



# Alamogordo City Commission

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## NOTICE OF MEETING

### Addendum to

### Regular Meeting Agenda

**Tuesday, August 12, 2014 – 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

#### EXECUTIVE SESSION (Roll Call Vote Required)

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

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



# Alamogordo City Commission

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**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 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>*

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#### CALL TO ORDER & ROLL CALL

*Announce the presence of a Quorum.*

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#### INVOCATION & PLEDGE OF ALLEGIANCE

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#### APPROVAL OF AGENDA

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#### PRESENTATIONS

- 1. German Air Force will be presenting a check to the City of Alamogordo for the sponsorship program at the Alamogordo Family Recreation Center.**
- 2. Presentation related to puppy sales in the City of Alamogordo. (Sunny Aris, Animal Village)**

**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. 10, 11, 12, 13, 14, & 15)**

*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 July 22, 2014 Regular Meeting of the Alamogordo City Commission.** *(Renee Cantin, City Clerk)*
4. **Approve statement related to the Executive Session of July 22, 2014.** *(Renee Cantin, City Clerk)*
5. **Accept the Investment Report for the quarter ending June 30, 2014, in accordance with the City of Alamogordo Investment Ordinance.** *(LeeAnn Nichols, Finance Director)*
6. **Approve a Collective Bargaining Agreement between the City of Alamogordo and the Alamogordo Public Safety Officers Association (APSOA).** *(Stephen Thies, City Attorney)*
7. **Approve an Easement Modification Agreement with NM Gas Company related to the White Sands Regional Airport Runway Extension Project.** *(Nancy Beshaler, Project Manager & Stephen Thies, City Attorney)*
8. **Approve a Special Dispenser Permit Application and a Temporary Alcoholic Beverage Dispenser's License for Carino's Italian for the Cottonwood Festival from August 29<sup>th</sup> to August 31<sup>st</sup> at Alameda Park.** *(Renee Cantin, City Clerk)*
9. **Approve the Public Celebration Permit Applications and a Temporary Alcoholic Beverage Dispenser's License for the Tularosa Basin Wine & Music Fest from September 20<sup>th</sup> to September 21<sup>st</sup>, 2014 at Alameda Park.** *(Renee Cantin, City Clerk)*
10. **Approve Resolution No. 2014-37 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 2014-2015. [Roll call vote required]** *(Veronica Ortega, Alamogordo Senior Center Manager)*
11. **Approve Resolution No. 2014-38 amending the Convenience Center rates. [Roll call vote required]** *(Brian Cesar, Public Works Director)*
12. **Approve Resolution No. 2014-39 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 August 12th, 2014. [Roll call vote required]** *(LeeAnn Nichols, Finance Director)*
13. **Approve Resolution No. 2014-40 authorizing the Mayor to execute the agreement for membership in the Southeastern New Mexico Economic Development District/Council of Governments (SNMEDD/COG). [Roll call vote required]** *(Renee Cantin, City Clerk)*
14. **Approve the final publication of Ordinance No. 1468 amending the Alamogordo Code of Ordinances to add a new section in Chapter 24 concerning vehicle forfeiture. [Roll call vote required]** *(Stephen Thies, City Attorney)*
15. **Approve the final publication of Ordinance No. 1472 creating new Article 7-05 in the Code of Ordinances concerning Pigeon Nuisance and Abatement. [Roll call vote required]** *(Stephen Thies, City Attorney)*
16. **Approve the Award of RFQ No. 2014-04 to Engineers, Inc. for Engineering Services related to Florida Avenue Realignment at First Street and approve negotiation of the professional Engineering Design Services Agreement.** *(Nancy Beshaler, Project Manager)*

17. **Approve the award of RFQ No. 2014-07 to Bohannon-Huston, Inc. for Engineering Services for the Reclaimed Water Line Looping project and approve negotiation of the professional Engineering Design Services Agreement.** *(Nancy Beshaler, Project Manager)*
18. **Approve a request from the Otero County United Way to waive the fees at the convenience center for anyone to dispose of their unwanted waste on September 5, 2014 for the Day of Caring.**

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#### ITEMS REMOVED FROM CONSENT AGENDA

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#### PUBLIC HEARINGS

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19. **Public Hearing, consider, and act upon, Application No. 911558 to grant a transfer of Ownership and Location for Liquor License #0283 from Meridian Investments, LLC to Allsup's Convenience Stores, Inc. d/b/a Allsup's Store No. 95, located at 822 N. Scenic Dr., Alamogordo, NM.** *(Renee Cantin, City Clerk)*

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#### UNFINISHED BUSINESS

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20. **Consider, and act upon, the award of Public Works Bid No. 2014-013 related to Indian Wells Road and Pecan Drive/Washington Avenue Right Turn Lanes.** *(Brian Cesar, Public Works Director)*

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#### NEW BUSINESS

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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)*
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)*
23. **Consider, and act upon, a request to approve to pay a \$750 One-Time Longevity payment to current Non Represented Regular Full Time Employees, and a \$750 pro-rated One Time Longevity payment to Non-Represented Regular Part-Time employees; with a hire date no later than July 1, 2013, as approved during FY 2015 Budget Hearings.** *(Katie Josselyn, Human Resources Manager)*
24. **Consider, and act upon, the first publication of Ordinance No. 1474 adopting the 2013 amendments to the Uniform Traffic Ordinance with certain amendments thereto.** *(Stephen Thies, City Attorney)*
25. **Request for participation in the Extra Mile Day.** *(Susie Galea, Mayor)*
26. **Consider, and act upon, selecting a Voting Delegate and Alternate Delegate for the New Mexico Municipal League Annual Conference Business Meeting being held August 26th – 29th, 2014 in Albuquerque, NM.** *(Renee Cantin, City Clerk)*
27. **Appointments to Boards & Committees.** *(Susie Galea, Mayor)*

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#### PUBLIC COMMENT *(Continued if needed)*

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#### CITY MANAGER'S REPORT

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#### REMARKS AND INQUIRIES BY THE CITY COMMISSION

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#### EXECUTIVE SESSION *(Roll Call Vote Required)*

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

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

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#### ADJOURNMENT

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- (3) Telephone number of applicant;
  - (4) The proposed location from which the animals will be sold;
  - (5) The clerk may require such other information as is deemed necessary in order to determine whether to approve or deny a license under this article.
- (Ord. No. 1328, § 5, 5-13-08)

In addition, Audra Smith from the Police Department also assisted with getting the word out on the Police Department Facebook page.

To date – we attempted to accommodate Ms. Aris' request but we have had NO new applications submitted.

## **ORDINANCE 1328**

### **AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES DEALING WITH ANIMALS**

**WHEREAS**, the governing body of the City of Alamogordo is charged with enacting ordinances for the benefit of the health, safety and welfare of the citizens of the city; and,

**WHEREAS**, the care and keeping of animals has a dramatic impact on the quality of life of the citizens of the city; and,

**WHEREAS**, the governing body finds it necessary to enact certain ordinances to provide for the welfare of animals and to regulate the sales and treatment of animals within the City of Alamogordo.

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

#### **SECTION ONE**

There is hereby enacted a new section of the *Code of Ordinances* as follows:

##### **7-01-067 Injured animals**

Every operator of a motor or self-propelled vehicle upon the streets and ways of the city shall, upon injuring, striking, maiming or running down any animal provide immediate notification to animal control, furnishing sufficient facts relative to the incident or shall immediately transport the animal to a facility where it can receive treatment for its injuries. Such animal shall be deemed an uncared for animal within the meaning of this chapter. Emergency vehicles engaged in an emergency response are excluded from this provision.

#### **SECTION TWO**

##### **7-02-010. Rabies**

Owners or persons responsible for animals within the city are required to have those animals vaccinated for rabies as required by regulations of the New Mexico Environment Department.  
(Ord. No. 682, § 2, 814-84)

#### **SECTION THREE**

##### **7-03-025. Sterilization.**

Every dog and cat adopted from the city animal control center shall be spayed or neutered by a licensed veterinarian at the expense of the adopting party. In

addition to any other lawful fees due, any person reclaiming, adopting, or buying a dog or cat from the city shall pay a sterilization fee equivalent to the city's actual cost for sterilization plus a five-percent administrative fee for the sterilization service. An owner reclaiming their own animal is relieved from the obligations of this section upon execution of a sworn statement from the owner establishing the owner as a hobby breeder.

(Ord. No. 933, §9, 12-12-94; Ord. No. 1180, § 9, 12-9-03)

#### **SECTION FOUR**

##### **7-03-050. Fees.**

The commission will adopt a resolution setting appropriate fees for services provided by the animal control division as appropriate.

(Ord. No. 682, § 2, 8-14-84; Ord. No. 933, § 10, 12-12-94; Ord. No. 967, 12-21-95; Ord. No. 1180, § 11, 12-9-03)

#### **SECTION FIVE**

##### **Article 7-04 Animal Sales**

##### **7-04-010 Licensing**

(a) It shall be unlawful for any person, firm or corporation to offer dogs or cats for sale for profit or as a hobby within the city unless such person, firm or corporation shall have first obtained from the city clerk a license therefore as provided in this article.

(b) The fee for a license to sell a single litter of dogs or cats within a year shall be fifty dollars. The fee for a license to sell more than a single litter of dogs or cats within a year shall be one hundred fifty dollars.

(c) All licenses expire on the first day of January of each year.

(d) The license application shall contain the following information at a minimum:

1. Name of applicant
2. Address of applicant
3. Telephone number of applicant
4. The proposed location from which the animals will be sold
5. The clerk may require such other information as is deemed necessary in order to determine whether to approve or deny a license under this article.

#### **SECTION SIX**

##### **7-04-020 Requirements**

Every licensee will comply with each of the following conditions:

- (a) Every dog or cat offered for sale must be examined by a veterinarian and be certified free of congenital defects, distemper, worms, skin disease, skin and ear mites and other diseases or conditions which would be injurious to the animal or a potential owner.
- (b) Every dog or cat offered for sale will have been vaccinated against distemper by a veterinarian. A certificate providing the name of the veterinarian and the date of treatment must be provided to the purchaser at the time of sale.
- (c) No dog or cat will be transported by a licensee unless housed in a container designed for that purpose including provisions for adequate ventilation and food and water.
- (d) No licensee will allow the whelping of more than one litter per female dog or cat during the license term.

**SECTION SEVEN**

**7-04-030 Exemptions**

Organizations with a valid 501 (c) (3) tax-exempt status are exempt from the licensing provisions of this article.

DONE this 13<sup>th</sup> day of May, 2008.

CITY OF ALAMOGORDO, NEW MEXICO  
a New Mexico municipal corporation

By: Steve Brockett  
Steve Brockett, Mayor



ATTEST:

Renee L. Cantin  
Renee L. Cantin, City Clerk

APPROVED AS TO FORM:

Stephen P. Thies  
Stephen P. Thies, City Attorney

First publication approval: 4/08/08  
First publication: 4/13/08  
Final publication approval: 5/13/08  
Final publication: 5/18/08  
Effective date: 5/23/08

## City Leadership

### City Commission / City Manager

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

**FIRESIDE CHATS** with the City Manager are held on the second Monday of each month. The next one will be **August 11, 2014 at 5:30 PM** in the Southwest Room of the Alamogordo Public Library. Stop by and hear Jim chat about ongoing projects and answer your burning questions!



The City Profile is a publication of the City of Alamogordo and is provided as a service to City residents. Comments, suggestions and unsolicited materials by Alamogordo residents, including reports by community groups and articles that may contain opinion will be considered if sent to: [mwade@ci.alamogordo.nm.us](mailto:mwade@ci.alamogordo.nm.us) or **Megan Wade**, Senior Executive Assistant, City Manager's Office, 1376 E. 9th St. Alamogordo, NM 88310. We reserve the right to edit all submitted entries for length, clarity, style, spelling, and grammar. Published material containing opinions does not necessarily reflect the views of the City of Alamogordo.

*This publication also available on the web.*



Vol. 8, No 7



July 2014

## City of Alamogordo

### CITY PROFILE

*The Friendliest Place on Earth*

#### Message from the Mayor

Did you know that Alamogordo has several sources of water? Most cities draw from only one source, so that makes our water portfolio very diverse and something we can all find assurance from. We utilize over 100 springs in the Sacramento Mountains, well water, Bonito lake and our plan for the future is to add brackish groundwater pumped from wells near the Three Rivers area through desalinization technology.

City employees work hard to pump, purify, and store water. Currently there is over 70% storage in our reservoirs. Use of water during the summer months varies between 5,000,000 gallons a day to 7,000,000 gallons per day. City employees also work hard at the wastewater treatment plant. Did you know that over \$70 million in infrastructure assets is being used to treat our wastewater? The waste water is treated to water our parks with about 1,500,000 to 2,000,000 gallons a day. You, citizens of Alamogordo, have done a good job using water resources wisely. Thank you!

Thank you,  
Susie Galea, Mayor

#### Dog and Cat Breeders



It has come to our attention that some folks may be doing business or advertising to do business in the City of Alamogordo related to the sale of dogs and cats.

People who wish to sell dogs and cats are required to obtain a Commercial Solicitor's License Application and abide by City Code of Ordinances, specifically, sections 7-04-010 and 7-04-020 Licensing Requirements (which can be found on the inside of this newsletter).

If you are selling animals in the city limits, please stop in to the City Clerks Office and complete an application. Non compliance with the licensing and requirement ordinances, as well as selling without a permit is in direct violation of our City Code and one can and will be subject to fines.

We are sending this message out in an effort not only to gain compliance with our guiding laws but also to ensure safe sales of healthy pets.

We thank you for your cooperation and continued support of our Community and its guiding Ordinances. If you have any questions, please feel free to contact the City Clerk at (575) 439-4205 or by email at [rcantin@ci.alamogordo.nm.us](mailto:rcantin@ci.alamogordo.nm.us).

#### FLOWER SHOW



Do you have pretty, award - winning Flowers? Come find out! Enter the Flower Show sponsored by the Blooming Desert Garden Club at the Otero County Fair. Entries must be single stem with no foliage below the water line. Vases will be provided and top finishers receive awards! Entries will be accepted 7-9:30 a.m. on Wednesday, August 13, 2014.

#### New Businesses

Increased Economic Development is a goal we all share and the City would like to recognize New Business in Alamogordo. The following businesses were issued a license in June : For more information on any of these, contact the Clerk at 439.4205.

- Amy Smith Cosmetology
- Golden Age Glass Art
- Kindred Path's
- Lana L Brown, Counseling
- May Pythons
- Nside Furniture
- Rylie's Jumping Balloon and Rental
- Spanky's Frozen Yogurt
- Stay in the Race Network
- Sweet Smiles Photography
- Team Salcido Photography
- Twisted Wrench Automotive
- Wood Restoration with Bob LLC



Want daily updates on happenings around town? Scan the code and "Like" us on Facebook !

**AGENDA REPORT**  
**CITY OF ALAMOGORDO**  
**CITY COMMISSION**

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**Meeting Date:** August 12, 2014      **Report Date:** July 30, 2014      **Report No:** 3

**Submitted By:** Reneé Cantin  
City Clerk      **Approved For Agenda:** 

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**Subject:** Approve the Minutes of the July 22, 2014 Regular Meeting of the Alamogordo City Commission.

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**Recommendation:** Approve the Minutes.

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

The minutes will be emailed to the Commission by Friday, August 8<sup>th</sup>, 2014.

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**Reviewed By:**

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



**AGENDA REPORT**  
**CITY OF ALAMOGORDO**  
**CITY COMMISSION**

**Meeting Date:** Aug 12, 2014

**Report Date:** July 25, 2014 **Report No:** 5

**Submitted By:** LeeAnn Nichols  
Finance Director

**Approved For Agenda:**  \_\_\_\_\_

**Subject:** Investment Report for the quarter ending June 30, 2014, in accordance with the City of Alamogordo Investment Ordinance.

**Fiscal Impact:** N/A  
**Amount Budgeted:** N/A  
**Fund:** N/A

**Recommendation:** Accept the Investment Report for the quarter ending June 30, 2014

**Background:**

The City of Alamogordo ended the quarter with an investment portfolio totaling \$58,223,924. The portfolio was made up of:

State Investment Pool	\$ 206,972	or	0.36%
Short Term Investments	\$ 7,535,713	or	12.94%
US Treasury Notes/Agency Bonds	\$ 36,276,014	or	62.30%
Certificates of Deposits	\$ 14,205,225	or	24.40%
<b>Total Investments:</b>	<b>\$ 58,223,924</b>		

Total gains (losses) for the quarter ended June 30, 2014, on maturities and/or called agency notes were (\$112,932). Interest earned during the quarter on a cash basis was \$111,643.

Interest Income Budget Comparison for all Funds is as follows:

Interest Earned Budget	\$ 200,902	
Interest Received to Date	\$ 457,031	227.49% of budget

**Note:** The investments mature at different times through out the year and 40% of the investments mature within three years. They are reinvested as they mature, so that they continue to roll over to be available for projects when needed.

**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 INVESTMENT REPORT

6/30/14

ID #	ORIGINAL FACE	CURRENT FACE	BOOK PRICE	BOOK VALUE	MARKET PRICE	MARKET VALUE	Date Of Maturity	Purchased Through	Date Of Purchase	FY 13 - 14 Y-T-D Earnings
<b>US TREASURY NOTES/AGENCY BONDS</b>										
Wells Fargo (Albq NM Mun Sch Dist Mun Bond)	375,968	0		0		0	8/1/2016	Wells Fargo	06/13/12	7,144
Wells Fargo (Bernalillo NM Muni Sch Dist #1)	518,895	0		0		0	8/1/2019	Wells Fargo	06/15/12	(851)
Wells Fargo (Santa Fe TX Wtr Impt Rev Ser)	336,322	326,773		326,773		318,615	6/1/2022	Wells Fargo	06/15/12	7,603
Wells Fargo (New Mexico St Severance Tax)	910,120	0		0		0	7/1/2015	Wells Fargo	06/21/12	4,722
Wells Fargo (Gadsden NM Indep Sch Dist #16 Ref-Ser)	573,900	0		0		0	8/15/2017	Wells Fargo	06/21/12	8,907
Wells Fargo (N Mexico Dona Ana Brh Cmnty College C)	116,857	114,226		114,226		109,991	8/1/2022	Wells Fargo	08/13/12	1,235
Wells Fargo (San Juan Cnty N Mex Cent Consindpt S/)	273,275	264,167		264,167		263,350	8/1/2016	Wells Fargo	08/21/12	1,657
Wells Fargo (Carlsbad NM Jt Wtr & Swr)	175,616	168,546		168,546		168,882	6/1/2015	Wells Fargo	09/04/12	1,098
Wells Fargo (Central N Mexico Cmnty Coll GO Series ;	148,378	144,450		144,450		143,783	8/15/2019	Wells Fargo	09/07/12	1,905
Wells Fargo (New Mexico St Hosp Equip Rev Ser 2008	129,162	121,892		121,892		119,463	8/1/2016	Wells Fargo	09/10/12	1,145
Wells Fargo (Los Alamos NM Public Sch Dist Ref)	260,938	255,453		255,453		254,793	8/1/2015	Wells Fargo	09/27/12	1,165
Wells Fargo (Alamogordo NM S/D #1)	357,452	351,723		351,723		350,382	8/1/2014	Wells Fargo	10/10/12	1,166
Wells Fargo (Bernalillo NM Muni Sch Dist #1)	523,195	505,420		505,420		501,125	8/1/2014	Wells Fargo	10/31/12	2,153
Wells Fargo (University N Mex Gallup Branch Cmnty C	157,202	155,887		155,887		154,839	10/15/2020	Wells Fargo	11/21/12	2,885
Wells Fargo (Centrl New Mexico Cmnty Cig UND - E6)	103,383	100,985		100,985		100,268	8/15/2014	Wells Fargo	01/18/13	360
Wells Fargo (Dona Ana Branch Cmnty Cig NM LTD Ta	520,425	505,587		505,587		501,030	8/1/2014	Wells Fargo	01/18/13	1,758
Wells Fargo (Los Lunas N Mexico S/D #1 G.O. SER201	210,080	0		0		0	7/15/2018	Wells Fargo	01/24/13	1,280
Wells Fargo (Albuquerque NM Ser A Gen Purp/Pub Im	563,120	0		0		0	7/1/2017	Wells Fargo	01/30/13	2,361
Wells Fargo (Fannie Mae)	1,000,000	1,000,000		1,000,000		993,957	1/30/2018	Wells Fargo	01/30/13	7,000
Wells Fargo (Fed Home Loan Bk Bond)	1,000,000	1,000,000		1,000,000		979,138	7/25/2018	Wells Fargo	02/08/13	11,085
Wells Fargo (Fannie Mae Unsecdnt Call)	500,000	500,000		500,000		493,174	1/15/2019	Wells Fargo	02/15/13	4,583
Wells Fargo (Fannie Mae)	500,000	500,000		500,000		496,561	2/20/2018	Wells Fargo	02/20/13	3,750
Wells Fargo (Fannie Mae Unsecdnt Call)	500,000	500,000		500,000		497,359	2/21/2018	Wells Fargo	02/21/13	3,500
Wells Fargo (Fannie Mae Unsecdnt Call)	500,000	500,000		500,000		490,308	1/30/2019	Wells Fargo	02/22/13	5,868
Wells Fargo (Rio Rancho NM Wtr & Westwtr Sys Rev R	118,170	115,734		115,734		112,312	5/15/2022	Wells Fargo	03/12/13	3,024
Wells Fargo (San Juan County NM Junior College Dist	57,575	55,950		55,950		55,399	8/15/2017	Wells Fargo	03/25/13	598
Wells Fargo (New Mexico Fin Auth Rev Rev Series 200	135,960	0		0		0	6/1/2019	Wells Fargo	03/25/13	2,376
Wells Fargo (Rio Rancho N Mex Pub Sch Distno 94 Ult	108,638	106,614		106,614		103,064	8/1/2019	Wells Fargo	03/25/13	1,206
Wells Fargo (NMFA Rev Series 2011 C)	609,840	0		0		0	6/1/2019	Wells Fargo	04/04/13	4,668
Wells Fargo (New Mexico St Ult G.O. Series 2013)	311,961	0		0		0	3/1/2019	Wells Fargo	04/23/13	839
Wells Fargo (New Mexico St Ult G.O. Series 2013)	520,575	0		0		0	3/1/2019	Wells Fargo	04/23/13	758
Wells Fargo (Federal Farm Credit Banks Funding Corp	150,000	150,000		150,000		149,532	10/2/2018	Wells Fargo	04/23/13	1,766
Wells Fargo (Federal Farm Credit Bank)	500,000	0		0		0	2/22/2019	Wells Fargo	08/26/13	2,747
Wells Fargo (Fannie Mae Unsecdnt)	523,425	0		0		0	11/21/2018	Wells Fargo	09/13/13	6,183
Wells Fargo (Federal Home Loan Bank)	999,500	999,533		999,533		997,541	12/27/2018	Wells Fargo	12/27/13	8,933
Wells Fargo (Fannie Mae Unsecdnt)	350,000	350,000		350,000		350,344	8/28/2017	Wells Fargo	02/05/14	246
Wells Fargo (Federal Home Loan Bank)	844,586	845,566		845,566		844,018	6/13/2018	Wells Fargo	02/05/14	4,172
Wells Fargo (Fed Home Loan Bk Bond)	828,717	828,717		828,717		822,266	7/11/2019	Wells Fargo	02/05/14	0
Wells Fargo (Federal Home Loan Bank)	507,489	508,197		508,197		507,680	11/21/2019	Wells Fargo	02/05/14	3,051
Wells Fargo (Federal Farm Credit Bank)	2,021,231	2,021,231		2,021,231		2,025,170	7/24/2020	Wells Fargo	03/20/14	0
Wells Fargo (Federal Farm Credit Banks Funding Corp	892,270	892,270		892,270		895,232	3/6/2017	Wells Fargo	03/20/14	0
Wells Fargo (Fannie Mae)	983,030	983,493		983,493		983,491	4/30/2018	Wells Fargo	03/30/14	1,574
Wells Fargo (Fannie Mae)	989,680	989,680		989,680		993,726	8/28/2019	Wells Fargo	03/30/14	0
Wells Fargo (Fannie Mae)	980,870	980,870		980,870		984,572	2/21/2020	Wells Fargo	03/20/14	0
Wells Fargo (Federal Home Loan Bank)	998,000	998,000		998,000		999,487	8/16/2017	Wells Fargo	04/17/14	0
Wells Fargo (Federal Farm Credit Bank)	992,900	993,248		993,248		994,596	6/4/2018	Wells Fargo	04/17/14	1,805
Wells Fargo (Fannie Mae)	990,060	990,060		990,060		987,917	10/4/2019	Wells Fargo	04/17/14	0
Wells Fargo (Federal Farm Credit Bank)	990,410	990,703		990,703		987,099	12/4/2020	Wells Fargo	04/17/14	2,831

ID #	ORIGINAL FACE	CURRENT FACE	BOOK PRICE	BOOK VALUE	MARKET PRICE	MARKET VALUE	Date Of Maturity	Purchased Through	Date Of Purchase	FY 13 - 14 Y-T-D Earnings
Wells Fargo (Fannie Mae)	987,840	988,025		988,025		973,023	12/27/2019	Wells Fargo	06/02/14	1,227
Wells Fargo (Federal Home Loan Bank)	998,611	998,611		998,611		987,117	5/20/2020	Wells Fargo	06/02/14	0
Wells Fargo (Fannie Mae)	991,580	991,580		991,580		980,065	2/22/2021	Wells Fargo	06/02/14	0
Wells Fargo (Federal Home Loan Bank)	539,407	539,407		539,407		535,896	8/20/2021	Wells Fargo	06/02/14	0
Wells Fargo (Freddie Mac)	994,340	994,340		994,340		993,692	4/17/2018	Wells Fargo	06/26/14	0
Wells Fargo (Fannie Mae)	1,164,161	1,164,161		1,164,161		1,161,270	11/15/2017	Wells Fargo	06/26/14	0
RBC (FNMA Partn Cert)	65,273	0		0		0	8/1/2013	RBC	08/26/09	(4)
RBC (FNMA Partn Cert)	72,867	0		0		0	7/1/2013	RBC	08/31/09	39
RBC (FNMA)	102,860	0		0		0	1/1/2014	RBC	11/13/09	1,578
RBC (FNMA)	101,958	(0)		(0)		0	9/1/2013	RBC	11/17/09	(116)
RBC (FNMA)	21,233	0		0		0	10/1/2014	RBC	11/25/09	714
RBC (FNMA)	35,920	0		0		0	8/1/2013	RBC	12/08/09	4
RBC (FNMA)	196,132	0		0		0	8/1/2013	RBC	12/22/09	(109)
RBC (FNMA)	51,332	0		0		0	8/1/2013	RBC	01/15/10	245
RBC (FHLMTN)	838,928	772,337		772,337		767,711	1/15/2015	RBC	07/29/11	8,111
RBC (FNMA MTN)	842,895	780,361		780,361		789,461	10/15/2015	RBC	07/29/11	8,970
RBC (FHLB Gtd. Remic)	428,887	0		0		0	3/14/2014	RBC	09/01/11	2,244
RBC (FNMA MTN)	199,542	0		0		0	11/27/2013	RBC	11/01/11	483
RBC (FHLMTN)	249,993	249,999		249,999		250,739	12/19/2014	RBC	11/17/11	1,877
RBC (FHLMTN)	149,591	149,933		149,933		150,370	12/29/2014	RBC	12/16/11	1,608
RBC (FFCB DEB)	525,759	0		0		0	8/22/2013	RBC	01/27/12	119
RBC (US TREASURY NT)	100,063	0		0		0	1/13/2014	RBC	02/02/12	219
RBC (FNMA)	51,020	47,391		47,391		47,327	8/1/2015	RBC	03/09/12	612
RBC (FNMA MTN)	500,195	500,031		500,031		500,918	10/30/2014	RBC	03/16/12	3,045
RBC (FHLB DEB)	499,655	0		0		0	11/27/2013	RBC	03/19/12	1,038
RBC (FHLMTN)	501,675	0		0		0	12/23/2013	RBC	03/19/12	1,107
RBC (FNMA MTN)	507,934	0		0		0	2/27/2014	RBC	03/19/12	2,200
RBC (FNMA MTN)	501,115	0		0		0	8/9/2013	RBC	03/19/12	897
RBC (FHLMTN)	503,970	0		0		0	10/28/2013	RBC	03/19/12	972
RBC (FHLMTN)	509,136	0		0		0	2/25/2014	RBC	03/19/12	1,055
RBC (FNMA MTN)	504,743	0		0		0	9/23/2013	RBC	03/19/12	999
RBC (FNMA MTN)	503,052	0		0		0	12/18/2013	RBC	03/19/12	1,062
RBC (FNMA MTN)	506,446	0		0		0	8/20/2013	RBC	03/19/12	989
RBC (US TREASURY NT)	356,659	0		0		0	4/15/2014	RBC	04/20/12	1,165
RBC (FNMA)	25,262	25,143		25,143		25,474	4/1/2017	RBC	04/23/12	379
RBC (FNMA DEB)	149,507	149,776		149,776		150,486	7/2/2015	RBC	05/21/12	908
RBC (FHLB DEB)	249,920	249,966		249,966		250,563	11/20/2015	RBC	08/23/12	1,277
RBC (FNMA MTN)	507,456	0		0		0	6/27/2014	RBC	08/30/12	1,579
RBC (FHLMTN)	504,515	500,811		500,811		501,306	11/25/2014	RBC	08/30/12	1,564
RBC (FNMA)	531,973	0		0		0	3/1/2015	RBC	09/14/12	(2,044)
RBC (FNMA)	63,686	7,228		7,228		6,389	3/1/2015	RBC	09/20/12	148
RBC (FNMA GTD. REMIC)	479,738	454,105		454,105		453,642	8/25/2017	RBC	09/28/12	5,363
RBC (FANNIEMAE ACES)	176,748	175,689		175,689		175,303	2/25/2017	RBC	10/30/12	1,550
RBC (FNMA MTN)	1,231,387	1,169,440		1,169,440		1,158,858	3/15/2016	RBC	12/18/12	5,540
RBC (US TREASURY NT)	995,121	996,707		996,707		984,688	11/30/2017	RBC	12/21/12	7,402
RBC (US TREASURY NT)	996,449	998,360		998,360		1,000,156	12/15/2015	RBC	12/21/12	3,788
RBC (FHLMTN)	351,322	244,139		244,139		237,265	7/15/2014	RBC	12/27/12	8,457
RBC (FHLB DEB)	723,628	554,288		554,288		558,226	9/15/2017	RBC	12/27/12	18,747
RBC (US TREASURY NT)	750,266	0		0		0	5/31/2014	RBC	12/28/12	1,688
RBC (FNMA #468957)	313,875	308,234		308,234		308,018	9/1/2016	RBC	01/07/13	2,936
RBC (US TREASURY NT)	1,200,426	0		0		0	6/30/2014	RBC	01/07/13	4,016
RBC (FNMA #469817)	179,710	171,929		171,929		171,601	12/1/2016	RBC	01/08/13	1,745
RBC (FNMA #469673)	260,527	254,062		254,062		253,237	12/1/2016	RBC	01/11/13	2,561
RBC (FNMA #AM0264)	481,012	479,075		479,075		474,715	8/1/2017	RBC	01/15/13	5,086
RBC (FNMA #466534)	310,781	305,174		305,174		301,286	11/1/2015	RBC	01/22/13	2,343

ID #	ORIGINAL FACE	CURRENT FACE	BOOK PRICE	BOOK VALUE	MARKET PRICE	MARKET VALUE	Date Of Maturity	Purchased Through	Date Of Purchase	FY 13 - 14 Y-T-D Earnings
RBC (FNMA GTD. REMIC)	252,500	240,737		240,737		240,865	11/25/2016	RBC	01/30/13	2,110
TOTAL GOVERNMENT AGENCIES		36,276,014		36,276,014	0	36,120,127				249,749
<b>STATE INVESTMENT POOL</b>										
STATE OVERNIGHT POOL - COA	0	0		0		0	Open	State of NM		-
STATE OVERNIGHT POOL - PHA	706,719	206,972		206,972		206,972	Open	State of NM		638
TOTAL STATE INVESTMENT POOL	706,719	206,972		206,972		206,972				638
<b>CERTIFICATE OF DEPOSITS</b>										
First National Bank (CD#78823227)	500,000	0		0		0	2/7/2014	First National	02/07/11	4,726
Western Bank (CD# 81186796)	250,000	253,880		253,880		253,880	2/6/2018	Western Bank	02/06/13	3,124
Western Bank (CD# 81186879)	250,000	253,906		253,906		253,906	3/11/2018	Western Bank	03/11/13	3,124
Western Bank (CD# 81186944)	750,000	761,336		761,336		761,336	3/22/2018	Western Bank	03/22/13	9,068
Western Bank (CD# 81187231)	500,000	502,073		502,073		502,073	2/10/2019	Western Bank	02/10/14	2,073
First Savings Bank (CD#13312297)	250,000	253,880		253,880		253,880	2/7/2018	First Savings I	02/07/13	3,115
First Savings Bank (CD# 13401520)	1,000,000	1,012,583		1,012,583		1,012,583	3/12/2018	First Savings I	03/12/13	10,035
Bank '34 (CD#0101004984)	250,000	250,000		250,000		250,000	2/8/2018	Bank '34	02/08/13	3,725
First American Bank (CD#603372527)	250,000	252,875		252,875		252,875	2/12/2018	First American	02/12/13	2,875
First American Bank (CD# 603372528)	1,000,000	1,010,500		1,010,500		1,010,500	3/22/2018	First American	03/22/13	10,500
Pioneer Bank (CD#30100640)	250,000	253,444		253,444		253,444	2/12/2018	Pioneer Bank	02/12/13	2,519
Bank of the West (CD#029771907)	250,000	253,032		253,032		253,032	3/20/2018	Bank of the W	03/20/13	2,352
Washington Federal (CD# 172-200282-9)	250,000	254,907		254,907		254,907	3/22/2018	Washington F.	03/27/13	3,893
Washington Federal (CD# 172-200283-7)	1,000,000	1,015,373		1,015,373		1,015,373	4/9/2018	Washington F.	04/09/13	12,543
Wells Fargo ST Inv (CD#2306210390)	1,300,256	0		0		0	7/13/2013	Wells Fargo SI	04/14/13	269
Wells Fargo ST Inv (CD#8894479271)	1,204,630	0		0		0	7/27/2013	Wells Fargo SI	04/28/13	249
Wells Fargo ST Inv (CD#2306210283)	1,204,907	0		0		0	7/27/2013	Wells Fargo SI	05/28/13	220
Wells Fargo ST Inv (CD#2306210408)	1,300,791	0		0		0	9/11/2013	Wells Fargo SI	06/13/13	802
Wells Fargo ST Inv (CD#2306210416)	1,300,834	0		0		0	8/12/2013	Wells Fargo SI	06/13/13	513
Wells Fargo ST Inv (CD#8894479289)	1,205,165	0		0		0	7/27/2013	Wells Fargo SI	06/27/13	238
Wells Fargo ST Inv (CD#2306210390)	1,301,090	0		0		0	9/11/2013	Wells Fargo SI	07/13/13	535
Wells Fargo ST Inv (CD#2306210283)	1,205,363	0		0		0	8/26/2013	Wells Fargo SI	07/27/13	228
Wells Fargo ST Inv (CD#8894479271)	1,205,402	0		0		0	9/25/2013	Wells Fargo SI	07/27/13	495
Wells Fargo ST Inv (CD#8894479289)	1,205,402	0		0		0	10/25/2013	Wells Fargo SI	07/27/13	747
Wells Fargo ST Inv (CD#2306210416)	1,301,347	0		0		0	9/11/2013	Wells Fargo SI	08/12/13	246
Wells Fargo ST Inv (CD#2306210283)	1,205,591	0		0		0	11/24/2013	Wells Fargo SI	08/26/13	714
Wells Fargo ST Inv (CD#2306210390)	1,301,625	0		0		0	10/11/2013	Wells Fargo SI	09/11/13	246
Wells Fargo ST Inv (CD#2306210408)	1,301,593	0		0		0	11/10/2013	Wells Fargo SI	09/11/13	514
Wells Fargo ST Inv (CD#2306210416)	1,301,593	0		0		0	12/10/2013	Wells Fargo SI	09/11/13	803
Wells Fargo ST Inv (CD#8894479271)	1,205,898	0		0		0	10/25/2013	Wells Fargo SI	09/25/13	218
Wells Fargo ST Inv (CD#2306210390)	1,301,871	0		0		0	1/9/2014	Wells Fargo SI	10/11/13	803
Wells Fargo ST Inv (CD#8894479271)	1,206,116	0		0		0	1/23/2014	Wells Fargo SI	10/25/13	744
Wells Fargo ST Inv (CD#8894479289)	1,206,149	0		0		0	12/24/2013	Wells Fargo SI	10/25/13	473
Wells Fargo ST Inv (CD#2306210408)	1,302,107	0		0		0	12/10/2013	Wells Fargo SI	11/10/13	246
Wells Fargo ST Inv (CD#2306210283)	1,206,304	0		0		0	1/23/2014	Wells Fargo SI	11/24/13	436
Wells Fargo ST Inv (CD#2306210408)	1,302,353	0		0		0	3/10/2014	Wells Fargo SI	12/10/13	803
Wells Fargo ST Inv (CD#2306210416)	1,302,396	0		0		0	2/8/2014	Wells Fargo SI	12/10/13	514
Wells Fargo ST Inv (CD#8894479289)	1,206,622	0		0		0	1/23/2014	Wells Fargo SI	12/24/13	198
Wells Fargo ST Inv (CD#2306210390)	1,302,674	0		0		0	3/10/2014	Wells Fargo SI	01/09/14	493
Wells Fargo ST Inv (CD#2306210283)	1,206,741	0		0		0	2/22/2014	Wells Fargo SI	01/23/14	218

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Wells Fargo ST Inv (CD#8894479271)	1,206,860	0		0		0	3/24/2014	Wells Fargo SI	01/23/14	456
Wells Fargo ST Inv (CD#8894479289)	1,206,820	0		0		0	4/23/2014	Wells Fargo SI	01/23/14	714
Wells Fargo ST Inv (CD#2306210416)	1,302,910	0		0		0	3/10/2014	Wells Fargo SI	02/08/14	246
Wells Fargo ST Inv (CD#2306210283)	1,206,959	0		0		0	5/23/2014	Wells Fargo SI	02/22/14	685
Wells Fargo ST Inv (CD#2306210390)	1,303,167	0		0		0	4/9/2014	Wells Fargo SI	03/10/14	246
Wells Fargo ST Inv (CD#2306210408)	1,303,156	0		0		0	5/9/2014	Wells Fargo SI	03/10/14	515
Wells Fargo ST Inv (CD#2306210416)	1,303,156	0		0		0	6/8/2014	Wells Fargo SI	03/10/14	804
Wells Fargo ST Inv (CD#8894479271)	1,207,316	0		0		0	4/23/2014	Wells Fargo SI	03/24/14	218
Wells Fargo ST Inv (CD#2306210390)	1,303,413	1,303,958		1,303,958		1,303,958	7/8/2014	Wells Fargo SI	04/09/14	545
Wells Fargo ST Inv (CD#8894479289)	1,207,534	0		0		0	6/22/2014	Wells Fargo SI	04/23/14	457
Wells Fargo ST Inv (CD#8894479271)	1,207,534	1,208,019		1,208,019		1,208,019	7/22/2014	Wells Fargo SI	04/23/14	484
Wells Fargo ST Inv (CD#2306210408)	1,303,670	0		0		0	6/8/2014	Wells Fargo SI	05/09/14	246
Wells Fargo ST Inv (CD#2306210283)	1,207,644	1,207,869		1,207,869		1,207,869	7/22/2014	Wells Fargo SI	05/23/14	226
Wells Fargo ST Inv (CD#2306210416)	1,303,959	1,303,959		1,303,959		1,303,959	8/7/2014	Wells Fargo SI	06/08/14	0
Wells Fargo ST Inv (CD#2306210408)	1,303,917	1,303,917		1,303,917		1,303,917	9/6/2014	Wells Fargo SI	06/08/14	0
Wells Fargo ST Inv (CD#8894479289)	1,207,991	1,207,991		1,207,991		1,207,991	7/22/2014	Wells Fargo SI	06/22/14	0
Wells Fargo (Metlife Bk Natl Assn)	250,000	0		0		0	11/12/2013	Wells Fargo B	11/10/10	1,656
Wells Fargo (Alma Bank)	250,000	0		0		0	11/18/2013	Wells Fargo B	11/18/10	1,048
Wells Fargo (Eaglebank Bethesda MD)	250,000	0		0		0	8/16/2013	Wells Fargo B	02/16/11	1,240
Wells Fargo (Empire Nat'l Bk NY)	250,000	0		0		0	3/28/2014	Wells Fargo B	07/01/11	1,402
Wells Fargo (Enerbank USA)	250,000	0		0		0	7/8/2013	Wells Fargo B	07/07/11	138
Wells Fargo (Beacon Federal)	250,000	250,000		250,000		250,042	7/14/2014	Wells Fargo B	07/13/11	2,500
Wells Fargo (Cardinal Bank)	250,000	0		0		0	2/11/2014	Wells Fargo B	08/11/11	1,426
Wells Fargo (Prudential B-T Hartford CT)	250,000	250,000		250,000		250,761	2/19/2015	Wells Fargo B	08/19/11	2,500
Wells Fargo (Merrick Bank UT)	250,000	0		0		0	8/30/2013	Wells Fargo B	08/31/11	405
Wells Fargo (Citi Bank)	250,000	0		0		0	9/8/2014	Wells Fargo B	09/08/11	2,096
Wells Fargo (Camden Natl Bank)	250,000	250,000		250,000		259,721	9/15/2017	Wells Fargo B	09/16/11	4,250
Wells Fargo (Farm Bureau Bank)	250,000	0		0		0	9/20/2013	Wells Fargo B	09/22/11	277
Wells Fargo (The City NB of Metropolis)	250,000	250,000		250,000		250,862	4/28/2015	Wells Fargo B	09/28/11	2,500
Wells Fargo (Luana Savings Bank)	250,000	250,000		250,000		251,115	10/5/2016	Wells Fargo B	10/05/11	3,000
Wells Fargo (Bank of China NY)	250,000	0		0		0	11/12/2013	Wells Fargo B	11/09/11	1,281
Wells Fargo (Ally Bank UT)	250,000	250,000		250,000		253,971	11/9/2015	Wells Fargo B	11/09/11	3,875
Wells Fargo (Safra Nat'l Bk NY)	250,000	250,000		250,000		250,955	11/17/2014	Wells Fargo B	11/16/11	2,500
Wells Fargo (GE Capital Financial Int)	250,000	250,000		250,000		256,278	11/16/2016	Wells Fargo B	11/16/11	5,250
Wells Fargo (Discover Bank DE)	250,000	250,000		250,000		254,435	5/16/2017	Wells Fargo B	05/16/12	4,375
Wells Fargo (Goldman Sachs Bank)	250,000	250,000		250,000		254,250	5/16/2017	Wells Fargo B	05/16/12	4,500
Wells Fargo (GE Capital Retail)	250,000	250,000		250,000		253,527	5/18/2017	Wells Fargo B	05/18/12	4,375
Wells Fargo (Peapack Gladstone Bk)	250,000	250,000		250,000		254,472	6/12/2017	Wells Fargo B	06/12/12	2,500
Wells Fargo (Huntington Natl Bk OH)	250,000	0		0		0	12/15/2014	Wells Fargo B	06/15/12	1,142
Wells Fargo (Lone Star Natl Bk TX)	250,000	250,000		250,000		249,681	6/15/2015	Wells Fargo B	06/15/12	1,250
Wells Fargo (First Natl Bk Omaha NE)	250,000	0		0		0	9/20/2013	Wells Fargo B	06/20/12	315
Wells Fargo (Sovereign Bank)	250,000	0		0		0	6/20/2014	Wells Fargo B	06/20/12	1,750
Wells Fargo (State Bk of India NY)	250,000	250,000		250,000		254,754	6/22/2017	Wells Fargo B	06/22/12	5,000
Wells Fargo (Bank Holland Mich)	250,000	250,000		250,000		242,794	12/27/2018	Wells Fargo B	06/27/12	3,125
Wells Fargo (Mbank)	250,000	250,000		250,000		253,027	6/26/2016	Wells Fargo B	06/29/12	2,170
Wells Fargo (First Business Bank)	250,000	250,000		250,000		251,429	7/17/2015	Wells Fargo B	07/17/12	1,625
Wells Fargo (American Express)	250,000	0		0		0	7/20/2015	Wells Fargo B	07/19/12	2,161
Wells Fargo (Flushing SB)	250,000	250,000		250,000		251,505	7/27/2015	Wells Fargo B	07/27/12	1,875
Wells Fargo (Sallie Mae Bk)	250,000	250,000		250,000		253,736	8/22/2017	Wells Fargo B	08/22/12	4,250
Wells Fargo (World Finl Cap Bk)	250,000	250,000		250,000		242,841	8/26/2019	Wells Fargo B	08/24/12	4,000
Wells Fargo (Citizens St Bk)	250,000	250,000		250,000		250,279	9/22/2014	Wells Fargo B	09/21/12	1,250
Wells Fargo (Bank Hapoalim NY)	250,000	0		0		0	9/26/2013	Wells Fargo B	09/26/12	1,250
Wells Fargo (Banco Popular North Amer)	125,000	125,000		125,000		125,362	3/7/2016	Wells Fargo B	03/06/13	625

ID #	ORIGINAL FACE	CURRENT FACE	BOOK PRICE	BOOK VALUE	MARKET PRICE	MARKET VALUE	Date Of Maturity	Purchased Through	Date Of Purchase	FY 13 - 14 Y-T-D Earnings
Wells Fargo (Banco Popular North Amer New York)	125,000	125,000		125,000		124,954	3/6/2017	Wells Fargo B	03/06/13	875
Wells Fargo (BMW Bank of NA)	250,000	250,000		250,000		246,661	6/28/2018	Wells Fargo B	06/28/13	3,375
Wells Fargo (American Express)	250,000	250,000		250,000		251,791	8/8/2018	Wells Fargo B	08/08/13	2,395
Wells Fargo (Citi Bank)	250,000	250,000		250,000		250,448	8/14/2018	Wells Fargo B	08/14/13	2,268
Wells Fargo (Bank of Baroda)	250,000	250,000		250,000		251,689	10/9/2018	Wells Fargo B	10/08/13	2,493
Wells Fargo (First Bank of Highland)	250,000	250,000		250,000		251,004	11/27/2018	Wells Fargo B	11/27/13	2,232
Wells Fargo (Marlin Business Bank)	250,000	250,000		250,000		250,334	12/4/2018	Wells Fargo B	12/04/13	2,306
Wells Fargo (Thirrd Federal S&L Assn)	250,000	250,000		250,000		250,280	11/26/2018	Wells Fargo B	02/26/14	0
<b>TOTAL CERTIFICATE OF DEPOSITS</b>		<b>21,113,501</b>		<b>21,113,501</b>		<b>21,156,456</b>				<b>192,304</b>

**MONEY MARKET ACCOUNTS**

Wells Fargo Brokerage Money Market	0	0		0		0	Open	Wells Fargo	11/01/00	0
Wells Fargo ST Money Market 6810881786 - changed i	627,437	627,437		627,437		627,437	Open	Wells Fargo	01/25/13	14,340
<b>TOTAL MONEY MARKET ACCOUNTS</b>	<b>627,437</b>	<b>627,437</b>		<b>627,437</b>		<b>627,437</b>				<b>14,340</b>

Total Interest **457,031**

<b>GRAND TOTALS</b>		<b>58,223,924</b>	<b>0</b>	<b>58,223,924</b>		<b>58,110,992</b>				
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BOOK VALUE OF INVESTMENTS	58,223,924
MARKET VALUE OF INVESTMENTS	58,110,992
GAIN / (LOSS)	(112,932)
Loss/Gain Percentage of Investment Portfolio	-0.19%

**AGENDA REPORT**  
**CITY OF ALAMOGORDO**  
**CITY COMMISSION**

**Meeting Date:** August 12, 2014      **Report Date:** July 30, 2014      **Report No:** 6

**Submitted By:** Stephen P. Thies      **Approved For Agenda:** 

**Subject:** Consider and act upon a new Collective Bargaining Agreement between the City of Alamogordo and the Alamogordo Public Safety Officers Association

**Fiscal Impact:** \$100,000  
**Amount Budgeted:** \$50,000  
**Fund:** Fund 11 (General Fund)

**Recommendation:** Approve Collective Bargaining Agreement

**Background:** The Alamogordo Public Safety Officers Association (APSOA) represents both the City's police officers and firefighters. The existing collective bargaining agreement expired on June 30, 2013. Negotiations have been ongoing between the parties' respective negotiating teams in excess of a year. Although significant progress was made on some minor financial and other non-financial issues, no agreement could be reached on pay increases. As a result, when no agreement was reached prior to the expiration of the collective bargaining agreement on June 30, 2013, the level of compensation being paid to the officers and firefighters was frozen at the 2012/2013 fiscal year levels. Negotiations continued after that date until this past April when the parties declared an impasse.

On June 24<sup>th</sup>, the respective negotiating teams participated in mediation. Although no consensus was reached on a long-term agreement, the parties were able to reach an understanding on short-term financial issues. An amendment to the expired collective bargaining agreement was presented to the City Commission at its July 8<sup>th</sup> meeting. The City Commission approved the amendment but APSOA elected not to do so. As a result, additional meetings were held with APSOA's negotiating team in an effort to revolve certain issues in order to bring forth a complete agreement. The attached agreement is a result of those additional meetings.

In addition to the financial package previously contained in the MOU, the attached agreement creates a number of new specialty positions. Whenever an officer is assigned to a specialty position, the officer receives approximately a 3% pay increase over their current base rate.

**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 \_\_\_\_\_

Other significant changes to the prior contract involve light duty for off-duty injuries and a conversion for sick/vacation leave to a system of paid-time-off (PTO). With respect to the former, the City previously had no contractual obligation to provide light-duty work to an officer who sustains an off-duty injury. The change provides that the City will attempt to place an injured officer in an open position for up to 60 days. The City will not create a new position, the position must be a budgeted, unfilled position.

As for the conversion to system of PTO, other than police officers and firefighters, all other City employees receive PTO instead of sick/vacation leave. Existing accrual rates for the sick/vacation leave remain unchanged. They have been converted to a PTO system. Use of PTO for this class of employees will save administrative time.

The term of the new agreement is only 11 months. It expires at the end of the current fiscal year.

Staff recommends approval of the agreement.

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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 \_\_\_\_\_

## **Preamble Original Language**

### **PREAMBLE**

THIS AGREEMENT has been made and entered into between the CITY OF ALAMOGORDO (hereinafter referred to as the "Employer" or the "City") and the ALAMOGORDO PUBLIC SAFETY OFFICERS ASSOCIATION (hereinafter referred to as the "APSOA" or the "Association.")

The parties agree that their respective policies will not violate the rights of any employee covered by this Agreement because of race, age, sex, color, national origin, union, or non-association affiliation. Neither party will tolerate sexual harassment.

The overall purpose of this Agreement is to provide for orderly and constructive employee relations in the public interest, and in the interest of all employees herein covered, and in the interest of the City to maintain harmony, cooperation, and understanding between the Employer and the Employees in the Unit, to protect the rights of the City Employees, to protect the rights of the Employer, and to protect the delivery of services to the citizens of the City of Alamogordo.

The City, the Association, and its members agree that every effort will be made to administer and abide by this Agreement in accordance with the true intent of its terms and provisions to the end of maintaining sound labor management relations.

## **Section 1 Original Language**

### **SECTION 1. SCOPE OF AGREEMENT**

**A.** This Agreement relates to the Employees of the City in the designated collective bargaining unit. The parties do hereby acknowledge that this Agreement represents an amicable understanding reached by both parties as the result of negotiations of the parties as provided in the City of Alamogordo Labor-Management Relation Ordinance No. 789.

**B.** This Agreement is the only Agreement of the parties. Neither party has an obligation to open negotiations prior to 90 days before the expiration of this Agreement; however, by mutual agreement the parties may open negotiations at any time.

## **Section 2 Original Language**

### **SECTION 2. RECOGNITION**

The City recognizes the Association as the sole exclusive bargaining representative in all matters pertaining to wages, hours, working conditions, and other conditions of employment for the employees in the Unit described in this "Agreement". The City recognizes the Union as the exclusive bargaining agent for all regular, full-time, non-probationary Firefighters and Police Officers through the rank of Sergeant.

**Section 3 Original Language**

**SECTION 3. ASSOCIATION RIGHTS**

- A. The Association shall represent the employees in negotiations and in grievances related to this contract.
- B. The Association shall be entitled to dues deduction upon presentation of dues deduction authorization cards signed by the individual employee.
- C. The Association shall be the exclusive bargaining representative during the term of this agreement in accordance with the City of Alamogordo Labor-Management Relation Ordinance No. 789.
- D. The Association President, or the President's designee, upon the approval of the Director of Public Safety, will be allowed reasonable time off with pay to assist in employee/management matters.
- E. The Association may distribute information prior to or immediately following the daily briefing. City shall provide space for a bulletin board for the posting of official Association notices and other information, except religious, partisan, derogatory, or discriminatory notices. The bulletin board will not be used to criticize the Association, any Association policies, any Association officials, Management, Management policies or any Management employees or the City.

**Section 4 Original Language**

**SECTION 4. ASSOCIATION MEMBERSHIP DUES DEDUCTIONS**

- A. Upon receipt of a voluntary authorization dues deduction card executed by an employee who is covered by this bargaining unit, the employee may have membership dues deducted by the City in accordance with the dues levied by the Association in accordance with its constitution and its by-laws. Employees may cancel their dues deduction authorization at any time subject to a fifteen- (15) working day written notice to the human resources office, which will then notify the Association.
- B. The City agrees to forward to the Association all dues withheld pursuant to valid authorization cards. Dues withheld will be forwarded to the Association each pay period.
- C. Should an issue arise as to the amount deducted, the City's only obligation is to present factual material as to the amount actually deducted. Any adjustment shall be handled strictly between the employee and the Association.

- D. The Association shall indemnify, defend and save the City harmless against any and all claims, demands, suits or any other forms of liability that shall arise out of or as a result of any conduct taken by the City for the purpose of complying with this section.
- E. The City agrees to provide the Association a list of employees in the bargaining unit upon request. The list shall include the employee's name and position.

## **Section 5 Language Change**

### **SECTION 5. INJURY LEAVE WITH PAY**

In the event the disability lasts more than seven (7) calendar days, the employee becomes eligible for Worker's Compensation Indemnity or may elect to use accrued PTO leave for the seven (7) days prior to Worker's Compensation being paid by the provider. The employee will then be compensated at a rate not to exceed the difference between Worker's Compensation indemnity received and the employees' base pay, less tax withholding, for a period not to exceed sixty (60) calendar days within one year from the date of the injury. In the event the temporary disability continues beyond this period, the employee then may use accrued PTO leave. If the injury is determined to be permanent, the employee shall be entitled to receive injury leave with pay until PERA disability payments begin, up to an additional sixty (60) calendar days. PTO leave is accrued during injury leave. Employees must at anytime submit to certification by the City's designated physician that the employee's injury requires the employee be absent from work. As a condition of employment, the employee must cooperate with the City in any legal actions to recover damages, benefits, settlements, or in any court action.

- A. Any employee injured in an accident arising out of and in the course of his/her employment or who has acquired an occupational disease as defined by the State of New Mexico Statute shall receive prompt medical attention at the City's expense under the Workers' Compensation Program.
- B. The City Manager, or designee, is in charge of medical referrals and the investigation, processing, and settlement of claims resulting from injury to an employee. The injured employee shall report all on-the-job injuries within twenty-four (24) hours. The City Manager, or designee, will make a report to the State of New Mexico Labor and Industrial Safety Commission and conduct a full investigation if necessary.
- C. Following an injury that requires absence from work for more than three (3) calendar days, an employee must be cleared for return to work by the Human Resources Director, as the City may require a medical examination of the employee by a physician designated by the City. Questions of comprehensibility and settlement of claims from Worker's Compensation shall be referred to the Worker's Compensation Insurers.
- D. The City agrees to continue paying the employer portion of medical benefits while employee is on injury leave with pay.
- E. In the event an employee on-the-job suffers an on-the-job injury, which by its nature cannot heal within sixty (60) calendar days after release from a hospital, or contracts a potentially disabling disease or illness that would temporarily disable the employee beyond the sixty

(60) calendar days established in paragraph one, the injury leave with pay may continue for an additional ninety (90) calendar days. An employee that refuses to participate in a City provided Inoculation Program shall not be eligible for the additional injury leave with pay for a disabling disease for which said Inoculation would provide protection.

- F. The City agrees to provide light duty work only as the result of an on-the-job injury after a licensed physician's determination that the employee cannot return to his/her normal duties, and after that physician has defined the employee's limitations and abilities and declares the employee will be able to return to full duty after a specified period of time. Light duty shall be limited to two hundred ten (210) calendar days. Priority will be given to placing the employee within the Alamogordo Police Department and Alamogordo Fire Department, but may be any position within the City for which a vacancy exists. Such assignment will not result in the employee being paid at less than his/her current rate of pay.
- G. The City agrees to provide light duty work only as the result of an off-the-job injury after a licensed physician's determination that the employee cannot return to his/her normal duties, and after that physician has defined the employee's limitations and abilities and declares the employee will be able to return to full duty after a specified period of time. Light duty shall be limited to sixty (60) calendar days in a COA fiscal year. Priority will be given to placing the employee within Alamogordo Police Department and Alamogordo Fire Department, but may be any position within the City for which a vacancy exists, without creating a new position for the injured employee. Such assignment will not result in the employee being paid at less than his/her current rate of pay.

Nothing in this section prevents the City Manager from extending the terms set forth herein based on medical information that indicates the extension will allow the employee to return to duty.

## **Section 6 Original Language**

### **SECTION 6. LAYOFF AND RECALL**

- A. When it is necessary to have a reduction in the City's work force, employees will be laid off in reverse order of seniority within classification. Seniority for the purposes of Layoff and Recall is defined as full-time regular continuous employment with the City (date of hire) applied to the classification held.
- B. Employees subject to layoff who have held a prior classification shall have the right to bump to that prior classification provided that the employee is still fully qualified to do the work and the employee has greater seniority in total City employment than the incumbent.
- C. The City shall notify the affected employee(s) and the Association by letter at least thirty (30) calendar days prior to any reduction in force. The Association will be afforded the opportunity to meet with the City to discuss the circumstances requiring the layoff and any proposed alternatives. Employees laid off due to reduction in work force will be called back to work by classification in their seniority order.

- D. Laid off employees have the responsibility of keeping the City informed as to their correct mailing address. The City will advise the employee to be recalled by certified or registered United States mail. A copy of such recall notice will be furnished to the President of the Association. An employee receiving notice of recall, will, within seven (7) working days, acknowledge receipt by certified or registered mail advising the Human Resources Director of the date he/she will be available for service, which available date must not be later than thirty (30) calendar days from the day the employee receives the recall notice. Employees failing to comply with this section forfeit their recall rights. It is understood that the City will have discharged its obligation of notification to laid off employees by having forwarded the recall notice as herein outlined. Employees shall retain seniority held at the time of layoff.
- E. Employees on layoff status will be terminated one (1) year from the effective date of layoff if they have not been recalled.

### **Section 7 Original Language**

#### **SECTION 7. LEGAL PROTECTION**

- A. Should a public employee covered by this agreement be sued in a civil action for any allegations arising out of the course and scope of the officer's employment, the City will defend and indemnify the employee pursuant to the requirements of the New Mexico Tort Claims Act, Section 41-4-1 et. seq., NMSA, as amended.
- B. It is understood by the parties that it is against public policy to defend a public employee in a criminal suit once the public employee is indicted for a criminal act.
- C. In the event a public employee covered by this agreement is sued in a civil action in which punitive damages are alleged, and the employee was not personally served with the summons and complaint, it shall be the duty of the City to notify the employee in writing through delivery of a copy of the complaint within 10 days of receipt of the suit by the City Attorney. This provision shall only apply to suits filed after the effective date of this agreement.
- D. Any public employee covered by this Agreement for whom the City provides a defense shall cooperate fully with the City for the duration of the litigation, including any and all appeals.
- E. For the purpose of this section and agreement, the phrase "course and scope of duty" means the lawful acts in which the public employee covered by this Agreement is requested, required, or authorized to perform by the City.

### **Section 8 Original Language**

#### **SECTION 8. LOST OR STOLEN PROPERTY**

Officers who have lost, damaged or have had City property stolen in the line of duty, regardless of the costs, will not be required to reimburse the City, with the exception of behavior deemed by the Director of Public Safety to be negligent or blameworthy carelessness. The City will reimburse a Member of the Association up to the replacement cost for health aids such as

prescription eyeglasses or contact lenses, false teeth, hearing aids, prosthesis, or any required equipment as determined by the Director, damaged in the line of duty as a result of a direct delivery of service. This language is not intended to allow for the replacement of old worn out health aids, uniform apparel or required equipment. The incident must not be determined to be due to the member's own negligence. All instances of lost, damaged, or stolen property will be reported to the member's supervisor on duty, in writing, at the time of occurrence or before the end of the shift. Failure to notify the supervisor will negate any claim for replacement. Where practicable, damaged property shall be presented to the Department for inspection, prior to replacement and shall be turned in for destruction at the time of replacement. All members of the bargaining unit shall be responsible for the safekeeping of all equipment provided by the Department. Any member who fails to safeguard any such equipment or who willfully destroys the equipment may be charged for replacement on a fair "wear and tear" basis.

### **Section 9 Original Language**

#### **SECTION 9. PERFORMANCE EVALUATIONS**

- A.** Any member may review a negative performance evaluation through the chain of command up to the Department Director.
- B.** The member may document his/her point of view on any evaluation. Such documentation will be in writing and will be made a part of his/her personnel file.
- C.** Members shall be required to sign the performance evaluation but will be allowed to indicate that he/she does not concur with the performance evaluation.
- D.** The Member's evaluation shall be completed as provided by sections 3-3-01 through 3-3-1- of Department's rules and regulations.

### **Section 10 Original Language**

#### **SECTION 10. LEAVE FOR CITY BUSINESS**

Leave with pay may be authorized for a member of the Association to attend official meetings where the good of the City service is involved or to conduct the City's business at a location other than the member's normal work station.

### **Section 11 Original Language**

#### **SECTION 11. BEREAVEMENT LEAVE**

The City shall allow up to three (3) consecutively scheduled work days of bereavement leave for bargaining unit members who sustain a death in their immediate family for the purpose of attending the funeral. The amount of bereavement leave allowed up to the limits specified will be at the discretion of the Police Chief and/or Fire Chief in each instance. The "immediate family" for the purpose of this provision is defined as: spouse, children, brother, sister, parent,

grandchild, grandparent, step, half, and in-law relatives of the same, and any other person deemed as immediate family at the discretion of the Police Chief and/or Fire Chief. Any member who must travel 500 miles or more one way will be allowed an additional scheduled work day of Bereavement Leave for a total of four consecutively scheduled work days during any one instance. Should a covered employee take other leave to be present with an immediate family member and the family member passes during this leave, the employee may then utilize the bereavement leave retroactively. For purposes of this section, intervening scheduled days off shall not be counted against the total bereavement leave allotment. By way of example, a patrol officer working the work shift of three days on, two days off and two days on who takes bereavement leave commencing with the second regularly scheduled work day of the three days on segment of the work shift would be allowed bereavement leave for the second and third regularly scheduled work days along with the first day of the next regularly scheduled two days on.

Employees may use additional PTO leave or leave without pay, at the option of the employee and with the Police Chief and/or Fire Chief's approval. Documentation of death may be required.

#### **Section 12 Original Language**

### **SECTION 12. FAMILY LEAVE**

Family leave will be administered in accordance with the Family Medical Leave Act and the City Personnel Manual.

#### **Section 13 Original Language**

### **SECTION 13. EMPLOYEE PERSONNEL FILE**

- A.** A copy of any material pertaining to an employee's performance or to disciplinary actions to be placed in the employee's personnel file must be presented to the employee for signature and review.
- B.** All employees shall be allowed to review the contents of their personnel file, with the exception of medical files, during normal working hours (8:00 A.M. to 5:00 P.M.) Reasonable requests for copies of documents in the file shall be honored.
- C.** The personnel file kept by the Human Resources Office is the official employee file.
- D.** Departmental working files may be viewed upon request to the Department Director.
- E.** Personnel Department files are permanent records of an employee's performance with the City. Such files will not be purged, except as provided by law.

#### **Section 14 Original Language**

### **SECTION 14. DISCIPLINARY ACTION**

Disciplinary action will be implemented in accordance with the City Personnel Manual.

**SECTION 15. HOURS OF WORK/WORK PERIOD**

**A. Patrol Officers.** The normal work day for every patrol officer shall be twelve (12) hours and ten (10) minutes. Regular hours of work each day shall be consecutive. It is understood that the beginning time for each 12-hour, ten (10) minute shift may be adjusted at the discretion of the shift supervisor upon five days’ notice unless exigent circumstances warrant shorter notice. Scheduling errors by management do not constitute exigent circumstances. The work period for every patrol officer shall consist of eighty and one-half (80.5) hours in a fourteen (14) consecutive day period. The work schedule for all police officers assigned to patrol duties shall consist of a seven (7) day work schedule during a fourteen (14) day period. During the fourteen (14) day period, each officer shall work two (2) days on, two (2) days off, three (3) days on, two (2) days off, two (2) days on, and three (3) days off. Police officers shall be divided among two different scheduling groups (Watch A and Watch B), each of which will maintain this same schedule but will start the repeating cycle on a different week. After ratification of this Agreement by both parties, implementation of the new schedule shall occur at the start of the next pay period immediately following the time when both shifts complete an 80.5 hour work schedule. Each patrol officer will have an uninterrupted and non-compensated meal break of forty-five (45) minutes. Due to the City’s timekeeping system of one quarter (1/4) hour increments, this will result in paid shift length of eleven and one half (11 ½) hours per scheduled shift.

The following table exemplifies the above described schedule:

Patrol

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<b>Work</b>	<b>Work</b>	<b>Off</b>	<b>Off</b>	<b>Work</b>	<b>Work</b>	<b>Work</b>
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<b>Off</b>	<b>Off</b>	<b>Work</b>	<b>Work</b>	<b>Off</b>	<b>Off</b>	<b>Off</b>

**B. Specialty Positions.** The Police Chief shall have the sole discretion to create and determine who shall be assigned to specialty and administrative positions. Only those specialty positions listed in Section 28 shall receive specialty pay. Work schedules for specialty positions as created and determined by management will consist of periods of work with fixed starting and ending dates or times whichever is applicable. The work period for all members of the bargaining unit assigned to specialty and administrative positions shall consist of eighty and one-half (80.5) hours in a fourteen (14) consecutive day period.

**C. Firefighters.** The work schedule for all Firefighters shall be determined by management. Work schedules will consist of periods of work with fixed starting and ending dates or times. The work period for all Firefighters shall consist of one hundred-six (106) hours in a fourteen (14) consecutive day period.

**D. Sergeants.** The work schedule for all members of the bargaining unit holding the rank of sergeant who have patrol supervisory responsibility shall consist of a seven (7) day work

schedule during a fourteen (14) day period. During the fourteen (14) day period, each officer shall work two (2) days on, two (2) days off, three (3) days on, two (2) days off, two (2) days on, and three (3) days off. The work schedule for all other members of the bargaining unit holding the rank of sergeant shall be determined by management. Work schedules will consist of periods of work with fixed starting and ending dates or times whichever is applicable. The work period for all members of the bargaining unit holding the rank of sergeant shall consist of eighty and one-half (80.5) hours in a fourteen (14) consecutive day period.

#### **Section 16 Original Language**

#### **SECTION 16. FIREFIGHTERS SLEEP TIME**

- A. Firefighters assigned to 24 hour 10 minute-schedule will not be paid for sleep time.
- B. Normally scheduled sleep time will be 2200 hours until 0600 hours the following day for Firefighters and Fire Lieutenants who are scheduled to work more than 2104.5 hours per year.
- C. If sleep time is interrupted by a call to duty, the employee will be compensated for a minimum of one (1) hour straight time. A call to duty is defined as an incident that requires a written report.
- D. An employee will be allowed at least five (5) hours sleep during this sleep time. However, this time need not be continuous uninterrupted hours. Employees who do not receive five (5) hours of sleep time will be compensated for the entire sleep period at their normal hourly rate.

#### **Section 17 Original Language**

#### **SECTION 17. STANDBY TIME**

Employees who are required by their supervisor and scheduled to be "on standby", meaning accessible by telephone or pager, and to return to duty when called, shall be compensated at the rate of one (1) hour of their usual pay for every twenty four (24) hours on call. Duties actually worked in response to calls shall be compensated at regular time or overtime as applicable. When an employee is required to work overtime at hours not adjacent to the employee's normal work hours, a minimum of one-hour compensation will be paid.

#### **Section 18 Original Language**

#### **SECTION 18. COURT TIME**

Members, who are called in Off Duty for actual court matters, including DVD hearings or pretrial conferences, will receive a minimum of one (1) hour of overtime or compensatory time at one and one-half (1½) their regulator rate. Members will continue to be paid or accrue compensatory time at a rate of one and one-half (½) times their regular rate for all time required

in court, MVD hearings or pre-trial conferences beyond one (1) hour. Court time shall be considered time worked for regular compensation and overtime compensation purposes.

## Section 19 Original Language

### SECTION 19. OVERTIME

- A. "Time Worked" Defined:** The following provision constitutes the understanding of the parties with respect to defining time worked for the purpose of determining the number of hours required for overtime compensation eligibility. "Time worked" for all members of the bargaining unit except Firefighters shall include all hours actually spent performing the duties of the assigned job, rounded up or down to the next quarter hour, and court time, but explicitly excludes PTO leave, holiday leave, compensatory time, disciplinary action, or workers' compensation. "Time worked" for Firefighters shall include all hours actually spent performing the duties of the assigned job, rounded to the next quarter hour, and explicitly excludes PTO leave, holiday leave, compensatory time, disciplinary action, or workers' compensation.
- B. Police Officers.** Except as provided below, members of the bargaining unit who are assigned to and perform the duties of a police officer, including those members who hold the rank of sergeant, shall earn overtime at one and one-half (1½) their regular rate of pay when working more than 80.5 hours in a 14 consecutive day period.
- C. Specialty and Administrative Positions.** Members of the bargaining unit assigned to specialty and administrative positions, including those members who hold the rank of sergeant, shall earn overtime at one and one-half (1½) their regular rate of pay when working more than 80.5 in a 14 consecutive day period.
- D. Firefighters and Fire Safety Officer** Members of the bargaining unit who are assigned to and perform the duties of a Firefighters and fire safety officer shall earn overtime at one and one-half (1½) their regular rate of pay when working more than 106 hours in a 14 consecutive day period.

## Section 20 Original Language

### SECTION 20. SAFETY PROGRAM

The City and the Association agree to use their best efforts to promote and provide a safe work environment. The City's Safety Committee will consist of equal union and management representation. In the event AFSCME does not provide representation, APSOA will be afforded the opportunity to provide equal representation. Safety equipment and devices deemed appropriate by the City will be furnished and maintained by the City and all employees represented by Association agree to properly use said devices and equipment.

## **Section 21 Original Language**

### **SECTION 21. GRIEVANCE PROCEDURE**

- A.** Upon agreement by both the City and the Officer, the Officer's representative shall be allowed to address the grievance/appeal on the Officer's behalf.
- B.** As a condition of employment, employees are required to appear as witnesses in grievance hearings when requested by the aggrieved employee or by the City. Requests for appearance of witnesses will be made through the Human Resources Office. Any employee called as a witness during working hours shall be paid at his/her regular rate of pay. The employee shall be required to return to work when he/she is no longer needed as a witness.
- C.** Employees called as witnesses during time off shall be paid in accordance with the Fair Labor Standards Act (FLSA) by the City for the time spent at the hearing.
- D.** Grievances will be handled in accordance with the City Personnel Manual.

## **Section 22 Original Language**

### **SECTION 22. INTERNAL AFFAIRS**

To insure that investigations by the Internal Affairs Unit are conducted in a manner conducive to public confidence, good order, discipline, good management practices, and recognizing the individual rights of each member of the department, the investigation will be done in accordance to the New Mexico Peace Officer's Employer-Employee Relations Act, Sections 29-14-1 to 29-14-11 NMSA 1978, et seq., as amended for those members covered by the Act.

## **Section 23 Language Change**

### **SECTION 23. PTO (PAID TIME OFF)**

- A.** A leave conversion to PTO Leave will be implemented within ninety (90) days of ratification of this agreement, with an initial target date of November 13, 2014. Bargaining unit employees will total up all current sick time, floating holiday, and vacation time and convert to a PTO (Paid Time Off) system. The provided chart will serve as the accrual rate. If the maximum hours balance is greater than the current allowed maximum hours, the current number will serve as their maximum carry over hours until the employee reaches the current maximum balance. If the employee drops below their higher maximum balance, that number will serve as their maximum balance until the balance is according to provided chart.

(PROVIDED COPY OF PTO CHART)

**APSOA PTO ACCRUAL CHART FY 2015**

YOS	8HR VAC	8HR SICK	8FH	TOTAL HRS	TOTAL DAYS	PP ACCRUAL	CARRY OVER MAX	CONV MAX	MIN BAL
0-5	80	80	8	168	21	6.46	480	80	240
6	88	80	8	176	22	6.77	480	80	240
7	96	80	8	184	23	7.08	480	80	240
8	104	80	8	192	24	7.38	480	80	240
9	112	80	8	200	25	7.69	480	80	240
10-15	120	80	8	208	26	8.00	480	80	240
16	128	80	8	216	27	8.31	480	80	240
17	136	80	8	224	28	8.62	480	80	240
18	144	80	8	232	29	8.92	480	80	240
19	152	80	8	240	30	9.23	480	80	240
20+	160	80	8	248	31	9.54	480	80	240

YOS	10HR VAC	10HR SICK	10FH	TOTAL HRS	TOTAL DAYS	PP ACCRUAL	CARRY OVER MAX	CONV MAX	MIN BAL
0-5	100	100	10	210	21	8.08	600	100	300
6	110	100	10	220	22	8.46	600	100	300
7	120	100	10	230	23	8.85	600	100	300
8	130	100	10	240	24	9.23	600	100	300
9	140	100	10	250	25	9.62	600	100	300
10-15	150	100	10	260	26	10.00	600	100	300
16	160	100	10	270	27	10.38	600	100	300
17	170	100	10	280	28	10.77	600	100	300
18	180	100	10	290	29	11.15	600	100	300
19	190	100	10	300	30	11.54	600	100	300
20+	200	100	10	310	31	11.92	600	100	300

YOS	11.5HR VAC	11.5HR SICK	11.5FH	TOTAL HRS	TOTAL DAYS	PP ACCRUAL	CARRY OVER MAX	CONV MAX	MIN BAL
0-5	115.0	115	11.5	241.5	21	9.29	690	115	350
6	126.5	115	11.5	253.0	22	9.73	690	115	350
7	138.0	115	11.5	264.5	23	10.17	690	115	350
8	149.5	115	11.5	276.0	24	10.62	690	115	350
9	161.0	115	11.5	287.5	25	11.06	690	115	350
10-15	172.5	115	11.5	299.0	26	11.50	690	115	350
16	184.0	115	11.5	310.5	27	11.94	690	115	350
17	195.5	115	11.5	322.0	28	12.38	690	115	350
18	207.0	115	11.5	333.5	29	12.83	690	115	350
19	218.5	115	11.5	345.0	30	13.27	690	115	350

20+	230.0	115	11.5	356.5	31	13.71	690	115	350
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YOS	16.25HR VAC	16.25HR SICK	16.25FH	TOTAL HRS	TOTAL DAYS	PP ACCRUAL	CARRY OVER MAX	CONV MAX	MIN BAL
0-5	86.25	120	16.25	222.50	13.69	8.56	600	120	300
6	94.88	120	16.25	231.13	14.22	8.89	600	120	300
7	103.50	120	16.25	239.75	14.75	9.22	600	120	300
8	112.13	120	16.25	248.38	15.28	9.55	600	120	300
9	120.75	120	16.25	257.00	15.82	9.88	600	120	300
10-15	129.38	120	16.25	265.63	16.35	10.22	600	120	300
16	138.00	120	16.25	274.25	16.88	10.55	600	120	300
17	146.63	120	16.25	282.88	17.41	10.88	600	120	300
18	155.25	120	16.25	291.50	17.94	11.21	600	120	300
19	163.88	120	16.25	300.13	18.47	11.54	600	120	300
20+	172.50	120	16.25	308.75	19.00	11.88	600	120	300

YOS	8 HR	10 HR	11.5 HR	16.25 HR
0-5	168	210	241.5	222.50
6	176	220	253.0	231.13
7	184	230	264.5	239.75
8	192	240	276.0	248.38
9	200	250	287.5	257.00
10-15	208	260	299.0	265.63
16	216	270	310.5	274.25
17	224	280	322.0	282.88
18	232	290	333.5	291.50
19	240	300	345.0	300.13
20+	248	310	356.5	308.75

PTO accrues from the first day of employment but may not be taken during the first six months of probation, unless approved by the Chief/Director of their Department. Each accrual rate will start on the anniversary date of the year as reflected on the chart. For non-shift employees, when a legal holiday that would have been a regular work day for the employee occurs during PTO, it shall not be charged as PTO leave but as a holiday. Hours worked in addition to the regularly scheduled workweek will not entitle an employee to additional PTO benefits. Employees may only earn PTO hours up to the maximum per year listed in the above chart. Pay period accrual is based on a regular schedule of work hours.

- B. PTO requests shall be considered on a first-come first-served basis. If two or more employees submit a request for PTO at the same time for the same time period, approval will be granted on the basis of seniority by classification within the work unit and shift assignment, as staffing levels provide.
- C. Based on the employees current work assignment the maximum hours of accrued PTO according to above chart will be allowed to be carried forward to any new fiscal year. **Exception:** In special cases, an employee having previously scheduled PTO near the end of a fiscal year and is unable to take scheduled PTO because of circumstances beyond their

control, the City Manager may permit PTO in excess of maximum to be carried forward into the new Fiscal Year. However, such excess must be taken during the first six-(6) months of the new fiscal year.

- D. Employees terminating either voluntarily or involuntarily are entitled to compensation for accrued PTO after (5) years of employment up to 240 hours except under the conditions outlined in Section E.
- E. Upon termination of employment for reasons not covered in Section D (death, retirement) an employee or their beneficiary will be paid for up to 280 hours accrued PTO. Payment for unused PTO shall be at the employee's regular rate of pay at the time of termination in these cases.
- F. Excess hours of PTO over the above 240 hours or 280 hours will be forfeited upon separation.
- G. Advanced pay may be obtained by an employee prior to leaving on PTO, if at least two (2) weeks notice is given to the Chief/ Director of their Department and approved by the City Manager.
- H. Employees, who donate PTO in accordance with the City Personnel Manual, will be charged hour for hour for donations with a minimum donation of eight (8) hours.
- I. **PTO Conversion.** Employees who have reached the accumulation levels listed above may exercise the available option. The option to convert PTO hours will only be available to employees (4) times during a fiscal year. Employees may convert a maximum according to the above chart during the fiscal year with a minimum of eight (8) hours per each occurrence. The following conversion formula will be used to convert accumulated PTO on a three (3) for two (2) cash payment exchange rate.

## Section 24 Original Language

### SECTION 24. HOLIDAY PAY

- A. The following days shall be observed as holidays for employees who work shift work:

New Years Day – January 1<sup>st</sup>  
Martin Luther King, Jr. Day – 3<sup>rd</sup> Monday in January  
President's Day – 3<sup>rd</sup> Monday in February  
Memorial Day – Last Monday in May  
Independence Day – July 4<sup>th</sup>  
Labor Day – 1<sup>st</sup> Monday in September  
Thanksgiving – 4<sup>th</sup> Thursday in November  
Day After Thanksgiving – (in lieu of Veterans' Day)  
Christmas – December 25<sup>th</sup>

For employees assigned to work business hours, such as Station Officer, Public Relations, Administrative, and Detective Sergeants, SROs, Detectives, and NEU Officers, the same holiday schedule used by other City employees will apply.

For employees assigned to work shifts (Days, Swings, Nights) such as Patrol Officers, Patrol Sergeants, and Fire service personnel, for purposes of determining holiday pay, the observed holiday as listed above will be deemed to start at 0700 hours on the day of the observed holiday and end twenty-four (24) hours later at 0700 hours.

The following apply to all employees regardless of the scheduled hours:

- B.** When a holiday falls on a day that the employee is scheduled to work, the employee will receive the day off when the Chief/ Director of their Department determines this to be possible and the employee will be paid his or her regular hourly rate for the number of hours they were scheduled to work that day.
- C.** Except for employees assigned to work shifts, when a holiday falls on a day that the employee is scheduled to work and the Chief/ Director of their Department determines it is not possible for the employee to have the day off, the employee will be compensated for the entire time he or she works on the observed holiday at two and a half (2.5) times their regular rate of pay. For employees assigned to work shifts (Days, Swings, Nights) such as Patrol Officers, Patrol Sergeants, and Fire service personnel, holiday pay shall only be paid to an employee whose shift starts on or after 0700 hours on the day of the observed holiday and ends before 0700 hours on the following calendar day.
- D.** All employees not scheduled to work on the **actual** holiday, but who are called into work on the **actual** holiday, will be compensated at two and a half (2.5) times their rate of pay for all time worked, but for a minimum of one (1) hour on the actual holiday. For example, if Christmas Day is Sunday, December 25, the Detective Sergeant is usually off on Sunday and would receive holiday pay and the day off on Monday. If the Detective Sergeant is called out on Sunday, the actual Christmas holiday, they would receive two and a half (2.5) times their regular rate of pay for all time they work on the **actual** holiday.

#### Section 25 Original Language

#### SECTION 25. BILINGUAL PAY

- A.** Only those languages recognized by the Chief, as adding to the increased productivity and efficiency of the Department will be considered for Bilingual Pay.
- B.** Human Resources will establish the standards for certification of bilingual proficiency. Only those showing proficiency and meeting the staffing needs established by the Chief will be given Bilingual Pay.
- C.** Employees receiving Bilingual Pay may be asked to test annually to assure continued proficiency.
- D.** Employees certified by the Chief as meeting all of the above criteria will receive \$.31 per hour during the time they are serving in that capacity. When they cease to serve in that capacity they will revert to their base pay level.

## Section 26 Original Language

### SECTION 26. EDUCATION INCENTIVE

Employees covered under the terms of this contract are not eligible for tuition assistance.

In lieu of this assistance, subject to the availability of funds, employees covered under the terms of this contract that possess a degree that is directly related to the employee's profession, skill, or craft and demonstrates a benefit to the City from an accredited university will receive a financial incentive in December of each year. The determination for applicability of the degree will be at the discretion of the department director. Only one incentive will be paid per year based on the highest held degree that is applicable as determined by the department director.

The incentives are as follows:

Associates Degree \$100/year  
Bachelors Degree \$250/year

In order to receive the educational incentive, a copy of the certified, original transcript confirming the degree must be provided to the Chief prior to November 15<sup>th</sup> to qualify for the incentive. Proof of degree need only be provided upon initial implementation of the incentive for each employee

T/A Section 27 Language Change  
Date \_\_\_\_\_

### SECTION 27. FINANCIAL PACKAGE

#### A. Classification

1. **Police Officers.** Effective the first day following ratification and approval of this agreement all Public Safety Officers shall be reclassified as Police Officers and will be assigned to a classification based upon their consecutive years of certified service with the Department. Each current Police Officer will be given one (1) year of service credit for each consecutive year of certified service with the Department. Additional service credit will be given at the rate of one (1) year of service credit for each year of actual commissioned service to a maximum of three (3) years to any current Police Officer for commissioned full-time service with any other law enforcement agency located within the State of New Mexico which requires as a condition of employment police officer certification by the State of New Mexico. Fractional service credit for any such commissioned service shall be rounded down.

Patrol Officer	Service Credit	Senior Patrolman	Service Credit
P-1	Less than 1 year	P-11	10 to 11 years
P-2	1 to 2 years	P-12	11 to 12 years
P-3	2 to 3 years	P-13	12 to 13 years
P-4	3 to 4 years	P-14	13 to 14 years
P-5	4 to 5 years	P-15	14 to 15 years

		P-16	15 to 16 years
		P-17	16 to 17 years
<b>Advanced Patrol Ofc.</b>	<b>Service Credit</b>	P-18	17 to 18 years
P-6	5 to 6 years	P-19	18 to 19 years
P-7	6 to 7 years	P-20	19 to 20 years
P-8	7 to 8 years	P-21	20 to 21 years
P-9	8 to 9 year	P-22	21 to 22 years
P-10	9 to 10 years	P-23	22 to 23 years
		P-24	23 to 24 years
		P-25	More than 24 years

**2. Probationary Police Officers as of the effective date of this agreement and Future Hires.** This Section shall apply to individual Police Officers who were still in probationary status as of the effective date of this agreement, and those hired thereafter. Upon completion of their certification, a Police Officer with no prior service credit shall be classified as P-1. Police Officers hired after the ratification and approval of this Agreement who hold a current and valid certification as a police officer by the State of New Mexico and who were previously employed full-time as a commissioned police officer for more than one year by a law enforcement agency located within the State of New Mexico, will be assigned a classification reflecting service equivalent to their actual years of commissioned service to a maximum of three (3) years. Fractional service credit for any such commissioned service shall be rounded down.

**3. Sergeants.** Effective the first date of this agreement all Police Officers holding the rank of sergeant shall be assigned to a classification as set forth below. Sergeants will be assigned to a classification based upon their consecutive years of service with the Department at the rank of sergeant. Each current sergeant will be given one (1) year of service credit for each consecutive year of actual service with the Department. Police Officers promoted to the rank of sergeant after July 1, 2014 shall be classified as S-1.

<b>Classification</b>	<b>Service Credit</b>	<b>Classification</b>	<b>Service Credit</b>
S-1	Less than 1 year	S-11	10 to 11 years
S-2	1 to 2 years	S-12	11 to 12 years
S-3	2 to 3 years	S-13	12 to 13 years
S-4	3 to 4 years	S-14	13 to 14 years
S-5	4 to 5 years	S-15	14 to 15 years
S-6	5 to 6 years	S-16	15 to 16 years
S-7	6 to 7 years	S-17	16 to 17 years
S-8	7 to 8 years	S-18	17 to 18 years
S-9	8 to 9 year	S-19	18 to 19 years
S-10	9 to 10 years	S-20	More than 19 years

**4. Firefighters.** Effective the first date of this agreement, all Fire Equipment Operators and Fire Safety Officers shall be reclassified as Firefighters and assigned to a classification based upon their consecutive years of service with the Department. Said members will be given one (1) year of service credit for each consecutive year of actual service with the Department. Future hires shall be classified as F-1.

Classification	Service Credit	Classification	Service Credit
F-1	Less than 1 year	F-14	13 to 14 years
F-2	1 to 2 years	F-15	14 to 15 years
F-3	2 to 3 years	F-16	15 to 16 years
F-4	3 to 4 years	F-17	16 to 17 years
F-5	4 to 5 years	F-18	17 to 18 years
F-6	5 to 6 years	F-19	18 to 19 years
F-7	6 to 7 years	F-20	19 to 20 years
F-8	7 to 8 years	F-21	20 to 21 years
F-9	8 to 9 year	F-22	21 to 22 years
F-10	9 to 10 years	F-23	22 to 23 years
F-11	10 to 11 years	F-24	23 to 24 years
F-12	11 to 12 years	F-25	More than 24 years
F-13	12 to 13 years		

**5. Fire Lieutenants.** Effective the first date of this agreement, all Firefighters holding the rank of lieutenant will be assigned to a classification based upon their consecutive years of service with the Department at the rank of Fire Lieutenant. Each current Fire Lieutenant will be given one (1) year of service credit for each consecutive year of actual service as a Fire Lieutenant with the Department. Any Firefighter promoted to the rank of lieutenant after July 1, 2014 shall be classified as L-1.

Classification	Service Credit	Classification	Service Credit
L-1	Less than 1 year	L-14	13 to 14 years
L-2	1 to 2 years	L-15	14 to 15 years
L-3	2 to 3 years	F-16	15 to 16 years
L-4	3 to 4 years	F-17	16 to 17 years
L-5	4 to 5 years	F-18	17 to 18 years
L-6	5 to 6 years	F-19	18 to 19 years
L-7	6 to 7 years	F-20	19 to 20 years
L-8	7 to 8 years	F-21	20 to 21 years
L-9	8 to 9 year	F-22	21 to 22 years
L-10	9 to 10 years	F-23	22 to 23 years
L-11	10 to 11 years	F-24	23 to 24 years
L-12	11 to 12 years	F-25	More than 24 years
L-13	12 to 13 years		

**B. Wages/Salary.** Effective the first day of the first full pay period following ratification of this agreement, all non-probationary members of the Association will receive the rate of pay specified for their assigned classification as follows.

**Police Officer Hourly Wage Steps**

<b>Step</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
	17.4000	17.6610	17.9259	18.1948	18.4677
<b>Step</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
	18.7447	19.0259	19.3113	19.6010	19.8950
<b>Step</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>
	20.1934	20.4963	20.8038	21.1158	21.4325
<b>Step</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>
	21.7540	22.0803	22.4116	22.7477	23.0889
<b>Step</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>
	23.4352	23.7868	24.1436	24.5057	24.8733

**Sergeant Hourly Wage Steps**

<b>Step</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
	23.1636	23.5111	23.8637	24.2217	24.5850

<b>Step</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
	24.9538	25.3281	25.7080	26.0936	26.4850
<b>Step</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>
	26.8823	27.2855	27.6948	28.1102	28.5319
<b>Step</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>
	28.9599	29.3943	29.8352	30.2827	30.7370

**Firefighter Wage Steps**

<b>Step</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
	11.0928	11.2592	11.4281	11.5995	11.7735
<b>Step</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
	11.9501	12.1293	12.3113	12.4960	12.6834
<b>Step</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>
	12.8736	13.0668	13.2628	13.4617	13.6636
<b>Step</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>
	13.8686	14.0766	14.2878	14.5021	14.7196
<b>Step</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>
	14.9404	15.1645	15.3920	15.6228	15.8572

**Fire Lieutenant Wage Steps**

<b>Step</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
	14.7500	14.9712	15.1958	15.4237	15.6551
<b>Step</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
	15.8899	16.1283	16.3702	16.6158	16.8650
<b>Step</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>
	17.1180	17.3747	17.6354	17.8999	18.1684
<b>Step</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>
	18.4409	18.7175	18.9983	19.2833	19.5725
Step	21	22	23	24	25
	19.8661	20.1641	20.4667	20.7736	21.0852

**C. Specialty Pay.** Effective the first day of the first pay period, following ratification and execution of this agreement by both parties, Police Officers assigned to the specialty positions of detective, detective sergeant, training officer, narcotics agent, narcotics sergeant, field training officer (FTO), SWAT officer, training officer, training sergeant, community relations officer, and school resource officer, shall be advanced two steps during the period of such assignment. No police officer, regardless of rank and regardless of the number of specialty assignments, shall be advanced more than two steps. The additional compensation shall be paid only during the period of such assignment. Police Officers receiving the Specialty Pay will be returned to their regular rate of pay based on their classification when the reassignment as a specialist is ended.

**D. Benefits**

**1. Group Health Insurance.** The City has group medical insurance plans that are offered to City employees. The employee will be advised of the

plans at the employee orientation. The City will pay 60% of the group medical premiums on the plans offered by the City. The employee who chooses to participate in these plans will pay the remaining 40% of the cost of the plans.

**2. PERA Contribution.** The City shall continue to make the increased contribution for Members of the Association covered by PERA Municipal Police Plan 5 and Municipal Fire Plan 5 as specified in Resolution No. 2000-23.

**3. Other Existing Practices and/or Benefits.** Existing practices and/or benefits provided by Ordinance or Resolution of the City Commission, or as provided in the City's Personnel Manual and the MOU between the City and APSOA dated August 17, 2012, and which are not in conflict with a specific provision of this Agreement shall continue to be provided in accordance with the terms of the Ordinance, Resolution, MOU or Personnel Manual.

**4. Recreational Facilities Benefit.** All employees who are covered by this bargaining unit shall be permitted to use the City's recreational facilities and equipment, including the swimming pool, that are located at its Recreational Center at no cost to the Employee. Family members and guests will be required to pay the normal charges. Employees will be given a twenty percent (20%) discount on any recreational activity or other programs offered or sponsored by the City's Community Services Department. The discount applies only to the participation of the employee, the employee's spouse or the employee's minor dependent(s). Participation at the discounted rate will only be available in the event the program has available space. Employees shall be given the "junior golf green fee rate" at the City's golf course, the Desert Lakes Golf Course. Family members and guests will be required to pay the normal charges. Rental charges for golf carts and other charges or fees will be at the normal rate.

**E. Longevity Bonus.** A longevity bonus of \$750.00 will be paid to all employees who are covered by this bargaining unit who were employed by the City as either a police officer (public safety officer) or firefighter (fire equipment operator and fire safety officers) prior to July 1, 2013. The bonus will be included in either the first payroll of September 2014, or the second payroll of September 2014.

#### **Section 28 Language Change**

### **SECTION 28. PHYSICAL FITNESS PAY**

All employees covered by the agreement will be eligible for a physical fitness incentive based on base pay. The amount of the hourly incentive will be as specified in the charts outlined below. However, the maximum incentive amount is 4% of hourly base pay. The hourly incentive will become effective the first pay period after July 1, 2014, or the first full pay period after the physical fitness test is passed if the member passes the test after the beginning of the fiscal year. This incentive expires on the last pay period of the fiscal year. The physical fitness testing is voluntary and the incentive will not be given to employees who do not satisfactorily complete

the agreed upon standards.

The City will conduct a minimum of one physical fitness test during the first quarter of each calendar year. Nothing herein prevents additional make up tests being done at the discretion of the Chief of their Department at anytime during the year for any covered employees.

Prior to testing, each member of the bargaining unit wishing to participate must provide a medical release authorizing participation in the physical fitness test. This medical release will be at the expense of the member and the medical release must have been acquired within the previous twelve (12) months from the test date. If a member experiences an event since they last received a medical release that could affect their ability to safely perform the test, a new medical release will be required.

The method for testing and each evolution will be agreed upon in writing between the Chief of their Department and APSOA President prior to testing.

The physical fitness test will include sit-ups, push-ups, a 1.5 mile run, and a 300 meter run for Police Officers and Firefighters. The physical fitness test is on a two-tiered, pass-or-fail system and minimum standards are as follows:

**TIER 1:**

In order to receive an incentive based on 2% of the hourly base pay amount, participants must pass the following standards:

**Push-ups in 1 minute**

Age	Male	Female
18-29	26	20
30-39	20	15
40-49	15	10
50-59	10	9
60+	8	3

**Sit-ups in 1 minute**

Age	Male	Female
<20	38	29
20-29	35	30
30-39	32	22
40-49	27	17
50-59	21	12
60+	17	4

**1.5 Mile Run**

Age	Male	Female
18-29	13:35	16:23
30-39	14:15	17:13
40-49	15:00	18:53
50-59	16:43	20:44
60+	19:06	23:01

**300 Meter Run**

Age	Male	Female
18-29	62.1	75.0
30-39	63.0	82.0
40-49	77.0	106.7
50-59	87.0	106.7
60+	87.0	106.7

**TIER 2:**

In order to receive an incentive based on 4% of the hourly base pay amount, participants must pass the following standards:

**Push-ups in 1 minute**

Age	Male	Female
18-29	29	23
30-39	24	19

**Sit-ups in 1 minute**

Age	Male	Female
<20	41	32
20 - 29	38	32

40-49	18	13
50-59	13	12
60+	10	5

30-39	35	25
40-49	29	20
50-59	24	14
60+	19	6

**1.5 Mile Run**

Age	Male	Female
18-29	12:56	15:32
30-39	13:20	16:23
40-49	14:17	17:38
50-59	15:41	19:37
60+	17:46	21:22

**300 Meter Run**

Age	Male	Female
18-29	59.0	71.0
30-39	58.9	79.0
40-49	72.0	94.0
50-59	83.2	94.0
60+	83.2	94.0

**Section 29 Original Language**

**SECTION 29. SAVINGS CLAUSE**

Should any part of this Agreement or any provision contained herein be declared invalid by any tribunal of competent jurisdiction, the validity of the remaining portions shall not be affected. Should this occur, the parties will immediately meet to negotiate a suitable provision to replace the provision held invalid.

**Section 30 Language Change**

**SECTION 30. TERM OF AND ENTIRE AGREEMENT**

- A.** It is understood and agreed by and between the parties hereto that this Agreement is the only existing Agreement between the parties and replaces any and all previous Agreements. The matters within this agreement may be only amended during the term of the agreement by mutual written agreement in the form of a Memorandum of Understanding (MOU).
- B.** The term of this Agreement shall commence upon its ratification and shall remain in full force and effect until June 30, 2015 or until a successor Agreement is ratified by both Parties whichever is later. In the event that the City and the Association fail to secure a successor Agreement prior to the expiration date of this Agreement, this Agreement shall remain in full force and be effective during the period of negotiation. Provided, however no step increases under Section 27 shall take place during FY2015 or after June 30, 2015 at 11:59 p.m.
- C.** The Association may seek an Economic reopener in the event of an unforeseen economic issue or concern on or about January 1, 2015.
- D.** Any Agreement provision by the Employer and the Association that requires the expenditure of funds shall be contingent upon the specific appropriation for wages and benefits by the Governing Body and the availability of funds.

**IN WITNESS THEREOF**, the parties have signed their names and affixed the signature of their authorized representatives on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**CITY OF ALAMOGORDO  
NEW MEXICO**

**ALAMOGORDO PUBLIC SAFETY  
OFFICERS ASSOCIATION**

\_\_\_\_\_  
James R. Stahle, City Manager

\_\_\_\_\_  
Eliza Fernandez, President, APSOA

\_\_\_\_\_  
NMCP SO

**ATTEST:**

**APPROVED AS TO FORM:**

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

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

**AGENDA REPORT**  
**CITY OF ALAMOGORDO**  
**CITY COMMISSION**

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**Meeting Date:** August 12, 2014      **Report Date:** July 30, 2014      **Report No:** 7

**Submitted By:** Nancy Beshaler/Stephen Thies      **Approved For Agenda:** \_\_\_\_\_

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**Subject:** Consider, and act upon, approval of an Easement Modification Agreement with NM Gas Company related to the White Sands Regional Airport Runway Extension Project.

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**Fiscal Impact:**  
Amount Budgeted:  
Fund:

---

**Recommendation:** Approve an Easement Modification Agreement with NM Gas Company related to the White Sands Regional Airport Runway Extension Project.

---

**Background:** The White Sands Regional Airport Extend Runway 3 project will extend the runway 2200 feet. As a result the runway will encroach upon a portion of the New Mexico Gas Company's easement with 2 high pressure gas lines. The Gas Company will re-route the gas mains around the new pavement area requiring a modification to the existing easement.

---

**Reviewed By:**

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

**AGENDA REPORT**  
**CITY OF ALAMOGORDO**  
**CITY COMMISSION**

---

**Meeting Date:** August 12, 2014      **Report Date:** July 31, 2013      **Report No:** 8

**Submitted By:** Reneé Cantin  
City Clerk      **Approved For Agenda:** 

---

**Subject:** Approve a Special Dispenser Permit Application and a Temporary Alcoholic Beverage Dispenser's License for Carino's Italian for the Cottonwood Festival from August 29<sup>th</sup> to August 31<sup>st</sup> at Alameda Park.

---

**Fiscal Impact:**  
Amount Budgeted:  
Fund:

---

**Recommendation:** Approve the Special permit and temporary license.

---

**Background:** According to Ordinance No. 1303, Section 5-01-035(a) states: 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.

Carino's Italian does hold a current liquor license with the City and is asking for approval for this temporary license for the Cottonwood Festival to be held at Alameda Park between August 29<sup>th</sup> and August 31<sup>st</sup>.

The fee of \$50.00 per temporary location has been paid for this license. The attached application has been sent for investigation to the P & Z Coordinator, Assistant City Manager, Police Chief, and Fire Chief.

---

**Reviewed By:**

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

RECEIPT NO. 7975  
DATE PAID JUL 29 2014

# City of Alamogordo

City Clerk's Office | 1376 E. Ninth Street | Alamogordo, NM 88310 | (575) 439-4205 | (575) 439-4396 FAX

## APPLICATION FOR TEMPORARY ALCOHOLIC BEVERAGE DISPENSER'S LICENSE

FEE: \$50.00 PER TEMPORARY LOCATION

### LIQUOR LICENSE HOLDER INFORMATION:

NAME OF LICENSEE: Swyx C Alamo LLC  
BUSINESS NAME: Carions Italia  
BUSINESS ADDRESS: 2602 Panorama TELEPHONE NO.: 575-434-2615  
STATE LIQUOR LICENSE NO.: 28048 CITY BUSINESS LICENSE NO.: \_\_\_\_\_  
SOCIAL SECURITY NO.: on file DATE OF BIRTH: on file

### EVENT INFORMATION:

NAME OF EVENT UTILIZING TEMPORARY LICENSE: Cotton Wood Festival  
SPONSOR(S) OF EVENT: Alamogordo Chamber of Commerce  
PHYSICAL LOCATION OF EVENT: Alameda Park - 1447 N. White Sands Blvd.  
Alamogordo NM 88310  
AREA WHERE ALCOHOLIC BEVERAGES WILL BE DISPENSED; IF AVAILABLE, ATTACH MAP (SPECIFY AREA TO BE USED FOR THE PURPOSES OF THIS LICENSE. DESIGNATE SPECIFICALLY THE AREA IN A CITY PARK, OR ALTERNATIVELY, OTHER PUBLIC GROUNDS IN THE CITY): Alameda Park enclosed area

DATE(S) OF EVENT: Aug 29-31 2014

TIME TEMPORARY LICENSE WILL BE OPERATIONAL: 12 A.M. (P.M.) THROUGH 10 A.M. (P.M.)  
I hereby certify that I have read and understand the following statements and will comply will all applicable laws and Ordinances:

-No alcoholic beverages may be sold at retail or consumed in any City park of the City, or on any other public grounds of said City, whether in the central business district or otherwise, except that a Temporary Alcoholic Beverage Dispenser's Licensee may use the area designated on the License for purposes of retail sale, and consumption by adult consumers of alcoholic beverages on the premises of the designated area.

-Any sale and consumption of alcoholic beverages shall be limited to the designated area.

DATE: 7/28/14 LIQUOR LICENSEE'S SIGNATURE: 

ALL TEMPORARY LICENSES SHALL NOT EXCEED THREE DAYS. NO PERSON SHALL BE ISSUED MORE THAN THREE TEMPORARY ALCOHOLIC BEVERAGE DISPENSER'S LICENSES DURING ANY CALENDAR MONTH. THESE LICENSES ARE NON-TRANSFERABLE.

\*\*\*\*\*  
**FOR CITY CLERK'S USE ONLY**

**DATE TEMPORARY LICENSE APPROVED BY THE CITY COMMISSION:**

Aug 12, 2014

**ALCOHOLIC BEVERAGES APPROVED BY THE CITY COMMISSION:**  Beer  Wine  Distilled Spirits

**Other** \_\_\_\_\_ TABDL

**TEMPORARY LICENSE NO.** 2014-03 **DATE FEE PAID:** 7/28/14

**CALENDAR MONTH:** August  FIRST  SECOND  THIRD

**DATE SPECIAL DISPENSER'S PERMIT or PUBLIC CELEBRATION PERMIT APPROVAL VERIFIED WITH ALCOHOL & GAMING:** \_\_\_\_\_

\*\*\*\*\*

[01/2008]

ALCOHOL & GAMING DIVISION  
SPECIAL DISPENSER PERMIT APPLICATION (60-6A-12 NMSA)

Fee Per day: \_\_\_ \$50.00 Public Event  
\_\_\_ \$25.00 Private Event (Catered) (all fees are non refundable)

A copy of all approved permits will be sent to the Special Investigations Division of the Department of Public Safety. They will notify you directly if they need additional information.

LICENSE HOLDER INFORMATION

Liquor License # 28048

Business Name (DBA) Carinos Italian Owner Name SWXC Alamo LLC Local Option District Alamogordo

Mailing Address 760 Rinconada City, State & Zip El Paso TX 79922

Contact Telephone # 575-434-2615 Fax # 575-434-2617 Email Address C31030@swcarinos.com

Circle those that apply - All Age Event - Beer Garden - Indoor Outdoor Wrist Band Stamps

EVENT INFORMATION

Event Begin Time 12pm End Time 9pm

Description and Name of Event Cottonwood Festival Date(s) of Event Aug 29-31, 2014 Alcohol Service Begin Time 12pm End Time 9pm

Physical Address of Event and Name of Building or Business Alameda Park, 1447 N. White Sands Blvd. Alamogordo NM 88301 Number of Persons expected to Drink 500

Description of Security Shet:ffs Dept. of Otore Conv Number of Security but all the Security Contact Name Nick Trim Contact Telephone # 575-443-3448

SPONSOR INFORMATION

Sponsor of Event Alamogordo Chamber of Commerce Contact Name Lena Stems Contact Telephone # 575-434-6120

BUILDING/PROPERTY OWNER APPROVAL

Name (print) \_\_\_\_\_ Signature \_\_\_\_\_ Telephone # \_\_\_\_\_ Date \_\_\_\_\_

**LICENSE HOLDER & SERVER CERTIFICATION:** I, \_\_\_\_\_ (Licensee) hereby certify that this event is within the same local option district as the dispenser's license, that event is not within 300 Ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body. I further certify that all persons providing the service of alcoholic beverages are server certified and that they are my employees and that ALL the information in this application is true and correct.

**NOTE:** List of servers including name, server permit # and server expiration date must be attached to permit application.

Licensee agrees that if any statements or representations herein are found to be false, the director may refuse to issue additional permits.

Licensee Name (print) David Rarkey Signature \_\_\_\_\_ Date 7/28/14

All profits derived from the sale of liquor will go only to the licensee. Only the owner or authorized person under this license may sign the permit.

NOTARY INFORMATION

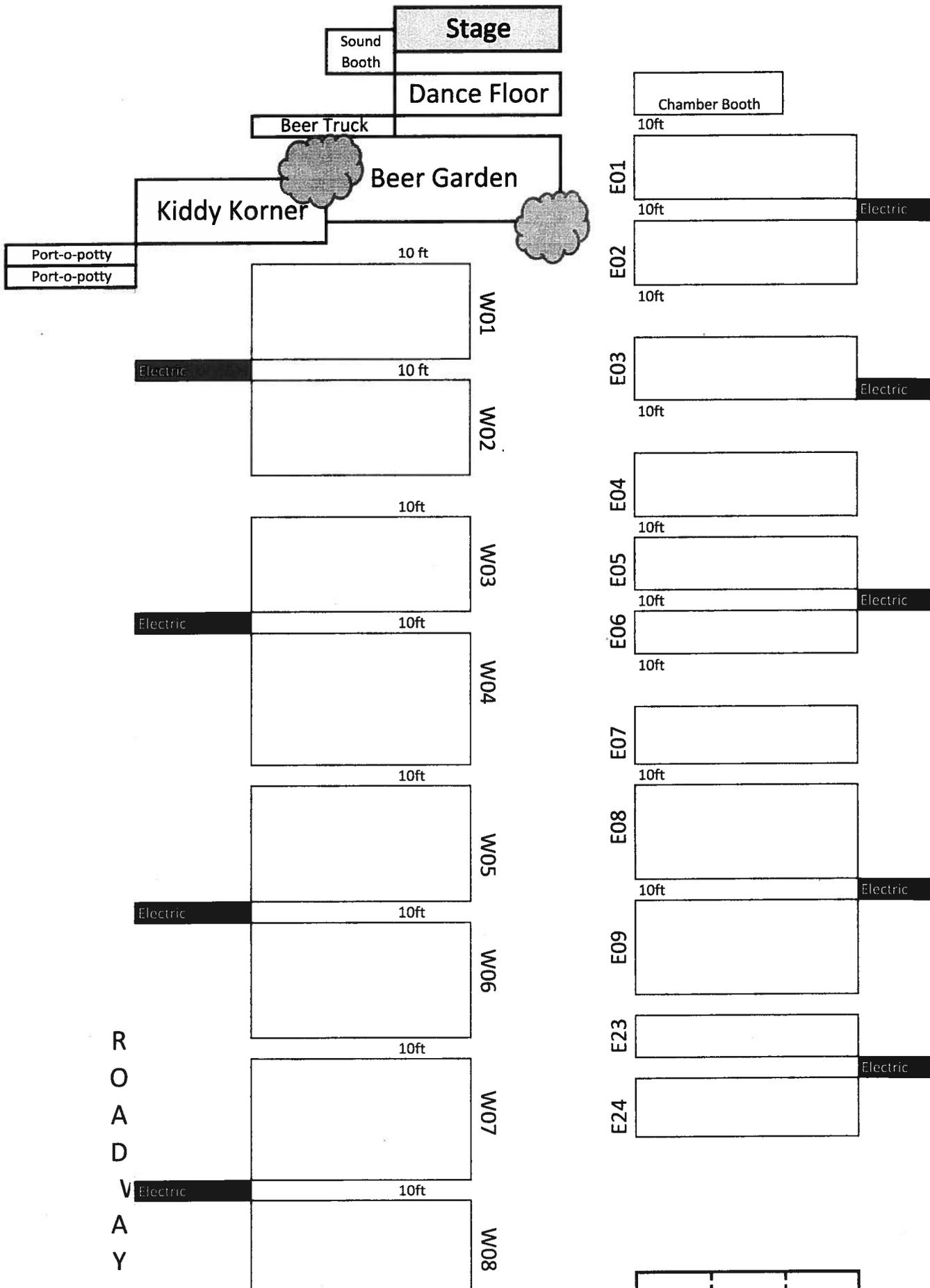
Subscribed and Sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ Notary Public \_\_\_\_\_ Exp. \_\_\_\_\_

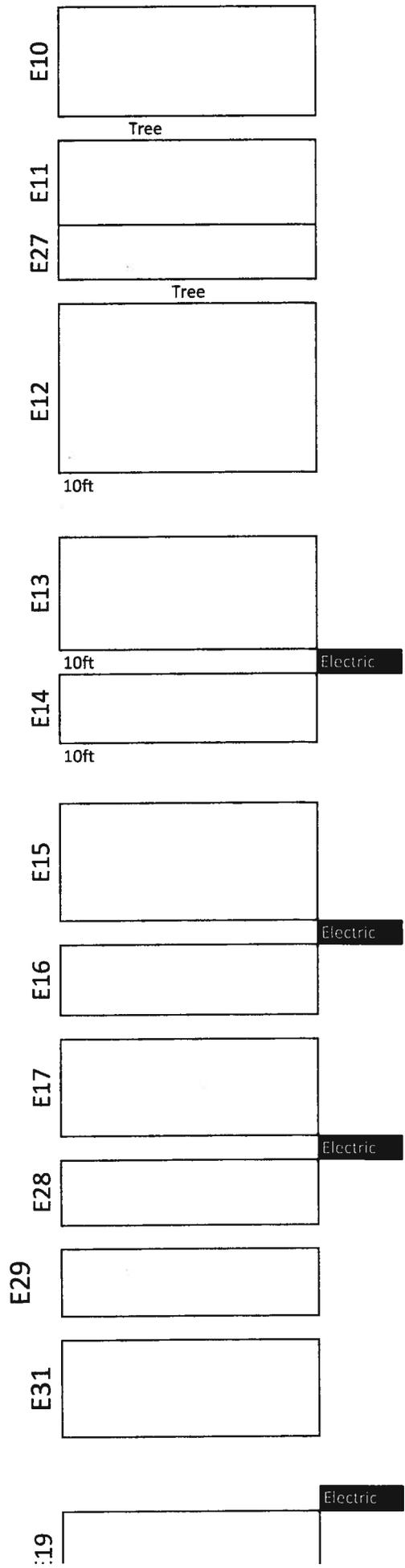
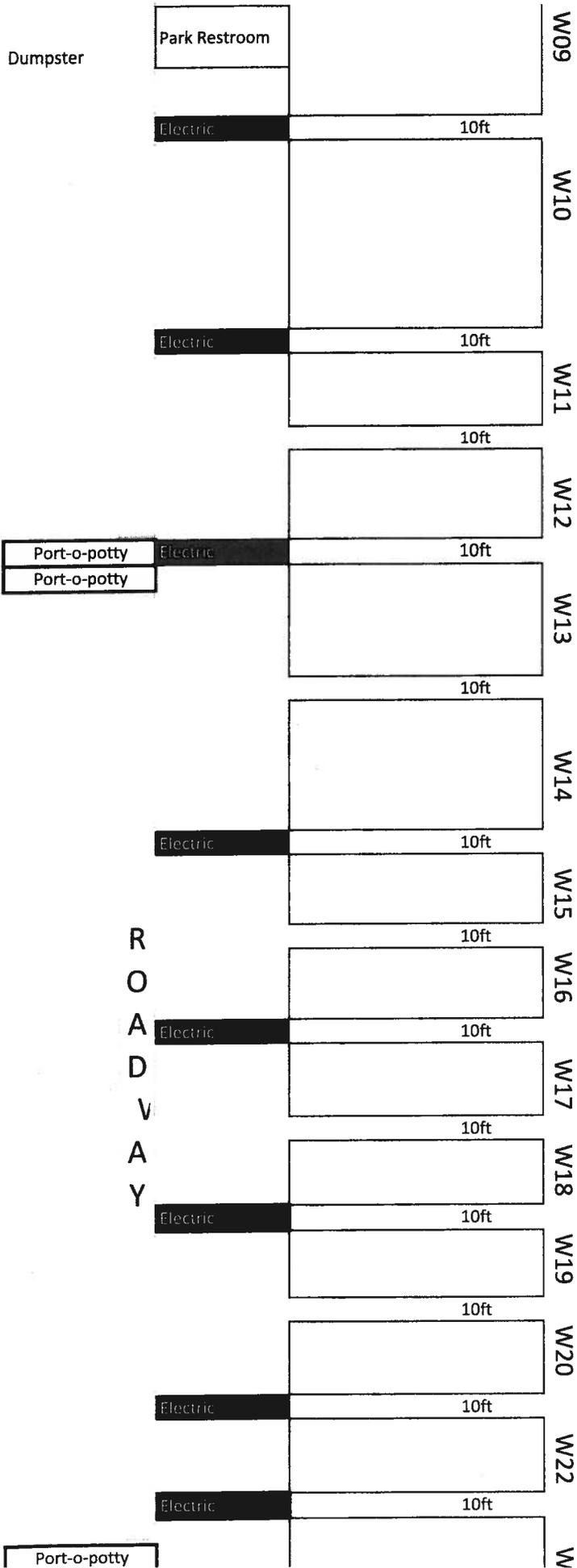
LOCAL GOVERNING BODY APPROVAL

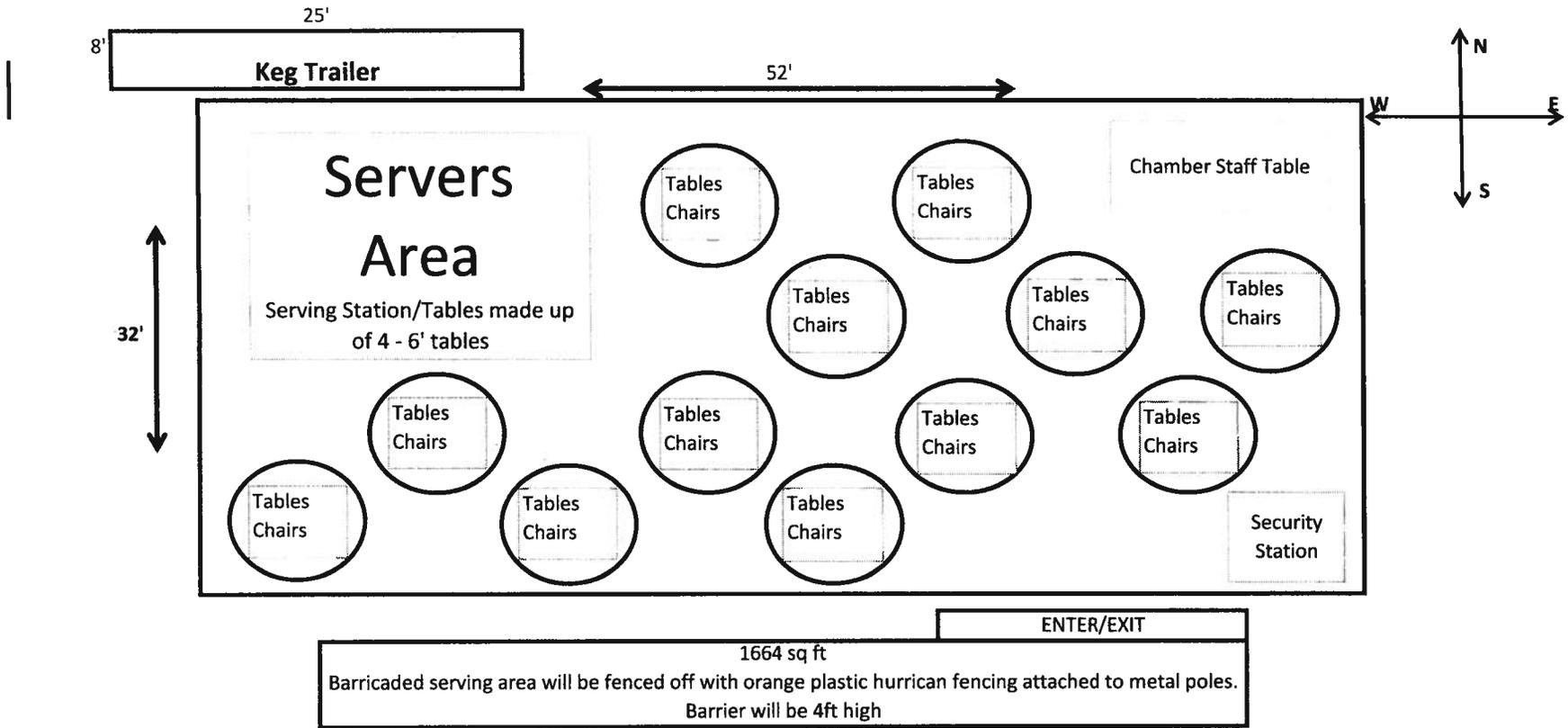
Print Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

ALCOHOL & GAMING DIVISION USE ONLY  
Approved by: \_\_\_\_\_ Date \_\_\_\_\_ Permit Number \_\_\_\_\_

Ditch







# Stage

Stairs

Area for tables and  
chairs

## Dance Floor

Area for tables and  
chairs

Sound Booth

Dance Floor Exit Only

# Beer Garden

Kiddy Korner

Enter/Exit

**AGENDA REPORT**  
**CITY OF ALAMOGORDO**  
**CITY COMMISSION**

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**Meeting Date:** August 12, 2014      **Report Date:** July 30, 2014      **Report No:** 9

**Submitted By:** Reneé Cantin  
City Clerk      **Approved For Agenda:** 

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**Subject:** Approve the Public Celebration Permits and a Temporary Alcoholic Beverage Dispenser's License for the Tularosa Basin Wine & Music Fest sponsored by the Alamogordo, Tularosa, and White Sands Rotary Clubs for September 20 and 21, 2014 at Alameda Park.

---

**Fiscal Impact:**  
Amount Budgeted:  
Fund:

---

**Recommendation:** Approve the Public Celebration Permits and the Temporary Alcoholic Beverage Dispenser's License.

---

**Background:** According to Ordinance No. 1303, Section 5-01-035(a) states: 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.

Each winery that will be involved does hold a current liquor license with the City and is asking for approval for these public celebration permits and the temporary license for the event to be held at the Alameda Park for September 20 & 21, 2014. This event will be held during the White Sands Balloon Invitational weekend. This will be the Seventh year of the festival and the proceeds raised will be split between the three local Rotary Clubs that are sponsoring the event.

The fee of \$50.00 per temporary location has been paid for this license. The attached application has been sent to the City Planner, Police Chief & Fire Chief for investigation.

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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 \_\_\_\_\_

RECEIPT NO. \_\_\_\_\_  
DATE PAID: \_\_\_\_\_

## City of Alamogordo

City Clerk's Office / 1376 E. Ninth Street / Alamogordo, NM 88310 / (575) 439-4205 / (575) 439-4396 FAX

### APPLICATION FOR TEMPORARY ALCOHOLIC BEVERAGE DISPENSER'S LICENSE

FEE: \$50.00 PER TEMPORARY LOCATION

#### LIQUOR LICENSE HOLDER INFORMATION:

NAME OF LICENSEE: Local Rotary Clubs

BUSINESS NAME: Tularosa Vineyards

BUSINESS ADDRESS: 23 Coyote Canyon Rd. TELEPHONE NO.: 575-585-2260

STATE LIQUOR LICENSE NO.: 6035 CITY BUSINESS LICENSE NO.: COA6035

SOCIAL SECURITY NO.: On file DATE OF BIRTH: On File

#### EVENT INFORMATION:

NAME OF EVENT UTILIZING TEMPORARY LICENSE: Tularosa Basin Wine & Music Fest

SPONSOR(S) OF EVENT: Alamogordo, Tularosa, & White Sands Rotary Clubs

PHYSICAL LOCATION OF EVENT: Alameda Park

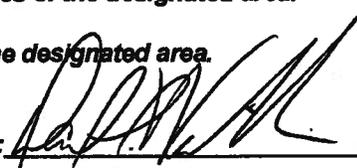
AREA WHERE ALCOHOLIC BEVERAGES WILL BE DISPENSED; IF AVAILABLE, ATTACH MAP (SPECIFY AREA TO BE USED FOR THE PURPOSES OF THIS LICENSE. DESIGNATE SPECIFICALLY THE AREA IN A CITY PARK, OR ALTERNATIVELY, OTHER PUBLIC GROUNDS IN THE CITY): Alameda Park Area will be fenced.

DATE(S) OF EVENT: September 20 & 21, 2014

TIME TEMPORARY LICENSE WILL BE OPERATIONAL: 11:00 A.M. /P.M. THROUGH 6:00 A.M./P.M.  
I hereby certify that I have read and understand the following statements and will comply will all applicable laws and Ordinances:

-No alcoholic beverages may be sold at retail or consumed in any City park of the City, or on any other public grounds of said City, whether in the central business district or otherwise, except that a Temporary Alcoholic Beverage Dispenser's Licensee may use the area designated on the License for purposes of retail sale, and consumption by adult consumers of alcoholic beverages on the premises of the designated area.

-Any sale and consumption of alcoholic beverages shall be limited to the designated area.

DATE: 07/30/2014 LIQUOR LICENSEE'S SIGNATURE: 

ALL TEMPORARY LICENSES SHALL NOT EXCEED THREE DAYS. NO PERSON SHALL BE ISSUED MORE THAN THREE TEMPORARY ALCOHOLIC BEVERAGE DISPENSER'S LICENSES DURING ANY CALENDAR MONTH. THESE LICENSES ARE NON-TRANSFERABLE.

\*\*\*\*\*

**FOR CITY CLERK'S USE ONLY**

**DATE TEMPORARY LICENSE APPROVED BY THE CITY COMMISSION:** \_\_\_\_\_

**ALCOHOLIC BEVERAGES APPROVED BY THE CITY COMMISSION:**  Beer  Wine  Distilled Spirits

**Other** \_\_\_\_\_

TABDL

**TEMPORARY LICENSE NO.** 2014-03 **DATE FEE PAID:** \_\_\_\_\_

**CALENDAR MONTH:** Sept  FIRST  SECOND  THIRD

**DATE SPECIAL DISPENSER'S PERMIT or PUBLIC CELEBRATION PERMIT APPROVAL VERIFIED WITH ALCOHOL & GAMING:** \_\_\_\_\_

\*\*\*\*\*

[01/2008]

New Mexico Regulation and Licensing Department Alcohol & Gaming Division  
P.O. Box 25101 Santa Fe, NM 87504-5101 (505) 476-4875 Fax (505) 476-4595 www.rld.state.nm.us/agd

**PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER & SMALL BREWER LICENSE HOLDERS**  
FEES ARE \$10 PER DAY – Fees are non-Refundable (60-6A-11 / 60-6A-26.1 NMSA)

**LICENSE HOLDER INFORMATION:**

Business Name (DBA) Rio Grande Winery Owner Name Phillip Steel License Number 10137  
Street Address: 5321 Highway 28 City State Zip Las Cruces, NM 88005 County Doña Ana  
Phone Number: (575) 640-4188 Fax number: N/A riograndewinery@aol.com

EVENT INFORMATION: Celebration type: State Fair  County Fair  Community Fiesta  Cultural/Artistic Performance

Date(s) of Celebration: September 20 & 21, 2014 Begin Time 11am Sat; 12 pm Sun End Time: 6:30 pm Sat; 5:30 pm Sun  
Description of Celebration: A wine tasting event promoting NM Wines, with live music, crafts and food vendors and supporting local Rotary clubs

Number of Security to be Provided: 6 per day Company: Alamogordo Security Number of Guests Expected: approximately 2500 over 2 days

Contact Name & Number: Dawn Starostka 575-522-1232

Physical Address of Event: Alameda Park, 1021 S. White Sands Blvd City: Alamogordo County: Otero

**SPONSOR OF EVENT:** Name of Organization/Person Sponsoring Celebration: Rotary clubs of NM Alamogordo, White Sands and Tularosa  
Contact Name (print) Dawn Starostka Title: Event Manager Date: 7/15/2014 Signature: \_\_\_\_\_

**LICENSE HOLDER CERTIFICATION:**

This form must be signed and dated in the presence of a notary public.

I Phillip G. Steel (Licensee) hereby certify that this event is not within 300 ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body. I further certify that all persons providing the service of alcoholic beverages are server certified and that ALL information in this application is true and correct. Licensee Signature: \_\_\_\_\_ Date: 30 JUN 2014

**Notary Information**

Subscribed and Sworn To Before Me This 30th day of June 2014 Notary Public: \_\_\_\_\_ Exp. 9-15-2015



OFFICIAL SEAL  
Juan Ulibarri  
NOTARY PUBLIC - STATE OF NEW MEX

My Commission Expires: 9/15/2015

**BUILDING OWNER CONSENT**

Contact Name \_\_\_\_\_ Facility Name: Alameda Park Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone \_\_\_\_\_

**LOCAL GOVERNING BODY APPROVAL/ACKNOWLEDGMENT**

Print Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone \_\_\_\_\_

**Alcohol and Gaming Division Use Only**

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_ Permit # \_\_\_\_\_

New Mexico Regulation and Licensing Department Alcohol & Gaming Division  
P.O. Box 25101 Santa Fe, NM 87504-5101 (505) 476-4875 Fax (505) 476-4595 www.rld.state.nm.us/agd

**PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER & SMALL BREWER LICENSE HOLDERS**  
FEES ARE \$10 PER DAY – Fees are non-Refundable (60-6A-11 / 60-6A-26.1 NMSA)

**LICENSE HOLDER INFORMATION:**

Business Name (DBA) Cottonwood WineAnd Brewing Owner Name Michael + Susan Mahan License Number 60018  
Street Address: 1E Cottonwood Rd City State Zip Artesia, NM 88210 County Eddy  
Phone Number: 575-365-3141 Fax number: 575-365-3206

EVENT INFORMATION: Celebration type: State Fair \_\_\_ County Fair \_\_\_ Community Fiesta xx Cultural/Artistic Performance \_\_\_

Date(s) of Celebration: September 20 & 21, 2014 Begin Time 11am Sat; 12 pm Sun End Time: 6:30 pm Sat; 5:30 pm Sun  
Description of Celebration: A wine tasting event promoting NM Wines, with live music, crafts and food vendors and supporting local Rotary clubs

Number of Security to be Provided: 6 per day Company: Alamogordo Security Number of Guests Expected: approximately 2500 over 2 days

Contact Name & Number: Dawn Starostka 575-522-1232

Physical Address of Event: Alameda Park, 1021 S. White Sands Blvd City: Alamogordo County: Otero

**SPONSOR OF EVENT: Name of Organization/Person Sponsoring Celebration:** Rotary clubs of NM Alamogordo, White Sands and Tularosa  
Contact Name (print) Dawn Starostka Title: Event Manager Date: 7/15/2014 Signature: \_\_\_\_\_

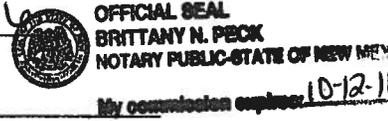
**LICENSE HOLDER CERTIFICATION:**

This form must be signed and dated in the presence of a notary public.

I SUSAN Mahan (Licensee) hereby certify that this event is not within 300 ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body. I further certify that all persons providing the service of alcoholic beverages are server certified and that ALL information in this application is true and correct. Licensee Signature: [Signature] Date: 7-11-2014

**Notary Information**

Subscribed and Sworn To Before Me This 11<sup>th</sup> day of July 2014 Notary Public: Brittany Peck Exp. 10-12-14



**BUILDING OWNER CONSENT**

Contact Name \_\_\_\_\_ Facility Name: Alameda Park Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone \_\_\_\_\_

**LOCAL GOVERNING BODY APPROVAL/ACKNOWLEDGMENT**

Print Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone \_\_\_\_\_

**Alcohol and Gaming Division Use Only**

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_ Permit # \_\_\_\_\_

New Mexico Regulation and Licensing Department Alcohol & Gaming Division  
P.O. Box 25101 Santa Fe, NM 87504-5101 (505) 476-4875 Fax (505) 476-4595 www.rld.state.nm.us/agd

**PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER & SMALL BREWER LICENSE HOLDERS**  
FEES ARE \$10 PER DAY - Fees are non-Refundable (60-6A-11 / 60-6A-26.1 NMSA)

**LICENSE HOLDER INFORMATION:**

Business Name (DBA) Shattuck Vineyard Owner Name Bradley Shattuck License Number #L00012  
Street Address: 43 Bridle Rd. City State Zip Caballo, NM 87931 County Sierra  
Phone Number: 915 491-9459 Fax number: N/A

EVENT INFORMATION: Celebration type: State Fair \_\_\_ County Fair \_\_\_ Community Fiesta xx Cultural/Artistic Performance \_\_\_

Date(s) of Celebration: September 20 & 21, 2014 Begin Time 11am Sat; 12 pm Sun End Time: 6:30 pm Sat; 5:30 pm Sun  
Description of Celebration: A wine tasting event promoting NM Wines, with live music, crafts and food vendors and supporting local Rotary clubs

Number of Security to be Provided: 6 per day Company: Alamogordo Security Number of Guests Expected: approximately 2500 over 2 days

Contact Name & Number: Dawn Starostka 575-522-1232

Physical Address of Event: Alameda Park, 1021 S. White Sands Blvd City: Alamogordo County: Otero

**SPONSOR OF EVENT:** Name of Organization/Person Sponsoring Celebration: Rotary clubs of NM Alamogordo, White Sands and Tularosa  
Contact Name (print) Dawn Starostka Title: Event Manager Date: 7/15/2014 Signature: \_\_\_\_\_

**LICENSE HOLDER CERTIFICATION:**

This form must be signed and dated in the presence of a notary public.

I Bradley Shattuck (Licensee) hereby certify that this event is not within 300 ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body. I further certify that all persons providing the service of alcoholic beverages are server certified and that ALL information in this application is true and correct. Licensee Signature: [Signature] Date: 15 July 2014

**Notary Information**  
Subscribed and Sworn To Before Me This 15 day of July 2014 Notary Public: [Signature] Exp. August 31 2014

**BUILDING OWNER CONSENT**

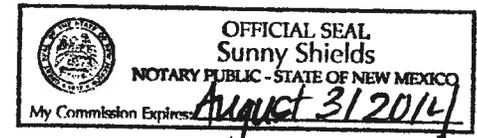
Contact Name \_\_\_\_\_ Facility Name: Alameda Park Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone \_\_\_\_\_

**LOCAL GOVERNING BODY APPROVAL/ ACKNOWLEDGMENT**

Print Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone \_\_\_\_\_

**Alcohol and Gaming Division Use Only**

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_ Permit # \_\_\_\_\_



New Mexico Regulation and Licensing Department Alcohol & Gaming Division  
P.O. Box 25101 Santa Fe, NM 87504-5101 (505) 476-4875 Fax (505) 476-4595 www.rld.state.nm.us/agd

**PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER & SMALL BREWER LICENSE HOLDERS**  
FEES ARE \$10 PER DAY – Fees are non-Refundable (60-6A-11 / 60-6A-26.1 NMSA)

**LICENSE HOLDER INFORMATION:**

Business Name (DBA) Heart of the Desert Owner Name Marianne Schweers License Number 6087  
Street Address: 7288 Hwy. 54/70 City State Zip Alamogordo, NM 88318 County Otero  
Phone Number: (575) 434-0035 Fax number: (575) 434-2132

EVENT INFORMATION: Celebration type: State Fair \_\_\_ County Fair \_\_\_ Community Fiesta \_\_x\_\_ Cultural/Artistic Performance \_\_\_

Date(s) of Celebration: September 20 & 21, 2014 Begin Time 11am Sat; 12 pm Sun End Time: 6:30 pm Sat; 5:30 pm Sun  
Description of Celebration: A wine tasting event promoting NM Wines, with live music, crafts and food vendors and supporting local Rotary clubs

Number of Security to be Provided: 6 per day Company: Alamogordo Security Number of Guests Expected: approximately 2500 over 2 days

Contact Name & Number: Dawn Starostka 575-522-1232

Physical Address of Event: Alameda Park, 1021 S. White Sands Blvd City: Alamogordo County: Otero

**SPONSOR OF EVENT:** Name of Organization/Person Sponsoring Celebration: Rotary clubs of NM Alamogordo, White Sands and Tularosa  
Contact Name (print) Dawn Starostka Title: Event Manager Date: 7/15/2014 Signature: \_\_\_\_\_

**LICENSE HOLDER CERTIFICATION:**

This form must be signed and dated in the presence of a notary public.  
I Marianne Schweers (Licensee) hereby certify that this event is not within 300 ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body. I further certify that all persons providing the service of alcoholic beverages are served certified and that ALL information in this application is true and correct. Licensee Signature: Marianne Schweers Date: July 1, 2014

**Notary Information**  
Subscribed and Sworn To Before Me This 1st day of July 2014 Notary Public: Donna D. Bridges Exp. 4-25-16

**BUILDING OWNER CONSENT**

Contact Name \_\_\_\_\_ Facility Name: Alameda Park Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone \_\_\_\_\_

**LOCAL GOVERNING BODY APPROVAL/ ACKNOWLEDGMENT**

Print Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone \_\_\_\_\_

Alcohol and Gaming Division Use Only  
Approved By: \_\_\_\_\_ Date: \_\_\_\_\_ Permit # \_\_\_\_\_



New Mexico Regulation and Licensing Department Alcohol & Gaming Division  
P.O. Box 25101 Santa Fe, NM 87504-5101 (505) 476-4875 Fax (505) 476-4595 www.rld.state.nm.us/agd

**PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER & SMALL BREWER LICENSE HOLDERS**  
FEES ARE \$10 PER DAY – Fees are non-Refundable (60-6A-11 / 60-6A-26.1 NMSA)

**LICENSE HOLDER INFORMATION:**

Business Name (DBA) Pecos Flavors Winery Owner Name Pecos Flavors LLC License Number 6100  
Street Address: 305 N. Main City State Zip Roswell, NM 88201 County Chaves  
Phone Number: 575 627 6265 Fax number: 575 627 9205

EVENT INFORMATION: Celebration type: State Fair  County Fair  Community Fiesta  Cultural/Artistic Performance

Date(s) of Celebration: September 20 & 21, 2014 Begin Time 11am Sat; 12 pm Sun End Time: 6:30 pm Sat; 5:30 pm Sun  
Description of Celebration: A wine tasting event promoting NM Wines, with live music, crafts and food vendors and supporting local Rotary clubs

Number of Security to be Provided: 6 per day Company: Alamogordo Security Number of Guests Expected: approximately 2500 over 2 days

Contact Name & Number: Dawn Starostka 575-522-1232

Physical Address of Event: Alameda Park, 1021 S. White Sands Blvd City: Alamogordo County: Otero

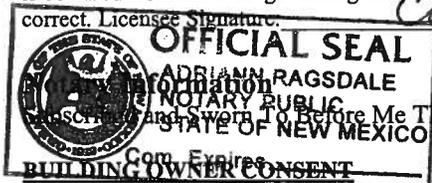
**SPONSOR OF EVENT: Name of Organization/Person Sponsoring Celebration: Rotary clubs of NM Alamogordo, White Sands and Tularosa**

Contact Name (print) Dawn Starostka Title: Event Manager Date: 7/15/2014 Signature: \_\_\_\_\_

**LICENSE HOLDER CERTIFICATION:**

This form must be signed and dated in the presence of a notary public.

I Cindy Ragsdale (Licensee) hereby certify that this event is not within 300 ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body. I further certify that all persons providing the service of alcoholic beverages are server certified and that ALL information in this application is true and correct. Licensee Signature: Cindy Ragsdale Date: 6-25-14



This 25th day of June, 2014 Notary Public: Adriann Ragsdale Exp. 8-31-2017

Contact Name \_\_\_\_\_ Facility Name: Alameda Park Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone \_\_\_\_\_

**LOCAL GOVERNING BODY APPROVAL/ACKNOWLEDGMENT**

Print Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone \_\_\_\_\_

**Alcohol and Gaming Division Use Only**

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_ Permit # \_\_\_\_\_

New Mexico Regulation and Licensing Department Alcohol & Gaming Division  
P.O. Box 25101 Santa Fe, NM 87504-5101 (505) 476-4875 Fax (505) 476-4595 www.rd.state.nm.us/agd

**PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER & SMALL BREWER LICENSE HOLDERS**  
FEES ARE \$10 PER DAY – Fees are non-Refundable (60-6A-11 / 60-6A-26.1 NMSA)

**LICENSE HOLDER INFORMATION:**

Business Name (DBA) Wisewater Awear Inc Owner Name Jasper Riddle License Number # 70010  
Street Address: 2342 Sudean Dr City State Zip Redondo NM 88345 County Lincoln  
Phone Number: 575 257 9335 Fax number: 575 257 7522

EVENT INFORMATION: Celebration type: State Fair  County Fair  Community Fiesta  Cultural/Artistic Performance

Date(s) of Celebration: September 20 & 21, 2014 Begin Time 11am Sat; 12 pm Sun End Time: 6:30 pm Sat; 5:30 pm Sun  
Description of Celebration: A wine tasting event promoting NM Wines, with live music, crafts and food vendors and supporting local Rotary clubs

Number of Security to be Provided: 6 per day Company: Alamogordo Security Number of Guests Expected: approximately 2500 over 2 days

Contact Name & Number: Dawn Starostka 575-522-1232

Physical Address of Event: Alameda Park, 1021 S. White Sands Blvd City: Alamogordo County: Otero

**SPONSOR OF EVENT: Name of Organization/Person Sponsoring Celebration:** Rotary clubs of NM Alamogordo, White Sands and Tularosa

Contact Name (print) Dawn Starostka Title: Event Manager Date: 7/15/2014 Signature: \_\_\_\_\_

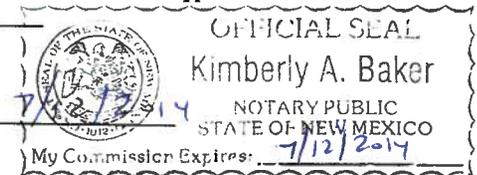
**LICENSE HOLDER CERTIFICATION:**

This form must be signed and dated in the presence of a notary public.

I Jasper Riddle (Licensee) hereby certify that this event is not within 300 ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body. I further certify that all persons providing the service of alcoholic beverages are server certified and that ALL information in this application is true and correct. Licensee Signature: \_\_\_\_\_ Date: 6/16/14

**Notary Information**

Subscribed and Sworn To Before Me This 16th day of June 2014 Notary Public: \_\_\_\_\_ Exp. 7/12/14



**BUILDING OWNER CONSENT**

Contact Name \_\_\_\_\_ Facility Name: Alameda Park Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone \_\_\_\_\_

**LOCAL GOVERNING BODY APPROVAL/ ACKNOWLEDGMENT**

Print Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone \_\_\_\_\_

**Alcohol and Gaming Division Use Only**

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_ Permit # \_\_\_\_\_

New Mexico Regulation and Licensing Department Alcohol & Gaming Division  
P.O. Box 25101 Santa Fe, NM 87504-5101 (505) 476-4875 Fax (505) 476-4595 www.rld.state.nm.us/agd

**PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER & SMALL BREWER LICENSE HOLDERS**  
FEES ARE \$10 PER DAY – Fees are non-Refundable (60-6A-11 / 60-6A-26.1 NMSA)

**LICENSE HOLDER INFORMATION:**

Business Name (DBA) Luna Rossa Winery Owner Name Sylvia D'Andrea License Number 6091  
Street Address: 3710 W Pine City State Zip Deming NM 88030 County Luna  
Phone Number: 575-4943537 Fax number: Luna.rossa@hoghes.net

EVENT INFORMATION: Celebration type: State Fair \_\_\_ County Fair \_\_\_ Community Fiesta xx Cultural/Artistic Performance \_\_\_

Date(s) of Celebration: September 20 & 21, 2014 Begin Time 11am Sat; 12 pm Sun End Time: 6:30 pm Sat; 5:30 pm Sun  
Description of Celebration: A wine tasting event promoting NM Wines, with live music, crafts and food vendors and supporting local Rotary clubs

Number of Security to be Provided: 6 per day Company: Alamogordo Security Number of Guests Expected: approximately 2500 over 2 days

Contact Name & Number: Dawn Starostka 575-522-1232

Physical Address of Event: Alameda Park, 1021 S. White Sands Blvd City: Alamogordo County: Otero

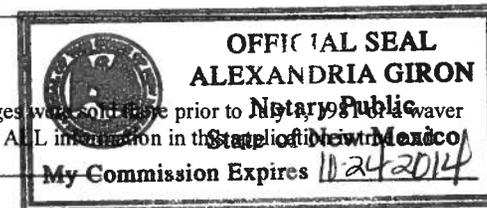
**SPONSOR OF EVENT: Name of Organization/Person Sponsoring Celebration: Rotary clubs of NM Alamogordo, White Sands and Tularosa**

Contact Name (print) Dawn Starostka Title: Event Manager Date: 7/15/2014 Signature: \_\_\_\_\_

**LICENSE HOLDER CERTIFICATION:**

This form must be signed and dated in the presence of a notary public.

I Sylvia D'Andrea (Licensee) hereby certify that this event is not within 300 ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 2011 or a waiver is obtained from the local governing body. I further certify that all persons providing the service of alcoholic beverages are server certified and that ALL information in this application is correct. Licensee Signature: \_\_\_\_\_ Date: 7-14-14



**Notary Information**

Subscribed and Sworn To Before Me This 4th day of April 2014 Notary Public: [Signature] Exp. 11-24-2014

**BUILDING OWNER CONSENT**

Contact Name \_\_\_\_\_ Facility Name: Alameda Park Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone \_\_\_\_\_

**LOCAL GOVERNING BODY APPROVAL/ACKNOWLEDGMENT**

Print Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone \_\_\_\_\_

**Alcohol and Gaming Division Use Only**

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_ Permit # \_\_\_\_\_

New Mexico Regulation and Licensing Department Alcohol & Gaming Division  
P.O. Box 25101 Santa Fe, NM 87504-5101 (505) 476-4875 Fax (505) 476-4595 www.rld.state.nm.us/agd

**PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER & SMALL BREWER LICENSE HOLDERS**  
FEES ARE \$10 PER DAY – Fees are non-Refundable (60-6A-11 / 60-6A-26.1 NMSA)

**LICENSE HOLDER INFORMATION:**

Business Name (DBA) Dos Viejos Winery Owner Name Robert D. Dann License Number 6124

Street Address: 69 Pecos Rd City State Zip Tularosa, NM 88352 County Otero

Phone Number: 575-585-2647 or 303-748-1381 Fax number: 575-585-2647

EVENT INFORMATION: Celebration type: State Fair \_\_\_\_\_ County Fair \_\_\_\_\_ Community Fiesta xx Cultural/Artistic Performance \_\_\_\_\_

Date(s) of Celebration: September 20 & 21, 2014 Begin Time 11am Sat; 12 pm Sun End Time: 6:30 pm Sat; 5:30 pm Sun

Description of Celebration: A wine tasting event promoting NM Wines, with live music, crafts and food vendors and supporting local Rotary clubs

Number of Security to be Provided: 6 per day Company: Alamogordo Security Number of Guests Expected: approximately 2500 over 2 days

Contact Name & Number: Dawn Starostka 575-522-1232

Physical Address of Event: Alameda Park, 1021 S. White Sands Blvd City: Alamogordo County: Otero

**SPONSOR OF EVENT: Name of Organization/Person Sponsoring Celebration: Rotary clubs of NM Alamogordo, White Sands and Tularosa**

Contact Name (print) Dawn Starostka Title: Event Manager Date: 7/15/2014 Signature: \_\_\_\_\_

**LICENSE HOLDER CERTIFICATION:**

This form must be signed and dated in the presence of a notary public.

I Robert E Dann (Licensee) hereby certify that this event is not within 300 ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body. I further certify that all persons providing the service of alcoholic beverages are server certified and that ALL information in this application is true and correct. Licensee Signature: Robert E Dann Date: 6/20/14

**Notary Information**

Subscribed and Sworn To Before Me This 20<sup>th</sup> day of JUNE 2014 Notary Public: CHARLES VILLARREAL Exp. 08/14/2017

**BUILDING OWNER CONSENT**

Contact Name \_\_\_\_\_ Facility Name: Alameda Park Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone \_\_\_\_\_

**LOCAL GOVERNING BODY APPROVAL/ ACKNOWLEDGMENT**

Print Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone \_\_\_\_\_

**Alcohol and Gaming Division Use Only**

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_ Permit # \_\_\_\_\_



New Mexico Regulation and Licensing Department Alcohol & Gaming Division  
P.O. Box 25101 Santa Fe, NM 87504-5101 (505) 476-4875 Fax (505) 476-4595 www.rld.state.nm.us/agd

**PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER & SMALL BREWER LICENSE HOLDERS**  
FEES ARE \$10 PER DAY – Fees are non-Refundable (60-6A-11 / 60-6A-26.1 NMSA)

**LICENSE HOLDER INFORMATION:**

Business Name (DBA) Amaro Winery Owner Name Amaro Winery, LLC License Number 6151  
Street Address: 402 S Melendres City State Zip Las Cruces, NM 88005 County Dona Ana  
Phone Number: 575 527-5310 Fax number: 575-525-0241

EVENT INFORMATION: Celebration type: State Fair \_\_\_ County Fair \_\_\_ Community Fiesta xx Cultural/Artistic Performance \_\_\_

Date(s) of Celebration: September 20 & 21, 2014 Begin Time 11am Sat; 12 pm Sun End Time: 6:30 pm Sat; 5:30 pm Sun  
Description of Celebration: A wine tasting event promoting NM Wines, with live music, crafts and food vendors and supporting local Rotary clubs

Number of Security to be Provided: 6 per day Company: Alamogordo Security Number of Guests Expected: approximately 2500 over 2 days

Contact Name & Number: Dawn Starostka 575-522-1232

Physical Address of Event: Alameda Park, 1021 S. White Sands Blvd City: Alamogordo County: Otero

**SPONSOR OF EVENT:** Name of Organization/Person Sponsoring Celebration: Rotary clubs of NM Alamogordo, White Sands and Tularosa

Contact Name (print) Dawn Starostka Title: Event Manager Date: 7/15/2014 Signature: \_\_\_\_\_

**LICENSE HOLDER CERTIFICATION:**

This form must be signed and dated in the presence of a notary public.

I Amaro Winery, LLC (Licensee) hereby certify that this event is not within 300 ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or is obtained from the local governing body. I further certify that all persons providing the service of alcoholic beverages are server certified and that ALL information in this application is true and correct. Licensee Signature: \_\_\_\_\_ Date: 6/24/14

**Notary Information**

Subscribed and Sworn To Before Me This 26th day of JUNE 20 14 Notary Public: Juanita L Stern Exp. 9/20/2014

**BUILDING OWNER CONSENT**

Contact Name \_\_\_\_\_ Facility Name: Alameda Park Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone \_\_\_\_\_

**LOCAL GOVERNING BODY APPROVAL/ ACKNOWLEDGMENT**

Print Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone \_\_\_\_\_

**Alcohol and Gaming Division Use Only**

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_ Permit # \_\_\_\_\_



**ALCOHOL & GAMING DIVISION**  
**PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER, SMALL BREWER & CRAFT DISTILLER LICENSE HOLDERS**  
**(60-6A-11 / 60-6A-26.1 NMSA)**

**FEES ARE \$10 PER DAY – Fees are Non-Refundable**

**LICENSE HOLDER INFORMATION:**

Business Name (DBA) St. Clair Winery Owner Name St. Clair Winery & Tasting Room LLC Liquor License # 00130  
Mailing Address PO Box 1467 City, State & Zip Deming, NM 88030  
Contact Telephone # 505-524-0390 Fax # \_\_\_\_\_ Email Address jemeryswines@gmail.com

**EVENT INFORMATION:** Celebration type: State Fair \_\_\_ County Fair \_\_\_ Community Fiesta  Cultural/Artistic Performance \_\_\_ Athletic \_\_\_

*Circle those that apply* – All Age Event /  Wrist Bands and/or Stamps – Beer Garden – Indoor / Outdoor

Description and Name of Event Wine tasting event promoting NM wines, live music, craft & food vendors Date(s) of Event Sept 20-21, 2014 Event Begin Time 11am sat End Time 6:30 sat  
Physical Address of Event & Name of Building or Business Alameda Park, 1021 S. White Sands Blvd Alcohol Service Begin Time 12pm Sun End Time 5:30 Sun  
Description of Security Alamogordo Security Number of Security 6/day Security Contact Name Alamogordo Security Contact Telephone # \_\_\_\_\_  
Number of Persons expected to Drink 2500 over 2 days

**SPONSOR INFORMATION**

Sponsor of Event Rotary Clubs of NM Alamogordo White Sands & Tuberosa Contact Name Down Starotka Contact Telephone # 505-522-1232

**BUILDING/PROPERTY OWNER APPROVAL**

Name (print) \_\_\_\_\_ Signature \_\_\_\_\_ Telephone # \_\_\_\_\_ Date \_\_\_\_\_

**LICENSE HOLDER & SERVER CERTIFICATION:** I, Florent Lescombes (Licensee) hereby certify that this event is not within 300 Ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body. I further certify that all persons providing the service of alcoholic beverages are server certified and that they are my employees and that ALL the information in this application is true and correct.

**NOTE:** List of servers including name, server permit # and server expiration date must be attached to permit application.

Licensee agrees that if any statements or representations herein are found to be false, the director may refuse to issue additional permits.

Licensee Name (print) Florent Lescombes Signature \_\_\_\_\_ Date 7/23/14  
All profits derived from the sale of liquor will go only to the licensee. Only the owner or authorized person under this license may sign the permit.

**NOTARY INFORMATION**

Subscribed and Sworn before me this 23 day of July, 20 14 Notary Public [Signature] Exp. 04/01/17

**LOCAL GOVERNING BODY APPROVAL**

Print Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

**ALCOHOL & GAMING DIVISION USE ONLY**

Approved by: \_\_\_\_\_ Date \_\_\_\_\_ Permit Number \_\_\_\_\_

Attachments: 1) Floor plan – (Pictures) 2) Fees per day (listed on top of page) 3) Server information list

**ALCOHOL & GAMING DIVISION**  
**PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER, SMALL BREWER & CRAFT DISTILLER LICENSE HOLDERS**  
**(60-6A-11 / 60-6A-26.1 NMSA)**

**FEES ARE \$10 PER DAY -- Fees are Non-Refundable**

**LICENSE HOLDER INFORMATION:**

Business Name (DBA) St. Clair Winery Owner Name St. Clair Winery & Tasting Room LLC Liqueur License # 10130  
 Mailing Address PO Box 1467 City, State & Zip Deming, NM 88830  
 Contact Telephone # 505-524-0390 Fax # \_\_\_\_\_ Email Address jemerysurwines@gmail.com

**EVENT INFORMATION:** Celebration type: State Fair \_\_\_\_\_ County Fair \_\_\_\_\_ Community Fiesta  Cultural/Artistic Performance  Athletic \_\_\_\_\_

*Circle those that apply - All Age Event / Wrist Bands and/or Stamps - Beer Garden - Indoor / Outdoor* Event Begin Time 11am Sat End Time 6:30sat  
 Description and Name of Event Wine tasting Event Date(s) of Event Sept. 20 21, 2014 Alcohol Service Begin Time 12pm Sun End Time 5:30sun  
 Physical Address of Event & Name of Building or Business NM Winery One mile east of food vendors Alameda Park, 7021 S. White Sands Blvd Number of Persons expected to Drink 12 sun 5:30 sun ~ 250 over 2 days  
 Description of Security Alamogordo Security Number of Security 4/day Security Contact Name Alamogordo Security Contact Telephone # \_\_\_\_\_

**SPONSOR INFORMATION**

Sponsor of Event Rotary Club of NM Alamogordo Contact Name Dawn Stanostka Contact Telephone # 505-522-1232  
White Sands & Tularosa

**BUILDING/PROPERTY OWNER APPROVAL**

Name (print) \_\_\_\_\_ Signature \_\_\_\_\_ Telephone # \_\_\_\_\_ Date \_\_\_\_\_

**LICENSE HOLDER & SERVER CERTIFICATION:** I, Florent Lescombres (Licensee) hereby certify that this event is not within 300 Ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body. I further certify that all persons providing the service of alcoholic beverages are server certified and that they are my employees and that ALL the information in this application is true and correct.

**NOTE:** List of servers including name, server permit # and server expiration date must be attached to permit application.

Licensee agrees that if any statements or representations herein are found to be false, the director may refuse to issue additional permits.

Licensee Name (print) Floren Lescombres Signature \_\_\_\_\_ Date 7/23/14  
 All profits derived from the sale of liquor will go only to the licensee. Only the owner or authorized person under this license may sign the permit.

**NOTARY INFORMATION**

Subscribed and Sworn before me this 23 day of July, 20 14 Notary Public [Signature] Exp. 04/01/17

**LOCAL GOVERNING BODY APPROVAL**

Print Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

**ALCOHOL & GAMING DIVISION USE ONLY**

Approved by: \_\_\_\_\_ Date \_\_\_\_\_ Permit Number \_\_\_\_\_  
**Attachments:** 1) Floor plan - (Pictures) 2) Fees per day (listed on top of page) 3) Server information list

New Mexico Regulation and Licensing Department Alcohol & Gaming Division  
P.O. Box 25101 Santa Fe, NM 87504-5101 (505) 476-4875 Fax (505) 476-4595 www.rld.state.nm.us/agd

**PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER & SMALL BREWER LICENSE HOLDERS**  
FEES ARE \$10 PER DAY – Fees are non-Refundable (60-6A-11 / 60-6A-26.1 NMSA)

**LICENSE HOLDER INFORMATION:**

Business Name (DBA) TULAROSA VINEYARDS Owner Name DAVID L. WICKHAM License Number 6035  
Street Address: 23 COYOTE CANYON ROAD City State Zip TULAROSA NM 88352 County OTERO  
Phone Number: 575 585 2260 Fax number: 575 585 2260

EVENT INFORMATION: Celebration type: State Fair \_\_\_ County Fair \_\_\_ Community Fiesta xx Cultural/Artistic Performance \_\_\_

Date(s) of Celebration: September 20 & 21, 2014 Begin Time 11am Sat; 12 pm Sun End Time: 6:30 pm Sat; 5:30 pm Sun  
Description of Celebration: A wine tasting event promoting NM Wines, with live music, crafts and food vendors and supporting local Rotary clubs

Number of Security to be Provided: 6 per day Company: Alamogordo Security Number of Guests Expected: approximately 2500 over 2 days

Contact Name & Number: Dawn Starostka 575-522-1232

Physical Address of Event: Alameda Park, 1021 S. White Sands Blvd City: Alamogordo County: Otero

**SPONSOR OF EVENT: Name of Organization/Person Sponsoring Celebration:** Rotary clubs of NM Alamogordo, White Sands and Tularosa  
Contact Name (print) Dawn Starostka Title: Event Manager Date: 7/15/2014 Signature: \_\_\_\_\_

**LICENSE HOLDER CERTIFICATION:**

**This form must be signed and dated in the presence of a notary public.**

I, DAVID L. WICKHAM (Licensee) hereby certify that this event is not within 300 ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body. I further certify that all persons providing the service of alcoholic beverages are server certified and that ALL information in this application is true and correct. Licensee Signature: \_\_\_\_\_ Date: 07/30/2014

**Notary Information**

Subscribed and Sworn To Before Me This 30th day of July 20 14 Notary Public: Christina Lopez Exp. Oct 26, 14

**BUILDING OWNER CONSENT**

Contact Name \_\_\_\_\_ Facility Name: Alameda Park Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone \_\_\_\_\_

**LOCAL GOVERNING BODY APPROVAL/ ACKNOWLEDGMENT**

Print Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone \_\_\_\_\_

**Alcohol and Gaming Division Use Only**

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_ Permit # \_\_\_\_\_

**AGENDA REPORT**  
**CITY OF ALAMOGORDO**  
**CITY COMMISSION**

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**Meeting Date:** August 12, 2014      **Report Date:** July 24, 2014      **Report No:** 10

**Submitted By:** Veronica Ortega <sup>VO</sup>      **Approved For Agenda:**   
Senior Center Manager

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**Subject:** Consider, and act upon, Resolution No. 2014-37 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 2014-2015.

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**Fiscal Impact:**  
Amount Budgeted:  
Contract Amount:  
**Fund/Account Number:**

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

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**Background:** Annually the Alamo Senior Center enters into grant agreements with the New Mexico Non-Metro Area Agency on Aging. An annual resolution is required to designate the City Manager to be the authorized signatory for these documents. The City Attorney reviews all grant agreements for the City Manager's signature.

This resolution designates the City Manager to be the authorized signatory for these documents.

Staff requests your approval on the Resolution.

---

**Reviewed By:**

City Attorney <u>SPT</u>	City Clerk <u>RC</u>	Community Development _____	Community Services _____
Finance _____	Housing Authority _____	Planning _____	Personnel _____
Public Safety _____	Purchasing _____	Assistant City Manager <u>[Signature]</u>	

**Resolution No. 2014-37**

**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**

**WHEREAS**, the City Commission of the City of Alamogordo has determined that there is a need to provide services for senior citizens; and,

**WHEREAS**, the citizens of the City of Alamogordo were afforded an opportunity to submit suggestions and recommendations at advertised public hearings.

**NOW THEREFORE BE IT RESOLVED** by the City Commission of the City of Alamogordo that the City Manager is authorized to sign and enter into a contract(s) and sign off on all official documents with the Non-Metro Area Agency on Aging.

**PASSED, APPROVED AND ADOPTED** this 12<sup>th</sup> day of August 2014.

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:** August 12, 2014      **Report Date:** July 29, 2014      **Report No:** 11

**Submitted By:** Brian Cesar *BC*      **Approved For Agenda:** *[Signature]*  
Public Works Director

**Subject:** Consider, and act upon, Resolution No. 2014-38 amending the Convenience Center rates.

**Fiscal Impact:** (5,500)  
Amount Budgeted: 10,000  
Fund: 086

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

**Background:** On October 23<sup>rd</sup>, 2012, City Commission approved Resolution No. 2012-39 which established a revised fee structure for the Convenience Center. In that resolution, any person or entity who maintained a water utility account with the City of Alamogordo is allowed to dispose of 24,000 pounds of acceptable solid waste annually at the Convenience Center at no additional charge.

For the past two fiscal years, the City of Alamogordo has received \$ 5,598 on average in revenue for the amount of waste above the 24,000 pound limit. The tracking and manpower utilized to bill and collect this revenue is burdensome. The City Commission has tasked staff with finding ways to streamline operations and to provide excellent customer service.

The proposed resolution streamlines operations while encouraging the use of the Convenience Center. The lost revenue for this fiscal year would be covered by reduction in spending in other operational lines. Each fiscal year, staff would conduct a rate analysis and present the findings and recommendations to Commission for potential adoption.

Staff recommends approval of Resolution No. 2014-38 with an effective start date of August 1, 2014.

**Reviewed By:**

City Attorney <i>[Signature]</i>	City Clerk <i>[Signature]</i>	Assistant City Manager _____	Community Services _____
Finance <i>[Signature]</i>	Housing Authority _____	Planning _____	Police Chief _____
Public Works <i>[Signature]</i>	Purchasing _____	City Engineer _____	Human Resources _____

## **RESOLUTION NO. 2014-38**

### **ESTABLISHING A CONVENIENCE CENTER FEE STRUCTURE**

**WHEREAS**, the City of Alamogordo, New Mexico operates a convenience center for the use of its citizens in disposing of bulky or hazardous waste; and,

**WHEREAS**, commercial businesses contribute to the cost of disposing of items they bring to the convenience center; and,

**WHEREAS**, the City Commission of the City of Alamogordo, New Mexico deems it advisable to establish a fee structure for residential and commercial customers leaving items at the convenience center.

**BE IT THEREFORE RESOLVED** that the City Commission hereby adopts the following convenience center fee structure for residential and commercial customers to leave waste at the City's convenience center.

1. All residential and commercial water utility accounts billed by the City of Alamogordo will include a \$2.00 convenience center surcharge.

2. Any person or entity who maintains a water utility account with the City of Alamogordo is permitted to dispose of acceptable solid waste at the convenience center at no additional charge.

3. Annually, a rate review will be performed on the activities of the convenience center and proposed adjustments to commercial and residential will be presented to Commission for possible adoption.

4. Any owner of residential property who receives an abatement notice from the Alamogordo Code Enforcement will be permitted to bring the waste that is required to be removed from the property in order to comply with relevant City Codes to the convenience center at no charge upon obtaining a permit from the City Manager, or his designee, provided the waste is acceptable by the convenience center.

5. Non-residents of the City, whether commercial or individuals, will be charged at a rate of \$2.00 per 100 pounds of waste.

6. Fee structure is effective beginning August 1<sup>st</sup>, 2014.

**PASSED** this 12th day of August, 2014.

CITY OF ALAMOGORDO, NEW MEXICO  
a New Mexico municipal corporation

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

ATTEST:

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

APPROVED AS TO FORM:

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

Account number . . . : 86-0000-314.13-24  
Fund . . . . . : 086 SOLID WASTE  
Division . . . . . : 00  
Department . . . . . : 00  
Activity basic . . . . . : 31 REVENUES  
Sub activity . . . . . : 4 USER FEES  
Element . . . . . : 13 USER FEES  
Object . . . . . : 24 NON-MEMBER DISPOSAL FEES

Estimated revenue . . . . . :	10,000		
Actual receipts - current . . . :	.00		
Actual receipts - ytd . . . . . :	5,026.94		
Unposted receipts . . . . . :	.00		
Total receipts . . . . . :	5,026.94	50.3	%
Unrealized revenue . . . . . :	4,973.06	49.7	%

F7=Project data            F8=Misc inquiry            F10=Detail trans  
F11=Acct activity list    F12=Cancel                F13=Misc Budget            F24=More keys

Account number . . . : 86-0000-314.13-24  
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Activity basic . . . . . : 31 REVENUES  
Sub activity . . . . . : 4 USER FEES  
Element . . . . . : 13 USER FEES  
Object . . . . . : 24 NON-MEMBER DISPOSAL FEES

Estimated revenue . . . . . :	10,000		
Actual receipts - current . . . :	.00		
Actual receipts - ytd . . . . . :	6,168.04		
Unposted receipts . . . . . :	.00		
Total receipts . . . . . :	6,168.04	61.7	%
Unrealized revenue . . . . . :	3,831.96	38.3	%

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# AGENDA REPORT

CITY OF ALAMOGORDO  
CITY COMMISSION

Meeting Date: August 12, 2014

Report Date: July 30, 2014 Report No: 12

Submitted By: Kathy Gilsdorf,  
Budget Analyst

Approved For Agenda: 

**Subject: Resolution 2014-39 amending the Preliminary FY2014-2015 Budget, with a total appropriation budget of \$103,689,863 which includes \$13,262,028 for the General Fund.**

**Fiscal Impact:**

Beginning Cash Balances \$0  
Amount Budgeted: Revenues \$9,188 Increase  
Fund: Expenditures \$56,327 Increase  
Transfers In/Out \$0  
Net Impact (\$47,139) Decrease

**Recommendation:** Approve the resolution.

**[Roll call vote required]**

**Background:** The City Commission adopted the Fiscal Year budget on May 13, 2014. The Department of Finance & Administration granted interim approval of the City of Alamogordo's Fiscal Year 2014-2015 interim Budget on June 25, 2014. Resolution 2014-39 amends the Budget to reflect a more true and accurate projection of the actual revenues and expenditures. A summary and explanation of revisions are attached for your review.

**Reviewed By:**

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

**RESOLUTION NO. 2014-39**

**A RESOLUTION REQUESTING THE DEPARTMENT OF FINANCE AND ADMINISTRATION, STATE OF NEW MEXICO, APPROVE REVISED BUDGET FIGURES FOR CERTAIN LINE ITEMS IN THE CITY'S BUDGET FOR FISCAL YEAR 2014-2015.**

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

**WHEREAS**, the Department of Finance and Administration, State of New Mexico, gave its written interim approval to the City of Alamogordo, New Mexico's annual budget on June 25, 2014, for fiscal year 2014-2015; and

**WHEREAS**, the City of Alamogordo, New Mexico, has tabulated on the following pages the additional resources and expenditures for fiscal year 2014-2015.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO**, that the City's annual budget for fiscal year 2014-2015 be and hereby is revised as of August 12, 2014 to reflect a more true and accurate projection of the actual revenues and expenditures for fiscal year 2014-2015 as shown on the following pages.

**NOW, BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO**, that the Department of Finance and Administration, State of New Mexico, be requested to give its written approval to the revised budget figures computed on August 12, 2014 as a more true and accurate projection of the actual revenues and expenditures for fiscal year 2014-2015.

**PASSED, APPROVED AND ADOPTED** by the Governing Body of the City of Alamogordo, New Mexico, at a Regular Meeting held this 12th day of August 2014.

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

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

ATTEST:

\_\_\_\_\_  
Renee Cantin, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Stephen Thies, City Attorney

ALL FUNDS SUMMARY  
PRELIMINARY 2014-2015

1/12TH REQ RSRV  
1,105,169  
Fund Reserve Policy  
283,730

Bal. Remaining  
**1,615,063**

FY15 RESOLUTION 2014-39

FUND NO.	FY 2014-2015 FUND DESCRIPTION	UNAUDITED BEGINNING CASH BALANCE	ESTIMATED REVENUES	TRANSFERS IN	TRANSFERS OUT	NET CASH TRANSFERS	BUDGETED EXPENDITURES	ESTIMATED ENDING CASH BALANCE	LOCAL RESERVE REQUIREMENTS UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE
11	GENERAL OPERATING FUND	6,788,917	15,992,059	0	6,514,996	(6,514,996)	13,258,028	3,007,952	1,388,899	1,615,053
	Revision #1	0	0	0	0	0	4,000	(4,000)		
	<b>Total Revised Fund 11</b>	<b>6,788,917</b>	<b>15,992,059</b>	<b>0</b>	<b>6,514,996</b>	<b>(6,514,996)</b>	<b>13,262,028</b>	<b>3,003,952</b>		
12	INTERNAL SERVICE FUND	420,687	306,840	3,452,877	0	3,452,877	4,163,771	16,633	16,633	
15	CORRECTIONS-JAIL	34,479	136,216	45,515	2,675	42,840	171,550	41,985		\$41,985
16	LODGER'S TAX-PROMOTIONAL FUND	105,535	266,424	0	5,735	(5,735)	359,310	6,914		\$6,914
17	POLICE COURT BOND	16,293	0	0	0	0	0	16,293		\$16,293
19	COURT AUTOMATION FUND	62,387	85,396	0	18,821	(18,821)	82,266	46,696		\$46,696
20	LODGER'S TAX-CITY	175,079	468,260	0	35,609	(35,609)	512,617	95,113		\$95,113
21	D.A.R.E. DONATIONS FUND	13,463	5,060	0	0	0	8,191	10,332		\$10,332
22	DESIGNATED GIFT FUND	35,870	1,641	0	0	0	35,770	1,741		\$1,741
24	GRANT CAPITAL IMPROVEMENT	52,870	377,000	0	0	0	377,500	52,370		\$52,370
27	MUNICIPAL COURT OPERATIONS	86,377	4,500	409,127	5,903	403,224	406,579	87,522	66,647	\$20,875
28	POLICE CONTINGENCY	44,752	8,252	0	0	0	13,455	39,549		\$39,549
31	CEMETERY-PERPETUAL CARE	736,614	14,829	0	0	0	0	751,443		\$751,443
32	COMMUNITY SERVICES	491,724	882,453	3,218,058	448,481	2,769,577	3,713,576	230,178	107,179	\$122,999
33	FIRE PROTECTION	310,346	501,434	0	0	0	738,851	72,929	49,721	\$23,208
36	LAW ENFORCEMENT FUND	(11,620)	127,763	0	0	0	116,121	22		\$22
37	STATE HIGHWAY FUND	73,073	52,856	0	1,510	(1,510)	40,086	84,333		\$84,333
	Revision #2	0	(8,000)	0	0	0	(14,861)	6,861		
	<b>Total Revised Fund 37</b>	<b>73,073</b>	<b>44,856</b>	<b>0</b>	<b>1,510</b>	<b>(1,510)</b>	<b>26,225</b>	<b>91,194</b>		
38	TRAFFIC SAFETY FUND	53,829	30,248	0	0	0	38,000	45,877		\$45,877
39	STATE JUDICIAL	3,691	75,500	0	0	0	75,500	3,691		\$3,691
40	AIRPORT IMPROVEMENT PROJECTS	(28,096)	48,237	5,380	0	5,380	17,492	8,029		\$8,029
	Revision #3	0	0	50,000	0	50,000	50,000	0		
	<b>Total Revised Fund 40</b>	<b>(28,096)</b>	<b>48,237</b>	<b>55,380</b>	<b>0</b>	<b>55,380</b>	<b>67,492</b>	<b>8,029</b>		
42	1984 GROSS RECEIPTS TAX	2,766,849	1,480,965	0	2,345,715	(2,345,715)	0	1,902,099		\$1,902,099
44	TRANSPORTATION FUND	991,810	1,176,794	601,028	236,325	364,703	2,386,374	146,933	146,933	\$0
48	NEW MEXICO C.D.B.G.	107,625	607,625	0	0	0	607,625	107,625		\$107,625
49	1986 GROSS RECEIPTS TAX	7,367,641	1,972,664	0	1,872,988	(1,872,988)	1,213,582	6,253,735	334,414	\$5,919,321
50	PROPERTY ACQUISITION	134,580	14,874	224,572	0	224,572	299,612	74,414		\$74,414
53	GENERAL OBLIGATION	633,216	714,092	0	0	0	738,285	609,023		\$609,023
54	REVERSE OSMOSIS PROJECT RSV	436,869	6,208,682	0	0	0	6,614,419	31,132		\$31,132
56	99 GRT FLOOD CONTROL BOND PROJ	894,935	6,007	1,201,863	0	1,201,863	2,100,240	2,565		\$2,565
59	REVENUE BOND P & I FUND	7,697	0	2,788,424	0	2,788,424	2,788,424	7,697		\$7,697
61	MUNICIPAL INFRASTRUCTURE .0625%	353,182	368,077	0	134,101	(134,101)	0	587,158		\$587,158
63	COMMUNITY DEVELOPMENT	244,829	141,000	128,721	86,861	41,860	369,718	102,972	61,620	\$41,352
65	BUILDING CODES	24,735	33,200	103,107	11,277	91,830	133,932	15,833		\$15,833
69	1994 GROSS RECEIPTS	1,173,623	1,474,597	0	1,344,748	(1,344,748)	0	1,303,472	672,375	\$631,097
71	ALAMO SENIOR CENTER	253,443	1,112,948	361,080	95,457	265,623	1,511,198	120,816	120,816	\$0
74	ALAMO SENIOR CENTER GIFT	97,353	21,923	0	645	(645)	70,485	48,146		\$48,146
75	RETIRED & SENIOR VOL. PROGRAM	(3,458)	196,515	48,265	13,844	34,421	219,096	8,382	8,362	\$20
	Revision #4	0	17,188	0	0	0	17,188	0		
	<b>Total Revised Fund 75</b>	<b>(3,458)</b>	<b>213,703</b>	<b>48,265</b>	<b>13,844</b>	<b>34,421</b>	<b>236,284</b>	<b>8,382</b>		
81	WATER/SEWER OPERATING	11,936,526	9,673,538	98,413	4,028,145	(3,929,732)	13,132,986	4,547,346	1,748,697	\$2,798,649
82	98 JT WATER/SEWER BOND P&I	1,577,990	10,497	1,941,986	0	1,941,986	1,941,986	1,588,487		\$1,588,487
86	SOLID WASTE COLLECTION SYS.	239,945	2,027,562	188,408	131,511	56,897	1,879,955	444,449	313,326	\$131,123
88	BONITO CAMPGROUND	90,234	7,308,353	1,416,768	0	1,416,768	8,544,594	270,761		\$270,761
89	ESGRT .0625%	1,779,290	1,020,495	0	988,408	(988,408)	631,159	1,180,218		\$1,180,218

90	GOLF COURSE	125,810	1,579,191	234,052	53,579	180,473	1,534,697	350,777	255,783	\$94,994
91	AIRPORT	273,237	160,696	25,000	34,501	(9,501)	276,902	147,530	41,984	\$105,546
	Revision #3	0	0	0	50,000	(50,000)	0	0		
	<b>Total Revised Fund 91</b>	<b>273,237</b>	<b>160,696</b>	<b>25,000</b>	<b>84,501</b>	<b>(89,501)</b>	<b>276,902</b>	<b>87,530</b>		
94	OTERO GREENTREE REG LANDFILL	3,179,055	983,009	0	1,720	(1,720)	1,290,535	2,869,809	872,559	\$1,997,250
96	SELF-INSURED FUND	689,581	53,395	0	0	0	25,000	717,976		\$717,976
98	PAYROLL CLEARING	193,667	0	0	0	0	0	193,667		\$193,667
103	FIRE SERVICES BOND	7,589	0	0	0	0	0	7,589		\$7,589
104	UTILITY DEPOSITS	661,636	0	0	0	0	0	661,636		\$661,636
105	ECONOMIC DEVELOPMENT	5,034,445	762,102	0	0	0	1,606,035	4,190,512	287,673	\$3,922,839
107	SELF INSURED/LIABILITY	408,815	2,023	172,000	0	172,000	227,000	355,838		\$355,838
109	2004 GRT CAPITAL OUTLAY	6,759,806	3,429,915	0	1,116,653	(1,116,653)	5,797,287	3,275,781	558,327	\$2,717,454
113	2009 G.O. BOND ACQ FUND	802,366	0	2,578,370	0	2,578,370	3,366,575	14,161		\$14,161
114	SIDEWALKS REVOLVING LOANS	129,932	863	0	0	0	0	130,795		\$130,795
115	CORP ESCROW ACCOUNT RESV	0	0	0	0	0	0	0		\$0
116	REG WATER SUPPLY TRANS LN	(312,256)	1,628,556	242,193	0	242,193	1,558,493	0		\$0
117	2011 JT W/S REF/IMP REVBD	711,699	0	0	0	0	704,530	7,169		\$7,169
118	2011 NMFA ST GRT STREET #15	3,506,077	44,062	0	0	0	3,440,935	109,204		\$109,204
119	2012 GRT REF/IMP REVBD	2,156,533	15,951	0	0	0	2,082,758	89,726		\$89,726
121	2015 GO BONDS-FUN CENTER	0	6,000,000	0	0	0	6,000,000	0		\$0
122	2015 GO BONDS-STREETS	0	4,500,000	0	0	0	4,500,000	0		\$0
901	HOUSING LOW RENT OPERATING	1,140,302	882,962	0	0	0	1,321,263	702,001		\$702,001
903	HOUSING HOMEOWNERSHIP OPER	691,484	3,170	0	0	0	28,266	666,388		\$666,388
904	HOUSING CAPITAL FUND PROJECTS	(0)	560,927	0	0	0	560,927	(0)		(0)
<b>TOTALS FY2015</b>		<b>66,734,761</b>	<b>75,371,386</b>	<b>19,535,207</b>	<b>19,535,207</b>	<b>0</b>	<b>103,688,863</b>	<b>38,418,284</b>	<b>7,031,948</b>	<b>31,427,475</b>
<b>Prior Resolution</b>		<b>66,734,761</b>	<b>75,362,198</b>	<b>19,485,207</b>	<b>19,485,207</b>	<b>0</b>	<b>103,633,536</b>	<b>38,463,423</b>		
2 Adjustments Resolution 2014-39		0	9,188	50,000	50,000	0	56,327	(47,139)		

Resolution 2014-39 August 12, 2014

FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
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**REVISION #1**

This budget revision is to increase expenditures to budget 2% for the fiscal agent fees that the city will need to pay SNMEDD Council of Governments as required by the NMDFA. The revision attaches a project to the awarded State Appropriation Grant the City received to purchase police vehicles and equipment. Additional funds requested from fund balance.

11 GENERAL FUND					
<i>Revenues</i>					
	011-0000-317.16-13	State Grant	200,000	(200,000)	0
PSVE15	011-0000-317.16-13	State Grant	0	200,000	200,000
		Total Revenues	200,000	0	200,000
<i>Expenditures</i>					
	011-4104-420.61-85	CER Equipment Replacement	696,072	(200,000)	496,072
PSVE15	011-4104-420.61-85	CER Equipment Replacement	496,072	200,000	696,072
PSVE15	011-4104-420.57-34	Contract Services	0	4,000	4,000
		Total Expenditures	1,192,144	4,000	1,196,144

**REVISION #2**

This budget revision is to reduce revenue and expenditures for the FY14/15 KAB Grant that was reduced in a statewide reduction of 40%. This revision also adjusts for the salary and benefits rolled in July that caused an overage to the grant expenditures.

37 STATE HIGHWAY FUND					
<i>Revenues</i>					
SP1503	037-0000-317.16-09	Grants KAB	20,000	(8,000)	12,000
<i>Expenditures</i>					
SP1503	037-0006-431.20-03	Temp/Part-time	11,986	(9,892)	2,094
SP1503	037-0006-431.20-15	Social Security	917	(757)	160
SP1503	037-0006-431.20-30	Worker's Compensation	702	(569)	133
SP1503	037-0006-431.20-31	Worker's Comp Admin Fee	56	(56)	0
SP1503	037-0006-431.30-65	KAB Supplies	11,750	(4,787)	6,963
SP1503	037-0006-431.56-05	Training & Travel	1,450	1,200	2,650
		Total Expenditures	26,861	(14,861)	12,000

**REVISION #3**

This budget revision is for reimbursement to NM Gas Company to relocate a portion of their gas main due to the extension of the airport runway. Utility relocations are not reimbursable through the FAA grant that will fund the runway extension. The work will be done within a larger gas main replacement project at the airport providing a significant cost savings to the city for the portion of gas main being relocated for the runway extension. The City's costs is estimated at \$40k to \$50k. The exact cost will be known when the gas company receives bids from contractors approximately the first week in August. The relocation work will occur in September. Funds are being transferred from Fund 91 (Airport).

40 AIRPORT IMPROVEMENT PROJECTS					
<i>Transfers In</i>					
AP1401	040-0000-491.18-91	Transfers fr (91) Airport	0	50,000	50,000
<i>Expenditures</i>					
AP1401	040-0099-990.57-34	Contract Services	5,000	50,000	55,000
<i>91 AIRPORT</i>					
<i>Transfers Out</i>					
	091-0000-391.19-40	Transfers to (40) Airport Imp	0	50,000	50,000

**REVISION #4**

This budget revision is to increase revenue and expenditures for additional fund received from the State of NM for the Senior Volunteer Programs for FY15.

75	RETIRED SENIOR VOLUNTEER PROGRAM			
<i>Revenues</i>				
075-0000-317.16-40	State Grant-RSVP	22,812	<b>3,188</b>	26,000
075-0000-317.16-41	State Grant-SCP	64,000	<b>4,000</b>	68,000
075-0000-317.16-42	State Grant-FGP	47,730	<b>10,000</b>	57,730
	Total Revenues	<u>134,542</u>	<u><b>17,188</b></u>	<u>151,730</u>
<i>Expenditures</i>				
075-8201-445.57-53	Volunteer Travel	27,258	<b>3,188</b>	30,446
075-8701-445.32-80	Volunteer Supplies	979	<b>609</b>	1,588
075-8701-445.56-98	Volunteer Services	24,914	<b>3,391</b>	28,305
075-8801-445.32-75	Program Supplies	1,305	<b>1,500</b>	2,805
075-8801-445.32-80	Volunteer Supplies	1,419	<b>1,673</b>	3,092
075-8801-445.56-98	Volunteer Services	23,747	<b>4,827</b>	28,574
075-8801-445.57-53	Volunteer Travel	3,000	<b>1,000</b>	4,000
075-8801-445.57-89	Meal Reimbursement	3,597	<b>1,000</b>	4,597
		<u>86,219</u>	<u><b>17,188</b></u>	<u>103,407</u>



**AGENDA REPORT**  
**CITY OF ALAMOGORDO**  
**CITY COMMISSION**

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**Meeting Date:** August 12, 2014      **Report Date:** July 30, 2013      **Report No:** 13

**Submitted By:** Renee Cantin  
City Clerk      **Approved For Agenda:** 

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**Subject:** Consider, and act upon, Resolution No. 2014-40 authorizing the Mayor to execute the Agreement for membership in the Southeastern New Mexico Economic Development District/Council of Governments (SNMEDD/COG).

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**Fiscal Impact:** \$9,963.00  
**Amount Budgeted:** \$9,963.00  
**Fund:** 011-2400-419.56-45

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

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**Background:** The City is currently a member of the Southeastern New Mexico Economic Development District/Council of Governments (SNMEDD/COG), and the proposed Resolution will continue the membership for the next fiscal year. The annual membership fee for the coming year is \$9,963. This is a standard resolution required by SNMEDD/COG and approved annually by the City Commission.

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**Reviewed By:**

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

**RESOLUTION NO. 2014-40  
APPROVING THE AGREEMENT BETWEEN THE CITY AND  
SOUTHEASTERN NEW MEXICO ECONOMIC DEVELOPMENT  
DISTRICT/COG (SNMEDD)**

**WHEREAS**, the City Commission for the City of Alamogordo, New Mexico, hereinafter referred to as the Municipality, is a member of and desires the services of the Southeastern New Mexico Economic Development District/COG; and,

**WHEREAS**, in accordance with Article 58, Section 4-58-1 to 4-58-6 NMSA 1978, an agreement setting forth the terms and conditions of active membership in the Southeastern New Mexico Economic Development District/COG is required; and,

**WHEREAS**, it is the desire of the Municipality to continue as an active member of the Southeastern New Mexico Economic Development District/COG.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION FOR THE CITY OF ALAMOGORDO, NEW MEXICO THAT:**

1. The Agreement attached to this Resolution expresses the desires and intent of the Municipality.
2. The Agreement attached is hereby ratified and approved and the proper officials of the Municipality are hereby authorized and instructed to affix their signatures thereto.
3. A copy of this Resolution (together with the referenced Agreement) shall be filed with the State of New Mexico, Department of Finance and Administration, Local Government Division and the Southeastern New Mexico Economic Development District/COG; and shall be made a part of the budget documentation of the Municipality.

**DONE THIS 12<sup>th</sup> day of August, 2014.**

CITY OF ALAMOGORDO, NEW MEXICO  
a New Mexico municipal corporation

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

SEAL

ATTEST:

APPROVED AS TO FORM:

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

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

1600 SE Main, Suite D-1  
Roswell, NM 88203

**SOUTHEASTERN NEW MEXICO  
ECONOMIC DEVELOPMENT DISTRICT  
COUNCIL OF GOVERNMENTS**

Phone: (575) 624-6131  
Fax: (575) 624-6134  
www.snmedd.com

Hubert H. Quintana  
*Executive Director*

July 15, 2014

Dear SNMEDD/COG Member:

With regard to your annual membership in the District for the 2014/2015 fiscal year, we have enclosed the following:

- I. **AGREEMENT** – required by the Department of Finance and Administration for disbursement of local funds and which conforms to state regulations. Two copies are enclosed. After the Agreement has been executed, please keep one copy and return one to our office.
- II. **RESOLUTION** – upon approval by your council or commission, it is to be signed, attached to and distributed with the attached Agreement.
- III. **2014/2015 ASSESSMENT SCHEDULE AND BUDGET FOR 2014/2015** – enclosed for your information.
- IV. **WORK PROGRAM FOR STATE APPROPRIATED FUNDS** – enclosed for your information.
- V. **INVOICE** – enclosed for billing and bookkeeping purposes. Please return one copy with your check.

The most recent audit and financial statements are available upon request.

As you know, we are in the process of finalizing the SNMEDD/COG budget for the coming year and your prompt attention is greatly appreciated.

If you have any questions or require further information, please feel free to contact me. Thank you for your support and letting us serve you.

Sincerely,



Hubert H. Quintana  
Executive Director

HHQ/pm  
Enclosures

**RECEIVED**  
JUL 21 2014  
OFFICE OF THE  
CITY MANAGER

**AGREEMENT**

This Agreement, entered into by and between the Southeastern New Mexico Economic Development District/COG (hereinafter known as the "District") and the City of Alamogordo a member of said District (hereinafter known as the "Member") is as follows:

**I. The District agrees to provide the following services to the Member upon request and final approval of the District budget:**

- A. Undertake studies, collect data and develop regional plans and programs pertaining to such subjects as human and natural resource development, community facilities and the general improvement of living and working environments.
- B. Furnish technical and management assistance in the development of planning activities.
- C. Coordinate local planning with that of other Members of the District and the State.
- D. Assist in community and economic development, transportation and public works projects.
- E. Assist member governments with their legislative activities.
- F. Assist in the preparation of applications for funding under various state, federal and private grant programs. Contracts for administration may be entered into between Member and District if Member requires or desires District to administrate project.
- G. Provide a Comprehensive Economic Development Strategy at the direction of the Board.
- H. Engage in such other activities as are necessary to improve area development and address regional problems.

**II. The Member agrees to the following:**

- A. To remain an active member of the District.
- B. To make an annual contribution of \$ 9,963.00 to the District as recognition of active membership.

Entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014, at

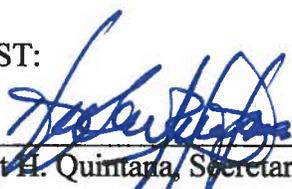
\_\_\_\_\_  
New Mexico

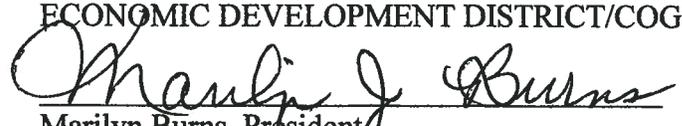
ATTEST:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Mayor/Commission Chairman

ATTEST:

  
\_\_\_\_\_  
Hubert H. Quintana, Secretary

SOUTHEASTERN NEW MEXICO  
ECONOMIC DEVELOPMENT DISTRICT/COG  
  
\_\_\_\_\_  
Marilyn Burns, President

**SOUTHEASTERN NEW MEXICO ECONOMIC DEVELOPMENT  
DISTRICT/COG**

**DUES STRUCTURE**

<b>MEMBER</b>	<b><u>2012-2013</u></b>	<b><u>2013-2014</u> <u>CURRENT</u></b>	<b><u>2014-2015</u></b>
Chaves County	\$7,200	\$7,200	\$7,200
Eddy County	7,200	7,200	7,200
Lea County	7,200	7,200	7,200
Lincoln County	6,000	6,000	6,000
Otero County	7,200	7,200	7,200
Town of Dexter	750	750	750
Town of Hagerman	750	750	750
Town of Lake Arthur	500	500	500
City of Roswell	12,000	12,000	12,000
City of Artesia	2,994	2,994	2,994
City of Carlsbad	7,175	7,175	7,175
Village of Hope	500	500	500
Village of Loving	750	750	750
City of Eunice	1,000	1,000	1,000
City of Hobbs	8,024	8,024	8,024
City of Jal	1,000	1,000	1,000
City of Lovington	2,652	2,652	2,652
Town of Tatum	750	750	750
Village of Capitan	750	750	750
Town of Carrizozo	750	750	750
Village of Corona	500	500	500
Village of Ruidoso	2,155	2,155	2,155
City of Ruidoso Downs	1,000	1,000	1,000
City of Alamogordo	9,963	9,963	9,963
Village of Cloudcroft	750	750	750
Village of Tularosa	1,000	1,000	1,000
<b>TOTALS:</b>	<b>\$90,513</b>	<b>\$90,513</b>	<b>\$90,513</b>

**SNMEDD  
APPROVED BUDGET 2014-2015**

	District Operations		RPO		SBDC		TOTAL	
	Jul '14 -Jun '15	Budget	Jul '14 -Jun '15	Budget	Jul '14 -Jun '15	Budget	Jul '14 -Jun '15	Budget
<b>Ordinary Income/Expense</b>								
<b>Income</b>								
Contracts And Fees Income		63,983.00		0.00		0.00	0.00	63,983.00
Fed. Govt.		60,000.00		0.00		0.00	0.00	60,000.00
Grants		177,414.00		0.00		0.00	0.00	177,414.00
Interest Income		250.00		0.00		0.00	0.00	250.00
Member Dues		90,513.00		0.00		0.00	0.00	90,513.00
Reimbursement Income		0.00		85,000.00		210,000.00	0.00	295,000.00
St. Govt. Approp.		95,743.00		0.00		0.00	0.00	95,743.00
<b>Total Income</b>	<b>0.00</b>	<b>487,903.00</b>	<b>0.00</b>	<b>85,000.00</b>	<b>0.00</b>	<b>210,000.00</b>	<b>0.00</b>	<b>782,903.00</b>
<b>Gross Profit</b>	<b>0.00</b>	<b>487,903.00</b>	<b>0.00</b>	<b>85,000.00</b>	<b>0.00</b>	<b>210,000.00</b>	<b>0.00</b>	<b>782,903.00</b>
<b>Expense</b>								
Advertising		0.00		1,000.00		0.00		1,000.00
Audit		21,500.00		1,500.00		0.00		23,000.00
Communication		14,000.00		3,000.00		1,000.00		18,000.00
Contract Services		0.00		5,265.00		0.00		5,265.00
Equip Lease/Repair		7,000.00		1,000.00		0.00		8,000.00
Equip. Purchases		2,500.00		2,000.00		0.00		4,500.00
Fringe Benefits		67,000.00		10,000.00		48,000.00		125,000.00
Payroll Taxes and Expense		20,000.00		4,000.00		10,000.00		34,000.00
Program Operations		54,853.00		6,000.00		10,824.00		71,677.00
Salary and Wages		241,240.00		46,235.00		0.00		287,475.00
SBDC Wages		0.00		0.00		135,676.00		135,676.00
Travel		35,000.00		5,000.00		4,500.00		44,500.00
Vehicle Debt Service		12,000.00		0.00				12,000.00
Vehicle Replacement Fund		10,000.00		0.00			0.00	10,000.00
<b>Total Expense</b>	<b>0.00</b>	<b>485,093.00</b>		<b>85,000.00</b>	<b>0.00</b>	<b>210,000.00</b>	<b>0.00</b>	<b>780,093.00</b>
<b>Net Ordinary Income</b>	<b>0.00</b>	<b>0.00</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
	<b>0.00</b>	<b>0.00</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

BANK BALANCES AS OF JUNE 30, 2014

CHECKING \$ 7,784.02

MONEY MARKET \$ 14,547.16

SAVINGS \$ 5,430.24

**AGENDA REPORT**  
**CITY OF ALAMOGORDO**  
**CITY COMMISSION**

**Meeting Date:** August 12, 2014      **Report Date:** July 30, 2014      **Report No:** 14

**Submitted By:** Renee Cantin  
City Clerk      **Approved For Agenda:** 

**Subject:** Consider, and act upon, the final publication of Ordinance No. 1468 amending the Alamogordo Code of Ordinances to add a new section in Chapter 24 concerning vehicle forfeiture.

**Fiscal Impact:** N/A  
**Amount Available:** N/A  
**Fund:** N/A

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

**Background:** At the Regular Meeting of July 22<sup>nd</sup>, 2014, the City Commission approved the Ordinance for first publication. A summary of the Ordinance was published in the *Alamogordo Daily News* on Sunday, July 27<sup>th</sup>, 2014. If approved for final adoption, the summary will be published a second time on Sunday, August 17<sup>th</sup>, 2014 and will be effective August 22<sup>nd</sup>, 2014.

**The following information was provided by Stephen Thies, City Attorney at the time it was brought for first publication:** Attached you will find a rather lengthy ordinance dealing with a number of issues involving motor vehicles. The ordinance can be broken down into three segments. The first segment addresses junk or abandoned vehicles on both public and private property. The amendment provides that if a wrecked or abandoned vehicle is found on either private or public property and remains on the property in excess of 72 hours, notice will be to remove the vehicle. If the vehicle is located on private property the notice will be given to the occupant of the property. If the vehicle is found on public property, notice will be provided to the registered owner and posted on the vehicle. When the wrecked or abandoned vehicle is located on private property, it must be moved within 30 days. A wrecked or abandoned vehicle located on public property must be moved within 7 days. Unless a hearing is requested within the relevant time periods, the police department shall arrange to have the vehicle towed. After the vehicle has been towed, notice will then sent within 48 hours to the registered owner of the vehicle and the occupant of the property when the vehicle is removed from private property.

**Reviewed By:**

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

The second segment authorizes the city to seize a vehicle when the operator is arrested for driving while intoxicated, found to be operating a vehicle when their license is revoked or denied as a result of a DWI, or found to be operating a vehicle in violation of a conditional license that required the use of an ignition interlock device. The ordinance is modeled after ordinances adopted by several other New Mexico municipalities.

The third segment of the ordinance creates an official city impound lot. Vehicle subject to forfeiture and any vehicle removed from private property or towed from public property will be brought to the city impound lot. The owner of the vehicle will be required to pay the tow charges and a \$25.00 per day storage fee in order for the owner to regain possession of the vehicle. In the case of a wrecked or abandoned vehicle, if the owner of the vehicle fails to retrieve the vehicle within 10 days after the 48 hour notice is sent, the city can publish notice that the vehicle will be sold. An owner has 20 days in which to retrieve the vehicle after publication. After that 20 day period expires, the city will then hold the vehicle for another 14 if it is registered in New Mexico or 40 days if the vehicle registered in some other state before selling the vehicle. The proceeds will be first applied to the towing and storage costs.

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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 \_\_\_\_\_ Utilities \_\_\_\_\_

## ORDINANCE NO. 1468

### AN ORDINANCE AMENDING CHAPTER 14, GARBAGE, TRASH AND REFUSE, TO ALLOW FOR THE REMOVAL OF ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE MOTOR VEHICLES, AND AMENDING CHAPTER 24, TRAFFIC, TO ALLOW FOR THE IMPOUNDING AND FORFEITURE OF VEHICLES

BE IT THEREFORE ORDAINED BY THE CITY COMMISSION OF THE CITY OF ALAMOGORDO NEW MEXICO THAT THE *ALAMOGORDO CODE OF ORDINANCES* BE AMENDED TO READ AS FOLLOWS:

#### ARTICLE I

That Chapter 14 of the *Code of Ordinances* of the City of Alamogordo, New Mexico is hereby amended to read as follows:

Chapter 14 - Garbage, trash and refuse and nuisances

#### ARTICLE II

That Section 14-01-140 of the *Code of Ordinances* of the City of Alamogordo, New Mexico is hereby amended to read as follows:

**14-01-140.** - ~~Generally—Outdoor automotive storage.~~ Abandoned, wrecked, dismantled or inoperative motor vehicles

(a) **Definitions.** ~~As used in this section:~~ The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandoned* means any motor vehicle that does not display a current license plate or valid police sticker as defined in section 12-12-18(F)(2) of the Uniform Traffic Ordinance and is left unattended on public property for a period exceeding 72 consecutive hours, or is left unattended on private property for a period exceeding fifteen (15) days.

*Antique auto* means a passenger car or truck that was manufactured in 1925 or before, or a passenger car or truck that is at least thirty-five years old.

*Dismantled or partially dismantled* vehicle means any motor vehicle from which some part or parts which are ordinarily a component thereof have been removed or are missing rendering the vehicle inoperable.

"*Impound*" shall mean the towing and storage of a motor vehicle as authorized in this section.

*Inoperable motor vehicle* means any motor vehicle which by reason of dismantling, disrepair or other cause is incapable of being propelled by its own power and/or any motor vehicle which does not have lawfully affixed thereto an unexpired license plate or plates.

*Motor vehicle* means any wheeled vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to automobiles, commercial motor vehicles, truck-tractors, trailers and semitrailers, heavy equipment, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, recreational vehicles and trailers.

"*Owner*" of a vehicle shall mean the registered owner or owners of a vehicle as recorded with the state department of motor vehicles or similar agency of a state outside New Mexico. Where written notice to the owner is required by this section, such notice shall be given to each registered owner.

"*Owner of private property*" shall mean the record holder of legal title as shown by the official records of the County of Otero unless there exists a contract purchaser of record, in which case it means the contract purchaser.

*Private property* means any real property within the city that is privately owned and that is not public property, as defined in this section.

*Public property* means any street or alleyway or right-of-way or parkway or highway, which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and also means other publicly owned property or facility.

*Special interest vehicle* means a motor vehicle of any age that has not been altered or modified from original manufacturer's specifications and, because of its historic interest, is being preserved by hobbyists.

*Wrecked* means any motor vehicle that is disabled or in a state of ruin or dilapidation which renders it inoperable.

(b) **Declared nuisance.** ~~The presence of a dismantled, partially dismantled, or inoperable vehicle or motor vehicle or parts thereof on any street, occupied or unoccupied land within the city limits in violation of the terms of this section is a public nuisance.~~ No person shall park, store, leave or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned or wrecked or dismantled or inoperative or partially dismantled condition, whether attended or not, upon any public property within the city for a period of time in excess of 72 hours or upon any private property within the city for a period of time in excess of fifteen (15) days. The presence

of an abandoned or wrecked or dismantled or inoperative or partially dismantled vehicle or parts thereof (except such parts that have been reconstructed or converted for practical use) on public property or private property is declared a public nuisance which may be abated in accordance with this article. This section shall not apply to:

~~(c) Prohibited acts. It is unlawful for any person, firm or corporation to store on, or permit to be stored or placed on, or allow to remain on any public or private property or street or highway within the city limits a dismantled, partially dismantled or inoperable motor vehicle or any parts of a motor vehicle unless such vehicle is in an enclosed building or on property which is enclosed with a fence or wall and such vehicle is not visible from adjoining or surrounding property or from the street or streets or public ways. This section shall not apply to~~

(1) Any vehicle or vehicles on the premises of a duly licensed business in zones where such activity is within the contemplated purposes of such duly licensed business under the provisions of the zoning ordinance of the city; or

(2) Any vehicle or vehicle part that is completely enclosed within a building or surrounded by a solid or opaque fence or wall, in a lawful manner where it is not visible from the street or other public or private property.

(3) Any vehicles including operable heavy equipment, or race cars that do not normally require registration, so long as they are property stored on a licensed, registered trailer.

(4) Any person who has obtained a permit for restoration of a motor vehicle pursuant to subsection 14-01-140(d).

(c) On private property covering an inoperable motor vehicle with a cover that is custom-tailored or custom-fitted to the particular model of the vehicle being covered will abate the nuisance. The vehicle cover shall be made of a canvas of closely woven, coarse cloth of hemp, cotton or linen that is both water and mildew resistant and shall be maintained free of any tears or holes. To abate the nuisance, the vehicle shall be completely covered, with the exception of the vehicle tires, and the cover shall be secured by a tie-down device. Tires shall be mounted on the vehicle and shall be properly inflated. All four tires must be on the ground. It is the vehicle owner's responsibility to ensure that the vehicle remains completely covered. Placing the inoperable motor vehicle behind trees or shrubbery does not abate the public nuisance. The code enforcement department is authorized to abate such nuisances under the terms and conditions hereinafter provided.

(d) ~~Exceptions.~~ **Permits for restoration of motor vehicles.** An owner or tenant, upon payment of a fee of \$60.00, may store, permit to be stored or allow to remain upon his premises any dismantled, partially dismantled, or inoperable motor vehicle antique auto or special interest vehicle or parts thereof, for a period not to exceed 18 months ~~sixty (60) days~~ upon receipt of a permit from the city clerk if such motor vehicle is registered in his name.

The vehicle and parts shall be stored in a neat and orderly fashion, free from leaks or fluid spills, and shall be completely secured (doors lock and

windows close completely) or covered. The vehicle and parts shall remain covered unless work is currently in progress on the vehicle or part. Vehicle and parts shall be stored in the rear yard of property. If there is no means of vehicular access to the rear of the property, the vehicle and parts may be stored in the front of the property in the driveway area only. No parts or vehicles shall be stored in the landscaped areas.

Not more than two (2) permits per location may be issued and outstanding at any one time. Not more than one permit per registered vehicle owner may be issued, and such owner must be an occupant of the location listed on the permit. The permit(s) shall remain available for inspection upon request.

The restoration permit may be revoked for failure to maintain permit requirements after one 15 day notice has been issued for such violation.

~~(e) Permit. Upon application by the registered owner of a motor vehicle covered by this section, and upon the proof of hardship, the city clerk is hereby authorized to issue the permit provided by this section and shall require the payment of sixty dollars (\$60.00) for each permit issued.~~

**(e) Notice to remove.**

1. Whenever it comes to the attention of the police department that any nuisance, as defined in subsection 14-01-140(b), exists on public property within the city, notice in writing shall be served to the owner of the vehicle or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this article.

2. Whenever it comes to the attention of code enforcement that any nuisance, as defined in subsection 14-01-140(b), exists on private property within the city, notice in writing shall be served to the owner or his agent; or occupant of the property, notifying them of the existence of the nuisance and requesting its removal in the time specified in this article.

~~(f) Removal of vehicles. Upon the later of the expiration of a permit referenced in sub-section (d) or notification of the violation, the department of public safety may, after giving written notice to both the person responsible for the property and the vehicle's last known owner, order the vehicle towed from the premises.~~

~~The notice of towing shall inform an interested party that they may request a hearing before the city manager or his designee to show cause why the vehicle is not in violation of the ordinance. Requests for hearing must be filed in writing with the city manager within ten (10) calendar days of the notice of towing. If a hearing is requested, the requesting party shall be given written notice by first class mail of the hearing at least ten (10) calendar days before the hearing.~~

(f) **Responsibility for removal.** Upon proper notice and opportunity to be heard, the owner of the abandoned or wrecked or dismantled or inoperative vehicle and the owner or occupant of the private property on which the vehicle is located, either or all of them, shall be responsible for its removal. If the abandoned or wrecked or dismantled or inoperative vehicle is located on public property, the owner of the vehicle or his agent shall be responsible for its removal. If removal and disposition is performed by the city, the owner or occupant of the private property where the vehicle is located shall be liable for expenses incurred or, if circumstances are such, the owner of the vehicle left on public property.

(g) **Notice procedure.** Under this article, code enforcement shall give a 30-day notice of removal to the owner or occupant of the private property where it is located. If the nuisance involves a vehicle on public property, notice shall be given to the owner of the vehicle or his agent by the police department, at least 72 hours before the time of compliance, which shall be set forth in the notice. It shall constitute sufficient notice when a copy of such is posted in a conspicuous place upon the private property on which the vehicle is located or a copy of the notice is posted on the vehicle which is parked on the public property and duplicate copies are sent by registered mail to the owner of the vehicle left on public property or his agent or to the owner or occupant of the private property at his last known address. If notice cannot be given pursuant to this section, notice shall be given by publication once in a newspaper of general circulation in the community as soon as practicable after reasonable and diligent efforts to give notice as provided in this section proves fruitless.

(h) **Contents of notice.** The notice issued pursuant to this article shall contain the request for removal within the time specified in this article, and the notice shall advise that upon failure to comply with the notice to remove the city or its designee, which may include a wrecker service, shall undertake such removal with the cost of removal to be levied against the vehicle.

(i) **Request for hearing.** Under this article, the persons to whom the notices are directed or their duly authorized agents may file a written request for hearing before the city manager within the 30-day period of compliance prescribed in subsection 14-01-140(g) if the nuisance involves a vehicle on private property, or within the 7-day period of compliance prescribed in subsection 14-01-140(g) if the nuisance involves a vehicle on public property, for the purpose of defending the charges by the city.

(j) **Procedure for hearing.** The hearing requested pursuant to subsection 14-01-140(i) shall be held as soon as practicable after the filing of the request, and the persons to whom the notices are directed shall be advised of the time and place of the hearing at least three days in advance thereof.

(k) **Removal of motor vehicle from property.** If the violation described in the notice has not been remedied within the time period of compliance specified in this article, or if a notice requesting hearing is timely filed, a hearing is had and the existence of the violation is affirmed by the city manager, the city shall have the right to

remove the motor vehicle from the premises. It shall be a petty misdemeanor for any person to interfere with, hinder, or refuse to allow such person to enter upon the private property or public property for the purpose of removing a vehicle under this article.

(l) **Notice of removal.** Within 48 hours of the removal of such vehicle as provided in subsection 14-01-140(k), the city shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property, if applicable, from which the vehicle was removed, that the vehicle has been impounded and stored for violation of this article. The notice shall give the location where the vehicle is stored and the costs incurred by the city for removal.

(m) Insofar as the provisions of this chapter are inconsistent with the provisions of section 12-12-18(F)(2) of the Uniform Traffic Ordinance, this chapter is controlling.

### ARTICLE III

That the title of Chapter 24 of the *Alamogordo Code of Ordinances* is amended to read as follows:

#### Chapter 24 - Traffic, vehicle forfeiture and impounding of vehicles

### ARTICLE IV

That the *Alamogordo Code of Ordinances*, Chapter 24, Traffic, is amended to add the following new Article 24-02, Vehicle Forfeiture, to read as follows:

#### 24-02 Vehicle Forfeiture.

##### 24-02-010. Purpose.

The purpose of this article is to protect the health, safety and welfare of the citizens of the City of Alamogordo by reducing the risk of harm to the public posed by individuals driving under the influence of alcohol or drugs through the forfeiture of motor vehicles whose operators are driving under the influence in violation of the law or have violated ignition interlock restrictions.

##### 24-02-020. Vehicle Nuisance.

A motor vehicle is hereby declared to be a public nuisance if it is:

- A. Operated by a person who is arrested for a driving under the influence of drugs or alcohol (hereinafter "DWI") offense; or
- B. Operated by a person whose license is currently revoked or denied as a result of a DWI arrest or conviction prohibiting them from driving, and/or

whose license is conditioned upon the use of an ignition interlock device, and the terms and conditions of these restrictions are violated.

**24-02-030. Vehicles Subject to Forfeiture.**

Except as otherwise provided herein, any motor vehicle which has been declared a public nuisance as defined in this article shall be subject to civil temporary seizure or permanent forfeiture proceedings as set forth in this article.

**24-02-040. Seizure; Forfeiture Proceeding.**

- A. Motor vehicles subject to forfeiture under this section may be seized by any police officer of the city upon an order issued by the district court.
- B. Seizure without such order may be made if seizure is incident to an arrest of the driver of the vehicle either for driving while intoxicated or for driving while his or her license is suspended or revoked as a result of a DWI arrest or conviction.
- C. A vehicle temporarily seized under this section shall not be subject to replevin, but is deemed to be in the custody of the police department seizing it subject only to the orders and decrees of the district court. The police department may take custody of the vehicle and remove it to appropriate and official locations within the district court's jurisdiction for disposition in accordance with this section. The police department shall establish reasonable towing and storage fees for vehicles temporarily seized in accordance with this section.
- D. At the time of seizure, the police department shall serve a copy of the notice of forfeiture upon the operator of the vehicle. A copy of the notice of forfeiture shall be mailed postage prepaid to the lawfully registered owner as verified by the New Mexico motor vehicle division on the next city business day following the arrest. The notice shall include the following:
  - (1) The license plate number, make, type and color of the vehicle;
  - (2) The location from which the vehicle was temporarily seized;
  - (3) A statement that the vehicle has been taken into custody and stored;
  - (4) The reason for temporary seizure;
  - (5) A name, phone number and title of the city employee from whom the owner can obtain further information;
  - (6) A statement that daily storage charges shall be assessed in addition to a towing charge;
  - (7) A statement that the owner has the right to contest the validity of the impoundment by requesting a hearing in writing within fifteen (15) city business days of the date of mailing of the notice of forfeiture; and
  - (8) A copy of this section.

- E. The owner may request that a hearing be scheduled before a hearing officer, appointed by the city manager or request an alternative as set forth in subsection 24-02-050. The hearing shall be held within fifteen (15) city business days of receipt of the request unless the hearing is continued with agreement of the parties. The hearing shall be informal and not bound by the technical rules of evidence. The hearing officer shall only determine whether the police officer had probable cause to arrest the operator of the vehicle and probable cause to seize the vehicle pursuant to this section. The hearing officer shall mail or deliver written notice of this or her decision to the owner within two (2) city business days of the hearing.
- F. If the hearing officer finds that the police officer did not have probable cause to arrest the operator and seize the vehicle, the vehicle shall be released. The hearing officer shall provide a written certificate of release to the owner of the vehicle. Upon receipt of the owner's copy of such certificate, the city shall release the vehicle to its owner or the owner's agent and storage fees shall be waived. If the owner fails to present such certificate to the city employee having custody of the vehicle within seventy-two (72) hours of its receipt, excluding non-city business days, the owner shall assume liability for all subsequent storage charges. The certificate shall advise the owner of such requirement. Any vehicle not recovered by the owner within thirty (30) calendar days after being notified by the city that such vehicles has been released by the city shall be deemed abandoned and disposed of in accordance with the notice provisions of Section 29-1-14 NMSA 1978.
- G. If the hearing officer determines that there was probable cause to arrest the operator of the vehicle and that the vehicle was properly seized, the city shall promptly file a verified petition in district court to abate the public nuisance and forfeit the vehicle pursuant to Section 30-8-8 NMSA 1978.
- H. Any person who, pursuant to the records of the motor vehicle division of the state taxation and revenue department, has an ownership or security interest in the vehicle subject to forfeiture with notice of the verified complaint in district court.
- I. When property is forfeiture pursuant to a district court judgment, the police department shall sell the motor vehicle, and the proceeds shall be used to carry out the purpose and intent of this section. Any proceeds that exceed the costs of administering this section shall be used for DWI enforcement, prevention and education. Any proceeds from the sale of abandoned vehicles pursuant to this section shall be used to carry out the purpose and intent of this section. However, the police department and the fire department each may keep up to six vehicles at a time for official police department purposes as set forth in department policies approved by the city manager.
- J. Any owner of a forfeited vehicle shall not be permitted to purchase the vehicle when offered for sale by the city.
- K. At any time subsequent to seizure and prior to the entry of a district court judgment, the owner of a motor vehicle seized under this ordinance may retrieve personal property (other than the motor vehicle) from the motor vehicle. The police department shall allow an owner to retrieve personal

property within seventy-two (72) hours, excluding non-city business days, of contacting the police department.

**24-02-050. Alternatives to Forfeiture.**

- A. The following procedures shall apply if the owner of the vehicle was not the operator of the vehicle subject to the forfeiture:
  - (1) There shall be no forfeiture if the operator had no prior DWI history.
  - (2) Upon the first seizure of the vehicle, if the owner demonstrates by notarized affidavit that the owner of the vehicle had no prior knowledge of the operator's DWI history, no action shall be taken against the vehicle. The affidavit shall remain on file with the city.
  - (3) Upon the second seizure of the same vehicle, if the owner demonstrates by notarized affidavit that the owner of the vehicle had no prior knowledge of the operator's DWI history, the vehicle shall be immobilized for a period of thirty (30) calendar days and shall not be forfeited.
  - (4) Upon the third seizure of the same vehicle, the vehicle shall be subject to the forfeiture under this section if the operator is arrested for DWI or for driving on a license revoked or denied as a result of an arrest or conviction for DWI.
- B. The following procedures shall apply to an owner who is properly licensed but is arrested for driving while intoxicated:
  - (1) An owner who has never been convicted of DWI may elect in lieu of forfeiture to have installed at the owner's expense an ignition interlock device approved by the New Mexico Department of Transportation Traffic Safety Bureau and/or to have the vehicle immobilized for the period of time during which the charges are pending, and, if convicted, for as long as thereafter required by the court.
  - (2) An owner whose arrest for DWI does not result in a conviction for DWI shall not have his or her vehicle forfeited.
  - (3) If the records of the activity of the ignition interlock device prior to adjudication of the DWI charge show alcohol use by any operator, regardless whether it is the owner whose use was originally to be a nuisance, the vehicle shall be returned to the police department within twenty-four (24) hours of notification to the owner by the police department, to be impounded until the DWI charge is resolved, and the police department may assess additional towing and storage charges. If the owner fails to return the vehicle within twenty-four (24) hours after notification of an ignition interlock violation, the owner shall be deemed to have abandoned all alternatives to forfeiture and the vehicle shall be subject to forfeiture proceedings.
- C. The following procedures shall apply to an owner who is not properly licensed but is arrested for driving on a license revoked or denied as a result of a DWI

arrest or conviction, and is not also arrested at the same time for a second or subsequent DWI:

- (1) An owner who, according to the records of the New Mexico motor vehicle division at the time of arrest, had completed the period of revocation imposed by the motor vehicle and was eligible to have his or her license reinstated with or without an ignition interlock, may elect in lieu of forfeiture to obtain a valid license (which may contain an ignition interlock restriction) within thirty (30) calendar days of arrest and within that time pay towing, storage and administrative fees set by the police department to have the motor vehicle returned to the owner.
- (2) If the owner needs to install an ignition interlock in the motor vehicle to obtain an ignition interlock license:
  - (a) The ignition interlock shall be installed at the police department impound lot;
  - (b) The owner shall sign an agreement with the police department allowing the owner to remove the motor vehicle from the lot for the purpose of obtaining the ignition interlock license within twenty-four (24) hours of removal of the motor vehicle, which agreement shall confess forfeiture of the motor vehicle upon any default by the owner of any terms of the agreement. The agreement shall provide, in addition to any other reasonable provisions, that:
    - (i) The owner shall report within twenty-four (24) hours of removal whether the owner has obtained the required interlock license;
    - (ii) If the interlock license has not been obtained, the owner shall have the remainder of the thirty (30) days to attempt to get the interlock license;
    - (iii) If it is not possible to obtain the interlock license, the vehicle shall be subject to forfeiture and may be seized by the police department if not returned within twenty-four (24) hours of removal; and
    - (iv) If the records of the activity of the ignition interlock device during the period of time required by the Motor Vehicle Division show alcohol use by any operator, regardless whether it is the owner whose use was originally declared to be a nuisance, the vehicle shall be returned to the police department within twenty-four (24) hours of notification to the owner by the police department, to be immobilized for a period of sixty (60) days for the first incident of alcohol use, and the police department may assess additional towing, storage and immobilization charges. If the owner fails to return the vehicle within twenty-four (24) hours after notification of an ignition interlock violation, or if there is a second incident of alcohol use, the owner shall be deemed to have abandoned all alternatives to forfeiture and the vehicle shall be subject to forfeiture proceedings.

- (3) An owner who has previously had his or her motor vehicle returned under this section shall be ineligible to have that or any motor vehicle returned under this section.
- D. Immobilization may be accomplished by an immobilization device (boot) at the owner's designated location within the city limits, or by impoundment at a secure facility, in accordance with procedures established by the police department.
- E. The operator or owner shall pay towing and storage fees and all fees associated with the immobilization or interlock device.
- F. If a vehicle is determined by the police department to be so seriously damaged that it cannot be driven without extensive repairs and if the vehicle is not impounded as evidence, the police department may have the vehicle towed to a private towing company lot. The owner of the vehicle may recover the vehicle by a payment of \$270 to the police department and payment of any towing and storage charges to the private towing company. In the alternative, the owner may convey his or her interest in the vehicle to the police department and the owner shall not be charged any fees. If an owner does not choose either of these two options within thirty (30) days of impoundment, the vehicle shall be deemed impounded and shall be disposed of by the police department.

#### **24-02-060. Property Interest Not Subject to Forfeiture**

- A. Notwithstanding the provisions above, any forfeiture shall be subject to the interest of:
- (1) Any owner or co-owner of the vehicle not listed or named on the title or registration with the operator who cause the vehicle to become a nuisance, who did not have knowledge of, nor consented to, the use of the vehicle by the operator who caused the vehicle to become a nuisance, provided that upon establishment of a prima facie case of lack of knowledge or consent by the owner or co-owner, the burden of proving knowledge and consent shall be upon the city.
- (2) Any secured party, to the extent of the security interest, if the secured party establishes the security interest was acquired in good faith with no knowledge or reason to believe that the vehicle would be used by the operator of the vehicle declared to be a public nuisance as set forth in this section.
- B. If the secured interest is greater than the value of the vehicle, title shall be transferred to the secured party upon approval of the district court. Any secured party acquiring an interest after the vehicle is in the custody of the police department shall have the burden of intervening in the forfeiture proceeding to protect such interest. Any interest in the vehicle shall be properly filed with the New Mexico motor vehicle division in accordance with Sections 66-3-201 and 66-3-202 NMSA 1978 before the date of incident leading to the seizure.

**24-02-070. Severability**

If any section, paragraph, clause or provision of this ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, clause or provision shall not affect any other part of this ordinance.

**ARTICLE V**

That the *Alamogordo Code of Ordinances*, Chapter 24, Traffic, is amended to add the following new Article 24-03 to read as follows:

**24-03 Removal and Impounding of Vehicles****24-03-010. Definitions.**

The following defined terms shall be applicable to this article, and in addition to any other terms defined elsewhere in this article.

*Impound Lot* shall mean the storage facility(ies) designated by the City of Alamogordo by resolution which provides for the secure storage of impounded vehicles seized pursuant to the Alamogordo Municipal Code or any other laws of the State of New Mexico.

*Lien holder* shall mean a bona fide lien holder whose security interest in the vehicle has been perfected in the manner prescribed by law prior to the impoundment of the vehicle.

*Motor Vehicle Code* means Articles 1 through 8 of Chapter 66 NMSA 1978 [except 66-7-102.1 NMSA 1978], as amended, supplemented, modified, reenacted and/or recodified, from time to time.

*Motor vehicle* is any wheeled vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, recreational vehicles and trailers.

*Owner* shall mean any person which is the actual owner or holder of legal title to any vehicle; the agent for any such actual owner or holder; the custodian of a vehicle; and/or the lessee of any vehicle.

*Person* shall mean any natural person, firm, partnership, association, corporation, trust or other entity.

**24-03-020. Official impound lot designated.**

The City shall designate by resolution an official impound lot or impound lots for all vehicles impounded under the provisions of this article. Any vehicle impounded pursuant to this article will be stored at the impound lot with the exception of those vehicles impounded by Alamogordo Police Department for a criminal investigation.

**24-03-030. Removal of vehicles.**

Whenever any vehicle shall be impounded or towed pursuant to the Uniform Traffic Ordinance, Alamogordo Municipal Code section 14-01-140, any other laws of the State of New Mexico or City ordinance, now or hereafter in effect, such vehicles shall be removed, by or at the direction of the Alamogordo Police Department, to the impound lot. All vehicles that are seized pursuant to the authority of Chapter 24-02 of the Alamogordo Municipal Code, or other laws of the State of New Mexico or ordinances of the City, shall be removed, by or at the direction of the Police Department, to the impound lot.

**24-03-040. Recovery by owner.**

Before an owner shall be permitted to remove an impounded vehicle from the impound lot, the owner shall pay to the actual charges incurred by the City in removing such vehicle to the impound lot and storage charges, all of which storage charges shall be determined in accordance with the provisions of section 24-03-050 of this article.

**24-03-050. Amount of storage charges.**

The fee for impounding a vehicle shall be equal to the fee charged by the towing services who tows the vehicle. The storage cost of the impounded vehicle shall be \$25.00 a day for each motor vehicle stored in the impound lot. Any part of a day shall count as a whole day.

**24-03-060. Payment of charges; liability to other penalties.**

The payment of the towing fee and storage charges shall not operate to relieve the owner of such vehicle from liability for any fine or penalty imposed for any civil or criminal violation of any law or ordinance on account of which the vehicle is impounded, and provided further that the payment of such charges shall be final and conclusive and shall constitute a waiver of any right to recover the monies paid.

**24-03-070. Towing and Storage Lien.**

The City shall have a lien on the motor vehicle for the towing fees and storage charges, may retain possession of the vehicle until the fees and charges are paid, and may have the vehicle sold at public auction to satisfy the lien. The lien that attaches to the vehicle shall be in accordance with Article 3, Liens on Personal Property, of Chapter 66 NMSA 1978, and may be foreclosed in the manner provided in section 48-3-13, NMSA 1978.

**24-03-080. Lienholders.**

A lienholder asserting its right to possession of an impounded vehicle pursuant to its conditional sales agreement may obtain immediate release of such vehicle by paying

the applicable towing fees and storage charges provided in subsection (b) of this section and submitting a photocopy of the conditional sales agreement and title certificate, an affidavit stating that the purchaser is in default of the agreement and an indemnification certificate executed by an authorized agent of the lienholder.

**Article VI**

**Effective Date.** This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

**PASSED, APPROVED AND ADOPTED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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:  
Final publication:  
Effective date:

**AGENDA REPORT**  
**CITY OF ALAMOGORDO**  
**CITY COMMISSION**

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**Meeting Date:** August 12, 2014      **Report Date:** July 30, 2014      **Report No:** 15

**Submitted By:** Renee Cantin  
City Clerk      **Approved For Agenda:** 

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**Subject:** Consider, and act upon, the final publication of Ordinance No. 1472 creating new Article 7-05 in the Code of Ordinances concerning Pigeon Nuisance and Abatement.

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**Fiscal Impact:** NA  
**Amount Budgeted:** NA  
**Fund:** NA

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

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**Background:** At the Regular Meeting of July 22<sup>nd</sup>, 2014, the City Commission approved the Ordinance for first publication. A summary of the Ordinance was published in the *Alamogordo Daily News* on Sunday, July 27<sup>th</sup>, 2014. If approved for final adoption, the summary will be published a second time on Sunday, August 17<sup>th</sup>, 2014 and will be effective August 22<sup>nd</sup>, 2014.

**The following information was provided by Stephen Thies, City Attorney at the time it was brought for first publication:** Commissioner Rentschler requested that an ordinance be prepared to address the nuisance created by individuals feeding pigeons. As a result, the attached draft has been prepared for the Commission's consideration.

The ordinance prohibits the feeding of pigeons on both private and public property and other acts that result in the attraction of a large number of pigeons. It contains exclusions for domesticated birds and bird feeders that are intended to attract birds other than pigeons. A first violation of the ordinance will result in a warning from Code Enforcement. Any subsequent violation occurring within 5 years of the warning, and any subsequent violations occurring within the 10 years of the warning, will result in the individual being a citation.

Legal requests approval of the 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. 1472**

**CREATING NEW ARTICLE 7-05 IN THE ALAMOGORDO CODE OF ORDINANCES  
CONCERNING PIGEON NUISANCE AND ABATEMENT**

**WHEREAS**, the feral pigeon population is expanding and the droppings associated with large flocks of feral pigeons interfere with use and enjoyment of private an public outdoor facilities, create undesirable condition and may have an economic impact on the City of Alamogordo; and,

**WHEREAS**, pigeon dropping damage and depreciate property, make walkways unsafe and unsanitary, and potentially represent a public health hazard due to parasites or disease that may be associated with accumulation of pigeon droppings; and,

**WHEREAS**, supplemental feeding of pigeons by humans, whether deliberate or through negligence, is a substantial cause of the overpopulation of pigeons in the City of Alamogordo; and,

**WHEREAS**, providing readily available food sources for pigeons allows their numbers to increase in a manner that negatively impacts safe and comfortable use of commercial and residential areas and that research has demonstrated that restricting access to food is an important factor in maintaining urban feral pigeon populations at acceptable levels.

**NOW THEREFORE, BE IT ORDAINED** by the City Commission of the City of Alamogordo that the *Code of Ordinances* is hereby amended to add Article 7-05 as follows:

**ARTICLE 7-05  
PIGEON NUISANCE ABATEMENT**

- 7-05-010. Findings and intent
- 7-05-020. Definitions
- 7-05-030. Unlawful Acts
- 7-05-040. Other acts prohibited
- 7-05-050. Additional remedies

**7-05-010. Findings and intent.**

(A) The Commission finds that the urban feral pigeon population is expanding and the droppings associated with large flocks of feral pigeons interfere with use and enjoyment of private and public outdoor facilities, create undesirable conditions and may have an economic impact on the City of Alamogordo.

(B) The Commission finds that pigeon droppings damage and depreciate property, make walkways unsafe and unsanitary, and potentially represent a public health hazard due to parasites or disease that may be associated with accumulation of pigeon droppings.

(C) The Commission finds that supplemental feeding of pigeons by humans, whether deliberate or through negligence, is a substantial cause of the overpopulation of pigeons in the City of Alamogordo.

(D) The Commission finds that providing readily available food sources for pigeons allows their numbers to increase in a manner that negatively impacts safe and comfortable use of commercial and residential areas, and that research has demonstrated that restricting access to food is an important factor in maintaining urban feral pigeon populations at acceptable levels.

(E) It is not the intent of the Commission to eradicate the feral pigeon population; this article is intended to address public nuisance associated with large numbers of pigeons.

(F) It is the intent of the Commission that the city place an emphasis on disseminating information about, and assisting citizens with, effective measures for preventing and abating pigeon nuisance in a manner that promotes effective management of pigeon populations.

**7-05-020. Definitions.**

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**FEEDING.** Providing food to pigeons. Food may include, but is not limited to grain, seed, greens, breadcrumbs and other miscellaneous food scraps, including garbage not properly disposed of or contained.

**LINGER.** For purposes of this ordinance, linger means to be slow in departing.

**OWNER.** That person holding the legal title to real property as shown by the records of the County Assessor.

**PERSON.** An individual, partnership, association, syndicate, company, firm, trust, corporation, or any other entity recognized by law.

**PIGEON.** The common pigeon, *Columba livia*, also known as the rock dove or rock pigeon. For the purposes of this article, "Pigeon" refers to any wild state (feral) pigeon, and does not include domestic pigeons used for recreation or show.

**PIGEON HARBORAGE.** Any condition which provides shelter or protection for pigeons; thus, favoring their multiplication and continued inhabitation in, under, outside a structure or premise at a location where there exists a pigeon nuisance. Housing or shelter provided for injured or ill pigeons that are being rehabilitated is not considered pigeon harborage.

**PIGEON NUISANCE.** The excessive congregation of pigeons at a location when such congregation of pigeons results in the accumulation of pigeon droppings or other

pigeon related waste. In addition, the accumulation of pigeon excrement, nesting materials, pigeon carcasses and other pigeon related detritus that may be damaging to the property, pose a threat to public health and welfare or contribute to polluted stormwater runoff to the river.

**PROPERTY.** Real property including buildings structures and land regardless of use for residential, commercial or other purposes.

**RESPONSIBLE PARTY.** That person or those persons who hold that legal or equitable interest in real property which empowers them to take appropriate actions to abate a pigeon nuisance found to exist on that real property. This may include, but not be limited to, a person with ownership, condominium rights, time-share rights, leasehold rights or an easement, license, contractual right, and any right or obligation to manage or act as agent or trustee for any person holding any of the foregoing. The owner of real property shall be presumed to be the responsible party.

**ROOST.** For purposes of this ordinance, roost is defined as settling down for rest or sleep.

#### **7-05-030. Unlawful Acts.**

- (A) It shall be unlawful for any person to:
- (1) intentionally feed feral pigeons on any public or private property within Alamogordo city limits.
  - (2) permit or allow the placement or discard of food, food by-products, vegetables, garbage or animal food of any kind in a manner that such person knows will reasonably result in the lingering, roosting and/or congregating of feral pigeons.
  - (3) encourage the lingering, roosting and/or congregating of feral pigeons by offering or providing food, food by-products, vegetables, garbage or animal food of any type.
  - (4) create, permit or allow the existence of a pigeon harborage.
- (C) This prohibition does not extend to domesticated birds used for show or for racing, or to injured pigeons that are kept at all times in cages or are prevented from creating pigeon nuisance conditions on nearby properties.
- (D) This prohibition does not extend to bird seed set out in bird feeders or otherwise provided to birds other than pigeons, provided that the seed does not attract significant numbers of pigeons or create conditions that constitute a pigeon nuisance.
- (E) Each act in violation of this section shall constitute a public nuisance and a separate violation. Any person who violates this section shall be subject to:
- (1) The first violation of this section shall result in a written warning. This warning will provide the details of the violation and will specify corrective action.
  - (2) Any person violating any provision of this ordinance a second time, and for any subsequent violation, shall be guilty of a petty misdemeanor for each violation or each day of a continuing violation.

**7-05-040. Other acts prohibited.**

(A) It shall be unlawful for any person to create or foster any condition or allow any condition to exist or continue which in any way harbors a number of feral pigeons or results in an infestation of feral pigeons that would constitute a pigeon nuisance, as defined herein.

(B) It shall be unlawful for any person to allow the accumulation of pigeon excrement, nesting materials, pigeon carcasses and other pigeon related detritus that would constitute a pigeon nuisance, as defined herein, on property where the person is the owner or occupant.

**7-05-050. Additional Remedies.**

Nothing in this article shall be construed to preclude the city from seeking any other remedy available in law or equity.

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

**DONE** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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: 07/22/2014  
First Publication: 07/27/2014  
Final Publication Approval: 08/12/2014  
Final Publication: 08/17/2014  
Effective Date: 08/22/2014

**AGENDA REPORT**  
**CITY OF ALAMOGORDO**  
**CITY COMMISSION**

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**Meeting Date:** August 12, 2014      **Report Date:** July 30, 2014      **Report No:** 16

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

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**Subject:** Consider, and act upon, award of RFQ No. 2014-04 Engineering Design Services to Engineers, Inc. for the Florida Avenue Realignment at First Street project

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**Fiscal Impact:** Agreement to be negotiated  
**Amount Budgeted:** \$200,000  
**Fund:** 122-9499-430.-NEW (EN 1405) Budget Revision in Process

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**Recommendation:** Award RFQ No. 2014-04 Engineering Design Services for Florida Avenue Realignment at First Street to Engineers, Inc. and approve negotiation of the professional Engineering Design Services Agreement.

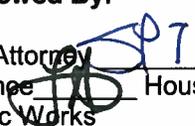
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**Background:** This project will realign Florida Avenue at First Street to eliminate the offset intersection. This intersection was evaluated as part of the Traffic and Geometric Study by HDR Engineering in 2011. In March 2014, voters passed a General Obligation Bond Measure to fund the design, right of way acquisition, and construction of the new four-way intersection. An RFQ for Engineering Services was advertised June 1st. Five (5) responsive proposals were received on July 2, 2014 in response to RFQ 2014-04: Engineers, Inc.; Souder, Miller and Associates, HDR Engineering; Larkin Group, Inc.; and Ideals.

As a result of the evaluation process, Engineers, Inc. was selected for Award. The RFQ and the submitted proposals are available in the City Clerk's office. The composite Score sheet is attached.

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**Reviewed By:**

City Attorney <u></u>	City Clerk <u>AC</u>	Assistant City Manager _____	Community Services _____
Finance <u></u>	Housing Authority _____	Planning _____	Police Chief _____
Public Works _____	Purchasing _____	City Engineer _____	Human Resources _____

CITY OF ALAMOGORDO  
 COMPOSITE SCORE SHEET  
 Engineering Services Florida Ave Realignment at First Street  
 July 2nd 2014  
 RFQ NO. 2014-04

Factor	Available Points per Vendor	3 Committee Members	Engineers Inc	Souder, Miller & Associates	HDR Engineers	Larkin Group, Inc	Ideals
1	75	Technical Competence	72	65	69	57	47
2	45	Capacity & Capability	44	36	29	36	28
3	45	Past Record of Performance	41	37	37	33	22
4	90	Familiarity with the Alamogordo & Otero County Area	81	79	77	73	50
5	15	Current Value of Work with City of Alamogordo	14	15	15	11	11
6	15	Approach to providing the Services	13	15	14	13	13
7	15	Approach to Communicating with City of Alamogordo	15	15	15	15	15
	30	Additional Preference Points - Veterans, Instate or Local	15	15	15	15	0
Total Available	330	Accumulated Score	295	277	271	253	186
Total Rank			1	2	3	4	5

**AGENDA REPORT**  
**CITY OF ALAMOGORDO**  
**CITY COMMISSION**

**Meeting Date:** August 12, 2014      **Report Date:** July 28, 2014      **Report No:**   17  

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

**Subject:** Consider, and act upon, award of RFQ No. 2014-07 Engineering Design Services to Bohannan-Huston, Inc. for the Reclaimed Water Line Looping project

**Fiscal Impact:** Agreement to be negotiated  
**Amount Budgeted:** \$75,000  
**Fund:** 89-9303-461.62-35 (EN 1305)

**Recommendation:** Award RFQ No. 2014-07 Engineering Design Services for the Reclaimed Water Line Looping project to Bohannan-Huston, Inc. and approve negotiation of the professional Engineering Design Services Agreement.

**Background:** This project will complete the looping of the reclaimed water line by connecting the existing effluent line running east/west between the LaVelle Pumping Station and the railroad tracks, north to tie into the existing effluent line in Alameda Park north of the Zoo.

An RFQ for Engineering Services was advertised June 15, 2014. Four (4) responsive proposals were received on July 14, 2014 in response to RFQ 2014-07: Bohannan-Huston, Inc; Engineers Inc; Occam Consulting Engineers; and Smith Engineering.

As a result of the evaluation process, Bohannan-Huston, Inc. was selected for Award. This project has received 2 New Mexico Environment Department grants and their Project Engineer has provided his concurrence of the award, which is required as part of the grant agreements. The RFQ and the submitted proposals are available in the City Clerk's office. The composite Score sheet is attached as well as NMED's concurrence.

**Reviewed By:**

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

CITY OF ALAMOGORDO  
 COMPOSITE SCORE SHEET  
 Engineering Services Reclaimed Water Line Looping Lavelle Road to 14th Street  
 July 14th 2014  
 RFQ NO. 2014-07

Factor	Available Points per Vendor	3 Committee Members	Bohannan Huston	Engineers Inc	Occam Consulting Engineers	Smith Engineering
1	75	Technical Competence	74	69	63	65
2	45	Capacity & Capability	38	36	34	29
3	45	Past Record of Performance	41	33	35	36
4	90	Approach to providing the Services	88	74	79	72
5	15	Familiarity with the Alamogordo & Otero County Area	15	13	9	12
6	15	Amount of work to be produced in New Mexico	15	15	15	15
7	15	Current Value of Work with City of Alamogordo	15	15	15	15
	30	Additional Preference Points - Veterans, Instate or Local	15	15	15	15
Total Available	330	Accumulated Score	301	270	265	259
Total Rank			1	2	3	4

**Zimbra****nbeshaler@ci.alamogordo.nm.us**

---

**RE: Alamogordo RFQ 2014-07 Award Concurrence**

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**From :** Steven Deal, NMENV <Steven.Deal@state.nm.us>

Mon, Jul 28, 2014 03:57 PM

**Subject :** RE: Alamogordo RFQ 2014-07 Award Concurrence**To :** Nancy Beshaler <nbeshaler@ci.alamogordo.nm.us>**Cc :** Brian Cesar <bcesar@ci.alamogordo.nm.us>, Ruben Segura <rsegura@ci.alamogordo.nm.us>, Barbara Pyeatt <bpyeatt@ci.alamogordo.nm.us>

Good Afternoon:

I have reviewed the submittal, and I concur with the selection of Bohannon Huston Inc. Please send me the negotiated contract with the consultant before it is executed. Please use the NMED contract form. Additions to Section D should include the language in Articles XV and XVI of your grant agreement.

Also, please tell me if any other funding will be used for this contract beyond funds from the City of Alamogordo.

Thanks,

Steve

-----Original Message-----

**From:** Nancy Beshaler [mailto:nbeshaler@ci.alamogordo.nm.us]**Sent:** Wednesday, July 23, 2014 9:01 AM**To:** Deal, Steven, NMENV**Cc:** Brian Cesar; Ruben Segura; Barbara Pyeatt**Subject:** Alamogordo RFQ 2014-07 Award Concurrence

SAP 13-1473-STB

SAP 12-1359-STB

Steve - attached is a letter requesting concurrence to Award the Engineering Services Agreement for the Alamogordo Reclaimed Looping Project to Bohannon Huston, Inc. based upon the proposal scores.

Thanks-

Nancy Beshaler

Project Manager

1376 E. Ninth Street

Alamogordo, NM 88310

575.439.4230

**AGENDA REPORT**  
**CITY OF ALAMOGORDO**  
**CITY COMMISSION**

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**Meeting Date:** August 12, 2014      **Report Date:** July 31, 2014      **Report No:** 18

**Submitted By:** Renee Cantin  
City Clerk      **Approved For Agenda:** 

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**Subject:** Consider, and act upon, a request from the Otero County United Way to waive the fees at the convenience center for anyone to dispose of their unwanted waste on September 5, 2014 for the Day of Caring.

---

**Fiscal Impact:**  
Amount Budgeted:  
Fund:

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**Recommendation:** Approve the request.

---

**Background:** In the past, the city has allowed this for a Community Clean-up. The request letter is attached.

They are requesting the Convenience Center on La Velle Road be open to anyone in the county to dispose their unwanted materials without charge on September 5, 2014 for the Day of Caring.

---

**Reviewed By:**

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



**United Way of Otero County**

P.O. Box 14  
1601 E. Tenth Street, Suite B  
Alamogordo, New Mexico 88311  
Phone: (575) 437-8400  
Fax: (575) 437-8409  
Website: [uwoterocty.org](http://uwoterocty.org)

July 17<sup>th</sup>, 2014

Dear Commissioners,

The United Way of Otero County has offered the **Day of Caring** to citizens in this area for 22 years. Volunteers from Holloman Air Force Base and community volunteers (500) perform general work service to seniors, disabled and low income families that need critical assistance in their homes. These volunteers perform various tasks such as yard work, window washing, general house cleaning, painting and minor repairs.

This year the **Day of Caring will take place September 5, 2014**. The launch site of this county-wide effort will be at **Alameda Park**. All participants must fill out a **Residential Job Request Form** by August 8<sup>th</sup>, 2014, in order to qualify for this volunteer service. Job request forms are available at the United Way Office, 1601 10<sup>th</sup> Street and on-line at our website, [www.uwoterocty.org](http://www.uwoterocty.org).

We have worked cooperatively with the Mayor's Office, city and county code enforcement offices, local post offices, churches, local business owners and civic groups in an effort to expand a greater volume of service to the community. We are stressing a cooperative effort to clean up Alamogordo on the Day of Caring. We are requesting that the Convenience Center on La Velle Road be open to anyone in the city to dispose their unwanted materials without charge (including tires). We are requesting September 5, 2014, be an unrestricted day for all city residents to aid in our clean-up effort. We seek your approval and cooperation on this project.

Linda L. Elliott  
Executive Director

**AGENDA REPORT**  
**CITY OF ALAMOGORDO**  
**CITY COMMISSION**

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**Meeting Date:** August 8, 2014      **Report Date:** July 24, 2014      **Report No:** 19

**Submitted By:** Reneé L. Cantin  
City Clerk      **Approved For Agenda:** 

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**Subject:** Hold Public Hearing, consider, and act upon, Application No. 911558 to grant a transfer of Ownership and Location for Liquor License #0283 from Meridian Investments, LLC to Allsup's Convenience Stores, Inc. d/b/a Allsup's Store No. 95, located at 822 N. Scenic Dr., Alamogordo, NM.

---

**Recommendation:** Approve the Transfer of Ownership and Location of License No. 0283 from Meridian Investments, LLC to Allsup's Convenience Stores, Inc d/b/a Allsup's Store No. 95.

---

**Background:** The Alcohol and Gaming Division of the NM Regulation and Licensing Department has given this application preliminary approval. In accordance with Section 60-6B-4 NMSA of the Liquor Control Act, the Division must refer the application to the Governing Body for approval or disapproval. This public hearing is for the purpose of considering the application. A Notice of Public Hearing was published in the *Alamogordo Daily News* on Sunday, August 3<sup>rd</sup> and Sunday, August 10<sup>th</sup>, 2014. These publications meet the State regulations of publishing two consecutive weeks prior to the public hearing.

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**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 Regulation and Licensing Department

ALCOHOL AND GAMING DIVISION

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87505

P.O. Box 25101 ▪ Santa Fe, New Mexico 87505-5101

(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us

RECEIVED

JUL 23 2014

July 18, 2014

CITY CLERK

Certified Mail No.: 7009 2250 0000 9386 8331

City of Alamogordo
Attn: Renee' Cantin, Clerk
1376 East Ninth Street
Alamogordo, NM 88310

Re: License / App. No.: License #0283 / Application No. 911558
Applicant Name: Allsup's Convenience Stores, Inc.
Doing Business As: Allsup's Store #95
Proposed Location: 822 N. Scenic Drive
Alamogordo, New Mexico 88310

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses.

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted Conditional Preliminary Approval; it is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

Within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer. Notice of the Public Hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time, and place of the hearing at least once a week for two consecutive weeks in a newspaper of general circulation within the territorial limits of the governing body, which requires that two weeks of publication must be satisfied before a hearing can be conducted. The notice shall include: (A) Name and address of the Applicant/Licensee; (B) The action proposed to be taken by the Alcohol and Gaming Division; and (C) The location of the licensed premises. The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record shall be made of the hearing.

THE APPLICANT IS SEEKING A TRANSFER OF OWNERSHIP AND LOCATION OF LIQUOR LICENSE NO. 0283 WITH PACKAGE SALES.

Susana Martinez
GOVERNOR

J. Dee Dennis, Jr.
SUPERINTENDENT

Mary Kay Root
DEPUTY
SUPERINTENDENT

James C. McKay
CHIEF GENERAL
COUNSEL

Jennifer M. Anderson
DIRECTOR

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770

Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800

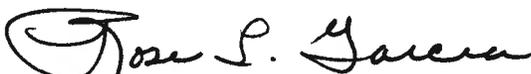
The governing body may disapprove the issuance or transfer of the license if:

- 1) The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. **(The governing body may disapprove if the proposed location is within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the Applicant/Licensee has obtained a waiver from the Local Option District governing body for the proposed licensed premises).**
- 2) The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a Zoning Statement from the governing body, this is not a basis for disapproval. Attached is a copy of a Zoning Statement from the local governing body.
- 3) The issuance would be detrimental to the public health, safety, or morals of the residents of the Local Option District. Disapproval by the governing body on public health, safety, or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

Within thirty **(30)** days after the Public Hearing, the governing body **shall** notify the Alcohol and Gaming Division as to whether the local governing body has approved or disapproved the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notice of publication(s). **If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director will give Final Approval to the issuance or transfer of the license.**

If the governing body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty **(30)** days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the notice of disapproval (Page 1 of the Application page noting disapproval).

Sincerely,



Rose L. Garcia

Hearing Officer

NM Regulation & Licensing Dept.

Alcohol & Gaming Division

Phone: 505-476-4552

Fax: 505-476-4595

Email: [rosel.garcia@state.nm.us](mailto:rosel.garcia@state.nm.us)

Enclosures: Original Page 1 of Application  
Copy of Page 2 of Application

State Liquor License # 0283

Application Number 91558

Local Option (AGD use) \_\_\_\_\_

STATE OF NEW MEXICO  
REGULATION AND LICENSING  
DEPARTMENT  
ALCOHOL AND GAMING DIVISION  
P.O. BOX 25101 Santa Fe,  
New Mexico 87504-5101  
505-476-4570

Record Owner of License Meridian Investments, LLC

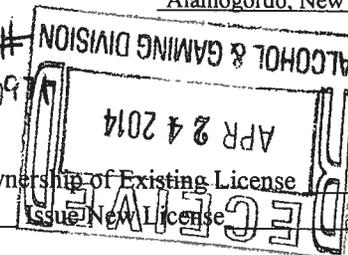
Current D/B/A Name \_\_\_\_\_

Current Premise Address 2722 Scenic Drive

Alamogordo, New Mexico

Liquor License Application  
Non Refundable Application Fee- \$200.00

R#1589702  
**PAID**  
\$200.00 CK# 9209



Application is for: (check one) Change of Stock \_\_\_\_\_ Change of Officers/Directors \_\_\_\_\_ Transfer of Ownership of Existing License \_\_\_\_\_  
Transfer of Ownership and Location  Transfer Location \_\_\_\_\_ Other \_\_\_\_\_

Applicant is: Individual \_\_\_\_\_ Corporation  Partnership (General or Limited) \_\_\_\_\_ Limited Liability Company \_\_\_\_\_

NAME OF APPLICANT (company or individual): \_\_\_\_\_ ADDRESS (INCLUDING CITY, STATE, ZIP) \_\_\_\_\_ TELEPHONE NUMBER \_\_\_\_\_

Allsup's Convenience Stores, Inc. PO Box 1907, Clovis, New Mexico 88102-1907 575-769-2311

Notice also to: Linda L. Aikin, Esq., 530B Harkle Road, Santa Fe, NM 87505 PH: 505-982-6224 FAX: 505-992-8378

DBA Name to be used: Allsup's #95 Phone Number for licensed premises 575-434-3499

Physical Address Where License is to be used: 822 N Scenic Drive, Alamogordo, New Mexico 88310  
(Street No./Highway No./State Road/City/County)

Mailing Address: PO Box 1907, Clovis, New Mexico 88102-1907  
(Street No./P.O. Box/City/State/Zip)

Are alcoholic beverages currently being dispensed at the proposed location?  No  If yes, give license number \_\_\_\_\_

I, Lonnie D. Allsup, as (title) president being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents thereof and that all statements therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the Director may refuse to issue said license or may cause such license to be revoked at any time.

Signature of Applicant(s) Lonnie D. Allsup Date 4-17-14

OFFICIAL SEAL

Notary Public Use Only

Shirley Corbell

SUBSCRIBED AND SWORN TO before me this 17 day of April, 2014 by Lonnie D. Allsup (Name of Person(s) Signing Above)

NOTARY PUBLIC: Shirley Corbell My Commission Expires: 8-31-16

Commission Expires: 8-31-16

Local Governing Body of: \_\_\_\_\_ (CITY OR COUNTY) Hearing Held on: \_\_\_\_\_

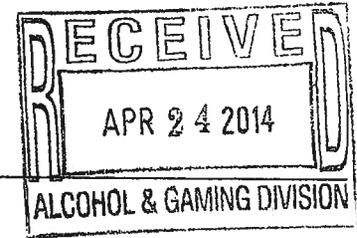
PLEASE CHECK ONE:  APPROVED  DISAPPROVED CITY/COUNTY OFFICIAL (Signature and Title): \_\_\_\_\_

AGD Use Only

APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_ DIRECTOR APPROVAL \_\_\_\_\_ DATE \_\_\_\_\_



**PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION**  
SS-60-6B-10



1. The land and building which is proposed to be the licensed premises is (check one):

Owned by Applicant Yes Leased by Applicant (attach copy of deed or lease) \_\_\_\_\_ Other (provide details) \_\_\_\_\_

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s) \_\_\_\_\_

B. Date and term of lease \_\_\_\_\_

3. Premises location is zoned (example C-1) C-3

If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

4. Distance from nearest church \*(Property line of church to licensed premises—shortest distance).  
Nazarene

de Miles/feet 300 Ft. ~~250 Ft.~~ Name of church New Beginning Church of Address/location of church 817 N. Scenic Dr., Alamogordo NM

5. Distance from nearest school \*(Property line of school to licensed premises—shortest distance).

Miles/feet 3 tenths mile Name of school Heights Elementary Address/location of school 2410 Tenth St., Alamogordo, NM

6. Distance from military installation \*(Property line of military installation to licensed premises-shortest distance.)

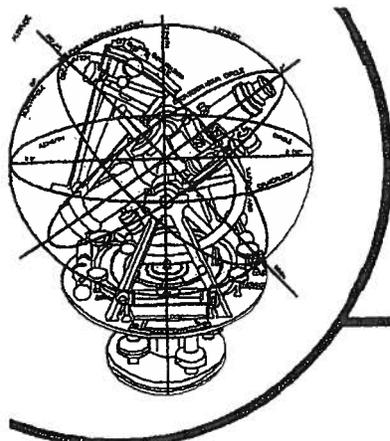
Miles 10.5 Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises.

\*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:

Lounge \_\_\_\_\_ Restaurant \_\_\_\_\_ Package Grocery X Racetrack \_\_\_\_\_ Hotel \_\_\_\_\_ Other (specify) \_\_\_\_\_



ALAMOTERO  
LAND  
SURVEYS, P.C.

PROFESSIONAL LAND SURVEYORS  
1101 NORTH FLORIDA AVENUE  
ALAMOGORDO, NEW MEXICO  
PHONE 575-437-7074 FAX 575-437-7075

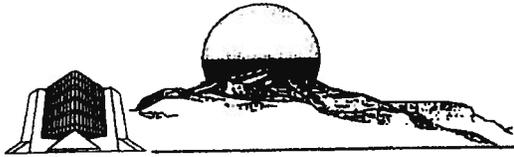
April 30, 2014

To whom it may concern,

The Northeast corner of the Church of the Nazarene property (Lot 1C, Replat C, Dale Bellamah Addition, Unit No. 4-C, Alamogordo, Otero County, New Mexico) located at 817 Scenic Drive is closer than 300' to the Allsup's Convenience Store located at 822 Scenic Drive (Lot 1A, Replat A, Block 25, Dale Bellamah Addition, Unit No. 4C, Alamogordo, Otero County, New Mexico).

*Branden Langley*

Branden Langley, PS



# City of Alamogordo

Planning & Zoning 1376 E. Ninth Street || Alamogordo, New Mexico 88310 Ph (575)439-4220 FAX (575)439-4343  
Srael@ci.alamogordo.nm.us

CD-010-2014

April 18, 2014

Allsup's Convenience Stores Inc.  
ATTN: Rogene Chaddick  
P.O. Box 1907  
Clovis, NM 88102-1907

RE: Zoning of **822 North Scenic Dr. Legal Description: DALE BELLAMAH #4C, REPLAT A, BLK 25, LT 1A, Otero County, New Mexico**  
**Map Code01N-4-057-094-166-240 & PC 01-03207**

To Whom It May Concern,

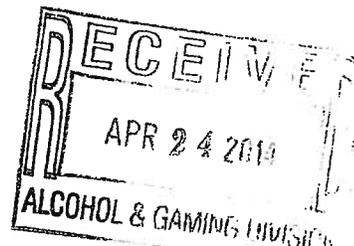
This is written, in accordance with the provisions of Section 2-01-030(j) and Section 29-01-010 of the Code of Ordinances of the City of Alamogordo, New Mexico, to provide a Certificate of Zoning Classification regarding the Property.

The property at **822 North Scenic Dr.** is within the **C3, Business District** as per the City of Alamogordo Zoning Map, which does not prohibit the sale of alcoholic beverages. Alamogordo Municipal Code Chapter 29, Zoning, allows convenience stores, bars and commercial business within this district.

Please contact me if you need more information. Note that for a full understanding of what is permitted or prohibited by the Alamogordo Code of Ordinances please refer to the Code in its entirety. The City's website at <http://ci.alamogordo.nm.us> provides access to the entire Municipal Code. On the City's Home page click on GOVERNMENT – COA Code of Ordinances – Chapter 29 Zoning.

Sincerely,

Ms. Stella Rael, Planning & Zoning Administrator  
Community Development Department,  
City of Alamogordo  
1376 E Ninth St.  
Alamogordo, NM 88310-5938  
(575) 439-4208; Fax: (575)439-4343  
[srael@ci.alamogordo.nm.us](mailto:srael@ci.alamogordo.nm.us)



ALCOHOL & GAMING DIVISION  
2550 CERRILLOS ROAD  
SANTA FE, NEW MEXICO 87505  
**POSTING CERTIFICATE**

DISPENSER (FULL SERVICE)  
 RESTAURANT (BEER/WINE ONLY)  
 CANOPY (DISPENSER-C)  
 OTHER:

RETAILER (PACKAGE ONLY)  
 DISPENSER (ON PREMISE ONLY)  
 INTER-LOCAL DISPENSER  
 LOTTERY

LICENSE NUMBER /APPLICATION NUMBER:

LICENSE NO. 0283/ APPL. NO. A-911559

TRANSFER OF OWNERSHIP & LOCATION  
 TRANSFER OF OWNERSHIP ONLY

TRANSFER OF LOCATION ONLY  
 NEW LICENSE

TRANSFERRED FROM: MERIDIAN INVESTMENTS, LLC  
CURRENT LOCATION: 2722 SCENIC DRIVE, ALAMOGORDO, NM 88310  
TRANSFERRED TO:/APPLICANT: ALLSUP'S CONVENIENCE STORES, INC.  
PROPOSED LOCATION: 822 SCENIC DRIVE, ALAMOGORDO, NM 88310  
PROPOSED BUSINESS NAME ALLSUP'S #95

I CERTIFY THAT I HAVE POSTED THE REQUIRED NOTICE OF LIQUOR LICENSE PURSUANT TO SECTION 60-6B-2, NMSA, AND FURTHER CERTIFY AS FOLLOWS:

- LOCATION POSTED IS WITHIN CORPORATE LIMITS OF: Alamogordo
- LOCATION POSTED IS IN UNINCORPORATED LIMITS OF: N/A
- DISTANCE FROM NEAREST CHURCH IS: Approx. 0.25 mile  
NAME OF CHURCH IS: Bethel Baptist Church
- DISTANCE FROM NEAREST SCHOOL IS: Approx. 2.0 mile  
NAME OF SCHOOL IS: Heights Elem. School
- DISTANCE FROM NEAREST MILITARY INSTALLATION: Approx. 2.0 mile  
NAME OF INSTALLATION IS: Holloman Air Force
- IF RURAL, DISTANCE FROM NEAREST EXISTING LIQUOR LICENSE IS:  
BY PASSABLE ROAD: N/A BY STRAIGHT AIRLINE: N/A
- NOTICE POSTED ON:  
 BUILDING  
 BUILDING UNDER CONSTRUCTION  
 BUILDING BEING REMODELED  
 BILLBOARD  
 NO BUILDING

DATE POSTED: 05/06/2014

EXPIRATION DATE: 05/26/2014 (midnight)

Danny Stutz  
APPLICANT'S SIGNATURE

Douglas Slavens  
S.I.D. SPECIAL AGENT SIGNATURE

Danny Stutz  
PRINTED

Douglas Slavens  
PRINTED



# City of Alamogordo



## OFFICE OF THE CITY CLERK

1376 E. NINTH STREET • ALAMOGORDO, NEW MEXICO 88310-5838 • (575) 439-4205 FAX (575) 439-4396

July 25, 2014

### VIA CERTIFIED MAIL

Allsup's Convenience Stores, Inc.  
d/b/a Allsup's Store No. 95  
PO Box 1907  
Clovis, NM 88102-1907

Re: Application No. 911558 to grant a transfer of Ownership and Location for Liquor License #0283 from Meridian Investments, LLC to Allsup's Convenience Stores, Inc. d/b/a Allsup's Store No. 95, located at 822 N. Scenic Dr., Alamogordo, NM.

Dear Sir/Madam:

The Alcohol and Gaming Division of the State of New Mexico has given your application preliminary approval. The application has been referred to our Governing Body for approval or disapproval.

A Public Hearing on the question of whether or not the proposed License should be granted will be held by the Alamogordo City Commission at its Regular Meeting of Tuesday, August 12, 2014, at 7:00 p.m. in the Commission Chambers of the Alamogordo City Hall located at 1376 E. Ninth Street. A "Notice of Public Hearing" will be published in the Alamogordo Daily News on Sunday, August 3<sup>rd</sup>, and Sunday, August 10<sup>th</sup>, 2014.

Under separate cover, you will be receiving our billing for \$50, which covers the processing and investigation fees for the City.

Attached is the city application that you will also need to complete for the city license to the City Clerk's office at the address listed above. The \$250 fee will need to be included with the application to the City of Alamogordo.

If you have any questions, please contact my office at (575) 439-4205.

Sincerely,

Renee L. Cantin, CMC  
City Clerk

CC: Linda L. Aikin, Esq., 530B Harkle Rd, Santa Fe, NM 87505  
xc: on file

**AGENDA REPORT**  
**CITY OF ALAMOGORDO**  
**CITY COMMISSION**

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**Meeting Date:** August 12, 2014      **Report Date:** July 29, 2014      **Report No:** 20

**Submitted By:** Brian Cesar *BC*      **Approved For Agenda:** *[Signature]*  
Public Works Director

---

**Subject:** Consider, and act upon, the award of Public Works Bid No. 2014-013 as it relates to Indian Wells Road and Pecan Drive/Washington Ave Right Turn Lane.

---

**Fiscal Impact:** \$88,668.94 (Including NMGRT)  
**Amount Budgeted:**  
**Fund:** 118-7903-430-65.29 \$33,211  
109-8903-430-65.29 \$55,458

---

**Recommendation:** Award Public Works Bid No. 2014-013 as it relates to Indian Wells Road and Pecan Drive/Washington Ave Right Turn.

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**Background: From the July 22<sup>nd</sup>, 2014 Commission Meeting:**

The Project involves right turn lane improvements at the intersection of Indian Wells / Pecan Drive / Washington Streets.

The Work will consist of removing concrete sidewalk, curb/gutter and asphalt paving and constructing new concrete sidewalk, accessible ADA ramps, curb/gutter and asphalt paving and install signage and pavement striping/markings and earthwork all within the city limits of Alamogordo, New Mexico.

The Project was advertised June 22, and 29, 2014. Bids were opened on July 9, 2014, with three (3) responsive bidders. Please see attached bid tab.

At a previous Commission Meeting, Engineering staff indicated that the total cost to improve the right turn lanes at this intersection would be approximately \$50,000. This estimate was based on a concept sketch and low unit prices of the previous contract. Project removals and geogrid subgrade stabilization were not included. Upon completion of the final geometric design, a more accurate estimate of \$81,000 was prepared. The project will be funded from 109 Funds already in the project and remaining 118 Funds from other projects.

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**Reviewed By:**

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

**Background: August 12, 2014**

At the July 22<sup>nd</sup>, 2014 Commission meeting, Public Works Staff was requested to review Bid No. 2014-013 and return with a cost estimate and timeline for completion for this project utilizing City of Alamogordo Public Works employees.

At this time, the Public Works staff is in the process of completing a number of large projects such as the walking trail from 10<sup>th</sup> to Indian Wells, the Pontiac utility line replacement/ ADA improvements/ re-paving project. We also have a number of pending projects such as the construction of the Purchasing/Central Receiving warehouse addition and the La Luz/Fresnal springs area rehabilitation.

During review of the project, there are three areas that staff recommends be contracted to an outside party;

1. Survey and Staking- \$ 3,000; the City of Alamogordo does not employ a surveyor.
2. Concrete Forming and Placement- \$ 15,000; for this one time project, it is more cost effective to contract this function as opposed to obtaining the additional materials necessary for this portion of the project.
3. Testing- \$2,000; the City of Alamogordo does not employ staff for this purpose.

Material cost for this project is estimated at \$ 39,000. Time for completion of the project would be 120 days. With a start date of October 20<sup>th</sup>, 2014, the estimated completion date would be March 1<sup>st</sup>, 2015. Total estimated cost of this project utilizing in-house staff is \$ 59,000.

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**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 \_\_\_\_\_

Indian Wells Road and Pecan Drive/Washington Avenue Right Turn Lane EN1209 Public Works Bid No. 2014-013						License No. 50233 PATE CONSTRUCTION INC		License No. 2967 MESA VERDE INTERPRISES, INC.		License No. 21569 SMITH & AGUIRRE CONSTRUCTION CO., INC.			
BASE BID ITEM NO.	QTY	UNIT	DESCRIPTION	Engineer's Opinion of Probable Construction Cost		UNIT		BID		UNIT		BID	
				PRICE	AMOUNT	PRICE	AMOUNT	PRICE	AMOUNT	PRICE	AMOUNT		
270000	430	SY	8-inch Sub-Grade Prep	\$ 4.30	\$ 1,849.00	\$ 14.00	\$ 6,020.00	\$ 6.00	\$ 2,580.00	\$ 7.00	\$ 3,010.00		
303010	145	CY	8-inch Base Course	\$ 43.85	\$ 6,358.25	\$ 70.00	\$ 10,150.00	\$ 60.00	\$ 8,700.00	\$ 44.00	\$ 6,380.00		
423270	430	SY	HMA SP-IV 4-inches thick	\$ 35.30	\$ 15,179.00	\$ 41.50	\$ 17,845.00	\$ 34.00	\$ 14,620.00	\$ 40.00	\$ 17,200.00		
601000	1	LS	Project Removals	\$ 6,500.00	\$ 6,500.00	\$ 6,316.00	\$ 6,316.00	\$ 11,607.00	\$ 11,607.00	\$ 11,017.00	\$ 11,017.00		
604300	358	SY	Geogrid Sub-Grade Stabilization	\$ 15.55	\$ 5,566.90	\$ 6.00	\$ 2,148.00	\$ 11.00	\$ 3,938.00	\$ 18.50	\$ 6,623.00		
608000	30	SF	Tactile Warning (Truncated Dome Plate)	\$ 28.00	\$ 840.00	\$ 25.00	\$ 750.00	\$ 34.00	\$ 1,020.00	\$ 40.00	\$ 1,200.00		
608004	185	SY	Concrete 4-inches thick	\$ 40.70	\$ 7,529.50	\$ 37.50	\$ 6,937.50	\$ 43.00	\$ 7,955.00	\$ 65.00	\$ 12,025.00		
608006	40	SY	Concrete 6-inches thick	\$ 69.00	\$ 2,760.00	\$ 64.00	\$ 2,560.00	\$ 92.00	\$ 3,680.00	\$ 140.00	\$ 5,600.00		
609424	100	LF	Type II 24-inch curb/gutter	\$ 18.45	\$ 1,845.00	\$ 23.00	\$ 2,300.00	\$ 29.00	\$ 2,900.00	\$ 32.00	\$ 3,200.00		
609424	380	LF	Type II 24-inch Spill curb/gutter	\$ 19.80	\$ 7,524.00	\$ 23.00	\$ 8,740.00	\$ 27.00	\$ 10,260.00	\$ 32.00	\$ 12,160.00		
618000	1	LS	Traffic Control	\$ 5,200.00	\$ 5,200.00	\$ 6,000.00	\$ 6,000.00	\$ 7,900.00	\$ 7,900.00	\$ 3,150.00	\$ 3,150.00		
621000	1	LS	Mobilization	\$ 6,845.24	\$ 6,845.24	\$ 3,600.00	\$ 3,600.00	\$ 3,900.00	\$ 3,900.00	\$ 14,150.00	\$ 14,150.00		
701000	27	SF	Traffic signage, aluminum panel signs	\$ 23.70	\$ 639.90	\$ 16.50	\$ 445.50	\$ 19.00	\$ 513.00	\$ 30.00	\$ 810.00		
701100	4	EA	Steel post and base post	\$ 175.15	\$ 700.60	\$ 165.00	\$ 660.00	\$ 280.00	\$ 1,120.00	\$ 75.00	\$ 300.00		
704000	310	LF	4-inch Wide thermoplastic	\$ 1.35	\$ 418.50	\$ 12.00	\$ 3,720.00	\$ 3.00	\$ 930.00	\$ 7.50	\$ 2,325.00		
704764	80	LF	24-inch wide Preformed Pattern Marking	\$ 17.25	\$ 1,380.00	\$ 22.00	\$ 1,760.00	\$ 24.00	\$ 1,920.00	\$ 15.00	\$ 1,200.00		
704767	2	EA	Right turn arrow	\$ 335.85	\$ 671.70	\$ 275.00	\$ 550.00	\$ 300.00	\$ 600.00	\$ 225.00	\$ 450.00		
704776	18	EA	Yield Line	\$ 55.00	\$ 990.00	\$ 33.00	\$ 594.00	\$ 35.00	\$ 630.00	\$ 150.00	\$ 2,700.00		
801000	1	LS	Construction staking and surveying	\$ 2,500.00	\$ 2,500.00	\$ 1,100.00	\$ 1,100.00	\$ 3,270.00	\$ 3,270.00	\$ 6,500.00	\$ 6,500.00		
<b>SUB-TOTAL</b>					\$ 75,297.59		\$ 82,196.00		\$ 88,043.00		\$ 110,000.00		
<b>NMGRT (7.875%)</b>					\$ 5,929.69		\$ 6,472.94		\$ 6,933.39		\$ 8,662.50		
<b>BASE BID TOTAL</b>					\$ 81,227.28		\$ 88,668.94		\$ 94,976.39		\$ 118,662.50		

Mathematical Error in Highlighted Item - Did not Affect Bid Ranking

**AGENDA REPORT**  
**CITY OF ALAMOGORDO**  
**CITY COMMISSION**

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**Meeting Date:** August 12, 2014      **Report Date:** July 30, 2014      **Report No:** 21

**Submitted By:** Nichole Sierra      **Approved For Agenda:**   
Utility Billing Supervisor

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**Subject:** Consider and act upon a request by Darryl and Josephine Gallent for an abatement of a utility bill for 300 24<sup>th</sup> Street.

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**Fiscal Impact:**      Approx. \$1,379.34  
**Amount Budgeted:**      -0-  
**Fund:**      Water & Sewer (81)

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**Recommendation:**      Provide direction to staff.

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**Background:**      Darryl and Josephine Gallent have requested abatement on the water bill for 300 24<sup>th</sup> Street. Mr. Gallent sold this property to Carolyn Fallon in 2011 through a Notice of Escrow. In 2013 Ms. Fallon defaulted on the contract and the property was deeded back to Mr. Gallent. Mr. Gallent claims he was not responsible for the property when it was in escrow. City Attorney Stephen Thies does not agree with Mr. Gallent. Staff recommends to deny Mr. Gallent's request.

---

**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



July 8, 2014

Darryl & Josephine S Gallent  
10 Camino Del Sur  
Alamogordo, NM 88310

RE: *Tenant(s): Carolyn Fallon*  
*Account Address: 300 Twenty-Fourth*  
*Account Number: 89259 - 8186*  
*Service Dates: 12/1/11 - 7/29/13*

Dear Property Owner:

The Utility Billing Department sent notices informing your tenant of the past due amount of \$1379.34. 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 \$1379.34 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) 439-4370 or (575) 439-4260 as soon as possible to discuss this matter.

Sincerely,



Stephanie Reyes  
Utility Billing Collections Clerk

Certified mail, return receipt requested  
7013 3020 0001 1834 5688

# AGENDA REPORT

CITY OF ALAMOGORDO  
CITY COMMISSION

Meeting Date: August 12, 2014      Report Date: July 30, 2014      Report No: 22

Submitted By: Nichole Sierra      Approved For Agenda:   
Utility Billing Supervisor

**Subject:** Consider and act upon a request by Darryl and Josephine Gallent for an abatement of a utility bill for 1601 Memory Ln.

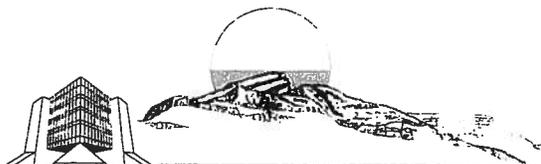
**Fiscal Impact:**      Approx. \$365.61  
Amount Budgeted: -0-  
Fund:                      Water & Sewer (81)

**Recommendation:**      Provide direction to staff.

**Background:**      Darryl and Josephine Gallent have requested abatement on the water bill for 1601 Memory Ln. Mr. Gallent sold this property to Steven Smith and Heather Bowlby in 2010 through a Notice of Escrow. In 2011 Mr. Smith and Ms. Bowlby defaulted on the contract and the property was deeded back to Mr. Gallent. Mr. Gallent claims he was not responsible for the property when it was in escrow. City Attorney Stephen Thies does not agree with Mr. Gallent. Staff recommends to deny Mr. Gallent's request.

**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



June 20, 2014

Darryl & Josephine S Gallent  
10 Camino Del Sur  
Alamogordo, NM 88310

RE: *Tenant(s):* *Smith, Steven*  
*Account Address:* *1601 Memory Ln*  
*Account Number:* *89433 - 16624*  
*Service Dates:* *08/18/10 - 06/14/11*

Dear Property Owner:

The Utility Billing Department sent notices informing your tenant of the past due amount of \$365.61. 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 \$365.61 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) 439-4370 or (575) 439-4260 as soon as possible to discuss this matter.

Sincerely,

Stephanie Reyes  
Utility Billing Collections Clerk

Certified mail, return receipt requested  
7013 3020 0001 1834 5503

RECEIVED  
JUL 14 2014  
CITY CLERK



City of Alamogordo City Commission Meeting

AGENDA REQUEST FORM

Date: 7-14-14

Date of Meeting: August 12, 2014

Name: Darryl Josephine Gallent

Address: 10 Camino Del Sur

Alamogordo ZIP 88310

Phone Number: (575) 443-0422 (575) 430-1722

E-Mail Address: jslgallent@yahoo.com

<b>Item requested will be for: (Please check one)</b>		
<input type="checkbox"/> Information only	<input type="checkbox"/> Action Item	<input 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**

Discussion, and possible action, relating to  
abatement of utility cost of \$365.61 and \$200.00 NJ  
administrative. - 300 water @ 1601 Memory Lane

Signature: [Handwritten 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)

**AGENDA REPORT**  
**CITY OF ALAMOGORDO**  
**CITY COMMISSION**

**Meeting Date:** August 12, 2014      **Report Date:** July 30, 2014      **Report No:** 23

**Submitted By:** Katie Josselyn *JK*      **Approved For Agenda:**   
Human Resources Director and  
Stephen Thies, City Attorney

**Subject:** Request approval to pay a \$750 one time longevity payment to current Non-Represented regular full-time employees, and a \$750 pro-rated one time longevity payment to Non-Represented regular part-time employees; with a hire date no later than July 1, 2013, as approved during FY2015 Budget Hearings

**Impact:** No adjustment to budget required

**Recommendation:** Approve request to pay a one time longevity payment to Non-Represented City staff on the August 21, 2014 pay period, as defined in this report

**Background:** During the FY2015 Commission budget hearings, funds in the amount of \$294,630 were approved for the allocation of a \$750 one time payment to employees. Staff is seeking official direction from the Commission to pay this \$750 payment on the August 21, 2014 pay date as follows:

1. Regular Full-Time Non-Represented employees with a hire date no later than July 1, 2013 will be paid a one time payment of \$750, less applicable withholding tax.
2. Regular Part-Time Non-Represented employees with a hire date no later than July 1, 2013 will be paid a pro-rated one time payment based on \$750 and their FTE, or annual budgeted hours. For instance, an employee that works 20 hours per week and 1,040 hours per year will receive a payment of \$375 less applicable withholding tax. Annual hours of 1,040 are half the hours a full-time employee works; full-time employees work 2,080 hours. ( $\$750 \text{ times } 50\% = \$375$ )

After applying the one year of service requirement and excluding vacant positions, this one time payment to all regular status employees across the board and the 1.5% increase to the APSOA Members, we will stay within the budgeted amount of \$294,630.

The AFSCME and ASPOA Union eligible employees will receive any remuneration they provide for in their respective agreements upon ratification of their contracts.

**Reviewed By:**

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

**AGENDA REPORT**  
**CITY OF ALAMOGORDO**  
**CITY COMMISSION**

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**Meeting Date:** August 12, 2014      **Report Date:** July 21, 2014      **Report No:** 24

**Submitted By:** Stephen P. Thies      **Approved For Agenda:** 

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**Subject:** Consider, and act upon, the first publication of Ordinance No. 1474 adopting the 2013 and 2014 amendments to the Uniform Traffic Ordinance with certain amendments thereto.

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**Fiscal Impact:**      -0-  
**Amount Budgeted:** -0-  
**Fund:**

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**Recommendation:**      Approve Ordinance for first publication.

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**Background:** This ordinance adopts amendments to the Uniform Traffic Code to bring it into alignment with changes made by the legislature during this year.

The changes include a word change in Section 12-1-2.1, changing "parking space" to "access aisle."

Section 12-6-12.6 has been amended to add a new paragraph concerning unlawful use of license. New sections have been added regarding electronic uniform traffic citations.

The legislature has recently adopted a new section concerning "Texting while driving." The penalty for texting while driving will be punishable by a fine of \$25 for a first violation and \$50 for a second or subsequent violation.

Amendments to the Uniform Traffic Ordinance occur routinely after each legislative session.

---

**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. 1474

### ADOPTING THE 2010 COMPILATION OF THE UNIFORM TRAFFIC ORDINANCE WITH CERTAIN AMENDMENTS

**WHEREAS**, the City of Alamogordo experiences a large volume of vehicular traffic; and,

**WHEREAS**, it is in the best interests of the citizens of the City that health, safety and welfare be protected through a generally recognizable set of traffic laws; and,

**WHEREAS**, the Uniform Traffic Ordinance, with a few exceptions, provides for traffic regulation needs of the City.

**BE IT THEREFORE ORDAINED** by the City Commission of the City of Alamogordo, New Mexico that the Code of Ordinances of the City of Alamogordo, New Mexico is hereby amended as follows:

#### **SECTION ONE**

##### **24-01-10. Uniform Traffic Ordinance--Adopted.**

Except as otherwise provided in this chapter the 2010 New Mexico Uniform Traffic Ordinance, a traffic code, with its amendments through 2007 ~~2014~~ is adopted by reference pursuant to Section 3-17-6, NMSA 1978 (2009 Cum. Supp.).

#### **SECTION TWO**

##### **24-01-030. Same--Amendments.**

The following amendments to the 2010 New Mexico Uniform Traffic Ordinance are adopted:

**12-1-2.1 ACCESS AISLE.** "Access Aisle" means a space designed to allow a person with a significant mobility limitation to safely exit and enter a motor vehicle that is immediately adjacent to a designated parking space for persons with significant mobility limitations and that may be common to two such parking spaces of at least sixty inches in width or, if the parking space is designed for van accessibility, ninety-six inches in width, and clearly marked and maintained with blue striping, and after January 1, 2011 the words "NO PARKING" in capital letters, each of which shall be at least one foot high and at least two inches wide, placed at the rear of the parking space ~~access aisle~~ so as to be close to where an adjacent vehicle's rear tires would be placed (66-1-4.1 NMSA 1978).

**12-6-12.6 UNLAWFUL USE OF LICENSE; DRIVING WHEN PRIVILEGE TO DO SO HAS BEEN SUSPENDED OR REVOKED.**

No person shall:

A.

(1) display or cause or permit to be displayed or have in his possession any canceled, revoked or suspended driver's license or permit;

(2) lend his driver's license or permit to any other person or knowingly permit the use thereof by another;

(3) display or represent as one's own any driver's license or permit not issued to him;

(4) fail or refuse to surrender to the court upon its lawful demand any driver's license or permit which has been suspended, revoked or canceled;

(5) permit any unlawful use of driver's license or permit issued to him;  
(66-5-37 NMSA 1978)

(6) drive a motor vehicle on any public street or highway at a time when his privilege to do so is suspended or revoked and who knows or should have known that his license was suspended or revoked. Upon conviction, the person shall be punished by imprisonment for not less than four days nor more than ninety days or participation for an equivalent period of time in a certified alternative sentencing program, and there may be imposed in addition a fine of not more than five hundred dollars (\$500.00). When a person pays any or all of the cost of participating in a certified alternative sentencing program, the court may apply that payment as a deduction to any fine imposed by the court. ~~Notwithstanding any other provision of law for suspension or deferment of execution of sentence, if the person's privilege to drive was revoked for driving under the influence of intoxicating liquor or drugs or a violation of the Implied Consent Act, upon conviction under this section, that person shall be punished by imprisonment for not less than seven consecutive days and shall be fined not less than three hundred dollars (\$300.00) or not more than five hundred dollars (\$500.00) and the fine and imprisonment shall not be suspended, deferred or taken under advisement. No other disposition by plea of guilty to any other charge in satisfaction of a charge under this section shall be authorized if the person's privilege to drive was revoked for driving under the influence of intoxicating liquor or drugs or a violation of the Implied Consent Act.~~ (66-5-39 NMSA 1978)

(7) drive a motor vehicle on a highway of this state at a time when the person's privilege to do so is revoked and who knows or should have known that the person's license was revoked is guilty of a misdemeanor and shall be charged with a violation of this section. Upon conviction, the person shall be punished, notwithstanding the provisions of Sec. 31-18-13 NMSA 1978, by imprisonment for not less than four days or more than ninety days or by participation for an equivalent period of time in a certified alternative sentencing program, and there may be imposed in

addition a fine of not more than \$500. When a person pays any or all of the cost of participating in a certified alternative sentencing program, the court may apply that payment as a deduction to any fine imposed by the court; and

(8) notwithstanding any other provision of law for suspension or deferment of execution of a sentence, if the person's privilege to drive was revoked for driving under the influence of intoxicating liquor or drugs or a violation of the Implied Consent Act, upon conviction shall be punished by imprisonment for not less than seven consecutive days and shall be fined not less than three hundred dollars (\$300) and not more than five hundred dollars (\$500) and the fine and imprisonment shall not be suspended, deferred or taken under advisement. No other disposition by plea of guilty to any other charge in satisfaction of a charge under this section shall be authorized if the person's privilege to drive was revoked for driving under the influence of intoxicating liquor or drugs or a violation of the Implied Consent Act. (66-5-39.1 NMSA 1978)

B. In addition to any other penalties imposed pursuant to the provisions of this section, when a person is convicted pursuant to the provisions of this section, the motor vehicle the person was driving shall be immobilized by an immobilization device for thirty days, unless immobilization of the motor vehicle poses an imminent danger to the health, safety or employment of the convicted person's immediate family or the family of the owner of the motor vehicle. The convicted person shall bear the cost of immobilizing the motor vehicle. (66-5-39 NMSA 1978)

### **12-12-3 Conduct of Arresting Officer – Notices by Citation.**

A. Except as provided in Section 12-12-5, unless a penalty assessment or warning notice is given, whenever a person is arrested for any violation of this ordinance or other law relating to motor vehicles punishable as a misdemeanor, the arresting officer, using the uniform traffic citation in paper or electronic form, shall complete the information section and prepare a notice to appear in court, specifying the time and place to appear, have the arrested person sign the agreement to appear as specified, give a copy of the citation to the arrested person and release him from custody.

B. Whenever a person is arrested for violation of a penalty assessment misdemeanor and elects to pay the penalty assessment, the arresting officer, using the uniform traffic citation in paper or electronic form, shall complete the information section and prepare the penalty assessment notice indicating the amount of the penalty assessment, have the arrested person sign the agreement to pay the amount prescribed, give a copy of the citation along with a business reply envelope addressed to the municipal court with jurisdiction and release him from custody. No officer shall accept custody or payment of any penalty assessment. If the arrested person declines to accept a penalty assessment notice, the office shall issue a notice to appear. (66-8-123 B NMSA 1978)

C. The arresting office may issue a warning notice, but shall fill in the information section of the uniform traffic citation in paper or electronic form and give a

copy to the arrested person after requiring his signature on the warning notice as an acknowledgment of receipt. No warning notice issued under this section shall be used as evidence of conviction for purposes of suspension or revocation of license under Section 66-5-30 NMSA 1978.

D. In order to secure his release, the arrested person must give his written promise to appear in court, or to pay the penalty assessment prescribed or acknowledge receipt of a warning notice.

E. Any officer violating this section is guilty of misconduct in office and is subject to removal. (66-8-123 NMSA 1978)

F. An electronic traffic citation, prescribed by Section 12-12-3.1, is an electronic version of the uniform traffic citation. For the purposes of this section, an electronic citation may be completed instead of a uniform traffic citation; provided, however, that where this section requires a copy of a citation to be given to an arrested person, a physical copy of the citation shall be provided whether a uniform traffic citation or an electronic form of the uniform traffic citation was used. An electronic form of the uniform traffic citation may be signed electronically.

#### **12-12-3.1 Electronic Uniform Traffic Citation**

A. An electronic version of the uniform traffic citation shall include the same information required to be included in a uniform traffic citation. An electronic version of a uniform traffic citation may be signed electronically and a law enforcement office may submit or file with a court an electronic version of a uniform traffic citation if prior permission of the department has been secured. Where the law requires a law enforcement office to provide a copy of a citation to a person cited or arrested, a physical copy of the citation shall be provided regardless of whether a paper uniform traffic citation or an electronic version of a uniform traffic citation was used. (66-8-128 NMSA 1978)

#### **12-12-11 Abstract of Traffic Cases – Report on Convictions.**

A. Every municipal judge shall keep a record of every traffic complaint, uniform traffic citation and other form of traffic charge filed in the judge's court or its traffic violations bureau and every official action and disposition of the charge by that court. The court shall notify the Department if a defendant fails to appear on a charge of violating the Motor Vehicle Code or other law or ordinance relating to motor vehicles.

B. Within ten days of the later of entry of judgment and sentence or failure to appear on a charge of violating a final disposition of a conviction for violation of this ordinance or other law or ordinance relating to motor vehicles or the final decision of any higher court that reviews the matter and from which no appeal or review is successfully taken, every municipal judge, including children's court judges, or the clerk of the court in which the entry of judgment and sentence or failure to appear the final

disposition occurred shall prepare and forward to the department an abstract of the record containing the name and address of the defendant; the specific section number and common name of the provision of the local law, ordinance or regulation under which the defendant was tried; the plea, finding of the court and disposition of the charge, including fine or jail sentence or both ~~forfeiture of bail or dismissal of the charge~~; total costs assessed to the defendant; the date of the hearing; the court's name and address; whether defendant was a first or subsequent offender; and whether the defendant was represented by counsel or waived his right to counsel and, if represented, the name and address of counsel.

C. The abstract of record prepared and forwarded under Subsection B of this section shall be certified as correct by the person required to prepare it. With the prior approval of the department, the information required in Subsection B of this Section may be transmitted electronically to the department. Report need not be made of any disposition of a charge of illegal parking or standing of a vehicle except when the uniform traffic citation is used.

D. When the uniform traffic citation is used, the court shall provide the information required in Subsection B of this Section in the manner prescribed by the director. A copy of each penalty assessment processed shall be forwarded to the division within ten (10) days of completion of local processing for posting to the driver's record. With the prior approval of the director, the required information may be submitted to the division by electronic means in lieu of forwarding copies of the penalty assessments.

E. The willful failure or refusal of any judicial officer to comply with this section is misconduct in office and grounds for removal. (66-8-135 NMSA 1978)

### **12-6-18 Texting While Driving**

A. A person shall not read or view a text message or manually type on a handheld mobile communication device for any purpose while driving a motor vehicle, except to summon medical or other emergency help or unless that device is an amateur radio and the driver holds a valid amateur radio operator license issued by the Federal Communications Commission.

B. The provisions of this section shall not be construed as authorizing the seizure or forfeiture of a handheld mobile communications device. Unless otherwise provided by law, the handheld mobile communications device used in the violation of the provisions of this section is not subject to search by a law enforcement officer during a traffic stop made pursuant to the provisions of this section.

C. As used in this section:

(1) "driving" means being in actual physical control of a motor vehicle on a highway or street and includes being temporarily stopped because of traffic, a

traffic light or stop sign or otherwise, but "driving" excludes operating a motor vehicle when the vehicle has pulled over to the side of or off an active roadway and has stopped at a location in which it can remain safely stationary;

(2) "*handheld mobile communications device*" means a wireless communications device that is designed to receive and transmit text or image messages, but "handheld mobile communications device" excludes global positioning or navigation systems, devices that are physically or electronically integrated into a motor vehicle and voice-operated or hands-free devices that allow the user to compose, send or read a text message without the use of a hand expect to activate, deactivate or initiate a feature or function; and

(3) "*text message*" means a digital communication transmitted or intended to be transmitted between communication devices and includes electronic mail, an instant message, a text or image communication and a command or request to an internet site; but "text message" excludes communications through the use of a computer-aided dispatch service by law enforcement or rescue personnel.

D. A violation of provisions of this section is punishable by a fine of \$25 for a first violation and \$50 for a second or subsequent violation. Violations of provisions of this section may be included in a local penalty assessment ordinance.

#### **24-01-040. - Schedule of penalty assessments.**

As used in the New Mexico Uniform Traffic Ordinance adopted by the city, "penalty assessment misdemeanor" means violation of the following listed sections of the New Mexico Uniform Traffic Ordinance, for which the listed penalty assessment is established:

##### Speeding 12-6-1.2:

- (1) Up to and including ten miles an hour over speed limit .....\$25.00
- (2) From eleven up to and including fifteen miles an hour over speed limit .....40.00
- (3) From sixteen up to and including twenty miles an hour over speed limit .....70.00
- (4) From twenty-one up to and including twenty-five miles an hour over the speed limit .....110.00
- (5) From twenty-six up to and including thirty miles an hour over the speed limit .....210.00
- (6) From thirty-one and up to and including thirty five miles an hour over the speed limit .....310.00
- (7) More than thirty-five miles an hour over the speed limit .....410.00

##### Speeding in construction zones 12-6-1.2 A. (4):

- (1) Up to and including ten miles an hour over speed limit .....46.00
- (2) From eleven up to and including fifteen miles an hour over speed limit .....76.00
- (3) From sixteen up to and including twenty miles an hour over speed limit .....136.00

- (4) From twenty-one up to and including twenty-five miles an hour over the speed limit .....216.00
- (5) From twenty-six up to and including thirty miles an hour over the speed limit .....416.00
- (6) More than thirty-one miles over the speed limit .....500.00

School zones 12-6-2.7:

- (1) Up to and including ten miles an hour over speed limit .....50.00
- (2) From eleven up to and including nineteen miles an hour over speed limit .....65.00
- (3) From 20 up to and including 30 miles an hour over the speed limit .....90.00

Flashing signals 12-5-8 .....	35.00
Passing vehicles proceeding in opposite direction 12-6-2.2 .....	35.00
Limits on overtaking on the left 12-6-2.4 .....	35.00
Further limits on driving left of center 12-6-2.5 .....	35.00
When overtaking on right permitted 12-6-2.6 .....	35.00
No passing zones (incl. school zones) 12-6-2.7 .....	35.00
Driving on divided streets 12-6-2.14 .....	35.00
Vehicle entering stop/yield intersection 12-6-4.3 .....	35.00
Required position, method of turning 12-6-5.1 .....	35.00
Obedience to no U-turn signs 12-6-5.4 .....	35.00
Limitations on turning around 12-6-5.5 .....	35.00
Starting parked vehicle 12-6-5.7 .....	35.00
Stopping/standing parking 12-6-6.1 .....	15.00
Parking regulations 12-6-6.2 .....	15.00
Parking not to obstruct traffic 12-6-6.3 .....	15.00
Standing/parking on one-way streets 12-6-6.9 .....	15.00
Standing/parking on divided streets 12-6-6.10 .....	15.00
Stopping/standing/parking 12-6-6.11 .....	15.00
Angle parking 12-6-6.13 .....	15.00
Stopping for school buses 12-6-7.3 .....	110.00
Stop when traffic obstructed 12-6-7.2 .....	35.00
Eye protection or windshields 12-7-5 .....	25.00
School crossings 12-6-10 .....	35.00
Driving through safety zone 12-6-12.15 .....	35.00
Driving on sidewalk 12-6-12.28 .....	35.00
Unhitched trailer 12-6-13.3 .....	10.00
Child restraints 12-6-13.12 .....	35.00

Seat belts 12-6-13.13 .....	35.00
Pedestrians right-of-way 12-6-14.2 .....	35.00
Crossing at other than crosswalks 12-6-14.4 .....	35.00
Operation of off-highway vehicles 12-7-2 .....	35.00
Carrying articles 12-8-6 .....	35.00
Dimming of lights 12-10-1.6 .....	35.00
Stop lamps 12-10-1.9 .....	20.00
Display current valid registration plate 12-10-4 .....	25.00
Evidence of registration 12-10-05 .....	25.00
Driving on streets laned for traffic 12-6-2.12 .....	35.00
Obedience to traffic control devices 12-5-3 .....	35.00
Open container of alcoholic beverage 12-6-13.14 .....	85.00
Operator to be licensed 12-6-12.5 .....	55.00
Careless driving 12-6-12.4 .....	105.00
Following too closely 12-6-2.13 .....	35.00
Basic rule 12-6-1.1 .....	35.00
Tail lamps required 12-10-1.7 .....	20.00
Permitting unauthorized person to drive 12-6-12.23 .....	35.00
Parking in alleys 12-6-6.4 .....	10.00
Parking for certain purposes 12.6-6.5 .....	10.00
Parking adjacent to schools 12-6-6.7 .....	10.00
Prohibited activities while driving 12-6-12.18 .....	35.00
Residential parking 24-01-080 .....	10.00
Stopping/standing/parking 12-6-6.1 and 12-6-6.11 .....	10.00
Unattended motor vehicle 12.6-12.8 .....	35.00
Unlawful riding 12.6-13.2 .....	35.00
Vehicle approach/entering intersection 12-6-4.1 .....	35.00
Vehicle to be in safe condition 12.10-1.2 .....	35.00
When lighted lamps are required 12-10-1.3 .....	35.00
Windshield to be unobstructed 12-10-1.2 .....	35.00
Drive on right side of street 12-6-2.1 .....	35.00
Emerging from alleyways/driveways 12-6-7.1 .....	35.00
Headlamps on motor vehicle 12-10-1.5 .....	20.00
Obedience to signs designate one-way streets 12-6-2.9 .....	35.00
Mufflers/prevention of noise 12-10-1.10 .....	10.00
Processions 12-6-12.20 .....	35.00

Limits on backing 12-6-12.9 .....	35.00
Vehicle turning left at intersection 12-6-4.2 .....	35.00
Turning and stopping movements and required signals 12-6-5.8	35.00
Texting while driving 12-6-18 - first violation .....	25.00
Second or subsequent violation ..	50.00

The penalty assessments shall be deposited in the city treasury.

**SECTION THREE**

The provisions of this ordinance are intended to be severable and, should any portion herein be declared null void or of no effect, it is the intention of the City Commission that the remainder of the ordinance shall remain in full effect as if the voided portion had not been enacted.

**DONE** this \_\_\_\_\_ day of \_\_\_\_\_, 2014

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:** August 12, 2014      **Report Date:** July 30, 2014      **Report No:** 25

**Submitted By:** Susie Galea  
Mayor      **Approved For Agenda:** 

**Subject:** Request for participation in the Extra Mile Day.

**Recommendation:** Request assistance from the Commission and the public to provide names of people in our community who deserve to be recognized.

**Background:** The following is a request for participation in this year's event: Last year, 444 inspirational mayors and city leaders stood up and jointly recognized **November 1, 2013**, as **Extra Mile Day**...*a day to recognize the people and organizations who are creating positive change in our communities through their extra mile efforts in volunteerism and service.*

**Proudly, we hold up Alamogordo as a 2013 Extra Mile Day city, and we hope that you will join the mission again by making the proclamation in 2014. (Proclamation language is at the end of this email.)**

This year, our mission continues...and builds. Supported by a volunteer staff, Extra Mile America ([www.ExtraMileAmerica.org](http://www.ExtraMileAmerica.org)) is unwavering in its commitment to remind individuals and organizations that creating positive change is not just a water cooler topic, but it is unselfishly tied to go-the-extra-mile action. We continue to be an organization that casts a bright light on the "Extra Mile Heroes" and change-makers who surround us and who continue to give their best.

Started in 2009 by Founder Shawn Anderson's vision that one person CAN make a difference, *Extra Mile Day* has grown from 23 participating cities in its inaugural year (2009)...to an awesome goal of 500 cities this year.

**Whether it is one elected official or one non-elected government employee, whether it is one citizen or one business with 1,000 amazing people, ONE does make a difference. By declaring **November 1, 2014, Extra Mile Day**, your city continues to be a part of this nationwide movement.**

Will you join us again this year and proclaim **November 1** as *Extra Mile Day*?

**Reviewed By:**

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

If the Mayor would like to do something beyond a proclamation, we have two options:

- 1) **Submit names of local "Extra Mile Heroes."** In addition to a **November 1** declaration, submit 1-5 names of amazing extra mile people and/or organizations that are making significant contributions to city. These people/organizations will be included on our website with their specific contribution, and their names will be sent to the White House as extra-mile change makers whose service truly stands out and deserves to be recognized.
- 2) **Submit a quote from your Mayor.** In addition to a **November 1** declaration, your Mayor's quote of what it personally means to "go the extra mile" will be highlighted on our website and shared with your local media.

We are looking forward to your city once again leading the way, and if there is anything we can do to help you plan something special, we are happy to jump forward with our best effort on your behalf.

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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 \_\_\_\_\_

**AGENDA REPORT**  
**CITY OF ALAMOGORDO**  
**CITY COMMISSION**

**Meeting Date:** August 12, 2014

**Report Date:** July 31, 2014

**Report No:** 26

**Submitted By:** Reneé Cantin  
City Clerk

**Approved For Agenda:** \_\_\_\_\_



**Subject:** Consider, and act upon, selecting a Voting Delegate and Alternate Delegate for the New Mexico Municipal League Annual Conference Business Meeting being held August 26<sup>th</sup> – 29<sup>th</sup>, 2013 in Albuquerque, NM.

**Recommendation:** Select a voting delegate and alternate.

**Background:** The City Commission needs to select a voting delegate and an alternate delegate for the New Mexico Municipal League Annual Conference Business Meeting. Attached are the Policy Process Outline & Annual Business Meeting Rules and Procedures. The delegate must be someone planning to attend the Conference.

Mayor Galea has serve on the Resolutions Committee Meeting this year and can update whoever is selected as the Voting Delegate.

Those who are attending the conference are Mayor Galea, Mayor Pro-Tem Rentschler, Commissioner Sikes, and Commissioner Straface.

**Reviewed By:** \_\_\_\_\_

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



MUNICIPAL CLERKS: PLEASE DISTRIBUTE COPIES TO YOUR ENTIRE GOVERNING BODY

TO: MAYORS/ GOVERNING BODY MEMBERS
FROM: William F. Fulginiti, Executive Director
SUBJECT: 2014 ANNUAL CONFERENCE VOTING DELEGATES
DATE: July 22, 2014

The 57th Annual Conference of the NM Municipal League will be held August 27th through the 29th in Albuquerque.

At the Annual Business Meeting on Thursday, August 28th, a President Elect, Vice President, Treasurer and three Directors-at-Large (2-Year Term) will be elected. Also, the Annual Statement of Municipal Policy and Annual Conference Resolutions will be adopted.

Each member municipality in good standing that is registered and attending the Annual Conference shall be entitled to one delegate vote in electing officers, deciding municipal policy and voting upon all other questions at the Annual Business Meeting. A municipality in good standing means that at least one-half of the municipality's current League annual dues must have been paid prior to or at the Conference. The vote of the municipality is cast by the Voting Delegate (or in her/his absence, the Alternate) who is selected by the governing body of the municipality.

The Annual Business Meeting will be conducted in accordance with Robert's Rules of Order Revised, and the Annual Business Meeting Rules and Procedures, which shall govern the actions and deliberations of the League membership assembled in convention. Enclosed for your information are the Policy Process Outline and the Annual Business Meeting Rules and Procedures.

Please place the selection of a Voting Delegate and Alternate on the agenda of your next official governing body meeting. The Voting Delegate and Alternate must be persons planning to attend the Conference. Once they are selected, please enter the names and titles of the Voting Delegate and Alternate for your municipality and return this form to the League Office no later than Friday, August 22, 2014.

Please note that this is not an official registration form for the Annual Conference for either the Voting Delegate or the Alternate. Delegates must register for the Conference on the form provided in the Conference information you have already received.

Voting Delegates and Alternates must check in with NMML Staff at the Credential's Desk at Conference Registration.



Municipality: \_\_\_\_\_

Voting Delegate: \_\_\_\_\_ Title: \_\_\_\_\_

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

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

PLEASE RETURN BY OR BEFORE AUGUST 22, 2014

Jackie Portillo, Support Services Coordinator
NM Municipal League
P.O. Box 846 - Santa Fe, NM 87504
Fax: 505-984-1392



# **2014 ANNUAL CONFERENCE**

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## **POLICY PROCESS OUTLINE & ANNUAL BUSINESS MEETING RULES & PROCEDURES**

**August 28, 2014  
Albuquerque, NM**

# **POLICY PROCESS OUTLINE**

## **PRIOR TO ANNUAL CONFERENCE**

1. Policy Committees meet to review previous year's conference Resolutions and Statement of Municipal Policy, as well as newly submitted Resolutions and statements to be added to Policy. Proposed Resolutions or proposed Policy Statement amendments may be submitted by Committee members, member municipalities or League subsections. Committee makes necessary amendments and adopts, rejects, refers to appropriate other committee or (if resolution is not germane to coming session) refers to following year's committee, all by simple majority of votes cast.

Committee prioritizes all Resolutions it adopts (including those staff is directed to draft) as "High," "Medium" or "Low" priority. Committee then ranks all "High" priority Resolutions in descending order, with "1" as highest rank.

Policy Committee recommendations go to the Resolutions Committee.

2. Resolutions Committee meets and reviews proposed Resolutions and proposed Statement of Municipal Policy amendments as submitted by Policy Committees. Additional proposed Resolutions or proposed Policy Statement amendments may be submitted by Committee members, member municipalities or League subsections. Resolutions Committee makes necessary amendments and adopts or rejects by simple majority of votes cast.

Resolutions Committee recommendations, adopted by simple majority of votes cast, go to Annual Business Meeting at the Annual Conference.

## **LEAGUE ANNUAL CONFERENCE**

3. Resolutions Committee meets to consider additional proposed Resolutions or proposed Policy Statement amendments which have not been considered at its pre-conference meeting. Such proposals may be submitted by Committee members, member municipalities or League subsections. Resolutions Committee adopts or rejects by simple majority of votes cast, any new Resolutions or amended Policy Statement.

Resolutions Committee recommendations go to Annual Business Meeting.

4. The Annual Business Meeting reviews proposed Resolutions and proposed Statement of Municipal Policy amendments submitted by Resolutions Committee. The Annual Business Meeting makes necessary amendments and adopts or rejects by simple majority of votes cast.

Conference Resolutions and the Statement of Municipal Policy adopted by the Annual Business Meeting become the League's official documents for the year ending with the next Annual Business Meeting.

## **AFTER ANNUAL CONFERENCE**

5. At a Fall meeting of the League Board of Directors, the Board reviews the Conference Resolutions and prioritizes them for action in the upcoming legislative session. The Board then selects its top priorities to become the League's primary legislative agenda.

\* \* \* \* \*

In addition, at a joint meeting of the Boards of Directors of the League and the New Mexico Association of Counties, the two boards select those resolutions of the two associations which they jointly agree deserve joint association support in the legislative session.

# ANNUAL BUSINESS MEETING

## RULES AND PROCEDURES

1.0 **PRESIDING OFFICER.** The Presiding Officer of the Annual Business Meeting shall be the President who shall call the business meeting to order. If the President is absent from the meeting, the presiding officer will be determined in the following order:

- President-Elect
- Vice-President
- Treasurer
- A member of the Board of Directors selected by the Board.

2.0 **FLOOR RULES.** The Presiding Officer shall control the conduct of the meeting and all floor actions, subject to challenge from delegates or the parliamentarian, if any. The Presiding Officer will take motions and seconds from the floor on matters of business, will recognize the call for the question and ask for the official vote from voting delegates. The Presiding Officer will recognize those parties wishing to address the voting delegates.

The business on the floor shall be directed by the following requirements and guidelines:

2.1 **Quorum.** The presence of credentialed delegates representing a majority of the member cities registered at the Annual Conference shall constitute a quorum.

2.2 **Rules of Order.** Robert's Rules of Order Revised shall govern the conduct of the Business Meeting unless otherwise specified in the New Mexico Municipal League By-Laws or these official rules and procedures.

2.3 **Parliamentarian.** A qualified parliamentarian will be appointed to assist the Presiding Officer and delegates on matters of procedure at all times during the Annual Business Meeting.

3.0 **ACCESS TO THE FLOOR - GENERAL RULES.** Access to the Annual Business Meeting shall be governed by these rules:

3.1 **Separation of Floor From Gallery.** The site of the business meeting shall be divided into a floor section and a gallery section. The floor section shall be further separated into a rostrum and a section for voting delegates and alternates. No one shall be given access to the voting delegates section except as provided by these rules.

3.2 **Delegate and Staff Access to the Floor.** To gain access to the floor, voting delegates or alternates must wear a registration name tag bearing a Delegate or Alternate sticker. Only those staff necessary for conducting the meeting shall be permitted on the floor.

3.3 **News Media Access to the Floor.** Members of the news media may be allowed on the floor at the discretion of the Presiding Officer.

3.4 **Committee Access to the Floor.** Policy committee, task force, or special committee chairpersons and vice-chairpersons, not certified to vote, may be allowed on the floor and may be recognized to speak at the discretion of the Presiding Officer.

3.5 **Delegates, Guests and Observers.** Any Conference delegate will have access to the gallery. Guests and observers may have access to the gallery at the discretion of the Presiding Officer. Conference delegates, guests and observers may be recognized to speak at the discretion of the Presiding Officer.

4.0 **VOTING.** Voting at the Annual Business Meeting shall be governed by the following rules:

4.1 **Credentials Committee.** The Credentials Committee shall have the power to determine the right of any municipality to be represented at the Annual Business Meeting of the League.

4.2 **Entitlement to Vote.** Each member municipality in good standing, as determined by the Credentials Committee, registered and attending the Annual Conference shall be entitled to one vote by its delegate appointed by its governing body. **Voting by proxy is prohibited. The delegate must be present to cast a vote.**

In the event that a member municipality fails to appoint a delegate, such matter shall be referred to the Presiding Officer of the Annual Business Meeting who may designate a Voting Delegate from that member municipality.

4.3 **Method of Voting.** Where there is more than one nominee for office, the voting shall be only by written, printed or typed ballot, and shall be counted by the Canvassing Committee. In the case of the Director-At-Large positions, the candidates receiving the largest plurality shall be elected. All other voting shall be by a show of hands or voice vote, except that upon request of one-third of the delegates present, a roll call shall be called upon any question. Upon any vote, a majority of the delegates present and voting shall prevail, except upon questions which require more than a majority vote under any of the provisions of the By-Laws.

5.0 **ELECTIONS.** Elections for officers of the Municipal League and its Board of Directors shall be governed by these rules: Elections for the following positions shall take place at the Annual Business Meeting: President, (if no President-Elect is currently holding office), President-Elect, Vice-President, Treasurer and expired At-Large Board of Directors seats, including unexpired At-Large Directorships if any.

5.1 **Nominating Committee.** In the absence of any declaration of candidacy for a particular office or directorship, the League President shall appoint a Nominating Committee not less than fifty-nine (59) days before the Annual Conference and written notice of such appointment shall be given to all member municipalities. The Nominating Committee shall consist of the President, who shall serve as chair, and two persons from each of the League Districts. No declared candidate for any office or for directorship shall be a member of the Nominating Committee.

5.2 **Nominating Committee Meeting.** When necessary, the Nominating Committee will meet not later than twenty-one (21) days prior to the Annual Conference to recommend a candidate for any undeclared office. The Nominating Committee Report shall be sent to all members within five (5) days after the finalization of the Committee Report.

5.3 **Nominations from the Floor.** At the Annual Business Meeting, nominations from the floor may be made by any certified voting delegate in attendance, for any office or directorship to be filled.

5.4 **Election of Officers and Directors.** Voting shall be conducted as set out in Procedures 4.1, 4.2 and 4.3. The nominee(s) receiving the highest number of votes shall be elected. In the case of the Directorships At-Large positions, the candidates receiving the largest plurality shall be elected.

#### 6.0 **ADOPTION OF THE STATEMENT OF MUNICIPAL POLICY & RESOLUTIONS**

Adoption of the Statement of Municipal Policy and Resolutions as outlined in the Annual Business Meeting preface of this document shall be by a majority of votes cast by the certified voting delegates present and voting.

#### 7.0 **ADJOURNMENT OF THE ANNUAL BUSINESS MEETING**

After the Presiding Officer has determined all business has been concluded, the Annual Business Meeting shall be closed by a motion from the floor. A motion to adjourn requires approval by a voice vote of a majority of those voting delegates present and voting.

**AGENDA REPORT**  
**CITY OF ALAMOGORDO**  
**CITY COMMISSION**

**Meeting Date:** July 30, 2014      **Report Date:** August 12, 2014      **Report No:** 27

**Submitted By:** Rachel Hughs      **Approved For Agenda:**   
Admin. Asst/City Clerk's Office

**Subject:**      Appointments to Boards and Committees.

**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.** Three (3) vacancies. Staff Liaison - Edward Balderrama  
*(Openings due to the resignation of Bradley Mauger and the passing of Ed Grabman.)*  
No nominations received.

**Community Development Advisory Committee.** Three (3) vacancies. Staff Liaison - Ruben Segura  
*(Opening due to the expiring term of 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  
*(This is a new board and anyone appointed will be new to this board)*  
*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.

**Mayor's Committee on Aging.** Two (2) vacancies. Staff Liaison – Britney Coutier  
*(Opening due to the expiring terms of Mary Hammon, and Rodger Carmichael)*  
No nominations received.

**Public Library Board.** One (1) vacancy, Staff Liaison – Melissa Garcia  
*(Opening due to the expiring term of Karen Hutchison)*  
No nominations received.

**Senior Volunteer Program.** Five (5) vacancies Staff Liaison – Karen Groves  
*(Opening due to the expiring term of Iris Lester, Blaza Madrid, Eldon E. Hoover, Stephen Butler, and the resignation of Thomas Rich V.)*  
The following existing board member is interested in being reappointed:  
Eldon E. Hoover - if appointed this will be his second term

**Reviewed By:**

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

RECEIVED  
JUL 07 2014  
CITY CLERK

City of Alamogordo  
APPLICATION TO SERVE ON A  
CITY BOARD/COMMITTEE

Name: Eldon E. Hoover  
Home Phone: 575 443-1593 Work Phone: 575 439-4154  
Cell Phone: 575 442-2642 Fax No: 575-439-4371  
e-mail address: turtleropes2@msn.com  
Physical Address: 1923 Ocotillo Dr. Alamogordo, NM  
Is the above address within City limits? Yes  No   
Mailing Address: SAME  
Present Employer: Retired Job Title: \_\_\_\_\_

Board/Committee you wish to serve on:  
First choice: RSVP Advisory Council  
Second choice: \_\_\_\_\_

Are you related to anyone who is presently employed by the City of Alamogordo:  
Yes  No  If so, what is their relation to you? \_\_\_\_\_

Are you related to any Elected Official of the City of Alamogordo?  
Yes  No  If so, what is their relation to you? \_\_\_\_\_

Experience and education relating to the Board/Committee: 2 yr. Associate of Science degree in Business Administration.  
2 yr. member on ~~board~~ advisory Council board Vice president. 5 yr RSVP Meals on Wheels

Please indicate your interest in serving on a City Board/ Committee: To help enhance the ability of the RSVP programs helping seniors live a little bit better with a little help.

Please return completed application to: City Clerk's Office  
1376 E. Ninth Street  
Alamogordo, NM 88310  
PHONE: (575)439-4205  
FAX: (575)439-4396