

Amanda Forrister
Mayor

Rolf Hechler
Mayor Pro-Tem

Merry Jo Fahl
Commissioner



Destiny Mitchell
Commissioner

Shelly Harrelson
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

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, SEPTEMBER 27, 2023; TO START AT 9:00 A.M.

A. CALL TO ORDER

B. INTRODUCTION

1. ROLL CALL

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

2. SILENT MEDITATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA

C. PRESENTATIONS (5 Minute Rule Applies)

1. Domestic Violence Awareness Proclamation. Mayor Forrister

D. PUBLIC COMMENT (3 Minute Rule Applies)

E. REPORTS

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

F. CONSENT CALENDAR

1. City Commission Regular Minutes, September 13, 2023
2. Acknowledge Regular Public Arts Advisory Board Minutes, March 15, 2023
3. Acknowledge Regular Planning & Zoning Board Minutes, August 14, 2023

G. ORDINANCES/RESOLUTIONS/ZONING

1. Discussion/Action: Resolution No. 10 23/24 Repeal of Resolution No. 09 23/24 pertaining to Water Trust Board Application. Assistant City Manager Alvarez
2. Discussion/Action Resolution No. 11 23/24 Authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority Water Trust Board for design and construction services for the waterline replacement project. Assistant City Manager Alvarez
3. Discussion/Action: Resolution No. 12 23/24 pertaining to the sale of alcohol at the T. or C. Municipal Golf Course. Rick Artman, Golf Course Supervisor and OJ Hechler, Community Services Director
4. Discussion/Action: Resolution No. 13 23/24 to Support and defend the US Constitution Bill of Rights. Chief of Police Tavizon

H. NEW BUSINESS

1. Discussion/Update: PD Update. Chief of Police Tavizon
2. Discussion/Action: Turtleback Trails Master Plan. John Masterson
3. Discussion/Action: Approval of Purchase Requisitions over \$20,000. Kristie Wilson, Finance Director
4. Discussion/Action: Summary Plat Amendment at 906 Lucky Street. Assistant City Manager Alvarez
5. Discussion/Action: Variance Request 1306 Tin Street. Assistant City Manager Alvarez
6. Discussion/Action: Approve Grant Agreement for the State Of New Mexico Department of Finance and Administration Capital Appropriation Project 23-H3214. Assistant City Manager Alvarez

I. 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 OCTOBER 11, 2023



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: September 27, 2023

Agenda Item #: C.1

SUBJECT: Domestic Violence Awareness Proclamation.

DEPARTMENT: City Clerk's Office

DATE SUBMITTED: September 21, 2023

SUBMITTED BY: DAIC

WHO WILL PRESENT THE ITEM: Mayor Forrister

Summary/Background:

October is Domestic Violence Awareness Month. This month provides an excellent opportunity for our city to demonstrate its support in recognizing that in New Mexico 37.6% of women, and 1 in 4 men will experience domestic violence in their life. This proclamation is to recognize October as Truth or Consequences Domestic Violence Awareness Month.

Recommendation:

None. Presentation only

Attachments:

- Proclamation & Request letter.

-

Fiscal Impact (Finance): N/A

[Click here to enter text.](#)

Legal Review (City Attorney): N/A

[Click here to enter text.](#)

Approved For Submittal By: ☐ Department Director

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

Final Approval: ☐ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. [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 9-27-2023

Proclamation

WHEREAS, anyone can be a victim of domestic violence regardless of age, sex, ability, ethnicity, sexual orientation, socioeconomic status or religion; and

WHEREAS, children who grow up in violent homes are believed to be abused and neglected at a higher rate than the national average, and that these children, their development and ability to function well in school can be negatively impacted for a lifetime; and

WHEREAS, Domestic Violence Awareness Month provides an excellent opportunity at both the state and national level for citizens to learn more about preventing domestic violence and to show support for the numerous organizations that provide critical advocacy and services to victims and survivors of domestic violence, and

WHEREAS, Domestic Violence Awareness Month provides an excellent opportunity to reach victims and provide crucial information on how they can seek help and support; and

NOW THEREFORE, I, Amanda Forrister, do hereby proclaim the month of October 2023, as

“Domestic Violence Awareness Month”

Throughout the City of Truth or Consequences.

Amanda Forrister, Mayor

Domestic Abuse Intervention Center
Post Office Box 1711
Truth or Consequences, NM 87901
(575) 894-3557

Hello Mayor Forrister, Mayor Pro-Tem Hechler, Commissioner Mitchell, Commissioner Harrelson, Commissioner Fahl,

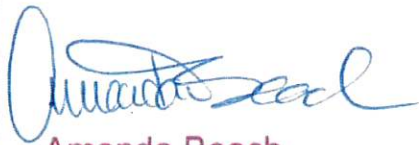
My name is Amanda Beach and I am the Community Outreach Coordinator for the Domestic Abuse Intervention Center.

October is Domestic Violence Awareness Month. This month provides an excellent opportunity for our city to demonstrate its support in recognizing that in New Mexico 37.6% of women and 33.3% of men have experience some form of domestic violence. On average 1 in 3 women and 1 in 4 men will experience domestic violence in their life.

Domestic Abuse Intervention Center would be honored if you would sponsor an official proclamation to recognize October as Truth or Consequences' Domestic Violence Awareness Month. Your proclamation would lend official recognition to the important work of DAIC staff members. I have enclosed a sample proclamation which may help your office compose the appropriate proclamation for our City.

If you, or your staff, have any questions concerning the request, the sample proclamation, or Domestic Violence Awareness Month, please call me at 575-894-3557.

I will follow-up with your office on this request in the next few days. As always, we appreciate your support of Domestic Violence Awareness Month and supporting survivors and their families within our communities. Thank you for consideration on this special request.
Sincerely,



Amanda Beach

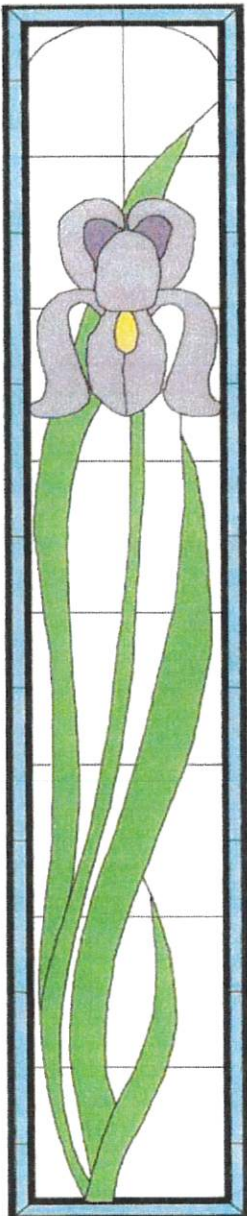
Community Outreach Coordinator
Domestic Abuse Intervention Center, Inc.

p: 575-894-3557

f: 575-894-1418

a: P.O. Box 1711 ~ T or C, NM 87901

w: www.daictorc.org e: communityoutreach1@daictorc.org



"It is Not OK to abuse.... It is Not OK to be abused"



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: September 27, 2023

Agenda Item #: F.1

SUBJECT: City Commission Regular Minutes, September 13, 2023
DEPARTMENT: City Clerk's Office
DATE SUBMITTED: September 21, 2023
SUBMITTED BY: Angela A. Torres, Clerk-Treasurer
WHO WILL PRESENT THE ITEM: Consent Calendar

Summary/Background:

Minutes approval.

Recommendation:

Approve the minutes.

Attachments:

- CC Minutes

Fiscal Impact (Finance): N/A

\$0.00

Legal Review (City Attorney): N/A

None.

Approved For Submittal By: ☐ Department Director

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

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 9-27-2023

**CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, SEPTEMBER 13, 2023**

A. CALL TO ORDER:

The meeting was called to order by Mayor Amanda Forrister at 9:00 a.m., who presided and Angela A. Torres, City Clerk-Treasurer, acted as Secretary of the meeting.

B. INTRODUCTION:

1. ROLL CALL:

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

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

Also Present: Angie Gonzales, City Manager
Traci Alvarez, Assistant City Manager
Jay Rubin, City Attorney
Angela A. Torres, City Clerk-Treasurer
Kristie Wilson, Finance Director
Luis Tavizon, Chief of Police

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

2. SILENT MEDITATION:

Mayor Forrister called for fifteen seconds of silent meditation. She asked that everyone keep the Gomez family in your thoughts and prayers, she also asked everyone to remember 911 which just occurred.

3. PLEDGE OF ALLEGIANCE:

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

4. APPROVAL OF AGENDA:

Mayor Pro-Tem Hechler moved to move item H1 directly under public comment. Commissioner Harrelson 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 Martin Madden for 1 year of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Jaffee Blomquist for 8years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of Priscilla Fuentes for 1 year of service with the City of Truth or Consequences.

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

City Manager Gonzales presented an Employee Service Anniversary Award to Thomas Bobelu for 8 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Wesley Myers for 3 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Steven Smith for 3 years of service with the City of Truth or Consequences.

City Manager Gonzales and City Clerk Torres presented an Employee Service Anniversary Award to Lisa Gabaldon for 5 years of service with the City of Truth or Consequences.

D. PUBLIC COMMENT (3 Minute Rule Applies):

Dean Lamana addressed the Commission with comments related to MainStreet T or C upcoming events:

- The Foch Street improvements project is in progress. They have received a letter of support from the City Manager and they have submitted the grant request on August 31st. We expect to receive grant feedback within the next few weeks.
- Their World Clean Up Day Litter Pick Event will be coming up on Saturday, September 23rd to start at 9:00 a.m. at the Healing Waters Plaza. The related trashcan transformation art project is already underway. They have students from Tigers Unidos painting one of the bins, and they are also volunteering at the event. His partner in crime Cathy Meiers-Martin, and Co-Executive Director spoke at the Rotary Club yesterday to highlight the event and the social media response has been very enthusiastic. He asked that the Commission go out for this event. Any kind of support is really appreciated.

- Their Halloween and Old-Fashioned Christmas Events are in the very active planning stages. They have just collected surveys from various downtown businesses containing suggestions for the yearend holiday event in particular, and they have additional updates on this at their next briefing.
- The Recycle Art Show which is set for November 4th to November 16th is well on track. They have 5 artists currently signed up, and they expect to have another 15 signed up within the next couple of weeks. It is shaping up to be a terrific high visibility project for the city that they are working on in collaboration with the Bountiful Alliance Recycling Committee and the Sierra County Arts Council. They are looking at advertising the event to draw more people into town for this as well.
- The local economic assistance and development support project which is designed to help our business operators improve their sales efforts through social media channels and online marketing is moving forward and they are looking at scheduling the workshops for January and February. This is a great project for our business people who may not be social media savvy and who may not even have a website to market their businesses so they are looking forward to getting that started.
- The business spotlight column that they are doing at the Sierra County Sentinel is getting great feedback.

Item H1 was moved after public comment.

H1. Discussion/Update: Office of the State Engineer (OSE) Order 198 Hot Springs Underground Water Basin.

Office of the State Engineer (OSE) Team: Cheryl Thacker, Water Resource Manager, Dr. Katie Zemlick, Hydrology Bureau, Craig Cathy, Las Cruces District Supervisor

Office of the State Engineer (OSE): They issued an Order on July 5th to close the Hot Springs underground water basin to new appropriations, and what that means is that a person can come in and file for a domestic well, which would be for a one-acre flood zone foot per annum which is essentially about 326,000 gallons a year. People can come in and file an application for that, and typically those take 2 weeks at most to approve, as long as there are no moratoriums with the city that prohibit where they issue those permits. So the measure would not inhibit the ability of individuals to apply for residential permits, nor will it prevent current hot springs establishments or present commercial users from drilling replacement and or supplemental wells. They know there are questions about what it does, but essentially there have been applications for minimum appropriations within the Hot Springs basin. Those applications have been referred to their hydrology departments, and they evaluate them for impairment to ground water, as well as surface water. The OSE thought it appropriate to go ahead and close the basin to new appropriations, and it is important to note that they are not restricting folks who have groundwater rights or surface water rights from drilling wells. Ground water rights specifically. This is for new appropriations. So if a person has a ground water irrigation right, or a commercial right that exists at this point, and they need to drill a new well, as a

supplemental well for instance, they are welcome to come in and file an application for a replacement or supplemental well, but what we are saying essentially is that you have to have an established vested groundwater right to go ahead and drill the well.

Commissioner Mitchell: What was the impetus behind closing the Hot Springs Well District. Was there data or research done?

Office of the State Engineer (OSE): The OSE hydrology department evaluated these applications. There has been many applications filed for new appropriations of ground water within the Hot Springs Basin and once those applications had been referred to the hydrology department, they looked for impairment to surface water flows and ground water, and it was found that there was impairment to existing water rights, surface as well as ground water rights, so after all of the evaluation, the state engineer decided, with our help, to close the basin to new appropriations because we found that there is just not enough water to support new applications because all of the water has been appropriated now.

Commissioner Mitchell: So, what you are saying is that you guys have determined that there is an exact amount of Hot Springs water that is already allocated to people who currently have permits, so you are denying future permits because that water has already been allocated?

Commissioner Fahl: It is over appropriated already? But you just said that you can drill more wells, so that is why it is confusing.

Office of the State Engineer (OSE): It is not over appropriated, but this is not just for the hot water. It includes the cold water and all of the aquifer. All of the ground water that is in that basin. All of the water has been appropriated, and has been spoken for, so essentially there is no extra water to appropriate for someone else.

Mayor Forrister: How did you guys come to that conclusion. What were the studies done on that, and can we see them?

Office of the State Engineer (OSE): The Hot Springs Basin has been closed and re-opened several times historically. The most recent analysis was based essentially on a negative opinion with new applications. One of our hydrologists investigated in particular, re-charge rates in the Hot Springs Basin and that is essentially any new water that might enter the system, and they compared that to existing appropriations, and that mass balance indicates that there is no extra/new water available for appropriations. So, what that means is with the existing permits, you can essentially move water around. You can lease water, or drill supplemental wells, but there is no new water for appropriation. I think that it is widely known that there is not a lot of extra water so that was the impetus for the closure.

Commissioner Harrelson: Can you give me the exact date that study was done, and how long ago it was done?

Office of the State Engineer (OSE) sent the Memorandum to the City Clerk to distribute to the Commission.

Commissioner Fahl: So, you are saying that all of the water is appropriated, so is adjudicated or is it just appropriated?

Office of the State Engineer (OSE): It is not adjudicated. It is just appropriated. I think it is important to note that the reason why we are doing this is to protect the resource as it exists. We just want to make sure that the existing water right holders aren't impaired by new appropriations.

Commissioner Fahl: So, it is all appropriated, but people can still drill for domestic wells?

Office of the State Engineer (OSE): That is correct.

Commissioner Fahl: You just said that all of the water was appropriated, so if it is all appropriated why are people still able to drill? That doesn't make any sense. You are saying that the water already belongs to somebody, but you are still going to drill wells.

Office of the State Engineer (OSE): It is important to note that there was a court case called the Bounds Case in the Mimbres Basin which is near Silver City, and what that determined is that the State Engineer does not have the ability to not issue well permits. (*Copy of Bounds Case attached hereto and made a part hereof*). We have to do that, but beyond that it is really important to note that it is only 1-acre ft. and in lawyer terms it is called "De minimis" and it is only 326,000 gallons per year, and it also exhumes that a good bit of that is returned to the system because it is for domestic use, and it is not a huge depletion.

Mayor Forrister: I guess to clarify on who this affects, so somebody buys a piece of property, and they are going to put a house on it, they can drill for a domestic well at 1 acre ft., but they can't put in an irrigation well or a hot spring if they have a 1-acre ft.

Office of the State Engineer (OSE): They can use that for personal use. It is not for commercial. If they want to build a house, they may file a permit application.

Commissioner Harrelson: I have a deep concern that this is a 20-year-old study, and we have had a lot of changes in our environment in the last 20 years, and I don't understand why you are still continuing with this type of a Moratorium when we have a 20-year-old study at hand. We always are going to keep up with the most recent data, and that is most definitely not the most recent data.

Mayor Forrister: So, what is the end goal here?

Office of the State Engineer (OSE): Again, it is to preserve the resource.

Commissioner Fahl: Was the study done of the entire basin? Did you have monitoring wells?

Commissioner Mitchell: Is every well in the Hot Springs Basin metered?

Commissioner Fahl: No.

Commissioner Mitchell: So, then how do we have an accurate understanding of the data, and how much water is being used per well, per the whole basin?

Office of the State Engineer (OSE): it is based on existing water rights. It is based on the maximum allowable pumping for every water right.

Mayor Forrister: I get that. You are saying that the water rights are tapped, but how many people are not actively using their water rights?

Commissioner Fahl: Ag producers have been metered since 2006, but we have commercial Hot Springs Districts that are not being metered, so if every well isn't metered, then how are you coming to this conclusion?

Office of the State Engineer (OSE): It is the policy of our agency and our bureau to examine a worst-case scenario, which is that every existing water right, if it is potentially used, what does that mean for the balance of the hydrologic system. I'm sure there are cases where people are not using their full amount, but based on our constitution, in a way that water rights are administered, this is the worst-case scenario to avoid a situation in which we underestimate what people are using in a system that has a limited supply.

Mayor Pro-Tem Hechler: Do you keep statistics on the wells that are active vs. the wells that are inactive, and is that incorporated in your decision?

Office of the State Engineer (OSE): Yes, we do. Again, it is about the water right, rather than the well. The water right can be diverted from a supplemental well, or from an additional point of diversion, so it is about the rights rather than the well. Although we do compare them both. We think it is important to note that we are not trying to be punitive. We are just looking at the existing water right owners, and making sure that they are protected. For instance, if you are a mineral bath owner, or spa owner in Truth or Consequences, we want to make sure that you are protected, because they are a water right holder, so we want to make sure that they are not impaired by a new appropriation. Our job as the State Engineer is to protect the resource. If there is an owner of a spa, and they know that someone comes in and doesn't have a water right, and applies for a new appropriation, and we know that is going to cause impairment, that is wrong on our part and we just can't allow that. We are trying to protect the water right owners in the Hot Springs basin.

Commissioner Fahl: So you are saying that this order just applies to commercial and ag producers, but a domestic well, they can do whatever they want, because you just said,

people who want to do a domestic well can drill, but if a commercial bath house wanted to put in a new well, and the only other use in that area would be for our ag producers, they are not allowed to put in new wells, is that what you are saying?

Office of the State Engineer (OSE): That is not correct. If a farmer or ag who has an existing water right that is in good standing needs to drill a new well, whether it be a replacement well, or a supplemental well, they can go ahead and drill a new well with a permit.

Mayor Forrister: I guess my concern personally, would be hindering us for development within our city if somebody wanted to come in and say, put a car wash in, they are not going to be granted that. Is that correct?

Office of the State Engineer (OSE): They can purchase a water right from someone else and transfer that water right in, but if I am a water right owner in the city, and someone else wants to file a new appropriation, and that new appropriation is going to affect my business... If you guys had a business in there, wouldn't you take a dim view of somebody impairing your water rights? That is the important thing, and that is what we are seeing.

Mayor Pro-Tem Hechler: If someone is wanting to develop a multi-family housing unit, is that considered domestic or commercial?

Office of the State Engineer (OSE): That would be considered commercial.

Mayor Pro-Tem Hechler: So, we are going to stop all commercial new drilling?

Office of the State Engineer (OSE): No. If someone wants to purchase a water right from someone else, then they can. There is only a certain amount of resource, so you certainly don't want to impair others.

Mayor Forrister: When are we going to look at this again? How long is this re-charging happening, and if it is improving, when are we going to re-visit the situation?

Office of the State Engineer (OSE): Again, unless there is a huge change in the aquifer, and the hydrology, the state engineer believes that this is necessary.

Mayor Pro-Tem Hechler: What happens to water wells that haven't been used in a long time. Do you reclaim those wells and the water rights?

Office of the State Engineer (OSE): We will evaluate that on a case-by-case basis, so if someone comes in with an application, the state engineer takes jurisdiction and we evaluate that water right. So, it is difficult to say one way or another.

Mayor Pro-Tem Hechler: If it is taken back, can it be re-allocated?

Office of the State Engineer (OSE): Again, we need to look at it on a case-by-case basis. It is difficult to have hypotheticals.

Mayor Pro-Tem Hechler: It is just difficult at a time when this community is growing that we are going to lose the opportunity to get access to water, and I understand that there is only so much water.

Office of the State Engineer (OSE): Right. I think you need to think about the businesses who exist. Are you willing to impair those businesses. We as a state agency, our job is to be sure that there are no impairments or depletions to the Rio Grande.

Commissioner Harrelson: You haven't yet to tell us that there is proof that you have seen that. There is no data. You have some sort of guesstimate on the drills that are already out there that exist, but there is no proof that we are doing that.

Office of the State Engineer (OSE): That is incorrect. That is factually false because Dr. Zemlick and her Bureau has looked at that, and has taken the position.

Commissioner Harrelson: No one has said anything about this. Nobody has given us any exact numbers or data. You just keep saying, we've done this, we've done that. We have no data. You have yet to tell our community about that.

Commissioner Fahl: I think that will make the community feel like this is based on science, rather than conjecture.

Office of the State Engineer (OSE): Our hydrology department has taken a close look at this. Dr. Zemlick is very, very able, and we have data.

Commissioner Mitchell: I think what they are saying is that it is based on water rights, so you are allocated X, Y, Z. If they move forward, if there was a way that they could actually meter all of the wells and come up with accurate information, yeah that is one way, but I guess I understand what they are saying in a sense of it being based on an estimation or the studies that they have done in the past. That is what I'm getting, but I would feel more comfortable if we knew exactly how much water each well is using or not using. Not just on a case-by-case basis.

Mayor Forrister: At what rate are we re-charging?

Commissioner Fahl: I don't believe that we are getting a 100% re-charge. That is not feasible at all.

Mayor Forrister: That is the information we would need to know.

Office of the State Engineer (OSE): The study is attached to the chat, so that would probably be good to read prior to this meeting, but there are many basins that are closed in the state because this is a problem that we have as a state. We have a limited resource, and we have a lot of interest in using it, and we don't want to get into a situation where

that resource is depleted beyond repair. The re-charge is a very uncertain parameter in hydrologic system. We have looked at numerous applications for new appropriations, and in every case, there are effects to the river and neighboring wells. So, we can continue to give those negative opinions with new applications, but what we are saying is that we know that will continue to be the case, and that is the emplace for the closure, to protect existing water users and to protect the resource. There are a lot of factors that go into understanding the science of hydrology, and in this case, there was just a procurance of evidence that any new appropriation would continue to effect both the resource and existing water rights in a negative way. We are actively administering the basin and this is part of that metering process.

Commissioner Fahl: Some people from your office virtually came to this Commission about a year ago, and your staff told us that there were commercial hot springs wells that are not currently being metered, which by statute from 2006, so that is almost 20 years that they have been pumping, regardless of what the statute and their water rights are so we would hope that you would put some emphasis on those wells and get them metered so that they are equal with the other people that are metered.

Office of the State Engineer (OSE): We can't speak to what they mentioned, but it is something that we take seriously. We think everyone knows that the water quality in the warm water wells in the hot water district makes metering those wells tough. It is tough to find a meter that will work under those conditions, and it is a challenge to keep those meters active, and accurate. We have a pretty robust water master staff that administers the lower Rio Grande Hot Springs and Los Animas metering order, and they are in communication with those hot water well owners in that hot water district so if something isn't metered, there is a reason. Perhaps the well is no longer producing. It has been capped. They may have a variance or they are going through a transition where they are trying to find another meter that will work under that situation.

City Attorney Rubin asked the Office of the State Engineer (OSE) if they would be willing to give the Commission a chance to review the study and then come back to answer any questions. The Office of the State Engineer (OSE) agreed.

E. REPORTS:

City Manager Gonzales reported the following:

- She introduced the city's new Lobbyist to the Commission so they can give a brief presentation.

City Lobbyist, Kathy Elliot, Civility Government Relations: They appreciate the city's confidence in them, and allowing them to work with the city on more water issues, and other things that they can work with on our legislature. They met the Chief of Police, and found out that the city has a law enforcement facility that you are working on, and trying to remodel, and you are going to be needing some funds for that. We will put that on the list of things for us to do. They are not from this region, but they have a past with Angie

and some other Lobbying situations that they have done for other counties. They were absolutely thrilled to find out that the city entrusted them with the opportunity to work with the different legislators in the state, and find out what they can do for the city's needs.

City Manager Gonzales continued her report:

- There will be a golf scramble to support Open Arms Pregnancy Center on October 14th. It will be a 4-person scramble. There are also sponsorships, so if you want to be a sponsor, please contact Rick Artman at the T or C Golf Course.
- We will have a ½ price pet adoption event this Saturday from 11:00 a.m. to 2:00 p.m. at Tractor Supply. We appreciate Tara, and her great staff for their love of the animals that she takes care of here in Sierra County. Please go by Tractor Supply and check out the event.
- September is recovery month. Please come and celebrate next Wednesday at the Civic Center from 5pm to 8pm. Addiction affects every single family in this state. Every one of us has been touched by addiction. New Mexico is #1 on the state with the most drug use. Let's stop this. Let's lift our people, and our families and our community up, and let's join the festival of hope and recovery, and celebrate our people as they are moving up, and moving forward, and moving close. Let's stop this, and let's quit being #1 on some of these things.

City Attorney Rubin reported the following:

- There was a lawsuit filed against the city about a year ago by Erica Baker. She was serving in the Police Department. She filed suit and made certain allegations regarding her employment with the city. The suit was filed, and the city was represented and defended by the New Mexico Self Insurers Fund. We had a settlement conference a couple months ago, and the NMSIF elected to reach a resolution with Ms. Baker and her attorney and it has taken a little while to get the paperwork all taken care of and submitted, but it is now finalized.
- We have been having discussions about the property at 630 Charles Street. We had a closing on that case where that property has now been bought by someone else and the city's lien has been fully paid, so from a legal standpoint we are out of it at that point. He understands that the new property owner is diligent in trying to protect the property.

City Commission Reports:

Commissioner Mitchell reported the following:

- She gave a shout out to the Hot Springs High School Academic Challenge Team. We took 1st place in our district at our 1st competition. She didn't know half of the answers and the kids knew them. JV and Varsity both took 1st place. It was very prodigious for us.
- We also have an advanced placement in Environmental Science who is going to be attending the Water Symposium in Farmington on November 3rd. They will be representing Hot Springs High School, and doing water quality surveys, trying to help our water crisis problems in the State of New Mexico. We are also partnered

with New Mexico Tech and their geology and hydrology department. New Mexico Tech will be coming here surveying a sample of our Hot Springs wells, and checking for water quality, temperatures and all that kind of stuff. Our students are actually engaged in what we were just discussing. Our students at Hot Springs High School are actively working on that, and she thinks that is super impressive.

- There will be a fashion show at El Cortez theatre on Thursday, September 21st. It is from the makers market, and it is going to be fun.
- She also gave a shout out to the litter pick clean up. She is giving her environmental science kids extra credit if they participate, so we will see how many will show up. She encouraged the community to get involved. She has been doing them with MainStreet for years, but it is just really good to get out there and show some pride in your community. She expects Mayor Pro-Tem to be right there with her picking up litter.

Commissioner Fahl reported the following:

- She thanked Arnie and his crew. The changes in water leaks in the community are phenomenal. She was at a meeting that City Manager Gonzales attended, and she noted that we had 16 leaks as of that day, and there were 60 leaks just a few months ago, so that is just a testament to how hard those guys are working. That's amazing.
- She attended a public meeting with the Flood Commission Office. They were trying to get some feedback with the community on what their office can do. They stated that they wanted to work on projects within the city because that is where a lot of their funding comes from. She suggested that we need to get a coordinated meeting with their office and the county, and village. They are all going to be impacted on Cantrell. They all have different sources of money, and I think together we can get further and achieve more by partnering up with all of them. They certainly have concerns. They were greatly impacted by what happened when that flooded, and they will benefit from anything that we can do together. Sandy Jones Office with the Flood Commission does have quite a bit of money and access to other funds so she thinks that will be a good partnership.
- The New Mexico Dam Water Coalition is next month. It is going to be at the Isleta Resort and Casino. It is a 3-day conference, and she encouraged the Commission to attend. It is a jam packet conference, and as she said before, we are the ones who own those dams. Our staff doesn't. Our engineering firms don't, and if something happens, it's us who are going to be sued. She believes there are legitimate concerns about our structures, and we need to get more proactive in taking care of them, but you can really learn a lot.
- She asked City Manager Gonzales what is going on with the streets on McAdoo or Jones?

City Manager Gonzales: It is on McAdoo. We are working with the engineer and the contractor on getting that done. There were some leveling issues on the sidewalks, and now there are puddles. There has not been any movement. I have been doing some

work with the project manager and engineer so I can make sure that it doesn't get slipped through. It will get taken care of. I was taking pictures of it this morning.

Commissioner Harrelson reported the following:

- She hoped that the community felt as stressed as she did about the last presentation, and we have more people coming in on the next meeting. This is the community against the state and we are really going to have to pull together as a community to get done what needs to be done in the best interest of our community, not what is in the best interest of Santa Fe.
- We have a volleyball game on Saturday at 1:00 p.m. We are doing great this year. Please go and show your support.
- There will be a football game this Friday night at 7:00 p.m. Please go out and support them as well.
- The State of New Mexico PED has a level up reading challenge going on for our community. They are trying to lift the reading scores individually for each kid, and kids have the opportunity to become a billboard for New Mexico, and we want T or C children to be lifted, and to be on billboards in New Mexico. So let's support kids in reading in any way we can. We have a lot of great things happening in T or C, and we need to make sure that when we are blogging or writing journalist, we need to make sure that we are writing good things about T or C so people want to come here. We have a great community, and we need to make sure that we highlight that, not the negative parts that every community has. She knows it is more fun to write about negative stuff, but we really need to think about what we are doing.

Mayor Pro-Tem Hechler reported the following:

- He and Commissioner Fahl attended the Colonias Infrastructure Board Meeting yesterday. It was very informative. It is nice to have those people in our community that can potentially provide support and resources to us, so he was able to thank them for their previous support for the MSD Street Projects and the Cantrell Dam Project. He also asked for their support for the critical water line replacement projects that we are always facing. He thanked Traci and Angie for all of the work that they have done in the last year with the Water Trust Board and applications with the USDA grant that we are looking at now. We need to shake every leaf and every tree to find as much water as we can, and it is nice that we are consistently applying for grants and doing other things to try and get our water lines replaced. He thinks that is the biggest negative economic issue we have for this community. We've got to get those water lines fixed so he appreciates the efforts we do to apply for those grants to get those things done.
- He has had several meetings with citizens over the past week or so, talking about anything to Main Street to our potential new Recreation Center.
- He thanked Bo Easley for jumping into the middle of things and finding Nate Stephens a couple of transformers. We just ordered transformers. They are 5 or 6 months behind, but Bo was able to find some smaller transformers which worked and he was able to work with the contractor over there to get those things

installed. He appreciates the extra effort. He thinks it is important to take care of our people that are moving our community forward.

- He thanked Arnie as well. We had Ms. Schooley come in a few weeks ago with issues she had with her sewer backup and things of that nature, and Arnie was able to go over there and install a backflow preventor which we hope solved that problem. We haven't heard from Ms. Schooley, so he thinks it solved the problem.

Mayor Forrister reported the following:

- She commended her fellow Commissioners for doing a great job highlighting all of the things that need to be said during our meeting. We do have 16 water leaks, but look at the positive of what the staff is trying to do to address that. We can dwell on those 16 water leaks, or we can look at the fact that they are really trying hard to find solutions for those, and she appreciates that.
- Our Governor did put in an Executive Order that was unconstitutional, so she would urge the city to really look at a resolution affirming support for our right to bear Arms as citizens, and she is going to continue to follow up with that, and hopefully we will have a resolution to present at the next meeting.

F. CONSENT CALENDAR:

1. **City Commission Regular Minutes, August 23, 2023**
2. **August Accounts Payable**

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

G. PUBLIC HEARINGS:

1. **Public Hearing/Discussion/Action: Approval to submit the USDA Grant Application for Water System Performance Improvements 2 (WSPI2) and authorization and approval for the City Manager and/or Mayor to execute, sign, and submit the required and requested documents related to the USDA/RUS application.**

Traci Alvarez, Assistant City Manager: USDA has Colonias funding potentially available at the tail end of their funding season, otherwise we would like to potentially get into the beginning of their funding season for some Colonias funding through USDA. It would potentially be a 75% grant with a 25% loan. The agenda request form that I included in your packet, as well as the WSPI2 amendment details the project, but it basically focuses on the pressure issues that we are having, as well as fire flows, and a lot of our extremely old lines that are leaking. USDA does require a public hearing for this.

Mayor Forrister opened the public hearing.

There were no comments during the public hearing portion.

Mayor Forrister closed the public hearing.

Commissioner Fahl made a motion to approval to submit the USDA Grant Application for Water System Performance Improvements 2 (WSPI2) and authorization and approval for the City Manager and/or Mayor to execute, sign, and submit the required and requested documents related to the USDA/RUS application the Consent Calendar as submitted. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. NEW BUSINESS:

- 1. Discussion/Update: Office of the State Engineer (OSE) Order 198 Hot Springs Underground Water Basin.**

Item was moved after public comment.

- 2. Discussion/Update: Water Update.**

City Manager Gonzales: We took the complaint intake form from Ms. Schooley and Arnie has ordered the part. It is a backflow preventor so it should stop any flow going backwards. He explained the situation to the property owner so everything should go well.

Arnie Castaneda, Water/Wastewater Director: I spoke to Serina Schooley, and explained to her what we were going to do, and that should solve some of her problems with any backflow going into her home. We did get the part this week, and we will be scheduling to install it sometime next week. I have some employees out on training right now and they will be back next week, so we will get that completed when they get back. We have 20 active water leaks right now, and we have completed 70 leaks in the month of August which I think was a record for us. As of this month we already have 12 that we have fixed. We got into a rhythm where our group is now working as a group. We have Jamie who calls in the locates, and then the guys go check it out, and they report to her. We have been fixing about 5 a day so that has been working very well for us so far. We will continue doing that once everyone is back from training. I have employees who are currently in training who are also going to test for their certification so that is a big plus as well. We are trying to promote testing and promotion from within. We are diligently working on our leaks. We had some issues with our Wastewater Treatment Plant. We had a visit from OSHA and they were concentrating on our entrance works. If you recall there were some floods in 2020 and we lost our bar screening that cleans that captures a lot of big solids, and cleans it out automatically. When we lost it in 2020, they guys had to start doing that manually, but we were told that we need to do a better job as far as getting our guys down in there. We bought some gas monitoring devices, so before they go down in there, they check for fumes and gasses. I just contacted Safety Counseling, and they will be doing a retrieval plan for us in case somebody in the future, God forbid, would go down when they

are in there, so we need something in place on how we would retrieve them. We will turn the plan into OSHA which would include the written plan, and the equipment such as a harness, tripod, and all of that good stuff that comes along with it. We are currently working on that right now.

Commissioner Fahl: When we look at where we were just a few months ago, what your crew has accomplished is really amazing. I know that they are beat to the bone, but everybody really appreciates how hard they are working. Great strides that you guys have made so congratulations.

Arnie Castaneda, Water/Wastewater Director: I will pass that along. I do have to say that the group that we have right now are very hard working, and they are doing everything they can to help the situation.

Assistant City Manager Alvarez: In 2019 when that flood hit, we filed with the Department of Homeland Security for a claim on that, but unfortunately our bar screen is so outdated, and they will only restore what was existing, they wouldn't replace something new, so we didn't get anywhere with that. We will probably be coming to you fairly soon with an application to the Clean Water State Revolving Loan Fund. We are going to have to replace that entire system, and we are probably looking at close to \$750,000 to \$1 million dollars for just that system alone.

Mayor Pro-Tem Hechler: Arnie, there has been some discussion lately on Facebook regarding the water quality. I know that every time there is a water break, there is the potential for contamination, can you briefly tell us what steps you take to ensure that there isn't contamination, how often are we tested, and talk a little bit about how safe our water is.

Arnie Castaneda, Water/Wastewater Director: I would say about 80% of our leaks are service lines, and the service line is usually a $\frac{3}{4}$ " to 1" line. We don't sever the line. We just clamp it and stop the leak. There are leaks where we have to splice a line, and when we do that we usually, by regulation, put some powdered chlorine in there to disinfect the section that we did, and then we flush it. That is standard procedure for us. However, like I said, most of our leaks are just clamps that we do on service lines. The major lines have been 4" and recently we did one that was 6", but if it is something major, I usually contact our local contractors and have them do the job for us.

Mayor Pro-Tem Hechler: How often do you actually test the water in the water system to ensure that it is safe and meets standards?

Arnie Castaneda, Water/Wastewater Director: By state regulation we test it once a month. Once a month we collect about 10 water samples throughout the community. We have a sampling plan which has a list of addresses, 30 addresses for example. We just rotate those addresses every month, and go around and take water samples and submit them to the state. Nothing has come back on us since I have been here. The state also gets their water samples for different parameters at least once a year. Those results are on

the city website under the water department and it is called the consumer confidence report.

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

Kristie Wilson, Finance Director reviewed the Purchase Requisitions over \$20,000 provided in the packet. She noted that they removed the Western United PO from the packet until the next meeting because Electric Department Director Easley was not available to attend today's meeting.

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

4. Discussion/Action: Engagement Agreement for Municipal Advisory Services between the City of Truth or Consequences and Bosque Advisors, LLC.

Mark Valenzuela, Bosque Advisors, LLC: We like to be in compliance with state law and federal securities law, so we update our engagements with our clients on an annual basis. We provide new disclosures. There are federal securities law disclosures. There is nothing for us to disclose necessarily, but we still provide it. We also provide the fee schedule which has not changed from the prior year. All this engagement really does is change the dates of the contract.

Commissioner Fahl moved to approve the Engagement Agreement for Municipal Advisory Services between the City of Truth or Consequences and Bosque Advisors, LLC. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: United States Army Donations Program Qualification for Donation of Combat Material.

Commissioner Fahl: I am on the board, and I am going to recuse myself from this, but just to follow up on that, the Museum has been looking for static displays since 2009, and a helicopter would be perfect for where we are at. This program is part of the Army. The building and all of the stuff outside the Museum belongs to the city, and the artifacts belong to the Trust Board, but the city can be the applicant. You have to get on a waiting list and there are documents that you have to submit to prove to them that you are legit, and then you would just wait until they had one available. We said specifically what we wanted. As you saw in the paperwork, there will be transportation costs that have to be

paid to get it here from Texas. Once it is here, they do inspections. This is going to be a joint effort with the city and the Trust Board. This is going to be a joint effort. The cost will be borne by the city and your partner. I think at some point we can work out the details about what that would be. We believe that this would really enhance that, and bring so many more people. It is coming in, in flight. Fort Bayard has one that looks like that, and there is one in Cruces and Angel Fire. We talked to all of those folks about how they mount it so we just replicate what they are doing. We know that there will be a problem there with the wind because of where we are located, but we already talked about that. What we really want to do at this point, if the city agrees to be a participant, then between the Trust Board, and working with City Manager Gonzales, we will figure out the cost. Her son will go get it, and he wouldn't charge us, but he would need his fuel cost. I told him that I'm the one writing you the check. If we have to go out of state, and more than likely we will. We have had people that have stepped forward to pay for those costs, and we have several local veterans that have equipment and who can go get it at a reduced cost. We do not anticipate the city bearing that cost. We don't want it to be a burden on the city, but we believe that it will be an incredible improvement, and bring us so many more people, so we are hoping that you approve it. Maggie Allen is the Chairman of the board, and she will work with City Manager to work out the details. We would also be willing to service a liaison so it is not a burden on city staff.

Mayor Forrister: Just to get this all straight, all we are doing right now by approving this is filling out the required paperwork on our behalf. Correct?

Commissioner Fahl: You are the organization, and it is going to be in your care. They are not giving it to you. You are just using it, and they can take it back at any time. Especially if they find out that we are not taking care of it the way we should, so it is basically on loan, and you agree to be the person who is borrowing it.

City Manager Gonzales: If approved, the Mayor will have to be the one to sign the document.

Commissioner Fahl is on the board so she recused herself from the vote.

Commissioner Mitchell moved to approve the United States Army Donations Program Qualification for Donation of Combat Material. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer.

Hon. Shelly Harrelson, Commissioner voted aye

Hon. Amanda Forrister, Mayor voted aye

Hon. Rolf Hechler, Mayor Pro-Tem voted aye

Hon. Destiny Mitchell, Commissioner voted aye

Hon. Merry Jo Fahl, Commissioner abstained from the vote.

Motion carried with a 4-0 vote and 1 abstained.

6. Discussion/Action: Accept Department of Finance 2023 Federal Matching Fund Award and execute agreement.

Assistant City Manager Alvarez: In June 2023 we submitted an application to DFA for their federal matching grant funds. We applied for the matching funds. We were awarded for our Vision Zero Safety Action Plan for the federal funds, and we were awarded \$40,800 which is exactly the cash match that we needed to have for that previous award. The cycle opened up again, and we are potentially looking at trying for a bigger amount this year. They didn't have a lot of funds available last year, so we might try a match for the USDA. We don't have a whole lot of federal grants. Most of ours are state grants that we apply for, so we decided to start small and get our name out there.

Mayor Pro-Tem Hechler moved to accept the Department of Finance 2023 Federal Matching Fund Award and execute agreement. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Request to renovate the Armory into a new Police Department, and explore financial options.

Chief of Police Tavizon: Back in 2017 the city paid to get architects and the entire planning of the Armory to be renovated into a Police Station. However, something happened to where it didn't proceed forward. There was a concern of priorities. I understand that the city has a bunch of needs, and I would never ask to take any of that money allocated to address those needs to meet this need that we have at the Police Department. I am only asking for approval to look at the funding that we currently have allocated to the public safety, and also look at other avenues to try to seek the renovation of the Armory for a new Police Department. We have an obligation with both the state and federal requirements to protect the community, and their personal information through the program that we have at the Police Department through IT needs, and to protect the evidence that we have in the Police Department, and by having this new proposed plan we will be able to meet those needs more adequately. I just ask that you allow me to look into it further, and allow me to look into possible federal funding, and to work with our financial advisor to see what fits. If it doesn't make financial sense, then we obviously won't move forward with it, but if it is something that is possible, I would love to have your permission to do that.

Commissioner Mitchell: If you do plan to move forward with this and renovate the Armory, are you going to keep the downtown location as annex of some sort so you have that downtown presence?

Chief of Police Tavizon: It belongs to the city, so you all can choose to move anybody who needs the office space into that location. I think that would be the best fit for it.

CITY COMMISSION SEPTEMBER 13, 2023 REGULAR MEETING MINUTES

Commissioner Mitchell: I was just speaking specifically of Fiesta because having the Police Department downtown for big events like that is paramount for our security purposes. I also understand the need to grow and expand, and so I was just wondering.

Mayor Forrister: They have their little mobile thing that they hang out in, and I'm sure they will be out there on their bikes making laps.

Chief of Police Tavizon: Yes ma'am. We will have a mobile unit there so we have that presence there. We will always continue to support Fiesta, and do our best to provide security for that event.

Commissioner Fahl: When I worked at Bank of the Southwest it was nice to have the PD nearby, and now you will be moving up to First Savings, so they will be happy to have you up there. One of the rumors going around back in 2017 was that there were a lot of asbestos problems at the Armory.

Chief of Police Tavizon: The removal and disposal of the asbestos was included in that plan that they did in 2017.

Mayor Forrister: It was pretty affordable, correct?

Chief of Police Tavizon: It was around \$25,000.

Commissioner Fahl: I know we just moved Central Dispatch, so do you plan on having any other resources up there besides your staff?

Chief of Police Tavizon: We extended an invitation to the State Police to continue with that plan, and one of their questions was what their cost would be, so we just asked for in kind services, possible furniture, IT support, and radio communication type of stuff. If they decided to move into that location, they we asked that they agree to providing those services. I know that they have had some challenges in the location that they have now, and they are about to renovate as well to try to address some problems that they had, so it would make sense for both of us to move forward with this.

Commissioner Fahl: I think it will be great for the community, and also just getting that building back to being serviceable would be great. It is such a shame to see it just sitting there.

Chief of Police Tavizon: I agree. Absolutely. We were also hosting a few classes here within the city, and we had to use the Olive Tree because we just don't have the facilities, and the school provided them as well, so on one of the 3 days, we are looking at bringing at least 30 officers from all across the state. They will be coming into our community and possibly staying in our hotels, so if we have this facility, part of that plan is a nice training room, which we need, and I would be able to host those and bring people into our community.

Commissioner Mitchell: Would that funding come from Lodgers Tax if that's the case? I think we should explore that as an avenue. If you are going to have a statewide training center, that could be considered as bringing people from other communities, and heads in beds, aka Lodgers Tax.

Commissioner Harrelson: If your training room looks like a conference room, you can also have lots of different types of trainings.

Mayor Forrister: We look forward to being updated and seeing what conspires over there.

Commissioner Fahl made a motion to allow Chief Tavizon to explore financial options to renovate the Armory into a new Police Department. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

8. Discussion/Action: Approval of Service Agreement for the School Resource Officer at Hot Springs School District.

Chief of Police Tavizon: We are just looking to renew the Service Agreement for the School Resource Officer at Hot Springs School District. There has been some discussion of possibly updating it the next fiscal year for the school to include an additional position, which I believe we will be able to accommodate if that is given to us. The agreement is the same as last years agreement.

Commissioner Fahl moved to approve the Service Agreement for the School Resource Officer at Hot Springs School District. Commissioner Harelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

9. Discussion/Action: Contract Renewal with Parkhill.

Assistant City Manager Alvarez: A couple years back we went into an RFP for multiple engineers and architects under a single RFP. Originally, we did a contract renewal with Parkhill for 1 year with the ability to renew for 3 additional years. At this time staff would like to request to renew the contract for the full 3 additional years. Parkhill is the engineering firm that does all of our solid waste landfill monitoring for both of our landfill areas, and then they work closely with our solid waste department for their annual reports, and everything else. Since we will be monitoring those landfills for up to 30 years plus, it just makes more sense to do it this way, rather than coming to you guys each year to renew.

Mayor Pro-Tem Hechler moved to approve the Contract Renewal with Parkhill. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. EXECUTIVE SESSION:

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

Mayor Pro-Tem Hechler made a motion to go into executive session at 10:58 a.m. to discuss Threatened & Pending Litigation (*Diane Gunning*) pursuant to 10-15-1(H.7). Commissioner Harrelson seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Forrister reconvened the meeting in open session at 11:05 a.m.

Mayor Pro-Tem Hechler certified that only matters pertaining to Threatened & Pending Litigation (*Diane Gunning*) pursuant to 10-15-1(H.7) was discussed in Executive Session and no action was taken.

J. ADJOURNMENT:

Mayor Forrister adjourned the meeting at 11:06 a.m.

Passed and Approved this 27th day of September, 2023.

Amanda Forrister, Mayor

ATTEST:

Angela A. Torres, CMC, City Clerk

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Well, Well

What the state Supreme Court's new water-rights ruling means for New Mexicans

 Expand



A new ruling by the New Mexico Supreme Court helps clarify how water rights should be administered—but when it comes to domestic wells, it could also mean a lot more work for the state engineer. (File Photo)

By Justin Horwath and Joey Peters

July 30, 2013 at 10:23 am MDT

For years, Horace Bounds worried that his water would run dry.

Bounds is what's known as a senior water user: His family has had rights to use water in southwestern New Mexico's Mimbres River basin since 1869. But in the past few decades, as the population grew, more people wanted water. And under the state law governing domestic wells, the Office of the State Engineer, which manages New Mexico's water, had to grant those permits—even though water was already scarce.

Domestic wells—defined as wells used for irrigating a maximum of one acre "of noncommercial trees, lawn or garden," or "for household or other domestic use"—occupy a unique space in New Mexico's water landscape. Unlike other water rights, the Office of the State Engineer must issue permits for domestic wells.

That law dates back to the early 1950s, when domestic wells accounted for roughly half of the state's water use. Back then, their use was growing so quickly that the state engineer deemed it too burdensome for his office to fully evaluate new permits for domestic wells.

Based on the OSE's conclusions that new domestic wells would result in "minimal production or temporary use," the Legislature passed a law giving him the power to issue new permits without vetting how much water was available or notifying the public, according to a report conducted by the University of New Mexico's Upton Transboundary Resource Center earlier this year.

Since then, however, much has changed. New Mexico's population has more than doubled, and drought conditions—exacerbated by climate change—have grown more severe. But knowing that the law requires the state engineer to keep issuing

domestic well permits, individuals and developers have continued to apply for them—and pump water.

"More and more rural development is taking place based on the premise of availability on domestic wells," says Alvin Jones, one of the attorneys representing the New Mexico Farm & Livestock Bureau, which intervened in the case.

"People can walk into the state engineer's office and automatically get domestic water rights," adds Conci Bokum, a Santa Fe resident and senior water rights owner.

All of New Mexico's surface water is already spoken for—or, in water-rights jargon, "appropriated"—and Bokum characterizes the current setup as "adding more straws to an over-appropriated resource."

Mike White, president of the board of directors at the Farm & Livestock Bureau, explains it even more succinctly: "They're issuing water rights when there is no water left."

So in 2006, Bounds took his concerns to court, arguing that the law requiring the state engineer to continue granting domestic well permits violated the state Constitution. In 2011, the case made it to the New Mexico Supreme Court, which on July 25 issued a groundbreaking opinion that will likely inform much of water resource management for the future.

Bounds' complaint centered on the doctrine of "prior appropriation" outlined in New Mexico's Constitution. Basically, it means that water rights work according to a seniority system: The person with the oldest water right is the most senior; the guy who got his yesterday is the most junior.

For the most part, this principle is theoretical—until catastrophe strikes.

Currently, more than 97 percent of New Mexico suffers from severe to extreme drought. Already, there's not enough water to go around.

This is when seniority matters. Let's take two fictional farmers—Cisco, who's had a water right since 1950, and Bruce, who got one last year. If the river they use starts to run dry, the state engineer can cut off Bruce's water to protect Cisco's.

But historically, New Mexico hasn't been proactive in protecting senior water rights. In part, that's because many of the most senior rights haven't been adjudicated—meaning they lack a legally confirmed priority date. The Utton report also points out that as water managers have learned more about "the interconnectedness of surface water and groundwater," figuring out how one water user may harm another has become more complex. What's more, groundwater depletion can happen gradually—meaning you might not even realize your water's drying up until it's too late.

That, in turn, leads to tensions: Senior water users (like Bounds) worry that as the state engineer continues to grant well permits, junior users will start to infringe on their long-held water rights.

So Bounds argued that the domestic well law—the one that allows the state engineer to issue new domestic well permits, regardless of how much water is available—is unconstitutional because it violates prior appropriation.

While the district court agreed, the state's higher courts didn't. The Supreme Court held that there's nothing wrong with simply issuing a new permit, because merely giving someone a permit to drill for water doesn't mean they'll be allowed to pump

it.

"The court was making it very clear that the Legislature has created a shortcut way in getting an application in and granted, but it does not guarantee that you'll get water out of it," explains Steve Hernandez, one of Bounds' attorneys before the case went to the state Supreme Court.

And that's where prior appropriation comes in. In its ruling, the Supreme Court clarified that rather than an abstract concept, the seniority system should serve as a road map for enforcement.

"The entire phrase 'priority of appropriation shall give the better right' is meant to dictate how conflicts between water users can be resolved—by priority administration—in which junior users are cut off when necessary in favor of senior users," Supreme Court Justice Richard Bosson writes in the opinion.

Reed Benson, a professor who focuses on water and environmental law at UNM School of Law, says the ruling is potentially significant.

"The court now is pretty clearly saying that it is constitutionally necessary to make sure that seniors get the water that they're entitled to in times of shortage," he says.



Hot, dry conditions have already caused severe drying of the Rio Grande—to the point that, earlier this month, water managers had to irrigate the river. (courtesy US Fish & Wildlife Service)

While the ruling offers some clarity, it also means that someone has to regulate domestic well permits

to make sure that a junior water user doesn't hurt a senior user. That could place a heavy burden on the state engineer—and the Legislature—"for relief from many of these problems."

In other arenas, the OSE already has the authority to limit how much water users can pump, and even cut off some water users' supplies in order to keep more senior users from being negatively impacted. When it comes to domestic wells, the Court ruled, the OSE can take similar measures.

One such tactic involves establishing "domestic well management areas," with stricter limits on how much water a domestic well can pump. Earlier this year,

state Sen. Peter Wirth, D-Santa Fe, sponsored a memorial calling for the OSE to establish these areas; the high court ruling confirms that the OSE has the ability to do just that. (The OSE did not respond by press time to SFR's requests for comment.)

Wirth also sponsored two bills aimed at further regulating domestic wells.

"These domestic well bills would have never been passed in prior years," he says. In the past, organizations representing developers (such as the New Mexico Homebuilders Association) were resistant to such regulation; this year, they supported it.

"What's obvious to me and my colleagues is that the status quo isn't working," Wirth says.

In the meantime, some local governments—including the city of Santa Fe—have taken matters into

their own hands.

In 1999, the city passed an ordinance preventing domestic wells from being drilled within 300 feet of a city water distribution line—unless the applicant can prove that it costs more to hook up to the city's water supply than to drill a well. The ordinance has stood up twice to challenges in the state Supreme Court. The city also filed a "friend of the court" brief in the Bounds case.

Marcos Martínez, a city assistant attorney who represents the Water Division, explains that the city had a stake in the case "because it sort of viewed the proliferation of these [domestic] wells as a potential impact on the city's own well system—the city's ability to provide a safe and available water supply to the city of Santa Fe."

The continued issuing of new domestic well permits—potentially on private land just outside city limits—“could lead to some unintended consequences,” he adds.

The drought makes that fact painfully obvious.

According to the Utton report, New Mexico’s population growth “has brought intense pressure on local water supplies.”

And a peer-reviewed 2010 study by UNM climatologist David Gutzler projects that during the second half of this century, the Southwest will suffer a more extreme drought than the two worst dry periods of the 20th century. Other studies anticipate that the drought will continue to affect New Mexico’s water supply. By the middle of this century, for instance, the Rio Grande’s median streamflow is expected to decrease by 13 percent, according to the University of Arizona’s most recent Southwest Climate Change Assessment Report.

So while Bosson writes in the ruling that new domestic well permits can “serve as a placeholder should more water become available in the future,” in light of climate projections, such a prospect seems wildly optimistic.

And as water supplies are further stressed, tensions between junior and senior water users may be exacerbated.

“The real problem is, all the highest economic uses are the most junior rights,” says G Emlen Hall, a professor emeritus at the UNM School of Law. (Think about a city like Albuquerque, with relatively recent population growth, versus a farmer whose family has been here since the 1600s: The farmer has priority, but the city might have a more pressing need to provide drinking water.) “And so, when you talk about enforcing priority,” Hall continues, “you’re talking about alfalfa farmers and worse—in the view of modern economists—trying to shut down cities.”

White, for his part, predicts that the ruling will “create more lawsuits.” But for many water conservation proponents, it’s a major step forward.

"It puts anyone getting a new domestic well on notice," Wirth says. "Anyone using domestic wells is going to have to be careful, moving forward."

Santa Fe Reporter

Letters to the Editor

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Morning Word



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: September 27, 2023

Agenda Item #: F.2

SUBJECT: Acknowledge Regular Public Arts Board Minutes, March 15, 2023.

DEPARTMENT: City Clerk's Office

DATE SUBMITTED: September 21, 2023

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

WHO WILL PRESENT THE ITEM: Consent Calendar

Summary/Background:

Acknowledge Minutes.

Recommendation:

Acknowledge minutes.

Attachments:

Minutes

Fiscal Impact (Finance): N/A

\$0.00

Legal Review (City Attorney): N/A

None.

Approved For Submittal By: ☐ Department Director

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

Final Approval: ☐ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 9-27-23

**CITY OF TRUTH OR CONSEQUENCES
PUBLIC ARTS ADVISORY BOARD
MINUTES
Wednesday, March 15, 2023**

SPECIAL MEETING

Special meeting of the Public Arts Advisory Board of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Wednesday, March 15, 2023 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

Sid Bryan, Tourism - Chairman
Cary "Jagger" Gustin, Sierra County Arts Council – Vice-Chairman
Eduardo Alicea, Art Representative - **ABSENT**
Andy Underwood, Business Community
Suzanne Carlstedt, Member

ALSO PRESENT:

Bruce Swingle, City Manager
Lisa Gabaldon, Deputy Clerk

1. APPROVAL OF THE AGENDA

- a. March 15, 2023

Member Underwood made a motion to approve the agenda.
Member Carlstedt seconded the motion.
Motion Carried unanimously.

2. APPROVAL OF MINUTES

- a. February 21, 2023

Member Underwood made a motion to approve the minutes.
Member Carlstedt seconded the motion.
Motion carried unanimously.

3. COMMENTS FROM THE PUBLIC

No comments at this time.

4. OLD BUSINESS

- a. Discussion/Action: Well drilling estimates for City owned fountain on Main Street. Cary 'Jagger' Gustin
- Rainmaker Drilling Company - \$19,473.99
 - Maverick Drilling Company - \$20,849.14
 - Mauldin Drilling, LLC - \$15,396.04

Vice-Chairman Gustin went over all of the well driller's estimates with the board and what all is included in the estimate. He noted that Rainmaker Drilling includes the flagstone disassembling and reassembling whereas the other two do not, but it's more expensive.

Member Carlstedt asked if all 3 estimates include all of the same work.

Member Underwood stated that all 3 of the estimates would need to have the electric pole added to them.

Vice-Chairman Gustin stated that he is ready to appear before the Lodgers Tax Advisory Board with the approval of the board to ask them for an additional \$15,000 to help with this project and it would cover any unforeseen expenses that may come up. If there is any money left over, they would return it to them.

5. NEW BUSINESS

- a. Discussion/Action: Select and Vote for one of the Well Drilling Proposals.
Cary 'Jagger' Gustin

Member Carlstedt made a motion to recommend Mauldin Drilling, LLC for the job.

Vice-Chairman Gustin seconded the motion.

Motion carried unanimously.

- b. Discussion/Action: Review Estimate for Block Wall Repair. Cary 'Jagger' Gustin

Member Underwood made a motion to recommend Borderland Construction for the block wall repair in the amount of \$3,255.

Vice-Chairman Gustin seconded the motion.

Motion carried unanimously.

- c. Discussion/Action: Review Estimate for Service Pole. Cary 'Jagger' Gustin

Vice-Chairman Gustin made a motion to recommend Zia Electric to set the service pole in the amount of \$2,085.

Member Carlstedt seconded the motion.

Motion carried unanimously.

- d. Discussion/Action: Review \$200 Estimate for State Engineers Fee to Drill Well. Cary 'Jagger' Gustin

Vice-Chairman Gustin made a motion to recommend that the City pay for the State Engineers fee to drill the well in the amount of \$175.

Member Underwood seconded the motion.

Motion carried unanimously.

- e. Discussion/Action: Authorization for Cary 'Jagger' Gustin to Appear Before the Lodgers Tax Advisory Board to Request \$15,000 for Fountain Work. Cary 'Jagger' Gustin

Member Underwood made a motion to recommend that Vice-Chairman Gustin appear before the Lodgers Tax Advisory Board and request \$15,000 for the fountain work.

Member Carlstedt seconded the motion.

Motion carried unanimously.

6. REPORTS FROM THE BOARD

Member Carlstedt asked if when Jagger appears before the City Commission if they have to have a full presentation; what do they expect from them.

Vice-Chairman Gustin stated that it should be a professional presentation and he's appeared before the City Commission on numerous occasions before and he's able to put together a package for them. He asked if Chairman Bryan could appear with him for back-up. He went on to say that he would appear before the Lodgers Tax Advisory Board first before appearing the City Commission on April 12, 2023.

7. REPORTS FROM STAFF

8. SET TIME, PLACE AND DATE FOR NEXT MEETING

(Traditionally meets quarterly on the 3rd Tuesday of the month at 4:00 PM. However, regular meetings can be scheduled as needed.)

Next meeting is scheduled for April 18, 2023 at 4pm.

9. ADJOURN

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

Member Underwood seconded the motion.

Motion carried unanimously.

Sid Bryan



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: September 27, 2023

Agenda Item #: F.3

SUBJECT: Acknowledge Regular Planning & Zoning Board Minutes, August 14, 2023.

DEPARTMENT: City Clerk's Office

DATE SUBMITTED: September 21, 2023

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

WHO WILL PRESENT THE ITEM: Consent Calendar

Summary/Background:

Acknowledge Minutes.

Recommendation:

Acknowledge minutes.

Attachments:

Minutes

Fiscal Impact (Finance): N/A

\$0.00

Legal Review (City Attorney): N/A

None.

Approved For Submittal By: ☐ Department Director

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

Final Approval: ☐ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 9-27-23

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES
MONDAY, AUGUST 14, 2023**

REGULAR MEETING

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, August 14, 2023 at 4:00 p.m.

ROLL CALL:

Chris Sisney, Chairman
Susan Buhler, Vice Chairman
Esther Luchini, Member
Lisa Kent, Member

1. APPROVAL OF AGENDA

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

2. APPROVAL OF MINUTES:

a) June 12, 2023

Vice-Chairman Buhler made a motion to approve the minutes.
Chairman Sisney seconded the motion.
Motion carried unanimously.

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

No comments at this time.

4. NEW BUSINESS:

a. Discussion/Update: City Advisory Boards, Assistant City Manager Alvarez

Assistant City Manager Alvarez stated that back in the middle of July, the City Commission has tasked her with taking a look at various boards. The City has a lot of advisory boards that haven't been active for many years. They want her to look at cleaning up the municipal code to appeal some of the ordinances, because some of the boards won't be enacted again and then looking at the current board structures because they have a lot of boards that they're having a hard time fully staffing. We have so many boards that we are unable to get full quorums on or get enough people. They want her to take a look to see where they can potentially restructure and combine some of the boards. They want to take a couple of members from various boards and combine them into one board that covers everything.

Vice-Chairman Buhler stated that she hopes that they leave the Planning & Zone board as it is. Members Luchini and Kent shared Vice-Chairman Buhler's sentiments as did Chairman Sisney.

5. REPORTS FROM THE BOARD

Nothing to report at this time.

6. REPORTS FROM STAFF

Nothing to report at this time.

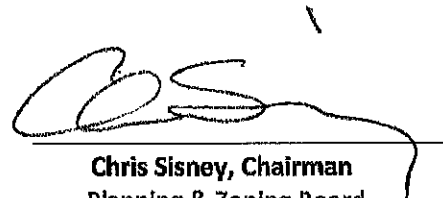
7. ADJOURNMENT

Member Luchini made a motion to adjourn.

Member Kent seconded the motion.

Motion carried unanimously.

PASSED AND APPROVED ON THIS 11TH DAY OF SEPTEMBER, 2023.



Chris Sisney, Chairman
Planning & Zoning Board



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: September 27, 2023

Agenda Item #: G.1

SUBJECT: Discussion/Action -Resolution No. 10 23/24 Repeal of Resolution No. 09 23/24 pertaining to Water Trust Board Application.

DEPARTMENT: Community Development

DATE SUBMITTED: September 21, 2023

SUBMITTED BY: Traci Alvarez

WHO WILL PRESENT THE ITEM: Traci Alvarez Assistant City Manager

Summary/Background:

City Commission approved Resolution 09 23/24 pertaining to a WTB Application. Funding request has been reduced so previous resolution needs to be repealed.

Recommendation:

Approve Resolution No. 10 23/24

Attachments:

- Resolution 10 23/24
-

Fiscal Impact (Finance): N/A

[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 9-27-23

*Amanda Forrister
Mayor*

*Rolf Hechler
Mayor Pro-Tem*

*Merry Jo Fahl
Commissioner*



*Destiny Mitchell
Commissioner*

*Shelly Harrelson
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*

RESOLUTION NO. 10 23/24

A RESOLUTION REPEALING RESOLUTION 09 23/24 AUTHORIZING APPLICATION SUBMISSION AND PROJECT SELECTION TO THE NEW MEXICO FINANCE AUTHORITY WATER TRUST BOARD

WHEREAS, The City Commission adopted Resolution 09 23/24 at its regular meeting on August 23, 2023, (a copy of which is attached hereto as EXHIBIT A), and

WHEREAS, the aforesaid Resolution authorized and approved submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority Water Trust Board for design and construction services for the waterline replacement project for the amount of \$20,000,000 pledging a cash match of \$2,000,000.00, and;

WHEREAS, The City Commission has determined that the aforesaid Resolution no longer meets the needs of the Water Department, and

WHEREAS, The City Commission desires to repeal the aforesaid Resolution.

NOW, THEREFORE, be it resolved that Resolution 09 23/24 is hereby repealed.

PASSED, APPROVED AND ADOPTED THIS 27th day of September, 2023.

Amanda Forrester, Mayor

ATTEST:

Angela A. Torres, City Clerk

Attachment A – Scope of Work

Project Name: Pershing Street and Second Street Construction

Full-depth reconstruction of Pershing Street from north of Main Street to Second Street and Second Street from Pershing Street to Date Street, including new curb & gutter, sidewalk, ADA accessibility, and adjustment to existing utilities as required to accommodate new roadway improvements.

RESOLUTION NO. 09 23/24

A RESOLUTION BY THE CITY COMMISSION, THE GOVERNING BODY OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO, WHEREBY THE CITY COMMISSION INSTRUCTS CITY STAFF TO SUBMIT AN APPLICATION FOR THE FUNDS THROUGH THE WATER TRUST BOARD FOR DESIGN AND CONSTRUCTION SERVICES FOR THE WATERLINE REPLACEMENT PROJECT.

WHEREAS, *The City of Truth or Consequences* ("Governmental Unit") is a qualified entity, and the *City Commission* ("Government Body") has the authority to authorize public projects for the benefit of the Governmental Unit; and

WHEREAS, the Water Trust Board ("Board") has instituted a program for the financing of projects and has developed an application procedure whereby the Governing Body may submit an application ("Application") for financial assistance from the Board for public projects; and

WHEREAS, the Governing Body recommends that an application be filed with the Water Trust Board for design and construction services for the Waterline Replacement project.

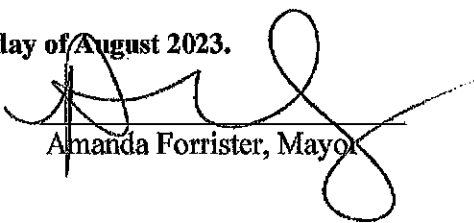
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION, THE GOVERNING BODY OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO, that the filing of an application to the New Mexico Water Trust Board for funding in the 2024 Water Project Fund funding cycle is hereby authorized. The project type falls under Water Storage, Conveyance, and Delivery and proposes to design and construct waterlines in order to reduce water loss in the City of Truth or Consequences, NM. The financial assistance requested is in the amount of \$20,000,000. The City of Truth or Consequences hereby pledges a 10% local match in the amount of \$2,000,000 in support of the application.

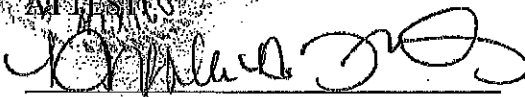
1. That all action (not consistent with the provision hereof) heretofore taken by the Governing Body and the officers and employees thereof directed toward the Application and the Project, and the same is hereby ratified, approved, and confirmed.
2. That the Application authorized by the Governing Body be and the same is hereby approved and confirmed.
3. That the officers and employees of the Governing Body are hereby directed and requested to submit the completed Application to the Board for its review and are further authorized to take such other action as may be requested by the Board in its consideration and review of the Application and to further proceed with arrangements for financing the Project.

All acts and resolutions in conflict with this resolution are hereby rescinded, annulled, and repealed.

This resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED this 9th day of August 2023.


Amanda Forrister, Mayor


Angela Torres, City Clerk-Treasurer



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: September 27, 2023

Agenda Item #: G.2

SUBJECT: Discussion/Action -Resolution No. 11 23/24 Authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority Water Trust Board for design and construction services for the waterline replacement project.

DEPARTMENT: Community Development

DATE SUBMITTED: September 21, 2023

SUBMITTED BY: Traci Alvarez

WHO WILL PRESENT THE ITEM: Traci Alvarez Assistant City Manager

Summary/Background:

This resolution will replace Resolution No. 09 23/24 pertaining to Water Trust Board Application. Funding request and cash match pledge has been changed to reflect matching funds awarded for design. (\$16,000,000.00 requested - \$1,600,000.00 Cash Match)

Recommendation:

Approve Resolution No. 11 23/24

Attachments:

- Resolution 11 23/24
-

Fiscal Impact (Finance): TBD

[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 9-27-23

RESOLUTION NO. 11 23/24

A RESOLUTION BY THE CITY COMMISSION, THE GOVERNING BODY OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO, WHEREBY THE CITY COMMISSION INSTRUCTS CITY STAFF TO SUBMIT AN APPLICATION FOR THE FUNDS THROUGH THE WATER TRUST BOARD FOR DESIGN AND CONSTRUCTION SERVICES FOR THE WATERLINE REPLACEMENT PROJECT.

WHEREAS, *The City of Truth or Consequences* ("Governmental Unit") is a qualified entity, and the *City Commission* ("Government Body") has the authority to authorize public projects for the benefit of the Governmental Unit; and

WHEREAS, the Water Trust Board ("Board") has instituted a program for the financing of projects and has developed an application procedure whereby the Governing Body may submit an application ("Application") for financial assistance from the Board for public projects; and

WHEREAS, the Governing Body recommends that an application be filed with the Water Trust Board for design and construction services for the Waterline Replacement project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION, THE GOVERNING BODY OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO, that the filing of an application to the New Mexico Water Trust Board for funding in the 2024 Water Project Fund funding cycle is hereby authorized. The project type falls under Water Storage, Conveyance, and Delivery and proposes to design and construct waterlines in order to reduce water loss in the City of Truth or Consequences, NM. The financial assistance requested is in the amount of \$16,000,000. The City of Truth or Consequences hereby pledges a 10% local match in the amount of \$1,600,000 in support of the application.

1. That all action (not consistent with the provision hereof) heretofore taken by the Governing Body and the officers and employees thereof directed toward the Application and the Project, and the same is hereby ratified, approved, and confirmed.
2. That the Application authorized by the Governing Body be and the same is hereby approved and confirmed.
3. That the officers and employees of the Governing Body are hereby directed and requested to submit the completed Application to the Board for its review and are further authorized to take such other action as may be requested by the Board in its consideration and review of the Application and to further proceed with arrangements for financing the Project.
4. All acts and resolutions in conflict with this resolution are hereby rescinded, annulled, and repealed.
5. This resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED this 27th day of September 2023.

Angie Gonzales, City Manager

ATTEST:



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: September 27, 2023

Agenda Item #: G.3

SUBJECT: Discussion/Action: Resolution NO. 12 23/24 pertaining to the sale of alcohol at the T. or C. Municipal Golf Course.

DEPARTMENT: Golf Course

DATE SUBMITTED: September 22, 2023

SUBMITTED BY: O.J. Hechler

WHO WILL PRESENT THE ITEM: Rick Artman, Golf Course Superintendent

Summary/Background:

The Municipal Golf Course has a liquor license, liquor liability insurance, and trained certified servers. The golf course is ready to serve beer and wine at costs per resolution.

Recommendation:

Approve Resolution

Attachments:

- Resolution NO. 12 23/24

Fiscal Impact (Finance): N/A

\$0.00

Legal Review (City Attorney): N/A

[Click here to enter text.](#)

Approved For Submittal By: ☐ Department Director

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

Final Approval: ☐ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 9-27-23



RESOLUTION NO. 12 23/24

**A RESOLUTION OF THE CITY OF TRUTH OR CONSEQUENCES CITY
COMMISSION ESTABLISHING FEES FOR ALCOHOL SALES AT THE MUNICIPAL
GOLF COURSE**

WHEREAS, the collection of fees is needed in order to recover the costs related to alcohol sales and services provided by the city related to the City of Truth or Consequences Municipal Golf Course;

NOW THEREFORE, be it resolved by the City Commission of the City of Truth or Consequences that the following fees are to be collected by the city in relation to Alcohol sales at the Truth or Consequences Golf Course;

Base Alcohol costs will be established at the time of purchase by the City. Sales amounts will be based on current Alcohol costs; an additional 300% per serving, plus sales tax at current tax rate, rounded up to nearest $\frac{1}{4}$ of a dollar, applicable credit card fees of \$2.00 per transaction will be assessed if purchased with credit card.

This resolution repeals and replaces all previous Resolutions and fees for alcohol sales and services provided by the city related to the City of Truth or Consequences Municipal Golf Course.

PASSED, APPROVED AND ADOPTED this 27th day of September, 2023.

**CITY OF TRUTH OR CONSEQUENCES,
NEW MEXICO**

Amanda Forrister, Mayor

ATTEST:

Angela Torres, City Clerk



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: September 27, 2023

Agenda Item #: G.4

SUBJECT: Resolution No. 13 23/24 to Support and defend the US Constitution Bill of Rights

DEPARTMENT: Police Department

DATE SUBMITTED: September 21, 2023

SUBMITTED BY: PD

WHO WILL PRESENT THE ITEM: Chief of Police Tavizon

Summary/Background:

RESOLUTION OF SUPPORT TO DEFEND THE CONSTITUTION OF THE UNITED STATES AND THE BILL OF RIGHTS, THE CONSTITUTION OF THE STATE OF NEW MEXICO, PROTECTING THE SOVEREIGN RIGHTS OF THE CITIZENRY THEREOF, AND PROVIDING FOR MEANS AND AUTHORIZATION FOR THE SAME.

Recommendation:

Approval of Resolution No. 13 23/24

Attachments:

- Resolution No. 13 23/24
- -

Fiscal Impact (Finance): N/A

-

Legal Review (City Attorney): N/A

-

Approved For Submittal By: ☒ Department Director

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

Final Approval: ☐ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. [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 9-27-2023



City of Truth or Consequences

Sierra County, New Mexico

RESOLUTION NO. 13 23/24

A RESOLUTION OF SUPPORT TO DEFEND THE CONSTITUTION OF THE UNITED STATES AND THE BILL OF RIGHTS, THE CONSTITUTION OF THE STATE OF NEW MEXICO, PROTECTING THE SOVEREIGN RIGHTS OF THE CITIZENRY THEREOF, AND PROVIDING FOR MEANS AND AUTHORIZATION FOR THE SAME.

WHEREAS, the **New Mexico State Constitution**, Article II, Section 2 [**Popular Sovereignty**] states: "All political power is vested in and derived from the people: all government of right originates with the people, is founded upon their will and is instituted solely for their good."

WHEREAS, Article II, Section 3 [**Right of self-government**] states: "The people of the state have sole and exclusive right to govern themselves as a free, sovereign and independent state."

WHEREAS, Article II, Section 4 [**Inherent Rights**] states: "All persons are born equally free, and have certain natural, inherent and inalienable rights, among which are the rights of enjoying and defending life and liberty..."

WHEREAS, Article II, Section 6 [**Right to Bear Arms**] states: "No law shall abridge the right of the citizen to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes, but nothing herein shall be held to permit the carrying of concealed weapons. No municipality or county shall regulate, in any way, an incident of the right to keep and bear arms."

WHEREAS, Article IV, Section 24 [**Local or special laws**] states: "The legislature shall not pass local or special laws in any of the following cases: regulating county, precinct or district affairs; the jurisdiction and duties of justices of the peace, police magistrates and constables; ...".

WHEREAS, Article IV, Section 25 [**Validating unauthorized official acts; fines against officers, etc.**] states: "No law shall be enacted legalizing the unauthorized or invalid act of any officer, remitting any fine, penalty, or judgment against any officer or validating any illegal use of public funds."

WHEREAS, Title 18, Section 241 of the United States Constitution [**Civil Rights Conspiracy**] states: "If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States..., with intent to prevent or hinder his/her free exercise or enjoyment of any right or privilege so secured- They shall be fined not more than **\$5,000** or imprisoned not more than ten years, or both."

WHEREAS, Title 18, Section 242 of the United States Constitution [**Deprivation of Rights under color of law**] states: "Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color



or race, than are prescribed for the punishment of citizens, shall be fined not more than **\$1,000** or imprisoned not more than one year, or both.”

WHEREAS, on September 7, 2023, Governor Michelle Lujan Grisham of the State of New Mexico declared by Executive Order 2023-130 a State of Public Health Emergency Due to Gun Violence,

AND

That the forgoing situation within the State of New Mexico as described in said Executive Order 2023-130 constitutes a Statewide Public Health Emergency of Unknown Duration, as defined by the Public Health Emergency Response Act; and the forgoing situation also constitutes a man-made disaster causing or threatening widespread physical or economic harm that is beyond local control and requiring the resources of the State pursuant to the All-Hazard Emergency Management Act.

WHEREAS, Directive Number 3 of the Order encourages all mayors, sheriffs, and members of governing bodies of municipalities or counties to request, if necessary, an emergency proclamation and implementation of additional restrictions to address this public health emergency pursuant to the Riot Control Act;

WHEREAS, Executive Order 2023-130 shall remain in effect until October 6, 2023;

WHEREAS, on September 8, 2023, Governor Michelle Lujan held a press conference announcing the action plan, which includes a suspension of open and concealed, carry laws in Bernalillo County, temporarily prohibiting the carrying of guns on public property with certain exceptions.

WHEREAS, according to the National Center for Health Statistics, the most current data as of 2021 indicates the leading cause of death in New Mexico is from heart disease, second is cancer, and 10th on the list is suicide. Of these, 63% of gun deaths are suicides and 30% are homicides.

WHEREAS, on September 8, 2023, Bernalillo County Sheriff John Allen issued a press release stating “..., the temporary ban challenges the foundation of our constitution, which I swore an oath to uphold. I am wary of placing my deputies in positions that could lead to civil liability conflicts, as well as the potential risks posed by prohibiting law-abiding citizens from their constitutional right to self-defense.”

WHEREAS, it is the desire of the City of Truth or Consequences to support and defend the New Mexico State Constitution and Bill of Rights, the United States Constitution and Bill of Rights, and to protect the liberties of its citizens as stated therein:

NOW THEREFORE BE IT RESOLVED, the City of Truth or Consequences Board of Commissioners hereby agrees to support and defend the New Mexico State Constitution and Bill of Rights, the United States Constitution and Bill of Rights, and to protect the liberties of its citizens as stated therein and supports the following: We the citizens of this city hold these truths as self-evident and known to be created in light, take a stand, and resist all persons, nations, and governments persuaded by such a dark cloud of



debauchery and deception; intent on the destruction and reformulation of this nation, whose intent it is to remove the freedoms and liberties successfully apprehended throughout history by just men, who willingly gave life and limb to obtain.

We, a consolidated people of like mind and like spirit oppose such efforts and actions that weaken our constitution, change our institutions, and lay bare our protections to all enemies, foreign and domestic. We resolve to take every necessary action to protect and defend our institutions given to us by our Creator and formulated by our founders. We adamantly oppose all efforts, actions, and further regressions that may occur now and in the future; that rob just men of their rights, their liberties, and their freedoms as may be stated below:

- Any and all efforts to suspend the New Mexico State Constitution for any reason at any time.
- Any and all efforts to violate the Constitution of the United States of America.
- Any and all efforts to form an alliance with any and all historically known communist, socialist, Marxist nation and all future forms of government established thereof.
- Any and all efforts to disband or defund jurisdictional state, county, city police, and or sheriff departments, authorized by the state constitution without prior legal affirmations provided by law and the state's legislature.

Therefore, we resolve, as stated in the United States Constitution, Article XIV of the Bill of Rights: "No State shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

We therefore the undersigned, do solemnly swear (or affirm) that We will support and defend the Constitution of the Unites States and the New Mexico State Constitution against all enemies, foreign and domestic; that We will bear true faith and allegiance to the same; that We take this obligation freely, without any mental reservation or purpose of evasion.

CITY OF TRUTH OR CONSEQUENCES

PASSED, APPROVED, AND ADOPTED this day 27th of September, 2023

ATTEST:

Amanda Forrister, Mayor

Angela Torres, City Clerk



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: September 27, 2023

Agenda Item #: H.1

SUBJECT: PD Update
DEPARTMENT: City Manager's Office
DATE SUBMITTED: September 21, 2023
SUBMITTED BY: City Clerk Torres
WHO WILL PRESENT THE ITEM: Chief of Police Tavizon

Summary/Background:

PD Update

Recommendation:

Presentation only

Attachments:

- N/A
- [Click here to enter text.](#)

Fiscal Impact (Finance): N/A

[Click here to enter text.](#)

Legal Review (City Attorney): N/A

[Click here to enter text.](#)

Approved For Submittal By: ☒ Department Director

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

Final Approval: ☐ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. [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 9-27-2023



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: September 27, 2023

Agenda Item #: H.2

SUBJECT: Turtleback Trails Master Plan.
DEPARTMENT: N/A
DATE SUBMITTED: September 21, 2023
SUBMITTED BY: City Clerk Torres
WHO WILL PRESENT THE ITEM: John Masterson

Summary/Background:

Turtleback Trails Master Plan Discussion.

Recommendation:

-

Attachments:

- Turtleback Trails Network Plan.

-

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 9-27-2023



Turtleback Trails Network Plan

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





Acknowledgment



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

Turtleback Trails Network Master Plan

Acknowledgments

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

Steering Committee Representatives

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

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

River Working Group

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

Trails Working Group

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

Conservation Working Group

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

Production Support

Moshe Koenick
Becca Eza
SparkNerds



Executive Summary

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

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

Major components of the Master Plan include:

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

The Turtleback Trails Network Master Plan includes the following components:

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

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

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

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

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

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

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

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

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

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

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

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

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Promotion, Programming, and Policy supporting successful implementation:

Throughout the document, look for the following icons:



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



Programming: indicates existing or potential new programming to take place



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





01 Community Vision Statement

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

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

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

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

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

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

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



02 Background

Recreation and Tourism

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

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

Relevant Local/State Plans

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

New Mexico State Comprehensive Outdoor Recreation Plan (SCORP)

[Home](#) | [Get Outside, New Mexico](#) | [Outdoor Recreation Plan](#)
([getoutsidenm.org](#))

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

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

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

Comprehensive Plan Update for Sierra County, NM 2017

[sierra-county-comprehensive-plan-2017.pdf](#) (sierraco.org)

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

City of Truth or Consequences Comprehensive Plan, 2014

[Final Comprehensive Plan - October 2014.pdf](#) (revize.com)

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

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

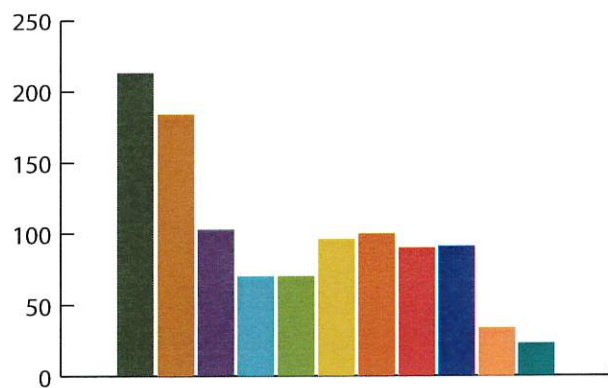
- Create and maintain recreational opportunities for residents of all ages.
- Increase access to recreational activities on and along the Rio Grande, including rafting, kayaking, canoeing and fishing.
- Work with the Bureau of Reclamation to determine the feasibility of installing access ramps for rafting,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

City of Truth or Consequences Riverfront Economic Feasibility Study, 2021

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

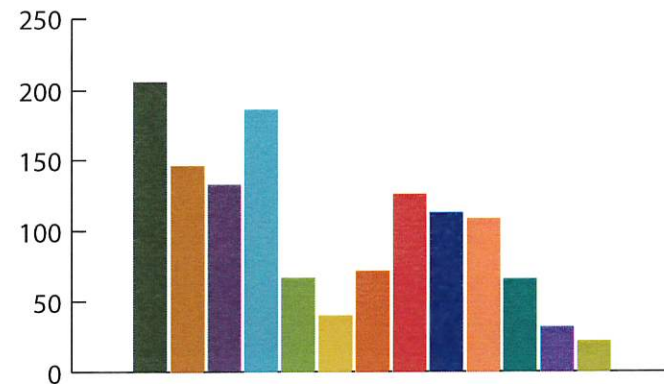
1. Which of the following changes would you like to see along the Rio Grande?

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



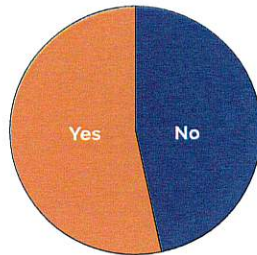
2. What activities would you participate in along the Rio Grande, if available?

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



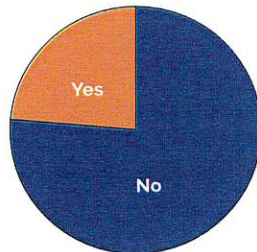
3. Do you believe a vehicular bridge crossing to the South side of the Rio Grande is important?

● Yes 143
● No 162



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

● Yes 231
● No 71



Rio Grande Trail Master Plan

[RioGrandTrail_MasterPlan_FINALwChanges.pdf \(nm.gov\)](#)

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

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

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

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

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

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

Community Profile

Population

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

Income and Poverty

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

Source: *Census - Geography Profile*

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

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

Source: *Truth or Consequences, NM | Data USA*

Community Health

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

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

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

Community Health Needs Assessment

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

The 2020 Significant Health Needs identified for Sierra County include:

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

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

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

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

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

Access to Parks & Trails

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

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

Park Serve Database/10 Minute Walk

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

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

Detailed information, maps, and graphics are available at [Truth or Consequences, New Mexico](https://www.truthorconsequences.org/) | [Trust for Public Land \(tpl.org\)](https://www.trustforpublicland.org/)

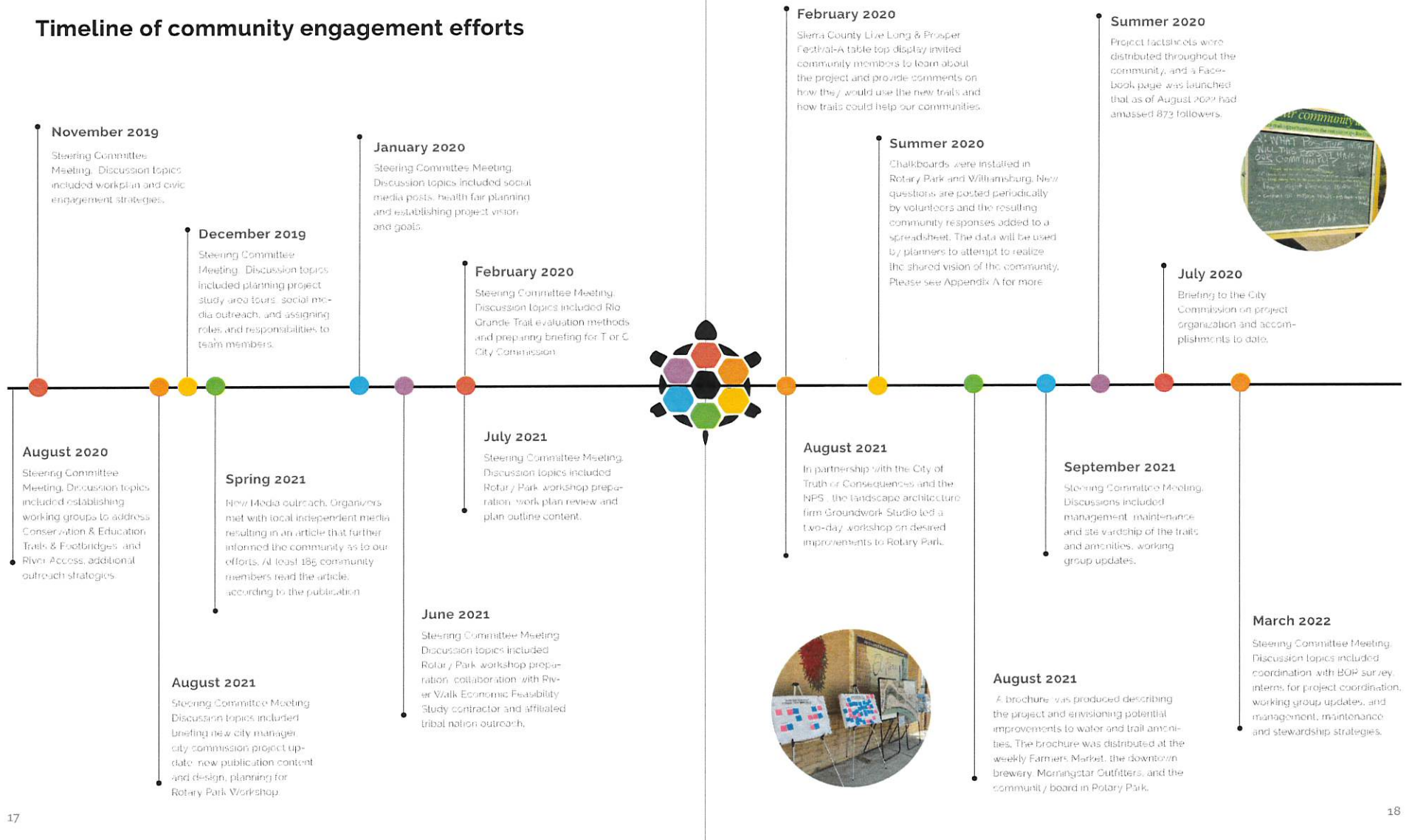


03 Community Engagement

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

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

Timeline of community engagement efforts



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

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

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

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

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

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

Turtle Mountain Trails Network

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

- _____ Rotary Park Wetlands Improvements
- _____ River Access /Boat Launch Improvements
- _____ Accessible River Trail across the river
- _____ Shared Use Trail from Rotary Park to Williamsburg.
- _____ Adventure Trails Network for hiking, running, mountain biking, and motorized recreation.





04 Visitor Safety and Security

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

Key Issues

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

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

Signage

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

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

Emergency Operations



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



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

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

Key Recommendations

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



Wildfire Threats Along the Rio Grande Corridor

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

and have increased the possibility of wildfires igniting.

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

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



05 Physical Projects

Part 1: Rio Grande Paddle Trail

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

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

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

Key Issues

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

Existing Conditions

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

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

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

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

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

ate 200 river users on a single day.

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

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

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

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

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

River Access Site Recommendations and Visitor Use/Concerns

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

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

The Paseo del Rio Campground to NM 51 access

Specific Conditions Noted:

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



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

Key Recommendations

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

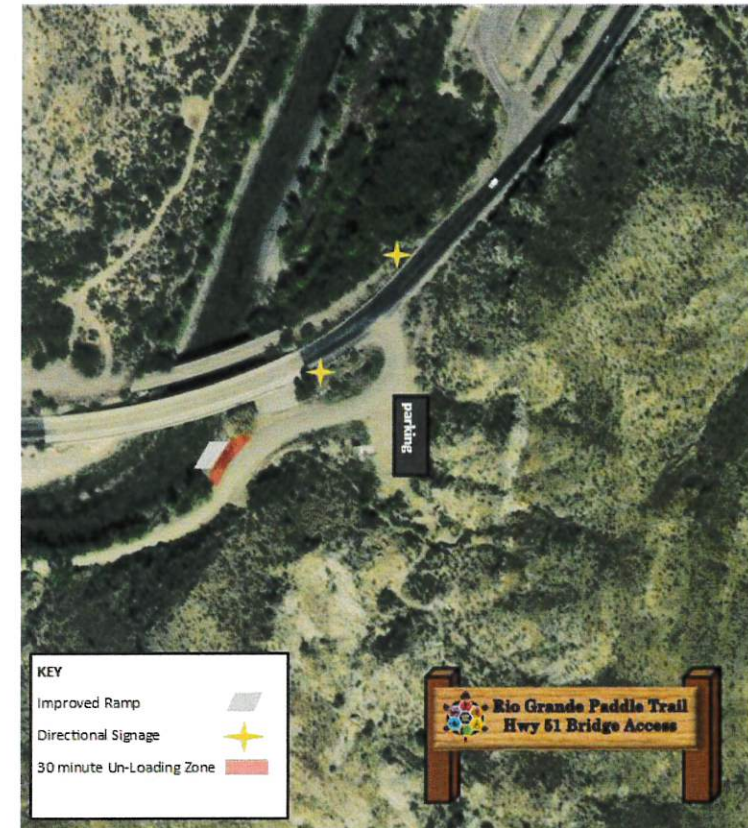
New Mexico Highway 51 Bridge River Access (+33°08.682', -107°12.550')

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

The Paseo del Rio Campground to NM 51 access

Specific Conditions Noted:

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



Key Recommendations

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

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

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

Key Recommendations

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

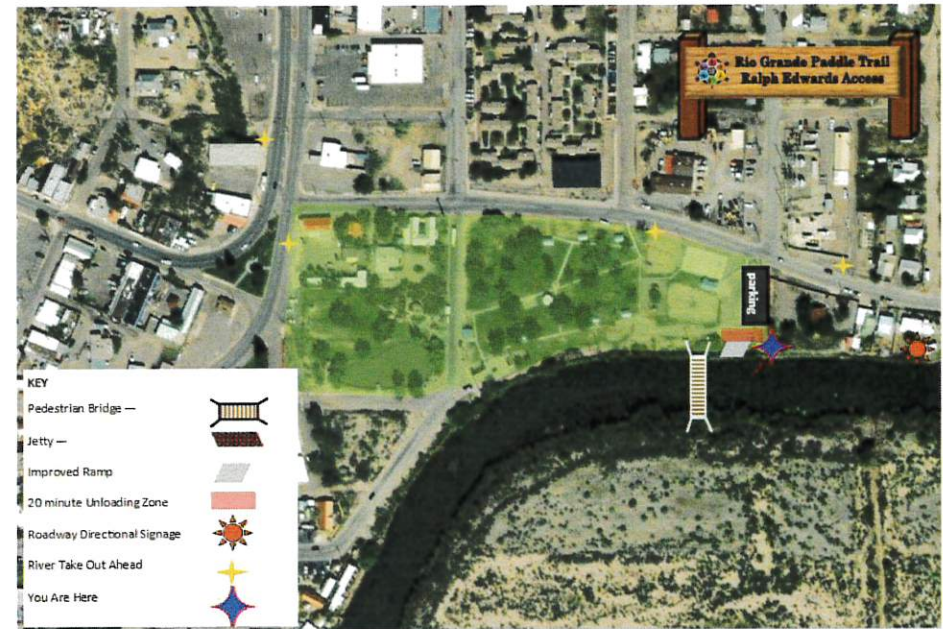


Ralph Edwards River Access PROPOSED (33°07.379', -107°15.296')

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

Key Recommendations

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



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

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

Specific Conditions Noted:

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



- and brush at the main take-out.
- Wetlands conservation/restoration could significantly change park/parking function layout.

Key Recommendations

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

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

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

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

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

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

Specific Conditions Noted:

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



Key Recommendations

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

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

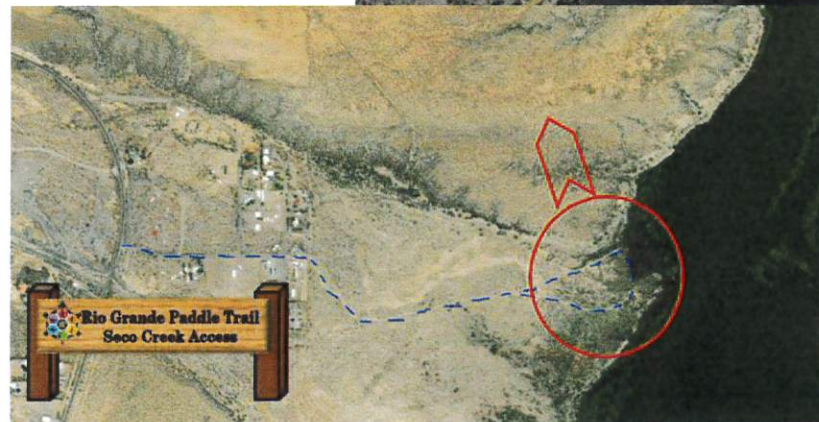
A river access at Seco Creek just upriver of Caballo Reservoir would provide a quality day-long river experience for canoe or kayak enthusiasts. It would be a very long float for tubers due to prevailing winds from the south pushing against recreationists. The setting is more remote with no amenities.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

Specific Conditions Noted:

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

Key Recommendations

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



Ramp Designs

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

Signage and Wayfinding

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

Turtleback Trails Branding and Logo

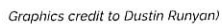
The Turtleback Trails logo helps communicate the diversity of the trails system – land and water trails, and the variety of recreational experiences available to everyone. The logo idea emerged from our local mountain namesake.

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

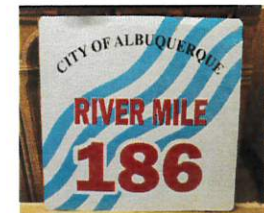
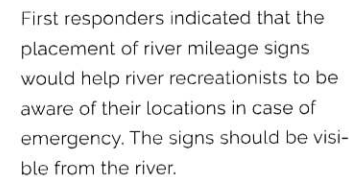
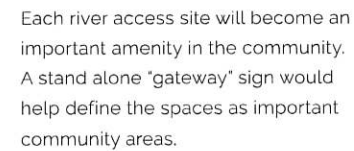


 This logo should be utilized on roadway directional signs, at river access sites signage, at trailhead signage and on trail marker signage. It should also appear in print publications and electronic media.

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



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



"Take Out Ahead" Signage

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

**Rotary Park
River Access
100 Yards Ahead on**

Wayfinding Concepts

Key wayfinding principles include:

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

River Management

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

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

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

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

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

Part 2: Trails and Pedestrian Footbridges

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

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

Key Issues Heard Around Town

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

Components of the Trail Network

Rio Grande Trail Extension from the Fish Hatchery to Williamsburg

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

Option 1: Lower Bench

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

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

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

Option 2: Upper Bench

What some residents call 'the mesa', the upper bench rises rather abruptly from the lower bench in most of the study area.

There are established dirt/sand roads that a trail could parallel. A trail that roughly followed the edge of the Upper Bench would feature commanding views of the

river.

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

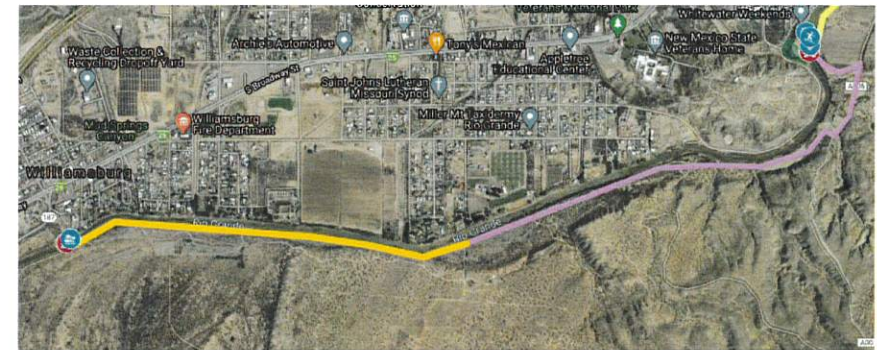
Option 3: Combination of Lower and Upper

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

Recommended Route

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

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



Existing dirt road
New trail construction





Proposed riverside trail to Williamsburg

Key Recommendations

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

Riverside Trail from Rotary Park to Ralph Edwards Park

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

Key Recommendations

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

BLM Trails Network

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

Existing conditions:

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

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



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

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

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



Roads and trails on BLM/BOR land:

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

There are some very sandy and steep rocky areas.

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

Key Recommendations



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



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



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



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



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

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

Footbridges

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

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

Footbridge Locations

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

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

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

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

Design Recommendations

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

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

The Steering Committee recommends the bridges:

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

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

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



Barn Swallows adapting to portico structure designed to support nest building

See also: Appendix F: Pedestrian Bridge Resources

Part 3: Rotary Park

Wetlands Restoration

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

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

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

Rotary Park Redesign

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

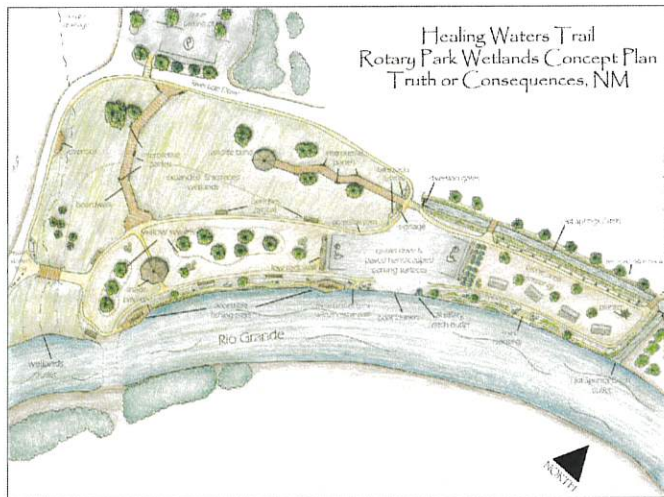
- Expand Rotary Park to better conserve the hot springs wetlands.
- Improve access for and reduce conflicts between pedestrians and vehicles.
- Enhance comfort for park visitors and trail users.
- Create an educational experience for park visitors and trail users.
- Provide for multiple park and trail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

- Provide connectivity between the Downtown and the Carrie Tingley Mesa segments of the Healing Waters Trail, and connect to the Rio Grande Trail.
- Promote park cleanliness.

As part of the Healing Waters Trail: A Cultural Landscapes Approach to Planning a Semi-Urban Trail System, Truth or Consequences, New Mexico (2009) plan, a concept sketch of improvements to Rotary Park wetlands was developed. All the goals stated above were incorporated into the park concept drawings. Some highlights including terracing the riverbanks to permit overbank flooding, boardwalk into the wetlands, transformation of the hardpacked "parking area" into vegetated swales and expanded wetlands.

In 2021, Turtleback Trails project partners sponsored another Rotary Park wetlands workshop to see if new ideas had emerged since the last workshop. Workshop participants, with little knowledge of the earlier concept sketch, reaffirmed the same ideas. Themes common to all concepts include better pedestrian flow and access, river bank terrace with pathways, river access sites, and expanded wetlands.

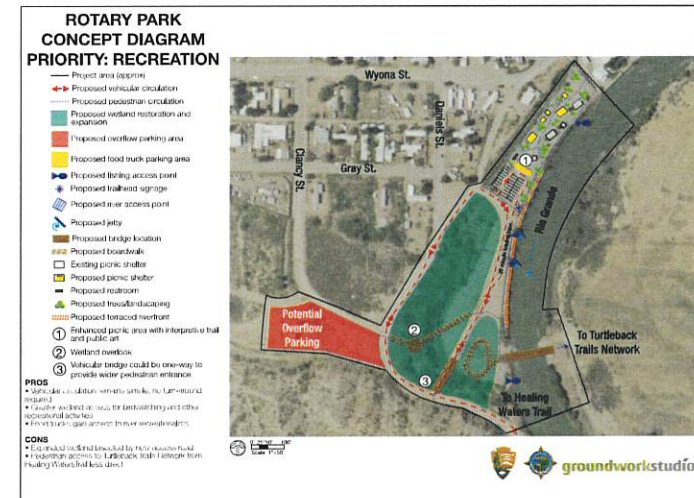
The main difference between the concepts is vehicle flow. The Recreation concept explores the idea of constructing a one-lane vehicle bridge across the wetlands outflow to create controlled vehicle movement, particularly for tubing concessionaires. The Nature concept provides a loop turn-around area, and the 2009 concept eliminates all vehicles from the wetlands area.



Rotary Park Wetlands Concept (2009)



Rotary Park Wetlands Concept Nature (2021)



Rotary Park Wetlands Recreation (2021)

Key Recommendations

- The City of T or C and the Bureau of Reclamation should clarify land ownership issues at the wetlands area. Currently, each entity believes the other is the legal landowner.
- City leaders should adopt a final concept plan for Rotary Park wetlands and pursue funding to develop a master plan with construction and engineering drawings



06 River Corridor Conservation — and Education

Key Issues

- Vehicle flow in wetland area
- Invasive plant species
- Slash piles
- Impact of footbridges on bird species - U.S. Fish and Wildlife Service should be consulted in the planning of footbridges
- Determine which entities own which portions of land within/around Rotary Park

Background

The conservation of this portion of the Rio Grande has been an important part of the legacy of this community. Prior to the construction of the Elephant Butte Dam, much of the area known as Hot Springs was marshland and swamps. The river was wide and meandered through the area. Construction on the Elephant Butte Dam was completed in 1916 as part of the Rio Grande Project. An international treaty with Mexico in 1906 pledged the delivery of 60,000-acre feet of water to Mexico annually, along with water to Texas. To meet the obligations of that agreement, the Bureau of Reclamation (BOR) channeled the Rio Grande for approximately seven miles and must maintain the ability to have a water flow of 5000 cubic feet per second (CFS). Meeting the BOR requirements also creates restrictions on other uses of that portion of the Rio Grande.

Previous efforts of local citizens resulted in the development of a Rio Grande Corridor Task Force Plan, which outlined possible projects along the Rio Grande from Elephant Butte Dam to Williamsburg. The proposed projects included a horse trail from Williamsburg to the Caballo dam, development of a system of trails along the river, designation of a Quality Trout Waters section of the river, and establishment of

a handicap-accessible pier for fishing near Rotary Park in T or C.

Some of those goals were achieved. A horse trail was designated, and signs put in place from the Honda Arroyo to near the Caballo RV park. In 2008 a group of locals developed and constructed the Healing Waters Trail, a three-mile loop trail through the City of T or C. The trail highlights some of the historic buildings within the loop with plaques, and there are interpretive panels along the hillside, along with picnic tables and resting spots. One of the main focuses of the Healing Waters Trail is the continued development of Rotary Park for recreational use and restoration of the wetlands at the south end of the park.

Natural Resources and Concerns

Invasives

The early 1950s saw the influx of non-native plant species, many of which were introduced to help with soil erosion, namely tamarisk (commonly known as salt cedar). This plant has become highly invasive along waterways and began crowding out the native plant community. It also uses considerably more water than native plants. Additionally, salt cedar is a highly flammable plant and its influx within the river ecosystem has created a hazard for wildland fire.

Other non-native invasive plants identified by the NM Department of Agriculture as highest priority for removal include Perennial Pepper Weed, Arundo, Russian Knapweed, Russian Olive, and Tree of Heaven.

Over the years, the Sierra Soil and Water Conservation District (SWCD) has worked with several state and federal groups on various projects for the treatment/removal of salt cedar. Collaborators on these projects include the BOR, the U.S. Forest Service Collaborative Forest Restoration Program, and the New Mexico Association of Counties Hazardous Fuel Mitigation Program. Various methods have been used in these restoration efforts: pole plantings, deep root plantings, and seeding. Two notable demonstration projects, treating plots of 55 acres and 41.5 acres, have had some degree of success. Treatment and removal of salt cedar and other invasive plants will continue to be an issue along the stretch of the Rio Grande from Elephant Butte Dam to Williamsburg.

There are a variety of ways to treat some of the other invasive plants to help control their growth, but the most effective method is through the use of herbicide application. The Sierra SWCD has an active weed control program and treats invasive plants with a federally approved herbicide which is applied by a certified herbicide applicator.

Wildlife Habitat

From records and visitor reports, there are a number of wildlife species that currently inhabit the area, including:

- **Mammals:** mule deer, raccoons, beavers, grey foxes, and skunks (hooded and striped)
- **Birds:** quail, swallows, vermilion flycatchers, kingfishers, turkey vultures, red-tailed hawks, Swainsons hawks, Coopers hawks, bald eagles, golden eagles, mallards, northern pintails, Mexican ducks, gadwalls, American wigeons, blue-winged teals, green-winged teals, cinnamon teals, great blue herons, coots, sandhill cranes, and snow geese
- **Amphibians:** spadefoot toads and bullfrogs (non-native)
- **Fish:** catfish, bluegill, trout, crawfish, and suckers

Flyway

The Rio Grande is the central flyway corridor for a variety of birds and pollinators, many of which use the river corridor as they migrate between summer and winter habitats. There are some concerns that increasing recreational activities could affect wildlife behavior, nesting or habitat. Environmental assessments will address these potential concerns.

Wetlands

The Rotary Park wetlands have potential to be a thriving ecosystem to support, in particular, a variety of bird species. See Chapter 5, Part 3 for more details on restoration and redesign concepts for the wetlands.

Cultural Resources

Archaeological

There are a large number of important archaeological and historic sites within the project study area. One 200 acre site is close to one of the trail corridors. It was occupied by the Mogollon people from about 1175 to 1400 A.D. The large site retains evidence of numerous campfires, suggesting that it may have been used seasonally over a long period of time. The site is important because it can help us understand how the Mogollon adapted to the landscape. The Mogollon people lived in eastern Arizona, southern New Mexico, west Texas, and northern Mexico. They were a farming culture that lived in pit houses and pueblo villages. The Mogollon abandoned the region around A.D. 1450 and may be related to modern Puebloans in the United States Southwest and indigenous people in Mexico. The site is primarily located within lands under the jurisdiction of the Bureau of Reclamation, and it has not been fully inventoried.

Recommendations to protect the site include:



- Routing trails and roads away from the area
- Completing a Phase II Archaeological Survey
- Implementing a Site Stewards program to monitor the site

Historical Mining

A mining boom began in Sierra County soon after prospectors found gold float on the east side of the Mimbres Range in April of 1877. Hillsboro was the center of activity for many years. Even frequent Apache raids could not dampen the enthusiasm of the eager prospectors and miners. Silver was discovered in Lake Valley in 1878, and in 1880 the famous Bridal Chamber mine was discovered and proved to be the richest single ore mine ever found. A single chunk of silver ore was removed, placed on an open flat train car, and traveled to the World's Fair in the early 1900s. In 1879 silver was discovered near Chloride and within six months Chloride grew from a tent camp to a full-fledged town. Hermosa to the south of Chloride attracted prospectors, and the discovery of several mines in that area brought more settlers. The southwestern stage lines linked the railroad at Engle with Cuchillo, Winston (former-

ly known as Fairview), and Hermosa. Six million dollars in gold and silver was produced. The main types of ore discovered were gold, silver, copper, lead, and zinc. Mining towns sprang up overnight in many locations throughout the area; many of them only lasted a year or so and then faded away.

Farming and Ranching

The Pueblo Indians of New Mexico in pre-Spanish times had a well-developed system of agriculture based on both dry farming and irrigation. Principal crops were corn, beans, squash, native tobacco, and cotton. Chile, wheat, and orchard crops were introduced by the Spanish. Towns were concentrated in the fertile alluvial soil of the valleys of the Rio Grande. Farms suffered even more from devastating floods than from raids by area Indians. By the mid 1800s, farms and farming communities grew in what would later be designated as Sierra County. While farms were developing in the valley, great ranches were beginning to take shape as well. One of the first of these ranches was started by John Martin, a soldier who marched with the California Column to New Mexico during the Civil War. He had dug a deep well in 1867 and struck an underground river on the Jornada del Muerto. Travelers along this old route had sometimes died of thirst. The Armendaris land grant in the eastern side of the Rio Grande was patented in 1878. To the south and west was the John Cross Holdings, which ran from Dona Ana County to the San Marcial, one hundred miles of sunbaked waterless desert hemmed in by the San Andres and the valley of the Rio Grande. During this time the Rio Grande ran down what is now Main Street as far as the Post Office, then south and west, with a large bosque and tule swamp below Broadway and the hill to the Veterans' Home (from the History of Sierra County).

Conservation Goals

Noxious/Invasive Plant Removal

Future restoration efforts should focus primarily on the retreatment of salt cedar and Russian Olive along the Rio Grande in order to increase trail aesthetics, prevent potential future fire events, allow greater access to the river, and promote establishment of native vegetation.

Rotary Park Wetland Restoration

See Chapter 5, Part 3 for details on wetland restoration proposals.

Restore Wildlife Habitat

Restoration and improvement of wildlife habitat is also a major goal of this planning effort. Restoration efforts along this section should include the planting of flowers and shrubs that would create habitat for migrating wildlife. Including nectar plants such as milkweed would benefit many species of pollinators, including monarch butterflies.

Habitat improvements should increase the overall bird population in the area and also increase the chance of rare birds nesting along this portion of the Rio Grande. This project would create many opportunities for bird watching not only during migration, but also during nesting season when species like Mexican ducks, swallows, and vermilion flycatchers are in this area. Bird watching is a multi-million dollar industry, and promoting bird habitat has great potential for economic benefit to the town.

There are no known threatened or endangered species along this stretch of the Rio Grande, but restoration efforts could enhance the wildlife habitat and attract new species, including Southwestern Willow Flycatchers and the Yellow Billed Cuckoo, both of which migrate along the Rio Grande corridor. Given the current recreational activities along this stretch of the river, including tubing, kayaking, fishing and hiking, the addition of items identified in this plan should have a negligible additional impact to those species.

Fish Habitat

Increased fishing opportunities are a recreational benefit of this project. A foot-bridge spanning the river would bring in anglers as well as bird watchers who could see birds like ospreys diving for fish. BOR management of this stretch of river will impact fishing and fish habitat, specifically as water flow along this portion of the river is decreased or increased to meet water demands from downstream users. Another impact to fish habitat occurs when the BOR conducts a periodic removal of

sediment along this channelized portion of the river in order to maintain the required capacity of 5000 cubic feet per second of water.

Key Recommendations

- Identify potential human-wildlife interactions and plan trails accordingly. Route trails away from potential high conflict areas. Provide signage in areas of potential conflict between people, dogs, and wildlife species. Monitor wildlife encounters for adaptive management.
-
- Identify wildlife impacts caused by dogs on- or off-leash. In addition to expanding their human's zone of influence, dogs can chase, harass and kill wildlife, or become prey for carnivores. Consider restrictions to dogs if necessary, and leash laws to keep pets safe and minimize impacts to wildlife.
-
- Some sensitive species, such as amphibians and nesting songbirds, might require minimum buffers. Other species, such as nesting raptors or grouse, usually require buffer distances that range from a quarter to one full mile, or greater.
-
- Address potential interaction between trail users and hunters with proper signage, notifying all parties of hunting seasons and related safety protocols/precautions.

Interpretive Themes and Education Opportunities

This project has the potential to educate the public in natural resource conservation and the importance of agriculture and its impact on the community. Local historians and affiliated tribal leaders should be consulted to create meaningful stories connecting people to place and landscape.

Interpretive Panels and Signage

All signage should be uniform in design and appearance; each sign should indicate that it is part of this trail system. Signage should include:

- Trailhead signs at Paseo del Norte, Rotary Park and Williamsburg; possibly in-

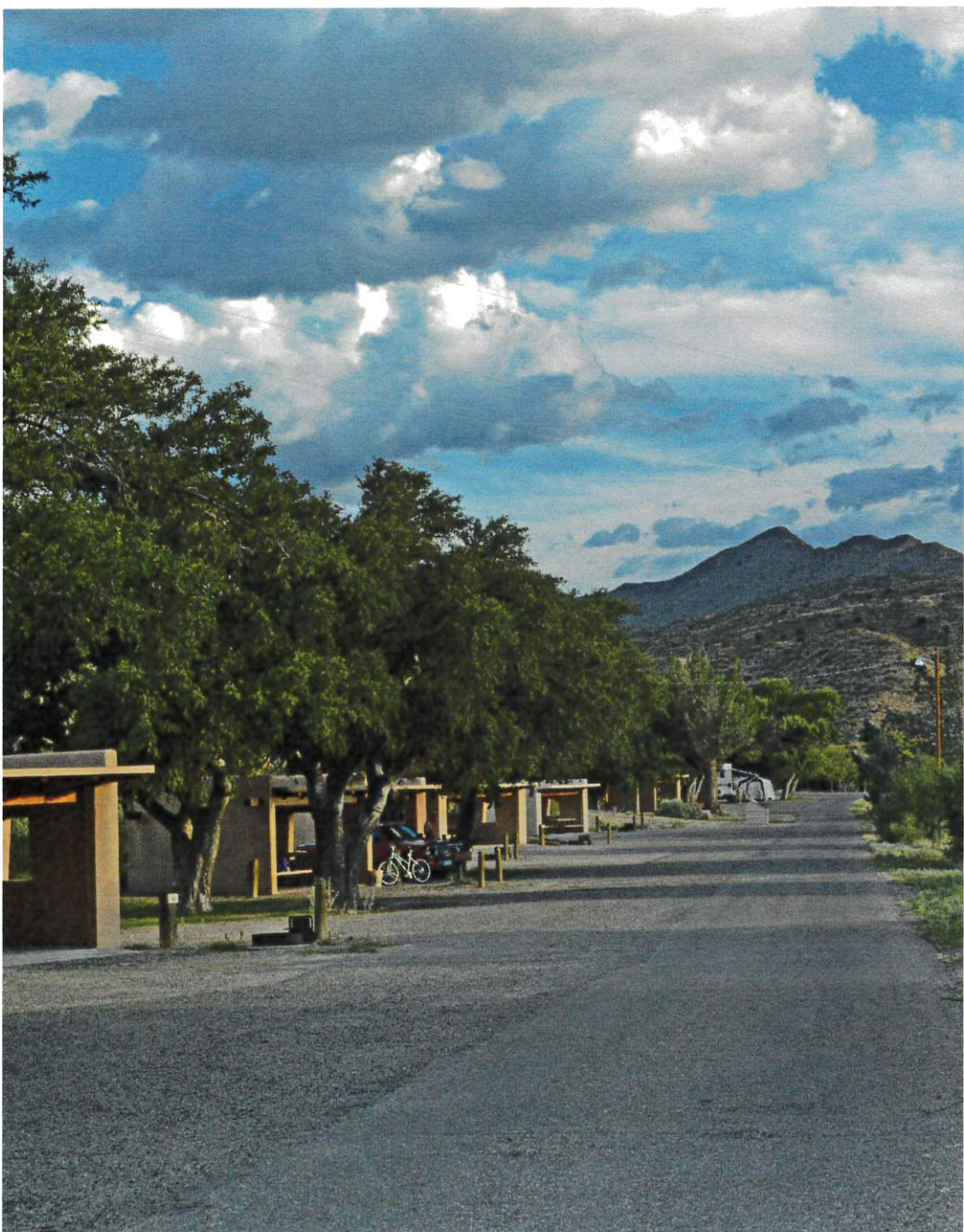
cluding a QR code that gives additional trail information. Include trail map and safety information (snakes, heat and hydration, dog rules/etiquette).

- Mileage markers along the trail
- Interpretive panels
 - River conservation and stewardship
 - Human settlement
 - Wildlife migration
 - Dams and irrigation
 - Fish/bird species

Youth/Community Education

There are a number of educational opportunities that could be developed after the creation of this trail. Programs could incorporate science, technology, engineering, art and math (STEAM) to help students gain hands-on experience. Possibilities include:

-  • Establish a small Amphitheater in Ralph Edwards Park adjacent to the river
 - Host informational presentations year-round, especially during high use times
-  • Have students participate in bird identification and inventories
-  • Engage the youth and community by having "River Days"
-  • Have educational activities at the wetland; have students conduct a wetland study
-  • Promote participating in the University of New Mexico Bosque Ecological Monitoring Program
-  • Host a "Water Conservation Day"
-  • Form partnerships with local schools, The Club, churches, and other organizations that serve and organize youth
-  • Engage the community by asking businesses, youth groups, and other organizations to be responsible for maintenance of sections of the trail
-  • Encourage community groups to host events for special Celebration Days - (Public Lands Day, Earth Day, Trails Day, etc.)



07 Management, Maintenance, and Stewardship

As the City of T or C and the Village of Williamsburg move forward with the planning, designing, building, and operation of existing and new trails, trailheads, restrooms, signs, and other amenities, local officials should develop appropriate management plans to protect and maintain these important community investments in the long term. Just as the city would appropriate resources, staff time, and/or funding to the maintenance of more traditional recreational areas (such as city parks, open spaces, and playgrounds), trail-based facilities require specific maintenance activity to be successful. Maintenance plans need to be developed to determine what entity will bear maintenance costs and liabilities, how the areas will be regularly serviced, where funding will come from, and how partnerships can be developed. Some of the necessary maintenance issues to consider for trail planning include:

- Regular trail or parking lot grading;
- Trailside litter and weed/invasive species control;
- Trail sign repair and replacement, including damaged signs, missing trail markers, directional stickers, damaged posts, and other vandalism;
- Trailhead maintenance, including regular trash disposal, toilet cleaning and pumping, etc.

Maintenance Agreements

Many of the tasks identified above can be offset by appropriate maintenance agreements or contracts. The documents are publicly adopted and include language identifying partners; partnership goals; each party's obligations, liabilities, and expectations; compensation between parties; and other relevant information. These agreements can exist in many forms; some relevant examples include:

- Agreements between two government agencies, such as the City of Albuquerque

que and the Middle Rio Grande Conservancy District to co-manage the Rio Grande Valley State Park

- Agreements between a government agency and a user-group, such as the Carson National Forest and the Enchanted Circle Trails Association.
- Agreements between a government agency and a private business, wherein funds are established to pay for a maintenance service, such as a private contractor emptying trash and waste from parks and recreation facilities.

Trail Adoptions and Sponsorships

Many communities have utilized volunteer adoption and sponsorship programs to provide additional recreational amenities to their communities. This can include opportunities for private funders, including businesses, non-profits, residents, user groups, or other donors, to contribute funds, time, or other resources to help build and maintain parks and trails. Sponsorship programs often include opportunities to purchase or "sponsor" a specific amenity, such as a trailhead kiosk, benches, restrooms, etc. as a part of the initial construction process. Adoption programs often seek to offset long-term maintenance obligations by providing funding, volunteers, or other resources dedicated towards regular upkeep of a trail once it is built. Oftentimes, these programs provide public acknowledgement in the form of signs, plaques, or naming rights to certain adopted or sponsored facilities. This provides opportunities for local residents, businesses, user groups, or others to contribute to their community and help protect the outdoor resources they cherish.

Use or Special Event Permitting Fees

Another way to offset long-term funding obligations can come through planned revenue generation in the form of use or special event fees. This can include overnight camping fees, day use parking fees on city-managed trailheads, multi-day use passes, or the hosting of large special events, such as a regional high school mountain bike competition. These fee structures can be adopted by ordinance as a part of the maintenance plan for individual facilities, but require resources from the community to enforce.

As detailed design/build plans emerge for Turtleback Trails Network elements, trail adoption and sponsorship agreements should be in place before local governments

commit to funding and managing the project. With limited municipal resources, the community must support these projects if they are to become reality.

Signage

- The City of T or C will be responsible for coordinating signage standards, design, and placement. Each local jurisdiction with signage requirements will be responsible for purchase and installation.
- The City of T or C will be responsible for creating an inventory of signs using Geographic Information Systems (GIS) to manage the inventory. Project partners could help populate the inventory.
- The City of T or C will be responsible for coordinating annual inspections of signage. Project partners would complete the inspections.

Proposed management responsibilities

River Access Sites

Agency/Entity	City of T or C	Village of Williamsburg	Bureau of Reclamation	BOR Permittee or Concessionaire
Sites to manage:	<i>Mescal Canyon river access</i> <i>Ralph Edwards river access</i> <i>Rotary Park river access</i>	<i>Williamsburg river access</i>	<i>Seco Creek river access</i>	<i>Paseo del Rio river access</i> <i>Hwy 51 Bridge river access</i>

Trail Elements

Agency/Entity	City of T or C	Village of Williamsburg	Bureau of Reclamation	BOR Permittee or Concessionaire

Stewardship



- Develop a Sponsorship or Gift Catalog for site improvements. This could include elements like signage, river ramp construction, trail amenities like benches or shade structures.



- Establish an "Adopt-A-Trail" program where schools, local organizations and businesses could adopt a section of trail, a river access area or other features of the Turtleback Trails Network. Adopters would be trained and recognized for their community efforts.



- Sierra County Tourism would lead and coordinate stewardship efforts for the Turtleback Trails Network. Other organizations to include are Jornada SWCD and T or C MainStreet



08 Federal Coordination

Many of the proposed improvements for river access and trails development will require approval from the federal government. The river access projects and the multi-use trail connecting Rotary Park to the Village of Williamsburg are within the jurisdictions of the Bureau of Reclamation and Army Corps of Engineers. The adventure trails along the flanks of Turtleback Mountain fall into the Bureau of Land Management's jurisdiction. Before the federal agencies issue permits for project implementation, federal compliance with the National Environmental Policy Act (NEPA) and the Clean Water Act (CWA) is necessary. Project sponsors are usually responsible for completing compliance reviews.

Under NEPA, the applicants can be expected to comply with Section 106 of the National Historic Preservation Act and Section 7 of the Endangered Species Act. Section 106 requires federal agencies to consider the effects of projects they carry out, approve, or fund on historic properties. Federal agencies must do the following:

- gather information to decide which properties in the area that may be affected by the project are listed, or are eligible for listing, in the National Register of Historic Places (referred to as "historic properties");
- determine how those historic properties might be affected;
- explore measures to avoid or reduce harm ("adverse effect") to historic properties; and
- reach agreement with the State Historic Preservation Officer / Tribal Historic Preservation Officer on such measures to resolve any adverse effects.

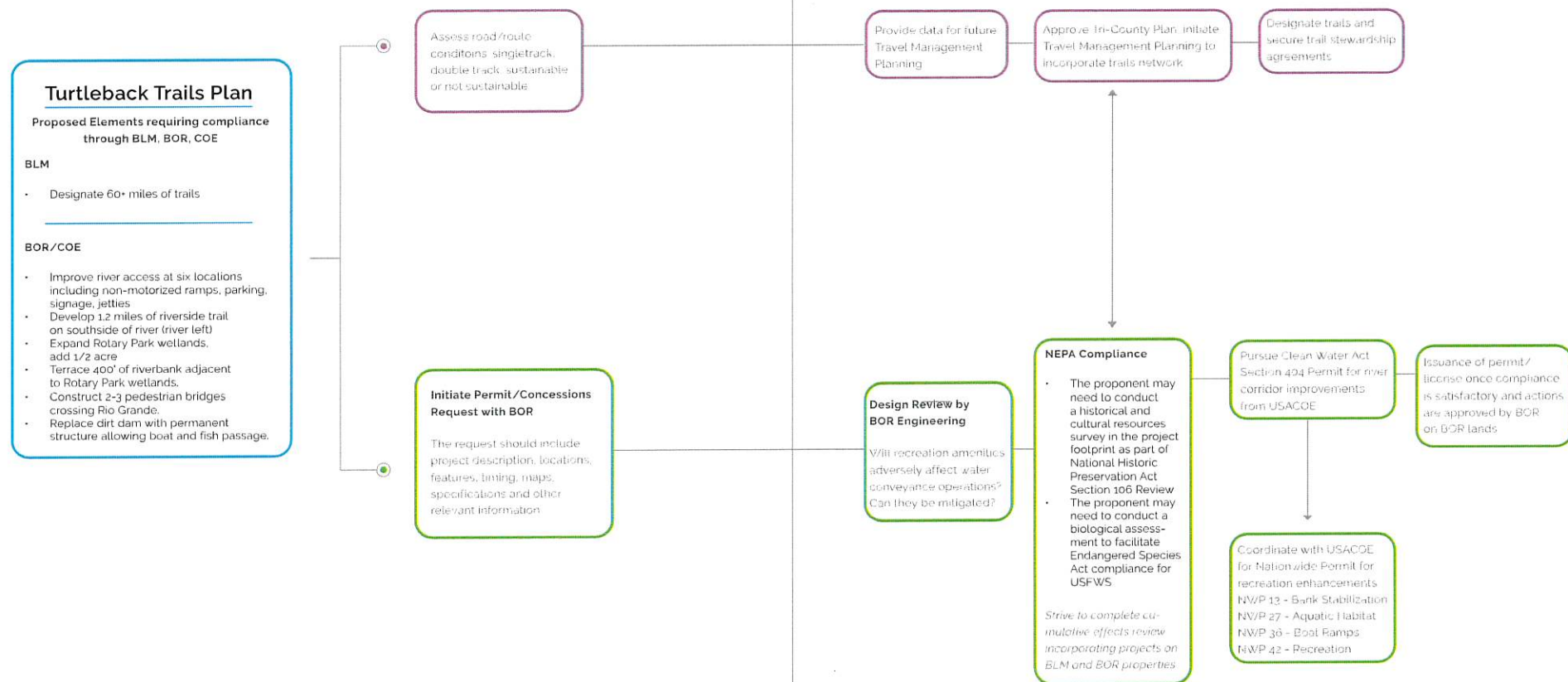
The archaeological sites located within the study area and the Hot Springs Historical District will trigger the Section 106 review.

Under Section 7 of the Endangered Species Act, Federal agencies must consult with the U.S. Fish and Wildlife Service (Service) when any action the agency carries out, funds, or authorizes (such as through a permit) may affect a listed endangered or threatened species or designated critical habitat. In the early stages of project

planning. Federal agencies can request technical assistance from the Service. Discussions between the two agencies may include what types of listed species may occur in the proposed action area, and what effect the proposed action(s) may have on those species.

Pedestrian bridges, riverbank terracing, wetlands projects, river access site hardening and jetties impact the waters of the United States. Therefore, Section 404 of the Clean Water Act establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Several nationwide permits may ease the burden of compliance including: NWP #13 Bank Stabilization; NWP #42 Recreational Facilities; and NWP #36 Boat Ramps.

Turtleback Trails Network & Federal Compliance



Appendices

Appendix A: Community input from chalkboards in Rotary Park

The following table summarizes the community input received from chalkboards installed in Rotary Park and Williamsburg. A series of questions were posted on the chalkboards, and anonymous community members left responses.

DATE	QUESTION	RESPONSES
7/30/20-8/3/20	Where should be put a footbridge?	Williamsburg Ralph Edwards Park; At the Rock Dam; down by where the hot water flows into river, where there are good hiking trails on the other side; make them wheelchair accessible and docks for fishing
8/5/20-8/14/20	What should the bridge/trail be named?	The Ripple, Fasttrack, Rio Bridge, Turtlefish Bridge, RioEast Bridge, Community Bridge, Yellow Park Bridge, Float Bridge, Friendship Trail, Via Del Rio, Jornada de Verdad, Wander Bridge, R.G. Trail Bridge, Yvonne Trail Bridge, Beaver Crossing, Puente del rio Grande, Tranquil waters trail, Troll Crossing, Hot Springs Crossing, Raymonds Heights, Rio Linda Vista, The FareWell Bridge, Turtleback crossing, Hot Springs Crossing, Bumble Bee Crossing, TigerShark Crossing, Being Rose Bridge, Tigers Bridge
8/18/20-8/24/20	How can the bridge help local businesses?	More Tourists would use the bridge. (so they can bring more covid), Hospital, pharmacy, not here great

8/25/20-9/9/20	What are your hopes for this trail?	Trail of blessing, wide enough for bikes and people and dogs. ADA compliant bridge and observation platforms/surfaces for fishing, birding, meditating, exercise. Great job guys! Close to Nature! That people keep it clean and do not litter! Trash cans through out? Signs that say NO LITTERING. Blessed be, BENCHES, Be Kind, Lets do it, Benches for looking at river flow
9/9/20-9/28/20	How could trails/ bridges impact plants, animals, and history along the river?	Positive impact: Provide info panels along the trails that identify bird life in our zone, migration paths, etc. Learn about the water management/conservation; If you emulate the CCC you'll have all your answers; There may be little additional on any sensitive native species, since river channelization and open cattle ranching are already allowed, if habitat could be restored along the trail, maybe that could be a net positive impact. Native History. Light pollution. (What's up with Riverbend's light show? Really what condos have been made to love. Nice Bikes! disturbing the birds, connection, native plants, green the desert.
9/28/20-10/15/20	What positive impact will this project have on our community?	It might inspire people to love earth more. It will give all of us more recreational opportunities, I've been coming here for years and have never been to the otherside, more hiking and biking - longer visits yes! People might exercise more. Connect ALL hiking trails EB-HW Trail, More people connecting with nature, if they keep it clean. economic development for entrepreneurs,

10/16/20-11/1/20	How can we improve river experiences for visitors and residents?	Pollution warnings for littering with jail times or fines. Pick up trash if you see it. Reestablish the Wetlands. Keep it clean! Any way to rake out the waterweeds? (It's good for fish!) looks nasty and it's hard to fish. NO MORE CEMENT! Paved ramp for kayak/Tubing launch Connect all the hiking trails! VOTE! Do not vote for either. Sierra County TorC Families. Give them more shade, make benches to watch the river, plant trees that have food, more trash cans, food trucks and music
November 2020	How should we address trash dumping along the trail?	Stop takeout from McD, Circle K, and Sonic!, bring a bag, place bins at the entrance and exit, do not pave road along the river, environmental impact study needs done first, asphalt leaching into river, restore habitat, friendly signage, place dumpsters at each end until it rectifies, pick up trash you see, properly dispose of syringes, please!, volunteer pick up days, prosecute
March 2021	What is the most exciting part of this project for you?	getting something new in town, more opportunity to explore, calming nervous system = connection with spirit & self & people, having a beautiful, nice quality smooth biking walking trail for exercise, maybe a cleanup of beer bottles and needles when finished, bring people neighbors together as brothers and sisters, having a spot to play in nature

April 2021	How should we improve this park?	get rid of salt cedar and tumbleweeds, decent toilets, leave it alone, smells like poop, when should this project begin? Never!
May 2021	What improvements would help kayaks and tubes?	more beer, no retail riverwalk, no riverwalk!, we need a bridge, sewage treatment smells bad, stop sending all our water to Texas, clean up after your dog, love what you are doing
June 2021	What amenities would you like to see here at Rotary Park?	a bridge to the other side, more edible native plant species, shade trees, splash pad/park, more shade, more trees should be planted, overflowing trash, defecating teens :(, boat ramp, bathrooms, trees
July 2021	In ONE word, this park should be_____?	weed-free river embankment with built up rock work and trees!, clean up after your dog - poop-free, shady, fun, green

Appendix B: Sample boating ordinance

ARTICLE III. - BOATING REGULATIONS ON CARLSBAD CITY LAKE

Sec. 36-61. - Operation generally.

It shall be unlawful for any person operating a boat or vessel to violate any of the rules and regulations hereinafter set forth relating to the use, operation and equipment of boats or vessels on the city lake located in the Pecos River within the city limits or in any manner using such city lake for recreation or other purposes in violation of such rules and regulations set forth in this article.

(Code 1974, § 24-1)

Sec. 36-62. - Applicability of state regulations.

Where not otherwise provided in this article, the provisions of the state Boat Act shall apply to the city lake. Any person who shall violate any of the provisions of the state Boat Act shall be guilty of a misdemeanor and shall be punished as provided in [section 1-6](#) of this Code.

(Code 1974, § 24-3)

Appendix C: New Mexico Recreational Use Statute

NEW MEXICO STATUTES ANNOTATED

CHAPTER 17: GAME AND FISH

ARTICLE 4: PROPAGATION OF FISH AND GAME

§ 17-4-7. Liability of landowner permitting persons to hunt, fish or use lands for recreation; duty of care; exceptions

A. Any owner, lessee or person in control of lands who, without charge or other consideration, other than a consideration paid to said landowner by the state, the federal government or any other governmental agency, grants permission to any person or group to use his lands for the purpose of hunting, fishing, trapping, camping, hiking, sightseeing or any other recreational use does not thereby:

- (1) extend any assurance that the premises are safe for each purpose; or
- (2) assume any duty of care to keep such lands safe for entry or use; or
- (3) assume responsibility or liability for any injury or damage to, or caused by, such

person or group;

(4) assume any greater responsibility, duty of care or liability to such person or group, than if such permission had not been granted and such person or group were trespassers.

B. This section shall not limit the liability of any landowner, lessee or person in control of lands which may otherwise exist by law for injuries to any person granted permission to hunt, fish, trap, camp, hike, sightsee or use the land for recreation in exchange for a consideration, other than a consideration paid to said landowner by the state, the federal government or any other governmental agency.

HISTORY: 1953 Comp., § 53-4-5.1. enacted by Laws 1967, ch. 6, § 1.

Appendix D: Ramp Designs



Concrete Ramps

- Concrete ramps may be used as launches by themselves or in combination with floating launches, piers, bridges, dock abutments, bulkheads, and rock cribs. If the ramp connects to a floating launch using a bridge, a hinged metal transfer plate will allow an easier transition.
- Concrete must be installed in dry conditions. The area must be totally clear of water when any portion of the ramp extends beneath the surface of the water.

The underwater area may need to be dried out with a cofferdam, a watertight enclosure that is temporarily used to pump water out of an area during construction. If lime is used in this process, it must be managed carefully so it does not enter the water where it can pose a danger to riparian species.

- Pre-cast concrete planks and panels should only be used in bodies of water with little to no current. Pre-cast slabs are heavy and must be placed using lifting equipment. Reinforced concrete is often used for underwater sections of the pre-cast ramp.

Concrete Ramps: Materials

Surface finish, including corrugated concrete, rock salt, or exposed aggregate may be applied to concrete to increase traction or improve its appearance. One popular finish uses 1" by 1" V-grooves formed at a 60-degree angle to the centerline. V-grooves should not be used on launches that serve wheelchair use as they are difficult to travel over/on when driving a wheelchair.

Concrete Ramps: Variations and Specifications

- The width and thickness of concrete ramps vary, but cast-in-place ramps are typically 6" to 8" thick and use rebar reinforcement.
- Ramps can be cast-in-place or composed of connected pre-cast slabs, planks, or panels.
- Can cover concrete with a layer of synthetic matting or even 'AstroTurf' to protect sensitive boats.
- Important elements are using a downstream pointing departure angle of 30 to 45 degrees, and hard-surfacing for anything below the frequent flood elevation (where permanent vegetation ceases). This allows skid steers to find a bottom in high-sediment areas, and helps projects in high-scour areas withstand the force of the water. It also creates an eddy just downstream of the launch at all flows, which makes it easier for the user.

Concrete Ramps: Advantages

- Provides the most stable, sturdy surface for launching.
- Durable and not subject to rot or rust.

- Easy to shape and work with, adaptable to slope needs; minimal additional construction needed.
- Can be relatively inexpensive to construct.
- Relatively low maintenance (depending on sedimentation levels); easy and inexpensive to repair.
- Used to help mitigate erosion or assist with vegetative restoration.
- Their noticeable presence can assist paddlers with locating take-outs from the river.
- Can be surfaced aesthetically with materials such as river rocks, fieldstones, or salt finishing.

Concrete Ramps: Disadvantages

- Can cause damage to riparian ecology, preventing growth of vegetation and impacting habitats.
- Surface can be slippery, especially when muddy or wet (corrugated concrete, rock salt, or exposed aggregate on the surface can provide effective traction).
- Cofferdamming may be required for installation (will increase the cost and complexity of project).
- Can be damaged or crack easily due to freezing and thawing conditions.
- Usually not aesthetically "pleasing."
- Construction vehicles, if needed during installation, will have a heavy impact on your site.
- Potential lime deposit down river during construction.

Stair Launch Designs



Wooden Stairs

- Large stones or timber used to build natural stairs can create excellent access along steep banks.
- Staircases composed of timber steps may be cost effective alternatives to concrete when working with a launch site along a steep shoreline.



Concrete Stairs

- Concrete stairs are particularly effective in providing access along steep shorelines. They are durable and easily maintained.

Wooden Stairs

Wooden Stairs: Materials

- Timber, typically pressure-treated (review environmental issues of chemical-treated wood).
- Reinforcement bars, rebar.
- Soil, gravel, or "road base" (mixture of rough soil and class 6 gravel), used as fill.
- Retaining walls, rip-rap (as needed).

Wooden Stairs: Design Variations and Specifications

- Stairs may be constructed as boxes built on top of one another, ascending a slope, to help reinforce an eroding bank.
- The launch area at the base of the stairs needs protection from excessive currents in order to prevent undercutting; large rocks or a vegetative buffer may be used.
- Launch area at base of stairs should provide consistent access to the water, during changing water levels; surface should be sturdy and able to withstand varying flows.

- Handrails are most effective when they are 24" to 32" above the height of the steps; it is important that they not be too high or low for paddlers to be able to use.

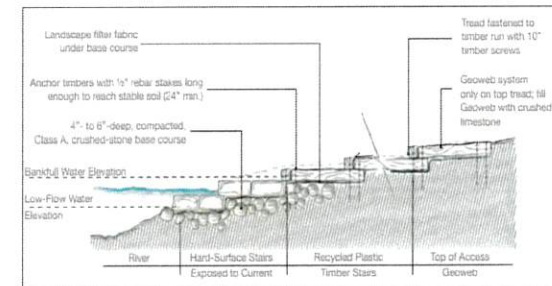
Wooden Stairs: Advantages and Disadvantages

Advantages

- Allows paddlers easier access from a steep or eroding shoreline.
- Aesthetically pleasing and less disruptive to natural shoreline than concrete.
- May be easily and inexpensively repaired, if damaged.

Disadvantages

- Not accessible to all.
- Installation may be costly and may require alteration to shoreline.
- May be susceptible to undercutting.
- May require maintenance as stairs age and weather.



Concrete Stairs

Concrete stairs are particularly effective in providing access along steep shorelines. They are durable and easily maintained and may be used in areas where water levels change dramatically, as they are likely to withstand currents and offer access at a range of water levels.

Concrete Stairs: Materials

Concrete can provide a level and lasting access point. Once a bank is prepared to accommodate the stair dimensions (which may require some digging out with equipment, such as a backhoe), a concrete foundation is created, which can be poured into molds reinforced with rebar or metal (left). A less expensive option can be built using pre-molded concrete slabs for the steps supported laterally by rocks found on site (right).



Concrete Stairs: Variations and Specifications

- If steps are tapered in width as they descend to the water, the bottom steps should not be too narrow. Paddlers need at least 5' and preferably 6' to 12' for launching.
- Handrails may be needed to provide additional support to paddlers where shorelines are excessively steep. They may not be needed in areas with shorter distances to the water or on less dramatic slopes.
- Installing a 4' to 8' staging platform at the bottom of concrete steps can be useful to paddlers. This may serve as a place where kayakers can get into their boats, put on their spray skirts, and slide into the water.

Concrete Stairs: Advantages and Disadvantages

Advantages

- Provide effective solutions to a steep slope or eroding bank.
- May be more aesthetically pleasing than concrete ramps or mats.

- Can be combined with boat slides to provide easy transport of boats to water.
- Require relatively little maintenance; durable.

Disadvantages

- Are not as easily accessible as concrete ramps or other launch types.
- Can be expensive.
- Not accessible to all.
- May require use of heavy equipment for preparation of bank before installation.
- Long-term maintenance must be done by hand, which may be unrealistic for some
- Inappropriate for high-scour or high-sediment-deposition setting, or where debris is likely to damage stairs.

Docks / Piers (Floating Or Fixed)

Docks / Piers

- Pier structures can be used independently as launches or in combination with other structures. They can span marshes or shallow areas to enable launching in water of sufficient depth.
- In some cases, "approach pads" or walkway structures are designed to enable access to the launch itself. Structures are composed of a deck and frame, which always stand above water level, and are supported by piers.

Floating

- Floating launches are structures that are not built into the bottom of the water body. Typically composed of a deck, frame, and floats, they are anchored to the shore. Paddlers launch from the deck, which is supported by the frame, while the floats beneath the frame provide buoyancy. Anchoring devices help to stabilize the launch and protect it from the elements. Pile guides are often used, allowing launches to adjust to changing water levels while keeping their decks horizontal and steady. When floating launches attach to connecting structures with varying heights (e.g., gangways), pile guides can help to maintain a relatively small cross slope, making launches more likely to be accessible to paddlers with disabilities.

- Floating launches are most effective when used on water with little debris and minimal exposure to strong currents or waves. In general, they can withstand flow rates up to 0.25 feet per second. Floating launches should be removed and secured during flooding or high flow events, and unless they are specifically designed to endure ice formation, they should be removed before freezing occurs.

Appendix E: Trail Scoring

	Visitor Experience	Character / Aesthetics	Environmental / Cultural Issues	Ease of Implementation / Construction	User Accommodation / Accessibility	Total
upper	2	2	1	2	1	8
lower	3	3	3	2	2	13
hybrid	2	2	1	2	1	8

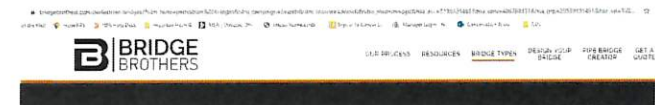
- 1 - Poor
2 - Fair
3 - Good

Notes:

- any upper bench option is more likely to encounter vehicles and sensitive historic sites
- lower bench more likely to offer shade
- upper bench will never work for a wheelchair

Appendix F: Pedestrian Bridge Resources

Pre-Fab Bridge Companies



PEDESTRIAN BRIDGE

Travel is developed where pedestrian bridges help a pedestrian or bike path cross or around a major roadway, railway, or waterway. While pedestrian and bicycle are accustomed to sharing the road and crossing waterways safely, a road may in their numbers being a need for further regulation of pedestrian and bike paths from major roadways or waterways.

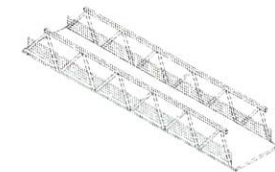
Many institutions, such as universities and hospitals, will use a traditional bridge as a gateway into their campus. If well designed, a pedestrian bridge can be an important element in a campus or community, like newly designed multi-use bridges, a beautifully designed pedestrian bridge can be a landmark. In addition, a pedestrian bridge can add a distinctive element to your university campus, hospital campus, or neighborhood.

More Info

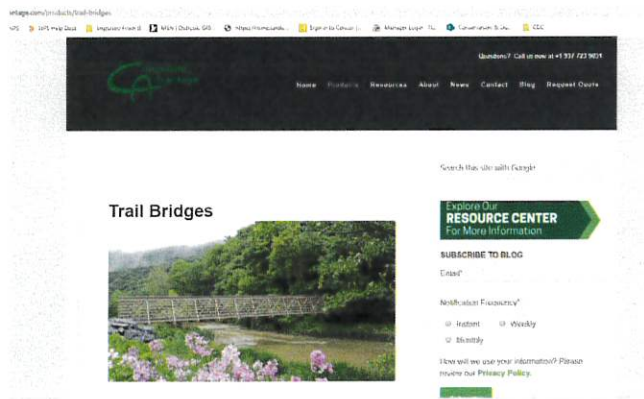
What are the applications for pedestrian bridges?

How do we start the process?

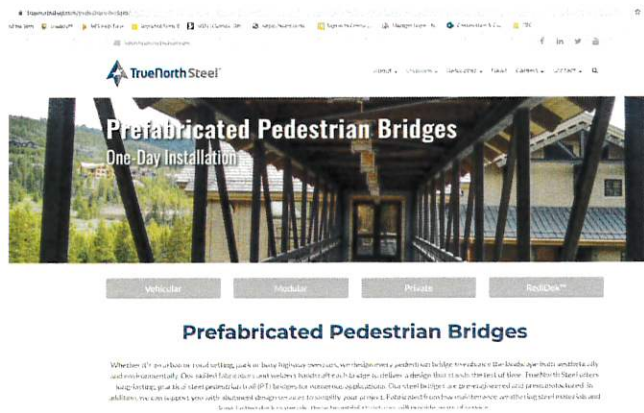
How can Bridge Brothers help



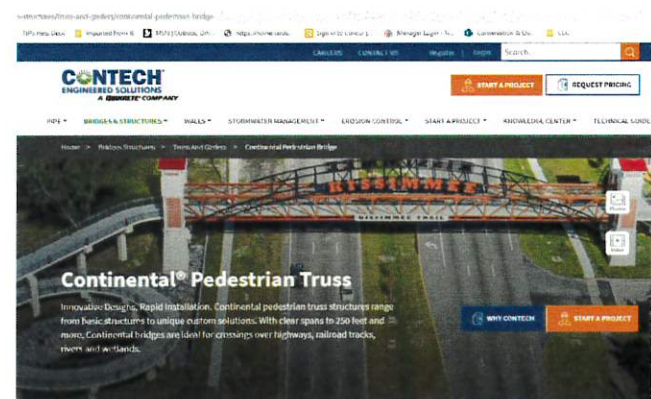
<https://bridgebrothers.com/pedestrian-bridges/>



<https://www.compositeadvantage.com/products/trail-bridges>



<https://truenorthsteel.com/pedestrian-bridges/>



<https://www.conteches.com/bridges-structures/truss-and-girders/continental-pedestrian-bridge>



<https://pioneerbridges.com/>



<https://www.ettechnics.com/bridges/>

Appendix G: Resources for Implementation

Prepare to Launch: A Guide for Assessing, Designing and Building Launch Sites for Carry-in Watercraft

Prepare to launch! April 2018 Update Final by River Management Society - Issuu

Rio Grande Trail Master Plan: [RioGrandTrail_MasterPlan_FINALwChanges.pdf \(nm.gov\)](#)

Trail Towns: [Trail Towns | Rails-to-Trails Conservancy \(railstotrails.org\)](#)

Accessible Boat Launches: [Kayak & Canoe Launches for Sale | EZ Dock \(ez-dock.com\)](#)

Grants & Funding:

Stateside Land & Water Conservation Fund
[The Land & Water Conservation Fund - State Parks \(nm.gov\)](#)

Eligible project applicants include state government agencies; local government agencies (municipal and county); tribal governments; public school districts; public community colleges and universities;

soil and water conservation districts; land grants; and other political subdivisions. Applicants must initially demonstrate the following to be eligible to submit: need for the project based on New Mexico's SCORP priorities for outdoor recreation; documentation of significant public involvement in the selection and planning of projects; adequate contract performance for past LWCF awards (see below);

possess sufficient title and adequate legal control of the property to be within the LWCF boundary area in order to provide reasonable assurances that a conversion pursuant to the LWCF Act (54 U.S.C. § 200305(f)(3)) will not occur without its knowledge, State review, and NPS decision; and evidence of the ability to supply the 50% match.

Eligible projects may include but are not limited to: acquisition of land to be used for outdoor recreation; development of sports and playfields such as playgrounds,

ball fields, court facilities, and golf courses; hiking, biking, equestrian, and motorized trails; picnic area development; campground development; amphitheaters, wetlands; fishing and boating facilities such as ramps and docks; development of support facilities including circulation roads, fencing, lighting, utility and sanitary systems, parking areas, restroom buildings, and landscaping for the project area;

New Mexico Recreation Trails Program
Active Transportation and Recreational Programs | NMDOT
Call for Projects May 2024

The Recreational Trails Program (RTP) is a Federal reimbursement program and provides funding to eligible entities within New Mexico to develop and maintain recreational trails and trail-related facilities for both non-motorized and motorized uses. These Federal funds benefit recreationists who enjoy hiking, bicycling, in-line skating, equestrianism, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, and off-road four-wheel driving.

NM Outdoor Equity Fund // Award Range \$1500-20,000
New Mexico Outdoor Recreation Division (nmoutside.com)
Grant Cycle Opened May 2 – June 30 2022

The Outdoor Equity Fund (OEF) was created to ensure equitable access to the outdoors for all youth. The grant supports transformative outdoor experiences that foster stewardship and respect for New Mexico's lands, waters, and cultural heritage. Eligible Applicants: Tribes, Pueblos, and Nations; municipalities; counties; nonprofits; K-12 schools/districts; colleges/universities. Recreation Access: Applicant must have a well developed written plan to engage low-income youth in nature-based outdoor recreation activities. Participants: Serve a population where at least 40% are low-income youth up to age 18. Education: Applicant must include some type of education plan on the climate and environment. 1:1 match for urban applicants required; 2:1 match for rural applicants required. In-kind and/or cash accepted.

NM Outdoor Recreation Trails+ Grant // Award Range \$99,000-\$500,000
2022 Outdoor Recreation Trails+ Grant Guide (newmexico.gov)

Applications accepted on a rolling basis starting March 1, 2022 through December 2022

This grant invests in conservation-minded shovel-ready projects that are open to the public, increase access to outdoor opportunities, and demonstrate a clear economic benefit to the community through improved quality of life, better public health outcomes, and/or increased tourism.

Eligible Applicants: Tribes, Pueblos, and Nations; Municipalities; Counties; Nonprofits; Public preschools/schools/districts; Colleges/Universities; Soil and water conservation districts; Acequia and land grant associations. Economic Impact: Project must show demonstrable benefit to the local community, either by attracting and retaining residents or attracting visitors. Recreation Access: The project must be open for public use. Note: Projects on tribal lands are eligible and do not have to be open to the general public, but should be open to tribal members.

America the Beautiful Challenge 2022 Request for Proposals
America the Beautiful Challenge 2022 Request for Proposals | NFWF
Implementation Grants \$1million-\$5 million

The National Fish and Wildlife Foundation (NFWF), through anticipated cooperative agreements from the Department of the Interior (DOI), Department of Defense (DoD), and the Department of Agriculture's U.S. Forest Service (USFS) and Natural Resources Conservation Service (NRCS), is pleased to announce the launch of the America the Beautiful Challenge (ATBC) 2022 Request for Proposals (RFP).

Project Focus Implementation projects that include land acquisition or Implementation projects that address the program priorities on public, Tribal, and/or private lands. Partnerships with NGOs and localities through subawards are encouraged. Program Priorities: Benefit At-Risk Fish, Wildlife and Plant Species Expand Habitat Connectivity Provide a Range of Ecosystem Services Strengthen Ecosystem and Community Resilience, Expand Public and Community Access to Nature. Engage Local Communities Support Tribally Led Conservation and Restoration Priorities Contribute to Local or Tribal Economies Contribute to Workforce Development

NM Rural Tourism Rural Pathway Program // Award Amount \$50,000
Rural Pathway Resources (newmexico.org)

Grant Cycle open July 1, 2022 through May 1, 2023

Project types include but are not limited to: venues, experiences, services, tourism trails & interpretation, infrastructure, and tour development. **TOURISM TRAILS & INTERPRETATION:** Thematic trail connecting several towns, highlighting a shared regional tradition, history, product, practice, landscape, etc; Farm/food trail highlighting local/regional foodscapes, food products, and cuisines; Regional road trip map; Historical trail with interpretive elements; Dark Skies interpretation; Archaeological site interpretation. Eligible expenses include but are not limited to: hard costs (e.g., infrastructure, upgrades, technology, tools, right-of-way, land costs, etc.); soft costs (e.g., feasibility assessments, consulting services, planning and design, etc.); marketing and outreach; third-party contract services. This grant requires a 1:1 match from an eligible fiscal agent, Cash matches are preferred, but in-kind and monetary donations may also be eligible up to a certain percentage of the total match.

NM Tourism Clean & Beautiful Program // Average Award Amount in FY22 \$15,000

[*New Mexico Tourism Department Clean and Beautiful*](#)

The purpose of the New Mexico "Litter Control and Beautification Act," NMSA 1978, § 67-16-1 et seq., is to accomplish litter control by vesting in the New Mexico Tourism Department (Department) the authority to eliminate litter from the state to the maximum practical extent. The Department shall aid in establishing a statewide Keep America Beautiful Program through the New Mexico Clean and Beautiful Grant Program to end littering, improve recycling, and beautify New Mexico communities. All New Mexico municipalities, counties, and Tribal Governments in good standing with New Mexico Taxation and Revenue Department are eligible for funding. Improving green spaces through sustainable park design and maximizing sustainable landscaping in communities and empowering youth are eligible funding expenditures

International Mountain Bicycling Association Trail Accelerator Grants // Award Range is \$5,000-\$30,000 [*Trail Accelerator Grants | IMBA*](#)

Local, municipal, state, or federal government agencies, and 501(c)(3) nonprofits that actively manage parks and trails may apply. This can include land managers, chambers of commerce/economic development departments, community health organizations, land trusts/conservancies, etc. Types of eligible projects include: Projects that serve mountain bikers as the primary users, though multi-purpose human-powered trail uses are viable as well; Projects that will result in a visible and substantial increase in access, improved mountain bike experiences, and greater community benefit; Projects where the Trail Accelerator grant stands to leverage additional resources to ensure the success of the project; Projects that promote community development, volunteer recruitment, new rider development, youth riding, and engaging marginalized community members. Higher preference will be given to projects that demonstrate a focus on diversity, equity, and inclusion.

Rails To Trails Conservancy Trail Grants [*Trail Grants | Rails-to-Trails Conservancy \(railstotrails.org\)*](#)

Through our Trail Grants Program, Rails-to-Trails Conservancy (RTC) emphasizes strategic investments that support significant regional and community trail development goals. Many of our funded projects are small in scope and scale and can be hard to finance within traditional funding streams. These projects are essential to building, maintaining and managing the trails that so many of us love and that communities rely upon for recreation, transportation and economic vitality. Through these relatively small investments, we are able to help complete and connect trails, improve the trail user experience and support local organizations dedicated to new and existing trails across the country.

AARP Community Challenge // Average Award is \$11,500
[AARP Community Challenge](#)
FY 2023 cycle opens in January 2023

The AARP Community Challenge provides small grants to fund quick-action projects that can help communities become more livable for people of all ages. This year, applications will be accepted for projects to improve public spaces, housing, transportation and civic engagement; support diversity, equity and inclusion; build engagement for programs under new federal laws; and pursue innovative ideas that support people age 50 or older.

AARP will prioritize projects that support residents age 50 or over, are inclusive, address disparities, directly engage volunteers and aim to achieve one or more of the following outcome areas: Create vibrant Public Places that improve open spaces, parks and access to other amenities; Deliver a range of Transportation and Mobility options that increase connectivity, walkability, bikeability, wayfinding, access to transportation options and roadway improvements

America Walks Community Change Grants
[Community Change Grants - America Walks](#)

The Community Change Grant program supports the growing network of advocates, organizations, and agencies working to advance walkability. Grants are awarded to innovative, engaging, and inclusive programs and projects that create change and opportunity for walking and movement at the community level. Applications for grants open in the fall and are awarded for the full calendar year following.

PeopleForBikes Community Grant Program // Award Amount up to \$10,000
[Grant Guidelines | PeopleForBikes](#)

The PeopleForBikes Community Grant Program supports bicycle infrastructure projects and targeted advocacy initiatives that make it easier and safer for people of all ages and abilities to ride. PeopleForBikes accepts grant applications from non-profit organizations with a focus on bicycling, active transportation, or community development; from city or county agencies or departments and from state or federal agencies working locally.

PeopleForBikes focuses most grant funds on bicycle infrastructure projects, such as: Bike paths, lanes, trails and bridges; Mountain bike facilities; Bike parks and pump tracks; BMX facilities; End-of-trip facilities such as bike racks, bike parking, bike repair stations and bike storage.

We also fund some advocacy projects, such as: Programs that transform city streets, such as Ciclovias or Open Streets Days; Campaigns to increase investment in bicycle infrastructure. PeopleForBikes will fund engineering and design work, construction costs including materials, labor and equipment rental and reasonable volunteer support costs. For advocacy projects, we will fund staffing that is directly related to accomplishing the goals of the initiative.

American Trails The Trail Fund // Award Range \$5,000 - \$10,000
[Apply for The Trail Fund - American Trails](#)
FY 2023 cycle opens Spring 2023

The Trail Fund is a collaborative program of American Trails (a private 501(c)(3) charitable organization) launching in 2022 with a generous gift of \$50,000 from the Ford Corporation and other partners. The grant will support grants for trail maintenance, research, and stewardship training all across the country, serving all types of trail users. The amount of funding available and number of grants we can offer will vary year by year, pending funding.

Five Star and Urban Waters Restoration Grant Program // Award Range \$20,000-\$50,000
[Five Star and Urban Waters Restoration Grant Program | NFWF](#)
FY 2023 Call for Project January 2023

The Five Star and Urban Waters Restoration Program seeks to develop community capacity to sustain local natural resources for future generations by providing modest financial assistance to diverse local partnerships for wetland, forest, riparian and coastal habitat restoration, stormwater management, outreach and stewardship with a particular focus on water quality, watersheds and the habitats they support. All projects must have: On-the-ground activities such as wetland, river or coastal habitat restoration and/or targeted green infrastructure creation and monitoring; Community partners united to achieve ecological and educational outcomes; Integrated education, outreach and training into the restoration project through broad commu-

nity engagement activities or participation and integration with K-12 environmental curriculum; Measurable ecological, educational and community benefits.

New Mexico River Stewardship Program // Award Range \$500,000 - \$2,300,000
[The New Mexico River Stewardship Program \(nm.gov\)](#)

The goal of the River Stewardship Program is to fund projects that enhance the health of rivers by addressing the root causes of poor water quality and stream habitat. The objectives of the River Stewardship Program include:

Enhancing the economic benefits of healthy river systems, such as improved opportunities to hunt, fish, float and view wildlife.

Restoring or maintaining the hydrology of streams and rivers to better handle over-bank flows and reduce flooding downstream.

Providing match required to leverage federal grants, ensuring that New Mexico continues to receive these funds.

Sport Fish Restoration Act
[Grant Program Summary \(state.nm.us\)](#)

Restoring, conserving, and managing and enhancing sport fish and providing for public use and benefit from these resources. Sport fish are limited to aquatic, gill breathing, vertebrate animals, bearing paired fins and having material value for sport or recreation

Enhancing the public's understanding of water resources and aquatic life forms and assisting them in developing responsible attitudes toward the aquatic environment.



City of Truth or Consequences

AGENDA REQUEST FORM

MEETING DATE: September 27, 2023

Agenda Item #: H.3

SUBJECT: Approval of Purchase Requisitions Over \$20,000
DEPARTMENT: Finance
DATE SUBMITTED: September 22, 2023
SUBMITTED BY: Mindee Holguin, CPO
WHO WILL PRESENT THE ITEM: Kristie Wilson, Finance Director

Summary/Background:

Per Resolution No 46 20/21 Execution of Contracts; Grant Agreements; Memoranda of Understanding; Joint Powers Agreements; Settlement Agreements; Purchases (Contract and Purchases More Than \$20,000)

Recommendation:

Approval Recommended by Finance Director

Attachments:

- Listing of Purchase Requisitions \$20,000 or More
- Purchase Requisitions, Procurement Documentation

Fiscal Impact (Finance): Choose an item.

As Per Total on Listing of Purchase Requisitions

Legal Review (City Attorney): Choose an item.

Click here to enter text.

Approved For Submittal By: ☒ Department Director

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

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

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

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

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

File Name: CC agendas 9-27-2023

PURCHASE REQUISITION APPROVAL

2023-24 Fiscal Year**COMMISSION MEETING 09/27/2023**

Number	Vendor Name	Description	Requested By	Department	Total Amount	Procurement Type
78769 (PO)	Western United Electric	Wood Poles	Bo Easley	Electric	\$ 46,535.00	
					\$ 46,535.00	

ATTEST:

Angela Torres, Clerk-Treasurer

Date _____

Amanda Forrister, Mayor

Date _____

**CITY OF TRUTH OR CONSEQUENCES**

505 Sims St.
Truth or Consequences, NM 87901
PH: (575) 894-6673
FAX: (575) 894-0363

PURCHASE ORDER**PO Number:** 78769**Date:** 08/30/2023**Requisition #:** 90639**Vendor #:** 7498

ISSUED TO: WESTERN UNITED ELECTRIC
SUPPLY CORPORATION
100 BROMLEY BUSINESS PKWY
BRIGHTON, CO 80603

SHIP TO: City of Truth or Consequences
505 Sims St.
Truth or Consequences, NM 87901

ITEM	UNITS	VENDOR PART #	DESCRIPTION	GL ACCT #	PROJ ACCT #	PRICE	AMOUNT
1	5		45 FT CLASS 2 DF	503-3702-44607		1,741.00	8,705.00
2	10		40 FT CLASS 4 DF	503-3702-44607		1,111.00	11,110.00
3	15		40FT CLASS 2 DF	503-3702-44607		1,476.00	22,140.00
4	5		35 FT CLASS 4 DF	503-3702-44607		916.00	4,580.00
WOOD POLES- ELECTRIC							
QUOTES: WESTERN UNITED ELECTRIC, STELLA JONES & BELL LUMBER							

SUBTOTAL:	46,535.00
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TOTAL TAX:	0.00
-------------------	------

SHIPPING:	0.00
------------------	------

TOTAL	46,535.00
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Chief Purchasing Office _____ **Date:** _____

Director of Finance: Requisition approved electronically.

City Manager: Requisition approved electronically.

1. Send INVOICE to Accounts Payable, address as noted above.
2. Prepay all transportation charges, and attach receipted freight bill to invoice.
3. Show our Purchase Order number on all Invoices, Bills of Lading, Packages, etc.
4. This order must NOT be filled in greater or lesser quantities than shown without our written permission.
5. This order is issued with the understanding that if material is not according to our specifications, same will be returned at seller's expense.
6. The right is reserved to cancel this order if not filled within a reasonable length of time.
7. The City is exempt from all federal excise and state tax - ID# 01-405755-007



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: September 27, 2023

Agenda Item #: H.4

SUBJECT: Discussion/Action – Summary Plat Amendment 906 Lucky Street

DEPARTMENT: Community Development

DATE SUBMITTED: September 21, 2023

SUBMITTED BY: Traci Alvarez

WHO WILL PRESENT THE ITEM: Traci Alvarez Assistant City Manager

Summary/Background:

Refer to attached P & Z agenda packet

Recommendation:

Approve/Deny P & Z recommendation for approval

Attachments:

- P & Z Agenda Packet
- P & Z Meeting Minutes 9-11-2023

Fiscal Impact (Finance): N/A

[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 9-27-23



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 9-11-2023

ITEM: Public Hearing Summary Plat Amendment 906 Lucky Street

BACKGROUND:

Applicant is requesting a lot split at 906 Lucky Street. Property is located in the R-3 Zone. Development Standards require lot size 45' wide/4500 square feet. Both lots meet development standards. All required documents have been submitted and fees paid. All property owners within 100ft have been notified. Utility access information to be provided at meeting.

SUPPORT INFORMATION:

Public Hearing Notice
Summary Replat
Property Map
Sec. 11-14-2 Standards for Districts
Sec. 15-15. - Alternate summary procedure
Findings of Facts Checklist

Name of Drafter: Traci Alvarez	: Assistant City Manager	Meeting date 9-11-2023
E-mail: talvarez@torcnm.org	Phone: 575-894-6673	

*Amanda Forrister
Mayor*

*Rolf Hechler
Mayor Pro-Tem*

*Merry Jo Fahl
Commissioner*



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

*Destiny Mitchell
Commissioner*

*Shelly Harrelson
Commissioner*

*Angie Gonzales
City Manager*

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the City of Truth or Consequences Planning & Zoning Commission will hold a Public Hearing during their regular scheduled meeting on Monday, September 11, 2023 to receive input regarding the following:

Public Hearing/Discussion/Action: Summary Plat Amendment at 906 Lucky Street.

The meeting will be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico starting at 4:00 p.m.

Should you have any questions regarding this Public Hearing, please contact Traci Alvarez at (575) 941-0565 or by email at talvarez@torcnm.org.

The agenda may be obtained on Friday, September 8, 2023 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, August 18, 2023

SUMMARY REPLAT

"TR1" and "TR2", in the La Vista Addition formerly Block 64, La Vista Addition and Vacated Oak Street
Truth or Consequences, Sierra County, New Mexico

REFERENCE

Special Warranty Deed filed
9/8/2017 in Book 128 Pages
3685-3688

Assessor Owner #5799

Boundary Survey Plat of Block 64
La Vista Addition and vacated Oak
Street filed 5/21/2023 in Book
140 Page 3834.

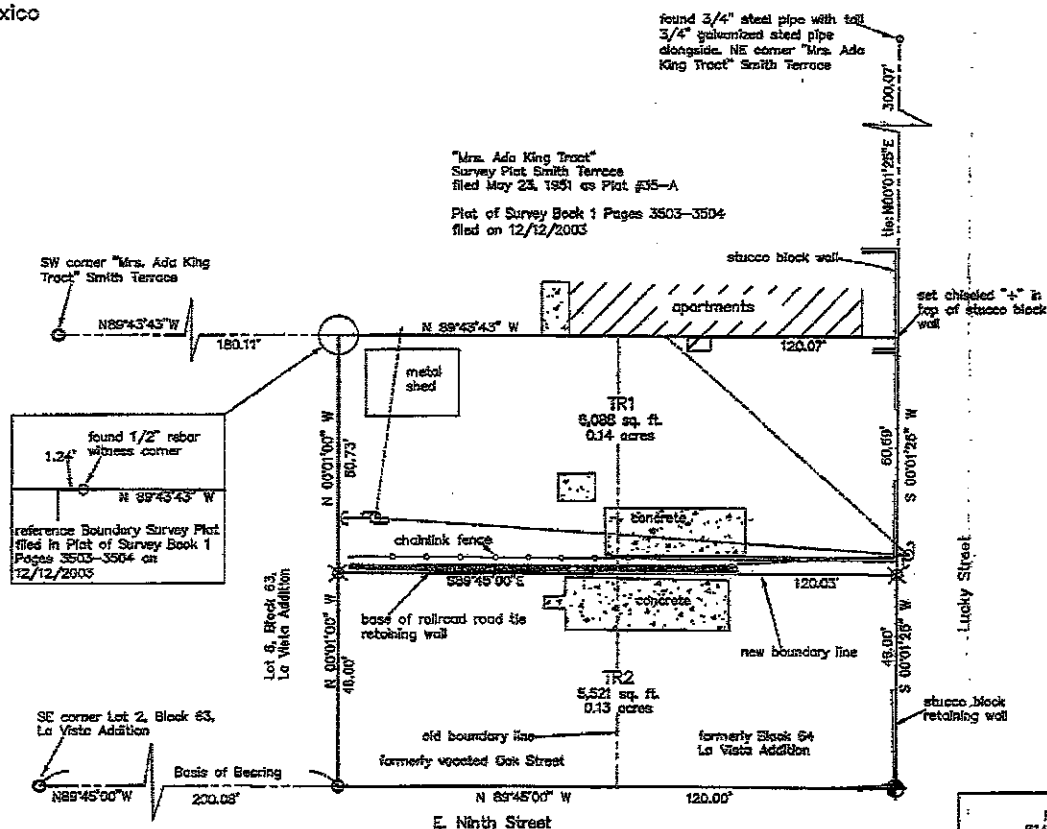
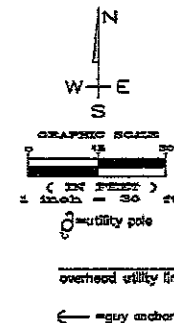
The La Vista Addition Plat of Resurvey
recorded on 1/27/1939 as Plat #19-8
reference document for Oak Street, Lucky
Street, Block 64, lots in Block 63.

Basis of Bearing
Plat of Survey Book 1 Pages
3503-3504 filed on 12/12/2003

subject property and adjacents are
contiguous

SHEET 2 OF 2

SEE SHEET 1 OF 2 FOR SURVEYOR'S CERTIFICATE,
ACKNOWLEDGEMENTS, AND APPROVAL BLOCK.



⊗=set 1/2" rebar with 1" plastic survey cap stamped 13984

⊕=found 1/2" rebar with 1" plastic survey cap stamped 13984

⊙=found 5/8" rebar with 1.25" plastic survey cap
stamped Latus & Co RLS 8473

found and accepted monuments tagged with a 0.75" brass
disc stamped 13984

monument dimensions are "outside diameter"

RICHTER LAND SURVEYING
814 BROADWAY, P.O. BOX 1648
TRUTH OR CONSEQUENCES, NM 87601
575 894-2348

23008

INDEXING INFORMATION FOR COUNTY CLERK

Jerry & Camille Lopez
c/o Northern NM Properties LLC
Sec 34, T13S, R4W
La Vista Addition

SUMMARY REPLAT

"TR1" and "TR2", in the La Vista Addition formerly
Block 64, La Vista Addition and Vacated Oak Street
Truth or Consequences, Sierra County, New Mexico

SHEET 1 OF 2
SEE SHEET 2 OF 2 FOR DOCUMENT CITATIONS
AND SUMMARY REPLAT

The replat of lots as shown and designated on Sheet 2 of 2 is
hereby approved

Mayor, City of Truth or Consequences, NM Date

The replat of lots as shown and designated on Sheet 2 of 2 is in
accordance with the wishes and desires of the undersigned, to wit:

Les F. Gutierrez 7/12/2023
Date

COUNTY OF SIERRA)
STATE OF NEW MEXICO)

The foregoing instrument was acknowledged before me this 12 day
of July, 2023, by Les F. Gutierrez.

Carla Hinojos Nov-16-2026
NOTARY PUBLIC MY COMMISSION EXPIRES

STATE OF NEW MEXICO
NOTARY PUBLIC
CARLA HINOJOS
COMMISSION # 1122247
COMMISSION EXPIRES 11/16/2026

SURVEYOR'S CERTIFICATE

I, Jeff L. Richter, a duly Licensed Professional Surveyor
No. 13984, do hereby certify that this Summary Plat and the
actual survey of the ground upon which it is based were
performed by me and under my direct supervision, that I am
responsible for this survey, that it conforms to the
Minimum Standards for Surveying in New Mexico, and that it
is true and correct to the best of my knowledge and belief.

Jeff L. Richter 6-23-2023
Jeff L. Richter No. 13984 Date

The replat of lots as shown and designated on Sheet 2 of 2 is in
accordance with the wishes and desires of the undersigned, to wit:

Jerry Lopez 6-30-2023
Date

COUNTY OF SIERRA)
STATE OF NEW MEXICO)

The foregoing instrument was acknowledged before me this 30th day
of June, 2023, by Jerry Lopez

Paula J. Pana 12-31-2023
NOTARY PUBLIC MY COMMISSION EXPIRES

STATE OF NEW MEXICO
NOTARY PUBLIC
PAULA J. PANA
COMMISSION # 1113943
COMMISSION EXPIRES 12/31/2023

The replat of lots as shown and designated on Sheet 2 of 2 is in
accordance with the wishes and desires of the undersigned, to wit:

Camilla S. Lopez 9/30-2023
Date

COUNTY OF SIERRA)
STATE OF NEW MEXICO)

The foregoing instrument was acknowledged before me this 30th day
of June, 2023, by Camilla S. Lopez.

Paula J. Pana 12-31-2023
NOTARY PUBLIC MY COMMISSION EXPIRES

STATE OF NEW MEXICO
NOTARY PUBLIC
PAULA J. PANA
COMMISSION # 1113943
COMMISSION EXPIRES 12/31/2023

RICHTER LAND SURVEYING
814 BROADWAY, P.O. BOX 1648
TRUTH OR CONSEQUENCES, NM 87901
575 894-2348

23006
INDEXING INFORMATION FOR COUNTY CLERK
Jerry & Camilla Lopez
c/o Northern NM Properties LLC
Sec 34, T13S, R4W
La Vista Addition

Property Description

TRI

A certain tract of land being the northerly portion of Block 64, La Vista Addition and Vacated Oak Street Truth or Consequences, Sierra County, New Mexico and being more particularly described as follows:

Beginning at the northeast corner of the tract herein described a found chiseled "4" in the top of a stucco block wall, whence a $\frac{1}{4}$ " steel pipe found at the northeast corner of the "Mrs. Ada King Tract" as shown and designated on the document titled "Survey Plat Smith Terrace" filed May 23, 1951 as Plat #35-A Sierra County records, bears N00°01'25"E a distance of 300.07 feet;

Thence S00°01'25"W a distance of 50.69 feet to a set $\frac{1}{2}$ " rebar with survey cap stamped 13984;

Thence N89°45'00"W a distance of 120.03 feet to a set $\frac{1}{2}$ " rebar with survey cap stamped 13984;

Thence N00°01'00"W a distance of 50.73 feet to the northwest corner;

Thence N89°43'43"W, at 1.24 feet a found $\frac{1}{2}$ " rebar witness corner and at 120.07 feet the place of beginning, and containing 6,088 square feet (0.14 acre), more or less.

Property Description

TR2

A certain tract of land being the southerly portion of Block 64, La Vista Addition and Vacated Oak Street Truth or Consequences, Sierra County, New Mexico and being more particularly described as follows:

Beginning at the northeast corner of the tract herein described a set $\frac{1}{2}$ " rebar with survey cap stamped 13984, whence a $\frac{3}{4}$ " steel pipe found at the northeast corner of the "Mrs. Ada King Tract" as shown and designated on the document titled "Survey Plat Smith Terrace" filed May 23, 1951 as Plat #35-A Sierra County records, bears N00°01'25"E a distance of 350.76 feet;

Thence S00°01'25"W a distance of 46.00 feet to a found $\frac{1}{2}$ " rebar with survey cap stamped 13984;

Thence N89°45'00"W a distance of 120.00 feet to a found $\frac{5}{8}$ " rebar with survey cap stamped Loftus & Co RLS 8473;

Thence N00°01'00"W a distance of 46.00 feet to a set $\frac{1}{2}$ " rebar with survey cap stamped 13984;

Thence S89°45'00"E a distance of 120.03 feet the place of beginning, and containing 5,521 square feet (0.13 acre), more or less.



Sec. 11-14-2. Standards For Districts.

District	Lots: Minimum Front Setback	Yards: Minimum Rear Setback	Yards: Minimum Side Setback
R-1	25'	25'	8'
R-2	25'	20'	6' or 0'*
R-3	20'	15'	5' or 0'*
R-4	25'	25'	5'
RR-1	25'	15'	5'
C-1	20'	15'	5' or 0'*
M-1	25'	25'	5' or 0'*
T-1	25'	25'	15'

* As permissible per Section 11-14-3 and 11-14-4.

District	Lots: Minimum Area	Lots: Minimum Width	Dwelling: Minimum Area	Maximum Height
R-1	9,000 s. f.	60'	1,200 s. f.	26'
R-2: Single-Family	5,000 s. f.	60'	900 s. f.	26'
R-2: Two-Family	4,000 s. f./unit	60'	650 s. f./unit	35'
R-2: Multiple-Family	3,500 s. f./unit	60'	600 s. f./unit	35'
R-2: Apartments	3,500 s. f./unit	60'	500 s. f./unit	35'
R-2: MH*	5,000 s. f.	60'	900 s. f.	26'
R-3: Single-Family	4,500 s. f.	45'	700 s. f.	35'
R-3: Two-Family	3,000 s. f./unit	45'	500 s. f./unit	35'
R-3: Multiple-Family	3,000 s. f./unit	45'	450 s. f./unit	35'
R-3: Apartments	2,000 s. f./unit	45'	400 s. f./unit	35'
R-3: MH*	4,500	45'	550 s. f.	26'
R-4	1 acre	75'	1,200 s. f.	26'
RR-1	5,000 s. f.	50'	800 s. f.	26'
C-1	5,000 s. f.	60'	" "	35'
C-1: MH*	4,000 s. f.	45'	550 s. f.	26'
M-1	" "	60'	" "	35'
T-1	21,780 s. f.	100'	800 s. f.	35'
T-1: MH*	21,780 s. f.	60'	550 s. f.	26'

* Not located within MHP

Sec. 15-15. - Alternate summary procedure.

- A. *Approvals by Planning and Zoning Commission:* The Planning and Zoning Commission may approve or deny the following types of subdivisions:
1. A re-plat of a previously filed subdivision when:
 - a. No more lots are created than exist in the area at the time of the submittal of the replat application; and,
 - b. All lots to be created have direct, legal, unobstructed access to an existing City maintained street;
 - c. All lots to be created have direct, unobstructed legal access to existing City water and wastewater lines;
 - d. The subdivider files with the City a Letter of Credit for funds adequate to pay for connecting the lots to the City's water and wastewater lines, or, pays to the City the City's fees for connecting the lots to the City's water and wastewater lines;
 - e. The new lots comply in all ways with the standards for lots contained within the City's Comprehensive Planning and Zoning Code;
 - f. All new lots are laid out in a manner which allows utility service to be provided to the purchasers of said lots;
 - g. All lots to be eliminated or created exist within the area of a single block of lots in a previously platted and filed subdivision; and,
 - h. No vacation of street dedications or utility easements is proposed; or,
 - i. Lots are to be eliminated.
 2. The subdivision of previously unsubdivided land when:
 - a. No more than two lots are created;
 - b. Both lots to be created have direct, legal, unobstructed access to an existing City maintained and paved street with curb gutter and sidewalk;
 - c. Both lots to be created have direct, unobstructed legal access to existing City water and wastewater lines;
 - d. The subdivider files with the City a Letter of Credit for funds adequate to pay to connect both lots to the City's water and wastewater lines, or, pays to the City funds for connecting both lots to the City's water and wastewater lines;
 - e. The new lots comply in all ways with the standards for lots contained within the City's Comprehensive Planning and Zoning Code;
 - f. The new lots are laid out in a manner which allows utility service to be provided to the purchasers of said lots; and,
 - g. No vacation of street dedications or utility easements is proposed.
- B. *Limit on number of summary procedures:* The summary procedure shall be used only once on any one property, or within any group of contiguous or adjacent properties owned by a subdivider, unless the property has been master-planned, legally subdivided, and is zoned for industrial uses, and wherein the streets within those subdivisions have been dedicated to and accepted by the City. No subdivider who has received approval of a subdivision shall utilize the summary procedure to subsequently increase the number of lots within said subdivision.
- C. *Elective pre-application procedure:*
1. Prior to filing a summary plat, the subdivider may submit a conceptual plan of the proposed subdivision to the City's Zoning Administrator. The conceptual plan shall provide enough

information for the Zoning Administrator to locate the proposed subdivision and to comprehend its scope and potential impacts. Neither a written application nor an application fee are required for submittal of a conceptual plan.

2. The City's Zoning Administrator shall place the proposed summary subdivision on the next possible agenda of the Planning and Zoning Commission for discussion, when the Planning and Zoning Commission shall consider the proposal with the subdivider or the subdivider's representative and shall indicate changes, if any, that will be required for the submittal process.

D. *Summary plat submittal requirements summary plat submittal requirements are:*

1. Application, signed by all property owners, including all parties having an equitable interest, trustees of an estate and all persons having a specific "power of attorney" in such land;
2. A record of any pending litigation or any final order entered by any court of law regarding the ownership of the subject property;
3. Application fee as established by the City;
4. Documentation from the Sierra County Assessor's Office that the current year's property taxes are paid and that no taxes are owed on the property;
5. A plat conforming to section 15-13.A of this Code; and,
6. Releases by the Public Utilities Advisory Board, and all utility companies which are proposed as providers for the subdivision.

E. *Submittal and review procedures:*

1. Incomplete submittals will not be accepted for review.
2. The subdivider shall submit all required materials to the City's Zoning Administrator.
3. The City's Zoning Administrator shall review all materials, and shall within three working days from the date the application is determined to be complete, request opinions of applicable City departments, other governmental agencies, and utility companies for review, comments and recommendations. City departments shall have ten calendar days in which to review and respond in writing to any such request. Within three working days of receiving any written reports, comments or recommendations from any City department, governmental agency, or utility company, the Zoning Administrator shall make available to the subdivider a copy of such materials.
4. The Zoning Administrator shall have the right to require that the subdivider provide additional information or to make amendments to the plat and supporting information if the Zoning Administrator determines that the information originally submitted by the subdivider was incomplete, incorrect or invalid.
5. The subdivider shall have ten working days in which to make any corrections or additions required by the Zoning Administrator, or to request a postponement of action by the Zoning Administrator for up to 135 days.
6. If a subdivision application does not meet the requirements of this Code within 180 days of its original submittal, the Zoning Administrator shall summarily reject the application and notify the applicant in writing of the reasons for the rejection.
7. At such time as the subdivider meets the requirements of this Code, the subdivider shall provide the Zoning Administrator with a copy of the final plat.
8. At such time as receiving a submittal that meets all requirements of this Code, the Zoning Administrator shall recommend that the Planning and Zoning Commission approve the final plat by consent agenda action during its next regularly scheduled meeting, and the Planning and Zoning Commission shall approve the subdivision by consent agenda action during its next regularly scheduled meeting.

9. The subdivider shall file a signed copy of the final plat in the records of the County Clerk of Sierra County, and shall provide the City with one of the signed copies.
- F. *Divisions for the purpose of mortgage:* Divisions for purposes of mortgage are not allowed. If a property is to be mortgaged it must be done so in its entirety or properly subdivided as required in this chapter.

(Ord. No. 555, 5-23-06)

PLANNING AND ZONING COMMISSION

FINDINGS OF FACTS CHECKLIST

Request Date _____ Address _____

Findings of facts for recommendations and decisions.

In considering all requests, the Planning and Zoning Commission shall review applicable plans and determine whether the request will:

1. Impair an adequate supply of light and air to adjacent property;
2. Unreasonably increase the traffic in public streets;
3. Increase the danger of fire or endanger the public safety;
4. Deter the orderly and phased growth and development of the community;
5. Unreasonably impair established property values within the surrounding area;
6. In any other respect impair the public health, safety and general welfare of the City; or
7. Constitute a spot zone* and therefore adversely affect adjacent property values.

All actions or recommendations by the Planning and Zoning Commission shall be based on Findings of Facts as to the impacts of the proposal, using the criteria listed in numbers 1 through 7, above. The Planning and Zoning Commission shall review each of the above listed factors and accord each factor the necessary weight on a case-by-case basis in making its determination.

*Spot Zoning: The singling out of a lot or small area for a District change, which is out of harmony with the comprehensive plan and surrounding land to secure special benefits for a particular property owner without regard for the rights of adjacent landowners.

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES
MONDAY, SEPTEMBER 11, 2023**

REGULAR MEETING

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, September 11, 2023 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

Chris Sisney, Chairman
Susan Buhler, Vice Chairman
Esther Luchini, Member
Lisa Kent, Member

ALSO PRESENT:

Angie Gonzales, City Manager
Traci Alvarez, Assistant City Manager
Lisa Gabaldon, Deputy Clerk

1. APPROVAL OF AGENDA

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

2. APPROVAL OF MINUTES:

a) August 14, 2023

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

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

There were no comments at this time.

4. PUBLIC HEARINGS (5 Minute Rule Applies)

A. Public Hearing/Discussion/Action: Summary Plat Amendment at 906 Lucky Street.
Assistant City Manager Alvarez

Assistant City Manager Alvarez: Chairman and members of the board, I believe that we do have two members that wanted to state their relationship to that property.

Vice-Chairman Buhler: My dad received a letter and he has no problem with the request being made by the individuals and neither do I.

Assistant City Manager Alvarez: We just needed to state that for the record since we have board members.

Member Luchini: I also received a letter regarding this item and we have no objection.

Assistant City Manager Alvarez: So, with that, I will continue with my presentation. The applicant is requesting a lot split at 906 Lucky, so the property is located in the R3 zone. It does meet all of the required development standards. All documents have been submitted and the fees have been paid. We have no issues with the electric utility; I am still waiting to hear confirmation from water/wastewater due to the leaks and the short-handed staff that we have within the department; he has not had a chance to get out there, however my recommendation would be to the board, if you see fit to recommend approval and then to recommend that approval to the City Commission barring that there's no issues with water/wastewater, because I would have that information at least by the time it went to commission and that way we don't have to replan a public hearing or anything like that. Applicants are here in attendance and available to give you information. Your packet shows the property and as well as the summary plat where they'd like to divide their lot and with that I stand for any questions.

Chairman Sisney: Are there any questions from the council?

Vice-Chairman Buhler asked for clarification on the map so that she knew what they are looking at.

Applicant Les Gutierrez went in front of the board and explained on the map what it is that they're wanting to do on their property.

Chairman Sisney: So, where's the line Traci?

Assistant City Manager Alvarez pointed out the property line and the changes that are being requested.

Chairman Sisney asked the applicant some questions regarding what things were in the map in order to understand what is being asked of the board.

Applicant Les Gutierrez: we are in the process of doing some estate planning and the plan would be to take that lot as it meets the standards for R3 and the goal would be to build maybe a small house or a duplex if it qualified for planning and zoning.

Assistant City Manager Alvarez: Chairman and members of the board, just as a reminder in considering the request, you need to review your findings of facts checklist so that the decision to approve or deny needs to be based on the 7 findings of facts. It's not necessarily whether or not you would approve what he would want to build there, because that would have to go through zoning. And if it's approved for a duplex, he can build a duplex.

Applicant Les Gutierrez: We understand that we would have to go through planning and zoning for any requests that we have. At this time, our goal is, we're doing some estate planning and we're separating the lot and then maybe in a year or so if the market allows, we would maybe build a small duplex or a small house, subject to planning and zoning approval.

Chairman Sisney: Anyone on the council have any questions?

Member Luchini: Just so I'm clear, there are no utilities on this proposed lot that we're saying, if we were to recommend it, it would be assuming there are no issues with water and sewer, etc.

Assistant City Manager Alvarez: We just want to make sure that there's no crossover of water or sewer.

Applicant Les Gutierrez: We will comply with the City, if they have any issues.

Vice-Chairman Buhler made a motion to recommend the summary plat amendment to the City Commission for approval.

Member Kent seconded the motion.

Roll call vote was taken.

Motion carried unanimously.

- B. Public Hearing/Discussion/Action: Variance at 1306 Tin St. Applicant is requesting permission for a mobile home that exceeds age limit per city code. Assistant City Manager Alvarez

Assistant City Manager Alvarez: Chairman and members of the board, as you know, our municipal code does state that we don't allow mobile homes less than 20 years old, so the applicant is requesting a variance. The mobile home is 27 years old. They have provided pictures showing the exterior and the interior of the mobile home, showing that it's in good shape. You guys have been provided a generalized map of that area and that area does have mobile homes located in it. If you're familiar with that area, there are quite a few mobile homes over on the metal streets and I would have to say that this mobile home is probably one of the nicer ones that is existing in that older area of the neighborhood.

Applicants have submitted all documents; all property owners within a 300 foot radius were notified; we received no comments, emails, or concerns, and with that I stand for questions. Applicant are here if you'd like to ask any questions. Again, we're looking at the seven findings of facts for this public hearing request in consideration.

Chairman Sisney: Ms. Alvarez, I have a question for you. This is the second time one of these have come before us and the last time, maybe I didn't take a good enough look but the trailer that arrived doesn't look as nice as the one that showed up over there. It's been sitting there for a couple of months and they have not set the trailer yet.

Assistant City Manager Alvarez: Correct, they are still going through the required zoning approval to meet all of the requirements and so far, they haven't met those requirements for zoning approval and until they do, they won't be able to connect to utilities and hook up to it; and they'll have a deadline date that if it doesn't meet zoning requirements then it will have to be removed.

Chairman Sisney: OK, thank you, that answers my question.

Member Luchini: I have a question then. When is it allowed to move if it hasn't met the requirements?

Assistant City Manager Alvarez: It met the requirements to move, it hasn't met the requirements to connect to utilities and live in. You guys approved it for moving over there but they have yet to connect to utilities and stuff.

Member Luchini: What's the deadline for them to do this?

Assistant City Manager Alvarez: That's an item that we can put on the agenda; we're kind of violating the open meetings act because that's not on the agenda and that particular applicant hasn't been notified that we'd be discussing any of this nor has the public, so technically we can't get into a whole bunch. If you want that the next agenda, we can put something like that on the next agenda, but I can tell you that they're not connected because they haven't met the requirements that planning and zoning submits. So, if your question is a moving of a mobile home and then it just sitting there and not connecting, that's why. But as far as the definition into that case, I can't discuss that without it being on the agenda.

Chairman Sisney: So, if it was asked as just a general rule then, would that be a violation? Because I think she's asking how long are they supposed to get and not anything else.

Assistant City Manager Alvarez: it's a case by case basis determined by the planning and zoning department. So, it would be depending on what they've done and what issues are causing them to not be able to connect; so, it would be a case by case basis.

Member Luchini: And who is that planning and zoning department?

Assistant City Manager Alvarez: That would be me. I am the designated zoning official as designated by the City Commission through a City Commission meeting. We don't have a building inspector; the City of T or C won't have a building inspector because in 2018 state made requirements that the City can't meet. Elephant Butte can't meet, the Village of Williamsburg can't meet; the building inspector would need to be certified in HVAC, plumbing, electric, or separate inspectors and none of us can meet those requirements; a lot of municipalities can't and so most municipalities are small ones, have gone to designated zoning officials, and then the state oversees the actual requirements. I am sure that they are permitted through the state, I talk to the state regularly or look through their website, but I don't deal with structural or anything like that.

Chairman Sisney: Thank you for answering my question.

Assistant City Manager Alvarez: No problem.

Chairman Sisney: ok, back to the item. Are there any questions from the planning and zoning commission members for the applicant?

Member Luchini: Where is the mobile home now?

Applicant Maria Mezcuca: It's there on the property at 1306 Tin.

Assistant City Manager Alvarez: We did note that when the request came in for utilities to be connected is when the City was made aware that the mobile home had already been moved there. They didn't realize what the zoning requirements were and so at that time, we denied them the ability to connect to utilities until they came through this process.

Member Luchini: So, is this a mobile home that you just recently purchased or...

Applicant Maria Mezcuca: No, I actually purchased it from my parents a while back. The guy that we went through told us that he got it approved through the state and that was all that we needed. We figured that he knew what he was doing so we didn't research anything further.

Member Luchini: So, has it been in use recently or vacant?

Applicant Maria Mezcuca: No, it hasn't been used, we were actually fixing it up a little bit. It's been 5 years since we moved it.

Member Kent: You moved it over there 5 years ago?

Applicant Maria Mezcuca: Yeah. But we have a garden out there and stuff so we go often; it's not like it's just sitting there and nobody's going there and my dad is fixing it up. We go everyday and we water the garden and stuff.

Member Kent: So, the utilities are on?

Applicant Maria Mezcuca: It's just the water actually that we're paying for but we don't have anything else. We don't have sewer or anything. Oh, and the electric is hooked up.

Chairman Sisney: Yeah, I don't think you can have one without the other.

Applicant Maria Mezcua: Yeah, I guess so.

Member Luchini: Is it set up properly...

Applicant Maria Mezcua: The mobile home is not connected to anything at all. There's electricity but we don't have it hooked up to the mobile home because we wanted to get approval first.

Member Kent: So, the lot has all of the utilities on it?

Applicant Maria Mezcua: Yes, except sewer. There's no sewer on the lot.

Chairman Sisney: Is there septic there now?

Applicant Maria Mezcua: There's nothing there.

Assistant City Manager Alvarez: There's water, sewer, and electric to the lot, but there's nothing connected from the lot to the mobile home because the City denied that ability once we realized that the mobile home had not been approved.

Chairman Sisney: Ok, got it.

Vice-Chairman Buhler: So, it's going to be skirted and...is it required in that area to be skirted?

Assistant City Manager Alvarez: They have to meet all manufactured home requirements.

Vice-Chairman Buhler: And the roof is in good shape?

Applicant Maria Mezcua: Yes, it is.

Member Luchini: So, what would be the deadline for them to comply to be accepted by the planning and zoning?

Assistant City Manager Alvarez: Like I said, it's a case by case basis, I'd have to get back with utilities at this time. Everything was put on standstill; it hasn't even got to that point of zoning approval application until you guys approve the mobile home to be there.

Member Luchini: I drove by there and I thought the lot was an empty lot but apparently, it's not. I couldn't tell, I'm pretty sure I was looking on the right side of the road, but the houses weren't numbered very well.

Applicant Maria Mezcua: The lot next to us is empty; there's nothing on there at all. Our is clean and there's a fence around it.

Member Luchini: Oh ok, that was fixed up pretty well. You've done a good job.

Applicant Maria Mezcua: Thank you, my dad has done the work.

Assistant City Manager Alvarez: Chairman and member of the board, one of the issues that we find with the manufactured housing is state permit level versus somebody that's doing a site built home, is the site built homes when somebody applies for a building permit through the state, they require zoning approval sign-off and they require flood plain approval; and so if something is getting done that we

don't notice happening out in the field right a way and they apply for a state permit, we are almost instantly notified and we can stop it right away. With the manufactured housing permit at the state side, for some reason there's still that lack of going through municipal zoning; once it's approved for the towing and blocking or hauling and blocking permitting, they're getting state permits to move them but they aren't necessarily requiring municipal zoning approval, so what we've found in quite a few instances when mobile homes have been moved to lots within the City, we didn't know until they go to hook up their utilities. This one just happens to be over the 20 year; I've actually approved, not this one, but other ones once they meet the age requirement, once they've submitted their site plans and everything else that's required through the zoning, that have already been moved to the lot. It's just one of those things that we're trying to work with from the state, but I don't think they have quite as many inspectors up there for the manufactured home as they do for state building.

Chairman Sisney: Is there any way to allow anyone from the City or from this commission to inspect one before they application comes before us because I would be able to tell if the things got problems or not. Going back to this one that already got set, I would've liked to have seen that before we approved it to get moved over there. It would have made a difference to me if I'd have seen it in person.

Assistant City Manager Alvarez: In some instances, they aren't necessarily local here in town that they're moving from, they may be requesting to move them and haul them from a manufactured home lot, a used one, and all we may only have pictures. I guess the answer to that is no; there's no way to necessarily take a look at it.

Vice-Chairman Buhler: Also, is there some way that it will be addressed by you all that if we vote to recommend that this happen, that you guys will make sure that it's done right? That the people can live...

Assistant City Manager Alvarez: That is why the other one has not yet been connected to utilities. Those are things that are being done in my office. As the planning and zoning commission what you're looking at is whether or not the issues on the findings of facts checklist.

Chairman Sisney: On there, they're asking us to make a variance on a law that is written so that you can't move an old mobile home onto a City lot, and if we can't see what the thing looks like, you're asking us to approve something blindly, and I don't feel good about that at all.

Assistant City Manager Alvarez: You have the pictures to go by and all I can tell you is that if you don't feel good about that, then your recommendation can be to deny to the City Commission and then the City Commission can make that determination.

Chairman Sisney: I'd rather not do it blindly; I'm still doing it blindly whether I approve or disapprove it's a blind decision that I don't like making.

Assistant City Manager Alvarez: Right, but you're not allowed to go out and do the site visits because then it's ex parte communication where you have more knowledge than maybe your other board members who may or may not be able to get out there or may or may not want to go out there.

Chairman Sisney: That doesn't make any sense to me; I'm asking to be better informed to make a decision and you're telling me that you don't want me to be able to be informed to make a good decision.

Assistant City Manager Alvarez: No, I did not tell you that at all. If you guys are wanting more information from me, then I'd be more than happy to make sure that the information comes to the board. What I've been presenting you has been the municipal code as well as the pictures.

Chairman Sisney: If I want more information, I have from Friday afternoon until Monday at 4pm to get that information?

Assistant City Manager Alvarez: Not at all. You guys can...

Chairman Sisney interrupted Assistant City Manager Alvarez mid-sentence.

Chairman Sisney: I didn't know about this until Friday afternoon; how am I gonna be able to ask you stuff about this between the end of a Friday business day and 4pm on the business day of Monday? You wouldn't be able to provide that information to me, I don't believe.

Deputy Clerk Gabaldon: Everything was published; there's public hearing notices published in the newspaper and it tells you that there will be a public hearing for the next Planning & Zoning Commission and the date and time for the public hearing.

Assistant City Manager Alvarez: Also, you can email me; I am very responsive to emails.

Chairman Sisney: But I don't know what's coming up until Friday, so how can I ask you a question before 3-4pm on Friday; I just don't see how that's gonna enable me to get the information that I need to make a decision.

Assistant City Manager Alvarez: You can get ahold of me first thing Monday morning and I can try and get you the information or bring it to the meeting and if at the meeting I don't have the information that you request, then as a board you can make a decision to not recommend that for approval.

Chairman Sisney: Again, explain to me the reason why I wouldn't be able to see the trailer that they're asking to move before I recommend that trailer be allowed to move or not.

Assistant City Manager Alvarez: So, at this point I think that the best thing would be for me to have to confer with the attorney because I'm only repeating what the attorney has said about site visits and allowances out there. I'm not an attorney, I'm only telling you what the attorney has said in the past. If you want more information regarding that, we can put that on the next agenda and you guys can make a determination on this one whether you want to approve it, recommend approval, or not recommend approval, and on the next agenda, we can bring the attorney in to discuss what you're requesting.

Chairman Sisney: Thank you.

Member Luchini: Is the home live-in ready? Are you ready to move into the home?

Applicant Maria Mezcuca: As soon as the utilities are connected hopefully. My parents actually live in housing right now and that's why I'm trying so hard to get it approved because I don't know if you've ever drove by there, but right now it's really bad. They got a new manager there and it just stinks; it's dirty; it's not nice to live there. So, that's why I'm trying really hard to get approved so that we can get the utilities connected. I know it's probably gonna take a while because they told me they were backed up a little bit, about 3-4 months. After that it would be move in ready.

Member Kent: Is it live-in ready now?

Applicant Maria Mezcuca: Yes.

Member Kent: By what standards are you saying live-in ready? Has it been inspected or...

Applicant Maria Mezcuca: Oh, I don't know if you mean legally but the floors are ready, I don't know if you can see in the pictures but there's carpet in some rooms, there's vinyl in some in the kitchen.

Member Kent: I see the appliances.

Applicant Maria Mezcua: Yeah, we have the fridge. The only thing we need is the washer.

Member Kent: I think one of my main concerns is the electrical; it's been sitting vacant for 5 years you said. Is the electrical still in good working order? Has a mouse moved in underneath? Is the roof holding up?

Applicant Maria Mezcua: Yes, we have not seen any mice out there on the land. Like I said, my dad goes there every single day. We didn't want to invest any more money into it, because I can't afford to pay an electrician to go out there to check it until we know that it's approved.

Assistant City Manager Alvarez: Chairman and members of the board, our electric department won't set a meter unless the electrical box that they're going to be putting the meter in has been updated and received state permitting.

Member Kent: So that would be kind of an inspection.

Assistant City Manager Alvarez: Through the electric department, yes, they'll make the determination.

Vice-Chairman Buhler: You know, we only get information from you guys and if things aren't right, it makes it tough because we...

Assistant City Manager Alvarez: If what's not right?

Vice-Chairman Buhler: Well, if something isn't right, this is kind of the cart after the horse. They've already moved the trailer in there, so it's there. So that's already happened, they've worked hard, and I don't fault you, I know that you've worked hard to make it be a nice home, and it looks nice, the pictures are good. We only have information from you to go by and if we call you and we ask you about something and we don't get an answer, that makes it tough too.

Assistant City Manager Alvarez: I'm sorry, when did someone call me and ask for something and I didn't answer?

Vice-Chairman Buhler: Well, I did come by and speak with you and you came in too and no one ever got back to me on it. I think you remember. I'm not gonna get into it but all we have to go on is what you give us so if it's not the best information then it makes it tough. I personally support you getting your permit and I hope that will happen and I hope it won't be years down the road because then that just turns it into another problem for these people. We do need a building inspector here in town, I really believe that and I think it could be worked out maybe work with the county and the City.

Assistant City Manager Alvarez: We will reach out and check on that. I know we did that when Robbie was getting ready to retire, we tried to work with the county, Williamsburg, and Elephant Butte and in looking at the salary base for, the chances of finding one inspector that's certified in all HVAC, electric, general contracting, is slim to none. We would then have to hire multiple so that we met all of those requirements for the state. Neither the county, Elephant Butte, Village of Williamsburg, and the City putting funds together and trying to figure out how to work that out could necessarily meet that salary base before Robbie retired. It is something that I will talk with City management and then maybe we can talk to the City Commission and see if that's something that we can look at budgeting towards in the future.

Vice-Chairman Buhler: That'd be a good thing.

Member Luchini: So, when did you move the home into this area?

Applicant Maria Mezcua: I think it was in 2018.

Assistant City Manager Alvarez: I think 2018 is right around the same time that our building inspector retires as well.

Chairman Sisney: Thank you. I think we've asked all the questions we need.

Alright, does anyone else have any more questions for anyone?

Would anyone like to make a motion?

Vice-Chairman Buhler made a motion to recommend the variance to the City Commission pending required zoning and that you complete the things that you need to do to make it legal.

Member Luchini seconded the motion.

Roll call vote was taken.

Motion carried unanimously.

5. REPORTS FROM THE BOARD

There was nothing to report from the board members.

6. REPORTS FROM STAFF

The staff had nothing to report at this time.

7. ADJOURNMENT

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

Member Kent seconded the motion.

Motion carried unanimously.

PASSED AND APPROVED ON THIS 10TH DAY OF OCTOBER, 2023.

Chris Sisney, Chairman
Planning & Zoning Board



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: September 27, 2023

Agenda Item #: H.5

SUBJECT: Discussion/Action – Variance Request 1306 Tin Street

DEPARTMENT: Community Development

DATE SUBMITTED: September 21, 2023

SUBMITTED BY: Traci Alvarez

WHO WILL PRESENT THE ITEM: Traci Alvarez Assistant City Manager

Summary/Background:

Refer to attached P & Z Agenda Packet

Recommendation:

Approve/Deny P & Z recommendation for approval

Attachments:

- P & Z Agenda Packet
- P & Z Meeting Minutes 9-11-23

Fiscal Impact (Finance): N/A

[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 9-27-23



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 9-11-2023

ITEM: Public Hearing/Discussion/Action: Variance at 1306 Tin St. to allow a mobile home that exceeds the age limit

BACKGROUND:

Applicant is requesting a variance to allow a 1996 Mobile Home at 1306 Tin Street. A variance is a request by a property owner to deviate from current zoning laws for any number of reasons. A zoning law, or zoning ordinance, is put in place by a local governing body to dictate how property in a particular area or zone can be utilized.

This Variance is being requested because the mobile home exceeds the age limit per city code – must be less than 20 years old at time of installation. 1306 Tin St is located in the R-3 Zone and the mobile home meets required size standards per the Standards for District. All property owners within 300ft were notified and all required documents and fees paid.

SUPPORT INFORMATION:

Public Hearing Notice
Photos of exterior and interior
Sec. 11-11-2 Manufactured Homes
Sec. 11-14-2 Standards for Districts
Findings of Facts Checklist

Name of Drafter: Traci Alvarez	: Assistant City Manager	Meeting date 9-11-2023
E-mail: talvarez@torcnm.org	Phone: 575-894-6673	

*Amanda Forrister
Mayor*

*Rolf Hechler
Mayor Pro-Tem*

*Merry Jo Fahl
Commissioner*



*Destiny Mitchell
Commissioner*

*Shelly Harrelson
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 Planning & Zoning Commission will hold a Public Hearing during their regular scheduled meeting on Monday, September 11, 2023 to receive input regarding the following:

Public Hearing/Discussion/Action: Variance at 1306 Tin St. Applicant is requesting permission for a mobile home that exceeds age limit per city code.

The meeting will be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico starting at 4:00 p.m.

Should you have any questions regarding this Public Hearing, please contact Traci Alvarez at (575) 941-0565 or by email at talvarez@torcnm.org.

The agenda may be obtained on Friday, September 8, 2023 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, August 18, 2023







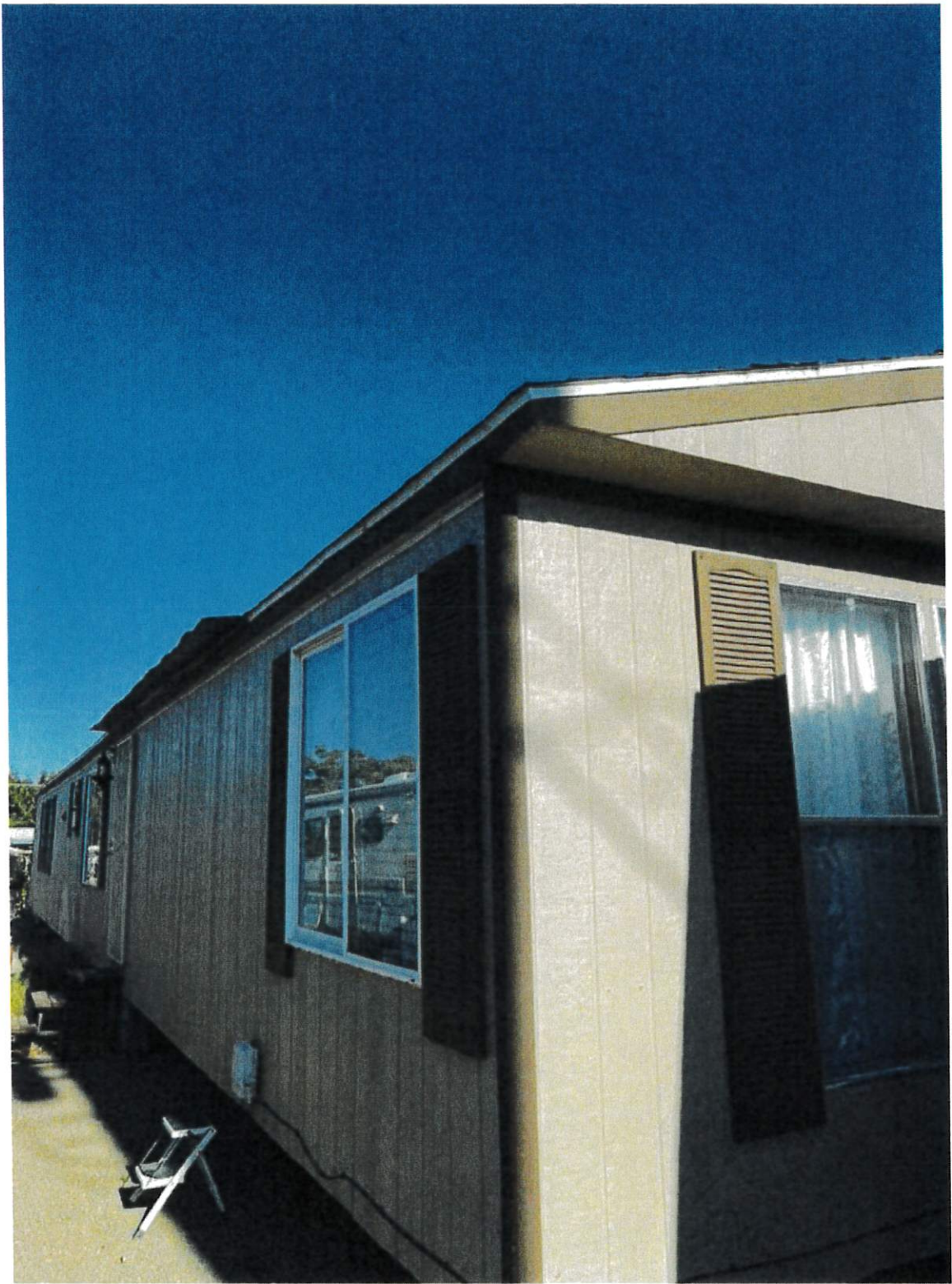


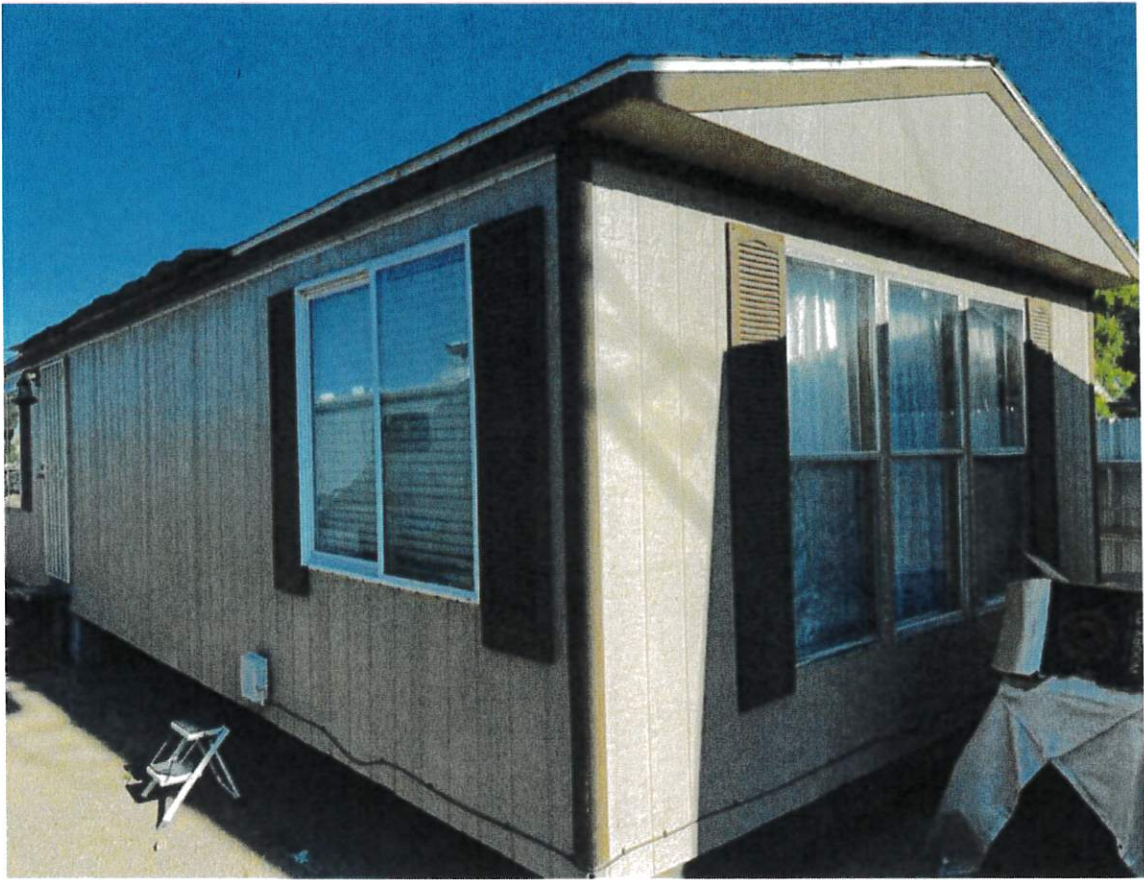












Sec. 11-11-2. Manufactured Homes (MH'S).

- A. **DISTRICT RESTRICTIONS.** A manufactured home located in a District as a single-family house shall conform to specific standards in that District. Individual MH's are permitted by right in the R-1, R-2, R-3, RR-1 and T-1 Districts; by right and by special use in specified portions of C-1 Districts, and allowed by right in Manufactured Home Parks and Subdivision. MHP's are permitted by right in R-3 Districts and are permissible by special use in R-2, C-1 and T-1 Districts. RVP's are permissible by special use in R-3, RR-1, C-1, M-1 and T-1 Districts.
- B. **MANUFACTURED HOMES ON INDIVIDUAL LOTS.** The following provisions apply to manufactured homes placed on individual lots or located within MHP's, MHS's or RVP's and are in addition to the General Conditions stated in Article 11-11-2.E.
1. **Placement in R-1 Districts:**
 - a. Home must be a minimum of one thousand, two hundred (1,200) square feet in heated area and twenty-four (24) feet in width.
 - b. Home must meet the definition for modular or prefabricated housing as defined in this Code and for manufactured housing as defined in the New Mexico Manufactured Housing and Zoning Act of 1987, and shall not be a home built on permanent chassis for towing.
 2. **Placement in Other Districts:**
 - a. **R-2 District:** Home must be a minimum of nine hundred (900) square feet in heated area and twenty-four (24) feet in width.
 - b. **R-3, C-1 or T-1 Districts:** Home must be a minimum of five-hundred fifty (550) square feet.
 - c. **RR-1 District:** Home must be a minimum of eight-hundred (800) square feet.
 - d. **R-4 District:** Home must be a minimum of one thousand, two hundred (1,200) square feet.
 3. **For all Districts, except within MHP's:** Homes must be on a permanent foundation as specified by the New Mexico Manufactured Housing Division Regulations (MHD 93-1) as now adopted and hereafter amended.
- C. **DEVELOPMENT REQUIREMENTS.** Development standards and additional requirements are provided in Articles X, and XII through XIV of this Code.
- D. **MANUFACTURED HOME INSTALLATION PERMIT REQUIRED.** In addition to any permits required by the state for moving and placement, or foundation/other construction, a Manufactured Home Installation Permit must be obtained from the City before placement of a manufactured home within the City limits. Permit application forms may be obtained from the designated Zoning Administrator's Office.
- E. **GENERAL CONDITIONS.** Except for installations in MHP's, all manufactured homes within the City are required to be set up on permanent foundations in accordance with the State Manufactured Housing Division Rules and Regulations. Installations in MHP's can be on non-permanent foundations in accordance with the State Manufactured Housing Division Rules and Regulations.
1. **Wheels to be removed:** Since MH's are considered to be permanent housing units, the City requires that the wheels of the MH's, if present, shall be removed during the installation process.
 2. **Non-Exposure of Undercarriage:** MH undercarriages, if present, shall be concealed by either:
 - a. An appropriate skirting installed in accordance with the 1993 Manufactured Housing Act of the state as now adopted and hereafter amended. If the tongue is not removed from the MH, it must be skirted in like manner and material as the MH.

-
- b. Entrenching the home to a depth equal to the height of the undercarriage. Any such entrenching shall have provisions for drainage away from the unit.
 - c. Concealment of the undercarriage must be completed within sixty (60) days of placement of the unit.
 - 3. *Damaged Units:* The City will not allow damaged units to be installed within the City limits.
 - 4. *Steps:* All MH units shall have permanent steps affixed to all exits.
 - 5. *Maintenance:* all manufactured housing units shall meet all existing City Codes related to proper appearance and maintenance of buildings and properties.
 - 6. *Standards:* All MH units shall be constructed according to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401. et seq. as amended or carry NMBC state approval. Additionally, all MH Units that are installed at any particular location within the City limits shall not be twenty (20) years or older at the time of installation. Any unit to be used for non-residential purposes shall meet all NMBC standards and shall be in full compliance with requirements for access to the disabled as required by State Rule MHD 90-1 as amended.
 - 7. *Removal:* If a MH is removed the site shall be restored to original or better condition.
 - F. *OTHER CONSTRUCTED IMPROVEMENTS.* All porches, patios, permanent steps, accessory buildings, additional to a manufactured housing unit and any other constructed improvements shall be required to comply with the New Mexico Building Code and the building permit obtained in accordance with City ordinances.
 - G. *OTHER REQUIREMENTS.* All other requirements not covered herein shall be as required by the State Manufactured Housing Act and Regulations.

(Ord. No. 684 , § 1, 7-12-17)

Sec. 11-14-2. Standards For Districts.

District	Lots: Minimum Front Setback	Yards: Minimum Rear Setback	Yards: Minimum Side Setback
R-1	25'	25'	8'
R-2	25'	20'	6' or 0'*
R-3	20'	15'	5' or 0'*
R-4	25'	25'	5'
RR-1	25'	15'	5'
C-1	20'	15'	5' or 0'*
M-1	25'	25'	5' or 0'*
T-1	25'	25'	15'

* As permissible per Section 11-14-3 and 11-14-4.

District	Lots: Minimum Area	Lots: Minimum Width	Dwelling: Minimum Area	Maximum Height
R-1	9,000 s. f.	60'	1,200 s. f.	26'
R-2: Single-Family	5,000 s. f.	60'	900 s. f.	26'
R-2: Two-Family	4,000 s. f./unit	60'	650 s. f./unit	35'
R-2: Multiple-Family	3,500 s. f./unit	60'	600 s. f./unit	35'
R-2: Apartments	3,500 s. f./unit	60'	500 s. f./unit	35'
R-2: MH*	5,000 s. f.	60'	900 s. f.	26'
R-3: Single-Family	4,500 s. f.	45'	700 s. f.	35'
R-3: Two-Family	3,000 s. f./unit	45'	500 s. f./unit	35'
R-3: Multiple-Family	3,000 s. f./unit	45'	450 s. f./unit	35'
R-3: Apartments	2,000 s. f./unit	45'	400 s. f./unit	35'
R-3: MH*	4,500	45'	550 s. f.	26'
R-4	1 acre	75'	1,200 s. f.	26'
RR-1	5,000 s. f.	50'	800 s. f.	26'
C-1	5,000 s. f.	60'	" "	35'
C-1: MH*	4,000 s. f.	45'	550 s. f.	26'
M-1	" "	60'	" "	35'
T-1	21,780 s. f.	100'	800 s. f.	35'
T-1: MH*	21,780 s. f.	60'	550 s. f.	26'

* Not located within MHP

PLANNING AND ZONING COMMISSION

FINDINGS OF FACTS CHECKLIST

Request Date _____ Address _____

Findings of facts for recommendations and decisions.

In considering all requests, the Planning and Zoning Commission shall review applicable plans and determine whether the request will:

1. Impair an adequate supply of light and air to adjacent property;
2. Unreasonably increase the traffic in public streets;
3. Increase the danger of fire or endanger the public safety;
4. Deter the orderly and phased growth and development of the community;
5. Unreasonably impair established property values within the surrounding area;
6. In any other respect impair the public health, safety and general welfare of the City; or
7. Constitute a spot zone* and therefore adversely affect adjacent property values.

All actions or recommendations by the Planning and Zoning Commission shall be based on Findings of Facts as to the impacts of the proposal, using the criteria listed in numbers 1 through 7, above. The Planning and Zoning Commission shall review each of the above listed factors and accord each factor the necessary weight on a case-by-case basis in making its determination.

****Spot Zoning: The singling out of a lot or small area for a District change, which is out of harmony with the comprehensive plan and surrounding land to secure special benefits for a particular property owner without regard for the rights of adjacent landowners.***

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES
MONDAY, SEPTEMBER 11, 2023**

REGULAR MEETING

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, September 11, 2023 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

Chris Sisney, Chairman
Susan Buhler, Vice Chairman
Esther Luchini, Member
Lisa Kent, Member

ALSO PRESENT:

Angie Gonzales, City Manager
Traci Alvarez, Assistant City Manager
Lisa Gabaldon, Deputy Clerk

1. APPROVAL OF AGENDA

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

2. APPROVAL OF MINUTES:

a) August 14, 2023

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

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

There were no comments at this time.

4. PUBLIC HEARINGS (5 Minute Rule Applies)

A. Public Hearing/Discussion/Action: Summary Plat Amendment at 906 Lucky Street.
Assistant City Manager Alvarez

Assistant City Manager Alvarez: Chairman and members of the board, I believe that we do have two members that wanted to state their relationship to that property.

Vice-Chairman Buhler: My dad received a letter and he has no problem with the request being made by the individuals and neither do I.

Assistant City Manager Alvarez: We just needed to state that for the record since we have board members.

Member Luchini: I also received a letter regarding this item and we have no objection.

Assistant City Manager Alvarez: So, with that, I will continue with my presentation. The applicant is requesting a lot split at 906 Lucky, so the property is located in the R3 zone. It does meet all of the required development standards. All documents have been submitted and the fees have been paid. We have no issues with the electric utility; I am still waiting to hear confirmation from water/wastewater due to the leaks and the short-handed staff that we have within the department; he has not had a chance to get out there, however my recommendation would be to the board, if you see fit to recommend approval and then to recommend that approval to the City Commission barring that there's no issues with water/wastewater, because I would have that information at least by the time it went to commission and that way we don't have to replan a public hearing or anything like that. Applicants are here in attendance and available to give you information. Your packet shows the property and as well as the summary plat where they'd like to divide their lot and with that I stand for any questions.

Chairman Sisney: Are there any questions from the council?

Vice-Chairman Buhler asked for clarification on the map so that she knew what they are looking at.

Applicant Les Gutierrez went in front of the board and explained on the map what it is that they're wanting to do on their property.

Chairman Sisney: So, where's the line Traci?

Assistant City Manager Alvarez pointed out the property line and the changes that are being requested.

Chairman Sisney asked the applicant some questions regarding what things were in the map in order to understand what is being asked of the board.

Applicant Les Gutierrez: we are in the process of doing some estate planning and the plan would be to take that lot as it meets the standards for R3 and the goal would be to build maybe a small house or a duplex if it qualified for planning and zoning.

Assistant City Manager Alvarez: Chairman and members of the board, just as a reminder in considering the request, you need to review your findings of facts checklist so that the decision to approve or deny needs to be based on the 7 findings of facts. It's not necessarily whether or not you would approve what he would want to build there, because that would have to go through zoning. And if it's approved for a duplex, he can build a duplex.

Applicant Les Gutierrez: We understand that we would have to go through planning and zoning for any requests that we have. At this time, our goal is, we're doing some estate planning and we're separating the lot and then maybe in a year or so if the market allows, we would maybe build a small duplex or a small house, subject to planning and zoning approval.

Chairman Sisney: Anyone on the council have any questions?

Member Luchini: Just so I'm clear, there are no utilities on this proposed lot that we're saying, if we were to recommend it, it would be assuming there are no issues with water and sewer, etc.

Assistant City Manager Alvarez: We just want to make sure that there's no crossover of water or sewer.

Applicant Les Gutierrez: We will comply with the City, if they have any issues.

Vice-Chairman Buhler made a motion to recommend the summary plat amendment to the City Commission for approval.

Member Kent seconded the motion.

Roll call vote was taken.

Motion carried unanimously.

- B. Public Hearing/Discussion/Action: Variance at 1306 Tin St. Applicant is requesting permission for a mobile home that exceeds age limit per city code. Assistant City Manager Alvarez

Assistant City Manager Alvarez: Chairman and members of the board, as you know, our municipal code does state that we don't allow mobile homes less than 20 years old, so the applicant is requesting a variance. The mobile home is 27 years old. They have provided pictures showing the exterior and the interior of the mobile home, showing that it's in good shape. You guys have been provided a generalized map of that area and that area does have mobile homes located in it. If you're familiar with that area, there are quite a few mobile homes over on the metal streets and I would have to say that this mobile home is probably one of the nicer ones that is existing in that older area of the neighborhood.

Applicants have submitted all documents; all property owners within a 300 foot radius were notified; we received no comments, emails, or concerns, and with that I stand for questions. Applicant are here if you'd like to ask any questions. Again, we're looking at the seven findings of facts for this public hearing request in consideration.

Chairman Sisney: Ms. Alvarez, I have a question for you. This is the second time one of these have come before us and the last time, maybe I didn't take a good enough look but the trailer that arrived doesn't look as nice as the one that showed up over there. It's been sitting there for a couple of months and they have not set the trailer yet.

Assistant City Manager Alvarez: Correct, they are still going through the required zoning approval to meet all of the requirements and so far, they haven't met those requirements for zoning approval and until they do, they won't be able to connect to utilities and hook up to it; and they'll have a deadline date that if it doesn't meet zoning requirements then it will have to be removed.

Chairman Sisney: OK, thank you, that answers my question.

Member Luchini: I have a question then. When is it allowed to move if it hasn't met the requirements?

Assistant City Manager Alvarez: It met the requirements to move, it hasn't met the requirements to connect to utilities and live in. You guys approved it for moving over there but they have yet to connect to utilities and stuff.

Member Luchini: What's the deadline for them to do this?

Assistant City Manager Alvarez: That's an item that we can put on the agenda; we're kind of violating the open meetings act because that's not on the agenda and that particular applicant hasn't been notified that we'd be discussing any of this nor has the public, so technically we can't get into a whole bunch. If you want that the next agenda, we can put something like that on the next agenda, but I can tell you that they're not connected because they haven't met the requirements that planning and zoning submits. So, if your question is a moving of a mobile home and then it just sitting there and not connecting, that's why. But as far as the definition into that case, I can't discuss that without it being on the agenda.

Chairman Sisney: So, if it was asked as just a general rule then, would that be a violation? Because I think she's asking how long are they supposed to get and not anything else.

Assistant City Manager Alvarez: it's a case by case basis determined by the planning and zoning department. So, it would be depending on what they've done and what issues are causing them to not be able to connect; so, it would be a case by case basis.

Member Luchini: And who is that planning and zoning department?

Assistant City Manager Alvarez: That would be me. I am the designated zoning official as designated by the City Commission through a City Commission meeting. We don't have a building inspector; the City of T or C won't have a building inspector because in 2018 state made requirements that the City can't meet. Elephant Butte can't meet, the Village of Williamsburg can't meet; the building inspector would need to be certified in HVAC, plumbing, electric, or separate inspectors and none of us can meet those requirements; a lot of municipalities can't and so most municipalities are small ones, have gone to designated zoning officials, and then the state oversees the actual requirements. I am sure that they are permitted through the state, I talk to the state regularly or look through their website, but I don't deal with structural or anything like that.

Chairman Sisney: Thank you for answering my question.

Assistant City Manager Alvarez: No problem.

Chairman Sisney: ok, back to the item. Are there any questions from the planning and zoning commission members for the applicant?

Member Luchini: Where is the mobile home now?

Applicant Maria Mezcuca: It's there on the property at 1306 Tin.

Assistant City Manager Alvarez: We did note that when the request came in for utilities to be connected is when the City was made aware that the mobile home had already been moved there. They didn't realize what the zoning requirements were and so at that time, we denied them the ability to connect to utilities until they came through this process.

Member Luchini: So, is this a mobile home that you just recently purchased or...

Applicant Maria Mezcuca: No, I actually purchased it from my parents a while back. The guy that we went through told us that he got it approved through the state and that was all that we needed. We figured that he knew what he was doing so we didn't research anything further.

Member Luchini: So, has it been in use recently or vacant?

Applicant Maria Mezcuca: No, it hasn't been used, we were actually fixing it up a little bit. It's been 5 years since we moved it.

Member Kent: You moved it over there 5 years ago?

Applicant Maria Mezcuca: Yeah. But we have a garden out there and stuff so we go often; it's not like it's just sitting there and nobody's going there and my dad is fixing it up. We go everyday and we water the garden and stuff.

Member Kent: So, the utilities are on?

Applicant Maria Mezcuca: It's just the water actually that we're paying for but we don't have anything else. We don't have sewer or anything. Oh, and the electric is hooked up.

Chairman Sisney: Yeah, I don't think you can have one without the other.

Applicant Maria Mezcua: Yeah, I guess so.

Member Luchini: Is it set up properly...

Applicant Maria Mezcua: The mobile home is not connected to anything at all. There's electricity but we don't have it hooked up to the mobile home because we wanted to get approval first.

Member Kent: So, the lot has all of the utilities on it?

Applicant Maria Mezcua: Yes, except sewer. There's no sewer on the lot.

Chairman Sisney: Is there septic there now?

Applicant Maria Mezcua: There's nothing there.

Assistant City Manager Alvarez: There's water, sewer, and electric to the lot, but there's nothing connected from the lot to the mobile home because the City denied that ability once we realized that the mobile home had not been approved.

Chairman Sisney: Ok, got it.

Vice-Chairman Buhler: So, it's going to be skirted and...is it required in that area to be skirted?

Assistant City Manager Alvarez: They have to meet all manufactured home requirements.

Vice-Chairman Buhler: And the roof is in good shape?

Applicant Maria Mezcua: Yes, it is.

Member Luchini: So, what would be the deadline for them to comply to be accepted by the planning and zoning?

Assistant City Manager Alvarez: Like I said, it's a case by case basis, I'd have to get back with utilities at this time. Everything was put on standstill; it hasn't even got to that point of zoning approval application until you guys approve the mobile home to be there.

Member Luchini: I drove by there and I thought the lot was an empty lot but apparently, it's not. I couldn't tell, I'm pretty sure I was looking on the right side of the road, but the houses weren't numbered very well.

Applicant Maria Mezcua: The lot next to us is empty; there's nothing on there at all. Our is clean and there's a fence around it.

Member Luchini: Oh ok, that was is fixed up pretty well. You've done a good job.

Applicant Maria Mezcua: Thank you, my dad has done the work.

Assistant City Manager Alvarez: Chairman and member of the board, one of the issues that we find with the manufactured housing is state permit level versus somebody that's doing a site built home, is the site built homes when somebody applies for a building permit through the state, they require zoning approval sign-off and they require flood plain approval; and so if something is getting done that we

don't notice happening out in the field right a way and they apply for a state permit, we are almost instantly notified and we can stop it right away. With the manufactured housing permit at the state side, for some reason there's still that lack of going through municipal zoning; once it's approved for the towing and blocking or hauling and blocking permitting, they're getting state permits to move them but they aren't necessarily requiring municipal zoning approval, so what we've found in quite a few instances when mobile homes have been moved to lots within the City, we didn't know until they go to hook up their utilities. This one just happens to be over the 20 year; I've actually approved, not this one, but other ones once they meet the age requirement, once they've submitted their site plans and everything else that's required through the zoning, that have already been moved to the lot. It's just one of those things that we're trying to work with from the state, but I don't think they have quite as many inspectors up there for the manufactured home as they do for state building.

Chairman Sisney: Is there any way to allow anyone from the City or from this commission to inspect one before they application comes before us because I would be able to tell if the things got problems or not. Going back to this one that already got set, I would've liked to have seen that before we approved it to get moved over there. It would have made a difference to me if I'd have seen it in person.

Assistant City Manager Alvarez: In some instances, they aren't necessarily local here in town that they're moving from, they may be requesting to move them and haul them from a manufactured home lot, a used one, and all we may only have pictures. I guess the answer to that is no; there's no way to necessarily take a look at it.

Vice-Chairman Buhler: Also, is there some way that it will be addressed by you all that if we vote to recommend that this happen, that you guys will make sure that it's done right? That the people can live...

Assistant City Manager Alvarez: That is why the other one has not yet been connected to utilities. Those are things that are being done in my office. As the planning and zoning commission what you're looking at is whether or not the issues on the findings of facts checklist.

Chairman Sisney: On there, they're asking us to make a variance on a law that is written so that you can't move an old mobile home onto a City lot, and if we can't see what the thing looks like, you're asking us to approve something blindly, and I don't feel good about that at all.

Assistant City Manager Alvarez: You have the pictures to go by and all I can tell you is that if you don't feel good about that, then your recommendation can be to deny to the City Commission and then the City Commission can make that determination.

Chairman Sisney: I'd rather not do it blindly; I'm still doing it blindly whether I approve or disapprove it's a blind decision that I don't like making.

Assistant City Manager Alvarez: Right, but you're not allowed to go out and do the site visits because then it's ex parte communication where you have more knowledge than maybe your other board members who may or may not be able to get out there or may or may not want to go out there.

Chairman Sisney: That doesn't make any sense to me; I'm asking to be better informed to make a decision and you're telling me that you don't want me to be able to be informed to make a good decision.

Assistant City Manager Alvarez: No, I did not tell you that at all. If you guys are wanting more information from me, then I'd be more than happy to make sure that the information comes to the board. What I've been presenting you has been the municipal code as well as the pictures.

Chairman Sisney: If I want more information, I have from Friday afternoon until Monday at 4pm to get that information?

Assistant City Manager Alvarez: Not at all. You guys can...

Chairman Sisney interrupted Assistant City Manager Alvarez mid-sentence.

Chairman Sisney: I didn't know about this until Friday afternoon; how am I gonna be able to ask you stuff about this between the end of a Friday business day and 4pm on the business day of Monday? You wouldn't be able to provide that information to me, I don't believe.

Deputy Clerk Gabaldon: Everything was published; there's public hearing notices published in the newspaper and it tells you that there will be a public hearing for the next Planning & Zoning Commission and the date and time for the public hearing.

Assistant City Manager Alvarez: Also, you can email me; I am very responsive to emails.

Chairman Sisney: But I don't know what's coming up until Friday, so how can I ask you a question before 3-4pm on Friday; I just don't see how that's gonna enable me to get the information that I need to make a decision.

Assistant City Manager Alvarez: You can get ahold of me first thing Monday morning and I can try and get you the information or bring it to the meeting and if at the meeting I don't have the information that you request, then as a board you can make a decision to not recommend that for approval.

Chairman Sisney: Again, explain to me the reason why I wouldn't be able to see the trailer that they're asking to move before I recommend that trailer be allowed to move or not.

Assistant City Manager Alvarez: So, at this point I think that the best thing would be for me to have to confer with the attorney because I'm only repeating what the attorney has said about site visits and allowances out there. I'm not an attorney, I'm only telling you what the attorney has said in the past. If you want more information regarding that, we can put that on the next agenda and you guys can make a determination on this one whether you want to approve it, recommend approval, or not recommend approval, and on the next agenda, we can bring the attorney in to discuss what you're requesting.

Chairman Sisney: Thank you.

Member Luchini: Is the home live-in ready? Are you ready to move into the home?

Applicant Maria Mezcuca: As soon as the utilities are connected hopefully. My parents actually live in housing right now and that's why I'm trying so hard to get it approved because I don't know if you've ever drove by there, but right now it's really bad. They got a new manager there and it just stinks; it's dirty; it's not nice to live there. So, that's why I'm trying really hard to get approved so that we can get the utilities connected. I know it's probably gonna take a while because they told me they were backed up a little bit, about 3-4 months. After that it would be move in ready.

Member Kent: Is it live-in ready now?

Applicant Maria Mezcuca: Yes.

Member Kent: By what standards are you saying live-in ready? Has it been inspected or...

Applicant Maria Mezcuca: Oh, I don't know if you mean legally but the floors are ready, I don't know if you can see in the pictures but there's carpet in some rooms, there's vinyl in some in the kitchen.

Member Kent: I see the appliances.

Applicant Maria Mezcuca: Yeah, we have the fridge. The only thing we need is the washer.

Member Kent: I think one of my main concerns is the electrical; it's been sitting vacant for 5 years you said. Is the electrical still in good working order? Has a mouse moved in underneath? Is the roof holding up?

Applicant Maria Mezcuca: Yes, we have not seen any mice out there on the land. Like I said, my dad goes there every single day. We didn't want to invest any more money into it, because I can't afford to pay an electrician to go out there to check it until we know that it's approved.

Assistant City Manager Alvarez: Chairman and members of the board, our electric department won't set a meter unless the electrical box that they're going to be putting the meter in has been updated and received state permitting.

Member Kent: So that would be kind of an inspection.

Assistant City Manager Alvarez: Through the electric department, yes, they'll make the determination.

Vice-Chairman Buhler: You know, we only get information from you guys and if things aren't right, it makes it tough because we...

Assistant City Manager Alvarez: If what's not right?

Vice-Chairman Buhler: Well, if something isn't right, this is kind of the cart after the horse. They've already moved the trailer in there, so it's there. So that's already happened, they've worked hard, and I don't fault you, I know that you've worked hard to make it be a nice home, and it looks nice, the pictures are good. We only have information from you to go by and if we call you and we ask you about something and we don't get an answer, that makes it tough too.

Assistant City Manager Alvarez: I'm sorry, when did someone call me and ask for something and I didn't answer?

Vice-Chairman Buhler: Well, I did come by and speak with you and you came in too and no one ever got back to me on it. I think you remember. I'm not gonna get into it but all we have to go on is what you give us so if it's not the best information then it makes it tough. I personally support you getting your permit and I hope that will happen and I hope it won't be years down the road because then that just turns it into another problem for these people. We do need a building inspector here in town, I really believe that and I think it could be worked out maybe work with the county and the City.

Assistant City Manager Alvarez: We will reach out and check on that. I know we did that when Robbie was getting ready to retire, we tried to work with the county, Williamsburg, and Elephant Butte and in looking at the salary base for, the chances of finding one inspector that's certified in all HVAC, electric, general contracting, is slim to none. We would then have to hire multiple so that we met all of those requirements for the state. Neither the county, Elephant Butte, Village of Williamsburg, and the City putting funds together and trying to figure out how to work that out could necessarily meet that salary base before Robbie retired. It is something that I will talk with City management and then maybe we can talk to the City Commission and see if that's something that we can look at budgeting towards in the future.

Vice-Chairman Buhler: That'd be a good thing.

Member Luchini: So, when did you move the home into this area?

Applicant Maria Mezcuca: I think it was in 2018.

Assistant City Manager Alvarez: I think 2018 is right around the same time that our building inspector retires as well.

Chairman Sisney: Thank you. I think we've asked all the questions we need.

Alright, does anyone else have any more questions for anyone?

Would anyone like to make a motion?

Vice-Chairman Buhler made a motion to recommend the variance to the City Commission pending required zoning and that you complete the things that you need to do to make it legal.

Member Luchini seconded the motion.

Roll call vote was taken.

Motion carried unanimously.

5. REPORTS FROM THE BOARD

There was nothing to report from the board members.

6. REPORTS FROM STAFF

The staff had nothing to report at this time.

7. ADJOURNMENT

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

Member Kent seconded the motion.

Motion carried unanimously.

PASSED AND APPROVED ON THIS 10TH DAY OF OCTOBER, 2023.

Chris Sisney, Chairman
Planning & Zoning Board



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: September 27, 2023

Agenda Item #: H.6

SUBJECT: Discussion/Action – Approve Grant Agreement for the State Of New Mexico Department of Finance and Administration Capital Appropriation Project 23-H3214

DEPARTMENT: Community Development

DATE SUBMITTED: September 21, 2023

SUBMITTED BY: Traci Alvarez

WHO WILL PRESENT THE ITEM: Traci Alvarez Assistant City Manager

Summary/Background:

Grant appropriation of \$450,000.00 awarded to plan, design, construct, furnish and equip a kennel building for the animal shelter

Recommendation:

Approve Grant Agreement for the State Of New Mexico Department of Finance and Administration Capital Appropriation Project 23-H3214

Attachments:

- Grant Agreement
-

Fiscal Impact (Finance): Yes

\$450,000.00 Reimbursement Grant

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

**STATE OF NEW MEXICO
DEPARTMENT OF FINANCE AND ADMINISTRATION
FUND 93100 CAPITAL APPROPRIATION PROJECT**

THIS AGREEMENT is made and entered into by and between the Department of Finance and Administration, State of New Mexico, Bataan Memorial Building, Room 202, Santa Fe, New Mexico, 87501 hereinafter called the "Department" or abbreviation such as "DFA/LGD", and **CITY OF TRUTH OR CONSEQUENCES**, hereinafter called the "Grantee". This Agreement shall be effective as of the date it is executed by the Department.

RECITALS

WHEREAS, in the **Laws of 2023, Chapter 199, Section 28, Paragraph 460**, the Legislature made an appropriation to the Department, funds from which the Department is making available to the Grantee pursuant to this Agreement; and

WHEREAS, the Department is granting to Grantee, and the Grantee is accepting the grant of, funds from this appropriation, in accordance with the terms and conditions of this Agreement; and

WHEREAS, pursuant to Sections 9-6-5 and 9-6-5.1 NMSA 1978, the Secretary of the Department of Finance and Administration has the power and the authority to (i) maintain long-range estimates and plans for capital projects and develop standards for measuring the need for, and utility of, proposed projects; (ii) contract for, receive and utilize any grants or other financial assistance made available by the United States government or by any other source, public or private; (iii) provide planning and funding assistance to units of local government, council of government organizations, Indian tribal governments situated within New Mexico, and to nonprofit entities having for their purpose local, regional or community betterment; (iv) incident to any such programs, may enter into contracts and agreements with such units of local government, council of government organizations, Indian tribal governments, nonprofit entities and the federal government; and (v) delegate such authority to the Local Government Division as being necessary and appropriate to such delegation.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and obligations contained herein, the parties hereby mutually agree as follows:

ARTICLE I. PROJECT DESCRIPTION, AMOUNT OF GRANT AND REVERSION DATE

A. The project that is the subject of this Agreement is described as follows:

- 23-H3214
- APPROPRIATION AMOUNT: \$450,000.00
- APPROPRIATION REVERSION DATE: June 30, 2027
- Laws of 2023, Chapter 199, Section 28, Paragraph 460
- FOUR HUNDRED FIFTY THOUSAND (\$450,000.00),
- to plan, design, construct, furnish and equip a kennel building for the animal shelter in Truth or Consequences in Sierra county;

The Grantee's total reimbursements shall not exceed FOUR HUNDRED FIFTY THOUSAND \$450,000.00 (the "Appropriation Amount") minus the allocation for Art in Public Places ("AIPP amount"), if applicable, FOUR THOUSAND FIVE HUNDRED \$4,500.00, which equals FOUR HUNDRED FORTY-FIVE THOUSAND FIVE HUNDRED \$445,500.00 (the "Adjusted Appropriation Amount").

In the event of a conflict among the Appropriation Amount, the Reversion Date, as defined herein and/or the purpose of the Project, as set forth in this Agreement, and the corresponding appropriation language in the laws cited above in this Article I(A), the language of the laws cited herein shall control.

This project is referred to throughout the remainder of this Agreement as the "Project"; the information contained in Article I(A) is referred to collectively throughout the remainder of this Agreement as the "Project Description." The Grantee shall reference the Project's number in all correspondence with and submissions to the Department concerning the Project, including, but not limited to, Requests for Payment and reports.

ARTICLE II. LIMITATION ON DEPARTMENT'S OBLIGATION TO MAKE GRANT DISBURSEMENT TO GRANTEE

- A. Upon the Effective Date of this Agreement, for permissible purposes within the scope of the Project Description, the Grantee shall only be reimbursed monies for which the Department has issued and the Grantee has received a Notice of Department's Obligation to Reimburse Grantee (hereinafter referred to as "Notice of Obligation"). This Grant Agreement and the disbursement of any and all amounts of the above referenced Adjusted Appropriation Amount are expressly conditioned upon the following:
- i. Irrespective of any Notice of Obligation, the Grantee's expenditures shall be made on or before the Reversion Date and, if applicable, an Early Termination Date (i.e., the goods have been delivered and accepted or the title to the goods has been transferred to the Grantee and/or the services have been rendered for the Grantee); and
 - ii. The total amount received by the Grantee shall not exceed the lesser of: (a) the Adjusted Appropriation Amount identified in Article I(A) herein or (b) the total of all amounts stated in the Notice(s) of Obligation evidencing that the Department has received and accepted the Grantee's Third Party Obligation(s), as defined in subparagraph iii of this Article II(A); and
 - iii. The Grantee's expenditures were made pursuant to the State Procurement Code and execution of binding written obligations or purchase orders with third party contractors or vendors for the provision of services, including professional services, or the purchase of tangible personal property and real property for the Project, hereinafter referred to as "Third Party Obligations"; and
 - iv. The Grantee's submittal of timely Requests for Payment in accordance with the procedures set forth in Article IX of this Agreement; and
 - v. In the event that capital assets acquired with Project funds are to be sold, leased, or licensed to or operated by a private entity, the sale, lease, license, or operating agreement:
 - a. must be approved by the applicable oversight entity (if any) in accordance with law; or
 - b. if no oversight entity is required to approve the transaction, the Department must approve the transaction as complying with law.
- Prior to the sale, lease, license, or operating agreement being approved pursuant to Articles II(A)(v)(a) and II(A)(v)(b) herein, the Department may, in its sole and absolute discretion and unless inconsistent with State Board of Finance imposed conditions, reimburse the Grantee for necessary expenditures incurred to develop the Project sufficiently to make the sale, lease, license, or operating agreement commercially feasible, such as plan and design expenditures; and
- vi. Grantee's submission of documentation of all Third Party Obligations and amendments thereto (including terminations) to the Department and the Department's issuance and the Grantee's receiving of a Notice of Obligation for a particular amount in accordance with the terms of this Agreement shall be governed by the following:
 - a. The Grantee shall submit to the Department one copy of all Third Party Obligations and amendments thereto (including terminations) as soon as possible after execution by the Third Party but prior to execution by the Grantee.
 - b. Grantee acknowledges and agrees that if it chooses to enter into a Third Party Obligation prior to receiving a Notice of Obligation that covers the expenditure, it is solely responsible for such obligations.
 - c. The Department may, in its sole and absolute discretion, issue to Grantee a Notice of Obligation for the particular amount of that Third Party Obligation that only obligates the Department to reimburse Grantee's expenditures made on or before the Reversion Date or an Early Termination Date. The current Notice of Obligation form is attached to this Agreement as Exhibit 2.
 - d. The date the Department signs the Notice of Obligation is the date that the Department's Notice of Obligation is effective. After that date, the Grantee is authorized to budget the particular amount set forth in the Notice of Obligation, execute the Third Party Obligation and request the Third Party to begin work. Payment for any work performed or goods received prior to the effective date of the Notice of Obligation is wholly and solely the obligation of the Grantee.
- B. The Grantee shall implement, in all respects, the Project. The Grantee shall provide all necessary qualified personnel, material, and facilities to implement the Project. The Grantee shall finance its share (if any) of the costs of the Project, including all Project overruns.
- C. Project funds shall not be used for purposes other than those specified in the Project Description.
- D. Unless specifically allowed by law, Project funds cannot be used to reimburse Grantee for indirect Project costs.

¹The AIPP amount is "an amount of money equal to one percent or two hundred thousand dollars (\$200,000), whichever is less, of the amount of money appropriated for new construction or any major renovation exceeding one hundred thousand dollars (\$100,000)." Section 13-4A-4 NMSA 1978.

²"Reimburse" as used throughout this Agreement includes Department payments to the Grantee for invoices received, but not yet paid, by the Grantee from a third party contractor or vendor, if the invoices comply with the provisions of this Agreement and are a valid liability of the Grantee.

ARTICLE III. NOTICE PROVISIONS AND GRANTEE AND DEPARTMENT DESIGNATED REPRESENTATIVES

Whenever written notices, including written decisions, are to be given or received, related to this Agreement, the following provisions shall apply.

The Grantee designates the person(s) listed below, or their successor, as their official representative(s) concerning all matters related to this Agreement:

Grantee: CITY OF TRUTH OR CONSEQUENCES
Name: Amanda Forrister
Title: Mayor
Address: 505 Sims St., Truth or Consequences, NM 87901
Email: amanda.forrister@torcnm.org
Telephone: 575-894-6673

The Grantee designates the person(s) listed below, or their successor, as their Fiscal Officer or Fiscal Agent concerning all matters related to this Agreement:

Grantee: CITY OF TRUTH OR CONSEQUENCES
Name: Kristie Wilson
Title: Finance Director
Address: 505 Sims St., Truth or Consequences, NM 87901
Email: kwilson@torcnm.org
Telephone: 575-894-6673

The Department designates the persons listed below, or their successors, as the Points of Contact for matters related to this Agreement.

Department: DFA/Local Government Division
Name: Alison Gillette
Title: Program Manager
Address: Bataan Memorial Bldg. Rm 202, Santa Fe, NM 87501
Email: Alison.Gillette@dfa.nm.gov
Telephone: 505-69-7811

The Grantee and the Department agree that either party shall send all notices, including written decisions, related to this Agreement to the above named persons by email or regular mail. In the case of mailings, notices shall be deemed to have been given and received upon the date of the receiving party's actual receipt or five calendar days after mailing, whichever shall first occur. In the case of email transmissions, the notice shall be deemed to have been given and received on the date reflected on the delivery receipt of email.

ARTICLE IV. REVERSION DATE, TERM, DEADLINE TO EXPEND FUNDS

- A. As referenced in Article I(A), the applicable law establishes a date by which Project funds must be expended by Grantee, which is referred to throughout the remainder of this Agreement as the "Reversion Date." Upon being duly executed by both parties, this Agreement shall be effective as of the date of execution by the Department. It shall terminate on **June 30, 2027** the Reversion Date unless Terminated Before Reversion Date ("Early Termination") pursuant to Article V herein.
- B. The Project's funds must be expended on or before the Reversion Date and, if applicable, Early Termination Date of this Agreement. For purposes of this Agreement, it is not sufficient for the Grantee to encumber the Project funds on its books on or before the Project's Reversion Date or Early Termination Date. Funds are expended and an expenditure has occurred as of the date that a particular quantity of goods are delivered to and received by the Grantee or title to the goods is transferred to the Grantee and/or as of the date particular services are rendered for the Grantee. Funds are not expended and an expenditure has not occurred as of the date they are encumbered by the Grantee pursuant to a contract or purchase order with a third party.

ARTICLE V. EARLY TERMINATION

A. Early Termination Before Reversion Date Due to Completion of the Project or Complete Expenditure of the Adjusted Appropriation or Violation of this Agreement Early Termination includes:

- i. Termination due to completion of the Project before the Reversion Date; or
- ii. Termination due to complete expenditure of the Adjusted Appropriation Amount before the Reversion Date; or
- iii. Termination for violation of the terms of this Agreement; or
- iv. Termination for suspected mishandling of public funds, including but not limited to, fraud, waste, abuse, and conflicts of interest.

Either the Department or the Grantee may early terminate this Agreement prior to the Reversion Date by providing the other party with a minimum of fifteen (15) days advance, written notice of early termination. Grantee hereby waives any rights to assert an impairment of contract claim against the Department or the State of New Mexico in the event of Early Termination of this Agreement by the Department pursuant to Article V(A).

B. Early Termination Before Reversion Date Due to Non-appropriation

The terms of this Agreement are expressly made contingent upon sufficient appropriations and authorization being made by the Legislature of New Mexico for the performance of this Agreement. Throughout this Agreement the term "non-appropriate" or "non-appropriation" includes the following actions by the New Mexico Legislature: deauthorization, reauthorization or revocation of a prior authorization. The Legislature may choose to non-appropriate the Appropriation referred to in Article I and, if that occurs, the Department shall early terminate this Agreement for non-appropriation by giving the Grantee written notice of such termination, and such termination shall be effective as of the effective date of the law making the non-appropriation. The Department's decision as to whether sufficient appropriations or authorizations are available shall be accepted by the Grantee and shall be final. Grantee hereby waives any rights to assert an impairment of contract claim against the Department or the State of New Mexico in the event of Early Termination of this Agreement by the Department pursuant to Article V(B).

C. Limitation on Department's Obligation to Make Grant Disbursements to Grantee in the Event of Early Termination

In the event of Early Termination of this Agreement by either party, the Department's sole and absolute obligation to reimburse the Grantee is expressly conditioned upon the limitations set forth Article II.

ARTICLE VI. SUSPENSION OF NEW OR FURTHER OBLIGATIONS

A. The Department may choose, in its sole and absolute discretion, to provide written notice to the Grantee to suspend entering into new and further obligations. Upon the receipt of such written notice by the Grantee:

- i. The Grantee shall immediately suspend entering into new or further written obligations with third parties; and
- ii. The Department will suspend the issuance of any new or further Notice of Obligation under this Agreement; and
- iii. The Department may direct the Grantee to implement a corrective action plan in accordance with Article VI(D) herein.

B. In the event of Suspension of this Agreement, the Department's sole and absolute obligation to reimburse the Grantee is expressly conditioned upon the limitations set forth in Article II herein.

C. A suspension of new or further obligations under this Agreement shall remain in effect unless or until the date the Grantee receives written notice given by the Department informing the Grantee that the Suspension has been lifted or that the Agreement has been Early Terminated in accordance with Article V herein. If the Suspension is lifted, the Department will consider further requests for Notice of Obligation.

D. Corrective Action Plan in the Event of Suspension

In the event that the Department chooses, in its sole and absolute discretion to direct the Grantee to suspend entering into new or further written obligations with third parties pursuant to Article VI(A), the Department may, but is not obligated to, require the Grantee to develop and implement a written corrective action plan to remedy the grounds for the Suspension. Such corrective action plan must be approved by the Department and be signed by the Grantee. Failure to sign a corrective action plan or meet the terms and deadlines set forth in the signed corrective action plan, is hereby deemed a violation of the terms of this Agreement for purposes of Early Termination, Article V(A)(iii). The corrective action plan is in addition to, and not in lieu of, any other equitable or legal remedy, including but not limited to Early Termination.

ARTICLE VII. AMENDMENT

This Agreement shall not be altered, changed, or amended except by instrument in writing duly executed by both the parties hereto.

ARTICLE VIII. REPORTS

A. Reporting

The Grantee shall report quarterly Project activity by entering such Project information as the Department and the Department of Finance and Administration may require, such information entered directly into a database maintained by the Department of Finance and Administration (Budget & Formulation Management System). Additionally, the Grantee shall certify on the Request for Payment form (Exhibit 1) that updates have been maintained and are current in the database. The Grantee hereby acknowledges that failure to perform and/or certify updates into the database will delay or potentially jeopardize the reimbursement of funds. The Department shall give Grantee a minimum of thirty (30) days advance written notice of any changes to the information the Grantee is required to report.

Quarterly reports shall be due on the last day of the month, that is 30 days prior to the end of the quarter following execution of this Agreement by the Department and ending during the quarter of the submission of the final request for reimbursement for the Project, or the following quarter.

B. Requests for Additional Information/Project Inspection

During the term of this Agreement and during the period of time during which the Grantee must maintain records pursuant to Article VIII, the Department may:

- i. request such additional information regarding the Project as it deems necessary; and
- ii. conduct, at reasonable times and upon reasonable notice, onsite inspections of the Project. Grantee shall respond to such requests for additional information within a reasonable period of time, as established by the Department.

ARTICLE IX. REQUEST FOR PAYMENT PROCEDURES AND DEADLINES

A. The Grantee shall request payment by submitting a Request for Payment, in the form attached hereto as Exhibit 1. Payment requests are subject to the following procedures:

- i. The Grantee must submit a Request for Payment; and
- ii. Each Request for Payment must contain proof of payment by the Grantee or liabilities incurred by the Grantee showing that the expenditures are valid or are liabilities incurred by the Grantee in the form of actual unpaid invoices received by the Grantee for services rendered by a third party or items of tangible personal property received by the Grantee for the implementation of the Project; provided, however, that the Grantee may be reimbursed for unpaid liabilities only if the Department, in its sole and absolute discretion, agrees to do so and in accordance with any special conditions imposed by the Department.
- iii. In cases where the Grantee is submitting a Request for Payment to the Department based upon invoices received, but not yet paid, by the Grantee from a third party contractor or vendor, if the invoices comply with the provisions of this Agreement and are a valid liability of the Grantee, the Grantee shall make payment to those contractors or vendors within five (5) business days from the date of receiving reimbursement from the Department or such shorter period of time as the Department may prescribe in writing. The Grantee is required to certify to the Department proof of payment to the third party contractor or vendor within ten (10) business days from the date of receiving reimbursement from the Department.

B. The Grantee must obligate 5% of the Adjusted Appropriation Amount within six months of acceptance of the grant agreement and must have expended no less than 85% of the Adjusted Appropriation Amount six months prior to the reversion date.

C. Deadlines

Requests for Payments shall be submitted by Grantee to the Department on the earlier of:

- i. Immediately as they are received by the Grantee but at a minimum thirty (30) days from when the expenditure was incurred or liability of the Grantee was approved as evidenced by an unpaid invoice received by the Grantee from a third party contractor or vendor; or
- ii. Twenty (20) days from date of Early Termination; or
- iii. Twenty (20) days from the Reversion Date.

D. The Grantee's failure to abide by the requirements set forth in Article II and Article IX herein will result in the denial of its Request for Payment or will delay the processing of Requests for Payment. The Department has the right to reject a payment request for the Project unless and until it is satisfied that the expenditures in the Request for Payment are for permissible purposes within the meaning of the Project Description and that the expenditures and the Grantee are otherwise in compliance with this Agreement, including but not limited to, compliance with the reporting requirements and the requirements set forth in Article II herein to provide Third Party Obligations and the Deadlines set forth in Article IX herein. The Department's ability to reject any Request for Payment is in addition to, and not in lieu of, any other legal or equitable remedy available to the Department due to Grantee's violation of this Agreement.

ARTICLE X. PROJECT CONDITIONS AND RESTRICTIONS; REPRESENTATIONS AND WARRANTIES

A. The following general conditions and restrictions are applicable to the Project:

- i. The Project's funds must be spent in accordance with all applicable state laws, regulations, policies, and guidelines, including, but not limited to, the State Procurement Code (or local procurement ordinance, where applicable).
- ii. The Project must be implemented in accordance with the New Mexico Public Works Minimum Wage Act, Section 13-4-10 through 13-4-17 NMSA 1978, as applicable. Every contract or project in excess of sixty thousand dollars (\$60,000) that the Grantee is a party to for construction, alteration, demolition or repair or any combination of these, including painting and decorating, of public buildings, public works or public roads and that requires or involves the employment of mechanics, laborers or both shall contain a provision stating the minimum wages and fringe benefits to be paid to various classes of laborers and mechanics, shall be based upon the wages and benefits that will be determined by the New Mexico Department of Workforce Solutions to be prevailing for the corresponding classes of laborers and mechanics employed on contract work of a similar nature in the locality. Further, every contract or project shall contain a stipulation that the contractor, subcontractor, employer or a person acting as a contractor shall pay all mechanics and laborers employed on the site of the project, unconditionally and not less often than once a week and without subsequent unlawful deduction or rebate on any account, the full amounts accrued at time of payment computed at wage rates and fringe benefit rates not less than those determined pursuant to Section 13-4-11 (B) NMSA 1978 to be the prevailing wage rates and prevailing fringe benefit rates issued for the project.
- iii. The Project may only benefit private entities in accordance with applicable law, including, but not limited to, Article IX, Section 14 of the Constitution of the State of New Mexico, the "Anti-Donation Clause."
- iv. The Grantee shall not for a period of 10 years from the date of this agreement convert any property acquired, built, renovated, repaired, designed or developed with the Project's funds to uses other than those specified in the Project Description without the Department's and the Board of Finance's express, advance, written approval, which may include a requirement to reimburse the State for the cost of the project, transfer proceeds from the disposition of property to the State, or otherwise provide consideration to the State.
- v. The Grantee shall comply with all federal and state laws, rules and regulations pertaining to equal employment opportunity. In accordance with all such laws, rules and regulations the Grantee agrees to assure that no person shall, on the grounds of race, color, national origin, sex, sexual preference, age or handicap, be excluded from employment with Grantee, be excluded from participation in the Project, be denied benefits or otherwise be subject to discrimination under, any activity performed under this Agreement. If Grantee is found to be not in compliance with these requirements during the life of this Agreement, Grantee agrees to take appropriate steps to correct any deficiencies. The Grantee's failure to implement such appropriate steps within a reasonable time constitutes grounds for terminating this Agreement.

B. The Grantee hereby represents and warrants the following:

- i. The Grantee has the legal authority to receive and expend the Project's funds.
- ii. This Agreement has been duly authorized by the Grantee, the person executing this Agreement has authority to do so, and, once executed by the Grantee, this Agreement shall constitute a binding obligation of the Grantee, enforceable according to its terms.
- iii. This Agreement and the Grantee's obligations hereunder do not conflict with any law or ordinance or resolution applicable to the Grantee, the Grantee's charter (if applicable), or any judgment or decree to which the Grantee is subject.
- iv. The Grantee has independently confirmed that the Project Description, including, but not limited to, the amount and Reversion Date, is consistent with the underlying appropriation in law.
- v. The Grantee's governing body has duly adopted or passed as an official act a resolution, motion, or similar action authorizing the person identified as the official representative of the Grantee to sign the Agreement and to sign Requests for Payment.
- vi. The Grantee shall abide by New Mexico laws regarding conflicts of interest, governmental conduct and whistleblower protection. The Grantee specifically agrees that no officer or employee of the local jurisdiction or its designees or agents, no member of the governing body, and no other public official of the locality who exercises any function or responsibility with respect to this Grant, during their tenure or for one year thereafter, shall have any interest, direct or

indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed or goods to be received, pursuant to this Grant. Further, Grantee shall require all of its contractors to incorporate in all subcontracts the language set forth in this paragraph prohibiting conflicts of interest.

- vii. No funds have been paid or will be paid, by or on behalf of the Grantee, to any person for influencing or attempting to influence an officer or employee of this or any agency or body in connection with the awarding of any Third Party Obligation and that the Grantee shall require certifying language prohibiting lobbying to be included in the award documents for all subawards, including subcontracts, loans and cooperative agreements. All subrecipients shall be required to certify accordingly.

ARTICLE XI. STRICT ACCOUNTABILITY OF RECEIPTS AND DISBURSEMENTS: PROJECT RECORDS

- A. Grantee shall be strictly accountable for receipts and disbursements relating to the Project's funds. The Grantee shall follow generally accepted accounting principles, and, if feasible, maintain a separate bank account or fund with a separate organizational code, for the funds to assure separate budgeting and accounting of the funds.
- B. For a period of six (6) years following the Project's completion, the Grantee shall maintain all Project related records, including, but not limited to, all financial records, requests for proposals, invitations to bid, selection and award criteria, contracts and subcontracts, advertisements, minutes of pertinent meetings, as well as records sufficient to fully account for the amount and disposition of the total funds from all sources budgeted for the Project, the purpose for which such funds were used, and such other records as the Department shall prescribe.
- C. Grantee shall make all Project records available to the Department, the Department of Finance and Administration, and the New Mexico State Auditor upon request. With respect to the funds that are the subject of this Agreement, if the State Auditor or the Department of Finance and Administration finds that any or all of these funds were improperly expended, the Grantee may be required to reimburse to the State of New Mexico, to the originating fund, any and all amounts found to be improperly expended.

ARTICLE XII. IMPROPERLY REIMBURSED FUNDS

If the Department determines that part or all of the Appropriation Amount was improperly reimbursed to Grantee, including but not limited to, Project funds reimbursed to Grantee based upon fraud, mismanagement, misrepresentation, misuse, violation of law by the Grantee, or violation of this Agreement, the Grantee shall return such funds to the Department for disposition in accordance with law.

ARTICLE XIII. LIABILITY

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 immunities and limitations of the New Mexico Tort Claims Act.

ARTICLE XIV. SCOPE OF AGREEMENT

This Agreement constitutes the entire and exclusive agreement between the Grantee and Department concerning the subject matter hereof. The Agreement supersedes any and all prior or contemporaneous agreements, understandings, discussions, communications, and representations, written or verbal.

ARTICLE XV. REQUIRED NON-APPROPRIATIONS CLAUSE IN CONTRACTS FUNDED IN WHOLE OR PART BY FUNDS MADE AVAILABLE UNDER THIS AGREEMENT

The Grantee acknowledges, warrants, and agrees that Grantee shall include a "non-appropriations" clause in all contracts between it and other parties that are (i) funded in whole or part by funds made available under this Agreement and (ii) entered into after the effective date of this Agreement that states:

"The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the Legislature of New Mexico for the performance of this Agreement. If sufficient appropriations and authorization are not made by the Legislature, **CITY OF TRUTH OR CONSEQUENCES** may immediately terminate this Agreement by giving Contractor written notice of such termination. **CITY OF TRUTH OR CONSEQUENCES**'s decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final. Contractor hereby waives any rights to assert an impairment of contract claim against **CITY OF TRUTH OR CONSEQUENCES** or the Department of Finance and Administration, Local Government Division (DFA/LGD) or the State of New Mexico in the event of immediate or Early Termination of this Agreement by the **CITY OF TRUTH OR CONSEQUENCES** or the Department"

ARTICLE XVI. REQUIRED TERMINATION CLAUSE IN CONTRACTS FUNDED IN WHOLE OR PART BY FUNDS MADE AVAILABLE UNDER THIS AGREEMENT

Grantee acknowledges, warrants, and agrees that Grantee shall include the following termination clause in all contracts that are (i) funded in whole or part by funds made available under this Agreement and (ii) entered into after the effective date of this Agreement:

"This contract is funded in whole or in part by funds made available under a DFA/LGD Grant Agreement. Should the DFA/LGD early terminate the grant agreement, the CITY OF TRUTH OR CONSEQUENCES may early terminate this contract by providing Contractor written notice of such termination. In the event of termination pursuant to this paragraph, the CITY OF TRUTH OR CONSEQUENCES only liability shall be to pay Contractor for acceptable goods delivered and services rendered before the termination date."

Grantee hereby waives any rights to assert an impairment of contract claim against the Department or the State of New Mexico in the event of Early Termination of this Agreement by the Department.

XVII. COMPLIANCE WITH UNIFORM FUNDING CRITERIA.

A. Throughout the term of this Agreement, Grantee shall:

1. submit all reports of annual audits and agreed upon procedures required by Section 12-6-3(A)-(B) NMSA 1978 by the due dates established in 2.2.2 NMAC, reports of which must be a public record pursuant to Section 12-6-5(A) NMSA 1978 within forty-five days of delivery to the State Auditor;
2. have a duly adopted budget for the current fiscal year approved by its budgetary oversight agency (if any);
3. timely submit all required financial reports to its budgetary oversight agency (if any); and
4. have adequate accounting methods and procedures to expend grant funds in accordance with applicable law and account for and safeguard grant funds and assets acquired by grant funds.

B. In the event Grantee fails to comply with the requirements of Paragraph A of this Article XVII, the Department may take one or more of the following actions:

1. suspend new or further obligations pursuant to Article VI(A) of this Agreement;
2. require the Grantee to develop and implement a written corrective action plan pursuant to Article VI(D) of this Agreement to remedy the non-compliance;
3. impose special grant conditions to address the non-compliance by giving the Grantee notice of such special conditions in accordance with Article III of this Agreement; the special conditions shall be binding and effective on the date that notice is deemed to have been given pursuant to Article III; or
4. terminate this Agreement pursuant to Article V(A) of this Agreement.

ARTICLE XVIII. SEVERANCE TAX BOND AND GENERAL OBLIGATION BOND PROJECT CLAUSES

A. Grantee acknowledges and agrees that the underlying appropriation for the Project is a severance tax bond or general obligation bond appropriation, and that the associated bond proceeds are administered by the New Mexico State Board of Finance (SBOF), an entity separate and distinct from the Department. Grantee acknowledges and agrees that (i) it is Grantee's sole and absolute responsibility to determine through SBOF staff what (if any) conditions are currently imposed on the Project; (ii) the Department's failure to inform Grantee of a SBOF imposed condition does not affect the validity or enforceability of the condition; (iii) the SBOF may in the future impose further or different conditions upon the Project; (iv) all SBOF conditions are effective without amendment of this Agreement; (v) all applicable SBOF conditions must be satisfied before the SBOF will release to the Department funds subject to the condition(s); and (vi) the Department's obligation to reimburse Grantee from the Project is contingent upon the then current SBOF conditions being satisfied.

B. Grantee acknowledges and agrees that the SBOF may in its sole and absolute discretion remove a project's assigned bond proceeds if the project doesn't proceed sufficiently. Entities must comply with the requirement to encumber five percent (5%) of Project funds within six months of bond issuance as certified by the grantee in the Bond Questionnaire and Certification documents submitted to the SBOF. Failure to comply may result in the bond proceeds reassignment to a new ready project. If this should occur this grant agreement will be suspended until the entity has demonstrated readiness as determined by the SBOF and the Department.

C. Grantee acknowledges and agrees that this Agreement is subject to the SBOF's Bond Project Disbursements rule, NMAC 2.61.6, as may be amended or re-codified. The rule provides definitions and interpretations of grant language for the purpose of determining whether a particular activity is allowable under the authorizing language of the agreement.

[THIS SPACE LEFT BLANK INTENTIONALLY]

IN WITNESS WHEREOF, the parties have duly executed this Agreement as of the date of execution by the Department.

GRANTEE

Signature of Official with Authority to Bind Grantee

Entity Name

By: _____
(Type or Print Name)

Its: _____
(Type or Print Title)

Date

**DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION**

By:

Its: Division Director

Date

**STATE OF NEW MEXICO
CAPITAL GRANT PROJECT
Request for Payment Form
Exhibit 1**

I. Grantee Information

(Make sure information is complete & accurate)

- A. Grantee: _____
B. Address: _____
(Complete Mailing, including Suite, if applicable)

City, State, Zip
C. Contact Name/Phone #: _____
D. Grant No: _____
E. Project Title: _____
F. Grant Expiration Date: _____

II. Payment Computation

- A. Payment Request No. _____
B. Grant Amount: _____
C. AIPP Amount (If Applicable): _____
D. Funds Requested to Date: _____
E. Amount Requested this Payment: _____
F. Reversion Amount (If Applicable): _____
G. Grant Balance: _____
H. ☐ GF ☐ GOB ☐ STB (attach wire if first draw)
I. ☐ Final Request for Payment (if Applicable)

III. Fiscal Year : _____

(The State of NM Fiscal Year is July 1, 20XX through June 30, 20XX of the following year)

- IV. Reporting Certification:** ☐ I hereby certify to the best of my knowledge and belief, that database reporting is up to date; to include the accuracy of expenditures and grant balance, project status, project phase, achievements and milestones; and in compliance with Article VIII of the Capital Outlay Grant Agreement.

- V. Compliance Certification:** ☐ Under penalty of law, I hereby certify to the best of my knowledge and belief, the above information is correct; expenditures are properly documented, and are valid expenditures or actual receipts; and that the grant activity is in full compliance with Article IX, Sec. 14 of the New Mexico Constitution known as the "anti donation" clause.

Grantee Fiscal Officer
or Fiscal Agent (if applicable)

Grantee Representative

Printed Name

Date: _____

Printed Name

Date: _____

(State Agency Use Only)

Vendor Code: _____ Fund No.: _____ Loc No.: _____

I certify that the State Agency financial and vendor file information agree with the above submitted information.

Division Fiscal Officer Date

Division Project Manager Date

NOTICE OF OBLIGATION TO REIMBURSE GRANTEE
EXHIBIT 2

Notice of Obligation to Reimburse Grantee # _____

DATE: _____

TO: Department Representative: _____, _____

FROM: Grantee Entity: _____

Grantee Official Representative: _____

SUBJECT: Notice of Obligation to Reimburse Grantee

Grant Number: _____

Grant Termination Date: _____

As the designated representative of the Department for Grant Agreement number _____ entered into between Grantee and the Department, I certify that the Grantee has submitted to the Department the following third party obligation executed, in writing, by the third party's authorized representative:

Vendor or Contractor: _____

Third Party Obligation Amount: _____

Vendor or Contractor: _____

Third Party Obligation Amount: _____

I certify that the State is issuing this Notice of Obligation to Reimburse Grantee for permissible purposes within the scope of the project description, subject to all the terms and conditions of the above referenced Grant Agreement.

Grant Amount (Minus AIPP if applicable): _____

The Amount of this Notice of Obligation: _____

The Total Amount of all Previously Issued Notices of Obligation: _____

The Total Amount of all Notices of Obligation to Date: _____

Note: Contract amounts may exceed the total grant amount, but the invoices paid by the grant will not exceed the grant amount.

Department Rep. Approver: _____

Title: _____

Signature: _____

Date: _____

1 Administrative and/or Indirect Cost – generally, the legislation authorizing the issuance of bonds prohibits the use of its proceeds for indirect expenses (e.g. penalty fees or damages other than pay for work performed, attorney fees, and administrative fees). Such use of bond proceeds shall not be allowed unless specifically authorized by statute.