



Alamogordo City Commission

NOTICE OF MEETING

Special Meeting Agenda

November 30, 2017 - 7:00 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.

APPROVAL OF AGENDA

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.

UNFINISHED BUSINESS

1. Consider and act upon, either Ordinance No. 1544, or Ordinance No. 1555, or Ordinance 1556 for first publication amending and/or adding sections of Chapter 28 of the Alamogordo Code of Ordinances regarding water and sewer services. (*Mark Threadgill, Customer Service Manager*) (**Roll Call Vote Required**)

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/30/2017

Report Date: 11/29/2017

Report No: 1.

Submitted By: Mark Threadgill

Subject: Consider and act upon, either Ordinance No. 1544, or Ordinance No. 1555, or Ordinance 1556 for first publication amending and/or adding sections of Chapter 28 of the Alamogordo Code of Ordinances regarding water and sewer services. *(Mark Threadgill, Customer Service Manager)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Staff recommends City Commission approves Ordinance No. 1544 or Ordinance No. 1555 or Ordinance No. 1556.

Background:

Ordinance No. 1544 – proposed ordinance includes:

1. Increases subdivision lot exemption to 5 years with possibility of 3 year extension.
2. Adds language to include original developer, successor or assignee.
3. Adds language that allows lots not in a subdivision and never developed to be removed from paying base rates.
4. Adds language that utility accounts transferred to owner by the City will only be charged the water base rate unless there is recorded water usage.
5. Creates a modified base rate of \$10.00 per month for lot(s)/parcel(s) on which no structure currently exists.
6. Eliminates residential property owner deposit.
7. Eliminates commercial property owner deposit.
8. Provides a mechanism for rental property owners to eliminate the \$25.00 transfer fee.
9. Adds \$25.00 per month hydrant meter rental fee.

Estimated fiscal impact of these changes: A reduction of approximately \$85,000-\$100,000 in FY18 revenues and a reduction of projected FY19 revenues of \$170,000.

Ordinance No. 1555 – proposed ordinance includes:

1. Base rates only charged on active accounts – vacant residences, businesses, lots & parcels are not charged base rates unless water use is recorded by the city.

2. Eliminates language referencing disconnection from utility system
3. Eliminates residential property owner deposit.
4. Eliminates commercial property owner deposit.
5. Adds \$25.00 per month hydrant meter rental fee.

Estimated fiscal impact of these changes: A reduction of approximately \$175,000-\$200,000 in FY18 revenues and a reduction in projected FY19 revenues of \$350,000.

Ordinance No. 1556 – proposed ordinance includes:

1. Increases subdivision lot exemption to 5 years with possibility of 3 year extension.
2. Adds language to include original developer, successor or assignee.

Estimated fiscal impact of these changes: \$0.00

ORDINANCE NO. 1544**AMENDING SECTIONS 28-03-005, 28-03-085, AND 28-03-100 AND ADDING SECTION 28-03-082 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 and adding Section 28-03-082 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 (28-03-005) 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, successor, or assignee 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) Utility accounts transferred to the property owner by the City, except those accounts subject to Sec. 28-03-082, shall only be charged the monthly base rate for water, adjusted for meter size.

(1) All services except for water shall be inactivated.

(2) Water shall be shut-off at the curb.

(3) Any recorded usage of water shall result in the activation of all City services and charges until the account is again transferred.

(c) 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 billed to renters 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: (Adding new Section 28-03-082)

28-03-082. – Modified Base Rate

Effective the first billing cycle after February 1, 2018, 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 and on which no structure exists shall be charged a modified monthly base rate of ten dollars (\$10.00).

- a. It is the responsibility of the property owner to identify, in writing, to the City of Alamogordo, Customer Service Division lot(s)/parcel(s) that may qualify for the modified base rate in this section. The modified base rate shall become effective upon written notification from the property owner and in no instance shall the effective date be prior to the date of notification.
- b. If water is used at lot(s)/parcel(s) covered by this section for any purpose the property owner shall be charged the monthly base rate for water and/or sewer as set in section 28-03-080, consumption charges, and all other applicable charges.

SECTION FOUR:

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

ORDINANCE NO. 1555**AMENDING SECTIONS 28-03-005, 28-03-085, AND 28-03-100
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, 28-03-085, and 28-03-100 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) 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) 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.~~

(Ord. No. [1506](#), § 6, 12-15-15)

SECTION TWO:

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

~~If the property owner does not wish to pay the monthly minimum customer charge, the property owner will be required to disconnect from the city water system. The city will recognize the property owner as removed, once all work has been completed by the city. The property owner will be required to pay the fee of the current water and sewer customer charge multiplied by twenty-four (24) as adjusted for meter size and all costs associated with disconnection before the work order will be processed. Only the property owner, or his attorney in fact authorized to deal with the property, may order such disconnection.~~

(Ord. No. 913, 6-14-94; Ord. No. 939, 3-13-95; Ord. No. 972, 4-9-96; Ord. No. 1010, 4-8-97; Ord. No. 1034, 6-9-98; Ord. No. 1059, § 3, 4-13-99; Ord. No. 1095, 6-27-00; Ord. No. 1129, § 3, 12-11-01; Ord. No. 1146, 5-14-02; Ord. No. 1168, § 4, 12-19-02; Ord. No. 1199, § 4, 4-13-04; Ord. No. 1208, § 2, 4-13-04; Ord. No. 1210, 8-24-04; Ord. No. 1348, § 4, 12-16-08; Ord. No. 1351, § 1, 2-23-09; Ord. No. [1506](#), § 10, 12-15-15)

SECTION THREE:

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 billed to renter 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 finally terminated out. The rules and regulations shall be effective upon approval by the city commission.~~

(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.

(Code 1960, § 9-9-9; Ord. No. 674, § 2, 4-24-84; Ord. No. 913, 6-14-94; Ord. No. 939, 3-13-95; Ord. No. 972, 4-9-96; Ord. No. 1010, 4-19-97; Ord. No. 1027, § 2, 1-13-98; Ord. No. 1034, 6-9-98; Ord. No. 1095, § 2, 6-27-00; Ord. No. 1129, § 4, 12-11-01; Ord. No. 1168, § 5, 12-19-02; Ord. No. 1199, § 6, 4-13-04; Ord. No. 1348, § 5, 12-16-08)

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

ORDINANCE NO. 1556**AMENDING SECTION 28-03-005
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 Section 28-03-005 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, successor, or assignee 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).

(Ord. No. [1506](#), § 6, 12-15-15)

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