



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

March 25, 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
- VACANT** 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.

CALL TO ORDER & ROLL CALL

Announce the presence of a Quorum.

INVOCATION & PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PRESENTATIONS

- 1. Presentation on the Friends of Holloman Card. (Colonel Bennett, Presenter)**

PUBLIC COMMENT

Residents must sign up with the City Clerk to address the City Commission. Comments are limited to 3 Minutes, and there will be a maximum of 21 Minutes allowed for Public Comment.

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

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

- 2. Approve Minutes of the March 11, 2014 Regular Meeting of the Alamogordo City Commission. (Renee Cantin, City Clerk)**

3. **Approve the Lodger's Tax Expenditures for Tourism & Travel.** *(Jan Wafful, CS Admin. Assistant)*
4. **Approve an Application for participation in the 2014 Law Enforcement Protection Funds.** *(Robert Duncan, Police Chief)*
5. **Approve Resolution No. 2014-10 requesting written approval from the Local Government Division of the Department of Finance & Administration, State of New Mexico for the revised budget figures computed as of March 25, 2014. [Roll call vote required]** *(Kathy Gilsdorf, Budget Analyst and LeeAnn Nichols, Interim Finance Director)*
6. **Approve Resolution No. 2014-12 approving Special Appropriation Grant Agreement 13-1473-STB between the City of Alamogordo and the New Mexico Environment Department (NMED) in the amount of \$243,000 for the Reclaimed Water Line Looping Project - LaVelle Road to Fourteenth Street, designating the City Manager and Assistant City Manager to act as signatory authority and official authorized representatives for this project. [Roll call vote required]** *(Nancy Beshaler, Project Manager; Ruben Segura, Grant Coordinator)*
7. **Approve the final publication of Ordinance No. 1463 amending City Code section 11-05-340 and repealing 11-05-350 related to Deadly Weapons. [Roll call vote required]** *(Renee Cantin, City Clerk)*
8. **Approve the Award of Public Works Bid No. 2014-006 to Maxwell Asphalt, Inc. related to the Street Maintenance – Crack Sealing FY14 project in an amount not to exceed \$266,501.03 including tax (\$247,620.00 + \$18,881.03 NMGRT).** *(Jason Thomas, City Engineer)*

ITEMS REMOVED FROM CONSENT AGENDA

NEW BUSINESS

9. **Presentation, discussion, and possible action upon approval of an Intergovernmental Agreement between the New Mexico Economic Development Department and the City of Alamogordo related to the LEDA Capital Outlay Program.** *(Stephen Thies, City Attorney; Ruben Segura, Grant Coordinator; Cliff Hudson, CEO, FRST, LLC.)*
10. **Consider, and act upon, the first publication of Ordinance No. 1464 approving a Local Economic Development Assistance (LEDA) application in the amount of \$250,000 with Federal Research, Science & Technology (FRST), LLC.** *(Stephen Thies, City Attorney and Ruben Segura, Grant Coordinator)*
11. **Consider, and act upon, the first publication of Ordinance No. 1465 amending Section 3.050 of the Personnel Manual concerning Age Qualifications for Applicants.** *(Stephen Thies, City Attorney)*
12. **Consider, and act upon, the first publication of Ordinance No. 1466 related to Municipal Election Campaign Disclosure.** *(Stephen Thies, City Attorney and Nadia Sikes, Commissioner)*
13. **Consider, and act upon, a request to fill the Reference Librarian position, to be assigned to the Alamogordo Public Library/Community Services Department.** *(Matt McNeile, Assistant City Manager)*
14. **Consider, and act upon, a request to fill the Senior Center Kitchen Aide position, to be assigned to the Alamo Senior Center/Community Services Department.** *(Matt McNeile, Assistant City Manager)*
15. **Consider, and act upon, a request to fill the Police Officer position, to be assigned to the Police Department.** *(Robert Duncan, Police Chief)*
16. **Consider, and act upon, the consent to the grant of Easements related to the Rails to Trails Project.** *(Stephen Thies, City Attorney)*
17. **Presentation, discussion, and possible action regarding current road improvement projects throughout the city.** *(Robert Rentschler, Mayor Pro-Tem)*

18. Appointments to Boards & Committees. *(Susie Galea, Mayor)*

PUBLIC COMMENT *(Continued if needed)*

CITY MANAGER'S REPORT

REMARKS AND INQUIRIES BY THE CITY COMMISSION

ADJOURNMENT

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: March 25, 2014

Report Date: March 13, 2014

Report No: 1

Submitted By: Renee Cantin
City Clerk

Approved For Agenda: 

Subject: Presentation of the Friends of Holloman Card.

Background: Colonel Bennett will be presenting this item.

Reviewed By:

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

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:00 P.M., COMMISSION CHAMBERS
MARCH 11, 2014**

OUTGOING COMMISSION

**ROBERT RENTSCHLER, MAYOR
SUSIE GALEA, COMMISSIONER
NADIA SIKES, COMMISSIONER
JIM TALBERT, COMMISSIONER
JOSH RARDIN, COMMISSIONER**

**JASON BALDWIN, MAYOR PRO-TEM
AL HERNANDEZ, COMMISSIONER
JIM STAHLE, CITY MANAGER
STEPHEN THIES, CITY ATTORNEY
RENEE CANTIN, CITY CLERK**

INCOMING COMMISSION

**SUSIE GALEA, MAYOR
JASON BALDWIN, COMMISSIONER
NADIA SIKES, COMMISSIONER
VACANT, DISTRICT 6 COMMISSIONER
JENNY TURNBULL, COMMISSIONER**

**ROBERT RENTSCHLER, MAYOR PRO-TEM
AL HERNANDEZ, COMMISSIONER
JIM STAHLE, CITY MANAGER
STEPHEN THIES, CITY ATTORNEY
RENEE CANTIN, CITY CLERK**

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

Mayor Rentschler called the meeting to order at 7:00 p.m. Roll Call was taken by the City Clerk. Clerk Cantin announced there was a quorum present. Invocation was given by Pastor James Forney and the Pledge of Allegiance was led by Mayor Pro-Tem Baldwin.

APPROVAL OF AGENDA

Commissioner Galea moved to approve adding the addendum to the agenda. Mayor Pro-Tem Baldwin seconded the motion. Motion carried by a vote of 6-0-0.

Commissioner Galea moved to approve agenda. Mayor Pro-Tem Baldwin seconded the motion. Motion carried by a vote of 6-0-0.

CANVASS OF ELECTION

1. Consider, and act upon, declaring the results of the Official Canvass of the Election of March 4, 2014.

Mayor Pro-Tem Baldwin moved to approve the results of the Official Canvass of the Election of March 4, 2014. Commissioner Sikes seconded the motion. Motion carried with a vote of 6-0-0.

ADMINISTRATION OF OATH OF OFFICE FOR ELECTED OFFICIALS

2. Administered by Magistrate Judge James Scott Newton, District II.

Division II Magistrate Judge James Scott Newton administered the ceremonial Oath of Office to Nadia Sikes, Commissioner, District 2; Jennifer Ann Turnbull, Commissioner, District 4; and Susie A. Galea, Mayor At-Large.

PRESENTATION

3. Presentation of Appreciation Plaques to outgoing Elected Officials, including Commissioner Jim Talbert and Commissioner Joshua Rardin.

Commissioner Rentschler presented a plaque to former Commissioner Josh Rardin and his girlfriend Michelle Salas.

Mayor Galea presented the plaque to former Commissioner Jim Talbert and his wife Janice.

Mayor Pro-Tem Baldwin thanked both former Commissioner Rardin and former Commissioner Talbert for giving of their time. Commissioner Sikes also thanked former Commissioner Talbert and former Commissioner Rardin.

REORGANIZATION OF THE COMMISSION

4. Selection of Mayor Pro-Tem.

Commissioner Sikes nominated Commissioner Rentschler for Mayor Pro-Tem. Mayor Pro-Tem Baldwin seconded the nomination.

Mayor Galea nominated Commissioner Sikes for Mayor Pro-Tem. The motion died for lack of a second.

Commissioner Baldwin moved to close the nominations with Commissioner Rentschler as the only nomination. Commissioner Hernandez seconded the motion. Mayor Galea said no vote was needed since Commissioner Rentschler was the only nominee.

Mayor Galea congratulated Mayor Pro-Tem Rentschler asked him to be seated in the Mayor Pro-Tem chair. Commissioner Sikes thanked Commissioner Jason Baldwin for serving in the capacity of Mayor Pro-Tem.

5. Selection of Seating Order. (*Rule 16, Rules of Conduct for City Commission Meetings*)

Mayor Galea said the seating order would be determined by seniority and noted Commissioner Hernandez had been on the Commission six years including a previous term, Commissioner Baldwin had two years, Commissioner Sikes had one year and eight months, and Commissioner Turnbull was the newest. She asked Commissioner Hernandez how he would like to be seated and he remarked he would like to remain where he was which was closest to the door. The rest decided to remain where they were and whoever would be appointed to District 6 would be between Mayor Pro-Tem Rentschler and Commissioner Turnbull on the dais.

6. Determine Order of Business. (*Rule 6, Rules of Conduct for City Commission Meetings*)

Mayor Galea said she liked the stated order of business and would like it to remain as is and asked for a motion.

CALL TO ORDER & ROLL CALL

INVOCATION & PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PRESENTATIONS

PUBLIC COMMENT

CONSENT AGENDA (Roll Call Vote Required for Ordinance or Resolution)

ITEMS REMOVED FROM CONSENT AGENDA

PUBLIC HEARINGS

UNFINISHED BUSINESS
NEW BUSINESS
PUBLIC COMMENT (Continued if needed)
CITY MANAGER'S REPORT
REMARKS AND INQUIRIES BY THE CITY COMMISSION
EXECUTIVE SESSION (Roll Call Vote Required)
ADJOURNMENT

Commissioner Hernandez moved to approve the order of business as it is. Mayor Pro-Tem Rentschler seconded the motion. Motion carried by a vote of 6-0-0.

Mayor Galea then asked for a recess at 7:15 p.m. The meeting was reconvened at 7:33 p.m.

PRESENTATIONS

7. Presentation on the proposed Otero County Juvenile Justice Board. (District Judge Angie Schneider, Division IV)

Judge Angie Schneider made a presentation to the Commission. She said this Board had been formed last month and she was the newest district court judge in Alamogordo. She gave some of her background and said it was important to her that the City be involved in every phase of this vision for Otero County in order to provide more services for juveniles in our community and all communities in Otero County. She will report on all phases of this as it goes along so the Commission can stay apprised and contribute input.

She has worked with kids and families in crisis her whole career and spent the last 10 years in Lincoln County as an attorney working with troubled youth in both the juvenile justice system as well as the abuse and neglect system. She has been a member of the Lincoln County Juvenile Justice Board for 10 years prior to taking the bench. They were able to access funds through CYFD to bring some wonderful programs to the community and she watched how those resources benefited the community. Fewer kids were going to detention, the county was saving money and you could feel the positive impact of that throughout the community. We all care about kids and are aware the adults in our justice system generally began as juveniles in the delinquency system, so we need to do whatever we can to divert youth from that path. Governor Martinez had appointed her to the Juvenile Justice Advisory Commission which has 16 governor-appointed members who come from different career fields. They then advise the Governor and CYFD on how to spend money for kids in the State. Once a year, bids are taken from the different continuum sights and Otero County does not have one. That's what the Juvenile Justice Boards are; there are 21 Continuum Sights out of the 33 New Mexico counties. These 21 Continuum Sights fill out an application once a year for the Juvenile Justice Advisory Committee (JJAC), the organization she is on, asking for money for their community for various programs. The Governor and CYFD fund those programs and Otero County does not have that, and we need it. She has come to realize, as an attorney working with abuse and neglect and as a judge, we are limited on our resources here. This is not a commentary on this community; everyone is strapped for money. She knows there is money in Santa Fe to get these programs here, and that is one of the purposes of bringing this board together. The other purpose is to know what is out there and have key fighters in the system and at the same table where we will talk and keep from duplicating resources; it is a more efficient way of doing things.

She went on to explain where they are with the program. We form the board which has 15 members at this time and we are hoping for some more who are key players. She named some of the members like the district court judge, juvenile probation, District Attorney Dianna Marquette, a member of the Public Defender Department, a child advocate who works with abuse and neglect kids, therapists, community members, Commissioner Sikes, and the Mayor of Cloudcroft. She wanted representation from the cities of Cloudcroft, Tularosa, Chaparral, a voice from every community. The next phase will be getting funds, hopefully from CYFD to do a community assessment and find what the needs are. She noted having not been here very long and she doesn't know what all the needs are. At the last

meeting they had formed sub-committees to gather statistics and pull the numbers together. With funding from CYFD, they can do an assessment with members ready to minimize that cost and find out what programs are needed and where the money is best spent in the community. Additionally, they hope to hire a part-time coordinator since everyone has regular jobs and can't do that.

She thought they could get enough money to get started on that ground level and the next time they do an application to JJAC for the real funds will probably be in February. Between now and February, there are some great things we can do and she is hopeful to get the Juvenile Drug Court started again which she would volunteer her time to do. There are things we can do for minimal amounts of money and some really cool programs can be brought to this community. She knows that this works and comes to the Commission in order to let them know what is being done and to give updates as things go along. She felt the Commissioners care about the community or they wouldn't do what they are doing, and she wanted their input and any questions as well as representation on this Board. She stated she was overwhelmed by the energy in this community to help kids.

Mayor Galea thanked her for her time.

8. Presentation related to an update from the Alamogordo Fire Department on recent and ongoing projects and initiatives. (Mikel Ward, Fire Chief)

Fire Chief Ward addressed the Commission as well as displaying a Power Point presentation. He covered the Fire Departments' major goals and said they were going along well. They had some progress recently on the Volunteer Program and hope to see more movement on that very soon. Morale seems to be high and all aspects of the PD/FD separation are going very well. We are continuing certification training and still have a long way to go. We are up to Firefighter Level II which certifies all our firefighters and puts us at the highest level needed for structural fires. There are specialty areas we need to work on such as officer certifications. He was proud to report they currently meet all State and National Standards for Firefighting. One of the major goals for our community is maintaining our ISO rating of 4, where we are now. There is a lot of work that goes into that. We are working our mutual aid agreements with the County, the automatic aid agreements covering some of the north and south end that provide services for them. Also, some things for us and the County where we can assist them out on the west and east side where we have faster access to the homes in the Thunder Road area; we can provide immediate assistance to those citizens who live up there and augment the County. Equipment purchases have come up several times this year and we in need of money to buy equipment; we are chasing that down. He invited anyone to come by the fire station to see the trucks and new/refurbished equipment. A big portion of the ISO inspection is purchasing and maintaining the proper equipment on all trucks and we are working on that. He stated he had visited each Commissioner concerning reorganization of our apparatuses. One of the big focuses for ISO is being able to provide the engine companies and truck companies everywhere we need in the City. We did some initial shifting around and put rescues where they needed to be, reallocated the assets we had so proper coverage was provided for the City, and now are working with the City Manager to put together a capital needs list for getting further funding. Some of this has already been in place and we are chasing some grant money that we are hoping to be successful with in the next few months.

Fire Chief Ward continued by saying a water study, an evaluation of our hydrant system needed for ISO is coming up. They go through and determine what the flow rate is throughout the City and the documentation allows us to evaluate our water system and fire suppression supply. We are looking at SOP's, Policies and Procedures and some of this will be coming to you in the near future; revamping our Rules and Regulations and Policies so we are operating in the most efficient manner. Under multi-agency partnerships, he said they are doing a lot now because this county has a lot of assets. There is a lot we can provide to the County and a lot they can provide to us. Outside this county, in Lincoln and Dona Ana counties area, we are sharing the training, money, resources and equipment in order to help each other out. We continue to train our Hazardous Materials Response Team in order to upgrade our skills and teams to be proficient in other areas besides fire suppression. Our main teams are the Haz/Mat Team, the Airport Rescue Firefighting Team and the Technical Rescue Team.

We've been successful and sent some employees off to school. We are now at a level where we can proficiently handle an incident of any one of these types which is a first for this community. We are at the minimal level and working up.

The Fire Chief next spoke about Code Enforcement which falls under the Fire Department. We've been revamping and he hoped the Commission was satisfied. This came about through both community and Commission input on how to improve things and make the City cleaner and more beautiful. We have been trying to put a direction into Code Enforcement since the reorganization of the PD/FD put this department under the Fire Department. Code Enforcement Manager Nelson has given us the tools to get started and to revamp. He explained some of the types of enforcement such as Citizen and Customer Complaints in which they have one staff member assigned to work with these complaints, doing main street patrols and handling follow-ups. We also have two officers assigned to pro-active patrol throughout the community. We are always on top and it has showed positive results. We have officers identifying and categorizing dangerous structures around town and then supervisors go out to look at the structures and compile a list so we can present them to the Commission. We work with the property owners to get these properties cleaned up and made safe. In the event where we are unsuccessful, and at this point we have not been unsuccessful, we will have the information the Commission will need to help them make decisions. Fire Chief Ward gave the statistics for Code Enforcement for this fiscal year: Total Violations Investigated were up 26%, Total Calls for Service were up 38% with Citizen Complaints down by 10% and Proactive Patrol Calls up by 48%. There are currently 13 Property Maintenance (IMPC) violations. He said the code enforcement staff were working hard and were out there a lot making customer/citizen contacts and educating the public. In some cases they have to deal with those who do not want to take care of their property.

Some of the things they had reorganized were to increase customer service by providing notices/contacts for first time or infrequent violations, reduced times for repeat offenders/frequent violations, reorganized the abatement process in order to make our money stretch farther to clean up the community, increased citizen contacts drastically and improving customer service, increased citizen compliance, increased the number of contacts while decreasing the need for abatement costs, and an added structure abatement process. They have added a citizen complaint email (codeenforcement@ci.alamogordo.nm.us) which has been very busy, have added office hours on Saturdays from 8:00 a.m. – 5:00 p.m. (he noted they are still working on this part), and making the supervisors and staff available for citizen complaints six days a week. We have not increased funding to do any of this and we hope to find resolutions to issues in a positive manner for them and the City. He showed some pictures of successful abatements of properties on both Cuba Ave. and Ridgecrest which the owners paid for instead of the City.

Mayor Pro-Tem Rentschler asked how it's going with volunteers and Fire Chief Ward said it is going well and we have seen some recent progress. There was some hold-up and there are a lot of factors concerning how these people will work with the City and in what capacity we are to treat them. Our Human Resources Department and Legal Department have been working hard on this. The non-paid portion issues are more limited so we will move forward with that end of it. Mayor Pro-Tem Rentschler asked him if we had any volunteers on yet and Fire Chief Ward told him no, just the five we started with.

Mayor Pro-Tem Rentschler asked the Chief what we needed to get to the next step as far as the ISO was concerned. Fire Chief Ward said that was a very involved question and said we are evaluated on a number of things. Some of our major needs are staff increases and we are working on that. We are also working on getting our trucks properly equipped as required by ISO. Record keeping is another thing we are working on as well as standard operating procedures. Mayor Pro-Tem Rentschler said nothing major as far as equipment or that kind of thing so that's a good thing. Fire Chief Ward remarked they do need another ladder truck and Mayor Pro-Tem Rentschler said he had been hearing that. He confirmed with the Chief he was looking for another grant for that. Fire Chief Ward said our needs for a ladder truck are there because the community is expanding in both directions and as it does so our need to have that level of service has to be provided throughout the

community. Presently, we are only able to provide that service to the core function. We are working with vendors all over the country to obtain good pricing. Mayor Pro-Tem Rentschler said we are still holding your toes to the fire to remain budget neutral and Fire Chief Ward replied he is working as hard as he can.

Mayor Pro-Tem Rentschler asked about working with the County and confirmed with Fire Chief Ward he had Firefighter II for all paid personnel. He asked if he was using the County facility to facilitate that or if everyone had to go to Socorro, and the Chief told him they did both. The Firefighter II level certification was maintained by the State of New Mexico Fire Marshall's Office. The testing procedures have to be facilitated at Socorro, but we train at the County facility almost every other week. We also do a lot of training with them at their facility or other areas of the City. Last week we discussed doing more training with Cloudcroft and we are looking at going to Ruidoso to do some Wild Land Preparation training.

Mayor Pro-Tem Rentschler asked if we are getting our Airport Rescue Firefighting (ARFF) through HAFB. Fire Chief Ward said they are a partner with us on this. We sent two guys to a nationally accredited school for ARFF certification and they brought that back. We are working with Socorro to get a training program certified in-house so we can start training our own people. A portion of certification requires they do an initial flammable liquids burn with an aircraft prop, and annually they have to do the same repetitive training. The State Fire Academy lost their certification to do that, but we can train with HAFB.

Mayor Pro-Tem Rentschler asked about abatement and wondered if they had enough money for abatement. Did he feel the Sierra Apartment abatement a success because at one point in time the City had been looking at tearing those apartments down. Fire Chief Ward told him they had not spent any money on that property at all. After they met with the owner of that property, he hired someone to come in and clean the property and make the structure safe. We appreciated what they did but also explained this structure will continue to need addressing. Their goal is to renovate those buildings and turn them back into a business.

Mayor Pro-Tem Rentschler said many of us on the Commission had been getting questions concerning what we should do about the outskirts of our city. Some of it is still kind of blight. He had explained to them the City only goes so far and then it is County. He asked the Fire Chief if he had a relationship with the Otero County Code Enforcement or if there was such a thing. Fire Chief Ward said there is such an entity but they respond on a complaint-only basis and do not do any pro-active enforcement like we do. He knew his staff and the County staff have a relationship, but he has not made contact with them; it is on his to-do list. He told Mayor Pro-Tem Rentschler that part of the reorganization process was insuring everything was getting looked at frequently. We are speeding up the number of customer contacts so we are identifying the areas not being cleaned up. One of the successes in that area is the old Wal-Mart which former Commissioner Rardin brought to our attention. We are working with the business owners along that end of the building as well as the Highway Department and our own Maintenance Department to clean that area up. We are cleaning up the building, the alleys and the easements along the highway so the whole thing looks nice. He was hopeful that we would see more along the edges of our community within the city limits and then outside the city limits as the County is able to address their area. Mayor Pro-Tem Rentschler said he did want the County involved.

Mayor Pro-Tem Rentschler asked Fire Chief Ward a question that had been asked of him. If there was a catastrophic event in or around Alamogordo or at HAFB, anything from terrorism to a natural disaster, do we have an evacuation route out of Alamogordo? Fire Chief Ward told him there are several local emergency plans; we have an approved local emergency plan that Deputy Chief LeClair and himself are updating. The local Emergency Planning Committee is constantly working on and updating those issues. Emergency Management is one of those things we are playing catch-up on, as well. We do have plans in place and are working on our All Natural Hazards Mitigation Plan that was a contract you approved at the last meeting. We will meet with that contractor on Friday and as those plans are approved there will be a lot of public information we will share at Public Hearings in

order to get the information out to the community.

Commissioner Hernandez thanked Fire Chief Ward and noted he worked closely with him and the Fire Department through his job. Things have drastically changed in how we do our inspections and re-inspections when we have them come out. Another thing we were missing was the Fire Hydrant testing which is very important and now being done. We have to have those records on hand if we get inspected. Concerning the Code Enforcement side, Commissioner Hernandez works closely with them and they are very responsive. Many times they already know what's going on and are on it. He appreciated their help.

Mayor Galea thanked him for the presentation, all his work so far and all he will continue to do.

9. Presentation of the operations of the Alamogordo Police Department. (Robert Duncan, Police Chief)

Police Chief Duncan gave a presentation with a Power Point showing. He told the Commission he was pleased to tell them some good things about the APD. The Mission Statement and Core Values of the Alamogordo Police Department were to be committed in keeping all citizens of Alamogordo safe by providing professional, competent, and effective services. This Mission is obtained by upholding four Core Values: Duty, Honor, Courage and Respect. In order for police officers to do their job they must believe in these values; it is so important to us that we redesigned our patch. The patch used to say the Department of Public Safety and now it says the Alamogordo Police with the Core Values embedded in the patch. Duty means we will fulfill our responsibilities as police officers despite multiple challenges we face every day. Honor means we will never betray our profession, our integrity, or the public trust. We will also talk about transparency and accountability and he wanted the PD to be held accountable. Courage means we will hold ourselves and other accountable for our actions. To wear this uniform takes courage, as it does for the Fire Department. Respect means we will have dignity and treat others the way we want to be treated. This department has a Vision to strive to maintain the highest standards of excellence in all we do utilizing sound traffic enforcement, crime prevention strategies and animal control services, and continue as a state leader in law enforcement. He said that firearm instructors Lt. Tim Keelin and Officer Funk went to Santa Fe and helped design an Active Shooting Class involving how you approach a vehicle and if there were shots fired. Now, every law enforcement agency in the State is doing what we trained them to do. He congratulated these two officers and noted it takes team effort and he thanked everyone. He had taken over a department that had some challenges, but we have overcome those challenges. He introduced Capt. Lawrence, Capt. Trujillo and Mary Gillsdorf, who were in the audience, as his staff who have helped him do some great things and he thanked them.

He gave every member of the City Commission and employees of his agency the goals, strategies and measures. He wanted to be held accountable so he gave them all six goals and strategies. The first was to reduce crime and the threat of crime; 2) promote and enhance community partnerships; 3) enhance traffic safety, and we are working on that with traffic crashes rising to 14%; 4) promote multi-agency partnerships; 5) enhance professionalism and organizational satisfaction; and 5) promote the State Accreditation Program. It is important we have these goals, strategies and measures to ensure we remain focused on the needs of our city and citizens. He wants to have the safest city in the State. It is equally important that we maximize our resources and work collaboratively as a team to achieve all that is expected of our organization. Next he noted the PD had 87 employees comprised of 59 Police Officers, 11 Dispatchers, 11 Administrative staff and 6 Animal Control Officers (ACO). The employment history is as follows: in 2013 they hired 23% of the total workforce. That means a quarter of his PD was brand new, but we've done well. We have hired 10 Police Officers, four Dispatchers, three ACO's and three Administrative Personnel. In 2013 three police officers retired, he had to terminate a couple of officers and one resigned in lieu of an internal investigation. He remarked he has high standards and tough policies, but that's what the public expects. Three employees resigned because they moved out-of-state; one resigned for health reasons; one had another job offer; and one officer was injured at the Police Academy. Nobody resigned in 2013 to join another agency. Police Chief Duncan noted the Department had a good mix of ages: 16 officers were

the ages 24-30 (27% - a quarter of the PD); 18 officers were 31-40 (31%); 15 officers were 41-50 (25%); 9 officers were 51-60 (15%); and one officer was 67 (2%). This last employee, Don Reynolds, retired and then came back to be a Station Officer. There are 51 male and 8 female employees. The Police Chief had a chart showing the experience of the PD and remarked that half the department has been there five years or less; a very young but aggressive department. Twenty percent have been there 6-10 years; another twenty percent 11-15 years; eight percent 16-20 years; and two percent (one officer – Capt. Trujillo) 21+ years.

Massive changes have been made in the recruitment process. The application has gone from four pages to 40 pages and includes questions about drugs, questions about your criminal history, and questions about how much you are in debt and your credit history. This is because we want officers who have a balance, pay their bills and are not apt to be on the take; we have raised the bar. They also have to go through a polygraph test which is free of charge and costs the City nothing. The Dona Ana Sheriff's Dept. in Las Cruces does this for us. We are going to hire good, quality applicants and become the model for the State. Applicants also have to go through a thorough background check conducted by Detectives or Lieutenants, and then the Chief has to recommend or deny the background. There is also a physical fitness test that mirrors LEA standards. Our standards used to be lower but when an officer went to Santa Fe they were unable to pass the PT test. We want good, fit cops. The Field Training Officer Program has been completely revamped. Two senior Sergeants are in charge of the FTO Program and are using updated checklists. The Daily Observation Reports have increased from 10 to 38 areas for evaluation and each topic is more detailed. The rookie now critiques FTO when they are done and gives it to their Sergeant. Evaluations are now across the board and are standardized according to rank or position. Every officer now has a digital recorder and is required to record all public contacts. We did this to keep both the public and the police officers accountable, because we had a lot of frivolous complaints from the public.

Police Chief Duncan told the Commissioners the PD lost their accreditation in 2011 for unknown reasons, but they will fix it and become accredited. They have hired an Accreditation Manager/Crime Analyst. This person had thirty years experience in designing computer programs for insurance companies and then became a cop. After four years, he decided he didn't want to do that anymore and so Police Chief Duncan offered him this position. Accreditation will save us 5% in risk liability insurance. Accreditation will strengthen our accountability both within the agency and the community, through a continuum of standards that clearly define authority, performance and responsibilities, as well as facilitate our agency's pursuit of professional excellence.

The PD had four evidence vaults at three fire stations and the NEU. One of the fire stations (FS-7) is now cleared of evidence and a City building has been designated for another vault in order to clear Fire Station 4. In the past 13 years the PD has destroyed 2,528 pieces of evidence, but in 2013 we destroyed 3,442 pieces of evidence. Storing that much evidence in the fire stations is going to change. Concerning equipment, Police Chief Duncan has established a take-home unit program in order for officers to take the units home and have them parked throughout the City as a deterrent to crime. Alamogordo hasn't ever had that before. His goal is to obtain five more units in order to have one-to-one. We are beginning to place mobile data terminals (MDT's) in each police car but we are having a problem trying to link-up to Santa Fe. We are also trying to gain funding to achieve this goal. He next spoke about the 1033 program. This program permits the Secretary of Defense to transfer without charge, excess DoD property to LEA's. We received a Mine Resistant Ambush Protected (MRAP) vehicle for our SWAT Team like is used in Afghanistan. We have the only SWAT team within 60 miles and we got a robot with camera for the SWAT Team to use as well as a HUMVEE that we simply had to drive back from El Paso.

Concerning traffic safety, they are equipping each patrol unit with radars and hope to have that completed by 2015. AR-15's are now being issued to all officers in case something drastic happens. We have changed 30 PD policies in order to raise the bar. Animal Control had a goal of 65% animal live rate and we are already at 89%. Police Chief Duncan noted he cares about animals and so when we take in an animal they are adopted and not put down. When it comes to Multi-Agency Partnerships/Operations, we have done a sex offender compliance check in order to let sex offenders

know we are watching them and we want a safer community. When we did an operation we found a sex offender with female juveniles at his residence smoking dope and drinking beer and he went to jail. We have had U.S. Marshal Warrant Roundups, DEA Warrant Roundups and OCSO Warrant Roundups, and he wanted to do another MOU with the OCSO. The City used to have a major crime unit in the City and County about seven years ago and he wants to do this again. We also work with the Union Pacific Railroad because there have been a lot of fatalities here. We've had Active Shooter exercises with the Alamogordo Public Schools (APS) and NMSU, working with the US Air Force Security Forces, NMSP, OCSO and U.S. Customs and Border Patrol. There will be a big operation soon to test our preparation. He said they now have a BOLO Alert system like the FBI has, where if there is a suspect they are trying to find, they can send the alert out to the U.S. Air Force Security Forces, APS, NMSP, OCSO, Border Patrol, Cloudcroft PD and Tularosa PD. The PD has taught five self defense classes for women and Police Chief Duncan noted Mayor Galea had attended two of them. He felt all women needed to go through this class to learn the simple techniques needed in case of an assault. He noted the Air Force had dropped the annual Oktoberfest celebration because of security problems and APD took it over and did a fantastic job. We hardly had anything happen and an after-party that occurred with the head of the German Air Force will not happen again next year. This was a multi-agency effort and went very well. We have the Alamogordo Theft and Crime Network (ATAC) website that businesses can register for that alerts them when crimes are being committed in the City that might concern their business.

Police Chief Duncan next went over the Crime Statistics they send to the FBI which compare 2012 to 2013 Violent and Property Crimes. He noted we don't have a lot of crime in our city because the Commissioners, Mayor, City Manager and Police Officers, along with the community as a whole work together. Rape is down 25%; Robbery down 28%; Agg Assault down 8%; DWI arrests are up 14%; Burglary is down 30%. He proclaimed these are astounding statistics and went on with the percentages. Larceny is up 3% - shoplifting has gone up because Wal-Mart and Lowe's have increased their shoplifting prevention. At this point he asked everyone to remember and lock their house doors and car doors. People feel so safe here in Alamogordo that they don't lock their doors, and we get calls all the time to unsecured vehicles. He went on to state Motor Vehicle Theft was down 22% and Arson was down by 50%. Traffic crashes are up by 14% and we are reviewing the traffic light delays at every major intersection and there are nine they want to focus on. Having the radars in the vehicles will help this by increasing traffic stops for speeding. There will be high visibility of traffic enforcement.

There is a new concept he will impose called Data Driven Approaches to Crime and Traffic Safety (DDACTS) to reduce crime even more. It is a model that uses the integration of location-based crime and traffic data to establish effective and efficient methods for deploying law enforcement in 20 minute increments to certain parts of the City. When you put data on a map and overlay crime and traffic crashes, it will develop hot zones. It works and has worked in different parts of the country and will work in the City of Alamogordo. DDACTS Goals are to reduce the incidence of crime, crashes and traffic violations in a community and reduce social harm. The reasons for DDACTS is the increased demands placed on the City by the budget and manpower; limited resources for the officers; conflicting demands for services; crime and crashes occurring in close proximity – when you make high-volume stops you will get people with warrants, dope, guns and stolen property. High volume stops will lead to more arrests and less crashes. The advantages of DDACTS are that it is a collaborative effort; is grounded in community-oriented policing; is evidence based problem-solving; focused area for high-visibility enforcement; ensures accountability and there are fewer ethical and legal concerns because it works. Police Chief Duncan said it takes a team effort and he thanked the Commission for giving the PD the tools and resources to make an impact on crime. We have done great stuff and we want to do greater things, and he thanked his staff again.

PUBLIC COMMENT

A. Eugene Downer commented on the following:

1) Mr. Downer addressed the Commissioners concerning dead trees, dying trees, diseased trees, the need for more tree planting, and also about the irrigation systems. Now, in the past I have talked to

Commissioner Sikes, Mayor Pro-Tem Rentschler and Commissioner Jardin [Rardin] and Commissioner Baldwin about trees on Indian Wells. Commissioner Sikes says please wait until the leaves come out before I give my input, so we'll do that. Now, there are some trees that are evergreens; if an evergreen is dead, you know it is dead because it's not deciduous. So, there is an evergreen, and people ask me 'Where are these dead trees'; well, one evergreen is next to the place where you put cardboard boxes at the Civic Center. It's dead, it's brown, and there is no chance of it being alive. And, the other one is also an evergreen which is dead. It is at the end of the median strip on Juniper between 1407 and 1408 Juniper Drive. If you stand on the median strip you will stand in front by that tree. So, I had, I thought let's, let's....there is no action. Let's see what the process is. Before I came to the meeting I drove by the Juniper tree, I drove by the Afghan pine, and they are still dead and they are still there. So, I would like to look at the process for which action takes place when a citizen from the public requests a service from a commissioner. Now, Nadia Sikes within three days had five trees taken care of at La Placita. She had two large evergreens cut down and three Italian cypresses trimmed. Now, what did you do that they didn't do? Commissioner Sikes, tell me what process did you go through that these gentlemen could be informed so they could do the same thing. Or maybe you did do the same thing so we need to look at why was there no action.

Commissioner Sikes said when Mr. Downer brought the complaints forward I simply spoke with our city manager who proceeded to take care of the problem, and I think that it's all done in an order that the complaints come in. So, we're probably still, there is probably still somebody out there with a hatchet working on trees for you. City Manager Stahle said chain saw. Commissioner Sikes said that's simply all I did, I didn't have to do anything more.

Mr. Downer replied he was really impressed when he drove by within a few days and saw the two evergreens cut down immediately and then within a few days he saw the cypresses topped. And, they said the cherry-picker was broke down and they couldn't do the topping on the Italian cypress, and I thought, oh, here we go, another excuse, the cherry-picker is broke down. But, within a few days they were taken care of. So, Commissioner Rentschler, what action did you take, and I mentioned this to you several times; once at a campaign meeting and then once here and that is on record in the meeting minutes. So, what happened?

Mayor Pro-Tem Rentschler told Mr. Downer he watched our City Manager write it down and he was satisfied it was taken care of. Mr. Downer asked him to repeat that and Mayor Pro-Tem Rentschler said he watched our City Manager write it down and was satisfied it would be taken care of. Mr. Downer asked if Mayor Pro-Tem Rentschler had taken any action after he had made the request at this meeting. Mayor Pro-Tem Rentschler said he did not. Mr. Downer said ok.

Mr. Downer than addressed Commissioner Hernandez saying he knew Mr. Hernandez loved trees because we talked about how he plants trees and what a good job he does. He is concerned about trees in the City, so what action did you take and what was the result.

Mayor Galea interrupted Mr. Downer saying she thanked him for coming to us again with the concern of dead trees; it is a big concern for the City and the Commission and she assured him that the City Commission, those that you've addressed, can usually get an email response to you, and she thought that would be most appropriate to respond to you by email. Mr. Downer said ok and thanked her. He went on to say that while he was driving up and down in front of the trees at the Civic Center, he drove up and down about seven times, and he noticed something was wrong with the irrigation system. There was like six inches of water in some, day after day after day after day after day, and the other, north part was dry. So, the dead tree always had six inches of water in the well, and a year ago he called Ms. Wade and informed her about a wacky sprinkler on Indian Wells that was squirting into the street. And, I drove by the other night and this same sprinkler was heading due north for about 20 minutes, so something's wrong with the irrigation system and he recommended to Mr. Stahle that they get an employee certified as an MOS-6 irrigation certification. He said that concludes his presentation and said congratulations to the Commissioners and welcome to newly-elected Commissioner Turnbull. He said there are dead and dying trees in her district. Commissioner Turnbull thanked him.

CONSENT AGENDA (Roll Call Vote Required for item No. 11)

10. **Approve Minutes of the February 25, 2014 Regular Meeting of the Alamogordo City Commission.** (*Renee Cantin, City Clerk*)
11. **Approve Resolution No. 2014-09 approving the submission of a Municipal Arterial Program (MAP) grant application to the New Mexico Department of Transportation (NMDOT), authorizing the City Manager to act as the authorized representative, and providing a (25 percent) local match. [Roll call vote required]** (*Jason Thomas, City Engineer*)
12. **Consider, and act upon, the Award of Public Works Bid No. 2014-005 to Pate Construction Company related to the Pecan Drive Extension project in an amount not to exceed \$965,389.25 including tax (\$896,993.5+ \$68,395.75 NMGRT)** (*Jason Thomas, City Engineer*)
- A-1. **Approve Change Order No. 2, Public Works Bid No. 2013-005 to Mesa Verde Enterprises, Inc., Inc. related to Street Paving Improvements – Phase I N. Florida Avenue – 10th Street – 16th Street in an amount not to exceed \$15,096.50, including NMGRT.** (*Edward Balderrama, Project Manager*)

Commissioner Hernandez moved to approve items # 10, 11, 12, & A-1 of the consent calendar. Commissioner Baldwin seconded the motion. Roll call was taken for item #11. Motion carried with a vote of 6-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

None.

UNFINISHED BUSINESS

- A-2. **Approve the Award of Public Works Bid Number 2014-004 project to Mesa Verde Enterprises, Inc. for the Panorama Boulevard / Hamilton Road Intersection Improvements in an amount not to exceed \$241,992.26, including NMGRT.** (*Jason Thomas, City Engineer*)

Mayor Pro-Tem Rentschler remarked he had talked with City Engineer Thomas over this and the problem Mayor Pro-Tem Rentschler had was we are looking to spend Fund 118 money right now and we are bleeding red on 118 and going to 109 money which is Road Maintenance money. We have a lot of road maintenance to do and he believed this was a small enough project that we should hold it back until the end to see if we have enough money to do it without using Road Maintenance money. We need to look in our districts and decide which roads need to be repaved or whatever. He said he had knocked on a lot of doors in the last couple of months and said he was embarrassed to knock on an amount of these doors because of the condition of the roads. He hated to take money out of that for this.

Commissioner Hernandez said that although he knew this was a needed project, like Commissioner Rentschler, he had talked to a lot of different people and had walked and driven down a lot of different streets. A few meetings ago Reverend Forney had approached him and asked to have his road looked at because his folks couldn't get across the street with walkers, so Commissioner Hernandez went and looked. Sure enough, the street sweeper went through there and took the road with it. We spent plenty of money on the southeast corner of Alamogordo and it's time to spread it around.

Mayor Galea said this is not, from her understanding, a street improvement have or have-not in districts. It is about traffic management, a public safety issue to manage the traffic at an intersection. We are also looking at providing an opportunity so that in the future the conduits needed for a traffic

light, which we know according to our growth trends will be needed by 2017. This is a way of getting ahead of the project. She thought it would be prudent to put the conduits in now versus waiting until 2017 to re-dig, while we are already out there operating in this intersection. She had nothing against any of the districts and understood there were roads needing improvement throughout the entire City, but this is a public safety concern traffic management project.

Commissioner Hernandez remarked he has been doing road construction for 30 years on and off, and when he started they had to dig across the road, we went to Pierce Arrow across the road. Now they can set a machine up on this side of the road and tell that machine where to put that pipe on the other side of the road without hitting, touching or looking at anything. By 2017, that process will be upgraded so much and all be computerized like it almost is today, so he felt it would save us money to do it later with that type of technology.

Mayor Galea thanked him for his opinion but probably saving money in 2017 is not a fact; we do not know what technology will be available to us in 2017. Commissioner Hernandez said it isn't an opinion, it is a fact. Mayor Galea said it would be prudent to do the work now while we can save money on the cost of inflation. She asked City Engineer Thomas if he had any comments he would like to add concerning this project.

City Engineer Thomas responded by giving some justification as to why the overlay was put into the project and the conduit was put into the project scope. He said we had a couple different warrant analyses done or traffic studies done in the area to try and figure out when a signal would be warranted. It is actually 2019 when we believe it will be warranted. Also, in November the site survey came back and we found that right in front of the Car Wash there is a flat spot in the road ground; if you look closely you'll see a large alligator-crack area. So, as I understand, some of you don't want the project at all but I just wanted to give you an explanation as to why we decided to overlay. He said we have to fix that drainage so when we add the turn lane the runoff actually gets to the gutter pan and doesn't stand in the intersection. New utility cuts to install street lights, not traffic lights, move water service and there will also be multiple pavement cuts from the concrete improvements. The pavement cuts will obviously introduce more water into the sub-grade and degrade wide quality. We did have a series of budget reductions through the project. Back in September when we discussed it, we were at about a half million dollars and you guys instructed us to scale it back. The final bid from Pillar Engineering was \$255,000 and the low bid came in at \$241,992, so we believe that is a good bid price. We'll save about \$120,000 of the project budget and we plan to move that to, if you award it, Washington and First Street and that will immediately displace 109 money that we won't need to spend there on the next project. We open bids on that project, actually, a week from today, not this Thursday. That will be an immediate savings in 109 money that we would have, and his recommendation to them was to go ahead and award the project and let them continue with the project.

Mayor Galea remembered having discussed this project in a Work Session with you and the Commission this fall and there was no one against it at that time. Seeing that the City Staff has gone through the process to do the studies and put the bids out, she would like to see that we award the bid. She thought it would be malfeasance of the Commission to allow the Staff and members of the public to work on this bid, actually bid on it and be an approved project by the City Commission, and not move forward.

Commissioner Hernandez moved to not approve the Award of Public Works Bid Number 2014-004 project to Mesa Verde Enterprises, Inc. for the Panorama Boulevard / Hamilton Road Intersection Improvements in an amount not to exceed \$241,992.26, including NMGRT. Motion died for lack of a second.

Mayor Galea said we must take action on this item.

Commissioner Sikes asked if we could possibly hold off on this until we get the bid openings for the next part of this. You were talking about a bid opening that was going to take place next week. City

Engineer Thomas said that was for the Washington/First Street project – a separate project. Commissioner Sikes said we could see how much that one is before we do this one. She asked if anyone would object to doing this. Mayor Galea said it was a good idea to look at what 109 money would be needed for that project. We have already bid out this project to consider and act upon awarding the bid that was the lowest and move forward with the project the Commission previously approved doing. City Engineer Thomas added we have already bought property from the Car Wash and we've entered into agreements with the affected property owners, and all the legal work has been done as well for the project.

Commissioner Baldwin moved to approve the Award of Public Works Bid Number 2014-004 project to Mesa Verde Enterprises, Inc. for the Panorama Boulevard / Hamilton Road Intersection Improvements in an amount not to exceed \$241,992.26, including NMGRT the project. Mayor Galea seconded the motion. Roll call vote was taken. Motion carried with a vote of 4-2-0. Commissioner Hernandez and Mayor Pro-Tem Rentschler voted nay.

NEW BUSINESS

A-3. Consider, and act upon, Resolution No. 2014-11 declaring a vacancy for District Six City Commissioner due to the District 6 Commissioner, Susie Galea being elected as Mayor At-Large as a result of the March 4, 2014 Regular Election. [Roll call vote required]
(Renee Cantin, City Clerk)

Mayor Galea asked the City Clerk to explain this process.

City Clerk Cantin noted the selection process was the next item so this is simply the Resolution declaring the vacancy as we had done for a couple of previous vacancies. The way the City Charter reads, we must declare it by resolution. So, step one is declaring by resolution that there is a vacancy.

Commissioner Baldwin moved to approve Resolution No. 2014-11 declaring a vacancy for District Six City Commissioner due to the District 6 Commissioner, Susie Galea being elected as Mayor At-Large as a result of the March 4, 2014 Regular Election. Mayor Pro-Tem Rentschler seconded the motion. Motion carried with a vote of 6-0-0.

A-4. Consider, and act upon, the selection process for filling the District Six City Commissioner Vacancy. *(Renee Cantin, City Clerk)*

City Clerk Cantin explained that in the future the Commission needs to establish by ordinance the process to fill a vacancy; we do not currently have an ordinance in place. She had looked at the last two appointments and there had been talk amongst the Commission on how to proceed with those. We have previously suggested that you establish a deadline for applicants to submit their paperwork containing a letter of interest, a declaration of candidacy and the property disclosure form, and then you scheduled a meeting where you made nominations. She went from the last time where all the Commission decided to hear interviews from all candidates and she left that one out and suggested the following timeline that the Candidate Packets would be available tomorrow and we would distribute them to our media list. The candidates would have until March 26th, the day after the next Commission meeting, and since the deadline to submit items for the next agenda is noon, she put 11:00 a.m. so we would have time to compile it all for the April 8th agenda. At the April 8th Commission meeting she suggested interviews of the candidates, done alphabetically last time, or you could have interviews in the order turned in. The final appointment would be by Tuesday, April 22nd; as you'll see earlier in the background it is stated the appointment must be made the first meeting following the 30 days after the adoption of the resolution, which would be the April 22nd meeting. This is a somewhat aggressive schedule to proceed or start your conversation as to how you want to fill the seat.

Mayor Galea said she thought it would be better if we had a commissioner in place on April 8th, meaning after the interviews of the candidates it would be opened up for nominations. She felt April 22nd was too far to go as a six member body versus seven.

Commissioner Hernandez asked when they would get the names and City Clerk Cantin told him they should be ready for that agenda book if the deadline was March 26th. You should have the names when the draft agenda goes out. He asked about the time frame and City Clerk Cantin said the candidates would have from March 12th to March 26th, two full weeks to return their candidate packets. Commissioner Hernandez asked how long the Commissioners would have the names and City Clerk Cantin told him they would get the names the Friday after March 26th which is March 28th for the April 8th meeting.

Commissioner Sikes said then we would do the interviews here and after those are complete we would vote. Mayor Galea said the floor would be open for nominations and then the vote would be taken in the order nominations were received. Mayor Galea asked if anyone would disagree with having interviews cast and voted on at the same April 8th meeting.

Commissioner Hernandez said he didn't have a problem with that but wanted the Commission to have the right to ask for more time if needed for one reason or another. He said he didn't see a problem with it, but didn't want to be stuck to it because we said tonight we would do that. His concern was not having the time if an issue comes up that one of us wants to look at further or there is an issue we want to double check or don't want to do in public.

Mayor Pro-Tem Rentschler said the last couple of times this has happened, particularly the first time it happened without anything in the Charter or anywhere else to go by, the idea was we would give the district plenty of time to figure out what had happened and if we declare tonight that would give them approximately two weeks. The original was 30 days to give the district time to figure that out, so that would bring us to beyond April 8th, about April 11th. He was concerned the two week cutoff was a little bit short and he would rather it be a little longer, but if we could ask for more time on that first Tuesday it would be OK with him. He wouldn't want this to become a standard operating procedure; he wanted there to be enough time for the announcement to get out to the district. He asked City Clerk Cantin if we had 45 days for the Commission to appoint and did that come from the Charter.

City Clerk Cantin told him the Charter addresses just a little bit. It says when you had determined to interview each candidate and make the appointment at the first meeting following 30 days after adoption. Thirty days is less than, but the first meeting after would be April 22nd, and that part wasn't actually in the new Charter. Mayor Pro-Tem Rentschler asked where it came from and City Clerk Cantin told him it was from a combination of what you have done the last two times. Mayor Pro-Tem Rentschler asked again if it was in the Charter and she told him it was not; the Charter amendment provided the Commission may by ordinance establish a process. That ordinance has yet to be adopted.

Commissioner Hernandez asked the Staff to publicize this in any form we can and ask the Chamber and Schools to publicize in any way they can. We've had quite a few candidates step up during the last two elections and the last time we appointed we only had one, so he would like to see at least a couple or a few to choose from.

Commissioner Baldwin moved to approve the process as is so the final appointment will be made after candidate interviews at the April 8, 2014 meeting, reserving the right to extend the decision until the April 22, 2014 meeting if more time is needed. Commissioner Sikes seconded the motion. Motion carried with a vote of 6-0-0.

13. Consider, and act upon, a request to fill the Wastewater Plant Operator I position, to be assigned to the Wastewater Treatment Plant. (Brian Cesar, Public Works Director)

Public Works Director Cesar told the Commission this is a full-time, regular position funded in this fiscal years budget. We have a vacancy we need to fill at the Wastewater Treatment Plant.

Commissioner Hernandez moved to approve a request to fill the Wastewater Plant Operator I position, to be assigned to the Wastewater Treatment Plant. Commissioner Baldwin seconded the motion. Motion carried with a vote of 6-0-0.

- 14. Consider, and act upon, a request to fill the Central Receiving Attendant position, to be assigned to the Purchasing Department. (Barbara Pyeatt, Purchasing Manager)**

Assistant City Manager McNeile told the Commission we would like permission to advertise this opening in our Purchasing Department for a Central Receiving Attendant. This is budgeted 90% by Fund 81 and 10% by our Internal Service Fund. The opening is a result of the employee leaving the City.

Commissioner Hernandez moved to approve a request to fill the Central Receiving Attendant position, to be assigned to the Purchasing Department. Mayor Pro-Tem Rentschler seconded the motion. Motion carried with a vote of 6-0-0.

- 15. Consider, and act upon, initiating the Street and Facility Naming Committee to make a recommendation to the City Commission to name the Balloon Park on LaVelle Rd. the Ed Brabson Balloon Park. (Al Hernandez, Commissioner)**

Commissioner Hernandez said some of the Brabson family members had asked him to bring this forward. He has worked very closely with Ed Brabson on several projects and has known him for several years. Commissioner Hernandez said we have a policy on how this is done, and reading through the policy, what we'll do first is take it to this committee where they will look at his bio and see if it fits within this realm. About a year and a half ago, we did a new policy on naming streets and buildings and one of the things we looked at was the person needed to be deceased. There is also a place allowing that the person does not need to be deceased – Item 5.3 – where it talks about someone who has given to the community and is deserving of that fact. He is proposing this under that item and is asking for the Commission's support to get this committee together and look at this and decide yes or no and bring back to us. At that time we will decide what we want to do.

Commissioner Baldwin moved to approve initiating the Street and Facility Naming Committee to make a recommendation to the City Commission to name the Balloon Park on LaVelle Rd. the Ed Brabson Balloon Park. Commissioner Sikes seconded the motion. Motion carried with a vote of 6-0-0.

- 16. Consider, and act upon, selecting members of the City Commission to represent the City on various outside agencies boards and committees. (Renee Cantin, City Clerk)**

City Clerk Cantin explained we have put together a list of some of the external boards and committees, along with your input, of who is currently serving on some of those. With this change, we thought it would be good to freshen up those appointees and review each board as to who may want to serve.

She began with the Otero County/Greentree Solid Waste Authority (OCGSWA) explaining the first annual meeting was usually in March and the meeting coming up would be March 27th. It was confirmed the meetings are held at night.

2014 OCGSWA: Robert Rentschler, Susie Galea, Al Hernandez, City Manager Stahle, Public Works Director Cesar.

South Central Regional Transit District (SCRTD) was next discussed and Mayor Galea asked to have her name removed because Otero County has opted out. Commissioner Sikes didn't see the point of serving since we have opted out.

2014 South Central Regional Transit District (SCRTD): No representation at this point.

Southeastern New Mexico Economic Development District (SNMEDD) & Southeastern Regional Planning Organization (SERPO) was explained by Commissioner Hernandez who said these two alternate their meetings and there are about eight a year.

2014 Southeastern New Mexico Economic Development District (SNMEDD) & Southeastern Regional Planning Organization (SERPO): Al Hernandez & Alternate Susie Galea.

2014 Otero County Economic Development Council (OCEDC) & Chamber of Commerce Board: OCEDC rep: Robert Rentschler; Chamber rep: Jason Baldwin; Alternate: Jenny Turnbull.

2014 Eastern Area Workforce Development Board (EAWDB): Susie Galea and Alternates: Nadia Sikes and Robert Rentschler.

2014 Consortium for High Tech Investigations in Water & Wastewater (CHIWAWA): Susie Galea & Alternate: Nadia Sikes. Meetings are held in El Paso and Las Cruces and focus on regional water issues.

17. Appointments to Boards & Committees. (Mayor)

Mayor Galea said she had been privileged to attend a Business Impact/Government Relations meeting this morning and she had mentioned to those in attendance the number of vacancies on our boards and committees. She announced the Boards and Committees which have vacancies:

Airport Zoning Board. Two (2) vacancies

No nominations received.

Alamogordo Disability Council. Three (3) vacancies.

No nominations received.

Cemetery Board. One (1) vacancy

The following existing board member is interested in being reappointed:

Mary Eastman – if appointed this will be her third term.

Community Development Advisory Committee. Two (2) vacancies

No nominations received.

Housing Authority Advisory Board Two (2) vacancies.

(This is a new board and anyone appointed will be new to this board)

The following individual has submitted an application and is interested in being appointed;

Rhonda Devine - if appointed this will her first term.

Promotion Board. One (1) vacancy

The following individual is interested in being appointed:

Douglas Gibson – if appointed this will be his first term.

Senior Volunteer Program. Three (3) vacancies.

No nominations received.

The Mayor appointed Mary Eastman to the Cemetery Board, Rhonda Devine to the Housing Authority Advisory Board, and Douglas Gibson to the Promotion Board. There were no objections from the Commission. She asked the City Clerk to notify these individuals.

PUBLIC COMMENT

B. Harv Hamilton commented on the following:

1) He thanked those who ran for office whether they won or not during this last election. He also thanked Public Works Director Cesar and City Engineer Thomas for being kind enough to come over to look and offer advice for a problem he had. He felt this was great public service.

CITY MANAGER'S REPORT

1) City Manager Stahle said he had learned through the news media this afternoon that our two US Senators have acknowledged that the Federal Government, specifically the Corps of Engineers, are recommending \$6 million dollars to Flood Prevention Projects in the City of Alamogordo. That is good news and we are waiting to receive the official word from the Corps itself. We believe this will be

Phase 7 of our McKinley Wash Project; to put concrete sides and a bottom to the wash between White Sands Blvd. and up toward Madison where they just replaced the other bridge. We appreciate that good news.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Hernandez commented on the following:

1) Commissioner Hernandez said he had a couple of residents, some of them lived in the County, actually it was a few residents and some lived within the City. He had spoken to our City Engineer, Jason, earlier and he knew we were doing an intersection change at Florida and Fairgrounds Road and he wanted an update. We had one accident last week that was pretty tragic and another one today that actually took out a stop sign. We've got cars blowing through those intersections and so he knew we were looking at doing something. He would like to see if we can get an update on what we are doing.

City Manager Stahle told him we are going to actually make a 4-Way Stop out of that. We did a warrant analysis which is required anytime we have a concern about safety of an intersection. That warrant analysis does justify a 4-Way Stop and I'll let Jason explain what is going on with that effort.

City Engineer Thomas told the Commission that is absolutely correct. We are working on installing a 4-Way flasher; it is the same type of flasher that's at Scenic and N. Florida. We are working with PNM because we need to guy-out their pole to suspend the wire. There is a process that you follow when you do a traffic change and we are working towards beginning the public service announcements and the advance notice by the end of this month to roll that out.

Commissioner Hernandez said that in the meantime, he noticed the stop sign we put up today was the standard-type stop sign for that intersection. Could we look at maybe going ahead and at least on Fairgrounds Road, going to the bigger ones because he was sure that would probably be what would end up happening or maybe whatever we are going to do at that point, just to maybe help. He thought that was what was happening that the folks coming off Fairgrounds were the ones going through and catching the ones coming up and down Florida. He said he actually saw that accident today and it was pretty bad. City Engineer Thomas said we can definitely look at putting larger signs up. Commissioner Hernandez thanked him.

Mayor Galea commented on the following:

1) The Mayor wanted to bring up for discussion, maybe for a future agenda item or maybe it can be handled here tonight amongst the Commission. The people just passed the bonding for two major projects – the intersection aligning Florida at First St. and also the \$6 million dollar bond for the Family Fun Center. She had looked at how the Commission had approved major projects in the past like the Skate Park that was a \$300,000 project, and it has taken over a year's time for that to materialize. She would like to bring up for discussion appointing a Ad Hoc Committee to maintain focus and so that the projects are done in a timely manner. For example, she knew that our bonds must be sold within a six month period and from that six month period that the bonds are sold for the Family Fun Center (FFC) we must complete the project within a three year time period. She hoped it would not take three years to complete the FFC.

City Manager Stahle interjected to say a couple of things. First of all, they had found out from our bond counsel, we actually have several years to sell the bonds and that's good news and puts a bit of relief on us. There are two separate, significant projects, obviously; one is the Intersection. Intersections, we have a very talented staff that can work toward that project. That's adding a pretty significant project to a long list that we are already pretty heavily involved in, but we have a pretty fair procedure for handling that. With regard to the vertical, meaning the FFC, that's a little different. He met with Staff today starting to formulate a plan of action on how to attack that. We are going to do some research and learn as much as we can, for example from other entities like us, that have done similar projects. His understanding was, of course we know Deming has already done one and he understood from some folks here that maybe Carlsbad is doing one, as well. So, we want to learn

from those processes and he didn't have a problem if the Mayor wanted to put together a Ad Hoc Committee to keep the whip and chair in our face and keep us moving on it. That's fine, but part of the conversation we need to have with you is what's the best process we want to use. Do we go ahead and search, for example, for an operator that can be involved with the design, because sometimes you make decisions on design that can effect operations. Do we want to hire an architectural firm that can do a Needs Analysis. What would make sense for the building to have; we know bowling alley. Bowling alleys usually come with some kind of libations, some service for restaurant, but what other things. Is it just a video, miniature golf, what is it? How is this thing going to look? How is it going to be built and how is it going to be operated are big questions. So, we are kind of working our way through some of this but we're trying to do it, quite honestly, at a very challenging time. We are putting together budgets and we're trying to keep those road projects that we have a burning desire to get done before the end of the calendar year completed. So, he asked for a little bit of patience and let us get through the budget process; we will of course budget accordingly, and he'd like to work with Staff to develop kind of our game plan, present that to you and have a conversation with you on how you would like to modify that schedule or do something different.

Commissioner Sikes said that based on the fact we now know the selling of the bonds is going to be longer than we anticipated, there was a lot of work done during the campaigning, the selling of the FFC to the public. She, quite frankly, was surprised it passed based on history, but because of the work done by the people supporting it, and she was sure they had delved into a lot of things Staff may not have time to do, she liked the Mayor's idea and wondered how we'd do that if we decided to do a Ad Hoc Committee.

Mayor Galea said the City Manager brought up a number of variables. She thought since the people have voted for this, perhaps we can ask the people in a Public Hearing how they would like to proceed; if they want to look at the design with the engineers, if they want to look at the operator and have the operator come in and give their opinions, and then have the Ad Hoc Committee, because not withstanding the whip and the chair, she understood the City Manager had a lot on his plate and a Ad Hoc Committee can help minimize the stacks and piles that are on his desk. She said that is why she had proposed a Ad Hoc Committee to work with City Staff. She would also like to see a Public Hearing done so we can hear from members of the public what they would like to see in their FFC.

Commissioner Sikes interjected one quick thing just so it's on record. She is working on a project with the Freshman Academy at the Alamogordo Public High School. It is considered authentic learning, problem based learning. They are taking four subjects, four components – health, English, math and science, and the students have to develop a project. They are taking it very seriously in that they had City Engineer Thomas as one of the presenters. It was just amazing to listen to what Jason had to tell them about design and building and maps and measuring. They would like to have the opportunity to present what they come up with to City. There premise was, 'There is nothing to do in Alamogordo,' and they are looking at a Fun Center from the prospective of freshmen in High School. Maybe bowling isn't their bag and drinking came up, but we kept it quiet. They would like to do things like rock climbing and had some ideas that a Ad Hoc Committee would consider, but she wanted them to have the opportunity to become part of that. Mayor Galea said that is a great idea. Commissioner Sikes said we have two months to do the project and they are getting a big kick out of it. She publicly thanked City Engineer Thomas once again for that really good presentation.

Commissioner Hernandez commented on the following:

1) Commissioner Hernandez said Commissioner Sikes made him think about something. Could we look and see if there is some kind of a program out there where places like this have some kind of an exchange program. One of the things he knows is the kids get board with something and want to move on. Like the rock climbing deal, they make those things portable and he was sure there were other portable items out there, and there may be some kind of a municipality program where you use it for a couple of months or a year and then you trade it with another municipality for something else. He didn't know if it was available but it would be something to look into because that way it would keep our thing fresh all the time. Maybe also design the building to accept that if it is out there. Or maybe it's something we could get started.

Mayor Galea asked the City Manager that with a Ad Hoc Committee, would he take recommendations from the City Commission so that there is a variety, a well-rounded Ad Hoc Committee. City Manager Stahle said since you are the boss, yea probably. Mayor Galea said it would be a Ad Hoc Committee to help you, and City Manager Stahle said, 'Yes, ma'am, of course.' He went on to say what goes in this will be a big deal, and he was intrigued by the exchangeable activities that might be inside of it. He had never heard of that and thought it fantastic. He encouraged as much input as they could get and didn't dream of having a decision made by Staff and just telling you all. He was anticipating a great involvement by both the Commission and the community that has an interest.

Commissioner Baldwin commented on the following:

1) He said that in reference to the Family Fun Center bowling alley the City Manager had made a comment about lots of activities going on and lots of things on the agenda, and Commissioner Baldwin said this is one of the first things voted on by the public to be built so he wanted to throw caution to that priority. Some of our other projects may have to actually take a backseat to make sure this gets done in a timely manner. He actually wanted to see some timelines. In favor of the Committee and was a little ashamed not more was known about a bowling center before we floated a \$6 million dollar bond to put one up, and now we are wondering what we want to do exactly. So the Committee will do the foot work up until, as he understood, we are through the Budget process, which is a decent enough timeline. The Committee will be appointed and put together by the City Commission and the Mayor as well, correct? Mayor Galea told him that was correct. Commissioner Baldwin continued saying that after the Budget process we need to have a pretty accountable timeline for the citizens of Alamogordo of what we are going to do, when we will bring a presentation, if we will have a Public Hearing, and it needs to happen pretty fast after that. That's my two cents.

Mayor Galea thanked him and said that was very value-added.

Mayor Galea commented on the following:

1) She said former Commissioner Talbert brought to her a flyer and she noted he is very passionate about family activities in our community. One that he wanted her to note for the community is on April 3, 2014 at 3:00 p.m. – 7:00 p.m. at the HAFB Commissary there will be a Family Math Night. It is for all school aged children and their families, and there will be a lot of fun things to do. There will be gift bags and free hot dogs and drinks. Now that there is 'Friends of Holloman' everyone has access to HAFB if they go to the HAFB Security Office and ask for a Friends of Holloman pass.

2) Mayor Galea wanted most of all to thank Mayor Pro-Tem Rentschler for his service as Mayor for the City of Alamogordo and for the time you spent serving and appearing at all the meetings. It was very value-added and she again thanked him for representing the Commission so very well.

3) She said she was ready to get to work with this Commission and for the good of the people of our entire community, she said she was committed to working very hard for the people. She asked the Commission to help her with something creative, to create something over and above what our Code of Conduct currently states; something other Commissions aren't doing. Help her to create an accountability program within, because she knows the power is with the people and not with the people that assume that they have the power. This would prevent any abuse of that by exercising any undue influence. She thought the people had spoken and they are tired of the days of turf wars and power grabs, and it is just time for us to work together as a community toward common future goals. In the future, she didn't want to be overbearing with too much information for the Commission, and so she vowed to not give more than her top five event list that she does. She knows she will be asked to attend a number of events, but she will not give more than five events at a Commission meeting. Her goal is to communicate with you daily through email and on Face Book. She only brings one event to the Commission tonight and that is she had the opportunity to attend the 54th Fighter Group Activation Ceremony of the F-16's. What a great community effort that was to bring about the F-16 activation and she was grateful to HAFB and their roll in our community. She was thankful for the people of Alamogordo that are active in our community. She said that was all she had.

Commissioner Sikes commented on the following:

1) She said that was almost a good transition into what she was going to ask City Manager Stahle and City Attorney Thies to help her with. She wanted to bring before the Commission, possibly at the

next Commission meeting, some sort of an ordinance or change in ordinance or whatever we have to do. It looks like we are the only city or one of the only cities in New Mexico who don't have a Full Disclosure for campaign contributions. Rather than continue any impropriety or rumors or what-have-you in social media explosions like she witnessed over the past week, she would love to see if we could go ahead and introduce something where all candidates running in a municipal elections in the City of Alamogordo have to proclaim who their contributors were. She thought Paul Sanchez's idea of full transparency was something we should all look at. It blends well with not only our New Mexico State Code of Conduct, but also with Codes of Conduct from the Municipal League or whatever. She would like us to possibly work on that, she would appreciate it, if nobody objects. Mayor Galea said there were not any objections, and Commissioner Sikes told her, 'Of course, not.'

ADJOURNMENT

Commissioner Hernandez moved to adjourn at 9:41 p.m. Commissioner Baldwin seconded the motion. Motion carried with a vote of 6-0-0.

Mayor Susie Galea

ATTEST:

City Clerk Reneé L. Cantin

*(Prepared by Nancy Jacobs, Deputy Clerk)
Approved at the Regular Meeting held on March 25, 2014.*

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: Mar. 25, 2014 **Report Date:** Mar. 12, 2014 **Report No:** 3

Submitted By: Jan Wafful **Approved For Agenda:** 
Community Services Admin. Assistant

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

Fiscal Impact: \$17,756.59
Amount Budgeted: \$143,557.73
Fund: 016

Recommendation: Approve the monthly expenditures for Tourism & Advertising Promotions

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

Lamar Companies	Monthly Billing INV# 104811836	1,265.00
Comcast Spotlight	Monthly Billing INV# 2097636-1074	2,002.00
CallSource	Monthly Billing (800#+1,000minits) INV 20056393	135.00
KJTV – FOX 34	Monthly Billing (Television & Web) INV 39732A-F1	1,988.00
Time Warner	Monthly Billing INV# 1015638 & 40	1,017.17
AAA TX Journey	Mar/Apr2014 Ad INV# 40007875	4,110.00
AAA NM Journey	Mar/Apr 2014 Ad INV# 40007299	1,020.00
Carlsbad Chamber of Commerce Tradeshow (3)	INV# 113	950.00
Southwestern Adv. II Brochure Distribution.	INV# 4403	269.42
Alamogordo Chamber-WS Balloon Invitational CoA Funded Event Contract		5,000.00

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 

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 03-25-14 **Report Date:** 02-28-14 **Report No:** 4

Submitted By: Robert Duncan **Approved For Agenda:** 

Subject: Consider, and act upon, the Application for participation in the 2014 Law Enforcement Protection Funds

Fiscal Impact: \$64,800
Amount Budgeted: \$64,800
Fund: Fund 36

Recommendation: Approve application for participation in the 2014 Law Enforcement Protection Funds.

Background: The application is required to apply for funding from the State of New Mexico. These monies are awarded based on population and total number of full-time certified police officers certified by July 1, 2014.

Funding is to be used for law enforcement equipment and advanced training, which will enhance the efficiency and effectiveness of law enforcement services provided to the citizens of Alamogordo.

Reviewed By:

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

INSTRUCTIONS

APPLICATION FOR LAW ENFORCEMENT PROTECTION FUNDS FOR MUNICIPALITIES, COUNTIES AND UNIVERSITIES PURSUANT TO CHAPTER 29, ARTICLE 13 NMSA 1978 FOR THE JULY 1, 2014 - JUNE 30, 2015 FISCAL YEAR

PURPOSE

The purpose of the Law Enforcement Protection Fund is to provide the equitable distribution of funds to municipal police, university police, county sheriff and tribal police departments for use in maintaining and improving those departments in order to enhance the efficiency and effectiveness of law enforcement services.

APPLICATION PROCESS

All applications for Law Enforcement Protection Funds must be made on the prescribed forms and received by the Local Government Division (LGD) with a postmark date no later than March 31, 2014. Applications must be mailed to the following address:

**Local Government Division
Department of Finance and Administration
Bataan Memorial Bldg., Room 201
Santa Fe, New Mexico 87501**

LGD will notify all applicants in writing of its determination of money to be distributed under Section 29-13-4 by May 1, 2014. Any applicant may appeal LGD's determination by filing a notice of appeal with the Secretary of the Department of Finance and Administration by May 15, 2014. The Secretary will review all appeals and make a final determination by June 30, 2014. If no appeal is filed, the determination of the LGD will become final and binding.

The New Mexico State Treasurer will pay Law Enforcement Protection Fund awards by July 31, 2014. Payments will be made to the Treasurer of the appropriate governmental entity.

COMPUTATION OF AWARDS

1. All municipal police and county sheriff's departments will be rated by class in accordance with populations established by the 2010 federal census. The population of any county will be reduced by the population of any municipality located within that county that has a municipal police department.

INSTRUCTIONS (Continued)

Each municipality and county will receive a distribution from the Law Enforcement Protection Fund based on its population as follows:

CLASS	POPULATION	AMOUNT
1	0 TO 20,000	\$20,000
2	20,001 TO 160,000	\$30,000
3	160,001 TO 1,280,000	\$40,000

- University police departments shall be entitled to a rate of distribution of \$17,000.
- In addition to the amount determined in items 1 and 2 above, all municipalities, universities and counties will receive \$600 for each full-time certified police officer or sheriff's deputy. Each officer or deputy claimed must be certified by the New Mexico Law Enforcement Academy pursuant to the provisions of Section 29-7-8 NMSA 1978, or, authorized to act as a New Mexico peace officer pursuant to Section 29-1-11 NMSA 1978. **All officers and deputies claimed for funding must be listed on the Supplemental Schedule and must appear on the March 31, 2014 New Mexico Department of Public Safety Registry, or must be enrolled in the New Mexico Police Academy with an anticipated graduation date prior to or on July 1, 2014.**
- If the balance of the Law Enforcement Protection Fund is insufficient to permit the total allocations provided in item 3 above, the LGD will reduce the allocation determined under item 3 to the maximum amount of money available.

CARRY OVER BALANCES

LEPF distributions may not be used for accumulation. **However, if Division approval is obtained for good cause, funds may be expended in the fiscal year following distribution. This means that funds must be expended within two fiscal years (distribution fiscal year plus one subsequent fiscal year with Division approval), otherwise those funds will revert back to the state or the distribution for the upcoming fiscal year will be lowered by the amount accumulated.**

ACCOUNTABILITY-University Police Only

Submit a detailed financial report of the prior year grant expenditures and balance (if any) by June 1, 2014 to Local Government Division. If there is a grant cash balance that will not be expended by June 30, 2014, please provide the Division with an explanation as to why the grant was not expended and what steps the police department will take to expend, encumber or revert to the state the unused balance.

USE OF FUNDS

All monies distributed from the Law Enforcement Protection Fund are required to be expended in accordance with Section 29-13-7 and 29-13-9 NMSA 1978 as well as Rule 2 NMAC 110.3. Amounts so distributed from the LEPF to any incorporated city, town or village, county, pueblo or tribe, or university **shall be expended under the direction of the chief of the police/sheriff's department and approved by the governing body.**

All municipalities with a population of 1500 or less and all universities **must complete the itemized schedule** detailing expenditures for Section III, Subsection A of the application.

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: March 25, 2014

Report Date: March 12, 2014 **Report No:** 5

Submitted By: Kathy Gilsdorf,
Budget Analyst

Approved For Agenda: 

Subject: Resolution 2014-10 amending the Preliminary FY2013-2014 Budget for FY2013-2014, with a total appropriation budget of \$79,129,105 which includes \$11,995,806 for the General Fund.

Fiscal Impact:

Beginning Cash Balances \$0
Amount Budgeted: Revenues \$2,311,714 Increase
Fund: Expenditures \$4,607,894 Increase
Transfers In/Out \$0
Net Impact (\$2,141,180) Decrease

Recommendation: Approve the resolution.

[Roll call vote required]

Background: The City Commission adopted the Fiscal Year budget on May 14, 2013. The Department of Finance & Administration granted written approval of the City of Alamogordo's Fiscal Year 2013-2014 Final Budget on August 31, 2013. Resolution 2014-10 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  Community Development _____ Community Services _____
Finance  Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works _____ Purchasing _____ Assistant City Manager _____

RESOLUTION NO. 2014-10

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 2013-2014.

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

WHEREAS, the Department of Finance and Administration, State of New Mexico, gave its written approval to the City of Alamogordo, New Mexico's annual budget on August 31, 2013, for fiscal year 2013-2014; and

WHEREAS, the City of Alamogordo, New Mexico, has tabulated on the following pages the additional resources and expenditures for fiscal year 2013-2014.

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 2013-2014 be and hereby is revised as of March 25, 2014 to reflect a more true and accurate projection of the actual revenues and expenditures for fiscal year 2013-2014 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 March 25, 2014 as a more true and accurate projection of the actual revenues and expenditures for fiscal year 2013-2014.

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Alamogordo, New Mexico, at a Regular Meeting held this 25th day of March 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

Resolution # 2014-10 March 25, 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 requested to increase expenditures for codification of the City Code of Ordinances. The funds currently were used for the required redistricting which was approved by the Commission. Funds are requested from Fund Balance.

11	GENERAL FUND				
	<i>Expenditures</i>				
	011-2001-411.57-43	Professional Services	10,000	10,000	20,000

REVISION #2

This budget revision is requested to increase revenue and expenditures for funds received from drivers insurance for the repair of the traffic cabinet and standby power cabinet that was destroyed due to a traffic accident at 1st Street and Maryland Ave.

12	INTERNAL SERVICES				
	<i>Revenues</i>				
	012-3303-316.51-02	Misc Revenue/Insurance Recovery	0	16,274	16,274
	<i>Expenditures</i>				
	012-3303-419.44-55	Traffic Control Maintenance	22,080	16,274	38,354

REVISION #3

This budget revision is requested to increase revenues and expenditures to budget for additional funds received from the Fire Protection Fund Grant. Funds were received to purchase personal protective gear, scbas, ect. For the Fire Department. The grant required matching funds of \$25,006, which will be taken from existing funds from CER Equipment Replacement budgeted in the Fire Protection Fund.

33	FIRE PROTECTION FUND				
	<i>Revenues</i>				
FDEQ14	033-0000-317.16-13	State Grants	0	100,000	100,000
	<i>Expenditures</i>				
FDEQ14	033-0000-421.31-31	Equipment	0	100,000	100,000
	033-0000-421.61-85	CER Equipment Replacement	116,640	(25,006)	91,634
FDEQ14	033-0000-421.61-85	CER Equipment Replacement	0	25,006	25,006
		Total Revenues	116,640	100,000	216,640

REVISION #4

This budget revision is requested to increase expenditures for RBC continuing disclosure dissemination agent agreement, this expenditure will pay for the GO Bonds Series 2009, GRT Refunding & improvement Revenue Bonds Series 2004, and Joint Water & Sewer Improvement Bond Series 2005.

53	GENERAL OBLIGATION P&I				
	<i>Expenditures</i>				
	053-0000-451.57-34	Contract Services	0	905	905
59	GRT P&I				
	<i>Transfers In</i>				
	059-0000-391.19-69	Transfer Fr (69) 94 Gross Receipts	1,132,558	905	1,133,463
	<i>Expenditures</i>				
	059-0000-451.57-34	Contract Services	0	905	905

69	94 GROSS RECEIPTS				
	<i>Transfers Out</i>				
	069-0000-491.18-59	Transfer To (59) GRT P&I	1,132,558	905	1,133,463
81	WATER/SEWER				
	<i>Transfers Out</i>				
	081-0000-491.18-82	Transfer To (82) 98 JT Water/Sewer	1,546,030	905	1,546,935
82	98 JT WATER/SEWER BOND P&I				
	<i>Transfers In</i>				
	082-0000-391.19-81	Transfer Fr (81) Water/Sewer	1,546,030	905	1,546,935

REVISION #5

This budget revision is requested to increase revenues and expenditures to budget for the 2880 DW Loan proceeds for the construction of the Mobile Desalination Plant.

54	REVERSE OSMOSIS PROJECT RSV				
	<i>Revenues</i>				
PW1404	054-0000-319.15-45	Loan Proceeds	0	1,125,000	1,125,000
	<i>Expenditures</i>				
PW1404	054-0099-990.67-74	Capital Outlay/Desal Plant	0	1,125,000	1,125,000

REVISION #6

This budget revision is requested to increase transfers and expenditures to budget for the interest and principal for the NMFA/Loan/Grant for the construction portion of Mobile Desal Plant.

49	1986 GROSS RECEIPTS TAX				
	<i>Transfers Out</i>				
PW1404	049-0000-491.18-59	Transfers to (59) GRT P & I	0	7,828	7,828
59	GRT P & I				
	<i>Transfers In</i>				
PW1404	059-0000-391.19-49	Transfers fr (49) 86 Gross Receipts	0	7,828	7,828
	<i>Expenditures</i>				
PW1404	059-0000-472.72-49	Interest 2880 DW Loan	0	7,828	7,828

REVISION #7

This budget revision is requested to adjust budgeted transfer amounts to move the NMFA Loan #15 Street Proj from Fund 42 (84 GRT) to Fund 109 (2008 GRT Street) for payment of the loan.

42	1984 GROSS RECEIPTS TAX				
	<i>Transfers Out</i>				
	42-0000-491.18-59	Transfer to (59) Rev Bd P & I	1,066,853	(532,508)	534,345
59	REVENUE BOND P & I FUND				
	<i>Transfers In</i>				
	059-0000-391.19-42	Transfer fr (42) 84 GRT	1,066,853	(532,508)	534,345
	059-0000-391.19-09	Transfer fr (109) 04 GRT	588,304	532,508	1,120,812
		Total Transfers In	1,655,157	0	1,655,157
109	2004 GRT CAPITAL OUTLAY				
	<i>Transfers Out</i>				
	109-0000-491.18-59	Transfers to (59) Rev Bnd P & I	588,304	532,508	1,120,812

REVISION #8

This budget revision is to request to adjust transfers and expenditures for the Internal Services Allocations. Due to State recommendations for the Senior Center, Internal Service allocations will now be recorded as expenditures.

12	INTERNAL SERVICES				
	<i>Revenues</i>				
	012-1602-316.15-37	Purchasing Fees	20,327	8,147	28,474
	012-1701-316.15-43	Personnel Service Fees	18,209	15,464	33,673
	012-3303-316.15-39	Facility Maintenance Fees	9,710	33,657	43,367
	012-3402-316.15-38	MIS Fees	28,472	38,903	67,375
	012-3503-316.15.32	Fleet Maintenance Fees	9,085	16,269	25,354
		Total Revenues	85,803	112,440	198,243
	<i>Transfers In</i>				
	012-0000-391.19-71	Transfers fr (71) Sen Center	112,440	(112,440)	0
71	ALAMO SENIOR CENTER				
	<i>Transfers Out</i>				
	071-0000-491.18-12	Transfers to (12) Internal Svs	112,440	(112,440)	0
	<i>Expenditures</i>				
	071-8023-445.44-24	Facility Maintenance	0	10,097	10,097
	071-8023-445.57-21	MIS Services	0	11,671	11,671
	071-8023-445.57-23	Personnel Services	0	4,639	4,639
	071-8023-445.57-41	Purchasing Services	0	2,444	2,444
		Total Expenditures	0	28,851	28,851
	071-8024-445.44-20	Fleet Maintenance	0	3,254	3,254
	071-8024-445.44-24	Facility Maintenance	0	10,097	10,097
	071-8024-445.57-21	MIS Services	0	11,671	11,671
	071-8024-445.57-23	Personnel Services	0	3,093	3,093
	071-8024-445.57-41	Purchasing Services	0	2,444	2,444
		Total Expenditures	0	30,559	30,559
	071-8025-445.44-20	Fleet Maintenance	0	11,388	11,388
	071-8025-445.44-24	Facility Maintenance	0	3,366	3,366
	071-8025-445.57-21	MIS Services	0	3,890	3,890
	071-8025-445.57-23	Personnel Services	0	3,866	3,866
	071-8025-445.57-41	Purchasing Services	0	1,222	1,222
		Total Expenditures	0	23,732	23,732
	071-8026-445.44-20	Fleet Maintenance	0	1,627	1,627
	071-8026-445.57-21	MIS Services	0	1,945	1,945
	071-8026-445.57-23	Personnel Services	0	773	773
	071-8026-445.57-41	Purchasing Services	0	407	407
		Total Expenditures	0	4,752	4,752
	071-8030-445.44-24	Facility Maintenance	0	3,366	3,366
	071-8030-445.57-21	MIS Services	0	1,945	1,945
	071-8030-445.57-23	Personnel Services	0	773	773
	071-8030-445.57-41	Purchasing Services	0	407	407
		Total Expenditures	0	6,491	6,491
	071-8115-445.44-24	Facility Maintenance	0	6,731	6,731
	071-8115-445.57-21	MIS Services	0	7,781	7,781
	071-8115-445.57-23	Personnel Services	0	2,320	2,320
	071-8115-445.57-41	Purchasing Services	0	1,222	1,222
		Total Expenditures	0	18,054	18,054
		Total Senior Center Expenditures	0	112,440	112,440

REVISION #9

This budget revision is to request to increase expenditures to complete the new Waste Water Treatment Plant. New operations and procedures require additional testing to stay in compliance with New Mexico State Environmental regulations.

81	WATER/SEWER OPR				
	<i>Expenditures</i>				
	081-5603-432.57-47	Lab Services	22,550	30,000	52,550

REVISION #10

This budget revision is to request to increase expenditures for a new Commission-approved project for engineering and construction of replacing various service lines on White Sands Blvd between 1st St and 11th St. The previously allocated funds for this project have been transferred to EN1402 (SMP FY 14/15). Requesting funds from fund balance.

81	WATER/SEWER OPR				
	<i>Expenditures</i>				
UC1401	081-9303-465.67-70	Water Line Improvements	0	800,000	800,000

REVISION #11

This budget revision is to request to increase revenues and expenditures to budget for the State Grant SAP-1473-STB Reclaimed Water. Additional funds are needed for In-House Engineering from fund balance.

89	ESGRT .0625%				
	<i>Revenues</i>				
EN1305	089-0000-317.16-13	State Grant	400,750	243,000	643,750
	<i>Expenditures</i>				
EN1305	089-9399-990.68-99	ICIP/Reclaimed Water Looping	295,750	243,000	538,750
EN1305	089-1003-434.57-35	In-House Engineering	10,000	15,000	25,000
		Total Expenditures	<u>305,750</u>	<u>258,000</u>	<u>563,750</u>

REVISION #12

This budget revision is to request to increase revenues and expenditures to budget for State LEDA Grant and the funds needed from local funds. Funds are requested from fund balance.

105	ECONOMIC DEVELOPMENT				
	<i>Revenues</i>				
ED1401	105-0000-317.16-13	State Grant	0	250,000	250,000
	<i>Expenditures</i>				
ED1401	105-0407-450.57-28	Incentives	0	500,000	500,000

REVISION #13

This budget revision is to request to decrease expenditures due to depreciation is not necessary to be budgeted.

901	HOUSING LOW RENT OPERATING				
	<i>Expenditures</i>				
	901-0007-463.80-01	Depreciation	23,458	(23,458)	0

REVISION #14

This budget revision is to correct budget transfer. This should have not been included in the budget. The transaction is an adjusting journal entry to the financial statements and is also an error that will be corrected in the year-end financials for 6/30/2014.

53	GO P & I				
	<i>Transfers In</i>				
	053-0000-391.19-81	Transfer fr (81) Water/Sewer	485,087	(485,087)	0
81	WATER/SEWER OPR				
	<i>Transfers Out</i>				
	081-0000-491.18-53	Transfer to (53) GO P & I	485,087	(485,087)	0

REVISION #15

This budget revision is to request to increase expenditures to fund Street Capital for the SMP 14-15 Project (EN1402) out of the 04 GRT and 08 GRT. The SMP project is being combined with the preparation project for the remainder of Fund 118 (11 NMFA St GRT Street #15) (North Scenic, Fairgrounds Road, and Washington Ave re-paving).

109	2004 GRT CAPITAL OUTLAY				
	<i>Expenditures</i>				
EN1402	109-9003-430.65-01	Street Program-Prep Work	0	1,050,000	1,050,000

REVISION #16

This budget revision is to request to increase revenue and expenditures for the State Grant for the Washington Ave Improvement Project - Phase 1. The Grant requires a 25% City match of \$155,000. Funds are requested from fund balance.

109	2004 GRT CAPITAL OUTLAY				
	<i>Revenues</i>				
EN1403	109-0000-317.16-13	State Grant	0	465,000	465,000
	<i>Expenditures</i>				
EN1403	109-9003-430.65-29	Street Capital/Washington Ave Map	0	572,000	572,000
EN1403	109-9003-420.57-43	Professional Services	0	23,000	23,000
EN1403	109-9003-430.57-35	In-House Engineering	0	25,000	25,000
		Total Expenditures	0	620,000	620,000

**ALL FUNDS SUMMARY
PRELIMINARY 2013-2014**

1/12TH REQ RSRV
998,817
Bal. Remaining

3,984,828

Resolution 2014-10 March 25, 2014

FUND NO.	FY 2013-2014 FUND DESCRIPTION	UNAUDITED BEGINNING CASH BALANCE	ESTIMATED REVENUES	TRANSFERS IN	TRANSFERS OUT	NET CASH TRANSFERS	BUDGETED EXPENDITURES	ESTIMATED ENDING CASH BALANCE
11	GENERAL OPERATING FUND	7,023,042	15,809,709	0	5,863,300	(5,863,300)	11,985,806	4,983,645
	Revision #1	0	0	0	0	0	10,000	(10,000)
	Total Revised Fund 11	7,023,042	15,809,709	0	5,863,300	(5,863,300)	11,995,806	4,973,645
12	INTERNAL SERVICE FUND	325,853	340,701	3,060,810	0	3,060,810	3,510,748	216,616
	Revision #2	0	16,274	0	0	0	16,274	0
	Revision #8	0	112,440	(112,440)	0	(112,440)	0	0
	Total Revised Fund 12	325,853	469,415	2,948,370	0	2,948,370	3,527,022	216,616
15	CORRECTIONS-JAIL	5,441	136,216	49,484	4,119	45,365	175,500	11,522
16	LODGER'S TAX-PROMOTIONAL FUND	130,531	237,552	0	5,485	(5,485)	315,023	47,575
17	POLICE COURT BOND	8,043	0	0	0	0	0	8,043
19	COURT AUTOMATION FUND	85,988	81,233	0	24,195	(24,195)	84,388	58,638
20	LODGER'S TAX-CITY	164,205	486,591	35,320	32,514	2,806	538,930	114,672
21	D.A.R.E. DONATIONS FUND	21,316	5,000	0	0	0	15,312	11,004
22	DESIGNATED GIFT FUND	35,121	1,500	0	0	0	15,034	21,587
24	GRANT CAPITAL IMPROVEMENT	49,397	122,407	12,661	0	12,661	116,852	67,613
27	MUNICIPAL COURT OPERATIONS	37,569	5,000	425,769	6,113	419,656	428,892	33,333
28	POLICE CONTINGENCY	51,112	10,130	0	0	0	16,000	45,242
31	CEMETERY-PERPETUAL CARE	718,942	12,365	0	0	0	0	731,307
32	COMMUNITY SERVICES	498,788	656,621	3,150,159	510,712	2,639,447	3,627,817	167,039
33	FIRE PROTECTION	206,766	500,475	0	0	0	655,994	51,247
	Revision #3	0	100,000	0	0	0	100,000	0
	Total Revised Fund 33	206,766	600,475	0	0	0	755,994	51,247
						F33 Reserve	49,721	1,526
36	LAW ENFORCEMENT FUND	(8,586)	173,448	0	0	0	140,066	24,796
37	STATE HIGHWAY FUND	65,624	50,011	0	1,535	(1,535)	33,565	80,535
38	TRAFFIC SAFETY FUND	66,821	35,132	0	0	0	56,504	45,449
39	STATE JUDICIAL	3,957	75,500	0	0	0	75,500	3,957
40	AIRPORT IMPROVEMENT PROJECTS	37,054	536,750	0	0	0	565,000	8,804
42	1984 GROSS RECEIPTS TAX	1,847,536	1,535,952	0	1,103,963	(1,103,963)	0	2,279,525
	Revision #7	0	0	0	(532,508)	532,508	0	532,508
	Total Revised Fund 42	1,847,536	1,535,952	0	571,455	(571,455)	0	2,812,033
44	TRANSPORTATION FUND	1,360,601	1,188,098	128,889	213,691	(84,802)	1,979,538	484,359
48	NEW MEXICO C.D.B.G.	(9,178)	42,093	5,160	0	5,160	38,075	(0)
49	1986 GROSS RECEIPTS TAX	7,166,070	1,865,268	0	735,463	(735,463)	1,496,047	6,799,828
	Revision #6	0	0	0	7,828	(7,828)	0	(7,828)
	Total Revised Fund 49	7,166,070	1,865,268	0	743,291	(743,291)	1,496,047	6,792,000
50	PROPERTY ACQUISITION	124,452	12,541	124,572	0	124,572	59,977	201,588

53	GENERAL OBLIGATION	603,174	654,741	485,087	0	485,087	722,332	1,020,670
	Revision #4	0	0	0	0	0	905	(905)
	Revision #14	0	0	(485,087)	0	(485,087)	0	(485,087)
	Total Revised Fund 53	603,174	654,741	0	0	0	723,237	534,678
54	REVERSE OSMOSIS PROJECT RSV	520,607	1,141,425	0	0	0	1,634,274	27,758
	Revision #5	0	1,125,000	0	0	0	1,125,000	0
	Total Revised Fund 54	520,607	2,266,425	0	0	0	2,759,274	27,758
56	99 GRT FLOOD CONTROL BOND PROJ	912,923	5,024	0	0	0	525,817	392,130
59	REVENUE BOND P & I FUND	7,696	0	2,799,833	0	2,799,833	2,799,833	7,696
	Revision #4	0	0	905	0	905	905	0
	Revision #6	0	0	7,828	0	7,828	7,828	0
	Revision #7	0	0	0	0	0	0	0
	Total Revised Fund 59	7,696	0	2,808,566	0	2,808,566	2,808,566	7,696
61	MUNICIPAL INFRASTRUCTURE .0625%	185,756	384,060	0	208,661	(208,661)	0	361,155
63	COMMUNITY DEVELOPMENT	233,487	137,050	200,000	28,494	171,506	402,075	139,968
65	BUILDING CODES	1,903	29,000	128,735	14,893	113,842	131,997	12,748
69	1994 GROSS RECEIPTS	938,016	1,532,534	0	1,592,167	(1,592,167)	0	878,383
	Revision #4	0	0	0	905	(905)	0	(905)
	Total Revised Fund 69	938,016	1,532,534	0	1,593,072	(1,593,072)	0	877,478
71	ALAMO SENIOR CENTER	142,492	631,865	506,300	112,440	393,860	1,111,478	56,739
	Revision #8	0	0	0	(112,440)	112,440	112,440	0
	Total Revised Fund 71	142,492	631,865	506,300	0	506,300	1,223,918	56,739
74	ALAMO SENIOR CENTER GIFT	76,622	21,742	0	674	(674)	49,688	48,002
75	RETIRED & SENIOR VOL. PROGRAM	731	207,421	55,453	16,249	39,204	247,138	218
81	WATER/SEWER OPERATING	9,763,600	9,877,697	98,413	4,586,304	(4,487,891)	9,988,838	5,164,568
	Revision #4	0	0	0	905	(905)	0	(905)
	Revision #9	0	0	0	0	0	30,000	(30,000)
	Revision #10	0	0	0	0	0	800,000	(800,000)
	Revision #14	0	0	0	(485,087)	485,087	0	485,087
	Total Revised Fund 81	9,763,600	9,877,697	98,413	4,102,122	(4,003,709)	10,818,838	4,818,750
						F81 Reserve	1,400,000	3,418,750
82	98 JT WATER/SEWER BOND P&I	1,572,685	5,851	1,902,610	0	1,902,610	1,902,610	1,578,536
	Revision #4	0	0	905	0	905	0	905
	Total Revised Fund 82	1,572,685	5,851	1,903,515	0	1,903,515	1,902,610	1,579,441
86	SOLID WASTE COLLECTION SYS.	116,056	2,000,729	0	131,872	(131,872)	1,927,839	57,074
88	BONITO CAMPGROUND	592,309	188,597	400,000	0	400,000	928,824	252,082
89	ESGRT .0625%	1,408,340	786,468	0	804,000	(804,000)	380,750	1,010,058
	Revision #11	0	243,000	0	0	0	258,000	(15,000)
	Total Revised Fund 89	1,408,340	1,029,468	0	804,000	(804,000)	638,750	995,058
90	GOLF COURSE	160,801	1,262,507	143,834	76,363	67,471	1,377,151	113,628
91	AIRPORT	270,969	295,956	0	49,536	(49,536)	420,055	97,334
94	OTERO GREENTREE REGIONAL LANDFILL	3,076,410	1,071,451	0	1,720	(1,720)	1,367,180	2,778,961
						F94 Reserve	1,206,991	1,571,970
96	SELF-INSURED FUND	651,925	51,730	0	0	0	56,357	647,298
98	PAYROLL CLEARING	23,287	0	0	0	0	0	23,287
103	FIRE SERVICES BOND	7,589	0	0	0	0	0	7,589
104	UTILITY DEPOSITS	647,017	0	0	0	0	0	647,017

105	ECONOMIC DEVELOPMENT	4,005,112	928,040	0	0	0	408,735	4,524,417
	Revision #12	0	250,000	0	0	0	500,000	(250,000)
	Total Revised Fund 105	4,005,112	1,178,040	0	0	0	908,735	4,274,417
						F105 Reserve	800,000	3,474,417
107	SELF INSURED/LIABILITY	412,275	11,043	172,000	0	172,000	525,247	70,071
109	2004 GRT CAPITAL OUTLAY	5,137,380	3,068,227	0	588,304	(588,304)	3,497,317	4,119,986
	Revision #7	0	0	0	532,508	(532,508)	0	(532,508)
	Revision #15	0	0	0	0	0	1,050,000	(1,050,000)
	Revision #16	0	465,000	0	0	0	620,000	(155,000)
	Total Revised Fund 109	5,137,380	3,533,227	0	1,120,812	(1,120,812)	5,167,317	2,382,478
113	2009 G.O. BOND ACQ FUND	1,051,375	6,981	2,585,485	0	2,585,485	3,643,002	839
114	SIDEWALKS REVOLVING LOANS	128,959	181	0	0	0	0	129,140
115	CORP ESCROW ACCOUNT RESV	0	0	0	0	0	0	0
116	REG WATER SUPPLY TRANS LN	293,485	1,815,205	242,193	0	242,193	2,338,046	12,837
117	2011 JT W/S REF/IMP REVBD	706,267	11,237	0	0	0	705,050	12,454
118	2011 NMFA ST GRT STREET #15	6,783,252	17,269	0	0	0	6,800,521	(0)
119	2012 GRT REF/IMP REVBD	2,635,062	9,894	0	0	0	2,581,920	63,036
901	HOUSING LOW RENT OPERATING	1,148,106	793,347	0	0	0	1,210,825	730,628
	Revision #13	0	0	0	0	0	(23,458)	23,458
	Total Revised Fund 901	1,148,106	793,347	0	0	0	1,187,367	754,086
903	HOUSING HOMEOWNERSHIP OPER	703,632	2,874	0	0	0	25,469	681,037
904	HOUSING CAPITAL FUND PROJECTS	1	880,274	0	0	0	880,275	(0)
TOTALS FY2014		64,935,767	54,062,427	16,124,878	16,124,878	0	79,129,105	39,869,089

Prior Resolution	64,935,767	51,750,713	16,712,767	16,712,767	0	74,521,211	42,165,269
5 Adjustments Resolution 2014-10	0	2,311,714	(587,889)	(587,889)	-	4,607,894	(2,296,180)

Department of Finance and Administration
Local Government Division
Financial Management Bureau
SCHEDULE OF BUDGET ADJUSTMENTS

REVISED 12/08/06

ENTITY NAME: City of Alamogordo
FISCAL YEAR: 2013/2014
DFA Resolution Number: _____

For Local Government Division use only:

(A) ENTITY RESOLUTION NUMBER	(B) FUND	(C) REVENUE EXPENDITURE TRANSFER (TO or FROM)	(D) APPROVED BUDGET	(E) ADJUSTMENT	(F) ADJUSTED BUDGET	(G) PURPOSE
2014-10 #1	101	EXPENDITURE	\$11,985,806	\$10,000	\$11,995,806	Codification of Ordinances
2014-10 #11	202	REVENUE	\$786,468	\$243,000	\$1,029,468	Grant
2014-10 #11	"	EXPENDITURE	\$380,750	\$258,000	\$638,750	Grant
2014-10 #3	209	REVENUE	\$500,475	\$100,000	\$600,475	Grant
2014-10 #3	"	EXPENDITURE	\$655,994	\$100,000	\$755,994	Grant
2014-10 #7	216	TRANSFER TO	(\$1,319,189)	\$532,508	(\$786,681)	Correct Loan payment
2014-10 #8	219	TRANSFER TO	(\$128,689)	\$112,440	(\$16,249)	Reallocate Internal Service
2014-10 #8	"	EXPENDITURE	\$1,358,616	\$112,440	\$1,471,056	Reallocate Internal Service
2014-10 #4	299	TRANSFER TO	(\$1,635,554)	(\$905)	(\$1,636,459)	Dissemination Agent
2014-10 #5	300	REVENUE	\$10,846,876	\$1,125,000	\$11,971,876	Loan Proceeds
2014-10 #12	"	REVENUE	\$11,971,876	\$250,000	\$12,221,876	Grant
2014-10 #7	"	TRANSFER TO	(\$1,532,428)	(\$532,508)	(\$2,064,936)	Correct Loan payment
2014-10 #6	"	TRANSFER TO	(\$2,064,936)	(\$7,828)	(\$2,072,764)	Loan Interest
2014-10 #5	"	EXPENDITURE	\$25,303,026	\$1,125,000	\$26,428,026	Loan Proceeds
2014-10 #15	"	EXPENDITURE	\$26,428,026	\$1,050,000	\$27,478,026	Street Project
2014-10 #12	"	EXPENDITURE	\$27,478,026	\$500,000	\$27,978,026	Grant
2014-10 #16	"	REVENUE	\$12,221,876	\$465,000	\$12,686,876	Grant
2014-10 #16	"	EXPENDITURE	\$27,978,026	\$620,000	\$28,598,026	Grant
2014-10 #14	401	TRANSFER FROM	\$485,087	(\$485,087)	\$0	Correct transfer
2014-10 #4	"	EXPENDITURE	\$722,332	\$905	\$723,237	Dissemination Agent
2014-10 #4	403	TRANSFER FROM	\$2,472,235	\$1,810	\$2,474,045	Dissemination Agent
2014-10 #6	"	TRANSFER FROM	\$2,474,045	\$7,828	\$2,481,873	Loan Interest
2014-10 #4	"	EXPENDITURE	\$2,472,235	\$905	\$2,473,140	Dissemination Agent
2014-10 #6	"	EXPENDITURE	\$2,473,140	\$7,828	\$2,480,968	Loan Interest
2014-10 #4	500 - Water	TRANSFER TO	(\$4,586,304)	(\$905)	(\$4,587,209)	Dissemination Agent
2014-10 #14	"	TRANSFER TO	(\$4,587,209)	\$485,087	(\$4,102,122)	Correct transfer
2014-10 #9	"	EXPENDITURE	\$9,988,838	\$30,000	\$10,018,838	Lab Services
2014-10 #10	"	EXPENDITURE	\$10,018,838	\$800,000	\$10,818,838	Project
2014-10 #13	500 - Housing	EXPENDITURE	\$1,236,294	(\$23,458)	\$1,212,836	Remove expenditure
2014-10 #2	600	REVENUE	\$340,701	\$16,274	\$356,975	Insurance claim
2014-10 #8	"	REVENUE	\$356,975	\$112,440	\$469,415	Reallocate Internal Service
2014-10 #8	"	TRANSFER FROM	\$3,060,810	(\$112,440)	\$2,948,370	Reallocate Internal Service
2014-10 #2	"	EXPENDITURE	\$3,510,748	\$16,274	\$3,527,022	Insurance claim
					\$0	
					\$0	
Total Adjustments				\$6,919,608		

ATTEST: _____
Title (Date)

Mayor/Board Chairman (Date)

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: March 25, 2014 **Report Date:** March 14, 2014 **Report No:** 6

Submitted By: Jason Thomas, PE
City Engineer **Approved For Agenda:** 

Subject: Consider, and act upon, Resolution No. 2014-12 approving Special Appropriation Grant Agreement 13-1473-STB between the City of Alamogordo and the New Mexico Environment Department (NMED) in the amount of \$243,000 for the Reclaimed Water Line Looping Project – LaVelle Road to Fourteenth Street; designating the City Manager and Assistant City Manager to act as signatory authority and official authorized representatives for this project.

Fiscal Impact: \$0
Amount Budgeted:
Fund: 089

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

Background: On January 17, 2014 the New Mexico Environment Department notified the City of Alamogordo of Special Appropriation Project (SAP) funding (13-1473-STB) allocated by the New Mexico State Legislature for reclaimed water and effluent water lines in the amount of \$243,000. Staff is requesting to use these funds in combination with Special Appropriation Project Funds 12-1359 STB (\$400,750.00), to design and construct the Reclaimed Water Line Looping Project – LaVelle Road to 14th Street (EN1305). There is no local match required for the grant. No fiscal impact to the City.

City Commission support of this resolution approves the grant agreement and designates the City Manager and Assistant City Manager as official representatives on behalf the City.

Reviewed By:

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

RESOLUTION NO. 2014-12

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF ALAMOGORDO, NEW MEXICO APPROVING A GRANT AGREEMENT BETWEEN THE CITY OF ALAMOGORDO AND THE NEW MEXICO ENVIRONMENT DEPARTMENT FOR SPECIAL APPROPRIATION PROJECT (SAP) 13-1473-STB IN THE AMOUNT OF \$243,000; ASSIGNING THESE FUNDS FOR THE LA VELLE ROAD TO FOURTH STREET RECLAIMED WATER LINE LOOPING PROJECT; AND AUTHORIZING THE CITY MANAGER AND ASSISTANT CITY MANAGER AS SIGNATORY AUTHORITIES AND AUTHORIZED REPRESENTATIVES.

WHEREAS, in 2013 the New Mexico Legislature appropriated capital outlay project funds to assist the City of Alamogordo make improvements to their reclaimed water distribution system; and,

WHEREAS, Board of Commissioners of the City of Alamogordo, of Otero County of the State of New Mexico seeks to enter into a Grant Agreement with the State of New Mexico Environment Department to utilized these capital outlay project funds, under Special Appropriation Project (SAP) 13-1473-STB, for its intended purpose; and,

WHEREAS, the SAP 13-1473-STB funds total \$243,000; and,

WHEREAS, the SAP 13-1473-STB funds will be utilized, in conjunction with Special Appropriation Project 12-1359 STB funds (\$400,750), to design and construct the Reclaimed Water Line Looping Project - the La Velle Road to 14th Street.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, THAT:

Section 1. The City Commission hereby approves the Special Appropriation Project (SAP) 13-1473-STB grant agreement with the New Mexico Environment Department; and,

Section 2 . The City Commission directs and designates the City Manager, James R. Stahle and Assistant City Manager, Matt McNeile or his/her successors as official representatives who are authorized to sign and request reimbursement requests and act as a single point of contact concerning all matters related to the grant agreement; and,

PASSED APPROVED AND ADOPTED this _____ of _____ 2014.

CITY OF ALAMOGORDO, NEW MEXICO
A New Mexico Municipal Corporation

Susie Galea, Mayor

ATTEST:

Renee L. Cantin, City Clerk

APPROVED AS TO FORM;

Stephen P. Thies, City Attorney

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: March 25, 2014

Report Date: March 17, 2014

Report No: 7

Submitted By: Renee Cantin
City Clerk

Approved For Agenda: 

Subject: Consider, and act upon, the final publication of Ordinance No. 1463 amending City Code sections 11-05-340 through -360 which relate to Deadly Weapons.

Fiscal Impact: NA
Amount Budgeted: NA
Fund: NA

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

Background: At the Regular Meeting of February 25, 2014, the City Commission approved the Ordinance for first publication. A summary of the Ordinance was published in the *Alamogordo Daily News* on Sunday, March 2nd, 2014. If approved for final adoption, the summary will be published a second time on Sunday, March 30th, 2014 and will be effective April 4th, 2014.

The following information was provided by Stephen Thies, City Attorney at the time it was brought for first publication: Sections 11-05-340 through 11-05-350 impose certain restrictions on deadly weapons including loaded firearms. Concerns have been expressed that the prohibition against carrying a firearm contained in these provisions may violate the federal and state constitutions. The attached ordinance is therefore being presented to the Commission for its consideration. If passed, the amendment would repeal section 11-05-350 which prohibits the carrying of a loaded firearm in the city with certain exceptions.

Staff recommends consideration of Ordinance No. 1463

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. 1463

**AMENDMENT AMENDING SECTION 11-05-340 AND REPEALING
SECTION 11-05-350 OF THE ALAMOGORDO CODE OF ORDINANCES
WHICH RELATES TO WEAPONS**

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

SECTION ONE.

11-05-340-Weapons-Definitions of the *Alamogordo Code of Ordinances* is hereby amended to read as follows:

As used in this section:

Deadly weapon shall mean any firearm, whether loaded or unloaded; or any weapon which is capable of producing death or great bodily harm, including, but not restricted to, any types of daggers, brass knuckles, switchblade knives, Bowie knives, poniards, butcher knives, dirk knives, and all such weapons with which dangerous cuts can be given, or with which dangerous thrusts can be inflicted, including swordcanes, and any kind of sharp pointed canes, also slingshots, slug shots, bludgeons; or any other weapons with which dangerous wounds can be inflicted.

Firearm shall mean any instrument used in the propulsion of shot, shell or bullets or other harmful objects by the action of gunpowder exploded within it, or by the power of springs.

(Code 1960, § 6-2-37; Ord. No. 552, 1-11-77)
Cross reference— *Traffic, Ch. 24.*

SECTION TWO.

11-05-350. - Weapons—Unlawful carrying of a deadly weapon, of the *Alamogordo Code of Ordinances* is hereby repealed.

SECTION THREE.

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

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

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: March 25, 2014

Report Date: March 11, 2014 **Report No:** 8

Submitted By: Jason Thomas
City Engineer

Approved For Agenda: 

Subject: Consider, and act upon, the Award of Public Works Bid No. 2014-006 to Maxwell Asphalt, Inc. related to the Street Maintenance – Crack Sealing FY14 project in an amount not to exceed \$266,501.03 including tax (\$247,620.00 + \$18,881.03 NMGRT)

Fiscal Impact: \$ 266,501.03

Amount Budgeted: \$ 335,000.00

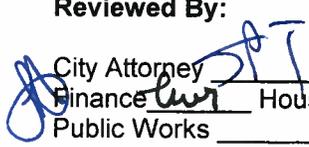
Fund: 109-9003-430.65-29 Street Capital (EN1401)

Recommendation: Award Public Works Bid No. 2014-006 to Maxwell Asphalt, Inc. related to the Street Maintenance – Crack Sealing FY14 project in an amount not to exceed \$266,501.03 including tax (\$247,620.00 + \$18,881.03 NMGRT)

Background: This project will include work consisting of crack sealing per NMDOT Standard Specifications.

The city received five (5) bids on March 7, 2014. Maxwell Asphalt, Inc. was the low bidder. The Bid Tabulation is attached.

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 _____

**Crack Seal FY14 - EN1401
BID TABULATION**

Public Works Bid No. 2014-006

BASE BID ITEM NO.	QTY	UNIT	DESCRIPTION	Engineer's Opinion of Probable Construction Cost		Maxwell Asphalt, Inc.		Dismuke Construction		Blue Collar Construction		Star Paving Company		Smith & Aquirre Construction Company, Inc.	
				UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT
1	1	LS	Mobilization	\$ 27,970.00	\$ 27,970.00	\$ 20,000.00	\$ 20,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 30,000.00	\$ 30,000.00	\$ 39,000.00	\$ 39,000.00
2	1	LS	Furnish and provide MUTCD compliant project wide traffic control	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 27,740.00	\$ 27,740.00	\$ 23,500.00	\$ 23,500.00	\$ 25,000.00	\$ 25,000.00	\$ 62,000.00	\$ 62,000.00
3	186,000	LB	Crack Seal Material, including preparation, installation, and clean-up	\$ 1.45	\$ 269,700.00	\$ 1.17	\$ 217,620.00	\$ 1.43	\$ 265,980.00	\$ 1.49	\$ 277,140.00	\$ 1.80	\$ 334,800.00	\$ 2.45	\$ 455,700.00
SUB-TOTAL					\$ 307,670.00		\$ 247,620.00		\$ 303,720.00		\$ 310,640.00		\$ 389,800.00		\$ 556,700.00
NMGRT (7.625%)					\$ 23,459.84		\$ 18,881.03		\$ 23,158.65		\$ 23,686.30		\$ 29,722.25		\$ 42,448.38
BASE BID TOTAL					\$ 331,129.84		\$ 266,501.03		\$ 326,878.65		\$ 334,326.30		\$ 419,522.25		\$ 599,148.38

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: March 25, 2014

Report Date: March 12, 2014

Report No: 9

Submitted By: Stephen Thies,
City Attorney

Approved For Agenda: _____



Subject: Consider, and act upon, approval of an Intergovernmental Agreement between the New Mexico Economic Development Department and the City of Alamogordo related to the LEDA Capital Outlay Program.

Fiscal Impact: \$0

Amount Budgeted:

Fund: (105)

Recommendation: Approve the Intergovernmental Agreement.

Background: The New Mexico Economic Development Department (NMEDD), under the state LEDA-Capital Outlay Program, can direct grant funding to qualified entities throughout the state that will create or retain jobs for New Mexicans and those in the state's targeted industries. NMEDD, on January 10, 2013, notified the City of Alamogordo that it had awarded a \$250,000 grant to First Research, Science & Technology (FRST) towards qualified uses in the City of Alamogordo.

Since the state LEDA-Capital Outlay Program is a pass-through grant, the City of Alamogordo is required first to enter into an intergovernmental agreement with New Mexico Economic Development Department in order to receive the funds that will be used for the economic development project.

FRST, a Texas based corporation, is requesting public support for the cost and expenses incurred for the development its project facilities. The project in turn, will foster and enhance the City's economic development efforts by creating 24 jobs and expand the City's tax base. Pursuant to the Project Participation Agreement with the City, FRST is required to create a minimum of twenty-four (24) jobs within the City during a five-year period following the date of its commencement of operations at the proposed building.

As a result, FRST will receive LEDA assistance totaling \$500,000 to implement the project; of which \$250,000 stems from NMEDD LEDA-Capital Outlay Program and the remaining half from

Reviewed By:

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

City's LEDA – Community Assistance Program (under Ordinance 983). H.T.E. Project ED1401.

Staff is recommending the City Commission approve the intergovernmental agreement.

Reviewed By:

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

PROJECT PARTICIPATION AGREEMENT

THIS PROJECT PARTICIPATION AGREEMENT entered into this ____ day of _____, 2014, by and between the City of Alamogordo, a New Mexico municipal corporation (the "City") and FRST, Inc, a Nevada for profit corporation registered with the New Mexico Public Regulation Commission, whose business address is _____ (the "Qualifying Entity").

RECITALS

A. The purpose of this Agreement is to allow the Qualifying Entity to build-out a facility to allow for the design and manufacture of unmanned/manned multi-purpose ground vehicles for a variety of military and non-military operations. Completion of the Project as hereinafter described pursuant to the terms and conditions hereof is in the best interests of the City and the health, safety, and welfare of the residents and the taxpayers of the City of Alamogordo, and is in accord with the public purposes and provisions of applicable state and local laws.

B. By Ordinance No. 983, adopted August 3, 1996, the City has adopted an ordinance pursuant to the statutory authority conferred upon municipalities to allow public support of economic projects to foster, promote and enhance local economic development efforts (N.M. Stat. Ann. Section 5-10-1 through Section 5-10-13-1978). The Ordinance was adopted as part of the City's Economic Development Plan.

C. The New Mexico Economic Development Department, hereafter referred to as (the "Department") has chosen to provide a grant of \$250,000 to the City to support the build-out of the Qualified Entity's Alamogordo facilities located at _____, Alamogordo, New Mexico, to allow the Qualifying Entity to create new employment opportunities for residents of the City and increased tax revenues resulting from such business development within the City (the "EDD Appropriation").

C. By Ordinance No. _____ adopted April 22, 2014 ("Approval Date"), the City has adopted an Ordinance which establishes that the Qualifying Entity meets the requirements of the Local Economic Development Act and that Qualifying Entity has provided information pertaining to its intent to build-out a facility to allow for the design and manufacture of unmanned/manned multi-purpose ground vehicles for a variety of military and non-military operations which would create an estimated payroll of \$3,609,965 during the term of this agreement, an amount necessary to fulfill its obligations to repay the provided Economic Development Incentives during the term of this Agreement (the "Project").

D. A material inducement to City to enter into this Agreement is the agreement by the Qualifying Entity to locate its facility in the City, which is initially estimated to create \$3,609,965 in new payroll over a period of five (5) years, and the City would be unwilling to enter into this Agreement in the absence of an enforceable commitment by Qualifying Entity to create and thereafter maintain the jobs in accordance with the provisions of this Agreement.

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

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

NOW THEREOF, the Parties agree as follows:

1. **Authority.** The City's execution of this Agreement is authorized by the Local Economic Development Act, NMSA 1978 §5-10-1 through §5-10-13 (2007) (LEDA), Ordinance No. 983, which established the Alamogordo Economic Development Strategic Plan that promotes economic development projects in the City of Alamogordo; and Ordinance No. 1373, which approved the Project. Qualifying Entity's execution and performance of this Agreement constitutes a valid and binding obligation of the Qualifying Entity in the event the Qualifying Entity proceeds with the Project. The Qualifying Entity and, if applicable, each member has full power and authority to execute, deliver and perform, as applicable, this Project Agreement, to make the obligations hereunder, to execute and deliver the Promissory Note and to grant to the City the security as hereinafter described.

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

"Annual Salary" shall mean the gross annual salary paid by the Qualified Entity to a person employed in a Full-Time Job, whether to be paid by the hour, day, week, semi monthly, monthly, or yearly, and includes, but not limited to, overtime, bonuses, and piecework. Gross annual salary shall equal the combined total of Box 1 and any elective referrals shown in Box 12 of the employee's W-2 Form.

"Approval Date" means April 22, 2014.

"Facility" shall mean the Qualified Entity's Alamogordo facilities located at 1300 LaVelle Road, Alamogordo, New Mexico, and legally described on the attached Exhibit "A".

"Full-time" means a job requiring a minimum of thirty-five hours of an employee's time a week for the entire normal year of company operations or a job requiring a minimum of thirty-five hours of an employee's time for a week for a year in which the employee was hired initially for the South Carolina facility.

"Job Period" means every twelve (12) month period from the Occupancy Date through the Term of Agreement during which the Qualified Entity is obligated to create and maintain Jobs.

"Occupancy Date" shall be the date when the building or part thereof complies with the provisions of all pertinent laws and regulations and the authority having jurisdiction shall issue a certificate of occupancy for the building or part thereof.

3. **Qualifying Entity's Obligations.** The Qualified Entity acknowledges that a material inducement to City to act as the fiscal agent for the \$250,000 EDD Appropriation described in the *Memorandum of Understanding Between the New Mexico Economic Development Department and the City of Alamogordo*, a copy of which shall be attached as Exhibit "A", and enter into this Project Agreement is the agreement by Qualifying Entity to locate its Facility in the City and create and maintain the number of full-time jobs as hereinafter

described within the City for a period of 60 months. Therefore, in consideration of the City's participation in the Project, if Qualifying Entity proceeds with the Project and accepts the EDD Appropriation from the City pursuant to this Agreement, Qualifying Entity agrees that the following performance guidelines shall be met:

(a) **Commencement of Facility Build-Out.** No later than _____, 2014, Qualifying Entity shall commence the build-out of a structure in Alamogordo to allow for the design and manufacture of unmanned/manned multi-purpose ground vehicles for a variety of military and non-military operations, and shall thereafter diligently pursue such construction to completion. In the event that Qualifying Entity fails to commence the build-out by _____, 2014, this Agreement shall terminate and be of no further effect.

(b) **Employment Opportunities.** The Qualifying Entity shall create and thereafter maintain during each Job Period the following jobs with the stated annual salary:

Year #1 (the first twelve months following the Commencement Date)		
Position	Number of Position(s)	Annual Salary
Site Manager	1	\$120,000
Project Engineer	1	\$120,000
General Engineer	1	\$100,000
Administrative/Data Specialist	1	\$32,000
Production Supervisor	1	\$56,500
Electrical Technician/Assembly	1	\$56,500
Machinist/Mechanical Assy.	1	\$50,000
Welder/Solderer	1	\$40,000
Acct./Cont./Bus. Dev.	1	\$50,000
General Labor	1	\$28,000
Total	7	

Year #2 (months 13-24 following the Commencement Date)		
Position	Number of Position(s)	Annual Salary
Site Manager	1	\$120,000
Project Engineer	1	\$120,000
General Engineer	1	\$100,000
Administrative/Data Specialist	1	\$32,000
Production Supervisor	1	\$56,500
Electrical Technician/Assembly	1	\$56,500
Machinist/Mechanical Assy.	1	\$50,000
Welder/Solderer	1	\$40,000
Acct./Cont./Bus. Dev.	1	\$50,000
General Labor	2	\$28,000
Total	12	

Year #3 (months 25-36 following the Commencement Date)		
Position	Number of Position(s)	Annual Salary
Site Manager	1	\$120,000
Project Engineer	1	\$120,000
General Engineer	1	\$100,000
Administrative/Data Specialist	1	\$32,000
Production Supervisor	1	\$56,500
Electrical Technician/Assembly	2	\$56,500
Machinist/Mechanical Assy.	2	\$50,000
Welder/Solderer	2	\$40,000
Acct./Cont./Bus. Dev.	1	\$50,000
General Labor	3	\$28,000

Total	15	
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Year #4 (months 37-48 following the Commencement Date)		
Position	Number of Position(s)	Annual Salary
Site Manager	1	\$120,000
Project Engineer	1	\$120,000
General Engineer	1	\$100,000
Administrative/Data Specialist	2	\$32,000
Production Supervisor	1	\$56,500
Electrical Technician/Assembly	2	\$56,500
Machinist/Mechanical Assy.	2	\$50,000
Welder/Solderer	2	\$40,000
Acct./Cont./Bus. Dev.	2	\$50,000
General Labor	4	\$28,000
Total	18	

Year #5 (months 49-60 following the Commencement Date)		
Position	Number of Position(s)	Annual Salary
Site Manager	1	\$120,000
Project Engineer	1	\$120,000
General Engineer	1	\$100,000
Administrative/Data Specialist	3	\$32,000
Production Supervisor	1	\$56,500
Electrical Technician/Assembly	4	\$56,500
Machinist/Mechanical Assy.	3	\$50,000
Welder/Solderer	2	\$40,000
Acct./Cont./Bus. Dev.	2	\$50,000
General Labor	6	\$28,000
Total	24	

(c) **Employment Reporting Requirements.** Not less than thirty (30) days after the end of each quarter, the Qualified Entity shall submit to the City a copy of the Form ES-903 filed by the Qualifying Entity with the New Mexico Department of Workforce Solutions.

(d) **Local Preferences.** The Qualifying Entity shall use its best efforts to contract with local contractors to accomplish the build-out of the Qualified Entity's Facility. For purposes of this Agreement, a local contractor is a contractor meeting the requirements of section 2-13-180 of the Alamogordo City Code.

4. City Obligations.

(a) The City agrees to contribute the EDD Appropriation consisting of the sum of two hundred fifty thousand dollars (\$250,000) to the Qualified Entity for the Project, subject to receipt by the City of the EDD Appropriation from EDD, which, upon receipt by the City, will be deposited by the City into a separate fund and account of the City.

(b) The City agrees to appropriate two hundred fifty thousand dollars (\$250,000) of Economic Development Incentives to the Qualifying Entity as local participation in the Project.

(c) This Agreement shall not be construed as a commitment, issue or obligation of any specific funds other than those funds to be received by the City from its Municipal Infrastructure Gross Receipts Tax.

(d) The functions and duties assumed by the City include only those described in this Agreement, and the City is not obligated to act except in accordance with the

terms and conditions of this Agreement. The City is under no duty to supervise or inspect the installation or construction contemplated by this Agreement.

5. Reimbursement. In order to receive reimbursement from the EDD Appropriation, the Qualifying Entity shall submit invoices to the City's Finance Department for part of the costs incurred by the Qualifying Entity in the build-out of its Facility up to the amount of the EDD Appropriation. In addition, all invoices shall be certified by the Qualifying Entity or its agents or employees that all requests for reimbursement are valid, reasonable and that the work for which reimbursement is being requested has been satisfactorily completed.

6. Obligation to Repay the EDD Appropriation. The Qualifying Entity understands and agrees that the failure of the Qualifying Entity to perform its obligations in accordance with the terms provided in Sections 3(a), (b) and (c) of this Agreement will result in a forfeiture of the EDD Appropriation. In the event of forfeiture, or upon termination of this Agreement, the Qualifying Entity agrees to pay to the City the balance of the EDD Appropriation not otherwise repaid through the creation of jobs. The Qualifying Entity's obligation to pay to the City the balance of the EDD Appropriation not otherwise repaid is evidenced by a Promissory Note, a copy of which is attached hereto as Exhibit "A".

7. Evidence of Job Creation, Job Audit. A "Job Audit" will be performed by the City or its agent within 60 days after the end of each Job Period. The Qualifying Entity will provide to the City no later than 20 days after the job creation period a completed and certified Job Audit Certificate in substantially the form attached hereto as Exhibit "B". The Qualifying Entity shall make available the necessary records in order to allow the City to perform its Job Audit. The Qualifying Entity further agrees to provide the City such other documents and evidence that it may reasonably require to satisfy the accuracy and veracity of the information provided in the report. The Qualifying Entity will provide the City reasonable access (subject to the Qualifying Entity's security policies) to its records and facilities for the purpose of conducting on-site audits for compliance with this section. Such on-site audits shall be at reasonable times, upon not less than 10 days prior written notice to the Qualifying Entity. Within sixty (60) days after the close of a Job Period, the City will determine whether during the relevant periods the Qualifying Entity has met its obligations to create jobs as required by this Agreement.

8. Disbursement of City Economic Development Incentive. Disbursement of the Economic Development Incentive shall be made after the completion of the Job Audit. Provided the City has determined that the Qualifying Entity has complied with the terms and conditions of this Agreement, the City shall make an Incentive payment based on the number of jobs created and payroll paid in the preceding Job Period. For each job created with an Annual Salary in excess of \$50,000, a payment shall be made in an amount equal to \$0.098 per dollar of salary paid. For each job created with an Annual Salary less than \$50,000, a payment will be made in an amount equal to \$0.049 per dollar of salary paid. By way of example, an annual salary of \$120,000 shall result in an Incentive payment of \$11,760 ($\$120,000 \times 0.098 = \$11,760$). The annual Job Audit will be performed by City or its agent 30 days after the end of each Job Creation Period. The Qualifying Entity will provide to City no later than 20 days prior to the Job Audit a completed and certified Job Audit Certificate in substantially the form attached hereto as

Exhibit "B". The Qualifying Entity agrees to provide the City such other documents and evidence that City may reasonably require to satisfy the accuracy and veracity of the information provided in the report. The Qualifying Entity will provide City reasonable access (subject to Qualifying Entity's security policies) to its records and facilities for the purpose of conducting on-site audits for compliance with this section. Such on-site audits shall be at reasonable times, upon not less than ten (10) days prior written notice to the Qualifying Entity.

9. **Facility Closure Claw-back.** Should the Qualifying Entity cease operation of the Project on or before _____, 2019, the Qualifying Entity shall, within ninety (90) days of the cessation of operations, pay to the City, in cash, an amount equal to _____ percent (____%) of the EDD Appropriation [*or, for each month that the Qualifying Entity prematurely ceases operations of the Project, an amount equal to 1/60th of the EDD Appropriation*]. Any claw-backs not paid when due shall bear interest at the rate of prime plus 2% per annum from the due date until paid.

10. **Obligation to Repay \$250,000 EDD Appropriation.** The Qualified Entity understands and agrees that the failure of the Qualifying Entity to perform its obligations in accordance with the terms provided in Sections 3(a) and (b) of this Agreement will result in a forfeiture of the \$250,000 EDD appropriation. In the event of forfeiture, the Qualifying Entity agrees to pay to the City the balance of the \$250,000 EDD appropriation not otherwise repaid through the creation of jobs. The Qualifying Entity's obligation to pay to the City the balance of the \$250,000 EDD appropriation not otherwise repaid is evidenced by a Promissory Note, a copy of which is attached hereto as Exhibit "B".

11. **Security for Obligations.** In order to secure the Qualifying Entity's obligations to the City, the Qualifying Entity has, contemporaneously with the execution of this Agreement, delivered to the City a Personal Guaranty in the amount of \$250,000.00 a copy of which is attached hereto as Exhibit "B".

12. **Insurance.** The Qualifying Entity, at its sole cost and expense, procure and maintain, with financially sound and reputable insurers authorized to do business in the State of New Mexico: (i) insurance on the value of the improvements on a replacement basis with no limiting modification including the City as named insured party; and (ii) an insurance policy which covers damage to, or the destruction of, the Facility on a replacement basis for the full insurable value covering all improvements on the Facility with a standard mortgage clause in favor of the City. The Qualifying Entity will furnish to the City, upon its written request, the insurance certificates with respect to such insurance. Should the Facility at any time become located in an area designated by the Director of the Federal Emergency Management Agency as a special flood hazard area, the Qualifying Entity agrees to obtain and maintain Federal Flood insurance for the full unpaid principal balance of the Promissory Note and any prior liens on the property securing the loan, up to the maximum policy limits set under the National Flood Insurance Programs, and to maintain such insurance for the term of this Agreement.

13. **Term.** The term of this Agreement shall commence on the Approval Date and continue for five (5) years after the Occupancy Date unless terminated sooner as provided herein.

If the term of the Promissory Note is extended for any reason, then the term of this Agreement shall automatically be extended so that the agreements are of the same duration.

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

15. Termination and Recovery of Incentive.

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

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

(ii) Cessation by the Qualifying Entity of its UGV manufacturing operations in Otero County, or reduction of those operations in Otero County to a level below the performance measures set forth in paragraph 3(b) of this Agreement.

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

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

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

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

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

(i) Cause the default to be cured; or

(ii) Furnish a written response indicating:

- (1) The factors which caused or contributed, in whole or in part, to the occurrence of default;
- (2) The measures the Qualifying Entity has undertaken to avoid the reoccurrence of default in the future;
- (3) Whether any performance measure not achieved can still be achieved in a timeframe acceptable to the City; and
- (4) What further action the Qualifying Entity plans to take to achieve the performance measure in a timeframe acceptable to the City.

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

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

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

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

19. Miscellaneous Provisions:

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

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

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

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

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
James R. Stahle, Its City Manager

ATTEST:

Reneé L. Cantin, City Clerk

FRST, INC

By: _____
Eugene C. "Cliff" Hudson
Its Chief Executive Officer

APPROVED AS TO FORM:

Stephen P. Thies, City Attorney

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: March 25, 2014

Report Date: March 12, 2014

Report No: 10

Submitted By: Stephen Thies,
City Attorney

Approved For Agenda: _____



Subject: Consider, and act upon, the first publication of Ordinance No. 1464 approving a Local Economic Development Assistance (LEDA) application with Federal Research, Science & Technology (FRST), LLC.

Fiscal Impact: \$250,000

Amount Budgeted:

Fund: (105)

Recommendation: Approve the Ordinance for first publication.

Background: On January 10, 2013 the New Mexico Economic Development Department (NMEDD) notified the City of Alamogordo of a \$250,000 LEDA-Capital Outlay Program award to First Research, Science & Technology (FRST) towards qualified uses in the City of Alamogordo. Consequently, the City Manager and Staff met and have been actively working with NMEDD and Otero County Economic Development Council (OCEDC) to provide technical support and guidance to FRST with the Local Economic Development Act (LEDA) application process. According to Ordinance No. 983, interested applicants requesting economic development community assistance from the City of Alamogordo must be approved by ordinance.

FRST, a Texas based corporation, is requesting public support for the cost and expenses incurred for the development of their project facilities. The project in turn, will foster and enhance the City's economic development efforts by creating 24 jobs and expand the City's tax base. Pursuant to the Project Participation Agreement with the City, FRST is required to create a minimum of twenty-four (24) jobs within the City during a five-year period following the date of its commencement of operations at the proposed building.

As a result, FRST will receive LEDA assistance totaling \$500,000 to implement the project; of which \$250,000 stems from NMEDD LEDA-Capital Outlay Program and the remaining half from City's LEDA – Community Assistance Program (under Ordinance 983). H.T.E. Project Number ED1401.

Staff is recommending the City Commission approve the first publication of Ordinance No. 1464.

Reviewed By: _____

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

ORDINANCE NUMBER 1464

AN ORDINANCE OF THE CITY OF ALAMOGORDO, NEW MEXICO APPROVING A LOCAL ECONOMIC DEVELOPMENT ASSISTANCE (LEDA) APPLICATION WITH FRST, INC., AUTHORIZING A PROJECT PARTICIPATION AGREEMENT.

WHEREAS, the City of Alamogordo, New Mexico has passed Ordinance 983, related to Economic Development Strategic Planning; and

WHEREAS, the purpose of the Economic Development Plan is to “allow public support of economic projects to foster, promote and enhance local economic development efforts while continuing to protect against the unauthorized use of public money and other public resources;” and

WHEREAS, FRST, INC. is requesting public support for an economic development project to locate its facility in the City of Alamogordo, which is initially estimated to create \$3,609,965 in new payroll over a period of five (5) years; and

WHEREAS, the State of New Mexico Economic Development Department has reviewed the Request for Economic Development Incentives provided by FRST, INC. and has concurred that these incentives meet the State of New Mexico LEDA-Capital Outlay Program criteria, offering the City of Alamogordo a grant award of \$250,000 for set project; and

WHEREAS, the City of Alamogordo staff has also conducted a project evaluation in accordance to Ordinance 983, Section C (2-14-050) and found that FRST, INC. has provided information which meets the requirements of the Local Economic Development Act; and

WHEREAS, the City of Alamogordo also agrees to provide the sum of \$250,000 of Economic Development Incentives to FRST, INC. as a local participation in the project; and

WHEREAS, the Commission of the City of Alamogordo chooses to enter into an agreement with FRST, INC. in the form of a Project Participation Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO:

Section 1. That the City Manager is authorized to execute on behalf of the Commission of the City of Alamogordo a Project Participation Agreement with FRST, INC. as specified under Ordinance 983 to be used specifically to build-out a facility to allow for the design and manufacture of unmanned/manned multi-purpose ground vehicles for a variety of military and non-military operations; and

Section 2. Repealer. All ordinances or parts of ordinances or provisions of the City of Alamogordo Code of Ordinance in conflict or inconsistent herewith be, and the same hereby are repealed to the extent only of such conflict or inconsistency, and as to all other ordinances, this ordinance is hereby made cumulative. This repealer shall not be construed to revive any ordinance or parts of any ordinance heretofore repealed.

Section 3. 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, paragraph, clause or provision shall not affect any other part of this ordinance.

Section 4. Effective date. This ordinance shall be effective five days after publication by title and general summary.

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

LOCAL ECONOMIC DEVELOPMENT ACT

PROJECT APPLICATION

Otero County Economic Development Council (OCEDC)

1301 N. White Sands Blvd.
Alamogordo, New Mexico 88310
575-434-5882

The purpose of the Plan is to identify the project area and to present the plan and the uses to which the proceeds of the LEDA funds will be put if issued. This Plan is presented to demonstrate to the County of Otero and the City of Alamogordo, what the public benefits of this project are and to help the County of Otero and the City of Alamogordo evaluate its merit in comparison to other projects submitted. The applicant and its agent will endeavor to provide the County of Otero and the City of Alamogordo any additional information reasonably requested.

GENERAL COMPANY/CONTACT INFORMATION

Legal Name	Federal Research, Science and Technology	
Trade Name (dba)	First Research, Science and Technology; FRST	
Project Name if different from above		
Address	1507 Capital Avenue, Suite 101	
City, State, Zip	Plano, TX 75074	
Phone	858.405.0103	
Fax	858.630.3751	
Primary Contact Person	Cliff Hudson	
Federal Tax ID #	46-2276184	
NM State Tax and Rev. #	03-271734-00-2	
City/County Business License #		
NAICS Code	336999	
This business is organized as a:	<input type="checkbox"/> C-Corporation <input type="checkbox"/> S-Corporation <input checked="" type="checkbox"/> LLC <input type="checkbox"/> Partnership <input type="checkbox"/> Proprietorship	
Principals	Title	Address
Cliff Hudson	CEO	5106 Sea Mist Court San Diego, CA 92121
Jeff Cady	COO	1312 Hardage Lane Colleyville TX 76034
Bruce Hall	CFO	836 Blue Jay Lane Coppell, TX 75019

Please attach copies of:

Incorporation Papers

By-laws

Resumes of all principals (owners, partners, directors or officers)

Eugene C. "Cliff" Hudson, Chief Executive Officer and Director

Mr. Hudson is director of technology transfer and business capture services for The Hudson Consulting Group. He has more than 32 years of experience from the (DOD) in acquisition management, project management, and technology transition.

Mr. Hudson most recently served with the U.S. Navy Space and Naval Warfare Systems Center Pacific. His assignments included Deputy for Business Operations and Program Development for the Research & Applied Sciences Department. Key focus areas included management of the autonomous and unmanned system technology transition activities of the Robotics Mentor Protégé Program and the development of Cooperative Research and Development Agreements with industry.

Mr. Hudson served on an interagency executive development assignment with the Small Business Administration (SBA) from 2009-2010. His primary responsibility was the development of Regional Innovation Cluster (RIC) strategies for the SBA to facilitate technology-led economic recovery utilizing emerging technologies from the small business sector. During his tenure at the SBA, RIC's were established in Michigan and Southern Virginia focusing on autonomous and unmanned systems for military and civilian requirements.

Previously, Mr. Hudson was assigned to the Office of the Under Secretary of Defense (Acquisition, Technology and Logistics) from 2002-2005. He served as the Joint Robotics Program Coordinator with management responsibilities over the DOD Physical Security Equipment Program and the Unexploded Ordnance Center of Excellence. Mr. Hudson managed Research and Development budgets exceeding \$100 million annually and initiated key architecture thrusts to support cross-service interoperability of unmanned system programs. Mr. Hudson has also served as the Chief of Program Management for the Joint Project Office for Unmanned Ground Vehicles/Systems.

In addition to his experience in Unmanned Systems development, Mr. Hudson has held a variety of Government Business Management positions within the US

Army Missile Command Acquisition Center, including Chief of the Quantitative Analysis Division and Chief of the Business Management Directorate at Redstone Arsenal, AL. There he led cross-functional teams addressing acquisition and contract management performance improvement objectives.

Mr. Hudson earned a Bachelor's degree in Electrical Engineering from the University of Mississippi and a Masters in Business Administration from East Texas State University. He was selected for membership in Tau Beta Pi Engineering, Eta Kappa Nu Electrical Engineering, and Pi Mu Epsilon Mathematics honor societies.

Bruce A. Hall, Chief Financial Officer, and Director

Mr. Hall is a senior financial executive with experience in the energy, real estate, private equity, construction, and manufacturing industries. From May 2003 to present, Mr. Hall has been the principal of his own CFO consulting and advisory firm assisting both large and small public and private companies with complete services, including all areas of accounting and financial operations, interim CFO and COO, mergers and acquisitions, recapitalizations, crisis management, cash flow management, banking and capital, taxation and regulatory (including extensive SEC reporting), and compliance.

Since May 2012, Mr. Hall has been the Chief Executive Office, Chief Financial Officer, and a Director of Santa Fe Petroleum, Inc., a publicly traded oil and gas exploration and production company. Since July 2008, Mr. Hall has been the Chief Financial Officer and a Director of Triland International, Inc., a privately held real estate group conducting residential and commercial real estate development and construction with projects in the US, Canada, and Mexico. Since July 2008, Mr. Hall has also been the Chief Financial Officer and a Director of Chipman Development Corporation and Canadian Cottage Corporation, both affiliates of Triland. Since March 2006, Mr. Hall has been the Chief Financial Officer and a director of Nortia Capital Partners, Inc., a publicly traded merchant-banking firm. Since January 2008, Mr. Hall has been the Chief Financial Officer and a Director of System Services, Inc., a privately held information technology company. Since September 2008, Mr. Hall has been a director of Arcland Energy Corporation, a publicly traded oil and gas exploration and development company. From March 2006 to April 2009, Mr. Hall was the chief financial officer and a director of Knight Energy Corp., a publicly traded oil and gas exploration and production company that filed for protection under Chapter 11 of the United States Bankruptcy Code ("Code") in April 2009, and was converted to a Chapter 7 in April of 2010. From May 2004 to July 2007, Mr. Hall was the chief financial officer of RG America, a publicly traded company in the insurance restoration business. From May 1999 to May 2003, Mr. Hall was the chief financial officer of

Probex Corp., a formerly publicly traded used oil recycling company that filed for protection under Chapter 7 of the Code in May 2003.

Mr. Hall began his career in public accounting with Ernst & Young LLP, and is a licensed Certified Public Accountant in the State of Texas, a licensed Certified Management Accountant. He graduated from the University of Texas at Austin in B.S. in Accounting and a minor in Finance.

Jeff A. Cady, Chief Operating Officer and Director

Mr. Cady is a senior corporate strategist and entrepreneur with extensive experience working with private and public companies. With knowledge of both international and domestic markets, as well as working closely with governments, Mr. Cady has aided entities in gaining private, public, and government funds, as well as lucrative contracts. Mr. Cady's business ventures have included working with government agencies, government contractors, US Senators, Congressmen, and various branches of the US Armed Services at achieving their goals.

Additionally, Mr. Cady has launched several private ventures over his 29-year career. Since 2004, Mr. Cady has been the President of Federal Rated Security Technologies, LLC, a prime military contractor providing advanced technology solutions to the DOD. Since 2006, Mr. Cady has been the President of CADON Industries, LLC, a private equity firm which helps companies acquire drilling equipment and services for both domestic and international markets.

Among other successes, Mr. Cady has developed products from concept to completion including international market launches to distributors, retailers, and foreign governments and militaries. Business sectors include: Defense, Security, Consumer Products, Domestic and Offshore manufacturing, Oil & Gas, Product Consulting, and Design. He holds several design and utility patents as he continues to consult clients around the globe on corporate strategies and private and public funding.

Mr. Cady is a 1983 graduate from Texas A&M - Commerce with a Bachelor of Science degree.

PROJECT DESCRIPTION

Please provide a brief summary of the project you are undertaking. A copy of the business plan is to be provided, in addition to any other relevant information or documentation.

Project Overview:

The project funds request will support infrastructure improvements to the FRST facility located on New York Avenue in Alamogordo, NM. The proposed facility has been vacant for many years and requires extensive modifications to the facility for HVAC, power, and Americans with Disabilities compliance. At completion the facility will serve as a design an integration facility for the manufacture of unmanned ground vehicles. Build out will be coordinated with city planners to ensure exterior modifications are consistent with the long term vision for the main street area. The estimated funding request is for \$500,000 to accomplish the required facility modifications.



**New York Avenue Facility
Alamogordo, NM**

Introduction

FRST owns the IP to a technology that will be manufactured and sold by FRST in the new project facility in Alamogordo, NM. The Javelina is an unmanned/manned multi-purpose ground vehicle ("UGV") for a variety of military and non-military operations including:

Critical Infrastructure Protection
Force Protection/Security

Hazardous Material Handling
Explosive Ordnance Disposal ("EOD")
Firefighting
Law Enforcement

The proprietary design will enable the Javelina to be operated in both the manned and unmanned mode, a key feature customers are seeking to reduce the cost of ownership and operation. The Javelina will be delivered as a platform for purchase or contracted as a "System as a Service." The Company's Base Case projections show revenues growing from \$50,000 in 2013 to \$15,000,000 in 2016.

Javelina Opportunity

The operational success of military unmanned ground vehicles ("UGV") in performing critical Improvised Explosive Device ("IED") identification and neutralization operations in Iraq and Afghanistan is paving the way for wider adoption of UGVs. They are now assuming logistical support, security, and reconnaissance roles. Additionally, the emerging non-military UGV sectors, including border and perimeter security, responsive to man-made and natural disasters, are prime market drivers requiring sensor rich payloads and advanced robotic arm and manipulators. Advances in autonomous navigation and effector manipulation are bringing these markets within reach.

The market for UGVs is projected to continue double digit growth and grow to \$1.3 billion annually by 2017. The growth within the Federal sector will be driven by the continuing downward pressure on manpower budgets within the Department of Defense and Department of Homeland Security while maintaining the ability to deploy, protect, and sustain forces world-wide and securing the borders of the United States as immigration reform legislation is enacted. The non-Federal market will grow in areas such as hazardous material handling and response, critical infrastructure protection, law enforcement, and firefighting. Both the Federal and non-Federal are migrating to a manned/unmanned requirement to maintain normal manned operations of the platform and allow the employment of unmanned operations as situations dictate. This drives down the cost of acquiring capability and lowers the resulting operation and maintenance costs.

No one company has gained a significant UGV market share to date. FRST believes the Javelina vehicle, with the advantage of tracked mobility from a proven industry manned platform, the integration of the open source Robotic Operating System ("ROS"), and cost of acquisition and operation, will allow the capture of a significant market share of this evolving and growing market.

Javelina History and Facilities

FRST co-founder, Jeff Cady, began developing the Javelina concept in early 2001 as a result of manned force protection vehicle projects he was executing to support operations in Iraq. As a result of those projects, Mr. Cady saw the potential for employing UGVs in hazardous operations including IED identification and neutralization and perimeter security. Prototype units have been demonstrated to the DoD and received positive feedback on the performance and utility of the vehicle. The limiting factor has been the ability to integrate a robust autonomous navigation system for dynamic terrains and an architecture that will facilitate the use of a variety of mission payload packages. The advance and maturity of technologies in these areas now makes the full-scale development of the Javelina feasible.

As discussed previously, FRST will utilize its Alamogordo, NM facility for the design and production of the Javelina UGV. FRST expects to develop the hardware and software in-house with the utilization of a subcontractor team for the ROS control package and specialized payload integration. It is anticipated that the facility will employ 8 full time employees initially and grow to 24 full time employees as full-rate production is reached.

Javelina Product Strategy

An initial prototype design has been completed, and full-scale engineering design is ready to begin. The Javelina will utilize an industry proven manned platform that has the ability to operate in harsh temperature environments and rugged terrains. The robotic controls will utilize the open source ROS and will facilitate the integration of the latest autonomous navigation packages and payloads.

FRST plans to complete the engineering, prototyping, and testing of the platform within 9 months of funding. FRST will engage its customer base throughout the prototype and testing phase to ensure customer satisfaction and to generate early customer sales. To facilitate the testing program, FRST will utilize White Sands Missile Range ("WSMR"), which is adjacent to the Alamogordo, NM facility and hosts many evaluation events for the FRST customer base. WSMR has indicated that they would extend preferred DoD use rates to FRST as the Javelina UGV is of interest to many of its DoD users.

Javelina Product Development

Product development will include the following phases:

Phase 1 – (3 months): Acquire base manned platform. Complete engineering design of robotic control system and payload architecture and subsystems.

Phase 2 – (2 months): Acquire robotic control and payload subsystems.

Complete prototype integration of robotic control system and base payloads.

Phase 3 – (2 months): Complete initial testing and baseline platform performance.

Phase 4 – (1 month): Incorporate design and prototype updates as needed based on initial testing results.

Phase 5 – (2 months): Complete full-scale operational testing at WSMR with customer participation.

Phase 6 – (1 month): Finalize production design and production data package. Complete production line layout and validation of production package and line utilizing first unit build.

Javelina Intellectual Property

FRST intends to vigorously pursue patent protection for various aspects of the Javelina design. The Company has completed conceptual design of the product. Upon completion of the full-scale engineering design, a patent attorney will be engaged for witnessing, documenting, and initial patent searches. It has been determined that the Javelina design contains at least two elements that are suitable for patent application including robotic controls and payload architecture.

Javelina Market and Partners

FRST plans to deliver the product in various configurations for military and non-military applications. Units will range in price and be equipped specifically for customer missions. Some of the applications will include:

Commercial – critical asset monitoring and security, hazardous material movement and response, firefighting,

Military – intelligence, surveillance and reconnaissance, mine countermeasures and explosive ordnance response, force protection, logistics, casualty evacuation, electronic warfare and information operations,

Scientific – environmental monitoring and sampling,

Law Enforcement and Public Safety – facility security, explosive ordnance response, crowd control, hostage rescue.

Javelina Management

FRST has a strong core management team that has worked together since forming the company in 2012. The team has demonstrated technical, product development and strategic positioning strengths to lead the Javelina project. In addition to the core team, immediate strategic hires for the Alamogordo facility include a Javelina senior project/systems engineer and production manager. The remaining staff will be added as the project matures and requirements dictate.

Business Model and Services

The Company plans to be both a manufacturer and a service provider. As a result, it plans to earn revenue from the sale of systems and through the

creation of short and long term contractual service revenue through a "Systems as a Service" division. As shown in the Company's projections, the gross margins are expected to be attractive for both the manufacturing/sales and the service sides of the business.

Construction Schedule

Estimated project cost \$500,000

Target Close Date	08/01/2013
General Contract Signed	10/01/2013
Construction Start	11/01/2013
Construction End	03/01/2014
New Facility Operational Date	05/01/2014

LOCAL COMMUNITY INCENTIVES

What specific incentives are you asking the County of Otero and the City of Alamogordo to provide (e.g. parcel of land, building lease, waiver of fees, industrial revenue bonds)?

Property Tax Abatements Industrial Revenue Bonds _____
 Infrastructure Improvement Access to Loan Funds _____
 Tax Increment Financing _____ Public Improvement Districts _____
 Grey Water _____ Other Customized Incentives _____

Other Alamogordo request TBD subject to outcome of State funding decision.

FINANCIAL HISTORY

- _No___ Has the business or any of its officers ever been involved in a bankruptcy?
- _No___ Has the business or any of its officers ever defaulted on any loans or other financial obligations?
- _No___ Does the business or any of its officers have loans or other financial obligations on which payments are not current?

If you answered yes to any of the above questions, please attach a brief explanation.

REQUIRED - please attach copies of:

- Financial statements for the past three years (income statements and balance sheets)
- Projected income and cash flow statements for at least three years
- Tax Returns for the past three years
- Collateral security & method of appraisal

PROJECT FINANCING AND PROJECTIONS

Funding Type	Source	Amount
Equity Investment	FRST	\$40,000
City funding		TBD
Bank Loans		
Cash down and % it represents of the total project costs		
Other Loans	Property Owner	\$590,000
Other Sources		
	TOTAL	

Please attach evidence of funding sources, such as letters of commitment or intent to fund.

Feasibility

Fiscal Year	Projected Gross Revenue

Issuance of Bonds – please note any information, if applicable

County of Otero and the City of Alamogordo Impact

(How many and what type of jobs will this project create?)

Position	Est. Salary	2014	2015	2016	2017	2018
Plant Manager	\$120,000	1	1	1	1	1
Project Engineer	\$120,000	1	1	1	1	1
Support Engineer	\$120,000		1	1	1	1
Machinist/Mechanic	\$ 78,000	1	2	3	3	3
Assembly Technician	\$ 48,000	2	3	4	6	6
Certified Welder	\$ 60,000	1	2	3	3	3
General Labor	\$ 36,000	1	2	3	5	5
Office Support Staff	\$ 30,000	1	2	2	3	3
Accounting Staff	\$ 50,000		1	1	1	1
TOTAL EMPLOYEE COUNT		8	15	19	24	24
ESTIMATED PAYROLL BY YEAR¹		\$540,000	\$962,000	\$1,184,000	\$1,382,000	\$1,382,000

Please indicate in the above chart which jobs will be:

- Fill locally (L) – All jobs will be recruited locally first.
- Fill by transfer from other facilities or recruit from outside the COMMUNITY (T) or (R) – Recruitment from outside the community will only be pursued if local recruitment is not successful.

JOB RETENTION INFORMATION (IF APPLICABLE)

Job Title or Type	Estimated Pay Scale	At Start-up	Number of Retained/Impacted	
			Beginning of Year 2	Beginning of Year 3
Total No. of Jobs Created				
Total Estimated Payroll				

An economic impact analysis may be compiled to determine impact of this project to local tax base, local school system, etc.

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AUTHORIZATION FOR CREDIT CHECK

As part of our due diligence in processing your request for economic development incentives, the County of Otero and the City of Alamogordo and/or the Otero County Economic Development Council may elect to obtain credit reports in relation to you and your business.

I hereby authorize the County of Otero and the City of Alamogordo and/or the Otero County Economic Development Council to obtain such personal or business credit reports.

Applicant Name

Social Security Number

Business Name

Federal Tax ID #

Signature of Applicant

Date

**NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT
AUTHORIZATION FOR EXAMINATION AND RELEASE OF
INFORMATION**

I, _____, hereby grant permission to the New Mexico Economic Development Department to conduct a review, full disclosure, and release of any and all information authorized pursuant to federal and state law. The purpose for obtaining and examining the information is to construct a record of my personal and professional history to ensure I meet the requirements the New Mexico Economic Development Department has established for recipients of State funds. I understand the investigation will be conducted by the New Mexico Economic Development Department, the New Mexico Department of Public Safety, or their contractors, and the results of the investigation will only be supplied to the New Mexico Economic Development Department.

I hereby grant the New Mexico Economic Development Department permission to obtain any information in my background pertaining to any credit (to include obtaining a copy of my credit report), education, investigation, arrest and/or conviction of myself in any criminal or civil matter. I also authorize an employee of the New Mexico Economic Development Department, as my authorized representative, to obtain from the New Mexico Taxation and Revenue Department any tax information that is in any way related to me or a company I own or have invested in. I hereby direct you to release such information upon the request of this bearer. I hereby release you as custodian of such records for any criminal justice, law enforcement or court agency, including its officers and employees, or related personnel, both individually and collectively, from any and all liability for damages of whatever kind, that may at any time result to the New Mexico Economic Development Department or the State of New Mexico because of compliance with this authorization and request to release information; or any attempt to comply with it.

1. The information reviewed, disclosed, and/or released may be used by the New Mexico Economic Development Department for any lawful purpose and/or to determine my or my company's suitability to receive funds from the State of New Mexico.

2. I hereby release the providers and users of the information collected pursuant to this authorization from any liability under state or federal privacy laws and further release the New Mexico Economic Development

Department, its contractors, agents, and/or employees from any liability which may be incurred as a result of the collection and use of information.

3. I understand I may revoke this authorization in writing at any time.
4. This authorization will automatically expire in 60 days from the date it is signed.

FULL NAME: _____

SIGNATURE: _____

SSN: _____

DOB: _____

DATE: _____

*** PLEASE INCLUDE A PHOTO COPY OF THE INDIVIDUAL'S PHOTO ID.**

Scribed and sworn to me on this _____ day
of _____, 20____, _____ County, New
Mexico

Signed _____
Notary Public

My Commission
expires: _____

ADMINISTRATIVE HANDLING RECORD

Date Received: _____ Date Reviewed: _____

Reviewed
by: _____

Review Item	Yes	No	Incomplete	N/A
Incorporation Papers				
Bylaws				
Resumes of Principals				
Financial Statements (3 years)				
Pro-forma Statements (3 years)				
Collateral security & method of appraisal				
Credit check authorization				
Credit check complete				
Release for Information				
Evidence of funding				
Business plan				
Economic impact				
Reports listed in PPA/IGA, if applicable				

Date presented to *EDC* Board: _____

Board recommendation:

Date presented to Alamogordo City Commission: _____

Action by Alamogordo City Commission:

Next Steps:

First Research, Science & Technology

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I. COMPANY OVERVIEW

Federal Research, Science & Technology is a private Texas based limited liability company doing business as First Research, Science & Technology (the “we,” “us ,” “our ,” “FRST”, or the “Company”), with a focus on enhancing commercial outcomes from research and development in a framework for a public–private partnership, in order to increase the yield of federally funded investments and promote economic development.

Key strengths of FRST include:

- I. Large, Diverse Market Opportunity.
- II. Strong strategic Alliances and Partners.
- III. Significant Competitive Advantage.
- IV. Experienced and Incentivized Management Team.
- V. Compelling Economics.

Science, technology, and innovation professionals across the United States almost unanimously agree that our country needs to launch a collective national partnership to accelerate U.S. technological and innovation, based economic growth. Our country is losing its innovation leadership and national competitive advantage due to the lack of a coordinated approach across federal, state, municipal and university boundaries in their support of high-growth entrepreneurial companies.

FRST believes that the investments that are part of federal, state and local economic development initiatives (government funded) are an investment option often overlooked by companies seeking critical project funding opportunities. We understand the unique challenges companies face in structuring a successful project plan. That's why we partner with economic development and business support organizations to provide business support and resources as well as networking, mentoring, funding, training and distribution opportunities for small emerging technology companies. The resulting investment dollars bring businesses, technologies and jobs to those communities that often need them the most, thereby creating success for the company and community as a whole.

A Public-Private Partnership (of “P3”) includes any organization set up with full or partial aid of the government to create, support, evaluate and produce valuable new innovative technologies and products for use in both the public and private sector. There are many P3 agreements made available and which currently reside in government and are in existence today. The numbers are growing as military and other government funding programs are cut and eliminated. The establishment of these partnerships serves to enhance the capacity of government and its investment into the private sector and to successfully manage the risks associated with a growing number of these cooperative P3 organizations.

Given the substantial sums of investment dollars involved, the long duration of P3s, the importance of risk allocation, the contractual complexity of the relationship and the intensive management of these P3 agreements, it requires a high level of skill, experience and a great depth of connections and contacts. FRST brings the collective pedigree of its principals combining extensive experience in government contracts, existing and past P3s themselves, and the associated support functions surrounding them. FRST also has the depth of relationships within the US Government agencies (especially areas surrounding the Department of Defense that is virtually unmatched in the industry.

Another virtually untapped resource is the extensive knowledge and experience at top universities and national labs. The transfer of the technology and the skills found in these institutions is entrusted to resident Technology Transfer Organizations (TTO). The endemic problem facing TTOs such as those within the universities and governmental sponsored and independent national laboratories TTO's, (as well as those within other private and state organizations), is the level of technology maturation, product conceptualization, market validation, and human capital required to raise private sector financing and drive commercialization is often too high for technical founders to reach without an industry veteran as a partner. These problems are also often apparent and vexing for many of the private sector research and development (R&D) partners of laboratory and university organizations.

Most solutions focus on further R&D without directly engaging private sector financiers and markets, or more recently, on "over compensating" on technology transfer efforts to help technology founders and innovators make their enterprises more attractive to venture capital and other financial organizations. We believe, however, that the best answer may be a paradigm shift in how we think and approach the chasm between ideas and technological innovations; and commercially feasible products and opportunities. We present a solution framework for a Public-Private Partnership, The FRST P3 approach which we believe can ultimately close the "gap", or better known in the industry as the "Valley of Death"), by addressing the problems in an industry with new innovative technologies, while being easily adaptable to the specific needs of various financiers and market forces. This belief is based not only on our own assessment of the situation, but on many discussions with venture capitalists and other financiers.

Unlike other cooperative partnerships between government and the private sector, we have focused on well thought out and maturing ventures, which are trapped in the "Valley of Death" and require critical funding and technology transition expertise to realize the full market potential of their innovative technology. FRST's unique P3 approach delivers not only the necessary capital but the services and support to ensure the successful commercialization of the innovation. Thus, the proposed framework helps to reduce risk for the private sector investor while both enhancing commercial outcomes and increasing the yield of federal, state, and locally funded R&D investments.

II. EXECUTIVE SUMMARY

Purpose

The purpose of FRST is to explore a new model for public sector (i.e., federal and state) investors to further enhance the productivity of their R&D investments by accelerating the commercialization of these technologies. The Company plans to accomplish this by partnering with ventures that have “near-to-market” and immediate industry applications. In addition to moving valuable technologies into products, a robust commercialization program can enhance economic and community development by establishing a FRST P3 infrastructure utilizing both public and private funding sources to accelerate the innovations into a market. This initiative helps to sustain companies who have lost or run out of traditional funding by joining forces with FRST to get the technology introduced, while diversifying the “innovator company” into ownership into FRST, with its many different technologies in play, thereby diversifying the individual technology companies’ risk across several technologies and markets

Thus, the intended audience for FRST and its strategic innovator-company relationships is primarily forward-thinking public sector financiers (e.g., U.S. Department of Energy , DOD and other governmental agencies) and technology users and states, (those in particular who sponsor R&D in the national labs and universities). This combined with the private sector funding and initiatives render the true strength in the FRST P3 structure.

Background

P3 cooperatives programs are increasingly becoming of interest to produce new innovative technologies for a rapidly growing number of applications. Within the public sector, technology investors (e.g., federal and state) are attracted to the potential opportunity to spur economic development and job creation while providing improved technology transfers into useful products. Unfortunately the days of the unlimited government funding pools are steadily shrinking or gone all together.

However, the governments Regional Innovation Clusters Program seeks to optimize limited Federal funding. Through agencies including the Economic Development Agency at the Department of Commerce, the Small Business Administration, and the Departments of Education, Energy, and Labor, the Regional Innovation Clusters Program is developing collaborative federal funding streams in an effort to make coordinated, flexible, and regionally-customized investments in communities across the United States. This approach obtains maximum return on a region’s unique economic assets and competitive strengths.

We will soon see more collaborative federal approaches to foster local and regional partnerships around economic development and innovation in areas like health, agriculture, defense and more. FRST is well positioned through its business posture to capitalize on these opportunities to complement private investment in emerging technology companies.

At the same time, the private sector markets are demonstrating increased demand for novel P3 solutions and private sector investors are beginning to see financial opportunities that were not

available as long as the unlimited government funding was available. This private sector interest is excellent news for public sector groups hoping to see their R&D efforts turned into commercially-available products and useful technologies.

In addition, concern about the loss of technological advancements, coupled with a growing outcry for more efficient and advanced products, has hastened the alignment of interests among the public sector, research laboratories, and entrepreneurs with regards to P3's. Further, public support has driven favorable state and federal legislation promoting the joint cooperatives among entrepreneurs, university research, national laboratories and public funding. At the same time, R&D laboratories and their public sector sponsors are now being challenged to improve their technology transfer processes and commercialization rates to take advantage of the associated opportunities.

Challenge

A challenge remains in how to transition technologies from labs and universities to fundable, commercially viable enterprises. Currently, there is shrinking support for R&D, and there is private sector money (e.g., venture capital) available if you know how to find it and package the innovation or technology in a way that fits the criteria of the business world, or "risk vs. reward" and "return on investment". Ironically, however, there is a relative void (where entrepreneurs and innovators with their technologies can be stranded) of resources available to attract private sector financing for transitioning technologies out of the lab. Solving this problem will enable public sector investors to enhance the productivity of their real time R&D investments and generate an increased number of lower-risk/higher-quality opportunities for the private sector investment pipeline.

Private sector financiers invest in market-focused businesses first and foremost, not in technology per se, because of the following: A) lack of knowledge in a particular market sector; B) lack of knowledge in the new innovation breakthrough in that field and how it will translate into returns for the investor; C) lack of the ability to package the company, product or innovation; and D) lack of a "road map" or plan to show how the technology can be taken to market and converted into sales/returns. These investors or investor "funds" usually have a number of risk-reducing early prerequisites that are strong indicators of potential market success. For instance, for venture capitalists, the key ingredients for success include an exemplary management team, robust markets, clearly demonstrated superior technology, market-driven products, proven end-user contacts and finally, good liquidity and returns for the investment. Most entrepreneurial ventures or lab tested innovations lack most of these elements necessary for the business side of the equation, but instead focus where their expertise is best suited, directly focused on the technology or innovation. This is where FRST can bridge the gap bringing financing, business structure, management expertise, financial modeling and projections, and marketing as well as opening doors into the end-user markets and the development of those markets.

In today's credit void environment, the biggest needs are for technology and product maturation as well as market validation and support. If these key risks remain unaddressed, private sector investors (even sophisticated angels) will be reluctant to fund the commercialization of these technologies, if located at all.

One common theme that is addressed in a number of different ways is the need for entrepreneurial businesses (and their R&D sponsors) to tailor their companies from inception toward the type of capital investment they anticipate needing, whether it is venture, angel, strategic industry, project, or any other type or combination within the financing food chain. Using an integrated approach that focuses particular attention to the anticipated full spectrum of requirements from investors for the venture, in the early-seed, mid-range and maturing technology stages, is particularly important. Engaging the anticipated private sector partners early on for these entrepreneurial and innovative ventures, as well as obtaining preferable financing and market trajectories, will help reduce risks in many important ways, including preventing poorly thought out early financing rounds from adversely becoming stumbling blocks later in the ability to obtain necessary “later stage” or long-term financing.

Current Solutions

Some resources are available from a number of valuable local, state and federal government programs. These programs address some of the key stumbling blocks in this funding “gap” area. However these programs are diminishing and are often only sporadically available. Moreover, the amounts of funding available for investments are small, especially when the wide range of technologies they address are considered. More and more, these sources are looking for a cooperative approach where risk is diversified and shared with other sources of capital. FRST is intimately familiar with these governmental resources as well as other private sector resources and has the ability to bring a “collective” funding approach to bear to deliver the innovations and technologies to market and support the venture once it is there.

Additionally, research laboratories and universities have TTOs, but these offices are more task or project oriented and not adequately staffed with the expertise to start and sustain ongoing companies as they. It is also the case that their incentives are not aligned with the practice of starting or building a company; more often, the objective of such an entity is focused on generating intellectual property for licensing rather than commercializing the technology through the creation of a new entity. FRST has aligned itself with some of the leaders in University TTOs to provide support at the University level for the companies it works with to help provide the “perfect storm” effect for the small and underfunded technology companies, a kin to what larger innovators such as Lockheed Martin and Raytheon have done with the defense industry. These large players in the innovations and technology industry have capital, structure, management, university alliances, marketing and depth of relationships in the end-user markets they are targeting. This is what FRST provides to the small entrepreneurial innovations companies.

Similarly, FRST is developing strategic partnerships through Regional Innovation Clusters to leverage the Federal Laboratory Consortium (“FLC”). The mission of the FLC is to promote and facilitate the rapid movement of federal laboratory research results and technologies into the mainstream of the U.S. economy. FRST intends to leverage this partnership to support technology transfer opportunities (TTO’s) for the benefit of its companies and FLC partners.

The FRST P3 Model

Our success with quality business relationships coupled with government and lab based technologies and innovations as well as partnerships with Regional Innovation Clusters and economic development entities, has proven that given the right environment, the risk to investors can be reduced substantially, which enables more technology ventures to reach their market potential or at least assures an adequate opportunity.

Our challenge in the beginning was basically to create a mid to later-stage P3 model, while drawing from the existing the public-private venture capital model, but also to pull from the best practices of firms and investors who focus on spinning technologies out of national labs and universities, thus producing quality technological products for the marketplace, without sacrificing the “for profit model” of the investor. Figure 1: highlights the focus of FRST P3 targeted investments and support.

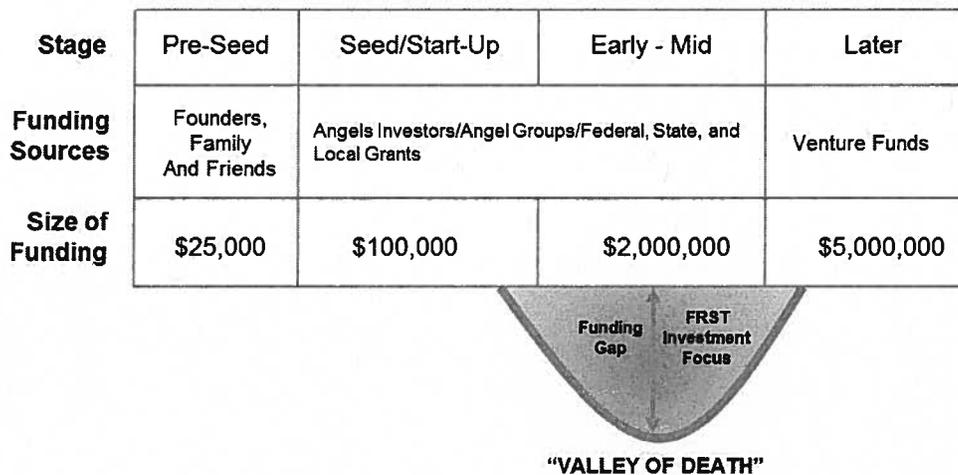


Figure 1: FRST Investment Focus – Avoiding “The Valley of Death”

The FRST approach is strongly driven by private sector investor requirements and insights which are often an excellent reflection of current market conditions and return requirements. By building on and leveraging the expertise of the private sector early in the commercialization process, technologies with high commercial potential (which may be stalled or even die all together, when leaving the lab due to a lack of funding opportunities and other elements previously discussed) can be identified and aligned more appropriately with the full range of needs for the anticipated investors and their return requirements.

The FRST P3 solution counters the typical pitfalls encountered when transitioning from lab to the marketplace using the FRST P3 model. To best meet the needs for innovations and technologies trying to move from the lab to the marketplace, as described above, we propose a novel, public-private partnership – the “FRST P3 Model” - that builds on best practices and

processes already established by the major funding sources in the industry: government, non-profit, and the private sector investors. Our job at FRST is to utilize what we have done in these areas to bring good ideas out of labs and universities, and getting them to the stage where they can be commercialized.

FRST P3 Model

In particular, we propose a model where we create a cooperative partnership, or “Cluster” made up of universities, private companies, national laboratories and various government funders and agencies (as well as other not-for-profit entities as necessary), together in a cooperative effort around a product or technology, with the simple end-goal of delivering it to market, with all parties aligned towards this single goal. Each project will be formed and funded by government and other sources through a variety of mechanisms such as grants, as well as state allocations such as the recent funding created by legislation and private sources. The investment corporation will be focused on nurturing for-profit companies based on promising innovative technology platforms coming out of the labs and universities and pairing them with entrepreneurial innovative technologies to produce new technologies deliverable to the marketplace within 6-18 months of joining forces with FRST. FRST will assist in providing or arranging funding, management, strategic consulting, and market contacts and relationships to help launch the target technology to the marketplace. These highly integrated public-private partnerships (“P3 Clusters”) will be led and directed by highly qualified entrepreneurs and faculty teams to assist in the final development of and delivery of the technology to the end-user.

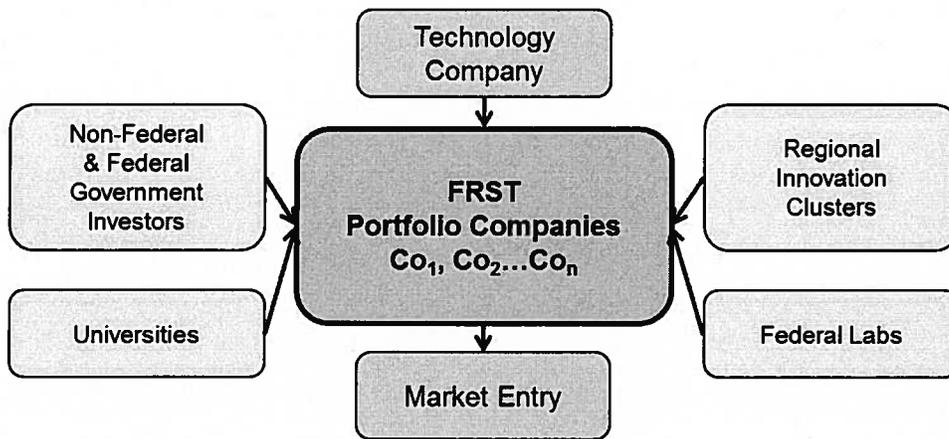


Figure 2: FRST P3 Model

While some members of a particular FRST P3 Cluster may only perform specific accretive tasks towards this delivery to market for a specific technology, others may be part of the team from start to finish with new technological products added on an ongoing basis. The potential FRST technology company has: a new innovative product or technology, is stranded with lack of funding, access to scientific testing or data (or the need thereof) and/or the lack of direct industry contacts and contracts to deliver the product to an end-user. An alliance is formed between the technology company and FRST and the Regional Innovation Cluster which arranges for:

1) additional testing, data transfer and certifications – through its University and National Lab affiliates; 2) Funding – through its own sources or through other governmental and private sources; and 3) Opens up markets and contracts for delivery of the technology to the end user – through its network of government and private company sources eager for the technology company’s product or innovations. This relationship is accomplished by: 1) acquiring the technology company (or a large stake in the technology company) and providing ownership (stock) in FRST or by a joint venture relationship, where all parties benefit in successfully delivering the technology to marketplace. FRST becomes a “holding company” of technologies whereby each of the individual entrepreneurial technology companies spread their risks by gaining ownership in many technologies under the FRST umbrella and take full advantage of the FRST P3 Model.

FRST will essentially be a portfolio of mid-stage to late-stage start-up technologies, each of which is developed, led, and nurtured by the FRST management team and augmented in the various technologies by the entrepreneurial technology company’s management team members and team members from the partner labs and universities.

Conclusion

The FRST P3 Cluster Model discussed above is a public-private partnership that addresses an unmet need for technology and product maturation, as well as market validation for emerging technologies coming out of the private sector, labs and universities. The model builds on the success of the government-sponsored, public-private VC model, which has proven that public-private partnerships can provide an incentive for small technology companies to develop government-specific technologies, and moves the public-private partnership idea to an earlier stage in the development pipeline.

We specifically mirror the best practices of firms that have spun technologies out of government and university labs, choosing a cooperative approach that focuses on commercial markets and is well-matched to these emerging technologies. This approach uses a robust resource network to bring a wide spectrum of expertise to bear on the unique problems with these early to mid-stage investments. Moreover, the suggested approach puts investment decisions unambiguously in the hands of private sector investors and entrepreneurs, who are driven by marketplace success and will therefore have proper incentives to develop commercial opportunities, which in turn, benefits the public. Additionally, this approach builds additional technology expertise within the financial community which the public sector can more easily access.

The recommended FRST P3 Cluster approach provides a unique way for the small technology companies, national labs and universities to improve their technology transfer and most importantly to enhance regional economic development by creating emerging technology-based jobs and businesses, as well as encourage economic “Cluster” cooperation between the public and private sectors in technology transfer, funding opportunities and returns.

Finally, the FRST P3 Cluster model represents a new paradigm in engaging, leveraging, and integrating private sector investor insights and feedback, especially those related to market

readiness and relevance of the various technologies that are being created by the small private technology companies, labs, and universities. It has the potential to be a powerful commercialization tool for use by a much broader range of public sector technology programs as well as for individual technology innovations.

III. MANAGEMENT TEAM

Eugene C. "Cliff" Hudson, Chief Executive Officer and Director

Mr. Hudson is director of technology transfer and business capture services for The Hudson Consulting Group. He has more than 32 years of experience from the Department of Defense (DOD) in acquisition management, project management, and technology transition.

Mr. Hudson most recently served with the U.S. Navy Space and Naval Warfare Systems Center Pacific. His assignments included Deputy for Business Operations and Program Development for the Research & Applied Sciences Department. Key focus areas included management of the autonomous and unmanned system technology transition activities of the Robotics Mentor Protégé Program and the development of Cooperative Research and Development Agreements with industry.

Mr. Hudson served on an interagency executive development assignment with the Small Business Administration (SBA) from 2009-2010. His primary responsibility was the development of Regional Innovation Cluster (RIC) strategies for the SBA to facilitate technology-led economic recovery utilizing emerging technologies from the small business sector. During his tenure at the SBA, RIC's were established in Michigan and Southern Virginia focusing on autonomous and unmanned systems for military and civilian requirements.

Previously, Mr. Hudson was assigned to the Office of the Under Secretary of Defense (Acquisition, Technology and Logistics) from 2002-2005. He served as the Joint Robotics Program Coordinator with management responsibilities over the DOD Physical Security Equipment Program and the Unexploded Ordnance Center of Excellence. Mr. Hudson managed Research and Development budgets exceeding \$100 million annually and initiated key architecture thrusts to support cross-service interoperability of unmanned system programs. Mr. Hudson has also served as the Chief of Program Management for the Joint Project Office for Unmanned Ground Vehicles/Systems.

In addition to his experience in Unmanned Systems development, Mr. Hudson has held a variety of Government Business Management positions within the US Army Missile Command Acquisition Center, including Chief of the Quantitative Analysis Division and Chief of the Business Management Directorate at Redstone Arsenal, AL. There he led cross-functional teams addressing acquisition and contract management performance improvement objectives.

Mr. Hudson earned a Bachelor's degree in Electrical Engineering from the University of Mississippi and a Masters in Business Administration from East Texas State University. He was selected for membership in Tau Beta Pi Engineering, Eta Kappa Nu Electrical Engineering, and Pi Mu Epsilon Mathematics honor societies.

Bruce A. Hall, Chief Financial Officer, and Director

Mr. Hall is a senior financial executive with experience in the energy, real estate, private equity, construction, and manufacturing industries. From May 2003 to present, Mr. Hall has been the principal of his own CFO consulting and advisory firm assisting both large and small public and private companies with complete services, including all areas of accounting and financial operations, interim CFO and COO, mergers and acquisitions, recapitalizations, crisis management, cash flow management, banking and capital, taxation and regulatory (including extensive SEC reporting), and compliance.

Since May 2012, Mr. Hall has been the Chief Executive Officer, Chief Financial Officer and a Director of Santa Fe Petroleum, Inc., a publicly traded oil and gas exploration and production company. Since July 2008, Mr. Hall has been the Chief Financial Officer and a Director of Triland International, Inc., a privately held real estate group conducting residential and commercial real estate development and construction with projects in the US, Canada and Mexico. . Since July 2008, Mr. Hall has also been the Chief Financial Officer and a Director of Chipman Development Corporation and Canadian Cottage Corporation, both affiliates of Triland. Since March 2006, Mr. Hall has been the Chief Financial Officer and a director of Nortia Capital Partners, Inc., a publicly traded merchant banking firm. Since January 2008, Mr. Hall has been the Chief Financial Officer and a Director of System Services, Inc., a privately held information technology company. Since September 2008, Mr. Hall has been a director of Arcland Energy Corporation, a publicly traded oil and gas exploration and development company. From March 2006 to April 2009, Mr. Hall was the chief financial officer and a director of Knight Energy Corp., a publicly traded oil and gas exploration and production company that filed for protection under Chapter 11 of the United States Bankruptcy Code (“Code”) in April 2009, and was converted to a Chapter 7 in April of 2010. From May 2004 to July 2007, Mr. Hall was the chief financial officer of RG America, a publicly traded company in the insurance restoration business. From May 1999 to May 2003, Mr. Hall was the chief financial officer of Probex Corp., a formerly publicly traded used oil recycling company that filed for protection under Chapter 7 of the Code in May 2003.

Mr. Hall began his career in public accounting with Ernst & Young LLP, and is a licensed Certified Public Accountant in the State of Texas, a licensed Certified Management Accountant. He graduated from the University of Texas at Austin in B.S. in Accounting and a minor in Finance.

Jeff A. Cady, Chief Operating Officer and Director

Mr. Cady is a senior corporate strategist and entrepreneur with extensive experience working with private and public companies. With knowledge of both international and domestic markets; as well as working closely with governments; Mr. Cady has aided entities in gaining private, public and government funds; as well as lucrative contracts. Mr. Cady's business ventures have included working with government agencies, government contractors, US Senators, Congressmen, and various branches of the US Armed Services at achieving their goals.

Additionally, Mr. Cady has launched several private ventures over his 29-year career. Since 2004, Mr. Cady has been the President of Federal Rated Security Technologies, LLC, a prime military contractor sponsored by the US Navy Space and Naval Warfare Systems Command, San Diego, California. Since 2006, Mr. Cady has been the President of CADON Industries, LLC, a private equity firm; which helps companies acquire drilling equipment and services for both domestic and international markets.

Among other successes, Mr. Cady has developed products from concept to completion; including international market launches to distributors, retailers and foreign governments and militaries. Business sectors include: Defense, Security, Consumer Products, Domestic and Offshore manufacturing, Oil & Gas, Product Consulting, and Design. He holds several design and utility patents as he continues to consult clients around the globe on corporate strategies and private and public funding.

Mr. Cady is a 1983 graduate from Texas A&M - Commerce with a Bachelor of Science degree.

Kevin L. Dahlberg, Executive Vice President

Mr. Dahlberg has been in the finance, energy, technology, real estate and investment industries for over 32 years, where he has served in various capacities as Officer and Director and as principal and a partner. Since January 2008, Mr. Dahlberg has been an Officer of Triland International, Inc., a privately held real estate group conducting residential and commercial real estate development and construction with projects in the US, Canada and Mexico. Since September 2008, Mr. Dahlberg has been a Director of Arcland Energy Corporation, a publicly traded oil and gas exploration and development company. Mr. Dahlberg was Executive Vice President of RG America, Inc., a formerly publicly traded insurance restoration and financial services company and was President of RG Insurance Services, a wholly-owned subsidiary of RG America, Inc.

Previously, Mr. Dahlberg was employed by Hillwood Investments, a Perot Company as Vice President where he started and managed a \$100 million international real estate acquisition fund. Prior to his tenure at Hillwood, Mr. Dahlberg was with Archon Financial, a Goldman Sachs company, as Vice President and Commercial Real Estate Lending Underwriter. Earlier in his career, he worked for the Lone Star Opportunity Fund, Key Corp./Key Bank, The Federal Deposit Insurance Corporation (FDIC), The Federal Savings and Loan Corporation (FSLIC) and Fidelity Investments.

Mr. Dahlberg obtained a Bachelor of Business Administration degree from Baylor University and currently has held a Series 6, 7 and 63 Securities Licenses, a Texas Insurance License and a Texas Real Estate license.

John E. Rea, Executive Vice President

Mr. Rea is a consummate entrepreneur and has over 30 years of business development & finance experience. He has advised, co-founded, or led as CEO or Director, numerous public and private firms in the financial services, insurance, construction, energy, social services and technology industries.

Since July 2008, Mr. Rea has been an Officer and Director of Triland International, Inc., a privately held real estate group conducting residential and commercial real estate development and construction, with projects in the US, Canada and Mexico. Since January 2008, Mr. Rea has been the Chief Operating Officer and Director of System Services, Inc., a privately held information technology company. From December 2003 to July 2006, Mr. Rea was the Chief Executive Officer and a Director of RG America, a publicly traded company in the insurance restoration business. Previously, Mr. Rea was the President of The Crafter's Marketplace, Ltd., which operated a chain of retail stores operating in Canada, from June 1994 to October 2004.

Mr. Rea has been a member of Young Presidents Organization since 1999, serving in numerous forum, chapter and national roles in North America. Mr. Rea attended Southern Methodist University.

Executive Summary of a 10-Year Economic Impact Analysis of First Research, Science and Technology

November 9, 2013

About the Firm

First Research, Science and Technology plans to design and manufacture unmanned/manned multi-purpose ground vehicle for a variety of military and non-military operations at its Alamogordo, NM facility. The firm is acquiring two buildings and will renovate 24,000 sf for initial operations and renovate the remaining 24,000 sf as the workforce grows. The company will invest \$1,822,500 in the facility over ten years. The firm create 7 jobs in the first year and employ 28 workers within ten years. The average annual salaries of workers in the first year will be \$68,000 and \$54,700 when 28 workers are on the payroll.

Economic Impact Over the Next Ten Years

The following are some of the economic impacts that state and community can expect from the firm over the next ten years:

Economic Impact of the Facility over the Next Ten Years	
Total number of direct and indirect jobs to be created	41
Total salaries to be paid to direct and indirect workers	\$16,734,528
Total expected additional gross receipts	\$84,317,814
Total property to be added to local tax rolls over the next ten years	\$2,031,413

Costs and Benefits the State and Local Taxing Entities over the Next Ten Years

Total Costs and Benefits for the State and Local Taxing Districts Over Ten Years

The State, City, County, School District, and Special Taxing Districts can expect the following costs and benefits from the firm and direct and indirect employees over the next ten years:

Costs and Benefits for the State and Local Taxing Districts over the Next Ten Years	
Benefits:	
Gross receipts taxes collections	\$1,995,613
Lodgers' tax	\$94,198
Property tax collections	\$128,396
Utility revenues and utility franchise fee collections	\$144,008
Building permits	\$0
Collections of other taxes and user fees from new residents	\$12,592
State corporate and personal income taxes	\$3,703,063
Additional state and federal funding for the school district	\$502,918
Total benefits	\$6,580,788
Costs:	
Costs of providing municipal and county services to new residents	\$30,997
The school district's cost of educating new students	\$478,765
Costs of providing utility services to the firm and new residents	\$113,991
Total costs	\$623,753
Total net benefits for state and local taxing districts over the next ten years	\$5,957,034

Costs and Benefits for the State and Each Local Taxing District Over Ten Years

The net benefits for the State, City, County, School District, and Special Taxing Districts (the extent to which revenues exceed costs, including incentives) from the new facility will be follows, over the next 10 years:

Net Benefits for the State and Local Entities Over the Next 10 Years			
	Benefits	Costs	Net Benefits
State	\$4,484,867	\$0	\$4,484,867
City	\$792,979	\$143,051	\$649,929
County	\$777,848	\$1,937	\$775,911
School District	\$515,646	\$478,765	\$36,880
Special Taxing Districts	\$9,447	\$0	\$9,447
Total	\$6,580,788	\$623,753	\$5,957,034

Conduct of This Analysis

This analysis was conducted by the New Mexico Economic Development Department using a computer model prepared for the EDD by Impact DataSource, an Austin, Texas economic consulting and research firm.

This analysis uses some Impact DataSource estimates and assumptions, as well as tax rates and other data obtained from state financial and tax data reports and data supplied by the firm.

Using this data, the economic impact from the facility and the costs and benefits for the State, City, County, School District and Special Taxing Districts were calculated by EDD for a 10 year period.

In addition to the direct economic impact of the firm and its employees, spin-off or indirect and induced benefits were also calculated. Indirect jobs and salaries are created in new or existing area firms, such as service companies, that may supply goods and services to the firm. In addition, induced jobs and salaries are created in new or existing local businesses, such as retail stores, gas stations, banks, restaurants, and service companies that may supply goods and services to workers and their families.

To estimate the indirect and induced economic impact of the facility and its employees on the county, regional economic multipliers were used. Regional economic multipliers for New Mexico are included in the US Department of Commerce's Regional Input-Output Modeling System (RIMS II).

Two types of regional economic multipliers were used in this analysis: an employment multiplier and an earnings multiplier.

An employment multiplier was used to estimate the number of indirect and induced jobs created and supported in the state. An earnings multiplier was used to estimate the amount of salaries to be paid to workers in these new indirect and induced jobs. The multipliers show the estimated number of indirect and induced jobs created for every one direct job at the facility and the amount of salaries paid to these workers for every dollar paid to a direct worker at the facility. The multipliers used in this analysis are below:

Employment multiplier	0.4977
Earnings multiplier	0.3788

Corporations Section
P.O.Box 13697
Austin, Texas 78711-3697



Hope Andrade
Secretary of State

Office of the Secretary of State

September 05, 2012

First Research Science & Technology
1507 Capital Ave Ste 101
Plano, TX 75074 USA

RE: Federal Research, Science & Technology, LLC
File Number: 801645565

Assumed Name:
First Research, Science & Technology

File Date: 08/31/2012

It has been our pleasure to file the assumed name certificate for the above referenced entity. Enclosed is the certificate evidencing filing. Payment of the filing fee is acknowledged by this letter.

In addition to filing with the Secretary of State, the entity must file an assumed name certificate with the office of the appropriate county clerk as specified in § 71.103 of the Texas Business & Commerce Code.

If we can be of further service at any time, please let us know.

Sincerely,

Corporations Section
Business & Public Filings Division

Enclosure

Come visit us on the internet at <http://www.sos.state.tx.us/>

Phone: (512) 463-5555
Prepared by: Mary Ann Conkel

Fax: (512) 463-5709
TID: 10336

Dial: 7-1-1 for Relay Services
Document: 442057970002

Corporations Section
P.O.Box 13697
Austin, Texas 78711-3697



Hope Andrade
Secretary of State

Office of the Secretary of State

CERTIFICATE OF FILING OF

Federal Research, Science & Technology, LLC
File Number: 801645565
Assumed Name:
First Research, Science & Technology

The undersigned, as Secretary of State of Texas, hereby certifies that the assumed name certificate for the above named entity has been received in this office and filed as provided by law on the date shown below.

ACCORDINGLY the undersigned, as Secretary of State, and by virtue of the authority vested in the secretary by law hereby issues this Certificate of Filing.

Dated: 08/31/2012

Effective: 08/31/2012



A handwritten signature in black ink, appearing to read "Hope Andrade".

Hope Andrade
Secretary of State

Form 503
(Revised 05/11)

Return in duplicate to:
Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
512 463-5555
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Filing Fee: \$25



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FILED
In the Office of the
Secretary of State of Texas
AUG 31 2012
Corporations Section

Assumed Name

1. The assumed name under which the business or professional service is, or is to be, conducted or rendered is: First Research, Science & Technology

Entity Information

2. The legal name of the entity filing the assumed name is:

Federal Research, Science & Technology, LLC

State the name of the entity as currently shown in the records of the secretary of state or on its organizational documents, if not filed with the secretary of state.

3. The entity filing the assumed name is a: (Select the appropriate entity type below.)

- For-profit Corporation
- Nonprofit Corporation
- Professional Corporation
- Professional Association
- Other
- Limited Liability Company
- Limited Partnership
- Limited Liability Partnership
- Cooperative Association

Specify type of entity. For example, foreign real estate investment trust, state bank, insurance company, etc.

4. The file number, if any, issued to the entity by the secretary of state is: 801645565

5. The state, country, or other jurisdiction of formation of the entity is: Texas

6. The registered office or similar office address of the entity in its jurisdiction of formation is:

1507 Capital Ave., Suite 101

Street Address

<u>Plano</u>	<u>TX</u>	<u>USA</u>	<u>75074</u>
<i>City</i>	<i>State</i>	<i>Country</i>	<i>Zip or Postal Code</i>

7. The entity's principal office address in Texas is: (See instructions.)

<u>1507 Capital Ave., Suite 101</u>	<u>Plano</u>	<u>TX</u>	<u>75074</u>
<i>Street Address</i>	<i>City</i>	<i>State</i>	<i>Zip or Postal Code</i>

8. The entity is not organized under the laws of Texas and is not required by law to maintain a registered agent and registered office in Texas. Its office address outside the state is:

<i>Street Address</i>	<i>City</i>	<i>State</i>	<i>Zip or Postal Code</i>
-----------------------	-------------	--------------	---------------------------

Period of Duration

9a. The period during which the assumed name will be used is 10 years from the date of filing with the secretary of state.

OR

9b. The period during which the assumed name will be used is _____ years from the date of filing with the secretary of state (not to exceed 10 years).

OR

9c. The assumed name will be used until _____ (not to exceed 10 years).
mm/dd/yyyy

County or Counties in which Assumed Name Used

10. The county or counties where business or professional services are being or are to be conducted or rendered under the assumed name are:

All counties

All counties with the exception of the following counties: _____

Only the following counties: _____

Execution

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and also certifies that the person is authorized to sign on behalf of the identified entity. If the undersigned is acting in the capacity of an attorney in fact for the entity, the undersigned certifies that the entity has duly authorized the undersigned in writing to execute this document.

Date: 08-27-2012



Member

Signature of a person authorized by law to sign on behalf of the identified entity (see instructions)

Corporations Section
P.O.Box 13697
Austin, Texas 78711-3697



Hope Andrade
Secretary of State

Office of the Secretary of State
Packing Slip

September 5, 2012
Page 1 of 1

First Research Science & Technology
1507 Capital Ave Ste 101
Plano, TX 75074

Batch Number: 44205797
Client ID: 403166858

Batch Date: 08-31-2012
Return Method: Mail

Document Number	Document Detail	Number / Name	Page Count	Fee
442057970002	Certificate of Assumed Business Name	Federal Research, Science & Technology, LLC	0	\$25.00
			Total Fees:	\$25.00

Payment Type	Payment Status	Payment Reference	Amount
Check	Received	2640	\$25.00
			Total: \$25.00

Total Amount Charged to Client Account: \$0.00
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A Report of the Economic Impact of First Research, Science and Tec. in Alamogordo, New Mexico

November 9, 2013

Prepared by:

New Mexico Economic Development Department
1100 St. Francis Drive - Joseph Montoya Building
Santa Fe, NM 87503
1-800-827-0089

ImpactDataSource

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The Economic Impact Analysis Report

Introduction

This report presents the economic impact of the facility and the costs and benefits over the next 10 years for the State of New Mexico and the city, county, school district and special taxing districts where the facility is located.

The facility and its location in New Mexico are the following:

- Facility First Research, Science and Technology
- Location: Alamogordo

Description of the Project and its Operations

First Research, Science and Technology plans to design and manufacture unmanned/manned multi-purpose ground vehicle for a variety of military and non-military operations at its Alamogordo, NM facility. The firm is acquiring two buildings and will renovate 24,000 sf for initial operations and renovate the remaining 24,000 sf as the workforce grows. The company will invest \$1,822,500 in the facility over ten years. The firm create 7 jobs in the first year and employ 28 workers within ten years. The average annual salaries of workers in the first year will be \$68,000 and \$54,700 when 28 workers are on the payroll.

Economic Impact of the Facility and Its Employees

The facility, its new employees and workers in new spin-off jobs created in the community will have the following economic impact on the community over the next ten years:

Economic Impact of the Facility Over the Next Ten Years	
Number of new direct and indirect jobs to be created	41
Number of new residents in the City	36
Number of new students expected in local schools	11
Salaries to be paid to direct and indirect employees	\$16,734,528
Taxable spending expected in the City	\$84,317,814
Spending on local motel rooms	\$1,883,954
Number of new residential units to be built in the City	1
Taxable value, in the 10th year, of residential property to be constructed for some new direct and indirect workers who move to the City	\$89,632
Taxable assets at firm's facility in Year 10	\$1,941,781

Costs and Benefits for State and Local Taxing Entities

The State, City, County, School District and Special Taxing Districts can expect costs and benefits over the next 10 years from the new or expanded facility, its new employees and workers in new indirect and induced jobs. These costs and benefits are discussed below.

Public Benefits

The State, City, County, School District and Special Taxing Districts can expect to receive benefits or additional revenues as a result of the new or expanded facility, over the next 10 years, as scheduled below:

Public Benefits/Additional Revenues Over the Next 10 Years						
	State	City	County	School District	Special Taxing District	Total
Gross receipts taxes	\$781,435	\$500,543	\$713,636			\$1,995,613
Lodgers' tax		\$94,198	\$0			\$94,198
Property taxes	\$369	\$44,545	\$61,307	\$12,728	\$9,447	\$128,396
Utilities		\$126,657	\$0			\$126,657
Utility franchise fees		\$17,351	\$0			\$17,351
Miscellaneous taxes and user fees		\$9,686	\$2,906			\$12,592
Building permits		\$0				\$0
State personal and corporate income taxes	\$3,703,063					\$3,703,063
Additional state and federal school funding				\$502,918		\$502,918
Total	\$4,484,867	\$792,979	\$777,848	\$515,646	\$9,447	\$6,580,788

Public Costs

The State, City, County, School District and Special Taxing Districts may incur the following costs, including incentives, as a result of the new or expanded facility and new direct and indirect employees moving to the County, over the next 10 years:

Public Costs over the Next 10 Years						
	State	City	County	School District	Special Taxing Districts	Total
Costs of services to new residents		\$29,059	\$1,937		\$0	\$30,997
Costs of providing utilities		\$113,991	\$0			\$113,991
Costs of services for new students				\$478,765		\$478,765
Total	\$0	\$143,051	\$1,937	\$478,765	\$0	\$623,753

Net Benefits

The net benefits for the State, City, County, School District, and Special Taxing Districts (the extent to which revenues exceed costs) from the new or expanded facility will be follows, over the next 10 years:

Net Benefits for the State and Local Entities Over the Next 10 Years			
	Benefits	Costs	Net Benefits
State	\$4,484,867	\$0	\$4,484,867
City	\$792,979	\$143,051	\$649,929
County	\$777,848	\$1,937	\$775,911
School District	\$515,646	\$478,765	\$36,880
Special Taxing Districts	\$9,447	\$0	\$9,447
Total	\$6,580,788	\$623,753	\$5,957,034

Discounted Cash Flow for the State and Local Public Entities Over the Next Ten Years

The net benefits, shown on the previous page, result in discounted cash flow over the next 10 years for each taxing entity, as follows:

Discounted Cash Flow for the State and Local Public Entities Over the Next 10 Years	
State	\$3,037,577
City	\$460,196
County	\$530,547
School District	\$25,534
Special taxing districts	\$6,654
Total	\$4,060,508

Discounted cash flow is a way of expressing in today's dollars, dollars to be paid or received in the future. Today's dollar and a dollar to be received or paid at differing time in the future are not comparable because of the time value of money. The time value of money is the interest rate or each taxing entity's discount rate. This analysis uses a discount rate of six percent to make the dollars each taxing will receive and the dollars that they will pay comparable -- by expressing them in today's dollars or in present value.

Conduct of This Analysis

This analysis was prepared by the New Mexico Economic Development Department using a computer model prepared for the EDD by Impact DataSource, an Austin, Texas economic consulting and research firm.

This analysis uses some Impact DataSource estimates and assumptions, as well as tax rates and other data obtained from state financial and tax data reports and data supplied by the facility. Data used in this analysis is shown in the Data and Rates Used in This Analysis section that follows.

Using this data, the economic impact from the facility and the costs and benefits for the State, City, County, School District and Special Taxing Districts were calculated by EDD for a 10 year period.

In addition to the direct economic impact of the facility and its employees, spin-off or indirect and induced benefits were also calculated. Indirect jobs and salaries are created in new or existing area firms, such as service companies, that may supply goods and services to the facility. In addition, induced jobs and salaries are created in new or existing local businesses, such as retail stores, gas stations, banks, restaurants, and service companies that may supply goods and services to workers and their families.

To estimate the indirect and induced economic impact of the facility and its employees on the county, regional economic multipliers were used. Regional economic multipliers for New Mexico are included in the US Department of Commerce's Regional Input-Output Modeling System (RIMS II).

Two types of regional economic multipliers were used in this analysis: an employment multiplier and an earnings multiplier.

An employment multiplier was used to estimate the number of indirect and induced jobs created and supported in the state. An earnings multiplier was used to estimate the amount of salaries to be paid to workers in these new indirect and induced jobs. The multipliers show the estimated number of indirect and induced jobs created for every one direct job at the facility and the amount of salaries paid to these workers for every dollar paid to a direct worker at the facility. The multipliers used in this analysis are below:

Employment multiplier	0.4977
Earnings multiplier	\$0.3788

Information and rates used in this analysis follow on the next page. In addition, schedules of the results of economic impact calculations are also attached, along with schedules showing the results of calculations of costs and benefits for the state and local taxing entities.

Data and Rates Used in This Analysis

Rate of expected annual increase in the facility's utility usage and rates 2%

The facility's estimated annual purchases and operating expenses in the city that will be subject to gross receipts taxes \$99,500

Percent of annual increase over the next ten years 8%

The facility's estimated sales that will be subject to gross receipts taxes

Year	
1	\$97,500
2	\$1,495,000
3	\$3,900,000
4	\$4,875,000
5	\$8,775,000
6	\$9,038,250
7	\$9,309,398
8	\$9,588,680
9	\$9,876,340
10	\$10,176,630
Total	\$67,131,798

The facility's estimated annual net income that will be subject to NM corporate income taxes:

Year	
1	\$0
2	\$625,626
3	\$2,216,461
4	\$2,886,595
5	\$5,820,075
6	\$5,974,677
7	\$6,174,518
8	\$6,359,753
9	\$6,550,546
10	\$6,747,062
Total	\$43,355,313

New employees to be hired:

Year	New employees to be hired each year	The number of these new employees who will move to the City from somewhere else to take job with the facility
1	7	3
2	4	2
3	4	2
4	3	1
5	6	2
6	0	0
7	0	0
8	2	1
9	0	0
10	2	1
Total	28	12

Average annual salaries of new employees \$68,000

Percent of expected annual salary increases after the first year -2%

Percent of total indirect impacts that:

In the urban where the facility is located 80%

In the rural area where the facility is located 65%

Multipliers for calculating the number of indirect and induced jobs and earnings:

Earnings \$0.3788

Employment 0.4977

This economic impact analysis uses the above multipliers to project the indirect and induced benefits in the community as a result of the direct economic activity. The employment multiplier shows the number of spin-off jobs that will be created from each direct job. Similarly, the earnings multiplier estimates the salaries and wages to be paid to workers in these spin-off jobs for each \$1 paid to direct workers.

Percent of workers in new indirect and induced jobs created who will move to the City to take a job at the facility 15%

Estimated percent of workers moving to the community who 20%

will have new residential property built for them the first year that they move to the City

Household size of a typical new worker moving to the City	3.00
Number of school age children in the household of a typical new worker who will be moving to the City	0.75
Percent of taxable shopping by a typical new worker that will be in the City	65%

Out-of-Town Visitors to the Facility

Number of out-of-town visitors expected at the facility in the first year	72
Percent of annual increase in the number of visitors	10%
Average number of days that each visitor will stay in the community	14
Average daily taxable visitor spending, excluding lodging, outside of spending at the facility	\$155

State of New Mexico Tax and Other Rates

Property tax rate for state debt service:	State's gross receipts tax rate retained	3.775%
Residential	1.360	
Nonresidential	1.360	

State's compensating tax rate	5.125%
-------------------------------	--------

Maximum NM corporate income tax rate:

Up to \$500,000: 4.8% of net taxable income
 \$500,000-\$1 mil.: \$24,000+6.4% over \$500,000
 \$1 million plus: \$56,000+7.6% over \$1 million

NM personal income tax rate for employees of this facility, as a percent of gross income	3.73%
--	-------

City Information and Rates

City property tax rate:		City gross receipts tax rate:	2.91%
Residential	6.5280		
Nonresidential	8.5340		
	<i>(Per \$1,000 of taxable value)</i>		

The City's lodgers' tax rate 5%

The City's utility franchise fee rates for commercial utility users:

Water	0%
Wastewater	0%
Solid waste	5%
Electricity	4%
Natural Gas	2%
Telephone	2%
Cable	5%

The City will provide utilities and collect gross receipts taxes on the facility's utilities for the following:

	Provide the Utility	Collect Utility Franchise Fees on the Utility
Water	Yes	No
Wastewater	Yes	No
Electricity	No	Yes
Natural gas	No	Yes
Solid waste	No	Yes
Telephone	No	Yes
Cable	No	Yes

Estimated monthly residential utility bills:

Water	\$35
Wastewater	\$30
Electricity	\$60
Natural Gas	\$35
Solid waste	\$15
Telephone	\$30
Cable	\$35

Monthly utility bills for city-owned or city-provided utilities:

Water	\$35
Wastewater	\$30
Electricity	\$0
Natural Gas	\$0
Solid waste	\$0
Telephone	\$0
Cable	\$0
Total	\$65

Estimated annual utility franchise fees that the city collects from utilities provided to each new household:

Utility	Monthly Utility Bill	Annual Bill	Utility Franchise Fee Percent	Total Utility Franchise Fee Collections from Each Resident
Water	\$35	\$420	0%	\$0
Wastewater	\$30	\$360	0%	\$0
Electricity	\$60	\$720	4%	\$29
Natural Gas	\$35	\$420	2%	\$8
Solid waste	\$15	\$180	5%	\$9
Telephone	\$30	\$360	2%	\$7
Total	\$205	\$2,460		\$53

The City's cost of providing utility services, such as water and wastewater, to the facility, as a percent of monthly billings 90%

Miscellaneous taxes and user fees to be collected annually from each new household -- taxes that are not calculated automatically by this model, such as cigarette taxes, licenses and permits, allocations of state funds based on the number of residents, fines, etc. \$100

Rate of expected annual increase in the above miscellaneous taxes and user fees 2%

The city's expected annual operating expenditures for each new household in the city \$300

Rate of expected annual increase in the above expenditures 2%

County Information and Rates

County property tax rate:	County's share of gross receipts tax	0.813%
Residential	7.0480	
Nonresidential	11.8500	

The City's lodgers' tax rate 0.0%

The expected annual miscellaneous taxes and user fees to be collected from each new household by the County \$30

Rate of expected annual increase in the above miscellaneous taxes and user fees 2%

The County's expected annual expenditures for each new household in the County \$20

Rate of expected annual increase in the above expenditures 2%

The City's utility franchise fee rates for commercial utility users:

Water	0%
Wastewater	0%
Electricity	0%
Natural gas	0%
Solid waste	0%
Telephone	0%
Cable	0%

The County will provide utilities and collect gross receipts taxes on the facility's utilities for the following:

	Provide the Utility	Collect Utility Franchise Fees on the Utility
Water	No	No
Wastewater	No	No
Electricity	No	No
Natural gas	No	No
Solid waste	No	No
Telephone	No	No
Cable	No	No

Cost of providing utilities to the facility as a percent of utilities, if applicable 95%

School District Tax Rates

Property tax rate:

Residential	2.374
Nonresidential	2.411

The school district's marginal cost of providing services to each new child in the district \$5,275

The school district's average cost per child \$5,861

Estimated additional cost that the school district will incur for each child that moves to the district, as a percent of average cost 90%

Rate of expected annual increase in the above costs 3%

Annual state and federal funding per child received by the district \$5,541

Funding received per child from:

State aid	\$4,601
Federal	\$940

Rate of expected annual increase in the above state funding 3%

Combined Rates for Special Taxing Districts, If Any

Property tax rate:	
Residential	1.567
Nonresidential	1.800

Other Community Rates

Discount rate for calculating the present value of costs and benefits	6%
Inflation rate	3.00%
Number of work hours per year by a typical employee of the facility	2,080
Percent of the gross salary of a typical worker spends on taxable goods and services	60%
Taxable value of property as a percent of assessed value	33%
Average taxable value of new residential property to be constructed in the for some new workers who move to the community	\$75,000
Rate of expected annual increase in the taxable value of residential property in the area	2%
Rate of expected annual increase in the taxable value of commercial real property in the are	2%
Percent of the total value of new residential in the area which is for the structure only -- excluding the land cost	90%
Percent of construction costs of new residential property which is for:	
Construction materials	50%
Labor	50%
Multiplier for calculating salaries to be paid workers in indirect and induced jobs created in the community as a result of construction activities -- construction of the facility, if applicable, and new residential property	1.017

Schedules of Economic Impacts

Number of new local jobs to be created each year and worker salaries to be paid each year:

Year	Direct Jobs	Indirect Jobs	Total Jobs	Direct Salaries	Indirect Salaries	Total Salaries
1	7	3	10	\$476,000	\$180,318	\$656,318
2	4	2	6	\$730,128	\$276,587	\$1,006,716
3	4	2	6	\$971,841	\$368,153	\$1,339,994
4	3	1	4	\$1,138,346	\$431,228	\$1,569,574
5	6	3	9	\$1,481,530	\$561,233	\$2,042,764
6	0	0	0	\$1,446,133	\$547,824	\$1,993,957
7	0	0	0	\$1,411,581	\$534,735	\$1,946,316
8	2	1	3	\$1,492,676	\$565,455	\$2,058,131
9	0	0	0	\$1,457,012	\$551,945	\$2,008,957
10	2	1	3	\$1,531,600	\$580,201	\$2,111,801
Total	28	13	41	\$12,136,848	\$4,597,681	\$16,734,528

Number of new direct and indirect workers and their families who will move to the City and the number of new students in local schools:

Year	New Residents	New Students
1	9	2
2	6	2
3	6	2
4	3	1
5	6	2
6	0	0
7	0	0
8	3	1
9	0	0
10	3	1
Total	36	11

Sales or spending on which gross receipts taxes will be collected:

Year	Spending during Construction at the Facility and New Residential Construction	Workers' Spending	Visitor Spending	The Facility's Gross Receipts	The Facility's Taxable Purchases	Total
1	\$676,842	\$255,964	\$156,240	\$97,500	\$99,500	\$1,286,046
2	\$641,020	\$392,619	\$177,020	\$1,495,000	\$176,000	\$2,881,659
3	\$20,000	\$522,598	\$200,564	\$3,900,000	\$333,000	\$4,976,161
4	\$20,000	\$612,134	\$227,239	\$4,875,000	\$410,000	\$6,144,372
5	\$20,000	\$796,678	\$257,461	\$8,775,000	\$722,000	\$10,571,139
6	\$572,867	\$777,643	\$291,704	\$9,038,250	\$743,660	\$11,424,124
7	\$25,000	\$759,063	\$330,500	\$9,309,398	\$765,970	\$11,189,931
8	\$25,000	\$802,671	\$374,457	\$9,588,680	\$788,949	\$11,579,757
9	\$25,000	\$783,493	\$424,259	\$9,876,340	\$812,617	\$11,921,710
10	\$25,000	\$823,602	\$480,686	\$10,176,630	\$836,996	\$12,342,914
Total	\$2,050,729	\$6,526,466	\$2,920,129	\$67,131,798	\$5,688,692	\$84,317,814

Spending on hotel rooms by out-of-town visitors to the facility:

Year	Hotel Spending
1	\$100,800
2	\$114,206
3	\$129,396
4	\$146,605
5	\$166,104
6	\$188,196
7	\$213,226
8	\$241,585
9	\$273,716
10	\$310,120
Total	\$1,883,954

Number of new residential units to be built in the City:

Year	Number of New Residential Units in the City	Cumulative Number of New Units
1	1	1
2	0	1
3	0	1
4	0	1
5	0	1
6	0	1
7	0	1
8	0	1
9	0	1
10	0	1
Total	1	

The taxable value of new residential property constructed for some new direct and indirect workers who move to the City:

Year	New Residential Property
1	\$75,000
2	\$76,500
3	\$78,030
4	\$79,591
5	\$81,182
6	\$82,806
7	\$84,462
8	\$86,151
9	\$87,874
10	\$89,632

The value of the facility's property on local tax rolls:

Year	The Facility's Property on Tax Rolls
1	\$667,900
2	\$1,194,000
3	\$1,228,746
4	\$1,262,343
5	\$1,294,800
6	\$1,819,126
7	\$1,861,330
8	\$1,902,211
9	\$1,941,781
10	\$1,941,781

Schedule of Public Costs and Benefits

Additional Revenues for the State:

Gross receipts tax collections on:

Year	Spending during Construction at the Facility and New Residential Construction	Workers' Spending	Visitor Spending	The Facility's Gross Receipts	The Facility's Taxable Purchases	Total
1	\$25,551	\$14,866	\$5,898	\$0	\$3,756	\$50,071
2	\$24,199	\$22,802	\$6,683	\$0	\$6,644	\$60,327
3	\$755	\$30,351	\$7,571	\$0	\$12,571	\$51,248
4	\$755	\$35,551	\$8,578	\$0	\$15,478	\$60,362
5	\$755	\$46,269	\$9,719	\$0	\$27,256	\$83,998
6	\$21,626	\$45,163	\$11,012	\$0	\$28,073	\$105,874
7	\$944	\$44,084	\$12,476	\$0	\$28,915	\$86,420
8	\$944	\$46,617	\$14,136	\$0	\$29,783	\$91,479
9	\$944	\$45,503	\$16,016	\$0	\$30,676	\$93,139
10	\$944	\$47,832	\$18,146	\$0	\$31,597	\$98,519
Total	\$77,415	\$379,037	\$110,235	\$0	\$214,748	\$781,435

Property tax collections on:

Year	Residential Property	The Facility's Property	Total
1	\$34	\$0	\$34
2	\$34	\$0	\$34
3	\$35	\$0	\$35
4	\$36	\$0	\$36
5	\$36	\$0	\$36
6	\$37	\$0	\$37
7	\$38	\$0	\$38
8	\$39	\$0	\$39
9	\$39	\$0	\$39
10	\$40	\$0	\$40
Total	\$369	\$0	\$369

NM Income Taxes:

Year	Personal Income Taxes	Corporate Income Taxes	Total
1	\$24,458	\$0	\$24,458
2	\$37,515	(\$8,000)	\$29,515
3	\$49,934	\$148,451	\$198,386
4	\$58,490	\$199,381	\$257,871
5	\$76,123	\$422,326	\$498,449
6	\$74,304	\$434,075	\$508,380
7	\$72,529	\$449,263	\$521,792
8	\$76,696	\$463,341	\$540,037
9	\$74,863	\$477,841	\$552,705
10	\$78,696	\$492,777	\$571,472
Total	\$623,607	\$3,079,456	\$3,703,063

Total Costs and Benefits for the State:

Year	Additional Costs	Additional Revenues	Net Benefits
1	\$0	\$74,562	\$74,562
2	\$0	\$89,876	\$89,876
3	\$0	\$249,668	\$249,668
4	\$0	\$318,268	\$318,268
5	\$0	\$582,483	\$582,483
6	\$0	\$614,291	\$614,291
7	\$0	\$608,250	\$608,250
8	\$0	\$631,555	\$631,555
9	\$0	\$645,883	\$645,883
10	\$0	\$670,031	\$670,031
Total	\$0	\$4,484,867	\$4,484,867

Costs and Benefits for the City

Benefits for the City:

Gross receipts tax collections on:

Year	Spending during Construction at the Facility and New Residential Construction	Workers' Spending	Visitor Spending	The Facility's Gross Receipts	The Facility's Taxable Purchases and Operating Expenses	Total
1	\$19,713	\$7,455	\$4,550	\$0	\$2,898	\$34,616
2	\$18,670	\$11,435	\$5,156	\$0	\$5,126	\$40,386
3	\$583	\$15,221	\$5,841	\$0	\$9,699	\$31,343
4	\$583	\$17,828	\$6,618	\$0	\$11,941	\$36,970
5	\$583	\$23,203	\$7,499	\$0	\$21,028	\$52,313
6	\$16,685	\$22,649	\$8,496	\$0	\$21,659	\$69,489
7	\$728	\$22,108	\$9,626	\$0	\$22,309	\$54,771
8	\$728	\$23,378	\$10,906	\$0	\$22,978	\$57,990
9	\$728	\$22,819	\$12,357	\$0	\$23,667	\$59,571
10	\$728	\$23,987	\$14,000	\$0	\$24,378	\$63,093
Total	\$59,727	\$190,083	\$85,049	\$0	\$165,683	\$500,543

Lodgers' tax collections:

Year	Lodgers' Tax Collections
1	\$5,040
2	\$5,710
3	\$6,470
4	\$7,330
5	\$8,305
6	\$9,410
7	\$10,661
8	\$12,079
9	\$13,686
10	\$15,506
Total	\$94,198

Property tax collections on:

Year	Residential Property	The Facility's Property	Total
1	\$162	\$0	\$2,043
2	\$165	\$0	\$3,527
3	\$168	\$0	\$3,629
4	\$171	\$0	\$3,726
5	\$175	\$0	\$3,821
6	\$178	\$0	\$5,301
7	\$182	\$0	\$5,424
8	\$186	\$0	\$5,543
9	\$189	\$0	\$5,658
10	\$193	\$0	\$5,873
Total	\$1,769	\$0	\$44,545

Other taxes and user fees to be collected from new residents:

Year	Other Taxes and User Fees
1	\$300
2	\$510
3	\$728
4	\$849
5	\$1,082
6	\$1,104
7	\$1,126
8	\$1,264
9	\$1,289
10	\$1,434
Total	\$9,686

Utility franchise fees collected from new residents and from the Facility:

<u>Year</u>	<u>Total Utility Franchise Fees to be Collected</u>
1	\$1,150
2	\$1,324
3	\$1,506
4	\$1,615
5	\$1,808
6	\$1,844
7	\$1,881
8	\$2,004
9	\$2,044
10	\$2,174
Total	\$17,351

Utility revenues from new residents and from the Facility:

<u>Year</u>	<u>Total Utility Revenues</u>
1	\$7,140
2	\$8,874
3	\$10,675
4	\$11,666
5	\$13,538
6	\$13,759
7	\$13,984
8	\$15,110
9	\$15,362
10	\$16,551
Total	\$126,657

Building permits and fees to be collected from the Facility:

Year	Building Permits & Fees
1	\$0
2	\$0
3	\$0
4	\$0
5	\$0
6	\$0
7	\$0
8	\$0
9	\$0
10	\$0
Total	\$0

Costs for the City:

The City's additional costs for new residents and the facility and incentives

Year	Cost of Providing Services to New Residents	Costs of Providing Utilities to the Facility	Total
1	\$900	\$6,426	\$7,327
2	\$1,530	\$7,987	\$9,519
3	\$2,185	\$9,607	\$11,795
4	\$2,547	\$10,499	\$13,050
5	\$3,247	\$12,184	\$15,436
6	\$3,312	\$12,383	\$15,701
7	\$3,378	\$12,585	\$15,971
8	\$3,791	\$13,599	\$17,397
9	\$3,866	\$13,826	\$17,701
10	\$4,302	\$14,896	\$19,208
Total	\$29,059	\$113,991	\$143,106

Net Benefits for the City:

Year	Benefits	Costs	Net Benefits
1	\$50,289	\$7,327	\$42,962
2	\$60,332	\$9,519	\$50,814
3	\$54,350	\$11,795	\$42,555
4	\$62,157	\$13,050	\$49,107
5	\$80,867	\$15,436	\$65,431
6	\$100,907	\$15,701	\$85,206
7	\$87,847	\$15,971	\$71,876
8	\$93,989	\$17,397	\$76,592
9	\$97,610	\$17,701	\$79,909
10	\$104,631	\$19,208	\$85,423
Total	\$792,979	\$143,106	\$649,874

Costs and Benefits for the County:

Gross receipts tax collections on spending:

Year	Spending during Construction at the Facility and New Residential Construction	Workers' Spending	Visitor Spending	The Facility's Gross Receipts	The Facility's Taxable Purchases and Operating Expenses	Total
1	\$5,499	\$3,200	\$1,269	\$792	\$808	\$11,569
2	\$5,208	\$4,908	\$1,438	\$12,147	\$1,430	\$25,131
3	\$163	\$6,532	\$1,630	\$31,688	\$2,706	\$42,718
4	\$163	\$7,652	\$1,846	\$39,609	\$3,331	\$52,601
5	\$163	\$9,958	\$2,092	\$71,297	\$5,866	\$89,376
6	\$4,655	\$9,721	\$2,370	\$73,436	\$6,042	\$96,223
7	\$203	\$9,488	\$2,685	\$75,639	\$6,224	\$94,239
8	\$203	\$10,033	\$3,042	\$77,908	\$6,410	\$97,597
9	\$203	\$9,794	\$3,447	\$80,245	\$6,603	\$100,292
10	\$203	\$10,295	\$3,906	\$82,685	\$6,801	\$103,889
Total	\$16,662	\$81,581	\$23,726	\$545,446	\$46,221	\$713,636

Lodgers' tax collections:

Year	Lodgers' Tax Collections
1	\$0
2	\$0
3	\$0
4	\$0
5	\$0
6	\$0
7	\$0
8	\$0
9	\$0
10	\$0
Total	\$0

Property tax collections on:

Year	Residential Property	Facility's Property	Total Tax Collections
1	\$174	\$2,612	\$2,786
2	\$178	\$4,669	\$4,847
3	\$181	\$4,805	\$4,986
4	\$185	\$4,936	\$5,122
5	\$189	\$5,063	\$5,252
6	\$193	\$7,114	\$7,306
7	\$196	\$7,279	\$7,475
8	\$200	\$7,439	\$7,639
9	\$204	\$7,593	\$7,798
10	\$208	\$7,887	\$8,095
Total	\$1,910	\$59,397	\$61,307

Other taxes and user fees collected from new residents:

Year	Other Taxes and User Fees
1	\$90
2	\$153
3	\$218
4	\$255
5	\$325
6	\$331
7	\$338
8	\$379
9	\$387
10	\$430
Total	\$2,906

Utility franchise fees collected on utilities provided to the Facility's facility:

Year	Utility Franchise Fees Collected
1	\$0
2	\$0
3	\$0
4	\$0
5	\$0
6	\$0
7	\$0
8	\$0
9	\$0
10	\$0
Total	\$0

Utilities provided to the firm's facility:

Year	Utilities Provided to the Facility
1	\$0
2	\$0
3	\$0
4	\$0
5	\$0
6	\$0
7	\$0
8	\$0
9	\$0
10	\$0
Total	\$0

Additional County costs:

Year	County Costs for New Residents	Costs of Providing Utilities to the Facility	Total
1	\$60	\$0	\$60
2	\$102	\$0	\$102
3	\$146	\$0	\$146
4	\$170	\$0	\$170
5	\$216	\$0	\$216
6	\$221	\$0	\$221
7	\$225	\$0	\$225
8	\$253	\$0	\$253
9	\$258	\$0	\$258
10	\$287	\$0	\$287
Total	\$1,937	\$0	\$1,937

Net Benefits for the County:

Year	Benefits	Costs	Net Benefits
1	\$14,445	\$60	\$14,385
2	\$30,131	\$102	\$30,029
3	\$47,923	\$146	\$47,777
4	\$57,977	\$170	\$57,808
5	\$94,953	\$216	\$94,736
6	\$103,861	\$221	\$103,640
7	\$102,052	\$225	\$101,827
8	\$105,615	\$253	\$105,363
9	\$108,476	\$258	\$108,218
10	\$112,415	\$287	\$112,128
Total	\$777,848	\$1,937	\$775,911

Benefits for the School District:

Property tax collections on:

Year	Residential Property	The Facility's Property	Total Tax Collections
1	\$59	\$531	\$590
2	\$60	\$950	\$1,010
3	\$61	\$978	\$1,039
4	\$62	\$1,004	\$1,067
5	\$64	\$1,030	\$1,094
6	\$65	\$1,447	\$1,512
7	\$66	\$1,481	\$1,547
8	\$67	\$1,513	\$1,581
9	\$69	\$1,545	\$1,614
10	\$70	\$1,605	\$1,675
Total	\$643	\$12,085	\$12,728

Additional state and federal school funding:

Year	Additional School Funding
1	\$11,082
2	\$22,829
3	\$35,271
4	\$42,384
5	\$56,128
6	\$57,812
7	\$59,546
8	\$68,147
9	\$70,192
10	\$79,527
Total	\$502,918

Costs for the school district to educate children of new workers who move to the district:

Year	Costs of Educating New Students
1	\$10,550
2	\$21,733
3	\$33,577
4	\$40,348
5	\$53,433
6	\$55,035
7	\$56,687
8	\$64,875
9	\$66,821
10	\$75,708
Total	\$478,765

Net Benefits for the School District:

Year	Benefits	Additional Costs	Net Benefits
1	\$11,672	\$10,550	\$1,122
2	\$23,839	\$21,733	\$2,106
3	\$36,309	\$33,577	\$2,733
4	\$43,450	\$40,348	\$3,102
5	\$57,222	\$53,433	\$3,789
6	\$59,324	\$55,035	\$4,289
7	\$61,093	\$56,687	\$4,407
8	\$69,728	\$64,875	\$4,854
9	\$71,806	\$66,821	\$4,985
10	\$81,202	\$75,708	\$5,494
Total	\$515,646	\$478,765	\$36,880

Benefits for Special Taxing Districts:

Property tax collections on:

<u>Year</u>	<u>Residential Property</u>	<u>The Facility's Property</u>	<u>Total Tax Collections</u>
1	\$39	\$397	\$436
2	\$40	\$709	\$749
3	\$40	\$730	\$770
4	\$41	\$750	\$791
5	\$42	\$769	\$811
6	\$43	\$1,081	\$1,123
7	\$44	\$1,106	\$1,149
8	\$45	\$1,130	\$1,174
9	\$45	\$1,153	\$1,199
10	\$46	\$1,198	\$1,244
Total	\$425	\$9,022	\$9,447



**CALENDAR YEAR 2014
PRO-FORMA PROJECTIONS**

As of 10/14/2013

	<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUN</u>	<u>JUL</u>	<u>AUG</u>	<u>SEP</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>	<u>TOTALS</u>
Cash balance start	\$250,000	\$208,945	\$149,365	\$92,785	\$42,305	\$42,904	\$31,502	\$256,414	\$227,476	\$198,539	\$163,933	\$133,206	
Net Investment funds							\$250,000						\$250,000
Line of Credit													\$0
Revenue													
Product Sales												\$97,500	\$97,500
SaaS													\$0
Professional Services (R&D)					\$41,250	\$41,250	\$41,250	\$41,250	\$41,250	\$41,250	\$41,250	\$41,250	\$330,000
Funds Available	\$250,000	\$208,945	\$149,365	\$92,785	\$83,555	\$84,154	\$322,752	\$297,664	\$268,726	\$239,789	\$205,183	\$271,956	
COGS													
Product Sales COGS													\$0
Payroll Mfg	\$0	\$0	\$0	\$0	\$4,703	\$4,703	\$13,573	\$13,573	\$13,573	\$13,573	\$16,906	\$16,906	\$97,510
Subcontracts/Materials						\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$84,000
Subtotal	\$0	\$0	\$0	\$0	\$4,703	\$16,703	\$25,573	\$25,573	\$25,573	\$25,573	\$28,906	\$28,906	\$181,510
SaaS COGS													\$0
Payroll Mfg													
Subcontracts/Materials													
Subtotal													
Professional Services COGS													\$0
Payroll R&D					\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$40,000
Subcontracts/Materials													
Subtotal													
Total COGS	\$0	\$0	\$0	\$0	\$4,703	\$16,703	\$25,573	\$25,573	\$25,573	\$25,573	\$28,906	\$28,906	\$181,510
Expenses - General & Admin													
Payroll G&A	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$12,667	\$12,667	\$12,667	\$128,001
Banking/Adminstrative Fees	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$6,000
Utilities	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$30,000
Employee Benefits & Insurance	\$1,000	\$1,000	\$1,000	\$1,000	\$1,235	\$1,235	\$1,679	\$1,679	\$1,679	\$1,812	\$1,979	\$1,979	\$17,276
Payroll Taxes & UI	\$1,630	\$1,630	\$1,630	\$1,630	\$2,013	\$2,013	\$2,736	\$2,736	\$2,736	\$2,954	\$3,225	\$3,225	\$28,159
Legal & Accounting	\$2,500	\$2,500	\$2,500	\$1,250	\$1,250	\$1,250	\$1,250	\$1,250	\$1,250	\$1,250	\$1,250	\$1,250	\$18,750
Legal, Patents								\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	\$7,500
Travel	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$24,000
IT and Office Exp.	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$12,000
Consultants (Contracts/Gov't)	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$30,000
Facility													
P&I	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450
Property Taxes				\$1,175			\$1,175			\$1,175			\$1,175
Equipment		\$20,000	\$15,000	\$7,500				\$5,000	\$5,000				\$5,000
Property & Liability Insurance	\$1,475			\$1,475			\$1,475			\$1,475			
Expenses - Sales & Mktg													\$301,686
Payroll Sales and Marketing	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Bus Dev (Conf/Advertising)			\$2,000	\$2,000	\$2,000	\$2,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$26,000
S & M Travel													\$0
Marketing Materials	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500
Expenses - Eng & Dev													\$26,500
Payroll Engineering	\$10,000	\$10,000	\$10,000	\$10,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$80,000
Development Materials													\$0
Engineering Travel	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$24,000
Funds Available	\$208,945	\$149,365	\$92,785	\$42,305	\$42,904	\$31,502	\$256,414	\$227,476	\$198,539	\$163,933	\$133,206	\$199,979	
BURN RATE	\$41,055	\$59,580	\$56,580	\$50,480	\$40,651	\$52,651	\$66,338	\$70,188	\$70,188	\$75,856	\$71,977	\$71,977	\$727,520.70

PROPRIETARY



**CALENDAR YEAR 2015
PRO-FORMA PROJECTIONS**

As of 10/14/2013

	<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUN</u>	<u>JUL</u>	<u>AUG</u>	<u>SEP</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>	<u>TOTALS</u>
Cash balance start	\$271,956	\$209,864	\$344,374	\$278,883	\$215,743	\$155,253	\$89,636	\$26,369	-\$34,248	\$160,135	\$354,176	\$525,217	
Net Investment funds													\$0
Line of Credit													\$0
Revenue													
Product Sales		\$195,000							\$325,000	\$325,000	\$325,000	\$325,000	\$1,495,000
SaaS													\$0
Professional Services (R&D)	\$26,775	\$26,775	\$26,775	\$26,775	\$26,775	\$26,775	\$26,775	\$26,775	\$26,775	\$26,775	\$1,125	\$1,125	\$270,000
Funds Available	\$298,731	\$431,639	\$371,149	\$305,658	\$242,518	\$182,028	\$116,411	\$53,144	\$317,527	\$611,910	\$680,301	\$851,342	
COGS													
Product Sales COGS													\$0
Payroll Mfg	\$19,624	\$19,624	\$19,624	\$19,624	\$19,624	\$19,624	\$19,624	\$19,624	\$19,624	\$22,003	\$22,003	\$22,003	\$242,624
Subcontracts/Materials	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$77,000	\$77,000	\$77,000	\$77,000	\$404,000
Subtotal	\$31,624	\$31,624	\$31,624	\$31,624	\$31,624	\$31,624	\$31,624	\$31,624	\$96,624	\$99,003	\$99,003	\$99,003	\$646,624
SaaS COGS													\$0
Payroll Mfg													
Subcontracts/Materials													
Subtotal													
Professional Services COGS													\$0
Payroll R&D	\$9,350	\$9,250	\$9,250	\$9,250	\$9,250	\$9,350	\$9,350	\$9,350	\$9,350	\$9,350	\$9,350	\$9,350	\$111,798
Subcontracts/Materials													
Subtotal													
Total COGS	\$31,624	$31,624	$31,624	$31,624	$31,624	$31,624	$31,624	$31,624	\$96,624	\$99,003	\$99,003	\$99,003	\$646,624
Expenses - General & Admin													
Payroll G&A	\$17,171	\$17,171	\$17,171	\$17,171	\$17,171	\$17,171	\$17,171	\$17,171	\$17,171	\$17,171	\$17,171	\$17,171	\$206,048
Banking/Adminstrative Fees	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$6,000
Utilities	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$30,000
Employee Benefits & Insurance	\$2,775	\$2,765	\$2,765	\$2,765	\$2,765	\$2,775	\$2,775	\$2,775	\$2,775	\$2,894	\$2,894	\$2,894	\$33,613
Payroll Taxes & UI	\$4,523	\$4,506	\$4,506	\$4,506	\$4,506	\$4,523	\$4,523	\$4,523	\$4,523	\$4,717	\$4,717	\$4,717	\$54,790
Legal & Accounting	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$30,000
Legal, Patents	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$24,000
Travel	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$24,000
IT and Office Exp.	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$12,000
Consultants (Contracts/Gov't)	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$30,000
Facility													
P&I	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450
Property Taxes				\$1,175			\$1,175			\$1,175			\$1,175
Equipment			\$5,000			\$5,000			\$5,000			\$5,000	
Property & Liability Insurance	\$1,475			\$1,475			\$1,475			\$1,475			
Expenses - Sales & Mktg													\$450,451
Payroll Sales and Marketing	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Bus Dev (Conf/Advertising)	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$36,000
S & M Travel													\$0
Marketing Materials	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500
Expenses - Eng & Dev													\$36,500
Payroll Engineering	\$9,350	\$9,250	\$9,250	\$9,250	\$9,250	\$9,350	\$9,350	\$9,350	\$9,350	\$9,350	\$9,350	\$9,350	\$111,798
Development Materials													\$0
Engineering Travel	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$24,000
Funds Available	\$209,864	\$344,374	\$278,883	\$215,743	\$155,253	\$89,636	\$26,369	(\$34,248)	\$160,135	\$354,176	\$525,217	\$691,267	
BURN RATE	\$88,867	\$87,265	\$92,265	\$89,915	\$87,265	\$92,392	\$90,042	\$87,392	\$157,392	\$157,734	\$155,084	\$160,084	\$1,345,698.76

PROPRIETARY



**CALENDAR YEAR 2016
PRO-FORMA PROJECTIONS**

As of 10/14/2013

	<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUN</u>	<u>JUL</u>	<u>AUG</u>	<u>SEP</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>	<u>TOTALS</u>
Cash balance start	\$691,257	\$873,367	\$1,056,951	\$1,235,535	\$1,416,469	\$1,600,053	\$1,778,637	\$1,964,071	\$2,141,713	\$2,314,356	\$2,486,601	\$2,661,497	
Net Investment funds													\$0
Line of Credit													\$0
Revenue													
Product Sales	\$325,000	\$325,000	\$325,000	\$325,000	\$325,000	\$325,000	\$325,000	\$325,000	\$325,000	\$325,000	\$325,000	\$325,000	\$3,900,000
SaaS													\$0
Professional Services (R&D)	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$117,000
Funds Available	\$1,023,757	\$1,205,867	\$1,389,451	\$1,568,035	\$1,748,969	\$1,932,553	\$2,115,637	\$2,301,071	\$2,478,713	\$2,651,356	\$2,823,601	\$2,998,497	
COGS													
Product Sales COGS													\$0
Payroll Mfg	\$22,444	\$22,444	\$22,444	\$22,444	\$22,444	\$22,444	\$22,444	\$31,672	\$31,672	\$34,099	\$34,099	\$34,099	\$322,746
Subcontracts/Materials	\$65,000	\$65,000	\$65,000	\$65,000	\$65,000	\$65,000	\$65,000	\$65,000	\$65,000	\$65,000	\$65,000	\$65,000	\$780,000
Subtotal	\$87,444	$87,444	$87,444	$87,444	$87,444	$87,444	$87,444	\$96,672	\$96,672	\$99,099	\$99,099	\$99,099	\$1,102,746
SaaS COGS													\$0
Payroll Mfg													
Subcontracts/Materials													
Subtotal													
Professional Services COGS													\$0
Payroll R&D	\$9,537	\$9,537	\$9,537	\$9,537	\$9,537	\$9,537	\$9,537	\$9,537	\$9,537	\$9,537	\$9,537	\$9,537	\$114,442
Subcontracts/Materials													
Subtotal													
Total COGS	\$87,444	$87,444	$87,444	$87,444	$87,444	$87,444	$87,444	\$96,672	\$96,672	\$99,099	\$99,099	\$99,099	\$1,102,746
Expenses - General & Admin													
Payroll G&A	\$17,514	\$17,514	\$17,514	\$17,514	\$17,514	\$17,514	\$17,514	\$17,514	\$17,514	\$17,514	\$17,514	\$17,514	\$210,169
Banking/Adminstrative Fees	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$6,000
Utilities	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$30,000
Employee Benefits & Insurance	\$3,160	\$3,160	\$3,160	\$3,160	\$3,160	\$3,160	\$3,160	\$3,621	\$3,621	\$3,742	\$3,742	\$3,742	\$40,587
Payroll Taxes & UI	\$5,150	\$5,150	\$5,150	\$5,150	\$5,150	\$5,150	\$5,150	\$5,902	\$5,902	\$6,100	\$6,100	\$6,100	\$66,157
Legal & Accounting	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$30,000
Legal, Patents	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$24,000
Travel	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$24,000
IT and Office Exp.	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$12,000
Consultants (Contracts/Gov't)	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$30,000
Facility													
P&I	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450
Property Taxes				\$1,175			\$1,175			\$1,175			\$1,175
Equipment			\$5,000			\$5,000			\$5,000			\$5,000	
Property & Liability Insurance	\$1,475			\$1,475			\$1,475			\$1,475			
Expenses - Sales & Mktg													\$472,913
Payroll Sales and Marketing	\$4,162	\$4,162	\$4,162	\$4,162	\$4,162	\$4,162	\$4,162	\$4,162	\$4,162	\$4,162	\$4,162	\$4,162	\$49,939
Bus Dev (Conf/Advertising)	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$36,000
S & M Travel													\$0
Marketing Materials	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500
Expenses - Eng & Dev													\$86,439
Payroll Engineering	\$9,537	\$9,537	\$9,537	\$9,537	\$9,537	\$9,537	\$9,537	\$9,537	\$9,537	\$9,537	\$9,537	\$9,537	\$114,442
Development Materials													\$0
Engineering Travel	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$24,000
Funds Available	\$873,367	\$1,056,951	\$1,235,535	\$1,416,469	\$1,600,053	\$1,778,637	\$1,964,071	\$2,141,713	\$2,314,356	\$2,486,601	\$2,661,497	\$2,831,393	
BURN RATE	\$150,391	\$148,916	\$153,916	\$151,566	\$148,916	\$153,916	\$151,566	\$159,358	\$164,358	\$164,754	\$162,104	\$167,104	\$1,876,864.36

PROPRIETARY



**CALNEDAR YEAR 2017
PRO-FORMA PROJECTIONS**

As of 10/14/2013

	<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUN</u>	<u>JUL</u>	<u>AUG</u>	<u>SEP</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>	<u>TOTALS</u>
Cash balance start	\$2,831,393	\$3,003,311	\$3,176,703	\$3,345,096	\$3,515,839	\$3,689,232	\$3,857,624	\$4,028,367	\$4,201,760	\$4,370,152	\$4,793,889	\$5,220,276	
Net Investment funds													\$0
Line of Credit													\$0
Revenue													
Product Sales	\$325,000	\$325,000	\$325,000	\$325,000	\$325,000	\$325,000	\$325,000	\$325,000	\$325,000	\$650,000	\$650,000	\$650,000	\$4,875,000
SaaS													\$0
Professional Services (R&D)	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$15,000	\$15,000	\$15,000	\$153,000
Funds Available	\$3,168,393	\$3,340,311	\$3,513,703	\$3,682,096	\$3,852,839	\$4,026,232	\$4,194,624	\$4,365,367	\$4,538,760	\$5,035,152	\$5,458,889	\$5,885,276	
COGS													
Product Sales COGS													\$0
Payroll Mfg	\$34,781	\$34,781	\$34,781	\$34,781	\$34,781	\$34,781	\$34,781	\$34,781	\$34,781	\$40,794	\$40,794	\$40,794	\$435,412
Subcontracts/Materials	\$65,000	\$65,000	\$65,000	\$65,000	\$65,000	\$65,000	\$65,000	\$65,000	\$65,000	\$130,000	\$130,000	\$130,000	\$975,000
Subtotal	\$99,781	\$99,781	\$99,781	\$99,781	\$99,781	\$99,781	\$99,781	\$99,781	\$99,781	\$170,794	\$170,794	\$170,794	\$1,410,412
SaaS COGS													\$0
Payroll Mfg													
Subcontracts/Materials													
Subtotal													
Professional Services COGS													\$0
Payroll R&D	\$9,728	\$9,728	\$9,728	\$9,728	\$9,728	\$9,728	\$9,728	\$9,728	\$9,728	\$9,728	\$9,728	\$9,728	\$116,731
Subcontracts/Materials													
Subtotal													
Total COGS	\$99,781	$99,781	$99,781	$99,781	$99,781	$99,781	$99,781	$99,781	$99,781	\$170,794	\$170,794	\$170,794	\$1,410,412
Expenses - General & Admin													
Payroll G&A	\$17,864	\$17,864	\$17,864	\$17,864	\$17,864	\$17,864	\$17,864	\$17,864	\$17,864	\$20,695	\$20,695	\$20,695	\$222,863
Banking/Adminstrative Fees	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$6,000
Utilities	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$30,000
Employee Benefits & Insurance	\$3,817	\$3,817	\$3,817	\$3,817	\$3,817	\$3,817	\$3,817	\$3,817	\$3,817	\$4,259	\$4,259	\$4,259	\$47,134
Payroll Taxes & UI	\$6,222	\$6,222	\$6,222	\$6,222	\$6,222	\$6,222	\$6,222	\$6,222	\$6,222	\$6,943	\$6,943	\$6,943	\$76,828
Legal & Accounting	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$30,000
Legal, Patents	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$24,000
Travel	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$24,000
IT and Office Exp.	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$12,000
Consultants (Contracts/Gov't)	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$30,000
Facility													
P&I	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450
Property Taxes				\$1,175			\$1,175			\$1,175			\$1,175
Equipment			\$5,000			\$5,000			\$5,000			\$5,000	
Property & Liability Insurance	\$1,475			\$1,475			\$1,475			\$1,475			
Expenses - Sales & Mktg													\$502,825
Payroll Sales and Marketing	\$4,245	\$4,245	\$4,245	\$4,245	\$4,245	\$4,245	\$4,245	\$4,245	\$4,245	\$4,245	\$4,245	\$4,245	\$50,938
Bus Dev (Conf/Advertising)	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$36,000
S & M Travel													\$0
Marketing Materials	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500
Expenses - Eng & Dev													\$87,438
Payroll Engineering	\$9,728	\$9,728	\$9,728	\$9,728	\$9,728	\$9,728	\$9,728	\$9,728	\$9,728	\$9,728	\$9,728	\$9,728	\$116,731
Development Materials													\$0
Engineering Travel	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$24,000
Funds Available	\$3,003,311	\$3,176,703	\$3,345,096	\$3,515,839	\$3,689,232	\$3,857,624	\$4,028,367	\$4,201,760	\$4,370,152	\$4,793,889	\$5,220,276	\$5,641,663	
BURN RATE	\$165,082	\$163,607	\$168,607	\$166,257	\$163,607	\$168,607	\$166,257	\$163,607	\$168,607	\$241,263	\$238,613	\$243,613	\$2,217,730.16

PROPRIETARY



**CALENDAR YEAR 2018
PRO-FORMA PROJECTIONS**

**FRST Javellna
Pro-forma Cash Flow/Use of Funds**

As of 10/14/2013	<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUN</u>	<u>JUL</u>	<u>AUG</u>	<u>SEP</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>	<u>TOTALS</u>
Cash balance start	\$5,641,863	\$6,064,841	\$6,489,495	\$6,909,149	\$7,331,152	\$7,755,806	\$8,175,459	\$8,588,845	\$9,004,881	\$9,415,917	\$10,072,316	\$10,731,364	
Net Investment funds													\$0
Line of Credit													\$0
Revenue													
Product Sales	\$650,000	\$650,000	\$650,000	\$650,000	\$650,000	\$650,000	\$650,000	\$650,000	\$650,000	\$975,000	\$975,000	\$975,000	\$8,775,000
SaaS													\$0
Professional Services (R&D)	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$180,000
Funds Available	\$6,306,663	\$6,729,841	\$7,154,495	\$7,574,149	\$7,996,152	\$8,420,806	\$8,840,459	\$9,253,845	\$9,669,881	\$10,405,917	\$11,062,316	\$11,721,364	
COGS													
Product Sales COGS													\$0
Payroll Mfg	\$41,810	\$41,810	\$41,810	\$41,810	\$41,810	\$41,810	\$49,226	\$49,226	\$49,226	\$61,352	\$61,352	\$61,352	\$581,393
Subcontracts/Materials	\$130,000	\$130,000	\$130,000	\$130,000	\$130,000	\$130,000	\$130,000	\$130,000	\$130,000	\$195,000	\$195,000	\$195,000	\$1,755,000
Subtotal	\$171,810	\$171,810	\$171,810	\$171,810	\$171,810	\$171,810	\$179,226	\$179,226	\$179,226	\$256,352	\$256,352	\$256,352	\$2,336,393
SaaS COGS													\$0
Payroll Mfg													
Subcontracts/Materials													
Subtotal													
Professional Services COGS													\$0
Payroll R&D	\$9,922	\$9,922	\$9,922	\$9,922	\$9,922	\$9,922	\$9,922	\$9,922	\$9,922	\$9,922	\$9,922	\$9,922	\$119,065
Subcontracts/Materials													
Subtotal													
Total COGS	\$171,810	\$171,810	\$171,810	\$171,810	\$171,810	\$171,810	\$179,226	\$179,226	\$179,226	\$256,352	\$256,352	\$256,352	\$2,336,393
Expenses - General & Admin													
Payroll G&A	\$21,109	\$21,109	\$21,109	\$21,109	\$21,109	\$21,109	\$21,109	\$21,109	\$21,109	\$23,995	\$23,995	\$23,995	\$261,963
Banking/Adminstrative Fees	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$6,000
Utilities	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$30,000
Employee Benefits & Insurance	\$4,345	\$4,345	\$4,345	\$4,345	\$4,345	\$4,345	\$4,725	\$4,725	\$4,725	\$5,476	\$5,476	\$5,476	\$56,672
Payroll Taxes & UI	\$7,082	\$7,082	\$7,082	\$7,082	\$7,082	\$7,082	\$7,702	\$7,702	\$7,702	\$8,926	\$8,926	\$8,926	\$92,376
Legal & Accounting	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$30,000
Legal, Patents	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$24,000
Travel	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$24,000
IT and Office Exp.	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$12,000
Consultants (Contracts/Gov't)	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$30,000
Facility													
P&I	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450	\$3,450
Property Taxes				\$1,175			\$1,175			\$1,175			\$1,175
Equipment			\$5,000			\$5,000			\$5,000			\$5,000	
Property & Liability Insurance	\$1,475			\$1,475			\$1,475			\$1,475			
Expenses - Sales & Mktg													
Payroll Sales and Marketing	\$4,330	\$4,330	\$4,330	\$4,330	\$4,330	\$4,330	\$4,330	\$4,330	\$4,330	\$4,330	\$4,330	\$4,330	\$51,957
Bus Dev (Conf/Advertising)	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$36,000
S & M Travel													\$0
Marketing Materials	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500
Expenses - Eng & Dev													
Payroll Engineering	\$9,922	\$9,922	\$9,922	\$9,922	\$9,922	\$9,922	\$9,922	\$9,922	\$9,922	\$9,922	\$9,922	\$9,922	\$119,065

PROPRIETARY



**CALENDAR YEAR 2018
PRO-FORMA PROJECTIONS**

Development Materials														\$0
Engineering Travel	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$24,000
Funds Available	\$6,064,841	\$6,489,495	\$6,909,149	\$7,331,152	\$7,755,806	\$8,175,459	\$8,588,845	\$9,004,881	\$9,415,917	\$10,072,316	\$10,731,364	\$11,385,413		
BURN RATE	\$241,821	\$240,346	\$245,346	\$242,996	\$240,346	\$245,346	\$251,614	\$248,964	\$253,964	\$333,602	\$330,952	\$335,952	\$3,211,250.22	

FRST, Inc.
Alamogordo, NM Labor Projections

10/5/2013	Base Salary	Department	HC	2014												
				JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
Site Executive	\$ 10,000.00	G&A	1	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
Admin/Data Support	\$ 2,667.00	G&A	1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,667.00	\$ 2,667.00	\$ 2,667.00
Acct./Contracts	\$ 4,167.00	G&A	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total G&A			2	\$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00	\$ 12,667.00	\$ 12,667.00	\$ 12,667.00
Bus Mkt.	\$ 4,000.00	Mkt	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Bus Dev			0	\$ -												
Proj. Engr.	\$ 10,000.00	Eng	1	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
General Engr.	\$ 8,333.00	Eng	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Eng.			1	\$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00	$ 10,000.00
Prod. Supervisor	\$ 4,703.00	Mfg	1	\$ -	\$ -	\$ -	\$ -	\$ 4,703.00	\$ 4,703.00	\$ 4,703.00	\$ 4,703.00	\$ 4,703.00	\$ 4,703.00	\$ 4,703.00	\$ 4,703.00	\$ 4,703.00
Elect. Tech./Assy.	\$ 4,703.00	Mfg	1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,703.00	\$ 4,703.00	\$ 4,703.00	\$ 4,703.00	\$ 4,703.00	\$ 4,703.00	\$ 4,703.00
Mach./Mech. Assy.	\$ 4,167.00	Mfg	1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,167.00	\$ 4,167.00	\$ 4,167.00	\$ 4,167.00	\$ 4,167.00	\$ 4,167.00	\$ 4,167.00
Welder/Solderer	\$ 3,333.00	Mfg	1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,333.00	\$ 3,333.00
Gen. Mech. & Assy.	\$ 2,333.00	Mfg	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Mfg.			4	\$ -	\$ -	\$ -	\$ -	\$ 4,703.00	\$ 4,703.00	\$ 13,573.00	$ 13,573.00	$ 13,573.00	$ 13,573.00	$ 13,573.00	\$ 16,906.00	\$ 16,906.00
YE Headcount			7													
CY 2014 Labor \$				\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 24,703.00	\$ 24,703.00	\$ 33,573.00	\$ 33,573.00	\$ 33,573.00	\$ 36,240.00	\$ 39,573.00	\$ 39,573.00	\$ 39,573.00
																\$ 345,511.00
				2015												
				JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
Site Executive	\$ 10,200.00	G&A	1	\$ 10,200.00	\$ 10,200.00	\$ 10,200.00	\$ 10,200.00	\$ 10,200.00	\$ 10,200.00	\$ 10,200.00	\$ 10,200.00	\$ 10,200.00	\$ 10,200.00	\$ 10,200.00	\$ 10,200.00	\$ 10,200.00
Admin/Data Support	\$ 2,720.34	G&A	1	\$ 2,720.34	\$ 2,720.34	\$ 2,720.34	\$ 2,720.34	\$ 2,720.34	\$ 2,720.34	\$ 2,720.34	\$ 2,720.34	\$ 2,720.34	\$ 2,720.34	\$ 2,720.34	\$ 2,720.34	\$ 2,720.34
Acct./Contracts	\$ 4,250.34	G&A	1	\$ 4,250.34	\$ 4,250.34	\$ 4,250.34	\$ 4,250.34	\$ 4,250.34	\$ 4,250.34	\$ 4,250.34	\$ 4,250.34	\$ 4,250.34	\$ 4,250.34	\$ 4,250.34	\$ 4,250.34	\$ 4,250.34
Total G&A			3	\$ 17,170.68	$ 17,170.68	$ 17,170.68	$ 17,170.68	$ 17,170.68	$ 17,170.68	$ 17,170.68	$ 17,170.68	$ 17,170.68	$ 17,170.68	$ 17,170.68	$ 17,170.68	$ 17,170.68
Bus Dev/Sales	\$ 4,080.00	Mkt	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Mkt.			0	\$ -												
Proj. Engr.	\$ 10,200.00	Eng	1	\$ 10,200.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,200.00	\$ 10,200.00	\$ 10,200.00	\$ 10,200.00	\$ 10,200.00	\$ 10,200.00	\$ 10,200.00	\$ 10,200.00
General Engr.	\$ 8,499.66	Eng	1	\$ 8,499.66	\$ 8,499.66	\$ 8,499.66	\$ 8,499.66	\$ 8,499.66	\$ 8,499.66	\$ 8,499.66	\$ 8,499.66	\$ 8,499.66	\$ 8,499.66	\$ 8,499.66	\$ 8,499.66	\$ 8,499.66
Total Eng.			2	\$ 18,699.66	\$ 18,499.66	\$ 18,499.66	\$ 18,499.66	\$ 18,499.66	\$ 18,699.66	$ 18,699.66	$ 18,699.66	$ 18,699.66	$ 18,699.66	$ 18,699.66	$ 18,699.66	$ 18,699.66
Prod. Supervisor	\$ 4,797.06	Mfg	1	\$ 4,797.06	\$ 4,797.06	\$ 4,797.06	\$ 4,797.06	\$ 4,797.06	\$ 4,797.06	\$ 4,797.06	\$ 4,797.06	\$ 4,797.06	\$ 4,797.06	\$ 4,797.06	\$ 4,797.06	\$ 4,797.06
Elect. Tech./Assy.	\$ 4,797.06	Mfg	1	\$ 4,797.06	\$ 4,797.06	\$ 4,797.06	\$ 4,797.06	\$ 4,797.06	\$ 4,797.06	\$ 4,797.06	\$ 4,797.06	\$ 4,797.06	\$ 4,797.06	\$ 4,797.06	\$ 4,797.06	\$ 4,797.06
Mach./Mech. Assy.	\$ 4,250.34	Mfg	1	\$ 4,250.34	\$ 4,250.34	\$ 4,250.34	\$ 4,250.34	\$ 4,250.34	\$ 4,250.34	\$ 4,250.34	\$ 4,250.34	\$ 4,250.34	\$ 4,250.34	\$ 4,250.34	\$ 4,250.34	\$ 4,250.34
Welder/Solderer	\$ 3,399.66	Mfg	1	\$ 3,399.66	\$ 3,399.66	\$ 3,399.66	\$ 3,399.66	\$ 3,399.66	\$ 3,399.66	\$ 3,399.66	\$ 3,399.66	\$ 3,399.66	\$ 3,399.66	\$ 3,399.66	\$ 3,399.66	\$ 3,399.66
Gen. Mech. & Assy.	\$ 2,379.66	Mfg	2	\$ 2,379.66	\$ 2,379.66	\$ 2,379.66	\$ 2,379.66	\$ 2,379.66	\$ 2,379.66	\$ 2,379.66	\$ 2,379.66	\$ 2,379.66	\$ 4,759.32	\$ 4,759.32	\$ 4,759.32	\$ 4,759.32
Total Mfg.			6	\$ 19,623.78	$ 19,623.78	$ 19,623.78	$ 19,623.78	$ 19,623.78	$ 19,623.78	$ 19,623.78	$ 19,623.78	$ 19,623.78	\$ 22,003.44	\$ 22,003.44	\$ 22,003.44	\$ 22,003.44
YE Headcount			11													
CY 2015 Labor \$				\$ 55,494.12	\$ 55,294.12	\$ 55,294.12	\$ 55,294.12	\$ 55,294.12	\$ 55,494.12	\$ 55,494.12	\$ 55,494.12	\$ 55,494.12	\$ 57,873.78	\$ 57,873.78	\$ 57,873.78	\$ 672,268.42

FRST, Inc.
Alamogordo, NM Labor Projections

			2016											
			JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Site Executive	\$ 10,404.00	G&A	1 \$ 10,404.00	\$ 10,404.00	\$ 10,404.00	\$ 10,404.00	\$ 10,404.00	\$ 10,404.00	\$ 10,404.00	\$ 10,404.00	\$ 10,404.00	\$ 10,404.00	\$ 10,404.00	\$ 10,404.00
Admin/Data Support	\$ 2,774.75	G&A	1 \$ 2,774.75	\$ 2,774.75	\$ 2,774.75	\$ 2,774.75	\$ 2,774.75	\$ 2,774.75	\$ 2,774.75	\$ 2,774.75	\$ 2,774.75	\$ 2,774.75	\$ 2,774.75	\$ 2,774.75
Acct./Contracts	\$ 4,335.35	G&A	1 \$ 4,335.35	\$ 4,335.35	\$ 4,335.35	\$ 4,335.35	\$ 4,335.35	\$ 4,335.35	\$ 4,335.35	\$ 4,335.35	\$ 4,335.35	\$ 4,335.35	\$ 4,335.35	\$ 4,335.35
Total G&A			3 \$ 17,514.09	\$ 17,514.09	$ 17,514.09	$ 17,514.09	$ 17,514.09	$ 17,514.09	$ 17,514.09	$ 17,514.09	$ 17,514.09	$ 17,514.09	$ 17,514.09	$ 17,514.09
Bus Dev/Sales	\$ 4,161.60	Mkt	1 \$ 4,161.60	\$ 4,161.60	\$ 4,161.60	\$ 4,161.60	\$ 4,161.60	\$ 4,161.60	\$ 4,161.60	\$ 4,161.60	\$ 4,161.60	\$ 4,161.60	\$ 4,161.60	\$ 4,161.60
Total Mkt.			1 \$ 4,161.60	\$ 4,161.60										
Proj. Engr.	\$ 10,404.00	Eng	1 \$ 10,404.00	\$ 10,404.00	\$ 10,404.00	\$ 10,404.00	\$ 10,404.00	\$ 10,404.00	\$ 10,404.00	\$ 10,404.00	\$ 10,404.00	\$ 10,404.00	\$ 10,404.00	\$ 10,404.00
General Engr.	\$ 8,669.65	Eng	1 \$ 8,669.65	\$ 8,669.65	\$ 8,669.65	\$ 8,669.65	\$ 8,669.65	\$ 8,669.65	\$ 8,669.65	\$ 8,669.65	\$ 8,669.65	\$ 8,669.65	\$ 8,669.65	\$ 8,669.65
Total Eng.			2 \$ 19,073.65	\$ 19,073.65	$ 19,073.65	$ 19,073.65	$ 19,073.65	$ 19,073.65	$ 19,073.65	$ 19,073.65	$ 19,073.65	$ 19,073.65	$ 19,073.65	$ 19,073.65
Prod. Supervisor	\$ 4,893.00	Mfg	1 \$ 4,893.00	\$ 4,893.00	\$ 4,893.00	\$ 4,893.00	\$ 4,893.00	\$ 4,893.00	\$ 4,893.00	\$ 4,893.00	\$ 4,893.00	\$ 4,893.00	\$ 4,893.00	\$ 4,893.00
Elect. Tech./Assy.	\$ 4,893.00	Mfg	2 \$ 4,893.00	\$ 4,893.00	\$ 4,893.00	\$ 4,893.00	\$ 4,893.00	\$ 4,893.00	\$ 4,893.00	\$ 9,786.00	\$ 9,786.00	\$ 9,786.00	\$ 9,786.00	\$ 9,786.00
Mach./Mech. Assy.	\$ 4,335.35	Mfg	2 \$ 4,335.35	\$ 4,335.35	\$ 4,335.35	\$ 4,335.35	\$ 4,335.35	\$ 4,335.35	\$ 4,335.35	\$ 8,670.69	\$ 8,670.69	\$ 8,670.69	\$ 8,670.69	\$ 8,670.69
Welder/Solderer	\$ 3,467.65	Mfg	1 \$ 3,467.65	\$ 3,467.65	\$ 3,467.65	\$ 3,467.65	\$ 3,467.65	\$ 3,467.65	\$ 3,467.65	\$ 3,467.65	\$ 3,467.65	\$ 3,467.65	\$ 3,467.65	\$ 3,467.65
Gen. Mech. & Assy.	\$ 2,427.25	Mfg	3 \$ 4,854.51	\$ 4,854.51	\$ 4,854.51	\$ 4,854.51	\$ 4,854.51	\$ 4,854.51	\$ 4,854.51	\$ 4,854.51	\$ 4,854.51	\$ 7,281.76	\$ 7,281.76	\$ 7,281.76
Total Mfg.			9 \$ 22,443.51	$ 22,443.51	$ 22,443.51	$ 22,443.51	$ 22,443.51	$ 22,443.51	$ 22,443.51	\$ 31,671.86	\$ 31,671.86	\$ 34,099.11	\$ 34,099.11	\$ 34,099.11
YE Headcount			15											
CY 2016 Labor \$			\$ 63,192.86	\$ 63,192.86	\$ 63,192.86	\$ 63,192.86	\$ 63,192.86	\$ 63,192.86	\$ 63,192.86	\$ 72,421.20	\$ 72,421.20	\$ 74,848.46	\$ 74,848.46	\$ 74,848.46
														\$ 811,737.77

			2017											
			JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Site Executive	\$ 10,612.08	G&A	1 \$ 10,612.08	\$ 10,612.08	\$ 10,612.08	\$ 10,612.08	\$ 10,612.08	\$ 10,612.08	\$ 10,612.08	\$ 10,612.08	\$ 10,612.08	\$ 10,612.08	\$ 10,612.08	\$ 10,612.08
Admin/Data Support	\$ 2,830.24	G&A	2 \$ 2,830.24	\$ 2,830.24	\$ 2,830.24	\$ 2,830.24	\$ 2,830.24	\$ 2,830.24	\$ 2,830.24	\$ 2,830.24	\$ 2,830.24	\$ 5,660.48	\$ 5,660.48	\$ 5,660.48
Acct./Contracts	\$ 4,422.05	G&A	1 \$ 4,422.05	\$ 4,422.05	\$ 4,422.05	\$ 4,422.05	\$ 4,422.05	\$ 4,422.05	\$ 4,422.05	\$ 4,422.05	\$ 4,422.05	\$ 4,422.05	\$ 4,422.05	\$ 4,422.05
Total G&A			4 \$ 17,864.38	\$ 17,864.38	\$ 17,864.38	\$ 17,864.38	\$ 17,864.38	\$ 17,864.38	\$ 17,864.38	\$ 17,864.38	\$ 17,864.38	\$ 20,694.62	\$ 20,694.62	\$ 20,694.62
Bus Dev/Sales	\$ 4,244.83	Mkt	1 \$ 4,244.83	\$ 4,244.83	\$ 4,244.83	\$ 4,244.83	\$ 4,244.83	\$ 4,244.83	\$ 4,244.83	\$ 4,244.83	\$ 4,244.83	\$ 4,244.83	\$ 4,244.83	\$ 4,244.83
Total Mkt.			1 \$ 4,244.83	\$ 4,244.83	\$ 4,244.83	\$ 4,244.83	\$ 4,244.83	\$ 4,244.83	\$ 4,244.83	\$ 4,244.83	\$ 4,244.83	\$ 4,244.83	\$ 4,244.83	\$ 4,244.83
Proj. Engr.	\$ 10,612.08	Eng	1 \$ 10,612.08	\$ 10,612.08	\$ 10,612.08	\$ 10,612.08	\$ 10,612.08	\$ 10,612.08	\$ 10,612.08	\$ 10,612.08	\$ 10,612.08	\$ 10,612.08	\$ 10,612.08	\$ 10,612.08
General Engr.	\$ 8,843.05	Eng	1 \$ 8,843.05	\$ 8,843.05	\$ 8,843.05	\$ 8,843.05	\$ 8,843.05	\$ 8,843.05	\$ 8,843.05	\$ 8,843.05	\$ 8,843.05	\$ 8,843.05	\$ 8,843.05	\$ 8,843.05
Total Eng.			2 \$ 19,455.13	\$ 19,455.13	\$ 19,455.13	\$ 19,455.13	\$ 19,455.13	\$ 19,455.13	\$ 19,455.13	\$ 19,455.13	\$ 19,455.13	\$ 19,455.13	\$ 19,455.13	\$ 19,455.13
Prod. Supervisor	\$ 4,990.86	Mfg	1 \$ 4,990.86	\$ 4,990.86	\$ 4,990.86	\$ 4,990.86	\$ 4,990.86	\$ 4,990.86	\$ 4,990.86	\$ 4,990.86	\$ 4,990.86	\$ 4,990.86	\$ 4,990.86	\$ 4,990.86
Elect. Tech./Assy.	\$ 4,990.86	Mfg	2 \$ 9,981.72	\$ 9,981.72	\$ 9,981.72	\$ 9,981.72	\$ 9,981.72	\$ 9,981.72	\$ 9,981.72	\$ 9,981.72	\$ 9,981.72	\$ 9,981.72	\$ 9,981.72	\$ 9,981.72
Mach./Mech. Assy.	\$ 4,422.05	Mfg	2 \$ 8,844.11	\$ 8,844.11	\$ 8,844.11	\$ 8,844.11	\$ 8,844.11	\$ 8,844.11	\$ 8,844.11	\$ 8,844.11	\$ 8,844.11	\$ 8,844.11	\$ 8,844.11	\$ 8,844.11
Welder/Solderer	\$ 3,537.01	Mfg	2 \$ 3,537.01	\$ 3,537.01	\$ 3,537.01	\$ 3,537.01	\$ 3,537.01	\$ 3,537.01	\$ 3,537.01	\$ 3,537.01	\$ 3,537.01	\$ 7,074.01	\$ 7,074.01	\$ 7,074.01
Gen. Mech. & Assy.	\$ 2,475.80	Mfg	4 \$ 7,427.39	\$ 7,427.39	\$ 7,427.39	\$ 7,427.39	\$ 7,427.39	\$ 7,427.39	\$ 7,427.39	\$ 7,427.39	\$ 7,427.39	\$ 9,903.19	\$ 9,903.19	\$ 9,903.19
Total Mfg.			11 \$ 34,781.09	$ 34,781.09	$ 34,781.09	$ 34,781.09	$ 34,781.09	$ 34,781.09	$ 34,781.09	$ 34,781.09	$ 34,781.09	\$ 40,793.90	\$ 40,793.90	\$ 40,793.90
YE Headcount			18											
CY 2017 Labor \$			\$ 76,345.43	\$ 76,345.43	\$ 76,345.43	\$ 76,345.43	\$ 76,345.43	\$ 76,345.43	\$ 76,345.43	\$ 76,345.43	\$ 76,345.43	\$ 85,188.47	\$ 85,188.47	\$ 85,188.47
														\$ 942,674.25

FRST, Inc.
Alamogordo, NM Labor Projections

			2018											
			JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Site Executive	\$ 10,824.32	G&A	1 \$ 10,824.32	\$ 10,824.32	\$ 10,824.32	\$ 10,824.32	\$ 10,824.32	\$ 10,824.32	\$ 10,824.32	\$ 10,824.32	\$ 10,824.32	\$ 10,824.32	\$ 10,824.32	\$ 10,824.32
Admin/Data Support	\$ 2,886.85	G&A	3 \$ 5,773.69	\$ 5,773.69	\$ 5,773.69	\$ 5,773.69	\$ 5,773.69	\$ 5,773.69	\$ 5,773.69	\$ 5,773.69	\$ 5,773.69	\$ 5,773.69	\$ 8,660.54	\$ 8,660.54
Acct./Contracts	\$ 4,510.49	G&A	1 \$ 4,510.49	\$ 4,510.49	\$ 4,510.49	\$ 4,510.49	\$ 4,510.49	\$ 4,510.49	\$ 4,510.49	\$ 4,510.49	\$ 4,510.49	\$ 4,510.49	\$ 4,510.49	\$ 4,510.49
Total G&A			5 \$ 21,108.51	\$ 21,108.51	\$ 21,108.51	\$ 21,108.51	\$ 21,108.51	\$ 21,108.51	\$ 21,108.51	\$ 21,108.51	\$ 21,108.51	\$ 21,108.51	\$ 23,995.36	\$ 23,995.36
Bus Dev/Sales	\$ 4,329.73	Mkt	1 \$ 4,329.73	\$ 4,329.73	\$ 4,329.73	\$ 4,329.73	\$ 4,329.73	\$ 4,329.73	\$ 4,329.73	\$ 4,329.73	\$ 4,329.73	\$ 4,329.73	\$ 4,329.73	\$ 4,329.73
Total Mkt.			1 \$ 4,329.73	\$ 4,329.73	\$ 4,329.73	\$ 4,329.73	\$ 4,329.73	\$ 4,329.73	\$ 4,329.73	\$ 4,329.73	\$ 4,329.73	\$ 4,329.73	\$ 4,329.73	\$ 4,329.73
Proj. Engr.	\$ 10,824.32	Eng	1 \$ 10,824.32	\$ 10,824.32	\$ 10,824.32	\$ 10,824.32	\$ 10,824.32	\$ 10,824.32	\$ 10,824.32	\$ 10,824.32	\$ 10,824.32	\$ 10,824.32	\$ 10,824.32	\$ 10,824.32
General Engr.	\$ 9,019.91	Eng	1 \$ 9,019.91	\$ 9,019.91	\$ 9,019.91	\$ 9,019.91	\$ 9,019.91	\$ 9,019.91	\$ 9,019.91	\$ 9,019.91	\$ 9,019.91	\$ 9,019.91	\$ 9,019.91	\$ 9,019.91
Total Eng.			2 \$ 19,844.23	\$ 19,844.23	\$ 19,844.23	\$ 19,844.23	\$ 19,844.23	\$ 19,844.23	\$ 19,844.23	\$ 19,844.23	\$ 19,844.23	\$ 19,844.23	\$ 19,844.23	\$ 19,844.23
Prod. Supervisor	\$ 5,090.68	Mfg	1 \$ 5,090.68	\$ 5,090.68	\$ 5,090.68	\$ 5,090.68	\$ 5,090.68	\$ 5,090.68	\$ 5,090.68	\$ 5,090.68	\$ 5,090.68	\$ 5,090.68	\$ 5,090.68	\$ 5,090.68
Elect. Tech./Assy.	\$ 5,090.68	Mfg	4 \$ 10,181.36	\$ 10,181.36	\$ 10,181.36	\$ 10,181.36	\$ 10,181.36	\$ 10,181.36	\$ 15,272.04	\$ 15,272.04	\$ 15,272.04	\$ 20,362.71	\$ 20,362.71	\$ 20,362.71
Mach./Mech. Assy.	\$ 4,510.49	Mfg	3 \$ 9,020.99	\$ 9,020.99	\$ 9,020.99	\$ 9,020.99	\$ 9,020.99	\$ 9,020.99	\$ 9,020.99	\$ 9,020.99	\$ 9,020.99	\$ 13,531.48	\$ 13,531.48	\$ 13,531.48
Welder/Solderer	\$ 3,607.75	Mfg	2 \$ 7,215.49	\$ 7,215.49	\$ 7,215.49	\$ 7,215.49	\$ 7,215.49	\$ 7,215.49	\$ 7,215.49	\$ 7,215.49	\$ 7,215.49	\$ 7,215.49	\$ 7,215.49	\$ 7,215.49
Gen. Mech. & Assy.	\$ 2,525.31	Mfg	6 \$ 10,101.26	\$ 10,101.26	\$ 10,101.26	\$ 10,101.26	\$ 10,101.26	\$ 10,101.26	\$ 12,626.57	\$ 12,626.57	\$ 12,626.57	\$ 15,151.89	\$ 15,151.89	\$ 15,151.89
Total Mfg.			16 \$ 41,609.77	$ 41,609.77	$ 41,609.77	$ 41,609.77	$ 41,609.77	$ 41,609.77	\$ 49,225.77	\$ 49,225.77	\$ 49,225.77	\$ 61,352.25	\$ 61,352.25	\$ 61,352.25
YE Headcount			24											
CY 2018 Labor \$			\$ 86,892.24	\$ 86,892.24	\$ 86,892.24	\$ 86,892.24	\$ 86,892.24	\$ 86,892.24	\$ 94,508.23	\$ 94,508.23	\$ 94,508.23	\$ 109,521.57	\$ 109,521.57	\$ 109,521.57
														\$ 1,133,442.86

FRST Position Position Title	OES Wage Survey Data for 2012						
	CY 2014 Wage	SOC	Occupational Title	Entry Level	Mean	Median	Experienced
Site Executive/Manager	\$ 120,000.00	111000	Top Executives	\$36,690.00	\$77,498.00	\$62,334.00	\$97,901.00
Project/Systems Engineer	\$ 120,000.00	119041	Engineering Managers	\$89,246.00	\$120,640.00	\$120,676.00	\$136,338.00
General Engineer	\$ 100,000.00	172199	Engineers, All Others	\$57,845.00	\$84,744.00	\$81,381.00	\$98,193.00
Production Supervisor	\$ 56,436.00	511000	Supervisor, Production Workers	\$26,817.00	\$46,560.00	\$40,813.00	\$56,432.00
Electrical Technician/Assembly	\$ 56,436.00	173023	Electrical and Electronic Engineering Technicians	\$39,673.00	\$59,129.00	\$59,325.00	\$68,857.00
Machinist/Mechanical Assembly Technician	\$ 50,000.00	514041	Machinist	\$27,678.00	\$45,451.00	\$49,377.00	\$54,337.00
Welding/Solderer Specialist	\$ 40,000.00	514121	Welders, Cutters, Solderers, and Brazers	\$21,215.00	\$34,159.00	\$30,479.00	\$40,630.00
General Mechanical & Assembly	\$ 28,000.00	512000	Assemblers and Fabricators	\$17,492.00	\$24,288.00	\$20,981.00	\$27,686.00
Office/Administrative Support Staff	\$ 32,000.00	430000	Office and Administrative Support	\$18,512.00	\$27,475.00	\$24,548.00	\$31,956.00
Accounting/Contracting Staff	\$ 50,000.00	130000	Business and Financial Operations Occupations	\$28,527.00	\$51,332.00	\$46,860.00	\$62,736.00

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: March 25, 2014 **Report Date:** March 11, 2014 **Report No:** 11

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

Subject: Consider, and act upon, the first publication of Ordinance No. 1465 amending Section 3.050 of the Personnel Manual concerning Applicant Qualifications.

Fiscal Impact: None
Amount Budgeted: N/A
Fund: N/A

Recommendation: Approve the Ordinance for first publication

Background: The City has determined that it is in the best interest of the community to impose age restrictions for police officers and firefighters. Police officers must have reached their 21st birthday on the date of application for the position and firefighters must have reached their 18th birthday on the date of application for the position.

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. 1465

**AMENDING SECTION 3.050 OF THE PERSONNEL
MANUAL CONCERNING APPLICANT QUALIFICATIONS**

WHEREAS, the City of Alamogordo adopted a personnel manual effective December 3, 1993; and,

WHEREAS, the personnel manual was revised and adopted in its entirety on July 24, 2004; and,

WHEREAS, this amendment will impose minimum age restrictions for police officers and firefighters; and,

WHEREAS, the City Commission of the City of Alamogordo, New Mexico deems it in the best interests of the citizens of the community and the employees of the City to make revisions in the personnel manual.

BE IT THEREFORE ORDAINED by the City Commission of the City of Alamogordo that Section 3.050 of the Personnel Manual be amended to read as follows:

3.050 - APPLICANT QUALIFICATIONS

Qualifications are the primary consideration in filling any position. Experience, education, training, skills, and other abilities, as well as specific position requirements and the prior employment history of the applicant, are considered in appraising individual qualifications. Qualifications are subject to change within job fields and according to job descriptions prior to posting. Notwithstanding the foregoing, no person shall be eligible to have his or her name certified for original appointment to the position of police officer if such person has not reached his twenty-first birthday on the date application for the position, or the position of firefighter if such person has not reached his or eighteenth birthday on the date of application for the position.

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

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: March 25, 2014 **Report Date:** March 17, 2014 **Report No:** 12

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

Subject: Consider, and act upon, the first publication of Ordinance No. 1466 related to Municipal Election Campaign Disclosure.

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

Recommendation: Approve the Ordinance for first publication

Background: During the March 4th Commission meeting, Commissioner Sikes requested that staff prepare a campaign disclosure ordinance for consideration by the Commission. It was requested that the ordinance be brought back to the Commission at the March 25th meeting. The requested ordinance is attached.

Currently, municipal elections are not subject to the New Mexico Campaign Reporting Act. As a result, several municipalities, including Santa Fe, Albuquerque and Las Cruces have enacted an ordinance that requires disclosure of campaign contributions. The attached ordinance is substantially based on the disclosure ordinance enacted by Las Cruces plus some additional provisions taken from the Santa Fe and out-of-state ordinances. If enacted, the requirement to disclose contributions would apply not only to the candidate themselves but to a committee formed for the purpose of supporting or opposing a candidate or a question, such as the recent bond questions, that appear on the ballot. The first disclosure report must be filed twelve days prior to the election. Subsequent reports will need to be filed until all funds have been spent or otherwise distributed. A candidate can serve as their own treasurer. Any candidate that fails or refuses to file the necessary disclosures with the City Clerk will not be issued a certificate of election until they do so.

Staff requests consideration of the ordinance for first publication.

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 _____

ORDINANCE NO. 1466

AMENDMENT TO ADD ARTICLE 2-16 TO CHAPTER 2 OF THE ALAMOGORDO CODE OF ORDINANCES RELATING TO CAMPAIGN DISCLOSURE

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

SECTION ONE. Chapter 2 of the Alamogordo Code of Ordinances is hereby amended to create the following new section 2-16:

2-16 MUNICIPAL ELECTION CAMPAIGN DISCLOSURE ORDINANCE.

2-16-010 Title.

This section may be cited as the "Campaign Disclosure Code."

2-16-020 Purpose and Intent.

It is the public policy of the City of Alamogordo:

- A. That public confidence in municipal government is essential and must be promoted by all possible means;
- B. That political campaign contributions and expenditures be fully disclosed to the public and that secrecy in the sources and application of such contributions be avoided; and
- C. That the public's right to know how political campaigns are financed far outweighs any right that the contributions remain secret and private.

2-16-030 Definitions.

Unless otherwise defined in this section or the contrary is stated or clearly appears from the context, the definitions of the New Mexico "Campaign Reporting Act", Sections 1-19-25 through 1-19-36 NMSA 1978, as amended, shall govern the interpretation of this Chapter.

Candidate means an individual seeking election to the position of mayor, commissioner or municipal judge at a regular or special election of the city.

Charity means an organization that is exempted from federal taxation by Title 26 United States Code, section 501(c)(3).

Contribution means a gift, subscription, loan, advance or deposit of any money or other thing of value which is made for the primary purpose of supporting or opposing a candidate for elective office, but "contribution" does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or

political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

Election means any general or special municipal election in the city.

Expenditure means a payment, transfer, or distribution, or obligation or promise to pay, transfer or distribute any money or other thing of value for the purpose of influencing the outcome of an election of a candidate, but does not include the candidate's or his immediate family's personal expenses.

General purpose political committee means a political committee other than a special purpose political committee.

Political committee means every two or more persons who are selected, appointed, chosen or associated for the purpose of, wholly or in part, supporting or opposing a candidate at any election, and includes political committees or similar organizations composed of employees or members of any corporation, labor organization, trade or professional association or any other similar group which raises, collects, expends or contributes money or any other thing of value for the purpose of supporting or opposing a candidate in a municipal election.

Reporting individual means every candidate, every treasurer of every special purpose political committee or treasurer of every general purpose political committee whose purpose is to aid the candidate in the campaign for municipal office.

Special purpose political committee means a political committee making contributions to support or oppose one candidate, such contributions being limited to one special or one general election.

2-16-040 Applicability of article.

This article also applies to any contributions, expenditures, persons, or committees whose purpose is to encourage adoption or defeat of any municipal question submitted to the voters of the city.

2-16-050 Family contributions.

A. Contributions by a husband and wife shall be treated as separate contributions and shall not be aggregated.

B. Contributions by children under eighteen (18) years of age shall be treated as contributions by their parents and attributed proportionately to each parent (one-half to each parent or the total amount to a single custodial parent).

2-16-060 Return of contributions.

A contribution shall not be considered to be received if it is not negotiated, deposited or utilized, and, in addition, if it is returned to the donor within fourteen (14) calendar days of receipt.

2-16-070 Required.

Each candidate and each treasurer of each special purpose political committee and general purpose political committee shall file with the city clerk a report of expenditures and contributions on forms prescribed by the city clerk. When the reporting individual is a candidate, the report shall include the expenditures and contributions of those political committees authorized by the candidate to expend and receive funds on behalf of his candidacy, and when the candidate files a report for the political committee, the treasurer thereof need not file a report of expenditures and contributions for the period of time covered in the candidate's report.

2-16-080 Forms furnished by city.

The city clerk shall furnish upon request to political committees or candidates the form for the reporting of expenditures and contributions. The clerk shall give each candidate, or a designated representative, the prescribed reporting forms at the time of filing the nominating petition. Ten days before any report of expenditures and contributions is required to be filed by this division, the city clerk shall notify each candidate by certified mail of the deadline for filing the report.

2-16-090 Contents.

Under this division, each reporting individual shall file a report containing the following information:

A. A report of expenditures and contributions, itemizing each item of expenditure and contribution, including:

1. The name and address of the person to whom an expenditure was made or from whom a contribution was received;
2. The amount of the expenditure or contribution, or value thereof;
3. A description of the in-kind services or goods received; and
4. The date of the expenditure or contribution.

B. The report of expenditures and contributions shall be subscribed and sworn to by the candidate or treasurer of the political committee, as the case may be.

2-16-100 Time for filing.

All candidates and special purpose political committees and general purpose political committees shall file reports of expenditures and contributions for the following reporting periods:

A. Twelve days prior to an election;

B. Not later than 30 days after an election;

C. Six months after an election, if any contributions in the possession of the candidate or special purpose political committee remain unexpended or if any debt remains unpaid; and

D. Every 12 months after an election, so long as any debt remains unpaid by the candidate or special purpose political committee.

2-16-110 Late filing penalty; failure to file report.

A. If any candidate or treasurer of a political committee files a report of expenditures and contributions after any deadline imposed by the campaign procedures, such person shall be liable and shall pay to the city clerk at the time of late filing the sum of \$50.00 per day for each regular working day after the time required by this division for the filing of reports of expenditures and contributions. An incomplete report will be considered as no report; a late filing penalty will apply to the completed report if it is not filed within the prescribed time limits. All sums collected for such penalty shall be deposited in the general fund of the city. If sent by certified mail or registered mail, the report shall be deemed filed on the date three days following the date of the postmark.

B. Any candidate who fails or refuses to file a report of expenditures and contributions in the manner and within the time required by this division shall not be issued a certificate of election until such candidate files the report of expenditures and contributions.

2-16-120 Political committee treasurer.

A. It is unlawful for the members of any political committee or candidate to make any expenditure or solicit or accept any contribution for the purpose of supporting or opposing a candidate, unless:

1. A treasurer has been appointed and is constantly maintained; however, when a duly appointed treasurer is unable for any reason to continue as treasurer, the candidate may appoint a successor, provided that nothing in this subsection prohibits a candidate from appointing himself treasurer;

2. All disbursements of money and receipts of contributions shall be recorded by and through such treasurer; and

3. Such treasurer, upon disbursing or receiving money or other things of value, shall immediately enter and thereafter keep in a proper book, to be preserved by him, a full, true and itemized statement and account of each sum disbursed or received, the date of such disbursement or receipt, to whom disbursed or from whom received and the object and purpose for which it has been disbursed or received.

B. Anonymous contributions in an amount not to exceed \$25.00 from one individual or organization may be accepted, but such contributions shall be reported as to date and amount.

2-16-130 Election financial records.

A. Candidates for elective office or treasurers for political committees shall keep financial records for a period of six months following the date of election, in order that the records will be available if a complaint is filed or inquiry is made. Such financial records shall include cancelled checks, invoices, receipts, bank statements, bills of sale, statements of account, and all other financial records pertinent to the campaign.

B. In preparing and maintaining financial records such as ledgers and journals and recording contributions and expenditures on the disclosure statement of campaign financing, the candidates or treasurers of political committees shall:

1. Record in-kind contributions as both contributions and expenditures with a description of such in-kind services or goods received;
2. Record campaign loans as contributions, with subsequent repayment of loans credited against contributions; and
3. Record returned contributions as credits against contributors.

C. The services of a person who is performing the duties of treasurer pursuant to the Campaign Disclosure Code shall not be considered a campaign contribution as defined in this section.

D. The gross receipts of a fundraising activity on behalf of a candidate for elective office are considered to be campaign contributions, and all expenditures associated with such a fundraising activity are considered to be campaign expenditures. As used in this interpretation, the term "gross receipts" includes all monies and donations of any kind which are received as part of the fundraising activity.

E. The city clerk, upon being advised of the formation and existence of a special political committee, as defined in this article, shall furnish by mail to the chairman, moderator, or head, however designated, of such committee, and also the fundraising member thereof, however designated, if known, a copy of the Campaign Disclosure Code and campaign practices, and shall call attention to the requirements for reporting contributions and expenditures by the political committee as provided for in this section. Within ten days from receipt of the notification from the city, the political committee shall prepare and file with the office of the city clerk a statement, signed by the head of the committee or by the finance chairman thereof, setting forth the following:

1. The exact name of the committee;
2. Its official address and phone number, if available;
3. Its membership and officials thereof; and
4. Acknowledgment of receipt of a copy of the Campaign Disclosure Code and of the requirements regarding filing of reports.

2-16-140 Committee Statement.

It is recognized that an affirmative duty rests on the officials of such political committee to be aware of the provisions of the Campaign Disclosure Code, and, accordingly, such officials are enjoined to prepare and file the required statements without a request from the office of the city clerk. The city is excused from notifying the candidates or committees.

2-16-150 Campaign Funds.

Campaign funds shall be used and distributed as follows:

A. All contributions received shall be under the custody of the campaign treasurer or deputy campaign treasurer and shall be segregated from, and not be commingled with, the personal funds of an individual, group or political committee. Contributions shall be used exclusively to pay expenses incurred in furtherance of the candidate's campaign, and shall not be used for any other purpose, including:

1. The candidate's personal living expenses or compensation to the candidate;
2. A contribution to the campaign of another candidate or to a political party or political committee or to a campaign supporting or opposing a ballot proposition;
3. An expenditure supporting the election of another candidate or the passage or defeat of a ballot proposition; or
4. Any gift or transfer for which compensating value is not received, other than a donation or distribution permitted by this subsection at the conclusion of an election.

B. Any campaign contributions remaining unspent and any tangible assets with an estimated resale value greater than two hundred dollars (\$200.00) that were purchased with such contributions and remain in the possession of the campaign at the conclusion of an election shall be distributed for the following purposes:

1. Expenditures of the campaign;
2. Donations to the city's general fund or, in the case of tangible assets, to the city for its use or disposition in accordance with the city's procurement code. Proceeds from such disposition shall be deposited in the city's general fund;
3. Donations to charities; or
4. Disbursements to return unused funds to the contributors.

C. All unspent campaign contributions shall be distributed within six (6) months following a municipal election, for any of the purposes listed in this subsection 2-16-150. All candidates and political committees shall file reports listing the date, amount and recipient of each post-election expenditure, donation or disbursement made from campaign funds pursuant to this subsection 2-16-150. Such report shall be part of the final campaign finance statement that is required by subsection 2-16-130.

2-16-160 Campaign Treasurer; Deputy Campaign Treasurer; Duties.

A campaign treasurer, deputy campaign treasurer or political committee may invest funds deposited in the campaign account in an account of indebtedness of a financial institution up to the amount of federal deposit insurance; United States bonds or certificates of indebtedness or those of a federal agency; and/or bonds or warrants of the state or any municipal corporation of the state. All interest, dividends, and/or other income derived from the investment and the principal when repaid shall be deposited in the campaign account.

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

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

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: March 25, 2014

Report Date: March 5, 2014

Report No: 13

Submitted By: Matt McNeile,
Assistant City Manager

Approved For Agenda: _____

[Signature]

Subject: Consider, and act upon a request to fill the Reference Librarian position, to be assigned to the Alamogordo Public Library/Community Services Department.

Fiscal Year Salary Budget: \$30,436

Fiscal Year Benefit Budget: \$18,253

Total FY Position Budget: \$48,689

Hiring Annual Salary Range: \$30,436

Pay Grade/Annual Salary Range: NR6/\$14.6327-\$23.0483 (\$30,436-47,940 annually)

Fiscal Impact: N/A

Funding Source: 032-7101-455-2002

Position Vacant Date: 2/21/14

Expected Hire Date: 3/31/14

Recommendation: Approve request to fill the position of Reference Librarian.

Recruitment Justification: This is a critical position for the public library. This position is one of two that are primarily responsible for staffing the reference desk for all 53 weekly hours the library is open to the public. A highly trained individual is needed to answer questions and provide assistance with computers and other research needs. Customer service is an essential part of the duties. The reference librarians also select materials for the library collection, maintain the collection, and plan programs for the adult public.

The employee in this position is leaving February 21, 2014. This would be a March 31, 2014 expected hire date.

Reviewed By: **ATTACH CURRENT JOB DESCRIPTION**

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

**CITY OF ALAMOGORDO
POSITION DESCRIPTION**

REFERENCE LIBRARIAN

FLSA STATUS: Exempt

NATURE OF WORK: (SUMMARY):

Assists library patrons in locating materials and answering reference questions; assists patrons with computers and other technology; selects and maintains materials in assigned collections.

ORGANIZATIONAL RELATIONSHIPS:

- **Reports to:** Library Manager
- **Directs:** This is a non-supervisory position; however may provide direction to other Library Staff and volunteers as needed.
- **Other:** Has contact with City employees, other local libraries, community organizations, vendors and the general public.

PRIMARY DUTIES AND RESPONSIBILITIES: (May not include all duties performed):

- Responsible for all aspects of collection development in assigned subject areas
- Arranges, coordinates, or conducts computer classes for the public
- Coordinates and implements adult programming, book displays, and prepares bibliographies
- Proctor exams for students taking correspondence or online classes
- Provides assistance to library patrons via telephone, email or in person, including locating materials, instructing on computer use, answering reference questions, and researching topics.
- Updates and maintains: State, County, Municipal, and Public Review documents and statutes
- Prepares reports and statistical information as required
- Attends staff and professional meetings and workshops as required
- Maintains knowledge of current library trends, policies, and practices through reading of professional materials
- Develops and maintains local history and specialized collection files
- Contributes to a high quality work culture through participation in training and mentoring to develop skills, including safety related training and skills
- Provides excellent customer service to ensure high operational and service standards are met and maintained for the citizens of Alamogordo
- Opens and/or closes library on assigned days and closes out register
- May prepare daily money deposit
- Other duties as assigned

REQUIRE KNOWLEDGE, SKILLS AND ABILITIES:

- Current developments in the library field
- Principles and practices of professional library reference services, including use of

- traditional and computer reference sources
- Demonstrate proficiency in both oral and written communication
- Assist patrons with technology, media, and reference related requests
- Operate standard office equipment, including fax machine, copier, calculator, microfilm reader and computer using standard word processing, spreadsheet, Internet, and library automation software
- Establish and maintain effective working relationships with co-workers, other city employees, other local libraries, community organizations, schools, vendors, and the general public

PHYSICAL REQUIREMENTS/ WORK ENVIRONMENTS:

- Work is performed in an indoor/library environment
- Will be required to stand or sit for long periods of time
- Will be required to stoop, bend and lift multiple books at one time
- Must be able to work variable shifts including evenings and weekends

RECRUITMENT QUALIFICATIONS

Required:

- Master's Degree in Library Science with one year experience or:
- Bachelor Degree in Library Science or Liberal Arts with two (2) years of Library Reference Experience
- MLS or Grade II Library Certification or ability to obtain within first year of employment
- Equivalent combination of experience and training which provides the required KSA's

Preferred:

- Master's Degree in Library Science

History Summary

January 2007 - Put job description in current format by including history summary and approval signature blocks. Job description revised to remove supervisory duties. Signature block added.

November 2007 – removed EEOC category, FLSA and pay group.

June 2010 – Rephrased summary of position, added duties, deleted items under Other Important Duties, and took out Drivers License requirement.

February 2014 – Updated job description to reflect technological trends, deleted items under Essential Duties, reformat material under Required Knowledge, Skills, and Abilities, and made grammatical changes. Added back FLSA Pay Group and reformatted

Approval:



Director



Date

Human Resource Manager

Date

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: March 25, 2014

Report Date: March 12, 2014

Report No: 14

Submitted By: Matt McNeile,
Assistant City Manager

Approved For Agenda: _____



Subject: Consider, and act upon a request to fill the Senior Center Kitchen Aide position, to be assigned to the Alamo Senior Center/Community Services Department.

Fiscal Year Salary Budget: \$11,197

Fiscal Year Benefit Budget: \$ 3,365

Total FY Position Budget: \$14,565

Hiring Annual Salary Range: \$8.6127 x 1300 hours = \$11,197

Pay Grade/Annual Salary Range: S02/\$8.6127-\$13.3502 (\$11,197-\$17,355 annually)

Fiscal Impact: N/A

Funding Source: 071-8023-445-2003 - 55%, 071-8024-445-2003 - 45%

Position Vacant Date: 3/24/14

Expected Hire Date: 3/26/14

Recommendation: Approve request to fill the position of ASC/Kitchen Aide.

Recruitment Justification: This position is responsible for assisting the cook to prepare and serve meals in the Senior Center kitchen. They wash pots and pans in the 4-compartment sink as well as in the commercial dishwasher. Kitchen Aide is required to assist with the weekly food inventory in order to maintain compliance with State and City requirements. This position is part-time and the hours are from 9:30 – 2:30 p.m. This position is crucial to the Alamo Senior Center, as they assist in food preparation and clean up for the average 325 meals that are prepared daily for seniors.

The employee in this position is promoting to a full-time City position at the Water Treatment Plant on March 24, 2014. This would be a March 26, 2014 expected hire date.

Reviewed By: **ATTACH CURRENT JOB DESCRIPTION**

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

CITY OF ALAMOGORDO
POSITION DESCRIPTION

KITCHEN AIDE

Summary of Position

Assist the cook in preparing and serving nutritious meals according to established menus and time schedules and accepts and stocks food and supply deliveries. Washes pots and pans using the four compartment sink and assist with washing dishes using a commercial dishwasher.

Organizational Relationships

1. **Reports to:** Assistant Kitchen Manager.
2. **Directs:** This is a non-supervisory position.
3. **Other:** Has frequent contact with suppliers, senior citizens, and the general public.

Examples of Work

Essential Duties*

Prepares salads for salad menu daily, complying with menu analysis provided;

Prepares salsa and salad dressings for the condiment bar;

Accepts food and supply deliveries and stores in an organized fashion at appropriate locations;

Assists the cook in preparing and serving nutritious meals according to established menus and time schedules and in compliance with health regulations;

Assists the cook in preparing food for the next day, including breads, cookies, cakes, and pies;

Washes dishes and silverware using a commercial dishwasher; monitors chemical usage; Logs PPM sanitation records daily;

Washes pots and pans using the three compartment method, washing, rinsing, and sanitizing; logs PPM sanitation records daily;

Serves and maintains adequate food inventories on the steam tables, including: hot, cold, and salad menu items;

Maintains adequate food inventories on the steam tables;

Cleans and stores food from the salad bar;

Documents required information for record keeping such as temperatures of foods, refrigerators/freezers, Meals on Wheels information.

Assist or guides volunteers when they are volunteering in the kitchen, serving line, dining room, dish room, or tray return room.

Cleans the drink station after use of the day, prepares the drink station by having it ready for the next day;

Assist with the laundry by putting aprons and towels to wash and dry, also assist with folding and putting away laundry;

Documents required information for record keeping, to include: temperatures of food, refrigerators/freezers, Meals on Wheels, etc.;

Assists or guides volunteers when they are volunteering in the kitchen, serving line, dining room, dish room, or tray return room;

Maintains kitchen area, walk-in freezer, equipment, steam tables, and utensils in a safe, clean, and neat manner according to health regulations;

Maintains a clean personal appearance and washes hands frequently during food preparation and cleanup;

Contributes to a high quality work culture through participation in training and mentoring to develop skills, including safety related training and skills; and

Provides excellent customer service to ensure high operational and service standards are met and maintained for the Citizens of Alamogordo;

Other Important Duties*

Performs other duties as assigned.

Required Knowledge, Skills, and Abilities

Knowledge of: sanitary and safety procedures as related to food preparation; health rules and regulations with regard to food preparation; methods of preparing and serving food in large quantities; basic food preparation including washing, cutting and assembling food and ingredients; measurements used in food preparation; proper methods of storing food items and supplies; read and convert recipes when necessary; and first aid. Able to read and convert recipes when necessary.

Skill/Ability to: understand and follow instructions; operate commercial kitchen equipment including: mixer, food chopper, meat slicer, stove, oven, deep fryer, and dishwasher; and must establish and maintain effective working relationships with co-workers, vendors, suppliers, senior citizens, and the general public; safely use cleaning chemicals. Understand the use of chemicals and safety of chemicals.

Experience and Education

High school graduation, or its equivalent, plus at least one year of experience in the food service industry, preparing large quantity servings;

or any equivalent combination of experience and training which provides the required knowledge, skills, and abilities.

Work Environment

Work will be performed in a kitchen atmosphere around industrial sized kitchen appliances. Must be able to stand for long periods of time and work in hot, cold, and noisy conditions. Must be able to lift and maneuver heavy objects. Some climbing will be required.

History Summary

March 2008 – Reformatted position description into current format. Included *Work Environment, History Summary*, Approval signature blocks and ADA footer information.

Included customer service, training, direction to volunteers, and record keeping duties language. Updated Required *Knowledge...* language. Included a valid drivers license as a requirement and included that position may be responsible for delivering “Meals on Wheels”.

December 2009 – Updated job responsibilities and added information on the Summary of Duties.

March 2010 – Removed all notices that position needs a driver’s license as a requirement. This position will not be used for any City driving purposes.

Approval

Community Services Director/Asst City Manager

Human Resource Manager

Date

Date

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: March 25, 2014 **Report Date:** March 3, 2014 **Report No:** 15

Submitted By: Robert Duncan
Police Chief **Approved For Agenda:** 

Subject: Consider, and act upon a request to fill an open Police Officer position, to be assigned to the Alamogordo Police Department.

Fiscal Year Salary Budget: \$36,418
Fiscal Year Benefit Budget: \$25,334
Total FY Position Budget: \$61,752

Funding Source: General Fund (0114104)

Position Vacant Date: March 10, 2014
Expected Hire Date: April 14, 2014

Recommendation: Approve request to fill the open position of a Police Officer

Recruitment Justification: The Alamogordo Police Department is requesting to replace and hire a Police Officer. On February 25, 2014, one of our certified officers resigned. The police officer position is necessary for our department to maintain our staffing level and is a currently budgeted for FY14.

This position is responsible for the safety and good order of the community through enforcement of the constitution and laws of the United States of America, State of New Mexico, the ordinances of the City of Alamogordo, and established police regulations.

We are requesting to start the hiring process and hire a new Police Officer.

Reviewed By: **ATTACH CURRENT JOB DESCRIPTION**

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

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: March 25, 2014 **Report Date:** March 12, 2014 **Report No:** 16

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

Subject: Consider and act upon approval of Easements for Rails-to-Trails

Fiscal Impact: None
Amount Budgeted: N/A
Fund: N/A

Recommendation: Approve the easements

Background: New Mexico Rails-to-Trails has been attempting develop walking trails in the foothills and adjacent mountains for several years. One of the trails they seek to establish crosses over water pipeline easements the City has in the La Luz Canyon area. Attached to the agenda report is a map showing the two parcels, the first being owned by Clarke and Lawrence and the second being owned by November, where the City easements are located. Rails-to-Trails approached the City to inquire whether the City would consent to their use of the easement areas for the establishment of a trail. They were instructed to obtain the permission of the property owners which they have since acquired. The request now comes before the Commission for consideration. Public Works has reviewed the request and finds that the establishment of the trails would not impact the City's use of its easement.

Staff recommends consent to both easements.

Reviewed By:

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

After Recording Return To:

New Mexico Rails-to-Trails Association
P. O. Box 44
Cloudfcroft, New Mexico 88317-0044

Easement

- Date:** Effective July 1, 2013
- Grantors:** Revis Jean Clarke, a single person, as to an undivided one-half interest; and Sherry Lawrence, a single person, as to an undivided one-half interest
- Grantors' Address:** 838 Willowglen Rd.
Santa Barbara, California 93105-2442
- Grantee:** New Mexico Rails-to-Trails Association, a New Mexico nonprofit corporation ("NMRTA")
- Grantee's Address:** P. O. Box 44
Cloudfcroft, New Mexico 88317-0044
- Easement Property:** Approximately 2,000 feet of the existing railroad right-of-way on the Las Luz Pottery Property (15 feet on each side of the centerline), generally indicated on the maps attached hereto as Exhibit "A"; and being a part of that certain real property owned by Grantors ("Grantors' Property") described in that certain Deed recorded in Book 840, Page 110 of the Records of Otero County, New Mexico, which Deed is attached hereto as Exhibit "B".
- Recitals:** The purpose of this Easement is for construction of a rail trail and for pedestrian, bicycling and equestrian (non-motorized use) only access across the Easement Property by Grantee and its directors, officers, employees, agents, and invitees, to view and to walk along the historic rail bed of the Alamogordo & Sacramento Mountain Railroad, for recreational and educational purposes.
- Consideration:** This Easement is given both as a gift in consideration of the belief by Grantors in the nonprofit purpose of Grantee, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantors.
- Grant:** Grantors, for the Consideration and subject to the Reservations from and Exceptions to Conveyance and Warranty, grant, sell, and convey to Grantee a perpetual easement over, upon and across the Easement Property for the Easement Purpose and for the benefit of Grantee; to have and hold it to Grantee, Grantee's successors, or assigns forever, subject to the terms hereof.

Warranty:

Grantors bind Grantors and Grantors' heirs, executors, administrators, and successors to warrant and forever defend all and singular the property interests herein conveyed to Grantee and Grantee's successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty, by, through, or under Grantors, but not otherwise.

Reservations from and Exceptions to Conveyance and Warranty:

This instrument conveys easement interests in the surface estate only of the Easement Property. Grantors hereby reserve to Grantors, and Grantors' successors and assigns, all water rights, surface and subsurface, and all mineral interests, whether metallic or nonmetallic, whether similar or dissimilar, whether known or unknown, currently owned by Grantors in, or and under and that may be produced and saved from the Easement Property or acreage pooled or unitized therewith, and the full and exclusive executive rights to executed leases in connection therewith.

Grantors reserve the right to use, and to convey to others the right to use, all or part of the Easement Property in conjunction with Grantee, as long as such further conveyances are subject to the terms of this Easement and do not conflict with Grantee's use of the Easement Property.

BY ITS ACCEPTANCE OF THIS EASEMENT CONVEYANCE, AND AS A MATERIAL PART OF THE CONSIDERATION, GRANTEE FURTHER EXPRESSLY ACKNOWLEDGES AND AGREES THAT (i) ANY INFORMATION PROVIDED TO GRANTEE PERTAINING TO THE EASEMENT PROPERTY BY GRANTORS HAS NOT BEEN INDEPENDENTLY INVESTIGATED OR VERIFIED BY GRANTOR, (ii) GRANTORS ARE NOT MAKING, AND HAVE NOT MADE, ANY REPRESENTATIONS OR WARRANTIES WHATSOEVER AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION; AND (iii) GRANTORS ARE NOT, AND SHALL NOT BE, LIABLE OR BOUND IN ANY MANNER WHATSOEVER BY ANY WRITTEN OR VERBAL STATEMENT, REPRESENTATION, REPORT, SURVEY OR INFORMATION FURNISHED TO GRANTEE, OR MADE, BY ANY PARTY WITH RESPECT TO THE EASEMENT PROPERTY OR THE EASEMENT INTERESTS HEREBY CONVEYED. GRANTEE SPECIFICALLY AGREES THAT HAVING BEEN GIVEN THE OPPORTUNITY TO CONDUCT SUCH TESTS, STUDIES, AND INVESTIGATIONS AS GRANTEE DEEMS NECESSARY AND APPROPRIATE, GRANTEE IS RELYING SOLELY UPON GRANTEE'S OWN INVESTIGATION OF THE EASEMENT PROPERTY AND NOT ON ANY INFORMATION PROVIDED BY

GRANTORS. GRANTEE FURTHER AGREES THAT GRANTEE HAS ACCEPTED THE EASEMENT INTERESTS IN THE EASEMENT PROPERTY IN ITS CURRENT, "AS IS," WITH ALL FAULTS CONDITION, AND TO HAS ASSUMED THE RISK OF ANY MATTER OR CONDITION WHICH IS LATENT OR PATENT OR THAT COULD HAVE BEEN REVEALED BY ITS INVESTIGATIONS. GRANTORS HAVE NOT MADE (AND GRANTORS HEREBY EXPRESSLY DISCLAIM, AND GRANTORS ARE GRANTING THE EASEMENT WITHOUT) ANY REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, WHATSOEVER AS TO THE VALUE, CONDITION, NATURE, CHARACTER, SUITABILITY, HABITABILITY OR FITNESS OF THE EASEMENT PROPERTY, THE INCOME TO BE DERIVED THEREFORM, THE PRESENCE OR ABSENCE OF ANY HAZARDOUS MATERIAL OR OTHER ENVIRONMENTAL CONDITION OR COMPLIANCE OF THE LAND WITH OR VIOLATION OF ANY LAW, STATUTE, ORDINANCE, RULE OR REGULATION, AND ANY SUCH REPRESENTATIONS AND WARRANTIES, AND ANY CLAIMS OR CAUSES OF ACTION AGAINST GRANTORS BASED IN WHOLE OR IN PART ON ANY VIOLATION OF, OR ARISING WITH RESPECT TO, ANY FEDERAL, STATE OR LOCAL STATUTE, ORDINANCE, RULE OR REGULATION ARE HEREBY EXPRESSLY WAIVED AND RELEASED BY GRANTEE.

Terms:

1. **Character of Easement.** The Easement granted herein is "in gross," in that there is no "Benefitted Property." Nevertheless, the Easement rights herein granted shall pass to Grantee's successors and assigns, subject to all of the Terms hereof.
2. **Duration.** The duration of the Easement is perpetual and irrevocable.
3. **Easement Improvements.** Grantee has the right to construct, install, maintain, replace, and remove improvements within the Easement Property, and to construct culverts, bridges, drainage ditches, and similar or related facilities under or across any portion of the Easement Property (collectively, "the Easement Facilities"). All matters concerning the design, construction, installation, maintenance, replacement, and removal of the Easement Facilities are at Grantee's sole discretion, subject to performance of Grantee's obligations under this agreement. Any improvement of any nature on the Easement Property will be at Grantee's sole expense, and Grantee shall not permit any mechanics or materialmen's lien to be placed upon or remain upon the Easement Property or any portion of Grantors' Property. Grantee also has the right to the following:
 - A. No structure, including, but not limited to, signs, benches and fencing, shall be built that impedes the passage of motorized equipment for the

purpose of repairing, maintaining or adding below-grade pipes or constructing or maintaining the rail trail along the rail grade.

- B. No more than four interpretive signs, each no more than 2 feet by 3 feet by 5 feet tall can be installed along the edge of (but within) the easement in order to call to the attention of the trail user the unique scenic, geologic, historic or cultural points of interest.
- C. No more than two benches for use by trail users can be installed along the edge of (but within) the easement.
- D. The use of the rail trail by motorized vehicle (other than those required by the Grantors, the Grantee and the City of Alamogordo for inspections, maintenance, repair and construction) shall not be allowed.
- E. Removable barriers (such as bollards or gates) that prevent unauthorized motorized equipment from accessing the rail grade may be installed in order to limit trail use only to pedestrians, bicyclists, and equestrians. Such barriers, if installed, shall be removable by the City of Alamogordo, the Grantee, the Grantors, and such other entities as the Grantors may designate.
- F. Grantee may clear brush, trees, and other vegetation within the easement in order to create and maintain a clear and safe trail.
- G. Grantee may use native soil from the immediate area to fill in erosion channels that have been naturally created by storm water since the railroad was abandoned in 1947.
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- I. Grantee may, subject to funding availability, construct erosion control devices and/or place rock, gabion baskets, or native soil along the trail in order to prevent additional damage to the rail grade due to storm water, particularly along the south embankment of the La Luz Creek channel and within the easement corridor.
- J. Grantee may erect signs not more than 2 feet by 3 feet in area and located at the east and west ends of the trail that will state the following:

PRIVATE PROPERTY
PERMISSION TO PASS OVER REVOCABLE AT ANY TIME
PLEASE STAY ON THE TRAIL. LEAVE ONLY FOOTPRINTS
DO NOT REMOVE ROCK, SOIL, PLANTS OR ANIMALS.

- K. Grantee shall erect two plaques one at each end of the trail engraved as follows:

THIS PORTION OF THE RAIL TRAIL WAS MADE POSSIBLE BY THE
GENEROSITY OF MS. REVIS JEAN (FLICKINGER) CLARKE AND MS.
SHERRY LAWRENCE.

- L. Permission can be obtained from the City of Alamogordo for the concurrent use of the rail grade as a rail trail and as a curried pipeline corridor for water transmission.
4. **Maintenance.** Grantee shall perform routine cleanup and maintenance and improve the Easement Property for convenient use of the Easement Property for the recited purposes of the Easement.
5. **Gates and Fences.** Grantee may, but is not obligated, to install or maintain gates or fences on the Easement Property as a safety barrier along some portions of the rail grade and within the easement where erosion of the rail grade has taken place as a result of flood water flowing down Las Luz Creek and undermining the nearly vertical banks of the stream channel.
6. **Rights of Enforcement.** If there is any breach or threatened breach of this Easement by either party, and the default or threat continues after the claiming party gives the defaulting party notice of the claim of default and a reasonable opportunity to cure the default (if the default is capable of being cured), then the claiming party may enforce the terms of this Easement by restraining order and by temporary and permanent injunction, prohibiting such breach and commanding the offending party to comply with all of the terms of the Easement. Restraining orders and injunctions will be obtainable upon proof of the existence of any breach or threatened breach, and without the necessity of proof of inadequacy of legal remedies or irreparable harm, and shall be obtainable only by the parties hereto or those benefited hereby; provided, however, that the act of obtaining an injunction or restraining order will not be deemed to be an election of remedies or a waiver of any other rights or remedies available at law or in equity.
7. **Attorney's Fees.** Any party who is the prevailing party in any legal proceeding against any other party brought under or in connection with this agreement or the subject matter hereof, is additionally entitled to recover reasonable attorney's fees, expert fees, and all other litigation expenses.

8. **Effect of Waiver or Consent.** No waiver or consent, express or implied, by any party of any breach by any party in the performance by such party of its obligations hereunder shall be deemed or construed to be a consent to or waiver of any other breach in the performance by such party of the same or any other obligations. Failure on the part of any party to complain of any act of any party, irrespective of how long such failure continues, shall not constitute a waiver by said party of its rights hereunder until the applicable statute of limitations period has run.

9. **General Provisions.**

- a. This Easement binds and inures to the benefit of the parties, their successor and assigns.
- b. This Easement contains the complete agreement of the parties and cannot be varied except by written document signed by both parties hereto. There are no oral agreements, representations, or warranties that are not expressly set forth in this Easement.
- c. This Easement will be construed under the laws of the state of New Mexico, without regard to choice-of-law rules of any jurisdiction. Venue is in the county or counties in which the Easement Property is located.
- d. If any provision in this Easement is for any reason unenforceable, the unenforceability will not affect any other provision hereof, and this Easement will be construed as if the unenforceable provision had not ever been a part of the Easement. Whenever context requires, the singular will include the plural and neuter includes the masculine or feminine gender, and vice versa. Article and section headings in this Easement are for reference only and are not intended to restrict or define the text of any section.
- e. Any recitals in this Easement are represented by Grantors to be accurate, and constitute a part of the substantive grant of Easement.
- f. This Easement may be amended, modified, or terminated, only by written amendment, modification or termination signed by Grantors and Grantee, which shall be effective only when acknowledged and recorded in the real property records of the County Clerk of Otero County, New Mexico.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Mendocino

On August 9, 2013 before me, M. FITZSIMMONS, Notary Public,
DATE

personally appeared Sherry Lawrence
NAME(S) OF SIGNER(S)

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he she they executed the same in his her their authorized capacity(ies), and that by his her their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
SIGNATURE OF NOTARY



THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED BELOW:

TITLE OR TYPE OF DOCUMENT Easement

NUMBER OF PAGES 12 DATE OF DOCUMENT None

SIGNER(S) OTHER THAN NAMED ABOVE Revis Jean Clarke, Grady
Nicholson

Acknowledgments

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA)

This instrument was acknowledged before me this _____ day of _____, 2013
by REVIS JEAN CLARKE.

NOTARY PUBLIC IN AND FOR THE
STATE OF CALIFORNIA
My commission expires:

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA)

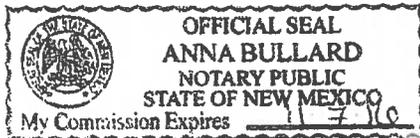
This instrument was acknowledged before me this _____ day of _____, 2012
by SHERRY LAWRENCE.

~~Please see attached
California acknowledgment~~

NOTARY PUBLIC IN AND FOR THE
STATE OF CALIFORNIA
My commission expires:

STATE OF NEW MEXICO)
)
COUNTY OF OTERO)

This instrument was acknowledged before me this 22nd day of January, ~~2013~~ ²⁰¹⁴ AB
by GRADY NICHOLSON, President of NEW MEXICO RAILS-TO-TRAILS
ASSOCIATION, a New Mexico nonprofit corporation, on behalf of said corporation.



Anna Bullard

NOTARY PUBLIC IN AND FOR THE
STATE OF NEW MEXICO
My commission expires:

GRANTORS:

Revis Jean Clarke
REVIS JEAN CLARKE

Sherry Lawrence
SHERRY LAWRENCE

GRANTEE:

NEW MEXICO RAILS-TO-TRAILS
ASSOCIATION

By: Grady S. Nicholson
GRADY NICHOLSON, President

CITY OF ALAMOGORDO, a New Mexico
Municipal Corporation

By: _____
Printed Name: _____
Title: _____

State of California
County of Santa Barbara

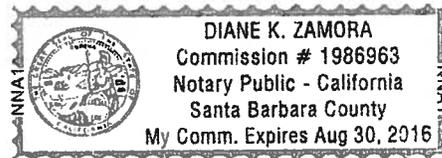
On Aug. 1 - 2013, before me, Diane K. Zamora, Notary Public, personally appeared

Rudis Jean Clarke who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity on behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Diane K. Zamora
Diane K. Zamora, Notary Public



3461 State Street
Santa Barbara, Ca. 93105
(805) 682-0400

Easement

Exhibit "A"
Map Showing Easement Property-1 of 2

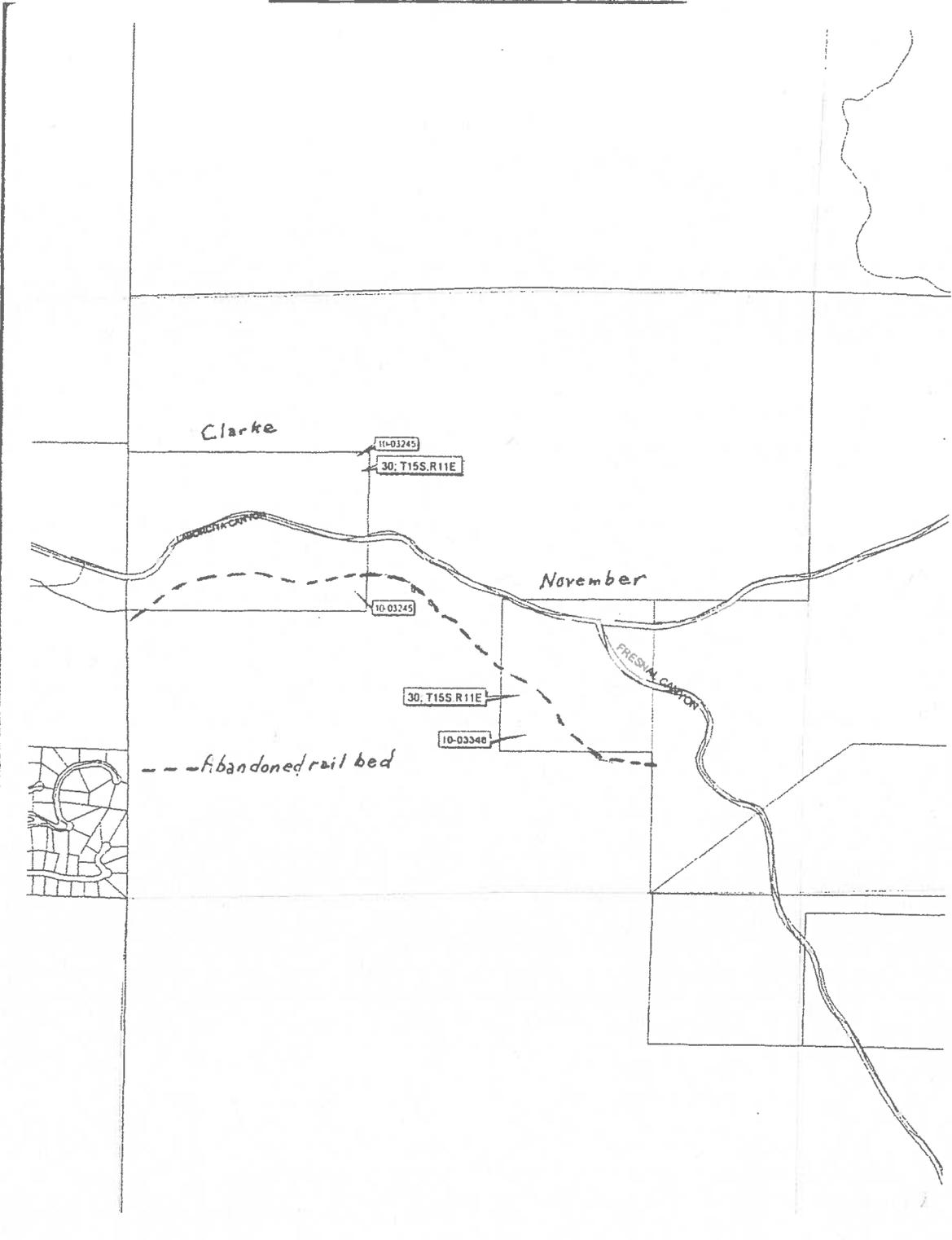
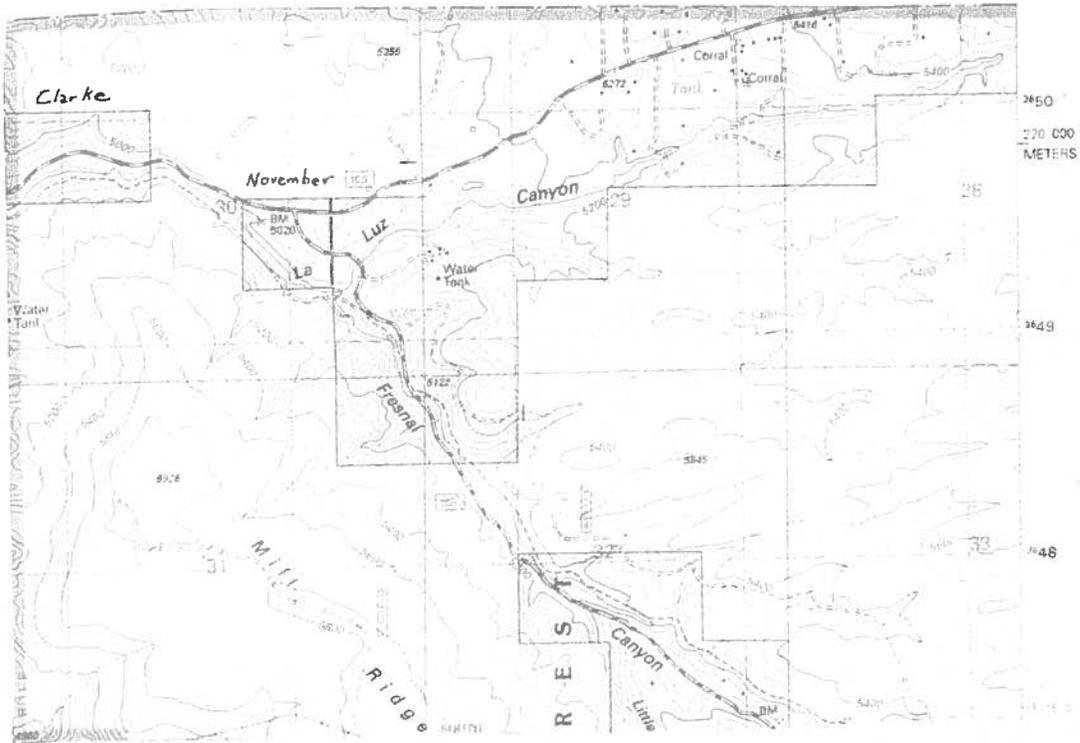


Exhibit "A"
Map Showing Easement Property-2 of 2



Primary highway.....	—————
Secondary highway.....	- - - - -
Light-duty road.....	.....
Composition: Unspecified.....	
Paved.....	—————
Gravel.....	- - - - -
Dirt.....	.....
Unimproved; 4 wheel drive.....	.....
Trail.....	.....
Gate; Barrier.....	.....

ALAMOGORDO NORTH, NM
2004

32105-H8-TF-021
 NGA 4849 IV NW-SERIES V881

Exhibit "B"
Deed to Grantor's Property

<p align="center">RECORDING REQUESTED BY REVIS JEAN CLARKE</p> <p>WHEN RECORDED MAIL TO</p> <p>NAME REVIS JEAN CLARKE</p> <p>MAILING ADDRESS 838 WILLOWGLEN ROAD</p> <p>CITY, STATE SANTA BARBARA, CA 93105</p> <p>ZIP CODE</p>	<p align="center">Br. 840 Pg 110</p> <p align="center">STATE OF NEW MEXICO } S.S. OTERO COUNTY</p> <p align="center">FILED FOR RECORD IN MY OFFICE</p> <p>This <u>4</u> day of <u>Sept</u>, 19<u>96</u></p> <p>At <u>7:45</u> o'clock <u>A</u> M and duly recorded</p> <p>In Book No. <u>840</u> Page <u>110</u></p> <p>the records of Otero County, New Mex.</p> <p align="center"><i>Mary D. Quintana</i> County Clerk, Otero County, N.M.</p> <p align="center">By <i>Lynn E. Allada</i> Deputy 9630</p>
SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE	
GRANT DEED	
<p>APN: PC10-03245 MC057-089-064-193 AKA: LOTS 4 AND 5 OTERO COUNTY, NEW MEXICO</p>	
<p>THE UNDERSIGNED GRANTOR(S) AFFIRM(S) THAT THERE IS NO TRANSFER TAX DUE ON THE FULL VALUE OF THE PROPERTY BECAUSE THERE IS NO (50) CONSIDERATION.</p>	
<p>FOR VALUABLE CONSIDERATION, RECEIPT OF WHICH IS ACKNOWLEDGED, I (WE),</p> <p>REVIS JEAN CLARKE, WHO TOOK TITLE AS REVIS CLARKE HERZOG, AS TO AN UNDIVIDED 16.66666% INTEREST, WHOSE ADDRESS IS 838 WILLOWGLEN ROAD, SANTA BARBARA, CA 93105</p> <p>GRANT(S) TO: REVIS JEAN CLARKE, AS TRUSTEE, AND THE SUBSEQUENT TRUSTEES, OF THE <u>REVIS JEAN CLARKE TRUST DATED AUGUST 9, 1996</u> WHOSE ADDRESS IS 838 WILLOWGLEN ROAD, SANTA BARBARA, CA 93105 AS TO AN UNDIVIDED 16.66666% INTEREST IN AND TO THAT REAL PROPERTY SITUATED IN THE COUNTY OF OTERO, STATE OF NEW MEXICO, DESCRIBED AS:</p> <p>LOTS FOUR (4) AND FIVE (5) OF SECTION 30, TOWNSHIP 15 SOUTH, RANGE 11 EAST, N.M.P.M., OTERO COUNTY, NEW MEXICO, ALSO KNOWN AS THE LA LUZ POTTERY PROPERTY SUBJECT TO EASEMENTS OF RECORD, RESERVATIONS, RESTRICTIONS OF RECORD AND PATENT RESERVATIONS</p> <p>PREPARED BY: CITADEL LAW OFFICES, 4695 MacARTHUR COURT, SUITE 100, NEWPORT BEACH, CA 92660 714-872-8181</p> <p>THIS IS A TRANSFER TO A REVOCABLE TRUST FOR THE BENEFIT OF THE GRANTOR(S) EXECUTED ON THE <u>9TH</u> DAY OF <u>AUGUST</u>, 1996, AT <u>SANTA BARBARA</u>, CALIFORNIA, STATE OF CALIFORNIA COUNTY OF <u>SANTA BARBARA</u> IS:</p> <p>On <u>AUGUST 9, 1996</u> before me personally appeared REVIS JEAN CLARKE</p> <p align="center">AND</p> <p><input type="checkbox"/> personally known to me OR <input checked="" type="checkbox"/> proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.</p> <p>WITNESS MY HAND AND OFFICIAL SEAL: <i>Troy Pack Richardson</i> Notary's Signature</p> <p>MAIL TAX STATEMENTS TO: NAME: REVIS JEAN CLARKE STREET: 838 WILLOWGLEN ROAD CITY: SANTA BARBARA, CA 93105</p>	

After Recording Return To:

New Mexico Rails-to-Trails Association
P. O. Box 44
Cloudcroft, New Mexico 88317-0044

Easement

Date: Effective July 1, 2013

Grantors: ~~Larry~~ November, a single person

Laurence J.

Grantors' Address: P.O. Box 127
La Luz, New Mexico 88337

Grantee: New Mexico Rails-to-Trails Association, a New Mexico nonprofit corporation ("NMRTA")

Grantee's Address: P. O. Box 44
Cloudcroft, New Mexico 88317-0044

Easement Property: Approximately 1,000 feet of the existing railroad right-of-way (15 feet on each side of the centerline) which enters the western boundary of the November property and exits the southern boundary, generally indicated on the maps attached hereto as Exhibit "A"; and being a part of that certain real property owned by Grantors ("Grantors' Property") described in that certain Deed recorded in Book 573, Page 366 of the Records of Otero County, New Mexico, which Deed is attached hereto as Exhibit "B".

Recitals: The purpose of this Easement is for construction of a rail trail and for pedestrian, bicycling and equestrian (non-motorized use) only access across the Easement Property by Grantee and its directors, officers, employees, agents, and invitees, to view and to walk along the historic rail bed of the Alamogordo & Sacramento Mountain Railroad, for recreational and educational purposes.

Consideration: This Easement is given both as a gift in consideration of the belief by Grantors in the nonprofit purpose of Grantee, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantors.

Grant: Grantors, for the Consideration and subject to the Reservations from and Exceptions to Conveyance and Warranty, grant, sell, and convey to Grantee a perpetual easement over, upon and across the Easement Property for the Easement Purpose and for the benefit of Grantee; to have and hold it to Grantee, Grantee's successors, or assigns forever, subject to the terms hereof.

Warranty:

Grantors bind Grantors and Grantors' heirs, executors, administrators, and successors to warrant and forever defend all and singular the property interests herein conveyed to Grantee and Grantee's successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty, by, through, or under Grantors, but not otherwise.

Reservations from and Exceptions to Conveyance and Warranty:

This instrument conveys easement interests in the surface estate only of the Easement Property. Grantors hereby reserve to Grantors, and Grantors' successors and assigns, all water rights, surface and subsurface, and all mineral interests, whether metallic or nonmetallic, whether similar or dissimilar, whether known or unknown, currently owned by Grantors in, or and under and that may be produced and saved from the Easement Property or acreage pooled or unitized therewith, and the full and exclusive executive rights to executed leases in connection therewith.

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PRIVATE PROPERTY
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DO NOT REMOVE ROCK, SOIL, PLANTS OR ANIMALS.

- K. Grantee shall erect two plaques one at each end of the trail engraved as follows:

THIS PORTION OF THE RAIL TRAIL WAS MADE POSSIBLE BY THE
GENEROSITY OF LARRY NOVEMBER.

- L. Permission can be obtained from the City of Alamogordo for the concurrent use of the rail grade as a rail trail and as a curried pipeline corridor for water transmission.
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6. **Rights of Enforcement.** If there is any breach or threatened breach of this Easement by either party, and the default or threat continues after the claiming party gives the defaulting party notice of the claim of default and a reasonable opportunity to cure the default (if the default is capable of being cured), then the claiming party may enforce the terms of this Easement by restraining order and by temporary and permanent injunction, prohibiting such breach and commanding the offending party to comply with all of the terms of the Easement. Restraining orders and injunctions will be obtainable upon proof of the existence of any breach or threatened breach, and without the necessity of proof of inadequacy of legal remedies or irreparable harm, and shall be obtainable only by the parties hereto or those benefited hereby; provided, however, that the act of obtaining an injunction or restraining order will not be deemed to be an election of remedies or a waiver of any other rights or remedies available at law or in equity.
7. **Attorney's Fees.** Any party who is the prevailing party in any legal proceeding against any other party brought under or in connection with this agreement or the subject matter hereof, is additionally entitled to recover reasonable attorney's fees, expert fees, and all other litigation expenses.

8. **Effect of Waiver or Consent.** No waiver or consent, express or implied, by any party of any breach by any party in the performance by such party of its obligations hereunder shall be deemed or construed to be a consent to or waiver of any other breach in the performance by such party of the same or any other obligations. Failure on the part of any party to complain of any act of any party, irrespective of how long such failure continues, shall not constitute a waiver by said party of its rights hereunder until the applicable statute of limitations period has run.

9. **General Provisions.**

- a. This Easement binds and inures to the benefit of the parties, their successor and assigns.
- b. This Easement contains the complete agreement of the parties and cannot be varied except by written document signed by both parties hereto. There are no oral agreements, representations, or warranties that are not expressly set forth in this Easement.
- c. This Easement will be construed under the laws of the state of New Mexico, without regard to choice-of-law rules of any jurisdiction. Venue is in the county or counties in which the Easement Property is located.
- d. If any provision in this Easement is for any reason unenforceable, the unenforceability will not affect any other provision hereof, and this Easement will be construed as if the unenforceable provision had not ever been a part of the Easement. Whenever context requires, the singular will include the plural and neuter includes the masculine or feminine gender, and vice versa. Article and section headings in this Easement are for reference only and are not intended to restrict or define the text of any section.
- e. Any recitals in this Easement are represented by Grantors to be accurate, and constitute a part of the substantive grant of Easement.
- f. This Easement may be amended, modified, or terminated, only by written amendment, modification or termination signed by Grantors and Grantee, which shall be effective only when acknowledged and recorded in the real property records of the County Clerk of Otero County, New Mexico.

GRANTORS:

[Signature]

LARRY NOVEMBER
Laurence J. 111

GRANTEE:

NEW MEXICO RAILS-TO-TRAILS
ASSOCIATION

By: [Signature]
GRADY NICHOLSON, President

CITY OF ALAMOGORDO, a New Mexico
Municipal Corporation

By: _____
Printed Name: _____
Title: _____

State of New Mexico
County of Otero

Subscribed and sworn to (affirmed) before me this 26 day of July, 2013 by
[Signature]

[Signature]
Notary Public

My commission expires 5/14/2017

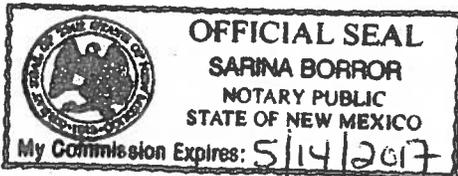


Exhibit "A"
Map Showing Easement Property-1 of 2

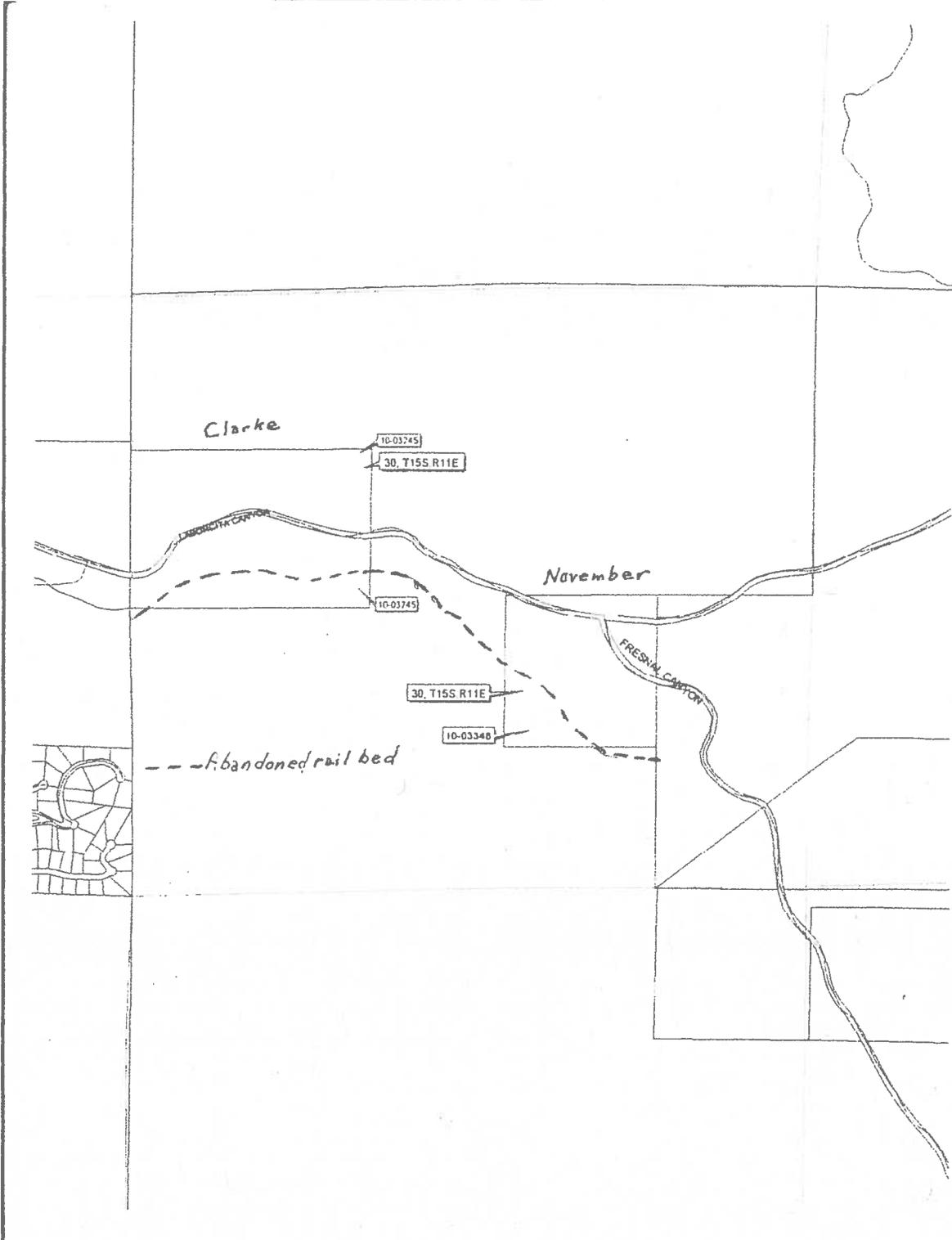


Exhibit "B"
Deed to Grantor's Property-1 of 3

Warranty Deed 50% 573 net 766

I, JOSEPH SHYNE joined pro forma by ELSA K. SHYNE, his wife,

reading at 12009 PEBBLE BEACH DRIVE, SWY CLEY, ARIZONA 85351 for consideration paid, grant to
 LAURENCE J. MOVINGEN, a single man and KIM V. STREANDER and DEBBIE C. STREANDER,
 husband and wife,

reading at c/o SACRAMENTO PEAK OBSERVATORY, Sun Spot, NEW MEXICO 88349

The following described real estate is Otazo County, New Mexico

The NW1/4 of Section 30, Township 15 South, Range 11E, S.N.P.M. Containing 40
 acres more or less.

SUBJECT TO Restrictions, Reservations and Easements of record, if any.

with warranty easement.
 WITNESSE OUR hand and seal, this 4 day of March 1980
 Joseph Shyne (SEAL) Elsa K. Shyne (SEAL)

STATE OF NEW MEXICO }
 County of OTAZO }
 On this 4th day of March 1980 before me personally appeared
 I, Joseph Shyne joined pro forma by Elsa K. Shyne, his wife
 as set forth to by the persons described to and who executed the foregoing instrument and acknowledged to me that they executed the same as their free act and deed.
 My Commission expires 14, 1981. Henry Public



STATE OF NEW MEXICO, County of Otazo. I hereby certify that this instrument was filed
 for record on the 12 day of March 1980 at 2:21 in clock P.M. and duly
 recorded in Book 573 Page 366 of the Records of Deeds of said county.
 8894
 County Clerk
 Deputy

ALL photostatic copies or reproductions of this title deed are unenforced & subject to
 the provisions of this deed, as they are the instrument of record. Certification of this
 as this appears. Have attached the appropriate certificate in a separate envelope if the
 generation of the testate document file.
 LYMAN
 DATE OF EXPIRE 2-28-85

Exhibit "B"
Deed to Grantor's Property-2 of 3

BOOK 511 PAGE 127

ASSIGNMENT OF INTEREST IN ESCROW CONTRACT

KIM V. STREANDER and DEBBIE C. STREANDER, his wife,
hereinafter referred to as Assignor for consideration paid
hereby assign, transfer, and set over to LAURENCE J.
NOVEMBER hereinafter referred to as Assignee whose address
is General Delivery, Sunspot, New Mexico 88349 all right,
title and interest of Assignor in and to that certain escrow
contract dated the 15th day of March, 1980 wherein Assignor
and Assignee are purchasing certain real estate described
therein from I. JOSEPH SHYNE and all right, title and
interest of Assignor in and to the following described real
estate being sold to Assignor and Assignee under the terms
of said escrow contract:

NW 1/4 SE 1/4 of Section 30, Township 15 South, Range 11
East, N.M.P.M. containing 40 acres more or less, Otero
County, New Mexico.

Assignee hereby agrees to assume and does assume all
of Assignors' obligations and duties under said escrow
contract.


KIM V. STREANDER

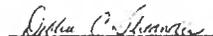

DEBBIE C. STREANDER

Exhibit "B"
Deed to Grantor's Property-3 of 3

BOOK 511 PAGE 128

STATE OF NEW MEXICO)
COUNTY OF OTERO) SS:

The foregoing instrument was acknowledged before me
this 16 day of October, 1981, by KIM V. STREANDER
and DEBBIE C. STREANDER.

[Signature]
Notary Public
77 37285

My Commission Expires:



STATE OF NEW MEXICO)
COUNTY)
I HEREBY CERTIFY IN MY OFFICE
this 16 day of Oct 1981
at 415 o'clock P.M. in and duly recorded
in Book No. 571 Page 122-28
Notary Public
[Signature]
[Signature]

68983

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: March 25, 2014 **Report Date:** March 17, 2014 **Report No:** 17

Submitted By: Robert Rentschler **Approved For Agenda:** 

Subject: Presentation, discussion, and possible action regarding current road improvement projects throughout the city.

Fiscal Impact:
Amount Budgeted:
Fund:

Recommendation:

Background: Mayor Pro-Tem Rentschler asked this item to be included on the agenda.

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 _____

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: March 25, 2014 **Report Date:** March 12, 2014 **Report No:** 18

Submitted By: Rachel Hughs **Approved For Agenda:** 
Admin. Asst/City Clerk's Office

Subject: Notification of Appointments to Boards and Committees.

Background:

Airport Advisory Board. Two (2) vacancies. Staff Liaison - Jan Wafful
(Opening due to the resignations of John Battle & Christina Wampler)
No nominations received.

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. Two (2) vacancies. Staff Liaison - Ruben Segura
(Opening due to the expiring term of 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 3rd has not returned his acceptance letter, therefore another person needs to be appointed.
No nominations received.

Mayor's Committee on Aging. One (1) vacancy. Staff Liaison – Britney Coutier
(Opening due to the expiring term of Mary Hammon)
No nominations received.

Senior Volunteer Program. Three (3) vacancies Staff Liaison – Karen Groves
(Opening due to the expiring term of Iris Lester, Blaza Madrid, and Laura Blackmon)
No nominations received.

Reviewed By:

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