carried with a vote of 5-0-0.

PRESENTATIONS

None.

PUBLIC COMMENT

Shelby Leonard commented on the following:

He spoke on an Ordinance in which he was charged for a crime regarding his car. He said he has a car on his property that was damaged, and he is unable to move this vehicle until the litigation is settled. He was charged for a crime of public nuisance.

Ed McDonald commented on the following:

He read an email on behalf of Sharon McDonald that was sent to Mayor Pro-Tem Hernandez and the Commission regarding the First Street and Florida Avenue realignment project. Ms. McDonald asked in this email for the City of Alamogordo to re-consider paving Miami Avenue to Fifth Street.

CITY MANAGER'S REPORT

City Manager Maggie Paluch made the following remarks:

1. She announced this Commission Meeting will not be live streamed tonight due to changes in BoardSync. BoardSync is the company that we use for the meeting agenda development.
2. She said the Parks Department will be removing the old brick drinking fountain at the Rose Garden on 10th and Oregon.
3. She said the City has created cheat sheets on the types of businesses that qualify for the Local Economic Development funds (LEDA). The sheet was distributed to Otero County Economic Development Council (OCEDC) and posted on our website and Facebook page. Since advertising, the City Planner has received three inquiries from businesses looking for help with funding in exchange for creating jobs here in our community.
4. She spoke about the dilapidated structure at 508 Maryland that the City obtained in foreclosure. Before demolition, the City had to get the building tested for asbestos. The results came back positive and the abatement was completed this week. The City should receive a report from the abatement

company in the next two weeks. The report and the demolition application will be submitted to Construction Industries Division (CID) for permitting. Once permitting is in place, the City crews will demo the building and then we will bring that property back to the Commission to see what we want to do with that land.

5. She said the materials have been ordered to restrict parking on the east side of Oregon by 10th Street, per direction from the Commission at our last meeting. Staff will be in contact with the owner of Pizza Mill to coordinate the project and sign placement. We are looking at completion within the next two to three weeks.

6. She said City Commissioners will be touring the Family Fun Center this week, ahead of the Special Meeting on Thursday October 26, 2017. The meeting will be in the Commission Chambers at 6:30 p.m. The Commission will discuss and possibly take action on the Ordinance approving the project with Downtown Venture Corp., as well as, various agreements. Today, staff met with the Airbrush Artist for the inside of the Laser Tag Arena. Staff asked that the design incorporate themes that Alamogordo is famous for such as: White Sands, the Air Force, Rockets and our beautiful mountains.

7. She announced the City has a new location for the Annual Christmas Tree Lighting. The Parks Department planted a tree at Washington Park, near the stage. The Christmas tree lighting is tentatively scheduled for December 2, 2017 at 6:00 p.m. Our Special Events Manager has put in a request to the North Pole to see if Santa can come and visit. We are expecting to have hot chocolate and vendors at the event.

8. She announced Zoo Boo and Zoo Brew were a huge hit. Zoo Boo had over 3,000 people in attendance, and Zoo Brew had 300 attendants. We are only looking at growing it in the future.

9. She announced Paul Bennett as the new Facility Maintenance Manager. Mr. Bennett was our Facility Maintenance Electrical Foreman and has been with the City for over 20 years. She asked for a round of applause for Mr. Bennett.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

None.

CONSENT AGENDA

1. Approve the minutes for the October 10, 2017 Regular meeting. (*Rachel Hughs, City Clerk*)

2. Approve the 2016 General Obligation Bond Agreement with the New Mexico State Library. (*Sharon Rowe, Library Manager*)

3. Approve the Lodger's Tax Expenditures for Tourism & Travel. (*Michelle Brideaux, Communications & Marketing Administrator*)

Mayor Pro-Tem Hernandez moved to approve items 1, 2, 3 of the consent calendar.

Commissioner Baldwin seconded the motion.

Motion carried with a vote of 5-0-0.

UNFINISHED BUSINESS

4. Consider, and act upon, Ordinance 1545 for final publication to authorize the issuance and sale of the City of Alamogordo, NM, General Obligation refunding bonds, Series 2017, in the aggregate principal amount of \$5,175,000 for the purpose of defraying the cost of refunding, paying, discharging and liquidating the City of Alamogordo, NM General Obligation Bonds, Series 2009, etc. (*Chris Muirhead, Modrall Sperling Attorney*) (Roll Call Vote Required)

Mr. Erik Harrigan, from RBC Capital Markets, presented the results of the General Obligation Refunding Bond and gave a handout to the Commission. He said this morning the City was in the market with a public competitive sale and there were a total of 5 bids. He said Raymond James was the lowest bid at 2.068 percent. The method of public competitive sale was through Grant Street. Through Grant Street the bidders have the ability to improve their bid after the end of the sale, which is called the two minute rule. They cannot see what the other firms are bidding, but they do see where they rank in the total number of bids. Raymond James improved their bid 14 basis points over the total

bidding time to come in at the lowest bid. The bonds that were being issued or priced this morning were to refund the 2009 Bonds. The present value savings will generate about \$488,000, which is about \$100,000 in what we were anticipating. The savings as a percent is about 9.23. These bonds will close on November 30, 2017. This is an advanced refunding, so the proceeds from the refunding will go into an escrow. That escrow is invested in U.S. Treasury Securities and will pay the bonds off on August 1, 2019. (see Blue Book for handout)

Chris Muirhead, Bond Counsel from the Modrall Firm, said this Ordinance authorizes issuance of the Bonds. It pledges the Ad Valorem Taxes, which are already pledged against the 2009 Bonds. It is not impacting anything about existing property tax rates. All you are doing is lowering your debt service. It recognizes that Raymond James has purchased the bonds. The key thing is the interest rates are substantially lower than what you would have paid on the twenty 2009 GO (General Obligation) Bonds that are being refunded. This is the only action that the Commission will need to take. You had previously done a Notice of the Sale Resolution. That led to the publication and requesting bids, and this wraps that process up. If you adopt the Ordinance tonight, we will close on November 30, 2017. We will be back in a couple of weeks with closing documents to get it all finalized. This is consistent with what your existing GO Ordinance require. It is not putting any new covenants or requirements on the City. It really is just the good news of replacing the one set of higher interest rates with these lower interest rates.

Mayor Pro-Tem Hernandez moved to approve.

Commissioner Sikes seconded the motion.

Roll call vote was taken.

Motion carried with a vote of 5-0-0.

NEW BUSINESS

5. Consider, and act upon to receive a grant award from the Department of Homeland Security Assistance to Firefighters Grant Program. (Jim LeClair, Fire Chief)

Fire Chief LeClair requested that the City accept a grant award of \$363,637 from the Department of Homeland Security. The Fire Department would be responsible for a 10 percent match, which would be \$36,363. This grant would be dedicated towards a purchase of a Class-A Pumper that has a 2,000 gpm (gallons per minute) pump and a 1,000 gallon water tank.

Mayor Pro-Tem Hernandez asked where the \$36,000 would come from. Fire Chief LeClair said it would come from our budget, through the Fire Fund Budget (Fund 33). City Manager Paluch said it is within budget this year.

Mayor Pro-Tem Hernandez moved to approve.

Commissioner Baldwin seconded the motion.

Motion carried with a vote of 5-0-0.

6. Consider, and act upon, award of RFQ No. 2017-02, Professional Engineering Services for Washington Avenue Drainage Improvements, PW1718 to Smith Engineering, and approve negotiations of the professional design services agreement. (Edward Balderrama, Project Manager)

Project Manager Balderrama said the scope of work for the project is to do a drainage master plan from Washington Avenue, from the ditch, through Indian Wells and to McKinley where it would tie into the core channel. As part of the work, we would like an analysis done on the existing structures and the capacity of the existing structures and what improvements need to be done to these structures. We are going to ask the consultants to do a cost benefit analysis and provide us with probable construction cost. Then that will be phased into the next phase of the project which will be design.

Mayor Boss asked Project Manager Balderrama how much of that ditch is concrete. He answered zero. Mayor Boss asked if part of this engineering will be to possibly concrete. Project Balderrama said it would give us an evaluation to see what the cost benefit is. Obviously, concrete is a lot more than dirt, but there are some areas that don't drain well. There is about a one half percent grade from 10th Street to City Hall. In dirt that does not drain very well, in concrete it drains much better. We are also going to evaluate the crossings that feed into that area. The reason we are doing this is because our 2018 SMP (Street Maintenance Program) includes Washington Avenue. If we are doing improvements to those crossings, we want to make sure that we are building something that is correct, so that we don't have to build and then remove it. Mayor Boss said so there is a possibility that some of that will be lined with concrete. Project Manager Balderrama said yes there is a possibility.

Mayor Pro-Tem Hernandez moved to approve.

Commissioner Sikes seconded the motion.

Motion carried with a vote of 5-0-0.

7. Consider and act upon, first publication of Ordinance No. 1549 adopting the 2017 revisions of the New Mexico Uniform Traffic Ordinance 2010 Compilation through July 2017. (Petria Schreiber, City Attorney) (Roll Call Vote Required)

City Attorney Schreiber said they have adopted the Uniform Traffic Ordinance in our Code of Ordinances. We have adopted every time there has been changes made at the State level. We have received a memo from the New Mexico Municipal League letting us know there was a change in the Legislative session. These changes you have in the agenda book are just the changes that the State has adopted. We have adopted these to keep it up to date with what the State has done.

Mayor Pro-Tem Hernandez said 12-1-5.1 the auto cycle. We have a lot of them here that do not comply this. They are legal on the road, but they do not comply with this such as the Volkswagen ones. City Attorney Schreiber answered that 66-1-4.1 of the New Mexico Statutes Annotated is actually State Law, so if anyone is not complying they are going to have an issue anyway. Mayor Pro-Tem Hernandez said they get issued a license plate which allows them to drive on the street, so it is going to be a conflict. City Attorney Schreiber said I agree the legislature will have to take that up, because there is some conflict there. Mayor Boss said it sounds more of a State problem than a City problem. City Attorney Schreiber said right, we have always adopted it as our own Ordinance to keep in line with what they are doing. Mayor Pro-Tem Hernandez said but we are the ones that have to deal with it. City Attorney Schreiber said you are correct; we do have to enforce it.

Mayor Pro-Tem Hernandez moved to approve.

Commissioner Baldwin seconded the motion.

Roll call vote was taken.

Motion carried with a vote of 5-0-0.

8. Consider, and act upon, award of Public Works Bid No. 2017-011 to D & R Tank Company, related to the Rehab Green GSR project, in an amount not to exceed \$1,291,680.00, including NMGRT. (Bob Johnson, Engineering Manager)

Engineering Manager Johnson said this is for the five million gallon tank that is located off North Florida near Cobblestone Road and announced what the work will consist of. We did advertise the project on September 17, 2017 and we opened the bids on October 17th at 2:00 p.m. with one responsive bidder.

Mayor Boss asked if this tank was constructed in 1959. Engineering Manager Johnson said the tank was constructed in 1959 and it was last painted in 1986. Mayor Boss said we are going to drain the tank and completely rehab the inside of it. Engineering Manager Johnson said yes, the interior and exterior will be sandblasted and repainted with the latest commercial grade appropriate coatings. There will be a lot of changes to the structure as well.

Mayor Boss asked Mayor Pro-Tem Hernandez what does it cost to build a five million gallon tank. He said they are actually pretty expensive. Engineering Manager Johnson said for your basic tank structure multiply the storage capacity by a dollar. You are roughly looking at a full tank replacement of five million dollars plus. Mayor Pro-Tem Hernandez added that it takes a lot longer to do it.

Commissioner Sikes asked where they drain it. Engineering Manager Johnson said preceding the actual work beginning, the water operations will draw down the flow from the La Luz plant into the tank, through normal usage they will bring the tank level down completely. Having to drain anything will be almost minimal. Commissioner Sikes said the impact on the consumers will be negligible, we won't know that it is happening. Engineering Manager Johnson said, correct. Mayor Boss said we'll use all the water; it won't be drained out into the desert. Engineering Manager Johnson said, correct.

Mayor Pro-Tem Hernandez moved to approve.

Commissioner Payne seconded the motion.

Motion carried with a vote of 5-0-0.

9. Consider, and act upon, the proposed Event Sponsorship Policy and Proposed Special Event Fees. (Regina Michaud, Recreation Center Manager)

Recreation Center Manager Michaud showed a presentation and said the intent of this policy is to provide a framework and guidelines for event sponsorships that is clear, fair and consistent. Currently, we do not have any type of guidelines to work with. She spoke on the process for applying for sponsorships and partnerships. She also spoke on options, requirements and proposed event fees that would be included in this policy. (see Power Point in Blue Book)

Commissioner Sikes asked how much they make now on park rentals. Recreation Center Manager Michaud thought it was about \$19,000. Commissioner Sikes asked how all this will affect some of the ongoing events that we do, like Downtown Nights and the Farmer's Market. Recreation Center Manager Michaud said Downtown Nights won't be impacted because it is not on City park space or in a recreation space. The Farmer's Market has a separate Ordinance. Commissioner Sikes said I know that you stated the caveat that you are not going to be religious or political, but that is only for partnerships or sponsorships, but we will still allow political or religious events. Recreation Center Manager Michaud said yes, the parks are open for anyone to utilize, it is just the consideration of having a sponsorship or partnership that we are talking about in this policy.

City Manager Paluch said they did not have a policy for fee waivers and were getting requests from multiple organizations to waive fees. Staff had to decide which fees were going to be waived and which were not without a policy. Money was also being put back into the general fund. We are trying to streamline everything and create replacement lines in within the Community Services budget so that way we have a pot of money going forward in the future when we need to replace things, instead of having to come to the Commission and ask for the money.

Mayor Boss said I really believe this is needed. Right from the very beginning, I was hit up for cuts and the fees. It was time that we solidified this and put it in writing.

Commissioner Baldwin said the original request from the Commission was the waiver of fees. This has been explained to us that it is a very difficult process to go through, especially without a particular Ordinance. He said nothing that he sees is out of line. I like the partnership/sponsorship is a great way to go. He would like to see the City identify a certain set of partners that don't get charged period. Commissioner Baldwin said this work was well thought out and done very well and he would support it 100 percent.

Mayor Pro-Tem Hernandez asked Recreation Center Manager Michaud about the insurance policy and how much it would cost. Commissioner Payne said it shouldn't cost anything. Commissioner Baldwin said when you have an additional insured, there is a small fee. Mayor Pro-Tem Hernandez said he did

not see the portable stage on here. Recreation Center Manager Michaud said the portable stage is in the proposed fee, there is no change in the rates. It is called the temporary stage within the fees.

Commissioner Payne asked if the partnership or sponsorships applies to all City facilities. Recreation Center Manager Michaud said it only applies to the leisure services area. It would not apply to the Civic Center, they set their fees differently. Commissioner Payne asked Recreation Center Manager Michaud to explain the fees, if they are charging or not charging. She said this is for outside of the sponsorship and partnerships; this is just establishing special event fees. There are free events open to the public and they are not charging anything on the front end. Those are a different tier system, because it is open and free to the public, we kept it at a lower rate. If there is a charge to the public, then there is a second category with a higher rate because they are making money on City property, using city resources.

Commissioner Payne said my issue is if a non-profit has an event on city property because they are raising money for their non-profit, I have an issue with that.

Recreation Center Manager Michaud said the clarification that I can give you is that this is only if they are charging for people to get directly into their event. If they are accepting donations, but not requiring them and that raises money for their charity or organization, they still qualify for the lower tier.

Commissioner Sikes asked Recreation Center Manager Michaud if they got any input from any of the organizations. I appreciate charging fees to use the City property, especially if we need to re-seed or replace anything that may be damaged. She asked about Earth day and said they do not charge people for booth space or charge vendors. She felt by putting a fee on some of these events, that it might preclude the event from happening.

City Manager Paluch clarified that Earth Day is at the Zoo, so it would not apply. Recreation Center Manager Michaud said some of those events were initiated by the City versus coming from an outside organization.

Commissioner Baldwin said they had a policy in the past in reference to putting money where it belongs for long term maintenance or a maintenance plan, but I am certainly hearing that from the City Manager and staff more often in the last year, so I appreciate that.

City Manager Paluch said if the Commission would like to have a list of organizations that they would like exempt from fees, we can certainly look into that, but it becomes a very, very slope on who gets put on that list.

Mayor Pro-Tem Hernandez said something they can think about doing is attaching a survey with the applications. Then you can compile the information to see what worked and what did not work.

**Paul Sanchez commented on the following:
Mr. Sanchez passed on his comment.**

Kuia Taiaroa commented on the following:

She spoke on behalf of Habitat for Humanity. She had concerns regarding the proposed Event Sponsorship Policy and Proposed Special Event Fees. She said as a nonprofit, I understand addressing the sponsorship and partnership, but do the City partner and sponsor for profit, and if so, do you use the same fee breakdown. She asked the Commission to consider changing some of the wording of this proposed fee breakdown. She requested they not vote on this until two more weeks, to allow her to gather more information, and then she could come back with concerns and opinions for the non-profits and the effect it would have on smaller non-profits.

Mayor Boss said if they vote on this tonight, there wouldn't be any reason why they couldn't amend it at a later date.

Mayor Pro-Tem Hernandez said we have someone willing to do the research and asked if they have to vote on this tonight or can it wait for another two weeks. City Manager Paluch said we are getting requests weekly for events and our answer is that we have a policy that will go before the Commission. We are putting off responding to people. We can certainly put in on in another two weeks and answer some of those questions. I wouldn't push it much further than that because the holiday season is coming up and there will be a lot of events coming up. Mayor Pro-Tem Hernandez said there is that 60 day window that is going to cut some people off depending when and what they are doing. City Manager Paluch said a lot of events are annual. We can certainly look at those time frames and I foresee a lot of the non-profits and people that do hold annual events sitting down once a year and meeting with the Special Events Manager and the Community Services Director and saying these are the events we have all year and these are the ones that we want to partner, these are the ones that we want to co-sponsor. We can certainly look at those time frames for those pop up events.

Commissioner Baldwin moved to approve.

Mayor Pro-Tem Hernandez seconded the motion.

Motion carried with a vote of 4-1-0. Commissioner Payne voted nay.

10. Consider and act upon, the approval of a Gross Receipts Investment Program (GRIP) application from Malhotra Foods, Inc. dba Subway. (Petria Schreiber, City Attorney)

City Attorney Schreiber said Paralegal Williams has taken upon herself to become a LEDA (Local Economic Development Act) and GRIP (Gross Receipts Investment Program) specialist. Paralegal Williams will be handling the Presentation tonight.

Paralegal Williams said GRIP was established by Ordinance in 2010 and unlike LEDA this does not connect back to a State Statute. This is a bit more of a narrow focus in that this is an incentive program, which is designed to reimburse either a new or current business who is expanding construction costs in the gross receipts taxes. If they are going to expand and provide us an application and show us how many new jobs will be created by this, then our Ordinance reads that we have the option to refund them up to 100 percent of the City portion of the gross receipts taxes which is 1.725 percent. In this instance Malhotra Foods purchased the building that Quiznos was in. They did some rehab to the building and opened another Subway which will provide 12 jobs and approximately \$48,000 per year in gross receipts taxes. He went at this backwards, where he is asking for the reimbursement afterwards as opposed to ahead of time. Our Ordinance reads that you consider five standards. She read the five standards. We are asking the Commission to approve the application so that we can put together the agreement to refund him. He spent \$211,000 and his 100 percent reimbursement is approximately \$3,600.

Mayor Boss asked typically the application is made ahead of time. Paralegal Williams said this is typically made ahead of time and they keep track of the expenses over time, and as the City receives the gross receipts taxes it is put in a special fund and paid out. The Ordinance does not read that it has to be beforehand.

Commissioner Baldwin asked if the Ordinance does not read anything about a time limit or past the construction either. Paralegal Williams answered no. Commissioner Baldwin said I thought it did. I would like for us to address that at some point.

Commissioner Payne said this is the first time, since I've been in office, that this has come before me. Paralegal Williams said they are not extremely common, I think we have only done six or seven of them. Commissioner Payne asked if the application was dated January of 2017. Paralegal Williams answered yes. Commissioner Payne asked why it is just now being brought before us. City Attorney Schreiber said they found it in another City Attorney's office who no longer works here. When we found it, we immediately started processing it.

Commissioner Payne said what I am reading in this Ordinance, development means that any of the following activities or real property located within the corporate boundaries of the City and it says new construction or substantial expansion of existing facility being used. She asked if this is for the one at the White Sands Mall. It was an interior remodel; it really was not an expansion of the building or a new construction. She said I am trying to see how this applies. City Attorney Schreiber answered it was a complete gut and remodel. The way we are reading into this is that it was an expansion, because the business was totally redone. I do not believe that the Ordinance requires that they add additional square footage onto the building. Mayor Boss asked if expansion would also mean additional employees. Commissioner Payne said I was talking specifically about the building.

Commissioner Payne said they are estimating their gross receipts tax from \$12,000 to \$48,000. This was done in January, so do will we be able to tell how much they actually generated. City Attorney Schreiber said we can get that information from them; it is not required on the application, so we have not asked for that. If the Commission would like to table this tonight and have us present that information we are certainly willing to do so. Commissioner Payne said I am curious if it is going to jump \$36,000 by adding another Subway. City Attorney Schreiber apologized and said we did not ask for those financials, the application does not require it.

Mayor Boss asked if the Commission would want to vote on this item. Mayor Pro-Tem Hernandez said this is an application, if we approve it what happens to it. Paralegal Williams said we are asking for the Commission to approve the application, which gives us direction to complete the agreements and the contracts, which include a Resolution that will come back to the Commission for approval of the agreement with him showing all of the amounts that are going to be involved. Mayor Boss said we will know that their part of the bargain has been fulfilled at that time. Mayor Pro-Tem Hernandez asked where the \$3,600 would come out of. City Attorney Schreiber said we currently budget \$100,000 for this every year, so it would come out of that money that is already budgeted for this purpose.

**Mayor Pro-Tem Hernandez moved to approve.
Commissioner Baldwin seconded the motion.
Motion carried with a vote of 5-0-0.**

Commissioner Baldwin asked if Malhotra Foods contacted the City within the 10 months. City Attorney Schreiber said absolutely, we have heard from them many times.

Commissioner Payne asked if White Sands Mall owned that building and pointed out that the attachment from the Assessor's Office, says the owner is Solid Cat Properties. On the application it states Malhotra Foods, so I am a little confused on who owns the building. The tax year, on the attachment, does say 2018. City Attorney Schreiber said they can find out. Mayor Pro-Tem Hernandez asked if it matters who owns the building, isn't it the project itself. City Attorney Schreiber answered yes. Commissioner Baldwin said it doesn't affect the vote. City Attorney Schreiber said it doesn't, but if it is important to the Commission, this is information that I could bring forth. Commissioner Payne said it may not affect the vote, but I would still like to know, because it says that they remodeled the inside of their building. City Attorney Schreiber said I could ask for the actual documents. Mayor Boss clarified that it would not matter who owns the property. They are meeting the requirements of all the things for the exemption.

11. Consider and act upon, award IFB No. 2017-09 to multiple vendors, in the amount not to exceed \$138,364.45 related to Miscellaneous Foods, Dairy Products & Items for the Alamogordo Senior Center Nutrition Program. (Veronica Ortega, Community Services Director)

Community Services Director Ortega introduced Senior Center Manager McKown.

Senior Center Manager McKown said this item is essentially our food bid. We go out to bid every six months. We serve 300 meals a day between our dining room and home delivered meals. Our budget is about \$90,000 and we have every intention to try and live within that budget.

**Mayor Pro-Tem Hernandez moved to approve.
Commissioner Baldwin seconded the motion.
Motion carried with a vote of 5-0-0.**

12. Appointments to Boards and Committees. (*Richard Boss, Mayor*)

Mayor Boss read the openings and appointed Michael Groves to the Senior Volunteer Program Council.
No one was opposed.

ADJOURNMENT

**Mayor Pro-Tem Hernandez moved to adjourn at 7:59.
Commissioner Sikes seconded the motion.
Motion carried with a vote of 5-0-0.**

Mayor Richard Boss

ATTEST:

City Clerk Rachel Hughs

(Prepared by Eric Barraza, Deputy Clerk)
Approved at the Regular Meeting held on November 7, 2017.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/07/2017

Report Date: 10/31/2017

Report No: 3.

Submitted By: Petria Schreiber

Subject: Approve the release of liens that have passed the 4-year statute of limitations. (*Petria Schreiber, City Attorney*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve release of liens.

Background: The attached list of liens have been submitted to the Commission for approval to release due to the expiration of the 4-year statute of limitations.

LIENS

Owner Name	Lien Address	Lien Amt	Filed	Lien Type
Brady, James & Edna	1201 Lovers Lane	\$233.33	11/5/2007	water
Bruer & Bruer	1307 Lovers Lane	\$276.17	9/25/2006	water
Cardiel, Chrystal M	1417 Alaska Avenue	\$196.12	9/18/2006	water
Clark, Oree	703 Panorama Cir	\$198.90	12/21/2006	water
Conway, James & Lisa	706 New York Avenue	\$375.00	5/21/2007	weed
Garcia/Lavato/Rodriguez	418 Delaware Avenue	\$376.30	9/25/2006	water
Gonterman, Edna	406 Bonnell Drive	\$ 525.00	10/8/2007	weed
Henderson, Diane	702 Dewey lane	\$266.25	8/14/2007	water
Henderson, Diane	702 Dewey lane	\$350.00	9/13/2007	weed
Lopez, Debbie	108 Maryland Avenue	\$550.00	5/21/2007	weed
Lopez, Debbie	118 Maryland Avenue	\$450.00	5/21/2007	weed
MacDonald, David	2174 S. Walker Road	\$ 675.00	10/8/2017	weed
Mangum, Kevin & Julia	2308 Willow Drive	\$174.61	4/30/2007	water
McAllister, Joseph & Jessie	1203 Post Avenue	\$392.24	8/14/2007	water
Miller, Floyd & Leslie	1012 Joy Drive	\$422.03	4/30/2007	water
Monreal & Aguilar	504 New York Avenue	\$241.30	9/18/2006	water
Monreal & Aguilar	504 New York Avenue	\$ 525.00	8/20/2007	weed
Pena, Esther	501 Venus	\$540.38	5/21/2007	weed
Pendly, Russell	2001 Dewey Lane	\$ 425.00	9/13/2007	weed
Platt, Robert	1209 Paradise	\$ 350.00	5/21/2007	weed
Platt, Robert	1209 Paradise	\$ 525.00	10/25/2007	weed
Quirnbach, Arthur	1212 Beverly Lane	\$243.59	9/18/2006	water
Quirnbach, Arthur	1212 Beverly Lane	\$ 375.00	8/20/2007	water
Richards, Donald	102 Texas Avenue	\$ 425.00	10/8/2007	weed
Sandana, Agustin & Maria	311 New York Avenue	\$325.00	5/21/2007	weed
Sandoval, Adeline	1509 Twelfth Street	\$196.00	11/9/2006	water
Santos, Maria	1006 Juniper Drive	\$205.19	9/25/2006	water
Stogden, Frederick	204 Delaware Avenue	\$312.93	9/18/2006	water
Tidwell, Tab	1005 Oregon Avenue	\$370.58	2/5/2007	water

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/07/2017

Report Date: 10/31/2017

Report No: 4.

Submitted By:

Subject: Approve the State Grants-in-Aid award from the New Mexico State Library for local library support. (*Sharon Rowe, Library Manager*)

Fiscal Impact:

Amount Budgeted: \$6,000.00

Fund: 032-7101-317.16-01

Additional Fiscal Impact: \$1598.04

Recommendation:

Background: The New Mexico State Library has awarded the Alamogordo Public Library funds in the amount of \$7,598.04. This supplemental money will be used to purchase books, periodicals, databases and audios.

FY 2018 State Grants-in-Aid Checklist and Instructions

Inside this packet you will find:	What to do with it:
Cover Letter from Development Bureau	- Keep it (or recycle it)
Grant Allocation Notification	- Double check that all the info is correct - Keep it, & keep it handy
Grant Agreement – 2 copies	- Authorized agent who has authority to enter into a legal contract with the State of New Mexico signs both copies in <u>BLUE INK</u> - Return <u>BOTH</u> copies to: New Mexico State Library Development Bureau, State Aid 1209 Camino Carlos Rey Santa Fe, NM 87507
4.5.2 NMAC – <i>Revised June 1, 2016</i>	- <u>KEEP</u> it & keep it handy - Ensure you comply with all requirements this year, so your library remains eligible for funding in FY19!
State Aid Guidance Sheet	- <u>KEEP</u> it, & keep it handy - Refer to this document for how state aid funds can be spent – note that it is not an exhaustive list - Call us with any questions
Purple Documents	- Provide your fiscal officer with these documents, as they contain important information

What happens next?

1. The Co-Acting State Librarian will sign your grant agreement, and one signed copy will be returned to you.
2. Once the grant agreement is fully executed, we will request payment for your agreement.
3. Your fiscal agent will receive the check or ACH payment.
4. Spend **ALL** funds in compliance with 4.5.2 NMAC by ***June 30, 2018***.

Library Directors & Financial officers, do you have questions?
Call us at 1-800-340-3890

State Grants-in-Aid to Public Libraries
Agreement
For FY2017/18

This Agreement is entered into on the date of last signature, below, by and between the **New Mexico State Library**, hereinafter called **NMSL**, and **Alamogordo Public Library**, located in Alamogordo, NM, hereinafter called the Recipient.

WHEREAS, the State Librarian, the division director of NMSL, is required to administer grants-in-aid and encourage local library service and generally promote an effective statewide library system under NMSA 1978, Section 18-2-4;

WHEREAS, Section 18-2-4 also requires the State Librarian to make rules and regulations necessary to administer NMSL and the State Librarian adopted such rules for distributing state grants-in-aid to public libraries, codified as 4.5.2 NMAC; and

WHEREAS, NMSL has determined that Recipient qualifies for a state grant-in-aid under 4.5.2 NMAC.

THEREFORE, the Parties agree to the following terms and conditions:

I. NMSL agrees to pay the Recipient a grant in an amount not to exceed **Seven Thousand Five Hundred Ninety Eight Dollars and Four Cents** (\$7,598.04) to support Recipient's library collections; library staff salaries; library staff training; library equipment; or other operational expenditures associated with delivery of *library services* as defined in Section 4.5.2.6 NMAC.

II. The Recipient agrees to:

1. Use the grant only for library collections; library staff salaries; library staff training; library equipment; or other operational expenditures associated with delivery of *library services*, as those services are defined in 4.5.2 NMAC;
2. Continue to comply with 4.5.2 NMAC and other statutes and rules applicable to developing libraries or public libraries;
3. Engage in good communication and the exchange of information with NMSL regarding library activities and the grant's use;
4. Expend the grant according to the rules outlined in 4.5.2 NMAC, attached hereto as Attachment A;
5. Provide NMSL with a report on how the grant was spent as part of the Recipient's annual report for the fiscal year; and
6. Return any funds from the grant not spent in the 2018 fiscal year to NMSL by July 15, 2018; and
7. Sign and return this Agreement to NMSL within 60 days from receipt of the Agreement, which shall be calculated from the date of postmark or electronic postmark. If Recipient does not submit this Agreement within the required time period, Recipient forfeits the grant award.

III. The Laws of New Mexico shall govern this Agreement.

The Recipient by its signature certifies that the Recipient will use the grant money only for the uses specified in this Agreement and will comply with all other applicable requirements of this Agreement.

Signed: _____ **Date:** _____

By: _____ Chairman or Authorized Agent of Recipient (print name)

Signed: _____ **Date:** _____

By: Ryanne Cooper, Co-Acting New Mexico State Librarian

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For FY2017/18

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WHEREAS, Section 18-2-4 also requires the State Librarian to make rules and regulations necessary to administer NMSL and the State Librarian adopted such rules for distributing state grants-in-aid to public libraries, codified as 4.5.2 NMAC; and

WHEREAS, NMSL has determined that Recipient qualifies for a state grant-in-aid under 4.5.2 NMAC.

THEREFORE, the Parties agree to the following terms and conditions:

I. NMSL agrees to pay the Recipient a grant in an amount not to exceed **Seven Thousand Five Hundred Ninety Eight Dollars and Four Cents** (\$7,598.04) to support Recipient's library collections; library staff salaries; library staff training; library equipment; or other operational expenditures associated with delivery of *library services* as defined in Section 4.5.2.6 NMAC.

II. The Recipient agrees to:

1. Use the grant only for library collections; library staff salaries; library staff training; library equipment; or other operational expenditures associated with delivery of *library services*, as those services are defined in 4.5.2 NMAC;
2. Continue to comply with 4.5.2 NMAC and other statutes and rules applicable to developing libraries or public libraries;
3. Engage in good communication and the exchange of information with NMSL regarding library activities and the grant's use;
4. Expend the grant according to the rules outlined in 4.5.2 NMAC, attached hereto as Attachment A;
5. Provide NMSL with a report on how the grant was spent as part of the Recipient's annual report for the fiscal year; and
6. Return any funds from the grant not spent in the 2018 fiscal year to NMSL by July 15, 2018; and
7. Sign and return this Agreement to NMSL within 60 days from receipt of the Agreement, which shall be calculated from the date of postmark or electronic postmark. If Recipient does not submit this Agreement within the required time period, Recipient forfeits the grant award.

III. The Laws of New Mexico shall govern this Agreement.

The Recipient by its signature certifies that the Recipient will use the grant money only for the uses specified in this Agreement and will comply with all other applicable requirements of this Agreement.

Signed: _____ **Date:** _____

By: _____ Chairman or Authorized Agent of Recipient (print name)

Signed: _____ **Date:** _____

By: Ryanne Cooper, Co-Acting New Mexico State Librarian

**New Mexico State Library
1209 Camino Carlos Rey
Santa Fe, NM 87507**

FY2018 STATE GRANTS-IN-AID ALLOCATION NOTIFICATION

1.	Recipient Name:	Alamogordo Public Library
2.	Remit to Name and Address:	Alamogordo Public Library 920 Oregon Ave Alamogordo, NM 88310
3.	State of NM Vendor #:	54303
4.	Project Title and Legal and Fiscal Data:	State Grants-in-Aid to Public Library Statute/Administrative Code NMSA 1978 Section 18-2-4 B, 4.5.2 NMAC
5.	State Library Contact:	Carmelita Aragon New Mexico State Library Carmelita.Aragon@state.nm.us
6.	Source of Funding:	<i>State of N.M. Legislature – General Appropriation Act of 2018</i>
7.	Grant Type and Amount Received:	Library Type Grant: Public Library Branch(es) Grant: \$.00 Total Grant: \$7,598.04
8.	Allocation Period:	Fiscal Year 2018 <i>ALL FUNDS MUST BE SPENT BY JUNE 30, 2018.</i>
9.	Terms and Conditions of Allocation:	The library grants program is intended to supplement and encourage local effort in providing local library service. <i>Funds may be used for:</i> <i>1) library collections;</i> <i>2) library staff salaries;</i> <i>3) library staff training;</i> <i>4) library equipment;</i> <i>5) other operational expenditures associated with delivery of library services.</i> Libraries must report on how funds were spent in the FY 2018 Annual Report. Library's local budget shall not be reduced by its governing body as a result of eligibility for the library grants program. Upon demonstrated evidence that such a reduction has occurred, the library shall be ineligible to receive funds from the library grants award for one year after the reduction has occurred.
10.	Date:	October 18, 2017

State Grants-in-Aid Guidance Sheet

The 4.5.2 New Mexico Administrative Code (NMAC) governs State Grants-in-Aid to public libraries. To be eligible to receive state aid, New Mexico public libraries must meet eligibility requirements as outlined in the 4.5.2 NMAC. All awarded state grants-in-aid funds must be expended during the fiscal year in which they are awarded.

This informational guidance sheet is not an exhaustive list of all allowable and non-allowable expenditures. If there are questions as how to expend state aid funds, please contact the Library Development Bureau for clarification prior to making purchases 1-800-340-3890.

Allowable Purchases - State aid funds **can** be used for:

- Library Collections
 - Items traditionally available at the library and intended for public use, such as books, e-books, audiobooks, DVDs, CDs, electronic and digital media, licensed databases (e.g., ancestry.com, mango languages), etc. are allowable. Non-traditional circulating/educational programming items may also be allowable. Please contact the Development Bureau for more information.
- Library Staff Salaries
 - State aid funds can be used to pay regular library staff for their work within the library. Providing pay to a substitute library staff member may also be allowable.
- Library Staff Professional Development
 - Travel (including meals and lodging) for attending in-state (e.g., NMLA) and out-of-state library conferences (e.g., ALA, MPLA, PLA, ARSL), and trainings provided to library staff on library related services/issues, which are organized and held at the library, or held at another location, e.g., state library or other library.
- Library Equipment
 - Items associated with meeting the information needs of library patron's such as public computers, printers, wireless routers, scanners, software and related peripherals, etc.
- Other Operational Expenditures Associated with Delivery of Library Services
 - Expenditures associated with the delivery of library services, such as the library's catalog, programming supplies, electric bills, phone bills, directional signage, copy paper, security costs, etc.
 - Contracts directly related to the delivery of basic library services to patrons, including educational program subject matter experts, etc.

Non-Allowable Purchases - State aid funds **cannot** be used for:

- Administrative or indirect expenses such as budgeting, accounting, financial management, information systems, data processing, and legal services.
- Food, giveaways/incentives, college classes for library staff (i.e., tuition reimbursement), library decorations, library staff furniture, recreational rentals/purchases (e.g., bouncy houses, party supplies, pony rentals), etc.
- Operational expenditures that do not directly relate to the delivery of basic library services to library patrons, including cost of parties, receptions, fund-raising events, other social functions, maintenance/cleaning supplies, toilet paper, paper towels, cleaning equipment, vacuums, etc.
- Capital improvements and construction.

STATE AID FOR PUBLIC LIBRARIES

TITLE 4 **CULTURAL RESOURCES**
CHAPTER 5 **STATE LIBRARY**
PART 2 **STATE GRANTS IN AID TO PUBLIC LIBRARIES**

4.5.2.1 **ISSUING AGENCY:** Department of Cultural Affairs, New Mexico State Library Division.
[4.5.2.1 NMAC - Rp, 4.5.2.1 NMAC, 6/1/2016]

4.5.2.2 **SCOPE:** Public libraries and developing public libraries.
[4.5.2.2 NMAC - Rp, 4.5.2.2 NMAC, 6/1/2016]

4.5.2.3 **STATUTORY AUTHORITY:** Subsection I of Section 18-2-4 NMSA 1978 directs the state librarian to make rules and regulations necessary to administer the division and as provided by law. Subsection B of Section 18-2-4 NMSA 1978 directs the state librarian to administer grants-in-aid and encourage local library services and generally promote an effective statewide library system.
[4.5.2.3 NMAC - Rp, 4.5.2.3 NMAC, 6/1/2016]

4.5.2.4 **DURATION:** Permanent.
[4.5.2.4 NMAC - Rp, 4.5.2.4 NMAC, 6/1/2016]

4.5.2.5 **EFFECTIVE DATE:** June 1, 2016 unless a later date is cited at the end of a section.
[4.5.2.5 NMAC - Rp, 4.5.2.5 NMAC, 6/1/2016]

4.5.2.6 **OBJECTIVE:** The objective of this rule is to describe the state grants in aid to public libraries program (hereinafter "the state aid program") and to establish criteria for reviewing and awarding the grants. The purpose of the state aid program is to provide financial assistance that encourages and supports public library service by public libraries and developing public libraries. The state aid program is intended to supplement and encourage local effort in providing local library service. The state aid program consists of developing library grants and public library grants that may be used for: library collections; library staff salaries; library staff professional development; library equipment; or other operational expenditures associated with delivery of library services.
[4.5.2.6 NMAC - Rp, 4.5.2.6 NMAC, 6/1/2016]

4.5.2.7 **DEFINITIONS:**

A. **"Annual report"** means a report sent once a year from a public library or developing library to the state library. An annual report shall at least accomplish the following tasks:

- (1) provide information in the time, manner, and form prescribed by the state library;
- (2) describe prior fiscal year's activities, including income, expenditures, statistics on collections and services, and compliance with state aid program criteria;
- (3) be certified by the library as to the accuracy, completeness, and truthfulness of the information provided; and
- (4) be approved by and on file at the state library.

B. **"Basic library services"** means free services provided in a library's legal service area, including library collections with circulating materials; reference services; a catalog of library holdings accessible by the public; educational programs; interlibrary loan services; public access computers connected to the internet; and internet connectivity for patrons and staff. Basic library service may include any technology or service that relates to the access to information for patron use.

C. **"Bookmobile"** means a mobile branch that offers basic library services with the exception of computers and internet connectivity.

D. **"Branch"** means an auxiliary service administered by a public or developing library that provides the following public services:

- (1) separate quarters from the main library;
- (2) a permanent library collection and reference services;
- (3) offers basic library services;
- (4) staff present during open hours; and
- (5) at least 20 hours of public access to physical quarters per week on an annual basis.

E. **“Circulating materials”** means items from library collections that are checked out by patrons for use outside of the library.

F. **“Collection development policy”** means guidelines used by library staff for making decisions about the budget for and selection, management, and preservation of library collections.

G. **“Community analysis and needs assessment”** means an evaluation of a library’s legal service area, its current and future needs, and the library’s role in meeting those needs.

H. **“Developing library”** means a New Mexico organization that has initiated and is progressively implementing basic library services within its legal service area.

- (1) A developing library is established through one of the following mechanisms:
 - (a) through an ordinance or legal resolution of a subdivision of state government;
 - (b) by a contract between a private entity and a subdivision of state government;
 - (c) by an Indian nation; or
 - (d) as a non-profit corporation.
- (2) A developing library provides the following public services:
 - (a) staff present during open hours;
 - (b) at least 15 hours of public access to physical quarters per week on an annual basis;
 - (c) at least two days of public access to physical quarters per week on an annual basis; and
 - (d) hours of operation posted on or near the library.

I. **“Fiscal year”** means July 1 through June 30.

J. **“Legal service area”** means the geographic area for which a library has been established to offer services and from which, or on behalf of which, the library derives income. The legal service area may be defined by a written agreement with a political subdivision of the state for which the library is the primary service provider. The most recent United States or tribal census determines the population of the legal service area if the population figures are given separately for that area. If the census does not report a discreet population figure for the legal service area, then the state library in its sole discretion shall determine the population for the library’s legal service area.

K. **“Library board”** means an administrative or advisory group comprised of representative members of the library’s community.

L. **“Library collections”** means library items for public use. Library collections may include such items as books, videos, sound recordings, licensed databases, and equipment. A portion of the collections must be circulating materials.

M. **“Library equipment”** means equipment associated with the delivery of library services.

N. **“Library staff”** means salaried employees or volunteers whose time is regularly dedicated to delivery of library services.

O. **“Matching funds”** means the amount expended in a fiscal year for library collections from any source other than the state. Sources for matching funds may include municipal funds, county funds, tribal funds, or money acquired through donations, fund-raising, or grants. In-kind contributions are not matching funds. Matching funds do not include funds used for operating costs, administrative costs, or regular staff salaries.

P. **“Public library”** means a New Mexico organization that offers basic library services within its legal service area.

- (1) A public library is established through one of the following mechanisms:
 - (a) through an ordinance or legal resolution adopted by a subdivision of state government;
 - (b) by a contract between a private entity and a subdivision of state government;
 - (c) by an Indian nation; or
 - (d) as a non-profit corporation.
- (2) A public library provides the following public services:
 - (a) staff dedicated to the library
 - (b) year-round public access to the physical location at least 25 hours per week;
 - (c) at least two days of public access to physical quarters per week on an annual basis; and
 - (d) hours of operation posted on or near the library.

Q. **“Reference services”** means the provision of library staff to answer reference questions during all the hours the library is open.

R. **“Strategic plan”** means a detailed program to ensure that library services meet the current and future needs of the library’s legal service area. The strategic plan shall include a vision and mission statement as well as goals and objectives, and it shall cover a period of at least the next three years and not exceed five years.

[4.5.2.7 NMAC - Rp, 4.5.2.7 NMAC, 6/1/2016]

4.5.2.8 DEVELOPING LIBRARY GRANT:

A. **Purpose:** To supplement an eligible developing library’s budget for up to five years until it meets the minimum requirements for a public library grant.

B. Description: The developing library grant funds shall be used for library collections, library staff salaries, library staff training, library equipment, or other operational expenditures associated with delivery of basic library services.

C. Criteria for reviewing and awarding developing library grants: The state library shall award developing library grants to developing libraries that meet or exceed the following criteria.

- (1) timely submission of an annual report with the state library;
 - (2) receipt of no more than five, consecutive, awards of developing library grants;
 - (3) continuous operation for at least nine months;
 - (4) demonstration of receipt of financial support from sources other than the state. In particular, matching funds in relation to the population of the library's legal service shall be at least \$0.25 per person in its first year and any non-consecutive years of developing library grant application participation; \$0.50 per person in its second consecutive year; \$0.75 per person in its third consecutive year; \$1.00 per person in its fourth consecutive year; and \$1.25 per person in its fifth consecutive year;
 - (5) maintenance of adequate financial and other records to support the library's eligibility for receiving library grants; the state library may audit such records annually, or as needed, as determined in the state library's sole discretion;
 - (6) compliance with all state statutes and rules;
 - (7) compliance with requirements for developing library grants;
 - (8) employment of a designated director;
 - (9) creation of a library board that meets at least two times a year and adheres to the state's open meetings law; and
 - (10) successful expenditure of all developing library grant funds during the prior fiscal year, if applicable.
- [4.5.2.8 NMAC - Rp, 4.5.2.8 NMAC, 6/1/2016]

4.5.2.9 PUBLIC LIBRARY GRANT:

A. Purpose: To supplement eligible public libraries' budgets.

B. Description: The public library grant funds shall be used for library collections, library staff salaries, library staff training, library equipment, or other operational expenditures associated with delivery of basic library services.

C. Criteria for reviewing and awarding public library grants: The state library shall review and award public library grants to public libraries that have met the following criteria:

- (1) timely submission of an annual report with the state library for the current year and a minimum of two years prior;
- (2) continuous operation for at least one year;
- (3) receipt of a minimum of three consecutive developing library grants;
- (4) demonstration of receipt of financial support from sources other than the state; in particular, matching funds in relation to the population of the library's legal service area shall be at least \$1.50 per person;
- (5) maintenance of adequate financial and other records to support the public library's eligibility for receiving library grants; the state library may audit such records annually, or as needed, as determined in the state library's sole discretion;
- (6) compliance with all state statutes and rules;
- (7) compliance with all requirements for public library grants;
- (8) Formation of a strategic plan that the public library reviews, updates, and files with the state library every three years, and a community analysis and needs assessment, and a collection development policy that the public library reviews, updates, and files with the state library every five years;
- (9) maintain a library board that meets at least two times a year and adheres to the state open meetings law;
- (10) employment of a designated director; and
- (11) successful expenditure of all public library grant funds during the prior fiscal year.

[4.5.2.9 NMAC - Rp, 4.5.2.9 NMAC, 6/1/2016]

4.5.2.10 DISTRIBUTION OF FUNDS: The library division shall distribute state grants in aid in the following manner:

A. Application: The annual report submitted for the immediate prior year shall serve as the developing or public library's application for state grants-in-aid.

B. Allocation: For state grants-in-aid, the state library shall award at least a quarter of a share (0.25) of the annual allocation to developing libraries, one (1) share of the allocation to each public library, and one half (.50) of a share of the allocation to each branch and bookmobile.

C. Notification: Following the end of the application period, the state library shall calculate the grant award for each library. The state library shall notify all eligible public libraries informing them of the amount of their grant.

D. Request for payment: Each library shall return the signed grant agreement to the state library within 60 days of receipt of the agreement measured from the postmark or electronic postmark. Upon timely receipt of the grant agreement,

the state library shall process a payment request form. If a library does not submit the grant agreement within the required time period, it forfeits the grant award.

E. Maintenance of effort: A library's local budget shall not be reduced by its governing body as a result of eligibility for the state aid program. Upon demonstrated evidence that such a reduction has occurred, the library shall be ineligible to receive funds from the library grants award for one year after the reduction has occurred.

[4.5.2.10 NMAC - Rp, 4.5.2.11 NMAC, 6/1/2016]

4.5.2.11 LIMITATION ON FUNDS:

A. The grant amounts may vary by year, depending on the amount of the appropriation to the state library by the state legislature and the state library's other budgeted expenses.

B. Libraries shall not use grant funds for administrative or indirect expenses such as budgeting, accounting, financial management, information systems, data processing, and legal services

C. Public and developing libraries shall expend all grant funds during the fiscal year in which they are awarded.

D. Should a library cease providing basic library services prior to or within thirty days of funding; grant funds shall revert to the state library.

[4.5.2.11 NMAC - Rp, 4.5.2.12 NMAC, 6/1/2016]

4.5.2.12 APPEAL OR VARIANCE:

A. In the event that any library is denied a grant by the state library or does not meet a requirement of this rule, that library may appeal the decision of the state library or request a variance from the requirement.

B. Such appeal or variance shall be made in writing to the state librarian within 10 days of notification of denial of funds or within 10 days of discovery of non-compliance with a requirement. The appeal or variance shall state all relevant facts and conditions.

C. The state librarian shall consider each appeal or request for variance and respond in writing to the appealing or requesting party with a decision within 30 days. The state librarian's decision is the department of cultural affairs' final action on the matter.

[4.5.2.12 NMAC - Rp, 4.5.2.14 NMAC, 6/1/2016]

HISTORY OF 4.5.2 NMAC:

Pre-NMAC History:

NMSL 67-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, Revised April 19, 1967, filed 5/3/67.

NMSL 67-2, State Grants-In-Aid To Public Libraries, Rules and Regulations, Amended August 28, 1967, filed 8/30/67.

NMSL 68-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, Amended August 28, 1967, filed 12/19/68.

NMSL 69-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, Revised May 26, 1969, filed 6/20/69.

NMSL 69-2, State Grants-In-Aid To Public Libraries, Rules and Regulations; Revised September 16, 1969, filed 10/9/69.

NMSL 70-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, Revised February 26, 1970, filed 4/27/70.

NMSL 73-4, State Grants-In-Aid To Public Libraries, Rules and Regulations, June 1973, filed 7/10/73.

NMSL 74-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, July 19, 1974, filed 8/16/74.

NMSL 75-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, 1975, filed 6/9/75.

NMSL 76-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, March 31, 1976, filed 4/27/76.

NMSL 77-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, January 21, 1977, filed 2/4/77.

NMSL Rule 79-1B, State Grants-In-Aid To Public Libraries, Rules and Regulations, June 11, 1979, filed 6/25/79.

NMSL 79-3, State Grants-In-Aid To Public Libraries, Rules and Regulations, July 1, 1979, filed 7/27/79.

NMSL 81-2, State Grants-In-Aid To Public Libraries, Rules and Regulations, May 11, 1981, filed 5/12/81.

NMSL 89-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, filed 10/23/89.

NMSL 93-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, filed 1/28/93.

History of Repealed Material:

NMSL 93-1, State Grants-In-Aid To Public Libraries, Rules and Regulations (filed 1/28/93), repealed 7/1/2000.

4.5.2 NMAC, State Grants-In-Aid To Public Libraries (filed 6/19/2000), repealed 7/1/2009.

4.5.2 NMAC, State Grants-In-Aid To Public Libraries (filed 7/1/2009), repealed 6/1/2016.

Other History:

NMSL 93-1, State Grants-In-Aid To Public Libraries, Rules and Regulations (filed 1/28/93) was replaced by 4.5.2 NMAC, State Grants In Aid To Public Libraries, effective 7/1/2000.

4.5.2 NMAC, State Grants-In-Aid To Public Libraries (filed 6/19/2000) was replaced by 4.5.2 NMAC, State Grants In Aid To Public Libraries, effective 7/1/2009.

4.5.2 NMAC, State Grants-In-Aid To Public Libraries (filed 7/1/2009) was replaced by 4.5.2 NMAC, State Grants In Aid To Public Libraries, effective 6/1/2016.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/07/2017

Report Date: 11/01/2017

Report No: 5.

Submitted By: Mark Threadgill

Subject: Approve Resolution No. 2017-34 adopting new rates for garbage collection effective January 1, 2018. (*Mark Threadgill, Customer Service Manager*) **(Roll Call Vote Required)**

Fiscal Impact: \$2,428.8504 annually
Amount Budgeted: \$0.00
Fund: Varrious

Additional Fiscal Impact: Increase charge to various City Departments serviced by Southwest Disposal.

Recommendation: Approve Resolution No. 2017-34 adopting new garbage rates reflecting increase per agreement with Southwest Disposal.

Background:

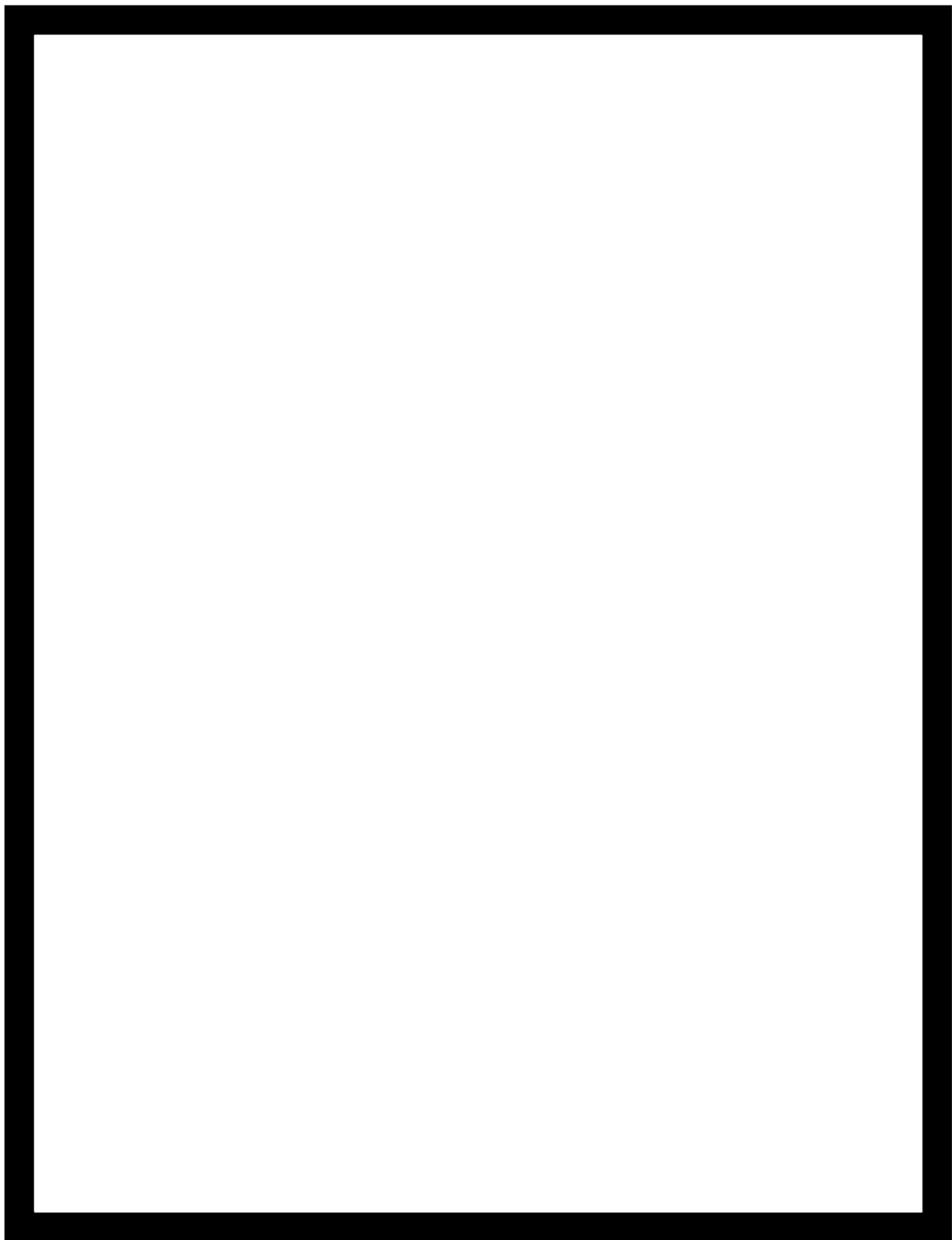
Notification of a rate adjustment from Southwest Disposal is required under Section 7.5 Adjustments to Service Fee Municipal Solid Waste Agreement with Waste Connections of New Mexico, Inc. d/b/a SOUTHWEST DISPOSAL dated 1/10/2012.

As stated in the notice from Southwest Disposal dated October 19, 2017 there are two components to the annual rate adjustment; one based on CPI and the other based on Rocky Mountain No. 2 Diesel Retail Prices subject to a contract base of \$3.15 gallon.

For calendar year 2018 the rate adjustment is a net increase in the monthly charge for residential customers. The CPI increased by 1.96% while the fuel charges remain unchanged. The net result being:

Residential Service (curb & alley)	+\$0.1934 mo.
Inground Service	+\$0.4079 mo.
Overload Service	+\$1.3805 per unit
City Owned facilities	+\$202.4042 mo.

Note that these rates are those SW Disposal charges the city for solid waste pick-up. Residential customers are charged, in addition to the SW rates, \$2.20 per month convenience center fee and \$2.71 month tipping/admin fee. The current monthly charge to residential customers (curb & alley) is \$14.78.



RESOLUTION NO. 2017- 34

WHEREAS, THE City of Alamogordo provides residential solid waste collection services to the City's residents; and,

WHEREAS, the City provides the residential solid waste collection services through an agreement with an independent contractor; and,

WHEREAS, the agreement provides that the rates for residential solid waste collection services may be revised annually;

NOW, THEREFORE BE IT RESOLVED by the Alamogordo City Commission that the rates for residential solid waste collection and related services as specified in Attachment "A" be adopted and become effective January 1, 2018.

PASSED, APPROVED AND ADOPTED this November ____, 2017.

CITY OF ALAMOGORDO, NEW MEXICO
A New Mexico Municipal Corporation

Richard A. Boss, Mayor

SEAL

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Scheiber, City Attorney

ATTACHMENT "A"

Resolution No. 2017- 34
Residential Solid Waste Collection:

Curb or alley collection	\$ 14.97 mo.
In Ground	\$ 26.13 mo.
Overload Service	\$ 56.5076 per unit
Other:	
City owned facilitates	\$10,529.1468 mo

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/07/2017

Report Date: 11/01/2017

Report No: 6.

Submitted By: Debbie Osborne

Subject: Approve the Investment Report for the quarter ending September 30, 2017, in accordance with the City of Alamogordo Investment Ordinance. (*Julianne Hall, Finance Director*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: No fiscal impact.

Recommendation: Accept the Quarterly Investment Report for the period ending September 30, 2017.

Background:

The City of Alamogordo ended the quarter with an investment portfolio totaling \$67,190,470. The portfolio was made up of:

State Investment Pool	\$	4,623,196	or	6.88%
Short Term Investments	\$	2,538,413	or	3.78%
US Treasury Notes/Agency Bonds	\$	38,771,867	or	57.70%
Certificates of Deposits	\$	21,256,994	or	31.64%
Total Investments:	\$	67,190,470		100.00%

Total gains (losses) for the quarter ended September 30, 2017, on maturities and/or called agency notes were \$0. Interest earned during the quarter on a cash basis was \$172,662.

Interest Income Budget Comparison for all Funds is as follows:

Interest Earned Budget	\$	777,976	
Interest Received to Date	\$	172,662	22.19% of budget

Note: The investments mature at different times through out the year and 65% of the investments mature within three years. They are reinvested as they mature, so that they continue to roll over to be available for projects when needed. The difference between the above total and of the Investment Summary is accrued interest of \$5,610.

INVESTMENT SUMMARY AS OF
September 30, 2017

CITY OF ALAMOGORDO INVESTMENT REPORT

INSTITUTION INVESTED IN	INV TYPE	CUSIP	INVESTMENT AMOUNT BOOK VALUE	MARKET VALUE	MARKET GAIN (LOSS)	RATE OF RETURN	MATURITY DATE	PURCHASE DATE	FY 17 - 18 Y-T-D EARNINGS
ST. INVESTMENT POOL - COA	ST. INVEST POOL-COA		\$4,623,195.68	\$4,623,195.68	0	0.955%	DAILY	N/A	10,464
Western Bank (CD# 81186796)	CD		\$264,310.30	264,310.30	0	1.250%	02/06/18	02/06/13	824
Western Bank (CD# 81186879)	CD		\$264,337.15	264,337.15	0	1.250%	03/11/18	03/11/13	824
Western Bank (CD# 81186944)	CD		\$791,588.37	791,588.37	0	1.200%	03/22/18	03/22/13	2,387
Western Bank (CD# 81187231)	CD		\$530,549.05	530,549.05	0	1.710%	02/10/19	02/10/14	2,264
First Savings Bank (CD#13312297)	CD		\$264,319.25	264,319.25	0	1.250%	02/07/18	02/07/13	824
First Savings Bank (CD# 13401520)	CD		\$1,046,040.57	1,046,040.57	0	1.000%	03/12/18	03/12/13	2,630
Bank '34 (CD#0101004984)	CD		\$250,000.00	250,000.00	0	1.490%	02/08/18	02/08/13	941
First American Bank (CD#603372527)	CD		\$261,699.90	261,699.90	0	1.150%	02/12/18	02/12/13	-
First American Bank (CD# 603372528)	CD		\$1,042,666.14	1,042,666.14	0	1.050%	03/22/18	03/22/13	-
Pioneer Bank (CD#30100640)	CD		\$261,818.11	261,818.11	0	1.000%	02/12/18	02/12/13	658
Bank of the West (CD#029771907)	CD		\$261,086.83	261,086.83	0	0.950%	03/20/18	03/20/13	633
Washington Federal (CD# 172-200282-9)	CD		\$267,989.43	267,989.43	0	1.550%	03/22/18	03/27/13	1,038
Washington Federal (CD# 172-200283-7)	CD		\$1,057,259.14	1,057,259.14	0	1.250%	04/09/18	04/09/13	3,307
Wells Fargo (Bank Holland Mich)	CD	062649XS2	\$250,000.00	\$249,060.00	(940)	1.250%	12/27/18	06/27/12	788
Wells Fargo (World Finl Cap Bk)	CD	98146QDJ7	\$250,000.00	\$249,615.00	(385)	1.600%	08/26/19	08/24/12	1,008
Wells Fargo (BMW Bank of NA)	CD	05568P3M7	\$250,000.00	\$249,980.00	(20)	1.350%	06/28/18	06/28/13	-
Wells Fargo (Belmont Svgs Bk)	CD	080515BH1	\$250,000.00	\$250,202.50	203	1.100%	03/06/18	03/12/15	1,386
Wells Fargo (JPMorgan Chase Bk)	CD	48125T3D5	\$250,000.00	\$250,180.00	180	1.300%	03/13/18	03/13/15	819
Wells Fargo (Landmark Cmnty Bk)	CD	51507LAT1	\$250,000.00	\$249,705.00	(295)	1.050%	04/16/18	04/16/15	662
Wells Fargo (Washington County Bk)	CD	93754PAK3	\$250,000.00	\$250,487.50	488	1.250%	09/24/18	09/23/15	788
Wells Fargo (Mercantil CommerceBA)	CD	58733ABZ1	\$250,000.00	\$250,257.50	258	1.450%	03/26/18	09/25/15	1,827
Wells Fargo (First General Bank)	CD	320337BJ6	\$250,000.00	\$250,477.50	478	1.200%	09/28/18	09/30/15	501
Wells Fargo (United Bankers Bank)	CD	909557EW6	\$250,000.00	\$250,452.50	453	1.300%	09/28/18	09/30/15	543
Wells Fargo (Webbank)	CD	947547HR9	\$250,000.00	\$250,067.50	68	1.300%	04/02/18	10/01/15	819
Wells Fargo (National Cooperative Bk)	CD	635573AB4	\$250,000.00	\$250,240.00	240	1.200%	04/02/18	10/02/15	-
Wells Fargo (Lincoln Savings Bk)	CD	534732AE2	\$250,000.00	\$250,295.00	295	1.150%	05/09/18	10/09/15	725
Wells Fargo (TCF Natl Bk)	CD	872278QB5	\$250,000.00	\$250,020.00	20	0.950%	10/16/17	10/14/15	-
Wells Fargo (Gorham Svgs Bk ME)	CD	383052DJ3	\$250,000.00	\$250,475.00	475	1.200%	10/15/18	10/14/15	756
Wells Fargo (Synovus Bk Columbus GA)	CD	87164DHF0	\$250,000.00	\$250,022.50	23	1.000%	10/16/17	10/15/15	-
Wells Fargo (Enerbank USA UT)	CD	29266NS24	\$250,000.00	\$248,947.50	(1,053)	1.500%	10/16/19	10/16/15	945
Wells Fargo (First Finl Northwest Bk)	CD	32022MAC2	\$250,000.00	\$248,192.50	(1,808)	1.350%	10/16/19	10/16/15	851
Wells Fargo (Aimbank)	CD	00889WAU9	\$250,000.00	\$250,445.00	445	1.150%	10/29/18	10/28/15	725
Wells Fargo (Preferred Bk LA CA)	CD	740367EJ2	\$250,000.00	\$250,042.50	43	0.750%	10/30/17	10/30/15	313
Wells Fargo (First Texoma Natl Bk)	CD	33717WAA2	\$250,000.00	\$249,967.50	(33)	0.850%	10/27/17	10/29/15	536
Wells Fargo (HSBC Bk)	CD	40434AC72	\$250,000.00	\$250,347.50	348	1.600%	11/17/20	11/17/15	-
Moreton (Goldman Sachs Bk USA N Y)	CD	38148PGR2	\$250,000.00	\$247,262.50	(2,738)	1.100%	08/12/19	08/10/16	1,364
Moreton (Discover Bk)	CD	254672E87	\$250,000.00	\$247,582.50	(2,418)	1.150%	08/12/19	08/10/16	1,426
Moreton (Apple Bk for Svgs N Y)	CD	03784JRH9	\$250,000.00	\$249,675.00	(325)	0.750%	02/12/18	08/10/16	930
Moreton (Oriental Bk)	CD	68621KAB7	\$250,000.00	\$248,927.50	(1,073)	1.100%	08/10/18	08/10/16	693

INSTITUTION INVESTED IN	INV TYPE	CUSIP	INVESTMENT AMOUNT BOOK VALUE	MARKET VALUE	MARKET GAIN (LOSS)	RATE OF RETURN	MATURITY DATE	PURCHASE DATE	FY 17 - 18 Y-T-D EARNINGS
Moreton (Sallie Mae Mk Murray Utah)	CD	795450YQ2	\$250,000.00	\$245,700.00	(4,300)	1.350%	08/10/20	08/10/16	1,674
Moreton (Capital One Bk)	CD	140420B33	\$250,000.00	\$245,700.00	(4,300)	1.350%	08/10/20	08/10/16	1,674
Moreton (Ally Bk Midvale Utah)	CD	02006LJ53	\$250,000.00	\$247,265.00	(2,735)	1.200%	08/12/19	08/11/16	1,488
Moreton (Wex Bk Midvale Utah)	CD	92937CEJ3	\$250,000.00	\$248,900.00	(1,100)	0.950%	08/13/18	08/12/16	1,178
Moreton (First Natl Bk Omaha Neb)	CD	332135GM8	\$250,000.00	\$249,660.00	(340)	0.900%	02/16/18	08/16/16	567
Moreton (Farm Bur Bk FSB NV)	CD	307660KJ8	\$250,000.00	\$248,100.00	(1,900)	1.000%	02/19/19	08/17/16	630
Moreton (Comenity Cap Br Utah)	CD	20033ARW8	\$250,000.00	\$245,055.00	(4,945)	1.500%	09/07/21	09/14/16	945
Moreton (Everbank Jacksonville Fl)	CD	29976DT42	\$250,000.00	\$245,962.50	(4,038)	1.550%	09/15/21	09/16/16	1,953
Moreton (Bank Hapoalim B M New York)	CD	06251AN22	\$250,000.00	\$248,087.50	(1,913)	1.051%	03/04/19	09/27/16	662
Moreton (Bank Leumi USA New York NY)	CD	063248FY9	\$250,000.00	\$246,980.00	(3,020)	1.250%	09/27/19	09/27/16	1,575
Moreton (Iroquois Fed Svgs & Ln Assn)	CD	46355PBY3	\$250,000.00	\$247,062.50	(2,938)	1.250%	09/27/19	09/29/16	788
Moreton (Firstbank PR Santurce)	CD	33767AF97	\$250,000.00	\$249,117.50	(883)	1.150%	09/28/18	09/30/16	480
Moreton (Synchrony Bk)	CD	87165ELA3	\$250,000.00	\$247,830.00	(2,170)	1.800%	11/18/21	11/18/16	-
Moreton (State Bk India New York NY)	CD	8562846E9	\$250,000.00	\$251,662.50	1,663	2.250%	02/09/22	02/09/17	2,789
Moreton (Merrick Bk South Jordan Utah)	CD	59013JWF2	\$200,000.00	\$199,232.00	(768)	1.300%	02/15/19	02/15/17	655
Moreton (Morton Cmnty Bk Ill)	CD	619165HB2	\$250,000.00	\$249,292.50	(708)	1.850%	02/26/21	02/27/17	1,166
Moreton (Wells Fargo Bank Natl Assn)	CD	949763FX9	\$250,000.00	\$251,537.50	1,538	2.400%	03/29/22	03/20/17	1,512
Moreton (American Express Centurion Bk)	CD	02587DN38	\$250,000.00	\$252,055.00	2,055	2.450%	04/05/22	03/27/17	-
Moreton (Exchange Bk Gibbon Neb)	CD	301074CL2	\$250,000.00	\$248,885.00	(1,115)	2.050%	04/26/22	04/26/17	1,292
Moreton (BMO Harris Bk Natl Assn)	CD	05581WNY7	\$250,000.00	\$249,512.50	(488)	2.250%	10/28/22	04/28/17	1,402
Moreton (Capital One Natl Assn)	CD	14042RFL0	\$250,000.00	\$251,465.00	1,465	2.300%	05/10/22	05/10/17	-
Moreton (Barclays Bk)	CD	06740KKJ5	\$249,998.38	\$249,712.50	(286)	2.200%	07/19/22	07/21/17	-
Moreton (First Business Bk Madison Wis)	CD	31938QZQ0	\$247,974.83	\$246,839.36	(1,135)	1.306%	04/11/19	08/21/17	-
Moreton (KS Statebank Manhattan KS)	CD	50116CAQ2	\$248,220.99	\$244,590.00	(3,631)	1.631%	10/29/21	08/21/17	127
Moreton (Verus Bk Comm Ft Collins Colo)	CD	92535LBU7	\$247,487.50	\$244,585.00	(2,903)	1.656%	10/29/21	08/21/17	144
Moreton (American Express Fed Svgs Bk)	CD	02587CFU9	\$250,000.00	\$251,377.50	1,378	2.400%	08/29/22	08/25/17	-
Moreton (Celtic Bk Salt Lake City Utah)	CD	15118RNB9	\$250,000.00	\$248,100.00	(1,900)	2.100%	08/31/22	09/01/17	-
Moreton (Bank Baroda NY)	CD	06062QWG5	\$249,648.50	\$245,127.50	(4,521)	1.450%	10/30/20	08/31/17	-
Moreton (East Boston Svgs Bk MA)	CD	27113PCC3	\$250,000.00	\$247,227.50	(2,773)	2.050%	09/28/22	09/28/17	-
Moreton (Third Fed Svgs & Ln Assn)	CD	88413QBQ0	\$250,000.00	\$250,005.00	5	1.900%	09/15/20	09/29/17	-
Moreton (South Ottumwa Svgs Bk Iowa)	CD	839145AA7	\$250,000.00	\$247,215.00	(2,785)	2.050%	09/29/22	09/29/17	-
Moreton (Stearns Bk NA St Cloud MN)	CD	857894UN7	\$250,000.00	\$247,215.00	(2,785)	2.050%	09/29/22	09/29/17	-
Moreton (TBK Bk SSB Dallas Tex)	CD	87219RBQ6	\$250,000.00	\$248,985.00	(1,015)	2.200%	09/29/22	10/02/17	-
Wells Fargo (N Mexico Dona Ana Brh Cmnty)	N Mexico Dona Ana Bk	257578DV3	\$108,305.95	\$106,896.00	(1,410)	4.000%	08/01/22	08/13/12	1,149
Wells Fargo (Central N Mexico Cmnty Co)	Central N Mexico Cmnty Co	154625BA4	\$135,176.52	\$135,920.20	744	3.500%	08/15/19	09/07/12	942
Wells Fargo (University N Mex Gallup Br)	University N Mex Gallup Bk	914684DT9	\$153,032.19	\$152,242.50	(790)	2.000%	10/15/20	11/21/12	-
Wells Fargo (Fannie Mae Unsecdnt Call)	Fannie Mae Unsecdnt Call	3135G0TP8	\$500,000.00	\$498,080.00	(1,920)	1.250%	01/30/19	02/22/13	3,125
Wells Fargo (Rio Rancho NM Wtr & Wstmnt)	Rio Rancho NM Wtr & Wstmnt	767175FZ0	\$109,800.79	\$106,248.00	(3,553)	5.000%	05/15/22	03/12/13	-
Wells Fargo (Rio Rancho N Mex Pub Sch)	Rio Rancho N Mex Pub Sch	767171JZ5	\$99,105.10	\$97,358.85	(1,746)	4.000%	08/01/19	03/25/13	821
Wells Fargo (Federal Home Loan Bank)	Fed Home Loan Bank	313383BM2	\$852,726.47	\$853,461.00	735	1.050%	06/13/18	02/05/14	-
Wells Fargo (Fannie Mae)	Fannie Mae	3136G1KD0	\$996,226.38	\$998,030.00	1,804	1.000%	04/30/18	03/30/14	-

INSTITUTION INVESTED IN	INV TYPE	CUSIP	INVESTMENT AMOUNT BOOK VALUE	MARKET VALUE	MARKET GAIN (LOSS)	RATE OF RETURN	MATURITY DATE	PURCHASE DATE	FY 17 - 18 Y-T-D EARNINGS
Wells Fargo (Federal Home Loan Bank)	Fed Home Loan Bank	3130A5ML0	\$0.00		0	0.850%	08/28/17	06/15/15	4,086
Wells Fargo (Federal Home Loan Bank)	Fed Home Loan Bank	3130A5FR5	1,499,666.58	\$1,499,670.00	3	0.875%	11/28/17	06/15/15	-
Wells Fargo (Fannie Mae)	Fannie Mae	3135G0VC4	1,000,518.18	\$999,610.00	(908)	1.130%	02/28/18	06/15/15	5,123
Wells Fargo (Fannie Mae)	Fannie Mae	3136G15Q8	1,501,742.70	\$1,495,950.00	(5,793)	0.920%	06/26/18	10/19/15	-
Wells Fargo (Fannie Mae)	Fannie Mae	3136G2P84	500,338.72	\$499,840.00	(499)	1.200%	01/28/19	10/28/15	2,888
Wells Fargo (Fannie Mae)	Fannie Mae	3136G0L33	2,001,531.07	\$2,000,000.00	(1,531)	0.900%	10/03/17	02/23/16	-
Wells Fargo (Federal Farm Credit Bank)	Fed Farm Credit Bank	3133EFYM3	2,000,416.19	\$1,999,440.00	(976)	0.800%	12/11/17	02/23/16	-
Moreton (Federal Farm Credit Bank)	Fed Farm Credit Bank	3133EGFP5	2,004,601.54	\$1,973,580.00	(31,022)	1.776%	06/15/22	07/27/16	-
Moreton (Federal National Mtg Assn)	Fed Natl Mtg Assn	3136G3F59	1,002,278.89	\$992,610.00	(9,669)	0.967%	04/26/19	08/05/16	-
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G3W35	1,505,901.30	\$1,462,785.00	(43,116)	1.550%	08/17/21	08/17/16	10,875
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G3V85	1,002,688.19	\$990,610.00	(12,078)	1.250%	02/24/20	08/24/16	5,705
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G3Y82	1,102,064.68	\$1,072,456.00	(29,609)	1.200%	11/24/20	08/24/16	6,278
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G3U94	1,505,824.79	\$1,452,825.00	(53,000)	1.400%	05/25/21	08/25/16	9,714
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G32A2	1,001,620.28	\$990,880.00	(10,740)	1.100%	08/23/19	08/30/16	5,087
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G32E4	1,002,155.06	\$989,910.00	(12,245)	1.111%	02/25/20	09/12/16	5,563
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G35L5	1,000,000.00	\$976,700.00	(23,300)	1.250%	12/23/20	09/23/16	-
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G35U5	1,504,796.29	\$1,453,965.00	(50,831)	1.419%	12/28/21	09/28/16	10,684
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G4BG7	561,728.55	\$537,902.40	(23,826)	1.750%	12/30/22	10/05/16	-
Moreton (Federal Farm Credit Bank)	Fed Farm Credit Bank	3133EGXX8	1,002,575.51	\$983,030.00	(19,546)	1.340%	10/13/20	10/13/16	-
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G4DC4	1,002,232.60	\$979,695.67	(22,537)	1.300%	06/30/20	10/20/16	-
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G4EU3	1,003,106.49	\$972,710.00	(30,396)	1.600%	10/28/21	10/28/16	-
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G4DC4	501,122.95	\$489,854.33	(11,269)	1.300%	06/30/20	10/31/16	-
Moreton (Federal Natl Mtg Assn)	Fed Natl Mtg Assn	3136G4GG2	798,943.10	\$788,552.00	(10,391)	1.500%	05/25/21	11/23/16	-
Moreton (Federal Home Loan Mtg Corp)	Fed Home Loan Mtg	3134GAVN1	1,000,000.00	\$992,300.00	(7,700)	1.250%	11/27/20	11/30/16	-
Moreton (Federal National Mtg Assn)	Fed Natl Mtg Assn	3136G4JU8	1,499,390.88	\$1,490,320.65	(9,070)	1.459%	12/30/19	01/09/17	-
Moreton (Federal National Mtg Assn)	Fed Natl Mtg Assn	3136G4JN4	641,203.80	\$637,351.38	(3,852)	1.581%	06/29/20	01/09/17	-
Moreton (Federal Farm Credit Bank)	Fed Farm Credit Bank	3133EF4D6	519,748.99	\$518,990.56	(758)	1.833%	04/20/21	01/09/17	-
Moreton (Federal Home Loan Bank)	Fed Home Loan Bank	3130AAB56	1,114,688.75	\$1,109,908.80	(4,780)	2.101%	05/25/22	01/09/17	-
Moreton (Federal Farm Credit Bank)	Fed Farm Credit Bank	3133EGS71	\$0.00		0	2.243%	09/06/22	01/09/17	19,121
Moreton (Federal Farm Credit Bank)	Fed Farm Credit Bank	3133EHAB9	\$0.00		0	2.375%	08/22/22	03/06/17	5,191
Moreton (Federal Home Loan Mtg Corp)	Fed Home Loan Mtg	3134GA4F8	528,324.58	\$525,802.40	(2,522)	2.000%	02/28/22	03/10/17	5,126
Moreton (Federal Farm Credit Bank)	Fed Farm Credit Bank	3133EF2K2	497,807.89	\$495,320.00	(2,488)	1.968%	04/12/22	04/07/17	-
Moreton (Federal Farm Credit Bank)	Fed Farm Credit Bank	3133EHPV9	501,500.00	\$497,120.00	(4,380)	1.641%	12/29/20	06/29/17	-
Moreton (Federal Home Loan Mtg Corp)	Fed Home Loan Mtg	3134GBWH1	1,503,975.00	\$1,494,030.00	(9,945)	1.372%	09/27/19	06/30/17	-
Moreton (Federal Farm Credit Bank)	Fed Farm Credit Bank	3133EHGS6	502,000.00	\$495,055.00	(6,945)	1.942%	04/25/22	06/30/17	-
Moreton (Federal Farm Credit Bank)	Fed Farm Credit Bank	3133EHPD9	501,750.00	\$498,220.00	(3,530)	1.549%	06/22/20	06/30/17	-
Moreton (Federal Home Loan Banks)	Fed Home Loan Bank	3130ABHV1	501,250.00	\$497,640.00	(3,610)	2.411%	06/22/22	06/30/17	-
Moreton (Federal Home Loan Banks)	Fed Home Loan Bank	3130AA5Y0	500,000.00	\$497,265.00	(2,735)	2.829%	11/25/22	06/30/17	-

INSTITUTION INVESTED IN	INV TYPE	CUSIP	INVESTMENT AMOUNT BOOK VALUE	MARKET VALUE	MARKET GAIN (LOSS)	RATE OF RETURN	MATURITY DATE	PURCHASE DATE	FY 17 - 18 Y-T-D EARNINGS
RBC (FNMA GTD. REMIC)	FNMA GTD REMIC	3136A8G38	(0.00)		0	1.246%	08/25/17	09/28/12	(122)
RBC (FHLB DEB)	FHLB DEB	3133XNCA5	-		0	5.250%	09/15/17	12/27/12	1,628
Wells Fargo BS securities transferred to Moreton Capital Markets May 20, 2016									
Moreton Capital Markets Money Market and Cash			1,202,562.56	\$1,202,562.56	0	varies	N/A	N/A	1,532
Wells Fargo ST Money Market 6810881786 - changed to Checking Oct			1,128,357.54	\$1,128,357.54	0	varies	N/A	N/A	232
Wells Fargo - PHA account transferred to interest bearing account 1/26			207,492.64	\$207,492.64	0	varies	N/A	N/A	16
TOTAL			67,190,470	66,658,377	(532,092.55)				172,661.74
US Treasury Notes/Agency Bonds - WF / RBC			\$38,771,866.95	57.70%					
State Investment Pool			\$4,623,195.68	6.88%					
Certificate of Deposits			\$21,256,994.44	31.64%					
Money Market Accounts			2,538,412.74	3.78%					
			\$67,190,469.81	100.00%					

Investment Abbreviations

CD = Certificate of Deposit

FHLMC = Federal Home Loan Mortgage Corporation (Freddie Mac)

FNMA = Federal National Mortgage Association (Fannie Mae)

FHLB = Federal Home Loan Banks

CITY OF ALAMOGORDO

COLLATERALIZATION SUMMARY REPORT

MONTH CLOSING: September 30, 2017

<u>Financial Institution</u>	<u>Amount of City Funds</u>	<u>FDIC Amount</u>	<u>Amount Uninsured</u>	<u>Required Collateral per NMSA 1978 6-10-17</u>	<u>Amount to be Collateralized</u>	<u>Collateral Pledged by Financial Institutions</u>	<u>Over/(Under) Pledged</u>	<u>At Risk</u>
1) State Treasurer's Pool - COA	\$ 4,623,196	n/a						-
2) Wells Fargo	\$ 9,307,957							
Wells Fargo - PHA	\$ 207,493	-						
	\$ 9,515,450	250,000	\$ 9,265,450	50.00%	4,632,725	9,014,821	4,382,095	250,630
a. Wells Fargo Sweep - closed Aug16	\$ -	-	\$ -	50.00%	-		-	-
3) Moreton Capital Markets								
a. Cash and Money Market	\$ 1,202,563	250,000						
Certificates of Deposit	\$ 14,693,330	14,693,330	\$ -	50.00%	-		-	-
b. Securities	\$ 38,771,867	n/a						
	\$ 54,667,759.71							
First National - Alamogordo	\$ 1,020,080	250,000	\$ 770,080	50.00%	385,040	3,829,514	3,444,474	(3,059,434)
First National - Alamogordo - PHA	\$ 1,506,580	-	\$ 1,506,580	50.00%	753,290	2,493,847	1,740,557	(987,267)
Western Bank	\$ 1,850,785	250,000	\$ 1,600,785	50.00%	800,392	1,876,174	1,075,781	(275,389)
First Savings Bank	\$ 1,310,360	250,000	\$ 1,060,360	50.00%	530,180	639,797	109,617	420,563
Bank '34	\$ 250,000	250,000	\$ -	50.00%	0		-	-
First American Bank	\$ 1,304,366	250,000	\$ 1,054,366	50.00%	527,183	738,921	211,738	315,445
Pioneer Bank	\$ 261,818	250,000	\$ 11,818	50.00%	5,909	37,930	32,021	(26,112)
Bank of the West	\$ 261,087	250,000	\$ 11,087	50.00%	5,543	22,185	23,011	(11,098)
Washington Federal	\$ 1,325,249	250,000	\$ 1,075,249	50.00%	537,624	1,291,940	754,316	(216,692)
4) New Mexico Finance Authority	\$ 5,240,570	n/a						
Bank of Albuquerque	\$ -	n/a						
TOTAL	\$ 83,137,300		\$ 16,355,775		\$ 8,177,888	\$ 19,945,128	\$ 11,773,610	\$ (3,589,353)

- 1) These funds are invested in 7-day and 14 day Treasury bills and fully-collateralized bank deposits; per NM STO correspondence Feb. 27, 2009. Per State Treasurer's Investment Policy authorized investments are U.S. Govt. Obligations, Investment Grade commercial paper, AA rated or better Corporate bonds, asset-backed obligations, and etc. (pages 4-8). - Per LGIP statements - New MexiGROW LGIP deposits are not guaranteed or insured by any bank, the State of New Mexico, the Federal Deposit Insurance Corporation, the Federal Reserve Board, or any other agency. New MexiGROW LGIP deposits involve certain investment risks. Yield and total return may fluctuate and are not guaranteed.
- 2) a. Wells Fargo Sweep is collateralized at 102%
- 3) Moreton Capital Markets - transferred on May 2016 from WFBS, which included RBC
- a. Securities and cash are protected up to \$500,000 (including a \$250,000 limit for cash only)
- b. Federal Home Loan Notes, Freddie Mac, Fannie Mae, etc. are backed by the full faith and credit of the U.S. government.
- 4) NMFA is a governmental agency which must itself comply with state investment policies

**CITY OF ALAMOGORDO
ANALYSIS OF INVESTMENT AND YIELDS
TWELVE MONTHS ENDED**

MONTH	(1) TOTAL INVESTMENTS	(2) RETURN ON INVESTMENTS	(3) YIELDS ON INVESTMENTS	TOTAL RETURN ON INVESTMENTS
OCTOBER 2016	67,501,296	47,136	0.838%	47,136
NOVEMBER 2016	66,521,411	41,343	0.746%	41,343
DECEMBER 2016	66,598,535	77,124	1.390%	77,124
JANUARY 2017	68,018,339	28,378	0.501%	28,378
FEBRUARY 2017	68,103,315	84,976	1.497%	84,976
MARCH 2017	68,791,906	63,592	1.109%	63,592
APRIL 2017	68,838,002	46,096	0.804%	46,096
MAY 2017	68,903,138	65,136	1.134%	65,136
JUNE 2017	67,023,418	120,280	2.154%	120,280
JULY 2017	67,041,200	17,782	0.318%	17,782
AUGUST 2017	67,134,859	93,659	1.674%	93,659
SEPTEMBER 2017	67,196,080	61,221	1.093%	61,221
ANNUAL AVERAGE	67,639,292	62,227	1.1048%	\$62,227
12 MONTH TOTALS		746,721	1.1040%	746,721
			This Quarter	172,662

(1) AVERAGE TOTAL INVESTMENTS (BOOK VALUE)

(2) ALL RETURNS AND YIELDS ARE CALCULATED ON A CASH BASIS

(3) AVERAGE YIELD ON INVESTMENTS

CITY OF ALAMOGORDO
INVESTMENT SUMMARY
BY FUND
September 30, 2017

FUND NO.	FUND DESCRIPTION	PER FUND INVESTMENT
11	GENERAL OPERATING	6,157,626.36
16	LODGER'S TAX-PROMOTIONS	88,739.75
19	COURT AUTOMATION	7,016.02
20	LODGER'S TAX-CITY SHARE	161,930.61
21	D.A.R.E. DONATIONS	9,394.87
28	POLICE CONTINGENCY	28,095.08
31	CEMETERY-PERPETUAL CARE	812,972.87
33	FIRE PROTECTION FUND	291,506.98
37	ST HIGHWAY CLEANUP	84,607.75
38	TRAFFIC SAFETY	38,773.69
42	84 GRT	3,160,559.80
44	TRANSPORTATION FUND	8,683.48
49	86 GRT	9,061,806.58
50	PROPERTY ACQUISITION	52,189.40
53	GO BOND P&I	70,517.08
56	99 GRT FLOOD CONTROL	(1,598,954.66)
59	GRT P & I	125.39
61	91 GRT INFRASTRUCTURE	388,936.08
69	94 GROSS RECEIPTS TAX	2,129,465.99
74	SENIOR GIFT FUND	84,842.28
81	WATER/SEWER OPERATIONS	14,013,367.20
82	1998 JT. WATER/SEWER BOND P&I	37,706.39
86	SOLID WASTE	235,173.82
88	BONITO LAKE	75,882.52
89	ESGRT .0625%	1,262,979.65
91	AIRPORT	60,195.54
94	LANDFILL OPERATIONS	5,021,046.86
96	FLEET COLLISION	378,310.49
104	UTILITY DEPOSITS	698,730.29
105	ECONOMIC DEVELOPMENT GRT	6,809,432.78
107	LIABILITY/DEDUCTABLE INSURANCE	448,688.74
109	2004 CAPITAL OUTLAY GRT	12,497,234.78
114	SIDEWALK REVOLVING LOANS	135,143.39
119	11 GRT REF/IMP REV BOND	1,094,127.12
121	2015 GO BONDS-FUN CENTER	1,522,364.01
122	2015 GO BONDS - STREETS	1,659,368.29
901	HOUSING LOW RENT OPER	96,472.75
903	HOUSING HOMEOWNERSHIP OPR	111,019.89
TOTAL:		67,196,079.91

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/07/2017

Report Date: 11/01/2017

Report No: 7.

Submitted By: Debbie Osborne

Subject: Accept the DFA Quarterly Report for the period ending September 30, 2017. (*Julianne Hall, Finance Director*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: No fiscal impact.

Recommendation: Accept the DFA Quarterly Report for the period ending September 30, 2017.

Background: Reports included with the DFA Quarterly Report for the period ending September 30, 2017 are as follows: 1) DFA Quarterly Report; 2) Municipal Quarterly Report Adjustment Schedule; 3) Quarterly Financial Review; 4) The Statement of Cash Flows; and 5) the Crosswalk between DFA Funds and COA Funds.

Not included: The three financial statements (Balance Sheet, Revenue Report and Detail Budget Report) are prepared based on our detail trial balance and number 384 pages, which are available for review in the Finance Department.

CITY OF ALAMOGORDO		DEPARTMENT OF FINANCE AND ADMINISTRATION LOCAL GOVERNMENT DIVISION					I HEREBY CERTIFY THAT THE CONTENTS IN THIS REPORT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT THIS REPORT DEPICTS ALL FUNDS: 10/30/17				
Period Ending: 9/30/2017		SUBMIT TO LOCAL GOVERNMENT DIVISION NO LATER THAN 30 DAYS AFTER THE CLOSE OF EACH QUARTER.									
Prepared By: Stella Bracamonte		YEAR-TO-DATE TRANSACTIONS					Signature _____ Date _____				
Fund #	FUND NAME	BEGINNING CASH BALANCE CURRENT FY (1)	REVENUES TO DATE (2)	TRANSFERS TO DATE (3)	EXPENDITURES TO DATE (4)	ADJUSTMENTS (5)	QTR ENDING CASH BALANCE (1)+(2)-(3)+(4)+(5) (6)	INVESTMENTS (7)	CASH + INVESTMENTS (8)	REQUIRED RESERVES (9)	AVAILABLE CASH (8) - (9)
101	GENERAL FUND (GF)	\$3,302,540	3,848,963	(1,968,865)	2,910,406	(42,360)	\$2,229,871	6,157,626	\$8,387,498	242,534	\$8,144,964
201	CORRECTION	\$36,528	48,479	88,894	164,211	14,117	\$23,807	7,016	\$30,823		\$30,823
202	ENVIRONMENTAL GRT	\$802,719	114,729	0	0	(3,253)	\$914,196	1,262,980	\$2,177,175		\$2,177,175
206	EMS	\$0	0	0	0	0	\$0	0	\$0		\$0
207	ENHANCED 911	\$0	0	0	0	0	\$0	0	\$0		\$0
209	FIRE PROTECTION FUND	\$289,732	148,793	(125,040)	86,723	56,308	\$283,071	291,507	\$574,578		\$574,578
211	LEPF	\$0	61,800	0	4,429	(587)	\$56,784	0	\$56,784		\$56,784
214	LODGERS' TAX	\$104,917	180,101	33,410	151,836	52,847	\$219,438	250,670	\$470,108		\$470,108
216	MUNICIPAL STREET	\$35,851	528,527	(47,252)	781,494	315,819	\$51,451	3,253,851	\$3,305,302		\$3,305,302
217	RECREATION	\$1,775	107,538	856,961	913,659	25,818	\$78,433	0	\$78,433		\$78,433
218	INTERGOVERNMENTAL GRANTS	\$0	0	0	0	0	\$0	0	\$0		\$0
219	SENIOR CITIZEN	\$530	177,869	203,077	402,973	28,015	\$6,517	0	\$6,517		\$6,517
223	DWI PROGRAM	\$0	0	0	0		\$0	0	\$0		\$0
299	OTHER	\$799,396	526,052	(48,259)	355,913	(7,971)	\$913,307	3,032,729	\$3,946,036		\$3,946,036
300	CAPITAL PROJECT FUNDS	\$2,807,278	4,279,810	(278,965)	6,297,040	1,127,285	\$1,638,368	35,255,741	\$36,894,109		\$36,894,109
401	G. O. BONDS	\$192,662	28,205	0	716,200	507,007	\$11,673	70,520	\$82,194		\$82,194
402	REVENUE BONDS	\$0	0	0	0	0	\$0	0	\$0		\$0
403	DEBT SERVICE OTHER	(\$68,621)	4,598	381,404	18,052	(296,203)	\$3,126	1,644,305	\$1,647,431		\$1,647,431
500	ENTERPRISE FUNDS										
	Water Fund	\$395,829	2,964,340	(106,606)	3,118,712	85,673	\$220,524	14,013,367	\$14,233,891		\$14,233,891
	Solid Waste	\$236,492	536,059	(106,305)	489,478	(4,654)	\$172,114	235,174	\$407,287		\$407,287
	Waste Water	\$0	0	0	0	0	\$0		\$0		\$0
	Airport	\$53,747	7,921	234,700	324,881	28,514	\$0	60,196	\$60,196		\$60,196
	Ambulance	\$0	0	0	0	0	\$0	0	\$0		\$0
	Cemetery	\$0	0	0	0	0	\$0	0	\$0		\$0
	Housing	\$0	0	0	0	0	\$0	0	\$0		\$0
	Parking	\$0	0	0	0	0	\$0	0	\$0		\$0
	Bonito Lake (88)	\$235,568	66,358	0	0	(195)	\$301,731	75,883	\$377,613		\$377,613
	Golf Course (90)	\$0	340,591	86,329	436,248	9,329	\$0	0	\$0		\$0
	Other Enterprise (enter fund name)	\$0	0	0	0	0	\$0	0	\$0		\$0
	Other Enterprise (enter fund name)	\$0	0	0	0	0	\$0	0	\$0		\$0
600	INTERNAL SERVICE FUNDS	\$0	91,913	823,859	1,078,689	162,917	\$0	0	\$0		\$0
700	TRUST AND AGENCY FUNDS	\$3,718,804	902,164	(27,341)	472,547	(532,826)	\$3,588,255	6,825,085	\$10,413,340		\$10,413,340
GRAND TOTAL		\$12,945,747	\$14,964,811	\$0	\$18,723,492	\$1,525,600	\$10,712,666	\$72,436,650	\$83,149,315	\$242,534	\$82,906,781
FORM MODIFIED 12/09/08		LAST UPDATE: 10/31/17 8:24 AM									

Municipal QUARTERLY REPORT ADJUSTMENT SCHEDULE

FUND	TOTAL Adjustment AMOUNT	Detailed adjustment	Explanation
GENERAL FUND - Operating (GF)	(42,360.36)	(42,360.36)	Adjustment for modified accrual
CORRECTION	14,116.74	14,116.74	Adjustment for modified accrual
ENVIRONMENTAL GRT	(3,252.66)	(3,252.66)	Adjustment for modified accrual
EMS			
ENHANCED 911			
FIRE PROTECTION FUND	56,307.71	56,307.71	Adjustment for modified accrual
LEPF	(587.32)	(587.32)	Adjustment for modified accrual
LODGERS' TAX	52,847.31	52,847.31	Adjustment for modified accrual
MUNICIPAL STREET	315,819.18	315,819.18	Adjustment for modified accrual
RECREATION	25,818.28	25,818.28	Adjustment for modified accrual
INTERGOVERNMENTAL GRANTS			
SENIOR CITIZEN	28,015.18	28,015.18	Adjustment for modified accrual
DWI PROGRAM			
OTHER	(7,970.61)	(7,970.61)	Adjustment for modified accrual
CAPITAL PROJECT FUNDS	1,127,285.47	1,127,285.47	Adjustment for modified accrual
G. O. BONDS	507,007.02	507,007.02	Adjustment for modified accrual
REVENUE BONDS	-	-	Adjustment for modified accrual
DEBT SERVICE OTHER	(296,202.82)	(296,202.82)	Adjustment for modified accrual
ENTERPRISE FUNDS			
Water Fund	85,672.63	85,672.63	Adjustment for modified accrual
Solid Waste	(4,654.24)	(4,654.24)	Adjustment for modified accrual
Waste Water			
Airport	28,513.56	28,513.56	Adjustment for modified accrual
Ambulance			
Cemetery			
Housing			
Parking			
Bonito Lake	(195.43)	(195.43)	Adjustment for modified accrual
Golf Course	9,328.86	9,328.86	Adjustment for modified accrual
INTERNAL SERVICE FUNDS	162,917.42	162,917.42	Adjustment for modified accrual
TRUST AND AGENCY FUNDS	(532,825.67)	2,000,000.00	Held for City portion for US Corp of Engineers for Flood Control
		(2,532,825.67)	Adjustment for modified accrual

City of Alamogordo
Finance Department
FISCAL YEAR 2018
Quarterly Financial Review
Period Ending
September 30, 2017

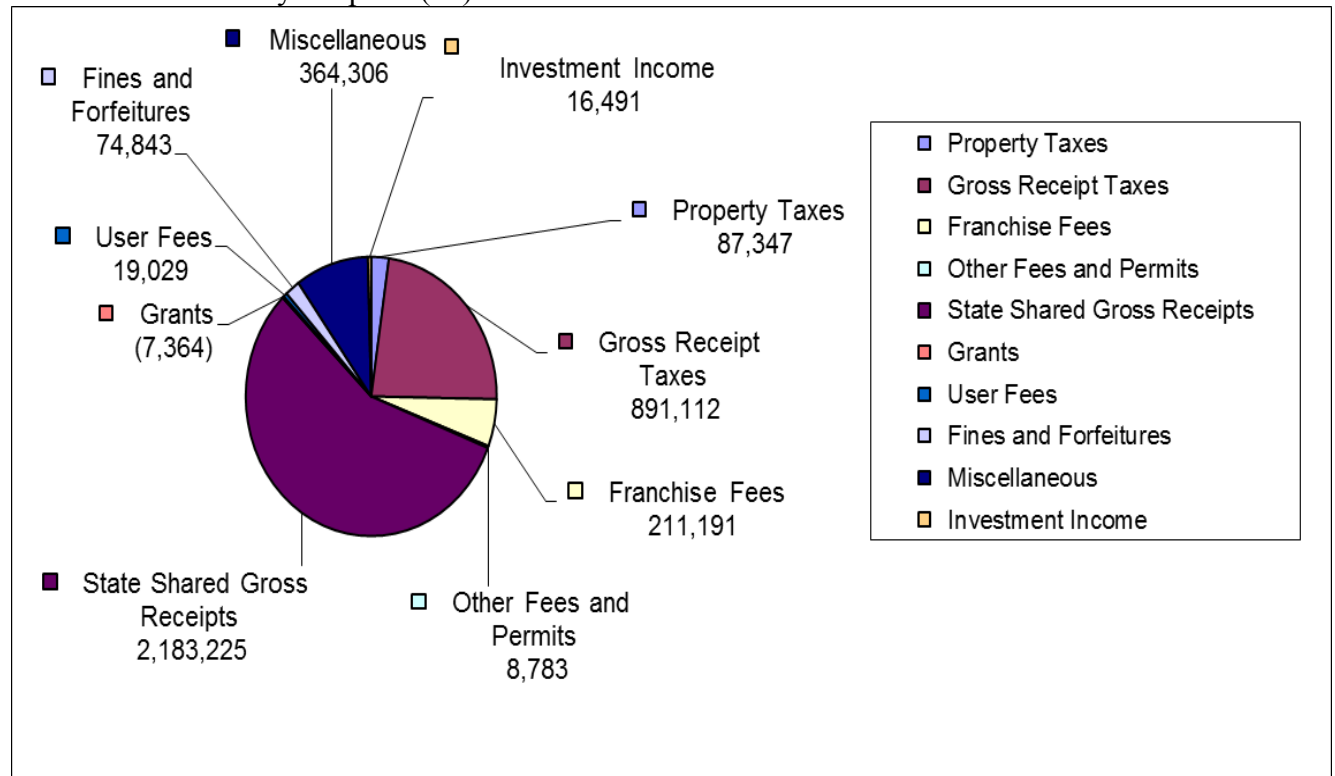
The quarterly financial report of budget versus actual is attached. This summarizes the City's financial information from July 1 through September 30, 2017. This period represents **25%** of the fiscal year. This summary reflects accounts that are either above or below 10% of the projected 25%. A summary of the report is as follows:

GENERAL FUND:

Revenues	22.63 %
Transfers In	1.48 %
Transfers Out	28.48 %
Expenditures	18.91 %

Through September 30, 2017, the City has collected \$3,848,963 in General Fund Revenues, which represents approximately 22.63% of the total General Fund revenue budget for the first quarter. The General Fund Revenue came in slightly below budget by \$403,407 or 2.37%.

Below shows the City's top ten (10) General Fund Revenue Sources.



Expenditures for the 1st quarter of the fiscal year came in at 18.91% of budget. Overall operating expenses for the General Fund are in line with the budgetary estimates.

SPECIAL REVENUE FUNDS:

Revenues	19.15%
Transfers In	31.12%
Transfers Out	13.84%
Expenditures	20.08%

As seen on the report total revenues are at 5.85% below the first quarter budget and the expenditures are at 4.92% below. These funds will vary in collection and receipts as Court Automation, Corrections, and Police Contingency Fees are based on activity of the courts and police department. Other funds include Grants that are received after expenditures are made and submitted for reimbursement. Funds are used to account for the proceeds of specific revenue sources that are legally restricted to expenditures for specified purposes.

Fund 15 Correction - Jail Fund was created to maintain separate accounting for the jail expense outside of any court administration operations. Revenues are at 34.28% the first quarter and expenditures are at 33.16%. Overall revenues and operating expenses for the fund are in line with the budgetary estimates.

Fund 16 Tourism and Promotions – Lodger’s Tax was created to act as point of contact for tourist-related information by promoting the City of Alamogordo. Revenues are at 30.59% the first quarter and expenditures are at 11.86%. Overall revenues are in line with the first quarter budget. Operating expenses are 13.14% below the budget for the first quarter. There has not been any activity in training, travel, and miscellaneous events accounts.

Fund 19 Court Automation Fund accounts for a court automation fee mandated by the State Legislature to be collected for all violations of municipal ordinances. The fees are used to develop a statewide computer system for all municipal courts. The revenues are at 22.50% as of the first quarter and expenditures are at 43.83%. Overall revenue for the fund are in line with the budgetary estimates. Expenditures are 18.83% above for this quarter due to training is at 53%, and equipment maintenance is at 96% of their budget.

Fund 20 Lodger’s Tax – City’s Share Fund is created to account for the City’s portion of Lodger’s Tax receipts and for the revenues earned through rentals and other miscellaneous services provided at the Civic Center. Revenues are at 28.60% and expenditures are at 16.66% for the first quarter. Revenues for the fund are in line with the budgetary estimates.

Fund 21 D.A.R.E. Fund accounts for receipts and disbursements of monies donated by individuals through court order or contribution. Revenues are 51.80% for the first quarter and expenditures are at 24.43%. Revenues are 26.80% over budget due to donations budgeted at \$4,000 and as of this quarter actual donations are \$2,100. Expenditures are in line with the budgetary estimates.

Fund 27 Municipal Court Fund accounts for fees imposed on individuals convicted of any offense relating to the operation of a motor vehicle. Revenues are at 23.07% for the first quarter and expenditures are at 24.35%. Overall revenue and operating expenses for the fund are in line with the budgetary estimates.

Fund 28 Police Contingency Fund was created to account for the revenue and disbursement of confiscated items and the expense of confidential criminal investigations. Revenues are at 62.88% for the first quarter and expenditures are 20.53%. Revenues are over 37.88% due to sale of scrap having no budget, and \$1,840 was received this quarter. Expenditures are in line with the budgetary estimates.

Fund 33 Fire Protection Fund was created by revenues accumulated by the state from taxes on fire and vehicle insurance companies. These monies are used for the operation, betterment, and maintenance of fire services. The revenues are at 32.37% and expenditures are 9.24% of the budget. Revenues funds are in line with budgetary estimates. Operating expenses are 15.76% below budget due to no activity on CER equipment replacement and the loan principal not being due until May 2018.

Fund 36 Law Enforcement Grant Fund was created to account for the revenue and disbursement of monies received from fees, licenses, penalties and taxes from life, general casualty and title insurances, and conviction of a DWI offender. The revenues are at 70.07% and expenditures are 15.98% of the budget. Revenues are 45.07% over the budget due to receiving 99.04% of the State Grant. Operating expenses for the fund are in line with the budgetary estimates.

Fund 37 Keep Alamogordo Beautiful Fund was created to account for the City's litter eradication, beautification, waste reduction and community education program. Funding is made possible from an annual grant through New Mexico Clean and Beautiful, a division of the State of New Mexico Tourism Department. Revenues are at 30.20% and Expenditures are 5.69% of the budget. Revenues funds are in line with budgetary estimates. Expenditures are 19.31% below budget due to graffiti eradication being 18.38% below the budget.

Fund 38 Traffic Safety Fund was created to account for the revenue and disbursement of a penalty assessment and traffic conviction. Revenues are at 36.63% for the first quarter and expenditures are at 0.25% for the quarter. Traffic Safety Fees are 11.63% below the revenue budget. Expenditures are 24.75% below budget due to no activity in equipment and equipment maintenance.

Fund 44 Transportation Fund accounts for the one cent gasoline tax revenues earmarked for local street, drainage and bridge capital improvements. All operations relative to transportation are accounted for in this fund. Revenues are at 2.21% and expenditures are at 17.36% of the budget. Revenues are 22.79% below budget due to state and federal grants below budgetary estimates. Expenditures are in line with the budgetary estimates.

Fund 63 Community Development Fund accounts for the operational cost of maintaining and developing plans, specifications and records of public works projects within the City. Revenues are at 27.66% and the expenditures are 30.84% of the budget. Overall revenue and operating expenses for the fund are in line with the budgetary estimates.

Fund 75 Retired & Senior Volunteer program recruits, trains and places senior volunteers in meaningful volunteer services in Alamogordo and throughout Otero County to positively impact community needs. Revenues are 19.56% and expenditures are at 19.97% of their budget. Overall revenues and operating expenses for the fund are in line with the budgetary estimates.

Fund 89 Environmental GRT Fund accounts for a 1/16 of 1 percent gross receipts tax dedication to be used for the acquisition, construction, operations of solid waste, water facilities sewer systems, and related regional solid waste projects. Revenues are at 28.73% and the expenditures are 0.00% of the quarter budget. There has been no activity in operating expenditures.

Fund 96 Self Insured Fund was established to provide the City of Alamogordo with funds used toward self-paid claims and comprehensive claims on City-owned trucks and automotive equipment. Revenues are at 35.84% and expenditures are at 38.17% of their budget. The activity of this fund is contingent on claims.

Fund 107 Liability/Deductibles provides the City with an accounting of self-paid claims, NM unemployment security, and the deductibles for general liability. This fund is also used for charges for outside legal services related to claims that are not anticipated or directly involving a specific enterprise fund. Revenues are at 24.39% and expenditures are 40.51%.

CAPITAL PROJECTS:

Revenues	39.43%
Transfers In	9.19%
Transfers Out	9.67%
Expenditures	17.04%

Capital Improvement revenues are 14.43% above budget for the first quarter and expenditures are 7.96% below first quarter budget.

Fund 24 Grant Improvements was created to account for miscellaneous projects that do not fit within any other specific fund, but must be accounted for in the budget. Revenues are at 25.68% and the expenditures are at 0.19% of their budget. This fund accounts for the projects GC1501 (CRFP Collaborative Restoration Forest Program).

Fund 49 1986 Gross Receipts accounts for ¼ of the 1% Gross Receipts tax dedicated to the repair, upgrading, rehabilitation, replacement and installation of facilities for the collection and treatment of water facilities outside of the city limits. The revenues are at 27.43% and expenditures are at 6.18% of the budget.

Fund 54 Reverse Osmosis Project Reserve accounts for the proceeds from Federal and State grants and local funds for the purpose of financing the reverse osmosis project. Revenues for this account are 57.74% and the expenditures are at 33.68%. This fund is used in conjunction with Fund 49.

Fund 56 Alamogordo Flood Control Fund was created to account for the bond proceeds for the purpose of providing flood protection to the City. Revenues are 49.38% and the expenditures are at 0.10%.

Fund 105 Economic Development Fund accounts for 1/8 of 1% Gross Receipts Tax dedicated to the economic development of the City of Alamogordo. Revenues for this fund are 26.31% and the expenditures are 4.04%.

Fund 109 2004 GRT Capital Outlay Fund accounts for a ¼ of 1% gross receipts tax dedication adopted in 2004 to be used for construction, reconstruction or improvement of municipal streets, alleys, roads or bridges, including acquisition of rights-of-way. Revenues are at 27.42% and the expenditures are at 2.99%.

Fund 119 2012 GRT Revenue Bond accounts for the purpose of providing funds for the acquisition, construction, improving, furnishing, and equipping, rehabilitating, making additions to various buildings, streets, parks, recreational facilities and open space. Revenues are at 36.56% and the expenditures are at 0.53%.

Fund 121 Fun Center 2014A GO Bonds were issued to provide funds for the purpose of beautifying, improving, acquiring, constructing, equipping and improving land and buildings for public parks and related recreational facilities. The revenues are at 11.56% and the expenditures are 66.90%.

Fund 122 Streets 2014B GO Bonds were issued to provide funds for the purpose of constructing, repair and otherwise improving streets and bridges. The revenues are at 14.85% and the expenditures are 22.61%.

DEBT SERVICE:

Revenues	3.09%
Transfers In	4.44%
Transfers Out	0.00%
Expenditures	13.03%

The primary purpose of the Debt Service Funds is to provide for the payment of principal and interest on long-term debt. Expenditures of Debt Service Funds are strictly based on the debt obligation due dates and will not be consistent in a monthly allocation basis.

Fund 53 General Obligation Principal and Interest Fund accounts for the servicing of principal and interest payments for the General Obligation Bonds. The first major property tax distribution occurs in December and January. Revenues are at 2.71% and expenditures are at 69.26%.

Fund 59 Revenue Bond Principal and Interest Fund accounts for the servicing of principal and interest payments for debt pledged with Gross Receipts Tax revenues. Revenues are at 199.32% and expenditures are at 0.06%.

Fund 82 Jt. Water/Sewer Principal and Interest Fund accounts for the servicing of principal and interest requirements on debt pledged with water/sewer system revenues. Revenues are at 25.63% and expenditures are at 0.85%

ENTERPRISE:

Revenues	20.69%
Transfers In	12.54%
Transfer Out	14.46%
Expenditures	13.71%

Revenues are 4.31% below the quarter mark for all Enterprise funds combined and expenditures are 11.29% below the quarter mark.

Fund 81 Water/Sewer Fund accounts for the operations and maintenance of the water and sewer services. Revenues are at 20.42% and the expenditures are 11.52%.

Fund 91 Airport was established to account for the daily operations and maintenance of the municipal airport. Revenues are at 0.93% and the expenditures are at 28.21%. Airport revenues are 24.07% below budget due to City Lease Commitments with a budget of \$65,583 and Lease of Land having a budget of \$64,000 and no actual revenues being received. Operating expenses are 3.21% above budget.

INTERNAL SERVICE:

Revenues	20.38%
Transfers In	28.40%
Transfers Out	0.0%
Expenditures	32.32%

The Internal Service Fund was established to provide financing for activities of goods and services provided by service departments of the City to other departments within the city. The fund also accounts for all the Risk Management associated with City operations. The City currently provides central services for personnel, safety, fleet, MIS (management information systems), and facility maintenance. These expenses are collected through a prorated share that is allocated each month. Also, the primary insurance for liability, auto and other insurance protection is recorded within the Internal Service Fund.

TRUST & AGENCY FUND:

Revenues	36.01%
Transfers In	0.00%
Transfers Out	97.97%
Expenditures	9.86%

Trust & Agency funds include funds that are held in trust for others. These funds vary upon the activity provided for each different fund. A fee is charged to external users for goods or services.

Fund 39 State Judicial Fund accounts for the State's share of fines from persons convicted of traffic violations and traffic violations of operating motor vehicles under the influence of alcohol or drugs. The City collects these fines on behalf of the State and remits them on a monthly basis. Revenues are at 18.75% for the first quarter and the expenditures are at 37.83%.

Fund 74 Alamo Senior Center Gift Fund was created to account for donations and proceeds from fund raising events. Expenditures are restricted to building improvements or special event. Revenues are at 23.07% and expenditures are at 1.99% for the first quarter.

Fund 94 Otero/Lincoln County Regional Landfill was established to account for the daily operations and maintenance of the solid waste facility designed to dispose of residential, commercial and construction waste. Revenues are at 52.70% and expenditures are at 6.40% for the first quarter. Revenues are 27.70% above the budget due to septage disposal fees and miscellaneous actual revenue being more than 25% of the first quarter budget.

Fund 903 Housing Homeownership Operating assists income eligible families with housing needs with the guidelines set forth by Housing and Urban Development. Revenues are at 34.47% and expenditures are at 5.69%.

Fund 904 Housing Capital Fund Projects fund are reserved for improvements on the investment of 220 public housing units. Revenues are at 0.00% and expenditures are at 0.00%.

OVERALL COMBINED FUNDS:

Revenues	24.66%
Transfers In	15.45%
Transfers Out	15.45%
Expenditures	16.68%

Overall, combined funds are in line with the quarter mark in revenues and expenditures. We will continue to monitor our revenues and expenditures closely. Gross Receipts taxes (GRT) for the first quarter were budgeted at \$5,335,272 the actual GRT received for the first quarter came in at \$5,859,062.

GENERAL FUND																							
Revenues				Transfers In				Budget		Actual		Transfers Out		Budget		Actual							
Budget	Actual							Budget	Actual			Budget	Actual			Budget	Actual						
Expenditures																Expenditures							
11	17,009,481	3,848,963.35	22.63%	25.00%	2.37%	11	1,367,803	20,298.23	1.48%	25.00%	23.52%	11	6,983,851	1,989,163.46	28.48%	25.00%	-3.48%	11	15,391,650	2,910,406.22	18.91%	25.00%	6.09%
17,009,481	3,848,963.35	22.63%	25.00%	2.37%		1,367,803	20,298.23	1.48%		6,983,851	1,989,163.46	28.48%	25.00%	-3.48%	15,391,650	2,910,406.22	18.91%	25.00%	6.09%				

INTERNAL SERVICE

[illegible]

SPECIAL FUNDS																	
Revenues																	
Transfers In																	
Transfers Out																	
Expenditures																	
Corrections																	
15	81,072	27,793.00	34.28%	25.00%	-9.28%	15	11,410	-	0.00%	25.00%	25.00%	15	105,975	35,146.01	33.16%	25.00%	-8.16%
19	81,688	18,378.56	22.50%	25.00%	2.50%	19	-	-	0.00%	25.00%	25.00%	19	65,462	28,690.33	43.83%	25.00%	-18.83%
27	102,000	2,307.00	23.07%	25.00%	1.93%	27	414,230	98,346.99	23.74%	25.00%	1.26%	27	412,253	100,374.36	24.35%	25.00%	0.95%
	172,760	48,478.56	28.06%	25.00%	-3.06%		425,640	98,346.99	23.11%	25.00%	1.89%		583,690	164,210.70	28.13%	25.00%	-3.13%
Environmental GRT																	
89	399,387	114,729.31	28.73%	25.00%	-3.73%	89	-	-	0.00%	0.00%	0.00%	89	312,538	-	0.00%	25.00%	25.00%
	399,387	114,729.31	28.73%	25.00%	-3.73%		-	-	0.00%	0.00%	0.00%		312,538	-	0.00%	25.00%	25.00%
Fire Protection																	
33	460,218	148,953.87	32.37%	25.00%	-7.37%	33	-	-	0.00%	0.00%	0.00%	33	938,187	86,722.55	9.24%	25.00%	15.76%
	460,218	148,953.87	32.37%	25.00%	-7.37%		-	-	0.00%	0.00%	0.00%		938,187	86,722.55	9.24%	25.00%	15.76%
LEFP																	
21	4,102	2,124.84	51.80%	25.00%	-26.80%	21	-	-	0.00%	25.00%	25.00%	21	13,309	3,251.01	24.43%	25.00%	0.57%
28	3,927	2,469.27	62.88%	25.00%	-37.88%	28	-	-	0.00%	25.00%	25.00%	28	1,700	1,580.52	20.53%	25.00%	4.47%
36	110,128	77,170.27	70.07%	25.00%	-45.07%	36	-	-	0.00%	25.00%	25.00%	36	110,128	17,590.13	15.98%	25.00%	9.02%
38	234,220	8,578.04	36.63%	25.00%	-11.63%	38	-	-	0.00%	25.00%	25.00%	38	-	70.68	0.25%	25.00%	24.75%
	141,577	90,342.42	63.81%	25.00%	-38.81%		-	-	0.00%	0.00%	0.00%		159,137	22,498.34	14.14%	25.00%	10.86%
Lodger's Tax																	
16	212,113	64,876.61	30.59%	25.00%	-5.59%	16	-	-	0.00%	25.00%	25.00%	16	331,559	39,316.44	11.86%	25.00%	13.14%
20	402,858	115,224.23	28.60%	25.00%	-3.60%	20	208,987	47,206.80	22.59%	25.00%	2.41%	20	675,590	112,519.73	16.66%	25.00%	8.34%
	614,971	180,100.84	29.29%	25.00%	-4.29%		208,987	47,206.80	22.59%	25.00%	2.41%		1,007,149	151,836.17	15.08%	25.00%	9.92%
Municipal Street																	
37	37,617	11,361.01	30.20%	25.00%	-5.20%	37	-	-	0.00%	25.00%	25.00%	37	28,200	1,604.40	5.69%	25.00%	19.31%
42	1,659,501	454,734.88	27.40%	25.00%	-2.40%	42	-	-	0.00%	25.00%	25.00%	42	4,669,978	753,050.43	16.13%	25.00%	8.87%
44	2,825,684	62,431.18	2.21%	25.00%	-22.79%	44	1,818,669	759,040.97	41.74%	25.00%	-16.74%	44	4,492,394	779,889.48	17.36%	25.00%	7.64%
	4,522,802	528,527.07	11.69%	25.00%	13.31%		1,818,669	759,040.97	0.00%	25.00%	-25.00%		4,520,594	781,493.88	17.29%	25.00%	7.71%
Recreation																	
32	768,651	107,537.66	13.99%	25.00%	11.01%	32	4,047,248	998,540.03	24.67%	25.00%	0.33%	32	4,292,799	913,658.96	21.28%	25.00%	3.72%
	768,651	107,537.66	13.99%	25.00%	11.01%		4,047,248	998,540.03	24.67%	25.00%	0.33%		4,292,799	913,658.96	21.28%	25.00%	3.72%
Senior Citizens																	
71	770,473	129,088.26	16.75%	25.00%	8.25%	71	482,729	198,614.89	40.73%	25.00%	-15.73%	71	1,248,632	350,750.90	28.09%	25.00%	-3.09%
75	249,393	48,780.63	19.58%	25.00%	5.44%	75	36,566	11,359.95	31.07%	25.00%	-6.07%	75	261,466	52,222.56	19.97%	25.00%	5.03%
	1,019,866	177,868.89	17.44%	25.00%	7.56%		519,295	207,974.84	40.05%	25.00%	15.05%		1,510,088	402,973.46	26.69%	25.00%	-1.69%
Other																	
63	75,690	20,937.13	27.66%	25.00%	-2.66%	63	427,916	109,844.48	25.67%	25.00%	-0.67%	63	382,033	117,806.12	30.84%	25.00%	-5.84%
69	1,642,017	451,188.02	27.48%	25.00%	-2.48%	69	-	-	0.00%	25.00%	25.00%	69	-	-	0.00%	25.00%	-5.00%
96	67,515	24,198.22	35.84%	25.00%	-10.84%	96	-	-	0.00%	25.00%	25.00%	96	56,413	21,534.22	38.17%	25.00%	-13.17%
107	4,885	1,186.67	24.39%	25.00%	0.61%	107	140,640	140,640.00	100.00%	25.00%	-75.00%	107	490,000	198,502.75	40.51%	25.00%	-15.51%
	1,790,087	487,510.04	27.79%	25.00%	-2.79%		568,556	250,484.48	44.06%	25.00%	19.06%		928,446	337,843.09	36.39%	25.00%	-11.39%
	9,890,319	1,894,048.66	19.15%	25.00%	5.85%		7,588,395	2,361,594.11	31.12%	25.00%	6.12%		14,252,638	2,861,237.15	20.08%	25.00%	4.92%

CAPITAL PROJECTS

		Revenues										Transfers In		Transfers Out		Expenditures									
24	251,463	64,580.50	25.68%	25.00%	-0.68%	24	-	-	0.00%	25.00%	25.00%	24	-	-	-	150,666	283.59	0.19%	25.00%	25.00%	24.81%	25.00%	25.00%	25.00%	25.00%
40	-	-	0.00%	25.00%	25.00%	40	-	-	0.00%	25.00%	25.00%	40	-	-	-	-	-	0.00%	25.00%	25.00%	25.00%	25.00%	25.00%	25.00%	25.00%
48	170,512	170,511.77	100.00%	25.00%	-75.00%	48	-	-	0.00%	25.00%	25.00%	48	-	-	-	-	-	0.00%	25.00%	25.00%	25.00%	25.00%	25.00%	25.00%	25.00%
49	1,714,883	470,329.11	27.43%	25.00%	-2.43%	49	-	-	0.00%	25.00%	25.00%	49	10,022.074	946,547.34	35,418.29	572,945	35,418.29	6.18%	25.00%	25.00%	18.82%	25.00%	25.00%	25.00%	25.00%
50	-	8,795.46	0.00%	25.00%	25.00%	50	-	-	0.00%	25.00%	25.00%	50	-	-	-	-	-	0.00%	25.00%	25.00%	25.00%	25.00%	25.00%	25.00%	25.00%
54	3,933,649	2,271,262.42	57.74%	25.00%	-32.74%	54	6,339,072	930,214.87	14.67%	25.00%	10.33%	54	-	-	-	9,584,885	3,228,427.34	33.68%	25.00%	25.00%	25.00%	25.00%	25.00%	25.00%	25.00%
56	1,254	619.17	49.38%	25.00%	-24.38%	56	3,787,666	-	0.00%	25.00%	25.00%	56	-	-	-	4,019,762	4,204.78	0.10%	25.00%	25.00%	24.90%	25.00%	25.00%	25.00%	25.00%
61	391,535	112,814.37	28.81%	25.00%	-3.81%	61	-	-	0.00%	25.00%	25.00%	61	858,518	261,772.78	-	-	-	0.00%	25.00%	25.00%	25.00%	25.00%	25.00%	25.00%	25.00%
105	914,557	240,625.86	26.31%	25.00%	-1.31%	##	-	-	0.00%	25.00%	25.00%	105	500,000	-	-	2,237,246	90,385.01	4.04%	25.00%	25.00%	20.96%	25.00%	25.00%	25.00%	25.00%
109	3,351,562	918,925.66	27.42%	25.00%	-2.42%	##	-	-	0.00%	25.00%	25.00%	109	1,122,820	860.00	362,647.07	12,117,379	362,647.07	2.99%	25.00%	25.00%	22.01%	25.00%	25.00%	25.00%	25.00%
113	-	-	0.00%	25.00%	25.00%	##	-	-	0.00%	25.00%	0.00%	113	-	-	-	-	-	0.00%	25.00%	25.00%	25.00%	25.00%	25.00%	25.00%	25.00%
114	1,465	357.40	24.40%	25.00%	0.60%	##	-	-	0.00%	25.00%	25.00%	114	-	-	-	32,360	-	0.00%	25.00%	25.00%	25.00%	25.00%	25.00%	25.00%	25.00%
117	-	-	0.00%	25.00%	25.00%	##	-	-	0.00%	25.00%	25.00%	117	-	-	-	-	-	0.00%	25.00%	25.00%	25.00%	25.00%	25.00%	25.00%	25.00%
119	21,970	8,033.33	36.56%	25.00%	-11.56%	##	-	-	0.00%	25.00%	25.00%	119	-	-	-	3,108,082	16,588.74	0.53%	25.00%	25.00%	24.47%	25.00%	25.00%	25.00%	25.00%
121	64,297	7,432.81	11.56%	25.00%	13.44%	##	-	-	0.00%	25.00%	25.00%	121	-	-	-	3,161,121	2,114,888.93	66.90%	25.00%	25.00%	41.90%	25.00%	25.00%	25.00%	25.00%
122	37,178	5,521.69	14.85%	25.00%	10.15%	##	-	-	0.00%	25.00%	25.00%	122	-	-	-	1,964,484	444,196.05	22.61%	25.00%	25.00%	2.39%	25.00%	25.00%	25.00%	25.00%
10,854,325		4,279,809.55	39.43%	25.00%	-14.43%		10,126,738	930,214.87	9.19%	25.00%	15.81%		12,503,412	1,209,180.12	9.67%	25.00%	15.33%	17.04%	25.00%	25.00%	7.96%	25.00%	25.00%	25.00%	25.00%

DEBT SERVICE

S:\Usr\Financial\Agenda Reports - Made by Finance\2017\Agenda Report - DFA Quarterly Report Sept 17\Nov 7 Commission Meeting\Sept 17 Quarterly Financial Review Debt Service

Enterprise		Revenues					Transfers In					Transfers Out					Expenditures						
81	14,515,467	2,964,340.40	20.42%	25.00%	4.58%	81	2,880,181	98,413.00	3.42%	25.00%	21.58%	81	2,096,435	205,019.48	9.78%	25.00%	15.22%	81	27,077,161	3,118,711.71	11.52%	25.00%	13.48%
86	2,063,153	536,058.98	25.98%	25.00%	-0.98%	86	110,000	-	0.00%	25.00%	25.00%	86	126,980	106,304.75	83.72%	25.00%	-58.72%	86	2,033,970	489,478.40	24.07%	25.00%	0.93%
88	66,694	66,358.41	99.50%	25.00%	0.00%	88	-	-	0.00%	25.00%	0.00%	88	-	-	0.00%	25.00%	25.00%	88	-	-	0.00%	25.00%	25.00%
90	1,422,400	340,590.80	23.94%	25.00%	1.06%	90	245,313	100,406.46	40.93%	25.00%	-15.93%	90	51,151	14,077.75	27.52%	25.00%	-2.52%	90	1,611,562	436,248.37	27.07%	25.00%	-2.07%
91	853,039	7,920.92	0.93%	25.00%	24.07%	91	288,332	243,106.09	0.00%	25.00%	25.00%	91	33,625	8,406.24	25.00%	25.00%	0.00%	91	1,151,639	324,881.43	28.21%	25.00%	-3.21%
18,920,753		3,915,269.51	20.69%	25.00%	4.31%	3,523,826		441,925.55	12.54%	2,308,191		333,808.22	14.46%	25.00%	10.54%	31,874,332		4,369,320	13.71%	25.00%	11.29%		

Trust Funds

[illegible]

Budget Versus Actual
September 2015
1st Quarter FY16

Totals From Quarterly Report

	Budget	Actual	
Revenues	60,686,474	14,964,810.53	24.66%
Transfers In	31,283,767	4,834,256.02	15.45%
Transfers Out	31,283,767	4,834,256.02	15.45%
Expenditures	112,230,864	18,723,492.25	16.68%

**STATEMENT OF CASH FLOWS
ACTUALS FY 2017-2018**

Sep 2017 Actuals

FUND NO.	9/30/17 FUND DESCRIPTION	UNAUDITED BEGINNING CASH & PC BALANCE	ACTUAL REVENUES	TRANSFERS IN	TRANSFERS OUT	NET CASH TRANSFERS	ACTUAL EXPENDITURES	ADJUSTMENT	QTR ENDING CASH BALANCE	INVESTMENTS	CASH & INVESTMENTS
11	GENERAL OPERATING FUND	3,095,256.29	3,848,963.35	20,298.23	1,989,163.46	(1,968,865.23)	2,910,406.22	(46,597.04)	2,018,351.15	6,157,626.36	8,175,977.51
12	INTERNAL SERVICE FUND	0.00	91,913.16	823,858.50	0.00	823,858.50	1,078,689.08	162,917.42	0.00	0.00	0.00
15	CORRECTIONS-CITY EXP	20,022.79	27,793.00	0.00	382.50	(382.50)	35,146.01	11,520.00	23,807.28	0.00	23,807.28
16	LODGER'S TAX-PROMOTIONAL	62,623.64	64,876.61	0.00	1,146.00	(1,146.00)	39,316.44	4,139.72	91,177.53	88,739.75	179,917.28
17	POLICE COURT BOND	10,738.00	0.00	0.00	0.00	0.00	0.00	(500.00)	10,238.00	0.00	10,238.00
19	COURT AUTOMATION FUND	16,505.42	18,378.56	0.00	7,325.76	(7,325.76)	28,690.33	1,132.11	0.00	7,016.02	7,016.02
20	LODGER'S TAX-CITY SHARE	42,292.95	115,224.23	47,206.80	12,651.25	34,555.55	112,519.73	48,707.59	128,260.59	161,930.61	290,191.20
21	D.A.R.E. DONATIONS FUND	12,327.05	2,124.84	0.00	0.00	0.00	3,251.01	(24.19)	11,176.69	9,394.87	20,571.56
22	DESIGNATED GIFT FUND	0.00	0.00	0.00	25,432.23	(25,432.23)	0.00	25,432.23	0.00	0.00	0.00
24	GRANT - CAPITAL IMPROVEMENT	0.00	64,580.50	0.00	0.00	0.00	283.59	0.00	64,296.91	0.00	64,296.91
27	MUNICIPAL COURT	0.00	2,307.00	98,346.99	1,744.26	96,602.73	100,374.36	1,464.63	0.00	0.00	0.00
28	POLICE CONTINGENCY	21,786.93	2,469.27	0.00	0.00	0.00	1,580.52	(481.32)	22,194.36	28,095.08	50,289.44
31	CEMETERY - PERPETUAL CARE	1,750.00	4,858.35	0.00	0.00	0.00	0.00	(6,608.35)	0.00	812,972.87	812,972.87
32	COMMUNITY SERVICES	1,775.00	107,537.66	998,540.03	141,578.76	856,961.27	913,658.96	25,818.28	78,433.25	0.00	78,433.25
33	FIRE PROTECTION	217,984.88	148,953.87	125,039.63	125,039.63	0.00	86,722.55	2,854.44	283,070.64	344,960.25	628,030.89
36	LAW ENFORCEMENT FUND	0.00	77,170.27	0.00	0.00	0.00	17,596.13	(587.32)	58,986.82	0.00	58,986.82
37	STATE HIGHWAY FUND	35,851.08	11,361.01	0.00	188.01	(188.01)	1,604.40	(217.89)	45,201.79	84,607.75	129,809.54
38	TRAFFIC SAFETY FUND	17,806.99	8,578.04	0.00	0.00	0.00	70.68	(99.85)	26,214.50	38,773.69	64,988.19
39	STATE JUDICIAL	21,037.33	14,160.00	0.00	0.00	0.00	28,564.50	0.00	6,632.83	0.00	6,632.83
40	AIRPORT IMPROVEMENT PROJECT	12,763.22	0.00	0.00	0.00	0.00	0.00	0.00	12,763.22	0.00	12,763.22
42	1984 GROSS RECEIPTS TAX	0.00	454,734.88	0.00	753,050.43	(753,050.43)	0.00	301,062.00	2,746.45	3,160,559.80	3,163,306.25
44	TRANSPORTATION FUND	0.00	62,431.18	759,040.97	53,054.98	705,985.99	779,889.48	14,975.07	3,502.76	8,683.48	12,186.24
48	NEW MEXICO C.D.B.G.	0.00	170,511.77	0.00	0.00	0.00	0.00	0.00	170,511.77	0.00	170,511.77
49	1986 GROSS RECEIPTS TAX	226,028.17	470,329.11	0.00	946,547.34	(946,547.34)	35,418.29	285,729.12	120.77	9,061,806.58	9,061,927.35
50	PROPERTY ACQUISITION	24,718.69	8,795.46	0.00	0.00	0.00	0.00	4,313.21	37,827.36	52,189.40	90,016.76
53	GENERAL OBLIGATION	192,661.64	28,204.83	0.00	0.00	0.00	716,200.19	507,007.02	11,673.30	70,520.28	82,193.58
54	REVERSE OSMOSIS PROJECT RSV	0.00	2,271,262.42	930,214.87	0.00	930,214.87	3,228,427.34	711,713.32	684,763.27	0.00	684,763.27
56	99 GRT FLOOD CONTROL	230,841.79	619.17	0.00	0.00	0.00	4,204.78	(1,373.53)	225,882.65	1,373.53	227,256.18
59	GRT P & I	0.00	665.74	240,032.29	0.00	240,032.29	1,720.00	(238,978.03)	0.00	390,664.85	390,664.85
61	GRT INFRASTRUCTURE .0625%	24,305.19	112,814.37	0.00	261,772.78	(261,772.78)	0.00	148,612.04	23,958.82	388,936.08	412,894.90
63	COMMUNITY DEVELOPMENT	0.00	20,937.13	109,844.48	13,224.24	96,620.24	117,806.12	248.75	0.00	0.00	0.00
69	1994 GROSS RECEIPTS	34,600.10	451,188.02	0.00	285,519.09	(285,519.09)	0.00	(5,484.19)	194,784.84	2,129,465.99	2,324,250.83
71	ALAMO SENIOR CENTER	430.00	129,088.26	196,614.89	0.00	196,614.89	350,750.90	25,047.75	430.00	0.00	430.00
74	ALAMO SENIOR CENTER GIFT	1,476.79	6,677.62	0.00	188.49	(188.49)	972.86	374.35	7,367.41	84,842.28	92,209.69
75	RETIRED & SENIOR VOL. PROGRAM	100.00	48,780.63	11,359.95	4,898.22	6,461.73	52,222.56	2,967.43	6,087.23	0.00	6,087.23
81	WATER/SEWER OPERATING	395,829.19	2,964,340.40	98,413.00	205,019.48	(106,606.48)	3,118,711.71	85,672.63	220,524.03	14,013,367.20	14,233,891.23
82	98 JT WATER/SEWER BOND P&I	3,126.05	3,771.52	16,332.47	0.00	16,332.47	16,332.47	(3,771.52)	3,126.05	1,200,187.09	1,203,313.14
86	SOLID WASTE COLLECTION SYS.	236,491.95	536,058.98	0.00	106,304.75	(106,304.75)	489,478.40	(4,654.24)	172,113.54	235,173.82	407,287.36
88	BONITO CAMPGROUND	235,567.87	66,358.41	0.00	0.00	0.00	0.00	(195.43)	301,730.85	75,882.52	377,613.37
89	ESGRT .0625%	802,719.07	114,729.31	0.00	0.00	0.00	0.00	(3,252.66)	914,195.72	1,262,979.65	2,177,175.37
90	GOLF COURSE	0.00	340,590.80	100,406.46	14,077.75	86,328.71	436,248.37	9,328.86	0.00	0.00	0.00
91	AIRPORT	53,747.10	7,920.92	243,106.09	8,406.24	234,699.85	324,881.43	28,513.56	0.00	60,195.54	60,195.54
94	OTERO/LINCOLN REGIONAL LANDFILL	120,815.99	639,177.48	0.00	1,720.00	(1,720.00)	212,792.23	(495,281.24)	50,200.00	5,021,046.86	5,071,246.86
96	SELF-INSURED FUND	102,972.06	24,198.22	0.00	0.00	0.00	21,534.22	(974.28)	104,661.78	378,310.49	482,972.27
98	PAYROLL CLEARING	207,283.32	0.00	0.00	0.00	0.00	0.00	4,236.68	211,520.00	0.00	211,520.00
104	UTILITY DEPOSITS	30,542.71	0.00	0.00	0.00	0.00	0.00	(23,506.61)	7,036.10	698,730.29	705,766.39
105	ECONOMIC DEVELOPMENT	716,725.67	240,625.86	0.00	0.00	0.00	90,385.01	(569,249.24)	297,717.28	6,809,432.78	7,107,150.06
107	SELF INSURED/LIABILITY	609,903.23	1,186.67	140,640.00	0.00	140,640.00	198,502.75	(1,155.53)	552,071.62	448,688.74	1,000,760.36
109	2004 CAPITAL OUTLAY GRT	1,435,108.47	918,925.66	0.00	860.00	(860.00)	362,647.07	(1,990,527.06)	0.00	12,497,234.78	12,497,234.78

113	SEWER PLANT	7,703.97	0.00	0.00	0.00	0.00	0.00	0.00	7,703.97	0.00	7,703.97
114	SIDE WALK REVOLVING LOANS	0.00	357.40	0.00	0.00	0.00	0.00	(357.40)	0.00	135,143.39	135,143.39
115	CORP ESCROW ACCOUNT	2,000,000.00	0.00	0.00	0.00	0.00	0.00	0.00	2,000,000.00	0.00	2,000,000.00
116	REGIONAL WATER SUPPLY TRANS	2,885.59	0.00	0.00	0.00	0.00	0.00	0.00	2,885.59	0.00	2,885.59
117	2011 JT W/S REF/IMP REVBD	7,053.19	0.00	0.00	0.00	0.00	0.00	0.00	7,053.19	0.00	7,053.19
118	11 NMFA ST GRT STREET #15	0.00	8,033.33	0.00	0.00	0.00	0.00	16,588.74	(7,705.47)	102,883.35	3,127,892.08
119	2012 GRT REF/IMP BOND	119,144.23	7,432.81	0.00	0.00	0.00	0.00	2,114,888.93	2,107,456.12	0.00	1,522,364.01
121	2015 GO BOND - FUN CENTER	0.00	5,521.69	0.00	0.00	0.00	0.00	444,196.05	438,674.36	0.00	1,659,368.29
122	2015 GO BOND - STREETS	0.00	221,474.11	0.00	0.00	0.00	0.00	224,650.66	(32,044.52)	844,423.94	96,472.75
901	HOUSING LOW RENT OPERATING	879,645.01	15,816.65	0.00	0.00	0.00	0.00	5,567.18	(691.53)	662,356.38	111,019.89
903	HOUSING HOMEOWNERSHIP OPR	652,798.44	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
904	HOUSING CAPITAL FUND PRJ	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTALS FY2017		12,945,747.05	14,964,810.53	4,959,295.65	4,959,295.65	(0.00)	18,723,492.25	1,525,600.25	10,712,665.58	72,436,649.69	83,149,315.27

CROSSWALK BETWEEN DFA FUNDS AND COA FUNDS

DFA FUND AND NAME		CITY OF ALAMOGORDO FUND AND NAME		
101	General Fund	11	GENERAL OPERATING FUND	
		98	PAYROLL CLEARING	
200	Special Funds			
201	Correction	15	CORRECTIONS-CITY EXP	
		19	COURT AUTOMATION FUND	
		27	MUNICIPAL COURT	
202	Environmental GRT	89	ESGRT .0625%	
209	Fire Protection	33	FIRE PROTECTION (less Debt Service portion)	
211	LEPF	36	LAW ENFORCEMENT FUND	
214	Lodger's Tax	16	LODGER'S TAX-PROMOTIONAL	
		20	LODGER'S TAX-CITY SHARE	
216	Municipal Street	37	STATE HIGHWAY FUND	
		42	1984 GROSS RECEIPTS TAX	
		44	TRANSPORTATION FUND	
217	Recreation	32	COMMUNITY SERVICES	
219	Senior Citizens	71	ALAMO SENIOR CENTER	
		75	RETIRED & SENIOR VOL. PROGRAM	
299	Other	63	ENGINEERING	
		69	1994 GROSS RECEIPTS	
		96	SELF-INSURED FUND	
		107	SELF INSURED/LIABILITY	
		21	D.A.R.E. DONATIONS FUND	
		28	POLICE CONTINGENCY	
		36	LAW ENFORCEMENT FUND	
		38	TRAFFIC SAFETY FUND	
300	Capital Projects			
300	Capital Projects	24	GRANT - CAPITAL IMPROVEMENT	
		40	AIRPORT IMPROVEMENT PROJECTS	
		48	NEW MEXICO C.D.B.G.	
		49	1986 GROSS RECEIPTS TAX	
		50	PROPERTY ACQUISITION	
		54	REVERSE OSMOSIS PROJECT RSV	
		56	99 GRT FLOOD CONTROL	
		61	GRT INFRASTRUCTURE .0625%	
		105	ECONOMIC DEVELOPMENT	
		109	2004 CAPITAL OUTLAY GRT	
		113	SEWER PLANT	

CROSSWALK BETWEEN DFA FUNDS AND COA FUNDS

DFA FUND AND NAME		CITY OF ALAMOGORDO FUND AND NAME	
		114	SIDE WALK REVOLVING LOANS
		116	REGIONAL WATER SUPPLY TRANS
		117	2011 JT W/S REF/IMP REVBD
		118	11 NMFA ST GRT STREET #15
		119	2012 GRT REF/IMP BOND
		121	2015 GO BONDS-FUN CENTER
		122	2015 GO BONDS - STREETS
400	Debt Service		
401	GO Bonds	53	GENERAL OBLIGATION
402	Revenue Bonds	59	GRT P & I
		82	98 JT WATER/SEWER BOND P&I
403	Debt Service Other	33	FIRE PROTECTION (Debt Service portion only)
		59	GRT P & I
		82	98 JT WATER/SEWER BOND P&I
500	Enterprise		
500	Enterprise		
	Water Fund	81	WATER/SEWER OPERATING
	Solid Waste	86	SOLID WASTE COLLECTION SYS.
	Airport	91	AIRPORT
	Other Enterprise	88	BONITO
		90	GOLF COURSE
600	Internal Service		
600	Internal Service	12	INTERNAL SERVICE FUND
700	Trust & Agency		
700	Trust & Agency	17	POLICE COURT BOND
		22	DESIGNATED GIFT FUND
		31	CEMETERY - PERPETUAL CARE
		39	STATE JUDICIAL
		74	ALAMO SENIOR CENTER GIFT
		94	LANDFILL OPERATING
		104	UTILITY DEPOSITS
		115	CORP ESCROW ACCOUNT
		901	HOUSING LOW RENT OPER
		903	HOUSING HOMEOWNERSHIP OPR
		904	HOUSING CAPITAL FUND PRJ
Funds 33 Debt Service portion moved from DFA Fund 209 to DFA Fund 403 in FY17			
Fund 36 - portion moved from DFA Fund 211 to DFA Fund 299 in FY18			

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/07/2017

Report Date: 10/30/2017

Report No: 8.

Submitted By: Petria Schreiber

Subject: Consider and act upon final publication of Ordinance No. 1546 Amending certain sections of the Code of Ordinances concerning purchasing. *(Petria Schreiber, City Attorney and Barbra Pyeatt, Procurement Manager)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve ordinance No. 1546 for final publication.

Background: The City wishes to bring its purchasing guidelines in line with what the State currently uses. It has been over 10 years since the City amended its purchasing guidelines.

ORDINANCE NO. 1546

AMENDING CERTAIN SECTIONS OF THE *CODE OF ORDINANCES* CONCERNING PURCHASING

WHEREAS, the City of Alamogordo recognizes that its purchasing guidelines differ from the guidelines set by the State of New Mexico;

WHEREAS, the City of Alamogordo wishes for its purchasing guidelines to be in line with the guidelines set by the State of New Mexico;

NOW, BE IT THEREFORE ORDAINED by the City Commission of the City of Alamogordo, New Mexico that the Article 2-13 of the *Code of Ordinances of the City of Alamogordo, New Mexico* is hereby amended to read as follows:

SECTION ONE

2-13-080. - Small purchase requirements.

The monetary limit of small purchases, the “small purchase order limit” shall be ~~ten~~ **twenty** thousand dollars ~~(\$10,000.00)~~ **(\$20,000.00)**. Purchases of ~~ten~~ **twenty** thousand dollars ~~(\$10,000.00)~~ **(\$20,000.00)** or less may be made by the authorized user for the best obtainable price. Petty cash purchases of fifty dollars (\$50.00) or less may be made without a purchase order at the best obtainable price by authorized individuals and within the regulations established by the city purchasing manager.

Purchases of one thousand dollars (\$1,000.00) or less may be made by authorized individuals by use of field purchase orders (FPOs).

- (1) FPOs shall only be used for the same-day purchase of in-stock goods. Services and construction are specifically excluded.
- (2) FPOs shall only be used for purchases from vendors located within a fifteen-mile radius of the city. As an exception, authorized users located at Bonito Lake may purchase from the Villages of Ruidoso and Ruidoso Downs.
- (3) Invoices resulting from FPO purchases in the vicinity of the city shall be submitted to the central purchasing office within one (1) business day following the purchase. Invoices resulting from FPO purchases in the vicinity of the Villages of Ruidoso and Ruidoso Downs shall be submitted to the central purchasing office within seven (7) business days following the purchase.

(Ord. No. 1185, § 8, 6-22-04; Ord. No. 1273, § 2, 6-13-06; Ord. No. 1304, § 2, 7-24-07)

SECTION TWO

2-13-090. - Purchases by written quotation.

Purchases of goods, services and construction may be made by the central purchasing office by requests for quotation, in accordance with the following provisions:

- (1) A single purchase involving the expenditure of more than the limit set for “small purchase orders”, as provided in section 2-13-080, small purchase requirements, but not more than

twenty ~~sixty~~ thousand dollars (~~\$20,000.00~~) (~~\$60,000.00~~), may be made after requesting at least three (3) written quotations. Purchases shall be made from the responsible offeror submitting the lowest responsive offer. If fewer than three (3) responsive offers are obtainable, the purchase may be made at the best documented obtainable price.

- (2) Separate purchases of the same or similar goods or services from the same or different businesses at or about the same time shall be considered a single purchase for purposes of this section.

(Ord. No. 1185, § 9, 6-22-04; Ord. No. 1273, § 3, 6-13-06)

SECTION THREE

2-13-100. - Competitive sealed bids.

- (a) All purchases of goods, services and construction in excess of twenty ~~sixty~~ thousand dollars (~~\$20,000.00~~) (~~\$60,000.00~~) shall be made by competitive sealed bid except those purchases made pursuant to the following sections of the city purchasing ordinance:

- (1) Section 2-13-080, small purchase requirements.
- (2) Section 2-13-090, purchases by written quotation.
- (3) Section 2-13-110, competitive sealed proposals.
- (4) Section 2-13-140, sole source purchases.
- (5) Section 2-13-160, special purchase methods.

- (b) After submission of a completed purchase request (requisition) to the purchasing office by the user, purchases by competitive sealed bid shall be made by an invitation for bids, in accordance with the provisions set out in section 2-13-220, notice of purchase. In addition, the following provisions shall apply:

- (1) Offers shall be publicly opened according to such procedures as may be adopted by the central purchasing manager.
- (2) Offers shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Other criteria may be developed and used depending on need, requirements of the user, or the nature of the bid.
- (3) The purchasing manager may accept a lower total offer from the awarded offeror to an invitation for bids, if said offer has otherwise qualified, and if there is no change in the original terms and condition of the invitation for bids.
- (4) Separate purchases of the same or similar goods, services or construction from the same or different businesses at or about the same time shall be considered a single purchase for purposes of this section.

(Ord. No. 1185, § 10, 6-22-04; Ord. No. 1273, § 4, 6-13-06)

SECTION FOUR

2-13-120. - Purchases of professional services.

- (a) Any user in need of professional services, as defined in section 2-13-030, definitions, in an amount not exceeding fifty ~~sixty~~ thousand dollars (~~\$50,000.00~~) (~~\$60,000.00~~), except for professional services of landscape architects and surveyors for public works projects, shall obtain the prior approval of the city manager and shall notify the city purchasing manager of this need.

- (b) Any one (1) of three (3) methods for purchasing professional services under the terms of this section may be utilized:
 - (1) Offers based on price and/or qualifications may be solicited;
 - (2) Award may be based on a rotating basis from the list of registered qualified businesses in the purchasing file; or
 - (3) Award may be based on the good faith judgment of the department director needing the services, with the approval of the city manager.
- (c) The department director, city attorney, city manager, or purchasing manager are authorized to negotiate a contract for the services at a fair and reasonable price.
- (d) If during this process, it is determined that the required professional services will cost more than ~~fifty~~ **sixty** thousand dollars (~~\$50,000.00~~) (**\$60,000.00**), the procedures for requesting proposals shall be initiated by the purchasing manager. For all services except those of architects, engineers, landscape architects, and surveyors for public works projects, price may be a weighted factor in the evaluation.

(Ord. No. 1185, § 12, 6-22-04; Ord. No. 1273, § 6, 6-13-06; Ord. No. 1304, § 3, 7-24-07)

SECTION FIVE

2-13-130. - Qualification-based proposals.

Requests for qualification based proposals are required for services of architects or engineers for local public works projects involving an amount exceeding ~~fifty~~ **sixty** thousand dollars (~~\$50,000.00~~) (**\$60,000.00**) or surveyors and landscape architects involving an amount exceeding ten thousand dollars (\$10,000.00).

- (1) For each proposed public works project where design or other related work shall not be performed by city community development staff, a selection committee shall evaluate statements of qualifications and performance data submitted in regard to the particular project and may conduct interviews with and may require public presentation by businesses applying for selection regarding their qualifications, their approach to the project and their ability to furnish the required services.
- (2) The selection committee shall rank the businesses deemed to be the most highly qualified to perform the required services, after considering the following criteria together with any criteria, except price, established by using agency authorizing the project:
 - a. Specialized design and technical competence of the business, including a joint venture or association, regarding the type of services required;
 - b. Capacity and capability of the business to perform the work, including any specialized services, within the time limitations;
 - c. Past record of performance on contracts with government agencies or private industry with respect to such factors as control of costs, quality of work and ability to meet schedules;
 - d. Proximity to or familiarity with this area;
 - e. ~~The amount of design work that will be produced by a New Mexico business within this state; and~~
 - f. **e.** The volume of work done for the city which is not complete with respect to basic design or related services, with the objective of effecting an equitable distribution of

contracts among qualified businesses; provided, however, that the principal of selection of the most highly qualified business is not violated.

- (3) The names of all businesses submitting proposals and the names of all businesses, if any, selected for interview shall be public information. After an award has been made, final ranking and evaluation scores for all proposals shall become public information. Businesses which have not been selected shall be notified in writing.
- (4) The city purchasing manager and/or other city staff members shall negotiate a contract with the highest qualified business at compensation determined in writing to be fair and reasonable. Should negotiations with the business considered to be the most qualified prove to be unsuccessful, negotiations with that business shall be formally terminated. Negotiations shall then be undertaken with the second most qualified business. Failing accord with the second most qualified business, negotiations with that business shall be formally terminated. Negotiations shall then be undertaken with the third most qualified business. Should negotiations prove unsuccessful with any of the businesses selected by the committee, additional businesses shall be ranked in order of their qualifications and negotiations shall proceed in accordance with this section until a contract is signed with a qualified business or the procurement process is terminated and a new request for proposals is initiated.
- (5) All contracts between the city and an architect or engineer for the construction of public works projects shall contain the provision that all designs, drawings, specifications, notes, and other work developed in the performance of the contract are the sole property of the city.

(Ord. No. 1185, § 13, 6-22-04; Ord. No. 1273, § 7, 6-13-06; Ord. No. 1304, § 4, 7-24-07)

SECTION SIX

2-13-160. - Special purchase methods.

- (a) *Rapid procurement.* Purchases of perishable food products and other goods or services for any amount, where advertising and the solicitation of offers would entail unnecessary and detrimental delay and loss to the city, may be made by the central purchasing office at the best obtainable price in accordance with the oral or written quotation procedures set out in section 2-13-090, purchases by written quotation. Complete documentation of all proposed prices submitted by offerors must be maintained in the central purchasing office for public inspection.
- (b) *~~Emergency~~ Urgent purchases.* In the event of an unforeseen and dangerous situation requiring immediate action to preserve the peace, health, or safety of people or property within the jurisdiction of the city or to prevent significant economic loss, the central purchasing office or a designee may purchase goods and services by order without competitive sealed bids, proposals, or quotations. The department making the ~~emergency~~ urgent purchase shall provide the purchasing manager with information needed to make a written determination of the basis for the ~~emergency~~ urgent procurement and for the selection of the particular contractor and shall be included in the procurement files. Such determinations shall include the following information:

- (1) The contractor's name and address;
- (2) The amount and term of the contract;
- (3) A listing of the services, construction, or items of tangible personal property procured; and
- (4) The justification for the procurement method.

(Ord. No. 1185, § 16, 6-22-04; Ord. No. 1273, § 8, 6-13-06)

SECTION SEVEN

2-13-200. - Multi-term contracts; specified period.

- (a) A multi-term contract for items of tangible personal property, construction or services, in an amount under ~~fifty~~ **sixty** thousand dollars ~~(\$50,000.00)~~ **(\$60,000.00)** per fiscal year, may be entered into for any period of time deemed to be in the best interests of the city not to exceed four (4) years; provided that the term of the contract and conditions of renewal or extension, if any, are included in the specifications and funds are available for the first fiscal period at the time of contracting. If the amount of the contract is ~~fifty~~ **sixty** thousand dollars ~~(\$50,000.00)~~ **(\$60,000.00)** or more per fiscal year, the term shall not exceed eight (8) years, including all extensions and renewals, except that for any such contract entered into pursuant to the Public Building Energy Efficiency and Water Conservation Act (Public Facility Energy Efficiency and Water Conservation Act, Chapter 6, Article 23 NMSA 1978), the term shall not exceed ten (10) years, including all extensions and renewals. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds therefore.
- (b) A multi-term contract for the services of trustees, escrow agents, registrars, paying agents, letter of credit issuers and other forms of credit enhancement and other similar services, bond attorneys, underwriters and financial advisors with regard to the issuance, sale and delivery of public securities, may be for the life of the securities or as long as the securities remain outstanding.

(Ord. No. 1185, § 20, 6-22-04; Ord. No. 1273, § 10, 6-13-06; Ord. No. 1304, § 6, 7-24-07)

SECTION EIGHT

2-13-260. - Approval of purchases/signature authority.

- (a) The following purchases must be approved by the city commission:
 - (1) All purchases of goods or construction for amounts exceeding ~~twenty~~ **sixty** thousand dollars ~~(\$20,000.00)~~ **(\$60,000.00)** except those purchases made within budget for projects previously approved by the commission and made through a government contract pursuant to section 2-13-150, procurement under existing contracts;
 - (2) All purchases of services for architects or engineers for public works projects in amounts exceeding ~~fifty~~ **sixty** thousand dollars ~~(\$50,000.00)~~ **(\$60,000.00)**; or landscape architects or surveying services exceeding ten thousand dollars (\$10,000.00);
 - (3) All purchases of other professional services in amounts exceeding ~~fifty~~ **sixty** thousand dollars ~~(\$50,000.00)~~ **(\$60,000.00)**.
- (b) *Signatory authority for executing city contracts.*
 - (1) *City manager.* The city manager is authorized to award and sign contracts for goods, services and construction without prior council approval in an amount not in excess of

~~forty~~ ~~sixty~~ thousand dollars (~~\$50,000.00~~) (~~\$60,000.00~~) provided that the services and funds were approved by the city commission as part of the annual department budget and any contract authorized by the city commission unless the commission directs some other officer or officers to sign on behalf of the city.

- (2) *Department directors.* Department directors are authorized to award and sign contracts for goods, services and construction without prior city manager or commission approval in an amount not in excess of twenty thousand dollars (\$20,000.00) provided that the goods, services and construction and funds were approved by the city commission as part of the annual department budget. This authority may not be delegated below the department director level.
- (3) *City attorney.* The city attorney is authorized to award and sign contracts for all services for outside counsel and experts related directly to and necessary for prosecution and defense of pending litigation, and for services for outside counsel and experts necessary to address other pending or potential legal claims or legal issues so long as funds for outside counsel, experts and related legal services were approved by the city commission as part of the approved annual budget. The city attorney shall keep commission informed regarding any such expense that exceeds ~~twenty~~ ~~sixty~~ thousand dollars (~~\$20,000.00~~) (~~\$60,000.00~~) on not less than a quarterly basis and shall seek budget updates, if needed, within a timely fashion.

(Ord. No. 1185, § 26, 6-22-04; Ord. No. 1273, § 15, 6-13-06; Ord. No. 1304, § 7, 7-24-07; Ord. No. [1488](#), § 1, 2-10-15; Ord. No. [1491](#), § 2, 4-14-15)

DONE this _____ day of _____, 2017.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Richard A. Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Schreiber, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/07/2017

Report Date: 11/01/2017

Report No: 9.

Submitted By: Petria Schreiber

Subject: Consider and act upon final publication of Ordinance No. 1548, an ordinance amending Sections 2-14-040 and 2-14-050 of the Alamogordo Code of Ordinances regarding economic development. (*Petria, Schreiber, City Attorney*) (**Roll Call Vote Required**)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve ordinance No. 1548 for final publication.

Background: The City Commission of the City of Alamogordo wishes to encourage and foster local economic development in compliance with its local economic development act, and wishes for its ordinance regarding its local economic development act to mirror the State of New Mexico's LEDA statute.

ORDINANCE NO. 1548

AN ORDINANCE AMENDING SECTIONS 2-14-040 AND 2-14-050 OF THE
ALAMOGORDO CODE OF ORDINANCES REGARDING ECONOMIC DEVELOPMENT

WHEREAS, the City Commission of the City of Alamogordo wishes to encourage and foster local economic development in compliance with its local economic development act; and

WHEREAS, the City Commission of the City of Alamogordo wishes for its ordinance to mirror the State of New Mexico's local economic development act statute;

NOW, BE IT THEREFORE ORDAINED by the City Commission of the City of Alamogordo, New Mexico that Sections 2-14-040 and 2-14-050 of the *Code of Ordinances of the City of Alamogordo, New Mexico* is hereby amended to read as follows:

2-14-040. - Economic development strategic plan.

Note: The terms "city," "Alamogordo" and "City of Alamogordo" referred to in this economic development strategic plan refer to the city government of that legal entity called the City of Alamogordo.

- (a) *Economic development goals:* Having encouraged the support of the community and its leadership through public meetings and interviews, this economic development strategic plan declares the following to be desired goals:
- (1) To diversify the local economy by the creation of additional jobs in existing business and the development of new business.
 - (2) To support the development of industrial/business park(s) that will be attractive to new and expanding business.
 - (3) To, when feasible and within the provisions of the New Mexico Local Economic Development Act, use public funds to assist in the development of new jobs.
 - (4) To only assist businesses that meet all applicable environmental rules and regulations, both state and national.
 - (5) To encourage cooperation between the public and private sectors as they assist in the creation of new jobs.
 - (6) To support and encourage actions that will foster the utilization of Holloman AFB and White Sands Missile Range at their current levels of employment and when possible work for the creation of additional jobs.
 - (7) To help develop within the community's resources the best possible vocational and other skill training to prepare the local populace to enter the work force.
 - (8) To help develop the arts, cultural and entertainment industries within Alamogordo.
- (b) Types of businesses that meet the community's goals: Those that fit most or all of this criteria will be selected when considering giving assistance under the Local Economic Development

Act. This list is not necessarily all inclusive, and should an industry fall outside this preferred list, individual consideration will be granted.

Alamogordo considers the following types of businesses to be those that are preferred or meet the community goals:

- (1) Industry that meets all environmental standards both state and federal.
 - (2) Industry that does not use large amount of water in its production processes. Exceptions may be made in instances where the water is mostly reprocessed rather than discharged.
 - (3) Industries that pay a wage that will help improve the local per capita income.
 - (4) Industries that can take advantage of the highly skilled personnel that are available as the result of discharge or retirement from area military installations.
 - (5) Qualifying office/service industries such as telemarketing or data processing that provide jobs attractive to high unemployment groups including second incomes for families.
 - (6) Industry that will help diversify the local labor market and lessen the reliance on federal government employment.
 - (7) Research and development, particularly those related to the aerospace industry.
 - (8) Light assembly or manufacturing industry that are labor intensive.
- (c) *Criteria for community assistance:* Community assistance will be considered for those industries that meet the criteria of a "qualifying entity" as defined in the Local Economic Development Act Law of 1993, Chapter 297, 5-10-4 5-10-3 as follows:

1. An industry for the manufacturing, processing, or assembling of agricultural or manufactured products;
2. A commercial enterprise for storing, warehousing, distributing, or selling products of agriculture, mining or industry, but, other than as provided in Paragraph (5), (6) or (9) of this subsection, not including any enterprise for sale of goods or commodities at retail or for distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities;
3. A business, including a restaurant or lodging establishment, in which all or part of the activities of the business involves the supplying of services to the general public or to governmental agencies or to a specific industry or customer, but, other than as provided in Paragraph (5) or (9) of this subsection, not including businesses primarily engaged in the sale of goods or commodities at retail;
4. An Indian nation, tribe or pueblo or a federally chartered tribal corporation;
5. A telecommunications sales enterprise that makes the majority of its sales to persons outside New Mexico;
6. A facility for the direct sales by growers of agricultural products, commonly known as farmers' markets;
7. A business that is the developer of a metropolitan redevelopment project;
8. A cultural facility; and

9. A retail business.

- a. "retail business" means a business that is primarily engaged in the sale of goods or commodities at retail and shall only be allowed if:
 - i. A the population of the City of Alamogordo at the last census was ten thousand or less; or
 - ii. The population of the City of Alamogordo at the last census was less than thirty-five thousand and the project is not funded with state government resources and would not directly compete with an existing business in the City which is engaged in the sale of the same or similar goods.

In deciding the eligibility for community assistance, the city commission may ~~contract~~ choose to work in conjunction with the county economic development council to be the city's agent in dealing with projects and formulating recommendations to the city commission.

- (1) *Information required.* For an applicant to be considered for assistance the following may include but is not limited to the following:
 - a. Company financial history.
 - b. The number of jobs to be created.
 - c. The types of business and jobs including a business plan.
 - d. Compatibility with Alamogordo's economic development goals.
 - e. Other resources available to the borrower.
 - f. Financial and marketing projections.
 - g. Other information deemed pertinent to the city.
- (2) *Information verification.* The city will use due diligence to verify all facts about the business seeking assistance including but not limited to:
 - a. Requiring financial statements and appropriate tax records to be made available by the business.
 - b. Investigation to determine the validity of any claims to patent rights, trade secrets, etc.
 - c. Verification of financial data including requesting data from banks and other financial institutions that may have had previous dealings with the business seeking assistance or its principals.
 - d. Review of information pertaining to any other borrowing by the business or its principals that might affect the business's ability to repay debt or fulfill other obligations, if any, owed to the city.
 - e. Review of the business's plans and marketing plans proposed by the borrower including, if deemed necessary, outside professional review of technical data.
- (d) *Investment protection.* The city will provide adequate safeguards to insure that its rights and financial commitments are adequately protected and recoverable in the event of default. No

investment will be made that is not in compliance with the Local Economic Development Act ~~including loans for working capital and the repayment of previous debts~~. Protection may include but is not limited to:

- (1) Security provided the city may be in the form of a lien, mortgage or other indenture and the pledge of the qualifying business's financial and material participation and personal cooperation to guarantee the borrower's performance pursuant to the project's goals.
 - (2) Any investment in streets, utilities or other public works will be made in accordance with city policy that provides security for any city investment made pursuant to the attraction of a business under the Local Economic Development Act.
 - (3) Provision for performance review will be established to insure that the business is operating in accordance with its agreements with the city. This may include milestones, measurable goals and time limits on project development and completion. Provisions for performance review may include penalties for unsatisfactory performance.
 - (4) The contribution made by each party and its participation in the project will be clearly stated in the agreements. Contributions made by the qualifying entity must be of value and may be money, in-kind services, jobs, expanded tax base, property or other thing or service of value to the local economy.
 - (5) There will be separate accounts for all financial dealings.
 - (6) An annual independent audit of the fund/account shall be required.
- (e) *Possible community assistance*. Community assistance under the Local Economic Development Act may include:
- (1) The sale or lease of city-owned land or other property in return for pledges to provide new jobs of a value commensurate with discount from market value granted in any land/property sale or lease. Terms of said sale/lease may provide penalties including return of the property for failure to meet goals for the creation of jobs.
 - (2) Alamogordo will consider building and leasing or selling a facility in return for new jobs. The terms of such a lease/sale shall be commensurate with the number of new jobs created. This reduced lease/sale shall have provisions for adjustment of the lease/sale price in the event the lessee/borrower fails to meet the previously established employment goals.
 - (3) The minimum benefit to the community to qualify for assistance is the creation of new jobs that pay an hourly rate at least equal to the federal minimum wage or other standards that may be adopted.
 - (4) The community will assist the new business in obtaining vocational/educational training from local sources whenever possible. The community will also assist in obtaining matching funds if available under the New Mexico In-Plant Training Program.
 - (5) When appropriate information is presented and an application is made the city will issue industrial revenue bonds to assist in the location or expansion of a qualifying business. These bonds may include tax abatement when deemed appropriate.
 - (6) Under circumstances where the benefit to the community is not clear, an economic impact analysis may be requested by the city.

- (7) Assistance under this Act shall not exceed the expenditures of monies exceeding five (5) percent of the city's general fund budget in any one year. Other assistance, such as the sale of already owned city land, will be considered on an individual basis.
- (f) *Community expectations and benefits.* The city expects the economic development strategic plan to help direct the community towards goals of greater economic diversification and increased per capita income as the result of more and better jobs.
- (g) *Project termination.* The city may by ordinance terminate this economic development strategic plan. It may also terminate projects developed under this plan provided the term of any existing contract must be satisfied. Any monies left in the account or funds for this project(s) shall be transferred to the general fund.

(Ord. No. 983, 8-13-96)

2-14-050. - Outline of tasks.

- (a) Economic development plan/comprehensive plan.
 - (1) Must be approved by ordinance after public hearing.
 - (2) Contents of plan.
 - a. What are the desired economic development goals? Priorities and strategies for accomplishing.
 - b. What types of qualifying businesses are preferred or fit goals?
 - c. What criteria will be used to determine eligibility for aid?
 - d. What type of information will be required to determine that applicant is financially solvent and its commitment to the community?
 - e. How will application information be verified?
 - f. How will investment be protected or recouped in the event the project is unsuccessful?
 - g. Are there other resources available to aid project?
 - h. What does the community have to offer? Land, buildings, infrastructure.
 - i. What is expected from the project? Jobs, tax base expansion.
 - j. How will public resources be safeguarded? Recovery of investment if project unsuccessful.
 - (3) The economic development department is available to provide technical support and guidance in the development of an economic development plan.
- (b) Application.
 - (1) Each qualifying entity desiring local aid must submit a written application.
 - (2) Each local government develops its own, application and criteria.
 - (3) Contents of application (not an exhaustive list):

- a. Identifying information—Name, address, type of business, principal owners, stockholders, etc.
 - b. How entity meets statutory definition of "qualifying business."
 - c. Type of aid requested.
 - d. Business plan specifically addressing how locality will benefit—jobs, tax base expansion, etc.
 - e. How entity will protect local investment.
- (c) *Project evaluation.*
- (1) Each individual project must be approved by ordinance after public hearings.
 - (2) Locality must insure that:
 - a. Application meets requirements of economic development plan.
 - b. Applicant is financially and managerially stable.
 - c. Applicant has a commitment to the community.
 - d. A cost benefit analysis is done on the applicant's project.
 - e. Any other local requirements are met.
- (d) *Project participation agreement.*
- (1) Locality and qualifying entity must enter into project participation agreement.
 - (2) Agreement must contain:
 - a. Aid to be provided by the locality to the qualifying entity.
 - b. Contributions to be made by qualifying entity. ~~must be of value and may be money, in-kind services, jobs, expanded tax base, property or other thing or service of value to the local economy.~~
 - c. Protection of local investment—lien, mortgage, etc.
 - d. Schedule of project—Goals, time limits.
 - e. Provisions form performance review and penalties for unsatisfactory performance.
- (e) *Project monies.*
- (1) Must be kept in separate account.
 - (2) Annual independent audit of fund/account required.
- (f) *Project termination.*
- (1) Governing body may, by ordinance, terminate economic development plan and any or all projects.
 - (2) If project terminated, contract must be satisfied.
 - (3) Monies left in fund or account are transferred to general fund.

New Material

~~Deleted Material~~

(Ord. No. 983, 8-13-96)

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/07/2017

Report Date: 11/01/2017

Report No: 10.

Submitted By: Kathy Gilsdorf

Subject: Approve Resolution No. 2017-33 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 November 7, 2017. *(Kathy Gilsdorf, Budget Analyst)* **(Roll Call Vote required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Beginning Cash Balances \$0
Revenues \$6,657,262
Expenditures \$6,975,132 Increase
Transfers In/Out \$0
Net Impact (\$317,870) Decrease

Recommendation: Approve Resolution 2017-33

Background: The City Commission adopted the Fiscal Year budget on May 23, 2017. The Department of Finance & Administration granted approval of the City of Alamogordo's Fiscal Year 2017-2018 Final Budget on August 30, 2017. Resolution 2017-33 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. 2017-33

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 2017-2018.

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 approval to the City of Alamogordo, New Mexico's annual budget on August 30, 2017, for fiscal year 2017-2018; and

WHEREAS, the City of Alamogordo, New Mexico, has tabulated on the following pages the additional resources and expenditures for fiscal year 2017-2018.

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 2017-2018 be and hereby is revised as of November 7, 2017 to reflect a more true and accurate projection of the actual revenues and expenditures for fiscal year 2017-2018 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 November 7, 2017 as a more true and accurate projection of the actual revenues and expenditures for fiscal year 2017-2018.

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Alamogordo, New Mexico, at a Regular Meeting held this 7th day of November 2017.

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

By: _____
Richard A. Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Schreiber, City Attorney

**ALL FUNDS SUMMARY
BUDGET 2017-2018**

1/12TH REQ RSRV
1,280,721
Fund Reserve Policy
487,127
Bal. Remaining
3,631,673

FY18 BUDGET - RESOLUTION 2017-33 (#4) NOVEMBER 7, 2017

FUND NO.	FY 2017-2018 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	9,237,045	17,009,481	1,367,803	6,983,851	(5,616,048)	15,391,650	5,238,828	1,767,848	3,470,980
	Revision #1	0	0	0	0	0	10,192	(10,192)		(\$10,192)
	Revision #3	0	0	0	(254,735)	254,735	0	254,735		\$254,735
	Revision #7	0	0	0	88,850	(88,850)	0	(88,850)		(\$88,850)
	Revision #13	0	0	0	33,186	(33,186)	(33,186)	0		\$0
	Revision #15	0	0	0	(5,000)	5,000	0	5,000		\$5,000
	Total Revised Fund 11	9,237,045	17,009,481	1,367,803	6,846,152	(5,478,349)	15,368,656	5,399,521	1,767,848	3,631,673
12	INTERNAL SERVICE FUND	0	450,889	2,900,860	0	2,900,860	3,337,235	14,514		\$14,514
15	CORRECTIONS-JAIL	20,023	81,072	11,410	1,530	9,880	105,975	5,000		\$5,000
16	LODGER'S TAX-PROMOTIONAL FUND	151,135	212,113	0	4,584	(4,584)	331,559	27,105		\$27,105
	Revision #4	0	0	0	0	0	(319)	319		\$319
	Total Revised Fund 16	151,135	212,113	0	4,584	(4,584)	331,240	27,424	0	27,424
17	POLICE COURT BOND	10,738	0	0	0	0	0	10,738		\$10,738
19	COURT AUTOMATION FUND	24,415	81,688	0	29,303	(29,303)	65,462	11,338		\$11,338
20	LODGER'S TAX-CITY	203,807	402,858	208,987	45,445	163,542	675,590	94,617		\$94,617
	Revision #4	0	0	0	0	0	(638)	638		\$638
	Revision #14	0	0	0	0	0	0	0		\$0
	Total Revised Fund 20	203,807	402,858	208,987	45,445	163,542	674,952	95,255	0	95,255
21	D.A.R.E. DONATIONS FUND	21,698	4,102	0	0	0	13,309	12,491		\$12,491
22	DESIGNATED GIFT FUND	25,432	0	0	25,432	(25,432)	0	0		\$0
24	GRANT CAPITAL IMPROVEMENT	0	251,463	0	0	0	150,696	100,767		\$100,767
	Revision #2	0	(2,912)	0	0	0	3,371	(6,283)		(\$6,283)
	Total Revised Fund 24	0	248,551	0	0	0	154,067	94,484	0	94,484
27	MUNICIPAL COURT OPERATIONS	0	10,000	414,230	6,977	407,253	412,253	5,000		\$5,000
28	POLICE CONTINGENCY	49,810	3,927	0	0	0	7,700	46,037		\$46,037
31	CEMETERY-PERPETUAL CARE	808,115	20,666	0	0	0	0	831,105		\$831,105
32	COMMUNITY SERVICES	1,775	768,651	4,047,248	519,875	3,527,373	4,292,799	5,000		\$5,000
	Revision #3	0	0	(254,735)	0	(254,735)	(254,735)	0		\$0
	Revision #4	0	0	0	0	0	957	(957)		(\$957)
	Revision #5	0	(250)	0	0	0	(250)	0		\$0
	Revision #13	0	0	33,186	0	33,186	33,186	0		\$0
	Total Revised Fund 32	1,775	768,401	3,825,699	519,875	3,305,824	4,071,957	4,043	0	4,043
33	FIRE PROTECTION	558,188	460,218	0	0	0	938,187	80,219	45,056	\$35,163
36	LAW ENFORCEMENT FUND	0	110,128	0	0	0	110,128	0		\$0
37	STATE HIGHWAY FUND	120,241	37,617	0	752	(752)	28,200	128,906		\$128,906
38	TRAFFIC SAFETY FUND	56,481	23,420	0	0	0	28,000	51,901		\$51,901
39	STATE JUDICIAL	21,037	75,500	0	0	0	75,500	21,037		\$21,037
40	AIRPORT IMPROVEMENT PROJECTS	12,763	0	0	0	0	0	12,763		\$12,763
42	1984 GROSS RECEIPTS TAX	3,461,622	1,659,501	0	4,669,978	(4,669,978)	0	451,145	217,173	\$233,972
	Revision #6	0	0	0	(100,000)	100,000	0	100,000		\$100,000
	Total Revised Fund 42	3,461,622	1,659,501	0	4,569,978	(4,569,978)	0	551,145	217,173	333,972
44	TRANSPORTATION FUND	8,661	2,825,684	1,818,669	160,620	1,658,049	4,492,394	0		\$0
	Revision #6	0	975,000	(152,346)	0	(152,346)	822,654	0		\$0
	Total Revised Fund 44	8,661	3,800,684	1,666,323	160,620	1,505,703	5,315,048	0	0	0

**ALL FUNDS SUMMARY
BUDGET 2017-2018**

1/12TH REQ RSRV
1,280,721
Fund Reserve Policy
487,127
Bal. Remaining
3,631,673

FY18 BUDGET - RESOLUTION 2017-33 (#4) NOVEMBER 7, 2017

FUND NO.	FY 2017-2018 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
48	NEW MEXICO C.D.B.G.	0	170,512	0	0	0	0	170,512		\$170,512
49	1986 GROSS RECEIPTS TAX	9,568,712	1,714,883	0	10,022,074	(10,022,074)	572,945	688,576	268,113	\$420,463
50	PROPERTY ACQUISITION	76,821	0	0	0	0	0	76,821		\$76,821
53	GENERAL OBLIGATION	770,189	1,040,227	0	0	0	1,034,106	776,310		\$776,310
	Revision #11	0	5,685,574	0	0	0	5,685,574	0		\$0
	Total Revised Fund 53	770,189	6,725,801	0	0	0	6,719,680	776,310	0	776,310
54	REVERSE OSMOSIS PROJECT RSV	0	3,933,649	6,339,072	0	6,339,072	9,584,885	687,836		\$687,836
56	99 GRT FLOOD CONTROL BOND PROJ	230,842	1,254	3,787,666	0	3,787,666	4,019,762	(0)		(\$0)
59	REVENUE BOND P & I FUND	151,687	334	3,768,928	0	3,768,928	2,667,611	1,253,338		\$1,253,338
61	MUNICIPAL INFRASTRUCTURE .0625%	561,853	391,535	0	858,518	(858,518)	0	94,870		\$94,870
	Revision #6	0	0	0	(52,346)	(52,346)	0	52,346		\$52,346
	Total Revised Fund 61	561,853	391,535	0	806,172	(806,172)	0	147,216	0	147,216
63	COMMUNITY DEVELOPMENT	0	75,690	427,916	52,897	375,019	382,033	68,676		\$68,676
69	1994 GROSS RECEIPTS	2,158,582	1,642,017	0	3,573,853	(3,573,853)	0	226,746	226,408	\$338
71	ALAMO SENIOR CENTER	430	770,473	482,729	0	482,729	1,248,632	5,000		\$5,000
	Revision #7	0	(150)	88,850	0	88,850	88,850	(150)		(\$150)
	Revision #15	0	0	(5,000)	0	(5,000)	(5,000)	0		\$0
	Total Revised Fund 71	430	770,323	566,579	0	566,579	1,332,482	4,850	0	4,850
74	ALAMO SENIOR CENTER GIFT	86,101	28,951	0	754	(754)	48,778	65,520		\$65,520
75	RETIRED & SENIOR VOL. PROGRAM	100	249,393	36,566	19,593	16,973	261,466	5,000		\$5,000
81	WATER/SEWER OPERATING	13,980,988	14,515,467	2,880,181	2,096,435	783,746	27,077,161	2,203,040	988,773	\$1,214,267
	Revision #8	0	0	0	0	0	(1,829)	1,829		\$1,829
	Total Revised Fund 81	13,980,988	14,515,467	2,880,181	2,096,435	783,746	27,075,332	2,204,869	988,773	1,216,096
82	98 JT WATER/SEWER BOND P&I	1,199,542	14,714	2,007,217	0	2,007,217	1,932,478	1,288,995	1,288,995	(\$0)
86	SOLID WASTE COLLECTION SYS.	471,060	2,063,153	110,000	126,980	(16,980)	2,033,970	483,263	320,293	\$162,970
88	BONITO CAMPGROUND	311,255	66,694	0	0	0	0	377,949		\$377,949
89	ESGRT .0625%	2,062,446	399,387	0	375,000	(375,000)	312,538	1,774,295	230,180	\$1,544,115
90	GOLF COURSE	0	1,422,400	245,313	51,151	194,162	1,611,562	5,000		\$5,000
91	AIRPORT	113,788	853,039	288,332	33,625	254,707	1,151,639	69,895	35,858	\$34,037
94	OTERO GREENTREE REG LANDFILL	4,617,378	1,212,861	0	1,720	(1,720)	3,325,908	2,502,611	1,558,302	\$944,309
96	SELF-INSURED FUND	480,308	67,515	0	0	0	56,413	491,410		\$491,410
98	PAYROLL CLEARING	207,283	0	0	0	0	0	207,283		\$207,283
104	UTILITY DEPOSITS	729,273	0	0	0	0	0	729,273		\$729,273
105	ECONOMIC DEVELOPMENT	6,956,909	914,557	0	500,000	(500,000)	2,237,246	5,134,220		\$5,134,220
	Revision #12	0	0	0	0	0	193,600	(193,600)		(\$193,600)
	Total Revised Fund 105	6,956,909	914,557	0	500,000	(500,000)	2,430,846	4,940,620	0	4,940,620
107	SELF INSURED/LIABILITY	1,057,436	4,865	140,640	0	140,640	490,000	712,941		\$712,941
	Revision #9	0	0	0	448,484	(448,484)	0	(448,484)		(\$448,484)
	Total Revised Fund 107	1,057,436	4,865	140,640	448,484	(307,844)	490,000	264,457	0	264,457
109	2004 GRT CAPITAL OUTLAY	11,924,451	3,351,562	0	1,122,820	(1,122,820)	12,117,379	2,035,814	559,361	\$1,476,453
113	2009 G.O. BOND ACQ FUND	7,704	0	0	0	0	0	7,704		\$7,704
114	SIDEWALKS REVOLVING LOANS	134,786	1,465	0	0	0	32,360	103,891		\$103,891
115	CORP ESCROW ACCOUNT RESERVE	2,000,000	0	0	0	0	0	2,000,000		\$2,000,000
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	7,053	0	0	0	0	0	7,053		\$7,053

ALL FUNDS SUMMARY
BUDGET 2017-2018

1/12TH REQ RSRV
1,280,721
Fund Reserve Policy
487,127
Bal. Remaining

3,631,673

FY18 BUDGET - RESOLUTION 2017-33 (#4) NOVEMBER 7, 2017

FUND NO.	FY 2017-2018 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
119	2012 GRT REF/IMP REVBD	3,239,079	21,970	0	0	0	3,108,082	152,967		\$152,967
	Revision #9	0	0	448,484	0	448,484	448,484	0		\$0
	Revision #10	0	0	0	0	0	(15,779)	15,779		\$15,779
	Total Revised Fund 119	3,239,079	21,970	448,484	0	448,484	3,540,787	168,746	0	168,746
121	2015 GO BONDS-FUN CENTER	3,214,127	64,297	0	0	0	3,161,121	117,303		\$117,303
122	2015 GO BONDS-STREETS	2,098,043	37,178	0	0	0	1,964,484	170,737		\$170,737
901	HOUSING LOW RENT OPERATING	976,110	831,551	0	0	0	953,822	853,839	197,289	\$656,550
903	HOUSING HOMEOWNERSHIP OPER	763,810	45,887	0	0	0	97,830	711,867	5,339	\$706,528
904	HOUSING CAPITAL FUND PROJECTS	0	290,016	0	0	0	290,016	0		\$0
TOTALS FY2018		84,954,018	67,343,736	31,442,206	31,442,206	0	119,205,996	33,094,082	10,682,783	37,090,239

Prior Resolution 84,954,018 60,686,474 31,283,767 31,283,767 0 112,230,864 33,411,952

4 Preliminary FY18 Budget 2017-33 (0) 6,657,262 158,439 158,439 0 6,975,132 (317,870)

Resolution # 2017-33 November 7, 2017

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 cleanup Internal Service that was in the General Fund and moved to Fund 12.

	11	GENERAL FUND				
		<i>Expenditures</i>				
Non-Recurring		011-3303-419.61-60	Capital Equipment	(10,192)	10,192	0

REVISION #2

Budget Revision is requested to reduce revenue and expenditures to correctly budget the amount of the new FY18 Bulletproof Vest Grant received on 8/31/17. The revision also corrects the amount remaining in the FY16 grant expenditures.

	24	GRANT CAPITAL IMPROVEMENT				
		<i>Revenues</i>				
Non-Recurring	PSVB18	024-0000-317.16-73	Federal Grant Revenue	10,000	(2,912)	7,088
		<i>Expenditures</i>				
	PSVB16	024-0000-419.31-05	Uniforms	0	6,283	6,283
	PSVB18	024-0000-419.31-05	Uniforms	10,000	(2,912)	7,088
			Total Expenditures	10,000	3,371	13,371

REVISION #3

Budget Revision is requested to return the additional funding temporarily allocate from the General Fund for the Rec Center Locker Room Renovation and the Zoo Fence Project until the rededicated natatorium funds were approved.

	11	GENERAL FUND				
		<i>Transfers Out</i>				
Non-Recurring		011-0000-491.18-32	Transfer to (32) Community Svc	122,735	(122,735)	0
		011-0000-491.18-32	Transfer to (32) Community Svc	132,000	(132,000)	0
			Total Transfers Out	254,735	(254,735)	0
	32	COMMUNITY SERVICES				
		<i>Transfers In</i>				
	EN1607	032-0000-391.19-11	Transfer fr (11) General Fund	122,735	(122,735)	0
	CS1701	032-0000-391.19-11	Transfer fr (11) General Fund	132,000	(132,000)	0
			Total Transfers In	254,735	(254,735)	0
		<i>Expenditures</i>				
	EN1607	032-6199-990.63-91	Building Improvements	399,794	(122,735)	277,059
	CS1701	032-6306-452.60-00	Capital Outlay	232,000	(132,000)	100,000
			Total Expenditures	631,794	(254,735)	377,059

REVISION #4

Budget Revision is requested to reallocate expenditures to cover PTO Conversion to the correct fund due the changes in employees duties.

	16	LODGER'S TAX-PROMOTION				
		<i>Expenditures</i>				
Non-Recurring		016-0001-419.20-20	Sick Leave/PTO Conversion	319	(319)	0
	20	LODGER'S TAX-CITY'S				
		<i>Expenditures</i>				
		020-0006-454.20-20	Sick Leave/PTO Conversion	638	(638)	0
	32	COMMUNITY SERVICES				
		<i>Expenditures</i>				
		032-6606-454.420-20	Sick Leave/PTO Conversion	200	957	1,157

REVISION #5

Budget Revision is requested to decrease revenue and expenditures for the Otero County Library (JPA) funds received. The Otero County Library (JPA) came in lower than estimated.

Non-Recurring	32	COMMUNITY SERVICES				
		<i>Revenues</i>				
		032-7101-316.15-30	Otero County Library (JPA)	25,000	(250)	24,750
		<i>Expenditures</i>				
		032-7101-455.32-05	Books, Periodicals, Audios	91,397	(250)	91,147

REVISION #6

Budget Revision is requested to reallocate completed project EN1602 (FEMA DR4197) City funds to a new project PW1810 (Griggs Basin). The City received a federal grant from the USACE (U.S. Army Corp of Engineers). The local match for this grant is \$325,000 (75/25 split). The remaining funds will return to fund balance.

Non-Recurring	42	84 GROSS RECEIPTS TAX				
		Transfer Out				
		042-0000-491.18-44	Transfer to (44) Transportation	100,000	(100,000)	0
	44	TRANSPORTATION				
		Revenues				
	PW1810	044-0000-317.16-73	Federal Grants	0	975,000	975,000
		Transfer In				
	EN1602	044-0000-391.19-42	Transfer fr (42) 84 GRT	100,000	(100,000)	0
	EN1602	061-0000-491.18-44	Transfer to (44) Transportation	123,600	(52,346)	71,254
			Total Transfers In	223,600	(152,346)	71,254
		Expenditures				
	EN1602	044-9499-990.57-35	In-House Engineering	4,100	(4,100)	0
EN1602	044-9799-990.68-99	ICIP	473,246	(473,246)	0	
PW1810	044-9799-990.68-99	ICIP	0	1,300,000	1,300,000	
		Total Expenditures	477,346	822,654	1,300,000	
61	91 GRT INFRASTRUCTURE					
	Transfers Out					
	061-0000-491.18-44	Transfer to (44) Transportation	123,600	(52,346)	71,254	

REVISION #7

Budget Revision is requested to decrease revenues to the grant awarded from the NM Aging & Long-Term Services. The funding is for the ASC re-roof of the fitness center (\$19,940), kitchen flooring (23,660), and to replace a passenger bud (68,250).

	11	GENERAL FUND				
		Transfers Out				
Non-Recurring		011-0000-491.18-71	Transfer to (71) Senior Center	482,729	88,850	571,579
	71	ALAMO SENIOR CENTER				
		Revenues				
Non-Recurring		071-0000-317.16-13	State Grant	112,000	(112,000)	0
	SCLG49	071-0000-317.16-13	State Grant	0	19,940	19,940
	SCLG50	071-0000-317.16-13	State Grant	0	23,660	23,660
	SCLG51	071-0000-317.16-13	State Grant	0	68,250	68,250
		Total Revenues		112,000	(150)	111,850
		Transfers In				
		071-0000-391.19-11	Transfer fr (11) General Fund	482,729	88,850	571,579
		Expenditures				
	CERACS	071-8116-445.63-91	Building Improvements	23,000	(23,000)	0
	SCLG49	071-8116-445.63-91	Building Improvements	0	19,940	19,940
	SCLG50	071-8116-445.63-91	Building Improvements	0	23,660	23,660
	SCLG51	071-8116-445.61-85	Equipment Replacement	0	68,250	68,250
		Total Expenditures		23,000	88,850	111,850

REVISION #8

Budget Revision is requested to close project EN1305 (Reclaimed Water/Looping). The unused funds will be returned to fund balance.

	81	WATER/SEWER OPR				
		Expenditures				
Non-Recurring	EN1305	081-9399-990.61-20	Property Acquisition	1,829	(1,829)	0

REVISION #9

Budget Revision is requested to reallocate the funds received from insurance in Fund 107 (Liability/Deductibles) for the Kids Kingdom to Fund 119 (2012 GRT Ref/Imp Rev Bond) along with some natatorium funds.

	107	LIABILITY/DEDUCTIBLES				
		<i>Transfers Out</i>				
Non-Recurring		107-0000-491.81-19	Transfer to (119) 2012 GRT Ref/Imp	0	448,484	448,484
	119	2012 GRT REF/IMP REVBD				
		<i>Transfers In</i>				
Non-Recurring	NB1801	119-0000-391.91-07	Transfer fr (107) Liability	0	448,484	448,484
		<i>Expenditures</i>				
	CS1601	119-6199-990.63-91	Building Improvements/Natatorium	86,495	(70,716)	15,779
	NB1801	119-6199-990.66-01	Recreation	0	519,200	519,200
		Total Expenditures		86,495	448,484	534,979

REVISION #10

Budget Revision is requested to decrease expenditures to correct the amount available from natatorium bond funds for project CS1601.

	119	2012 GRT REF/IMP REVBD				
		<i>Expenditures</i>				
Non-Recurring	CS1601	119-6199-990.63-91	Building Improvements/Natatorium	15,779	(15,779)	0

REVISION #11

Budget Revision is requested to setup the estimated bond proceeds and expenses for the refinancing of the 2009 GO Bond that will close on November 30,2017.

	53	GENERAL OBLIGATION				
		<i>Revenues</i>				
Non-Recurring		053-0000-319.15-40	Bond Proceeds	0	5,685,574	5,685,574
		<i>Expenditures</i>				
		053-0000-471.74-00	Bond/Loan Expense	0	5,685,574	5,685,574

REVISION #12

Budget Revision is requested to setup the payment of prior year (2001-2017) marketing plan expenses to OCEDC, totaling \$203,600, that are within the 10% amount generated by the Econ Dev GRT. This amount is requested from the fund balance of Fund 105.

	105	ECONOMIC DEVELOPMENT FUND				
		<i>Expenditures</i>				
Non-Recurring		105-2401-450.56-95	Marketing Plan (OCEDC)	80,000	193,600	273,600

REVISION #13

Budget Revision is requested to reallocate remaining funds from the City Hall Carpet (EN1703) to the Recreation Center, Parks, Zoo and Library. The Funds will be for software, early literacy station, 2 8' indoor benches, book drop slot, floor keeper, Zoo fence panel, and a seeder. The funds are coming from the General Fund.

	11	GENERAL FUND				
		<i>Transfers Out</i>				
Non-Recurring		011-0000-491.18-32	Transfer to (32) Comm Serv	4,042,114	33,186	4,075,300
		<i>Expenditures</i>				
	EN1703	011-2400-419.61-60	Capital Equipment	206,255	(33,186)	173,069
	32	COMMUNITY SERVICES				
		<i>Transfers In</i>				
		032-0000-391.19-11	Transfer fr (11) General Fund	4,042,114	33,186	4,075,300
		<i>Expenditures</i>				
	CERREC	032-6199-990.61-85	CER Equipment	6,222	8,000	14,222
	CERPRK	032-6299-990.61-85	CER Equipment	70,668	7,200	77,868
	CS1701	032-6306-452.60-00	Capital Equipment	226,704	10,000	236,704
		032-7101-455-50-23	Computer Software	0	1,025	1,025
		032-7101-455.50-50	Equipment	0	6,961	6,961
		Total Expenditures		303,594	33,186	336,780

REVISION #14

Budget Revision is requested to reallocate remaining funds from the Civic Center Roof (PW1712) for needed improvements for the Civic Center and Special Events. The items needed are a 10x20" storage shed, ice machine, commercial refrigerator, tables & chairs for the Civic Center, portable stage canopy, portable stage backdrop and skirt.

Non-Recurring	20	LODGER'S TAX-CITY				
		<i>Expenditures</i>				
	CS2030	020-0006-454.50-50	Equipment/Civ Renovations	0	23,200	23,200
	PW1712	020-0006-454.63-92	Facility Improvements	208,653	(38,780)	169,873
	CS2030	020-0006-454.63-92	Facility Imp/Civ Renovations	0	15,580	15,580
			Total Expenditures	208,653	0	208,653

REVISION #15

Budget Revision is requested to correct an error on Budget Resolution dated 9/27/17. The revision accepted \$54,550 in revenues but inadvertently added and additional \$5,000 in expenditures.

Non-Recurring	11	GENERAL FUND				
		<i>Transfers Out</i>				
		011-0000-491.18-71	Transfer to (71) Senior Center	482,789	(5,000)	477,789
	71	ALAMO SENIOR CENTER				
		<i>Transfers In</i>				
		071-0000-391.19-11	Transfer fr (11) General Fund	482,789	(5,000)	477,789
		<i>Expenditures</i>				
	SCC018	071-8024-445.32-75	Program Supplies	5,000	(1,450)	3,550
	SCC018	071-8024-445.32-79	Consumable Supplies	8,550	(3,550)	5,000
			Total Expenditures	13,550	(5,000)	8,550

REVENUES ON RESOLUTION

ITEM #	AMOUNT	TYPE
2	(2,912)	Adjust bulletproof vest grant
5	(250)	Adjust Otero County Library Grant
6	975,000	Reallocate project funds & new grant
7	(150)	Adjust NM Aging Grant
11	<u>5,685,574</u>	Setup bond procedds refinancing 2009 GO Bond
	6,657,262	

EXPENDITURES ON RESOLUTION

ITEM #	AMOUNT	TYPE
1	10,192	Clean up Internal Service move to Fund 12
2	3,371	Adjust bulletproof vest grant
3	(254,735)	Return temporary funds
4	(319)	Move funds due to employee move
4	(638)	Move funds due to employee move
4	957	Move funds due to employee move
5	(250)	Adjust Otero County Library Grant
6	822,654	Reallocate project funds & new grant
7	88,850	Adjust NM Aging Grant
8	(1,829)	Close Reclaimed Water Project (EN1305)
9	448,484	Allocate Kids Kingdom insurance funds received
10	(15,779)	Decrease budget amounts for natarorium bond funds
11	5,685,574	Setup bond procedds refinancing 2009 GO Bond
12	193,600	Setup marketing plan expenses to OCDEC
13	33,186	Reallocate City Hall Carpet funds to Community Services
13	(33,186)	Reallocate City Hall Carpet funds to Community Services
14	0	Reallocate Civic Center Roof project for Civic Center Improvements
15	<u>(5,000)</u>	Adjust grant incorrectly budgeted
	6,975,132	

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/07/2017

Report Date: 11/01/2017

Report No: 11.

Submitted By: Mark Threadgill

Subject: Consider and act upon, Ordinance No. 1544 amending sections 28-03-005, 28-03-100, and 28-03-085 of the Alamogordo Code of Ordinances regarding water and sewer service. *(Mark Threadgill, Customer Service Manager)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve ordinance for first publication.

Background: Ordinance was previously presented to City Commission September 12, 2017. Commission requested additional information which is included for this agenda.

ORDINANCE NO. 1544**AMENDING SECTIONS 28-03-005, 28-03-100, AND 28-03-085
OF THE ALAMOGORDO CODE OF ORDINANCES
REGARDING WATER AND SEWER SERVICE**

WHEREAS, the City of Alamogordo owns and operates the municipal water and wastewater utility systems; and

WHEREAS, the City Commission of the City of Alamogordo is charged with adopting ordinances, regulations and fees to insure the continuing operation, maintenance, repair and expansion of the municipal utility systems; and

WHEREAS, the City Commission of the City of Alamogordo finds that certain Sections of Chapter 28 of the Alamogordo Code of Ordinances should be amended to address concerns of municipal utility customers; now

BE IT ORDAINED by the City Commission of the City of Alamogordo, New Mexico that Sections 28-03-005, 28-03-100, and 28-03-085 of Chapter 28 of the Code of Ordinances be amended as follows:

SECTION ONE:**28-03-005 - Availability of water and sewer service**

(a) Every property within the municipal boundaries shall be deemed to have water and sewer utility service available if service lines exist from the city water and sewer mains to the property and such properties shall be subject to customer charges and capital improvement charges as set by city commission for the respective services.

(1) New lots within subdivisions (as that term is defined in [chapter 22](#) of the city Code of Ordinances) which have never been sold or otherwise transferred and which remain the property of the original developer shall be exempt from the customer charge and capital improvement charges for a period of **three (3)** five (5) years from the date of acceptance of the subdivision by the city.

(2) Vacant subdivision lots owned by the original developer as of the date of the passage of this ordinance (28-03-05) shall be exempt from customer charges and capital improvement charges for a period of **two (2)** five (5) years.

(3) An application for water meter submitted by any person(s) for lots exempted through this article shall void any and all exemptions and the property owner shall immediately be responsible for all customer charges, capital improvement charges and consumption charges approved by the city commission.

(4) The original developer of subdivisions covered by this ordinance may petition the City Commission for an extension of the exemption period within three (3) months of the termination of an exemption. Any additional time approved by the City

Commission shall not exceed three (3) years. No additional exemption shall be granted after the expiration of the original or any extended time period(s).

(b) Lot(s)/parcel(s) of land served by the municipal utility and not part of a subdivision as defined in chapter 22 of the city Code of Ordinances on which no structure of any sort exists, or has existed, shall be exempt from the customer charge and capital improvement charges provided the property owner pays all city costs associated with removal of the meter, riser, meter can, etc., and capping of the service line.

(1) It is incumbent on the property owner to provide proof to the City that the lot/parcel is eligible for the exemption under this section.

(2) Property owner applying for exemption under this section shall provide a written declaration that there are no plans to develop the property.

SECTION TWO:

28-03-100. - Deposit.

(a) The following deposits shall be paid by the applicant for water and sewer service at the time of application for service, for the purpose of a guarantee of payment of accounts and damages to service connections or meters:

(1) Residential accounts billed to owner \$ 70.00

(2) Residential accounts billed to renters 140.00

a. Residential accounts billed to renters after receipt of owner's notarized release form 210.00

(3) Commercial/business accounts deposit 150.00

(4) Hydrant meter deposit 815.00

(5) Accounts outside city billed to owner 70.00

(6) Accounts outside city billed to renters 140.00

a. Accounts outside city billed to renters after receipt of owner's notarized release form 210.00

~~(b) If the homeowner has established satisfactory credit under rules and regulations established by the city treasurer, the deposit shall be applied to the homeowner's account. The renter's deposit will be held until the account is finalized terminated out.~~

(c) If the customer homeowner has established satisfactory credit under the rules and regulations established by the Finance Director, the deposit plus final bill charges will be transferred to a new location at the customer's request.

SECTION THREE:

28-03-085. - Ancillary charges for nonroutine services.

The following ancillary charges are intended to defray costs of special, non-routine services provided to users of the city water system:

(1) Late fee per customer if payment for water, sewer or residential garbage collection fees, or any combined billing is more than ten (10) calendar days past due \$10.00

(2) Service calls (Monday—Friday, 8:00 a.m.—4:30 p.m.) 32.00

Service calls during all other times 64.00

(3) New application or transfer of service 25.00

(a) Property owners who submit Statement of Property Ownership form(s) shall not be charged a transfer fee for the properties listed on the form unless terminated for non-payment.

(4) Meter installation varies based on actual cost which includes parts mark-up.

(5) Administrative connection charge (connection charge) will be charged according to the cost of the particular situation.

(6) Administrative fee for all liens filed 200.00

(7) Processing fee (active delinquent accounts) 31.00

(8) Disconnection fee current water and sewer base rate multiplied by twenty-four (24) as adjusted for meter size.

(9) Cut off/turn on fee 32.00

(10) Monthly rental fee for hydrant meters – to be billed monthly so long as the hydrant meter is in the possession of the customer ... \$25.00

DONE this _____ day of _____, 2017.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Richard A. Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Schreiber, City Attorney

MEMORANDUM

TO: Maggie Paluch, City Manager
THRU: Julianne Hall, Finance Director
FROM: Mark Threadgill, Customer Service Manager
DATE: October 20, 2017
SUBJECT: Base Rate information requested by Commission 09/12/17

Attached is a five year (FY18-FY22) revenue/expenditure projection for Fund 081, Water & Sewer. Project and capital expenditure information was provided by Public Works.

Key assumptions in preparing the projections:

- Revenues based on current ordinance
- No across the board rate increase for projection period
- State and Federal grants estimated at zero for FY19-FY22
- Revenue/O&M growth estimated at 1% annually
- Project and capital costs based on FY18 estimates, zero inflation factor.
- Fund 081 reserve goal 3 months O&M by FY20 then maintained
- For FY22 project and capital expenditures are zero – includes list of projects and estimated costs for consideration.

Commission also broached the subject of reducing the base rate for owner transfers to \$10.00 on the rationale that the property is vacant and no water is being used. Implementing this change would reduce current revenue estimates approximately \$145,000 year (FY19). This change would also negate the opportunity to provide for the automatic transfer of owner accounts as it would require Utility Billing to manually alter the services to the respective location when a transfer occurred from tenant to owner and back again.

Creating this special base rate would raise questions from current customers who, because of temporary absences from their property, request base rate accounts and are charged the current base rates. Their property is vacant and their use of water is zero during their absence – yet they are charged the current base rates for water and sewer, or would they be charged the new \$10.00 base rate?

Copy: Julianne Hall, Finance Director
Brian Cesar, Assistant City Manager
Kathy Gilsdorf, Budget Analyst

FY18 Approved Budget & Revenues Fund 81

EOFY 17 Fund Balance	\$13,980,988 Un audited
FY18 Revenues	\$10,348,542
State Grants	\$791,508
Federal Grant	\$3,375,417
FY18 Reserve	-\$988,773
FY18 Proj available funds	\$27,507,682
FY18 Debt Service Requirements	-\$1,488,488
FY18 Transfers out	-\$607,947
FY18 Transfers In	\$2,880,181
Proj Avail Funds - Net	\$28,291,428

FY18 Approved Budget (O&M)	Capital	
081-2202 - UB	\$644,240	\$160,062
081-5503 - UT Maint	\$1,058,699	\$531,394
081-5603 - WWTP	\$1,259,593	\$129,325
081-5703 - Filter Plnt	\$1,539,439	\$107,000
081-7803 - UT Const	\$726,463	\$458,000
081-1803 - Admin	\$1,187,878	\$22,000
081-0008 Water/Swr	\$27,939	\$10,854,368
081-1602 - Proc	\$101,574	
081-9399 - Imp	See Capital Projects	
081-9303 - Imp	See Capital Projects	
Total O&M	\$6,545,825	\$12,262,149
Total FY18 Budget	\$18,807,974	

FY18 Capital Projects

EN1608 SMP 2016	\$685,518
EN1609 Utility Relo Corps PH	500,000
EN1701 SMP 2017	2,800,000
EN1803 SMP 2018	800,000
PW1509 Golf Course Effl	\$9,123
PW1602 Golf Course #2	\$219,814
PW1703 Rehab Green/Golf Course	2,840
PW1703 Rehab Grn GC	\$1,367,000
PW1704 Fresno Spltr Box	\$100,000
PW1710 Telemetry Exp	\$572,241
PW1711 Reuse Sys Upgrades	\$388,672
PW1802 Lower Alamo	\$11,000
PW1803 West Side Est	\$100,000
PW1804 Springs Fencing	\$61,675
PW1807 WW Vac Trk Encl	\$65,157
PW1808 Hopi Court	\$400
PW1808 Hopi Court	\$49,000
PW1808 Hopi Court	\$152,000
PW1809 Cobblestone Trans	\$228,000
PW1809 Cobblestone Trans	\$125,000
Total FY18 Projects	\$8,237,440

Proj Available Funds less Expenditures	\$1,246,014
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FY19 ESTIMATE

Est 1% Increase

EOFY 18 Fund Balance	\$1,246,014
FY19 Est Revenues	\$10,452,027
State Grants	\$0
Federal Grant	\$0
FY19 Est Reserve	-\$856,661
FY19 Est available funds	\$10,841,380

FY19 Est Debt Service Requirements	-\$1,488,488
FY19 Est Transfers out	-\$614,026
FY19 Est Transfers In	\$2,908,983

Proj Avail Funds - Net	\$11,647,849
------------------------	--------------

FY19 Estimated Budget (O&M)

Capital

081-2202 - UB	\$650,682	\$0
081-5503 - UT Maint	\$1,069,286	\$400,000
081-5603 - WWTP	\$1,272,189	\$6,800
081-5703 - Filter Plnt	\$1,554,833	\$98,000
081-7803 - UT Const	\$733,728	\$98,000
081-1803 - Admin	\$1,199,757	\$0
081-0008 Water/Swr	\$27,511	\$0
081-1602 - Proc	\$102,590	
** Desal Facility	\$771,158	
081-9399 - Imp	\$0	\$800,000
081-9303 - Imp	\$0	\$200,000

Total O&M	\$7,381,734	\$1,602,800
Total FY18 Budget	\$8,984,534	

FY19 Capital Projects (FY18 cost est)

Foothills GST	\$1,052,000
Line Replacement	\$1,250,000
Total FY19 Projects	\$2,302,000

Proj Available Funds less Expenditures	\$361,315
--	-----------

** O&M Estimates Provided by Brian Cesar
Assistant City Manager 10/16/2017

FY20 ESTIMATE

Est 1% Increase

EOFY 19 Fund Balance	\$361,315
FY20 Est Revenues	\$10,556,548
State Grants	\$0
Federal Grant	\$0
FY20 Est Reserve	-\$54,730
FY20 Est available funds	\$10,863,132

FY20 Est Debt Service Requirements	-\$1,503,373
FY20 Est Transfers out	-\$620,167
FY20 Est Transfers In	\$2,938,073

Proj Avail Funds - Net	\$11,677,665
------------------------	--------------

FY20 Estimated Budget (O&M)
(AFSCME Contract Yr - Est 4% increase)

Capital

081-2202 - UB	\$683,477	\$0
081-5503 - UT Maint	\$1,123,178	\$130,000
081-5603 - WWTP	\$1,336,307	\$0
081-5703 - Filter Plnt	\$1,633,197	\$165,000
081-7803 - UT Const	\$770,708	\$165,000
081-1803 - Admin	\$1,260,225	\$0
081-0008 Water/Swr	\$28,898	\$0
081-1602 - Proc	\$107,760	
** Desal Facility	\$790,437	
081-9399 - Imp	\$0	\$800,000
081-9303 - Imp	\$0	\$200,000

Total O&M	\$7,734,186	\$1,460,000
Total FY18 Budget	\$9,194,186	

FY20 Capital Projects (FY18 cost est)

Callahan GST	\$865,000
WestSide Eval	\$100,000
Tenth St Tank	250000
Total FY20 Projects	\$1,215,000

Proj Available Funds less Expenditures	\$1,268,479
--	-------------

FY21 ESTIMATE

Est 1% Increase

EOFY 20 Fund Balance	\$1,268,479
FY21 Est Revenues	\$10,662,113
State Grants	\$0
Federal Grant	\$0
FY21 Est Reserve	-\$21,965
FY21 Est available funds	\$11,908,627

FY21 Est Debt Service Requirements	-\$1,518,407
FY21 Est Transfers out	-\$626,368
FY21 Est Transfers In	\$2,967,453

Proj Avail Funds - Net	\$12,731,305
------------------------	--------------

FY21 Estimated Budget (O&M)

Capital

081-2202 - UB	\$690,312	\$0
081-5503 - UT Maint	\$1,134,410	\$0
081-5603 - WWTP	\$1,349,670	\$0
081-5703 - Filter Plnt	\$1,649,529	\$226,000
081-7803 - UT Const	\$778,415	\$320,000
081-1803 - Admin	\$1,272,827	\$0
081-0008 Water/Swr	\$29,187	\$0
081-1602 - Proc	\$108,838	
** Desal Facility	\$810,198	
081-9399 - Imp	\$0	\$800,000
081-9303 - Imp	\$0	\$200,000

Total O&M	\$7,823,385	\$1,546,000
Total FY18 Budget	\$9,369,385	

FY21 Capital Projects (FY18 cost est)

Lower Heights GST	\$821,000
Heights GST	\$817,000
Fencing for Sprngs	\$594,325
Total FY21 Projects	\$2,232,325

Proj Available Funds less Expenditures	\$1,129,596
--	-------------

FY22 ESTIMATE

Est 1% Increase

EOFY 21 Fund Balance	\$1,129,596
FY22 Est Revenues	\$10,768,734
State Grants	\$0
Federal Grant	\$0
FY22 Est Reserve	-\$22,185
FY22 Est available funds	\$11,876,145

FY22 Est Debt Service Requirements	-\$1,533,591
FY22 Est Transfers out	-\$632,632
FY22 Est Transfers In	\$2,997,128

Proj Avail Funds - Net	\$12,707,050
------------------------	--------------

FY22 Estimated Budget (O&M)

Capital

081-2202 - UB	\$697,215	\$0
081-5503 - UT Maint	\$1,145,754	\$0
081-5603 - WWTP	\$1,363,167	\$0
081-5703 - Filter Plnt	\$1,666,024	\$0
081-7803 - UT Const	\$786,199	\$0
081-1803 - Admin	\$1,285,555	\$0
081-0008 Water/Swr	\$29,479	\$0
081-1602 - Proc	\$109,926	
** Desal Facility	\$830,453	
081-9399 - Imp	\$0	\$800,000
081-9303 - Imp	\$0	\$200,000

Total O&M	\$7,913,772	\$1,000,000
Total FY18 Budget	\$8,913,772	

FY22 Capital Projects

TBD

La Luz WTP Improvements	\$10,000,000
Alamo WTP Improvements	\$6,000,000
South GST 2.5 mg	\$2,500,000
New Resevior 5.0 mg	\$6,000,000
Snake Tank Pipeline	\$7,200,000
Future Projects	\$31,700,000

Proj Available Funds less Expenditures	\$3,793,279
--	-------------

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/07/2017

Report Date: 11/01/2017

Report No: 12.

Submitted By: Bob Johnson

Subject: Consider, and act upon, Change Order No. 3, Public Works Bid No. 2017-001, to Smithco Construction, Inc. related to the 1-MGD Brackish Water Treatment Facility project, in an amount not to exceed \$26,488.48, including tax. *(Bob Johnson, Engineering Manager)*

Fiscal Impact: \$26,488.48

Amount Budgeted: \$9,200,817.00

Fund: 054-0099-990.67-74 PW1406

Additional Fiscal Impact:

Recommendation: Approve the Change Order.

Background: This Change Order incorporates the following:

1. Provide and install a P-trap and wall vent for the 2" floor drain at the sample analysis room, required per Uniform Plumbing Code.
2. Provide and install sealed 12-mil LLDPE ballast tubes and 60-mil HDPE sandbags in and around the evaporation pond to protect the liner from uplift caused by wind when the pond is empty.
3. Increase the contract performance period by eight (8) calendar days due to inclement weather between the period of July 24 and October 5, 2017, and an additional seven (7) calendar days for item 2 above.

COR #8

Revision 1

COR #8



**6 King Canyon Loop
Caballo, NM 87931**

Project:

City of Alamogordo

1MGD Brackish Water Treatment Facility

Submitted: Bryce Smith

Location	Sheet	Date of Occurance	RFI
Plumbing	P-2 & P-4	8/22 & future	N/A

Inquiry: The 2" floor drain for the sample analyzer shown on sheet P-2 (quadrant C3) and P-4 (quadrant E3) is not shown with a P-Trap. This floor drain must have a trap per the UPC. Our plumber had to install an extra p-trap with 1/2" copper line to the closest trap primer.

Revised to add 2" vent per engineer's review.

1	Direct Labor	\$	289.14
2	Indirect Cost	\$	132.51
3	Travel	\$	24.50
4	Equipment	\$	240.84
5	Materials	\$	398.95
6	Subcontracts	\$	-
7	Other (Bond)	\$	18.83
8	S-Total	\$	1,104.77
9	Profit & Overhead	\$	162.89
10	Total	\$	1,267.66

COMMENTS:

This change will require 0 Additional Calendar Days

DESCRIPTION			COR #8
	Rate	HOURS	TOTAL
Project Manager	\$ 33.00	1	\$ 33.00
Superintendent	\$ 36.25		\$ -
Foreman	\$ 32.02		\$ -
Carpenter/Lather	\$ 32.02		\$ -
Cement Mason	\$ 29.74		\$ -
Ironworker	\$ 40.18		\$ -
Plumber/Pipefitter	\$ 42.69	6	\$ 256.14
Operator Group I	\$ 23.50		\$ -
Operator Group II	\$ 24.59		\$ -
Operator Group III	\$ 25.24		\$ -
Operator Group IV	\$ 25.45		\$ -
Operator Group V	\$ 25.51		\$ -
Laborer I	\$ 23.05		\$ -
Subtotal			\$ 289.14
Labor Burden @ 45.83%			\$ 132.51
Labor Total		7	\$ 421.65
Travel/Perdiem	\$ 3.50	7	\$ 24.50
420 Cat Hoe	\$40.93		\$ -
Cat 345 Excavator	\$194.74		\$ -
Plumbing Truck & Trailer	\$40.14	6	\$ 240.84
Cat D6K Dozer	\$77.51		\$ -
320 Cat Excavator	\$89.11		\$ -
Supt/Fore Truck	\$25.14		\$ -
Crew Truck	\$25.14		\$ -
Blade	\$85.32		\$ -
Bonding Tools	\$75.00		\$ -
Forklift	\$40.93		\$ -
950H Wheel Loader	\$69.96		\$ -
Equipment Total			\$ 240.84
Materials Total:			\$ 398.95
1/2" Type L Hard Copper Tubing	\$ 1.34	100	\$ 134.20
2" SV Cast Iron P-Trap	\$ 21.96	1	\$ 21.96
2" SV Cast Iron 90 Bend (Credit)	\$ 13.80	-1	\$ (13.80)
2" SV Cast Iron Wye	\$ 17.55	1	\$ 17.55
2" SV Cast Iron 45 bend	\$ 7.74	1	\$ 7.74
2" SV Cast Iron Pipe	\$ 5.87	30	\$ 176.10
2" SV Cast Iron 90 Bend	\$ 13.80	4	\$ 55.20
Sub Contract:			\$ -
Profit & Overhead @ 5%			\$ -
Subtotal Labor, Equipment & Materials			\$ 1,085.94
Profit & Overhead @ 15%			\$ 162.89
Sub Contract:			\$ -
Subtotal			\$ 1,248.83
Bond			\$ 18.83
TOTAL			\$ 1,267.66

COR #9

COR #9



**6 King Canyon Loop
Caballo, NM 87931**

Project:

City of Alamogordo

1MGD Brackish Water Treatment Facility

Submitted: Bryce Smith

Location	Sheet	Date of Occurance	RFI
Evap. Pond	C15	Proposed	028

Inquiry: The engineer requested the proposed costs of installing ballast tube's every 100' around the lagoon and sandbags on a 10' grid per Southwest Liner Systems recommendation in RFI 028.

1	Direct Labor	\$	-
2	Indirect Cost	\$	-
3	Travel	\$	-
4	Equipment	\$	-
5	Materials	\$	-
6	Subcontracts	\$	22,914.99
7	Other (Bond)	\$	343.72
8	S-Total	\$	23,258.71
9	Profit & Overhead	\$	-
10	Total	\$	23,258.71

COMMENTS:

This change will require 7 Additional Calendar Days

DESCRIPTION			COR #9
	Rate	HOURS	TOTAL
Project Manager	\$ 33.00		\$ -
Superintendent	\$ 36.25		\$ -
Foreman	\$ 32.02		\$ -
Carpenter/Lather	\$ 32.02		\$ -
Cement Mason	\$ 29.74		\$ -
Ironworker	\$ 40.18		\$ -
Plumber/Pipefitter	\$ 42.69		\$ -
Operator Group I	\$ 23.50		\$ -
Operator Group II	\$ 24.59		\$ -
Operator Group III	\$ 25.24		\$ -
Operator Group IV	\$ 25.45		\$ -
Operator Group V	\$ 25.51		\$ -
Laborer I	\$ 23.05		\$ -
Subtotal			\$ -
Labor Burden @ 45.83%			\$ -
Labor Total		0	\$ -
Travel/Perdiem (Super. Only)	\$ 10.00	0	\$ -
420 Cat Hoe	\$40.93		\$ -
Cat 345 Excavator	\$194.74		\$ -
Welding Truck	\$40.14		\$ -
Cat D6K Dozer	\$77.51		\$ -
320 Cat Excavator	\$89.11		\$ -
Supt/Fore Truck	\$25.14		\$ -
Crew Truck	\$25.14		\$ -
Blade	\$85.32		\$ -
Bonding Tools	\$75.00		\$ -
Forklift	\$40.93		\$ -
950H Wheel Loader	\$69.96		\$ -
Equipment Total			\$ -
Materials Total:			\$ -
			\$ -
			\$ -
			\$ -
			\$ -
			\$ -
			\$ -
Sub Contract:			\$ 22,914.99
SWLS Ballast Tubes	\$ 18,823.80	1	\$ 18,823.80
SWLS Sandbagging	\$ 3,000.00	1	\$ 3,000.00
Profit & Overhead @ 5%			\$ 1,091.19
Subtotal Labor, Equipment & Materials			\$ -
Profit & Overhead @ 15%			\$ -
Sub Contract:			\$ 22,914.99
Subtotal			\$ 22,914.99
Bond			\$ 343.72
TOTAL			\$ 23,258.71

Ballasting and schedule

mark a decarlo [swls.md@gmail.com]

Sent: 9/14/2017 10:14 AM

To: juan@smithco.cc, "Bryce Smith" <bryce@smithco.cc>

Juan,

We recommend placing a ballast tube every 100' around the lagoon and sandbags on an 10' grid in the bottom of the lagoon. Cost to ballast is \$18,823.80. Cost for Sandbagging the floor is \$3,000.00

~~We have talked to our customers and have rearranged two other projects. We have rescheduled the Alamogordo Brackish Water lagoon to start on October 23rd. I hope this gives you ample time to get ready for the liner.~~

Thanks

Mark

--

Mark De Carlo
Southwest Liner Systems, Inc.
301 CALLE INDUSTRIAL
BERNALILLO, NEW MEXICO 87004
505-771-9122
505-771-0138 fax
mark@slliner.com
swls.md@gmail.com
www.slliner.com

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Tuite, Sarah

From: bryce@smithco.cc
Sent: Thursday, October 05, 2017 9:35 AM
To: Tuite, Sarah
Cc: raprattllc@gmail.com; juan@smithco.cc
Subject: Alamo Brackish - Weather Delay 10.05.17

Sarah,

We experienced heavy rainfall the morning of 10/05 and had to cease operations. I am requesting one additional contract day accordingly.

Thanks,



Bryce Smith
Smithco Construction, Inc.
6 King Canyon Loop
Caballo, NM 87931
C.) 575-740-8012 E.) bryce@smithco.cc

Tuite, Sarah

From: bryce@smithco.cc
Sent: Thursday, September 28, 2017 7:54 AM
To: Tuite, Sarah
Cc: juan@smithco.cc; raprattllc@gmail.com
Subject: Alamogordo Brackish - Weather Delays

Sarah,

We experienced heavy rainfall on 9/27/17 & 9/28/17. Smithco was unable to complete any work. I am requesting two additional contract days accordingly.

Regards,



Bryce Smith
Smithco Construction, Inc.
6 King Canyon Loop
Caballo, NM 87931
C.) 575-740-8012 E.) bryce@smithco.cc

Tuite, Sarah

From: russell pratt <raprattllc@gmail.com>
Sent: Thursday, September 28, 2017 7:49 AM
To: Tuite, Sarah
Subject: Weather

Sarah

I just want to confirm that yesterday around noon, SmithCo stopped work due to moderate to heavy steady rain. They lost a half a day yesterday. It rained last night and it sprinkling this morning. The job site is a muddy mess. SmithCo canceled the concrete pour for the exterior ramp to the Evap Pond today and rescheduled for Monday. They are trying to touch up some rebar this morning, other wise today is a loss also.

Russ

Tuite, Sarah

From: bryce@smithco.cc
Sent: Thursday, August 03, 2017 7:32 AM
To: Tuite, Sarah
Cc: raprattllc@gmail.com; juan@smithco.cc
Subject: Alamo Brackish - Weather Delay 08.02.17

Sarah,

We experienced heavy rainfall in the early hours of 8/2/17 and were unable to conduct earth moving activities. I am requesting one additional contract day accordingly.

Thank you,



Bryce Smith
Smithco Construction, Inc.
6 King Canyon Loop
Caballo, NM 87931
C.) 575-740-8012 E.) bryce@smithco.cc

Tuite, Sarah

From: bryce@smithco.cc
Sent: Tuesday, August 01, 2017 8:25 AM
To: Tuite, Sarah
Cc: juan@smithco.cc; raprattllc@gmail.com
Subject: Alamo Brackish - Weather Delay 08.01.17

Sarah,

We experienced heavy rainfall (1/2") overnight and Smithco had to halt earthwork & backfill operations for the day. I am requesting 1 additional contract day accordingly.

Thank you,



Bryce Smith
Smithco Construction, Inc.
6 King Canyon Loop
Caballo, NM 87931
C.) 575-740-8012 E.) bryce@smithco.cc

Tuite, Sarah

From: russell pratt <raprattllc@gmail.com>
Sent: Monday, July 31, 2017 3:32 PM
To: Tuite, Sarah
Subject: Re: Alamogordo Brackish Weather Delays 07/25 & 07/27
Attachments: article 12.pdf; 20170725_090119.jpg; 20170725_090123.jpg; 20170725_090412.jpg

Hi Sarah

Article 12 of the General Conditions Volume 1 of 3, Sec 13- Pg 26 (see attached).

I have also included a couple of pictures(note pictures enclosed are taken Tuesday July 25-the rain happened either Sunday night or very early Monday morning before work started). Monday morning after the rain SmithCo sent men home and spent most of the day restoring and pumping the excavation for the Admin Building to prepare for installation of the Membrane.

On Fri, Jul 28, 2017 at 1:20 PM, Tuite, Sarah <TuiteSC@cdmsmith.com> wrote:

Russ – do you know if our specs cover this topic?

Sarah

Sarah C. Tuite, PE | [CDM Smith](#) | TuiteSC@cdmsmith.com

From: bryce@smithco.cc [mailto:bryce@smithco.cc]
Sent: Thursday, July 27, 2017 1:29 PM
To: Tuite, Sarah <TuiteSC@cdmsmith.com>
Cc: raprattllc@gmail.com; juan@smithco.cc
Subject: Alamogordo Brackish Weather Delays 07/25 & 07/27

Sarah,

I am requesting two more additional contract days for delays caused by Weather this week.

07/25: We experienced heavy rainfall on Sunday 07/23 and the ground was still to muddy to conduct earth moving activities.

07/27: Starting at 1:00 pm, we experienced heavy rainfall and the entire crew was shut down for the rest of the day.

Thank you,



Bryce Smith
Smithco Construction, Inc.
6 King Canyon Loop
Caballo, NM 87931
C.) 575-740-8012 E.) bryce@smithco.cc

Tuite, Sarah

From: bryce@smithco.cc
Sent: Monday, July 24, 2017 10:27 AM
To: Tuite, Sarah
Cc: raprattllc@gmail.com; juan@smithco.cc; Twister Smith
Subject: Alamogordo Brackish - Weather Delay 07.24.17

Sarah,

Over the weekend Alamogordo experienced heavy rainfall. Smithco is currently unable to conduct earth moving activities. I am requesting credit for one additional contract day accordingly (see article 12 of general conditions).

Installation of the spray applied liner is proceeding as scheduled. More rain is forecast for the rest of the week and this could potentially be delayed as well.

Regards,



Bryce Smith
Smithco Construction, Inc.
6 King Canyon Loop
Caballo, NM 87931
C.) 575-740-8012 E.) bryce@smithco.cc



City of Alamogordo



Engineering Dept. • 1376 East Ninth St. • Alamogordo, NM 88310 • (575) 439-4337 • FAX (575) 439-4343

CONTRACT CHANGE ORDER

CHANGE ORDER NO. 3

1-MGD BRACKISH WATER TREATMENT FACILITY

PUBLIC WORKS PROJECT NO. 2017-001

DATE: **NOVEMBER 1, 2017**

CONTRACTOR: SMITHCO CONSTRUCTION, INC.
P.O. BOX 45
CABALLO, NM 87931

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

THE FOLLOWING CHANGES ARE HEREBY MADE TO THE CONTRACT DOCUMENTS:

1. Provide and install a P-trap and wall vent for the 2" floor drain at the sample analysis room, required per Uniform Plumbing Code.
2. Provide and install sealed 12-mil LLDPE ballast tubes and 60-mil HDPE sandbags in and around the evaporation pond to protect the liner from uplift caused by wind when the pond is empty.
3. Increase the contract performance period by eight (8) calendar days due to inclement weather between the period of July 24 and October 5, 2017, and an additional seven (7) calendar days for item 2 above.

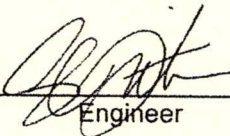
REVISED CONTRACT AMOUNT

- | | |
|--|-----------------|
| 1. Original Contract Amount | \$8,778,400.00* |
| 2. Total Contract Amount Including Previously
Approved Change Orders..... | \$8,915,466.72* |
| 3. Amount of this Change Order (increase)..... | \$ 24,526.37* |
| 4. Total Revised Contract Amount to Date..... | \$8,939,993.09* |

* excludes 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 RECOMMENDATION FOR APPROVAL:

BY:  11.01.2017
Engineer Date

CHANGE ORDER ACCEPTED AND APPROVED:

BY:  11/1/17
Contractor Date

CHANGE ORDER APPROVED BY CITY MANAGER/CITY COMMISSION:

BY: _____
City Manager Date

BY: _____
City Attorney Date

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/07/2017

Report Date: 11/03/2017

Report No: 13.

Submitted By: Petria Schreiber

Subject: Consider and act upon first publication of Ordinance No. 1547, An ordinance repealing the entire personnel manual (Appendix B) of the City of Alamogordo code of ordinances and authorizing the City Manager to develop and implement a personnel manual at their discretion. *(Katie Josselyn, Human Resources Director and Maggie Paluch, City Manager)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve Ordinance No 1547 for first publication.

Background: This ordinance allows the City Manager to update the personnel manual without going through Commission in order to keep it updated with the latest laws and policies.

City of Alamogordo

Employee Manual



11/02/2017

ABOUT THIS HANDBOOK/DISCLAIMER

We prepared this manual to help employees find the answers to many questions that they may have regarding their employment with City of Alamogordo. Please take the necessary time to read it.

We do not expect this manual to answer all questions. Supervisors and Human Resources also serve as a major source of information.

Neither this manual nor any other verbal or written communication by a management representative is, nor should it be considered to be, an agreement, contract of employment, express or implied, or a promise of treatment in any particular manner in any given situation, nor does it confer any contractual rights whatsoever.

No City representative other than City Manager may modify at-will status and/or provide any special arrangement concerning terms or conditions of employment in an individual case or generally and any such modification must be in a signed writing.

Many matters covered by this manual, such as benefit plan descriptions, are also described in separate City documents. These City documents are always controlling over any statement made in this manual or by any member of management.

This manual states only general City guidelines. The City may, at any time, in its sole discretion, modify or vary from anything stated in this manual, with or without notice, except for the rights of the parties to end employment at will, which may only be modified by an express written agreement signed by the employee and City Manager.

The official manual is on the City website located at ci.alamogordo.nm.us, and is maintained by Human Resources.

This manual is subject to the terms of any applicable collective bargaining agreement and the Labor Management Relations Ordinance.

This manual supersedes all prior manuals.

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Section 1 - Governing Principles of Employment

1-1. Introduction

For employees who are commencing employment with City of Alamogordo (or the "City"), on behalf of City of Alamogordo, let me extend a warm and sincere welcome.

For employees who have been with us, thanks for your past and continued service.

I extend my personal best wishes for success and happiness here at City of Alamogordo. We understand that it is our employees who provide the services that our citizens rely upon, and who will enable us to create new opportunities in the years to come.

Margaret D. Paluch, City Manager

1-2. Glossary of Terms

ANNIVERSARY

The date on which an employee was appointed to a regular position or the date of promotion/demotion/transfer.

APPEAL

A formal or informal process for requesting a change to an official decision.

AT-WILL EMPLOYEES

Those who serve at the will and pleasure of the City Manager or his or her designee and may be terminated at any time with or without cause and may not appeal such termination, except under certain contractual conditions.

BENEFITS

Taxable or non-taxable remuneration and/or services provided by the City which are separate and in addition to basic pay for time worked.

CITY

The municipal government, composed of the City Commission, the City Manager, all departments, divisions, agencies, and employees which comprise the organization design to provide service to the citizenry.

CITY COMMISSION

The duly elected or appointed officials who comprise the legislative body of the municipal government with powers defined by New Mexico Law.

CITY MANAGER

The municipal government's official who directs the administration of a City, or a person designated to assume the position on an acting basis, charged with complete responsibility of employees, facilities, and other resources set forth by New Mexico State Law and the City Charter.

CLASS

One or more positions that are sufficiently alike in, warranting using the same (or similar) title, qualification requirements, examination, and pay grade. Sometimes called "Classification".

CLASSIFICATION PLAN

An ordering of different positions in the City service according to duties, responsibilities, and required qualifications.

CONTINUOUS EMPLOYMENT

The period during which the City employs a person in a regular status uninterrupted by termination or suspension.

CORRECTIVE ACTION

An action taken to correct the behavior or the performance of an employee.

DEMOTION

The assignment of an employee from one class to another which has a lower pay rate or grade and is corrective in nature.

DEPARTMENT DIRECTOR

A City official designated with the responsibility for management of a major department of the City government. Departments are comprised of several divisions with similar service missions.

DISABLED EMPLOYEES

Individuals who have suffered a permanent disability while an employee of the City government.

DISMISSAL

Involuntary termination of employment for reasons other than lack of funds or lack of work.

EAP

Employee Assistance Program (EAP) is a benefit to aid employees in resolving personal problems.

ELIGIBLE

A person has the right to do or obtain; satisfying the appropriate conditions or whose name is included with a list of qualified candidates for a vacant position.

ELIGIBLE LIST

A list of persons qualified to fill a vacancy in a particular class.

EMPLOYEE

An individual who is legally employed by the City government and is paid through the City payroll, except for contracted persons, and consultants.

ENTRY LEVEL RATE

The minimum base rate in any salary grade established for a class.

FINAL RATING

A job candidate's earned composite score or consensus rating for all aspects of the selection process.

FRATERNIZATION

To associate with others in a brotherly or congenial way.

FULL-TIME

A position that requires at least forty (40) hours work per work week.

GRIEVANCE

An employee's complaint regarding alleged unjust application, interpretation, or violation of the rules and regulations of the City, or the department for whom the employee works.

GRADES

An ordering of positions within a pay plan.

JOB DESCRIPTION

A written description of a class, which includes the position title, a general statement of duties and responsibilities, examples of typical duties performed, a statement of minimum qualification requirements, and definition of working conditions.

JOB EVALUATION

A review of the duties and responsibilities of a position and the qualifications required to perform the essential functions of the position.

LAYOFF

Involuntary termination of an employee due to lack of work, lack of funds, elimination of a position through reorganization, reclassification of positions, or other changes that have taken place.

LWOP

Leave without pay is a temporary status and absence from duty that, in most cases, is granted at the employee's request. Approval of LWOP is a matter of supervisory discretion.

MANAGEMENT

Persons designated as head of a group of employees, a section, a major functional unit, or an activity, with authority and responsibility to exercise independent judgement; who assigns tasks, sets standards of job performance, recommends hires, transfers, suspensions, layoffs, recalls, promotions, and terminations of subordinates. Further, they may assign, reward or correct the action of others, and direct or adjust employee grievances.

MEDICAL EVALUATION

An objective assessment of the candidate as compared with medical standards.

MEDICAL STANDARDS

Medical requirements established by the City for all classes of positions. Inability to meet one or more medical

standard(s) established for a position will result in rejection of the candidate or withdrawal of a conditional offer of employment.

NEPOTISM

Favoritism shown on the basis of family relationship by those with power or influence.

NEW HIRE

A person not previously employed by the City.

OPEN COMPETITION

Competition for a position which is available to all interested persons internally and externally.

OVERTIME WORK

Time worked for an hourly employee in excess of forty (40) hours per work week.

PAID TIME OFF (PTO)

Leave with pay granted after accrual to eligible employees for their own personal use.

PAY

Payment that is uniform from one payday to the next and does not depend on the number of hours worked.

PAY DIFFERENTIALS

Also called "overlays." Pay for additional duties beyond what the position originally required.

PAY PLANS

The salary schedules for salaried/exempt and hourly/non-exempt employees or any other class(es) of positions in the municipal service.

PAY RANGE

The minimum and maximum base rates established for each pay grade.

PAY RATE

Also called base rate. The specific salary established within each salary grade.

PER DIEM ALLOWANCE

Daily allowable compensation for lodging and subsistence for in-state and out-of-state travel at the current reimbursement rate.

POSITION

An authorized, budgeted job within the municipal service. A position may be vacant or occupied by an incumbent.

POSTING

The advertising of vacant positions.

PREFERENCE

The additional consideration that is given to a regular employee applying for an established vacancy who meets the minimum qualifications of a classification.

PROBATIONARY PERIOD

A six (6) month or one year (12 month) trial period of employment, during which an employee is required to demonstrate fitness for regular employment and during which time the employee may be terminated without cause and without the right of appeal.

PROMOTION

The assignment of an employee from one grade to another, which has a higher maximum rate of pay and greater responsibility. Promotion requires that an employee undergo another probationary period.

RECLASSIFICATION

A change in duties, responsibilities, qualifications, title, and/or grade of a position as a result of a job evaluation.

REGULAR FULL-TIME EMPLOYEE

A Regular Full-Time employee is one whose average workweek is no less than forty (40) hours in a seven (7) day period, has successfully completed the introductory period, and is entitled to employee benefits.

REGULAR PART-TIME EMPLOYEE

A City employee who works less than forty (40) hours/week, and not more than 29 hours/week, in a regularly budgeted position, and has successfully completed the probationary period.

RE-HIRE

Re-employment of a former employee, restored to the municipal service in good standing.

REINSTATEMENT

An action whereby an employee is restored to the municipal service after involuntary termination or suspension.

RESIGNATION

The voluntary termination of employment, prior to retirement, by an employee.

RETIREMENT

Any employee retiring in good standing under City employment and under the New Mexico PERA Retirement system.

REVIEWER

The rater's immediate superior or designee who is required to review and approve each performance evaluation within his or her purview before it is included as part of the reviewed employee's permanent record.

SEASONAL/TEMPORARY

Full or part-time employees working not more than six (6) months per calendar year, for a special purpose, project or definite number of projects during a peak season. These employees are not eligible for benefits and may be terminated at any time with or without cause and without the right to appeal.

SELECTION TOOL

Tools used separately or in combination, as appropriate, to obtain the best qualified applicants for vacant positions. Such devices may include, but are not limited to, work sample and performance tests, practical written tests, oral examinations, rating of training and experience, interview, skills tests, and others.

SEPARATION

Removal of an employee from the municipal payroll for voluntary or involuntary reasons; to include dismissal, resignation, layoff, retirement, abandonment of the job, death, etc.

SERIOUS ILLNESS

An illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature for which meets the definition of a serious illness in the Family and Medical Leave Act.

SUPERVISOR

An employee with authority to exercise independent judgement on behalf of the City government to recommend hire, transfer, suspension, layoff, recall, promotion, demotion, discharge, and other personnel actions.

TERMINATION

The resignation, retirement, dismissal, or death of an employee.

TEST

A formal method by which an applicant's or employee's qualifications for employment or promotion are assessed.

TRANSFER

Assignment of an employee from one position to another in the same pay grade, a lower pay grade, or a pay grade with the same or a lower minimum rate of pay. May also be assignment of an employee from one work site to another, from one Department to another, to more or less responsible or skilled occupations, or from one operational assignment to another in accordance with existing City policy. Transfers may be voluntary or involuntary. An involuntary transfer, which results in a reduction of base pay is considered a demotion.

UNAUTHORIZED ABSENCE

Absence from duty without supervisory approval.

VACANCY

An authorized position not occupied by an incumbent, which has been approved by the appropriate designated authority for filling.

WAGE

Payment that is calculated according to the number of hours worked and which may fluctuate from one payday to the next as the number of hours worked varies.

1-3. Objective

It is the objective of the City of Alamogordo to provide the maximum possible service to the public within available funding and to provide courteous treatment to all persons having any dealings whatsoever with the City, under all circumstances. This manual is intended to be one of the means whereby the City will accomplish this objective.

1-4. Authority

The following practices and procedures were developed under the authority of the City Manager and shall supersede any practices and procedures heretofore adopted, except for those rules adopted as the result of any collective bargaining agreement.

1-5. Purpose

It is the purpose of this manual to establish a system of uniform and appropriate personnel procedures to improve the quality of personnel administration. It is not the purpose of this manual to create an express or implied contract of employment in any way. This manual will consist of good employment practices such as:

1. Recruiting, selecting and advancing employees on the basis of their knowledge, skill, and ability, as well as open consideration of qualified applicants for initial appointment.
2. Retaining employees on the basis of performance, correcting inadequate performance, and separating employees whose performance cannot be corrected.
3. Assuring fair treatment of applicants and employees in selection, promotion, training, and all other aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, age, religion, handicap, or any other protected status and with proper regard for their privacy and constitutional rights as citizens.
4. Assuring that employees are not coerced to support or oppose particular candidates or electoral issues and are prohibited from using their official authority for personal gain for the purpose of interfering with or affecting the outcome of an election.
5. To assist managers in the development of sound management practices and procedures, and to make effective, consistent use of Human Resources throughout the City.

1-6. Scope

The scope of this manual includes a compilation of procedures, which governs and affects personnel administration for all departments within the jurisdiction of the Alamogordo City Government, unless otherwise specified.

1-7. Amendments

The City Manager shall have the authority to authorize changes to this manual as needs become apparent. Such changes shall become effective on the day the changes are approved.

The City specifically reserves the right to repeal, modify or amend these policies at any time, with or without notice.

1-8. Administration of the Personnel System and Manual

The City Manager shall administer all aspects of the personnel administration in accordance with these rules in compliance with City Ordinance, and the laws of the State of New Mexico and the United States of America.

Henceforth the City Manager may, with sole discretion, appoint a designee to fulfill any or all responsibilities of administration of this manual as deemed appropriate, except those specifically reserved to the City Manager by statute.

The City Manager shall:

1. Develop, maintain, and apply these procedures for the recruitment, compensation, promotion, training, discipline, and related aspects of personnel management for all personnel under the City's jurisdiction;
2. Maintain the classification and pay plans of the City;
3. Issue supplemental regulations and directives necessary for the effective implementation of these rules, which shall not invalidate the effect of these rules;
4. Approve contractual arrangements with any qualified person or agency for the performance of technical and professional services required in the establishment and operation of the personnel program;
5. Delegate to Department Directors the responsibilities and authorities described herein and such others as are deemed necessary for successful administration of the personnel program; and
6. Maintain or cause to be maintained an adequate employment record of each employee, including a record of official acts under these policies.

1-9. Authority to Develop Departmental Rules and Regulations

Supplemental personnel rules and regulations, not in conflict with this manual, may be drafted by Department Directors to meet specific needs of their areas of responsibility. Such supplemental regulations must be authorized by the City Manager prior to implementation. Such approved regulations must be distributed to the affected employees and an acknowledgement of receipt for each employee must be obtained by the supervisor. Approved department regulations shall have the same force and effect as those promulgated by this manual, provided however, that should there be a conflict between departmental regulations and this manual, this manual will govern.

1-10. Application of Provisions

The provisions of this Employee Manual shall apply to all persons employed by the City, except as follows:

1. At Will employees are subject to the grievance procedure(s) outlined in their respective contract(s).
2. Members of City boards and committees appointed by the Mayor, City Commission, or City Manager.
3. Contract labor personnel.
4. Employees represented by a collective bargaining unit are covered by any provision of this Employee Manual not modified by their collective bargaining agreement.

1-11. Compliance with Federal/State Employment Laws and City Ordinances

The City of Alamogordo promotes and will use its best efforts to comply with all federal and state employment laws as they apply to municipal government, as well as the Ordinances of the City of Alamogordo.

1-12. Equal Employment Opportunity

City of Alamogordo is an Equal Opportunity Employer that does not discriminate on the basis of actual or perceived race, creed, color, religion, alienage or national origin, ancestry, citizenship status, age, disability or handicap, sex, marital status, veteran status, sexual orientation, genetic information, or any other characteristic protected by applicable federal, state or local laws. Our management team is dedicated to this policy with respect to recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities and general treatment during employment.

The City will endeavor to make a reasonable accommodation to the known physical or mental limitations of qualified employees with disabilities unless the accommodation would impose an undue hardship on the operation of our business. If you need assistance to perform your job duties because of a physical or mental condition, please notify the Human Resources Office and your immediate supervisor.

The City will endeavor to accommodate the religious beliefs of its employees to the extent such accommodation does not pose an undue hardship on the City's operations. If you wish to request such an accommodation, please speak to your immediate supervisor and the Human Resources Office.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Human Resources Office. The City will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. If an employee feels he or she has been subjected to any such retaliation, he or she should bring it to the attention of the Human Resources Office. Violation of this policy including any improper retaliatory conduct will lead to discipline, up to and including termination.

1-13. Harassment

It is City of Alamogordo's policy to prohibit intentional and unintentional harassment of any individual by another person on the basis of any protected classification including, but not limited to, race, color, national origin, disability, religion, marital status, veteran status, sexual orientation or age. The purpose of this policy is to ensure that no one harasses another individual.

If an employee feels that he or she has been subjected to conduct which violates this policy, he or she should immediately report the matter to the employee's supervisor. If the employee is unable for any reason to contact this person, or if the employee has not received a response within five (5) business days after reporting any incident of what the employee perceives to be harassment, the employee should contact the Human Resources Office. Human Resources will consult with the Department Director. If the person toward whom the complaint is directed is one of the individuals indicated above, the employee should contact the City Attorney's Office or the City Manager's Office. Every report of perceived harassment will be investigated. Corrective action will be taken where appropriate. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed.

In addition, the City will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. If an employee feels he or she has been subjected to any such retaliation, he or she should report it in the same manner in which the employee would report a claim of perceived harassment under this policy. Violation of this policy including any improper retaliatory conduct will result in disciplinary action, up to and including termination.

1-14. Sexual Harassment

It is City of Alamogordo's policy to prohibit harassment of any employee by any supervisor, employee, citizen or vendor on the basis of sex or gender. The purpose of this policy is to ensure that all City employees are free from sexual harassment. While it is not easy to define precisely what types of conduct could constitute sexual harassment, examples of prohibited behavior include unwelcome sexual advances, requests for sexual favors, obscene gestures, displaying sexually graphic magazines, calendars or posters, sending sexually explicit e-mails, text messages and other verbal or physical conduct of a sexual nature, such as uninvited touching of a sexual nature or sexually related comments. Depending upon the circumstances, improper conduct also can include sexual joking, vulgar or offensive conversation or jokes, commenting about an employee's physical appearance, conversation about your own or someone else's sex life, or teasing or other conduct directed toward a person because of his or her gender which is sufficiently severe or pervasive to create an unprofessional and hostile working environment.

If the employee feels that he or she has been subjected to conduct which violates this policy, the employee should immediately report the matter to the employee's supervisor. If unable for any reason to contact this person, or if the employee has not received a response within five (5) business days after reporting any incident of perceived harassment, the employee should contact the Human Resources Office. Human Resources will consult with the Department Director. If the person toward whom the complaint is directed is one of the individuals indicated above, the employee should contact the City Attorney's Office or the City Manager's Office. Every report of perceived harassment will be investigated. Corrective action will be taken where appropriate. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed.

In addition, the City will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. If an employee feels that he or she has been subjected to any such retaliation, the employee should report it in the same manner in which a claim of perceived harassment would be reported under this policy. Violation of this policy including any improper retaliatory conduct will result in disciplinary action, up to and including termination.

1-15. Workplace Violence

City of Alamogordo is strongly committed to providing a safe workplace. The purpose of this policy is to minimize the risk of personal injury to employees and damage to City and personal property.

City of Alamogordo prohibits employees from engaging in any physical confrontation with a violent or potentially violent individual. However, we do expect and encourage employees to exercise reasonable judgment in identifying potentially dangerous situations.

Prohibited Conduct

Threats, threatening language or any other acts of aggression or violence made toward or by any City employee will not be tolerated. For purposes of this policy, a threat includes any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, flashing of weapons, stalking or any other hostile, aggressive, injurious or destructive action undertaken for the purpose of domination or intimidation.

Procedures for Reporting a Threat

All potentially dangerous situations, including threats by co-workers, should be reported immediately to any member of management with whom the employee feels comfortable. Emergency 911 should be contacted if needed. Reports of threats may be maintained as confidential to the extent maintaining confidentiality does not impede the ability to investigate and respond to the complaints. All threats will be promptly investigated. No employee will be subjected to retaliation, intimidation or disciplinary action as a result of reporting a threat in good faith under this policy.

If the City determines, after an appropriate good faith investigation, that someone has violated this policy, the City will take appropriate disciplinary action up to and including termination.

If an employee is the recipient of a threat made by an outside party, that employee should follow the steps detailed in this section. It is important for the City to be aware of any potential danger, and to take effective measures to protect everyone from the threat of a violent act by an employee or by anyone else.

1-16. Anti-Bullying

City of Alamogordo prohibits any form of bullying. Bullying is an act of aggression causing embarrassment, pain, or discomfort to someone. It can take a number of forms including, but not limited to; physical, verbal, making gestures, or exclusion. It may be an abuse of power. It can be planned and organized, or it may be unintentional. It may be perpetrated by individuals or by groups of individuals.

The City is opposed to bullying and it will not be tolerated. If an employee feels that he or she has been subject to conduct in the workplace which violates this policy, he or she should immediately report the matter

to the employee's supervisor. If the employee is unable for any reason to contact this person, or if the employee has not received a response within five (5) business days after reporting any incident of what the employee perceives to be bullying, the employee should contact the Human Resources Office. Human Resources will consult with the Department Director. If the person toward whom the complaint is directed is one of the individuals indicated above, the employee should contact the City Attorney's Office or the City Manager's Office.

1-17. Alternative Dispute Resolution

The City encourages the resolution of legal claims, including employment claims, through alternative dispute resolution ("ADR"), and intends to use ADR in disputes. Included below is a preliminary step which encourages, whenever possible, the use of mediation to resolve conflict. This step is intended to urge the consideration of the option of mediation, but in no way limits or preempts other remedies to which employees and the City are entitled by law.

When possible, the Department Head considering corrective action may file a request for mediation with the Human Resource office prior to initiating corrective action. When mediation is pursued, participation in such session will be limited to the two (2) parties involved, the City Attorney's Office, and the mediator. Other parties may be included, exclusive of any representative or attorney, at the discretion of the mediator. Further, when mediation is pursued, all time limitations will be tolled as of the filing of the request for mediation with the Human Resource's Office and until such time as the mediation is completed. If a resolution is not reached through mediation, disciplinary action may ensue. A Department Head considering termination may not use mediation.

Section 2 - Recruitment and Selection

2-1. Recruitment Policy

Policy

It is the policy of the City to recruit and select the most qualified persons for positions in the City's service. Recruitment and selection shall be conducted in a manner that will ensure the City's best interest, open competition, provide equal employment opportunity, prohibit discrimination or favoritism as per federal and state laws and local ordinances.

Recruitment

The Human Resources Department policy is to conduct an active recruitment program designed to meet current and projected manpower needs. Recruitment will be tailored to the various classes of positions to be filled and will be directed to available sources likely to yield qualified applicants, including, but not limited to: internal posting, public notification through the New Mexico Department of Labor, media, web advertising, and posting at institutes of higher learning.

Posting of Vacancies

The Human Resources Department policy is to post and advertise job announcements in order to attract an adequate number of applicants and to promote an environment of competition that in turn will assure the selection of the most qualified candidates for any given position. These announcements shall include information sufficient to inform applicants of the pertinent features of the job.

The Human Resources Office will in its best efforts create a pool of qualified applicants to encourage diversity and ensure Equal Employment Opportunity in hiring. The following practices for listing positions will be followed under the Human Resources Department's direction with regard to Equal Employment Opportunity in the City of Alamogordo:

- A. Regular full-time positions must be open for a minimum of five (5) work days; and
- B. Must be advertised in the City's paper of record and/or on the City's official web site, except when the City determines that a given position is to be filled from within the City organization or through an employment agency such as the New Mexico Department of Labor, it will not be required to advertise in said paper of record.

Application Forms

All applications for employment shall be submitted to the Human Resources Department on the standard City application form either electronically or in hard copy. Such application forms shall require background information to include training, experience, and other pertinent information that is not prohibited by law. All applications must be signed, either electronically or in writing, and proof of qualification may be required. An application for employment will not be accepted beyond the closing date of a job vacancy announcement. Resumes without an application, and incomplete or late applications will not be accepted. Electronic and faxed applications will be accepted under the same procedure. All applications and resumes shall become the property of the City and shall become a permanent part of the personnel file upon being hired.

Applicant Qualifications

Qualifications are the primary consideration in filling any position. Experience, education, training, skills, and other abilities, as well as specific position requirements and the prior employment history of the applicant, are considered in appraising individual qualifications. Qualifications are subject to change within job fields and according to job descriptions prior to posting.

Notwithstanding the foregoing, no person shall be eligible to have his or her name certified for original appointment to the position of Police Officer if such person has not reached his or her twenty-first birthday on the date of the application for the position, or the position of Firefighter if such person has not reached his or her eighteenth birthday on the date of application for the position.

Rejection of Applications

The Human Resources Department may reject any application, which indicates that the applicant does not meet the minimum qualifications as established. Applications may also be rejected for, but not limited to the following, and consistent with the American with Disabilities Act, when the applicant:

- A. has falsified an application or resume;
- B. is unable to perform the duties of the position, for whatever reason(s);
- C. does not pass the pre-employment tests as outlined in this manual;
- D. refuses to submit, or does not submit in a timely manner, documents required by the established position or by law to determine the applicant's suitability for employment in the United States of America under the Immigration Reform Act, Social Security Act, or documents required to determine established education for the position;
- E. has an unsatisfactory employment record or personal record as evidenced by information contained on the application form or by results of a background check;
- F. is not within the legal age prescribed by law or City Ordinance;
- G. fails to meet any standards applicable to the physical or mental demands of the position;
- H. fails a pre-employment drug test;
- I. cannot be licensed or insured for the operation of City vehicles and equipment as required by the job description;
- J. cannot be licensed for or maintain professional certification as required by the job description;
- K. was dismissed from City service as a result of the corrective action process, or did not give a two week notice before termination. Two week notice may be waived, with documented approval, from the Department Director and Human Resource Director to accommodate extenuating circumstances; or
- L. where an employee resigns to avoid dismissal or other corrective action.

Selection Hiring Process

The Human Resources Department shall be responsible for determining selection methods to obtain the best-qualified applicants for each class of positions. Such selection methods may include the interview process, job relevant testing, and examinations. In the development of selection methods, Human Resource Department shall confer with department heads, consultants, or others skilled in/or familiar with minimum job

requirements. The minimum passing score is 70% or greater for interviews, testing, and examinations.

Human Resources will be responsible for developing and maintaining a background check program that is appropriate depending on the nature of each position. Applicants must provide a written authorization to the City which notifies the applicant that the City will conduct a background check and that the applicant agrees.

Interview Process

The Human Resources Department shall coordinate the interview process. As a supplement to the selection process, applicants who have passed the application process may be interviewed by a panel of three (3) or more panelists. In processes where only three (3) or fewer applicants pass the application process, the Department Director may choose to interview the applicants in lieu of using a panel. The City Manager has the authority to approve, by request of the Director, elimination of the panel interview.

All interviews will strictly adhere to Equal Opportunity Laws and the Americans with Disabilities Act.

Interview Panels

The Human Resources Department and Department Directors will coordinate the selection of panel members, scheduling of applicants, development of questions, and rating process.

Rating and Recommendation Process

All applicants will be rated individually on the information provided by the applicant during the interview. The Human Resources Department will tabulate all scores and provide a listing to the Department Director of the three (3) top scoring applicants in alphabetical order or will provide the top scoring applicant. Filling the position from the top three (3) scoring applicants or from the top scoring applicant will be determined by the Department Director at the time a request is submitted to fill a vacancy. Where there is a tie score among the third of the top three (3) applicants, all four (4) top ranking applicants will be listed in alphabetical order. The Department Director will advise the Human Resources Department of his or her recommended selection. If the Department Director finds that none of the applicants are suitable, the remaining applicants will then be reconsidered or, if necessary the position will be re-advertised.

Eligibility for Hire Roster

Applicants who pass the initial interview phase will be placed on an eligibility roster for a period of six (6) months from the date of the initial interviews. Police, Fire and Dispatcher rosters will be for a period of twelve (12) months, from the date of the initial interviews. Placement on the eligibility roster will be in order beginning with the highest scoring applicant to lowest scoring applicant. Should the position become vacant within the relevant time period, the top applicants on the roster who passed the initial interview phase may be considered by the Department Director before re-advertising the position.

Notice of Non-Selection

The Human Resource Department and/or in some cases, the Department Director or designee, will notify applicants of their status during the process when it is determined the applicant is no longer being considered.

2-2. Procedures For Hiring

Authorization for Hiring

Department Directors shall submit each request to fill a vacancy, to the Human Resources Department on the prescribed form. The Human Resources Department shall verify each request and present it to the City Manager or his or her designee. The City Manager may or may not authorize the vacancy be filled.

Required Licenses and Certificates

Applicants/employees are responsible for meeting all job-related requirements at the time of application, hire, transfer or promotion as outlined in the job description. This may include licenses, certificates, permits, degrees and registrations.

Employees are responsible for paying any fees in obtaining such license, etc., unless otherwise specified by the City Manager, Department Director, or designee.

Failure to Maintain Job Qualifications

Employees are required to maintain qualifications and certifications necessary for their position. Employees who have lost such certification requirement/job qualifications are responsible for:

- A. Immediately notifying both their immediate supervisor and their Department Director on the first day of employment after such a loss; and
- B. Not performing any work, or related function, without the required certification.

Pre-Employment Screening

Pre-Employment testing may include, dependent on the position, but are not limited to a functional capacity examination, position competency test, and/or physical testing.

Background Checks

The Human Resources Department will obtain signed releases and authorizations to conduct background and reference checks. Background checks may include, dependent on the position, but are not limited to employment history, criminal history, driving history, education verification, and credit history as appropriate.

Supervisors may review previous performance reviews and disciplinary actions of current employee's being considered for a new position, and may consider this information when selecting a successful candidate.

Post Offer, Pre-Employment Examinations

Pre-employment examinations may include, dependent on the position, but are not limited, to a pre-employment drug test, a physical, a polygraph, hearing test, eye test, and/or a psychological examination.

Recommendation for Hire and Appointment

The City Manager, or his or her designee, has the authority to approve or disapprove a recommended selection. Upon the City Manager's written approval, and upon completion of all pre-employment procedures, the Human Resources Department will notify the finalist of a conditional offer of employment.

Conditional Offer of Employment

The Human Resources Department shall notify the successful applicant of the conditional offer of employment and will schedule them to attend orientation. Unless prior approval is obtained from the City Manager, the City will not reimburse travel or relocation expenses in conjunction with the hiring process.

Rejection of Employment Offer

In the event an applicant rejects an offer, the position may be offered to another candidate from the top three (3), the next highly qualified applicant from the same selection pool, or it may be re-opened for recruitment. A Director may choose not to hire candidates that remain eligible in the recruitment file.

New Employee Orientation

Each new employee is required to attend a New Employee Orientation coordinated by the Human Resources Department.

The employee's department is responsible for providing additional information on departmental rules and regulations that set forth standards, regulation, duties, training, hours of work, reports, leave requests, safety, dress code, etc.

Categories of Employment

A. Probationary: All newly hired employees for the City are on a probationary status that extends for six (6) months from the date of hire or twelve (12) months for Police and Fire Personnel under special circumstances and with the approval of the City Manager.

Probationary periods may be extended for an additional period of up to six (6) months. Extended probationary periods must be initiated and served prior to the end date of the initial probationary period. Such an extension will be effective the day following the end of the initial probationary period.

B. Regular Full Time: A Regular Full-Time employee is one whose average workweek is no less than forty (40) hours in a seven (7) day period, has successfully completed the probationary period, and is entitled to employee benefits; or meets the requirements of the Affordable Care Act.

C. Regular Part Time: A City employee who works less than forty (40) hours in a seven (7) day period, is in a regularly budgeted position, has successfully completed the probationary period, and is entitled to qualifying employee benefits.

D. Temporary/Seasonal: Full or part-time employees whose work assignment is budgeted not to exceed six (6) months in a calendar year for a special purpose, project or definite number of projects during a peak season. These employees are not eligible for benefits. Such employees are probationary their entire tenure, regardless of the number of seasons for which they have been rehired, and may be terminated at any time with or without cause and may not appeal this termination.

E. Intermittent: An employee qualified to work in one or more job assignments who is on call to work at irregular intervals in one or more City departments. This employee is not entitled to City benefits and is paid only for hours worked.

F. Emergency: A full-time or part-time person hired to ensure continuity of municipal services during an emergency. Emergency appointments need only approval by the City Manager. Such employees are not eligible for City benefits.

G. Acting: A current employee appointed to temporarily assume the duties of a position pending the return of

the employee in that position or a regular competitive appointment. A current employee who assumes the acting appointment may be required to also perform his/her usual duties. An Acting Employee will be granted additional compensation after thirty (30) calendar days or upon City Manager approval where required.

H. Professional: A person from outside the work force who is appointed on a temporary basis by the City Manager, to a vacant position pending selection of a qualified person.

I. Special Programs: These are employees who are assigned to work areas anywhere in the City for the purpose of training or re-training. These individuals are not City employees, and all benefits and insurance coverage are the responsibility of the agency that has placed said individuals with the City. The City is not responsible for extending regular employment of these individuals.

Employee Preference

Current full-time and part-time, regular non-probationary period employees who apply for and are qualified for a vacancy that are selected for the interview process, will be given a ten (10%) percent preference, which will be added to their interview score before being referred for the final interview with the Department Director. The 10% preference will only be added to each score after passing the minimum passing score. The minimum passing score is 70% or greater. This preference does not guarantee selection or appointment to any vacancy. Where two (2) or more City employees are the only applicants being considered for final selection, seniority with the City, past performance, evaluations, and attendance (barring the courtesy of emergency/medical leave) may be considered in the final selection.

Employee Identification Cards

The Human Resource Department will issue all employees a City Employee Identification Card (I.D. Card). The employee will carry the I.D. card when on Official City business. Each employee is responsible for safeguarding and updating his or her issued I.D. card. All identification cards remain the property of the City and must be returned to the Human Resource Department upon termination of employment. Failure to return the I.D. card may result in a charge being withheld from the final pay in accordance with the City Property policy.

City retirees will be provided with an I.D. card, from the Human Resources Department for required identification when requesting recreational City benefits. A City retiree is defined as an employee retiring in good standing under City Employment and under the New Mexico PERA retirement system. City retiree I.D. Cards are not required to be returned to the City.

2-3. Transfers/Promotions/Demotions

City employees are encouraged and offered the opportunity to apply for a transfer or promotion to vacant positions for which they are qualified. In order to promote, the City will allow on-duty employees to attend testing and interview procedures for other City positions, during scheduled work hours, under the following conditions:

- Appropriate notice is given to the supervisor of the absence from work; and
- Employee will report to work immediately following appointment if during scheduled work hours.

Employees will not be compensated for time to attend testing and/or interviews that are conducted outside of their normally scheduled work hours.

The City Manager, or designee, may, for the good of the City, transfer an employee to a vacant position within a department or division or to a different department or division within the City. Employees cannot be laterally transferred outside their PERA Retirement classification where the transfer is detrimental to the employee's vested interest, unless employee initiated.

Pay Upon Transfers/Promotions/Demotions

Employees who are transferred may have their pay changed accordingly.

No transfers will be made outside the pay range for the new position.

Change of Anniversary Date & Introductory Period

A regular employee who is promoted, demoted, or transferred will have his/her anniversary date changed to the effective date of said personnel action for evaluation and seniority in grade purposes. They will also serve a probationary period as outlined in that section. This provision does not apply in the case of an involuntary transfer.

Employees transferring may have their pay changed accordingly.

Section 3 - Compensation

3-1. Compensation

The term "Compensation" refers to base salary and other forms of compensation to include, but not limited to, fringe benefits such as paid leaves, insurance, retirement pensions, incentive plans, and paid holidays. The Compensation Plan shall strive for fair market compensation in terms of service provided to the community for resources expended.

Purpose and Policy

It is the policy of the City to establish a compensation system that will allow the City, within budgetary constraints, to effectively compete for qualified personnel and to ensure that salaries are equitable and commensurate with the duties performed by each employee.

Salary Plan

A salary plan shall be prepared and reviewed by the City Manager, and approved in the budget by the City Commission, and shall apply to all employees not covered by a labor contract. Employees covered by a labor contract shall be compensated as referenced in their respective agreements. A copy of the current salary plan shall be on file in the Human Resource Office.

Maintenance of the Salary Plan

The Human Resource Department shall be responsible for the maintenance and administration of the City's Salary Plan. Any recommended changes shall be presented to the Department Director and the City Manager for approval.

Standards for Development of the Salary and Compensation Plan

The Compensation Pay Plan is directly tied to the Classification Plan and is determined on the basis of:

1. Uniformity of pay for each class.
2. Relative difficulty and responsibility of positions.
3. Prevailing wages within the identified relevant public and private sector markets.
4. Cost of living index.
5. Financial policies of the municipality.
6. Difficulty in recruiting suitable employees.
7. Other economic considerations.

Classification Plan

Positions that require similar qualifications and similar duties and responsibilities are assigned to the same salary level. The City may conduct periodic studies to determine if an employee is working above or below the responsibility level for that position. Where unusual conditions exist that affect the market value of a position, the salary may be adjusted accordingly by the City Manager.

Classification and Re-Classification of Positions. An internal and external analysis will be conducted by Human Resources for any new position or existing position that has experienced significant changes in duties or qualification requirements. Human Resources will provide a recommendation to the Department Director and City Manager for approval.

Compensation System

Entry Level Pay Rates

The entry level rate is the minimum rate in the pay grade for the position. A Department Director, subject to approval by the City Manager, may recommend for appointment, a candidate above the entry level rate, to the midpoint of the pay grade if:

1. There are a limited number of qualified applicants available at the entry level, or
2. The applicant has exceptional qualifications.

Above the mid-point if:

1. Multiple recruitments have failed to yield a qualified candidate, or
2. The applicant has qualifications which are unique or critical, or
3. A survey of the market reveals that the City is not competitive.

Pay Rate Adjustments

Pay rate adjustments shall be administered as follows; Entry level pay rate section may be applied when deemed appropriate by the City Manager.

1. **Transfers.** When an employee is transferred (reassigned) from one position to another within the same pay grade he or she shall continue to receive the same base rate of pay. Employees moving from a non-exempt position to an exempt position will receive:

A. Five (5) percent increase if moving from a non-exempt to an exempt position.

2. **Promotions.** A promotion is defined as an assignment from one grade to another, which has a higher maximum rate of pay and greater responsibility. The employee will receive the higher of:

A. Ten (10) percent when the new position is at least one salary grade higher, or

B. Fifteen (15) percent when the new position is at least two (2) or more salary grades higher, or

C. Fifteen (15) percent if moving from a non-exempt to a higher exempt position, or

D. Five (5) percent above the minimum of the new pay grade.

The new pay rate, upon promotion, shall not exceed the maximum of the new pay range.

3. **Reclassification.** Reclassification is the reassignment of a position from one class to a different class to recognize a significant change in the duties and responsibilities of the position. For an upward reclassification the percentage increase will be the higher of:

A. Ten (10) percent when the new position is at least one salary grade higher, or

B. Fifteen (15) percent when the new position is at least two (2) or more salary grades higher, or

- C. Fifteen (15) percent if moving from a non-exempt to a higher exempt position, or
 - D. Five (5) percent above the minimum of the new pay grade.
 - E. For a downward reclassification the affected employee shall remain at their current base salary rate. However, the employee will not be eligible for any salary increase, other than an across the board increase, until their current base salary is within the range of the new pay grade.
4. **Demotion.** The placement of an employee from one class to another which has a lower pay rate or grade, resulting in a decrease in pay. In the case of a demotion, the employee's base salary shall be adjusted at the lower of:
- A. Ten (10) percent when the new position is at least one salary grade lower, or
 - B. Fifteen (15) percent if moving from an exempt to a lower non-exempt position, or
 - C. The maximum base salary of the new pay grade.
 - D. An employees pay when an in-voluntary movement to a lower pay grade occurs will be evaluated based on the extenuating circumstances surrounding the reason for the pay grade change.
 - E. An employee transferring or demoting back to their previous position will receive their final salary in that previous position, plus any across the board increases applied since the employee moved from that position.

Additional Compensation

The City Manager may recommend additional forms of compensation in addition to the Salary Plan in the best interest of the City and within the amounts approved in the budget by the City Commission. The manner in which the award of additional compensation is to be determined will be outlined in writing by the City Manager and maintained in the Human Resource Department.

Cost of Living

Cost-of-living adjustments/salary modifications may be granted by the City Manager when authorized by the City Commission. If granted, they are effective the first day of the first pay-period that is subsequently paid in the new fiscal year.

Pay Increases

Pay increase requests for non-represented employees shall generally be required during the budget process for the following budget year. Merit based and other increases are limited to the approved departmental budget, and are subject to the availability of funds. Other pay increases occurring during the fiscal year will be effective the first full pay period following approval. Employees covered by a labor contract shall be compensated as referenced in their respective agreements.

Overtime/Compensatory Time

Overtime and Compensatory time will be paid in accordance with the Fair Labor Standards Act. A maximum limit of compensatory time may be set by the City Manager, not to exceed the rate set by local, state, or federal law. Exempt employees are not eligible for overtime pay, and will be paid in accordance with the Fair Labor Standards Act.

Responsibilities and Authority to Approve Overtime/Compensatory Time

Employees may not work beyond their scheduled hours without prior approval from their Department Director

or their designee. This written approval will be on an exception report form or other standard City forms within the work week. Department Directors are responsible for the accurate recording of all overtime and compensatory time on the employee's exception report. Accrued compensation time shall be utilized prior to accrued PTO, unless otherwise approved by the Department Director. Overtime and compensatory time will be administered in accordance with local, state, and federal laws.

When allowed by law, Department Directors may utilize compensatory time off in order to conserve their budgeted overtime for emergencies. Compensatory time accrued must be taken by the last day of the next to the last pay period of the fiscal year, unless otherwise approved by the City Manager, or the employee will be paid out for the compensatory time he/she has accrued. Employees will be paid for all compensatory time they have earned and not used at the time of termination or fiscal year end.

Premium Pay

Time worked on specific projects, emergencies, or grant funded projects may be paid at a premium rate of time and a half the regular rate at the discretion of the City Manager prior to overtime pay being required by law.

Compensation for Temporary Acting Assignment

When an employee is assigned to fulfill the duties and responsibilities in a higher classification or duties given as a special assignment, on a temporary basis, he or she shall be paid additional compensation either at a rate equal to the starting salary of the higher classification or given a ten percent (10%) increase, whichever is greater. The preceding provision shall not apply to those circumstances where a person is temporarily assigned to fulfill the duties and responsibilities of a Department Director. Instead, the employee shall be paid additional compensation either at a rate equal to the starting salary of the directors position or given a fifteen percent (15%) increase, whichever is greater. This section shall not apply to the position of acting, temporary, or interim City Manager. Internal equity may be considered. The compensation paid to any individual serving in such a capacity shall be fixed by the City Commission.

When an employee is temporarily assigned a project or task outside of the scope of their current position, and is not fulfilling the capacity of a vacant position, the employee will receive overlay pay at a rate to be determined by the City Manager. This provision does not apply to assigned tasks that qualify as "other duties as assigned".

For the purpose of this section, temporary is defined as a period of time in excess of thirty (30) calendar days.

When the temporary acting assignment is complete, the employee's salary shall revert to the previous level.

If an employee separates from employment, either voluntarily or involuntarily, or as the result of a retirement, while temporarily assigned to a higher classification or as a Department Director, any accrual payouts made in conjunction with the separation, retirement, or PTO Conversion shall be calculated and paid without the additional rate of the temporary or acting pay or salary.

Holiday Pay

When a non-exempt employee works on the actual holiday, the employee shall be compensated at a holiday pay rate for all hours worked on the actual holiday. All time worked on **actual** holidays will be paid at one and one half (1 ½) times the normal hourly rate, in addition to the holiday leave pay if applicable. For example, if Christmas Day is Sunday and the City observes the holiday on Monday, the employee who is scheduled to work on Sunday, the ACTUAL holiday, will receive the holiday pay rate of one and half (1 ½) times the normal hourly rate. The employee who works on Monday, the observed holiday, will receive the eight (8) hours of holiday leave pay and regular pay for the time they work on the observed holiday.

In cases where an employee works both the actual holiday and the City observed holiday, only the actual holiday will be considered a holiday for the purposes of using the holiday pay rate.

The starting date of employees' shifts will be used to determine whether the employee worked the holiday. For example, if an employee's shift begins at 7:00 p.m. on Christmas Eve and continues through 7:00 a.m. on Christmas morning, they will not be considered to have worked the holiday. If the employee works from 7:00 p.m. on Christmas Day to 7:00 a.m. on December 26th, they will be considered to have worked the holiday for the entire shift.

See Section 5-16. Paid Holidays for a list of City observed holidays.

Bi-Lingual Pay

Regular non-exempt employees may be compensated at a rate of \$.26 per hour for their bilingual abilities based on the following conditions:

- A. The language is recognized by the City Manager as adding to the increased productivity and efficiency of the City.
- B. Must prove proficiency by meeting the standards established and administered by the Human Resources Department.
- C. Employee will be available during work hours to translate when requested by City personnel.
- D. If the need for the ability exists and the Departmental budget allows for the additional costs, as determined by the Department Director.
- E. Bilingual pay may be removed at any time when determined to be in the best interest of the City as determined by the City Manager.

Exempt employees are not eligible for this benefit.

Wage Garnishments and Assignments

It is the policy of the City to comply with all lawful claims against the wages of our employees, such as garnishments, assignments, and child support orders.

In accordance with applicable federal and state laws, corrective action may not be taken against any individual whose wages have been garnished or assigned. When the City receives a garnishment or assignment, the Finance Department will be responsible for informing the employee of the notice received, and will maintain such records.

Pay Days

Paychecks shall be issued bi-weekly, on Thursday, or as designated by the City Manager. A payroll period consists of two calendar weeks from Sunday midnight to Sunday midnight, or the end of the shift in progress at that time.

Work Week

Except as otherwise provided by a labor agreement, the Department Director shall assign the work day. The workweek shall be a seven (7) day period beginning on Monday at 12:01 a.m. and continuing through Sunday at midnight. This regulation does not apply to employees who are FLSA "exempt".

The City Manager has the authority to establish work periods that are within the Fair Labor Standards Act.

These periods will be in writing by the City Manager and maintained in the Human Resource Department.

Time Clock

- A. Non-exempt employees will clock in and out at their scheduled time.
- B. Falsification of time records including, but not limited to clocking in/out for a coworker is a breach of this policy. Any errors or accidental omissions must be documented on an exception report and signed by the employee, the supervisor, and the Department Director.
- C. Department Directors have overall responsibility for the timely and accurate submission of employee time through the City's timekeeping system. Actual time entry may be delegated to a department employee.

3-2. Unemployment Insurance

The City provides for Unemployment Insurance benefits for all employees as required by law.

Section 4 - Operational Policies

4-1. Probationary Period

The first six (6) months for regular employees, one (1) year for sworn Police positions, and one (1) year for Firefighter and Fire Command personnel, of your employment is a probationary period. This is an opportunity for the City to evaluate the employee's performance. It also is an opportunity for the employee to decide whether he or she is happy being employed by the City.

Probationary employees may be terminated at anytime with or without cause and may not appeal a termination.

An employee who is selected for a transfer or promotion shall commence another six (6) month probationary period. This provision includes sworn Police positions, Firefighters, and Fire command personnel only if transferring or promoting within the same Department. Employees commencing a subsequent probationary period will be eligible for any leave benefits they were entitled to prior to the transfer or promotion.

At the conclusion of the probation period it shall take an affirmative action through completion of a written Performance Evaluation, and a Personnel Status Form to place the employee in a regular non-probationary status.

If timely affirmative action is not taken the employee will be considered to have successfully completed their probationary period on the effective date of the probationary period end date. The Evaluation and Personnel Status Form will still be required.

The City may extend the probationary period if it desires. Any extension of the probationary period may be done after a written Evaluation, a Performance Improvement Plan (PIP), and a Personnel Status Form are completed prior to the conclusion of the probationary period. The request to extend the probation period shall document the employee's abilities, in-abilities, demonstrated potential, expectations, and the situation in general. Probation period extensions are done only upon recommendation by the supervisor to the Department Director, through the Human Resources Office, and notice to the employee. Any extensions of the probationary period will be completed prior to the last day of the initial probationary period end date.

Extensions of the probationary period will only be for an additional period of up to six (6) months.

4-2. Performance Review

City of Alamogordo endeavors to review performance annually. A positive performance evaluation does not guarantee an increase in salary, a promotion or continued employment. Compensation increases and the terms and conditions of employment, including job assignments, transfers, promotions, and demotions, are determined by and at the discretion of management.

Performance Evaluations

Each regular employee shall be given a written performance evaluation in accordance with the following time factors:

- A. At completion of the probationary period and extension of probationary period if applicable;
- B. At mid point of probationary period if employee is serving a one (1) year probationary period;

C. For an annual evaluation period of March 1 through February of the following year; evaluations are due within thirty (30) days of the expiration of the evaluation period.

Special Evaluations

Employees should be evaluated under the following special circumstances:

A. Progress of an employees performance may be provided to probationary employees periodically throughout their probationary period. This communication may be either written or verbal, but must be documented.

B. When there is a notable change, either positive or negative, in an employee's performance level and quality.

Performance Evaluations will be submitted to Human Resources for an initial review of language prior to issuing to the employee. The Human Resources Department may refer questionable evaluations to proper management levels for resolution.

The employee shall have the opportunity to input information, to agree or disagree, and should sign the document acknowledging the receipt of the evaluation. Should an employee refuse to sign, the supervisor should have another supervisor witness the employee's refusal to sign the evaluation.

In addition to these formal performance evaluations, the City encourages employees and supervisors to discuss job performance on a frequent and ongoing basis.

Completed evaluations shall be forwarded to the Human Resource Department for final review and/or action i.e., removal of introductory status, or other action related to the evaluation, and filing of the evaluation in the employees personnel file.

Unsatisfactory Evaluations

Marginal or unsatisfactory performance is unacceptable. If an overall rating of an employees performance is marginal or unsatisfactory the employee may be subject to a Personal Improvement Plan (PIP) from their supervisor through the Department Director and the Human Resources Office.

4-3. Employment Records

The employee should keep his or her personnel file up to date by informing the Human Resources Office of any changes. The employee also should inform the Human Resources Office of any specialized training or skills he or she may acquire in the future, as well as any changes to any required visas. Unreported changes of address, marital status, etc. can affect withholding tax and benefit coverage. Further, an "out of date" emergency contact or an inability to reach the employee or emergency contact in a crisis could cause a severe health or safety risk or other significant problem.

The official personnel records for each employee are maintained in the Human Resources Office, and are the property of City of Alamogordo. Such records may include the employee's application, the original copy of each Personnel Status Change Form, performance evaluations, corrective action documents, attendance and leave records, and any other pertinent information.

Inclusion of documents in the employee's personnel file is at the discretion of Human Resources and/or the City Manager.

Departments may maintain unofficial personnel records for their employees, which may include copies of each personnel Status Change Form, performance appraisals, corrective action documentation, attendance and leave records, and any other pertinent information.

Confidential auxiliary files containing personal benefit, Workers' Compensation, Family Medical Leave, background, medical and/or treatment records, and investigations may be kept and are the property of the City of Alamogordo. Such records may include, but are not limited to health insurance enrollment information, beneficiary information, physical examination reports, health history reviews, laboratory test results, reports from physicians and psychologists, hospital records, and other medical reports.

The City Manager, or designee, shall be the final authority for approval or disapproval of all personnel transactions.

Personnel records will only be released as allowed in the State of New Mexico Inspection of Public Records Act (IPRA).

Personnel records will be retained in accordance with the New Mexico Administrative Code and the Health Insurance Portability and Accountability Act (HIPAA).

4-4. Medical Examinations/Alcohol/Drug Screening

City employees may be required to take medical and or alcohol/drug tests by the City's designated provider.

4-5. Psychological Examinations

As a condition of employment or continued employment, City employees may be required to take psychological examinations by a City approved health care provider.

4-6. Working Hours and Schedule

City of Alamogordo is typically open for business from 8:00 am to 5:00 pm, Monday through Friday. However, some Departments of the City provide services outside of the typical business week. Employees will be assigned a work schedule and will be expected to begin and end work according to the schedule. To accommodate the needs of our citizens, the City reserves the right to change individual work schedules on either a short-term or long-term basis.

4-7. Timekeeping Procedures

Employees must record their actual time worked for payroll and benefit purposes. Non-exempt employees must record the actual time the performance of work begins and ends, as well as the beginning and ending time of any departure from work for any non-work-related reason. Exceptions or corrections to the work schedule will be submitted on forms as prescribed by management.

Non-exempt employees may not start work until their scheduled starting time and may not work beyond their scheduled work hours without prior approval.

Exempt employees are required to record absences from work.

Altering, falsifying or tampering with time records is prohibited and subjects the employee to discipline, up to and including termination.

It is the employee's responsibility to sign time records to certify the accuracy of all time recorded. Any errors in the time record should be reported immediately to a Supervisor or Time Keeper, so the City can resolve the matter quickly and amicably.

4-8. Overtime

During periods of extremely high activity, additional work may be required. Supervisors are responsible for monitoring business activity and requesting overtime work if it is necessary. Effort will be made to provide employees with adequate advance notice in such situations.

Any non-exempt employee who works overtime will be compensated at the rate of one and one-half times (1.5) his or her normal hourly wage for all time worked in excess of forty (40) hours each week, unless otherwise required by law.

Employees may work overtime only with prior management authorization.

For purposes of calculating overtime for non-exempt employees, the workweek begins at 12:01am on Monday and ends 168 hours later on Sunday at midnight.

Exempt employees are not eligible for overtime or comp time compensation.

4-9. Safe Harbor Policy for Exempt Employees

It is our policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure proper payment and that no improper deductions are made, employees must review pay stubs promptly to identify and report all errors.

Employees classified as exempt salaried employees will receive a salary which is intended to compensate them for all hours they may work for City of Alamogordo. This salary will be established at the time of hire or classification as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed.

Under federal and state law, salary is subject to certain deductions. For example, unless state law requires otherwise, salary can be reduced for the following reasons:

- Full-day absences for personal reasons;
- Full-day absences for sickness or disability;
- Full-day disciplinary suspensions for infractions of any City policy and/or City of Alamogordo Ordinances;
- Family and Medical Leave absences (either full- or partial-day absences);
- To offset amounts received as payment from the court for jury and witness fees or from the military as military pay;
- The first or last week of employment in the event the employee works less than a full week; and
- Any full work week in which the employee does not perform any work.

Salary may also be reduced for certain types of deductions such as a portion of health, dental or life insurance premiums; state, federal or local taxes; social security; or contributions to a deferred compensation or pension plan.

In any work week in which the employee performed any work, salary will not be reduced for any of the following reasons:

- Partial day absences for personal reasons, sickness or disability;
- An absence because the employer has decided to close a facility on a scheduled work day;
- Absences for jury duty, attendance as a witness, or military leave in any week in which the employee performed any work (subject to any offsets as set forth above); and
- Any other deductions prohibited by state or federal law.

However, unless state law provides otherwise, deductions may be made to accrued leave for full- or partial-day absences for personal reasons, sickness or disability.

Exempt employees who are absent from the workplace less than a full day, but more than half of their scheduled work day are required to use accrued leave for the number of hours equal to half of the work day.

If the employee believes he or she has been subject to any improper deductions, the employee should immediately report the matter to a supervisor. If the supervisor is unavailable or if the employee believes it would be inappropriate to contact that person (or if the employee has not received a prompt and fully acceptable reply), he or she should immediately contact Department Timekeeper, Human Resources, or any other supervisor in City of Alamogordo with whom the employee feels comfortable.

4-10. Paychecks

The employee will be paid bi-weekly for all the time worked during the previous pay period.

Payroll stubs itemize deductions made from gross earnings. By law, the City is required to make deductions for Social Security, federal income tax and any other appropriate taxes. These required deductions also may include any court-ordered garnishments. Payroll stubs also will differentiate between regular pay received and overtime pay received.

If there is an error in an employee's pay, the employee should bring the matter to the attention of their supervisor or time keeper immediately so the City can resolve the matter quickly and amicably.

Paychecks will be given only to the employee, unless he or she requests that it be mailed, or authorizes in writing another person on the City's designated form, to accept the check.

4-11. Direct Deposit

City of Alamogordo encourages employees to use direct deposit for payroll purposes. Authorization forms are available from Human Resources or Payroll.

The first and last check can be an actual check if requested by the employee at least seven (7) days prior to pay day.

4-12. Early Release of Paycheck

City of Alamogordo will permit the early release of a paycheck prior to a scheduled pay date. Any early release will not be an advance payment of services not rendered as prohibited by Section 30-23-2 NMSA1978.

Requests for the early release must be submitted on the City designated form and have the prior approval of the Department Director, Finance Director, and City Manager.

Approved forms will be submitted to Payroll for processing.

4-13. Investigations, Inquiries, and Audits

The City reserves the right to conduct appropriate investigations, inquiries or audits for the purpose of monitoring the adherence of all City employees to all policies and procedures.

City employees must cooperate with investigations pursuant to Garrity Rights originating from a 1967 United States Supreme Court decision, *Garrity v. New Jersey*.

The complainant will receive notice of completion of the investigation; however, the complainant is not privy as to what action was taken, if any.

Requests for copies of investigations are made through the City Clerks Office pursuant to the New Mexico Information and Public Records Act.

4-14. False Statements/Fraud

No employee shall willfully or corruptly;

- make any false statement; or
- falsify or alter official documents/records; or
- mark rating or report falsely with regard to any test, certification, appointment or investigation; or
- in any manner commit any fraud, conceal any wrongdoing, or knowingly withhold information about wrongdoing in connection with employment with the City or with work-related conduct of any City employee.

4-15. Corrective Action Procedures

Policy

It shall be the policy of the City to administer corrective action fairly, reasonably, and impartially. Employees and the City are best served when corrective action is administered to correct actions rather than to punish.

Grounds for Corrective Action

The continued employment of City employees shall be based on reasonable standards of job performance and personal and professional conduct. Refusal to meet these standards or comply with City policies shall constitute just cause for corrective action including, but not limited to Alternative Dispute Resolution, verbal or

written reprimands, suspensions, demotions, termination, arrest, and/or prosecution.

Type of Action Administered

Corrective action is not primarily intended to be punitive, but rather to maintain the efficiency and integrity of City service. The degree of corrective action administered will depend on the nature and severity of the infraction and the employee's prior record. Management has the right to bypass the progressive discipline process. Corrective action shall be in accordance with any applicable City policies and procedures as well as local, state, and federal laws and regulations.

It is the responsibility of each supervisor and department head to evaluate thoroughly the circumstances and facts as objectively as possible, follow the corrective action procedures outlined herein, and apply the most suitable form of corrective action.

The Corrective Action form is required for all corrective actions.

See Section 1-15. for Alternative Dispute Resolution information.

Corrective Action Procedures

Depending on the type of action administered, there are different procedures required for issuing corrective action. Some of these procedures are required by law.

In any major corrective action, the pertinent information shall be reviewed with the employee specifying the following: The cause for discipline, the specific reasons supporting the cause, the discipline to be imposed, the effective date, and the right of the employee to be heard.

Corrective actions in the form of verbal warnings and written reprimands are the responsibility of each supervisor and do not require intervention by the Human Resources Department. Supervisors shall inform the Department Director of verbal warnings and written reprimands given and the procedure outlined in the Verbal Warning and Written Reprimand section(s) will be followed.

All corrective actions involving suspensions without pay, demotions, or termination require consultation with the Human Resource Director prior to corrective action being administered to ensure actions are being administered fairly, consistently, and in compliance with applicable laws.

Verbal Warning

This type of corrective action should be applied to infractions of a relatively minor degree or in situations where the employee's performance needs to be discussed. The verbal warning should be given in private, and the reason and date for the warning documented in writing. Supervisors should inform the employee that the supervisor is issuing a verbal warning, that the employee is being given an opportunity to correct the condition, and if the condition is not corrected, the person will be subject to more severe corrective action. Records of verbal warnings will be kept by the supervisor or manager. A documented verbal may be used as a basis for further progressive discipline.

Written Reprimand

This notice will be issued in the event the employee continues to disregard a verbal warning or if the infraction is severe enough to warrant a written reprimand.

The reprimand shall state:

- the nature of the infraction;

- what action must be taken by the employee to avoid further corrective action, up to and including termination;
- when correction of the infraction is expected;
- policies or procedures violated; and
- and what the employee's rights are in the corrective action process.

A copy of the written reprimand is to be given to the employee at the time of the discussion of the corrective action. The employee shall sign the written reprimand to acknowledge receipt. A copy, signed by the employee, will be forwarded to the Human Resource Department and placed in the employee's personnel file. If the employee refuses to sign the acknowledgment, then the supervisor and one other witness, of a supervisory capacity, shall note on the reprimand that the employee received a copy thereof and refused to sign it.

Suspension Without Pay

The Department Director may take this form of corrective action only after consultation with the Human Resource Director as a result of a severe infraction of policies or for repeated violations. Suspensions shall not exceed thirty (30) work days.

FLSA exempt employees may be suspended for one (1) or more full days for infractions of City of Alamogordo Ordinances, Citywide and Departmental policies and procedures, and any applicable laws regulated by an outside authority.

Suspensions Pending Investigation

An employee may be suspended in cases where it is necessary to investigate a situation to determine what corrective action may be justified. This suspension gives the supervisor the opportunity to investigate the situation when it is serious enough for the employee to be removed from the work environment. Investigatory suspensions may be with or without pay. If after the investigation, it is determined that the employee was not guilty of any violation, the employee will be returned to work, paid for any lost time, and cleared of all charges. If, however, the employee is found in violation, then the appropriate corrective action may take effect on the date that the suspension began.

Demotions

Demotion may be used in those instances where an employee is unwilling or unable to perform the responsibilities of the position. Demotion is not to be used as a substitute for dismissal, when dismissal is warranted.

The pay rate of an employee who is demoted may be reduced to the appropriate rate of the new pay grade of the position into which the employee is demoted.

Involuntary Termination

Employees may be recommended for termination in instances involving, but not limited to, insubordination, theft, illegal or destructive acts. An involuntary termination will require the Human Resource Director consultation prior to being administered by the Department Director. An employee may also be dismissed after repeated offenses of a less serious nature if the supervisor has documented the offenses and appropriate behavioral changes have not resulted from previous corrective action.

Probationary employees may be terminated at any time and may not appeal this action.

Informal Appeal

Written reprimands may be appealed informally to the employee's Department Director. The employee must present a written appeal to his or her department Director within seven (7) calendar days of the disciplinary action. The Director shall attempt to resolve the matter within seven (7) calendar days after it has been presented to him or her. The decision of the Department Director shall be final. Verbal warnings cannot be appealed informally.

Pre-Disciplinary Hearing Process

A pre-disciplinary hearing shall be made available to any employee who will be subject to a demotion, suspension without pay, or termination. The pre-disciplinary hearing process shall be as follows:

A. An employee shall be provided, in writing, with a notice citing the specific incidents constituting just cause; citing the violation of any statute, ordinance, rule or policy; provide an explanation of the documentation, evidence and/or facts relied upon by the department; specify the contemplated disciplinary action; and state that the employee has seven (7) calendar days from service of the notice of contemplated disciplinary action to respond in writing as to why the proposed action should not be taken, or to request a pre-disciplinary hearing with the Department Director for that same purpose. A request for a pre-disciplinary hearing will not preclude the employee from submitting his or her written version and mitigating evidence to the Department Director no later than the start of the pre-disciplinary hearing.

B. If the proposed discipline is termination, the employee is not eligible for administrative leave with pay during the pre-disciplinary process. However, if the Director does not uphold the proposed termination, the employee will be back-paid for this period.

C. If the employee requests a pre-disciplinary hearing, the Human Resources Director shall arrange for a hearing before the Department Director, within seven (7) calendar days, and prior to imposing the corrective action. Union represented employees shall have the right to union representation at the pre-disciplinary hearing. The pre-disciplinary hearing is non-adversarial and, if the employee has a person accompany him or her to the hearing, that person is not entitled to be an advocate.

D. The department's pre-disciplinary notice provided to the employee prior to the hearing shall be sufficient to apprise the employee of the basis for the proposed disciplinary action. Reliance upon the contents of the pre-disciplinary notice shall not limit the City at subsequent hearings from presenting witnesses testimony and additional documentation not submitted prior to or during the pre-disciplinary hearing. The purpose of a pre-disciplinary hearing is to give the employee the opportunity to respond to the pre-disciplinary notice and to provide information why the proposed action should not be taken. The rules of evidence shall not apply to the pre-disciplinary hearing, nor are there specific procedural regulations for the conduct of the hearing. Additionally, the hearing shall not be recorded by audio or visual equipment nor should there be any attempt to make a verbatim record of the proceedings.

E. Should the Department Director determine to discipline following the pre-disciplinary hearing, written notice of discipline shall be given to the employee. In any case, a written response will be provided to the employee within seven (7) calendar days. Such notice shall include a general statement of the findings of the hearing and notice of the employee's right to appeal to the City Manager. If the sustained discipline is termination, the termination will be effective upon notice being given to the employee. All other corrective actions will be imposed as described in the notice, unless the employee and Department Director otherwise agree.

Nothing in these procedures is designed to supersede or prevent an employee from availing himself or herself of the City's grievance procedure.

Formal Appeal

Any employee who is disciplined following the pre-disciplinary hearing may appeal the decision of the Department Director to the City Manager. This formal appeal must be filed within seven (7) calendar days of receipt of the decision of the Department Director. The City Manager shall schedule a hearing within seven (7) calendar days of receipt of the appeal from the employee. The employee may have legal counsel and or witnesses at the hearing to present evidence that support the appeal, but must notify the Human Resource Director that they intend to do so at least two (2) business days before the hearing. The Formal Appeal Hearing shall be recorded as a verbatim record of the proceedings. The City Manager must render a written decision within seven (7) calendar days following the hearing. The decision of the City Manager will be final and binding. Should a termination result, the termination date will be the same date as determined by the Director following the pre-disciplinary hearing. If a decision to terminate is over turned, administrative pay will be paid.

Extension of Time Limits

Any of the time limits in the corrective action procedure may be extended upon mutual agreement. However, if no action is taken within one (1) calendar year from the date of the appeal to the Department Director or the City Manager the Appeal will be considered closed and the action upheld.

4-16. Grievance Process

It is the policy of the City to afford all employees a means of obtaining further consideration of problems when they remain unresolved at the supervisory level, and to establish policies and procedures that provide for timely resolution of grievances. Included below is a preliminary step which encourages, whenever possible, the use of mediation to resolve conflict. This step is intended to urge the consideration of the option of mediation, but in no way limits or preempts other remedies to which employees and the City are entitled by law. Whenever possible and appropriate, the employee considering filing a grievance may file a request for mediation with the Human Resources Department prior to initiating the grievance process outlined below. When mediation is pursued, participation in such session will be limited to the two parties involved and the mediator. Other parties may be included, exclusive of any representative or attorney, at the discretion of the mediator. Further, when mediation is pursued, all time limitations will be tolled as of the filing of the request for mediation with the Human Resources office and until such time as the mediation is completed. If agreement is not reached through mediation, the procedures outlined below may ensue.

A "grievance" shall mean a complaint, made by a regular full-time or regular part-time employee, which alleges an unjust application, interpretation, or violation of the rules and regulations of the City or Department that:

1. a specific administrative act was arbitrary or capricious and adversely affected the employee's then-existing terms or conditions of employment, and/or;
2. involves improper discrimination or treatment prohibited by the Constitution of the United States and State of New Mexico, or federal and or state statutes, and/or;
3. a violation of applicable City rules, regulations, or personnel policies which adversely affected the employee's then-existing terms or conditions of employment.

For the purposes of this policy, an act is not arbitrary or capricious if the decision-maker exercised reasoned judgment.

The following matters are not grievable:

- lay-offs,
- changes in policies and procedures,
- performance evaluations,
- transfers or promotions,
- changes in duty stations or shifts,
- all corrective actions,
- levels of compensation, and/or,
- other matters of inherent management rights, unless they are directly related or a direct consequence of a grievable matter.

If a question arises with regard to whether an issue is a grievable matter the City Manager reserves the right to make that determination.

Strict adherence to the procedures outlined below is mandatory for all concerned, except that time limits may be extended upon mutual agreement or good cause shown.

Reasonable attempts will be made to resolve the grievance to the mutual satisfaction of the employee and the City.

STEP 1: An employee must present a grievance in writing within seven (7) calendar days of its alleged occurrence or within seven (7) calendar days of when the employee should have reasonably known of the occurrence to the employee's immediate supervisor and Department Director, who shall attempt to resolve it within seven (7) calendar days after it is presented to them.

STEP 2: If the employee is not satisfied with the decision of the Department Director, the employee must submit the grievance, in writing, to the City Manager's office within seven (7) calendar days of receipt of the Department Director's decision. This written notice shall include the following:

- A. Statement of the grievance and relevant facts.
- B. Specific remedy sought.
- C. Reasons for the dissatisfaction with Department Director's decision.

Note: Issues not presented to the Department Director will not be considered in an appeal to the City Manager. If the grievance presented does not include the specified requirements in Step 2, A.-C., the grievance will be rejected.

STEP 3: Within seven (7) calendar days of receipt of the employee's written grievance the City Manager shall schedule a hearing. The employee may be accompanied by another employee or union conferee. Such conferee must attain a release from their supervisor and will be considered in pay status during their regularly scheduled workday hours. The purpose of the hearing is for the employee to present any information pertinent to the grievance. The hearing will be recorded. The employee and Department Director may call witnesses to testify about information relevant to the grievance. Within seven (7) calendar days of the hearing the City Manager will provide the employee a written decision. The decision of the City Manager will be final and binding.

Protection Against Retaliation - The City and its employees will not retaliate against any person who, in good faith, uses the grievance procedure.

4-17. Classification of Positions

All positions/classifications in the City's service shall be grouped into classes and each class shall include those positions sufficiently similar as to character of work, required performance, and level of responsibility, so that:

- A. An equivalent level of training, experience, knowledge, and ability, and other qualifications may be required of incumbents;
- B. Comparable tests of such qualifications may be used to select incumbents; and
- C. The same salary range will apply with equity under substantially equal working conditions; or
- D. Positions that are unusual for reasons such as market demand will be classified according to reasonable market standards.

Position descriptions and job specifications shall be maintained by the Human Resource Office for all positions. Any changes to position descriptions must be submitted to Human Resources. Requests that result in a position's reclassification will require the City Manager's approval.

The position descriptions should include: Job Title, Department, Division, FLSA Status, Effective Date, Summary of Position, Supervision Received, Supervision Exercised, Essential Functions, Other Duties, Minimum Qualifications, Special Requirements, Working Conditions, History Summary, Job Hazard Analysis, and Approval section.

Reclassification Procedure

Revision of position descriptions and re-allocations within the classification plan shall be made as often as is necessary to provide current information on positions and classes.

It shall be the duty of the Human Resource office to examine the nature of all positions and to allocate them to existing or newly created classes, to make changes in the duties and responsibilities of existing positions.

When a new position is requested by a Department Director or the duties of an old position are substantially changed, the Department Director shall submit a change request form and written recommendation to the Human Resource Office including justification for the reclassification, emphasizing changes in position responsibilities or requirements for qualifications (i.e., experience, education, certifications, etc.).

The request will be reviewed by the Human Resource Office. The Human Resource Department will use a standardized method in reviewing new position descriptions or requests for changes to existing position descriptions. This method will value the position responsibilities, requirements and qualifications to accurately classify or reclassify the position.

If the request is justified, the budget impact will be determined, and a recommendation will be made to the City Manager. The City Manager shall be the final decision-maker for all reclassification requests. If approved, the Human Resource Office will take the necessary steps to implement the reclassification. No reclassification involving an upgrade of salary that would overspend the authorized department budget will be approved without City Commission approval.

4-18. References

City of Alamogordo will respond to reference requests through the Human Resources Department. The City will provide general information concerning the employee such as date of hire, date of separation, rehire eligibility status, and positions held.

Requests for further information must be in writing and a release from the individual the request is for must be obtained. These responses will be returned in writing based on information verifiable in the employee or former employee's personnel file.

This policy does not prohibit an employee from giving a personal reference as long as the employee is not acting as a representative of the City and the reference is not on City letterhead.

Please refer all requests for City references to the Human Resources Department.

4-19. Separation from Employment

Voluntary Termination

Should an employee decide to leave the City, we ask that he or she provide their supervisor with at least two (2) weeks, or four (4) weeks when retiring through PERA, advance written notice of departure. Thoughtfulness will be appreciated.

Failure to comply with this policy may be cause for denying re-employment with the City.

Where an employee resigns to avoid dismissal or other corrective action, the resignation may be accepted at the discretion of the Department Director with City Manager approval, and the employee will not be subject to rehire.

Retirement

Service retirement is voluntary termination after having satisfied the requirements of P.E.R.A. Retiring employees are requested to give the City at least four (4) weeks written notice prior to retirement date.

Involuntary Termination

This action is originated by the City and may be initiated for a variety of reasons to include, but not limited to:

- A. Termination during the probationary period.
- B. Termination for cause.
- C. Layoff.

Disability Retirement

This is an involuntary termination that is necessitated by an injury or illness, which renders the employee incapable of performing his/her job duties. The retirement will be in accordance with P.E.R.A.

Layoff

Layoff is an involuntary termination of employment for lack of work, lack of funds, reclassification of positions, re-organization of the City's work force, elimination of positions or other changes that have taken

place.

The City Manager is responsible for administering the layoff or reduction in force.

No regular full-time, non-probationary, employee shall be laid off involuntarily if there is a vacant position for which the employee is qualified. The City Manager is responsible for offering transfers or re-employment to employees facing layoff. Employees who accept another position are considered to have voluntarily transferred.

The City will provide at least thirty (30) days advance notification prior to layoff, except in the case of an emergency.

Employees with the least amount of seniority within their position shall be laid off first.

Recall from Layoff

Laid off employees shall be recalled for vacancies based on those who meet the minimum requirements of the vacant positions. Where applicable, employees who are equally qualified will be recalled by seniority. When an employee does not respond to the City's recall notice within seven (7) calendar days, the City's obligation to recall the employee shall cease. The City shall have no obligation to recall an employee after he or she has been on continuous layoff for a period that exceeds one (1) year.

Abandonment

Employees who are absent from their job for one (1) shift or work day without notifying their supervisor are considered to have abandoned their job. The employee may apply for reinstatement directly to the City Manager. If the City Manager determines that the employee is to be reinstated, such time missed will be charged against the employee's accrued leave or leave without pay.

Return of City Property

All City property including, but not limited to: I.D. cards, laptop computer, keys, radios, tools, cell phones, City credit cards, uniforms, policy and procedure and/or rules and regulation manuals, etc., must be returned at separation. Employees also must return all of the City's confidential information upon separation. To the extent permitted by law, employees will be required to repay the City, (through payroll deduction, if lawful) for any lost or damaged City property.

Any item that identifies a person as a City employee must be returned upon separation. This does not include employee appreciation gift items.

Footwear and lifeguard uniforms are not required to be returned.

4-20. Exit Interviews

All employees, either separated voluntarily or involuntarily must report to the Human Resource Department for end of employment processing.

Exit Interview

All regular employees who separate from the City's service may be requested to participate in an exit interview on forms provided by the Human Resource Department. Participation in completing the exit interview form is voluntary on the part of the exiting employee.

Exit interviews are often helpful to determine fully not only why an employee has decided to resign, but to seek out opportunities for improvement in the City's overall operations and employee relations. Department Directors and the employee's supervisor(s) will receive a copy of the ex-employee's exit interview.

Section 5 - Benefits

5-1. Benefits and Leave

In addition to good working conditions and competitive pay, it is City of Alamogordo's policy to provide a combination of supplemental benefits to all eligible employees. These benefits include time-off benefits, such as paid time off and holidays, and insurance and other plan benefits.

The next few pages contain a brief outline of the benefit programs City of Alamogordo provides employees and their families. The information presented here is intended to serve only as guidelines and continuation of benefits are not guaranteed.

The descriptions of the insurance and other plan benefits merely highlight certain aspects of the applicable plans for general information only. The details of those plans are spelled out in the official plan documents, which are available for review upon request from the Human Resources Office or on line at www.mybenefitsnm.com. Additionally, the provisions of the plans, including eligibility and benefit provisions, are summarized in the summary plan descriptions ("SPDs") for the plans (which may be revised from time to time). In the determination of benefits and all other matters under each plan, the terms of the official plan documents shall govern over the language of any description of the plans, including the SPDs and this manual.

Further, City of Alamogordo (including the officers and administrators who are responsible for administering the plans) retains full discretionary authority to interpret the terms of the plans, as well as full discretionary authority with regard to administrative matters arising in connection with the plans and all issues concerning benefit terms, eligibility and entitlement.

While the City intends to maintain these employee benefits, it reserves the absolute right to modify, amend or terminate these benefits at any time and for any reason.

If employees have any questions regarding benefits, they should contact the Human Resources Office.

5-2. Deferred Compensation

The City allows an option to any regular employee to invest a portion of his or her earnings into a Deferred Compensation Plan. The employee may request a payroll deduction to be administered by the Human Resources Office for this purpose.

5-3. Education Assistance

The City, subject to the availability of funds, may provide education assistance to regular non-probationary employees. The courses or training program or type of degree must enhance or create a skill that is directly related to the employee's profession, skill or craft, and must demonstrate a benefit to the City. The determination for reimbursement is the responsibility of the Department Directors and will be handled in accordance with the City's Educational Assistance Internal Policy.

Employees are expected to attend courses on their own time unless other arrangements are pre-approved.

Education reimbursement will be based on a grade of "C" or Pass. A "D" or failing grade will result in the denial of the reimbursement.

To be reimbursed, employees must still be employed by the City when evidence of satisfactory course completion is received. **EXCEPTION:** Employees whose employment is terminated, because of a downsizing or reorganization will be reimbursed if they complete their course work after their employment is terminated. Employees will be required to serve a pre-determined tenure of service upon completion of the course or will be responsible for paying the City back on a pro-rated basis for the educational reimbursement received for the course.

5-4. Employee Assistance Program

City of Alamogordo provides an Employee Assistance Program (EAP) for employees and their dependents. This program offers qualified counselors to help cope with personal or work related problems.

The City of Alamogordo may provide an Employee Assistance Program (EAP) subject to the availability of funds. The purpose of this program is to provide employees and their immediate family members with assistance in resolving personal problems that may have an adverse effect on job performance. The program may deal with a broad range of human problems such as emotional, behavioral, family, marital, alcohol and/or substance abuse, financial, legal, or other personal problems.

When an employee uses this program by self-referral, their use will be confidential and will remain anonymous to the City. Self-referral usage of the EAP is limited to the provisions of the contract with the EAP provider. Employees who use the EAP on their own will be required to use accrued leave or take leave without pay to attend appointments during work hours.

A Director may refer an employee to the EAP as a condition of continued employment. In these cases, the information the employee discusses with their provider will remain confidential under provider, client privileges. The City will be provided information from the provider regarding the employee's attendance and fitness to safely perform the essential functions of their job. Employees who are referred to the EAP by their supervisor will be allowed a reasonable amount of administrative leave with pay to attend appointments that occur during their normal work hours.

Contact the Human Resources Department for further information.

5-5. Insurance Programs

Health, Dental, Vision, and Disability Coverage

Regular full-time or part-time employees may participate in the City's health, dental, and vision insurance programs.

All regular full time employees are eligible to join the City's Group Insurance Plan, which provides coverage for the employee and the employee's dependents. Participation is subject to the City's and the Carrier's Agreement which is on file with the Human Resources Department. The City's participation in providing Group Medical Insurance is subject to modification, termination, or change of carrier at any time. The City pays a portion of the plan as approved by the City Commission.

Participation is on a voluntary basis and the employee may join or withdraw from the plan at any time the plans and IRS rules allow.

An employee requesting coverage is required to apply for coverage within the first thirty (30) days of employment, otherwise enrollment will not be available until open enrollment or a qualifying event has occurred.

Continuation of medical coverage will be in compliance with any applicable laws.

Employees meeting eligibility requirements under the Affordable Health Care Act will be responsible for their share of premium costs which meets guidelines under the Act.

Regular part time employees that work a minimum of twenty (20) hours per week are eligible to enroll in the City's group insurance plans. Regular part time employees will be responsible for 100% of the premium costs.

Upon becoming eligible to participate in these plans, you will receive information on obtaining Summary Plan Descriptions (SPDs) describing the benefits in greater detail. Please refer to the SPDs for detailed plan information.

Basic Life Insurance Coverage

All regular full time and regular part time employees that work a minimum of twenty (20) hours per week are eligible to receive, at no cost to the employee, a Basic Life Insurance policy.

5-6. Recreational Facilities Benefit

All employees shall be permitted to use the City's recreational facilities and equipment, including the swimming pool, that are located at its Recreational Center at no cost to the Employee. The gym at the Senior Center may also be used at no cost to the employee. Family members and guests will be required to pay the normal charges. Employees will be given a twenty percent (20%) discount on any recreational activity or other programs offered or sponsored by the City's Community Services Department. The discount applies only to the participation of the employee, the employee's spouse or the employee's minor dependent(s). Participation at the discounted rate will only be available in the event the program has available space. Employees shall be given the "junior golf green fee rate" at the City's golf course, The Desert Lakes Golf Course. Family members and guests will be required to pay the normal charges. Rental charges for golf carts and other charges or fees will be at the normal rate. Employees will be charged the non-profit rate for rental of the Civic Center Facility.

City Retirees will continue to be eligible for these services after they retire. City Retirees will be provided with an ID card from the Human Resources Department to receive these discounts. For the purpose of this policy a City Retiree is defined as an employee retiring in good standing under City employment and under the New Mexico PERA Retirement System.

5-7. Retirement Plan

Retirement

Any employee who qualifies as mandatory under PERA guidelines, except the City Manager who has the option of joining the ICMA 401 Plan in lieu of PERA, participates in the Public Employees Retirement Association of New Mexico (PERA).

Enrollment and benefit forms are provided by the Human Resource's Office. It is the employee's individual

responsibility to keep information related to their retirement account as to name, address, and beneficiary up to date.

Retiree Health Care

As part of the City's participation in PERA, eligible employees participate in the New Mexico Retiree Health Care Authority. This participation provides the benefit of health insurance to PERA retirees.

Detailed information on specific retirement benefits is available at www.nmpera.org.

5-8. Training

Where the City is the one requiring additional certification or licensing beyond any required for appointment to the position held or sought by any regular full time employee, the City will be responsible for scheduling and paying all costs associated with the acquisition of the required training or licensing.

Where training is approved, employees must comply with the Finance Department's guidelines for payment and reimbursements of training. Department Directors shall not approve City paid time or training funds for employees seeking training outside their assigned classification and where the City does not request it.

The City may, subject to the availability of funds and the Department Directors approval, pay for necessary training for employees who are required to maintain a license or certificate as outlined in the employees job description.

5-9. Workers' Compensation

On-the-job injuries are covered by our Workers' Compensation Insurance Policy. If employees are injured on the job, no matter how slightly, they should report the incident immediately to their Supervisor. Failure to follow City procedures may affect the ability of the employee to receive Workers Compensation benefits.

Workers Compensation benefits will be administered in accordance with State of New Mexico Worker's Compensation Law.

5-10. Administrative Leave

Administrative Leave

It is recognized that certain events arise that make administrative leave necessary. The Department Director or designee may place an employee on administrative leave with pay based on certain events. These events may include:

- A. The removal of an employee for the safety or welfare of other employees, and/or the public,
- B. The removal of an employee for the purpose of protecting the Cities facilities or properties,
- C. The removal of an employee to conduct an investigation,
- D. The removal of an employee whose conduct or welfare is at issue,
- E. When an employee is referred to the Employee Assistance Program by the supervisor as outlined in the Employee Assistance section. Employees will be granted a reasonable amount of administrative leave for

appointments scheduled during normal work hours.

Employee's in pre-termination status are not eligible for administrative leave with pay. These employee's will be provided administrative leave without pay pending the outcome of their pre-disciplinary process.

The basis for such administrative leave shall be documented and submitted on the approved form to the Human Resources Director at the time of or within two (2) business days of the administrative leave commencing.

Administrative leave under this section shall not constitute corrective action. During the administrative leave, the employee shall not attend his or her regular work site or any other city facilities, except as designated by the Department Director. The employee shall remain available during normal work hours to meet with the Director or designee, as requested.

The employee may be placed on administrative leave with pay by the Director with concurrence from the Human Resources Director for up to five (5) consecutive working days for non-shift workers and seven (7) consecutive calendar days for shift workers. Leave beyond these limitations will only be authorized by the City Manager.

Unauthorized Absence

Any leave not authorized according to the appropriate rules set forth in this manual shall be deemed to be an unauthorized absence without pay. All unauthorized leave shall be initially recorded as unpaid AWOL - absence without leave. Upon receiving information of the reasons behind the unauthorized absence, the Department Director may change the leave to Paid Time Off without losing the right to give the employee corrective action up to and including termination. After one (1) shift or work day of unauthorized absence, employees are subject to termination under the Abandonment section of this manual.

5-11. Bereavement Leave

We know the death of a family member is a time when employees wish to be with their families.

The City shall allow up to three (3) days of paid Bereavement Leave for regular full time employees in cases of death in the immediate family.

The City shall allow up to three (3) days of paid Bereavement Leave for regular part time employees, pro-rated based on the employee's annual budgeted hours, in cases of death in the immediate family.

Employees who must travel 500 miles or more one-way will be allowed two (2) additional days of Bereavement Leave for a maximum total of five (5) days. Bereavement leave benefits for regular part time employees will be pro-rated based on the annual budgeted hours for these two (2) additional days.

For the purposes of this provision, immediate family is defined as: spouse, domestic partner, child, grandchild, brother, sister, parent, grandparent, step, half, and in-law relatives of the same.

Employees must inform their Supervisor prior to commencing bereavement leave.

In administering this policy, the City may require verification of death.

5-12. Jury Duty

City of Alamogordo supports the obligation of all U.S. citizens to serve on a jury when summoned to do so. All employees will be allowed time off to perform such civic service as required by law. Employees are expected to provide a copy of their jury duty and verification of their completed service, available from the court.

Employees are also expected to keep management informed of the expected length of jury duty service and to report to work for the remaining portion of the day if excused by the court.

Employees on jury duty leave will be paid for their jury duty service in accordance with state law; however, exempt employees will be paid their full salary for any week in which time is missed due to jury duty if work is performed for the City during such week.

Some courts pay jurors a fee in exchange for their jury duty. Employees shall remit to the City all compensation received for such service performed during normal working hours. All remitted jury service fees will be turned in to the Finance Department, excluding mileage fees.

5-13. Lactation Breaks

The City will provide a reasonable time to accommodate an employee desiring to express breast milk for the employee's infant child, in accordance with and to the extent required by applicable law.

The City will make reasonable efforts to provide employees with the use of a room or location other than a toilet stall for the employee to express milk in private. This location may be the employee's private office, if applicable. The City may not be able to provide additional break time if doing so would seriously disrupt the City's operations, subject to applicable law. Please consult the Human Resources Department if you have questions regarding this policy.

Employees should advise management if they need break time and an area for this purpose. Employees will not be discriminated against or retaliated against for exercising their rights under this policy.

5-14. Meal Periods/Breaks

Meal periods are usually one (1) hour, unless otherwise specified due to work demands and as pre-authorized by the Department Director. Meal periods are not counted as time worked, unless the employee is not relieved from duty during the meal period. Where meal periods are not taken by the employee and the supervisor has not requested or assigned a verbal or written duty, the employee shall be compensated for time worked, but may be subject to corrective action by their supervisor. Rest breaks may be provided with one (1) fifteen (15) minute rest period the first half of the workday and one (1) fifteen (15) minute rest period the second half of the workday. Rest breaks may not be accumulated, or used in correlation with lunch, at the beginning of work or prior to leaving from work. Breaks will be taken in designated non-work areas, but may not be away from the facility unless the employee has obtained prior supervisor approval or direction. Supervisors shall be responsible for scheduling and may authorize or limit rest breaks if continuous work is required.

5-15. Paid Time Off

The City acknowledges how hard employees work and recognizes the importance of providing time for rest and relaxation. Employees are encouraged to get this rest by taking paid time off.

Leave Defined

Leave is any authorized absence, with or without pay, during regularly scheduled work hours, which is approved by the proper authority. Leave is an employee benefit and all leave shall be earned and granted to employees as set forth in the following rules.

General Leave Approval

Leave will be granted on the basis of the work requirement as a priority, but whenever possible on the personal wishes of the employee. Requests for leave will be approved, denied, and governed through the chain of command.

Paid Time Off (PTO)

Paid Time Off (PTO) is available to cover employees needs for time away from work for vacation, sickness, or to handle personal affairs.

PTO Accrual

Regular full-time employees earn PTO hours based on the multiplier used times the regular hours paid each pay period, excluding overtime and other hours that are in addition to the budgeted base position hours of 2080. The longer an employee remains with the City of Alamogordo, the larger the multiplier will be based on the following table:

Full Years of Service	Maximum PTO Hours Earned Per Year	Maximum PTO Days Earned Per Year	Multiplier
0-5 Years	172	21.50	0.082692308
6 Years	180	22.50	0.086538462
7 Years	188	23.50	0.090384615
8 Years	196	24.50	0.094230769
9 Years	204	25.50	0.098076923
10-15 Years	212	26.50	0.101923077
16 Years	220	27.50	0.105769231
17 Years	228	28.50	0.109615385
18 Years	236	29.50	0.113461538
19 Years	244	30.50	0.117307692
20 Years & Up	252	31.50	0.121153846

The multiplier will be increased to the next incremental rate effective the first full pay-period following the employee's eligible anniversary date.

PTO hours are calculated and updated each biweekly pay period through the payroll system. Employees whose positions are budgeted for 2080 hours per fiscal year may only earn PTO hours up to the maximum per year listed in the calculation table above. Employees may not borrow against future PTO accruals or carry a negative PTO balance.

PTO Requests

It is important that employees plan PTO use carefully so that appropriate replacements can be scheduled. Employees are responsible for requesting PTO in writing and submitting it to their supervisor for approval at least one (1) week in advance for all time off, except in those cases where advance notice is not possible i.e. hospitalization, family emergency, etc, or when otherwise agreed to by the supervisor. In the instance of an unplanned absence, the employee is responsible for making every effort to notify their supervisor at least one (1) hour before the beginning of their scheduled work period. If an employee has not notified the supervisor of their absence by mid shift, the employee may be subject to 4-19 Separation From Employment/Abandonment. Abandonment does not override the PTO request requirement.

If an employee calls in sick for three (3) or more consecutive days, the employee may be required to provide his or her supervisor with a doctor's note on the day the employee returns to work.

An absence shall be considered unauthorized whenever the employee's supervisor or designee has not been properly notified before the shift begins. Responsibility for excusing an unauthorized absence shall rest with the immediate supervisor. An unauthorized absence may be paid if PTO accruals are available and the supervisor has approved the unauthorized absence. An unauthorized absence may be recorded as leave without pay at the discretion of the supervisor.

While employees will begin earning PTO hours upon hire, they are not eligible to use PTO until they have successfully completed their initial probationary or extended probationary period. An exception will be granted and current hours made available if the employee provides documentation of illness signed by a licensed medical professional. Individual circumstances may also be considered and approved by the Department Director.

PTO & Injury on the Job

If an employee is injured on the job during their probationary period they will have access to their available PTO leave balance to cover lost time that they are not compensated for in any other manner for the first seven (7) calendar days. Should the leave balance not be sufficient to cover the time, leave-without-pay may be authorized.

PTO Maximum Roll Over

The maximum amount of earned PTO hours employees can roll over at any fiscal year end is 480 hours. Exceptions may be approved by the City Manager, only under extenuating circumstances which could not be planned or expected. Approved excess leave must be utilized by the employee within ninety (90) days, or by October 31 of the new fiscal year.

Up to July 1, 2003, any employee having a balance in excess of 480 hours will have their current PTO balance serve as their maximum PTO roll over balance until the employee either separates service or their balance falls below 480 hours. At such time their balance falls below 480 hours their maximum limit then becomes 480 hours.

Exhaustion of PTO

Only Department Directors or their designees, on a case-by-case basis, can grant time off without pay. PTO will not accrue during periods of leave without pay.

PTO & Separation of Employment

Employees will be paid up to 480 earned, unused hours of PTO upon their retirement date through PERA. Payment for unused PTO shall be paid at the employee's regular base rate of pay at the time of retirement. PTO in excess of 480 hours will be forfeited.

Employees will be paid up to 360 earned, unused hours of PTO upon separation of employment; not in conjunction with retirement through PERA. Payment for unused PTO shall be paid at the employee's regular base rate of pay at the time of separation. PTO in excess of 360 hours will be forfeited.

All accruals cease as of the date of separation.

PTO will not be paid out to employees who terminate during their first six (6) months of employment status.

PTO Conversion

Employees may convert a maximum of eighty (80) PTO hours per fiscal year for a cash payment at a rate of two (2) hours of pay for three (3) hours of leave. This conversion is only possible for PTO balances over 240 hours. The minimum amount of hours employees may convert per conversion is eight (8) hours. The maximum number of times an employee may convert leave to pay during the fiscal year is four (4). All requests to convert leave to pay must be submitted to the Human Resources Department at least seven (7) calendar days before the pay date the employee wishes to receive the payment.

Voluntary PTO Transfer

There are times when employees may face conditions which require an extended absence from duty and subsequently result in the exhaustion of their PTO. In such cases, after consultation with the Department Director, the City Manager may permit a regular full-time employee to receive PTO donations from other qualified employees under this subsection, under the following conditions:

The employee or an immediate family member suffers from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature which has caused, or is likely to cause, the employee to go on leave without pay status or terminate City employment and:

- The employee's absence and the use of shared PTO are warranted;
- The employee has depleted or will shortly deplete his or her PTO reserves; and
- The employee has abided by all personnel rules regarding PTO use.

PTO donations under this provision may not exceed 480 hours per event, unless otherwise determined by the City Manager or designee.

Such leave shall be donated in one (1) hour increments, with a minimum donation of eight (8) hours per donor.

An employee who has accrued a PTO balance of more than 240 hours may request that the City Manager transfer a specified amount of PTO to another employee authorized to receive PTO under this section. In no event may the employee request a transfer of an amount of PTO that would result in his or her own PTO balance going below 240 hours. However, an employee separating from City service may donate PTO below the minimum balance of 240 hours, provided the recipient is currently on FMLA leave and/or has been

approved by the City Manager to receive PTO donations.

The amount of PTO time transferred under this section which remains unused shall be returned to the employee or employees who transferred the leave when the City Manager finds that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred. The return of unused PTO will be pro-rated based on the number of hours the donator contributed to the total hours donated under the most recent reconciled balance.

Under no circumstances, including termination, can donated PTO hours be converted to cash.

5-16. Paid Holidays

The City Manager shall determine which holidays employees of the City will observe, and the date of observation.

Regular full-time and part-time employees will be paid for the following holidays:

New Year's Day

Martin Luther King, Jr. Day

President's Day

Memorial Day

Independence Day

Labor Day

Veterans' Day

Thanksgiving Day

Day after Thanksgiving

Christmas Day

Holiday pay for regular part time employees will be calculated based on a pro-rated 8 hour holiday and the annual budgeted hours for the position held.

If a holiday falls within an eligible employee's approved leave period the eligible employee will be paid for the holiday. Leave benefits will not be charged.

In the event a holiday falls on Sunday the following Monday shall be deemed to be the holiday. In the event the legal holiday falls on Saturday, the proceeding Friday shall be deemed to be the holiday. In these cases, time worked on the actual holiday on Saturday or Sunday will be the time that is eligible for holiday pay in accordance with the section on Holiday Pay under Compensation.

5-17. Voting Leave

An employee who is registered to vote shall be granted up to two (2) hours with pay, between the opening and closing times of the polls, to vote on all election days. Time off will not be granted to employees whose normal work day begins more than two (2) hours after the opening time of the polls or ends more than three (3) hours prior to the closing time of the polls. Time off for voting will not be utilized for any other purpose.

The employees supervisor should be notified prior to utilizing the Voting Leave. The time of day will be regulated by the supervisor to minimize disruption of service. The employee may be required to produce proof of voter registration.

5-18. Other Benefits

The City may offer other benefits to employees to be paid in whole or part by the employee through a payroll deduction or other means.

City contributions to any benefit are contingent upon available funding and required approvals.

Section 6 - Leaves of Absence

6-1. Personal Leave

If regular full time employees are ineligible for any other City leave of absence, City of Alamogordo, under certain circumstances, may grant a personal leave of absence without pay. A written request for a personal leave should be presented to the Department Director at least two (2) weeks before the anticipated start of the leave. The Department Director will prepare a recommendation to the City Manager, through the Human Resources Department. The recommendation will include the reason for the request, the day it will start and expected day of return, and how it will impact department operations.

If personal leave is requested for medical reasons and employees are not eligible for leave under the federal Family and Medical Leave Act (FMLA) or any state leave law, medical certification also must be submitted. The request will be considered on the basis of staffing requirements and the reasons for the requested leave, as well as performance and attendance records. Normally, personal leave will be granted for a period of up to twelve (12) weeks. However personal leave may be extended if, prior to the end of leave, employees submit a written request for an extension to management and the request is granted.

Employee's that are on approved personal leave:

1. Are not eligible to withdraw their PERA retirement benefits.
2. Will not earn leave benefits, during any duration of leave without pay (LWOP).
3. Are not eligible for holidays that fall during the period of LWOP.
4. Shall not use LWOP to work for another employer or pursue self-employment.
5. Are eligible to continue participation in the City's health insurance program provided the employee makes arrangements to pay the City the full insurance premium if LWOP exceeds two full pay periods.
6. Will be responsible for the employee and employer share of the premiums.
7. Shall be terminated if they fail to return on the day specified, unless an extension has been authorized in advance.
8. Employees must use all accumulated leave and comp-time prior to utilizing LWOP under this provision.
9. Are not eligible to participate in the donated leave provision.

Upon completion of the personal leave of absence, the City will attempt to return employees to their original job or a similar position, subject to prevailing business considerations. Reinstatement, unless FMLA qualified, is not guaranteed.

Failure to advise management of availability to return to work, failure to return to work when notified or a continued absence from work beyond the time approved by the City will be considered a voluntary resignation of employment.

6-2. Military Leave

If employees are required to attend yearly Reserves or National Guard duty, of New Mexico, they will be eligible to receive military leave with pay, not to exceed fifteen (15) days in each calendar year, then unpaid military leave of absence provided the absence does not exceed applicable statutory limitations.

All employees called to active duty in emergencies declared by the Governor of the United States or the President of the United States for short periods of time shall be granted military leave with pay not to exceed fifteen (15) days.

A copy of orders must be attached to all requests for military leave, annual or emergency.

This leave does not apply to assignments volunteered for by the employee.

To be eligible for military leave, employees must provide management with advance notice of service obligations unless they are prevented from providing such notice by military necessity or it is otherwise impossible or unreasonable to provide such notice.

Employees should give management as much advance notice of their need for military leave as possible to ensure proper coverage while employees are away.

Provided any absence does not exceed applicable statutory limitations, employees will retain reemployment rights and accrue seniority and benefits in accordance with applicable federal and state laws.

Authority for all military leave shall be within the provisions of Federal, State, and Local Laws.

6-3. Family and Medical Leave

The Family and Medical Leave Policy

Employees may be entitled to a leave of absence under the Family and Medical Leave Act (FMLA). This policy provides employees information concerning FMLA entitlements and obligations employees may have during such leaves. If employees have any questions concerning FMLA leave, they should contact the Human Resources Office.

I. Eligibility

FMLA leave is available to "eligible employees." To be an "eligible employee," an employee must: 1) have been employed by the City for at least 12 months (which need not be consecutive); 2) have been employed by the City for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave; and 3) be employed at a worksite where 50 or more employees are located within 75 miles of the worksite.

II. Entitlements

As described below, the FMLA provides eligible employees with a right to leave, health insurance benefits and, with some limited exceptions, job restoration.

A. Basic FMLA Leave Entitlement

The FMLA provides eligible employees up to 12 workweeks of unpaid leave for certain family and medical

reasons during a 12-month period. The 12-month period is determined based on a 12-month period measured forward from the start date of the employee's first FMLA leave. Leave may be taken for any one, or for a combination, of the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son, daughter or parent (but not in-law) who has a **serious health condition**;
- For the employee's own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the employee unable to perform one or more of the essential functions of the employee's job; and/or
- Because of any **qualifying exigency** arising out of the fact that an employee's spouse, son, daughter or parent is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty) in the Reserves component of the Armed Forces for deployment to a foreign country in support of contingency operation or Regular Armed Forces for deployment to a foreign country.

A serious health condition is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member on covered active duty and attending post-deployment reintegration briefings.

B. Additional Military Family Leave Entitlement (Injured Service Member Leave)

In addition to the basic FMLA leave entitlement discussed above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a **covered service member** is entitled to take up to 26 weeks of leave during a single 12-month period to care for the service member with a serious injury or illness. Leave to care for a service member shall only be available during a single-12 month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured service member.

A "**covered service member**" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is on the temporary retired list, for a serious injury or illness. These individuals are referred to in this policy as "current members of the Armed Forces." **Covered service member** also includes a veteran who is discharged or released from military services under conditions other than dishonorable at any time during the five years preceding the date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. These individuals are referred to in this policy as "covered veterans."

The FMLA definitions of a "serious injury or illness" for current Armed Forces members and covered veterans are distinct from the FMLA definition of "serious health condition" applicable to FMLA leave to care for a covered family member.

C. Intermittent Leave and Reduced Leave Schedules

FMLA leave usually will be taken for a period of consecutive days, weeks or months. However, employees also are entitled to take FMLA leave intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the employee or covered family member or the serious injury or illness of a covered service member. Qualifying exigency leave also may be taken on an intermittent basis.

D. No Work While on Leave

The taking of another job while on family/medical leave or any other authorized leave of absence is grounds for immediate discharge, to the extent permitted by law.

E. Protection of Group Health Insurance Benefits

During FMLA leave, eligible employees are entitled to receive group health plan coverage under the same terms and conditions as if they had continued to work.

F. Restoration of Employment and Benefits

At the end of FMLA leave, subject to some exceptions including situations where job restoration of "key employees" will cause the City substantial and grievous economic injury, employees generally have a right to return to the same or equivalent position with equivalent pay, benefits and other employment terms. The City will notify employees if they qualify as "key employees," if it intends to deny reinstatement, and of their rights in such instances. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an eligible employee's FMLA leave.

G. Notice of Eligibility for, and Designation of, FMLA Leave

Employees requesting FMLA leave are entitled to receive written notice from the City telling them whether they are eligible for FMLA leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA leave, employees are entitled to receive written notice of: 1) their rights and responsibilities in connection with such leave; 2) City's designation of leave as FMLA-qualifying or non-qualifying, and if not FMLA-qualifying, the reasons why; and 3) the amount of leave, if known, that will be counted against the employee's leave entitlement.

The City may retroactively designate leave as FMLA leave with appropriate written notice to employees provided the City's failure to designate leave as FMLA-qualifying at an earlier date did not cause harm or injury to the employee. In all cases where leave qualifies for FMLA protection, the City and employee can mutually agree that leave be retroactively designated as FMLA leave.

III. Employee FMLA Leave Obligations

A. Provide Notice of the Need for Leave

Employees who take FMLA leave must timely notify the City of their need for FMLA leave. The following describes the content and timing of such employee notices.

1. Content of Employee Notice

To trigger FMLA leave protections, employees must inform the Human Resources Office of the need for FMLA-qualifying leave and the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA leave specifically, or explaining the reasons for leave so as to allow the City to determine that the leave is FMLA-qualifying. For example, employees might explain that:

- a medical condition renders them unable to perform the functions of their job;
- they are pregnant or have been hospitalized overnight;
- they or a covered family member are under the continuing care of a health care provider;
- the leave is due to a qualifying exigency caused by a military member being on covered active duty or called to covered active duty status to a foreign country; or
- if the leave is for a family member, that the condition renders the family member unable to perform daily activities or that the family member is a covered service member with a serious injury or illness.

Calling in "sick," without providing the reasons for the needed leave, will not be considered sufficient notice for FMLA leave under this policy. Employees must respond to the City's questions to determine if absences are potentially FMLA-qualifying.

If employees fail to explain the reasons for FMLA leave, the leave may be denied. When employees seek leave due to FMLA-qualifying reasons for which the City has previously provided FMLA-protected leave, they must specifically reference the qualifying reason for the leave or the need for FMLA leave.

2. Timing of Employee Notice

Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, or the approximate timing of the need for leave is not foreseeable, employees must provide the City notice of the need for leave as soon as practicable under the facts and circumstances of the particular case. Employees who fail to give 30 days' notice for foreseeable leave without a reasonable excuse for the delay, or otherwise fail to satisfy FMLA notice obligations, may have FMLA leave delayed or denied.

B. Cooperate in the Scheduling of Planned Medical Treatment (Including Accepting Transfers to Alternative Positions) and Intermittent Leave or Reduced Leave Schedules

When planning medical treatment, employees must consult with the City and make a reasonable effort to schedule treatment so as not to unduly disrupt the City's operations, subject to the approval of an employee's health care provider. Employees must consult with the City prior to the scheduling of treatment to work out a treatment schedule that best suits the needs of both the City and the employees, subject to the approval of an employee's health care provider. If employees providing notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglect to fulfill this obligation, the City may require employees to attempt to make such arrangements, subject to the approval of the employee's health care provider.

When employees take intermittent or reduced work schedule leave for foreseeable planned medical treatment for the employee or a family member, including during a period of recovery from a serious health condition or to care for a covered service member, the City may temporarily transfer employees, during the period that the intermittent or reduced leave schedules are required, to alternative positions with equivalent pay and benefits for which the employees are qualified and which better accommodate recurring periods of leave.

When employees seek intermittent leave or a reduced leave schedule for reasons unrelated to the planning of medical treatment, upon request, employees must advise the City of the reason why such leave is medically necessary. In such instances, the City and employee shall attempt to work out a leave schedule that meets the employee's needs without unduly disrupting the City's operations, subject to the approval of the employee's health care provider.

C. Submit Medical Certifications Supporting Need for FMLA Leave (Unrelated to Requests for Military Family Leave)

Depending on the nature of FMLA leave sought, employees may be required to submit medical certifications supporting their need for FMLA-qualifying leave. As described below, there generally are three types of FMLA medical certifications: an **initial certification**, a **recertification** and a **return to work/fitness for duty certification**.

It is the employee's responsibility to provide the City with timely, complete and sufficient medical certifications. Whenever the City requests employees to provide FMLA medical certifications, employees must provide the requested certifications within 15 calendar days after the City's request, unless it is not practicable to do so despite an employee's diligent, good faith efforts. The City will inform employees if submitted medical certifications are incomplete or insufficient and provide employees at least seven calendar days to cure deficiencies. The City will deny FMLA leave to employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications.

With the employee's permission, the City may contact the employee's health care provider to authenticate or clarify completed and sufficient medical certifications. If employees choose not to provide the City with authorization allowing it to clarify or authenticate certifications with health care providers, the City may deny FMLA leave if certifications are unclear.

Whenever the City deems it appropriate to do so, it may waive its right to receive timely, complete and/or sufficient FMLA medical certifications.

1. Initial Medical Certifications

Employees requesting leave because of their own, or a covered relation's, serious health condition, or to care for a covered service member, must supply medical certification supporting the need for such leave from their health care provider or, if applicable, the health care provider of their covered family or service member. If employees provide at least 30 days' notice of medical leave, they should submit the medical certification before leave begins. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year.

If the City has reason to doubt initial medical certifications, it may require employees to obtain a second opinion at the City's expense. If the opinions of the initial and second health care providers differ, the City may, at its expense, require employees to obtain a third, final and binding certification from a health care provider designated or approved jointly by the City and the employee.

2. Medical Re-certifications

Depending on the circumstances and duration of FMLA leave, the City may require employees to provide recertification of medical conditions giving rise to the need for leave. The City will notify employees if recertification is required and will give employees at least 15 calendar days to provide medical recertification.

3. Return to Work/Fitness for Duty Medical Certifications

Unless notified that providing such certifications is not necessary, employees returning to work from FMLA leaves that were taken because of their own serious health conditions that made them unable to perform their jobs must provide the City with medical certification confirming they are able to return to work and the employees' ability to perform the essential functions of the employees' position, with or without reasonable accommodation. The City may delay and/or deny job restoration until employees provide return to work/fitness for duty certifications.

D. Submit Certifications Supporting Need for Military Family Leave

Upon request, the first time employees seek leave due to qualifying exigencies arising out of the covered active duty or call to covered active duty status of a military member, the City may require employees to provide: 1) a copy of the military member's active duty orders or other documentation issued by the military indicating the military member is on covered active duty or call to covered active duty status and the dates of the military member's covered active duty service; and 2) a certification from the employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. Employees shall provide a copy of new active duty orders or other documentation issued by the military for leaves arising out of qualifying exigencies arising out of a different covered active duty or call to covered active duty status of the same or a different military member.

When leave is taken to care for a covered service member with a serious injury or illness, the City may require employees to obtain certifications completed by an authorized health care provider of the covered service member. In addition, and in accordance with the FMLA regulations, the City may request that the certification submitted by employees set forth additional information provided by the employee and/or the covered service member confirming entitlement to such leave.

E. Substitute Paid Leave for Unpaid FMLA Leave

Employees are required to use any accrued Paid Time Off while taking unpaid FMLA leave.

The substitution of paid time for unpaid FMLA leave time does not extend the length of FMLA leave and the paid time will run concurrently with an employee's FMLA entitlement.

Leaves of absence taken in connection with a disability leave plan or workers' compensation injury/illness shall run concurrently with any FMLA leave entitlement. Upon written request, the City will allow employee's to use accrued Paid Time Off to supplement any paid disability benefits.

F. Pay Employee's Share of Health Insurance Premiums

During FMLA leave, employees are entitled to continued group health plan coverage under the same conditions as if they had continued to work. Unless the City notifies employees of other arrangements, whenever employees are receiving pay from the City during FMLA leave, the City will deduct the employee portion of the group health plan premium from the employee's paycheck in the same manner as if the employee was actively working.

If FMLA leave is unpaid, employees must pay their portion of the group health premium through a "pay-as-you-go" method.

The City's obligation to maintain health care coverage ceases if an employee's premium payment is more than 30 days late. If an employee's payment is more than 15 days late, the City will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date. If employees do not return to work within 30 calendar days at the end of the leave period (unless employees cannot return to work because of a serious health condition or other circumstances beyond their control), they will be required to reimburse the City for the cost of the premiums the City paid for maintaining coverage during their unpaid FMLA leave.

IV. Exemption for Highly Compensated Employees

The City may choose not to return highly compensated employees (highest paid 10% of employees at a worksite or within 75 miles of that worksite) to their former or equivalent positions following a leave if restoration of employment will cause substantial economic injury to the City. (This fact-specific determination will be made by the City on a case-by-case basis.) The City will notify employees if they qualify as a "highly

compensated," if the City intends to deny reinstatement, and of an employee's rights in such instances.

V. Questions and/or Complaints about FMLA Leave

If you have questions regarding this FMLA policy, please contact the Human Resources Office. The City is committed to complying with the FMLA and, whenever necessary, shall interpret and apply this policy in a manner consistent with the FMLA.

The FMLA makes it unlawful for employers to: 1) interfere with, restrain or deny the exercise of any right provided under FMLA; or 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or involvement in any proceeding under or relating to FMLA. If employees believe their FMLA rights have been violated, they should contact the Human Resources Office immediately. The City will investigate any FMLA complaints and take prompt and appropriate remedial action to address and/or remedy any FMLA violation. Employees also may file FMLA complaints with the United States Department of Labor or may bring private lawsuits alleging FMLA violations.

VI. Coordination of FMLA Leave with Other Leave Policies

The FMLA does not affect any federal, state or local law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement that provides greater family or medical leave rights. For additional information concerning leave entitlements and obligations that might arise when FMLA leave is either not available or exhausted, please consult the City's other leave policies in this manual or contact the Human Resources Office.

The City of Alamogordo administers family and medical leaves of absence in accordance with the Family and Medical Leave Act of 1993.

6-4. Volunteer Emergency Responder Job Protection Act

An employee's rights under the New Mexico Statute Chapter 12, Article 10C-1-4, Volunteer Emergency Responder Job Protection Act will be administered in accordance with the Act.

6-5. The Uniformed Services Employment and Reemployment Rights Act

An employee's rights under The Uniformed Services Employment and Reemployment Rights Act (USERRA) will be administered in accordance with the Act.

6-6. Other Leave

City of Alamogordo recognizes that an employee may have a need to be excused from work in order to attend to personal situations beyond their control. The purpose of this policy is to outline the parameters for Domestic Victims Leave. Under this policy, the following circumstances may be approved for critical personal leaves for employees who are:

- victims of domestic violence
- victims of criminal acts
- victims of natural disasters
- family members of military service members - refer to FMLA Policy under Section 6 of this manual.

All regular full and part time employees, regardless of length of service, are eligible for leave which meet any of the above-referenced criteria. Such approved periods of leaves will be unpaid except where an employee elects to use available paid time off.

The leave provided for in this policy is supplemental to any leave that may be required under applicable laws such as the Family and Medical Leave Act (FMLA) and the Uniformed Services Employment and Reemployment Rights Act (USERRA). You may have similar rights under state law. Employees should look to their leave rights under such laws before resorting to the leave provided for in this policy.

Any request for leave for one of the reasons itemized above must be made in writing, must be for a specified period, and approved by the Department Director.

All leave requests may require documentation supporting the necessity for the leave. Such documentation must be provided within a reasonable time period following the request and may include court, military, insurance, physician, or other documents that verify the need for leave.

The City reserves the right to restrict leave or the duration of a leave if the leave will cause a major impact on City operations.

Domestic Victims leave may be taken in a continuous block of time or sporadically and is limited to fourteen (14) work days in a calendar year; however, employees may submit subsequent documented leave requests for continuation of leave when necessary.

Employees who take leave under this Section, eligible employees are entitled to receive group health plan coverage under the same terms and conditions as if they had continued to work and are responsible for ensuring that a benefit payment schedule is arranged with payroll if necessary.

This policy will be administered pursuant to New Mexico Statute 50-4A-1-8, Promoting Financial Independence for Victims of Domestic Abuse Act.

For eligibility requirements contact Human Resources.

Section 7 - General Standards of Conduct

7-1. Drug-Free and Alcohol-Free Workplace

SECTION 1 APPLICABLE TO ALL CITY OF ALAMOGORDO EMPLOYEES

PURPOSE

The purpose of this Policy is to implement a substance abuse and alcohol misuse policy in a manner which provides for a safer environment for all City employees and the public; and, is compliant with Title 49 Code of Federal Regulations Part 382 as it applies to every person and to all employers of such persons who operate a commercial motor vehicle in any State, and is subject to the commercial driver's licensing requirements.

It is intended that this policy will be interpreted and implemented in a manner consistent with anti-discrimination requirements including the Americans with Disabilities Act.

SEVERABILITY

In the event that any portion of this policy or any portion of the regulations it incorporates are declared unenforceable, the remainder of this policy and such regulations shall remain in full effect.

APPLICABILITY

This policy applies to all City of Alamogordo employees and applicants, except where otherwise regulated in Section 2, by the Department of Transportation (D.O.T), for employees holding commercial licenses as part of their job description or are being paid certification pay for a commercial license that is not a requirement of their job description, but is found to be beneficial to the City.

It shall be the responsibility of the City Manager to determine which positions are safety-sensitive.

Safety sensitive positions for the purpose of this policy are: sworn and non-sworn Police, Dispatch, Dispatch Command Staff, Animal Control Manager, Animal Control Officer, Evidence Technician, Firefighter, Fire Lieutenant, Fire Command Staff, Code Enforcement Officer, Code Enforcement Supervisor, Recreation Center Van Driver, Senior Center Van Driver, Lifeguard, and those positions regulated by D.O.T. for the operation of a commercial vehicle.

It shall be the responsibility of the Human Resources Office to notify the affected employees of their status upon hire or in the event of a change in safety sensitive determinations.

PROHIBITIONS

1. Employees are prohibited from reporting to work under the influence of alcohol or controlled substance(s), from consuming, or possessing illegal drugs or alcohol during assigned work hours including lunch periods, rest breaks and periods when the employee is in pay status or on call.
2. No employee shall consume alcohol within the eight (8) hours prior to the start of the employee's scheduled shift.

A. DRUG TESTING

The City of Alamogordo and its contracted testing facility shall adhere to the D.O.T. guidelines for drug

testing. Split urine specimens collected under this policy shall not be used to test for any other drugs than Marijuana, Cocaine, Opiates, Phencyclidine, or Amphetamines.

Any drug testing component utilized by the City of Alamogordo shall have professionally trained collection personnel, quality assurance requirements for urinalysis procedures, and strict confidentiality requirements.

B. PRIVACY ASSURED

Any individual subject to testing under this policy, shall provide urine specimens in privacy unless there is a reason to believe that a particular individual may alter or substitute the sample.

A collection site staff member of the same gender as the individual tested, may observe the individual provide the urine specimen when such staff member has a reasonable suspicion to believe that the individual may attempt to alter or substitute. If the collection provider does not have a same gender individual available, the City will provide an observer whom shall be a member of City Management. The following are grounds for an observed test under this section:

1. The employee has presented a urine specimen that falls outside of the normal temperature range 32⁰ - 38⁰ C or 90⁰ - 100⁰ F; and
2. The employee declines to provide an oral body temperature; or
3. The oral body temperature varies by more than 1⁰ C/ 1.8⁰ F from the specimen temperature; or
4. The last urine specimen provided by the employee (on a previous occasion) was determined by the testing lab to have a specific gravity of less than 1.003 and a creatinine concentration below .2g/L;
5. The collection site personnel observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g. substitute urine in plain view, blue dye in specimen presented, etc.); or
6. The employee has previously been determined to have used a controlled substance without medical authorization.

C. BREATH ALCOHOL TEST

1. The City of Alamogordo's contracted testing facility will adhere to breath alcohol procedures of Title 49 Code of Federal Regulations Part 40.
2. Breath alcohol shall be collected by a certified Breath Alcohol Technician utilizing a Department of Transportation approved Evidentiary Breath Testing machine.
3. The employee giving the sample shall complete step 2 of the certification on the Alcohol Testing Form.
4. Refusal by the member to sign the certification shall be regarded as a refusal to take the test and will be automatically considered a positive result and will result in corrective action up to and including termination.
5. If the screening test is greater than zero (0) the driver shall take a confirmation test.
6. The confirmation test shall be conducted within not less than 15 minutes and no more than 30 minutes of a positive screening test.

D. PRE-EMPLOYMENT TESTING

All offers to an external applicant, for initial employment with the City of Alamogordo, shall be extended conditionally upon the applicant successfully passing a pre-employment drug test with a negative result.

1. A current full-time or part-time non-safety sensitive employee that is being placed, transferred, or

promoted into a non-safety sensitive position is exempt from the pre-employment drug test provision.

2. A current full-time or part-time non-safety sensitive employee being placed, transferred, or promoted into a safety-sensitive position is subject to the appropriate pre-employment drug test with a negative result.
3. A current full-time or part-time safety sensitive employee that is being placed, transferred, or promoted into another safety-sensitive position is exempt from the pre-employment drug test provision.
4. A current full time or part time non D.O.T. Safety Sensitive employee being, placed, transferred, or promoted into a D.O.T. Safety Sensitive position is subject to the appropriate pre-employment drug test, as regulated by D.O.T., with a verified negative result.
5. A current full time or part time D.O.T. Safety Sensitive employee being placed, transferred, or promoted into another D.O.T. Safety Sensitive position is exempt from the pre-employment drug test provision.
6. Seasonal employees promoting to regular status will be tested pursuant to the guidelines described in 1-5 above.

Procedure:

1. The City of Alamogordo shall direct the applicant or employee to an appropriate collection facility with the designated form.
2. The drug test must be undertaken as soon after notification as possible.
3. When an employee being placed, transferred or promoted submits to a drug test under any of these provisions and has a verified positive result, the employee shall be subject to corrective action up to and including termination.
4. Should an applicant have a pre-employment drug test with a positive result, the conditional offer of employment shall be rescinded.

E. RANDOM TESTING

All employees designated as "Safety Sensitive" per the "Applicability", Section are subject to random drug and alcohol testing.

Procedure:

1. Tests are unannounced and the City of Alamogordo will notify the employee of any selection for a random test just prior to testing.
2. The employee shall immediately present him or herself for testing at the designated collection location noted on the random selection notice form.
3. Any employee not reporting for testing immediately shall be deemed to have refused to test, and shall be subject to corrective action up to and including termination.

Employees on shift work will present themselves for testing upon notification from their supervisor.

F. RANDOM SELECTION

The following represents how and how often random selections occur:

1. The rate of selection is 50% per anum for drugs and 25% per anum for alcohol. These rates may be adjusted by the Department of Transportation guidelines;

2. The selections are done by a scientifically valid process through the facility contracted to perform drug and alcohol tests.

G. POST-ACCIDENT TESTING

All employees are subject to post-accident drug and/or alcohol testing. All employees are required to report accidents immediately. Reporting procedures for accidents are defined in the City's Safety Manual, Section VII.

Employees involved in on-the-job accidents are subject to testing.

1. SAFETY SENSITIVE AND NON-SAFETY SENSITIVE POSITIONS:

- Testing will be conducted immediately following the accident if information is provided by credible sources, or it is reasonable and independently corroborated that objective facts indicate the driver is under the influence of controlled substance or alcohol.
- Police involved in an accident who use deadly force are subject to drug and alcohol testing. Deadly force means, that force which a reasonable person would consider likely to cause death or serious bodily harm.

2. DEPARTMENT OF TRANSPORTATION (D.O.T) REGULATED EMPLOYEES:

Testing for both alcohol and drugs shall be conducted for each surviving driver:

- If the accident involved the loss of human life;
- Who receives a citation under State or local law for a moving traffic violation arising from the accident;
- Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident;
- One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

All D.O.T employees requiring post-accident testing will report for testing within two (2) hours of the accident and shall remain readily available for such testing or may be deemed by the employer to have refused to submit to testing.

Procedure:

1. If test(s) are not administered within two hours following the accident, the employer shall prepare and maintain on file a record stating the reasons the test was not promptly administered.
2. If a test required by this section is not administered within eight hours following the accident, the employer shall cease attempts to administer an alcohol test and shall prepare and maintain the same record.
3. The results of breath or blood test for the use of alcohol by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of post-accident testing, provided the tests conform with the applicable Federal, State, or local alcohol testing requirements, and that the results are obtained by the City of Alamogordo.

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

H. REASONABLE SUSPICION TESTING

Reasonable suspicion testing may be based upon, among other things:

1. Observable phenomena, such as direct observation of drug and/or alcohol use or possession and/or the physical symptoms of being under the influence of drug(s) and/or alcohol, or a pattern of abnormal conduct or erratic behavior.
2. Abnormal conduct or erratic behavior may include the following, which is not intended to be all inclusive:
 - Abnormally dilated or constricted pupils
 - Glazed stare-redness of eyes
 - Flushed face
 - Change of speech (ie. faster or slower)
 - Constant Sniffing
 - Redness under nose
 - Needle marks
 - Change in personality
 - Forgetfulness
 - Constant fatigue or hyperactivity
 - Smell of alcohol
 - Slurred speech
 - Difficulty walking
 - Slowed reaction rate
 - Dulled mental processes
3. Information provided by credible sources or independently corroborated;
4. Newly discovered evidence that the driver has tampered with a previous drug and/or alcohol test.

Procedures:

1. If an employee is suspected of using illegal drugs, the appropriate supervisor will gather all information, facts, and circumstances leading to and supporting this suspicion.
2. The employee shall be driven to an approved collection site and the appropriate reasonable suspicion drug and/or alcohol test shall be administered.
3. The employee will be placed on Administrative Leave and taken home or may be picked up by a responsible friend or family member.
4. The Director and Human Resources will be notified immediately.
5. The appropriate supervisor will promptly prepare a written report detailing the circumstances which formed the basis to warrant the testing on the City's designated form.
6. This report should include the appropriate dates and times of reported drug/alcohol related incidents, names of credible sources of information, rationale leading to the test, and the action taken.
7. Completed forms will be submitted to Human Resources for proper filing.

Reasonable suspicion testing does not require certainty, however, mere "hunches" are not sufficient to meet the standard for testing.

I. REFUSAL TO TEST

1. Refusal by the employee to take any required test(s) shall be considered an automatic positive test result and will be grounds for corrective action up to and including termination.
2. Any employee who refuses to be tested when so required will be subject to removal from any safety sensitive function and will be subject to corrective action, up to and including termination.

Refusal to test and incomplete tests are:

Alcohol:

1. Fails to present him or herself for testing, within the designated time frame, after he or she has received notice that testing is occurring;
 2. Employee fails to complete and sign the breath alcohol testing form;
 3. Fails to provide breath, or to provide an adequate amount of breath; or
 4. Fails to otherwise cooperate with the testing process.
- If there is an inability for the driver to provide an adequate amount of breath the driver shall be directed by the City of Alamogordo, if required to, obtain, and as soon as practical, an evaluation from a licensed physician why the employee could not deliver an adequate sample.
 - If the licensed physician is unable to conclude that a high degree of probability existed that a medical problem resulted in the inadequate sample, the test is considered as a refusal and automatically considered a positive test and will result in corrective action up to and including termination.
 - If the driver refuses to take a confirmation test he or she shall not operate a motor vehicle or perform any safety sensitive function and will be subject to corrective action up to and including termination.

Controlled Substance Urine Sample:

1. Fails to provide an adequate urine sample without a genuine inability to provide a specimen after he or she has received notice of the requirement for urine testing;
2. Fails to present him or herself for testing, within the designated time frame, after he or she has received notice that testing is occurring;
3. Engages in conduct that clearly obstructs the testing process; or
4. The employee has presented a urine specimen that falls outside the normal temperature range of 32⁰ - 38⁰ C or 90⁰ - 100⁰ F; and
5. The employee declines to provide an oral body temperature.

Consequences of Refusing to Test:

Refusals to test are treated as if they were a positive test result for either alcohol or controlled substances and will subject the employee to corrective action up to and including termination.

J. TEST RESULTS

Should an employee receive a positive or non-negative drug or alcohol result:

1. Under no circumstance will the employee be allowed to drive.
2. The Director and Human Resources will be notified immediately.
3. A valid prescription may be the cause, and if documentation can be provided, the employee may return to duty, if there is no sign of impairment until the confirmation result is in.
4. If documentation of a valid prescription cannot be provided the employee will be placed on Administrative Leave pending the result of the confirmation test.
5. The employee shall be subject to corrective action up to and including termination.

Opportunity to Justify a Positive Drug or Non-Negative Test Result:

When a drug test result has been returned by the laboratory to the Medical Review Officer (MRO), he or she shall perform their duties. For example, the Medical Review Officer may choose to conduct employee medical interviews, review employee medical history, or review any other relevant biomedical factors. The Medical Review Officer must review all non-negative and positive results.

Evidence to justify a positive result may include, but is not limited to:

1. A valid prescription; or
2. A verification from the individual's physician verifying a valid prescription.

Individuals are not entitled, however, to present evidence in a trial-type administrative proceeding, although the Medical Review Officer has the discretion to accept evidence in any manner that they deem most efficient or necessary. If the Medical Review Officer determines there is not justification for the positive result, such result will be considered a verified positive test result. The Medical Review Officer shall immediately contact the appropriate official upon obtaining a verified positive test result.

K. LEGAL MEDICATION USE

1. Any employee in a safety sensitive position who is taking prescribed, non-prescribed, and/or over the counter medication containing alcohol for illness or injury must report the use of these substances to his or her employer.
2. It is the responsibility of the employee to determine the effects of these medications and/or drugs on job performance and safety. Generally the effects would be considered substantial enough to warrant removal from job duties if the container states that driving should not be done after taking the medication, or drowsiness occurs after taking the medication.
3. In the event that these medications adversely affect performance or safety to the extent that the employee must be relieved from duty no disciplinary action will be taken against the employee. He or she may be required to take Paid Time Off, leave without pay, or be placed in a less sensitive position if available.
4. No prescription drugs shall be brought into the work place by any person other than the person for whom the drug is prescribed by a licensed medical practitioner and shall be used only in the manner, combination, and quantity prescribed.

L. VOLUNTARY ASSISTANCE (SELF REFERRAL)

The City encourages employees who believe or suspect that they may be abusing a substance to voluntarily refer themselves to the Employee Assistance Program (EAP). The EAP staff is prepared to assist employees requesting their services. Employees may self-refer at any time except within twenty-four (24) hours after an accident, as defined in this policy, or after being notified that they must submit to a random or reasonable suspicion drug/alcohol test. Except as otherwise provided in this policy, an employee's use of the EAP services shall remain confidential.

As a part of its efforts to promote employee wellness, the City maintains an Employee Assistance Program (EAP) and encourages employees to voluntarily seek assistance regarding substance abuse. However, because employees who are substance abusers do not always avail themselves of this program, the City, as a responsible employer, elects to take additional steps to deter substance abuse which may impact the workplace.

1. Any employee who self-refers shall be placed on the appropriate leave status. Employees who voluntarily seek assistance for substance abuse may receive, without charge, an evaluation with a Substance Abuse Professional (SAP) through the City of Alamogordo EAP. Recommendations from the SAP will be met, at the employees own expense. Employee will remain on leave status until the Substance Abuse Professional documents that he or she is ready and able to return to assigned job duties without endangering the safety of themselves or others; the employee has completed a return-to-duty drug and/or alcohol test with a negative result; and the City has been provided with a return-to-work agreement.
2. The return-to-work agreement shall require that the employee remain compliant with his or her treatment program and non-compliance is grounds for corrective action up to and including termination. In addition, the return-to-work agreement shall include an agreement to submit to periodic and unannounced follow-up testing which must consist of at least six (6) tests during the first twelve (12) months following the return-to-work and may be done for up to sixty (60) months; and a standard, limited waiver of confidentiality, with respect to compliance with the treatment program only, to allow the Human Resources Office or designee to monitor compliance with the program.
3. During treatment, the employee's leave status shall be as follows: First, accrued leave shall be exhausted and, if insufficient, the employee shall be placed on leave without pay in accordance with the City of Alamogordo Employee Manual. Any leave taken, either paid or unpaid, shall be considered leave taken under the Family and Medical Leave Act.
4. Employees who are not compliant with the SAP recommended treatment program within thirty (30) calendar days from the date of self-referral shall be subject to corrective action up to and including termination.
5. Referrals to a Substance Abuse Professional play an important role in preventing and resolving employee drug use or alcohol abuse by providing employees an opportunity to discontinue their use.
6. All Substance Abuse Professional operations shall be confidential in accordance with this policy relating to records and confidentiality.

M. RETURN TO DUTY TESTING

The City of Alamogordo shall ensure that an employee returning to duty after testing positive for alcohol has undergone a return to duty test with a verified negative result.

For any substance, the employee returning to duty shall have undergone a controlled substance test with a verified negative result.

The requirements for return-to-duty testing will be performed as outlined in 49 CFR part 40, subpart O.

At the discretion of the City Manager, an employee may return to duty in a safety sensitive position when the employee has been referred to a Substance Abuse Professional and the employee has provided the City with an appropriate return to duty release from the Substance Abuse Professional.

N. FOLLOW UP TESTING

All employees referred through administrative channels who undergo a counseling or rehabilitation program for drug/alcohol use through a Substance Abuse Professional will be subject to unannounced testing following completion of such a program, recommended by the Substance Abuse Professional.

Employees who refuse to submit to periodic, unannounced follow-up testing administered pursuant to a return-to-work agreement shall be subject to corrective action up to and including termination.

An employee with a verified positive test during the follow-up testing administered pursuant to a return-to-work agreement shall be subject to corrective action up to and including termination.

Follow-up testing is separate and in addition to any other testing required by other provisions of the City's Drug and Alcohol Abuse Policy. Appropriate discipline shall be imposed for verified positive tests under those provisions without regard to an employee's participation in the self-referral program.

O. EDUCATION AND TRAINING

This policy shall be provided to every City employee, and training and education programs shall be made available. Supervisors and Managers will receive a minimum of 120 minutes each of drug and alcohol specialized training designed to promote the necessary skills to:

- Inform employees of this policy;
- Enforce this policy;
- Identify the signs of drug and/or alcohol use; and
- Integrate an employee effectively back into his or her work group following treatment.

Non-supervisory employees will receive a minimum of 120 minutes training on the effects and consequences of prohibited drug and/or alcohol use on personal health, safety, and the work environment.

P. OTHER REQUIREMENTS

Department Directors or other Supervisors may not adopt additional substance abuse and/or testing policies without the prior written approval of the City Manager.

All City of Alamogordo employees have the duty and are required to report to their supervisor any suspected drug or alcohol use of another employee while on duty. Failure to do so may result in corrective action.

SECTION 2 APPLICABLE TO DEPARTMENT OF TRANSPORTATION (DOT) REGULATED EMPLOYEES ONLY

City of Alamogordo complies with Title 49 Code of Federal Regulations Part 382 relating to the Department of Transportation regulations for employees operating on the City's behalf as a commercial driver.

Title 49 Code of Federal Regulations Part 382

382.601(b) (1): Contact the Human Resources Office at (575) 439-4399 for any questions relating to the City of Alamogordo Drug and Alcohol Abuse Policy.

382.601(b)(2): The operation of the following categories of Commercial Motor Vehicles (CMV) by a Commercial Driver Licensed driver subjects the Commercial Driver Licensed driver to the provisions of Title 49 Code of Federal Regulations Part 382:

A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

1. Has a gross combination weight of 26,001 or more pounds inclusive of a towed unit a gross vehicle weight rating of 10,000 pounds; or
2. Has a gross vehicle weight rating of 26,001 or more pounds; or
3. Is designed to transport 16 or more passengers, including the driver; or
4. Is any size and is used to transport hazardous material(s) requiring the motor vehicle to be placarded.

382.601(b) (3): The following are the Safety Sensitive functions that place drivers into the provisions of the Department of Transportation's Drug & Alcohol testing requirements:

1. All time that a carrier or shipper plant, terminal, facility, or other property, or on any public property waiting to be dispatched, unless the driver has been relieved from duty by the City of Alamogordo;
2. All time inspecting equipment as required or otherwise inspecting, servicing, or conditioning commercial motor vehicle at any time. All driving time which means all time spent at the driving controls of a commercial motor vehicle during operation;
3. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth;
4. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
5. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

The following constitutes a verified positive controlled substance test result:

<u>SUBSTANCE</u>	<u>CONFIRMATORY TEST CUT OFF LEVELS (ng/ml)</u>
Marijuana	15
Cocaine	150
Opiates:	
Morphine	300
Codeine	300
Phencyclidine	25
Amphetamines:	
Amphetamine	500
Methamphetamine	500

382.601 (b) 10: The following are consequences for drivers found to have an alcohol concentration greater than zero (0)%:

Levels of alcohol concentration over zero (0)% require an employee to be relieved of safety sensitive functions. The driver is then subject to the full range of disciplinary action, including termination.

382.601 (b) 11: The following is information concerning the effects of alcohol and controlled substances.

ALCOHOL

Although used routinely as beverage for enjoyment, alcohol can also have negative physical and mood-altering effects when abused. These physical or mental alterations in a driver may have serious personal and public safety risks.

HEALTH EFFECTS

An average of three or more servings per day of beer (12 oz.) Whiskey (1 oz.) or wine (6 oz.) over time, may result in the following health hazards:

- Dependency
- Fatal liver disease
- Kidney disease
- Pancreatitis
- Ulcers
- Decreased sexual functions
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- birth defects such as Fetal Alcohol Syndrome.

Social Issues

- 2/3 of all homicides are committed by people who drink prior to the crime.
- 2-3% of the driving population are legally drunk at any one time. This rate doubles at night and on

weekends.

- 2/3 of all Americans will be involved in an alcohol-related accident during their lifetime.
- The separation and divorce rate in families with alcohol dependency problems is seven (7) times the average.
- 40% of family court cases are alcohol-related.
- Alcoholics are 15 times more likely to commit suicide.
- More than 60% of burns, 40% of falls, 69% of boating accidents, and 76% of private aircraft accidents are alcohol related.
- Over 17,000 fatalities occurred in 1993 in highway accidents, which were alcohol-related. This was 43% of all highway fatalities.
- 30,000 people will die each year due to alcohol caused liver disease.
- 10,000 people will die each year due to alcohol-related brain disease or suicide.
- Up to 125,000 people die each year due to alcohol-related conditions or accidents.

Workplace Issues

- It takes one hour for the average person (150 pounds) to process one serving of alcohol from the body.
- Impairment can be measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

Reporting Legal Drug Use

The reporting requirements which arise under Title 49 Code of Federal regulations Parts 40 and 382 are an element of this policy. To the extent such reporting requirements hinge on operations in interstate, or intrastate, commerce or application of United States Department of Transportation regulations or require reporting to Federal agencies, such reporting requirements will be implemented to the degree to which they apply.

The City of Alamogordo utilizes a Third Party Administrator (TPA) to data base employee drug/alcohol testing information, conduct random drug/alcohol selections, and receive testing results. The TPA acts as an agent for the employer. It does not replace the employer or responsibilities for meeting the Department of Transportation requirements.

1. Drug/alcohol testing records are first received by the Third Party Administrator of the City's drug and alcohol program. The results are transmitted to the Human Resources Department who shall maintain them and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express consent of the tested employee.
2. Records of a verified positive drug/alcohol test result shall be released to the employee's Department Director.
3. Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test.

Failure to do so may result in disciplinary actions.

Alcohol's Trip Through the Body

Mouth and Esophagus: Alcohol is an irritant to the delicate linings of the throat and food pipe. It burns as it

goes down.

Stomach and Intestines: Alcohol has an irritating effect on the stomach's protective lining, resulting in gastric or duodenal ulcers. This condition, if it becomes acute, can cause peritonitis, or perforation of the stomach wall. In the small intestine, alcohol blocks absorption of such substances as thiamine, folic acid, fat, vitamin B1, vitamin B12, and amino acids.

Bloodstream: 95% of the alcohol taken into the body is absorbed into the bloodstream through the lining of the stomach and duodenum. Once in the bloodstream, alcohol quickly goes to every cell and tissue in the body. Alcohol causes red blood cells to clump together in sticky wads, slowing circulation and depriving tissues of oxygen. It also causes anemia by reduction of red blood cell production. Alcohol slows the ability of white cells to engulf and destroy bacteria and degenerates the clotting ability of blood platelets.

Pancreas: Alcohol irritates the cells of the pancreas, causing them to swell, thus blocking the flow of digestive enzymes. The chemicals, unable to enter the small intestine, begin to digest the pancreas, leading to acute hemorrhagic pancreatitis. One out of five patients who develop this disease dies during the first attack. Pancreatitis can destroy the pancreas and cause a lack of insulin thus resulting in diabetes.

Liver: Alcohol inflames the cells of the liver, causing them to swell and block the tiny canal to the small intestines. This prevents bile from being filtered properly through the liver. Jaundice develops, turning the whites of the eyes and skin yellow. Each drink of alcohol increases the number of live cells destroyed, eventually causing cirrhosis of the liver. This disease is eight times more frequent among alcoholics than among non-alcoholics.

Heart: Alcohol causes inflammation of the heart muscle. It has a toxic effect on the heart and causes increased amounts of fat to collect, thus disrupting its normal metabolism.

Urinary Bladder and Kidneys: Alcohol inflames the lining of the urinary bladder making it unable to stretch properly. In the kidneys, alcohol causes increased loss of fluids through its irritating effect.

Sex Glands: Swelling of the prostate gland caused by alcohol interferes with the ability of the male to perform sexually. It also interferes with the ability to climax during intercourse.

Brain: The most dramatic and noticed effect of alcohol is on the brain. It depresses brain centers, producing progressive incoordination: confusion, distortion, stupor, anesthesia, coma, death. Alcohol kills brain cells and brain damage is permanent. Drinking over a period of time causes loss of memory, judgement and learning ability.

DRUGS

Marijuana

Health Effects

- Emphysema-like conditions.
- One joint of marijuana contains cancer-causing substances equal to ½ pack of cigarettes.
- One joint causes the heart to race and be overworked. People with heart conditions are at risk.
- Marijuana is commonly contaminated with the fungus *Aspergillus*, which can cause serious respiratory tract and sinus infections.
- Marijuana lowers the body's immune system response, making users more susceptible to infections. Chronic smoking causes changes in brain cells and brain waves. The brain does not work as efficiently or effectively. Long-term brain damage may occur.
- Tetrahydrocannabinol (THC) and sixty (60) other chemicals in marijuana concentrate in the ovaries and

testes.

- Chronic smoking of marijuana in males causes a decrease in testosterone and an increase in estrogen, the female hormone. As a result, the sperm count is reduced, leading to a temporary sterility.
- Chronic smoking of marijuana in females causes a decrease in fertility.
- A higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the first few days of life are common in pregnant marijuana smokers.
- THC causes birth defects including brain damage, spinal cord, forelimbs, liver, and water on the brain and spine in test animals.
- Prenatal exposure may cause underweight newborn babies.
- Fetal exposure may decrease visual functioning.
- User's mental function can display the following effects:

1. delayed decision making
2. diminished concentration
3. impaired short-term memory
4. impaired signal detection
5. impaired tracking
6. erratic cognitive function
7. distortion of time estimation

Workplace Issues

- THC is stored in body fat and slowly released.
- Marijuana smoking has long-term effects on performance.
- Increased THC potency in modern marijuana dramatically compounds the side effects.
- Combining alcohol or other depressant drugs with marijuana increase the impairing effects.

Cocaine

Used medically as a local anesthetic. When abused, it becomes a powerful physical and mental stimulant. The entire nervous system is energized. Muscles tense, heart beats faster and stronger, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevation.

Health Effects

- Regular use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing damage to critical nerve cells. Parkinson's Disease could also occur.
- Cocaine causes the heart to beat faster, harder, and rapidly increases blood pressure. It also causes spasms of blood vessels in the brain and heart. Both lead to ruptured vessels causing strokes and heart attacks.
- Strong dependency can occur with one "hit" of cocaine. Usually mental dependency occurs within days for "crack" or within several months for snorting coke. Cocaine causes the strongest mental dependency of all the drugs.
- Treatment success rates are lower than other chemical dependencies.

- Extremely dangerous when taken with other depressant drugs. Death due to overdose is rapid. Fatal effects are usually reversible by medical intervention.

Workplace Issues

- Extreme mood and energy swings create instability. Sudden noise causes a violent reaction.
- Lapses in attention and ignoring warning signals increases probability of accidents.
- High cost frequently leads to theft and/or dealing.
- Paranoia and withdrawal may create unpredictable or violent behavior.
- Performance is characterized by forgetfulness, absenteeism, tardiness, and missing assignments.

Opiates

- Narcotic drugs which alleviate pain and depress body functions and reactions.

Health Effects

- IV needle users have a high risk of contracting hepatitis or AIDS when sharing needles.
- Increase pain tolerance. As a result, a person may more severely injure themselves and fail to seek medical attention as needed.
- Narcotic effects are multiplied when combined with other depressants causing an increased risk for an overdose.
- With increased tolerance and dependency combined, there is a serious financial burden for users.

Workplace Issues

- Side effects such as nausea, vomiting, dizziness, mental clouding and drowsiness place the user at high risk for an accident.
- Causes impairment of physical and mental functions.

Amphetamines

- Central nervous system stimulant that speeds up the mind and body.

Health Effects

- Regular use causes strong psychological dependency and increased tolerance.
- High doses may cause toxic psychosis resembling schizophrenia.
- Intoxication may induce a heart attack or stroke due to increased blood pressure.
- Chronic use may cause heart or brain damage due to severed constriction of capillary blood vessels.
- Euphoric stimulation increases impulsive and risk taking behavior, including bizarre and violent acts.
- Withdrawal may result in severe physical and mental depression.

Workplace Issues

- Since the drug alleviates the sensation of fatigue, it may be abused to increase alertness during periods of overtime or failure to get rest.
- With heavy use or increasing fatigue, the short-term mental or physical enhancement reverses and becomes an impairment.

Phencyclidine (PCP)

- Often used as a large animal tranquilizer. Abused primarily for its mood altering effects. Low doses produce sedation and euphoric mood changes. Mood can rapidly change from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare. Sudden noises or physical shocks may cause a "freak out" in which the person has abnormal strength, violent behavior, and an inability to speak or comprehend.

Health Effects

- The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with anesthetic effect on the body.
- PCP, when combined with other depressants, including alcohol, increases the possibility of an overdose.
- If misdiagnosed as LSD induced, and treating with Thorazine, can be fatal.
- Irreversible memory loss, personality changes, and thought disorders may result.

Workplace Issues

- Not common in the workplace primarily because of the severe disorientation that occurs.
- There are five (5) phases to PCP abuse:
 1. Acute toxicity causing combativeness, catatonia, convulsions, and coma.
 2. Distortions of size, shape, and distorted perception are common.
 3. Toxic psychosis with visual and auditory delusions, paranoia and agitation.
 4. Drug induced schizophrenia.
 5. Induced depression which may create suicidal tendencies and mental dysfunction.

382.605 Referral, evaluation and treatment.

Each driver who has engaged in conduct prohibited by Title 49 Code of Federal Regulations Part 382. sub-part B shall be advised by the employer of the resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and the use of controlled substances.

382.413 Release of Alcohol and Controlled Substance Test Information By Previous Employers:

The City shall, pursuant to a driver's written authorization, inquire about information on the driver's alcohol tests with a result of 0.04 or greater, positive controlled substance test results, and refusals to be tested within the preceding two years of employment application, which are maintained by the driver's previous employers.

If feasible this information must be obtained and reviewed by the City prior to the first time a driver performs a

safety sensitive function. If it is not feasible to obtain the information prior to the driver performing a safety sensitive function the City has 14 calendar days to obtain and review this information. The City may not permit a driver to perform safety sensitive functions after 14 calendar days without having made a good faith effort to obtain the information as soon as possible.

If the driver stops performing safety sensitive functions for the City before the 14 calendar days expires, or before the information is obtained, the City must still make a good faith effort to obtain the information.

382.601 (b) 11 (d): Certificate of Receipt:

Drug/Alcohol educational material packets shall be distributed to covered employees. A minimum of two hours of supervisory training shall be required of all supervisors. Employees and supervisors are required to sign for the materials. A copy showing receipt shall be maintained by the City of Alamogordo, or the Third Party Administrator, as part of the employee's confidential drug and alcohol file.

Pursuant to Title 49 Code of Federal Regulations Part 382, sub-part B you are advised by the City of Alamogordo of the resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and/or the use of controlled substances. You may not return to any "Safety Sensitive" position within the City of Alamogordo until such time as you have completed, or been released, by an approved Substance Abuse Program that contains: referral, evaluation, and treatment.

A non-inclusive assistance resource listing:

- Zia Therapy / 900 First St., Alamogordo, NM 88310 / 575-439-4900
- Behavioral Health Services Division / 37 Plaza La Prensa, Sante Fe, NM 87507 / 505-827-2601
- Substance Abuse and Mental Health Services Administration (SAMHSA) 877-SAMHSA-7 or 877-726-4727
- National Institute for Drug Abuse (NIH) www.drugabuse.gov / 301-496-4000
- Cocaine Helpline / 800-COCAINE or 800-262-2463
- New Mexico Alcoholics Anonymous / 1405 San Mateo Blvd., NE Albq., NM / 505-266-3688
- New Mexico Alcoholics Anonymous / 1921 Alvarado Dr. NE, Albq., NM / 505-266-1900
- New Mexico Alcoholics Anonymous / 2411 4th St., Albq., NM / 505-243-8426
- New Mexico Alcoholics Anonymous / 11605 Menaul Blvd., NE, Albq., / 505-292-1067
- National Institute on Alcohol Abuse and Alcoholism / niaaa.nih.gov / 888-MY-NIAAA or 888-696-4222
- Dr. Mary Ann Cotton (EAP) / 820 Scenic Dr. #B, Alamogordo, NM / 575-439-1550
- LaRocque Counseling Assoc., LLC (EAP) / 1213 Michigan Ave. Alamogordo, NM / 575-437-8942

Employee Signature of Receipt

Date of Receipt

City of Alamogordo

Original: Employee Confidential Auxiliary File

Copy: Employee

Code of Ethics: Public Employment as a Public Trust.

City employees in performing their duties are required to conduct themselves in an ethical manner at all times. In performing their day-to-day duties and in their many contacts with residents and visitors, City employees should be aware that the impressions of City government are based upon their manner, appearance, speech, and conduct. Consequently, City government is dependent upon standards of reliability, integrity, industriousness, helpfulness, courtesy, efficiency, patience, grooming, dress, and language that are appropriate to the work situation and acceptable to the majority of the community. A public employee away from the job shall have the same rights as any other private citizen insofar as they do not interfere with their performance on the job or undermine the public confidence in the City, the employee, or another City employee.

Conflict of Interest

It is City of Alamogordo's policy that all employees avoid any conflict between their personal interests and those of the City. The purpose of this policy is to ensure that the City's honesty and integrity, and therefore its reputation, are not compromised. The fundamental principle guiding this policy is that no employee should have, or appear to have, personal interests or relationships that actually or potentially conflict with the best interests of the City.

It is not possible to give an exhaustive list of situations that might involve violations of this policy. However, the situations that would constitute a conflict of interest in most cases include but are not limited to:

1. Holding an interest in or accepting free or discounted goods or services from any organization, or citizen that does, or is seeking to do, business with the City, or has interests that may be substantially affected by the performance or non performance of the employee's official duties;
2. Being employed by (including as a consultant) or serving on the board of any organization which does, or is seeking to do business with the City, or has interests that may be substantially affected by the performance or non performance of the employee's official duties;
3. Profiting personally through commissions, loans, grants, expense reimbursements, honorarium, contribution or other payments, from any organization or citizen that does, or is seeking to do business with the City, or has interests that may be substantially affected by the performance or non performance of the employee's official duties, for representing, advising, presenting, or assisting in matters within official duties;
4. Misuse of official position or withholding official action on a matter in which they have an outside personal or financial interest;
5. Use of City time, services, equipment, property or facilities for personal and/or financial benefit;
6. Coercion of another employee in any manner which will result in outside personal and/or financial benefit;
7. Giving away or taking for one's self City owned property, property belonging to a citizen, or services outside of typical means addressed in City Ordinances;
8. Solicitation of or acceptance of, directly or indirectly, any gift that benefits the employee's personal or financial interest if it can be reasonably inferred that the gift is intended to influence the employee's actions or judgment, from any organization or citizen which does, or is seeking to do business with the City, or has interests that may be substantially affected by the performance or non performance of the employee's official duties. For the purpose of this section, "gift" includes, but is not limited to: money, property, items of value, services, loans, favors, promises, travel, entertainment, hospitality, and

employment, but does not include food and refreshments with a value of less than one hundred dollars (\$100) consumed in a day.

9. Disclosure of confidential information gained from City employment if the use or disclosure could result in a financial or personal benefit, unless that information has already become public;
10. Aiding in or not reporting any violation of the Code of Ethics and Conflict of Interest policies.

It is the employee's responsibility to report any actual or potential conflict that may exist between the employee (and/or an immediate family member) and the City in writing to the City Manager with a copy to the Department Director at the time any conflict occurs.

Any honorarium or contributions received must be turned over to the Finance Department.

Violations of or complaints relating to this policy must be reported immediately to the City Manager.

Violation of this Policy may result in disciplinary action up to and including termination.

7-3. Confidential Information

During the course of work, an employee may become aware of confidential information about City of Alamogordo's business, including but not limited to information regarding City and/or citizen and employee personal information. It is extremely important that all such information remain confidential. Any employee who improperly copies, removes, destroys (whether physically or electronically), uses or discloses confidential information to anyone outside of the City without permission may be subject to disciplinary action up to and including termination. Employees may be required to sign an agreement reiterating these obligations.

7-4. Employee/Employer Relations

All City employees are expected to treat other employees and management in a respectful and courteous manner while on duty.

7-5. Workplace Conduct

City of Alamogordo endeavors to maintain a positive work environment. Each employee plays a role in fostering this environment. Accordingly, we all must abide by certain rules of conduct, based on honesty, common sense and fair play.

Because everyone may not have the same idea about proper workplace conduct, it is helpful to adopt and enforce rules all can follow. Unacceptable conduct may subject the offender to disciplinary action, up to and including termination, in the City's sole discretion. The following are examples of some, but not all, conduct which can be considered unacceptable:

1. Obtaining employment on the basis of false or misleading information.
2. Stealing, removing or defacing City of Alamogordo property or a co-worker's property.
3. Disclosure of confidential information.
4. Completing another employee's time records without authorization.
5. Violation of safety rules and policies.
6. Violation of City of Alamogordo's Drug and Alcohol-Free Workplace Policy.

7. Fighting, threatening or disrupting the work of others, or other violations of City of Alamogordo's Workplace Violence Policy.
8. Failure to follow lawful instructions of a supervisor.
9. Failure to perform assigned job duties.
10. Violation of the Punctuality and Attendance Policy, including but not limited to irregular attendance, habitual lateness or unexcused absences.
11. Gambling on City property.
12. Willful or careless destruction or damage to City assets, or to the equipment or possessions of another employee.
13. Wasting work materials.
14. Performing work of a personal nature during working time.
15. Violation of the Solicitation and Distribution Policy.
16. Violation of City of Alamogordo's Harassment or Equal Employment Opportunity Policies.
17. Violation of the Communication and Computer Systems Policy.
18. Unsatisfactory job performance.
19. Any other violation of City policy or local, state, or federal law.

Obviously, not every type of misconduct can be listed. City of Alamogordo reserves the right to impose whatever discipline it chooses, or none at all, in a particular instance. The City will deal with each situation individually and nothing in this manual should be construed as a promise of specific treatment in a given situation. However, City of Alamogordo will endeavor to utilize progressive discipline but reserves the right in its sole discretion to terminate an employee at any time for any reason.

The observance of these rules will help to ensure that our workplace remains a safe and desirable place to work.

7-6. Health and Safety

The health and safety of employees and others on City property are of critical concern to City of Alamogordo. The City intends to comply with all health and safety laws applicable to our City. To this end, we must rely upon employees to ensure that work areas are kept safe and free of hazardous conditions. Employees are required to be conscientious about workplace safety, including proper operating methods, and recognizing dangerous conditions or hazards. Any unsafe conditions or potential hazards should be reported to management immediately, even if the problem appears to be corrected. Any suspicion of a concealed danger present on the City's premises, or in a product, facility, piece of equipment, process or City practice for which the City is responsible should be brought to the attention of management immediately.

Periodically, the City may issue rules and guidelines governing workplace safety and health. The City may also issue rules and guidelines regarding the handling and disposal of hazardous substances and waste. All employees should familiarize themselves with these rules and guidelines, as strict compliance will be expected.

Any workplace injury, accident, or illness must be reported to the employee's supervisor as soon as possible, regardless of the severity of the injury or accident.

7-7. Hiring Relatives/Employee Relationships

It is the City's policy to avoid the practice or appearance of nepotism through family relations or fraternization in employment. In carrying out this policy, the following family relationship or relationship through fraternization exists between the employees, and either employee:

- A. would have the authority to appoint, remove, correct the action of, evaluate the performance of, or recommend any employment actions or conditions of employment of the other;
- B. is asked to participate in a selection process where another has applied for a position;
- C. is under other circumstances which would place the employees in a situation of actual or reasonably foreseeable conflict between the City's interest and their own;

Should any of the relationships afore-mentioned exist, the employee shall advise their immediate supervisor and immediately withdraw from any conflicting action or processes.

While the City of Alamogordo encourages amicable relationships between members of management and their subordinates, or among members of the same department, it recognizes that involvement in a romantic relationship may compromise or create a perception that compromises an employee's ability to perform his or her job. Any involvement of a romantic nature between a supervisor and anyone he or she supervises, either directly or indirectly, is prohibited.

Any employee in a relationship that may cause the practice or appearance of nepotism in employment shall disclose the relationship in writing to their immediate supervisor immediately. Parties in such relationships may be reassigned at the discretion of the City Manager.

Violations of this policy may result in corrective action up to and including termination.

Immediate Relatives - Includes spouse, child, parent, sibling, grandparent, grandchildren, in-laws, and step and half relatives of the same. This definition shall also include persons related by blood or marriage residing in an employee's home and to persons who have established a relationship by other operation of law or through lifestyle accommodations being equivalent of a marriage or family relationship.

7-8. Professional Dress and Personal Appearance

The appearance and dress of employees is important in creating a favorable image supportive of public confidence. City employees should present a professional demeanor conducive to high work standards and consistent with job duties.

Employees are expected to report to work well groomed, clean, and dressed according to the position requirements. Some employees may be required to wear uniforms or safety equipment/clothing. Please contact your supervisor for specific information regarding acceptable attire for your position. If you report to work dressed or groomed inappropriately, you may be prevented from working until you return to work well groomed and wearing the proper attire.

Uniforms that are supplied to employees by the City shall not be worn off duty and may be subject to tax in compliance with IRS rules.

7-9. Personal Visits and Telephone Calls

Disruptions during work time can lead to errors and delays. Therefore, we ask that personal visits and telephone calls or other correspondence be kept to a minimum or occur preferably, during lunch or break time when ever possible.

7-10. Punctuality and Attendance

Employees are hired to perform important functions at City of Alamogordo. As with any group effort, operating effectively takes cooperation and commitment from everyone. Therefore, attendance and punctuality are very important. Unnecessary absences and lateness are expensive, disruptive and place an unfair burden on fellow employees and supervisors. We expect excellent attendance from all employees. Excessive absenteeism or tardiness will result in disciplinary action up to and including termination.

We do recognize, however, there are times when absences and tardiness cannot be avoided. In such cases, employees are responsible for notifying their supervisor, through the chain of command, at least one (1) hour before the beginning of their scheduled work period. Asking another employee, friend or relative to give this notice is improper and constitutes grounds for disciplinary action. Employees shall contact their supervisor, stating the reason for the absence and its expected duration, for every day of absenteeism. If the employee knows in advance that he or she will be unable to report, the employee shall seek the supervisor's approval prior to that date. It is essential to give notice as far in advance as possible so that the supervisor can make proper accommodations to provide the services that the department must provide.

Individual departments may establish work rules requiring employees to call in with more than one (1) hour notice based on business necessity.

In cases of a medical or other such emergency the City will accept a call from a friend or relative. The City will evaluate each instance on a case by case basis.

See Section 4-19. Separation From Employment for job abandonment.

7-11. Solicitation and Distribution

To avoid distractions, solicitation by an employee of another employee is prohibited while either employee is on work time. "Work time" is defined as the time an employee is engaged, or should be engaged, in performing his or her work tasks for City of Alamogordo.

Distribution of advertising material, handbills, printed or written literature of any kind in working areas of the City is prohibited at all times.

No City employee shall be required to contribute funds to a community volunteer service or charity drive. Employees wishing to serve as volunteers to collect contributions from other employees will clear it with their Department Director before beginning solicitation.

7-12. Supplementary Employment

The City shall be considered the primary employer for all regular employees. While the City does not prohibit employees from having a second job, secondary employment must not affect the employee's work hours, interfere or conflict with the employee's regular duties, raise any ethical concerns, or necessitate long hours that may impact the employee's working effectiveness.

Employees that are contemplating secondary employment are required to submit a written request for approval, prior to engaging in secondary employment, to their Department Director. The written request should identify the secondary employer, the nature of the duties to be performed, and the anticipated hours the employee will be working. Supplementary employment will include in kind trade and bartering. This request will be promptly answered in writing and a copy placed in the employee's personnel file.

Disclosures of supplementary employment shall be made in writing to the Human Resources Department before entering City employment, and during the month of January every year thereafter. Failure to disclose supplementary employment may result in corrective action.

Employees who are receiving Worker's Compensation or benefits under the Family and Medical Leave Act will not be allowed to engage in outside employment except as allowed by law.

7-13. Tobacco

The use of smoking and chewing tobacco products, including but not limited to, cigarettes, e-cigarettes, cigars, and pipes is prohibited inside any City of Alamogordo facility, vehicle, or equipment.

1. The use of smoking tobacco products is allowed out-of-doors clear from any doorways, windows, or any ventilation system that may circulate the outside air to the indoors.
2. Smoking tobacco products are not to be used near any chemicals, gas pumps, or any other hazardous or flammable chemicals or materials.
3. Smokeless and smoking tobacco products may only be used during breaks and lunch periods.
4. Tobacco waste is to be disposed of properly using a designated fire resistant container.

7-14. City Property

Any item issued to an employee or in an employee's possession, including, but not limited to, employee keys, I.D. cards, computer lap tops, radios, tools, cell phones, City credit cards, uniforms, policy and procedure and/or rules and regulation manuals, all confidential information, etc. must be returned to the City upon request. Employees will be responsible for any lost, stolen, or damaged items. The value of any property issued and not returned may be deducted from the employee's paycheck, and the employee may be required to sign a wage deduction authorization form for this purpose.

Intellectual property created by an employee during the course of their duties, remains the property of the City of Alamogordo.

7-15. Operation of Vehicles

All employees authorized to drive City-owned or leased vehicles or personal vehicles in conducting City business must possess a current, valid driver's license in the proper classification, and an acceptable driving record.

An employee must have a valid driver's license in his or her possession while operating a vehicle on or off City property. It is the responsibility of every employee to drive safely and obey all traffic, vehicle safety, and parking laws or regulations. Drivers must demonstrate safe driving habits at all times.

All occupants of a City vehicle will have a safety belt properly fastened, so if equipped, about their body at all times when the vehicle is in motion, in accordance with New Mexico state law.

City vehicles shall not be for personal use except incidentally.

An employee that requests and is approved to use their personal vehicle for City business must be insured and licensed. The same rules of conduct outlined herein will apply in cases of approved personal vehicle use.

Suspension or Revocation of Drivers License

Any employee whose driver's license is suspended or revoked is not eligible to drive City vehicles. It is the responsibility of the employee to immediately notify his or her supervisor that their driving privilege has been suspended or revoked.

Any employee whose driver's license is suspended or revoked and who is required to drive as a part of his or her job may be considered unable to meet the minimum requirements of the job. On first occurrence and based on the decision of the Department Director, the employee may be:

- A. Suspended without pay for the period of license revocation if ninety (90) calendar days or less;
- B. Demoted with a pay decrease to a non-driving position indefinitely; or
- C. If the suspension or revocation is longer than ninety (90) calendar days, terminated.
- D. Considered for a reasonable accommodation if not detrimental to department operations.

Employees will be subject to termination on the second occurrence of suspension or revocation of his or her driver's license within a five (5) year period, regardless of the time length of the revocation.

Any employee driving a City vehicle or operating City equipment while impaired by alcohol or illegal drugs will be subject to disciplinary action, up to and including termination as outlined in the City of Alamogordo Drug and Alcohol Free Workplace Policy.

Safety Sensitive drivers as defined by the Department of Transportation (D.O.T) are responsible for notifying their supervisor of any prescriptions identified in 21 CFR 1308.11 (391.42 (b)(12)) or any other substance such as amphetamine, a narcotic, or any other habit forming drug. Human Resources is responsible for verifying and documenting a valid prescription from a licensed practitioner. Such notifications by the employee will be made on the next scheduled work day.

Any situation causing an employee to be convicted of any violation while driving a City vehicle will be reported to the Department Director for appropriate action.

The Human Resource office will review motor vehicle records of all employees in regular driving positions at

least annually.

7-16. Personal and Company-Provided Portable Communication Devices

City-provided portable communication devices (PCDs), including cell phones and personal digital assistants, should be used primarily for business purposes. Employees have no expectation of privacy in regard to the use of such devices, and all use is subject to monitoring, to the maximum extent permitted by applicable law. This includes, as permitted, the right to monitor personal communications as necessary.

Some employees may be authorized to use their own PCD for business purposes. These employees should work with the MIS department to configure their PCD for business use. Communications sent via a personal PCD also may be subject to monitoring if sent through the City's networks and the PCD must be provided for inspection and review upon request.

All conversations, text messages and e-mails must be professional. When sending a text message or using a PCD for business purposes, whether it is a City-provided or personal device, employees must comply with applicable City guidelines, including policies on sexual harassment, discrimination, conduct, confidentiality, equipment use and operation of vehicles. Using a City-issued PCD to send or receive personal text messages is prohibited at all times.

Please note that whether employees use their personal PCD or a City-issued device, the City's electronic communications policies, including but not limited to, proper use of communications and computer systems, remain in effect.

Portable Communication Device Use While Driving

Employees who drive on City business must abide by all state or local laws prohibiting or limiting PCD (cell phone or personal digital assistant) use while driving. Further, even if usage is lawful, employees must choose to refrain from using any PCD while driving. "Use" includes, but is not limited to, talking or listening to another person or sending an electronic or text message via the PCD.

Employees who are charged with traffic violations resulting from the use of their PCDs while driving will be solely responsible for all liabilities that result from such actions.

Texting and e-mailing while driving is prohibited in all circumstances.

7-17. Use of Communications and Computer Systems

City of Alamogordo's communication and computer systems are intended primarily for business purposes; however limited personal usage is permitted if it does not hinder performance of job duties or violate any other City policy. This includes the voice mail, e-mail and Internet systems.

City of Alamogordo may access the voice mail and e-mail systems and obtain the communications within the systems, including past voice mail and e-mail messages, without notice to users of the system, in the ordinary course of business when the City deems it appropriate to do so. The reasons for which the City may obtain such access include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that City operations continue appropriately during an employee's absence.

Users have no expectation of privacy in regard to their use of the City of Alamogordo systems.

7-18. Use of Facilities, Equipment and Property, Including Intellectual Property

Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using City property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines.

It is the employee's responsibility to timely report any motor vehicle accident, damage to City property, and/or injury occurring while conducting City business or while operating a City Vehicle.

Employees should notify their supervisor if any equipment, machines, or tools appear to be damaged, defective, or in need of repair. Prompt reporting of loss, damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment used on the job.

Employees are prohibited from any unauthorized use of the City's intellectual property, such as audio and video tapes, print materials and software.

Improper, careless, negligent, destructive, or unsafe use or operation of equipment can result in disciplinary action, up to and including termination.

The City is not responsible for any damage to employees' personal belongings.

7-19. City Litigation Requirement

As a condition of employment or continued employment, City employees must cooperate with City Officials in an effort to recover damages, benefits, settlements or any court or administrative action relating to any City business.

Any contact that occurs on City time that leads to police contact must be reported to a supervisor immediately.

Employees must cooperate with any resulting investigation(s).

7-20. City Travel Expense Reimbursement

Travel expenses will be processed per the City of Alamogordo Travel Policy.

7-21. Bulletin Boards

Important notices and items of general interest are continually posted on City bulletin boards. Employees should make it a practice to review bulletin boards frequently. This will assist employees in keeping up with what is current at City of Alamogordo.

Department Directors are responsible for current information and the posting of current job vacancies. Distasteful, risque or potentially offensive or discriminatory materials shall not be posted.

7-22. Lobbying

In order to assure that the official policies of the City are expressed during appearances before legislative bodies or other governmental agencies, the following rules will apply:

- A. All testimony or statements, written or oral, given by an employee of the City before any governmental legislative body or other governmental agency shall strictly comply with the policies set forth by the City Commission, by motion, resolution or ordinance.
- B. When there is a lack of formal action by the City Commission, authorization must be obtained from the City Manager prior to any activity by an employee of the City.
- C. The policies expressed above shall also apply to any correspondence written on City or departmental stationery and to any oral conversation where the speaker represents him or herself as an employee of the City.
- D. The policies expressed above apply to all employees during normal working hours except that any written statement on City or departmental stationery applies at all times. Any employee who appears before any governmental legislative body or any agency during hours other than working hours will not represent themselves as employees of the City unless all information given is in compliance with this policy. If during the course of an appearance or oral interchange, the fact emerges that the person is an employee of the City, then a disclaimer will be issued that the information or testimony given represents the views of the employee and not that of the City. If information or testimony is given that is contrary to official policies of the City, then a statement to that effect will be given.

7-23. Political Activities

City employees shall not engage in political activities while on the job, while wearing a City uniform, or while using City property. City employees shall not be expected, required or coerced to contribute to any campaign. No City employee will represent the official position of the City at any political meeting or in any political activity without the prior approval of the City Manager or his or her designee.

A City employee choosing to campaign for political office during normal working hours shall utilize accrued leave or leave without pay.

A City employee who is elected to the Alamogordo City Commission shall resign from City employment prior to swearing in for the political seat.

7-24. Publicity/Statements to the Media

All media inquiries regarding the position of the City as to any issues must be referred to the Communications & Marketing Administrator. Only the Communications & Marketing Administrator is authorized to make or approve public statements on behalf of the City. No employees, unless specifically designated by the City Manager, are authorized to make those statements on behalf of City. Any employee wishing to write and/or publish an article, paper, or other publication on behalf of the City must first obtain approval from the City Manager.

7-25. Social Media Policy

SCOPE: These rules have general applicability to all prospective and current employees, both classified and unclassified, officials, and others serving in an official capacity on behalf of the City, i.e. City representatives.

PURPOSE: To establish and publish the City's position on the permitted and prohibited use of all forms of social media by City representatives, for business use. The policy covers current and future forms of social media.

POLICY: The City may use social media to meet community needs, perform community outreach, problem-solving, and otherwise furthering the goals of the City. In doing so, the City's official use of social media must be at the highest professional standard.

OFFICIAL USE OF SOCIAL MEDIA

A. The City shall maintain a social media presence through its Communications and Marketing Office.

B. No department shall have their own specific social media page or presence without the express consent of the City Manager.

C. All department pages that are approved by the City Manager will be administered by the Communications and Marketing Administrator.

i. Any director wishing to administer their own page shall fill out an application with the Public Information Office, which will then be considered. If approved, the department will be able to administer their own social media page, but shall also continue to include the Communications and Marketing Administrator as an administrator as well.

D. In order to minimize public confusion, City Employees should only publish or post information under the City's official user name and profile.

E. All social media content shall adhere to applicable state, federal, and local laws, regulations, the City's General Standards of Conduct and Code of Ethics. As such, if the City Manager or his or her designee feels the post is inappropriate, it will not be posted, at the City Manager's discretion.

F. All contents published and received by the City using social media in connection with City business are public records, and therefore subject to record retention law.

G. First Amendment: City representatives are cautioned that their speech, made pursuant to their employment duties, in the course of their official duties, or relating to their professional responsibilities, whether on or off duty, may not be protected by the First Amendment.

H. No expectation of privacy: Communications sent or received using the City's electronic communications systems or equipment are the City's property, and are not individual's private property. City representatives using City equipment have no right to privacy and no expectation of privacy with respect to those communications, whether communicated via social media sites or otherwise. The City reserves the right to monitor, review, intercept or gain access to communications initiated or received by City representatives on the City's electronic communications systems and equipment. Use of the City's systems constitutes consent to such monitoring, reviewing, interception or access. The City is not required to provide notice to City representatives before or after any review of communications.

I. Social media is subject to the Inspection of Public Records Act (IPRA) and any other open records laws.

PRIVATE USE OF SOCIAL MEDIA BY CITY EMPLOYEES

A. The City recognizes and respects that City employees may choose to have their own personal social media accounts, and does not wish to regulate personal use.

B. However, employees should keep in mind that identifying one-self as a City employee and making disparaging remarks about the City on a public website is not appropriate, as noted in the City's General Standards of Conduct and Code of Ethics.

C. Therefore, employees are cautioned that acting in their capacity as a City employee and making adverse remarks about the City is considered to be in violation of this policy and disciplinary action may be taken as a result of the remarks.

VIOLATIONS OF THE SOCIAL MEDIA POLICY

A. City employees who become aware of or having knowledge of a posting or of any website or webpage in violation of any provision of this policy should notify the appropriate supervisor, department director, human resources staff person or other high-level management official immediately.

B. Violations of this policy.

(1) Employees in violation of any provision of this policy are subject to disciplinary action, up to and including termination.

EMPLOYEE RIGHTS: Nothing in this policy is meant to restrict or prohibit City personnel rights under any applicable local, state or federal laws.

7-26. A Few Closing Words

This manual is intended to give employees a broad summary of things they should know about City of Alamogordo. The information in this manual is general in nature and, should questions arise, any member of management should be consulted for complete details. While we intend to continue the policies, rules and benefits described in this manual, City of Alamogordo, in its sole discretion, may always amend, add to, delete from or modify the provisions of this manual and/or change its interpretation of any provision set forth in this manual. Employees should not hesitate to speak to management if they have any questions about the City or its personnel policies and practices.

Section 8 - Employee Handbook Related Forms

8-1. Social Media Application

CITY OF ALAMOGORDO

SOCIAL MEDIA APPLICATION

Applicant: _____ Department: _____

Host Site: _____

Reason for establishing new site:

Which employees will be authorized to post, have access to the password, and act as moderators? Please list names of each administrator and password for the site.

Name	Page Role
_____	_____
_____	_____
_____	_____
_____	_____

How often do you expect employees to post content?

How often will employees moderate content posted by the public?

Approved by: _____ Date: _____

8-2. Social Media and Networking Approval/Agreement Form

CITY OF ALAMOGORDO

SOCIAL MEDIA and NETWORKING APPROVAL/AGREEMENT FORM

Name: _____ Position/Title: _____

Department: _____ Section: _____

Authorized to Access the following City Websites, Social Media Pages, and Social Networking:

Approved by Department Director:

(Signature)

(Date)

Approved by City Manager:

(Signature)

(Date)

I have received the Online Publishing and Social Media Policy (the "**Policy**") I agree to use City Websites, City-approved Social Media Pages, and engage in Social Networking Activities for City business only as appropriate and in compliance with this Policy. I understand that I must have approval from my Department Director and the City Manager to use City Websites, Social Media Pages, or engage in Social Networking on behalf of the City. I also understand that I am responsible for all postings made by me on City Websites, Social Media Pages, or in Social Networking Activities including those made in the comments sections. I further understand that this Policy also applies to City-related postings made by me via personal (non-City) websites, Social Media Pages, and Social Networking Activities, and I agree to adhere to the guidelines in this Policy when so doing.

I acknowledge that all content on City Websites, City-approved Social Media Pages or in Social Networking Activities are considered to be City property and will be monitored by officials of the City. I understand that employees do not have privacy rights in the use of City Websites, Social Media Pages, and in Social Networking Activities, and the postings, data, access to or distribution of such materials is subject to all applicable laws.

I agree to abide by all security procedures as set forth by MIS, before accessing or posting publishing content on City Websites, City-approved Social Media Pages, or via Social Networking Activities. I acknowledge that any violation of the rules and guidelines set forth in this Policy or in any current or future modified Human Resources Social Media Policy, can be grounds for disciplinary action, up to and including termination of my employment.

Printed Name

Signature

Date

8-3. Pay Check Release form

CITY OF ALAMOGORDO PAYCHECK RELEASE FORM

TODAY'S DATE: _____ PAY DATE OF CHECK TO BE RELEASED: _____

EMPLOYEE NAME: _____

This is my written authorization to release my paycheck to:

(Name of Person Authorized to Pick Up Payroll Check)

I understand that my paycheck may only be picked up directly through the City Hall Payroll Office located at 1376 E. 9th St. Authorized person must show proof of ID at the time of check pick up.

Employee's Signature

Date

Signature of Authorized Person

Date Check Picked Up

Signature of Employee Releasing Check

Date Check Released

Original: Personnel File

CC: Payroll

8-4. Request for Early Release of Payroll Check

CITY OF ALAMOGORDO

REQUEST FORM FOR EARLY RELEASE OF PAYROLL CHECK

Date of Request: _____

Employee Name: _____

Payroll Period: _____

Scheduled Pay Date: _____

Early Payment Date Requested: _____

Employee Signature

Date

Department Approval:

I am authorizing that the aforementioned employee is given his or her payroll check early as indicated above, and that said payment is not an advance payment of services not rendered as prohibited by Section 30-23-2 NMSA1978.

Department Director

Date

Finance Director

Date

City Manager

Date

I am acknowledging that the payroll department is able to release the check requested by _____.

(if not by the date requested, explain why)_____.

Accounting Manager

Date

Cc: Personnel File

General Handbook Acknowledgment

This Employee manual is an important document intended to help you become acquainted with City of Alamogordo. This document is intended to provide guidelines and general descriptions only; it is not the final word in all cases. Individual circumstances may call for individual attention.

Because the City's operations may change, the contents of this manual may be changed at any time, with or without notice, in an individual case or generally, at the sole discretion of management.

Please read the following statements and sign below to indicate your receipt and acknowledgment of this Employee manual.

The key provisions of this manual have been reviewed with me and I acknowledge my responsibility to know all provisions included in this manual. I understand that the policies, rules and benefits described in it are subject to change at the sole discretion of the City at any time.

I understand that my signature below indicates that I have been made aware that the City's Employee manual is available on the City's website at ci.alamogordo.nm.us. Contact Human Resources or Legal for any questions regarding this manual.

Employee's Printed Name: _____ Position: _____

Employee's Signature: _____ Date: _____

The signed original copy of this acknowledgment will be filed in your personnel file.

Receipt of Sexual Harassment Policy

It is City of Alamogordo's policy to prohibit harassment of any employee by any supervisor, employee, citizen or vendor on the basis of sex or gender. The purpose of this policy is to ensure that all City employees are free from sexual harassment. While it is not easy to define precisely what types of conduct could constitute sexual harassment, examples of prohibited behavior include unwelcome sexual advances, requests for sexual favors, obscene gestures, displaying sexually graphic magazines, calendars or posters, sending sexually explicit e-mails, text messages and other verbal or physical conduct of a sexual nature, such as uninvited touching of a sexual nature or sexually related comments. Depending upon the circumstances, improper conduct also can include sexual joking, vulgar or offensive conversation or jokes, commenting about an employee's physical appearance, conversation about your own or someone else's sex life, or teasing or other conduct directed toward a person because of his or her gender which is sufficiently severe or pervasive to create an unprofessional and hostile working environment.

If the employee feels that he or she has been subjected to conduct which violates this policy, the employee should immediately report the matter to the employee's supervisor. If unable for any reason to contact this person, or if the employee has not received a response within five (5) business days after reporting any incident of perceived harassment, the employee should contact the Human Resources Office. Human Resources will consult with the Department Director. If the person toward whom the complaint is directed is one of the individuals indicated above, the employee should contact the City Attorney's Office or the City Manager's Office. Every report of perceived harassment will be investigated. Corrective action will be taken where appropriate. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed.

In addition, the City will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. If an employee feels that he or she has been subjected to any such retaliation, the employee should report it in the same manner in which a claim of perceived harassment would be reported under this policy. Violation of this policy including any improper retaliatory conduct will result in disciplinary action, up to and including termination.

I have read and I understand City of Alamogordo's Sexual Harassment Policy.

Employee's Printed Name: _____ Position: _____

Employee's Signature: _____ Date: _____

The signed original copy of this receipt should be given to management - it will be filed in your personnel file.

Receipt of Harassment Policy

It is City of Alamogordo's policy to prohibit intentional and unintentional harassment of any individual by another person on the basis of any protected classification including, but not limited to, race, color, national origin, disability, religion, marital status, veteran status, sexual orientation or age. The purpose of this policy is to ensure that no one harasses another individual.

If an employee feels that he or she has been subjected to conduct which violates this policy, he or she should immediately report the matter to the employee's supervisor. If the employee is unable for any reason to contact this person, or if the employee has not received a response within five (5) business days after reporting any incident of what the employee perceives to be harassment, the employee should contact the Human Resources Office. Human Resources will consult with the Department Director. If the person toward whom the complaint is directed is one of the individuals indicated above, the employee should contact the City Attorney's Office or the City Manager's Office. Every report of perceived harassment will be investigated. Corrective action will be taken where appropriate. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed.

In addition, the City will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. If an employee feels he or she has been subjected to any such retaliation, he or she should report it in the same manner in which the employee would report a claim of perceived harassment under this policy. Violation of this policy including any improper retaliatory conduct will result in disciplinary action, up to and including termination.

I have read and I understand City of Alamogordo's Non-Harassment Policy.

Employee's Printed Name: _____ Position: _____

Employee's Signature: _____ Date: _____

The signed original copy of this receipt will be filed in your personnel file.

Receipt of Anti-Bullying Policy

City of Alamogordo prohibits any form of bullying. Bullying is an act of aggression causing embarrassment, pain, or discomfort to someone. It can take a number of forms including, but not limited to; physical, verbal, making gestures, or exclusion. It may be an abuse of power. It can be planned and organized, or it may be unintentional. It may be perpetrated by individuals or by groups of individuals.

The City is opposed to bullying and it will not be tolerated. If an employee feels that he or she has been subject to conduct in the workplace which violates this policy, he or she should immediately report the matter to the employee's supervisor. If the employee is unable for any reason to contact this person, or if the employee has not received a response within five (5) business days after reporting any incident of what the employee perceives to be bullying, the employee should contact the Human Resources Office. Human Resources will consult with the Department Director. If the person toward whom the complaint is directed is one of the individuals indicated above, the employee should contact the City Attorney's Office or the City Manager's Office.

I have read and I understand City of Alamogordo's Anti-Bullying Policy.

Employee's Printed Name: _____ Position: _____

Employee's Signature: _____ Date: _____

The signed original copy of this receipt should be given to management - it will be filed in your personnel file.

ORDINANCE NO. 1547

AN ORDINANCE REPEALING APPENDIX B AND AMENDING SECTION 02-03-010 OF THE CITY OF ALAMOGORDO CODE OF ORDINANCES REGARDING THE PERSONNEL MANUAL

WHEREAS, the City of Alamogordo finds it necessary to maintain a manual for all of its personnel policies;

WHEREAS, from time to time that manual must be updated to come into compliance with local and federal laws;

WHEREAS, is in the best interest of the City to empower the City Manager to update and review the personnel manual from time to time;

BE IT THEREFORE ORDAINED by the City Commission of the City of Alamogordo, New Mexico that Appendix B of the Code of Ordinances is hereby repealed, and Section 02-03-010 of the Alamogordo Code of Ordinances be amended as follows:

2-03-010. - Personnel manual.

(a) *Manual to be prepared.* The city manager shall prepare, ~~for the approval of the city commission,~~ a personnel manual. The personnel manual shall be ~~in effect upon its approval by the city commission.~~ prepared and maintained by the City Manager's office, at the City Manager's discretion. Any changes to the personnel manual that effect the City's budget shall be presented to the City Commission for consideration and approval.

(b) *Copies to be delivered.* A copy of the personnel manual shall be delivered to each employee and elected officer of the city: ~~either by electronic or paper copy.~~

(c) *Objectives to be stated.* The personnel manual shall state the objectives of the city, to be kept in mind by all city employees. These objectives are:

- (1) Provide the maximum possible service to the public with available funding and equipment.
- (2) Provide courteous treatment to all persons having any dealings whatsoever with the city, under all circumstances.

(d) *Policy.* If the personnel manual is inconsistent with any state law or constitutional guarantees, the state law or constitutional guarantee shall control the decision. If the personnel manual is inconsistent with any city ordinance, the personnel manual shall control the decision.

(e) *Adoption.* The personnel manual prepared by the city manager entitled "City of Alamogordo, New Mexico Personnel Manual" is hereby adopted by reference. The terms, conditions and provisions thereof together with any future amendments or additions as may be recommended from time to time by the city manager and approved by the city commission ~~adopted by the City Manager~~ shall be enforced as though set forth fully herein.

DONE this ____ day of _____, 2017.

CITY OF ALAMOGORDO, NEW MEXICO
A New Mexico municipal corporation

By: _____
Richard Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Schreiber, City Attorney

NEW EMPLOYEE MANUAL OVERVIEW – NOV 7, 2017 COMMISSION MEETING

KATIE JOSSELYN, HUMAN RESOURCES DIRECTOR

1. HISTORY

- The entire manual was last updated in 2004, accomplished by amending the manual adopted in February 1994. There have been miscellaneous changes made from that date to the present.
- Current HR staff has been working on an update to the manual since 2014. A re-write of some policies and a complete edit of the manual was completed. However, staff has not received support to present and adopt an updated policy over the tenure of the past several City Managers.
- A decision was made to pursue a complete re-write of the manual instead of editing the old version. We contracted with SHRM to utilize their manual builder software to “build” a new employee manual in April 2017. A team of City staff have been engaged in writing the manual since that time.
- Until now, distribution of the manual has been in hard copy format. Each new employee has been issued a manual enclosed in a three ring binder. Updates require manual distribution to 350+ manuals which has resulted in numerous versions of the manual being utilized by staff.
- The current Personnel Manual included in the City Code of Ordinances as Appendix B will be repealed and replaced by this new Employee Manual. Previously, all changes required Commission presentation and approval. Going forward, the City Manager will have the authority to make operational changes to the manual. The City Manager, City Attorney and Human Resources Director will work together in considering major changes.
- **Any proposed change to the manual that would affect the annual budget will be presented to the Commission for approval prior to implementation.**
- Union agreements with AFSCME and APSOA will remain in effect in their current form.

2. OBJECTIVE

- Continuity and clarity in the application of policies.
- Compliance with the most current Federal and State laws related to personnel management.
- Establish an electronic version of the manual that will be easily updated and available to all employees. Employment law changes frequently and the builder

will notify us of changes in the law, providing us an option to update the language in our manual based on those changes. The manual will be available on the City website and will not require manual distribution to each employee. Employees will however, be made aware of any significant changes via email.

3. PRIMARY OPERATIONAL CHANGES

- Section 1: City Manager authority over the manual.
 - a. This change is proposed in efforts of implementing a seamless procedure to include the frequent changes in employment law in our employee manual.
 - b. This will also allow for operational changes should we discover an established policy is not effective in practice.
- Section 3-1: Compensation Plan
 - a. Established defined compensation plan with regard to salary rates for new hires, promotions, transfers and reclassifications.
 - b. Addressed disparity in authority to extend a higher starting rate to external candidates.
 - c. City Manager has authority to apply the entry level pay rate section when deemed appropriate by the City Manager. This section provides for starting salary rates higher than the position pay grade rate within certain conditions.
 - d. Acting position pay increased from 6 % to 10% for higher classifications; 10% to 15% for a Director position; Interim City Manager compensation remains the discretion of Commission.
- Section 4-2: Performance Review
 - a. Established a standard review period for annual reviews, March 1 through February of the following year; evaluations are due within 30 days of the expiration of the evaluation period. Previously, this was one year from the anniversary date. Probationary evaluations are still required at the conclusion of the probationary period.
 - b. Evaluations now require Human Resources review prior to presentation to the employee.
- Section 4-9: Safe Harbor Policy for Exempt Employees
 - a. Leave policy for exempt employees that was adopted in April 2015 was incorporated into the manual.
- Section 4-15: Corrective Action Procedures

- a. Employees facing a pending involuntary termination are not eligible for administrative leave with pay. However, may be reimbursed for lost pay if the termination is overturned by the City Manager.
- Section 4-19: Separation from Employment:
 - a. Abandonment policy has been changed from 2 days absent from the job without notice to 1 day.
- Section 4-20: Exit Interviews
 - a. A copy of all exit interviews will be distributed to both the Director and Manager/Supervisor of the employee separating service.
- Section 5-6: Recreational Facilities Benefit
 - a. Added the non-profit rental fee for the Civic Center
 - b. Extended this benefit to City Retirees if retiring under PERA.
- Section 5-11: Bereavement Leave
 - a. Extended this benefit to regular part-time employees. Seasonal and temporary remain excluded from this benefit.
 - b. Added 1 additional day for travel 500 miles or more one way; maximum total is 5 days instead of 4 days.
- Section 5-13: Lactation Breaks
 - a. New policy pursuant to the Affordable Care Act, providing for lactation breaks for a period of up to 1 year.
- Section 5-15: Paid Time Off
 - a. Retirement pay-out maximum hours changed from 280 to 480. This mirrors the maximum fiscal year rollover maximum, as well as the 12 week period allowed under FMLA. The City encourages employees to maintain this balance. This will also minimize pre-retirement leave which can hinder effective recruitment and operations.
 - b. Separation pay-out maximum hours changed from 240 to 360.
 - c. The minimum balance required to request a Voluntary PTO Transfer to another employee changed from 160 to 240. Maximum transfer hours changed from 720 hours with no designation of time period to 480 hours per event.
 - d. Established a rule for separating employees to donate PTO leave to current employees regardless of the separating employees PTO balance, provided the receiving employee is on FMLA leave or has already been approved to receive donations.
- Section 5-16: Paid Holidays:
 - a. Included Veteran's Day in the observed holiday list, which was recently approved for both unions.

- b. Regular par-time employees are now eligible for paid holidays on a pro-rated basis, based on an 8 hour holiday and their budgeted fiscal hours.
- Section 6-3: Family and Medical Leave
 - a. Established an FMLA policy in the manual to facilitate continuity in this policy while operating within the guidelines of Federal Law.
- Section 6-4: Volunteer Emergency Responder Job Protection Act
 - a. New policy pursuant to NM Statute Chapter 12, Article 10C, 1-4.
- Section 6-5: Uniformed Services Employment & Reemployment Rights Act (USERRA)
 - a. New policy in our manual pursuant to this Federal Act, providing certain rights and benefits for employees serving or whom have served in uniformed services.
- Section 6-6: Other Leave
 - a. Includes a new policy on Domestic Victim leave, providing such persons time off to deal with legal proceedings and other related necessary leave. This policy is pursuant to NM Statute 50-4A, 1-8.
- Section 7-1: Drug-Free and Alcohol-Free Workplace
 - a. This was previously a separate policy and had not been updated since 1997. The policy was updated for clarity and compliance, and included in the body of the employee manual.
 - b. Included requirement of all employees to report the reasonable suspicion of alcohol and/or drugs use of another employee while on duty.
- Section 7-7: Hiring Relatives/Employee Relationships
 - a. This policy was titled Nepotism Policy in the previous manual.
 - b. Included fraternization element in the policy.
 - c. Removed exclusion for relatives of Commission, City Manager, and Human Resources. Instead, focused on the chain of command exclusion.
 - d. Changes comply with the New Mexico Human Rights Act.
- Section 7-13: Tobacco
 - a. Updated to include modern versions of tobacco such as e-cigarettes.
 - b. Prohibits use of any form of tobacco in City facilities, equipment, and vehicles.
 - c. Defines appropriate time and location for use on City property.
- Section 7-14 and 7-18: City Property, and Use of Facilities, Equipment and Property, including intellectual Property

- a. Included the City's rights to intellectual property.
- Sections 7-16 and 7-17: Personal and Company Provided PCD and Use of Communication Device Use While Driving
 - a. Included language regarding the use and management of cell phones.
- Section 7-19: City Litigation Requirement
 - a. Included a requirement that City staff notify their supervisor immediately if they encounter a situation at work during which police contact was required.
- Section 7-25: Social Media Policy
 - a. Included the Social Media Policy adopted in July 2017.
- Section 8: Attached acknowledgement and more common request forms.

ACKNOWLEDGEMENTS

QUESTIONS

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/07/2017

Report Date: 11/01/2017

Report No: 14.

Submitted By: Petria Schreiber

Subject: Consider and act upon request from Tommie Herrell to continue building a path between his development on Florida and the Alamogordo Senior Center across the City's land adjacent to the Senior Center. (*Petria Schreiber, City Attorney*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: City staff recommend that Mr. Herrell remove the path that was constructed without the City's permission and cease any further construction.

Background: Mr. Herrell owns a senior living development on Florida and has started to construct a path between his development and the Alamogordo Senior Center. The City stepped in and asked him to stop construction until the commission gave him permission. Mr. Herrell would like to continue and finish the path with the City's permission.

Senior Center Path

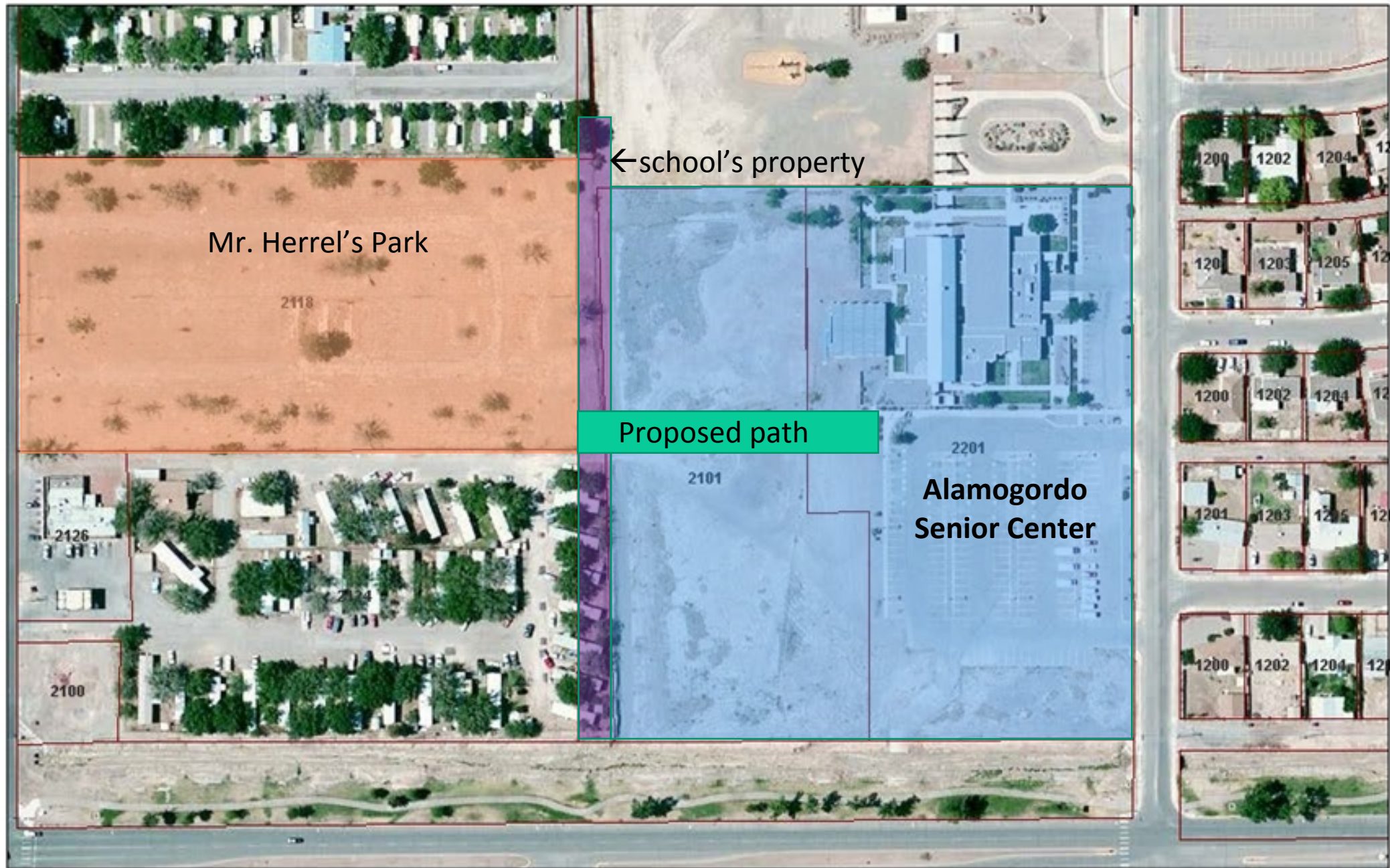
November 7, 2017

Petria Schreiber, City Attorney

Brian Cesar, Assistant City Manager

Proposed Senior Center Path

- Mr. Herrell first came to the City and asked to build a path across the land adjacent to the Alamogordo Senior Center in 2015.
- Mr. Herrell met with the City Attorney and the City Manager and was told that the City would not be interested in the path at least twice when previous attorney Lauren Truitt was in charge.
- Mr. Herrell then met with City Planner Darron Williams in mid 2017 who advised Mr. Herrell that he would need to meet with the school district first to obtain permission to put his path over their land before any action could be contemplated by the City.
- Mr. Herrell, at some point in mid-July, then began to build his path without the City's permission.
- City immediately told him to cease when it was discovered that he was building a path.



Current Status



Concerns

- Property belongs to City and all liability will also belong to City.
- Cuts City property in half and therefore devalues property.
- Some chance that gravel path will wash with rain and become dilapidated and even more dangerous.
 - Alternative is to pave.
- Property needs to be surveyed and the legal description of the property that the path is on needs to be determined.
 - This will be a City expense.
- Managed growth – need for land eventually.
- Manholes.
- Precedent.

Way forward

- Two options:
 - Do not allow the path and have the materials removed from City property.
 - Allow the path.
 - City staff met with Mr. Herrell and Coble Construction at the site in late August and discussed what would work were it go to forward.
 - Came up with a tentative idea that needed to be taken to both the Senior Center and our ADA/Engineering Dept for their thoughts.
 - Issues with the path grade.
 - Senior Center is trying to get State monies to build a fenced in parking lot in the way of the path.
 - Mr. Herrell is okay with us taking down the path at any time. Staff has some concerns about this.

Staff Recommendation

- Do not allow the path at this time.
- Take measures to ensure that our property isn't used in that way.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/07/2017

Report Date: 11/01/2017

Report No: 15.

Submitted By: Petria Schreiber

Subject: Consider and act upon first publication of Ordinance 1551, an Ordinance Amending Section 12-04-015 of the City of Alamogordo Code of Ordinances Regarding Firework Dates of Use. (*Petria Schreiber, City Attorney*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Consider and act upon first publication of Ordinance 1551, an Ordinance Amending Section 12-04-015 of the City of Alamogordo Code of Ordinances Regarding Firework Dates of Use.

Background: This amendment to the fireworks ordinance restricts the number of days that fireworks can be set off in the City of Alamogordo. It changes the end date in July from the 8th to the 6th, changes New Years Eve fireworks to end by January 1, reduces fireworks on Cinco de Mayo to be on the holiday only, and for Chinese New Year, takes off the two days following the holiday. It also points out the noise ordinance 11-05-270 and allows for fireworks until 02:00 a.m. on New Years Eve/Day.

ORDINANCE NO. 1551

**AN ORDINANCE AMENDING SECTION 12-04-015 OF THE CITY OF
ALAMOGORDO CODE OF ORDINANCES REGARDING FIREWORK DATES OF
USE.**

WHEREAS, the City Commission of the City of Alamogordo recognizes that certain types of fireworks are permissible in the State of New Mexico;

WHEREAS, the City Commission recognizes that fireworks affect citizens differently and wishes to find a balance between those that enjoy fireworks and those that fireworks disturb;

BE IT ORDAINED by the City Commission of the City of Alamogordo New Mexico that Section 12-04-015 of Chapter Twelve of the Code of Ordinances be amended as follows:

12-04-015. - Dates of use.

No person may use or set off any fireworks except from June 20 to ~~July 8~~ July 6, December 28 to ~~January 3~~ January 1, May ~~2 to 7~~ 5 (Cinco de Mayo) and the three days preceding and including Chinese new year ~~and the two days following that date.~~ No fireworks shall be set off between the hours of 10:00 p.m. and 06:00 a.m., with the exception of New Year's Eve (December 31) where fireworks shall be permissible starting at 06:00 a.m. on December 31 and ending at 02:00 a.m. on January 1. (See 11-05-270)

(Ord. No. 882 (part))

DONE this _____ day of _____, 2017.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Richard A. Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Schreiber, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/07/2017

Report Date: 10/27/2017

Report No: 16.

Submitted By: April Jones

Subject: Appointments to Boards and Committees. (*Richard Boss, Mayor*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Appoint to the Housing Authority Advisory Board, the Alamogordo Public Library Board, and the Parks and Recreation Committee.

Background:

Airport Zoning Board. Three (3) vacancies. Staff Liaison - Cheryl Otero-Baker (*Opening due to the expired term of Darron Williams and the resignation of Frank Nelson and Paul Vigneault.*) No nominations received.

Alamogordo Disability Council. Three (3) vacancies. Staff Liaison - ****No Staff Liaison appointed to this Council**** (*Openings due to the resignation of Viviane Ackall, and expired terms of Lori Adam and Rita Martinez*) No nominations received.

Alamogordo Promotion Board. One (1) vacancy- tourism related. Staff Liaison - Jan Wafful (*Opening due to Kathleen Beall's resignation*) No nominations received.

Alamogordo Public Library Board. Two (2) vacancies. Staff Liason - Melissa Garcia. The following individual is interested in being appointed:
Arlan Ponder, if appointed this will be his first term.

Community Development Advisory Committee. Six (6) vacancies. Staff Liaison - Cynde Sagenkahn (*Opening due to the expired term of Bruce Knee, Melanie Hall, and Gloria Vaughn; and the resignation of Eddie Kemp and Arthur Alterson*) No nominations received.

Housing Authority Advisory Board. One (1) vacancy. Staff Liaison - Evelyn Huff (*Opening due to the expiring term of Kandace Daugherty*)
The following individual is interested in being appointed:
Daniel Darr, if appointed this will be his first term.

Parks and Recreation Board. Three (3) vacancies. Staff Liason - Jan Wafful. (Vacancies due to the expiring term of Jerry Lott, and the resignations of Ray Vincent and Paul Sanchez.) The following individual is interested in being appointed:
Stephen S. Einsminger, if appointed this will be his first term.

Senior Volunteer Programs Advisory Council. One (1) vacancies. Staff Liaison - Julie Baker (*Openings due to the expiring terms of Annarelle McDonald.*

PARKS

AND

RECREATION

BOARD

RECEIVED
OCT 18 2017
CITY CLERK

City of Alamogordo

APPLICATION TO SERVE ON A CITY BOARD/COMMITTEE



Name: Mr. Stephen S. Ensminger

Home Phone: N/A

Work Phone: 575-572-4419

Cell Phone: 339-927-2808

Fax No: _____

Email Address: stephen.ensminger@gmail.com

Is the above Address within City limits? Yes ☒ No _____

Mailing Address: 3507 Calle Verde Drive, Alamogordo NM 88310 (moving in on 10 Nov 17)

Present Employer: US Air Force, Holloman Air Force Base

Board/Committee you wish to serve on:

1st Choice: Parks and Recreation Board

2nd Choice: White Sands Beautification Committee

Are you related to anyone who is presently employed by the City of Alamogordo?

Yes _____ No ☒ If so, what is their relation to you: _____

Are you related to any Elected Official of the City of Alamogordo?

Yes _____ No ☒ If so, what is their relation to you: _____

Experience and education relating to the Board/Committee:

Held various positions on boards and committees in the US Air Force; Vice President, Holloman Middle School PTO (2015/16)

hold a Master's degree in Communications (Northeastern University) and Professional Managers Certification from the USA

Please indicate your interest in serving on a City Board/Committee:

My family and I just built a home in Alamogordo, we invested in this community; this is our home. As a member of this

community I want a chance to give back and make this town the best it can be for my children, its citizens, and its visitors.

Please return completed application to:

City Clerk's Office
1376 E Ninth Street
Alamogordo, NM 88310
Phone: (575) 439-4205 Fax: (575) 439-4396
Email: adjones@ci.alamogordo.nm.us

HOUSING

AUTHORITY

ADVISORY

BOARD

RECEIVED

OCT 20 2017

CITY CLERK

City of Alamogordo

APPLICATION TO SERVE ON A CITY BOARD/COMMITTEE



Name: Daniel Darr

Home Phone: (575) 491-1529

Work Phone: (575) 437-0914

Cell Phone: (575) 491-1529

Fax No: _____

Email Address: DanDarr@REMAX.net

Is the above Address within City limits? Yes ☒ No ☐

Mailing Address: 407 Coronado Drive, Alamogordo, NM 88310

Present Employer: Self (RE/MAX of Alamogordo, Ltd.)

Board/Committee you wish to serve on:

1st Choice: Housing Authority Advisory Board



2nd Choice: Parks and Recreation Board



Are you related to anyone who is presently employed by the City of Alamogordo?

Yes _____ No ☒ If so, what is their relation to you: _____

Are you related to any Elected Official of the City of Alamogordo?

Yes _____ No ☒ If so, what is their relation to you: _____

Experience and education relating to the Board/Committee:

I currently hold my New Mexico Real Estate License and work at RE/MAX of Alamogordo. Previously I worked for the DoD in

particular our military members and understand the needs/wants of this portion of our community base.

Please indicate your interest in serving on a City Board/Committee:

As a licensed Realtor in Alamogordo I have a vested interest in our community and it's growth. I have a background working

with our military members and understand what they want and need out of the community.

Please return completed application to:

City Clerk's Office
1376 E Ninth Street
Alamogordo, NM 88310
Phone: (575) 439-4205 Fax: (575) 439-4396
Email: adjones@ci.alamogordo.nm.us

ALAMOGORDO

PUBLIC

LIBRARY

BOARD

RECEIVED

OCT 24 2017

City of Alamogordo



CITY CLERK APPLICATION TO SERVE ON A CITY BOARD/COMMITTEE

Name: Arlan Ponder

Home Phone: 575-491-5589

Work Phone: 575-572-7381

Cell Phone: 575-491-5589

Fax No: NA

Email Address: arlanponder@gmail.com

Is the above Address within City limits? Yes ☐ No ☒

Mailing Address: PO Box 624 Cloudcroft, NM 88317

Present Employer: Holloman Air Force Base Public Affairs - Director of Media Relations

Board/Committee you wish to serve on:

1st Choice: Alamogordo Library Board

2nd Choice: _____

Are you related to anyone who is presently employed by the City of Alamogordo?

Yes ☐ No ☒ If so, what is their relation to you: _____

Are you related to any Elected Official of the City of Alamogordo?

Yes ☐ No ☒ If so, what is their relation to you: _____

Experience and education relating to the Board/Committee:

State Secretary - Executive Board - New Mexico School Board Association; Region President - Region VII - NMSBA

Member - Cloudcroft School Board; Board of Director - Cloudcroft Light Opera Company

Please indicate your interest in serving on a City Board/Committee:

The Alamogordo Library Board consists of two members from the county. With my experience on the NMSBA and CLOC's

participation in Dolly Parton's Imagination Library, I feel I'd be a great candidate to work with the library board.

Please return completed application to:

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Alamogordo, NM 88310
Phone: (575) 439-4205 Fax: (575) 439-4396
Email: adjones@ci.alamogordo.nm.us