

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
MONDAY, DECEMBER 30, 2024

A. CALL TO ORDER:

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

B. INTRODUCTION:

1. ROLL CALL:

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

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

Also Present: Angie Gonzales, City Manager
Traci Alvarez, Assistant City Manager
Angela A. Torres, City Clerk-Treasurer
Jay Rubin, City Attorney

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

2. APPROVAL OF AGENDA:

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

C. ORDINANCES/RESOLUTIONS/ZONING

1. Discussion/Action: Amendment to English & Spanish Special Election Resolutions No. 15 24/25.

City Attorney Rubin: We had a meeting on December 18, 2024 and during that meeting we passed an amended Special Election Proclamation Resolution number 15 24/25. On the morning of December 19th it was brought to my attention that the resolution that had just passed the day before had some language in there that should have not been in there. If you look at the resolution on paragraph 3 of the bold print it says "**PAY COSTS OF ISSUANCE; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE DISTRIBUTIONS OF THE REVENUES**

RECEIVED BY THE GOVERNMENTAL UNIT PURSUANT TO SECTION 7-1-6.4, NMSA 1978 (THE "STATE-SHARED GROSS RECEIPTS TAX"); APPROVING THE DELEGATION OF AUTHORITY TO MAKE CERTAIN DETERMINATIONS REGARDING THE LOAN PURSUANT TO THE SUPPLEMENTAL PUBLIC SECURITIES ACT PROVIDING FOR THE DISTRIBUTIONS OF THE REVENUES OF THE STATE-SHARED GROSS RECEIPTS TAX FROM THE STATE TAXATION AND REVENUE DEPARTMENT TO BE REDIRECTED TO THE FINANCE AUTHORITY OR ITS ASSIGNS PURSUANT TO THE INTERCEPT AGREEMENT FOR THE PAYMENT OF PRINCIPAL AND INTEREST DUE ON THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT AND THE INTERCEPT AGREEMENT". We learned that the language should not be in there.

It should actually say **"PAY COSTS OF ISSUANCE; PROVIDING FOR THE PAYMENT DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE REVENUES OF THE 1/4 OF ONE PERCENT (0.25%) INCREMENT OF MUNICIPAL GROSS RECEIPTS TAX IMPOSED ON ALL PERSONS ENGAGING IN BUSINESS IN THE GOVERNMENTAL UNIT PURSUANT TO SECTION 7-19D-9 NMSA 1978 AND GOVERNMENTAL UNIT ORDINANCE NO. 606 ADOPTED JUNE 14, 2011 (THE "GROSS RECEIPTS TAX"); APPROVING THE DELEGATION OF AUTHORITY TO MAKE CERTAIN DETERMINATIONS REGARDING THE LOAN PURSUANT TO THE SUPPLEMENTAL PUBLIC SECURITIES ACT; PROVIDING FOR THE DISTRIBUTIONS OF THE REVENUES OF THE GROSS RECEIPTS TAX FROM THE STATE TAXATION AND REVENUE DEPARTMENT TO BE REDIRECTED TO THE FINANCE AUTHORITY OR ITS ASSIGNS PURSUANT TO THE INTERCEPT AGREEMENT FOR THE PAYMENT OF PRINCIPAL AND INTEREST DUE ON THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT AND THE INTERCEPT AGREEMENT.**

City Attorney Rubin: This was brought to my attention on Thursday morning, and I gave the advice to the city for us to go to publication on the correctly written ordinance because our publication deadline was that day. I advised the City Clerk that we should go to publication with the correct resolution and then we can come back here and correct what we did on December 18th. That is what we did, and by doing that, it keeps us on track with our schedule for the election so we can go forward with it. I am here to suggest that you adopt the correctly worded resolution today and we can make it retroactive to what happened on December 18th. I checked with John Appel and he agreed that would be the way to do it.

Mayor Hechler: So, what I'm hearing is that we are still on track. We haven't lost anything. There was a mistake made earlier. We are all complicit in that, but the good thing is that we were able to correct it and we haven't lost anything. We went to publication with the correct resolution and we are still on track for the March 4th referendum.

Commissioner Fahl made a motion to accept the amendment to Resolution 15 24/25 in English & Spanish and have it retroactive to the December 18, 2024 meeting. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

D. EXECUTIVE SESSION:

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

Commissioner Fahl made a motion to go into executive session at 9:05 a.m. to discuss Limited Personnel Matters (City Manager Interviews) Pursuant to 10-15-1(H.2). Commissioner Hoepfner seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Hechler reconvened the meeting in open session at 9:50 a.m.

Commissioner Fahl certified that only matters pertaining to Limited Personnel Matters (City Manager Interviews) Pursuant to 10-15-1(H.2) were discussed in Executive Session and no action was taken in executive session.

E. RETURN TO REGULAR SESSION; ACTION (if any):


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

Commissioner Fahl made a motion to conduct interviews on January 6th at 4:00 p.m. in an executive session. Commissioner Hoepfner seconded the motion. Motion carried unanimously.

F. ADJOURNMENT:


Mayor Hechler adjourned the meeting at 9:52 a.m.

Passed and Approved this 22nd day of January, 2025.



Rolf Hechler, Mayor





Angela A. Torres, CMC, City Clerk

