

**CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, OCTOBER 9, 2024**

A. CALL TO ORDER:

The meeting was called to order by Mayor Rolf Hechler at 9:01 a.m., who presided and Angela A. Torres, City Clerk-Treasurer, acted as Secretary of the meeting.

B. INTRODUCTION:

1. ROLL CALL:

Upon calling the roll, the following Commissioners were reported present.

Hon. Rolf Hechler, Mayor
Hon. Amanda Forrister, Mayor Pro-Tem
Hon. Destiny Mitchell, Commissioner
Hon. Merry Jo Fahl, Commissioner
Hon. Ingo Hoepfner, Commissioner

Also Present: Angie Gonzales, City Manager
Traci Alvarez, Assistant City Manager
Jay Rubin, City Attorney
Angela A. Torres, City Clerk-Treasurer
Arnie Castaneda, Water/Wastewater Director
Luis Tavizon, Chief of Police
Jocelyn Holguin, Finance Director
OJ Hechler, Community Services Director
Tyler Knull, Code Enforcement Officer

There being a quorum present, and the Commission proceeded with the business at hand.

2. SILENT MEDITATION:

Mayor Hechler called for fifteen seconds of silent meditation. He asked that everybody keep Alex Carter in their thoughts and prayers. She was a graduate from our high school. She was 23 years old, and she passed away recently in Artesia. She played on the high school volleyball team, and she worked at the International Airport here in town, and she knew many, many folks in this community. She will truly be missed.

3. PLEDGE OF ALLEGIANCE:

Mayor Hechler called for Commissioner Fahl to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA:

Commissioner Fahl moved to approve the agenda as submitted. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

C. PRESENTATIONS:

1. Presentation of City of Truth or Consequences Employee Service Anniversary Awards:

City Manager Gonzales presented an Employee Service Anniversary Award for Mindee Holguin for 4 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award for Joe Sward for 4 years of service with the City of Truth or Consequences

City Manager Gonzales presented an Employee Service Anniversary Award for Scott Huron for 14 years of service with the City of Truth or Consequences

City Manager Gonzales presented an Employee Service Anniversary Award for Robert Waldin for 14 years of service with the City of Truth or Consequences

2. Presentation Combating nuisances.

Tyler Knull, Code Enforcement Officer, gave a presentation on combating nuisances. (Presentation attached hereto and made a part hereof).

D. PUBLIC COMMENT (3 Minute Rule Applies):

Jessie Emerson addressed the Commission with comments related to:

- She discussed the new proposed solid waste. She thinks the improvements that have been made are great, but she also thinks there is room for a couple of more improvements related to cardboard. She questioned who will keep track of the paperwork on the fee for the disabled.

Tammy Gardner addressed the Commission with comments related to city personnel:

- Presentation attached hereto and made a part hereof.

Steve Green addressed the Commission with comments related to:

- He spoke on Resolution 05 24-25 and about the blue cardboard dumpsters being used to hold trash and now he considers that to be illegal dumping. But how it is not referenced in the resolution about illegal dumping and taking garbage and putting it in dumpsters that are for cardboard only.

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- The Bountiful Alliance makes their money by having yard sales. He would like to suggest, if the resolution is passed, that a certain percentage of the money collected from the businesses be allocated to the Solid Waste Department to be used solely for marketing for public awareness of what the blue dumpsters are.

Becca Eza addressed the Commission with comments related to the MainStreet Update:

- The Show of Hands event will be on October 10th at 6pm at the Club.
- The Art hop is this Saturday from 6pm to 9pm.
- The wayfinding committee will be here doing an inventory of the existing signage and getting an idea of where we need new signage. They are also working on a visual preference survey for the community.
- On October 21st at 8 am the MainStreet quarterly breakfast will be held in our office.
- The Trick or Treat downtown event will be on Halloween on October 31st from 6pm-7pm.

George Henson addressed the Commission with comments related to:

- He had an objection to the presentation by Code Enforcement Officer Tyler Knull. It's kind of ironic because there are petitions with hundreds of signatures that said that the frontage was fine and was an artistic endeavor. At this point I'm going to bring up that this came in the utility bill, and it's called fair housing. It's a federal law I have been researching the 1781 Bill of Rights your 14th amendment has been talked about by Tyler as well. You can't destroy our Bill of Rights. This fair housing is talking about a different issue that I have probably involved in my property is the last one on there is block busting is also illegal. I had a new condo builder, build a bridge that is inadequate for the flooding that is in the news everyday every week. The block busting issue seems to me I haven't researched it like I did the Bill of Rights but at this point block busting seems to be that they can come in the realtors and developers who have sat in these benches before. Sweeney or whatever his name is. He is working for the big golf course out there. He was the one I was appealing to during some of these issues. The destruction that happened. I have sued twice at least, and I have several TORT Claims involved right now. I tried to get a restraining order to stop the theft. This is really an extreme example of misdemeanor turning into ruining someone who is a senior and has disabilities and is also well below the poverty line and a third of what standard social security brings in. The idea that the last judge at your municipal court spoke to me after her hearing and said I believe you, but we had several petitions that said this is an artistic insolation. The value that was lost to me is very extreme. The idea of last time I was here I spoke militarizing the code people but that didn't seem right because it was mostly weaponizing until you invaded.

Kathleen Sloan addressed the Commission with comments related to:

- I think I brought this up before. I'm wondering why the solid waste rates for 1.5 yard and 3-yard containers for trash, as well as recycled goods are the same. It seems unfair if you're going by volume to charge the same amount for different volumes. I don't understand that. I did an inspection of public records request for documents substantiating the rate change for recycled goods because the study didn't have enough detail to allow the public to figure where these charges come from. The response was no such documents exist. So, I ask that before you change and impose these rates, that you inform the public what the cost is what they are based on.
- The legislative finance committee recently published policy spotlight state funded water projects of which T or C was one of the case studies and infrastructure they want rates to reflect the money needed to operate to do capital projects and to maintain infrastructure. They said when you change rates the legislative finance committee recommended that you compare your rates to other rates in New Mexico. I think some of our rates are higher. I've made my own comparisons to electric, water and trash. Our rates are high. I ask that when you make these rate changes that you not look at just what money the city needs but that you make sure that you extend the rate increase out a number of years so that they remain comparative to rates within the state.

Ron Fenn addressed the Commission with comments related to:

- As I am being discussed in executive session today, and I have no invitation to come and speak and since there is no dialog in this community I will give you my diatribe in place of dialog. This whole issue comes from an illegal advertisement for the sale of public property by Assistant Manager Traci Alvarez. Illegally by state standards, and by state requirements for the sale of public property, and now that it's all over with, you have added further violations of state law, and state ethics, and who knows what else to the pot to avoid something that is very simple. I am the highest bidder, and I should receive that property for the amount that I bid. There were no conditions ever discussed about whether it was going to be established as an artwork in the bidder's possession, or it could be scrap. It could be anything, and that was Traci Alvarez's decision, and her discussion with the Arts Board and the members ended up getting the material at the lowest bid. This is superbly outrageous. When you meet at whatever time and start discussing the potential for litigation, trust me it will happen.

E. REPORTS:

City Manager Gonzales reported the following:

- I met with the Albuquerque Journal reporter and photographer, and they listened to my testimony when I spoke to the oversight committee for the New Mexico Finance Authority, and they wanted extra information.
- On Monday, the Mayor, Buster Smith and I will be going up to Santa Fe to the Water Trust Board Meeting and will present Cantrell Dam.

- On Friday, the Mayor, Chief Tavizon and I will be attending the legislative get together that is put on by the SCCOG.
- I have the end of month report on budget, the cash report and the revenue report. The GRT's that go into the general fund just raw curiosity I looked at them at the end of the quarter and we are 7% over budget in one and 10% in another. Through the budget process I spoke about how you underestimate your revenue, and you overestimate your expenses. We made it all work. This is good news.
- McAdoo street was completed on September 30th.

a. Water/Wastewater Update.

Arnie Castaneda, Water/Wastewater Director gave a Water/Wastewater update.
(Complete copy attached hereto and made a part hereof).

Commissioner Fahl: The EPA gave cities and towns 30 years to replace lead pipes and now they lowered it to 10 years. What is our status with that requirement?

Arnie Castaneda, Water/Wastewater Director: We refer to it as lead or copper. That has been in place forever. They have changed the rules in the last five years. What we do is check our pipes with the forms that we fill out, and we tell them whether or not we have lead and copper. We don't have any here. We have copper, but not any lead that is associated with that copper. In the past that is what we did. We told the public to fill out the forms and send them over to NMED and EPA and then they would tell them that the city doesn't have any lead copper. When they changed the rules, now they want us to look into your home and see if you have lead and copper. That has been difficult because we don't have the resources. I can't go into your home. All I can do is check our records, and visually inspect it. If we could see if copper is maybe coming out of a hose bib or something, then we will ask. The guys have been sent out and told what to do and what to report. Jamie has compiled all the information and now cut it down to a list. I don't remember how long the list was, maybe like 20 customers that we still don't know what they have and so we need to reach out to them. We normally do that by mail and ask them if they know what kind of piping they have. Those are the rules that have changed in the last 5 years, and they have made it very difficult for all water systems. Can you imagine a city like Albuquerque. There is a deadline, and I believe it is mid-October. We are pretty close to finishing and meeting the deadline. This has been an out roar in our industry.

Commissioner Fahl: I appreciate you putting that on the record so that our community knows that we are ok.

Arnie Castaneda, Water/Wastewater Director: The lead and copper combination was used back in the 50's.

Mayor Hechler: Does it appear like you will be able to get ahead of these leaks in the next couple months?

Arnie Castaneda, Water/Wastewater Director: I'm not going to make any promises, but that is our goal. I gave our guys a goal last summer. We are trying to cut it down to 10. It's hard because we fix 10 and then 8 pop up. They guys are doing what they do. We got them to be experts, they go in there, and they fix it. They are out and go to the next one. The last 3 or 4 weeks that is all we have been doing. We have caught up.

Mayor Hechler: I think about you guys all the time. Especially on weekends when I know you guys are out. I feel bad for you guys getting called out all the time. Thank you so much for your service in that regard and their service. I think it's admirable that they continue to do that, and they stay with us. I'm hoping they get this stuff done. I recently had a meeting with a County Commissioner, and he lives down there by Louis Armijo Sports Complex, and he remarked that the effluent pond has been overflowing a little but for the last few weeks, what's the issue there?

Arnie Castaneda, Water/Wastewater Director: That system is old. I think I have talked to Angie or Traci about it a couple of times. We have pumps at the treatment plant, and these pumps are connected via SCATA to the re-use pond. When the pond goes low, it kicks on the pumps. The system is not communicating correctly anymore. A couple of times it wasn't communicating, and the pumps never came on, and it overflowed. The pumps at the actual pond are the ones I just explained. One burnt out, and the other ones on hand are not communicating correctly with the golf course either. The whole system needs some work. We are trying to do the best we can with what we have right now. I called a company out of El Paso to ask them to come and help us with that SCATA communication, to see if we can fix it or replace it. From there I'll get with Alan to see if we can do the same thing with theirs. In the meantime, I have a pump that's has a motor that is out, so I'll get that repaired. I have a scheduled inspection on the pond, and I have to drain it. I'll inspect it, and send out some form to NMED, and that will be done in November. I have already talked to the golf course, and we are going to be shutting down the water. We will be sending notices to the contractors, and whoever else is using the water. That is something that we have to do, and I am going to take that opportunity to see if I can fix the other things at the same time.

Mayor Hechler: How long is it going to take to do that?

Arnie Castaneda, Water/Wastewater Director: Most of the month. Maybe 3 weeks.

Mayor Hechler: At least it's in our cooler time of the year.

Arnie Castaneda, Water/Wastewater Director: Yes, that is why we are doing it in November because during the summer months the golf course and parks use it.

Mayor Hechler: Are you going to replace the liner in that month?

Arnie Castaneda, Water/Wastewater Director: They are very expensive, but we will repair the liner if that is what we need to do. If there are any cuts or holes in the liner, then we will repair them at that time.

Mayor Hechler: You're saying, once we get the SCATA system replaced then the pond overflowing shouldn't be as much of a problem? I was going to ask if we couldn't just monitor it on a daily basis and make changes, but it sounds like you're going to tackle it anyway in a month so we should be ok.

Arnie Castaneda, Water/Wastewater Director: That's the goal.

City Commission Reports:

Commissioner Fahl reported the following:

- The Sierra County Tourism Board met this month, and it was exciting. Kim Skinner works closely with Sunny 505, and they came down and did a video. They videoed places like the Healing Waters Trail, El Cortez, Ardies ice-cream shop, some of the galleries, and some of the hot springs. They are going to use those for TV commercials and stuff like that. They're going to focus on getting them to Phoenix and Tucson. A lot of our visitors come from Tucson.
- Jornada RC&D submitted our grant proposal. Thank you for your letter of support.
- Jim Apodaca is the Recreational Specialist at the Gila National Forrest, and he is a part of the board. They are opening the trail from Railroad Canyon, down to Animas Creek. They are also working on the Continental Divide Trail which is a world renown trail into Hermosa. Those of you that are into trails, about 20 years ago the Forrest Service had big trail crews that would go in for a 2-week hitch. They went in on foot and horseback to work on trails. They quit funding those, and so they haven't had money for trails in a long time. It's exciting that Gila is focusing on trails, and we are getting some open. They got volunteers from other states to come and help on the trails. It will be a good thing for our community and recreation tourism money.

Commissioner Mitchell reported the following:

- I just wanted to clarify, I did find the minutes from our January 3rd meeting and Mayor Hechler made a motion to appoint Mayor Hechler, Mayor Pro-Tem Forrister and Commissioner Hoeppner to serve as members on the Sierra Vista Hospital Joint Powers Commission and I'm the alternate. I attended the executive session yesterday on everyone's behalf and I will give you an update later.

Commissioner Hoeppner reported the following:

- The recycling committee had a meeting, and they had some great ideas to move forward. Hopefully there will be a presentation of what we can do and what areas they are working on.

Mayor Pro-Tem Forrister reported the following:

- I want to thank Becca Eza for letting me be a part of the Show of Hands Committee and help pick the finals. I'm excited to see how that goes and who wins.

- It's crazy the community we live in. I say it time and time again. We disagree on lots of stuff, but then come together for things like Alex. Down in Cruces at the fair, they had a moment of silence for her there, and a moment of silence for her here. At the gym last night there was a moment of silence, and we put out a thing for her funeral, and everybody jumped on it within a matter of minutes and filled everything.
- We just wrapped up the Sierra County Fair that is put on by a group of volunteers. Our Sierra County Fair Board has 21 members, and our families are big, and we come in and we put that on for the community. Everybody jumps in and helps in support. I had called Traci the day we set up for the fair because the mosquitos were horrible, and Dave came out twice and sprayed and definitely got it cleaned up out there. People came in and donated sand for the showrings, Tractor Supply donated shavings to put on top. Anybody just jumping in and helping and being amazing. We are run by volunteers. We get sponsorships, and we charge for banners that get hung up, and all that money goes back to the kids of our community. The sale was about \$430,000. It just goes out to show how many people show up for our kids. I really appreciate that. Crystal Diamond Brantley has really advocated bipartisan to get us over \$2 million for that facility, and we are going to be getting a new facility there. Again, we sell banners, and the money goes back to the kids, and it's unfortunate because a Crystal Brantley sign is hanging up at the fairgrounds and we have a blogger who would like to gossip about the sign being out there, instead of writing about all the fabulous things that happen at the fair. I'm very proud of the rest of the community for coming together for our kids.

Mayor Hechler reported the following:

- I attended the New Mexico Governor's Conference on economic development. I went to every class that I could for 2 days. It was very interesting, and I learned a lot of good things. I got to talk with the person from VARDA and hopefully he will be a spaceport customer as he continues to launch his satellites on the falcon 9 rockets. I made some great contacts including my ex-boss Dave Simon who is now the leader of the Albuquerque parks system. He and his wife have written a number of grants to EDA which is a federal grant that I am involved with, and we are trying to get 2 grants right now. He is going to be a great resource, and he is going to help us.
- On September 27th I attended the South-Central Council of Governments in Sunland Park. The big note here is we started transportation services here with a bus. It started in August. They come all the way to Elephant Butte and down to Mesilla all week long. The webpage is South Central Regional Transit and look for the blueline. The blueline is the one that services our community.
- On October 3rd we had a special meeting regarding Cantrell Dam. Representation was with the Trustee of the Village of Williamsburg, and the Sierra County Commissioner was there as well and also the manager. We had the Flood Director Sandy Jones, County Emergency Manager Ryan Williams and our City Management. The meeting was to explain what we are going to do with the dam and the construction. The reason the meeting was important was

because 2 of the people that were at this meeting were affected by the flood that occurred in 2020. They had some questions and thoughts about it, and they were concerned by the time it was over. We got an agreement from them stating that they are going to write a resolution in support of our endeavors to get the funding for the Cantrell Dam. They are also going to write us a letter of support. That is going to help us because on October 7th we made a trip to Santa Fe to the Water Trust Board meeting, and there were 53 applicants for the funding. Ours was for flood control. We were one of the applicants, and we were requesting \$8.1 million dollars. We made a presentation to them, and I think it was well received. I think by the end of the month we will know whether or not it's going to the budget. I think we have a worth well project. Also, with the \$8.1 million dollar project, \$800,000 is going to be a match by our community, but I think I have Sandy Jones' commitment to provide us with \$400,000 of that. So that this is going to cut some of our requirements down. That is why he asked for a resolution and those letters of support, so that he can feel comfortable doing that. This is going to provide a lot of security for the people that live in that area. I feel like this is going to make our community safe. The three entities that were involved were the County because of the fairgrounds, the Village of Williamsburg, and the City of T or C. I think that is why the Water Trust Board will hear our request, and we should be ok.

City Attorney Rubin had no reports.

F. CONSENT CALENDAR:

1. **City Commission Regular Minutes, September 11, 2024**
2. **City Commission Regular Minutes, September 24, 2024**
3. **September 2024 Accounts Payable**
4. **Take Home Vehicle Forms**

Commissioner Fahl moved to approve the Consent Calendar as submitted. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

G. PUBLIC HEARINGS (5 Minute Rule Applies)

1. **Public Hearing/Discussion/Action: Final Adoption of Ordinance 766 Amending the City of Truth or Consequences Municipal Code of Ordinances, Amending Chapter 11 Pertaining to Solid Waste.**

Assistant City Manager Alvarez: I have reviewed the minutes from our meetings June 12, August 14th and August 28th for all recommended changes for the ordinance. We have made all those updates as commission directed and what you have before you is the ordinance as requested for potential final adoption through the public hearing.

City Attorney Rubin: I researched section 11-14-2 exempt service collection administrative fee may apply. There was a question that came up regarding how that

plays out with the Americans Disability Act. I am prepared to give an opinion, but I think I would rather listen to public comments first then I will be happy to chime in.

Mayor Hechler opened the public hearing.

Proponents:

Steve Green: I applaud the changes that were made, and I appreciate that. I think for the public I do have one concern, and that concern is what Attorney Rubin alluded to 11-14-2. The front line says exempt service collection, administration fee may apply. The last line in that section starts with "*customers receiving exempt service collection are subject to all collection fees set by resolution including an administrative fee.*" Including, is a little different than may. So, one sentence contradicts the other sentence. Title 28, Chapter 1, Part 3, Subpart B, General Requirement 35-130 A-F "*A public entity may not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of measures such as the provision of auxiliary aids or program accessibility that are required to provide that individual or group with a non-discriminatory treat required by the act or this part*". I asked the person that sent this to me where did you get this information, and it's off of the ECFR.Gov website. The national archives codes of regulation part 35 covers non-discrimination on the bases of disability in state and local government services. That is exactly what we are talking about here. Governmental services to the disabled who do not have the physical capability to bring out their poly carts. I don't think there are a lot of people involved. I've heard the number 10, and I've heard the number 20, but why put the city in possibly an embarrassing situation where we know that applying an administrative fee is illegal, and why put our heads in the news once again. Please consider that when you vote for a passage of this ordinance. I think the revenue that the city is looking for from the solid waste department to increase their revenue, so they have money to buy new trucks, so when our community expands, and flaw is too small, and we have to expand the facility. Where is the money going to come from. I totally understand. I get it. I used to sit up here where you guys are sitting now. But not on the backs of the disabled, and not on the backs of 20 people. That doesn't make sense. That is not good community governments.

Opponents:

There were no opponents.

Mayor Hechler closed the public hearing.

Commissioner Fahl: I have questions about the exempt service, and I understand the concern. I never thought about ADA compliance. It doesn't reference a fee in the ordinance so would we determine that in a different document?

Mayor Hechler: We will discuss that a little bit more, and I will have Attorney Rubin way in here in just a second. One issue that I'm thinking about, and I completely understand

what Mr. Green is saying, but I think what he said about "required services", this is not a required service. I imagine it's allowable, but that doesn't mean we are going to do it. I'm thinking it's not a required service. It's a service that we provide, but it's not required. I'm not looking for a loophole, I'm just looking for the legal jargon, but our attorney can reference that and discuss that a little bit further.

Commissioner Fahl: To address the ADA issue, is that \$25? There are not a lot of people. At some point there might be a lot of people trying to take advantage of that. I just don't think the money is worth it, but before we go on to that I do have a question.

Mayor Pro-Tem Forrister: Before you go on, can I ask a question on that same topic? The fee can be waived if they do have a disability. That was my understanding. Is that not, correct?

Commissioner Fahl: It doesn't say that. That's what is confusing. I didn't notice where one says may, and then it says including.

Assistant City Manager Alvarez: Maybe if it was not considered an administration fee, and the Commission considered it an application fee. If somebody comes into Planning and Zoning, and they file a well permit, they pay a \$100 application processing fee. If they file a solar permit in a residential area, it's a \$50 application fee and \$100 fee for commercial. The planning application fee is to process that application because there is work that is entailed to do the processing of those applications. So, we are looking at it as charging people for the service, but the charging for the work goes behind processing those applications. As far as the wording is concerned, my apologies on that. I really was just referencing the committee meeting minutes, and so input in there what was requested by the commission per the minutes, and I didn't make the connection between one or the other. That can be amended prior to us doing final adoption, and then the commission can decide whether you want to call it an administration fee, or an application processing fee. If somebody comes in for any of those other fees it doesn't matter if you are disabled or not, those fees are required. If you guys decide you want to go with the fee when we get to the resolution portion, that is where you can decide what the fee is, and input that into the exhibit as well. Hopefully that helps a little bit.

Mayor Hechler: It does help. Attorney Rubin, for my peace of mind, this is not to make money for the city. Charging customers \$25 doesn't do anything for us as far as our budget goes. It's more to ensure that the people requesting this service truly need the service. That is where I was getting at with the admin fee. I understand the admin fee doesn't work the way an application fee may be in process. We have a lot of other hoops that people have to jump through, like getting a doctor's letter, and having a consultation with out sanitation director. Those things are still in place, so we can truly judge whether a person is going to receive this service or not. But it is not to make money, I just want to make that clear. 22 people are on the roles to receive this. That's 44 trips up and down the truck every week that the driver has to make because he has to get in and out of the truck twice to for every curb service that he does. That adds a lot

of time in the winter when you have snow and ice on the liners of the truck and things of that nature. It's a safety concern. That's my viewpoint. I understand our employees work hard, and they need to work hard, but those are extra things that I'm concerned about, and that is why I wanted to see something in regard to that.

City Attorney Rubin: Well, you made my job a lot easier with Ms. Alvarez' comments because that basically goes hand in hand to what I was going to advise you. To be clear here, I want everyone to understand I'm very sympathetic. I know the city is also. The ADA works to protect people that are disabled, and we don't want to have a perception that we are discriminating. It's important that we are addressing that. The way this is worded, I guess the question is what do we mean by administrative fee. Also, as I think Traci was kind of hitting on here is basically if you look at the ordinance, it talks about an application that you have to submit to the solid waste department, and then after the application is submitted, then our personnel goes out to the property and does an inspection. That is what we are talking about. It's a onetime charge when the application is submitted, and I think it's permissible that you can charge during the renewal process because you are doing the same thing. You still have to go out there and make sure the person qualifies. I guess really what I want to be careful with is that we don't want to have a situation where we are having an ongoing charge. That is something we would not be allowed to do. We are talking about getting by, by calling it an application fee. I don't think if we decide to change it from an administrative fee to an application fee that we have to go back publication if that is the only change we are going to make. I think we could amend that in our vote. I agree with Mrs. Alvarez's comments.

Mayor Hechler: Ms. Alvarez, what did you have in mind for an application fee?

Assistant City Manager Alvarez: I really was going to leave that up to the Commission.

Mayor Hechler: I understand that this is going to be a onetime annual fee thing, and this request is going to have to be renewed every year. There are a lot of hoops that people have to jump through to get this permit, like getting a letter from their doctor. I think you have to have an inspection, and you have to do a lot of other things, so I think that is important. I think that is a good way to go.

Mayor Pro-Tem Forrister: If they are disabled, they probably have that letter on hand.

Commissioner Fahl: Or they have their disability card. What if they just showed you their disability card.

Assistant City Manager Alvarez: It's important to reference that it's not necessarily disabled. It could be elderly. I know they have one that is a 92-year-old lady. She gets around fine, and she can do things on her own. However, pulling out a poly cart is very hurtful, but she is not disabled.

Commissioner Mitchell: What about for instance, my sister-in-law who broke her leg and for 2- or 3-months couldn't walk?

Mayor Pro-Tem Forrister: I don't know. We are just throwing that out there, but what we are trying to get away from is having people abuse that power. So, you make the fee maybe higher, but they qualify for the service. Maybe we can give it back to them or something. You don't want to make it just \$25.

Commissioner Fahl: Well, when you talk to them, they are going to say you're not approved.

Assistant City Manager Alvarez: I think it would be better for the Commission to either decide if we have a fee or not have a fee, that way it eliminates the feeling of discrimination that somebody might have. If the Commission is going to decide to make a fee, it should be for everybody. There are criteria's that they have to meet to get approved.

Mayor Pro-Tem Forrister: Sounds good.

Mayor Hechler: Here is what they need to qualify for exempt service. A resident must have a physical disability preventing you from rolling the carts to the curb or specified collection.

Commissioner Fahl: Ok stop right there. So, physical disability, but we just said what if she is 90. Is that a physical disability?

Mayor Hechler: No, they would have to submit the completed application to the solid waste department for consideration, and not have any other occupant or long-term guest residing in the home with the ability to roll the cart. The last one is having your physician complete the physician section of the application. So, the physician actually has to do it. You can't show the handy cap card or a plaque or anything else. Once a person goes through all those qualifications, I think it would be reasonable to accept a \$25 application fee once a year, and then I would like to put it back on the administrator at the sanitation department since these are renewable July 1st or two weeks before July 1st. They can contact these people to ask them if they want to renew, and inform them that they need to go through the process again. That way we won't have people on there in perpetuity without having to renew, so that we know if there are changes made, they are going to be able to change it. I think those are reasonable changes.

Mayor Pro-Tem Forrister: Andy does that seem ok? I would like to hear from you.

Commissioner Fahl: Back to the word disability. What if you say physical impairment instead of disability. We just said we don't want to call them disabled.

Mayor Pro-Tem Forrister: So, shouldn't we say have a physical impairment.

Commissioner Fahl: Right, instead of physical disability.

CITY COMMISSION OCTOBER 9, 2024 REGULAR MEETING MINUTES

Mayor Hechler: The one for me is that you have to have a physician complete the form.

Commissioner Fahl: I'm just saying don't use the word disability, cause we don't want to reference that. It's just a physical impairment, whatever that may be or it can also mean that they are elderly, and they can't pull it to the curb. That's an impermeant not a disability.

Mayor Hechler: Section 11-14-2 the first bullet point, under "have physical disability" change "disability" to "impairment."

Commissioner Fahl: Right, I would like that.

Assistant City Manager Alvarez: I would recommend changing the "administration fee may apply" to "application will apply."

Mayor Hechler: Right, just say a \$25 application fee on an annual basis.

City Attorney Rubin: I can help you out on that on the second bullet point where it says submit the completed application to the solid waste department with the \$25 application fee.

Assistant City Manager Alvarez: We are trying to take fees out of the ordinance. So, say with application fee.

City Attorney Rubin: Ok. So, in the last sentence you have customers receiving exempt service collection are subject to all collection fees set by resolution.

Commissioner Fahl: Wasn't one of the questions during public comment is who keeps track of those records? Of their application.

Mayor Hechler: It should be the administrator at the solid waste.

Commissioner Fahl: Not the City Clerks or any of that stuff.

Assistant City Manager Alvarez: They already keep them.

Mayor Pro-Tem Forrister: Destroy them after a year.

Commissioner Mitchell: As long as they are locked in a file, that's all they need.

Assistant City Manager Alvarez: It's all kept on site at the Solid Waste Department. How he processes after I do not know.

Andy Alvarez, Sanitation Director: No concerns. I normally go out and look at the routes and check on my drivers. I watched my driver get out of the truck. There was this elderly gentleman about 65 or so, he was out there playing with his dog. My employee got out

of his truck, and took his poly cart, and the man was following him still playing with his dog. My employee got done and I asked my employee if this was an exempt application because this man is out there running and playing with his dog. I asked how long this has been going on. I need to know these things. He said a long time sir.

Mayor Hechler: I appreciate that comment, but let's not let one bad apple spoil the whole thing. We know there are going to be exceptions from time to time. That is why we go through this annually and every single year. Make a note in their file and then make a visit to them to ask if there is a way to remove them from the exempt service. That might have been a one time deal to have that person there or reside there. You will have to find out and then remove them if need be.

Commissioner Fahl made a motion to approve the final Adoption of Ordinance 766 Amending the City of Truth or Consequences Municipal Code of Ordinances, Amending Chapter 11 Pertaining to Solid Waste with the noted amendments. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. ORDINANCES/RESOLUTIONS/ZONING:

1. Discussion/Action: Resolution No. 05 24/25 Establishing Solid Waste and Recycling Service and Collection Center Rates for the City of Truth or Consequences.

Assistant City Manager Alvarez: I do not have to say too much about this, we have had some discussions on this. I tried to word it differently so people would know these are monthly rates. With that I did not find any other changes in the past minutes from the commission requests. Do we have any questions?

Commissioner Fahl: Sometimes we miss things, so why are container sizes 1.5 and 3 and the cost is the same? I am looking at monthly dumpster rates size, first page FY25 1.5 68.57.

Assistant City Manager Alvarez: That is Recycling. It goes up for how many days a week you use the service. It still goes off of the cost of service within the rate study, and I know we had a discussion about the breakdown with the mayor. Mayor, I do not know if you want to go into that more.

Commissioner Fahl: So, it's the same for whatever size dumpster? I just want that clarified for the minutes. Container sizes with the initial rate are the same.

Mayor Pro-Tem Forrister: I asked the same question during the week between the two sizes. It's not that much of a difference because if you are going to get picked up more times in a week it would cost more from my understanding.

Wes Myers, Sanitation Department: the three different things it has is the cost per container, the cost per collection, and the cost for disposal.

Commissioner Fahl: How are our rates different from other communities? I do not know how that was done or if it was covered in the studies with the information Tracy has.

Andy Alvarez, Sanitation Director: Our rates are based on haul to a landfill.

Mayor Pro-Tem Forrister moved to approve Resolution No. 05 24/25 establishing Solid Waste and Recycling Service and Collection Center Rates for the City of Truth or Consequences with the annual exempt services application fee of \$25 be added to the Resolution. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Resolution No. 16 24/25 Budget Adjustment Request.

Jocelyn Holguin, Finance Director, reviewed the Budget Adjustments provided in the packet.

Commissioner Fahl moved to approve Resolution No. 16 24/25 Budget Adjustment Request. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Resolution No. 17 24/25 amending City Park User Fees.

OJ Hechler, Community Services Director: As we know, the Fiesta group has some tents and canopies. I have gotten a few phone calls about renting these. I called the party shack in Las Cruces and asked them how much they charge for rent. The 20X40 tents are \$360 plus a \$100 deposit, plus mileage. When thinking about these tents, there are a lot of pieces, and there are a lot of moving parts, and there is also a possibility of wind coming up when these tents are set up, so somebody would have to be there monitoring them pretty much the whole time. It would be best if city staff would set these tents up. I kind of hit it to where it would be a \$300 rental fee and a \$200 deposit. I reached out to the commercial grade tent company and a 40X40 is around \$1100.00, and these are framed tents and will hold the wind.

Commissioner Mitchell: Fiesta purchased the tents through the lodger tax, and we kept them. It was three tents that we purchased. Then the next year we came back and asked for more tents through the lodger tax board, and they said if they did buy them, they would revert to the city in order to use them for city functions and/or be rented out potentially. They have been hounding us for months so they can use these tents because when they did the Rock & Gem Show last year, they spent around \$7

thousand dollars just to get these tents, and they had to bring people in from out of town. We spent about \$1000. We have two 20X40 tents and then we have three 20X20 round ones. The other part is the set up and tear down because they don't have the best instructions. We can go online and download them and that kind of stuff, but it is a manpower thing, and we will be having to use city staff. That money that we get for those tents I think needs to be reverted to the appropriate department for the staff to put up and tear down is my suggestion. We can use them until they can't be used anymore and then we can purchase more through lodgers' tax if need be.

Mayor Pro-Tem Forrister: I think if we are going to do that it should be a flat rate and if you want set up and tear down it would be an additional cost.

Commissioner Mitchell: That is a possibility, but I think we had concerns about what if they don't have the manpower.

OJ Hechler, Community Services Director: There are a lot of parts to these tents, so the other part is the inventory once they are returned. I'd rather have a group set them up than have to call in city staff on a Saturday night to set them up. Is that realistic because then you fall into overtime and things of that nature.

Mayor Hechler: These tents are not commercial grade, and they really concern me with liability. Fiesta bought these things with lodgers tax and they can use them again, and for that reason we will get our use out of them, but they do have to be monitored, and the canopy has to be taken off at night because these things are not made to withstand more than 35 mph winds and they won't, so if a big wind comes through and picks them up and hits somebody in the head then that is a huge issue for us. I think the city should use the city's portion of lodgers tax to purchase a couple of commercial grade tents.

Mayor Pro-Tem Forrister made a motion table Resolution No. 17 24/25 amending City Park User Fees. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. NEW BUSINESS:

1. Discussion/Action: Approval of survey for land next to Rotary Park.

OJ Hechler, Community Services Director: This is for the approval of the survey to acquire that piece of property at Rotary Park. That would follow the same process that we did for Rotary Park. I spoke to the surveyor this morning and you are looking at \$2,500 for the survey.

Commissioner Fahl moved to approve the survey for land next to Rotary Park. Commissioner Mitchell and Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: 297 W Third Street (Municipal Court Building/Property).

Assistant City Manager Alvarez: The property has been vacant and was rented out to the film crew. We wanted to bring it to the commission to see what direction you want to go, and if you want me to look at the building getting appraised for the potential sale.

Mayor Hechler: When discussing this, look at future use of that building. Do we see any application for the city down the road for that property? Do we want to sale it and clean up our books and put it back on the tax roll. How do you want to approach it?

Commissioner Fahl: getting it back on the tax rolls is an advantage, but we do not know what our future growth will be. We might need that at some point.

Mayor Hechler: Can we do a business rental? We would have to clean it up. I do not know if there is a market for that.

Commissioner Mitchell: I know some of the programs are interested in finding properties to use as classrooms or meeting spaces, and stuff like that. If there was a way it could be rented on a temporary basis, or month by month, or even other offices in the city where other entities can come and have a meeting. The city could utilize the property that is currently vacant and get a little bit of money back and in rental agreements.

Assistant City Manager Alvarez: I don't know if it's set up for meeting rooms. It's more set up for offices. Keep in mind that we are in the process of re-doing the carpets and stuff.

Mayor Hechler: Lets go do this, let's make a motion to entertain the idea for a long term lease/sale, then we will decide which way to go. As long as it is not a cannabis dispensary.

City Attorney Rubin: Would you be interested in doing an appraisal. You will need that.

Assistant City Manager Alvarez: I would like to, if we were looking at potential long term, I would like to start with just that appraisal since it's a less cost. We have to have it appraised for market value for leasing it out. The appraisal for sale is different for leasing.

Mayor Pro-Tem Forrister made a motion to table the action on the 297 W. Third Street (Municipal Court Building/Property). Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Approval of Purchase Requisitions over \$20,000.

Jocelyn Holguin, Finance Director reviewed the Purchase Requisitions over \$20,000 provided in the packet.

Mayor Pro-Tem Forrister moved to approve the Purchase Requisitions over \$20,000. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Accounts Payable Voucher and Change Orders.

Jocelyn Holguin, Finance Director: The voucher system is redundant. Staff is having to redo paperwork. I would like to change it to a stamp approved for payment, or ready to pay, sign the invoice then submit it for payment. The second part is the way that change orders are done. I am going to ask for them to be changed and it will be changed in our policy. Anything between \$1 and \$20,000, you will have to fill out an extra form and get a bunch of signatures, now the accounts payable or procurement can do it through an email. They have discretion.

Commissioner Mitchell: So you are wanting to simplify the process and make it more efficient.

Mayor Hechler: You talked to the auditors, and they are ok with the process?

Jocelyn Holguin, Finance Director: I want to clarify. I went on the Procurement code website, and it's not in there.

Mayor Pro-Tem Forrister: Staff would rather do this, and it will simplify the process right?

Staff agreed.

Mayor Pro-Tem Forrister moved to approve the Accounts Payable Voucher and Change Orders. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

J. EXECUTIVE SESSION:

1. Threatened & Pending Litigation (Ron Fenn) pursuant to 10-15-1(H.7).

Mayor Pro-Tem Forrister made a motion to go into executive session at 12:10 p.m. to discuss Threatened & Pending Litigation (Ron Fenn) pursuant to 10-15-1(H.7). Commissioner Mitchell seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Hechler reconvened the meeting in open session at 12:48 p.m.

Mayor Pro-Tem Forrister certified that only matters pertaining to Threatened & Pending Litigation (Ron Fenn) pursuant to 10-15-1(H.7) was discussed in Executive Session and no action was taken in executive session.

K. RETURN TO REGULAR SESSION; ACTION (if any)

1. Threatened & Pending Litigation (Ron Fenn) pursuant to 10-15-1(H.7).

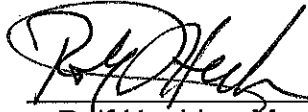
No action was taken.

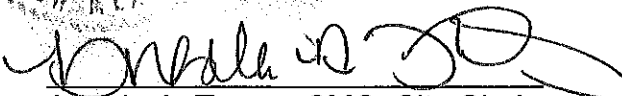
I. ADJOURNMENT:

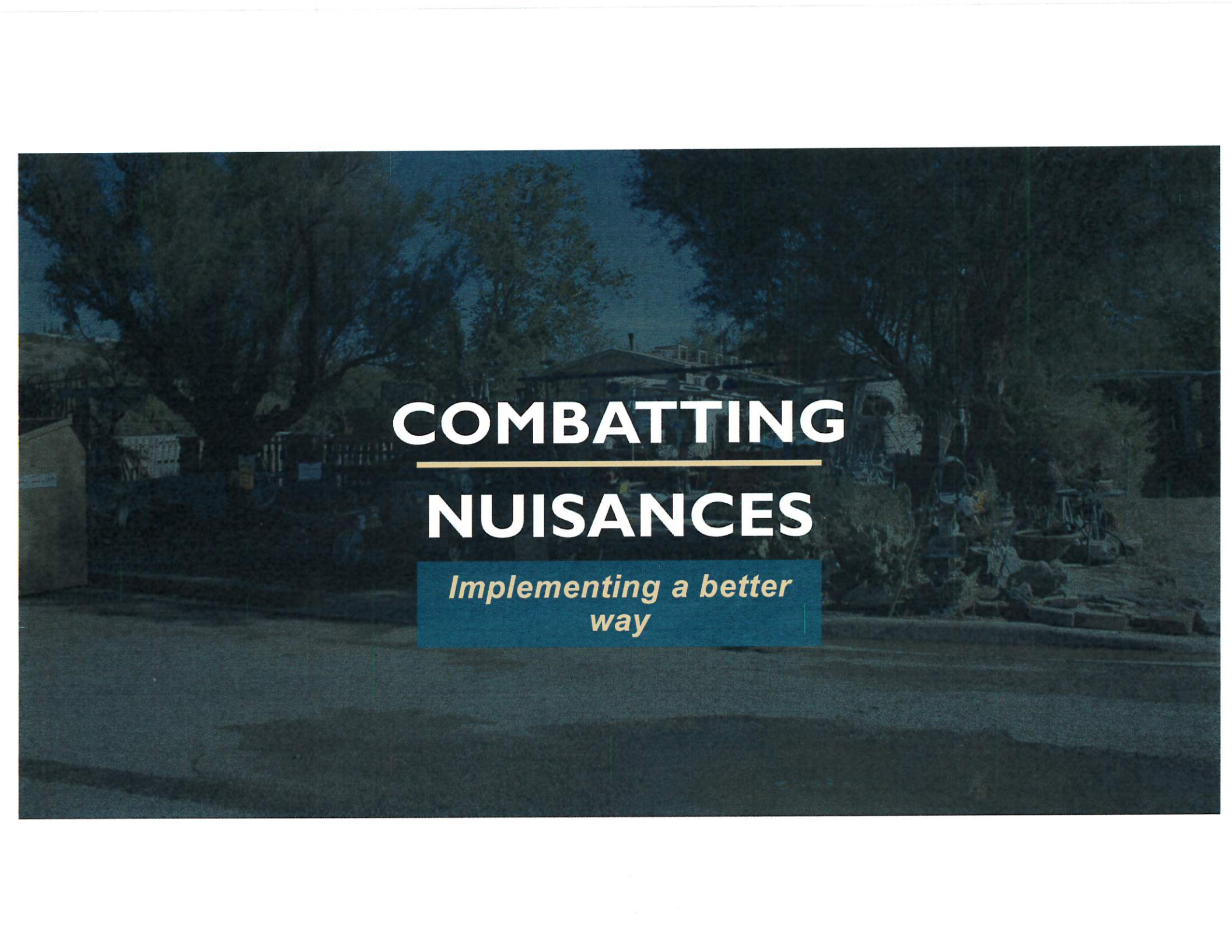
Mayor Hechler adjourned the meeting at 12:51 p.m.

Passed and Approved this 13th day of November, 2024.




Rolf Hechler, Mayor


Angela A. Torres, CMC, City Clerk

The background image shows a residential street scene. There are large, leafy trees on both sides of the street, casting shadows. In the background, there are houses, some with visible roofs and chimneys. The overall lighting is somewhat dim, suggesting it might be late afternoon or early morning. The text is overlaid on this image.

COMBATting NUISANCES

*Implementing a better
way*



The Idea

In September, I attended the New Mexico League of Zoning Officials Conference in Carlsbad. During the conference, the Head of Planning and Zoning from the Town of Edgewood, Brad Hill, gave a presentation on how his town combats nuisance properties.

WHY DO WE NEED A NEW APPROACH?

Our current Code Enforcement process is lengthy. Citizens are unhappy with the services that are being provided because they feel as if nothing is being done.

Our current process is causing nuisance abatement to take over six months, and in some cases, years, to complete. An example of this is the property at 731 Wyona Street that got stuck in the process for three years.

Bureaucratic processes aren't the only problems we face. Municipal and Magistrate judges don't want to hear City Code cases, so they usually fail to provide the results needed for a property to get cleaned. On that same note, initial hearings for City Code cases are over a month after a criminal citation or complaint is filed. This means that even after a property owner is taken to court, the case will last at least another month, not including the time given to the property owner by a judge to clean the property.

CRIMINAL CITATIONS VS. CIVIL VIOLATION

Criminal Citation



- Respondent is an individual
- Redress is limited to action against the respondent
- Standard of proof is beyond a reasonable doubt
- Matter is heard by a judge

Civil Violation



- Complaint is against the state or the property
- Redress can be an order for the respondent to comply or allow for complaint to correct
- Standard of proof is preponderance of the evidence
- Matter is heard by a hearing examiner

PROPOSED PROCESS

Step 1



A property has been identified as a nuisance.

Notify the owner with a courtesy notice (10 days)

Step 2



Serve owner with Notice to Abate and post sign on the property with "Notice to Abate" (10 days)

Step 3



Proper notice of hearing is given. The matter is presented to a Zoning Hearing Examiner who may issue an Order to Abate.

Step 4



Abatement of the nuisance property by City.

Step 5



A Municipal Lien is placed on property for all costs incurred during abatement

NUISANCE ABATED

Step 1: Notify

Post or mail a courtesy letter to the property owner advising them of violations present on the property. The courtesy letter will give the property owner ten days to remove violations.



CITY OF TRUTH OR CONSEQUENCES
OFFICE OF CODE ENFORCEMENT
507 McAdoo Street
Truth or Consequences, New Mexico 87901
PD (575) 894-1204



COURTESY NOTICE

Date: _____ Location: _____

VIOLATION(S):

- ☐ Section 6-78. – Weeds, responsibility of owner
- ☐ Section 6-76. – Accumulation of solid waste
- ☐ Section 6-74. – Unsanitary premises
- ☐ Section 6-52. – Vehicle prohibited acts and exceptions (Unregistered / Disabled vehicle)
- ☐ Other: _____

Requirements for Correction:

We respectfully ask that you take action to remove the listed violations before _____.

Follow-Up Inspection Date: _____

A follow-up inspection will occur on the inspection date listed above. If a violation is found at that time, a citation may be issued to the owner, agent, lessee or occupant of the property. If you have any questions, please do not hesitate to contact the Truth or Consequences Police Department at (575) 894-1204 and request to speak with Code Enforcement.

Not complying with this notice may result in a penalty of \$500 fine and/or 90 days in jail or both.

Thank you for your attention to this matter.

Inspector / Code Enforcement Officer: _____

Step 2: Notice to Abate

1. Post a sign and Notice to Abate paperwork on the property
2. Send a letter via regular mail and Certified Mail giving ten days to remove the nuisance and fifteen days to schedule a hearing with the Hearing Examiner.

**WARNING NOTICE OF VIOLATION
NOTICE TO ABATE**
CITY OF TRUTH OR CONSEQUENCES

THE FOLLOWING PROPERTY HAS BEEN DETERMINED TO BE IN VIOLATION OF ORDINANCE ###-##
DILAPITATED BUILDING AND UNSIGHTLY DUMPING OF DEBRIS AND/OR TRASH

YOU MUST REMOVE THE ABOVE NUISANCE WITHIN TEN DAYS OF THE DATE ON THIS POSTING. FAILURE TO DO SO MAY RESULT IN THE REMOVAL OF THE NUISANCE BY THE CITY OF TRUTH OR CONSEQUENCES WITH THE RESULTING COST TO BE IMPOSED UPON THE PROPERTY AND THE OWNER OF RECORD.

YOU HAVE THE RIGHT TO APPEAL THIS NOTICE BEFORE THE ZONING HEARING EXAMINER WITHIN FIFTEEN (15) DAYS OF THE DATE ON THIS POSTING. TO REQUEST AN APPEAL, CALL THE CITY OF TRUTH OR CONSEQUENCES CODE ENFORCEMENT OFFICE AT 575-894-1204. IN THE EVENT NO APPEAL IS FILED ON THIS MATTER THE CITY MAY PROCEED WITH THE ABATEMENT.

DATE OF POSTING: _____ CERTIFIED MAIL: _____
BY OFFICER: _____

THIS SIGN IS PROPERTY OF THE CITY OF TRUTH OR CONSEQUENCES. DO NOT REMOVE, DEFACE OR DAMAGE

Step 3: Notice of Hearing

If the ten days listed on the Notice to Abate has passed, the property owner will still have five days to request a hearing from the Hearing Examiner.

If the owner does not request a hearing, within that time, a Notice of Hearing will be posted on the property.

PUBLIC NOTICE
NOTICE OF HEARING
FOR ABATEMENT OF NUISANCE

THE CITY OF TRUTH OR CONSEQUENCES / CODE ENFORCENET HAS DETERMINED THAT THIS PROPERTY IS IN VIOLATION OF ORDINANCE ####-###
AND IS REQUESTING A HEARING AS PROVIDED UNDER ####-###:
DILAPITATED BUILDING AND/OR UNSIGHTLY DUMPUNG OF DEBRIS AND/OR TRASH

OWNER / RESPONDENT: _____

PROPERTY LOCATION: _____

LOCATION OF HEARING: 405 WEST THIRD AVENUE, TRUTH OR CONSEQUENCES, NM 87901 / CITY COMMISION CHAMBERS

HEARING DATE: _____ TIME: _____

FOR FURTHER INFORMATION, CALL THE CITY OF TRTUTH OR CONSEQUENCES CODE ENFORCEMENT OFFICE AT 575-894-1204.

DATE OF POSTING: _____ CERTIFIED MAIL: _____

THIS SIGN IS PROPERTY OF THE CITY OF TRUTH OR CONSEQUENCES, DO NOT REMOVE, DEFACE OR DAMAGE

Step 4: Conduct a Hearing

As previously stated, we need to stop going through the Criminal process and go solely based through a Civil Process.

During a Civil Process, there is no “Guilty” or “Not Guilty” plea. There are Stipulations.

The standard of proof is “Preponderance of the Evidence” in a civil case. This means that something is more likely true than not.

Hearings are public and somewhat informal.

Hearings are held once a month.

After the hearing is conducted, the property owner has a right to appeal the decision to the Planning and Zoning Board within 30 days. However, a \$400 non-refundable fee is charged to anyone who wishes to appeal to the Planning and Zoning Board.

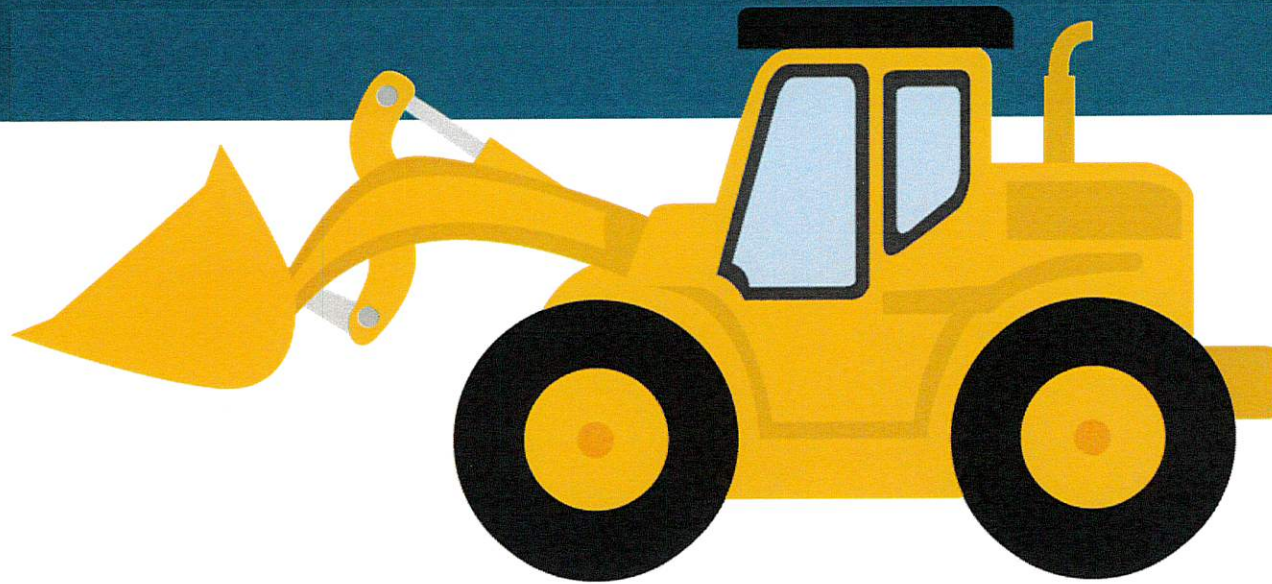
If the property owner wishes, they may appeal a Planning and Zoning Decision to the Governing Body (The City Commission.)

The Governing Body decision can then be appealed to the District Court.

Step 5: Abate the Nuisance

During a hearing, a decision will be made by the Hearing Examiner on how the property will be brought into compliance.

Property owners may wish to hire a contractor they already know, contractors may wish to approach the property owner with an offer on cleaning the property, etc.



Step 6: Indemnification

If an abatement is performed by the City, an invoice of all costs incurred by the City or other amounts or fines (such as appeal fees) shall be sent to the respondent and a Municipal Lien will be filed in accordance to NMSA 1978 § 3-36-1. This will allow the City to seek Tax Sale Relief or Foreclose on the property.



WHY DOES THIS PROCESS WORK

✓ Expedited Process

Though there is paperwork, there is less of a chance for the paperwork to sit on a desk. The process can continue during the time specified by the notices, not get held up.

✓ Allows the Public to Help

Because the hearings for this process are public, contractors can plan to go to them and attempt to work with property owners.

✓ Follow Through

With this process, people that receive notice know that there will be follow through with the process. They understand that we won't go away.

✓ Allows the Public to be Heard

Because we are posting bright signs advising everyone of violations on a property, the public feels like their complaints actually matter, because they do. They allow the public to see the process progress.

✓ Helps small businesses in the community

Contractors will most likely be contacted by respondents wishing to come into compliance or members of the public who wish to stay in compliance.

BUDGET

Where does the money come from?

The Town of Edgewood passed Resolution 2023-09 which established a revolving Nuisance Abatement Fund by re-allocating the funds received from the Cannabis Excise Tax (About \$8,000 a month). The resolution also has a sunset clause, causing it to go away and allow it to sustain itself with the fees. Funds received via Municipal Liens, appeal fees or other means throughout the process will also be returned to the Nuisance Abatement Fund.

Currently the City of Truth or Consequences has a Cannabis Excise Tax that receives similar amounts that is put into the General Fund. With a resolution similar to 2023-09, the funds needed to clean nuisance properties is consistently available and builds back up quickly.

A PROACTIVE APPROACH

The Town of Edgewood also has a few ways they help prevent violations from occurring in the first place.

1. Vacant Structure or Foreclosed Property Registration

Property owners of Vacant Structures or Foreclosed properties shall register the property by providing names and addresses of any and all owners or interest holders known to the party, a description of the premises, contact information for property owner(s).

RESULTS OF THE PROCESS

Since implementing this process in 2023, the Town of Edgewood has abated 33 nuisance properties.

Edgewood's approach to nuisance properties has driven many New Mexican Counties and Municipalities to follow their lead. The City of Santa Fe, Santa Fe County and the City of Albuquerque have all started implementing similar processes.

Within the Town of Edgewood, residents applaud the Town Commission and Code Enforcement for handling the nuisances in a timely manner. Because properties are being cleaned and property owners are being held accountable, other residents have begun cleaning their yards proactively before they reach the point of non-compliance.

WHAT ELSE?



Community Outreach

Problem properties will be listed on the City of Truth or Consequences website and Code Enforcement will speak at regular Commission Meetings on current issues.



Online Based Reporting

An online reporting form will be available for residents to file complaints 24-hours a day, seven days a week.



Educate

Newsletters and media publications are created to educate residents on violations and how to prevent them.

A dark, grainy photograph of a street scene. In the background, a semi-truck is visible, partially obscured by trees and foliage. The scene is dimly lit, suggesting dusk or dawn. A teal-colored rectangular box is overlaid on the left side of the image, containing the word "QUESTIONS?" in white, bold, sans-serif capital letters. A thin yellow horizontal line is positioned directly beneath the text.

QUESTIONS?

Tammy Gardner
Former City Manager Executive Assistant

I am a lifelong resident of Sierra County and former employee of the City of Truth or Consequences. Don't mistake my appearing in front of you today as just another disgruntled former employee but rather a concerned and wronged former employee that would like to believe there is better for the many employees that I have had the privilege of working with and calling some a friend.

I worked for the city a total of 7 ½ years 4 ½ of which was spent in the city manager's office. I worked very well with the previous city manager's and would even go so far as to say I enjoyed going to my job. But that soon changed when City Manager Gonzales came aboard. In all my years of working in long term jobs I have never dealt with such an unprofessional/discriminatory/hostile work environment. The toxicity that stems from the manager's office is absolutely disgusting. And where I might be far from a perfect employee, I can confidently say I did my job(s) to the absolute best of my abilities and went above and beyond most days and that has been reflected many times through the years, just check my file.

It is unfortunate that employees have no one to go to for help in situations that include upper management as HR is clearly not there for the employees. I have seen this firsthand as I had an experience at the start of Manager Gonzales' reign where I was put into a situation where Manager Gonzales thought it was necessary to make derogatory comments regarding an employee's mental health. I did not feel this was appropriate or necessary in any situation therefore I went to HR and filed a complaint. Shortly after because of a breach of confidentiality I began being retaliated against by Manager Gonzales by her refusing to acknowledge me when she would arrive to work, but pop into Traci's office to say hi and hurry and go smoke so they can talk and now the famous last words are "and if that gets out I'll own it." Just recently Manager Gonzales came into my office to inform me sorry if she is a BITCH in advance, but she will be until McAdoo gets paved although her and the commission paid the contractors thousands of dollars to hold it off. I in no way should get the

short end of that stick. On multiple occasions in our group texts of running late and what not I was lucky to get anything other than ok where Traci would get the good morning no worries or no problem etc. etc. But being my personality, I continued with the smiles and good mornings on deaf ears. On another occasion when Manager Gonzales needed to make a phone call, she was told by Asst. Manager Alvarez she should probably take that outside and I was the only one in the office as she was going to smoke. I tried going to the commission for help only to be told that in my position I would hear things that should never leave the room, and they will not do anything to her as they don't want to go through the process of hiring and training a new city manager. That worked out well. I went on to experience many more incidences to include being reprimanded for not being at my desk at all times only to be asked an hour later to go pick up their personal lunch. It is also no surprise that I would be sent on multiple drink runs daily in my personal vehicle as well. I have been subjected to countless uncomfortable situations as for the most part I am a non-confrontational person to include when they would speak poorly about employees/departments/citizens and yes even you commissioners. One example is when a commissioner reached out to see how our community could help the awful fires in Ruidoso that they should mind their own business we have our own problems. Which is no surprise or fault other than poor management.

It's disappointing to know none of us are valuable to them except the few special departments, but more and more unrealistic expectations are only set for some without compensation. Seems that the less you do the more you're paid. I don't see how anyone can flourish and do their jobs to their fullest potentials when you're constantly worried about getting reprimanded for petty immature things daily. For example, being expected to be at your desk at all times to answer every call, the door, get up when summoned to the conference room for water/candy/printed documents they can't be bothered to get up and get rather than go to the door and instruct me to and heaven forbid I don't hear it go off/lunch/drink runs/and most importantly our jobs because "we all wear multiple hats" and with little to no reward because after all I have heard some employees be compared to McDonalds workers.

Here is some information leading to me coming before you today.

I was out of the office for illness and the birth of my first grandchild September 30th through October 4th only to be faced with a text with a snarky comment and requiring a Dr's note, which I am happy to, but it's sad not every employee is asked to. To then see an email where apparently Assistant Manager Alvarez is having a hard time keeping up with her job as I am out all week, although I am not under her unless the City Manager is out which is often. Upon my return I emailed Manager Gonzales requesting leave donations and was denied without reason. I then proceeded to go to HR and submit my resignation because, apparently your management is willing to lose a tenured employee over 31 hours. Sad right? Therefore, I will not apologize for my abrupt departure as I refuse to work in tyranny.

I would now like tell you a little about my hat(s) on top of all above mentioned.

All City Manager Office duties

Additional Administrative duties

- **Lodger's Tax Grant processes and meetings**
- **Subrecipient Grant processes**
- **Organize travel for commissioners, my office as well as many others.**
- **Request and submit Sharp printer readings monthly.**
- **Train new employees for other departments because the City Manager's Office doesn't want the toxicity to poison them before they start.**
- **Accounts Payable runs**
- **Chief Procurement Officer duties (approve and process requisitions)**

Planning & Zoning

- **Help all customers that come into the office for information regarding permitting, forms, addressing, zoning, and all other pertaining.**
- **Help and/or assist customers in preparing all their correct documentation for review.**
- **Prepare and organize hard and digital files for planning applicants.**
- **Request and send out certified mailings for the planning and zoning meeting public hearings.**
- **iWorQ management**
 - **Business Licenses (print, execute, submit and email)**
 - **Well permits.**
 - **Solar Permits.**
 - **Trainings suggested by Assistant Manager Alvarez**
- **Answer phone as is forwarded to my line most days, check and return messages.**
- **Administrator of the city's SAM account.**
- **Enter beginning of the FY requisitions and close those needed at the end.**
- **Process miscellaneous requisitions and payment vouchers.**
- **Email vendors for quotes and invoices.**

Airport

- **Enter beginning of the FY requisitions and close those needed at the end.**
- **Process miscellaneous requisitions and payment vouchers.**

Golf Course

- **I navigated all state guidelines to re-activate the city's governmental liquor license, because employees don't want their record exposed.**
 - **Contact the state and learn processes and what forms.**
 - **Be fingerprinted in order to be the officer for the license and submit all required documentation.**
 - **Prepare all documents needed to assign a resident agent and submit to the state.**

- **Annual renewal.**

All other departments as instructed.

- **Email vendors for quotes, invoices, new vendor information etc.**
- **Process miscellaneous requisitions and payment vouchers.**

POI

- **Administrate and post to Facebook 24/7 as needed via personal phone and computer.**

An abstract graphic featuring a dark blue textured background on the left, transitioning into a large white organic shape. A small white circle is positioned in the upper left of the white shape. On the right, there are blue organic shapes that appear to be cutouts or extensions of the white shape. The title text is centered within the white area.

Water and Wastewater update

October 2024

Water Leaks

- Water leaks are at a current low of 28 as of October 4th 2024.
- Crews were able to complete 45 leaks in the month of September.
- Leaks repaired so far in the month of October is 11. There are 28 to be fixed in the next 3 weeks.
- Crew has been able to catch up on leaks as water demand has slowed. Less demand equals less stress on the system equals less leaks.



Wastewater

- Reuse pumps - We have been able to get one of the reuse pumps back online in manual mode. We are able to pump water to the golf course manually as needed. The second pump is scheduled to be removed and sent off for repairs.
- Headworks pump #2 - This pump went offline last week, we had it checked and the electrical motor is no longer functional. Pump has been sent to El Paso for repair.
- 24 hr Sampler - This sampler unit has been giving us trouble. The unit is over ten years old. We are currently soliciting quoted to replace this unit..

