

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:00 P.M., COMMISSION CHAMBERS
OCTOBER 28, 2014**

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

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

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

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

APPROVAL OF AGENDA

Mayor Pro-Tem Rentschler moved to approve adding the addendum. Commissioner Baldwin seconded the motion. Motion carried by a vote of 7-0-0.

Mayor Pro-Tem Rentschler moved to approve the amended agenda. Commissioner Straface seconded the motion. Motion carried by a vote of 7-0-0.

PRESENTATIONS

A-1. Presentation of Proclamations for Miss Alamogordo/Miss Otero County Day; one Proclamation for Miss Alamogordo/Miss Otero County Outstanding Teen Day. (Susie Galea, Mayor)

Mayor Galea presented the proclamations. Miss Alamogordo Outstanding Teen, Staesha Gentry and Miss Otero County Outstanding Teen, Misa Tran were in attendance.

1. Presentation of a donation to the Alamogordo Family Recreation Center for the Children's Program from the Alamogordo, White Sands, and Tularosa Rotary Clubs from proceeds earned at the Tularosa Basin Wine & Music Fest held on September 20th and 21st, 2014. (Renee Cantin, White Sands Rotary Club President & Wine Festival Committee)

City Clerk Cantin represented the White Sands Rotary Club as this year's president. She and Sue Strother, Secretary of the White Sands Rotary Club presented Assistant City Manager McNeile with a check in the amount of \$1,357.00 to be used by the City of Alamogordo Rec. Center for their scholarship programs.

2. Presentation of the Quarterly Report for Otero County Economic Development Council (OCEDC). (Mike Espiritu, President & CEO of OCEDC)

Mike Espiritu, CEO/President of OCEDC presented to the commission (Power Point presentation is in the Agenda Book). He noted the web site activity, registered business totals, prospective company recruitment, the status of current projects, as well as other information concerning the efforts of OCEDC this past quarter. He displayed the various brochures they use for advertising.

PUBLIC COMMENT

None.

CONSENT AGENDA (Roll Call Vote Required for Items No. 5)

3. **Approve Minutes of the October 14, 2014 Regular Meeting of the Alamogordo City Commission.** *(Renee Cantin, City Clerk)*
4. **Approve statement related to the Executive Session of October 14, 2014.** *(Renee Cantin, City Clerk)*
5. **Approve Resolution 2014-59 approving a grant agreement between the City of Alamogordo and the New Mexico Department of Finance and Administration for Community Development Block Grant (CDBG) Program Project No. 14-C-NR-I-03-G-15 for improvements to the COPE Domestic Violence Center in the amount of \$616,816 with a required ten percent match and leveraging funds of \$116,816. [Roll call vote required]** *(Ruben Segura, Grant Coordinator)*
7. **Approve the adoption of the 40 Year Water Plan.** *(Brian Cesar, Public Works Director)*

Items No. 6 and A-2 were removed from Consent by Mayor Pro-Tem Rentschler.

Commissioner Hernandez moved to approve items no. 3, 4, 5, & 7. Commissioner Baldwin seconded the motion. Roll call vote was taken for item number 5. Motion carried by a vote of 7-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

6. **Approve the First Amendment to the Memorandum of Agreement between the New Mexico Department of Transportation and the City of Alamogordo for federal assistance under the Federal Highway Administration - Recreational Trails Program for the Washington Avenue Trail Project in the amount of \$72,023 with a twenty (20) percent local match.** *(Matt McNeile, Assistant City Manager and Ruben Segura, Grant Coordinator)*

Mayor Pro-Tem Rentschler remarked that he had removed this one because he wanted an explanation of what had happened with this item and the hold-up on the Washington Trail.

Assistant City Manager McNeile told him this program had been transferred from Energy Natural Resources Minerals to the State DOT. They amended the match from 14.56% to 20%.

Public Works Director Cesar told Mayor Pro-Tem Rentschler they would begin paving on Pontiac tomorrow, they will next begin the Walking Trail and then begin on the right turn lanes at Indian Wells and Washington.

Commissioner Straface asked Assistant City Manager McNeile to explain some of the numbers and was told it was all within our budgets.

Mayor Pro Tem Rentschler moved to approve First Amendment to the Memorandum of Agreement between the New Mexico Department of Transportation and the City of Alamogordo for federal assistance under the Federal Highway Administration - Recreational Trails Program for the Washington Avenue Trail Project in the amount of \$72,023 with a twenty (20) percent local match. Commissioner Straface seconded the motion. Motion carried by a vote of 7-0-0.

- A-2. **Consider, and act upon, Change Order No. 3, RFQ No. 2013-05 to CDM Smith, Inc. related to the engineering and design services for the 1MGD Interim Desalination Plant project, in an amount not to exceed \$111,622.40, including tax.** *(Brian Cesar, Public Works Director)*

Mr. Ken Bass made the following public comments:

Mr. Ken Bass with KALH Radio addressed the commission. He spoke of some areas of concern about the proposed Desalination Facility Project from a letter dated April 13th, sent to Robert A. Fowlie with CDM Smith. A correspondence copy of the letter was sent to Public Works Director Cesar. The letter

was sent from the NMED Solid Waste Bureau and the chief of the Ground Water Quality Bureau. He had the letter that outlined areas of concern, the draft was dated July 21st. The issues of greatest concern to him were: 1) the submission of CDM Smith does not explore the excavation of waste, 2) landfill gas samples were not collected near or within the footprint of the proposed location of the Desal Plant in that report, and he saw at least 22 additional problems with the draft plan. His question was how much it would cost for additional change orders. He asked if it was time to look for an alternate location for the Desal Plant away from all these environmental issues.

Public Works Director Cesar addressed some of these concerns and how the City had met with both the State and those involved in this project about these concerns. He felt this would be the last change order for this project, and it would not be economically feasible to change the site location. This change order was for changes to the administrative/treatment building, the settlements, and venting system for the ponds. He also said the Discharge Permit was currently under review by the State.

Mayor Pro-Tem Rentschler was concerned about the change from a metal building to a masonry building. Public Works Director Cesar explained it had been changed because the pre-engineered metal building deteriorated faster than a masonry building. Mayor Pro-Tem Rentschler felt the upkeep on a metal building would be less expensive than constructing and maintaining a masonry building. He wondered about moving the facility to an area to the north.

Public Works Director Cesar said we are currently at 30% design and at 60% design we will have some solid figures. He described the excavation of solid waste and how they would dispose of it. He felt the changes would be within the original budget.

Mayor Pro-Tem Rentschler wanted a more in-depth analysis showing what the additional cost would be.

City Manager Stahle agreed with Mayor Pro-Tem Rentschler. He told Public Works Director Cesar to bring it back to the second meeting in November so we can answer some of the questions.

Commissioner Hernandez suggested another way to construct the building. He was also concerned about the long-term monitoring of the field and the expense it might incur.

Mayor Galea liked the idea of having a masonry front on the building and keeping it at the current location.

Mayor Pro Tem Rentschler moved to table until the November 18, 2014 meeting. Commissioner Hernandez seconded the motion. Motion carried by a vote of 7-0-0.

NEW BUSINESS

8. **Consider, and act upon, Resolution No. 2014-57 authorizing publication of a notice of sale of \$6,000,000 City of Alamogordo General Obligation Taxable Bonds, Series 2014A related to the Family Entertainment Center. [Roll call vote required]** (*LeeAnn Nichols, Finance Director*)

Erik Harrigan from RBC Capital Markets (our Financial Advisor) and Duane Brown from Modrall, Sperling, Roehl, Harris, and Sisk (our Bond Counsel) gave a presentation (the Power Point presentation is in the Agenda Book). They explained both taxable and tax exempt bonds and which would be used for the Family Fun Center and for Streets & Bridges. Duane Brown recommended the City of Alamogordo do the 2014-A bonds for the Family Fun Center on a federally taxable basis. The 2014-B for the Street Alignment would be tax-exempt.

City Manager Stahle said he strongly supported the position of Mr. Harrigan and Mr. Brown. Mayor Pro-Tem Rentschler felt they had to be taxable and we didn't have any other choice.

Erik Harrigan told the commission the cost over the life of the bond issue would be about \$400,000 per 100 basis points – 1%. He said he would come back to the November 18th meeting in order to review and approve the sale of the bonds, and they would close the transaction on December 24th.

Commissioner Straface asked Finance Director Nichols if she had reviewed the numbers and was comfortable with payments of debt service over time, and she said she had reviewed and was comfortable with them.

Commissioner Hernandez moved to approve Resolution No. 2014-57 authorizing publication of a notice of sale of \$6,000,000 City of Alamogordo General Obligation Taxable Bonds, Series 2014A related to the Family Entertainment Center. Commissioner Sikes seconded the motion. Roll call vote was taken by the Clerk. Motion carried by a vote of 7-0-0.

9. **Consider, and act upon, the first publication of Ordinance No. 1476 authorizing the Issuance of Alamogordo, New Mexico, General Obligation Taxable Bonds, Series 2014A, in the Principal Amount of \$6,000,000 Payable from Ad Valorem Taxes Levied on All Taxable Property within the City, for the purpose of funding a Family Entertainment Center as approved in the Regular Municipal Election March 4, 2014. (LeeAnn Nichols, Finance Director)**

Commissioner Hernandez moved to approve first publication of Ordinance No. 1476 authorizing the Issuance of Alamogordo, New Mexico, General Obligation Taxable Bonds, Series 2014A, in the Principal Amount of \$6,000,000 Payable from Ad Valorem Taxes Levied on All Taxable Property within the City, for the purpose of funding a Family Entertainment Center as approved in the Regular Municipal Election March 4, 2014. Commissioner Straface seconded the motion.

Harv Hamilton came forward to address the commission. He said he had voted against this at the election. He objected to whether the Family Fun Center should be run by a private concern or in-house, and also the location of the facility. He felt the questions on the ballot had not been worded clearly.

Motion carried by a vote of 7-0-0.

10. **Consider, and act upon, Resolution No. 2014-58 authorizing publication of a notice of sale of \$4,500,000 City of Alamogordo General Obligation Tax-Exempt Bonds, Series 2014B related to the Florida Ave. and First St. realignment. [Roll call vote required] (LeeAnn Nichols, Finance Director)**

Commissioner Hernandez moved to approve Resolution No. 2014-58 authorizing publication of a notice of sale of \$4,500,000 City of Alamogordo General Obligation Tax-Exempt Bonds, Series 2014B related to the Florida Ave. and First St. realignment. Mayor Pro Tem Rentschler seconded the motion. Roll call vote was taken by the Clerk. Motion carried by a vote of 7-0-0.

11. **Consider, and act upon, the first publication of Ordinance No. 1477 authorizing the Issuance of Alamogordo, New Mexico, General Obligation Tax-Exempt Bonds, Series 2014B, in the Principal Amount of \$4,500,000 Payable from Ad Valorem Taxes Levied on All Taxable Property within the City, for the purpose of funding the Street Realignment of First Street and Florida as approved in the Regular Municipal Election March 4, 2014. (LeeAnn Nichols, Finance Director)**

Commissioner Hernandez moved to approve the first publication of Ordinance No. 1477 authorizing the Issuance of Alamogordo, New Mexico, General Obligation Tax-Exempt Bonds, Series 2014B, in the Principal Amount of \$4,500,000 Payable from Ad Valorem Taxes Levied on All Taxable Property within the City, for the purpose of funding the Street Realignment of First

Street and Florida as approved in the Regular Municipal Election March 4, 2014. Mayor Pro Tem Rentschler seconded the motion.

Commissioner Hernandez commented that all of these items were approved by voters in March 2014.

Motion carried by a vote of 7-0-0.

12. Consider, and act upon, a request for the Commission to attend or appoint a representative to attend the National League of Cities Convention in Austin, Texas on November 19-22, 2014. (Susie Galea, Mayor)

The Mayor had put this on the agenda; no one responded to attend.

13. Discuss, consider, and act upon, the Values & Covenants for the City Commission. (Commission)

Commissioner Baldwin led the discussion since he had put it together for tonight. He said we as a commission had decided to put together some covenants and he had outlined a simple list of ideas. He hoped they could get as much of this completed tonight as they can so it could be placed in the ordinance coming up next on the agenda. Commissioner Baldwin asked the commission if they wanted the covenants to be simple or more complex.

Mayor Galea wanted to see something as simple as covenants and promises passed by resolution. Ordinances are bound by law and would be less flexible in case any changes needed to be made in the future. Mayor Pro Tem Rentschler preferred to keep the covenants simple.

Mayor Galea would like to see the covenants and promises agreed upon as something this elected body would agree to and sign saying we will work together under them. She again stated it should not be an ordinance.

Commissioner Straface thought Item #14 was separate from what they are talking about now, so a resolution or agreement would be appropriate in his mind. He liked the idea of simple and felt the commission should review what Commissioner Baldwin had compiled and suggest ideas.

Commissioner Baldwin said he had received feedback from Commissioner Turnbull and Commissioner Sikes that was good information he would read aloud. Do we want to develop commission values and beliefs, or something else. Mayor Galea suggested values and promises. She asked Commissioner Baldwin if he had received her ideas, and he said he had.

Commissioner Baldwin read the bullet points that had been discussed as a group and were now listed under Proposed Action on the list. Are we going to come up with an agreement of how we work with the city manager, city employees and the citizens? The ground work for this came from what Commissioner Straface and his Board of Education did with their covenants and promises; some of it came from our discussions.

Mayor Galea wanted to add to 'We the elected officials are committed to', and that she would always seek the consensus of the commission prior to representing the commissions' position or viewpoint. The commission must also understand her timely response to requesters will not be forsaken by limited commission response to the office of mayor. She wanted to work with that consensus but sometimes could not reach any of the commissioners when she had to respond to the requester. She felt she had to respond with the limited information she had.

Commissioner Straface asked if that would fall under communicating, and Mayor Galea said it was more than communicating. Commissioner Straface asked for her to simplify the language and she suggested calling it 'two-way communicating'. Commissioner Straface suggested 'communicating with each other', so she would at least get feedback. He also thought the following should be added: 'Integrity, Accountability, Honesty', and 'Working together as a team'. Under 'Committed To' it should be 'committed to assuming positive intent from people as we work together'. Also, add 'Team' as a

value. No one objected to either suggestion. Mayor Galea asked the City Clerk to help with the language tomorrow.

Commissioner Baldwin asked all if they were comfortable with the format of that, knowing it could change at any time. We have, 'We the elected officials recognize: Our roles as elected officials; the covenant is binding and enforceable.....

Commissioner Straface asked how it would be enforceable. Mayor Galea said if I should break a covenant, hypothetically, I'm not communicating. If you call me and say that I am not communicating, then I have to make it right by you and everyone else on the commission. I would look for feedback on how to make that right. Commissioner Straface was fine with that and what she was really saying was that we police ourselves. When we find when we are not in line, than we would police ourselves and correct it. Mayor Galea agreed. No one objected to that.

Mayor Pro-Tem Rentschler asked if the word 'enforceable' would be taken out, and the mayor said it would still be enforceable. Commissioner Baldwin felt he meant who is it enforceable by, and was told self-enforceable. Commissioner Straface said we have to operate in good faith, and be able to except responsibility and explain how we will correct it.

Mayor Galea appreciated 'sharing of common goals' under 'We the Elected Officials Recognize', and asked how they could share their common goals. Commissioner Baldwin said Commissioner Sikes had put that in. He suggested that they go in order on the list instead of jumping around.

Commissioner Baldwin moved to the 'Alamogordo City Commission Values and Beliefs' and pointed out 'Integrity, Accountability, and Honesty', and what had just been added, 'Working Together as a Team'. Would you like to see anything else under that column? He reminded everyone that the Alamogordo Public Schools Board of Education & Superintendent Covenants and Promises had a lot of good information. He felt 'Values & Beliefs' should be first. Mayor Galea asked to add under that column 'Respect'.

Commissioner Straface said the word 'Integrity' to him means we operate with integrity, which would include 'Honesty'; is there a reason why they were separated. Commissioner Baldwin said they sound powerful, but there wasn't anything that distinguished them differently. He also thought these words were what people who read this would want to see right up front.

Commissioner Baldwin then led them to 'We the Elected Officials Recognize' and thought he might have got this from another municipality. For example, 'Our roles as elected officials'; 'The covenants are binding and enforceable' we've already discussed, and we need to figure out the proper wording; 'We have been elected to represent all citizens of Alamogordo' was added information; 'The need to share our common goals'.

Commissioner Straface remarked that as commissioners we accept the decision of the Board, we don't undermine the decision of the Board even if we don't agree. Commissioner Baldwin said that was added by all three commissions that responded.

Commissioner Hernandez asked if you would put 'the majority of Board members', because if you go on the decision of the Board it could be a 4-3 vote and I could be part of the 3 vote. Mayor Galea said it would have passed, and he said he would think that too, but someone else could take it that the decision by the other 3 is no. Commissioner Straface said the action of the Board would be the 4. Commissioner Baldwin interjected 'Do not undermine the action of the Board'; that would make five things under 'Elected Officials Recognize'.

Commissioner Baldwin then moved to 'We the Elected Officials are Committed to'. He read 'Listening for Understanding'; 'Communication with each other'; 'Be involved' and this had been asked to be

expanded on; 'Keeping confidential information confidential'; 'Not micromanaging City Staff'; 'Positive intent when we work with each other' (just added).

Mayor Galea wanted to add 'Coming prepared for meetings'. Commissioner Baldwin said that was in the covenant and somewhere else. He wanted to add 'to be prepared and ask questions so it will be on the record and/or being thorough with questioning' which is what we are supposed to do. Commissioner Hernandez added 'transparency'. Commissioner Straface suggested adding to that 'Be prepared, involved and thorough'.

Mayor Galea said if we have a list of questions that staff would need to prepare answers for, it would be fair to ask them before the meeting.

Commissioner Baldwin remembered when he first became a commissioner he did most of his homework prior to the meetings, and he still does this after two and a half years. Now he asks questions he already know the answers to for the process. Mayor Pro-Tem Rentschler said you ask them so other commissioners and the audience understand what the answer would be and thus have more input. Commissioner Baldwin agreed and said the added questions help him make a decision. Commissioner Hernandez said it is sometimes just for public information. He thought it fair to talk to a staff member prior to grilling them about an item, and he said he usually does that. Commissioner Baldwin said we could put that under 'Commission's Promise to City Manager'.

Commissioner Baldwin noted he had 'Commission's Promise to City Staff' as well, but had taken it out because we all know we need to go through the city manager. Mayor Galea felt we could make a promise to the city manager that we wouldn't undermine him, and we would not take retribution against him when he is acting in his capacity as administrator. Commissioner Baldwin said he would take that out and put it under the 'Promises to the City Manager', and then asked if they even wanted the 'Commission's Promises' in this document. Commissioner Straface thought it was good in both places.

Moving back to 'Committed to', Commissioner Baldwin read the five listed. Commissioner Straface asked to add 'with respect' to 'Listening for Understanding'.

Commissioner Baldwin asked if it would be appropriate to ask for input from Staff on this portion. Commissioner Hernandez said absolutely not. Mayor Galea asked the city manager if the commission could better serve the people by adding more, and what would he suggest adding to this document.

City Manager's thought they were on the right path with most of this. He said not to ambush staff or each other; that's respectful communication. He hesitated to add his comments because they are a body of seven and should be able to figure this out.

Mayor Galea asked Commissioner Baldwin how he would word that comment. Commissioner Baldwin said Commissioner Straface had added it when he said 'communicate with respect'. Commissioner Straface then said that under the Promises you could say there would be no surprises, that we promise each other not to surprise the staff, the city manager, and the city manager would promise this right back to us. Mayor Pro-Tem Rentschler said the problem with that is things are going to dawn on you and you'll suddenly go down a different path, something you had not thought of before. Will that be an ambush or surprise? But the question would need to be asked and you have to press with what you believe, and sometimes it is spontaneous. Commissioner Straface felt if we have the value that says we will assume positive intent, then when something dawns on one of us, you can say 'I hadn't thought about it, but this has just come into my mind'. It will happen periodically.

Mayor Galea gave the examples of being surprised by Mayor Pro-Tem Rentschler when he had a Power Point presentation not available for review by the commission prior to the meeting, and then when there was a surprise agenda item we didn't have prior to the meeting regarding his standard of measure in re-doing the intersection. Mayor Pro-Tem Rentschler didn't feel that was a surprise at all since everyone was well aware of where he was on this. He and the mayor discussed this somewhat.

Commissioner Hernandez said that is what he was going to touch on, because he felt we needed to establish some boundaries. At the last meeting he had brought up a past law suit that had been settled, and that was a surprise. There are also incidents where the city manager may think some commissioners are interested and some not; do I say something or not and how much information do I give them. That makes it difficult for our city manager because of all the things happening in City Hall in a day's time. Should he tell us we had 67 leaks this week? Should he tell us we had one leak this week? Did we have road closures this week? How much information do we want? We need to figure that out and let him know. He mentioned some surprises are unavoidable, like last minute agenda items that must be addressed. We need to decide the boundaries for those things that are not unavoidable.

Commissioner Straface said couldn't we agree that obviously the city manager cannot communicate everything that happens in the city, nor do we want him to, but I am interested in policy. We could say to him that we want to be kept informed if something will have a significant financial impact on the city, some significant legal issue, or a decision he is making that will impact the entire city. We will get caught off guard once in a while, but we are talking about three areas – legal, financial and across the city's business.

City Manager Stahle said he believed it critically important for a manager to share the same information equally to all of the commissions. He felt you would have to leave it a little loose there, because there is a decision matrix you would have to create to determine under what conditions everyone gets told everything. He said he tries to use his intuition, and he has found commissioners sometimes get frustrated by not knowing an event of the moment. He tries to keep you informed of the big ones. You will have to leave that to the intuition of the staff and each other. Commissioner Straface said you won't keep things from us and we may not be informed of every little issue, but you will keep us informed where it is possible. City Manager Stahle agreed.

Mayor Galea wanted to add to 'We the Elected Officials are Committed to' - 'to be self-adjusting after receiving constructive criticism'. Commissioner Sikes asked what that means. The mayor told her the commission has asked that she not endorse candidates and not get on social media, so she hasn't done any of those things. She tries not to write editorials without gathering consensus based on constructive criticism from the commission. So, she said she takes constructive criticism very seriously and tries to self-correct.

Commissioner Baldwin asked how to word that. He thought it needed to be inclusive to all of us and not for any one person - 'We are open to constructive criticism'. Mayor Galea added 'We are teachable'. Commissioner Turnbull suggested 'No micro-management or criticism of city staff'. If you have a comment about city staff it needs to be taken to City Manager Stahle. Mayor Galea agreed.

Commissioner Hernandez said that he didn't mind social media or putting anything out on it as long as it's positive for the city. If you start a petition against the city, we can't do that on social media, as leaders. Social media is the biggest thing we have and we need to continue with it; he didn't have any problem with the mayor's Face book page as long as the City of Alamogordo is presented as the best place to be instead of putting us down because of her belief. Mayor Galea asked if she could use social media within the perimeters of covenants and promises, and he said absolutely. He asked the mayor to listen to what people are saying when they give constructive criticism. He felt it important for all of them to not go overboard when adjusting to constructive criticism. Commissioner Hernandez said he tries to listen to what someone says and change his perspective or view, or disagree. Constructive criticism is constructive and not destructive.

Commissioner Baldwin told Commissioner Turnbull he moved the 'micro-managing' portion down to 'Promise to the City Manager'. She agreed. He remarked they were through with most of the lists now and that they could change anything at a later date, but the one with no wordage was 'Commission's Promise to Citizens'.

Mayor Galea felt that we would put the will of our citizens ahead of our own, putting our self-interests aside.

City Manager Stahle said this is a democratic republic and you are elected because of the trust of your citizens to make decisions for them. You cannot assume it is a pure democracy; do not ever fall into the trap that the few you are talking to represent the whole.

Mayor Pro-Tem Rentschler felt we need to promise our citizens to uphold our oath. Commissioner Baldwin agreed. Mayor Pro-Tem Rentschler said it was the oath we all signed and swore to when sworn into office. Commissioner Straface said we could also commit that we will carry out due diligence to the best of our ability, along with the oath. We could also promise to be available to listen. Mayor Galea said the promise to our citizens is in our Mission Statement.

Commissioner Straface agreed with City Manager Stahle that it would be difficult for us to understand as a whole the will of the people. Most of the time we rely on the people who talk to us and we make an assumption that is the will of the people when it really isn't. He liked 'oath, due diligence and our judgment'. Commissioner Baldwin read back to him, 'We will execute our oath of office with our agreed upon values and beliefs which include integrity, accountability, honesty, to work together as a team and to respect each other.' Commissioner Straface asked him to add 'due diligence', and Mayor Galea felt we act impartially when making decisions. Commissioner Baldwin said he would add that to the values and beliefs. Commissioner Straface told Commissioner Baldwin he had done a really good job with all this. Mayor Pro-Tem Rentschler agreed.

Commissioner Straface said he assumed Commissioner Baldwin would put all this together and the commission would look at it again. Commissioner Baldwin said we had decided this would be in the ordinance which is coming up next. He asked if that was the intent and the other commissioners said they had not seen it that way; they thought of them as separate.

Mayor Galea said she also thought that proceeding the ordinance, they were going to give duties to the Office of Mayor. Commissioner Hernandez said that is in the Charter and Mayor Pro-Tem Rentschler agreed. Commissioner Straface felt they should finish the covenants first.

Commissioner Hernandez agreed with 'Respect', but would change it because respect is earned. When you become an elected official you automatically earn a certain level of respect, so he would put 'Respect the office'. He did not want to be held to respecting someone outside the office. Mayor Galea thought that a good point and thought we could make the same promise to citizens; that we must work toward respect on a daily basis.

Commissioner Baldwin asked them to repeat that and Commissioner Hernandez said the promise to citizens was to respect the elected position, and that we would not disrespect each other as elected officials. He felt he had gained that respect by being elected but was a common citizen like anyone else. He has to earn respect as a person and it was not free. Commissioner Straface paraphrased 'Promise to respect the office'. Mayor Pro-Tem Rentschler said we would keep from using any derogatory language about any other commissioner when out in the community; not to defame the commission as a whole. Commissioner Baldwin thought that was covered. Commissioner Turnbull said if you can't say anything nice, don't say anything at all. Mayor Galea said it was the Golden Rule.

Commissioner Baldwin said we have gone 35 minutes now. Commissioner Straface said the important thing is that we will support whatever we put together here.

Commissioner Baldwin said the one thing he forgot to put in this document was that we would review this every time there was a change in the commission. The time we take to review this and make any changes needs to also be stated and enforced. Commissioner Hernandez suggested every two years after an election or when there is a change in the elected body. Commissioner Baldwin read back, 'This document shall be reviewed after any change in the elected body'. Whether to use 'shall' or 'may'

was discussed; Commissioner Straface thought it should be 'shall' if you are going to hold people to it. Mayor Galea suggested for every organizational meeting it shall be reviewed. Commissioner Hernandez suggested stating 'on or before the third meeting after the change'. Commissioner Baldwin read again, 'This document shall be reviewed after any change in the elected body during any organizational meeting, no later than three regular meeting dates after that change'. Commissioner Hernandez said the staff could change that if need be but not draw it out too much.

Commissioner Baldwin noted there are three sections of this: 'Alamogordo City Commission's Values and Beliefs'; 'What We the Elected Officials Recognize'; 'What We the Elected Officials are Committed To' – in that order. Then there is the 'Commission's Promise to Citizens' and 'Commission's Promise to the City Manager'. We didn't get into 'Promises to the City Staff'; we can discuss that at a later date. Then there is the part about reviewing the document after any change to the City Commission. He had put the Mission Statement and Oath at the beginning. Commissioner Sikes asked to have our job descriptions put in from our Charter, but they are quite vague and not exactly what we are looking for. It will be expanded on in our next agenda item, with job descriptions. This is all first and the Covenants and Promises is second.

Commissioner Straface suggested this order: Mission and then Covenants, and the Oath of Office and Roles would be in an appendix. The most important things are our Mission and our Covenants and Promises. Commissioner Baldwin agreed and so did everyone else.

It was decided to bring this back for review at the November 3rd Meeting.

Harv Hamilton addressed the commissioners. He said one of the problems he has had at a variety of the commission meetings is that the commissioners are looking at something and the audience doesn't have any access to what they are reviewing. He asked that the next presentation be a visual one. Mayor Galea noted to him we will soon have screens in the chambers.

Mr. Hamilton said he went to many meetings around town, and in the school board meetings everything appears to be decided before hand. He felt this was a violation of the Open Meetings Act. Mayor Galea asked him if he would like to wait until Public Comment at the end of the meeting to make these comments.

Mr. Hamilton had heard rumors of what had been discussed in Executive Sessions, but no one would tell him who their source was. Mayor Galea said he had not signed up for Public Comment.

Mr. Hamilton said that when it comes to personnel issues, the commissioners should make their comments to the city manager.

The Mayor recessed the meeting at 9:48 p.m. and reconvened at 10:53 p.m.

14. Consider, and act upon, the first publication of Ordinance No. 1478 related to a code of conduct for elected officials. (Stephen Thies, City Attorney)

City Attorney Thies gave an overview of the changes – roles of the governing body, complaints against commissioners, time for filing, initial screening, commission action, amount of and when to impose a civil fine, all actions or decisions, and ordinance does not apply retro-actively.

Commissioner Hernandez asked if the Commission Action, Item #C, would be the monetary fine and/or jail time. City Attorney Thies replied that if it is a civil fine you cannot impose jail time.

Mayor Galea wondered if civil fines would help us to better serve the public. She suggested a Code of Ethics instead of a Code of Conduct. She brought a sample of a Code of Ethics (in Agenda Book).

Mayor Pro-Tem Rentschler said the whole idea of this ordinance was to give some accountability for everyone on the commission to everyone else. He felt this ordinance was required for this commission and for future commissions. There is no other way to exact accountability. Mayor Galea felt this creates accountability to the commission that supersedes the accountability to the people.

Commissioner Sikes asked her if she thought the people would disagree with some of the items outlined in this. Mayor Galea said she wasn't saying that at all. Commissioner Sikes wanted to agree with Mayor Pro-Tem Rentschler, but pointed out ethics is a subjective thing. She thought you could be an unethical person, but if you have a Code of Conduct you could subscribe to that and not take your ethics into consideration. If you are told how to behave, you can behave; it doesn't necessarily mean you are behaving the way you would without that Code of Conduct or without your Code of Ethics. She liked the idea of a Code of Conduct.

Mayor Galea asked if this had been run through the Municipal League Board as something the law could uphold. City Attorney Thies told her the Government Conduct Act has a provision stating the local government bodies can enact more stringent rules than are contained in the Government Conduct Act.

Commissioner Hernandez agreed with the fact that the Code of Ethics should be enough for us, but it isn't always. He felt the respect he had gained by being elected did not give him the right to go out on the golf course in a golf cart and do whatever he wanted; it has happened in the past. You need something for those times. If he felt there wasn't going to be a problem with commissioners because of their ethics, this would not be needed.

Mayor Galea asked what provisions are in place for any retribution if you make an opinion statement as a commissioner. Commissioner Hernandez said not if it's based on facts, but if it's your opinion than absolutely. He would support facts, not personal opinions.

Mayor Galea noted the provision about speaking to other elected bodies. What if the commission had not stated a position about something and you had to give a position. She gave the example that she had been appointed by the commission to represent them at the Joint Land Use Study (JLUS) Committee. If she is representing as the mayor, would there be retribution if the city commission had not yet fielded a position regarding the policies of the JLUS. Commissioner Hernandez said if we don't tell you anything, than shame on us. If I go out representing the commission but am representing myself, than shame on me. We represent each other, the majority of the commission.

Commissioner Straface asked the City Attorney Thies about the violations. He thought the commission had told him at the last meeting they wanted these in least to most order, and that hadn't been done here; it should be 'admonition, sanction and censure'. City Attorney Thies told him the violations on page four had been listed in alphabetical order. He pointed out on page 7 the order given by least punitive (warning) to most punitive (censure). Commissioner Straface said that was fine. He said (noting page 6 – 'Initial screening of complaints') as he reads this, a citizen could bring a complaint, one of us could bring a complaint, but we would make the informal complaint and then the initial screening. He said we need some provision that would say several of us and not just one would make the decision of what goes on the agenda. He felt the complaint needed to be reviewed by two to three of us to decide if it warranted going on the agenda. Otherwise, we will be taking shots at each other and it will be more disruptive than helpful.

Mayor Galea agreed that would also be good for the public who would not want to hear a lot of tattle-telling at a meeting. She said under 'Screening of Complaints', why is the initial communication going to the city attorney? She would rather see the initial complaint go to the person being complained about.

City Manager Stahle remarked he did not like the city attorney, one of his employees, having to make a decision as to whether or not it is a proper complaint. He also agreed that any one commissioner

shouldn't necessarily be able to put on the agenda by themselves such heavy action. He thought it should be multiple of them ask to have this kind of thing put on the agenda; at least two if not three. Otherwise, a rogue member could keep hitting you with these all the time.

Mayor Pro-Tem Rentschler responded he read this to say any complaint that any of us received about any of us would be given to the city attorney within 14 days with the commission getting a copy. He wondered if perhaps the Municipal Judge could do this instead. There has to be some sort of screening process for complaints. He didn't think it took three of them to make a complaint; one citizen could file a complaint, but it would need initial screening. City Attorney Thies is the natural one to do that. He didn't think it was a problem that the city attorney was an employee of the city manager because the complaints would not be against them; it would be directed at a commissioner.

City Manager Stahle clarified. He noted page 6, Item 4, last sentence of the paragraph – 'The city attorney shall review each complaint filed alleging a violation of the Code of Conduct by a member of the City Commission within 21 days and either: (1)-(6).' 'Dismiss it for being untimely' he felt was rational. He thought it was better to have someone else review something that needed action such as a third party or group. At the very least, a couple of you need to agree something has risen to the level that it should be on an agenda. He felt it should be more than one person. Mayor Galea said that is fair.

Mayor Pro-Tem Rentschler agreed, but said 'the city attorney shall' and when it gets to that point and we are going to move forward, it should involve at least 'X' amount of current commissioners. You can't have four, you can have three. Commissioner Hernandez said three commissions without a quorum and without having to call a meeting. Mayor Pro-Tem Rentschler said that if they agreed, it would come before the commission. City Manager Stahle agreed. He pointed out page 6, Item 4, (4) 'Dismiss it as being without merit'; he didn't want to put a staff member in that position. That was more for the full commission to decide.

Mayor Galea didn't think it needed to go to the attorney at all if we are policing ourselves. She mentioned the commission had asked her not to endorse any future candidates, but if she did endorse a candidate than other commissioners could note and address this without going to the attorney. Mayor Pro-Tem Rentschler said that was not the level of violation they were talking about.

Commissioner Sikes said since these are basically personnel issues, could we just take care of them in an Executive Session. City Attorney Thies said it is not a personnel matter; it is a violation of a Code of Conduct and has to be done in an open meeting. Going through the attorney is to keep the frivolous complaints out of public view. When he had looked at various samples of Codes of Conduct, some had attorney reviewing and some a committee. Usually a committee is associated with an Ethics Committee, but you could put that step in the process to refer to a committee consisting of three commission members. The intent was to streamline the process from the time the complaint is received to the time it is/is not heard by the commission. He could change that to a committee if they so wished.

City Manager Stahle was concerned that a standing committee made up of the commission itself would be subject to public notice and record keeping. That's not quite the level he was hoping for. Maybe it has to be three commissioners who agree it should go on the agenda – any three. The lawyer sends it out to all and then he collects statements from any three of you and decides if it needs to be discussed in public; not a formal body.

Mayor Galea asked about the overview of the 'Roles and Responsibilities of the governing body' where it is commission members. She added the commission performs the duties in the absence of the Mayor Pro-Tem. She was having a commission member give a proclamation in December because the Mayor Pro-Tem is unavailable. She thought this needed to be added as a commissioner's role and duty – help perform the duties of Mayor in the absence of Mayor Pro-Tem. Commissioner Hernandez

said that is not a mayoral duty. Any of us can give a proclamation and I shouldn't have to ask for permission from the commission to do this.

Mayor Galea asked if the 'Rules and Responsibilities' would be limiting; a job title and duties would be limiting. Commissioner Hernandez said the roles and responsibilities are already set by charter. Mayor Galea asked if she could assign herself duties and Commissioner Hernandez thought she could as long as she had the approval of the commission. Mayor Pro-Tem Rentschler said this is in the Charter.

City Manager Stahle was under the impression that under NM law we are required to put together a committee to review the Charter. City Attorney Thies said our Charter says it will be reviewed ever ten years, and the last time it was reviewed was 2003 or 2004, so we need to do this soon.

Mayor Galea asked if a decision had been made about filing with the city attorney. We had talked about communicating better in our Covenant, so superseding each other and going to the attorney wouldn't be adhering to this.

Mayor Pro-Tem Rentschler went to the 'Initial Screening of Complaints', and he wanted to see the language cleaned up. He wanted it to say 'The city attorney shall notify the commission....' If a complaint is true.....he asked City Attorney Thies how he would word this. City Attorney Thies asked for clarification. Mayor Pro-Tem Rentschler said you would contact the commission with the allegation and then three commissioners would have to contact you with approval to proceed.

City Attorney Thies preferred tabling this so he could reword and bring it back on Monday. His concern was that he would be polling commissioners for action of whether they wanted it on future agendas, and it might violate the Open Meeting Act (OMA) by trying to get a consensus for action. By polling you, I have three votes to take action without public discussion or explanation of why it had merit. He asked for time to come up with something that would comply with OMA, yet create that mechanism with some type of review.

Mayor Galea asked if he could add a statement about the Attorney General. City Attorney Thies said the Attorney General would not weigh in on this. She thought the AG would with the Governmental Conduct Act. City Attorney Thies told her the Secretary of State is responsible for the enforcement under the OMA, and if that person decides there is a violation then it would go to a district attorney or the AG for prosecution. This is a local ordinance and the AG does not get involved in enforcing local ordinances.

City Manager Stahle encouraged the commission to give the city attorney time to work on this and bring it back on Monday.

Mayor Pro Tem Rentschler moved to table until the Monday, November 3, 2014 Commission Meeting. Commissioner Straface seconded the motion. Motion carried by a vote of 7-0-0.

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

Mayor Galea appointed Victoria Eastman to serve on the Cemetery Board.

PUBLIC COMMENT (Continued if needed)

Mike Espiritu commented on the following:

1) Mr. Espiritu gave a short Chamber Report on their new campaign - Shop Small/Shop Local. This will begin on November 29th and go through Christmas.

Mayor Galea would like for the commission to work with the Chamber on a commercial to be aired as a PSA at no cost on the TV and radio. She will add this to the next commission meeting for discussion. Mr. Espiritu said the chamber has already created some commercials.

CITY MANAGER'S REPORT**City Manager Stahle commented on the following:**

- 1) He reminded everyone that our next commission meeting would be on Monday, November 3, 2014.
- 2) He remarked that Zoo Boo was exceptionally well attended.

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

- 1) She told the commission she had attended a ceremony commemorating the Treaty of El Chamizal in Juarez, Mexico, today. She and the Mayor of Juarez had discussed opportunities for growth.
- 2) While at the AUSA ceremony she had attended in Washington, D.C., she learned of some ideas about hiring veterans.
- 3) Mayor Galea also attended the German Air Force (GAF) Change of Command Ceremony. While there she met with the consulate staff regarding visas and work permits. It is much easier to hire family members of the GAF than it used to be.
- 4) She gave a report relating to the AUSA ceremony she had attended in Washington, D.C.
- 5) Mayor Galea agreed that the staff did an amazing job with Zoo Boo.
- 6) She also attended the NM Museum of Space History's (NMMSH) International Space Hall of Fame Induction.

Commissioner Straface commented on the following:

- 1) He had some concerns about some of the Mayor's statements about job opportunities in Juarez. He felt the jobs should be here instead of Juarez. Mayor Galea clarified the high tech jobs were here, whereas the affordable workforce in Juarez could do the nuts and bolts work in order to make the profit margin greater for a private company. Commissioner Straface felt there were more than enough people here in town that needed all the work they could get. He and the Mayor discussed these issues.

Commissioner Turnbull commented on the following:

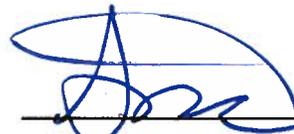
- 1) She felt all work could be done here and not in Mexico. Mayor Galea agreed.

EXECUTIVE SESSION (Roll Call Vote Required)

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

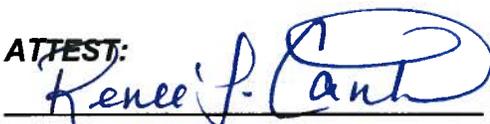
- **Purchase of Real Property (Lot 2B, Industry Center Subdivision, Replat B) Northeast corner of Oasis Trailer Park located at 2800 Lawrence Boulevard Alamogordo, NM 88310.**

Commissioner Hernandez moved to approve to go into Executive Session at 10:49 p.m. to discuss Purchase of Real Property (Lot 2B, Industry Center Subdivision, Replat B) Northeast corner of Oasis Trailer Park located at 2800 Lawrence Boulevard Alamogordo, NM 88310. Commissioner Straface seconded the motion. Roll call vote was taken by the Clerk. Motion carried by a vote of 7-0-0.

ADJOURNMENT


Mayor Susie Galea

ATTEST:



City Clerk Reneé L. Cantin

(Prepared by Nancy Jacobs, Deputy Clerk)

Approved at the Regular Meeting held on November 3, 2014.