

Rolf Hechler
Mayor

Amanda Forrister
Mayor Pro-Tem

Merry Jo Fahl
Commissioner



Destiny Mitchell
Commissioner

Ingo Hoeppe
Commissioner

Angie Gonzales
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 13, 2024; TO START AT 9:00 A.M.

A. CALL TO ORDER

B. INTRODUCTION

1. ROLL CALL

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

2. SILENT MEDITATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA

C. PRESENTATIONS

1. Legislative Invite/Presentation regarding revenues for Sierra County entities from the legislative session. Mayor Hechler and State Representatives
2. Presentation of City of Truth or Consequences Employee Service Anniversary Awards. City Manager Gonzales and Department Supervisor

D. PUBLIC COMMENT (3 Minute Rule Applies)

E. REPORTS

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

F. CONSENT CALENDAR

1. City Commission Regular Minutes, February 14, 2024
2. City Commission Regular Minutes, February 28, 2024
3. Acknowledge Special Recreation Board Minutes, February 8, 2024
4. February 2024 Accounts Payable

G. PUBLIC HEARINGS (5 Minute Rule Applies)

1. Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 759 An Ordinance Amending the City of Truth or Consequences Municipal Code of Ordinances, by Amending Section 14-31 of the Code Pertaining to Taking Service-Without Authority. Bo Easley, Electric Division Director
2. Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 763 Authorizing the Issuance of The City of Truth or Consequences, New Mexico Water System Improvement Revenue Bonds, Series 2024, In the Principal Amount of Four Million Eight Hundred Eleven Thousand Dollars (\$4,811,000) For the Purpose of Construction Financing for Acquiring, Extension, Enlarging, Bettering, Repairing or Otherwise Improving the City's Water System. Chris Muirhead, Modrall Sperling

H. ORDINANCES/RESOLUTIONS/ZONING

1. Discussion/Action: Resolution No. 40 23/24 Budget Adjustment Request. Assistant City Manager Alvarez

I. NEW BUSINESS

1. Discussion/Action: Letter of request to State Representatives and Natural Resources Department (EMNRD) to amend proposed fees at the Elephant Butte Lake State Park. Mayor Hechler
2. Discussion/Action: Approval of Purchase Requisitions over \$20,000. Assistant City Manager Alvarez
3. Discussion/Action: MOU between the City of Elephant Butte and the City of Truth or Consequences for Animal Control Services. Chief of Police Tavizon
4. Discussion/Action: McAdoo Street Construction Delay. City Manager Gonzales
5. Discussion/Action: Lee Belle Johnson Visitors Center Facility Assessment Geotechnical Engineering Services and Lodgers Tax Allocation. Assistant City Manager Alvarez
6. Discussion/Action: Amended Memorandum of Understanding Between Sierra County, The City of Truth or Consequences, And the City of Elephant Butte to Share Costs for High Resolution Geo-Referenced Aerial Imagery from Pictometry. Assistant City Manager Alvarez

J. EXECUTIVE SESSION

1. Threatened & Pending Litigation (*Diane Gunning*) pursuant to 10-15-1(H.7).

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 MARCH 27, 2024



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 13, 2024

Agenda Item #: C.1

SUBJECT: Legislative Invite/Presentation regarding revenues for Sierra County entities from the legislative session

DEPARTMENT: -

DATE SUBMITTED: March 8, 2024

SUBMITTED BY: Angela A. Torres, Clerk-Treasurer

WHO WILL PRESENT THE ITEM: Mayor Hechler and State Representatives

Summary/Background:

Legislative presentation regarding revenues for Sierra County entities from the legislative session.

Recommendation:

Presentation Only.

Attachments:

- None

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 3-13-24



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 13, 2024

Agenda Item #: C.2

SUBJECT: Presentation of Service Anniversary Awards.
DEPARTMENT: Finance
DATE SUBMITTED: March 5, 2023
SUBMITTED BY: Alona Niebergall
WHO WILL PRESENT THE ITEM: City Manager Gonzales and department supervisor

Summary/Background:

Bo Easley – 23 years	Shane Jeffers – 2 year
Martin Towner – 4 years	George Rea – 3 years
Joseph Daley – 6 years	Ashley Galicia – 2 year
Kathleen Martinez – 2 year	Brandon Villarreal – 1 year
Chelsea LeClair – 8 years	Levi Eilers – 1 year
Richard Hadder – 1 year	

Recommendation:

None. Presentation Only.

Attachments:

Printed certificates to be signed by city manager and mayor

Fiscal Impact (Finance): No

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. . Ordinance No. .

Continued To: . Referred To: .

☐ Approved ☐ Denied ☐ Other: [Click here to enter text.](#)

File Name: CC Agendas 3-13-24



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 13, 2024

Agenda Item #: F.1

SUBJECT: City Commission Regular Minutes, February 14, 2024
DEPARTMENT: City Clerk's Office
DATE SUBMITTED: March 8, 2024
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 3-13-24

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, FEBRUARY 14, 2024

A. CALL TO ORDER:

The meeting was called to order by Mayor Rolf Hechler 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. Rolf Hechler, Mayor
Hon. Amanda Forrister, Mayor Pro-Tem
Hon. Destiny Mitchell, Commissioner
Hon. Merry Jo Fahl, Commissioner
Hon. Ingo Hoeppner, Commissioner

Also Present: Angie Gonzales, City Manager
Traci Alvarez, Assistant City Manager
Jay Rubin, City Attorney
Angela A. Torres, City Clerk-Treasurer
Arnie Castaneda, Water/Wastewater Director
OJ Hechler, Community Services Director
Tammy Gardner, Executive Assistant
Luis Tavizon, Chief of Police

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

2. SILENT MEDITATION:

Mayor Hechler called for fifteen seconds of silent meditation and asked that everyone keep Officer Jonah Hernandez in their thoughts and prayers.

3. PLEDGE OF ALLEGIANCE:

Mayor Hechler called for Mayor Pro-Tem Forrister to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA:

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

C. PRESENTATIONS:

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

City Manager Gonzales presented an Employee Service Anniversary Award to Carmen Howell for 5 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Matthew Gransbury for 7 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Arnie Castaneda for 1 year of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Brain Bean for 1 year of service with the City of Truth or Consequences.

D. PUBLIC COMMENT (3 Minute Rule Applies):

Ariel Dougherty addressed the Commission with comments related to the Police Department referendum. Complete copy attached hereto and made a part hereof.

Deborah Clementi addressed the Commission with comments related to:

- I am here because the electric went up. You voted for a penny raise, and to me it don't seem like a lot. When you have a house like ours, I used 2600 kilowatts last month, and this is the wintertime. That means it went up \$26 plus the \$10 for the meter that was raised, and another \$10 because I have two meters. The other meter is for my well, which only uses 67 cents of electricity, yet I'm paying \$20 for the meter. That isn't fair. I've got two meters now. They went up, so that's \$20, and now the kilowatts. My bill went up, this month alone, \$46. Now, in the summertime, my summertime bill is \$555. That's with the old rate. That was 3800 kilowatts. That's \$38 for the penny per kilowatt and then the \$20 for the two meters that it went up, so that's going to be \$58 in the summer, which is going to send my bill over \$600, which is higher than my car payment. I know that you lowered it a penny for the kilowatt then raised it two cents for the pass-through. I think that pass-through is BS anyway. A lot of people in town, if we're having a hard time, me and my husband, you can imagine the people really don't have anything. It doesn't sound like much, a penny, but when I explained it to you, really it does matter. We're on a fixed income, me and my husband. A \$60 a month raise like that is a

lot. It's a lot. To pay \$20 for a meter that you're only using 67 cents of electricity, that isn't right. I appeal to you to please lower it back down to what it was.

Ron Fenn addressed the Commission with comments related to:

- A little history here. On October, in September, you authorized the Chief of Police to look into funding options for his, after one year of being here, his plan to renovate the armory. That authorization cost the city \$22,000 to Modrall Sperling to create the Ordinance, \$22,000 for their fine work. Then Bosque Advisors came to you on the 11th I believe of October and presented their plan, which was not in the packet. Everything that they talked about. They forgot to tell you that the police department's GRT cannot be used to pay for this bond issue. It's in the packet that they put in the box after they spoke, but apparently nobody had read that. You keep talking about it over and over again. It's the police department's money. No. Has nothing to do with that bond issue that's going to be paid for out of the general fund GRT. It's there. Look for this in the minutes of that meeting. But you approved it, and now you're complaining that this election which was brought on by an employee of one year deciding he didn't like his working conditions. Well, he shouldn't have taken the job then. He should have looked at it before he came here instead of saying well, I'm going to come here, and I'm going to build myself a palace and the people are going to pay for it. This is not the way a city operates for its people. This is not the way. If you don't start looking into these things, we're going to go down the drain.

Kathleen Sloan addressed the Commission with comments related to:

- Kathleen Sloan 708 Olivo, Williamsburg. I'm very concerned about the \$4.8 million bridge loan. The last bridge loan with the USDA grant loan that we did with the same bank was very expensive. My question is, the USDA loan grant parameters, if I understand correctly, please I hope someone answers this question. I thought the grant parameters were that we just have to get to the construction phase, and then the grant loan kicks in. You know, you've spent \$750,000 from somewhere. I mean, this was two-three years ago this project started. I don't remember where this \$750,000 came from. Why, at 5.5% interest for 4.8 million, by my calculation, that's \$260,000 a year. Ok. So, this bridge loan is for 3 years at \$260,000 a year? I mean, there should be a recapitulation of the ins and outs of the project and the financing before you just have like this financing bond on your agenda. There should be broader discussion on this. I would like to see if these USDA loans are even worth going after. After the financial advisors are paid so much. After you pay an origination loan. Who knows what else. I think you only had 60% of the money left for the downtown project. You only had like 6.3 million dollars. It was like a 10 million dollar project by the time you got to construction. I don't understand these bridge loan finances. Is it a draw? Is it for the whole 4.8 million? I mean this seems to be very expensive money.

OJ Hechler, Community Services Director addressed the Commission with comments related to:

- I wanted to share a letter of accommodation that I received last week for one of our city employees: Dear Mr. Hechler, I'm writing to commend one of your outstanding employees, Tara Manning, who serves as the manager at your animal shelter in Truth or Consequences, New Mexico. In my recent interactions with Tara, I have been consistently impressed by her exceptional professionalism, dedication, and genuine love for animals. Tara embodies the qualities of a true leader and advocate for the well-being of animals in her care. Her friendly and helpful demeanor creates a welcoming atmosphere at the shelter, which undoubtedly contributes to the positive experience of both visitors and staff. Tara's optimism is infectious, and it is evident that she approaches her work with a heartfelt passion for making a difference in the lives of animals. One of Tara's most commendable traits is her unwavering commitment to ensuring that every animal receives the love, care, and attention they deserve. She goes above and beyond to ensure that each animal is matched with a suitable and loving forever home. Tara's dedication to this cause is truly inspiring, and it is evident that she deeply cares about the well-being of every animal under her care. Furthermore, Tara's professionalism is exemplary. She consistently demonstrates sound judgment, effective communication skills, and a strong work ethic in all aspects of her role as manager. Her leadership style fosters a supportive and collaborative environment, which undoubtedly contributes to the success of the shelter and the well-being of its residents. In conclusion, I would like to express my sincere gratitude and appreciation for Tara Manning's outstanding contributions to the animal shelter. Her friendly demeanor, optimism, professionalism, and genuine love for animals make her a truly invaluable asset to the team. I have no doubt that she will continue to positively impact the lives of both animals and people for many years to come. Thank you for your attention to this matter, and please extend my congratulations and appreciation to Tara for her exemplary service.

I just wanted to share that with you guys. We're very fortunate to have Tara as a City employee.

E. REPORTS:

City Manager Gonzales reported the following:

- McAdoo Street: Weather continues to affect the ability to work on that street. The contractor and the engineer are working out a drainage issue with the curb pan and sidewalk elevations. What has happened since August, when the contractor opened up that street, they found out that the sidewalk on the south side of the street fits into that brick building. On the opposite side of the street, it also fits into the green building. They can't tell if the sidewalk seams or is part of the foundation. Nobody is really willing to monkey with it. Down there, we're sitting on water. Since that sidewalk fits into the foundation of that building, nobody is willing to take on the liability of cutting that sidewalk. The utilities have done work on trying to move water utilities down, and we've almost sunk a backhoe into

that pond. Everyone is worried that the building could sink in. No one is willing to take on the liability of cutting that sidewalk and what could happen. That affects the original design of the project. They're trying to check the design of the sidewalk and ensure the drainage drains out into Foch Street and/or Jones Street where it's supposed to go because it's going to hit that curve and go around and go down. When you change the sidewalk elevation up or down, water goes down and affects the drainage. They're trying to make sure when the water comes down, it's going to go around the buildings, stay in the curbs, and also the tie-ins in Foch and Jones drain properly. That's where they're at right now. As you can tell, I have had a few discussions with the engineer. I have curbed my enthusiasm with the contractor. I have expressed my displeasure at not having that street open. I'm going to stay on top of that. That's a lot of detail, but I really think that you needed to know that.

- Dams: I have a dam safety maintenance project RFP. I don't think I'm going to do it because I don't like the way it came out through all of these. What I did with the RFP for procurement, for the scope of work, was go through the inspections for each of the Marie Street, Cuchillo Negro, and St. Anne's dams. I went through each one of the dam inspection pages. It really says the big things are:
 - St. Anne's: Address erosion that is occurring at the downstream growing of the east end of the dam. Trash rack needs to be placed. Align the downstream end of the spillway. Remove woody vegetation and inspect outlet conduits.
 - Marie Street: Maintain the area around the outlet works. Inspect the outlet works conduits.
 - Cuchillo Negro: Remove woody vegetation. Inspect outlets.

They're all similar. When I was working with our streets manager, Mr. Smith, these are things that our guys can do. I hate to expend public money, and this is public money that comes from property taxes that have gone into a fund that the Flood Commissioner has access to. That's the purpose of this whole thing. We are not going to get reimbursed. The whole purpose of doing this RFP was to get sealed bids from private contractors for the purpose of providing maintenance for these 3 dams. Buster and I went back and forth on this. We argued and we discussed. My Street Department can do this. What we need in all of these 3 inspections is the lack of design report. These things were done so long ago. Marie Street has a wastewater line going through it. St. Anne's has two electric poles sitting on top of it. I really want this to be a more logical and thoughtful process of how we can properly utilize the public money that is set aside into this Flood Commission fund and actually get some of these inspection findings remedied. That's going to include the operation maintenance manual, the emergency action plan, and some of these other items. That's really where I would prefer to use that funding. I already have it done, so you guys can direct me. I'll put it in the newspaper next week. I really do think for the public funding, these bigger things we cannot do in house are the more important part of it. Commissioner Fahl, in your regards that it actually does say on these that all we have to do is follow the Office of the State Engineer's direction. They have a

booklet, on how mitigate woody vegetation. That's where I would like to go in that direction.

Commissioner Fahl: The woody vegetation and the rodent bait are something that city staff has probably done for years. That is certainly something we can do. Those other items have been on there for years. Let's get them off, and let's get them off now. They have money to hire somebody to go in there and get it done. Then, we can keep up with it, but let's get us up to compliance. They have that money, and we have to spend it before the end of this fiscal year.

City Manager Gonzales: That's what they told us. I went back and talked to Ms. Porter because we're in the middle of February. I need to advertise this for a month because I want to make sure I get lots of interest. That takes me into the middle of March. We can make the Commission meeting on the 13th. We can do a bid opening that first week of March and have it ready for an action item on the 13th of March. By the time we do the notice to proceed and mobilization of the contractor, that's going to be the end of March. April, May, and if we do this, we'd like to have everything invoiced and paid for by the 21st of June so that it has plenty of time to get through our books on our side. We can close out on the 30th of June. Technically the 28th because that's the Friday. That's if everything goes well. That's if the weather works with us. I've got a teeny tiny street that's been open for 7 months. I've been around the block a few times. I just don't know if we would be able to get it done by the end of June.

Mayor Pro-Tem Forrister: That's what I was talking about last time when you guys didn't know what I was talking about. I was saying, let's use that money for something that we cannot do in-house. I understand where you're coming from. These items have been on there and we haven't done them. If we can instruct them to get that done in-house, then let's use that money elsewhere to use it for something we cannot get done. I like that.

City Manager Gonzales: I did double-check, and there is no claw-back on these funds. These funds are your funds. This is Sierra County/City of Truth or Consequences/City of Elephant Butte/Village of Williamsburg. This is our money from our property taxes. This is not going to go back to Santa Fe. It's not going to go back to DC. It's not going anywhere. It's going to stay right here. There's no problem with that. Yes, I did discuss that with Miss Porter also.

Commissioner Fahl: Then you're saying we're not going to use our money this year. Because you can't get an EAP done in that amount of time either. You can't get the big-ticket items, that we really need that money for by the end of the fiscal year. I was just told yesterday EAPs now cost \$150,000. They're big, and that includes operation manuals. That's what we need their money for next year. There are some things in there that you can't do that you could probably do in a professional services agreement like those surveys. They needed surveys done on Cuchillo Negro. You could do some of those things.

City Manager Gonzales: The inspection of the conduit.

Commissioner Fahl: You need a special piece of equipment to do that. We don't have that.

City Manager Gonzales: The services of an engineer license, and I'm reading right off the inspection. I'm not making this up. It's services of an engineer, licensed in New Mexico, with experience in the design of dams, needs to be obtained to prepare an assessment of the dam that addresses the items listed above.

Commissioner Fahl: So, do that. Get that done this fiscal year. We have got to start doing something, and if you're telling me that our people are going to do it, you better put your money where your mouth is.

City Manager Gonzales: No, our people aren't going to do that.

Commissioner Fahl: The other things that you said we can do in house well, we should have been doing them for years and years, and we haven't. I don't have a lot of faith in that getting done. Because they don't have time, and we haven't given them the directive and the resources. If you're going to do that, it better be we see some stuff happening or I'm going to be really loud.

City Manager Gonzales: Why don't I give the directive and the resources to do that?

Commissioner Fahl: Let's do that.

City Manager Gonzales: I can't change anything from the back. I can't go backwards. This has kind of been my thing lately. I can't change the past.

Commissioner Fahl: Well, you need to fix it.

City Manager Gonzales: What I can do is go forward, and this I can do a directive. I can work with our Street Department. We can work together, and we can get start pecking away at these things.

Commissioner Fahl: So then are you going to, this fiscal year, hire an engineer to complete those requirements on those structures this year and use the flood Commission's money?

Mayor Hechler: I'm going to interrupt here for a second here. These things usually aren't about dialogue. It's about a Manager's report. She's going to make a presentation on March 13 on what we're going to do exactly and what she recommends that we do. I do agree that services we can provide in house, we shouldn't be paying somebody else for. We need to use that money for something it can be used for that wouldn't be out of our pocket. Let's focus on that part of it. With that, let's try to give us an estimate and a way to spend that money by the 13th.

City Manager Gonzales: I'll actually have it by the 28th.

Mayor Hechler: By the 28th would be fine. Is that okay with you, Commissioner Fahl?

Commissioner Fahl: Yeah, we do have a long agenda. Sorry.

Mayor Hechler: That's okay. I appreciate you. I understand the questions, and I understand your passion. We're moving in the right direction. Let's do something a little bit different here with the City Attorney if I can move you to last, Jay. Because I want the Commissioners to be able to speak first. One of the things that we can do during our reporting is if you want to respond to any public comment during our report, you may. If there's any issues like that, let's bring those out. At the end, I'd like our Attorney to talk and then if we have any questions for him, we can cover it then. Would that be okay?

City Attorney Rubin agreed.

City Commission Reports:

Commissioner Hoepfner reported the following:

- The last two weeks as a new Commissioner have been exciting. Our mayor was gracious enough to take me to Santa Fe to meet all our representatives, the senators, and the committees. We presented the city in a good light with our point of how important certain bills are to us and our community. It was also exciting to meet the Governor. It was an interesting talk. I know he will talk more about it.
- Yesterday, I spoke a little bit with the County Manager about tourism in Sierra County, and how I'm planning on working together with every village and city to get us together and move forward with tourism, and create a collaboration to create a website and excitement about our county as one, and form a tool.
- I have a lot on my mind about what I learned in Santa Fe as well. Next session is coming up very quickly and it is important that we start very soon on our Truth or Consequences Master Plan. We need to have enough public hearings that and include the public very heavily so we can move forward in the direction we want to go. I understand that the infrastructure is priority #1, but the vision to go forward also has to be there. There are many questions, and we really don't have an answer when investors come to town. They are pretty much saying "well, you don't have a guide so we can do whatever" and that is what I want to make a little bit controlled by having a master plan, and say "we would like to start as soon as possible with this project."
- When I look through my agenda package, I would like to have quarterly reports from departments telling us what happened that quarter, including what they spent their money on. We do that quarterly and we have multiple meetings in between, so it can be spread out so it is not all on one day.
- The hospital board meeting was something new for me, and it is a learning process. There's a lot to learn, and I'm working hard to read and to listen.

There's a lot of to do, but I'm willing and happy to do it. That is what I signed up for, and I'm looking forward to what is coming next.

- I'm also looking forward to the special election.

Commissioner Fahl reported the following:

- I have a couple questions for you, Angie. Do we have a Finance Director yet, or how is that going?

City Manager Gonzales: That is internal. We are still interviewing.

Commissioner Fahl: That's positive. Now that we've opted not to sell the Electric Department, I know that we were holding off filling positions in the Electric Department. Are we going to start moving forward? What's your plan?

City Manager Gonzales: That is also within our budget process. I have been directed by you guys to start working on the administration side of it. That's where we're headed is job descriptions and advertisements. That's not going to be an easy position to fill. I'm trying to reach out and see if those of us can work together and kind of see where we need to go.

Commissioner Fahl: I wasn't talking about that new position. I was just talking about his own staff.

Mayor Pro-Tem Forrister: We weren't going to fill it until after budget time if we were giving that back or not.

City Manager Gonzales: We met in a budget meeting Monday, and we discussed that.

Commissioner Fahl: I'm just going to start organizing a collaborative group that I think we need to get together for the Cantrell dam, because I know the people that need to be there. I'm going to get their schedules lined out, then I'll reach out to you so I can get your staff and the city, and the Village, and the Flood Commission.

City Manager Gonzales: Cantrell is already being designed. It's already in the process.

Commissioner Fahl: That's not what we had talked about doing.

City Manager Gonzales: Well, that was already done way before I was here, and so those are plans are already in place.

Commissioner Fahl: We'll have to discuss this later then because that's a problem.

Commissioner Mitchell reported the following:

- We're going to be having a Fiesta brunch coming up soon. It's a Taste of Sierra County. It's scheduled for February 25th, which is a Sunday at 11am at the Brewery. We'll have tickets available probably tomorrow at Rebel Roadrunner. We're doing a Truth or Consequences Game Show to raise funds for the Fiesta. It is also happening during the weekend of the Meteoric festival, which is an art and music festival that's going to take place Friday, Saturday, Sunday downtown Truth or Consequences February 23-25.
- I'm working with the students at the high school for New Mexico Film Prize Junior. Our films are due on March 5, and we're going to start filming downtown this weekend. Downtown TorC, if you see a bunch of kids running around with cameras dressed as 1920s detectives, that's my kids.
- I met with someone from the film industry who's going to be doing that huge film here in March, and they wanted to discuss with the city about painting some buildings and stuff like that, so I wanted to bring that up. I like that they're just pouring money into this community left and right, renting buildings, getting stuff off of New Mexico Square, and it's just kind of like really exciting for the community.

Mayor Pro-Tem Forrister reported the following:

- Kind of hitting on your film thing, I don't know if people know, but it is huge. There are some very big name actors coming in, and we're going to see lots of good things happening. I know that they're renovating the old BBQ on Broadway to be the Sheriff's office, I believe. It's going to have a whole thing in there. They rented a whole bunch of buildings, so I'm really looking forward to that.
- I attended the hospital board over the phone because I realized you two were going, and I didn't think we all needed to be at one place at one time, so I just listened on the phone.
- Thursday, there is going to be a home district game that's boys and girls game.
- Friday is the Not-So-Newlywed Game if you haven't got tickets, please do so. You can get them at Rebel Roadrunner, Farm Bureau. It's a really good fundraiser. Those of you that don't know what's going on, it's not just a fundraiser for Farm Bureau or just a fun thing. That office puts on the dinner for the buyer's dinner at the auction, so it normally costs her around \$5,000. Sharon Luna puts that on, so this is a fundraiser to help offset those funds, so it goes for a really good cause, and it should be a good time, and cash bar, so all the good things.
- This weekend is also Dam Site Day. If you guys don't know, a bunch of good things happening out there.
- We have the Rock & Gem Show coming up March 23-24.
- The Sentinel came out with their 2024 Best of the Best. I wasn't on there. I was on there twice last year. I was a little disappointed. We have the Best of the Best reporter, so Chuck, congratulations. Then our very own Casey, our School Resource Officer, she was voted out there in the community a lot.

Mayor Hechler reported the following:

- I'm going to speak a little bit on public comment. Attorney Rubin, if I misspeak on anything, will you stop me please.
- All of us have received some emails regarding the renovation of the armory or the bond issue. Last meeting on 1/24, we had on the agenda the item to possibly claw back or rescind the bond. The reason we had that on the agenda is because we had a legitimate business person who ran for a Commission seat, and did not make it to the Commission, had as one of his platforms to attach the Police Department to a rec center near the high school, so that was legitimate. Because Commissioners can't speak about these things before we have meetings, I felt compelled to put it on the agenda and have that discussion. After we had that discussion, it was determined that we weren't going to claw back the referendum, that we were going to move forward, and we did so. That was the reason. That's the reason that when someone asks for equal time, that's not going to be warranted because it was not a sham. It was legitimate. I represented it to be legitimate, and that's the way it went.
- As far as equal time goes, on 10/25/23, we had public comment regarding the police station. 7 community members spoke up For. Nobody spoke up Against. One person asked some questions about it legitimately, and that was fine. On 11/15, we had a public hearing. No one spoke up Against. 2 people spoke up For, so there have been ample opportunities for folks to speak during public comment during our public hearings. I think we've met that aspect of it.
- On a final note, we are all Commissioners, but we are also citizens. As citizens, we can make comment in the public. For instance, an article in the paper or a letter to the editor. One of our Commissioners wrote a letter to the editor. It was not signed as Commissioner. It was signed as an individual. We have a right to do that, and you'll probably see more of that down the road, which is fair. We're citizens first. We're here as well as Commissioners or the Mayor. That's kind of what I wanted to address as we move forward.

Mayor Pro-Tem Forrister:

- I want to add that we are elected here. If people think that we don't talk to our constituents, you're crazy. When we're talking up here, we are not just our voice, we're the voice of the people that elected us too. We're doing the best we can by them too.

Mayor Hechler:

- Thank you for nominating me for Mayor. I don't think I've stopped since I've started. I do want to say I'm going to keep my report just to the legislative activity I've been involved in. There are too many other things on here, and I could go on here for hours. Let me just give you a brief synopsis of what's happened.
- I've been to Santa Fe 3 different times. Commissioner Hoepfner accompanied me on two of those occasions and did a very wonderful job for the community.
- As you all know, on 1/22/24, we had House Bill 148 pass, that was for 16 million dollars, and we had a 1.6 million dollar match that we already had from Senator Heinrich. That is still running strong. All my information is that it's not going to get derailed that we're going to see that money down the road. That's not a promise.

I'm hoping that's going to happen. There's no reason to think it's not going to happen, so that's positive and strong for our community.

- On 1/29, Senate Bill 95 presented by Senator Brantley was at the roundhouse. I was there with her. She introduced me as an expert witness. It put a lot of pressure on me, but I do have some experience with Water and Wastewater in a previous life, so I was ready to go. She did a wonderful job for our community represents us very well. We had a Senate committee of 9 folks. One person was absent. 6 Democrats, 2 Republicans, we passed unanimously House Bill 95 for 20 million dollars. I call it a show bill in that I don't expect it to go all the way to where we're going to get funding, but it certainly brought the attention to light in front of many of our legislators. They understand the plight of our community with our water and wastewater systems, and so it was important for us to go. While speaking there, I had my favorite little prop, that little pipe there, and that certainly got attention from all the senators. One of the senators was a contractor that had replaced much of that pipe and had some questions in that regard. I know that we did a pretty good job. Commissioner Hoeppner was allowed to speak, and it was very apparent to me how much he cares for your community. He did a nice job, so thank you.
- In our last trip, we went last week to see the Governor. I finally got the call from the Governor's Chief of Staff that the Governor will see you, after about 10 attempts and numerous emails and everything else. I thought it was important for us to be able to go in there. I also called in a favor of a former Mayor who was acquainted with the Governor. I don't want to drop her name, but she did a wonderful job. She's known the Governor for 30 years, and she emailed the Governor every address that she has and every phone number she left a message. I'm sure that had a little something to do with it, but I got the call. Mr. Hoeppner and I went up to Santa Fe. We again spoke with each one of our legislators there. Two Representatives and our Senator, and I was informed at that time that the Governor had compelled our representatives to provide a half million dollars each to the community as well as our Senator to provide another half million dollars to our community for water waste warrants - million and a half. The caveat being that the Governor would also add some funds to that in the tune of 2.4 million dollars, so that takes up to about 4.4 million dollars or so. When we got to go see the Governor, I said our capital outlay request for 5.5 million, can you jump that up a little bit for us? She said she'd see what she could do, but I couldn't pin her down. That was another little sum of money that's going to come to our community down the road.
- You compare that to the WISPI 1 project, we're going to talk about that today. I know it's a 4.8 million dollar loan, but correct me if I'm wrong, but that also comes with a 2.7 million dollar grant. That's a total of 7.7 million dollars. I understand the 5.5%. That's the way it is now-a-days, and you're not going to find any lower interest rates. That doesn't mean down the road when we have the opportunity that we can't re-finance, and we'll try to do that when that opportunity arises. That looks like about 28 million dollars of improvements for water/wastewater that could come to our community if everything goes the way we would want it to go. I think that's pretty good for our community this year. It's just a start. I'm already

getting excited for next year as I'm learning things and learning how to meander through this process. I know that we need to start early, and we'll do that. We'll be aggressive but we'll see what we can't do to get some more funding down the road.

- Incidentally, as I was leaving Senator Brantley's office, the last little thing she said was, "Oh, by the way, let your Chief know that I have an extra \$100,000 for him." That was a surprise. She has that and also \$100,000 for Sheriff Baker, so that was a nice little tidbit at the end when we were leaving. All in all, I believe our trips to Santa Fe were successful. I think your community was well-represented by our Representatives Armstrong, Jaramillo, our Senator Brantley. They certainly put us on the map, and they spoke up well for us. That's my report.

Mayor Pro-Tem Forrister:

- I want to add a little bit. You downplay the work you're doing. You're working your tail off, and we appreciate you so very much. Senator Brantley, I'm in contact with her quite often, and she raised on you and said you did a really good job. She's working her tail off too, and she appreciates you getting up there and working for us too, so thank you for that. And, last but not least, I didn't make the Best of the Best, but I'd be remiss to not say that my husband did. He got Best of the Best Rancher for 2024.

City Attorney Rubin reported the following:

- Let me go ahead and elaborate for you a little further on your comments regarding public input and comments, especially in reference to the passing of the Ordinance back in November. There was a comment made during public comment that somehow, we're failing to involve the citizens from the get-go. From a legal standpoint, this Commission is actually doing more than you are legally required to do. We take some of these things for granted, but we need to articulate that at this point. The Open Meetings Act, for example, does not require public comment, but we do it. It's a good idea that we do it. We get public comments, and they are welcome. It's always good to hear how the public feels about certain items, and it's even welcome to receive constructive criticism in that regard. You have the 3-minute public comment at the beginning of every meeting. Additionally, I'm glad Mr. Muirhead is here because maybe you can tell me if I say something that's not totally correct, but I think when it comes to the passes of Ordinances, we have a requirement that we have to advertise the Ordinance, that we have to put it on the agenda, but I don't think the state statute requires a public hearing, but we do it anyway. Is that correct, Chris? I don't think the statute requires that.

Chris Muirhead: Definitely the introduction is not statutorily required. The Ordinance is just going through the regular open meeting process of notice of publication. There is the publication beforehand, and you're doing the extra step today of the introduction and then the actual hearing.

City Attorney Rubin: My reading of the statute was that we're not even required to have a public hearing at the time when we're actually going for the final adoption. We have to have it on the agenda, have a notice, but I don't think we're even required to have a public hearing. My point is, we include all these additional safeguards for the very purpose that we encourage public comment. So, let's take a look at that. The first meeting in October was when this was on the agenda for publication. You had that meeting. You had the second meeting in October where people could have stepped up during public comment. On the November 15 hearing, you had the public comment for 3 minutes, and you also had the public hearing for 5 minutes, so that's 14 available minutes that people would have had. Having something on the agenda for public hearing is not done as a formality. We actually welcome people to step up to the plate and give us your feelings. Theoretically, if you have an Ordinance on the agenda and there's a lot of ground swell of opposition, people are standing up at that podium, you're going to take note of that. If you have a public hearing for an Ordinance and people aren't really showing up, you're going to assume there isn't much opposition. I've had the pleasure of working with this Commission, and I know this Commission pays attention to what the public is saying. It's really important to make that point. Now, let's do a quick mathematical analysis. You had the two meetings in October. You had the one meeting in November, one meeting in December, two meetings in January, two meetings in February, and one meeting in March before the referendum. If my math is right, that's 8 meetings times 3 minutes, that's 24 minutes, plus the 5 minutes you have for a public hearing. I think this Commission really does do its job and try to get as much input as possible. Had there been opposition at the public hearing, we had Mr. Muirhead here. I'm sure he'd be more than happy to answer some of the questions that might have been addressed at that time. We have all these safeguards in trying to support a good discourse here, and that's my opinion based upon really what the Open Meetings Act says and what public hearings are required.

Mayor Pro-Tem Forrister: To add, I think Chief was pretty clear on his intentions during the ICIP discussions.

City Attorney Rubin: That's just my take, and if you have any questions about legal responsibility of the Commission related to public hearing, public comment, anything I said here that you wish to address.

Mayor Hechler: Thank you for being so much clearer than I could be. One more question for you if you wouldn't mind. I want to make sure that we don't violate the Government Conduct Act in any way. What are our parameters as far as if we wanted to purchase an ad or make public comment outside of this Commission?

City Attorney Rubin: Thank you for bringing that up. Also, again, I know there are questions raised, and these are things we do want to take a look at. Commissioner Mitchell did write a letter to the Sentinel, but she did not say this is something that was authorized. This is her opinion, something that she had a right to do according to her 1st Amendment right to do. You always have that right to do that. I think I would always just make sure you make it clear when you're speaking to someone or you're doing an ad

that you're doing as an individual, that you make that clear. That's the only thing I would point out. It is important. We want to be sure we're being clear. I did research the Government Conduct Act. I don't see there has been a violation or anything. Nevertheless, this is a good time to ask questions about that. Mr. Muirhead, since you're here, is there anything else regarding this process. I know you drafted the Ordinance.

Chris Muirhead: I think that sums it up. Jay did a good job.

Mayor Hechler: I hope that satisfies. We usually don't respond to public comment, but I want people to understand where we're coming from sometimes. We do listen, and we want to do things right. We may not have the same opinions on things, but you'll at least know where we're coming from. With that, let's move on with our agenda.

Commissioner Fahl: About the consent calendar, I have a question about Item #5.

Mayor Pro-Tem Forrister: You probably have the same question we all have.

Mayor Hechler: Let me go forward and then we'll go ahead and pull Item #5 out. We're moving on to consent calendar.

F. CONSENT CALENDAR:

1. City Commission Regular Minutes, January 24, 2024
2. Acknowledge Regular Lodgers Tax Board Minutes, November 27, 2023
3. Acknowledge Regular Public Utility Advisory Board Minutes, November 20, 2023
4. January 2024 Accounts Payable
5. Take Home Vehicle Forms
6. Subrecipient FY 23/24 2nd Quarter Reports

Commissioner Fahl made a motion to approve the consent calendar with the removal of item 5 Take Home Vehicle Forms, for discussion. Mayor Pro-Tem Forrister seconded the motion. Motion carried unanimously.

Mayor Pro-Tem Forrister: Can I guess what you were going to ask?

Commissioner Fahl: How do we have that many cars?

Arnie Castaneda, Water/Wastewater Director: Our employees rotate going on call, so when they are on call, they take a vehicle home.

Mayor Pro-Tem Forrister made a motion to approve item 5. Take Home Vehicle Forms of the consent calendar. Commissioner Fahl seconded the motion. Motion carried unanimously.

G. ORDINANCES/RESOLUTIONS/ZONING:

1. Discussion/Action: Publication of Ordinance No. 759 An Ordinance Amending the City of Truth or Consequences Municipal Code of Ordinances, by Amending Section 14-31 of the Code Pertaining to Taking Service-Without Authority.

Bo Easley, Electric Division Director: Last time we brought this to you, we wanted to make some changes. Me, Sonya, and Jay got together and put everything pretty much back to the way it was. Jay has some comments that he wants to talk about.

City Attorney Rubin: I would say yes. I think the Ordinance looks fine, and I told Mr. Easley, I was approving it. When I was looking at this again last night and this morning, I was looking at subparagraph B, and from a grammatical standpoint, there are a couple things that I can correct. It won't be any substantive changes. If you're in the favor of the Ordinance, we can just clean it up a bit for when it goes to publication.

Bo Easley, Electric Division Director: The only thing that we did was put everything back to the way it was. We changed the fee from "any person who by theft of" back to "it shall be unlawful for any person who by theft of". We do want to point out that there is a Section 8-90: tampering with utilities, "No person shall, without first having secured permission from the City or its duly authorized agent, start or stop any pump, open or close any fire hydrant, valve or stop cock; open, break or remove any seal or lock; or in any way tamper with or molest any pipe, meter, connection, appurtenance, or property belonging to or any part of the utility system. If any meter, stop cock or other service connection appurtenance has been tampered with, the offending party shall be subject to the following fines: (1) A minimum fine of \$150.00 for the first offense; (2) A minimum fine of \$300.00 for each subsequent offense. Further, the City shall pursue a claim for civil damages resulting from any damage occurring to the subject utilities.

Commissioner Fahl moved to approve Publication of Ordinance No. 759 An Ordinance Amending the City of Truth or Consequences Municipal Code of Ordinances, by Amending Section 14-31 of the Code Pertaining to Taking Service-Without Authority. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Publication of Ordinance No. 763 Authorizing the Issuance of The City of Truth or Consequences, New Mexico Water System Improvement Revenue Bonds, Series 2024, In the Principal Amount of Four Million Eight Hundred Eleven Thousand Dollars (\$4,811,000) For the Purpose of Construction Financing for Acquiring, Extension, Enlarging, Bettering, Repairing or Otherwise Improving the City's Water System.

Assistant City Manager Alvarez: I did want to give a brief update for the Commissioners on what this project does pertain to. It is the replacement of a transmission line or main transmission line from Cook Street to Morgan as well as some various water lines. I'm going to get Arnie up there to get maybe a more in depth. This is a project you've previously approved. We had already done the pre-development loan to Bank of the Southwest. We're now at the tail end of the design process if we're going to be ready to go out to bid for construction. We do have to go to loan for full construction funding. Once the project is complete, as Chris will attest to, that's when the USDA will then close out those loans. They did used to do that after pre-development, and they no longer do that anymore. I'll let Chris touch on that as well.

Arnie Castaneda, Water/Wastewater Director: This project involves about 7 miles of transmission lines that will push water from Cook Street into Morgan and from Morgan up to the twin tanks. Right now, the way the system is set up is that when we pump into Cook, and Cook pumps the water into the system, and any left-over water goes into our storage tanks. This way, water goes directly into the storage tanks and then distributed out to the system. We have 7 miles. We're going to have about 4 or 5 pressure reducing valves throughout the system that will help us regulate our pressure better. Right now, we have two pressure zones, and with this new project, once it's completed, we'll have three pressure zones that will help a lot with our leak situation. It's a pretty big project, but it'll help us out a lot.

Chris Muirhead, Modrall Sperling: I'd like to start with what Traci referenced, and this is an important point. This transaction really ties to the letter of conditions from the USDA from 2021, and that is \$4,811,000 as a loan and then \$2,720,000 as a grant, which you don't have to repay. That is very good. What USDA has done nationally and has changed in New Mexico, as Traci referenced. It used to be that you could just close on the USDA loan, and then do construction, and they would pay as it goes. They changed that 5 plus years ago that they wanted the recipients to get construction financing on an interim basis. Then they would close out that once the construction was finished based on the exact amount of construction. What you have now is cities like Truth or Consequences looking for interim lenders. In this case, the city went out and requested bids from multiple potential providers. I know that's been presented to the Commission, so Bank of the Southwest is doing it. Here's the important point. Bank of the Southwest is doing this at 5.5%. It is only a 3-year term, and you're only accruing interest on the amount as it's drawn. Here's the really good news about this in terms of comparing the interim financing to the final USDA financing. The interim financing at 5.5%, 3 years at

maturity. The USDA then will issue your bonds at that point, and the USDA will pay back this interim financing, so it doesn't need to be refinanced. It's actually retired, in no more than 3 years. The terms of that USDA financing are 40 years at 1.375%. Currently as of this morning, a 10-year bond/10 year T-bill is like 4.5%. Normally when you borrow, you would not find someone to lend you money for 40 years as a private investor. Hypothetically, if you did, you'd start year one at 1.27%, and then it would go out to year 40 at 6%, 7%, or 8%. USDA is giving you \$4.8 million dollars at 40 years at 1.375% over the whole time. These are extraordinarily favorable terms that we kind of took for granted in the last 10-15 years because rates were low, period. Now, you're seeing if you were to do this in the open market, your true interest cost would be 6+ percent. This interim loan, it's unfortunate. I wish it didn't happen because it is a cost to the city. The origination fee is \$36,000, and they are accruing interest as you draw it down, but it is a requirement for the USDA. This is not a city choice. This has to be done to get the USDA loan. The good news is, although it is a cost, the final terms for 40 years are extremely beneficial. The project described to you, the pledge, now, this is important because we've had multiple bond issues that we've discussed. The gross receipts tax bond is getting some attention right now, of course. You've had G.O. bonds last year. Those were ad valorem property taxes that paid that back. That was voter approved. The GRT bonds went through an Ordinance and democracy working, there is a referendum. It's going to the voters because that's what that statute provides. That will be a pledge of your state share of Gross Receipts' Tax even when it happens. These bonds, like your other utility bonds, are pledge of your net system revenues from the water system. You get all of your revenues from the water system, known as your gross revenues. You then look at the operation of maintenance expenses that are incurred for that system for a month. You pull back the operation maintenance expenses because fundamentally, whoever's lending you this money, it's paramount that the system keeps running because that's what's paying it back. You pull those operation maintenance expenses out. Then what's left is known as your net revenues, and those net revenues are what is pledged toward the debt. Here's the important thing. Unlike the G.O. bond, which is a global pledge. That is your most secured debt. The lender whether it's Bank of the Southwest to begin with and then USDA, they don't get to look at any Gross Receipts Tax. Hypothetically, if there were a short fall, there is no saying "well, supplement it with an ad valorem tax or state share". The city may decide they want to do that to avoid default or whatever. That's not a legal requirement. The hammer is that they can compel rate increases to make sure things are paid. I know the city is going to be working on that. That's kind of it in a nutshell. We will be back next month for your actual consideration of this. It does require a 75% majority. The reason it takes so long is certain letter of conditions in 2021 is 26 pages of requirements, and your staff does a great job working through that. Once that loan has been paid off with this loan and then you decide to go through with the Bank of the Southwest interim loan, that will be paid off with the USDA bonds.

Mayor Hechler: I have one question. It's a little unusual for me to do this, but I'm going to do this anyway. I want to thank Ms. Sloan for asking the question she did at the beginning. Have your questions been answered? Do you have any other questions that you'd like to present?

Kathleen Sloan: Where does the \$750,000 come from?

Chris Muirhead: For the design? There was initially a loan that was done on an interim basis also with Bank of the Southwest. Traci, was that a year ago? 18 months ago? So that paid for that design, and now that is being paid back with part of this construction loan, and then the construction costs.

Kathleen Sloan: Is that at 5.12%?

Chris Muirhead: It was 5.3 something percent. Initially, in this case, Bank of the Southwest proposed their commercial rate to the city. It was 8.5% I believe. Traci and staff went out and got two or three other bids that came in in the 5% range for entities that do some of this funding, and so Bank of the Southwest came down to that margin. They dropped 300 basis points as requested.

Kathleen Sloan: The USDA loan is at 1.375%. That's incredible.

Chris Muirhead: That's ultimately, really for the life of the project which is 40 years.

Kathleen Sloan: In the banking speak, you said it's a draw down. You pay interest as you draw it down?

Chris Muirhead: Interest accrues monthly at 5.5% on the amount that's drawn for construction. In the beginning, it's going to be zero, and then the first 2-4 months, it's going to come down as your contractors do the work, so you're going to get up to that \$4.8 million.

Mayor Pro-Tem Forrister: We get the big packet, and we have to try to digest that, and it was really nice and refreshing.

Commissioner Forrister moved to approve publication of Ordinance No. 763 Authorizing the Issuance of The City of Truth or Consequences, New Mexico Water System Improvement Revenue Bonds, Series 2024, In the Principal Amount of Four Million Eight Hundred Eleven Thousand Dollars (\$4,811,000) For the Purpose of Construction Financing for Acquiring, Extension, Enlarging, Bettering, Repairing or Otherwise Improving the City's Water System. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Resolution No. 32 23/24 Budget Adjustment Request.

Assistant City Manager Alvarez reviewed the budget adjustment request submitted in the packet.

Mayor Pro-Tem Forrister moved to approve Resolution No. 32 23/24 Budget Adjustment Request. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Resolution No. 33 23/24 authorizing and approving the submission of a completed application for financial assistance and project approval to NMFA for the Colonias Infrastructure Fund Waterline Replacement Project.

Assistant City Manager Alvarez: This application for the Colonias Infrastructure Fund is for \$4,400,000. There will be a 10% cash match of \$440,000. This dollar amount is comprised of, if we are lucky enough to receive the 16 million that we applied for Water Trust Board. This is the remaining 4.4 of the estimated 21 million dollar critical water line replacement project. At this time, we're just requesting approval to submit the application. If we are awarded exterior money between now and I don't even believe they do these awards for Colonias is usually in late summer. We can adjust accordingly when the awards come out. Those awards will come to City Commission for their review and approval before we accept it as well.

Mayor Hechler: Thank you for that explanation. Where would the \$440,000 match come from, or is that included?

Assistant City Manager Alvarez: For the Colonias water funding, it would have to come from our Water Department revenues potentially part of the G.O. bond that we have for cash match. We can't use the \$1.6 million because they don't intercross. So, if we get the \$16 million from Water Trust Board, the \$1.6 isn't being accounted for as the match for that \$16 million. We can't use that same match on the Colonias funding.

Mayor Hechler: Is there any opportunity to be forgiven that match?

Assistant City Manager Alvarez: We will file that. In the past, we have not been successful with that. It is always something. They don't forgive the match. All they do is add an additional loan component. Either way, we end up paying it.

Mayor Hechler: Alright. If we're going to get \$16 million, I guess we should be lucky, right.

Commissioner Mitchell moved to approve Resolution No. 33 23/24 authorizing and approving the submission of a completed application for financial assistance and project approval to NMFA for the Colonias Infrastructure Fund Waterline Replacement Project. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Resolution No 34 23/24 authorizing and approving the submission of a completed application for financial assistance and project approval to NMFA for the Colonias Infrastructure Fund WWTP Bar Screen Replacement Project.

Assistant City Manager Alvarez: This will be kind of back-to-back with the previous one. If somehow, we are awarded lots of money on our water side, and we don't necessarily have to do the Colonias project for the water, we do have a secondary application in place. Maybe we'll be lucky enough to be funded from both since one is water and this one here is for wastewater. This particular application is for the bar screen. It's located within our headworks. Some of the Commissioners may remember, back in 2020, when we had the flood, that bar screen and headworks system was damaged. We did appeal to, when we were going through the whole flood process for funding. This one is not one that they were in consideration of because in order to receive those funds, you have to restore back to what was existing. We cannot restore the bar screen and headworks system back to what was existing because it's so old and so outdated, it just can't be repaired. In essence, we've been operating that manually for the last 4 years. We're requesting 1.25 million to completely re-do the entire thing. With that request there is a 10% cash match of \$125,000. There again, there's a match component, and this would come out of our wastewater funds. Not water. I did give a definition of the headworks within the summary background of the agenda request form, but if anybody is looking for a more in-depth idea of what that process is and how it does, we are lucky enough to have Arnie, and I'm sure he can give a very knowledgeable information on what that does.

Commissioner Fahl: I think he's talking about this situation to us in the past.

Commissioner Mitchell: Is he just going to replace it with a brand new one up to code and up to par?

Assistant City Manager Alvarez: Yeah. This would be completely engineered, and completely new. It would really alter the entire design of what's in there.

Mayor Hechler: And it is also a safety concern. It has been identified to us as a safety concern. We have to do something, so I'm glad we're being proactive.

Commissioner Fahl made a motion to approve Resolution No 34 23/24 authorizing and approving the submission of a completed application for financial assistance and project approval to NMFA for the Colonias Infrastructure Fund WWTP Bar

Screen Replacement Project. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Resolution No. 35 23/24 Requiring the Prompt Removal of Accumulated Rubbish, Junk, Trash and Refuse from the Property at 731 Wyona Street.

Assistant City Manager Alvarez: This is not the first time that you have seen this Resolution before you. For clarification, this property first came to City Commission back in maybe 2014 & 2018. It went through court process. It went through the resolution process. That was before I was here. We have since brought it back to the Commission most recently in November 16, 2022. You guys approved the Resolution for abatement. Since then, I have been actively working both local and non-local contractors, sending pictures, having them go out and look at the property, and we have not one contractor willing to touch the property due to the environmental hazards that they've noticed, due to the physical endangerment of employees that they've noted. We are bringing it back to the Commission for one final approval. At that point, we will look at obtaining roll-off dumpsters and assigning City staff to have to go out and clear that property. You'll see from the pictures that I have added. Even after the Commission approved us going in with a contractor in November, there has been no attempt to clean that property, and as you see from the most recent pictures, even more accumulation especially in the back alley way, which now infringes on our easement for our electric department to be able to get back there even to his electric pole. We are just requesting approval one more time. We'll do our due diligence with making sure the property owner is notified. We will make sure Code Enforcement Police Officers are on standby. We'll make sure that we have Adult Welfare Services available as needed. Anything to assist this gentleman plus give him plenty of notification that this is going to happen this time, so he can either work on getting it cleaned himself prior to us getting out there, or we will be removing. Within your packet, you also have a letter from Fire Chief. This is considered an extreme fire hazard as well.

Mayor Pro-Tem Forrister: I assume we will go forward with a lien.

Assistant City Manager Alvarez: Yes, once we completely abate the property, then we'll go through the process of putting a lien on the property. Well, the first thing that would happen is they would be invoiced for the cost and then failure to pay that invoice would then result in a lien being put on the property and foreclosure of that lien. It's not an intent to uncertain anybody by any means, but this property needs to be taken care of.

Mayor Pro-Tem Forrister: We've tried to work with him for how many years?

Assistant City Manager Alvarez: Years.

Commissioner Mitchell: Did you send this information out to the property owners yet?

Assistant City Manager Alvarez: We don't send this until Commission approves it, so once Commission approves it. I'll let Jay speak on the appeal process.

City Attorney Rubin: That's exactly right. I think it's even set forth in Paragraph 2 on page 2. If you approve the resolution, then we actually have to serve the property owner, with the actual Resolution. He would then have the opportunity to file a protest if he wishes to, and bring this back for approval here in front of the Commission. Or, not do that in which case, we will go ahead and proceed. That's a very important due process point we're talking about.

Assistant City Manager Alvarez: It is important to know. I haven't looked recently, but in the past, he wasn't listed as the property owner. We do the due diligence of not only mailing the certified letters to the property owner on file that I believe at that time was out of state. We mail it to the residents locally as well as physically deliver and post the property via Code Enforcement. We do ensure that he gets all proper notification.

Mayor Hechler: The City's been very restrained in dealing with this individual over the years. The only reason this property isn't cleaned up to date is because we couldn't find a contractor that would go into that mess and clean it up. It presents a hazard to the folks that are going to deal with it. I'm not happy that the city has to clean it up, but I don't know what other choices we have. The other point I want to make is that we just had another similar issue here at last meeting. A totally different response. Very receptive and started cleaning it up right away. We got our first update where she is continuing to work. The property will be cleaned up eventually. I have a lot more faith in her now than I did before. I'm glad for the update. Part of the update is we've had continued communication with these folks. We let them know that they have 6 months to clean it up. I don't know if she responded because we reached out to her or if she did it on her own. At least we did get a response. We have received absolutely nothing from Mr. Henson. This is a problem for our community. I know there's some folks that want to leave him alone and don't mess with him. It's a decision we have to make if we're going to clean up our community and remove these dangerous situations. It's time to get those things done, so I'm glad that we're moving forward. We're still giving him ample time. He's had several years, and he knows of our interest in getting this thing cleaned up. He's had several years to get this thing done. He's still going to get some additional notification through an appeals process. He still has time to get those things done. I know he probably has some things in there that are of value to him. He needs to have time to remove those things. We need to let him know that he needs to remove those things if he wants them or make other arrangements. We'll be as accommodating as we can, but we have to get this thing rectified. That's the extent. Anybody else want to say anything?

Commissioner Fahl: It reminded me when you said that. I recall that the City had an ongoing issue for another private citizen that went on for years and years. We forced the issue with him. We need to continue doing that. I know it's an ugly process and emotional for the land owner, but we need to treat everybody the same. If we've done it for others, we need to continue that road.

Mayor Pro-Tem Forrister: Mr. Mayor, also I definitely don't ever want to impede on anybody with these personal property rights, but the problem is the problem at this address is impeding other people's personal property rights. That's where we have to really draw the line.

City Attorney Rubin: I'm thinking about Commissioner Mitchell's question. The whole point of all this as I'm going through the due process procedure here. It's all part of a process where it's coming to the Commission. You approve the Resolution, so we know what to do. We notify Mr. Henson by serving him the Resolution. You have the right to come in to the Commission with a timely filed protest. Then we go ahead and do our thing. That's the whole thing we're looking at.

Mayor Hechler: One question for City Manager and Assistant City Manager. When Mr. Henson is notified, will he be notified in writing or will someone have to present to him and let him know what's going on?

Assistant City Manager Alvarez: Both. He will receive the certified mail that we will mail to him. We will post the property with a copy of the Resolution, and then in the past what Code Enforcement has done is hand-delivered and make as many attempts as they can. They have been successful in actually hand-delivering the notice and explaining to him what was going to happen.

Mayor Hechler: Thank you for that. That's very important. I think we need to have that one-on-one communication with him to have him clearly understand what's happening.

Commissioner Hoeppe: I walked by it. I saw it in a documentary actually. He's part of the movie I saw. He made an interview and expressed how passionate he is about collecting. We are not talking about - hey I never bring my trash out and it is trash and roaches and rats everywhere. For him everything has value. I know it is hard to do, and I hope that we can start to give him more time. We say "ok in front of the street here doesn't look nice" and that we clean that up and do it in multiple phases. Then he has the time to remove what is very cherished to him or give it to people who are interested in it. It is a nice interview he gave and how passionate he is about it. He thinks that he does something good to preserve old things.

Mayor Pro-Tem Forrister: Including his feces and urine.

Commissioner Hoeppe: I don't know about that.

Mayor Pro-Tem Forrister: We do. It's in barrels in his yard.

Mayor Hechler: Mr. Rubin, would you re-iterate the process please, so we know how much time Mr. Henson actually has.

City Attorney Rubin: At the time he is served with the Resolution, which of course includes the posting, the delivering of the certified mailing. From that time, Mr. Henson has 10 days

in which to file a written contest to the Resolution. If he does that, then we set a hearing before the Commission where we hear live testimony. If he does not do that then we can assume there's not a written opposition. Then we can go ahead and proceed with our procedure of what we're going to do with the property.

Commissioner Hoepfner: Does he have representation? I heard he is in mental stages and not right to make decisions. Is there Adult Services to help him or speak for him?

Assistant City Manager Alvarez: The last time, he declined Adult Services. We did submit property abatement before. We had people out there. We sent somebody from Adult Services. He declined their assistance.

Mayor Hechler: So, Commissioner Hoepfner, what we'll have is he has an opportunity for a hearing, and he'll come back before us in the Commission. We'll be able to ask him questions, and we can get into the details a little further if we need to. Then we'll make a final decision. That's if he exercises his right to an appeal or to come before us.

Mayor Pro-Tem Forrister: Right. And, how many times have we done this exact process? We've already done this before.

Assistant City Manager Alvarez: He appealed it last time and it came to you guys and then I believe from there, it went to District Court.

City Attorney Rubin: Yeah, but that wasn't quite related.

Mayor Pro-Tem Forrister: The bottom line was the only reason we had not moved forward. We would have already had this done, but we could not get somebody to do it. It was already a done deal. We were already going to be abating that property. We couldn't find somebody to do it, so now we have to re-start the process again.

Assistant City Manager Alvarez: If the structure itself was considered to be a dangerous structure and part of this resolution was to also abate that structure, this property would have been done a long time ago. Contractors have no problem going in with a big ol' backhoe and wiping it all out.

Mayor Pro-Tem Forrister: But we're just removing the items.

Assistant City Manager Alvarez: We're just removing the items. Correct.

Mayor Hechler: Let's move on with a motion, please.

Mayor Pro-Tem Forrister made a motion to approve Resolution No. 35 23/24 Requiring the Prompt Removal of Accumulated Rubbish, Junk, Trash and Refuse

from the Property at 731 Wyona Street. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Resolution No. 36 23/24 Confirming the City of Truth or Consequences to participate in the NM Department of Transportation Municipal Arterial Program Local Government Road Fund Program.

Assistant City Manager Alvarez: This is one of the funders that we request for street funding. This particular program has to have roadways that attach to our main arterial roadways. They have to be out there either attaching to Date, Main, Broadway, 3rd Street. The particular roadway that we're requesting is Pershing Street. This would be all the way through Pershing Street from North Broadway to 2nd Street, and then 2nd Street, Pershing Street to Date Street. It'll include the new sidewalk curve gutter, the whole bit. That is an area where the waterline has been replaced already. Part of it was replaced during the MSD Project. Part of that was replaced during the drinking water project, so we are requesting to repair the roadway after the waterline has been taken care of. I do apologize. I didn't have the estimated cost prior to the Commission meeting, but I do have those now. The estimated cost for this would be \$1.9 million dollars that would be a cost share for NMDOT grant funding of \$1,487,141.23 with a 25% match of that of \$495,713.74. There again, if we go through this process, we come back to you for approval or acceptance of the award. This one is not in-kind. No, this doesn't allow in-kind.

Mayor Hechler: Thank you for that update and that extra clarification.

Commissioner Fahl: Traci, would we pay for the cash match out of the general fund?

Assistant City Manager Alvarez: That would be out of the Street's budget.

Commissioner Mitchell: Does this include that little alleyway on Pershing between 4th Street and 2nd Street that's just a dirt road right now?

Assistant City Manager Alvarez: I would have to look at our mapping. I don't believe so. We were just looking at the section of Pershing that we just replaced waterline, and I don't know if we replaced the waterline on that area or if there's waterline that goes through it. I will definitely look, and I'll send everybody out an email and verify that.

Commissioner Mitchell: I just wanted to get kind of a map picture of it.

Assistant City Manager Alvarez: I'll email everybody a map.

Commissioner Fahl: So, it's basically from where the old school admin building that's 2nd Street and Pershing. From there south. How far south?

Assistant City Manager Alvarez: It's going to come down from Date Street, down to Main Street, and then the Pershing section that's between Main to Broadway.

Commissioner Fahl: Okay. Yeah, a map will be good.

Assistant City Manager Alvarez: I do apologize. Normally, I do try and include mapping and everything with this. Unfortunately, the engineer that I work with on these was out sick, so they didn't get me the mapping. Because of the funding timeline, I didn't want to not have this to present.

Commissioner Mitchell made a motion to approve Resolution No. 36 23/24 Confirming the City of Truth or Consequences to participate in the NM Department of Transportation Municipal Arterial Program Local Government Road Fund Program. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. NEW BUSINESS

1. Discussion/Update: Water Update.

Arnie Castaneda, Water/Wastewater Director: In the month of January, our crews fixed a total of 27 leaks. We have an active leak list of 38 leaks right now. We have 12 leaks already on the schedule to be repaired. January was kind of a slow month with all the holidays and everything kind of winding down. Saturday evening, we had a major line break on Veater that ran into Sunday. The waterline on Veater is a feeder to Williamsburg, so every time we have to shut it down, it affects Williamsburg, and it did this time again. The crew repaired a 17-foot section of pipe that cracked. It was taken care of. We're still waiting on the vac truck to get back from Albuquerque. In the meantime, we'll be sharing the older vac truck with the Electric Department. We continue to have problems on the vac station. There's a pump we sent to Cruces they couldn't repair, so we shipped it over to El Paso. It's still there getting diagnosed to see if they can actually repair it. In the meantime, I had talks with Angie, and we are going to be buying two new pumps so we have back-ups out there in case something happens.

City Manager Gonzales: Arnie, I'm going to interrupt you really quick and kind of push you guys. It's at the end. The approval of this new purchase is at the end of your new business. Just FYI.

Arnie Castaneda: We're working on that. We're keeping the vac station working. I know that some of you live out in that area. We're trying to do the best we can. I was hired about a year ago and I have tried to hire certified operators. We could not hire certified operators. They're just not available. So, we started hiring labor workers with the intention of getting them certified. Now, we're getting to that point where I have two employees that are ready to go apply for their certification. Hopefully, they get approved and then they can test. I have another employee who already got approved and will be testing in March. We're getting there slowly but surely. I'm really proud of the

employees. Hopefully, they can pass their tests. That was it for this month. I'll stand for any questions.

Commissioner Fahl: I can't imagine what your crews had to go through working on that line over the weekend in the snow. Kudos to them. That terrible weather and there they were. We all need to remember the great work they do. Nobody else would want to do that. I did have a question. I believe the Commissioners all got an email from a lady about her situation. Has that been taken care of? Whoever was emailing us about her sewer that kept. Then is somebody going to answer that? Is Arnie going to answer that or are you going to answer that?

Mayor Hechler: I think Arnie is probably more qualified to answer than I am, but I can certainly jump on the back of that.

Arnie Castaneda, Water/Wastewater Director: We've been having trouble in that area for the last 8 months, close to a year. Maybe before that. We call it a pit where the sewer drops into a pit and then from there it's vacuumed over to the station. That particular pit is an area where any little, it's so sensitive, any little pebble that goes in there, water from when it rains will affect it. I think this is what started happening there. Damage to what we call a flow and there's an actuator. It damaged that. We went in and changed the flow, then it happened again. They went back in and changed the actuator. Then they did some other work. In other words, they rebuilt the whole thing by the time they were done, but we did have problems there.

Cross discussion about where this particular area is on Riverside.

Mayor Hechler: It's all the way on the other end of Riverside almost to the other end behind where all the storage areas are. I know because I've visited the site twice. That's why I said I know a little bit about it. I did talk with the home owner briefly about the situation. Not to check up on you. You guys did a wonderful job. It was cleaned up quickly. My bigger concern was that it's a vac system. A vac system is a little more difficult to fix than a waterline for instance because you can't find where the leak is. It's a vacuum leak. Initially, it runs with one pump. This one pump wasn't sufficient. It was failing to the point where it was able to pull all the affluent down the line, so that it backed it up at the second pump. Now there's two pumps working at it, but one of the pumps started to fail, so we had to take immediate action. We'll discuss that item a little bit later. I did go ahead and visit the folks that live there. Very nice folks. I tried to tell them what the situation is. We may not be able to remedy this thing right away because of the issues, but what it did bring to light is that this year we worked with the legislature. Next year, we need to work on wastewater. I'm getting a head start on some of those things. That's kind of where it is.

Commissioner Fahl: We've talked about it a lot. I just wanted to visually figure out where it was located.

Mayor Pro-Tem Forrister: And that vac station affects the very end of 3rd, correct?

Commissioner Fahl: Thank you for clearing that up, Arnie. I just wanted to understand.

Mayor Hechler: A couple of questions to follow-up. Your vac truck is at one vendor and it's going to be a while before it gets fixed. Is there a way that we can take it to another vendor even if it's more money? It's more important to get the vac truck back, isn't it?

Arnie Castaneda, Water/Wastewater Director: This is the 2nd vendor that we've worked with. We sent it originally to Las Cruces and they did a horrible job. Now, we sent it to Albuquerque, but they are busy, so now I'm looking at a place in El Paso to see if we can send it over there.

Mayor Pro-Tem Forrister: We have another vac truck within the city that belongs to...

Commissioner Fahl: The Electric Department.

Mayor Pro-Tem Forrister: They're being very nice and letting us borrow that.

City Manager Gonzales: We are all playing in the same sand box, yes. We also have to understand the Electric Department has their projects that they have to work with.

Mayor Pro-Tem Forrister: Emergencies override that.

City Manager Gonzales: If you don't have electricity and you don't have sewer. It's not a question of who's more important. It's equal. We are also trying to address some of that through the budget process. So be patient.

Mayor Hechler: One more question. Cherry Lane – my other favorite street. You guys fixed something about a month and a half ago. Then it started leaking again. What's the status of it now?

Arnie Castaneda, Water/Wastewater Director: It was repaired, but we always have situations there. That's a high-pressure zone. I think that's what's causing the issues. Major breaks. Not services but the major line is the one that's having the problems.

Mayor Hechler: Just one more question. Assistant Manager Alvarez, if we get those \$16 million dollars, where is that going to be spent first? What area of town?

Assistant City Manager Alvarez: The critical lines that were identified for that are the metal streets really. We have the metal streets over towards Williamsburg and then Veater. Veater is one of them. Then there are a couple streets over by Maple and Elm. There was a lot of line breakage over there that's been identified. \$16 million sounds like a lot or \$20 million, if we get it, sounds like a lot, but it doesn't really cover as much as we'd like it to.

Mayor Hechler: We know that we have a \$120-million-dollar project. We have to bite it off a little at a time. We'll continue to be as aggressive as we can. It's nice to know we're

going to go to the worst areas first and get those things rectified. That's where your crew was this last weekend.

Assistant City Manager Alvarez: I will say if we're lucky enough to get a lot of water funding through this, Arnie and his crew have been amazing with the GIS system and the new Doppler system. Being able to really track a lot of the repeat areas that keep breaking. If we're able to expand the project, we have good history just recent history even that'll tell us where we need to expand to try to get those trouble areas.

Mayor Pro-Tem Forrister: I also want to give a shout out to Riverbend. I don't know if you guys saw that, but they were offering showers to people that were out of water. How long was that? You guys posted it was going to be like 3 hours give or take. Then it ended up going over night and into Sunday. That was really cool that Riverbend stepped up and offered showers.

Assistant City Manager Alvarez: We were able to turn on water to Williamsburg for a few hours and then had to shut it down again.

Mayor Pro-Tem Forrister: Right. It was 8 hours then you brought it back up for a little bit then shut it down again, so it was a long time.

Commissioner Fahl: More compliments cause you guys get a lot of negative press, but when you drive around town. What your crews do. Cherry Lane is one and Magnolia too. I think that people like to complain, but if you just drive around town Those of us, you know where they were then they're not there anymore. Your guys are amazing, so kudos.

Commissioner Mitchell: I'm glad lake Pershing dried up finally.

2. Discussion/Action: Approval of the Liquid Waste Dumping Agreement between City of Truth or Consequences and Talon Septic, LLC.

Arnie Castaneda, Water/Wastewater Director: When I was hired, there was already an existing contract between the City and Talon for liquid waste disposal. However, I wasn't too happy with that contract. I don't believe the two systems should mix. When you pick up septic discharge, that's dead water. It has nothing alive in it. It's dead. Our treatment plant is a biological process that's alive. There are microorganisms in it that do all the work, so if you mix both, it affects our treatment plant. It affects our numbers that we have to report to EPA and MED. This new liquid waste contract reflects some of the changes that I would like to do with that contract. There's some testing that I have to report now to EPA that we're taking some of this discharge. There are forms that we need to fill out. It's all reflected in this new contract. We sat down with Talon, discussed it, and we will go to an agreement now, so this is the final product.

Mayor Pro-Tem Forrister: So, are they going to be dumping it at the treatment facility on Animal Shelter Road, correct?

Arnie Castaneda, Water/Wastewater Director: Correct.

Mayor Pro-Tem Forrister: Do they ever get close to those 50,000 gallons a month?

Arnie Castaneda, Water/Wastewater Director: No, that's the top that I'm willing to take, but they haven't gotten close yet.

Mayor Pro-Tem Forrister: Right. I'm assuming that's what you're willing to take, but I'm wondering how close they got because that's like \$6,000 a month. If they got to that.

Arnie Castaneda, Water/Wastewater Director: Most of it would go through our testing. We have to test their water now. Also, that's what we'll reflect on this agreement. Also, this is only a temporary agreement. I think that Talon is working on their own facility, so once they finish their facility, they'll be dumping it over there.

Commissioner Fahl: I was just going to ask Arnie to verbalize more so that the public understands what is different from what it was to what it is now. You said it is a biological wastewater treatment plant, so how is the way you deal with it now different than what it was before. Because I read it, and that doesn't mean I understand it.

Arnie Castaneda, Water/Wastewater Director: Like I said, this is dead water right. It hits our treatment plant. We have to test our water according to our permit. We have to test it frequently. Every time they dump, our numbers are heavily impacted. What I'm trying to do now is spread it out throughout the week and then test that water out of their trucks to make sure there's no petroleum products and other stuff that's not supposed to be in it. Also, they need to start screening their water. I can't take any rags or anything they might be pumping in there because it clogs our pumps. I have to send out the testing to a lab in Albuquerque, and that costs the city money. I'm trying to pass that all on to Talon. Then we did some work on the schedule as to when they can dump and how much they can dump.

Commissioner Fahl: Good. Thank you for spelling that out. That makes it good for us and the public.

Assistant City Manager Alvarez: I know the original agreement came through the Commission with a previous City Manager and previous Wastewater Director. I can tell you that the first time Talon went out there to dump, I had a phone call almost immediately from Arnie. Arnie, in a perfect world, would love to dissolve this agreement. He doesn't want it. He doesn't think it was made in the best decision. This secondary agreement we did have good discussions with Talon Septic and Arnie, their understanding of it. We're trying to be good stewards of honoring an agreement that was put in place prior. It's not something that Arnie wants to have to accept, but for right now, we'll accept it. We're trying to honor something while Talon Septic moves forward with their facility. They are working diligently or as fast as they can with state permitting processes. They're not easy.

Mayor Pro-Tem Forrister: We appreciate you for keeping the City's best interest at heart.

Arnie Castaneda, Water/Wastewater Director: I understand that there's a need out in the community for him. I honestly don't want it in my treatment plant, but we'll accommodate him for now.

Commissioner Fahl: They're moving toward that positive solution where they have their own.

Mayor Pro-Tem Forrister: That they're going to be renting from us.

Commissioner Fahl: Exactly. It's a win-win.

Mayor Hechler: I have a couple of short comments. This agreement is from January 1st to December 31st. It can be renewed. I am not going to be happy if it's renewed. We need to move forward aggressively to have Talon move his system out by the airport, which he had proposed before. Let's make sure that he understands that and we put pressure in that regard.

Commissioner Fahl: However, he has to be at the whim of NMED who does not move quickly.

Mayor Hechler: The second comment I want to make and it's because there's been other interest in folks that want to dump at the plant because Talon Septic does. Talon Septic is the first person that approached us, and he provides a service for our community. There's a lot of septic tanks still within our city that need to be pumped, so he provides a service to these folks that would have to pay exorbitant rates if they have to go somewhere else. That's why we accommodated Talon Septic, but we can't accommodate any others right now. That's because we have a finite amount of septic that we can take. That's why you have this spread out over the contract, and it's important that we do that. As I hear things from other folks that are saying Talon Septic has a monopoly on our community, that's not what we're trying to achieve here. What we're trying to achieve here is we're trying to solve a problem but we're also trying to keep our plant from peril, so we're avoiding that.

City Attorney Rubin: Mr. Mayor, on your first point, you are correct. I drew this contract a couple months ago, and we did at that time have a start date of January 1, 2024. Do you want to keep that?

Commissioner Fahl: We don't need to change the date.

Mayor Hechler: It starts January 1, right? We're fine. I'm not going to be happy if we have to go to January 1, 2025, and we have to look at this again unless there's been significant movement toward the project near the airport. I think that's going to be important, and I know that everything's not in his control. He's working with the Environmental Department and other folks there.

Commissioner Fahl: Hopefully, he'll have progress. He'll have some sort of progress that he can give us a report.

Commissioner Fahl moved to approve the Liquid Waste Dumping Agreement between City of Truth or Consequences and Talon Septic, LLC. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Grant agreement between the New Mexico Economic Development Department and the City of Truth or Consequences for Ralph Edwards Park improvements to include shade structures, floating dock, and a trail.

OJ Hechler, Community Services Director: It's a pleasure to be able to present another grant award for the City of Truth or Consequences. I just want to give you guys a quick rundown of how the Trails+ Grant got affiliated with Ralph Edwards Park. It started off with some trail improvements as part of the Conceptual Master Plan that was approved in 2020 for Ralph Edwards Park. There was a trail that was going to go between the park and the river. We were applying for some trailhead signs, some trail improvements, and some shade along the river. We sent in our application, and Colonias said "hey, you guys aren't thinking big enough". I was taking pictures to determine what we need at the park. The shade structures over the picnic tables are old. They're dilapidated. That was the first thing that popped out at me. We newly installed some benches along the river that need shade. Part of the grant were some single cantilever shade structures that will go over the benches as well. Then we thought if we're going to go bigger, we might as well go bigger, so we included a floating dock into the grant agreement. We included the shade structures at the fish pond. We applied for everything. We received it. There was a match that was involved with it. It's \$322,000 (and some change) for the grant. There's a \$162,000 match. I have been told that our general fund can support this, so you, Commissioners can decide that. With that, I will open up for any questions. I did want to say something real briefly. After looking this over, you have to remember we didn't have playground equipment when we applied for this grant. One thing that I'm going to see if I can do, and I went over the other day and looked at our fish pond shade structures a little closer. They're metal shade structures with cedar shingles. The problem with the cedar shingles is they're real expensive to replace. The structures underneath are sound. I want to see if I can amend this grant to accommodate, and I'm working on a quote right now, to have shade put over the playground area. We can address the shelters at the fish pond if we need to replace cedars and things of that nature. Like I said, the structure underneath looked sound to me. That is something I'm going to try to amend on this grant. With that, I'll open up for any questions.

Commissioner Mitchell: You said the general fund could absorb that match, so it wasn't initially budgeted.

OJ Hechler, Community Services Director: Correct. I'm going to go ahead and defer to the higher-ups on this one.

City Manager Gonzales: Actually, the grants aren't budgeted because you don't know if you're going to get them or not. That's where we're at right now is you're getting this grant because we weren't thinking big enough. Now, that we do have our general fund is looking okay. So, we will be able to support the community in the improvement of the usefulness of the parks. You have invested money into Ralph Edwards. You need to invest in shade because it's silly for you not to be able to utilize that beautiful playground equipment because it's too hot.

Commissioner Mitchell: Another question is there any grant funding available for planting trees in the park?

OJ Hechler, Community Services Director: At the beginning of last year, the Sierra Soil helped us out, and we planted some trees out there. What we really need to focus on and look at it is getting some larger trees initially. Some 12 or 14 footers with a 3 inch trunk on them already. The trees we planted out there have survived. They're growing. That's what we really need to look into. Commissioner Fahl mentioned Sierra Soil can help out. I know they helped us out with a grant last year.

Commissioner Fahl: I would think if you approached them to purchase larger trees, they should be willing to. Just a follow-up, so this is exciting for the park. When you talked about the trail. I was talking to the folks at Sierra Soil, they were talking about putting up some interpretive panels for restoration. I don't know if they told you that. That signage doesn't conflict, so you might want to visit with them and what they're going to be putting up. Talking about the funding question, so if we approve this today, how long is. The \$152,000 match, most of that is not going to come out of fiscal year because it'll be next fiscal year. Even if you start spending some of it, it's next fiscal year money anyway. Anyway, I think that's really good. Just as a suggestion for the cedar shingles. You probably shouldn't do that because of fire and you're next to the river. Shingles and fire don't go good together, so maybe you should do metal. Metal that looks like that.

OJ Hechler, Community Services Director: We have the cedar shingles at the fish pond now. They're aesthetically pleasing. They look pretty. This could be the start because I sit on another committee where river access is a priority. This could be a start. Ralph Edwards Park is centrally located on the Turtleback Trails Network Plan. Ralph Edwards Park, the floating dock, the trail, it could all be tied in together down the road.

Mayor Hechler: Thank you for that presentation. Any further discussion? I'll entertain a motion.

Commissioner Fahl moved to approve the Grant agreement between the New Mexico Economic Development Department and the City of Truth or Consequences for Ralph Edwards Park improvements to include shade structures, floating dock,

and a trail. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Review, Approve and/or Allocate Funds for Sierra County Arts Council Application #4 Reprint of Gallery Brochures.

Tammy Gardner, Executive Assistant reviewed the application from Sierra County Arts Council for the Reprint of Gallery Brochures and discussed the amount allocated by the Lodgers Tax Advisory Board.

Commissioner Hoeppner moved to approve the Sierra County Arts Council Application #4 Reprint of Gallery Brochures in the amount of \$633.00. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Review, Approve and/or Allocate Funds for Sierra County Arts Council Application #3 for Website Update/Maintenance.

Tammy Gardner, Executive Assistant reviewed the application from Sierra County Arts Council for their Website Update/Maintenance and discussed the amount allocated by the Lodgers Tax Advisory Board.

Mayor Pro-Tem Forrister moved to approve the Sierra County Arts Council Application #3 for Website Update/Maintenance in the amount of \$1134.00. Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Review, Approve and/or Allocate Funds for MainStreet.

Tammy Gardner, Executive Assistant: This is the application they brought forth at the last meeting for Fiesta. They requested \$33,000, but in talking with the board and discussing different outlets, they have a lot of people that are coming for tents and bleachers and things of that nature. They decided to add to their application. The board added to their application. They added \$15,000 for bleachers and I believe that's why it went from \$33,000 to \$46,000. That's part of it, but they amended a whole bunch of things and added some things because it was a very lengthy application. Those items can be turned into the city when the Fiesta is done, and then they can be housed and

used for anyone that may want to come and ask for that funding. Then they won't have to ask for funding anymore because we have everything available.

Cross discussion ensued about panels purchased for the last Fiesta.

Mayor Hechler: Commissioner Mitchell, would you elaborate on this please since you were there.

Commissioner Mitchell: At the Fiesta meeting with Cathy Mears-Martin and Main Street as our fiscal non-profit sponsor, Cathy worked really hard on this. We got a quote for the barricades that came in on the high-end because we were going online. Originally, we worked out a deal with Tractor Supply then that manager left. Now, we've got to re-negotiate a deal, but we're going to buy them from Tractor Supply hopefully. The Lodger's Tax Board approved us \$7,000 to purchase those barriers. They're roughly \$75-\$115 a piece depending on where you buy them. We're going to get as many of those as we can with that \$7000. During that meeting, it was also brought up that our bleachers at the ball parks are older than OJ and I. We brought up that Fiesta has the funds to do this. We're going to use those for that event. For the basketball tournament, we put a bleacher there. We put bleachers for the stage, so why don't we just go ahead and get it, and then donate it back to the city when we're done. So, it's not Fiesta's. It becomes property of the city that they can use for rentals or concerts or whatever else.

Mayor Pro-Tem Forrister: Just like anything that's purchased with Lodger's Tax, it belongs to the city, correct? Like those panels. Like those pen panels.

Commissioner Fahl: Those were bought with the City's Lodger's Tax not their Lodger's Tax.

Commissioner Mitchell: This would technically belong to Fiesta, but we did come into agreement during that Lodger's Tax meeting to donate it back because honestly, where am I going to put 100 barricades and 5 tents and bleachers. Someone in the City will find a place to store it after May 3, 4, or 5. Then you guys can use it to build these events. You can have street dances any time. Actually, we're going to use them hopefully to bring a circus here on April Art Hop, do it at the Bank of the Southwest, and have the barricades up and all that stuff.

Mayor Pro-Tem Forrister: Do you guys want to do a circus for our fair?

Commissioner Mitchell: I could make that happen.

Mayor Pro-Tem Forrister: We could do that. We'll talk.

Commissioner Mitchell: Otherwise, everything else went for advertising, sanitation, security, and the regular stuff.

Commissioner Hoepfner: I have one question about the tent. Are we talking about the original smaller tents or are we talking about the beer garden tent size 50x100?

Mayor Hechler: 20x40 and there's two of those, and we have a round one too.

Commissioner Mitchell: We got approved for another tent, so all together we'll have 3 20x40 tents, and those fit both sets of bleachers under one tent. They're really good for that, and we also have one that's like 15' diameter round tent. They all have the flaps on the sides and canopies on top. You can use them outdoors in the winter. You can use them for weddings.

Mayor Pro-Tem Forrester: Can people come to the city and rent these?

Commissioner Mitchell: The two tents we got last year under Lodger's Tax, currently, are under the Fiesta Board. When we rent them out, we get that money for Fiesta. In the future, we can work something out if it's better to go under the city and the city kicks back something to Fiesta.

Mayor Hechler: I want to clearly thank Main Street for being the umbrella organization for Fiesta. We needed to have an anchor in this community. Up to date, it's just been a few of us that have kind of kept Fiesta together. We've had to shop around for non-profits to help us out. Thank you, Mr. Hoepfner, in the past. Having someone that is anchored in this community like Main Street and has some more resources to help us out is really appreciated. That shout out is for Main Street. With that, if we have no further discussion, I'll entertain a motion.

Commissioner Fahl moved to approve the MainStreet Application in the amount of \$46,000. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Delta Airport Consultants Contract Renewal.

Assistant City Manager Alvarez: Delta Airport Consultants is the consultant for our airport. The contract was only set for one year, and we are requesting to go ahead and renew it for the additional 3 years. They are helping us oversee all of our funding that we get for the airport and of course, we have the 1 million that's sitting out there plus all of our bill funding and allocation. We're having a little bit of delay on that project due to the specs the FAA is requiring for the asphalt improvements out there. Local contractor, it really exceeds what's financially beneficial for them to provide us. Going with concrete will extremely shorten our funding project area, so we're kind of a little bit back and forth right now with FAA and NMDOT to see if they'll accept normal NMDOT specs that our

contractor can provide us. We are going to be in a long haul on this project if we want to renew their contract for the additional 3 years.

Commissioner Fahl: Angie, is this the first year we've had a contract with them? I thought when they came before us that we'd done work with them before.

Assistant City Manager Alvarez: We went out to RFP a while back. When I first started and took over, Delta was our airport consultants. After their 4 years, we were required to go back out to RFP. Another engineer was awarded at that time. Then went back out to RFP then re-awarded back when our previous finance director was here. She was just doing contracts every year. For some of these projects, it's just easier to do it for the whole length.

Commissioner Fahl: I just wanted to make sure that you were satisfied with everything they've been doing.

Assistant City Manager Alvarez: Very satisfied, yes. Very satisfied with Delta.

Mayor Hechler: You want a 3-year term, so we're not going to see this again for 3 years, or are we going to renew every year?

Assistant City Manager Alvarez: No, we won't see it again for 3 years.

Mayor Pro-Tem Forrister: That will be the remainder of the project, how long it should take, correct?

Assistant City Manager Alvarez: Hopefully.

Commissioner Fahl: So that's as long as we can go?

Assistant City Manager Alvarez: At the end of the 3 years, we have to go back out to RFP. When Delta comes in and does updates to our Airport Advisory Board, and at any point in time, the City Commission would like them to come in and do an update for the City Commission, I can make that happen as well.

Commissioner Mitchell moved to approve the Delta Airport Consultants Contract Renewal. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

8. Discussion/Action: Contract for Administrative Services with South Central Council of Governments.

Assistant City Manager Alvarez: As you know, we received the planning grant award plans for CDVG for the City-wide comprehensive master plan update. Part of that funds allows for administrative services for the grant administration of CDVG for our local

COG. This is the agreement with the COG to administer the CDVG grant. All of this stuff is kind of a long process with CDVG. Once we sign this then it has to go through approval of CDVG, go back and forth. Then at some point, we'll be going out for RFPs for somebody to begin working on the comprehensive plan update, and you'll see that coming before you guys as well. I do anticipate that it is going to be much more than the \$50,000 that we've been awarded.

Commissioner Hoeppner: How long is that process until we can start with the updating of the master plan?

Assistant City Manager Alvarez: Once we get through the approval of the agreements and DFA approves us to go out for RFP, we'll work somebody to start working on the comp plan, and then within their task order of the RFP will determine, we'll have to have a public hearing.

Mayor Pro-Tem Forrister: So, in other words, a very long time.

City Manager Gonzales: It'll probably be along the line of late summer, and I think I'm being really...

Assistant City Manager Alvarez: Part of our current comprehensive plan, so when we did our comp plan in 2004, it was updated again in 2014. When it was updated again in 2014, it referenced our downtown master plan as well in the comp plan. We have the Affordable Housing plan that it was referencing. There's a lot to it. I've never been through a whole comp plan update. I have no clue how long it's going to take. We've got a lot of potential in this town. We really need to discuss the growth of the town city-wide and get some public input.

Commissioner Hoeppner: I want to be part of that and the possibilities when it comes to public hearing. We can do some leg work. Then when we have a firm doing the physical and master plan, we will already have a list of what the public would like to see. We can start with the preparation work of the public comments to ask what they would like. We can be ready when the first meetings come. We can say okay, we figured out which projects would be important.

Assistant City Manager Alvarez: We have to be really careful with grant funding. We sometimes cannot do preliminary work because if we do the work prior then they feel like don't need the grant so we have to follow their timeline and their guidelines. What we'll do is, with any type of planning grant, we have to keep in mind, we always want to get public input. It's really important, but with that being said, the more time we schedule for these engineers to come into town and do multiple public meetings or do websites, everything, that adds to the cost. I'll get a good proposal. It'll come to City Commission for review. You guys will decide if you want to add to it or take apart, but the plan itself is going to be more than \$55,000, so it would be mindful to keep in mind what funds are available within the general fund to extend on this as well. It's a balancing act.

Mayor Pro-Tem Forrister moved to approve the Contract for Administrative Services with South Central Council of Governments. Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

9. Discussion/Action: State of NM Dept. of Aging and Long-Term Services Capital Appropriation A23H-2062 Agreement.

Assistant City Manager Alvarez: It's that time of year with all these things coming in. This is money that's been appropriated to SJOA. It'll go toward the purchase of a vehicle for the SJOA. It probably will not be enough funding. I know that they are reaching out currently to see if they can get some additional funds to make sure they have all the monies possible. They're really shooting for a meal truck, and those are expensive. Hopefully, they'll be able to combine two types of funding. We're the fiscal agent, so all the funding goes through us. We're just asking for approval of the grant agreement, so they can start their process.

Mayor Hechler: When I was at the Governor's office and talking with Governor Grisham, she looked at me and she goes, "Mayor Hechler, would you do a favor for me? I'm really concerned with SJOA and their funding. Would you ask them to bolster their funding for next year especially for funding for home visits and things of that nature?" I think this is on her agenda to deal with. I've already talked with Crystal Walton about it, and I told her what my conversation was. I'm glad to hear the Governor's in support of this thing. We're on the track, and I think this is a good thing.

Commissioner Fahl made a motion to approve the State of NM Dept. of Aging and Long-Term Services Capital Appropriation A23H-2062 Agreement. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

10. Discussion/Action: National Museum of the United State Airforce (NMUSAF) Community Static Display Loan Program 2024-2029 Loan Agreement, SDA0220.

Assistant City Manager Alvarez: This is for the T33 Aircraft that's on display out at our airport. We've had it out there at the airport for years. It's my understanding, prior to that, we actually had it on display at the Ralph Edwards Park. Background history, it's a training aircraft. It's got history of being used in New Mexico for pilot training. It is a big draw out at our airport. I haven't personally noticed it, but I hear you can see it from the highway. We actually have some pilots that fly in just to take pictures by it.

Commissioner Fahl: I love that airplane and what a great location for it. As on the other museum board, I wish it was in town, but it is a really big draw for the airport. Kudos that we got it there.

Assistant City Manager Alvarez: You guys don't know how hard it is to get a status report. They value it at \$10,000. We don't pay any of that. That's just the value of it. We do have to cover the insurance then of course, annually, we have to show if there's been any nicks or anything like that. We cover that if we have to do a little bit of maintenance on it. Last time it was overhauled was by your local chapter of EAA. I think that was last year or the year before they did a complete overhaul. They kind of switch up their agreement sometimes. I feel like we just did it last year, but maybe it was the year before. Now, we're doing it every two or every one year. Standard agreement we've signed before. I stand for any questions.

Mayor Pro-Tem Forrister made a motion to approve the National Museum of the United State Airforce (NMUSAF) Community Static Display Loan Program 2024-2029 Loan Agreement, SDA0220. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

11. Discussion/Action: Approve Impact Fee Funds for Water and Wastewater Impact Fee Land Use Assumptions and Capital Improvement Plan.

Assistant City Manager Alvarez: We have an Impact Fee plan that needs to be reviewed and updated. We last had it done in 2017, I believe it was. They recommend us doing this approximately every 5 years. Mostly, they'll be taking a look at our land use consumptions and the capital improvement plan that's specific to our Water and Wastewater Department. Impact Fees are assessed by fixture unit on a new bill that's \$150 per fixture unit that you put it. The fees are to assist with the impact to our water or wastewater utility services. We currently have approximately \$215,000 in our Impact Fee account. Any time somebody pays those, they're put into separate accounts at the bank, and we hold those. We are allowed to use our Impact Fee money specific for study. I spoke to Jay as well as John Appel to be sure that we can use those monies for a study. With that, we would like to request approval. We did go in front of our Impact Fee Board. We're down to only 3 members on our board. We did an update to them, and then we're going to go back to get action. However, we have one member that was unable to be at the meeting, and we didn't have a quorum. So, we're bringing it to City Commission and requesting approval to use some of the funding. The last quote that I got was approximately \$77,000 for an Impact Fee Study update. We have plenty of money within there.

Mayor Hechler: Ms. Alvarez, if we don't use the Impact Fees, don't we have to give them back within a certain time?

Assistant City Manager Alvarez: 7 years.

Mayor Hechler: So, it's probably a good idea that we use these funds.

Assistant City Manager Alvarez: We have approximately \$107,000 almost \$108,000 that we need to use up within the next 7 years. The Impact Fee Study is something that we can do and I know one of the things I'm going to reach out and talk to the Attorney about is that we're having some issues, and Arnie doesn't know this because I thought about it last night. I know we're having issues at the Veteran's home with some of the flow. They have done a lot of development there. I am going to reach out to John Appel and find out because the Veteran home is not a new development. However, what they are doing with their new development is definitely impacting our system. We might be able to use some of this to maybe provide them better service, so that it's not having issues with some of their fire flow and irrigation and the other items.

Commissioner Fahl: Just following up on the uses of those Impact Fees. I would assume we could use those, if the purpose to gather it is the impact on our infrastructure, can't we use some of that money to pay for some of the issues with our infrastructure?

Assistant City Manager Alvarez: No, we can't. That's one of the first things we look at. Impact Fees are very specific to it being a completely new service, so we can't use it to rehab or repair anything existing.

Commissioner Fahl: Like when we get our new little fancy thing in the sewer line, right?

Assistant City Manager Alvarez: No, because we would just be improving or upgrading people that we're already servicing.

Mayor Pro-Tem Forrister: It has to be for a new build, correct?

Assistant City Manager Alvarez: No, but if we were to develop across the river, and then we're putting a whole new system over in there.

Mayor Pro-Tem Forrister: But maybe you can get away with what they're doing at the Veteran's home since they're putting in a whole new living quarters.

Assistant City Manager Alvarez: That's, yeah, that was a little iffy. I'm grasping at straws. We have looked into it for potential replacement.

Commissioner Fahl: And that was a no?

Assistant City Manager Alvarez: Yeah.

Mayor Hechler made a motion to approve the Approve Impact Fee Funds for Water and Wastewater Impact Fee Land Use Assumptions and Capital

Improvement Plan. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

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

City Manager Gonzales: I called City Clerk Torres, and I begged her to put this on the agenda, and I appreciate her being able to do that. Yes, it was within the 72 hours. This is about those two motors. I'm going to beat you over the head with this, so I apologize in advance. This is those two motors for the vac station. As was already said previously in the meeting, the vac station pulls the waste then dumps into the wastewater then it goes through the system. Literally dumps. It's such an aged infrastructure, and it's vacuum. Those of us who have ever used a vacuum cleaner or a vacuum something, we know that you have to suck it up. Whenever you have pin holes or air, it doesn't suck as well. That's why we have to have two motors is because that one motor gets hot. When motors get hot, they break. What we're doing is supplementing the one motor with the other one so we can get the useful life out of them until we can figure out what to do with this aged vac station. That's the purpose. The problem is they're \$35,000 each. This is going to be \$65,000. We guessed with shipping. Once we were doing that and our brain went to procurement, \$60,000 always raises an antenna. What we were thinking is go ahead and let you guys and the public know, this is what we need to do. We are going to make sure that it is procured properly. We have gone through and Arnie has done quite a bit of research. Through the procurement code, sole source is a pain because it's been abused over so many years. If it's a sole source, it's a sole source, and this is a sole source. Our procurement person is going to have to do some extra steps. We're all going to support and help out. What we're going to end up doing is it's a sole source procurement. I just really wanted to be very open and clear with you all that that's what it is. Two motors to operate the vac station. They are very expensive. What we want is these brand new motors, so the one that is in the shop can be an emergency back-up. That's where we're at. Are there any questions?

Commissioner Fahl: Which vac station is this going to be at?

City Manager Gonzales: The only vac station we have on Riverside.

Mayor Hechler: Thank you for that report, Manager.

Commissioner Fahl: You did a very good job explaining that.

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

I. EXECUTIVE SESSION:

1. Limited Personnel Matters (Police Department, Facility Department, Streets Department, Animal Shelter, Finance Department, Golf Course, Parks Department) Pursuant to 10-15-1(H.2).
2. Limited Personnel Matters (City Manager) Pursuant to 10-15-1(H.2).

Mayor Pro-Tem Forrister made a motion to go into executive session at 1:13 p.m. to discuss Limited Personnel Matters (Police Department, Facility Department, Streets Department, Animal Shelter, Finance Department, Golf Course, Parks Department) Pursuant to 10-15-1(H.2) and Limited Personnel Matters (City Manager) 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 Hechler reconvened the meeting in open session at 1:36 p.m.

Mayor Pro-Tem Forrister certified that only matters pertaining to Limited Personnel Matters (Police Department, Facility Department, Streets Department, Animal Shelter, Finance Department, Golf Course, Parks Department) Pursuant to 10-15-1(H.2) and Limited Personnel Matters (City Manager) Pursuant to 10-15-1(H.2) was discussed in Executive Session and no action was taken in executive session.

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

1. Limited Personnel Matters (Water/Wastewater, Police Department, Facility Department, Streets Department, Animal Shelter, Finance Department, Golf Course, Parks Department) Pursuant to 10-15-1(H.2).
2. Limited Personnel Matters (City Manager) Pursuant to 10-15-1(H.2).

Mayor Pro-Tem Forrister made a motion to approve the request to correct employee classifications on various positions. Commissioner Mitchell seconded the motion. Motion carried unanimously.

K. ADJOURNMENT:

Mayor Hechler adjourned the meeting at 1:38 p.m.

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

CITY COMMISSION FEBRUARY 14, 2024 REGULAR MEETING MINUTES

Rolf Hechler, Mayor

ATTEST:

Angela A. Torres, CMC, City Clerk



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 13, 2024

Agenda Item #: F.2

SUBJECT: City Commission Regular Minutes, February 28, 2024
DEPARTMENT: City Clerk's Office
DATE SUBMITTED: March 8, 2024
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 3-13-24

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, FEBRUARY 28, 2024

A. CALL TO ORDER:

The meeting was called to order by Mayor Rolf Hechler 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. Rolf Hechler, Mayor
Hon. Amanda Forrister, Mayor Pro-Tem
Hon. Destiny Mitchell, Commissioner
Hon. Merry Jo Fahl, Commissioner
Hon. Ingo Hoeppner, Commissioner

Also Present: Angie Gonzales, City Manager
Traci Alvarez, Assistant City Manager
Jay Rubin, City Attorney
Angela A. Torres, City Clerk-Treasurer
Luis Tavizon, Chief of Police
Arnie Castaneda, Water/Wastewater Director
Tammy Gardner, Executive Assistant
Andy Alvarez, Sanitation/Fleet Division Director

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

2. SILENT MEDITATION:

Mayor Hechler called for fifteen seconds of silent meditation and Mayor Pro-Tem Forrister asked that everyone keep the people who are experiencing the large fire in our thoughts and prayers.

3. PLEDGE OF ALLEGIANCE:

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

4. APPROVAL OF AGENDA:

Mayor Pro-Tem Forrister made a motion to remove item G6 from the agenda. Commissioner Fahl also made a motion to move item G2 after public comment. Commissioner Mitchell seconded both motions. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

D. PUBLIC COMMENT (3 Minute Rule Applies):

Walter Thannisch addressed the Commission with comments related to:

- There's a lack of understanding between the City of Truth or Consequences and the NM Dept. of Finance Administration. In 1950, the citizens of Truth or Consequences chose to establish a city government. They went to the state legislature to secure permission. In turn, the city agreed to abide by the rules and regulations of the State of New Mexico as administered. Presently, you're out of compliance with those rules & regulations. Your present auditor organization in Albuquerque. Your 6/3/2023 has yet to be released. I suggest you contact your audit firm to find out the reasons for that.

Melanie Feldkamp addressed the Commission with comments related to:

- She provided an update on the progress of Sierra County Business Center including developing board of directors, articles of incorporation, bylaws, agreement with Hot Springs High School, and acquired general liability insurance. They met with a non-profit about partnering but decided it would be more beneficial to create their own non-profit. Will submit the application for non-profit status today and are serious about moving forward and have met the objectives that were set by the Commission.

Cathy Mears-Martin and Rebecca Eza addressed the Commission with comments related to:

- They presented an update on Main Street including hiring an intern and Rebecca Eza their new Assistant Executive Director. Rebecca provided some personal and professional background and her community involvement. Cathy discussed the continuance of the e-commerce workshops, their continued involvement and support of Fiesta, collaborating with OJ in the Parks Department on a Clean and Beautiful grant, continuing work on their plans for the year for the economic transformation strategy.

Ron Fenn addressed the Commission with comments related to:

- I spent the day looking over some figures that were presented to the city by the NCA, which is a architect that was hired by the Police Department for estimate of renovation of the armory and figures from Bosque Associates. What I have found is that no matter what happens you won't have enough money to do this job. Depending on the unknowns about potential Bond issue which right now is set at about 5%. You're going to come up short about 1.7-2.05 on the construction and renovation of the armory. Where are you going to get that money from? In addition, the Police Department is going to be paying for all of the items that were in the bond issues including water, wastewater, and all other issues that were previously loaned from the finance authority. To say that the Police Department is using their money for their project is a falsehood and you're going to be paying for 30-40 years basically everything that they make in GRT. Where are they going to get the money for all of the things that they have been spending that GRT for in the last 10-11 years? Which amounts to a couple million dollars. Everybody in the City is going to end up paying. It needs to be re-thunk seriously. Even if the people vote for this, you can still stop it.

Ariel Dougherty addressed the Commission with various comments. Copy of comments attached hereto and made a part hereof.

Steve Green addressed the Commission with comments related to:

- I received a document in the mail to vote against Ordinance 756, which he feels is disingenuous. He referenced specific statements he disagreed with, and he expressed concern about the small size of the existing Police Department. He mentioned attending previous meetings where no one spoke against the Ordinance. Government Bonds vs. Public Bonds – When Juan Fuentes, past City Manager, and I went up to Santa Fe to look for money for our out of compliance wastewater treatment plant, we were looking for government money. We kept finding government fees. What we were looking for totaled about 7% in government fees. 4-5 million that ended up being almost 9 million. That's a lot of money upfront. I have not a clue what the public bonds fees are, but I do know we refinanced our homes when interest rates came down and you can do the same thing with bonds. I don't know if this is a substantial government document. Only the lawyer Jay Rubin would know. Signed by local postal customer. Who's afraid to put their name here? Why aren't we allowed to know who is financing this? They're entitled to do that. Don't get me wrong. If this is a government document, then it should say "paid for by". We as citizens who are voting for this Ordinance are entitled to know.

Kathleen Sloan addressed the Commission with comments related to:

- Agenda Item F 1 budget adjustment there is a \$108,000 impact fee study. I would like to know if this impact fee study was initiated by the City Commission. I don't recall it coming before the City Commission. If it did, I'd like to know when. If it didn't, I'm wondering why it's under budget adjustment. This doesn't seem transparent, and I'd like to know who ordered this study and who set the scope of work. For G 6, the solid waste study that's coming up, I request you allow the people to do a Q&A on that. Back to budget adjustment F 1, there's \$267,000 in professional fees. It's coded 101. I think that's the general fund. I had trouble picking out things like studies, capital projects, out of the budget because it's coded by number, you can't figure out what's going on. My request in the upcoming budget, that you do clear transparent budgeting and cost assignment. For instance, impact fees should be under the water and wastewater budget. It's very difficult to know if our enterprise funds for instance, that's why we're doing all these studies, the general fund and the utilities have been transferring and transferring. Looking at the budget, it's not clear, if they're paying their own way, how much they need for capital projects, improvements, etc. I request that we have clearer, more transparent budgeting.

Susie Crow addressed the Commission with comments related to:

- I'm just a little bit confused that we would be consolidating low interest loans that are going to pay off in 6-8 years, to a 30-year loan at a higher interest rate costing us far more in interest rates. I don't think any one of you would make this kind of decision for your personal or business finances. You'd go out of business doing so. I'm also confused that you would spend \$22,000 just to write an Ordinance on something that you already knew 5-6 years ago that the community voted against, which does not include the consolidation of loans. If the Police Chief has only stated that he needs more evidence locker space, they can buy a steel building just like CHF has. There are low- cost creative solutions that will handle the issues that are brought up. I'm not convinced we need that huge 25,000 square feet building, increase our cost of heating/cooling, the whole furnishings and design. It doesn't make sense to me personally. I also feel like you could have accepted the petition from the community who said we don't want this and save the cost of the \$22,000 for the bond vote. There's a lot of ways you guys could be saving money, and you're spending it on new things that we don't want or need. We need infrastructure. You each know we need infrastructure. You know we have water leaking all over the streets, and every responsible community takes 10% every single year and updates their infrastructure. They fix 10% of their pipes. They fix 10% of their electrical infrastructure. They don't buy new smart meters and new streetlights with radio frequency antennas that are irradiating the community and making it unhealthy for us, our children, and all future people who would come to what used to be the city of health and is now really becoming a dangerous place to live.

Shelly Harrelson addressed the Commission with comments related to:

- She stated that she received the flyer against Ordinance 756 and mentioned that Ron Fenn paid for it. That kind of put the fire out to some of the questions we've been asking about why there's so much misinformation placed on this document. I'm here to discuss the misinformation that was put out to our constituents and all of our community as well as untruths and inflating what could be detrimental to our Police Department. This is not Mayberry. We don't live in Mayberry anymore. For those of you younger than that, that was a show that was on TV years ago. The current police station is converted from a mortuary and crematorium. The misinformation about the "expenses in this unnecessary project includes trading low interest government bonds for higher interest rates" – simply not true. The bonds are equal in interest rates. The state has chosen the bond with the least amount of paperwork, which is an indirect cost. That means we don't have to have people in our building do paperwork for hours and days which cost hourly rates. It's called indirect cost. We chose different bond rates with less paperwork, which costs our employees less time working. This will not extend taxpayers at a higher rate because it's the same. That's misinformation. Let's talk about the flyer. Go ahead and get yours out if you have one in radio land. Fix the leaks – let's talk about what the City's already done right now to fix the leaks. We have our Commissioners, and our City Manager has worked on \$16 million from the Water Trust Board. We have \$.5 million coming in from two representatives and Senator Brantley. We have \$1.5 million + another \$2.4 million coming in from the Governor and \$4.8 million from a city that we borrowed for a total of \$27.5 million. If you take that \$400,000 that we're asking to put toward the Police Department and divide that, it'd take you almost 70 years to get that same amount of money that we've gotten using our resources like we should and being fiscally responsible. The armory would benefit the city by being a tax paying business and not being vacant, which can cause more issues in the long run when we have a vacant building. We know that. We have people come up here when we're talking about their property being vacant all the time. Ordinance 756 does not state the armory. It states a law enforcement facility. That's not true.

The following Item New Business G2 was moved after public comment.

G2. Discussion/Action: Solid Waste Cost of Service and Rate Design Study.

Assistant City Manager Alvarez introduced David Yanke, NewGen Strategies & Solutions, LLC.

David Yanke, NewGen Strategies & Solutions, LLC reviewed the Solid Waste Cost of Service and Rate Design Study. (Presentation and study attached hereto and made a part hereof).

Mayor Pro-Tem Forrister moved to approve the Solid Waste Cost of Service and Rate Design Study. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

E. REPORTS:

City Manager Gonzales reported the following:

- We are working on FY25 budget internally. We've had meetings with each department talking about POs, how to do POs, how to change order, just really cleaning up our finance look within each department. We're trying to make it easy where you can answer questions and ask questions. I know what the auditor is asking for. We have a whole lot of new Administrative Assistants and new people that don't really understand what a requisition and PO are and what it all looks like to an auditor, so I'm able to help with that. We've been able to move forward in a positive light. We're doing budget hearings. One thing I do want to address. I only have one piece of paper, but this came out of the 2023 audit rule. There will be a 2024 audit rule out pretty quick. The audit rule is the law we and all entities in New Mexico have to follow. Right here on page 23 of the audit rule, this is something I didn't know. Paragraph M3: Agency Personnel, board and staff, and the agencies IPA, Independent Public Auditor, shall not release information relating to the audit to the public until the audit report is released to the OSA, Office State Auditor, and has become public record. I have seen some misleading comments about that sentence. That is directly out of the State Auditor's rule. Not everyone knows it and it's not taught in the audit trainings. Once the entrance conference starts, all we say is "the town/county/entity is in the process of the audit".
- McAdoo Street: We have contractors moving dirt, working today. Things are moving in a good direction. The sidewalk is going to be replaced. When the contractor removed the old sidewalk, they found another sidewalk under it. It had just been layered over the top of it. That's one of the minor goofy things that's going on.

Mayor Hechler added: We've been asked by the film company that's here to postpone the repair to McAdoo Street. On March 8, they're supposed to bring Joaquin Phoenix and Emma Stone here for some shots. They don't want to change anything with McAdoo Street right now because of the way it's going to look. That's the way they need it to look in the movie. Then they're going to Albuquerque for a month, and when they come back, they want it the same way 'til after May or Fiesta. Obviously, the first answer was 'no'. Since then, I've talked to a lot of folks. The construction crew that's doing McAdoo Street is willing to postpone, but they have to mobilize and de-mobilize. The film company is going to have to pay for that. We've had some other people that would be negatively impacted by it. We want to make sure there are no issues with it. I visited the cleaners. As soon as I said it, there were tears in the eyes and they said they'd been putting up with this for too long. I told them to talk to the film company, and

let us know if there's a suitable arrangement, we'll figure out a way to get through it. If not, we'll make that decision appropriate too. This is a several hundred-thousand-dollar benefit to our community if the film goes through the way it is. I don't think they're in a position to pack up and move because they've invested a lot of money in this community already. That's some of the decision process we're going through with McAdoo. Full disclosure, that's where we are right now. We're working through that. I don't know if we're going to be able to get it done or not. I don't know which way it's going to go. Obviously, I don't want to hurt or negatively impact anybody that's involved. Our community can probably handle it for a few more months, but we sure don't want to. That's the process we're going through. Please bear with us. We'll figure it out in the next couple of days. I have met the manager in charge of the film location and talked with him extensively yesterday, visited some other folks, and talked about things. I asked if they could do computer enhancements, and he said they can't for things of that level for the scene being shot. We'll figure it out.

City Manager Gonzales: The continuity of the film would be compromised. We were all thinking about the funding. I don't want the movie to hurt, and I've said this to them also. I don't want them to hurt our future funding for our infrastructure. We contacted the funding agency. They don't have a meeting until April, so I got some advice. The State of New Mexico has made these tax credits for these film companies. They did it to bring these films into our state. They also did it to bring these films to these rural areas. Do we hurt ourselves by telling them 'no'? Like Mayor said, it's a couple hundred-thousand-dollar bump to our Lodger's Tax, GRTs, small businesses, and to our entire economy. It's going to bump it up for a couple months. The funding agency is looking into their policies about these types of circumstances.

Commissioner Hoeppner: Is the water pressure for the hot springs impacted by the street being open? I heard the hot spring water is very high on that street, only 2 or 3 feet. I didn't see steam coming up, but is it impacting the water pressure?

City Manager Gonzales: I had a conversation with the State Engineers Office, the water people. They asked me the same question. I'm not a PE. I'm not an engineer. I do know that springs are very temperamental. The State Engineers office has said maybe that person should look at replacing the pump.

Commissioner Hoeppner: I'd just like to have an answer when people ask. Thank you.

City Commission Reports:

Commissioner Hoeppner reported the following:

- Last weekend, Meteoric was a success. It was amazing, colorful. I love art & music, and it was a new experience for me. I like to see more and more things like that happening in our town and especially downtown and that we are supporting the arts. It's good for every business when more people come to town for events like that. I'm looking forward to Fiesta weekend and upcoming events and hope at one point, we will have at least one big event every quarter to help

all the small businesses in town. At that point when people from outside come to town, there are sometimes negative things happening. I saw a mural over-painted. Is it graffiti or is it art? It's his graffiti all over town. I would like to have a talk about implementing an Ordinance about fining people for graffiti and making it high enough that they think twice before doing it. I would like to see us photographing and recording murals and who made them. When one person tags a trash can it's a signal to other graffiti artists when they see the city isn't doing anything about it. For them, it's art. This is why I'd like to find a spot in TorC where we can have an actual graffiti wall where we can officially say this is where you can put your graffiti up. Graffiti artists respect each other and won't graffiti over another's art. We can provide them with a space to share their form of art. There are amazing graffiti artists out there.

Commissioner Mitchell reported the following:

- I'd like to ask for clarification from Angie or Traci about Kathleen Sloan's comment on the funds that our money comes out of. Is there public access to that information or is it just something that the city controls Fund 101 and we know that is General Fund? Or is there a way the public can access that information.

City Manager Gonzales: The budget is on the website. A budget of a public entity, you have to put some effort into looking at it and learning it. Normally, your 101 funds are your general funds. Your 201 funds are special.

Mayor Pro-Tem Forrister: It's ok as long as people can access it.

Commissioner Fahl: The codes are set by DFA too. It's not like we made up that number.

Commissioner Mitchell:

- I have some exciting news. Of course, everyone's all a buzz with the movie and they finally put out an open casting call. They're looking to get 2-300 extras in the film. It would be for everyone – kids aged 9 – adults. They're having this tomorrow night at the Hot Springs High School cafeteria from 4-6. Anybody can come and try to be an extra in the movie. I encourage people to come out and support them. That's a lot for this small town. It's a paid gig, and it's really exciting. My New Mexico Film Prize Jr. kids are wrapping up their film that's due on March 5th. They shot all in downtown TorC. They're super excited to get an opportunity not only to be an actor but to see the actual Hollywood movie process. It's really exciting for our community, and I encourage everybody to get involved. They have people everywhere talking to everyone about everything. It's a really good boost for our community and our economy.

City Manager Gonzales: Commissioner Mitchell, on our website is the City of Truth or Consequences Final Budget 2023-2024, and inside, the next page has all the different funds.

Commissioner Mitchell:

- A quick report on our Fiesta Fundraiser Brunch this past weekend. Because there were so many things going on downtown, everyone was kind of split, but we had a great show. We had some gracious contestants. It was a boost for Fiesta promotion wise. We are currently launching our Cash Party tickets for March 30th. Amanda, Rolf and I are selling tickets. Any of the Fiesta board is selling tickets. It's capped at 250 tickets max that we're going to sell. We're well over 50 sold.

Mayor Hechler: A quick comment on yours – during the Taste of Sierra County, which we had. There was also the Meteoric thing. I think it might be interesting for us down the road to look at a community calendar, so we don't step on each other's toes. I think we could have supported the Meteoric event, and you would have been more successful. Or the Meteoric event could have supported Taste of Sierra County, and we would have been more successful. Planning like that ahead of time, and maybe putting them on different weekends would benefit both parties. I think we should do that, so maybe the idea of a community calendar. That's not my idea. Dean LaManna suggested that, and I want to jump on board, but give him credit.

Mayor Pro-Tem Forrister: The Sentinel does put out a calendar already that has events.

Mayor Hechler: We could probably make each of them a little more successful if we worked on it a little harder that way.

Commissioner Mitchell: I was working with Dean LaManna and we put together a list of every event taking place in just the month of February. I had over 50 different events taking place on different dates, different organizations from parties to meetings. The Visitor Center, the Chamber of Commerce, the Sentinel, we're all trying to get something like that. That's just the list I came up with based on fliers around town, NM Square, newspaper, etc. I'm trying to find an interactive calendar online and that's just been a pet project and it's taken a lot.

Commissioner Fahl reported the following:

- I have some things on here. The first 4 are something I wanted to refer for you, Angie, that maybe you can look into and report at the next Commission meeting.
- You've been talking about doing the budget planning. It's great that you're doing that. I hope in the past you've talked about things to help our staff in their professional development. I hope when you're doing that if you can budget for each department that they have training dollars, and we actually send them to professional development classes. I think that's really critical for their success.
- At the next meeting, can you give us an update on what the status is for the restrooms and their improvement and how we're going to use them or whatever for Ralph Edwards and Louis Armijo Parks?
- In January, we'd gotten a report about how successful we were in December and combining all the departments. They all set aside 3 or 4 days, and they helped

the Water Department fixing leaks. We said then maybe you could coordinate something so they could all do that together. Maybe you could tell us what the status is on that.

- Whatever happened with Matthew 25 and working out there? They were moving and they haven't moved. That was based on their funding for a recipient. Whatever happened to that? If you could just give us updates at the next meeting so you have time to research that, that'd be great.
- The Turtleback Network Trail Group got back together first part of February, so the committee has met. There are a number of items as you guys remember from the plan. We kind of assigned responsibilities for the 4 of us that showed up. We're going to start moving forward, so that's exciting. I'll give you reports as we start doing things. It was good to get everybody back together and focused on implementing parts of the trail.
- These are fliers for the Geronimo Springs Museum. We're having a guest speaker on Saturday March 9th. She has her own film. As you can see from the flyer, she's really an expert on the travels of Coronado. This was a really cool fact. When Christopher Columbus first came over here, he had 200 guns on his ship. They dismantled them from the ships, and that's how they took over. When Coronado started his travels, they brought 6 guns. They actually found 2 of them. Very fascinating history. You have to buy tickets in advance. It'll be at the Moose Lodge and serving chicken fried steak and mashed potatoes. I encourage you guys to go, and if you can find a place to post those fliers, that would be awesome.
- Talking about the movie – The movie people came and talked to the museum because they want to use some of our artifacts. They're going to use the museum in some movie shoot and use some of our artifacts. The museum is benefitting financially from that.

Commissioner Mitchell: I want to chime in. I forgot one more promotion. Ingo's Art Café is having a book talk from Author Teresa Janssen who wrote a book about growing up in Cutter back when the population was 3,000 in the early 1900s. She will be here Monday March 4th at Ingo's at noon. It's a free book talk open to anybody especially if you have any questions about the history of Cutter and the boom of the railroad and the building of Elephant Butte Dam. It's just a fascinating book.

Commissioner Hoepfner: We talked so much about Fiesta. I just wanted to say that Acknowledge Create Teach is also planning our fundraiser over the weekend. Since Fiesta is Cars & Stripes, we're calling our event bass & lights. There's a pretty sizable group that like electrical music as well. We are providing this to bring more people to town. We will have 6 different music producers who will perform in 4 different locations.

Mayor Pro-Tem Forrister reported the following:

- Over the weekend, there was a UTV ride with over 39 buggies that went out. People were wondering why there were emergency vehicles out in the Caballos. It was just the UTVs and they had a really good time. From what I heard, it was a pretty good event. I want to update everybody on the Legislative for Sierra

County. They received over 10.2 million dollars from our Senator, Representative, and Governor. The City got 4.4 million for waterline distribution along with Ken James got \$60,000, TorC Senior Center got \$50,000, the FDH got 1.5 million.

- We had the not-so-newlywed game, so those of you not there, it was hilarious. We had 12 different contestants. I learned some things that I did not want to know about my friends and family in the community. It was a really fun event. Sharon with Farm Bureau sponsors the buyer's dinner at the livestock auction during the fair. When she first started it, she was paying \$900. This past year, it was \$4700. This was a fundraiser to help with that as well.
- On April 5th, we have a really cool thing coming to our gym. UNM & UTEP are going to playing a volleyball game. The volleyball team is sponsoring that and selling cheap tickets. Come and watch a game that you won't have to travel to ABQ or El Paso to watch. It'll be right here in our own gym.
- Going back to talking about our budget. I realize that some people don't have the cognitive ability to understand budget, but that does not mean that we are not being transparent. It is not our job to break down budget for everybody in the community. You have to do a little bit of research on your own. We don't understand it fully. We try to work on it and filter through it as best as possible. Some of those things are handed down through DFA that we have to do. Just because you don't understand something doesn't mean we're in the wrong.
- Our city is really needing foster parents, so if you have any inclination on doing that, go and see CYFD. They are needing foster parents really badly.

Mayor Hechler reported the following:

- I want to thank my fellow Commissioners for being so engaged in our community. I used to be a commissioner, and although I thought we had a wonderful Commission under Mayor Green. A lot of times, the Commissioners had no report. It didn't mean they weren't engaged, but I think it's important that we tell our community people why we're Commissioners and what we're doing. It's wonderful that we're so engaged in our community, and I appreciate you guys for doing that.
- On February 16, we had a technological engineer here to look at the Lee Belle Johnson Center, so we're moving forward with that. Thank you to Traci and our Manager for helping me get those folks here. It looks like they're going to bring a truck in, and we're going to do some drilling for holes to see if pilons will solve the problem of shoring up the base of the Lee Belle Johnson Center. That'll be moving in a positive direction. We're going to get a price from our engineer. I'm hoping that Lodger's Tax will help us in paying for that because it's a public building that benefits our community. That will give us an idea of whether or not we need to move forward and fix that building. It's an iconic building to our community. I want to fix it, but we need to make sure the price is right.
- I've had two meetings with Virgin Galactic over the past month or so just trying to figure out what's going to be happening with them. They're here to stay unless something catastrophic happens. I went through a downsizing when I worked at

Spaceport a while back and they laid off about 70 people then they came back, and we started launching. This is kind of the same scenario. They're building the second generation of the Delta Craft. They had layoffs in order to get that done. They're building it at the Mojave. When they do their testing and it's successful, they'll build a 2nd and maybe 3rd Delta Craft. That's the business model for moving forward to what they can launch many times a year. I'm optimistic they'll be back. Hopefully they will. Certainly, those conversations were positive in my mind. I was also able to weigh-in on a Spaceport America development plan. I talked with Angie Nelson and figured out what we're trying to do with Spaceport and their development plan in the future. I had some remarks regarding the bond issue and that's to continue to pay for Spaceport and what that's going to look like. I wanted more outreach from Spaceport for our community. We haven't been getting that. It's going to be important for us. The bonds are with us until 2029. At that point in time, the community is going to make a decision. If it continues the way it is now, I don't know if we'll want to re-issue those bonds because we haven't had much contact with Spaceport America. We need to have that contact. They need to come here and talk to us and tell us what's going on. I was able to weigh in in that regard.

- I've got a letter addressing the New Mexico State Park fees. It's in the process of getting looked at to make sure it's ready to present. I'm going to share that with our other community leaders. Mayor Morrison's already got a copy and he likes it. I'll send that to the County. The way I drafted the letter is I would like our civic and community leaders to sign it. I want to send it to the Governor's office. I want to send it to our Representatives and our Senator before the deadline of March 26. I don't like the way the fees are supposed to be raised. I think it's exorbitant, but I do acknowledge that they need to raise their fees to some degree and there should be a happy way. I kind of outlined that for them, and I hope it's successful. I retired from State Parks, and I know a little bit about the operation. Hopefully, that will work.
- I met and talked with Mayor Morrison and our Chief about the Animal Control Ordinance and our ACOs. I believe Elephant Butte is going to move forward to contract with the City to provide ACO service and to pay us our fees as we requested. That was a study initiated by Mr. Swingle when he was our City Manager. I think they're going to move forward with that. They may also adopt some of our Ordinances and they're going through that process right now.

City Attorney Rubin had no reports.

F. CONSENT CALENDAR:

1. Take Home Vehicle Forms.

Commissioner Hoepfner asked why we are giving the Police Department take home vehicles if they live 75 miles away.

Chief Tavizon explained that it is not for that purpose. They are on call all of the time, so they are issued a take home vehicle, so they have an availability to get here. Once we get to a point where we have available housing, there are some of the officers that want to move closer.

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

G. ORDINANCES/RESOLUTIONS/ZONING:

1. Discussion/Action: Resolution No. 37 23/24 Budget Adjustment Request.

Assistant City Manager Alvarez explained that this was first presented to our Impact Fee Board, and we scheduled a second meeting with the board, but unfortunately, they had to cancel because we didn't have a quorum. We then brought it to the Commission for discussion action at a request to use impact fee money to proceed forward with an impact fee study. The budget adjustment is to move the money from the cash account into the revenue and expense account that will be expended. Impact fees are assessed during the planning and zoning process, through my office when I do the review of new "builds". I work with our engineer when we are reviewing the plans. Once this budget adjustment is approved, then we will look at procuring a firm to do the Impact Fee Study and there will be at least one public meeting or more (depending on the cost).

Commissioner Fahl moved to approve Resolution No. 37 23/24 Budget Adjustment Request. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Resolution No. 38 23/24 Authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending its water system.

Assistant City Manager Alvarez: This is part of the USDA requirement for the previous ordinance that was brought to the commission, which will be coming back again to the commission for a public hearing, and final adoption. As we move through the process with USDA, even though we are going through Bank of the Southwest for the construction loan, during that time USDA has to prepare their closing documents so they will be able to close on the Bank of the Southwest loan by the time we complete construction. They have to have a resolution in place in order to start their closing paperwork.

Mayor Pro-Tem Forrister made a motion to approve Resolution No. 38 23/24 Authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending its water system. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Resolution No. 39 23/24 Approval of the sale of compost at the Wastewater Treatment Plant.

Arnie Castaneda, Water/Wastewater Director: This is a resolution to approve fees to load compost. We are giving the compost away for free. At least for now. Maybe in the future we can sell it. In the past there was no formal procedure in place. People would just go to the treatment plant and ask us to load their vehicle with compost. We have a schedule for people to come in Monday, Tuesday, Thursday, and Friday from 9am to 2 pm to pick up as much compost as they want if they want to load it themselves. Wednesday is reserved for appointments for our staff to load it for them with the tractor. The following fees apply.

- *Bobcat Bucket - \$50.00 per load.*
- *John Deere Backhoe Bucket - \$75.00 per load.*
- *5-gallon buckets can be filled free of charge, up to 10 loads per day.*

Included in the packet is a flyer and application for the customer to complete so we know where the compost is going.

Commissioner Mitchell made a motion to approve Resolution No. 39 23/24 Approval of the sale of compost at the Wastewater Treatment Plant.

Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Publication of Ordinance No. 764 an Ordinance Amending the City of Truth or Consequences Municipal Code of Ordinances, by adding a new section 14-49 establishing Electric Connection Fees.

Bo Easley, Electric Division Director: This is an ordinance to establish electric connection fees for service upgrades, installing secondary wires, installing transformers, providing, and installing 35-ft Lift Pole per service size, and things of that nature. In the past we would have to eat the cost for the construction of transformers over 150 KVA, so we added a portion for the fee of the installation charge.

City Clerk Torres: This is for publication, and once a public hearing is held and if the ordinance is approved, then we will come back with a resolution for the fees.

Commissioner Fahl moved to approve publication of Ordinance No. 764 an Ordinance Amending the City of Truth or Consequences Municipal Code of Ordinances, by adding a new section 14-49 establishing Electric Connection Fees. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. NEW BUSINESS:

1. Discussion/Action: Public Arts Board request for funding for the Carol Plec Sculpture.

Public Arts Board Member Andy Underwood: We came before you in the past about this project. We are requesting funding to complete the project that the Sierra County Arts Council has started. The Sierra County Arts Council approached the Public Arts Advisory Board a few months ago seeking permission to place a sculpture at the Healing Waters Plaza. Our board advised them to go before the Parks and Recreation board. We got approval from them, and then we got approval from you. The Sierra County Arts Council came back to the Public Arts Advisory Board with a request for funding to complete the project. The Arts Council raised around \$9,000 towards this, and they need \$18,238.75 to complete the project. After a long discussion at the board meeting, the Public Arts Board unanimously voted to make a request to the Commission to allow the board to use their 2% of the lodger's tax budget to help the Arts Council complete this project.

Commissioner Mitchell moved to approve the Public Arts Board request for funding for the Carol Plec Sculpture in the amount of \$9,283.75. Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Solid Waste Cost of Service and Rate Design Study.

Item was moved after public comment.

3. Discussion/Update: PD Update.

Chief of Police Tavizon: I wanted to circle back to Commissioner Hoeppner's comment for the tagging downtown. It has been a hard process. We had that individual who tagged 18 different areas so there were 18 different victims. He also tagged the beautiful mural that was at Bullocks. We tried to get felony level graffiti and vandalism on that, but the District Attorney's Office was a little hung up on that. They didn't quite want to do it since it was a smaller area. They thought that maybe the artist could fix that. I share that frustration with you. Our judicial system is in shambles right now. We charged him with the 18 misdemeanor level vandalism charges. There is an ordinance and state law in

place for the crime, so even if the individual is found guilty, he is a homeless individual, so if there is any restitution that he has to pay, he has no source of income to pay for it.

Commissioner Fahl: What did you think of Commissioner Hoeppe's idea of finding an area for them to go play. Do you think that would lessen them vandalizing other areas?

Chief of Police Tavizon: I really don't. They already know that they can't do it just anywhere, yet they still do it. It's a pretty cool idea. Maybe we could try it if we found a place? The only way that we will know if it works is if we try it.

January 2024 stats:

- His team was extremely busy. These calls for service include Animal Control, Code Enforcement, and our Police Officers. We had 1,042 calls for service in the month of January.
- Animal Control had 160 calls for service.
- We had 17 motor vehicle accidents.
- Our School Resource Officer took 19 reports.
- We had 29 CYFD Ski referrals.
- Our Officers, including our Detective did 60 follow-ups.
- We had 177 traffic stops, but only 32 citations. There are some mixed feelings about that. Our job isn't necessarily to have a source of funding and write citations to everybody. It may be an educational purpose to stop someone and say "you're speeding. Please slow down" and give them a break. Our Officers are generous in my opinion. When I was a young Officer, I wasn't so generous. Everybody got tickets. I am glad that there is a little bit of discretion, and they are considering our locals and trying to educate them at first and give them a couple of opportunities to become in compliance.
- The Officers gave 3 DWI's.
- They had 25 arrests.

February 1st to February 27th stats:

- 943 calls for service.
- 124 Animal Control calls for service.
- 22 motor vehicle accidents.
- 11 CYFD ski referrals.
- 14 SRO reports.
- Officers conducted 45 follow-ups.
- 124 traffic stops with 33 citations issued.
- Code Enforcement had 5 code violation calls.
- We had 2 officers who became certified as field training officers so now we have certified field training officers teaching our young officers.
- We had 3 individuals in our local government leadership conference through Leadership New Mexico. I hope that we are able to send more city employees to that program. City Manager Gonzales and I have been working with a company

to bring in a basic supervisor liability course for the city employees in a leadership role.

- I got to go up to Municipal Day and a Chief of Police Meeting to hear the different legislative bills that were going to affect us. The Mayor and I got to meet with the Governor for a little bit. She was quite cordial.
- We sent a couple of our officers to an advanced roadside impairment driving enforcement training. The training isn't the basic alcohol related DWI. It goes more into marijuana and other controlled substances, and being able to recognize what they are under the influence of when you get those impaired drivers. That was a good class.
- Our new detective is in the detective academy. APD was very gracious in giving us a free spot to their detective academy. It is a 6-week academy that they put their detectives through. He will get some onsite, real life APD crazy experience up there.

4. Discussion/Action: Summary Plat Amendment at 808 N. Maple.

Assistant City Manager Alvarez: This summary plat amendment was held before our Planning & Zoning Board on February 12th via public hearing. The applicant wishes to eliminate a lot line and combine their two lots into one parcel. They have started to do some building, but in order to build their main residence, they have to eliminate that lot line so they can build in the center. They followed all of the Planning & Zoning rules and regulations, and they submitted a current plan for their existing structures. There were no opponents during the public hearing. We did have one proponent. There were no issues or concerns from the board. This is actually a success story for the city. This property had been previously abated by the city with a lien placed on the property. The city obtained the property, then we turned around and we were able to place it up for sale. The property owner bought it and they have been developing it and cleaning it up.

Steve Green: My wife and I live at 561 E. 8th Street, and for a long period of time, we looked at dirt out our front windows. There were 2 parcels of land that just sat vacant, and then one day I came home and there were two women walking on the property which is 808 N. Maple. I went over there and introduced myself and a friendship was born immediately. These are people who come to a community and become active in the community, and who are going to be here because this is their retirement home. We watch the two buildings being constructed, and we cannot wait for the house to be built. We get along well with Kim and Terry more than well. The deciding factor is that our two dogs get along. They say you can't pick your neighbors, but in this case, we did pick our neighbors and we are graciously happy for that.

Mayor Pro-Tem Forrister moved to approve the Summary Plat Amendment at 808 N. Maple. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: First Amendment to Land Lease Agreement between Truth or Consequences Municipal Airport, Ads-B Radio Station Site Sv154-25.

Assistant City Manager Alvarez: We are just asking to enter back into a land lease agreement with the ITT corporation. This radio station and land lease that is out there is a piece of equipment that is integral to airplanes and pilots, as well as our airport. This is what pings airplanes when they fly over our airport. They don't even necessarily have to land. It is a location monitor for the FAA to be able to monitor flight patterns. It is also helpful to the pilots when they are up in the air because it will ping other planes in the area so they know where the air traffic is. We need to have this in place as long as we are part of an FAA airport.

Commissioner Fahl moved to approve the First Amendment to Land Lease Agreement between Truth or Consequences Municipal Airport, Ads-B Radio Station Site Sv154-25. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

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

The item was removed from the agenda.

7. Discussion/Action: Amendment to CD Technology Agreement.

City Manager Gonzales: In your packet is the amendment to the CD Technology Agreement. CD Technology was awarded the RFP last spring. The city went out for a request for proposals through the bid process.

Mike Torres, CD Technology: When this contract was awarded, it was contracted for my company to provide 16 hours of tech support per week for the City of Truth or Consequences, but very seldom do we not spend 40-60 hours a week at the city. It is very rare that I don't touch the city in some way daily. 90% of the time we take care of issues as soon as we can. There are times that we can't get to it that day, but we do our best. I have two other people that I employ that I have to pay, so that is why I brought this amendment before you.

City Manager Gonzales: What we are trying to do as an amendment is add \$15,000 to the contracted amount to be paid by the end of June of 2024.

CITY COMMISSION FEBRUARY 28, 2024 REGULAR MEETING MINUTES

Mike Torres, CD Technology: I provided a scope of work for an outside company to come in and re-build the network at the Police Department. The entire city network has been very fragile. We spent the last year and a half just patching it and trying to keep it alive, and now we are moving to a point where we are going to replace the network.

Commissioner Hoeppe moved to approve the Amendment to CD Technology Agreement. **Commissioner Forrister** seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. ADJOURNMENT:

Mayor Hechler adjourned the meeting at 12:08 p.m.

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

Rolf Hechler, Mayor

ATTEST:

Angela A. Torres, CMC, City Clerk

Greetings, Commissioners. I am voting against Ordinance 756 and urge others to do the same. With this action your body – once again – is taking our community on a “pie-in-the-sky”, wild goose chase. How much have we citizens paid in legal fees on the folly of Hot Spring Land Development?

First, and foremost, there is NO PROJECTED BUDGET for the anticipated expenses of the renovation of the Armory. An architect's ball-park figure of “\$3,343,750 + NMGR” was drawn up five days after you approved Ordinance 756 for publication which you paid \$22,000 for its writing.

Most egregious in this complicated, extreme effort is the lumping of numerous prior loans into the ordinance. These loans that now have low interest government bond rates, are incorporated under this public bond *at higher rates*. You commissioners have no idea what the public rates will be over forty years. This is more than egregious. It is folly. And to boot, the math DOES NOT ADD UP. \$4.5 million will not pay for all of this.

A simple, better solution to the September 13 Item H. 7. “Request to renovate the Armory into a new Police Department, and explore financial options.” would have been to direct the Police Chief to *first* hold public meetings to get citizen input prior to launching this fiasco. No law says this is necessary. But it might have a more positive outcome.

Sadly the phrasing of agenda items like this set in motion ill will when no public welfare is expressed or discussed. Maybe that is where to begin a more positive interaction between government and public. The refrain “*We have always done it like this.*” does not suffice. We citizens have a right to petition our government. VOTE AGAINST 756.

Where are the minutes of your last meeting? This is an OMA violation.

I respectfully request that these comments and two letters to Mayor Hechler be included in this meetings' minutes. Thank you.



Ariel Dougherty films <arielcamera@gmail.com>

Some SERIOUS Problems With Ordinance 756

Ariel Dougherty films <arielcamera@gmail.com>

Tue, Feb 27, 2024 at 10:33 AM

To: "Hechler, Rolf" <rhechler@torcnm.org>, Amanda Forrister <amanda.forrister@torcnm.org>, "Mitchell, Destiny" <dmitchell@torcnm.org>, "Fahl, Merry Jo" <mfahl@torcnm.org>, ihoepner@torcnm.org
 Cc: "Gonzales, Angela" <agonzales@torcnm.org>, City Clerk <torcclerk@torcnm.org>, Jay Rubin <jrubin@zianet.com>, "Sandoval, Heather" <hsandoval@nmag.gov>, "rtorrez@nmag.gov" <rtorrez@nmag.gov>, Kathleen Sloan <kathleensloan@gmail.com>, Frances Luna <Frances@gpkmedia.com>

Dear Mayor Hechler,

PART TWO:

Regarding Ordinance 756 and the idea – once again – of renovating the armory into a police facility, the T or C Commission is taking our community on another "pie-in-the-sky" wild goose chase at the expense of us citizens who ultimately pay the funds for your actions. How much has the City – i.e. we citizens – had to pay on the folly of the Hot Spring Land Development?

At the Sept 13, 2023 meeting when the IDEA LAUNCHED, there was no mention or concern expressed by any Commissioner to this new, barely in the position a year, Chief of Police that the public had in another citizens REFERENDUM, voted against such a move six years earlier. Nor was there any mention of how such a move would **benefit and serve the public welfare** which is the sole purpose of your and city employees service. No Public Comments were made for or against the idea.

First and foremost there exists NO PROJECTED BUDGET for the anticipated expenses for the renovation of the Armory into a police facility. Only a *post-facto* architect's ball-park figure of "\$3,343,750 + NMGR" was drawn up five days after your Commission approved Ordinance 756 for publication. As a development director I ALWAYS had to have a detailed budget attached to any fundraising proposal.

There is no complaining among you or other Commissioners of the tens of thousands of dollars you had already spent – \$22,000 to a law firm to draw up Ordinance 756, who will further benefit from fees in executing the \$4.5 million bond loan, and the expenses of three people to go to New York.

Most egregious in this complicated, truncated effort in the ordinance is the lumping of numerous other prior loans into the process. It incorporates these loans – that have low interest government bond rates – to be paid off, and lumped under this one public bond at higher rates. This is absurd. And I vehemently oppose this. You and your fellow Commissioners have no idea what the ultimate rates over a forty year period will be. This is more than egregious. It is folly. Further, all the math DOES NOT ADD UP. There is no way the \$4.5 million will accomplish all this. And **all GRT funds** are directed to paying off this bond loan.

Clearly, the Commission blindly – with no budget offered and no interest rate guarantee – has allowed a single city employee to step out of his law enforcement duties to become a fund seeking officer with no knowledge or experience. We – Concerned Activists Versus Egregious Government – want governance that is responsive to community needs. Not city employees wishes.

A simple better solution to the September 13 Item H. 7. "Request to renovate the Armory into a new Police Department, and explore financial options." might have been to direct the Police Chief to hold several public meetings getting citizen input prior to launching this fiasco. No law says this is necessary. But it might have a more positive outcome.

Sadly the entire phrasing on agenda items like this set in motion ill will with the public. Maybe that is where to begin a more positive interaction of government and public. The refrain "We have always done it like this." no longer suffices. We citizens have a right to petition our government. That is what the referendum is about.

Sincerely, Ariel Dougherty
 Concerned Activists Versus Egregious Government

p.s. Could you please acknowledge receipt of this email and that it was read. Thank you for your courtesy.



February 28, 2024 | City of Truth or Consequences

SOLID WASTE COST OF SERVICE AND RATE DESIGN STUDY

Mr. Dave Yanke, President

Parkhill

**NewGen
Strategies & Solutions**

1

SCOPE OF ANALYSIS

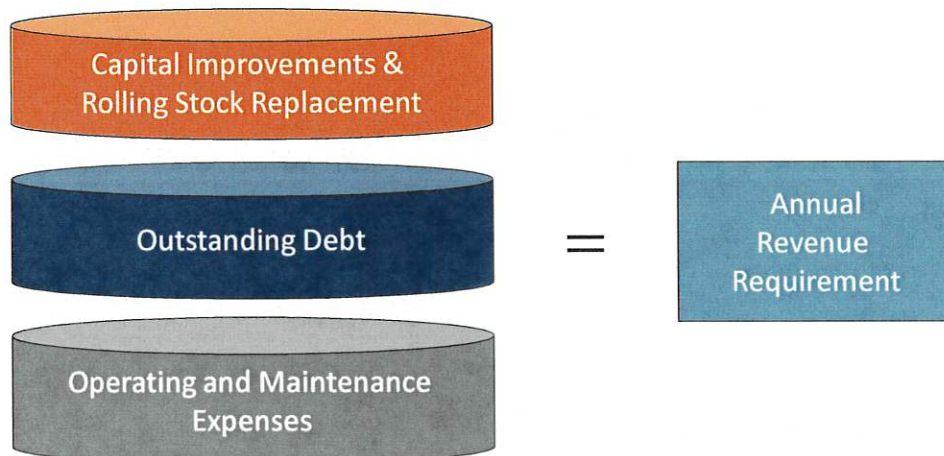
- 1 • Conduct a comprehensive cost of service study that allocates costs to each specific solid waste service
- 2 • Develop a five-year revenue requirement forecast (FY 2024 – FY 2028)
- 3 • Calculate the revenues realized under current rates for the projected five-year revenue requirement
- 4 • Design rates for residential customers
• Design rates for commercial customers
• Design rates for the collection center
- 5 • Present findings to City of Truth or Consequences staff and City Commission

2

COST OF SERVICE METHODOLOGY

- 1 • Develop the “Test Year”
- 2 • Develop a revenue requirement forecast
- 3 • Allocate costs to service categories
- 4 • Determination of billing units
- 5 • Cost of service calculation

WHAT IS THE “REVENUE REQUIREMENT”



SERVICE CATEGORIES

- **Collection Services**

- Refuse Poly Cart Collection
- Dumpster Refuse Collection
- Dumpster Recycle Collection

- **Collection Center**

- Garbage Operations
- Recycling Center

- **Other**

- Administration
- Cart Maintenance and Delivery
- Disposal/Hauling

DEVELOPMENT OF REVENUE REQUIREMENT

The development of the revenue requirement forecast includes the following items:

- Truth or Consequences Solid Waste Management expenses are forecasted to increase from \$2.1 million in FY 2024 to \$2.3 million by FY 2028:
- Cash funding strategy for the purchase of new vehicles: \$236K per year for FY 2024 – FY 2028.
 - 13 vehicles are projected to be replaced over the 10-year forecast (includes pickups, side-loaders, and backhoes)

REVENUE REQUIREMENT

	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Total Expenses	\$2,233,450	\$2,456,731	\$2,432,446	\$2,366,731	\$2,454,101
Non Rate Revenues	\$131,500	\$131,500	\$131,500	\$131,500	\$131,500
Rate Revenue Requirement	\$2,101,950	\$2,325,231	\$2,300,946	\$2,235,231	\$2,322,601

OVER / (UNDER) RECOVERY – CURRENT RATES

	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Revenue from Current Rates	\$2,267,763	\$2,276,757	\$2,286,176	\$2,295,605	\$2,305,043
Revenue Requirement	\$2,101,950	\$2,325,231	\$2,300,946	\$2,235,231	\$2,322,601
Estimated Over/(Under) Recovery Under Current Rates	\$165,813	\$(48,475)	\$(14,770)	\$60,374	\$(17,557)
Cumulative Over/(Under) Recovery Under Current Rates	\$165,813	\$117,339	\$102,569	\$162,943	\$145,386

Notes:

- Any minor arithmetic deviation is due to rounding

POLY CART RATES

- NewGen is not proposing any changes to the current Poly Cart rates for FY 2024-FY 2028.

	Current Rate
Residential Rate	\$34.69
Commercial Rate	\$50.22

CURRENT DUMPSTER RATES

- The City currently charges commercial customers by a class designation system.

Class	Class Description	Current Rates
Class 1	Lodges (fraternal) without bars, churches, beauty shops, barber shops, T.V. shops, rock shops, jewelry stores, accounting, legal, medical, real estate, insurance, dental offices and miscellaneous small shops. Motels, hotels, and apartments with fewer than ten units and RV Parks with fewer than ten spaces.	\$69.57
Class 2	Lodges (fraternal) without bars, package stores without bars, service stations, garages, small grocery stores, body shops, small cafes, laundries, florists and small merchandising businesses. Motels, hotels, and apartments with ten to 20 units and RV Parks with ten to 20 spaces.	\$110.87
Class 3	Bars and package stores in conjunction with bars, medium sized store buildings, medium sized restaurants and cafes and governmental offices. Motels, hotels, and apartments with 21 to 30 units and RV Parks with 21 to 30 spaces.	\$162.40
Class 4	Department stores, drug stores and banks. Motels, hotels, and apartments with 3 to 40 units and RV Parks with 31 to 40 spaces.	\$217.50
Class 5	Large restaurants, large grocery stores, hospitals, trailer parks. Motels, hotels, and apartments with more than 40 units and RV Parks with more than 40 spaces.	\$626.27

CURRENT DUMPSTER RATES (CONTINUED)

- Outdated rate design system
- Can lead to inequities
- Class selection can be subjective



PROPOSED COMMERCIAL DUMPSTER RATES

- For all FY 2025 proposed rate increases, NewGen has assumed that rates will be implemented July 1, 2024. For subsequent rate increases (i.e., FY 2026 - FY 2028), NewGen has assumed that rate increases will go into effect at the beginning of the fiscal year (i.e., July 1).
- Rate increases for commercial refuse and recycling services are outlined below:
 - **Refuse:** NewGen recommends that the City implement a dumpster rate matrix that determines customer's rates by container size and collection frequency. (This is the industry standard.)
 - **Recycling:** NewGen recommends that the City implement a rate matrix for recycling that determines rates by frequency of collection.

PROPOSED COMMERCIAL DUMPSTER RATES (CONTINUED)

- NewGen recommends that the City implement a dumpster rate matrix that determines customer's rates by container size and collection frequency.

FY 2025 Proposed Refuse Rates						
Container	Collections per Week					
Size (Cubic Yards)	1	2	3	4	5	6
1.5	\$69.57	\$88.45	\$123.29	\$158.13	\$192.96	\$227.80
3	\$69.57	\$96.99	\$136.11	\$175.22	\$214.34	\$253.45

FY 2025 Proposed Recycling Rates						
Container	Collections per Week					
Size (Cubic Yards)	1	2	3	4	5	6
1.5	\$30.00	\$60.00	\$90.00	\$120.00	\$150.00	\$180.00
3	\$30.00	\$60.00	\$90.00	\$120.00	\$150.00	\$180.00

PROPOSED COMMERCIAL DUMPSTER RATES (CONTINUED)

Rate Increases			
	FY 2026	FY 2027	FY 2028
Refuse	7.5%	7.5%	7.5%
Recycling	5.0%	5.0%	5.0%

CURRENT COLLECTION CENTER RATES

- The City currently charges commercial customers by a class designation system.

	Minimum Fee (lbs tiers)				Per Ton Rate	
Residential	0-200	201-400	401-600	601-800	801+	
MSW	\$6.00	\$11.22	\$13.32	\$18.84	\$60.00	
Yard Waste	\$6.00	\$11.22	\$13.32	\$18.84	\$60.00	
	Minimum Fee (lbs tiers)				Per Ton Rate	
Commercial	0-100	101-350	351-650	651-1,000	1,001-1,999	2,000+
C&D	\$20.00	\$30.00	\$40.00	\$50.00	\$60.00	\$65.00
Yard Waste	\$20.00	\$30.00	\$40.00	\$50.00	\$60.00	\$65.00
	Minimum Fee (lbs tiers)				Per Ton Rate	
	0-200	201-400	401-600	601+		
Tree Branches	\$3.50	\$7.00	\$10.50	\$ 35.00		

NEWGEN STRATEGIES AND SOLUTIONS, LLC

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15

PROPOSED COLLECTION CENTER RATES

- NewGen recommends that the City standardize and increase the rates for residential trash, commercial trash, and tree branches being brought to the collection center.

FY 2025	Minimum Fee (lbs tiers)					Per Ton Rate
All Trash	0-200	201-400	401-600	601-800	801-1,200	1,200+
MSW/Yard Waste	\$9.00	\$18.00	\$27.00	\$36.00	\$54.00	\$90.00
By FY 2028	Minimum Fee (lbs tiers)					Per Ton Rate
All Trash	0-200	201-400	401-600	601-800	801-1,200	1,200+
MSW/Yard Waste	\$11.50	\$23.00	\$34.50	\$46.00	\$69.00	\$115.00

NEWGEN STRATEGIES AND SOLUTIONS, LLC

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PROPOSED COLLECTION CENTER RATES (CONTINUED)

- NewGen recommends that the City increase the per ton rate of trash collected at the collection center.

Proposed Per Ton Rate Increases					
	Current	FY 2025	FY 2026	FY 2027	FY 2028
MSW/Yard Waste	\$60.00	\$90.00	\$105.00	\$115.00	\$115.00
Increase	-	\$30.00	\$15.00	\$15.00	-

OVER / (UNDER) RECOVERY – PROPOSED RATES

	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Revenue from Proposed Rates	\$2,101,950	\$2,325,231	\$2,300,946	\$2,235,231	\$2,322,601
Revenue Requirement	2,267,763	2,436,458	2,578,523	2,693,493	2,744,650
Estimated Over/(Under)					
Recovery Under Proposed Rates	\$165,813	\$111,226	\$277,577	\$458,262	\$422,049
Cumulative Over/(Under)					
Recovery Under Proposed Rates	\$165,813	\$277,040	\$554,616	\$1,012,878	\$1,434,927

Notes:

- Any minor arithmetic deviation is due to rounding
- This tables' over/(under) recovery assumes a 30% reduction in dumpsters collected.

RECOMMENDATIONS

- Recommend implementing dumpster rate matrix to streamline method of charging commercial customers and ensure equity.
- Monitor if dumpsters collections decrease and/or dumpsters are returned.
- Recommend implementing standardized collection center rates.

QUESTIONS?

Dave Yanke
President
NewGen Strategies and Solutions, LLC
dyanke@newgenstrategies.net
(512) 649-1254



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 13, 2024

Agenda Item #: F.3

SUBJECT: Acknowledge Special Recreation Board Minutes, February 8, 2024
DEPARTMENT: City Clerk's Office
DATE SUBMITTED: February 7, 2024
SUBMITTED BY: Angela A. Torres, Clerk-Treasurer
WHO WILL PRESENT THE ITEM: Consent Calendar

Summary/Background:

Minutes approval.

Recommendation:

Acknowledge minutes.

Attachments:

- Regular Special Recreation Board Minutes, February 8, 2024

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-

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 3-13-24

**CITY OF TRUTH OR CONSEQUENCES
RECREATION ADVISORY BOARD
MONDAY, FEBRUARY 5, 2024**

SPECIAL MEETING MINUTES

The special meeting of the Recreation Advisory Board of the City of Truth or Consequences, New Mexico was held on Monday, February 5, 2024, at 5:30 p.m. The meeting was held at the Recreation Department Building, 2800 S. Broadway, Truth or Consequences, NM 87901.

CALL TO ORDER

ROLL CALL:

David Dawdy, Chairman was present.

Joseph Ferrell, Vice Chairman was present.

Shennoah Bree Nisly, Secretary/Member was present.

(All members were voted to their position listed above at this meeting).

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF THE AGENDA:

Member Ferrell made a motion to approve the agenda. Member Nisly seconded the motion. Motion carried unanimously.

3. APPROVAL OF DECEMBER 11, 2023, MINUTES:

Member Ferrell made a motion to approve the December 11, 2023 Minutes. Member Nisly seconded the motion. Motion carried unanimously.

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

Chuck Wentworth noticed that Alan Hansen Begg was not listed on the agenda as a member.

City Clerk Torres explained that Alan is now working for the city, so he had to resign from the board.

5. NEW BUSINESS:

A. Discussion/Update: Review of Meeting Guidelines.

City Clerk Torres gave a review of meeting guidelines such as agendas, the process of adding an item to the agenda, minutes, public comment, and posting requirements.

B. Discussion/Action: Re-Appointment of Chairman, Vice-Chairman, & Secretary.

**Member Ferrell made a motion to appoint Member Dawdy as Chairman of the board.
Member Nisly seconded the motion. Motion carried unanimously.**

**Chairman Dawdy made a motion appoint Member Ferrell as Vice-Chairman of the board.
Member Nisly seconded the motion. Motion carried unanimously.**

**Chairman Dawdy made a motion to appoint Member Nisly as Secretary of the board.
Member Nisly seconded the motion. Motion carried unanimously.**

C. Discussion/Action: City of Truth or Consequences City Parks Department 2024 improvements plans.

OJ Hechler, Community Services Director: We are getting ready to send flyers out to solicit public input on the Skate Park design and the recent completion of phase 2 renovations at Ralph Edwards Park. Funding for this phase will include money to advance both planning and design of a new skate park. There was \$230,000 allotted, and this revenue would have to be expended before the end of June 2025. I would like to expand the facilities current footprint and replace the middle ramps with new concrete elements. We are looking for public input to assure the final design will meet the desires of skate park patrons in the community. The Ralph Edwards Park renovations are in step with a formal master plan that the city approved for the facility in 2020. When I applied for funding from the state's 2024 Quality of Life Grant. I was seeking to secure a similar Master Development Plan for the Louis Armijo Sports Complex. This plan would also include the city Rodeo Arena and a wide range of improvements for the sports complex. We would also like to see improvements at the baseball fields so the facility can host regular tournaments and regional competitions. It could greatly benefit us, being able to accommodate such events. We would also like to see improvements made to the soccer field and it's supporting irrigation system, as well as an expansion of parking. We would also like to install tables at the Louis Armijo Sports Complex and do an expansion of restroom facilities, shade structures for the softball field, a jogging trail, and a variety of other potential upgrades. The Grant application process requires for thought and awareness that the city would have a very tight window to complete the sports complex design. The revenue awarded for this endeavor would have to be expended by June 30th of this year. I was looking to schedule at least two required public meetings to advance development of the Master Plan. Dates for these public meetings have not yet been determined.

6. *REPORTS FROM THE BOARD:*

Chairman Dawdy:

Chairman Dawdy asked that a request to the City Commission for the Parks & Recreation to have a separate budget for recreational goals, and FY 2025/2026 development plans be added to the next agenda.

7. REPORTS FROM STAFF:

OJ Hechler, Community Services Director:

Some of our projects include:

- Plans to establish an informational kiosk for locating grave sites at the Vista Memory Gardens cemetery.
- A replacement slide has been ordered for Family Park. That funding is from the New Mexico Clean and Beautiful grant program which would be supporting a formal trash clean up that will be led by members of The Hot Springs High School Scat Cat Environthon team.
- There was a Trails Plus grant of \$322,000 that was awarded to the city for additional Ralph Edwards Park upgrades. The funding would require a \$160,000 match from the city, and if approved, would be targeted toward picnic shelter upgrades, trail development, and the installation of a floating dock on the Rio Grande.

Chairman Dawdy: I would like for us to look into some grants for Rotary Park.

Alan Hansen-Begg, Golf Course Supervisor:

- Our golf course is the oldest golf course in Sierra County. It is a 63-acre, 9-hole golf course. We are open 7 days a week, 365 days a year. We have 2 full time and 2 part time employees who are a very dedicated team. They do a very good job.
- We have a 3rd annual Turtleback Classic Disc Golf tournament scheduled for Saturday and Sunday, February 17th through 18th at the municipal golf course. There are already 85 players from across the state and country who signed up to compete. I am eager to welcome the community to the municipal golf course for this exciting event.
- The 74th Fiesta Golf Tournament will be the last weekend in April.
- Part of the budget plan is for added security at the golf course. I would like to look into cameras and some other options for security.

8. ADJOURN:

The board adjourned their meeting at 6:24 p.m.

Passed and Approved March 4, 2024.

- Recreation/Golf Course Advisory Board



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 13, 2024

Agenda Item #: F.4

SUBJECT: February 2024 Accounts Payable
DEPARTMENT: Finance
DATE SUBMITTED: March 8, 2024
SUBMITTED BY: Silke Kapela, Accounts Payable
WHO WILL PRESENT THE ITEM: Consent Calendar

Summary/Background:

According to Sec. 2-28 of the Municipal Code related to Publication of expenditures:
Each month there may be published a summary of expenditures made during the preceding calendar month, which shall include a list of the total expenditures during the month, the amount spent in connection with each budgetary item, and a summary of all receipts; provided, however, that the publication mentioned in this section shall be made only at the discretion of the Commission if it shall deem such publication necessary in the public interest.

Recommendation:

Approve the Accounts Payable summary for February 2024

Attachments:

- End of Month Accounts Payable Report by Fund

Fiscal Impact (Finance): Yes

All Funds Summary is a total of \$ 997,325.60

Legal Review (City Attorney): N/A

N/A

Approved For Submittal By: ☐ Department Director

Reviewed by: ☒ City Clerk ☒ Finance ☐ Legal ☒ Other: Silke Kapela, Account Payable

Final Approval: ☐ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. N/A Ordinance No. N/A

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: [Click here to enter text.](#)

File Name: CC Agendas 3-13-2024

Accounts Payable Transfer Sheet - 2023-2024 FY
Post Date Ending: 2/2, 2/9, 2/16, 2/23

<u>Fund</u>	<u>Fund Description</u>	<u>Fund Totals</u>				<u>GRAND TOTAL</u>	<u>Fund Numbers</u>
		2/2/2024	2/9/2024	2/16/2024	2/23/2024	TRANSFERS	
101	General	\$45,341.65	\$31,249.01	\$107,088.04	\$81,571.68	\$265,250.38	101
201	Local Government Corrections		\$3,374.00			\$3,374.00	201
209	State Fire	\$1,071.79			\$1,263.64	\$2,335.43	209
211	Law Enforcement Protection	\$2,319.52	\$592.79	\$810.00	\$591.08	\$4,313.39	211
214	Lodger's Tax		\$8,071.26	\$35,698.35	\$4,251.01	\$48,020.62	214
216	Street Renovation	\$10,097.70	\$22,754.56	\$1,842.41	\$11,471.50	\$46,166.17	216
217	Municipal Recreation					\$0.00	217
260	Fiscal Recovery Funds					\$0.00	260
294	State Library		\$50.51		\$186.39	\$236.90	294
295	Municipal Pool	\$1,554.72		\$40.10	\$31.19	\$1,626.01	295
296	PD-GRT Fund	\$1,670.60	\$908.00			\$2,578.60	296
298	PD-Donations					\$0.00	298
302	Electrical Construction					\$0.00	302
303	Veterans Memorial				\$236.19	\$236.19	303
304	SJOA - Grants	\$2,550.00				\$2,550.00	304
305	Capital Improvement General					\$0.00	305
306	Capital Improvement Joint Utility					\$0.00	306
307	Golf Course Improvements					\$0.00	307
308	USDA -Sweeper					\$0.00	308
309	USDA-Wastewater					\$0.00	309
310	R&R-Emergency					\$0.00	310
311	R&R-Sewer					\$0.00	311
312	R&R-Airport					\$0.00	312
313	R&R-Water					\$0.00	313
314	CDBG - Grant					\$0.00	314
315	CI Reserve- Non Capital Equipment					\$0.00	315
316	Emergency Reserve					\$0.00	316
320	USDA Water System Improvements					\$0.00	320
321	Water System Improvements					\$0.00	321
360	NMFA Projects			\$1,625.63		\$1,625.63	360
370	Water Trust Board Projects					\$0.00	370
380	Community Development			\$23,370.26		\$23,370.26	380
403	Pledge State Tax	\$24,052.03	\$15.30			\$24,067.33	403
501	Cemetery	\$50.00			\$174.06	\$224.06	501
502	Utility Office	\$4,539.41	\$10,000.00	\$907.04	\$460.37	\$15,906.82	502
503	Electric Dept	\$7,900.69	\$2,379.68	\$327,774.40	\$1,515.84	\$339,570.61	503
504	Water Dept	\$31,720.86	\$1,527.49	\$1,811.58	\$6,325.46	\$41,385.39	504
505	Solid Waste	\$50,638.60	\$8,303.10	\$18,484.99	\$25,470.75	\$102,897.44	505
506	WasteWater	\$13,439.62	\$7,191.89	\$449.23	\$15,409.58	\$36,490.32	506
507	Solid Waste Landfill/Collection					\$0.00	507
508	Golf Course	\$126.72	\$258.99	\$247.80	\$2,991.62	\$3,625.13	508
509	Municipal Airport	\$169.48	\$22,135.35	\$1,739.79	\$497.31	\$24,541.93	509
600	Internal Service Fund			\$5,504.07	\$1,428.92	\$6,932.99	600
	Grand Total-Accounts Payable	\$197,243.39	\$118,811.93	\$527,393.69	\$153,876.59	\$997,325.60	



Truth or Consequences

AP EOM REPORT

By Fund

Payment Dates 2/1/2024 - 2/29/2024

PAYABLE APPROVAL

I hereby approve the issuance of these payments.

FINANCE DIRECTOR OR DESIGNEE

DATE:

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Fund: 101 - General					
NM RETIREE HEALTH CARE	PPE 2024-01-26	02/01/2024	PPE 2024-01-26	101-1001-41226	156.46
NM RETIREE HEALTH CARE	PPE 2024-01-26	02/01/2024	PPE 2024-01-26	101-1002-41226	43.87
NM RETIREE HEALTH CARE	PPE 2024-01-26	02/01/2024	PPE 2024-01-26	101-1003-41226	155.71
NM RETIREE HEALTH CARE	PPE 2024-01-26	02/01/2024	PPE 2024-01-26	101-1004-41226	240.38
NM RETIREE HEALTH CARE	PPE 2024-01-26	02/01/2024	PPE 2024-01-26	101-1006-41226	123.12
NM RETIREE HEALTH CARE	PPE 2024-01-26	02/01/2024	PPE 2024-01-26	101-1007-41226	1,378.31
NM RETIREE HEALTH CARE	PPE 2024-01-26	02/01/2024	PPE 2024-01-26	101-1008-41226	40.20
NM RETIREE HEALTH CARE	PPE 2024-01-26	02/01/2024	PPE 2024-01-26	101-1009-41226	67.94
NM RETIREE HEALTH CARE	PPE 2024-01-26	02/01/2024	PPE 2024-01-26	101-1010-41226	98.69
NM RETIREE HEALTH CARE	PPE 2024-01-26	02/01/2024	PPE 2024-01-26	101-1011-41226	284.09
NM RETIREE HEALTH CARE	PPE 2024-01-26	02/01/2024	PPE 2024-01-26	101-1012-41226	124.32
NM RETIREE HEALTH CARE	PPE 2024-01-26	02/01/2024	PPE 2024-01-26	101-1013-41226	77.30
NM RETIREE HEALTH CARE	PPE 2024-01-26	02/01/2024	PPE 2024-01-26	101-1014-41226	210.43
NM RETIREE HEALTH CARE	PPE 2024-01-26	02/01/2024	PPE 2024-01-26	101-1016-41226	208.55
XEROX CORP - OLD	020444338, 020444337, 0205...	02/02/2024	FIRE DEPT	101-1004-43465	254.23
XEROX CORP - OLD	020444338, 020444337, 0205...	02/02/2024	POLICE DEPT	101-1004-43465	216.81
XEROX CORP - OLD	020444338, 020444337, 0205...	02/02/2024	CITY MANAGER	101-1004-43465	177.74
XEROX CORP - OLD	020444338, 020444337, 0205...	02/02/2024	ELECTRIC DEPT	101-1004-43465	94.81
XEROX CORP - OLD	020444338, 020444337, 0205...	02/02/2024	FLEET DEPT	101-1004-43465	64.69
XEROX CORP - OLD	020444338, 020444337, 0205...	02/02/2024	UTILITY BILLING	101-1004-43465	434.46
XEROX CORP - OLD	020444338, 020444337, 0205...	02/02/2024	MUNICIPAL COURT	101-1004-43465	289.08
BANK OF AMERICA	06311	02/02/2024	DUCT TAPE	101-1006-44606	7.88
BANK OF AMERICA	06311	02/02/2024	HANGING FOLDERS	101-1006-44606	9.48
BANK OF AMERICA	06311	02/02/2024	ANIMAL SHELTER SUPPLIES	101-1006-44607	91.61
BANK OF AMERICA	07552	02/02/2024	ANIMAL SHELTER SUPPLIES	101-1006-44607	132.66
BANK OF AMERICA	1000054057, 1000054058, 10...	02/02/2024	HOTEL FOR MOLI & NEWLY EL...	101-1000-42310	1,405.30
POLICARPIO V BUSTAMANTE -...	101.24	02/02/2024	OPEN PO-LANDSCAPING SERV...	101-1009-47415	900.00
MIKE TORRES DBA CD TECHN...	1018	02/02/2024	IT SERVICE GENERAL FUND OP...	101-1018-48598	5,525.00
AMAZON CAPITAL SERVICES, I...	17PJ-43YT-PGVM, 11FF-FG93-...	02/02/2024	FALCON DUST OFF	101-1012-44606	67.20
AMAZON CAPITAL SERVICES, I...	17PJ-43YT-PGVM, 11FF-FG93-...	02/02/2024	STICKY NOTES	101-1012-44606	7.99
AMAZON CAPITAL SERVICES, I...	17PJ-43YT-PGVM, 11FF-FG93-...	02/02/2024	COPY STAMP SELF INKING	101-1012-44606	9.95
AMAZON CAPITAL SERVICES, I...	17PJ-43YT-PGVM, 11FF-FG93-...	02/02/2024	MONITOR MEMO BOARD	101-1012-44606	6.98
AMAZON CAPITAL SERVICES, I...	17PJ-43YT-PGVM, 11FF-FG93-...	02/02/2024	PILOT PENS	101-1012-44606	20.46
AMAZON CAPITAL SERVICES, I...	17PJ-43YT-PGVM, 11FF-FG93-...	02/02/2024	EXPO MARKERS	101-1012-44606	21.55
AMAZON CAPITAL SERVICES, I...	17PJ-43YT-PGVM, 11FF-FG93-...	02/02/2024	PILOT RETRACTABLE PEN	101-1012-44606	24.12
AMAZON CAPITAL SERVICES, I...	17PJ-43YT-PGVM, 11FF-FG93-...	02/02/2024	AMAZON BASIC PAPER	101-1012-44606	60.67
AMAZON CAPITAL SERVICES, I...	17PJ-43YT-PGVM, 11FF-FG93-...	02/02/2024	PLANNER BOOK	101-1012-44606	15.95
AMAZON CAPITAL SERVICES, I...	17PJ-43YT-PGVM, 11FF-FG93-...	02/02/2024	LARGE DESK CALENDAR	101-1012-44606	95.97
AMAZON CAPITAL SERVICES, I...	17PJ-43YT-PGVM, 11FF-FG93-...	02/02/2024	MOUNTING/DEMOUNTING C...	101-1012-44607	52.68
AMAZON CAPITAL SERVICES, I...	17PJ-43YT-PGVM, 11FF-FG93-...	02/02/2024	SPRAY BOTTLES	101-1012-44607	13.57
SIERRA COUNTY SENTINEL	1920	02/02/2024	TWO ADS COURT CLOSURE	101-1002-43740	108.38
SPECTRUM TECHNOLOGIES	2124	02/02/2024	ANNUAL MAINTENANCE CON...	101-1010-43770	900.00
BANK OF AMERICA	2652218376	02/02/2024	ANNUAL SUBSCRIPTION FOR ...	101-1010-44606	259.97
NEW MEXICO GAS COMPANY, ..	26JAN2024	02/02/2024	GENERAL OPEN PO FY23/24	101-1018-43780	3,581.33
NEW MEXICO GAS COMPANY, ..	26JAN2024	02/02/2024	NM WORKFORCE CONNECTI...	101-1018-43780	162.33
NEW MEXICO GAS COMPANY, ..	26JAN2024	02/02/2024	ANIMAL SHELTER OPEN PO FY...	101-1018-43780	211.57

AP EOM REPORT

Payment Dates: 2/1/2024 - 2/29/2024

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
BANK OF AMERICA	428096	02/02/2024	WORK BOOTS - O.J. HECHLER	101-1013-44615	99.99
BANK OF AMERICA	428097	02/02/2024	WORK BOOTS - RICHARD HAD...	101-1009-44615	99.99
BANK OF AMERICA	428976	02/02/2024	RST HEATER ELECTRIC RADIA...	101-1007-44606	65.96
BANK OF AMERICA	623420206	02/02/2024	PLANNER REFILL	101-1003-44606	65.51
BANK OF AMERICA	623431661	02/02/2024	PLANNER REFILL	101-1003-44606	80.69
MPG SERVICES, LLC	7096	02/02/2024	REPAIR FURNANCE WATER DE...	101-1014-43403	381.38
BANK OF AMERICA	8005535299	02/02/2024	PD RECORDS DESTRUCTION	101-1001-48599	2,871.99
VERIZON WIRELESS	9955130242	02/02/2024	POLICE DEPT OPEN PO FY23/24	101-1007-43775	205.75
VERIZON WIRELESS	9955130242	02/02/2024	ANIMAL CONTROL OPEN PO F...	101-1008-43775	123.45
CITY UTILITIES	C-D JANUARY 2024	02/02/2024	GENERAL FUND CYCLE C&D O...	101-1018-43780	8,770.14
JUSTICE SYSTEMS, INC	INV191732	02/02/2024	SERVER MIGRATION	101-1002-48599	266.72
LASTING PAWS PET MEMORIA...	LC10391-I-0047	02/02/2024	CREAMTION SERVICES	101-1006-48598	864.29
BANK OF AMERICA	N12240000023	02/02/2024	FINGERPRINT BACKGROUND ...	101-1007-43770	23.00
TAC10, INC.	TACMN0000345	02/02/2024	ANNUAL TAC-10 RMS FEE	101-1007-43815	12,989.00
WESTERN FIX, LLC	000000000000039	02/09/2024	DURANGO ST WORK BOOT - T...	101-1009-44615	199.99
AMAZON CAPITAL SERVICES, I...	02062024	02/09/2024	AMAZON BUSINESS ORDER - ...	101-1001-44606	84.39
MELISSA POWELL	06282023	02/09/2024	NON-STERILIZATION DEPOSIT ...	101-1099-34343	25.00
SUN VALLEY, INC.	173131, 173133, 173152, 173...	02/09/2024	OPEN PO FIELD SUPPLIES/JAN...	101-1009-44607	259.96
SUN VALLEY, INC.	173255-6, 173317-6, 173375-6...	02/09/2024	OPEN PURCHASE ORDER FOR ...	101-1014-44607	493.13
VALLEY VET SUPPLY	17794436	02/09/2024	CAT VACCINE	101-1006-44607	481.98
VALLEY VET SUPPLY	17794436	02/09/2024	PARVO/DISTEMPER VACCINE ...	101-1006-44607	704.85
SIERRA COUNTY SENTINEL	1933, 2005	02/09/2024	OPEN PO FOR FY 22/23 PUBLI...	101-1001-43740	810.99
SIERRA COUNTY SENTINEL	1980	02/09/2024	HELP WANTED ADS - FY23-24 - ..	101-1004-43740	365.79
SIERRA COUNTY SENTINEL	2025	02/09/2024	SENTINEL NEWSPAPER SUBSC...	101-1007-43770	39.00
IWORQ SYSTEMS	202654	02/09/2024	COMMUNITY DEV PERMIT M...	101-1001-43770	4,501.28
IWORQ SYSTEMS	202654	02/09/2024	COMMUNITY DEV PERMIT M...	101-1006-43815	3,249.31
IWORQ SYSTEMS	202654	02/09/2024	COMMUNITY DEV PERMIT M...	101-1008-43815	3,249.31
IWORQ SYSTEMS	202654	02/09/2024	COMMUNITY DEV PERMIT M...	101-1010-43770	2,880.10
JAIME F. RUBIN, LLC	2124	02/09/2024	OPEN PO FOR LEGAL SERVICES...	101-1000-43597	5,908.61
JAIME F. RUBIN, LLC	2124	02/09/2024	GRT	101-1000-43597	460.63
TRANS UNION RISK & ALTERN...	485949-202401-1	02/09/2024	TLO SERVICES 6 MONTHS OP...	101-1007-43815	122.00
KATHRYN ELLIOTT DBA CIVILIT...	55, 61	02/09/2024	GOVERNMENT RELATIONS	101-1000-43598	6,476.26
MEHRDAD RAZAVI	6/23/2024	02/09/2024	NON-STERILIZATION DEPOSIT ...	101-1099-34343	25.00
SIERRA VISTA HOSPITAL / SIER...	62800C15467	02/09/2024	COLLECTION DRUG TEST FEE ...	101-1004-48599	50.00
ARENAS VALLEY ANIMAL CLIN...	86018, 86221, 86530, 86746, ...	02/09/2024	VET SERVICES	101-1006-48598	749.33
QUEST DIAGNOSTICS, INC.	9208006364	02/09/2024	SCREENING & MRO FEE FY 23-...	101-1004-48599	112.10
JAFFEE BLOMQUIST	01302024	02/16/2024	FOOD REIMBURSEMENT - TAC...	101-1007-42720	40.80
WEX BANK	02012024	02/16/2024	WEX FUEL POLICE DEPT - FY 2...	101-1007-43316	5,688.56
WEX BANK	02012024-2PD	02/16/2024	WEX FUEL FOR ANIMAL CONT...	101-1008-43316	150.03
MINERVA FUENTES	02132024	02/16/2024	NON-STERILIZED ADOPTION R...	101-1099-34343	25.00
NORMAN MAVENCAMP	02132024	02/16/2024	CIVIC CENTER DEPOSIT REFU...	101-1099-34348	250.00
GALLS PARENT HOLDINGS, LLC...	027029374	02/16/2024	JAG CONTINGENCY FUNDING ...	101-1007-44613	155.81
GALLS PARENT HOLDINGS, LLC...	027029374	02/16/2024	JAG CONTINGENCY FUNDING ...	101-1007-80845	69.67
INTEGRATED TECHNOLOGIES ...	1006	02/16/2024	COURT SERVER MOVE TO PD	101-1002-48598	1,365.53
AMAZON CAPITAL SERVICES, I...	1DLN-Y6WJ-64PX, 1DMV-6DQ...	02/16/2024	SHIPPING	101-1009-47420	6.99
AMAZON CAPITAL SERVICES, I...	1DLN-Y6WJ-64PX, 1DMV-6DQ...	02/16/2024	EQUIPMENT SUPPLIES FOR M...	101-1009-47420	431.83
AMAZON CAPITAL SERVICES, I...	1HXRY1KHM1HK	02/16/2024	LINCOLN ELECTRIC FAN	101-1012-47420	56.77
BAKER & TAYLOR, INC.	2037989279, 2037967818, 20...	02/16/2024	LIBRARY MATERIALS FOR PUBL...	101-1016-44830	1,589.97
STANTEC CONSULTING SERVI...	2192570	02/16/2024	DEVELOPMENT REVIEW SERVI...	101-1010-48598	5,466.98
COOPERATIVE EDUCATIONAL ...	24-144777	02/16/2024	MOBILIZATION AND BOND FE...	101-1009-80845	5,425.00
COOPERATIVE EDUCATIONAL ...	24-144777	02/16/2024	LABOR	101-1009-80845	75,950.00
ALARM CONTROL TECHNOLOG...	32550, 32551	02/16/2024	FIRE ALARM MONITORING OP...	101-1014-47410	53.82
NU-WAY LAUNDRY & CLEANE...	39067	02/16/2024	NU-WAY CARPET SERVICES O...	101-1014-44607	98.10
SIERRA AUTO/CARQUEST	6016-321601	02/16/2024	BATTERY - GOLD	101-1013-47420	207.99
SIERRA AUTO/CARQUEST	6016-321601	02/16/2024	CORE RETURN	101-1013-47420	-22.00
SIERRA AUTO/CARQUEST	6016-321737	02/16/2024	BRAKE PADS	101-1014-47420	53.49
SIERRA AUTO/CARQUEST	6016-321737	02/16/2024	AC SWITCH	101-1014-47420	45.66
SIERRA AUTO/CARQUEST	6016-321737	02/16/2024	BRAKE PADS	101-1014-47420	53.18
SIERRA AUTO/CARQUEST	6016-321826, 6016-321587, 6...	02/16/2024	OPEN PO	101-1012-44607	885.10
BRADY INDUSTRIES, LLC	8623651	02/16/2024	LARGE BLACK TRASH LINERS	101-1014-44607	460.00

AP EOM REPORT

Payment Dates: 2/1/2024 - 2/29/2024

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
BRADY INDUSTRIES, LLC	8623651	02/16/2024	FUEL CHARGE	101-1014-44607	6.00
BRADY INDUSTRIES, LLC	8623651	02/16/2024	CENTER PULL HAND TOWELS	101-1014-44607	603.26
WEX BANK	94984332	02/16/2024	WEX BANK FUEL CARD OPEN P..	101-1014-43316	697.17
TALON SEPTIC & POTTY SERVI...	I1254	02/16/2024	OPEN PO PORTABLE TOILET R...	101-1009-43465	1,000.00
NM RETIREE HEALTH CARE	PPE 2024-02-09	02/16/2024	PPE 2024-02-09	101-1001-41226	154.65
NM RETIREE HEALTH CARE	PPE 2024-02-09	02/16/2024	PPE 2024-02-09	101-1002-41226	43.87
NM RETIREE HEALTH CARE	PPE 2024-02-09	02/16/2024	PPE 2024-02-09	101-1003-41226	155.72
NM RETIREE HEALTH CARE	PPE 2024-02-09	02/16/2024	PPE 2024-02-09	101-1004-41226	247.32
NM RETIREE HEALTH CARE	PPE 2024-02-09	02/16/2024	PPE 2024-02-09	101-1006-41226	123.14
NM RETIREE HEALTH CARE	PPE 2024-02-09	02/16/2024	PPE 2024-02-09	101-1007-41226	1,368.55
NM RETIREE HEALTH CARE	PPE 2024-02-09	02/16/2024	PPE 2024-02-09	101-1008-41226	49.31
NM RETIREE HEALTH CARE	PPE 2024-02-09	02/16/2024	PPE 2024-02-09	101-1009-41226	97.61
NM RETIREE HEALTH CARE	PPE 2024-02-09	02/16/2024	PPE 2024-02-09	101-1010-41226	98.69
NM RETIREE HEALTH CARE	PPE 2024-02-09	02/16/2024	PPE 2024-02-09	101-1011-41226	265.69
NM RETIREE HEALTH CARE	PPE 2024-02-09	02/16/2024	PPE 2024-02-09	101-1012-41226	124.32
NM RETIREE HEALTH CARE	PPE 2024-02-09	02/16/2024	PPE 2024-02-09	101-1013-41226	77.30
NM RETIREE HEALTH CARE	PPE 2024-02-09	02/16/2024	PPE 2024-02-09	101-1014-41226	210.43
NM RETIREE HEALTH CARE	PPE 2024-02-09	02/16/2024	PPE 2024-02-09	101-1016-41226	202.98
BORDER INTERNATIONAL TRU...	R400030443.01	02/16/2024	WATER PUMP REPLACEMENT	101-1007-47420	3,053.75
INTERNAL SERVICE FUND	01/1/24 thru 01/31/24	02/23/2024	JANUARY SERVICE/MAINT FOR...	101-1014-47420	128.52
SIERRA VISTA HOSPITAL / SIER...	013124	02/23/2024	GRT DISTRIBUTION FY 23/24 ...	101-1017-48599	43,935.97
TDS	02182024	02/23/2024	GENERAL OPEN PO FY 22/23	101-1018-43780	4,344.34
WINDSTREAM CORPORATION	02192024	02/23/2024	CITY MANAGER OPEN PO FY2...	101-1003-43775	123.47
SIERRA COUNTY FARM & LIVE...	02202024	02/23/2024	CIVIC CENTER DEPOSIT REFU...	101-1099-34348	450.00
ROB ABERCROMBIE	02202024	02/23/2024	RV SITE RENTAL DEPOSIT REF...	101-1099-34348	25.00
GALLS PARENT HOLDINGS, LLC...	027036997	02/23/2024	JAG CONTINGENCY FUNDING ...	101-1007-44613	90.02
GALLS PARENT HOLDINGS, LLC...	027036997	02/23/2024	JAG CONTINGENCY FUNDING ...	101-1007-80845	40.25
AMAZON CAPITAL SERVICES, I...	1XHD-41V4-MR13	02/23/2024	OFFICE SUPPLIES	101-1006-44606	252.59
AMAZON CAPITAL SERVICES, I...	1XHD-41V4-MR13	02/23/2024	FREIGHT	101-1006-44606	79.99
SIERRA COUNTY SENTINEL	2025-CMO	02/23/2024	1 YEAR NEWSPAPER SUBSCRI...	101-1003-43770	39.00
STANTEC CONSULTING SERVI...	2192569	02/23/2024	DEVELOPMENT REVIEW GEN ...	101-1010-48598	10,200.26
STANTEC CONSULTING SERVI...	2192569-2090	02/23/2024	DEVELOPMENT REVIEW SERVI...	101-1010-48598	5,015.60
STANTEC CONSULTING SERVI...	2192569-LOVES	02/23/2024	DEVELOPMENT REVIEW LOVES..	101-1010-48598	8,237.58
XEROX CORP.	5375465	02/23/2024	CLERKS OFFICE OPEN PO FY23...	101-1001-43465	297.01
XEROX CORP.	5375465	02/23/2024	CITY MANAGER OPEN PO FY2...	101-1003-43465	282.16
XEROX CORP.	5375465	02/23/2024	FINANCE OFFICE OPEN PO FY...	101-1004-43465	514.87
XEROX CORP.	5375465	02/23/2024	POLICE DEPT OPEN PO FY23/24	101-1007-43465	311.86
XEROX CORP.	5375465	02/23/2024	PARKS DEPT OPEN PO FY23/24	101-1009-43465	200.48
XEROX CORP.	5375465	02/23/2024	FACILITIES DEPT OPEN PO FY2...	101-1014-43465	37.12
XEROX CORP.	5375465	02/23/2024	MUNICIPAL COURT OPEN PO ...	101-1040-43465	297.00
NM MUNICIPAL LEAGUE	6294	02/23/2024	REGISTRATION FOR 35TH AN...	101-1000-42720	110.00
STAPLES CONTRACT & COMM...	8073191996 CM3556623663	02/23/2024	NOTARY SEAL LABELS 2 @ 2.76	101-1004-44606	5.52
STAPLES CONTRACT & COMM...	8073191996 CM3556623663	02/23/2024	4" 3 RING BINDERS (20 @ 13...	101-1004-44606	261.00
STAPLES CONTRACT & COMM...	8073191996 CM3556623663	02/23/2024	TAX AND/OR SHIPPING	101-1004-44606	-24.55
STAPLES CONTRACT & COMM...	8073191996 CM3556623663	02/23/2024	LAMINATING POUCHES	101-1004-44606	26.24
STAPLES CONTRACT & COMM...	8073191996 CM3556623663	02/23/2024	BOX OF COLORED PENS	101-1004-44606	10.01
STAPLES CONTRACT & COMM...	8073191996 CM3556623663	02/23/2024	BLACK SHARPIE MARKERS	101-1004-44606	7.77
STAPLES CONTRACT & COMM...	8073191996 CM3556623663	02/23/2024	HIGHLIGHTERS	101-1004-44606	7.16
STAPLES CONTRACT & COMM...	8073191996 CM3556623663	02/23/2024	HIGHLIGHTERS ASSORTED CO...	101-1004-44606	5.59
STAPLES CONTRACT & COMM...	8073191996 CM3556623663	02/23/2024	SLEEVE REPORT COVERS (10 @...	101-1004-44606	32.00
TURTLEBACK PEST CONTROL, ...	99470	02/23/2024	TURTLEBACK PEST CONTROL ...	101-1014-43403	1,075.24
CITY UTILITIES	A-B FEB 2024	02/23/2024	GENERAL FUND CYCLE A&B O...	101-1018-43780	3,596.84
CITY UTILITIES	FEB2024	02/23/2024	GENERAL FUND OPEN PO FY2...	101-1018-43780	73.30
AMAZON CAPITAL SERVICES, I...	IK4P-P1RX-P3N6	02/23/2024	OFFICE SUPPLIES	101-1006-44606	259.40
AMAZON CAPITAL SERVICES, I...	IK4P-P1RX-P3N6	02/23/2024	CLEANING SUPPLIES	101-1006-44607	203.19
AMAZON CAPITAL SERVICES, I...	IK4P-P1RX-P3N6	02/23/2024	DOG DNA TESTS	101-1006-44607	1,019.88
Fund 101 - General Total:					265,250.38
Fund: 201 - Corrections					
ADMINISTRATIVE OFFICE OF ...	01312024	02/09/2024	PAY DWI /COURT AUTO/JUD /...	201-1903-44805	184.00

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
SIERRA COUNTY TREASURER	02012024	02/09/2024	OPEN PO - CARE OF PRISONERS	201-1903-48710	3,190.00
Fund 201 - Corrections Total:					3,374.00
Fund: 209 - Fire					
NEW MEXICO GAS COMPANY, ..	26JAN2024	02/02/2024	FIRE STATION OPEN PO FY23/...	209-1603-43780	398.73
NEW MEXICO GAS COMPANY, ..	26JAN2024	02/02/2024	FIRE SOUTH STATION OPEN P...	209-1603-43780	443.49
CITY UTILITIES	C-D JANUARY 2024	02/02/2024	FIRE DEPT CYCLE C&D OPEN ...	209-1603-43780	229.57
WINDSTREAM CORPORATION	02192024	02/23/2024	FIRE DEPT OPEN PO FY23/24	209-1603-43775	125.48
LYNN'S LANDSCAPE	1086	02/23/2024	OPEN PO FOR MONTHLY CLE...	209-1603-47415	471.43
XEROX CORP.	5375465	02/23/2024	FIRE DEPT OPEN PO FY23/24	209-1603-43465	334.14
CITY UTILITIES	A-B FEB 2024	02/23/2024	FIRE DEPT CYCLE A&B OPEN P...	209-1603-43780	332.59
Fund 209 - Fire Total:					2,335.43
Fund: 211 - Law Enforce Prot					
BANK OF AMERICA	01102024	02/02/2024	HOMICIDE & CRIME SCENE TR...	211-2003-42535	400.00
AMAZON CAPITAL SERVICES, I...	16FT-XV6V-CDV6	02/02/2024	DECAL REMOVER ERASER WH...	211-2003-44607	39.35
AMAZON CAPITAL SERVICES, I...	1V73-L1GR-QKF	02/02/2024	DISPLAYPORT TO VGA ADAPT...	211-2003-44607	82.99
GUNHER'S LLC	2024-01	02/02/2024	A ZOOM 9 MM SNAP CAPS / 1...	211-2003-44607	164.00
LEADERSHIP NEW MEXICO	24LGLP-141	02/02/2024	LOCAL GOVERNMENT LEADER...	211-2003-42535	500.00
BANK OF AMERICA	30705	02/02/2024	AMERICAN RED CROSS FIRST A...	211-2003-42535	85.00
BANK OF AMERICA	6277	02/02/2024	REGISTRATION FOR NMACP A...	211-2003-42535	60.00
KAUFMAN'S WEST, LLC	8892LR	02/02/2024	POLICE ACADEMY EQUIPMENT...	211-2003-44573	988.18
SIERRA COUNTY SENTINEL	2032	02/09/2024	ADHESIVE VIOLATION NOTICES	211-2003-44607	574.99
KAUFMAN'S WEST, LLC	8957L	02/09/2024	NAMETAPES FOR NEW HIRE O...	211-2003-44573	17.80
TECHNICON TRAINING	24-IT-03346	02/16/2024	FIELD TRAINING OFFICER COU...	211-2003-42535	405.00
TECHNICON TRAINING	24-IT-03346-2	02/16/2024	FIELD TRAINING OFFICER COU...	211-2003-42535	405.00
INTERNAL SERVICE FUND	01/1/24 thru 01/31/24	02/23/2024	JANUARY SERVICE/MAINT FOR...	211-2003-47420	223.99
THE LINE, LLC	2489	02/23/2024	UNIFORM ITEMS FOR OFC. S...	211-2003-44573	257.09
NM MUNICIPAL LEAGUE	6493	02/23/2024	35TH ANNUAL MUNICIPAL DA...	211-2003-42535	110.00
Fund 211 - Law Enforce Prot Total:					4,313.39
Fund: 214 - Lodgers Tax					
VETERANS MEMORIAL TRUST ...	103123, 110323, 123123	02/09/2024	OPEN PO FOR LODGERS TAX ...	214-2560-60725	957.93
SIERRA COUNTY ROCK & GEM...	10824	02/09/2024	OPEN PO FOR LODGERS TAX ...	214-2560-60725	972.68
MAINSTREET T OR C	1824	02/09/2024	OPEN PO FOR LODGERS TAX ...	214-2560-60725	2,801.54
SIERRA COUNTY ROCK & GEM...	1824	02/09/2024	OPEN PO FOR LODGERS TAX ...	214-2560-60725	2,872.44
GERONIMO TRAIL SCENIC BY...	2224	02/09/2024	OPEN PO FOR LODGERS TAX S...	214-2540-60725	466.67
SUNNY 505	1862	02/16/2024	ADVERTISING AND MARKETI...	214-2503-47406	34,448.35
GERONIMO SPRINGS MUSEUM	20724	02/16/2024	OPEN PO FOR LODGERS TAX ...	214-2503-48815	1,250.00
SUNNY 505	1580	02/23/2024	ADVERTISING AND MARKETI...	214-2503-47406	4,251.01
Fund 214 - Lodgers Tax Total:					48,020.62
Fund: 216 - Muni Street					
PAVEMENT SEALANTS & SUPP...	23635, 26329	02/02/2024	HIGH PERFORMANCE PERMA...	216-4503-43550	6,899.60
FOXWORTH-GALBRAITH	2415757	02/02/2024	FINANCE CHARGE	216-4503-44607	0.50
FOXWORTH-GALBRAITH	2415757	02/02/2024	LUMBER FOR REPAIR TRAILER ...	216-4503-44607	91.35
BORDER INTERNATIONAL TRU...	X400102364.01	02/02/2024	MOUNTING KIT	216-4503-47420	125.00
BORDER INTERNATIONAL TRU...	X400102364.01	02/02/2024	SHIPPING AND HANDLING	216-4503-47420	702.00
BORDER INTERNATIONAL TRU...	X400102364.01	02/02/2024	BAR HANGERS	216-4503-47420	17.06
BORDER INTERNATIONAL TRU...	X400102364.01	02/02/2024	HEADACHE RACK	216-4503-47420	2,165.00
BORDER INTERNATIONAL TRU...	X400102364.01	02/02/2024	QUARTER FENDER KIT	216-4503-47420	97.19
RED BUD SUPPLY, INC	183584	02/09/2024	WINTER GLOVES 20L AND 20XL	216-4503-44615	254.56
IWORQ SYSTEMS	346	02/09/2024	STREETS ASSET INVENTORY P...	216-4503-48598	22,500.00
B & H OIL CO.	01312024	02/16/2024	RED DIESEL- OPEN PO FY 23/24	216-4503-43316	693.39
FOXWORTH-GALBRAITH	2532098	02/16/2024	20V BATTERIES 2PK	216-4503-44607	239.99
RED WING SHOES OF LAS CRU...	5705	02/16/2024	SAFETY BOOTS FOR BRENDEN...	216-4503-44615	200.00
SIERRA AUTO/CARQUEST	6016-321450	02/16/2024	OPEN PO FOR DEC AND JANU...	216-4503-47420	28.27
SIERRA AUTO/CARQUEST	6016-321477, 6016-320957, 6...	02/16/2024	OPEN PO FOR DEC AND JANU...	216-4503-47420	592.57
WEX BANK	94984332-ST	02/16/2024	UNLEADED FUEL PURCHASE- ...	216-4503-43316	88.19
INTERNAL SERVICE FUND	01/1/24 thru 01/31/24	02/23/2024	JANUARY SERVICE/MAINT FOR...	216-4503-47420	57.34
RED BUD SUPPLY, INC	1838899	02/23/2024	HI VIS SAFETY WINTER JACKETS	216-4503-44615	357.78
JESSICA MULLER DBA FREED...	3480849	02/23/2024	MAINT ON 62219	216-4503-47420	155.44
NORTHERN TOOL & EQUIPME...	53286950	02/23/2024	1/2" DRILL & SPRAYPAINT CLE...	216-4503-44607	206.98

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
NORTHERN TOOL & EQUIPME...	53286950	02/23/2024	PLATE COMPACTOR	216-4503-47420	919.19
BARTOO SAND & GRAVEL, INC.	M455280	02/23/2024	HOTMIX- WATER CUTS	216-4503-43550	9,774.77
Fund 216 - Muni Street Total:					46,166.17
Fund: 294 - State Library					
XEROX CORP - OLD	020444346, 020534083	02/09/2024	XEROX OLD CONTRACT FOR LI...	294-5003-43465	50.51
XEROX CORP - OLD	020737340, 020675268	02/23/2024	XEROX OLD CONTRACT FOR LI...	294-5003-43465	59.71
TDS	0222024	02/23/2024	INTERNET SERVICE LIBRARY O...	294-5003-60834	99.95
XEROX CORP.	5375465	02/23/2024	LIBRARY OPEN PO FY23/24	294-5003-43465	26.73
Fund 294 - State Library Total:					236.90
Fund: 295 - Muni Pool					
NM RETIREE HEALTH CARE	PPE 2024-01-26	02/01/2024	PPE 2024-01-26	295-4803-41226	40.10
NEW MEXICO GAS COMPANY, ..	26JAN2024	02/02/2024	SWIMMING POOL OPEN PO F...	295-4803-43780	30.08
JR AQUATIC SERVICES LLC	327	02/02/2024	TRAVEL CHARGE	295-4803-43403	271.70
JR AQUATIC SERVICES LLC	327	02/02/2024	TROUBLESHOOTING FLOW RA...	295-4803-43403	250.00
CITY UTILITIES	C-D JANUARY 2024	02/02/2024	POOL CYCLE C&D OPEN PO F...	295-4803-43780	962.84
NM RETIREE HEALTH CARE	PPE 2024-02-09	02/16/2024	PPE 2024-02-09	295-4803-41226	40.10
XEROX CORP.	5375465	02/23/2024	POOL OPEN PO FY23/24	295-4803-43465	31.19
Fund 295 - Muni Pool Total:					1,626.01
Fund: 296 - PD GRT					
GRAINGER, INC.	9966826639	02/02/2024	BALLISTIC SHIELD	296-2403-44613	1,670.60
GT DISTRIBUTORS, INC	INV0986026	02/09/2024	FORCE ON FORCE DECISION ...	296-2403-44616	908.00
Fund 296 - PD GRT Total:					2,578.60
Fund: 303 - Vet Wall					
WINDSTREAM CORPORATION	02192024	02/23/2024	VETERANS WALL OPEN PO FY...	303-4703-43775	236.19
Fund 303 - Vet Wall Total:					236.19
Fund: 304 - Senior Grants					
ENERGY 1 LLC	728	02/02/2024	MINI SPLIT/WALL UNIT W/ AC ...	304-4903-43403	2,550.00
Fund 304 - Senior Grants Total:					2,550.00
Fund: 360 - NMFA PROJECTS					
WILSON & COMPANY, INC. E...	123436	02/16/2024	ENG SERVICES ROADWAY IMP...	360-7009-80847	1,625.63
Fund 360 - NMFA PROJECTS Total:					1,625.63
Fund: 380 - OTHER STATE FUNDED PROJECTS					
WILSON & COMPANY, INC. E...	123404	02/16/2024	ENGINEERING SERVICES DW-4...	380-7002-48598	23,370.26
Fund 380 - OTHER STATE FUNDED PROJECTS Total:					23,370.26
Fund: 403 - Pledge State					
NEW MEXICO FINANCE AUTH...	02012024	02/02/2024	NMFA LOAN PYMT TORC 18	403-1203-12918	690.58
NEW MEXICO FINANCE AUTH...	02012024	02/02/2024	NMFA LOAN PYMT TORC 19	403-1203-12919	7,598.71
NEW MEXICO FINANCE AUTH...	02012024	02/02/2024	NMFA LOAN PYMT PPRF 5652	403-1203-12952	8,612.15
NEW MEXICO FINANCE AUTH...	02012024	02/02/2024	NMFA LOAN PYMT PPRF-4967	403-1203-12967	7,150.59
NEW MEXICO FINANCE AUTH...	013124	02/09/2024	INTEREST & ADMIN FEES FOR ...	403-1203-90925	15.30
Fund 403 - Pledge State Total:					24,067.33
Fund: 501 - Cemetary					
ROD LEVELL	01302024	02/02/2024	REFUND FOR VISTA MEMORY...	501-1803-34355	50.00
CITY UTILITIES	A-B FEB 2024	02/23/2024	CEMETARY CYCLE A&B OPEN ...	501-1803-43780	174.06
Fund 501 - Cemetary Total:					224.06
Fund: 502 - Util Office - Pool					
NM RETIREE HEALTH CARE	PPE 2024-01-26	02/01/2024	PPE 2024-01-26	502-3601-41226	193.46
BANK OF AMERICA	01242024	02/02/2024	POSTAGE FROM UNITED POS...	502-3601-43735	1,020.00
PITNEY BOWES INC.	1024690988	02/02/2024	INK POSTAGE MACHINE UTILI...	502-3601-44606	663.95
SPECTRUM NEW MEXICO LLC ...	589930	02/02/2024	10,000 #10 WINDOW & 10,00...	502-3601-43740	1,724.03
STAPLES CONTRACT & COMM...	7624069039	02/02/2024	UTILITY OFFICE SUPPLIES	502-3601-44606	493.91
CITY UTILITIES	C-D JANUARY 2024	02/02/2024	UTILITY BILLING OFFICE CYCLE...	502-3601-43780	444.06
POSTMASTER	02082023	02/09/2024	POSTAGE UTILITY OFFICE OPE...	502-3601-43735	10,000.00
PITNEY BOWES INC.	3318708789	02/16/2024	REMAINING BALANCE ON PO	502-3601-43465	683.04
STAPLES CONTRACT & COMM...	7625275590	02/16/2024	UTILITY OFFICE PAID STAMP A...	502-3601-44606	30.54
NM RETIREE HEALTH CARE	PPE 2024-02-09	02/16/2024	PPE 2024-02-09	502-3601-41226	193.46

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
XEROX CORP.	5375465	02/23/2024	UTILITY BILLING OPEN PO FY2...	502-3601-43465	460.37
Fund 502 - Util Office - Pool Total:					15,906.82

Fund: 503 - Electric

NM RETIREE HEALTH CARE	PPE 2024-01-26	02/01/2024	PPE 2024-01-26	503-3702-41226	403.80
MIKE TORRES DBA CD TECHN...	1018	02/02/2024	IT SERVICE ELECTRIC DEPT OP...	503-3702-48598	425.00
AMAZON CAPITAL SERVICES, I...	11TT-6H4G-CVPP	02/02/2024	FIRE RESISTANT JACKETS- ELE...	503-3702-42620	1,249.95
REED'S TIRE CENTER	13906	02/02/2024	AIR FILTER	503-3702-47420	31.78
REED'S TIRE CENTER	13906	02/02/2024	10W 30 OIL	503-3702-47420	112.73
REED'S TIRE CENTER	13906	02/02/2024	LABOR	503-3702-47420	75.00
REED'S TIRE CENTER	13906	02/02/2024	OIL FILTER	503-3702-47420	26.27
NEW MEXICO GAS COMPANY, ..	26JAN2024	02/02/2024	ELECTRIC DEPT OPEN PO FY23...	503-3702-43780	119.67
DESERT GRAPHICS INC.	6820	02/02/2024	INSTALLATION OF GO LIGHT- ...	503-3702-47420	480.08
CITY UTILITIES	C-D JANUARY 2024	02/02/2024	ELECTRIC DEPT CYCLE C&D O...	503-3702-43780	4,976.41
TRIPLE H SOLAR, LLC	0359	02/09/2024	ENGINEERING SERVICES- OPEN...	503-3702-48598	2,160.00
SUN VALLEY, INC.	173388/6	02/09/2024	397865 1/2 DRIVE EXTENSION	503-3702-44607	3.43
SUN VALLEY, INC.	173388/6	02/09/2024	341552 3/8 SOCKET ADAPTER	503-3702-44607	5.99
SUN VALLEY, INC.	173388/6	02/09/2024	462403 DUCT TAPE	503-3702-44607	16.38
SUN VALLEY, INC.	173388/6	02/09/2024	715578 TIE WIRE	503-3702-44607	59.96
SUN VALLEY, INC.	173388/6	02/09/2024	509531 WIRE NUTS	503-3702-44607	61.96
SUN VALLEY, INC.	173388/6	02/09/2024	513867 EXT CORD	503-3702-44607	71.96
SIERRA ELECTRIC CO-OP, INC.	02022024, 02082024	02/16/2024	MIMS CITY LIGHTS- OPEN PO ...	503-3702-43780	564.88
SIERRA ELECTRIC CO-OP, INC.	02022024, 02082024	02/16/2024	POWER SERVICES-OPEN PO FY...	503-3702-50795	233,047.74
VILLAGE OF WILLIAMSBURG	12312023-02/14/2024	02/16/2024	FRANCHISE TAX FY 23/24 OPE...	503-3702-45796	4,264.70
AMAZON CAPITAL SERVICES, I...	1W7N-TJD4-NC1W	02/16/2024	FIRE RESISTANT SHIRTS- GARR...	503-3702-42620	479.94
AMAZON CAPITAL SERVICES, I...	1W7N-TJD4-NC1W	02/16/2024	BOOTS- JOSHUA BREUER	503-3702-44615	204.95
TRI-STATE GENERATION & TR...	304463	02/16/2024	POWER SERVICE- OPEN PO FY...	503-3702-50795	34,497.31
ZIA UTILITY SERVICES, LLC	4922	02/16/2024	SLEEVES TESTED	503-3702-44615	130.00
ZIA UTILITY SERVICES, LLC	4922	02/16/2024	NEW CLASS 0 GLOVES	503-3702-44615	230.00
ZIA UTILITY SERVICES, LLC	4922	02/16/2024	GLOVES TESTED	503-3702-44615	264.00
ZIA UTILITY SERVICES, LLC	4922	02/16/2024	NEW CLASS 2 GLOVES	503-3702-44615	1,095.00
ZIA UTILITY SERVICES, LLC	4922	02/16/2024	NEW CLASS 2 SLEEVES	503-3702-44615	465.00
VERIZON WIRELESS	9955767586	02/16/2024	ELECTRIC DEPT OPEN PO FY23...	503-3702-43775	52.58
WESTERN AREA POWER ADM...	JJPB1798A0124	02/16/2024	BASE DEMAND & BASE ENER...	503-3702-50795	50,002.14
NM RETIREE HEALTH CARE	PPE 2024-02-09	02/16/2024	PPE 2024-02-09	503-3702-41226	403.80
IRBY SUPPLY CO.	S013853014.001, S013853014...	02/16/2024	INSULATED OVERALL- JOSH B...	503-3702-42620	242.42
IRBY SUPPLY CO.	S013853014.001, S013853014...	02/16/2024	SLING 3/4"	503-3702-44607	634.17
IRBY SUPPLY CO.	S013853014.001, S013853014...	02/16/2024	SLING 1/2"	503-3702-44607	132.42
IRBY SUPPLY CO.	S013853014.001, S013853014...	02/16/2024	SLING 5/8"X6"	503-3702-44607	97.66
BORDER INTERNATIONAL TRU...	X400103318.01	02/16/2024	SEAT REPLACEMENT	503-3702-47420	965.69
INTERNAL SERVICE FUND	01/1/24 thru 01/31/24	02/23/2024	JANUARY SERVICE/MAINT FOR...	503-3702-47420	441.26
TDS	02182024	02/23/2024	ELECTRIC DEPT OPEN PO FY 2...	503-3702-43780	600.00
TWIN PALMS EMBROIDERY, L...	2246	02/23/2024	UNIFORM EMBROIDERY- GAR...	503-3702-42620	42.00
XEROX CORP.	5375465	02/23/2024	ELECTRIC DEPT OPEN PO FY23...	503-3702-43465	133.66
CITY UTILITIES	A-B FEB 2024	02/23/2024	ELECTRIC DEPT CYCLE A&B OP...	503-3702-43780	284.22
CITY UTILITIES	FEB2024	02/23/2024	ELECTRIC DEPT OPEN PO FY23...	503-3702-43780	14.70

Fund 503 - Electric Total: 339,570.61

Fund: 504 - Water

NM RETIREE HEALTH CARE	PPE 2024-01-26	02/01/2024	PPE 2024-01-26	504-3803-41226	367.57
MIKE TORRES DBA CD TECHN...	1018	02/02/2024	IT SERVICE WATER DEPT OPEN...	504-3803-48598	425.00
NEW MEXICO GAS COMPANY, ..	26JAN2024	02/02/2024	WATER DEPT OPEN PO FY23/...	504-3803-43780	188.23
CITY UTILITIES	C-D JANUARY 2024	02/02/2024	WATER DEPT CYCLE C&D OP...	504-3803-43780	10,661.82
BORDER INTERNATIONAL TRU...	R400029024.01	02/02/2024	UNFORSEEN O RING AND HYD...	504-3803-47421	500.00
BORDER INTERNATIONAL TRU...	R400029024.01	02/02/2024	SHIPPING AND HANDLING	504-3803-47421	650.00
BORDER INTERNATIONAL TRU...	R400029024.01	02/02/2024	ADDITIONAL COST FOR REPAI...	504-3803-47421	2,421.96
BORDER INTERNATIONAL TRU...	R400029024.01	02/02/2024	TANDEM PUMP ASSY	504-3803-47421	13,846.28
BORDER INTERNATIONAL TRU...	R400029024.01	02/02/2024	LABOR	504-3803-47421	2,600.00
BORDER INTERNATIONAL TRU...	R400029024.01	02/02/2024	MACHINE CHARGE	504-3803-47421	60.00
TAXATION AND REVENUE	01312024	02/09/2024	WATER CONSERVATION FEE FY...	504-3803-43797	1,171.65
FERGUSON US HOLDINGS, INC.	0520189	02/09/2024	LF BRZ 2 MTR FLG KIT PR	504-3803-44607	116.98
SUN VALLEY, INC.	173075, 173094, 173106, 173...	02/09/2024	FIELD SUPPLIES	504-3803-44607	211.77

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
PURE OPERATIONS, LLC	NI236476	02/09/2024	ANNUAL WATER METER TEST...	504-3803-47420	27.09
VILLAGE OF WILLIAMSBURG	12312023-02/14/2024	02/16/2024	FRANCHISE TAX FY 23/24 OPE...	504-3803-45796	1,077.99
BULLOCKS, INC.	2572, 4092, 4503, 8291, 4232	02/16/2024	FIELD SUPPLIES	504-3803-44607	41.46
B & H OIL CO.	55962, 55965, 55967, 55968, ...	02/16/2024	OPEN PO FOR DIESEL OIL AND...	504-3803-43316	256.74
SIERRA AUTO/CARQUEST	6016-321221, 6016-321476	02/16/2024	FIELD SUPPLIES	504-3803-44607	61.78
NM RETIREE HEALTH CARE	PPE 2024-02-09	02/16/2024	PPE 2024-02-09	504-3803-41226	373.61
INTERNAL SERVICE FUND	01/1/24 thru 01/31/24	02/23/2024	JANUARY SERVICE/MAINT FOR...	504-3803-47420	281.68
TDS	02182024	02/23/2024	WATER DEPT OPEN PO FY 22/...	504-3803-43780	600.00
FERGUSON US HOLDINGS, INC.	0523991	02/23/2024	6X12 -1/2 1B REP CLMP 6.56-6...	504-3803-44607	1,106.05
FERGUSON US HOLDINGS, INC.	0523991	02/23/2024	6X15 1B REP CLMP 6.56-6.96	504-3803-44607	1,244.70
FERGUSON US HOLDINGS, INC.	0523991	02/23/2024	6X7-1/2 1B REP CLMP 6.56-6....	504-3803-44607	686.45
DPC INDUSTRIES, INC.	78296	02/23/2024	CHLORINE USAGE FOR THE YE...	504-3803-44607	1,492.17
CITY UTILITIES	A-B FEB 2024	02/23/2024	WATER DEPT CYCLE A&B OPEN...	504-3803-43780	797.21
DPC INDUSTRIES, INC.	DE74000017-24	02/23/2024	MONTHLY DEMURRAGE FEE F...	504-3803-43465	100.00
FERGUSON US HOLDINGS, INC.	SC20663	02/23/2024	FIELD SUPPLIES - WATER	504-3803-44607	17.20
Fund 504 - Water Total:					41,385.39

Fund: 505 - Solid Waste

NM RETIREE HEALTH CARE	PPE 2024-01-26	02/01/2024	PPE 2024-01-26	505-3904-41226	542.81
MIKE TORRES DBA CD TECHN...	1018	02/02/2024	IT SERVICE SANITATION DEPT ...	505-3904-48598	425.00
4 RIVERS EQUIPMENT	12/26/2023	02/02/2024	DIAGNOSTIC QUOTE	505-3904-47420	985.80
NM RECYCLING COALITION	1560	02/02/2024	MEMBERSHIP DUES NM RECY...	505-3904-43770	241.00
AMAZON CAPITAL SERVICES, I...	1WXM-HR6J-D1XX	02/02/2024	WOLVERINE WOMEN'S WP B...	505-3904-44615	99.99
NEW MEXICO GAS COMPANY, ..	26JAN2024	02/02/2024	RECYCLE CENTER OPEN PO FY...	505-3904-43780	199.28
CITY OF LAS CRUCES	99640	02/02/2024	SCSWA WASTE DISPOSAL	505-3904-45601	47,441.77
CITY UTILITIES	C-D JANUARY 2024	02/02/2024	SANITATION DEPT CYCLE C&D...	505-3904-43780	702.95
PARKHILL SMITH & COOPER	04188523.00-2	02/09/2024	ENVIRONMENTAL LANDFILL ...	505-3904-48599	8,263.70
SUN VALLEY, INC.	173406/6	02/09/2024	DISCOUNT	505-3904-44607	-1.49
SUN VALLEY, INC.	173406/6	02/09/2024	744154-5/8" MALE HOSE REPA...	505-3904-44607	7.19
SUN VALLEY, INC.	173406/6	02/09/2024	343161- 3/8" SDS MASONRY ...	505-3904-44607	10.29
SUN VALLEY, INC.	173406/6	02/09/2024	98-NUTS & BOLTS	505-3904-44607	11.12
SUN VALLEY, INC.	173406/6	02/09/2024	576282 10' FRESH WATER HO...	505-3904-44607	12.29
PARKHILL SMITH & COOPER	04078823.00-10	02/16/2024	MONITORING WELL REPLACE...	505-3904-48599	11,345.85
VILLAGE OF WILLIAMSBURG	12312023-02/14/2024	02/16/2024	FRANCHISE TAX FY 23/24 OPE...	505-3904-45796	1,686.80
SIERRA AUTO/CARQUEST	6016-321669	02/16/2024	1 DOR 197-612 CAP SCREW	505-3904-44607	19.90
WEX BANK	94984332-SANI	02/16/2024	WEX- DIESEL & GASOLINE	505-3904-43316	4,889.63
NM RETIREE HEALTH CARE	PPE 2024-02-09	02/16/2024	PPE 2024-02-09	505-3904-41226	542.81
INTERNAL SERVICE FUND	01/1/24 thru 01/31/24	02/23/2024	JANUARY SERVICE/MAINT FOR...	505-3904-47420	243.32
TDS	02182024	02/23/2024	SANITATION	505-3904-43780	600.00
AMAZON CAPITAL SERVICES, I...	1JPN-QFX7-NYFT, 1Y1J-6T4M-...	02/23/2024	WELDING SHOP SUPPLIES/TO...	505-3904-44607	624.17
XEROX CORP.	5375465	02/23/2024	SOLID WASTE OPEN PO FY23/...	505-3904-43465	222.76
CITY UTILITIES	FEB2024	02/23/2024	SANITATION DEPT OPEN PO F...	505-3904-45601	23,780.50
Fund 505 - Solid Waste Total:					102,897.44

Fund: 506 - WWTP

NM RETIREE HEALTH CARE	PPE 2024-01-26	02/01/2024	PPE 2024-01-26	506-4005-41226	189.65
MIKE TORRES DBA CD TECHN...	1018	02/02/2024	IT SERVICE WASTE WATER OP...	506-4005-48598	425.00
NEW MEXICO GAS COMPANY, ..	26JAN2024	02/02/2024	VACUUM STATION OPEN PO F...	506-4005-43780	31.47
CITY UTILITIES	C-D JANUARY 2024	02/02/2024	WASTE WATER DEPT CYCLE C...	506-4005-43780	12,793.50
VILLAGE OF WILLIAMSBURG	01312024	02/09/2024	SEWER RECEIPTS FY 23/24 OP...	506-4005-48798	5,049.91
SUN VALLEY, INC.	173075, 173094, 173106, 173...	02/09/2024	FIELD SUPPLIES	506-4005-44607	211.77
AMAZON CAPITAL SERVICES, I...	1JN6-PGVP-CLFD	02/09/2024	OFFICE SUPPLIES	506-4005-44606	171.26
EUROFINS ENVIRONMENTAL ...	2401235	02/09/2024	NON-STANDARD TESTING	506-4005-44605	516.60
EUROFINS ENVIRONMENTAL ...	2401470	02/09/2024	EPA METHOD 625 SVOCs	506-4005-48598	225.00
EUROFINS ENVIRONMENTAL ...	2401470	02/09/2024	SM5210B-BOD	506-4005-48598	120.00
EUROFINS ENVIRONMENTAL ...	2401470	02/09/2024	EPA METHOD 624 VOCs	506-4005-48598	100.00
EUROFINS ENVIRONMENTAL ...	2401470	02/09/2024	TAX ON LABOR 7.875%	506-4005-48598	36.60
EUROFINS ENVIRONMENTAL ...	2401470	02/09/2024	EPA 200.8 METALS/200.7 ME...	506-4005-48598	35.00
EUROFINS ENVIRONMENTAL ...	2401690	02/09/2024	EPA 200.8 METALS/200.7 ME...	506-4005-48598	70.00
EUROFINS ENVIRONMENTAL ...	2401690	02/09/2024	TAX ON LABOR 7.875%	506-4005-48598	5.34
EUROFINS ENVIRONMENTAL ...	2401A09	02/09/2024	EPA 200.8 METALS/200.7 ME...	506-4005-48598	70.00
EUROFINS ENVIRONMENTAL ...	2401A09	02/09/2024	TAX ON LABOR 7.875%	506-4005-48598	5.34

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
STAPLES CONTRACT & COMM...	8072867869	02/09/2024	POST IT SIGN HERE TABS	506-4005-44606	13.02
STAPLES CONTRACT & COMM...	8072867869	02/09/2024	MOLDED CABLE	506-4005-44606	4.69
STAPLES CONTRACT & COMM...	8072867869	02/09/2024	TRU RED COPY PAPER	506-4005-44606	39.66
STAPLES CONTRACT & COMM...	8072867869	02/09/2024	BRIGHT LINER STICK HIGHLIG...	506-4005-44606	4.81
USA BLUEBOOK	INV00260747	02/09/2024	FREIGHT	506-4005-44607	86.89
USA BLUEBOOK	INV00260747	02/09/2024	WASTEWATER PLANT SUPPLIES	506-4005-44607	426.00
WEX BANK	0496-00-290966-1-WW	02/16/2024	WEX OPEN PO FY 22/23 FOR ...	506-4005-43316	65.11
BULLOCKS, INC.	2572, 4092, 4503, 8291, 4232	02/16/2024	FIELD SUPPLIES	506-4005-44607	41.46
B & H OIL CO.	55969, 55966	02/16/2024	OPEN PO FOR DIESEL,OIL AND...	506-4005-43316	101.21
SIERRA AUTO/CARQUEST	6016-321221, 6016-321476	02/16/2024	FIELD SUPPLIES	506-4005-44607	61.78
NM RETIREE HEALTH CARE	PPE 2024-02-09	02/16/2024	PPE 2024-02-09	506-4005-41226	179.67
AQUIONICS, INC	0059385-IN	02/23/2024	TEFLON RING 3/4*4MM	506-4005-44605	98.40
AQUIONICS, INC	0059385-IN	02/23/2024	FREIGHT	506-4005-44605	100.56
AQUIONICS, INC	0059385-IN	02/23/2024	O-RING QUARTZ SLEEVE STD	506-4005-44605	144.80
AQUIONICS, INC	0059385-IN	02/23/2024	QUARTZ SLEEVE,F200	506-4005-44605	2,422.72
AQUIONICS, INC	0059385-IN	02/23/2024	TERMINAL SLEEVE	506-4005-44605	85.60
INTERNAL SERVICE FUND	01/1/24 thru 01/31/24	02/23/2024	JANUARY SERVICE/MAINT FOR..	506-4005-47420	218.05
TDS	02182024	02/23/2024	WASTE WATER OPEN PO FY 2...	506-4005-43780	600.00
FERGUSON US HOLDINGS, INC.	0523991	02/23/2024	4X15 1B REP CLMP 4.45-4.73	506-4005-44607	1,615.25
FERGUSON US HOLDINGS, INC.	0523991	02/23/2024	4X12-1/2 1B REP CLMP 4.45-4...	506-4005-44607	1,316.50
FERGUSON US HOLDINGS, INC.	0523991	02/23/2024	4X7- 1/2 SS REP CLMP 4.45-4....	506-4005-44607	661.50
FERGUSON US HOLDINGS, INC.	0524960-1	02/23/2024	FEILD SUPPLIES	506-4005-44607	101.09
JAMES, COOKE & HOBSON, IN...	17011524-SVC	02/23/2024	OPEN PO	506-4005-48598	2,196.56
AMAZON CAPITAL SERVICES, I...	174T-YCDM-NPGT	02/23/2024	LABEL MAKER TAPE	506-4005-44606	14.49
AMAZON CAPITAL SERVICES, I...	174T-YCDM-NPGT	02/23/2024	SHIPPING	506-4005-44606	37.99
AMAZON CAPITAL SERVICES, I...	174T-YCDM-NPGT	02/23/2024	ENTRY DOOR KNOB	506-4005-44606	20.31
AMAZON CAPITAL SERVICES, I...	174T-YCDM-NPGT	02/23/2024	HUSKY LINERS WEATHERBEAT...	506-4005-47420	89.99
AMAZON CAPITAL SERVICES, I...	174T-YCDM-NPGT	02/23/2024	STEERING WHEEL COVER	506-4005-47420	15.99
AMAZON CAPITAL SERVICES, I...	174T-YCDM-NPGT	02/23/2024	TRUCK BED LINER	506-4005-47420	88.95
AMAZON CAPITAL SERVICES, I...	174T-YCDM-NPGT	02/23/2024	FLOOR MATTS	506-4005-47420	117.85
AMAZON CAPITAL SERVICES, I...	174T-YCDM-NPGT	02/23/2024	SIDE STEPS FOR CHEVY SILVER...	506-4005-47420	149.99
CORTEZ GAS CO.	239175	02/23/2024	PROPANE FOR WWTP	506-4005-43780	234.09
EUROFINS ENVIRONMENTAL ...	2401762	02/23/2024	SM5210B-BOD	506-4005-48598	120.00
EUROFINS ENVIRONMENTAL ...	2401762	02/23/2024	EPA METHOD 625 SVOCs	506-4005-48598	225.00
EUROFINS ENVIRONMENTAL ...	2401762	02/23/2024	EPA 200.8 METALS/200.7 ME...	506-4005-48598	35.00
EUROFINS ENVIRONMENTAL ...	2401762	02/23/2024	TAX ON LABOR 7.875%	506-4005-48598	36.60
EUROFINS ENVIRONMENTAL ...	2401762	02/23/2024	EPA METHOD 624 VOCs	506-4005-48598	100.00
EUROFINS ENVIRONMENTAL ...	2401C39	02/23/2024	EPA 200.8 METALS/200.7 ME...	506-4005-48598	70.00
EUROFINS ENVIRONMENTAL ...	2401C39	02/23/2024	TAX ON LABOR 7.875%	506-4005-48598	5.34
EUROFINS ENVIRONMENTAL ...	2402051	02/23/2024	SM5210B-BOD	506-4005-48598	120.00
EUROFINS ENVIRONMENTAL ...	2402051	02/23/2024	EPA METHOD 624 VOCs	506-4005-48598	100.00
EUROFINS ENVIRONMENTAL ...	2402051	02/23/2024	EPA 200.8 METALS/200.7 ME...	506-4005-48598	35.00
EUROFINS ENVIRONMENTAL ...	2402051	02/23/2024	EPA METHOD 625 SVOCs	506-4005-48598	225.00
EUROFINS ENVIRONMENTAL ...	2402051	02/23/2024	TAX ON LABOR 7.875%	506-4005-48598	36.60
EUROFINS ENVIRONMENTAL ...	2410A48	02/23/2024	SM5210B-BOD	506-4005-48598	120.00
EUROFINS ENVIRONMENTAL ...	2410A48	02/23/2024	EPA 200.8 METALS/200.7 ME...	506-4005-48598	35.00
EUROFINS ENVIRONMENTAL ...	2410A48	02/23/2024	TAX ON LABOR 7.875%	506-4005-48598	36.60
EUROFINS ENVIRONMENTAL ...	2410A48	02/23/2024	EPA METHOD 625 SVOCs	506-4005-48598	225.00
EUROFINS ENVIRONMENTAL ...	2410A48	02/23/2024	EPA METHOD 624 VOCs	506-4005-48598	100.00
IDEXX DISTRIBUTION, INC	3145507967	02/23/2024	FREIGHT	506-4005-44605	55.96
IDEXX DISTRIBUTION, INC	3145507967	02/23/2024	WV120SBST-20, VESSELS W/ST...	506-4005-44605	60.00
IDEXX DISTRIBUTION, INC	3145507967	02/23/2024	COLLERT/ QTRAY2K COMBO ...	506-4005-44605	570.00
NM RECYCLING COALITION	4068	02/23/2024	ANNUAL DUES - 2024	506-4005-43770	200.00
XEROX CORP.	5375465	02/23/2024	WASTE WATER OPEN PO FY23...	506-4005-43465	171.82
CITY UTILITIES	A-8 FEB 2024	02/23/2024	WASTE WATER DEPT CYCLE A...	506-4005-43780	1,432.48
CITY UTILITIES	FEB2024	02/23/2024	WASTE WATER DEPT OPEN PO...	506-4005-43780	441.63
USA BLUEBOOK	INV00248204	02/23/2024	WHITE SPRAY PAINT-CASE OF ...	506-4005-44607	221.85
USA BLUEBOOK	INV00248204	02/23/2024	FREIGHT	506-4005-44607	43.23
USA BLUEBOOK	INV00248204	02/23/2024	WINTERS LEAD FREE 2.5" GA...	506-4005-44607	161.85
USA BLUEBOOK	INV00249214	02/23/2024	FRIEGHT	506-4005-44607	20.99

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
USA BLUEBOOK	INV00249214	02/23/2024	FIELD SUPPLIES	506-4005-44607	73.95
Fund 506 - WWTP Total:					36,490.32
Fund: 508 - Golf Course					
NM RETIREE HEALTH CARE	PPE 2024-01-26	02/01/2024	PPE 2024-01-26	508-4303-41226	126.72
SUN VALLEY, INC.	G46526, G44325, G43516, G4...	02/09/2024	OPEN PO SUN V FOR JAN 2024..	508-4303-44607	258.99
SIERRA AUTO/CARQUEST	6016-321452	02/16/2024	OPEN PO SIERRA AUTO FOR J...	508-4303-44607	121.08
NM RETIREE HEALTH CARE	PPE 2024-02-09	02/16/2024	PPE 2024-02-09	508-4303-41226	126.72
TDS	02182024	02/23/2024	GOLF COURSE OPEN PO FY 22...	508-4303-43780	600.00
XEROX CORP.	5375465	02/23/2024	GOLF COURSE OPEN PO FY23/...	508-4303-43465	152.22
CITY UTILITIES	A-B FEB 2024	02/23/2024	GOLF COURSE CYCLE A&B OP...	508-4303-43780	2,239.40
Fund 508 - Golf Course Total:					3,625.13
Fund: 509 - Muni Airport					
PINNACLE PROPANE	U1301070	02/02/2024	OPEN PO FY 22/23 FOR AIRP...	509-4403-43780	169.48
CHAD ROSACKER DBA TECH 45...	1010	02/09/2024	MONTHLY MANAGMENT FEES...	509-4403-48598	21,133.99
SIERRA ELECTRIC CO-OP, INC.	2154-JAN	02/09/2024	OPEN PO FOR UTILITIES AT AI...	509-4403-43780	1,001.36
TOTAL EQUIPMENT & RENTAL...	W12185	02/16/2024	DIAGNOSTICS AND REPAIR	509-4403-47420	1,165.60
TOTAL EQUIPMENT & RENTAL...	W12733	02/16/2024	PTO REPAIR	509-4403-47420	574.19
WINDSTREAM CORPORATION	02192024	02/23/2024	AIRPORT OPEN PO FY23/24	509-4403-43775	443.85
XEROX CORP.	5375465	02/23/2024	AIRPORT OPEN PO FY23/24	509-4403-43465	53.46
Fund 509 - Muni Airport Total:					24,541.93
Fund: 600 - Internal Serv					
WEX BANK	94984332-FL	02/16/2024	GAS & OIL FY 2023-2024	600-7003-43316	318.00
BORDER INTERNATIONAL TRU...	X400102262.01	02/16/2024	BULK ORDER OF FILTERS	600-7003-44607	4,062.75
BORDER INTERNATIONAL TRU...	X400103487.01	02/16/2024	WA10654	600-7003-44607	462.18
BORDER INTERNATIONAL TRU...	X400103487.01	02/16/2024	LF3614	600-7003-44607	68.88
BORDER INTERNATIONAL TRU...	X400103487.01	02/16/2024	WL10050	600-7003-44607	67.86
BORDER INTERNATIONAL TRU...	X400103487.01	02/16/2024	EXTRA SHIPPING	600-7003-44607	15.00
BORDER INTERNATIONAL TRU...	X400104182.01	02/16/2024	GRP 78DT 800CCA	600-7003-44607	509.40
XEROX CORP.	5375465	02/23/2024	FLEET DEPT OPEN PO FY23/24	600-7003-43465	133.66
DESERT GRAPHICS INC.	6829	02/23/2024	CITY LOGOS, PHONE NUMBER...	600-7003-44607	675.00
BORDER INTERNATIONAL TRU...	X400104684.01	02/23/2024	ELBOW 90 DEG M22 X 3/8	600-7003-44607	94.36
BORDER INTERNATIONAL TRU...	X400104733.01	02/23/2024	GROUP 31P9	600-7003-44607	325.92
BORDER INTERNATIONAL TRU...	X400104733.01	02/23/2024	GROUP 31-95	600-7003-44607	199.98
Fund 600 - Internal Serv Total:					6,932.99
Grand Total:					997,325.60

Report Summary

Fund Summary

Fund	Payment Amount
101 - General	265,250.38
201 - Corrections	3,374.00
209 - Fire	2,335.43
211 - Law Enforce Prot	4,313.39
214 - Lodgers Tax	48,020.62
216 - Muni Street	46,166.17
294 - State Library	236.90
295 - Muni Pool	1,626.01
296 - PD GRT	2,578.60
303 - Vet Wall	236.19
304 - Senior Grants	2,550.00
360 - NMFA PROJECTS	1,625.63
380 - OTHER STATE FUNDED PROJECTS	23,370.26
403 - Pledge State	24,067.33
501 - Cemetary	224.06
502 - Util Office - Pool	15,906.82
503 - Electric	339,570.61
504 - Water	41,385.39
505 - Solid Waste	102,897.44
506 - WWTP	36,490.32
508 - Golf Course	3,625.13
509 - Muni Airport	24,541.93
600 - Internal Serv	6,932.99
Grand Total:	997,325.60

Account Summary

Account Number	Account Name	Payment Amount
101-1000-42310	PER DIEM-GOVERNING ...	1,405.30
101-1000-42720	EMPLOYEE TRAINING-G...	110.00
101-1000-43597	ATTORNEY FEES-GOVER...	6,369.24
101-1000-43598	PROFESSIONAL SERV-G...	6,476.26
101-1001-41226	RETIREE INSURANCE	311.11
101-1001-43465	RENT OF EQUIPMENT	297.01
101-1001-43740	PRINTING/PUBLISHING	810.99
101-1001-43770	SUBSCRIPTION & DUES	4,501.28
101-1001-44606	OFFICE SUPPLIES	84.39
101-1001-48599	OTHER CONTRACTUAL S...	2,871.99
101-1002-41226	RETIREE INSURANCE	87.74
101-1002-43740	PRINTING/PUBLISHING	108.38
101-1002-48598	PROFESSIONAL SERVICES	1,365.53
101-1002-48599	OTHER CONTRACTUAL S...	266.72
101-1003-41226	RETIREE INSURANCE	311.43
101-1003-43465	RENT OF EQUIPMENT	282.16
101-1003-43770	SUBSCRIPTION & DUES	39.00
101-1003-43775	TELEPHONE	123.47
101-1003-44606	OFFICE SUPPLIES	146.20
101-1004-41226	RETIREE INSURANCE	487.70
101-1004-43465	RENT OF EQUIPMENT	2,046.69
101-1004-43740	PRINTING/PUBLISHING	365.79
101-1004-44606	OFFICE SUPPLIES	330.74
101-1004-48599	OTHER CONTRACTUAL S...	162.10
101-1006-41226	RETIREE INSURANCE	246.26
101-1006-43815	SOFTWARE LIC/SOFTWA...	3,249.31
101-1006-44606	OFFICE SUPPLIES	609.34
101-1006-44607	FIELD SUPPLIES	2,634.17
101-1006-48598	PROFESSIONAL SERVICES	1,613.62
101-1007-41226	RETIREE INSURANCE	2,746.86

Account Summary

Account Number	Account Name	Payment Amount
101-1007-42720	EMPLOYEE TRAINING-P...	40.80
101-1007-43316	GAS & OIL	5,688.56
101-1007-43465	RENT OF EQUIPMENT	311.86
101-1007-43770	SUBSCRIPTION & DUES	62.00
101-1007-43775	TELEPHONE	205.75
101-1007-43815	SOFTWARE	13,111.00
101-1007-44606	OFFICE SUPPLIES	65.96
101-1007-44613	NON-CAPITAL ITEMS	245.83
101-1007-47420	MAINTENANCE VEHICLE...	3,053.75
101-1007-80845	CAPITAL IMPROVEMENT...	109.92
101-1008-41226	RETIREE INSURANCE	89.51
101-1008-43316	GAS & OIL	150.03
101-1008-43775	TELEPHONE	123.45
101-1008-43815	SOFTWARE LIC/SOFTWA...	3,249.31
101-1009-41226	RETIREE INSURANCE	165.55
101-1009-43465	RENT OF EQUIPMENT	1,200.48
101-1009-44607	FIELD SUPPLIES-MUNI R...	259.96
101-1009-44615	SAFETY EQUIPMENT	299.98
101-1009-47415	MAINTENANCE--REPAIRS..	900.00
101-1009-47420	MAINTENANCE VEHICLE...	438.82
101-1009-80845	CAPITAL IMPROVEMENT...	81,375.00
101-1010-41226	RETIREE INSURANCE	197.38
101-1010-43770	SUBSCRIPTION & DUES	3,780.10
101-1010-44606	OFFICE SUPPLIES	259.97
101-1010-48598	PROFESSIONAL SERVICES	28,920.42
101-1011-41226	RETIREE INSURANCE	549.78
101-1012-41226	RETIREE INSURANCE	248.64
101-1012-44606	OFFICE SUPPLIES	330.84
101-1012-44607	FIELD SUPPLIES-FLEET M...	951.35
101-1012-47420	MAINTENANCE-VEHICLE...	56.77
101-1013-41226	RETIREE INSURANCE	154.60
101-1013-44615	SAFETY EQUIPMENT	99.99
101-1013-47420	MAINTENANCE VEHICLE...	185.99
101-1014-41226	RETIREE INSURANCE	420.86
101-1014-43316	GAS & OIL	697.17
101-1014-43403	REGULAR BUILDING MA...	1,456.62
101-1014-43465	RENT OF EQUIPMENT	37.12
101-1014-44607	FIELD SUPPLIES-FACILITY...	1,660.49
101-1014-47410	MAINTENANCE CONTRA...	53.82
101-1014-47420	MAINTENANCE-VEHICLE...	280.85
101-1016-41226	RETIREE INSURANCE	411.53
101-1016-44830	CITY BOOK PURCHASING...	1,589.97
101-1017-48599	OTHER CONTRACTUAL S...	43,935.97
101-1018-43780	UTILITIES	20,739.85
101-1018-48598	PROFESSIONAL SERVICES	5,525.00
101-1040-43465	RENT OF EQUIPMENT	297.00
101-1099-34343	ANIMAL POUND FEES	75.00
101-1099-34348	RENT OF PUBLIC FACILIT...	725.00
201-1903-44805	AUTO/LAB/DWI/JUD ED	184.00
201-1903-48710	CARE OF PRISONERS-CO...	3,190.00
209-1603-43465	RENT OF EQUIPMENT	334.14
209-1603-43775	TELEPHONE	125.48
209-1603-43780	UTILITIES	1,404.38
209-1603-47415	MAINTENANCE--REPAIRS..	471.43
211-2003-42535	EMPLOYEE TRAINING	1,965.00
211-2003-44573	UNIFORM & EQUIPMENT	1,263.07
211-2003-44607	FIELD SUPPLIES	861.33
211-2003-47420	MAINTENANCE-VEHICLE...	223.99

Account Summary

Account Number	Account Name	Payment Amount
214-2503-47406	PROMOTIONAL/ADVERT...	38,699.36
214-2503-48815	SERVICE CONTRACTS-LO...	1,250.00
214-2540-60725	GRANTS TO SUB-RECIPI...	466.67
214-2560-60725	GRANTS TO SUB-RECIPI...	7,604.59
216-4503-43316	GAS & OIL	781.58
216-4503-43550	ROADWAY MAINTENAN...	16,674.37
216-4503-44607	FIELD SUPPLIES-STREETS	538.82
216-4503-44615	SAFETY EQUIPMENT	812.34
216-4503-47420	MAINT.VEHICLE/FURN/...	4,859.06
216-4503-48598	PROFESSIONAL SERVICES	22,500.00
294-5003-43465	RENT OF EQUIPMENT	136.95
294-5003-60834	STATE LIBRARY GRANT-S...	99.95
295-4803-41226	RETIREE INSURANCE	80.20
295-4803-43403	REGULAR BUILDING MA...	521.70
295-4803-43465	RENT OF EQUIPMENT	31.19
295-4803-43780	UTILITIES-MUNI POOL	992.92
296-2403-44613	NON-CAPITAL ITEMS	1,670.60
296-2403-44616	TRAINING SUPPLIES	908.00
303-4703-43775	TELEPHONE	236.19
304-4903-43403	REGULAR BUILDING MA...	2,550.00
360-7009-80847	ROADWAYS/BRIDGES	1,625.63
380-7002-48598	PROFESSIONAL SERVICES	23,370.26
403-1203-12918	CWPA PPRF-2613 TORC ...	690.58
403-1203-12919	CWPA PPRF-2737 TORC ...	7,598.71
403-1203-12952	PPRF-5652 ELECTRIC TR...	8,612.15
403-1203-12967	PPRF-4967 OPERATING	7,150.59
403-1203-90925	COMMITMENTS & OTHE...	15.30
501-1803-34355	OTHER CHARGES FOR SE...	50.00
501-1803-43780	UTILITIES	174.06
502-3601-41226	RETIREE INSURANCE	386.92
502-3601-43465	RENT OF EQUIPMENT	1,143.41
502-3601-43735	POSTAGE & MAIL SERVI...	11,020.00
502-3601-43740	PRINTING/PUBLISHING	1,724.03
502-3601-43780	UTILITIES	444.06
502-3601-44606	OFFICE SUPPLIES	1,188.40
503-3702-41226	RETIREE INSURANCE	807.60
503-3702-42620	UNIFORM/LINEN-ELECTR..	2,014.31
503-3702-43465	RENT OF EQUIPMENT	133.66
503-3702-43775	TELEPHONE	52.58
503-3702-43780	UTILITIES	6,559.88
503-3702-44607	FIELD SUPPLIES	1,083.93
503-3702-44615	SAFETY EQUIPMENT	2,388.95
503-3702-45796	FRANCHISE TAX-ELECTRI...	4,264.70
503-3702-47420	MAINTENANCE-VEHICLE...	2,132.81
503-3702-48598	PROFESSIONAL SERVICES	2,585.00
503-3702-50795	WHOLESALE POWER CO...	317,547.19
504-3803-41226	RETIREE INSURANCE	741.18
504-3803-43316	GAS & OIL	256.74
504-3803-43465	RENT OF EQUIPMENT	100.00
504-3803-43780	UTILITIES	12,247.26
504-3803-43797	WATER CONSERVATION...	1,171.65
504-3803-44607	FIELD SUPPLIES-WATER ...	4,978.56
504-3803-45796	FRANCHISE TAX-WATER ...	1,077.99
504-3803-47420	MAINTENANCE-VEHICLE...	308.77
504-3803-47421	MAINTENANCE EQUIPM...	20,078.24
504-3803-48598	PROFESSIONAL SERVICES	425.00
505-3904-41226	RETIREE INSURANCE	1,085.62
505-3904-43316	GAS & OIL	4,889.63

Account Summary

Account Number	Account Name	Payment Amount
505-3904-43465	RENT OF EQUIPMENT	222.76
505-3904-43770	SUBSCRIPTION & DUES	241.00
505-3904-43780	UTILITIES	1,502.23
505-3904-44607	FIELD SUPPLIES-SOLID ...	683.47
505-3904-44615	SAFETY EQUIPMENT	99.99
505-3904-45601	WASTE DISPOSAL	71,222.27
505-3904-45796	FRANCHISE TAX	1,686.80
505-3904-47420	MAINTENANCE-VEHICLE...	1,229.12
505-3904-48598	PROFESSIONAL SERVICES	425.00
505-3904-48599	OTHER CONTRACTUAL S...	19,609.55
506-4005-41226	RETIREE INSURANCE	369.32
506-4005-43316	GAS & OIL	166.32
506-4005-43465	RENT OF EQUIPMENT	171.82
506-4005-43770	SUBSCRIPTION & DUES	200.00
506-4005-43780	UTILITIES	15,533.17
506-4005-44605	CHEMICALS/LABORATO...	4,054.64
506-4005-44606	OFFICE SUPPLIES	306.23
506-4005-44607	FIELD SUPPLIES-WASTE...	5,044.11
506-4005-47420	MAINTENANCE-VEHICLE...	680.82
506-4005-48598	PROFESSIONAL SERVICES	4,913.98
506-4005-48798	VILLAGE OF WILLIAMS...	5,049.91
508-4303-41226	RETIREE INSURANCE	253.44
508-4303-43465	RENT OF EQUIPMENT	152.22
508-4303-43780	UTILITIES	2,839.40
508-4303-44607	FIELD SUPPLIES	380.07
509-4403-43465	RENT OF EQUIPMENT	53.46
509-4403-43775	TELEPHONE	443.85
509-4403-43780	UTILITIES	1,170.84
509-4403-47420	MAINTENANCE VEH/EQU..	1,739.79
509-4403-48598	PROFESSIONAL SERVICES	21,133.99
600-7003-43316	GAS & OIL	318.00
600-7003-43465	RENT OF EQUIPMENT	133.66
600-7003-44607	FIELD SUPPLIES	6,481.33
Grand Total:		997,325.60

Project Account Summary

Project Account Key	Payment Amount
None	997,325.60
Grand Total:	997,325.60



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 13, 2024

Agenda Item #: G.1

SUBJECT: Public Hearing and Final Adoption of Ordinance No. 759 Amending Section 14-31 of the City of Truth or Consequences Municipal Code of Ordinances Pertaining to Taking Service-Without Authority

DEPARTMENT: City Manager's Office

DATE SUBMITTED: March 8, 2024

SUBMITTED BY: Tammy Gardner

WHO WILL PRESENT THE ITEM: Jay Rubin & Bo Easley

Summary/Background:

An ordinance amending section 14-31 of the Code Pertaining to Taking Service-Without Authority. This item went before the governing body on 11-15-23. The governing body had a few suggestions regarding the amendment of the ordinance and asked city staff to implement said changes and bring it back for publication.

Recommendation:

Publication and Final Adoption

Attachments:

- Ordinance No. 759
- [Click here to enter text.](#)

Fiscal Impact (Finance): N/A

-

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 3-13-2024

CITY OF TRUTH OR CONSEQUENCES

ORDINANCE NO. 759

AN ORDINANCE AMENDING THE CITY OF TRUTH OR CONSEQUENCES MUNICIPAL CODE OF ORDINANCES, BY AMENDING SECTION 14-31 OF THE CODE PERTAINING TO TAKING SERVICE -WITHOUT AUTHORITY

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, CITY COMMISSIONERS OF THE CITY OF TRUTH OR CONSEQUENCES:

Section one. That the Code of Ordinances of the City of Truth or Consequences be amended as follows:

Sec. 14-31-TAKING SERVICE - WITHOUT AUTHORITY.

(A) It shall be unlawful for any person, by means of any trick, alteration, device, or in any manner except as now or may hereafter be authorized and approved by this article and regulations of the City, to receive, consume, or in any manner divert or appropriate to his own use or to the use of another any electric current, water, trash, or garbage disposal or sewage disposal belonging to or furnished by the City. All such utility service shall be supplied and furnished by the Department in accordance with the rules and regulations provided therefor.

(B) It shall be unlawful for any person who by theft of, or by intentionally damaging or altering without applicable department approval, communications or public utility equipment, whether customer - or utility-owned, creates a public safety hazard or causes a disruption of communications services or public utility ~~services to one or~~ more households, customers or subscribers or causes monetary damage equal to or greater than twenty five dollars (\$25.00) in value of equipment.

(C) As used in this section, "equipment" means utility system materials, including communications towers and associated material, telephone lines, railroad and other industrial safety communication devices or systems, electric structures, electric transformers, metering equipment, electric conductors and electric and natural gas transmission and distribution facilities.

(Code 1962, § 3-3-6)

Section two. Effective date. The provisions of this Amended Ordinance shall become effective March 18, 2024.

PASSED, APPROVED, and ADOPTED by the GOVERNING BODY of the CITY OF TRUTH
OR CONSEQUENCES this 13th day of March, 2024.

Rolf Hechler, Mayor

ATTEST:

Angela A. Torres, City Clerk

*Rolf Hechler
Mayor*

*Amanda Forrister
Mayor Pro-Tem*

*Merry Jo Fahl
Commissioner*



*Destiny Mitchell
Commissioner*

*Ingo Hoeppepner
Commissioner*

*Angie Gonzales
City Manager*

*505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673 ♦ F: 575-894-7767
www.torcnm.org*

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the City of Truth or Consequences City Commission will hold a Public Hearing during their regular scheduled meeting on Wednesday, March 13, 2024 to receive additional input regarding the following:

Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 759 An Ordinance Amending the City of Truth or Consequences Municipal Code of Ordinances, by Amending Section 14-31 of the Code Pertaining to Taking Service-Without Authority.

The meeting will be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico starting at 9:00 a.m.

Should you have any questions regarding this Public Hearing, please contact me at (575) 894-6675 or by email at aatorres@torcnm.org.

The agenda may be obtained on Friday, March 8, 2024 on the city website calendar at www.torcnm.org; by contacting the City Clerk's Office at 575-894-6673; or by email to: torcclerk@torcnm.org.

/s/ Angela A. Torres, CMC, City Clerk

Publish on the following date:

- Sentinel– Friday, February 23, 2024



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 13, 2024

Agenda Item #: G.2

SUBJECT: Public Hearing and Final Adoption of Ordinance No. 763 Authorizing the Issuance of The City of Truth or Consequences, New Mexico Water System Improvement Revenue Bonds, Series 2024, In the Principal Amount of Four Million Eight Hundred Eleven Thousand Dollars (\$4,811,000) For the Purpose of Construction Financing for Acquiring, Extension, Enlarging, Bettering, Repairing or Otherwise Improving the City's Water System

DEPARTMENT: Assistant City Manager

DATE SUBMITTED: March 5, 2024

SUBMITTED BY: Traci Alvarez

WHO WILL PRESENT THE ITEM: Chris Muirhead

Summary/Background: This is for the consideration and potential adoption of Ordinance No. 763 related to a \$4,811,000 interim construction loan with the Bank of the Southwest for the financing of the Water System Improvement as approved by USDA Letter of Conditions, dated 8/24/21. The financing will pay for costs incurred for all pre-development financing and construction costs.

Recommendation: Approve Final Adoption of Bond Ordinance 763

Attachments:

- Bond Ordinance No. 763
- USDA Project Letter of Conditions
- Project Description and Map

Fiscal Impact (Finance): Yes

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.](#) [Click here to enter text.](#)

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC agendas 3-13-24

STATE OF NEW MEXICO)
COUNTY OF SIERRA) ss.
CITY OF TRUTH OR CONSEQUENCES)

The City Commission of the City of Truth or Consequences, New Mexico, met in regular session in full conformity with law and the rules and regulations of the City Commission at the City Commission Chambers, 405 West Third Street, Truth or Consequences, New Mexico, being the regular meeting place of the City Commission, on the 13th day of March, 2024, at the hour of 9:00 a.m. Upon roll call, the following members, which constitute a quorum of the City Commission, were found to be present:

Present: _____

Absent: _____

Thereupon, there was officially filed with the Mayor, each Commissioner and the City Clerk-Treasurer a copy of a proposed bond ordinance in final form.

CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
ORDINANCE NO. 763

AUTHORIZING THE ISSUANCE OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO WATER SYSTEM IMPROVEMENT REVENUE BONDS, SERIES 2024, IN THE PRINCIPAL AMOUNT OF FOUR MILLION EIGHT HUNDRED ELEVEN THOUSAND DOLLARS (\$4,811,000) FOR THE PURPOSE OF CONSTRUCTION FINANCING FOR ACQUIRING, EXTENSION, ENLARGING, BETTERING, REPAIRING OR OTHERWISE IMPROVING THE CITY'S WATER SYSTEM; PROVIDING FOR THE ISSUANCE AND SALE OF THE BONDS; PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE SOLELY FROM NET REVENUES TO BE DERIVED FROM THE OPERATION OF THE CITY'S WATER SYSTEM; PROVIDING FOR THE TERMS AND CONDITIONS OF THE BONDS, THE MANNER OF THEIR EXECUTION, THE METHOD OF PAYING THE BONDS AND OTHER DETAILS CONCERNING THE BONDS AND SUCH SYSTEM, INCLUDING BUT NOT LIMITED TO COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH AND APPERTAINING THERETO.

Capitalized terms used in the following preambles have the same meaning as defined in Section 1 of this Ordinance unless the context requires otherwise.

WHEREAS, the City of Truth or Consequences, Sierra County, New Mexico, is a legally and regularly created, established, organized and existing municipal corporation under the general laws of the State of New Mexico; and

WHEREAS, the City now owns, operates and maintains a public water utility, and which the City hereby declares shall be continued to be operated as a public utility; and

WHEREAS, the City has heretofore provided for the imposition of rates and charges against users of the System; and

WHEREAS, the City is authorized under the Act to issue revenue bonds for the Project and the Series 2024 Bonds shall be issued pursuant to the Act; and

WHEREAS, the issuance of the Series 2024 Bonds will provide for the preservation of the public health, peace and safety; and

WHEREAS, it is in the best interest of the City that the Series 2024 Bonds be issued with a first lien on the Net Revenues; and

WHEREAS, the Bank of the Southwest has offered to purchase the Series 2024 Bonds, in the principal amount of \$4,811,000 at par and at an interest rate of 5.50% per annum pursuant to this Ordinance, plus accrued interest, if any, to the date of delivery; and

WHEREAS, all required authorizations, consents or approvals of any state, governmental body, agency or authority, in connection with the authorization, execution and delivery of the

Series 2024 Bonds which are required to have been obtained by the date hereof have been obtained, and which will be required to be obtained prior to the date of the issuance of the Series 2024 Bonds, will have been obtained by such date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO:

Section 1. Definitions. In addition to words and terms elsewhere defined in this Ordinance, the following words and terms shall have the following meanings:

“Act” means the powers of the City under the authority given by the provisions of Sections 3-31-1 through 3-31-12 NMSA 1978, as amended and supplemented, and all enactments of the Commission relating to the issuance of the Series 2024 Bonds.

“Bond Fund” means the “City of Truth or Consequences, New Mexico Water System Improvement Revenue Bonds, Series 2024, Interest and Bond Retirement Fund” created by Section 16 hereof.

“Bondholder”, “holder” or “owner” means any registered owner of the Series 2024 Bonds.

“City” means the municipal corporation, a body corporate and politic known as the “City of Truth or Consequences, New Mexico.”

“Commission” means the City Commission, or any succeeding legislative body of the City, as such governing body from time to time may be constituted and authorized to act and approve actions by a properly constituted quorum.

“Consulting Engineer” means any registered or licensed professional engineer or firm of such engineers having a wide and favorable reputé for skill and experience in the field of designing, preparing plans and specifications for, and supervising construction of water systems and facilities entitled to practice and practicing as such under the laws of the State of New Mexico.

“Debt Service Schedule” means the payment schedule for the Series 2024 Bonds as provided by the Purchaser, as the same may be revised in the event of partial prepayment of the Series 2024 Bonds.

“Fiscal Year” means the period commencing on July 1 in each calendar year and ending on the last day of June of the next succeeding calendar year, or any other twelve-month period which any appropriate authority may hereafter establish for the City as its fiscal year.

“Herein” or “hereby” or “hereunder” or “hereof” or “hereinbefore” or “hereinafter” refers to this Ordinance and not solely to the particular portion thereof in which such word is used.

"Income Fund" means the "Water Utility System Gross Income Fund" continued by Section 16 hereof.

"Independent Accountant" means an accountant employed by the State of New Mexico and under supervision of the State Auditor or any certified public accountant, registered accountant, or firm of such accountants duly licensed to practice and practicing as such under the laws of the State of New Mexico, appointed and paid by the City who (a) is, in fact, independent and not under the domination of the City, (b) does not have any substantial interest, direct or indirect, with the City, and (c) is not connected with the City as an officer or employee of the City, but who may be regularly retained to make annual or similar audits of the books or records of the City.

"Insured Bank" means a bank or savings and loan association insured by an agency of the United States and which invests public funds in accordance with the provisions of Section 6-10-10 NMSA 1978, as amended.

"Mayor" means the Mayor of the City, or if the form of government of the City is changed, the presiding officer of the City no matter how such officer may be designated.

"Net Revenues" means the Gross Revenues of the System less Operation and Maintenance expenses, which net revenues are pledged to the payment of the Series 2024 Bonds are provided herein.

"NMSA 1978" means the compilation of the laws of the State of New Mexico known as New Mexico Statutes Annotated, 1978 Compilation, as from time to time amended and supplemented.

"Operation and Maintenance Fund" means the "Operation and Maintenance Fund" continued herein.

"Operation and Maintenance Expenses" means all reasonable and necessary current expenses of the City, paid or accrued, of operating, maintaining and repairing the System, and shall include without limiting the generality of the foregoing, insurance premiums, reasonable charges of depository banks, paying agents and bond registrars, contractual services, professional services required by this Ordinance, salaries and System administrative expenses, labor, cost of materials and supplies used for current operations, legal and overhead expenses of the various City departments directly related and reasonably allocable to the administration of the System, any payments made to the City's general fund as payments in lieu of franchise taxes or fees or other City taxes or fees or other similar payments or transfers to other funds of the City, but shall not include any allowance for depreciation, liabilities incurred by the City as the result of negligence in the operation of the System, costs of improvements, extensions, enlargements or betterments, or any charges for the accumulation of reserves for capital replacements.

"Ordinance" means this ordinance.

“Outstanding” or “outstanding” means, on any particular date, the aggregate of such bonds issued and delivered under the City ordinance authorizing the issuance of such bonds except:

A. Those cancelled at or prior to such date or delivered to or acquired by the City at or prior to such date for cancellation;

B. Those which have been paid or are deemed to be paid in accordance with the City ordinance authorizing the issuance of the applicable bonds or otherwise relating thereto; and

C. Those in lieu of or in exchange or substitution for which other bonds have been delivered, unless proof satisfactory to the City and paying agent for the applicable bonds is presented that any bond for which a new bond was issued or exchanged is held by a bona fide holder in due course.

“Parity Obligations” or “Parity Bonds” means any other bonds and other obligations now or hereafter issued or incurred payable from the Net Revenues and issued or incurred with a lien on the Net Revenues on parity with the Series 2024 Bonds.

“Paying Agent” means the City Clerk-Treasurer or any successor thereto designated by the Commission to act in such capacity for the Series 2024 Bonds.

“Project” means construction financing for acquiring, extending, enlarging, bettering, repairing or otherwise improving the System.

“Project Fund” means the “City of Truth or Consequences, New Mexico Water System Improvement Revenue Bonds, Series 2024, Project Fund” created by Section 14 hereof.

“Purchaser” means the Bank of the Southwest to whom the Series 2024 Bonds are to be originally sold and delivered.

“Registrar” means the City Clerk-Treasurer or any successor thereto designated by the Commission to act in such capacity for the Series 2024 Bonds.

“Revenues”, “Gross Revenues”, “income” or “gross income” means all income and revenues (including but not limited to interest income from the investment of System revenues) derived by the City from the operation of the System, or any part thereof, whether resulting from improvements, extensions, enlargements, repairs or betterments to the System, or otherwise, and includes all revenues derived by the City or any municipal corporation succeeding to the rights of the City, from the System and from the sale and use of water service and facilities, or any combination thereof, to the residents of what is now the City (including all territorial annexations which may be made while the Series 2024 Bonds or any part thereof are outstanding), or from the sale and use of water service and facilities, by means of the System owned and operated by the City as the same may at any time exist to serve customers outside the City limits as well as customers within the City limits.

“Series 2024 Bonds” means the “City of Truth or Consequences, New Mexico Water System Improvement Revenue Bonds, Series 2024” authorized by Section 5 hereof.

“System” or “Utility” means the municipally owned public utility designated as the City's water utility system, consisting of all properties, real, personal, mixed or otherwise, now owned or hereafter acquired by the City through purchase, condemnation, construction or otherwise, including all expansions, extensions, enlargements and improvements of or to the water utility system, and used in connection therewith or relating thereto, and any other related activity or enterprise of the City designated by the Commission as part of the water utility system, whether situated within or without the limits of the City.

Section 2. Ratification. All action heretofore taken (not inconsistent with the provisions of this Ordinance) by the Commission and the officers of the City directed toward the Project and toward the issuance of the Series 2024 Bonds and the sale of the Series 2024 Bonds to the Purchaser is hereby ratified, approved and confirmed.

Section 3. Authorization of Project. The Project shall be constructed and acquired at a total estimated cost not exceeding \$4,811,000 with costs in excess of the amount of the purchase price of the Series 2024 Bonds to be defrayed from sources other than proceeds from the issuance of the Series 2024 Bonds.

Section 4. Findings. The Commission hereby declares that it has considered all relevant information and data and hereby makes the following findings:

A. It is in the best interest of the City and its residents to undertake the sale of the Series 2024 Bonds.

B. Moneys available for the Project from all sources other than the issuance of the Series 2024 Bonds are not sufficient to accomplish the Project.

C. The issuance by the City of the Series 2024 Bonds under the Act to provide funds for the Project is necessary and in the interest of the public health, safety, morals and welfare of the residents of the City.

D. The Net Revenues may lawfully be pledged to secure the payment of the Series 2024 Bonds as set forth herein.

E. The net effective interest rate on the Series 2024 Bonds of 5.50% is less than the statutory maximum of 12% per annum.

Section 5. The Series 2024 Bonds.

A. Authorization. Pursuant to the findings of Section 4 hereof, it is hereby declared that the City, pursuant to the Act, shall issue and sell the Series 2024 Bonds. The Series 2024 Bonds, in the principal amount of \$4,811,000, are hereby authorized to be issued and sold at par to the Purchaser.

B. Details of the Series 2024 Bonds. There are hereby authorized and created a series of bonds designated as the "City of Truth or Consequences, New Mexico Water System Improvement Revenue Bonds, Series 2024."

The Series 2024 Bonds shall be dated as of the date of issuance and delivery, shall be originally issued as one bond in the denomination of \$4,811,000, numbered R-1, shall be payable to the registered owner, and shall bear interest on the outstanding principal amount advanced under the Series 2024 Bonds at a rate of 5.50% per annum, calculated on the basis of a 365-day year, actual number of days elapsed. Both principal and accrued interest on the Series 2024 Bonds shall become due and payable on or about May 1, 2027 (i.e., thirty-six months after issuance of the Series 2024 Bonds).

The form, term, and provisions of the Series 2024 Bonds, in the form set forth in Section 12 hereof are hereby approved with only such changes therein as are not inconsistent with this Ordinance.

Section 6. Prior Redemption.

A. Optional Redemption, Date and Price. The Series 2024 Bonds are subject to prior redemption at the option of the City on any date, in whole or in part, as the City may determine, at a redemption price equal to the principal amount being redeemed, plus accrued interest to the date fixed for redemption. Any partial redemption of the Series 2024 Bonds shall be in inverse order of principal maturity and, after principal redemptions, if any, interest thereafter shall accrue only upon the then outstanding principal amount of Series 2024 Bonds.

B. Notice. Notice of redemption shall be given by the Registrar by sending a copy of such notice by first-class, postage prepaid mail, or by electronic transmission, at least thirty (30) days prior to the redemption date to the registered owner of the Series 2024 Bonds to be redeemed at the address shown on the registration books kept by the Registrar as of the close of business of the Registrar on the fifth day prior to the mailing of notice. Notice of redemption shall specify the principal amount to be redeemed, the date fixed for redemption, and that on such redemption date there will become due and payable at the office of the Paying Agent the principal amount to be redeemed plus accrued interest to the redemption date and that from and after such date interest will cease to accrue on such amount. Notice having been given in the manner provided above, the principal amount of the Series 2024 Bonds so called for redemption shall become due and payable on the redemption date so designated and if an amount of money sufficient to redeem the principal amount of the Series 2024 Bonds called for redemption shall on the redemption date be on deposit with the Paying Agent, the principal amount of the Series 2024 Bonds to be redeemed shall be deemed not outstanding and shall cease to bear interest from and after such redemption date. Upon presentation of the Series 2024 Bonds to be redeemed at the office of the Paying Agent, the Paying Agent will pay the principal amount of the Series 2024 Bonds so called for redemption plus accrued interest to the redemption date.

Section 7. Signatures, Execution and Authentication of Series 2024 Bonds.

A. Filing of Signatures. Prior to the execution of any Series 2024 Bond, the Mayor and City Clerk-Treasurer may each file with the New Mexico Secretary of State his or her manual signature certified by him or her under oath pursuant to Sections 6-9-1 to 6-9-6 NMSA 1978, as amended; provided that filing shall not be necessary for any officer where any previous filing may have legal application to the Series 2024 Bonds.

B. Execution. The Series 2024 Bonds shall be signed with the engraved, imprinted, stamped or otherwise reproduced facsimile of the signature, or the manual signature, of the Mayor and shall be attested with the facsimile or the manual signature of the City Clerk-Treasurer. There shall be affixed to each Series 2024 Bond the printed, engraved, stamped or otherwise placed facsimile of, or imprint of, the City's corporate seal. The Series 2024 Bonds shall be authenticated by the manual signature of an authorized officer of the Registrar. The Series 2024 Bonds when authenticated and bearing the manual or facsimile signature of the officers in office at the time of signing thereof shall be valid and binding special obligations of the City, notwithstanding that before delivery thereof and payment therefor, any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices. The Mayor and City Clerk-Treasurer, at the time of the execution of the Series 2024 Bonds and the signature certificate, each may adopt as and for his or her own facsimile signature, the facsimile signature of his or her predecessor in office if such facsimile signature appears upon any of the Series 2024 Bonds or certificates pertaining to the Series 2024 Bonds.

C. Authentication. No Series 2024 Bond shall be valid or obligatory for any purpose unless the certificate of authentication has been duly executed by the Registrar. The Registrar's certificate of authentication shall be deemed to have been fully executed if manually signed and inscribed by an authorized officer of the Registrar, but it shall not be necessary that the same officer sign the certificate of authentication on all of the Series 2024 Bonds issued hereunder.

Section 8. Negotiability. The Series 2024 Bonds shall be fully negotiable and shall have all the qualities of negotiable paper, and the Bondholder shall possess all rights enjoyed by the holders of negotiable instruments under the provisions of the Uniform Commercial Code--Investment Securities.

Section 9. Payment and Presentation of Series 2024 Bonds for Payment. Principal and interest on the Series 2024 Bonds shall be payable in lawful money of the United States of America, without deduction for exchange or collection charges. Principal and interest on the Series 2024 Bonds shall be payable by check or draft mailed to the registered owner thereof (or in such other manner as may be agreed upon by the Paying Agent and the registered owner), as shown on the registration books maintained by the Registrar at the address appearing therein on the 5th calendar day next preceding the payment date (the "Record Date"). If any payment on the Series 2024 Bonds remains unpaid when due, the payment shall continue to bear interest at the rate or rates designated in, and applicable to, the Series 2024 Bonds. The records of the Paying Agent and the Registrar with respect to payments paid to the registered owners of the Series 2024 Bonds shall be conclusive and no posting or notation of payments on the Series 2024 Bond forms shall be required.

Section 10. Registration, Transfer, Exchange and Ownership of Series 2024 Bonds.

A. Registration, Transfer and Exchange. The City shall cause books for registration, transfer, and exchange of the Series 2024 Bonds as provided herein to be kept at the principal office of the Registrar. Upon surrender for transfer or exchange of the fully registered Series 2024 Bonds at the principal office of the Registrar duly endorsed by the registered owner or his attorney duly authorized in writing, or accompanied by a written instrument or instruments of transfer or exchange in form satisfactory to the Registrar and duly executed, the Registrar shall, without cost to the registered owner, authenticate and deliver, not more than three (3) business days after receipt of the Series 2024 Bonds to be transferred, in the name of the transferee or registered owner, as appropriate, a new Series 2024 Bond or Series 2024 Bonds in authorized denominations, in fully registered form of the same aggregate principal amount, maturity and interest rate.

B. Limitations. The Registrar shall not be required to transfer or exchange any Series 2024 Bonds (i) during the period of fifteen (15) days next preceding mailing of notice calling the Series 2024 Bonds for prior redemption as herein provided, or (ii) after mailing to the registered owner of notice calling such Series 2024 Bonds for prior redemption as herein provided. The Registrar shall close books for change of registered owners' addresses five (5) days prior to each payment date. Transfers shall be permitted within the five (5) days prior to each payment date; such transfer shall not include a transfer of the principal and interest payable on such payment date.

C. Owner of Series 2024 Bonds. The entity in whose name the Series 2024 Bonds are registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of either the principal of or interest on the Series 2024 Bonds shall be made only to or upon the order of the registered owner thereof or his legal representative as stated herein, but such registration may be changed as hereinabove provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Series 2024 Bonds to the extent of the sum or sums so paid.

D. Lost Series 2024 Bonds. If the Series 2024 Bonds shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such Series 2024 Bonds, if mutilated, and such evidence, information or indemnity relating thereto as the Registrar may reasonably require, authenticate and deliver replacement Series 2024 Bonds of a like aggregate principal amount and of the same series, maturity and interest rate, bearing a number or numbers not contemporaneously outstanding. If any such lost, stolen, destroyed or mutilated Series 2024 Bonds shall have matured, the Registrar may request the Paying Agent to pay such bond in lieu of replacement.

Section 11. Special Obligations. The Series 2024 Bonds, together with interest accruing thereon, shall be payable and collectible solely out of Net Revenues, the revenues of which are so pledged, and the Bondholders may not look to any general or other municipal fund for the payment of principal and interest on such obligations, except the designated special funds pledged therefor. The Series 2024 Bonds shall not constitute indebtedness or a debt within the meaning of any constitutional or statutory provision or limitation, nor shall they be considered or

held to be general obligations of the City. Nothing herein shall prevent the City from using any other legally available funds for the payment of the principal of and interest on the Series 2024 Bonds, in its sole discretion.

Section 12. Form of Series 2024 Bonds. The Series 2024 Bonds and the forms of authentication and assignment to be attached thereto shall be in substantially the following form with such changes therein as are not inconsistent with this Ordinance.

(Form of Series 2024 Bonds)

UNITED STATES OF AMERICA
STATE OF NEW MEXICO COUNTY OF SIERRA
CITY OF TRUTH OR CONSEQUENCES
WATER SYSTEM IMPROVEMENT REVENUE BONDS
SERIES 2024

No. R-1 **\$4,811,000**

Interest Rate	Maturity Date	Date of Bonds
5.50%	[May 1], 2027	April __, 2024

REGISTERED OWNER: BANK OF THE SOUTHWEST

PRINCIPAL AMOUNT: FOUR MILLION EIGHT HUNDRED ELEVEN THOUSAND DOLLARS

The City of Truth or Consequences, New Mexico (the “City”) for value received, hereby acknowledges itself indebted and promises to pay, but only from the sources and in the manner provided for herein, to the Registered Owner stated above, or its registered assigns, in lawful money of the United States of America the principal amount stated above, together with interest thereon, in the amounts and on the dates set forth in the debt service schedule provided by the Registered Owner, until full payment of the principal amount plus accrued interest has been made. This bond shall bear interest on the outstanding principal advanced on the Series 2024 Bonds at the rate of 5.50% per annum, calculated on the basis of a 365-day year, actual number of days elapsed. Both principal and accrued interest on the Series 2024 Bonds shall become due and payable on the Maturity Date. Payment on the Series 2024 Bonds shall be payable upon presentation and surrender of the Series 2024 Bonds to the City Clerk-Treasurer, as Paying Agent. If any payment of this bond is not made as herein provided, the payment shall continue to bear interest at the Interest Rate stated above until the payment is paid in full. The principal and interest on this bond are payable in lawful money of the United States of America, without deduction for the services of the Paying Agent or Registrar.

This bond is a fully registered bond of the City in the aggregate principal amount of \$4,811,000, designated as the “City of Truth or Consequences, New Mexico Water System Improvement Revenue Bonds, Series 2024” (the “Series 2024 Bonds”) issued under and pursuant to City Ordinance No. 763 (the “Bond Ordinance”).

This bond may be redeemed, in whole or in part, at the option of the City on any date on at a redemption price equal to the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

Notice of redemption will be given by providing at least thirty (30) days prior written notice by first-class, postage prepaid mail to the owner of the Series 2024 Bonds, to be redeemed at the address shown on the registration books as of the close of business of the Registrar on the fifth day prior to the mailing of notice. The notice of redemption shall specify the redemption date and the principal amount thereof, plus accrued interest to the redemption date, and that from and after such date interest will cease to accrue. Notice having been given in the manner provided above, the Series 2024 Bonds so called for redemption shall become due and payable on the redemption date so designated and if an amount of money sufficient to redeem the Series 2024 Bonds called for redemption shall on the redemption date be on deposit with the Paying Agent, the Series 2024 Bonds to be redeemed shall not be deemed to be outstanding and shall cease to bear interest from and after such redemption date.

Upon surrender for transfer or exchange of this bond at the principal office of the Registrar duly endorsed by the registered owner or his attorney duly authorized in writing, or accompanied by a written instrument of transfer or exchange in form satisfactory to the Registrar and duly executed, the Registrar will authenticate and deliver in the name of the transferee or registered owner, as appropriate, a new bond in fully registered form of the same outstanding principal amount, maturity and interest rate, in an authorized denomination. The person in whose name any Bond is registered will be deemed and regarded as the absolute owner thereof for all purposes, and payment of principal of and interest on the Series 2024 Bonds will be made only to or upon the order of the registered owner thereof or his legal representative. All such payments will be valid and effectual to satisfy and discharge the liability upon the Series 2024 Bonds to the extent of the sum so paid.

This bond and the payments of principal hereof and interest hereon do not constitute indebtedness of the City within the meaning of any constitutional or statutory provision or limitation, shall not be considered or held to be a general obligation of the City and is payable and collectible solely out of the net revenues of the City's water utility system (the "Net Revenues") as more particularly described in the Bond Ordinance. The holder of this bond may not look to any general or other municipal fund for payment of the principal of or interest on this bond. The City has covenanted to pay the Net Revenues an amount sufficient to pay specified operation and maintenance expenses of the System, and the regularly scheduled payments on the Series 2024 Bonds and other Parity Obligations when due. For a more complete description of the nature and extent of the security, reference is made to the Bond Ordinance.

The Series 2024 Bonds are issued by the City for the purpose of construction financing for acquiring, extending, enlarging, bettering, repairing or otherwise improving the City's Water Utility System (the "Project").

The Series 2024 Bonds are secured by a pledge of the Net Revenues. The Series 2024 Bonds constitute an irrevocable first lien (but not an exclusive first lien) upon the Net Revenues

on parity with the lien thereon of the City's outstanding Parity Obligations (as defined in the Bond Ordinance). Additional bonds may be issued and made payable from the Net Revenues, subject to express conditions, having a lien thereon on parity with the lien of the Series 2024 Bonds in accordance with the provisions of the Bond Ordinance. The City covenants and agrees with the owner of this bond and with each and every person who may become the owner hereof that it will keep and perform all of the covenants of the Bond Ordinance.

The Series 2024 Bonds will not be entitled to any benefit under the Bond Ordinance or become valid or obligatory for any purpose until an authorized officer of the Registrar has manually signed the Certificate of Authentication hereon.

It is hereby certified that all acts and conditions necessary to be done or performed by the City or to have happened precedent to and in the issuance of the Series 2024 Bonds to make them legal, valid and binding special obligations of the City have been performed and have happened, as required by law, and that the Series 2024 Bonds do not exceed or violate any constitutional, statutory or charter limitation. No member of the City Commission, or any officer or employee of the City, including those executing this bond, shall be personally liable on any Series 2024 Bonds.

IN WITNESS WHEREOF, the City of Truth or Consequences, in the State of New Mexico, has caused this bond to be signed and executed on the City's behalf by the signatures of its Mayor and City Clerk-Treasurer and has caused the seal of the City to be affixed hereon all as of the Date of Bond specified above.

CITY OF TRUTH OR CONSEQUENCES
NEW MEXICO

By _____
Mayor

[SEAL]

By _____
Clerk-Treasurer

(Form of Certificate of Authentication)

Date of Registration: _____

This bond is one of the Series 2024 Bonds authorized to be issued by and under the provisions of the Bond Ordinance.

By _____

Clerk-Treasurer

Truth or Consequences, New Mexico

(End of Form of Certificate of Authentication)

(Form of Assignment)

ASSIGNMENT CLAUSE

For value received, the undersigned sells, assigns and transfers unto _____, whose social security or tax identification number is _____, the within bond and all rights thereunder, and does hereby irrevocably constitute and appoint _____ as legal representative to transfer the within bond on the books of the Registrar, with full power of substitution in the premises.

DATED: _____

NOTE: The above signature must correspond with the name as written on the face of the within bond in every particular.

(End of Form of Assignment)

(End of Form of Bonds)

Section 13. Sale of Series 2024 Bonds. The sale and award of the Series 2024 Bonds to the Purchaser are hereby ratified, approved and confirmed. The Mayor and other City officers are hereby authorized to do all things necessary and consistent with this Ordinance in connection with the sale, issuance and delivery of the Series 2024 Bonds.

Section 14. Delivery of the Series 2024 Bonds and Disposition of Proceeds. When the Series 2024 Bonds have been duly executed and authenticated, they shall be delivered to the

Purchaser. By purchasing the Series 2024 Bonds, the Purchaser agrees to pay to the City the principal amount of the Series 2024 Bonds.

The City shall account for the proceeds of the Series 2024 Bonds as follows:

A. Accrued Interest. The Series 2024 Bonds shall be dated as of the date of actual issuance and delivery and no accrued interest shall be payable by the Purchaser for the period prior to the date of actual issuance and delivery of the Series 2024 Bonds.

B. Sale Proceeds. The proceeds from the sale of the Series 2024 Bonds, as advanced by the Purchaser, shall be deposited by the City promptly upon the receipt thereof in a separate account in an Insured Bank, designated by the City, which account is hereby created and shall be known as the "City of Truth or Consequences, New Mexico Water System Improvement Revenue Bonds, Series 2024, Project Fund." The Insured Bank shall be required to pledge collateral security for all deposits in the Project Fund in accordance with the laws of the State of New Mexico, and laws and regulations of the United States of America. The monies in the Project Fund, except as herein otherwise specifically provided, shall be used and paid out solely for the purposes specified in this Ordinance.

C. Purchaser Not Responsible. The Purchaser of the Series 2024 Bonds shall not be responsible for the application or disposal by the City or by its officers of the funds derived from the sale thereof or of any other funds herein designated.

Section 15. The Project Fund.

A. Withdrawals. Monies shall be withdrawn from the Project Fund for the Project by the Mayor and the City Manager.

B. Disposition of Unspent Amounts in the Project Fund. When all work on the Project is completed in accordance with the plans and specifications and all amounts due therefor are paid, the Consulting Engineer shall file with the City a certificate so stating, and thereupon the City shall cause the Insured Bank to transfer to the Bond Fund all funds remaining in the Project Fund, if any, and such proceeds shall be promptly used to pay debt service on the Series 2024 Bonds.

Section 16. Special Funds.

A. The Income Fund is hereby continued. The Water Utility System Gross Income Fund shall be used for the deposit of the Gross Revenues of the System and shall be a special fund, not part of the general treasury or general fund of the City.

B. The Operation and Maintenance Fund is hereby continued as a separate account in the Income Fund and shall be used for the deposit of revenues of the System to be used for the payment of Operation and Maintenance Expenses of the System as set forth in Section 17 of this Ordinance.

C. The Bond Fund is hereby created as a separate account in the Income Fund and shall be used for deposit of Net Revenues of the System to be used for the payment of principal and interest on the Series 2024 Bonds as set forth in Section 17 hereof.

Section 17. Administration of Income Fund. So long as the Series 2024 Bonds shall be outstanding either as to principal or interest, or both, the Gross Revenues of the System shall be set aside and deposited into the Income Fund and the following monthly payments shall be made from the Income Fund:

A. Operation and Maintenance Expenses. Money in the Income Fund shall first be disbursed to make deposits into the Operation and Maintenance Fund. There shall be deposited in the Operation and Maintenance Fund each month an amount sufficient to meet the current Operation and Maintenance Expenses of the month.

B. Bond Fund. Second and concurrently with the monthly payments required by paragraph C of this Section, and subject to and after the payments required by paragraph A of this Section, from any moneys remaining in the Income Fund there shall be deposited to the Bond Fund the following:

(1) Monthly, commencing on the first of the month immediately succeeding the issuance and delivery of the Series 2024 Bonds, an amount which is necessary, together with any moneys therein and available therefor, to pay the payment of principal and interest on the Series 2024 Bonds at the Maturity Date; and

(2) If prior to the Maturity Date, there has been accumulated in the Bond Fund the entire amount necessary to pay the principal and interest due on the Maturity Date, the payment required in subparagraph (1) of this subsection, may cease or be appropriately reduced.

Except as provided in paragraph 1 of this Section, the moneys in the Bond Fund shall be used only to pay the principal of and interest on the Series 2024 Bonds as the same become due.

C. Payment of the Additional Parity Obligations. Concurrently with the payments required by paragraph B of this Section, and subject to and after the payments required by paragraph A of this Section, any balance remaining in the Income Fund shall be used by the City for the payment of principal of and interest on the Parity Obligations (including, in each case, reserves therefor), if any, issued and payable from the Net Revenues, as the same accrue.

D. Payment of Subordinate Obligations. Third, and subject to and after the payments required by paragraphs A through C of this Section, from any monies remaining in the Income Fund, there shall be made the payment of interest on and principal of, and reserves for, additional bonds or other obligations hereafter authorized to be issued and payable from the Net Revenues with a lien thereon which is subordinate and junior to the lien thereon of Parity Obligations.

E. Use of Surplus Revenues. Gross Revenues accumulated over and above that needed to pay Operating and Maintenance Expenses and debt service for any outstanding obligations may only be retained or used to make prepayments on the Parity Obligations or subordinate obligations or for System improvements. Gross Revenues cannot be used to pay any expenses which are not directly incurred for the System.

Section 18. General Administration of Funds. The funds designated in Sections 16 and 17 shall be administered and invested as follows:

A. Places and Times of Deposits. The funds shall be separately maintained as a trust fund or funds for the purposes established and shall be deposited in one or more bank accounts in an Insured Bank or Banks. Each fund shall be continuously secured to the extent required by law and shall be irrevocable and not withdrawable by anyone for any purpose other than the stated purpose. Payments shall be made into the proper account not later than the first day of the month except when the first day shall be a Sunday or legal holiday, and then payment shall be made on the next succeeding business day. No later than three (3) days prior to each payment date, moneys sufficient to pay interest and principal then due on the Series 2024 Bonds shall be transferred to the Paying Agent. Nothing in this Ordinance shall prevent the Commission from establishing one or more bank accounts in an Insured Bank or Insured Banks for all the funds required by this Ordinance or, except for the Project Fund which must be maintained as a separate account, shall prevent the combination of such funds and accounts with any other bank account or accounts for other funds and accounts of the City.

B. Investment of Moneys. Moneys in any fund or account not immediately needed may be invested in any investment permitted by law. The obligations so purchased as an investment of moneys in any fund or account shall be deemed to be part of such fund or account, and the interest accruing thereon and any profit realized therefrom shall be credited to such fund or account, and any loss resulting from such investment shall be charged to such fund or account. The City Clerk-Treasurer shall present for redemption or sale on the prevailing market any obligations so purchased as an investment of moneys in the fund or account whenever it shall be necessary to do so in order to provide moneys to meet any payment or transfer from such fund.

Section 19. Lien on Net Revenues. The Series 2024 Bonds shall constitute an irrevocable first lien (but not an exclusive first lien) on, and the City hereby grants to the owners of the Series 2024 Bonds a security interest in, the Net Revenues as set forth herein and on parity with any existing Parity Obligations or future Parity Obligations which may be issued. The Net Revenues are hereby authorized to be pledged and are hereby pledged and the City grants a security interest therein and in the funds on deposit in the Bond Fund and Project Fund for the payment of the principal of and interest on the Series 2024 Bonds.

Section 20. Additional Bonds or Other Obligations Payable from Net Revenues.

A. Earnings Test. Nothing in this ordinance contained shall be construed to prevent the issuance by the City of additional Parity Obligations payable from the Net Revenues and constituting a lien upon said revenues on a parity with, but not prior or superior to the lien of the Series 2024 Bonds, nor to prevent the issuance of bonds or other obligations refunding all or

a part of the Series 2024 Bonds, provided, however, that before any such additional Parity Obligations are authorized or actually issued, the following tests shall be satisfied:

(1) The City is not, and has not been in default as to making any payments required by Section 17 hereof during the twelve months immediately preceding the issuance of such additional Parity Obligations, or if none of the Series 2024 Bonds have been issued and Outstanding for a period of at least twelve months, then for the longest period of time any of such Series 2024 Bonds have been issued and Outstanding; and

(2) The Net Revenues for the Fiscal Year immediately preceding the date of issuance of such additional Parity Obligations shall have been sufficient to pay an amount representing one hundred twenty percent (120%) of the combined average annual principal and interest requirements coming due in any subsequent Fiscal Year on the then outstanding Parity Obligations payable from and constituting a lien upon the Net Revenues and the additional Parity Obligations proposed to be issued (excluding any reserves therefor).

B. Certification or Opinion of Earnings. A written certification or opinion by an Independent Accountant or the City Manager that Net Revenues for the Fiscal Year immediately preceding the date of issuance of the proposed additional Parity Obligations are sufficient to pay said amounts, shall be conclusively presumed to be accurate in determining the right of the City to authorize, issue, sell and deliver the proposed additional Parity Obligations on a parity with the Series 2024 Bonds.

C. Consideration of Additional Revenue Permitted. In determining whether or not additional Parity Obligations may be issued as aforesaid, consideration may be given to any probable increase in the estimated Net Revenues of the System that may result from the expenditure of funds proposed to be derived from the issuance and sale of the proposed additional Parity Obligations or an increase in System rates.

D. Subordinate Obligations Permitted. Nothing herein contained shall be construed to prevent the City from issuing bonds or other obligations payable from the revenues of the System and having a lien thereon subordinate, inferior and junior to the lien of the Series 2024 Bonds.

E. Superior Obligations Prohibited. Nothing herein contained shall be construed to permit the City to issue bonds or other obligations payable from the revenues of the System and having a lien thereon prior and superior to the lien of the Series 2024 Bonds.

Section 21. Refunding Bonds. The provisions of Section 20 hereof are subject to the following exceptions:

A. Privilege of Issuing Refunding Obligations. If at any time the Commission shall find it desirable to refund the Outstanding Series 2024 Bonds, the Series 2024 Bonds may be refinanced and paid, in whole or in part, in advance of their maturity.

B. Limitations upon Issuance of Parity Refunding Obligations. No refunding bonds or other refunding obligations payable from any revenues of the System shall be issued on a parity with the Series 2024 Bonds, unless the refunding bonds or other refunding obligations are issued in compliance with paragraph A of Section 20 hereof.

C. Limitations upon Issuance of any Refunding Obligations. Any refunding bonds or other refunding obligations payable from any revenues of the System shall be issued with such details as the Commission may provide by ordinance.

Section 22. Protective Covenants. The City covenants and agrees with each and every holder of the Series 2024 Bonds:

A. Public Utility. The municipal water facilities of the City shall continue to constitute a public utility designated as the System and shall hereafter be operated and maintained as a public utility.

B. Use of Series 2024 Bonds Proceeds. The City, with the proceeds derived from the sale of the Series 2024 Bonds, shall proceed to complete and acquire the Project without delay.

C. Payment of the Series 2024 Bonds. The City shall promptly pay the principal of and interest on the Series 2024 Bonds at the place, on the dates, and in the manner specified herein. Principal and interest on the Series 2024 Bonds are payable solely from Net Revenues, and the special funds herein authorized for such purpose.

D. City's Existence. The City shall maintain its corporate identity and existence so long as the Series 2024 Bonds remain outstanding, unless another political subdivision or authority by operation of law succeeds to the liabilities and rights of the City, without adversely affecting to any substantial degree the privileges and rights of the holder of the Series 2024 Bonds.

E. Impairment of Contract. Except with the approval of the holder of the Outstanding Series 2024 Bonds, the City agrees that this Ordinance shall not be repealed or otherwise directly or indirectly modified, in such a manner as to adversely affect the Outstanding Series 2024 Bonds.

F. Use Charges. Rates for services rendered by the System shall be reasonable and just, taking into account the cost and value of the System, Operation and Maintenance Expenses, proper allowances for depreciation and the amounts necessary to retire all bonds payable from Net Revenues, and any reserves therefor. There shall be charged against all users, including the City, rates and amounts, which shall be increased from time to time if necessary, sufficient to produce revenues to pay the annual Operation and Maintenance Expenses, and 120% of the combined average annual principal and interest requirements on all outstanding Parity Bonds and other obligations payable from Net Revenues. No free services of the System shall be furnished by the City. Any use of the System by the City shall be paid for from the City's general fund at the reasonable value of the use so made. Income so derived from

the City shall be treated in the same manner as any other System income. The City is granted a statutory lien upon realty for unpaid rates and charges pursuant to Section 3-23-6 NMSA 1978. The City covenants and agrees that it will cause any lien on each property to be perfected and enforced in accordance with the provisions of Sections 3-23-6 and 3-36-1 through 3-36-7 NMSA 1978.

G. Levy and Reduction of Charges. Prior to the delivery of the Series 2024 Bonds, the City has established and levied the required rates and charges for use of the System. No reduction in any initial rate schedule may be made unless:

(1) The City has complied with Section 17 hereof for at least one Fiscal Year immediately preceding such reduction; and

(2) The audit for the one full Fiscal Year immediately preceding such reduction discloses that the estimated revenues resulting from the proposed rate schedule will be sufficient to meet the requirements of paragraph F of this Section.

H. Efficient Operation. The City shall operate the System as long as the Series 2024 Bonds are outstanding and shall make such improvements and repairs to the System as may be necessary to insure its economical and efficient operation and its ability to meet demands for service and its continual operation and maintenance in good condition.

I. Records of System. Separate records will be kept showing complete and correct entries of all transactions relating to the System. Such records shall include monthly entries showing the number of customers, the revenues received, a detailed statement of expenses, and such other items as deemed relevant.

J. Right to Inspect. The Purchaser or any other owner of the Series 2024 Bonds or their duly authorized agents shall have the right at all reasonable times to inspect the System and all records, accounts and data relating thereto.

K. Audits and Budgets. So long as the Series 2024 Bonds shall be Outstanding, the City shall furnish to the Purchaser, and to any owner or owners or insurers of the Series 2024 Bonds who has requested the same, not later than thirty (30) days after the close of each three-month fiscal period, complete operating and income statements of the System in reasonable detail covering such three-month period, and, not later than sixty (60) days after the close of each fiscal year, complete financial statements of the System to the owner of the Series 2024 Bonds covering such fiscal year. In addition, the City will prepare and adopt prior to the beginning of each fiscal year, a budget for the ensuing fiscal year for the System, such budget to include an estimate of revenues and expenses during such fiscal year.

L. Billing Procedure and Discontinuance of Service. All System bills shall be sent out on a regularly established day of each month in advance or after service is rendered. If bills are not paid within a reasonable time after such date, they shall be collected in any lawful manner. Upon nonpayment of charges, water service will be discontinued if permitted by law and will be restored only upon payment of the delinquent amounts plus the cost of restoration.

M. Use of Bond Fund. The Bond Fund shall be used solely and only, and said funds are hereby pledged, for the purposes set forth in this Ordinance.

N. Charges and Liens upon System. The City, from Revenues, will pay all taxes and governmental charges lawfully levied in respect of the System when due. The City will comply with all valid requirements of any governmental authority relative to the System and will not create or permit to be created any lien or charge on the System or the Revenues except as permitted herein. The City will satisfy within sixty days after the same shall accrue all lawful claims and demands which might by law become a lien on the System or upon the Revenues unless the validity thereof is being contested in good faith by appropriate legal proceedings.

O. Insurance. The City, in its operation of the System, will carry fire and extended coverage insurance, public liability insurance and other types of insurance in such amounts and to such extent as is normally carried by private corporations operating facilities of the same type. The City will also maintain, as provided by law, a self-insurance fund to cover workmen's compensation insurance or will carry equivalent insurance. The cost of insurance shall be considered one of the Operation and Maintenance Expenses of the System. In the event of property loss or damage, insurance proceeds shall be used first for the purpose of restoring or replacing the property lost or damaged, any remainder shall be treated as Net Revenues, and shall be subject to distribution in the manner provided hereinabove in Section 17, for Net Revenues derived from the operation of the System. Nothing herein shall prevent the City from establishing a funded self-insurance program.

P. Competing System. The City shall not grant any franchise or license to a competing system, or permit any person or organization to sell water service and facilities within the City (unless required to do so by law). To the extent permitted by law, the City will require all residents to connect to the System facilities.

Q. Alienating System. While the Series 2024 Bonds are outstanding, the City will not sell, lease, mortgage, pledge or otherwise alienate the System, or any part thereof. In the event of any sale as aforesaid, the proceeds of such sale shall be distributed as Net Revenues in the manner provided hereinabove in Section 17 hereof.

R. Extension of Interest Payments. The City will not extend or be a party to the extension of the time for paying any claim for interest on the Series 2024 Bonds. Any installment of interest so extended shall not be entitled in case of default hereunder to the benefit or security of this Ordinance except subject to the prior payment in full of the principal of all Series 2024 Bonds and interest which has not been extended.

S. Management of the System. The City shall employ competent and experienced management personnel for the System. If an "event of default" shall occur and continue for a period of sixty (60) days or if the Net Revenues in any Fiscal Year fail to equal principal, interest and reserve requirements for all Outstanding Parity Obligations and other obligations payable from the Net Revenues, the City shall retain an independent consultant who is qualified in the management of facilities similar to the System, to assist in the management of

the System so long as such event of default continues or the Net Revenues are less than the amount designated.

T. Fidelity Bonds. Each municipal official responsible for receiving income and maintaining the accounts of the System shall be bonded at all times, which bond shall be conditioned upon the proper allocation of such income. The cost of each bond shall be considered one of the Operation and Maintenance Expenses of the System.

U. Performing Duties. To the extent permitted by applicable law, the City will faithfully and punctually perform all duties with respect to the System required by the Constitution and laws of the State of New Mexico and the ordinances and resolutions of the City, including but not limited to, the making and collecting of reasonable and sufficient rates and charges for services rendered or furnished by the System as hereinbefore provided.

V. Service Connections. The City shall provide adequate service to all persons within the service area of the System who can feasibly and legally be served.

Section 23. Events of Default. It is an "event of default" if:

A. Nonpayment of Principal. Payment of principal of any Series 2024 Bonds is not made when due either at maturity or by proceedings for prior redemption, or otherwise; or

B. Nonpayment of Interest. If payment of any installment of interest shall not be made when the same becomes due and payable; or

C. Incapable to Perform. The City becomes incapable of fulfilling its obligations hereunder; or

D. Default of any Provision. The City defaults in the punctual performance of any other of its covenants hereunder for sixty (60) days after written notice shall have been given to the City by the holders of twenty-five percent (25%) of the principal amount of the Series 2024 Bonds then outstanding.

Section 24. Remedies on Default. Upon the happening and continuance of any event of default, the holder or holders of not less than twenty-five percent (25%) of the principal amount of the Series 2024 Bonds then outstanding, or a trustee therefor, may protect and enforce the rights of any owner of Series 2024 Bonds by proper legal or equitable remedy deemed most effectual including mandamus, specific performance of any covenant, the appointment of a receiver (the consent to such appointment being hereby granted), injunctive relief or requiring the Commission to act as if it were the trustee of an express trust, or any combination of such remedies. All proceedings shall be maintained for the equal benefit of all owners of Series 2024 Bonds. Any receiver appointed to protect the rights of owners of Series 2024 Bonds may take possession and operate and maintain the System in the same manner as the City itself might do. The failure of the owner of the Series 2024 Bonds to proceed does not relieve the City or any person of any liability for failure to perform any duty hereunder. The foregoing rights are in

addition to any other rights and the exercise of any right by any owner of the Series 2024 Bonds shall not be deemed a waiver of any other right.

Section 25. Duties upon Default. Upon the happening of any event of default, the City will perform all proper acts to protect and preserve the security created for the prompt payment of the principal of and interest on the Series 2024 Bonds. The holders of not less than twenty-five percent (25%) in the principal amount of the Series 2024 Bonds, after written demand, may proceed to protect and enforce the rights provided by this Section and by Section 24.

Section 26. Amendment of Ordinance. This Ordinance may not be amended without the written consent of the owner of the Series 2024 Bonds.

Section 27. Delegated Powers. The officers of the City be, and they hereby are, authorized and directed to take all action required by this Ordinance, and all such other action as may be necessary or appropriate to effectuate the provisions of this Ordinance, including, without limiting the generality of the foregoing, any required printing of the Series 2024 Bonds and the execution of such certificates as may be required by the Purchaser or bond counsel.

Section 28. Repeal. This Ordinance shall not be repealed unless the Series 2024 Bonds have been discharged in full or provision has been fully made therefor.

Section 29. Limitation of Action. After the passage of 30 days from the publication required by Section 32 hereof, any action attacking the validity of any proceedings had or taken by the City preliminary to and in the authorization and issuance of the Series 2024 Bonds, shall be perpetually barred.

Section 30. Severability Clause. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 31. Effective Date. Upon its adoption, final passage and approval, this Ordinance shall be recorded in the book of ordinances of the City kept for that purpose and authenticated by the signatures of the Mayor and the City Clerk-Treasurer and the seal of the City affixed hereto. The title and general summary of the subject matter contained in this Ordinance (set out in Section 32 hereof) shall be published in a newspaper which is of general circulation in the City in accordance with law, and the Ordinance shall be in full force and effect five days after such publication and posting as provided by law.

Section 32. General Summary for Publication. The title and a general summary of the subject matter contained in this Ordinance shall be published in substantially the following form:

(Form of Summary of Ordinance for Publication)

CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
NOTICE OF ADOPTION OF ORDINANCE

Notice is hereby given of the title and of a general summary of the subject matter contained in Ordinance No. 763 (the "Ordinance") duly adopted and approved by the City Commission of the City of Truth or Consequences, New Mexico, on March 13, 2024. Complete copies of the Ordinance are available for public inspection during the normal and regular business hours of the City Clerk-Treasurer, 505 Sims Street, Truth or Consequences, New Mexico. The title of the Ordinance is:

AUTHORIZING THE ISSUANCE OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO WATER SYSTEM IMPROVEMENT REVENUE BONDS, SERIES 2024, IN THE PRINCIPAL AMOUNT OF FOUR MILLION EIGHT HUNDRED ELEVEN THOUSAND DOLLARS (\$4,811,000) FOR THE PURPOSE OF CONSTRUCTION FINANCING FOR ACQUIRING, EXTENSION, ENLARGING, BETTERING, REPAIRING OR OTHERWISE IMPROVING THE CITY'S WATER SYSTEM; PROVIDING FOR THE ISSUANCE AND SALE OF THE BONDS; PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE SOLELY FROM NET REVENUES TO BE DERIVED FROM THE OPERATION OF THE CITY'S WATER SYSTEM; PROVIDING FOR THE TERMS AND CONDITIONS OF THE BONDS, THE MANNER OF THEIR EXECUTION, THE METHOD OF PAYING THE BONDS AND OTHER DETAILS CONCERNING THE BONDS AND SUCH SYSTEM, INCLUDING BUT NOT LIMITED TO COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH AND APPERTAINING THERETO.

The title sets forth a general summary of the subject matter contained in the Ordinance. This notice constitutes compliance with Section 6-14-6 NMSA 1978.

(End of Form of Summary of Ordinance for Publication)

PASSED, APPROVED, AND ADOPTED THIS 13TH DAY OF MARCH, 2024.

CITY OF TRUTH OR CONSEQUENCES,
NEW MEXICO

MAYOR

[SEAL]

ATTEST:

CLERK-TREASURER

Commissioner _____ then moved adoption of the foregoing ordinance, duly seconded by Commissioner _____. The motion to adopt said ordinance, as amended, upon being put to a vote, was passed and adopted on the following recorded vote:

Those Voting Aye:

Those Absent:

_____ () Commissioner having voted in favor of said motion, the motion to suspend the rules was thereupon declared by the Mayor to have passed.

After consideration of the matters not relating to the ordinance, the meeting on motion duly made, seconded and unanimously carried, was adjourned.

Dated this 13th day of March, 2024.

CITY OF TRUTH OR CONSEQUENCES,
NEW MEXICO

MAYOR

[SEAL]

ATTEST:

CLERK-TREASURER



United States Department of Agriculture

Rural Development

August 24, 2021

New Mexico
State Office

One Sun Plaza
100 Sun Ave NE
Suite 130
Albuquerque, NM
87109

Voice (505) 761-4950
Fax (855) 543-9499

City of Truth or Consequences
505 Sims Street
Truth or Consequences, NM 87901

SUBJECT: Recipient Name: Truth or Consequences, City of
Project Name: Water System Improvements – Phase 1
Water Application
CFDA NUMBER 10.760 - Water and Waste Disposal Systems for
Rural Communities

Loan: \$ 4,811,000
Grant: \$ 2,720,000

Dear Mayor Whitehead:

This letter establishes conditions which must be understood and agreed to by you before further consideration may be given to your application. The loan and grant will be administered on behalf of the Rural Utilities Service (RUS) by the State and Area staff of USDA Rural Development, both of which are referred to throughout this letter as the Agency. Any changes in project cost, source of funds, scope of project, or any other significant changes in the project or applicant must be reported to and concurred with by the Agency by written amendment to this letter. If significant changes are made without obtaining such concurrence, the Agency may discontinue processing of the application.

All conditions set forth under Section III – Requirements Prior to Advertising for Bids must be met within 365 days of the date of this letter. If you have not met these conditions, the Agency reserves the right to discontinue the processing of your application.

If you agree to meet the conditions set forth in this letter and desire further consideration be given to your application, please complete and return the following forms within 3 days:

Form RD 1942-46, "Letter of Intent to Meet Conditions"
Form RD 1940-1, "Request for Obligation of Funds"

The loan and grant will be considered approved on the date Form RD 1940-1, "Request for Obligation of Funds," is signed by the approving official. Thus, this letter in itself does not constitute loan and/or grant approval, nor does it ensure that funds are or will be available for the project. When funds are available, the Form 1940-1 will be

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To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: mail at U.S. Department of Agriculture, Office of the Secretary for Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

provided to you for your signature. After you sign and return the form to the Agency, the request will be processed, and loan and grant funds will be approved and obligated.

Extra copies of this letter are being provided for use by your engineer, attorney, bond counsel and accountant. All parties may access information and regulations referenced in this letter at our website located at www.rd.usda.gov.

The conditions are as follows:

SECTION I - PROJECT DETAIL

1. Project Description – Funds will be used to install water meters and waterline replacements which entails the water transmission lines including pressure relief valves (PRVs) throughout the city in order to address the System High Pressure issues. This project will replace approximately 4.9 miles of failing water lines due to age and condition of current infrastructure.

Facilities will be designed and constructed in accordance with sound engineering practices and must meet the requirements of Federal, State, and local agencies. The proposed facility design must be based on the Preliminary Engineering Report (PER) as concurred with by the Agency.

2. Project Funding – The Agency is offering the following funding for your project:

Agency Loan -	\$ 4,811,000
Agency Grant -	\$ 2,720,000
TOTAL PROJECT COST -	\$ 7,531,000.00

Funding is offered based on the amounts stated above. Prior to loan closing, any increase in non-Agency funding will be applied first as a reduction to Agency grant funds, up to the total amount of the grant, and then as a reduction to Agency loan funds.

Any changes in funding sources following obligation of Agency funds must be reported to the processing official. Project feasibility and funding will be reassessed if there is a significant change in project costs after bids are received. If actual project costs exceed the project cost estimates, an additional contribution by the Owner may be necessary. Prior to advertisement for construction bids, you must provide evidence of applicant contributions and other funding sources.

This evidence should include a copy of the commitment letter. Agency funds will not be used to pre-finance funds committed to the project from other sources.

3. **Project Budget** – Funding from all sources has been budgeted for the estimated expenditures as follows:

<u>Project Costs:</u>	<u>Total Budgeted:</u>
Construction	\$4,930,683
NMGRT	\$461,019
Contingency	\$493,738
Engineering Fees	\$1,171,179
Includes:	
Predevelopment Work (PER/ER)	\$47,000
Design	\$554,850
Construction Administration	\$75,933
Resident Project Representation (Inspection)	\$235,270
Additional Services	\$168,475
NMGRT	\$89,651
Interest/Fees- Interim/Bridge	\$440,746
Legal Fees - Local Attorney	\$10,000
Legal Fees - Bond Counsel	\$21,000
Legal Fees - NMGRT	\$2,635
TOTAL	\$7,351,000

Obligated loan or grant funds not needed to complete the proposed project will be deobligated prior to start of construction. Any reduction will be applied to grant funds first. An amended letter of conditions will be issued for any changes to the total project budget or scope.

SECTION II – LOAN AND GRANT TERMS

4 **Repayment** – The interest rate will be the lower of the rate in effect at the time of loan approval or the time of loan closing unless you request otherwise. Should the interest rate be reduced, the payment will be recalculated to the lower amount.

Your loan will be scheduled for repayment over a period of 40 years. Payments will be equal annual amortized installments, beginning one year after closing. For planning purposes, use a 1.375% interest rate and an amortization factor of 32.67, which provides for an annual payment of \$ 1,57,176.00. The precise payment amount will be based on the interest rate at which the loan is closed and may be different than the one above.

The payment due date will be established as the day that the loan closes. Due dates falling on the 29th, 30th, and 31st day of the month will be avoided.

5 **Security** – The loan will be secured by a Revenue bond with parity lien position in the amount of \$4,811,000.00. The bond will be fully registered as to both principal and interest in the name of the United States of America, Acting through the United States Department of Agriculture.

The bond and any ordinance or resolution relating thereto must not contain any provision in conflict with the Agency Loan Resolution, applicable regulations, or its authorizing law. There must be no defeasance or refinancing clause in conflict with the graduation requirements of 7 U.S.C. 1983.

Additional security requirements are contained in RUS Bulletin 1780-12, "Water and Waste System Grant Agreement," and RUS Bulletin 1780-27, "Loan Resolution." A draft of all security instruments, including draft bond resolution, must be reviewed, and concurred in by the Agency prior to advertising for bids. The bond resolution and Loan Resolution must be duly adopted and executed prior to loan closing. The Grant Agreement must be fully executed prior to the first disbursement of grant funds.

6. **Electronic Payments** – Payments will be made on the day your payment is due through an electronic preauthorized debit system. You will be required to complete Form RD 3550-28, "Authorization Agreement for Preauthorized Payments," for all new and existing indebtedness to the Agency prior to loan closing.

7. **Construction Completion Timeframe** - All projects must be completed, and all funds disbursed within five years of obligation. If funds are not disbursed within five years of obligation, you must submit to the Agency a written request for extension of time with adequate justification of circumstances beyond your control. Requests for waivers beyond the initial extension will be submitted to the Assistant Administrator for concurrence decision.

8. **Disbursement of Agency Funds** - Agency funds will be disbursed into the borrower's depository account through an electronic transfer system. SF 3881, "ACH Vendor/Miscellaneous Payment Enrollment Form," must be completed and submitted to the Agency prior to advertising for bids.

Any applicant contribution will be the first funds expended, followed by other funding sources. Interim financing or Agency loan funds will be expended after all other funding sources unless a written agreement is reached with all other funding sources on how funds are to be disbursed prior to start of construction or loan closing, whichever occurs first. Interim financing funds or Agency loan funds must be used prior to the use of Agency grant funds. The Grant Agreement must not be executed, and funds must not be disbursed prior to loan funds except as specified in RUS Instruction 1780.45(d). In the unlikely event the Agency mistakenly disburses funds, the funds will be remitted back to the Agency electronically.

Grant funds are to be deposited in an interest-bearing account (exception provided below) in accordance with 2 CFR Part 200 and interest in excess of \$500 per year remitted to the Agency. The funds should be disbursed by the recipient immediately upon receipt and there should be little interest accrual on the Federal funds. Recipients shall maintain advances of Federal funds in interest-bearing accounts, unless:

- a. The recipient receives less than \$120,000 in Federal awards per year.

- b. The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances.
- c. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.
- d. A foreign government or banking system prohibits or precludes interest-bearing accounts.]

9. **Reserves** – Reserves must be properly budgeted to maintain the financial viability and sustainability of any operation. Reserves are important to fund unanticipated emergency maintenance and repairs and assist with debt service should the need arise. The following reserves are required to be established as a condition of this loan:

- a. **Debt Service Reserve** – As a part of this Agency loan proposal, you must establish a debt service reserve fund equal to at least one annual loan installment that accumulates at the rate of 10% of one annual payment per year for ten years or until the balance is equal to one annual loan payment. Ten percent of the proposed loan installment would equal \$1,310 per month; this amount should be deposited monthly until a total of \$15,718 has accumulated. Prior written concurrence from the Agency must be obtained before funds may be withdrawn from this account during the life of the loan. When funds are withdrawn during the life of the loan, deposits will continue as designated above until the fully funded amount is reached.
- b. **Short-Lived Asset Reserve** – In addition to the debt service reserve fund, you must establish a short-lived asset reserve fund. Based on the preliminary engineering report, you must deposit at least \$182,347 into the short-lived asset reserve fund annually for the life of the loan to pay for repairs and/or replacement of major system assets. It is your responsibility to assess your facility's short-lived asset needs on a regular basis and adjust the amount deposited to meet those needs.

Current assets can also be used to establish and maintain reserves for expected expenses, including but not limited to operation and maintenance, deferred interest during the construction period, and an asset management program.

SECTION III – REQUIREMENTS PRIOR TO ADVERTISING FOR BIDS

10. **Environmental Requirements** – The project as proposed has been evaluated to be consistent with the National Environmental Policy Act. Other Federal, State, tribal, and local laws, regulations and/or permits may apply or be required. If the project or any project element deviates from or is modified from the originally approved project, additional environmental review may be required.

11. **Engineering Services** – You have been required to complete an Agreement for Engineering Services, which should consist of the Engineers Joint Contract Documents

Committee (EJCDC) documents as indicated in RUS Bulletin 1780-26, "Guidance for the Use of EJCDC Documents on Water and Waste Projects with RUS Financial Assistance," or other approved form of agreement. The Agency will provide concurrence prior to advertising for bids and must approve any modifications to this agreement.

12. Contract Documents, Final Plans, and Specifications

- a. The contract documents must consist of the EJCDC construction contract documents as indicated in RUS Bulletin 1780-26 or other Agency-approved forms of agreement.
- b. The contract documents, final plans, and specifications must comply with RUS Instruction 1780, Subpart C – Planning, Designing, Bidding, Contracting, Constructing and Inspections, and must be submitted to the Agency for concurrence prior to advertising for bids along with an updated cost estimate. The Agency may require another updated cost estimate if a significant amount of time elapses between the original submission and advertising for bids.
- c. The use of any procurement method other than competitive sealed bids must be requested in writing and approved by the Agency.
- d. **American Iron and Steel Requirements.** Section 746 of Title VII of the Consolidated Appropriations Act of 2017 (Division A - Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2017) and subsequent statutes mandating domestic preference applies a new American Iron and Steel (AIS) requirement to obligations made after May 5, 2017:
 - (1) No Federal funds made available for this fiscal year for the rural water, wastewater, waste disposal, and solid waste management programs authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1926 et seq.) shall be used for a project for the construction, alteration, maintenance, or repair of a public water or wastewater system unless all of the iron and steel products used in the project are produced in the United States.
 - (2) The term "iron and steel products" means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.
 - (3) The requirement shall not apply in any case or category of cases in which the Secretary of Agriculture (in this section referred to as the "Secretary") or the designee of the Secretary finds that—
 - (a) applying the requirement would be inconsistent with the public interest.
 - (b) iron and steel products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
 - (c) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.
 - (4) Owners are ultimately responsible for compliance with AIS requirements and will be responsible for the following:

- (a) **Signing** loan resolutions, grant agreements and letters of intent to meet conditions which include AIS language, accepting AIS requirements in those documents and in the letter of conditions.
- (b) **Signing** change orders (i.e. C-941 of EJCDC) and partial payment estimates (i.e. C-620 of EJCDC) and thereby **acknowledging** responsibility for compliance with American and Iron Steel requirements.
- (c) **Obtaining** the certification letters from the consulting engineer upon substantial completion of the project and **maintaining** this documentation for the life of the loan.
- (d) Where the owner provides their own engineering and/or construction services, **providing** copies of engineers', contractors', and manufacturers' certification letters (*as applicable*) to the Agency to insert into the Agency file. All certification letters must be kept in the engineer's project file and on-site during construction. For Owner Construction (Force Account), all clauses from Section 17 must be included in the Agreement for Engineering Services.
- (e) Where the owner directly procures AIS products, **including** AIS clauses in the procurement contracts and **obtaining** manufacturers' certification letters and **providing** copies to consulting engineers and contractors.

13. Legal Services – You have been required to execute a legal services agreement with your attorney and bond counsel, if applicable, for any legal work needed in connection with this project. The agreement should stipulate an hourly rate for the work, with a “not to exceed” amount for the services, including reimbursable expenses. RUS Bulletin 1780-7, “Legal Services Agreement,” or similar format may be used. The Agency will provide concurrence prior to advertising for bids. Any changes to the fees or services spelled out in the original agreement must be reflected in an amendment to the agreement and have prior Agency concurrence.

14. Property Rights - Prior to advertising for bids, you and your legal counsel must furnish satisfactory evidence that you have or can obtain adequate continuous and valid control over the lands and rights-of-way needed for the project. Acquisitions of necessary land and rights must be accomplished in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act. Such control over the lands and rights will be evidenced by the following:

- a. **Right-of-Way Map** – Your engineer will provide a map clearly showing the location of all lands and rights-of-way needed for the project. The map must designate public and private lands and rights and the appropriate legal ownership thereof.
- b. **Form RD 442-20, “Right-of-Way Easement”** – This form, or similar format, may be used to obtain any necessary easements for the proposed project.
- c. **Form RD 442-21, “Right-of-Way Certificate”** – You will provide a certification on this form that all right-of-way requirements have been obtained for the proposed project.
- d. **Form RD 442-22, “Opinion of Counsel Relative to Rights-of-Way”** – Your attorney will provide a certification and legal opinion on this form addressing rights-of-way, easements, and title.

- e. Preliminary Title Work (Title Opinion)** – When applicable, your attorney will provide a preliminary title opinion for any property related to the facility, currently owned and to be acquired, along with copies of deeds, contracts or options for purchasing said property. Form RD 1927-9, “Preliminary Title Opinion,” may be used.

The approving official may waive title defects or restrictions, such as utility easements, that do not adversely affect the suitability, successful operation, security value, or transferability of the facility. Any such waivers must be provided by the approving official in writing prior to closing or the start of construction, whichever occurs first.

You are responsible for the acquisition of all property rights necessary for the project and for determining that prices paid are reasonable and fair. The Agency may require an appraisal by an independent appraiser or Agency employee in order to validate the price to be paid.

15. System Policies, Procedures, Contracts, and Agreements – The facility must be operated on a sound business plan which involves adopting policies, procedures, and/or ordinances outlining the conditions of service and use of the proposed system. Mandatory connection policies should be used where enforceable. The policies, procedures, and/or ordinances must contain an effective collection policy for accounts not paid in full within a specified number of days after the date of billing. They should include appropriate late fees, specified timeframes for disconnection of service, and reconnection fees. A draft of these policies, procedures, and/or ordinances must be submitted for Agency review and concurrence, along with the documents below, before closing instructions may be issued unless otherwise stated.

- a. Conflict of Interest Policy** – Prior to obligation of funds, you must certify in writing that your organization has in place an up-to-date written policy on conflict of interest. The policy will include, at a minimum: (1) a requirement for those with a conflict or potential conflict to disclose the conflict/potential conflict; (2) a clause that prohibits interested members of the applicant’s governing body from voting on any matter in which there is a conflict, and (3) a description of the specific process by which the governing body will manage identified or potential conflicts.

You must also submit a disclosure of planned or potential transactions related to the use of Federal funds that may constitute or present the appearance of personal or organizational conflict of interest. Disclosure must be in the form of a written letter signed and dated by the applicant’s official. A negative disclosure in the same format is required if no conflicts are anticipated.

Sample conflict of interest policies may be found at the National Council of Nonprofits website, <https://www.councilofnonprofits.org/tools-resources/conflict-of-interest>, or in Internal Revenue Service Form 1023, Appendix A, “Sample Conflict of Interest Policy,” at <http://www.irs.gov/pub/irs-pdf/i1023.pdf>. Though these examples reference non-profit corporations, the requirement applies to all types of Agency borrowers.

Assistance in developing a conflict of interest policy is available through Agency-contracted technical assistance providers if desired.

- a. **Contracts for Other Services/Lease Agreement** – Drafts of any contracts or other forms of agreements for other services, including audit, management, operation, and maintenance, or lease agreements covering real property essential to the successful operation of the facility, must be submitted to the Agency for review and concurrence prior to advertising for bids.
- b. **Parity/Intercreditor Agreement** – Projects with parity liens must have in place a written agreement between the parity lenders. The draft agreement must receive Agency concurrence prior to advertising for bids.
- c. **Other agreements** with governments or other entities regarding joint operation of facilities, granting authority to Agency borrower for providing service within another entity's service area, etc. – Village of Williamsburg Water System Service Agreement – The draft agreement must receive Agency concurrence prior to advertising for bids.

Fully executed copies of any policies, procedures, ordinances, contracts, or agreements must be submitted prior to loan closing, with the exception of the conflict of interest policy, which must be in place prior to obligation of funds.

16. Closing Instructions – The Agency will prepare closing instructions as soon as the requirements of the previous paragraphs are complete, as well as a draft of the security instrument(s). Closing instructions must be obtained prior to advertising for bids.

17. Interim Financing – For all loans exceeding \$500,000, where loan funds can be borrowed at reasonable interest rates on an interim basis from commercial sources for the construction period, such interim financing will be used to preclude the necessity for multiple advances of Agency loan funds. You must provide the Agency with a copy of the interim loan financing agreement for review prior to advertising for bids. The Agency approving official may make an exception when interim financing is cost prohibitive or unavailable. Grant funds from the Agency will be disbursed by multiple advances through electronic transfer of funds after interim financing or Agency loan funds are expended, in accordance with RUS Instruction 1780.45.

18. Construction Account – You must establish a construction account for all funds related to the project. Construction funds will be deposited with an acceptable financial institution or depository that meets the requirements of 31 CFR Part 202. A separate account will not be required for Federal funds and other funds; however, the recipient must be able to separately identify, report, and account for all Federal funds, including the receipt, obligation and expenditure of funds. Financial institutions or depositories accepting deposits of public funds and providing other financial agency services to the Federal Government are required to pledge adequate, acceptable securities as collateral, in accordance with 31 CFR Part 202. All funds in the account will be secured by a collateral pledge equaling at least 100% of the highest amount of funds expected to be deposited in the construction account at any one time. Your financial institution can provide additional guidance on collateral pledge requirements.

Agency funds will be disbursed into the borrower's depository account through an electronic transfer system. SF 3881, "ACH Vendor/Miscellaneous Payment Enrollment Form," must be completed and submitted to the Agency prior to advertising for bids.

19. System Users – This letter of conditions is based upon your indication at application that there will be at least 2,741 residential users and 540 non-residential users on the existing system when construction is completed.

Before the Agency can agree to the project being advertised for construction bids, you must certify that the number of users indicated at application are currently using the system or signed up to use the system once it is operational.

If the actual number of existing and/or proposed users that have signed up for service is less than the number indicated at the time of application, you must provide the Agency with a written plan on how you will obtain the necessary revenue to adequately cash flow the expected operation, maintenance, debt service, and reserve requirements of the proposed project (e.g., increase user rates, sign up an adequate number of other users, reduce project scope, etc.). Similar action is required if there is cause to modify the anticipated flows or volumes presented following approval.

If you are relying on mandatory connection requirements, you must provide evidence of the authorizing ordinance or statute along with your user certification.

20. Other Funding – Prior to advertising for bids, you must provide evidence of applicant contributions and other funding sources. This evidence should include a copy of the commitment letter from each source.

21. Proposed Operating Budget – You must establish and/or maintain a rate schedule that provides adequate income to meet the minimum requirements for operation and maintenance (O&M), debt service, and reserves. Prior to advertising for bids, you must submit a proposed annual operating budget to the Agency which supports the operation, maintenance, debt service, and reserves, as well as your proposed rate schedule. The operating budget should be based on a typical year cash flow after completion of the construction phase and should be signed by the appropriate official of your organization. Form RD 442-7, "Operating Budget," or similar format may be utilized for this purpose. It is expected that O&M will change over each successive year and user rates will need to be adjusted on a regular basis.

Technical assistance is available at no cost to help you evaluate and complete a rate analysis on your system. This assistance is available free to your organization. If you are interested, please contact our office for information.

22. Permits – The owner or responsible party will be required to obtain all applicable permits for the project, prior to advertising for bids. The consulting engineer must submit written evidence that all applicable permits required prior to construction have been obtained with submission to the Agency of the final plans, specifications, and bid documents.

23. Vulnerability Assessment/Emergency Response Plan (VA/ERP) – The Agency requires all financed water and wastewater systems to have a VA/ERP in place. Borrowers with existing systems must provide a certification that a VA/ERP has been completed prior to advertising for bids. The VA/ERP documents themselves are not submitted to the Agency. The VA/ERP must address potential impacts from natural disasters and other emergency events. In particular, it should include plans to address impacts of flash flooding in areas where severe drought or wildfires occur. The documents should be reviewed and updated every three years at a minimum.

For new systems, see Section V of this letter of conditions. For VA/ERP requirements throughout the life of the loan, see Section VII. Technical assistance at no cost is available in preparing these documents.

24. Bid Authorization - Once all the conditions outlined in Section III of this letter have been met, the Agency will authorize you to advertise the project for construction bids. Such advertisement must be in accordance with applicable State statutes.

SECTION IV - REQUIREMENTS PRIOR TO START OF CONSTRUCTION

25. Bid Tabulation – Immediately after bid opening, you must provide the Agency with the bid tabulation and your engineer's evaluation of bids and recommendations for contract awards. If the Agency agrees that the construction bids received are acceptable, adequate funds are available to cover the total project costs, and all the requirements of Section III of this letter have been satisfied, the Agency will authorize you to issue the Notice of Award.

- a. **Cost Overruns**. If bids are higher than expected, or if unexpected construction problems are encountered, you must utilize all options to reduce cost overruns. Negotiations, redesign, use of bidding alternatives, rebidding or other means will be considered prior to commitment of subsequent funding by the Agency. Any requests for subsequent funding to cover cost overruns will be contingent on the availability of funds. Cost overruns exceeding 20% of the development cost at time of loan or grant approval or where the scope of the original purpose has changed will compete for funds with all other applications on hand as of that date.
- b. **Excess Funds**. If bids are lower than anticipated at time of obligation, excess funds must be deobligated prior to start of construction except in the cases addressed in this paragraph. In cases where the original PER for the project included items that were not bid, or were bid as an alternate, the State Office official may modify the project to fully utilize obligated funds for those items. Amendments to the PER, ER, and letter of conditions may be needed for any work not included in the original project scope. In all cases, prior to start of construction, excess funds will be deobligated, with grant funds being deobligated first. Excess funds do not include contingency funds as described in this letter.

26. Contract Review – Your attorney will certify that the executed contract documents, including performance and payment, if required, are adequate and that the persons executing

these documents have been properly authorized to do so in accordance with RUS Instruction 1780.61(b).

Once your attorney has certified that they are acceptable, the contract documents will be submitted to the Agency for its concurrence. The Notice to Proceed cannot be issued until the Agency has concurred with the construction contracts.

27. Final Rights-of-Way – If any of the rights-of-way forms listed previously in this letter contain exceptions that do not adversely affect the suitability, successful operation, security value, or transferability of the facility, the approving official must provide a written waiver prior to the issuance of the Notice to Proceed. For projects involving the acquisition of land, you must provide evidence that you have clear title to the land prior to the issuance of the Notice to Proceed.

- a. **Final Title Work** - Your attorney must furnish a separate final title opinion on all existing real property related to the facility, now owned and to be acquired for this project, as of the day of loan closing or start of construction, whichever occurs first. Form RD 1927-10, "Final Title Opinion" may be used.

28. Insurance and Bonding Requirements - Prior to the start of construction or loan closing, whichever occurs first, you must acquire and submit to the Agency proof of the types of insurance and bond coverage for the borrower shown below. The use of deductibles may be allowed, providing you have the financial resources to cover potential claims requiring payment of the deductible. The Agency strongly recommends that you have your engineer, attorney, and insurance provider(s) review proposed types and amounts of coverage, including any exclusions and deductible provisions. It is your responsibility and not that of the Agency to assure that adequate insurance and fidelity or employee dishonesty bond coverage is maintained.

- a. **General Liability Insurance** – Include vehicular coverage.
- b. **Workers' Compensation** – In accordance with appropriate State laws.
- c. **Fidelity or Employee Dishonesty Bonds** – Include coverage for all persons who have access to funds, including persons working under a contract or management agreement. Coverage may be provided either for all individual positions or persons, or through blanket coverage providing protection for all appropriate workers. During construction, each position should be bonded in an amount equal to the maximum amount of funds to be under the control of that position at any one time. The coverage may be increased during construction based on the anticipated monthly advances. After construction and throughout the life of the loan, the amount of coverage must be for at least the total annual debt service of all outstanding Agency loans. The Agency will be identified in the fidelity bond for receipt of notices. Form RD 440-24, "Position Fidelity Schedule Bond," or similar format may be used.
- d. **National Flood Insurance** - If the project involves acquisition or construction in designated special flood or mudslide prone areas, you must purchase a flood insurance policy at the time of loan closing.
- e. **Real Property Insurance** – Fire and extended coverage will normally be maintained on all structures except reservoirs, pipelines and other structures if such structures are not

normally insured, and subsurface lift stations except for the value of electrical and pumping equipment. The Agency will be listed as mortgagee on the policy when the Agency has a lien on the property. Prior to the acceptance of the facility from the contractor(s), you must obtain real property insurance (fire and extended coverage) on all facilities identified above.

Insurance types described above are required to be continued throughout the life of the loan. See Section VII.

29. Initial Compliance Review – The Agency will conduct an initial compliance review of the borrower prior to loan closing or start of construction, whichever occurs first, in accordance with 7 CFR 1901, Subpart E.

SECTION V – REQUIREMENTS PRIOR TO LOAN CLOSING

30. Interim Financing - Interim financing is being used. Loan closing will occur near the end of construction when interim funds are about to be completely disbursed. Documents detailed above from Sections II and III regarding security, electronic payments (Form 3550-28), and system policies, procedures, contracts, and agreements must be adopted and/or executed and submitted to the Agency prior to loan closing. In addition, the following items are required prior to closing:

31. Vulnerability Assessment/Emergency Response Plan (VA/ERP) – The Agency requires all financed water and wastewater systems to have a VA/ERP in place. New water or wastewater systems must provide a certification that an ERP is complete prior to the start of operation, and a certification that a VA is complete must be submitted within one year of the start of operation. Borrowers with existing systems must provide a certification that a VA and ERP are completed prior to authorization to advertise for bids. The VA/ERP documents are not submitted to the Agency. Technical assistance is available in preparing these documents at no cost to you. The VA/ERP must address potential impacts from natural disasters and other emergency events. In particular, it should include plans to address impacts of flash flooding in areas where severe drought or wildfires occur. The documents should be reviewed and updated every three years at a minimum.

32. Other Requirements – All requirements contained in the Agency's closing instructions, as well as any requirements of your bond counsel and/or attorney, must be met prior to loan closing.

- a. System for Award Management**. You will be required to maintain a Dun and Bradstreet Data Universal Numbering System (DUNS) number and maintain an active registration in the System for Award Management (SAM) database. Renewal can be done on-line at: <http://sam.gov>. This registration must be renewed and revalidated every twelve (12) months for as long as there are Agency funds to be expended. See Appendix A.

To ensure the information is current, accurate and complete, and to prevent the SAM account expiration, the review and updates must be performed within 365 days of the

activation date, commonly referred to as the expiration date. The registration process may take up to 10 business days. (See 2 CFR Part 25 and the “Help” section at <http://sam.gov>).

- b. **Litigation.** You are required to notify the Agency within 30 days of receiving notification of being involved in any type of litigation prior to loan closing or start of construction, whichever occurs first. Additional documentation regarding the situation and litigation may be requested by the Agency.
- c. **Certified Operator.** Evidence must be provided that your system has or will have, as defined by applicable State or Federal requirements, a certified operator available prior to the system becoming operational, or that a suitable supervisory agreement with a certified operator is in effect.

SECTION VI – REQUIREMENTS DURING CONSTRUCTION AND POST CONSTRUCTION

33. **Resident Inspector(s)** – Full-time inspection is required unless you request an exception. Such requests must be made in writing and the Agency must concur with the request. Inspection services are to be provided by the consulting engineer unless other arrangements are requested in writing and concurred with by the Agency. A resume of qualifications of any resident inspector(s) will be submitted to the owner and Agency for review and concurrence prior to the pre-construction conference. The resident inspector(s) must attend the pre-construction conference.

34. **Preconstruction Conference** – A preconstruction conference will be held prior to the issuance of the Notice to Proceed. The consulting engineer will review the planned development with the Agency, owner, resident inspector, attorney, contractor, other funders, and other interested parties, and will provide minutes of this meeting to the owner and Agency.

35. **Inspections** - The Agency requires a pre-construction conference, pre-final and final inspections, and a warranty inspection. Your engineer will schedule a warranty inspection with the contractor and the Agency before the end of the one-year warranty period to address and/or resolve any warranty issues. The Agency will conduct an inspection with you of your records management system at the same time and will continue to inspect the facility and your records system every three years for the life of the loan. See Section VII of this letter.

36. **Change Orders** – Prior Agency concurrence is required for all Change Orders.

37. **Payments** – Prior Agency concurrence is required for all invoices and requests for payment before Agency funds will be released. Requests for payment related to a contract or service agreement will be signed by the owner, project engineer, and contractor or service provider prior to Agency concurrence. Invoices not related to a construction contract or service agreement will include the owner’s written concurrence.

38. Use of Remaining Funds – Applicant contribution and connection or tap fees will be the first funds expended in the project, followed by non-Agency sources of funds. Remaining funds may be considered in direct proportion to the amounts obtained from each source and handled as follows:

- a. Remaining funds may be used for eligible loan and grant purposes, provided the use will not result in major changes to the original scope of work and the purpose of the loan and grant remains the same.
- b. Grant funds not expended for authorized purposes will be cancelled (de-obligated) within 45 days of final completion of project. Prior to actual cancellation, you and your attorney and engineer will be notified of the Agency's intent to cancel the remaining funds and given appropriate appeal rights.
- c. Loan funds that are not needed will be cancelled (de-obligated) prior to loan closing.

39. Technical, Managerial and Financial Capacity - It is required that members of the Board of Directors, City Council members, trustees, commissioners and other governing members possess the necessary technical, managerial, and financial capacity skills to consistently comply with pertinent Federal and State laws and requirements. It is recommended members receive training within one year of appointment or election to the governing board, and a refresher training for all governing members on a routine basis. The content and amount of training should be tailored to the needs of the particular individual and the utility system. Technical assistance providers are available to provide this training for your organization, often at no cost. Contact the Agency for information.

40. Reporting Requirements Related to Expenditure of Funds

- a. **Financial Audit**– An annual audit under the Single Audit Act is required if you expend \$750,000 or more in Federal financial assistance per fiscal year. The total Federal funds expended from all sources shall be used to determine Federal financial assistance expended. Expenditures of interim financing are considered Federal expenditures.

All audits are to be performed in accordance with 2 CFR Part 200, as adopted by USDA through 2 CFR Part 400. Further guidance on preparing an acceptable audit can be obtained from the Agency. The audit must be prepared by an independent licensed Certified Public Accountant, or a State or Federal auditor if allowed by State law and must be submitted within 9 months of your fiscal year end.

If an audit is required, you must enter into a written agreement with the auditor and submit a copy to the Agency prior to the advertisement of bids. The audit agreement may include terms and conditions that the borrower and auditor deem appropriate; however, the agreement should include the type of audit to be completed, the time frame in which the audit will be completed, and how irregularities will be reported.

- b. **Reporting Subawards and Executive Compensation** – You as a recipient of Federal funds and your first-tier contractors are required by 2 CFR Part 170 to report

disbursements to subrecipients in accordance with Appendix B of this letter and www.fsr.gov. Your Agency processing office can provide more information.

SECTION VII – SERVICING REQUIREMENTS DURING THE TERM OF THE LOAN

41. Prepayment and Extra Payments - Prepayments of scheduled installments, or any portion thereof, may be made at any time at the option of borrower, with no penalty.

Security instruments, including bonding documents, must contain the following language regarding extra payments, unless prohibited by State statute:

Prepayments of scheduled installments, or any portion thereof, may be made at any time at the option of borrower. Refunds, extra payments and loan proceeds obtained from outside sources for the purpose of paying down the Agency debt, shall, after payment of interest, be applied to the installments last to become due under this note and shall not affect the obligation of borrower to pay the remaining installments as scheduled in your security instruments.

42. Graduation - By accepting this loan, you are also agreeing to refinance (graduate) the unpaid loan balance in whole, or in part, upon request of the Government. If at any time the Agency determines you are able to obtain a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms, you will be requested to refinance. Your ability to refinance will be assessed every other year for those loans that are five years old or older.

43. Security/Operational Inspections – The Agency will inspect the facility and conduct a review of your operations and records management system and conflict of interest policy every three years for the life of the loan. You must participate in these inspections and provide the required information.

44. Annual Financial Reporting/Audit Requirements – You are required to submit an annual financial report at the end of each of your fiscal years. The annual report will be certified by the appropriate organization official, and will consist of financial information, and a current rate schedule and listing of board members and their terms. Financial statements must be prepared on the accrual basis of accounting in accordance with generally accepted accounting principles (GAAP) and must include at a minimum a balance sheet and income and expense statement. The annual report will include separate reporting for each water and waste disposal facility, and itemize cash accounts by type (debt service, short-lived assets, etc.) under each facility. All records, books and supporting material are to be retained for three years after the issuance of the annual report. Technical assistance is available at no cost with preparing financial reports.

The type of financial information that must be submitted is specified below:

- a. **Audits** – An annual audit under the Single Audit Act is required if you expend \$750,000 or more in Federal financial assistance per fiscal year. The total Federal funds expended

from all sources shall be used to determine Federal financial assistance expended. Expenditures of interim financing are considered Federal expenditures.

All audits are to be performed in accordance with 2 CFR Part 200, as adopted by USDA through 2 CFR Part 400. Further guidance on preparing an acceptable audit can be obtained from the Agency. It is not intended that audits required by this part be separate and apart from audits performed in accordance with State and local laws. To the extent feasible, the audit work should be done in conjunction with those audits. The audit must be prepared by an independent auditor meeting the requirements of generally accepted government auditing standards (GAGAS) and must be submitted within 9 months of your fiscal year end. With the submission of the audit report, you will be required to provide a current rate schedule and listing of board members and their terms.

If an audit is required, you must enter into a written agreement with the auditor and submit a copy to the Agency prior to the advertisement of bids. The audit agreement may include terms and conditions that the borrower and auditor deem appropriate; however, the agreement should include the type of audit or financial statements to be completed, the time frame in which the audit or financial statements will be completed, what type of reports will be generated from the services provided, and how irregularities will be reported.

- b. **Financial Statements** – If you expend less than \$750,000 in Federal financial assistance per fiscal year, you may submit financial statements in lieu of an audit which include at a minimum a balance sheet and an income and expense statement. You may use Form RD 442-2, "Statement of Budget, Income and Equity," and 442-3, "Balance Sheet," or similar format to provide the financial information. The financial statements must be signed by the appropriate borrower official and submitted within 60 days of your fiscal year end. With the submission of the year-end report, you will be required to provide a current rate schedule and listing of board members and their terms.
- c. **Quarterly Reports** – Quarterly Income and Expense Statements will be required until the processing office waives this requirement. You may use Form RD 442-2 or similar format to provide this information, and the reports are to be signed by the appropriate borrower official and submitted within 30 days of each quarter's end. The Agency will notify you in writing when the quarterly reports are no longer required.

45. Annual Budget and Projected Cash Flow - Thirty days prior to the beginning of each fiscal year, you will be required to submit an annual budget and projected cash flow to this office. The budget must be signed by the appropriate borrower official. Form RD 442-2 or similar format may be used.

Technical assistance is available at no cost to help you evaluate and complete a rate analysis on your system, as well as completing the annual budget. If you are interested, please contact our office for information.

46. Vulnerability Assessment/Emergency Response Plan (VA/ERP) – You will be required to submit a certification to the servicing office every three years that the VA/ERP is current and covers all sites related to the facility. The documents themselves are not submitted to the Agency. The VA/ERP must address potential impacts from natural disasters and other emergency events. In particular, it should include plans to address impacts of flash flooding in areas where severe drought or wildfires occur. The documents should be reviewed and updated every three years at a minimum.

47. Insurance. You will be required to maintain insurance on the facility and employees as previously described in this letter for the life of the loan.

48. Statutory and National Policy Requirements – As a recipient of Federal funding, you are required to comply with U.S. statutory and public policy requirements, including but not limited to:

- a. **Section 504 of the Rehabilitation Act of 1973** – Under Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), no handicapped individual in the United States shall, solely by reason of their handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Agency financial assistance.
- b. **Civil Rights Act of 1964** – All borrowers are subject to, and facilities must be operated in accordance with, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and 7 CFR 1901, Subpart E, particularly as it relates to conducting and reporting of compliance reviews. Instruments of conveyance for loans and/or grants subject to the Act must contain the covenant required by Paragraph 1901.202(e) of this Title.
- c. **The Americans with Disabilities Act (ADA) of 1990** – This Act (42 U.S.C. 12101 et seq.) prohibits discrimination on the basis of disability in employment, State and local government services, public transportation, public accommodations, facilities, and telecommunications.
- d. **Age Discrimination Act of 1975** – This Act (42 U.S.C. 6101 et seq.) provides that no person in the United States shall on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- e. **Limited English Proficiency (LEP) under Executive Order 13166** - LEP statutes and authorities prohibit exclusion from participation in, denial of benefits of, and discrimination under Federally assisted and/or conducted programs on the ground of race, color, or national origin. Title VI of the Civil Rights Act of 1964 covers program access for LEP persons. LEP persons are individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. These individuals may be entitled to language assistance, free of charge. You must take reasonable steps to ensure that LEP persons receive the language assistance necessary to have meaningful access to USDA programs, services, and information your organization provides. These protections are pursuant to Executive Order 13166 entitled, “Improving

Access to Services by Persons with Limited English Proficiency” and further affirmed in the USDA Departmental Regulation 4330-005, “Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency in Programs and Activities Conducted by USDA.”

Agency financial programs must be extended without regard to race, color, religion, sex, national origin, marital status, age, or physical or mental handicap. You must display posters (provided by the Agency) informing users of these requirements, and the Agency will monitor your compliance with these requirements during regular compliance reviews.

49. Compliance Reviews and Data Collection – The Agency will conduct regular compliance reviews of the borrower and its operation in accordance with 7 CFR Part 1901, Subpart E, and 36 CFR 1191, Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guidelines. Compliance reviews will typically be conducted in conjunction with the security inspections described in this letter. If beneficiaries (users) are required to complete an application or screening for the use of the facility or service that you provide, you must request and collect data by race (American Indian or Alaska Native, Asian, Black or African American, White); ethnicity (Hispanic or Latino, Not Hispanic or Latino); and by sex. The Agency will utilize this data as part of the required compliance review.

SECTION VIII – REMEDIES FOR NON-COMPLIANCE

Non-compliance with the conditions in this letter or requirements of your security documents will be addressed under the provisions of 7 CFR 1782 and other applicable regulations, statutes, and policies.

We look forward to working with you to complete this project. If you have any questions, please contact Elizabeth Ybarra at (505) 761-4963 or by e-mail at Elizabeth.ybarra@usda.gov

Sincerely,

**CHRISTINE
GRIEGO**

Christine Griego
Acting Community Program Director

Digitally signed by
CHRISTINE GRIEGO
Date: 2021.08.24 15:56:13
-06'00'

Attachments

cc: Community Programs Director
Accountant
Attorney
Bond Counsel
Engineer

ACRONYMS:

ABA - Architectural Barriers Act
ACH – Automated Clearing House
AD – Agriculture Department
ADA – Age Discrimination Act
AIS – American Iron and Steel
CFDA – Catalog of Federal Domestic Assistance
CFR – Code of Federal Regulations
CPAP – Commercial Programs Application Processing
DUNS – Dun and Bradstreet Data Universal Numbering System
EJCDC – Engineers Joint Contract Documents Committee
ERP – Emergency Response Plan
GAAP – Generally Accepted Accounting Principles
GAGAS – Generally Accepted Government Auditing Standards
LEP – Limited English Proficiency
NPA – Nationwide Programmatic Agreement
OC – Owner Construction
OPS – Owner-Performed Services
O&M – Operation and Maintenance
PER – Preliminary Engineering Report
RD – Rural Development
RUS – Rural Utilities Service
SAM – System for Award Management
SF – Standard Form
UCC – Uniform Commercial Code
USC – United States Code
USDA – United States Department of Agriculture
VA – Vulnerability Assessment

FORMS and BULLETINS:

- Form AD-3031 "Assurance Regarding Felony Convictions or Tax Delinquent Status for Corporate Applicants" – Item 29
- Internal Revenue Service Form 1023, Appendix A, "Sample Conflict of Interest Policy" - Item 15
- Form RD 440-22, "Promissory Note" – Item 5
- Form RD 440-24, "Position Fidelity Schedule Bond" – Item 28
- Form RD 442-2, "Statement of Budget, Income and Equity" – Items 44 and 45
- Form RD 442-3, "Balance Sheet" – Item 44
- Form RD 442-7, "Operating Budget" – Item 21
- Form RD 442-20, "Right-of-Way Easement" – Item 14
- Form RD 442-21, "Right-of-Way Certificate" – Item 14
- Form RD 442-22, "Opinion of Counsel Relative to Rights-of-Way" – Item 14
- Form RD 1927-9, "Preliminary Title Opinion" – Item 14
- Form RD 1927-10, "Final Title Opinion" – Item 27
- Form RD 1940-1, "Request for Obligation of Funds" – Pages 1 and 2
- Form RD 1942-8, "Resolution of Members or Stockholders" – Item 5
- Form RD 1942-46, "Letter of Intent to Meet Conditions" – Page 1
- Form RD 3550-28, "Authorization Agreement for Preauthorized Payments" – Items 6 and 30
- Form UCC-1, "Financing Statement" – Item 5
- Form UCC-1Ad, "UCC Financing Statement Addendum" – Item 5
- SF 3881, "ACH Vendor/Miscellaneous Payment Enrollment Form" – Items 8 and 18
- RUS Bulletin 1780-7, "Legal Services Agreement" – Item 13
- RUS Bulletin 1780-9, "Water Users Agreement" - Items 15 and 19
- RUS Bulletin 1780-12, "Water and Waste System Grant Agreement" – Page 1 and Item 5
- RUS Bulletin 1780-26, "Guidance for the Use of EJCDC Documents on Water and Waste Projects with RUS Financial Assistance" – Items 11 and 12
- RUS Bulletin 1780-27, "Loan Resolution (Public Bodies)" – Item 5
- RUS Bulletin 1780-28, "Loan Resolution Security Agreement" – Item 5

Appendix A
2 CFR Part 25

**SYSTEM FOR AWARD MANAGEMENT AND UNIVERSAL IDENTIFIER
REQUIREMENTS**

A. Requirement for System for Award Management

Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another appendix.

B. Requirement for unique entity identifier

If you are authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (*see* definition in paragraph C of this appendix) may receive a subaward from you unless the entity has provided its unique entity identifier to you.
2. May not make a subaward to an entity unless the entity has provided its unique entity identifier to you.

C. Definitions

For purposes of this appendix:

1. System for Award Management (SAM) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM Internet site (currently at <http://www.sam.gov>).
2. Unique entity identifier means the identifier required for SAM registration to uniquely identify business entities.
3. Entity, as it is used in this appendix, means all of the following, as defined at 2 CFR part 25, subpart C:
 - a. A Governmental organization, which is a State, local government, or Indian Tribe;
 - b. A foreign public entity;
 - c. A domestic or foreign nonprofit organization;
 - d. A domestic or foreign for-profit organization; and

- e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

4. Subaward:

- a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.330).
- c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

5. Subrecipient means an entity that:

- a. Receives a subaward from you under this award; and
- b. Is accountable to you for the use of the Federal funds provided by the subaward.

Appendix B
2 CFR Part 170

Reporting Subawards and Executive Compensation

a. Reporting of first tier subawards.

1. **Applicability.** Unless you are exempt as provided in paragraph d. of this appendix, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this appendix).
2. **Where and when to report.**
 - i. You must report each obligating action described in paragraph a.1. of this appendix to <http://www.fsrs.gov>.
 - ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
3. **What to report.** You must report the information about each obligating action listed in the submission instructions posted at <http://www.fsrs.gov>.

b. Reporting Total Compensation of Recipient Executives.

1. **Applicability and what to report.** You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—
 - i. the total Federal funding authorized to date under this award is \$25,000 or more;
 - ii. in the preceding fiscal year, you received—
 - (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

- iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
 - 2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this appendix:
 - i. As part of your registration profile at <https://www.sam.gov>.
 - ii. By the end of the month following the month in which this award is made, and annually thereafter.
- c. Reporting of Total Compensation of Subrecipient Executives.
- 1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this appendix, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—
 - i. in the subrecipient's preceding fiscal year, the subrecipient received—
 - (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
 - ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
 - 2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this appendix:
 - i. To the recipient.
 - ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month

of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

- i. Subawards, and
- ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. Definitions. For purposes of this appendix:

- 1. Entity means all of the following, as defined in 2 CFR part 25:
 - i. A Governmental organization, which is a State, local government, or Indian tribe;
 - ii. A foreign public entity;
 - iii. A domestic or foreign nonprofit organization;
 - iv. A domestic or foreign for-profit organization;
 - v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
- 2. Executive means officers, managing partners, or any other employees in management positions.
- 3. Subaward:
 - i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. ____ .210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
 - iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. Subrecipient means an entity that:
 - i. Receives a subaward from you (the recipient) under this award; and
 - ii. Is accountable to you for the use of the Federal funds provided by the subaward.
5. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
 - i. Salary and bonus.
 - ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
 - iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization, or medical reimbursement plans that do not discriminate in favor of executives and are available generally to all salaried employees.
 - iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
 - v. Above-market earnings on deferred compensation which is not tax-qualified.
 - vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

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Sincerely,

Elizabeth Ybarra
Loan Specialist – Water and Environmental Programs

Enclosure (if applicable)

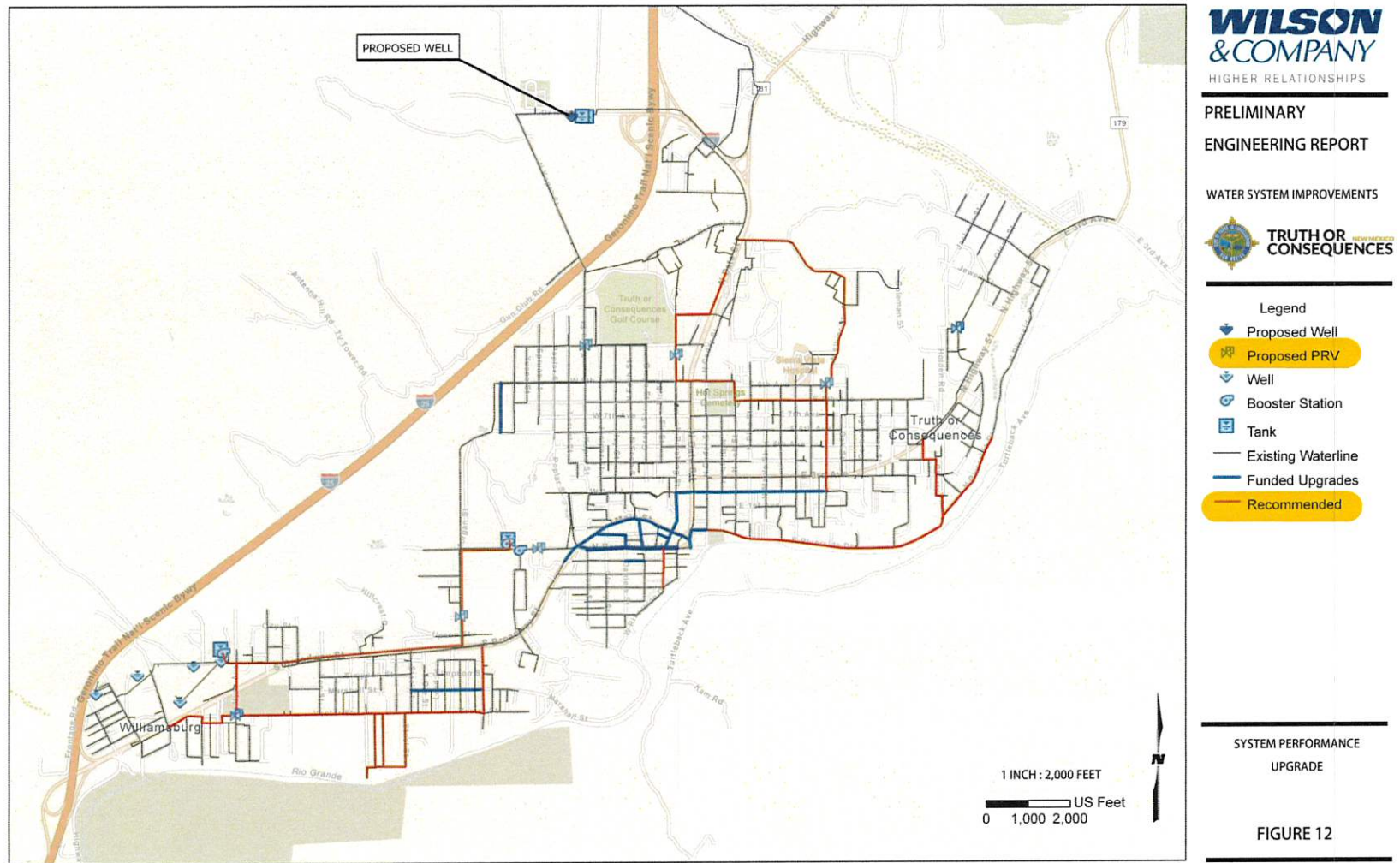


Figure 12: Alternative III System Performance Upgrade

5.2.4 Alternative III-A: System High Pressure Solution

5.2.4.1 Description

Alternative III-A addresses the high-pressure issues in the “West” and “Williamsburg” areas by replacing the Cook St. to Morgan St. main transmission line and installing main lines PRV to eliminate high pressures issues within the City’s water system. This involves replacing 6.2 percent of the existing waterlines within the city that are 6 inches or less diameter, with new pipeline PVC C-900 DR -18 pipelines 6 inches or greater. This alternative will replace 26.7 percent of pipe over 30 years old, this replacement also upgrades around 16.9 percent of the Asbestos Cement (AC), Cast iron (CI), and Ductile Iron (DI) material in the existing system. All waterlines in this alternative are replaced via open trench by placing the new line parallel to the existing and abandoning the existing waterline in place; except where noted otherwise. Areas of the City of Truth or Consequences were evaluated based on current GIS information, upsizing the existing water line to an 6, 8, 10, and 12, inch will significantly adjust available pressure in the City as well as provide for better fire flow capacity including important areas such as the City’s hospital and a City’s high school. This alternative significantly increases available pressure in the City and provide for better fire flow capacity. The new water line is assumed to be installed in the shoulder of the road, with 6-12’ of pavement removal, and removal of any side walk or, curb and gutter if a water meter is found in the existing roadway and needs to be replaced. This portion of line repairs also includes the replacement of the existing casing and crossing pipe underneath any NMDOT ROW’s via jack and bore construction methods.

5.2.4.2 Replacement of City Water Lines

Due to extensive leaks and pipe breaks as described in the “Existing Facilities” portion of this report, infrastructure defined as “System High Pressure Solutions” (**Figure 13**) should be replaced. Since these four particular waterlines are also known as the main transmission lines, their primary purpose is to ensure that water transmission runs from Cook Street Booster station to Morgan Street Booster station to finally provide water flow to multiple areas of the city. By replacing these particular lines, the water system will reduce the 30 psi pressure fluctuation in the system, mostly in the “Williamsburg” and “East” areas

Waterlines replacements locating on the “North” area feeding the City’s high school and hospital, Upsizing a main cast iron waterline located on portions of East 8th and East 9th Streets in the “East” side of the city, and additionally replacing and looping an area in the “Williamsburg” area will also prevent pressure fluctuation in the system and mostly in the “Williamsburg” and “East” areas and will ensure water quality for the “Williamsburg” area.

The existing flow capacity has been determined to be insufficient due to several breakages reports and the inability to meet fire flow requirement. All pipes are assumed to be replaced with PVC C-900 DR18, sizes with 6 Inch or greater. Dewatering of groundwater is a consideration in this alternative as described in the previous "Cost Evaluation Methodology" section via open trench.

Six Additional Pressure Reducing Valves (PRV) are recommended to be installed within system on the northern and south part of the city. This is to avoid high pressure peaks which results in water breaks within the city's neighborhoods.

5.2.4.3 Replacement of City Water Meters

Due to aging, inaccurate meter readings and manually reading record described in the "Existing Facilities" portion of this report, it has been determined that all of the water meters should be replaced in their entirety. Water meters are currently older than 40 years, exceeding their useful life. This provides incorrect data regarding water usage, water loss percentages and has a negative impact on the City's billing system. The new meters shall be automatic radio read meters integrated into the city's electrical billing system. This will reduce the manpower needed to read the meters, which will reduce the labor cost on the system.

5.2.4.4 Water and Energy Efficiency

The amount of lost water in this portion of the system is estimated at ~ 32 Million gallons per year. This amount of water represents \$56,346 in lost revenue per year, at the rate the city charges per gallon of water.

5.2.4.5 Green Infrastructure

This alternative will reduce water losses by approximately 32 Million gallons per year due to line breaks, which is an essential consideration in New Mexico with limited water supply available. See **Appendix 8** for justification on water loss numbers.

5.2.4.6 Land Requirements

No additional land requirements are anticipated for the replacement of the water lines, as all new water lines are within existing right-of-way.

5.2.4.7 Potential Construction Problems

The largest potential for construction problems in this alternative lies on the neighborhoods located on each side of I-25 business route which will require service lines crossing all lanes within an NMDOT owned road. Crossings will either require extensive closures, or more likely, will

require directional drilling. It is assumed that drilling will be required, and a bid item for drilling has been included in the cost estimate for this portion of the alternative.

Dewatering quantities are another large potential concern for this alternative. A large proportion of these main transmission's lines run parallel with the Rio Grande, which indicate a shallow water table. Existing water levels in excavation trenches cannot be quantified until further examination. As explained in the "existing system" part of this report, waterlines replaced within the southern portion of the "East Side" and "Williamsburg" areas will have 60 percent dewatering of the trench. In other areas of the city 5 percent dewatering will be assumed.

5.2.4.8 Resiliency and Operational Simplicity

The only regular maintenance item for this alternative are the PRV 's which will require periodic maintenance as recommended by the manufacturer. The new pipelines and water meter replacements are anticipated to greatly reduce the operations costs associated with pipe repairs in this area.

5.2.4.9 Alternative Pros/Cons

ADVANTAGES:

- This option has a capital cost that is within the City's budget
- This option fixes a large percentage of the safety issues (in the form of infiltration and lack of fire flow)
- This option eliminates high pressures issues that caused the aging infrastructure to break more often.
- This option conserves a large percentage of water, close to a third of the water losses
- This option extremely reduces service outages for residents
- This option improves approximately 6.2 percent of the existing water system
- This option improves approximately 27 percent of the aging water system
- This option doesn't produce any changes on billing charges

DISADVANTAGES:

- This option has a large dewatering cost for the "East" and "Williamsburg" areas near the Rio Grande
- This option requires a large amount of NMDOT crossing permits
- This option doesn't improve the backup and redundancy to the water system

*Rolf Hechler
Mayor*

*Amanda Forrister
Mayor Pro-Tem*

*Merry Jo Fahl
Commissioner*



*Destiny Mitchell
Commissioner*

*Ingo Hoeppner
Commissioner*

*Angie Gonzales
City Manager*

*505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673 ♦ F: 575-894-7767
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NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the City of Truth or Consequences City Commission will hold a Public Hearing during their regular scheduled meeting on Wednesday, March 13, 2024 to receive additional input regarding the following:

Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 763 authorizing the Issuance of the City of Truth or Consequences, New Mexico Water System Improvement Revenue Bonds, Series 2024, In the Principal Amount of \$4,811,000 for the Purpose of Construction Financing for Acquiring, Extension, Enlarging, Bettering, Repairing or Otherwise Improving the City's Water System.

The meeting will be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico starting at 9:00 a.m.

Should you have any questions regarding this Public Hearing, please contact me at (575) 894-6675 or by email at atorres@torcnm.org.

The agenda may be obtained on Friday, March 8, 2024 on the city website calendar at www.torcnm.org; by contacting the City Clerk's Office at 575-894-6673; or by email to: torcclerk@torcnm.org.

/s/ Angela A. Torres, CMC, City Clerk

Publish on the following date:

- Sentinel– Friday, February 23, 2024



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 13, 2024

Agenda Item #: I.1

SUBJECT: Discussion/Action: Letter of request to State Representatives to amend proposed fees at the Elephant Butte Lake State Park.

DEPARTMENT: Governing Body

DATE SUBMITTED: March 8, 2024

SUBMITTED BY: Angela A. Torres, Clerk-Treasurer

WHO WILL PRESENT THE ITEM: Mayor Hechler

Summary/Background:

Letter to State Representatives and EMNRD to request the amendment of proposed fees at the Elephant Butte Lake State Park.

Recommendation:

Governing Body Support of proposed letter.

Attachments:

- EBLSP Letter

-

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 3-13-24

*Rolf Hechler
Mayor*

*Amanda Forrister
Mayor Pro-Tem*

*Merry Jo Fahl
Commissioner*



*Destiny Mitchell
Commissioner*

*Ingo Hoeppner
Commissioner*

*Angie Gonzales
City Manager*

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March 4, 2024

Gov. Michelle Lujan Grisham
New Mexico State Capitol
490 Old Santa Fe Trail, Room 400
Santa Fe, NM 87501

CC: Sen. Crystal Diamond Brantley
Rep. Gail Armstrong
Rep. Tara Jaramillo
State Parks Division, New Mexico Energy, Minerals and Natural Resources Department (EMNRD)

Dear Gov. Grisham:

Sierra County is host to Elephant Butte Lake State Park (EBLSP), which welcomes more than one million visitors annually. The cities of Elephant Butte and Truth or Consequences are the closest communities to EBLSP. These communities depend heavily on visitors, as they frequent stores, gas stations and hotels, among other businesses in our region, and they participate in a range of activities while camping at the lake. Elephant Butte and Truth or Consequences would not exist as we know them today if not for the development and popularity of EBLSP.

By extension, EBLSP is a huge economic driver for New Mexico and surrounding states. People who visit EBLSP purchase groceries, fuel their vehicles and boats, and buy fishing gear and water toys at their origination points as they prepare for their trip to the lake. Those who buy an RV, boat, jet ski or paddle board in any community within several hundred miles of EBLSP most likely will plan an extended camping trip to New Mexico's premier water recreation destination.

The State Parks Division of EMNRD (New Mexico State Parks) will derive most of the overage it expects from its proposed fee increases from EBLSP, which is the largest and most visited state park in the state's 35-park system. We, the undersigned city and community leaders, believe the proposed fee increases are exorbitant and do not reasonably consider the financial status of state residents who frequent this park. Studies commissioned to support the fee increases appear to have relied on fee comparisons of other states exclusively without factoring in the average income in New Mexico. According to census statistics, residents of our state are among the poorest of the surrounding states, with a lower per capita income and a higher percentage of residents living below the poverty line.

We appreciate the proposed removal of the \$5 day use charge for New Mexico residents — though, realistically, this is of little or no benefit to those residents who live in major communities 70 to 250 miles away and generally visit EBLSP to camp. While the \$40 day pass benefits some residents living close to EBLSP, many others have not bothered to buy this pass, electing instead to visit undeveloped areas around the lake and take their chances without paying, as these areas are infrequently checked.

Indeed, many families visiting EBLSP enjoy the unique experience of camping on miles of sandy beaches — what New Mexico State Parks would call primitive camping. Current fees are low and, understandably, an increase for those areas may be warranted. However, raising those fees from \$8 to \$20 per day, as proposed, represents a steep increase of 150 percent. For the many families who camp on these beaches and bring two vehicles for two nights during the weekend, this increase would mean an outlay of \$80 instead of \$32. A \$20 fee for primitive beach camping is excessive, especially when there are few amenities that would warrant the increase. A \$10 charge per vehicle for these visitors would seem more appropriate, especially as \$20 is the proposed new fee for developed campsites.

Understanding the need to raise developed campsite fees in support of park operations and improving amenities is important to the overall visitor experience. We propose a more modest increase for the developed sites from \$10 to \$15, and from \$4 to \$8 for electric. New Mexico State Parks should diligently lobby the state, which has just seen a \$3 billion surplus in revenue, for the funds needed to pursue additional improvements instead of placing this solely on park users.

Charging non-motorized boat users, which includes paddle boards, kayaks and canoes, \$5 per day is excessive, especially as this activity has minimal environmental and overall impact on the lake and its facilities. Enforcement of this alone would seem problematic — and hardly worth a park ranger's time, as each contact would take a ranger away from other essential duties. We would like to propose a \$25 fee to run concurrently with the fishing licenses from April 1 through March 31 annually. As with the fishing license, the cost would be the same no matter the time of year purchased. The non-motorized boat user could be issued a card and a waterproof sticker to be placed on the boat to indicate payment.

An affordable outdoor experience is crucial to allowing a new generation of visitors to explore its love for outdoor recreation, which promotes family activities and respect for our environment. New Mexico State Parks should work to maintain this affordability for all state residents instead of pricing them out of the opportunity.

Finally, staffing at EBLSP since the pandemic appears to have been difficult. This has resulted in less contact with our visitors and little to no effort in field collection. Streamlining and modernizing collection procedures would help to reduce the deficit the division is trying to address. Deploying modern technology in the form of a New Mexico State Parks app and utilizing QR codes to collect park fees would improve efficiency, reduce staff time in field collections, and help discourage vandalism and theft at "Iron Ranger" self-pay stations.

EBLSP is essential to the economic welfare of the communities of Elephant Butte and Truth or Consequences. Excessive fees will result in fewer visitors to the park and will have a detrimental effect on our economies. Please continue to make EBLSP affordable to our visitors and support our communities.

Signed,

City and Community Leaders

Printed name	signature	Title
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City of Truth or Consequences

AGENDA REQUEST FORM

MEETING DATE: March 13, 2024

Agenda Item #: I.2

SUBJECT: Approval of Purchase Requisitions Over \$20,000

DEPARTMENT: Finance

DATE SUBMITTED: March 8, 2024

SUBMITTED BY: Tammy Gardner

WHO WILL PRESENT THE ITEM: Angie Gonzales, City Manager

Summary/Background:

Contract and Purchases More Than \$20,000)

Recommendation:

Approval Recommended by Finance Director

Attachments:

- -
- -

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 agenda 3-13-24

2023-24 Fiscal Year[illegible]

Date _____

Date _____



Stantec Consulting Services Inc.
3831 E. Lohman Ave, Suite 200, Las Cruces NM 88011

February 9, 2024

Ms. Angie Gonzales, City Manager
City of Truth or Consequences
505 Sims Street
Truth or Consequences, NM 87901

**RE: PROPOSAL FOR EVALUATION AND DEVELOPMENT OF WATER AND WASTEWATER
IMPACT FEES**

Dear Ms. Gonzales:

On behalf of STANTEC, we are pleased to provide the City of Truth or Consequences (City) with this proposal for professional consulting services to complete a Water and Wastewater Impact Fee Analysis for the City. Stantec's Management & Technology Consulting practice specializes in the development of rates and fees for water and wastewater utilities, including financial forecasting, capital planning, and impact fee (also called system development fee) studies.

Our team includes industry-recognized water resources financial management and rate consultants, and offers extensive experience in impact fee studies, cost allocation studies, retail and wholesale ratemaking, as well as multi-year financial forecasting. Several members of our team are currently serving on the AWWA Rates and Charges Committee and have contributed extensively to AWWA's Manual M1 – Principles of Water Rates, Fees and Charges.

The impact fee analysis conducted by Stantec will comply with the New Mexico Development Fees Act (New Mexico Statutes) by focusing on the City's cost of investments in infrastructure capacity available for new connections. This proposal defines the project scope of work and estimated fees for the analysis.

Stantec understands the study needs to be complete by June 30, 2024. Attached you will find scope, deliverables, schedule, and fee for professional consulting services. We are eager to initiate the information collection effort on this critical project based upon the following processes described in Exhibit A.

Lump Sum Method of Payment:

Professional Services through the Project in the Lump Sum amount of (+ NMGRT).

Project Initiation and Management	\$11,579.10
Impact Fee Analysis	\$31,683.31
Documentation, Presentation and Implementation	\$25,965.78
Expenses	\$ 2,421.00
Subtotal	\$71,649.19
8.0625% NMGRT (subject to change)	\$ 5,776.72
Project Total	\$77,425.91 (Purchase Order Amount)

****CES Administration fee of 1.25% as included within our CES billing rate schedule and proposed fee above. The CES Administration fee may not be a reimbursable expense by the Funding Source, however the City of Truth or Consequences is still responsible for the CES Administration fee of 1.25%**

February 9, 2024
Ms. Angie Gonzales, City Manager
Page 2 of 2

Reference: PROPOSAL FOR EVALUATION AND DEVELOPMENT OF WATER AND WASTEWATER IMPACT FEES

Please feel free to contact me at (575) 366-2992 Wesley.Hall@stantec.com or Colleen Ruiz at (505) 349-8454, Colleen.Ruiz@stantec.com if we may be of further assistance or questions arise.

Regards,

Hall, Wesley
Digitally signed by Hall, Wesley
DN: CN="Hall, Wesley",
OU=Internal, OU=users,
OU=stantec, DC=corp, DC=ads
Date: 2024.02.12 10:56:06-07'00'

Wesley Hall
Senior Transportation Designer
Phone: 575-366-2992
Wesley.Hall@STANTEC.com

Ruiz, Colleen
Digitally signed by Ruiz, Colleen
DN: CN="Ruiz, Colleen",
OU=Internal, OU=users,
OU=stantec, DC=corp, DC=ads
Date: 2024.02.12 10:51:56-07'00'

Colleen M. Ruiz PE, MPA
Senior Principal
Phone: 505-349-8454
Colleen.Ruiz@STANTEC.com

Acceptable:

Signature

Date

Printed Name

Other Conditions: City of Truth or Consequences will be utilizing CES process to complete this project. If the proposed Scope of Work, and associated fees are acceptable to the City of Truth or Consequences then the City of Truth or Consequences will issue a Purchase Order to Stantec. City of Truth or Consequences will log into CES online Blue Book to access the Direct Purchase Portal and will upload a copy of the City of Truth or Consequences' Purchase Order along with Stantec's quote. Stantec will bill City of Truth or Consequences directly for services provided, and the City of Truth or Consequences will submit payment to Stantec. The Terms and Conditions between Stantec and CES are acknowledged in the CES Contract ID: 2023-01-C2118-ALL. Quote will be valid for 60 days to be submitted into CES Direct Purchase Portal.

*Price listing is on file and is on the CES Digital Blue Book.

EXHIBIT A

SCOPE & COMPENSATION FOR PROFESSIONAL SERVICES

City of Truth or Consequences

Evaluation and Development of Water and Wastewater Impact Fees

The OWNER's/AGENCY's/ goals and expectations for the project are generally as described below:

The following Scope of Work and Cost Proposals are for the fees associated with the following Professional Services at this time:

A. Scope:

As the cost of utility infrastructure has increased, the cost of holding or building new capacity to serve new customers has become an increasing financial burden. When properly designed, impact fees appropriately assess new customers their fair share of the capital costs that have been incurred to provide the capacity to serve them. Yet, capacity fees are one of the most contested of all utility charges, often due to the financial interests of the development community. Getting it right requires a rigorous evaluation of both the system itself and the costs of expanding the utility in conjunction with all legal requirements. Our consultants have successfully defended their work in numerous jurisdictions, so we know our approach provides the necessary linkage of costs incurred to service provided as is consistently required as part of every legislatively approved process or legal challenge.

Stantec's impact fees model is designed to reflect your specific utility system configuration, available data, and local legal requirements. We are familiar with the both the technical and procedural requirements of New Mexico Statutes and industry-accepted approaches documented by the AWWA and Water Environment Federation (WEF).

Impact fees are all about growth and the investment required to facilitate it. Part of your investment has already been made, and another is yet to come. Your master plan and capital improvement program (CIP) are keys to ensuring the fees are set correctly in terms of units of capacity, as well as the expected cost of expanding. Our approach provides financial perspective to your plans.

To begin the study, we will review all data relative to the water and wastewater systems to determine the most appropriate calculation methodology, and portion of the costs eligible for recovery from impact fees. We will then provide recommendations related to the impact fees based on the analysis of the available data and financial impacts/benefits of such fees. We will provide a comparative fee survey of other localities in the region and evaluate alternative levels of fees in the context of consistency with industry practice and the capital requirements of the system. Finally, we will work with you to identify acceptable uses of funds collected from water and wastewater impact fees. The specific tasks we will perform are detailed below.

Task 1: Project Initiation & Data Collection

To begin the study, Stantec will review and update the initial data request list provided January 18, 2023, if necessary. A preliminary schedule for completion of impact fee calculations and presentations to City Council will be drafted.

We will prepare for and conduct a kick-off conference call with City staff to discuss data request list, schedule, key issues, and system information. Post-meeting notes/minute will be summarized and submitted to the City.

In addition, we will prepare and facilitate a kickoff meeting with a combined virtual Commission/Impact Board to discuss the impact fee analysis tasks and schedule.

Deliverables: Updated data request list, Final project schedule, Meeting summary; Kickoff Meeting with Commission and Impact Board

Task 2: Calculate Water and Wastewater Impact Fees

After review of the initial data received, Stantec will calculate impact fees following industry-accepted methodologies. Three approaches are accepted in the industry: the equity buy-in approach that focuses on the value of existing investments in system infrastructure; the incremental approach with a focus on future capital improvements needed to expand capacity; and a combined or hybrid approach that assumes capacity remaining in the City's infrastructure with additional capacity needed from capital improvements.

Steps to calculate impact fees include:

1. Validate and allocate fixed assets and work in progress for each utility system to determine cost of existing capacity and review/allocate 10–20-year CIP data by major system component and to expansion vs renewal & replacement.
2. Evaluate GIS data layers / maps of water, and sewer distribution systems, as well as summary tables identifying linear feet by line size for each system (and cost data by size if available).
3. Review and understand current customer data, including number of customers in Equivalent Residential Units (ERUs), and billed volume; obtain current level of service standards for one ERU for water service and wastewater service.
4. Obtain plant flows and capacity data for the current assets and the assets after implementation of the CIP and convert to ERUs.
5. Select most appropriate methodology for impact fees, including reasoning, and review with City staff.
6. Prepare credit calculations for revenues from user fees for outstanding debt, grants, and other capital contributions for identified costs.
7. Produce preliminary schedules of impact fees. Identify key assumptions and limiting conditions for alternative approaches, such as meter size-based fees versus fixture units or other unit.
8. Prepare a comparative survey of local impact fees, including evaluation of the level of charges and how they are applied (i.e., by meter size, dwelling unit, property use characteristics, fixture counts, etc.).

Deliverables: Impact fee survey; Preliminary results and alternative scenarios; Detailed fee schedules based upon results

Task 3: Review Analysis Results with City Staff, Assistant Manager, and Stakeholders

Once the impact fees have been calculated, Stantec will prepare preliminary presentation slides for review with City Staff, Assistant Manager and other stakeholders. Conference calls with City Staff, Assistant Manager and stakeholders will be used to review the results of the analysis, make adjustments and provide supplemental information as required based upon input from City.

Deliverables: Executive summary of results and presentations slides

Task 4: Prepare a Report and Briefing with City

Stantec will prepare an Initial Draft Report with the supporting data, reasoning, assumptions, and initial results of the study.

Stantec will also prepare a PowerPoint presentation for a City Council meeting and public comment prior to the City's public notice period.

Adjustments to the draft report and PowerPoint presentation will be made after review and discussion with City Staff to produce a Final Report and presentation.

If requested, Stantec will prepare for and attend one (1) City Council meeting to present the results and recommendations of the analysis.

Deliverables: Public presentation of results; Presentation of final results; Draft & Final Report

Task 5: Implementation

After adoption of calculated water and wastewater impact fees, Stantec will meet with the Assistant City Manager to review and discuss appropriate application of impact fee revenues based on New Mexico Statutes. We will develop a summary memorandum and provide ordinance assistance if needed.

Deliverables: Memorandum; Ordinance assistance reflecting impact fee recommendations

B. Compensation for Professional Services

Lump Sum Method of Payment:

Professional Services through the Project in the Lump Sum amount of **(+ NMGRT)**.

Project Initiation and Management	\$11,579.10
Impact Fee Analysis	\$31,683.31
Documentation, Presentation and Implementation	\$25,965.78
Expenses	\$ 2,421.00
Subtotal	\$71,649.19
8.0625 % NMGRT (subject to change)	\$ 5,776.12
Project Total	\$77,425.91 (Purchase Order Amount)

****CES Administration fee of 1.25% as included within our CES billing rate schedule and proposed fee above. The CES Administration fee may not be a reimbursable expense by the Funding Source, however the City of Truth or Consequences is still responsible for the CES Administration fee of 1.25%**

C. Schedule:

1. **Project Initiation & Management** - will be completed within 30 days from the date of notice to proceed.
2. **Impact Fee Analysis** - will be completed within 60 days from notice to proceed.
3. **Documentation, Presentation and Implementation** – will be completed within 90 days of notice to proceed.



FEE ESTIMATE - 2024 Water and Wastewater Impact Fee Study

	Senior Principal	Project Manager	Manager	Analyst	Project Coordinator	Expenses							
Name	Malesky, Carol	Hall, Wesley	Doohaluk, Leticia	Elder, Andrew	Mascarenas, Deanna		Project Summary		Hours	Labour	Expense	Subs	Total
Project Billing Rate (Fixed Fee)	\$262.24	\$180.23	\$197.44	\$146.81	\$156.94	\$2,421.00	Fixed Fee	0.00	\$0.00	\$0.00	\$0.00	\$0.00	
Total Units (Fixed Fee)	73.00	87.00	74.00	122.00	12.00	1.00	Fixed Fee	368.00	\$69,228.19	\$2,421.00	\$0.00	\$71,649.19	
Fee (Fixed Fee)	\$19,143.52	\$15,680.01	\$14,610.56	\$17,910.82	\$1,883.28	\$2,421.00	Total	368.00	\$69,228.19	\$2,421.00	\$0.00	\$71,649.19	
Task Name	Units						Task Type	Hours	Labour	Expense	Subs	Total	
								Fixed Fee	368.00	\$69,228.19	\$2,421.00	\$0.00	\$71,649.19
								Fixed Fee	60.00	\$11,579.10	\$0.00	\$0.00	\$11,579.10
								Fixed Fee	173.00	\$31,683.31	\$0.00	\$0.00	\$31,683.31
								Fixed Fee	135.00	\$25,965.78	\$0.00	\$0.00	\$25,965.78
								Fixed Fee	0.00	\$0.00	\$2,421.00	\$0.00	\$2,421.00
Project Initiation & Data Collection	14.00	20.00	8.00	10.00	8.00								
Impact Fees Analysis	26.00	31.00	44.00	70.00	2.00								
Documentation, Presentation and Implementation	33.00	36.00	22.00	42.00	2.00								
Expenses						1.00							

2023

Approved Effective: 10/25/2022

CES Administrative Fee: 1.25%

Revised: 10/25/2022		
Title	Level	CES Hourly Rates
Principal	Level 18	\$268.31
Senior Engineer	Level 18	\$268.31
Senior Project Manager	Level 18	\$268.31
Senior Project Manager	Level 17	\$262.24
Senior Transportation Engineer	Level 16	\$253.13
Principal	Level 15	\$222.75
Senior Engineer	Level 15	\$222.75
Senior Project Manager	Level 15	\$222.75
Senior Project Manager	Level 14	\$197.44
Senior Engineer	Level 14	\$197.44
Senior Transportation Engineer	Level 14	\$197.44
Senior Hydraulic Engineer	Level 14	\$197.44
Client Service Manager	Level 14	\$197.44
Senior Project Engineer	Level 13	\$189.34
Senior Project Manager	Level 13	\$189.34
Client Manager	Level 13	\$189.34
Project Manager	Level 12	\$180.23
Senior Engineer	Level 12	\$180.23
Project Engineer	Level 12	\$180.23
Senior Civil Designer	Level 12	\$180.23
Grant Specialist	Level 11	\$174.15
Senior Project Manager	Level 11	\$174.15
Senior Civil Designer	Level 11	\$174.15
Project Engineer	Level 11	\$174.15
Public Relations Specialist	Level 11	\$174.15
Project Manager	Level 10	\$163.01
Project Engineer	Level 10	\$163.01
Construction Observer	Level 10	\$163.01
Civil Designer	Level 10	\$163.01
Senior Civil Designer	Level 09	\$156.94
Civil Engineer	Level 09	\$156.94
Civil Designer	Level 09	\$156.94
Engineering Technician	Level 09	\$156.94
CAD Technician	Level 09	\$156.94
Construction Observer	Level 09	\$156.94
Administrative Manager	Level 09	\$156.94
Civil Engineer	Level 08	\$146.81
Civil Designer	Level 08	\$146.81
Survey Technician	Level 08	\$146.81
CAD Technician	Level 08	\$146.81
Construction Observer	Level 08	\$146.81
Civil Designer	Level 07	\$140.74
Office Administrator	Level 07	\$140.74
Project Manager Assistant	Level 07	\$140.74
Construction Observer	Level 07	\$140.74
Survey Technician	Level 07	\$140.74
Civil Designer	Level 06	\$132.64
CAD Technician	Level 06	\$132.64
Construction Observer	Level 06	\$132.64
Project Manager Assistant	Level 06	\$132.64
Construction Observer	Level 05	\$128.59
CAD Technician	Level 05	\$128.59
Office Administrator	Level 05	\$128.59
CAD Technician	Level 04	\$118.46
Administrative Assistant	Level 04	\$118.46
Administrative Assistant	Level 03	\$105.30

Reimbursable Expenses

Mileage	Current IRS Mileage	\$0.625
All other reimbursable costs (including mileage, travel, testing, printing, courier, shipping, etc)	Cost plus 10%	

Field Survey Party Services:

2-Man Field Party	\$170.00 per hour
3-Man Field Party	\$205.00 per hour
4-Man Field Party	\$250.00 per hour

Note: All charges are subject to New Mexico Gross Receipts Tax



REQUISITION

Requisition #: 91749

Date: 03/07/2024

Vendor #: 8688

ISSUED TO: STANTEC CONSULTING SERVICES IN
13980 COLLECTIONS CENTER DRIVE
CHICAGO, IL 60693-

SHIP TO: City of Truth or Consequences
505 Sims St.
Truth or Consequences, NM 87901

ITEM	UNITS DESCRIPTION	PROJECT #	PRICE GL	ACCOUNT NUMBER	AMOUNT
1	0 EVALUATION & DEVELOPMENT OF WA/WI		0.00	101-1010-48598	77,425.91
PO Description: WATER/WASTEWATER IMPACT FEE STUDY					
Detailed Description:					
GO TO COMMISSION 03/13/2024					

Authorized By: _____

SUBTOTAL:	71,649.19
TOTAL TAX:	5,776.72
SHIPPING:	0.00
TOTAL	77,425.91



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 13, 2024

Agenda Item #: I.3

SUBJECT: MOU between the City of Elephant Butte and the City of Truth or Consequences for Animal Control Services

DEPARTMENT: City Clerk's Office

DATE SUBMITTED: March 8, 2024

SUBMITTED BY: Angela A. Torres, Clerk-Treasurer

WHO WILL PRESENT THE ITEM: Chief of Police Tavizon

Summary/Background:

MOU between the and the City of Truth or Consequences and the City of Elephant Butte for Animal Control Services.

Recommendation:

Approval of MOU

Attachments:

- MOU

-

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 3-13-24

MEMORANDUM OF UNDERSTANDING (MOU)
By and between the City of Elephant Butte and the
City of Truth or Consequences Regarding Provisions of
Animal Control 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, Elephant Butte has a contiguous boundary with the City; and

WHEREAS, stray dogs, cats and other animals running at large within Elephant Butte pose a danger to the health, safety, and welfare of the citizens of Elephant Butte; and

WHEREAS, the City employs and equips animal control officers and,

WHEREAS, Elephant Butte currently does not have an animal control program; and

WHEREAS, Elephant Butte and the City have agreed to share resources in order to protect the citizens of Elephant Butte and to humanely treat the stray animals within Elephant Butte through the joint exercise of the City's Animal Control Officers,

NOW THEREFORE, for and consideration of the premises, services 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 February 21st, 2024 regular council 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 _____, 2024 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 control powers in accordance with applicable provisions of 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 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 Control Services for 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 until this MOU ("Basic Services") based on population, the City shall receive a yearly fee of \$18,255 – Animal Control Services. This amount shall be paid as follows:

A. Monthly Payments of \$1,521.25

5.0 BASIC DUTIES AND RESPONSIBILITIES OF THE CITY

The following Service Agreement shall be provided to Elephant Butte by the City for the compensation set forth in paragraph 4.0 of this MOU:

1. The City will provide Animal Control Services in the same manner as the City has provided them in the past. The ACO will issue citations for animal ordinance violators.
2. Respond to resident inquiries, complaints, and concerns in a professional, courteous and timely manner. Use best efforts to promote good relations with Elephant Butte customers and residents.
3. Respond to any routine inquiries or routine reporting requirements of any governmental authority, Elephant Butte's Councilors or attorney in a prompt, professional manner, if the law provides authority of such.

4. City shall, at its sole expense, provide all personnel, vehicles, tools, equipment and machinery, transportation, testing and other facilities reasonably necessary for the proper performance of such Animal Control Services.
5. 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.

6.0 OBLIGATIONS OF ELEPHANT BUTTE

Elephant Butte shall be solely responsible for enforcement of all non-police (Code Enforcement 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 VEHICLES AND EQUIPMENT

The City agrees to furnish all vehicles and equipment necessary for animal services, vehicles will bear markings identifying them as vehicles belonging to the City.

9.0 TERMINATION

Either party hereto shall have the right to terminate this MOU upon thirty (30) days' notice to the other party. Notwithstanding, any other provisions of this MOU, the right to terminate set forth in this Section may be exercised at the sole discretion of either party with or without cause.

10.0 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.

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 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 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.

13.0 REASONABLE DILIGENCE

The city agrees to use reasonable knowledgeable and diligence in the provisions of Animal 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.

14.0 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.

15.0 ASSIGNMENT

Nether Elephant Butte nor the City may assign this MOU or any portion thereof without receiving the prior written consent of the other party.

16.0 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 address 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 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.

17.0 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 proceeding.

18.0 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.

19.0 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.

20.0 TITLES

The titles of the Articles, Sections, Subsections, Paragraphs 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.

21.0 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.

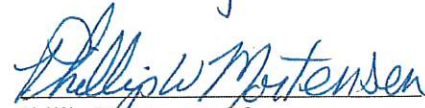
22.0 ENTIRE AGREEMENT

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.

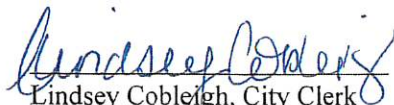
23.0 FAILURE TO ENFORCE

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 21 DAY OF February 2024.


Phillip Mortensen, Mayor

ATTEST:


Lindsey Cobleigh, City Clerk
City of Elephant Butte, NM



CITY OF TRUTH OR CONSEQUENCES
WITNESS OUR HANDS AND SEALS THIS ____ DAY OF _____, 2024.

Rolf Hechler, Mayor

ATTEST:

Angela Torres, City Clerk/Treasurer
City of Truth or Consequences, NM



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 13, 2024

Agenda Item #: I.4

SUBJECT: Discussion/Action – McAdoo Street Construction Delay

DEPARTMENT: Community Development

DATE SUBMITTED: March 7, 2024

SUBMITTED BY: Traci Alvarez

WHO WILL PRESENT THE ITEM: Angie Gonzales, City Manager

Summary/Background:

Joe Cross for Mayor LLC Film productions has requested we suspend construction while filming. Suspension of construction will incur a change order for project cost increase for demobilization and remobilization. Film production will pay these costs. All applicable parties have been notified and support the suspension of construction.

Recommendation:

Approve suspension of construction

Attachments:

- Contract Change Order
- Invoice for Costs incurred

Fiscal Impact (Finance): No

[Click here to enter text.](#)

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 3-13-2024



CHANGE PROPOSAL

Spartan Construction of New Mexico, LLC.
5780 N Mesa St. El Paso, TX 79912
(915) 760-6171

PROJECT: MSD Roadway and Drainage Improvements					SPARTAN		
TO: Wilson and CO					JOB #: 2022-06		
ATTN: Todd Gonzalez					DATE: February 29, 2024		
SPARTAN'S PROPOSAL NO. 4							
Description: Project shutdown for filming in T or C. Requires Demobilization/Remobilization. Time is yet to be determined. Also below is traffic control for projected time frame (60-90 days) and additional time for Spartan Surveying for errors on Elevations and Designs.							
ITEM #	DESCRIPTION	QUAN.	UNIT	MTL	LABOR	EQUIP	SUBTOTAL
1	Demobilization	1	LS	\$0.00	\$0.00	\$15,000.00	\$ 15,000.00
2	Remobilization	1	LS	\$0.00	\$0.00	\$15,000.00	\$ 15,000.00
3	Traffic Control	1	LS	\$4,500.00	\$0.00	\$0.00	\$ 4,500.00
4	Surveying	1	LS	\$0.00	\$2,500.00	\$0.00	\$ 2,500.00
5		1	LS	\$0.00	\$0.00	\$0.00	\$ -
6		1	LS	\$0.00	\$0.00	\$0.00	\$ -
7		1	LS	\$0.00	\$0.00	\$0.00	\$ -
8		1	LS	\$0.00	\$0.00	\$0.00	\$ -
9		1	LS	\$0.00	\$0.00	\$0.00	\$ -
10		1	LS	\$0.00	\$0.00	\$0.00	\$ -
COLUMN TOTALS				\$4,500.00	\$ 2,500.00	\$ 30,000.00	\$ 37,000.00
				Markup Per Uniform General Conditions			\$ 3,700.00
				NMGRT 8.3750% GL @ 4.25%			\$ 1,729.75
				TOTAL COST OF THIS CHANGE:			\$ 42,429.75
				TOTAL ADD / (DEDUCT) DAYS TO PROJECT SCHEDULE:			0

34,500.00

0.100

3,450.00
37,950.00
3,178.31
41,128.31

Change Amount	Tier Minimum	MU %
\$0-\$10,000	\$0	10%
\$10,000-\$20,000	\$10,000	7.50%
\$20,000	\$20,000	5%



City of Truth or Consequences
505 Sims Street
Truth or Consequences, New Mexico 87901
Ph: 575-894-6673 Fax: 575-894-7767

INVOICE

Customer

Name Joe Cross for Mayor LLC
Address 2500 Louisiana Blvd., ste. 400
City Albuquerque State NM ZIP 87110
Phone

Misc

Date 3/7/2024

Qty	Description	Unit Price	TOTAL
1	MSD Roadway and Drainage Improvements Project CIF 5192 McAdoo Street Construction project shutdown for filming Shutdown will require Spartan Construction to demobilize and remobilize once filming is complete, and traffic control for open construction on McAdoo. Projected time-frame 60-90 days.	\$ 37,950.00	\$ 37,950.00

SubTotal \$ 37,950.00

Shipping

Tax Rate(s) 8.38% \$ 3,178.31

TOTAL \$ 41,128.31

Payment

Check

Comments Commission approval requested
3/13/2024

Office Use Only

Thank You



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 13, 2024

Agenda Item #: I.5

SUBJECT: Discussion/Action -Lee Belle Johnson Visitors Center Facility Assessment Geotechnical Engineering Services and Lodgers Tax Allocation

DEPARTMENT: Community Development

DATE SUBMITTED: March 7, 2024

SUBMITTED BY: Traci Alvarez

WHO WILL PRESENT THE ITEM: Traci Alvarez Assistant City Manager

Summary/Background:

Facility Assessment Report dated 1/31/2023 recommended vacating the building until it is repaired or demolished. Geotechnical evaluation is needed to provide geotechnical recommendations to support the rehabilitation process. Staff would like to allocate lodgers tax funds to pay for the assessment

Recommendation:

Approve Geotechnical Engineering and Lodgers Tax Allocation

Attachments:

- Geotechnical Engineering Services Proposal
-

Fiscal Impact (Finance): Yes

[Click here to enter text.](#)

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 3-13-2024



Wilson & Company, Inc.

Ref No. 32-224055-P

Western Technologies
An **RMA** Company

CONTRACT FOR PROFESSIONAL SERVICES

WT Reference No. 32-224055-P

BETWEEN:	WILSON & COMPANY, INC. 4401 Masthead St. NE, Suite 150 Albuquerque, New Mexico 87109	("CLIENT")
AND:	WESTERN TECHNOLOGIES INC. 8305 Washington Place, N.E. Albuquerque, New Mexico 87113	("WT")
FOR THE PROJECT:	Geotechnical Engineering Services Truth or Consequences Community Center 301 South Foch Street Truth or Consequences, New Mexico	("Project") ("Property")

1.0 PROPERTY DESCRIPTION

Based on information gathered during our site visit on 02/16/2024, the proposed project is for a structure rehabilitation in Truth or Consequences, New Mexico. At the time of our visit, the structure had experienced distress. We understand that our evaluation is to provide geotechnical recommendations to support the rehabilitation process. Any off-site improvements have not been included as part of this evaluation. Should any of our information or assumptions not be correct, the Client should notify WT.

2.0 PURPOSE

The purpose of our geotechnical engineering services will be to evaluate the subsurface conditions to provide recommendations and/or discussion for the following:

- Subsurface conditions
- Lateral earth pressures
- Slabs-on-grade
- Groundwater
- Recommendations for structural rehab



Wilson & Company, Inc.

Ref No. 32-224055-P

Western Technologies
An **RMA** Company

3.0 SCOPE OF SERVICES

3.1 Field Exploration

We will conduct the following subsurface exploration program that is based on the project description and our knowledge of the general soil conditions in the area:

Existing Structure - 2 test boring to depths of 20 feet below the existing site grades.

All explorations will be advanced to the depths outlined unless refusal to auger drilling is encountered. A field engineer/geologist will log the borings, record blow counts of penetration tests, and obtain undisturbed and representative samples of soils encountered as conditions dictate.

3.2 Laboratory Testing

A geotechnical engineer will examine the samples and field logs and assign the laboratory tests. The following laboratory tests may be performed.

- Field moisture content
- In-situ soil density
- Swell
- Compression
- Gradation
- Liquid Limit and Plasticity Index
- Water soluble sulfate and chloride content
- pH and minimum resistivity

3.3 Analyses and Report

We will prepare a geotechnical engineering report that includes a description of the project, a discussion of the field and laboratory test programs, a discussion of the subsurface conditions, and design recommendations as required to satisfy the purpose previously described.

4.0 SCHEDULE

We will proceed with geotechnical engineering services upon receipt of a signed contract with an electronic copy of our report submitted **three weeks** after the completion of the



fieldwork. If requested, verbal recommendations can be provided before the written report is submitted. Please inform us if this schedule does not meet your requirements.

5.0 ASSUMPTIONS

The following assumptions were made in preparation of this proposal:

- Client will provide traffic control and obtain barricade and excavation permits.
- Cut and fill will not exceed 5 feet at any of these sites.
- The site is accessible to two-wheel drive vehicles

Western Technologies will contact New Mexico 811 to mark the locatable subsurface utilities within the project area.

Wilson & Company will also provide all necessary information and drawings identifying the location of any underground lines or structures that may be on the subject property. It is the responsibility of WT to thoroughly review the information provided by Wilson & Company to determine if there is a high risk of the prescribed boring activities negatively impacting and/or damaging existing utilities and to inform Wilson & Company of any alarming risk prior to proceeding with the boring activities.

WT will not be responsible for the cost of repair of unknown, unmarked, or improperly marked utilities that are damaged during the work, or subsequent loss of affected services, it is the responsibility of WT to thoroughly review the information provided by Wilson & Company to determine if there is a high risk of the prescribed boring activities negatively impacting and/or damaging existing utilities.

WT assumes that Wilson & Company will obtain permission from their client to enter the site for our drilling equipment and personnel. Moving the drilling equipment around the site and drilling the borings may leave some areas disturbed. While WT will try to limit site disturbance, the established fee does not include payment to WT for crop damage, re-landscaping, or otherwise restoring the site to its original condition. WT's services will include backfilling the borings with auger cuttings unless otherwise directed or required. Over time, some settlement of the backfilled material is normal and expected.



Wilson & Company, Inc.

Ref No. 32-224055-P

Western Technologies
An **RMA** Company

6.0 FEES

Our fees will be billed on a time and materials basis at the unit rates contained herein. If services are requested that are not included within this proposal, the rates charged will be those of WT's Fee Schedule in effect at the time of the request.

Presented below is an estimate of the quantities and total fees less applicable New Mexico Gross Receipts Tax for observation and materials testing for this project as outlined in the scope of services portion of this proposal. These quantities and fees are based on anticipated construction schedules, an estimated number of visits, an estimated number of tests per visit, and our review of the plans and specifications. The actual fees may vary depending on conditions and circumstances during construction.

Description	Unit	Billing Rate	Quantity
Principal Engineer (licensed)	hr	\$195.00	1
Project Engineer (licensed)	hr	\$175.00	3
Staff Engineer (unlicensed)	hr	\$125.00	12
Field Engineer/Geologist	hr	\$110.00	16
Mileage	mile	\$0.75	640
HSA Drilling and Sampling for 0 - 30'	ft	\$18.00	40
Mobilization and demobilization	mile	\$6.50	320
Asphalt Patch	each	\$30.00	2
Gradation	each	\$90.00	2
Swell	each	\$150.00	2
Compression	each	\$150.00	2
Atterberg Limits	each	\$90.00	2
pH and Minimum Resistivity	each	\$95.00	1
Soluble Sulfate & Chloride Content	each	\$95.00	1
Unit Weight and Moisture	each	\$40.00	4
Draftsman	each	\$60.00	2
Clerical	each	\$60.00	2
Support Truck	day	\$175.00	1

Total Service Fee of \$9,045.00 plus applicable New Mexico Gross Receipts Tax



Wilson & Company, Inc.

Ref No. 32-224055-P

Western Technologies
An **RMA** Company

The fee noted above is valid for 30 calendar days, after which time a review by WT will be required.

7.0 MANNER OF PAYMENT

WT will invoice Client for total fees upon completion of services. Full payment is due upon receipt of our invoice.

EXECUTED BY WT:

WT's Authorized Representative

Azupuri Kaba, PhD, PE, PMP

Typed or Printed Name

Geotechnical Department Manager

Title

March 5, 2024

Date

EXECUTED BY CLIENT:

Client's Authorized Representative

Typed or Printed Name

Title

Date



Truth or Consequences

My Budget Report

Account Summary

For Fiscal: 2023-2024 Period Ending: 03/31/2024

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Encumbrances	Variance Favorable (Unfavorable)	Percent Used
Fund: 214 - Lodgers Tax								
Department: 2501 - 1% PUBLIC ARTS								
214-2501-60725	GRANTS TO SUB-RECIPIENTS (1% PUBLIC ARTS)	18,000.00	18,000.00	0.00	0.00	0.00	18,000.00	0.00 %
Department: 2501 - 1% PUBLIC ARTS Total:		18,000.00	18,000.00	0.00	0.00	0.00	18,000.00	0.00%
Department: 2503 - Lodgers Tax								
214-2503-30318	PROMOTION/ADVERTISG 60%-LODGERS TAX	200,000.00	200,000.00	3,159.85	187,942.57	0.00	-12,057.43	93.97 %
214-2503-30319	NON-PROMOTION FUND (40%)-LODGERS TA	125,000.00	125,000.00	2,106.59	125,295.05	0.00	295.05	100.24 %
214-2503-35317	LATE PENALTIES-LODGERS TAX FUND	850.00	850.00	0.00	786.00	0.00	-64.00	92.47 %
214-2503-36373	INTEREST INCOME	500.00	500.00	0.00	495.59	0.00	-4.41	99.12 %
214-2503-37323	1% CONVENTION CENTER FEE	60,000.00	60,000.00	51.37	57,583.06	0.00	-2,416.94	95.97 %
214-2503-40110	FULL TIME WAGES	27,290.00	27,290.00	0.00	0.00	0.00	27,290.00	0.00 %
214-2503-40125	OVERTIME WAGES	1,500.00	1,500.00	0.00	0.00	0.00	1,500.00	0.00 %
214-2503-41205	FICA-REGULAR	1,692.00	1,692.00	0.00	0.00	0.00	1,692.00	0.00 %
214-2503-41210	FICA-MEDICARE	396.00	396.00	0.00	0.00	0.00	396.00	0.00 %
214-2503-41215	PERA	2,947.00	2,947.00	0.00	0.00	0.00	2,947.00	0.00 %
214-2503-41225	HEALTH INSURANCE	819.00	819.00	0.00	0.00	0.00	819.00	0.00 %
214-2503-41226	RETIREE INSURANCE	14,834.00	14,834.00	0.00	0.00	0.00	14,834.00	0.00 %
214-2503-41235	UNEMPLOYMENT INSURANCE	54.00	54.00	0.00	0.00	0.00	54.00	0.00 %
214-2503-41240	WORKER'S COMP ASSESSMENT	10.00	10.00	0.00	0.00	0.00	10.00	0.00 %
214-2503-41785	WORKER'S COMP. PREMIUMS	871.00	871.00	0.00	0.00	0.00	871.00	0.00 %
214-2503-43403	REGULAR BUILDING MAINT. CONVENTION FEE	82,000.00	82,000.00	0.00	0.00	0.00	82,000.00	0.00 %
214-2503-43550	ROADWAY MAINTENANCE	13,700.00	13,700.00	0.00	0.00	0.00	13,700.00	0.00 %
214-2503-43999	OTHER OPERATING COST GEN FUND ADMIN FEE 10%	38,787.00	38,787.00	0.00	0.00	38,787.00	0.00	100.00 %
214-2503-44607	FIELD SUPPLIES - CONVENTION CENTER	40,000.00	40,000.00	0.00	0.00	0.00	40,000.00	0.00 %
214-2503-47406	PROMOTIONAL/ADVERTISING-LODGERS TAX	130,000.00	130,000.00	0.00	100,973.63	116,495.59	-87,469.22	167.28 %
214-2503-47597	9% ADVERTISING/MARKETING	0.00	0.00	0.00	1,654.32	0.00	-1,654.32	0.00 %
214-2503-48596	AUDIT CONTRACT SERVICES	8,000.00	8,000.00	0.00	0.00	0.00	8,000.00	0.00 %
214-2503-48815	SERVICE CONTRACTS-LODGERS TAX	0.00	0.00	0.00	2,500.00	2,500.00	-5,000.00	0.00 %
Department: 2503 - Lodgers Tax Surplus (Deficit):		23,450.00	23,450.00	5,317.81	266,974.32	-157,782.59	85,741.73	465.64%
Department: 2540 - 40% CITY PORTION								
214-2540-48598	OTHER PROFESSIONAL SERVICES	29,000.00	29,000.00	0.00	0.00	1,432.77	27,567.23	4.94 %
214-2540-48599	OTHER CONTRACT SERVICES	9,900.00	9,900.00	0.00	0.00	0.00	9,900.00	0.00 %
214-2540-60725	GRANTS TO SUB-RECIPIENTS	100,600.00	100,600.00	815.60	31,119.91	34,946.75	34,533.34	65.67 %
Department: 2540 - 40% CITY PORTION Total:		139,500.00	139,500.00	815.60	31,119.91	36,379.52	72,000.57	48.39%

My Budget Report

For Fiscal: 2023-2024 Period Ending: 03/31/2024

	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Encumbrances	Variance Favorable (Unfavorable)	Percent Used
Department: 2560 - 60% LODGERS TAX BOARD							
<u>214-2560-60725</u> GRANTS TO SUB-RECIPIENTS (60%)	295,000.00	295,000.00	319.31	15,433.13	26,244.16	253,322.71	14.13 %
Department: 2560 - 60% LODGERS TAX BOARD Total:	295,000.00	295,000.00	319.31	15,433.13	26,244.16	253,322.71	14.13%
Fund: 214 - Lodgers Tax Surplus (Deficit):	-429,050.00	-429,050.00	4,182.90	220,421.28	-220,406.27	429,065.01	0.00%
Report Surplus (Deficit):	-429,050.00	-429,050.00	4,182.90	220,421.28	-220,406.27	429,065.01	0.00%

Group Summary

Department...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Encumbrances	Variance Favorable (Unfavorable)	Percent Used
Fund: 214 - Lodgers Tax							
2501 - 1% PUBLIC ARTS	18,000.00	18,000.00	0.00	0.00	0.00	18,000.00	0.00%
2503 - Lodgers Tax	23,450.00	23,450.00	5,317.81	266,974.32	-157,782.59	85,741.73	465.64%
2540 - 40% CITY PORTION	139,500.00	139,500.00	815.60	31,119.91	36,379.52	72,000.57	48.39%
2560 - 60% LODGERS TAX BOARD	295,000.00	295,000.00	319.31	15,433.13	26,244.16	253,322.71	14.13%
Fund: 214 - Lodgers Tax Surplus (Deficit):	-429,050.00	-429,050.00	4,182.90	220,421.28	-220,406.27	429,065.01	0.00%
Report Surplus (Deficit):	-429,050.00	-429,050.00	4,182.90	220,421.28	-220,406.27	429,065.01	0.00%

Fund Summary

Fund	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Encumbrances	Variance Favorable (Unfavorable)
214 - Lodgers Tax	-429,050.00	-429,050.00	4,182.90	220,421.28	-220,406.27	429,065.01
Report Surplus (Deficit):	-429,050.00	-429,050.00	4,182.90	220,421.28	-220,406.27	429,065.01



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: March 13, 2024

Agenda Item #: I.6

SUBJECT: Discussion/Action - Amended Memorandum of Understanding Between Sierra County, The City of Truth or Consequences, And the City of Elephant Butte to Share Costs for High Resolution Geo-Referenced Aerial Imagery from Pictometry

DEPARTMENT: Community Development

DATE SUBMITTED: March 7, 2024

SUBMITTED BY: Traci Alvarez

WHO WILL PRESENT THE ITEM: Traci Alvarez Assistant City Manager

Summary/Background:

The City entered into an MOU with Sierra County on April 2022 that included the City of Elephant Butte and Sierra County Flood Commission, to share costs for high resolution geo-referenced aerial imagery from Pictometry International Corporation; The Parties to the original MOU, with the exception of the Sierra County Flood Commission, wish to continue to share the costs of the contract with Pictometry International Corporation to provide high resolution ortho and oblique imagery and to access and use Pictometry Connect, which provides visualization-only access to the Pictometry-hosted custom imagery libraries. The oblique imagery will greatly assist staff in the assessment process, and will also notably benefit the county and municipal staff in code enforcement, law enforcement, and other such purposes. This amendment will redefine the respective contributions in light of the withdrawal of the Sierra County Flood Commissioner – Sierra County will incur the additional costs from the withdrawal of the Flood Commissioner. Payment is due FY 24/25

Recommendation:

Approve amendment to MOU

Attachments:

- Amended MOU
- Original MOU
- 4-13-22 Meeting Minutes reference

Fiscal Impact (Finance): Yes

\$10,000.00 FY 24/25

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 3-13-24



AMENDED MEMORANDUM OF UNDERSTANDING BETWEEN SIERRA COUNTY,
THE CITY OF TRUTH OR CONSEQUENCES, AND THE CITY OF ELEPHANT BUTTE
TO SHARE COSTS FOR HIGH RESOLUTION GEO-REFERENCED AERIAL IMAGERY
FROM PICTOMETRY

THIS AGREEMENT is entered into by and between the County of Sierra ("County") and the City of Truth or Consequences ("Truth or Consequences"), the City of Elephant Butte ("Elephant Butte") and the Sierra County Flood Commission, referred to collectively as the ("parties").

I. RECITALS

WHEREAS, the Parties are bodies corporate and politic, existing by and under the Constitution and Laws of the State of New Mexico; and,

WHEREAS, the Parties are parties to an earlier MOU from April 2022 that included the Sierra County Flood Commission, to share costs for high resolution geo-referenced aerial imagery from Pictometry International Corporation;

WHEREAS, the Parties to the original MOU, with the exception of the Sierra County Flood Commission, wish to continue to share the costs of the contract with Pictometry International Corporation to provide high resolution ortho and oblique imagery and to access and use Pictometry Connect, which provides visualization-only access to the Pictometry-hosted custom imagery libraries, which contract is attached hereto and expressly incorporated herein; and,

WHEREAS, the Parties have determined that in addition to orthoimagery, oblique imagery will greatly assist staff in the assessment process, and will also notably benefit the county and municipal staff in code enforcement, law enforcement, and other such purposes; and,

WHEREAS, the Parties seek to redefine their respective contributions in light of the withdrawal of the Sierra County Flood Commissioner from this MOU.

NOW THEREFORE the parties hereby agree as follows:

II. AUTHORITY

The Board of County Commissioners is statutorily charged with the power to “preserve peace and order” and, “provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of ... its inhabitants”. See NMSA 1978, § 4-37-1 (1995). Among other things, the municipalities are statutorily permitted to protect generally the property of its municipality and its inhabitants and to preserve peace and order within the municipality. NMSA 1978, Section 3-18-1 (1972).

III. SCOPE OF DUTIES

THE COUNTY SHALL

1. Provide the municipalities a copy by electronic or physical means of Imagery and associated metadata as delivered to the County by Pictometry pursuant to the Pictometry Services Agreement.
2. Maintain a database of authorized users from the County and each municipality that are assigned a login username and password to access the Pictometry-hosted custom imagery libraries.
3. Provide APIs as delivered to the County by Pictometry to each municipality for their use to provide the oblique imagery viewer through any City hosted network
4. Be the point of contact with Pictometry.
5. Pay Pictometry for all sums due for services rendered and enforce Pictometry's obligations under the Pictometry Services Agreement at no cost to the municipalities.
6. Contribute the remainder of the contract sum not covered by the City of Elephant Butte and the City of for Pictometry Imagery under the Pictometry Services Agreement, which is anticipated to be \$52,415.00, pursuant to the terms of the Contract with Pictometry.
7. Annually invoice the municipalities in the amounts detailed herein.

EACH MUNICIPALITY SHALL

1. Be responsible for the payment of \$10,000.00 to be made upon execution of this MOU.
2. Agree to utilize the imagery solely for business purposes and to not allow resale or redistribution of the data for non-governmental business.
3. Provide a point of contact for the County regarding this Agreement.
4. Submit to the County Assessor the name, department, title and e-mail address of each employee that is to be provided authorized access to the Pictometry software for the purpose of viewing oblique imagery.
5. Respond to County requests to review and update authorized user lists.
6. Be responsible to ensure that their employee authorized users abide by all terms and conditions contained in the attached Pictometry Services

Agreement.

IV. TERM

This Agreement becomes effective upon signature by all parties hereto and shall remain in effect for six (6) years or until it is terminated pursuant to the terms of this Agreement.

V. PROPERTY

No property will be acquired by virtue of this Agreement.

VI. STRICT ACCOUNTABILITY OF ALL RECEIPTS AND DISBURSEMENTS

Each party shall be strictly accountable for all receipts and disbursements under this Agreement.

VII. AMENDMENT

This Agreement shall not be altered, modified, or amended except by an instrument in writing executed by both parties hereto.

VIII. ASSIGNMENT

This Agreement may not be assigned by either party hereto without the advance written consent of the other party, which consent may be withheld at the other party's sole and absolute discretion.

IX. GOVERNING LAW

This Agreement and the rights of the parties hereto shall be governed by and construed in accordance with the Laws of the State of New Mexico.

X. SEVERABILITY

If any provision of this Agreement, or the application of such provisions to any person or circumstances shall be held invalid or unenforceable by a court of competent jurisdiction, the remainder of this Agreement, or the application of its provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and the remainder of this Agreement can be performed in substantial accordance with the original intent of the parties hereto.

XI. INTEGRATION OF AGREEMENT

This Agreement incorporates all of the agreements and understandings between the parties hereto concerning the subject matter hereof, and all such agreements and understandings have been merged into this written Agreement. No prior agreements or understandings, verbal or otherwise, of the parties or their agents are valid or enforceable unless embodied in this Agreement.

XII. NEW MEXICO TORT CLAIMS ACT

By entering into this Agreement, each party agrees that it shall be responsible for liability arising from personal injury or damage to property occasioned by its own agents or employees in the performance of this Agreement, subject in all cases to the immunities and limitation of the New Mexico Tort Claims Act (NMSA 1978, Section 41-4-1, et seq.) and any amendments thereto. This section is intended only to define the liabilities between the parties hereto and it is not intended to modify, in any way, the parties' liabilities as governed by common law or the New Mexico Tort Claims Act. The parties and their "public employees," as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, and do not waive any defense or limitations of liability pursuant to law. No provision in this Agreement modifies and/or waives any provision of the New Mexico Tort Claims Act.

VII. PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

All privileges and immunities from liability, exemptions from laws, ordinances, and rules, which apply to the activity of officers, agents, or employees of any signatory public agency when performing their respective functions within the territorial limits of their respective public agencies, shall apply to them to the same extent while engaged in the performance of any of their functions and duties under the provisions of the Agreement.

XIII. TERMINATION OF AGREEMENT

This Agreement may be terminated by either party upon ninety (90) days written notice delivered to the other. No refund will be available upon termination of the Contract.

XIV. CONTACT AND NOTICES

The parties may, from time to time, change their contact person and shall provide prompt notice of such change to the other party. Any notice required under this Agreement shall be deemed given and delivered to, and received by, the receiving party three (3) days after deposit in the U.S. mail, certified mail, return receipt requested, postage prepaid, addressed to the receiving party at the mailing address set forth below:

Sierra County contact and mailing address:

Sierra County Manager
1712 N. Date Street

Truth or Consequences, NM 87901

Telephone No: (575) 894-6215

Truth or Consequences contact and mailing address:

City of T or C Manager

[INSERT ADDRESS]

Elephant Butte contact and mailing address:

City of Elephant Butte Manager

[INSERT ADDRESS]

XV. SURPLUS FUNDS

After completion of the Agreement's purpose, any surplus money on hand shall be returned to the County.

XVI. APPROPRIATIONS

Performance under this agreement is contingent upon sufficient authority and appropriations.

IN WITNESS WHEREOF, the parties have executed this Agreement which becomes effective as of the date of approval by all parties.

APPROVED, ADOPTED, AND PASSED on this _____ day of March, 2024

BOARD OF COUNTY COMMISSIONERS OF SIERRA COUNTY

Travis Day, Chairman

James Paxon, Vice-Chair

Hank Hopkins, Commissioner

Attest:

Shelly K. Trujillo
Sierra County Clerk

APPROVED, ADOPTED, AND PASSED on this ____ day of _____, 2024.

TRUTH OR CONSEQUENCES

ATTEST BY: _____
By: _____

APPROVED, ADOPTED, AND PASSED on this _____ day of _____, 2024.

ELEPHANT BUTTE

By: _____

ATTEST BY:



MEMORANDUM OF UNDERSTANDING BETWEEN SIERRA COUNTY, THE CITY OF
TRUTH OR CONSEQUENCES, THE CITY OF ELEPHANT BUTTE, AND THE SIERRA
COUNTY FLOOD COMMISSION TO SHARE COSTS FOR HIGH RESOLUTION GEO-
REFERENCED AERIAL IMAGERY FROM PICTOMETRY

THIS AGREEMENT is entered into by and between the County of Sierra ("County") and the City of Truth or Consequences ("Truth or Consequences"), the City of Elephant Butte ("Elephant Butte") and the Sierra County Flood Commission, referred to collectively as the ("parties").

I. RECITALS

WHEREAS, with the exception of the Sierra County Flood Commission, the Parties are bodies corporate and politic, existing by and under the Constitution and Laws of the State of New Mexico; and,

WHEREAS, the County solicited and negotiated a contract with Pictometry International Corporation to provide high resolution ortho and oblique imagery and to access and use Pictometry Connect, which provides visualization-only access to the Pictometry-hosted custom imagery libraries, which contract is attached hereto and expressly incorporated herein; and,

WHEREAS, the parties have agrees to share the cost of high resolution geo-referenced aerial photography imagery with the County; and,

WHEREAS, the Parties have determined that in addition to orthoimagery, oblique imagery will greatly assist staff in the assessment process, and will also notably benefit the county and municipal staff in code enforcement, law enforcement, and other such purposes; and,

NOW THEREFORE the parties hereby agree as follows:

II. AUTHORITY

The Board of County Commissioners is statutorily charged with the power to "preserve peace and order" and, "provide for the safety, preserve the health, promote the prosperity

and improve the morals, order, comfort and convenience of ... its inhabitants". See NMSA 1978, § 4-37-1 (1995). Among other things, the municipalities are statutorily permitted to protect generally the property of its municipality and its inhabitants and to preserve peace and order within the municipality. NMSA 1978, Section 3-18-1 (1972).

III. SCOPE OF DUTIES

THE COUNTY SHALL

1. Provide the municipalities a copy by electronic or physical means of Imagery and associated metadata as delivered to the County by Pictometry pursuant to the Pictometry Services Agreement.
2. Maintain a database of authorized users from the County and each municipality that are assigned a login username and password to access the Pictometry-hosted custom imagery libraries.
3. Provide APIs as delivered to the County by Pictometry to each municipality for their use to provide the oblique imagery viewer through any City hosted network
4. Be the point of contact with Pictometry.
5. Pay Pictometry for all sums due for services rendered and enforce Pictometry's obligations under the Pictometry Services Agreement at no cost to the municipalities.
6. Contribute \$57,400.00 for Pictometry Imagery under the Pictometry Services Agreement.
7. Annually invoice the municipalities in the amounts detailed herein.

EACH MUNICIPALITY AND THE SIERRA COUNTY FLOOD COMMISSION SHALL

1. Be responsible for the payment of \$10,000.00 to be made upon execution of this MOU.
2. Agree to utilize the imagery solely for business purposes and to not allow resale or redistribution of the data for non-governmental business.
3. Provide a point of contact for the County regarding this Agreement.
4. Submit to the County Assessor the name, department, title and e-mail address of each employee that is to be provided authorized access to the Pictometry software for the purpose of viewing oblique imagery.
5. Respond to County requests to review and update authorized user lists.
6. Be responsible to ensure that their employee authorized users abide by all terms and conditions contained in the attached Pictometry Services Agreement.

IV. TERM

This Agreement becomes effective upon signature by all parties hereto and shall remain

in effect for six (6) years or until it is terminated pursuant to the terms of this Agreement.

V. PROPERTY

No property will be acquired by virtue of this Agreement.

VI. STRICT ACCOUNTABILITY OF ALL RECEIPTS AND DISBURSEMENTS

Each party shall be strictly accountable for all receipts and disbursements under this Agreement.

VII. AMENDMENT

This Agreement shall not be altered, modified, or amended except by an instrument in writing executed by both parties hereto.

VIII. ASSIGNMENT

This Agreement may not be assigned by either party hereto without the advance written consent of the other party, which consent may be withheld at the other party's sole and absolute discretion.

IX. GOVERNING LAW

This Agreement and the rights of the parties hereto shall be governed by and construed in accordance with the Laws of the State of New Mexico.

X. SEVERABILITY

If any provision of this Agreement, or the application of such provisions to any person or circumstances shall be held invalid or unenforceable by a court of competent jurisdiction, the remainder of this Agreement, or the application of its provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and the remainder of this Agreement can be performed in substantial accordance with the original intent of the parties hereto.

XI. INTEGRATION OF AGREEMENT

This Agreement incorporates all of the agreements and understandings between the parties hereto concerning the subject matter hereof, and all such agreements and understandings have been merged into this written Agreement. No prior agreements or understandings, verbal or otherwise, of the parties or their agents are valid or enforceable unless embodied in this Agreement.

XII. NEW MEXICO TORT CLAIMS ACT

By entering into this Agreement, each party agrees that it shall be responsible for liability arising from personal injury or damage to property occasioned by its own agents or employees in the performance of this Agreement, subject in all cases to the immunities and limitation of the New Mexico Tort Claims Act (NMSA 1978, Section 41-4-1, et seq.) and any amendments thereto. This section is intended only to define the liabilities between the parties hereto and it is not intended to modify, in any way, the parties' liabilities as governed by common law or the New Mexico Tort Claims Act. The parties and their "public employees," as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, and do not waive any defense or limitations of liability pursuant to law. No provision in this Agreement modifies and/or waives any provision of the New Mexico Tort Claims Act.

VII. PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

All privileges and immunities from liability, exemptions from laws, ordinances, and rules, which apply to the activity of officers, agents, or employees of any signatory public agency when performing their respective functions within the territorial limits of their respective public agencies, shall apply to them to the same extent while engaged in the performance of any of their functions and duties under the provisions of the Agreement.

XIII. TERMINATION OF AGREEMENT

This Agreement may be terminated by either party upon ninety (90) days written notice delivered to the other. No refund will be available upon termination of the Contract.

XIV. CONTACT AND NOTICES

The parties may, from time to time, change their contact person and shall provide prompt notice of such change to the other party. Any notice required under this Agreement shall be deemed given and delivered to, and received by, the receiving party three (3) days after deposit in the U.S. mail, certified mail, return receipt requested, postage prepaid, addressed to the receiving party at the mailing address set forth below:

Sierra County contact and mailing address:

Sierra County Manager
1712 N. Date Street
Truth or Consequences, NM 87901

Telephone No: (575) 894-6215

Truth or Consequences contact and mailing address:

City of T or C Manager
505 SIMMS ST.
T or C NM 87901

Elephant Butte contact and mailing address:

City of Elephant Butte Manager
P O BOX 1080
ELEPHANT BUTTE NM 87935

Sierra County Flood Commission contact and mailing address:

Sierra County Flood Director
1712 N DATE ST.
T or C NM 87901

XV. SURPLUS FUNDS

After completion of the Agreement's purpose, any surplus money on hand shall be returned to the County.

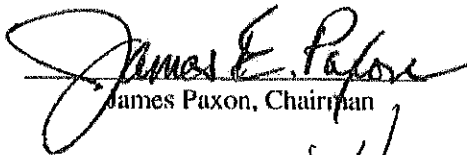
XVI. APPROPRIATIONS

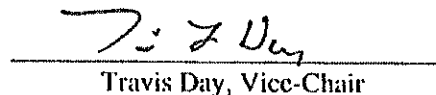
Performance under this agreement is contingent upon sufficient authority and appropriations.

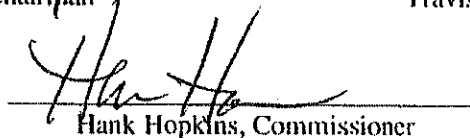
IN WITNESS WHEREOF, the parties have executed this Agreement which becomes effective as of the date of approval by all parties.

APPROVED, ADOPTED, AND PASSED on this 19th day of April, 2022.

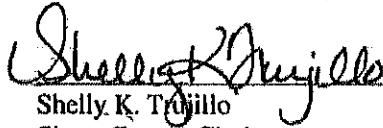
BOARD OF COUNTY COMMISSIONERS OF SIERRA COUNTY


James Paxson, Chairman


Travis Day, Vice-Chair


Hank Hopkins, Commissioner

Attest:

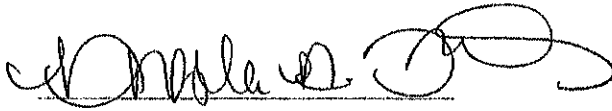

Shelly K. Tujillo
Sierra County Clerk

APPROVED, ADOPTED, AND PASSED on this 13th day of April, 2022.

TRUTH OR CONSEQUENCES


By: Amanda Forster, Mayor

ATTEST BY:



APPROVED, ADOPTED, AND PASSED on this ____ day of _____, 2022.

ELEPHANT BUTTE

By:

ATTEST BY:

APPROVED, ADOPTED, AND PASSED on this ____ day of _____, 2022.

SIERRA COUNTY FLOOD COMMISSION

By:

ATTEST BY:

CITY COMMISSION APRIL 13, 2021 REGULAR MEETING MINUTES

OJ Hechler, Community Services Director explained that this is an MOU between the City and the Hot Springs Cemetery Association. The Hot Springs Cemetery Association provides grounds maintenance at the Hot Springs Cemetery and the City provides monetary support in the amount of \$4,000 annually that is paid in quarterly installments of \$1,000.

Commissioner Harrelson moved to approve the MOU between the City of Truth or Consequences and the Hot Springs Cemetery Association. Commission Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

OJ Hechler, Community Services Director thanked the association for their support. \$4,000 is not a lot for what they do over there. He appreciates everything they do for the cemetery and the way they communicate with city staff.

10. Discussion/Action: Approval of Memorandum of Understanding (MOU) with Sierra County for Pictometry Imagery Services:

City Manager Swingle explained that the County has tried to solicit partnership between the County and other governmental entities in the region on this project. They hired a company to come in and do a flyover, and do the Pictometry of the area. The imagery is incredible. The cost is \$10,000 every 3 years should the city choose to continue in the future if you agree to enter into the agreement. The funding would come from the community development budget to cover the cost. The benefit would be to community development, code enforcement, fire, police, all utility departments, and parks. The program is incredible. It actually allows you to see the debris and the waste on a property in almost real time. He highly recommends that the city move forward with this agreement.

Commissioner Mitchell moved to approve the Memorandum of Understanding (MOU) with Sierra County for Pictometry Imagery Services. Commission Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

11. Discussion/Action: Authorize City Manager Swingle to proceed with a Quitclaim Deed transfer with New Mexico State for property exchange pertaining to the New Mexico State Veterans Home:

City Manager Swingle explained that the New Mexico State Veterans Home is going to build some small buildings where the grassy area is. On the left hand side by the Veterans Memorial Wall they would need to encroach on our property. Ironically, just above that we are actually encroaching on their property. We have some storage containers that are at the Veterans Memorial behind a fencing. With the State of New Mexico wanting us to give them a Quitclaim on the property, we asked in return the same