

Amanda Forrister
Mayor

Rolf Hechler
Mayor Pro-Tem

Merry Jo Fahl
Commissioner



Destiny Mitchell
Commissioner

Shelly Harrelson
Commissioner

Bruce Swingle
City Manager

505 Sims St.
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REGULAR MEETING

THE REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO, TO BE HELD IN THE COMMISSION CHAMBERS, 405 W. 3RD ST., ON WEDNESDAY, MARCH 22, 2023; TO START AT 9:00 A.M.

A. CALL TO ORDER

B. INTRODUCTION

1. ROLL CALL

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

2. SILENT MEDITATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA

C. PUBLIC COMMENT (3 Minute Rule Applies)

D. REPORTS

1. City Manager
2. City Attorney
3. City Commission

E. CONSENT CALENDAR

1. City Commission Regular Minutes, March 8, 2023
2. Acknowledge Regular Planning & Zoning Minutes, January 9, 2023
3. Acknowledge Regular Planning & Zoning Minutes, February 13, 2023
4. Take Home Vehicle Forms

F. PUBLIC HEARINGS (5 Minute Rule Applies)

1. Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 747 an ordinance authorizing the lease of real property, pursuant to section 3-54-1 NMSA 1978 to Sun State Tower.

G. ORDINANCES/RESOLUTIONS/ZONING

1. Discussion/Action: Resolution No. 35 22/23 Budget Adjustment Request. Kristie Wilson, Finance Director
2. Discussion/Action: Amendment to Park User Fees, Resolution 68 21/22, adding the use of the concession stand located at the Louis Armijo Sports Complex. OJ Hechler, Community Services Director

H. NEW BUSINESS

1. Discussion/Action: Approval of the Turtleback Trails Master Plan. Attila Bality, Jornada RC&D
2. Discussion/Action: Approval of Volunteer Fire PERA. Paul Tooley Fire Chief and City Manager Swingle
3. Discussion/Action: Approval of Purchase Requisitions over \$20,000. Kristie Wilson, Finance Director
4. Discussion/Action: Approval of Lease between the City of T or C and the Sierra County Flood Commission for office space located at 400 W. 4th Avenue. City Manager Swingle
5. Discussion/Action: Memorandum of Understanding (MOU) between the City of Elephant Butte and the City of Truth or Consequences regarding Provision of Animal Shelter Services. City Manager Swingle
6. Discussion/Action: Approve and execute the NM DFA Local Government Division, CDBG Program Agreement for Project No. 22-C-NR-I-01-G-01. Assistant City Manager Alvarez
7. Discussion/Action: Request from Planning & Zoning Commission to create a Rules of Procedure Manual for their board. City Attorney Rubin and City Clerk Torres
8. Approval of the Truth or Consequences Housing Authority Board's recommendation to re-appoint Dr. Greg D'Amour to serve another term on the board. City Clerk Torres

I. EXECUTIVE SESSION

1. Threatened & Pending Litigation (*Erica Baker*) pursuant to 10-15-1(H.7).
2. Purchase, Acquisition, or Disposal of Real Property (potential sale of the city's electric infrastructure to Sierra Electric Coop) pursuant to 10-15-1(H.8).

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

1. Purchase, Acquisition, or Disposal of Real Property (potential sale of the city's electric infrastructure to Sierra Electric Coop) pursuant to 10-15-1(H.8).

K. ADJOURNMENT

The meeting will be broadcast live through KCHS on 101.9 FM.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting please contact the City Clerk's Office, at 505 Sims Street, Truth or Consequences, New Mexico 87901, phone (575) 894-6673 at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the City Clerk's Office if a summary or other type of accessible format is needed.

NEXT REGULAR CITY COMMISSION MEETING APRIL 12, 2023



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 22, 2023

Agenda Item #: E.1

SUBJECT: City Commission Regular Minutes, March 8, 2023
DEPARTMENT: City Clerk's Office
DATE SUBMITTED: March 17, 2023
SUBMITTED BY: Angela A. Torres, Clerk-Treasurer
WHO WILL PRESENT THE ITEM: Consent Calendar

Summary/Background:

Minutes approval.

Recommendation:

Approve the minutes.

Attachments:

- CC Minutes

Fiscal Impact (Finance): N/A

\$0.00

Legal Review (City Attorney): N/A

None.

Approved For Submittal By: ☐ Department Director

Reviewed by: ☒ City Clerk ☐ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 3-22-2023

**CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, MARCH 8, 2023**

A. CALL TO ORDER:

The meeting was called to order by Mayor Amanda Forrister at 9:00 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. Amanda Forrister, Mayor
Hon. Rolf Hechler, Mayor Pro-Tem
Hon. Destiny Mitchell, Commissioner
Hon. Merry Jo Fahl, Commissioner was absent
Hon. Shelly Harrelson, Commissioner

Also Present: Bruce Swingle, City Manager
Traci Alvarez, Assistant City Manager
Angela A. Torres, City Clerk-Treasurer
Kristie Wilson, Finance Director
Jay Rubin, City Attorney via telephone
OJ Hechler, Community Services Director
Electric Department Director Easley
Luis Tavizon, Chief of Police

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

2. SILENT MEDITATION:

Mayor Forrister called for fifteen seconds of silent meditation.

3. PLEDGE OF ALLEGIANCE:

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

4. APPROVAL OF AGENDA:

Mayor Pro-Tem Hechler moved to approve the agenda with the removal of item G1. 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 Swingle presented an Employee Service Anniversary Award to Crispin Bush for 3 years of service with the City of Truth or Consequences.

City Manager Swingle and Andy Alvarez, Sanitation Director, presented an Employee Service Anniversary Award to Joseph Daley for 5 years of service with the City of Truth or Consequences

City Manager Swingle and Community Development Director Hechler, presented an Employee Service Anniversary Award to Ashley Galicia for 1 year of service with the City of Truth or Consequences.

City Manager Swingle presented an Employee Service Anniversary Award to Shane Jeffers for 1 year of service with the City of Truth or Consequences.

City Manager Swingle and Rick Artman, Golf Course Manager presented an Employee Service Anniversary Award to George Rea for 2 years of service with the City of Truth or Consequences.

City Manager Swingle and Sonya Williams, Utility Office Manager presented an Employee Service Anniversary Award to Chelsea LeClair for 7 years of service with the City of Truth or Consequences.

City Manager Swingle and Pat O'Hanlon, Library Manager presented an Employee Service Anniversary Award to Kathleen Martinez for 1 year of service with the City of Truth or Consequences.

City Manager Swingle presented an Employee Service Anniversary Award to Bo Easley for 22 years of service with the City of Truth or Consequences.

City Manager Swingle and Rick Artman, Golf Course Manager presented an Employee Service Anniversary Award to Martin Towner for 3 years of service with the City of Truth or Consequences.

D. PUBLIC COMMENT (3 Minute Rule Applies):

Christie Sallee addressed the Commission with comments related to:

- (1) She is the applicant for item I3. She bought a trailer and she was unaware that she had to move it from the location that it is in because it is in a senior citizen RV Park. The property owner is asking that it be moved because she is not a senior and she has a child. She has a property owner who is willing to let her move it to their property. However, she had to apply for a variance request because the trailer is older 20 years old, so she asked that the Commission please approve her variance request.

E. REPORTS:

City Manager Swingle reported the following:

- He wanted to first recognize the staff. Everybody is working extremely hard, and a lot of good work is being done in the community, and in most departments, they are short of staff so everyone is carrying a little more of the load and they need to be recognized for that. There is fantastic work that is occurring city wide.
- Fiscal year to date, the city received a little over \$513,000 more in GRT revenue than we did prior years so that equates to about a 16.4% increase in GRT revenue. It is very important to know that does not include the GRT that we are going to start receiving on the roundabout project, as well as increase in GRT we are going to experience from the bridge construction that is taking place. Next month we will be able to start reporting the first month of GRT revenues from those projects, but thus far the revenue that has been collected is all pre-construction projects.
- A couple of months ago you made a change to the lodger's tax ordinance which you allowed third parties to pay lodger's tax for individual property owners. With the first month's revenues we saw a little over \$5,000 increase in lodger's tax revenues so it is a plus, and I think that it will be continued, and even grow as more businesses take advantage of this with Airbnb.
- Cannabis revenues still remain about \$5,700 on average per month, so we are looking at roughly \$65,000 per year in revenue from cannabis. However, it is still not going to cover the social consequences that we are going to experience in the community over time.
- We received the small city assistance appropriation from the state. We just got that this week. It was for a little over \$336,000. It was a little over what we generally receive. We usually receive somewhere around \$20,000 so it is a little more revenue than expected.
- Human Resources attended and participated in the high school job fair. They handed out a number of applications, and she already received some back from some of the students, so that's fantastic. We would love to get them employed, not only through summer, but full time as well.

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- We still have vacancies on various city boards. We have one vacancy on the Library Board. We have two vacancies on the Impact Fee Advisory Board, one vacancy on the Planning & Zoning Commission, and we have one vacancy on the Recreation Advisory Board.
- We have been to Santa Fe, and we have been working with our legislative delegation, and the environment department, as well as the governor's office in regards to trying to secure funding for the water infrastructure. We need about \$20 million dollars to address the emergency situation of the water leaks, and the large volume of water that we are losing. That is working its way through the system, and Senator Crystal Diamond is really working her tail off for this community, and specifically for this project. He would like to recognize Jay Armijo and the SCCOG as well. They have been with us every step of the way in trying to get recognition and inform people of the situation and the urgency of the funding that we need. He was contacted by an NBC national reporter on the situation, and it all originated from the story that was written by the spotlight. The reporter is flying in today with a cameraman. They had lengthy interviews telephonically. However, the reporter wants to do an in person interview and get some footage of some of the water leaks. As of today we still have 11 water leaks flowing in the city, which is simply less than what we have when it gets warmer in the summer when consumption goes up. I think he is very genuine, and wants to help. He is a good journalist, and we think he will be able to promote the situation that we have right now. We met with Senator Heinrich's staff. We met with his local liaison, as well as two of his staff members from Washington, and we talked about the congressional direct spending. We talked about the \$1.6 million that we received for this year, and we worked out a plan for next year. We already submitted the application for next year, and we submitted it based on what they think they can do, and work with through the Senator Appropriations Committee. It is all fantastic news, and he thinks that everybody is wanting to help us. The window is very narrow with the legislator because this is their last week in sessions so we are trying to really expedite the process as fast as we can with the state.
- We moved the library branch out of the Lee Belle Johnson Center. They are now out at the Nadine Gardner Center. We stopped Spaceport from occupying their space, and we have to find a new location for the Visitor Center. The criteria that they want for the Geronimo Trails Visitor Center is that they want it downtown, they have to have some vehicular access to the public, so we are looking at one facility right now and they are pretty excited with it. The facility will not be able to accommodate the Spaceport Visitor Center in the full capacity or extent that it is now. The ceilings are normal office sized ceilings so some of the exhibits will not be transferable to the new building, but they will be able to occupy it, and have some displays available to them. We are trying to iron out the details, and we are currently trying to find grant opportunities for funding for the mitigation efforts for the Lee Belle Johnson building. There is so much gossip about the facility, and people want another engineer to come in, and they want a second opinion, but we paid a lot of money for the study that we had done. The analysis was spot on, when you look at the damage that occurring in the facility, and the deterioration

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are structural integrity issues, yeah we can leave people in there until the cows come home, but at any time we can have failures of that building, and we are not going to be responsible for that. We are not going to occupy it any longer than we have to. The structural integrity of that building has been compromised, and it may fall sooner than later, we will never know that, and hopefully we won't find that out, but we will move the people out of the building for their safety.

- We have a school board meeting on Monday, and he encourages the community to attend, and really see what is going on in the schools. They need community and parent involvement in the school district.

City Attorney Rubin reported the following:

- He thanked the Commission and the city for allowing him to appear telephonically. He thought that he would be attending in person today, but his doctor told him that he has to wait until March 15th to have his sling removed. He expects to attend the next meeting in person.

City Commission Reports:

Commissioner Mitchell reported the following:

- We had a very busy weekend. They had a lot of events going on in the community. She gave a shout out to Ashley and Human Resources for being there for the city for career day at the high school. It was a big success. She thinks that the kids really benefited from it. The gym was packed, and there were a ton of people from all over the place.
- This weekend we had an FFA event, and we had the Fiesta Taste of Sierra County fundraiser/brunch at the T or C Brewery on Saturday, and it was a really big hit too. We had the high school Principal Leslie Clark. They had singer/song writer Burt Ferguson, and they had Lt. Venable representing the city, and they got a really good picture of him with a pie in his face. It was a great event. It was really supported by the community and the patrons. We raised money for Fiesta, and overall it was a good turnout. Following that she wrapped about 100 spring rolls for the "People Growing Together" fundraiser dinner on Saturday afternoon which was also a really big success. Kudos the community members, businesses and participants for all of the events. It was a pretty crazy weekend. There were so many things going on Saturday.

Commissioner Harrelson reported the following:

- We had the Hot Springs Judging here in T or C on Saturday. We are centrally located in the state. We had schools from various places throughout the state who attended. Some of them had to stay in hotels because some of them drove 6 hours to get here, the contest included different types of competitions. There were a little over 1070 entries for teams so that just tells you how many different contest entries there were. We had a lot of different areas in the Ag department. We often forget that our first environmentalists in the state have been our ranchers and our farmers and they have to really know what is going on in the land, and how to handle it. These were qualifier events, and the kids who were qualifying at the top could qualify for the state level, and then move onto a

national level. There were lots, and lots of people here. We fed at least 350 kids, and there were lots of adults who attended. She gave kudos to Julian Marta for putting this together, and making such a great event for our kids. Our kids didn't even get to compete because they were doing so much to help support the contest. This is a really great event for our high school, and to bring some money into our community. It also put us on the map for a really great place for contests.

Mayor Pro-Tem Hechler reported the following:

- He gave a shout out to our local restaurants. He asked that the community patronize these local restaurants because local folks are the ones who sponsor our kids in school, and they help us with events like this. Their money stays here, and they support the community. All businesses are important, but when you go to a corporate place, a lot of the time the local managers aren't able to make a decision or if they do it takes a long time to get things done, and the money may or may not stay here.
- He really appreciates City Manager Swingle bringing city staff before them so that the Commission can meet them and know a little bit about them, and understand the quality of the personnel that we have
- Fiesta Casino Night will be on April 1st at the Civic Center. It is their next fundraiser for Fiesta. Being a part of Fiesta has been a lot of fun and he appreciates everyone who works for Fiesta.

Mayor Forrister reported the following:

- It is very refreshing to hear about all of the things that go on in our community. She was at the judging this weekend as well, and it was refreshing because those kids are some of the most respectful kids that you will ever meet. It is really nice to see them putting real life skills into play. It was really neat to see, and the school parking lot was full of people from out of town. There was a baseball game going on as well. She didn't get to go to the Taste of the County event, but she got to watch it live.
- She thanked City Manager Swingle for the work that he did. He and his staff really brought life to our water issues, and they tried to fight for us to get funding for that. She thanked him and his staff for not kicking the can down the road anymore, and addressing the 60 year old water infrastructure.

F. CONSENT CALENDAR:

1. City Commission Regular Minutes, February 22, 2023
2. City Commission Special Executive Minutes, February 24, 2023
3. Acknowledge Public Arts Board Minutes, January 10, 2023
4. Acknowledge Recreation Advisory Board Minutes, February 6, 2023
5. February 2023 Accounts Payable

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

G. PUBLIC HEARINGS:

- 1. Public Hearing/Discussion/Action: Final Adoption of the City's General Obligation Bonds, Series 2023 Ordinance No. 745:**

Item was removed from the agenda until the April 12th meeting.

H. ORDINANCES/RESOLUTIONS/ZONING:

- 1. Discussion/Action: Resolution No. 32 22/23 Confirming the City of Truth or Consequences to participate in the Department of Transportation Municipal Arterial Program Local Government Road Fund Program:**

Assistant City Manager Alvarez: This application is for the reconstruction of Pershing Street, from north Main Street to Second Street, and from Second Street to Pershing Street to Date Street. This will cover some street repairs where our MSD Water project is going in so we can pave over those streets once the new water lines are put in. We are estimating this application cost to be right around \$860,917. It is a 25% match, so the city would be required for \$215,129. We are waiting on clarification on whether or not that can be an in kind match because our Streets Department does do a lot of the work, and the match will be in kind on a lot of these NMDOT funds. A resolution is required to start the application process. Once the application is completed, and submitted, if we receive an award, that award would have to be accepted by the Commission, and we will know exactly what our grant amount is.

Mayor Pro-Tem Hechler moved to approve Resolution No. 32 22/23 Confirming the City of Truth or Consequences to participate in the Department of Transportation Municipal Arterial Program Local Government Road Fund Program. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

- 2. Discussion/Action: Approval of Resolution No. 33 22/23 for the Sale of Surplus Property (non-usable transformers):**

Bo Easley, Electric Division Director: Over the past few years they have collected pole mount transformers that have gone bad, had burned up or had been struck by lightning. I have 87 transformers, I received 3 bids, one from Sunbelt Solomon, one from Emerald Transformer, and one from UTB Transformers. Those companies will pick up the transformers, take them and drain the oil out of them, and make sure that there are no PCB's in them per EPA, and then they will refurbish or recycle them. I did this about 5 or 6 years ago, and now I have a lot of them again, and I would like to dispose of them.

City Attorney Rubin: You have seen this resolution many times before when we are doing an auction of personal property, and in this situation we have a little bit of a

situation because we have never brought a proposed offer to buy the personal property, and I believe the bids are somewhere in the realm of \$3,500. Section 3-54-2 still applies to this type of sale because it is still a sale of property, and the first bullet point of the resolution, which mirrors the state statute, says "*The City of Truth or Consequences may sell personal property having a value of more than two thousand five hundred (\$2,500.00) at public or private sale. If a private sale is held under this subsection, such sale shall be held only after notice is published at least twice, pursuant to the provisions of Subsection J or Section 3-1-2 NMSA 1978, not less than seven days apart, with the last publication not less than fourteen days prior to the sale*". So the procedure would be that we would advertise the items to be sold to the public if the resolution is approved, and we will leave the door open to see what offers we receive, and after it is published, we will not have to bring it back to the Commission unless you want us to.

Bo Easley, Electric Division Director: My only concern is if the transformer oil has PCB in it, the companies who put in bids will recycle the units and take care of it. I don't think we want just anyone off the street to make a bid on it and then take it, and it have PCB, and then it come back on us.

City Clerk Torres: All 3 of the companies who put in a bid will make sure that the transformers are recycled or refurbished properly.

City Attorney Rubin: I don't think that we have to specify that in the publication. It would just be something that administration would keep in mind when they evaluate the offers.

Mayor Pro-Tem Hechler moved to approve Resolution No. 33 22/23 for the Sale of Surplus Property (non-usable transformers). Commission Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Approval of Resolution No. 34 22/23 for the Sale of Surplus Property (Aluminum & Steel Poles):

Bo Easley, Electric Division Director: They did the north interchange a couple of years ago, and they took off all of the old steel poles, and we have them at our yard. They are now doing the south interchange and they are taking down all of the steel poles and giving them back to us. They are also taking down the steel poles where they are doing the roundabouts and they are giving them to us. I am going to keep a few of the aluminum poles for backup, even though we still have some new ones, but I want to get rid of the old aluminum and steel poles that were installed in the 1970's. They are old and outdated.

Mayor Pro-Tem Hechler: So the value of recycling these things doesn't supersede someone bidding on them, and acquiring them that way?

Bo Easley, Electric Division Director: That's what Bruce and I talked about. I figured if we recycled them we would get more money. I touched base with Mike Reid and he

said he would take them and recycle them, and give us back the money that they are worth.

City Clerk Torres: We are doing the same process as the other items. We will advertise and if we do not receive any offers we will take them to Mike Reid.

Commissioner Mitchell moved to approve Resolution No. 34 22/23 for the Sale of Surplus Property (Aluminum & Steel Poles). Commission Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Publication of Ordinance No. 748 an ordinance authorizing the lease of real property, pursuant to section 3-54-1 NMSA 1978 to American Tower:

City Manager Swingle: At the last meeting you approved publication of the baseball field tower lease, and that will be on the agenda for the next meeting. This is the second of the 5 towers that we are going to propose to the Commission. American Tower is going to pay us \$300,000 for this. We had the property appraised, and we found a real issue with appraisals, and we are going to work that out with the other appraisals that have to be done on the remaining 3 towers. The appraisals are appraising the property and assets on the land and basically the equipment on the given property. We are leasing just the easement for the site so we need to get that clarified better with our appraiser. The appraisal came in at \$15,000 per year, and again that is for the land and the equipment that is there so we have to get that cleared up, but bottom line, it is \$300,000. This will be a lump sum payment to the city. There's a lot more paperwork that needs be done. You will see it again. This is just requesting authorization to publish the ordinance and make it available for the community to see. A lot more work is going to have to happen. The rental agreement is really when the decision is going to be made.

Mayor Pro-Tem Hechler moved to approve publication of Ordinance No. 748 an ordinance authorizing the lease of real property, pursuant to section 3-54-1 NMSA 1978 to American Tower. Commission Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. NEW BUSINESS:

1. Discussion/Action: Summary Plat Amendment 702 N. Foch Street:

Assistant City Manager Alvarez: The applicants wish to split the parcel at 702 N. Foch located in the R-2 District. They want to split the parcel for the purpose of future development. Parcel 1 is 90-foot-wide by 81 long. Parcel 2 is 59 wide by 90 long. Standards for this district do require a minimum width of 60 foot. This amendment doesn't have any significant effect to alter any of our utilities, drainage, or traffic. They'll both have access to city maintained streets. A public hearing was held at the Planning &

Zoning Meeting on February 13, 2023, and the board unanimously recommended approval.

Commissioner Mitchell moved to approve the Summary Plat Amendment 702 N. Foch Street. Commissioner Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Summary Plat Amendment 1408/1410 Tin Street:

Assistant City Manager Alvarez: The applicants wish to merge the two parcels together and build an attachment to an existing home, and stay within the required standards for that district. A public hearing was held at the Planning & Zoning Meeting on February 13, 2023, and the board unanimously recommended approval.

Mayor Pro-Tem Hechler moved to approve the Summary Plat Amendment 1408/1410 Tin Street. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Variance Request 1401 Platinum Street:

Assistant City Manager Alvarez: The applicant is requesting a variance for a 1985 Mobile Home. Our Municipal Code requires that all Manufactured Homes Units that are installed at any particular location within the city limits shall not be twenty (20) years or older at the time of installation. She is requesting a variance so she can move her mobile home to an existing lot within the city. The mobile home seems to be in good condition. A public hearing was held at the Planning & Zoning Meeting on February 13, 2023, and the board unanimously recommended approval. The applicable minutes from the public hearing are provided in the packet.

Mayor Pro-Tem Hechler: This is the reason why we have variance requests, because we have some exceptions to these rules. I've seen manufactured homes that are 10 or 12 years old, and I wouldn't move them anywhere, and then there are trailers that have been well kept, and are not an eye sore and have the ability to be moved, and I think that this is one of those.

Commissioner Mitchell moved to approve the Variance Request 1401 Platinum Street. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Accept and Approve the State of New Mexico Department of Finance and Administration Fund Regional Recreation Centers Quality of Life Agreement:

OJ Hechler, Community Services Director: The city has applied for and received a Regional Recreation Centers Quality of Life Grant Appropriation in the amount of \$449,019.00. The funds will be used for improvements to Ralph Edwards Park for the purchase, installation and landscaping of new Playground and Exercise Equipment. Part of this grant is also for the plan and design of a new skate park. In your packet you will see what it will look like once the equipment is installed. I want to thank the City Manager and the Assistant City Manager for support on this project.

Commissioner Mitchell moved to approve the State of New Mexico Department of Finance and Administration Fund Regional Recreation Centers Quality of Life Agreement. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Accept FY2023 Community Project Funding/Congressionally Directed Spending Grant Award and Execute Grant Agreement No. B-23-CP-NM-1048 and authorize staff to complete and submit all required documentation: -27:58

City Manager Swingle: This is a request for funding that was submitted for the Congressionally Directed Spending Community Project Funding for the improvement of the city's water system hydraulics and to fix safety issues caused by infiltration and lack of fire flow. This project would also eliminate high pressures issues, supplement conservation of a large percentage of water, reduce service outages for residents, improve the backup and redundancy to the water system, and improve the existing and aging water systems. The water meters are currently older than 40 years, and exceeding their life span and resulting in incorrect data regarding water usage and impacting the City's billing system. Phase 1 Design and Planning is \$1.6 million. Phase 2 Water meter replacement is \$2 million. Phase 3 Waterline replacement & construction is \$4.3 million, and Phase 4 for a New Well is \$500,000. This award is for Phase 1 for the Design and Planning, and it is in the amount of \$1.6 million.

Mayor Pro-Tem Hechler moved to approve the FY2023 Community Project Funding/Congressionally Directed Spending Grant Award and Execute Grant Agreement No. B-23-CP-NM-1048 and authorize staff to complete and submit all required documentation. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Approval of Parkhill Solid Waste Cost of Service and Rate Design Study Engineering Services Proposal:

City Manager Swingle: The purpose of this is to review and evaluate the city's Solid Waste to include development of a five-year Revenue Requirement Forecast and ten-year Capital Improvement Plan (to help in leveling annual capital expenditures), as well as Cost of Service analysis to include residential collection, commercial collection, Recycling Center(s), bulk collection, transfer/disposal; and Administration. The study will assist in the Development of a rate and fee design plan.

Commissioner Mitchell moved to approve the Parkhill Solid Waste Cost of Service and Rate Design Study Engineering Services Proposal. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Approval of Purchase Requisitions over \$20,000. Kristie Wilson, Finance Director

Kristie Wilson, Finance Director reviewed the Purchase Requisitions over \$20,000 that was provided in the packet.

Commissioner Mitchell moved to approve Purchase Requisitions over \$20,000. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

8. Discussion/Update: Grants and Projects Update:

Assistant City Manager Alvarez gave an update on the City Grants and Projects. (Complete copy attached hereto and made a part hereof).

J. EXECUTIVE SESSION:

1. Limited Personnel Matters (City Manager Potential Candidates) Pursuant to 10-15-1(H.2):

Mayor Pro-Tem Hechler made a motion to go into executive session at 10:40 a.m. to discuss Limited Personnel Matters (City Manager Potential Candidates) Pursuant to 10-15-1(H.2). Commissioner Mitchell seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Forrister reconvened the meeting in open session at 11:54 a.m.

CITY COMMISSION MARCH 8, 2023 REGULAR MEETING MINUTES

Mayor Pro-Tem Hechler certified that only matters pertaining to Limited Personnel Matters (City Manager Potential Candidates) Pursuant to 10-15-1(H.2) was discussed in Executive Session.

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

- 1. Limited Personnel Matters (City Manager potential candidates) Pursuant to 10-15-1(H.2).**

Mayor Pro-Tem Hechler made a motion to offer a contract for the position of City Manager to candidate Angela Gonzales, effective April 3, 2023. Mayor Forrister seconded the motion. Motion carried unanimously.

L. ADJOURNMENT:

Mayor Forrister adjourned the meeting at 11:56 a.m.

Passed and Approved this 22nd day of March, 2023.

Amanda Forrister, Mayor

ATTEST:

Angela A. Torres, CMC, City Clerk

City of Truth or Consequences Project Status Report
Status Report Date: 2/27/2023

CURRENT FUNDED PROJECTS

DEPT	Grant/Loan/Project Number	Funding Source	Project I.D.	Grant Amount	Match Req.	Loan	Total	Status
Airport	TCS-22-01	NMDOT Aviation Division	Fuel Farm Upgrades and Airfield Safety	\$ 1,000,000.00			\$ 1,000,000.00	In design
Airport	TCS-22-03	NMDOT Aviation Division	Airfield Maintenance and Consumable Items	\$ 20,000.00	\$ 2,000.00		\$ 22,000.00	obtaining quotes
Drainage	5442-WPF	NMFA Water Trust Board 2021	Cantrell Dam	\$ 450,000.00	\$ 75,000.00	\$ 300,000.00	\$ 825,000.00	Design Analysis Report in progress, pending BLM coordination.
Drainage	C1213061	2021 NMDOT Capital Outlay	Drainage Improvements - Planning Document	\$ 100,000.00			\$ 100,000.00	WHPacific is developing recommendations for the problem areas as noted by the City staff
Parks	23-418-6002 00021-00	NM Tourism Clean and Beautiful 2022	Recycled Benches	\$ 1,678.25	\$ 419.56		\$ 2,097.81	Benches received, waiting on installation
Parks	A22G3024	Capital Appropriation	Ralph Edwards Park Improvements	\$ 213,000.00			\$ 213,000.00	obtaining quotes
Parks	22-ZG1023-7	NM Reg. Rec Centers/Quality of Life	Ralph Edwards Park Improvements	\$ 449,019.00			\$ 449,019.00	Executing Grant Agreement
Streets	CIF 5192	NMFA Colonias 2020	MSD Road Surface Improvements (related to MSD Water Project)	\$ 900,000.00	\$ 100,000.00	\$ 100,000.00	\$ 1,100,000.00	Project was rebid, Engineer is working on the recommendation to Award. City Commission 3-22-2023
Streets	HW2 11000526	2022/2023 LGRF NMDOT Cooperative	Pine Street Improvements - (Match will be in kind services)	\$ 235,227.00	\$ 78,409.00		\$ 313,636.00	Certification Submittals in process
Streets	Pending Grant Agreement	FY22 USDOT Safe Streets and Roads for All	Vision Zero Safety Action Plan	\$ 163,200.00	\$ 40,800.00		\$ 204,000.00	Participating in mandatory webinars - Waiting on Grant Agreement
Wastewater	CWSRLF 09B	NMED CWSRLF	Vacuum Sewer Rehabilitation	\$ 100,000.00			\$ 100,000.00	Design Analysis Report in progress, pending submission to NMED for Review.
Water	CIF 5550	NMFA Colonias 2021	Water System Improvements (covers the shortfall for the DWSRLF Project)	\$ 450,000.00	\$ 50,000.00	\$ 50,000.00	\$ 550,000.00	Currently in Bidding Phase
Water	4794-DW	NMFA DWSRLF	Marshall St., N. Pershing, 2nd Ave., and Sierra Vista Dr. Waterline Replacement	\$ 620,543.00			\$ 620,543.00	Currently in Bidding Phase
Water	USDA MSD Water Line Replacement	USDA RD WEP	MSD Water System Improvements	\$ 3,960,000.00		\$ 5,457,000.00	\$ 9,417,000.00	Currently in Construction
Water	USDA WA System Improvements Phase 1	USDA RD WEP	Replace Transmission Line Cook to Morgan Booster and replace various Water lines	\$ 2,720,000.00		\$ 4,811,000.00	\$ 7,531,000.00	In Design phase with field surveys completed
Water	5089-WPF	NMFA Water Trust Board 2020	Booster Station and Austin St. Improvements	\$ 384,688.00	\$ 71,000.00	\$ 256,458.00	\$ 712,146.00	Currently in Bidding Phase
Water	22-C-NR-01-G-01	CDBG	Water Meter Replacement	\$ 750,000.00	\$ 75,000.00		\$ 825,000.00	Pending receipt of grant agreement
Wa/WW	CN 1101231/CN1101232	NMDOT Project - Local Funds	I-25 Business Loop - Ph. 1 Water and Sewer System Relocation/Landscape and Irrigation	\$ 979,140.36			\$ 979,140.36	Currently in Construction
Water	B 23-CP-NM-1048	Department of Housing and Urban Development	Plan & Design Water System Improvements, high pressures issues, Water Meters replacements, and New Water Well	\$ 1,600,000.00			\$ 1,600,000.00	Executing Grant Agreement
CURRENT FUNDED PROJECT TOTALS				\$ 14,117,354.25	\$ 1,471,768.92	\$ 11,968,001.00	\$ 27,557,124.17	

Mainstreet Grants - Fiscal Agent Funding Oversight

419 A20E2046-2101	NM Dept Econ Dev Cap Appropriation	Mainstreet Foch Street Improvements	\$ 1,000,000.00		\$ 1,000,000.00	
419 A21F2103-2210	NM Dept Econ Dev Cap Appropriation	Mainstreet Foch Street Improvements	\$ 320,000.00		\$ 320,000.00	
		Total	\$ 1,320,000.00		\$ 1,320,000.00	Plans in review with NMDOT - hope to go to bid soon

SJOA Senior Center - Fiscal Agent Funding Oversight

F2057	Severence Tax Bonds Appropriation	SJOA Meal Vehicle Purchase	\$ 47,000.00		\$ 47,000.00	Funding shortage for Meal Delivery Vehicle additional funding request submitted
F2058	Severence Tax Bonds Appropriation	SJOA Ken James Senior Center Building Improvements	\$ 76,000.00		\$ 76,000.00	Plumbing improvements complete; obtaining quotes for additional improvements
F2059	Severence Tax Bonds Appropriation	SJOA Vehicle Purchase	\$ 58,413.00		\$ 58,413.00	2 Passenger Vehicles on Order - Combine with Junior Bill Funding
F2060	Severence Tax Bonds Appropriation	SJOA HVAC Unit Replacement	\$ 76,000.00		\$ 76,000.00	New HVAC installed with Fire suppressant system and air filtration system
A22G2017	Severence Tax Bonds Appropriation	Parking Lot Rehab	\$ 100,000.00		\$ 100,000.00	Working on project scope and quote
A22G2018	Severence Tax Bonds Appropriation	Vehicles	\$ 84,000.00		\$ 84,000.00	Wheelchair Accessible Van on order
6510000000	ALTSJ Junior Bill	Operational Costs	\$ 35,000.00		\$ 35,000.00	Combine with F2059 to cover funding shortage
		Total	\$ 476,413.00		\$ 476,413.00	

PENDING/FUTURE APPLICATIONS

DEPT	Grant/Loan/Project Number	Funding Source	Project I.D.	Grant Amount	Match Req.	Loan	Total	Status
		FAA	Fuel Farm Upgrades and Airfield Safety					Working on full scope and application
		NMDOT Aviation	Fuel Farm Upgrades and Airfield Safety	TBD	TBD - 10%			Working on full scope and application
Water	TBD	NMFA DWSRLF	Emergency Waterline Replacement	\$ 20,000,000.00			\$ 20,000,000.00	Application submitted to DWSRLF - Advocated for funds at Legislative Session
Water	TBD	2023 Capital Outlay	Water Infrastructure Improvements	\$ 20,000,000.00			\$ 20,000,000.00	Funding request submitted to Capital Outlay
Wastewater	TBD	2023 Capital Outlay	Wastewater Treatment Improvements	\$ 1,500,000.00			\$ 1,500,000.00	Funding request submitted to Capital Outlay
	TBD	2023 Capital Outlay	Animal Shelter Kennel Building	\$ 450,000.00			\$ 450,000.00	Funding request submitted to Capital Outlay
Streets	TBD	2023 Capital Outlay	Marie Street Construction	\$ 282,000.00			\$ 282,000.00	Funding request submitted to Capital Outlay
Streets	TBD	FY24 NMDOT TAP	Multiple Sidewalk Improvements	\$ 1,919,828.26	\$ 327,161.74		\$ 2,246,990.00	Working on Application - 3/15/2023 due date
Water	TBD	FY23 Colonias Infrastructure Fund	Water Meter Replacement Project	\$ 750,000.00	\$ 75,000.00	\$ 75,000.00	\$ 900,000.00	Working on Application - 3/8/2023 due date
Streets	TBD	FY23/24 NMDOT LGRF Cooperative Agreement	Marie Street	TBD	TBD - 25%	\$	\$	Working on Application - 3/15/2023 due date
Streets	TBD	FY23/23 NMDOT LGRF Municipal Arterial Program	Pershing & 2nd Street	TBD	TBD - 25%	\$	\$	Application in progress - Resolution to Commission 3-8-2022
Streets	TBD	FY24 NMDOT Transportation Project Fund	Silver Street	TBD	TBD - 5%	\$	\$	Working on Application - 3/15/2023 due date
	TBD	T-Mobile Hometown Grant	Irrigation System Improvements	TBD	\$	\$	\$	Reviewing Funding guidelines and working on scope of work
	TBD	FY23 CDBG Planning Grant	Comprehensive Plan	\$ 50,000.00	\$ 5,000.00		\$ 55,000.00	Application in progress with CDBG
FUTURE FUNDED PROJECT TOTALS				\$ 44,951,828.26	\$ 407,161.74	\$ 75,000.00	\$ 45,378,990.00	



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 22, 2023

Agenda Item #: E.2

SUBJECT: Acknowledge Regular Planning & Zoning Minutes, January 9, 2023.

DEPARTMENT: City Clerk's Office

DATE SUBMITTED: March 17, 2023

SUBMITTED BY: Angela A. Torres, City Clerk-Treasurer

WHO WILL PRESENT THE ITEM: Consent Calendar

Summary/Background:

Acknowledge Minutes.

Recommendation:

Acknowledge minutes.

Attachments:

Minutes

Fiscal Impact (Finance): N/A

\$0.00

Legal Review (City Attorney): N/A

None.

Approved For Submittal By: ☐ Department Director

Reviewed by: ☒ City Clerk ☐ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☐ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 3-22-23

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES**

Monday, January 9, 2023

REGULAR MEETING

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, January 9, 2023 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

Chris Sisney, Chairman
Susan Buhler, Vice Chairman
Esther Luchini, Member
Eduardo Alicea, Member

ALSO PRESENT:

Bruce Swingle, City Manager
Traci Alvarez, Assistant City Manager
Angela Torres, City Clerk
Lisa Gabaldon, Deputy Clerk

1. APPROVAL OF AGENDA

Member Luchini made a motion to approve the agenda.
Vice-Chairman Buhler seconded the motion.
Motion carried unanimously.

2. APPROVAL OF MINUTES OF DECEMBER 12, 2022

Member Luchini made a motion to approve the minutes.
Member Alicea seconded the motion.
Motion carried unanimously.

3. COMMENTS FROM THE PUBLIC (3 Minute Rule Applies)

Valerie Otero of 124 N. Pershing asked if signage could be put up on W. 2nd after the arroyo. On the south side of the 200 block of 2nd, there is an arroyo that goes through there and there is a mountain that is there. Semi-trucks have gotten stuck and she is wanting to know if it is possible to put a sign up for semis or buses not to go through there; even some of the City trucks with trailers have run into problems.

4. PUBLIC HEARINGS (5 Minute Rule Applies)

- A. Public Hearing/Discussion/Action –Kennel Special Use Permit for 3500-3710 E 3rd
Traci Alvarez, Assistant City Manager

Assistant City Manager Alvarez: Applicant has an application for a Special use Kennel Permit pertaining to seasonal housing or kenneling of dogs. The applicant provides housing for dogs for approximately 5-6 months of the year, roughly May-September. Animal control and code enforcement have been inspected the residence and approved the application request that allows for no more than 14 dogs on site at any one time. Within your agenda packet you have the applicants application; once again, similar to the last meeting for kennel permit, I will refer you guys to Ordinance 725 that's in your packet, section 3.8.1 I, where it states that all animals listed on an application 3 months of age or over must be vaccinated for rabies and possess a City animal license tag. As explained at the P&Z meeting, we are making an amendment to the ordinance; it was never the intent for it to be all applications. The original intent was all animals listed on multi-animals; it does not make sense for kennel permits to license dogs when the dogs don't necessarily belong and may not even live in town; they're only kenneling them for a short period of time. Just reference that. You'll notice on the application, we did not require the rabies or City licensing, so we'll make that amendment. I do believe we're gonna try and have that to the 2nd Commission meeting to amend that ordinance so it'll be corrected. You'll also see within your packet that there is a visual site plan of the property location. I gave a large and a small; the zoomed in section shows the property that the dogs are normally housed on. The zoomed out section shows all of the property that is all owned by the same owner, so everybody surrounding the property where the dogs are at is owned by the same applicant or family. And with that, I stand for any questions.

Member Luchini: A City license or rabies is not required?

Assistant City Manager Alvarez: Not for kennel use. The kennel area is normally, like if you kennel your dogs somewhere, they normally require you to have vaccinations in order to kennel. We will have to have a more internal discussion but from what I can tell from our notes it was the intent for private owners animals for multi-use, would have to have proof of vaccination and City licensing because it would be within the City limits. Kennels, they would have to have their records updated so that if any point in time animal control was to stop by they could show that the animals that are in possession at that time are vaccinated but they wouldn't necessarily need to be licensed for the City because they don't necessarily reside in the City; they're just there for a short period of time. Somebody passing through maybe going out to dinner might need to kennel their dog, we have a local kennel provider; I know I've done that in the past when we've traveled. Kennels are more business or the fostering, the animals going in and out, which is what last week's meeting was about was fostering.

Chairman Sisney: Any other questions from the board?

Vice-Chairman Buhler: I do have a question. The officer will have a right though to ask the individual to show proof of vaccination or a tag or a certificate, is that correct?

Assistant City Manager Alvarez: If that's the way that we structure the ordinance which, from the internal bits and pieces, yes. But the ordinance is not structured that way at the time but that was the intent; was multi-use they had to be at application time, kennel use was going to be if the animal control officer showed and whatever animals were onsite at that time then the kennel use person would have to have proof of vaccination for those animals. With kennel permits, your animals usually rotate, they aren't the same animals.

Vice-Chairman Buhler: Ok, thank you.

Chairman Sisney: Any other questions from the members?

Member Luchini: How much time...what is the length of time that determines short or temporary or short-term, long-term, or permanent?

Assistant City Manager Alvarez: I believe...it's stated within the ordinance, I think it's 30 days for multi, I don't think that it's defined for kennel and those are two things that we have to, upon looking through some of our notes when we were getting ready to come to you guys last meeting, we realized that some of the information that we had pertaining to kennel permitting and fostering, wasn't defined clearly in here. And so fostering is another one; they may have the dogs for a very short period of time or if they get animals that are very young, they are going to have them for more than 30 days.

City Clerk Torres: And it does say 30 days in here.

Assistant City Manager Alvarez: Yah, so I think that's the other one we discussed that we would have to look at amending for the...

Member Luchini: So you're looking at amending?

Assistant City Manager Alvarez: We have to amend the ordinance, yes. All of the information that we intended to have go in the ordinance, didn't quite make it. It got lost via multiple emails back and forth.

Member Luchini: Thank you, that's all I have.

Chairman Sisney: Any other questions?

Amanda Forrister: My name is Amanda Forrister; I live at 4710 E. Third. My husband is the one that is applying for the kennel permit. I just want to bring notice that there are, as you guys probably know, the City does send out letters to interested parties when we are approving these kennel permits. As Ms. Alvarez stated before, we own everything around it and then there is highway and we have no neighbors, so the dogs have been there before, never had any complaints. The kennels are also built with a turnout pen; they're two-stories with a bed up above so they have a two-story. They're on double mats, equipped with misters, a very nice set up. I also, when I have kennel permits on my agenda, I kind of go around and drive and look at different kennel permits and I would say that our kennels are one of the nicer ones in the City at this time, so I just wanted to bring your attention to that when the letters went out to interested parties, it was just our family that they went to. With that being said, that's it.

Chairman Sisney: Thank you. Does the board have any questions? Can we ask questions of the applicants at this time or should we wait to hear both sides?

City Clerk Torres: I think we should do the proponents and then opponents and then you guys could ask any questions afterwards.

Vice-Chairman Buhler: Are the officers going to speak to?

City Clerk Torres: Yes, you can ask them to speak if you'd like.

Vice-Chairman Buhler: Ok, I think I will.

City Clerk Torres: Is there anybody else who's a proponent of this item that would like to come up and speak?

Chairman Sisney: Opponents, Kathleen Sloan.

Kathleen Sloan: Kathleen Sloan, 708 Olivo St., Williamsburg

I ask that you make findings of fact and look at evidence from animal control before ruling on the Forrister's application for a kennel permit. September 6, 2022 animal control officers Digicomo and Knoll went to the Forrister's address. November 2, 2022 Digicomo filed a 24 page criminal complaint in Municipal Court. 14 counts of no dog licenses, 14 counts of no rabies shots, animal cruelty for not providing potable water, and lastly, exceeding the 4 animal limit, without a special license. There's nothing to prove; the pictures in the complaint prove the water was deep green with islands of growth. Digicomo said that the texture was slimy. The bodycam captures Lane Forrister stating 'we water them once a week'. The Forrister's didn't produce vaccination or licensing documents, which must be on hand by law. There's evidence the Forrister's are incorrigible and therefore should not be allowed to run a kennel. They plead not guilty to the charges claiming no wrong doing at the arraignment that was in the first week of November; I'm not sure; I don't remember the arraignment date. On the bodycam, the Mayor interrupts Digicomo as she cites the law stating 'I know what it says, I signed it'; referring to her duty as Mayor, to sign into law ordinances. 8 months before she signed into law the amended animal control ordinance, proving that she knew she was flouting the law. On the bodycam, Lane Forrister insists the chief of police meet with them, as if they are entitled to special treatment. Chief of police Victor Rodriguez met with them the next day, but he should've avoided that conflict of interest meeting. He's an at will employee, a subordinate, he could be fired by the City Commission. The government conduct act states it is illegal for a government official, such as the Mayor, to use her power for her own benefit, such as to avoid criminal prosecution. The Forrister's claimed at their arraignment that they made a deal with Rodriguez, but an inspection of public records act request bears out that no such document exists. If there's no document, there's no deal, unless you believe in backroom good ol' boy government. Save these future dogs. Please do not grant the Forrister's a kennel permit. You are the most likely check and balance here; the animal control and planning and zoning administrator are at will employees as well; they could be fired if they go up against the Mayor. Digicomo is gone, probably because it was too hard to do her job and the City Commission; Shelly Harrelson in particular was cracking jokes about green scum at the last City meeting, which got a big laugh all around at the City Commission level; meaning that they probably will grant this kennel permit. Thank you.

Chairman Sisney: Alright.

City Clerk Torres: Are there any other opponents who would like to speak?

Chairman Sisney: Alright, we will now close public comments on this item, the kennel at 3500 3rd Street. Does anybody on the board have any questions?

Vice-Chairman Buhler: Well, I do have a question or two. I have a question about this application, it has a date at the top that's September 15 and then at the bottom it's a different date. At the bottom, it's 11/06; they're different dates.

City Clerk Torres: So this is when, the top date is when they submit their application to the City; the bottom date is when it's signed off on by our Code Enforcement & our Animal Control.

Vice-Chairman Buhler: Ok, who is the Code Enforcement person that signed this?

City Clerk Torres: Jamie

Code Enforcement Officer Sweeney: That's my signature; I'm the one that did the inspection for both code enforcement and animal control at the inspection.

Vice-Chairman Buhler: The dogs were not there when you inspected, correct?

Code Enforcement Officer Sweeney: They were not, no. I think that wrote in there.

Vice-Chairman Buhler: You did, it's kind of a scribbled application.

Code Enforcement Officer Sweeney: I did write on there the reason why the dogs are not there is because from the months of October-April they're working; it varies if they're on the property, it's for a short minute during those selected months because that is the hunting months that they're used for working.

Vice-Chairman Buhler: Were you there for the original finding when this happened?

Code Enforcement Officer Sweeney: I was here for just the inspection. I was not part with animal control in the September incident.

Vice-Chairman Buhler: I have a question too. Is this still in some type of litigation?

City Manager Swingle: Yes, there are charges that are going to be adjudicated through the court system, not through the City. The City has no involvement in that.

Vice-Chairman Buhler: Ok, thank you. Does anyone else have a question?

Chairman Sisney: I do. There's a lot of questions here and information here that needs to be brought up. Let's just get right to what's going on with the lawsuit; I'm ignorant of this and I'd like to know what's going on.

City Manager Swingle: There is no lawsuit.

Chairman Sisney: I'm sorry, let me clarify then. What's going on with the kennel?

City Clerk Torres: Do you want the applicants to come up and answer your question?

Code Enforcement Officer Sweeney: I think you're trying to refer to the incident from September the kennel permit; I just did the inspection on it, that's as far as I...

Vice-Chairman Buhler: I have one other question, have the Forrister's ever applied for another application...a permit to your knowledge?

Assistant City Manager Alvarez: You'd have to verify with the City Clerk's Office, this is a new process.

City Clerk Torres: Off the top of my head, I'm not really sure since I'm not up in the front. I don't check every single one, that would be something...I don't have that in front of me.

Assistant City Manager Alvarez: Let me remind the board that this is a new ordinance and so that's why all of these are coming about with the animal permits, multi-use and everything because we amended and revised the ordinance.

Member Alicea: Are all of the dogs fosters or were they taken away?

Assistant City Manager Alvarez: I would say that if you have questions regarding the charges, your applicant is right there to answer questions.

Chairman Sisney: Ok. Ms. Forrister, so could you fill us in on what is going on and why you are here?

Amanda Forrister: Well, we're here for the kennel permit and that's what this board does is approving the kennel permit. What is happening in court that will be proven in court.

Chairman Sisney: ok, I'd still like to know why it's been brought up.

Amanda Forrister: Why what has been brought up?

Chairman Sisney: What is going on with the dogs? Why is there a problem with dogs?

Lane Forrister: There is not a problem with the dogs...

Amanda Forrister: It was a difference of opinion and that will be proven in court. We have working dogs and we're here to approve a kennel permit.

Chairman Sisney: Could you tell me what's going on? What were people...what was the complaint?

Lane & Amanda Forrister: Nobody complained.

Chairman Sisney: There was no complaint?

Lane & Amanda Forrister: No.

Lane Forrister: The lady come onto our property without permission and come to our place and then of course whatever she read, wrote us tickets for numerous things.

Amanda Forrister: And I will also say that even though this is a court thing, this is not a kennel thing. We do have our vaccinations, we were never asked that.

Chairman Sisney: That part...

Amanda Forrister: And when I said yes, I understand the ordinance because I signed it, yes I do. I signed it and since I have signed it I have been working with Traci because I'm one of the ones that looked at permitting and the application is different from the new ordinance that was signed.

Chairman Sisney: Let me make it clear, I am not challenging you. I don't know what's going on.

Amanda Forrister: I just want to make it clear that this is for a kennel permit and I don't want to get into the lawsuit.

Chairman Sisney: Ok, that's fine, I understand that, but I'd still like to know the extenuating circumstances here. I think that's fair to be...it's been brought up and I'd like to know.

Lane Forrister: What would you like to know about the dogs?

Chairman Sisney: SO, somebody came on your property regarding...

Lane Forrister: Animal control

Chairman Sisney: Yes. They called animal control?

Lane Forrister: There was a call saying 3 dogs at large on our 25 acres that we own.

Amanda Forrister: Which there was not.

Lane Forrister: There was not dogs on there and so they drove around our property and then found where we keep our animals at.

Chairman Sisney: Are you saying 'our animals'?

Lane Forrister: Mine and my wife's, yes.

Chairman Sisney: Alright, so is this...these animals, are these the same animals that we're discussing here for this kennel permit?

Lane Forrister: Some of them, like we said, that's why this kennel permit has not happened yet is because we don't own just 14 dogs. We have a business, we own numerous, numerous dogs; 30-40 dogs. Every now and then yes, we bring them here. We have property in Winston; we have property on the other side of Caballo.

Chairman Sisney: Thank you. This is the type of information I want.

Amanda Forrister: And these are working dogs.

Chairman Sisney: What is the nature of the business, the use of the dogs, how many dog, whose dogs they are?

Amanda Forrister: They are owned by a business, which there are different members of that business. Our kennel can hold 14 and that's what they approved us for.

Chairman Sisney: And these are bird dogs, I take it?

Lane Forrister: They are hunting dogs, yes; lion dogs and cow dogs.

Chairman Sisney: Lion dogs and what?

Lane & Amanda Forrister: Lion dogs and cattle dogs.

Chairman Sisney: So you got cow dogs and you got lion hunting dogs?

Lane & Amanda Forrister: Yes sir.

Chairman Sisney: Ok, and these are your dogs and you hire them out to hunters.

Lane Forrister: Yes, to take them hunting, yes; they pay me money.

Chairman Sisney: And to do roundups?

Lane Forrister: Yes. We own cattle, but yes.

Amanda Forrister: We have 2 ranches also in the Gila, Black Range, and Engle as well.

Chairman Sisney: Ok, so the reason why I thought this was a business for kenneling dogs, but it's not really a business for kenneling dogs. You need a kennel because you have a bunch of dogs for your business which is...

Lane Forrister: The City is requiring us to have one, so we're getting one.

Chairman Sisney: Alright, I think that answers my question. Does anyone else have a question?

Assistant City Manager Alvarez: I do have a question. Are the dogs that you have there, do all of them belong to you or do you have other people that the dogs belong to?

Lane & Amanda Forrister: Yes, we have other people that they belong to.

Assistant City Manager Alvarez: That needs to be clarified. They aren't all their dogs; they're dogs that belong to other people that are within their business.

Member Luchini: Is it always the same dogs or just 14 spaces so you can just bring 14 dogs?

Lane Forrister: Yes. When I'm hunting over here, I bring them here; during the summer when they're not hunting either Winston or here.

Member Luchini: So there can be 14 different dogs at any time?

Lane & Amanda Forrister: Yes.

Member Luchini: But they're all vaccinated?

Lane & Amanda Forrister: Yes. And like I said, the lady had never asked us if they were vaccinated, she just wrote us a ticket for it.

Vice-Chairman Buhler: You could've brought that here today.

Lane Forrister: They're here.

Vice-Chairman Buhler: They're here?

Lane Forrister: Oh yah.

City Clerk Torres: And if you live out in Winston, you're not required to have a City permit.

Vice-Chairman Buhler: Right, county is different.

Lane Forrister: I do it anyways. You gotta realize, these are...

Amanda Forrister: We take care of the dogs.

Lane Forrister: They're not pets, they are employees. I mean they make us money. The dogs are taken very well care of. The green slime that they found, yes, there was green slime in there. That was in a pen, a turnout pen, that we leave water in just in case a dog gets out of its whole deal.

Chairman Sisney: Ok. Are the kennels functioning right now?

Lane & Amanda Forrister: Yes.

Vice-Chairman Buhler: So the dogs are here now?

Lane Forrister: They are here right now; some of them are here, yes.

Chairman Sisney: Any other questions for the Forrister's?

Amanda Forrister: Thank you

Chairman Sisney: Officer Sweeney, can I ask you a question? You can check to see if this is proper but, I'd like to ask what your opinion is Officer Sweeney.

Code Enforcement Officer Sweeney: So, I went out there; we do have a checklist, we also check the wellbeing of the dogs. I did ask how many dogs max that they have on that property and they did say 14. The pen that they have, the turnout pen, how that pen is it's massive. And inside that pen they have so many pens. It's kind of like an L shape. And inside those pens, easily could probably fit 2 dogs each. I'm sure they probably don't put 2 dogs each but inside that one, they have 2 layers and it's off the ground and what we look at when we look at kenneling, especially when they don't have free range to run, is if the dog can stand up, turn around, and lay down very comfortably and the kennel size allows that. I even asked them what size it was, he said that they're about a 5x8; it's pretty massive. And then on the outside, they have another area so the dogs can actually, if they manage to get out of their kennel, they're still contained within that. It looked very clean. Again, the animals were not there; we always want to look at the animals, if we don't see them, so I could not see them inside. Inside the kennels, but just given the size of them, I could definitely make out that they are adequate size enough for the dogs, even a very large breed, a massive breed, so that looked to be ok. The containers were cleaned; they were not there, again. I wouldn't expect them to have water and food if the dogs are out working, so I couldn't check to see that. The pens were free from debris; they didn't have things that they could tear up, which we could find out being there. They have misters so during the summer months, they have misters to keep the animals cool and then they also have wood chips or things like that to keep them warm during the winter months if they come. During the winters months is usually when they're gone anyways, but when they are here, they have something in the pens to kind of keep them warm. I mean the pen looks nice. I mean, given just what we're supposed to check, it met all the points on the checklist, as well as on my code enforcement side, there was no debris laying around, something that the animals could get hurt themselves on or get ahold of and kill them. The pen was very clean given the amount of dogs that could be there. There was a little, few piles of poop, but given the amount of dogs, I mean, what I saw was nothing.

Chairman Sisney: So in your, Officer Sweeney, in your professional opinion, there is no reason to disapprove their request?

Code Enforcement Officer Sweeney: Given on my checklist, no there is nothing. They meet all the requirements.

Vice-Chairman Buhler: But you didn't see the dogs.

Code Enforcement Officer Sweeney: I didn't see the dogs, no.

Amanda Forrister: Can I say one more thing. And I will speak on what Ms. Sloan was talking about earlier, because you were asking. The ex-chief of police did come out after we were cited by animal control and he came out because we wanted somebody to mitigate between us and animal control. The

difference of opinion on what dogs should look like. He came out the day after, dogs all there and agreed that maybe we just had a difference of opinion on what an active working dog should look like. And that is when we had the agreement with animal control that as long as we moved forward with getting our kennel permit, which we were already in the works of doing so, then she would be fine without filing charges, because she agreed that we showed her our feed room, there's plenty of feed, we explained the situation with the water, everything was fine. So that was that conversation, if that helps you in any situation.

Chairman Sisney: Thank you.

Vice-Chairman Buhler: I do have one last question. How long have you been having the dogs there? How much time have the dogs been out there?

Amanda Forrister: 9 years.

Lane Forrister: We've never gotten one complaint.

Vice-Chairman Buhler: But you've never gotten a permit either.

Amanda Forrister: Because they've never been in town long enough and until I became aware of what the ordinance was is when we were in the process of, when I signed the new ordinance, in the process of getting a kennel because they were not there. We had never had a complaint; we have 25 acres in City limits with no neighbors.

Lane Forrister: Can I add to that? It also states that these dogs don't do business in City limits; they do business in the county and that was something that, you know, we didn't think that we needed one because we are not doing business in the City with these dogs.

City Clerk Torres: It wasn't required under the old ordinance.

Lane Forrister: We did business out of the City limits which is a county issue, that's why we hadn't gotten the kennel license.

Member Luchini: Why do you bring them to town?

Lane Forrister: That's just where we live.

Amanda Forrister: That is where we live and if we're not gonna be hunting for the next couple of days or anyone in the business is not hunting or whatever, then it's easier for us to feed, water, and take care of them when they're there; and then we can split the whoever else has dogs, we can all split the workload basically. And if he's at home, he brings them and if he's gone, which is a lot, then he takes them.

Member Luchini: So the 6 months that they're not here, are they with you?

Lane Forrister: Yes, at one of our other properties. Sometimes the dogs that we're not using we spread them out between different people within the business.

Amanda Forrister: We have other people's cow dogs, it's a midpoint between 2 places where some people live up there and we live down here.

Lane Forrister: Whenever we take clients that come into the City, they stay hotels; they eat the City's food and enjoy the hot springs. We bring revenue to the City.

Amanda Forrister: Any other questions?

Chairman Sisney: I do

Ruth Claassen: Can I make a comment on their behalf?

City Clerk Torres: No, because we already closed the public hearing.

Chairman Sisney: Anymore questions for the board? Would anyone like to make a motion?

Vice-Chairman Buhler: Well I would like to say one thing. I would like to see things resolved and the ordinances the way they're supposed to be maybe before we make a decision because there's some problems. And I don't want to say that you're not good or this isn't right or that's not right because I don't know that. I just don't know that.

Amanda Forrister: Based on the facts that you were given and what the ordinance is, then you should make a decision based off that.

Vice-Chairman Buhler: Well the dogs were not there; she did not get to see the dogs and she's not the original officer that went out there.

Amanda Forrister: As we've already said, the kennel permit is what you're approving, you're not...

City Clerk Torres: At this point you would either make a motion to approve the kennel permit that's presented or to not approve it, for recommendation to the Commission.

Chairman Sisney: Does anyone want to make a motion?

Member Alicea: I will say nay for the time being because there's a lot that's going on for me. They got some legal things going on and something's not approved yet.

City Clerk Torres: So you're making a motion to not approve it?

Member Alicea: Yes.

City Clerk Torres: Ok, is there a second to that motion?

Assistant City Manager Alvarez: Chairman, member of the board, also keep in mind these permits have to be renewed annually and at any point in time during the year our animal control and/or our code enforcement officer can go by at any time and take a look and see if there's any issues or concerns. But once a year, they do have to be renewed and at that time things will be checked again.

Vice-Chairman Buhler: My whole thing is fairness and we had a lot of people come in here for permits.

Chairman Sisney: Not for kennel permits.

Vice-Chairman Buhler: Not for kennel permits, right. We have had people come in here.

Member Luchini: What about the foster?

Chairman Sisney: That was a different situation, that was people with a bunch of dogs that later came out that they weren't foster dogs.

City Clerk Torres: So as of right now, we have a motion on the table to not approve it, is there a second on that? If not, the motion will die and then we'll need a new motion on the table.

Chairman Sisney: Would anyone second the motion to deny the permit? Without a second, the motion dies. I'll make a motion to approve the kennel permit. Is there a second?

City Clerk Torres: You guys will have to have a vote either to approve it or to not approve it.

Chairman Sisney: Or the motion dies.

City Clerk Torres: Those are the two options that you guys have on the table to approve it or not approve it. It's just...

Assistant City Manager Alvarez: Is there any other questions that we can answer to help you make a determination one way or another. I mean, as the P&Z board, it is your responsibility to make the recommendation for either approval or denial.

Vice-Chairman Buhler: I wish that Jay Rubin would've been here today. I might have had some questions for him.

City Manager Swingle: What other questions?

Vice-Chairman Buhler: Well, you know, this is a hot potato, that's my feeling on it. I'm not...I have seen some of the newspaper, I've read the newspaper, and I did see it on the Albuquerque news channel, so there are some questions and there's some problems. Now as I've said before, I don't want to judge anyone or say someone was right or wrong because I don't have all of the facts.

Amanda Forrister: That's what the court is for.

Vice-Chairman Buhler: Well you know, I know what it's for. We don't have all the people here who were involved with this either. Are we able to table this matter until we get more information?

City Manager Swingle: No.

Amanda Forrister: It's for a kennel permit.

City Clerk Torres: So right now, what we have to do, we have to go by what was presented. We do have testimony from our code enforcement; we do have our applicants that spoke, your proponents and opponents that spoke, so basically what we need to do is make a motion off of what was presented not what was in the paper or on the radio or what Karen is saying to Alicia. You know like, we have to have...We have a motion to approve it, is there a second? Because you guys could, if you don't want to approve it, you can...

Member Luchini: I make a motion to approve it.

Chairman Sisney: I've made the motion.

City Clerk Torres: So you second?

Member Luchini: I'll second the motion.

City Clerk Torres: Ok, so we'll do a roll call vote and you guys can either vote yay or nay on this.

City Manager Swingle: Would you repeat the question so that they all know.

Chairman Sisney: I make the motion to approve the application as presented. Can I get a second?

Member Luchini: I second the motion.

Chairman Sisney: Thank you.

Deputy Clerk Gabaldon: Chris Sisney – Aye, Susan Buhler – Aye, Esther Luchini – Aye, Eduardo Alicea – Nay

Vice-Chairman Buhler: And I hope that there will be inspections made and that you will have to renew your permit.

City Clerk Torres: And so right now, so the motion carried with a 3-1 vote so now it will be presented to the Commission at a future meeting for the City Commission.

B. Public Hearing/Discussion/Action – Summary Plat 280 W. 2nd and 154 N. Lane

Traci Alvarez, Assistant City Manager

Assistant City Manager Alvarez: Chairman, members of the board, applicants have the property at 280 W. 2nd as well as 154 N. Lane; it's all considered one parcel at this time. They would like to split that parcel to move the lot line between the 280 W. 2nd and 154 N. Lane to the west so that all of 154 N. Lane carport is within that property line. Both lots still meet the minimum required for the district; utility verification was approved by electric and I was able to get a verbal from our water/wastewater director and as stated in the scope that's also in your agenda packet, separate water and sewer is available at both properties. With that, I stand for questions.

Member Luchini: I understand you're selling the property.

Chairman Sisney: We have 2 people signed up as proponents and none as opponents, so we would like to hear from the Claassen's please.

Assistant City Manager Alvarez: And they are the applicants.

Chairman Sisney: Yes, they are the applicants; Ruth and Rich Claassen please.

Ruth Claassen: It will probably just be me, I am Ruth Claassen and this is my husband Rich. We bought these properties in 1997 so we've lived there for over 25 years. The little house above us which is the 280 W. 2nd house has been a rental that entire time and they were actually two separate properties when we bought them but they're just right next to each other. What we're hoping...the renter has always parked up at the dead end of that street, which is 2nd Street on the west side of the water tower hill...on the east side of the water tower hill, sorry. Renter has always parked in front of their home at 280 W. 2nd and we've always parked in front of our home, which is 154 N. Lane on the north end of our house. The line is kind of in the middle of our driveway. We are just requesting to move that property line over to a retaining wall that is actually a wall between the two properties, which makes sense. There

is also, when we had the survey done recently, there was up the hill on that property as well, there's a fence, a chain link fence that was put up prior to us purchasing that place, so it's been there for more than 25 years, and they said that the corner post of that fence is also not right and it's 4 feet that needs to be moved into that 280 W. 2nd property. I mean, it is in the 280 W. 2nd property, that corner post is, so we'd like that to be just become part of how that dividing line is so that no one has to move that fence, which is in a very precarious place up the hill; a very awkward place. If that could just be...if that line could be moved as well. That's basically it.

Chairman Sisney: Please don't leave yet. I'm looking at, this is the picture that I have and it looks like one building. Where is the...

Ruth Claassen: Did you happen to bring the big pictures that we had?

Assistant City Manager Alvarez: I didn't, no.

Ruth Claassen approached the board members to show them exactly what she is referring to with a picture of the property.

Vice-Chairman Buhler: Would the lot, the rest of the property, be able to be sold with what you're wanting to do?

Ruth Claassen: Yes, we have an interested buyer.

Member Luchini: And the corner of the chain link fence belongs to who?

Ruth Claassen: It's on our property.

Chairman Sisney: So what's being fixed is we're moving from here to here, just that right there.

Ruth Claassen: Yes.

Chairman Sisney: So that was the surveyor's mistake or what?

Ruth Claassen: Well, the surveyor that we just had do this is from Las Cruces, I don't know...I mean that's probably where they thought it was originally, but it wasn't exactly on the property line.

Chairman Sisney: But that was on the piece of property that you're trying to sell, and it's all one piece so what does it matter?

Ruth Claassen: Because this piece here is going to someone and then we want to sell our place.

City Clerk Torres: So do we have any more questions for Ms. Claassen or would we like to call to see if we have any other proponents at this time?

Chairman Sisney: There is no one else on the list.

City Clerk Torres: Is there anybody else in the audience that would like to speak as a proponent? How about an opponent just so we can have that on record? Any opponents?

Chairman Sisney: Does the board have any more questions for anyone in the room? Would someone like to make a motion?

Vice-Chairman Buhler made a motion to approve the summary plat.

Member Alicea seconded the motion.

Chris Sisney – Aye

Susan Buhler – Aye

Esther Luchini – Aye

Eduardo Alicea – Aye

City Clerk Torres: Motion carried.

5. REPORTS FROM THE BOARD

Nothing to report at this time.

6. REPORTS FROM STAFF

City Clerk Torres: Both of these items will be presented to our City Commission at second meeting in January, which will be on January 25, 2023.

Assistant City Manager Alvarez: We will submit this for final approval to the City Commission.

7. ADJOURNMENT

Vice-Chairman Buhler made a motion to adjourn the meeting.

Member Luchini seconded the motion.

Motion carried unanimously.

PASSED AND APPROVED ON THIS 13th DAY OF MARCH 2023.



Chris Sisney,
Planning & Zoning Commission Chairman



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 22, 2023

Agenda Item #: E.3

SUBJECT: Acknowledge Regular Planning & Zoning Minutes, February 13, 2023.

DEPARTMENT: City Clerk's Office

DATE SUBMITTED: March 17, 2023

SUBMITTED BY: Angela A. Torres, City Clerk-Treasurer

WHO WILL PRESENT THE ITEM: Consent Calendar

Summary/Background:

Acknowledge Minutes.

Recommendation:

Acknowledge minutes.

Attachments:

Minutes

Fiscal Impact (Finance): N/A

\$0.00

Legal Review (City Attorney): N/A

None.

Approved For Submittal By: ☐ Department Director

Reviewed by: ☒ City Clerk ☐ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☐ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 3-22-23

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES**

Monday, February 13, 2023

REGULAR MEETING

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, February 13, 2023 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

Chris Sisney, Chairman
Susan Buhler, Vice Chairman
Esther Luchini, Member - **ABSENT**
Eduardo Alicea, Member

ALSO PRESENT:

Bruce Swingle, City Manager
Traci Alvarez, Assistant City Manager
Lisa Gabaldon, Deputy Clerk

1. APPROVAL OF AGENDA

The following changes were made to the agenda to accommodate Code Enforcement Officer Sweeney; under New Business move 5d to 5a.

Chairman Sisney made a motion to approve the agenda with change.

Vice-Chairman Buhler seconded the motion.

Motion carried unanimously.

2. APPROVAL OF MINUTES OF JANUARY 9, 2023

Vice-Chairman Buhler asked to have the part where she asked City Manager Swingle if they could table the Forrister item and he said no.

Chairman Sisney made a motion to approve the minutes with changes.

Member Alicea seconded the motion.

Motion carried unanimously.

3. COMMENTS FROM THE PUBLIC (3 Minute Rule Applies)

Diane Gunning spoke regarding the final building plans for Block 30 Palomas subdivision #3022079415169 (attached).

George Henson, 731 Wyona; commented on Diane Gunning's topic. Mr. Henson stated that he has lived here for 15 years and seen very few things built; he thinks that the board needs to have time and effort put in to figure out what is safe and sound for streets and drainages. He has taken pictures from above and the unfinished riff raff that has undercut the brand-new sidewalk along the main street to the new dollar store. The new dollar store hasn't finished any of their containments. The large expansive concrete is gonna be a big flow that goes onto the sidewalks and into the drainage that will be damned

up behind this guy's property. He has a background in plumbing and he understands what can happen if you don't drain something properly.

4. NEW BUSINESS:

a. Discussion/Action – EAA Airport Campsites, Assistant City Manager Alvarez

Assistant City Manager Alvarez gave an overview of the agenda item and then introduced Larry Mullenax from the EAA and the Airport Advisory board to better explain the plans for the airport.

Larry Mullenax explained that their intention is to provide a place for transient pilots, where they would fly in and park their planes and put up a tent under their wing and maybe have a small campfire. Their plan is to build 3 campsites at the south end of the tarmac; there will be a sunshade over the picnic tables at each location and a small fire ring. There will be an overnight fee charged for the pilots to stay; the City will work on that portion. There will be 3 tie downs. They would need to contact the airport in order to request an overnight stay.

Assistant City Manager Alvarez stated that once they get the approval from the Planning & Zoning Board and then the approval of FAA for you guys to proceed forward, they would task the Airport Advisory Board to start coming up with some guidelines working with the airport on what they would charge and what the process and procedure is, and that would be recommended to the City Commission for final approval. She stated that it is important to know that the EAA is funding this; this isn't something that the City or the airport budget has to do. The EAA is looking at their fundraisers to make this happen.

Vice-Chairman Buhler stated that wood and fire for our area could be dangerous and they make gas fire pits that are much safer and would be better than wood. She went on to say that she feels that this is a good idea and would be an attribute to our airport.

Vice-Chairman Buhler made a motion to approve the EAA Campsites.

Member Alicea seconded the motion.

Motion carried unanimously.

5. PUBLIC HEARINGS (5 Minute Rule Applies)

a. Public Hearing/Discussion/Action –Special Use Multi Animal Permit 1415 Platinum Street, Assistant City Manager Alvarez

Assistant City Manager Alvarez: Chairman, members of the board, in your packet you have an application for the residence at 1415 Platinum for multi-animal permit. The application request is for 13 dogs. Animal control and code enforcement have inspected the residence and they've approved the application. You also have a copy of the current ordinance in your packet. Per our current ordinance a maximum of 7 animals are allowed on a multi-use however I think it's very important to note that before this ordinance took place, our applicants followed all City rules and they were doing the kennel permit which was the past procedure, so they have been in compliance with City, it's really our ordinance that has put them out of compliance. Applicants are in the audience here and with that we can open public hearing and I stand for questions.

Chairman Sisney: Alright, we have one name and that's Jessica Chavez.

Jessica Chavez: Ok, so I have 13 dogs and our oldest one is 10. The reason we have so many is our female, we let her outside when she was in heat and she had puppies. We kept all the litter but one and we decided when we were gonna keep them we took the mom and the babies and we got all fixed; so, they're all fixed, there's no more puppies to be had. We put up a whole privacy fence around our property so if people are walking by the dogs wouldn't intimidate them and people cannot intimidate

our dogs. They're chipped, we've always had them vaccinated, we've always kept up with our kennel license. We do have 4 males that are not fixed and we haven't got them fixed because none of the females can go into heat. I've never had any calls on me for animal control. I've never had any complaints from anybody. My dogs don't get out. As far as now, if I have to put any of my dogs down or if something happens, I'm not getting any more dogs. So, if something does happen and we have to put them down or they start passing away, we're not getting anymore, I already told my husband. My dogs are healthy. They don't get out of the yard. They don't bother anybody. We spend almost \$300 every 2 weeks to feed them. We would just like to keep our animals if we can; our dogs.

Chairman Sisney: Thank you. Does anyone have any questions for Ms. Chavez?

Member Alicea: You said that you have some female dogs that aren't fixed?

Jessica Chavez: No, I have 4 males that aren't fixed but all the females are. We put up a privacy fence. We turned our huge carport in that came with our house, we turned it into a dog kennel for them to sleep in at night. We do out our dogs up at 6:30 at night. They have heat lamps. In the summer time they have an air conditioner so they're very spoiled. But there's no more puppies, they're fixed. We spent about \$6000 to keep the dogs and we wanted to keep them because we felt that we let the female get pregnant and so it was our responsibility to take care of them instead of them ending up in the pound or in a bad home. And, the puppies are 6 now, so we've had them for 6 years.

Vice-Chairman Buhler: Well I commend you for keeping up with your application; I commend you for that.

Assistant City Manager Alvarez: Chairman and members of the board, animal control and code enforcement are here as well if you want to confirm the inspection.

Vice-Chairman Buhler: You checked off on everything, right?

Code Enforcement Officer Sweeney: Yes

Vice-Chairman Buhler: ok, and they've had all of their shots and everything? You've supplied that and no one is here to complain, so that's good.

Jessica Chavez: Thank you

Chairman Sisney: I have a question for the City. My question is if we got a problem with writing up these codes then what's the point? What's the point in writing these codes if everybody is just coming in and getting a variance? And then the ones that we disapprove City Council approves anyway.

City Manager Swingle: This applicant isn't requesting a variance. She's asking for a permit. She's trying to get a kennel permit. Kennel permits did not exist...a multi-animal, I'm sorry. That didn't exist in the past, it does now.

Chairman Sisney: Let me rephrase my question, because I'm actually not asking, I'm curious here. It just seems like pretty soon we're gonna be at a point where we're gonna have to approve everybody's request because we've approved everybody's request so far.

Assistant City Manager Alvarez: Chairman, members of the board if I may, I think the intent of this ordinance is to start getting a handle and control on the amount of animals that people are taking in. The ones that are coming to you now are ones have owned these animals for a long time and they've been in compliance with the City until we wrote the new ordinance, so to not approve somebody that's been in compliance for years, you're essentially asking them to get rid of or put down a pet that's been

in their family for a long time. The intent of the ordinance is, as we proceed forward to maybe guide people to not start having this many animals.

Chairman Sisney: Ok, so I just don't see how we're slowing anything down if these keep getting approved. We had those down on Caballo and we denied all of them and the City Council approved them all. And these were the people that were getting complaints. If we set a precedence, how are we gonna be able to deny anyone from here on out.

City Manager Swingle: Chairman, members of the committee, I think that the Commission approved; there were a number of alternatives that were listed, that you all even discussed, and they complied with all of those conditions that were set for the property owner and they made those changes. One was fencing, things of that nature, those things were done, so the Commission did approve them.

Chairman Sisney: We did not approve that; we did not make any recommendation.

City Manager Swingle: No, you declined those two, you voted against them.

Vice Chairman Buhler: Correct.

Assistant City Manager Alvarez: So, I think just like with our animal shelter, you can't solve everything overnight, but by having all of our animals in the shelter being spayed and neutered before they're adopted out, we're gonna see a lot less animals out there running around; it's gonna help with the population. That's the intent of this ordinance as well. You're not gonna see instantaneous results, but what we are gonna see is a lot less people within our community coming to you with multi-use because they're gonna stay within the allowable amount.

Vice-Chairman Buhler: Can I ask you a question, you just mentioned where people go and they adopt the animals, do they keep track of how many animals someone might adopt?

Assistant City Manager Alvarez: Yes

Vice-Chairman Buhler: Ok, that's good.

City Manager Swingle: I think something to remember, when we have the public hearings on these, when you have people that come and speak in opposition, if they're legitimate reasons, surely everyone can understand that, but if they're in a location that is not harming anyone, what's wrong with approving the permit?

Vice Chairman Buhler: You know the other thing is too Bruce, that the people that have a lot of animals, we have to know that those animals are cared for. They can't be abused or the animals have a right too, so I look at that too.

Chairman Sisney: My point is, if we keep saying no and it gets approved anyway, where's the teeth in the law? It just seems kind of a waste of time to me from what I've seen so far. And what about the people that complain and don't want to listen to people's dogs barking all the time? That was the problem on Caballo, is everyone that came up and spoke and said that they can't have church because the dogs are barking all the time. That's my point is because a lot of people don't want to listen to dogs barking.

City Manager Swingle: That's a perfect example Mr. Chair of they put up the fencing that was asked of them and the church came forward and said that the problem had been resolved, that the fencing solved their problem.

Chairman Sisney: That didn't come before us.

City Manager Swingle: No, that went to the Commission.

Assistant City Manager Alvarez: City Commission put it in as a public hearing.

Chairman Sisney: Alright, thank you for answering my question.

Member Alicea: In this situation with Jessica that they had this situation prior to this ordinance?

Assistant City Manager Alvarez: Everyone that's come to you so far has been a situation where they've had their animals prior to the ordinance, yes.

Member Alicea: Is there a way to resolve the situation without because we have been here and when we have this new situation with these codes, that its contrast with this situation.

Assistant City Manager Alvarez: I'm not sure what you're asking.

Member Alicea: I don't think that people like her situation should come necessarily here to beg for their dogs.

Assistant City Manager Alvarez: They're coming here through a process.

Member Alicea: This code is starting for new people.

City Manager Swingle: It's for both.

Member Alicea: She has all these dogs; she's concerned that she has to put them down because people don't want them to have them so is there a way to work differently. As long as you keep bringing them here, we're gonna have this situation, so people are upset. These codes are here.

Assistant City Manager Alvarez: So, you're asking us not bring these to the board if they're pre-existing already?

Member Alicea: When they're coming to us here, we're assuming like they're new.

Assistant City Manager Alvarez: So they're here and they're registering so that puts them in animal control and code enforcement put them kind of on their file so that they can regularly check the animals and then every year they'll have to come back and renew, so that we can ensure that she doesn't come back a year from now and all of a sudden she's requesting 15 dogs; then we'll know that she's not following the compliance. It's just a process and procedure. The applicant would like to know if she can speak.

Vice Chairman Buhler: Yes

Jessica Chavez: The way that I understood it and the reason I'm here, I'll follow any compliance if I have to go down to the 7 dog limit, I mean it will hurt me to have to pick and choose which dogs, but I want to follow every rule and we have since we decided to keep the dogs but the way that I understood it and the reason why I'm here is because I had always filed for a kennel license and now that the new ordinance because it's a multi-family license, I don't qualify for a kennel permit anymore because I don't run a business. So, I don't want you guys to feel that because I'm old to this whole thing and coming into this whole new ordinance, I'll follow any compliance that you guys want me to do. And I don't want this to have to be a make or break where...

Vice-Chairman Buhler: Traci, they sent out letters to the neighbors, right?

Assistant City Manager Alvarez: Correct, yes, everybody has been sent certified letters.

Jessica Chavez: I've never gotten a call; our dogs don't get out.

Vice-Chairman Buhler: You know, I think that you're doing it the right way; you're following the rules and I appreciate that so I'm good...

Jessica Chavez: That was my understanding to be here, I'm not trying to get grandfathered in because I've had this for the past 6 years. It's because I have to have the multi-animal because I can't qualify for a kennel permit anymore because I don't run a business.

Vice-Chairman Buhler: Now will she have to come back?

Assistant City Manager Alvarez: Yes, annually.

City Manager Swingle: Mr. Chair and members of the board, had we had complaints, we'd be having a whole different conversation. But there have been no complaints. The neighbors have been notified of this meeting today, this hearing today. Animal control verified that they haven't had any calls. They've inspected the property and it complies with all of their basic needs for the animals, so from our perspective, we don't see any reason not to approve it.

Chairman Sisney: Again, that was not my point. I appreciate the fact that she has no complaints. I would approve her request for that fact but the other ones, we have lots of complaints. So, I'm just saying that we're gonna get stuck where we're gonna have to how are we gonna be able to disapprove of anybody if we approve anybody who comes up; that was my point, that was all I was trying to say. So, on the topic, I make a motion to approve Ms. Chavez's request for a variance on the 7-animal limit...

Assistant City Manager Alvarez: We're not asking for a variance just for a multi-animal permit.

Vice-Chairman Buhler: It's a multi-animal permit application for 13 dogs.

Chairman Sisney: Ok, the variance on the multi-animal; multi-animal 7...

Assistant City Manager Alvarez: I understand what you're saying Chairman. Normally we would request variances from the code but the animal control ordinance doesn't fall under a variance request; that's more for a planning and zoning or building development standpoint. So, what we're requesting is that she be allowed a multi-animal special use permit allowing her to have the 13 dogs.

Chairman Sisney: Ok. I make a motion that we approve Ms. Chavez request for a multi-animal permit of 13 dogs.

Chairman Sisney made a motion to recommend the Special Use Multi-Animal Permit to the City Commission for final approval.

Vice-Chairman Buhler seconded the motion.

Motion carried unanimously.

b. Public Hearing/Discussion/Action – Summary Plat Amendment 702 N Foch Street, Assistant City Manager Alvarez

Assistant City Manager Alvarez: Chairman, members of the board, applicant wishes to split the parcel at 702 Foch located in the R2 district. Parcel 1 is 90-foot-wide by 81 long. Parcel 2 is 59 wide by 90 long.

Standards for this district do require a minimum width of 60 foot. This amendment doesn't have any significant effect to alter any of our utilities, drainage, traffic; they'll both have access to City maintained street. Everything was submitted, they're just off by the required 1 foot for them to split the parcel. With that we can open the public hearing if there's any proponents or opponents and the applicants are here as well.

Gordon Edelheit: I have a picture of it, it's not even a foot, but the way the lot, it is a foot in the front and it's got the 60 foot in the back. It's off because of the way the corner, it's a corner lot and it's on the corner of 7th and Foch and this is the back part of it. It has an alley it's got plenty of access and the utilities and it can only improve the neighborhood rather than it just be an empty lot right now.

Chairman Sisney: So, you want to split the lot for the...

Gordan Edelheit: It was 3 lots in there so it's a lot and a half each.

Chairman Sisney: So, you're building a second house on that lot, how will they access that lot with an automobile?

Gordan Edelheit: On 7th and on the alley. So, it's both on the alley and on 7th Street.

Vice-Chairman Buhler: So, you're basically gonna separate (the board members were looking at a map of the lots to get an understanding from the applicant).

Assistant City Manager Alvarez: So, one parcel would have direct access to Foch Street which is a City maintained paved street and the other parcel would have direct access to 7th Street, which is also a City maintained street.

Chairman Sisney: Well, I can see that there has been lots on Foch already divided. Does anyone on the council have any questions?

Vice-Chairman Buhler: No

Chairman Sisney: I see no reason not approve it then.
I'm make a motion to approve Mr. Edelheit's request to divide that lot.

Chairman Sisney made a motion to recommend the Summary Plat Amendment to the City Commission for final approval.

Member Alicea seconded the motion.

Motion carried unanimously.

**c. Public Hearing/Discussion/Action – Summary Plat Amendment 1408/1410 Tin Street,
Assistant City Manager Alvarez**

Assistant City Manager Alvarez: Chairman, member s of the board, the applicant wishes to combine these parcels and it doesn't affect any of our utility, drainage or traffic. Everything is submitted; all applicable neighbors have been notified, and the applicant is here.

Martin Aguilar: My name is Martin Aguilar thank you for being here and seeing us. My sister and I are gonna retire here so we're trying to merge those two properties together and build an attachment to an existing home that's already right there.

Chairman Sisney: Ok, so you're combining the lots together so that the two families are gonna share a lot?

Martin Aguilar: Right.

Chairman Sisney: Ok. So, is there any reason not to approve this?

Assistant City Manager Alvarez: I don't have any concerns or issues. They meet all requirements for the code and I am 100% for any future development, so if they want to add on...

Chairman Sisney: Does anyone on the board have any questions?

Vice-Chairman Buhler: No.

Chairman Sisney: I'll make a motion to approve Mr. Aguilar's request to join those two lots. Can I get a second?

Chairman Sisney made a motion to recommend the Summary Plat Amendment to the City Commission for final approval.

Vice-Chairman Buhler seconded the motion.

Motion carried unanimously.

d. Public Hearing/Discussion/Action – Variance Request 1401 Platinum Street, Assistant City Manager Alvarez

Assistant City Manager Alvarez: Chairman, members of the board, the variance request for this applicant is due to the age of the mobile home. Per our municipal code that was updated in 2018, mobile home units that are installed shall not be more than 20 years old at the time that they're installed. Currently the mobile home sits on a City lot however they are gonna have to move the mobile home from one lot to another; so, once you, in essence, touch or change, you have to bring everything up to code. So, the age of the mobile home doesn't meet our requirements, however I did tell the applicant that they can bring this to you and ultimately City Commission requesting a variance. They've submitted the site plan, they submitted a scope plan, you know, explaining why they need to move the mobile home. A site plan for where it would be located in the future as well as pictures of the existing mobile home for determination to see if it would be...some of our mobile homes aren't in the best of conditions. With that, the applicant is here and we can open public hearing if there's anybody to speak.

Chairman Sisney: I have Christy Sallee.

Assistant City Manager Alvarez: The applicant.

Christy Sallee: My name is Christy Sallee and I am requesting a variance to move my mobile home because it is over 20 years old. Right now, it sits on 175 W. 5th which is an RV park and it's a seniors only RV park so they are...they let me move in originally, I signed a contract and almost immediately they had decided that I needed to move my mobile home. I also have a baby, she's 1 year old and it's just me and her. I've followed all the rules at the RV park but the thing is how it's a seniors only RV park, they're asking that I move it. It's been really difficult finding a location due to rules and regulations and I finally found someone who is willing...it's a privately owned lot and that the 1401 Platinum. They're willing to allow me to move my mobile home there. I have also provided photos of my mobile home with the application for this variance in hopes to see that it's not an old looking mobile home, I mean, it's in good shape for its age.

Chairman Sisney: I'd like to ask some questions. Is it a double wide?

Christy Sallee: It's a single wide.

Chairman Sisney: And that lot that you're putting it on, you're not gonna own that lot?

Christy Sallee: I don't own the lot, no.

Chairman Sisney: So, ok. Can I ask your relationship? You don't have to answer that by the way? What's your relationship to the property owner?

Christy Sallee: Just a good friend.

Chairman Sisney: Ok, so. You know you're just opening yourself up to...I mean you're gonna wind up...the potential, same problem you have now; if you're aware of that.

Christy Sallee: That I'll have to move it?

Chairman Sisney: That you're setting your property on someone else's lot and they can, I don't know what the laws are, but I'm just telling you that you need, I just want you to be aware that these people did you wrong over here and you have more rights to deal with them you're gonna have dealing with this new person, just so you know.

Christy Sallee: Yes, that's a good point and I understand that but I don't have any other options. They're making me move my mobile home or they're gonna take it to court. I purchased this mobile home like I'm renting to own it, and I signed a contract with a realtor before I was informed that it was a senior citizens RV park and I'd have to move it. And in my contract with the realtor it says that I do not have to move the mobile home but the contract of the RV park landlord is saying that I do. So, I don't really have any other option.

Chairman Sisney: Again, I'm gonna say something that's not; I'm not a lawyer, this may be bad advice but you got a good chance of winning your case against these people. You might want to do a little research before you move your property is all I'm saying.

Member Alicea: Does the old trailer gave her misinformation for this?

Chairman Sisney: That's a legal case that she would be involved with, with the owners of the RV park and I'm not an attorney so.

Vice-Chairman Buhler: How much time have they given you to move the trailer that you bought; the trailer was there, right?

Christy Sallee: Yes.

Vice-Chairman Sallee: So, you bought it through a realtor. How much time have they given you to move?

Christy Sallee: They've given me, well, they had said that January 1st they were going to change the name of the RV park and change certain rules I guess of this RV park stating that my mobile home being there is a violation of their rules.

Member Alicea: Is it because you have a kid? Adult RV parks have no kids allowed.

Christy Sallee: They said it was only 3 years prior to me buying it, but I don't know that. They just said that that's what their rules were, however I was not aware of that whenever I purchased the mobile home because I wouldn't have done that. I wouldn't have planned on...it's hard to move a mobile home and it's expensive and it's just me and my baby so I just have to move it.

Chairman Sisney: Exactly, so, how far are you into this contract? How many payments have you made on this house?

Christy Sallee: Since May.

Chairman Sisney: And you've got how many years to pay for it.

Christy Sallee: A lot. Either way it's a contract and I can't go back on it.

Member Alicea: At some point the real state had to know the little details in some way. It didn't come just after you bought it.

Chairman Sisney: Can I ask a question of the City Manager then? Now you got this piece of property that she's financing, she doesn't own it, put it on someone else's property that ...I don't know what to do here. Do you have any suggestions?

City Manager Swingle: I think that you have...

Member Alicea: Like he's concerned that she goes through all this process in vain and she'll have to move this piece of property again.

Assistant City Manager Alvarez: She would have to come back before you guys again and at that point you could make a decision to not allow it.

City Manager Swingle: Right, and as far as the legal advice, the legal advice that you've kind of submitted to her that she probably should look at that and that should be the end of that conversation. It's up to her to do that. Who knows what will happen if you grant this transition in accepting an older trailer?

Vice-Chairman Buhler: Well, it sets a precedent. Would it set a precedent for us to allow that?

Assistant City Manager Alvarez: I think that in situations like this, that it's really a case by case basis. You have to look at the mobile home, the condition of the mobile home and the surrounding area as well. The area that it's going into and take each one into consideration as they come through. I don't know that it would set a precedence, I don't know that I have too many of these that come through. I do have occasional requests and I tell them all the same thing. She's been the first one that wanted to go through this whole process.

City Manager Swingle: I think the spirit of the regulation is, and this is unfortunate, it's just 20 years, we're more concerned about the condition and the appearance of the trailer than anything, but it is 20 years; that's the verbiage in the ordinance and what you have before you is a variance request.

Vice-Chairman Buhler: You know it's too bad that the person didn't come with you to support you, putting your property that you're buying on their property. That would've been a good thing for us to hear that they supported you and you know; it would've been a good thing.

Assistant City Manager Alvarez: Chairman, members of the board, there was a letter submitted to my office on behalf of that property owner.

Vice-Chairman Buhler: Ok, well it would've been nice to have seen that letter.

Assistant City Manager Alvarez: I understand.

Vice-Chairman Buhler: Ok, well I make a motion that we approve you're being bale to move the trailer. You know, you're not in a great situation and your trailer looks nice; I think it's in good shape and I hope it will make the move.

City Manager Swingle: So, your motion is to approve the variance?

Vice-Chairman Buhler: Yes, yes, my motion is to approve the variance.

Vice-Chairman Buhler made a motion to recommend the Variance Request to the City Commission for final approval.

Member Alicea seconded the motion.

Motion carried unanimously.

6. REPORTS FROM THE BOARD

Vice-Chairman Buhler would like the rules of procedure and conduct on the next agenda.

7. REPORTS FROM STAFF

Nothing to report at this time.

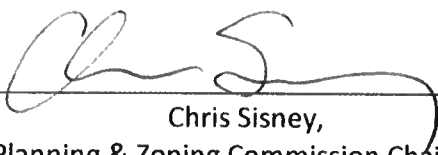
8. ADJOURNMENT

There being no further business at hand, Chairman Sisney made a motion to adjourn the meeting.

Vice-Chairman Buhler seconded the motion.

Motion carried unanimously.

PASSED AND APPROVED ON THIS 13th DAY OF MARCH 2023.


Chris Sisney,
Planning & Zoning Commission Chairman

TorC City Clerk

From: Diane <diane.tominaga@gmail.com>
Sent: Wednesday, February 15, 2023 10:35 AM
To: TorC City Clerk; Traci Alvarez; ComputerScare@protonmail.com; Martin Mijal & Mary Cavett; Martin Mijal & Mary Cavett; Lynn Gray; Robert woodworking; sailmanh2o@gmail.com; Steve Dransfield
Subject: Request for formal hearing before the Planning and Zoning Commission RE the proposed bridge and development on Wyona St

Good Morning City Clerk, City Zoning Authority, and Planning and Zoning Commission Members,

To be clear about the request I made yesterday, February 13, 2023, at the regular Planning and Zoning Commission meeting for a formal public hearing before the Planning and Zoning Commission, it is our right by code to have such a hearing. I mentioned Section 15-15 of the codes in my handout to be included in the P & Z minutes, and which was given to each of the Planning and Zoning Commission members. I did not elaborate on the following, and would like to ensure that each member of the P & Z receives a copy of this email from the City Clerk:

Sec. 15-5. Sec. 15-5.- Approvals required; three mile limit; interpretations.

S

A.

Approval required to subdivide: No land within the City of Truth or Consequences or within three miles of the City Limits of Truth or Consequences shall be subdivided into two or more lots or parcels or filed for record, nor any street laid out, nor any improvements made to the land, until the final plat of the subdivision or street improvements have been approved by action of the City Commission, unless the subdivision fall under the provisions of section 15-15, alternate summary procedure. This approval must be in writing and placed on the original reproducible tracing of the final plat according to the procedures contained herein.

B.

Concurrent review of subdivisions within three miles of the City limits: The City and Sierra County shall have concurrent review of any subdivision located outside the City and within three miles of the City limits and not within the corporate limits of another municipality. Any such subdivision shall conform to the requirements of this Code, and the regulations of Sierra County. Any person seeking the approval of a plat within the platting jurisdiction of both the City and Sierra County shall secure an endorsement of approval from both the City Commission and the Board of County Commissioners before the plat is filed in the office of the County Clerk.

C.

Approval required to construct: No improvements, such as sidewalks, water supply, storm water drainage, sewerage facilities, gas service, electric service or lighting, or grading, paving, or surfacing of streets, shall be made within any proposed subdivision until the final plat for the subdivision, along with plans for

improvements thereto have been formally reviewed and approved in accordance with the standards contained herein.

D.

Interpretations: The City's Zoning Administrator shall have the right to make preliminary interpretations of the meaning of this Code. Interpretations by the Zoning Administrator may be appealed to the Planning and Zoning Commission, which may uphold, amend or reverse such interpretations. Interpretations by the Planning and Zoning Commission may be appealed to the City Commission, which may uphold, amend or reverse such interpretations. Interpretations by the City Commission may be appealed to a court having legal jurisdiction over the matter being appealed. Any appeal must be filed with the office of the City Clerk on or before 30 days following the date of the decision.

So the City's Zoning Administrator, Traci Alvarez, has made preliminary interpretations but I have requested on behalf of all residents and owners of inhabited homes on the dead-end block of Wyona St an appeal hearing before the Planning and Zoning Commission, which may UPHOLD OR AMEND OR REVERSE SUCH INTERPRETATIONS. Those in turn go to a hearing at a City Commission hearing, and THAT decision may be appealed within 30 days to a court, which will be done if necessary.

Email addresses for the City Commission Members are available online, whereas they are not for the Planning and Zoning Commission members. This is why I am asking the **City Clerk** to forward this email to those members, as I do not have their email addresses. I would like confirmation that this has been done.

Thank you,

Sincerely and respectfully,

Diane Gunning

REQUEST FOR PUBLIC HEARING REGARDING FINAL BUILDING PLANS for
Block 30 Palomas Subdivision #3022079415169 owned by Nathanael and Kacie
Stephens

Presented to the Planning and Zoning Commission at Regular Meeting
February 13, 2023

by Diane Gunning, 709 Wyona St, Truth or Consequences, NM

Dear Planning and Zoning Commission Members,

A preliminary plan for building a development of twenty four, 400 sq ft condos has been submitted to the City Zoning office. The owner of the land plans to build a bridge, at his own expense, at the end of our dead-end street as **sole access** to this development.

Traci Alvarez told me in her office as early as November 2019 that the development had the full backing of the City and would definitely be allowed to happen.

The only time Planning and Zoning has ever addressed this development was first at a hearing April 7, 2022 to see whether Mr. Stephens, the land owner, would be allowed a summary plat amendment to combine his 11 usable lots into 6 lots so that he could build his condos. At this meeting Traci Alvarez assured the 3 commission members that the City Lawyer had looked over this proposal and it was legal.

However, Rick Dumiak stood up and pointed out that the Codes (Sec 15-15) clearly stated that for this to happen the land had to have (b) direct, legal and unobstructed access to an existing City maintained street and (c) all lots to be created have direct, unobstructed legal access to existing City water and wastewater lines.

It was therefore deemed necessary to ask for a variance to the codes. The Planning and Zoning commission later voted on the variance request, with only

one of the three members voting against it. On May 19, 2022 the City Commission voted to pass the variance request.

Earlier in May every renter and owner of the four occupied dwellings on our dead-end block requested and received a sit down meeting with Traci Alvarez and the City Manager, Bruce Swingle. At this meeting we all voiced our objection to a bridge which would increase traffic to such a huge extent and a development in the midst of the drainage plain which could compromise it. We were told that a land owner had the right to access his property, and that as long as he built to code, he could build as he pleased.

The first time the preliminary plans for the development were made available to me was in September 2022 and as of January 26 this year I was told by the City Clerk they had not been changed.

These plans contain the following Code violations:

1. Apartments which are rented require a minimum of 400 sq ft, but a condo which is owned requires a minimum of 450 sq ft. (Sec 11-14-2)
2. Multi-family dwellings of 3 or more require 1 ½ parking spaces per dwelling. Building plan provides only 27 parking spaces and 36 are required by code. Each of the 6 tracts can only accommodate 4 – 5 spots when 6 are needed. (Sec 11-12-3) Dimensions of the land could not accommodate 36 spots at each 9 feet wide (Sec 11-12-27)
3. Street extension and bridge width are 32 ft but code states they must be 36 ft (Sec 15-20 (A)10)
4. No provisions being made for garbage truck or emergency vehicle turn around. The garbage truck used to turn around in one of the 16 vacant lots across the street from us, but these have begun to be developed by Mark Shipley into 8 single family dwellings so now the truck must back up all the way out. It can access the waste receptacles on our side of the street but would need to be able to turn around to access the twenty four planned condos. To do this a turn around would make the street a cul-de-sac. The minimum length of the street from the center of the cul-de-sac to the nearest intersection by code is 500 ft. (Sec 15-20 (4)) The actual distance would be well in excess of that.

There are probably more violations that a more savvy person could find.

Furthermore, the bridge plan itself is defective. All the other bridges over the City drainage ditch which extends underneath Broadway, Austin, Marr and Van Patten Streets are open under the bridges with cement sides for the drainage ditch to flow through. This bridge plan calls for a bridge that dams the ditch entirely, leaving only a 6 foot diameter drainage pipe for the water flow. During a flood the water could surge against the dam which is the support of the bridge and undermine it. When the bridge is complete, the City would take over responsibility for it and would be liable for all property and life damages at that point.

Ask yourself, as we have, who would be buying 400 sq ft homes, each with its own hot spring tub? Likely it will be investors who will be AirBnb-ing them which will turn our area into more of a commercial spot zone.

Under Section 15-14 there should be a Final Plat recommendation of approval from the Planning and Zoning Commission.

Whatever hearing is to be held, we neighbors on this block need to be informed and to be able to speak at the hearing. Traci Alvarez told us that only the closest neighbor to the ditch, George Henson, has any rights to notifications or to protest. However, in light of the fact that Mr. Stephens is paying for the bridge and it is part of his development, we are all within 300 feet of the development and demand our say.

Look carefully at ARTICLE I. -PURPOSE, AUTHORITY AND SCOPE OF THE COMPTHEHENSIVE PLANNING AND ZONING CODE

Sec 11-1-2 Purpose and Intent

The purpose of this Code is to encourage the most appropriate use of land and to promote the health, safety, morals and general welfare of the community through a comprehensive and planned approach. The regulation, plans, and maps are deemed necessary to:

- A. Prevent congestion in the streets and other rights-of-way;**
- B. Secure safety from fire, panic and other dangers;**
- C. Promote health and general welfare;**

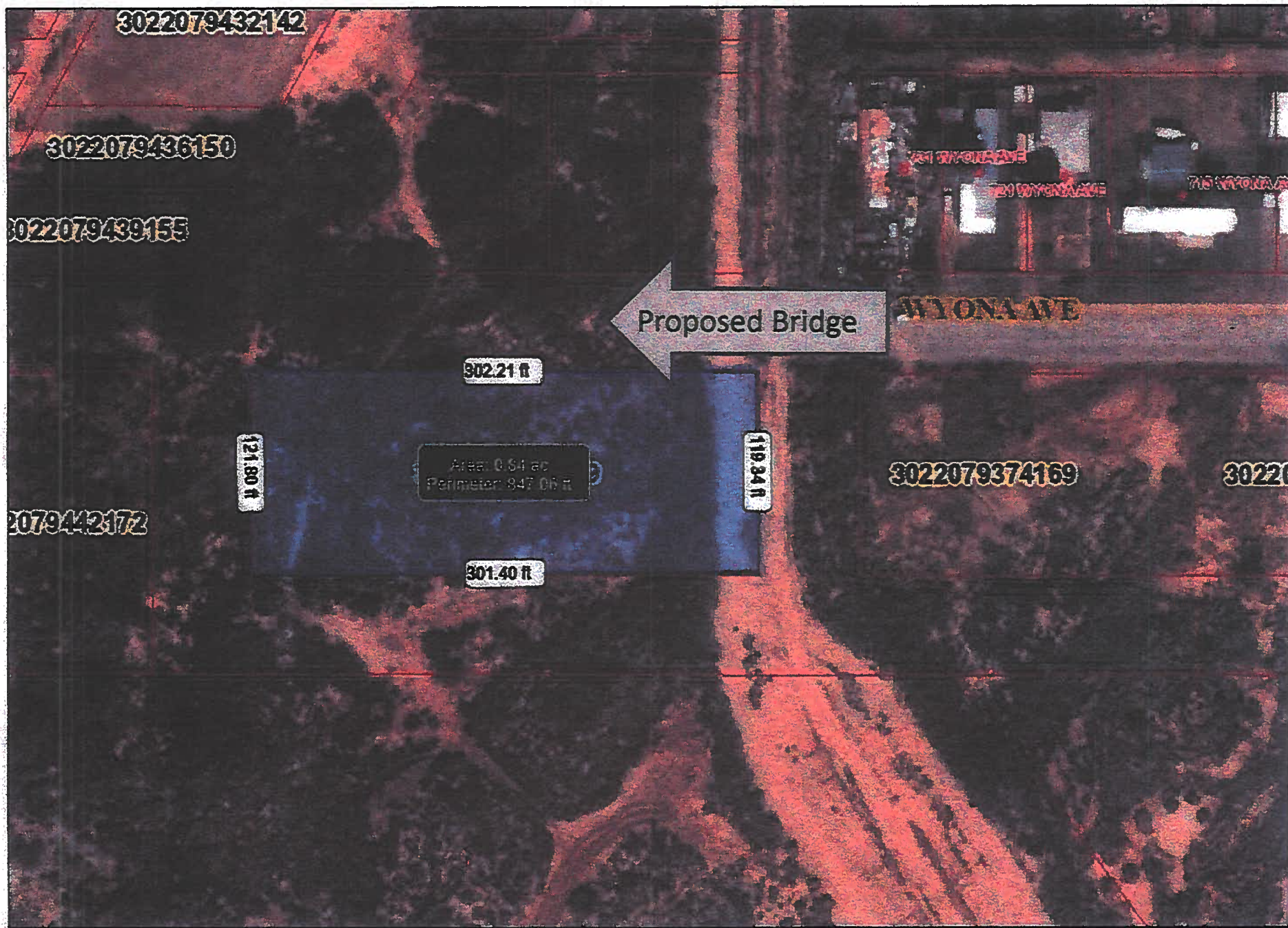
- D. Assure adequate light and air for all properties;
- E. Prevent overcrowding of land and undue concentration of populations;
- F. Facilitate adequate provisions for transportation, water, sewer, schools, parks and other public facilities and reduce the effect of natural hazards;
- G. Control and abate the unlawful use of structures, buildings, or land;
- H. Encourage the conservation of energy in the use of structures, buildings and land in the City.

Please ask the City Clerk for these preliminary plans for land # #3022079415169 and look them over. You will need to view them on a computer so that they can be scaled to see detail.

Thank you for your time and attention to this matter.

Sincerely,

Diane Gunning



Parcel: 3022079415169

Owner:
STEPHENS NATHANAEL & KACIE

Owner Address:
1000 LOCUST ST T OR C NM 87901

[View Additional Details](#) [Add to Results](#)

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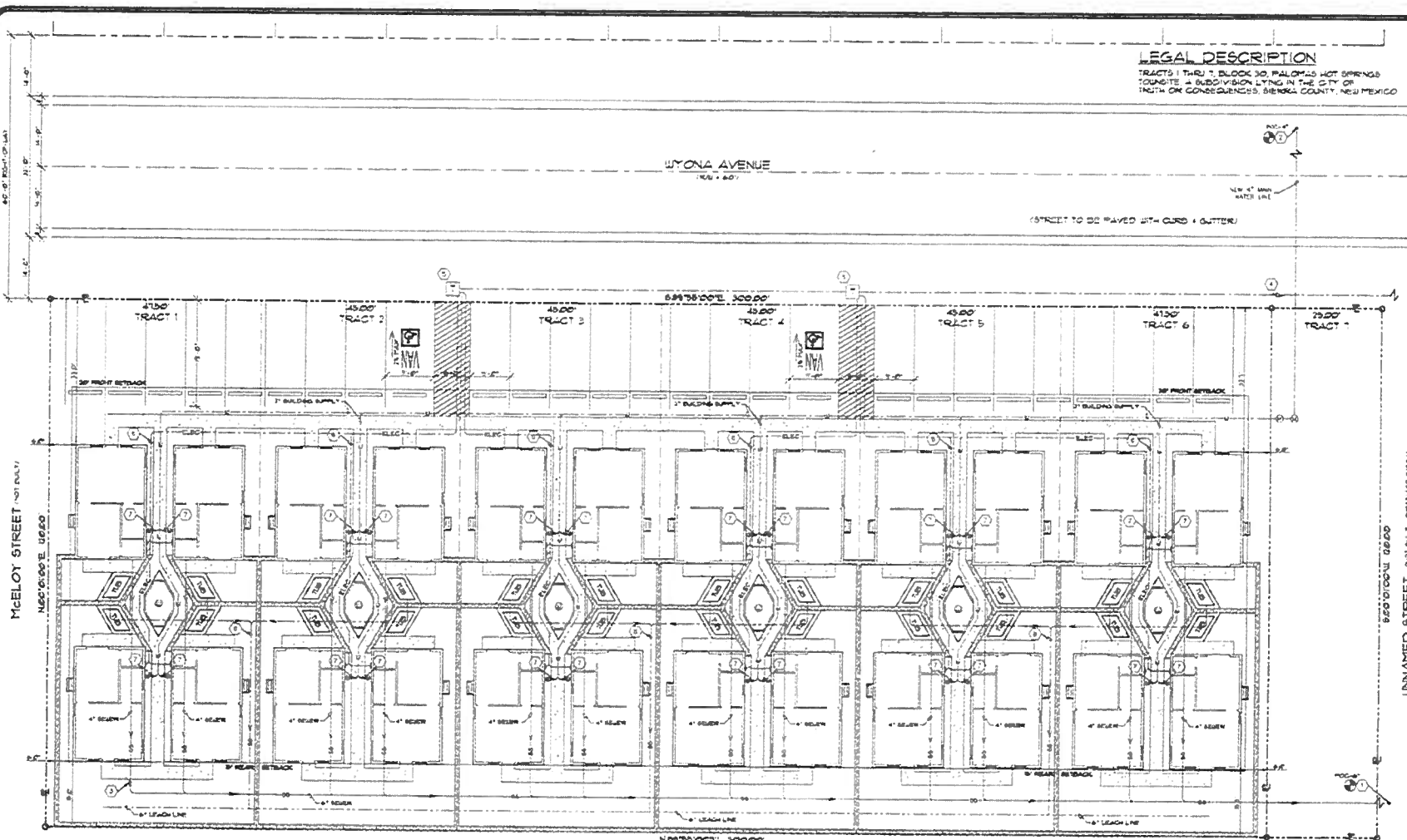
sidwellportico | Maxar, Microsoft

WYONA AVENUE
(160' ± 60')

LEGAL DESCRIPTION

TRACTS 1 THRU 7, BLOCK 30 PALOMAS HOT SPRINGS
TOWNSHIP 4 SUBDIVISION LYING IN THE CITY OF
TULSA OK CONSEQUENTLY, BERNARD COUNTY, NEW MEXICO

(STREET TO BE PAVED WITH CURB & GUTTER)



UNNAMED STREET (NOT BUILT - DRAINAGE EDITION)

KEYED NOTES

- POINT OF CONNECTION - PLUMBING CONTRACTOR TO CONNECT NEW WASTE LINE TO EXISTING SEWER MAIN LINE. COORDINATE WITH CITY UTILITY AND FIELD VERIFY EXACT LOCATION OF EXISTING SEWER MAIN LINE PRIOR TO COMMENCING ROUGH-IN WORK.
- POINT OF CONNECTION - PLUMBING CONTRACTOR TO CONNECT NEW 2" WATER LINE TO NEW 4" WATER MAIN LINE. COORDINATE WITH CITY UTILITY AND FIELD VERIFY EXACT LOCATION OF EXISTING SERVICE WATER MAIN. HOOK TO EXISTING ROUGH-IN WORK.
- DOUBLE GROUND CLEAN-OUT.
- NEW POWER POLE.
- NEW POWER TRANSFORMER ON PAD. LOCATION PER CITY UTILITY.
- BURIED ELECTRIC SERVICE LINE IN 60% 40 CONDUIT. SEPARATE LINES RUN TO EACH UNIT. LOCATE SERVICE TO EACH UNIT.
- 3/4" BUILDING SUPPLY WATER LINE.
- 2" DRAIN LINE FROM HOT TUBS TO 6" LEACH LINE.

SYMBOLS LEGEND

- | | | | |
|---|-------------------------|------|-----------------------|
| ○ | LIGHT POLE | —P— | PROPERTY LINE |
| ⊙ | POWER POLE | — | INTERIOR LOT LINE |
| ⊙ | WATER METER | —60— | SEWER LINE |
| ⊙ | 4" B.S.P. LINE SIZE | —W— | WATER SUPPLY LINE |
| ⊙ | HOT WATER WELL W/ VALVE | —O— | OVERHEAD UTILITY LINE |

GRAY AVENUE (NOT BUILT)



SITE & UTILITY PLAN

SCALE 1/8" = 1'-0"

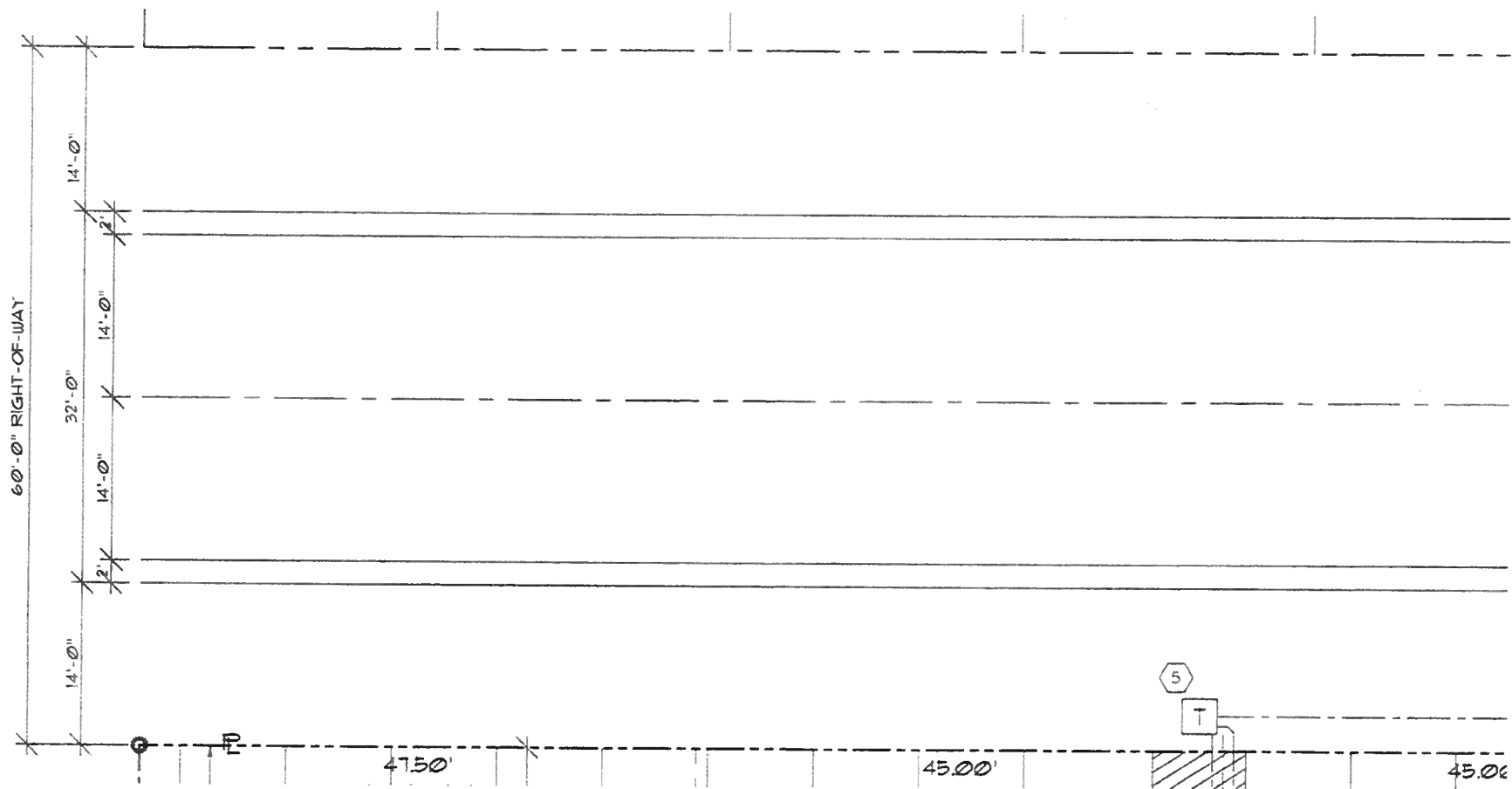
UTILITY NOTES

- THESE PLANS ARE SCHEMATIC AND MAY NOT SHOW THE EXACT LOCATIONS OF UTILITY LINES.
- SEE ARCHITECTURAL PLAN FOR UTILITY HOOKUPS & LOCATIONS OF ANY EXISTING UTILITY LINES.
- ALL EXISTING UTILITIES MUST BE LOCATED AND MATHOLED (IF NECESSARY) BEFORE ANY CONSTRUCTION BEGINS.
- THE CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES BEFORE COMMENCING WORK AND BE RESPONSIBLE FOR COMPLYING WITH ALL BLUE STAKE PROCEDURES. ANY DAMAGE TO EXISTING UTILITIES WILL BE THE CONTRACTOR'S RESPONSIBILITY.
- ALL EXISTING UTILITIES & TIE-IN POINTS ARE TO BE MATHOLED & FIELD VERIFIED BEFORE CONSTRUCTION BEGINS. SEE CITY UTILITY STANDARDS FOR ALL TYPICAL DETAILS REQUIREMENTS & STANDARDS. ALL ONE-CALL (800) FIELD LOCATE PROCEDURES SHALL BE FOLLOWED BY CONTRACTOR.

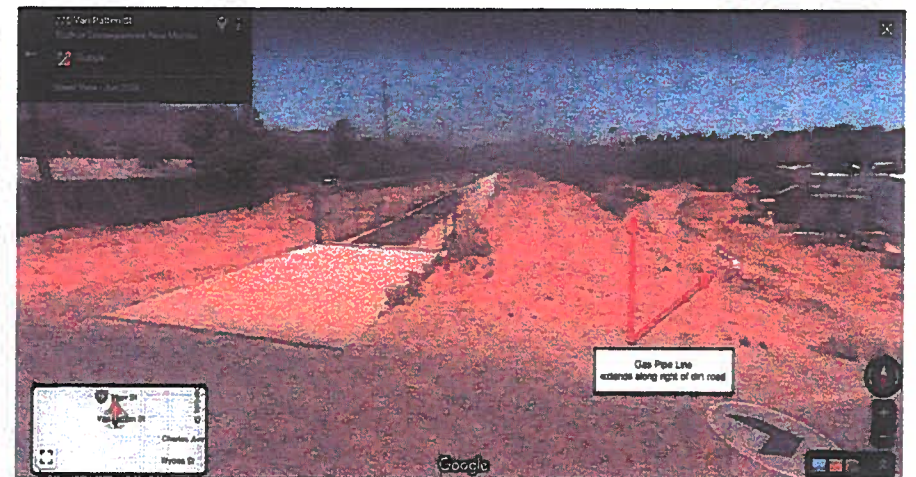
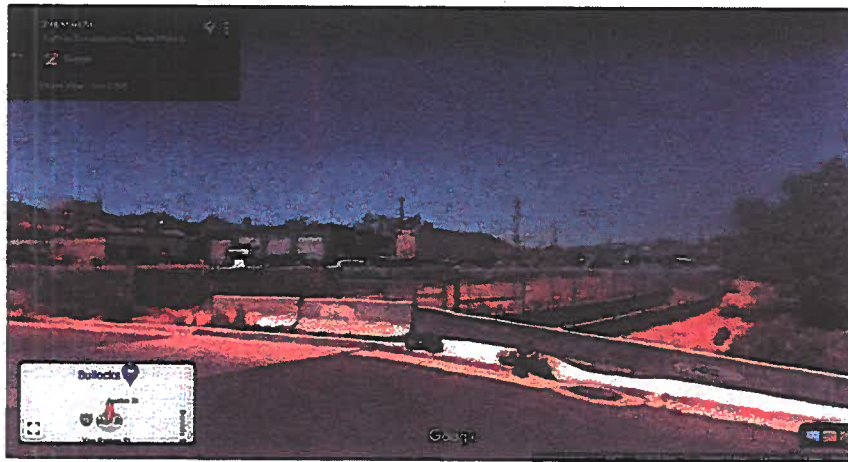
SITE & UTILITY PLAN
WYONA CONDOMINIUMS

WHITNEY'S CAD DESIGN
P.O. Box 1874
Esplanade, Bille, NY 81935
Cell: (515) 740-2468

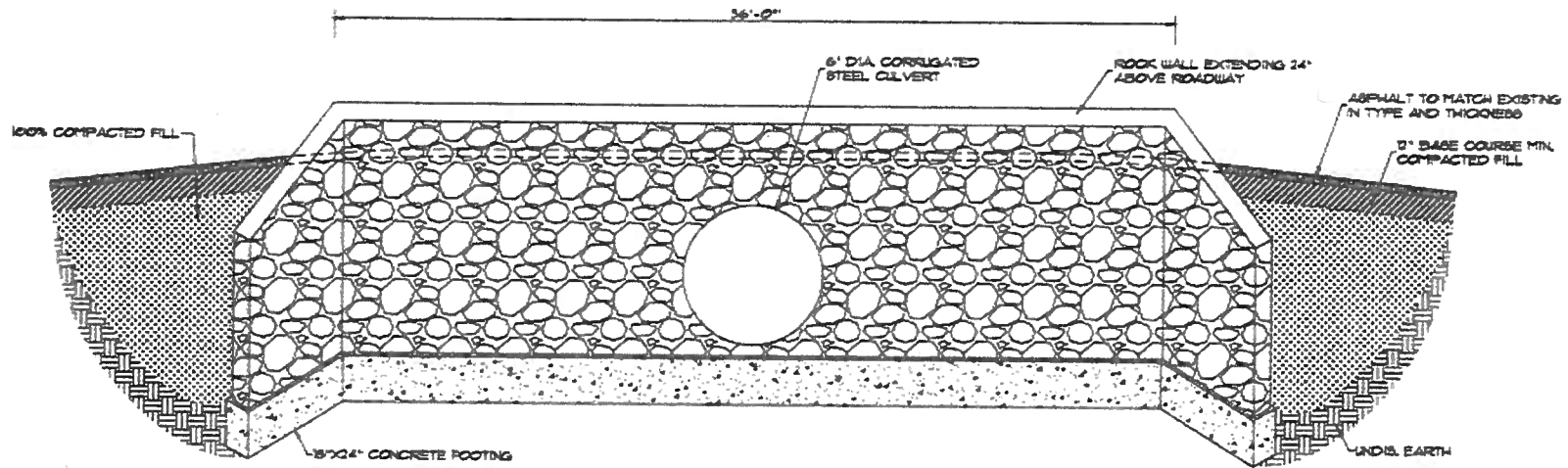
DRAWN
KATHY L. SMITH
CHECKED
DATE
MAY 10 2002
SCALE
AS NOTED
JOB
3-01-01
SHEET
C-1
3 OF 8 SHEETS



**New dead end of Wyona St only 32 ft wide across outside of curbs,
Truth or Consequences, NM Code 15-20A8 stipulates that local roads need to be 36 ft across.
There is no provision for emergency or other vehicle turn around.**



Other Bridges on streets over the drainage ditch



DRAINAGE CULVERT ELEVATION
SCALE: 1/4" = 1'-0"

Type of bridge Nathan Stephens plans to build, blocking drainage ditch except for 6 foot diameter pipe. Also spans across and blocks access to dirt road used by City for reaching into the drainage plain area

(See complete plans separate document)



Block 30 after it rains. The water from the hill behind drains into it.



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 22, 2023

Agenda Item #: E.4

SUBJECT: Take Home Vehicle Forms for Police Department

DEPARTMENT: City Clerk's Office

DATE SUBMITTED: March 17, 2023

SUBMITTED BY: Angela A. Torres

WHO WILL PRESENT THE ITEM: Consent Calendar

Summary/Background:

In accordance with Resolution No. 12 21/22, all take-home vehicle requests must be approved by the City Commission. The take-home vehicle requests are for Brandon Villarreal and Levi Eilers from the Truth or Consequences Police Department.

Recommendation:

Approve take home vehicle form.

Attachments:

- Take-home vehicle form

Fiscal Impact (Finance): N/A

Legal Review (City Attorney): N/A

Approved For Submittal By: ☒ Department Director

Reviewed by: ☐ City Clerk ☐ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☐ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 3-22-2023



Take Home Vehicle Authorization Request

Employee: Brandon Villarreal Department: TORC PD

Position Title: Police Officer Commute Miles/Day: 62

Employee Address: 105 Oban CT Las Cruces NM 88001

Pursuant to the Take-Home Vehicle Policy, requests to authorize take-home vehicles must demonstrate an official need for a City vehicle beyond normal working hours. Identify which, if any, of the following reflect the official need for the city vehicle beyond normal working hours.

☒ **Emergency Response:** Employee has primary responsibility for responding to emergency situations which require immediate response to protect life or property.

☐ **On-call Status:** Employee is on-call and responds to public safety or health emergencies occurring after normal work hours and on weekends.

☐ **Other:** explain _____

Note: A city owned take-home vehicle is a fringe benefit that may generate a tax liability.

By signing below, I acknowledge that I have read and understand the City policy governing proper use of a take-home vehicle and prohibitions. By voluntarily participating in the take-home vehicle program, I consent to complying with the policy, and I certify that this request meets the requirements of the City's Take-Home Vehicle Policy.

Villarreal 207
Employee's Signature

3/15/2023
Date

Department Director Signature

☐ Approved ☐ Denied

Commission

☐ **Approved**

☐ **Denied**

Amanda Forrister, Mayor Signature

Date



Take Home Vehicle Authorization Request

Employee: Levi Eilers Department: T or C PD

Position Title: Patrolman Commute Miles/Day: 61

Employee Address: 1300 Nostros Ln. Las Cruces, NM

Pursuant to the Take-Home Vehicle Policy, requests to authorize take-home vehicles must demonstrate an official need for a City vehicle beyond normal working hours. Identify which, if any, of the following reflect the official need for the city vehicle beyond normal working hours.

☒ **Emergency Response:** Employee has primary responsibility for responding to emergency situations which require immediate response to protect life or property.

☐ **On-call Status:** Employee is on-call and responds to public safety or health emergencies occurring after normal work hours and on weekends.

☐ **Other:** explain _____

Note: A city owned take-home vehicle is a fringe benefit that may generate a tax liability.

By signing below, I acknowledge that I have read and understand the City policy governing proper use of a take-home vehicle and prohibitions. By voluntarily participating in the take-home vehicle program, I consent to complying with the policy, and I certify that this request meets the requirements of the City's Take-Home Vehicle Policy.


Employee's Signature

208

03/15/2023
Date

Department Director Signature

☐ Approved ☐ Denied

Commission

☐ Approved

☐ Denied

Amanda Forrister, Mayor Signature

Date



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 22, 2023

Agenda Item #: F.1

SUBJECT: Public Hearing and Final Adoption of Ordinance No. 747 an ordinance authorizing the lease of real property, pursuant to section 3-54-1 NMSA 1978 to Sun State Tower.

DEPARTMENT: City Manager's Office

DATE SUBMITTED: March 17, 2023

SUBMITTED BY: Tammy Gardner

WHO WILL PRESENT THE ITEM: Bruce Swingle

Summary/Background:

This is for a public hearing and final adoption of Ord. No. 747 for the lease of real property (Water Tank Site on Pershing St., Truth or Consequences).

Recommendation:

Public Hearing and Final Adoption of Ord. NO. 747.

Attachments:

- Ordinance No. 747
- -

Fiscal Impact (Finance): Yes

\$175,000

Legal Review (City Attorney): Yes

-

Approved For Submittal By: ☒ Department Director

Reviewed by: ☒ City Clerk ☐ Finance ☒ Legal ☐ Other: Click here to enter text.

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. Click here to enter text. Ordinance No. 747

Continued To: Click here to enter a date. Referred To: Click here to enter text.

☐ Approved ☐ Denied ☐ Other: Click here to enter text.

File Name: CC agendas 3-22-2023

ORDINANCE No. 747

AN ORDINANCE AUTHORIZING THE LEASE OF REAL PROPERTY, PURSUANT TO SECTION 3-54-1 NMSA 1978.

A. WHEREAS, the City of Truth or Consequences, New Mexico (the "City") is a legally created, established, organized and existing incorporated municipality under the constitution and laws of the State of New Mexico; and

B. WHEREAS, the City owns certain real property located within its boundaries specifically described as follows:

A .230 acre tract of land in the NE $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 6, Township 14 South, Range 4 West, NMPM, commonly referred as "the Ballfield Site". The location is further summarized as being on Veater Street directly south of and adjacent to the City ball fields, western part of Truth or Consequences, Sierra County, New Mexico.

C. WHEREAS, the City has negotiated a Lease Agreement with Tower Point Telecom ("Tenant"), whereby the City shall lease its interest in and to the above-described property to the Tenant; and

D. WHEREAS, under Section 3-54-1 NMSA 1978, the City is required to obtain an appraisal from a qualified appraiser of any property to be leased, and said appraisal was prepared by Lee Morris of Morris Appraisal Services, Inc. dated August 25, 2022; and

E. According to the aforesaid appraisal, the appraiser opined as follows: "Therefore, by reason of my research of the current market, and by virtue of my experience, I have formed the opinion that the market rent for the ground lease as stated as of the effective date of this report was: **FIFTEEN THOUSAND DOLLARS (\$15,000.00)** per year.

F. The contemplated rental is a one-time up front payment of \$175,000.00 to be paid at the inception of the Lease. The Lease shall ne for a 99 year term commencing upon the effective date of this Ordinance.

G. The Lessee of the proposed agreement shall be Sun State Towers III, a Delaware Limited Liability Company. A copy of the following documents are attached hereto as **EXHIBITS A and B**, and are incorporated into this Ordinance by reference.

1. Purchase and Sale Agreement.

2. Communications Facility Easement and Assignment of Tower-Related Ground Lease.

H. The City Commission has determined that it is in the best interests of the City to consummate the proposed transaction. Several of the reasons in support of proceeding with the proposed transaction include the following:

1. As noted above, the proposed payment of \$175,000.00 would be “up-front” at the inception of the Lease.
2. Proceeding with the proposed transaction represents the best use of the property. It would be otherwise difficult and costly to develop the property.
3. In the absence of entering into the proposed long term Lease Agreement, it is very speculative if the property could be used as a cell tower site in the distant future.
4. Operating and maintaining the property in its current use has been a labor-intensive endeavor the City. Entering into this proposed transaction would relieve the City of a significant, time-consuming burden.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO:

Section 1. Authority. The City is authorized to lease interests in real property pursuant to the provisions of Section 3-54-1, N.M.S.A. (1978).

Section 2. Material Terms Lease Agreement.

A. The City shall lease the above-described property to the tenant in accordance with the terms described in **EXHIBITS A and B above**.

B. The Tenant acknowledged that it is leasing the property in an “as is” condition, and the City has made no warranties or representations regarding the Real Property, the status of its title, or its feasibility for development.

Section 3. Effective Date. This Ordinance shall be effective forty-five (45) days after its adoption.

Section 4. Severability. If any section, paragraph, clause or provision shall be held to be valid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

PASSED, ADOPTED, SIGNED AND APPROVED THIS 22nd DAY OF MARCH 2023.

CITY OF TRUTH OR CONSEQUENCES

By _____
Amanda Forrister, Mayor

ATTEST:

By _____
Angela A. Torres, City Clerk-Treasurer



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 22, 2023

Agenda Item #: G.1

SUBJECT: Resolution No. 35 22/23 Budget Adjustment Request

DEPARTMENT: Finance Department

DATE SUBMITTED: March 7, 2023

SUBMITTED BY: Kerin Salcedo, Accounting Officer

WHO WILL PRESENT THE ITEM: Kristie Wilson, Finance Director

Summary/Background: Reconciling Budget Adjustments Requests (based on Chapter 6, Article 6 NM Statute) needed for budget adjustments, increases, and decreases per attached.

Recommendation:

Approval Resolution No. 35 22/23 Budget Adjustment Requests for Fiscal Year 2022-2023

Attachments:

Resolution No 35 22/23

- Schedule of Budget Adjustments, Supporting Documentation

Fiscal Impact (Finance): Yes

Changes in funding as presented on the Department of Finance and Administration Schedule of Budget Adjustments

Legal Review (City Attorney): N/A

Approved For Submittal By: ☒ Department Director

Reviewed by: ☒ City Clerk ☒ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. [Click here to enter text.](#) Ordinance No. .

Continued To: . Referred To: .

☐ Approved ☐ Denied ☐ Other: .

File Name: CC agendas 3-22-2023



RESOLUTION NO. 35 22/23

A RESOLUTION REQUESTING FINAL BUDGET ADJUSTMENTS IN THE REVENUE AND EXPENDITURE BUDGET FOR FISCAL YEAR 2022-2023.

WHEREAS, the final budget for was approved by the City Commission of the City of Truth or Consequences, New Mexico, pursuant to Chapter 6, Article 76 NMSA 1978; and

WHEREAS, the City Commission in and for the City of Truth or Consequences, State of New Mexico needs to adjust the current approved budget for Fiscal Year 2022-2023; and

WHEREAS, said budget was adjusted on the basis of need and through cooperation with all user departments, elected officials and other department supervisors; and

WHEREAS, the official meeting for the review of said documents was duly advertised in compliance with the State Open Meetings act; and

WHEREAS, it is the majority opinion of this Board that the adjusted budget meets the requirements as currently determined.

NOW THEREFORE, BE IT RESOLVED that the City Commission of the City of Truth or Consequences, State of New Mexico hereby adopts the budget adjustment hereinabove described and attached and respectfully requests approval from the Local Government Division of the Department of Finance and Administration.

PASSED, ADOPTED and APPROVED this 22nd day of March, 2023.

Amanda Forrister, Mayor

ATTEST:

Angela A. Torres, City Clerk-Treasurer

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

For Local Government Division use only:

ENTITY NAME: City of Truth or Consequences
FISCAL YEAR: 2022-23 3/22/2023
DFA Resolution Number: 35 22/23
BAR NUMBER: 9

DOCUMENT NUMBER	FUND	ACCOUNT STRING	ACCOUNT NAME	REVENUE, EXPENDITURE, or TRANSFER (TO or FROM)	APPROVED BUDGET	ADJUSTMENT / INCREASE	ADJUSTMENT / DECREASE	ADJUSTED BUDGET	PURPOSE
1	Law Enforcement Recruitment	212-3001-32389	Local/State Grants	Revenue	\$ -	\$ 112,500.00		\$ 112,500	Recruitment & Retention Stipend Award
1	Law Enforcement Recruitment	212-3001-41261	Recruitment Stipend	Expense	\$ -	\$ 20,000.00		\$ 20,000	Recruitment & Retention Stipend Award
1	Law Enforcement Recruitment	212-3001-41262	Retention Stipend	Expense	\$ -	\$ 90,750.00		\$ 90,750	Recruitment & Retention Stipend Award
1	Law Enforcement Recruitment	212-3001-41210	FICA-MEDICARE	Expense	\$ -	\$ 1,750.00		\$ 1,750	Recruitment & Retention Stipend Award
ATTEST: Angela Torres, Clerk-Treasurer (Date) Amanda Forrister, Mayor (Date)									

MICHELLE LUJAN GRISHAM
GOVERNOR



DEBORAH K. ROMERO
CABINET SECRETARY

STATE OF NEW MEXICO
DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION
Bataan Memorial Building ♦ 407 Gallisteo St. ♦ Suite 202 ♦ Santa Fe, NM 87501
PHONE (505) 827-4950 ♦ FAX (505) 827-4948

December 7, 2022

Luis Tavizon, Chief of Police
City of Truth or Consequences
505 Sims St.
Truth or Consequences, NM 87901-27726

Dear Chief Tavizon,

On behalf of the State of New Mexico, please accept this as your notice of award of funding from the Law Enforcement Fund created by Gov. Michelle Lujan Grisham earlier this year. The purpose of the funding is to cover the cost of hiring new officers and to retain existing staff. The amount allocated to your entity is \$112,500.00 the first year, 50% up to \$112,500.00 the second year, and 25% up to \$56,250.00 the third year.

The methodology for determining your distribution is consistent with previous allocations sent out earlier this year. However, it has been prorated based on available funding. Gov. Lujan Grisham will prioritize obtaining additional funding for the Law Enforcement Fund during the upcoming legislative session.

Initially disbursed funds must be expended by June 30, 2023; the second disbursement will be made in July 2023 to be expended by June 30, 2024; and the last disbursement will be made in July 2024 to be expended by June 30, 2025. Any amount not expended will be returned to the State of New Mexico, Department of Finance and Administration in the year that it is scheduled for reversion. All expenditures must occur prior to the reversion date.

A grant agreement will be issued between the State of New Mexico, Department of Finance and Administration, Local Government Division, and your local entity. This agreement will further outline the expenditure requirements and the distribution process.

Please contact Jeannette Gallegos at 505-827-4787 if you have any questions or concerns.
Thank you for the continued work of your agency to protect and serve the people of New Mexico.

Respectfully,

DocuSigned by:
Deborah K. Romero
DCA2D2A1284C454

Deborah K. Romero
Cabinet Secretary
Department of Finance and Administration

CC: Amanda Forrister / Mayor

Law Enforcement Recruitment and Retention Chart of Accounts

FUND	DEPARTMENT	OBJECT DESCRIPTION	APPLICABLE TO ENTITY TYPE
Revenue COA			
21200 Law Enforcement Recruitment	0001 No Department Needed	47120 State - Law Enforcement Appropriation	C & M County and Municipality
Expenditures COA			
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	52010 FICA - Regular	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	52011 FICA - Medicare	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	52020 Retirement	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	52021 Retiree Health Care	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	52030 Health and Medical Premiums	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	52040 Life Insurance Premiums	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	52050 Dental Insurance Premiums	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	52060 Vision Insurance Medical Premiums	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	52070 Disability Insurance Premiums	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	52080 Other Insurance Premiums	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	52090 Unemployment Compensation	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	52100 Workers' Compensation Premium	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	52110 Workers' Compensation Employer's Fee	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	52999 Other Employee Benefits	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	53100 Salaries - Full-Time Positions	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	53107 Salaries - Terminal Leave	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	51062 Retention Stipend	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	51061 Recruitment Stipend	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	53031 Recruitment Travel	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	53051 Recruitment Transportation Costs	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	54041 Recruitment Supplies- Maintenance & Repair-Vehicles	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	55031 Recruitment Contract Professional Services	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	56011 Recruitment Software	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	56021 Recruitment Supplies General Office	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	57051 Recruitment Training	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	57081 Recruitment Postage	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	57141 Recruitment Printing/Publishing/Advertising	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	57151 Recruitment Subscriptions & Dues	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	57161 Recruitment Telecommunications	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	3001 Law Enforcement	58021 Recruitment Equipment & Machinery	ALL Entity Types
Transfers			
21200 Law Enforcement Recruitment/Retention	0001 No Department Needed	61100 Transfers In	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	0001 No Department Needed	61200 Transfers Out	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	0001 No Department	21001 Payables	ALL Entity Types
21200 Law Enforcement Recruitment/Retention	0001 No Department	12001 Receivables	ALL Entity Types

REIMBURSING AGENCY: Department of Finance and Administration

Business Unit: 341

RECIPIENT:

Truth or Consequences

APPROPRIATION NUMBER:

22-ZG1016-52

ALLOCATION AMOUNT:

\$281,250.00

REVERSION DATE:

June 30, 2023

ALLOCATION PURPOSE

Two Hundred Eighty One Thousand Two Hundred Fifty Dollars and Zero Cents over three years to be utilized in accordance with the provisions of HB68. The first allocations will be disbursed at 100% within 5 business days of acceptance of this agreement to include approval of the local governing body.

ALLOCATION DISBURSEMENT

The allocated funds will be disbursed 100% up to \$112,500 the first year, 50% up to \$112,500 the second year, and 25% up to \$56,250 the third year. The Allocation Recipient will submit to the Department of Finance & Administration this signed document and evidence of approval of the local governing body. Disbursements of funds will be made within 5 business days of receipt of the signed agreement and evidence of approval of the local governing body.

Funds for the first disbursement must be expended by June 30, 2023; the second 50% disbursement will be made in July 2023 to be expended by June 30, 2024; and the last disbursement of 25% will be made in July 2024 to be expended by June 30, 2025. Any amount not expended in each of the three years will be returned to the State of New Mexico, Department of Finance and Administration in the year that it is scheduled for reversion. All expenditures must occur prior to the reversion date.

The Allocation Recipient agrees to submit quarterly reports using Exhibit A, Law Enforcement Report, providing updates on expenditures for the eligible activities defined in HB68.

CERTIFICATION

I hereby certify that the Truth or Consequences

1. Will only use the allocated funds to carry out and/or perform activities described in allocation language.
2. Will follow the procedure described in "Allocation Reporting" of allocated funds.

Local Law Enforcement Agency

Date

Authorized Local Governing Body Authority

Date

APPROVAL

In accordance with the authority conferred on the Department of Finance & Administration by the statute appropriating these funds, I hereby approve this certification for appropriation number 22-ZG1016-52 in the amount of \$281,250.

Local Government Division Director

Date

Business Unit: 341

Allocation Recipient:	
Appropriation Number:	

[illegible]

Narrative:
(Provide description of how remaining funds will be utilized for recruitment and/or retention.)

Kerin Salcedo

From: Wilson, Kristie
Sent: Monday, March 06, 2023 4:19 PM
To: Swingle, Bruce; Traci Alvarez; Tavizon, Luis
Cc: Kerin Salcedo
Subject: Recruitment and Retention Stipend Structure

Good Afternoon Chief,

Below is the breakdown of stipends that I am proposing with the LERF funds, which includes the new certified and the 2 uncertified officers. This will include the Medicare taxes as well:

2022-2023				
Date	3/2/2023			
POLICE				
DESCRIPTION	OBJECT CODE	23-24 NEW COMP.	52010 FICA TAX 6.20%	52011 MEDICARE TAX 1.45%
Tavizon, Luis Chief	51020	\$ 8,500	\$ -	\$ 123
Jeffers, Shane	51020	\$ 8,500	\$ -	\$ 123
Blomquist, Jaffee Sergeant	51020	\$ 8,500	\$ -	\$ 123
Madden, Martin	51020	\$ 5,750	\$ -	\$ 83
Frazier, Kaci	51020	\$ 8,500	\$ -	\$ 123
Gonzalez, Shantell	51020	\$ 8,500	\$ -	\$ 123
Marin, Rafael	51020	\$ 8,500	\$ -	\$ 123
Ontiveros, Ted	51020	\$ 8,500	\$ -	\$ 123
Vega, Jude Mike	51020	\$ 8,500	\$ -	\$ 123
Venable, Donald	51020	\$ 8,500	\$ -	\$ 123
Prieto, Joseph	51020	\$ 8,500	\$ -	\$ 123
Certified	51020	\$ 8,500	\$ -	\$ 123
VACANT	51020	\$ 5,750	\$ -	\$ 83
VACANT	51020	\$ 5,750	\$ -	\$ 83
TOTAL		\$ 110,750	\$ -	\$ 1,606
		\$ 112,356		



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 22, 2023

Agenda Item #: G.2

SUBJECT: Amendment to Park User Fees, Resolution 68 21/22, adding the use of the concession stand located at the Louis Armijo Sports Complex.

DEPARTMENT: Parks

DATE SUBMITTED: March 16, 2023

SUBMITTED BY: O.J. Hechler

WHO WILL PRESENT THE ITEM: O.J. Hechler, Community Services Director

Summary/Background:

The purpose of this resolution amendment is to add the use of the concession stand located at the Louis Armijo Sports Complex. We also want to include the language in to the rental agreement that rentals of bleachers, chairs, and tables will be per event, and not to exceed four days.

Recommendation:

Approval to amend Resolution 68 21/22

Attachments:

- Resolution No. 68 21/22

Fiscal Impact (Finance): N/A

\$0.00

Legal Review (City Attorney): N/A

[Click here to enter text.](#)

Approved For Submittal By: ☐ Department Director

Reviewed by: ☐ City Clerk ☐ Finance ☐ Legal ☐ Other: [Click here to enter text.](#)

Final Approval: ☐ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. 68 21/22 Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 3-22-2023

RESOLUTION NO. 68 21/22

A RESOLUTION OF THE CITY OF TRUTH OR CONSEQUENCES CITY COMMISSION ADOPTING A RESOLUTION FOR FEES, DEPOSITS AND REGULATIONS FOR USE OF THE CITY PARKS.

WHEREAS, the City of Truth or Consequences operates and maintains various City Parks, Rodeo Arena, Sports Complex, Tennis Courts, etc., and;

WHEREAS, the City of Truth or Consequences operates and maintains the City Parks for the enjoyment of the public, and;

WHEREAS, the City Parks are sometimes used by the public for commercial or private purposes, and;

WHEREAS, the City of Truth or Consequences finds it necessary to collect fees, and deposits in order to cover operational costs, and to provide on-going maintenance of the City Parks:

The following are the fees and deposits the City will charge for use of the City Parks:

Those who wish to use a park on a first come, first serve basis are not required to pay a user fee. However, private and commercial events that are expected to bring in a large number of people will be required to pay user fees.

RALPH EDWARDS PARK:

Reserving a Park Shelter:
(Utilities Not included)

Small Shelter - up to 2 hours: \$20.00
2 hours to 4 hours: \$30.00
4 hours to all day \$40.00
(Refundable Deposit) per rental: \$25.00

Large Shelter: up to 2 hours: \$25.00
2 hours to 4 hours: \$35.00
4 hours to all day: \$45.00
(Refundable Deposit) per rental: \$25.00

Reserving Gazebo:
(Utilities not included)

Up to 4 hours: \$30.00
4 hours to 8 hours: \$50.00
(Refundable Deposit) per rental: \$25.00

Use of Utilities:

Electricity: \$7 per outlet per day
\$50 per day south pedestals
Water Fees: \$10 single hose bib per day
\$25 per event (Multiple hose bibs)

Commercial Event Application: Event Reservation: \$50.00
Electricity: \$50.00 per event
Water Fees: \$10.00 per hose bib per day
(Refundable Deposit) per reservation: \$100.00
Does not include group shelters or Gazebo

- Set-up and tear-down will be the responsibility of the renter.
- **JUMPING BALLOONS ARE NOT PERMITTED AT RALPH EDWARDS PARK.**

FAMILY PARK:

Reserving a Park Shelter: Small Shelter - up to 2 hours: \$20.00
(Utilities not included) 2 hours to 4 hours: \$30.00
4 hours to all day \$40.00
(Refundable Deposit) per rental: \$25.00

Large Shelter - up to 2 hours: \$25.00
2 hours to 4 hours: \$35.00
4 hours to all day \$45.00
(Refundable Deposit) per rental: \$25.00

Use of Utilities: Electricity: \$7 per outlet per day

Commercial Event Application: Event Reservation: \$50.00
Electricity: \$35.00 per event
(Refundable Deposit) per reservation: \$100.00
Does not include group shelters

- Set-up and tear-down will be the responsibility of the renter.
- Jumping balloons for commercial use require a Commercial Event Application, Business License, and proof of Liability Insurance.

HEALING WATERS PLAZA:

Reserving the Pergola: Up to 2 hours: \$25.00
(Utilities not included) 2 hours to 4 hours: \$35.00
4 hours to all day: \$45.00

Deposit (Non-Commercial Events) Refundable Deposit fee Per Rental: \$25.00

Use of Utilities: Electricity: \$7 per outlet per day

Commercial Event Application: Event Reservation: \$50.00 (**Does not include pergola**)
Electricity: \$50.00 per event
(Refundable Deposit) per reservation: \$100.00

- Set-up and tear-down will be the responsibility of the renter.

EVELYN RENFRO PARK:

USE OF UTILITIES: Electricity: \$7 per outlet per day
Water Fees: \$10 single hose bib per day

LOUIS ARMIJO SPORTS COMPLEX :

Use of Field Lights: \$25.00 per day

Men/Women Sports Leagues: \$150.00 per team per season (includes Field Lights)

Youth League Teams: \$100.00 per team per season (includes Field Lights)

Guest Tournaments (Men/Women): \$200.00 (Up to 3 consecutive days)

Refundable Deposit: \$50.00 per event

Use of Conference Room: \$15.00 per hour up to 3 hours
\$50.00 over 3 hours
(Refundable Deposit) per rental \$25.00

Use of Concession Stand: \$15.00 per hour up to 3 hours
\$50.00 over 3 hours
\$100.00 per season
(Refundable Deposit) per rental \$50.00

- Adult Sports Leagues must submit By-Laws with application for season use.
- A season being: spring, summer, fall, winter (3-4 Months).
- All leagues must provide a season schedule at the time event is booked.
- Set-up and tear-down will be the responsibility of the renter.

ROTARY PARK:

Reserving a Park Shelter: Small Shelter - up to 2 hours: \$20.00
2 hours to 4 hours: \$30.00
4 hours to all day \$40.00

(Refundable Deposit) per rental: \$25.00

Large Shelter - up to 2 hours: \$25.00

2 hours to 4 hours: \$35.00

4 hours to all day \$45.00

(Refundable Deposit) per rental: \$25.00

Use of Utilities: Electricity: \$7 per outlet per day

Commercial Event Application: Event Reservation: \$50.00
Electricity: \$35.00 per event
(Refundable Deposit) per reservation: \$100.00
Does not include group shelters

- Set-up and tear-down will be the responsibility of the renter.

TENNIS COURTS:

Use of tennis court lights: \$10.00 per use (no later than 11 PM)

Reserving the tennis courts: two court enclosure- \$20.00 per day
(Refundable Deposit) per rental: \$25.00

RODEO ARENA:

Use of Arena Lights: \$25.00 per day

Use of Arena: \$100 per event
\$40 Local Youth Group

Refundable Deposit \$100.00 per event

PA System: \$25.00 per day (if available)

Additional Tractor Work: \$100.00 per day

Overnight use of stalls: \$10 per stall per night + \$25 single fee deposit

RV Hookup: \$20 per RV Hookup per day (electricity and water)

Liability Insurance Certificate: Renters may be required to submit a Certificate of Liability Insurance naming the City of Truth or Consequences as additional insured for a minimum of \$1,000,000 Per Occurrence. A Hold Harmless Agreement is required to be signed by all applicants.

Additional Items:

Bleachers: \$50.00 per set (includes delivery)

Folding Chairs: \$1.00 per chair

Tables: \$5.00 per table

(Refundable Deposit) per rental \$50.00

- Rentals of bleachers, chairs, and tables will be per event not to exceed four days.
(The location of the event will be noted on the Rental Agreement Form)

A Commercial Event Application: is for the use of a portion of a park for events that are expected to draw a large number of people due to their nature, interest, location, promotion, or any combination of similar influences that are to be held in a City Park. This includes but not necessarily limited to vendors, festivals, solicitations, or performances. Vendors selling goods on public property must have a City business license. **All Commercial Event Applications must be approved by the City Manager.**

The cleaning/damage deposit will be deposited in a City account, and will be refunded if the facility is cleaned after the event and the facility has been returned to prior condition to the satisfaction of the City. If the amount of deposit is greater than the cost of cleaning or damage, the difference will be refunded. If the cost of cleaning or damage is greater than the amount of deposit the renter will be charged accordingly.

Note: The City Manager or his/her designee may impose other use regulations as he/she may deem necessary as long as those regulations do not subvert the intent of this policy. Any complaints for public affray may affect your ability to use City Parks.

NOW THEREFORE, BE IT RESOLVED by the City of Truth or Consequences Governing Body, that the fees, deposits and regulations described herein are hereby enacted.

BE IT FURTHER RESOLVED that nothing in the Resolution shall prohibit the use or access of City Parks by the public at large for free.

PASSED, APPROVED AND AMENDED this 16th day of October, 2022.

CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO

By: _____
Amanda Forrister, Mayor

ATTEST:

Angela A. Torres, City Clerk-Treasurer



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 22, 2023

Agenda Item #: H.1

SUBJECT: Approval of the Turtleback Trails Master Plan.

DEPARTMENT: N/A

DATE SUBMITTED: March 17, 2023

SUBMITTED BY: John Masterson

WHO WILL PRESENT THE ITEM: Attila Bality, Jornada RC&D

Summary/Background:

Attila Bality, Jornada RC&D will present the Turtleback Trails Network Plan and request approval from the governing body.

Recommendation:

-

Attachments:

- Turtleback Trails Network Plan.
- Letters of support

-

Fiscal Impact (Finance): N/A

-

Legal Review (City Attorney): N/A

None.

Approved For Submittal By: ☐ Department Director

Reviewed by: ☒ City Clerk ☐ Finance ☐ Legal ☐ Other: [Click here to enter text.](#)

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 3-22-2023



Turtleback Trails Network Plan

Prepared for the City of Truth or Consequences
and the Village of Williamsburg





Acknowledgment



Through requests from the City of Truth or Consequences and the Village of Williamsburg, the National Park Service provided support and planning assistance to project partners. The National Park Service Rivers, Trails & Conservation Assistance Program assists communities in developing or restoring parks, conservation areas, rivers, and wildlife habitats, as well as creating outdoor recreation opportunities and programs that engage future generations in the outdoors.

Turtleback Trails Network Master Plan

Acknowledgments

The planning team would like to thank everyone who supported this project:

Steering Committee Representatives

The planning team would like to thank everyone who supported this project:

Attila Bality, National Park Service
Merry Jo Fahl, Jornada RC&D
John Masterson, citizen
Gina Kelley, Hot Springs Marketing
Bill Sallee, Village of Williamsburg Representative
Brent Tanzy, Bureau of Reclamation
Heidi Hubble, citizen
Kim Skinner, Sierra County Tourism Board
Debbie Stubblefield, Village of Williamsburg Mayor
Linda DeMarino, T or C MainStreet
Joe Baca, T or C Schools
Sandy Whitehead, T or C Mayor
Tara Neeley, student
Lillis Urban, citizen
Kyle Cunningham, citizen
Michael Apodaca, former T or C Police Department
Erica Baker, former T or C Police Department
O.J. Hechler, T or C Parks and Recreation Department
Morris Madrid, former T or C City Manager
Hanna Schlechter, BOR Outdoor Recreation Planner
Maggie Fowler, BOR Intern

River Working Group

Attila Bality, National Park Service
Michael Hutchins, citizen
Bob Jackson, citizen
Lynette Mondello, Morning Star Outfitters
O.J. Hechler, T or C Parks and Recreation Department

Trails Working Group

John Masterson, citizen
Kyle Cunningham, citizen
Jim Jacobs, citizen
Alana Holland, BOR Intern
Kassidy Steckbeck, BOR Intern

Conservation Working Group

Merry Jo Fahl, Jornada RC&D
Travis Day, Sierra SWCD
Sara Marta, Sierra County Extension
Mark Hedge, HSHS, New Mexico Envirothon
Isaac Eastvold, citizen
Bill Sallee, Village of Williamsburg

Production Support

Moshe Koenick
Becca Eza
SparkNerds



Executive Summary

The Turtleback Trails Network Master Plan provides a vision for several proposed recreation and conservation projects centered around the Rio Grande in Sierra County, New Mexico. The Master Plan assesses the potential benefits to the community, addresses community concerns, and sets out a framework for developing the project components.

The Master Plan is intended to become a tool for city and county officials along with partnering community groups to use in order to coordinate trail development and associated infrastructure, to improve opportunities for outdoor recreation and exercise for residents and tourists in Sierra County.

Major components of the Master Plan include:

- Designations of trails on BLM land on the south/east side of the Rio Grande
- Construction of footbridges to enable river crossing
- Construction of a pedestrian trail between Williamsburg and Truth or Consequences on the South side of the Rio Grande
- Enhancements to river put-in/take-out sites and signage along the river to direct floaters
- Restoration/conservation of the wetlands in Rotary Park

The Turtleback Trails Network Master Plan includes the following components:

Chapter 1: Community Vision Statement shares how the plan will have a positive impact on recreation, health, economic development and tourism, conservation and education, and stewardship in the community.

Chapter 2: The Background chapter explores how outdoor recreation enhancements can promote tourism and increase local tax revenues. The chapter also shares excerpts from a number of existing local and state recreation plans, including the New Mexico State Comprehensive Outdoor

Recreation Plan, the City of Truth or Consequences Comprehensive Plan, and the Rio Grande Trail Master Plan, that relate to and support the implementation of the proposed projects in this Master Plan. Finally, the chapter gives an overview of community demographics, a health needs assessment, and statistics on residents' access to parks, making the case that enhanced recreation amenities will benefit the health of many community members.

Chapter 3: Community Engagement summarizes the efforts undertaken by the Steering Committee to gather community feedback in developing this plan. Multiple outreach projects solicited input from individual citizens as well as from a number of local groups, including the City of Truth or Consequences, the Village of Williamsburg, Sierra Vista Hospital, several groups at Hot Springs High School, and numerous other local organizations.

Chapter 4: Visitor Safety addresses the need to provide a safe experience for users of this trail system. The chapter summarizes ways to mitigate safety risks and offers recommendations for ordinances, signage, and emergency operations plans.

Chapter 5: The Physical Projects gives detailed recommendations for each of the proposed projects that make up this trail system.

Part 1 addresses the proposed Rio Grande Paddle Trail. Existing conditions are summarized, and recommendations given for enhancements to improve user experience, including designating unloading and parking areas, building boat launch ramps and stairs, providing restroom and trash facilities, installing signage and maps at launch sites, and providing signage along the river to inform paddlers/tubers of obstacles and approaching take-outs. The chapter includes maps of each launch site with suggested layouts and examples of signage, and an appendix gives details on possible ramp designs.

Part 2 addresses establishing a trail system on the east/south side of the Rio Grande, made accessible by several pedestrian bridges (with proposals given for bridge locations and design). A map is provided with current trail use data from local runners and bikers. This trail system would include a portion of the statewide Rio Grande Trail. Recommendations for the construction of a new riverside trail from Williamsburg to Truth or Consequences are also given.

Part 3 of this chapter focuses on a redesign of Rotary Park to improve visitor experiences and restore its wetland ecosystem.

Chapter 6: River Corridor Conservation and Education summarizes the history of this stretch of the Rio Grande, including both the natural resources and cultural heritage of the area. It addresses challenges to continued conservation, including removing invasive plant species and restoring native habitat. The chapter identifies conservation concerns in the establishment of the trail system. It proposes interpretive signage to educate users on a variety of natural history themes, and offers recommendations for conservation-focused youth and community events.

Chapter 7: Management, Maintenance, and Stewardship addresses the need for ongoing maintenance of the trail system, and offers suggestions of ways to solicit community help in maintaining the system through trail/site adoptions and user fees. The chapter proposes a breakdown of which agency or entity would be in charge of maintaining each component of the trail system.

Chapter 8: Federal Coordination offers guidance on the process of seeking approval from federal agencies, which will be required as some of the proposed project areas fall under jurisdiction of the Bureau of Reclamation, Army Corps of Engineers, and Bureau of Land Management. Permitting from these agencies will require compliance with the National Environmental Policy Act and the Clean Water Act.

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Promotion, Programming, and Policy supporting successful implementation:

Throughout the document, look for the following icons:



Promotion: indicates a way in which the recreational opportunities arising from



Programming: indicates existing or potential new programming to take place



Policy: indicates new policies that are needed, or existing policies/regulations/agreements needing change, to successfully implement this master plan.





01 Community Vision Statement

Pedestrian bridges, trails, and river access improvements along the Rio Grande in Truth or Consequences and Williamsburg provide access to the natural environment that helps our community grow healthier and wealthier.

This plan will have a positive impact in the following aspects of life in this community:

Recreation: Our community benefits from amenities that increase access to and safety of our public lands near the Rio Grande. The project will provide outstanding outdoor recreation for all our community members, including those who cannot afford destination recreation opportunities.

Health: Our community grows healthier through new opportunities for physical activities and the mental benefits of getting outdoors in the natural environment.

Economic Development & Tourism: Our community grows wealthier through the additional tourism dollars spent and associated gross receipts and Lodger's tax collected.

Conservation & Education: Our Rio Grande is healthier with enhanced wetlands and improved native habitats that support wildlife and fisheries while serving as an important outdoor classroom for everyone.

Stewardship: Our community, inspired by better access to the Rio Grande, readily partners with the City, Village and public land managers on projects that improve access, maintain trails and river access sites, and monitor trail and resource conditions.



02 Background

Recreation and Tourism

Over the past decade, as the traveling public has trended toward a younger demographic, tourism has seen a shift away from the 'sight-seeing' mentality of past generations to 'sight-doing.' According to the U.S. Bureau of Economic Analysis, New Mexico's outdoor economy contributed \$2.4 billion (2.2 percent) to the state's GDP in 2019. The industry employed 35,065 New Mexicans, with \$1.2 billion in income. This growth in experiential tourism provides Sierra County with an opportunity to capitalize on this trend by developing its outdoor recreation offerings. As more and more tourists take outdoor recreation opportunities into consideration when choosing where to travel, the value of tourism in trail development is clear and compelling.

Not only will trail development attract new visitors to Sierra County, it will also provide those who already visit regularly with yet another amenity to experience, thereby potentially increasing the length of their visit. Increasing visitor stays will result not only in additional revenues for our tourism-related businesses, but will also increase tax revenues that may be used to develop future recreation projects that will benefit residents and visitors alike. Additionally, the opportunity exists to organize more outdoor recreation events (such as mountain biking/trail running races and group hikes) that will bring a more active demographic to our communities. The target market for those events trends younger and more active. Not only will these events result in 'heads in beds,' increasing tourism revenues, but may also result in some of these participants finding Sierra County an attractive place to live and work.

Relevant Local/State Plans

Development of the Turtleback Trails Network supports several adopted state, regional and local planning documents. These include the State Comprehensive Outdoor Recreation Plan (SCORP), regional economic and tourism plans, and T or C's Comprehensive Plan, all of which address outdoor recreation, community health and quality of life, and tourism. Excerpts from these plans are listed below.

New Mexico State Comprehensive Outdoor Recreation Plan (SCORP) *Home | Get Outside, New Mexico | Outdoor Recreation Plan* (getoutsidenm.org)

The 2022-2026 SCORP, completed in December 2021, provides guidance for the allocation of Land and Water Conservation Fund (LWCF) program funding. Many of the goals, objectives and strategies identified in the SCORP align with the Turtleback Trails Network. Relevant goals include:

- Encourage development in the outdoor recreation economy that supports the health and wellbeing of New Mexicans
- Connect communities with outdoor recreation resources to grow local tourism economies
- Identify and protect privately-owned, critically important lands at greatest risk for development through acquisition or conservation easements from willing landowners. Determine if additional legislative action to permanently protect them from development is required
- Develop projects and programs that promote greater recreational and ecological connectivity

In the Southwest region (including Sierra County) the SCORP identified trails & trailheads as the most important outdoor recreation facility to survey respondents. Hiking, trail running, camping and backpacking are the most common outdoor recreation activities, and more people would participate in biking, hiking and camping if high quality facilities were available.

Comprehensive Plan Update for Sierra County, NM 2017 *sierra-county-comprehensive-plan-2017.pdf* (sierraco.org)

Tourism and recreation hold the greatest potential for continued growth in Sierra County and the county should showcase tourism opportunities and experiences to visitors and potential new residents. The marketing of facilities, services, and events must be coordinated and aggressive. (pg. 2)

City of Truth or Consequences Comprehensive Plan, 2014 *Final Comprehensive Plan - October 2014.pdf* (revize.com)

The following excerpts from this plan are directly supported by the goals of the Turtleback Trails Network:

Achieve a sound and balanced local economy which supports existing businesses, attracts new investment, increases the tax base, creates employment opportunities, and generates public revenues.

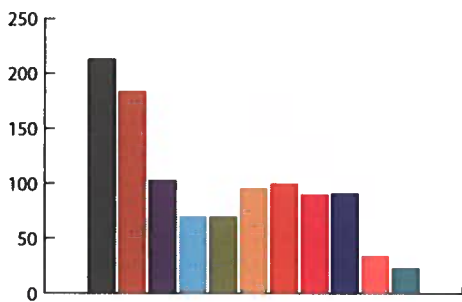
- Create and maintain recreational opportunities for residents of all ages.
- Increase access to recreational activities on and along the Rio Grande, including rafting, kayaking, canoeing and fishing
- Work with the Bureau of Reclamation to determine the feasibility of installing access ramps for rafting, canoeing, and kayaking on the Rio Grande from Ralph Edwards Park and Rotary Park.

City of Truth or Consequences Riverfront Economic Feasibility Study, 2021

In 2021, the City of Truth or Consequences contracted with engineering firm Wilson & Company to examine the community's economic opportunities along the riverfront. The firm conducted a public survey to which over 300 residents responded. The results indicate strong support for pedestrian bridges and trails

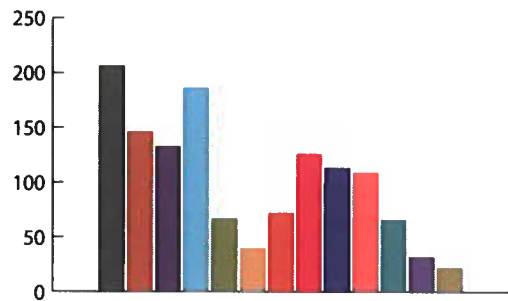
1. Which of the following changes would you like to see along the Rio Grande?

● Bike/pedestrian paths	213
● Crossings to the South Side	184
● ADA Compliant loading	103
● Camping/Camp grounds	70
● Additional Parking	70
● Wayfinding and educational	96
● Small-scale restaurants	100
● Outdoor recreation equipment	100
● Conservation with limited river	90
● No changes	91
● Other	34
	23



2. What activities would you participate in along the Rio Grande, if available?

● Hiking	206
● Fishing	146
● Kayaking	133
● River Floating/Tubing	186
● Horseback Riding	67
● Outdoor Sports	40
● Camping	72
● Farmer's Markets	126
● Food Trucks	113
● Small-scale restaurants	109
● Shopping	66
● I would not participate	66
● Other	66



3. Do you believe a vehicular bridge crossing to the South side of the Rio Grande is important?

● Yes 143
● No 162



4. Do you believe a pedestrian bridge crossing to the South side of the Rio Grande is important?

● Yes 231
● No 71



Rio Grande Trail Master Plan

RioGrandTrail_MasterPlan_FINALwChanges.pdf (nm.gov)

The Rio Grande Trail (RGT) is New Mexico's cross-state, recreational trail for hiking, biking, and horseback riding along the Rio Grande. The Rio Grande Trail will improve public access to the Rio Grande, which will increase the connection New Mexicans have to the river and cultivate river stewardship. The following excerpts from the Rio Grande Trail Master Plan highlight some potential areas of coordination with the Turtleback Trails Network:

- Establish the Rio Grande Trail as the conduit connecting communities, local and state destinations, and geographies, as well as promoting health, quality of life, and economic vitality in New Mexico.
- The Rio Grande Trail non-profit should establish a Gateway Communities program to connect trail users with towns along the route for food, lodging, cultural amenities, or additional recreation activities. Program implementation will foster strong relationships with local municipalities and provide resources for developing connector trails from communities to the Rio Grande Trail.
- The Rio Grande Trail non-profit should develop a trail sponsor program and Adopt-a-Trail program. The non-profit's Adopt-a-Trail program should draw from and work in tandem with the EMNRD State Parks Division's volunteer program and provide guidance for how the Rio Grande Trail program could work with local jurisdictions.

The proposed route of the Rio Grande Trail runs along the east/south side of the river between NM 51 and Williamsburg, and could be incorporated into the Turtleback Trails Network. Additionally, construction of footbridges (see Chapter 5: Physical Projects) would connect RGT users with commercial amenities in Truth or Consequences.

Middle Rio Grande Economic Development Plan 2016 *New Mexico (mrgeda.com)*

Goal: Improve the economy and quality of life of the region via Arts, Recreation and Visitors Industries. This cluster holds opportunities for significant growth in our region. Cities, counties, chambers of commerce, and recreation and tourism businesses can easily collaborate on regional resource and skill development. The growth of visitor, recreation and tourism industries will provide jobs and revenue opportunities for the region. The synergetic effect of this collaboration allows the region to leverage existing resources for exponential growth.

- Increase recreational opportunities for tourists.
- Increase visitors in the region by 5% over the next 5 years.

Community Profile

Population

According to the 2020 Census, the total population of Truth or Consequences is 6,052, which is a decrease of around 400 since 2010. The median age is 51.5 years. 82.5% of the population is over 18 years and 29.5% of the people are 65 years and over. Source: Census - Geography Profile

Income and Poverty

The median household income in Truth or Consequences is \$23,998, compared to \$51,945 for the state of New Mexico. 33.4% of the residents in T or C are living in poverty.

Source: Census - Geography Profile

The economy of Truth or Consequences employs 1,960 people. The largest industries in T or C are Health Care & Social Assistance (577 people), Retail Trade (211 people), and Construction (184 people), and the highest paying industries are within the local government sector including: Public Administration (\$54,750), Administrative & Support & Waste Management Services (\$43,611),

and Professional, Scientific, & Management, & Administrative & Waste Management Services (\$42,917).

Source: Truth or Consequences, NM | Data USA

Community Health

26.9% of the population in Truth or Consequences has identified as disabled, compared to 16% of the overall NM population.

Sierra County ranks in the lower third of NM counties in the percentage of adults who meet the recommended physical activity guidelines, with only 49.4% of adults achieving this benchmark. Physical activity among adults has numerous benefits, including reducing risk of heart disease, stroke, and some cancers; improving physical fitness, bone health, and mental health; preventing high blood pressure, abnormal cholesterol, prediabetes and diabetes; maintaining a healthy weight, and increasing mobility; brain health benefits, including improved cognitive function, reduced anxiety and depression risk, and improved sleep and quality of life. Among older adults, physical activity is crucial in preventing falls. Only half of adults in the U.S. meet physical activity recommendations. Research demonstrates any amount of physical activity is beneficial; however, for substantial health benefits, the Physical Activity Guidelines for Americans, 2nd edition recommends adults do 150 to 300 minutes a week of moderate-intensity physical activity, or 75 to 150 minutes a week of vigorous-intensity physical activity. Preferably, aerobic activity should be spread throughout the week.

Source: Welcome to NM-IBIS - New Mexico's Public Health Data Resource (state.nm.us)

Community Health Needs Assessment

Sierra Vista Hospital ("SVH" or "the Hospital") has performed a Community Health Needs Assessment (CHNA) to determine the health needs of the local community. Data were gathered from multiple well-respected secondary sources to build an accurate picture of the current community and its health needs. A survey of a select group of Local Experts was performed to review the prior CHNA and provide feedback, and to ascertain whether the previously identified needs are still a priority.

The 2020 Significant Health Needs identified for Sierra County include:

1. Mental Health/Suicide
2. Drug/Substance Abuse
3. Affordability/Accessibility
4. Alcohol Abuse
5. Obesity
6. Chronic Pain Management
7. Cancer

Within Sierra County 34.2% of the population is identified as morbidly obese, 18.4% are affected by chronic diabetes and 51.7% of the population fail to meet vigorous exercise recommendations.

Lower income groups, older adults, and residents of rural areas have been identified by Sierra Vista Hospital Local Expert Advisors as priority populations. Unique and pressing needs of these groups include access to affordable healthcare/transportation and behavioral health issues.

Findings from the community health needs assessment lead to the development of a detailed implementation strategy plan.

The goal for Chronic Disease Management is: Promote healthy lifestyles through education and outreach. Relevant implementation strategies for trails include: Exploration of additional community programming such as health fairs and screenings to promote prevention and early detection of chronic diseases.

Access to Parks & Trails

According to a report from the National Recreation & Park Association, adults living within a half mile of a park spend more time visiting parks and exercising. Access to trails provides a potential opportunity for increased physical activity. Any increase in physical activity can lead to medical cost savings. The annual individual medical cost of inactivity (\$622) is more than two and a half times the annual cost per user of bike and pedestrian trails (\$235). Source: Wang, G. et al. "Cost analysis of the built environment: The case of bike and pedestrian trails in Lincoln, Neb." American Journal of Public Health 94, no. 4 (2004): 549- 553. Increased

physical activity and easier access to nature along the river and the foothills can help address obesity and mental health issues challenging our community

Park Serve Database/10 Minute Walk

The Trust for Public Land has built a comprehensive database (called "Park Serve") of local parks in nearly 14,000 cities, towns, and communities. The database uses a "10 Minute Walk" concept to identify residential areas that are/are not within a 10 minute walk of a park. The analysis identifies physical barriers such as highways, train tracks, and rivers without bridges, and chooses routes without barriers to access the parks. Using these 10-minute walk service areas, overall access statistics were generated for each park, place, and urban area included in the database, and then further disaggregated by several demographic variables – race/ethnicity, age, and income.

As reported by the Park Serve database, about 40% of residents in Truth or Consequences live within a 10 minute walk of a park. The database also uses a set of metrics to identify areas of highest priority for park construction.

Detailed information, maps, and graphics are available at *Truth or Consequences, New Mexico | Trust for Public Land (tpl.org)*

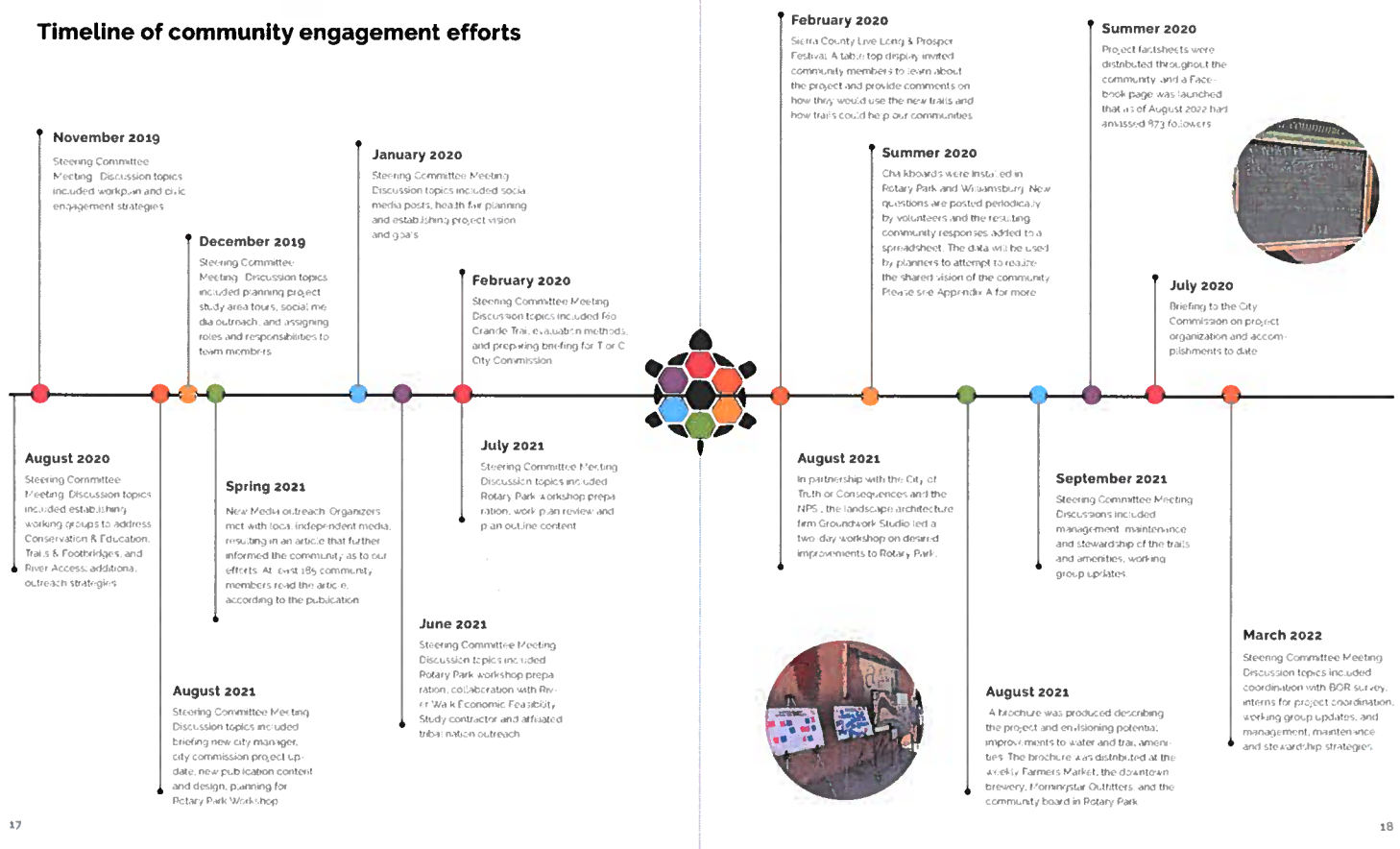


03 Community Engagement

A foundation of the Turtleback Trails Network planning effort has been to engage community members as much as possible to hear their ideas and concerns about outdoor recreation opportunities along the Rio Grande corridor. A number of organizations have participated in the planning process, and feedback has been sought from individual community members.

The planning efforts began in late 2019, and soon after, COVID-19 limited opportunities to interact with the public. The Sierra County Health Fair was the only public event prior to public health restrictions, but the Steering Committee has engaged in many non-contact interactions with the public.

Timeline of community engagement efforts



Since May of 2022 members of the Steering Committee have been gathering more community input for the plan in order to help facilitate the communities thoughts on the priority of implementation of major components of the trail. Presentations have been made to: Sierra County Commission, City of Truth or Consequences Commission, Village of Williamsburg, City of Truth or Consequences Chamber of Commerce, Sierra County Arts Council, Truth or Consequences Municipal School Board, City of Truth or Consequences Recreation and Tourism Board and the Sierra County Recreation and Tourism Board. In addition, a community display was set up during the annual T or C Fiesta, at the County Commission Chambers during early and Primary Elections Voting, and at the T or C Brewery. The community was asked to provide written input on selection of priorities, and survey votes were gathered from over 350 citizens.

The working groups were tasked with understanding the issues around river access, trail development, pedestrian bridge crossing, river habitat improvements, and education opportunities. The working groups met on multiple occasions and worked to define the physical projects, described in Chapter 5 of this document.

In addition to the community outreach and engagement described above, project partners also reached out to numerous local clubs and organizations including

- City of Truth or Consequences
- Village of Williamsburg
- Jornada Resource Conservation & Development Council
- Sierra Vista Hospital
- Sierra Soil and Water Conservation District
- Sierra County Recreation and Tourism Board
- MainStreet Truth or Consequences
- Sierra County 4-H Council
- Geronimo Trail National Scenic Byway
- Hot Springs FFA Chapter
- Hot Springs High School Envirothon Team
- Hot Springs High School JROTC
- Hot Springs High School Cross Country Team
- Hot Springs Marketing

- Hot Springs High School Envirothon Team
- Hot Springs High School JROTC
- Hot Springs High School Cross Country Team
- Hot Springs Marketing
- Bureau of Reclamation

Because of known cultural sites within the project area, the Village of Williamsburg corresponded with nine Sierra County affiliated tribes and pueblos inquiring whether our project elements would adversely affect any sacred sites and cultural landscapes. Three responses were received, all of which indicated no immediate concerns, and each group requested to be kept updated on the project. This affiliated tribal outreach is not intended to preclude official agency consultation, which will be necessary through federal planning processes.

Turtle Mountain Trails Network

If the City gave you \$100 to spend on these projects, how would you allocate the money?

_____ Rotary Park Wetlands Improvements

_____ River Access /Boat Launch Improvements

_____ Accessible River Trail across the river

_____ Shared Use Trail from Rotary Park to Williamsburg.

_____ Adventure Trails Network for hiking, running, mountain biking, and motorized recreation.





04 Visitor Safety and Security

The Turtleback Trails Network will provide many opportunities for residents and visitors to explore the Rio Grande corridor and adjacent public lands. With increased usage comes an increased need for visitor safety and security. While good informational signage and well-designed trails can minimize user risk, some trail and river users may become lost or injured during their recreational outing. As outdoor recreation amenities are developed along the Rio Grande (river access and trail corridors), there may be a need for emergency response to visitors in distress.

Key Issues

- **Illegal Dumping:** Along A005 (Turtleback Road), some uncontrolled dumping occurs, and occasionally transient camps are set up along the river bank. These activities and associated vandalism may deter people from using the trails network.
- **Signage:** No informational or directional signage exists to help people navigate the landscape and river.
- **Watercraft Conflicts:** Motorized watercraft can conflict with human-powered craft (tubes, stand up paddle boards, kayaks).
- **Trail User Conflicts:** Motorized and non-motorized trail user conflicts along the river corridor and adjacent public lands is likely. ATV/UTVs, mountain bikes, runners/hikers, and horses frequently use this land.
- **Law Enforcement Jurisdiction:** The City of T or C Police Dept. is prohibited from enforcing the State Boating Act, per legislation.
- **Emergency Response:** City of T or C, Village of Williamsburg and Sierra County are individually ill-equipped to respond to trail related injuries or water rescue. Each entity relies on available people and equipment from neighboring jurisdictions (informal mutual aid) for appropriate emergency response.

- **Access:** There is limited access across the Rio Grande. First responders rely on A005 and must cross the river at the Hwy 51 bridge to reach stranded or injured people during river release season. During low flow periods, low water crossings below Rotary Park and below Williamsburg can be used by limited equipment.

Signage

Signage, whether directional, informational, or regulatory, is non-existent for recreational users in the T or C area. Signage would help recreational users navigate the river and the backcountry trails beyond the city limits. Information such as time and distance to river access sites, markings of river hazards, and length and difficulty of hiking/running/biking trails, can provide a safer experience. Knowledge about conditions can help a user to be prepared and avoid difficult or dangerous situations.

Specific recommendations for signage for each proposed project are provided in Chapter 5.

Emergency Operations



The T or C Police and Fire Departments are aware that neither department can respond to emergencies on the river or adjacent public lands with sufficient resources. They understand other local EMS resources are available and may be necessary. Informal mutual aid agreements exist among Sierra County, T or C, Elephant Butte, Las Palomas, and NM State Police, and more coordination and planning is necessary to address increased recreational use on the river and adjacent public lands. A better coordinated response should include additional swift-water rescue training and acquisition of watercraft capable of assisting in a rescue.



The T or C Police Department is constrained from enforcing the NM Boating Act (Chapter 66, Article 12 NMSA 1978) which stipulates the use of personal flotation devices (PFDs) among other rules. Better compliance with wearing PFDs could reduce some stranded/rescue situations. The City of T or C could adopt local ordinances that mirror the NM Boating Act so local enforcement personnel have enforcement authority over river safety. The cities of Ruidoso and Carlsbad, NM

have adopted similar ordinances for recreational activities on waters within their jurisdictions.

Key Recommendations

1. Develop Emergency Operations Plan for river and trail-based search and rescue operations and for natural hazards such as flooding or wildfire. The EOP should also include a Master Mutual Aid Agreement among all the local governments, Sierra County, NM State Police, etc. Sierra County would take the lead on developing the Emergency Operations Plan.
2. Provide detailed trail route maps to Sierra County GIS staff. Incorporate trail layer into 911 Dispatch system so dispatchers can direct emergency response to the right place in the quickest way.
3. Consider adopting river use ordinances that mirror the NM Boating Act and address PFD use, excessive noise, unruly behavior, trespassing, and littering, and ban motorized watercraft between Paseo del Rio and Rotary Park. See Appendix B for an example of a boating ordinance.
4. Design pedestrian bridges to accommodate UTV's or Side-by-Sides for use by first responders. Install removable bollards at either end of bridges to prevent unauthorized access and use.
5. Inform landowners about New Mexico Recreational Use Statute, which gives liability protection to private landowners who agree to provide public trail access without charging user fees. See Appendix C for text of the statute.
6. Establish a "Trail Stewards" program to provide "eyes and ears" for law enforcement. Trail stewards would report dumping, illegal camping, and other unauthorized recreational activities to local law enforcement. Encouraging and inviting public use of the trail corridors, trail stewards and response by law enforcement will significantly reduce the undesirable activities along the Rio Grande.



Wildfire Threats Along the Rio Grande Corridor

Along the Sierra County stretch of the Rio Grande, the native vegetation such as Rio Grande Cottonwood, Black Willow, New Mexico Privet, Wolfberry, four-wing saltbush, New Mexico Locust, and native grasses are being replaced by invasive species such as Russian Olive and Salt Cedar. The non-native plants have drastically reduced the number of native plants and have greatly reduced the plant diversity.

and have increased the possibility of wildfires igniting.

The Sierra County Community Wildfire Protection Plan Core Team identified the Rio Grande corridor, Mims Pond, and the Seco Creek areas as high wildfire risk areas. The Turtleback Trails Network, particularly the shared-use path between Rotary Park and Williamsburg and various river access sites could be impacted should wildfires ignite in the area.

Continued efforts will be necessary to help reduce the chances of wildland fires within the Turtleback Trails Network, along with education outreach of the risk of fires. Mitigation of wildfire risks and community education is necessary to protect lives, property, and native habitats.



05 Physical Projects

Part 1: Rio Grande Paddle Trail

A Rio Grande Paddle Trail could be developed from the Paseo del Rio Campground river access area downstream to the Seco Creek river access area, a distance of about 20 miles. Many of the amenities and facilities are in place, all needing improvements for safety and better visitor experiences. River access sites requiring improvements include Paseo del Rio Campground, Hwy 51 Bridge, Rotary Park, and Seco Creek. River access sites requiring development include Ralph Edwards Park and Village of Williamsburg Community Park area. A new river access site could be developed along Hwy 51, across from Mescal Canyon to relieve potentially crowded conditions at the Hwy 51 Bridge site.

This section describes the key conditions, existing conditions and recommendations for improvements for each river access area.

Very rough estimated costs for each river access improvements are \$40-60,000 including concrete step or ramp launches, informational signage, loading /unloading zones, and parking area. Vault toilets at key access sites would be an additional cost.

Key Issues

- Lack of signage along the river (directional, safety)
- Noise along river that disturbs residents/businesses
- Crowded launch sites with lack of parking and facilities (trash, restrooms)
- Steep river banks at launch sites

Existing Conditions

Recreational use of the lower Rio Grande is primarily seasonal, during water releases from Elephant Butte Dam. The typical floating season begins Memorial Day Weekend and lasts through Labor Day, although the water release period is getting shorter. During the release, the river flows at 1,400 – 2,300 CFS (cubic feet per second). Low conditions are releases of below 900 CFS and high are at 5,000 CFS and above.

Following the irrigation season, when river releases are halted and the Bureau of Reclamation constructs the earthen dam at Rotary Park, the Rio Grande becomes a very slow-moving river. Opportunities for flat water canoeing and stand up paddle boards exist if recreationists launch at Rotary Park, paddle upstream and return.

Tubing is the primary means of river floating in and through Truth or Consequences. Most tubers access the river at the Highway 51 bridge and float to Rotary Park. This float is approximately 4 miles in length and takes about 1.5 – 2 hours. Hard-shell boats (kayaks and canoes) either launch at the Paseo del Rio Campground or Highway 51 Bridge and float to Rotary Park or to a river access site just downstream of the Village of Williamsburg. A few adventurous canoeists and kayakers will make the day-long journey from Williamsburg to the Seco Creek access area at the mouth of Caballo Reservoir.

Very few hazards exist on the Rio Grande from the Paseo del Rio Campground river access site to Rotary Park, the stretch of the river where the majority of the floating occurs. Known hazards include the old and existing bridge pylons on Highway 51. There is a partially submerged hazard ~100 yards upstream of the NM 51 bridge, a metal piece that can damage inflatable watercraft. Two rock gardens downstream of the Paseo del Rio Campground river access (@ 1 mile and 1.65 miles) offer floaters a little adventure navigating through the rocks. The entire run, from Paseo del Rio Campground to Seco Creek, during the water release period, could be classified as swift water. The two rock gardens could be classified as easy Class One rapids.

Currently, about 250 people per week float the Rio Grande using the locally available commercial outfitter/concessionaire. According to local reliable sources, private floaters and tubers average 200-300 per week and some weekends can gener-

ate 200 river users on a single day.

Local parks along the river corridor include the Paseo del Rio Campground, Ralph Edwards Park, Rotary Park, and Williamsburg Community Park.

The Paseo del Rio Campground site is ~½ mile downstream of Elephant Butte Dam and features river access and camping sites along the Rio Grande. The Elephant Butte Dam Site Historic District is at this location. It is managed by the Bureau of Reclamation (BOR) under a lease/ concession agreement.

Ralph Edwards Park is not currently accessible by watercraft or tubes. The park is an important community asset with park and playground equipment, fish pond, festivals and a weekly farmers market in the summer and fall, and a large parking area. The park is not directly accessible from the river.

Rotary Park features picnic shelters, hot springs discharge, wetlands, fishing access, and serves as a trailhead for the Healing Waters Trail which provides access to Veterans Hill and the Historic Bathhouse District. The park is directly accessible from the river.

Williamsburg Community Park features tennis and basketball courts, horseshoe pitching pits, and picnic shelters. The park is not directly accessible from the river.

River Access Site Recommendations and Visitor Use/Concerns

Paseo del Rio Campground River Access (°33°09.123', -107°12.231')

The Paseo del Rio Campground river access is predominantly used by Sierra County residents. Locals enjoy the gentle river bank slope to the river, allowing easy access for floating and fishing. This area offers 17 developed campsites with a fire ring, picnic table, and adobe shelter. It is a popular spot for fishing and swimming. Critical issues and concerns at this river access area include lack of informational and directional signage, poor flow management of vehicles, very poor road conditions, and congestion and crowding, especially during holiday weekends.

The Paseo del Rio Campground to NM 51 access

Specific Conditions Noted:

- There is no signage directing floaters from NM 51 to parking areas or from parking areas to river access spots.
- There is no signage for river users – ethics, duration, map, requirements, safety (pilings and bridges), hazards.
- The paved road ~½ mile long from NM 51 accesses the upper parking area near the old fish hatchery and can accommodate ~10 vehicles; there are two vault toilets at this site. The upper parking area is not organized – no parking spots. There are wooden steps and metal handrails leading down from the vault toilets to the river.
- Lower parking area just off NM 51 can accommodate ~15 vehicles and also has two vault toilets; many people hike a river trail between these two parking areas. It fills up fast when floaters leave vehicles at the lower lot.
- The road between upper and lower parking lots can wash out. The pavement is failing, and regular passenger cars may have trouble passing through.
- Dirt road ~¼ mile along the river that is crowded when people park vehicles and fish, especially on weekends and holidays.
- Vehicles often park in the riparian corridor, taking advantage of the shade canopy. Vehicles damage vegetation along the river's edge.
- The river access site is designed to minimize user conflicts; however,



the unimproved road can become crowded on weekends and holidays and impede traffic.

Key Recommendations

1. Install River Access Information Sign with maps showing hazards, river access locations, float distances and times, emergency numbers, rules and regulations and a community board.
2. Develop a long-term parking area and a separate 30-minute unloading zone. Loading Zone signage should educate floaters to prepare equipment prior to arriving at the loading zone.
3. Define pathway to riverbank.
4. Protect and restore riparian areas, barricade vehicle access and parking.
5. Coordinate with Bureau of Reclamation concessionaire/permittee on improvements.
6. Maintain a natural surface river access area.

New Mexico Highway 51 Bridge River Access (•33°08.682', -107°12.550')

The NM 51 Bridge river access is very popular, especially with the local commercial floating business and residents. The area can become congested with vehicles and floaters, and parking can be an issue during weekends and holidays. The actual launch area is on a steep riverbank without steps or handrails. The riverbank just downstream is a popular place for people to fish. Critical issues and concerns at this launch area include a lack of informational and directional signage, insufficient parking, lack of garbage receptacles or toilets, and a river access site that increases risk of slips/trips/falls.

The Paseo del Rio Campground to NM 51 access

Specific Conditions Noted:

- There is no signage for river users – map, duration, requirements, ethics, hazards.
- Access the main parking area on Turtleback Avenue (dirt road) just off NM 51: the parking area can accommodate ~5-10 vehicles.
- Cars are frequently parked in the few shaded spots right beside the river access site, which causes congestion for other river users.
- Secondary parking area accesses trails to the south and can accommodate ~15 vehicles.
- No toilets or garbage receptacles.
- Main parking area gets very busy during weekends and holidays.
- Streambank launch is about 20' long, steep, gravelly, with no ramp/steps or handrails (people do fall climbing down the slope).
- Site can support existing recreational activities on weekdays, but is very congested on weekends and holidays, limiting recreational experience.
- Users experience waiting periods between float groups on busy days (launch etiquette would help – inflate tubes before getting to river put-in).
- Site is next to a road and hillside; there are congestion conflicts with vehicles and floaters on busy days.



Key Recommendations

1. Install River Access Information Sign with maps showing hazards, river access locations, float distances and times, emergency numbers, rules and regulations and a community board
2. Establish a long-term parking area away from the river access area.
3. Establish a 30-minute unloading zone adjacent to the ramp
4. Construct a concrete ramp or steps to the river's edge. Install railings for user safety and as a conveyance to slide hardshell boats down to the river.
5. Construct toilet/changing facilities and drinking water fountains.
6. Information signage could inform visitors of overflow parking downriver on NM 51.

Mescal Canyon River Access PROPOSED (+33°08.947', -107°12.989')

A new river access at Mescal Canyon could alleviate crowding and congested conditions at the Hwy 51 Bridge river access area. It is ½ mile down river from the NM 51 Bridge and is located on a NM Department of Transportation right-of-way. This site could accommodate a launch, loading and unloading zone, water trail information signage, and some long-term parking. Sight distances along E. Third Ave (NM 51) appear favorable for vehicles entering or leaving the area. If launching from this site, floaters will still be able to experience the small rapid rock gardens.

Key Recommendations

1. Install River Access Information Sign with maps showing hazards, river access locations, float distances and times, emergency numbers, rules and regulations and a community board
2. Establish a long-term parking area away from the launch area.
3. Establish a 30-minute unloading zone adjacent to the ramp
4. Construct a concrete ramp or steps to river's edge. Install railings for user safety and as a conveyance to slide hardshell boats down to the river.
5. Coordinate planning and site development with NM Department of Transportation.

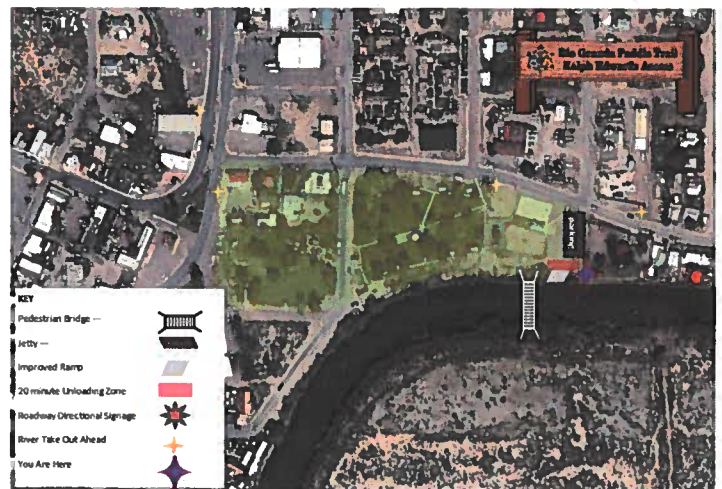


Ralph Edwards River Access PROPOSED (33°07.379', -107°15.296')

A river access site at Ralph Edwards park would be a welcome amenity for the park. This launch area could primarily serve people interested in a short tubing float from Ralph Edwards to Rotary Park. If a 0.6 mile multi-use trail is developed connecting Rotary to Ralph Edwards, (see Part 2 of this chapter) then floaters could easily and safely walk back upriver and float the river section again.

Key Recommendations

1. Install River Access Information Sign with maps showing hazards, river access locations, float distances and times, emergency numbers, rules and regulations and a community board
2. Establish a long-term parking area away from the launch area
3. Establish a 30-minute unloading zone adjacent to the ramp
4. Construct a concrete ramp or steps to rivers edge. Install railings for user safety and as a conveyance to slide hardshell boats down to the river.
5. Construct a rock jetty upstream of the ramp to create an eddy. The jetty would slow the water velocity near the bank, allowing for several floaters to enter or exit the river at one time.



Rotary Park River Access (•33°07.379', -107°15.296')

The Rotary Park take-out/launch area is used by the local commercial floating business as well as many private floaters. It has space for many vehicles, including vehicles with trailers. There are porta-potties, garbage receptacles, and covered picnic tables. There is no potable water. The primary take-out has steep, gravelly and muddy slopes that make launching and take-out difficult and potentially dangerous. The secondary take-out is upstream approximately 100 feet, and has crude stairs and a handrail. The parking area has potential to offer food truck and beverage services. Critical issues and concerns at this area include lack of informational and directional signage, and two launch/take-out areas that need improvements to reduce potential for slips/trips/falls.

Specific Conditions Noted:

- There is no signage for river users – map, duration, requirements, ethics, hazards
- Two parking areas accessed via city streets that can accommodate ~40 vehicles
- Primary take-out for floaters, including the local commercial float company.
- Primary take-out is ~20' long, steep, gravelly, with no ramp or handrails
- Floating from Hatchery or NM 51 Bridge takes 1.5-2 hours, depending on CFS, and requires floaters to safely navigate two small sets of rapids (Class I).
- Float takes recreationists through T or C and near many homes and a couple of businesses; noise from floaters can be an issue to residents.
- Port-a-potties and a garbage dumpster at site along with a few covered picnic tables and barbecue grills.
- Secondary take-out near the picnic area has handrails and poorly maintained steps that are camouflaged by brush.
- Site is busy during weekends and holidays.
- Earthen dam is constructed annually and provides "unauthorized" access across the river for hikers and runners.
- Jurisdictional responsibility for this site and land ownership is in question.
- This area is a trailhead for the Healing Waters Trail
- Site can support existing recreational activities, but take-out is small and congested, especially on weekends and holidays, limiting recreational experience.
- Steep, unimproved streambank decreases safe take-outs and launches, especially when CFS flows are lowered by BOR
- First-time floaters risk missing the take-outs due to the small size of the first one



and brush at the main take-out.

- Wetlands conservation/restoration could significantly change park/parking function layout.

Key Recommendations

1. Install River Access Information Sign with maps showing hazards, river access locations, float distances and times, emergency numbers, rules and regulations and a community board
2. Establish a long-term parking area away from the launch area
3. Establish 30-minute un-loading zone adjacent to ramp
4. Construct a concrete ramp or steps to river's edge. Install railings for user safety and as a conveyance to slide hardshell boats down to the river.
5. Construct a rock jetty upstream of the ramp to create an eddy. The jetty would slow the water velocity near the bank, allowing for several floaters to exit the river at one time.
6. Explore the possibility of installing an accessible boat launch for persons with disabilities. These specially designed floating docks allow persons with disabilities to climb in/on and launch their own boat. This launch design could provide river access opportunities year-round when flow is backed-up allowing out-and-back trips for stand up paddle boards, canoes and kayaks.
7. Construct toilet/changing facilities and drinking water fountains.

Williamsburg River Access (•33°06.347', -107°17.831')

River use is much lower from Rotary Park to Williamsburg and Seco Creek than on the section from the Fish Hatchery to Rotary Park. Hard-shell boats are preferred due to time and distance on the water. Prevailing southwest winds can add hours to the float times.

The Williamsburg take-out / river access area is 3/4 mile south of the S Broadway and State Route 187 intersection. The area is currently being managed by the BOR, however, the Bureau is in discussions with Village of Williamsburg officials to transfer management responsibility to the Village. Village officials have expressed interest in developing an RV campground and other recreational amenities in the area.

Kayakers and canoeists would most likely use this site as a take-out for trips originating at the NM 51 launch site. Hardshell boaters floating to Seco Creek would likely launch from Rotary Park. The Williamsburg river access site is not envisioned as a primary launch location at this time.

Currently, the river access area is uninviting to recreational river users. Complaints of garbage and illegal dumping are mentioned and the riverbank is steep, often muddy, and covered in cow manure.

Specific Conditions Noted:

- No signage directing floaters.
- Parking area can accommodate ~10-15 vehicles
- Take-outs/launches are either steep and gravelly or VERY muddy with high levels of bovine excrement.
- Floating from Hatchery or NM 51 Bridge takes 3-4 hours, depending on CFS, and requires floaters to safely navigate two small sets of rapids (Class I).
- Parking area is used by RV campers and BOR may develop a campsite in the future to be managed by the Village of Williamsburg.
- No toilets or garbage receptacles.
- BOR has jurisdictional responsibility for this site.
- Garbage is prevalent and the location is often used as an illegal dump site.



Key Recommendations

1. Install River Access Information Sign with maps showing hazards, river access locations, float distances and times, emergency numbers, rules and regulations and a community board.
2. Establish a long-term parking area away from the launch area.
3. Establish a 30-minute un-loading zone adjacent to the ramp.
4. The Village of Williamsburg should secure management responsibilities for this river access area.
5. Construct a hardened ramp to mitigate muddy conditions.

Caballo Reservoir – Seco Creek River Access (+32°59.045', -107°17.327')

A river access at Seco Creek just upriver of Caballo Reservoir would provide a quality day-long river experience for canoe or kayak enthusiasts. It would be a very long float for tubers due to prevailing winds from the south pushing against recreationists. The setting is more remote with no amenities. It is about 14 miles south of Rotary Park to the takeout, predominantly on NM 187. The site is popular for RVing, camping, and fishing.

Specific Conditions Noted:

- No signage directing floaters
- Parking area can accommodate ~20 vehicles and is used by RV campers
- Take-out is on gentler stream bank slopes and easily accessible.
- Site is accessed by driving NM 187 then through a small community.
- Paddle float from Rotary Park launch takes 6-8 hours and typically done in a kayak or canoe; it takes significantly more time in tubos.
- Gravel access road is ~¾ mile long, poorly maintained, rutted, and has numerous pot holes
- The BOR has jurisdictional responsibility for this site.
- Take-out can support existing recreational activities, but poor condition of gravel road limits the type of vehicles accessing it.
- The river access site is difficult to find if water levels are high.

Key Recommendations

1. Establish a shuttle parking area away from the river access area
2. Establish a boat loading zone, so vehicles and RV's don't block access to the riverbank.
3. Post signs up-river informing boaters that the river access site is up ahead
4. Maintain a natural surface take-out area.
5. Install a tall flagpole at the take-out so boaters can navigate to the site during high water levels.



Ramp Designs

Considerations for using a ramp or steps to the river's edge depends on slope length and steepness. Excessively steep and long slopes could benefit from steps leading down to a flatter launch area. Concrete ramps with safety railings may be appropriate for most of the river access areas between Fish Hatchery and Williamsburg. Please see Appendix D for details of different ramp designs and their advantages and disadvantages.

Signage and Wayfinding

Signage should help the public find the river access sites, understand any risks involved in river floating, and spell out rules and regulations to provide enhanced visitor experiences and reduce/manage risk for paddle trail users.

Turtleback Trails Branding and Logo

The Turtleback Trails logo helps communicate the diversity of the trails system – land and water trails, and the variety of recreational experiences available to everyone. The logo idea emerged from our local mountain namesake.

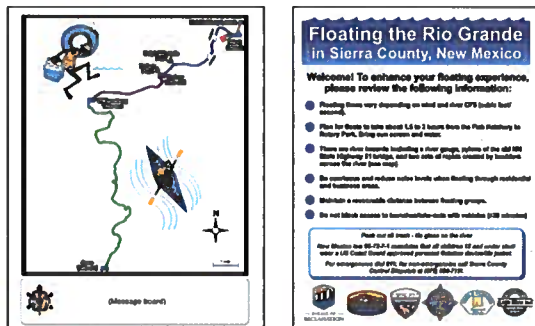
Using this logo on all signage related to the Turtleback Trails Network helps establish a strong long-term ownable identity. The logo works as a system and it provides an easily recognizable brand that serves as an identifier marker throughout the trails system. The logo will create visual continuity and clarity and improve the trail user and river floater experiences through clear wayfinding.



 This logo should be utilized on roadway directional signs, at river access sites signage, at trailhead signage and on trail marker signage. It should also appear in print publications and electronic media.

River Access Site Kiosk

The most important information about the Rio Grande Paddle Trail should be displayed on a kiosk at each river access site. The kiosk should contain a river map pointing out float times and distances, hazards, publicly accessible sites (since much of the river corridor is private), rules and regulations governing floating activities, and a message board for public use. The river access working group prepared these kiosk concepts for further consideration.



Graphics credit to Dustin Runyan

Directional Signage

Visitors to T or C and Williamsburg should be able to get to the Rio Grande access points easily. Directional signage throughout main roadway arterials and residential areas are necessary. Signage could be simple, following the Manual on Uniform Traffic Control Devices (MUTCD) – with brown background color for guide and information signs related to points of recreational or cultural interest.



Location Signage

Each river access site will become an important amenity in the community. A stand alone 'gateway' sign would help define the spaces as important community areas.



River Mileage Signage

First responders indicated that the placement of river mileage signs would help river recreationists to be aware of their locations in case of emergency. The signs should be visible from the river.



"Take Out Ahead" Signage

River floaters indicated that the take-outs can "sneak up" on them because there are no indicators the take-out is ahead. If the Rio Grande water levels are up, preparing to exit the river becomes even more difficult. Floaters need to be alerted that a public river access site is ahead. A "River Take Out Ahead" sign should be installed 100 yards before each take-out.

Rotary Park
River Access
100 Yards Ahead on

Wayfinding Concepts

Key wayfinding principles include:

- **Connect Places:** Facilitate travel between destinations and provide guidance to new destinations.
- **Keep Information Simple:** Present information simply, using clear fonts and simple designs, so that it can be understood quickly.
- **Maintain Motion:** Be legible and visible for people moving so that they can read the signage without stopping.
- **Be Predictable:** Standardize the placement and design of signs so that patterns are established, and the signage becomes predictable.
- **Promote Active Travel:** Encourage increased rates of active transportation by helping people to realize they can use the bike-way and pedestrian network to access the places they want to go.

River Management

Several unique river experiences are possible on the Rio Grande from the Fish Hatchery to Seco Creek. Marketing these different experiences will help visitors and residents understand which segment they should float. Established use patterns should be maintained so all river users can enjoy their experiences.

The Fish Hatchery segment caters to families playing in the river shallows and very short tubing runs. The adjacent campground helps establish a family-friendly atmosphere at this location.

The Hwy 51 to Rotary Park segment has become the high use zone, favored by almost everyone who floats. It features the only "riffles" on the river, and can be floated in 1.5-2 hours, it's an easy shuttle and doable after work. River managers will likely have to address some emerging trends on this section including excessive noise from portable speakers, river crowding, and occasional motorized watercraft. Potential strategies to address these problems could be: enforcing the municipal noise ordinance at specific times of day, like 4-8pm when residents may want to enjoy the river views from their properties; establishing launch times during busy weekends or holidays, and prohibiting motorized watercraft during the short tubing season in this segment.

- 12 The City of T or C and the Bureau of Reclamation should also develop a plan of action in the event several liveries or tube rental operations begin competing for launch times and staging areas for launch and take-outs. Depending on the success of the paddle trail and predictable water levels, a permit system may be necessary in the future.

The Rotary Park to Seco Creek segment experiences low to moderate use.

Part 2: Trails and Pedestrian Footbridges

The trails and pedestrian footbridges component include three trail segments and at least two pedestrian footbridges crossing the Rio Grande to access the trail segments. Trail segments are: a riverside multi-use path from Rotary Park to the Village of Williamsburg community park; a riverside multi-use path from Rotary Park to Ralph Edwards Park; and a 26+ mile trail network on Bureau of Land Management lands using existing routes and roads. All of the trail segments are across the Rio Grande from T or C and Williamsburg.

Very rough estimated costs are \$500,000 for each bridge including engineering, prefabricated bridge purchase and installation. Trail construction and materials for two trail segments could range from \$150-200,000 dollars with a stabilized crusher-fines surface. Trail improvement costs for BLM land trails would primarily be focused towards informational and directional signage at trail junctions and intersections.

Key Issues Heard Around Town

- Maintenance/vandalism/trash
- Private land - need signage to inform trail users
- Archaeological site adjacent to the planned trail needs to be protected
- Handicap accessibility - possibly construct an accessible pier at either Ralph Edwards or Rotary, accessible river launch sites, and consider accessibility in trail construction
- Private land easement to access County Road A005
- Maintenance of County Road A005 - currently has some portions maintained by the City of T or C and other portions maintained by Sierra County
- Trail user conflicts - manage potential conflicts between runners/bikers/hikers/dogs and wildlife
- Trail development - need to coordinate with BLM and BOR in their prescribed planning processes for developing trails
- Bureau of Reclamation easements - need to coordinate with BOR on any trail work/footbridge construction that would impact the flow capacity of the river channel

Components of the Trail Network

Rio Grande Trail Extension from the Fish Hatchery to Williamsburg

This project envisions an opportunity to extend the Rio Grande Trail in Sierra County by an additional ten miles. From the Fish Hatchery site off of NM Highway 51, a hiker could cross the road to access Turtleback Avenue (A005), a dirt road utilized by the Bureau of Reclamation and locals, to travel approximately four miles through federal and private land to a point just across the river from Rotary Park. From Rotary Park, a BOR access road follows the riverbank for approximately a mile before turning left away from the river to higher ground. Here, due to the topology of the riverbank area, there are three options for establishment of a hiking trail. The river channel is below 4240' elevation, and for much of the study area, a wide swath of low terrain is also below this elevation.

Option 1: Lower Bench

This stretch of land, which some residents call 'the flats,' stays below 4240'. There is an existing dirt/sand road that follows the riverbank closely (within 100') for most of the study area.

The width of the lower bench varies within the study area from less than 50' (especially at roughly 33.112694, -107.276500, 'the chokepoint') to almost a mile in the deep bend just past Williamsburg. Trail construction through the chokepoint could be technically challenging and prone to weather damage due to the erosion-vulnerable steep hillside. The area can become muddy during rains.

A trail that closely followed the riverbank would offer some shade, ample wildlife viewing, and fishing opportunities.

Option 2: Upper Bench

What some residents call 'the mesa', the upper bench rises rather abruptly from the lower bench in most of the study area. There are established dirt/sand roads that a trail could parallel. A trail that roughly followed the edge of the Upper Bench would feature commanding views of the

river.

However, federal officials have cautioned against new trails on the mesa due to the existence of nearby fragile cultural sites.

Option 3: Combination of Lower and Upper

A compromise alignment could begin and end on the Lower Bench, running parallel to the established dirt roads near the riverbank, only ascending to the Upper Bench for a few hundred yards above the chokepoint.

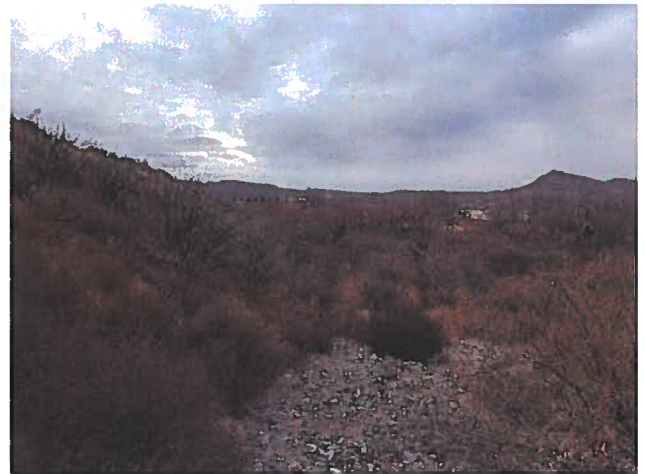
Recommended Route

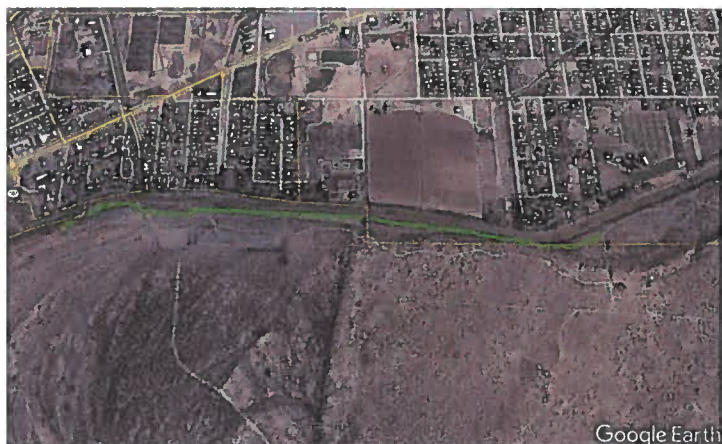
The trails working group developed a trail alternative evaluation criteria based on User Experience, Aesthetics, Ease of Implementation, User Accomodation, and Cultural/Historical. Based on these criteria, the lower bench is the preferred alternative. Please see Appendix E for the full Trail Scoring chart and criteria.

It will require some creative engineering to develop a trail or boardwalk through the salt cedar thicket. However, overcoming some construction hurdles will result in a consistent riverbank course that has more shade and is more accessible to a broader range of non-motorized traffic, while avoiding risk of disturbing fragile cultural sites.



Existing dirt road
New trail construction





Proposed riverside trail to Williamsburg

Key Recommendations

-  • Coordinate with Sierra County and City of T or C to designate Turtleback Road (AOO5) as a Rio Grande Trail alignment. Work with appropriate local entities to recognize foot traffic on the road and allow for Rio Grande Trail signage.
-  • Develop a 1.2 mile multi-use pathway between Williamsburg and the intersection with Turtleback Road as it turns South. Construct the non-motorized pathway to 6-8 foot wide standards, accessible by foot, bicycle, or wheeled mobility device. Install barricades to prevent unauthorized motorized use.
-  • Install informational, educational and river stewardship signage along the route. (See Conservation section for signage recommendations)
-  • Install trail amenities such as shade structures and benches
-  • Determine organization or agency responsible for trail management and operations

Riverside Trail from Rotary Park to Ralph Edwards Park

Truth or Consequences has two public parks on the banks of the Rio Grande that are less than a mile apart. While the city side of the river is already populated by private residences, the east/south side is platted for future development and currently in a natural state. A recreation easement will provide up to a 100-foot wide buffer zone for the creation of an ADA-accessible footpath along the shady banks of the Rio Grande. This pathway would provide a much needed amenity in the City, providing access to nature and offering health benefits to all residents and visitors.

Key Recommendations

-  • The City of T or C should work with Rio Vista Land Holdings (or subsequent owners) to secure a recreational trail easement so it can legally fund, build, and help maintain a riverside trail.
-  • Develop a 6-8 foot wide universally accessible pathway connected by two pedestrian bridges (one at Rotary Park and one at Ralph Edwards Park). The 0.6 mile long trail surface should be firm and stable, and should be able to withstand overbank flooding.
-  • Assure that private property owners on the east/south side of Rio Grande have secured legal access to the trail at strategically located access points. (Individual property owners should not have personal access to the trail from their property as this causes trail management problems).
-  • Develop a trail management agreement with Rio Vista Land Holdings (or subsequent owners).
-  • Encourage riverbank conservation to protect riverbanks.

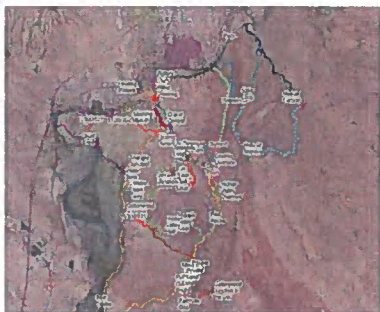
BLM Trails Network

Old mining and 4WD trails currently form a network of rugged mountain trails throughout the public lands between the Rio Grande and Turtleback Mountain. These trails are currently used by hikers, runners, mountain bikers, and OHV enthusiasts. Establishing some of the network as official BLM trails, suitable for certain types of use, would reduce user conflicts, protect delicate ecosystems, and create an enhanced recreational amenity for Sierra County.

Existing conditions:

- Some of the trails are graded dirt roadways, maintained by Sierra County, BLM, and/or BOR and suitable for most vehicle traffic.
- Some are rocky and/or sandy, requiring a 4WD vehicle.
- Doubletrack: Many are rugged, rocky, sandy, and/or steep, accessible for experienced OHV drivers in small, high-clearance 4WD vehicles, but perhaps not sustainable.
- Singletrack: Some are too narrow or steep for motorized vehicles.

A GPS running app called Strava provides evidence of the use of these trails by non-motorized recreationalists via their 'global heatmap', which maps runners' use of the trails



The Caltopo map (<https://caltopo.com/rv/22DF>) showing recent recreational uses

Designating and integrating any new trails into the BLM Tri-County plan will require review (see Chapter 8), though some of this has already been done. In October 2021 and October 2022, local organizers received a BLM permit to conduct a trail running race, the Truth or Consequences Desert Ultra (www.runtrc.com), which involved a review of any sensitive ecological or archeological sites.

The primary access route to get to the trails on the south/southwest slopes of Ca-ballo Cone is Turtleback Avenue (County Road A005). The road ascends from the Rio Grande up to a junction some locals refer to as 'Grand Central' (see map below). The improved gravel roadway turns southwest here, descending back to the low river valley and becoming sandy in places. A brief accounting of the various roads and trails follows the map



Roads and trails on BLM/BOR land:

- **Tarantula Loop:** The loop created by ascending Turtleback Avenue past Grand Central, up a very steep jeep trail to Tarantula Junction, and then dropping into the arroyo that parallels the main trail to return to the Rotary Park area. A confident driver in a 4WD vehicle could drive to Tarantula Junction, but much of the arroyo is too sandy and rugged for highway vehicles. This loop, at about 4 miles total, is frequently used by trail runners.
- **Scenic Loop:** The loop created by following the river west from Rotary Park, turning left in and ascending an arroyo shortly past the cattle gate, and following a jeep trail up to Turtleback Avenue at Grand Central. A variation on the loop ascends a very rocky jeep trail to a junction with Turtleback Avenue just downhill from the primary loop. A confident driver in a 4WD vehicle could drive this

There are some very sandy and steep rocky areas

- **Goat Loop:** This refers to sandy/muddy ranch roads that track the Rio Grande downstream from the vicinity of Rotary Park before turning back towards Turtleback Avenue.
- **Blackjack Loop:** A roughly 4-mile loop of steep and rugged jeep trail beginning and ending at Tarantula Junction. It passes the historic Blackjack mine. A variation turns south at the mine site to descend a rugged jeep trail.
- **Gold Rush Loop:** After ascending the sandy arroyo southeast of Tarantula Junction for less than a mile, a spur to the east leads up a steep and narrow trail to the historic Gold Rush mine, and then levels out and follows an old railroad presumably used for mining carts. This part of the trail is not suitable for any vehicle traffic.
- **Hidden Valley Loop:** A roughly 8-mile loop beginning and ending at Tarantula Junction. After ascending the sandy arroyo southeast of Tarantula Junction for approximately two miles, this rugged jeep track reaches Hidden Valley Overlook, with long views to the Caballo Mountains and Caballo Reservoir. The trail becomes more rugged as it descends into the arroyo on the other side, only suitable for hikers and experienced OHV drivers. In less than a mile, the loop ascends west/northwest to a ridge before dropping back to Miner's Lane, though continuing down the arroyo is also possible for hikers interested in experiencing a slot canyon with several four-foot drops and connecting to the jeep trail leading to Palomas Gap.

Key Recommendations



- The City of Truth or Consequences should work with the Las Cruces District Office of the BLM to include the recreation opportunities and proposed pathways described in this document in the BLM's TriCounty Resource Management Plan and subsequent travel management planning.



- The City and County should formally adopt the recommendations described in Chapter 5: Visitor Safety.



- The City should ensure that the outdoor recreation opportunities and pathways described in this document are included in any relevant regional marketing projects.



- Local trail users (non-motorized and motorized) should collaborate on creating trail experiences without adversely affecting trail user goals. This would involve

evaluating trail segments for sustainability and user experience and presenting concepts to the Bureau of Land Management.



- In coordination with BLM, determine if temporary trail directional signage could be installed to improve the visitor experience.

Footbridges

To access the other side of the Rio Grande from Truth or Consequences, the current options are:

1. Drive approximately 4 miles northeast on NM 51 to the vehicle bridge, and then turn right on Turtleback Avenue and follow the road along the other side of the river (driving from Rotary Park to the point directly across the river is approximately 8 miles).
2. Pedestrians may cross the BOR rock dam at Rotary Park while it's in place in the winter. The dam is neither designed nor intended for pedestrian use, and passage can be treacherous, involving stepping on unstable rocks with water rushing past.
3. While the rock dam is in place, enterprising pedestrians may wade across and higher-clearance vehicles can drive across the low water crossing approximately 200 yards downstream from Rotary Park.

Footbridge Locations

The Steering Committee envisions up to four pedestrian crossings between Elephant Butte Dam and Williamsburg. The most important crossings are at Rotary Park and the Village of Williamsburg.

1. Rotary Park: A bridge at Rotary Park is the core of the system and the highest priority. The site offers ample parking, regular visitation by locals and tourists, and is within easy walking distance of the downtown business district and many residences, hotels, and vacation rentals. A bridge here would also allow Rio Grande Trail users to cross the river in order to access amenities in T or C.
2. Ralph Edwards Park: Several plans identify a vehicular bridge crossing near this park. A pedestrian walkway should be incorporated into the bridge design.
3. Williamsburg: The preferred Williamsburg bridge and river access location is

near the VFW post, which could provide necessary parking. There is a private lot south of the VFW property which the Village would need to negotiate for a recreational easement or purchase the lot.

4. Paseo del Rio Campground (fish hatchery): The campground is managed by the Bureau of Reclamation and concessionaire or permittee operations are being explored. Potential concessionaires have considered a pedestrian bridge here to allow campers and day users to hike to the dirt dam and for Rio Grande Trail hikers to cross the river into the Paseo Del Rio Campground and continue hiking along Turtleback Road. Another possibility is utilizing the old Hwy 51 bridge structure as a pedestrian crossing and constructing a river-side trail on the opposite side of the campground.

Design Recommendations

The bridge at Rotary Park offers an opportunity to meet several goals with one comprehensive design, including:

- **Fishing Access:** New Mexico Department of Game and Fish stocks the river with trout, drawing regional anglers.
- **Emergency Services:** A removable bollard could provide access to emergency vehicles.
- **Floating Access:** The current riverbank is brushy, steep, and muddy. See the Rotary Park river access section earlier in this chapter for details.
- **Dam Operation:** At the end of the irrigation season, BOR technicians construct a rock/dirt dam at Rotary Park to maintain hydrostatic pressure in the Hot Springs District, and then remove it in the spring. A mechanical/hydraulic dam structure would provide BOR operators a permanent option for controlling the river's flow at a much lower cost going forward. The pedestrian bridge crossing and permanent dam construction could be consolidated into one project sharing some engineering and design features.

The Steering Committee recommends the bridges:

- Visually resemble one another, even if they are built in sequence over a period of years.
- Are informed by the U.S. Fish & Wildlife Service migratory bird research in order

to minimize harm to any endangered species (see Part 3 of this chapter).

- Are ADA-accessible.
- Prevent livestock from crossing.
- Provide ample clearance for tubes and kayaks and other river-legal & appropriate vessels, including law enforcement/emergency services watercraft.
- Allow for unimpeded BOR river channel maintenance operations.
- Structures support nesting opportunities for swallow species using the river corridor.



Barn Swallows adapting to portico structure designed to support nest building

See also: Appendix F: Pedestrian Bridge Resources

Part 3: Rotary Park

Wetlands Restoration

An oxbow of the Rio Grande toward the south end of Rotary Park created a small wetland ecosystem. Many previous community planning efforts have identified opportunities to enhance the wetlands at Rotary Park. Strong community support exists for improvements in pedestrian and vehicle traffic flow, river access, and wetlands restoration.

Currently, the site only receives water when the flows of the river are high enough that in-flows occur into the lower portion of the wetland. The goal is to restore the wetland to closely mimic its original design as part of an oxbow of the Rio Grande and to provide water to the wetland area on a year-round basis.

Excess hot mineral water from hot springs spas is discharged into the Rio Grande through a ditch system that enters the river at the north end of Rotary Park. Installation of a "check-gate" in that ditch system would divert that water on an as-needed basis into an existing dirt ditch that runs along the west side of Rotary Park. That ditch leads directly into the north end of the wetland. In addition, excess sediment buildup in the wetlands, along with an influx of cattails, would be removed, allowing water into the wetlands when the Rio Grande is in full flow. The planting of native shrubs and trees would encourage more wildlife, especially birds and bird nesting.

Rotary Park Redesign

In 2009, the City of T or C conducted a workshop in coordination with the U.S. Fish and Wildlife Service. These goals emerged from that workshop:

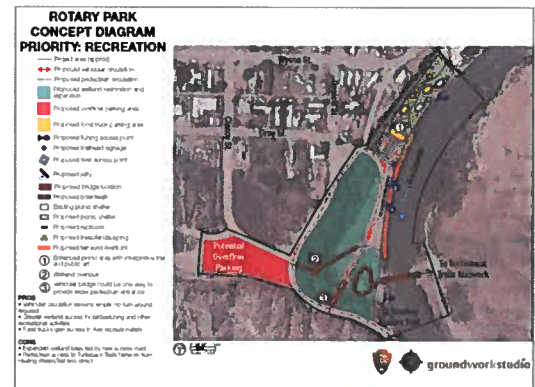
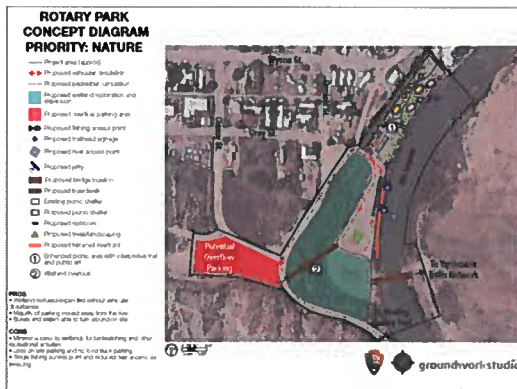
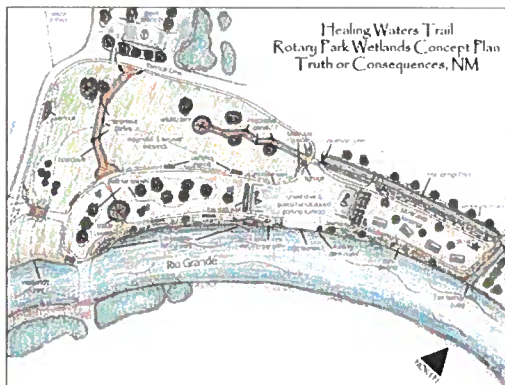
- Expand Rotary Park to better conserve the hot springs wetlands.
- Improve access for and reduce conflicts between pedestrians and vehicles.
- Enhance comfort for park visitors and trail users.
- Create an educational experience for park visitors and trail users.
- Provide for multiple park and trail uses, creating a broadly appealing destination along the Healing Waters Trail.

- Provide connectivity between the Downtown and the Carrie Tingley Mesa segments of the Healing Waters Trail, and connect to the Rio Grande Trail.
- Promote park cleanliness.

As part of the Healing Waters Trail: A Cultural Landscapes Approach to Planning a Semi-Urban Trail System, Truth or Consequences, New Mexico (2009) plan, a concept sketch of improvements to Rotary Park wetlands was developed. All the goals stated above were incorporated into the park concept drawings. Some highlights including terracing the riverbanks to permit overbank flooding, boardwalk into the wetlands, transformation of the hardpacked "parking area" into vegetated swales and expanded wetlands.

In 2021, Turtleback Trails project partners sponsored another Rotary Park wetlands workshop to see if new ideas had emerged since the last workshop. Workshop participants, with little knowledge of the earlier concept sketch, reaffirmed the same ideas. Themes common to all concepts include better pedestrian flow and access, river bank terrace with pathways, river access sites, and expanded wetlands.

The main difference between the concepts is vehicle flow. The Recreation concept explores the idea of constructing a one-lane vehicle bridge across the wetlands outflow to create controlled vehicle movement, particularly for tubing concessionaires. The Nature concept provides a loop turn-around area, and the 2009 concept eliminates all vehicles from the wetlands area.



Key Recommendations

- The City of T or C and the Bureau of Reclamation should clarify land ownership issues at the wetlands area. Currently, each entity believes the other is the legal landowner.
- City leaders should adopt a final concept plan for Rotary Park wetlands and pursue funding to develop a master plan with construction and engineering drawings



06 River Corridor Conservation and Education

Key Issues

- Vehicle flow in wetland area
- Invasive plant species
- Slash piles
- Impact of footbridges on bird species - U.S. Fish and Wildlife Service should be consulted in the planning of footbridges
- Determine which entities own which portions of land within/around Rotary Park

Background

The conservation of this portion of the Rio Grande has been an important part of the legacy of this community. Prior to the construction of the Elephant Butte Dam, much of the area known as Hot Springs was marshland and swamps. The river was wide and meandered through the area. Construction on the Elephant Butte Dam was completed in 1916 as part of the Rio Grande Project. An international treaty with Mexico in 1906 pledged the delivery of 60,000-acre feet of water to Mexico annually, along with water to Texas. To meet the obligations of that agreement, the Bureau of Reclamation (BOR) channeled the Rio Grande for approximately seven miles and must maintain the ability to have a water flow of 5000 cubic feet per second (CFS). Meeting the BOR requirements also creates restrictions on other uses of that portion of the Rio Grande.

Previous efforts of local citizens resulted in the development of a Rio Grande Corridor Task Force Plan, which outlined possible projects along the Rio Grande from Elephant Butte Dam to Williamsburg. The proposed projects included a horse trail from Williamsburg to the Caballo dam, development of a system of trails along the river, designation of a Quality Trout Waters section of the river, and establishment of

a handicap-accessible pier for fishing near Rotary Park in T or C.

Some of those goals were achieved. A horse trail was designated, and signs put in place from the Honda Arroyo to near the Caballo RV park. In 2008 a group of locals developed and constructed the Healing Waters Trail, a three-mile loop trail through the City of T or C. The trail highlights some of the historic buildings within the loop with plaques, and there are interpretive panels along the hillside, along with picnic tables and resting spots. One of the main focuses of the Healing Waters Trail is the continued development of Rotary Park for recreational use and restoration of the wetlands at the south end of the park.

Natural Resources and Concerns

Invasives

The early 1950s saw the influx of non-native plant species, many of which were introduced to help with soil erosion, namely tamarisk (commonly known as salt cedar). This plant has become highly invasive along waterways and began crowding out the native plant community. It also uses considerably more water than native plants. Additionally, salt cedar is a highly flammable plant and its influx within the river ecosystem has created a hazard for wildland fire. Other non-native invasive plants identified by the NM Department of Agriculture as highest priority for removal include Perennial Pepper Weed, Arundo, Russian Knapweed, Russian Olive, and Tree of Heaven.

Over the years, the Sierra Soil and Water Conservation District (SWCD) has worked with several state and federal groups on various projects for the treatment/removal of salt cedar. Collaborators on these projects include the BOR, the U.S. Forest Service Collaborative Forest Restoration Program, and the New Mexico Association of Counties Hazardous Fuel Mitigation Program. Various methods have been used in these restoration efforts: pole plantings, deep root plantings, and seeding. Two notable demonstration projects, treating plots of 55 acres and 41.5 acres, have had some degree of success. Treatment and removal of salt cedar and other invasive plants will continue to be an issue along the stretch of the Rio Grande from Elephant Butte Dam to Williamsburg.

There are a variety of ways to treat some of the other invasive plants to help control their growth, but the most effective method is through the use of herbicide application. The Sierra SWCD has an active weed control program and treats invasive plants with a federally approved herbicide which is applied by a certified herbicide applicator.

Wildlife Habitat

From records and visitor reports, there are a number of wildlife species that currently inhabit the area, including:

- **Mammals:** mule deer, raccoons, beavers, grey foxes, and skunks (hooded and striped)
- **Birds:** quail, swallows, vermilion flycatchers, kingfishers, turkey vultures, red-tailed hawks, Swainsons hawks, Coopers hawks, bald eagles, golden eagles, mallards, northern pintails, Mexican ducks, gadwalls, American wigeons, blue-winged teals, green-winged teals, cinnamon teals, great blue herons, coots, sandhill cranes, and snow geese
- **Amphibians:** spadefoot toads and bullfrogs (non-native)
- **Fish:** catfish, bluegill, trout, crawfish, and suckers

Flyway

The Rio Grande is the central flyway corridor for a variety of birds and pollinators, many of which use the river corridor as they migrate between summer and winter habitats. There are some concerns that increasing recreational activities could affect wildlife behavior, nesting or habitat. Environmental assessments will address these potential concerns.

Wetlands

The Rotary Park wetlands have potential to be a thriving ecosystem to support, in particular, a variety of bird species. See Chapter 5, Part 3 for more details on restoration and redesign concepts for the wetlands.

Cultural Resources

Archaeological

There are a large number of important archaeological and historic sites within the project study area. One 200 acre site is close to one of the trail corridors. It was occupied by the Mogollon people from about 1175 to 1400 A.D. The large site retains evidence of numerous campfires, suggesting that it may have been used seasonally over a long period of time. The site is important because it can help us understand how the Mogollon adapted to the landscape. The Mogollon people lived in eastern Arizona, southern New Mexico, west Texas, and northern Mexico. They were a farming culture that lived in pit houses and pueblo villages. The Mogollon abandoned the region around A.D. 1450 and may be related to modern Pueblos in the United States Southwest and indigenous people in Mexico. The site is primarily located within lands under the jurisdiction of the Bureau of Reclamation, and it has not been fully inventoried.

Recommendations to protect the site include:



- Routing trails and roads away from the area
- Completing a Phase II Archaeological Survey
- Implementing a Site Stewards program to monitor the site

Historical Mining

A mining boom began in Sierra County soon after prospectors found gold float on the east side of the Mimbres Range in April of 1877. Hillsboro was the center of activity for many years. Even frequent Apache raids could not dampen the enthusiasm of the eager prospectors and miners. Silver was discovered in Lake Valley in 1878, and in 1880 the famous Bridal Chamber mine was discovered and proved to be the richest single ore mine ever found. A single chunk of silver ore was removed, placed on an open flat train car, and traveled to the World's Fair in the early 1900s. In 1879 silver was discovered near Chloride and within six months Chloride grew from a tent camp to a full-fledged town. Hermosa to the south of Chloride attracted prospectors, and the discovery of several mines in that area brought more settlers. The southwestern stage lines linked the railroad at Engle with Cuchillo, Winston (former-

ly known as Fairview), and Hermosa. Six million dollars in gold and silver was produced. The main types of ore discovered were gold, silver, copper, lead, and zinc. Mining towns sprang up overnight in many locations throughout the area, many of them only lasted a year or so and then faded away.

Farming and Ranching

The Pueblo Indians of New Mexico in pre-Spanish times had a well-developed system of agriculture based on both dry farming and irrigation. Principal crops were corn, beans, squash, native tobacco, and cotton. Chile, wheat, and orchard crops were introduced by the Spanish. Towns were concentrated in the fertile alluvial soil of the valleys of the Rio Grande. Farms suffered even more from devastating floods than from raids by area Indians. By the mid 1800s, farms and farming communities grew in what would later be designated as Sierra County. While farms were developing in the valley, great ranches were beginning to take shape as well. One of the first of these ranches was started by John Martin, a soldier who marched with the California Column to New Mexico during the Civil War. He had dug a deep well in 1867 and struck an underground river on the Jornada del Muerto. Travelers along this old route had sometimes died of thirst. The Armendaris land grant in the eastern side of the Rio Grande was patented in 1878. To the south and west was the John Cross Holdings, which ran from Dona Ana County to the San Marcial, one hundred miles of sunbaked waterless desert hemmed in by the San Andres and the valley of the Rio Grande. During this time the Rio Grande ran down what is now Main Street as far as the Post Office, then south and west, with a large bosque and tule swamp below Broadway and the hill to the Veterans' Home (from the History of Sierra County).

Conservation Goals

Noxious/Invasive Plant Removal

Future restoration efforts should focus primarily on the retreatment of salt cedar and Russian Olive along the Rio Grande in order to increase trail aesthetics, prevent potential future fire events, allow greater access to the river, and promote establishment of native vegetation.

Rotary Park Wetland Restoration

See Chapter 5, Part 3 for details on wetland restoration proposals.

Restore Wildlife Habitat

Restoration and improvement of wildlife habitat is also a major goal of this planning effort. Restoration efforts along this section should include the planting of flowers and shrubs that would create habitat for migrating wildlife. Including nectar plants such as milkweed would benefit many species of pollinators, including monarch butterflies.

Habitat improvements should increase the overall bird population in the area and also increase the chance of rare birds nesting along this portion of the Rio Grande. This project would create many opportunities for bird watching not only during migration, but also during nesting season when species like Mexican ducks, swallows, and vermilion flycatchers are in this area. Bird watching is a multi-million dollar industry, and promoting bird habitat has great potential for economic benefit to the town.

There are no known threatened or endangered species along this stretch of the Rio Grande, but restoration efforts could enhance the wildlife habitat and attract new species, including Southwestern Willow Flycatchers and the Yellow Billed Cuckoo, both of which migrate along the Rio Grande corridor. Given the current recreational activities along this stretch of the river, including tubing, kayaking, fishing and hiking, the addition of items identified in this plan should have a negligible additional impact to those species.

Fish Habitat

Increased fishing opportunities are a recreational benefit of this project. A foot-bridge spanning the river would bring in anglers as well as bird watchers who could see birds like ospreys diving for fish. BOR management of this stretch of river will impact fishing and fish habitat, specifically as water flow along this portion of the river is decreased or increased to meet water demands from downstream users. Another impact to fish habitat occurs when the BOR conducts a periodic removal of

sediment along this channelized portion of the river in order to maintain the required capacity of 5000 cubic feet per second of water.

Key Recommendations

- Identify potential human-wildlife interactions and plan trails accordingly. Route trails away from potential high conflict areas. Provide signage in areas of potential conflict between people, dogs, and wildlife species. Monitor wildlife encounters for adaptive management.
-
- Identify wildlife impacts caused by dogs on- or off-leash. In addition to expanding their human's zone of influence, dogs can chase, harass and kill wildlife, or become prey for carnivores. Consider restrictions to dogs if necessary, and leash laws to keep pets safe and minimize impacts to wildlife.
-
- Some sensitive species, such as amphibians and nesting songbirds, might require minimum buffers. Other species, such as nesting raptors or grouse, usually require buffer distances that range from a quarter to one full mile, or greater.
-
- Address potential interaction between trail users and hunters with proper signage, notifying all parties of hunting seasons and related safety protocols/precautions.

Interpretive Themes and Education Opportunities

This project has the potential to educate the public in natural resource conservation and the importance of agriculture and its impact on the community. Local historians and affiliated tribal leaders should be consulted to create meaningful stories connecting people to place and landscape.

Interpretive Panels and Signage

All signage should be uniform in design and appearance; each sign should indicate that it is part of this trail system. Signage should include:

- Trailhead signs at Paseo del Norte, Rotary Park and Williamsburg, possibly in-

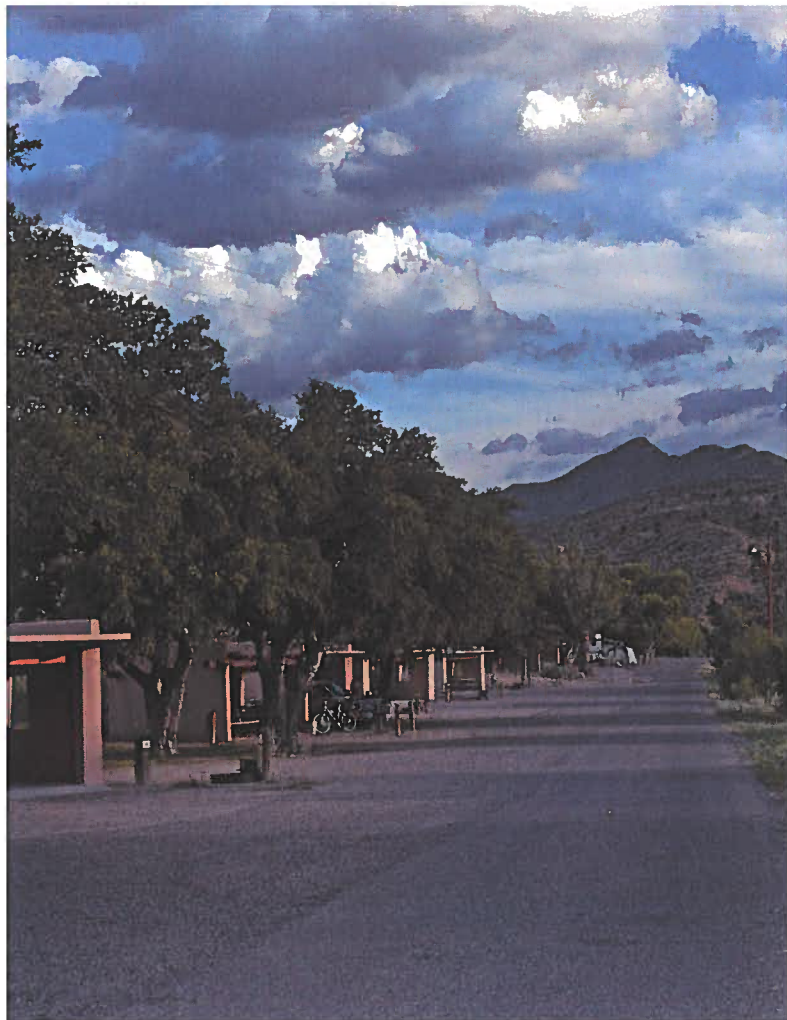
cluding a QR code that gives additional trail information. Include trail map and safety information (snakes, heat and hydration, dog rules/etiquette).

- Mileage markers along the trail
- Interpretive panels
 - River conservation and stewardship
 - Human settlement
 - Wildlife migration
 - Dams and irrigation
 - Fish/bird species

Youth/Community Education

There are a number of educational opportunities that could be developed after the creation of this trail. Programs could incorporate science, technology, engineering, art and math (STEAM) to help students gain hands-on experience. Possibilities include:

-  • Establish a small Amphitheater in Ralph Edwards Park adjacent to the river
 - Host informational presentations year-round, especially during high use times
-  • Have students participate in bird identification and inventories
-  • Engage the youth and community by having "River Days"
-  • Have educational activities at the wetland; have students conduct a wetland study
-  • Promote participating in the University of New Mexico Bosque Ecological Monitoring Program
-  • Host a "Water Conservation Day"
-  • Form partnerships with local schools, The Club, churches, and other organizations that serve and organize youth
-  • Engage the community by asking businesses, youth groups, and other organizations to be responsible for maintenance of sections of the trail
-  • Encourage community groups to host events for special Celebration Days - (Public Lands Day, Earth Day, Trails Day, etc.)



07 Management, Maintenance, and Stewardship

As the City of T or C and the Village of Williamsburg move forward with the planning, designing, building, and operation of existing and new trails, trailheads, restrooms, signs, and other amenities, local officials should develop appropriate management plans to protect and maintain these important community investments in the long term. Just as the city would appropriate resources, staff time, and/or funding to the maintenance of more traditional recreational areas (such as city parks, open spaces, and playgrounds), trail-based facilities require specific maintenance activity to be successful. Maintenance plans need to be developed to determine what entity will bear maintenance costs and liabilities, how the areas will be regularly serviced, where funding will come from, and how partnerships can be developed. Some of the necessary maintenance issues to consider for trail planning include:

- Regular trail or parking lot grading;
- Trailside litter and weed/invasive species control;
- Trail sign repair and replacement, including damaged signs, missing trail markers, directional stickers, damaged posts, and other vandalism;
- Trailhead maintenance, including regular trash disposal, toilet cleaning and pumping, etc.

Maintenance Agreements

Many of the tasks identified above can be offset by appropriate maintenance agreements or contracts. The documents are publicly adopted and include language identifying partners; partnership goals; each party's obligations, liabilities, and expectations; compensation between parties; and other relevant information. These agreements can exist in many forms; some relevant examples include:

- Agreements between two government agencies, such as the City of Albuquerque

que and the Middle Rio Grande Conservancy District to co-manage the Rio Grande Valley State Park

- Agreements between a government agency and a user-group, such as the Carson National Forest and the Enchanted Circle Trails Association
- Agreements between a government agency and a private business, wherein funds are established to pay for a maintenance service, such as a private contractor emptying trash and waste from parks and recreation facilities

Trail Adoptions and Sponsorships

Many communities have utilized volunteer adoption and sponsorship programs to provide additional recreational amenities to their communities. This can include opportunities for private funders, including businesses, non-profits, residents, user groups, or other donors, to contribute funds, time, or other resources to help build and maintain parks and trails. Sponsorship programs often include opportunities to purchase or "sponsor" a specific amenity, such as a trailhead kiosk, benches, restrooms, etc. as a part of the initial construction process. Adoption programs often seek to offset long-term maintenance obligations by providing funding, volunteers, or other resources dedicated towards regular upkeep of a trail once it is built. Oftentimes, these programs provide public acknowledgement in the form of signs, plaques, or naming rights to certain adopted or sponsored facilities. This provides opportunities for local residents, businesses, user groups, or others to contribute to their community and help protect the outdoor resources they cherish.

Use or Special Event Permitting Fees

Another way to offset long-term funding obligations can come through planned revenue generation in the form of use or special event fees. This can include overnight camping fees, day use parking fees on city-managed trailheads, multi-day use passes, or the hosting of large special events, such as a regional high school mountain bike competition. These fee structures can be adopted by ordinance as a part of the maintenance plan for individual facilities, but require resources from the community to enforce.

As detailed design/build plans emerge for Turtleback Trails Network elements, trail adoption and sponsorship agreements should be in place before local governments

commit to funding and managing the project. With limited municipal resources, the community must support these projects if they are to become reality.

Signage

- The City of T or C will be responsible for coordinating signage standards, design, and placement. Each local jurisdiction with signage requirements will be responsible for purchase and installation.
- The City of T or C will be responsible for creating an inventory of signs using Geographic Information Systems (GIS) to manage the inventory. Project partners could help populate the inventory.
- The City of T or C will be responsible for coordinating annual inspections of signage. Project partners would complete the inspections.

Proposed management responsibilities

River Access Sites

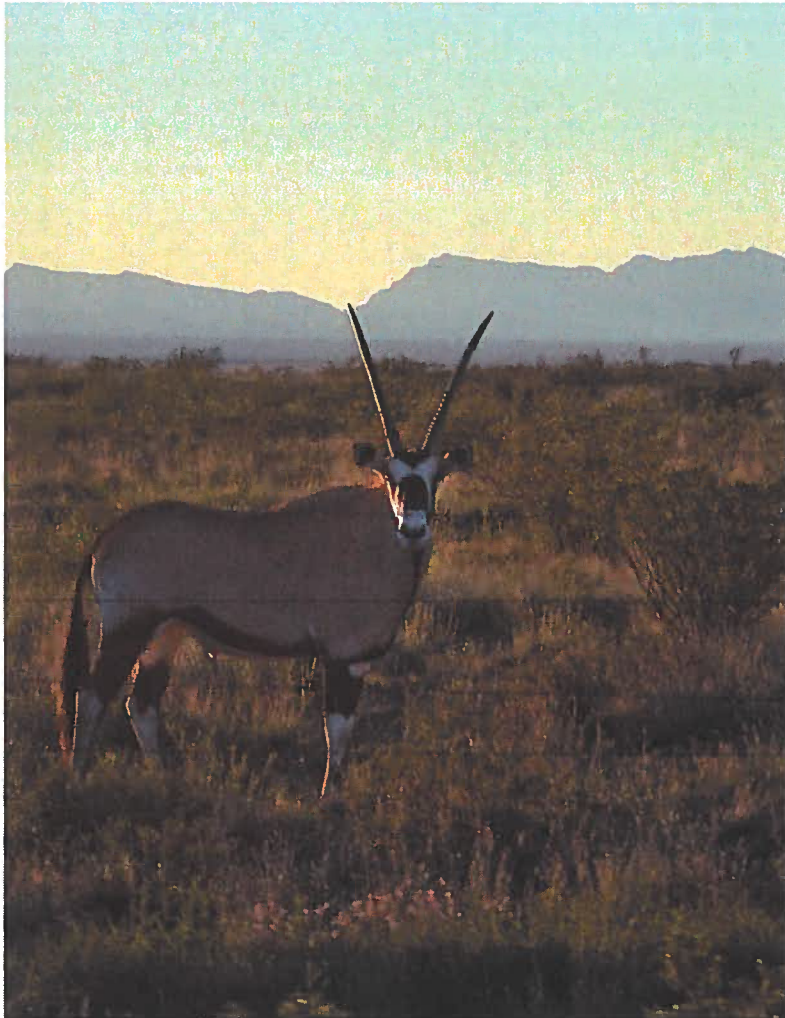
Agency/Entity	City of T or C	Village of Williamsburg	Bureau of Reclamation	BOR Permittee or Concessionaire
Sites to manage:	Mescal Canyon river access	Williamsburg river access	Seco Creek river access	Paseo del Rio river access
	Ralph Edwards river access			Hwy 51 Bridge river access
	Rotary Park river access			

Trail Elements

Agency/Entity	City of T or C	Village of Williamsburg	Bureau of Reclamation	BOR Permittee or Concessionaire

Stewardship

- 
 - Develop a Sponsorship or Gift Catalog for site improvements. This could include elements like signage, river ramp construction, trail amenities like benches or shade structures.
- 
 - Establish an "Adopt-A-Trail" program where schools, local organizations and businesses could adopt a section of trail, a river access area or other features of the Turtleback Trails Network. Adopters would be trained and recognized for their community efforts.
- 
 - Sierra County Tourism would lead and coordinate stewardship efforts for the Turtleback Trails Network. Other organizations to include are Jornada SWCD and T or C MainStreet



08 Federal Coordination

Many of the proposed improvements for river access and trails development will require approval from the federal government. The river access projects and the multi-use trail connecting Rotary Park to the Village of Williamsburg are within the jurisdictions of the Bureau of Reclamation and Army Corps of Engineers. The adventure trails along the flanks of Turtleback Mountain fall into the Bureau of Land Management's jurisdiction. Before the federal agencies issue permits for project implementation, federal compliance with the National Environmental Policy Act (NEPA) and the Clean Water Act (CWA) is necessary. Project sponsors are usually responsible for completing compliance reviews.

Under NEPA, the applicants can be expected to comply with Section 106 of the National Historic Preservation Act and Section 7 of the Endangered Species Act. Section 106 requires federal agencies to consider the effects of projects they carry out, approve, or fund on historic properties. Federal agencies must do the following:

- gather information to decide which properties in the area that may be affected by the project are listed, or are eligible for listing, in the National Register of Historic Places (referred to as "historic properties");
- determine how those historic properties might be affected;
- explore measures to avoid or reduce harm ("adverse effect") to historic properties; and
- reach agreement with the State Historic Preservation Officer / Tribal Historic Preservation Officer on such measures to resolve any adverse effects.

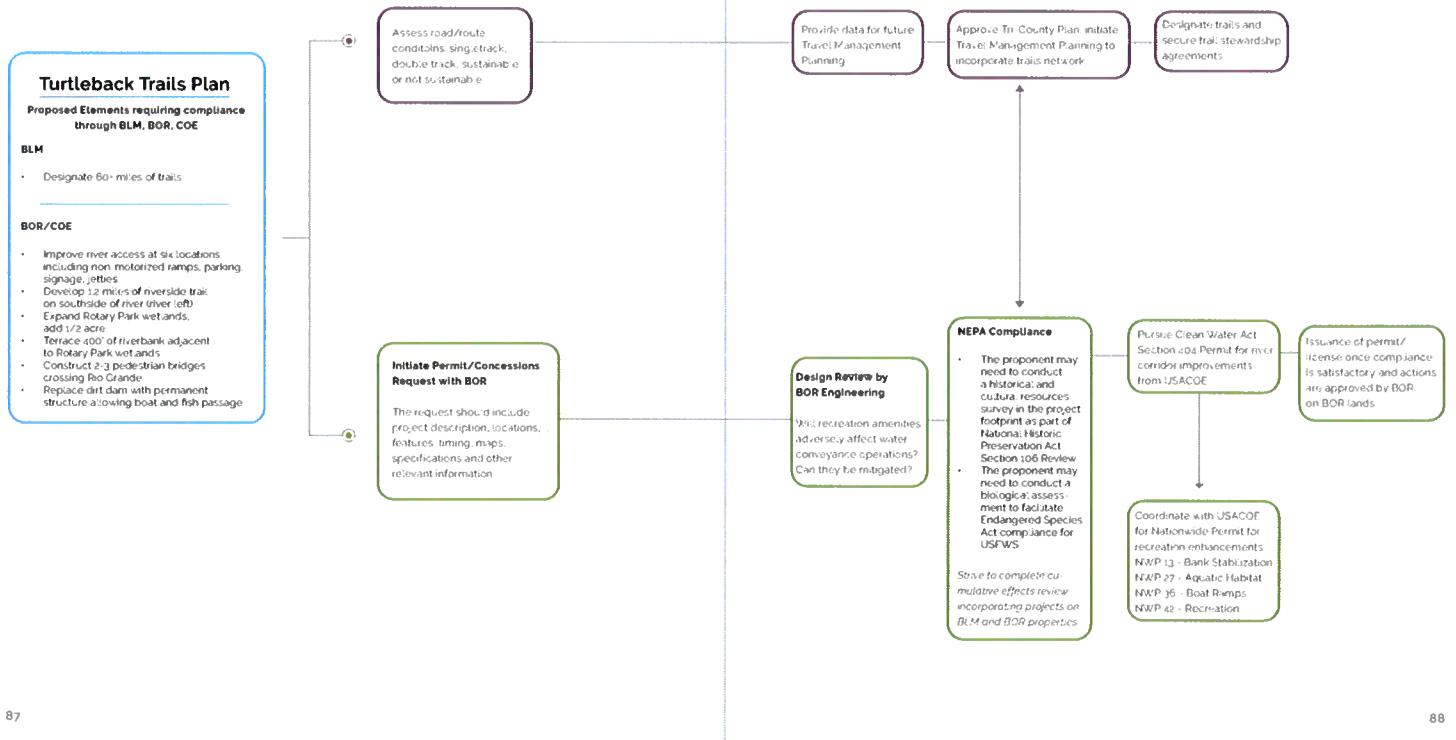
The archaeological sites located within the study area and the Hot Springs Historical District will trigger the Section 106 review.

Under Section 7 of the Endangered Species Act, Federal agencies must consult with the U.S. Fish and Wildlife Service (Service) when any action the agency carries out, funds, or authorizes (such as through a permit) may affect a listed endangered or threatened species or designated critical habitat. In the early stages of project

planning. Federal agencies can request technical assistance from the Service. Discussions between the two agencies may include what types of listed species may occur in the proposed action area, and what effect the proposed action(s) may have on those species.

Pedestrian bridges, riverbank terracing, wetlands projects, river access site hardening and jetties impact the waters of the United States. Therefore, Section 404 of the Clean Water Act establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Several nationwide permits may ease the burden of compliance including: NWP #13 Bank Stabilization; NWP #42 Recreational Facilities; and NWP #36 Boat Ramps.

Turtleback Trails Network & Federal Compliance



Appendices

Appendix A: Community input from chalkboards in Rotary Park

The following table summarizes the community input received from chalkboards installed in Rotary Park and Williamsburg. A series of questions were posted on the chalkboards, and anonymous community members left responses.

DATE	QUESTION	RESPONSES
7/30/20-8/3/20	Where should be put a footbridge?	Williamsburg Ralph Edwards Park. At the Rock Dam, down by where the hot water flows into river, where there are good hiking trails on the other side; make them wheelchair accessible and docks for fishing
8/5/20-8/14/20	What should the bridge/trail be named?	The Ripple, Fasttrack, Rio Bridge, Turtlefish Bridge, RioEast Bridge, Community Bridge, Yellow Park Bridge, Float Bridge, Friendship Trail, Via Del Rio, Jornada de Verdad, Wander Bridge, R.G. Trail Bridge, Yvonne Trail Bridge, Beaver Crossing, Puente del rio Grande, Tranquil waters trail, Troll Crossing, Hot Springs Crossing, Raymonds Heights, Rio Linda Vista, The FareWell Bridge, Turtleback crossing, Hot Springs Crossing, Bumble Bee Crossing, TigerShark Crossing, Being Rose Bridge, Tigers Bridge
8/18/20-8/24/20	How can the bridge help local businesses?	More Tourists would use the bridge. (so they can bring more covid), Hospital, pharmacy, not here great

8/25/20-9/9/20	What are your hopes for this trail?	Trail of blessing, wide enough for bikes and people and dogs. ADA compliant bridge and observation platforms/surfaces for fishing, birding, meditating, exercise, Great job guys! Close to Nature! That people keep it clean and do not litter! Trash cans through out? Signs that say NO LITTERING. Blessed be, BENCHES, Be Kind, Lets do it, Benches for looking at river flow
9/9/20-9/28/20	How could trails/bridges impact plants, animals, and history along the river?	Positive impact: Provide info panels along the trails that identify bird life in our zone, migration paths, etc. Learn about the water management/conservation, if you emulate the CCC you'll have all your answers: There may be little additional on any sensitive native species, since river channelization and open cattle ranching are already allowed, if habitat could be restored along the trail, maybe that could be a net positive impact. Native History. Light pollution. (What's up with Riverbend's light show? Really what condos have been made to love. Nice Bikes! disturbing the birds, connection: native plants, green the desert.
9/28/20-10/15/20	What positive impact will this project have on our community?	It might inspire people to love earth more. It will give all of us more recreational opportunities, I've been coming here for years and have never been to the otherside, more hiking and biking - longer visits yes! People might exercise more, Connect ALL hiking trails EB-HW Trail, More people connecting with nature, if they keep it clean, economic development for entrepreneurs.

10/16/20-11/1/20	How can we improve river experiences for visitors and residents?	Pollution warnings for littering with jail times or fines. Pick up trash if you see it. Reestablish the Wetlands. Keep it clean! Any way to rake out the waterweeds? (It's good for fish!) looks nasty and it's hard to fish. NO MORE CEMENT! Paved ramp for kayak/Tubing launch Connect all the hiking trails! VOTE! Do not vote for either. Sierra County TorC Families. Give them more shade, make benches to watch the river, plant trees that have food, more trash cans, food trucks and music
November 2020	How should we address trash dumping along the trail?	Stop takeout from McD, Circle K, and Son-ic!, bring a bag, place bins at the entrance and exit, do not pave road along the river, environmental impact study needs done first: asphalt leaching into river, restore habitat, friendly signage, place dumpsters at each end until it rectifies, pick up trash you see, properly dispose of syringes, please!, volunteer pick up days, prosecute
March 2021	What is the most exciting part of this project for you?	getting something new in town, more opportunity to explore, calming nervous system - connection with spirit & self & people, having a beautiful, nice quality smooth biking walking trail for exercise, maybe a cleanup of beer bottles and needles when finished, bring people neighbors together as brothers and sisters, having a spot to play in nature

April 2021	How should we improve this park?	get rid of salt cedar and tumbleweeds, decent toilets, leave it alone, smells like poop, when should this project begin? Never!
May 2021	What improvements would help kayaks and tubes?	more beer, no retail riverwalk, no river-walk!, we need a bridge, sewage treatment smells bad, stop sending all our water to Texas, clean up after your dog, love what you are doing
June 2021	What amenities would you like to see here at Rotary Park?	a bridge to the other side, more edible native plant species, shade trees, splash pad/park, more shade, more trees should be planted, overflowing trash, defecating teens :(, boat ramp, bathrooms, trees
July 2021	In ONE word, this park should be_____?	weed-free river embankment with built up rock work and trees!, clean up after your dog - poop-free, shady, fun, green

Appendix B: Sample boating ordinance

ARTICLE III - BOATING REGULATIONS ON CARLSBAD CITY LAKE

Sec. 36-61 - Operation generally.

It shall be unlawful for any person operating a boat or vessel to violate any of the rules and regulations hereinafter set forth relating to the use, operation and equipment of boats or vessels on the city lake located in the Pecos River within the city limits or in any manner using such city lake for recreation or other purposes in violation of such rules and regulations set forth in this article.
(Code 1974, § 24-1)

Sec. 36-62 - Applicability of state regulations.

Where not otherwise provided in this article, the provisions of the state Boat Act shall apply to the city lake. Any person who shall violate any of the provisions of the state Boat Act shall be guilty of a misdemeanor and shall be punished as provided in section 1-6 of this Code.
(Code 1974, § 24-3)

Appendix C: New Mexico Recreational Use Statute

NEW MEXICO STATUTES ANNOTATED

CHAPTER 17. GAME AND FISH

ARTICLE 4: PROPAGATION OF FISH AND GAME

§ 17-4-7. Liability of landowner permitting persons to hunt, fish or use lands for recreation; duty of care; exceptions

A. Any owner, lessee or person in control of lands who, without charge or other consideration, other than a consideration paid to said landowner by the state, the federal government or any other governmental agency, grants permission to any person or group to use his lands for the purpose of hunting, fishing, trapping, camping, hiking, sightseeing or any other recreational use does not thereby:

- (1) extend any assurance that the premises are safe for each purpose; or
- (2) assume any duty of care to keep such lands safe for entry or use; or
- (3) assume responsibility or liability for any injury or damage to, or caused by, such

person or group;

(4) assume any greater responsibility, duty of care or liability to such person or group, than if such permission had not been granted and such person or group were trespassers

B. This section shall not limit the liability of any landowner, lessee or person in control of lands which may otherwise exist by law for injuries to any person granted permission to hunt, fish, trap, camp, hike, sightsee or use the land for recreation in exchange for a consideration, other than a consideration paid to said landowner by the state, the federal government or any other governmental agency.

HISTORY: 1953 Comp., § 53-4-51, enacted by Laws 1967, ch. 6, § 1.

Appendix D: Ramp Designs



Concrete Ramps

- Concrete ramps may be used as launches by themselves or in combination with floating launches, piers, bridges, dock abutments, bulkheads, and rock cribs. If the ramp connects to a floating launch using a bridge, a hinged metal transfer plate will allow an easier transition.
- Concrete must be installed in dry conditions. The area must be totally clear of water when any portion of the ramp extends beneath the surface of the water.

The underwater area may need to be dried out with a cofferdam, a watertight enclosure that is temporarily used to pump water out of an area during construction. If lime is used in this process, it must be managed carefully so it does not enter the water where it can pose a danger to riparian species.

- Pre-cast concrete planks and panels should only be used in bodies of water with little to no current. Pre-cast slabs are heavy and must be placed using lifting equipment. Reinforced concrete is often used for underwater sections of the pre-cast ramp.

Concrete Ramps: Materials

Surface finish, including corrugated concrete, rock salt, or exposed aggregate may be applied to concrete to increase traction or improve its appearance. One popular finish uses 1" by 1" V-grooves formed at a 60-degree angle to the centerline. V-grooves should not be used on launches that serve wheelchair use as they are difficult to travel over/on when driving a wheelchair.

Concrete Ramps: Variations and Specifications

- The width and thickness of concrete ramps vary, but cast-in-place ramps are typically 6" to 8" thick and use rebar reinforcement.
- Ramps can be cast-in-place or composed of connected pre-cast slabs, planks, or panels.
- Can cover concrete with a layer of synthetic matting or even 'AstroTurf' to protect sensitive boats.
- Important elements are using a downstream pointing departure angle of 30 to 45 degrees, and hard-surfacing for anything below the frequent flood elevation (where permanent vegetation ceases). This allows skid steers to find a bottom in high-sediment areas, and helps projects in high-scour areas withstand the force of the water. It also creates an eddy just downstream of the launch at all flows, which makes it easier for the user.

Concrete Ramps: Advantages

- Provides the most stable, sturdy surface for launching
- Durable and not subject to rot or rust

- Easy to shape and work with, adaptable to slope needs; minimal additional construction needed
- Can be relatively inexpensive to construct
- Relatively low maintenance (depending on sedimentation levels); easy and inexpensive to repair.
- Used to help mitigate erosion or assist with vegetative restoration
- Their noticeable presence can assist paddlers with locating take-outs from the river.
- Can be surfaced aesthetically with materials such as river rocks, fieldstones, or salt finishing.

Concrete Ramps: Disadvantages

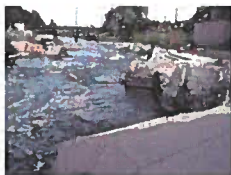
- Can cause damage to riparian ecology, preventing growth of vegetation and impacting habitats
- Surface can be slippery, especially when muddy or wet (corrugated concrete, rock salt, or exposed aggregate on the surface can provide effective traction).
- Cofferdamming may be required for installation (will increase the cost and complexity of project).
- Can be damaged or crack easily due to freezing and thawing conditions
- Usually not aesthetically 'pleasing.'
- Construction vehicles, if needed during installation, will have a heavy impact on your site.
- Potential lime deposit down river during construction.

Stair Launch Designs



Wooden Stairs

- Large stones or timber used to build natural stairs can create excellent access along steep banks.
- Staircases composed of timber steps may be cost effective alternatives to concrete when working with a launch site along a steep shoreline.



Concrete Stairs

- Concrete stairs are particularly effective in providing access along steep shorelines. They are durable and easily maintained.

Wooden Stairs

Wooden Stairs: Materials

- Timber, typically pressure-treated (review environmental issues of chemically-treated wood).
- Reinforcement bars, rebar.
- Soil, gravel, or "road base" (mixture of rough soil and class 6 gravel), used as fill.
- Retaining walls, rip-rap (as needed).

Wooden Stairs: Design Variations and Specifications

- Stairs may be constructed as boxes built on top of one another, ascending a slope, to help reinforce an eroding bank.
- The launch area at the base of the stairs needs protection from excessive currents in order to prevent undercutting; large rocks or a vegetative buffer may be used.
- Launch area at base of stairs should provide consistent access to the water, during changing water levels; surface should be sturdy and able to withstand varying flows.

- Handrails are most effective when they are 24" to 32" above the height of the steps; it is important that they not be too high or low for paddlers to be able to use.

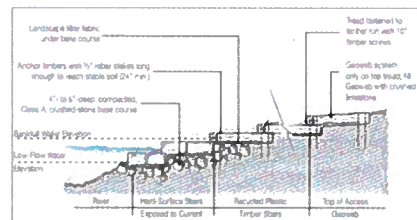
Wooden Stairs: Advantages and Disadvantages

Advantages

- Allows paddlers easier access from a steep or eroding shoreline.
- Aesthetically pleasing and less disruptive to natural shoreline than concrete.
- May be easily and inexpensively repaired, if damaged.

Disadvantages

- Not accessible to all.
- Installation may be costly and may require alteration to shoreline.
- May be susceptible to undercutting.
- May require maintenance as stairs age and weather.



Concrete Stairs

Concrete stairs are particularly effective in providing access along steep shorelines. They are durable and easily maintained and may be used in areas where water levels change dramatically, as they are likely to withstand currents and offer access at a range of water levels.

Concrete Stairs: Materials

Concrete can provide a level and lasting access point. Once a bank is prepared to accommodate the stair dimensions (which may require some digging out with equipment, such as a backhoe), a concrete foundation is created, which can be poured into molds reinforced with rebar or metal (left). A less expensive option can be built using pre-molded concrete slabs for the steps supported laterally by rocks found on site (right).



Concrete Stairs: Variations and Specifications

- If steps are tapered in width as they descend to the water, the bottom steps should not be too narrow. Paddlers need at least 5' and preferably 6' to 12' for launching.
- Handrails may be needed to provide additional support to paddlers where shorelines are excessively steep. They may not be needed in areas with shorter distances to the water or on less dramatic slopes.
- Installing a 4' to 8' staging platform at the bottom of concrete steps can be useful to paddlers. This may serve as a place where kayakers can get into their boats, put on their spray skirts, and slide into the water.

Concrete Stairs: Advantages and Disadvantages

Advantages

- Provide effective solutions to a steep slope or eroding bank.
- May be more aesthetically pleasing than concrete ramps or mats.

- Can be combined with boat slides to provide easy transport of boats to water.
- Require relatively little maintenance; durable.

Disadvantages

- Are not as easily accessible as concrete ramps or other launch types.
- Can be expensive.
- Not accessible to all.
- May require use of heavy equipment for preparation of bank before installation.
- Long-term maintenance must be done by hand, which may be unrealistic for some.
- Inappropriate for high-scour or high-sediment-deposition setting, or where debris is likely to damage stairs.

Docks / Piers (Floating Or Fixed)

Docks / Piers

- Pier structures can be used independently as launches or in combination with other structures. They can span marshes or shallow areas to enable launching in water of sufficient depth.
- In some cases, "approach pads" or walkway structures are designed to enable access to the launch itself. Structures are composed of a deck and frame, which always stand above water level, and are supported by piers.

Floating

- Floating launches are structures that are not built into the bottom of the water body. Typically composed of a deck, frame, and floats, they are anchored to the shore. Paddlers launch from the deck, which is supported by the frame, while the floats beneath the frame provide buoyancy. Anchoring devices help to stabilize the launch and protect it from the elements. Pile guides are often used, allowing launches to adjust to changing water levels while keeping their decks horizontal and steady. When floating launches attach to connecting structures with varying heights (e.g., gangways), pile guides can help to maintain a relatively small cross slope, making launches more likely to be accessible to paddlers with disabilities.

- Floating launches are most effective when used on water with little debris and minimal exposure to strong currents or waves. In general, they can withstand flow rates up to 0.25 feet per second. Floating launches should be removed and secured during flooding or high flow events, and unless they are specifically designed to endure ice formation, they should be removed before freezing occurs.

Appendix E: Trail Scoring

	Visitor Experience	Character/Aesthetics	Environmental / Cultural Issues	Ease of Implementation / Construction	User Accommodation / Accessibility	Total
upper	2	2	1	2	1	8
lower	3	3	3	2	2	13
hybrid	2	2	1	2	1	8

- 1 - Poor
2 - Fair
3 - Good

Notes:

- any upper bench option is more likely to encounter vehicles and sensitive historic sites
- lower bench more likely to offer shade
- upper bench will never work for a wheelchair

Appendix F: Pedestrian Bridge Resources

Pre-Fab Bridge Companies



24 HOURS
7 DAYS A WEEK
1-800-888-8888

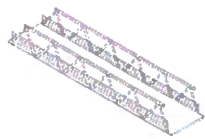
PEDESTRIAN BRIDGE

Bridge Brothers has developed a new, pedestrian bridge that is perfect for your next project. It is a pre-fabricated, modular bridge that can be installed in just a few hours. It is made of high-strength, lightweight materials and is designed to be easy to install and maintain. It is also a great choice for pedestrian bridges in urban areas, parks, and other public spaces.

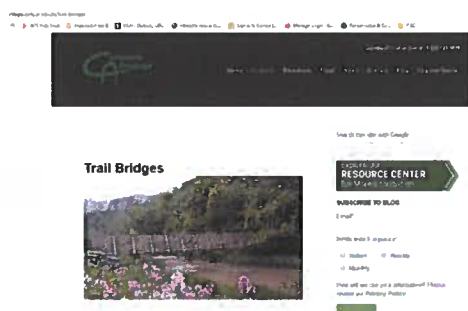
Many cities have built pedestrian bridges and have found them to be a great choice for pedestrian bridges in urban areas, parks, and other public spaces. They are easy to install and maintain, and they are a great choice for pedestrian bridges in urban areas, parks, and other public spaces.

More Info

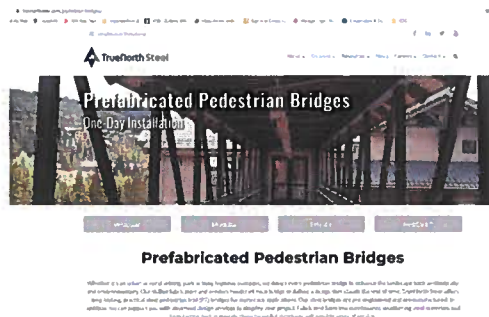
- What are the applications for pedestrian bridges?
- How do we start the process?
- How can Bridge Brothers help?



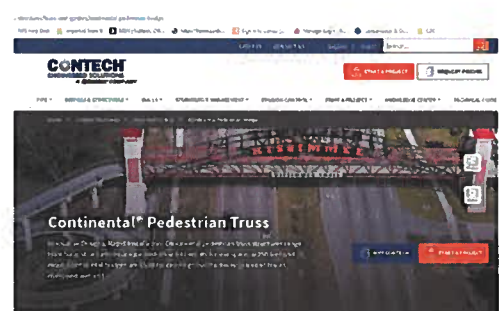
<https://bridgebrothers.com/pedestrian-bridges/>



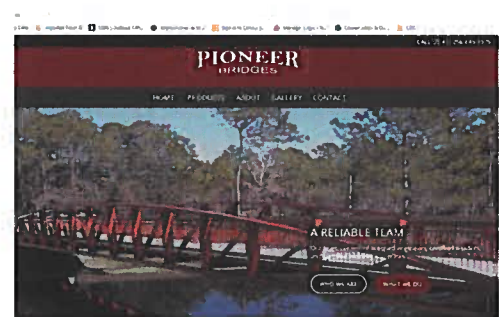
<https://www.compositeadvantage.com/products/trail-bridges>



<https://truenorthsteel.com/pedestrian-bridges/>



<https://www.conteches.com/bridges-structures/truss-and-girders/continental-pedestrian-bridge>



<https://pioneerbridges.com/>



<https://www.ettechtonics.com/bridges/>

Appendix G: Resources for Implementation

Prepare to Launch: A Guide for Assessing, Designing and Building Launch Sites for Carry-in Watercraft

Prepare to launch! April 2018 Update Final by River Management Society - Issuu

Rio Grande Trail Master Plan: *RioGrandTrail_MasterPlan_FINALwChanges.pdf* (nm.gov)

Trail Towns: *Trail Towns | Rails-to-Trails Conservancy (railstrails.org)*

Accessible Boat Launches: *Kayak & Canoe Launches for Sale | EZ Dock (ez-dock.com)*

Grants & Funding:

Stateside Land & Water Conservation Fund

The Land & Water Conservation Fund - State Parks (nm.gov)

Eligible project applicants include: state government agencies; local government agencies (municipal and county); tribal governments; public school districts; public community colleges and universities;

soil and water conservation districts; land grants; and other political subdivisions. Applicants must initially demonstrate the following to be eligible to submit: need for the project based on New Mexico's SCORP priorities for outdoor recreation; documentation of significant public involvement in the selection and planning of projects; adequate contract performance for past LWCF awards (see below);

possess sufficient title and adequate legal control of the property to be within the LWCF boundary area in order to provide reasonable assurances that a conversion pursuant to the LWCF Act (54 U.S.C. § 200305(f)(3)) will not occur without its knowledge, State review, and NPS decision; and evidence of the ability to supply the 50% match.

Eligible projects may include but are not limited to: acquisition of land to be used for outdoor recreation; development of sports and playfields such as playgrounds.

ball fields, court facilities, and golf courses; hiking, biking, equestrian, and motorized trails; picnic area development; campground development; amphitheaters, wetlands; fishing and boating facilities such as ramps and docks; development of support facilities including circulation roads, fencing, lighting, utility and sanitary systems, parking areas, restroom buildings, and landscaping for the project area.

New Mexico Recreation Trails Program
Active Transportation and Recreational Programs | NMDOT
Call for Projects May 2024

The Recreational Trails Program (RTP) is a Federal reimbursement program and provides funding to eligible entities within New Mexico to develop and maintain recreational trails and trail-related facilities for both non-motorized and motorized uses. These Federal funds benefit recreationists who enjoy hiking, bicycling, in-line skating, equestrianism, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, and off-road four-wheel driving.

NM Outdoor Equity Fund // Award Range \$1500-20,000
New Mexico Outdoor Recreation Division (nmoutside.com)
Grant Cycle Opened May 2 – June 30 2022

The Outdoor Equity Fund (OEF) was created to ensure equitable access to the outdoors for all youth. The grant supports transformative outdoor experiences that foster stewardship and respect for New Mexico's lands, waters, and cultural heritage. Eligible Applicants: Tribes, Pueblos, and Nations; municipalities; counties; nonprofits; K-12 schools/districts; colleges/universities. Recreation Access: Applicant must have a well developed written plan to engage low-income youth in nature-based outdoor recreation activities. Participants: Serve a population where at least 40% are low-income youth up to age 18. Education: Applicant must include some type of education plan on the climate and environment. 1:1 match for urban applicants required; 2:1 match for rural applicants required. In-kind and/or cash accepted.

NM Outdoor Recreation Trails Grant // Award Range \$99,000-\$500,000
2022 Outdoor Recreation Trails Grant Guide (newmexico.gov)

Applications accepted on a rolling basis starting March 1, 2022 through December 2022

This grant invests in conservation-minded shovel-ready projects that are open to the public, increase access to outdoor opportunities, and demonstrate a clear economic benefit to the community through improved quality of life, better public health outcomes, and/or increased tourism.

Eligible Applicants: Tribes, Pueblos, and Nations; Municipalities; Counties; Nonprofits; Public preschools/schools/districts; Colleges/Universities; Soil and water conservation districts; Acequia and land grant associations. Economic Impact: Project must show demonstrable benefit to the local community, either by attracting and retaining residents or attracting visitors. Recreation Access: The project must be open for public use. Note: Projects on tribal lands are eligible and do not have to be open to the general public, but should be open to tribal members.

America the Beautiful Challenge 2022 Request for Proposals
America the Beautiful Challenge 2022 Request for Proposals | NFWF
Implementation Grants \$1million-\$5 million

The National Fish and Wildlife Foundation (NFWF), through anticipated cooperative agreements from the Department of the Interior (DOI), Department of Defense (DoD), and the Department of Agriculture's U.S. Forest Service (USFS) and Natural Resources Conservation Service (NRCS), is pleased to announce the launch of the America the Beautiful Challenge (ATBC) 2022 Request for Proposals (RFP).

Project Focus Implementation projects that include land acquisition or implementation projects that address the program priorities on public, Tribal, and/or private lands. Partnerships with NGOs and localities through subawards are encouraged. Program Priorities: Benefit At-Risk Fish, Wildlife and Plant Species Expand Habitat Connectivity Provide a Range of Ecosystem Services Strengthen Ecosystem and Community Resilience, Expand Public and Community Access to Nature, Engage Local Communities Support Tribally Led Conservation and Restoration Priorities Contribute to Local or Tribal Economies Contribute to Workforce Development
NM Rural Tourism Rural Pathway Program // Award Amount \$50,000
Rural Pathway Resources (newmexico.org)

Grant Cycle open July 1, 2022 through May 1, 2023

Project types include but are not limited to: venues, experiences, services, tourism trails & interpretation, infrastructure, and tour development. **TOURISM TRAILS & INTERPRETATION:** Thematic trail connecting several towns, highlighting a shared regional tradition, history, product, practice, landscape, etc.; Farm/food trail highlighting local/regional foodscapes, food products, and cuisines; Regional road trip map; Historical trail with interpretive elements; Dark Skies interpretation; Archaeological site interpretation. Eligible expenses include but are not limited to: hard costs (e.g., infrastructure, upgrades, technology, tools, right-of-way, land costs, etc.), soft costs (e.g., feasibility assessments, consulting services, planning and design, etc.), marketing and outreach; third-party contract services. This grant requires a 1:1 match from an eligible fiscal agent. Cash matches are preferred, but in-kind and monetary donations may also be eligible up to a certain percentage of the total match.

**NM Tourism Clean & Beautiful Program // Average Award Amount in FY22
\$15,000
New Mexico Tourism Department Clean and Beautiful**

The purpose of the New Mexico "Litter Control and Beautification Act," NMSA 1978, § 67-16-1 et seq., is to accomplish litter control by vesting in the New Mexico Tourism Department (Department) the authority to eliminate litter from the state to the maximum practical extent. The Department shall aid in establishing a statewide Keep America Beautiful Program through the New Mexico Clean and Beautiful Grant Program to end littering, improve recycling, and beautify New Mexico communities. All New Mexico municipalities, counties, and Tribal Governments in good standing with New Mexico Taxation and Revenue Department are eligible for funding. Improving green spaces through sustainable park design and maximizing sustainable landscaping in communities and empowering youth are eligible funding expenditures.

**International Mountain Bicycling Association Trail Accelerator Grants // Award
Range is \$5,000-\$30,000
Trail Accelerator Grants | IMBA**

Local, municipal, state, or federal government agencies, and 501(c)(3) nonprofits that actively manage parks and trails may apply. This can include land managers, chambers of commerce/economic development departments, community health organizations, land trusts/conservancies, etc. Types of eligible projects include: Projects that serve mountain bikers as the primary users, though multi-purpose human-powered trail uses are viable as well; Projects that will result in a visible and substantial increase in access, improved mountain bike experiences, and greater community benefit; Projects where the Trail Accelerator grant stands to leverage additional resources to ensure the success of the project; Projects that promote community development, volunteer recruitment, new rider development, youth riding, and engaging marginalized community members. Higher preference will be given to projects that demonstrate a focus on diversity, equity, and inclusion.

**Rails To Trails Conservancy Trail Grants
Trail Grants | Rails-to-Trails Conservancy (trailstotrails.org)**

Through our Trail Grants Program, Rails-to-Trails Conservancy (RTC) emphasizes strategic investments that support significant regional and community trail development goals. Many of our funded projects are small in scope and scale and can be hard to finance within traditional funding streams. These projects are essential to building, maintaining and managing the trails that so many of us love and that communities rely upon for recreation, transportation and economic vitality. Through these relatively small investments, we are able to help complete and connect trails, improve the trail user experience and support local organizations dedicated to new and existing trails across the country.

AARP Community Challenge // Average Award is \$11,500
AARP Community Challenge

FY 2023 cycle opens in January 2023

The AARP Community Challenge provides small grants to fund quick-action projects that can help communities become more livable for people of all ages. This year, applications will be accepted for projects to improve public spaces, housing, transportation and civic engagement; support diversity, equity and inclusion; build engagement for programs under new federal laws; and pursue innovative ideas that support people age 50 or older.

AARP will prioritize projects that support residents age 50 or over, are inclusive, address disparities, directly engage volunteers and aim to achieve one or more of the following outcome areas: Create vibrant Public Places that improve open spaces, parks and access to other amenities; Deliver a range of Transportation and Mobility options that increase connectivity, walkability, bikeability, wayfinding, access to transportation options and roadway improvements

America Walks Community Change Grants
Community Change Grants - America Walks

The Community Change Grant program supports the growing network of advocates, organizations, and agencies working to advance walkability. Grants are awarded to innovative, engaging, and inclusive programs and projects that create change and opportunity for walking and movement at the community level. Applications for grants open in the fall and are awarded for the full calendar year following

PeopleForBikes Community Grant Program // Award Amount up to \$10,000
Grant Guidelines | PeopleForBikes

The PeopleForBikes Community Grant Program supports bicycle infrastructure projects and targeted advocacy initiatives that make it easier and safer for people of all ages and abilities to ride. PeopleForBikes accepts grant applications from non-profit organizations with a focus on bicycling, active transportation, or community development, from city or county agencies or departments and from state or federal agencies working locally.

PeopleForBikes focuses most grant funds on bicycle infrastructure projects, such as: Bike paths, lanes, trails and bridges; Mountain bike facilities; Bike parks and pump tracks; BMX facilities; End-of-trip facilities such as bike racks, bike parking, bike repair stations and bike storage.

We also fund some advocacy projects, such as: Programs that transform city streets, such as Ciclovias or Open Streets Days; Campaigns to increase investment in bicycle infrastructure. PeopleForBikes will fund engineering and design work, construction costs including materials, labor and equipment rental and reasonable volunteer support costs. For advocacy projects, we will fund staffing that is directly related to accomplishing the goals of the initiative.

American Trails The Trail Fund // Award Range \$5,000 - \$10,000
Apply for The Trail Fund - American Trails

FY 2023 cycle opens Spring 2023

The Trail Fund is a collaborative program of American Trails (a private 501(c)(3) charitable organization) launching in 2022 with a generous gift of \$50,000 from the Ford Corporation and other partners. The grant will support grants for trail maintenance, research, and stewardship training all across the country, serving all types of trail users. The amount of funding available and number of grants we can offer will vary year by year, pending funding.

Five Star and Urban Waters Restoration Grant Program // Award Range \$20,000-\$50,000

Five Star and Urban Waters Restoration Grant Program | NFWF

FY 2023 Call for Project January 2023

The Five Star and Urban Waters Restoration Program seeks to develop community capacity to sustain local natural resources for future generations by providing modest financial assistance to diverse local partnerships for wetland, forest, riparian and coastal habitat restoration, stormwater management, outreach and stewardship with a particular focus on water quality, watersheds and the habitats they support. All projects must have: On-the-ground activities such as wetland, river or coastal habitat restoration and/or targeted green infrastructure creation and monitoring; Community partners united to achieve ecological and educational outcomes; Integrated education, outreach and training into the restoration project through broad commu-

nity engagement activities or participation and integration with K-12 environmental curriculum; Measurable ecological, educational and community benefits

New Mexico River Stewardship Program // Award Range \$500,000 - \$2,300,000
The New Mexico River Stewardship Program (nm.gov)

The goal of the River Stewardship Program is to fund projects that enhance the health of rivers by addressing the root causes of poor water quality and stream habitat. The objectives of the River Stewardship Program include:

Enhancing the economic benefits of healthy river systems, such as improved opportunities to hunt, fish, float and view wildlife.

Restoring or maintaining the hydrology of streams and rivers to better handle over-bank flows and reduce flooding downstream.

Providing match required to leverage federal grants, ensuring that New Mexico continues to receive these funds.

Sport Fish Restoration Act
Grant Program Summary (state.nm.us)

Restoring, conserving, and managing and enhancing sport fish and providing for public use and benefit from these resources. Sport fish are limited to aquatic, gill breathing, vertebrate animals, bearing paired fins and having material value for sport or recreation.

Enhancing the public's understanding of water resources and aquatic life forms and assisting them in developing responsible attitudes toward the aquatic environment.

Geronimo Trail Scenic Byway, Inc.

P O Box 1072 • 301 S Foch St • Truth or Consequences, New Mexico 87901
Phone (575) 894-1968



March 8, 2023

Truth or Consequences City Commission
505 Sims St.
Truth or Consequences, NM 87901

Dear Honorable Mayor Forrister, Mayor Pro-Tem Hechler, and Commissioners Fahl, Mitchell and Harrelson:

The Geronimo Trail National Scenic Byway strongly supports the Turtleback Trails Network Plan that has been developed by a steering committee comprised of T or C residents and business owners.

On a daily basis, visitors come into our Visitor Center asking for information on walking, running & hiking trails. Over the past several years travelers to T or C have trended toward younger and more active adults who are looking for outdoor recreation. As it stands now, we have very little to offer these visitors. The implementation of this trail plan would go a long way toward attracting outdoor recreation enthusiasts to Truth or Consequences.

Thank you for your consideration,

Gina Kelley
Executive Director



Village Of Williamsburg
PO Box 150 / 309 Veater St.
Williamsburg, NM 87942
Phone: (575) 894-6385/Fax: (575) 894-0466
www.villageofwilliamsburg.com

March 10, 2023

Amanda Forrister, Mayor
City of Truth or Consequences, NM 87901

The Village of Williamsburg supports the Turtleback Trail Plan concept for recreational trails and the potential for economic development and health benefits for our citizens.

Thank you,

Deb Stubblefield, Mayor
Village of Williamsburg
Cell: 575-740-4968
Email: mayor@villageofwilliamsburg.com

Debbie Stubblefield
Majorie Powey, Mayor Pro-tem
William Frazier, Trustee

Misty G. Gustin, Trustee
Guillermo "Spike" Hernandez Trustee

Amanda B. Cardona, Clerk/Treasurer
Alison Rashedi, Deputy Clerk/ Code Enforcement

Sierra County
Extension Service
PO Box 631
Truth or Consequences, NM
87901
Phone: 575-894-2375
Fax: 575-894-4445



CLOVERLEAF

Your Source for 4-H News and Events



Cooperative Extension Service - New Mexico State University - U.S. Department of Agriculture

TO: City of Truth or Consequences Commission

DATE: March 13, 2023

RE: Turtleback Trails Network

On behalf of the Sierra County Cooperative Extension Office, we are writing to express our support of the Turtleback Trails Network. We are excited to support the planning committee and commit to providing the backing needed to make it a successful effort.

Sierra County Extension focuses on helping people through educational programs in the areas of agriculture, community and economic development, 4-H youth development, Natural Resources and Family and Consumer Sciences.

In order to capitalize on the success of these focus areas, collaboration within the community and various stakeholders is essential. It is crucial for leaders and those with a vision to work hard at providing opportunities to youth and our community members. The Turtleback Trail has the ability to do just that.

The Cooperative Extension Service looks forward to working with the planning committee to provide educational opportunities conservation, recreation and economic development.

Best Regards,

Sara Marta

Sierra County Cooperative Extension Agriculture Agent and Program Director



United States Department of the Interior

BUREAU OF RECLAMATION
Albuquerque Area Office
555 Broadway NE, Suite 100
Albuquerque, NM 87102-2352



IN REPLY REFER TO:

ALB-616
2.3.3.12

VIA U.S. MAIL AND ELECTRONIC MAIL

Ms. Angela Torres
City Clerk,
505 Sims St
Truth of Consequences, NM 87901
aatorres@torcnm.org

Subject: Turtleback Trails Network Master Plan, Sierra County, New Mexico

Dear Ms. Torres:

Thank you for sending us the Turtleback Trails Network Master Plan for review. Bureau of Reclamation's Recreation Program Policy guides Albuquerque Area Office (AAO) to give full consideration for the inclusion of outdoor recreation opportunities in project planning that is commensurate with public needs and Reclamation responsibilities, objectives, and authorities. Furthermore, AAO uses effective approaches in managing Reclamation's land and water recreation resources in cooperation with non-Federal and Federal partners. Reclamation continues to seek non-Federal partners to manage recreation on its lands, which include the river area from Fish Hatchery to the Caballo Lake State Park northern boundary.

Where Reclamation has land ownership interests, we require a licensing process for evaluation and approval of activities, including associated compliance and permits. We appreciate the early outreach efforts over the last few years, and we are willing to continue working with the Sierra County communities on the proposed projects to help navigate that process. Compliance and permitting includes any authorizations that may be required under the Endangered Species Act, Clean Water Act, National Historic Preservation Act, and National Environmental Policy Act.

Reclamation does have authorization for maintenance of the Rio Grande from Fish Hatchery, just south of Elephant Butte Dam, to Caballo Reservoir under the Rio Grande Project Congressional Authorization (Act of February 25, 1905, ch 798, 33 Stat. 814). Maintenance work by Reclamation is intended to ensure the river channel can effectively pass the mean annual peak flows and to maintain the project facilities.

Because the location of the river put-in/take-out sites, pedestrian trail between Williamsburg and Truth or Consequences, and the footbridges, as currently presented, fall within the Rio Grande floodplain, Reclamation wishes to inform the city that it could be impacted directly by peak river

Ms. Torres

2

flow and/or riverbank erosion and indirectly by river management work from Fish Hatchery to Caballo Reservoir.

If you have any questions, please contact Hannah Schechter at (505) 362-2877 or email hschechter@usbr.gov. Individuals who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services.

Sincerely,



Digitally signed by JENNIFER FALER
Date: 2023.03.13 12:22:38 -0600

Jennifer Faler, P.E.
Area Manager

Torres, Angela

From: Christy LaFont <lafontfamily@gmail.com>
Sent: Monday, March 13, 2023 3:58 PM
To: Torres, Angela
Subject: Support for the Turtleback Trails Network Plan

Categories: Agenda Items

Hi there, I just wanted to send my support for the well-researched and very much needed Turtleback Trails Network Plan that will be in front of the City Commision next week. I think that this improvement to our trails network will open opportunities for our local community and our visitors to enjoy the beautiful natural resources that Sierra County is home to. As outlined in the Plan, the Trails network would encourage more conscientious use of our outdoor spaces both for education as well as recreation. This would benefit all ages in our community, and offer our visitors more "to do", which results in longer stays and ultimately brings funds into our local businesses. While we have the funds to make improvements to many aspects of our community I would ask that the accessibility of our outdoor spaces not be ignored, but become part of our overall improvement plan and this proposal is a huge step in that direction. Thank you for your consideration.

Christy LaFont

Torres, Angela

From: Marianne Blaue <marianne@torc.beer>
Sent: Monday, March 13, 2023 5:21 PM
To: Torres, Angela
Subject: Public comment, plz vote yes to support Turtleback Trails Network Plan

Categories: Agenda Items

Hi Commissioners,

Please vote yes to approve the Turtleback Trails Network Plan - it would be a wonderful way to provide more "things to do" for kids in our community and help them get OUTSIDE doing things (rather than drugs). It would be a great quality of life addition for residents who live here exactly because they love the rural, rugged beauty of the area and the outdoors. It extends an already beloved trail system, the healing waters trail, that leads up on the mesa to our wonderful growing veteran's home and memorial, and it is supported by many related groups in town. As a mother and resident, I'm really excited about expanding these trails for our community!! Thank you for your consideration! - Marianne Blaue, mother of Hank, 3yrs old

Cheers,

Marianne Blaue
CEO/Owner
Truth or Consequences Brewing Co.

 [TORC.BEER](https://torc.beer)

 [INSTAGRAM](#)

 [FACEBOOK](#)



March 10, 2023

City of Truth or Consequences

To: Mayor, Amanda Forrister
Mayor Pro-Tem, Rolf Hechler
Commissioner Mitchell
Commissioner Fahl
Commissioner Harrelson

Greetings All,

As the CEO of Sierra Vista Hospital, I am keenly aware of the health benefits derived from outdoor recreation. This includes physical health, emotional health, and behavioral health. If laughter is the best medicine, outdoor exercise and recreation is certainly the next best medicine.

Sierra Vista Hospital fully supports the Turtleback Trails Network in their effort to provide improved outdoor recreation opportunities, river access and the development of trails here in Sierra County.

Our priority at Sierra Vista Hospital is to be a trusted partner providing a modern, sustainable Healthcare system for all through the provision of health services, leadership, and collaboration.

Adopting and implementing the Turtleback Trails Network plan supports our goals and vision for our community and supports a healthy lifestyle.

Respectfully,

Frank Corcoran, CEO
Sierra Vista Hospital

Torres, Angela

From: robert.sanchezlangston <robert.sanchezlangston@gmail.com>
Sent: Tuesday, March 14, 2023 8:29 AM
To: Torres, Angela
Subject: Economic Development and support of Turtleback Trails Plan
Attachments: 26346.jpeg

Categories: Agenda Items

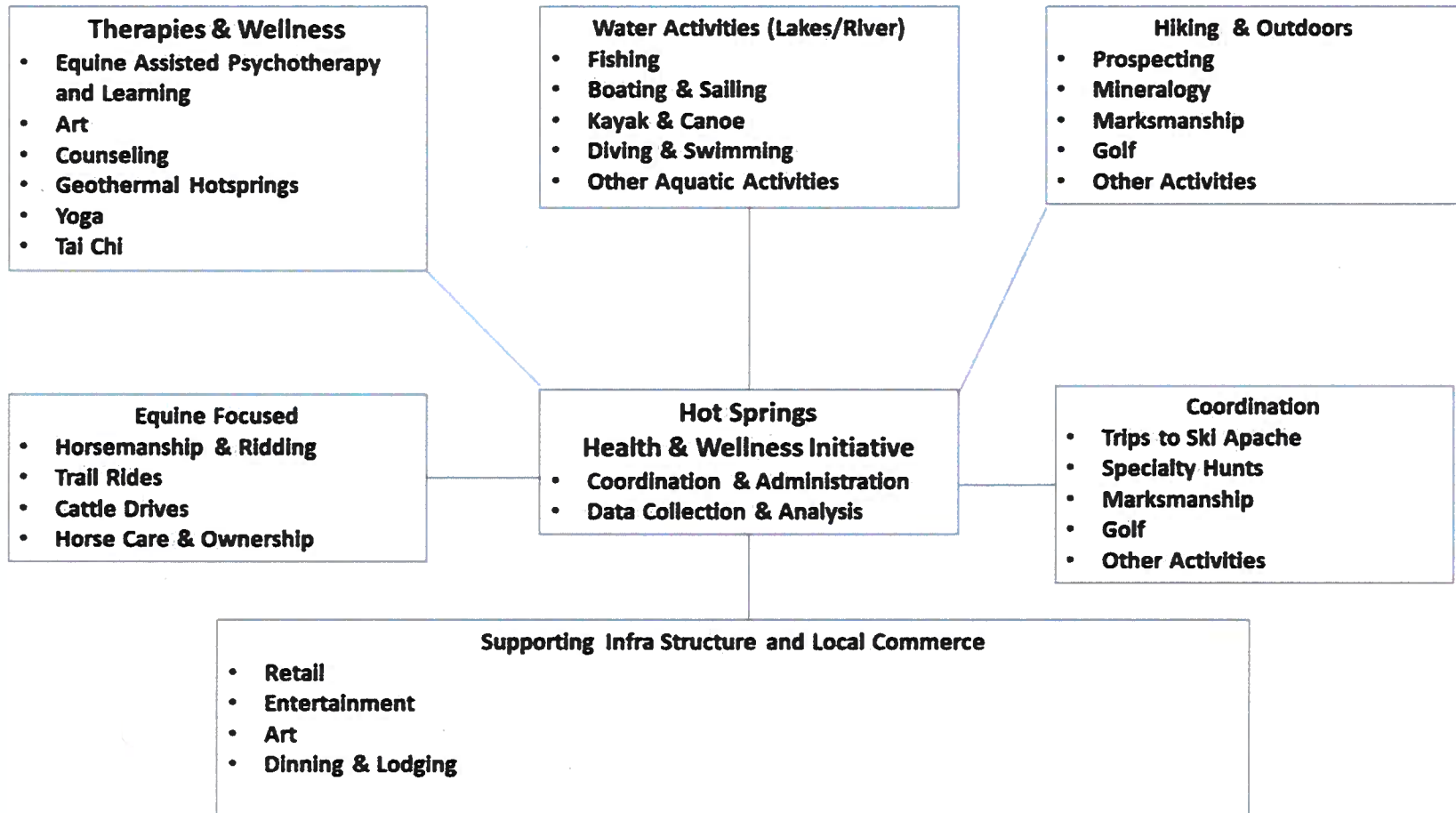
I would like to voice my support for the Turtle Back Trails Plan (TBTP). I will not regurgitate the obvious reasons for supporting this development but I would like to emphasize how it ties to the overall economic development of this area.

I believe our community shows great potential for becoming the Health and Wellness Mecca of the Southwest. Please see the attached chart for an example of the conceptualization of this economic and health/wellness focus. The TBTP fits right in to this type of thinking.

Various health/welfare and recreational programs can be developed and marketed to various customer groups (e.g., military/veterans, human service agencies/nonprofits and corporate retreats/team building) in order to continuously draw individuals and groups to our area to participate in these unique opportunities and contribute to our local economy.

Sincerely,

Robert Sanchez Langston, BSW MSW
Sergeant First Class, United States Army (Retired)



Torres, Angela

From: Lynnette Mondello <Lynn@morningstarsports.com>
Sent: Tuesday, March 14, 2023 8:40 AM
To: Torres, Angela
Subject: Turtleback Trail Plan

Categories: Agenda Items

Hello

We would like to voice our support for the Turtleback Trail Plan.

My husband and I made a loop around Colorado one year. We had brought along our bicycles as we were determined to try out the "riverwalks" in all of the towns where we stopped. We were not disappointed! Every evening when we stopped driving for the day we were able to get out and ride on a multi-use path along a river. Some were longer than others, but all were very enjoyable and many other people were out enjoying the paths along with us. Locals as well as tourists, families with strollers, seniors, and more.

These trails not only bring quality of life to the local community they also add to the activities that tourists can enjoy. Quality of life is important to bringing new residents to our community. Young professionals are looking for places to relocate to start their families in small communities. However, many of them are looking for outdoor amenities.

The Trail Plan would also enhance tourism in our community. Many people come into our store, Morning Star Outfitters in Truth or Consequences, asking about hiking and biking trails. Having more for tourists to do will keep them in town longer and will influence their decision to come back and tell other people about the area.

Helping to build the Rio Grande Trail through New Mexico is also an exciting addition to this project. There are many thru hikers every year that hike the long trails in our country. In Silver City we see 300 – 500 Continental Divide hikers every year.

Please consider this project as an asset to our community – for health, quality of life and an untapped addition to tourism.

Sincerely,

Rocky and Lynn Mondello



MORNING STAR
WWW.MORNINGSTARSPO RTS.COM

809 N Bullard St
Silver City, NM 88061
575-388-3191

lynn@morningstarsports.com

Torres, Angela

From: Vicki Voss Casas <vicki@patsnewmexico.com>
Sent: Tuesday, March 14, 2023 9:21 AM
To: Torres, Angela
Subject: Turtleback Trails Network- Support

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Agenda Items

Sierra County Commissioners,

Please vote "yes" to approve the Turtleback Trails Network Plan. In my opinion, our area is an underutilized paradise that could expand in several areas. This trail would not only serve our residents well, but it would also add another layer to our tourism opportunities. As a resident, I so look forward to having another option for our outdoor recreation. As a business owner, I would love the added possibility of sharing the amenity with our visitors year-round. We look forward to seeing the beautiful progress in our community. Thank you for your consideration.



Vicki Casas
1006 HWY 195 • PO BOX 491
Elephant Butte, NM 87935

575.744.4026 Office
817.304.4006 Direct
www.patsnewmexico.com

Torres, Angela

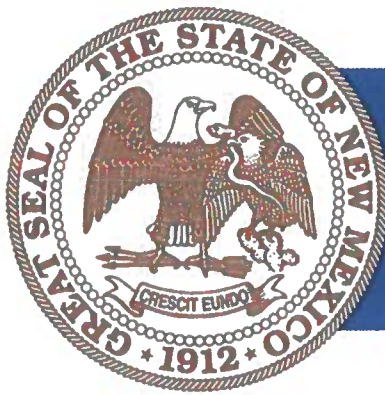
From: Luba Hoffman <satrn4lulu@gmail.com>
Sent: Tuesday, March 14, 2023 10:06 AM
To: Torres, Angela
Subject: The Turtleback Trails Network Plan

Categories: Agenda Items

I'm writing in regard to the Turtleback Trails Network Plan. As a resident of Sierra County and an outdoor/nature enthusiast, I'm super excited about this addition to our community. Over the last couple years, working in hospitality in TorC, the most common questions I receive from visitors relate to interest in outdoor activities. Providing more access and opportunities for outdoor activities will draw many more return guests and support the in-flow and growth of revenue to our community.

Thank you for reading and your consideration when it comes to support of this valuable addition to Sierra County.

Sincerely,
Luba Hoffman
505-219-9295



EDD

ECONOMIC
DEVELOPMENT
DEPARTMENT

OUTDOOR RECREATION DIVISION

March 13, 2023

Angela Torres, City Clerk
City of Truth or Consequences
505 Sims
Truth of Consequences, NM 87901

The Outdoor Recreation Division works to ensure that all New Mexicans gain from the public health, environmental and economic benefits of sustainable outdoor recreation. We measure success by measuring impacts to sustainable economic development, conservation and access, equity, education and the health and wellness of our communities.

Thank you for the opportunity to express our support for the Turtleback Trails Network Master Plan. This exciting venture is precisely the type of planning effort we are enthusiastic to champion and support. We appreciate the incorporation of values from other planning efforts: the New Mexico State Comprehensive Outdoor Recreation Plan, the Rio Grande Trail Master Plan, and T or C's Comprehensive Plan.

We know that access to recreational trails has positive affects on communities. And when a region looks closely at their needs, collects community input and filters that through the expertise of talented professional system planners such as Atila Bality, Outdoor Recreation Planner with the National Park Service, you are setting a foundation for success.

To be more specific about the positive impacts of sustainable trail system development on communities:

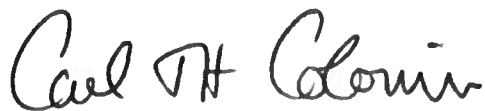
- Access to trails makes communities more attractive places to live. When considering where to move, home buyers rank walking and biking paths as one of the most important features of a deciding to move to a new community.
- Trails provide low or no-cost recreation to families relative to many other recreational and travel options, or services provided by government.
- Trail systems boost spending at local businesses. Communities along trails benefit from the influx of visitors going to restaurants, snack shops and other retail establishments. On longer trails, hotels, bed and breakfasts, and outdoor outfitters benefit.
- Trails influence business location and relocation decisions. Companies often choose to locate in communities that offer a high level of amenities to employees as a means of attracting and retaining top-level workers. Trails can make communities attractive to businesses looking to

expand or relocate both because of the amenities they offer to employees and the opportunities they offer to cater to trail visitors.

- Trails reduce medical costs by encouraging exercise and other healthy outdoor activities. A more physically active community is a more vital community.
- Trails can revitalize depressed areas, creating a demand for space in what were once vacant buildings.
- Trails provide transportation options and cut fuel expenses, offering reliable means of transportation for short distance trips. Nearly half of all car trips are less than 3 miles and more than a quarter are one mile or less.
- Trails increase tax revenues in the communities in which they are located. These benefits generally produce positive economic return on the money invested into trail projects.

Beyond all these documented justifications, access to trails and recreational infrastructure are part of the human experience and part of our history in New Mexico. From ancient trade routes and roads radiating from the thousand-year-old Puebloan ruins at Chaco Canyon, to the Camino Real and Spanish Trails linking our colonial ancestors to the larger world, to the trails we hike, ride horses and motos and bike today, trails always take us somewhere new, keep us healthy and sane, and keep us excited for what's around the next bend.

I am happy to write this letter of support and look forward to working with your community in my capacity with the New Mexico Outdoor Recreation Division.

A handwritten signature in black ink that reads "Carl H. Colonius". The signature is written in a cursive, flowing style.

Carl Colonius
Outdoor Recreation Division
Economic Development Department

Torres, Angela

From: Stacy Hoyt <stacymae508@yahoo.com>
Sent: Tuesday, March 14, 2023 12:05 PM
To: Torres, Angela
Subject: Turtleback trails network plan

Categories: Agenda Items

Greetings from T or C, NM

My name is Stacy Hoyt and I moved here in July, 2022. I am a fan of the Turtleback trails network plan!

Some specifics for me to add my vote for: I would like to see a bridge at Rotary Park and south of Williamsburg that could accommodate one SxS at a time for seasonal use when river crossing is not possible d/t high water. This would allow trail access on both sides of I-25 without taking SxS's on the roads. I would not want it to be for overland vehicles and traditional road vehicles. They can easily get to the other access points.

My husband and I own a Polaris Adventures outfitter business that opens in April for tours and rentals. Staying off the pavement is important to the experience for our renters. Given the type of business that we own, we want to provide the best experiences possible for our tourists but also our residents. This trail system would add to the over all experience allowing those who drive SxS to get out and hike for a bit too.

I would also appreciate designation and labeling of trails that are for foot traffic only. We chose SxS because of the accessibility to the beauty that surrounds us. We are not able to run or hike long distances because of back injuries and chronic pain. We also do not want to 'dust out' anyone hiking. Marking shared trails will remind us to be aware of pedestrians and to keep the dust down.

Before I moved here I always thought of NM as a state that was meant for outdoor activities and and for art. It would be sad if either of those went away for lack of access. It is so hard to get to the other side of the river when the water is high for hikers who may not have the ability to drive all the way to the Turtleback parking area.

I am hoping that this plan gets approved and acted on ASAP.

Thank you,
Stacy Hoyt
T or C Guided Tours
<http://WWW.TorCguidedtours.com>
575-894-3100



PO Box 1072, 301 S Foch St
Truth or Consequences, NM 87901
575-894-1968

March 13, 2023

City of Truth or Consequences

Honorable Mayor, Amanda Forrister, Mayor Pro Tem Hechler, Commissioner Mitchell, Commissioner Fahl, Commissioner Harrelson,

The Sierra County Recreation and Tourism Board supports and participates in the planning of the Turtleback Trail Network Project. Outdoor exercise, access to nature, along with recreational trail opportunities will bring more visitors to Truth or Consequences. (Increase Lodgers Tax & GRT). We promote Truth or Consequences as a Wellness Destination. [City of Truth or Consequences New Mexico: Hot Springs, Cool Town! \(sierracountynewmexico.info\)](http://City of Truth or Consequences New Mexico: Hot Springs, Cool Town! (sierracountynewmexico.info)). The Turtleback Trail Network will provide additional new outdoor recreation opportunities for local Citizens and Visitors. These opportunities include hiking, walking, running, mountain biking, fishing, rafting, kayaking, birding, etc. Outdoor Recreation aids in mental health and a healthy lifestyle. [Get Outdoors! - Sierra County New Mexico Hiking & Walking Trails near Truth or Consequences & Elephant Butte NM \(sierracountynewmexico.info\)](http://Get Outdoors! - Sierra County New Mexico Hiking & Walking Trails near Truth or Consequences & Elephant Butte NM (sierracountynewmexico.info))

Respectfully,

Kim Skinner

Kim Skinner

Chairman

Sierra County Recreation & Tourism Advisory Board

www.sierracountynm.info



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Las Cruces District Office
1800 Marquess Street
Las Cruces, New Mexico 88005
<https://www.blm.gov/new-mexico>

In Reply Refer To:
8100 (NML03120)

Ms. Angela Torres
City Clerk
505 Sims St
Truth or Consequences, NM 87901
aatorres@torcnm.org

Subject: Turtleback Trails Network Master Plan, Sierra County, New Mexico

Dear Ms. Torres,

Thank you for including the Bureau of Land Management-Las Cruces District Office in the review process of the Turtleback Trails Network Master Plan. The BLM plans for recreation and visitor services to address issues, concerns, and potential recreational opportunities identified by BLM staff, other agencies, organizations, or the general public. Decisions on the allocation of resources to reach recreation management goals and objectives are documented in land use plans and land use plan amendments.

This area in Sierra County, New Mexico falls within the land use planning area of the Tri-County Resource Management Plan that is currently in development. Once Tri-County is completed and signed, a travel and transportation inventory and management plan for the area must be done. The inventory and plan would identify all existing routes and trails, evaluate them, and that data would be used to help establish a long term, sustainable, multimodal network of routes and trails on BLM lands in Sierra County. Through this route designation process, the BLM would rely on public input for consideration into these decisions, like the proposal put forth in the Turtleback Trails Network Master Plan.

The Bureau of Land Management Las Cruces District Office appreciate the outreach efforts over the last few years, and we are willing to continue working with the Sierra County communities on the proposed projects and to help navigate these processes.

If you have any questions or require additional information, please contact Stephen Haynes, Outdoor Recreational Planner, at (575) 525-4338 or by email at jhaynes@blm.gov.

Sincerely,

Shannon Hurley, Acting

David L. Wallace
Assistant District Manager
Division of Multi-Resources

cc: Attila Bailey- National Park Service Rivers, Trails, & Community Assistance
Program

Torres, Angela

From: James Prendamano <james@prereal.com>
Sent: Tuesday, March 14, 2023 4:09 PM
To: Torres, Angela
Subject: Letter of Support for Turtleback Trails Network Plan

Categories: Agenda Items

To Whom it may concern,

I am writing to you in support of the Turtleback Trails Network Plan as an interested party in the economic growth and development of Truth or Consequences, Williamsburg and Sierra County as a whole. We have made significant investments throughout the county including Sierra Del Rio Golf Course, many residential assets as well as a variety of hospitality and commercial properties. It is critical that we leverage every opportunity to provide and establish connectivity to nature and its immense benefits. Utilizing the county's natural beauty and landscape is a tool unique to this community and should be expanded upon. A top priority for success is significant Economic Development throughout the entire county working to increase tourism and create revenue opportunities for local businesses and increase job opportunities for locals. Improvements to river recreation infrastructure, park improvements, and pedestrian bridges to help the community access public lands. Outdoor Recreation infrastructure is a fundamental part of the overall Economic development landscape and would help to make the community healthier and more connected to nature overall .

Thank you for taking time to consider my stance on the Turtleback Trails Network Plan. I look forward to seeing this community thrive.

--

Keepin it "PreReal"
James Prendamano
Broker
CEO/Owner
PreReal
Prendamano Real Estate, Inc.
7448 Amboy Road
Staten Island, NY 10307
c. 917.417.9233
o. 718.200.7799
www.prereal.com



***Please note my new email address James@PreReal.com**

***Information obtained from sellers, landlords and various sources. All information should be independently verified and is subject to errors and omissions.**

NOTE: This message is intended only for use of the person to whom it is addressed, and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If the reader of this

message is not the intended recipient, or is not the employee or agent responsible for delivering the message and the contents within, to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. We cannot accept liability for any loss or damage caused by this email, any attachments, links or information contained within. If you received this communication in error, please notify us by telephone or e-mail (see above). Thank you.

Torres, Angela

From: Jim Apodaca <topo363@hotmail.com>
Sent: Tuesday, March 14, 2023 8:39 PM
To: Torres, Angela
Subject: Support for more trails and outdoor recreation in T or C

Categories: Agenda Items

Good evening,

I wanted to voice my support for increasing outdoor recreation opportunities and trails in Sierra County. I am an avid running and look forward to more trails to run and walk on. My family including three kids love to mountain bike trails and hike as well. We do float the river and enjoy the parks. If I can help in any way, I am the Recreation Specialist for the Black Range Ranger District on the Gila National Forest in T or C. Please don't hesitate to reach out.

Thank you,
Jim Apodaca
575-740-2996

Sent from my iPhone



District 7

Members

NM State Representative
Raymundo Lara

Doña Ana County

City of Las Cruces

City of Sunland Park

City of Anthony

City of Socorro

Socorro County

City of Truth or Consequences

Sierra County

Town of Mesilla

Village of Hatch

Village of Magdalena

Village of Williamsburg

City of Elephant Butte

Lower Rio Grande Public
Water Works Authority

San Antonio Mutual Domestic
Water Consumer Association

Doña Ana Mutual Domestic
Water Consumer Association

Anthony Water & Sanitation
District

Jornada Resource
Conservation &
Development District

March 15, 2023

RE: Turtleback Trails Network

To whom it may concern,

The South Central Council of Governments supports the Turtleback Trails Network. We believe the intent of this project, to support Outdoor Recreation, Health, Economic Development & Tourism, Conservation & Education and Stewardship, will increase the strength and resiliency in our communities.

We support the effort to make improvements and increase access to the Rio Grande for pedestrians and believe this project will complement and improve the economic growth of the community. Should you have any questions please do not hesitate to contact me.

We look forward to working with you as this project proceeds.

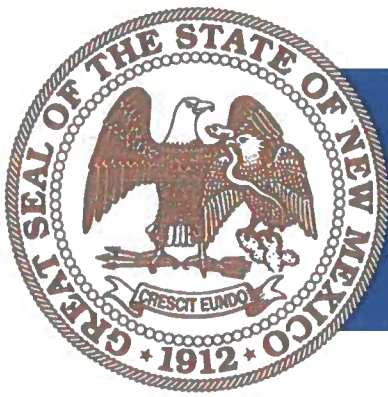
Sincerely,

Jay Armijo
South Central Council of Governments
Executive Director

Main Office
P.O. Box 1072
600 Hwy. 195, Suite B & C
Elephant Butte, NM 87935
Phone: 575-744-4857
Fax: 575-744-5021

Jay Armijo, Executive Director
Email: jarmijo@sccog-nm.com
Website: www.sccog-nm.com

Mesilla Office
P.O. Box 297
2231 Avenida de Mesilla
Mesilla, NM 88046-0297
Email: tigooolsby@sccog-nm.com
Ph: 575-524-3262 Ext. 110



EDD

ECONOMIC
DEVELOPMENT
DEPARTMENT

OUTDOOR RECREATION DIVISION

March 13, 2023

Angela Torres, City Clerk
City of Truth or Consequences
505 Sims
Truth of Consequences, NM 87901

The Outdoor Recreation Division works to ensure that all New Mexicans gain from the public health, environmental and economic benefits of sustainable outdoor recreation. We measure success by measuring impacts to sustainable economic development, conservation and access, equity, education and the health and wellness of our communities.

Thank you for the opportunity to express our support for the Turtleback Trails Network Master Plan. This exciting venture is precisely the type of planning effort we are enthusiastic to champion and support. We appreciate the incorporation of values from other planning efforts: the New Mexico State Comprehensive Outdoor Recreation Plan, the Rio Grande Trail Master Plan, and T or C's Comprehensive Plan.

We know that access to recreational trails has positive affects on communities. And when a region looks closely at their needs, collects community input and filters that through the expertise of talented professional system planners such as Atilla Bality, Outdoor Recreation Planner with the National Park Service, you are setting a foundation for success.

To be more specific about the positive impacts of sustainable trail system development on communities:

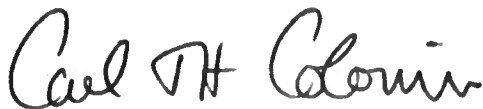
- Access to trails makes communities more attractive places to live. When considering where to move, home buyers rank walking and biking paths as one of the most important features of a deciding to move to a new community.
- Trails provide low or no-cost recreation to families relative to many other recreational and travel options, or services provided by government.
- Trail systems boost spending at local businesses. Communities along trails benefit from the influx of visitors going to restaurants, snack shops and other retail establishments. On longer trails, hotels, bed and breakfasts, and outdoor outfitters benefit.
- Trails influence business location and relocation decisions. Companies often choose to locate in communities that offer a high level of amenities to employees as a means of attracting and retaining top-level workers. Trails can make communities attractive to businesses looking to

expand or relocate both because of the amenities they offer to employees and the opportunities they offer to cater to trail visitors.

- Trails reduce medical costs by encouraging exercise and other healthy outdoor activities. A more physically active community is a more vital community.
- Trails can revitalize depressed areas, creating a demand for space in what were once vacant buildings.
- Trails provide transportation options and cut fuel expenses, offering reliable means of transportation for short distance trips. Nearly half of all car trips are less than 3 miles and more than a quarter are one mile or less.
- Trails increase tax revenues in the communities in which they are located. These benefits generally produce positive economic return on the money invested into trail projects.

Beyond all these documented justifications, access to trails and recreational infrastructure are part of the human experience and part of our history in New Mexico. From ancient trade routes and roads radiating from the thousand-year-old Puebloan ruins at Chaco Canyon, to the Camino Real and Spanish Trails linking our colonial ancestors to the larger world, to the trails we hike, ride horses and motos and bike today, trails always take us somewhere new, keep us healthy and sane, and keep us excited for what's around the next bend.

I am happy to write this letter of support and look forward to working with your community in my capacity with the New Mexico Outdoor Recreation Division.

A handwritten signature in black ink that reads "Carl H. Colonius". The signature is written in a cursive, flowing style.

Carl Colonius
Outdoor Recreation Division
Economic Development Department



United States Department of the Interior

BUREAU OF RECLAMATION
Albuquerque Area Office
555 Broadway NE, Suite 100
Albuquerque, NM 87102-2352



IN REPLY REFER TO:

ALB-616
2.3.3.12

VIA U.S. MAIL AND ELECTRONIC MAIL

Ms. Angela Torres
City Clerk,
505 Sims St
Truth of Consequences, NM 87901
aatorres@torcnm.org

Subject: Turtleback Trails Network Master Plan, Sierra County, New Mexico

Dear Ms. Torres:

Thank you for sending us the Turtleback Trails Network Master Plan for review. Bureau of Reclamation's Recreation Program Policy guides Albuquerque Area Office (AAO) to give full consideration for the inclusion of outdoor recreation opportunities in project planning that is commensurate with public needs and Reclamation responsibilities, objectives, and authorities. Furthermore, AAO uses effective approaches in managing Reclamation's land and water recreation resources in cooperation with non-Federal and Federal partners. Reclamation continues to seek non-Federal partners to manage recreation on its lands, which include the river area from Fish Hatchery to the Caballo Lake State Park northern boundary.

Where Reclamation has land ownership interests, we require a licensing process for evaluation and approval of activities, including associated compliance and permits. We appreciate the early outreach efforts over the last few years, and we are willing to continue working with the Sierra County communities on the proposed projects to help navigate that process. Compliance and permitting includes any authorizations that may be required under the Endangered Species Act, Clean Water Act, National Historic Preservation Act, and National Environmental Policy Act.

Reclamation does have authorization for maintenance of the Rio Grande from Fish Hatchery, just south of Elephant Butte Dam, to Caballo Reservoir under the Rio Grande Project Congressional Authorization (Act of February 25, 1905, ch 798, 33 Stat. 814). Maintenance work by Reclamation is intended to ensure the river channel can effectively pass the mean annual peak flows and to maintain the project facilities.

Because the location of the river put-in/take-out sites, pedestrian trail between Williamsburg and Truth or Consequences, and the footbridges, as currently presented, fall within the Rio Grande floodplain, Reclamation wishes to inform the city that it could be impacted directly by peak river

Ms. Torres

2

flow and/or riverbank erosion and indirectly by river management work from Fish Hatchery to Caballo Reservoir.

If you have any questions, please contact Hannah Schechter at (505) 362-2877 or email hschechter@usbr.gov. Individuals who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services.

Sincerely,



Digitally signed by JENNIFER FALER
Date: 2023.03.13 12:22:36 -06'00'

Jennifer Faler, P.E.
Area Manager



Sierra Soil and Water Conservation District

2101 South Broadway – Truth or Consequences, NM 87901 – Phone (575) 894-2212

March 13, 2023

Attention: Mayor, Amanda Forrister

To Whom It May Concern:

The Sierra Soil & Water Conservation District writes this letter in support of trail development and outdoor recreation opportunities in Sierra County. We support efforts to control and eradicate invasive species, (such as Salt Cedar), and promote education to the public about responsible conservation practices.

While we do support the idea of this local project, we adamantly oppose the SCORP goal regarding the acquisition of private land for conservation easements, and/or protection through legislation.

Sincerely,

Willard Hall, Chairman



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 22, 2023

Agenda Item #: H.2

SUBJECT: Approval of Volunteer Fire PERA

DEPARTMENT: Fire

DATE SUBMITTED: March 15, 2023

SUBMITTED BY: Tammy Gardner

WHO WILL PRESENT THE ITEM: Paul Tooley

Summary/Background:

Annual PERA forms for volunteer fire retirement program.

Recommendation:

Approve

Attachments:

- None.
- =

Fiscal Impact (Finance): N/A

=

Legal Review (City Attorney): No

=

Approved For Submittal By: ☒ Department Director

Reviewed by: ☐ City Clerk ☐ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☐ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. Click here to enter text. Ordinance No. Click here to enter text.

Continued To: Click here to enter a date. Referred To: Click here to enter text.

☐ Approved ☐ Denied ☐ Other: Click here to enter text.

File Name: CC agendas 3-22-2023



City of Truth or Consequences

AGENDA REQUEST FORM

MEETING DATE: March 22, 2023

Agenda Item #: H.3

SUBJECT: Approval of Purchase Requisitions Over \$20,000
DEPARTMENT: Finance
DATE SUBMITTED: March 16, 2023
SUBMITTED BY: Mindee Holguin, CPO
WHO WILL PRESENT THE ITEM: Kristie Wilson, Finance Director

Summary/Background:

Per Resolution No 46 20/21 Execution of Contracts; Grant Agreements; Memoranda of Understanding; Joint Powers Agreements; Settlement Agreements; Purchases (Contract and Purchases More Than \$20,000)

Recommendation:

Approval Recommended by Finance Director

Attachments:

- Listing of Purchase Requisitions \$20,000 or More
- Purchase Requisitions, Procurement Documentation

Fiscal Impact (Finance): Choose an item.

As Per Total on Listing of Purchase Requisitions

Legal Review (City Attorney): Choose an item.

[Click here to enter text.](#)

Approved For Submittal By: ☒ Department Director

Reviewed by: ☒ City Clerk ☒ Finance ☐ Legal ☐ Other: [Click here to enter text.](#)

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. [Click here to enter text.](#) Ordinance No. [Click here to enter text.](#)

Continued To: [Click here to enter a date.](#) Referred To: [Click here to enter text.](#)

☐ Approved ☐ Denied ☐ Other: [Click here to enter text.](#)

File Name: CC agendas 3-22-2023

PURCHASE REQUISITION APPROVAL

2022-23 Fiscal Year

COMMISSION MEETING 02/22/2023

Number	Vendor Name	Description	Requested By	Department	Total Amount	Procurement Type
76490	Baker Utility Supply Corp	Change order adding to additional items	Arnie Castaneda	W / WW	\$ 20,066.42	

\$ 20,066.42

ATTEST:

Angela Torres, Clerk-Treasurer

Date

Amanda Forrister, Mayor

Date



City of Truth or Consequences

Finance Department | 505 Sims Street
Truth or Consequences, New Mexico 87901
Phone (575) 894-6673 Fax (575) 894-0363

CHANGE ORDER FORM

DATE: 3/14/2023

PO#: 76490

VENDOR: Baker Utility Supply Corp.

PO LINE ITEMS & AMOUNT(S) BEING INCREASED/DECREASED:

INCREASE line 02 TOTAL OF 20 UNITS: \$ 70.70

PO TOTAL BEFORE INCREASE/DECREASE: \$ 19,995.72

PO TOTAL AFTER INCREASE/DECREASE: \$ 20,066.42

JUSTIFICATION FOR INCREASE/DECREASE:

PO INCREASE/DECREASE(s) due to: ITEMS SHIPPED CHANGED.

CHANGE ORDER SUBMITTED BY NAME & DIVISION:

Tammy Gardner

City of Truth or Consequences, City Manager's Office

PURCHASING DEPARTMENT USE ONLY

Date Approved: Click here to enter a date.

Approved by: Click here to enter text.

**CITY OF TRUTH OR CONSEQUENCES**

505 Sims St.
 Truth or Consequences, NM 87901
 PH: (575) 894-6673
 FAX: (575) 894-0363

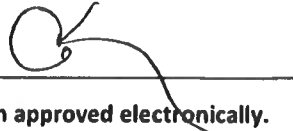
PURCHASE ORDER**PO Number:** 76490**Date:** 07/12/2022**Requisition #:** 88023**Vendor #:** 0198

ISSUED TO: BAKER UTILITY SUPPLY CORP.
 4320 2ND STREET NW
 ALBUQUERQUE, NM 87107

SHIP TO: City of Truth or Consequences
 505 Sims St.
 Truth or Consequences, NM 87901

ITEM	UNITS	VENDOR PART #	DESCRIPTION	GL ACCT #	PROJ ACCT #	PRICE	AMOUNT
1	20		STL FULL CIRCLE 6" x 7.5" - 6.56 TO 6.96 OD, SING 504-3803-44607			89.99	1,799.80
		F1-0696-07					
2	18		BRASS FLARE END STRAIGHT CPLG 3/4" - UT, FCT 504-3803-44607			35.35	636.30
		C06-33U-NL					
3	20		WRAP CLAMP 2.38 x 6" (2" STEEL OD) 504-3803-44607			43.95	879.00
		FSCR-238-6					
4	20		STL FULL CIRCLE 4" x 7.5" - 4.45 TO 4.73 OD, SING 504-3803-44607			72.20	1,444.00
		F1-0473-07					
5	1		HDPE POLY PIPE 1" x 100' - IP, SIDR-7, PE4710, 25 504-3803-44607			111.62	111.62
		PEIP-100100-NM					
6	20		WRAP CLAMP 1.32 x 3" - (1" STEEL OD) 504-3803-44607			20.65	413.00
		FSCR-132-3					
7	20		WRAP CLAMP 1.05 x 3" (3/4" STEEL OD) 504-3803-44607			19.50	390.00
		FSCR-105-3					
8	10		BRASS STRAIGHT CPLG 3/4" - ULTRA TITE, PEP x P 504-3803-44607			26.05	260.50
		C66-33U-NL					
9	4		BRASS STRAIGHT CPLG 1" - ULTRA TITE, PEP x PEF 504-3803-44607			52.55	210.20
		C66-44U-NL					
10	4		ROMAC MACRO HP CPLG 8" - TWO BOLT, WIDE R, 504-3803-44607			557.80	2,231.20
		MACRO-0975					
11	12		ROMAC MACRO HP CPLG 6" - TWO BOLT, WIDE R, 504-3803-44607			492.60	5,911.20
		MACRO-0760					
12	10		ROMAC MACRO HP CPLG 4" - TWO BOLT, WIDE R, 504-3803-44607			373.25	3,732.50
		MACRO-0560					
13	2		ROMAC MACRO HP XL CPLG 2" - TWO BOLT, WIDE R, 504-3803-44607			220.95	441.90
		MACRO-0290					
14	40		PVC SCH40 DWV PIPE 4" x 20' - FOAM CORE ***N 504-3803-44607			4.98	199.20
		DWV-PIPE-04PE-FOAM					
15	20		PVC SCH40 PIPE 2" x 20' - BELL END 504-3803-44607			2.50	50.00
		DR40-0200					
16	1		MJxMJ DI TEE 6" x 6" - C-153, CL, TC, L/ACC, IMP 504-3803-44607			198.70	198.70
		MJTE-0606					
17	1		MJxMJ DI 90 BEND 6" - C-153, CL, TC, L/ACC, IMP 504-3803-44607			138.95	138.95
		MJNB-0606					

SUBTOTAL:	19,995.72
TOTAL TAX:	0.00
SHIPPING:	0.00
TOTAL	19,995.72

Chief Purchasing Office

Date:

7-12-22

Director of Finance:

Requisition approved electronically.

City Manager:

Requisition approved electronically.

1. Send INVOICE to Accounts Payable, address as noted above.
2. Prepay all transportation charges, and attach receipted freight bill to invoice.
3. Show our Purchase Order number on all invoices, Bills of Lading, Packages, etc.
4. This order must NOT be filled in greater or lesser quantities than shown without our written permission.
5. This order is issued with the understanding that if material is not according to our specifications, same will be returned at seller's expense.
6. The right is reserved to cancel this order if not filled within a reasonable length of time.
7. The City is exempt from all federal excise and state tax - ID# 01-405755-007

**CITY OF TRUTH OR CONSEQUENCES**

505 Sims St.

Truth or Consequences, NM 87901

PH: (575) 894-6673

FAX: (575) 894-0363

PURCHASE ORDER**PO Number:** 76490**Date:** 07/12/2022**Requisition #:** 88023**Vendor #:** 0198**ISSUED TO:** BAKER UTILITY SUPPLY CORP.
4320 2ND STREET NW
ALBUQUERQUE, NM 87107**SHIP TO:** City of Truth or Consequences
505 Sims St.
Truth or Consequences, NM 87901

ITEM	UNITS	VENDOR PART #	DESCRIPTION	GL ACCT #	PROJ ACCT #	PRICE	AMOUNT
18	10		MEGA LUG 6" - PVC, RED, L/ACC, IMP	504-3803-44607		47.08	470.80
		UFR1500-C06					
19	11		MJ SKIN PACK 6" - REG GSK, T-BOLTS, NO GLAND, 504-3803-44607			25.65	282.15
		MJPS-RG06					
20	10		MJ SKIN PACK 4" - REG GSK, T-BOLTS, NO GLAND, 504-3803-44607			19.47	194.70
		MJPS-RG04					

SUBTOTAL:	19,995.72
TOTAL TAX:	0.00
SHIPPING:	0.00
TOTAL	19,995.72

Chief Purchasing Office

Date:

7-12-22

Director of Finance:

Requisition approved electronically.

City Manager:

Requisition approved electronically.

1. Send INVOICE to Accounts Payable, address as noted above.
2. Prepay all transportation charges, and attach receipted freight bill to invoice.
3. Show our Purchase Order number on all invoices, Bills of Lading, Packages, etc.
4. This order must NOT be filled in greater or lesser quantities than shown without our written permission.
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7. The City is exempt from all federal excise and state tax - ID# 01-405755-007



Truth or Consequences

Purchase Order Change Register

Change Details

POPKT03830 - PO 76490

Purchase Order
76490

Purchase Order Description Vendor
WATER LINE REPAIR SUPPLIES 0198 - BAKER UTILITY SUPPLY C...
Change Description: INCREASE QUANTITY RECEIVED Changed By: MINDEE HOLGUIN
Change Reason: INCREASE QUANTITY RECEIVED
COMMISSION MEETING 03/22/2023

Ship To Code

Attention To

Delivery Date

Amount

Shipping

Tax

Discount

Total Amount

7/26/2022

20,066.42

0.00

0.00

0.00

20,066.42

Change Date: 3/16/2023

PO Issue Date: 7/12/2022

Void PO:

Amount Voided: 0.00

Purchase Order Changes

What Changed

Changed From

Changed To

Amount:

19,995.72

20,066.42

Changed Item

Item

Commodity Code

Department

Sales Tax Code

Needed By

Units

Price

Amount

Shipping

Tax

Discount

Total Amount

BRASS FLARE END STRAIGHT CPLG

Units

Water Dept

20.00

35.35

707.00

0.00

0.00

0.00

707.00

What Changed

Changed From

Changed To

Amount:

636.30

707.00

Units:

18.00

20.00

Old Distributions

Account

Project Account Key

Separate Sales Tax

Percent

Amount

New Distributions

Account

Project Account Key

Separate Sales Tax

Percent

Amount

504-3803-44607

100.00%

636.30

504-3803-44607

100.00%

707.00

Account Summary

Account	Changed From	Changed To	Voided	Difference
<u>504-3803-44607</u>	19,995.72	20,066.42	0.00	70.70
Packet Totals:	19,995.72	20,066.42	0.00	70.70

Fund Summary

Fund	Changed From	Changed To	Voided	Difference
504	19,995.72	20,066.42	0.00	70.70
Packet Totals:	19,995.72	20,066.42	0.00	70.70



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 22, 2023

Agenda Item #: H.4

SUBJECT: City of Truth or Consequences Civic Center Tenant Lease Agreement

DEPARTMENT: City Manager's Office

DATE SUBMITTED: March 13, 2023

SUBMITTED BY: Tammy Gardner

WHO WILL PRESENT THE ITEM: Bruce Swingle

Summary/Background:

Tenant lease agreement between the City of Truth or Consequences and Sandy Jones (Sierra County Flood Commissioner for the office space located at the Civic Center.

Recommendation:

Approval of lease agreement.

Attachments:

- Lease Agreement
- -

Fiscal Impact (Finance): Yes

\$400.00 per month

Legal Review (City Attorney): Yes

[Click here to enter text.](#)

Approved For Submittal By: ☒ Department Director

Reviewed by: ☐ City Clerk ☐ Finance ☐ Legal ☐ Other: [Click here to enter text.](#)

Final Approval: ☐ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. [Click here to enter text.](#) Ordinance No. [Click here to enter text.](#)

Continued To: [Click here to enter a date.](#) Referred To: [Click here to enter text.](#)

☐ Approved ☐ Denied ☐ Other: [Click here to enter text.](#)

File Name: CC agendas 3-22-2023

**CITY OF TRUTH OR CONSEQUENCES
CIVIC CENTER
TENANT LEASE AGREEMENT**

THIS TENANT LEASE AGREEMENT (Agreement) is made between **THE CITY OF TRUTH OR CONSEQUENCES (City)**, and **SANDY JONES, in his capacity as the SIERRA COUNTY FLOOD COMMISSIONER (Lessee)**.

WHEREAS, the parties agree as follows:

1. Property Leased:

In consideration of the conditions and covenants herein, Lessor leases the following described property (Premises) at the Truth or Consequences Civic Center:

A Five Hundred (500) Foot office space located at the Truth or Consequences Civic Center, 400 West 4th Avenue, Truth Or Consequences, New Mexico 87901.

2. Term:

This agreement shall be for a **twelve (12) month** term commencing on **_____ , 2023** and shall expire on **_____ , 2024** unless terminated sooner pursuant to Section 13, Right to Terminate, below. This Lease may be renewed for up to three (3) years upon the mutual consent of the parties.

3. Rent:

Lessor and Lessee acknowledge that Lessee shall pay Four Hundred Dollars (\$400.00) per month. Payment will be due on the **_____** day of each month, beginning on **_____ , 2023**.

4. Use of Leased Property:

Lessee shall use the Premises for **Governmental purposes only**. Lessee shall not violate or tolerate or permit others to violate, federal, state, or applicable local criminal or civil laws, regulations, rules or ordinances, including Lessor's terms of this Agreement on the Premises. Any such violation shall be grounds for Lessor, in the sole exercise of its discretion, to terminate this Agreement immediately by giving written notice to Lessee at the address set forth below.

5. Condition of Premises:

Lessee hereby assumes any and all risks to Lessee, Lessee's invitees, or social guests that may result from any dangerous or unsafe conditions on the Premises.

6. Utilities:

Lessee shall be responsible for providing phone and internet services on the leased premises.

7. Alterations and Improvements:

Lessee shall not make any alterations or improvements to the Premises without Lessor's prior written approval. All of Lessee's alterations and improvements made to or placed on the Premises that can be removed without undue damage to the Premises are, and shall remain, Lessee's property except as Lessor and Lessee mutually agree in writing. Lessee's alterations and improvements of a permanent nature that cannot be removed without undue damage to the Premises shall become Lessor's property, except as the parties mutually agree otherwise in writing.

8. Condition of Premises on Termination of Lease:

At this Agreement's termination, Lessee shall surrender the Premises in the condition in which they were at the inception of this Agreement, normal wear and tear considered, excepting alterations, improvements, or conditions made with Lessor's written approval and any change, damage, or destruction not resulting from Lessee's willful act.

9. Right of Entry:

Lessor or its agent has a right to enter upon the Premises to inspect, to make repairs and for other reasonable purposes, with Lessee's permission, which shall not be unreasonably withheld upon delivery of 24 hours written notice to Lessee. In an emergency, such as fire, Lessor or its agent may enter the Premises without securing Lessee's prior permission or the providing of 24 hour notice to Lessee, but shall give Lessee written notice of entry as soon thereafter as practicable.

10. Duty to Maintain Premises:

Lessor has the duty to maintain the Premises in a safe condition and in good repair.

11. Right to Assign or Sublease:

Lessee has no right to assign or sublease the rights to the Premises or any part of them pursuant to this Agreement to any other individual or entity.

12. Liability:

During the term of this Agreement and any extension thereof, each party shall be liable for its' own acts or failures to act in accordance with this Agreement, and subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, §§ 41-4-1 et seq., and the New Mexico Civil Rights Act, NMSA 1978, Sections 41-4a-1 et seq.

13. Right to Terminate:

Either Lessor or Lessee may declare this Agreement terminated for any reason or no reason at any time. Notice of Termination shall be in writing to the other party. Lessee shall surrender the Premises within Thirty (30) days of receipt of Notice of Termination.

14. Amendments:

This Agreement shall not be altered or amended except by an instrument in writing executed by the parties.

15. Contact Information:

Any notice provided for or concerning this Agreement shall be in writing and shall be sufficiently given when sent by certified or registered mail to the parties respective addresses, or at such other addresses as each party may provide to the other in writing. Lessor Contact: Bruce Swingle, City Manager, City of Truth or Consequences, 505 Sims Street, Truth or Consequences, New Mexico 87901, Telephone 575-894-6673. Lessee Contact: name, address, Truth or Consequences, NM 87901, Telephone: .

16. Applicable Law:

This Agreement shall be governed by the laws of the State of New Mexico.

IN WITNESS WHEREOF, the parties have executed this Agreement.

LESSOR:

By: _____
BRUCE SWINGLE, City Manager

Date: _____

LESSEE:

By: _____
**SANDY JONES, Sierra County
Flood Commissioner**

Date: _____



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 22, 2023

Agenda Item #: H.5

SUBJECT: Memorandum of Understanding MOU, by and between the City of Elephant Butte and the City of Truth or Consequences regarding Provision of Animal Shelter Services

DEPARTMENT: City Manager's Office

DATE SUBMITTED: March 9, 2023

SUBMITTED BY: Tammy Gardner

WHO WILL PRESENT THE ITEM: Bruce Swingle

Summary/Background:

This MOU is for the City to provide the provision of Animal Shelter Services to the City of Elephant Butte for a total of (3) years. The City of Elephant Butte will pay the City on a monthly basis of \$1,564.25.

Recommendation:

Approve

Attachments:

- MOU
- -

Fiscal Impact (Finance): Yes

Yearly fee of \$18,771.00

Legal Review (City Attorney): Yes

-

Approved For Submittal By: ☒ Department Director

Reviewed by: ☐ City Clerk ☐ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☐ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. Click here to enter text. Ordinance No. Click here to enter text.

Continued To: Click here to enter a date. Referred To: Click here to enter text.

☐ Approved ☐ Denied ☐ Other: Click here to enter text.

File Name: CC agendas 3-22-2023

MEMORANDUM OF UNDERSTANDING (MOU)
by and between the City of Elephant Butte and the
City of Truth or Consequences Regarding Provision
of Animal Shelter Services

This Memorandum of Understanding (MOU) is made and entered into effective upon execution by the City of Elephant Butte ("Elephant Butte"), a New Mexico Municipal Corporation, and the City of Truth or Consequences ("City"), a New Mexico Municipal Corporation, for the purposes and consideration hereinafter set forth.

RECITALS

WHEREAS, the Elephant Butte has a contiguous boundary with the City; and

WHEREAS, Elephant Butte desires to engage the services of the City for the provision of Animal Shelter Services to the Elephant Butte, and the City desires to provide such services to Elephant Butte, on the terms and conditions hereafter stated.

NOW THEREFORE, for and in consideration of the premises, and the mutual agreements of the parties hereinafter set forth, Elephant Butte and the City agree as follows:

1.0 AUTHORITY TO ENTER INTO A MOU

- 1.1 Elephant Butte certifies that it has the authority to enter into this MOU. By majority vote of the City of Elephant Butte Council at its March 3rd, 2023, Regular Trustee Meeting, the Mayor is authorized to execute this MOU.
- 1.2 The City certifies that it has the authority to enter into this MOU. By majority vote of the City Commission of the City at its _____, 2023, Regular Commission Meeting, the Mayor is authorized to execute this MOU.

2.0 INTENT OF THE PARTIES

The intent of the parties to this MOU is to enter into an agreement under which the City agrees to fully assume animal shelter powers under the direction and guidance of the City and the City of Elephant Butte Council in accordance with applicable provisions of the New Mexico State Laws and Regulations, and other applicable state and federal laws. In general, the City agrees to perform the required professional services and to be fully compensated therefore by a yearly base fee established herein, unless this MOU specifically provides for a payment by the Elephant Butte above and beyond the base fee. Although many specific obligations are delineated in this MOU, this delineation is not intended to be a limitation, and the City is expected to perform all Service activities and undertakings reasonably necessary for the safety and welfare of the Citizens of Elephant Butte.

3.0 TERM

- 3.1 General. Unless this MOU is sooner terminated as hereinafter provided, the City shall manage, operate, and perform Animal Shelter Services to Elephant Butte during the period of time set forth herein.

- 3.2 Initial Term. The Initial Term of this MOU shall be for a period of Three (3) years, beginning on the date of execution of this MOU. Each fiscal year, the parties shall review the agreement. No specific action is required to continue the agreement; however, the individual parties may indicate by a majority vote of its Governing Body an intent to not extend this agreement. The parties recognize that Elephant Butte is a political subdivision of the State of New Mexico governed by the annual budget requirements of state statutes, and that, therefore, the MOU is subject to annual appropriations. The City of Elephant Butte Council hereby represents that it has the present intent to make the annual appropriations necessary to fund this MOU.

4.0 COMPENSATION

- 4.1 As compensation for services specified in Section 5.0 hereof to be rendered by the City under this MOU ("Basic Services") based on population, the City shall receive a yearly fee of \$18,771. This amount shall be paid as follows:

A. Monthly payments of \$1,564.25.

5.0 BASIC DUTIES AND RESPONSIBILITIES OF THE CITY

The following Service Agreement shall be provided to the Elephant Butte by the City for the compensation set forth in paragraph 4.0 of this MOU:

1. The City will provide Animal Shelter Services in the same manner as the City has provided them in the past.
2. Use best efforts to promote good relations with the Elephant Butte's customers and residents.
3. City shall, at its sole expense, provide all personnel, equipment and machinery, testing and other facilities reasonably necessary for the proper performance of such Animal Shelter Services.
4. Maintain all records and files in accordance with state and federal law, and assure that these records and files are accessible to anyone during normal business hours in accordance with the New Mexico Public Information Act.
5. The City's Animal Shelter may take ownership of animals brought in from Elephant Butte after 72 hours.

6.0 OBLIGATIONS OF THE ELEPHANT BUTTE

The Elephant Butte shall be solely responsible for enforcement of all non-police (Code Enforcement animal control and other Civil matters) related Elephant Butte Codes, state laws, and federal mandates.

7.0 INSURANCE

Both entities are Municipal Corporations belonging to the New Mexico Municipal League's Self Insurer's Fund. Each Party shall continue to provide the same level of

insurance that it currently provides.

8.0 TERMINATION

Either party hereto shall have the right to terminate this MOU upon thirty (30) days notice to the other party. Notwithstanding, any other provision of this MOU, the right of termination set forth in this Section may be exercised at the sole discretion of either party with or without cause.

9.0 CHANGE IN SCOPE ADJUSTMENT

If any significant changes in the scope of the operation of the Service Agreement which are the subject of this agreement occur, including changes in the governmental regulatory compliance regulations which increase the City's costs, the City shall be entitled to negotiate additional compensation. Such additional compensation will be negotiated by the parties within thirty (30) days after the change. If no negotiated agreement is achieved within thirty (30) days of the change, the City may exercise its right to terminate the agreement.

10.0 INDEMNITY

Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act.

11.0 FORCE MAJEURE

The City shall not be deemed to be in default if performance of the obligations required by this MOU is delayed, disrupted, or becomes impossible because of any act of God, war, earthquake, flood, strike, accident, civil commotion, epidemic, act of government or its agencies or officers, or any other cause beyond the control of the parties. Upon occurrence of such an event, the City shall provide Animal Shelter Services on a best effort basis (at no additional cost to the City). If any additional expense is incurred by the City in such operation, that expense shall be deemed to be an Extraordinary Cost, for which the City will submit an invoice to Elephant Butte for reimbursement.

12.0 REASONABLE DILIGENCE

The City agrees to use reasonable knowledgeable and diligence in the provision of Animal Shelter Services, but the City shall not be liable for any direct or indirect loss, injury or damage resulting from diminution or interruption of service within Elephant Butte unless such diminution or interruption of service results from the willful misconduct or negligence of the City, its agents, subcontractors, or employees.

13.0 COMPLIANCE WITH STATE LAW

Should any provision of this MOU be determined to be in conflict with the laws of the State, the parties agree to amend such provision to ensure compliance with the laws of the State.

14.0 ASSIGNMENT

Neither Elephant Butte nor the City may assign this MOU or any portion thereof without receiving the prior written consent of the other party.

15.0 NOTICES

All notices allowed or required to be given hereunder must be in writing and must be personally delivered or dispatched by United States certified mail, postage prepaid, return receipt requested, to the addresses shown at the end of this MOU. Either party hereto may change the address to which any such notice is to be addressed by giving notice in writing to the other party of such change. Any time limitation provided for in this MOU shall commence with the date that the party actually receives such written notice, and the date of postmark of any return receipt indicating the date of delivery of such notice to the addressee shall be conclusive evidence of such receipt.

16.0 DISPUTES

The parties agree that if any dispute arises between them relating to this MOU, that they will utilize their best efforts to resolve the issue prior to the commencement of any legal proceedings.

17.0 AMENDMENTS

No subsequent alteration, amendment, change, deletion or addition to this MOU shall be binding upon Elephant Butte or the City unless made in writing and signed by both the City and Elephant Butte.

18.0 VENUE, APPLICABLE LAW

This MOU shall be construed under and in accordance with the laws of the State of New Mexico. All of the obligations contained in this MOU are performable in Elephant Butte, New Mexico, except those laboratory procedures, booking, investigations, or other work that may be performed in the City or elsewhere.

19.0 TITLES

The titles of the Articles, Sections, Subsections, Paragraphs, or Subparagraphs of the MOU are intended strictly for the convenience of the parties and shall have no effect and shall neither limit nor amplify the provisions of the MOU itself.

20.0 SEVERANCE

Should any provision of this MOU be held to be void, voidable, or for any reason whatsoever, of no force and effect, such provision shall be construed as severable from the remainder of this MOU and shall not affect the validity of all other provisions of this MOU which shall remain in full force and effect.

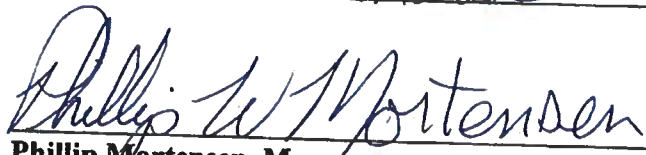
21.0 ENTIRE AGREEMENT

This MOU contains the entire agreement between the parties. Any oral representation of modification concerning this MOU shall be of no force excepting a subsequent amendment in writing signed by the party to be charged.

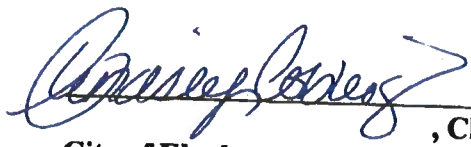
22.0 FAILURE TO ENFORCE

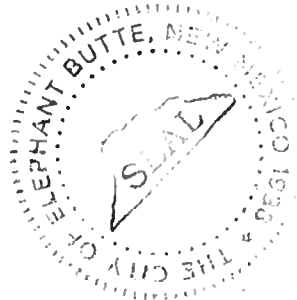
The failure on the part of either party to enforce its rights as to any provision of this MOU shall not be construed as a waiver of its rights to enforce such provision in the future.

CITY OF ELEPHANT BUTTE
WITNESS OUR HANDS AND SEALS THIS 8th DAY OF March, 2023.


Phillip Mortensen, Mayor

ATTEST:


_____, Clerk
City of Elephant



CITY OF TRUTH OR CONSEQUENCES

WITNESS OUR HANDS AND SEALS THIS ____ DAY OF _____, 2023.

ATTEST:

Amanda Forrester, Mayor

Angela Torres, City Clerk/Treasurer
City of Truth or Consequences



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 22, 2023

Agenda Item #: H.6

SUBJECT: Discussion/Action: Approve and execute the NM DFA Local Government Division, CDBG Program Agreement for Project No. 22-C-NR-I-01-G-01

DEPARTMENT: Community Development

DATE SUBMITTED: March 17, 2023

SUBMITTED BY: Traci Alvarez

WHO WILL PRESENT THE ITEM: Traci Alvarez

Summary/Background:

City received an award letter dated January 7, 2023 allocating CDBG funding in the amount of \$750,000.00 for the project described in exhibit 1-A of the Grant Agreement.

Recommendation:

Approve and execute Grant Agreement

Attachments:

- Award Letter
- Grant Agreement

Fiscal Impact (Finance): Yes

\$75,000.00 Cash Match

Legal Review (City Attorney): Yes

Approved For Submittal By: ☒ Department Director

Reviewed by: ☐ City Clerk ☐ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☐ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. [Click here to enter text.](#) Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC agendas 3-22-2023

MICHELLE LUJAN GRISHAM
GOVERNOR



WAYNE PROPST
CABINET SECRETARY

STATE OF NEW MEXICO
DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION
Bataan Memorial Building ♦ 407 Galisteo St. ♦ Suite 202 ♦ Santa Fe, NM 87501
PHONE (505) 827-4950 ♦ FAX (505) 827-4948

January 7, 2023

Honorable Amanda Forrister, Mayor
City of Truth or Consequences
505 Sims Street
Truth or Consequences, NM 87901

CFDA # 14.228

RE: CDBG Grant No. 22-C-NR-I-01-G-01
Water System Improvements

Dear Mayor Forrister:

It is my pleasure to inform you that your 2022 Community Development Block Grant (CDBG) application referenced above, in the amount of \$750,000.00, was approved by the New Mexico Community Development Council at their December 7, 2022 CDBG Allocation Hearing.

Please be aware that you cannot expend or incur costs against this grant until a grant agreement with the Department of Finance and Administration (DFA), Local Government Division (LGD) has been fully executed. Any expenses incurred by the City of Truth or Consequences prior to having a fully executed grant agreement will be the sole responsibility of the city.

We look forward to getting you the grant agreement once your exhibits are approved by LGD.

Monica Tapia Project Manager of my staff will reach out to you on what is required for your grant agreement. You may also contact Monica at monica.tapia@dfa.nm.gov or (505) 470-1775.

Respectfully,

A handwritten signature in cursive script that reads "Carmen B. Morin".

Carmen B. Morin, Bureau Chief
Local Government Division/Community Development Bureau

STATE OF NEW MEXICO
DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
GRANT AGREEMENT

Project No. 22-C-NR-I-01-G-01

DUNS # 079342838
FAIN # B-22-DC-35-0001
CFDA # 14.228
CDBG FY 21 Award \$11,362,886
CDBG FY 21 Award Date 08/19/2022

THIS GRANT AGREEMENT, hereinafter referred to as the "Agreement", is made and entered into by and between the Department of Finance and Administration, State of New Mexico, acting through the Local Government Division, Suite 202, Bataan Memorial Building, Santa Fe, New Mexico, 87501, hereinafter referred to as the "Division", and the City of Truth or Consequence, hereinafter referred to as the "Grantee", as of the date this Agreement is executed by the Division.

RECITALS

WHEREAS, on January 12, 2022 the New Mexico Community Development Council ("Council") approved the allocation of Community Development Block Grant ("CDBG") funds to the Grantee for the CDBG program; and

WHEREAS, the CDBG program is subject to all applicable Federal and State laws and regulations, including Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 *et seq.*), and regulations of the U.S. Department of Housing and Urban Development ("HUD") found at 24 CFR Part 570 (as now in effect and as may be amended from time to time); and

WHEREAS, this Agreement is made by and between the Division and the Grantee, in connection with the Division's administration of the CDBG program, and pursuant to the authority of 42 U.S.C. 5301 *et seq.* and 24 CFR Part 570, to memorialize the terms and conditions of the CDBG program and the grant of funds to the Grantee.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and obligations contained herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

ARTICLE I - SCOPE OF WORK.

- A. The Grantee shall implement, in all respects, the Project Description, attached as Exhibit "1-A", and the Project Schedule, attached as Exhibit "1-B", both of which are incorporated by this reference as if set forth fully herein.
- B. The Grantee shall provide all the necessary qualified personnel, materials, and facilities to implement the program described herein.
- C. The Grantee will adhere to all processes set forth in the CDBG Implementation Manual, which is available at the Division's website at:
http://www.nmdfa.state.nm.us/CDBG_Implementation_Manual.aspx ("CDBG Manual").

ARTICLE II - LENGTH OF GRANT AGREEMENT.

- A. The term of this Agreement shall be effective upon execution by the Division. It shall terminate on the date which is two years after the effective date of this Agreement, which is the Division Director's dated signature, unless earlier terminated pursuant to Article V.
- B. In the event that, due to unusual circumstances, it becomes apparent that this Agreement cannot be brought to full completion within the time period set forth in paragraph A of this Article II, the Grantee may request an extension. Agreement extensions will be approved on a case by case basis and must be requested prior to the termination date set forth in paragraph A of this Article II. The Division may review the work accomplished to date and determine, in its sole discretion, whether there is sufficient need or justification to amend this Agreement to provide additional time for project completion.

ARTICLE III - REPORTS AND PROJECT CLOSEOUT.

- A. Progress Reports:
 - 1. To enable the Division to adequately evaluate the progress of the Agreement, the Grantee shall submit progress reports to the Division on a quarterly basis, with the due dates to be established by the Division. The progress reports shall be submitted on the form attached as exhibit "1-D" and shall contain a description of the work accomplished to date, the methods and procedures used, a detailed budget breakdown of expenditures to date, a statement of the impact of the project, and such other information as the Division may require.
 - 2. One copy of each progress report shall be submitted to the Division. Progress reports shall be due no later than 20 days after the end of each quarter during the term of this Agreement.
 - 3. The Division may require revisions or additional information to clarify progress reports.

- B. Final Report: The Grantee shall submit to the Division one copy of its Final Report, attached as exhibit "1-D-1", with its final Request for Payment, attached as exhibit "1-M", once the Division has determined that the project is complete. The Final Report shall include all of the information required for the progress reports as set forth in paragraph A of this Article III.
- C. Requests for Additional Information: At any time during the term of this Agreement and during the period of time during which Grantee must maintain records pursuant to Article VII, the Division, HUD or the New Mexico State Auditor may (i) request such additional documentation and information regarding Grantee's activities under this Agreement as they deem necessary to discharge their monitoring and compliance responsibilities, and (ii) conduct, at reasonable times and upon reasonable notice, onsite inspections of work performed as well as Grantee's financial and other records concerning the CDBG program. Grantee shall respond to such requests for additional information within a reasonable period of time, as established by the Division (or other entity making the request) in the request. Requests made pursuant to this paragraph D are in addition to and not in lieu of the progress and final reporting described in paragraphs A through C of this Article III.
- D. Project Closeout: Project closeout will occur upon "substantial completion" of the Project. "Substantial Completion" is defined as all five of the following being accomplished, as determined by the Division in its sole discretion: 1) full and satisfactory completion of all work and services; 2) submission to the Division of the Grantee's architect/engineer's letter of final acceptance or certificate of substantial completion relating to the project ("Certificate of Completion") with all deficiencies corrected; 3) official acceptance by the Grantee of all contracted work or services; 4) receipt and approval by the Division of the final reporting referred to in paragraphs B and C of this Article III; 5) clearance by the Division of all monitoring findings; and 6) completion of all the checklists and documents as set forth in chapter 5 of the CDBG Manual. Reimbursements can be withheld from the Grantee until the Division has determined substantial completion has been achieved.

ARTICLE IV - GRANT AMOUNT AND METHOD OF PAYMENT.

- A. Amount of Grant: In consideration of the Grantee's satisfactory completion of all work and services required to be performed under the terms of this Agreement, and in compliance with all other Agreement requirements herein stated, the Division shall pay to the Grantee a sum not to exceed Seven Hundred Fifty Thousand Dollars and Zero Cents (\$750,000.00). The funds are to be expended in accordance with the budget attached as Exhibit "1-C", which is incorporated by this reference as if set forth fully herein, and in accordance with the purposes designated in Exhibit "1-A". Grantee's expenditure of these monies shall not deviate from the line items of said budget without the parties executing an amendment in accordance with Article V.
- B. Amount of Administrative Costs: No more than three percent of the Grant funds actually disbursed pursuant to this Agreement for allowable expenditures may be used by the Grantee for its actual and reasonable administrative costs. The maximum amount of administrative costs under this Agreement shall not exceed Twenty Two Thousand Five Hundred Dollars and Zero Cents (\$22,500.00).

- C. The funds described in paragraph A above shall constitute full and complete payment of monies to be received by the Grantee from the Division.
- D. All payments to Grantee will be made by the Division upon receipt of an official Request for Payment form, which must be accompanied by a transmittal letter and proper supporting documentation for all expenditures included in the Request for Payment. Requests for Payment may be disputed and withheld if, in the sole opinion of the Division, the Grantee has failed to fulfill its responsibilities under this Agreement. In cases of disputed Requests for Payment, the Grantee agrees that it alone is responsible to timely pay its contractors in compliance with the provisions of the Prompt Payment Act, NMSA 1978, Sections 57-28-1 *et seq.* ("Prompt Payment Act") and the agreements between the Grantee and such contractors.
- E. The Grantee will provide payment to contractors based upon eligible activities as described in exhibit "1-C". The Grantee understands and agrees that it alone is obligated to pay its contractor(s) in a timely manner consistent with the requirements of the Prompt Payment Act. The Grantee further understands and agrees that its obligation is independent of the Division's disbursement of Grant funds and that the Division is in no way responsible to make timely payments to contractors. The Grantee further understands and agrees that it will be responsible for any penalties or fines imposed upon the Division or attorney's fees incurred by the Division due to the Grantee's failure to comply with any provisions of the Prompt Payment Act.
- F. The Grantee further agrees, in compliance with NMSA 1978, Section 57-28-5(B) of the Prompt Payment Act, that the agreement between the Grantee and any contractor shall: 1) specifically provide in a clear and conspicuous manner for a payment within 45 days after submission of an undisputed request for payment; and 2) require the following legend to appear in clear and conspicuous type on each page of the plans including the bid plans and construction plans: "Notice of Extended Payment Provision: This contract allows the owner (Grantee) to make payment within 45 days after submission of an undisputed request for payment".
- G. The Grantee further agrees, in compliance with NMSA 1978, Section 57-28-5(C) of the Prompt Payment Act, that all construction contracts shall provide that contractors and subcontractors make prompt payment to their subcontractors and suppliers for amounts owed for work performed on the construction project within seven days after receipt of payment from the owner, contractor or subcontractor. If the contractor or subcontractor fails to pay its subcontractor and suppliers by first-class mail or hand delivery within seven days of receipt of payment, the contractor or subcontractor shall pay interest to its subcontractors and suppliers beginning on the eighth (8th) day after payment was due, computed at one and one-half percent of the undisputed amount per month or fraction of a month until payment is issued. These payment provisions apply to all tiers of contractors, subcontractors and suppliers.
- H. Pursuant to NMSA 1978, Section 57-28-8 of the Prompt Payment Act, ten days after the Certification of Completion is issued, (as defined in paragraph D of Article III), any amounts remaining due the contractor or subcontractor under the terms of the contract shall be paid upon the presentation of the following:
 - 1. A properly executed release and duly certified voucher for payment;

2. A release, if required, of all claims and claims of lien against the owner arising under and by virtue of the contract other than such claims of the contractor, if any, as may be specifically excepted by the contractor or subcontractor from the operation of the release in stated amounts to be set forth in the release; and
 3. Proof of completion.
-
- I. All CDBG expenditures shall be included in the Grantee's single audit for each fiscal year in which \$750,000 or more in federal funds are expended. Grantees are required to have an audit performed in accordance with Code of Federal Regulations Title 2, Subtitle A, Chapter II, Part 200, Subpart F (Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards—Audit Requirements), which begins at 2 CFR, Section 200.500. Grantees must submit the audit to the Division within 30 days of the date the audit is approved by the New Mexico State Auditor. The threshold of \$750,000 is effective in fiscal years beginning on or after December 26, 2014. CDBG must be listed in the Schedule of Expenditures of Federal Awards (SEFA) as a funding source. The Division retains the right to recover funds from the Grantee for any disallowed costs based on the results of any interim or the final audit.
 - J. Requests for Paid Expenditures: If the Grantee is requesting reimbursement of expenditures it has already paid, and before the Division reimburses the Grantee for the expenditures, the Grantee's authorized signatory shall certify by signing and dating the Request for Payment form, which states that the expenditures are valid, and have been paid by the Grantee. In addition, actual receipts for the expenditures shall be appended to the Request for Payment form, which support the expenditures for which reimbursement is requested. Only expenditures for which there are actual receipts will be reimbursed by the Division.
 - K. Requests for Unpaid Expenditures: If the Grantee is requesting payment of expenditures it has incurred but not yet paid, the Grantee must request and receive written approval from the Division to utilize this payment method. Once approved, the Grantee shall pay such expenditures within three business days of receipt of funds from the Division. The Grantee's authorized signatory shall certify by signing and dating the Request for Payment form, which states that the expenditures are valid. The Grantee shall submit with the request for payment form, the appropriate bank statements, deposit slips and cancelled checks documenting the receipt and disbursement of funds.
 - L. Deficient Requests for Payment: The Division may disallow a Request for Payment, in whole or in part, in the event the Request for Payment is deficient. Examples of deficient Requests for Payment include the lack of required signatures, lack of required supporting documentation, computational errors, seeking reimbursement for unallowable costs, or questions concerning whether the reported expenditures are permissible under this Agreement and applicable law and regulations. If a Request for Payment is disallowed, in whole or in part, the Division shall return to the Grantee the disallowed Request for Payment and accompanying documentation, and will notify the Grantee in writing of the nature of the deficiency and what the Grantee must do to correct it.
 - M. Withholding Payment for Proper Expenditures: The Division shall withhold ten percent of the total amount of the Grant funds until project closeout. The Division may also withhold payment in the event the Grantee has failed to comply with the terms and conditions of this Agreement or applicable law and regulations. In such event, the Division shall give Grantee notice in writing of such failure

and the actions Grantee must take to come into compliance. Payment shall be released upon Grantee's subsequent compliance.

- N. All Requests for Payment shall be received by the Division within 30 days after the Agreement's termination date. The Division reserves the right to allow an extension to this requirement provided there are mitigating circumstances deemed acceptable to the Division. Any reimbursements made to Grantee for items or services that are unallowable under the terms of this Agreement or applicable law and regulations shall be immediately returned to the Division. If any unexpended funds remain after the conditions of this Agreement have been satisfied or after the termination date, the unexpended funds shall revert to the Division for disposition by the Council.

ARTICLE V - SUSPENSION, TERMINATION AND MODIFICATION.

- A. In accordance with 24 CFR 85.43, the Division, by written notice to the Grantee, shall have the right to suspend or terminate this Agreement if, at any time, in the judgment of the Division, the Grantee materially fails to comply with any term of this Agreement. The Division may demand repayment of all or part of the funds disbursed to the Grantee upon termination due to non-compliance.
- B. The Agreement may be terminated for convenience in accordance with 24 CFR 85.44.
- C. The terms and conditions of this Agreement can only be modified or changed by written amendment, executed by both the Division and Grantee. Any attempted oral modification of the terms and conditions of this Agreement shall be null and void and of no force or effect.

ARTICLE VI - COPYRIGHT AND PATENTS.

No report, map, or other document provided, in whole or in part, under this Agreement, shall be the subject of an application for copyright or patented by or on behalf of the Grantee.

ARTICLE VII - RETENTION OF RECORDS.

The Grantee shall keep such records as will fully disclose the amount and disposition of the total funds from all sources budgeted for the Agreement period, the purpose of undertaking for which such funds were used, the amount and nature of all contributions from other sources, all records required to be maintained under Federal law and regulations, and such other records as the Division may prescribe. The Grantee shall be strictly accountable for all receipts and disbursements under this Agreement and maintain fiscal records related to the Agreement in accordance with generally accepted accounting principles. The Grantee shall make all relevant financial and other program records available to the Division, HUD, and the New Mexico State Auditor upon request and shall maintain all such records for a period of not less than six years following project closeout.

ARTICLE VIII - REPRESENTATIVES; NOTICE.

- A. The Grantee hereby designates the person listed below as the official Grantee Representative responsible for overall supervision of the approved project:

Name: Traci Alvarez
Title: Assistant City Manager
Address: 505 Sims Street
Truth or Consequences, NM 87901
Telephone: 575-952-0565
E-mail: talvarez@torcnm.org

Grantee may change the Grantee Representative by giving the Division written notice of such change, in accordance with paragraph C of this Article VIII.

- B. The Division hereby designates the person listed below as the official Project Manager responsible for overall administration of this Agreement, including compliance and monitoring of Grantee:

Name: Monica Tapia
Title: Project Manager
Address: Suite 202, Bataan Memorial Building, Santa Fe, New Mexico 87501
Telephone: 505-470-1775
E-mail: monica.tapia@dfa.nm.gov

The Project Manager is the Division representative with the authority to approve on behalf of the Division all matters requiring Division approval under this Agreement. The Division may change the Project Manager by giving Grantee written notice of such change, in accordance with paragraph C of this Article VIII.

- C. Notices of suspension, termination, or any other matter under this Agreement shall be sent by e-mail, or regular mail addressed to the individual designated in or in accordance with paragraphs A and B of this Article VIII. In the case of notices sent by regular mail only, notices shall be deemed to have been given/received upon the date of the party's actual receipt or five calendar days after mailing, whichever shall first occur. A notice sent by e-mail only shall be deemed to have been given/received upon the date of the party's actual receipt.

ARTICLE IX - TERMS AND CONDITIONS.

Except to the extent HUD waives any Federal requirement or regulation, the Grantee shall abide by all applicable Federal and State laws, regulations and rules, policies, guidelines, and requirements with respect to the acceptance and use of Federal CDBG funds for this project, including but not limited to the following:

- A. Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 *et seq.*).
B. The HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time).

C. Construction Project Requirements:

1. The funding assistance authorized hereunder shall not be obligated or utilized for any construction activities until the Grantee has submitted to the Division a Request for Release of Funds and the Division has issued to the Grantee the Authority to Use Grant Funds. The stated forms are included in the CDBG Manual.
 2. The Grantee shall be responsible for assuring the Division that all plans and specifications and related addenda for construction projects comply with the Prompt Payment Act, and have been filed, reviewed and approved for adequacy and code and standards compliances by appropriate State agencies as may be required before a project is advertised for sealed construction bids. Evidence of any such filing, review and compliance shall be provided to the Division prior to bid advertisement. All subsequent change orders must be submitted to the Division for review and approval prior to execution.
 3. Assistance from the State of New Mexico, Community Development Council, shall be acknowledged by project signs erected at the project site prior to and maintained during construction. Project signs shall include the "New Mexico Department of Finance and Administration" as the funding agency, the Governor's name, the Community Development Council members names, the name of the project's architect/engineer, the name of the project, the name of the Grantee, total cost of the project, and a listing of other financial participation by dollar amount from all sources. Project signs shall be weatherproof and shall be painted on one side with a background color of yellow with red lettering of $\frac{3}{4}$ " thick, not smaller than 4' x 6' nor larger than 4' x 8', marine-grade plywood. Each sign shall be mounted on two 4" x 4" posts, with the bottom of the sign at least four feet above grade. The sign shall be mounted level at the location designated by the Grantee. The Grantee shall remove the sign upon completion of the construction project.
 4. Acknowledgment of funding assistance from the CDBG Program shall be included on any permanent signs, plaques or other displays at facilities constructed with grant assistance.
- D. Reversion of Assets:** The Grantee agrees that upon the expiration of this Agreement, the Grantee shall transfer to the Division any funds on hand at the time of the expiration and any accounts receivable attributable to the use of CDBG funds. The Grantee agrees that, upon expiration, any real property under the Grantee's control that was acquired or improved, in whole or in part, with CDBG funds (including in the form of a loan) in excess of \$25,000, shall continue to either: 1) be used to meet one of the national objectives in the Criteria for National Objectives, set forth at 24 CFR 570.208, until five years after expiration of the Agreement, or for such longer period of time as determined to be appropriate by the Division; or 2) if not used in accordance with 24 CFR 570.208, then the Grantee shall, at the time of the change in use, pay the Division an amount equal to the current market value of the property less any portion of the value attributable to expenditures of non-CDBG funds for the acquisition of, or improvement to, the property. The payment is program income to the Division. No payment is required after five years after expiration of this Agreement, or for such longer period as determined to be approved by the Division.

- E. Program Income: The Grantee shall comply with the program income requirements set forth at 24 CFR 570.504(c). In addition, at the end of the program year, the Division may require remittance of all or part of any program income balances (including investments thereof) held by the Grantee (except those needed for immediate cash needs, cash balances of a revolving loan fund, cash balances from a lump sum drawdown, or cash or investments held for Section 108 security needs).
- F. Uniform Administrative Requirements: The Grantee shall comply with applicable uniform administrative requirements, as described in 24 CFR 570.502.
- G. Other Program Requirements:
1. The Grantee shall carry out each activity in compliance with all Federal laws and regulations described in subpart K of the HUD regulations (found at 24 CFR 570.600 – 614, as may be amended from time to time), including, but not limited to, regulations relating to:
 - (a) Public Law 88-352 and Public Law 90-284; affirmatively furthering fair housing; Executive Order 11063 (§570.601);
 - (b) Section 109 of the Act (prohibiting discrimination)(§570.602);
 - (c) Labor standards (§570.603);
 - (d) Environmental standards (§570.604);
 - (e) National Flood Insurance Program (§570.605);
 - (f) Displacement, relocation, acquisition, and replacement of housing (§570.606);
 - (g) Employment and contracting opportunities (§570.607);
 - (h) Lead-based paint (§570.608);
 - (i) Use of debarred, suspended, or ineligible contractors or sub-recipients (§570.609);
 - (j) Uniform administrative requirements and cost principles (referencing OMB Super Circular Uniform Guidance 2 CFR Part 200)(§570.610);
 - (k) Conflict of interest (§570.611);
 - (l) Executive Order 12372 (relating to water or sewer facility projects)(§570.612);
 - (m) Eligibility restrictions for certain resident aliens (§570.613); and
 - (n) Architectural Barriers Act and the Americans with Disabilities Act (§570.614).
 2. Notwithstanding any provision in Section G(1) of this Article IX to the contrary:
 - (a) The Grantee does not assume the Division's environmental responsibilities described in 24 CFR 570.604; and
 - (b) The Grantee does not assume the Division's responsibility for initiating the review process under the provisions of 24 CFR Part 52.
- H. Conflict of Interest: The Grantee shall comply with the conflict of interest provision set forth in 24 CFR 85.36 of the HUD regulations. No officer or employee of the local jurisdiction or its designees or agents, no member of the governing body, and no other public official of the locality who exercises any function or responsibility with respect to this Agreement, during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed under this Agreement. Further, the contractor shall cause to be

incorporated in all of its subcontracts for work funded under this Agreement the language set forth in this paragraph prohibiting conflicts of interest.

- I. Hatch Act: The Grantee shall comply with the provisions of the Hatch Act, which limits the political activity of employees.
- J. Federal Reporting: The Grantee shall comply with requirements established by the Office of Management and Budget (OMB) concerning the Dun and Bradstreet Data Universal Numbering System (DUNS), the System for Award management (SAM) database, and the Federal Funding Accountability and Transparency Act, including Appendix A to Part 25 of the *Financial Assistance Use of Universal Identifier and Central Contractor Registration*, 75 Fed. Reg. 55671 (Sept. 14, 2010) (to be codified at 2 CFR Part 25) and Appendix A to Part 170 of the *Requirements for Federal Funding Accountability and Transparency Act Implementation*, 75 Fed. Reg. 55663 (Sept. 14, 2010) (to be codified at 2 CFR Part 170).
- K. Procurement: The Grantee shall comply with the HUD Procurement (24 CFR Part 85.36), New Mexico State Procurement Code, NMSA 1978, Sections 13-1-28 through 13-1-199, and the purchasing regulations of the New Mexico General Services Department, State Purchasing Division.
- L. Compliance with New Mexico Administrative Code Rule: The Grantee shall comply with Rule 2.110.2 NMAC.
- M. Costs: The Grantee shall finance its share of the costs of the project, including all project overruns.
- N. Prior Approval: The Grantee shall submit all project-related contracts, subcontracts, agreements and subsequent amendments, funded in whole or in part with CDBG funds, to the Division for review and approval prior to execution. Disbursement of Grant funds is conditioned upon the Grantee's contracts, subcontracts and agreements complying with the requirements of Article IV of this Agreement. The Grantee shall provide the Division with any other project-related contracts, and agreements upon the Division's request.
- O. Compliance and Waivers: Except to the extent that the Division waives in writing any requirement contained therein, the Grantee shall abide by, and this Agreement incorporates all applicable provisions of, the Division's CDBG Manual, as it may be amended from time to time.

ARTICLE X - CERTIFICATIONS.

By signing this Agreement, the Grantee certifies the following requirements:

- A. Anti-Lobbying: To the best of the Grantee's knowledge and belief, the Grantee certifies that:
 - 1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee or any agency, a Member of Congress, an officer or employee of Congress, or any employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the

making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
 3. It will require that the language of paragraphs A(1) and (2) of this Article X be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
- B. Local Needs Identification: The Grantee certifies that it has identified its community development and housing needs, including the needs of low-income and moderate-income families, and the activities to be undertaken to meet these needs.
- C. Special Assessments: The Grantee certifies that:
1. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, except that;
 2. An assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources; and
 3. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.
- D. Excessive Force: The Grantee certifies that it has adopted and is enforcing the following:
1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location, which is the subject of such non-violent civil rights demonstrations within its jurisdiction;
- E. Citizen Participation: The Grantee certifies that it has followed a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486, and will continue to provide opportunities for citizen participation.
 - F. Small Minority and Women's Business Enterprise: The Grantee certifies that it will, to the maximum extent feasible, contract and subcontract with eligible small, minority and women's business enterprises and utilize eligible businesses which are owned by persons located in the unit of local government in which the project is administered.
 - G. Section 3: The Grantee certifies that it shall comply with Section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.
 - H. Overall Benefit: The Grantee certifies that the aggregate use of the Grant funds shall principally benefit persons of low and moderate income in a manner that ensures that at least seventy percent (70%) of the amount is expended for activities that benefit such persons.
 - I. Drug Free Workplace: The Grantee certifies that it will or will continue to provide a drug-free workplace by:
 1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 2. Establishing an ongoing drug-free awareness program to inform employees about –
 - (a) The dangers of drug abuse in the workplace;
 - (b) The Grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
 3. Making it a requirement that each employee to be engaged in the performance of the Grant be given a copy of the statement required by paragraph I(1) of this Article X;
 4. Notifying the employee in the statement required by paragraph I(1) of this Article X that, as a condition of employment under the Grant, the employee will –
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

5. Notifying the agency in writing, within ten calendar days after receiving notice under paragraph I(4)(b) of this Article X from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
 6. Taking one of the following actions, within thirty calendar days of receiving notice under paragraph I(4)(b) of this Article X, with respect to any employee who is so convicted –
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 7. Make a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs I(1) –(6) above.
- J. Compliance with Anti-discrimination Laws: The Grantee certifies that this Agreement will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3619), and implementing regulations.
- K. Compliance with Laws: The Grantee certifies that it shall comply with applicable laws.
- L. Subawards to Debarred and Suspended Parties: The Grantee certifies that it shall comply with 24 CFR 85.35 in that it must not make any award or permit any award (subgrant or contract) at any tier to any party that is debarred or suspended or is otherwise excluded from or ineligible for participation in federal assistance programs subject to 2 CFR part 2424.
- M. Local Needs Identification: The Grantee certifies that it has identified its community development and housing needs, including the needs of low-income and moderate-income families, and the activities to be undertaken to meet these needs.

ARTICLE XI - GENERAL ASSURANCES:

The Grantee represents and warrants that:

1. It has the legal authority to receive and expend the Grant funds and execute a CDBG program;
2. This Agreement has been duly authorized by the Grantee's governing body, the person executing this Agreement has authority to do so, and, once executed by the Grantee, this Agreement shall constitute a binding obligation of the Grantee, enforceable according to its terms.

3. This Agreement and the Grantee's obligations under this Agreement do not conflict with any law applicable to the Grantee's charter (if applicable), or any judgment or decree to which it is subject.

ARTICLE XII - ENTIRE AGREEMENT.

This Agreement contains the entire agreement between the Grantee and the Division. There are no promises, agreements, conditions, undertakings, warranties or representations, oral or written, expressed or implied, between them, other than what is herein set forth.

ARTICLE XIII - APPROPRIATIONS.

The Division's performance and liability under this Agreement is contingent upon sufficient authority and appropriations being granted to the Division by HUD and the Council.

ARTICLE XIV - GOVERNING LAW.

This Agreement shall be construed and governed by the substantive laws of the State of New Mexico, without giving effect to its choice of law rules, and applicable Federal laws and regulations.

ARTICLE XV – LIABILITY.

Each party shall be solely responsible for its own liability under this Agreement, subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Sections 41-4-1 *et seq.*

[This space intentionally left blank.]

IN WITNESS WHEREOF, the Grantee and the Division do hereby execute this Agreement as of the date of signature by the Division below.

THIS GRANT AGREEMENT has been approved by:

T or C

Chief Elected Official/Authorized Signatory

Date

Type or Print Name

**DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION**

Division Director

Date

EXHIBIT 1-A – FULL PROJECT**PROJECT DESCRIPTION**

GRANTEE NAME City of Truth or Consequences

PROJECT NUMBER 22-C-NR-I-01-G-01

GRANT AMOUNT \$750,000

PROJECT DESCRIPTION

The City of Truth or Consequences' CDBG Water Meter Replacement project will consist of the design and construction related to the replacement of aged and deteriorated water meter assemblies. The current manual read water meters will be replaced with new advanced metering infrastructure radio read meters. The meter replacements will take place throughout the municipal water system service area which includes the City of T or C and Village of Williamsburg. The condition and location of the meter assemblies varies widely throughout the service area and therefore the location of the assemblies and surface improvements to be replaced will vary as well. In locations where the existing meter assemblies have failed and are located within the sidewalks, the improvements will also include the replacement of the meter setters, meter cans, lids, plus the removal and replacement of the sidewalk section as needed to complete the installation.

The full scope of the project will include the replacement of approximately 981 meters, 98 meter assemblies and 88 square yards of sidewalk removal & replacements. The general scope of work is the same for the full and phased projects, with the only difference for the phased approach being a reduction in quantity. The state of the inflated construction costs will be the deciding factor for the overall completion of the intended project. The best-case scenario will involve reasonable bids for the completion of the work that will allow the City to replace all 981 water meters and accompanying appurtenances. The worst-case scenario will involve inflated bids, reducing the number of meters that can be replaced and therefore require a ranking and/or prioritization of replacing those meters that are in the worst condition first.

The project will be located at 33.129301789377934 latitude, -107.25617617795145 longitude.

NATIONAL OBJECTIVE (from DFA/LGD approved survey)

This project will benefit 6,020 total beneficiaries of which 52.74% are Low and Moderate Income (LMI).

CASH MATCH and LEVERAGING (from 2014 CDBG Application)

The City of Truth or Consequences will provide a 10% Cash Match of \$75,000.

EXHIBIT 1-B

PROJECT SCHEDULE

[illegible]

Exhibit 1-C

Project Cost/Financing Summary

Entity Name: <u>City of Truth or Consequences</u>		☒ Grant Agreement		CDBG Amount: \$ 750,000.00		
CDBG Project Number: <u>22-C-NR-I-01-G-01</u>		☐ Grant Amendment		Other Amount: \$ 75,000.00		
Project Cost Activities	Project Funding Sources					Total Project Cost
	CDBG Funds	Other Sources (identify other local, state, federal, or private)				
		Cash Match	Leverage			
Administration (Contractual)	\$ 22,500.00					\$ 22,500.00
Architect/Engineer	\$ 69,338.70	\$ 7,704.30				\$ 77,043.00
Other Professional						\$ -
Inspection (Testing)						\$ -
Property Acquisition						\$ -
Property Rehabilitation						\$ -
Construction	\$ 658,161.30	\$ 67,295.70				\$ 725,457.00
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
Totals	\$ 750,000.00	\$ 75,000.00	\$ -	\$ -	\$ -	\$ 825,000.00

EXHIBIT 1-D

QUARTERLY PROGRESS REPORT

Grantee Name: CDBG Grant Number:
Grant Execution Date: Grant Expiration Date:

1. Quarterly Accomplishments

CDBG Grantee's are required to report progress on their respective projects throughout the life of their grant (grant execution through closeout). Grantees must report on a quarterly basis and reports must be submitted within 20 days of the end of the quarter.

Reporting Deadlines:

<u>Quarters</u>	<u>Due Date</u>
Q1: January – March	April 20 th
Q2: April – June	July 20 th
Q3: July – September	October 20 th
Q4: October – December	January 20 th

A. The reporting period for this report is 20

B. Describe Tasks/Goals/Milestones accomplished during this quarter (include dates):

C. Describe any problems encountered or delays experienced during this quarter (if applicable). Also describe actions needed to resolve this (these) issue(s):

2. **Quarterly Contracting Activity**

CDBG Grantee's are also required to submit timely reports regarding contracts paid for (whole or in part) using federal funds, which include CDBG). This requirement is accomplished by submitting the "Contractor/Subcontractor Activity Report (Exhibit 1-E)". The document must be completed (or updated) after each subsequent contract. If a contract is executed during the quarter, Exhibit 1-E must be submitted with its corresponding progress report. Instructions for completing can be found in Exhibit 1-E-1.

A. The reporting period for this report is , 20

B. Were any of the following contracts executed during this period?:

	Yes	No	N/A
a. Administrative Services	☐	☐	☐
b. Architect/Engineer Services	☐	☐	☐
c. Construction	☐	☐	☐
d. Construction (Subcontractors if applicable)	☐	☐	☐

C. If "Yes" to any of the above? (If "No" or "Not applicable", proceed to "3.")

☐ Yes

a. Exhibit 1-E submitted with progress report? ☐ Yes ☐ No

☐ No (Proceed to "3.")

3. **Quarterly Federal Spending Activity**

Federal spending demonstrates project progress both to DFA/LGD and HUD, so Grantees should utilize federal funds on a regular basis throughout the life of the grant. Projects not containing financial activity are considered "Slow Spenders" in the federal database which can jeopardize funding. To avoid being a Slow Spender, Grantees should not go more than 9 consecutive months without federal spending at any time during the project.

A. Grant Execution Date:

B. Has the Grantee expended CDBG dollars within 9 months of the grant execution?

☐ Yes ☐ No ☐ Not Applicable

a. If "Yes", how many months have passed since grant execution? months
(If "No" or "Not applicable", proceed to "C.")

C. Has more than 9 months passed since the most recent reimbursement for federal dollars?

☐ Yes ☐ No ☐ Not Applicable

a. If "Yes", how many months have passed since last pay request? months
(If "No" or "Not applicable", proceed to "4.")

4. Quarterly Local Spending Activity

Local spending also demonstrates project progress at the local level as well as DFA/LGD, however, HUD does not recognize these expenses until the project has been closed. Nevertheless, it is important to capture local spending activity during the reported quarter. Two documents are used to capture local spending during the quarter:

- *"Request for Reimbursement/Financial Status Report" (Exhibit 1-M)*

Used to request reimbursement as well as report local spending (Exhibit 1-Ms submitted without a request for reimbursement are assumed to be a "Financial Status Report").

- *"Cash Match/Leveraging Tracking Sheet" (Exhibit 1-J)*

Used to recognize and chronologically organize local expenditures. This document can be considered the "cover page" and should be accompanied by supporting financial documentation (invoices, pay applications, proof of payment, etc.)

A. Has the Grantee expended any non-CDBG dollars during this quarter?

☐ Yes

a. Exhibit 1-M submitted with progress report?

b. Exhibit 1-J submitted with progress report?

<u>Yes</u>	<u>No</u>
☐	☐
☐	☐

☐ No (If "No", proceed to "5")

5. Section 3

The Section 3 Summary Report (HUD 60002 / Exhibit 1-U) is required to be submitted with the Q4 quarterly report (October-December, due January 20 of the following year). Section 3 reports on economic opportunities for low- and very-low income persons as the result of federal funding. CDBG Grantees must complete this form as it pertains to the Grantee's hiring of Section 3 residents and businesses resulting from this CDBG project. The form consists of hiring and training Grantee employees, contracts awarded to businesses and Grantee efforts made toward benefiting economically disadvantaged persons (page 3 of the document has step-by-step instructions).

A. Is this report covering Q4 (October-December)?

☐ Yes

a. HUD 60002 / Exhibit 1-U submitted with progress report?

<u>Yes</u>	<u>No</u>
☐	☐

☐ No (If "No", proceed to "6")

6. Overview of Project Progress

Deadlines for completion of the project have been identified in the CDBG grant agreement. The purpose of comparing scheduled completion dates and action completion dates are to keep the project on schedule and identify opportunities for improvement.

Grantee Project Overview	Scheduled	Completed
Adopt federal and procurement plan requirements	5/31/23	
Set up CDBG accounting (Authorized signatories, CDBG bank account, fidelity bond)	5/31/23	
Environmental determination by LGD	4/30/23	
Environmental completed and submitted to LGD	7/31/23	
LGD issues "authority to use grant funds" (after 15 day public comment period)	8/15/23	
Submit RFP for professional services to LGD for approval	5/31/23	
LGD approves RFP	6/15/23	
Collect RFPs for professional services	7/31/23	
Execute contract with architect/engineer; submit to LGD	8/31/23	
LGD concurrence on architect/engineer contract	9/15/23	
Design project, complete plans, specs and bid docs	12/31/23	
Submit plans, specs and bid docs to project-specific agencies	12/31/23	
Submit plans, specs and bid docs to LGD with agency approval(s)	1/31/24	
LGD approves plans, specs and bid docs	2/29/24	
Collect construction bids and award contract	4/30/24	
Pre-construction conference and notice to proceed	6/30/24	
Construction start date	7/15/24	
% of construction work complete	%	0%
Construction completion date	12/31/24	
LGD closeout monitoring review and on-site inspection	1/31/25	
Complete closeout checklist and submit final pay request	2/28/25	

Certification

I hereby certify that the information contained in this progress report is correct and true to the best of my knowledge.

Signature of Grantee Representative

Signature of Grantee Authorized Signatory

Date

Date



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 22, 2023

Agenda Item #: H.7

SUBJECT: Request from Planning & Zoning Commission to create a Rules of Procedure Manual for their board

DEPARTMENT: City Clerk's Office

DATE SUBMITTED: March 17, 2023

SUBMITTED BY: Angela A. Torres, Clerk-Treasurer

WHO WILL PRESENT THE ITEM: City Attorney Rubin & City Clerk Torres

Summary/Background:

Planning & Zoning Member Susan Buhler requested that the board adopt the Sandoval County Rules of Procedure Manual for their board to follow. On March 13, 2023, the Planning & Zoning Commission met in regular session and discussed the item. City Attorney Rubin, and City Clerk Torres attended the meeting, and had a few suggestions for language to be implemented into a rules of procedure manual for the T or C Planning & Zoning Commission, which included Battershell Procedures and Sec. 11-2-2. (The Planning and Zoning Commission) of our Municipal Code of Ordinances. The board then made a motion to request approval from the City Commission to proceed forward with planning and creating a Rules of Procedure Manual for their board.

Recommendation:

- -

Attachments:

- Sandoval County P & Z Rules of Procedure
- Chapter XII Complying with Battershell Procedures
- City of T or C Battershell Procedures
- Sec. 11-2-2.

Fiscal Impact (Finance): No

\$0.00

Legal Review (City Attorney): Yes

Suggestions will be presented during the Commission Meeting.

Approved For Submittal By: ☐ Department Director

Reviewed by: ☒ City Clerk ☐ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 3-22-2023

CHAPTER XIII

COMPLYING WITH *BATTERSHELL*

In 1989, the Court of Appeals in New Mexico decided *Battershell v. City of Albuquerque* 108 N.M. 658, 777 P.2d 386 (Ct. App. 1989) which expanded a long line of cases dealing with Due Process requirements in land use decisions. *Duke City Lumber v. Environmental Improvement Division* 95 N.M. 401, 622 P.2d 709 (Ct. App. 1980) was one of the first of such decisions. In *Duke City*, the Court of Appeals announced a new definition for "quasi judicial":

Quasi-judicial is a term applied to administrative boards or officers empowered to investigate facts, weigh evidence, and draw conclusions as a basis for official actions.

There is no question that planning and zoning commissions engage in such activities when considering special exemptions, variances, and conditional uses, it is less clear when large scale zone changes are considered. What does this mean for planning and zoning commissions?

New Mexico courts have consistently required that procedural due process be afforded the parties before an administrative body acting in an adjudicatory or quasi-judicial role. In affording procedural due process, the body must swear the witnesses and provide for cross examination of witnesses. The body must also avoid *ex parte* contacts that would improperly interfere with its role. In addition, all evidence that is presented and admitted into the record must be considered by the body.

A. Swearing of Witnesses

Battershell made it clear that in quasi judicial proceedings, any person giving testimony will be required to do so under oath or affirmation. Although it is far from a unanimous position among the several states, the general rule with respect to zoning hearings is that witnesses should be sworn, and their testimony taken only on an oath or affirmation. The purpose for the oath is to awaken the witnesses' conscience and impress the witnesses' mind with the duty to tell the truth in both direct testimony and cross examination. See SCRA 11-603. *Duke City* was the first case to hold that witnesses before quasi judicial bodies must be sworn:

Under NMSA 1978, Evid. R. 603, every witness, before testifying, must declare by oath or affirmation that he will do so truthfully. The parties have not cited us to any authority in New Mexico exempting witnesses at an administrative hearing from that rule, and we have found none.

The Hearing Examiner or Commission may, in its discretion impose reasonable limitations on the number of witnesses to be heard, and on the nature and length of their testimony.

B. Cross Examination

The cross examination of all witnesses giving testimony is another essential element of procedural due process. In *Battershell*, the Albuquerque EPC denied the parties the right of cross examination. The Court of Appeals held that it was error for the EPC to refuse to permit reasonable cross examination of witnesses. This does not mean that an exhaustive, long-winded and comprehensive cross examination is required. A

reasonable opportunity to confront and cross examine witnesses is all that is required by the Due Process Clause. In conducting the hearing, the body need not adhere strictly to the evidentiary standards applied by a court for examination and cross examination, but the body must adhere to the fundamental principles of fairness and due process. A reasonable opportunity to cross examine involves the right to ask questions bearing on the testimony presented or the position taken by the witness. It might include exploration of motivation or bias on the part of the witness, and might even touch on issues involving conflicts of interest. Cross examination must always be conducted politely and professionally; a witness should never be subjected to badgering or unreasonable attack by the cross examiner.

The Hearing Examiner or Commission may, in its discretion impose reasonable limitations on the number of people entitled to cross examine witnesses (may be limited to parties only) and on the nature and length of their cross examination.

C. Parties

It is important, for a variety of reasons for the Hearing Examiner or Commission to determine who the parties are early in the proceedings, preferably before the commencement of the hearing. In an effort to streamline the hearing process it is permissible to limit the right of cross examination to interested people designated as parties. A person who is a party is also entitled, as a matter of law to receive a copy of the written decision and order of the Commission. Parties may also be afforded extra presentation time over those individuals who simply want to state their support or opposition to a proposed project or measure.

A party may include the applicant, or his/her agent or representative, an owner of property located within a short distance of the property that is the subject of the hearing (usually within 100 feet), an organized neighborhood association that has adopted by-laws and that includes the area affected by the hearing or land within 100 feet, the municipality or county, and any other people or organizations that can demonstrate a significant interest in the subject matter of the hearing. This interest may be pecuniary or some other direct interest in the outcome of the hearing. The decision concerning whether a person is a party is going to rest largely on the level of participation and involvement of the particular individual.

A Hearing Examiner or Commission should first undertake to establish who the respective parties to the hearing are in order to properly preserve the parties right to participate in the hearing. Non-parties to the hearing will still be entitled to express their views and opinions on the proposed action that is the subject of the public hearing, they simply may not have the opportunity to cross examine other witnesses and may not be automatically entitled to receipt of the final written decision of the Commission.

D. *Ex Parte* Communications

Ex Parte communications by, with, or among Commissioners is strictly prohibited during the pendency of quasi-judicial matters. The prohibition against *ex parte* communications is not applicable if the decision making process is Legislative in nature.

1. An *ex parte* communication is any communication, whether oral or written that:

- a) involves fewer than all the parties having a legal interest in the matter;
 - b) is about a pending or impending matter within the jurisdiction of the administrative body;
 - c) made to or initiated by a commission member having jurisdiction over the matter;
2. An *ex parte* communication may include:
- a) communications with people involved in the subject matter pending before the commission;
 - b) communications with people not involved in the pending matter at all;
 - c) independent investigations such as visiting the site proposed for development;
 - d) communications made with the best of intentions.
3. Permissible *ex parte* communications include:
- a) communications for the purpose of scheduling, administrative matters or emergency purposes;
 - b) communications with the municipal attorney;
 - c) communications with commission staff (if any)

NOTE: This is not to be confused with communications with the municipal planning and zoning department; which usually has a position on planning and zoning matters and with whom such *ex parte* communications would be IMPERMISSIBLE.

4. *Ex Parte* communications are prohibited for a variety of reasons:

- a) It is not fair to the other party because the decision maker may be improperly influenced;
- b) It is not fair to the other party because the decision maker may be inaccurately informed;
- c) It is not fair to the other party because the decision maker is only provided with one side of the issue;
- d) In the absence of actual influence or misinformation, the other side may nevertheless feel cheated and believe the proceedings have been tainted;
- e) The commission can acquire a reputation for being susceptible to improper influence;
- f) Improper *ex parte* communications can invalidate the actions of the commission.

E. Sample Provisions for Implementation of *Battershell* Proceedings

1. Designation of Parties

The Hearing Examiner or Chair of the Commission should determine, prior to the commencement of the hearing, the parties to the hearing, because the parties will be afforded certain rights that do not extend to other participants. Clearly announce that the applicant or the applicant's agent or representative as well as the municipality are parties to the hearing. Other people may be designated as parties by the Hearing Examiner or Commission if they can demonstrate eligibility.

2. Testimony under oath. All people (other than New Mexico licensed attorneys appearing on behalf of a client and presenting only legal arguments) giving testimony before the Commission shall be sworn in under oath before the proceeding by the Commission Administrator, Commission staff member, Chairman of the Commission, or other qualified notary public, and shall be obligated thereby to testify in a truthful manner. To assist in the orderly presentation of evidence, people giving testimony will be divided into three groups: (1) proponents; (2) opponents; and (3) interested people. To further assist in the orderly presentation of testimony and preparation of the minutes of the Commission, all people wishing to testify, (as well as attorneys representing clients) will be required to provide their names and addresses in written form to the Commission staff prior to being permitted to testify or address the Commission.

3. Manner of presentations to the Commission.

a) Applicants. Applicants are asked to address and explain the material which is the subject of their application in a succinct manner, confining their comments to matters relevant to the application and the Commission's jurisdiction and decision making responsibilities. At the conclusion of the applicant's testimony, Commissioners may question the applicant to assist in the Commissioner's understanding of the matter to be considered. This may be followed by cross examination by municipal staff. Following questions by the Commissioners and staff, other parties may pose questions in the nature of cross examination to the applicant. (NO TESTIMONY WILL BE TAKEN AT THIS TIME).
If the Commission has not restricted the right of cross examination to parties,

members of the public may pose questions to the applicant. If the right of cross examination is reserved to parties, omit this final step]

b) **Staff.** Municipal staff will present their direct testimony and position with respect to the application or matter at hand. In the same manner, the staff will stand for questions by the Commissioners and cross examination by the applicant and other parties. [Some Commission have staff proceed first to set out the issues for the Commission. This is in the discretion of the Commission]

c) **Opponents.** Opponents to the application will proceed with their direct testimony. In the same manner, the opponents will stand for questions by the Commissioners and cross examination by the staff, applicant and other parties.

d) **Members of the public.** Similarly, any interested member of the public may make a statement concerning the application pending before the Commission. Anyone making such a statement will be sworn, and subject to questioning by members of the Commission, staff, the applicant, opponents and other parties to the hearing.

e) **All people giving testimony.** All testimony and all questioning of witnesses will be confined to matters relevant to the application pending before the Commission and the Commission's decision making authority concerning the pending application. No questions shall be asked of any individual Commissioner by applicants or others testifying before the Commission except through the Chair of the Commission. All people participating in the proceedings are expected to conduct themselves in a courteous manner,

4. Evidence. The Chair of the Commission shall mark for identification and enter into evidence, to be made a part of the record, any relevant written document tendered by any person during the course of the proceedings.

CITY OF TRUTH OR CONSEQUENCES NEW MEXICO

BATTERSHELL PROCEDURE FOR PUBLIC HEARINGS BEFORE THE CITY PLANNING AND ZONING COMMISSION

The agenda item referencing this procedure requires that the City Planning and Zoning (P & Z) Commission hold a hearing where it acts in an adjudicatory or quasi-judicial role as to the matter being brought before it. While acting in such role, the City P & Z Commission is required to afford parties appearing before it, procedural due process. Procedural due process requires that City P & Z Commission swear the witnesses and provide for cross examination of witnesses. This does not mean, however, that an exhaustive, long-winded and comprehensive cross examination is required. A reasonable opportunity to confront and cross examine witnesses is all that is required by the Due Process Clause. The City P & Z Commission must also avoid ex-parte contacts. Further, all evidence that is presented and admitted into evidence must be considered by the City P & Z Commission. The role of the City P & Z Commission is to serve as unbiased decision makers. The hearing is intended to protect the due process rights of all parties and to provide for the orderly conduct of the hearing.

The following procedures are mandated by the New Mexico Court of Appeals in the case styled as *Battershell v. City of Albuquerque*, 108 N.M. 658, 777 P.2d 386 (Ct. App. 1989) and will apply only to the agenda item referencing this procedure.

Presiding Officer

In order to assist in the orderly conduct of the hearing, the Chairperson, or in his/her absence, the Vice-Chair, shall serve as the presiding officer who will ensure that the hearing is followed and enter into evidence any relevant written document tendered by any person during the course of the proceedings. No questions shall be asked of any individual Commissioners except through the Chairperson serving as presiding officer. It is the duty of the presiding officer to keep the questioning and testimony on track and to avoid irrelevant issues and endless repetition of the same arguments or testimony.

Testimony Limited To Subject Matter

Testimony will be limited to the relevant matter of the agenda item referencing this procedure.

Cross Examination

Cross examination should always be conducted politely and professionally; a witness should not be subjected to badgering or unreasonable attack by the cross examiner.

Oath

The Chairperson, Clerk, or a duly authorized designee, shall conduct the oath on all witnesses substantively as follows:

“Do you swear to tell the truth, the whole truth, and nothing but the truth”

To assist in the preparation of the minutes of the City P & Z Commission meeting, all persons wishing to testify, (as well as attorneys representing clients) shall be required to state their name and address to City P & Z Commission prior to being permitted to testify or address City P & Z Commission.

Protocol

In order to assist in the orderly presentation of evidence, people giving testimony will be divided into four (4) groups: (1) staff, (2) proponents, (3) opponents, and (4) public.

STAFF PRESENTATION:

- Staff is sworn in
- Staff presentation
- Commission questions staff to assist in their understanding of the matter to be considered
- Proponents may cross-examine staff
- Opponents may cross-examine staff
- Continue same process for each individual staff member

PROPOSERS PRESENTATION:

- Proponents are sworn in
- Proponents presentation
- Commission questions the proponents to assist in their understanding of the matter to be considered
- Staff may cross-examine the proponents
- Opponents may cross-examine the proponents
- Continue same process for each individual proponent

OPPONENTS PRESENTATION:

- Opponents are sworn in
- Opponents presentation
- Commission questions opponents to assist in their understanding of the matter to be considered
- Staff may cross-examine the opponents
- Proponents may cross-examine opponents
- Continue same process for each individual opponent

PUBLIC PRESENTATION:

- Individual public members are sworn in
- Public members presentation
- Commission questions individual public members to assist in their understanding of the matter to be considered
- Staff may cross-examine the individual public members
- Proponents may cross-examine the individual public members
- Opponents may cross-examine the individual public members
- Continue same process for each individual public member

COMMISSION ACTION:

- A Commission Member makes a motion
- There is a second to the motion
- There is discussion of the motion
- The Commission is prepared to vote
- The City Clerk takes roll call of the Commission
- The motion passes or fails



SANDOVAL COUNTY

RESOLUTION NO. 8-25-20.6C

RULES OF PROCEDURE AND CONDUCT

WHEREAS, the Sandoval County Planning and Zoning Commission met in regular session on February 25, 2020, at 4:30 p.m., as required by law; and

WHEREAS, the Sandoval County Planning and Zoning Commission adopted Resolution 2-25-20.7 which established Open Meetings Act and Rules of Procedures for the Planning and Zoning Commission; and

WHEREAS, the Sandoval County Planning and Zoning Commission wishes to repeal Resolution 2-25-20.7 and any amendments, in order to separate the Open Meetings Act and Rules of Procedure into two (2) separate Resolutions;

WHEREAS, this Resolution 8-25-20.6C addresses the Rules of Procedure for the Sandoval County Planning and Zoning Commission;

WHEREAS, the Sandoval County Planning and Zoning Commission wishes to revise its Rules of Procedure for the conduct of meetings and the commission;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Sandoval County Planning and Zoning Commission (hereinafter referred to as the "P+Z Commission");

I. RULES OF PROCEDURE

A. Election of Chair and Vice Chair

1. At the first meeting of a new calendar year, typically in January, the P+Z Commission shall elect one of its members to act as Chair of the P+Z Commission (Section 4-38-10, NMSA 1978). The Chair shall serve until the election of a Chair at the first meeting of the P+Z Commission of the following year.
2. The current Chair calls for nominations for Chair. Nominations do not require a second. A roll-call vote is conducted for each nomination in the order the nominations are received. If there is only a single nominee, the board may elect the nominee by acclamation. If a vacancy occurs in the office of the Chair, the P+Z Commission shall, at its next meeting, select a Chair for the remainder of the term.

3. In conjunction with the above election, a Vice Chair is also elected in a like manner. The Vice Chair continues to have all the rights, privileges and immunities of a member of the Commission.
4. In case of the absence or temporary disability of the Chair, the Vice Chair serves as Chair during the absence. In case of the absence or temporary disability of the Chair and the Vice Chair, an Acting Chair and Vice Chair, selected by members of the P+Z Commission, serves during the continuance of the absences or disabilities.

B. Public Meeting Order

1. The normal order of considering an application shall be as follows unless the P + Z Commission approves a motion to alter the order of presentation:
 - a. Planning and Zoning Staff presentation
 - b. Applicant's or Agent's presentation
 - c. Public Comment
 - d. Cross Examination
 - e. Rebuttal by staff or applicant
 - f. Floor is closed
 - g. Comments by the P+Z Commission, if any
 - h. Motions, including Findings and conditions, if applicable, as listed in the Staff Reports or/and any proposed by a member of the P+Z Commission.

C. Public Meeting Procedures

1. The applicant may present on their own behalf or may be represented by an agent.
2. A P+Z Commissioner may ask clarifying questions of any speaker at the public meeting at any time prior to closing the floor. The Chair has the discretion to allow additional comment and response while the floor is open.
3. At the beginning of the meeting the Chair shall ask for a roll call of the Commissioners in attendance. When a P+Z Commissioner joins or leaves a meeting that is in progress, the Chair shall announce that for the record as well as citing the time this occurs.
4. Any P+Z Commissioner may move to reopen the floor for discussion pertaining to the application under consideration by the P+Z Commission.
5. Cross Examination shall be afforded to persons with standing. Persons with standing include the applicant and persons who demonstrate a personal or pecuniary interest or property right that may be adversely affected by the P+Z

Commission's decision, which right or interest must be more than merely nominal or remote. Questions must be submitted to the Chair and asked through him except as directed otherwise by the Chair.

6. The Chair is responsible for the management and administration of the P + Z Commission meetings, which may include time limits on presentations and testimony are generally as follows:
 - a. 5 minutes for P + Z staff
 - b. 10 minutes for applicant's presentation
 - c. 3 minutes for each public speaker
 - d. 5 minutes for cross examination
 - e. 5 minutes for applicant's response
 - f. 5 minutes for staff response
7. The time limits may be imposed by the Chair and will be announced before the application is heard.
8. The Chair may grant additional time to any speaker as is appropriate. Individual speakers may not cede their speaking time to others.

D. General Rules of Conduct and Procedures:

1. A P+Z Commissioner shall recuse himself from hearing a matter if conflict of interest exists or appears to exist, including, for example, a direct or indirect financial conflict of interest, or if circumstances exist which would impair or appear to impair the independence of judgment of the P+Z Commissioner. However, the P+Z Commissioners have a duty to hear cases presented to them and recusal should only occur for good reason. A P+Z Commissioner who recuses himself from hearing and voting on a quasi-judicial matter shall not be present in the hearing room when the matter is heard.
2. A P+Z Commissioner shall not engage in Ex Parte communication about any filed or prospective application requiring a quasi-judicial proceeding with any person or organization interested in such an application. For purposes of these rules, an *ex parte* communication shall be defined as a substantive communication, outside the public hearing process, between a member of the P+Z Commission and any member of the public. Ex Parte communication by a P+Z Commissioner shall be grounds for recusal.
3. Communication with the Planning and Zoning or County Legal staff shall not be considered *ex parte* communications. Communication with Planning and Zoning

staff outside of an open meeting regarding the substance of a case shall be by email. This communication shall be made part of the record.

4. Any material received by a P+Z Commissioner from any person or organization shall be forwarded to the Planning and Zoning staff for distribution to the P+Z Commission.
5. The P+Z Commissioners are not subject to cross-examination.
6. In quasi-judicial proceedings, all communications, written or verbal, with P+Z Commission must be made through the Planning and Zoning staff, not directly with any member of the P+Z Commission
7. For applications that result in recommendations to the Board of County Commissioners, the P+Z Commission shall not have discussions with the County Commissioners about these applications while pending.
8. The P+Z Commission shall only hear actual applications and shall not consider hypothetical or what-if scenarios.
9. P+Z Commissioners shall not conduct independent fact finding investigations for any property that is subject to quasi-judicial proceedings before the P+Z Commission. However, driving by the subject property to familiarize themselves with the location and environs of such a property does not constitute an independent fact finding investigation and is permitted.
10. These rules may be amended by a majority vote of the P+Z Commission at a public meeting. Notice to the public shall follow the same advertisement schedule as required for quasi-judicial cases to be heard by the P+Z Commission. The notice shall announce that the P+Z Commission will be proposing to amend their rules but does not have to list the specific issues. Discussion shall take place at the hearing and the public and other interested parties can sign in to speak at that time.
11. P+Z Commissioners shall confine their remarks to the question under discussion or debate, avoiding personalities. No P+Z Commissioner shall engage in private discourse or commit any other act tending to distract the attention of the P+Z Commission from the business before it.
12. A P+Z Commissioner once recognized should not be interrupted when speaking unless to call said P+Z Commissioner to order. The P+Z Commissioner should

then cease speaking until the question of order is determined, without debate, by the Chair. If in order, said P+Z Commissioner will be at liberty to proceed.

E. Amendment of Rules

1. These rules, or any part thereof, may be amended, repealed, altered or rescinded by a majority vote of all P+Z Commissioners after two weeks' notice of his/her intention to amend. Such notice shall be presented in writing at a Regular Administrative hearing

F. Not Covered by Rules

1. Any matter not covered by these Rules shall be governed by Robert's Rule of Order (latest edition), or if not covered by Robert's Rule of Order, by a decision of the chair, subject to the right of appeal. A violation of Robert's Rule of Order brought to the attention of the P+Z Commission during the hearing and prior to a vote of the issue shall not be a basis of appeal.

G. Motions

1. No motion shall be entertained or debated until announced by the Chair, and every motion shall be seconded to be considered for action. When a question is before the P+Z Commission, only the following additional motion(s) shall be entertained and such motion(s) shall have precedence in the following order:
 - (a) To adjourn
 - (b) To recess
 - (c) To reconsider
 - (d) To table
 - (e) To move the previous question
 - (f) To postpone to a time certain (to defer)
 - (g) To amend or substitute
 - (h) To postpone indefinitely
 - (i) Any other motion
2. A motion to adjourn, to recess, to table, or move the previous question shall be decided without debate and cannot be amended.
3. A motion to move the previous question must be approved by a majority of those present and voting, and may apply to only the immediate pending question.
4. All other motions are debatable.
5. A motion to amend or substitute shall be clearly stated.
6. A motion to adjourn when no fixed time is set shall mean an adjournment to the next Regular Administrative meeting of the P+Z Commission.
7. The maker of a motion shall be entitled to the floor first for debate.

H. Voting

1. The votes during all P+Z Commission meetings should be transacted as follows:
 - a) Except for the election of the Chair and Vice Chair, when the Chair calls for a vote on a motion, every member, in the Commission Chambers, must give his/her vote.
 - b) The passage of any motion shall require the affirmative vote of at least a majority of the membership of the P+Z Commissioners who are present and eligible to vote. In case of a tie in votes on any proposal, the proposal shall be considered lost.
 - c) The New Mexico Zoning Act (3-21-1 et. seq.) requires certain votes of the P+Z Commission to be determined by more than simple majority of the P+Z Commission's quorum (e.g. 3-21-6; 3-21-14).
 - d) A P+Z Commissioner shall be allowed to change his/her vote, but only before the result has been announced.
 - e) Any P+Z Commissioner shall have the right to express dissent from, or protests against, any item being acted on by the P+Z Commission, and to have the reason therefore entered in the minutes.
 - f) If a motion is not carried by at least a majority of P+Z Commission's quorum, the proposal shall be considered lost.
 - g) A record of each P+Z Commissioners vote shall be entered in the minutes of each meeting.

I. Public Comment

1. So that freedom of speech is unrestricted:
 - a) Anyone will be allowed an opportunity to speak during the public comment period of the P+Z Commission public hearing meeting.
 - b) Speakers may discuss any subject not on the agenda during the public comment period.
2. In order to promote orderly efficient meetings respectful of everyone's time:
 - a) All individuals will be limited to three (3) minute comment period.
 - b) No individual will be permitted to speak more than one (1) time, or to donate any of their time to another individual; no rebuttals to the comments of others will be permitted.
 - c) The public comment period will be on the P+Z Commission's agenda for regular meetings.
 - d) Comments, applause and other interruptions from the audience are not allowed.
3. In order to promote orderly meetings so that attendees feel safe and secure in their attendance:
 - a) Threatening/abusive or personal attacks will not be allowed and the Chair of the P+Z Commission can impose additional restrictions as necessary.

- b) Comments by speakers will only be addressed to the P+Z Commission.

J. AGENDAS

1. Preparation of Agenda – Regular Administrative Meetings

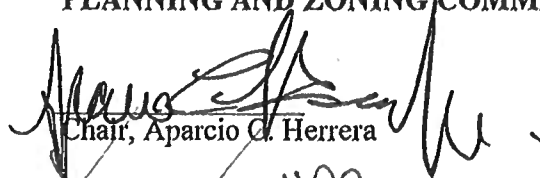
- (a) The Planning and Zoning Department shall prepare and disseminate the agenda. The Chair, the Planning and Zoning Director or a majority of the members in a previous meeting (at the initiation of at least one member) may place an item on the agenda.
- (b) The Chair and Planning and Zoning Director will meet to discuss each agenda. Items for Final Action on an Administrative Meeting agenda may be placed on the Consent Agenda by the Planning and Zoning Director, after consultation with the Chair, if s/he believes that no discussion or amendment is needed. Thereafter, the Planning and Zoning Director shall finalize the agenda.
- (c) Any member of the P+Z Commission may make a motion to remove an item from the Consent Agenda for further discussion.

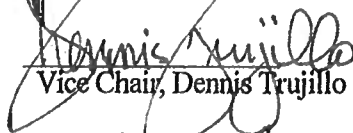
2. Agenda Material

A copy of the agenda and supporting materials shall be prepared for Commissioners and made available to them within a reasonable time before the hearing but no later than 72 hours prior to the Regular Administrative hearing. The agenda, as well as supporting documents that are part of agenda documentation, shall be available for review in the Planning and Zoning Department.

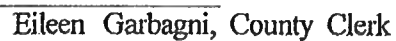
PASSED by the Sandoval County Planning and Zoning Commission, this 25 day of August 2020.

**SANDOVAL COUNTY
PLANNING AND ZONING COMMISSION**


Chair, Aparcio C. Herrera


Vice Chair, Dennis Trujillo

ATTEST:


Eileen Garbagni, County Clerk


Member, Keith Brown

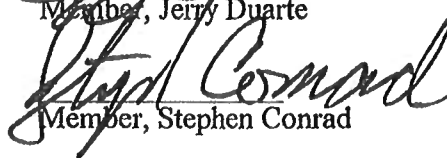
APPROVED AS TO FORM:


Robin S. Hammer, County Attorney


Member, James G. Maduena


Member, Geoffrey Stamp


Member, Jerry Duarte


Member, Stephen Conrad

Sec. 11-2-2. The Planning and Zoning Commission.

- A. *Purpose.* A Municipal Planning and Zoning Commission is hereby established for the purpose of interpretation of this Code, approving certain actions, receiving requests for modifications to this Code and re-zoning, and making recommendations to the City Commission concerning matters pertaining to zoning within the City.
- B. *Administrative review and interpretations.*
1. The Planning and Zoning Commission shall review an administrative action of the designated Zoning Administrator when it is alleged that there is an error in the order, requirement, determination, or refusal made by the designated Zoning Administrator and reverse, affirm, or modify the administrative action.
 2. The Commission shall interpret this Code when the designated Zoning Administrator is in doubt as to the exact meaning of the text.
 3. The Commission shall interpret the Official Planning and Zoning District Map in accordance with the standards set forth in the Comprehensive Planning and Zoning Code when the designated Zoning Administrator is uncertain as to the exact boundary of a District shown on the Official Planning and Zoning District Map.
- C. *Powers and duties.*
1. Recommend to the City Commission either approval, denial or modification of a request for annexation, special use permit, variance, subdivision, zoning, amendment of this Code, or any other land use consideration within the planning and zoning jurisdiction of the City.
 2. Grant final approval or denial of a home occupation or conditional use permit after public meeting, provided there is not an appeal to the City Commission within fifteen (15) days in accordance with Article 7 of this Code.
- D. *Composition of the Planning and Zoning Commission.* The Planning and Zoning Commission shall consist of five (5) members each to be appointed by a simple majority of the City Commission. Eligibility requirements for membership shall be established by the City Commission. Members shall serve staggered terms of two (2) years each. A recording secretary shall be provided to assist the Planning and Zoning Commission by the City. The recording secretary shall not be a member of the Planning and Zoning Commission and shall be only responsible for those duties requested by the Planning and Zoning Commission and approved by the City Manager.
- E. *Organization of the Planning and Zoning Commission.* The Planning and Zoning Commission shall elect a chairman, vice-chairman, and second vice-chairman in July of each year, or as required due to unforeseen vacancies. They shall serve for one (1) calendar year following their elections.
- F. *Voting.* A simple majority vote of a quorum of the Planning and Zoning Commission is required for approval of all Planning and Zoning Commission actions. A quorum requires at least three members of the Commission present.
- In order for a vote to be valid on a particular issue, a quorum must actually vote regarding the measure. A member who abstains from voting on an issue is deemed to have not voted on the issue.
- G. *Findings of facts for recommendations and decisions.* In considering all requests, the Planning and Zoning Commission shall review applicable plans and determine whether the request will:
1. Impair an adequate supply of light and air to adjacent property;
 2. Unreasonably increase the traffic in public streets;

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3. Increase the danger of fire or endanger the public safety;
 4. Deter the orderly and phased growth and development of the community;
 5. Unreasonably impair established property values within the surrounding area;
 6. In any other respect impair the public health, safety and general welfare of the City; or
 7. Constitute a spot zone and therefore adversely affect adjacent property values.

All actions or recommendations by the Planning and Zoning Commission shall be based on Findings of Facts as to the impacts of the proposal, using the criteria listed in numbers 1 through 7, above. The Planning and Zoning Commission shall review each of the above listed factors and accord each factor the necessary weight on a case-by-case basis in making its determination.

- H. *Report to the City Commission.* The Planning and Zoning Commission shall provide written minutes, with recommendations as necessary, to the City Commission on all matters that are brought before the Commission. Such minutes shall include a statement of the findings of facts that were the basis of any decision or recommendation made by the Planning and Zoning Commission.



City of Truth or Consequences

AGENDA REQUEST FORM

MEETING DATE: March 22, 2023

Agenda Item #: H.8

SUBJECT: Approval of the Truth or Consequences Housing Authority Board's recommendation to re-appoint Dr. Greg D'Amour to serve another term on the board.

DEPARTMENT: Clerk's Office

DATE SUBMITTED: March 17, 2023

SUBMITTED BY: Angela A. Torres, City Clerk

WHO WILL PRESENT THE ITEM: City Clerk Torres

Summary/Background:

Dr. Greg D'Amour has served on the Housing Authority Board of Commissioners for over 25 years. The T or C Housing Authority Board met in Regular session, and unanimously voted to recommend to the City Commission the re-appointment of Dr. Greg D'Amour.

Recommendation:

Re-appointment of Dr. Greg D'Amour to the Housing Authority Board.

Attachments:

- Recommendation Letter
- -

Fiscal Impact (Finance): No

-

Legal Review (City Attorney): N/A

-

Approved For Submittal By: ☒ Department Director

Reviewed by: ☒ City Clerk ☐ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☐ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 3-22-2023



December 29, 2022

The Honorable Amanda Forrister
Mayor
City of Truth or Consequences
505 Sims Street
Truth or Consequences, NM 87901

RE: Re-Appointment to Housing Authority Board of Commissioners

Dear Mayor Forrister:

The Board of Commissioners of the Truth or Consequences Housing Authority requests the reappointment of Dr. Greg D'Amour to the Housing Authority Board.

Dr. D'Amour has served on the Housing Authority Board of Commissioners for over 25 years and has a broad understanding of the operations and mission of the Housing Authority. He has been an exemplary commissioner through his active participation in the Housing Commissioner meetings and his involvement and concern with the family, senior and disabled population that the Housing Authority serves. As a respected medical professional, his education, training, and skills, as well as the perspective gained by his involvement in many community activities are an invaluable asset to the Board of Commissioners.

The Board is unanimous in their request for the reappointment of Dr. Greg D'Amour. We thank you in advance for your favorable consideration.

Respectfully,

Lee Ann Tooley
Commissioner, Housing Authority Board of Commissioners

Cc: City Commission
City Manager
City Clerk

