



Alamogordo City Commission

NOTICE OF MEETING

Addendum to **Regular Meeting Agenda**

Tuesday, April 14, 2015 – 7:00 pm
City Hall, City Commission Chambers
1376 E. Ninth St.

Susie Galea Mayor, At-Large
Robert Rentschler Mayor Pro-Tem, District 3
Jason Baldwin District 1
Nadia Sikes District 2
Jenny Turnbull District 4
Al Hernandez District 5
Dr. George Straface District 6

Jim Stahle City Manager
Stephen Thies City Attorney
Renee Cantin City Clerk

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 a 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.

Addendum to Regular Meeting Agenda

CONSENT AGENDA

- A-1.** **Approve Resolution No. 2015-19 supporting the New Mexico Department to promote tourism.**
 [Roll call vote required]. *(Jan Wafful, CS Administrative Assistant)*



Alamogordo City Commission

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Regular Meeting Agenda

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1376 E. Ninth St.

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Robert Rentschler Mayor Pro-Tem, District 3
Jason Baldwin District 1
Nadia Sikes District 2
Jenny Turnbull District 4
Al Hernandez District 5
Dr. George Straface District 6

Jim Stahle City Manager
Stephen Thies City Attorney
Renee Cantin 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>

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CALL TO ORDER & ROLL CALL

Announce the presence of a Quorum.

INVOCATION & PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PRESENTATIONS

1. Presentation and possible action related to a Community Labyrinth Park. (Tresa Van Winkle, Presenter)

2. **Presentation of new technology to produce electricity from brackish water in conjunction with the city's proposed new Reverse Osmosis Plant.** *(George Nitschke, Good Earth Mechanics)*

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.

CONSENT AGENDA *(Roll Call Vote Required for Items No. 5, 6, 7, 8, & 9)*

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

3. **Approve Minutes of the March 24, 2015 Regular Meeting of the Alamogordo City Commission.** *(Renee Cantin, City Clerk)*
4. **Approve the Lodger's Tax Expenditures for Tourism & Travel.** *(Jan Wafful, CS Admin. Assistant)*
5. **Approve the final publication of Ordinance No. 1492 amending Section 29-03-010 of Chapter 29 - Zoning to allow liquor sales in parks in Zoning District "R-1" Single Family Dwelling District and Section 5-01-035 - Alcoholic Beverages to clarify the applicability of area restrictions to Governmental Liquor Licenses. [Roll call vote required]** *(Renee Cantin, City Clerk)*
6. **Approve the final publication of Ordinance No. 1493 amending Sections 7-01-010 and 7-01-020 of Chapter 7 - Animal Control and Section 29-03-540.2 of Chapter 29 Zoning to allow animals in Zoning District "R-E" Residential Estate. [Roll call vote required]** *(Renee Cantin, City Clerk)*
7. **Approve the final publication of Ordinance No. 1494 amending Chapter 19 of the City Code establishing rules and regulations governing the use of Skate Parks. [Roll call vote required]** *(Renee Cantin, City Clerk)*
8. **Approve the final publication of Ordinance No. 1495 approving a Local Economic Development Project for secured financial assistance proposed by Orogrande Garnet, LLC. [Roll call vote required]** *(Renee Cantin, City Clerk)*
9. **Approve Resolution No. 2015-18 supporting the New Mexico Department of Tourism Litter Control and Beautification grant for Keep Alamogordo Beautiful (KAB). [Roll call vote required]** *(Matt McNeile, Assistant City Manager)*
10. **Approve an Application for the Fire Protection Fund Distribution.** *(Mikel Ward, Fire Chief)*
11. **Approve an Amendment to the Agreement with the NCNMEDD Non-Metro Area Agency on Aging Grant for the Senior Center Programs.** *(Matt McNeile, Assistant City Manager)*
12. **Approve an Amendment to the Agreement with the State of NM Aging & Long-Term Services Department Funding for the Senior Volunteer Programs.** *(Matt McNeile, Assistant City Manager)*
13. **Approve the award of IFB No. 2015-05 to Mesa Verde Enterprises, Inc. related to the Lease of Bulldozer with Operator project, in an amount not to exceed \$99,935.40, including tax.** *(Brian Cesar, Public Works Director)*
14. **Approve Change Order No. 1, RFP No. 2014-007 to ASA Architects related to the architectural and design services for 2014 C.D.B.G. City of Alamogordo Domestic Violence Center Addition and Renovation (GC1402), in an amount not to exceed \$3,885.75, inclusive of NMGRT.** *(Edward Balderrama, Project Manager)*

- A-1. Approve Resolution No. 2015-19 supporting the New Mexico Department to promote tourism. [Roll call vote required].** *(Jan Wafful, CS Administrative Assistant)*

ITEMS REMOVED FROM CONSENT AGENDA

UNFINISHED BUSINESS

15. Consider, and act upon, the approval of seven members to serve on the Charter Review Committee. *(Renee Cantin, City Clerk)*
16. Consider, and act upon, the final publication of Ordinance No. 1491 related to contract signing authority. [Roll call vote required] *(Renee Cantin, City Clerk)*
17. Consider, and act upon, the selection of a preferred alternative for the First Street & Florida Avenue realignment project. *(Nancy Beshaler, Project Manager)*

NEW BUSINESS

18. Approve a Memorandum of Agreement related to the Southern New Mexico/El Paso Joint Land Use Study (JLUS) Implementation. *(Ruben Segura, City Planner/Grants Coordinator)*
19. Consider, and act upon, the paving of Stanford Road. *(Robert Rentschler, Mayor Pro-Tem and Brian Cesar, Public Works Director)*
20. Consider, and act upon, a request by Darryl Gallent for an abatement of a utility bill for 1391 Challenger in the name of Mariano Guilez. *(Stephen Thies, City Attorney)*
21. Discussion, and possible action, on a request to authorize the City Manager to approve the utilization of the NM State Pricing Agreement for fuel card purchases. *(Brian Cesar, Public Works Director)*
22. Appointments to Boards & Committees. *(Susie Galea, Mayor)*

PUBLIC COMMENT *(Continued if needed)*

CITY MANAGER'S REPORT

REMARKS AND INQUIRIES BY THE CITY COMMISSION

EXECUTIVE SESSION *(Roll Call Vote Required)*

Recess into Closed Session in compliance with Section 10-15-1.H, NMSA 1978 (2010 Cumulative Supplement), to discuss:

23. Threatened & Pending Litigation (Palo Duro 3)

RECONVENE INTO OPEN SESSION

24. Action, if any, from Executive Session.

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: April 14, 2015

Report Date: April 2, 2015

Report No: 1

Submitted By: Renee Cantin
City Clerk

Approved For Agenda: 

Subject: **Presentation and possible action related to a Community Labyrinth Park.**
(Tresa Van Winkle, Presenter)

Background: Tresa Van Winkle has requested to make this Presentation to the Commission about a possible Labyrinth Park. The Agenda Request Form and layout for the proposed park is attached.

Reviewed By:

City Attorney _____ City Clerk  Community Development _____ Community Services _____
Finance _____ Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works _____ Purchasing _____ Assistant City Manager _____



City of Alamogordo City Commission Meeting

AGENDA REQUEST FORM

Date: 3-30-15

Date of Meeting: April 14, 2015

Name: Tresa VanWinkle, RN for CAPPED, Inc.

Address: 907 New York Ave.
Alamogordo, NM ZIP 88310

Phone Number: (575) 434-HOPE (4673) or C: 430-7798

E-Mail Address: tresavanwinkle@gmail.com

Item requested will be for: (Please check one)

☐ Information only

☐ Action Item

☒ Discussion/Action

☐ Public Hearing

☐ Report

☐ Other: _____

CAPPED wishes to offer our time and efforts to facilitate the construction of "Our Community Labyrinth Park", an approximately 180' x 180' (probably concrete) walking path. We would like to build "Our Community Labyrinth" on the site of the old Washington Swimming Pool Complex at the corner of 1st Street and Washington Ave., Alamogordo, NM. If this arrangement is agreeable with the City Commission, CAPPED will arrange to fundraise and recruit Volunteers in every capacity to see this project through to completion. In order to begin, we are asking the City Commission for three things:

1. To reserve the site for "Our Community Labyrinth Park" for a broadly estimated construction phase of 3 years and for the useful life of the completed park.
2. To grant us the right to construct the "Our Community Labyrinth Park" design agreed upon (Chartres or Reims) upon the site as shown in the posters at 1st Street and Washington Ave.
3. That the City of Alamogordo provide maintenance of "Our Community Labyrinth Park", including watering the trees, maintaining the bathrooms and lighting throughout the nights (in summer months) so the citizens of Alamogordo can walk in cooler weather.

Tresa Van Winkle, RN

Projected Labyrinth Dimensions

Center Space will be 30 feet across 30 ft

Corners Centers (4) each be 16 ft across (contained within Paths)

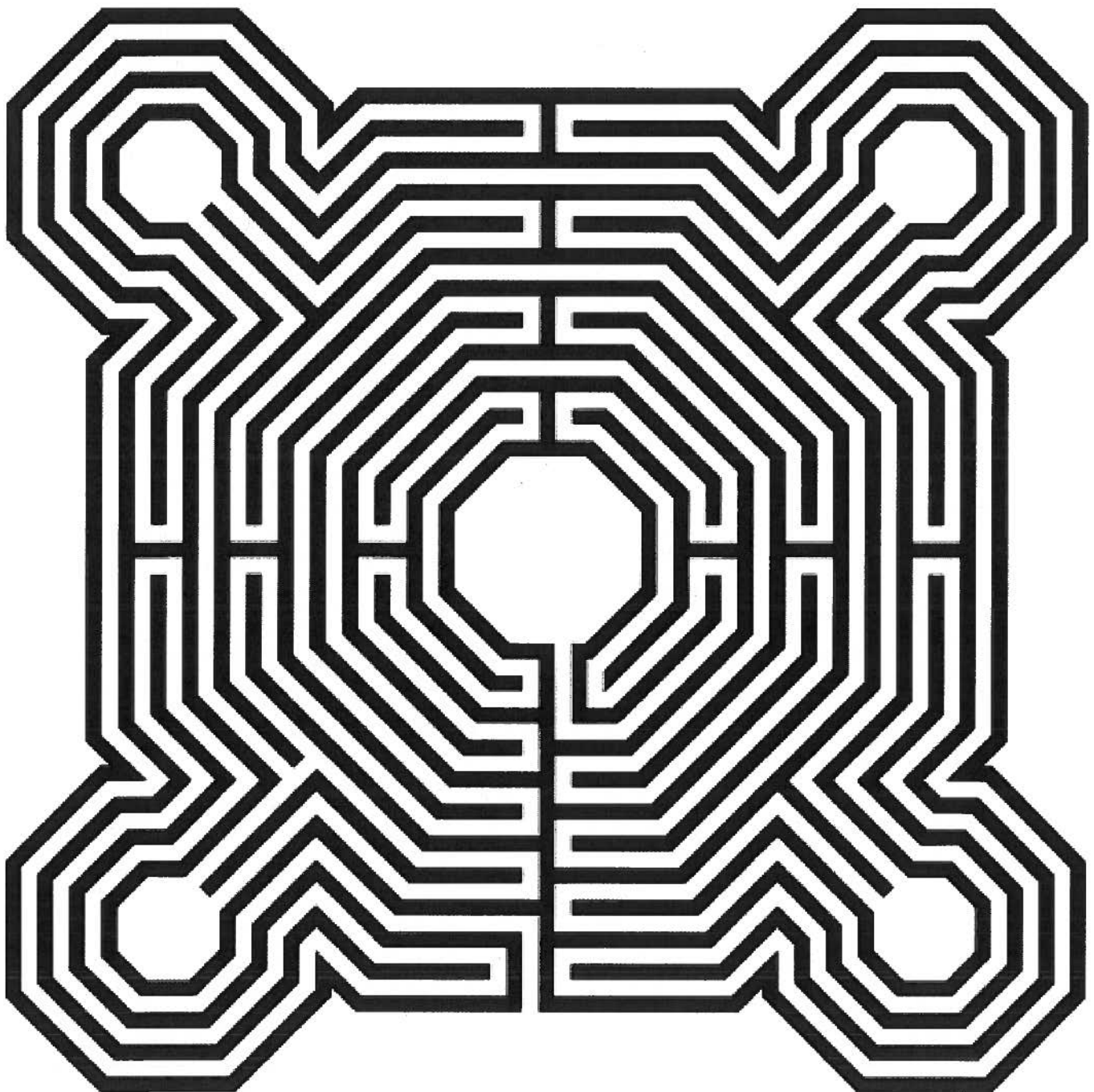
Walking Paths will be 5 ft wide . . .

[5 ft wide x (11 path +3 for corners)] Circuits x 2-Sides = 140 ft

Borders 4" surrounding 15 path circuits . . .

(15-Path Circuits x 2-Sides = 30 borders x 4" / 12" =) 10 ft

Estimated Space needed = . . . 180 ft Sq



Projected Cost “Our Community Labyrinth”

Plat Preparation:

Soil Density Testing	\$ 2,000
Dirt Work	\$30,000
Water Lines	\$15,000
Electrical.	\$20,000
Restroom Stub in—completion	\$25,000

Concrete:

Base Concrete Cost 4” depth	
(180’x180’) = 32,400’ sq/81 = 400 CYs	
400 CYs + 10% = 440 CYs x \$100/yd =	\$44,000
Specialty concrete coloring/stamping. . =	\$44,000
Framing materials	\$10,000
Labor Estimate	\$50,000—\$75,000
Equipment rental for finishing	\$12,000

Furnishings:

Trees

Bradford Pear - 30 x \$130 + S & H . .	\$4,000.00
Newport Flowering Plum-4 x \$130 .	\$ 700.00
Soil prep and planting	\$1,700.00

Specialty Benches

Tree Surrounds 4 x \$450	\$1,800.00
Concrete Benches 94 (Volunteer Made)	
Molds approx.	\$1,500.00
Concrete approx.	<u>\$1,500.00</u>

ESTIMATED COST: \$ 263,000 - \$288,000

+ 10% = \$ 290,000 - \$317,000

(Note: We anticipate that much of labor and materials will be in-kind donation from CAPPED & Community Volunteers)

Zimbra

njacobs@ci.alamogordo.nm.us

CAPPED Labyrinth Project on April 14th City Commission Agenda

From : Tresa Vanwinkle <tresa.vanwinkle@gmail.com>
Subject : CAPPED Labyrinth Project on April 14th City Commission Agenda

Mon, Mar 30, 2015 05:13 PM

4 attachments

To : Renee Cantin <rcantin@ci.alamogordo.nm.us>,
njacobs@ci.alamogordo.nm.us

Dear Renee & Nancy,

We look forward to presenting this project request. We would also like to attach the park drawings by Erik Marion, Parks Director (with the Chartres Labyrinth design) for the Commissioners evaluation. I need to ask Erik's permission and will try to get back to you by noon tomorrow.

Best wishes,

Tresa :)

(PS: Would it be alright to bring in a model of the proposed park?)

Tresa :)



"I expect to pass through this world but once;
and any good therefore that I can do,
or any kindness that I can show
to any fellow-creature, let me do it now;
let me not defer or neglect it,
for I shall not pass this way again."
by Grellet

Tresa VanWinkle, RN

Executive Director

CAPPED, Inc.

Work: (575) 434-4673

Cell: (575) 430-7798

Fax: (575) 434-1177

Visit us at: The CAPPED Building

907 New York Ave.

Alamogordo, NM 88310

On the Web: www.capped.org

On Facebook: capped.org

E-mail: tresavanwinkle@capped.org

Visit us on the Web: www.capped.org

Like CAPPED.org on FaceBook: <https://www.facebook.com/Capped.org>, #cappedorg

If CAPPED has touched your life in a positive way, please take 5 minutes to write a Review online at this GUIDESTAR site: <http://api.greatnonprofits.org/whitelabel/reviews/cancer-awareness-prevalence-prevention-and-early-detection>

*****If, for any reason, you do not wish to received further e-mail from CAPPED, please forward this message to tresavanwinkle@capped.org with the words "Please removed from e-mail data base" in the subject line. Best wishes. Tresa :)*****



"I expect to pass through this world but once;
and my good therefore that I can do,
as my kindess that I can show,
to my fellow-creatures, let me do it now;
let me not defer or neglect it,
for I shall not pass this way again."
by Goethe

image005.jpg
18 KB



image006.jpg
29 KB

 **Reims Size and Cost Estimate Final .pdf**
124 KB

Document - Agenda Request City of Alamogordo Labyrinth - Created Mar 30, 2015.pdf
 154 KB

AGENDA REPORT

CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: April 14, 2015

Report Date: April 2, 2015

Report No: 2

Submitted By: Renee Cantin
City Clerk

Approved For Agenda: 

Subject: Presentation of new technology to produce electricity from brackish water in conjunction with the city's proposed new Reverse Osmosis Plant. (George Nitschke, Good Earth Mechanics)

Background: Tommie Herrell has submitted the attached agenda request form. Mr. George Nitschke will make the presentation.

Reviewed By:

City Attorney _____ City Clerk RC _____ Community Development _____ Community Services _____
Finance _____ Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works _____ Purchasing _____ Assistant City Manager _____

Rec. 3/16/15 NJ



City of Alamogordo City Commission Meeting

AGENDA REQUEST FORMDate: 3-14-15Date of Meeting: APRIL - 14 - 2015Name: GOOD EARTH MECHANICSAddress: 15 ANDREW DRIVENEW IPSWICH NH 03071Phone Number: 603-769-1401E-Mail Address: george.nitschke@goodearthmechanics.com

Items requested will be for: (Please check one)		
☒ Information only	☐ Action Item	☐ Discussion/Action
☐ Public Hearing	☐ Report	☐ Other _____

Brief description of topic to be discussed:

Please attach one original of any documents pertaining to the topic -
We do not allow handouts at the meeting

New technology to produce electricity
from brackish water in conjunction
with the city's proposed new R.O. plant.
We request 30 minutes to present.

Signature: Tommy Lundy

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

Phone: (575) 439-4205

Fax: (575) 439-4396

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

Revised 5/7/2014



Salinity Gradient Solar Ponds: Integration with Desalination for Alamogordo

to the Alamogordo Town Council
14 April 2015

The information, data, and charts embodied in this briefing are confidential and are supplied with the understanding that they will be held confidentially and not disclosed to third parties without the prior written consent of Good Earth Mechanics, LLC

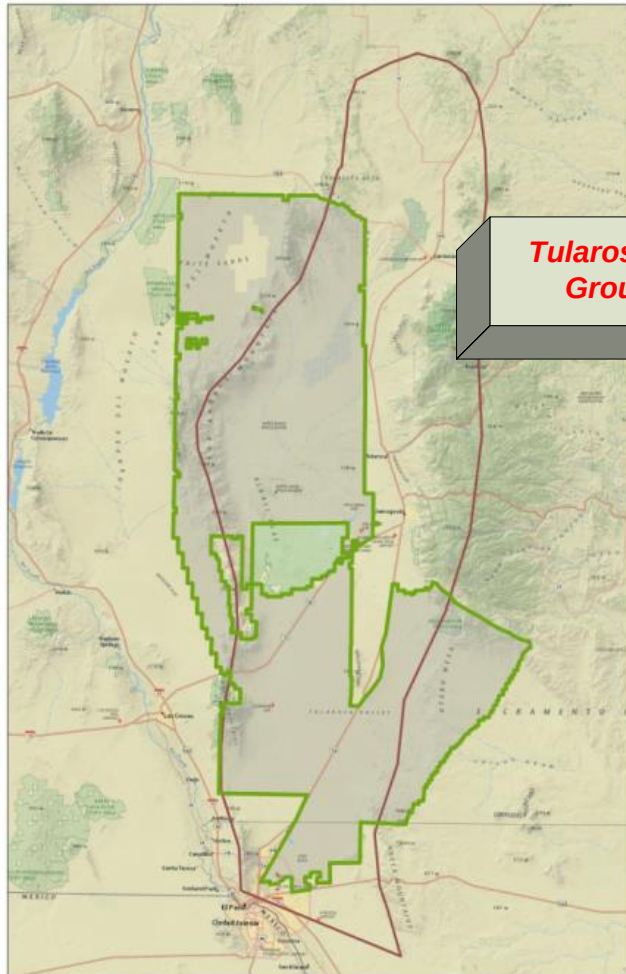


Purpose

1. GEM is collaborating with BW Primoris to integrate solar pond technology with Reverse Osmosis Desalination (ROD) systems
 - Enable cost-effective, zero-discharge, renewably powered desalination
 - Fully-dispatchable surplus power available for ancillary services
2. Pending confirmation of interest by Town Council, BW Primoris will prepare a proposal for an integrated desalination system
 - BW Primoris covers all costs, contractor team bears all risks
 - Town only pays for delivered water per negotiated terms
 - Allows Town to budget firm water costs for 40 years
 - With the Town's cooperation BW Primoris will complete the proposal in 30 days
3. The purpose of this meeting is to present the technical solution, outline the steps to success, and ask the TC to initiate the proposal



Overview: Big Picture for the Tularosa Basin



Tularosa Brackish Groundwater

GEM Renewable
SGSP-Desal System

- Zero discharge
- Self-powered
- Surplus power sales
- **Result:** lower cost water than std desal

Potable Water

**Dispatchable
Surplus Power**

GEM's solar pond technology can be integrated with desalination systems to recover the massive Tularosa Basin brackish water resource for potable use in an affordable and environmentally sound manner while surplusing dispatchable power.

Legend

- Military Reserves
- Study Area



0 10 20 30 40 Miles



The Challenge & Current Status: Water for Alamogordo

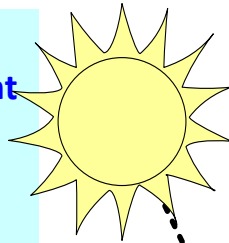
Droughts, increasing population, and decreasing water supply are leading to increased competition between users of freshwater in the Tularosa Basin region.

1. More than 70% of the City of Alamogordo's water source is from surface water, which is affected by drought, seasonal variability, and most of it was contaminated by the 2012 forest fire.
2. An alternative brackish water source from the Tularosa Basin requires RO desalination, producing a brine waste stream that must be disposed.
3. The City of Alamogordo has contracted CDM Smith to design an RO facility and water system, which is currently working on the 60% design of the project.
 - Final design completion is scheduled for early next year and construction is expected to begin in late spring/early summer of 2016.
 - The plant capacity will be 1 MGD and used as a peaking plant (4 mths of the year) with the concentrate disposed in evaporation ponds (approx. 13 acres).

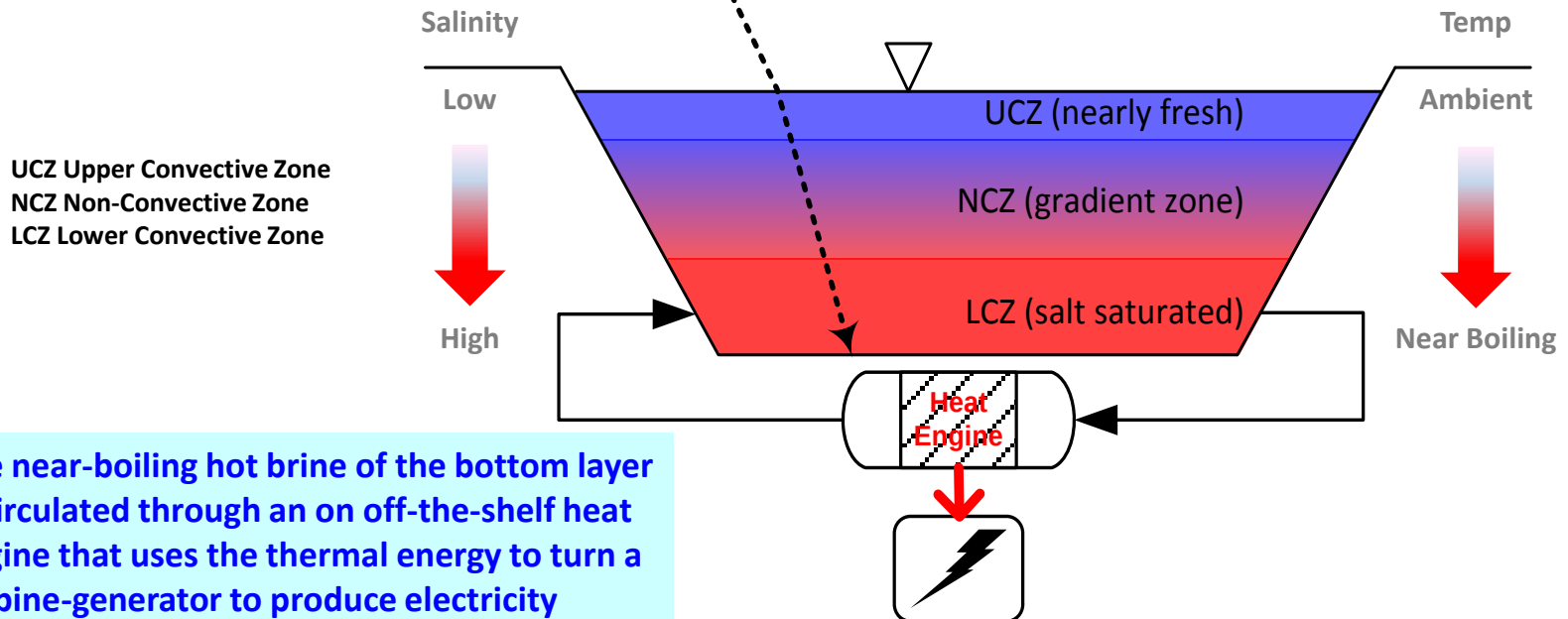


GEM Salinity Gradient Solar Ponds: *How Do They Work?*

Solar energy is absorbed at the pond bottom, heating the adjacent fluid, which is prevented from buoying to the surface and releasing the heat to the ambient due to density stratification



- Collector / storage / delivery all in one
- Robust, large-scale “thermal battery”
- Base-load or on-demand renewable energy



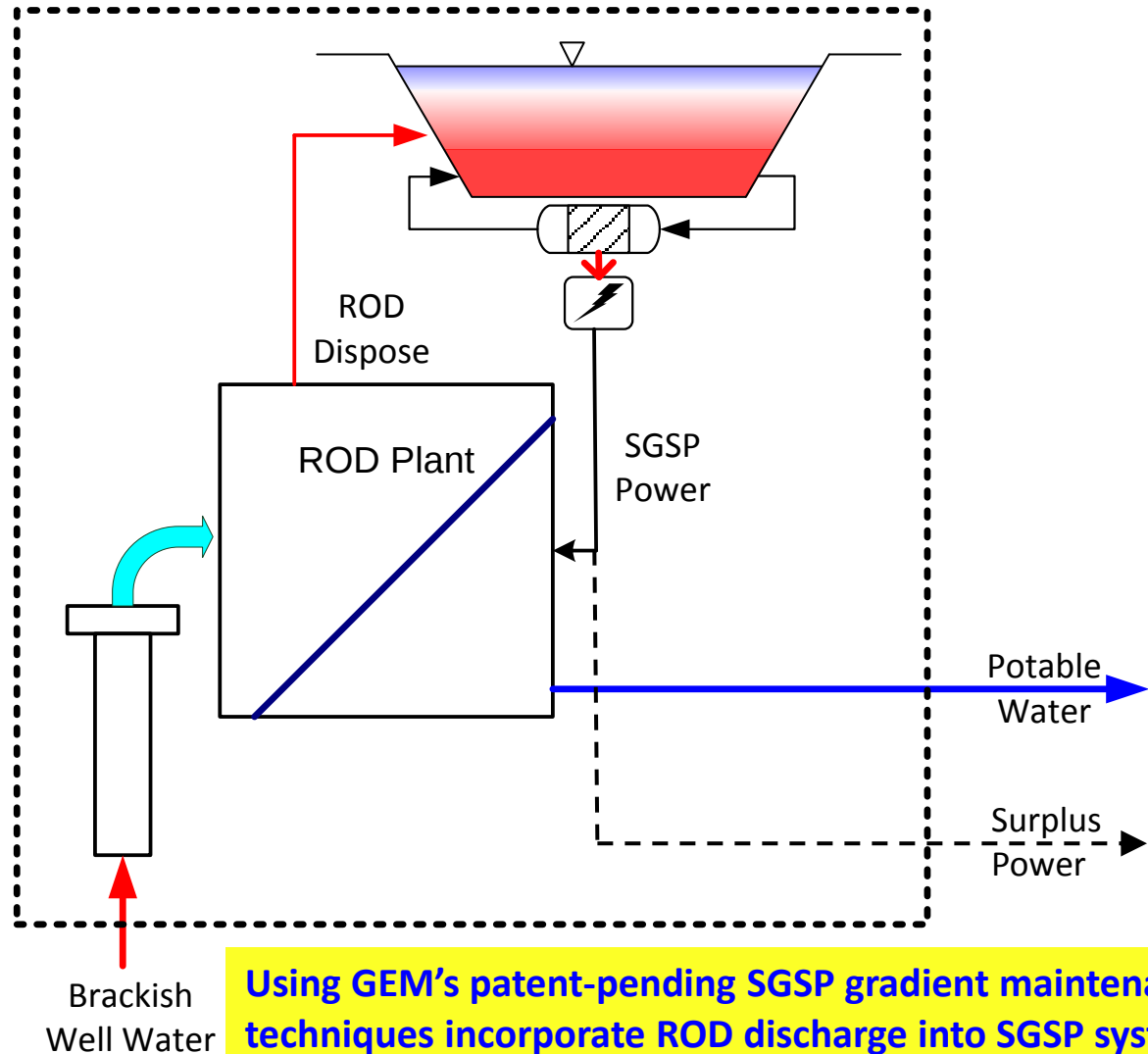


GEM SGSP – Reverse Osmosis Desalination

Integration for Zero Discharge & Power

1. Zero discharge
2. Self-powered with cost-effective renewable power
3. Surplus power for ancillary sales
4. Behind the meter, no transmission lines
5. Renewable energy credits

Result: dramatically lower cost water than standard ROD



Using GEM's patent-pending SGSP gradient maintenance techniques incorporate ROD discharge into SGSP system



The GEM Salinity Gradient Solar Pond Team:

World Recognized SGSP Leadership



Dr. George Nitschke, P.E.
Renewable Energy Systems
President & Tech. Director,
Good Earth Mechanics



Dr. Huanmin Lu
University Lecturer
Chief SGSP Scientist
Good Earth Mechanics



Dennis Duke
VP, Field Operations
Good Earth Mechanics



Dr. John Walton, P.E.
Solar Ponds, Environ.
Professor, Environ.
Engineering, UTEP
Good Earth Mechanics



Dr. Andrew Swift, P.E.
SGSP & Wind Energy;
Professor, Civil Eng.
Texas Tech University



Mr. Herbert D. Hein, Jr.
Solar Pond Project
Management, UTEP
Good Earth Mechanics



- 16+ years SGSP development at the *University of Texas El Paso (UTEP)*
- Engineering data & models
- Proprietary practices & processes
- Patent pending methods & components
- Vendor relationships
- Recently vetted by NREL – favorable



Strategic / Collaborative Industry Team



Good Earth Mechanics was formed to develop / commercialize cost-effective, dispatchable renewable energy systems.

- **Solar Pond expertise & intellectual property**



Founded to provide a safe, inexpensive, reliable, and environmentally friendly supply of water to local municipalities, and industrial clients in the United States.

- **EPC & RO desalination / solar pond integration**



**CITIZENS
ENERGY
CORPORATION**
a non-profit energy company

Citizens Energy Corporation uses revenues from its commercial enterprises to support families with energy assistance. CEC operates 233 MW wind, 18 MW solar-PV, and transmission.

- **Project development/management & finance**



Oazyz Energy was founded in 2012 by colleagues at the National Renewable Energy Lab with a vision to bring renewable energy to rural, impoverished and isolated populations.

- **DOE / WSMR coordination, energy consultants**

Other Industry Partners

Environmental remediation, load balancing, sovereign energy

- **Strategic partners for other solar pond synergies**



SGSP-ROD Projects In-Planning



- GEM & industry partners are currently developing two SGSP-ROD integration sites in Texas
- Expected to start construction CY 2015
- The SGSP-ROD integration has been reviewed with Texas water agencies (TWDB, TCEQ) and Federal agencies (USBR)
- The SGSP-ROD integration is proposed to dramatically reduce inland desalination costs to help drought mitigation in TX

GEM & partners have other SGSP-ROD integration projects in-work to help lead the way for the Tularosa Basin development



Basic Proposal to Alamogordo

Pending confirmation of interest by the Town Council & City Manager, BW Primoris will prepare a proposal for an integrated solar pond / desalination system:

1. BW Primoris pays all development & infrastructure costs – ***zero up-front cost to the Town***
2. Contractor Team bears all risks, guarantees results
3. Town only pays for delivered water per negotiated terms
4. Allows Town to budget firm water costs for 40 years
5. With the Town's cooperation BW Primoris will complete the proposal in 30 days



Way Ahead / Discussion

➤ Proposed Way Ahead

1. Town Council authorize City Manager to meet with Contractor Team (BW Primoris, GEM) and define basis for developing the proposal
2. City Manager / Town provide a non-binding Letter of Intent to the Contractor Team indicating interest in developing the proposal
3. With Town cooperation (Town Engineering, CDM Smith support) Contractor Team develop proposal with water pricing within 30 days

➤ Questions / Comments ?

Thank You!

AGENDA REPORT

CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: April 14, 2015

Report Date: March 31, 2015

Report No: 3

Submitted By: Reneé Cantin
City Clerk

Approved For Agenda: 

Subject: Approve the Minutes of the March 24, 2015 Regular Meeting of the Alamogordo City Commission.

Recommendation: Approve the Minutes.

Background: This action is required by the NM Open Meetings Act.

Reviewed By:

City Attorney _____ City Clerk  Community Development _____ Community Services _____
Finance _____ Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works _____ Purchasing _____ Assistant City Manager _____

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:00 P.M., COMMISSION CHAMBERS
MARCH 24, 2015**

**SUSIE GALEA, MAYOR
JASON BALDWIN, COMMISSIONER
NADIA SIKES, COMMISSIONER
JENNY TURNBULL, COMMISSIONER
AL HERNANDEZ, COMMISSIONER**

**ROBERT RENTSCHLER, MAYOR PRO-TEM
DR. GEORGE STRAFACE, COMMISSIONER
JIM STAHLE, CITY MANAGER
STEPHEN THIES, CITY ATTORNEY
RENEE CANTIN, CITY CLERK**

CALL TO ORDER, ROLL CALL, INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Galea called the meeting to order at 7:00 p.m. Roll Call was taken by the City Clerk. Commissioner Baldwin and Commissioner Hernandez were absent. Clerk Cantin announced there was a quorum present. Invocation was delivered by Reverend Dustin Wilhite and the Pledge of Allegiance was led by Commissioner Sikes.

APPROVAL OF AGENDA

Item 5 was pulled from the agenda and will be added to a future meeting.

Mayor Pro-Tem Rentschler moved to approve the amended agenda. Commissioner Straface seconded the motion. Motion carried with a vote of 5-0-0.

PRESENTATIONS

- 1. Presentation to bring awareness for the Month of April as the Month of the Military Child.**
(Marcelle Keibler)

Marcelle Keibler spoke of the nomadic life of military children and the concerns thereof. She was appreciative to the Alamogordo Public Schools for being very supportive of military students. She also thanked Kathy Fuller, Military Transition Counselor for all the work she does for military children.

Lori Ann Goodyear is the School Liaison Officer for Holloman Air Force Base (HAFB). She described the demographics of the children at the Base and the challenges they face. Most of the children attend Alamogordo Public Schools and the district has worked hard to make military kids welcome. Ms. Goodyear told of the programs they have developed specifically for these children.

Mayor Pro-Tem Rentschler, Commissioner Turnbull and City Manager Stahle remarked that they had been a military brats, and spoke of the support they had received from APS. They thanked all three ladies for their presentation and all they were doing for military children.

Mayor Galea presented a proclamation to Ms. Fuller, Ms. Goodyear and Ms. Keibler for 'Purple Up for Military Kids Day' on April 15th to celebrate the month of the Military Child.

- 2. Presentation related to the Alamogordo Public Schools Black & Gold Initiative.** *(Mike Espiritu, President & CEO, Chamber of Commerce)*

Jerrett Perry, AHS Athletic Director addressed the Commission. He said the purpose of the Black & Gold Initiative was to create a cohesive place to live and work, where the businesses and schools work together to achieve a common goal. He wanted to motivate and excite the citizens of Alamogordo so they would celebrate the spirit of our community. He has teamed with the Alamogordo Chamber of

Commerce to collaboratively create a cohesive root system that promotes educational and extra-curricular excellence and pride through strong connections between our schools, our businesses and our community. The five goals they had developed were: 1) promote competitive greatness within our community, 2) celebrate the success of our children, 3) create a community atmosphere of spirit, pride and enthusiasm, 4) attract families and businesses to our community, and 5) build a bridge between our schools and our stakeholders. They would like to paint the city black and gold as much as possible.

Mr. Mike Espiritu addressed the Commission saying the Chamber has a Business and Education Committee and they will be the ones to work with the school district on this initiative. To start, they would like to paint tiger paws up First Street this summer and also paint fire hydrants. They already have a business who wants have a student or students paint a mural on their building.

Mr. Espiritu asked the city to help with the permitting process and other considerations. He said the Chamber, other businesses and APS are committed to sustaining the project. He suggested putting Black & Gold Tiger flags throughout town during special events, and he noted none of this was for profit.

Commissioner Straface gave kudos to Jerrett Perry for his efforts and leadership in this, and noted he supported this completely. Commissioner Turnbull and Mayor Pro-Tem Rentschler agreed and offered their support.

Mayor Galea said with no one opposed to the Black & Gold Initiative we would support this project and she encouraged them to work with the City Manager on any permitting issues.

PUBLIC COMMENT

A. Earl Stirman commented on the following:

- 1) Mr. Stirman said he lives on the corner of Stanford and 23rd St. He and his neighbors are tired of it being a gravel road because of the dirt and safety concerns. Cars like to slide on this road and run into his fence and many other fences on the street. He wanted to know what they had to do in order to get the street paved or chip and sealed, and how much it would cost if sidewalks had to be installed.

Mayor Galea asked him to give his contact information to the City Clerk so that someone from the City Manager's team could contact him about how to present this concern during the Budget process.

Mayor Pro-Tem Rentschler commented these folks had originally contacted him concerning this issue and it was to be on tonight's agenda, but because Commissioner Baldwin who is the commissioner for this district could not be here tonight it was removed. He said it would be on the April 14th agenda, and he urged Mr. Stirman and other concerned citizens to attend that meeting.

CONSENT AGENDA

3. **Approve the Minutes of the March 10, 2015 Special Work Session and Regular Meeting of the Alamogordo City Commission.** *(Renee Cantin, City Clerk)*
4. **Approve statement related to the Executive Session of March 10, 2015 held prior to the Regular Commission Meeting.** *(Renee Cantin, City Clerk)*
6. **Approve Resolution No. 2015-13 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 March 24, 2015. [Roll call vote required]** *(LeeAnn Nichols, Finance Director)*
7. **Approve Resolution No. 2015-14 supporting the New Mexico Department of Tourism Event Sponsorship Grant for the Lady of the Mountain Run to be held December 12th, 2015. [Roll call vote required]** *(Jason Richards, Special Events Manager)*

8. **Approve Resolution No. 2015-16 authorizing the City Manager to sign any documents and agreements with the New Mexico Non-Metro Area Agency on Aging and the Alamo Senior Center for FY 2015-2016. [Roll call vote required] (Matt McNeile, Assistant City Manager)**
9. **Approve Resolution No. 2015-17 donating certain movable walls/partitions to Otero County. [Roll call vote required] (Barbara Pyeatt, Chief Procurement Officer)**
10. **Approve an Agreement with New Mexico Department of Cultural Affairs, New Mexico State Library Division for the Capital Appropriation Project for the Alamogordo Public Library in the amount of \$84,450.36. (Matt McNeile, Assistant City Manager)**
11. **Approve the Application for participation in the 2015 Law Enforcement Protection Fund in the amount of \$62,400. (Robert Duncan, Police Chief)**
12. **Approve the Award of Public Works Bid No. 2015-003 to RMCI Inc. related to the Water Reclamation Facility Upgrade Phase 2 project in the amount not to exceed \$3,317,300, excluding NMGR. (Nancy Beshaler, Project Manager)**
13. **Approve the award of IFB No. 2015-07 to Statewide Drilling, Inc. related to the La Luz Well No. 5 - Repairs project, in an amount not to exceed \$31,411.96, including tax. (Brian Cesar, Public Works Director)**

Item # 5 was removed from the consent calendar.

Mayor Pro-Tem Rentschler moved to approve items # 3, 4, 6, 7, 8, 9, 10, 11, 12, & 13 of the consent calendar. Commissioner Straface seconded the motion. Roll call was taken for items #6, 7, 8, & 9. Motion carried with a vote of 5-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

5. **Approve the final publication of Ordinance No. 1491 related to contract signing authority. [Roll call vote required] (Renee Cantin, City Clerk)**

Removed from consent calendar and agenda, and will be brought back to a future meeting.

UNFINISHED BUSINESS

14. **Discuss, and consider, to direct staff to prepare a new Joint Powers Agreement for the City to assume the full cost share of School Resource Officers within Alamogordo Public Schools. (Susie Galea, Mayor)**

Mayor Galea noted this item had been tabled from the last commission meeting in order for the commissioners to have the opportunity to look at the City Budget after the audit. The total cost would be \$279,738.89, and the half we share is \$139,869.45 from the General Fund. If we couldn't provide the full cost, we could at least pay for the highest cost of one officer, \$77,010.64. This consideration would be an additional impact to the City of \$38,505.32.

Mayor Pro-Tem Rentschler remarked the State Legislature had not repaired the Hold Harmless Law, and that will cost us approximately \$180,000 this coming year. He was not sure he could support this issue because of that.

Commissioner Straface respected what Mayor Pro-Tem said. He suggested an alternative of phasing this in over a period of four years by picking up the cost of an officer every year, but make it contingent upon where we are on funding. He recommended tabling this since the school district won't be able to finalize their budget until the middle of April. APS Chief of Staff Doyle Syling was in the audience and noted that date would be April 6th.

Mayor Galea said the school system is considering cutting one officer since they will be experiencing a cut in funding. She felt the City could afford to fund this issue, but felt it would be wise to table it at this time and put on the April 14, 2015 agenda.

Commissioner Straface moved to table this agenda item until April 14th. Mayor Pro-Tem Rentschler seconded the motion. Motion carried with a vote of 5-0-0.

NEW BUSINESS

- 15. Consider, and act upon, the granting of an electric distribution line easement to Public Service Company of New Mexico ("PNM").** *(Stephen Thies, City Attorney)*

City Attorney Thies explained the City's Public Housing Department is currently updating their electrical distribution system at the Alta Vista complex. The distribution system is old and any improvements would have to be done by the City. PNM will take over this system within the Housing Complex and to accomplish this they are requesting an easement from the City.

Mayor Pro-Tem Rentschler moved to approve the granting of an electric distribution line easement to Public Service Company of New Mexico ("PNM"). Commissioner Turnbull seconded the motion. Motion carried with a vote of 5-0-0.

- 16. Consider, and act upon, an Intergovernmental Agreement between the New Mexico Economic Development Department and the City of Alamogordo relating to the LEDA Capital Outlay Program.** *(Stephen Thies, City Attorney)*

Mike Espiritu, President and CEO, Chamber of Commerce explained Project Garnet. Orogrande Garnet, LLC had acquired a large and significant deposit in Orogrande, NM and had developed a method that improves and alters the material into a commercially saleable product. The mine will produce seven different types of garnet that will be used commercially primarily in the blast media and water jet cutting markets, and are expecting to be in operation mid-2016. The mining operation will be closer to us than to El Paso.

Representative Jerry Pacheco, former Deputy Cabinet Secretary of Economic Development in NM, and a senior consultant to NM Partnership, continued with the presentation and explained more about the company and Barela family. He said he was representing NM Partnership and the Economic Development Department and the \$750,000 committed to this project.

Mr. Espiritu remarked we have only two months to get this project moving or we may lose it to Texas. He said they were simply waiting for the City Commission's approval.

Commissioner Straface asked the city manager if he had any concerns with this. City Manager Stahle told him not really. His big question when talking it through was whether Orogrande was close enough to Alamogordo for those employed there to live here. He reminded the commission that it is supported and financed by the State and not the City.

Commissioner Straface asked City Manager Stahle what he estimated the non-discloseable costs would be to the City. City Manager Stahle said it would affect us because of the expense in tracking the financing and preparing documents, but we could handle it. Commissioner Straface asked if any part of the grant would allow us to get indirect costs. Mike Espiritu answered that there was not, and continued by adding this is a County project. The reason we are pushing this through our community is because the County does not have an ordinance like the City does, and he was working with the County to create an ordinance so future projects could go through them instead of the City.

Mayor Pro-Tem Rentschler said our landfill is out there and our employees drive out there from Alamogordo, so he didn't think it would be a problem for Orogrande Garnet, LLC. He asked about the jobs and Mr. Espiritu said construction crews would be needed as soon as the deal was complete, and

then there would be jobs after completion of the operation. He remarked they would have to work with the railroad to get a siding.

Mayor Pro-Tem Rentschler moved to approve an Intergovernmental Agreement between the New Mexico Economic Development Department and the City of Alamogordo relating to the LEDA Capital Outlay Program. Commissioner Straface seconded the motion. Motion carried with a vote of 5-0-0.

- 17. Consider, and act upon, the first publication of Ordinance No. 1495 approving a Local Economic Development Project for secured financial assistance proposed by Orogrande Garnet, LLC for a project in Otero County. (Stephen Thies, City Attorney)**

Mayor Pro-Tem Rentschler moved to approve the first publication of Ordinance No. 1495 approving a Local Economic Development Project for secured financial assistance proposed by Orogrande Garnet, LLC for a project in Otero County. Commissioner Turnbull seconded the motion.

Mayor Galea commented that she is thankful for the work of OCEDC and the NM Partnership to secure this operation in Otero County.

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

- 18. Consider, and act upon, Change Order No. 1, Public Works Bid No. 2014-018 to D & R Tank Co. related to the Rehab Ocotillo GSR project, in an amount not to exceed \$42,867.37, including tax. (Brian Cesar, Public Works Director)**

Public Works Director Cesar explained the reason for this project and that it was the same as the Foothills Reservoir work done last year; both tanks were built in 2005-2006. Incorrect bolts were used to secure the upper rafters in the reservoirs and will need to be replaced with stainless steel bolts and plates, as well as install new hardware and appurtenances for a cathodic protection system. This cathodic protection system would minimize the need for any future interior tank maintenance for approximately 20 years.

Mayor Pro-Tem Rentschler asked the Public Works Director how we could have missed this; why we didn't have cathodic protection systems. Public Works Director Cesar told him of the reservoirs that currently had cathodic protection systems and how the work would be done to install new systems.

Commissioner Straface asked why we hadn't done this before, and Public Works Director Cesar explained that they would need to bring in a diver to help with the work.

Commissioner Straface moved to approve Change Order No. 1, Public Works Bid No. 2014-018 to D & R Tank Co. related to the Rehab Ocotillo GSR project, in an amount not to exceed \$42,867.37, including tax. Commissioner Turnbull seconded the motion.

Mayor Pro-Tem Rentschler thought we had a diver on staff. Public Works Director Cesar responded we had one many years ago, but not currently. Mayor Pro-Tem Rentschler asked if it would be less expensive to have a diver on staff, and asked him to consider this in the future. Public Works Director Cesar mentioned he would like to have cathodic protection on all the reservoirs in the future.

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

- 19. Consider, and act upon, a request to purchase of a Quint/Aerial Fire Apparatus for the Fire Department, at a total cost of \$635,499. (Mikel Ward, Fire Chief)**

Fire Chief Ward described the Quint/Aerial Fire Apparatus and said it was essentially a ladder truck with both an aerial waterway as well as a pump; it serves as both an engine and an aerial. He said it

will be custom built for us when/if approved, and allows us reach our minimum fire flow with less apparatus. What that means in the long run is our minimal staffing levels would have less of a negative impact on us with ISO. He explained this vehicle would go to Station #6 and the 95' platform we have now would be moved to Station #5, thus meeting our distribution needs. He showed a map of the proposed fire station coverage and noted we currently have one centrally located truck distribution area and some parts of the city are not protected. With another aerial we would have three truck distribution areas and the entire city would be protected. We would then need to look at replacing our older engines. The cost of this vehicle is within budget.

Mayor Galea asked him about the public concern raised by the demo of another truck. Fire Chief Ward said they had demonstrated many different trucks. The two they decided between were E1 and Pierce, and they decided on the Pierce. He explained the purchasing requirements we have to follow.

Commissioner Straface asked how long it would take to get the truck after it is ordered, and Fire Chief Ward said it would be November or December of this year, if approved tonight. Commissioner Straface asked if the 75' was a standard length and the Fire Chief told him the 75' vehicle was what he strongly recommended.

Commissioner Sikes asked how long a fire truck lasts and Fire Chief Ward told her it depends on usage and operation. It is recommended that a fire truck not stay in primary first line service past 10 years and not stay in secondary service past 20 years. City Manager Stahle asked the Chief how old our oldest vehicle was and he was told about 21 years old. There is also a 19 year, a 14 year, a 13 year, and one less than 10 years old.

Mayor Pro-Tem Rentschler moved to approve the purchase of a Quint/Aerial Fire Apparatus for the Fire Department, at a total cost of \$635,499. Commissioner Turnbull seconded the motion. Motion carried with a vote of 5-0-0.

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

- 1) City Manager Stahle introduced Julie Garza as the new Public Information Officer/Sr. Executive Assistant to the City Manager. He encouraged people to send information to her concerning the City Profile.
- 2) He reminded the commissioners that the Otero Greentree Landfill annual meeting is Thursday, March 26th in Tularosa at their community center.
- 3) He noted there would be two commissioners absent from the next commission meeting.
- 4) The Budget Meetings will be on May 4, 5, 6, 7, & 11th at 3:30 p.m. He said a schedule would be published the closer they get to that time. Commissioner Straface said he would possibly be late on the 4th, and Commissioner Turnbull said she might be late on a couple of those days. City Manager Stahle asked them to send emails with this information to the Clerk's office so times could be adjusted if need be.
- 5) He reminded commissioners that nominations submission for the Charter Review Committee deadline was adjusted to April 7th. Please get these nominations to the Clerk, and appointments will be made at the April 14th Commission meeting.
- 6) City Manager Stahle mentioned the NM Legislative Session had not addressed some of the major issues for the City. Hold Harmless and ICIP had not been addressed or passed.
- 7) The NMML District Meeting for our district will be March 31st in Ruidoso.
- 8) Mr. Stahle remarked on the PSA concerning water service line replacements on White Sands Blvd. between First and Tenth Streets. Work will begin next week.

REMARKS AND INQUIRIES BY THE CITY COMMISSION**Mayor Galea commented on the following:**

- 1) Mayor Galea let everyone know Keep Alamogordo Beautiful (KAB) won the President's Circle Award, and she thanked Special Events Manager Jason Richards for his work.
- 2) The Mayor reminded everyone that Easter in the Park will be held April 4th.
- 3) She encouraged all to attend the State of the City Event on April 6th at 5:00 p.m. at the 19th Hole Restaurant.
- 4) The National Day of Recognition for our Senior Volunteer Corps will be on April 7th.
- 5) She noted that in the future the commission would consider additional funding from the Street Maintenance program and discuss ways to prioritize street improvements. There is approximately \$90,000 available to do this.
- 6) The Mayor was grateful that the commission had tonight approved Phase 2 of the Waste Water Treatment Plant (WWTP).

Commissioner Straface commented on the following:

- 1) Commissioner Straface told Public Works Director Cesar that he was a certified diver just in case one is needed for the reservoir tanks. Mayor Pro-Tem Rentschler said he could back him up since he was also certified. They both said they were kidding.

Mayor Pro-Tem Rentschler commented on the following:

- 1) He had noticed the eastern-most tank of the Water Treatment Plant was full after having been drained last winter. He asked Public Works Director Cesar how much would be used when the Ocotillo tank was filled. Public Works Director Cesar told him it would be three million gallons, and gave the history of why it was drained. He wanted it topped off as much as possible.

EXECUTIVE SESSION

- Limited Personnel Matters (City Manager Evaluation) **WITHDRAWN**

ADJOURNMENT

Mayor Pro-Tem Rentschler moved to adjourn at 8:48 p.m. Commissioner Straface seconded the motion. Motion carried with a vote of 5-0-0.

Mayor Susie Galea

City Clerk Reneé L. Cantin

(Prepared by Nancy Jacobs, Deputy Clerk)
Approved at the Regular Meeting held on April 14, 2015.

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: April 14, 2015

Report Date: April 1, 2015

Report No: 4

Submitted By: Jan Wafful

Community Services Admin. Assistant

Approved For Agenda: _____



Subject: Consider, and act upon, the Lodger's Tax Expenditures for Tourism & Travel.

Fiscal Impact: \$1,052.70

Amount Budgeted: \$1853.12

Fund: 016-0001-419.56-05

Recommendation: Approve the recommended expenditures for Tourism & Advertising Promotions

Background: The following are a list of the expenditures in need of approval.

2015 NMHA (TANM) Governor's Conference on Tourism

\$1,052.70

Reviewed By: _____

City Attorney _____ City Clerk _____ Community Development _____ Community Services _____
Finance _____ Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works _____ Purchasing _____ Assistant City Manager _____

CITY OF ALAMOGORDO

TRAVEL AUTHORIZATION/COMPENSATION FORM

Advance will not be processed if form is not received by A/P deadline, as per Travel Policies & Procedures

Request for advance: Yes: ☒ No: ☐

No:

SECTION 1: TRAVEL AUTHORIZATION (Documentation must be attached.)

Name Jan Wafful Vendor # Position/Dep CS Admin/Film Liason

Purpose of Travel 2015 Governor's Conf.

Location Santa Fe, NM Depart Date 04/26/15 Time 12:00 am/pm

Expense Line Item# 016-0001-419-5605 Return Date 04/29/15 Time 17:00 am/pm

I hereby certify that the purpose of this travel is strictly for City business and will be used to further benefit the City.

Travel Processor Cynde S (Signature Req'd) Date 3/24/15

Public Official Traveling K. Jan Wafful (Signature Req'd) Date 3/24/15

Authorizing Supervisor (Signature Req'd) Date

Department Director (Signature Req'd) Date 8/24/15

City Manager (Signature Req'd) Date

SECTION 2: TRAVEL EXPENSES

A. Partial Day/Overnight Travel: Per Diem or Actual Expenses

Per Diem:	(1) <u>3</u> days	x	Lodging and M & IE CONUS per diem rate	(5) <u>165.00</u>	<u>495.00</u>
	(2) <u>5</u> hours	x	Just M & IE CONUS M & IE rate	(6) <u>71.00</u>	<u>17.75</u>
	(3) <u>0</u> days	x	Just M & IE CONUS M & IE rate	(7) <u>0.00</u>	<u>0.00</u>
Actual Lodging	(4) <u>0</u> nights	x	Lodging plus Tax actual lodging rate	(8) <u>0.00</u>	<u>0.00</u>
Less: Meals included in registration fee				(9) <u>0.00</u>	<u>0.00</u>

B. Mileage Advance:

Estimated Mileage x 0.575 Mileage Advance 0.00

C. Miscellaneous Travel Costs Out of Pocket Travel Expenses (Parking, Tolls, Car Rental, Taxi Cabs, Air Fare, Etc.)

(10) 0.00 0.00

Comments:

Approved Travel Advance

512.75

D. Prepaid or Credit Card Expenses

Registration:	City Credit Card	<u>291.12</u>	or	Check/PO	<u>0.00</u>	<u>291.12</u>
Air Fare:	City Credit Card	<u>0.00</u>	or	Check/PO	<u>0.00</u>	<u>0.00</u>
Car Rental:	City Credit Card	<u>248.83</u>	or	Check/PO	<u>0.00</u>	<u>248.83</u>
Lodging:	City Credit Card	<u>0.00</u>	or	Check/PO	<u>0.00</u>	<u>0.00</u>
Other Expenses:	City Credit Card	<u>0.00</u>	or	Check/PO	<u>0.00</u>	<u>0.00</u>
TOTAL APPROVED TRAVEL EXPENSES						<u>1,052.70</u>

E. Additional Comments:

(to be completed by Accounting Office)

Name: Jan Wafful Vendor #: 0

TRAVEL 04/26/15

Expense # 016-0001-419-5605

Advance: 512.75

Santa Fe, NM 35

New Mexico Governor's Conference on Hospitality

New Mexico Hospitality Association

Monday, April 27, 2015 at 11:00 AM - Wednesday, April 29, 2015 at 12:00 PM (MDT)

Santa Fe, NM



Registration Information

REGISTRATION TYPE	SALES END	PRICE	FEE	QUANTITY
Member - Early Bird You may get early bird pricing until April 6, 2015. This discounted registration option is for New Mexico Hospitality Association members only. You will be asked to enter your promotional code at checkout. Hall of Fame dinner is included in full conference price.	Apr 6, 2015	\$275.00	\$16.12	0 ▾
Non Member - Early Bird You can get this early bird pricing until April 6th. If you are not a member of the New Mexico Hospitality Association, please choose this option. Please keep in mind that you may become a member prior to registering and save! Contact: jen@tanm.org for more information. Hall of Fame dinner is included in full conference price.	Apr 6, 2015	\$325.00	\$18.87	0 ▾
Member- Late Registration This discounted registration option is for New Mexico Hospitality Association members only. You will be asked to enter your promotional code at checkout. Hall of Fame dinner is included in full conference price.	Apr 29, 2015	\$330.00	\$19.14	0 ▾
Non Member - Late Registration If you are not a member of the New Mexico Hospitality Association, please choose this option. Please keep in mind that you may become a member prior to registering and save! Contact: jen@tanm.org for more information. Hall of Fame dinner is included in full conference price.	Apr 27, 2015	\$380.00	\$21.35	0 ▾
Non Member - Group Sales more info Apr 27, 2015	Apr 27, 2015	\$315.00	\$18.32	0 ▾
Member - Group Sales more info Apr 27, 2015	Apr 27, 2015	\$260.00	\$15.29	0 ▾
Hall of Fame Dinner Only more info Apr 27, 2015	Apr 27, 2015	\$75.00	\$5.12	0 ▾
Social Events Only more info Apr 27, 2015	Apr 27, 2015	\$210.00	\$12.54	0 ▾

If you have a promotional code, enter it here: **HospitalityPerks**

Apply

Save This Event

When & Where



Santa Fe Convention and Visitors Bureau
 201 W Marcy Ave Santa Fe, NM 87501

Monday, April 27, 2015 at 11:00 AM - Wednesday, April 29, 2015 at 12:00 PM (MDT)

[Add to my calendar](#)

Organizer

New Mexico Hospitality Association

Contact the Organizer

[View organizer profile](#)

<http://www.tanm.org>

<facebook.com/nmhospitality>

<hospitalitynm>

1 upcoming event on Eventbrite

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: April 14, 2015

Report Date: April 2, 2015

Report No: 5

Submitted By: Renee Cantin
City Clerk

Approved For Agenda: 

Subject: Consider, and act upon, the final publication of Ordinance No. 1492 amending Section 29-03-010 of Chapter 29 - Zoning to allow liquor sales in parks in Zoning District "R-1" Single-Family Dwelling District and Section 5-01-035 of Chapter 5 - alcoholic beverages to clarify the applicability of area restrictions to governmental liquor licenses.

Fiscal Impact: \$ N/A

Amount Available: \$ N/A

Fund:

Recommendation: Approve Ordinance for final publication. **Roll call vote required.**

Background: At the Regular Meeting of March 10th, 2015, the City Commission approved the Ordinance for first publication. A summary of the Ordinance was published in the *Alamogordo Daily News* on Sunday, March 15th, 2015. If approved for final adoption, the summary will be published a second time on Sunday, April 19th, 2015 and will be effective April 24th, 2015.

The following information was provided by Stephen Thies, City Attorney at the time it was brought for first publication: The City Commission previously authorized staff to pursue a governmental liquor license for the Hooser Ballfield Complex, which is located south of Highway 70 and adjacent to Walker Road. This particular complex is heavily utilized for organized softball activities. The complex is zoned "R-1". Although R-1 is a single-family district, municipal parks and playgrounds are a permitted use. However, alcohol sales as an accessory use is not permitted in a R-1 district. As a result, staff has encountered a roadblock in obtaining the license. The attached amendment would change that restriction. Given the restrictive wording of the amendment, liquor sales by other permitted uses would not be possible.

The second part of the ordinance seeks to remove any ambiguity in city code regarding liquor sales in public parks. Staff requests approval of Ordinance No. 1492 for first publication.

Reviewed By:

City Attorney _____ City Clerk  Assistant City Manager _____ Community Services _____
Finance _____ Housing Authority _____ Planning _____ Police Chief _____ Fire Chief _____
Public Works _____ Purchasing _____ City Engineer _____ Human Resources _____

ORDINANCE NO. 1492

AMENDING SECTION 29-03-010 OF CHAPTER 29 - ZONING TO ALLOW LIQUOR SALES IN PARKS IN ZONING DISTRICT "R-1" SINGLE-FAMILY DWELLING DISTRICT AND SECTION 5-01-035 OF CHAPTER 5 – ALCOHOLIC BEVERAGES TO CLARIFY THE APPLICABILITY OF AREA RESTRICTIONS TO GOVERNMENTAL LIQUOR LICENSES

BE IT ORDAINED by the City Commission of the City of Alamogordo New Mexico that the *Code of Ordinances* be amended as follows:

Article 1

Section 29-030-010 – Use Regulations – District R-1 is hereby amended to read as follows:

29-03-010. - Use regulations—District R-1.

A building or premises shall be used only for the following purposes in the single-family dwelling district:

- (a) Single-family dwellings, they being buildings designed for occupancy by one (1) family. The word "family" is hereby defined as one (1) or more persons occupying the premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel.
- (b) Churches, synagogues, temples.
- (c) Farming and truck gardening, including the usual farm buildings and structures.
- (d) Nurseries and greenhouses.
- (e) Municipal parks and playgrounds.
- (f) Municipal or community buildings.
- (g) Telephone exchanges, provided that no public business office or no repair or storage facilities are maintained.
- (h) Fire stations.
- (i) Water supply reservoirs or wells.
- (j) Public schools and other educational institutions having a curriculum similar to that ordinarily given in public schools.
- (k) Golf courses, except miniature courses and driving ranges operated for commercial purposes.
- (l) The raising of poultry and pets, except when conducted for strictly commercial purposes or when on such a scale that it would be objectionable to surrounding residences because of noise or odor.
- (m) Home occupations, being occupations or professions carried on by a member of a family residing upon the premises in connection with which there is used no sign or other advertising display other than one (1) non-illuminated sign

attached to the building entrance which is not more than one (1) square foot in area; provided, that no commodity is sold upon the premises except that which is prepared thereon; provided, that no person is employed other than a member of the immediate family residing thereon, and provided, that no mechanical equipment is installed or used except such as is normally used for domestic or household purposes.

- (n) Accessory buildings customarily incident to the above uses not involving the conduct of a business, including a private two-car garage. Any accessory building which is not a part of the main structure shall be located not less than fifty-five (55) feet from the front lot line.
- (o) Temporary buildings and structures for uses incidental to construction work, which buildings and structures shall be immediately removed upon the completion or abandonment of the said construction work.
- (p) Church or public bulletin boards not exceeding ten (10) square feet in area, or sign pertaining to the lease, hire or sale of a building or premises not exceeding six (6) square feet in area; provided, however, that there shall be not more than one (1) such sign or bulletin board on any one (1) lot.
- (q) Garage and yard sales.
- (r) Columbarium as an accessory to a church, synagogue or temple. Any columbarium which is not located within the main structure shall be located not less than sixty (60) feet from any lot line; shall not exceed a height of six (6) feet; shall have access provided from a dedicated public right-of-way; shall be screened by an opaque fence or hedge at least six (6) feet in height; shall be oriented so that no innumment opening is visible from any residential zone; no lighting may shine on adjacent residential property and no light may be directed upward; and shall be placed on a permanent foundation for which a permit is obtained. A columbarium must be removed from the site upon the sale of the property by the church, synagogue or temple, or upon the change of use of the property.
- (s) Outdoor licensed on-sale liquor premises operated pursuant to a governmental liquor license and located entirely within a municipal park.

Article 2

Section 05-01-035 – Temporary alcoholic beverage dispenser’s license is hereby amended to read as follows:

5-01-035. - Temporary alcoholic beverage dispenser's license.

- A. *License authorized.* The governing body of the city has deemed it advisable to allow and license limited public sale of alcoholic beverages at retail and consumption on the sale premises of alcoholic beverages approved by the city commission in specific areas of the public parks of said city, and, during community-wide celebrations, on certain other public places. Such sale shall be by responsible persons duly licensed under the Code of Ordinances, and shall be allowed for limited periods of time, as hereinafter specifically provided.

- B. *License created.* There is hereby created a license, to be denominated a temporary alcoholic beverage dispenser's license. A person to whom the city has issued a current valid temporary alcoholic beverage dispenser's license will hereinafter be referred to as a temporary alcoholic beverage dispenser's licensee.
- C. *Area designated.* A temporary alcoholic beverage dispenser's license shall designate specifically an area in a city park, or alternatively, other public places in the city, which area shall be used for the purposes of the license, and which area will hereinafter be referred to as a temporary alcoholic beverage dispenser's.
- D. *No other area to be used.* No alcoholic beverages may be sold at retail or consumed in any city park of the city, or on any other public places of said city, whether in the central business district or otherwise, except that a temporary alcoholic beverage dispenser's licensee may use the temporary alcoholic beverage dispenser's designated on the temporary alcoholic beverage dispenser's license for purposes of retail sale, and consumption by adult consumers of alcoholic beverages on the premises of the temporary alcoholic beverage dispenser's; and provided further:
- (1) That such sale and consumption shall be limited to the designated temporary alcoholic beverage dispenser's.
 - (2) The licensee must comply with all applicable laws and ordinances.
 - (3) The licensee must have all of the qualifications set out in the Code of Ordinances and state statutes for an alcoholic beverage dispenser's license.
 - (4) The licensee must pay a license fee of fifty dollars (\$50.00) for each temporary alcoholic beverage dispenser's location.
 - (5) The licensee must hold a current license from the city for the sale of alcoholic beverages or beer at retail for consumption on the premises.
- E. *Duration.* The duration of a temporary alcoholic beverage dispenser's license shall not exceed three (3) days. No person shall be issued more than three (3) temporary alcoholic beverage dispenser's licenses during any calendar month. No temporary alcoholic beverage dispenser's license shall be transferred by the temporary alcoholic beverage dispenser's licensee to whom it was originally issued.
- F. *Compliance with other regulations.* Each temporary alcoholic beverage dispenser's, while in operation shall comply with all of the requirements of this chapter of the Code of Ordinances relating to dealers in alcoholic beverages.
- G. Nothing in this section shall be construed as prohibiting the city from using a premise or area designated on a governmental liquor license for the retail and

consumption by adults of alcoholic beverages in any city park, or on any other public place.

Article 3

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Article 4

SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Article 5

EFFECTIVE DATE. This ordinance shall be effective upon its passage, approval, and publication as provided by law.

DONE this _____ day of _____, 2015.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Susie Galea, Mayor

ATTEST:

Reneé L. Cantin, City Clerk

APPROVED AS TO FORM:

Stephen P. Thies, City Attorney

First publication approval: 03/10/2015

First publication: 03/15/2015

Final publication approval: 04/14/2015

Final publication: 04/19/2015

Effective Date: 04/24/2015

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: April 14, 2015

Report Date: April 2, 2015

Report No: 6

Submitted By: Renee Cantin
City Clerk

Approved For Agenda: _____



Subject: Consider, and act upon, the final publication of Ordinance No. 1493 amending sections 7-01-010, 7-01-020 and 29-03-540.2 to allow animals the R-E zoning district.

Fiscal Impact: NA
Amount Budgeted: NA
Fund: NA

Recommendation: Approve the Ordinance for final publication. **Roll call vote required.**

Background: At the Regular Meeting of March 10th, 2015, the City Commission approved the Ordinance for first publication. A summary of the Ordinance was published in the *Alamogordo Daily News* on Sunday, March 15th, 2015. If approved for final adoption, the summary will be published a second time on Sunday, April 19th, 2015 and will be effective April 24th, 2015.

The following information was provided by Stephen Thies, City Attorney at the time it was brought for first publication: The Planning and Zoning Commission was requested to consider the issue of allowing livestock, primarily horses, to be kept on property zoned residential estate ("R-E"). The R-E district was added to the existing zoning districts several years to allow for low-density housing on large, rural type subdivisions. After considering the issue, the Planning and Zoning Commission is recommending that livestock be allowed in the R-E District. The type and number of livestock permitted on such a lot is entirely dependent upon the size of the lot. Certain animals are prohibited on small lots while larger lots are given more latitude in the number and types of permitted livestock.

Staff requests approval of Ordinance No. 1493 for first publication.

Reviewed By: _____

City Attorney _____ City Clerk  Community Development _____ Community Services _____
Finance _____ Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works _____ Purchasing _____ Assistant City Manager _____

ORDINANCE NO. 1493

AMENDING SECTIONS 7-01-010 AND 7-01-020 OF CHAPTER 7 – ANIMAL CONTROL AND SECTION 29-03-540.2. OF CHAPTER 29 - ZONING TO ALLOW ANIMALS IN ZONING DISTRICT "R-E" RESIDENTIAL ESTATE

BE IT ORDAINED by the City Commission of the City of Alamogordo New Mexico that the *Code of Ordinances* be amended as follows:

Article 1

Section 7-01-010 – Definitions is hereby amended to add or amend the following definitions:

Animal is any living nonhuman mammal, bird, reptile, or amphibian.

Pet means any dog, cat, rabbit, amphibian, reptile, caged bird, aquarium fish, caged rodent or caged ferret.

Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

Article 2

Section 7-01-020, Subsection (b) is hereby amended to read as follows:

(b) Subsection (a) shall not apply to:

- (1) The keeping of Vietnamese miniature potbelly pigs or pygmy goats weighing fifty (50) pounds or less or poultry, or the operation of pet stores, veterinary offices or hospitals, or commercial kennels, or livestock in areas zoning districts where the use or keeping is specifically permitted.
- (2) Public zoos, or carnivals and circuses licensed as such.
- (3) Fairs, petting zoos or other special events lasting less than two (2) weeks.
- (4) The keeping of any animal at an approved research institution.

(c) It is unlawful for any person to keep or harbor any vicious animal. Any person attacked by a vicious animal may use reasonable force to repel the attack. After a judicial determination that an animal is vicious, the owner or keeper of such vicious animal shall destroy it humanely or release such animal to the animal control center for destruction.

Article 3

Section 29-03-540.2. - Use Regulations is hereby amended to read as follows:

- a. Permissive uses.
 - 1) One single-family dwelling per lot:
 - a. All dwelling units shall be permanently affixed to a permanent foundation. No dwelling unit shall be temporary in nature. Permanent foundations for dwelling units that are not site built shall comply with the New Mexico Manufactured Housing Division Rules and Regulations (NMAC 14.12.2) for permanent foundations.
 - b. Each dwelling unit must have either an attached or detached private garage permanently affixed to a permanent foundation. If the garage is attached to the dwelling unit, the garage must have an interior measurement of at least 11 feet by 24 feet in size. If the garage is detached from the dwelling unit, the garage must have an interior measurement of at least 20 feet by 24 feet in size. The garage shall have a similar external appearance and finish as the dwelling unit and shall be completed and issued a certificate of occupancy no later than 12 months after occupation of the dwelling.
 - 2) Accessory uses, buildings and structures, the keeping of livestock in accordance with subsection 29-03-540.2.c, and accessory living quarters not exceeding one thousand two hundred (1,200) square feet and corresponding in architectural design with the primary dwelling unit;
 - 3) Publicly owned or operated park, playground or community building;
 - 4) Family child care home with a capacity of six or less;
 - 5) Community residential care facility up to ten persons.
- b. Special Uses (Subject to conditional use permit). In the R-E district, special uses are as follows:
 - 1) Country club or golf course, except miniature course, practice tee or similar facility operated for commercial purposes.
 - 2) Churches, Sunday school buildings, and other places of worship and those uses traditionally associated with these including, but not limited to: convents, monasteries, parish houses, rectories, seminaries, and child day care services, provided the property has frontage on an arterial or collector street as shown on the approved major thoroughfare plan.
 - 3) Public utility and service uses including, but not limited to: fire stations, electric substations, gas regulator stations, telephone exchanges,

microwave relay towers and stations, antenna towers and other outdoor equipment essential to the operation of the exchange in the interest of public convenience and necessity, commercial radio and television towers, sewage treatment plants, well and water pumping stations, water filtration plants, water reservoirs, and other similar uses.

- 4) Public elementary and high school, or private school, with curriculum the same as ordinarily given in public elementary or high schools.

c. Livestock Restrictions: Livestock shall be permitted in the Residential Estate (RE) zoning district subject to the following conditions:

<i>Lot Size</i>	<i>Type of Livestock</i>			
	<i>Horses, Mules and Donkeys</i>	<i>Cows</i>	<i>Pigs</i>	<i>Goats and Sheep</i>
<i>10 acres or more</i>	<i>An aggregate of 1 head of livestock per acre are allowed with no absolute maximum on total number of livestock kept.</i>			
<i>Less than 10 acres but no less than 5 acres.</i>	<i>2 and no more of the aggregate of horses, mules, donkeys and cattle are allowed.</i>		<i>1 per acre</i>	<i>1 per acre</i>
<i>Less than 5 acres but no less than 1 acre.</i>	<i>prohibited</i>	<i>prohibited</i>	<i>1 per acre</i>	<i>1 per acre</i>
<i>Less than 1 acre.</i>	<i>prohibited</i>	<i>prohibited</i>	<i>prohibited</i>	<i>prohibited</i>

d. Nothing in this section shall be construed as permitting the keeping of livestock in a manner that constitute an animal nuisance as prohibited by Section 7-01-050 of the Alamogordo Code of Ordinances.

Article 4

Article 29-03 of Chapter 29 of the Alamogordo Code of Ordinances is hereby amended to add the following section:

Section 29-03-550 Poultry may be kept in all zoning districts subject to the following conditions:

(1) Four (4) females [hen (chicken), hen (turkey), duck, or goose] may be kept on any lot within the City.

(2) In lots having an area of at least ½ acre but less than 1 acre, 10 females [hen (chicken), hen (turkey), duck, or goose] may be kept.

(3) In lots of 1 acre or larger, 25 females [hen (chicken), hen (turkey), duck, or goose] may be kept per acre.

(4) No rooster or male chickens mature enough to crow or otherwise disturb the peace shall be kept within the City.

(5) Poultry permitted by this chapter shall be housed in outdoor species-appropriate housing.

(6) Secure enclosures which protect the poultry from predators and allow for species specific behaviors including but not limited to roosting, scratching, dusting, and nesting, are required and shall be constructed prior to acquisition of the poultry. Roosting areas shall provide no less than two square feet per bird. The enclosure shall provide adequate shade and must be located at least 10 feet from any other structure and at least 5 feet from any lot line.

(7) Poultry shall be provided with constant access to potable water in sufficient amount as to maintain good health.

(8) Nothing in this section shall be construed as permitting the keeping of poultry in numbers that constitute an animal nuisance as prohibited by Section 7-01-050 of the Alamogordo Code of Ordinances.

Article 5

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Article 6

SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Article 7

EFFECTIVE DATE. This ordinance shall be effective upon its passage, approval, and publication as provided by law.

Done this _____ day of _____, 2015.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Susie Galea, Mayor

ATTEST:

Reneé L. Cantin, City Clerk

APPROVED AS TO FORM:

Stephen P. Thies, City Attorney

First publication approval: 03/10/2015

First publication: 03/15/2015

Final publication approval: 04/14/2015

Final publication: 04/19/2015

Effective Date: 04/24/2015

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: April 14, 2015

Report Date: April 2, 2015

Report No: 7

Submitted By: Renee Cantin

Approved For Agenda: 

Subject: Consider and act upon the final publication of Ordinance No. 1494 Amending Chapter 19 of the City Code establishing rules and regulations governing the use of the Skate Parks.

Fiscal Impact: NA

Amount Budgeted: NA

Fund: NA

Recommendation: Approve the Ordinance for first publication. **Roll call vote required.**

Background: At the Regular Meeting of March 10th, 2015, the City Commission approved the Ordinance for first publication. A summary of the Ordinance was published in the *Alamogordo Daily News* on Sunday, March 15th, 2015. If approved for final adoption, the summary will be published a second time on Sunday, April 19th, 2015 and will be effective April 24th, 2015.

The following information was provided by Stephen Thies, City Attorney at the time it was brought for first publication: The City recently completed the construction of a new skate park located in Washington Park. The new park is a significant improvement over the old park, which is also located in Washington Park and still available for use by the public. In the event any of the Commissioners have not yet seen the new park, I have attached a copy of a concept design of the park.

Since the old park does not contain many of the more challenging features found in the new park, and due to it being a new attraction at the park, it may be advisable to implement certain restrictions that apply to the use of the park. The proposes restrictions set forth in the attached ordinance and are intended not only to protect the users from injury, but the make the use of the park more enjoyable by users of all ages. With respect to the restrictions designed to prevent injury, specifically the wearing of a helmet, the attached ordinance is drafted to make those restrictions applicable only to users who are under the age of 18 years. If it is the desire of the Commission to make those restrictions apply to all users, the Commission can simply amend the ordinance to delete the bracketed phrase "[under the age of 18]". Staff requests approval of Ordinance No. 1494 for first publication.

Reviewed By:

City Attorney _____ City Clerk  _____ Community Development _____ Community Services _____
Finance _____ Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works _____ Purchasing _____ Assistant City Manager _____

ORDINANCE NO. 1494

AN ORDINANCE AMENDING CHAPTER 19 OF THE CITY CODE ESTABLISHING RULES AND REGULATIONS GOVERNING THE USE OF SKATE PARKS

WHEREAS, the City Commission of the City of Alamogordo, New Mexico finds that it is in the best interest of the City and its citizens to promote the public peace and health, safety, and welfare of residents of the City of Alamogordo by establishing regulations for the use of skate board parks owned or operated by the City; and,

WHEREAS, the City Commission hereby declares that skateboarding, roller skating, and in-line skating are hazardous recreational activities that may result in serious injury. All users of the City's skate parks voluntarily assume the risk of serious injury in the use of skate park facilities.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ALAMOGORDO ORDAINS AS FOLLOWS:

Section 1. Article 19-04 of the *Code of Ordinances of the City of Alamogordo, New Mexico, Parks, Playgrounds and Recreation* is hereby amended to add a new section 19-04-020 which shall read as follows:

19-04-020. Skate Park Regulations.

(a) Definitions. The following definitions apply to the provisions of this chapter:

"Skateboard" means a mechanism with wheels that are fastened to a platform commonly constructed to accommodate a standing person. Skateboards are normally propelled by the operator pushing off the ground with one foot, or by the force of gravity. "Skates" mean any footwear device which may be attached to the foot or footwear, to may be used to aid the wearer in moving or propulsion, including in-line skates, roller blades and roller skates.

"Approved helmet" means a head covering designed for safety that meets or exceeds bicycle helmet safety standards adopted by Standard Z-90.4 set by the American National Standards Institute (ANSI), or the Snell Memorial Foundation which are hereby adopted by reference as if fully set forth herein.

(b) Helmet required. It is prohibited for any person [under the age of 18] to engage in activities involving skateboards, roller skates, in-line skates, Razors, scooters, bicycles, or other skating recreational activity in a skate park owned or operated by the City unless that person is wearing an approved helmet.

(c) Regulations of use and rules of conduct. Any person using the skate park shall comply with the following rules and regulations:

1. The hours of use of the skate park shall be established by City Commission and shall be posted at the Skate Park. Use of the park at any time outside the hours posted is prohibited.
2. While skating or skateboarding, the participant may only use those areas designated for skateboarding or related skating activities.
3. While using the facility, the participant must use personal safety equipment comprised of at least head, knee and elbow protection.

4. No food or drink is allowed in the designated skate area.
5. No moveable obstacles or materials (i.e. ramps/jumps) are allowed in the park.
6. Stunt, trick or luge skateboarding is limited to persons 12 years of age or older.

(d) Personal conduct and behavior: The following are prohibited in the skate park area at all times:

1. Possession or use of drugs or alcohol or being under the influence;
2. Fighting or other violence;
3. Possession or use of firearms, knives, or other weapons of any kind;
4. Smoking or use of tobacco products;
5. No amplified music or other excessive noise;
6. No excessive profanity.

(e) Posting of signs at Skate Park. Signs shall be posted at the skate park giving notice that any person using the skate park must wear an approved helmet and that any person failing to do so will be subject to citation and prohibition of use of the facilities for one year. Signs shall also be posted setting rules for use of the skate park as set from time to time by resolution, and violation thereof will be subject to citation.

Section 2. . EFFECTIVE DATE. This ordinance shall take effect upon its adoption and publication.

DONE this _____ day of _____, 2015

CITY OF ALAMOGORDO, NEW MEXICO
A New Mexico municipal corporation

By: _____
Susie Galea, Mayor

ATTEST:

Reneé L. Cantin, City Clerk

APPROVED AS TO FORM:

Stephen P. Thies, City Attorney

First publication approval: 03/10/2015

First publication: 03/15/2015

Final publication approval: 04/14/2015

Final publication: 04/19/2015

Effective Date: 04/24/2015

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: April 14, 2015

Report Date: April 2, 2015

Report No: 8

Submitted By: Stephen P. Thies

Approved For Agenda: _____



Subject: Consider, and act upon, the final publication of Ordinance No. 1495 approving a Local Economic Development Project for secured financial assistance proposed by Orogrande Garnet, LLC.

Fiscal Impact: NA
Amount Budgeted: NA
Fund: NA

Recommendation: Approve Ordinance for final publication. [Roll call vote required]

Background: At the Regular Meeting of March 24th, 2015, the City Commission approved the Ordinance for first publication. A summary of the Ordinance was published in the *Alamogordo Daily News* on Sunday, March 29th, 2015. If approved for final adoption, the summary will be published a second time on Sunday, April 19th, 2015 and will be effective April 24th, 2015.

The following information was provided by Stephen Thies, City Attorney at the time it was brought for first publication: As described in the preceding agenda item, the New Mexico Department of Economic Development has requested the City of Alamogordo to serve as the fiscal agent for an economic development project proposed in Orogrande. As described in the application to the Department, the proposed development is to construct and operate a value added, manufacturing facility in Otero County that will process garnet material into clean blasting and water jet cutting products. Provided the Commission approves the intergovernmental agreement with the State, the next step in the process is approval of the Project Participation Agreement between the City and the company, Orogrande Garnet. Beyond the initial processing of the paperwork, the City's future involvement with the project will consist of conducting employment audits every six months for the next three years.

Staff requests approval of the attached Project Participation Agreement which is accomplished by approving the attached ordinance.

Reviewed By: _____

City Attorney ST City Clerk RC Community Development _____ Community Services _____
Finance _____ Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works _____ Purchasing _____ Assistant City Manager _____

ORDINANCE NO. 1495

APPROVING A LOCAL ECONOMIC DEVELOPMENT PROJECT FOR SECURED FINANCIAL ASSISTANCE PROPOSED BY OROGRANDE GARNET, LLC

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF
ALAMOGORDO, NEW MEXICO** that the following is added to the municipal code:

Pursuant to the City of Alamogordo Economic Development Plan, Ordinance No. 983 and NMSA 1978 Section 5-10-1, et seq. (Local Economic Development Act – “the Act”), the proposed economic development project of Orogrande Garnet, LLC (“the Company”) which is on file with the City Clerk and available for public inspection, is approved for the purposes set forth in NMSA 1978 Section 5-10-1, et seq. and the City of Alamogordo is authorized to enter into a Project Participation Agreement (“The Agreement”) with the Company is required by Section 10 of the Act, and in substantially the same form as attached hereto, the terms of which are incorporation herein.

The City Commission finds as follows:

1. The Company is an entity as defined in NMSA 1978, Section 5-10-3G;
2. Under the Agreement, the Company will provide a substantive contribution for the proposed project as described in NMSA 1978, Section 5-10-10B in the form of going concern, a limited tax base, and employment;
3. The Agreement complies with the requirements of the Act and Ordinance No. 983;
4. The benefit of the proposed project to the City of Alamogordo is repayment of the financial assistance through the creation of jobs and other benefits arising from employment and economic activity under the project which

exceeds the cost to the City of providing to the Company the assistance specified in the agreement, and

5. The Agreement complies with the requirements of Section 10 of the Act and is hereby adopted and approved.

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

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2015.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Susie Galea, Mayor

ATTEST:

Reneé L. Cantin, City Clerk

APPROVED AS TO FORM:

Stephen P. Thies, City Attorney

First publication approval: 03/24/2015

First publication: 03/29/2015

Final publication approval: 04/14/2015

Final publication: 04/19/2015

Effective Date: 04/24/2015

PROJECT PARTICIPATION AGREEMENT

THIS PROJECT PARTICIPATION AGREEMENT entered into this ____ day of _____, 2015, by and between the City of Alamogordo, a New Mexico municipal corporation (the "City") and Orogrande Garnet, LLC, a New Mexico limited liability company, whose business address is 401 Paseo de Peralta, Santa Fe, New Mexico 87501 (the "Qualifying Entity").

RECITALS

A. The purpose of this Agreement is to allow the Qualifying Entity to construct and operate a value added, manufacturing facility in Otero County, New Mexico that will process garnet material into clean blasting and water jet cutting products. Completion of the Project as hereinafter described pursuant to the terms and conditions hereof is in the best interests of the City and the health, safety, and welfare of the residents and the taxpayers of the City of Alamogordo, and is in accord with the public purposes and provisions of applicable state and local laws.

B. By Ordinance No. 983, adopted August 13, 1996, the City has adopted an ordinance pursuant to the statutory authority conferred upon municipalities to allow public support of economic projects to foster, promote and enhance local economic development efforts (N.M. Stat. Ann. Section 5-10-1 through Section 5-10-13-1978). The Ordinance was adopted as part of the City's Economic Development Plan.

C. The New Mexico Economic Development Department, hereafter referred to as (the "Department") has chosen to provide a grant of \$750,000 to the City to support the acquisition of land for the plant operations to be located at Highway 54, Orogrande, New Mexico, to allow the Qualifying Entity to create new employment opportunities for residents of the County and increased tax revenues resulting from such business development within the County (the "EDD Appropriation").

C. By Ordinance No. 1495, adopted April 14, 2015 ("Approval Date"), the City has adopted an Ordinance which establishes that the Qualifying Entity meets the requirements of the Local Economic Development Act and that Qualifying Entity has provided information pertaining to its intent to construct a plant for the processing of garnet material which would create an estimated payroll of \$2,800,000 during the term of this agreement, an amount necessary to fulfill its obligations to repay the provided Economic Development Incentives during the term of this Agreement (the "Project").

D. A material inducement to City to enter into this Agreement is the agreement by the Qualifying Entity to locate its facility in Otero County, which is initially estimated to create \$2,800,000 in new payroll over a period of three (3) years, and the City would be unwilling to enter into this Agreement in the absence of an enforceable commitment by Qualifying Entity to create and thereafter maintain the jobs in accordance with the provisions of this Agreement.

E. Location of the Qualifying Entity's business operations in Otero County will create jobs and substantially improve the economic conditions in the Otero County in accordance with the purposes and goals of the City's Economic Development Plan.

F. As a condition precedent to its receipt of public assistance, the Qualifying Entity is required to execute this Project Participation Agreement.

NOW THEREOF, the Parties agree as follows:

1. **Authority.** The City's execution of this Agreement is authorized by the Local Economic Development Act, NMSA 1978 §5-10-1 through §5-10-13 (2007) (LEDA), Ordinance No. 983, which established the Alamogordo Economic Development Strategic Plan that promotes economic development projects in the County of Otero; and Ordinance No. 1495, which approved the Project. Qualifying Entity's execution and performance of this Agreement constitutes a valid and binding obligation of the Qualifying Entity in the event the Qualifying Entity proceeds with the Project. The Qualifying Entity and, if applicable, each member has full power and authority to execute, deliver and perform, as applicable, this Project Agreement, to make the obligations hereunder, to execute and deliver the Promissory Note and to grant to the City the security as hereinafter described.

2. **Definitions.** For all purposes of this Agreement, except as otherwise expressly provided or unless the context clearly requires otherwise, the following terms have the meanings assigned to them:

"Approval Date" means April 14, 2015.

"Funding Date (Completion of Closing)" shall mean the date described in the Purchase Agreement – Farm and Ranch – 2014, dated December 16, 2014 by and between the Qualified Entity and a third party for the purchase of 1,237.62 acres of real property.

"Orogrande Facility" means the plant to be constructed in Otero County for the purpose of processing garnet material into clean blasting and water jet cutting products.

"Project Period" shall consist of a 36 month period commencing on the Funding Date and ending 36 months later during which the Qualified Entity is obligated to create 47 jobs with a total estimated payroll of \$2,800,000.

"Real Property" shall mean that real property located adjacent to Highway 54, Orogrande, New Mexico, and legally described on the attached Exhibit "A", which is the subject of the above described Purchase Agreement.

3. **Qualifying Entity's Obligations.** The Qualified Entity acknowledges that a material inducement for the City to act as the fiscal agent for the \$750,000 EDD Appropriation described in the *Intergovernmental Agreement Between the New Mexico Economic Development Department and the City of Alamogordo*, a copy of which shall be attached as Exhibit "A", and enter into this Project Agreement is the agreement by Qualifying Entity to locate its Facility in Otero County and create and maintain the number of full-time jobs as hereinafter described within the County for a period of 36 months. Therefore, in consideration of the City's participation in the Project, if Qualifying Entity proceeds with the Project and accepts the EDD Appropriation from the City pursuant to this Agreement, Qualifying Entity agrees that the following performance guidelines shall be met:

(a) **Acquisition of Real Property.** No later than the Funding Date, Qualifying Entity shall acquire the Real Property to allow for the construction of a plant to process garnet material into clean blasting and water jet cutting products, and shall thereafter diligently pursue such construction to completion. In the event that Qualifying Entity fails to close on the purchase of the Real Property by the Funding Date, this Agreement shall terminate and be of no further effect.

(b) **Employment Opportunities.** The Qualifying Entity shall create during the Project Period the following jobs with the estimated payroll:

Job Title or Type	Estimated Pay Scale	At Start-up	Number of Jobs Created	
			Beginning of Year 2	Beginning of Year 3
Salaried CEO, VP, Exec. Asst, Plant Mgr, Accountant, etc.	\$75,000 - \$500,000	10		
Driller	\$18.75	1		
Loader Operator	\$18.75	1		
Haul Truck Driver	\$18.75	2		
Dozer/Grader Operator	\$15.00	1		
Water Truck Operator	\$15.00	1		
Crusher Operator	\$15.00	1		
Foreman	\$23.00	1		
Mechanic	\$15.00	2		
Laborer	\$13.50	1		
Plant Operator	\$18.00	2	1	
Plant Helper	\$12.50	2	1	
Equipment Operator	\$18.00	4	2	
Laboratory, QA, QC	\$18.00	1		
Shipping / Receiving Operator	\$12.50	1		
Bagging Operator	\$18.00	2	4	
Maintenance	\$18.00	2	2	
Administrative	\$14.50	1		
Security	\$14.50	1		
Total No. of Jobs Created				47
Total Estimated Payroll				\$2,800,000+

4. City Obligations.

(a) The City agrees to contribute the EDD Appropriation consisting of the sum of seven hundred fifty thousand dollars (\$750,000) to the Qualified Entity for the Project, subject to receipt by the City of the EDD Appropriation from EDD, which, upon receipt by the City, will be deposited by the City into a separate fund and account of the City.

(b) This Agreement shall not be construed as a commitment, issue or obligation of any specific funds other than those funds to be received by the City from the New Mexico Economic Development Department.

(c) The functions and duties assumed by the City include only those described in this Agreement, and the City is not obligated to act except in accordance with the terms and conditions of this Agreement. The City is under no duty to supervise or inspect the installation or construction contemplated by this Agreement.

5. **Obligation to Repay \$750,000 EDD Appropriation.** The Qualified Entity understands and agrees that the failure of the Qualifying Entity to perform its obligations in accordance with the terms provided in Sections 3(a) and (b) of this Agreement will result in a forfeiture of the \$750,000 EDD appropriation. In the event of forfeiture, the Qualifying Entity agrees to pay to the City the balance of the \$750,000 EDD appropriation not otherwise repaid through the creation of jobs. The Qualifying Entity's obligation to pay to the City the balance of the \$750,000 EDD appropriation not otherwise repaid is evidenced by a demand promissory note (Exhibit "B").

6. **Security for Obligations.** Pursuant to § 5-10-10 (C) (2) NMSA 1978, the Qualifying Entity agrees shall provide to the City as project security the above described demand promissory note (Exhibit "B") in the amount of \$750,000.00 secured by a mortgage against the Real Property (Exhibit "C"), which shall be duly recorded at the Otero County Clerk's Office. The note and mortgage will secure the Qualifying Entity's employment and payroll obligations under this Agreement. The note shall be due and payable on demand after the expiration of the Project Period if the Qualifying Entity fails to meet its employment and payroll obligations under this Agreement. The note shall be deemed satisfied and the mortgage will be released on the date the Qualifying Entity provides evidence satisfactory to the City that it has created 47 jobs with a payroll of \$2,800,000 at the Orogrande Facility. If the Qualifying Entity fails to achieve the required employment and payroll thresholds at the Orogrande Facility by the end of the Project Period, the City may make demand under the note and if the note is not paid on demand, declare a default and foreclose on the mortgage. In the event the City makes demand on the note, the note balance will be deemed to be the lesser of (1) \$750,000.00 or (2) an amount calculated as follows:

The estimated payroll described in paragraph 3(b) minus actual payroll paid prior to the date of demand divided by the estimated payroll multiplied by the amount of the EDD Appropriation. *The difference between the actual payroll paid prior to the date of the demand and the estimated payroll described in paragraph 3(b) multiplied by the amount of the EDD Appropriation.*

For example, if the Qualifying Entity has an actual payroll of \$1,700,000 prior to the demand date, the note balance would be \$294,675.

$\$2,800,000 \text{ minus } \$1,700,000 = \$1,100,000$

$\$1,100,000 \text{ divided by } \$2,800,000 = 0.3929$

$\$750,000 \text{ times } 0.3929 = \$294,675$

7. **Evidence of Job Creation, Job Audit.** The Qualified Entity acknowledges that an inducement for the City to act as the fiscal agent for the \$750,000 EDD Appropriation was the representation in the project application that a minimum of 47 jobs would be created during the Project Period and a minimum of \$2,800,000.00 would be paid to employees at the Orogrande Facility. Twice yearly, and continuing until such time the Qualified Entity has met its employment and payroll obligations, or this Agreement is otherwise terminated, the Qualified Entity shall provide to the City copies of Form ES-903 filed by the Qualifying Entity during each proceeding six month period with the New Mexico Department of Workforce Solutions, and such other documents and evidence that the City may reasonably require to evaluate the Qualifying Entity's progress toward achieving its employment and payroll requirements. All information received from the Qualifying Entity shall be treated in confidence to the fullest extent allowed by law; provided, however, that nothing in the Agreement shall be construed,

permit or required the City to circumvent, obstruct, or fail to comply with the New Mexico Inspection of Public Records Act, §§ 14-2-1, *et seq.* (NMSA 1978).

8. **Facility Closure Claw-back.** Should the Qualifying Entity cease operation of the Project on or before the end of the Project Period, the Qualifying Entity shall, within ninety (90) days of the cessation of operations, pay to the City, in cash, an amount calculated using the formula described in Paragraph 6(2) above. Any claw-backs not paid when due shall bear interest at the rate of prime plus 2% per annum from the due date until paid.

9. **Term.** The term of this Agreement shall commence on the Funding Date and continue for three (3) years after the Funding Date unless terminated sooner as provided herein. If the term of the Promissory Note is extended for any reason, then the term of this Agreement shall automatically be extended so that the agreements are of the same duration.

10. **Obligation to Perform.** The failure of the City to insist, in any one or more instances, upon performance of any of the terms or covenants of this Agreement shall not be construed as a waiver or relinquishment of the City's right to the future performance of any such terms and covenants, and the obligations of the Qualifying Entity with respect to such future performance shall continue in full force and effect.

11. **Termination and Recovery of Appropriation.**

(a) **Events of Default.** The following events shall constitute events of default under this Agreement:

(i) Failure of the Qualifying Entity to fulfill, in whole or in part, any obligation required by this Agreement.

(ii) Cessation by the Qualifying Entity of its garnet processing operations in Otero County.

(iii) Filing by the Qualifying Entity of a petition, case, proceeding, or other action against the City as a debtor under any debtor relief law or seeking appointment of a receiver, trustee, custodian, or liquidator of the Qualifying Entity.

(iv) The abandonment by the Qualifying Entity of all or a portion of its Orogrande Facility.

(v) The discovery by the City that any representation, warranty, or covenant made by the Qualifying Entity in connection with this Agreement was or has become false, materially misleading, erroneous, or breached in any material respect.

(vi) The Qualifying Entity assigns, sells, hypothecates, or transfers a majority interest in its business entity, whether in a single transaction or a series of transactions. (If the Qualifying Entity desires to assign, sell, hypothecate, or transfer a majority interest in its business entity, whether in a single transaction or a series of transactions, before expiration of this Agreement, the City retains the right to reject any and all assignments, sales, hypothecations, or transfers of any interest in the Qualifying Entity's business entity until, in the sole discretion of the City, adequate assurances are given that the assignee, buyer, hypothecatee, or transferee is a qualifying entity under the Alamogordo Economic Development Plan and that terms of this Agreement will be satisfied by the assignee, buyer, hypothecatee, or transferee.)

(b) Qualifying Entity's Response to Default. Upon the occurrence of an event of default by the Qualifying Entity specified in this Agreement, the City shall notify the Qualifying Entity in writing that an event of default has occurred under this Agreement. Within thirty (30) days of the receipt of such notice, the Qualifying Entity shall:

(i) Cause the default to be cured; or

(ii) Furnish a written response indicating:

(1) The factors which caused or contributed, in whole or in part, to the occurrence of default;

(2) The measures the Qualifying Entity has undertaken to avoid the reoccurrence of default in the future;

(3) Whether any performance measure not achieved can still be achieved in a timeframe acceptable to the City; and

(4) What further action the Qualifying Entity plans to take to achieve the performance measure in a timeframe acceptable to the City.

(c) City Response to Default. The City staff shall review the response furnished by the Qualifying Entity and within thirty (30) days from the receipt of such response, recommend to the City Commission whether to modify or terminate this Participation Agreement. The Qualifying Entity shall have an opportunity to make a presentation to the City Commission at any meeting where such recommendation will be acted upon. The decision of the City Commission will be final and binding. Other than the opportunity for the Qualifying Entity to make a presentation to the City Commission, in the event of default nothing herein shall be construed to limit in any way the power and authority of the City Commission to terminate this Agreement and to demand immediate repayment of the Economic Incentive, including all interest both accrued and deferred; and to foreclose upon, collect, and recover all collateral pledged by the Qualifying Entity as security for the Promissory Note if repayment is not made.

12. Effect of Termination. Except for any obligations that accrue prior to such termination or except as otherwise provided in this Agreement, which obligations shall survive the termination of this Agreement, other rights, responsibilities and liabilities of the parties under this Agreement shall be extinguished upon the applicable date of termination of this Project Agreement.

13. No Joint Venture. It is acknowledged and agreed by the parties that the terms of this Agreement are not intended to and shall not be deemed to create a partnership or joint venture among the parties. Neither party shall have any authority to act on behalf of the other party under any circumstances of this Agreement.

14. Appropriations. The performance by the City of any of the terms, covenants, or conditions in this Agreement that the City is obligated to perform shall be subject to the availability of appropriated funds that may be lawfully used for such purpose.

15. Miscellaneous Provisions:

(a) If any legal action should be necessary for the enforcement of this Project Agreement or because of an alleged dispute, breach, default or misrepresentation in connection with any of the provision of this Agreement, the City shall be entitled to recover its reasonable attorney fees and/or other costs incurred in that action or proceeding in addition to any other relief which the City may be entitled to under the law.

(b) The parties agree that in the event of any dispute, venue for such dispute shall be laid and established in the District court of Otero County, New Mexico and no other.

(c) City and the Qualifying Entity will do all things reasonably necessary or appropriate to carry out the terms and provisions of this Agreement, and to aid and assist each other in carrying out such terms and provisions.

IN WITNESS WHEREOF, the Parties hereto have entered into this Agreement as of the day and year first written.

CITY OF ALAMOGORDO

By: _____
James R. Stahle, City Manager

ATTEST:

Reneé L. Cantin, City Clerk

OROGRANDE GARNET, LLC

By: _____

Its _____

APPROVED AS TO FORM:

Stephen P. Thies, City Attorney

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: April 14, 2015

Report Date: March 20, 2015

Report No: 9

Submitted By: Matt McNeile,
Assistant City Manager

Approved For Agenda: 

Subject: Consider, and act upon, Resolution No. 2015-18 supporting the New Mexico Department of Tourism Litter Control and Beautification grant for Keep Alamogordo Beautiful (KAB).

Fiscal Impact: \$26,475

Amount Budgeted: \$12,000

Fund: 037

Recommendation: Approve the Resolution. **[Roll call vote required]**

Background: By approving this resolution, the City Commission will voice support for the annual beautification grant proposal. Each year, the New Mexico Department of Tourism assists local and tribal governments by awarding grant funding to reduce litter by involving the public during local community and statewide events, programs and projects.

The objective of the grant proposal as written is not only to reduce litter, but offer youth groups and individual youth to receive financial incentives and experience for employment. In addition, business owners and patrons benefit from having a litter free environment in which to do business. And finally, visitors and tourists to Alamogordo receive an enhanced impression of the City of Alamogordo due to cleaner public spaces and roadways.

Reviewed By:

City Attorney  City Clerk  Community Development _____ Community Services _____
Finance  Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works _____ Purchasing _____ Assistant City Manager 

RESOLUTION NO. 2015-18

**A RESOLUTION SUPPORTING THE NEW MEXICO DEPARTMENT OF TOURISM
LITTER CONTROL AND BEAUTIFICATION GRANT**

WHEREAS, the City Commission of the City of Alamogordo of Otero County, State of New Mexico recognizes the need for litter control through elimination, prevention, reduction, beautification, education and recycling;

WHEREAS, the New Mexico Department of Tourism, received legislative authority through the Litter Control and Beautification Act of 1985 to create the *New Mexico Clean and Beautiful* Grant Program, to prevent litter in our state from becoming a public nuisance and damage the economy by making it less attractive to tourists and newcomers,

WHEREAS, the New Mexico Department of Tourism, through the *New Mexico Clean and Beautiful* Grant Program, is soliciting proposals for community involvement for FY2016 grant, which objective is to prevent, control and eliminate litter, reduce waste and recycle materials, beautify and eliminate graffiti and weeds from public spaces; educate citizens on solid waste handling and raise overall awareness; involve more New Mexicans by enlisting them as volunteers in program and community sponsored activities and build and/or continue partnerships especially with the Tourism Industry,

WHEREAS, the governing body of the City of Alamogordo seeks to receive grant funding from the New Mexico Department of Tourism for education, litter eradication projects and beautification/ improvement programs.

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of Alamogordo that the litter control and beautification/ community grant application is hereby supported and endorsed,

BE IT FURTHER RESOLVED that James Stahle, City Manager, is the GRANTEE REPRESENTATIVE and shall be authorized to submit any documents pertaining to the project and act as the single point of contact; and,

BE IT FURTHER RESOLVED that the City Commission hereby requests the New Mexico Department of Tourism, Litter Control and Beautification Section, to consider and approve the City of Alamogordo's grant application.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2015.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

Susie Galea, Mayor

ATTEST:

Reneé L. Cantin, City Clerk

APPROVED AS TO FORM:

Stephen P. Thies, City Attorney

NMCB1600016

Applicant Information

Type of Entity * : Municipality

Name of Entity (Organization Name) * : CITY OF ALAMOGORDO

Applicant First Name * : JASON

Applicant Last Name * : RICHARDS

Phone * : 575-439-4250

Email * : JRICHARDS@CL.ALAMOGORDO.NM.US

Mailing Address 1 * : 1376 NINTH STREET

Mailing Address 2 :

City * : ALAMOGORDO

State * : New Mexico

Zip Code * : 88310

Is the shipping address the same as Mailing Address? : ☒ Yes

Shipping Address 1 (if different than above) :

Shipping Address 2 :

Shipping City :

Shipping State : New Mexico

Shipping Zip Code :

Primary Contact First Name (if different from above) : ERIK

Primary Contact Last Name : MARION

Primary Contact Phone : 575-439-4139

Primary Contact Email : KAB@CL.ALAMOGORDO.NM.US

Financial Contact First Name (if different from above) :

Financial Contact Last Name :

Financial Contact Phone :

Financial Contact Email :

Population * : 34,422

Total Amount Requested * : \$0.00

Overview and Eligibility

Take a moment to review this page.

You will see that this year's grant application is a little different from previous years. Rather than dividing the focus areas of litter reduction, beautification, recycling, etc., it calls for a more holistic approach, one that combines two or more focus areas under the auspices of a single project or event.

You may submit up to four forms. For example, two project forms, one for an event (grouping or series of events) and one for youth employment. Even though you will see multiple Project and Event Criteria forms you do NOT need to complete all of them; only four will be considered.

Before proceeding, download the supporting materials which include an introduction, sample application and frequently asked questions and verify your eligibility (see criteria below).

Eligibility

Section 8 Eligibility: Those localities as defined under Section 6, Definitions, 6.10.

Section 6.10 Locality - All 33 New Mexico counties, all incorporated towns, all incorporated cities and New Mexico Indian nation, tribe or pueblo government.

Project 1

Project Overview

Write a brief narrative in which you describe the issue and explain how your project will make a visible difference in your community. Think BIG! Focus on a larger creative project that is comprised of the multiple focus areas (beautification, litter/weed/graffiti eradication, recycling, education).

Create a community garden or park, xeriscape a public space with native vegetation, build a multi-use recreation path, paint or tile murals on walls with high incidence of graffiti. Consider visual, sustainable impact (i.e. pick up litter AND install a trash barrel at the site).

Project Overview (20 points) * :

This project will support current, established programs. We have re-established our adopt-a-park and area programs and funds will be applied to purchase signage for recognition. Funds will be used to purchase replacement equipment for periodic litter cleanups. The funds would also be used to replace aged trash cans and purchase liners for events. The funds would also be used to fund the Curb Your Tree recycling program that we will expand to include Holloman AFB. Funding will also be used to assist with material costs and volunteer support for Toss No Mas and Great American Cleanup projects. The funds will also be used to purchase reusable bags for an annual Reusable Bag Drive. The funds will also be used to support travel, per diem, registrations and fees that keep good standing at the National Level.

Goal

Describe your overarching goal and how receiving and utilizing grant funds will help you accomplish it.

Use the S.M.A.R.T. acronym to ensure your goal is Specific, Measurable, Attainable, Relevant and Time-bound

Goal (20 points) * :

The overarching goal is to maintain our successful and sustainable programs that have been in effect and still relevant over the course of the years. These programs are easily trackable for measurement and specificity based on past reporting procedures. They are relevant since they are already established as legacy programs. Dates and timelines have been established for all of our current programs.

Objectives

Outline the key tactics that will guide you toward achieving the goal. Where possible and relevant, address the focus areas of litter reduction/weed eradication, beautification/graffiti eradication, education and recycling.

Each objective should be linked to an activity that will assist you in ultimately reaching your overarching goal. For example, where the goal may be to build a community garden, objectives will address the focus areas by: removing litter and weeds on the site, involving/educating youth about gardening, installing compost/recycling/trash receptacles, painting a mural on any bordering walls and the final product is a beautified space.

Objectives (15 points) * :

Litter/Weed Eradication

1. Expand Adopt a Park and Area programs to keep parks litter free year-round through recognition and ease of reporting
 2. Continue support of major community events to build awareness for the program
 3. Make our parks more beautiful by replacing aged receptacles with new outdoor receptacles
- Recycling

1. Expand our community reach for Curb Your Tree recycling to Holloman AFB
2. Expand the amount of reusable bags to collect more plastic bags and provide more donations to youth based group Beautification
1. Have two major beautification projects (Toss No Mas, GAC) that beautify a City owned space

Partnerships

List local and national partners and how those collaborations will contribute to your success.

In addition to those governments and businesses you count on every year, consider working with your local Main Street organization, Arts & Cultural District or capitalize on a municipal designation like Bicycle Friendly Community, Playful or Tree City USA. Include in-kind and monetary donations from public and private entities, civic groups volunteering hours, access to media or online audiences.

Partnerships (15 points) * :

Most of our partnerships involved with our current programs relies on the work of volunteers. Several civic, youth and military groups have always partnered with Keep Alamogordo Beautiful to ensure that the labor involved with our current projects are covered.

The City of Alamogordo has always shown support through additional funding and labor.

Scope of Work / Implementation Plan

Elaborate on the tasks that will be undertaken to accomplish each objective. Include marketing and how it will be incorporated in the process.

Purchase allowable supplies (safety, cleanup and landscaping tools and equipment, trash and recycling receptacles, paint, educational materials, etc.), sub-contract with civic and affinity groups, schedule work dates, print and distribute marketing materials like posters, flyers and t-shirts.

Scope of Work/Implementation Plan (10 points) * :

Projects will require:

The purchase of materials (utilize Lowe's discount when applicable, KAB logo when possible on materials, liners, trash receptacles, paint, reusable bags, wood/brick/metal for repairs and new construction, reusable bags, signage)

Acquiring the labor for projects (civic groups, youth groups, military groups)

Notifying Public (radio liners, Facebook page, website events calendar, newsletter)

Posting results (Facebook, reporting)

Timeline

Identify your project time frame from start to finish.

List milestone dates like when you will have conceptual drawings complete, partners on-board, supplies secured, project start and completion dates scheduled.

Timeline (5 points) * :

These programs vary on times and dates throughout the fiscal year.

Measurement

State performance criteria you will use to measure success.

Submit an end-of-year report summarizing how your efforts made your goal a reality. Criteria could include before and after photos, anecdotal evidence about community pride, number of volunteers that participated, trash/recyclables collected, press releases or media coverage.

Measurement (5 points) * :

of Parks adopted, # of areas adopted, # of plastic bags recycled, # of volunteer hours, # of participants, # of trash bags, # of trees collected, pounds of plastic and aluminum collected, community attendance, communities involved, miles/areas cleaned and/or beautified, govt. cost avoidance, # of events

Add another project? * : Yes

Project 2

Project Overview

Write a brief narrative in which you describe the issue and explain how your project will make a visible difference in your community. Think BIG! Focus on a larger creative project that is comprised of multiple focus areas (beautification, litter/weed/graffiti eradication, recycling, education).

Create a community garden or park, xeriscape a public space with native vegetation, build a multi-use recreation path, paint or tile murals on walls with high incidence of graffiti. Consider visual, sustainable

impact (i.e. pick up litter AND install a trash barrel at the site).

Project Overview (20 points) * :

This project is to create a community garden that will support several levels of use including, general public, educational programs, senior programs, veteran programs, and low-income programs. Land will be provided by the City of Alamogordo to utilize for the project. Several organizations and civic groups have shown support for the implementation.

As of now, there is 75% support from the community for the implementation and the planning phase is underway. The funding for this project will purchase materials to construct planting plots for the garden.

Goal

Describe your overarching goal and how receiving and utilizing grant funds will help you accomplish it.

Use the S.M.A.R.T. acronym to ensure your goal is Specific, Measurable, Attainable, Relevant and Time-bound

Goal (20 points)

* :
The overarching goal is to create a sustainable community garden program. The garden would support the general community, provide educational opportunities to K-12 students as well as undergraduate education, provide recreation for senior and veteran populations. Due to the current community, organizational and government support, the project is very attainable and relevant.

Objectives

Outline the key tactics that will guide you toward achieving the goal. Where possible and relevant, address the focus areas of litter reduction/weed eradication, beautification/graffiti eradication, education and recycling.

Each objective should be linked to an activity that will assist you in ultimately reaching your overarching goal. For example, where the goal may be to build a community garden, objectives will address the focus areas by: removing litter and weeds on the site, involving/educating youth about gardening, installing compost/recycling/trash receptacles, painting a mural on any bordering walls and the final product is a beautified space.

Objectives (15 points) * :

Beautification

1. Create a public space to utilize as a community garden that will support the general public and low-income population, and create recreational opportunities for senior citizens and veterans

Recycling

1. Create a compost station that will support fertilization for the garden and encourage recycling solid waste

Education

1. Create spaces specifically used for educating K-12 and college students as education on the benefits and methods of gardening

Awareness

1. Place KAB signage at educational spaces to promote program awareness

Partnerships

List local and national partners and how those collaborations will contribute to your success.

In addition to those governments and businesses you count on every year, consider working with your local Main Street organization, Arts & Cultural District or capitalize on a municipal designation like Bicycle Friendly Community, Playful or Tree City USA. Include in-kind and monetary donations from public and private entities, civic groups volunteering hours, access to media or online audiences.

Partnerships (15 points) * :

Lowes and home Depot have community grants available to assist with materials and labor

Bureau of Reclamation—education and possible site for research garden

NMSU—research and education, volunteers

APS—students, education

NMSUA—education

Otero Co. Extension office—Education and Master Gardeners (education, program support)

Public Housing—low-income programs

Department of Health—volunteers

CAPPED—research and volunteers

Holloman AFB—volunteers

City of Alamogordo - land usage, construction labor, materials, program sustainability

Scope of Work / Implementation Plan

Elaborate on the tasks that will be undertaken to accomplish each objective. Include marketing and how it will be incorporated in the process.

Purchase allowable supplies (safety, cleanup and landscaping tools and equipment, trash and recycling receptacles, paint, educational materials, etc.), sub-contract with civic and affinity groups, schedule work dates, print and distribute marketing materials like posters, flyers and t-shirts.

Scope of Work/Implementation Plan (10 points) * :

Board of Directors established - done
 Support from Organizations - done (see partnerships above)
 Community Interest surveys - done (online poll shows 75% support of program [92 votes])
 Planning - 3-6 months - site selection, landscape architecture drawings, potable water, materials determined
 Purchase of materials - 1 month (railroad ties, soil, concrete, piping and joints, hose bibs, shed, compost station, fertilizer)
 Construction - 3-6 months (raised plots, potable water installation, parking and sidewalks, restrooms, shed, compost station)
 Marketing - continual (marketing to solicit in-kind, build awareness, lease plots, notify of milestones)
 Leasing public plots - ongoing (establish fees, establish rules, marketing)
 Sustainability - continual (board of directors to establish educational programs and timelines and rules, set aside seeding funds for repairs and tool replacement)

Timeline

Identify your project time frame from start to finish.

List milestone dates like when you will have conceptual drawings complete, partners on-board, supplies secured, project start and completion dates scheduled.

Timeline (5 points) * :

Partners and community support has been established, site selection should be established by August, drawings completed by November, purchase of materials completed by December, construction completed by March for spring opening. Leasing, marketing and sustainability are ongoing aspects and will continue throughout the year.

Measurement

State performance criteria you will use to measure success.

Submit an end-of-year report summarizing how your efforts made your goal a reality. Criteria could include before and after photos, anecdotal evidence about community pride, number of volunteers that participated, trash/recyclables collected, press releases or media coverage.

Measurement (5 points) * :

of organizations involved, in-kind donations (\$\$, materials, labor), additional funding provided, # of spaces beautified, # of volunteers, hours worked, govt. cost avoidance, pounds of solid waste composted, communities involved, # of press releases, # of community participants, # of educational programs

Add another project? * : Yes

Project 3

Project Overview

Write a brief narrative in which you describe the issue and explain how your project will make a visible difference in your community. Think BIG! Focus on a larger creative project that is comprised of multiple focus areas (beautification, litter/weed/graffiti eradication, recycling, education).

Create a community garden or park, xeriscape a public space with native vegetation, build a multi-use recreation path, paint or tile murals on walls with high incidence of graffiti. Consider visual, sustainable impact (i.e. pick up litter AND install a trash barrel at the site).

Project Overview (20 points) * :

This project will support all of our current projects and projected projects through promotion and awareness of the Keep Alamogordo Beautiful program and its individual events, programs and initiatives. Funding will be used to purchase promotional items such as pens, tshirts, water bottles, keychains, bumper stickers and small stickers. It will also be used to purchase print and radio advertising that will build awareness of the program and individual events.

Goal

Describe your overarching goal and how receiving and utilizing grant funds will help you accomplish it.

Use the S.M.A.R.T. acronym to ensure your goal is Specific, Measurable, Attainable, Relevant and Time-bound

Goal (20 points)

* :

The goal is to build community support and awareness of the Keep Alamogordo Beautiful program, recruit volunteers and organizations, develop board and youth advisory council. These can be measured through volunteer lists, surveys, and polls. Also, additional in-kind donations can be measured through the awareness campaign.

Objectives

Outline the key tactics that will guide you toward achieving the goal. Where possible and relevant, address the focus areas of litter reduction/weed eradication, beautification/graffiti eradication, education and recycling.

Each objective should be linked to an activity that will assist you in ultimately reaching your overarching goal. For example, where the goal may be to build a community garden, objectives will address the focus areas by: removing litter and weeds on the site, involving/educating youth about gardening, installing compost/recycling/trash receptacles, painting a mural on any bordering walls and the final product is a beautified space.

Objectives (15 points) * :

Litter/Weed Eradication

1. Build awareness of Adopt a Park and Adopt an Area programs
2. Encourage events to consider KAB as a waste management alternative (fee involved)
3. Encourage the public to report weeds to Code Enforcement

Beautification/Graffiti Eradication

1. Build awareness of the City's graffiti removal program
2. Market Toss No Mas and GAC events as well as other beautification projects

Education

1. Create educational ads that promote all focus areas
2. Utilize National ad campaign to educate the public

Recycling

1. Promote current recycling program

Partnerships

List local and national partners and how those collaborations will contribute to your success.

In addition to those governments and businesses you count on every year, consider working with your local Main Street organization, Arts & Cultural District or capitalize on a municipal designation like Bicycle Friendly Community, Playful or Tree City USA. Include in-kind and monetary donations from public and private entities, civic groups volunteering hours, access to media or online audiences.

Partnerships (15 points) * :

Burt Broadcasting - Local radio station - provides matching and in-kind advertisements

WP Broadcasting - Local radio station - provides matching and in-kind advertisements

Alamogordo Daily News - Local newspaper - provides matching and in-kind advertisements

City of Alamogordo - provides additional funding for program promotion

KAB - provides ad campaign messages

Keep New Mexico True - provides ad campaign messages

Chamber of Commerce - provides additional advertising

Event Owners - allow free booth, logo presence, banner presence at their events

Scope of Work / Implementation Plan

Elaborate on the tasks that will be undertaken to accomplish each objective. Include marketing and how it will be incorporated in the process.

Purchase allowable supplies (safety, cleanup and landscaping tools and equipment, trash and recycling receptacles, paint, educational materials, etc.), sub-contract with civic and affinity groups, schedule work dates, print and distribute marketing materials like posters, flyers and t-shirts.

Scope of Work/Implementation Plan (10 points) * :

Establish marketing mix, negotiate in-kind and matching deals, create budget, create messages or use messages developed by NMCB and KAB, implement ad campaigns throughout the year

Timeline

Identify your project time frame from start to finish.

List milestone dates like when you will have conceptual drawings complete, partners on-board, supplies secured, project start and completion dates scheduled.

Timeline (5 points) * :

Establish Marketing Mix completed by June, Negotiate with partners by July, Create messages and acquire messages by August, begin implementation of campaigns throughout the year

Measurement

State performance criteria you will use to measure success.

Submit an end-of-year report summarizing how your efforts made your goal a reality. Criteria could include before and after photos, anecdotal evidence about community pride, number of volunteers that participated, trash/recyclables collected, press releases or media coverage.

Measurement (5 points) * :

of Facebook "likes" increase, # of volunteers as compared to previous years, # of adopt a park and area sponsors, community attendance at events, CPM, % increase in in-kind donations, increase in cost-benefit analysis

Event 1

Event Overview

Write a brief narrative in which you describe a major cleanup/beautification event and explain how it will make a visible difference in your community. For example, highlight a single day or recurring multi-day event like Great American Cleanup, Toss No Más, America Recycles Day, Tire Amnesty or Earth Day.

Event Overview (20 points) * :

NA

Goal

Describe your overarching goal and how receiving and utilizing grant funds will help you accomplish it. Describe your goal using the S.M.A.R.T. acronym to ensure your goal is Specific, Measurable, Attainable, Relevant and Time-bound.

Overarching Goal (20 points) * :

NA

Objectives

Outline the key tactics that will guide you toward achieving the goal. Where possible and relevant, address the focus areas of litter and weed reduction, beautification/graffiti eradication, education and recycling. Each objective should be linked to an activity that will assist you in ultimately reaching your overarching goal.

For example, with a goal to prepare Albuquerque for visitors to Balloon Fiesta, objectives will address focus areas by:

1. Cleaning Balloon Fiesta Park and nearby open space
2. Involving/educating youth about how recycled plastic can be used in balloon basket material
3. Installing compost/recycling/trash receptacles
4. Painting murals on spaces with high incidence of graffiti

Objectives (15 points) * :

NA

Partnerships

List local and national partners and how those collaborations will contribute to your success. Events that leverage the Keep America Beautiful brand, its programs and related media by participating in Great American Cleanup, America Recycles Day or any of the others will be ranked more highly.

In addition to those governments and businesses you count on every year, consider working with your local farmers and Farmers Markets, Green Chamber of Commerce, event planning or destination management companies.

Be sure to include in-kind and monetary donations from public and private entities, civic groups volunteering hours, access to media or online audiences in your budget (refer to downloadable spreadsheet).

Partnerships (15 points) * :

NA

Scope of Work

Elaborate on the tasks that will be undertaken to accomplish each objective. Include youth employment and marketing and how they will be incorporated in the process.

For example:

- Purchase allowable supplies (safety, cleanup and landscaping tools and equipment, trash and recycling receptacles, paint, educational materials, etc.).
- Sub-contract with civic and affinity groups.
- Schedule dates.
- Print and distribute marketing materials like posters, flyers and t-shirts.

Scope of Work / Implementation Plan (10 points) * :

NA

Timeline

Identify event dates along with major pre-event deadlines.

List milestone dates like when you will have permits secured, partners on-board, supplies purchased, project start and completion dates scheduled.

Timeline (5 points) * :

NA

Measurement

State performance criteria you will use to measure success. Criteria could include before and after photos, anecdotal evidence about community pride, number of volunteers that participated, trash/recyclables collected, press releases or news articles (print or online).

Awardees will be required to submit an end-of-year report summarizing how your efforts made your goal a reality.

Measurement (5 points) * :

NA

Add another event? : No

Youth Employment Criteria

Job Description (25 points)

Write a brief narrative in which you describe the meaningful practical experience your intern(s) will gain working as part of your team. * :
This internship will provide the intern a comprehensive hands on experience with the daily administrative duties required by Keep Alamogordo Beautiful. They will learn the focus areas of the program and their individual programs. They will perform duties that involve budgeting, data entry and time-management which will improve their competitive advantage in the field of non-profit business administration. They will learn the nuances of City government. This funding will also provide funding for youth subcontracts for funded litter-free events.

Goal (25 points)

Describe your overarching goal for the internship program and how receiving and utilizing grant funds will help you accomplish it. * :
The overall goal of the program is to provide the intern with an experience that allows them to teach and learn during the tenure. The program will allow them to build social skills through community interaction, office experience through answering phones, creating schedules, data entry and taking responsibility. It offers them the opportunity to teach others about the programs and learn about our programs to discuss with their peers.

The goal of youth subcontracts is to assist in the sustainable funding of youth based programs, build awareness of the KAB program, and teach them the value of proper waste disposal and recycling

Scope of Work / Implementation Plan (20 points)

Elaborate on the tasks that will be assigned to your youth employees. Explain how these assigned tasks will help you accomplish your individual objectives and overall goal. * :

Interns:

- Will facilitate grant reporting to NMCB and KAB
- Will facilitate reporting for National good standing
- Will facilitate maintaining account balances and reimbursement requests
- Will facilitate administrative duties (phones, scheduling)
- Will facilitate the acquirement of materials to set up events and educational programs
- Will facilitate social media and press releases
- Will facilitate events as needed

Youth Subcontracts

- Will facilitate the replacement of receptacle liners
- Will facilitate the replacement of recyclable containers
- Will facilitate in the collection and proper placement of recyclables (plastics, aluminum, cardboard)
- Will facilitate in litter collection during and after the event
- Will report their efforts to KAB

Timeline (10 points)

Identify the overall employment time frame from start to finish. * :

- Aug - Job Release
- mid - Aug - interview process
- end of August - selection of candidate
- September - start date
- November - 1st term complete

- January - Job release
- mid - January - interview process
- end - January - selection of candidate
- February - start date
- end of April - 2nd term complete

Youth subcontracts are issued throughout the fiscal year during selected funded events

Measurement (5 points)

State the performance criteria you will use to measure success. You and your employees will be asked to submit an end-of-year report summarizing how their efforts helped you achieve your goal.

* :
 Interns:
 Start of work survey/end of work survey (to determine knowledge gained), performance evaluation, exit interview

Youth subcontracts:
 # of volunteers, # of hours worked, # of bags collected, pounds of recyclables

Rule 18 NMAC 31.4, section 13 Authorized Uses of Grant Funds:

B. Youth Employment Uses:

(1) Hiring of youths between the ages of 14-25. They must be enrolled in school or show verification of intent to continue their education. Suggested salary should not exceed minimum wage plus \$1.00 per hour.

(2) Sub-contract with local youth groups for litter prevention, elimination, control, source reduction, recycling, beautification and cleanup projects.

Example: FFA of your local High School to be paid "\$100.00" for "cleaning up Main Street twice this year."

Grant History and Comprehensive Budget

Grant History and Comprehensive Budget

(10 points per each Project and Event form, 15 points for Youth Employment)

Grant amount awarded in FY14: :
 \$ 20,000.00

Amount reverted in FY14: :
 \$ 1,959.00

Date FY14 Performance and Accounting Report submitted: :
 07-10-2015

Grant amount awarded in FY15: :
 \$ 12,000.00

Grant amount requested for FY16: * :
 \$

Download the attached spreadsheet and utilize it to submit a detailed budget of anticipated income and expenses.

Include additional grants, matching funds, in-kind donations, marketing, supplies, promotional items. Note any future cost savings as a result of your work (e.g. energy/cost reduction from newly installed solar lighting or decreased waste disposal, jobs created from increased recycling).

Keep America Beautiful Affiliate applicants should also include fees and travel-related expenses

Download Budget Template

[Application Worksheets and Budget FINAL](#)

Please use the button Below to upload your Supporting Documents

Upload * :

**Clean and Beautiful
 grant application-2016**
 :

FY16 Projected Budget
 for Application -
 Alamogordo

Comprehensive Budget
 including expenses and
 donations

FY16_Budget_for_Application.xls-

Keep America Beautiful (KAB) Affiliate Network

KAB Affiliation (10 points) Yes

Are you a certified KAB Affiliate in good standing as of January 1, 2015? * :

As you know, Good Standing criteria strengthens the national KAB network and supports its mission. To maintain certification affiliates must meet the required criteria annually. To verify your standing please respond to the following questions.

Do you have an active Board of Directors/Committee/Commission/Advisory Council? * : Yes

Do you have an active Executive Director/Coordinator/Affiliate Leader? * : Yes

Did your Affiliate Coordinator attend at Yes

least six hours of training last year? * :

Did your Affiliate submit its Semi-Annual Report by March 15, 2015? * : Yes

Did your Affiliate submit its Annual Report by August 1, 2015? * : Yes

Are your Affiliate annual dues current? * : Yes

Supplemental Information

Are you interested in learning more about the benefits of affiliating with Keep America Beautiful? * : No

Pilot Projects (for future consideration)

Would you like to share any other ideas or plans for a project that requires more significant resources to complete? : Yes

Project Name : Keep Alamogordo Beautiful mobile app

Brief Description :

This mobile app will facilitate both android and iphone systems. The app will be a comprehensive way to report illegal dumping, graffiti, weeds, and submit event reports to be sent to the proper dept.

Projected Total Cost : \$ 20,000

Sign and Submit Application by March 31, 2015

Electronic Signature

By submitting this application, candidate agrees his/her entity meets the eligibility and applicability requirements. Applications must be received on or before the deadline date and submitted via the designated website in order to be considered. Submitting an application does not guarantee an award nor commit the State of New Mexico, any of its entities or programs to fund any applicant or project described herein.

Following the evaluation process, candidates will be informed of any award in writing. They are then responsible for revising any descriptions and/or budget as necessary, executing the agreement (once accepted and countersigned), securing a minimum of 25% of the total award in matching funds and completing projects agreed upon by both parties.

Reimbursement checks will be processed once contracts are in force, when requests are received on time and include complete and accurate documentation. End of year reimbursement checks will be processed for payment once all final performance and financial reports are received and deemed accepted.

Applicant Signature: * : Jason M Richards

Date submitted: * : 03-19-2015

Due Date

Completed applications must be submitted by 11:59 P.M. on Tuesday, March 31, 2015. Late or incomplete applications will not be considered.

Projects & Events Budget

Enter four maximum (three if adding Youth Employment)
Continue on a separate spreadsheet and adjust totals as necessary

Budgeted Program Expenses:

Project 1

Project 2

Project 3

Event 1

Event 2

Event 3

Adopt a Park/Area signage

\$325.00

Litter grabbers

\$200.00

Commercial Rubbermaid trash cans

\$1,000.00

Commercial outdoor metal trash receptacles

\$2,000.00

Trash Bags for all events

\$300.00

Curb Your Tree labor Subcontracts for 5 areas

\$1,250.00

Toss No Mas and GAC events: Paint, repair materials, trees, native plants, fasteners, trash Reusable bags w/ KAB logo

\$3,000.00

\$750.00

Community Garden construction materials: soil, railroad ties, piping, hose bibs, shed materials,

\$5,000.00

Radio advertisements

\$1,500.00

Print advertisements

\$1,500.00

Banners

\$300.00

Promotional items: pens, bumper stickers, stickers, keychains, tshirts, water bottles

\$1,500.00

Sub Total Program Resources:

\$8,825.00

\$5,000.00

\$4,800.00

\$0.00

\$0.00

\$0.00

Total:

\$18,625.00

In-Kind and Monetary Donations, List All:

Entity Name:	Items:	In-kind Value	Mark G for Gov't or P for Private
City of Alamogordo	Land donation	\$60,000.00	g
Burt Broadcasting	In-kind match above and beyond spending	\$2,000.00	p
WP Broadcasting	In-kind match above and beyond spending	\$2,000.00	p
City of Alamogordo	Community Garden Construction labor	\$2,000.00	g
City of Alamogordo	Materials for Community Garden	\$2,000.00	g
City of Alamogordo	Ink and Toner Recycling Fundraising	\$200.00	g
		Total:	\$68,200.00

Summary	
Total Expenses:	\$18,625.00
Total In-kind:	\$68,200.00
Grand Total:	\$86,825.00
Match Percent (%):	79%

Total page 1 and any additional worksheet totals

Total page 2 and any additional worksheet totals

Total B56 + B57

Divide B56 by B57

Youth Employment Budget					
Project Names (please list below):	Number of Individuals To Be Hired:	Amount	Number Of Youth Group Sub Contract	Amount	Number of Youth in groups
Youth Intern-Fall (Sept-Nov)	1	\$1,500.00			
Youth Intern-Spring (Feb.-April)	1	\$1,500.00			
Youth Subcontracts for Funded Litter-Free events			12	\$2,200.00	120
Sub Total Youth Employment:	2	\$3,000.00	12	\$2,200.00	120
			Total:	\$5,200.00	

In-Kind and Monetary Donations, List All:			
Entity Name:	Items:	In-kind Value	Mark G for Gov't or P for Private
All funded youth subcontracts	Must provide service to a non-funded event	\$2,200.00	p
Event Owners (20-24 throughout year)	Free Booth presence, banner placement, announcements	\$6,000.00	p
Total:		\$8,200.00	

Summary	
Total Expenses:	\$5,200.00
Total In-kind:	\$8,200.00
Grand Total:	#####
Match Percent (%):	61%

Total G29 and any additional worksheet totals

Divide B33 by B34

Keep America Beautiful Affiliate Programs Budget

List requests for funding your Keep America Beautiful program:	
Items	Program Resources
Keep America Beautiful Materials:	
Keep America Beautiful Materials Subtotal	\$0.00
Board Development Materials:	
Board Development Materials Subtotal	\$0.00
Travel, Per Diem and Registrations	\$2,500.00
Keep America Beautiful Network Service Fees	\$150.00
Annual Affiliate Fee	
Total	\$2,650.00

Summary of Project Budgets Worksheets

Project Name	Program Resources	In-Kind & Monetary Donations
Projects & Events	\$18,625.00	\$68,200.00
Youth Employment	\$5,200.00	\$8,200.00
KAB	\$2,650.00	
TOTAL:	\$26,475.00	\$76,400.00
	Grand Total Grant Request:	\$26,475.00
	Grand Total Matching:	\$76,400.00
	Total Project In-Kind Match Percentage:	289%

Number of Youth Groups:	12
Number of Youth in Groups:	120
Number of Individual Youth To Be Hired:	2
Total Youth Hired:	122

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: April 14, 2015

Report Date: April 1, 2015

Report No: 10

Submitted By: Mikel Ward
Fire Chief 

Approved For Agenda: 

Subject: Consider, and act upon the Approval of an Application for Municipal Fire Protection Fund Distribution.

Fiscal Impact: \$413,173 (Minimum) NOTE: We received \$521,771 for FY15
Amount Budgeted: \$499,437
Fund: Fund 033

Recommendation: Approve application for annual participation in the Fiscal Year 2016 Municipal Fire Protection Fund Distribution.

Background: This application is required to apply for annual funding from the State Fire Marshal's Office. These funds are used for supplies, equipment, training, and maintenance expenses for Alamogordo Fire Department.

The projected minimum amount for fire fund distribution is \$413,173. Funding amounts vary annually based on the health of the fund, the total distributions from the fund, and any legislative changes affecting the fund. This funding is based on our ISO Rating and the amount and type of fire stations as outlined under the Fire Protection Fund Act, 59A-53, NMSA 1978.

Reviewed By:

City Attorney _____ City Clerk  Assistant City Manager _____ Community Services _____
Finance _____ Housing Authority _____ Planning _____ Police Chief _____ Fire Chief 
Public Works _____ Purchasing _____ City Engineer _____ Human Resources _____

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

DISTRICT 1 KAREN L. MONTOYA, CHAIRWOMAN
DISTRICT 2 PATRICK H. LYONS
DISTRICT 3 VALERIE ESPINOZA
DISTRICT 4 LYNDY LOVEJOY, VICE CHAIR
DISTRICT 5 SANDY JONES

CHIEF OF STAFF

S. Vincent Martinez



P.O. Box 1269
1120 Paseo de Peralta, Room 413
Santa Fe, NM 87504-1269

STATE FIRE MARSHAL DIVISION
John Standefer, State Fire Marshal

800-244-6702 (In state only)
(505) 476-0174
Fax: (505) 476-0100

FIRE PROTECTION FUND APPLICATION

RECEIVED

MAR 16 2016

CITY CLERK

Date: March 13, 2016
To: New Mexico Municipal and County Officials
From: John Standefer, State Fire Marshal *gc*
Subject: Fire Fund Distribution Pursuant to Fire Protection Fund Act, 59A-53, NMSA 1978

Please find the enclosed application for participation in the fiscal year 2016 Fire Protection Fund for the fire departments under your jurisdiction. For initial budget preparation purposes each application indicates the guaranteed base amount to be distributed per Article 53, 59A-53-4 and 59A-53-5.

The application provides a complete overview of your departments Insurance Service Office (ISO) classification and number of recognized stations funded through this Office. Please review this information with the Fire Chief/Fire Marshal as their signature is required along with the Mayor, Chair of the County Commission, or authorized local government designee.

The application shall be received in this Office on or before April 30, 2016.

This application does not include any additional amounts that may be calculated from growth in the fund as the financial information indicating growth or reduction in the fire fund is not yet available. When the amount available to the Fire Protection Fund, for fiscal year 2016, is known we will forward the information to you. Nor does this application reflect any funding intercepts for loans incurred by local governments through the New Mexico Finance Authority.

Completeness of the Fire Protection Fund Application is required. Please take note of the section of the application in which we are requesting contact information for the fire department's National Fire Incident Reporting System's (NFIRS) primary users. We have made huge strides towards achieving our goal of 100% reporting of all certified fire department emergency response activities to the NFIRS program.

It is critical for this Office to have the most current contact information for these efforts as we provide our states fire service with reporting status updates and any system informational updates as they occur. Accurate email information is required for each primary user of the NFIRS program.

Thank you for your assistance.

*Original: City Clerk
cc: M. Ward*

NEW MEXICO PUBLIC REGULATION COMMISSION

RECEIVED

MAR 23 2015

COMMISSIONERS

DISTRICT 1 KAREN L. MONTOYA, CHAIRWOMAN
DISTRICT 2 PATRICK H. LYONS
DISTRICT 3 VALERIE ESPINOZA
DISTRICT 4 LYNDA LOVEJOY, VICE CHAIR
DISTRICT 5 SANDY JONES

CHIEF OF STAFF

S. Vincent Martinez



CITY CLERK

1120 Paseo de Peralta, Room 413
Santa Fe, NM 87504-1269

STATE FIRE MARSHAL DIVISION
John Standefer, State Fire Marshal

800-244-6702 (In state only)
(505) 476-0174
Fax: (505) 476-0100

FIRE PROTECTION FUND APPLICATION

Date: March 18, 2015
To: New Mexico Municipal and County Officials
From: John Standefer, State Fire Marshal *JS*
Subject: Fire Fund Distribution Pursuant to Fire Protection Fund Act, 59A-53, NMSA 1978

DUE DATE CORRECTION

Please find the enclosed application for participation in the fiscal year 2016 Fire Protection Fund for the fire departments under your jurisdiction. For initial budget preparation purposes each application indicates the guaranteed base amount to be distributed per Article 53, 59A-53-4 and 59A-53-5.

The application provides a complete overview of your departments Insurance Service Office (ISO) classification and number of recognized stations funded through this Office. Please review this information with the Fire Chief/Fire Marshal as their signature is required along with the Mayor, Chair of the County Commission, or authorized local government designee.

The application shall be received in this Office on or before April 30, 2015.

This application does not include any additional amounts that may be calculated from growth in the fund as the financial information indicating growth or reduction in the fire fund is not yet available. When the amount available to the Fire Protection Fund, for fiscal year 2016, is known we will forward the information to you. Nor does this application reflect any funding intercepts for loans incurred by local governments through the New Mexico Finance Authority.

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It is critical for this Office to have the most current contact information for these efforts as we provide our states fire service with reporting status updates and any system informational updates as they occur. Accurate email information is required for each primary user of the NFIRS program.

Thank you for your assistance.

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

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DISTRICT 2 PATRICK H. LYONS
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1120 Paseo de Peralta
Santa Fe, NM 87504-1269

STATE FIRE MARSHAL DIVISION
Room 413
800-244-6702 (In-state only)
(505) 476-0174
Fax : (505) 476-0100

NEW MEXICO STATE FIRE MARSHAL DIVISION

FISCAL YEAR 2016 MUNICIPAL FIRE PROTECTION FUND DISTRIBUTION

This application is required to participate in the distribution of the Fire Protection Fund for the 2016 fiscal year.
The application is due in the State Fire Marshal Division on or before April 30, 2015.

FIRE DEPARTMENT Alamogordo

FIRE DEPARTMENT ADDRESS: 619 Texas, Alamogordo, NM 88310

ISO CLASSIFICATION: 4

Approved number of Sub Stations is 1

Station #3	3500 Airport	NM
------------	--------------	----

Approved number of Main Stations is 6

Station #7	2010 Oregon Ave.	NM
Station #6	3100 N. Florida Ave.	NM
Station #5	1492 S. Florida	NM
Station #4	3310 E. Tenth Street	NM
Station #2	2101 S. Walker	NM
Station #1	619 Texas Ave.	NM

If you contend the above ISO Class or station information is incorrect, please attach a list of your claim of main and substations and sign here: _____

The projected minimum amount for fire fund distribution, based on the above information, is \$413,173. This does not include any additional amounts that may be calculated from growth in the fund.

An official written request for authorization to rollover and accumulate Fire Protection Fund monies shall be submitted to this Office no later than August 31, 2015. The request shall identify the intended purpose and exact amount of money to be carried over into the FY 2016 balance.

For the purpose of this Application, list the anticipated amount and intended purpose your department will rollover from FY'15 to FY'16. \$ _____

*Provide current balance of the fire department's total Fire Protection Fund account to date: \$ _____

The Fire Service Support Bureau of the State Fire Marshal Division continues to strive toward achieving 100% compliance with the monthly reporting requirements as established in Article 59A-52 the "Fire Marshal Act," Article 59A-53 "The Fire Protection Fund" and NMSA 10-25-10 "The Fire Protection Fund."

State Law, NMSA 10-25-10, requires all fire departments participating in the distribution of the Fire Protection Fund submit a detailed fire report of the departments activity on or before the 10th of each month for the previous months activity.

The Fire Service Support Bureau reviews all reporting activity on a monthly basis to determine compliance with the reporting requirement. When this Office determines that your fire department is out of compliance, the Fire Chief will be notified of the department's status, if your fire department fails to achieve compliance a letter identifying restrictions on the use of the Fire Protection Funds will be forwarded to the head of local government.

This Office will continue to offer technical support and training on the proper uses of the NFIRS program. If you are having issues with the system or require training you may submit your request via e-mail at vernon.muller@state.nm.us

Please provide updated contact information for a minimum of two primary users of the NFIRS program for your department. (Please print legible)

<i>Name:</i>	<i>Email:</i>	<i>Phone:</i>
1.		
2.		

The information contained in this application is true and correct to the best of our knowledge. It may be used to verify legal requirements and is subject to audit.

Signed and submitted on this _____ **day of** _____ **2015.**

Printed Name	and /s/	Signature of Mayor
Mikel Ward	/s/	
Printed Name		Signature of Fire Chief

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 04/14/15 **Report Date:** 03/23/15 **Report No:** 11

Submitted By: Veronica Ortega **Approved For Agenda:** 

Subject: Consider, and act upon, approval of an Amendment to the Agreement with the NCNMEDD Non-Metro Area Agency on Aging Grant for the Senior Center Programs.

Fiscal Impact:

Amount Budgeted: \$55,428
Contract Amount: \$59,986

Fund/Account Number: 071-8023-317.16-30

Fiscal Impact:

Amount Budgeted: \$23,477
Contract Amount: \$24,919

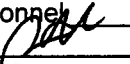
Fund/Account Number: 071-8024-317.16-30

Recommendation: Approve Amended Vendor Agreement

Background:

This amendment is requested to revise the existing agreement made between the NM Aging & Long-Term Services Department and the Older Americans Act (OAA) for Title III Federally funded programs. A one-time funding incentive of \$6,000 was given to the Alamo Senior Center for exceeding performance goals. Distribution of funds will be \$4,558 to the Congregate Program and \$1,442 for the Home Delivered Meals Program.

Reviewed By:

City Attorney  City Clerk  Community Development _____ Community Services _____
Finance  Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works _____ Purchasing _____ Assistant City Manager 

**North Central New Mexico Economic Development District
Non-Metro Area Agency on Aging**

**DIRECT PURCHASE OF SERVICES
VENDOR AGREEMENT
AMENDMENT NO. 1**

This Amendment is made and entered into this 1st day of March, 2015, by and between the North Central New Mexico Economic Development District, Non-Metro Area Agency on Aging hereinafter referred to as the "Agency" and City of Alamogordo, hereinafter referred to as the "Contractor".

1. Purpose of Amendment. The purpose of the Amendment is to:

Revise the contract amount from (\$345,543) to (\$351,543) thereby *increasing* the total dollar amount by (\$6,000).

2. Changes to Contract. The following changes are amendments to the contract:

A. Paragraph I.B. Payment for Services is amended to read: For the services by the Agency to be satisfactorily provided by Vendor hereunder, the Agency shall pay the vendor during the Term an aggregate amount, not to exceed **(\$351,543)** said aggregate amount to be derived from the following sources, when units are met.

1. (\$38,820) from Title III-B of the OAA;
2. (\$59,986) from Title III-C1 of the OAA;
3. (\$24,919) from Title III-C2 of the OAA;
4. (\$0) from Title III-D of the OAA;
5. (\$0) from Title III-E of the OAA; and
6. (\$227,818) from the NMGAA-State/HB-2.

B. Paragraph I.C. Services and Reimbursement Methodology is amended to read:

Service	Total Unit Cost	Federal & State Negotiated Unit Costs	Units	Persons
Congregate Meals	\$6.98292	\$3.17391	42028	1400
Home Delivered Meals	\$7.40703	\$2.84447	39599	218
Transportation	\$12.43347	\$4.51747	15000	220
Chore Services				
Homemaker/Housekeeping	\$37.77276	\$17.93774	1285	40
Physical Fitness/Exercise	\$3.85069	\$1.44118	10200	160

3. All other clauses in the original Agreement will remain unchanged and together with this Agreement constitute the entire Agreement between the Contractor and NCNMEDD, Non-Metro AAA.
4. For the faithful performance of the terms of this agreement, the parties affix their signatures and bind themselves effective July 1, 2014.

City of Alamogordo
Legal Name of Vendor/Contractor

Signature

Printed/Typed Name of Signatory

Date

NCNMEDD Non-Metro Area Agency on Aging
Name of Area Agency on Aging


Signature

Tim Armer, Executive Director
Printed/Typed Name of Signatory

3/9/15
Date

NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT
NON-METRO AREA AGENCY ON AGING
NOTIFICATION OF GRANT AWARD (NGA)

TITLE III

GRANTEE: City of Alamogordo ADDRESS: PHONE:				APPROVED BUDGET PERIOD FROM: 7/1/2014 TO: 6/30/2015		Grant/Action New/Cont: ☒		NGA DATE 3.6.15 Amend1 1xncent & Recalc
						Revision: ☐		
						BAR: ☐ Other: ☐		
DESCRIPTION		FEDERAL	STATE	LOCAL	Fundraising- Foundations	PROJ. INC.	TOTAL	
Title IIIB	Access	\$ 38,820	\$ 28,942	\$ 79,113	\$ 2,377	\$ 37,250	\$ 186,502	
	In-Home	\$ -	\$ 23,050	\$ 17,368	\$ -	\$ 8,100	\$ 48,538	
	Community All Other	\$ -	\$ 14,700	\$ 24,577	\$ -	\$ -	\$ 39,277	
	Subtotal	\$ 38,820	\$ 66,692	\$ 121,078	\$ 2,377	\$ 45,350	\$ 274,317	
Title IIIC1	Meal Costs	\$ 59,986	\$ 73,407	\$ 87,085	\$ -	\$ 73,000	\$ 293,478	
	Subtotal	\$ 59,986	\$ 73,407	\$ 87,085	\$ -	\$ 73,000	\$ 293,478	
Title IIIC2	Meal Costs	\$ 24,919	\$ 87,719	\$ 140,638	\$ 3,035	\$ 37,000	\$ 293,311	
	Subtotal	\$ 24,919	\$ 87,719	\$ 140,638	\$ 3,035	\$ 37,000	\$ 293,311	
Title IIID	Health Promotion	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	Sub Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Title IIIE	Care Giver Support	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	Sub Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
DEMONSTRATION GRANT								
ALZHEIMER	Respite Care	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	Sub Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
ALL STATE OTHER								
Sub Total		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
SUB TOTALS	Title IIIB	\$ 38,820	\$ 66,692	\$ 121,078	\$ 2,377	\$ 45,350	\$ 274,317	
	Title IIIC1	\$ 59,986	\$ 73,407	\$ 87,085	\$ -	\$ 73,000	\$ 293,478	
	Title IIIC2	\$ 24,919	\$ 87,719	\$ 140,638	\$ 3,035	\$ 37,000	\$ 293,311	
	Title IIID	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	Title IIIE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	Alzheimer Respite Care	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	All State Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
GRAND TOTAL		\$ 123,725	\$ 227,818	\$ 348,801	\$ 5,412	\$ 155,350	\$ 861,106	
COMPUTATION OF GRANT		8. Federal/State Shares will be comprised of: a. Federal/State grant unearned FY 20 ____ Federal State in previous project year(s) b. Carry Over FY 20 ____ Federal State c. New Obligational Authority Herein Awarded FY- Federal State \$ 6,000						
1. Estimated Total Cost.....	\$	861,106						
2. LESS Anticipated Proj. Inc.	\$	155,350						
3. Estimated Net Cost.....	\$	705,756						
4. Non-federal and Non-state Share of Net Cost.....								
5. Proj. Inc. (Used as Match).....	\$	155,350						
6. Federal Share of Net Cost....	\$	123,725						
7. State Share of Net Cost....	\$	227,818						

NOTIFICATION OF GRANT AWARD

REMARKS: In addition to the conditions contained in the agreement on the application form, the conditions below apply to this grant:

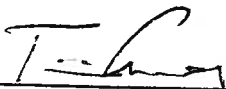
- ☒ 1. Unless revised, the amount of lines 6 and 7 (Computation of Grant) will constitute a ceiling for federal and/or state participation in the approved cost.
- ☒ 2. The federal and/or state share of the project cost is earned only when the cost is accrued and the non-federal and/or non-state share of the cost has been contributed. Receipt of federal and/or state funds (either through advance or reimbursement) does not constitute earning of these funds.
- ☒ 3. If the actual net cost is less than the amount on line 3 (Computation of Grant) the non-federal and/or non-state share, the federal share and the state share will meet the percentages indicated on Page 1 of the NGA.
- ☒ 4. As shown in the Computation of Grant (assuming satisfactory progress, adequate justification and the availability of funds), the federal and state shares shall meet the amounts shown on lines 6 and 7 of the estimated net project cost shown on line 3.
- ☒ 5. Funds herein awarded will remain available during the length of the project period; however, state and/or federal funds are dependent upon availability.
- ☒ 6. Programs must meet the units of services projected to be reimbursed or submit an amended plan detailing reasons why approved units are not being met which must be approved by the NCNMEDD Area Agency on Aging.

THE GRANTEE ORGANIZATION IS RESPONSIBLE FOR RETAINING RECORDS OF ALL FEDERAL AND/OR STATE ACCOUNTS AS FOLLOWS:

All accounting records are to be kept in accordance with federal and state policy and readily available for examination by Area Agency personnel or other federal and/or state officials authorized to examine any or all financial and programmatic records. Such records shall be retained in accordance with the following:

- 1. Keep adequate and complete financial records, and to report promptly and fully to the Area Agency.
- 2. If a federal and/or state audit has not been made within three (3) years after project termination, project records may then be destroyed, on approval of the Agency.
- 3. In all cases, an over-riding requirement exists to retain records until resolution of any audit questions relating to individual grants.
- 4. Non-federal resources must be contributed equally to the percentage of the non-federal share of actual net costs for a project year. If a Grantee reports federal and/or state cash received but unearned on the final project report for a project year, the Grantee then owes the Area Agency this amount. This amount may constitute a cash advance on any funds awarded to the Grantee by the Area Agency for the following project year.
- 5. The disposition of unearned portions of federal and/or state funds at the end of the project year shall be made in accordance with current state policies.
- 6. Unearned federal and/or state cash at the time the project is terminated shall be returned in full to the Area Agency.
- 7. All obligations will be liquidated within 30 days after the end of the project year and before final program and financial reports are submitted.
- 8. Inventory of project equipment will be maintained and submitted as requested.
- 9. Project records will be preserved and kept available to federal and state auditors at the primary offices of the Grantee.

Signature of NCNMEDD Non-Metro Area Agency on Aging Authorizing Official:



Tim Armer
Executive Director

3/9/15
Date

We, the undersigned officers of the Grantee organization, certify that we are in agreement with the terms and conditions of this award.

Date:

Date:

**Non-Metro Area Agency on Aging
Summary of Budgeted Revenues (SBR)
FY 2014/2015**

Date: 3/31/14 TIII AAA Contracts

AMENDMENT #1 Incentive & Recall 1.15.15																					
Funding Sources	Congregate Meals	Home-Del. Meals	Transportation	Assisted Transportation	Case Mgmt	Adult Day Care	Chore	Homemaker	Health Education Training	Physical Fitness/ Exercise	Health Screening	Home Safety/	Medication Management	Respite Caregivers of Elders	Respite Elders Caring of Children	Access Assistance	Counseling	Information Services	Supplemental Services	TOTAL	
Federal Title IIIB			\$ 38,820	\$ -	\$ -	\$ -	\$ -	\$ -												\$ 38,820	
Federal Title IIIC1	\$ 59,986																			\$ 59,986	
Federal Title IIIC2		\$ 24,919																		\$ 24,919	
Federal Title IIID									\$ -	\$ -	\$ -	\$ -	\$ -							\$ -	
Federal Title IIIE														\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
NSIP	\$ 25,813	\$ 25,812																		\$ 51,625	
State	\$ 73,407	\$ 87,719	\$ 28,942	\$ -	\$ -	\$ -	\$ -	\$ 23,050	\$ -	\$ 14,700	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 227,818	
Local Cash (City/County/Town)	\$ 87,085	\$ 140,638	\$ 79,113	\$ -	\$ -	\$ -	\$ -	\$ 17,388	\$ -	\$ 24,577	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 348,801	
Fundraising	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Other Grants/Foundations	\$ -	\$ 3,035	\$ 2,377	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,412	
State Funded Senior Empl. Prog	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
In-Kind	\$ 251,564	\$ 199,255	\$ 36,177	\$ -	\$ -	\$ -	\$ -	\$ 22,717	\$ -	\$ 53,157	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 562,870	
Program Income:																				\$ -	
Transportation:			\$ 7,500	\$ -																\$ 7,500	
Housekeeping:								\$ 8,100												\$ 8,100	
Adult Day Care:						\$ -														\$ -	
Other:	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Congregate Meals Donations	\$ 73,000																			\$ 73,000	
Home Delivered Donations	\$ 37,000																			\$ 37,000	
Other :	\$ -	\$ -	\$ 29,750	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 29,750	
																				\$ -	
TOTAL:	\$ 570,855	\$ 518,378	\$ 222,879	\$ -	\$ -	\$ -	\$ -	\$ 71,255	\$ -	\$ 92,434	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,475,601	
Projected Units	42,028	39,599	15,000	-	-	-	-	1,285	-	10,200	-	-	-	-	-	-	-	-	-	-	
Total Cost of Service (CoS)	\$ 13,58273	\$ 13,09068	\$ 14,84527					\$ 55,45138		\$ 9,06216											
Total CoS w/o In-Kind	\$ 7,59710	\$ 8,05887	\$ 12,43347					\$ 37,77278		\$ 3,85089											
Total CoS w/o SEP/NSIP	\$ 12,96854	\$ 12,46140	\$ 14,84527					\$ 55,45138		\$ 9,06216											
Total CoS w/o In-Kind/SEP/NSIP	\$ 6,96292	\$ 7,40703	\$ 12,43347					\$ 37,77278		\$ 3,85089											
Funding %																					
Federal IIB	0.00000%	0.00000%	17.43317%					0.00000%		0.00000%					0.00000%						
Federal IIIC1	10.50610%	0.00000%	0.00000%					0.00000%		0.00000%											
Federal IIIC2	0.00000%	4.80711%	0.00000%					0.00000%		0.00000%					0.00000%						
Federal IIID	0.00000%	0.00000%	0.00000%					0.00000%		0.00000%					0.00000%						
Federal IIIE	0.00000%	0.00000%	0.00000%					0.00000%		0.00000%					0.00000%						
Federal NSIP	4.52181%	4.97839%	0.00000%					0.00000%		0.00000%					0.00000%						
State	12.85912%	16.92182%	12.96716%					32.34881%		15.90324%											
Local Cash (City/County/Town)	15.25519%	27.13040%	35.52762%					24.40259%		26.58870%											
Program Income	12.78784%	7.13785%	16.75912%					11.36710%		0.00000%											
Fundraising	0.00000%	0.00000%	0.00000%					0.00000%		0.00000%											
Other Grants/Foundations	0.00000%	0.38548%	1.06749%					0.00000%		0.00000%											
State Funded Senior Empl. Prog	0.00000%	0.00000%	0.00000%					0.00000%		0.00000%											
In-Kind	44.58159%	35.13817%	18.24636%					37.88175%		37.20266%											
Total of %'s	100.00000%	100.00000%	100.00000%					100.00000%		100.00000%											
QAA Title III Contract Cost																					
Federal IIB	\$ -	\$ -	\$ 2,56900					\$ -		\$ -											
Federal IIIC1	\$ 1,42729	\$ -	\$ -					\$ -		\$ -											
Federal IIIC2	\$ -	\$ 0,62928	\$ -					\$ -		\$ -											
Federal IIID	\$ -	\$ -	\$ -					\$ -		\$ -											
Federal IIIE	\$ -	\$ -	\$ -					\$ -		\$ -											
State	\$ 1,74682	\$ 2,21518	\$ 1,92947					\$ 17,93774		\$ 1,44118											
Total Federal & State	\$ 3,17391	\$ 2,84447	\$ 4,51747					\$ 17,93774		\$ 1,44118											

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 04/14/15 **Report Date:** 04/01/15 **Report No:** 12

Submitted By: Veronica Ortega ^{VO} **Approved For Agenda:** 

Subject: Consider, and act upon, approval of an Amendment to the Agreement with the State of NM Aging & Long-Term Services Department Funding for the Senior Volunteer Programs.

Fiscal Impact/RSVP:

Amount Budgeted: \$26,000

Contract Amount: \$57,000

Fund/Account Number: 075-0000-317.16-40

Fiscal Impact/SCP:

Amount Budgeted: \$68,000

Contract Amount: \$73,265

Fund/Account Number: 075-0000-317.16-41

Fiscal Impact/FGP:

Amount Budgeted: \$57,730

Contract Amount: \$73,265

Fund/Account Number: 075-0000-317.16-42

Recommendation: Approve Amended Vendor Agreement

Background:

This amendment is requested to revise the existing agreement made between the NM Aging & Long-Term Services Department. A one-time funding incentive of \$36,000 was given to the Senior Volunteer Programs. Distribution of funds will be an additional \$30,000 to RSVP (Retired Senior Volunteer Program) \$5,265 for SCP (Senior Companion Program) and \$735 for the FGP (Foster Grandparent Program). Additional funding was available, and the Senior Center Manager requested it for these programs.

Reviewed By:

City Attorney SPT City Clerk RC Community Development _____ Community Services _____
Finance _____ Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works _____ Purchasing _____ Assistant City Manager _____

Contracts and Compliance Manager/Senior Services Bureau

NM Aging & Long-Term Services Department

2550 Cerrillos Road; Santa Fe NM 87502

505-476-4972

From : Michelle Quintana, ALTSD <Michelle.Quintana2@state.nm.us>

Wed, Apr 01, 2015 03:05 PM

Subject : increase in funds for Volunteer Programs

To : vortega@ci.alamogordo.nm.us

Cc : Ernesto Ramos, ALTSD <Ernesto.Ramos@state.nm.us>, Carmela Martinez, ALTSD <Carmela.Martinez@state.nm.us>, Aimee Arellanes, ALTSD <Aimee.Arellanes2@state.nm.us>

Good afternoon Ronnie.

I am writing in follow up to the voice mail message that I just left for you. I received notification from Ernesto Ramos, Bureau Chief, that an additional \$36,000 has been authorized for Volunteer programming through the City of Alamogordo. I believe you needed this information for an up-coming meeting—I hope you are receiving this in time.

We will begin preparing a contract amendment increasing your total contract amount by the \$36,000. As always, the funds are not available until the contract amendment is fully executed. I am not certain what you have already submitted to Ernesto or Carmela regarding this increase. If you can please forward to me a copy of the proposed change in Scope of Work and an amended budget indicating the increase, I can begin working on it right away.

If you have any questions, please feel free to contact me.

Michelle Quintana
Contracts and Compliance Manager/Senior Services Bureau
NM Aging & Long-Term Services Department
2550 Cerrillos Road; Santa Fe NM 87502
505-476-4972

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: April 14, 2015

Report Date: March 24, 2015

Report No: 13

Submitted By: Bob Johnson,
Public Works Contract Coordinator

Approved For Agenda: 

Subject: Consider, and act upon, award of IFB No. 2015-05 to Mesa Verde Enterprises, Inc. related to the Lease of Bulldozer with Operator project, in an amount not to exceed \$99,935.40, including tax.

Fiscal Impact: \$99,935.40

Amount Available: \$100,000.00

Fund: 044-9499-990.57-34

PW1503

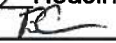
Recommendation: Approve the award.

Background: Earthwork operations will be confined to the northeast and east area of the Public Works Yard located at 2600 N. Florida Ave., Alamogordo, New Mexico. Areas of existing spoils shall be moved to adjacent areas at lower grades and filled in.

The project was advertised on March 1, 2015. Bids were opened on March 19, 2015 at 2:00 p.m. with one (1) responsive bidder: Mesa Verde Enterprises, Inc.

Please refer to the attached bid tabulation..

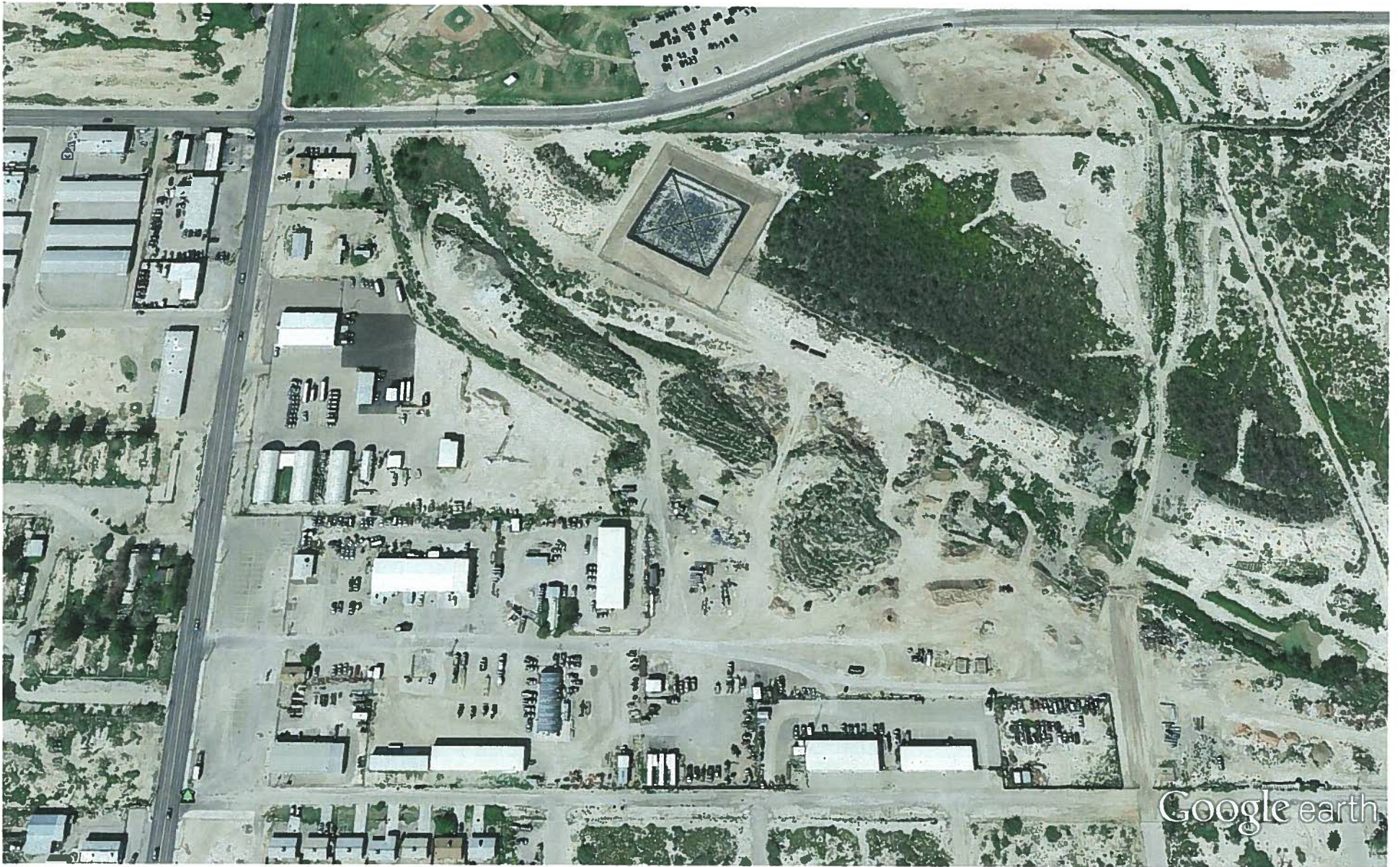
Reviewed By:

City Attorney  City Clerk  Community Development _____ Community Services _____
Finance  Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works  Purchasing  Assistant City Manager _____ Utilities _____

BID TABULATION
LEASE OF BULLDOZER WITH OPERATOR
IFB NO. 2015-05
MARCH 19, 2015 2:00 PM
PURCHASING DEPARTMENT CONFERENCE ROOM

ITEM NO.	UNIT	ESTIMATED QUANTITY	DESCRIPTION	Mesa Verde Enterprises, Inc.	
				UNIT PRICE	BID AMOUNT
1	HOUR	600	Lease of Bulldozer with Operator	\$160.00	\$96,000.00
			NMGRT 7.875%		\$7,560.00
			TOTAL		\$103,560.00

NOTE: AWARDED QUANTITY SHALL BE 579 HOURS FOR A TOTAL OF \$99,935.40, INCLUDING NMGRT.



Google earth

Google earth

feet
meters

1000

400



AGENDA REPORT

CITY OF ALAMOGORDO CITY COMMISSION

Meeting Date: April 14, 2015

Report Date: March 30, 2015 **Report No:** 14

Submitted By: Edward Balderrama
Project Manager

Approved For Agenda: 

Subject: Consider, and act upon, Change Order No.1, RFP No. 2014-007 to ASA Architects related to architectural and design services for 2014 C.D.B.G. City of Alamogordo Domestic Violence Center Addition and Renovation (GC1402), in an amount not to exceed \$3,885.75, inclusive of NMGRT.

Fiscal Impact: \$3,885.75

Amount Budgeted: \$55,718

Fund: 48-0207-463.5734

Unencumbered Balance \$ 40,282

Recommendation: Approve Change Order No.1, RFP No. 2014-007 to ASA Architects related to architectural and design services for 2014 C.D.B.G. City of Alamogordo Domestic Violence Center Addition and Renovation (GC1402), in an amount not to exceed \$3,885.75, inclusive of NMGRT.

Background: Work shall include but is not limited to: renovating the existing building, constructing an approximately 1,700 sq. ft. addition attached to the northeast side of the existing building, and site improvements. All work shall comply with the 2010 Standards for Accessible Design and ICC/ANSI A117.1-2003 American National Standards and all current federal, state and local building codes. All work will take place with-in the city limits of Alamogordo, NM.

The operating entity determined that the 100% complete project drawing needed to be modified for security purposes. The concern was that the current layout of the restroom would pose a security risk to victims of domestic violence by exposing them to offenders who are receiving services. The operating entity requested that the restroom be modified to allow for separate restrooms to cover different program areas within the building.

Reviewed By:

Assistant City Manager  City Attorney _____ City Clerk  Community Development _____
Community Services _____ Engineering _____ Finance _____ Housing Authority _____ Planning _____
Personnel  Public Safety _____ Public Works _____ Purchasing _____

CONTRACT CHANGE ORDER
CHANGE ORDER NO. 1

2014 C.D.B.G. City of Alamogordo
Domestic Violence Center Addition and Renovation (GC1402)
Project No. 14-C-NR-I-03-G-15

DATE: March 27, 2015

CONSULTANT: ASA Architects
201 N. Alameda
Las Cruces, NM 88004

OWNER: City of Alamogordo
1376 E. Ninth Street
Alamogordo, NM 88310

THE FOLLOWING CHANGES ARE HEREBY MADE TO THE CONTRACT DOCUMENTS:

1. Reason Code 3C/3H: The operating entity determined that the 100% complete project drawing needed to be modified for security purposes. The concern was that the current layout of the restroom would pose a security risk to victims of domestic violence by exposing them to offenders who are receiving services. The operating entity requested that the restroom be modified to allow for separate restrooms to cover different program areas within the building. The cost for this change would be \$3,600.00, excludes NMGRT.

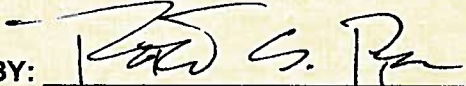
REVISED CONTRACT AMOUNT

- | | |
|---|----------------|
| 1. Original Contract Amount | \$ 14,300.00* |
| 2. Total Contract Amount Including Previously
Approved Change Orders | \$ 14,300.00* |
| 3. Amount of this Change Order (Increase)..... | \$ 3,600.00* |
| 4. Total Revised Contract Amount To Date..... | \$ 17,900.00* |
| 5. Original Contract Completion Date | April 30, 2015 |
| 6. New Completion Date Due to this Change Order..... | April 30, 2015 |

* 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 ACCEPTED AND APPROVED:

BY: 
Consultant

3.27.2015
Date

CHANGE ORDER RECOMMENDED:

BY: 
Project Manager

3-30-15
Date

CHANGE ORDER APPROVED BY MAYOR:

BY: _____
Mayor

Date

BY: _____
City Attorney

Date



March 10, 2015

Mr Ruben Segura
Grants Coordinator
City of Alamogordo
1376 E. Ninth St.
Alamogordo, NM 88310

Re: Additional Services Proposal for Revisions to
CDBG Project – COPE Addition & Renovation
Alamogordo, NM

Dear Ruben,

Pursuant to Owner requested modifications to this project, we respectfully submit the following fee proposal for the above mentioned project for your consideration.

<u>Revisions to existing 100% CD's</u>	<u>\$3,600.00</u>
Total* (NMGRT not included)	\$3,600.00

If this meets with your approval, please sign this letter and return for our records.
Feel free to call me if you have any questions.

Respectfully submitted,

Jaime Montoya
Project Manager

Approval –

Ruben Segura

date

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: April 14, 2015

Report Date: April 3, 2015

Report No: a- 1

Submitted By: Matt McNeile,
Assistant City Manager

Approved For Agenda: _____



Subject: Consider, and act upon, Resolution No. 2015-19 supporting the New Mexico Department to promote tourism.

Fiscal Impact: Up to \$20,000.00

Amount Budgeted: Up to \$20,000.00

Fund: 016 (Lodger's Tax)

Recommendation: Approve the Resolution. **[Roll call vote required]**

Background: By approving this resolution, the City Commission will voice support for the annual Cooperative Marketing grant proposal. Each year, the New Mexico Tourism Department assists local and tribal governments by awarding grant funding for direct marketing costs in an effort to assist in promoting tourism in the state of New Mexico and local communities.

The objective of the grant proposal as written is to work in collaboration with different entities within the City of Alamogordo and surrounding areas to both collectively promote the region and the state of New Mexico. If awarded, collaborators will be required to make marketing project expenses proportional to the application commitment and will be reimbursed 50% of the expenses (up to \$40,000) from the NM Tourism Department. The City of Alamogordo will act as the fiscal agent for this proposal.

Staff will proceed with the implementation of the grant subject to the staff securing intergovernmental agreements with the cooperating entities, if awarded. H.T.E. Project: PB1602.

Reviewed By:

City Attorney  City Clerk _____ Community Development _____ Community Services _____
Finance _____ Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works _____ Purchasing _____ Assistant City Manager _____

RESOLUTION NO. 2015-19

A RESOLUTION SUPPORTING THE NEW MEXICO DEPARTMENT OF TOURISM COOPERATIVE MARKETING GRANT PROGRAM

WHEREAS, the New Mexico State Legislature appropriated funds to the New Mexico Tourism Department ("Department"), which purpose includes is to provide a coordinated statewide perspective who regards to tourism activities; and,

WHEREAS, the Department's mission is to elevate New Mexico as a primary destination; and;

WHEREAS, The Department desires to coordinate state wide perspective by leveraging non-profits', local governments', and tribal governments' tourism advertising and has established the Cooperative Marketing Grant Program; and

WHEREAS, the Department's Cooperative Marketing Grant Program is an annual competitive matching funds program, which offers successful grant applicants to receive (50%) of the project's eligible expenses as a grant award; and,

WHEREAS, the City Commission of the City of Alamogordo of Otero County, State of New Mexico recognizes the need for having collaborative marketing programs that help provide advertising and promotional services to promote tourism to the City of Alamogordo and the State of New Mexico; and,

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of Alamogordo that the Cooperative Marketing Grant application is hereby supported and endorsed,

BE IT FURTHER RESOLVED that James Stahle, City Manager, or his successor is the GRANTEE REPRESENTATIVE and shall be authorized to submit any documents pertaining to the project and act as the single point of contact; and,

BE IT FURTHER RESOLVED that the City Commission hereby requests the New Mexico Department of Tourism, Cooperative Marketing Grant Section, to consider and approve the City of Alamogordo's grant application.

PASSED, APPROVED AND ADOPTED this 14th day of April, 2015.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Susie Galea, Mayor

ATTEST:

Reneé L. Cantin, City Clerk

APPROVED AS TO FORM:

Stephen P. Thies, City Attorney

GM180I02

CITY OF ALAMOGORDO, NEW MEXICO
Project Master Inquiry

4/03/15
16:13:28

Project : PB1602 NMTD COOP MARKETING GRANT
Position to . . . : ____ - ____ - ____ . ____ - ____ Starting character(s)

Type options, press Enter.
1=Select

Opt	Account number	Budget	Actual	Balance
-	16-0000-317.16-02	0	.00	.00
-	16-0001-419.56-35	0	.00	.00

	Pre-encumb:	.00	Encumb:	.00
	2015 YTD:	.00	Pending:	.00
Budg:	.00 PTD:	.00	Balance:	.00

F3=Exit F5=Refresh F9=Misc. info F11=Proj-to-dt F12=Cancel F17=Subset
F18=Encumbrance detail F19=Project activity list

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: April 14, 2015

Report Date: April 2, 2015

Report No: 15

Submitted By: Renee Cantin
City Clerk

Approved For Agenda: 

Subject: Consider, and act upon, the approval of seven members to serve on the Charter Review Committee.

Fiscal Impact:

Recommendation: Review nominations and appoint members to serve on the committee.

Background: The following is the wording from the February 23rd agenda report provided by the City Clerk: The City's Charter mandates that every ten (10) years the Commission shall appoint a committee to review the effectiveness of the Charter and make written recommendations to the City Commission within sixty (60) days of its appointment.

In 2003, the City Commission established a City Charter Committee to review the Charter. A history of the 2003 committee is available at the Clerk's office. A City Charter Advisory Committee was also appointed in 2011 to review the Mayor at Large item in the charter and to change the districts to six districts. Those amendments were approved by the voters at the March 2012 Election. This was not a full review so it did not count as a 10 year review.

Once the Resolution is adopted, each Commissioner and the Mayor will be allowed to nominate one resident of the City to serve on the Committee. The City Clerk will also solicit and advertise for citizens who live in the city limits to apply to serve on this Committee.

The following schedule was approved at the January 13, 2015 meeting:

Feb. 24th, 2015 – Regular Meeting – Adopt the Resolution creating a Charter Review Committee
March 30th, 2015 (5:00 p.m.) – Deadline to submit nomination applications. (Extended to April 7th)
April 14th, 2015 – Regular Meeting – Approve the Members to serve on the Committee and the Final Assignment.

~~~~~

**Reviewed By:**

City Attorney  City Clerk  Community Development \_\_\_\_\_ Community Services \_\_\_\_\_  
Finance \_\_\_\_\_ Housing Authority \_\_\_\_\_ Planning \_\_\_\_\_ Personnel \_\_\_\_\_ Public Safety \_\_\_\_\_  
Public Works \_\_\_\_\_ Purchasing \_\_\_\_\_ Assistant City Manager \_\_\_\_\_

According to Section 3.B of the City Charter: The Advisory Committee is to complete its task and make written recommendations to the City Commission within sixty (60) days of its appointment (June 13<sup>th</sup>).

Once appointed, the Committee Members will be contacted and the first meeting will be set up for the week of April 20<sup>th</sup>.

The adopted Resolution and State Statute and City Charter information. The list of nomination applications received will be included with the final agenda after the deadline date of April 7<sup>th</sup> to submit applications.

Please keep in mind during your selection that according to state statute and the adopted Resolution, "no more than a simple majority shall belong to the same political party." The City Clerk will have the current voter registration list from the County Clerk and will indicate the party affiliation on the list.

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**Reviewed By:**

City Attorney \_\_\_\_\_ City Clerk \_\_\_\_\_ Community Development \_\_\_\_\_ Community Services \_\_\_\_\_  
Finance \_\_\_\_\_ Housing Authority \_\_\_\_\_ Planning \_\_\_\_\_ Personnel \_\_\_\_\_ Public Safety \_\_\_\_\_  
Public Works \_\_\_\_\_ Purchasing \_\_\_\_\_ Assistant City Manager \_\_\_\_\_

## **RESOLUTION NO. 2015-09**

### **A RESOLUTION ESTABLISHING A CITY CHARTER COMMITTEE FOR THE CITY OF ALAMOGORDO, NEW MEXICO**

**WHEREAS**, the governing body of the City of Alamogordo, New Mexico, a New Mexico municipal corporation, is mandated by Article 12, Section 3(B) of the City Charter to appoint a committee every ten (10) years to review the effectiveness of the Charter and to make written recommendations within sixty (60) days of its appointment; and,

**WHEREAS**, it is the desire of the governing body of the City of Alamogordo to establish a City Charter Committee consisting of not more than seven (7) residents of the City; and,

**WHEREAS**, each member of the governing body of the City of Alamogordo may nominate one (1) resident of the City to serve as a member of the Committee subject to confirmation by the governing body of the City.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the City of Alamogordo, New Mexico, that:

1. A City Charter Committee is hereby established and shall consist of not less than seven members, no more than a simple majority shall belong to the same political party.
2. Each member of the governing body may nominate one (1) resident of the City to serve as a member of the Committee and shall submit their nomination to the City Clerk prior to March 30, 2015.
3. The Committee shall meet and make written recommendations to the governing body of the City regarding the effectiveness of the City Charter within sixty (60) days of the date the members are appointed to the Committee.
4. The Mayor shall appoint the members to the Committee, with the governing body's confirmation, at its regularly scheduled meeting of April 14, 2015.

**PASSED, APPROVED AND ADOPTED** this 23<sup>rd</sup> day of February, 2015.

CITY OF ALAMOGORDO, NEW MEXICO

a New Mexico municipal corporation

By: \_\_\_\_\_

Susie Galea, Mayor



\_\_\_\_\_  
Renee L. Cantin, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Stephen P. Thies, City Attorney

**Alamogordo Code of Ordinances  
City Charter**

**Section 3. - Amendment or Repeal; Periodic Review.**

A.

This Charter shall be amended or repealed in accordance with state law, except that any petition for amendment or repeal must be signed by qualified electors in a number no less than twenty (20) per cent of the average number of voters who voted at the previous four (4) regular City elections or no less than twenty (20) per cent of the number of voters who voted at the previous regular City election, or by five (5) per cent of the qualified electors of the municipality, whichever is greater.

B.

Every ten (10) years, the Commission shall appoint a committee to review the effectiveness of this Charter and make written recommendations to the City Commission within sixty (60) days of its appointment.

**3-15-5. Charter commission; appointment; number; qualifications; duties.**

Within five days after the filing of the petition, the presiding officer of the governing body shall appoint a charter commission or the governing body of a municipality may appoint a charter commission upon its own initiative at any time. The charter commission shall consist of not less than seven members, no more than a simple majority shall belong to the same political party. The charter commission shall prepare a charter providing for the government of the municipality and shall complete the proposed charter and file it with the clerk of the municipality within one hundred eighty days from the date of its appointment. The commission shall select its own chairman.

**History:** 1953 Comp., § 14-14-3, enacted by Laws 1965, ch. 300; 1971, ch. 118, § 5.

Charter Review Committee List  
2015

|            | <b>Name</b>    | <b>Address</b>         | <b>City</b>          |
|------------|----------------|------------------------|----------------------|
| Galea      | Inez Moncada   | 119 New York           | Alamogordo, NM 88310 |
| Rentschler | Pam Lee        | 312 Wildwood Dr.       | Alamogordo, NM 88310 |
| Straface   | Robert Doughty | PO Box 1569            | Alamogordo, NM 88310 |
| Hernandez  | Ruben Segura   | 602 Sp #33, S. Florida | Alamogordo, NM 88310 |
| Baldwin    |                |                        |                      |
| Sikes      |                |                        |                      |
| Turnbull   |                |                        |                      |
|            | John Gordon    | 2488 Wyatt Way         | Alamogordo, NM 88310 |
|            |                |                        |                      |

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

**Meeting Date:** March 24, 2015

**Report Date:** April 3, 2015

**Report No:** 16

**Submitted By:** Renee Cantin

**Approved For Agenda:** 

**Subject:** Consider, and act upon, the final publication of Ordinance No. 1491 Repealing Section 2-03-120 of the Alamogordo Code of Ordinances which relates City Manager duty to sign contracts and amending Article 2-13 of the City of Alamogordo Purchasing Ordinance.

**Fiscal Impact:** NA

**Amount Budgeted:** NA

**Fund:** NA

**Recommendation:** Approve the ordinance for final publication. **[Roll call vote required]**

**Background:** At the Regular Meeting of February 23, 2015, the City Commission approved the Ordinance for first publication. A summary of the Ordinance was published in the *Alamogordo Daily News* on Sunday, March 1<sup>st</sup>, 2015. If approved for final adoption, the summary will be published a second time on Sunday, April 19<sup>th</sup>, 2015 and will be effective April 24<sup>th</sup>, 2015.

The ordinance was originally scheduled for approval at the March 24<sup>th</sup> meeting but at the request of the City Manager was pulled from the agenda. The City Manager subsequently requested that the provisions relating to advance payment be removed from the original draft. The proposed deletion does not substantially change the basic character of the original ordinance so as to require a new first publication.

Since the change modifies the draft originally approved for publication, the Commission first needs to amend the ordinance. Provided such action is taken, the ordinance can then be approved as amended.

**The following information was provided by Stephen Thies, City Attorney at the time it was brought for first publication:** Legal was requested to prepare an ordinance to give Department Directors the authority to sign contracts involving their department. Attached is the proposed ordinance.

**Reviewed By:**

City Attorney  City Clerk  Community Development \_\_\_\_\_ Community Services \_\_\_\_\_  
Finance \_\_\_\_\_ Housing Authority \_\_\_\_\_ Planning \_\_\_\_\_ Personnel \_\_\_\_\_ Public Safety \_\_\_\_\_  
Public Works \_\_\_\_\_ Purchasing \_\_\_\_\_ Assistant City Manager \_\_\_\_\_

In addition to delegating signing authority to directors, the ordinance also incorporates provisions of the state procurement code into the City Purchasing Ordinance. These particular provisions are not currently included in the City Purchasing Ordinance and serve the purpose of ensuring the contracts being signed by the department directors are proper, the goods or services are received and acceptable, and that payment for acceptable goods and services are being paid in a timely manner to avoid any penalties.

And finally, amendments to the exemptions provision of the City Purchasing Ordinance are being proposed by the attached amendment. The amendments reflect recent changes made to the state procurement code. Staff requests approval of ordinance for first publication.

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**Reviewed By:**

City Attorney \_\_\_\_\_ City Clerk \_\_\_\_\_ Community Development \_\_\_\_\_ Community Services \_\_\_\_\_  
Finance \_\_\_\_\_ Housing Authority \_\_\_\_\_ Planning \_\_\_\_\_ Personnel \_\_\_\_\_ Public Safety \_\_\_\_\_  
Public Works \_\_\_\_\_ Purchasing \_\_\_\_\_ Assistant City Manager \_\_\_\_\_

## ORDINANCE NO. 1491

### AMENDMENT REPEALING SECTION 2-03-120 OF THE ALAMOGORDO CODE OF ORDINANCES WHICH RELATES CITY MANAGER DUTY TO SIGN CONTRACTS AND AMENDING ARTICLE 2-13 OF THE CITY OF ALAMOGORDO PURCHASING ORDINANCE

**BE IT ORDAINED** by the City Commission of the City of Alamogordo as follows:

**SECTION ONE.** Section 2-03-120- City Manager—Duties re contracts, of the *Alamogordo Code of Ordinances* is hereby repealed:

**SECTION TWO.** Section 2-13-260-Approval of purchases, of the *Alamogordo Code of Ordinances* is hereby amended to read as follows:

#### **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 thousand dollars (\$20,000.00) 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 thousand dollars (\$50,000.00); or landscape architects or surveying services exceeding ten thousand dollars (\$10,000.00);

(3) All purchases of other professional services in amounts exceeding (fifty thousand dollars (\$50,000.00)).

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 \$50,000 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 \$20,000 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 \$20,000 on not less than a quarterly basis and shall seek budget updates, if needed, within a timely fashion.

**SECTION THREE.** Article 2-13, City Purchasing and Construction Project Administration, of the Alamogordo Code of Ordinances, is hereby amended to add the following:

**2-13-261. - Ratification or termination after execution of contract.**

If after the execution of a valid, written contract by all parties and necessary approval authorities, the Chief Procurement Officer makes a determination that a solicitation or award of the contract was in violation of law and if the business awarded the contract did not act fraudulently or in bad faith:

(1) the contract may be ratified, affirmed and revised to comply with law, provided that a determination is made that doing so is in the best interests of the City; or

(2) the contract may be terminated, and the contractor shall be compensated for the actual expenses reasonably incurred under the contract plus a reasonable profit prior to termination.

(Statutory Reference § 13-1-182 NMSA 1978)

**2-13-262. - Receipt; inspection; acceptance or rejection of deliveries/Payment of purchases/Contract audit.**

(A) Receipt of goods.

(1) The using department is responsible for inspecting and accepting or rejecting deliveries.

(2) The using department shall determine whether the quantity and quality of the goods meet the specifications of the purchase order or contract.

(3) In the event that goods are unacceptable, when appropriate, the using department should notify the Central Purchasing Department.

(4) The using department shall notify the vendor of rejection and shall demand the vendor to promptly make satisfactory replacement or supplementary delivery.

(5) In the event the vendor fails to cure the nonconforming delivery, the City has no obligation to pay for the nonconforming goods.

(6) If delivery is acceptable, when appropriate, the using department should notify the Central Purchasing Department.

(B) Payment of purchases.

Payment shall be made when the Central Purchasing Department or using department acknowledges that the services, professional services, construction or items of personal property have been received and meet specifications unless prepayment is permitted by the City Purchasing Ordinance.

~~(C) Advance Payments.~~

~~Advance payments are those that are made prior to receipt of goods or services. The City shall not pay for goods and services before their delivery to the City unless the advance payment is necessary and serves a proper public purpose. Allowable miscellaneous advance payments include travel advances,~~

subscriptions, electronic software services, building rent, organizational memberships, convention and educational services, travel by public carriers, mail orders, postage, hotel/motel deposits, film acquisitions or rentals, advertising expenses, and telecommunication services. All allowable miscellaneous advance payments made pursuant to a written contract, lease or other agreement are subject to a maximum prepayment period of 90 days.

(D) Audits.

(1) The city may, at reasonable times and places, audit the books and records of any person, organization, or business who has submitted cost or pricing data to the extent that such books or records relate to the cost or pricing data.

(2) Persons supplying cost or pricing data must maintain books and records that relate to such data for three years from the date of final payment under the contract, unless a shorter period is authorized in writing by the Procurement Officer.

(3) The provisions in subsections (D)(1) and (2) of this section relate to an audit of the books and records of any contractor or subcontractor under a negotiated contract or subcontract, other than a firm, fixed price contract.

(Statutory Reference §§ 13-1-157 and 13-1-158, NMSA 1978)

**SECTION FOUR.** Section 2-13-270- Exemptions, of the *Alamogordo Code of Ordinances* is hereby amended to read as follows:

**2-13-270. - Exemptions.**

The following purchases shall be exempt from competitive procurement:

(1) Agreements of purchase, loan, gift, exchange or sale of materials or services with a public governmental agency.

(2) Leases, exchanges, or purchases of real property.

(3) Purchases of utilities to include, but are not limited to water, sewer, gas, electricity, telephone, cable TV, cellular phone service.

(4) Purchases of books, periodicals, films, training materials or advertising from the publishers and distributors or agents thereof which are administrative in nature and are determined to be non-competitive by the Chief Procurement Officer.

(5) Purchases of travel by public employees by common carrier or by public conveyance.

(6) Purchases, exchanges, sales, or transportation of animals for the city to be used for exhibit.

(7) Purchases of surety bonds, the issuance, sale and delivery of public securities pursuant to the applicable authorizing statute, with the exception of bond attorneys and general financial consultants

(8) Purchases of advertising for activities and services provided by the city.

(9) Purchases of parts and labor for equipment of machinery where a breakdown of this equipment or machinery could cause an emergency or costly condition to exist and where the machinery or equipment is in immediate danger of failure.

(10) Purchases of parts and labor or maintenance agreements to repair disabled equipment or machinery if the equipment or machinery is repaired by a franchised dealer or by a factory authorized repair shop.

(11) Purchases of chemicals, drugs, other controlled substances, the distribution and use of which is controlled by law or requires licensing, any other contraband which is purchased in furtherance of a criminal investigation and vehicles or equipment used in covert drug operations. Items purchased pursuant to this subsection do not need approval from the city commission, regardless of the amount of the purchase and provided that such purchases are made in compliance with internal policies approved by the City Manager and the Police Chief.

(12) Purchases of computer software including ancillary services, where such is required to match other software in use or where a unique or novel application (available from only one provider) is required to be used in the public interest. This will include applicable initial and subsequent licensing fees and services to modify or maintain proprietary software, if such services are available from only a single provider.

(13) Purchase, lease, rental or any other financial arrangement for the acquisition of works of art, artifacts, or other items for the purpose of exhibition in a public facility or area.

(14) Payment for conference registration, membership dues, or any other similar issues which are administrative in nature and are determined to be noncompetitive by the Chief Procurement Officer.

(15) Purchases, rentals, leases (personal and real property), and professional/technical services contracts necessary for the investigation of criminal activities. The public safety department may purchase such materials and services without quotations, requests for proposals, or bids if such would compromise a criminal investigation as determined by the director of public safety. Consistent with this exemption it is still the intent of this purchasing procedure that all such purchases are made at the best available price. All funds expended for this type of activity will be properly receipted and accounted for.

(16) Contracts and expenditures for litigation expenses in connection with proceedings before administrative agencies or state or federal courts, including experts, mediators, court reporters, process servers and witness fees, but not including attorney contracts.

(17) Purchases not exceeding ten thousand dollars (\$10,000) consisting of magazine subscriptions, web-based or electronic subscriptions, conference registration fees and other similar purchases where prepayments are required.

**EFFECTIVE DATE.** This Ordinance shall take effect five days after publication by title and general summary.

**DONE** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF ALAMOGORDO, NEW MEXICO  
a New Mexico municipal corporation

By: \_\_\_\_\_  
Susie Galea, Mayor

ATTEST:

\_\_\_\_\_  
Reneé L. Cantin, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Stephen P. Thies, City Attorney

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

**Meeting Date:** April 14, 2015

**Report Date:** April 3, 2015 **Report No:** 17

**Submitted By:** Nancy Beshaler **Approved For Agenda:**   
Project Manager

**Subject:** Provide direction to staff of which alternative(s) to further develop for the First Street and Florida Avenue Realignment project

**Fiscal Impact:** Dependent upon which alternative is selected  
**Amount Budgeted:** \$4,440,372  
**Fund:** 122-9499-430 (EN 1405)

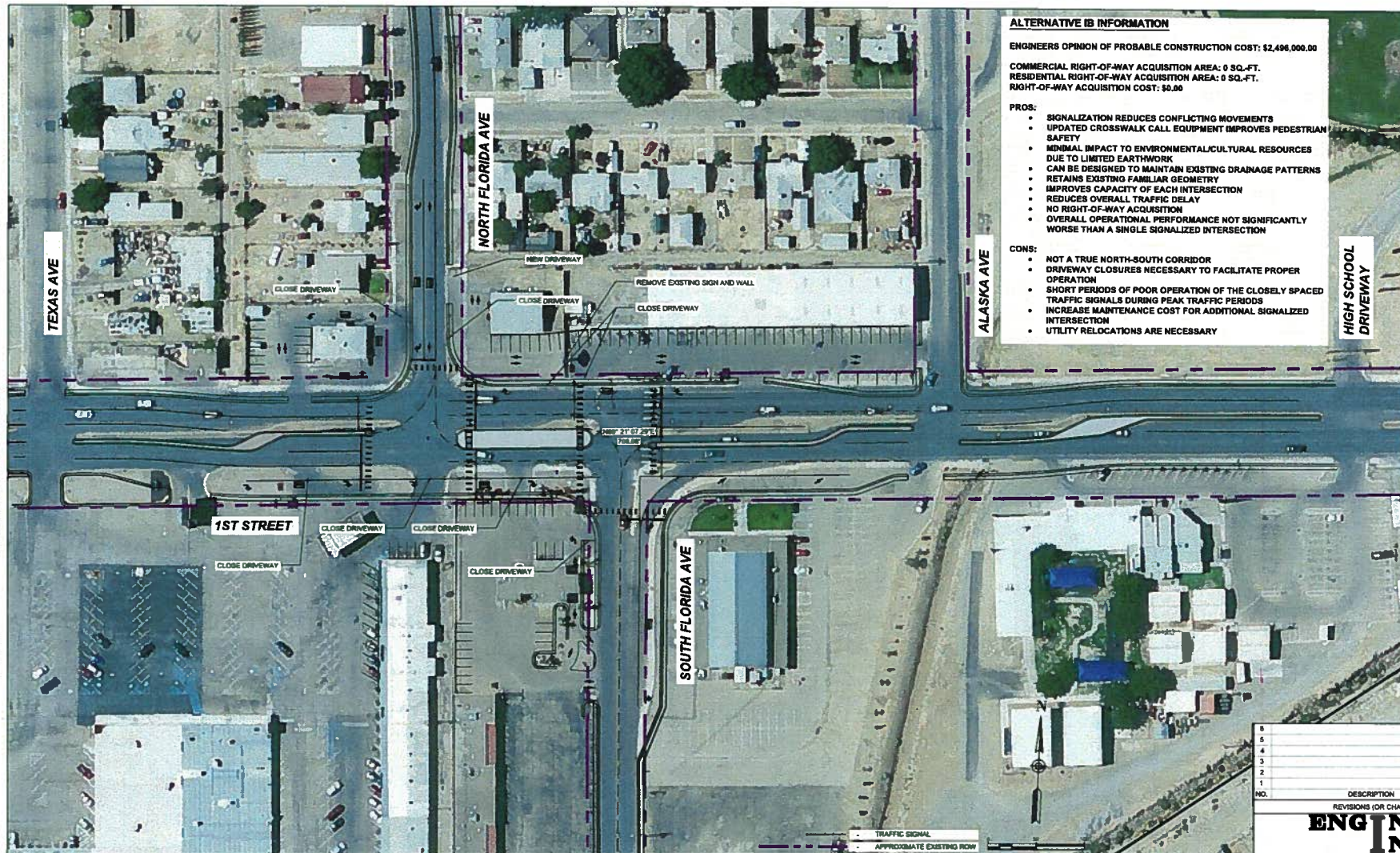
**Recommendation:** Provide direction to staff of which alternative(s) to further develop for the First Street and Florida Avenue Realignment project

**Background:** This project was brought to Commission at the February 23, 2015 meeting with 5 alternatives to consider. At that meeting Commission voted to continue evaluation of both Alternative 1B – 2 signalized intersections with First Street shifted south and Alternative 4 – the Roundabout. Later in the meeting, consideration of Alternative 2/3 – skewed/single signal intersection was discussed briefly. The City Manager met with the homeowner of the one residential property that would be impacted by Alternative 2/3 and that homeowner was receptive to selling his property for the project.

The design firm, Engineer's Inc., was ask to provide a proposal for the next steps for preliminary design with several of the tasks applicable to any of the alternatives mentioned above. The detailed evaluation of right of way, driveways, impacts to adjacent property owners, however, is specific to each alternative. Staff is asking for direction on which alternative(s) to continue with detailed evaluation/engineering.

**Reviewed By:**

City Attorney \_\_\_\_\_ City Clerk  Assistant City Manager \_\_\_\_\_ Community Services \_\_\_\_\_  
Finance \_\_\_\_\_ Housing Authority \_\_\_\_\_ Planning \_\_\_\_\_ Police Chief \_\_\_\_\_ Fire Chief \_\_\_\_\_  
Public Works \_\_\_\_\_ Purchasing \_\_\_\_\_ City Engineer \_\_\_\_\_ Human Resources \_\_\_\_\_



### ALTERNATIVE IB INFORMATION

ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST: \$2,496,000.00

COMMERCIAL RIGHT-OF-WAY ACQUISITION AREA: 0 SQ.-FT.

RESIDENTIAL RIGHT-OF-WAY ACQUISITION AREA: 0 SQ.-FT.

RIGHT-OF-WAY ACQUISITION COST: \$0.00

#### PROS:

- SIGNALIZATION REDUCES CONFLICTING MOVEMENTS
- UPDATED CROSSWALK CALL EQUIPMENT IMPROVES PEDESTRIAN SAFETY
- MINIMAL IMPACT TO ENVIRONMENTAL/CULTURAL RESOURCES DUE TO LIMITED EARTHWORK
- CAN BE DESIGNED TO MAINTAIN EXISTING DRAINAGE PATTERNS
- RETAINS EXISTING FAMILIAR GEOMETRY
- IMPROVES CAPACITY OF EACH INTERSECTION
- REDUCES OVERALL TRAFFIC DELAY
- NO RIGHT-OF-WAY ACQUISITION
- OVERALL OPERATIONAL PERFORMANCE NOT SIGNIFICANTLY WORSE THAN A SINGLE SIGNALIZED INTERSECTION

#### CONS:

- NOT A TRUE NORTH-SOUTH CORRIDOR
- DRIVEWAY CLOSURES NECESSARY TO FACILITATE PROPER OPERATION
- SHORT PERIODS OF POOR OPERATION OF THE CLOSELY SPACED TRAFFIC SIGNALS DURING PEAK TRAFFIC PERIODS
- INCREASE MAINTENANCE COST FOR ADDITIONAL SIGNALIZED INTERSECTION
- UTILITY RELOCATIONS ARE NECESSARY

1 ALTERNATIVE IB - TWO SIGNALIZED INTERSECTIONS WITH FIRST ST. SHIFTED SOUTH

| NO. | DESCRIPTION | DATE | BY |
|-----|-------------|------|----|
| 1   |             |      |    |
| 2   |             |      |    |
| 3   |             |      |    |
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| REVISIONS (OR CHANGE NOTICES)                                                                                                                                                  |  |
| <b>ENGINEERS INC</b>                                                                                                                                                           |  |
| <small>           600 S. MAIN ST. SUITE 200<br/>           SAN JOSE, CA 95128-1000<br/>           (408) 281-1000 (OFFICE)<br/>           (408) 281-0612 (FAX)         </small> |  |
| SHEET TITLE:                                                                                                                                                                   |  |
| <b>FLORIDA AND 1ST STREET<br/>INTERSECTION LAYOUT</b><br>ALAMOGORDO, NM                                                                                                        |  |



1 ALTERNATIVE II/III - SKEWED SIGNALIZED INTERSECTION

**ALTERNATIVE II/III INFORMATION**

ENGINEERS OPINION OF PROBABLE CONSTRUCTION COST: \$2,180,000.00

COMMERCIAL RIGHT-OF-WAY ACQUISITION AREA: 55,250 SQ. FT.

RESIDENTIAL RIGHT-OF-WAY ACQUISITION AREA: 7,200 SQ. FT.

RIGHT-OF-WAY ACQUISITION COST: \$807,000.00

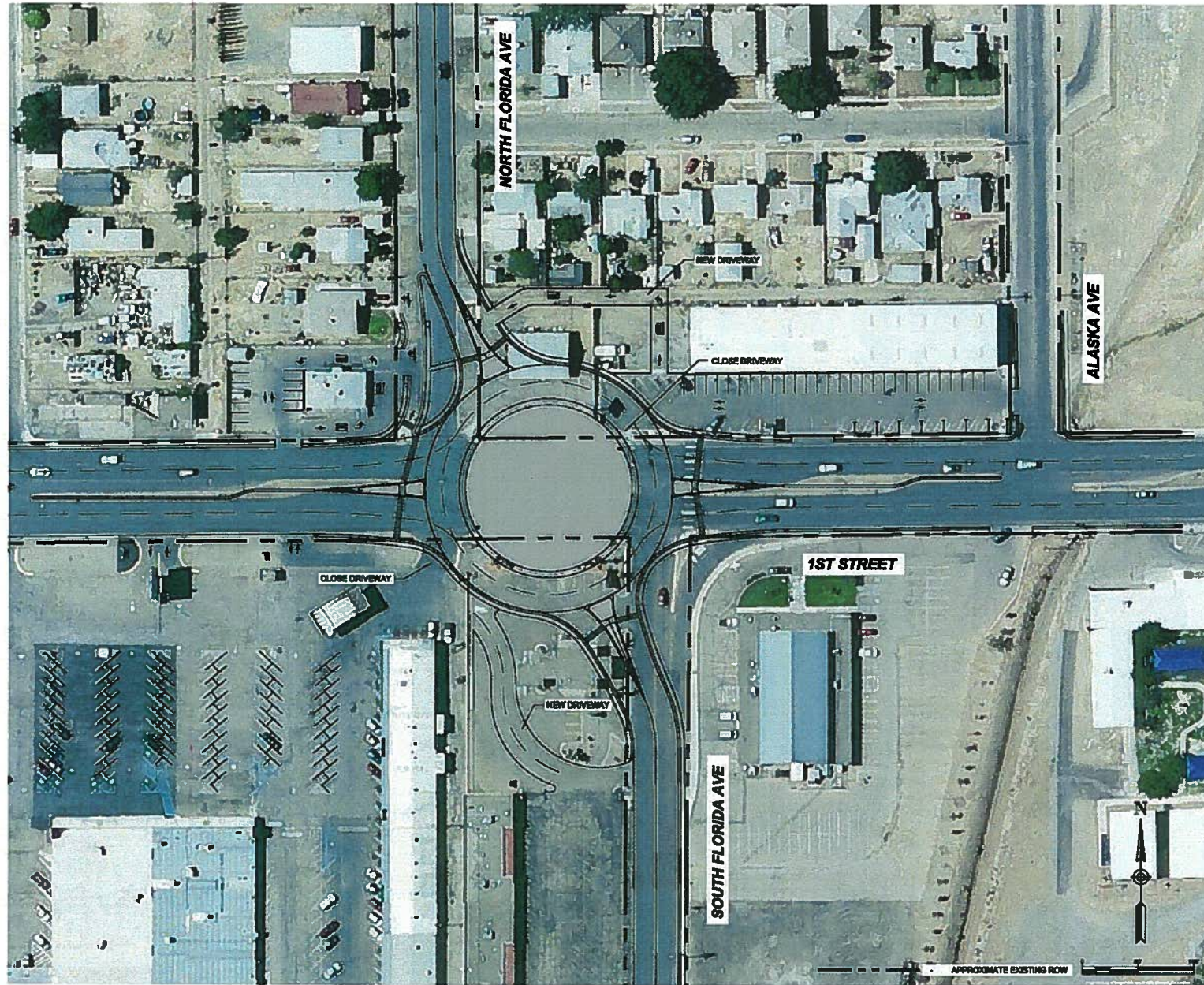
**PROS:**

- \* SIGNALIZATION REDUCES CONFLICTING MOVEMENTS
- \* UPDATED CROSSWALK CALL EQUIPMENT IMPROVES PEDESTRIAN SAFETY
- \* MINIMAL IMPACT TO ENVIRONMENT/CULTURAL RESOURCES DUE TO LIMITED EARTHWORK
- \* CAN BE DESIGNED TO MAINTAIN EXISTING DRAINAGE PATTERNS
- \* REDUCES OVERALL TRAFFIC DELAY
- \* CREATES A TRUE NORTH-SOUTH CORRIDOR
- \* MAINTAINS PROPER SIGNAL SPACING
- \* PUBLIC ACCEPTANCE
- \* MAINTENANCE COST SIMILAR TO EXISTING CONDITIONS

**CONS:**

- \* RIGHT-OF-WAY ACQUISITION NEEDED
- \* TOTAL ACQUISITION OF 2 COMMERCIAL PROPERTIES
- \* TOTAL ACQUISITION OF 1 RESIDENTIAL PROPERTY
- \* DRIVEWAY CLOSURES NECESSARY TO FACILITATE PROPER OPERATION
- \* UTILITY RELOCATIONS ARE NECESSARY
- \* INCREASED VEHICLE EXPOSURE TIME THROUGH A SKEWED INTERSECTION
- \* LESS THAN OPTIMAL STOPPING SIGHT DISTANCE VIEW ANGLE

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| 1                                                     |             |                                                 |    |
| NO.                                                   | DESCRIPTION | DATE                                            | BY |
| REVISIONS (OR CHANGE NOTICES)                         |             |                                                 |    |
| <b>ENGINEERS INC</b>                                  |             |                                                 |    |
| ONE (1) MAIN ST. SUITE 200<br>SAY CORPUS, TEX 78401   |             | (714) 634-3007 (OFFICE)<br>(714) 634-0610 (FAX) |    |
| SHEET TITLE:                                          |             |                                                 |    |
| <b>FLORIDA AND 1ST STREET<br/>INTERSECTION LAYOUT</b> |             |                                                 |    |
| ALAMOGORDO, NM                                        |             |                                                 |    |

**ALTERNATIVE IV INFORMATION**

ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST: \$1,050,000.00

COMMERCIAL RIGHT-OF-WAY ACQUISITION AREA: 56,400 SQ.-FT.  
RESIDENTIAL RIGHT-OF-WAY ACQUISITION AREA: 9 SQ.-FT.  
RIGHT-OF-WAY ACQUISITION COST: \$477,800.00**PROS:**

- REDUCES CONFLICTING MOVEMENTS
- HYBRID BEACONS AND CROSSING ISLANDS IMPROVE PEDESTRIAN SAFETY
- MINIMAL IMPACT TO ENVIRONMENTAL/CULTURAL RESOURCES DUE TO U
- CAN BE DESIGNED TO MAINTAIN EXISTING DRAINAGE PATTERNS
- REDUCES OVERALL TRAFFIC DELAY
- CREATES A TRUE NORTH-SOUTH CORRIDOR
- LOWER MAINTENANCE COST
- REDUCES ACCIDENT RATES AND THEIR SEVERITY
- IMPROVED AESTHETICS
- PUBLIC ACCEPTANCE

**CONS:**

- RIGHT-OF-WAY ACQUISITION NEEDED
- TOTAL ACQUISITION OF 2 COMMERCIAL PROPERTIES
- DRIVEWAY CLOSURES NECESSARY TO FACILITATE PROPER OPERATION
- UTILITY RELOCATIONS ARE NECESSARY

|                                                             |             |
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| NO.                                                         | DESCRIPTION |
| REVISIONS (OR CHANGE NOTICE)                                |             |
| <b>ENGINEER INC</b>                                         |             |
| 500 S MAIN ST. SUITE 200<br>LAS CRUCES, NM 87801-1000 (505) |             |
| SHEET TITLE:                                                |             |
| <b>FLORIDA AND 1ST ST<br/>INTERSECTION LAYOUT</b>           |             |
| ALAMOGORDO, NM                                              |             |

**1 ALTERNATIVE IV - ROUNDABOUT INTERSECTION**

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

**Meeting Date:** April 14, 2015

**Report Date:** April 1, 2015 **Report No:** 18

**Submitted By:** Ruben Segura  
City Planner

**Approved For Agenda:**

**Subject:** Consider, and act upon, approval of a Memorandum of Agreement related to the Southern New Mexico/El Paso Joint Land Use Study (JLUS) Implementation.

**Fiscal Impact:** \$7,500.00 Administrative In-Kind  
**Amount Budgeted:** \$ 0.00  
**Fund:** (11)

**Recommendation:** Approve the MOA.

**Background:** On May 22, 2012 the City Commission approved a Memorandum of Agreement to establish a Regional Planning Organization (RPO) for coordinating a regional Joint Land Use Study (JLUS) in the southern New Mexico – El Paso region. As a result of such action, the Southern New Mexico – El Paso Texas Joint Land Use Study group (RPO) completed three (3) of the four (4) phases required by the Office of the U.S. Department of Defense, Economic Adjustment (OEA). In order to achieve the fourth (4<sup>th</sup>) and final phase, the SNM/EP JLUS Partnership is requesting that the study partners approve the JLUS Implementation Committee-MOA, since the previous JLUS grant recently ended.

On February 19, 2015, staff was instructed by the City Manager, Mr. James R. Stahle, to analyze this item and provide a staff report and issue a recommendation. Staff developed the requested report, as recommended (please see attachment). As a result of the report findings, staff is recommending approval of the MOA.

The administrative in-kind match will be monitored in H.T.E. through Project GC1503.

**Reviewed By:**

City Attorney \_\_\_\_\_ City Clerk \_\_\_\_\_ Community Development \_\_\_\_\_ Community Services \_\_\_\_\_  
Finance \_\_\_\_\_ Housing Authority \_\_\_\_\_ Planning \_\_\_\_\_ Personnel \_\_\_\_\_ Public Safety \_\_\_\_\_  
Public Works \_\_\_\_\_ Purchasing \_\_\_\_\_ Assistant City Manager \_\_\_\_\_

## **MEMORANDUM OF AGREEMENT**

### **SOUTHERN NEW MEXICO/EL PASO JOINT LAND USE STUDY**

#### **IMPLEMENTATION COMMITTEE**

This Memorandum of Agreement is entered into on the \_\_\_\_\_ day of \_\_\_\_\_, 2015 by and among the following : County of Doña Ana, the County of Otero, the County of Lincoln, the County of Sierra, and the County of Socorro in New Mexico and El Paso County, Texas (collectively, "the Counties"); the City of Alamogordo and the City of Las Cruces in New Mexico, and the City of El Paso in Texas (collectively, "the Cities"); and the State of New Mexico (Spaceport America and the Office of Military Base Planning and Support); the New Mexico State Land Office; the Bureau of Land Management; and the U.S. Forest Service, Fort Bliss, Holloman Air Force Base, and White Sands Missile Range (the Concurring Parties) who will advise and assist.

WHEREAS, the Counties, the Cities, and the Concurring Parties entered into a Memorandum of Agreement in July, 2012 for the purpose of organizing a Regional Planning Organization (RPO) and conducting a Regional Joint Land Use Study; the Southern New Mexico/El Paso Joint Land Use Study(SNM/EP JLUS); and

WHEREAS, Doña Ana County served as the Fiscal Agent and Project Manager for the SNM/EP JLUS; and

WHEREAS, Doña Ana County applied for and received a Department of Defense (DOD), Office of Economic Adjustment (OEA) grant; and

WHEREAS, Doña Ana County issued a Request for Proposals on behalf of the RPO with the purpose of selecting a consultant to guide and support the efforts of the RPO in conducting the SNM/EP JLUS; and

WHEREAS, representatives of the Counties; the Cities, the Concurring Parties, the Bureau of Land Management, the U.S. Forest Service, the New Mexico State Land Office, and the State of New Mexico (Spaceport America and the Office of Military Base Planning and Support) agreed to participate as members of the SNM/EP JLUS Policy Committee and/or Technical Committee; and

WHEREAS, the consultant team facilitated numerous public meetings throughout the study area for the purpose of soliciting public input and comments; and

WHEREAS, the RPO has identified strategies (Compatibility Strategy Menu) which accomplish the objectives of the SNM/EP JLUS and entail further administrative action by the Cities, the Counties, the Concurring Parties, and other participants to further the objectives of Compatible Use among all participating entities; and

WHEREAS, following the completion of the SNM/EP JLUS and issuance of the Final Report it will be necessary to establish a SNM/EP JLUS Implementation Committee (JLUSIC); and

WHEREAS, Doña Ana County has agreed to again serve as the Fiscal Agent and Project Manager for the Implementation Phase of the SNM/EP JLUS

NOW THEREFORE, the parties agree to the following terms and conditions for the purpose of implementing strategies and other recommendations of the SNM/EP JLUS, to wit:

1. The purpose of the JLUSIC is to develop and to further strengthen clear and consistent channels of communication across all stakeholder groups in the region, and also to promote inter-jurisdictional and inter-agency cooperation on critical planning issues related to military-community compatibility.
2. The JLUSIC will be composed of those members who have the most expertise as well as current experience and a strong commitment to addressing all aspects of the JLUS. In most cases, this will include those members who previously participated in the SNM/EP JLUS Technical Committee.
3. Doña Ana County will apply for a DOD, OEA grant for the purpose of organizing the JLUSIC partners and initiating efforts to carry out the recommendations of the JLUS, and serve as Project Manager in a capacity similar to that undertaken during the JLUS. Any funds received from OEA will serve as a catalyst to initiate the committee and are not anticipated to be a source of long-term funding.
4. The Co-Chairs of the JLUSIC will be a representative from Doña Ana County and a representative of Ft. Bliss. The JLUS will include representation from the Counties; the Cities; the Military Installations (Fort Bliss, Holloman Air Force Base, and White Sands Missile Range); the State of New Mexico (Spaceport America and the Office of Military Base Planning and Support); the New Mexico State Land Office; the Bureau of Land Management; and the U.S. Forest Service. It is expected that members of the JLUSIC have appropriate decision-making authority for their position and can also advance recommended implementation steps. In addition, one representative of the TRIAD (an umbrella effort facilitating internal coordination between Fort Bliss, Holloman Air Force Base, and White Sands Missile Range) will participate in the JLUSIC to address issues of airspace management and coordination.
5. The JLUSIC may add new parties to this MOA through consensus of the existing MOA members based on an entity's land use or other decision-making authority if such a need arises.
6. The JLUSIC will solicit comments and input as needed from the public and stakeholders with technical expertise relevant to the implementation process, such as private sector developers; landowners; educational/research and development institutions; non-profit groups; water planning and/or irrigation districts; major utility providers; energy developers; and others as appropriate.
7. Except as specifically set forth herein, the parties retain all budgetary and legislative functions and other authorities, except as specifically delegated to the JLUSIC by this agreement.
8. The JLUSIC will meet quarterly, or as subject to the call of the Co-Chairs. The JLUSIC may establish sub-committees for specific actions and/or issues. The JLUSIC will endeavor to

accomplish the objectives of the MOA with teleconferences to the extent possible; such teleconferences may also be scheduled between quarterly meetings.

9. JLUSIC members will be responsible for coordinating with their respective jurisdictions and agencies to further efforts necessary to carry out recommendations of the JLUS as discussed by the JLUSIC. Members of the JLUSIC are expected to represent the interests of their jurisdictions or agencies and maintain communication with their senior leadership.
10. The JLUSIC will schedule public meetings on a quarterly basis.
11. The JLUSIC shall establish an operational budget which will be approximately \$500,000. The budget(s) must be approved by all parties to this Agreement prior to becoming effective as the parties deem necessary. Each of the parties hereto agrees to pay the following proportions of the required 10% non-Federal contribution, which would be approximately \$50,000, "local match", either through a cash contribution, in-kind staff time dedicated to the project, or a combination thereof.

Doña Ana County: 20%  
Otero County: 15%  
Lincoln County: 5%  
Socorro County: 5%  
Sierra County: 5%  
El Paso County: 5%  
The City of Alamogordo: 15%  
The City of Las Cruces: 20%  
The City of El Paso: 10%

12. Any changes, modifications, or alterations to the matters addressed by this MOA shall only become effective upon approval by all parties and shall be incorporated as a written amendment to this Agreement.

**MEMORANDUM OF AGREEMENT: SOUTHERN NEW MEXICO/EL PASO JOINT LAND USE STUDY**

**IMPLEMENTATION COMMITTEE**

**APPROVED**

**CITY OF ALAMOGORDO**

By: \_\_\_\_\_

Title: \_\_\_\_\_

**CITY OF EL PASO**

By: \_\_\_\_\_

Title: \_\_\_\_\_

**CITY OF LAS CRUCES**

By: \_\_\_\_\_

Title: \_\_\_\_\_

**LINCOLN COUNTY**

By: \_\_\_\_\_

Title: \_\_\_\_\_

**SIERRA COUNTY**

By: \_\_\_\_\_

Title: \_\_\_\_\_

**OTERO COUNTY**

By: \_\_\_\_\_

Title: \_\_\_\_\_

**EL PASO COUNTY**

By: \_\_\_\_\_

Title: \_\_\_\_\_

**DOÑA ANA COUNTY**

By: \_\_\_\_\_

Title: \_\_\_\_\_

**SOCORRO COUNTY**

By: \_\_\_\_\_

Title: \_\_\_\_\_

**MEMORANDUM OF AGREEMENT: SOUTHERN NEW MEXICO/EL PASO JOINT LAND USE STUDY**

**IMPLEMENTATION COMMITTEE**

**CONCURRING PARTIES**

**WHITE SANDS MISSILE RANGE**

By: \_\_\_\_\_

Title: \_\_\_\_\_

**FORT BLISS**

By: \_\_\_\_\_

Title: \_\_\_\_\_

**HOLLOMAN AFB**

By: \_\_\_\_\_

Title: \_\_\_\_\_

**STATE OF NEW MEXICO**

By: \_\_\_\_\_

Title: \_\_\_\_\_

**USDA, REGION 3, LINCOLN NATIONAL FOREST**

By: \_\_\_\_\_

Title: \_\_\_\_\_

**BUREAU OF LAND MANAGEMENT  
LAS CRUCES DISTRICT**

By: \_\_\_\_\_

Title: \_\_\_\_\_

**NEW MEXICO STATE LAND OFFICE**

By: \_\_\_\_\_

Title: \_\_\_\_\_



## **STAFF REPORT**

**Entity:** City of Alamogordo  
**Department:** Community Development Department – Planning and Zoning Division  
**Staff Member:** Ruben Segura, City Planner  
**Subject:** JLUS

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### **RECOMMENDATION**

Staff recommends approval of the Southern New Mexico-El Paso Texas Joint Land Use Study Implementation Committee - Memorandum of Agreement (MOA).

### **ISSUE**

Should the City of Alamogordo approve the Southern New Mexico-El Paso Texas Joint Land Use Study (SNM/EP JLUS) Implementation Committee - Memorandum of Agreement (MOA)?

### **DIRECTIVE**

On February 19, 2015, staff received a directive from the City Manager, Mr. James R. Stahle, requesting that the Planning and Zoning Division analyze the above issue and make a recommendation.

In order to provide a staff recommendation, staff reviewed the following:

1. Southern New Mexico/El Paso Joint Land Use Study Implementation Committee: Memorandum of Agreement;
2. Memorandum of Agreement Regional Planning Organization for the Purpose of Conducting a Joint Land Use Study (Approved May 22, 2012).
3. Southern New Mexico/ El Paso Joint Land Use Study Main Report prepared by AECOM Technical Services(January 2015: FINAL);
4. Southern New Mexico/ El Paso Joint Land Use Study Economic Impact Study (1/30/2015);
5. Southern New Mexico/ El Paso Joint Land Use Study Website:  
<http://snmepjointlanduse.com> ;
6. Southern New Mexico/ El Paso Joint Land Use Study Public Meeting Summary;
7. Southern New Mexico/ El Paso Joint Land Use Study Otero County Public Meeting – October 7<sup>th</sup> Presentation;
8. Southern New Mexico/ El Paso Joint Land Use Study Existing Conditions Report;
9. Southern New Mexico/ El Paso Joint Land Use Study Existing Conditions Summary;
10. JLUS Partner Briefing Otero County Presentation;

11. Tri-Military Facility Regional Planning Organization Preliminary Presentation – City of Alamogordo (2 May 2012);
12. Southern New Mexico/ El Paso Joint Land Use Study Compatibility Strategy Menu;
13. Joint Land Use Study Program Guide Manual – Office of Economic Adjustment;

## **GENERAL INFORMATION**

### *JLUS*

In general, a Joint Land Use Study (JLUS) is a cooperative land use planning effort conducted as a joint venture between an active military installation, surrounding cities and counties, state and federal agencies, and other affected stakeholders. It is produced by and for the local jurisdiction(s) and is intended to benefit both the local community and the military installation(s). For the military, a JLUS is intended to supplement their work, including the Air Installations Compatible Use Zones (AICUZ) program, which is designed to identify accident potential and high noise zones surrounding military airfields, and ensure that our US military war fighters are well trained and prepared to enter any threat of war, anywhere in the world, survive, and to win. As for communities, JLUS offers an opportunity to coordinate local civilian development with the activities of the local military installations. The JLUS process identifies specific recommendations regarding sustainability issues for communities to then take back to their jurisdictions and make a decision on whether they want to accept them. The recommendations are entirely voluntary and the community participants are under no obligation to adopt any of them, although because the communities have been involved in the drafting of the recommendations, it is hoped that some will be adopted.

The central purpose of a JLUS study is to promote coordination and collaboration among the participating entities, and to minimize or, when feasible, eliminate or prevent compatibility issues between the military and surrounding civilian land uses.

Compatibility challenges occur when:

- Communities experience higher than normal levels of impact from military activities, such as noise or safety risks, which can then affect land uses; or
- Certain types of development limit the ability of the military to perform its mission or cause changes in operations that reduce mission effectiveness.

The primary goals are to:

- Develop smaller work groups within the Implementation Committee to address specific concerns raised by the stakeholders. These workgroups include: Airspace, Noise, Energy/Resources, Plans/Ordinances and Communications Workgroups. These groups will address concerns raised by stakeholders and identify a plan of action.
- More generally, the group will seek to develop strategies to protect the public health and safety of both the civilian and military communities, airports, and ranges, including the noise and accident potential zones;
- Support local communities in sustaining safe, compatible growth;

- Develop and/or identify cooperation land and air use planning, strategies, and techniques that fairly allocate impacts of the program with respect to federal, state, and local governments, private landowners, and the military community;
- Improve regional cooperation as it relates to military community compatibility and planning; and
- Establish an enduring forum for cooperation, communication, and implementation.

A JLUS consists of a four (4) part planning process:

Phase 1: Existing Conditions,  
 Phase 2: Compatibility Analysis,  
 Phase 3: Plan Development, and  
 Phase 4: Implementation.

## **BACKGROUND**

### *SNM/EP JLUS*

In 2011, the US Department of Defense nominated all three military installations of Fort Bliss (FTB), White Sands Missile Range (WSMR), and Holloman Air Force Base (HAFB) for a Joint Land Use Study (JLUS) and it was decided shortly thereafter that it would be best to do one “iconic” JLUS for southern New Mexico – El Paso Texas region consisting of all three. The proposed Joint Land Use Study (JLUS) now termed the Southern New Mexico – El Paso Texas (*SNM/EP*) Joint Land Use Study (*JLUS*), consisted of a study area of approximately 27,000 square miles of unique landscaping that includes rural, suburban, and urban area and houses approximately 1.1 million inhabitants, including six (6) counties: Dona Ana, Otero, Sierra, Lincoln, and Socorro Counties in New Mexico and El Paso County in Texas. The study also includes three (3) major cities: the City of Las Cruces, the City of Alamogordo, and City of El Paso, TX. A number of State and Federal agencies have also participated including the Spaceport Authority, US Forest Service, and the Bureau of Land Management.

A Memorandum of Agreement (MOA) was drafted for purposes of organizing a Regional Planning Organization (RPO) that would spearhead the JLUS. All eight cities and counties individually approved and signed the MOA, while the corresponding federal and state entities (State of New Mexico Spaceport America, the Office of Military Base Planning and Support, the New Mexico State Land Office, the Bureau of Land Management, the U.S. Forest Service, Fort Bliss, Holloman Air Force Base, and White Sands Missile Range) took a concurring party role. Dona Ana County was assigned to serve as the fiscal agent on behalf of the Regional Planning Organization and was responsible for applying for and administering the initial JLUS grant from the Office of the Department of Defense, Economic Adjustment (OEA).

The City of Alamogordo, in particular, approved the JLUS MOA in its May 22, 2012 City Commission meeting under the consent agenda. The MOA established a Regional Planning Organization (RPO) responsible for coordinating the JLUS process. The RPO consisted of a Policy Committee and a Technical Committee member from each participating entity. The Policy Committee was responsible for overseeing the JLUS process, reviewing draft and final written

reports, and evaluating policy recommendations. The Technical Committee, in turn, was composed of individuals who serve at a technical capacity, such as: city/county planners and officials; state, federal and military planners, technical and professional staff responsible for assisting in data collection, identifying, and studying technical issues, and developing recommendations for evaluation by the Policy Committee. In the case of the City of Alamogordo, Mayor Susie Galea was the designee representative in the Policy Committee; while the City Planner served on the Technical Committee on behalf of the City. If needed, one can find a list of the Joint Land Use Study Policy Committee and Joint Land Use Study Technical Committee members at the SNM/EP JLUS membership in Main Report in the Acknowledgement section (page 3).

#### A. SNM/EP JLUS - Current Status

The Southern New Mexico – El Paso Texas (SNM/EP) Joint Land Use Study (JLUS) group completed three (3) of the four (4) phases and is progressing towards the Implementation phase of the process. The first three phases of the JLUS focused on: an OEA project manager meeting with military installation and community leadership to explain the purpose and process for initiating the JLUS; the identification and selection of a local sponsor to act as a fiscal agent; local community organizing by identifying and involving stakeholders, obtaining formal commitments from the study partners to the project, creating Policy and Technical Committees; ensuring public involvement by conducting public and community meetings; and generating key research studies and reports to support the JLUS process. In particular, the SNM/EP JLUS generated a series of documents that include: the JLUS Existing Conditions (Executive Summary/Technical Appendix) Report, JLUS Public Meeting Summary Report, JLUS Compatibility Strategy Menu, JLUS Economic Impact Study, and the JLUS Main Report. This Spring Dona Ana County expects to submit a second grant request to the OEA to support phase four (4) of the JLUS process, after successfully accomplishing the objectives of the first grant proposal and the original grant terminating on February 28, 2015. In order to achieve the fourth (4<sup>th</sup>) and final phase, the SNM/EP JLUS Partnership is requesting that the study partners approve the JLUS Implementation Committee- MOA.

During the fourth and final phase (or Implementation phase), representatives from the participants will be working towards ensuring that the recommendation compatibility strategies described in the JLUS Main Report get implemented.

#### B. (SNM/EP JLUS) MAIN REPORT

The SNM/EP JLUS Final Report recently became available on February 26, 2015 and is now available for public view at <http://snmepjointlanduse.com>. The Final Report not only describes the study area, the purpose of the study, and identifies the study partners and the JLUS committees, but provides the outcomes of the community engagement process, synthesizes all the studies and reports generated during the SNM/EP JLUS process, and identifies the compatibility factors unique to the SNM/EP JLUS region, as well as provides recommended strategies and actions.

#### C. JLUS – Public Involvement Process

It is important to note that the SNM/EP JLUS went through an extensive community-driven public and participating agency process that transpired during the course of two years (2013 & 2014) and included, among other things:

- a. JLUS Partner meetings (Policy and Technical) and briefings,
- b. Stakeholder interviews,
- c. Public outreach meetings (Round #1),
- d. Website - comments,
- e. Public meetings in each represented county throughout the region (Round #2),  
and
- f. Written comments.

Across all meetings, water received the highest priority followed by energy/renewable energy development, aviation noise, and quality of life/accommodating military related growth. Particularly, the meeting in Otero County/City of Alamogordo emphasized the accommodation of military-related growth and energy.

#### D. Economic Impact Study

The Southern New Mexico – El Paso Texas (SNM/EP) Joint Land Use Study (JLUS) also generated an economic development impact study to determine the economic impact the three military institutions: FTB, WSMR and HAFB have on the region. According to the economic impact study, one in every five to six jobs in the region can be attributed to the economic impacts from employment and spending from the three military installations which represents 17.9 percent of all regional employment. One in every four dollars in the six-county region's total payrolls are from the wages and salaries, or 24.9 percent of all earned income. Similarly, one in every five to six dollars of all industry sector activity, or 18.9 percent, of industry output is due to military employment and spending.

##### a. Otero County

Fort Bliss, Holloman, and WSMR together account for 96,250 in regional jobs, of which 8,910 jobs can be accounted for Otero County alone. Jobs impacts represent 30.6% of total Otero County employment, which the contractor said was extraordinarily high for a community. Income from the installations represent 45.4% of all earned county income, or close to one in every two dollars in wages or salaries. Fort Bliss, Holloman AFB, and WSMR together account for 43.3% of all activity in industry output, or slightly over two dollars in every five dollars of County output value.

#### E. Compatibility Factors

The SNM-EP Main Report acts as the concluding document for phases one (1) through three (3) and the guide for Phase 4: Implementation. The Main Report findings identified a number of capability challenges in which current and foreseeable military operations and surrounding community activities may overlap, and made specific recommendations to address these factors. The capability challenges ranged from:

- **Air Quality** (due to fugitive dust from dirt roads, and control smoke from military training missions or from control burns in public managed and private lands that may obscure military testing operations),
- **Airspace Use** (concerns revolve around access to and through restricted airspace increasing travel time and cost and scheduling conflicts that result in HAFB flying into the mountain communities creating higher noise impacts),
- **Aviation Testing/Safety** (region's potential for solar and wind energy production and the accompanying transmission lines which may interfere with low-level flight operations associated with HAFB, or hazardous testing activities conducted by WSMR which may create a higher risk of potential damage should a launched missile malfunction),
- **Frequency and Spectrum interference** (increasing competition among government and non-government sectors of the radio frequency spectrum create a number of capability challenges),
- **Light Pollution** (stray or excessive light from artificial lighting sources, such as building exteriors, advertising, streetlights, or outdoor facilities or venues interfere with the use of night-vision training devices (NVDs) during military training operations or affect the region's observatories – i.e. Apache Point Observatory in Sunspot),
- **Noise – Aviation** (noise and startle effects from low-level high-speed aircraft operations, primarily along MTRs, can affect local activities, including ranching, children's camps and recreational uses – i.e. sonic booms, helicopter operations, low level noise etc.),
- **Noise – Range** (noise associated with FTB comes from large-caliber weapons impact sounds during day and night time trainings affecting nearby residents, particularly in the Talavera and Chaparral area),
- **Public Trespass/Access** (public trespass on military land could and have placed trespassers at risk of physical harm and military activities, mainly vehicle-related exercises, can result in undue and unexpected impacts to resources on public lands),
- **Transportation** (impacts due to military mission – i.e. periodic road closures due to testing and training activities, military vehicle use of local roadways, and localized traffic impacts resulting from ingress and egress at installation gates),
- **Water** (the current exceptional drought, climate change, water quality issues, damage or overuse of specific water sources, and increased demands from military and civilian growth in parts of the study area), and
- **Wildfire** (risk of wildfire caused by military activity is identified as a capacity factor-however the impact is limited since the areas where this type of activity occurs is discrete, in control areas and coordinated with representatives from BLM).

#### F. Recommended Strategies:

The JLUS Technical Committee and the planning team, in turn, identified a set of compatibility factors based on the analysis and public input that represented a cluster of related issues, challenges and needs that could affect public health and safety, quality of life, community growth opportunities or the safety and effectiveness of military operations in the region. The following menu lists the top six categories:

- a. Airspace Safety and Management,
- b. Communication and Coordination,
- c. Energy Infrastructure Management,
- d. Local Government Plans,
- e. Land Use, and
- f. Noise Management/Avoidance.

The remainder of the menu categories, considered high public priorities, fall outside of the core purpose of the JLUS, but are featured as part of the foundational actions described in the Final Report. The other compatibility menu categories are:

- Economic Development
- Fire Management
- Frequency and Spectrum Management
- Land Conservation
- Military Plans
- Outdoor Lighting
- Physical Security
- Real Estate
- State-Wide Policy/Legislative Actions

#### G. Ongoing and Immediate Actions

Given that all study partners (military installations, federal and state agencies, and local governments) have distinct organizational processes, the Final Report outlines specific actions to help accomplish the objectives of the JLUS study. The ongoing and immediate actions are as following:

Given that all study partners (military installations, federal and state agencies, and local governments) have distinct organizational processes, the Final Report outlines specific actions to help accomplish the objectives of the JLUS study. The ongoing and immediate actions are as following:

- Form a JLUS Implementation Body (consisting of the formal JLUS partners) to build further support within each distinct organization,
- Conduct Additional and Regular Community and Agency Outreach between all stakeholders in order to improve communication and raise overall awareness of DoD entities and compatibility,
- Establish Clear Points of Contact (channels for communication across all stakeholder groups and promote transparency),
- Improve Notification Methods (advance notice about military activities or potential impacts help people be informed),
- Build Institutional Capacity to Manage Regional Airspace,
- Integrate Compatibility into Local Government Plans (again, any implementation into local government plans is entirely voluntary for each community, no entity is bound by these decisions),

- Encourage Partner Participation in Local Government Planning (ie military representatives sitting as non-voting members on local planning boards),
- Collaborate on Planning for Energy Development Opportunities,
- Map Regional Energy Development Opportunities,
- Promote Interagency Consultation on Land Use,
- Promote Compatibility of State Trust Land,
- Support Conservation Partnerships,
- Increase Land Use Authority in El Paso County (limited to El Paso County and their efforts with the Texas State Legislature),
- Increase Information about Regional Noise Impacts,
- Establish a Notification Process for Vertical Structures (the goal is to timely inform the military about potential hazardous structures and not to prevent their construction),
- Promote an Integrated Regional Water Planning Process.

## CONCLUSION

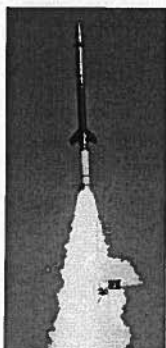
The Southern New Mexico – El Paso Texas (*SNM/EP*) Joint Land Use Study (*JLUS*) is strictly advisory. All partner entities, including the military installations, cities, counties, and state and federal agencies have the discretion to adopt the recommended strategies that are appropriate for the local contexts.

The study acknowledges the uniqueness of the SNM-EP study area and that local entities need to have different tools at their disposition and processes available to address issues associated with the capacity challenges that affect them. Therefore, the JLUS seeks to make available, through the implementation phase, a menu of tools and processes to each collaborating partner that will assist them in addressing such challenges. Overall, the JLUS emphasizes coordination and communication as a way to strengthen the relationship among the study area partners and to build a framework for successful implementation and monitoring of progress toward shared goals.

## ANALYSIS

1. The *SNM/EP* JLUS is strictly advisory.
2. The City of Alamogordo/Otero County are economically tied and highly dependent on military employment and spending.
3. It is in the best interest of the City of Alamogordo/Otero County to continue to take part in the *SNM/EP* JLUS to express support and interest in the area's military industries given the potential cost of losing these industries due to incompatible land development related to the Defense Base Closure and Realignment Commission (BRAC).
4. JLUS is a tool and a process available to the City of Alamogordo/Otero County to not only highlight common interests, but to work with the partnering military institutions to address such as:
  - a. Stable economic growth,
  - b. More efficient infrastructure,
  - c. Healthier environments,

- d. Improved quality of life,
  - e. Rural lifestyles,
  - f. And the protection of Department of Defense (DoD) and civilian investments and missions.
5. Similarly important, JLUS is a tool and a process available to the City of Alamogordo/Otero County for dialog around complex issues such as:
- a. Land use,
  - b. Economic development,
  - c. Infrastructure,
  - d. Environmental sustainability,
  - e. And the operational demands and mission changes of both civilian and military entities.



This study was prepared under contract with Doña Ana County, New Mexico, with financial support from the Office of Economic Adjustment, Department of Defense. The content reflects the views of study partners and does not necessarily reflect the views of the Office of Economic Adjustment.

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This document has been prepared by AECOM on behalf of the Southern New Mexico | El Paso, Texas Joint Land Use Study

Project No.

60282914

Client

SNMEP JLUS

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## ACKNOWLEDGEMENTS

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### **Joint Land Use Study Policy Committee**

Co-Chair Commissioner Ben Rawson, Doña Ana County  
Co-Chair Commissioner Susan Flores, Otero County  
Mayor Susie Galea, City of Alamogordo  
Mayor Pro-Tem Greg Smith, City of Las Cruces  
Matthew McElroy, Director, City Development Department, City of El Paso  
Mayor Tom Battin, Village of Ruidoso  
Holm Bursum, IV, Socorro County  
Commissioner Walter Armijo, Sierra County  
Commissioner Sergio Lewis, El Paso County  
Don Britt, Assistant Commissioner for Commercial Resources, New Mexico State Land Office  
Bill Childress, Bureau of Land Management, District Manager, Las Cruces District  
Bill Connor, New Mexico Military Base Planning Commission  
Ed Brabson, New Mexico Military Base Planning Commission  
Travis Moseley, Forest Supervisor, Lincoln National Forest, U.S. Forest Service  
Ex-Officio Member Hanson Scott, Director, Office of Military Base Planning and Support  
Ex-Officio Member Wayne Julius, Fort Bliss  
Ex-Officio Member Paul Mann, Executive Director, White Sands Missile Range  
Ex-Officio Member Col. James Thompson, vice commander of the 49th Wing, Holloman Air Force Base

### **Joint Land Use Study Technical Committee**

Co-Chair Dan Hicks, Chief of Staff, White Sands Missile Range  
Co-Chair Pamela Heltner, County Manager, Otero County  
Daniel Hortert, Community Development Director, Doña Ana County  
Curt Temple, Planning Director, Lincoln County  
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Office of United States Senator Tom Udall (NM)  
Office of U.S. Senator Martin Heinrich (NM)

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- Economic Development
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- Land Conservation
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- Outdoor Lighting
- Physical Security
- Real Estate
- State-Wide Policy/Legislative Actions
- Transportation
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|                                                           |                                                                                |
|-----------------------------------------------------------|--------------------------------------------------------------------------------|
| 1AD – 1st Armored Division                                | ETZ – Extra-Territorial Zoning                                                 |
| AAF – Army Airfield                                       | FAA – Federal Aviation Administration                                          |
| AAMDC – Army Air & Missile Defense Command                | FBTC – Fort Bliss Training Complex                                             |
| ABQ – Albuquerque International Sunport                   | FCC – Federal Communications Commission                                        |
| ACUB – Army Compatible Use Buffer                         | FLPMA – Federal Land Policy and Management Act                                 |
| ACEC – Area of Critical Environmental Concern             | FORSCOM – Forces Command                                                       |
| AETC – Air Education Training Command                     | FTU – 2 – Second Formal Training Unit                                          |
| AFRL – Air Force Resource Laboratory                      | FTX – Discrete field training site                                             |
| ARFORGEN – Army Force Generation                          | GAF – German Air Force                                                         |
| AGL – Above Ground Level                                  | GAF TTC – German Air Force Tactical Training Center                            |
| AICUZ – Air Installation Compatible Use Zone              | GEODSS – Ground-based Electro-Optical Deep Space Surveillance                  |
| APOE – Aerial Port of Embarkation                         | GLO – Texas General Land Office                                                |
| APZ – Accident Potential Zone                             | HAFB – Holloman Air Force Base                                                 |
| AR – Aerial Refueling                                     | HAMET – High Altitude Mountain Environment Training                            |
| ARC – Acoustic Research Complex                           | HBCT – Heavy Brigade                                                           |
| ARL – Army Research Laboratory                            | HE – High Explosive                                                            |
| ARMS – Alliance for Regional Military Support             | HELSTF – High Energy Laser Systems Test Facility                               |
| ARTCC – Air Route Traffic Control Center                  | HPM – High Powered Microwave                                                   |
| ATC – Air Traffic Control                                 | HSTT – High Speed Test Track                                                   |
| ATEC – Army Test and Evaluation Center                    | IBCT – Infantry Brigade                                                        |
| BASH – Bird Aircraft Strike Hazards                       | ICRMP – Integrated Cultural Resources Management Plan                          |
| BEAR – Basic Expeditionary Airfield Resources             | ICEMAP – Installation Complex Encroachment Management Action Plan              |
| BLM – Bureau of Land Management                           | IFDS – Integrated Frequency Deconfliction System                               |
| BMC – Brigade Modernization Command                       | INRMP – Integrated Natural Resources Management Plan                           |
| BRAC – Base Realignment and Closure                       | IONMP – Installation Operational Noise Management Plan                         |
| CAB – Combat Aviation Brigade                             | JEF – Jornada Experimental Range                                               |
| CACTF – Combined Arms Collective Training Facility        | JLENS – Joint Land Attack Cruise Missile Defense Elevated Netted Sensor System |
| CCM – Center for Countermeasures                          | JLUS – Joint Land Use Study                                                    |
| CCS – Counter Communication System                        | JPA – Joint Planning Agreement                                                 |
| CDN – C-weighted Noise                                    | JTX – Joint Training Exercise                                                  |
| CDNL – Day-Night Average Sound Level for C-weighted noise | LUASP – Land Use and Airspace Strategy Plan                                    |
| CIGTF – Central Inertial and GPS Test Facility            | LUPZ – Land Use Planning Zone                                                  |
| CLI – Cultural Landscapes Inventory                       | MOA – Memorandum of Agreement                                                  |
| CoA – Certificate of Authorization                        | MPO – Metropolitan Planning Organization                                       |
| CRC – CONUS Replacement Center                            | MRTFB – Major Range and Test Facility Base                                     |
| CRRUA – Camino Real Regional Utility Authority            | MRU – Military Radar Unit                                                      |
| CSP – Concentrated Solar Power                            | MTRs – Military Training Routes                                                |
| DAGIR – Digital Air-to-Ground Integration Range           | NAS – National Airspace System                                                 |
| dB – Decibels                                             | NASA – National Aeronautics and Space Administration                           |
| DMPTC – Digital Multi-Purpose Training Complex            | NEPA – National Environmental Policy Act                                       |
| DNL – Day-Night Average Sound Level                       | NGA – National Geospatial Intelligence Agency                                  |
| DoD – Department of Defense                               | NHPA – National Historic Preservation Act                                      |
| DOI – Department of the Interior                          | NIA – Network Integration Exercise                                             |
| DTRA – Defense Threat Reduction Agency                    | NIE – Network Integration Evaluation                                           |
| EBID – Elephant Butte Irrigation District                 |                                                                                |
| EIS – Environmental Impact Statement                      |                                                                                |
| EMRE – Electromagnetic Radiation Effects                  |                                                                                |
| EMR – Energy Electromagnetic Radiation                    |                                                                                |
| EPIA – El Paso International Airport                      |                                                                                |

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## LIST of ACRONYMS

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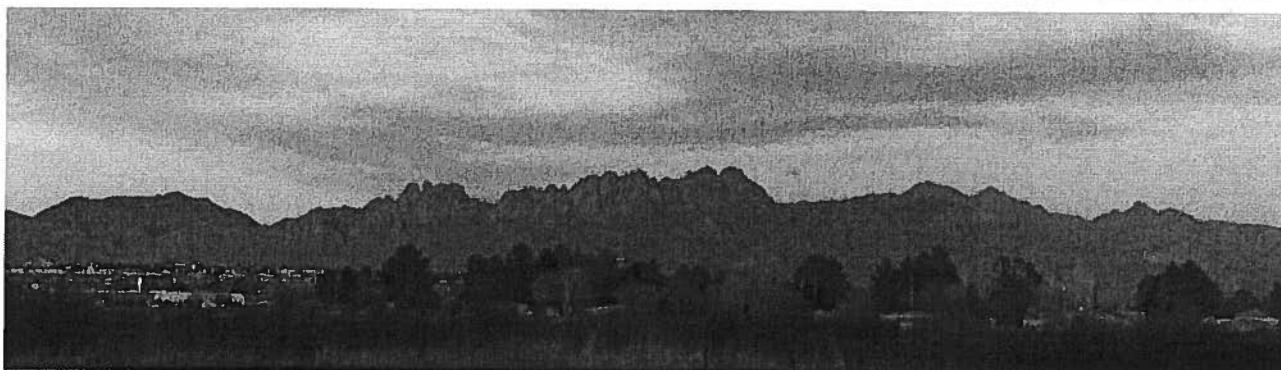
|                                                                        |                                          |
|------------------------------------------------------------------------|------------------------------------------|
| NMSA – New Mexico Spaceport Authority                                  | VHF – Very High Frequency                |
| NMSLO – New Mexico State Land Office                                   | WRP – Western Regional Partnership       |
| NOTAMs - Notices to Airmen                                             | WSA – Wilderness Study Area              |
| NPS – National Park Service                                            | WSEP – Weapons System Evaluation Program |
| NRAO – National Radio Astronomy Observatory                            | WNSA – White Sands National Monument     |
| NRO – National Reconnaissance Office                                   | WSMR – White Sands Missile Range         |
| NRTF – National Radar Cross Section Test Facility                      | WSPG – White Sands Proving Ground        |
| NTIA – National Telecommunications and Information Administration      | WSSH – White Sands Space Harbor          |
| NVD – Night Vision Training Devices                                    | WSTC – White Sands Test Center           |
| OEA – Office of Economic Adjustment                                    | WSTF – White Sands Test Facility         |
| OE/AAA – Obstruction Evaluation/Airport Airspace Analysis              |                                          |
| PA – Programmatic Agreement                                            |                                          |
| PC – Policy Committee                                                  |                                          |
| PV – Photovoltaic                                                      |                                          |
| RAMS – RATSCAT Advanced Measurements                                   |                                          |
| RANM – Realtors Association of New Mexico                              |                                          |
| RATSCAT – Radar Target Scatter                                         |                                          |
| REPI – Readiness and Environmental Protection Initiative               |                                          |
| RMP – Resource Management Plan                                         |                                          |
| RMPA – Resource Management Plan Amendment                              |                                          |
| RPA – Remotely Piloted Aircraft                                        |                                          |
| RPO – Regional Planning Organization                                   |                                          |
| R&PP – Recreation and Public Purposes Act                              |                                          |
| SBCT – Stryker Brigade                                                 |                                          |
| SLVs – Suborbital Launch Vehicles                                      |                                          |
| SNM-EP – Southern New Mexico/El Paso Texas                             |                                          |
| SOSI – System of System Integration                                    |                                          |
| SPOE – Sea Port of Embarkation                                         |                                          |
| STA – South Training Areas                                             |                                          |
| SVAD – Survivability, Vulnerability, and Assessment Directorate        |                                          |
| TAR – Texas Association of Realtors                                    |                                          |
| TC – Technical Committee                                               |                                          |
| TDRSS – Tracking and Data Relay Satellite System                       |                                          |
| TDS – Total Dissolved Solids                                           |                                          |
| TG – Test Group                                                        |                                          |
| TRADOC – Training and Doctrine Command                                 |                                          |
| TREC – Texas Real Estate Commission                                    |                                          |
| TRIAD - Partnership between HAFB, WSMR, and Fort Bliss                 |                                          |
| UAS – Unmanned Aircraft System                                         |                                          |
| UAS FTC – Unmanned Aircraft System Flight Test Center                  |                                          |
| UAV – Unmanned Air Vehicle                                             |                                          |
| USAADASCH – United States Army Air Defense Artillery School and Center |                                          |
| USDA – U.S. Department of Agriculture                                  |                                          |
| USFS – United States Forest Service                                    |                                          |
| USFWS – United States Fish and Wildlife Service                        |                                          |

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## 01 INTRODUCTION



### 1.1 Study Area

The Southern New Mexico-El Paso Texas Joint Land Use Study (JLUS) area encompasses six counties; two states; and the three military installations of Fort Bliss (FTB), White Sands Missile Range (WSMR), and Holloman Air Force Base (HAFB). As illustrated in *Figure 1.1*, Doña Ana, Sierra, Lincoln, Otero, and Socorro Counties in New Mexico and El Paso County in Texas surround the installations. The land area of interest is approximately 27,000 square miles—one of the largest JLUS areas. Within its geographic span, the region's natural, cultural, recreational, and renewable energy resources; weather; terrain; growth opportunities; and diversity of military training and testing missions create one of the most distinctive and valuable defense communities in the United States.

More than one million residents currently live in the Southern New Mexico-El Paso Texas (SNMEP) region, with communities ranging in size from the sixth-largest city in Texas and New Mexico's second-largest city to small resort towns and sparsely populated ranch lands. On the military side, the special use airspace and land assets of the three installations support one of the premier testing and training environments in the U.S. with capabilities that include the research, development, and testing of military systems; fighter pilot and unmanned aerial vehicle (UAV) training; state-of-the-art live-fire ranges; and wheeled and mechanized maneuver training.

The complexity and fluidity of landownership patterns, diversity of economic and resource interests, and the presence of multiple operational and mission needs, reinforce the value of a coordinated planning process that highlights the common interests of the region.

Several physical characteristics of the SNMEP region are critical to the effective performance of missions at FTB, WSMR, and HAFB, including expansive, contiguous areas of special use airspace to support aerospace activity; rugged, uninterrupted land areas to accommodate maneuver training and hazardous test events; a clear electronic spectrum; and a wide range of geologic features, including the Tularosa Basin. The basin covers about 6,500 square miles between the Sacramento Mountains to the east and the San Andres, Organ, and Franklin Mountains to the west. It stretches approximately 150 miles north-south and 60 miles east-west. The ability to deploy and support operational forces, perform realistic aerospace and live-fire training, and conduct weapons system testing in this environment is vital to maintaining the mission effectiveness of the three installations and the overall readiness of military forces.

### 1.2 Purpose of Study

Although FTB, WSMR, and HAFB are located in the SNMEP region because of its relatively undeveloped surroundings, some adjacent cities and communities within the study area have experienced steady population increases in recent years, particularly in and around the urban centers of El Paso, Texas, and Las Cruces, New Mexico, as well as colonias such as Chaparral, New Mexico. Population increases and related development can expose more people to noise, safety risks or other impacts associated with military activities and affect safety and quality of life in surrounding communities. Similarly, land that has remained in a traditional low intensity use such as ranching may respond to emerging economic opportunities such as wind and solar energy projects by developing infrastructure that could conflict with military operations. The JLUS uses the concept of

compatibility to describe and analyze these civilian-military interactions. When compatible, community development and military training and testing activities can exist near one another without producing significant impacts that affect public health and safety or quality of life, limit growth opportunities, or reduce the safety and effectiveness of military operations.

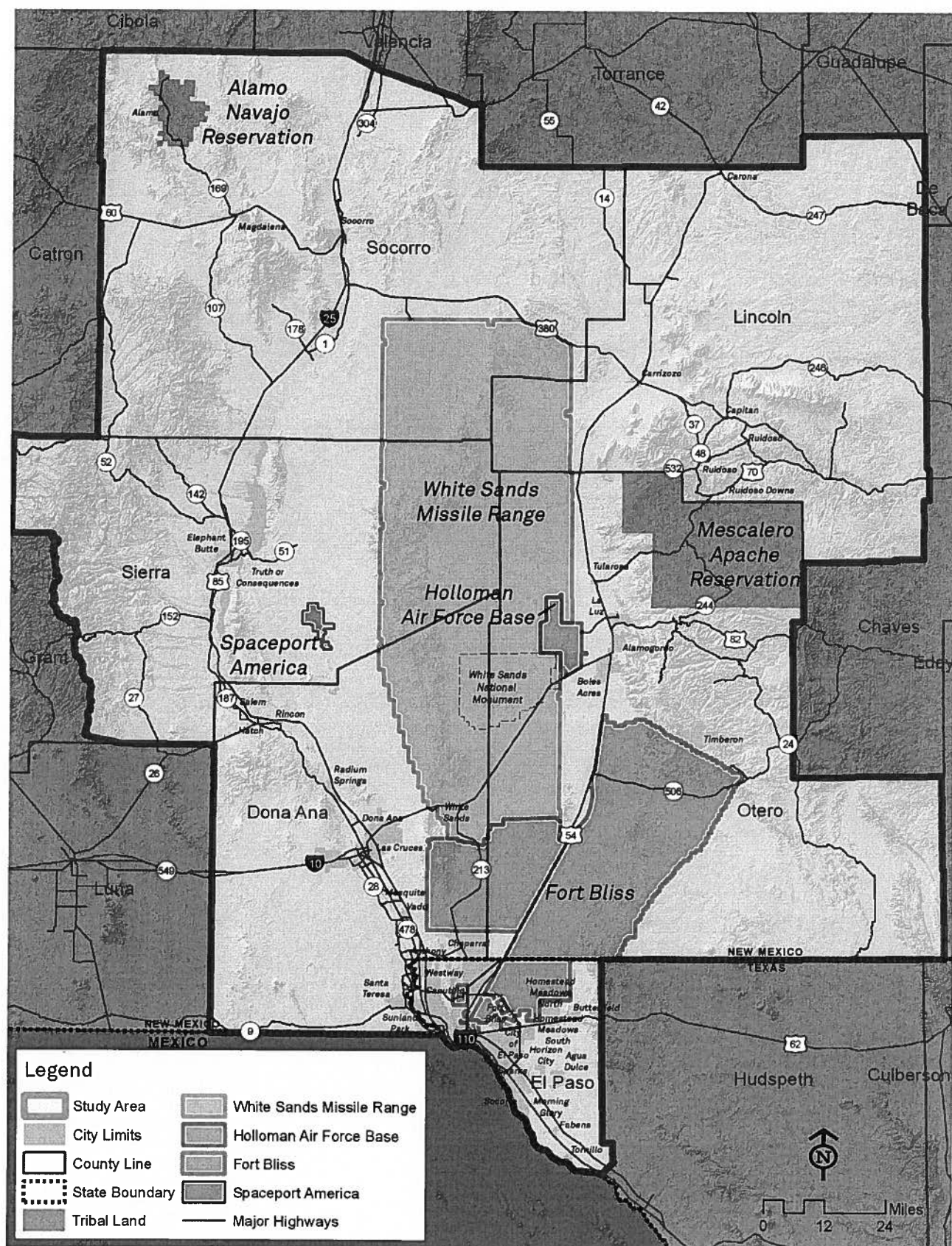
The JLUS is a collaborative process among city and county governments; the public; state and federal agencies; tribal governments; and military installations within the SNMEP region. The study creates dialogue around complex issues such as land use, economic development, infrastructure, environmental sustainability, and the operational demands and mission changes of both civilian and military entities. The intent of the study is to highlight common interests, such as stable economic growth, more efficient infrastructure, healthier environments, improved quality of life, rural lifestyles, and the protection of Department of Defense (DoD) and civilian investments and missions.

The DoD Office of Economic Adjustment (OEA) awarded a grant to local sponsor Doña Ana County to undertake the JLUS with participating jurisdictions contributing a local match. This document is strictly advisory, offering a menu of tools and processes available to each study partner. All partner entities, including the military installations, cities, counties, and state and federal agencies, have the discretion to adopt those recommendations that they feel are appropriate for their local contexts. The JLUS emphasizes coordination and communication as a way to strengthen the relationship among the study area partners and to build a framework for successful implementation and monitoring of progress toward shared goals.

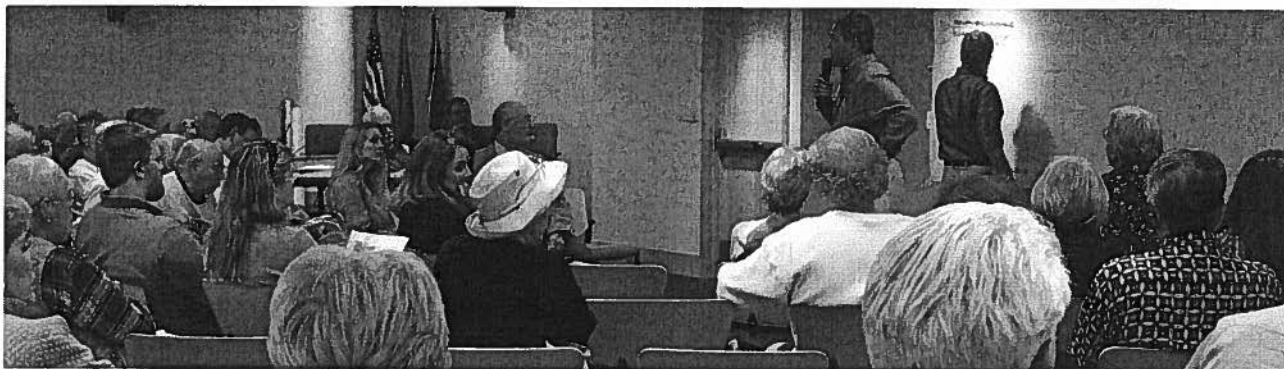
The overall goals of the JLUS are to:

- Provide opportunities for input by stakeholders including landowners; federal; state; county and municipal government agencies; educational institutions; tribal governments; and other interested parties in all stages of the planning process;
- Protect the public health and safety of the civilian and military communities;
- Jointly analyze the factors that can restrict range and training missions as a result of incompatible land use development adjacent to FTB, WSMR, and HAFB;
- Cooperatively develop a set of recommendations for use by federal, state, and local governments; community groups; developers; and the military to preserve, protect and enhance DoD and civilian missions;
- Identify uses that are compatible and feasible for land in the vicinity of military installations, airports, and ranges, including the noise and accident potential zones;
- Develop an implementation plan to address compatibility challenges by development and its resulting impact on military missions and sustainability by establishing compatibility criteria and strong policies that can be implemented by federal, state, and local governments;
- Support local communities in sustaining safe, compatible growth;
- Develop and/or identify cooperative land and airspace use planning, strategies, and techniques that fairly allocate impacts of the program with respect to federal, state, and local governments; private landowners; and the military community;
- Improve regional cooperation as it relates to military community compatibility and encourage cooperative land use planning between military installations and the surrounding communities and counties; and
- Establish an enduring forum for cooperation, communication, and implementation.

FIGURE 1.1 - BASE MAP



## 02 PARTNERS AND PROCESS



### 2.1 Formal Study Partners

As part of the SNMEP JLUS process, the study partners entered into a Memorandum of Agreement (MOA) establishing a Regional Planning Organization (RPO) to direct the effort. To reflect the complexity of the study area, a diverse range of partners throughout the region formally joined the study process:

- Doña Ana County
- El Paso County
- Lincoln County
- Otero County
- Sierra County
- Socorro County
- The City of Alamogordo
- The City of El Paso
- The City of Las Cruces
- Fort Bliss
- Holloman Air Force Base
- White Sands Missile Range
- New Mexico State Land Office
- New Mexico Office of Military Base Planning and Support
- Military Base Planning Commission
- New Mexico Spaceport Authority
- Bureau of Land Management

The RPO provided representation to the JLUS Policy and Technical Committees. The JLUS also seeks to engage residents, landowners, state and local governments, and others beyond the list of formal MOA participants. In addition to the above signatories to the MOA, the United States Forest Service (USFS) is a member of both committees.

The Policy Committee added the USFS through a formal motion.

### 2.2 JLUS Committees

As part of the MOA, the study partners formed a Policy Committee and Technical Committee to guide the planning effort, assist in developing technical content, and build support for the implementation of recommendations.

#### Policy Committee

The Policy Committee (PC) consisted of local elected officials from cities and counties participating in the MOA, as well as senior Air Force and Army leadership and representatives from federal and state entities. Consistent with the community focus of the JLUS process, military representatives acted in an advisory capacity and served as non-voting ex officio members of this committee. The PC oversaw the JLUS process, reviewed draft and final written reports, and evaluated policy recommendations. Policy Committee sessions were open to the public.

#### Technical Committee

This working group consisted of area planners, city and county officials, technical and professional staff, and military planners. Members were responsible for assisting in data collection, identifying, and studying technical issues, and developing recommendations for evaluation by the PC. Technical Committee (TC) meetings coincided with key milestones in the study process, including existing conditions findings and compatibility assessment results, draft strategy

assessment, and recommendations development (See Table 1.1).

#### **Project Management Team**

The Project Management Team (PMT) directly supervised JLUS planning activities and provided support and guidance for ongoing meeting and public outreach events, data collection and review, and the delivery of study products.

#### **Planning Team**

The planning team consists of consultant team members, who assisted the committees in facilitating the JLUS process, conducting analysis and outreach, and developing plan content.

## **2.3 Community Engagement**

The JLUS is very much a broad and community-driven process that encourages all stakeholders to define their own issues of interest and to collaborate on potential compatibility solutions. The Public Relations and Public Participation Plan is the overarching framework that establishes goals for the engagement process and outlines public input activities (See the *Public Relations and Public Participation Plan in the Existing Conditions Report Appendix*). Major outreach mechanisms include large format meetings, targeted listening sessions that focus on specific geographic areas or stakeholder interests, and a project website: [www.SNMEPJointLandUse.com](http://www.SNMEPJointLandUse.com).

**Table 1.1 Policy and Technical Committee Meetings**

| Committee                        | Study Milestone                                                                                 | Date                     |
|----------------------------------|-------------------------------------------------------------------------------------------------|--------------------------|
| Policy and Technical Committee 1 | Kick-Off                                                                                        | December 17, 2012        |
| Technical Committee 2            | Review of Preliminary Compatibility Challenges, Stakeholder Themes, and Public Involvement Plan | March 20, 2013           |
| Policy Committee 2               | Review of Key Compatibility Findings and Input on Public Involvement Plan                       | May 1, 2013              |
| Technical Committee 3            | Review of Existing Conditions and Initial Compatibility Assessment Report                       | August 5, 2013           |
| Technical Committee 4            | Review of Existing Conditions and Initial Compatibility Assessment Report                       | October 23, 2013         |
| Policy Committee 3               | Review of Existing Conditions Findings                                                          | December 11, 2013        |
| Technical Committee 5            | Draft Strategy Workshop                                                                         | February 27 and 28, 2014 |
| Technical Committee 6            | Draft Strategy Workshop                                                                         | April 2, 2014            |
| Technical Committee 7            | Strategy Prioritization Workshop                                                                | May 7, 2014              |
| Technical Committee 8            | Draft Plan Review                                                                               | June 11, 2014            |
| Policy Committee 4               | Review of Priority Strategies                                                                   | June 11, 2014            |
| Technical Committee 9            | Revised Draft Plan Review                                                                       | July 30, 2014            |
| Technical Committee 10           | Revised Draft Plan Review                                                                       | September 4, 2014        |
| Policy Committee 5               | Final JLUS Report Review                                                                        | November 18, 2014        |

### Round #1 Public and Community Meetings

The planning team held six public meetings for the JLUS from June 3 through June 13, 2013 (See Table 1.2). As part of the initial phase of community outreach, these meetings assisted in describing existing conditions in the region (see *Existing Conditions Technical Appendix for full summary of meeting input*). 130 people, including members of the PC and TC and representatives of study partner entities attended the June sessions. The general purpose of the meetings was to introduce the JLUS process; give an overview of study partners, including the local governments and FTB, HAFB, and WSMR; present preliminary compatibility themes; and invite feedback to confirm and refine the initial list of potential study issues.

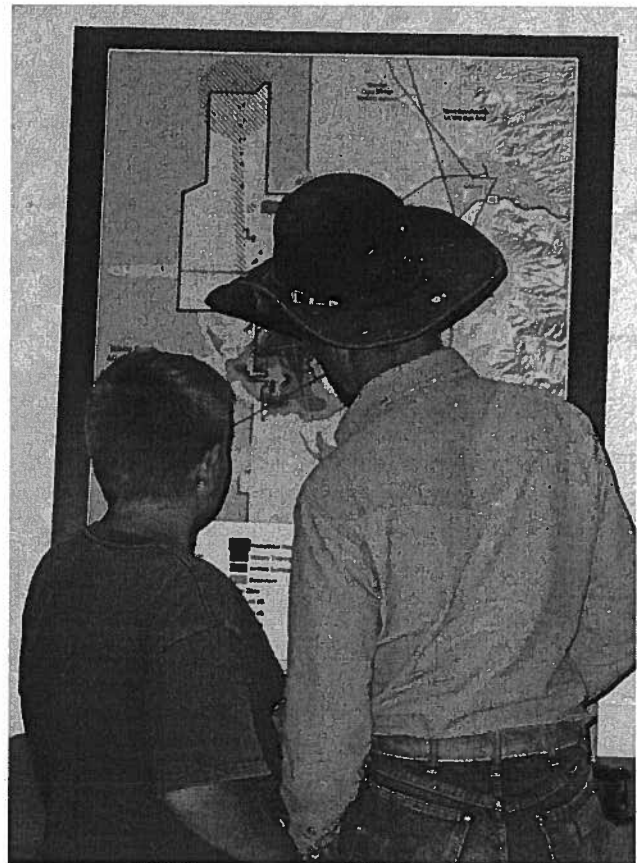
The planning team also conducted three community events in September 2013 at Weed and Chaparral, New Mexico, and at Ranchers Day on WSMR. Community events are more targeted outreach activities that focus on specific geographic areas or stakeholder groups with distinct interests. Approximately 100 people participated in the September events. Attendees at the Weed and Chaparral meetings offered input to prioritize compatibility issues as described below, while residents attending Ranchers Day completed a questionnaire. Committee members also met with the Mescalero Apache Tribe to review initial compatibility strategies and identify any compatibility issues.

Attendees participated in an exercise to prioritize 17 initial compatibility factors, highlighting those items that they thought were most critical to address in the study. Compatibility factors are specific types of issues or impacts, such as noise or airspace obstructions that can cause potentially negative interactions between military and civilian uses. The 17 initial factors were:

- Airspace
- Aviation Noise
- Call-up Areas
- Coordination/Communication
- Cultural/Natural/Recreation Resources
- Energy/Renewable Energy
- GPS Jamming and Frequency Spectrum Interference
- Light Pollution
- Mining
- Multiple Use Areas
- Quality of Life/Accommodating Military-Related Growth
- Range Noise

- Road Closures
- Towers
- Trespass/Access
- Water
- Wildfires (related to military exercises)

The planning team displayed the 17 initial themes on a board at the meeting venue. Participants received four "dot" stickers to place next to a factor that they had either experienced and/or thought was important for the JLUS to address. Respondents could place four stickers next to one factor or allocate them among multiple items.



Public Meeting participants

Across all meetings, water received the highest number of priority stickers followed by energy/renewable energy development, aviation noise, and quality of life/accommodating military related growth. Input also varied geographically, with respondents in Otero County/City of Alamogordo emphasizing the accommodation of military-related growth; and energy/renewable energy emerging as the most prominent

factor in Socorro County. Participants in Weed expressed concern about sonic booms from aircraft activity, while Chaparral residents cited issues related to the use of local roadways by wheeled military vehicle convoys. Sonic booms were the result of the former F-22 mission, which has departed HAFB, but concern remains in the community about aircraft noise.

To identify common elements among the feedback received, the planning team analyzed and grouped related individual comments under the series of broader themes:

- Recognition of the strong economic linkages between the military installations and the surrounding communities;
- Recognition of the complexity of the SunZia transmission corridor planning process and the potential impacts for the study area;

- Concern for private property rights;
- Concern for the environmental and physical resources of the study area, particularly related to water resources, and a desire for a regional, integrated carrying capacity analysis; and
- Opportunities for increased coordination around specific facilities, particularly airports and roadways.

The planning team and committees drew from comments received to refine the Existing Conditions and Compatibility Analysis and inform study recommendations.

### 2.3.2 Round #2 Public and Community Meetings

The planning team also conducted a series of general public and targeted community meetings during the Draft Report phase to gather input on draft compatibility strategies (See Table 1.3). 167 attendees participated in these sessions.

**Table 1.2 Round #1 Public Meetings**

| Meeting           | Date               | Participants |
|-------------------|--------------------|--------------|
| Lincoln County    | June 3, 2013       | 14           |
| El Paso County    | June 5, 2013       | 11           |
| Doña Ana County   | June 6, 2013       | 21           |
| Socorro County    | June 11, 2013      | 33           |
| Otero County      | June 12, 2013      | 33           |
| Sierra County     | June 13, 2013      | 18           |
| Weed NM           | September 23, 2013 | 60           |
| Chaparral NM      | September 24, 2013 | 15           |
| WSMR Ranchers Day | September 27, 2013 | 25           |

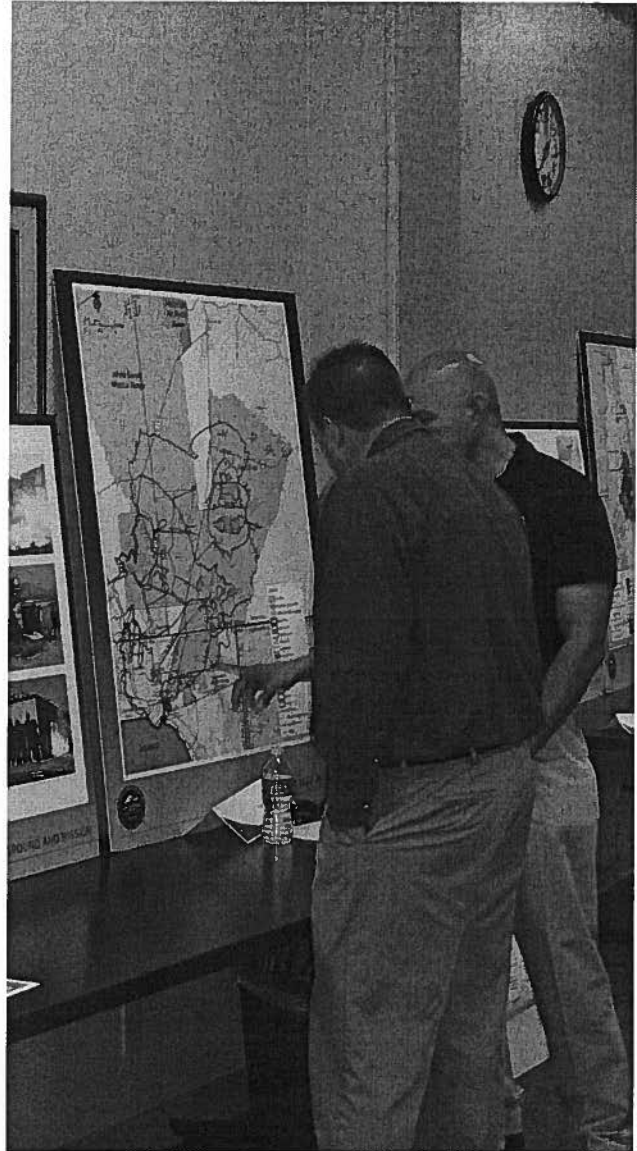
**Table 1.3 Round #2 Public Meetings**

| Meeting         | Date             | Participants |
|-----------------|------------------|--------------|
| Doña Ana County | October 6, 2014  | 17           |
| Otero County    | October 7, 2014  | 26           |
| Socorro County  | October 8, 2014  | 31           |
| El Paso County  | October 14, 2014 | 32           |
| Lincoln County  | October 15, 2014 | 8            |
| Sierra County   | October 16, 2014 | 10           |
| Weed, NM        | October 21, 2014 | 33           |
| Chaparral, NM   | October 23, 2014 | 10           |

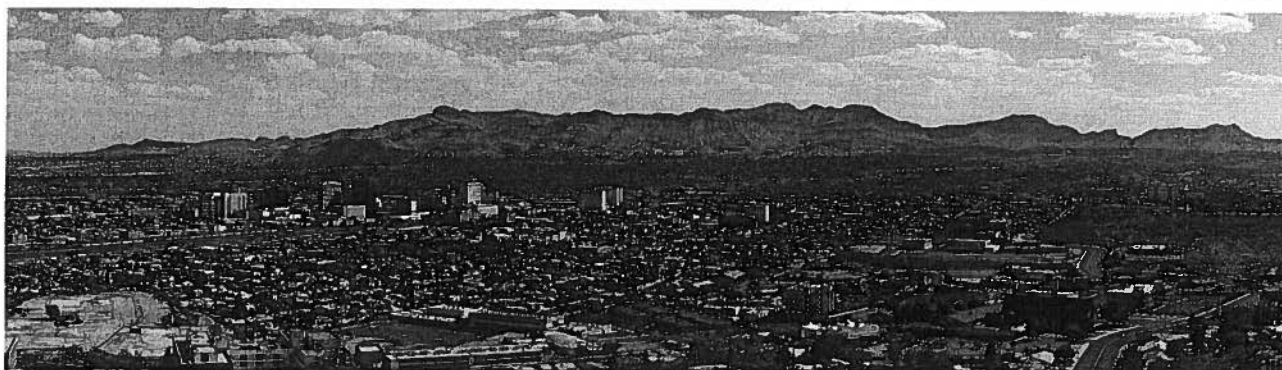
In response to a specific request for additional representation, Otero County formed the Otero County JLUS Advisory Group, consisting of stakeholders from smaller communities across the county. The intent of this group is to focus on issues of particular concern to rural areas and to establish an advisory body to guide county decision-making on JLUS implementation. The planning team met with the Advisory Group on April 3 and May 6, 2014. Critical issues raised by members, as well as attendees at the public meeting in Weed on October 21, 2014 were:

- The effects of noise (and specifically sonic booms) on residents, livestock, and recreation users; residents of the mountain areas believe they experience severe, harmful effects to their health and safety when exposed to sonic booms and low flying aircraft;
- Seasonal population fluctuations due to tourism, which result in a positive economic impact but higher numbers of people exposed to noise impacts; noise may harm economic development in rural communities, particularly for those activities, such as recreation that rely on solitude;
- Concern over restrictions on private property rights and local economic development initiatives, including any potential limitations on renewable energy/telecommunications infrastructure;
- GPS jamming in the community;
- Protection of night-sky conditions for regional observatories;
- Privacy concerns related to UAVs; and
- Positive economic benefits of the military missions on local businesses.

Otero County will be responsible for periodically convening the Advisory Group following JLUS completion and soliciting input on implementation activities. Other counties participating in the study have the option of forming citizen advisory bodies.



### 03. REGIONAL PROFILE



#### 3.1 Regional Description

##### **Community Land Use and Growth Opportunities**

Land ownership patterns throughout the JLUS region are a complex mix of private, state, federal, and tribal lands (See Figure 2.1). Along with local and tribal governments, the Bureau of Land Management (BLM), DoD, U.S. Bureau of Reclamation (USBR), U.S. Department of Agriculture (USDA), USFWS, National Park Service (NPS), U.S. Forest Service (USFS), New Mexico State Land Office (NMSLO), and the New Mexico Department of Game and Fish (NMDGF) manage lands. In May 2014, President Obama designated roughly 500,000 acres in Doña Ana and Luna Counties as the Organ Mountains-Desert Peaks National Monument to protect significant prehistoric, historic, geologic, and biologic resources for future generations. The BLM will continue to manage the federal land included in the monument, but has no authority over state or private land within the boundaries. The BLM will undertake a National Environmental Policy Act (NEPA) analysis for a management plan to determine the land use and resource management activities that are appropriate for the monument. The region also includes the Spaceport, the first purpose-built facility in the world designed to accommodate commercial space flight. (See *Existing Conditions Report* for a detailed description of the study area)



Mesilla Valley

Much of the study area falls into the broad category of open space, which is typically a very compatible use with military operations. Open space in this context, however, may include ranching or residential uses, which have the potential of more intensive development in the future, along with the large, undeveloped stretches prevalent in remote parts of the study area. Given the rugged terrain and large inventory of state and federal lands, growth closely parallels the major interstate and highway corridors of the region and residential, commercial, industrial, and institutional uses naturally cluster in incorporated areas.

One of the challenges of land use planning in the SNMEP region is that any current classification of land ownership or existing use does not fully represent the development potential or the range of actual activities associated with a particular piece of land. While some tenure designations, such as the NPS, USFS, and state parks firmly establish protection for lands and indicate long-term stability in status, other designations, including BLM and NMSLO lands, may be subject to transfer or lease to other public or private entities for different management or development purposes.

Population projections indicate that growth is likely to continue throughout the region in the decades ahead, particularly within El Paso and Doña Ana Counties. According to projections, the region will approach 1.5 million residents by 2040, an increase of over 30 percent from the 2010 population base. The primary growth area of interest in the JLUS study area begins east of the City of Las Cruces, both north and south of U.S. 70 in Doña Ana County, and then sweeps south along the I-10 corridor into El Paso and east toward Chaparral. Growth in other parts of the region is more scattered and forms a less distinct pattern of future compatibility risk.

Local growth opportunities include increased residential and commercial activity; the provision of infrastructure and public services to support continued development and enhance quality of life; and specific economic development initiatives intended to diversify the local economy, create jobs, and increase tax revenue.

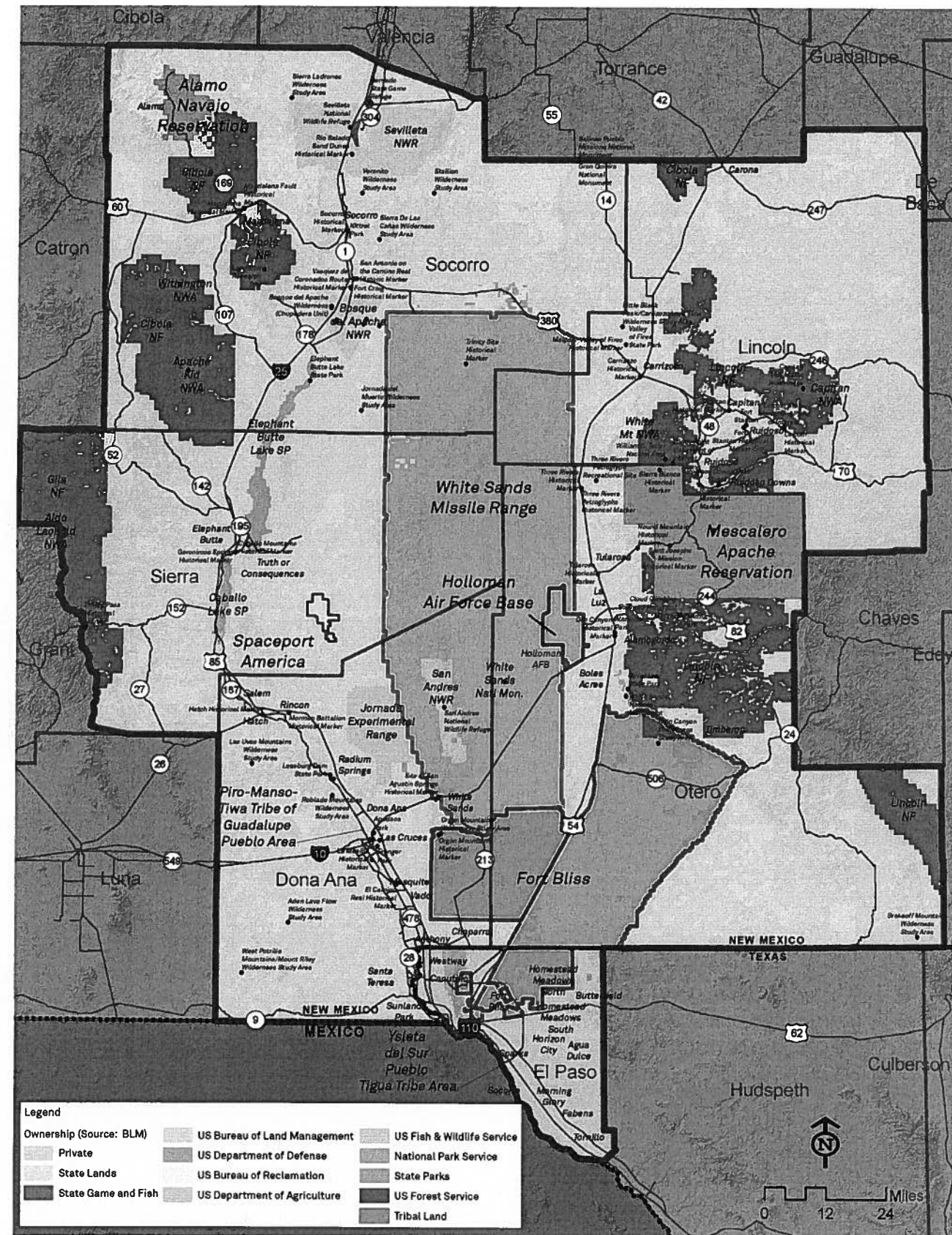
Among the economic development initiatives in the region:

- Tourism-based activities such as: hunting, skiing, horse racing, historic areas, bird-watching, camping, hiking, hot spring- and lake-based recreation;
- Spaceport America, which could become an anchor for commercial, industrial, residential, and recreational development in the region;
- Renewable energy development, including wind and solar energy production and distribution;
- Promotion of filming (motion pictures, music videos, still photography);
- Agriculture and ranching;
- STEM-based (science, technology, engineering and math) research partnerships that include the local communities; military installations and other federal agencies; universities, such as New Mexico State University, New Mexico Tech, and The University of Texas at El Paso; New Mexico public school districts; and the private sector; and
- Recruitment of new companies along with the growth of local businesses.

Federal agencies, including the Department of the Interior (DOI) and the Department of Agriculture (USFS) manage the majority of land in the region. The percentage of federal land in each county varies from a high of 83 percent in Otero County to a low of just over 19 percent in El Paso County (Otero - 83.7 percent; Doña Ana - 76.9 percent; Socorro - 60.6 percent; Sierra - 53.8 percent; Lincoln - 42.7 percent; El Paso - 19.3 percent)

Much like local governments, the federal agencies in the region manage lands for the public benefit. Their mandates result in overlapping uses ranging from energy production, forestry, cattle grazing, and extractive uses (mining) to landscape and wildlife management, recreation, and nature viewing. The NMSLO operates under a constitutional mandate to optimize revenue for its trust beneficiaries, including public schools, universities, hospitals, and other public institutions through the highest and best use of state trust land.

FIGURE 2.1 - REGIONAL LAND OWNERSHIP



### 3.2 Economic Impacts of Military Installations

This section summarizes the full economic impact report, which characterizes the region's economic performance and estimates the impacts of FTB, WSMR, and HAFB on local jobs, incomes, and industry output. In total, economic impacts from employment and spending at the region's three military installations represent 17.9 percent of all regional employment, or one in every five to six jobs. Wages and salaries account for 24.9 percent of all earned income in the six-county region, or one in every four dollars in the region's total payrolls. In terms of industry output, military employment and spending account for 18.9 percent of the regional total, or one in every five to six dollars of all industry sector activity. The JLUS region hosts no known institutions or employers that could readily replace the beneficial economic impacts if any one of the three military installations were to close or experience a significant cutback. Because of the size of these impacts, local land use planning that sustains each installation's mission and preserves the capacity of each installation to adopt new missions serves a significant economic role.

#### **Socioeconomic conditions**

The Census Bureau places the six-county JLUS population at 1,157,691 with the urban centers of El Paso and Las Cruces anchoring much of the regional total. Average annual growth has been 1.61 percent for the past two decades, exceeding the U.S. average of 1.09 percent for the same years. The effects of the military on regional populations are evident in the City of Alamogordo, which experienced a marked decline in population from 2000 to 2010 at the same time HAFB experienced a downturn in military personnel during an exchange of aircraft (See Table 3.1).

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\*<sup>1</sup> Anthony, NM, was incorporated July 2010.

\*<sup>2</sup> Elephant Butte was incorporated July 1998.

\*<sup>3</sup> No estimates were provided for 2010 and 2012.

Table 3.1 Population Trends in Southern New Mexico-El Paso Region, 1990-2012

| Community                 | 1990              | 2000              | 2010              | Population Estimates<br>(as of July 1) |                   | Estimated<br>Change<br>(1990-<br>2012) | Avg. Annual Growth |              |
|---------------------------|-------------------|-------------------|-------------------|----------------------------------------|-------------------|----------------------------------------|--------------------|--------------|
|                           |                   |                   |                   | 2010                                   | 2012              |                                        | 1990-2010          | 2010-2012    |
| <b>New Mexico</b>         | <b>1,515,069</b>  | <b>1,819,046</b>  | <b>2,059,179</b>  | <b>2,064,767</b>                       | <b>2,085,538</b>  | <b>570,469</b>                         | <b>1.55</b>        | <b>0.50</b>  |
| <b>Texas</b>              | <b>16,986,510</b> | <b>20,851,820</b> | <b>25,145,561</b> | <b>25,242,683</b>                      | <b>26,059,203</b> | <b>9,072,693</b>                       | <b>1.98</b>        | <b>1.60</b>  |
| <b>Doña Ana County</b>    | <b>135,510</b>    | <b>174,682</b>    | <b>209,233</b>    | <b>210,325</b>                         | <b>214,445</b>    | <b>78,935</b>                          | <b>2.20</b>        | <b>0.97</b>  |
| Anthony *1                |                   |                   |                   | 9,537                                  | 9,542             |                                        |                    | 0.03         |
| Hatch                     | 1,318             | 1,673             | 1,648             | 1,630                                  | 1,639             | 321                                    | 1.12               | 0.28         |
| Las Cruces                | 62,648            | 74,267            | 97,618            | 98,230                                 | 101,047           | 38,399                                 | 2.24               | 1.42         |
| Mesilla                   | 1,976             | 2,180             | 2,196             | 1,899                                  | 1,913             | -63                                    | 0.53               | 0.37         |
| Sunland Park              | 8,357             | 13,309            | 14,106            | 14,298                                 | 14,776            | 6,419                                  | 2.65               | 1.66         |
| Balance of County         | 61,211            | 83,253            | 93,665            | 84,731                                 | 85,528            | 24,317                                 | 2.15               | 0.47         |
| <b>Lincoln County</b>     | <b>12,219</b>     | <b>19,411</b>     | <b>20,497</b>     | <b>20,473</b>                          | <b>20,309</b>     | <b>8,090</b>                           | <b>2.62</b>        | <b>-0.40</b> |
| Capitan                   | 840               | 1,443             | 1,489             | 1,486                                  | 1,470             | 630                                    | 2.90               | -0.54        |
| Carrizozo                 | 1,075             | 1,036             | 996               | 994                                    | 984               | -91                                    | -0.38              | -0.50        |
| Corona                    | 215               | 165               | 172               | 172                                    | 170               | -45                                    | -1.11              | -0.58        |
| Ruidoso (village)         | 4,636             | 7,698             | 8,029             | 8,028                                  | 8,005             | 3,369                                  | 2.78               | -0.14        |
| Ruidoso Downs             | 917               | 1,824             | 2,815             | 2,787                                  | 2,739             | 1,822                                  | 5.77               | -0.86        |
| Balance of County         | 4,536             | 7,245             | 6,996             | 7,006                                  | 6,941             | 2,405                                  | 2.19               | -0.46        |
| <b>Otero County</b>       | <b>51,928</b>     | <b>62,298</b>     | <b>63,797</b>     | <b>64,319</b>                          | <b>66,041</b>     | <b>14,113</b>                          | <b>1.03</b>        | <b>1.33</b>  |
| Alamogordo                | 27,986            | 35,582            | 30,403            | 30,655                                 | 31,500            | 3,514                                  | 0.42               | 1.37         |
| Cloudcroft                | 612               | 749               | 674               | 679                                    | 697               | 85                                     | 0.48               | 1.32         |
| Tularosa                  | 2,753             | 2,864             | 2,842             | 2,866                                  | 2,943             | 190                                    | 0.16               | 1.33         |
| Balance of County         | 20,577            | 23,103            | 29,878            | 30,119                                 | 30,901            | 10,324                                 | 1.88               | 1.29         |
| <b>Sierra County</b>      | <b>9,912</b>      | <b>13,270</b>     | <b>11,988</b>     | <b>12,018</b>                          | <b>11,895</b>     | <b>1,983</b>                           | <b>0.96</b>        | <b>-0.51</b> |
| Elephant Butte*2          |                   | 1,390             | 1,431             | 1,434                                  | 1,424             | 1,424                                  |                    | -0.35        |
| Truth or Conseq           | 6,224             | 7,289             | 6,475             | 6,491                                  | 6,411             | 187                                    | 0.20               | -0.62        |
| Williamsburg              | 463               | 527               | 449               | 451                                    | 447               | -16                                    | -0.15              | -0.44        |
| Balance of County         | 3,225             | 4,064             | 3,633             | 3,646                                  | 3,613             | 388                                    | 0.60               | -0.45        |
| <b>Socorro County</b>     | <b>14,764</b>     | <b>18,078</b>     | <b>17,866</b>     | <b>17,846</b>                          | <b>17,603</b>     | <b>2,839</b>                           | <b>0.96</b>        | <b>-0.68</b> |
| Magdalena                 | 844               | 913               | 938               | 938                                    | 926               | 82                                     | 0.53               | -0.64        |
| Socorro                   | 8,207             | 8,877             | 9,051             | 9,042                                  | 8,906             | 699                                    | 0.49               | -0.75        |
| Balance of County         | 5,713             | 8,288             | 7,877             | 7,866                                  | 7,771             | 2,058                                  | 1.62               | -0.61        |
| <b>NM JLUS Region</b>     | <b>224,333</b>    | <b>287,739</b>    | <b>323,381</b>    | <b>324,981</b>                         | <b>330,293</b>    | <b>105,960</b>                         | <b>1.85</b>        | <b>0.81</b>  |
| <b>El Paso County</b>     | <b>591,610</b>    | <b>679,622</b>    | <b>800,647</b>    | <b>803,506</b>                         | <b>827,398</b>    | <b>235,788</b>                         | <b>1.52</b>        | <b>1.48</b>  |
| Anthony                   | 3,326             | 3,850             | 5,011             | 5,027                                  | 5,157             | 1,831                                  | 2.07               | 1.28         |
| Clint                     | 1,033             | 980               | 926               | 927                                    | 924               | -109                                   | -0.55              | -0.16        |
| El Paso                   | 515,652           | 563,662           | 649,152           | 651,562                                | 672,538           | 156,886                                | 1.16               | 1.60         |
| Horizon City              | 2,308             | 5,233             | 16,730            | 16,917                                 | 18,769            | 16,461                                 | 10.41              | 5.33         |
| San Elizario*3            | 4,205             | 11,046            | 13,603            |                                        |                   | -4,205                                 | 6.05               |              |
| Socorro                   | 23,043            | 27,152            | 32,013            | 32,106                                 | 32,693            | 9,650                                  | 1.66               | 0.91         |
| Vinton                    | 597               | 1,892             | 1,971             | 1,977                                  | 1,995             | 1,398                                  | 6.15               | 0.45         |
| Balance of County         | 41,446            | 65,807            | 88,621            | 94,990                                 | 95,322            | 53,876                                 | 3.87               | 0.17         |
| <b>Texas JLUS Region</b>  | <b>591,610</b>    | <b>679,622</b>    | <b>800,647</b>    | <b>803,506</b>                         | <b>827,398</b>    | <b>235,788</b>                         | <b>1.52</b>        | <b>1.48</b>  |
| <b>JLUS REGION TOTALS</b> | <b>815,943</b>    | <b>967,361</b>    | <b>1,124,028</b>  | <b>1,128,487</b>                       | <b>1,157,691</b>  | <b>341,748</b>                         | <b>1.61</b>        | <b>1.29</b>  |

Table 3.2 Population Trends in Otero County and Alamogordo, 1990-2010

|                          | 1990   | 2000   | 2010   | % Change  |           |
|--------------------------|--------|--------|--------|-----------|-----------|
|                          |        |        |        | 1990-2000 | 2000-2010 |
| <b>Otero County</b>      | 51,928 | 62,298 | 63,797 | 19.97     | 2.41      |
| <b>Alamogordo (city)</b> | 27,986 | 35,582 | 30,403 | 27.14     | -14.56    |

Source: 1990-2010 Population Counts by Decennial Census, U.S. Census Bureau. Found at [www.census.gov](http://www.census.gov)

Table 3.3 shows population estimates for the unincorporated community of Chaparral, NM, which straddles the New Mexico Counties of Doña Ana and Otero. By most accounts, the community's rapid 8.3 percent average annual growth rate reflects a historic under-counting of residents in this mostly Spanish-speaking community.

Table 3.3 Population Trends for Unincorporated Community of Chaparral, 1990-2010

| Community            | 1990  | 2000  | 2010   | Population Estimates<br>(as of July 1) |                     | Estimated<br>Change<br>(1990-2012) | % Avg. Annual Growth |           |
|----------------------|-------|-------|--------|----------------------------------------|---------------------|------------------------------------|----------------------|-----------|
|                      |       |       |        | 2010                                   | 2012                |                                    | 1990-2010            | 2010-2012 |
| <b>Chaparral, NM</b> | 2,962 | 6,117 | 14,631 | No data<br>provided                    | No data<br>provided | 11,669                             | 8.3                  | --        |

Source: 1990-2010 Population Counts by Decennial Census, U.S. Census Bureau. Found at [www.census.gov](http://www.census.gov)

From 1990 to 2010, the number of households in the JLUS region increased 47.9 percent, while the average number of persons per household fell from 3.20 to 2.98. In age range, the JLUS population reflects a nationwide trend toward an aging population. The region also demonstrates parallel growth in the number of individuals under the age of 25. A comparison of the median age (see Table 3.4) for the U.S. and JLUS region for years 1990, 2000, and 2010 confirms this observation.

Employment in the JLUS region remains heavily reliant on government. Public sector employment by local,

state, and federal governments accounts for one in every four direct jobs. Within the private sector, retail trade contributes significantly to employment, particularly in El Paso County where 35,768 jobs (12.9 percent of total county employment) are in this sector. Recent changes that allow Mexican shoppers greater entry into the border region of New Mexico hold promise that this sector will continue to grow. As is the case throughout the region, public spending on healthcare and social assistance contributes significantly to the employment base.

Table 3.4 Median Age for the U.S. and Southern New Mexico-El Paso Region, 1990-2010

|                    | 1990 | 2000 | 2010 |
|--------------------|------|------|------|
| <b>U.S.</b>        | 32.9 | 35.3 | 37.2 |
| <b>JLUS Region</b> | 25.2 | 27.3 | 32.3 |

Source: 1990-2010 Population Counts by Decennial Census, U.S. Census Bureau. Found at [www.census.gov](http://www.census.gov)

### Economic performance

For the past 10 years, the JLUS region has outpaced the U.S. and New Mexico in average annual growth in employment. Nevertheless, per capita income, a traditional measure of economic well-being, has yet to reach the averages for New Mexico or Texas and lags the nation significantly. A notable feature of the regional data is the low level of educational achievement. Individuals 25 years and older without a high school education constitute 26.3 percent of the population.

This compares to 16.9 percent for New Mexico, 18.9 percent for Texas, and 14.1 percent for the nation. Low levels of education achievement are associated across the U.S. with lower than average per capita income and serve generally as a negative economic indicator. The performance data suggest that education and training are key factors in improving economic performance throughout the region.

Table 3.5 Median Age for the U.S. and Southern New Mexico-El Paso Region, 1990-2010

| Measure                                                                                   | U.S. | New Mexico          | Texas            | JLUS Region |
|-------------------------------------------------------------------------------------------|------|---------------------|------------------|-------------|
| Employment Growth (Annualized rate, 2003-2012)                                            | 0.88 | 0.78                | 2.23             | 1.06        |
| Personal Income Growth in Real Wages (Adjusted for Inflation, Annualized rate, 2003-2013) | 0.1  | 0.5<br>(Las Cruces) | 0.1<br>(El Paso) | n/a         |
| Per Capita Income (Percent of U.S. Average, 2012)                                         | 100  | 81.6                | 97.5             | 69.8        |
| Education Rate (% of population 25 and over who have less than a high school diploma)*    | 14.1 | 16.9                | 18.9             | 26.3        |

Source: Employment and income data derived from Regional Economic Accounts, Bureau of Economic Analysis, U.S. Department of Commerce. Found at [www.bea.gov](http://www.bea.gov)

Data on population and education obtain from the Census Bureau, U.S. Department of Commerce. Found at [www.census.gov](http://www.census.gov).

### Impact analysis

Impact analysis involves the use of multipliers to estimate the direct, indirect, and induced impacts of a change in spending on the regional economy. The basic premise underlying the multiplier approach is that one individual's spending is another person's income. Not all of the initial injection of funds stays in the local economy. Some money will be saved, some will be paid in taxes, and some will be spent on goods and services outside of the local area. The size of a community's multiplier is a function of the local economy's propensity to import from outside the area, the propensity of individuals to save, and the amount of taxes paid. For this analysis, hundreds of multipliers are calculated specific to the military and to operations conducting research, development, and testing.

Findings in *Tables 3.6 through 3.8* show estimated impacts of employment and spending at each of the region's three military installations. Fort Bliss, easily the largest of the three installations in employment and spending, accounts for the greatest share of the military's impact on the region. WSMR and HAFB rank second and third, respectively. *Table 3.9* summarizes the overall impacts of military employment and spending on the six-county region.

**Table 3.6 Impacts of Military Employment and Spending at Fort Bliss on the Six-County JLUS Region, 2013**

|                                | Military & Civilian<br>Appropriated | Contractor,<br>Construction & Local<br>Procurement | Totals     | % Regional<br>Total |
|--------------------------------|-------------------------------------|----------------------------------------------------|------------|---------------------|
| Employment (job number)        |                                     |                                                    |            |                     |
| Direct                         | 34,180                              | 13,670                                             | 47,850     |                     |
| Indirect                       | 0                                   | 4,270                                              | 4,270      |                     |
| Induced                        | 17,470                              | 4,290                                              | 21,760     |                     |
| Total                          | 51,650                              | 22,230                                             | 73,880     | 13.7                |
| Labor Income (thousands of \$) |                                     |                                                    |            |                     |
| Direct                         | 3,201,056                           | 620,754                                            | 3,821,810  |                     |
| Indirect                       | 0                                   | 153,807                                            | 153,807    |                     |
| Induced                        | 640,997                             | 155,333                                            | 796,330    |                     |
| Total                          | 3,842,052                           | 929,895                                            | 4,771,947  | 19.4                |
| Output (thousands of \$)       |                                     |                                                    |            |                     |
| Direct                         | 5,389,136                           | 1,885,795                                          | 7,274,931  |                     |
| Indirect                       | 0                                   | 440,974                                            | 440,974    |                     |
| Induced                        | 2,053,888                           | 498,678                                            | 2,552,566  |                     |
| Total                          | 7,443,024                           | 2,825,447                                          | 10,268,471 | 14.3                |

Source: Impacts modeled in IMPLAN v. 3.1.1001. Author's calculations.

Note: Numbers may not add up due to rounding.

Table 3.7 Impacts of Military Employment and Spending at Holloman AFB on the Six-County JLUS Region, 2013

|                                | Military & Civilian<br>Appropriated | Contractor,<br>Construction & Local<br>Procurement | Totals    | % Regional |
|--------------------------------|-------------------------------------|----------------------------------------------------|-----------|------------|
| Employment (job number)        |                                     |                                                    |           |            |
| Direct                         | 5,440                               | 1,170                                              | 6,610     |            |
| Indirect                       | 0                                   | 230                                                | 230       |            |
| Induced                        | 1,710                               | 310                                                | 2,020     |            |
| Total                          | 7,150                               | 1,720                                              | 8,870     | 1.7        |
| Labor Income (thousands of \$) |                                     |                                                    |           |            |
| Direct                         | 476,927                             | 59,078                                             | 536,005   |            |
| Indirect                       | 0                                   | 8,254                                              | 8,254     |            |
| Induced                        | 55,039                              | 10,617                                             | 65,655    |            |
| Total                          | 531,966                             | 77,949                                             | 609,915   | 2.5        |
| Output (thousands of \$)       |                                     |                                                    |           |            |
| Direct                         | 1,220,892                           | 140,098                                            | 1,360,990 |            |
| Indirect                       | 0                                   | 26,364                                             | 26,364    |            |
| Induced                        | 187,725                             | 34,660                                             | 222,385   |            |
| Total                          | 1,408,617                           | 201,121                                            | 1,609,738 | 2.2        |

Source: Impacts modeled in IMPLAN v. 3.1.1001. Author's calculations.

Note: Numbers may not add up due to rounding.



F-22 Raptor prepares to take off

**Table 3.8 Impacts of Military Employment and Spending at White Sands Missile Range on the Six-County JLUS Region, 2013**

|                                | Military & Civilian<br>Appropriated | Contractor,<br>Construction & Local<br>Procurement | Totals    | % Regional |
|--------------------------------|-------------------------------------|----------------------------------------------------|-----------|------------|
| Employment (job number)        |                                     |                                                    |           |            |
| Direct                         | 2,920                               | 5,940                                              | 8,860     |            |
| Indirect                       | 0                                   | 1,500                                              | 1,500     |            |
| Induced                        | 1,310                               | 1,850                                              | 3,150     |            |
| Total                          | 4,230                               | 9,290                                              | 13,510    | 2.5        |
| Labor Income (thousands of \$) |                                     |                                                    |           |            |
| Direct                         | 284,486                             | 305,420                                            | 589,906   |            |
| Indirect                       | 0                                   | 53,061                                             | 53,061    |            |
| Induced                        | 46,394                              | 66,122                                             | 112,516   |            |
| Total                          | 330,880                             | 424,603                                            | 755,483   | 3.1        |
| Output (thousands of \$)       |                                     |                                                    |           |            |
| Direct                         | 537,489                             | 671,038                                            | 1,208,527 |            |
| Indirect                       | 0                                   | 153,837                                            | 153,837   |            |
| Induced                        | 144,922                             | 210,003                                            | 354,925   |            |
| Total                          | 682,411                             | 1,034,878                                          | 1,717,289 | 2.4        |

Source: Impacts modeled in IMPLAN v. 3.1.1001. Author's calculations.

Note: Numbers may not add up due to rounding.

### 3.3 Description of Installations

The missions of FTB, WSMR, and HAFB are distinct and separate, yet they provide an unequaled contiguous footprint of DoD-controlled surface area (composed of over 3.3 million acres), and over 8.8 million acres underlying associated restricted airspace over DoD and non-military land. Each of the installations manages its own land and air assets, but also leverages each other's resources for particular missions.

#### Fort Bliss

Fort Bliss, home to the 1st Armor Division (1AD), has the primary mission to train, mobilize, and deploy members of joint and combined combat teams. Fort Bliss is a "force projection platform" for rapidly deploying troops to worldwide combat zones by rail (to ship) or aircraft.

The Army uses a training model that enables troops to train as they fight, with opportunities for multiple diverse

brigades to train together. The composition of the 1AD reflects this philosophy with a Stryker vehicle brigade combat team, multiple heavy armored vehicle brigade combat teams, a combat aviation brigade, sustainment brigade, fires brigade, and brigade modernization command (BMC). The Army also seeks to create realistic training situations, using specifically constructed training ranges (including mock villages) and the natural desert and mountainous terrain, which is similar to many combat zones.

The Fort Bliss Training Complex (FBTC) has over 1.1 million acres of training lands and associated restricted airspace (See Figure 2.2). The FBTC is composed of three major areas: the South Training Areas (STA) in El Paso County, Texas, and the Doña Ana Training Areas (a.k.a. Northern Training Areas), and McGregor Range in New Mexico. The training land consists of 33 training areas

Table 3.9 Summary Impacts of Military Employment and Spending on Six-County JLUS Region, 2013

|                           | Military & Civilian<br>Appropriated | Contractor,<br>Construction & Local<br>Procurement | Totals     | % Regional |
|---------------------------|-------------------------------------|----------------------------------------------------|------------|------------|
| Employment (job number)   |                                     |                                                    |            |            |
| Direct                    | 42,540                              | 20,780                                             | 63,320     |            |
| Indirect                  | 0                                   | 6,010                                              | 6,010      |            |
| Induced                   | 20,480                              | 6,440                                              | 26,440     |            |
| Total                     | 63,020                              | 33,230                                             | 96,250     | 17.9       |
| Labor Income (000s \$)    |                                     |                                                    |            |            |
| Direct                    | 3,962,468                           | 985,252                                            | 4,947,720  |            |
| Indirect                  | 0                                   | 215,123                                            | 215,123    |            |
| Induced                   | 742,430                             | 232,072                                            | 974,502    |            |
| Total                     | 4,704,898                           | 1,432,447                                          | 6,137,345  | 24.9       |
| Industry Output (000s \$) |                                     |                                                    |            |            |
| Direct                    | 7,147,517                           | 2,696,931                                          | 9,844,448  |            |
| Indirect                  | 0                                   | 621,174                                            | 621,174    |            |
| Induced                   | 2,386,535                           | 743,341                                            | 3,129,876  |            |
| Total                     | 9,534,052                           | 4,061,446                                          | 13,595,498 | 18.9       |

Source: Impacts modeled in IMPLAN v. 3.1.1001. Author's calculations.

Note: Numbers may not add up due to rounding.

that support a unique mix of heavy and light maneuver, making use of varied environments ranging from flat, arid land to mountainous terrain. A portion of McGregor Range is publicly accessible and supports co-use with the BLM for cattle ranching, recreation, and other dispersed passive uses (See Figure 2.3).

Biggs Army Airfield (AAF), adjacent to the cantonment areas and El Paso International Airport (EPIA), is the largest airfield in the Army and is home to the 1AD Combat Aviation Brigade (CAB), which operates 114 helicopters, 9 Grey Eagle UAVs, and about 100 small (hand-launched) UAVs.

Fort Bliss will continue its current mission in the future and anticipates the following operations:

- The training tempo for the current training mission will increase as troops return from combat zones and do not quickly redeploy. This situation is referred to as a "full nest."
- This increased tempo may increase the level of military activity in the northern part of McGregor Range.
- The trend for more use of UAVs will continue, using both restricted airspace and the national airspace system (NAS) with appropriate approvals from the Federal Aviation Administration (FAA).
- The FAA, which controls the airspace around EPIA and Biggs AAF, will not allow military UAVs to operate at Biggs AAF because of proximity to commercial arrival and departure tracks. FTB is moving forward with a concept for a new UAV airfield in southern Doña Ana Training Areas (known as the Grey Eagle



Abrams Tank training on Fort Bliss

- project) within restricted airspace R-5107 A/K.
- Fort Bliss may support visiting units returning to FBTC to perform specific skills for the air defense mission because of its unique capabilities to support longer-range weaponry.
- In the future with more troops at home, it is likely that more soldiers will use the Orogrande, McGregor, and Doña Ana Training Areas camps and the live-fire and qualification ranges associated with each of those camps (particularly visiting units).
- Biggs AAF will see some increase in operations when the Air Force F-16s use this location as an auxiliary airfield for pattern work (projected for 2014). This will not expand noise exposure zones appreciably, but will add to the overall mix of aircraft in the environs of EPIA.
- The Air Force has announced plans to move its newly configured Security Forces Regional Training Center to FTB.

A primary compatibility concern from the FTB mission revolves around noise from weapons firing in specific

locations on the installation training areas. As shown in *Figure 2.2*, the highest noise impacts fall within installation boundaries. However, noise contours that depict potential noise impacts on surrounding areas extend to the south and west, affecting the communities of Chaparral and Anthony. Noise also travels off the installation toward the community of Orogrande and the Hueco Tanks State Park area (See the *Existing Conditions Report* for a more detailed description of noise impacts).



Bradley Security, Fort Bliss

FIGURE 2.2 - FORT BLISS TRAINING COMPLEX AND SURROUNDING AREAS

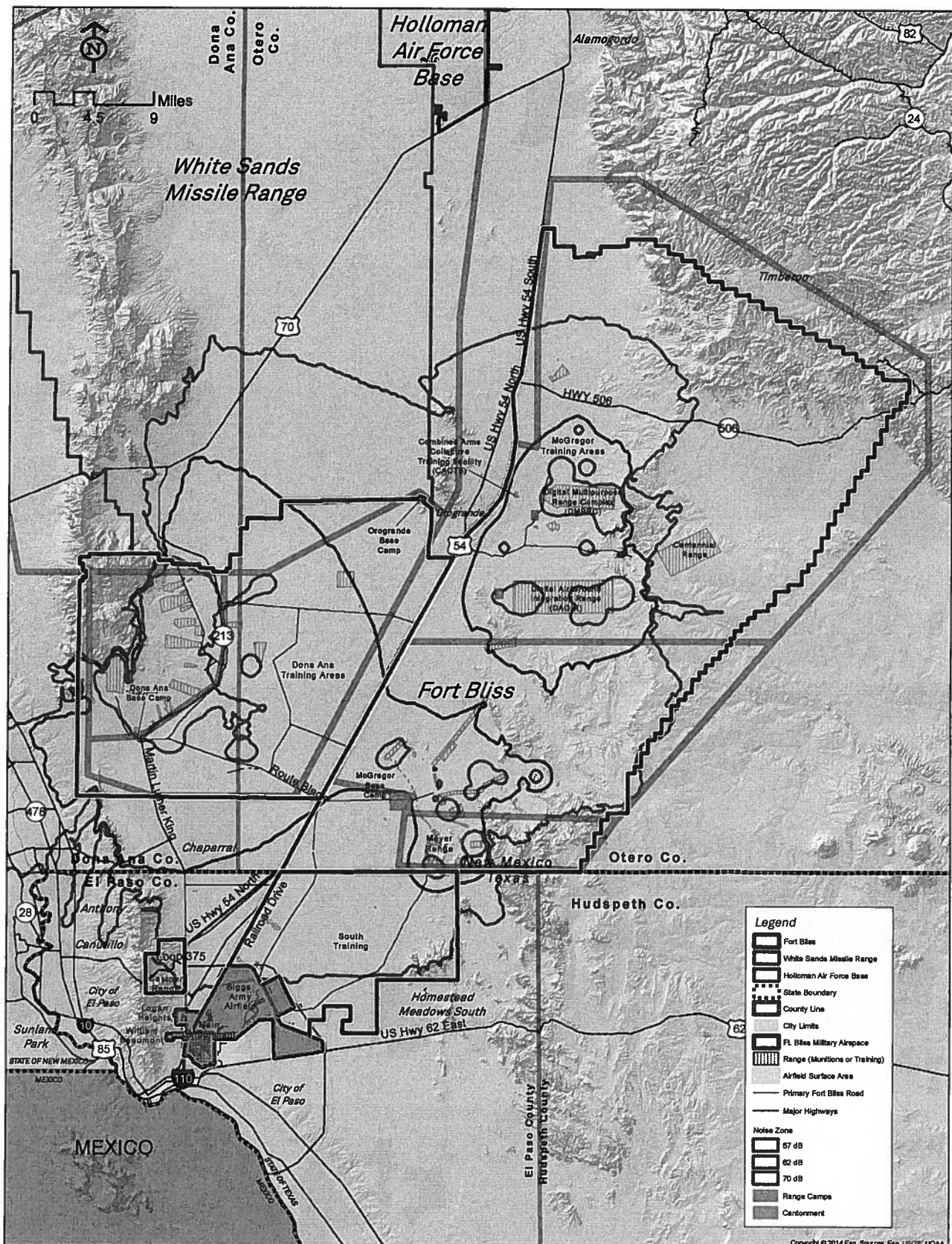
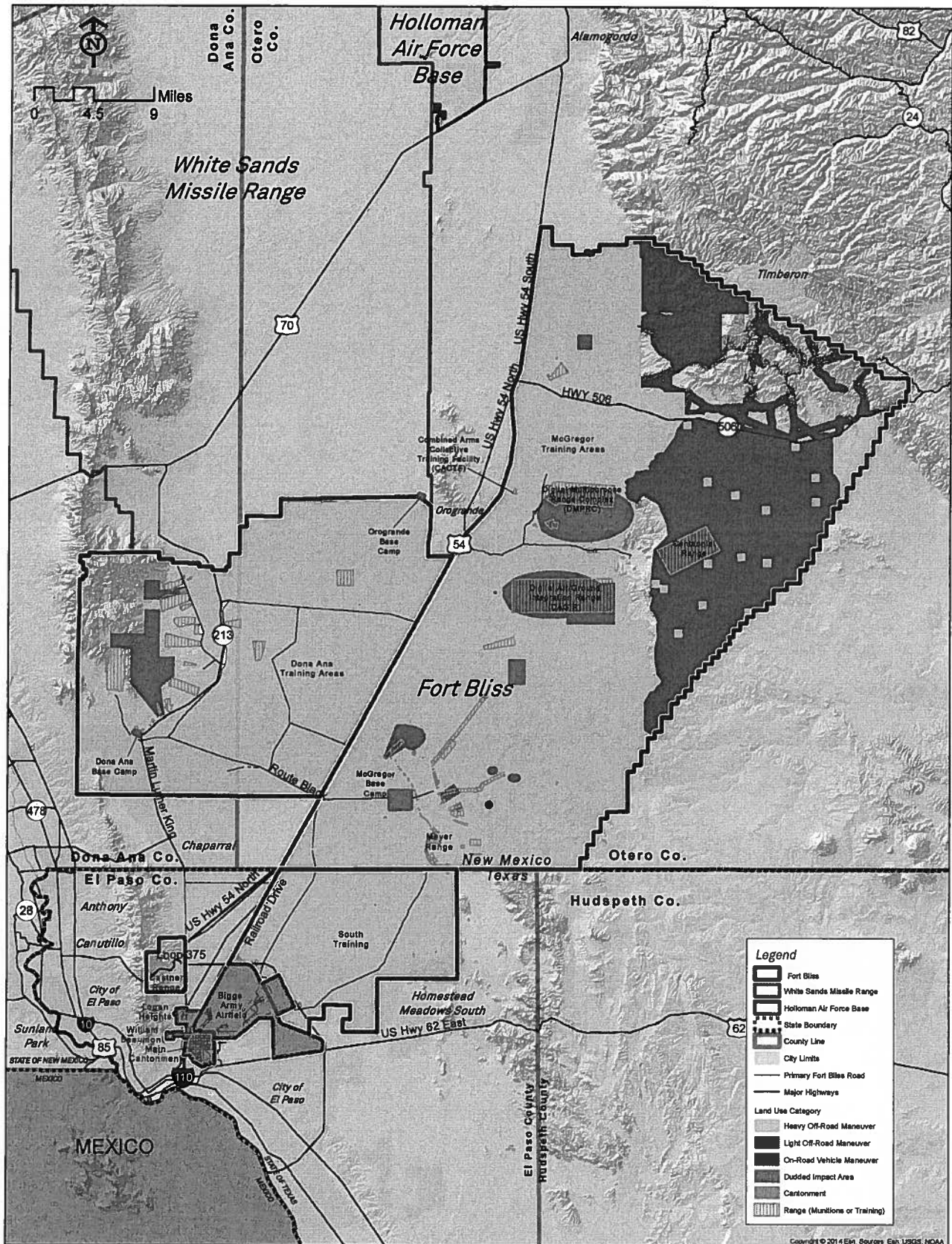


FIGURE 2.3 - FORT BLISS TRAINING COMPLEX LAND USES



### White Sands Missile Range

White Sands Missile Range supports developmental and operational testing for the Army, Air Force, Navy, Department of Homeland Security, allied foreign governments, universities, and commercial and private entities. As the largest terrestrial test range in the U.S., WSMR provides unique infrastructure and test facilities, including a nuclear survivability test reactor, radar test facilities, a high energy laser systems test facility, and a state-of-the-art range control center. WSMR's mission is to provide testing and development of weapons and equipment (both hardware and software) for military use in combat zones and for national security considerations. WSMR has historically supported test programs requiring large land areas with controlled access and restricted airspace due to hazards associated with the test objects. In addition to its test mission, WSMR has taken on a new role in Army Transformation; it will now house and host limited training activities and field exercises for uniformed personnel (Network Integration Exercise and Bold Quest).

WSMR, consisting of almost 2.2 million acres of land (including White Sands National Monument, San Andres National Wildlife Refuge, and Department of Agriculture Jornada Experimental Range) has associated restricted airspace overlying 5 million acres (See Figure 2.4). WSMR can further expand its surface area to include land within the Northern Extension Area (NEA) and Western call-up areas for use as surface danger zones. Contracts with individual landowners in the call-up areas allow for a certain number of annual evacuations with accompanying per diem.

The main cantonment area contains facilities used for specific controlled test programs and research. The range has an infrastructure network for monitoring, tracking, communicating, and relaying data in support of test programs. The Navy, Air Force, and Army all run key test programs at WSMR. Many of these tenants operate from their own facilities on WSMR; some function completely within enclosed environments and some utilize restricted airspace and land for hazardous operations, instrumentation, and tracking assets.

Historically, WSMR's primary mission supported weapon systems programs. Ground-based launch sites are concentrated in the south end of WSMR with others at mid-range and the northern end of WSMR. These locations give flexibility to conduct anything from short, medium, to long-range launches of both test missiles and targets. Occasional use of the NEA and a missile flight corridor from Fort Wingate in western New Mexico provides extended range.

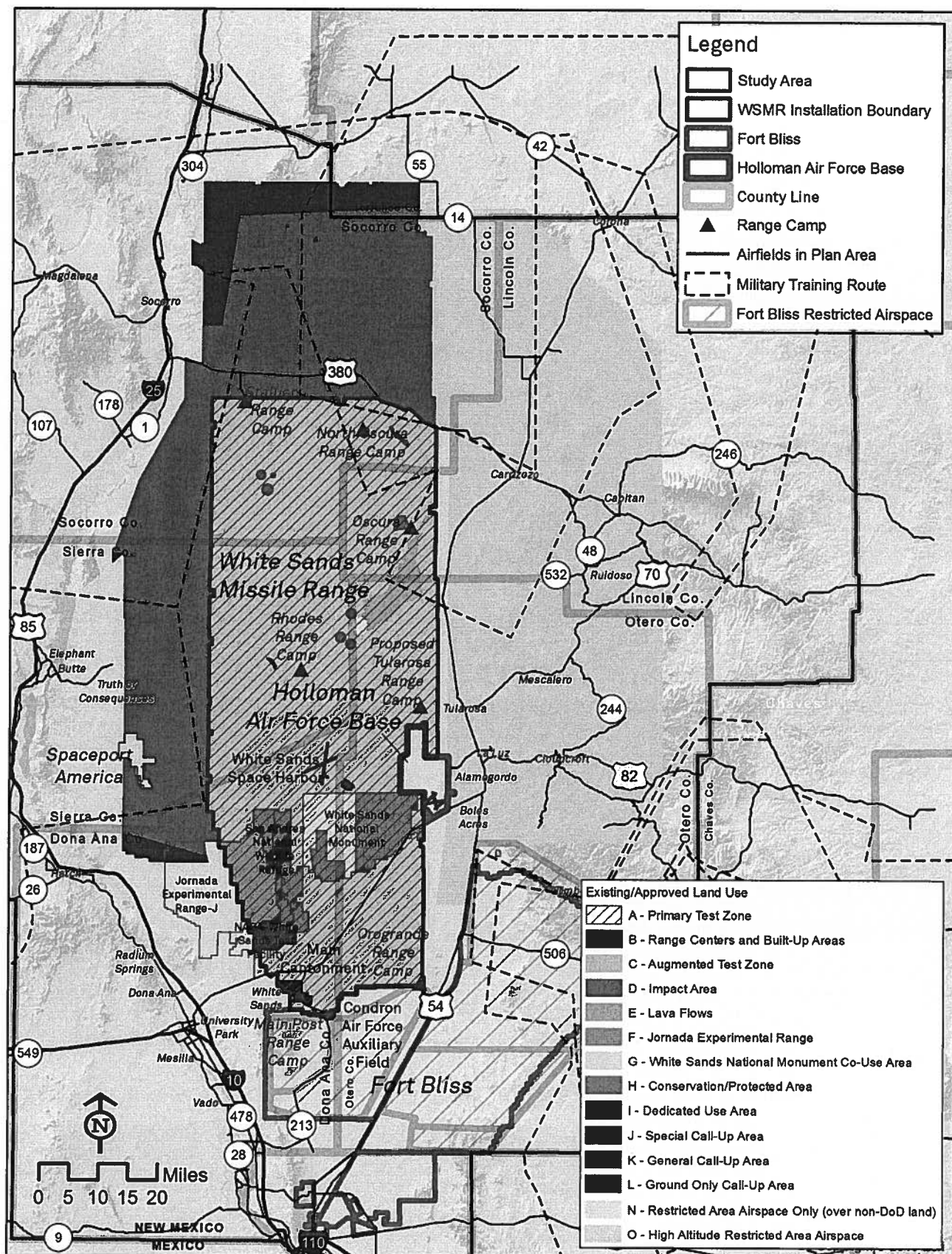
WSMR also provides services and facilities that are available to multiple users on a fee basis, including coordinated range control and a spectrum of test support capabilities for all aspects of test planning, support logistics, and data capture and analysis. Additionally, the Air Force manages and uses two bombing ranges, Red Rio and Oscura, on WSMR. The Air Force also uses the YONDER Impact Area in the San Andres Mountains for air-to-air training.

WSMR will continue its current mission, while recognizing that the future will bring changes that respond to research and development needs that are unknown. In general, the following trends will drive the future mission at WSMR:

- More operational testing, training, live-fire, and maneuver;
- Increased UAV activity by HAFB;
- Transition of F-22 to F-16 training by HAFB, with accompanying changes in airspace needs and increased use of the bombing ranges on WSMR;
- More diverse simultaneous operations using air, ground and radio frequency band width;
- Expansion of electromagnetic testing capabilities;
- Weapons System Evaluation Program (WSEP), which will dramatically increase the use of the range for live fire purposes;
- Development of a dynamic airspace management capability combining FTB, HAFB, and WSMR management in a centralized system;
- Deployment of meteorological sensor tower arrays on WSMR and the adjacent JER for evaluation of meteorological research models; such arrays will be wirelessly linked, will cover significant land areas, but will have low tower density and tower height;
- Support of Spaceport America;
- EIS-approved capability to support training of heavy armored vehicle units; and
- Increase in testing of systems across greater distances, within high clutter and controlled clutter frequency environments.

The primary compatibility issues between WSMR and surrounding areas include radio frequency and spectrum issues; changes in land use and development or new infrastructure in call-up areas or near sensitive military instrumentation sites; the noise and safety issues affecting surrounding development and wildlife; and the ability of regional airspace to accommodate the needs of both civilian and military users.

FIGURE 2.4 | WHITE SANDS MISSILE RANGE AND SURROUNDING AREAS



### Holloman Air Force Base

Holloman Air Force Base, comprising about 60,000 acres of DoD owned and withdrawn land, has supported the Air Combat Command (formerly Tactical Air Command) for several decades. Currently, HAFB is home to the 96th Test Group (TG), 49th Wing. In the past three decades, HAFB has hosted the F-4, F-15, T-38, F-117, and F-22 aircraft in association with the 49th Wing and various airframes related to the test mission (QF-4, AT-38, etc...). In 2008, the F-117 aircraft were retired and the Wing converted to the F-22 Raptor. The F-22 Raptor trained mostly at higher altitudes and at supersonic speeds. In 2009, HAFB began training pilots and sensor operators for the MQ-1 Predator and MQ-9 Reaper UAVs.

Most of the facilities on HAFB are in the south part of the installation. A three-runway airfield has extensive ramp space for various units. Farther north, most of the land on HAFB is undeveloped with isolated facilities serving specific functions (See Figure 2.5). HAFB has had a long relationship with WSMR, using both facilities on the range and the extensive restricted airspace. Aviation units operate beyond the immediate environs of the base in this regional special use airspace, including Military Training Routes (MTRs), Military Operations Areas (MOAs), restricted airspace, and aerial refueling tracks (ARs). Figure 2.6 shows airspace used by HAFB units. The F-22 mission utilized WSMR's R-5107 complex, particularly the blocks of higher altitude airspace, approved for supersonic operations. The pilot training mission transitioned from F-22 to F-16 aircraft in 2014. The anticipated F-16 mission will use MTRs daily.

The German Air Force (GAF) has based and trained aircrews in the Tornado aircraft since the late 1990s. The GAF training uses HAFB's MTRs, MOAs, and air-to-ground bombing ranges and can train as low as 100 feet Above Ground Level (AGL) in MTRs. The 49th Wing and GAF are the primary users of MTRs and MOAs in the region and Oscura and Red Rio Bombing Ranges on WSMR and Centennial Bombing Range on FTB.

The 96th Test Group (TG) provides test and evaluation support to several resident units and Army and Navy test programs, many using facilities and performing tests on neighboring WSMR. The 846th Test Squadron maintains HAFB's High Speed Test Track (HSTT) that is used for research on ejection seats, rockets, parachutes, and bomb penetration. The 586th Flight Test Squadron supports advanced avionics and weapons flight tests.

Current test and training is expected to continue at HAFB in the future. Foreseeable changes include:

- The new F-16 mission will focus on basic pilot training under the Air Education Training Command (AETC). Given the air-to-ground combat role, F-16 aircrews will spend more of their flying hours at lower altitudes in regional MTRs with less use of high altitude restricted airspace and at bombing ranges on WSMR and McGregor Range on FTB. The F-16 mission will increase the training levels at HAFB to about 60 operations per day. The departure of the F-22 aircraft has reduced the frequency of sonic booms; however, the F-16 trains low and fast in MTRs, shifting the location of aircraft noise and the type of impact.
- Expansion of the UAV mission, with beddown of another formal training unit for the MQ-1 Predator and MQ-9 Reaper. UAV missions use approved airspace; usually restricted airspace or a MOA through a Certificate of Authorization (CoA) issued by FAA.

The primary compatibility issue for HAFB is noise associated with aircraft operations in the local area of Alamogordo and regional special use airspace. For the former F-22A training mission, some residents in the Sacramento Mountains and eastern Las Cruces communities reported disturbance from sonic booms. However, even subsonic noise from low-level, high-speed aircraft operations in MTRs and MOAs can startle people and animals on the ground.



Holloman Air Force Base

FIGURE 2.5 - HOLLOMAN AIR FORCE BASE AND SURROUNDING AREAS

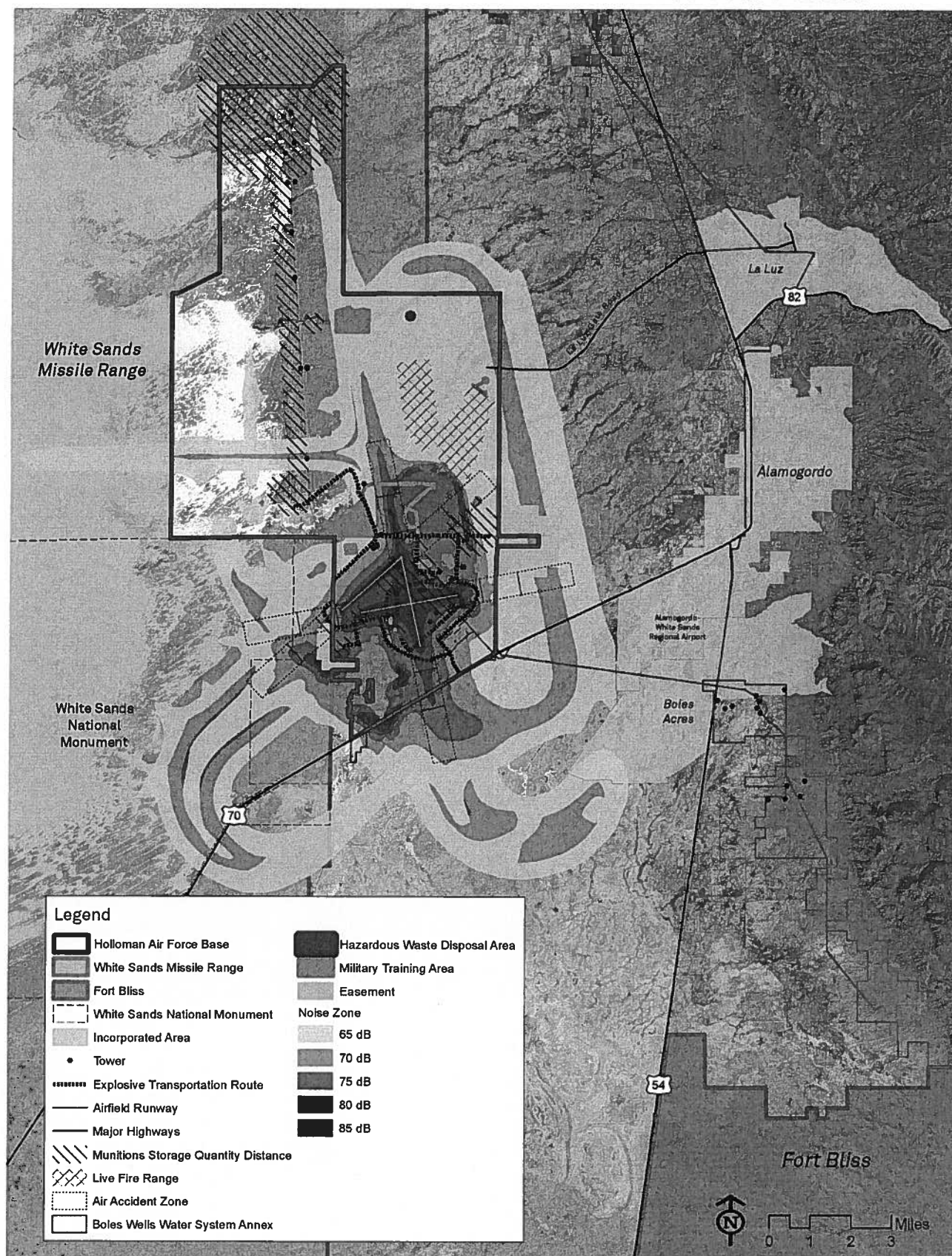
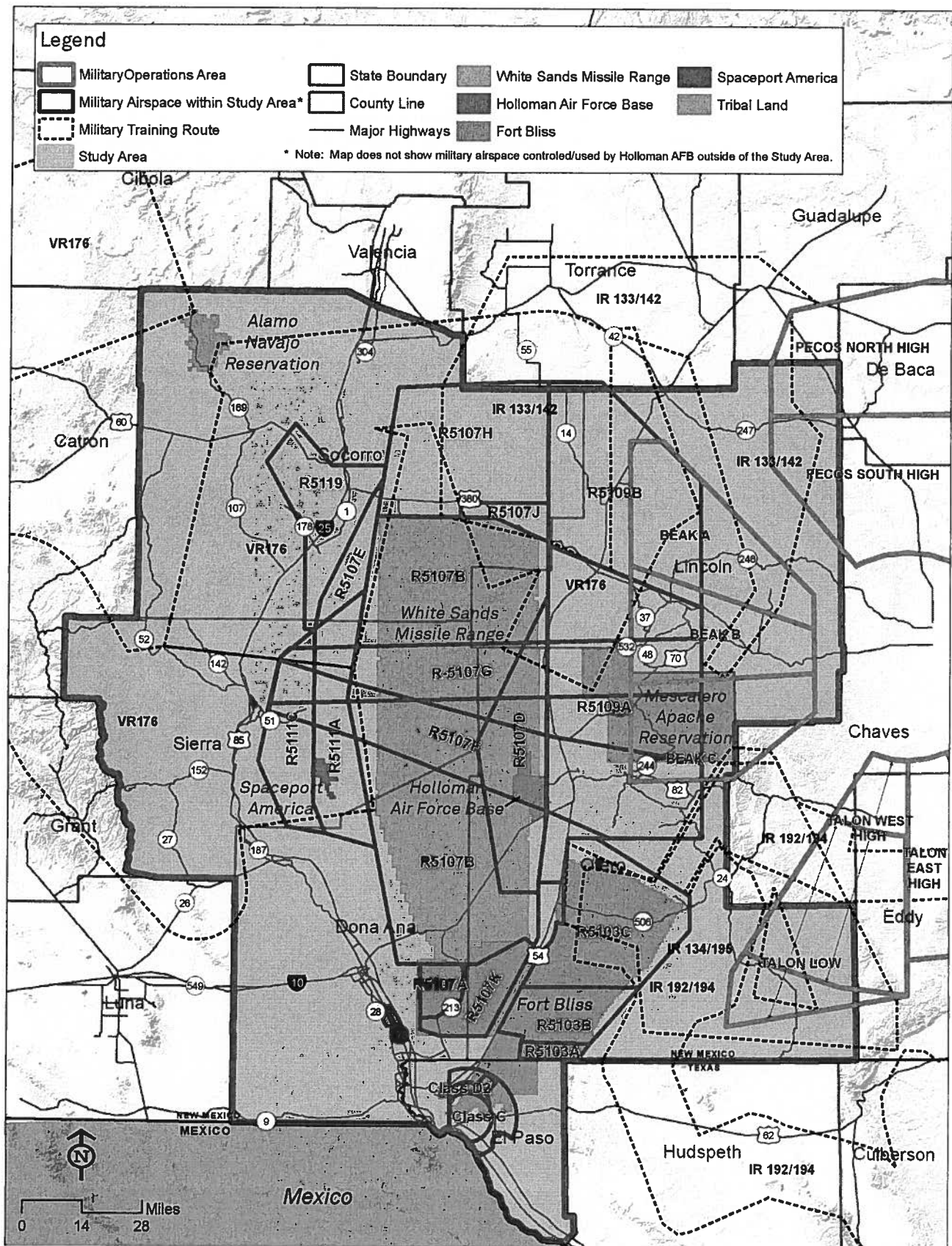
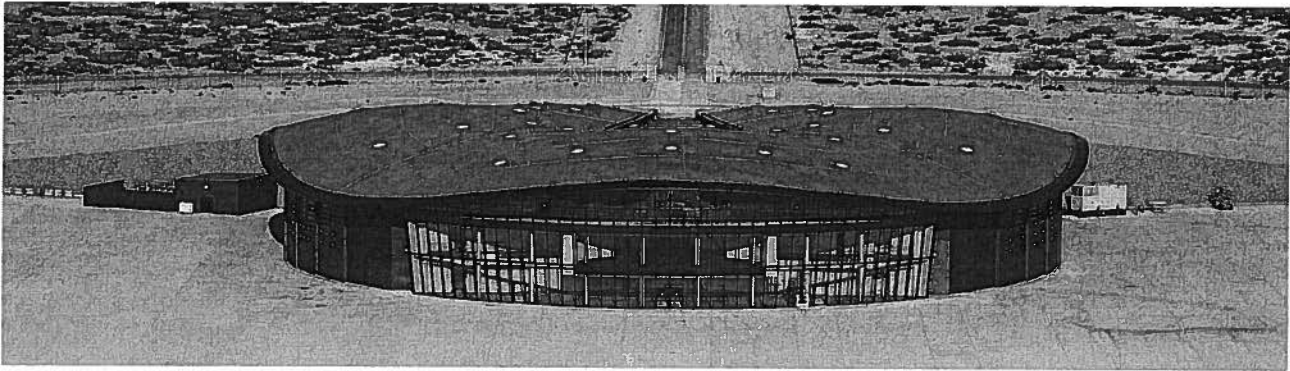


FIGURE 2.6 - REGIONAL AIRSPACE



## 04 COMPATIBILITY FACTORS



The central purpose of the JLUS is to minimize or, when feasible, eliminate compatibility issues between the military and surrounding civilian land uses. Compatibility challenges occur when:

- Communities experience higher than normal levels of impacts from military activities, such as noise or safety risks, which can then affect quality of life or uses of land; or
- Certain types of development limit the ability of the military to perform its missions or cause changes in training or testing operations that reduce mission effectiveness.

This section highlights areas of the SNMEP region in which current and foreseeable military operations and surrounding community activities may overlap and create compatibility challenges. These factors form the basis of the strategies found in the compatibility menu described in Section 5. The factors are in alphabetical order.

### 4.1 Air Quality

Military convoys traveling on local dirt roadways and maneuver training activities on the ranges can produce fugitive dust. Compatibility issues arise when the dust affects the surrounding communities by diminishing air quality and reducing visibility. Smoke from controlled burns can also affect air quality. For example, maneuvers on the Doña Ana Training Areas can create dust that affects portions of the U.S. 54 corridor. Conversely, dust

or smoke generated from burning on publicly managed and private lands can obscure visibility for military testing operations that require clear skies.

### 4.2 Airspace Use

Competition exists between HAFB and WSMR (and to a lesser extent, FTB) to schedule restricted airspace. A partnership between HAFB, WSMR, and FTB, called the TRIAD, is examining options for maximizing airspace capacity for the three installations and, indirectly, for commercial and general aviation traffic.

Primary concerns regarding airspace revolve around access to and through special use airspace. Restricted airspace above and adjacent to the three military installations forms a large, contiguous block (comprised of R-5103, R-5107, and R-5111) that commercial traffic must circumnavigate, increasing travel time and cost. To alleviate issues, special corridors for commercial aircraft exist (e.g., following U.S. 54 underneath restricted airspace and in two high altitude corridors through R-5107).

Currently, management of restricted airspace for the three installations is part of a military radar unit (MRU). The MRU deactivates and releases control of WSMR's restricted airspace back to the FAA's Albuquerque Air Route Traffic Control Center (ARTCC), on weekends and weekdays between midnight and 6 AM when not subject to military use. There are times when military users do not schedule specific blocks of restricted

airspace; however, procedures only allow civilian traffic to transit restricted airspace when it is not active and under control of the ARTCC. Due to lead times involved in releasing airspace back to the FAA, it is impractical for the Albuquerque ARTCC to accept airspace for a period shorter than two hours. Consequently, it is not feasible to utilize ad hoc or short blocks of time under the current management system.

Another concern is that increased military use for test, training, and commercial space operations will diminish availability for any civilian transit. One concept under consideration would replace the MRU with a certified air traffic control (ATC) facility. In this capacity, the ATC could allow short-notice transit through restricted airspace by non-military operators. Additionally, the mix of military and civilian traffic outside of special use airspace is likely to intensify.

Use of UAVs is increasing in both the military and commercial realms. HAFB routinely flies UAVs in and out of its airfield, using WSMR restricted airspace. Fort Bliss flies UAVs mostly over the Doña Ana Training Areas. The Army recently defined an Alert Area to the east of the FTB cantonment areas in El Paso. This designation does not trigger formal rule-making with the FAA, but the area is charted, alerting pilots of the high level of military traffic that may be encountered. Fort Bliss is considering this status for other areas with elevated helicopter use.

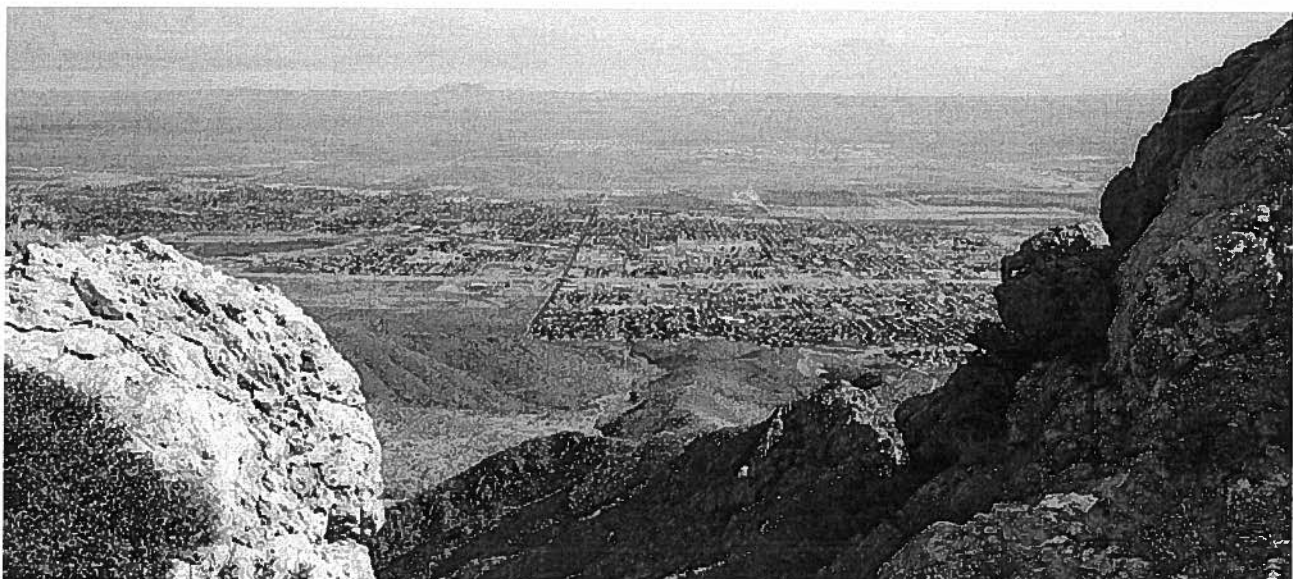
Along with general airspace issues, several users create specific demands on regional airspace. The BLM

periodically uses airspace to perform its landscape restoration and fire suppression responsibilities. The restoration projects, which include the aerial spraying of herbicides, often require a very specific window of operation due to seasonal or weather-related conditions. The use of airspace by higher-priority military operations can reduce the availability of airspace for BLM activities.

### 4.3 Aviation/Testing Safety

Safety challenges to aviation and testing include the development of physical infrastructure in areas that accommodate hazardous testing activities conducted by WSMR and low-level flight operations associated with HAFB. The safety envelopes for WSMR encompass a 4,459,850-acre area that falls to the north and west of the main range within Doña Ana, Otero, Lincoln, Sierra, Socorro, and Torrance Counties. This land underlies portions of WSMR restricted airspace and includes the call-up areas. WSMR has contracts with certain landowners in the call-up areas to evacuate when a test may cause unsafe conditions, giving flexibility to maintain the availability of these extension areas for critical WSMR mission capabilities.

One of the emerging compatibility issues is the region's potential for solar and wind energy production and the accompanying transmission lines. Compatibility issues relate to the higher risk of potential damage to transmission lines should a launched missile malfunction and require remote detonation within the fallout zone. The fallout zone is an estimated area where debris



Castner Range, Fort Bliss

could land based on factors such as the height and the location of the missile at the point of detonation.

The transmission and renewable energy structures also pose a risk to aircraft due to physical intrusion into low-level flight corridors. The FAA evaluates the obstruction hazard of any proposed structure that is more than 200 feet AGL. While this process safeguards against potential hazards in excess of 200 feet, structures that fall below that threshold are not subject to FAA review and thus may not be charted or properly lit. Lincoln County has permitting, but some counties in the JLUS study area lack a permitting or notification process that could assist in identifying structure locations. The proliferation of structures with unmarked locations can pose a collision risk, particularly in low-level military training routes with a minimum floor of 100 feet AGL.

Aviation-related hazards also exist in proximity to military airfields. The DoD establishes Clear Zones (CZs) and Accident Potential Zones (APZs) around military airfields based on analysis of military aircraft accident history and a determination of where an accident is likely to take place and the physical extent of the impact area resulting from any single accident.

#### 4.4 Frequency and Spectrum Interference

Issues of frequency spectrum use and deconfliction are a growing regional concern. The last few decades have seen a dramatic rise in commercial and private wireless communication and commercial broadcasting. Similarly, there is a need for more testing as the modern battlefield depends on linked electronic devices and systems that communicate wirelessly over varying distances.

Radio spectrum is a finite resource with only certain usable portions. Both federal and non-federal agencies

and the commercial sector compete for this finite spectrum. Due to competition, government and non-government sectors share the spectrum. The Federal Communications Commission (FCC) and National Telecommunications and Information Administration (NTIA) manage spectrum allocation. NTIA manages allocations among the DoD users and, to maximize use, it may allocate a frequency to several uses/users, which can result in conflicts. WSMR has a regional DoD Frequency Manager who carefully tracks and deconflicts spectrum use for regional military users through the Integrated Frequency Deconfliction System (IFDS).

Specific regional frequency issues include:

- The lack of management and coordination with frequency use in Mexico.
- Some frequencies have capacity; but others, especially in the Very High Frequency (VHF) range, are saturated.
- In general, military uses stay out of the public/commercial spectrum domain; however, some commercial users are moving into the spectrum bands used by the military driven by consumer demand. The trend to "sell off" government bandwidth depletes availability for military needs in the region.
- GPS jamming tests on HAFB and WSMR can affect commercial and private GPS and communication devices. The primary concerns for the effects of this testing are on non-participating flight operations in the vicinity and local emergency response capabilities.
- Although the military does have a common integrated platform for managing its spectrum use, the region lacks a single platform for viewing, assigning, and deconflicting military, other federal, commercial, and private spectrum uses.
- Some renewable energy infrastructure can also interfere with communication systems, including radar, navigation aids, and infrared instruments.



## 4.5 Light Pollution

Light pollution is the effect of stray or excessive light from artificial lighting sources, such as building exteriors, advertising, streetlights, or outdoor facilities or venues. Pollution occurs when light travels beyond its intended target of illumination into otherwise darkened areas. The adverse impacts of light pollution include glare from overly bright sources or night sky brightness in which upward-bound light creates a background glow.

Light pollution can interfere with the use of night-vision training devices (NVDs) during military training operations. Night vision goggles, other types of NVD worn by personnel, or NVD systems integral to aircraft and vehicles capture and amplify any illumination in the surrounding landscape, displaying an extreme sensitivity to a broad spectrum of light sources. Exposure to stray light can cause the vision screen to white-out, temporarily robbing the wearer of vision. In addition to training, other facilities such as the Ground- Based Electro-Optical Deep Space Surveillance (GEODSS) facility at the northern end of WSMR are also highly sensitive to stray light exposure.

Light pollution can also affect the region's observatories. The geographically remote Apache Point Observatory in Sunspot, New Mexico, has noted compatibility issues related to ramp lights at HAFB. The sky brightness from base lighting reduces the star magnitudes by nearly 1 magnitude (factor of 2.5) versus other parts of the sky, limiting the depth of space into which the observatory can see and the types of objects on which data can be collected. Though less of an issue, the growth of El Paso combined with FTB contributes to an expanding sky glow visible at the observatory.

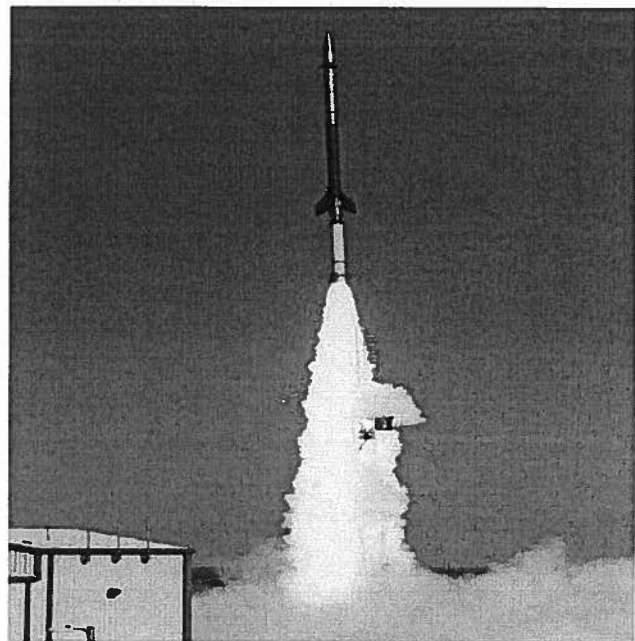
## 4.6 Noise – Aviation

Historically, training missions at HAFB have generated aviation noise and caused compatibility issues within the surrounding region. Noise and startle effects from low-level high-speed aircraft operations, primarily along MTRs, can affect local activities, including ranching, children's camps and recreational uses. The startle effect on livestock can result in property damage or injury to the animals. A large bibliography of studies on the impacts of aircraft noise on livestock has found varied effects.

Supersonic operations (by military aircraft using airspace

approved for these operations) with the F-22 aircraft caused sonic booms in the region. Most of the affected areas involved residential locations, particularly in the Sacramento Mountain communities, national parks, refuges, and wilderness areas. Other communities throughout the Tularosa Basin and surrounding mountain valleys, including Alamogordo, all of Lincoln County including historic areas, and neighborhoods east of the City of Las Cruces heard intermittent sonic booms. The departure of the F-22 aircraft has reduced the frequency of sonic booms; however, the F-16 trains low and fast in MTRs, shifting the location of aircraft noise and the type of impact.

Army helicopter operations are also a source of noise, but with less specific locations since they currently operate in restricted areas over military land and in FAA-controlled airspace over non-military land. Areas exposed to helicopter noise are around the Alamogordo Airport, Orogrande and the Keyhole, the Sacramento foothills in northern McGregor Range, and south and east of the FTB South Training Areas in areas of El Paso County. Occasional helicopter activities have taken place in the Lincoln National Forest as well and could occur again in the future. As shown in the noise contours extending beyond the base boundary, some areas close to the HAFB airfield also experience higher average noise levels as aircraft arrive and depart.





The SNMEP area has an aviation noise profile that is distinct from many other defense communities. While proximity to an airfield is generally the best indicator of noise exposure, aviation-related impacts in the region spread more widely due to the prevalence of MTRs. Noise in the region, therefore, is not necessarily associated with specific, easily defined locations. The military has established local noise avoidance procedures for known sensitive areas. While avoidance provides some noise reduction for underlying locations, exposure can continue to create ongoing compatibility challenges for residential areas.

#### 4.7 Noise – Range

Most noise associated with FTB comes from large-caliber weapons training on a variety of weapons systems, including mortars, artillery (e.g., 105- and 155-mm Howitzer), and M1 tanks firing on gunnery and qualification ranges. These sources generate sounds with high levels of acoustic energy similar to a clap of thunder, gunshot, or explosion. Residents in nearby communities can both feel and hear this type of sound.

The Army uses both peak noise and day-night average sound levels to assess potential noise impacts on surrounding areas from impulsive sound. Army guidance establishes three zones based on various decibel levels for both peak and average noise. The zones estimate the likelihood that people exposed to the noise source will be disturbed. In addition to the three noise zones, the Army uses the Land Use Planning Zone (LUPZ) as a planning tool to promote compatibility in surrounding communities. During periods of sustained training and operations, residential areas in the LUPZ may experience annoyance.

Fort Bliss has three major live-fire range complexes that generate impulsive noise: Doña Ana, McGregor, and Meyer. While the highest peak noise levels are on the installation, noise affects the communities of Chaparral and Anthony, New Mexico, which are areas of active, continued growth. Additionally, some noise extends beyond the boundary to the south and west into El Paso. Tank and helicopter live-fire and qualification ranges on the McGregor Range Complex produce noise near the community of Orogrande, New Mexico. Noise from the Meyer demolition range travels toward the Hueco Tanks State Park.

#### 4.8 Public Trespass/Access

Public trespass on military land is a concern, especially in areas where military activities could place the trespasser at risk of physical harm (e.g., such as in active firing and bombing ranges or areas previously used for the delivery of ordnance). In addition, unauthorized access can pose security concerns considering the high value of some assets on the three installations and the performance of classified military activities in outdoor environments.

One area of concern is McGregor Range, which consists of withdrawn lands jointly managed by the BLM and the U.S. Army. The co-use areas of McGregor Range are available to the public when authorized by the Army through a Recreational Access Permit and subject to training schedules (which take priority). Controlling access to McGregor Range is difficult due to its size and lack of fencing. Recent mission changes have brought increased training, such as infantry training and Stryker wheeled vehicle operations into the co-use areas of McGregor Range. Coupled with a rise in population in the surrounding Sacramento Mountains, more hunters

and other recreational users are using McGregor Range. Other areas of concern due to recreational activity include the western boundary of Doña Ana Training Areas and Aguirre Springs in the Organ Mountains, where a campground and trails overlook the Tularosa Basin into WSMR. Trespass occurs in the Fillmore Canyon area as hikers in the BLM recreation areas travel onto FTB. The NMSLO also holds game/fish easements in the WSMR call-up areas.

While trespass on the main installation area of HAFB is not an issue, approximately 90 percent of the perimeter around HAFB and WSMR is three-strand barbed wire. Issues have occurred in the past with civilians cutting the wire to hunt oryx and cattle have broken through perimeter fences to graze.

In a number of instances, military activities, mainly vehicle-related exercises, have resulted in undue and unexpected impacts to resources on public lands. Impacts to cultural resources occurred when military vehicles drove off existing roads and trails. Due to these events and related impacts, the Las Cruces District BLM requested that organized military training activities remain on withdrawn lands. Under the Federal Lands Policy and Management Act (FLPMA), the BLM cannot authorize organized military training activities on public land.

#### 4.9 Transportation

Transportation-related impacts from the military mission include periodic road closures due to testing and training activities, military vehicle use of local roadways, and localized traffic impacts resulting from ingress and egress at installation gates. WSMR uses local radio, social media, and a public telephone line with a recorded daily message to communicate about upcoming roadblocks on U.S. 70 and U.S. 380. Some training activities on FTB result in the brief closure of NM Highway 506, a primary access road for the town of Timberon. Fort Bliss safety procedures prioritize emergency response and road access over any scheduled military training and closures are less frequent.

Local highways also support mission-related traffic, such as convoys traveling from cantonment areas up into the training areas. Wheeled military vehicles can produce additional wear and tear on roads, contributing to increased infrastructure maintenance costs for communities. Such convoys can also generate fugitive

dust on adjacent areas. Residents have cited safety concerns when military vehicles travel along community roads, such as Lisa Drive in Chaparral.

#### 4.10 Water

Multiple, overlapping factors affect the region's water supply, including the current exceptional drought, climate change, water quality issues, damage or overuse of specific water sources, and increased demands from military and civilian growth in parts of the study area. Specific areas of concern include:

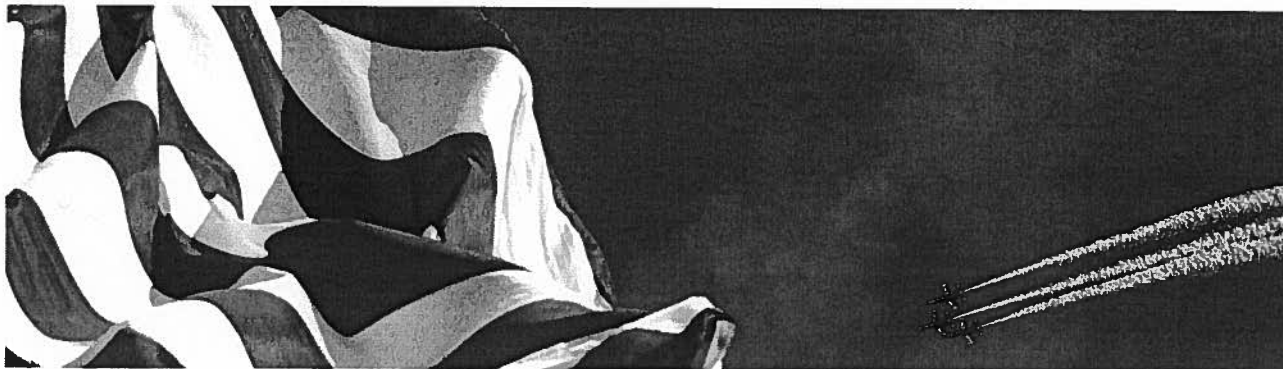
- The Mesilla Aquifer level has continued to drop due to the drought, population growth in Las Cruces and Doña Ana County, and growth of water intensive crops.
- Low recharge and high pumping rates in the Hueco Bolson Aquifer have caused significant water-level declines and decreased groundwater availability in the El Paso area. The City of El Paso, El Paso Water Utilities, and FTB have been aggressive in implementing water conservation measures, as well as reuse and desalination strategies to alleviate groundwater demands.
- Damage to Bonito Lake from the 2012 Little Bear Fire has interrupted surface water supplies to communities, including Carrizozo, Alamogordo, and to a lesser degree HAFB.

#### 4.11 Wildfires

Based on fire history at FTB, the primary risk of wildfire from the military comes from weapons firing and ordnance use. In 2011, a training exercise at FTB caused a fire on the eastern side of the Organ Mountains that burned about 7,000 remote acres. The majority of military-caused fires have been in the Surface Danger Zones for missile firings on McGregor Range.

The risk of wildfire caused by military activity is not anticipated to change significantly. Live-fire ranges are concentrated in discrete areas that are continuously manned and have the infrastructure and fire suppression capability to respond rapidly to fire outbreak. Currently, FTB is preparing a Wildland Fire Management Plan working in close coordination with the BLM. The BLM is assisting FTB in preparation of the plan, as well as constructing firebreaks and conducting controlled burns to reduce fuel loads. In 2014, WSMR also began a project to update and revise its Wildland Fire Management Plan.

## 05 RECOMMENDED STRATEGIES



### 5.1 Compatibility Menu

As noted earlier, the JLUS is strictly an advisory document that contains a menu of tools and processes available to each study partner. All partner entities, including the military installations, cities, counties, and state and federal agencies, have the discretion to adopt those recommendations that are appropriate for their local contexts. The menu, therefore, is not “one-size-fits-all.” One of the unique aspects of the SNMEP study area is its diversity—in terms of its rural, suburban, and urban landscapes; the varying levels of land use and development regulation currently used by its local governments; and the differing patterns of military impacts experienced by communities across the region.

To recognize this diversity, the JLUS compatibility menu (See *Technical Appendix for the full table*) offers a wide range of strategies that can be adapted to reflect the resources, needs, and interests of the region’s many communities. As always, the applicable local processes for adopting ordinances or codes will govern any implementation of regulatory policies by city and county governments.

Similarly, no single strategy in the JLUS will eliminate all of the current or anticipated issues identified. Instead, the tools work in concert to address as many compatibility factors as possible. The compatibility menu contains approximately 180 separate action steps, some of which build on each other to establish longer-term tools or processes that promote partnerships and enhance communication and collaboration.

In developing the menu, the JLUS TC, in collaboration with the planning team, identified a set of compatibility factors based on analysis of existing and foreseeable conditions and public input. These factors represent a general clustering of related issues, challenges, or needs that could affect public health and safety, quality of life, community growth opportunities or the safety and effectiveness of military operations in the region. These factors build on the initial set of study issues that the TC and members of the public evaluated and prioritized in the initial outreach phase as described in the previous section. The menu lists the top six categories as determined by the TC in alphabetical order. The remainder of the menu categories are also in alphabetical order. High priority public priorities, such as water resources that fall outside of the core purpose of the JLUS are not listed among the top menu categories, but are featured as part of the foundational actions described in the following sections.

Top six compatibility menu categories:

- Airspace Safety and Management
- Communication and Coordination
- Energy Infrastructure Management
- Local Government Plans
- Land Use
- Noise Management/Avoidance

Other compatibility menu categories:

- Economic Development
- Fire Management
- Frequency and Spectrum Management
- Land Conservation
- Military Plans
- Outdoor Lighting
- Physical Security
- Real Estate
- State-Wide Policy/Legislative Actions
- Transportation
- Water Resources

The JLUS compatibility menu contains a set of goals, strategies, specific actions, examples, and other implementation details for each of these categories.

Given the number of strategies and study partners and the complexity of compatibility issues in the SNMEP area, implementation requires a phased approach that first emphasizes foundational, near-term actions. To assist in organizing the region's implementation efforts, Sections 5.2 and 5.3 highlight key, early action steps. The list of foundational actions includes 16 items, ranging from simple and immediate steps to more complex but critical organizational measures. The full compatibility menu remains as a comprehensive tool kit that all partners can revisit and adapt as appropriate to meet changing conditions, needs, and goals (See *Technical Appendix*).

These foundational actions meet one or more of the following criteria. The prioritized action step:

- Can be put into place quickly and requires relatively few organizational resources ("low-hanging fruit");
- Establishes a broader and longer-term coordination and communication process among stakeholders;
- Addresses a known or anticipated compatibility factor;
- Reflects a priority concern identified during public input; and/or
- Is likely to have an early, positive impact on compatibility in the region overall.

Consistent with public input, for example, the top actions include tools related to noise management, water resources, and energy infrastructure management. Narrowing the full menu to a set of foundational items does not diminish the importance or potential value of other tools identified by the JLUS. Some items that did

not rise to the short list of key steps may still be a priority action for some study partners. The highlighted actions, however, prioritize the region's initial implementation efforts and set a basic organizational structure for continued collaboration and communication among all stakeholders.

## 5.2 Ongoing and Immediate Actions

The installations, federal and state agencies, and local communities have existing processes in place, ranging from NEPA consultation to periodic outreach events and informal discussions that promote coordination about mission-related activities, impacts, and potential compatibility issues. These four immediate actions further highlight the role of FTB, HAFB, and WSMR in collaborating with communities and other agencies to build on ongoing efforts. The actions are not in order of priority.

### Form a JLUS Implementation Body

While some existing organizations advocate for coordination between the military and communities, no overarching entity with representation from all stakeholders currently exists. The complexity and diversity of missions in the region require careful, ongoing collaboration across the DoD, federal and state agencies, local governments, and private interests. Multi-jurisdictional and multi-sector partnerships are essential to achieve long-term compatibility in SNMEP.

The purpose of this strategy is to create an umbrella organization that promotes continued dialogue and engagement on compatibility and strengthens existing relationships among regional stakeholders. Under this strategy, the study partners would charter, empower, and fund a JLUS implementation body to support regional planning and coordination efforts and track progress on compatibility actions (See CC-8.1).

The entity should consist of the formal JLUS partners, representing the six counties, the Cities of Alamogordo, El Paso, and Las Cruces, the three installations, federal and state agencies, and the Spaceport Authority. To build further support, however, the entity should broaden beyond the reach of the existing committees to include private sector developers and landowners, educational institutions, non-profit groups, water planning or irrigation districts, major utility providers and energy developers, and other stakeholders who can contribute technical expertise to the implementation process on an

as-needed basis. Where possible, the JLUS body should also leverage the resources of existing compatibility partnerships, such as the multi-state Western Regional Partnership. Members should include senior planners, administrators, and agency managers who can bring some decision-making authority but can also directly advance recommended implementation steps.

Initial steps in organizing the entity include establishing:

- The overall management structure, staffing, and responsibilities;
- A legal framework that can range from a state charter or enabling legislation to an MOA among local parties;
- Funding mechanisms, such as member dues, state appropriations, or federal grants; and
- Outreach efforts to engage elected officials and the public on a consistent basis and build support for successful implementation.

Structural models can vary from ad hoc groups of

local interests that agree to cooperate to stand-alone organizations with dedicated staff and specific legislative authority. In one of the most basic organizational approaches, one of the local governments takes the lead to coordinate across other jurisdictions and agencies and establishes an advisory group of local, state, federal, DoD, and private sector stakeholders. The advisory group then guides the local government's in-house staff in performing regional coordination and JLUS implementation functions. An MOA would typically establish the organization's roles, responsibilities, and resource sharing needs. The Technical Appendix includes examples of collaborative partnerships in defense communities across the U.S.

Implementation entities can perform many compatibility-related functions, including:

- Update all partners on upcoming activities, planning and study initiatives, project proposals, and mission changes that could affect compatibility in the region;



Apache Point Observatory, New Mexico

- Track progress on the application of compatibility tools identified in the JLUS menu and exploring best practices for implementation;
- Conduct regular outreach to the broader community on compatibility issues, including briefings and taking the lead in developing informational materials and updates, such as newsletters or annual reports;
- Serve as a visible and primary point of contact for information and inquiries about compatibility issues and military-related activities in the region;
- Advocate at the state level for the resources, legislative authority, and tools to promote compatibility and sustain quality of life and mission excellence;
- Promote data sharing among partners through tools such as a web-based platform or data repository; and
- Review and advise on individual development and land use proposals that could affect compatibility, such as major subdivisions, energy projects, or land transfers.

#### **Conduct Additional and Regular Community and Agency Outreach**

JLUS stakeholders, including residents and agency representatives cited an interest in improved communication about DoD and non-DoD missions. Currently, communities lack familiarity with military operations and activities and have limited awareness of the positive impacts of the military on the region, as well as services and events offered by the installations. Similarly, residents and DoD stakeholders may not fully understand other federal or state missions, such as the management activities of the NPS, USFS, and BLM or the NMSLO's mandate to lease trust land for "highest and best use" to benefit the state's public schools, universities, and hospitals.

The purpose of this strategy is to raise overall awareness about the region's DoD and non-DoD entities and reinforce common opportunities to support compatibility, while achieving multiple state and federal agency mandates, including conservation, recreation, resource management, economic development, renewable energy production, and revenue generation. Under this strategy, the installations would conduct additional and regular meetings with community and business groups (e.g., chambers of commerce and community associations) and schedule regular briefings with state and federal agencies, particularly in advance of new missions and operations that could have an effect on

surrounding communities or agency mandates (See CC-1.2). Outreach can vary from participation in organized, standing meetings (such as a County Commission meeting) to attendance at informal community gatherings or special events. Briefings should consist of updates of mission activities and operations, dialogue about ongoing community concerns, and coordination on major DoD and civilian planning and development initiatives. Briefings with the region's communities should take place yearly or more frequently based upon a specific initiative or proposal that could affect overall compatibility. The military should also continue to participate in ongoing agency planning efforts, such as the BLM's Tri-County Plan.

#### **Establish Clear Points of Contact**

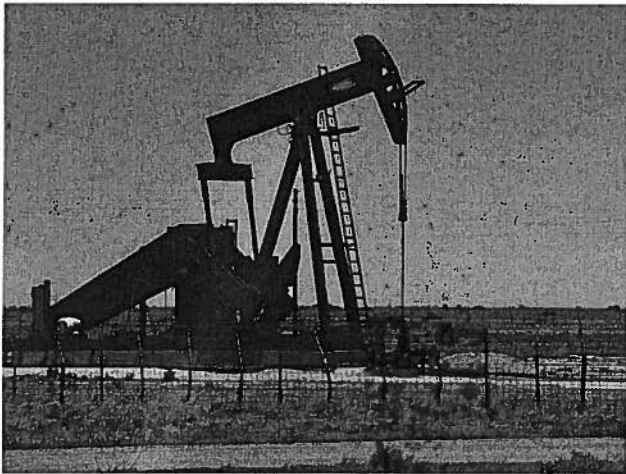
The presence of multiple DoD entities conducting training and testing in the region can add a layer of complexity to the communication process among installations and surrounding communities. The purpose of this strategy is to establish clear and consistent channels for communication across all stakeholder groups and to promote transparency and follow through on community concerns about impacts or other compatibility concerns. As part of this strategy, FTB, HAFB and WSMR would designate clear points of contact for community-related issues, such as noise complaints, and coordinate with local government Public Affairs Officers on the release of notices and announcements about mission-related activities (See CC-1.7). This action also relates to the strategy of creating an internally coordinated noise complaint management process across DoD services in the region (See NMA-3.6).

#### **Improve Notification Methods**

In some cases, a lack of knowledge about scheduled training and testing activities and resulting impacts such as noise can contribute to higher levels of nuisance and disruption in surrounding communities. Often, when members of the public know ahead of time about military activity, the noise it creates is less annoying, and members of the community can plan their activities around the event. Some communication methods are in place. However, the size and diversity of the region can create a challenge for delivering easily accessible information about military operations.

The purpose of this strategy is to broaden the range of community interests and stakeholders that receive advanced notice of mission-related events and activities. Under this strategy, FTB, HAFB and WSMR would compile

comprehensive notification lists and use enhanced techniques to reach a wider range of affected parties about noise or other possible training and testing impacts (See CC-1.6). Proposed methods include traditional outreach such as fliers, newspaper ads, and opt-in



newsletters for interested residents; announcements through utilities, such as the Otero County Electric Cooperative, Inc.; or the use of social media and text messaging to push out information. Given the impacts experienced by some of the smaller communities in the region, outreach efforts should emphasize the use of newspaper and radio outlets that cover rural areas, such as the Mountain Times in the Southern Sacramento Mountains. The installations should also explore the most effective means to communicate with surrounding communities about impacts. For example, identifying days with no scheduled noise-producing training or testing activities (as opposed to days with expected noise) enables residents to plan accordingly for outdoor activities such as ranching or recreation. The menu also

includes a recommendation to increase outreach to areas surrounding Spaceport America operations and develop an enhanced and coordinated notification process with nearby residents affected by launch noises.

### 5.3 Other Foundational Actions

The following foundational actions are strategies that establish critical tools or processes to promote collaboration and coordination among stakeholders throughout the region. The actions are not in order of priority.

#### **Build Institutional Capacity to Manage Regional Airspace**

Military testing and training, emerging commercial space operations, increasing commercial aviation needs, the rise in private use of unregulated airspace, increasing non-hazardous helicopter activity in unrestricted airspace, and the greater use of UAVs in both the military and commercial sectors can all create scheduling and safety challenges for regional airspace.

The purpose of this strategy is to ensure that an enduring and effective organizational infrastructure and capacity is in place to coordinate these critical airspace issues, maximize current airspace, and address any future special airspace needs for the SNMEP JLUS region. Given mission interdependency across the installations, WSMR, HAFB, and FTB currently coordinate airspace, range usage, and frequency spectrum for multiple users through a regional partnership called the TRIAD. Under this action, the installations would institutionalize the TRIAD military airspace coordination group to create a unified vision and action plan for regional airspace management (See ASM-1.1). The group would include representation from all regional airspace users and managers, such as the military installations, New Mexico State University's Physical Science Lab, the FAA, Drug Enforcement Agency, Border Patrol, fire/emergency responders, Spaceport America, and the commercial and general aviation sectors.

Though TRIAD already exists, the intent of the action is to broaden dialogue to address emerging issues such as UAVs and frequency/spectrum management and to engage additional stakeholders, including local entities and other military users of the regional airspace complex, such as Cannon and Kirtland Air Force Bases. A member of TRIAD should also be able to participate directly on the JLUS Implementation Body to ensure coordination on critical implementation issues related to airspace.

### **Integrate Compatibility into Local Government Plans**

Some local government comprehensive planning studies in the region, particularly older documents, lack specific language on compatibility with the military installations. Comprehensive Plans are especially critical as a policy tool for local governments because they can provide the legal basis for specific policies, promote compatible development patterns around military installations, designate suitable areas for intensive growth, and establish consultation procedures. For those jurisdictions exercising land use authority, the Comprehensive Plan also sets a firm and clear basis for the implementation of any specific regulatory tools, such as a Military Influence Area.

Land use strategies that increase compatibility with the installations, such as guiding growth to already developed areas, supports complementary development outcomes at the local level, including more efficient public infrastructure delivery, open space preservation and the protection of sensitive environmental resources, and the creation of organized centers of housing and retail. The purpose of this strategy is to create an overall, strategic policy framework that supports quality, economically beneficial community growth, while maintaining compatibility with the military missions. Under this strategy, the region's cities and counties would incorporate compatibility in updates of local Comprehensive Plans and other policy documents, including references to compatibility with installations, military operations, maps, and recommendations identified in the JLUS (See LGP-1.1).

At a minimum, plan updates should emphasize general compatibility with the installations and can expand as necessary to reflect additional policies based on the specific compatibility tools selected by the jurisdiction (See the *Technical Appendix for recommended policy language*).

Recommended minimum elements to be included in all Comprehensive Plans are:

- Reference to the JLUS document and process;
- General Compatibility Goal and Policies (See *Technical Appendix*);
- Communication/Coordination Goal and Policies (See *Technical Appendix*);
- Map of the applicable installation and surrounding area (See *Figures 2.2 through 2.6*)

### **Encourage Partner Participation in Local Government Planning**

In a related action, the cities and counties of the region would encourage military and other JLUS partners, such as state and federal agencies to participate in local planning and development advisory bodies and major plan updates and amendments, including Comprehensive Plans; neighborhood or sector plans; regulatory land use codes; and transportation, infrastructure, and natural resource plans (See LGP-1.2).

Military and other state and federal agency stakeholders, for example, could advise as Steering Committee members for community planning initiatives, such as Comprehensive Plans. Local governments could also invite military representatives to sit as non-voting members of city and county advisory bodies, including the Planning and Zoning Commission, Planning Commission, Land Use Commission, Development Review Committee, or City Plan Commission active within the region. Invited representatives would receive meeting materials in advance and have the opportunity as appropriate, to comment in a strictly advisory capacity on the potential interaction between proposed projects and initiatives and DoD or other state and federal agency missions.

### **Collaborate on Planning for Energy Development Opportunities**

New Mexico possesses some of the best wind and solar resources in the country, and renewable energy projects offer significant promise for local economic development and the ability to meet DoD and national energy policy, reduce reliance on conventional energy sources, and increase energy independence.

Compatibility issues, however, can exist between energy infrastructure and military operations. Energy projects can cause glare, vertical obstruction, and interruption to communication signals, such as "shadowing" effects from spinning turbine blades that limit radar's ability to detect aircraft, or damage to infrastructure caused by debris from mid-air missile test targeting. There is no consistent, regional process to assess and refine energy proposals to address these compatibility issues. The DoD Siting Clearinghouse seeks to establish a "one-stop-shop" to evaluate the compatibility of proposed wind, solar, transmission, and other projects for their effects on military activities. Despite the existence of the DoD Siting Clearinghouse, no clear design (scale, type, height, markings) and siting guidelines yet exist to assist in developing projects that are compatible with military operations. This gap in national guidance further reinforces the value of a strong local process for collaboration on energy issues.

The purpose of this strategy is to develop a process to support energy development that benefits the communities, region, state, and nation, while maintaining compatibility with military missions and recognizing private property rights and state and federal agency mandates to generate revenue through energy-related projects. As part of this strategy, regional partners would promote a proactive and collaborative planning process among military, state, and federal agencies and other stakeholders to review and plan new energy proposals and support the compatible siting of new energy infrastructure that maximizes opportunities and mission compatibility (See *EIM-1*).

In many cases, the siting or design of energy infrastructure can be established or modified accordingly in planning stages to reduce compatibility conflicts without diminishing the viability of the project. To ensure adequate, timely consultation, this action stresses active engagement with renewable energy developers; major property owners such as the NMSLO; industry associations/cooperatives and authorities, such as the New Mexico Renewable Energy Transmission Authority (RETA), along with outreach to the energy development community regarding military compatibility issues. It is also critical that the DoD, including the local installation commanders, participate as a partner early in the siting process for large-scale energy projects. The Technical Appendix contains an example of an informational guide on wind energy developed by the State of Virginia's Department of Environmental Quality Renewable Energy Local Government Outreach Stakeholder Group.

#### **Map Regional Energy Development Opportunities**

The purpose of this related strategy is to promote improved pre-planning of energy projects by identifying areas of opportunity for military-compatible energy development within the region. Under this action, partners, including the installations, federal and state agencies, local governments, and energy industry associations/cooperatives and authorities would collaborate to produce a red/yellow/green map of wind and solar energy development in the region (See *EIM-1.5*). Red denotes areas where mitigation is not likely to reduce or eliminate conflicts between energy infrastructure and military operations. Yellow highlights areas where energy development may be conditionally compatible with the application of specific design or siting practices for proposed infrastructure or notification of the military. Green illustrates areas with no anticipated compatibility challenges.

Mapping should overlay Geographic Information System (GIS) data layers that reflect the following conditions in the region:

- A hierarchy of potential (high, medium, low) for wind and solar energy production;
- Rights-of-way for renewable energy based on BLM, USFS, and industry plans;
- Landownership, including state trust lands;
- Areas of environmental sensitivity, including Native American religious and cultural sites, parks, wildlife refuges, Wilderness Areas, Areas of Critical Environmental Concern, National Monuments, and Protected Activity Centers;
- Designated avoidance or exclusion areas identified through planning efforts, such as the BLM's Resource Management Plans; and
- Areas of sensitivity to testing and training impacts, including MTRs, debris fallout zones, Surface Danger Zones, and airspaces near military airfields.

Where possible, this mapping effort should leverage existing partnerships and tools. The Natural Resources Defense Council, for example, created the Renewable Energy and Defense Database or READ-Database along with the DoD that enables developers to identify sites less likely to interfere with military activities and environmentally sensitive areas. The mapping tool captures essential DoD activities, including military base, testing and training range locations; low-altitude high-speed military flight training routes and special use airspace; and an extensive inventory of weather and air surveillance radars all in the U.S. The Energy Committee of the Western Regional Partnership also gathers resources to promote coordinated planning on energy issues, including an Energy Contact database and associated GIS data layer to assist in identifying key state and federal personnel for the siting of energy infrastructure.

#### **Promote Interagency Consultation on Land Use**

The purpose of this strategy is to promote changes in land uses that support mutually beneficial outcomes for communities, state, and federal agencies; trust beneficiaries; property owners; lessees; and the installations. As part of the NEPA process, federal agencies already consult with each other as cooperating partners on the impacts of proposed projects and initiatives on federal lands. The intent of this strategy is to create broader, routine opportunities for agency consultation outside of formal NEPA channels. Under



this action, federal and state agencies would continue to consider impacts to the military before disposing of or selling land, and the military would continue to consider the impacts of expanded missions and operations on local economic development opportunities and state and federal agency missions.

Land uses in areas surrounding the installations may evolve toward development opportunities for a "higher and better use," such as wind and solar energy projects, and these emerging uses may become more intensive or produce vertical infrastructure that creates compatibility issues with military training and testing operations. Given limited DoD resources and increasingly higher land values, consultation in the planning and siting of major economic development projects becomes critical.

The Technical Appendix contains an example of an MOU between the NMSLO and Kirtland Air Force Base that lays out procedures for recognizing existing plans, continuing the use of state trust lands to support DoD mission, consultation, and organizational points of

contact. As described in the next strategy, the NMSLO also has a variety of instruments at its disposal to promote compatibility on state trust land.

#### **Promote Compatibility of State Trust Land**

The NMSLO has land holdings and leases throughout the JLUS study area, including approximately 1.6 million surface acres and 2.46 million subsurface acres within Doña Ana, Otero, Lincoln, Socorro, and Sierra Counties. The NMSLO operates under a constitutional mandate to optimize revenue for its trust beneficiaries, including public schools, universities, hospitals, and other public institutions through the highest and best use of state trust land. As part of the Community Partnership Program, the NMSLO collaborates with local governments to make trust lands available for business and industrial parks, recreational facilities, open space, and housing. Though NMSLO is not subject to local zoning and land development codes, the agency works cooperatively with local governments to plan and zone trust land for purposes consistent with community and citizen goals.

The purpose of this strategy is to promote greater compatibility as the DoD and the NMSLO fulfill their respective missions and maximize opportunities to generate revenue for the state's trust beneficiaries, while promoting military compatibility (See CC-6.3). Under this strategy, the NMSLO, local governments and installations would collaboratively explore various instruments and agreements to facilitate compatible development outcomes on state trust land, including:

- Land exchanges;
- Long-term leases of trust land;
- Land Use Restriction or Condition (LURCs);
- MOUs; and
- Joint Planning Agreements (JPAs)

A JPA, for example, provides a strategic framework to promote coordinated, long-term planning between the NMSLO and local entities. A LURC, for example, can provide compensation to the NMSLO in return for the NMSLO's acceptance of various land use restrictions that would otherwise impede the ability to generate revenue for trust beneficiaries. The Technical Appendix contains an example of a LURC in which the NMSLO agreed to certain land use restrictions in an area of importance to FTB in exchange for fair compensation.

#### **Support Conservation Partnerships**

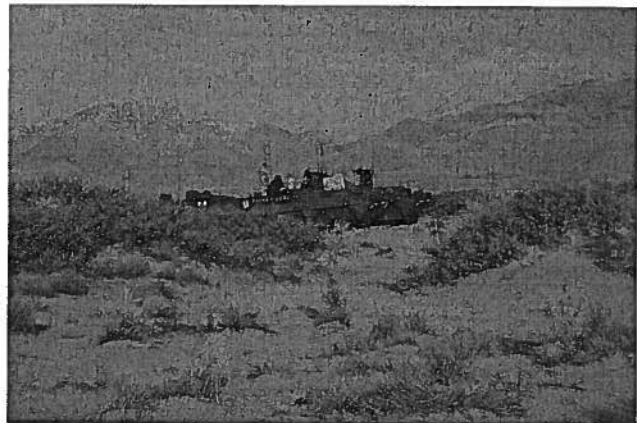
Currently, undeveloped land in areas affected by military operations is subject to future transitions to more intensive uses that could increase the risk of incompatibility. With accelerating development of wind and solar resources, some land that previously supported grazing now has a "higher and better use" for energy development and associated economic growth. The challenge is to acknowledge the rights of private property-owners and state and federal agencies to develop land for these purposes, while supporting military missions.

The purpose of this strategy is to form partnerships among federal, state, regional, and local entities and willing landowners to promote open space, ranching, and rural land conservation in areas of mutual benefit to landowners, communities, state and federal agencies, and installations. Under this strategy, local governments would collaborate with land conservation entities, such as land trusts to connect interested landowners with available programs, including easements (e.g., conservation, agricultural), tax incentives, beginning farmer and rancher grant and loans, local food systems,

and habitat management. These partnerships seek to strengthen the economic viability and sustainability of productive lands in the region, while preserving open space (See LC-1.1). The programs do not have to support the explicit goal of preserving military missions, but instead provide financial or technical assistance for land stewardship and conservation practices that complement lower intensity and thus more compatible uses of land.

The DoD also has conservation tools specifically designed to create natural buffers around military operations. The Readiness and Environmental Protection Initiative (REPI) provides the military the ability to enter into agreements with eligible entities, such as local governments and non-governmental organizations, to purchase property or secure easements on property from willing landowners near a military installation or military airspace. The agreements enable conservation or not-for-profit organizations to acquire, on a cost-shared basis, development interests in the properties of voluntary sellers. The property owner may sell the property at fair market value or continue to hold the title for the land with monetary compensation and tax credits or deductions to maintain the property in a limited use that preserves habitat and/or avoids interference with nearby military operations.

The Army implements REPI projects through its Army Compatible Use Buffer (ACUB) program. Fort Bliss has successfully used ACUB to enter into a 75-year agreement with the NMSLO to create a buffer zone of approximately 5,200 acres on lands south of Doña Ana Training Areas near the community of Chaparral. The agreement restricts the development of noise sensitive uses (i.e. residential, educational, and medical care) in



the buffer zone. Fort Bliss is pursuing similar conservation efforts for land south and east of the installation's South Training Area.

The U.S. Department of Agriculture, DoI and DoD have also recently announced a new federal, local, and private collaboration to preserve agricultural lands, assist with military readiness, and restore and protect wildlife habitat. Through the Sentinel Landscapes partnership, the agencies will work together in overlapping priority areas near military installations to help farmers and ranchers make improvements to the land that benefit their operation, enhance wildlife habitat, and enable DoD's training missions to continue.

A critical step in this strategy is to analyze and identify land that has an overlap of military impact (e.g., noise or safety risks) and higher natural/working lands/cultural value and thus may be a candidate for easements purchases from willing landowners or other forms of conservation assistance.

#### **Increase Land Use Authority in El Paso County**

Some of the land vulnerable to development and at future risk of incompatibility falls within unincorporated El Paso County. State law in Texas does not allow counties to regulate land use through zoning, though municipalities can adopt and implement more robust land use and development controls. As a result, El Paso County lacks the capacity to shape land use patterns and development outcomes in areas near FTB.

This action would pursue legislation in the Texas State legislature to enable El Paso County to exercise land use authority in specified buffers around FTB, such as those areas exposed to noise or safety issues from range or airfield operations (See *SPL-5.1*). The intent of the legislation is to establish specific authority to protect public health, safety, and welfare. Regulatory measures could include requiring sound attenuation for new noise sensitive construction, such as housing or land use restriction on certain land uses that could trigger safety conflicts with nearby training. The county can pursue this strategy in conjunction with use of state-enabled authority to establish a Joint Airport Zone Board around Biggs AAF to coordinate compatibility concerns with airfield uses and development proposals on surrounding land.

#### **Increase Information about Regional Noise Impacts**

The region experiences noise and vibration from various

military operations, including supersonic aircraft, low-level high-speed aircraft, impulsive noise from ordnance explosions, and aircraft arrival and departure at airfields. The purpose of this strategy is to reduce the nuisance associated with noise exposure by communicating more effectively with the surrounding communities.

Under this strategy, local governments and the installations would collaborate to strengthen communication and community outreach procedures regarding noise events, including enhancing notification techniques for residents in affected areas or making information on potential noise impacts available to the public (See *NMA-3*). As described earlier under immediate actions, notification can entail the use of simple outreach methods such as fliers, newspaper ads, and opt-in newsletters for interested residents or the use of texting and social media.

More proactive notification techniques could include developing and distributing a brochure or map that depicts the region and notes its proximity to military operations or real estate disclosure. Real estate disclosure requires the release of information on possible impacts (e.g., noise/vibration, air safety zones) as part of real estate transactions for properties close to military installations. Typically, disclosure can be mandatory under state law or voluntarily adopted through the participation of the real estate community. The intent of this communication strategy is to ensure that prospective buyers or renters understand the relationship between proximity to testing and training activities and to promote fully informed decisions about property investments.

As noted earlier, one of the distinctive characteristics of the SNMEP region is that aviation training disperses noise across wide areas, and noise impacts do not necessarily correspond with a clearly defined footprint. As a result, the communities of the region should select and tailor noise notification strategies that best fit their local context. Specific disclosure, for example, may be appropriate for areas with known and predictable exposure, such as noise contours associated with range operations or noise contours in the immediate vicinity of the airfields, but not in counties where the noise is more widespread. In rural communities that do not have access to a daily paper, reliable radio, or internet, the local governments and installations should collaborate with residents to determine the best way to communicate information.

The Technical Appendix contains an example of a notification map from the City of Surprise/Luke Air Force Base in Arizona and sample disclosure language.

**Establish a Notification Process for Vertical Structures**

Vertical structures, such as energy and telecommunications infrastructure, pose a risk to aircraft due to physical intrusion into low-level flight corridors. Towers less than 200 feet AGL are not subject to FAA review and most counties in the region lack a process to track structure locations. This gap increases the risk of physical interference with aircraft.

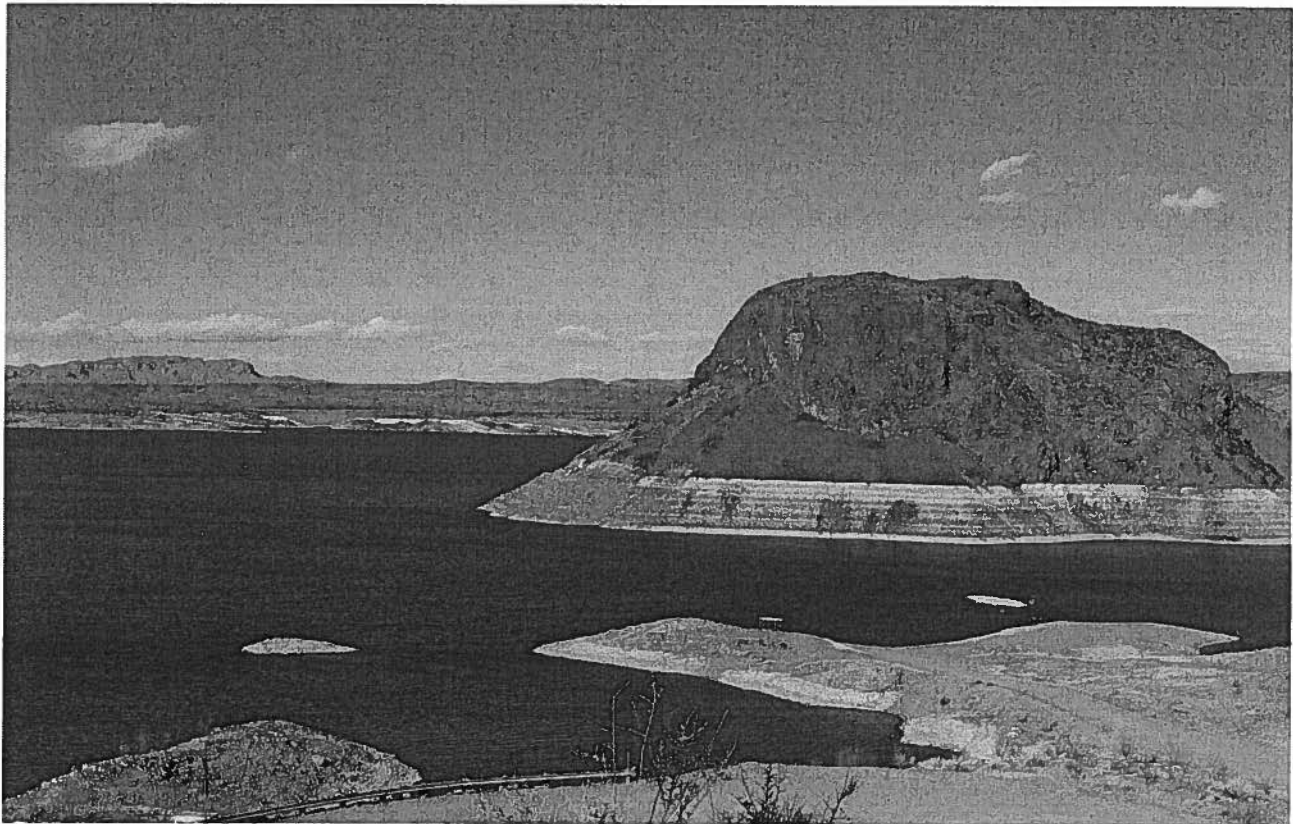
The purpose of this strategy is to establish a clear and voluntary process of coordination to minimize the aviation risks associated with vertical structures. As part of this action, cities, counties, state, and federal agencies would create an early process to notify the installations of the location of all existing and proposed structures between 75 and 200 feet AGL in MTRs or other areas vulnerable to aviation hazard (See LU-5.1). This strategy does not require the permitting or regulation of structures, but instead emphasizes basic coordination on

the location of vertical infrastructure to maintain aircraft and civilian safety. The goal of this strategy is not to limit the installation of structures in local communities, but to encourage early communication about associated safety risks.

**Promote an Integrated Regional Water Planning Process**

Complex and overlapping factors affect the region's water supply, including but not limited to, the current exceptional drought, climate change, water quality issues, damage or overuse of specific water sources, and increased demands from military and civilian growth in specific parts of the study area.

Many entities manage and plan for water resources within the JLUS region, including four planning districts in the State of New Mexico and the Far West Texas Planning Area, including El Paso County. In New Mexico, water rights are based on a water development plan that identifies supply and conservation measures to meet reasonably projected additional water needs over a 40-year period. Similarly, the State of Texas, as overseen by the Texas Water Development Board, mandates



regional water planning. The purpose of this strategy is to promote a fully integrated regional water planning process that addresses the long-term needs of major water users, including the military, and form partnerships across local, regional, state, and DoD sectors to address the challenges of water quality and supply. Under this action, local governments would integrate the military into the regular regional water planning process to ensure that demand projections reflect foreseeable mission needs and that conservation and supply and diversification strategies incorporate ongoing military water planning initiatives (See WR-1).

The installations implement aggressive water conservation measures as part of a DoD-wide mandate to reduce water consumption. Local governments should collaborate with FTB, HAFB, and WSMR to educate the public about current water planning efforts and leverage best practices for water conservation, including strategies such as water reuse, the installation of efficient water fixtures, developing desalination facilities, and the maintenance of water and wastewater infrastructure assets.

## 5.4 Summary of Menu Category Areas

This section summarizes all JLUS menu categories, including those categories not discussed in the previous section, and describes examples of additional tools or processes that were not included in the list of foundational actions.

### Airspace Safety and Management

Strategies in this category focus on maximizing current airspace and addressing the region's future special airspace needs. Examples of additional actions include increasing awareness of the multiple uses of regional airspace and strengthening collaboration among private, public, and military airspace users; improving air traffic control capabilities; and coordinating on time-sensitive and critical management activities that require airspace access by other federal or state entities.

### Communication and Coordination

These tools seek to increase the overall awareness of DoD and non-DoD missions and activities in the region, establish clear and consistent channels for communication, and promote inter-jurisdictional and inter-agency cooperation on critical planning issues. Other strategies in this category include:

- Create online information sources that are convenient for the public to use;
- Establish an internal process for JLUS stakeholders, including DoD, local, state, and federal entities to pre-plan and review major new proposals;
- Conduct briefings of military units or procedures to reduce noise impacts on surrounding communities; and
- Enhance notification procedures for public land users and property owners in call-up areas.

### Energy Infrastructure Management

Energy management strategies are designed to support energy development opportunities in a way that benefits the communities, region, state, and nation, while maintaining compatibility with military missions. Other strategies featured in this category are developing performance-based guidelines to assist in designing and siting projects that are compatible with military operations and developing/updating a regional data clearinghouse with information on energy projects.

### Local Government Plans

The purpose of local government plans is to create an overall, strategic policy framework to support quality and economically beneficial local development outcomes, while maintaining compatibility with military missions. An additional strategy in this category is to conduct detailed land use and compatibility planning for rapidly growing areas that experience operational impacts such as noise.

### Land Use

The goal of these strategies is to promote changes in land uses that balance attractive, efficient, and economically productive local development with the protection of public safety and military missions. Additional land use tools in this category include promoting infill development in already built out areas to guide denser growth away from land with higher exposure to the impacts of military operations and the incorporation of land use compatibility and communication requirements into existing local zoning codes and ordinances. The menu specifically recommends additional development regulations for those local jurisdictions with adopted land use regulatory authority (currently this includes Doña Ana County, City of Las Cruces, City of Alamogordo, and City of El Paso only) and for property within clearly defined zones of impact, such as noise contours, land use planning zones, or airport accident potential zones.

For jurisdictions currently without zoning, the menu identifies the adoption of land use regulatory authority as a long-term option that local jurisdictions can explore with input from the community.

### **Noise Management/Avoidance**

Noise-related strategies seek to limit off-installation noise impacts when feasible and to reduce the nuisance associated with continued noise exposure in the surrounding community. Other strategies from this category include:

- Encourage sound attenuation building standards and/or related energy efficiency practices as a means to achieve indoor sound reduction in noise-sensitive uses, such as housing;
- Coordinate with state and federal resource management agencies on training activities during noise-sensitive times and locations;
- Analyze current data on noise complaints to create more accurate footprints for noise exposure;
- Advocate for additional Air Force modeling methodologies and compatibility guidance and strategies, such as the expanded use of the Department of Defense's voluntary Readiness and Environmental Protection Integration to identify and address dispersed noise issues associated with low-level aviation operations in rural areas;
- When feasible, continue to manage off-installation aviation noise impacts through operational adjustments; and
- Develop an informational repository of current, reliable, and valid information to include international research and independent, peer reviewed studies to assist in assessing health impacts.

### **Economic Development**

The purpose of the economic development strategies is to increase local participation in military-related economic opportunities; improve access to adequate, quality public services and amenities for both local residents and military personnel; and strengthen and diversify local economies. Specific actions in this category include forming and strengthening existing civilian/military partnerships to identify and develop additional economic development opportunities in communities, increasing local contractor awareness of upcoming installation proposal opportunities, and strengthening coordination on the delivery of community services needed to accommodate mission change.

### **Fire Management**

Fire management strategies are intended to build on ongoing partnerships to implement coordinated fire prevention, management, and suppression activities in the region. An example includes continuing joint efforts between the DoD, BLM, USFS, USFWS, and the NMSLO to implement management activities, such as establishing black lines, developing fire management plans, and encouraging better integration of fire management plans in the region.

### **Frequency and Spectrum Management**

Frequency and spectrum management tools focus on creating an integrated regional frequency/spectrum management system that de-conflicts military and private commercial users and service providers through coordination and state-of-the-art technology. Strategies emphasize increased coordination through a Frequency/Spectrum Management Working Group consisting of the Area Frequency Coordinator Regional DoD Frequency Coordinator and internal and external stakeholders, including emergency response organizations, and the use of educational materials, outreach, and technical assistance to local governments and planners to improve the overall understanding of frequency spectrum issues and potential solutions.

### **Land Conservation**

The emphasis of land conservation strategies is to form partnerships among federal, state, regional, and local entities and willing landowners to promote open space, ranching, and rural land conservation in areas of mutual benefit to residents, communities, and installations. Tools explore existing conservation and stewardship programs for productive lands, local and regional open space and recreation planning, and the use of DoD open space/buffer programs, such as REPI/ACUB. As always, the menu stresses that landowner participation in easement purchase or land sales programs is strictly voluntary.

### **Military Plans**

The purpose of this category is to ensure that military plans and studies are current and shared with appropriate community stakeholders to aid in improved planning and management for mutual compatibility. Examples of studies include the Army Installation Compatible Use Zone (ICUZ), the Air Installation Compatible Use Zone (AICUZ), and HAFB's Installation Complex Encroachment Management Action Plan (ICEMAP).

### Outdoor Lighting

Outdoor lighting strategies seek to protect the dark sky environment as a training, testing research, and tourism asset for the region. Tools include adoption of city or county dark-sky ordinances that require the use of fully shielded, cut-off outdoor lighting applications for major new developments (e.g., commercial, industrial uses, airports and airfields, outdoor sports stadiums) and the use of dark-sky lighting for on-installations areas, including ramp lights.

### Physical Security

Physical security strategies revolve around protecting high-value infrastructure and public safety against acts of terrorism and vandalism, and maintaining national security. Specific actions include:

- Securing selective areas along installation boundaries, training areas, and critical infrastructure;
- Providing installation security planning information and guidance for local emergency preparedness plans, such as all-hazard emergency plans;
- Adding signage to warn of the dangers and consequences of trespass;
- Communicating with local law enforcement agencies about emergency response, GPS jamming, and related issues; and
- Coordinating on livestock trespassing issues to encourage compliance with grazing unit/allotment boundaries.

### Real Estate

Real estate refers to a specific set of tools that formally recognize the impacts of military operations on surrounding property. As described earlier, the main strategy in this category is real estate disclosure. In its most robust form, disclosure occurs through a written release describing potential impacts from military operations prior to the transfer of property in the affected area. Though not all jurisdictions may opt to require a written release of impacts, all communities should increase communication with the real estate community about potential exposure from military operations on surrounding areas.

### State-Wide Policy/Legislative Actions

These policy and legislative actions propose using the state's authority to facilitate several of the communication, planning, coordination, and data sharing mechanisms

described earlier in the report. Examples include state legislation to:

- Promote joint consultation procedures for developments or land use changes in specific areas around military installations;
- Promote real estate disclosure for initial and subsequent transactions in noise-exposed areas, such as noise contours or accident potential zones;
- Provide model comprehensive plan policies and language regarding military compatibility for use in local Comprehensive Plans;
- Promote inclusion of cost-benefit analysis of military impacts in state-wide planning processes; and
- Coordinate new energy development and recognize the importance of military missions and the economic development potential to the state and local economies from the development of wind and solar energy and energy infrastructure.

### Transportation

The purpose of this strategy is to address impacts from military operations on roadway infrastructure in the region. Examples include strengthening notification of road closures for periodic military training and testing activities and evaluating and designating military vehicle routes to minimize traffic and safety issues in local communities.

### Water Resources

The purpose of this category is to promote a fully integrated regional water planning process that addresses the long-term needs of major water users. Other strategies featured in this category include participating in a regional water resources management study to address the challenges of water quality and supply and exploring joint DoD and civilian initiatives and projects to diversify and extend the water supply.

## 06 CONCLUSION

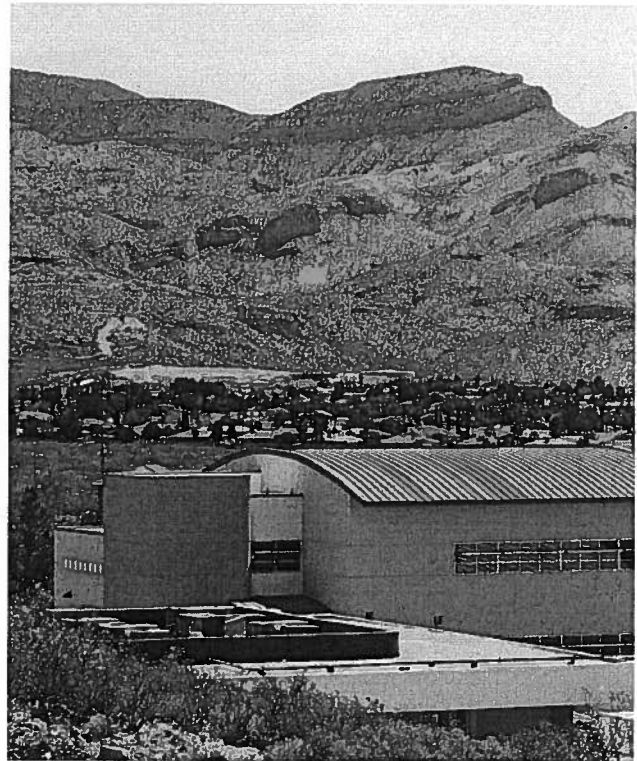


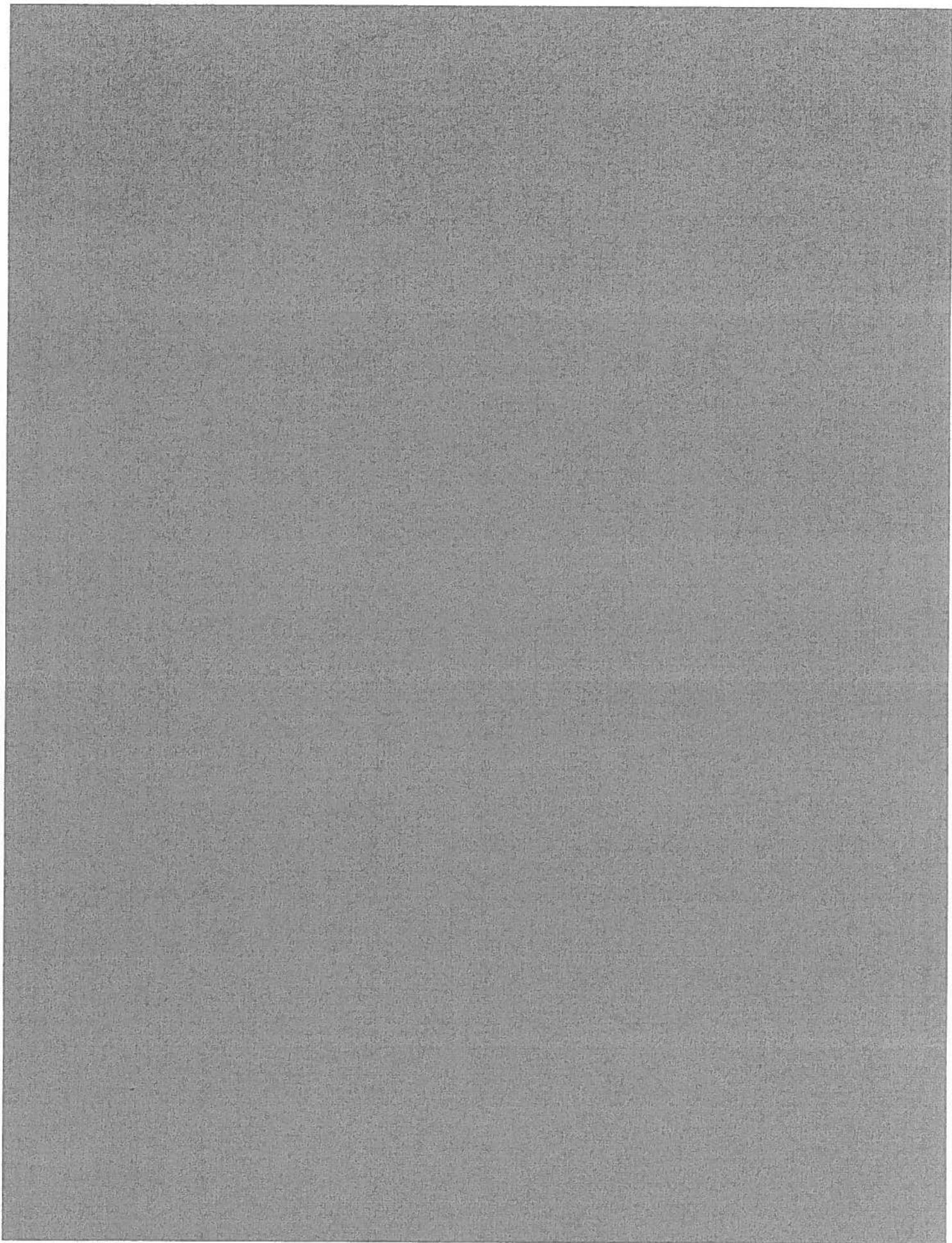
The SNMEP area is large, complex, and dynamic. Along with one of the premier testing and training military environments in the U.S., the region features opportunities for energy production, forestry, cattle grazing, extractive uses, wildlife management, recreation, tourism, research, and local economic development. The diversity of local, state, and federal mandates; mission needs; and community interests reinforces the value of a coordinated planning process to promote economic competitiveness and protect quality of life.

Given the complexity of the region, no single stakeholder can take all of the steps necessary to balance community growth and resource management with military mission compatibility. All study partners play a critical role in enhancing communication. This JLUS process embodies a partnership among residents, communities, agencies, and the military. This report includes a list of foundational actions to continue the spirit of collaboration.

Similarly, no single strategy in the JLUS will eliminate all of the current or anticipated compatibility issues. Instead, the tools identified work in concert to address as many compatibility factors as possible. The JLUS compatibility menu (*See Technical Appendix for the full table*) offers a wide range of strategies to reflect the resources, needs, and interests of the region's many communities. As always, the applicable local processes for adopting ordinances or codes will govern any implementation of regulatory policies by city and county governments.

As the JLUS transitions from planning to implementation, all stakeholders are encouraged to revisit the compatibility menu and adapt tools as appropriate to meet changing conditions and sustain progress toward the shared goal of a stronger, healthier, prosperous region.





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**AECOM**

**AGENDA REPORT**  
**CITY OF ALAMOGORDO**  
**CITY COMMISSION**

**Meeting Date:** April 14, 2015

**Report Date:** April 2, 2015

**Report No:** 19

**Submitted By:** Brian Cesar,  
Public Works Director

**Approved For Agenda:** 

**Subject:** Consider, and act upon, the Paving of Stanford Road.

**Fiscal Impact:** TBD

**Amount Available:**

**Fund:** 109 & 081

**Recommendation:** Provide Direction to Staff

**Background:**

Staff was tasked with preparing cost estimates to upgrade the section of Stanford Avenue from Indian Wells Road to 23<sup>rd</sup> Street. In identifying the segment and preparing estimates for this segment, it was found that all the necessary Rights-of Way have not been dedicated to the City of Alamogordo. This is identified in the attached diagram. The following outlines the various options for improvements on Stanford Avenue;

**Utilities:**

Water Main and service lines- \$ 154,773

Sewer Main and service lines- \$ 125,845

Total Estimated Utility Cost- \$ 280,618

**Full Improvement to Segment:**

ADA improvements and curb & gutter installation- \$ 137,570

Subgrade Preparation and Paving- \$ 219,000

ROW Acquisition- TBD

Drainage Improvements- TBD

Total Estimated Cost w/o ROW and Drainage \$356,570

**Reviewed By:**

City Attorney \_\_\_\_\_ City Clerk  \_\_\_\_\_ Community Development \_\_\_\_\_ Community Services \_\_\_\_\_  
Finance \_\_\_\_\_ Housing Authority \_\_\_\_\_ Planning \_\_\_\_\_ Personnel \_\_\_\_\_ Public Safety \_\_\_\_\_  
Public Works \_\_\_\_\_ Purchasing \_\_\_\_\_ Assistant City Manager \_\_\_\_\_ Utilities \_\_\_\_\_

**Double Penetration Chip-Seal**

|                       |           |
|-----------------------|-----------|
| Subgrade Preparation- | \$ 18,548 |
| DP Chip Seal-         | \$ 39,669 |
| ROW Acquisition-      | TBD       |

Total Estimated Cost w/o ROW   \$ 58,217

**Recommendation:** Provide direction to Staff.

---

**Reviewed By:**

|                     |                         |                             |                              |
|---------------------|-------------------------|-----------------------------|------------------------------|
| City Attorney _____ | City Clerk _____        | Community Development _____ | Community Services _____     |
| Finance _____       | Housing Authority _____ | Planning _____              | Personnel _____              |
| Public Safety _____ | Public Works _____      | Purchasing _____            | Assistant City Manager _____ |
| Utilities _____     |                         |                             |                              |



GRANT OF RIGHT OF WAY AND EASEMENT

THIS INDENTURE, made and entered into this 30th day of December, 1957, by and between Aubrey L. Dunn and Betty Jo Dunn, his wife, parties of the first part, and the City of ALAMOGORDO, a municipal corporation, party of the second part, WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of One and No/100 (\$1.00) Dollars, lawful money of the United States of America, in hand paid by the said party of the second part, receipt whereof is hereby confessed and acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the said party of the second part a perpetual, full and unrestricted easement and right of way, over and across the following described strip, tract, and parcel of land and real estate, situate and being in the County of Otero and State of New Mexico, to-wit: A tract of land located in the NW 1/4 NE 1/4, Sec. 17, T16S, R. 10E, NMPM, more particularly described as follows:

Starting at the Northeast corner of Lot 319, Block 300, of the Dunn Addition to the City of Alamogordo, N.M., and going N 89°52' E along the Southerly Right-of-way line of Twenty-Third Street a distance of 229.0 ft. to the place of beginning of the tract of land herein described; thence continuing N 89°52' E along the Southerly Right-of-way line of Twenty-Third Street a distance of 40.0 ft. to a point; thence S 0°08' E a distance of 315.21 ft. to a point; thence S 89°56' W a distance of 40.0 ft. to a point; thence N. 0°08' W a distance of 315.21 ft. to the place of beginning and containing 0.29 acres more or less

together with the full and unrestricted right unto the party of the second part to use the same for the purpose of installing and maintaining, streets, waterways and sidewalks, along and upon the same, in connection with the use of said right of way for the said street purposes.

TO HAVE AND TO HOLD the said right of way and easement for the uses and purposes aforesaid unto the party of the second part, its successors and assigns forever, with warranty covenants.

IN WITNESS WHEREOF, the said parties of the first part have hereupon set their hands and seals on the day and year hereinabove written.

*Aubrey L. Dunn* (SEAL)

*Betty Jo Dunn* (SEAL)

STATE OF NEW MEXICO } ss:  
COUNTY OF OTERO

On this 30th day of December, 1957, before me personally appeared AUBREY L. DUNN and BETTY JO DUNN, his wife, to me known to be the persons described in, and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.

*Mabel C. Bailey*  
Notary Public

My Commission Expires: MY COMMISSION EXPIRES JULY 15, 1962  
#24886

I, *Margaret D. Sanchez*, County Clerk, do hereby certify that this instrument was filed for record on the January 14, 1958 at 2:30 o'clock P. M., and duly recorded in Book 264, page 198 of the Records of Alamogordo County, New Mexico. By *Ruth Roberts* Deputy

**AGENDA REPORT**  
**CITY OF ALAMOGORDO**  
**CITY COMMISSION**

**Meeting Date:** April 14, 2015

**Report Date:** April 2, 2015

**Report No:** 20

**Submitted By:** Stephen P. Thies

**Approved For Agenda:** 

**Subject:** Consider, and act upon, a request by Darryl Gallent for an abatement of a utility bill for 1391 Challenger Avenue in the name of Mariano Guilez.

**Fiscal Impact:** NA  
**Amount Budgeted:** NA  
**Fund:** NA

**Recommendation:** Deny request

**Background:** Mr. Darryl Gallent has requested the Commission forgive \$60.82 utility bill. His supporting documentation is attached. Included in that documentation is a copy of an email I sent to him on February 23, 2015. The email sets forth my position why Mr. Gallent can be held responsible for payment of the utility bill. The City routinely bills mortgage companies for past due utility bills incurred by purchasers who defaulted on their mortgage. To treat those companies equally, acceptance of Mr. Gallent's position would require the City to stop this practice.

The legal department recommends Mr. Gallent's request be denied.

**Reviewed By:**

City Attorney  City Clerk  Community Development \_\_\_\_\_ Community Services \_\_\_\_\_  
Finance \_\_\_\_\_ Housing Authority \_\_\_\_\_ Planning \_\_\_\_\_ Personnel \_\_\_\_\_ Public Safety \_\_\_\_\_  
Public Works \_\_\_\_\_ Purchasing \_\_\_\_\_ Assistant City Manager \_\_\_\_\_



RECEIVED  
FEB 20 2015  
CITY CLERK

City of Alamogordo City Commission Meeting

AGENDA REQUEST FORM

Date: 2-20-15

Date of Meeting: April 14, 2015

Name: DARRYI Gallent

Address: 10 CAMINO Del SUR  
ALAMOGORDO, NM ZIP 88310

Phone Number: 575-443-0422

E-Mail Address: jsigallent@yahoo.com

Item requested will be for: (Please check one)

- |                                           |                                      |                                                       |
|-------------------------------------------|--------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Information only | <input type="checkbox"/> Action Item | <input checked="" type="checkbox"/> Discussion/Action |
| <input type="checkbox"/> Public Hearing   | <input type="checkbox"/> Report      | <input type="checkbox"/> Other: _____                 |

Brief description of topic to be discussed:

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

We do not allow handouts at the meeting

Request the City Commission to Abate  
the water bill for 1391 Challenger in  
the name of MARIANO GUILERZ. I sold  
the property in 2011 and did not own.  
Acct # 84951-12268

Signature: [Signature]

Please return to: Renee Cantin, CMC, City Clerk  
City of Alamogordo  
1376 E. 9<sup>th</sup> Street  
Alamogordo, NM 88310

Phone: (575) 439-4205

Fax: (575) 439-4396

E-mail: [rcantin@ci.alamogordo.nm.us](mailto:rcantin@ci.alamogordo.nm.us)

**Darryl Gallent**  
**10 Camino Del Sur**  
**Alamogorodo, NM 88310**  
**575-443-0422 phone 575-443-0488 fax**

**Dated: February 24<sup>th</sup>, 2015**  
**To: City of Alamogordo**  
**Re: Water bill account 84951-12268**  
**1391 Challenger Ave.**

**I am requesting that the City Commission abate the water bill in the amount of \$60.82 for account 84951-12268 concerning 1391 Challenger Ave. in the name of Mariano Guilez. The letter that I received dated December 31, 2014 states that “the city has made every effort to collect from the tenant.” I believe that statement to be misleading. First of all, Mariano Guilez was not a tenant of mine at the time the water bill became past due. I sold the property to Mr. Guilez in 2011 on a real estate contract and took back possession of the property in October 2014. I was not the owner of the property at the time the bill became due. The New Mexico appellate courts have already ruled that a real estate contract is a legal sale of equitable ownership in the ruling of “State of New Mexico vs. Wyatt Earp” in 2014. Secondly, the city of Alamogordo ~~on~~ sent one letter requesting Mr. Guilez pay the past due bill. That letter was dated November 26, 2014. No second final notice letter was sent. Also, the letter states that if the bill is not paid within 10 days, that the account would be turned over to a collection agency. As of 2-20-15, the account has not been turned over to any collection agency. Instead, the city of Alamogordo sent me a letter demanding payment or a lien would be filed against the property. I contest that the City did not make every effort to collect from Mr. Guilez, in fact, very little effort. Therefore, I am requesting that the Commission abate this bill.**

**Thank you,**

**Darryl Gallent**





## City of Alamogordo

November 26, 2014

Mariano Guilez  
PO Box 1472  
Alamogordo, NM 88310

RE: *Service Address: 1391 Challenger*  
*Account Number: 84951 - 12268*

Dear Mariano Guilez,

On 10/8/2014 water service was terminated at 1391 Challenger. Our records indicate that the final bill remains unpaid on this account. The total amount due is \$60.82. Please remit payment to the Utility Billing Department within ten (10) days from the date of this letter.

The City desires to give you every opportunity to make payment. However, if you do not comply with this request within the allocated time, this account will be turned over to the City's Collection Agency.

Please contact me at (575) 439-4372 or (575) 439-4260 as soon as possible to discuss this matter.

Sincerely,

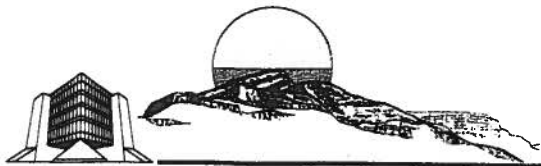
Stephanie Reyes  
Utility Billing Collections Clerk

National Recovery Agency

Utility Billing Department  
1376 E 9th St Alamogordo, NM 88310  
Phone (575) 439-4260 Fax (575) 439-4282

2/20/15

Account has not been sent to Collections,



# City of Alamogordo



December 31, 2014



Darryl & Josephine S Gallent  
10 Camino Del Sur  
Alamogordo, NM 88310

RE: *Tenant(s): Mariano Guilez*  
*Account Address: 1391 Challenger*  
*Account Number: 84951 - 12268*  
*Service Dates: 3/24/09 - 10/08/14*

Dear Property Owner:

The Utility Billing Department sent notices informing your tenant of the past due amount of \$60.82. The city has made every effort to collect from the tenant. However, the tenant has failed to pay the past due amount. Under §3-23-6 NMSA 1978, the property owner is responsible for any debt incurred by them or their tenant.

The City desires to give you every opportunity to make payment. Please remit payment of \$60.82 or make payment arrangements with the Utility Billing Department within ten (10) days from the date of this letter. If you do not comply with this request, the account will be turned over to the City Attorney's Office and a lien will be placed against your property for the amount owed plus \$200.00 administration fee.

Please contact me at (575) 439-4372 or (575) 439-4260 as soon as possible to discuss this matter.

Sincerely,

Stephanie Reyes  
Utility Billing Collections Clerk

# Advance Opinions

<http://www.nmcompcomm.us/>

From the New Mexico Supreme Court and Court of Appeals

From the New Mexico Court of Appeals

**Opinion Number: 2014-NMCA-059**

**Topic Index:**

**Appeal and Error:** Standard of Review

**Criminal Law:** Embezzlement; and Property Damage

**Property:** Real Estate Contract

**Statutes:** Interpretation

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

WYATT EARP,

Defendant-Appellant

Docket No. 32,512 (filed March 19, 2014)

**APPEAL FROM THE DISTRICT COURT OF OTERO COUNTY**

WILLIAM H. BROGAN, District Judge

GARY K. KING

Attorney General

MARGARET MCLEAN

Assistant Attorney General

Santa Fe, New Mexico

for Appellee

S. THOMAS OVERSTREET

OVERSTREET & ASSOCIATES, P.C.

Alamogordo, New Mexico

for Appellant

## Opinion

### M. Monica Zamora, Judge

{1} Wyatt Earp (Defendant) appeals his convictions for criminal damage to property pursuant to NMSA 1978, Section 30-15-1 (1963), and for embezzlement pursuant to NMSA 1978, Section 30-16-8 (2007). He raises several issues relating to the jury instructions, evidentiary matters, sufficiency of the evidence, and damages. In this case, the dispositive issue is whether Defendant, as an equitable owner in a residential property, can be criminally charged with embezzling or damaging that property. We hold that he cannot be charged with those property crimes and reverse.

#### BACKGROUND

{2} In July 2006, Defendant purchased a home from Robert Carter (Seller) pursuant to a real estate contract. The terms of the contract provided for a down payment, monthly payments, and payment of the remaining balance in August 2009. When Defendant failed to pay the balance, Seller elected to termi-

nate the contract. Prior to vacating the property, Defendant removed a number of appliances and fixtures from the home and left the home in a state of disrepair. Defendant was subsequently convicted of embezzlement and criminal damage to property.

#### DISCUSSION

{3} This case presents us with the novel question of whether a person who is purchasing a home under a real estate contract, but has not completed his obligations under the contract, can be charged with embezzlement and criminal damage to property for removing appliances and other fixtures from the home upon the seller's termination of the contract.

#### Standard of Review

{4} The parties' arguments primarily implicate questions of statutory interpretation. "Statutory interpretation is a question of law, which we review de novo." *State v. Smith*, 2009-NMCA-028, ¶ 8, 145 N.M. 757, 204 P.3d 1267 (internal quotation marks and citation omitted). "Our primary goal when interpreting a statute is to give effect to the Legislature's intent, which is determined by looking at the plain lan-

guage used in the statute, as well as the purpose of the underlying statute." *State v. Parrish*, 2013-NMCA-066, ¶ 6, 304 P.3d 730, cert. denied, 2013-NMCERT-004, 301 P.3d 858.

#### Equitable Ownership of Property

{5} Our threshold question is whether Defendant had an ownership interest in the subject residential property. "Criminal damage to property consists of intentionally damaging any real or personal property of another without the consent of the owner of the property." Section 30-15-1. Likewise, the crime of embezzlement "consists of a person embezzling or converting to the person's own use anything of value, with which the person has been entrusted, with fraudulent intent to deprive the owner thereof." Section 30-16-8(A). The State contends that Defendant's prosecution under both statutes was proper because the property he removed or damaged was not his own. We disagree.

{6} It has long been established by New Mexico courts that, under a real estate contract, a purchaser acquires an equitable interest in the property and is treated as the owner of the land. "In New Mexico[,] the rule is that a [purchaser], under an executory contract for the sale of realty, acquires an equitable interest in the property. By application of the doctrine of equitable conversion, the [purchaser] is treated as the owner of the land and holds an interest in real estate." *Marks v. City of Tucumcari*, 1979-NMSC-045, ¶ 5, 93 N.M. 4, 595 P.2d 1199; see *MGIC Mortg. Corp. v. Bowen*, 1977-NMSC-108, ¶¶ 4-6, 91 N.M. 200, 572 P.2d 547 (recognizing that a purchaser, under a real estate contract, holds an equitable interest); *Gregg v. Gardner*, 1963-NMSC-223, ¶ 31, 73 N.M. 347, 388 P.2d 68 ("It is equally clear from our decisions that in equity a contract for sale of real estate results in the purchaser acquiring an equitable interest in the land which he may devise by will[.]"); *Mesich v. Bd. of Cnty. Comm'rs of McKinley Cnty.*, 1942-NMSC-054, ¶ 16, 46 N.M. 412, 129 P.2d 974 ("In law the effect of a contract whereby the owner agrees to sell and another agrees to purchase a designated tract of land, the vendor remains the owner of the legal title to the land... [b]ut, in equity the [purchaser] is held to have acquired the property... [and] is looked upon and treated as the owner of the land and the equitable estate thereof as having vested in him.").

Motion carried with a vote of 6-1-0. Mayor Galea voted nay.

### **NEW BUSINESS**

21. Consider, and act upon a request by Darryl & Josephine Gallent for an abatement of a utility bill for 300 24th Street. (LeeAnn Nichols, Finance Director and Nichole Sierra, Utility Billing Supervisor)

Mr. & Mrs. Gallent came forward to address the commission. Mr. Gallent said they were requesting abatement for the bill they received recently for an unpaid water bill at the property address of 300 24<sup>th</sup> St. here in Alamogordo. The water bill was not in our name, we did not request the water service, we sold the property prior to the water service being turned on at that location, the water was turned on by the buyer of the property and she ran up a high water bill of almost \$1,400. That incurred during the time she owned the property. We sold it to her under an installment sale, what is called a real estate contract, a real estate installment sale. She was making payments for a period of time and during that time she ran up the water bill and did not pay the City. She ended up defaulting on the contract to us so we had to take legal means to take possession of the property. We took possession of the property after the water bill had been incurred and run up to a high amount of almost \$1,400. We took legal possession of the property back and that was almost a year ago in August of 2013, and had no idea there was an issue with the water. We took possession back and had to do some work to the house because it was kind of trashed. Since that time we have been renting out the home and recently we got a certified letter from the City stating we are responsible for the water bill that was incurred by the previous owner, the lady we sold the house to. His position is we don't feel it is fair to us to have to pay a water bill incurred by a previous owner or a property that we had nothing to do with. We were not the owner of the property and simply renting it to this lady, she was not our tenant. She legally bought the house from us and we had a closing at Pioneer Title here in town. He had the closing documents with him proving he had sold the property to her. He was trying to find out why the City is trying to make us responsible for this bill.

Mayor Galea asked the city attorney to redirect this. She noticed Carolyn Fallon was noticed on the claim to Darryl and Josephine Gallent and was pointed out to be the tenant, but she was the owner and held a title until July 29<sup>th</sup>, and the Gallents did not take ownership until the month prior. Why would the Gallents be charged for fees they did not accrue?

City Attorney Thies told her this particular matter was similar to mortgage foreclosures. A lot of times the person who is in foreclosure proceedings will not pay their last months or last couple of months utility bills, and then they will vacate the property. The standard process is to send whoever is named on the account a letter advising them of the unpaid charges from where they used to reside, and ask them to make payments. After a number of months, if we are unable to get payments from that individual we will then start the process of filing a lien. Sometimes, when we file the lien, the mortgage company may have already taken possession, other times it is in the process of taking possession. None the less, we will file the lien and the mortgage company will then be liable. We have to collect unpaid utility accounts against the person who used the services or against the actual property. As soon as you turn on your tap and begin running water through your tap the lien actually arises at that point in time and then if the utility charges go unpaid when we file the lien, it has the same status as unpaid property taxes where you try to cover the unpaid utility charges. An installment contract is similar to a mortgage where the mortgage company ends up having to pay it.

Mayor Galea thanked him for the explanation and asked City Attorney Thies if a city policy can legally be implemented so the city will not file a lien on the property, but instead pursue collections from the person who incurred the charges.

City Attorney Thies said if you elected not to pursue your lien remedies, unless the user of the services was actually residing on the property, then you would adopt a policy and Staff would no longer pursue their lien revenue.

It was discussed whether Item 22 could be included in this discussion, and it was decided not to.

Mayor Pro-Tem Rentschler said to Mr. Gallent it was his understanding they sold this property by real estate contract. Mr. Gallent said that was correct and they had sold it in 2011, and the lady they sold it to was in the property for almost two and a half years. In July 2013, she defaulted on the contract to him. She was making her installment payments to Pioneer Title and Escrow and they had all the original documents held in escrow at Pioneer. This wasn't some kind of a shady, kitchen table type of closing, it was legally done and the proper documents recorded. She was making payments for over two years to that escrow company and then defaulted again in the summer of 2013. He simply took legal possession on the company back and he had no knowledge of any issues with the city concerning water bills. He had never been notified by anyone until about a month ago when he was notified by the city that he was responsible for this bill. He and his wife have been living in Alamogordo for about 17 years and have had some rental properties over the years, so he understood that if a tenant runs up a water bill in a property he owns, he could ultimately be responsible for that. He remarked they had paid several thousand dollars to the city over the years in water bills incurred by our tenants as well as lost rent from the tenants. He has never complained or objected about that, or asked for abatement. He paid them because he was the property owner with certain responsibilities, but the letter he received from the city used the word tenant in reference to the lady he sold the property to. It says she was a tenant of his and as the property owner he is responsible for the tenant's actions, the bill. He called the city Water Billing Department and explained she was not his tenant and thought this was a simple misunderstanding. He explained he was not the landlord, he wasn't renting the property, this was not a lease-option or lease-purchase agreement, and that he legally sold the property to her in 2011. He thought this would be a simple matter of showing proof he had sold the property and the city would abate the bill, but the city has taken the position that I am responsible regardless of whether I own the property or not. He wanted all the commissioners to think about that if he and his wife were going to be held responsible for a bill incurred by a previous property owner.....

Mayor Pro-Tem Rentschler told him the utility bill followed the property, whether he owned it or she owned it. When this property transfers, the bill would transfer with it. The fact is you received payments on this property and then took the house back at full value. Again, the utility bill will follow the property and so we will put a lien against the property. The end result of that is we have to foreclose on it within a certain amount of time.

Mr. Gallent gave Mayor Pro-Tem Rentschler the hypothetical example that he buys a property and you have a closing at a title company here in town. You buy it with the understanding there are no liens on the property, and Mayor Pro-Tem Rentschler interrupted to say this has come to us before exactly like this. Mr. Gallent continued to say then the city sends you notice a couple of years later saying there is a lien. Mayor Pro-Tem Rentschler repeated what he had just said.

Mr. Gallent asked the legal authority that gave the city the right to do that. He knew they were saying the city has done this, but his question was does the city have the legal authority to do that. He didn't see anything in the law that gives the city that legal authority. He gave some legal opinions, one of which was the State Attorney General saying whether the city has the right to place a lien on a property for none payment of a bill. The New Mexico State Attorney General said a municipality does not have the right to do that. Obviously, that was his opinion. The only information Mr. Gallent had received from the City of Alamogordo stating what gives them the legal authority to place this lien is they quoted NM Statute 3-23-6. If you read it, it is not very clear the city has the right to do that. It says, "Any charge imposed by ordinance for service rendered by a municipal utility shall be payable by the owner personally at the time the charges accrued and becomes due." Mr. Gallent reiterated he was not the owner at the time the charge was accrued and the time the bill became due. Had he been the owner and she had been his tenant, he would not be here tonight. It goes on to say that in a case of an individual vs. City of Las Cruces, one of the justices said, "The ordinary and usual meaning attributable to the words 'payable by owner' is not such that they may be expanded to include subsequent owners." Mr. Gallent says case law says if it is going to be payable by the owner, you can't make that attributable to subsequent owners, and I was a subsequent owner.

Mayor Galea thanked him for researching the case law and in the future she would like for the commission to review the policy so that the bill does not follow the property, but follows the person who incurred the bill.

**Mayor Galea moved to provide abatement to the title owner at 300 24<sup>th</sup> St., Darryl and Josephine Gallent, and provide direction to staff to pursue collections through formal process from Carolyn Fallon who incurred the charges. Commissioner Turnbull seconded the motion.**

Commissioner Hernandez said so at this time we are giving the water away until we can find this other person? Mayor Galea said we aren't giving the water away. Ms. Carolyn Fallon, from 12/2011 to 07/2013, incurred these charges and the mayor's motion includes a formal process for the city staff to pursue collections from her, not the property owner.

Commissioner Hernandez asked how the water was turned on, as an owner or as a tenant. That is very important. The second thing was that the current owner, Mr. Gallent has said he has always remained the property owner. Until the property is paid off, he owns that property. Mr. Gallent said that with all due respect, that is incorrect.

Mayor Galea understood Carolyn Fallon had title to the property, and Commissioner Straface asked if that was true.

Mr. Gallent said he had paperwork that completely disputes what Commissioner Hernandez had said. There is a recent case before the NM Appellate Courts: State of NM vs. Wyatt Earp, and many people here probably know that name because he is a resident of Alamogordo. He was criminally charged because he was buying a property on a real estate contract, an installment sale, and he defaulted on that contract to the seller. After he defaulted and after the seller started to take back possession of the property, Wyatt Earp took some property out of the house. He removed some belongings and was criminally charged for stealing property he didn't own. A lower court ruled he was criminally responsible, and it went before NM Appellate Court and was recently ruled on. It overturned the lower court saying Wyatt Earp was the property owner and, to quote from the ruling, "It has long been established by NM courts that under a real estate contract, a purchaser acquires an equitable interest in the property and is treated as the owner of the land. The State Property Tax Code defines an owner as the holder of any title. The purchaser under a real estate contract is an owner under the Code." The Appellate Court ruled Wyatt Earp was the owner, and as the owner he could not be criminally charged. The State Court of Appeals has said someone buying a property under a real estate contract is an owner of the property. They have what is called an equitable ownership in the property, but that is considered the owner of the real property, and the seller has legal title; basically a personal property interest and are receiving payments, but not the owner of the property.

Mrs. Gallent added if you sell a property in a real estate contract the buyer is now the owner of record with the city, and they pay the taxes. Mr. Gallent said if someone buying a property under a real estate contract is not considered the owner, why are they responsible for paying property taxes?

Commissioner Hernandez isn't saying they are not the owner, he is saying you are still the owner; you are still partially the owner. Mr. Gallent reiterated if he is the owner, why is the county sending the tax bill to the buyer? The county lists them as the owner of record and holds them responsible for the property taxes. Commissioner Hernandez said he never said they are not the owner, he is saying you are still the owner. Mr. Gallent asked if he was saying they are both the owner?

Mayor Galea wanted to provide clarity so everyone understands. Mr. Gallent was not the owner at the time Ms. Carolyn Fallon incurred the charges between December 1, 2011 and July 29, 2013. The Gallents were not the owners and now they are.

Mr. Gallent said Ms. Fallon requested water in her name, he didn't. He simply sold her a property and didn't care if she had water or not. She came to the city and requested water which the city granted, and she ran up a \$1,400 water bill. Mr. Gallent then asked why the city allowed her to run up such a

high bill before terminating the service. It could have been a leak, he didn't know the circumstances. She ran up a \$1,400 water bill while she owned the property, and once he took it back he received a bill a year later from the city that included a \$200 administrative fee because a lien had been placed on the property. He talked to the city attorney who told him he was not actually being held responsible for this debt; the city is simply placing a lien on the property since the bill was not paid. The bottom line is, if I do not pay that bill and a lien is placed on that property, if he ever goes to sell it he will have to satisfy that lien which will be higher because of interest accrued during that time. His choice is to either pay the bill or have a lien placed on the property. He didn't feel that was fair. What if you sold a car to someone and they then wrecked it. Will it be fair for them to hold you responsible for that wreck? It is the same thing, the city is holding me responsible for something I didn't have anything to do with. There is a time when people need to be held responsible for their own actions. I've always paid my own bills and in 17 years have never missed a water bill.

Commissioner Straface said right now the situation is this gentleman carried the loan on the property. Would the same thing be true if a bank carried the paper and the person defaulted? City Attorney Thies said yes.

Commissioner Hernandez asked if that was our current ordinance and policies and the city attorney said yes. Commissioner Hernandez said by voting to go different would be going against our current policies and ordinance.

Mayor Galea asked if our current ordinance and policies had statutory authority within the State. City Attorney Thies said yes; it is State Statute 3-23-6. It allows us to go after the owner of the property and at the same time put a lien on the property. The lien is independent of who may own the property at the time the lien is placed.

Mayor Galea said it also talks about it is payable by owner at the time charges were accrued. Why do we go after the owner after charges are accrued? City Attorney Thies said it is because of the fact a lien attaches the minute the water is consumed on a property. The case Mr. Gallent referenced stands for the proposition that we cannot withhold service from whoever happens to own the property. If that is the person who did not consume the water it goes on to say our remedy is to pursue under this particular State Statute.

Commissioner Baldwin said I think what we are tip-toeing around here is setting precedence. It is obvious we have had situations in the past when the same situation has come to us. The precedence is if we abate this we may be setting precedence for the title holders and the banks that have this happen. He saw it as an unusual situation and stated he was on Mr. Gallent's side on this. He asked Staff how often a lien is attached on a default of a mortgage that a bank actually pays off. How often does it happen in a calendar year?

City Attorney Thies wasn't sure but guessed six to twelve times in the last year on mortgage foreclosures. He can get those numbers if the commission desires. City Clerk Cantin remarked that since she signs off on the liens, she agreed with the numbers City Attorney Thies stated.

Commissioner Baldwin said even though this is a different set of circumstances as far as him selling the property and it coming back to him, this does happen on a regular basis, so we are opening up the door to deal with all the mortgage companies and banks that hold title with a lien attached to it for something very similar to this. Another property owner had it, ran the bill up, lien was placed, and now they are taking it back and have to satisfy the lien before they can sell the property. City Attorney Thies said that is correct. The mortgage companies routinely contact us to determine if there are any outstanding liens.

Commissioner Baldwin said he guessed the mayor made a request that we review this, and he thought it was something we should review. If the lien is a substantial amount we can't ignore it, but if the liens are in the \$500 to \$600 or \$2,000 to \$3,000 range a year, we should take a look at it. It seems like it is punishing people or businesses that shouldn't be punished.

Mayor Galea said in her mind it looked like the property owners who come after the charges are accrued are punishable by the saying 'low hanging fruit'. She asked the city attorney if it was more challenging to go after the person who accrued the charges after they have left the city to go through that formal process of collections.

The city attorney told her sometimes that is correct. It is easier to go after whoever currently owns the property than to go after the person who incurred the charges. The first step is to always go after the person who used the water service.

Mr. Gallent responded to the question Commissioner Baldwin asked him concerning the liens. Mr. Gallent didn't believe the roughly twelve times a year they sited, that liens are satisfied when a property is foreclosed on and a bank takes possession. They are saying liens are paid off roughly twelve times a year, and the city clerk responded it was six to twelve. Mr. Gallent asked City Clerk Cantin if the liens were already placed on the property at the time the bank took possession, or were they placed on the property after the bank took possession and had already paid anything off.

City Attorney Thies said he would answer that. It varies; sometimes the lien is placed on the property after the bank has acquired possession of the property through the legal processes and other times it is placed on the property prior to the bank acquiring legal title. Foreclosure processes can drag on for quite some time and liens can be filed either before or after.

Mr. Gallent asked for a response from the city clerk concerning those twelve or so cases she had sited. On those cases, how many would you say the liens were placed before the bank took legal possession of the property? What he is saying is the bank went ahead and paid those liens, but how many times did they do so before they took possession of the property. City Clerk Cantin said she didn't have that information, but could research it. Mr. Gallent asked if she might have an educated guess and she said she did not. Mayor Galea said the staff did not have time to research that information.

Mr. Gallent said the reason he asked that was because it is a big difference if a lien is placed on a property before the bank takes possession. If the city had placed a lien on the property before he took possession of it, he would have paid the lien because he wouldn't have had a choice. His point was if the lien is placed after possession of the property is taken back, that is a totally different circumstance. He was curious how many times the city has gone after a bank after the bank has taken possession and paid any liens they were aware of, listed it with a real estate agent for sale, and then the next thing they know they get a certified letter that they still have to pay an unpaid water bill. He had never heard of that happening and would like some proof of it. If this commission is going to rule on this, that is very important. That is the situation he was in; there were no liens on the property for him to satisfy. The city waited a year before notifying him and if they want to wait a year before they notify a bank, he was shocked at how business was conducted. He wanted to know how many cases were like that out of those twelve. What if it happened only one time out of those twelve? Then we don't have a precedence that it happened twelve times in a year.

Mayor Galea felt his question was valid and she supported her original motion, and would be ok with setting this kind of precedence. To ask him to pay a year later what this person had incurred was bad business.

Mr. Gallent said if the city is going to hold him responsible for this debt, somebody else's water bill and establish a precedent, then everyone in Alamogordo who purchases a home over the next year or two and moves into it could be subject two or three years later to getting a \$1,400 bill from a previous owner. If that's going to happen, then people are going to be scared to buy a home.

**Mayor Galea restated the motion to provide abatement to the title owner at 300 24<sup>th</sup> St., Darryl and Josephine Gallent, and provide direction to staff to pursue collections through formal process from Carolyn Fallon who incurred the charges.**

Mayor Pro-Tem Rentschler remarked it was a very messy motion; the 'and' did not need to be there. Mayor Galea said the staff had asked for direction. Mayor Pro-Tem Rentschler said it was a messy motion and he could not support it like that.

**Motion carried with a vote of 4-3-0. Commissioner Hernandez, Commissioner Straface, and Mayor Pro-Tem Rentschler voted nay.**

**22. Consider, and act upon a request by Darryl & Josephine Gallent for an abatement of a utility bill for 1601 Memory Lane.** *(LeeAnn Nichols, Finance Director and Nichole Sierra, Utility Billing Supervisor)*

Mr. Gallent told the commission he had been long winded on the last item because he felt it was unfair, and he thanked the commission for passing the abatement on the previous request. He went on to say on this one he wasn't really complaining. He had thrown it in with the other request. On this one, he was the property owner at 1601 Memory Lane. He had a tenant in 2009-2011 who had water service. That tenant ran up a \$365 bill that was left unpaid, and Mr. Gallent had recently received a letter from the city saying he was responsible for this bill. He said he is willing to pay this bill because he is the property owner. He requested since the bill was such a long time ago (2010-2011, three to four years ago), he didn't even remember the tenant's name. The city said he ran up a bill and Mr. Gallent is responsible for it. He understood he was responsible, but since it was three to four years ago, he felt the fair thing to do was to pay only half of it and let the city incur the other half, but if the city wants him to pay the whole thing, he will. He was willing to do whatever the city thought fair.

Mayor Galea told him that in the future, when there is turnover with tenants, all property owners have the opportunity to contact the Utility Billing Department in order to find out what bills are outstanding before they dismiss the tenant. He said he would remember that for the future.

Commissioner Hernandez had a question for the city attorney. When we have home owners who rent property and the renter moves out without paying the water bill, is the owner of the property responsible for that? City Attorney Thies said yes, unless the owner of the property files a form with the city advising us that prior to the tenant moving in to the property, the tenant will be responsible and the owner will not.

Commissioner Hernandez said we tag them by charging their renter a higher deposit fee, and the city attorney said that is correct in order to offset the potential we won't collect the money. It is a higher deposit. Commissioner Hernandez said in turn that can make it tougher for them to rent their properties, and the city attorney said he was not in the rental business so not in the position to answer that question.

Mr. Gallent asked them to look into why the water department is allowing these bills to run up so large. In other words, this bill is \$365 and that is obviously over and above whatever deposit the tenant paid. He was sure the tenant paid at least \$200 at the time he requested water service. So, he used up that deposit and on top of that incurred an additional \$365 bill. Mr. Gallent thought the total bill was in the neighborhood of \$560 to \$570, and he asked why the city allowed someone to run up such a large bill before terminating service. He looked at it as the city saying they don't have to worry about running up such a large bill because they can get the property owner to pay it or a lien will be filed. He thought that unfair. He thought the City should be more prudent and not allow these water bills to run up so high. If it was a \$50, \$75, or \$100 water bill, he didn't think too many property owners would complain. He has had water bills incurred by his tenants that were \$500, \$600 and \$700 in the past. He would like the City to try and better monitor the water and if it runs past the deposit amount, it should be terminated.

Mayor Galea asked the Utility Billing Supervisor Nichole Sierra or any other appropriate staff member to answer why bills are allowed to run up beyond a certain point, and why it takes so long to notify the owner many years after the fact.

Zimbra

dmurphy@ci.alamogordo.nm.us

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utility letter

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**From :** Stephen Thies <sthies@ci.alamogordo.nm.us>

Mon, Feb 23, 2015 01:44 PM

**Subject :** utility letter**To :** jslgallent@yahoo.com**Cc :** Dorothy Murphy <dmurphy@ci.alamogordo.nm.us>

Mr. Gallant,

As promised, I am providing an explanation of the city's position with respect to your liability for certain unpaid water/sewer charges.

Based upon our discussion of this matter, you place a significant amount of attention on the word "owner" arguing that since you are not the owner of certain property sold under a real estate contract you cannot be made responsible for payment of utility charges. In making this argument, it appears that you are focusing on the word owner which appears in section 3-23-6.A, NMSA 1978. That section reads in part as follows:

3-23-6. Charge for service of municipal utility becomes a lien against the property served; exception.

- (1) payable by the owner, personally, at the time the charge accrues and becomes due; and
- (2) a lien upon the tract or parcel of land being served from such time.

Your argument is apparently that since you are selling the property pursuant to a real estate contract you no longer are the owner. Therefore, since section 3-23-6 uses the word owner, you cannot be made to pay any unpaid charges. I suspect you base your argument on the recently decided case of *State vs. Earp*, a New Mexico Court of Appeals decision decided in 2014. That particular case dealt with whether an individual buying property pursuant to a real estate contract could be convicted of criminal damage to property and embezzlement due to his actions prior to the contract being canceled.

Your focus upon the meaning of owner in the context of a real estate contract as somehow absolving you of any responsibility for any unpaid utility charges is misplaced. Such a position fails to comprehend the purpose of section 3-23-6 and ignores sub-paragraph 3-23-6.A.(2). Section 3-23-6 operates to create what is referred to as an inchoate lien for utility charges against the property. As a person who purchases real property on a regular basis, you are undoubtedly familiar with the requirement imposed on a seller of real estate to provide an affidavit to the buyer at or prior to closing stating that no services or materials have been provided to the property that could result in the filing of a mechanic's lien. The City's lien rights are similar to the rights of a contractor who makes improvements or provides materials to real property. Statutorily, every contractor or supplier who performs labor or provides materials to an improvement project is given a lien against the property for the value of the services or materials. The lien relates back to when the person first provides the labor or services. If the person is paid for their services or materials, they have no need to enforce their lien. On the other hand, if the person does not receive payment, they have to right to pursue their rights under the state's Mechanics' and Materialmen's Liens statute even if the property is sold to some other person.

Similarly, state statute grants the city a lien for the value of the utility services being provided to real property. The lien relates back to when the date when the unpaid utility services were supplied to the property. Provided the current owner of the property, whether that person is the owner of an equitable estate, the owner of legal title, the owner in fee simple, or any other person occupying the property, such as a tenant, pays for the services, the lien never comes into existence. On the other hand, in the event the charges are not paid, the city can then utilize its statutory lien rights in an effort to obtain payment of the charges. The city can enforce its lien against either the current owner or subsequent owner.

If the gist of your argument is that you as the owner of legal title to property being sold under a real estate contract should not be receiving letters describing the equitable owner as your tenant, that concern can be addressed. Hopefully, in the near future the city will be enacting an ordinance to require individuals seeking to establish utility services at a particular location to provide a copy of the written instrument which establishes their right to occupy the property. When such an ordinance is enacted, the letter you recently receiving will properly reference the former occupant of the property as the equitable owner.

Stephen P. Thies  
City Attorney

City of Alamogordo, New Mexico  
575-439-4210 (Office)  
575-551-1326 (Cell)

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# AGENDA REPORT

CITY OF ALAMOGORDO  
CITY COMMISSION

Meeting Date: April 14, 2015

Report Date: April 2, 2015

Report No: 21

Submitted By: Brian Cesar,  
Public Works Director

Approved For Agenda: 

**Subject:** Discussion, and possible action, on a request to authorize the City Manager to approve the utilization of the NM State Pricing Agreement for fuel card purchases.

**Fiscal Impact:** N/A  
**Amount Available:** N/A  
**Fund:** N/A

**Recommendation:** Approve the request.

## Background

**Please see attached memorandum.**

Also attached are the New Mexico State Petroleum Storage Tank Out-Of-Service Service Systems and Closure regulations.

Staff recommends approval of Alternative #4 and requests that Commission allow the City Manager to approve the utilization of the NM State Pricing Agreement for fuel card purchases.

## Reviewed By:

City Attorney \_\_\_\_\_ City Clerk  \_\_\_\_\_ Community Development \_\_\_\_\_ Community Services \_\_\_\_\_  
Finance \_\_\_\_\_ Housing Authority \_\_\_\_\_ Planning \_\_\_\_\_ Personnel \_\_\_\_\_ Public Safety \_\_\_\_\_  
Public Works \_\_\_\_\_ Purchasing \_\_\_\_\_ Assistant City Manager \_\_\_\_\_ Utilities \_\_\_\_\_

**City of Alamogordo  
Public Works Department**

**MEMORANDUM**

**TO:** James Stahle, City Manager  
**FROM:** Brian Cesar, Public Works Director  
**SUBJECT:** Fueling Station Recommendation  
**DATE:** 03/23/15

**BACKGROUND:**

The fueling station at Public Works was installed in 1992. Since that time there have been a number of minor upgrades but no significant improvements have been made to the fueling system since the initial installation. The frequency of failure of the system has increased over the last several years.

On July 28, 2014, the New Mexico Petroleum Storage Tank Bureau completed an inspection of the fuel site and noted a number of violations during the inspection process.

In late September 2014, the fueling system was taken out of service due to a malfunction in the logic control system and the dispensers. Repeated attempts by D & H Pump Service, the authorized service representative, have been unsuccessful in restoring service to the fueling station. During this period, Brewer Oil Company has provided a fuel card system to be used temporally while the system is being repaired.

Due to the age of the system and the NMPSTB inspection report, the following alternatives are provided for consideration;

**ALTERNATIVE #1:**

The following is an estimated scope and cost of the work required to restore service to the existing fuel station. If approved, this project would be completed under contract to the successful bidder awarded by Commission.

The successful bidder would;

1. Upgrade the existing K800 System to a K800 Hybrid System with FCS3000. Cost is estimated at \$ 16,625.81
2. Replacement of the two steel STP risers and two flex connectors on product lines from the unleaded and diesel tanks. Add isolation shrink boots to flex connectors. Provide and install two vent caps. Cost is estimated at \$ 4,706.42
3. Replacement of one Gasboy 9850KXD dispenser. Cost is estimated at \$ 20,013.31

This alternative would bring the fuel site back into operation but does not include proposed regulatory changes. A permit would be required for this work and the NMPSTB would have the option to require additional upgrades/repairs to the fuel site.

**Total cost of Alternative #1 is estimated at \$ 41,345.54**

**ALTERNATIVE #2:**

The following is an estimated scope and cost of the work required to restore service and upgrade the fuel site. If approved, this project would be completed under contract to the successful bidder awarded by Commission.

The successful bidder would;

1. Install two tank sumps and two dispenser sumps, remove existing single wall pipe and supply and install approximately 80' of double wall FRP pipe. Provide and install two Gasboy dispensers that will interface with a new PetroVend PV 100 Fleet Fuel Management System.
2. Install and program one Veeder Root 350 console with four sump sensors and two AGT probes. Install (2) 4" risers for AGT probes. Ten soil samples and one Release Determination Report to be included for existing product line removal.
3. Approximately 250 square feet of concrete will be removed and replaced. Existing fuel system island lights to be replaced and new electrical conduits and wire will be installed for high voltage and low voltage power to fuel island and fuel farm.
4. Permitting and engineered drawings would be on a cost plus basis if required.

This alternative would bring the fuel site back into operation and compliance, but does not include proposed regulatory changes.

**Total cost of Alternative #2 is estimated at \$ 93,582.52**

**ALTERNATIVE #3:**

During fiscal year 2014, the City of Alamogordo purchased 100,984 gallons of unleaded fuel at a cost of \$ 328,054. During the same period, 42,520.5 gallons of diesel fuel was purchased.

Staff has met with Brewer Oil concerning the fuel site situation and to explore the possibility of going to card based fueling system and abandoning our current fuel site. The following is provided for consideration;

1. Fuel Tracking- Cards would be assigned to vehicles and employees would have specific PIN's. This would allow for usage tracking, MPG, cost per mile and abuse identification.
2. Control/ Security- Cards can be set up with date/time lockouts, velocity controls, and email alerts. Assigned City personnel would have access to the website to manage card usage and assignments.
3. Invoicing- Invoices would be emailed in PDF so they can be shared with department heads for review. Invoices show usage for each card along with CPM and MPG.
4. Fuel Liability- The City would no longer be responsible for monthly inspections, insurance for pollution and possible contamination.
5. Reporting- The City would have the ability to run usage reports and export to Excel.
6. Pricing- Pricing would be based on a set mark-up over cost.
7. Convenience- Multiple stations, as opposed to the one site the City owns.

By contract, the City of Alamogordo currently pays \$ 0.15 per gallon above the weekly OPIS average price for fuels to IPC.

In addition to the above, two smaller tanks would be set in the Public Works Yard to allow for the filling of large equipment. These tanks and the existing tanks at the Airport, Convenience Center, Landfill and the Golf Course would be monitored for re-filling.

Although there is a potential to “piggyback” off of the Agreement between Brewer Oil and the Water Utility Authority, Staff recommends that if this alternative is selected that the card based system be put out as a RFP.

**ALTERNATIVE #4:**

The Chief Procurement Officer, Barbara Pyeatt has researched the card based system and has provided the following information;

1. Under the State contract for fuel cards, which the City of Alamogordo has utilized for travel since 2003, the City will be able to utilize this service immediately.
2. Wright Express has 19 local stations. 76 Stations within the Las Cruces and Alamogordo area, and over 350 State wide locations.
3. More efficient tracking method per vehicle with the ability to track live on the internet.
4. The City of Alamogordo would receive a discount based on usage amount and payment time.
5. This system would require Employee ID #, Vehicle ID and Odometer reading. Any deviation from these necessary inputs would flag the card and would notify the Purchasing Department with an immediate email.
6. The use of the State fuel cards would result in a charge per gallon that would be \$ 0.05 cheaper than the utilization of the Brewer cards. It is also \$ 0.07 cheaper per gallon than the City fuel site.

In addition to the above, two smaller tanks would be set in the Public Works Yard to allow for the filling of large equipment. These tanks and the existing tanks at the Airport, Convenience Center, Landfill and the Golf Course would be monitored for re-filling.

**RECOMMENDATION:**

Allow staff to proceed with Alternative #4.

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APPROVED BY

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DATE

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ALTERNATIVE #

**TITLE 20 ENVIRONMENTAL PROTECTION**  
**CHAPTER 5 PETROLEUM STORAGE TANKS**  
**PART 8 OUT-OF-SERVICE SYSTEMS AND CLOSURE**

**20.5.8.1 ISSUING AGENCY:** New Mexico Environmental Improvement Board.  
 [20.5.8.1 NMAC - Rp, 20.5.8.1 NMAC, 04/04/2008]

**20.5.8.2 SCOPE:** This part applies to owners and operators of storage tanks as provided in 20.5.1 NMAC. If the owner and operator of a storage tank are separate persons, only one person is required to comply with the requirements of this part, including any notice and reporting requirements; however, both parties are liable in the event of noncompliance.  
 [20.5.8.2 NMAC - Rp, 20.5.8.2 NMAC, 04/04/2008]

**20.5.8.3 STATUTORY AUTHORITY:** This part is promulgated pursuant to the provisions of the Hazardous Waste Act, NMSA 1978, Sections 74-4-1 through 74-4-14, and the general provisions of the Environmental Improvement Act, NMSA 1978, Sections 74-1-1 through 74-1-16.  
 [20.5.8.3 NMAC - Rp, 20.5.8.3 NMAC, 04/04/2008]

**20.5.8.4 DURATION:** Permanent.  
 [20.5.8.4 NMAC - Rp, 20.5.8.4 NMAC, 04/04/2008]

**20.5.8.5 EFFECTIVE DATE:** April 4, 2008, unless a later date is indicated in the bracketed history note at the end of a section.  
 [20.5.8.5 NMAC - Rp, 20.5.8.5 NMAC, 04/04/2008]

**20.5.8.6 OBJECTIVE:** The purpose of 20.5.8 NMAC is to regulate storage tank systems to protect the public health, safety and welfare and the environment of the state, and to provide safe and effective closure requirements for out-of-service systems.  
 [20.5.8.6 NMAC - Rp, 20.5.8.6 NMAC, 04/04/2008]

**20.5.8.7 DEFINITIONS:** The definitions in 20.5.1 NMAC apply to this part.  
 [20.5.8.7 NMAC - Rp, 20.5.8.7 NMAC, 04/04/2008]

**20.5.8.8 REQUIRED NOTIFICATION PRIOR TO TEMPORARY OR PERMANENT CLOSURE, RETURN TO SERVICE, REMOVAL, OR CHANGE IN SERVICE:**

**A. Notice required.**

(1) At least 30 days before beginning either permanent closure, temporary closure, return to service, change-in-service, or removal of a tank pursuant to this part, or within another reasonable time period if approved in advance by the department, owners and operators shall notify the department orally or in writing of their intent to remove, close or make the return to or change-in-service, unless such action is in response to corrective action.

(2) Additionally, owners and operators shall notify the department orally or in writing at least 30 days prior to placing any regulated substance into a tank that has been in temporary or permanent closure, or before a return to service.

**B. Opportunity for inspector to be present.** To ensure that a department inspector has an opportunity to be present during the steps in procedures which are important to the prevention of releases, owners, operators, and certified tank installers shall give the department notice of the dates on which critical junctures in the removal, change in service, return to service and closure of the storage tank system are to take place. This notice shall be given at least 24 hours before any critical juncture begins, and shall be either oral or written. The inspector may require that critical junctures be performed from Monday through Friday during regular business hours.

**C. Critical junctures.** For removal, change in service, return to service, or storage tank system closure, the term "critical junctures" means:

- (1) completion of the excavation of a UST or piping;
- (2) cleaning and devaporizing of a tank;
- (3) the actual removal of a UST or its associated piping from the ground, or the filling of a UST in place;
- (4) actual permanent closure of an AST and its associated piping from any location where it has been in use; and
- (5) assessment of a tank site for releases.

D. At a minimum, the notice for removal, change in service, return to service or temporary or permanent closure of a storage tank system shall contain the following information:

- (1) date the form is completed;
- (2) facility name, number, address (with county), and telephone number;
- (3) owner name, number, and address, and telephone number;
- (4) description of type of change of status (change in service, return to service or closure);
- (5) expected date of change in service, return to service or closure; and
- (6) signature of owner, operator or an authorized representative.

E. In addition to the written notices described in this section, owners, operators and certified tank installers shall give oral notice at least 24 hours in advance of the commencement of the procedure. In the oral notice, owners, operators and certified tank installers shall describe any changes to the 30-day written notice required in Subsection D of this section, such as different equipment or installation methods.

F. If owners, operators and certified tank installers are separate persons, only one person is required to comply with the notice requirements of this section; however, all parties are liable in the event of noncompliance.

[The bureau has optional forms for use in providing notice required in this section.]

[20.5.8.8 NMAC - Rp, 20.5.8.799 NMAC, 04/04/2008]

#### **20.5.8.9 TEMPORARY CLOSURE AND RETURN TO SERVICE:**

A. When a storage tank system is temporarily closed, owners and operators shall continue operation and maintenance of corrosion protection in accordance with 20.5.5 NMAC, and any release detection in accordance with 20.5.6 NMAC. Owners and operators shall comply with 20.5.7, 20.5.12 and 20.5.13 NMAC if a release is suspected or confirmed. However, release detection is not required as long as the storage tank system is empty. For purposes of this section, storage tank system is empty when all regulated substances have been removed using commonly employed practices so that no more than two and a half centimeters (one inch) of residue, or three-tenths percent by weight of the total capacity of the storage tank system, remain in the system.

B. When a storage tank system is temporarily closed for three months or more, owners and operators shall also comply with all of the following requirements:

- (1) leave vent lines open and functioning;
- (2) cap and secure all other lines, pumps, manways, and ancillary equipment; and
- (3) for ASTs, disconnect and cap all associated piping from the AST as soon as the tank is emptied in accordance with Subsection A of this section.

C. When a UST system is temporarily closed for more than 12 months, owners and operators shall permanently close the UST system if it does not meet either performance standards for new UST systems or the UST upgrade requirements in 20.5.4 NMAC, except that the spill and overfill equipment requirements do not have to be met. When an AST system is temporarily closed for more than 12 months, owners and operators shall permanently close the AST system if it does not meet the performance standards for new AST systems in 20.5.4 NMAC except that the spill and overfill equipment requirements do not have to be met. Owners and operators shall permanently close any substandard storage tank systems at the end of this 12-month period in accordance with 20.5.8 NMAC, unless the department provides an extension of the 12-month temporary closure period. Owners and operators shall complete a site assessment in accordance with 20.5.8 NMAC before applying for such an extension.

D. When a field-erected AST system has been temporarily closed for three to 12 months, and meets the performance standards for new AST systems in 20.5.4 NMAC, prior to placing any regulated substance in the AST system, owners and operators shall:

- (1) perform an internal inspection on the AST in accordance with the current edition of an industry code or standard approved in advance in writing by the department;
- (2) perform a tightness test on all piping in accordance with the current edition of an industry code or standard approved in advance in writing by the department; and
- (3) perform a functionality test on any automatic line leak detectors in accordance with the manufacturer's recommendations.

E. After temporary or permanent closure and before returning any part of a storage tank system to service, owners and operators shall demonstrate the integrity of the entire tank system in a manner approved in advance by the department. American petroleum institute publication RP 1615, "*installation of underground petroleum storage systems*" may be used to comply with this requirement.

[20.5.8.9 NMAC - Rp, 20.5.8.800 NMAC, 04/04/2008]

#### **20.5.8.10 PERMANENT CLOSURE:**

A. To permanently close a tank, owners and operators shall empty and clean it by removing all liquids, accumulated sludges, and vapors. Owners and operators shall properly dispose of any liquids and sludge removed from a storage tank.

(1) Owners and operators shall either remove from the ground all USTs closed permanently or fill them with an inert solid material.

(2) Owners and operators shall perform the following closure operations on ASTs:

(a) ASTs being closed in place shall be rendered vapor free; owners and operators shall make provisions for adequate ventilation to ensure that the AST remains vapor free;

(b) vent lines shall remain open and shall be maintained in accordance with the current edition of a standard or code of practice developed by a nationally recognized association or independent testing laboratory, or manufacturer's recommendations;

(c) all access openings shall be secured, normally with spacers, to assist ventilation;

(d) ASTs shall be secured against tampering and flooding;

(e) the name of the product last stored, the date of permanent closure and "PERMANENTLY CLOSED" shall be stenciled in a readily visible location on each AST;

(f) piping shall be removed or closed in place; if closed in place, piping shall be disconnected from ASTs, rendered vapor free, and filled with inert material, capped or blind flanged; owners and operators seeking to close piping in place shall propose a closure plan for the piping in writing to the department at least 30 days prior to closure; the department may approve the plan on a case-by-case basis, after considering the extent and depth of piping, the proximity of the piping to buildings, the extent of pavement at the facility, and other factors raised by owners and operators; if the department does not approve a closure plan, owners and operators shall remove the piping; and

(g) owners and operators shall dismantle or remove ASTs and secondary containment to the extent needed to conduct the site assessment required in 20.5.8 NMAC.

(3) For mobile ASTs, owners and operators shall perform all of the closure requirements in Paragraph (2) of this subsection, except they need not perform the requirements of Subparagraph (a), (e) or (f) of Paragraph (2) of this subsection. Owners and operators shall remove or cap piping when permanently closing a mobile AST. Owners and operators shall perform a site assessment that complies with the requirements of 20.5.8 NMAC after permanent closure of any permanently installed mobile tank.

B. The current edition of the following cleaning and closure procedures may be used to comply with this section:

(1) American petroleum institute publication RP 1604, "*closure of underground petroleum storage tanks*;"

(2) American petroleum institute standard 2015, "*requirements for safe entry and cleaning of petroleum storage tanks*;"

(3) American petroleum institute publication RP 2016, "*guidelines and procedures for entering and cleaning petroleum storage tanks*;"

(4) American petroleum institute publication 2202, "*dismantling and disposing of steel from aboveground leaded gasoline storage tanks*;"

(5) American petroleum institute publication RP 1631, "*interior lining and periodic inspections of underground storage tanks*," may be used as guidance for compliance with this section; or

(6) the national institute for occupational safety and health "*criteria for a recommended standard: working in confined space*," may be used as guidance for conducting safe closure procedures at some hazardous substance tanks.

C. Owners and operators shall perform an assessment meeting the requirements of 20.5.8.12 NMAC after notifying the department but before completion of permanent closure.

D. Owners and operators that have installed any monitoring wells as release detection pursuant to 20.5.6 NMAC shall properly close the wells in a manner approved by the department as part of permanent closure activities. [20.5.8.10 NMAC - Rp, 20.5.8.801 NMAC, 04/04/2008]

#### **20.5.8.11 CHANGES-IN-SERVICE:**

A. Continued use of a storage tank system to store a non-regulated substance is a change-in-service.

B. Owners and operators shall notify the department in compliance with 20.5.8.8 NMAC of any change in service, and any change in location of ASTs that are operational and registered pursuant to 20.5.2 NMAC.

C. Before a change-in-service, owners and operators shall empty and clean the tank by removing all liquid and accumulated sludge, and shall properly dispose of any liquids and sludge removed from a storage tank. Owners and operators shall also conduct a site assessment meeting the requirements of 20.5.8 NMAC. The current edition of the following cleaning and closure procedures may be used to comply with the requirements of this section:

(1) American petroleum institute publication RP 1604, "*closure of underground petroleum storage tanks*;"

(2) American petroleum institute standard 2015, "*requirements for safe entry and cleaning of petroleum storage tanks*;"

(3) American petroleum institute publication RP 2016, "*guidelines and procedures for entering and cleaning petroleum storage tanks*;"

(4) American petroleum institute publication 2202, "*dismantling and disposing of steel from aboveground leaded gasoline storage tanks*;"

(5) American petroleum institute publication RP 1631, "*interior lining and periodic inspections of underground storage tanks*," may be used as guidance for compliance with this section; or

(6) the national institute for occupational safety and health "*criteria for a recommended standard: working in confined space*," may be used as guidance for conducting safe closure procedures at some hazardous substance tanks.  
[20.5.8.11 NMAC - Rp, 20.5.8.801 NMAC, 04/04/2008]

#### **20.5.8.12 ASSESSING THE SITE AT CLOSURE OR CHANGE-IN-SERVICE:**

A. Before permanent closure or a change-in-service is completed, owners and operators shall measure for the presence of a release where contamination is most likely to be present at the storage tank site.

(1) In selecting sample types, sample locations, and measurement methods, the bureau shall consider the method of closure, the nature of the stored regulated substance, the type of backfill for any USTs, the depth to groundwater, and other factors appropriate for identifying the presence of a release. Examples of sample locations may include but are not limited to piping junctions, under dispensers and under storage tanks.

(2) A bureau inspector may waive the requirement for soil sampling when an AST is closed or may require alternate tests for the presence of a release, based on site specific conditions that demonstrate equivalent environmental protection. For example, at a site where an AST has been operated for less than 10 years with impervious secondary containment, the inspector may waive soil sampling as the secondary containment would have effectively prevented any release outside the containment. The bureau may require soil sampling or a site assessment at a later date if site-specific circumstances indicate that a release may have occurred.

(3) The requirements of this section are satisfied if one of the external release detection methods allowed in 20.5.6.17 and 20.5.6.18 NMAC is operating in accordance with the requirements in 20.5.6 NMAC at the time of closure, and indicates no release has occurred.

B. If contaminated soils, contaminated groundwater, non-aqueous phase liquid or vapor is discovered as a result of activities required by this section, or by any other manner, owners and operators shall notify the department in accordance with 20.5.7 NMAC and begin corrective action in accordance with 20.5.12 and 20.5.13 NMAC.  
[20.5.8.12 NMAC - Rp, 20.5.8.802 NMAC, 04/04/2008]

#### **20.5.8.13 APPLICABILITY TO PREVIOUSLY CLOSED STORAGE TANK SYSTEMS:**

A. When directed by the department, owners and operators of UST systems permanently closed before December 22, 1988, shall assess the excavation zone and close the UST systems in accordance with this part if releases from the UST may, in the judgment of the department, pose a current or potential threat to public health, safety and welfare and the environment.

B. When directed by the department, owners and operators of AST systems permanently closed before August 15, 2003, shall assess the entire AST system area and close the AST systems in accordance with this part if releases from the AST may, in the judgment of the department, pose a current or potential threat to public health, safety and welfare and the environment.

[20.5.8.13 NMAC - Rp, 20.5.8.803 NMAC, 04/04/2008]

#### **20.5.8.14 CLOSURE RECORDS:**

A. Owners and operators shall maintain records in accordance with 20.5.5 NMAC that demonstrate compliance with all closure requirements of this part.

B. Owners and operators shall ensure that the results of the assessment required in 20.5.8.12 NMAC are maintained for at least three years after completion of permanent closure or change-in-service in one of the following ways:

- (1) by the owners and operators who took the storage tank system out of service;
- (2) by the current owners and operators of the storage tank system site; or
- (3) by mailing these records to the department if they cannot be maintained at the closed facility.

[20.5.8.14 NMAC - Rp, 20.5.8.804 NMAC, 04/04/2008]

#### **HISTORY OF 20.5.8 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the commission of public records - state records center and archives.

EIB/USTR-8, Underground Storage Tank Regulations - Part VIII - Out-Of-Service UST Systems And Closure, filed 9/12/88.

EIB/USTR-8, Underground Storage Tank Regulations - Part VIII - Out-Of-Service UST Systems And Closure, filed 8/4/89.

EIB/USTR-8, Underground Storage Tank Regulations - Part VIII - Out-Of-Service UST Systems And Closure, filed 6/12/90.

**History of Repealed Material:** EIB/USTR-8, Underground Storage Tank Regulations - Part VIII - Out-Of-Service UST Systems And Closure (filed 2/27/97), repealed 8/15/03.

20.5.8 NMAC, Petroleum Storage Tanks - Out-Of-Service Systems And Closure (filed 7/16/03) repealed 4/4/08.

**Other History:**

EIB/USTR-8, Underground Storage Tank Regulations - Part VIII - Out-Of-Service UST Systems And Closure (filed 6/12/90) renumbered, reformatted and replaced by 20 NMAC 5.8, Underground Storage Tanks - Out-Of-Service Systems And Closure, effective 11/5/95.

20 NMAC 5.8, Underground Storage Tanks - Out-Of-Service Systems And Closure (filed 10/6/95) was replaced by 20 NMAC 5.8, Underground Storage Tanks - Out-Of-Service Systems And Closure, effective 4/1/97.

20 NMAC 5.8, Underground Storage Tanks - Out-Of-Service Systems And Closure (filed 2/27/97) was renumbered, reformatted and replaced by 20.5.8 NMAC, Petroleum Storage Tanks - Out-Of-Service Systems And Closure, effective 8/15/03.

20.5.8 NMAC, Petroleum Storage Tanks - Out-Of-Service Systems And Closure (filed 7/16/03) replaced by 20.5.8 NMAC, Petroleum Storage Tanks - Out-Of-Service Systems And Closure, effective 4/4/08.

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

Meeting Date: April 14, 2015

Report Date: March 30, 2015 Report No: 22

Submitted By: Rachel Hughes  
Admin. Asst/City Clerk's Office

Approved For Agenda: 

Subject: Notification of Boards and Committees Vacancies.

#### Background:

**Airport Zoning Board.** Two (2) vacancies. Staff Liaison - Jan Wafful  
(Opening due to the resignation of Fran Nelson, Paul Vigneault and Randel Wilson)  
No nominations received.

**Alamogordo Disability Council.** Two (2) vacancies. Staff Liaison - Edward Balderrama  
(Openings due to the resignation of Bradley Mauger and the passing of Ed Grabman.)  
No nominations received.

**Cemetery Board.** One (1) vacancy. Staff Liaison - Jan Wafful  
(Opening due to the passing away of Mary Eastman and the expiring term of Larry T. Rachel)  
No nominations received.

**Community Development Advisory Committee.** Five (5) vacancies. Staff Liaison - Ruben Segura  
(Opening due to the expiring term of Bruce Knee, Susan Payne, Tony Alger and Melanie Hall and the resignation of Arthur Alterson.)  
No nominations received.

**Housing Authority Advisory Board.** One (1) vacancy. Staff Liaison - Maggie Paluch  
*One of the members appointed on December 3<sup>rd</sup> has not returned his acceptance letter, therefore another person needs to be appointed.*  
No nominations received.

**Parks and Recreation Board.** One (1) vacancy. Staff Liaison - Jan Wafful  
(Opening due to the expiring term of Lena Wiley)  
No nominations received.

**Senior Volunteer Programs Advisory Council.** Two (2) vacancies. Staff Liaison - Maria Roque  
(Openings due to the resignations of William Whitley and Thomas Rich V.)  
No nominations received.

#### Reviewed By:

City Attorney \_\_\_\_\_ City Clerk  \_\_\_\_\_ Community Development \_\_\_\_\_ Community Services \_\_\_\_\_  
Finance \_\_\_\_\_ Housing Authority \_\_\_\_\_ Planning \_\_\_\_\_ Personnel \_\_\_\_\_ Public Safety \_\_\_\_\_  
Public Works \_\_\_\_\_ Purchasing \_\_\_\_\_ Assistant City Manager \_\_\_\_\_