

Steven Green
Mayor

Sandra Whitehead
Mayor Pro-Tem

Kathy Clark
Commissioner



Rolf Hechler
Commissioner

Joshua Frankel
Commissioner

Juan A. Fuentes
City Manager

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REGULAR MEETING

THE REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO, IS TO BE HELD IN THE COMMISSION CHAMBERS, 405 W. 3RD ST., ON TUESDAY, FEBRUARY 14, 2017; TO START AT 9:00 A.M.

A. CALL TO ORDER

B. INTRODUCTION

1. ROLL CALL

Hon. Steve Green, Mayor
Hon. Sandra Whitehead, Mayor Pro-Tem
Hon. Rolf Hechler, Commissioner
Hon. Kathy Clark, Commissioner
Hon. Joshua Frankel, Commissioner

2. SILENT MEDITATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA

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

D. RESPONSE TO PUBLIC COMMENTS

E. PRESENTATIONS

1. Presentation of a Proclamation for Truth or Consequences Volunteer Fire Dept. Appreciation Day on September 2nd, 2017.
2. Presentation/Discussion/Action: related to MainStreet Truth or Consequences and Tourism. Linda DeMarino, Executive Director

F. CONSENT CALENDAR

1. City Commission Special/Executive Session Minutes, January 24, 2017
2. City Commission Regular Minutes, January 24, 2017
3. Public Arts Advisory Board Minutes, October 17, 2017

CONSENT CALENDAR *Continued*

4. Accounts Payable, January 2017
5. Lodger's Tax 2nd Quarter Reports, FY 16/17
6. Authorization to Open Checking Account for LEDA Projects.
7. Resolution No. 24 16/17 supporting House Bill 266 of the 2017 Regular Legislative Session, relating to Occupancy (Lodger's) Tax; removing an exemption for certain short-term occupancy rentals.
8. Resolution No. 25 16/17 supporting House Bill 63 of the 2017 Regular Legislative Session, the "County and Municipal Fuels Tax Act".
9. Authorization to invest Water/Wastewater Capacity Funds with the New Mexico State Treasurer's Office.

G. PUBLIC HEARINGS

1. Public Hearing: Final Adoption of Ordinance No. 675 amending Chapter 2, Article III, Division 5 of the Code of Ordinances related to the City Attorney. Juan Fuentes, City Manager
2. Public Hearing: Final Adoption of Ordinance No. 676 amending Chapter 2, Article III, Division 3, Section 2-99 of the Code of Ordinances related to the Assistant City Manager. Juan Fuentes, City Manager

H. ORDINANCES/RESOLUTIONS/ZONING

1. Discussion/Action: Final Adoption of Ordinance No. 675 amending Chapter 2, Article III, Division 5 of the Code of Ordinances related to the City Attorney. Juan Fuentes, City Manager
2. Discussion/Action: Final Adoption of Ordinance No. 676 amending Chapter 2, Article III, Division 3, Section 2-99 of the Code of Ordinances related to the Assistant City Manager. Juan Fuentes, City Manager
3. Discussion/Action: Ordinance No. 677 16/17 for publication to approve the Truth or Consequences Brewing Company Proposal for Economic Development. Juan Fuentes, City Manager
4. Discussion/Action: Resolution No. 21 16/17 LEDA Building Permit Fees. Juan Fuentes, City Manager
5. Discussion/Action: Resolution No. 23 16/17 authorizing and providing for the incurrence of indebtedness for the purpose of providing and portion of the cost of acquiring, construction, enlarging, improving, and/or extending its Wastewater Treatment Plant Facility. Traci Burnette, Grants/Projects Coordinator

I. UNFINISHED BUSINESS

1. Discussion/Action: Naming the Dog Park as the Carole Wheeler Dog Park. Renee Cantin, Clerk-Treasurer
2. Discussion/Action: Appointment to fill vacancy on the Public Utility Advisory Board. Applicants are Randy Ashbaugh and Edward Williams.

J. NEW BUSINESS

1. Discussion/Action: Intergovernmental Agreement between the New Mexico Economic Development Department and City of Truth or Consequences. Juan Fuentes, City Manager

NEW BUSINESS *Continued*

2. Discussion/Action: Public Participation Agreement between the City of Truth or Consequences and the Truth or Consequences Brewing Company. Juan Fuentes, City Manager.
3. Discussion/Action: Subrecipient Guidelines. Juan Fuentes, City Manager
4. Discussion/Action: Authorization to proceed with financing options for Regional Public Safety Complex. Juan Fuentes, City Manager
5. Discussion/Action: Award of ITB: 16-17-005 for Animal Shelter. Pat Wood, CPO
6. Discussion/Action: 2018 Local Government Road Fund (LGRF). Don Armijo, Public Works Director
7. Discussion/Action: Approval to make an Annual Proclamation designating September 2nd as the Truth or Consequences Volunteer Dept. Appreciation Day. Steve Green, Mayor

K. REPORTS

1. City Manager
2. City Commission

L. ADJOURNMENT

NEXT CITY COMMISSION MEETING FEBRUARY 28, 2017



E.1

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Presentation of a Proclamation for Truth or Consequences Volunteer Fire Dept. Appreciation Day on September 2nd, 2017.

BACKGROUND:

The T or C Fire Dept. was established on September 2nd, 1923 as the Hot Springs Fire Department. Mayor Green will present a proclamation to the proclaiming September 2nd as T or C Fire Dept. day in the community.

STAFF RECOMMENDATION:

None. Presentation only.

Submitted by: Renee Cantin, City Clerk-Treasurer

Meeting date: 2/14/2017



E.2

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Presentation/Discussion/Action related to MainStreet Truth or Consequences and Tourism.

BACKGROUND:

Linda DeMarino, Executive Director will make this presentation.

STAFF RECOMMENDATION:

None. Presentation only.



F.1

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Approve the minutes of the City Commission Executive Session Meeting for January 24, 2017.

BACKGROUND:

None.

STAFF RECOMMENDATION:

Approve the minutes.

Submitted by: Renee Cantin, City Clerk-Treasurer

Meeting date: 2/14/2017

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
TUESDAY, JANUARY 24, 2017

A. CALL TO ORDER

The meeting was called to order by Mayor Steve Green at 8:16 a.m., who presided and Renee Cantin, 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. Steve Green, Mayor
Hon. Sandra Whitehead, Mayor Pro-Tem
Hon. Kathy Clark, Commissioner
Hon. Rolf Hechler, Commissioner
Hon. Joshua Frankel, Commissioner

Also Present: Juan Fuentes, City Manager
Renee Cantin, City Clerk-Treasurer
John Appel, Attorney Coppler Law Firm

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

C. EXECUTIVE SESSION

1. Threatened or Pending Litigation (Possible City legal action to address interference with legitimate activities of the City and of visitor-oriented businesses operating in the City) - *Pursuant to NMSA 1978, 10-15-1(H.7)*

Mayor Pro-Tem Whitehead moved to approve going into Executive Session at 8:15 a.m. to discuss Threatened or Pending Litigation (Possible City legal action to address interference with legitimate activities of the City and of visitor-oriented businesses operating in the City) pursuant to 10-15-1 (H)(7). Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.

Mayor Green stated that the Commission was now in Open Session at 9:00 a.m.

Mayor Pro-Tem Whitehead certified that only matters pertaining to Threatened or Pending Litigation (Possible City legal action to address interference with legitimate activities of the City and of visitor-oriented businesses operating in the

CITY COMMISSION JANUARY 24, 2017 REGULAR MEETING MINUTES

City) pursuant 10-15-1 (H)(7) was discussed in Executive Session and no action was taken.

D. ACTION ON ITEMS DISCUSSED DURING EXECUTIVE SESSION, if any.

Mayor Pro-Tem Whitehead moved to authorize our Manager and Mr. Appel to continue with the research and bring it back to a future meeting. Commissioner Frankel seconded the motion. Motion carried unanimously.

E. ADJOURNMENT

Meeting was adjourned at 9:02 a.m.

Passed and Approved this ____ day of _____, 2017.

Steven Green, Mayor

ATTEST:

Reneé L. Cantin, CMC, City Clerk



F.2

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Approve the minutes of the City Commission Regular Meeting for January 24, 2017.

BACKGROUND:

None.

STAFF RECOMMENDATION:

Approve the minutes.

Submitted by: Renee Cantin, City Clerk-Treasurer

Meeting date: 2/14/2017

**CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
TUESDAY, JANUARY 24, 2017**

A. CALL TO ORDER

The meeting was called to order by Mayor Steve Green at 9:00 a.m., who presided and Renee Cantin, 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. Steve Green, Mayor
Hon. Sandra Whitehead, Mayor Pro-Tem
Hon. Kathy Clark, Commissioner
Hon. Rolf Hechler, Commissioner
Hon. Joshua Frankel, Commissioner

Also Present: Juan Fuentes, City Manager
Renee Cantin, City Clerk-Treasurer

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

2. SILENT MEDITATION

Mayor Green called for fifteen seconds of Silent Meditation.

3. PLEDGE OF ALLEGIANCE

Mayor Green called for Commissioner Frankel to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA

Mayor Green called for the approval of the agenda and would like to include in the motion to remove Item No. G.4 and I.1 for the Public Utility Advisory Board appointment because some of the paperwork is missing.

Mayor Pro-Tem Whitehead moved to approve the agenda removing item G. 4 Resolution No. 21 and I.1 for the Public Utility Advisory Board from the agenda. Commissioner Frankel seconded the motion. Motion carried unanimously.

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

Mayor Green called for Public Comment, noting those wishing to comment would get three minutes, may only approach the podium once, and any material for the Commission was to be left in the black box by the podium.

Ron Pacourek addressed the Commission related to:

- 1) He doesn't understand why item I.1 was deleted. He would like an explanation. They would like to have their board completed. As a member of the Public Utility Advisory Board, they would like to move forward.
- 2) he asked if it has been voted on by the Commission to expand their board by two members for the Impact Fee. He would like an answer for that also.

Wendy Sager Evanston addressed the Commission related to:

- 1) She is here representing Bountiful Babies. She thanked the Commission for honoring the Subrecipient Contract for the second half of the year. They just completed it so they have their report in. They are making lots of progress, and are also stretching and attracting some attention from New Mexico for larger grants called Art Place. That really was the result of the Commission support and not just getting us on the map, but as a part of Rural Development. So they will keep the Commission posted on that. She knows Mayor Green was there. She thanked them again and they will reapply when it's time.

Bruce Swingle, Sierra County Manager addressed the Commission related to:

- 1) He just wanted to give them an update on the Punk Greer Arena, he said the County also has it on their agenda for tomorrow and they are putting forth a request to increase their budget by \$25,000 for this project, and they hope the City Commission will do the same today.

Linda DeMarino addressed the Commission related to:

- 1) First she thinks we've recovered from a very busy season of events. Old Fashioned Christmas, she wanted to thank Juan, the Chief, and Mayor Pro-Tem Whitehead for making that happen. It was a really great event, they got great feedback and could not have done it without you guys.
- 2) We have a lot of irons that are being put in the Fire. They are getting ready for the Hot Springs Festival.
- 3) They attended the Art Place America workshop and they are going to put in a proposal for some Rain Water Harvesting from Art Place America. If you haven't hear about Art Place America, you should really check it out. There's an interesting video that have Artists and Creative Type People to help solve some problems Municipalities have.
- 4) Last year was the last time the Women's Club was going to hold the Miss Fiesta Pageant. MainStreet didn't feel like we could let this event drop. But we can't do it on our own. There is a lot of things that go into this and we will need a lot of people to help. They will be having the first meeting, so anyone interested in the planning or production can come to the first meeting which will be next Monday, January 30th at 5:00 p.m. at the MainStreet Office at 410 Main St. across from the Movie Theatre. They

are hoping for a big turnout because it's such a big tradition and they don't want to see it go by the wayside.

Carole Wheeler addressed the Commission related to:

1) So many Dancers could not make the dance at the Elephant Butte Dam last year, so the Sierra Twirlers Dancers Club April 22nd will be planning another dance on the Elephant Butte Dam and then at the Civic Center because it's a District Event. In May, they will be hosting the 2018 State Festival. They have to start working on it and develop a pamphlet and advertisers. In comparison, the District Dance usually brings 90-100, and the State Festival will bring in approximately 150-180 people. It's a two night, three day event starting on Friday, May 18th – 20th. They picked that weekend because we have Fiesta the first weekend and the Hot Springs Festival the second weekend. So we didn't want to compete with anything else. Square Dancers in the state are divided into four Districts, Northwest, Northeast, Central, Southwest and Southeast. Logistics have become a problem as the dancer's age. So, in May, they are going to vote on just making two Districts, with Albuquerque being the center of the Northern District and Truth or Consequences being the center of the Southern District. So we will be hosting this Festival every two years. It's a great boost and she knows everyone had a wonderful time and want to come back for the next one. Dancers will be asking for advertising funds and they are very happy to let them know what's going on in their Square Dancing world.

Ron Fenn addressed the Commission related to:

1) After all of the pleasantries, let's get down to business. It's very sad that he looks at the Budget Review and see the City wants to give another \$15,000 for the Golf Course to top off the \$100,000 they have given to a Golf Course with a revenue of about \$9,000 for a handful of people, while we give \$25,000 to the SJOA which serves 1/3rd of this City's population. If it's available to 1/3rd it's 2,000 people. If there were 2,000 golfers you could give them \$24,000, but to give \$115,000 to a Golf Course who can't even pay their Utility Budget is criminal. You have under the constitution, a fiduciary duty to the people of this community, not to a handful of people. Not to a couple of Golfer's or a couple of Swimmers, or a couple of anything. You took our Recreation Center because it wasn't making \$11,000 a year, and yet you give \$100,000 more than that to a bunch of Golfers. On top of which, the 70 some Acres of land they have is tax exempt. And that tax exemption puts a further burden on the rest of the population to make up for what it does not receive in taxes. There's a tax paying golf course only 5 miles away that is failing. I wonder why that is? Because there is no market for it here folks. It's about time you either shut down the Golf Course or sell it and privatize it. If somebody can't buy it and operate it, it's because there is nothing there. But it's the people you're stealing from, the poorest of the poor in this community to pump up a few would be Golfers that don't want to go to a commercial Golf Course and support it. This area cannot support two Golf Courses, it probably can't support one.

2) Then we are going to talk about giving another \$25,000 perhaps or more to Punk Greer Arena so Ms. Luna's daughter has a place to play. Isn't that very nice. What does it do for the community in general? The people who can't get out, and can't do rodeo and can't get good service from SJOA because they don't have any budget.

D. RESPONSE TO PUBLIC COMMENTS

Commissioner Clark thanked MainStreet for picking up Miss Fiesta. For 55-60 years it's kind of a mainstay for our community. She appreciates the effort in trying to keep that together for us. She can't thank Ms. Wheeler enough for her incredible efforts in doing something so productive for our community. And bringing people in and talking so positively about us to have them put T or C as the Southern Hub is incredible.

Mayor Green concurs with Commissioner Clark's points. He addressed Mr. Pacourek's comments. He understands his frustrations. For them to make appointments to some of the boards that are very critical to the functioning of T or C. We appreciate the volunteers to be a "Think Tank" for the Commission. But there are certain requirements we need to have fall in place and we thought this would be in place two weeks ago. They will make every effort to make sure the requirements are not waived. We thinks it's fair and reasonable, we treat them equal, and if those requirements can be met within the next two weeks, he will assure them this will be back on the agenda again. He knows this will be a little bit of a vague explanation, but he wants them to understand, he appreciates their point of view and supports it, and understands their frustration. But we are trying to do this the right way. He thanked Wendy for their turn out. He wishes he could have stayed longer for the Art Place. And to Carole, what can he say... Commissioner Clark absolutely said it all and this time he will be here on April 27th and he promises he will be here to dance with her on the Dam. Mr. Fenn, you had me right up to the point where you started going with personalities. He respects and appreciates public speech and he invites it, as he thinks most people know his position about public comment. But in the future he asked us to try keeping names out of it and talk about our ideas, let's talk about principles. Let's not attack people who, number one, aren't even here to defend themselves, or a young child to defend themselves.

E. PRESENTATIONS

- a. Presentation on an update for the Truth or Consequences Fire Dept. Paul Tooley, Fire Chief

Fire Chief Tooley introduced one of his Rookie's Mr. Douglas Nelson who joined this year, and also our Captain, Neil Weeks who has been on the Department for a few years. The other guys are all working and we couldn't get them here. He began his presentation which will be included as part of the Agenda Packet file. He will have some good news in the presentation and at the end some not so good news.

He began by saying the Fire Department was established on Sunday, September 2nd, 1923, so right now we are 93 years old as a Fire Department and this September we will be 94. He has the original hand written minutes of the organizational meeting. In 2016 they did 142 Fire Calls which he broke down for them. 29 actual Fire Calls for a physical fire. 6 calls were in the Village of Williamsburg. In 2012 we picked them up and began our operation there. Based on the State of New Mexico, they scale the Departments from a 1-10 and that would determine how much money you receive. It

was updated in 2012, ISO currently has about 47,500 area in the United States, they have graded. So they are the number one for grading the department s and using that data for insurance purposes. He took their concept to develop some software to help the T or C Fire Department to improve our rating. We are into Version 3 of the software and we are happy to tell you that not only T or C, but a lot of the County Fire Departments in the areas around Ruidoso, Cloudcroft, and Alamogordo area through his consultation has helped him increase over \$223,000 a year for not only us but other areas around the State of New Mexico. In 2013, they got a grant from the State Fire Marshalls Office for \$115,000 for the SCBA's. It was an 80%-20% match so we received \$92,000. We replaced all of our current SCBA's which is what we put on our backs and face piece so we can breathe compressed air to go into hazardous areas so we can still be able to breathe fresh air. You can tell by the price they were very expensive.

During that same year in 2013, they purchased a new truck for \$226,000. We had no current debt at the time, so we were able to work with the Finance Authority, we put it on a 10 year note and got the first \$100,000 for 0%. So we pay roughly \$23,380 per year for the ten years to purchase that truck. We use the funding we get from State Fire to make that happen as well. After we got our ISZO Rating to Class 2, we started talking about how to get to Class 1. One of the things we needed to do was to have a three story training facility. We went for a grant for \$100,000 and matched it with \$112,000 and put in a three story drill tower. 355 of the total training is at that facility, so we use it a lot. Not only does it have a burn structure but to be able to use it as a Search & Rescue and all types of stuff and ventilation can be done there. We needed that piece to try to move into Class 1. This last year one of the older models, we had a Fill Station for the SCBA's, we fill compressed air for the New Mexico Gas Company, State Police, County Fire Department, and other City Departments. He put in another grant this year for \$47,000 from the Grant Council and we received that. So this is our current project and will be in play in the next couple of months. Some bad news is we have a Scott Sight, he explained the details about this unit. It would free up their hands to not have to carry a thermal imager. That grant would have been for \$97,000. Equipment alone to go into a fire can cost about \$21,200 per Firefighter.

We have a 1987 Quint which costed us \$230,000 but it's going to be 30 years old. It has the jump seats which are illegal now. And there is no continuous walkway from the ladder, so we cannot use it for rescue. So we want to increase that to a 75' Aerial. A New one will be \$737,000. So he applied for the Department of Homeland Security – Assistance to Firefighter's Grant again for \$737,000 and we will not know on this grant because it's a nationwide grant until April-May. If we are lucky enough it will pay for 95% and we would only have to match is with \$36,850 from State Fire Fund money. If this doesn't go through, he explained the distribution for 2017 based on the classification. One of the things he did was apply with the PRC to have an Admin. Office down at City Hall to add an Administration location. What that will do in the next funding, and part of the letter at the top then, is we will get paid another \$99,565 based on last year's numbers. That gives us 3 Qualifiers now, 3 Main Stations, and an Admin. So our State Fire Funding in 2005 was \$70,232, as a Class 5 with one Main Station and

one Substation. He explained how they moved up in Class to where we are now which will allow us to approach almost \$300,000. So that's been a big increase for us since 2005.

Commissioner Clark asked about the Quint we've got and not having the jump seats and the walkway on the top is no longer legal. Are we grandfathered in? Fire Chief Tooley responded, yes because it falls under the NFPA code of when it was built. Any new truck we purchase will have to be per the new NFPA regulations. Part of that AFG grant is Firefighter safety. But as long as we haven't put it out of use, it's still ok. But we've got to start replacing the old equipment. Commissioner Clark assumes he has spoken to City Manager Juan Fuentes about the Admin. Office. Fire Chief Tooley added it's already in. This is actually down at the Administration Annex where we have a little area there where we had State Fire come down and take measurements and we moved in and was able to send off the letter on November 4th and they approved it. So it will be on the next funding cycle. Commissioner Clark added well congratulations to you and Manager Fuentes as well for getting this done. He said we moved real quickly on this to get it done before everything changed for us. Mayor Green added that area was a storage area that was not used by the city. It was used by the Chamber of Commerce. So when this was presented and we felt like time was of the essence, we felt this was a no-brainer. It was nothing the city was using and the Chamber was amicable to take the storage boxes and store them at another place.

Fire Chief Tooley went on to present House Bill 4 and Senate Bill 11, they were two identical bills that came at the same time from different directions. Senate Bill 11 when on the Senate floor quick and moved to the House and got stuck in committee. However, the one for HB 4 moved through the House Committee, got down to the floor and had some amendments to it. Right now it's been approved by the House and it should be scheduled to hit the Senate floor in the next day or two. He gave a background on what will happen if it's passed. Even the Police Chief's funds, as well as, 911 funds will be hit. Under the Fire Protection Fund, there is a 3% premium tax collection on auto and fire insurance on the State of New Mexico which has been in play for a long, long time. That's the money that actually creates the Fire Fund. That money is collected all year long so the first payment in June is what funds the next year's entire budget. The state went in and if you had any money laying around, it was gone. The breakdown he presented is part of the Agenda Packet record in the presentation. In House Bill 4, they suspended the Fire protection Grant Fund distribution for two years. They came this year and they want it all and they are going to take it all. So we've collected money for an entire year that we're never going to see, it's gone. Going forward it still will revert back to the year before, however, we are a year behind. What they are doing with eh State Fire Marshalls Office is still giving the power to State Fire, but they have to anticipate how they are going to allot this money. We are concerned about money that we owe, because we owe about \$23,000 per year for a Fire Truck. Is the New Mexico Finance Authority going to agree to monthly payments on that or will they take it off the top. If they take it off the top, some of the smaller departments won't get a check. So they will suspend the Grant fund for another two years and it will supposedly come back. And no distributions will be made for FY18. Local entities will

have to adjust accounting methods to adjust to periodic payments rather than a onetime allotment. So this was the bad news side of House Bill 4. The good news for T or C is, he saw this coming and we will be fine and we can work with it. We have enough to survive and get us through next year if we have to. He put \$100,000 back for next year for the new Ladder Truck, and that will still be in the budget for next year. He didn't think it would be this drastic but it is.

Commissioner Clark is a little concerned about the state and she would think their top priority would be Fire. She asked if he has spoken to anyone about this. Fire Chief Tooley said they have been up there in force and they don't want to hear it. Their biggest deal is, whatever cash is laying around, they are going after. Commissioner Clark said it seems to her there is something backwards in the thought process. Fire Chief Tooley added here is what they are saying, "the money is still going to be there for you". This is an accounting issue and almost \$100 million is gone. Now the dust clears and we start from scratch, but we still have to do business every day. We based our budget on what was collected. All they saw was the cash and they came after it. They didn't look at how it would affect everybody. We are the highest Fire Rated Volunteer Fire Department in the State and we are very proud of that. We try not to be a burden on the city and that's why we keep up with what we do and try to go after grant money and find unique ways we can survive and still have the latest stuff we need here for Fire Protection.

Commissioner Clark wanted to thank Fire Chief Tooley and the Fire Department's amazing group of young men and women. And we are honored to have you.

Commissioner Hechler thanked him for his professionalism and dedication. He wanted to let him know that that attitude has transferred itself to your Staff and your Firefighters. Unfortunately, he is the recipient of one of his good intent calls last year. It was a little embarrassing for him but he wanted him to know, they are very courageous and responsive and they felt very safe. So he thanked him for that.

Mayor Green wanted to give his fellow Commissioner's a heads up. He wants to have the approval to declare September 2nd as the Truth or Consequences Fire Department Day at the next meeting. He thinks it's the very least we can do. From a financial budget, he knows that Manager Fuentes' hairline is receding as we speak to balance our budget. And knowing it's going to be financially challenging, he appreciates the stewardship the position of Chief of the Volunteer Fire Department to smell the roses and put aside a little bit for a rainy day. So in this particular case what he was hearing is on that payment, you've got enough money in your own treasury to pay those bills and will hopefully get reimbursed in a timely matter rather than asking the city for money. He doesn't think the city at large can thank him and their volunteers enough. He asked the Chief to thank them and he planned to attend the next meeting to thank them.

F. CONSENT CALENDAR

1. City Commission Regular Minutes, January 10, 2017

2. Public Utility Advisory Board Minutes, December 19, 2016
3. Subrecipient 2nd Quarter Reports, FY 2016/2017 and 2nd Quarter Subrecipient Report, FY 2015/2016 Contract Extension for TBA/Bountiful Babies

Mayor Pro-Tem Whitehead moved to approve the Consent Calender including F.1. City Commission Regular Minutes, January 10, 2017; F.2. Public Utility Advisory Board Minutes, December 19, 2016; and F.3. Subrecipient 2nd Quarter Reports, FY 2016/2017 and 2nd Quarter Subrecipient Report, FY 2015/2016 Contract Extension for TBA/Bountiful Babies. Commissioner Hechler seconded the motion. Mayor Green wanted to point out the report for the Geronimo Springs Museum notes the Shout Out to David Johnson who was a great help when they held their event at the Civic Center, he made it go smooth in every way. Motion carried unanimously.

G. ORDINANCES, RESOLUTION, & ZONING

1. Ordinance No. 675 for publication amending Chapter 2, Article III, Division 5 of the Code of Ordinances related to the City Attorney. Juan Fuentes, City Manager

City Manager Fuentes said the proposed ordinance makes a small modification to Chapter 2, Article III, regarding the City Attorney. We are in the process of receiving Requests for Proposal for one or two Legal Services contractors. It's a minor change so they can be appointed as an employee or on a contract basis. In the past, there has been a question about misinterpreting this section to mean it was only by appointment as a City Employee. Historically the City has always higher this position as contracted and he wanted to make the wording of "shall" which is mandatory, to "may" be appointed on a contract basis or as a City Employee.

Commissioner Clark appreciates this has been an issue she has brought up about the ordinances needing to be updates and she accepts the changes to allow there to be an either/or for the Commission to be changed.

Mayor Green added on the third line, he would like to change that to His/Her in the changes instead of just saying His as has been done in the past. He feels every time we change our ordinances we should make this change also.

Commissioner Clark moved to approve Ordinance No. 675 for publication amending Chapter 2, Article III, Division 5 of the Code of Ordinances related to the City Attorney also adding His/Her in the sentence as requested. Mayor Pro-Tem Whitehead seconded the motion. Roll call was taken by the Clerk. Motion carried unanimously.

2. Ordinance No. 676 for publication amending Chapter 2, Article III, Division 3, Section 2-99 of the Code of Ordinances related to the Assistant City Manager. Juan Fuentes, City Manager

City Manager Fuentes presented this is a simple modification to the ordinance. The language to strike would be where it requires there to be an Assistant City Manager appointed. This gives the option and in the past the City has hired an Assistant City Manager, and previously we had a dual position serving as the Community Development Director and Assistant City Manager but it's always been if the budget would allow for such an appointment. Under the current ordinance it is mandatory and he would like to strike that language so it will give us the flexibility if the budget is available for that appointment or dual role.

Commissioner Clark added her comment that once again we have had too much confusion with the Assistant City Manager and sometimes City Manager Juan Fuentes does not have it in his budget. She thinks its an excellent idea.

Commissioner Frankel added keeping with the previous statement for consistency he added the section where His/Her should be included.

Commissioner Clark moved to approve Ordinance No. 676 for publication amending Chapter 2, Article III, Division 3, Section 2-99 of the Code of Ordinances related to the Assistant City Manager amending the references to not being gender specific and be changed to His/Her. Mayor Pro-Tem Whitehead seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.

3. Resolution No. 07 16/17 related to Park Fees. Renee Cantin, Clerk-Treasurer

City Clerk Cantin presented the item stating back in September she brought this before the Commission and they sent her with some marching orders and some ideas. After their ideas were incorporated she proceeded to take the Resolution to the Parks & Recreation Board. They did not have a quorum in November, so at their December meeting they had some great input. It was a great opportunity to include some of the requests they have suggested in past years. She did receive their final approval at the January meeting and she is now bringing it before the Commission for approval. Once the changes are approved she will make changes to the Rental Agreement with the final revised Resolution. She reviewed the highlighted information. The Tennis Courts were added as per use, not per person. The Parks & Recreation Board suggested rather than a fee for the use of the Tennis Court keys, that we should make that a Deposit that would be returned. If for some reason the key was not returned, we put a \$20 key replacement which would make the cost rate very low and to keep better track of our keys. Other ideas from the board were certain rentals of City Parks including use of Rodeo Arena, Adult Leagues, and Large Events may be required to show proof of Liability naming the City as an additional insured or a release of liability form. The Adult Leagues would have a release of liability form and we would need to run that through the City Attorney to see what the best way to handle that would be. On the next page, another thing that was brought up was some problems in the past with the Adult Sports leagues, to have them submit By-Laws with Application for Season use. The Parks & Recreation Board believe all Adult Leagues do have By-Laws in place at this point. So

it wouldn't be anything more for them. But we could have it on file in the Clerk's Office and make sure to get a copy to the Parks Supervisor for their season use. The other thing as you can see in yellow before the Memorials, we added they would be Temporary Memorials. With these changes, we are ready to proceed forward with the Resolution, we have made the numbers somewhat low but it will help with the Parks Department and Clerk's Office in keeping up with the Rental Agreements.

Commissioner Frankel is hoping this Resolution will allow for flexibility for unforeseen groups or use. And also for the non-traditional use that's laid out in here, one thing that came to mind for him was the 100% reduction in fees for use of more than one day. Another group that should benefit from this would be the Farmer's Market, but they only have a one day event. City Clerk Cantin responded that was their plan was to make it so it could be flexible. She believes the Farmer's Market uses property off of Broadway, but Commissioner Frankel let her know they use Ralph Edwards Park right now. They only have an event one day a week, but they run from May to October. City Clerk Cantin stated we could add in the notes at the bottom to state ongoing events can be reviewed for flexibility for status. Mayor Green added under the Note: The City Manager or his The City Manager or his/her designee may impose other use regulations. Maybe we can just add, and other exemptions. And allow the discretion to be made by Staff. You don't want this to be in stone but a standing structure. Unfortunately, it puts that on our City Manager to make that call, but that might be one way to keep the door open for reasonable requests when their event is having a positive impact our own citizens. Commissioner Frankel doesn't want to discourage our Farmer's Market in any way. City Clerk Cantin added if it's an ongoing event like this one, then we can come back and discuss whether we want to include that as an extra line. It's only a Resolution and not an Ordinance so it's easier to bring back to fix.

Commissioner Clark does remember the conversation of including more than one day to waive the fees, but she thought that was for an indoor event for example at the Civic Center. There is a difference between and indoor event that requires our people to go in and set up, as opposed to Parks where the Farmer's Market does not set up. So to her there is a little distinction between the two. So she does agree if we can put some wiggle room in there for Manager Fuentes or to say we see a distinction between a City Park and a City Facility. She believes the concern on the Tennis Courts was to cover the use of Electricity at Night, but not to charge during the day. Again it's a City Facility and doesn't require set up. She doesn't think the daytime Tennis Players should pay th \$5 pe4r day, plus \$5 per night. She would like to see the \$5 per day taken out. It's the Tennis Club that goes in and does most of the cleaning and upkeep anyway and she thinks it would be a nice gesture.

Commissioner Hechler said in his previous life he was in charge of many Special Use Permits and one of the questions that was always asked was whether alcohol was allowed at the events. And if it was we would ask if they have gotten the appropriate state permitting in order to do that. And the idea behind it, is it could change insurance requirements, and he thinks the Police Department would also like to know if they have a special event somewhere in the City within the outside where alcohol is being served.

So we may want to include something like that in the permitting process. City Clerk Cantin added it was previously in the application and is still in there, and she believes it would have to be approved by the Commission for it to be allowed. Commissioner Hechler wanted to make sure there is a mechanism for that.

City Clerk Cantin said there is no rush on this and if they would like her to take it back and make the changes, she would be happy to do that.

Commissioner Clark moved that Resolution No. 07 16/17 related to Park Fees be sent back to staff to take into account the requested changes. Mayor Pro-Tem Whitehead seconded the motion. Mayor Green wanted to thank the Parks & Recreation Board for taking the time to work with staff on this Resolution. **Motion carried unanimously.**

4. Resolution No. 21 16/17 LEDA Building Permit Fees. Juan Fuentes, City Manager

Removed.

5. Resolution No. 22 16/17 Budget Adjustment and USDA Bank Account Funds transfer to the General Fund. Melissa Torres, Finance Director

Finance Director Torres said we are respectively requesting the following adjustments and the USDA Bank account transfer to the General Fund. To increase Fund 101 for \$20,000 for attorney fees; to increase the Fire Protection Fund which is 209 of \$38,000 on the revenue side due to the award of the grant that was awarded to them prior to us doing the budget; increasing from 209 on the expense side due to the same reasoning; to increase fund 312 the R & R Airport (this increases because of the runway are closing up the grant for); this also will be connected in conjunction the increase of the R & R on the expense side; the increase on the Golf Course, Funds 508 for \$15,000 due to additional utility expenses, this will also be in conjunction the transfer for \$15,000 from the general fund; and last is our USDA Bank Account, we are requesting a transfer to the general fund of \$906.42. This is due to a stipulation in the grant that requires us to have no funds in the account. We previously had bank accounts that charge monthly fees and usage fees so in the past we had to transfer \$1300 to cover those fees. Now that we had changed to the new bank do not have any of those fees. So this account would be a zero balance account and not an interest-bearing account.

Mayor Pro-Tem Whitehead moved to approve Resolution No. 22 16/17 Budget Adjustment and USDA Bank Account Funds transfer to the General Fund. Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.

H. UNFINISHED BUSINESS

1. Discussion/Action: Punk Greer Rodeo Arena Improvements. Steve Green, Mayor

Mayor Green recognized Vice Chair Luna who is in attendance for this item. He spoke to her earlier at the end of last week and she said she would be in attendance in case any of the commissioners or city manager had any questions pertaining to this item. He asked Vice Chair Luna to take this information back for their meeting tomorrow. The fact that the county understands that there are certain countywide assets that just happen to be located in Truth or Consequences such as, the Airport, the Library, the Punk Greer Rodeo Arena and others, they greatly appreciate them entertaining the idea of partnering with the city on this asset that we take care of but has the potential to be used and enjoyed by all as a vehicle to bring people into our community for tourism. He received a postcard about the Clint Benjamin Roping Event that we had apply for Lodger's tax, we awarded \$1500 and they subsequently turned back in that money and the event is being held in the city of Socorro. Whether we missed it because the Sheriff's posse arena wanted to much rent or at the present stage of the Punk Greer Arena, he doesn't know what the reason is, but they left town and that's upsetting to him. Someone from Santa Fe gave him a heads up of what's going on with tourism and it's not a pretty picture up there. He believes we have to try to maximize the assets that we have, that will not only support the community as it exists but expose the community to people coming into events to help us build back the population we have lost in the last decade. He believes if we sit down and do nothing even though these are bad financial times, when is the right time? He believes we need to identify the problem and fix the problem and he truly believes this cannot be done on shoulders of Truth or Consequences. That's way appreciate sorts of County Manager Swingle and Vice Chair Luna, and this is something we can all benefit with in the cost sharing as we move forward. And it's not just throwing money on table, he wants to make sure it's money well spent. And he has heard in his conversations with people that maintenance is important and maintenance during the rodeo for the safety of the animal and the participants. Today he is hoping part of it will to have City Manager Juan Fuentes work very closely with the county. But someone has got to understand the ground they are working out there and not just hire a piece of equipment. We want to try to position ourselves to be a viable stop on these rodeo circuits. He understands Socorro has a newer facility, but we've got to start someplace. We either start with our arena make sure it's at least usable for competitive rodeos, and then we need help marketing it. We heard what it appears the county is willing to cost share, he doesn't know if that's the rainbow or the beginning of the rainbow, but at least it's a start. During the workshop he heard Memorial Day weekend is the potential for the first event to hold here, and what a great opportunity to showcase something that says we want your business and we want you to feel safe in our town and no concern of safety of your animals.

Commissioner Clark said one of the discussion we've had is we need to take care of our assets and this is an example of an asset that has come into a little bit of decay. And her experience has shown that when something is put back into an operative fashion that is well done, it's easier to maintain. There is not always a good idea to put a Band-Aid on it. She also understands we've lost a lot of events that have been in this

community some at the rodeo and some are not. The Longhorns have brought a lot of people to our community. Being part of a small town rodeo is still a big part of our reality, where it isn't as big in urban areas any longer. But this is who we are. She asked Vice Chair Luna that she does believe we do have the support of 4-H and any other comments she would like to make.

Vice Chair Luna addressed the Commission stating herself and her Husband, and Ed and Nancy Edwards from the Armendariz Ranch put together the 4-H Board for future events. Their commitment is to use the city facility. They are preparing to finalize the application to host that rodeo as soon as this action was completed by yourselves and the County Commission. That commitment is there, as long as the improvements can be made. It is her understanding that if we get this done this week we can get the balls rolling very quickly. Also the 4H County Council committed themselves to painting the entire facility before the rodeo. So that facility will have a fresh coat of paint. There is some paint that has been done the last two years through volunteer work, but they want to complete the paint so the arena shines during our rodeo.

Commissioner Frankel wanted to use this as a platform for something else. He's fully committed to the rodeo project. But as you were describing the assets and marketing and all of those great features we're going to do for the rodeo arena, he was thinking about another city asset at this time that is not enjoying the same amount of freedoms. He wanted to point out how important it is to mention our City Golf Course and the possibility to partner with the county in the same manner. The Golf Course fosters a lifestyle. So much to a degree, they moved to a community for that reason. Snowbirds fill in houses during golf season. And he pointed out that it's such a part of our community that it's one of the symbols on our city of truth or consequences seal and flag. It shows one third of who we were showing the golf course, so we have a really amazing resource there and need to put attention towards there and the second floor also.

Commissioner Clark asked City Manager Fuentes if we were to go forward with this in a partnership with the county, do we have the magic box to find this \$25,000 in the budget. City Manager Juan Fuentes responded yes, we do in the budget.

Mayor Green asked Vice Chair Luna, if this moves forward who will be the face of the arena to go out and solicit business. Vice Chair Luna responded Rodeos are also a lifestyle. There are two people who put on roping throughout the state who are also involved in our 4H rodeo across the state. And it's highly likely they will be here and will get to experience the improvements firsthand. She plans on contacting those individuals specifically in making contact with them during the rodeo to show them the improvements made in the benefits of our location. And there's one thing Socorro doesn't have that T or C does and that's beautiful weather.

Mayor Green added when he visited there was someone pulling something behind a tractor. Was that a volunteer was that someone from the Sheriff's Posse. How about the effective maintenance to work the equipment and make it work.

Vice Chair Luna added to think she sees that need to be followed up on, is 1) an individual within the group that is wrenching that facility to be responsible for the driving of the machine or to bring their own equipment in there. If an organization brings their own equipment every time it needs to be done there has to be some kind of offset on the fee for that rental facility. The Edwards have brought in their personal equipment for use at the Sheriff's posse they do not have any equipment to take care of the grounds. That has always been done by whoever is using the facility. Therefore, they waived the rental fee for the facility because it was argon that was paying for someone to use it. But we had a volunteer operating then equipment. No one who doesn't know how to operate that machine will not want to get on the machine, you will need someone who is completely confident to get on there and operate at. 2) we need to work on an alcohol special use permit for the property. She thinks that is something in the long run that will add use to the facility. Unfortunately, it's an attractor for the facility. Mayor Green added we have rodeo arena \$100 per event, will that keep us in the ballgame. Vice Chair Luna said \$100 is fine as long as you don't call a roping on Saturday one event and a roping on Sunday one event. They will often show up Thursday night or early Friday morning for a Friday, Saturday, and Sunday event. So \$100 for the entire event would be fine. The Hot Springs rodeo Association has a one-time event six times through the year. Currently, the Hot Springs rodeo Association is the group that uses that facility the most. So \$100 for five hours, six times through the year does not make sense. Previously the commission has graciously waive that fee for the local Association, she hopes that might still be agreeable.

Commissioner Hechler would like to see something on a more formal basis, if the City and County can generate a letter to invite these groups back to generate more business to coming back. If it's approved, it could be quite an accomplishment for our various commissions.

Vice Chair Luna added the reason other events go to communities is they have allotted General Fund money for them to come to lure and bait them. It's her understanding those restricted Lodger's Tax money is one of the reasons the Clint Benjamin rodeo agreed to move out of the community because Socorro gave them money to do it. It all boils down to the money and how they can spend it. As she said in her presentation, Lovington gave \$15,000 for a one weekend event. Gallup gave \$20,000 for a one weekend event. In one of the Association moved from Lovington to Gallup for that reason. And it's not restricted dollars it all goes into prizes for the event. She would be more than happy to work on a pamphlet or brochure to send out to organizations to accompany that letter. Just know the city and county commissions will be approached with what kind of dollars they can give in response to that. She thinks the roping producers who want to come here for the great weather are going to be our biggest asset and then the rodeo Association who are looking for somewhere inexpensive centrally located, will be the second biggest users of the facility.

Commissioner Hechler added perhaps with of our commissions can work on something together along those lines. Vice Chair Luna said with her vice chair hat on, she hopes this is the first of many partnerships we can work on in the future.

Mayor Green said this is a valid point. We don't have the dollars to go up against Gallup or Lovington. We hope that if we can put our dollars together that we would make sure we would not lose this opportunity. We need to go into it with open eyes and when we have that application for the Clint Benjamin, they were looking for \$3500 for a saddle for prizes. But as we just heard, that is not good use of Lodgers Tax as prizes. Hopefully we won't put the \$50,000 in and it won't lead us to the road to success if we don't put the other money in.

Commissioner Clark asked what kind of a bucket of worms will that open up for us. If we start looking for general funds for that kind of issue. Mayor Green said it is a little bit of a can of worms in bad financial times. But, it would be better in good financial times. Mayor Green said we can try to find money from local businesses and local support to be players in the rodeos.

Commissioner Clark moved to approve with respect to the Punk Greer Arena subject to approval by the county in a partnership authorizing City Manager Fuentes to work closely with County Manager Swingle on this improvement, keeping in mind the feasibility. Commissioner Frankel seconded the motion. Motion carried unanimously.

2. Discussion/Action: Welcome Information for new Utility Customer's moving into town. Steve Green, Mayor

Mayor Green notified the Commission a couple of things have happened since we met. Steve Rice who is the Executive Director of the Housing Authority have graciously offered to produce the bags. Steve Rice is a recycler that needs to be on that committee before he was promoted to executive director. He wants to use paper rather than plastic. Mayor Green suggested paper bags with handles on them on one side would have information about the Housing Authority and the other side would have the city insignia, our address, City Hall telephone number, and the city website information. Inside the packet would be a couple things. 1) the letter welcoming them signed by every city Commissioner, the city manager, and the city clerk. The next list your packet is the list of items to be included in the packet. He has been in contact with the Geronimo Trails Scenic By way group who agreed to have her volunteers, upon notification, assist with making more bags. He will make up the first 25. All we are asking of staff is to reach under the counter pick up a bag and offer it and say welcome to a new utility customer.

Commissioner Frankel thinks it's a great idea and he would like to see it in place. Having worked with chamber packets in the past, he recommended having a process where the contents are reviewed quarterly. It's frustrating when information is not up to date. For example the restaurants are open anymore or the hours have changed.

Mayor Green feels that's an excellent idea and that is one of the reasons he is going to start with 25 bags and can review at that time. Or if they would rather we could start with 15 bags to make sure to give out current timely information.

Commissioner Hechler asked for information for Service Groups to be included. Such as, Lion's Club, Rotary, Moose, and their contacts in case someone wanted to join one of those clubs. He added we could also include businesses to place items in these bags. He thought maybe we can do this on a general basis and send it on the utility bills. Mayor Green responded he thinks that's very dangerous when you start using city staff city personnel to distribute information about businesses. We've got 500 or more businesses. Commissioner Hechler the more like pens and swag items. Mayor Green said if he's not mistaken the service groups are noted in the Sierra County Visitor's Guide. It's an idea that will be on growing. If it's approved, he will take ownership of this project as long as he's a brand taking nourishment. But certainly he would want to, as it moves forward, and this times change that we're doing something positive for citizens in our community.

Mayor Pro-Tem Whitehead thanked Steve Rice from the Housing Authority, she thinks it's a great asset in welcoming new members to our community.

Mayor Green asked for the Commission to make a motion with the presentation of the final bag to the Commission.

Commissioner Frankel moved to approve producing the information packet for new residents contingent upon seeing the Beta Prototype with the amendment to include a periodic review for accuracy and partnering with the Housing Authority. Commissioner Clark seconded the motion. Motion carried unanimously.

I. NEW BUSINESS

1. Discussion/Action: Appointment to the Public Utility Advisory Board. Renee Cantin, City Clerk-Treasurer

Removed from agenda.

2. Discussion/Action: Approval to name the new Dog Park as the Firehouse Dog Park. Renee Cantin, Clerk-Treasurer

City Clerk Cantin added as you may recall at the last meeting Ms. Carol Wheeler give a presentation on PALS and included a request to rename the dog park as the Firehouse Dog Park and so we've added it to this meeting for approval and discussion.

Mayor Green announced the past practice of naming places has included names. He feels the very least we could do is have her name included. This community has a history, and he would hate to break that history of honoring those who feel so

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passionately about a cause and who will go the extra mile and surround themselves with people of like mind because usually one man or one woman can never do it alone. Eventually we find ourselves discussing the naming of a dog park. With this on anyone's agenda two years ago three years ago four years ago. He doesn't want to decrease the value of our volunteer fire department and not to embarrass Ms. Wheeler who is in the audience. But he feels the least we can do is add her name to this location.

Ms. Carole Wheeler came forward and was speechless and she didn't plan for this. Mayor Green said he knows she didn't but it's the least we can do. She came up with a couple suggestions but confessed she had not thought about it.

Mayor Green admittedly is a full-time volunteer. For him without volunteers the city isn't half as good as it is with volunteers. In the city would not be moving forward without volunteers. And he didn't mean to embarrass her but as he was driving around and realized all of our assets are named for people who go the extra mile and feel passionate and are willing to spend their time and their energy to get something accomplished. That's what it is. And it should be recognized and should be honored

Commissioner Clark knows the Firehouse Dog Park is very special to her heart. And she really appreciates what Mayor Green is saying. We do have this tradition so you have two choices. You can either jump on it right now or we can give you some time to think about it so you're very very comfortable with something like that being put in your name with honor.

Ms. Wheeler asked if we can compromise and name it Volunteer Firehouse Wheeler Park. Commissioner Clark is trying to say we put you on the spot and if it were me I would want a few minutes to talk to other people about it. If you would like some time to think about it just that we support you in any way shape or form.

Mayor Pro-Tem Whitehead suggested putting Firehouse Dog Park and underneath putting Carole Wheeler so you're noticed out there as well. But I know the firehouse holds the dear place in your heart. Ms. Wheeler said she has no ties to the Firehouse but when Chief Tooley put that up on the screen she thought it would be great to do that. But she added maybe the volunteer organization can put some funding together for a memorial to the firehouse on the Dog Park. She doesn't know what her answer would be if she thought another two or three days. She is just so shocked, she knows one thing her family and all of her friends she doesn't have time for because of the dog park really keeps a "You go and do what you love".

Mayor Green doesn't think it's critical to name the Park today. We could wait and maybe come up with some alternative suggestions. His personal feelings are it would be a slap in the face to Ms. Wheeler and her organization but her wishes are important to be heard.

Commissioner Frankel moved to postpone this and put it on the next meeting agenda. Mayor Pro-Tem Whitehead seconded the motion. Commissioner Hechler

would like to have a recommendation from the workgroup. So she doesn't feel the pressure. **Motion carried unanimously.**

3. Discussion/Action: To authorize City Staff to advertise a request for proposals for Architectural/Engineering Services for the Regional Law Enforcement Complex. Juan Fuentes, City Manager

City Manager Fuentes said last year the Commission approved the conceptual concept of using the Law Enforcement Complex to have other entities like the Sierra County Regional Dispatch Authority and even the State Police. The SCRDA will be voting on that inclusion at their next meeting. However, we would like to proceed with forward going on parallel roads on this project. We have been working with an Architect with a preliminary design. But we will eventually need a Contracted Architect to really come up with a plan with the firmer figures to proceed forward with the financing of the project. We have some preliminary figures we have had George K. Baum locate which will come back at a later meeting. But at this time we are asking the Commission to proceed and to authorize City Staff to advertise a request for proposals for this project.

Commissioner Clark asked if this was money was coming out the ICIP Grant money that we received from the state. City Manager Fuentes responded right now there is only funding allocated for the Animal Shelter Project. This is separate from that project. We do have funds available for the Animal Shelter and there is a prebid conference today, he believes for that project. Right now we are looking at possibly using the PDGRT funds to allocate a portion of that money for a loan.

Mayor Green asked if he could give an estimated amount to see what we are talking about. City Manager Fuentes said Preliminary design would be probably under \$20,000 for the first phase. It depends on how much we authorize the architects to proceed forward. was in the neighborhood of \$2.5 million.

Commissioner Clark asked if the Police Department has the \$20,000 to come up with this or does it need to come out of the General Fund. City Manager Fuentes said we have something set aside in the PDGRT that can be used as the initial startup money for that. While we get moving on a bigger funding mechanism for the entire project.

Mayor Green asked about having the Border Patrol to also have an office there. They have a location out on the Highway and would that give them anything more by coming into a Safety Complex. Police Chief Alirez said this concept has really taken some traction across the state. This actually was brought up by Parks & Recreation with their Chief. The State Police is very excited about and we want to bring in as many organizations as we can. What we are doing has a mutual benefit for all Public Safety. Something can occur Countywide and the complex would become a staging area where anybody in the Public Safety area can come together to manage the incident. The United States has a process for Emergency Management, and as long as you comply with that process, these other agencies know that. They are excited and he has shared the plans with the other agencies.

Mayor Green asked if the Feds ever get involved. City Manager Fuentes said we have not explored the possibility of involving Border Patrol and others for Federal organizations at this time. There is room to grow and build on. The use of the space we have has really maximized the space for the entities we have identified so far.

Police Chief Alirez clarified what was mentioned to him was an MOU agreement so if something would happen, they would have access to the building. They do see the advantages to being there and if we did include Border Patrol we may open the door for additional funding as well. We are looking at three or potentially four entities going in there. That's maximizing the space that is there. It's going to be a beautiful building.

Commissioner Clark asked if she's misunderstanding that at one point we were discussing allowing Border Patrol to sleep there? Mayor Green doesn't remember that discussion, but he's not saying it didn't happen.

Commissioner Clark moved to approve to authorize City Staff to advertise a request for proposals for Architectural/Engineering Services for the Regional Law Enforcement Complex with the stipulation that the award does not exceed the money available in the Police Department's budget. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

4. Discussion/Action: DFA Quarterly Report. Melissa Torres, Finance Director

Finance Director Torres said prior to the meeting, she handed out the presentation with notes on the side so they can follow along. The second quarter is based on a 50% threshold for the quarter. Above our 505 threshold was our Capital Budget. This is due to a couple things. 1) Our Capital Budgets are associated with our State & Federal Funding. Usually, the first and second quarter is doing the paperwork and exhausting the expenditures. We predict on the third and fourth you'll see the balance of the revenue and expenditures. 2) The Utility Office has been a unique situation because of our bumps and bruises last year. When we started to do the Red Tags, we wanted to do customer service to inform our customers that we would be starting this. We predict in the fourth quarter, we will be in full force of the penalties, red tags, and late fees. So we are hoping to see the revenue for the Utility increase. 3) The Golf Course want another one that was below the threshold for revenues and maybe due to ongoing construction. 4) The Cemetery is one you cannot predict and the Airport sales are down quite a bit due to lack of customers/business.

For Capital Projects, the expenditures are also below the threshold during the first two quarters. And in the Utility Office they show high expenditures for several reasons. 1) We saw an increase in Non-Sufficient Funds (NSF) Fees on customer payments; 2) an increase in payments via credit card, which results in charges to us for each transaction; 3) we are looking at how we are using our accounting lines. We need to be more uniformed in tracking our expenditures. We are working on solutions for that. And the Final is the Golf Course and Contractual Services. We are still high overall.

She went on to present the next slide which represents the General Fund. Again, we will see the State Grants & Federal Loan and License & Permits were below the 50% mark. Licenses and Permits fluctuate as you know and depending on the fiscal year it can be different. The revenue for the Fire Protection received more funds; Corrections for Municipal Court Fees; and LEPP and SW Collection Center are above the threshold. The GRT is up \$152,824. We are tracking that to the VA Construction. The next one is Lodger's Tax which is also up \$4,498 on the graph. One of the things we look for is whether our revenues are going up and expenditures are staying in that parameter. Our revenue has gone up 19.78% and our expenditures are up 10.28% which keeps us within the boundaries. Revenues are up overall. On the General & Enterprise Fund Expenditures, the NMSIF are up and benefits across the board for all departments. The Fire Department Services have been paid off during the 1st Quarter. And overall they are within the 50% threshold. That's one thing we ensure that we inform our Department Heads to stay within their budgets. On the Expenditures Actual Graph our expenditures are higher than our target. However, during the 3rd quarter we will work to adjust and reconcile. Adjustments will include special revenue due to the Fire Protection Capital projects.

Commissioner Frankel had a question on the Lodger's Tax and whether it includes the Convention Center Tax. City Manager Juan Fuentes said the line item is separate. So he believes this might just be the 5%.

Mayor Green is just wondering so when a Lodging establishment pays their Lodger's Tax, do they give you two checks or do they send you the money and you break out the 1% and the 5%? Finance Director Torres referred to the City Clerk who handles all of the cash and does all of the depositing and handling of the money and we are the balance on the Finance side of it. City Clerk Cantin notified the Commission, they do submit a separate card with each one and they go into a different line item. So we have a separate breakdown for the Convention Center Fee and the Lodger's Tax Fees.

Mayor Green said that was a very good point Commissioner Frankel made, that just because we add a new tax, we can't say look the revenue is up and everything is great because it's not a real picture. If we keep it separate like that, it is a real picture.

Mayor Pro-Tem Whitehead asked about the credit card fees and whether we are absorbing those or passing them onto the consumer. Finance Director Torres said on the online website, we pass them on to the consumer. However, those we do over the counter is an overall cost for the machine. It's a percentage of the cost of revenue that we are taking in. And from her past history, that is something most credit card companies charge which is based on their revenue. So that's normal.

Mayor Green asked if she knows what percentage of fee we are being charged. Finance Director Torres does not know but can look into it. Mayor Green said it might be something we can save down the line.

Commissioner Clark asked if we are eating the credit card fees. Finance Director Torres responded it's based on the usage at the terminals. If we have over 70% of our customers that pay by credit card then that would be the base fee we pay for the previous month. And she believes online payments, we charge \$1.25 give or take every time they utilize their credit card. Mayor Green said it sounds like we are eating the over the counter fee.

Commissioner Clark doesn't understand why this can't be a 3% credit card charge which will buffer that cost. That's not fair for us to have to pay. City Manager Fuentes recalls this issue has come up in Association Meetings and there are some companies who do not allow the customer to be charged. But we can go back and look at it to see what options we have.

Finance Director Torres would agree with City Manager Fuentes and one of the obstacles we have run into is collecting additional fees from our customers.

Mayor Pro-Tem Whitehead moved to approve the DFA Quarterly Report as presented. Commissioner Hechler seconded the motion. Motion carried unanimously.

5. Discussion/Action: Legal Services Contracts with Holt, Mynatt, Martinez, P.C. Juan Fuentes, City Manager

City Manager Fuentes said the purpose of this item is to seek authorization to enter into a short term extension for this contract. Staff is in the process of issuing an RFP for legal services which he believes is due mid-February and one of our contracts expires at the end of this month and the Coppler contract expires in March. The current contract allows for an extension and we don't want any existing contracts to fall out of place.

Commissioner Clark asked if we can extend this to only those cases that are active and not give them any additional cases. City Manager Fuentes responded under Section 9 it states it can be renewed for three additional years and if it's not renewed the city may require the contractor to continue to handle the completion of any and all matters during the period at the rates set forth in paragraph 4. That's why under that provision he's asking for the Commission to authorize for that short term or until the RFP and the final Legal Services contract is awarded.

Commissioner Clark moved to approve Legal Services Contracts with Holt, Mynatt, Martinez, P.C be extended only as far as the current existing cases or until a new contract is put in place. Commissioner Frankel seconded the motion. Motion carried unanimously.

6. Discussion/Action: Letter of Support to the New Mexico Hospitality Association to remove the three room minimum requirement for Lodger's Tax at this Legislative Session. Steve Green, Mayor

Mayor Green said Manager Fuentes brought this back generally from a conference he attended in Ruidoso. There was an initiative which was talked about to level the playing field related to some businesses who rent out rooms or houses who are not required to pay Lodger's Tax. Not only were there Lodger's Tax being missed but GRT that is probably not being collected. One of the businesses is AirBnB and the other is VRBO which is Vacation Rental by Owner who do not have business licenses either. It's not fair to the businesses we have in this community. She talked to Gina Kelley and they started out with 21 vacation homes for rent. Today on AirBnB and VRBO, there is over 129 homes. He asked City Clerk Cantin to go on to see if that was happening in our community. We found there were 12-14 homes and some were cross listed on both. It's not a level playing field. It's a smack in the face to our hotel owners. Right now, the 5% Lodger's Tax, the 1% Convention Fee, and the 8.5% GRT our hoteliers are starting out at a 14% disadvantage. As you all know he has a background in business and all he ever wants is a level playing field. They have a different playing field when someone owns their own home, but what he's concerned about is where we will be five or six years down the road. When we have big events in the future when we are expecting 1200 people, where are they going to stay. He just went these businesses to be in the same boat as the hoteliers and collect the GRT, the Lodger's Tax, the Convention Center Fee and they would have a business license. It's very simple to track that because we can go on the website. With that, he asked Gina Kelley to send him some information and then he got a phone call from Jen Shroer who is the President of the New Mexico Hospitality Association asking for support at the city level just one thing and that is to take out that three or less room exemption. You would no longer need to have more than three rooms to be eligible. They have a bill in the house that is doing this now and his personal suggestion is he would like to see how this plays out in the Legislature and if it passes with the Lodger's Tax ordinance in what they call the G exemption, which is the three rooms or less. It's a letter of support they are going to all communities and Lodger's Tax establishments to ask for this support. He added presently Truth or Consequences 19 listings on AirBnB, the VRBO has 10 listings. Some of the listings might be the same, but we know there are 19 businesses under the radar at this time.

Commissioner Clark added the city does require a homebased business license if the person is doing business out of their home. Many of these places have violated the home based business requirement the city has. It is the New Mexico Hospitality Association is one of the second largest organizations in the state. To push something like this is huge and she thinks it's ridiculous for us not to join in with them. Three, the Health Department requirement is five rooms where three is for Lodger's Tax. And she believes there is a 30 stipulation, if they rent it for less than 30 days then they don't need to pay GRT. With that being said, it's the best idea for us to hop on the back of the New Mexico Hospitality Association and we should take a look at the City's homebased business already.

Mayor Green assumed if he owned a house and was renting out his house that he would certainly want his house inspected by the Fire Chief for safety and to make sure if something happens nothing can come around and bite me.

Commissioner Frankel moved to approve Letter of Support to the New Mexico Hospitality Association to remove the three room minimum requirement for Lodger's Tax at this Legislative Session. Commissioner Clark seconded the motion. Motion carried unanimously.

If there are any specific points, they would like him to talk about please send them to him.

7. Discussion/Action: Selection of a Date for Public Forum for end of February, early March. Steve Green, Mayor

Mayor Green presented this Public Forum has been done back since Mayor Mulcahy was here. He liked the form City Clerk Cantin came up with to have them write down their comments and what topics they would like to discuss. He asked City Manager Juan Fuentes if he has any preference if it's in February or March. City Manager Juan Fuentes responded he did not have any preference. Commissioner Clark suggested holding it from 4-6 and reminded them we could also have it at the Commission chambers or the Lee Belle Johnson Center. They reviewed the schedule and selected Monday, February 27th between 4:00 p.m. and 6:00 p.m. at the Civic Center.

Mayor Green moved to approve the City Commission hold a Public Forum for input from the public at the Civic Center on February 27 between 4:00 and 6:00 p.m. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

J. REPORTS

1. City Manager

The water department is still working on a water leak by Tractor Supply for a number of hours. It's been difficult for them to isolate the area so they are still working on that. In regard to the question asked earlier about the Impact Fee Board, John Appel did meet with our staff regarding the Impact Fees and he will be meeting with him after this meeting to be able to move forward one step at a time.

2. City Commission

Commissioner Frankel has been in contact with Van Clothier and invited him to town to discuss the Water Report and Phase 1 of the drainage strategy. Mayor Green said to let him know if he needs help with a room.

Mayor Green asked City Manager Fuentes to check with Andy if there is money in his budget to absorb the cost and when would be a good time to hold the Spring Clean-up. So we can keep up with the clean-up Mayor Pro-Tem Whitehead started and Commissioner Hechler picked up on. And there was a March Saturday downtown that had about 150 people and he wanted to thank those who participated in that March

CITY COMMISSION JANUARY 24, 2017 REGULAR MEETING MINUTES

because of the courtesy and respectfulness our citizens showed to everyone and it was democracy at its finest moment held here in Truth or Consequences.

K. ADJOURNMENT

Mayor Pro-Tem Whitehead moved to adjourn at 12:10 p.m. Commissioner Clark seconded the motion. Motion carried unanimously.

Passed and Approved this ____ day of _____, 2017.

Steven Green, Mayor

ATTEST:

Reneé L. Cantin, CMC, City Clerk



CITY OF TRUTH OR CONSEQUENCES
CITY MANAGER'S OFFICE
505 SIMS STREET
TRUTH OR CONSEQUENCES, NEW MEXICO 87901
PHONE: (575) 894-6673 EXT 320 FAX: (575) 894-6690

F3

COMMISSION ACTION FORM

ITEM:

Public Art Advisory Board Minutes for October 17, 2016

PURPOSE OF ACTION:

Approval of Minutes

BACKGROUND:

Minutes were approved by the Public Art Advisory Board at their January 17, 2017 meeting.

OPTION/ALTERNATIVES:

Not Applicable

STAFF RECOMMENDATION:

Respectfully request approval.

Name of Drafter: Linda Sparks	Department: City Manager's Office	Meeting: 2/14/17
E-mail: lsparks@torcnm.org	Phone: 575-894-6673 Ext. 320	

PUBLIC ART ADVISORY BOARD MEETING
October 17, 2016
MINUTES

TIME & PLACE:

The Public Art Advisory Board of the City of Truth or Consequences, New Mexico met in the conference room in the Administration Annex at 401 McAdoo, Truth or Consequences, New Mexico on Monday, October 17, 2016 at 4:00 P.M.

PRESIDING OFFICER:

The meeting was called to order at 4:04 PM by James Durham.

ATTENDANCE:

James Durham, Sierra Arts Council
Eduardo Alicea, Art Representative
Jia Apple, Business Community
Sid Bryan, Tourism
Juan Fuentes, City Manager

Other Staff Present: Linda Sparks, Secretary

Visitors Present: Jeff Barbour, Jagger Gustin, Linda DeMarino

QUORUM: There being a quorum present, the Board proceeded with the meeting.

APPROVAL OF MINUTES:

A motion to approve the minutes of the August 15, 2016 meeting with the correction to change Sophie to Sazi was made by Jia Apple, seconded by Sid Bryan, and it carried.

COMMENTS FROM THE PUBLIC:

James Durham began by stating that he told David Packard that he would represent Mr. Packard's case regarding the addition of the chimes to the Reed Rockets. Mr. Packard operates a business a lot away from the proposed park and is deeply disturbed about the noise the chimes would generate. Mr. Packard had also spoken to Sid Bryan about his concerns over the chimes. James suggested cutting the chimes out.

Jeff Barbour replied that he can take the chimes out, take the chimes out of some of them, or make it so that it takes a major wind for them to ring at all. He will remove the chimes if he is ordered to do so. It would take him a couple of days to do it. Jeff would like to get the Reed Rockets installed.

Sid Bryan stated that he has a lot there too. He is an immediate neighbor next to it now. He is also someone who doesn't live in their place either. However, his feeling is that it is a commercial space and whether or not it's decided to have the chimes in or out, he doesn't want to set a precedent where no noise is allowed on a commercial space. A commercial space should be allowed a certain level of noise. He doesn't want it to be that if he ever chose to build something there or sell it that he has to have absolute silence. Mr. Packard affirmed that he didn't want any noise. Sid can't understand how you cannot have any noise on a commercial piece of property. Sid lives on Broadway and noise from traffic does not stop at 7:00 PM.

Juan Fuentes stated that the City has a noise ordinance. The ordinance allows noise up to certain decibel levels. Juan does not know what the decibel levels are only that they dictate the level of noise. Juan commented that the Board was not presented with data on what that decibel level is. A discussion ensued. Jeff stated he does not have a decibel tester to find out the decibel of the chimes. Eduardo added that the other catch is the echo and the possibility of differing decibels. Juan stated that it is this Board's decision to leave the chimes in or take them out. James repeated that they should be taken out. Jia stated that she would be for them. Just knowing the nature of the beast, she saw this coming way back and the only way this was going to succeed was based on the amount of noise they would make. The chimes seemed like a good idea. Jeff added that one of the things he liked about the sculpture is that a blind person could appreciate it.

Jia Apple made a motion to remove the chimes. Juan Fuentes seconded the motion. Roll was called: Juan-yes, James-yes, Eduardo-yes, Jia-yes, Sid no. Motion carried.

Sid would like to know what the decibel level is for commercial property and see it not changed. Jia asked if this is going to set a precedent that is going to support Mr. Packard in the future for any commercial venture that came in under the decibel level. Juan answered, regardless of what is installed out there, it's fine as long as it meets that criteria. It's a noise ordinance that covers everything. Jia stated that her first choice would be to build the thing, test the decibel level and if it came in under, it stays. However, if it came in over the decibel level, it's out. Sid stated that was his first choice as well. Juan was asked if the City has a tester. Juan thought that either Robbie or Ray has one.

Linda DeMarino reported that Will Powell, architect with NM MainStreet, came and they walked through the space again. He had a difficult time trying to visualize what this space could be. At one point, he basically said he didn't think we could do this. This is a terrible place for this. The people that were there started throwing out ideas that helped him overcome some of the obstacles that he was dealing with as far as

conceptualizing it. He is now working up the plan. Linda informed the Board that she got a \$3,000.00 grant from the New Mexico Resiliency Alliance for specifically building the park. Our understanding was that it had to be used by December. Linda spoke with Lisa Roach with the Resiliency Alliance and she said we have a little bit more time. It really depends on what Will comes back with to determine if we can do it in phases.

Jia asked about Sabina. Linda stated that there are several different people, like engineers, surveyors, that they need to get through first before they get to the actual construction. She said there's the possibility of Sabina doing a conceptual design. Then they also need a landscape architect that can draw it all up.

Jeff asked if they have a realistic time frame. Linda said she couldn't begin to guess. He asked if most of the work is going to be done in the back part of the property. Without a concept, she didn't know.

Jagger asked about drainage. Linda has no idea what they will come up with for any part of the property.

Jeff asked if the sculpture as to wait until February to be installed. He also asked if the site plan on the Art Park has to be completed before the sculpture can be installed. Juan was called upon to answer. Juan replied that grading needs to be done along with deciding where things are going to go. Jeff replied that the spot for the sculpture has been selected. The 14 reeds will go on 4 cement walls. Jeff met with Will the other day and he gave him the design as to where they're going to go. Will had a couple of suggestions on the wall themselves. He reviewed the actual spot because it's pretty flat.

Linda asked Jeff if Will told him about his idea of possibly not putting them all in one spot. Jeff replied that was not an option. They are designed to go together and move in relationship to each other. If they are spread throughout the park, it defeats the purpose of why he built them so no, they're not going to be moved around the park. The location for it has already been set up. The best place to put it is where the story poles are because that's the best view from the street. Jia commented that in respect to the artist, it should be treated as a unit. However, she feels the installation shouldn't be rushed or we might live to regret it. The grading should be done first, unless, storage is a problem. Jeff is storing them on his property.

Jagger stated that he also met with Will and that he's an expert. He thinks Will is on board with us. He is developing a plan for it. He agreed with Jia, you can't rush it. There are drainage problems that have to be solved and an overall plan made.

Eduardo expressed his frustration at the Board rushing Jeff to finish the sculpture and now we are telling him to wait on the installation. Eduardo is not pleased that it took a year.

Linda replied that the Healing Waters Plaza took 3 years and honestly, the reeds were not done until last month, September.

Linda stated that she hopes to talk to Will this week and will ask him when our next meeting is which is when he will present his concept. He comes down and meets with them and they talk about the concept.

Juan asked if MainStreet's vision is to have this project funded by other funding. He also asked if MainStreet is treating this park like the Plaza in that the conceptual plan is developed and then a formal architect puts it together. Linda replied that there are certain pieces of the park that definitely need to be addressed, like the drainage. They have people from the Museum coming up to them saying that the water that drains from the park flows down into the Museum and causes problems down there. Therefore, it has to be addressed in what we are doing with the Art Park so it doesn't continue to be a problem. That's why we talked about getting engineers and surveyors to look at the park. Bill knew an engineer he was going to talk to and Jagger was going to talk to a surveyor he knew. Jagger interjected that he spoke to a local surveyor, but that he declined to do it. He has one other person that he knows personally that he will ask if he can do the survey for us.

Sid noted that we know where the artist wants the Reed Rockets sculpture installed. Why can't we do that part and the other things can be done later. Originally, he thought we started just trying to use the space, we decided on the art project that was going to be on it, and the rest would be more of a living thing that would change as needs and desires happened. Linda interjected that part of the problem is that it is a City project so you have ADA issues to address. Sid replied that if we start out with Jeff's sculpture already in place, we can then design those ADA things around it and the space Jeff wants will not affect the drainage flow from above. We already paid a good part of the money for the art, but not all of it. We already agreed that it was the Reed Rockets that we were getting and the space has been picked. He doesn't understand how that now is incumbent upon all the other stuff because we are not going to be changing that factor anyway, are we.

Jia asked how much of this as the Public Art Advisory Board are we responsible for as far as making decisions on the installation and the logistics of this. We decided to take the chimes out, but what next are we responsible for. Do we have any responsibility over the timing of this? Juan replied that he thought so as far as expressing the need to

move forward with the project if that is the will or whether to give MainStreet time to work with the State. I say yes because this was an art park and part of the property was for the Reed Rockets, and it is also part of MainStreet. Both the Board and MainStreet have equal say on this project.

Jia moved to vote on whether to move forward immediately or to wait and go with the natural progression of the development of the park because that seems to be the 2 sides which are being discussed right now. However, she later withdrew her motion.

Juan stated that he would have Traci help out as well because when they were building these projects, he had Bill on staff and he worked with the State, Will, and tried to get a quicker response from them. That way we know if we're talking about a real complex project because when I hear of drainage and engineers, you're talking about a project that funding has not been identified. The idea of this property was just to put in the Reed Rockets, but now it's become a bigger and more complicated project.

Linda interjected to clarify some things. She stated that this park was thought about before Reed Rockets. This park was not identified for Reed Rockets to go on. The Park was identified as an art park and then we decided that a sculpture there would be nice. They wrote an RFP that they then disregarded and went with Reed Rockets.

Juan suggested that staff and MainStreet be given a month to come back with more information to determine the scope of what they're envisioning. It's going to be at least a couple of years because funding hasn't been identified at all. So either we move forward in phases which could first be the grading and installation. Linda brought up some issues that may have to be addressed. Some of those issues may be addressed in house at a very minimum and the rest can be phase 2. Those are some things that can be discussed with Will. Juan will talk to Don Armijo, Public Works Director, about what the City can do about the grading out there and come back with more information or options. Linda also felt that in 2 months she can come back with more information. She was encouraged to put some pressure on Will for the conceptual plan.

James stated that clearly the Public Arts Board is frustrated.

Jagger tried to encourage the Public Arts Board by giving them some background information. He said things like this take a long time. The colorful fountain at the Museum took almost 6 years from conception to completion. Jagger reminded the Board that the public supports this project. Money was raised to buy trees for the park and just a few nights ago money was raised to buy benches. Linda added that there is someone who is donating \$1,000.00 towards the project.

Sid informed the Board that the Museum is trying to get a grant in by 11/05/16 for the land in the back where they are trying to extend the Healing Waters Trail. That meeting went really well. They all walked the land. That land is owned by the Museum too. They have the drainage to deal with too so it's not just the City having to deal with the drainage alone. That work will also have to be done in phases. The City owns lots back there too. An architect and that woman had already built an amphitheater in Cerrillos, NM. All of it would just blend in with the Art Park. The trail would be nice to take and some of the rocks up there are amazing.

Juan asked Jeff if he has identified where the walls will go on that piece of property so that someone can visually see exactly where they're going to go. Jeff answered that they will all go within the space of the 4 poles that are up there. Juan asked if he has delineated where the walls are going to be. Jeff answered no. Juan asked if he could do it for the reason being that it would be helpful to visually see it when they work on the conceptual plan. Jeff asked what he would put down. Juan told him he could use stakes. Sid added that it would be interesting to know how wide the cement will be too. Jeff answered that is something the architect is working on. Jeff had one idea for 12" and Will is saying it should be more. Jeff continued, 2 walls are already delineated because the poles are there. Juan said it doesn't have to be delineated to spec, just to visually see where the rows will be. Jeff asked if the City has flags on wires. Juan asked Linda Sparks to check with Don on the flags. Jeff said that if we can find the flags or paint, he will put them up.

James asked Linda if she preferred to have Jeff at her meeting with Will. Jia asked Linda if she wanted a Public Art Board member present at their meeting to relay the sentiment of the Board. Linda answered that everyone is invited. She tries to let people know when their meetings are.

Sid asked where the entrance to the park would be. Linda remarked that the entrance is part of the issue. That sidewalk is weird and ADA requirements have to be considered. Different options were discussed, but none seemed viable.

Eduardo asked for more information on the decibels for future projects to avoid the problem Jeff had or proper guidelines for the future for artists in the community. Juan said that we can print copies of the code for the decibels.

COMMENTS FROM THE PUBLIC ARTS ADVISORY BOARD:

No other comments were made other than those made above.

TIME, PLACE AND DATE OF NEXT MEETING:

After some discussion, it was decided to hold the next meeting in January. Some members will be gone for the holidays and it would also give Will time to work on the


conceptual plan. The 3rd Monday falls on a holiday, therefore, the meeting will be held on Tuesday, January 17th.

ADJOURN:

There being no further business to come before the Board, the meeting was adjourned at 4:52 P.M. Jia Apple moved to adjourn, seconded by Eduardo Alicea, and it carried.

ATTEST:

Minutes were approved on January 17, 2017 on a motion made by Juan Fuentes and seconded by Jagger Gustin, and it carried.



Linda Sparks
Secretary



F.4

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Accounts Payable – January 2017

BACKGROUND:

STAFF RECOMMENDATION:

SUPPORT INFORMATION:

- Accounts Payable List for January 2017

Name of Presenter: Pat Wood, CPO	Department: Finance	Meeting date: 02/14/2017
E-mail: pat@torcnm.org	Phone: 575-894-6673 ext. 312	



Truth or Consequences

EOM AP Report By Fund

Payment Dates 01/01/2017 - 01/31/2017

PAYABLE APPROVAL

I hereby approve the issuance of these payments.

FINANCE DIRECTOR OR DESIGNEE

DATE:

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Fund: 101 - General					
VERIZON WIRELESS	010317	01/06/2017	CELL PHONE BILLS	101-1003-43775	62.64
INTERNAL SERVICE FUND	010317	01/06/2017	OIL-MAINT-SAFETY 12/16	101-1007-43316	29.75
VERIZON WIRELESS	010317	01/06/2017	CELL PHONE BILLS	101-1007-43775	463.61
INTERNAL SERVICE FUND	010317	01/06/2017	OIL-MAINT-SAFETY 12/16	101-1007-47420	33.41
INTERNAL SERVICE FUND	010317	01/06/2017	OIL-MAINT-SAFETY 12/16	101-1008-43316	9.99
VERIZON WIRELESS	010317	01/06/2017	CELL PHONE BILLS	101-1008-43775	53.35
INTERNAL SERVICE FUND	010317	01/06/2017	OIL-MAINT-SAFETY 12/16	101-1008-47420	31.57
INTERNAL SERVICE FUND	010317	01/06/2017	OIL-MAINT-SAFETY 12/16	101-1009-43316	17.50
VERIZON WIRELESS	010317	01/06/2017	CELL PHONE BILLS	101-1009-43775	62.64
INTERNAL SERVICE FUND	010317	01/06/2017	OIL-MAINT-SAFETY 12/16	101-1009-47420	120.38
INTERNAL SERVICE FUND	010317	01/06/2017	OIL-MAINT-SAFETY 12/16	101-1010-43316	18.63
VERIZON WIRELESS	010317	01/06/2017	CELL PHONE BILLS	101-1010-43775	187.89
INTERNAL SERVICE FUND	010317	01/06/2017	OIL-MAINT-SAFETY 12/16	101-1010-47420	11.34
VERIZON WIRELESS	010317	01/06/2017	CELL PHONE BILLS	101-1011-43775	62.64
INTERNAL SERVICE FUND	010317	01/06/2017	OIL-MAINT-SAFETY 12/16	101-1014-43316	28.75
VERIZON WIRELESS	010317	01/06/2017	CELL PHONE BILLS	101-1014-43775	62.64
INTERNAL SERVICE FUND	010317	01/06/2017	OIL-MAINT-SAFETY 12/16	101-1014-47420	8.59
BOYS & GIRLS CLUB OF SIERRA ...	010417	01/06/2017	REIMBURSEMENT/IJAC GRANT ...	101-1003-60784	3,189.33
NM FLOODPLAIN MANAGER'S A...	010517	01/06/2017	MEMBERSHIP DUES/ROBBIE TR...	101-1010-43770	35.00
BEATRICE SANDERS	011017	01/06/2017	ADVANCED TRAVEL/ALBUQUE...	101-1002-60576	323.26
HERALD PUBLISHING CO., INC.	10345/10346	01/06/2017	RESOLUTION 15 16/17 - 1308 T...	101-1001-43740	78.24
HERALD PUBLISHING CO., INC.	10345/10346	01/06/2017	RESOLUTION 19 16/17 - 612 E. ...	101-1001-43740	80.98
MANANA	106	01/06/2017	CONTRACT/VETERANS PARK	101-1009-48599	900.00
NEW MEXICO GAS COMPANY, I...	122116	01/06/2017	GAS BILLS	101-1018-43780	1,973.27
EB LOCKSMITH. LLC	122216	01/06/2017	INSTALL NEW LOCK AND LATCH...	101-1014-43403	162.50
NM RETIREE HEALTH CARE	123016	01/06/2017	BENEFIT PR ENDING 12/26/13	101-1001-41226	117.60
NM RETIREE HEALTH CARE	123016	01/06/2017	BENEFIT PR ENDING 12/26/13	101-1002-41226	72.77
NM RETIREE HEALTH CARE	123016	01/06/2017	BENEFIT PR ENDING 12/26/13	101-1003-41226	125.93
NM RETIREE HEALTH CARE	123016	01/06/2017	BENEFIT PR ENDING 12/26/13	101-1004-41226	238.00
QUEST DIAGNOSTICS LAB, INC.	123016	01/06/2017	Screening Fee: Airport Attendant	101-1004-44615	44.40
NM RETIREE HEALTH CARE	123016	01/06/2017	BENEFIT PR ENDING 12/26/13	101-1007-41226	859.36
NM RETIREE HEALTH CARE	123016	01/06/2017	BENEFIT PR ENDING 12/26/13	101-1008-41226	73.42
NM RETIREE HEALTH CARE	123016	01/06/2017	BENEFIT PR ENDING 12/26/13	101-1009-41226	113.81
NM RETIREE HEALTH CARE	123016	01/06/2017	BENEFIT PR ENDING 12/26/13	101-1010-41226	131.45
NM RETIREE HEALTH CARE	123016	01/06/2017	BENEFIT PR ENDING 12/26/13	101-1011-41226	306.29
NM RETIREE HEALTH CARE	123016	01/06/2017	BENEFIT PR ENDING 12/26/13	101-1012-41226	120.48
NM RETIREE HEALTH CARE	123016	01/06/2017	BENEFIT PR ENDING 12/26/13	101-1014-41226	116.86
NM RETIREE HEALTH CARE	123016	01/06/2017	BENEFIT PR ENDING 12/26/13	101-1016-41226	154.40
CITY UTILITIES	123016	01/06/2017	CITY UTILITIES	101-1018-43780	9,871.81
QUEST DIAGNOSTICS LAB, INC.	123016-1	01/06/2017	Screening Fee-Park Maintenanc...	101-1004-44615	44.40
QUEST DIAGNOSTICS LAB, INC.	123016-2	01/06/2017	Screening Fee: PT Library Clerk	101-1004-44615	44.40
QUEST DIAGNOSTICS LAB, INC.	123016-2	01/06/2017	Screening Fee: Uncertified Polic...	101-1004-44615	44.40
QUEST DIAGNOSTICS LAB, INC.	123016-3	01/06/2017	SCREENING FEES/ RANDOM RE...	101-1004-44615	310.80
QUEST DIAGNOSTICS LAB, INC.	123016-3	01/06/2017	SCREENING FEES/RANDOM "D...	101-1004-44615	45.45
SUN VALLEY, INC.	126392/6	01/06/2017	18X18X1 AIR FILTERS	101-1014-43403	53.88
SUN VALLEY, INC.	126392/6	01/06/2017	FOUNTAIN PUMP	101-1014-43403	101.53

EOM AP Report

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
SUN VALLEY, INC.	126392/6	01/06/2017	14x30x1 AIR FILTERS	101-1014-43403	53.88
SUN VALLEY, INC.	126392/6	01/06/2017	16X16X1 AIR FILTERS	101-1014-43403	39.48
SUN VALLEY, INC.	126392/6	01/06/2017	24X24X2 AIR FILTERS	101-1014-43403	215.76
HERALD PUBLISHING CO., INC,	1476	01/06/2017	Help Wanted: Airport Attendant	101-1004-43740	24.95
HERALD PUBLISHING CO., INC,	1477/1478	01/06/2017	Help Wanted: Facility Maintena...	101-1004-43740	25.50
HERALD PUBLISHING CO., INC,	1477/1478	01/06/2017	help Wanted: Park Maintenance...	101-1004-43740	25.23
HERALD PUBLISHING CO., INC,	1480	01/06/2017	2016 Christmas Ad	101-1003-43740	198.43
ALARM CONTROL TECHNOLOGI...	176779	01/06/2017	FIRE ALARM CONTROL/CIVIC C...	101-1014-43403	26.83
ALARM CONTROL TECHNOLOGI...	176780	01/06/2017	FIRE ALARM CONTROL/RECYCLE...	101-1014-43403	26.83
BANK OF AMERICA	235005	01/06/2017	50 ft' Extension Cord 3 prong	101-1014-43407	59.82
BANK OF AMERICA	235005	01/06/2017	Mini white lights	101-1014-43407	187.68
BANK OF AMERICA	235005	01/06/2017	C-9 Multi-Color Lights	101-1014-43407	250.56
LIGHTNING MECHANICAL, LLC	3443	01/06/2017	RE-INSTALL FOUR A/C UNITS WI...	101-1014-43403	4,340.00
AXIOM CPAS AND BUSINESS AD...	4043	01/06/2017	PROGRESS BILLING #1	101-1004-48596	34,060.99
B & H OIL CO.	41651	01/06/2017	UNLEADED	101-1007-43316	1,729.63
B & H OIL CO.	41653	01/06/2017	UNLEADED	101-1012-43316	87.35
B & H OIL CO.	41658	01/06/2017	UNLEADED	101-1014-43316	276.83
B & H OIL CO.	41659	01/06/2017	UNLEADED	101-1009-43316	365.70
B & H OIL CO.	41659	01/06/2017	DIESEL	101-1009-43317	38.48
B & H OIL CO.	41660	01/06/2017	UNLEADED	101-1008-43316	370.70
HOLT MYNATT MARTINEZ P.C.	45653	01/06/2017	SERVICES/GENERAL	101-1000-43597	243.70
HOLT MYNATT MARTINEZ P.C.	45654	01/06/2017	SERVICES/BURFORD	101-1000-43597	245.20
HOLT MYNATT MARTINEZ P.C.	45655	01/06/2017	SERVICES/THOMAS	101-1000-43597	407.81
HOLT MYNATT MARTINEZ P.C.	45656	01/06/2017	SERVICES/WHITEHEAD	101-1000-43597	2,403.45
HOLT MYNATT MARTINEZ P.C.	45657	01/06/2017	SERVICES/JANKOWSKI	101-1000-43597	32.49
HOLT MYNATT MARTINEZ P.C.	45658	01/06/2017	SERVICES/STEPHENS	101-1000-43597	129.98
HOLT MYNATT MARTINEZ P.C.	45659	01/06/2017	SERVICES/MADDEN	101-1000-43597	686.66
HOLT MYNATT MARTINEZ P.C.	45660	01/06/2017	SERVICES/OROZCO	101-1000-43597	504.04
HOLT MYNATT MARTINEZ P.C.	45661	01/06/2017	SERVICES/CAMPBELL	101-1000-43597	665.87
C & D SERVICES	562989	01/06/2017	Professional Services 101-1009-...	101-1009-48599	976.50
LEAVITT GROUP SOUTHWEST I...	563616	01/06/2017	NOTARY BOND/MARGARET CL...	101-1002-43770	70.00
CERRILL'S WESTERN	717074	01/06/2017	JACKET/DAVID JOHNSON	101-1014-42620	65.00
CERRILL'S WESTERN	717074	01/06/2017	JACKET/TOM COOL	101-1014-42620	65.00
CERRILL'S WESTERN	717074	01/06/2017	JACKET/MIKE MONTOYA	101-1014-42620	65.00
CERRILL'S WESTERN	717075	01/06/2017	STEEL TOE BOOTS/TOM COOL	101-1014-44615	150.00
BANK OF AMERICA	790517	01/06/2017	Luminarias Stake Anchors - 100...	101-1014-43407	39.90
BANK OF AMERICA	790517	01/06/2017	Electric 10 Bulb cords	101-1014-43407	663.74
BANK OF AMERICA	790517	01/06/2017	Tan Plastic Luminaria Bags - 100...	101-1014-43407	379.90
BANK OF AMERICA	829290	01/06/2017	Star Motion Lights	101-1014-43407	99.76
BANK OF AMERICA	925361	01/06/2017	10 ft. Inflatable Santa	101-1014-43407	49.00
BANK OF AMERICA	925361	01/06/2017	10 Ft. Inflatable Snowman	101-1014-43407	49.00
SIERRA AUTO/CARQUEST	ID-202144	01/06/2017	Spark Plug Copper FRA 605	101-1009-47420	11.82
SIERRA AUTO/CARQUEST	ID-202144	01/06/2017	Oxygen Sensor Oxy 234-4012	101-1009-47420	76.56
SIERRA AUTO/CARQUEST	ID-202222	01/06/2017	switch	101-1007-47420	60.07
SIERRA AUTO/CARQUEST	ID-202443	01/06/2017	Oxygen Sensor OXY 234-4012	101-1009-47420	76.56
SIERRA AUTO/CARQUEST	ID-202591	01/06/2017	switch	101-1001-47420	21.51
SIERRA AUTO/CARQUEST	ID-202591	01/06/2017	switch	101-1001-47420	9.84
SIERRA AUTO/CARQUEST	ID-202746	01/06/2017	rotors	101-1007-47420	122.26
SIERRA AUTO/CARQUEST	ID-202746	01/06/2017	pads	101-1007-47420	24.45
SCRDA	01032017	01/13/2017	3RD QUARTER FUNDING	101-1007-48599	36,775.00
BOYS & GIRLS CLUB OF SIERRA ...	010517	01/13/2017	2ND QUARTER FUNDING	101-1000-60725	2,375.00
SIERRA VISTA HOSPITAL	010517	01/13/2017	Collection fee: Airport Attendant	101-1004-44615	25.00
SIERRA VISTA HOSPITAL	010517-1	01/13/2017	Collection Fee: PT Library Clerk	101-1004-44615	25.00
SIERRA VISTA HOSPITAL	010517-1	01/13/2017	Collection Fee: Uncertified Polic...	101-1004-44615	25.00
SIERRA VISTA HOSPITAL	010517-2	01/13/2017	Collection Fee: Airport Attendant	101-1004-44615	25.00
CITY UTILITIES	010617	01/13/2017	CITY LANDFILL BILLS	101-1018-43780	922.32
COMPANION ANIMAL ACTION ...	010917	01/13/2017	2ND QUARTER FUNDING	101-1000-60725	250.00
MATTHEW 25 FOOD PANTRY INC	010917	01/13/2017	2ND QUARTER FUNDING	101-1000-60725	1,500.00
DOMESTIC ABUSE INTERVENTI...	010917	01/13/2017	2ND QUARTER FUNDING	101-1000-60725	625.00
SIERRA COUNTY CLERK	010917	01/13/2017	RECORDING FEE/BLM PATENT	101-1001-44606	25.00

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BOYS & GIRLS CLUB OF SIERRA ...	010917	01/13/2017	REIMBURSEMENT/IJAC GRANT ...	101-1003-60784	3,459.66
NM RETIREE HEALTH CARE	012117	01/13/2017	BENEFIT P/R ENDING 01/06/17	101-1001-41226	117.60
NM RETIREE HEALTH CARE	012117	01/13/2017	BENEFIT P/R ENDING 01/06/17	101-1002-41226	72.77
NM RETIREE HEALTH CARE	012117	01/13/2017	BENEFIT P/R ENDING 01/06/17	101-1003-41226	125.93
NM RETIREE HEALTH CARE	012117	01/13/2017	BENEFIT P/R ENDING 01/06/17	101-1004-41226	238.00
NM RETIREE HEALTH CARE	012117	01/13/2017	BENEFIT P/R ENDING 01/06/17	101-1007-41226	871.70
NM RETIREE HEALTH CARE	012117	01/13/2017	BENEFIT P/R ENDING 01/06/17	101-1008-41226	73.42
NM RETIREE HEALTH CARE	012117	01/13/2017	BENEFIT P/R ENDING 01/06/17	101-1009-41226	113.81
NM RETIREE HEALTH CARE	012117	01/13/2017	BENEFIT P/R ENDING 01/06/17	101-1010-41226	131.45
NM RETIREE HEALTH CARE	012117	01/13/2017	BENEFIT P/R ENDING 01/06/17	101-1011-41226	306.28
NM RETIREE HEALTH CARE	012117	01/13/2017	BENEFIT P/R ENDING 01/06/17	101-1012-41226	120.48
NM RETIREE HEALTH CARE	012117	01/13/2017	BENEFIT P/R ENDING 01/06/17	101-1014-41226	116.86
NM RETIREE HEALTH CARE	012117	01/13/2017	BENEFIT P/R ENDING 01/06/17	101-1016-41226	159.64
XEROX CORP.	087569391	01/13/2017	BASE CHARGE/METER USAGE	101-1001-44810	393.92
XEROX CORP.	087569392	01/13/2017	BASE CHARGE/METER USAGE	101-1004-44810	288.84
XEROX CORP.	087569395	01/13/2017	BASE CHARGE/METER USAGE	101-1007-48599	219.94
XEROX CORP.	087569397	01/13/2017	BASE CHARGE/METER USAGE	101-1002-60840	185.10
XEROX CORP.	087569407	01/13/2017	METER USAGE	101-1012-44606	13.49
XEROX CORP.	087569409	01/13/2017	METER USAGE	101-1002-60840	6.00
XEROX CORP.	087569418	01/13/2017	BASE CHARGE/METER USAGE	101-1003-44810	335.04
WEX BANK	091929	01/13/2017	UNLEADED	101-1007-43316	18.17
INTERNATIONAL ASSOCIATION ...	1001225561	01/13/2017	MEMBERSHIP DUES/LEE ALIREZ	101-1007-43770	185.00
WEX BANK	122635	01/13/2017	UNLEADED	101-1003-43316	68.82
PREMIER UNIFORMS & TACTICA...	21098	01/13/2017	Polo shirt w/embroidery/Dalry...	101-1007-42620	68.00
U.S. DISTRIBUTING, INC.	221922	01/13/2017	65P battery	101-1012-47420	58.56
NU-WAY LAUNDRY & CLEANERS	27092	01/13/2017	CLEANING OF CITY RUGS	101-1014-44607	218.68
RON'S WELDING	278610	01/13/2017	Gabion Baskets for Shade Struc...	101-1009-48599	1,774.51
ROTARY CLUB OF TORC	2901/2937	01/13/2017	MONTHLY DUES/LEE ALIREZ	101-1007-43770	110.00
ROTARY CLUB OF TORC	2910/2946	01/13/2017	MONTHLY DUES/JUAN FUENTES	101-1003-43770	110.00
ROTARY CLUB OF TORC	2925/2957	01/13/2017	MONTHLY DUES/JAMES MORG...	101-1007-43770	110.00
ROTARY CLUB OF TORC	2928/2960	01/13/2017	MONTHLY DUES/RENEE CANTIN	101-1001-43770	110.00
QUILL CORPORATION	3030400	01/13/2017	DRAPER 150" PROJECTION SCR...	101-1014-43403	610.19
BAKER & TAYLOR, INC.	4011779891	01/13/2017	312 books, per attached list	101-1016-44830	316.80
POWER FORD	5154048	01/13/2017	Fright	101-1008-47420	5.00
POWER FORD	5154048	01/13/2017	Shift cable replace	101-1008-47420	53.12
TALON SEPTIC & POTTY SERVICE	706	01/13/2017	CLEAN & SERVICE PORTABLES	101-1009-44607	800.00
WEX BANK	7866940	01/13/2017	UNLEADED	101-1010-43316	91.53
COPPLER LAW FIRM PC	8790	01/13/2017	SERVICES/GENERAL	101-1000-43597	107.23
COPPLER LAW FIRM PC	8796	01/13/2017	SERVICES/ASHBAUGH ZONING	101-1000-43597	417.00
LAS CRUCES PHYSICIAN SERVIC...	TC0008	01/13/2017	RPR-Serology	101-1007-48598	30.00
LAS CRUCES PHYSICIAN SERVIC...	TC0008	01/13/2017	Complete Urinalysis	101-1007-48598	12.00
LAS CRUCES PHYSICIAN SERVIC...	TC0008	01/13/2017	Drug screen 10 panell and alco...	101-1007-48598	32.00
LAS CRUCES PHYSICIAN SERVIC...	TC0008	01/13/2017	CBC	101-1007-48598	12.00
LAS CRUCES PHYSICIAN SERVIC...	TC0008	01/13/2017	BAT	101-1007-48598	30.00
LAS CRUCES PHYSICIAN SERVIC...	TC0008	01/13/2017	TB	101-1007-48598	12.00
LAS CRUCES PHYSICIAN SERVIC...	TC0008	01/13/2017	Blood Chemistry	101-1007-48598	12.00
LAS CRUCES PHYSICIAN SERVIC...	TC0008	01/13/2017	Anabolic steroid	101-1007-48598	175.00
LAS CRUCES PHYSICIAN SERVIC...	TC0008	01/13/2017	Physical examination	101-1007-48598	160.73
LAS CRUCES PHYSICIAN SERVIC...	TC0008	01/13/2017	EKG	101-1007-48598	30.00
LAS CRUCES PHYSICIAN SERVIC...	TC0008	01/13/2017	Audiogram	101-1007-48598	25.00
NM MUNICIPAL LEAGUE	011217	01/20/2017	REGISTRATION FEE/RENEE CAN...	101-1001-42720	75.00
BEATRICE SANDERS	011317	01/20/2017	TRAVEL DUE/ALBUQUERQUE	101-1002-60576	80.82
SIERRA JOINT OFFICE ON AGING	011717	01/20/2017	2ND QUARTER FUNDING	101-1000-60725	6,000.00
TURTLEBACK PEST CONTROL, I...	011717	01/20/2017	PEST CONTROL SERVICES	101-1014-44607	814.46
CONSUELO A. GRIEGO	011717	01/20/2017	REFUND DEPOSIT/CIVIC CENTER	101-1099-34348	250.00
NM SELF INSURERS FUND	011817	01/20/2017	PROPERTY INSURANCE	101-1018-46731	7,654.80
KING'S LOCKSMITH	05820	01/20/2017	H78HR Key	101-1009-44607	17.79
KING'S LOCKSMITH	05820	01/20/2017	RO1 Key	101-1009-44607	8.64
KING'S LOCKSMITH	05820	01/20/2017	6842D045 SC Master Padlock	101-1009-44607	268.92
KING'S LOCKSMITH	05820	01/20/2017	1540 Kubota Tractor Key	101-1009-44607	19.11

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KING'S LOCKSMITH	05820	01/20/2017	Caterpillar Equipment Key	101-1009-44607	19.11
KING'S LOCKSMITH	05820	01/20/2017	M4 Key	101-1009-44607	8.64
KING'S LOCKSMITH	05820	01/20/2017	CAL-ROYAL 800-26D Entry Inter...	101-1009-44607	300.00
KING'S LOCKSMITH	05820	01/20/2017	B560P-626 Single Cylinder Dea...	101-1009-44607	360.00
KING'S LOCKSMITH	05820	01/20/2017	SL00-26D CAL-Royal Entry Lever...	101-1009-44607	191.80
KING'S LOCKSMITH	05820	01/20/2017	Kubota Heavy Equipment Key	101-1009-44607	19.11
KING'S LOCKSMITH	05820	01/20/2017	DND SC1 Key	101-1009-44607	77.76
KING'S LOCKSMITH	05820	01/20/2017	KUBO 53630 Key	101-1009-44607	32.10
KING'S LOCKSMITH	05820	01/20/2017	Service Call	101-1009-44607	97.00
QUILL CORPORATION	3508701/3508703	01/20/2017	Scotch® Black Tape Dispenser	101-1010-44606	9.26
QUILL CORPORATION	3508701/3508703	01/20/2017	HP 35A (CB435A) Black Laser T...	101-1010-44606	55.79
QUILL CORPORATION	3508701/3508703	01/20/2017	Pilot G2 Premium Retractable G...	101-1010-44606	15.29
QUILL CORPORATION	3508701/3508703	01/20/2017	2017 Blue Sky Carrera Monthly...	101-1010-44606	15.29
QUILL CORPORATION	3508701/3508703	01/20/2017	Quartet® Dry-Erase Board, 2' x 3'	101-1010-44606	35.09
QUILL CORPORATION	3508701/3508703	01/20/2017	Swingline® SmartTouch™ 2-Hole...	101-1010-44606	16.46
QUILL CORPORATION	3508701/3508703	01/20/2017	HP 78A Black Toner Cartridge (...)	101-1010-44606	77.99
OFFICE DEPOT	890405781	01/20/2017	dab n seal envelope moistener	101-1007-44606	1.11
OFFICE DEPOT	890405781	01/20/2017	Scotch tape pack of 10	101-1007-44606	17.07
OFFICE DEPOT	890405781	01/20/2017	File folders	101-1007-44606	31.71
OFFICE DEPOT	890405781	01/20/2017	CD sleeves	101-1007-44606	34.35
OFFICE DEPOT	890405781	01/20/2017	Memorex CDs	101-1007-44606	75.56
OFFICE DEPOT	890405781	01/20/2017	Foray pens	101-1007-44606	7.63
OFFICE DEPOT	890405781	01/20/2017	Copy paper	101-1007-44606	237.93
OFFICE DEPOT	890405781	01/20/2017	Energizer batteries pack of 2 12...	101-1007-44606	84.90
OFFICE DEPOT	890405781	01/20/2017	Packing tape pack of 6	101-1007-44606	39.99
OFFICE DEPOT	890405781	01/20/2017	Staples	101-1007-44606	3.31
OFFICE DEPOT	890405781	01/20/2017	Banker boxes	101-1007-44606	176.37
OFFICE DEPOT	890405781	01/20/2017	File folder frame pack of 6	101-1007-44606	26.99
OFFICE DEPOT	890405781	01/20/2017	Toner cartridge	101-1007-44606	135.25
OFFICE DEPOT	890405781	01/20/2017	Data sticks 10 pack	101-1007-44606	39.98
WINDSTREAM CORPORATION	012317	01/27/2017	PHONE BILLS	101-1001-43775	532.36
WINDSTREAM CORPORATION	012317	01/27/2017	PHONE BILLS	101-1002-43775	92.69
WINDSTREAM CORPORATION	012317	01/27/2017	PHONE BILLS	101-1003-43775	559.86
WINDSTREAM CORPORATION	012317	01/27/2017	PHONE BILLS	101-1004-43775	529.84
WINDSTREAM CORPORATION	012317	01/27/2017	PHONE BILLS	101-1005-43775	114.38
WINDSTREAM CORPORATION	012317	01/27/2017	PHONE BILLS	101-1007-43775	212.26
WINDSTREAM CORPORATION	012317	01/27/2017	PHONE BILLS	101-1009-43775	217.48
WINDSTREAM CORPORATION	012317	01/27/2017	PHONE BILLS	101-1010-43775	492.38
WINDSTREAM CORPORATION	012317	01/27/2017	PHONE BILLS	101-1011-43775	24.69
WINDSTREAM CORPORATION	012317	01/27/2017	PHONE BILLS	101-1012-43775	208.60
WINDSTREAM CORPORATION	012317	01/27/2017	PHONE BILLS	101-1014-43775	280.01
EB LOCKSMITH, LLC	012517	01/27/2017	REPAIR BROKEN DEADBOLT DO...	101-1014-43403	92.23
SIERRA VISTA HOSPITAL	012517	01/27/2017	GRT DISTRIBUTION 11/16	101-1017-48599	30,140.31
SIERRA ELECTRIC CO-OP, INC.	012517	01/27/2017	AIRPORT FIRE STATION	101-1018-43780	95.42
JERRY D. WATTS, MSFPE	35919	01/27/2017	FIRE SPRINKLER INSPECTIONS	101-1014-43403	511.22
BRADY INDUSTRIES, LLC	5319664	01/27/2017	CENTER PULL PAPER TOWELS	101-1014-44607	360.00
BRADY INDUSTRIES, LLC	5319664	01/27/2017	TOILET TISSUE	101-1014-44607	352.00
SCHAAF AUTOMOTIVE	75	01/27/2017	Front door shell	101-1007-47420	45.00
SCHAAF AUTOMOTIVE	75	01/27/2017	Weld around door hindge	101-1007-47420	52.65
SIERRA COUNTY SENTINEL	9056	01/27/2017	BID NOTICE/WWTP IMPROVEM...	101-1004-43740	73.80
SIERRA COUNTY SENTINEL	9057	01/27/2017	Help Wanted Airport Attendant	101-1004-43740	23.87
SIERRA COUNTY SENTINEL	9057-1	01/27/2017	Help Wanted: Park Maintenanc...	101-1004-43740	24.41
SIERRA COUNTY SENTINEL	9057-1	01/27/2017	elp Wanted: Facility Maintenanc...	101-1004-43740	23.33
SIERRA COUNTY SENTINEL	9059	01/27/2017	2016 Christmas Ad	101-1003-43740	108.50
MUNDY APPRAISAL SERVICES	C-1657	01/27/2017	301 Foch St. Appraisal and 401...	101-1003-48599	6,065.50
Fund 101 - General Total:					186,149.80
Fund: 201 - Corrections					
ADMINISTRATIVE OFFICE OF	010417	01/06/2017	DWI LAB FEES/PREVENTIONS F...	201-1903-44805	83.00
NM JUDICIAL EDUCATION CENT...	010417	01/06/2017	JUDICIAL EDUCATION FEES	201-1903-44805	39.00
Fund 201 - Corrections Total:					122.00

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Fund: 209 - Fire					
NEW MEXICO GAS COMPANY, I...	010317	01/06/2017	GAS BILL/FIRE STATION	209-1603-43780	330.67
STATION AUTOMATION INC.	1199	01/06/2017	ANNUAL LICENSE AGREEMENT	209-1603-43770	1,214.25
NEW MEXICO GAS COMPANY, I...	121516	01/06/2017	GAS BILL/FIRE SOUTH STATION	209-1603-43780	183.99
CITY UTILITIES	123016	01/06/2017	CITY UTILITIES	209-1603-43780	552.58
FLASH PAVING & SEAL COATING	38	01/06/2017	RE-SEAL PARKING LOTS/TRUCK ...	209-1603-43770	12,718.50
MEGAHERTZ COMPUTER CONS...	98657	01/06/2017	INTERNET SERVICE	209-1603-43770	54.25
SIERRA AUTO/CARQUEST	ID-202301	01/06/2017	65-2 BATTERIES	209-1603-47420	239.98
XEROX CORP.	087569401	01/13/2017	BASE CHARGE/METER USAGE	209-1603-43770	305.80
TESTON'S FREEWAY CHEVRON	18932	01/20/2017	FUEL ALL TRUCKS 12/16	209-1603-43316	57.31
Fund 209 - Fire Total:					15,657.33

Fund: 211 - Law Enforce Prot

PREMIER UNIFORMS & TACTICA...	21072	01/13/2017	Elbeco cargo pants	211-2003-44573	149.00
PREMIER UNIFORMS & TACTICA...	21072	01/13/2017	Name tag M. Peterson	211-2003-44573	9.00
PREMIER UNIFORMS & TACTICA...	21072	01/13/2017	Elbeco undershirt	211-2003-44573	53.50
PREMIER UNIFORMS & TACTICA...	21072	01/13/2017	Elbeco bodyshield	211-2003-44573	84.50
PREMIER UNIFORMS & TACTICA...	21072	01/13/2017	Elbeco long sleeve	211-2003-44573	60.25
PREMIER UNIFORMS & TACTICA...	21072	01/13/2017	Elbeco short sleeve	211-2003-44573	117.50
PREMIER UNIFORMS & TACTICA...	21072	01/13/2017	Elbeco straight cargo	211-2003-44573	75.50
PREMIER UNIFORMS & TACTICA...	21073	01/13/2017	Magazine holder	211-2003-44573	33.95
PREMIER UNIFORMS & TACTICA...	21073	01/13/2017	Paratrooper boots Apodaca	211-2003-44573	109.95
PREMIER UNIFORMS & TACTICA...	21073	01/13/2017	Paratrooper boots Morgan	211-2003-44573	109.95
PREMIER UNIFORMS & TACTICA...	21073	01/13/2017	Paratrooper boots Ontiveros	211-2003-44573	109.95
PREMIER UNIFORMS & TACTICA...	21077	01/13/2017	Elbeco undershirt	211-2003-44573	53.50
PREMIER UNIFORMS & TACTICA...	21077	01/13/2017	Elbeco cargo ladies pants	211-2003-44573	149.00
PREMIER UNIFORMS & TACTICA...	21077	01/13/2017	Elbeco ladies short sleeve	211-2003-44573	117.50
PREMIER UNIFORMS & TACTICA...	21077	01/13/2017	Elbeco ladies pants	211-2003-44573	75.50
PREMIER UNIFORMS & TACTICA...	21077	01/13/2017	Name tag E. Baker	211-2003-44573	9.00
PREMIER UNIFORMS & TACTICA...	21077	01/13/2017	Elbeco bodyshield	211-2003-44573	84.50
PREMIER UNIFORMS & TACTICA...	21087	01/13/2017	Long sleeve shirt	211-2003-44573	149.85
PREMIER UNIFORMS & TACTICA...	21087	01/13/2017	Pants	211-2003-44573	239.85
PREMIER UNIFORMS & TACTICA...	21137	01/13/2017	Elbeco cargo pants	211-2003-44573	149.00
PREMIER UNIFORMS & TACTICA...	21137	01/13/2017	Elbeco straight pants	211-2003-44573	75.50
PREMIER UNIFORMS & TACTICA...	21137	01/13/2017	Elbeco long sleeve	211-2003-44573	60.25
PREMIER UNIFORMS & TACTICA...	21137	01/13/2017	Name tag J. Morgan	211-2003-44573	9.00
PREMIER UNIFORMS & TACTICA...	21137	01/13/2017	Elbeco short sleeve	211-2003-44573	117.50
QUILL CORPORATION	2811539	01/20/2017	Canon-LP-E10	211-2003-44840	267.70
QUILL CORPORATION	2811539	01/20/2017	216814 2-piece DV battery bund..	211-2003-44840	29.20
QUILL CORPORATION	2811539	01/20/2017	314732 3 piece DV battery bund..	211-2003-44840	12.32
Fund 211 - Law Enforce Prot Total:					2,512.22

Fund: 214 - Lodgers Tax

FUN AND GAMES, INC.	01011	01/06/2017	ADVERTISING/TOURISM BOARD	214-2503-47597	1,000.00
GRIFFIN & ASSOCIATES MARKET...	12221	01/06/2017	ADVERTISING/CITY	214-2503-47597	13,265.77
GRIFFIN & ASSOCIATES MARKET...	12221	01/06/2017	ACCOUNT MANAGEMENT	214-2503-48599	1,317.48
MAINSTREET T OR C	1702	01/06/2017	2ND QUARTER FUNDING	214-2503-48591	8,750.00
RUANNA WALDRUM	655	01/06/2017	ADVERTISING/TOURISM BOARD	214-2503-47597	350.00
GERONIMO TRAIL SCENIC BYW...	010917	01/13/2017	MONTHLY DRAW 12/16	214-2503-48815	291.66
GERONIMO SPRINGS MUSEUM	010917	01/13/2017	2ND QUARTER FUNDING	214-2503-48815	875.00
GERONIMO SPRINGS MUSEUM	011017	01/13/2017	REIMBURSEMENT/LODGERS TAX	214-2503-47406	225.00
VETERANS MEMORIAL TRUST B...	011117	01/13/2017	REIMBURSEMENT/LODGERS TAX	214-2503-47406	467.80
JOHN DEERE CREDIT, INC.	1791364	01/27/2017	LEASE PAYMENT/FAIRWAY M...	214-2503-44810	950.73
LINDMARK OUTDOOR MEDIA	2708	01/27/2017	ADVERTISING/CITY	214-2503-47597	422.42
LINDMARK OUTDOOR MEDIA	2719	01/27/2017	ADVERTISING/CITY	214-2503-47597	422.42
Fund 214 - Lodgers Tax Total:					28,338.28

Fund: 216 - Muni Street

INTERNAL SERVICE FUND	010317	01/06/2017	OIL-MAINT-SAFETY 12/16	216-4503-43316	94.00
INTERNAL SERVICE FUND	010317	01/06/2017	OIL-MAINT-SAFETY 12/16	216-4503-47420	71.28
BORDER INTERNATIONAL, LLP	113038	01/06/2017	switch	216-4503-47420	61.18
BORDER INTERNATIONAL, LLP	113038	01/06/2017	switch	216-4503-47420	70.68

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
4 RIVERS EQUIPMENT	213426	01/06/2017	thrust washer	216-4503-47420	12.40
4 RIVERS EQUIPMENT	213426	01/06/2017	seal	216-4503-47420	35.77
4 RIVERS EQUIPMENT	213426	01/06/2017	kingpin	216-4503-47420	223.24
4 RIVERS EQUIPMENT	213426	01/06/2017	pin	216-4503-47420	37.08
4 RIVERS EQUIPMENT	213426	01/06/2017	thrust washer	216-4503-47420	13.18
4 RIVERS EQUIPMENT	213426	01/06/2017	pin	216-4503-47420	25.11
4 RIVERS EQUIPMENT	213426	01/06/2017	bushing	216-4503-47420	17.46
4 RIVERS EQUIPMENT	213426	01/06/2017	bushing	216-4503-47420	23.84
4 RIVERS EQUIPMENT	213426	01/06/2017	bushing	216-4503-47420	80.64
PETE'S EQUIPMENT, INC.	25325	01/06/2017	dirt shoe runner R	216-4503-47420	46.84
PETE'S EQUIPMENT, INC.	25325	01/06/2017	dirt shoe runner L	216-4503-47420	91.36
NORTHERN TOOL & EQUIPMEN...	36927916	01/06/2017	concrete cut off blade	216-4503-44607	249.99
REED'S TIRE CENTER	3904	01/06/2017	Backhoe front tire repair	216-4503-47420	48.69
B & H OIL CO.	41654	01/06/2017	UNLEADED	216-4503-43316	263.36
B & H OIL CO.	41654	01/06/2017	DIESEL	216-4503-43317	1,244.22
FOXWORTH-GALBRAITH	7412929	01/06/2017	concrete rake	216-4503-32842	127.96
FOXWORTH-GALBRAITH	7412929	01/06/2017	shovel round	216-4503-32842	34.95
FOXWORTH-GALBRAITH	7412929	01/06/2017	shovel square	216-4503-32842	34.95
FOXWORTH-GALBRAITH	7412929	01/06/2017	2x6x16 lumber	216-4503-32842	227.80
FOXWORTH-GALBRAITH	7412929	01/06/2017	Hoe	216-4503-32842	57.98
FOXWORTH-GALBRAITH	7412929	01/06/2017	hard board 4x8 sheets	216-4503-32842	74.95
FOXWORTH-GALBRAITH	7412929	01/06/2017	rake	216-4503-32842	47.96
SOUDER, MILLER & ASSOCIATES	932377408	01/06/2017	SERVICES/BROADWAY SIDEWA...	216-4503-32842	1,391.82
SIERRA AUTO/CARQUEST	ID-201925	01/06/2017	plug	216-4503-47420	6.62
SIERRA AUTO/CARQUEST	ID-201925	01/06/2017	wire	216-4503-47420	2.99
SIERRA AUTO/CARQUEST	ID-202221	01/06/2017	trailer plug	216-4503-47420	6.62
SIERRA AUTO/CARQUEST	ID-202224	01/06/2017	ignition switch	216-4503-47420	39.44
SIERRA AUTO/CARQUEST	ID-202666	01/06/2017	air valve	216-4503-47420	199.99
SIERRA AUTO/CARQUEST	ID-202810	01/06/2017	power steering hose	216-4503-47420	14.04
SIERRA AUTO/CARQUEST	ID-202810	01/06/2017	door handle	216-4503-47420	30.90
SIERRA AUTO/CARQUEST	ID-202810	01/06/2017	door hinge	216-4503-47420	44.43
SIERRA AUTO/CARQUEST	ID-203140	01/06/2017	ignition switch G-26551	216-4503-47420	42.14
TRIPLE-S JANITORIAL SUPPLIES	S035635A	01/06/2017	green hank pad	216-4503-47420	14.60
TRIPLE-S JANITORIAL SUPPLIES	S035635A	01/06/2017	tri max multi cleaner	216-4503-47420	103.20
TRIPLE-S JANITORIAL SUPPLIES	S035635A	01/06/2017	foam acid disinfectant	216-4503-47420	81.60
TRIPLE-S JANITORIAL SUPPLIES	S035635A	01/06/2017	whit scour and spoung	216-4503-47420	35.95
BENNY FUENTES	010517	01/13/2017	PER DIEM DUE/ALBUQUERQUE	216-4503-42310	36.40
DON ARMUJO	010517	01/13/2017	PER DIEM DUE/ALBUQUERQUE	216-4503-42310	36.40
U.S. DISTRIBUTING, INC.	221924	01/13/2017	battery	216-4503-47420	117.12
NM SELF INSURERS FUND	011817	01/20/2017	PROPERTY INSURANCE	216-4503-46731	510.32
GEO-TEST, INC.	84096	01/27/2017	MATERIAL TESTING/SIDEWALK ...	216-4503-32842	1,221.22
BARTOO SAND & GRAVEL, INC.	M22930	01/27/2017	base course	216-4503-32842	4,068.75
BARTOO SAND & GRAVEL, INC.	M40629	01/27/2017	4000 psi concrete	216-4503-32842	6,034.77
BARTOO SAND & GRAVEL, INC.	M40629	01/27/2017	fiber	216-4503-32842	167.53
BARTOO SAND & GRAVEL, INC.	M40629	01/27/2017	AER	216-4503-32842	167.63
Fund 216 - Muni Street Total:					17,691.35
Fund: 217 - Recreation					
BANK OF AMERICA	929009	01/06/2017	300 Count Warm White Mini Li...	217-1703-44607	594.61
Fund 217 - Recreation Total:					594.61
Fund: 294 - State Library					
XEROX CORP.	087569414	01/13/2017	METER USAGE	294-5003-48599	6.96
XEROX CORP.	087569415	01/13/2017	METER USAGE	294-5003-48599	6.79
Fund 294 - State Library Total:					13.75
Fund: 295 - Muni Pool					
MARIAN WHEELER	010317	01/06/2017	REFUND/SWIMMING POOL PASS	295-4803-34355	50.00
NEW MEXICO GAS COMPANY, I...	121916	01/06/2017	GAS BILL/SWIMMING POOL	295-4803-43780	2,263.96
NM RETIREE HEALTH CARE	123016	01/06/2017	BENEFIT PR ENDING 12/26/13	295-4803-41226	59.97
CITY UTILITIES	123016	01/06/2017	CITY UTILITIES	295-4803-43780	2,081.37
NM RETIREE HEALTH CARE	012117	01/13/2017	BENEFIT P/R ENDING 01/06/17	295-4803-41226	64.80

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
XEROX CORP.	087569402	01/13/2017	METER USAGE	295-4803-44607	47.19
GRAINGER, INC.	9326838613	01/20/2017	Twist Lock Connectors/PLUGS	295-4803-44607	45.55
POOL PRO, LLC	012617	01/27/2017	REGISTRATION FEE/DESTINY MI...	295-4803-42720	315.00
POOL PRO, LLC	012617	01/27/2017	REGISTRATION FEE/LUCERA M...	295-4803-42720	315.00
Fund 295 - Muni Pool Total:					5,242.84
Fund: 296 - PD GRT					
SIERRA VETERINARY SERVICES,L...	31387	01/13/2017	ANIMAL SHELTER 12/16	296-2403-48599	10,000.00
SIERRA VETERINARY SERVICES,L...	31387	01/13/2017	BOARDING FEES	296-2403-48599	276.68
RICH FORD	70940	01/31/2017	91A Black Exterior white doors ...	296-2403-80845	3,988.00
RICH FORD	70940	01/31/2017	60A Pre-Wired for Grill	296-2403-80845	600.00
RICH FORD	70940	01/31/2017	51S Duel LED Spot Lamps	296-2403-80845	2,480.00
RICH FORD	70940	01/31/2017	47A Engine Idle Feature	296-2403-80845	1,440.00
RICH FORD	70940	01/31/2017	2017 Ford Explorer Interceptor	296-2403-80845	111,688.00
RICH FORD	70940	01/31/2017	21P Wire harness rear	296-2403-80845	900.00
RICH FORD	70940	01/31/2017	47C Wire Harness Front	296-2403-80845	788.00
Fund 296 - PD GRT Total:					132,160.68
Fund: 302 - Elec Construction					
NEW MEXICO FINANCE AUTHOR..010417		01/06/2017	ELECTRICAL LOAN PAYMENT/PR...	302-4603-90905	7,219.92
NEW MEXICO FINANCE AUTHOR..010417		01/06/2017	ELECTRICAL LOAN PAYMENT/IN...	302-4603-90910	2,527.03
NEW MEXICO FINANCE AUTHOR..010417		01/06/2017	ELECTRICAL LOAN PAYMENT/A...	302-4603-90915	165.86
Fund 302 - Elec Construction Total:					9,912.81
Fund: 303 - Vet Wall					
WINDSTREAM CORPORATION	012317	01/27/2017	PHONE BILLS	303-4703-43775	121.49
Fund 303 - Vet Wall Total:					121.49
Fund: 305 - CI Gen					
COOPERATIVE EDUCATIONAL S...	24-060206	01/20/2017	INSTALL/NEW 20 YEAR TPO RO...	305-6003-80825	50,860.83
BAE SYSTEMS	294078	01/27/2017	E-MAIL SERVICE 01/17	305-6003-43815	332.48
Fund 305 - CI Gen Total:					51,193.31
Fund: 306 - CI Jt Util					
NM ENVIRONMENT DEPT	010417	01/06/2017	LOAN #RIP 95-16 R/PRINCIOAL	306-6103-90905	28,398.40
NM ENVIRONMENT DEPT	010417	01/06/2017	LOAN #RIP 95-16 R/INTEREST	306-6103-90910	5,510.78
NEW MEXICO FINANCE AUTHOR..010417-1		01/06/2017	WATER TANK LOAN PAYMENT/...	306-6103-90905	8,829.58
NEW MEXICO FINANCE AUTHOR..010417-1		01/06/2017	WATER TANK LOAN PAYMENT/...	306-6103-90910	1,075.44
NEW MEXICO FINANCE AUTHOR..010417-1		01/06/2017	WATER TANK LOAN PAYMENT/...	306-6103-90915	116.17
NEW MEXICO FINANCE AUTHOR..010417-2		01/06/2017	LOAN PAYMENT/TORC18/PRINC...	306-6103-90905	690.58
NEW MEXICO FINANCE AUTHOR..010417-3		01/06/2017	LOAN PAYMENT/TORC19/PRINC...	306-6103-90905	4,840.25
NEW MEXICO FINANCE AUTHOR..010417-3		01/06/2017	LOAN PAYMENT/TORC19/INTE...	306-6103-90910	2,758.48
Fund 306 - CI Jt Util Total:					52,219.68
Fund: 309 - USDA WWTP					
RMCI, INC	#7	01/06/2017	CONSTRUCTION/WWTP PHASE I	309-6403-60810	368,120.23
SMITH ENGINEERING COMPANY	46220	01/06/2017	SERVICES/WWTP IMPROVE PH...	309-6403-60810	18,049.90
RMCI, INC	#8	01/20/2017	CONSTRUCTION/WWTP IMPRO...	309-6403-60810	499,000.00
RMCI, INC	B-A	01/27/2017	CONSTRUCTION/WWTP PHASE I	309-6403-60810	91,216.06
Fund 309 - USDA WWTP Total:					976,386.19
Fund: 403 - Pledge State					
GENERAL FUND	012517	01/27/2017	MUNI DIST PLEDGE STATE/PRIN...	403-1203-90905	18,198.50
GENERAL FUND	012517	01/27/2017	MUNI DIST PLEDGE STATE/INTE...	403-1203-90910	12,126.08
GENERAL FUND	012517	01/27/2017	MUNI DIST PLEDGE STATE/FESS	403-1203-90925	29.29
Fund 403 - Pledge State Total:					30,353.87
Fund: 501 - Cemetary					
CITY UTILITIES	123016	01/06/2017	CITY UTILITIES	501-1803-43780	158.30
Fund 501 - Cemetary Total:					158.30
Fund: 502 - Util Office - Pool					
CREDA	010317	01/06/2017	CREDA BILLING 01/17	502-3601-45555	101.16
NM RETIREE HEALTH CARE	123016	01/06/2017	BENEFIT PR ENDING 12/26/13	502-3601-41226	128.50
CITY UTILITIES	123016	01/06/2017	CITY UTILITIES	502-3601-43780	221.85
QUEST DIAGNOSTICS LAB, INC.	123016-4	01/06/2017	SCREENING FEES/RANDOM "RE...	502-3601-44615	133.20

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
QUEST DIAGNOSTICS LAB, INC.	123016-4	01/06/2017	SCREENING FEE/RANDOM DOT ...	502-3601-44615	45.45
NM RETIREE HEALTH CARE	012117	01/13/2017	BENEFIT P/R ENDING 01/06/17	502-3601-41226	132.07
XEROX CORP.	087569389	01/13/2017	BASE CHARGE/METER USAGE	502-3601-44810	247.62
XEROX CORP.	087569399	01/13/2017	BASE CHARGE/METER USAGE	502-3601-44810	44.09
PITNEY BOWES INC.	3302352618	01/13/2017	LEASE PAYMENT/RELAY MACHI...	502-3601-47410	3,036.81
NM SELF INSURERS FUND	011817	01/20/2017	PROPERTY INSURANCE	502-3601-46731	255.16
WINDSTREAM CORPORATION	012317	01/27/2017	PHONE BILLS	502-3601-43775	596.38
Fund 502 - Util Office - Pool Total:					4,942.29

Fund: 503 - Electric

INTERNAL SERVICE FUND	010317	01/06/2017	OIL-MAINT-SAFETY 12/16	503-3702-43316	53.25
INTERNAL SERVICE FUND	010317	01/06/2017	OIL-MAINT-SAFETY 12/16	503-3702-47420	4.10
BORDER INTERNATIONAL, LLP	112983	01/06/2017	door hinge	503-3702-47420	157.78
NEW MEXICO GAS COMPANY, I...	122116	01/06/2017	GAS BILLS	503-3702-43780	42.38
NM RETIREE HEALTH CARE	123016	01/06/2017	BENEFIT PR ENDING 12/26/13	503-3702-41226	314.45
CITY UTILITIES	123016	01/06/2017	CITY UTILITIES	503-3702-43780	4,969.91
SUN VALLEY, INC.	126723/6	01/06/2017	100 ft chain 36100051640	503-3702-47415	352.85
SUN VALLEY, INC.	126723/6	01/06/2017	38" Telescoping Lopper	503-3702-47415	67.98
SUN VALLEY, INC.	126723/6	01/06/2017	chain scale 533129	503-3702-47415	27.00
B & H OIL CO.	41657	01/06/2017	UNLEADED	503-3702-43316	329.87
B & H OIL CO.	41657	01/06/2017	DIESEL	503-3702-43317	784.66
TRIPLE H SOLAR, LLC	59	01/06/2017	SERVICES/ELECTRIC DEPT	503-3702-48599	2,793.38
SIERRA AUTO/CARQUEST	ID-202420	01/06/2017	Red Marking Paint	503-3702-47415	103.84
SIERRA ELECTRIC CO-OP, INC.	010617	01/13/2017	MIMS CITY LIGHTS	503-3702-43780	469.70
SIERRA ELECTRIC CO-OP, INC.	010917	01/13/2017	POWER SERVICES 12/16	503-3702-50795	158,185.61
NM RETIREE HEALTH CARE	012117	01/13/2017	BENEFIT P/R ENDING 01/06/17	503-3702-41226	314.45
ALTEC INDUSTRIES, INC	10680088	01/13/2017	Rocker Switch (aerial unit) 9700...	503-3702-47420	26.41
ALTEC INDUSTRIES, INC	10680088	01/13/2017	Freight	503-3702-47420	10.75
ALTEC INDUSTRIES, INC	10680088	01/13/2017	Rocker Switch(stabilizer) 9700...	503-3702-47420	35.60
U.S. DISTRIBUTING, INC.	224549	01/13/2017	battery	503-3702-47420	183.00
ALTEC INDUSTRIES, INC	50063901	01/13/2017	Unit Will Stop During Rotation	503-3702-47420	472.00
ALTEC INDUSTRIES, INC	50063901	01/13/2017	Shop Supplies	503-3702-47420	5.00
SSA SOLAR OF NM 4, LLC	7643	01/13/2017	POWER SERVICE 12/16	503-3702-50795	17,222.22
NM SELF INSURERS FUND	011817	01/20/2017	PROPERTY INSURANCE	503-3702-46731	4,082.56
TRI-STATE GENERATION & TRA...	301023	01/20/2017	POWER SERVICE 12/16	503-3702-50795	30,698.58
WESTERN AREA POWER ADMIN	JIPB1798A1216	01/20/2017	POWER SERVICES 12/16	503-3702-50795	54,853.75
WINDSTREAM CORPORATION	012317	01/27/2017	PHONE BILLS	503-3702-43775	39.95
ALTEC INDUSTRIES, INC	10683270	01/27/2017	set screw	503-3702-47420	8.80
ALTEC INDUSTRIES, INC	10683270	01/27/2017	dowel	503-3702-47420	24.18
ALTEC INDUSTRIES, INC	10683270	01/27/2017	hyd line	503-3702-47420	62.50
SUNSMITH ENTERPRISES	1845	01/27/2017	On Site Safety Training	503-3702-42720	1,392.06
MISCO	31087	01/27/2017	Greenlee Retaining Pin	503-3702-47415	44.48
MISCO	31087	01/27/2017	Greenlee UA12T U Type Adapter	503-3702-47415	609.00
MISCO	31087	01/27/2017	R6-O 6 Ton W Die	503-3702-47415	69.00
REED'S TIRE CENTER	3939	01/27/2017	247-75R17 tire	503-3702-47420	500.00
Fund 503 - Electric Total:					279,311.05

Fund: 504 - Water

INTERNAL SERVICE FUND	010317	01/06/2017	OIL-MAINT-SAFETY 12/16	504-3803-43316	66.75
VERIZON WIRELESS	010317	01/06/2017	CELL PHONE BILLS	504-3803-43775	62.64
INTERNAL SERVICE FUND	010317	01/06/2017	OIL-MAINT-SAFETY 12/16	504-3803-47420	43.29
NEW MEXICO GAS COMPANY, I...	122116	01/06/2017	GAS BILLS	504-3803-43780	149.96
NM RETIREE HEALTH CARE	123016	01/06/2017	BENEFIT PR ENDING 12/26/13	504-3803-41226	132.43
CITY UTILITIES	123016	01/06/2017	CITY UTILITIES	504-3803-43780	5,550.76
B & H OIL CO.	41656	01/06/2017	UNLEADED	504-3803-43316	357.22
B & H OIL CO.	41656	01/06/2017	DIESEL	504-3803-43317	360.22
SIERRA AUTO/CARQUEST	ID-201849	01/06/2017	ignition coil	504-3803-47420	35.49
SIERRA AUTO/CARQUEST	ID-202223	01/06/2017	steering stablizer	504-3803-47420	34.08
SIERRA AUTO/CARQUEST	ID-202223	01/06/2017	trac bar	504-3803-47420	73.56
FLOWPOINT ENVIRONMENTAL ...	010517	01/13/2017	ANNUAL SOFTWARE AGREEME...	504-3803-43770	750.00
NM RURAL WATER ASSOC.	010517	01/13/2017	ANNUAL DUES	504-3803-43770	1,180.00
NM WATER & WASTEWATER A...	010517	01/13/2017	MEMBERSHIP DUES/OTTO VIE...	504-3803-43770	43.00

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
NM WATER & WASTEWATER A...	010517	01/13/2017	MEMBERSHIP DUES/ANGEL TR...	504-3803-43770	43.00
NM WATER & WASTEWATER A...	010517	01/13/2017	MEMBERSHIP DUES/TIM HANNA	504-3803-43770	43.00
TAXATION AND REVENUE	010917	01/13/2017	WATER CONSERVATION FEE 12...	504-3803-43797	753.21
NM RETIREE HEALTH CARE	012117	01/13/2017	BENEFIT P/R ENDING 01/06/17	504-3803-41226	132.43
U.S. DISTRIBUTING, INC.	224552	01/13/2017	battery	504-3803-47420	183.00
NM SELF INSURERS FUND	011817	01/20/2017	PROPERTY INSURANCE	504-3803-46731	4,082.56
JUSTIN ARMUO	012217	01/20/2017	ADVANCED PER DIEM/LAS CRU...	504-3803-42310	340.00
CLEO M. DAVIS	012217	01/20/2017	ADVANCED PER DIEM/LAS CRU...	504-3803-42310	340.00
FERGUSON WATERWORKS	0288134	01/20/2017	LF 3/4 PEP/IP5 Ultra-tite Coup	504-3803-47415	533.37
FERGUSON WATERWORKS	0288134	01/20/2017	2 RUB MTR FLG WSHR DI 1/8	504-3803-47415	12.89
FERGUSON WATERWORKS	0288134	01/20/2017	LF 3/4 -10 ZN MTR FLG COMP S...	504-3803-47415	130.07
FERGUSON WATERWORKS	0288134	01/20/2017	3/4" FIP X SDR7 Handy Loc Ada...	504-3803-47415	453.90
FERGUSON WATERWORKS	0288134	01/20/2017	4X12 SS REP CLMP 4.45 -4.85	504-3803-47415	863.02
FERGUSON WATERWORKS	0288134	01/20/2017	LF 2 BRS MTR FLG	504-3803-47415	321.47
FERGUSON WATERWORKS	0288134	01/20/2017	LF 3/4 FIP XMTR ANG VLV LW	504-3803-47415	485.06
WINDSTREAM CORPORATION	012317	01/27/2017	PHONE BILLS	504-3803-43775	62.74
PETE'S EQUIPMENT, INC.	25443	01/27/2017	Hand Gun	504-3803-47415	239.69
PETE'S EQUIPMENT, INC.	25443	01/27/2017	Nozzle,C/B 8 x78	504-3803-47415	371.16
Fund 504 - Water Total:					18,229.97

Fund: 505 - Solid Waste

INTERNAL SERVICE FUND	010317	01/06/2017	OIL-MAINT-SAFETY 12/16	505-3904-43316	287.75
VERIZON WIRELESS	010317	01/06/2017	CELL PHONE BILLS	505-3904-43775	62.64
INTERNAL SERVICE FUND	010317	01/06/2017	OIL-MAINT-SAFETY 12/16	505-3904-47420	220.11
NEW MEXICO GAS COMPANY, I...	121516-1	01/06/2017	GAS BILL/RECYCLE CENTER	505-3904-43780	44.23
NM RETIREE HEALTH CARE	123016	01/06/2017	BENEFIT PR ENDING 12/26/13	505-3904-41226	307.42
CITY UTILITIES	123016	01/06/2017	CITY UTILITIES	505-3904-43780	511.75
O'REILLY AUTO PARTS, INC.	325186	01/06/2017	Def Fluid 2.5oz	505-3904-43317	107.40
B & H OIL CO.	41652	01/06/2017	UNLEADED	505-3904-43316	368.52
B & H OIL CO.	41652	01/06/2017	DIESEL	505-3904-43317	1,980.99
SIERRA AUTO/CARQUEST	ID-201924	01/06/2017	oil plug	505-3904-47420	9.57
SIERRA AUTO/CARQUEST	ID-202220	01/06/2017	dimmer switch	505-3904-47420	6.42
SIERRA AUTO/CARQUEST	ID-202220	01/06/2017	pigtail	505-3904-47420	4.20
CITY UTILITIES	010617	01/13/2017	CITY LANDFILL BILLS	505-3904-34601	22,272.84
NM RETIREE HEALTH CARE	012117	01/13/2017	BENEFIT P/R ENDING 01/06/17	505-3904-41226	307.42
XEROX CORP.	087349740	01/13/2017	METER USGE	505-3904-47420	22.57
XEROX CORP.	087569400	01/13/2017	METER USAGE	505-3904-47420	5.78
BRUCKNER'S TRUCK SALES, INC.	121343QS	01/13/2017	labor	505-3904-47420	875.00
BRUCKNER'S TRUCK SALES, INC.	121343QS	01/13/2017	parts	505-3904-47420	884.64
U.S. DISTRIBUTING, INC.	224551	01/13/2017	battery	505-3904-47420	91.50
U.S. DISTRIBUTING, INC.	226459	01/13/2017	31-900ct battery	505-3904-47420	366.00
NM SELF INSURERS FUND	011817	01/20/2017	PROPERTY INSURANCE	505-3904-46731	4,082.56
CERRILL'S WESTERN	717076	01/20/2017	STEEL TOE BOOTS/SCOTT HUR...	505-3904-44615	150.00
CERRILL'S WESTERN	717077	01/20/2017	WRANGLER JEANS/DENNY JON...	505-3904-42620	137.94
CERRILL'S WESTERN	717077	01/20/2017	WRANGLER SHIRTS	505-3904-42620	143.94
CERRILL'S WESTERN	717077	01/20/2017	JACKET/SCOTT HURON	505-3904-42620	65.00
CERRILL'S WESTERN	717077	01/20/2017	WRANGLER SHIRTS	505-3904-42620	143.94
CERRILL'S WESTERN	717077	01/20/2017	WRANGLER JEANS/SCOTT EVER...	505-3904-42620	137.94
WINDSTREAM CORPORATION	012317	01/27/2017	PHONE BILLS	505-3904-43775	146.09
SOUTHWESTERN EQUIPMENT ...	033580	01/27/2017	upper link	505-3904-47420	330.00
SOUTHWESTERN EQUIPMENT ...	033580	01/27/2017	lower link	505-3904-47420	850.00
SOUTHWESTERN EQUIPMENT ...	033580	01/27/2017	pin	505-3904-47420	128.00
SOUTHWESTERN EQUIPMENT ...	033581	01/27/2017	upper arm	505-3904-47420	500.00
SOUTHWESTERN EQUIPMENT ...	033581	01/27/2017	plate	505-3904-47420	24.00
SOUTHWESTERN EQUIPMENT ...	033581	01/27/2017	pin	505-3904-47420	64.00
B & H OIL CO.	41542	01/27/2017	DIESEL	505-3904-43317	445.76
MESILLA VALLEY COMMERCIAL ...	58806	01/27/2017	11R22.5 MICH XZY RETREADS	505-3904-47420	2,435.85
WAGNER EQUIPMENT CO.	P66C0126532	01/27/2017	transmission filter	505-3904-47420	45.78
WAGNER EQUIPMENT CO.	P66C0126532	01/27/2017	fumes disposal element	505-3904-47420	81.12
WAGNER EQUIPMENT CO.	P66C0126532	01/27/2017	fuel/water filter	505-3904-47420	62.74
WAGNER EQUIPMENT CO.	P66C0126532	01/27/2017	fuel filter	505-3904-47420	42.12

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
WAGNER EQUIPMENT CO.	P66C0126532	01/27/2017	belt	505-3904-47420	56.69
				Fund 505 - Solid Waste Total:	38,810.22
Fund: 506 - WWTP					
INTERNAL SERVICE FUND	010317	01/06/2017	OIL-MAINT-SAFETY 12/16	506-4005-43316	23.75
VERIZON WIRELESS	010317	01/06/2017	CELL PHONE BILLS	506-4005-43775	62.64
INTERNAL SERVICE FUND	010317	01/06/2017	OIL-MAINT-SAFETY 12/16	506-4005-47420	10.00
NEW MEXICO GAS COMPANY, I...	122816	01/06/2017	GAS BILL/VACUUM STATION	506-4005-43780	28.76
NM RETIREE HEALTH CARE	123016	01/06/2017	BENEFIT PR ENDING 12/26/13	506-4005-41226	257.04
CITY UTILITIES	123016	01/06/2017	CITY UTILITIES	506-4005-43780	7,755.56
INTERLAB	21500	01/06/2017	Cadmium	506-4005-47415	75.00
INTERLAB	21500	01/06/2017	Acrylonitrile	506-4005-47415	210.00
INTERLAB	21502	01/06/2017	TKN Sample	506-4005-47415	280.00
INTERLAB	21502	01/06/2017	Chloride Sample	506-4005-47415	91.00
INTERLAB	21502	01/06/2017	NO3N Sample	506-4005-47415	105.00
INTERLAB	21502	01/06/2017	TDS Sample	506-4005-47415	105.00
INTERLAB	21517	01/06/2017	BOD	506-4005-47415	35.00
INTERLAB	21517	01/06/2017	TSS	506-4005-47415	15.00
O'REILLY AUTO PARTS, INC.	324244	01/06/2017	mirror	506-4005-47420	26.94
B & H OIL CO.	41655	01/06/2017	UNLEADED	506-4005-43316	586.90
B & H OIL CO.	41655	01/06/2017	DIESEL	506-4005-43317	98.00
SIERRA AUTO/CARQUEST	ID-202515	01/06/2017	throttle position sensor	506-4005-47420	49.26
NM WATER & WASTEWATER A...	010517-1	01/13/2017	MEMBERSHIP DUES/LEO MART...	506-4005-43770	43.00
NM WATER & WASTEWATER A...	010517-1	01/13/2017	MEMBERSHIP DUES/JERRY BO...	506-4005-43770	43.00
NM WATER & WASTEWATER A...	010517-1	01/13/2017	MEMBERSHIP DUES/RAMON S...	506-4005-43770	43.00
NM WATER & WASTEWATER A...	010517-1	01/13/2017	MEMBERSHIP DUES/RUBY VALL...	506-4005-43770	43.00
NM WATER & WASTEWATER A...	010517-1	01/13/2017	MEMBERSHIP DUES/JESUS NAV...	506-4005-43770	43.00
SAFETY MEETING OUTLINES, IN...	010617	01/13/2017	1 YEAR SUBSCRIPTION/WASTE...	506-4005-43770	82.00
VILLAGE OF WILLIAMSBURG	010917	01/13/2017	SEWER RECEIPTS 12/16	506-4005-48798	3,447.75
NM RETIREE HEALTH CARE	012117	01/13/2017	BENEFIT P/R ENDING 01/06/17	506-4005-41226	257.04
XEROX CORP.	087569408	01/13/2017	METER USAGE	506-4005-44606	170.54
INTERLAB	21507	01/13/2017	TSS	506-4005-47415	15.00
INTERLAB	21507	01/13/2017	BOD	506-4005-47415	35.00
INTERLAB	21509	01/13/2017	Chloride Sample	506-4005-47415	13.00
INTERLAB	21509	01/13/2017	NO3N	506-4005-47415	15.00
INTERLAB	21509	01/13/2017	TKN Sample	506-4005-47415	40.00
INTERLAB	21509	01/13/2017	TDS Sample	506-4005-47415	15.00
INTERLAB	21516	01/13/2017	Cadmium	506-4005-47415	75.00
INTERLAB	21516	01/13/2017	Acrylonitrile	506-4005-47415	210.00
INTERLAB	21527	01/13/2017	Acrylonitrile	506-4005-47415	210.00
INTERLAB	21527	01/13/2017	Cadmium	506-4005-47415	75.00
INTERLAB	21528	01/13/2017	BOD	506-4005-47415	35.00
INTERLAB	21528	01/13/2017	TSS	506-4005-47415	15.00
INTERLAB	21529	01/13/2017	MLSS	506-4005-47415	15.00
INTERLAB	21529	01/13/2017	WAS	506-4005-47415	15.00
INTERLAB	21529	01/13/2017	Influent-TSS	506-4005-47415	15.00
INTERLAB	21529	01/13/2017	Influent BOD	506-4005-47415	35.00
WEX BANK	3235500	01/13/2017	UNLEADED	506-4005-43316	23.82
AQUA ENVIRONMENTAL TESTI...	4335	01/13/2017	E Coli	506-4005-47415	53.38
AQUA ENVIRONMENTAL TESTI...	4335-1	01/13/2017	E Coli	506-4005-47415	53.38
AQUA ENVIRONMENTAL TESTI...	4335-2	01/13/2017	E Coli	506-4005-47415	53.38
AQUA ENVIRONMENTAL TESTI...	4335-3	01/13/2017	E-Coli	506-4005-47415	53.38
NM SELF INSURERS FUND	011817	01/20/2017	PROPERTY INSURANCE	506-4005-46731	4,337.72
DPC INDUSTRIES, INC.	DE7400099716	01/20/2017	DEMURRAGE/RENTAL INVOICE	506-4005-44607	275.00
WINDSTREAM CORPORATION	012317	01/27/2017	PHONE BILLS	506-4005-43775	98.00
USA BLUEBOOK	150854	01/27/2017	DPD 1 (Free)	506-4005-44607	200.84
USA BLUEBOOK	150854	01/27/2017	DPD 4 (Total)	506-4005-44607	175.95
TED D MILLER ASSOCIATES, INC	5311	01/27/2017	Calibrate Effluent Meter	506-4005-43416	350.00
DPC INDUSTRIES, INC.	74700005217	01/27/2017	Sulfur Dioxide	506-4005-44607	511.68
				Fund 506 - WWTP Total:	21,006.71

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Fund: 507 - Solid Waste Transfer Station					
SUN VALLEY, INC.	126712/6	01/06/2017	32D LD COMM ENTRY KNOB	507-4203-44607	34.99
SUN VALLEY, INC.	126712/6	01/06/2017	PLAIN SINGLE SIDED CAR KEY	507-4203-44607	1.59
SUN VALLEY, INC.	126712/6	01/06/2017	2000 LB TRAILER JACK	507-4203-44607	91.98
SUN VALLEY, INC.	126712/6	01/06/2017	PLAIN SINGLE SIDED CAR KEY	507-4203-44607	3.18
SUN VALLEY, INC.	126712/6	01/06/2017	1" X 25' CHROME TAPE RULE	507-4203-44607	29.97
SUN VALLEY, INC.	126712/6	01/06/2017	32D LD COMM ENTRY KNOB	507-4203-44607	25.76
SUN VALLEY, INC.	126712/6	01/06/2017	3/4" PAINT MASKING TAPE	507-4203-44607	17.94
SUN VALLEY, INC.	126712/6	01/06/2017	NUTS & BOLTS	507-4203-44607	3.69
SUN VALLEY, INC.	126830/6	01/06/2017	5/8 X 1/2 BOLT	507-4203-44607	14.90
SUN VALLEY, INC.	126830/6	01/06/2017	10 OZ NEUTRA AIR CITRUS	507-4203-44607	6.30
SUN VALLEY, INC.	126830/6	01/06/2017	35 CT LEM/LIM LYSOL WIPES	507-4203-44607	6.58
SUN VALLEY, INC.	126830/6	01/06/2017	5/8 WASHERS	507-4203-44607	20.00
O'REILLY AUTO PARTS, INC.	325783	01/06/2017	BY-PASS ASST	507-4203-44607	5.69
CITY OF LAS CRUCES	47635	01/06/2017	SOLIDWASTE DISPOSAL TRANS...	507-4203-48598	23,961.68
GORDON ENVIRONMENTAL, INC	4889	01/06/2017	SERVICES/GAS MONITORING	507-4203-80845	1,164.84
JACKSON COMPACTION	12512	01/20/2017	12G5x14'galv125 Baler Wire	507-4203-44607	999.00
Fund 507 - Solid Waste Transfer Station Total:					26,388.09
Fund: 508 - Golf Course					
TERRY TAYLOR	120	01/06/2017	CONTRACT 12/01/16-12/30/16	508-4303-48599	10,980.90
CITY UTILITIES	123016	01/06/2017	CITY UTILITIES	508-4303-43780	510.34
Fund 508 - Golf Course Total:					11,491.24
Fund: 509 - Muni Airport					
VERIZON WIRELESS	010317	01/06/2017	CELL PHONE BILLS	509-4403-43775	62.64
NM RETIREE HEALTH CARE	123016	01/06/2017	BENEFIT PR ENDING 12/26/13	509-4403-41226	27.26
NM RETIREE HEALTH CARE	012117	01/13/2017	BENEFIT P/R ENDING 01/06/17	509-4403-41226	45.45
WILLIAMS & COMPANY CONSU...	011817	01/20/2017	REGISTRATION FEE/MARK BLETH	509-4403-42720	295.00
WILLIAMS & COMPANY CONSU...	011817	01/20/2017	REGISTRATION FEE/RANDY MA...	509-4403-42720	295.00
NM SELF INSURERS FUND	011817	01/20/2017	PROPERTY INSURANCE	509-4403-46731	510.32
IKARD NEWSOM	3059776336	01/20/2017	AUTO FILL-UP/AIRPORT	509-4403-43780	236.40
IKARD NEWSOM	3059776338	01/20/2017	AUTO FILL-UP/AIRPORT	509-4403-43780	180.21
IKARD NEWSOM	3059841988	01/20/2017	TANK RENT/AIRPORT	509-4403-43780	23.87
WINDSTREAM CORPORATION	012317	01/27/2017	PHONE BILLS	509-4403-43775	413.36
SIERRA ELECTRIC CO-OP, INC.	012517-1	01/27/2017	SECURITY TRA	509-4403-43780	185.42
SIERRA ELECTRIC CO-OP, INC.	012517-2	01/27/2017	AIRPORT FUELING STATION	509-4403-43780	845.04
SIERRA ELECTRIC CO-OP, INC.	012517-3	01/27/2017	PIPPEN BUILDING	509-4403-43780	56.78
Fund 509 - Muni Airport Total:					3,176.75
Fund: 600 - Internal Serv					
SIERRA AUTO/CARQUEST	ID-201678	01/06/2017	back up lamp	600-7003-47420	22.12
SIERRA AUTO/CARQUEST	ID-201678	01/06/2017	STT lamp kit	600-7003-47420	43.74
SIERRA AUTO/CARQUEST	ID-201678	01/06/2017	4 wire cable	600-7003-47420	74.00
SIERRA AUTO/CARQUEST	ID-201848	01/06/2017	BP303 battery lug	600-7003-47420	16.80
Fund 600 - Internal Serv Total:					156.66
Grand Total:					1,912,341.49

Report Summary

Fund Summary

Fund	Payment Amount
101 - General	186,149.80
201 - Corrections	122.00
209 - Fire	15,657.33
211 - Law Enforce Prot	2,512.22
214 - Lodgers Tax	28,338.28
216 - Muni Street	17,691.35
217 - Recreation	594.61
294 - State Library	13.75
295 - Muni Pool	5,242.84
296 - PD GRT	132,160.68
302 - Elec Construction	9,912.81
303 - Vet Wall	121.49
305 - Cl Gen	51,193.31
306 - Cl Jt Utl	52,219.68
309 - USDA WWTP	976,386.19
403 - Pledge State	30,353.87
501 - Cemetary	158.30
502 - Util Office - Pool	4,942.29
503 - Electric	279,311.05
504 - Water	18,229.97
505 - Solid Waste	38,810.22
506 - WWTP	21,006.71
507 - Solid Waste Transfer Station	26,388.09
508 - Golf Course	11,491.24
509 - Muni Airport	3,176.75
600 - Internal Serv	156.66
Grand Total:	1,912,341.49

Account Summary

Account Number	Account Name	Payment Amount
101-1000-43597	ATTORNEY FEES-GOVERN...	5,843.43
101-1000-60725	GRANTS TO SUB-RECIPIE...	10,750.00
101-1001-41226	RETIREE INSURANCE-OFF ...	235.20
101-1001-42720	EMPLOYEE TRAINING-OFF...	75.00
101-1001-43740	PRINTING/PUBLISHING	159.22
101-1001-43770	SUBSCRIPTION & DUES	110.00
101-1001-43775	TELEPHONE	532.36
101-1001-44606	OFFICE SUPPLIES	25.00
101-1001-44810	EQUIPMENT & MACHINE...	393.92
101-1001-47420	EQUIPMENT MAINTENAN...	31.35
101-1002-41226	RETIREE INSURANCE-MUN...	145.54
101-1002-43770	SUBSCRIPTION & DUES	70.00
101-1002-43775	TELEPHONE	92.69
101-1002-60576	Grant Expenses/JAF GRA...	404.08
101-1002-60840	OTHER CAP PUR/AOC/JID ...	191.10
101-1003-41226	RETIREE INSURANCE-OFF ...	251.86
101-1003-43316	GAS & OIL	68.82
101-1003-43740	PRINTING/PUBLISHING	306.93
101-1003-43770	SUBSCRIPTION & DUES	110.00
101-1003-43775	TELEPHONE	622.50
101-1003-44810	EQUIPMENT & MACHINE...	335.04
101-1003-48599	OTHER CONTRACTUAL SE...	6,065.50
101-1003-60784	Grant Expenses	6,648.99
101-1004-41226	RETIREE INSURANCE-ADM...	476.00
101-1004-43740	PRINTING/PUBLISHING	221.09
101-1004-43775	TELEPHONE	529.84
101-1004-44615	SAFETY EQUIPMENT	633.85

Account Summary

Account Number	Account Name	Payment Amount
101-1004-44810	EQUIPMENT & MACHINE...	288.84
101-1004-48596	AUDIT CONTRACT-ADMIN...	34,060.99
101-1005-43775	TELEPHONE	114.38
101-1007-41226	RETIREE INSURANCE-POLI...	1,731.06
101-1007-42620	UNIFORM/LINEN-POLICE ...	68.00
101-1007-43316	GAS & OIL	1,777.55
101-1007-43770	SUBSCRIPTION & DUES	405.00
101-1007-43775	TELEPHONE	675.87
101-1007-44606	OFFICE SUPPLIES	912.15
101-1007-47420	MAINTENANCE VEHICLE/...	337.84
101-1007-48598	PROFESSIONAL SERVICES	530.73
101-1007-48599	OTHER CONTRACTUAL SE...	36,994.94
101-1008-41226	RETIREE INSURANCE-COD...	146.84
101-1008-43316	GAS & OIL	380.69
101-1008-43775	TELEPHONE	53.35
101-1008-47420	MAINTENANCE VEH/EQUI...	89.69
101-1009-41226	RETIREE INSURANCE-MUN..	227.62
101-1009-43316	GAS & OIL	383.20
101-1009-43317	DIESEL-RECREATION	38.48
101-1009-43775	TELEPHONE	280.12
101-1009-44607	FIELD SUPPLIES-MUNI RE...	2,219.98
101-1009-47420	MAINTENANCE VEHICLE/...	285.32
101-1009-48599	OTHER CONTRACTUAL SE...	3,651.01
101-1010-41226	RETIREE INSURANCE-BUIL...	262.90
101-1010-43316	GAS & OIL	110.16
101-1010-43770	SUBSCRIPTION & DUES	35.00
101-1010-43775	TELEPHONE	680.27
101-1010-44606	OFFICE SUPPLIES	225.17
101-1010-47420	MAINTENANCE-VEHICLE/...	11.34
101-1011-41226	RETIREE INSURANCE-STRE...	612.57
101-1011-43775	TELEPHONE	87.33
101-1012-41226	RETIREE INSURANCE-FLEE...	240.96
101-1012-43316	GAS & OIL	87.35
101-1012-43775	TELEPHONE	208.60
101-1012-44606	OFFICE SUPPLIES	13.49
101-1012-47420	MAINTENANCE-VEHICLE/...	58.56
101-1014-41226	RETIREE INSURANCE-FACI...	233.72
101-1014-42620	UNIFORM/LINEN-FACILITY...	195.00
101-1014-43316	GAS & OIL	305.58
101-1014-43403	REGULAR BUILDING MAI...	6,234.33
101-1014-43407	SEASONAL DECORATIONS...	1,779.36
101-1014-43775	TELEPHONE	342.65
101-1014-44607	FIELD SUPPLIES-FACILITY ...	1,745.14
101-1014-44615	SAFETY EQUIPMENT	150.00
101-1014-47420	MAINTENANCE-VEHICLE/...	8.59
101-1016-41226	RETIREE INSURANCE-LIBR...	314.04
101-1016-44830	CITY BOOK PURCHASING-L...	316.80
101-1017-48599	OTHER CONTRACTUAL SE...	30,140.31
101-1018-43780	UTILITIES	12,862.82
101-1018-46731	PROPERTY INSURANCE-UT...	7,654.80
101-1099-34348	RENT OF PUBLIC FACILITIES	250.00
201-1903-44805	AUTO/LAB/DWI/JUD ED	122.00
209-1603-43316	GAS & OIL	57.31
209-1603-43770	SUBSCRIPTION & DUES	14,292.80
209-1603-43780	UTILITIES	1,067.24
209-1603-47420	MAINTENANCE VEHICLE/...	239.98
211-2003-44573	UNIFORM & EQUIPMENT	2,203.00
211-2003-44840	EQUIPMENT & MACHINE...	309.22

Account Summary

Account Number	Account Name	Payment Amount
214-2503-44810	EQUIPMENT & MACHINE...	950.73
214-2503-47406	PROMOTIONAL/ADVERTIS...	692.80
214-2503-47597	9% ADVERTISING/MARKET..	15,460.61
214-2503-48591	MAIN STREET CONTRACT	8,750.00
214-2503-48599	OTHER CONTRACTUAL SE...	1,317.48
214-2503-48815	SERVICE CONTRACTS-LO...	1,166.66
216-4503-32842	ROADWAYS - NMFA	13,658.27
216-4503-42310	PER DIEM-STREET MAINT ...	72.80
216-4503-43316	GAS & OIL	357.36
216-4503-43317	DIESEL FUEL-STREET MAI...	1,244.22
216-4503-44607	FIELD SUPPLIES-STREETS	249.99
216-4503-46731	PROPERTY INSURANCE-ST...	510.32
216-4503-47420	MAINT.VEHILCE/FURN/E...	1,598.39
217-1703-44607	FIELD SUPPLIES-MUNI REC	594.61
294-5003-48599	OTHER CONTRACTUAL SE...	13.75
295-4803-34355	POOL DEPOSIT/RENTAL	50.00
295-4803-41226	RETIREE INSURANCE-MUN...	124.77
295-4803-42720	EMPLOYEE TRAINING-M...	630.00
295-4803-43780	UTILITIES-MUNI POOL	4,345.33
295-4803-44607	FIELD SUPPLIES-MUNI PO...	92.74
296-2403-48599	OTHER CONTRACTUAL SE...	10,276.68
296-2403-80845	OTHER CAPITAL PURCHAS...	121,884.00
302-4603-90905	DEBT SERVICE PRINCIPAL	7,219.92
302-4603-90910	DEBT SERVICE INTEREST	2,527.03
302-4603-90915	COMMITMENT FEES & O...	165.86
303-4703-43775	TELEPHONE	121.49
305-6003-43815	SOFTWARE LIC/SOFTWAR...	332.48
305-6003-80825	CAPITAL PURCHASE/FINA...	50,860.83
306-6103-90905	DEBT SERVICE PRINCIPAL...	42,758.81
306-6103-90910	DEBT SERVICE INTEREST	9,344.70
306-6103-90915	COMMITMENTS & OTHER...	116.17
309-6403-60810	USDA GRANT	976,386.19
403-1203-90905	DEBT SERVICE PRINCIPAL...	18,198.50
403-1203-90910	DEBT SERVICE INTEREST	12,126.08
403-1203-90925	COMMITMENTS & OTHER...	29.29
501-1803-43780	UTILITIES	158.30
502-3601-41226	RETIREE INSURANCE-UTIL...	260.57
502-3601-43775	TELEPHONE	596.38
502-3601-43780	UTILITIES	221.85
502-3601-44615	SAFETY EQUIPMENT	178.65
502-3601-44810	EQUIPMENT & MACHINE	291.71
502-3601-45555	MISCELLANEOUS EXPENSE...	101.16
502-3601-46731	PROPERTY LIABILITY INS-...	255.16
502-3601-47410	MAINTENANCE CONTRAC...	3,036.81
503-3702-41226	RETIREE INSURANCE-ELEC...	628.90
503-3702-42720	EMPLOYEE TRAINING-ELE...	1,392.06
503-3702-43316	GAS & OIL	383.12
503-3702-43317	DIESEL FUEL-ELECTRIC DIV...	784.66
503-3702-43775	TELEPHONE	39.95
503-3702-43780	UTILITIES	5,481.99
503-3702-46731	PROPERTY LIABILITY INS-E...	4,082.56
503-3702-47415	MAINTENANCE/GROUNDS...	1,274.15
503-3702-47420	MAINTENANCE-VEHICLE/...	1,490.12
503-3702-48599	OTHER CONTRACTUAL SE...	2,793.38
503-3702-50795	WHOLESALE POWER COS...	260,960.16
504-3803-41226	RETIREE INSURANCE-WAT...	264.86
504-3803-42310	PER DIEM-WATER DIVISI...	680.00
504-3803-43316	GAS & OIL	423.97

Account Summary

Account Number	Account Name	Payment Amount
504-3803-43317	DIESEL-WATER DIVISION	360.22
504-3803-43770	SUBSCRIPTION/DUES	2,059.00
504-3803-43775	TELEPHONE	125.38
504-3803-43780	UTILITIES	5,700.72
504-3803-43797	WATER CONSERVATION-...	753.21
504-3803-46731	PROPERTY INSURANCE-W...	4,082.56
504-3803-47415	MAINTENANCE-GROUNDS..	3,410.63
504-3803-47420	MAINTENANCE-VEHICLE/...	369.42
505-3904-34601	WASTE DISPOSAL	22,272.84
505-3904-41226	RETIREE INSURANCE-SOLI...	614.84
505-3904-42620	UNIFORM/LINEN-SOLID ...	628.76
505-3904-43316	GAS & OIL	656.27
505-3904-43317	DIESEL FUEL-SOLID WASTE..	2,534.15
505-3904-43775	TELEPHONE	208.73
505-3904-43780	UTILITIES	555.98
505-3904-44615	SAFETY EQUIPMENT	150.00
505-3904-46731	PROPERTY INSURANCE-S...	4,082.56
505-3904-47420	MAINTENANCE-VEHICLE/...	7,106.09
506-4005-41226	RETIREE INSURANCE-WAS...	514.08
506-4005-43316	GAS & OIL	634.47
506-4005-43317	DIESEL FUEL-WASTEWAT...	98.00
506-4005-43416	O & M PURCHASES-WAST...	350.00
506-4005-43770	SUBSCRIPTION & DUES	297.00
506-4005-43775	TELEPHONE	160.64
506-4005-43780	UTILITIES	7,784.32
506-4005-44606	OFFICE SUPPLIES	170.54
506-4005-44607	FIELD SUPPLIES-WASTEW...	1,163.47
506-4005-46731	PROPERTY INSURANCE-W...	4,337.72
506-4005-47415	MAINTENANCE-GROUNDS..	1,962.52
506-4005-47420	MAINTENANCE-VEHICLE/...	86.20
506-4005-48798	VILLAGE OF WILLIAMSBU...	3,447.75
507-4203-44607	FIELD SUPPLIES	1,261.57
507-4203-48598	CONTRACT SERVICES-SC...	23,961.68
507-4203-80845	CAPITAL PURCHASES(LAN...	1,164.84
508-4303-43780	UTILITIES	510.34
508-4303-48599	OTHER CONTRACTUAL SE...	10,980.90
509-4403-41226	RETIREE INSURANCE-AIR...	72.71
509-4403-42720	TRAVEL & EDUCATION	590.00
509-4403-43775	TELEPHONE	476.00
509-4403-43780	UTILITIES	1,527.72
509-4403-46731	PROPERTY LIABILITY-AIRP...	510.32
600-7003-47420	MAINTENANCE-VEHICLE/...	156.66
Grand Total:		1,912,341.49

Project Account Summary

Project Account Key	Payment Amount
None	1,912,341.49
Grand Total:	1,912,341.49



F.5

**CITY OF TRUTH OR CONSEQUENCES
CITY MANAGER'S OFFICE
505 SIMS STREET
TRUTH OR CONSEQUENCES, NEW MEXICO 87901
PHONE: (575) 894-6673 EXT 320 FAX: (575) 894-0363**

COMMISSION ACTION FORM

ITEM:

Second Quarter Lodgers Tax Reports, FY 16/17

PURPOSE OF ACTION:

Review

BACKGROUND:

Contract requires that recipients of Lodgers Tax Grants submit a quarterly report to the City by the 15th of the month following the quarter. Reports were submitted to the Lodgers Tax Advisory Board for their review on 1/26/17. However, the Board did not meet for lack of a quorum. Their meeting was rescheduled to 2/09/17.

STAFF RECOMMENDATION:

Not Applicable

SUPPORT INFORMATION:

Second Quarter Reports and Summary Sheet

Name of Drafter: Linda Sparks	Department: City Manager's Office	Meeting: 2/14/17
E-mail: lsparks@torcnm.org	Phone: 575-894-6673 Ext. 320	

LODGERS' TAX RECIPIENTS

Reports due by 15th of month following quarter.

FISCAL YEAR: 2016/2017

Updated: 01/17/17

NAME OF ORGANIZATION	ALLOTMENT	1ST QTR. REPORT		2ND QTR. REPORT		3RD QTR. REPORT		4TH QTR. REPORT	
		YES	NO	YES	NO	YES	NO	YES	NO
Chamber of Commerce	\$11,500	X	10/03		X				
Clint Benjamin Memorial Team Roping	\$1,500		X		X	No response from contractor. JAF: Rodeo moved to Socorro.			
Friends of Elephant Butte LK ST PK	\$700	X	10/25	X	12/12				
Geronimo Springs Museum	\$10,000	X	09/26	X	01/12				
MainStreet Truth or Consequences	\$10,000	X	10/12	X	01/12				
New Mexico Old Time Fiddlers	\$1,000	X	12/12		X				
Sierra County Arts Council	\$3,000	X	10/13	X	01/13				
T or C Fiesta, Inc.	\$4,000	X	10/14	X	01/17				
Veterans Memorial Pk/Museum	\$4,300	X	12/15 *	X	12/30 *				
COOP GRANTS									
Geronimo Trail Scenic Byway	\$6,000	X	10/07	X	01/09				
Sierra County Recreation & Tourism	\$16,000	X	10/04	X	01/03				

* Corrected copies received 1/11/17.

1ST QTR:	JUL, AUG, SEP
2ND QTR:	OCT, NOV, DEC
3RD QTR:	JAN, FEB, MAR
4TH QTR:	APR, MAY, JUN

Copies to LTAB 10/27/16.

Copies to LTAB 01/26/17.

Copies to CC 11/15/16.

Copies to CC 02/14/17.

25-10-16P01:20 RCVD

THREE MONTH PERIOD OF REPORT: 07/01/16 TO 10/31/16
(mm/dd/yy) (mm/dd/yy)

*The 2017 Boat RV and Boat show is scheduled for Father's Day weekend 2017 (June 16, 17 & 18)
A committee meeting was held to determine the date of the event start working on advertising
and promotion material*

<u>ITEMS(S)</u>	<u>AMOUNT</u>
<i>none</i>	\$ <u>0.00</u>
	\$ _____
	\$ _____
	\$ _____
	\$ _____
	\$ _____
NM GRT	\$ _____ (if applicable)
TOTAL	\$ 0.00

<u>TASK</u>	<u>ANTICIPATED COMPLETION DATE</u>

10/14/16
DATE

**LODGERS' TAX
QUARTERLY WORK/SPENDING REPORT**

NAME OF GRANTEE: Friends of Elephant Butte Lake State Park 12-12-16P01:36 RCVD

THREE MONTH PERIOD OF REPORT: 10/01/16 TO 12/30/16 *J.S.*
(mm/dd/yy) (mm/dd/yy)

PLEASE PROVIDE A DETAILED STATUS OF ACTIVITY FOR REPORTING PERIOD.

(If no work has been done, explain why work has not begun.)


Committee meeting have established key activities and dates in preparation of the June 16, 17 & 18
event. Adversiting posters are in the planning stages and vendors recruitment is under way.

ITEMS AND AMOUNTS FOR WHICH REIMBURSEMENT FUNDS WERE REQUESTED
DURING PERIOD:

<u>ITEMS(S)</u>	<u>AMOUNT</u>
<u>None at this point</u>	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
NM GRT	\$ _____ (if applicable)
TOTAL	\$ 0.00

ANTICIPATED COMPLETION DATES OF TASKS NOTED ABOVE:

<u>TASK</u>	<u>ANTICIPATED COMPLETION DATE</u>
<u>Posters Completed</u>	<u>02/15/17</u>
<u>Vendor letters sent out</u>	<u>March 1, 2017</u>
_____	_____
_____	_____


S/s/ Terry J. Aquier
SIGNATURE

575-740-9171
CONTACT PHONE NUMBER

December 12, 2017
DATE

01-12-17 P02:18 IN

THREE MONTH PERIOD OF REPORT: 10/01/17 TO 12/31/16
(mm/dd/yy) (mm/dd/yy)

PLEASE PROVIDE A DETAILED STATUS OF ACTIVITY FOR REPORTING PERIOD.
(If no work has been done, explain why work has not begun.)

Our two major activities for the second quarter were a Homes Tour and a Craft Show. All the tickets for the tour sold quickly. This was a great success with lots of local folks, as well as out-of-town friends and relatives. The Craft Show featured over 30 vendors. This was made up of local and out-of-town artisans. Several commented this was their most successful show this year. The Civic Center is reserved for December 2017. A number of visitors stayed overnight, ate locally, purchased fuel, etc.-very good event.

ITEMS AND AMOUNTS FOR WHICH REIMBURSEMENT FUNDS WERE REQUESTED DURING PERIOD:

<u>ITEMS(S)</u>	<u>AMOUNT</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
NM GRT	\$ _____ (if applicable)
TOTAL	\$ <u>0.00</u> OK / or. 4/24/16

ANTICIPATED COMPLETION DATES OF TASKS NOTED ABOVE:

<u>TASK</u>	<u>ANTICIPATED COMPLETION DATE</u>
<i>Publish</i>	05/01/17
<i>Advertise</i>	05/01/17
<i>Radio</i>	03/01/17
<i>Website and Other</i>	05/01/17

Marilyn Fox
SIGNATURE

575-894-6600

CONTACT PHONE NUMBER

01/05/17
DATE

**LODGERS' TAX
QUARTERLY WORK/SPENDING REPORT**

01-12-17 P01:04 IN

NAME OF GRANTEE: MainStreet Truth or Consequences

THREE MONTH PERIOD OF REPORT: 10/01/16 TO 12/31/16
(mm/dd/yy) (mm/dd/yy)

PLEASE PROVIDE A DETAILED STATUS OF ACTIVITY FOR REPORTING PERIOD.

(If no work has been done, explain why work has not begun.)

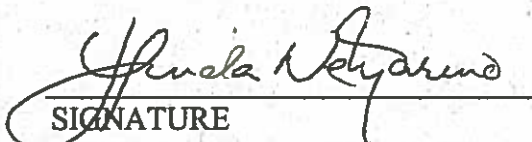
During this period, MainStreet worked with the NM State Veterans Home to produce the Veterans
Day Car Show. It was promoted both locally and regionally. We also held the Old-Fashioned
Christmas which was promoted on the radio, by social media, and in the newspaper. This, too, was
promoted both locally and regionally.

ITEMS AND AMOUNTS FOR WHICH REIMBURSEMENT FUNDS WERE REQUESTED
DURING PERIOD:

<u>ITEMS(S)</u>	<u>AMOUNT</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
NM GRT	\$ _____ (if applicable)
TOTAL	\$ <u>0.00</u> OK/8. Sparks

ANTICIPATED COMPLETION DATES OF TASKS NOTED ABOVE:

<u>TASK</u>	<u>ANTICIPATED COMPLETION DATE</u>
<u>Remainder of Old-Fashioned Christmas and Car Show</u>	<u>01/19/17</u>
_____	_____
_____	_____
_____	_____


SIGNATURE

575-740-6180
CONTACT PHONE NUMBER

1/12/2017
DATE



LODGERS' TAX

FY: 2016/2017

NAME OF GRANTEE: Manion R Long, New Mexico Old Time Fiddler's Association

THREE MONTH PERIOD OF REPORT: 07/01/16 TO 9/31/2016
(mm/dd/yy) (mm/dd/yy)

PLEASE PROVIDE A DETAILED STATUS OF ACTIVITY FOR REPORTING PERIOD.

(If no work has been done, explain why work has not begun.)

Due to lack of funds in the current quarter, advertising was performed through social media and with the distribution of flyers throughout the state at little or no cost.

A advertising pamphlet has been designed and developed for local and state wide distribution.

Cost is under \$100.00, not targeted for Lodger's Tax refund.

ITEMS AND AMOUNTS FOR WHICH REIMBURSEMENT FUNDS WERE REQUESTED DURING PERIOD:

ITEMS(S)AMOUNT

Flyers

\$ _____

\$ _____

\$ _____

§

\$ _____

NM GRT \$ (if applicable)

TOTAL	\$	0.00
--------------	-----------	-------------

ANTICIPATED COMPLETION DATES OF TASKS NOTED ABOVE:

TASK

ANTICIPATED COMPLETION DATE

Distribution of Flyers

05/30/16

Distribution of Pamphlet

12/31/16

SIGNATURE

575 744-9137

CONTACT PHONE NUMBER

12/09/16
DATE

RECEIVED
JAN 13 2017

LODGERS' TAX
QUARTERLY WORK/SPENDING REPORT

NAME OF GRANTEE: Sierra County Arts Council

THREE MONTH PERIOD OF REPORT: 10-1-2016 TO 12-31-2016
(mm/dd/yy) (mm/dd/yy)

PLEASE PROVIDE A DETAILED STATUS OF ACTIVITY FOR REPORTING PERIOD
(If no work has been done, explain why work has not begun.)

there are newspaper ads eligible for reimbursement
for SCAC events. Due to leadership changes
at SCAC on JAN 11, 2017, the book work is NOT
available until next reporting period.

ITEMS AND AMOUNTS FOR WHICH REIMBURSEMENT FUNDS WERE REQUESTED
DURING PERIOD:

ITEMS(S)	AMOUNT
	\$
	\$
	\$
	\$
	\$
	\$
NM GRT	\$ (if applicable)
TOTAL	\$ 0.00

ANTICIPATED COMPLETION DATES OF TASKS NOTED ABOVE:

TASK	ANTICIPATED COMPLETION DATE
------	-----------------------------

Cary Jaeger Gustlin
SIGNATURE
SCAC Board President

575-312-2050
CONTACT PHONE NUMBER

JAN 13, 2017
DATE

01-17-17 P02:09 IN

THREE MONTH PERIOD OF REPORT: 10/01/16 TO 12/31/16
(mm/dd/yy) (mm/dd/yy)

(If no work has been done, explain why work has not begun.)

No work has been done this quarter. Our event does not take place until May 2017

ITEMS(S)

AMOUNT

§

§

§

§

§

NM GRT \$ (if applicable)

TOTAL \$ *0.00*

TASK

ANTICIPATED COMPLETION DATE

SIGNATURE

575-894-8948

CONTACT PHONE NUMBER

01/16/17
DATE

**LODGERS' TAX
QUARTERLY WORK/SPENDING REPORT**

RECEIVED
JAN 11 2017
Corrected Report
R. Sparks

NAME OF GRANTEE: VEYERANS MEMORIAL PARK & MUSEUM

THREE MONTH PERIOD OF REPORT: 07/01/16 TO 09/30/16
(mm/dd/yy) (mm/dd/yy)

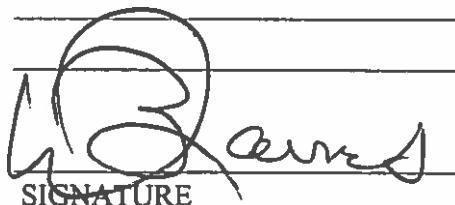
PLEASE PROVIDE A DETAILED STATUS OF ACTIVITY FOR REPORTING PER
(If no work has been done, explain why work has not begun.)

ITEMS AND AMOUNTS FOR WHICH REIMBURSEMENT FUNDS WERE REQUESTED
DURING PERIOD:

<u>ITEMS(S)</u>	<u>AMOUNT</u>
<hr/>	\$ <hr/>
<hr/>	\$ <hr/>
<hr/>	\$ <hr/>
<hr/>	\$ <hr/>
<hr/>	\$ <hr/>
<hr/>	\$ <hr/>
	NM GRT \$ <hr/> (if applicable)
	TOTAL \$ <u>0.00</u> OK/R. Sparks

ANTICIPATED COMPLETION DATES OF TASKS NOTED ABOVE:

<u>TASK</u>	<u>ANTICIPATED COMPLETION DATE</u>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>


SIGNATURE

575-952-0484
CONTACT PHONE NUMBER

12/15/16
DATE

RECEIVED
JAN 11 2017

Corrected Report
B. Sparkes

Rev. 3/2015

01-09-17A10:43 RCVD

THREE MONTH PERIOD OF REPORT: 10/01/16 TO 12/31/16
(mm/dd/yy) (mm/dd/yy)

(If no work has been done, explain why work has not begun.)

No work has been started as we do the Day Trips reprints in the spring for the 17 - 18 year, and bill for the web site work toward the end of the fiscal year.

<u>ITEMS(S)</u>	<u>AMOUNT</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
NM GRT	\$ _____ (if applicable)
TOTAL	\$ 0.00

<u>TASK</u>	<u>ANTICIPATED COMPLETION DATE</u>

01/04/17
DATE

**LODGERS' TAX
QUARTERLY WORK/SPENDING REPORT**

NAME OF GRANTEE: Sierra County Recreation & Tourism Advisory Board

THREE MONTH PERIOD OF REPORT: 10/01/16 TO 12/31/16
(mm/dd/yy) (mm/dd/yy)

PLEASE PROVIDE A DETAILED STATUS OF ACTIVITY FOR REPORTING PERIOD.

(If no work has been done, explain why work has not begun.)

Tourism Website updates, maintenance, projects including corrections, additions and deletions to ex
the existing web pages and all supporting documents including downloadable pdfs.

Trip Advisory Annual Contract will be renewed in February 2017

online advertising with Go-New Mexico will be renewed in December 2016

Annual Contract with Fun and Games for brochure distribution will be renewed in January 2017


Reprint of the "I" Brochure will be completed by May 1, 2017

ITEMS AND AMOUNTS FOR WHICH REIMBURSEMENT FUNDS WERE REQUESTED
DURING PERIOD:

<u>ITEMS(S)</u>	<u>AMOUNT</u>
<u>website updates, maintenance, projects, Facebook,</u>	<u>\$ 1,978.43</u>
<u>_____</u>	<u>\$ _____</u>
<u>_____</u>	<u>\$ _____</u>
<u>_____</u>	<u>\$ _____</u>
<u>_____</u>	<u>\$ _____</u>
<u>_____</u>	<u>\$ _____</u>
<u>NM GRT</u>	<u>\$ 82.70 (if applicable)</u>
TOTAL	<u>\$ 2,061.13</u> <i>OK/Dr. S.</i>

ANTICIPATED COMPLETION DATES OF TASKS NOTED ABOVE:

<u>TASK</u>	<u>ANTICIPATED COMPLETION DATE</u>
<u>Website, updates, maintenance, advertising</u>	<u>05/01/17</u>
<u>Brochure Distribution</u>	<u>01/31/17</u>
<u>Print</u>	<u>05/01/17</u>


SIGNATURE

575-740-1777
CONTACT PHONE NUMBER

01/03/17 *OK/Dr. S.*
DATE



F.6

CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

DISCUSSION/ACTION: AUTHORIZATION TO OPEN A CHECKING ACCOUNT FOR THE LOCAL ECONOMIC DEVELOPMENT ACT (LEDA) FUNDS FOR THE T OR C BREWERY PROJECT.

BACKGROUND:

The City is required under the Intergovernmental Agreement between the New Mexico Economic Development Department and the City to establish a separate checking account for the LEDA funds awarded for the T or C Brewery Project. Once all agreements related to this project have been properly executed, NMED will deposit the funds in the checking account to be disbursed according to the Intergovernmental Agreement.

If approved, a separate action at a future Commission meeting will be presented to amend the budget to add the LEDA Fund to the FYE 17 Revenue and Expenditure Budget.

STAFF RECOMMENDATION:

- Authorization to open LEDA Account.

Name of Drafter: Juan A. Fuentes	Department: City Manager	Mtg: 02/14/17
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F.7

CITY OF TRUTH OR CONSEQUENCES

COMMISSION ACTION FORM

ITEM:

DISCUSSION/ACTION: RESOLUTION NO. 24 16/17 SUPPORTING HOUSE BILL 266 OF THE 2017 REGULAR LEGISLATIVE SESSION, RELATING TO OCCUPANCY (LODGERS) TAX; REMOVING AN EXEMPTION FOR CERTAIN SHORT-TERM OCCUPANCY RENTALS.

BACKGROUND:

House Bill 266 removes an exemption from the occupancy tax for short-term rentals (less than 30 days) by a vendor that does not offer at least three rooms within or attached to a taxable premise for lodging or at least three other premises for lodging or a combination of these within the taxing jurisdiction.

Removal of the exemption will facilitate enforcement of the lodgers tax by municipalities such as the City of Truth or Consequences (the "City"), particularly with regard to persons who are regularly providing one or two rooms on their premises for short-term rental to lodgers through internet advertising sites.

STAFF RECOMMENDATION:

- Approval of Resolution No. 24-16/17

SUPPORT INFORMATION:

- Resolution No. 24-16/17
- HB 266 Fiscal Impact Report

Requested by: Juan A. Fuentes	Department: City Manager	E-mail: jafuentes@torcnm.org
Date: 02/14/17		

CITY OF TRUTH OR CONSEQUENCES

RESOLUTION NO. 24-16/17

A RESOLUTION SUPPORTING HOUSE BILL 266 OF THE 2017 REGULAR LEGISLATIVE SESSION, RELATING TO OCCUPANCY (LODGERS) TAX; REMOVING AN EXEMPTION FOR CERTAIN SHORT-TERM OCCUPANCY RENTALS

WHEREAS, during the 2017 regular New Mexico legislative session, New Mexico state lawmakers will consider House Bill 266, an act relating to taxation; removing an exemption for certain short-term occupancy rentals from the occupancy tax; and

WHEREAS, House Bill 266 if adopted will remove the exemption for vendors offering fewer than three rooms to short-term lodgers, so that the occupancy tax ("lodgers tax") will apply to all persons offering rooms for short-term rental, regardless of the number of such rooms (subject to other exemptions which remain unchanged by House Bill 266); and

WHEREAS, removal of the exemption for vendors offering fewer than three rooms to lodgers is fair and equitable, and puts such vendors on an equal footing with B&Bs and other establishments offering three rooms or more to lodgers; and

WHEREAS, removal of the exemption will facilitate enforcement of the lodgers tax by municipalities such as the City of Truth or Consequences (the "City"), particularly with regard to persons who are regularly providing one or two rooms on their premises for short-term rental to lodgers through internet advertising sites.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES THAT:

1. The City of Truth or Consequences supports the adoption of House Bill 266 and the removal of the exemption for certain short-term occupancy rentals from the occupancy tax as proposed, and encourages State legislators to consider and adopt House Bill 266 during the 53rd Legislature of the State of New Mexico, First Session, 2017.
2. The City Commission of the City of Truth or Consequences respectfully requests that the Legislature passes, and Governor Martinez signs House Bill 266, thus authorizing and adopting a fair and equitable administration of the occupancy tax to all persons offering short-term rental in the City and elsewhere, regardless of the number of rooms offered.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Truth or Consequences this 14th day of February, 2017.

APPROVED:

The Honorable Steve Green
Mayor

ATTEST:

Renee Cantin
City Clerk-Treasurer

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (www.nmlegis.gov). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 01/31/17

SPONSOR Trujillo, CA LAST UPDATED _____ HB 266

SHORT TITLE Short-Term Rental Occupancy Tax SB _____

ANALYST Clark

REVENUE (dollars in thousands)

Estimated Revenue					Recurring or Nonrecurring	Fund Affected
FY17	FY18	FY19	FY20	FY21		
	Unknown but Positive	Unknown but Positive	Unknown but Positive	Unknown but Positive	Recurring	Local Governments

Parenthesis () indicate revenue decreases

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Minimal to Significant	Minimal to Significant	Minimal to Significant	Recurring	Local Governments

Parenthesis () indicate expenditure decreases

Duplicates SB254

SOURCES OF INFORMATION

LFC Files

Responses Received From

Tourism Department

SUMMARY

Synopsis of Bill

House Bill 266 removes an exemption from the occupancy tax for short-term rentals (less than 30 days) by a vendor that does not offer at least three rooms within or attached to a taxable premises for lodging or at least three other premises for lodging or a combination of these within the taxing jurisdiction.

It appears the intent of this bill is to remove an unanticipated tax exemption for homeowners who rent rooms through third-party websites and applications.

The effective date of this bill is July 1, 2017.

FISCAL IMPLICATIONS

At the time the exemption was enacted, such websites and applications either did not exist or were in such minimal use as to create very little impact on revenues. However, as the popularity of these options has grown, the resulting impact on revenues could be significant. Because the occupancy tax currently exempts this type of rental, no data is collected to indicate the magnitude of the losses to local governments. Therefore, the fiscal impact of this bill is unknown but positive.

However, it is worth noting New Mexico is less likely to feel substantial revenue impacts from third-party room rental sites compared with other, more densely populated states. A report from Boston University on the sharing economy and the impact of Airbnb on the hotel industry noted the impact is likely to be greater in densely populated cities. The study also estimated a 1 percent increase in local Airbnb listings results in a 0.05 percent decrease in quarterly hotel revenues for the area. This would seem to make the impact so slight as to be ignored, but the paper further notes the impact becomes greater than negligible over time due to the exponential growth in the industry.

Due to regulation and collection issues, while some local governments may aggressively enforce the provision of this bill and pursue revenue collections, other local governments may rely entirely on self-reporting, which is likely to result in little to no gain in revenues.

A municipality may impose by ordinance an occupancy tax for revenues on lodging within the municipality, and the board of county commissioners of a county may impose by ordinance an occupancy tax for revenues on lodging within that part of the county outside of the incorporated limits of a municipality. The occupancy tax shall not exceed 5 percent of the gross taxable rent.

The occupancy tax, and thus the bill's elimination of the exemption, significantly impact tourism-related revenues for local governments. The following portions of the proceeds from the occupancy tax shall be used only for advertising, publicizing, and promoting tourist-related attractions, facilities, and events:

- If the municipality or county imposes an occupancy tax of no more than 2 percent, not less than one-fourth of the proceeds shall be used for those purposes;
- If the occupancy tax imposed is more than 2 percent and the municipality is not located in a class A county or the county is not a class A county, not less than one-half of the proceeds from the first 3 percent of the tax and not less than one-fourth of the proceeds from the tax in excess of 3 percent shall be used for those purposes; and
- If the occupancy tax imposed is more than 2 percent and the municipality is located in a class A county or the county is a class A county, not less than one-half of the proceeds from the tax shall be used for those purposes.

The proceeds from the occupancy tax in excess of the amount required to be used for advertising, publicizing, and promoting tourist-related attractions, facilities, and events may be used for any purpose authorized in Section 3-38-21 NMSA 1978.

See Attachment 1 for FY16 occupancy tax revenue collections under the Lodgers' Tax Act for each county and municipality.

SIGNIFICANT ISSUES

Local revenues in New Mexico and many other states were likely impacted negatively by the increasing popularity of companies such as Airbnb. Because room-sharing marketplace platforms like this provide alternatives to traditional hotel and motel rooms, taxable room rentals probably declined to some degree, reducing revenues to local governments.

The legislation does not contain any detail on processes for regulation and collection of the occupancy tax on these additional room rentals. Because this must be administered on an individual local government basis, and because individuals renting rooms likely are not registered for the purposes of reporting such revenue (and would likely be reluctant and unsure how to do so), this would require significant effort on the part of local governments with regard to education, administration, and collection.

This bill promotes the LFC tax policy principles of efficiency, by broadening the tax base, and equity, by treating different taxpayers fairly.

ADMINISTRATIVE IMPLICATIONS

As noted above, this could create minimal to significant administrative impacts for local governments depending on how much effort they put into education, administration, and collection efforts.

DUPLICATION

This bill duplicates SB254.

Does the bill meet the Legislative Finance Committee tax policy principles?

1. **Adequacy:** Revenue should be adequate to fund needed government services.
2. **Efficiency:** Tax base should be as broad as possible and avoid excess reliance on one tax.
3. **Equity:** Different taxpayers should be treated fairly.
4. **Simplicity:** Collection should be simple and easily understood.
5. **Accountability:** Preferences should be easy to monitor and evaluate

JC/jle

Attachment 1
FY16 OCCUPANCY TAX REVENUES & RATES AUTHORIZED BY THE LODGERS' TAX ACT

Lodgers Tax Rate COUNTY	FIRST QUARTER (JULY-SEPT.)	SECOND QUARTER (OCT.-DEC.)	THIRD QUARTER (JAN-MAR)	FOURTH QUARTER (APR.-JUN.)	FY16 GRAND TOTAL
5% EDDY	\$ 26,473	\$ 22,529	\$ 7,980	\$ 19,662	\$ 76,644
5% GRANT	\$ 18,064	\$ 16,549	\$ 10,733	\$ 18,583	\$ 63,928
4% LINCOLN	\$ 19,857	\$ 9,790	\$ 8,390	\$ 11,029	\$ 49,066
5% LOS ALAMOS	\$ 65,950	\$ 75,666	\$ 50,181	\$ 62,185	\$ 253,981
5% LUNA	\$ 321	\$ 999	\$ 1,018	\$ 418	\$ 2,755
3% RIO ARRIBA	\$ 33,501	\$ 18,895	\$ 7,520	\$ 9,137	\$ 67,053
5% SANDOVAL	\$ 4,745	\$ 4,061	\$ 2,216	\$ 2,655	\$ 13,678
5% SAN MIGUEL	\$ 14,490	\$ 10,100	\$ 1,256	\$ 3,982	\$ 29,828
4% SANTA FE	\$ 145,619	\$ 103,851	\$ 49,157	\$ 86,476	\$ 385,103
3% SIERRA	\$ 1,157	\$ 1,848	\$ 1,275	\$ 1,473	\$ 5,553
3% SOCORRO	\$ 301	\$ 611	\$ 1,039	\$ 383	\$ 2,334
5% TAOS	\$ 102,384	\$ 82,568	\$ 70,693	\$ 76,624	\$ 332,269
TOTALS	\$ 432,862	\$ 345,266	\$ 211,457	\$ 292,606	\$ 1,282,191

Source: DEPARTMENT OF FINANCE & ADMINISTRATION, LOCAL GOVERNMENT DIVISION

\$ 1,282,191

Lodgers Tax Rate MUNICIPALITY	FIRST QUARTER (JULY-SEPT.)	SECOND QUARTER (OCT.-DEC.)	THIRD QUARTER (JAN-MAR)	FOURTH QUARTER (APR.-JUN.)	FY16 GRAND TOTAL
5% ALAMOGORDO	\$ 131,560	\$ 117,990	\$ 134,011	\$ 146,553	\$ 530,113
5% ALBUQUERQUE	\$ 3,355,036	\$ 1,789,028	\$ 2,522,588	\$ 4,200,748	\$ 11,867,396
1% ALBO Hospitality Fee Act 1	\$ 671,007	\$ 357,806	\$ 504,517	\$ 840,149	\$ 2,373,479
5% ANGEL FIRE	\$ 40,153	\$ 20,016	\$ 154,608	\$ 63,735	\$ 278,512
5% ARTESIA	\$ 122,749	\$ 132,580	\$ 41,044	\$ 94,723	\$ 391,096
5% AZTEC	\$ 7,781	\$ 8,066	\$ 5,775	\$ 29,890	\$ 51,512
4% BELEN	\$ 16,514	\$ 13,524	\$ 9,908	\$ 12,519	\$ 52,466
3% BERNALILLO	\$ 32,642	\$ 34,970	\$ 21,094	\$ 31,670	\$ 120,377
3% BLOOMFIELD	\$ 18,397	\$ 13,963	\$ 12,093	\$ 10,223	\$ 54,676
3% CAPITAN	\$ 1,807	\$ 1,219	\$ 1,248	\$ 1,248	\$ 5,522
5% CARLSBAD	\$ 581,367	\$ 477,683	\$ 425,283	\$ 433,956	\$ 1,918,291
3% CARRIZOZO	\$ 1,598	\$ 1,256	\$ 1,998	\$ 2,235	\$ 7,087
4% CHAMA	\$ 48,003	\$ 35,169	\$ 5,095	\$ 8,865	\$ 95,132
4% CIMARRON	\$ 7,399	\$ 6,843	\$ 2,908	\$ 1,594	\$ 18,744
5% CLAYTON	\$ 55,658	\$ 37,980	\$ 23,809	\$ 29,507	\$ 146,954
5% CLOUDCROFT	\$ 42,941	\$ 27,280	\$ 23,698	\$ 17,298	\$ 111,215
5% CLOVIS	\$ 195,538	\$ 178,201	\$ 146,389	\$ 186,920	\$ 707,048
5% COLUMBUS	\$ 687	\$ 1,037	\$ 929	\$ 1,150	\$ 3,803
3.5% CORRALES	\$ 1,452	\$ 1,422	\$ 571	\$ 1,252	\$ 4,697
3% CUBA	\$ 5,317	\$ 3,281	\$ 3,027	\$ 2,280	\$ 13,904
5% DEMING	\$ 97,571	\$ 85,424	\$ 97,267	\$ 111,871	\$ 392,134
3% EAGLE NEST	\$ 13,344	\$ 6,032	\$ 6,327	\$ 4,552	\$ 30,255
5% ELEPHANT BUTTE	\$ 14,730	\$ 6,480	\$ 6,458	\$ 10,273	\$ 39,941
5% ESPANOLA	\$ 5,549	\$ 3,936	\$ 2,121	\$ 2,734	\$ 14,340
5% FARMINGTON	\$ 352,581	\$ 359,585	\$ 280,847	\$ 338,688	\$ 1,331,701
\$ 2.50 Farmington Convention Center Financing	\$ 219,030	\$ 230,495	\$ 198,115	\$ 216,535	\$ 864,175
5% FORT SUMNER	\$ 7,848	\$ 8,727	\$ 10,859	\$ 11,051	\$ 38,486
5% GALLUP	\$ 372,551	\$ 383,340	\$ 278,452	\$ 377,151	\$ 1,411,494
5% GRANTS	\$ 102,804	\$ 107,926	\$ 61,218	\$ 97,979	\$ 369,928
3% HATCH	\$ 487	\$ 216	\$ 575	\$ 49	\$ 1,327
5% HOBBS	\$ 386,255	\$ 297,348	\$ 242,864	\$ 239,937	\$ 1,166,404
3% HURLEY	\$ -	\$ -	\$ -	\$ -	\$ -
5% JEMEZ SPRINGS	\$ 5,374	\$ 4,024	\$ 2,748	\$ 3,595	\$ 15,741
5% LAS CRUCES	\$ 499,942	\$ 519,612	\$ 462,815	\$ 597,027	\$ 2,079,195
\$ 2.50 Las Cruces Convention Ctr Financing	\$ 310,273	\$ 307,892	\$ 288,205	\$ 355,277	\$ 1,259,647
4% LAS VEGAS	\$ 82,878	\$ 72,300	\$ 61,688	\$ 88,727	\$ 305,374
3% LOGAN	\$ 3,523	\$ 2,429	\$ 910	\$ 2,414	\$ 9,278
5% LORDSBURG	\$ 51,840	\$ 48,514	\$ 62,818	\$ 56,023	\$ 218,995
4% LOS LUNAS	\$ 18,470	\$ 13,966	\$ 18,955	\$ 13,226	\$ 62,617
5% LOVINGTON	\$ 15,305	\$ 10,848	\$ 12,005	\$ 7,109	\$ 45,267
4% MAGDALENA	\$ 1,343	\$ 834	\$ 670	\$ 757	\$ 3,605
5% MESILLA	\$ 645	\$ 1,012	\$ 863	\$ 2,719	\$ 5,039
3% MILAN	\$ 666	\$ 531	\$ 860	\$ 1,069	\$ 2,928
5% MORIARTY	\$ 61,680	\$ 53,008	\$ 42,947	\$ 55,667	\$ 213,301
3% MOUNTAINAIR	\$ 737	\$ 649	\$ 434	\$ 709	\$ 2,529
5% PORTALES	\$ 43,698	\$ 41,579	\$ 28,072	\$ 34,690	\$ 148,036
5% RATON	\$ 146,780	\$ 85,146	\$ 59,252	\$ 89,508	\$ 380,687
5% RED RIVER	\$ 275,405	\$ 109,193	\$ 220,703	\$ 110,379	\$ 715,679
5% RESERVE	\$ 1,329	\$ 1,441	\$ 917	\$ 1,237	\$ 4,924
5% RIO RANCHO	\$ 86,683	\$ 89,218	\$ 55,098	\$ 98,339	\$ 329,316
5% ROSWELL	\$ 290,242	\$ 242,683	\$ 222,780	\$ 318,480	\$ 1,074,185
\$ 2.50 Roswell Convention Center Financing	\$ 165,891	\$ 141,382	\$ 126,685	\$ 193,754	\$ 627,692
5% RUIDOSO	\$ 478,183	\$ 319,255	\$ 392,171	\$ 282,551	\$ 1,472,160
5% RUIDOSO DOWNS	\$ 80,003	\$ 46,195	\$ 40,548	\$ 36,532	\$ 203,279
5% SANTA FE	\$ 2,356,898	\$ 1,923,164	\$ 1,053,745	\$ 1,628,019	\$ 6,959,827
2% SF Convention Ctr Fund Act	\$ 942,759	\$ 789,266	\$ 421,496	\$ 650,408	\$ 2,783,931
5% SANTA ROSA	\$ 170,991	\$ 127,598	\$ 108,676	\$ 160,908	\$ 568,171
5% SILVER CITY	\$ 75,587	\$ 62,229	\$ 49,989	\$ 73,852	\$ 261,657
5% SOCORRO	\$ 81,826	\$ 142,355	\$ 106,977	\$ 95,362	\$ 426,520
3% SPRINGER	\$ 703	\$ 3,156	\$ 2,056	\$ 4,517	\$ 10,432
5% TAOS	\$ 315,186	\$ 295,704	\$ 249,205	\$ 291,869	\$ 1,151,963
5% TAOS SKI VALLEY	\$ 34,979	\$ 19,241	\$ 202,914	\$ 77,289	\$ 334,423
5% T OR C	\$ 56,598	\$ 59,984	\$ 59,851	\$ 73,157	\$ 249,390
1% T or C Convention Center Funding	\$ 9,314	\$ 9,588	\$ 18,313	\$ 14,542	\$ 51,736
5% TUCUMCARI	\$ 176,501	\$ 138,009	\$ 115,209	\$ 176,339	\$ 606,058
5% VAUGHN	\$ 9,459	\$ 16,992	\$ 8,094	\$ 18,252	\$ 50,797
3% WILLIAMSBURG	\$ 499	\$ 405	\$ 427	\$ 724	\$ 2,055
TOTAL	\$ 13,760,307	\$ 10,430,203	\$ 8,720,752	\$ 13,138,360	\$ 47,049,621

Source: DEPARTMENT OF FINANCE & ADMINISTRATION, LOCAL GOVERNMENT DIVISION

\$ 47,049,621



F.8

CITY OF TRUTH OR CONSEQUENCES

COMMISSION ACTION FORM

ITEM:

DISCUSSION/ACTION: RESOLUTION NO. 25 16/17 A RESOLUTION SUPPORTING HOUSE BILL 63 OF THE 2017 REGULAR LEGISLATIVE SESSION, THE "COUNTY AND MUNICIPAL FUELS TAX ACT"

BACKGROUND:

This bill authorizes local governments to impose a tax on retail sales of gasoline and special fuels in increments of one cent per gallon up to five cents per gallon, an increase from the current two cent per gallon maximum tax rate allowed for gasoline sales only in certain counties and municipalities. Ordinances to impose or increase the fuel tax are subject to gaining a simple majority vote in an election held within 90 days after the ordinance is adopted.

This bill also changes how counties and municipalities can use the fuel tax revenue, permitting the use of proceeds only for public bridge or highway projects, including construction, reconstruction, repair and maintenance, and payment of bonds. The bill also strikes a Motor Vehicle Code provision allowing counties and municipalities authority to charge up to a five dollars add-on fee on vehicle registrations for funding vehicle emission inspection programs. According to DOT, currently this fee is not imposed by any county or municipality.

STAFF RECOMMENDATION:

- Approval of Resolution No. 25-16/17

SUPPORT INFORMATION:

- Resolution No. 25-16/17
- HB 63 Fiscal Impact Report

Requested by: Juan A. Fuentes	Department: City Manager	E-mail: jafuentes@torcnm.org
Date: 02/14/17		

CITY OF TRUTH OR CONSEQUENCES

RESOLUTION NO. 25-16/17

A RESOLUTION SUPPORTING HOUSE BILL 63 OF THE 2017 REGULAR LEGISLATIVE SESSION, THE "COUNTY AND MUNICIPAL FUELS TAX ACT"

WHEREAS, during the 2017 regular New Mexico legislative session, New Mexico state lawmakers will consider House Bill 63, the "County and Municipal Fuels Tax Act"; and

WHEREAS, House Bill 63 is proposed legislation relating to taxation; renaming the county and municipal gasoline tax act as the county and municipal fuels tax act; granting authority to all counties and municipalities to impose a tax on retail sales of gasoline and special fuel within their jurisdictions; changing permitted use of proceeds of county and municipal gasoline and special fuel taxes; providing for local administration of county and municipal gasoline and special fuel taxes; revising purposes for which bonds may be issued; making a conforming amendment to the motor vehicle code; repealing the special county hospital gasoline tax act; and amending, repealing and enacting sections of the NMSA 1978; and

WHEREAS, if House Bill 63 is approved, the proceeds of a county or municipal gasoline or special fuels tax shall be used only for public bridge or highway projects including the construction, reconstruction, repair or maintenance of public bridges and highways, or for the payment of bonds issued pursuant to the County and Municipal Fuels Tax Act; and

WHEREAS, the City of Truth or Consequences (the "City") is aware of the necessity to secure funding to support the maintenance and improvement projects the City performs and needs to perform on municipal roads and bridges within the City; and

WHEREAS, the City Commission, the governing body of the City, supports the opportunity and obligation for local enforcement of the county of municipal tax on retail sales of gasoline and special fuel as authorized by House Bill 63.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES THAT:

1. The City of Truth or Consequences supports the adoption of House Bill 63, "County and Municipal Fuels Tax Act," and encourages State legislators to consider and adopt House Bill 63 during the 53rd Legislature of the State of New Mexico, First Session, 2017.

2. The City Commission of the City of Truth or Consequences respectfully requests that the Legislature passes and Governor Martinez signs House Bill 63, thus authorizing

and adopting an additional option, or tool, to better meet the needs of local New Mexico communities.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Truth or Consequences this 14th day of February, 2017.

APPROVED:

The Honorable Steve Green
Mayor

ATTEST:

Renee Cantin
City Clerk-Treasurer

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FISCAL IMPACT REPORT

ORIGINAL DATE 1/23/17
 SPONSOR Crowder/Gonzales LAST UPDATED 2/07/17 HB 63a/HTRC
 SHORT TITLE Local Option Fuel Tax SB _____
 ANALYST Iglesias

REVENUE (dollars in thousands)

Estimated Revenue					Recurring or Nonrecurring	Fund Affected
FY17	FY18	FY19	FY20	FY21		
\$0.0	Up to \$14,132.0	Up to \$28,591.0	Up to \$42,968.0	Up to \$48,472.0	Recurring	Counties
\$0.0	Up to \$13,425.0	Up to \$27,161.0	Up to \$40,820.0	Up to \$46,048.0	Recurring	Municipalities
\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	Recurring	General Fund

Parenthesis () indicate revenue decreases

Related to SB95, SB131, SB132

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Municipal League
 NM Department of Transportation (DOT)

SUMMARY

Synopsis of HTRC Amendment

The House Taxation and Revenue Committee (HTRC) amended House Bill 63 to change reporting requirements to use the same due date (the 25th day of each calendar month) for filing tax returns in all the jurisdictions that impose a local fuel tax.

Synopsis of Original Bill

House Bill 63 (HB 63) renames the County and Municipal Gasoline Tax Act as the County and Municipal Fuels Tax Act, expands the current local gasoline tax to all municipalities and counties, and allows all counties and municipalities the possibility to impose local special fuel tax (on diesel).

This bill authorizes local governments to impose a tax on retail sales of gasoline and special fuels in increments of one cent per gallon up to five cents per gallon, an increase from the current two cent per gallon maximum tax rate allowed for gasoline sales only in certain counties and municipalities. Ordinances to impose or increase the fuel tax are subject to gaining a simple majority vote in an election held within 90 days after the ordinance is adopted.

This bill also changes how counties and municipalities can use the fuel tax revenue, permitting the use of proceeds only for public bridge or highway projects, including construction, reconstruction, repair and maintenance, and payment of bonds. The bill also strikes a Motor Vehicle Code provision allowing counties and municipalities authority to charge up to a five-dollar add-on fee on vehicle registrations for funding vehicle emission inspection programs. According to DOT, currently this fee is not imposed by any county or municipality.

This bill provides for local administration and enforcement of the fuels tax and adds provisions on taxpayer record-keeping requirements, allowance of taxpayer audits by the county or municipality, tax return extensions, civil penalties and interest, certificates of lien for the fuels tax, and potential legal action for delinquencies and disputes.

Additionally, this bill eliminates the requirement for counties and municipalities to submit a certified copy of the ordinance imposing the tax to the Taxation and Revenue Department.

The effective date of this bill is July 1, 2017.

FISCAL IMPLICATIONS

This bill allows municipalities and counties to impose a tax of up to five cents per gallon on gasoline and special fuels in one cent increments. The municipality or county will administer the tax in a manner similar to the administration of the lodger's tax. Imposition of the tax will increase the amount of revenue the municipality or county will collect for bridge and road projects.

The fiscal impact of this bill is estimated by multiplying the gallons of gasoline sold on non-tribal lands forecasted by the Department of Transportation (as of January 2017) by three cents in FY18, four cents in FY19, and five cents in FY20 and FY21; and by multiplying the gallons of special fuels sold on non-tribal lands forecasted by DOT (as of January 2017) by one cent in FY18 and in one cent increments each year thereafter.

In order to calculate the maximum fiscal impact, the estimate holds the following assumptions:

- At least 95 percent of all non-tribal fuel sales occur in a municipality, and 100 percent of all fuel sales occur in a county.
- Municipalities and counties currently impose the maximum allowed \$0.02/gallon tax on gasoline.
- All municipalities and counties will vote to increase the gasoline tax rate by one cent each fiscal year until the maximum rate of \$0.05/gallon is reached.
- All municipalities and counties will impose a special fuels tax of \$0.01/gallon in FY18 and will vote to increase the special fuels tax rate by one cent each fiscal year until the maximum rate of \$0.05/gallon is reached.

Based on the above assumptions, counties and municipalities would both receive over \$40 million in new recurring revenue by FY20.

DOT notes that without further action by local governing bodies and subsequent voter approval, this bill alone would generate no new revenue. If all New Mexico local jurisdictions imposed a one-cent gasoline tax, it would generate approximately \$9 million per year and another \$5 million per year from a one cent tax on diesel, totaling up to an additional \$14 million per year in FY18-FY20, which all local jurisdictions (including 33 counties) in the state would share.

SIGNIFICANT ISSUES

New Mexico fuel taxes are lower than in surrounding states and lower than the national average. Many local governments have seen a real decline in the amount of their gasoline tax distributions over the years due to competing sales of gasoline by Native American tribes in the vicinity of municipal limits. Local governments are responsible for the maintenance, repair and construction of approximately 44,000 miles of roads compared to 30,000 miles of roads for which the state is responsible.

According to the New Mexico Municipal League, municipalities and counties have not had an increase in gasoline or special fuels taxes in a significant period of time. This legislation would allow municipalities and counties to impose a local option tax to raise new revenues that would allow them to maintain roads and bridges in their jurisdiction. The New Mexico Municipal League supports this legislation.

Gasoline prices fluctuate with crude oil prices. However, gasoline tends to be a relatively inelastic product in that price fluctuations do not tend to significantly increase or reduce demand. As such, the revenues resulting from passage of this bill would likely remain consistent regardless of changes in prices at the pump.

DOT adds it is not clear how this local option diesel fuel tax would fit into the International Fuel Tax Agreement (IFTA) or if interstate truckers would receive the appropriate credit for payments of this local tax. In New Mexico, IFTA is administered by the Taxation and Revenue Department; it is a tax collection agreement among the lower 48 U.S. states and the Canadian provinces for highway fuel use tax distribution based on miles traveled, taxes paid, and fuel consumed. IFTA has no provision for local option taxes on diesel so truckers would not get credit for local option taxes paid on fuel used outside New Mexico, and local governments would not receive revenue from diesel bought outside of their jurisdictions but used on their roads.

DOT states the amendment does not change their initial analysis, and the significant issue identified on IFTA is still valid.

ADMINISTRATIVE IMPLICATIONS

This bill tasks municipalities and counties with establishing procedures for the reporting and collections of the local option fuel tax. The New Mexico Municipal League states municipalities and counties will need to establish programs to assure the reporting is accurate and reporting and payments are timely.

Does the bill meet the Legislative Finance Committee tax policy principles?

1. **Adequacy:** Revenue should be adequate to fund needed government services.
2. **Efficiency:** Tax base should be as broad as possible and avoid excess reliance on one tax.
3. **Equity:** Different taxpayers should be treated fairly.
4. **Simplicity:** Collection should be simple and easily understood.
5. **Accountability:** Preferences should be easy to monitor and evaluate

DI/al/sib/jle



F.9

CITY OF TRUTH OR CONSEQUENCES

COMMISSION ACTION FORM

ITEM:

DISCUSSION/ACTION: AUTHORIZATION TO INVEST WATER/WASTEWATER CAPACITY FUNDS WITH THE NEW MEXICO STATE TREASURER'S OFFICE.

BACKGROUND:

In 2007, the city entered into an Option Agreement with Hot Springs Land Development for water and wastewater capacity for their proposed development. The agreement called for the deposit of \$200,000 (\$20,000 deposited in August 2007 and \$180,000 deposited in May 2008). In October 2008, the City reimbursed HSLD \$34,250.25 for an exploratory well at Chuchillo leaving a balance of \$165,749.75.

Also in 2007 the city adopted the Development Impact Fee ordinance. The purpose of the impact fees is to mitigate the reduction of availability of the city's water and wastewater infrastructure due to new development or building construction. The code requires the fees collected to be placed in a separate checking account and accounted for per the city ordinance. The funds collected from HSLD were deposited in the Jt. Utilities Fund and Impact Fee Fund.

The funds deposited in the Impact Fee Fund related to HSLD must be withdrawn and deposited in another account. Due to the pending litigation with HSLD, the funds must be set aside until the matter is resolved. Staff is recommending the balance (\$165,749.75) to be deposited with the NM State Treasurer Office.

STAFF RECOMMENDATION:

- Authorization for staff to open a new account with the NM Treasurer Office for the purpose of depositing the balance of \$165,749.75 in the Local Government Investment Pool.

Name of Drafter: Juan A. Fuentes	Department: City Manager	Mtg: 2/14/17
E-mail: jafuentes@torcnm.org	Phone: 575-894-6673 Ext. 320	



G.1
H.1

CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

ORDINANCE NO. 675 AMENDING CHAPTER 2, ARTICLE III, DIVISION 5 OF THE CODE OF ORDINANCES RELATED TO THE CITY ATTORNEY.

BACKGROUND:

Historically the City Attorney has always been hired by method of a contract. The code for the City Attorney as written, has led to confusion on whether the position should be treated as a city hire similar to other employees.

The purpose of the amendment is to clarify the method by which the city attorney may be hired. Section 2-141 is amended as follows:

There is hereby created the office of City Attorney, an executive office of the City. The Attorney ~~shall~~ may be appointed on a contract basis or as a city employee by the Governing Body and shall hold office for the duration of his/her appointment or until such time as he/she may be removed by the Commission.

SUPPORT INFORMATION:

- Ordinance No. 675

STAFF RECOMMENDATION:

- Adoption of Ordinance No. 675.

Name of Drafter: Juan A. Fuentes	Department: City Manager	Mtg: 2/14/17
E-mail: jafuentes@torcnm.org	Phone: 575-894-6673 Ext. 320	

ORDINANCE NO. 675

AN ORDINANCE AMENDING ARTICLE III, "OFFICERS AND EMPLOYEES", OF THE CITY CODE OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES THAT: the following section of the City Code is hereby amended by deleting the stricken material and/or by adding the underlined material as indicated below:

Section 1. Section 2-141 'Appointment' is hereby amended as follows:

There is hereby created the office of City Attorney, an executive office of the City. The Attorney ~~shall~~ may be appointed on a contract basis or as a city employee by the Governing Body and shall hold office for the duration of his/her appointment or until such time as he/she may be removed by the Commission.

Section 2. **Severability**

If a court of competent jurisdiction holds any part or application of this ordinance invalid, the remainder, or its application shall not be affected.

Section 3. **Repealer**

All ordinances or resolutions, or part therefore, inconsistent with this ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part therefore, previously repealed.

Section 4. **Effective Date**

This ordinance shall be in full force and effect, five (5) days after this approval, adoption and publication as provided by law (§3-17-5).

PASSED, APPROVED, AND ADOPTED by the City Commission of the City of Truth or Consequences, New Mexico, on this ____ day of _____.

Steve Green
Mayor

ATTEST:

Renee Cantin
City Clerk-Treasurer

(seal)



CITY OF TRUTH OR CONSEQUENCES
CITY CLERK'S OFFICE
505 SIMS STREET
TRUTH OR CONSEQUENCES, NEW MEXICO 87901
PHONE: (575) 894-6673 FAX: (575) 894-7767

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the City of Truth or Consequences City Commission will hold a Public Hearing during their regular scheduled Meeting on Tuesday, February 14, 2017 in the Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico to receive input regarding the following:

Discussion/Action: Ordinance No. 675 2016/2017 amending Chapter 2, Article III, Division 5 of the Code of Ordinances related to the City Attorney. Juan Fuentes, City Manager

All interested parties are welcome to attend.

The Agenda for this meeting may be obtained on Friday, February 10, 2017 by contacting the City Clerk's Office at 575-894-6673 or by email to:
rcantin@torcnm.org

/s/ Renee L. Cantin, CMC, City Clerk-Treasurer

- Published on the following date:
- o Sentinel – Friday, January 27, 2017



G.2
+
H.2

CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

ORDINANCE NO. 676 AMENDING CHAPTER 2, ARTICLE III, DIVISION 3 OF THE CODE OF ORDINANCES RELATED TO THE CITY MANAGER.

BACKGROUND:

Section 2-99 of the City Code requires the employment of an Assistant City Manager by the City Manager with the approval of the Governing Body. Due to budgetary constraints, the position has not been filled on a consistent basis. The purpose of the amendment is to provide for the option to hire or not by amending Section 2-99 as follows:

There ~~shall be employed by the~~ City Manager with the approval of the Governing Body may employ an assistant chief administrative officer to be known as the Assistant to the City Manager. He/She shall be employed upon recommendation of the City Manager under the terms and conditions specified in section 2-91 and shall be responsible for duties delegated by the City Manager, and in the absence of the City Manager shall be Acting Manager and shall fulfill all the functions, duties, and responsibilities of the City Manager.

SUPPORT INFORMATION:

- Ordinance No. 676

STAFF RECOMMENDATION:

- Authorization to publish Ordinance No. 676.

Name of Drafter: Juan A. Fuentes	Department: City Manager	Mtg: 2/14/17
E-mail: jafuentes@torcnm.org	Phone: 575-894-6673 Ext. 320	

ORDINANCE NO. 676

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE III, "OFFICERS AND EMPLOYEES", DIVISION 3, OF THE CITY CODE OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES THAT: the following section of the City Code is hereby amended by deleting the stricken material and/or by adding the underlined material as indicated below:

Section 1. Section 2-99 'City Manager' is hereby amended as follows:

~~There shall be employed by the~~ City Manager with the approval of the Governing Body may employ an assistant chief administrative officer to be known as the Assistant to the City Manager. He/She shall be employed upon recommendation of the City Manager under the terms and conditions specified in section 2-91 and shall be responsible for duties delegated by the City Manager, and in the absence of the City Manager shall be Acting Manager and shall fulfill all the functions, duties, and responsibilities of the City Manager.

Section 2. Severability

If a court of competent jurisdiction holds any part or application of this ordinance invalid, the remainder, or its application shall not be affected.

Section 3. Repealer

All ordinances or resolutions, or part therefore, inconsistent with this ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part therefore, previously repealed.

Section 4. Effective Date

This ordinance shall be in full force and effect, five (5) days after this approval, adoption and publication as provided by law (§3-17-5).

PASSED, APPROVED, AND ADOPTED by the City Commission of the City of Truth or Consequences, New Mexico, on this ____ day of _____.

Steve Green
Mayor

ATTEST:

Renee Cantin
City Clerk-Treasurer



CITY OF TRUTH OR CONSEQUENCES
CITY CLERK'S OFFICE
505 SIMS STREET
TRUTH OR CONSEQUENCES, NEW MEXICO 87901
PHONE: (575) 894-6673 FAX: (575) 894-7767

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the City of Truth or Consequences City Commission will hold a Public Hearing during their regular scheduled Meeting on Tuesday, February 14, 2017 in the Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico to receive input regarding the following:

Discussion/Action: Ordinance No. 676 2016/2017 amending Chapter 2, Article III, Division 3, Section 2-99 of the Code of Ordinances related to the Assistant City Manager. Juan Fuentes, City Manager

All interested parties are welcome to attend.

The Agenda for this meeting may be obtained on Friday, February 10, 2017 by contacting the City Clerk's Office at 575-894-6673 or by email to:
rcantin@torcnm.org

/s/ Renee L. Cantin, CMC, City Clerk-Treasurer

- Published on the following date:
- o Sentinel – Friday, January 27, 2017



H.1

CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

ORDINANCE NO. 675 AMENDING CHAPTER 2, ARTICLE III, DIVISION 5 OF THE CODE OF ORDINANCES RELATED TO THE CITY ATTORNEY.

BACKGROUND:

Historically the City Attorney has always been hired by method of a contract. The code for the City Attorney as written, has led to confusion on whether the position should be treated as a city hire similar to other employees.

The purpose of the amendment is to clarify the method by which the city attorney may be hired. Section 2-141 is amended as follows:

There is hereby created the office of City Attorney, an executive office of the City. The Attorney ~~shall~~ may be appointed on a contract basis or as a city employee by the Governing Body and shall hold office for the duration of his/her appointment or until such time as he/she may be removed by the Commission.

SUPPORT INFORMATION:

- Ordinance No. 675

STAFF RECOMMENDATION:

- Adoption of Ordinance No. 675.

Name of Drafter: Juan A. Fuentes	Department: City Manager	Mtg: 2/14/17
E-mail: jafuentes@torcnm.org	Phone: 575-894-6673 Ext. 320	

ORDINANCE NO. 675

AN ORDINANCE AMENDING ARTICLE III, "OFFICERS AND EMPLOYEES", OF THE CITY CODE OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES THAT: the following section of the City Code is hereby amended by deleting the stricken material and/or by adding the underlined material as indicated below:

Section 1. Section 2-141 'Appointment' is hereby amended as follows:

There is hereby created the office of City Attorney, an executive office of the City. The Attorney ~~shall~~ may be appointed on a contract basis or as a city employee by the Governing Body and shall hold office for the duration of his/~~her~~ appointment or until such time as he/she may be removed by the Commission.

Section 2. Severability
If a court of competent jurisdiction holds any part or application of this ordinance invalid, the remainder, or its application shall not be affected.

Section 3. Repealer
All ordinances or resolutions, or part therefore, inconsistent with this ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part therefore, previously repealed.

Section 4. Effective Date
This ordinance shall be in full force and effect, five (5) days after this approval, adoption and publication as provided by law (§3-17-5).

PASSED, APPROVED, AND ADOPTED by the City Commission of the City of Truth or Consequences, New Mexico, on this ____ day of _____.

Steve Green
Mayor

ATTEST:

Renee Cantin
City Clerk-Treasurer

(seal)



H.2

CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

ORDINANCE NO. 676 AMENDING CHAPTER 2, ARTICLE III, DIVISION 3 OF THE CODE OF ORDINANCES RELATED TO THE CITY MANAGER.

BACKGROUND:

Section 2-99 of the City Code requires the employment of an Assistant City Manager by the City Manager with the approval of the Governing Body. Due to budgetary constraints, the position has not been filled on a consistent basis. The purpose of the amendment is to provide for the option to hire or not by amending Section 2-99 as follows:

There ~~shall be employed by the~~ City Manager with the approval of the Governing Body may employ an assistant chief administrative officer to be known as the Assistant to the City Manager. He/She shall be employed upon recommendation of the City Manager under the terms and conditions specified in section 2-91 and shall be responsible for duties delegated by the City Manager, and in the absence of the City Manager shall be Acting Manager and shall fulfill all the functions, duties, and responsibilities of the City Manager.

SUPPORT INFORMATION:

- Ordinance No. 676

STAFF RECOMMENDATION:

- Authorization to publish Ordinance No. 676.

Name of Drafter: Juan A. Fuentes	Department: City Manager	Mtg: 2/14/17
E-mail: jafuentes@torcnm.org	Phone: 575-894-6673 Ext. 320	

ORDINANCE NO. 676

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE III, "OFFICERS AND EMPLOYEES", DIVISION 3, OF THE CITY CODE OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES THAT: the following section of the City Code is hereby amended by deleting the stricken material and/or by adding the underlined material as indicated below:

Section 1. Section 2-99 'City Manager' is hereby amended as follows:

~~There shall be employed by the~~ City Manager with the approval of the Governing Body may employ an assistant chief administrative officer to be known as the Assistant to the City Manager. He/She shall be employed upon recommendation of the City Manager under the terms and conditions specified in section 2-91 and shall be responsible for duties delegated by the City Manager, and in the absence of the City Manager shall be Acting Manager and shall fulfill all the functions, duties, and responsibilities of the City Manager.

Section 2. Severability

If a court of competent jurisdiction holds any part or application of this ordinance invalid, the remainder, or its application shall not be affected.

Section 3. Repealer

All ordinances or resolutions, or part therefore, inconsistent with this ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part therefore, previously repealed.

Section 4. Effective Date

This ordinance shall be in full force and effect, five (5) days after this approval, adoption and publication as provided by law (§3-17-5).

PASSED, APPROVED, AND ADOPTED by the City Commission of the City of Truth or Consequences, New Mexico, on this ____ day of _____.

Steve Green
Mayor

ATTEST:

Renee Cantin
City Clerk-Treasurer



CITY OF TRUTH OR CONSEQUENCES

COMMISSION ACTION FORM

ITEM:

DISCUSSION/ACTION: ORDINANCE NO. 677-16/17 FOR PUBLICATION TO APPROVE THE TRUTH OR CONSEQUENCES BREWING COMPANY PROPOSAL FOR ECONOMIC DEVELOPMENT.

BACKGROUND:

The City amended the LEDA ordinance in December 2015. LEDA allows public support of economic development to foster, promote, and enhance local economic development. This empowers communities to embark on economic development projects tailored to their LOCAL needs and used to enter into a “public private partnership” for an economic benefit. LEDA allows the City Commission to negotiate with a qualifying entity on the type or amount of assistance to be provided or on the scope of the economic development project.

T or C Brewing Company is working with the NM Economic Development Department to use State Local Economic Development Act (LEDA) funds for their proposed project. In addition to the support sought from the State, T or C Brewing Company is sought assistance through the City LEDA ordinance for waivers of certain fees.

T or C Brewing Company application for state LEDA funds has been approved and the proposed Ordinance allows the City to serve as the local government conduit for an appropriation up to \$125,000 from the Legislature of the State of New Mexico (the “LEDA Funds”) to Truth or Consequences Brewing Company, for the purpose of establishing a brewery on property located at 410 N. Broadway in the City.

STAFF RECOMMENDATION:

- Authorization to publish Ordinance No. 677

Name of Drafter: Juan A. Fuentes	Department: City Manager	Mtg: 02/14/17
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ORDINANCE NO. 677

AN ORDINANCE APPROVING THE TRUTH OR CONSEQUENCES BREWING COMPANY PROPOSAL FOR AN ECONOMIC DEVELOPMENT PROJECT.

WHEREAS, Article 9, Section 14 of the State Constitution permits counties to create new job opportunities by providing land, buildings or infrastructure for facilities to support new or expanding businesses, provided that adequate safeguards are employed to protect public monies and resources; and

WHEREAS, pursuant to the Local Economic Development Act, Sections 5-10-1 through 5-10-13 NMSA 1978 (the "Act"), no public support for economic development may be provided until the governmental entity has adopted by ordinance an economic development plan and has approved by a second ordinance an application for a project in keeping with such plan; and

WHEREAS, on January 12, 2016, pursuant to Ordinance No. 668 (the "Economic Development Plan Ordinance"), the City established the City of Truth or Consequences Economic Development Plan (the "Plan") as required by Section 5-10-6, NMSA 1978; now codified as Article VII of Chapter 2 of the Code of the City of Truth or Consequences; and

WHEREAS, as provided in the Economic Development Plan Ordinance, the City considered an application from Truth or Consequences Brewing Company, which proposed that the City serve as local government conduit for an appropriation up to \$125,000 from the Legislature of the State of New Mexico (the "LEDA Funds") to Truth or Consequences Brewing Company, for the purpose of establishing a brewery on property located at 410 N. Broadway in the City ("the Project"); and

WHEREAS, the City has determined that Truth or Consequences Brewing Company, is a "qualifying entity" and the Project is an "economic development project" as those terms are defined by the Act,

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

Section 1. Short Title.

This ordinance may be cited as the "Truth or Consequences Brewing Company, Economic Development Project Ordinance."

Section 2. Purpose.

This Truth or Consequences Brewing Company, Economic Development Project Ordinance is adopted to approve the Project and the above identified Agreements related to the Project.

Section 3. The Project.

The City hereby approves Truth or Consequences Brewing Company as a qualifying entity and the Project as an economic development project under the Act and the Economic Development Plan Ordinance. This approval is conditioned upon those matters set forth in the Project Participation Agreement to be entered into by the City and Truth or Consequences Brewing Company, and all applicable local, state and federal laws.

Section 4. Project Revenue Fund.

The Truth or Consequences Brewing Company Fund (the "Project Revenue Fund") is hereby established. All revenue related in any way to the Project shall be deposited into the Project Revenue Fund and any such revenue deposited into the Project Revenue Fund shall be expended only for the Project. Any unexpended and encumbered balances in the Project Revenue Fund shall be transferred to the New Mexico Economic Development Department upon termination of the Project as set forth in Section 6, herein.

Section 5. Project Participation Agreement.

The City hereby authorizes the City Manager to enter into a Project Participation Agreement, an Interdepartmental Agreement and a Guaranty Agreement in substantially the forms attached to this Ordinance. Those said Agreements shall be incorporated into this Ordinance by reference and made a part of this Ordinance.

Section 6. Termination.

Termination of the Project that is the subject of this Ordinance shall be by ordinance. Any termination ordinance shall provide for termination of the above-referenced Agreements and shall provide for satisfying the rights of the parties thereunder.

Section 7 Ratification.

The City hereby ratifies and accepts all actions consistent with this Ordinance that the City or its agents may have taken in furtherance of the Project.

Section 8. Severability.

If any section, paragraph, sentence, clause or word or phrase of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

Section 9. Effective Date.

This ordinance shall become effective on the _____ day of _____, 2017.

ADOPTED this ____ day of _____, 2017.

**CITY OF TRUTH OR CONSEQUENCES
NEW MEXICO**

BY: _____
STEVE GREEN, Mayor

ATTEST:

**RENEE CANTIN
CITY CLERK-TREASURER**



H.4

CITY OF TRUTH OR CONSEQUENCES

COMMISSION ACTION FORM

ITEM:

DISCUSSION/ACTION: RESOLUTION NO. 21-16/17 LEDA BUILDING PERMIT FEES.

BACKGROUND:

The City amended the LEDA ordinance in December 2015. LEDA allows public support of economic development to foster, promote, and enhance local economic development. This empowers communities to embark on economic development projects tailored to their LOCAL needs and used to enter into a “public private partnership” for an economic benefit. LEDA allows the City Commission to negotiate with a qualifying entity on the type or amount of assistance to be provided or on the scope of the economic development project.

In addition to the LEDA ordinance, the City Comprehensive Plan adopted in October 2014, Section 3.7 recommends incentives such as waivers in certain fees to encourage infill development.

T or C Brewing Company is working with the NM Economic Development Department to use State Local Economic Development Act (LEDA) funds for their proposed project. In addition to the support sought from the State, T or C Brewing Company is sought assistance through the City LEDA ordinance for waivers of certain fees.

During the meeting of December 13, 2016, the City Commission authorized staff to proceed forward with the waiver of fees for the T or C Brewing Company. The building permit fees were adopted by Resolution No. 10 08/09. The proposed resolution No. 21 16/17 adds a provision to allow for the waiver of the building permit fees for a project that qualifies under the LEDA ordinance and is seeking LEDA funds from the New Mexico Economic Development Department.

SUPPORT INFORMATION:

- Resolution No. 21 16/17.

Name of Drafter: Juan A. Fuentes	Department: City Manager	Mtg: 02/14/17
E-mail: jafuentes@torcnm.org	Phone: 575-894-6673 Ext. 320	

RESOLUTION No. 21-16/17

A RESOLUTION OF THE CITY OF TRUTH OR CONSEQUENCES CITY COMMISSION ESTABLISHING APPROPRIATE FEES FOR MISCELLANEOUS ZONE ORDINANCE PERMITS AS ALLOWED BY ORDINANCE 570 AND REPEALING RESOLUTION NUMBER 10- 08/09

WHEREAS, the collection of fees are needed in order recover some of the costs related to the provision of services by the City related to the issuance of miscellaneous zone ordinance permits, and

WHEREAS, Ordinance # 570 allows the City to set fees by Resolution.

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 for the issuance of permits described below:

Name	FEE
• Annexation	\$100 or \$10/ac. max. \$250.00
• Appeal	\$50.00
• Conditional or Special Use Permit	\$25.00
• District Amendment (Zone Change)	\$100 or \$10/ac. max. \$250.00
• Variance	\$25.00
• Subdivision Master Plan	\$100 + \$2.00/lot
• Preliminary Plat	\$100 + \$2.00/lot
• Final Plat	\$50.00
• Summary Replat	\$50.00
• Replat	\$100 + \$2.00/lot
• Minor Plat Amendment	\$50.00
• Major Plat Amendment	\$50.00
• Subdivision Infrastructure Review	None
• Subdivision Infrastructure Inspection	None
• Planning Review Hourly Fee ^^	\$38.00
• Zoning Map	\$3.00
• Copy of Master Plan	\$15.00
• Copy of Master Plan (on disc)	\$2.00
• Copy of Subdivision Ordinance	\$10.00
• Copy of Subdivision Ordinance (on disc)	\$2.00
• Copy of Zoning Ordinance	\$15.00
• Copy of Zoning Ordinance (on disc)	\$2.00
• Copy Service	\$0.25 per page
• Notary Public Service	None
• Business License	\$35.00
• Zoning determination Letter	None
• Street Map	None
• Copies of Minutes on Tape	\$0.25 per page
• Other Maps	\$3.00 per page
• Building Dept. Fees:	

- | | |
|--------------------------------|----------------------------------|
| 1. Block Wall Permit** | \$100/1000 valuation min \$10.00 |
| 2. Building Permit Copies | None |
| 3. Mobile Home Blocking Permit | \$60.00 |
| 4. Building Permits per Chart: | |

BUILDING PERMIT FEES

1	Finished interior for residential, commercial, or semi-public use; manufactured construction excluding dwellings.	\$0.20 per square foot of interior space for the first 2,000 sq. ft. and \$0.10 per sq. ft. thereafter (\$20.00 minimum)
2	Unfinished or open covered area; e.g., garages, barns, or storage structures, etc. and swimming pools, patios, etc.	\$0.05 per sq. ft. of constructed area (\$20.00 minimum)
3	Off-site Manufactured dwellings	\$60.00 flat fee for zoning review
4	Sign Permit (required for all signs)	No fee
5	Other uses not covered by 1,2,3, or 4 above	\$1.00 per \$1000.00 valuation of improvements (\$10.00 minimum)

* Estimated value of work to be performed shall be submitted by the subdivider's engineer.

** Valuation of block wall shall be provided by owner or contractor

*** Valuation shall be provided by owner or contractor

^^ For project review involving more than one hour of staff time

LOCAL ECONOMIC DEVELOPMENT ACT (LEDA) WAIVERS

The City amended and adopted a revised LEDA ordinance in December 2015. LEDA allows public support of economic development to foster, promote, and enhance local economic development. This empowers communities to embark on economic development projects tailored to their LOCAL needs and used to enter into a "public private partnership" for an economic benefit. LEDA allows the City Commission to negotiate with a qualifying entity on the type or amount of assistance to be provided or on the scope of the economic development project.

- The City Commission authorizes the City Manager to waive the building permits fees set forth in this resolution for a project that qualifies under the LEDA Ordinance and is seeking state LEDA Funds from the New Mexico State Economic Development Department.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2017.

CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO

BY: _____
Steve Green, Mayor

ATTEST:

Reneé L. Cantin, City Clerk-Treasurer



H.5

CITY OF TRUTH OR CONSEQUENCES

COMMISSION ACTION FORM

ITEM: DISCUSSION/ACTION

TO ACCEPT AND APPROVE RESOLUTION NO. 23 16/17 AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS WASTEWATER TREATMENT FACILITY.

BACKGROUND:

USDA/RD Letter of Conditions dated September 21, 2016 requires RUS BULLETIN 1780-27 Loan Resolution authorizing the designees to take all action necessary or appropriate in the execution of all written instruments related to the USDA Grant/Loan for the WWTP Facility be approved and adopted by the City Commission. The proposed resolution is the standard USDA form all entities are required to adopt.

SUPPORT INFORMATION:

- RUS BULLETIN 1780-27 Loan Resolution 23 16/17
- LOC (Letter of Conditions) from USDA/RD for Phase 2B
- Proposed Project (taken from the PER) WWTP Improvements Phases 1-3

STAFF RECOMMENDATION:

To accept and approve Resolution No. 23 16/17

Name of Drafter: Traci Burnette	Department: Community Development	Meeting date: 2-14-2017
E-mail: tburnett@torcnm.org	Phone: 575-894-6673 ext. 353	Presenter: Traci Burnette

LOAN RESOLUTION No. 23 ¹⁶/₁₇ (Public Bodies)

A RESOLUTION OF THE City Commission

OF THE City of Truth or Consequences

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Wastewater Treatment Plant

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the City of Truth or Consequences

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

Seven Hundred Fifteen Thousand & 00/100

pursuant to the provisions of NMSA 1978 Sections 3-31-1 Through 3-31-12; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ 4,515,400.00

under the terms offered by the Government; that the City Manager

and Mayor of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yeas _____ Nays _____ Absent _____

IN WITNESS WHEREOF, the City Commission of the

City of Truth or Consequences has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this February, 14th day of 2017

(SEAL)

Attest:

By Steve Green

Title Mayor

Title _____

CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as _____ of the City of Truth or Consequences
hereby certify that the City Commission _____ of such Association is composed of
_____ members, of whom , _____ constituting a quorum, were present at a meeting thereof duly called and
held on the _____ day of _____ ; and that the foregoing resolution was adopted at such meeting
by the vote shown above, I further certify that as of _____ ,
the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been
rescinded or amended in any way.

Dated, this _____ day of _____

Title _____



United States Department of Agriculture

September 21, 2016

Mr. Juan Fuentes, City Manager
City of Truth or Consequences
505 Sims Street
Truth or Consequences, NM 87901

SUBJECT: City of Truth or Consequences – Letter of Conditions
Wastewater Treatment Plant (WWTP) Improvements Project Ph. 2B &
Sanitary Sewer Collection (SAS) Improvements Project
Loan and Grant Application

Dear Mr. Fuentes:

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

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

You must meet all conditions set forth under Section III – Conditions Required Prior to Advertising for Bids within 365 days of the date of this letter. If you have not met these conditions within this time frame, the Agency reserves the right to withdraw Agency funding.

The applicant will ensure projects are completed in a timely, efficient, and economical manner. **All projects must be completed and funds disbursed within 5 years of obligation.**

If you agree to meet the conditions set forth in this letter and desire further consideration be given to your application, please complete and return the following forms within 5 days:

Rural Development • New Mexico State Office
6200 Jefferson NE, Room 255
Albuquerque, NM 87109
Voice (505) 761-4950 • Fax (855) 543-9499

USDA is an equal opportunity provider, employer, and Lender.

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

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

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

The conditions are as follows:

SECTION I - PROJECT DETAIL

1. **Project Description** – Funds will be used for proposed Phase 2B Improvements to include rehabilitation of existing biological treatment processes and lift station upgrades to the Clancy, North Date, Nickel, and Mims lift stations.

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

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

USDA, RUS Loan - FY 2016	\$ 715,000.00
USDA, RUS Colonias Grant - FY 2016	\$ <u>4,515,400.00</u>
TOTAL PROJECT COST:	\$ 5,230,400.00

This funding is offered based on the amounts stated above. Any changes in funding sources following obligation of Agency funds must be reported to the processing official. Project feasibility and funding will be reassessed if there is a significant change in project costs after bids are received. If actual project costs exceed the project cost estimates, an additional contribution by the Owner may be necessary. Prior to advertisement for construction bids, you must provide evidence of applicant contributions and approval of other funding sources. This evidence should include a copy of the commitment letter. Agency funds will not be used to pre-finance funds committed to the project from other sources.

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

<u>Project Costs:</u>	<u>Total Budgeted:</u>
Construction	\$ 3,585,105.00
Interim Loan Origination Fee	\$ 4,500.00
Interim Loan Interest	\$ 34,000.00
Legal Services – Local Attorney	\$ 20,000.00

Legal Services – Bond Counsel Service	\$ 20,000.00
Engineering Fees	
Design	\$ 372,000.00
Construction Administration	\$ 286,525.00
Resident Inspection	\$ 100,000.00
Additional Services	\$ 40,000.00
Contingency	\$ 358,516.00
Gross Receipts Tax@8.3125%	\$ 409,754.00
TOTAL	\$ 5,230,400.00

Project feasibility and funding will be reassessed if there is a significant change in project costs after bids are received. Obligated loan or grant funds not needed to complete the proposed project will be deobligated prior to start of construction. **Any reduction will be applied to grant funds first.** An amended letter of conditions will be issued for any changes to the total project budget.

SECTION II – LOAN AND GRANT TERMS

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

Your loan will be scheduled for repayment over a period of (40) years. Payments will be equal annual amortized installments, beginning one year after closing. For planning purposes, use a 1.625% interest rate and an amortization factor of 34.20/per thousand, which provides for an annual payment of \$24,453.

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

5. **Security** – The loan will be secured by a Revenue bond with a 1st lien position in the amount of \$715,000. The bond will be fully registered as to both principal and interest in the name of the “United States of America Acting through the United States Department of Agriculture.” Bond Counsel will be utilized in preparation of these documents. The services of a recognized bond counsel are required.

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

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

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

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

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

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

- a) The recipient receives less than \$120,000 in Federal awards per year.
- b) The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances.
- c) The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.
- d) A foreign government or banking system prohibits or precludes interest-bearing accounts.

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

- a.) **Debt Service Reserve** – As a part of this Agency loan proposal, you must establish a debt service reserve fund equal to at least one annual loan installment that accumulates at the rate of 10% of one annual payment per year for ten years or until the balance is equal to one annual loan payment. Ten percent of the proposed loan installment would equal \$203.75 per month; this amount should be deposited monthly until a total of \$24,450.00 has accumulated and is minimum balance required to be maintained over the life of loan. **Prior written concurrence from the Agency must be obtained before funds may be withdrawn from this account during the life of the loan. When funds**

are withdrawn during the life of the loan, deposits will continue as designated above until the fully-funded amount is reached.

- b.) **Short-Lived Asset Reserve** – In addition to the debt service reserve fund, you must establish a short-lived asset reserve fund. Based on the preliminary engineering report, you must deposit \$ 197,824 into the short-lived asset reserve fund annually until the total replacement cost of \$2,263,500 is reached and maintain this balance for the life of the loan, to pay for repairs and/or replacement of major system assets. It is your responsibility to assess your facility's short-lived assets needs on a regular basis and adjust the amount deposited to meet those needs. Short-lived assets are more fully described on the enclosure to this letter of conditions.

SECTION III – REQUIREMENTS PRIOR TO ADVERTISING FOR BIDS

9. **Legal Services** – You are required to execute a legal services agreement with your attorney and bond counsel, if applicable, for any legal work needed in connection with this project. The agreement should stipulate an hourly rate for the work, with a “not to exceed” amount for the services, including reimbursable expenses. RUS Bulletin 1780-7, “Legal Services Agreement,” or similar format may be used. If costs for the services are expected to exceed \$25,000, Form AD 1048, “Certification Regarding Debarment – Lower Tier Transactions” must be executed by the attorney and bond counsel. The legal services agreements must be submitted to the Agency for concurrence prior to advertising for bids. Any changes to the fees or services spelled out in the original agreement must be reflected in an amendment to the agreement and have prior Agency concurrence.

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

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

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

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

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

Fully executed copies of any policies, procedures, ordinances, contracts, or agreements must be submitted prior to loan closing.

12. Closing Instructions – The Agency will prepare closing instructions as soon as the requirements of paragraphs 11-12 are complete, and a draft of the security instruments described in paragraph 5 have been submitted. Closing instructions must be obtained prior to advertising for bids.

13. Engineering Services – You are required to complete an Agreement for Engineering Services, which will consist of the Engineers Joint Contract Documents Committee (EJCDC) documents as indicated in RUS Bulletin 1780-26, "Guidance for the Use of EJCDC Documents on Water and Waste Projects with RUS Financial Assistance," or other approved form of agreement. If costs for the services are expected to exceed \$25,000, Form AD 1048, "Certification Regarding Debarment – Lower Tier Transactions" must be executed by the engineer. The agreement must be submitted to the Agency for concurrence prior to advertising for bids. The Agency must approve any modifications to this agreement.

14. Contract Documents, Final Plans and Specifications – The contract documents must consist of the EJCDC construction contract documents as indicated in RUS Bulletin 1780-26 or other Agency approved forms of agreement.

The contract documents, final plans, and specifications must comply with RUS Instruction 1780, Subpart C – Planning, Designing, Bidding, Contracting, Constructing and Inspections, and must be submitted to the Agency for concurrence prior to advertising for bids along with an updated cost estimate. The Agency may require another updated cost estimate if a significant amount of time elapses between the original submission and advertising for bids.

The use of any procurement method other than competitive sealed bids must be requested in writing and approved by the Agency.

15. Environmental Requirements – At the conclusion of the proposal's environmental review process, specific actions were determined necessary to avoid or minimize adverse

environmental impacts. As outlined in the Environmental Report dated July 2016, the following action is required for successful completion of the project and must be adhered to during project design and construction:

- The elevation of the earth flood protection berms at the Mims Lift Station will be required to be increased to meet the 500-year flood requirements.

The above mitigation requirements must be incorporated into the contract documents and enforced during and after construction. In addition, these mitigation requirements will be added as an addendum will be added to RUS Bulletin 1780-27, "Loan Resolution (Public Bodies)."

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

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

17. Construction Account – You must establish a separate construction account with an acceptable financial institution or depository that meets the requirements of 31 CFR Part 202. All project funds will be deposited into this account. Financial institutions or depositories accepting deposits of public funds and providing other financial agency services to the Federal Government are required to pledge adequate, acceptable securities as collateral in accordance with 31 CFR Part 202. All funds in the account will be secured by a collateral pledge equaling at least 100% of the highest amount of funds expected to be deposited in the construction account at any one time. Additional guidance on collateral acceptability and valuation are available at Treasury's Bureau of the public debt website at www.publicdebt.treas.gov.

Agency funds will be disbursed into the construction account through an electronic transfer system. Form SF-3881, "ACH Vendor/Miscellaneous Payment Enrollment Form" must be completed and submitted to the Agency prior to advertising for bids.

18. System Users – This Letter of Conditions is based upon your indication at application that the City of Truth or Consequences (T or C) will have at least 2,584 residential users and 1,082 nonresidential users when construction is completed.

Before the Agency can agree to the project being advertised for construction bids, you must certify that the number of users indicated at application are currently using the system or signed up to use the system once it is operational. If the actual number of existing and/or proposed users

that have signed up for service is less than the number indicated at the time of application, you must provide the Agency with a written plan on how you will obtain the necessary revenue to adequately cash flow the expected operation, maintenance, debt service, and reserve requirements of the proposed project (e.g. increase user rates, sign up an adequate number of other users, reduce in project scope, etc.). Similar action is required if there is cause to modify the anticipated flows or volumes presented following approval.

If you are relying on mandatory connection requirements, you must provide evidence of the authorizing ordinance or statute along with your user certification. If you are relying on voluntary connections, you must submit the following:

- a) **Positive Program to Encourage Connections** – You must provide a positive program to encourage connection by all users as soon as service is available. The program will be reviewed by the Agency prior to advertising for bids. A guide for developing your positive program is available from the Agency.
- b) **[Water] [Sewer] User Agreements** – Users will be required to execute [Water] [Sewer] Users Agreements prior to advertising for construction bids. The amount of cash contributions required will be set by you and concurred with by the Agency. Contributions should be an amount high enough to indicate sincere interest on the part of the potential user, but not so high as to preclude service to low income families, and have a deadline for the contribution to be used or forfeited. RUS Bulletin 1780-9, “Water Users Agreement,” or similar agreement may be used.
- c) **Service Declination Statement** – Each potential user who is located along planned lines and declines the offered service will be provided an opportunity to sign a “Service Declination Statement.”

19. Proposed Operating Budget – You must establish and/or maintain a rate schedule that provides adequate income to meet the minimum requirements for operation and maintenance (O&M), debt service, and reserves. Prior to advertising for bids, you must submit a proposed annual operating budget to the Agency, as well as a proposed rate schedule, which supports the operation, maintenance, debt service, and reserves. The operating budget should be based on a typical year cash flow after completion of the construction phase and should be signed by the appropriate official of your organization. Form RD 442-7, “Operating Budget” or similar format may be utilized for this purpose. It is expected that O&M will change over each successive year and user rates will need to be adjusted on a regular basis.

Technical assistance is available at no cost to help you evaluate and complete a rate analysis on your system. This assistance is available free to your organization. If you are interested please contact our office for information.

20. Other Funding – Prior to advertising for bids, you must provide evidence of applicant contributions and approval of other funding sources. This evidence should include a copy of the commitment letter from each source.

21. Permits – The owner or responsible party will be required to obtain all applicable permits for the project, prior to advertising for bids. The consulting engineer must submit written

evidence that all applicable permits required prior to construction have been obtained with submission to the Agency of the final plans, specifications and bid documents.

22. Vulnerability Assessment/Emergency Response Plan (VA/ERP) – The Agency requires all financed water and wastewater systems to have a VA/ERP in place. Borrowers with existing systems must provide a certification that a VA/ERP has been completed prior to advertising for bids. The VA/ERP documents themselves are not submitted to the Agency. The VA/ERP must address potential impacts from natural disasters and other emergency events. In particular, it should include plans to address impacts of flash flooding in areas where severe drought or wildfires occur. The documents should be reviewed and updated every three years at a minimum

For new systems, see Section V of this letter of conditions. For VA/ERP requirements throughout the life of the loan, see Section VII. Technical assistance at no cost is available in preparing these documents.

23. Bid Authorization – Once all the conditions outlined in Section III of this letter have been met, the Agency will authorize you to advertise the project for construction bids. Such advertisement must be in accordance with applicable State statutes.

SECTION IV - REQUIREMENTS PRIOR TO START OF CONSTRUCTION

24. Bid Tabulation – Immediately after bid opening, you must provide the Agency with the bid tabulation and your engineer's evaluation of bids and recommendations for contract awards. You must also submit an opinion from your legal representative that the bidding procedures met applicable State law. If the Agency agrees that the construction bids received are acceptable, adequate funds are available to cover the total project costs, and all the requirements of Section III of this letter have been satisfied, the Agency will authorize you to issue the Notice of Award.

- a) **Cost Overruns.** If bids are higher than expected, or if unexpected construction problems are encountered, you must utilize all options to reduce cost overruns. Negotiations, redesign, use of bidding alternatives, rebidding or other means will be considered prior to commitment of subsequent funding by the Agency. Any requests for subsequent funding to cover cost overruns will be contingent on the availability of funds. Cost overruns exceeding 20% of the development cost at time of loan/grant approval or where the scope of the original purpose has changed will compete for funds with all other applications on hand as of that date.
- b) **Excess Funds.** If bids are lower than anticipated at time of obligation, excess funds must be deobligated prior to start of construction except in the cases addressed in this paragraph: ~~In cases where the original PER for the project included items that were not~~ bid, or were bid as an alternate, the State Office official may modify the project to fully utilize obligated funds for those items. Amendments to the PER, ER, and letter of conditions may be needed for any work not included in the original project scope. In all cases, prior to start of construction, excess funds will be deobligated, with grant funds being deobligated first. Excess funds do not include contingency funds as described in this letter.

25. Contract Review – Your attorney will review and certify that the executed contract documents, including performance and payment bonds, if required, are adequate and that the persons executing these documents have been properly authorized to do so in accordance with RUS Instruction 1780.61(b).

Once your attorney has certified that they are acceptable, the contract documents will be submitted to the Agency for its concurrence. The Notice to Proceed cannot be issued until the Agency has concurred with the construction contracts.

26. Resident Inspector(s) – Full-time inspection is required unless you request an exception. Such requests must be made in writing and the Agency must concur with the request. Inspection services are to be provided by the consulting engineer unless other arrangements are requested in writing and concurred with by the Agency. A resume of qualifications of any resident inspector(s) will be submitted to the owner and Agency for review and concurrence prior to the pre-construction conference. The resident inspector(s) must attend the pre-construction conference.

27. Preconstruction Conference – A preconstruction conference will be held prior to the issuance of the Notice to Proceed. The consulting engineer will review the planned development with the Agency, owner, resident inspector, attorney, contractor, other funders, and other interested parties, and will provide minutes of this meeting to the owner and Agency.

28. Final Rights-of-Way – For projects involving the acquisition of land, you must provide evidence that you have clear title to the land prior to the issuance of the Notice to Proceed. If any of the rights-of-way forms listed previously in this letter contain exceptions that do not adversely affect the suitability, successful operation, security value, or transferability of the facility, the approving official must provide a written waiver prior to the issuance of the Notice to Proceed.

Final Title Work – Immediately after closing or prior to the start of construction, whichever comes first, your attorney must furnish a Final Title Insurance Policy on all existing real property related to the facility, now owned and to be acquired for this project.

29. Insurance and Bonding Requirements – Prior to the start of construction or loan closing, whichever occurs first, you must acquire and submit to the Agency proof of the types of insurance and bond coverage for the borrower shown below. The use of deductibles may be allowed, providing you have the financial resources to cover potential claims requiring payment of the deductible.

The Agency strongly recommends that you have your engineer, attorney, and insurance provider(s) review proposed types and amounts of coverage, including any exclusions and deductible provisions. It is your responsibility and not that of the Agency to assure that adequate insurance and fidelity or employee dishonesty bond coverage is maintained.

- a) **General Liability Insurance** – Include vehicular coverage.
- b) **Workers' Compensation** – In accordance with appropriate State laws.

- c) **Fidelity or Employee Dishonesty Bonds** – Include coverage for all persons who have access to funds, including persons working under a contract or management agreement. Coverage may be provided either for all individual positions or persons, or through blanket coverage providing protection for all appropriate workers. During construction, each position should be bonded in an amount equal to the maximum amount of funds to be under the control of that position at any one time. The coverage may be increased during construction based on the anticipated monthly advances. After construction and throughout the life of the loan, the amount of coverage must be for at least the total annual debt service of all outstanding Agency loans. The Agency will be identified in the fidelity bond for receipt of notices. Form RD 440-24, "Position Fidelity Schedule Bond," or similar format may be used.
- d) **National Flood Insurance** - If the project involves acquisition or construction in designated special flood or mudslide prone areas, you must purchase a flood insurance policy at the time of loan closing.
- e) **Real Property Insurance** – Fire and extended coverage will normally be maintained on all structures except reservoirs, pipelines and other structures if such structures are not normally insured, and subsurface lift stations except for the value of electrical and pumping equipment. The Agency will be listed as mortgagee on the policy when the Agency has a lien on the property. Prior to the acceptance of the facility from the contractor(s), you must obtain real property insurance (fire and extended coverage) on all facilities identified above.

Insurance types described above are required to be continued throughout the life of the loan. See Section VII.

30. **Initial Compliance Review** – The Agency will conduct an initial compliance review of the borrower prior to loan closing or start of construction, whichever occurs first, in accordance with 7 CFR 1901, Subpart E.

31. **Loan Closing** – If multiple advances of Agency funds will be used, the requirements of Section V must be met prior to the start of construction.

SECTION V – REQUIREMENTS PRIOR TO LOAN CLOSING

32. **Documents from Section II and III** – The security documents described in paragraph 5 must be fully executed and adopted. Form RD 3550-28, "Authorization Agreement for Preauthorized Payments," must be submitted. ~~The policies, procedures, contracts and agreements described in paragraph 13 must be fully executed and adopted.~~

33. **Vulnerability Assessment/Emergency Response Plan (VA/ERP)** – New water or wastewater systems must provide a certification that a VA/ERP is completed.

34. **Other Requirements** – All requirements contained in the Agency's closing instructions, as well as any requirements of your bond counsel and/or attorney, must be met prior to loan closing.

- a) **System for Award Management.** You are required to maintain a Dun and Bradstreet Data Universal Numbering System (DUNS) number and maintain an active registration in the System for Award Management (SAM) database. Renewal can be done on-line at: <http://sam.gov>. This registration must be renewed and revalidated every twelve (12) months for as long as there are Agency funds to be expended. To ensure the information is current, accurate and complete, and to prevent the SAM account expiration, the review and updates must be performed within 365 days of the activation date, commonly referred to as the expiration date. The registration process may take up to 10 business days. (See 2 CFR Part 25 and the "Help" section at <http://sam.gov>).
- b) **Litigation.** You are required to notify the Agency within 30 days of receiving notification of being involved in any type of litigation prior to loan closing or start of construction, whichever occurs first. Additional documentation regarding the situation and litigation may be requested by the Agency.
- c) **Certified Operator.** Evidence must be provided that your system has or will have, as defined by applicable State or Federal requirements, a certified operator available prior to the system becoming operational, or that a suitable supervisory agreement with a certified operator is in effect.

35. **Use of Remaining Funds** – Applicant contribution and connection or tap fees will be the first funds expended in the project, followed by non-Agency sources of funds. Remaining funds may be considered in direct proportion to the amounts obtained from each source and handled as follows:

- a) Remaining funds may be used for eligible loan and grant purposes, provided the use will not result in major changes to the original scope of work and the purpose of the loan and grant remains the same.
- b) Loan funds not needed will be applied as an extra payment on the Agency indebtedness unless other disposition is required by the bond ordinance, resolution, or State statute.
- c) Grant funds not expended for authorized purposes will be canceled (de-obligated) within 45 days of final completion of project. Prior to actual cancellation, you will be notified of the Agency's intent to cancel the remaining funds and given appropriate appeal rights.

SECTION VI – REQUIREMENTS DURING CONSTRUCTION

36. **Inspections** – The Agency requires periodic inspections during construction, a pre-final and final inspection, and a warranty inspection. You, your engineer, and the contractor will be required to attend these inspections. The warranty inspection will be scheduled by your engineer before the end of the one-year warranty period to address and/or resolve any warranty issues. The Agency will conduct an inspection of your records management system at the same time as the warranty inspection, and will continue to inspect the facility and your records system every three years for the life of the loan. See Section VII of this letter.

37. **Change Orders** – Prior Agency concurrence is required for all Change Orders.
38. **Payments** – Prior Agency concurrence is required for all invoices and partial payment requests. Requests for payment related to a contract or service agreement will be signed by the owner, project engineer, and contractor or service provider prior to Agency concurrence. Invoices not related to a construction contract or service agreement will include the owner's written concurrence.

SECTION VII – SERVICING REQUIREMENTS DURING THE TERM OF THE LOAN

39. **Technical, Managerial and Financial Capacity** – Members of the Board of Directors, City Council members, trustees, commissioners and other governing members must possess the necessary technical, managerial, and financial capacity skills to consistently comply with pertinent Federal and State laws and requirements. It is recommended members receive training within one year of appointment or election to the governing board, and a refresher training for all governing members on a routine basis. The content and amount of training should be tailored to the needs of the particular individual and the utility system. Technical assistance providers are available to provide this training for your organization, often at no cost. Contact the Agency for information.
40. **Graduation** – By accepting this loan, you are also agreeing to refinance (graduate) the unpaid loan balance in whole, or in part, upon request of the Government. If at any time the Agency determines you are able to obtain a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms, you will be requested to refinance. Your ability to refinance will be assessed every other year for those loans that are five years old or older.
41. **Security/Operational Inspections** – The Agency will inspect the facility and conduct a review of your operations and records management system and conflict of interest policy every three years for the life of the loan. You must participate in these inspections and provide the required information.
42. **Annual Financial Reporting/Audit Requirements** – You are required to submit an annual financial report at the end of each fiscal year. The annual report will be certified by the appropriate organization official, and will consist of financial information and a rate schedule. Financial statements must be prepared on the accrual basis of accounting in accordance with generally accepted accounting principles (GAAP), and must include at a minimum a balance sheet and income and expense statement. The annual report will include separate reporting for each water and waste disposal facility, and itemize cash accounts by type (debt service, short-lived assets, etc.) under each facility. All records, books and supporting material are to be retained for ~~three years after the issuance of the annual report. Technical assistance is available at no cost~~ with preparing financial reports.

The type of financial information that must be submitted is specified below:

- a) **Audits.** An annual audit under the Single Audit Act is required if you expend \$750,000 or more in Federal financial assistance per fiscal year. The total Federal funds expended

from all sources shall be used to determine Federal financial assistance expended. Expenditures of interim financing are considered Federal expenditures.

- i. All audits are to be performed in accordance with 2 CFR Part 200, as adopted by USDA through 2 CFR Part 400. Further guidance on preparing an acceptable audit can be obtained from the Agency. It is not intended that audits required by this part be separate and apart from audits performed in accordance with State and local laws. To the extent feasible, the audit work should be done in conjunction with those audits. The audit must be prepared by an independent licensed Certified Public Accountant, or a State or Federal auditor if allowed by State law, and must be submitted within 9 months of your fiscal year end.
 - ii. If an audit is required, you must enter into a written agreement with the auditor and submit a copy to the Agency prior to the advertisement of bids. The audit agreement may include terms and conditions that the borrower and auditor deem appropriate; however, the agreement should include the type of audit or financial statements to be completed, the time frame in which the audit or financial statements will be completed, what type of reports will be generated from the services provided, and how irregularities will be reported.
- b) **Financial Statements.** If you expend less than \$750,000 in Federal financial assistance per fiscal year, you may submit financial statements in lieu of an audit which include at a minimum a balance sheet and an income and expense statement. You may use Form RD 442-2, "Statement of Budget, Income and Equity," and 442-3, "Balance Sheet," or similar format to provide the financial information. The financial statements must be signed by the appropriate borrower official and submitted within 60 days of your fiscal year end.
- c) **Quarterly Reports** – Quarterly Income and Expense Statements will be required until the processing office waives this requirement. You may use Form RD 442-2 or similar format to provide this information, and the reports are to be signed by the appropriate borrower official and submitted within 30 days of each quarter's end. The Agency will notify you in writing when the quarterly reports are no longer required.

43. **Annual Budget and Projected Cash Flow** – Thirty days prior to the beginning of each fiscal year, you will be required to submit an annual budget and projected cash flow to the Agency. With the submission of the annual budget, you will be required to provide a current rate schedule, and a current listing of the Board or Council members and their terms. The budget must be signed by the appropriate borrower official. Form RD 442-2 or similar format may be used.

Technical assistance is available at no cost to help you evaluate and complete a rate analysis on your system, as well as completing the annual budget. If you are interested, please contact our office for information.

44. **Vulnerability Assessment/Emergency Response Plan (VA/ERP)** – You are required to submit a certification to the servicing office every three years that the VA/ERP is current and covers all sites related to the facility. The documents themselves are not submitted to the Agency. The VA/ERP must address potential impacts from natural disasters and other emergency events. In particular, it should include plans to address impacts of flash flooding in areas where severe drought or wildfires occur. The documents should be reviewed and updated every three years at a minimum.

45. **Insurance** – You are required to maintain insurance on the facility and employees as previously described in this letter for the life of the loan.

46. **Statutory and National Policy Requirements** – You are required to comply with U.S. statutory and public policy requirements, including but not limited to the following:

- a) **Section 504 of the Rehabilitation Act of 1973** – Under Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), no handicapped individual in the United States shall, solely by reason of their handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Agency financial assistance.
- b) **Civil Rights Act of 1964** – All borrowers are subject to, and facilities must be operated in accordance with, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and 7 CFR 1901, Subpart E, particularly as it relates to conducting and reporting of compliance reviews. Instruments of conveyance for loans and/or grants subject to the Act must contain the covenant required by Paragraph 1901.202(e) of this Title.
- c) **The Americans with Disabilities Act (ADA) of 1990** – This Act (42 U.S.C. 12101 et seq.) prohibits discrimination on the basis of disability in employment, State and local government services, public transportation, public accommodations, facilities, and telecommunications.
- d) **Age Discrimination Act of 1975** – This Act (42 U.S.C. 6101 et seq.) provides that no person in the United States shall on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- e) **Limited English Proficiency (LEP) under Executive Order 13166** - LEP statutes and authorities prohibit exclusion from participation in, denial of benefits of, and discrimination under Federally-assisted and/or conducted programs on the ground of race, color, or national origin. Title VI of the Civil Rights Act of 1964 covers program access for LEP persons. LEP persons are individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. These individuals may be entitled to language assistance, free of charge. You must take reasonable steps to ensure that LEP persons receive the language assistance necessary to have meaningful access to USDA programs, services, and information your organization provides. These protections are pursuant to Executive Order 13166, titled, "Improving Access to Services by Persons with Limited English Proficiency," and further affirmed in the USDA Departmental Regulation 4330-005, "Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency in Programs and Activities Conducted by USDA."

~~Agency financial programs must be extended without regard to race, color, religion, sex, national origin, marital status, age, or physical or mental handicap.~~ You must display posters (provided by the Agency) informing users of these requirements, as well as post and include a Non-Discrimination Statement (provided by the Agency) on all materials produced for public information, education and distribution. The Agency will monitor your compliance with these requirements during regular compliance reviews.

47. **Compliance Reviews and Data Collection** – The Agency will conduct regular compliance reviews of the borrower and its operation in accordance with 7 CFR Part 1901, Subpart E, and 36 CFR 1191, Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guidelines. Compliance reviews will typically be conducted in conjunction with the security inspections described in this letter. If beneficiaries (users) are required to complete an application or screening for the use of the facility or service you provide, you must request and collect data by race (American Indian or Alaska Native, Asian, Black or African American, White); ethnicity (Hispanic or Latino, Not Hispanic or Latino); and by sex. A sample collection form is attached. The Agency will utilize this data as part of the required compliance review.

SECTION VIII – REMEDIES FOR NON-COMPLIANCE

Non-compliance with the conditions in this letter or requirements of your security documents will be addressed under the provisions of 7 CFR 1782 and other applicable regulations, statutes, and policies.

We look forward to working with you to complete this project. If you have any questions, please contact Ms. Sandra Alarcón, Loan Specialist, at (575) 522-8775 Ext. No. 6.

Sincerely,



Kathy Pfiffner
Community Program Director
USDA Rural Development

Attachments

cc: Las Cruces Area Office, Community Programs, RD NM
Accountant
Attorney
Engineer
File

B. TOTAL PROJECT COST ESTIMATE

The recommended project has an estimated construction cost of approximately \$3.4 million. Engineering fees for the investigation, design, construction and post construction phases of the project are estimated at \$0.4 million (see Table 66). There are no anticipated right-of-way, additional land, relocation or legal fees. The total project costs are estimated at \$4.2 million (see Table 66).

The proposed improvements to the existing WWTP summarized in this PER are intended to be implemented as one complete project, resulting in site-wide improvements to multiple unit processes. However, current economic realities and budget constraints related to the funding sources for this project (NMFA and USDA) have dictated a phased construction plan for this project. The proposed Project Phasing Plan, as outlined below, takes into account both the current condition of various WWTP unit processes, and the most immediate needs of the T or C WWTP.

- **PHASE 1 – UV/BFP/Pad/Aerators/Safety:** Phase 1 would include installation of the UV Disinfection system, Belt Filter Press facility, new aeration equipment, expanded solids processing pad, facility site improvements, and other immediate site safety needs (i.e. fencing around the Oxidation Oval, replacement of stairs and retaining walls near Grit Chamber area, etc.)

Implementation Timeframe: Immediate (construction 2016)

Estimated Cost: \$4,491,945 including NMGR (see Table 66)

2016 Project Update: This project is in construction. The project bid on 2/11/16 and was awarded to RMCI, Inc. The awarded amount is \$3,635,325.05 including NMGR at 8.5%. The contractor has been given the Notice to Proceed on May 23, 2016. Substantial completion has been set for Jan 18, 2017 with final completion set for Feb. 17, 2017.

The project awarded includes the new belt filter press and new concrete solids processing pad, new aeration equipment, new ultraviolet disinfection equipment, new odor control system, new WWTP site manholes, new flow meters and pumps, and new WWTP electrical improvements related to the new equipment and controls as well as a new SCADA system.

- **PHASE 2A– Circular Clarifiers:** Phase 2A would include installation of two new circular clarifiers with associated removal of existing clarifiers.

Implementation Timeframe: 3-5 years (construction 2017)

Estimated Cost: \$1,833,376 including NMGR (see Table 67)

2016 Project Update: This project is in final design. The project includes:

- (1) Demolish exist. Clarifier No. 1: Remove internal equipment and electrical components to convert structure to an emergency storage tank. Catwalks to remain. Cap piping connected to structure.



7. PROPOSED PROJECT

- (2) Demolish exist. Clarifier No. 2: Remove internal equipment and electrical components to convert structure to an emergency storage tank. Catwalks to remain. Cap piping connected to structure.
- (3) Build new Clarifier No. 1: Earthwork, Structure, Equipment, Electrical/Instrumentation, Raised platform and stairs.
- (4) Build new Clarifier No. 2: Earthwork, Structure, Equipment, Electrical/Instrumentation, Raised platform and stairs.
- (5) Build new emergency concrete lined pond: Earthwork and Structure.

The current engineer's estimate of probable construction cost is: 1,485,270 with NMGR at 8.5%.

- **PHASE 2B –**

Digester/Oval & Emergency Pond Rehab:

Phase 2B would include installation of a new rectangular aerobic digester basin, rehab of the Oxidation Oval concrete, and installation of concrete lining to the Emergency Pond.

Sewer Pump Station Improvements

Phase 2B's sewer pump station improvements include

Nickel Lift Station: a new duplex, submersible pump wet well lift station with electrical and SCADA upgrades.

Clancy Lift Station: rehabilitation the existing lift station with the submersible pumps and equipment, a new mechanical screen, a new biofilter, a new generator/ATS, a new electrical building, electrical and SCADA upgrades, and site lighting. It also includes a new CMU wall around the site and flood mitigation berms.

Mims Pump Station: rehabilitation of existing pump station with electrical upgrades, coating of pipes and valves, replacement of the vacuum tank sensors, and building lighting. It also includes a new CMU wall around the site and flood mitigation berms.

North Date Lift Station: a new duplex, submersible pump wet well lift station with electrical and SCADA upgrades, a new generator/ATS, site lighting and increased site security measures.

Implementation Timeframe: (construction 2018)

Estimated Cost: \$5,100,238 including NMGR (see Table 68)

- **PHASE 3 – Anoxic Basin:** Phase 3 would include installation of a new anoxic basin to optimize wastewater denitrification once average WWTP flowrates approach 1.3 MGD.

Implementation Timeframe: 10-20 years (depending on population growth, wastewater flows, permit requirements, and water quality problems/needs).

Estimated Cost: \$1,252,329 including NMGR (see Table 70)

Estimated construction costs, engineering fees, and financial analysis for the phased Proposed Project are included in the following sections of this PER document.



7. PROPOSED PROJECT

The estimated construction costs and engineering fees for Phase 1, Phase 2A, Phase 2B, and Phase 3 of the Proposed Project are itemized in the tables on next two pages.

TABLE 66: ENGINEER'S ESTIMATE OF PROBABLE COSTS - PHASE 1: UV/BFP/SOLIDS PAD/AERATORS/SAFETY

#	ITEM	COST	COST
1	UV DISINFECTION SYSTEM	\$ 280,200	
2	BFP FACILITY/SOLIDS PROCESSING PAD	\$ 1,149,500	
3	AERATORS AND SUPPORTS (BRIDGES)	\$ 396,000	
4	ELECTRICAL UPGRADES (CONTROLS/PANELS/SCADA)/NEW LS PUMP	\$ 500,000	
5	SAFETY UPGRADES	\$ 625,000	
6	CONTRACTOR MOB/DEMOB	\$ 211,084	
7	MISC CONSTRUCTION ITEMS: NPDES COMPLIANCE, CONSTRUCTION STAKING, TESTING ALLOWANCE, AND SIGN	\$ 53,000	
8	LEGAL FEES/COSTS, INCLUDING SURITY BOND	\$ 45,000	
9	BOND REVENUE COUNCIL SERVICE	\$ 20,000	
10	INTERIM LOAN ORIGATION FEE	\$ 4,500	
11	INTERIM LOAN INTEREST	\$ 34,000	
12	CONTIGENCY	\$ 320,978	
13	ENGINEERING/CONSTRUCTION OBSERVATION FEES	\$ 524,765	
-	TOTAL PHASE 1 ENGINEERING/CONSTRUCTION COSTS		\$ 4,164,028
-		NMGRT - 7.875%	\$ 327,917
-	TOTAL ESTIMATED PHASE 1 COST		\$ 4,491,945

TABLE 67: ENGINEER'S ESTIMATE OF PROBABLE COSTS - PHASE 2A: CIRCULAR CLARIFIERS

#	ITEM	COST	COST
1	TWO NEW CIRCULAR CLARIFIERS	\$ 884,150	
2	CONTRACTOR MOB/DEMOB, ELECTRICAL, YARD PIPING, GENERAL SITE IMPROVEMENTS, ALLOWANCES	\$ 442,287	
3	MISC CONSTRUCTION ITEMS: NPDES COMPLIANCE, CONSTRUCTION STAKING, TESTING ALLOWANCE, AND SIGN	\$ 17,600	
4	LEGAL FEES/COSTS, INCLUDING SURITY BOND	\$ 10,000	
5	BOND REVENUE COUNCIL SERVICE	\$ 20,000	
6	CONTIGENCY	\$ 121,427	
7	ENGINEERING/CONSTRUCTION OBSERVATION FEES	\$ 194,283	
-	TOTAL PHASE 2A ENGINEERING/CONSTRUCTION COSTS		\$ 1,689,747
-		NMGRT - 8.5%	\$ 143,329
-	TOTAL ESTIMATED PHASE 2A COST		\$ 1,833,376

7. PROPOSED PROJECT

TABLE 68: ENGINEER'S ESTIMATE OF PROBABLE COSTS - PHASE 2B: DIGESTER BASIN/OVAL, EMERGENCY POND REHABILITATION, AND SEWER PUMP STATIONS

#	ITEM	COST	COST
1	WWTP: RECTANGULAR DIGESTER BASIN	\$695,575	
2	WWTP:OXIDATION OVAL REHABILITATION	\$350,000	
3	WWTP:EMERGENCY OVERFLOW POND CONCRETE LINING	\$116,300	
4	WWTP:YARD PIPING/ANCILLARY	\$281,300	
5	WWTP:ELECTRICAL COMPONENTS/UPGRADES	\$150,000	
6	WWTP:CONTRACTOR MOB/DEMOB	\$110,496	
7	WWTP:MISC CONSTRUCTION ITEMS	\$30,000	
8	NICKEL LIFT STATION IMPROVEMENTS	\$223,380.00	
9	CLANCY LIFT STATION IMPROVEMENTS	\$1,231,334.00	
10	MIMS LIFT STATION IMPROVEMENTS	\$130,211.00	
11	NORTH DATE LIFT STATION IMPROVEMENTS	\$266,509.00	
12	LEGAL FEES/COSTS, INCLUDING SURETY BOND	\$20,000	
13	BOND REVENUE COUNCIL SERVICE	\$20,000	
14	CONTINGENCY	\$358,511	
15	INTERIM LOAN ORIGINATION FEE	\$4,500	
16	INTERIM LOAN INTEREST	\$34,000	
17	ENGINEERING/CONSTRUCTION OBSERVATION FEES	\$798,525	
	TOTAL PHASE 2B ENGINEERING/CONSTRUCTION COSTS		\$4,820,641
-	NMGRT - 8.5%		\$409,754
-	TOTAL ESTIMATED PHASE 2B COST		\$5,230,395

7. PROPOSED PROJECT

TABLE 69: BREAKDOWN OF ENGINEERING FEES FOR PHASE 2B

1	ENVIRONMENTAL INVESTIGATION	\$ -	
2	GEOTECHNICAL ENGINEERING	\$15,000	
3	TOPOGRAPHIC SURVEY	\$25,000	
INVESTIGATION PHASE		SUBTOTAL	\$40,000
4	PRELIMINARY DESIGN (CIVIL + ELECTRICAL)	\$105,600	
5	FINAL DESIGN (CIVIL + ELECTRICAL)	\$246,400	
6	MECHANICAL ENGINEERING	\$10,000	
7	ARCHITECTURAL DESIGN	\$10,000	
DESIGN PHASE		SUBTOTAL	\$372,000
8	BIDDING ASSISTANCE	\$15,000	
9	CONSTRUCTION ENGINEERING	\$241,525	
11	RESIDENT PROJECT REPRESENTATIVE (FULL TIME FOR 8 MONTHS)	\$100,000	
CONSTRUCTION PHASE		SUBTOTAL	\$356,525
12	POST CONSTRUCTION PHASE	\$10,000	
13	CLOSE OUT ASSISTANCE	\$10,000	
14	OPERATIONAL ASSISTANCE	\$10,000	
POST CONSTRUCTION PHASE		SUBTOTAL	\$30,000
15	TOTAL ENGINEERING FEES		\$798,525
GROSS RECEIPT TAX (ASSUMED 8.5%)			\$67,875
TOTAL			\$866,400

TABLE 70: ENGINEER'S ESTIMATE OF PROBABLE COSTS - PHASE 3 - ANOXIC BASIN

#	ITEM	COST	COST
1	ANOXIC BASIN	\$ 667,900	
2	ELECTRICAL UPGRADES	\$ 100,000	
3	YARD PIPING/ANCILLARY	\$ 50,000	
4	CONTRACTOR MOB/DEMOB	\$ 47,148	
5	MISC CONSTRUCTION ITEMS: NPDES COMPLIANCE, CONSTRUCTION STAKING, TESTING ALLOWANCE, AND SIGN	\$ 16,000	
6	LEGAL FEES/COSTS, INCLUDING SURETY BOND	\$ 15,000	
7	BOND REVENUE COUNCIL SERVICE	\$ 20,000	
8	CONTIGENCY	\$ 91,605	
9	ENGINEERING/CONSTRUCTION OBSERVATION FEES	\$ 146,568	
TOTAL PHASE 3 ENGINEERING/CONSTRUCTION COSTS			\$1,154,220
NMGRT - 8.5%			\$98,109
TOTAL ESTIMATED PHASE 3 COST			\$1,252,329

7. PROPOSED PROJECT

As shown, the total estimated cost of the phased Proposed Project, including engineering fees and NMGR, is \$12,494,977 with the total estimated costs of each phase as follows: Phase 1 is estimated at \$4,491,945, Phase 2A is estimated at \$1,650,465, Phase 2B is estimated at \$5,230,395 and Phase 3 is estimated at \$1,252,329.

The City of T or C is working closely with the USDA Rural Development, USDA Colonias, and NMFA Colonias funding programs to acquire the funds necessary for the design and construction of this project. It is important to recognize that the City of T or C has been heavily impacted by the overall economic downturn, slow to stagnant population growth in recent years, and a median household income that is significantly lower than the national average. Therefore, it is projected that the assistance from funding programs will be in the form of a grant/loan combinations or low interest rate loans.





I.1

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Discussion/Action: Approval to name the new Dog Park as the Carole Wheeler Dog Park.

BACKGROUND:

PALS made a presentation at the January 10th Regular Meeting and during that meeting they requested the Commission to consider naming the new Dog Park as the Firehouse Dog Park. At the last meeting the Commission suggested naming the park as the Carole Wheeler Park and she was asked to take it back to the PALS Committee for input.

Submitted by: Renee Cantin, City Clerk-Treasurer

Meeting date: 2/14/2017



CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM: Appointment to fill vacancy on the Public Utility Advisory Board.

BACKGROUND:

This position has been published and Randy Ashbaugh and Edward Williams were the only two applicants. The recommendation by the Public Utility Advisory Board by a 3 to 1 vote is to appoint Randy Ashbaugh to serve on this committee.

Both applicants have been invited to attend the meeting if the Commission wishes to ask them any questions.

SUPPORT INFORMATION:

a. Applications:

- ❖ Randy Ashbaugh
- ❖ Ed Williams

STAFF RECOMMENDATION: Approve the appointment to the Public Utility Advisory Board.

Prepared by: Renee Cantin

Department: City Clerk

Date: 2/14/2017



RECEIVED
8/5/14
PB

City of Truth or Consequences

City Board Application

8-05-2016

Name: RANDALL ASHBAUGH

Address: 1023 POPLAR ST
P.O. DRAWER 591
LOC - N. MEX 87901

Phone: 575-740-0555

Email: ASHBAUGHCCI@HOTMAIL.COM

I am interested in serving as a member of UTILITY Board.

My qualifications are:

35+ YEAR EXPERIENCE IN DEVELOPEMENT
AND UTILITY WORK.

Reason why I am interested in serving on this board:

CITY NEEDS EXPERIENCE ON THE
BOARD

Additional comments:

WILL NOT MISS ANY
MEETINGS W/O A VERY GOOD EXCUSE

Signature:

RANDALL ASHBAUGH



City of Truth or Consequences

City Board Application



Name: Eduard Williams

Address: 707 Carmen / PO Box 726
Williamsburg, NM 87942-0726

Phone: (575) ~~899~~ 740-6904 or 1244

Email: ewill_2@beyondbb.com (Preferred contact method)

I am interested in serving as a member of PUA Board.

My qualifications are:

32 years employed by the City - Electric Dept. Director, Assistant
Utility Director, Safety Coordinator, as well as other hats
Helped with relocation of utility lines (electric, water, wastewater)
Morgan St. Project - Completed Solar Array, Survey of Electrical Sys

Reason why I am interested in serving on this board:

Even after a year of retirement I find myself (maybe more so
now) interested in how the City's Utilities are performing.

Additional comments: I know most of the City's employees and
get along with them or can if I don't know them.

Signature: Eduard Williams

J.1



CITY OF TRUTH OR CONSEQUENCES

COMMISSION ACTION FORM

ITEM:

DISCUSSION/ACTION: INTERGOVERNMENTAL AGREEMENT BETWEEN THE NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT AND CITY OF TRUTH OR CONSEQUENCES.

BACKGROUND:

The City amended the LEDA ordinance in December 2015. LEDA allows public support of economic development to foster, promote, and enhance local economic development. This empowers communities to embark on economic development projects tailored to their LOCAL needs and used to enter into a “public private partnership” for an economic benefit. LEDA allows the City Commission to negotiate with a qualifying entity on the type or amount of assistance to be provided or on the scope of the economic development project.

The purpose of this Agreement is to place the primary responsibility on the City for overseeing and administering EDD's use of \$125,000 of the Appropriations for the Project. It is the intent of the parties that the City will receive an amount not to exceed one hundred and twenty five thousand dollars (\$125,000) to implement the Project. The Parties agree that any and all State funds received will be accounted for by City as the fiscal agent for EDD in accordance with the procedures the City will use to account for its own funds and property used to implement the project, or any properties acquired or developed by the City as a result of implementation of the Project will be used by the City for economic development purposes only.

STAFF RECOMMENDATION:

- Approval of the Intergovernmental Agreement.

Name of Drafter: Juan A. Fuentes	Department: City Manager	Mtg: 02/14/17
----------------------------------	--------------------------	---------------

**INTERGOVERNMENTAL AGREEMENT BETWEEN
THE NEW MEXICO ECONOMIC DEVELOPMENT
DEPARTMENT AND CITY OF TRUTH OR CONSEQUENCES**

This Intergovernmental Agreement ("Agreement") is entered into as of the date of the last signature affixed below by and between the New Mexico Economic Development Department ("EDD") and the City of Truth or Consequences ("City"), a political subdivision of the State of New Mexico, and collectively referred to as "the Parties" with reference to the following facts.

SECTION 1. RECITALS:

WHEREAS, the New Mexico State Legislature has appropriated fifty million dollars (\$50,000,000) to EDD "for economic development projects pursuant to the Local Economic Development Act" (the "Appropriation"); and

WHEREAS, the purpose of the Local Economic Development Act, NMSA 1978 §5-10- 1 through §5-10-13 (2007) ("LEDA"), is to provide "public support for economic development to foster, promote and enhance local economic development efforts...;" and

WHEREAS, the City has adopted LEDA by Ordinance No. 668, which established the City of Truth or Consequences Economic Development Plan that promotes economic development within the City; and

WHEREAS, Truth or Consequences Brewing Company ("hereinafter Qualifying Entity") has entered into a Local Economic Development Project Participation Agreement (hereinafter "PPA") with the City and, pursuant to the terms of that PPA, the Qualifying Entity will materially participate by providing the following services to the Project:

The Qualifying Entity will establish a brewery on land in the City that will manufacture their products (the "Project") and will create 9 new full-time positions by December 31, 2021. A copy of the PPA is attached hereto as Exhibit A; and

WHEREAS, EDD and the City desire to enter into this Agreement as necessary to facilitate disbursement of funds for the Project.

NOW THEREFORE, the Parties do hereby agree to the following terms and conditions to accomplish the Project.

SECTION 2. PURPOSE OF AGREEMENT:

The purpose of this Agreement is to place the primary responsibility on the City for overseeing and administering EDD's use of \$125,000 of the Appropriations for the Project. It is the intent of the parties that the City will receive an amount not to exceed one hundred and twenty five thousand dollars (\$125,000) to implement the Project. The Parties agree that any and all State funds received will be accounted for by City as the fiscal agent for EDD in accordance with the procedures the City will use to account for its own funds and property used to implement the project, or any properties acquired or developed by the City as a result of implementation of the Project will be used by the City for economic development purposes only.

SECTION 3. SCOPE OF WORK:

The City will act as fiscal agent for \$125,000 of the Appropriations for the Project. Pursuant to Section 5-10-3(D) of LEDA, EDD will transfer \$125,000 to the City for costs and expenses associated with the Project. In exchange for the contribution, the Qualifying Entity certifies it will create 9 full-time, manufacturing related jobs by December 31, 2021. All the terms, conditions, and requirements set forth under the PPA are incorporated into this Agreement by reference. EDD and the City agree that failure of the Qualifying Entity to create the number of new full-time jobs described in the PPA or otherwise meet its obligations set forth under the PPA will result in a violation of the terms and conditions of this Agreement. Such violation will require that the City foreclose on the security interest after any cure period granted to the Qualifying Entity. Any monies recovered by the City as a result of the sale or foreclosure of the security interest shall be returned to EDD. The Qualifying Entity will deliver to the City contemporaneously with the execution of the PPA a mortgage, which will be incorporated into this Agreement as Exhibit B.

SECTION 4. CITY OF TRUTH OR CONSEQUENCES RESPONSIBILITIES:

The City shall:

1. Pay the costs and expenses incurred for the Project from the LEDA Appropriations;
2. Provide to EDD supporting documentation in a format acceptable to EDD for activities associated with the Project. Any funds recaptured by the City as the result of enforcing the provisions of the PPA shall be returned to EDD;
3. The City shall notify EDD in writing of any default by the Qualified Entity within 10 days of the City becoming aware of the event of default;
4. Serve as Fiscal Agent for the funds transferred to it under this Agreement;
5. Complete all of the following goals identified in this Agreement within the time limits agreed upon by the Parties, which is attached hereto as Exhibit C;
 - distribute the funds transferred to the City by EDD to the Project;
 - account for receipts and disbursements of said monies;
 - provide EDD with the required financial documentation pertaining to this disbursement; and
 - submit all required and reasonably requested documentation to EDD including the endorsed LEDA Ordinance approved by the City Council accepting the Project as a qualifying entity for LEDA, with the accompanying endorsed Project Application and PPA entered into by the City and the Qualifying Entity, a fully executed copy of the security interest, and copies of invoices and other documentation as required by EDD within the time required;
6. Not impose any obligations on EDD with respect to the administration of this Project, other than the reimbursement of funds described in this agreement; and
7. Initiate and prosecute litigation to enforce the terms of the PPA, at EDD's cost, if necessary; and
8. Monitor job creation by the Qualified Entity and report the number of jobs created twice yearly to EDD. Job reports shall include a copy of FORM-903 provided by the Qualified Entity to the City, on file with the New Mexico Department of Workforce Solutions.

SECTION 5. CITY CERTIFICATIONS:

As Fiscal Agent, the City hereby assures and certifies that:

- A. It will comply with all applicable State laws, regulations, policies, guidelines and requirements with respect to the acceptance and use of State funds;
- B. It has the legal authority to receive and expend the funds;
- C. It will enforce the provisions of Ordinance No. _____ approving the Project and the City's Economic Development Plan;
- D. It has exercised due diligence in certifying that the Project is a viable economic development initiative with potential long term economic development benefits;
- E. It will provide to EDD upon request all documentation and references to expertise it has relied upon in approving this Project upon receipt thereof or reliance thereupon and also with copies of all reports and documentation City receives from the Qualifying Entity;
- F. It has entered into a PPA with the Qualifying Entity and has obtained all financial documentation necessary to protect the City's and State's investments in the Project;
- G. It shall not at any time during the life of this Agreement convert any property acquired or developed pursuant to this Agreement to uses other than those within the Project description as defined herein;
- H. It will notify EDD of any default on the part of the Qualifying Entity within 10 days of the event of default and shall provide the Qualifying Entity an opportunity to cure any default by in accordance with the PPA prior to termination thereof;
- I. It will comply with the State Procurement Code and local procurement codes and will keep files of all related procurement documents, including but not limited to requests for professional services, advertisements, minutes of pertinent meetings, selection and award criteria, contacts, subcontracts and agreements;
- J. No member, officer or employee of the City or its designees or agents, no member of the governing body of the locality of which the program is situated, and no other public official that exercises any functions or responsibilities with respect to the Project during his/her tenure, or for one (1) year thereafter, shall have any interests, direct or indirect, in any contract or subcontract, or the process thereof, for work to be

performed in connection with the Project that is the subject of this Agreement. The City shall incorporate in all contracts or subcontracts a provision prohibiting such interest pursuant to this certification; and

- K. It has complied with Article IX, Section 14, of the New Mexico Constitution known as the "anti-donation clause".

SECTION 6. EDD RESPONSIBILITIES:

EDD shall:

- A. Transfer to the City for costs and expenses incurred for the Project an amount not to exceed one hundred and twenty five thousand dollars (\$125,000). The funds shall be used only for the purpose stated in this Agreement;
- B. At its discretion, review and audit the Project if it is deemed to be necessary or desirable; and
- C. Reimburse the City for any costs associated with litigation to enforce the terms of the Guaranty, if necessary.

SECTION 7. TERM OF AGREEMENT:

This Agreement shall become effective on the date it is fully executed and shall terminate December 31, 2021 pursuant to this agreement.

SECTION 8. LIABILITY:

No party shall be responsible for liability incurred as a result of the other party's acts or omissions. Any liability incurred in connection with this Agreement is subject to the New Mexico Tort Claims Act. The City and EDD may agree to reimburse one another under these liability provisions, subject to sufficient appropriation by the New Mexico Legislature or sufficient funds being available to the party, as determined by the party responsible for payment.

SECTION 9. DISPOSITION OF PROPERTY; RECORDS; RETURN OF SURPLUS FUNDS

- A. Property purchased under this Agreement for the Project shall remain with the purchasing party unless otherwise agreed upon.
- B. The City shall keep such records as will fully disclose the amount and disposition of the total funds from all sources budgeted for the Project, the purposes for which such funds were used and such other records as EDD may require.
- C. If, upon the expiration of the Project or the termination date of this Agreement, any surplus funds are possessed by City, City shall return said funds to EDD for disposition in accordance with law.

SECTION 10. STRICT ACCOUNTABILITY:

The City shall be strictly accountable for receipts and disbursements relating hereto and shall make all relevant financial records available to EDD and the New Mexico State Auditor quarterly or upon request, and shall maintain all such records for a period of six (6) years following completion of all the records and any audits

SECTION 11. REPORTS:

The City shall submit bi-annual reports in May and November of each year during the life of this Agreement to EDD respecting job retention and creation attributable to the State appropriation and a Final Report EDD either on or before the termination of this Agreement or upon final reimbursement to the City of an amount equal to all the Public Contributions, whichever occurs first. The Final Report shall contain a description of work accomplished, the methods and procedures used, a detailed budget breakdown of expenditures, a description of any problems or delays encountered and the reasons therefore, and such other information as may be requested by EDD.

SECTION 12. NOTICES; REPRESENTATIVES OF THE PARTIES:

Any notice required to be given to either party by this Agreement shall be in writing and shall be delivered in person, by courier service or by U.S. Mail, either first class or certified, return receipt requested, postage prepaid, as follows. The parties hereby designate the individuals named below as their representative responsible for overall administration of this Agreement.

To EDD:

Juan Torres

Finance Development Team Leader

PO Box 20003

Santa Fe, New Mexico 87505

To the City:

Juan Fuentes

City Manager

505 Sims St

Truth or Consequences, New Mexico 87901

SECTION 13. AMENDMENTS:

This Agreement shall not be altered, changed or amended, except by instrument in writing executed by all of the Parties hereto.

SECTION 14. GOVERNING LAW:

This Agreement shall be governed by the laws of the State of New Mexico.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the last date of signature below,

CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO

By: _____

Name: _____

Title: _____

Date: _____

APPROVED AS TO FORM

By: _____

City Attorney

NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT

By: _____

Matt Geisel

Cabinet Secretary Designate

Date: _____

APPROVED AS TO FORM

By: _____

David Mathews

General Counsel



CITY OF TRUTH OR CONSEQUENCES

COMMISSION ACTION FORM

ITEM:

DISCUSSION/ACTION: PUBLIC PARTICIPATION AGREEMENT BETWEEN THE CITY OF TRUTH OR CONSEQUENCES AND THE TRUTH OR CONSEQUENCES BREWING COMPANY.

BACKGROUND:

The City amended the LEDA ordinance in December 2015. LEDA allows public support of economic development to foster, promote, and enhance local economic development. This empowers communities to embark on economic development projects tailored to their LOCAL needs and used to enter into a “public private partnership” for an economic benefit. LEDA allows the City Commission to negotiate with a qualifying entity on the type or amount of assistance to be provided or on the scope of the economic development project.

As provided in the Economic Development Plan Ordinance, the City considered an application from the Company, which proposed that the City serve as local government conduit for \$125,000 of an appropriation from the Legislature of the State of New Mexico (the “LEDA Funds”) to go toward the Company’s establishment of a brewery and distillery in Truth or Consequences (the “Project”) and will create 9 new manufacturing related jobs by December 31, 2021;

The City is considering adopting Ordinance No. 677 finding that the Company is a “qualifying entity” and the Project is an “economic development project” as those terms are defined by the Act, and approving this Project Participation Agreement (this “Agreement”) as meeting the requirements of the Act.

STAFF RECOMMENDATION:

- Approval of the Public Participation Agreement.

Name of Drafter: Juan A. Fuentes	Department: City Manager	Mtg: 02/14/17
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Exhibit A

PROJECT PARTICIPATION AGREEMENT

This Project Participation Agreement (this "Agreement") entered into on _____, 2017 by and between the **CITY OF TRUTH OR CONSEQUENCES**, a New Mexico Municipal Corporation (the "City") and **TRUTH OR CONSEQUENCES BREWING COMPANY** (together with its affiliates, the "Company"), agree:

1. Recitals.

A. Pursuant to the Local Economic Development Act, NMSA 1978, Sections 5-10-1 through 5-10-13 NMSA 1978 ("LEDA"), the City adopted Ordinance No. 668 authorizing the City to consider applications for economic development assistance;

B. As provided in the Economic Development Plan Ordinance, the City considered an application from the Company, which proposed that the City serve as local government conduit for \$125,000 of an appropriation from the Legislature of the State of New Mexico (the "LEDA Funds") to go toward the Company's establishment of a brewery and distillery in Truth or Consequences (the "Project") and will create 9 new manufacturing related jobs by December 31, 2021;

C. The City has adopted Ordinance No. 677 finding that the Company is a "qualifying entity" and the Project is an "economic development project" as those terms are defined by the Act, and approving this Project Participation Agreement (this "Agreement") as meeting the requirements of the Act.

2. The LEDA Funds.

The New Mexico Economic Development Department ("EDD") has awarded \$125,000 in LEDA Funds for use in the Project. The Company may request the disbursement of up to \$125,000 during the period beginning with approval of this Agreement and ending December 31, 2017 (the "Disbursement Period"). The City will direct the LEDA Funds to the Company for use in the Project in the following manner:

a. From time to time, but no more frequently than monthly, the Company may submit to the City a request for disbursement of a portion of the LEDA Funds to reimburse the Company for expenses in connection with the Project, with documentation substantiating such expenses (collectively, a "Disbursement Request"). The Company will not submit a Disbursement Request for less than \$20,000, but may submit a Disbursement Request for up to the full amount of the LEDA Funds available to the Company.

b. The City will coordinate with the EDD to cause the State to deliver the LEDA Funds to the City in a timely manner and to ensure that the LEDA Funds are available for the Project. LEDA funds will be expended for reimbursement of project expenses only and cannot be advanced to the City or to the Qualified Entity. The City will have no obligation to expend any City funds to make disbursements to the Company pursuant to this Agreement, and the City will only be required to disburse funds to the Company to the extent that the City receives the LEDA Funds from the State.

c. During the Disbursement Period, the Company may continue to deliver Disbursement Requests in accordance with this Section 3 until the earlier of (i) the date on which all LEDA Funds available have been delivered to the Company and (ii) the expiration date of the Disbursement Period.

d. The City may not offset any internal costs or overhead charges for review or processing of the Disbursement Requests against the Disbursement Request or the LEDA Funds.

3. Substantive Contribution from City of Truth or Consequences In order to achieve the goals of its Economic Development Ordinance, the City will act as fiscal agent for the EDD LEDA funds. In addition, the City shall provide for the waiver of fees related to building permits, electric service upgrade, water and sewer connection fees, and discounted utilities as provided by code.

4. Truth or Consequences Brewing Company.

The Company will make the following substantive contributions:

a. Project Contribution. The Company anticipates making capital investments in the Project and costs associated therewith (including, for the acquisition of land and equipment, tangible personal property and services associated with the acquisition, construction and equipping of the Project) in the amount of approximately \$999,000 by December 31, 2018 (the "Project Contribution"). The parties acknowledge and agree that the intent of this Agreement is to complete the Project, and that the construction of any plant in the City that enables the Company to engage in its manufacturing operations will satisfy this Project Contribution. Although the Company intends to have a long-term presence in the City, for purpose of the contractual obligations of this Agreement, the Company covenants to continue to operate the Project until December 31, 2021.

b. Job Commitment. It is the Company's current intention to retain current employment and create 9 new manufacturing related jobs at the facility by December 31, 2021 (the "Job Target") in addition to retail related jobs. "Job" means a permanent, full-time employment position related to the manufacturing and production of the company's product and offering the employee the full range of benefits offered to other Company full-time employees.

5. Clawbacks. The clawback provisions of this Section ("Clawbacks") are intended to be the exclusive remedies with respect to any breach of this Agreement caused by the occurrence of any of the events described in this Section.

a. **Facility Closure Clawback.** If the Company ceases operations in the City on or before December 31, 2021, the Company will repay to the City all LEDA Funds that the Company actually received from the City as of that date (the "Facility Closure Clawback.")

b. **Performance Clawback.** If the Company does not achieve the Job Target set forth in Section 3(b) of this Agreement by December 31, 2021 (the "Job Target Date"), the Company shall make a penalty payment to the City (the "Performance Clawback") which will be calculated in the manner specified in the table below:

Portion of Job Target achieved as of December 31, 2021	Performance Clawback Amount
8-9 jobs	No Performance Clawback required
6-7 jobs	25% percent of all LEDA Funds actually received
4-5 jobs	50% percent of all LEDA Funds actually received
0-3 jobs	100% percent of all LEDA Funds actually received

If the Company has been required to pay the Facility Closure Clawback, the Company will not be required to pay any Performance Clawback that may come due after the date of such payment.

C. **Job Target Date Reporting Requirement.** For the purposes of determining compliance with the Job Target, the Company will provide to the City a copy of Company's Form ES-903, filed with the New Mexico Department of Workforce Solutions and a summary document identifying each position as either manufacturing or retail related. Such report will be due no later than May 1 and November 1 of each year commencing on May 1, 2017 and ending on May 1, 2022.

D. **Maximum Clawback.** In no event will the Company be required to

pay more than the total amount of all LEDA Funds that Company actually receives, for all Clawbacks in the aggregate.

E. **Return of Funds.** All funds recovered by the City from the Company pursuant to the Clawbacks shall be returned to EDD within 30 days.

6. **Security.** No later than the day prior to the date on which the Company receives its first disbursement of LEDA Funds, the Company will provide the City with a guarantee in a form mutually acceptable to the parties (the "Mortgage"). The maximum obligation secured by the Mortgage (the "Maximum Obligation") will be \$125,000 as of the date the Mortgage is granted. Provided that the Company has not been required to pay any Clawback, the Mortgage will terminate on January 1, 2022. If the Company does not draw the entire amount of the LEDA Funds available upon the expiration of the Distribution Period, the Maximum Obligation will be reduced proportionately to reflect the actual amount of LEDA Funds actually received.

7. **Force Majeure.** Neither party shall be liable to the other party for any failure to perform any provisions or obligations of this Agreement if such failure is caused by or results directly or indirectly from Force Majeure, including acts of God, adverse economic conditions such as 7.5% statewide unemployment, or any other unforeseen event or condition mutually agreed upon by the City and Company. If a Force Majeure occurs, the City and Company will work in good faith to determine how to address the impact of the Force Majeure on each party's obligations under this Agreement.

8. **Dispute Resolution.** The parties will work in good faith to resolve any disputes that arise hereunder, and will submit to mediation with a neutral mediator prior to filing any litigation in relation to this Agreement.

9. **Notice.** All notices or other written communications, including requests for disbursement, that are required or permitted to be given pursuant to this Agreement must be in writing and delivered personally, by a recognized courier service, by a recognized overnight delivery service, by fax, by electronic mail, or by registered or certified mail, postage prepaid, to the parties at the addresses shown below. If notice is mailed, it will be deemed received on the earlier of actual receipt or on the third business day following the date of mailing. If a notice is hand-delivered or sent by overnight delivery service, it will be deemed received upon actual delivery. If any written notice is sent by facsimile or electronic mail, it will be deemed received upon printed or written confirmation of the transmission. A party may change its notice address by written notice to the other party to this Agreement.

The initial notice addresses for the parties are as follows:

If to the City:

City of Truth or Consequences
Attention: City Manager

505 Sims St, Truth or Consequences NM 87901
(575)894-6673

If to the Company:

Truth or Consequences Brewing Company
Attention: Marianne Blaue and John Masterson
410 N Broadway, Truth or Consequences NM 87901
206-406-2629

10. **Ratification.** The City and the Company hereby ratify all actions consistent with this Agreement that the own and the Company or their respective agents may have taken in furtherance of the Project.

11. **Miscellaneous.** This Agreement binds and inures to the benefit of the City and the Company and their respective successors and permitted assigns. This Agreement may not be assigned without the written consent of the non-assigning party and EDD. This Agreement may be amended or modified, and the performance by any party of its obligations under this Agreement may be waived, only in a written instrument duly executed by both parties. This Agreement may be executed in any number of counterparts, each of which is an original and all of which taken together constitute one instrument. This Agreement is governed by and is to be construed in accordance with the laws of New Mexico applicable to agreements made and to be performed in New Mexico.

Effective Date: _____

CITY OF TRUTH OR CONSEQUENCES

a governmental entity organized and
existing under the laws of the
State of New Mexico by its
CITY COMMISSION

TRUTH OR CONSEQUENCES
BREWING COMPANY

By _____

Name _____

Title _____

By _____

Name _____

Title _____



CITY OF TRUTH OR CONSEQUENCES
CITY MANAGER'S OFFICE
505 SIMS STREET
TRUTH OR CONSEQUENCES, NEW MEXICO 87901
PHONE: (575) 894-6673 EXT 320 FAX: (575) 894-0363

J.3

COMMISSION ACTION FORM

ITEM:

Subrecipient Guidelines

PURPOSE OF ACTION:

Review and approve.

BACKGROUND:

The City Commission at its September 13, 2016 meeting directed staff to work on a policy for late submittals. The attached guidelines were generated from formerly accepted practice .

STAFF RECOMMENDATION:

Review and approve.

SUPPORT INFORMATION:

Guidelines

Agreement

Excerpt from September 13, 2016 City Commission Minutes, Pages 7-9

Name of Drafter: Linda Sparks	Department: City Manager's Office	Meeting: 2/14/17
E-mail: lsparks@torcnm.org	Phone: 575-894-6673 Ext. 320	

City of Truth or Consequences



SUBRECIPIENT GRANTS

Funding Guidelines

Approved by City Commission 2/?/17

Table of Contents

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Overview of Subrecipient Grants

Overview

- The City of Truth or Consequences, hereinafter referred to as the “City”, voluntarily reserves funds each fiscal year (July 1 through June 30) for the purpose of awarding grants to nonprofit organizations who serve the general public through their services. These nonprofit organizations are hereinafter referred to individually as the “Contractor”.
- The City recognizes these charitable organizations for their support in directly and/or indirectly promoting the City, and for the services they provide to the benefit of the community.

Eligibility

- Grant applicant is required to hold a nonprofit status with the Internal Revenue Service (IRS) and the Office of the Secretary of State (SOS) throughout the contract year.
- Grant applicant must provide services that benefit the public.
- Applicant must be capable of complying with grant requirements and maintaining complete and accurate records in order to report back to the City Commission through the quarterly reports.

Grant Application

- Applications are examined carefully as there are usually more requests for funds than are available.
- The application process normally starts in March or April by publishing notices that the City is accepting applications.
 - City Website
 - Local Newspapers
- Applications must be completely filled out and signed.
- A certificate or an online screenshot of nonprofit status must be submitted with the grant application for both the Internal Revenue Service (IRS) and the Office of the Secretary of State (SOS).
- Applicant must submit previous year's audit report or internal/informal financial statement with application.
- ***Application must have all of the above to be eligible for consideration.***
- Application must be complete and submitted by the deadline. Deadline is final, no other recourse is available.
- The City Commission reviews the applications and allocates the funds at a regular City Commission meeting.
 - Applicants are invited to this meeting.

Grant Agreement

- Subrecipient contracts between the City and the Contractor are for directly or indirectly promoting the City. The City's funding is to help the Contractor provide its service to the public.
- Contract requires Contractor to perform and complete those items listed on their Application. The Application, thereafter, is known as the Scope of Work, Exhibit A.
- The Grant Agreement has deadlines for submitting invoices and reports, discussed in greater detail in applicable sections of these Guidelines.
- The Contractor shall designate a representative and an alternate to serve as the point of contact and authorized representative to spend funds.
 - The representatives may be called upon to attend City Commission meetings or meet with City staff to answer questions regarding their activities and/or submittals.
- The Contractor shall be subject to losing 50% of a quarterly draw if the invoice is not submitted by the due date.
- The Contractor may not request an extension of time.
- The Contractor may not request an increase in budget.
- The Contractor may not request changes in the Scope of Work.
- Grants are nontransferable.

Payment Requirements

- All invoices must be presented to the City Clerk's Office for acknowledgement.
- All funds must be spent and invoices turned into the City Clerk's Office in compliance with the agreement.
- The allocation shall be disbursed in 4 equal parts. The Contractor shall bill the City quarterly as per agreement.
- Invoices must be submitted on a quarterly basis along with the quarterly report by the 15th of the month following the end of the quarter.
 - **EXCEPTION: Fourth quarter report is due by deadline on agreement.**
- If not previously submitted, corresponding quarterly report must accompany invoice.
- Due to the City having to close out its books for the fiscal year, invoices for the fourth quarter must be submitted as per agreement.

Contractor Responsibilities

- It is the responsibility of the Contractor:
 - To assign a signatory authority and responsible financial representative.
 - To keep a running total of their unused and available Subrecipient Grant award.
 - To submit all invoices and reports on time per agreement.
 - To sign all invoices submitted for payment.
 - The City's invoice form is available for the Contractor's convenience, but one generated by the Contractor is acceptable so long as it is signed.
 - To notify the City of any changes to their contact information.
 - Contractor must retain a nonprofit status with the Internal Revenue Service (IRS) and the Office of the Secretary of State (SOS) throughout the contract year.
 - To comply with the terms of the agreement and the stipulations cited in these Guidelines.
 - To relinquish allocation or any unused part thereof back to the City if Contractor determines it will not be utilizing funds by year's end.

Invoice Form

ORGANIZATION/RECIPIENT'S NAME

ADDRESS

CITY, STATE and ZIP

SUBRECIPIENT GRANT

FY 2017/18

1ST QUARTER INVOICE

Date of Invoice:

Invoice Amount: \$

Submit To: *City of Truth or Consequences*

ATTN: City Clerk's Office

505 Sims Street

Truth or Consequences, NM 87901

Allocation Amount: \$

Quarter Draw: \$

Please send payment to: *Organization/Recipient's Name*

Address

City, State & Zip

Thank you,

Signature of Authorized Representative

Typed Name of Authorized Representative

Phone No.

Quarterly Report

SUBRECIPIENT QUARTERLY REPORT

(Report is due by the 15th of the month following the quarter.)

FY: 2017/2018

ORGANIZATION: _____

ALLOCATION: _____
(FY Allotment, Not Qtr. Draw)

QTR DRAW: \$0.00

QUARTER: 1ST
(1st/2nd/3rd/4th)

(Please detail the progress made in providing the services each quarter.)

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

SUBMITTED BY: /

TYPED NAME

SIGNATURE

DATED:

Rev. 5/2014

Quarterly Report

- Reports are due by the 15th of the month following the quarter.
First quarter (July, August, September) ends September 30th .
Second quarter (October, November, December) ends December 31st .
Third quarter (January, February, March) ends March 31st .
Fourth quarter (April, May, June) ends June 30th .
 - **EXCEPTION: Fourth quarter report is due by deadline on agreement.**
- Report must accompany invoice and vice versa per agreement.
- Report should be detailed, yet concise.
- A typed report is preferred. Hand written reports are often difficult to read.
- Reports are used to gauge activity and ensure grant compliance with agreement.
- Failure to report can affect future grant funding requests.

Contacts

- Linda Sparks

City Manager's Office

lsparks@torcnm.org

575-894-6673, Ext. 320

- Oversee application process.
- Generate agreements.
- Furnish grant recipients with applicable forms and information.
- Review payment requests and process for payment.
- Provide City Clerk with reports for review by City Commission.
- Monitor grants for compliance with agreement.

CHECK CONTRACT REGULARLY FOR DIRECTION AND COMPLIANCE

SUBRECIPIENT AGREEMENT

THIS AGREEMENT is made and entered into by and between the City of Truth or Consequences, New Mexico, herein referred to as "City" and the (Contractor's Name) herein referred to as "_____".

WHEREAS, the City and (Contractor) desire to enter into an Agreement with the City to provide Subrecipient funds to (Contractor) in exchange for needed services.

RECITALS

A. The City hereby declares that it is in need of certain services for its community. Those services are described in a portion of (Contractor's) Subrecipient application, a copy of which is attached hereto as **EXHIBIT A**.

B. The City is willing to provide funding to (Contractor) in exchange for these services. The City determines that the municipal public will benefit from these services.

NOW, THEREFORE, IN CONSIDERATION of the mutual promises of the parties; it is hereby covenanted and agreed by and between the parties:

1. The City shall provide up to the sum of \$0.00 to (Contractor) for a one (1) year period commencing on July 1, 2017 and continuing through June 30, 2018.
2. (Contractor) shall, at a minimum:
 - A. Provide all of the services described in **EXHIBIT A**, which was included in (Contractor's) Subrecipient application.
 - B. Submit a written quarterly report to the City Commission via the City Clerk's Office in October 2017, January 2018, April 2018 and June 7, 2018. Reports are due by the 15th of the month following the quarter except for the fourth quarter report which is due as previously stated.

Your report must be separate from your invoice; and your invoice detail alone will not suffice as your report. (Contractor's) report will be submitted to the City Commission. The reports must detail the progress made in providing the services. Failure to timely submit a detailed report will subject (Contractor) to having its funding ~~denied~~ decreased 50% for that particular quarter. (Contractor) is responsible to get the reports in on time. No other notice will be given.

- C. Submit a written invoice in the amount of \$0.00 on a quarterly basis to the City Clerk's Office for disbursement of funds at the same time the quarterly report is due. Failure to timely submit a detailed invoice will subject (Contractor) to having its funding ~~denied~~ decreased 50% for that particular quarter. The fourth quarter invoice must be submitted by June 7, 2018. (Contractor) is responsible to get the invoices in on time. No other notice will be given. The quarterly report must be on file before the subsequent quarter's invoice is paid except for the 4th quarter report, of course, which is due in compliance with B above.

- D. Designate an alternate to serve as the point of contact and authorized to conduct business in the absence of the primary party.

1. Alternate's Name _____
2. Alternate's Phone No. _____
3. Alternate's E-mail _____

3. Either party shall have the right to terminate this Contract without cause by giving thirty (30) days written notice to the other party. Upon termination neither party shall have any further obligation with respect to this agreement.

CITY OF TRUTH OR CONSEQUENCES

BY: _____ Date: _____
Juan A. Fuentes, City Manager

Reviewed for Budgetary Sufficiency:

BY: _____ Date: _____
Melissa Torres, Finance Director

Reviewed by Legal Counsel

BY: _____ Date: _____
Bradley Springer, City Attorney

SUBRECIPIENT

BY: _____ Date: _____
~~President~~/Signature of Primary Representative

Print Name of Primary Representative

Signature of Alternate Representative

Print Name of Alternate Representative

Date: _____

CITY COMMISSION SEPTEMBER 13, 2016 REGULAR MEETING MINUTES

review at that point in time. Commissioner Clark would like to include in the motion to review the Goals & Objectives on an annual evaluation. Mayor Green stated the motion is just on the contract and we can change the attachment of the Goals. Motion carried by a vote of 4-0-1. Mayor Pro-Tem Whitehead abstained.

2. Discussion/Action: Authorizing staff to work on a Policy for late application submittals and quarterly reports for Subrecipient Grants & Lodger's Tax awards. Steve Green, Mayor

Mayor Green commented on the deadlines for some other state agencies where they stick to the deadlines that are given. If you miss the date then you wait until next year. We have a situation where organizations do not comply with the application process or the application that they sign which require reports to be in by a certain date. Or organizations for whatever reason, miss the deadline for applying. He personally doesn't think it's fair to staff. He knows it's not fair to this Commission, because once you break ranks, you have to follow suit. And we have broken ranks five times in the last two years. Once you bend, and he's not saying there wasn't a good reason for the bends. Death is a horrible thing and he understands what happened with Matthew 25. And you have to have compassion, but we have to have something where staff will know, this is the way it's going to be without any exceptions. With that he brought some examples from a board he serves on (Southwest Area Workforce Development Board). With them, if you don't get your application in, they will see you next year. He doesn't know if we want to be that hard. They have dates the reports must be submitted and if you're late there are options including: Withholding a future payment; Denial of payments; or Termination of Agreement. This is a Semi-Quasi State Agency. He is not denying our organizations really perform an incredible valuable service. He would like to hear the will of the Commission as to what we can do to support staff and let the organizations know there is a structure in place and they will be held accountable. Remember, we don't go to them and say would you like to take this money. They come to us to ask for the money for services and for marketing and advertising our community.

Commissioner Clark stated she has also bent a couple of times when they came to the Commission. She agrees it's unfair to put that on staff and we do have a contract we have with people. Those who have run businesses have deadlines they have to meet with the state, etc. They get a penalty for it or sometimes they give a weekly exception. She referred to Matthew 25 and who knew the deadlines and what to do with that. They came to the Commission and we awarded it to them. She likes deadlines but sometimes there are situations out of their control. She thinks we should take it off of the hands of staff and have them bring it directly to the Commission to determine the outcome. She believes if we become so dictatorial and not show our humanity under certain circumstances then we are not a good Commission.

Mayor Pro-Tem Whitehead asked if we could set a date the applications are due and give a grace period with proper notification saying they missed the deadline and ask for additional time to give them some kind of option instead of cutting them completely off.

CITY COMMISSION SEPTEMBER 13, 2016 REGULAR MEETING MINUTES

Commissioner Clark said for example workers comp gives you eight days to comply before you're penalized. Some places don't, but that might not be a bad idea. Then whoever misses the deadline date is notified and they had better hustle to get it in. Mayor Pro-Tem Whitehead added if they do have that extra 8 or 10 days, whatever we designate, then they wouldn't have to wait until next year or the next time for applications.

Mayor Green is not sure what the time frame is after they are notified of the due date for applications. You might have new people on board and they're floundering. He doesn't know if there is a formula for subrecipient grants that on May 1st the applications go out, but maybe giving them more lee time before it's due. He likes the grace period and asked what happens if they miss the deadline and we give them a grace period. Commissioner Clark responded if they can't follow that grace period then they can either be cut off or cut for the quarter. She feels if you're given notice and can't comply with that, then why would we give money to that outfit. Maybe we can write the grace period into the agreement.

Mayor Green agrees and he caved five times. Mayor Pro-Tem Whitehead suggested to give them the benefit of the doubt and give them an extension if they comply with it. We would need to watch their process and the way they submit reports for further submittals.

Commissioner Hechler said his general observation is the way we have it now works. He commends the Commission for bending for Matthew 25, he thinks that was the appropriate call and we did the right thing. If you recall, there was another situation where we didn't bend, and that was the right call as well. He feels we have a mechanism in place now and if we extend a date or have a grace period, people may have more of a tendency to miss the deadlines. As long as we are acting within our guidelines, he doesn't see why we should handle it any differently. We have the ability to make that decision as it is now.

Mayor Green asked if he is hearing from Commissioner Hechler that we should move forward as we have in the past where we will take it on a case by case basis. Where there is no penalty. He agrees he doesn't want to play hardball, he wants to create a livable structure that makes it easy for staff and the Commission. Commissioner Hechler feels as long as we have a good and trustworthy Commission and we do things for the right reasons, then we are okay. And so far that's what he's seen.

Commissioner Frankel sees that we have so few Subrecipient and Lodger's Tax applicants. We are talking about 15-25 entities. Communication and clarity is the key to things. So with Matthew 25, where we ran into the situation where they lost their leader and they fell by the wayside. To have these groups have a clear point of contact, as well as, and alternative who we can reach out to would be important. This way we can reach out to them before it becomes an issue. Sometimes just checking in to make sure they comply. Mayor Green added the other side of that is it puts more responsibility on staff

CITY COMMISSION SEPTEMBER 13, 2016 REGULAR MEETING MINUTES

and it should be the recipients of the money. We are a small community and we spend \$43,000 for Subrecipients and \$46,000 for Lodger's Tax applicants for marketing and advertising. The city couldn't touch that for a Million Dollars. We couldn't run those organizations so he appreciates the value they bring to this community that impacts young and old alike. He added whatever the will of the Commission is, if you want to play it on a case by case basis, or lateness by lateness. That's one way to go. Another way he likes is Mayor Pro-Tem's idea to come up with a structure time when that information is released, and that should be accompanied by an article in both newspapers, so the community at large can be notified. Because we don't want to appear to be favoring just the select group of organizations. He thinks it's about communication, and the public, and letting them know. Maybe we extend the period a little longer and add a grace period and wing it, if they miss that grace period.

Commissioner Clark thinks the grace period could be given to the group by the Commission. The second is having a second contact on the application to contact. She likes Commissioner Hechler's idea that these come before the Commission.

Commissioner Clark moved to approve from here on out the contracts that are given to the subrecipients and other groups have a dual signature on them. Mayor Green asked if she would consider extending that motion to give more notification time to the public. Commissioner Clark agreed to amend it for more notification being given to the public. **The new motion being to approve from here on out the contracts that are given to the subrecipients and other groups have a dual signature on them and to include more notification to be given to the public. Mayor Pro-Tem Whitehead seconded the motion. Mayor Green thinks City Manager Fuentes has heard this conversation and he requested a draft to be brought back to the Commission in a timely fashion so we can make sure we have covered all of the basis. Motion carried unanimously.**

H. NEW BUSINESS

1. Discussion/Action: ITB: 16-17-001 – Bid Award to Construct Aviation Fuel Farm. Pat Wood, CPO

Central Purchasing Officer Wood presented two bids were opened on August 6th at 2:00 p.m. and a recommendation has been made by Delta Construction to reject all of the bids because they came in too high. FAA said they would not fund this project as high as they were.

Mayor Green asked if we were going to change the structure of what we asked to be accomplished. Central Purchasing Officer Wood said we already went out and reopened bids yesterday.

City Manager Fuentes said this request is just to reject the bids. There was a little confusion as to how the advertisement was put out. As Pat stated, the bids came in a lot higher than there is funding available. So Delta has made the recommendation to reject all of the bids and put it out again. The project was rebid, and they came back and have



CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

DISCUSSION/ACTION: AUTHORIZATION TO PROCEED WITH FINANCING OPTIONS FOR THE REGIONAL PUBLIC SAFETY COMPLEX.

BACKGROUND:

The City acquired the Old Armory property from the NM State National Guard for the purpose of constructing an Animal Shelter and Regional Public Safety Complex. The Animal Shelter architectural drawings and bidding process has been completed. Funding for this project will come from City/County legislative state appropriations and local match.

The City has not identified a funding source for the Regional Public Safety Complex. However, there are funding options that can be reviewed for consideration such the issuance of bonds, USDA Loan or a NMFA Loan. George K. Baum will be presenting a funding option to the City for this project.

STAFF RECOMMENDATION:

- Authorization for staff to proceed with a financing option for the Regional Public Safety Complex.

Name of Drafter: Juan A. Fuentes	Department: City Manager	Mtg: 02/14/17
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J.5

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Discussion/Action: Award Bid – ITB: 16-17-005 Truth or Consequences Animal Shelter

BACKGROUND:

The Bid Opening for this was held on Tuesday, February 7, 2017 at 11:00 a.m. We received 7 bids for this project.

STAFF RECOMMENDATION: NCA Architects (see attached) is recommending to award bid to Smithco Construction Inc. in the amount of \$ 495,000.00 excluding NMGR.T.

SUPPORT INFORMATION: NCA Architects Recommendation of Award Letter

Name of Presenter: Pat Wood, CPO	Department: Finance	Meeting date: 02-14-17
E-mail: pat@torcnm.org	Phone: 575-894-6673 ext. 312	



February 07, 2017

City of Truth or Consequences NM
Juan Fuentes, City Manager
505 Sims
Truth or Consequences, NM 87901

Re: Architect's Recommendation regarding award of construction contract for the 'Truth or Consequences Animal Shelter'.

Dear Mr. Fuentes,

Bids were opened for the Truth or Consequences Animal Shelter on February 07, 2017 11:00 am at 505 Sims, T or C, NM. All bidders had included the required forms and information in their bid packets. The following are the bid results (in order that bids were opened) including Additive Alternate #1 and they do not include NMGR: T:

1. CDR Construction, Inc.	\$693,967.00
2. Smithco Construction, Inc.	\$495,000.00
3. Western Builders, LLC	\$500,000.00
4. Stoven Construction, Inc.	\$505,000.00
5. GranCor Enterprises, Inc.	\$592,000.00
6. ESA Construction, Inc.	\$508,000.00
7. RCC, LLC	\$634,000.00

The Architect's initial estimate for the project was \$460,000.00. All bids came in slightly above initial estimate with Smithco Construction, Inc. providing the lowest bid.

While NCA Architects has not worked with Smithco Construction in the past, we have looked up and found no complaints filed with Construction Industries Division (C.I.D) as well as the Better Business Bureau. Additionally, the City of T or C has had Smithco as the general contractor on a previous project and were happy with their performance.

Given the above information, NCA Architects feels comfortable recommending Smithco Construction, Inc. as general contractor for the T or C Animal Shelter with their bid that was provided on February 07, 2017.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dave Puritz', written over a blue horizontal line.

Dave Puritz
Project Manager
NCA Architects



BID TABULATION SHEET

PROJECT: T or C Animal Shelter (ITB16-17-005)
PROJECT COST ESTIMATE: \$500,000

NCA PROJECT NUMBER: 16.02
BID DATE: 2/07/17

CONTRACTOR	ADDENDA			BID BOND	SUB-CONTRACTOR LISTING	CAMPAIGN CONTRIBUTION DISCLOSURE FORM	BASE BID (EXCLUDING NMGR)	ADDITIVE ALT. #1 (EXCLUDING NMGR)			TOTAL BID (EXCLUDING NMGR)
	#1	#2	#3								
CDR Construction Inc.	X	X	X	X	X	X	\$607,392.00	\$86,575.00			\$693,967.00
Smithco Construction, Inc.	X	X	X	X	X	X	\$430,000.00	\$65,000.00			\$495,000.00
Western Builders, LLC	X	X	X	X	X	X	\$435,000.00	\$65,000.00			\$500,000.00
Stoven Construction, Inc.	X	X	X	X	X	X	\$415,000.00	\$90,000.00			\$505,000.00
GranCor Enterprises, Inc.	X	X	X	X	X	X	\$522,000.00	\$70,000.00			\$592,000.00
ESA Construction, Inc.	X	X	X	X	X	X	\$437,000.00	\$71,000.00			\$508,000.00
RCC, LLC	X	X	X	X	X	X	\$538,000.00	\$96,000.00			\$634,000.00

SECTION 00-3100
BID FORM

TO: City of Truth or Consequences
hereinafter called "Owner"

1. The undersigned, having examined the proposed Contract Documents titled:

T or C Animal Shelter

and having visited the site and examined the conditions affecting the Work, hereby proposes and agrees to furnish all labor, materials, equipment, and appliances, and to perform operations necessary to complete the Work as required by said proposed Contract Documents, for that portion of the "Base Bid" excluding additive alternates.

Four Hundred Thifty Thousand Dollars (\$) 430,000
Base Bid Proposal Amount (Before Taxes)

Thifty-Six Thousand Five Hundred Fifty (\$) 36,550
Gross Receipts Tax - Base Bid Proposal

Four Hundred Sixty-Six Thousand, five (\$) 466,550
Grand Base Bid Proposal (Including Taxes)
Hundred Fifty Dollars

2. The undersigned, having examined the proposed Contract Documents and having visited the site and examined the conditions affecting the Work, hereby proposes and agrees to furnish all labor, materials, equipment, and appliances, and to perform operations necessary to complete the Work as required by said proposed Contract Documents for that portion of the following "Additive Alternate".

ADD: Sixty-five Thousand (\$) 65,000
Additive Alternate #1 Proposal Amount (Before Taxes)

3. The undersigned understands and agrees to comply with and be bound by instructions to bidders issued for this Work.

4. The undersigned acknowledges receipt of Addenda numbers: 1, 2, 3

[Signature]

5. Enclosed with this bid is bid security in the amount of not less than 5% of the bidder's proposed Contract Sum.

BIDDER

(CORPORATE SEAL)

Smithco ConstructionBy: Kent P. SmithAddress: 6 King Canyon Loop
Caballo, NM 87931License Number: OS6580License Type: GB98, mml, mm2, GF09, GF04, GF02, GA98Resident Contractor Preference No. LO960659776

Type of business entity:

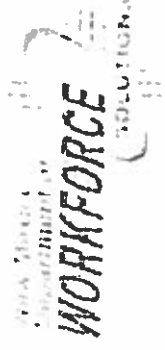
Corporation

(corporation, co-partnership, individual, etc.)

Individual members of the firm:

Kenneth P. Smith Jr.Brett SmithPresident of corporation: Kenneth P. Smith Jr.Secretary of corporation: Brett SmithCorporation is organized under laws of the State of NMBid dated this 7th day of February 2017 ~~2016~~

Certificate of Contractor Registration



This is to certify that

Smithco Construction, Inc.

6 KING CANYON LOOP

CABALLO, NM, 87931

has registered with the Department of Workforce Solutions

Registration Date: 10/5/2016

Registration Number: 002334720111003

**This certificate does not show the current status of the company.
To see the current status for this company please go to the Public Works
and Apprenticeship Application (PWAA) at
<https://www.dws.state.nm.us/pwaa>**

STATE OF NEW MEXICO

CONSTRUCTION INDUSTRIES DIVISION

SMITHCO CONSTRUCTION, INC.

CENSE NUMBER

56580

Qualifying Party(S)

SMITH JR. KENNETH

SMITH KENNETH P.

EXPIRES

01/31/2018

CLASSIFICATION(S)

GA98 GB98 GF02 GF04

GF09 MM01 MM02



STATE OF NEW MEXICO

TAXATION AND REVENUE DEPARTMENT

RESIDENT CONTRACTOR CERTIFICATE

Issued to: SMITHCO CONSTRUCTION, INC.

DBA: SMITHCO CONSTRUCTION, INC.
PO BOX 2
CABALLO, NM 87931-0002

Expires: 07-Jan-2018

Certificate Number:

L0309254096



Demas Padilla, CPA, Cabinet Secretary

THIS CERTIFICATE IS NOT TRANSFERABLE

BID BOND

KNOW ALL MEN BY THESE PRESENT ^{Travelers Casualty and Surety} that we, the undersigned, Smithco Construction, Inc. as Principal, and Company of America as Surety, are hereby held firmly bound unto City of Truth or Consequences, NM as owner in the penal sum of Five Percent of Principal's bid for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns.

Signed, this 7th day of February, 2017. 2016.

The condition of the above obligation is such that whereas the Principal has submitted to City of Truth or Consequences a certain Bid, attached hereto and hereby made a part hereof to enter into a contract in writing for City of Truth or Consequences Animal Shelter, ITB: 16-17-005

NOW, THEREFORE,

- (a) If said Bid shall be rejected, or in the alternative,
- (b) If said Bid shall be accepted and the principal shall execute and deliver a contract in the Form of Contract attached hereto (properly completed in accordance with said Bid) and shall furnish a bond for his faithful performance of said contract and for the payment of all persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said Bid, then this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

TRAVELERS**POWER OF ATTORNEY**

Farmington Casualty Company
 Fidelity and Guaranty Insurance Company
 Fidelity and Guaranty Insurance Underwriters, Inc.
 St. Paul Fire and Marine Insurance Company
 St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
 Travelers Casualty and Surety Company
 Travelers Casualty and Surety Company of America
 United States Fidelity and Guaranty Company

Attorney-In Fact No. 225814

Certificate No. 006848391

KNOW ALL MEN BY THESE PRESENTS: That Farmington Casualty Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company are corporations duly organized under the laws of the State of Connecticut, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc., is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Dick Minick

of the City of Albuquerque, State of New Mexico, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 30th day of June, 2016.

Farmington Casualty Company
 Fidelity and Guaranty Insurance Company
 Fidelity and Guaranty Insurance Underwriters, Inc.
 St. Paul Fire and Marine Insurance Company
 St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
 Travelers Casualty and Surety Company
 Travelers Casualty and Surety Company of America
 United States Fidelity and Guaranty Company



State of Connecticut
 City of Hartford ss.

By: 

Robert L. Raney, Senior Vice President

On this the 30th day of June, 2016, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
 My Commission expires the 30th day of June, 2021.




 Marie C. Tetreault, Notary Public

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to NMSA 1978, § 13-1-191.1 (2006), any person seeking to enter into a contract with any state agency or local public body for professional services, a design and build project delivery system, or the design and installation of measures the primary purpose of which is to conserve natural resources must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract.

The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two year period.

Furthermore, the state agency or local public body shall void an executed contract or cancel a solicitation or proposed award for a proposed contract if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

THIS FORM MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

The following definitions apply:

"Applicable public official" means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

"Campaign Contribution" means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official's behalf for the purpose of electing the official to either statewide or local office. "Campaign Contribution" includes the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or Page 2 of 3 DFA Disclosure form/April, 2006 unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

"Family member" means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law.

"Pendency of the procurement process" means the time period commencing with the public notice of the request for proposals and ending with the award of the contract or the cancellation of the request for proposals.

"Person" means any corporation, partnership, individual, joint venture, association or any other private legal entity.

"Prospective contractor" means a person who is subject to the competitive sealed proposal process set forth in the Procurement Code or is not required to submit a competitive sealed proposal because that person qualifies for a sole source or a small purchase contract.

"Representative of a prospective contractor" means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

DISCLOSURE OF CONTRIBUTIONS

TRUTH OR CONSEQUENCES MAYOR:
STEVE GREEN

TRUTH OR CONSEQUENCES CITY COMMISSION MEMBERS:

MAYOR PRO-TEM, SANDY WHITEHEAD
COMMISSIONER, KATHY CLARK
COMMISSIONER, ROLF HECHLER
COMMISSIONER, JOSHUA FRANKEL

Contribution made by: _____

Relation to Prospective Contractor: _____

Name of Applicable Public Official: _____

Date Contribution(s) made: _____

Amount(s) of Contributions(s) _____

Nature of Contributions (s) _____

Purpose of Contributions(s) _____

Signature

Date

Title (position)

OR

NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS (\$250) WERE MADE to an applicable official by me, a family member or representative.

Rolf P. Hechler
Signature

2/7/17
Date

President
Title (position)

**SECTION 00-4300
SUBCONTRACTORS LISTING**

TO: City of Truth or Consequences, New Mexico
hereinafter called "Owner"

1. Pursuant to bidding requirements for the Work titled:

T or C Animal Shelter

"Sub-contractors to be used on the project must be listed on the bid form in accordance with the requirements of the New Mexico Statute 13-4-34 Sub-contracting Fair Practice Act. Listed sub-contractors must be used to complete the project unless written approval is given for good and sufficient reason by the designated Owner's representative, whose decision is final. The listing threshold equals the greater of: one-half of one percent of Base Bid or \$5000.00. The Architects estimate is \$450,000. Failure to conform to this requirement shall disqualify the bidder.

2. Portion of the Work:

Subcontractor name and address:

Electrical

DR Electric

Hatch, NM KS

Lic#92837 Dol#2494741

CMU

Tena Construction

Las Cruces, NM

Lic#390924 Dol#0022406

Fence & Gates

Baca Fence Co.

Deming, NM

Lic#50129 Dol#0210062011116

HVAC

metal craft Co.

Las Cruces, NM

Lic#10830 Dol#1758120150708

Paint & Coatings

Straight Line Painting

Albuquerque, NM

Lic#373023 Dol#24542311342016

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

USE ADDITIONAL SHEETS IF REQUIRED

PROVIDE SIGNATURE IDENTICAL TO THAT SHOWN ON THE BID FORM

Smithco Construction

Bidder

by: Kenneth P. Smith

END OF SECTION 00-4300



J.6

City of Truth or Consequences, NM Commission Action Form

ITEM: 2018 local Government Road Fund ie LGRF

PURPOSE(S) OF ACTION: pick one of the following Street recommendations for 2017 LGRF Golf Club Drive, Veater, City Street, Marshal, West Riverside, Kruger, East 8th, or Locust East 7th

BACKGROUND: Make recommendation for yearly request for LGRF to start first steps to participate in LGRF.

STAFF RECOMMENDATION: One of the Following Streets LGRF Golf Club Drive, Veater, City Street, Marshal, West Riverside, Kruger, East 8th, or Locust East 7th.

SUPPORT INFORMATION: price estimate sheets and pictures of the streets

OPTIONS/ALTERNATIVES: just as a reminder we usually receive around \$51,000.00 to \$53,000.00

Depending on funding from the state. So about 2 blocks per year.

Staff Contact: Don Armijo

Department: Public works Director

Phone: 575-740-1060

2018 LGRF

List of city streets for consideration

1. Golf Club Drive,



1. Golf Club Drive

- This is a continuation of the 2015 Lgrf
- Curb and Gutter, sidewalk and hot mix
- The area is 230 ft. long and 30 ft. wide
- Cost estimate \$19,000.00

2. Veater, Iron to Arroyo



2. Veater, Iron to Arroyo

- This area would consist of base course and chip seal.
- Area is 600 ft. long x 30 ft. wide.
- Cost estimate is \$16,800.00.
- This street receives heavy traffic and would help with dust in the windy season.
- To add sidewalk and curb and gutter would add \$14,500

3. Veater, Hyde to Arroyo



3. Veater, Hyde to Arroyo

- This area would have curb and gutter and sidewalk CSeal
- Area is 954 ft. long x 30 ft. wide.
- Cost estimate is \$ 45,800.00
- This street would go together with street number 3 for heavy traffic and dust control for a total of \$62,600.00
- \$ 77,100 with sidewalk added to slide 2

4. City Street, dead end to Myrtle



4. City Street, dead end to Myrtle

- This area would consist of curb and gutter and side walk on one side of the road and hot mix.
- Area is 240 ft. long x 23 ft. wide.
- Cost estimate is \$19,500.00.
- This street serves 2 house's but owners always ask to be included on the list.

5. City Street, Myrtle to Henson



5. City Street, Myrtle to Henson

- This area would consist of curb and gutter and side walk on one side of the road and hot mix.
- Area is 316 ft. long x 23 ft. wide.
- Cost estimate is \$35,620.00.
- This street could be included with street 4 and 6

6. City Street, Henson to Radium



6. City Street, Henson to Radium

- This area would consist of curb and gutter and side walk on one side of the road and hot mix.
- Area is 322 ft. long x 23 ft. wide.
- Cost estimate is \$36,000.00.
- This street could be included with street 4 and 5 for total of \$91,120.00

7. Marshal, Platinum to Tin



7. Marshal, Platinum to Tin

- This area would consist of tight blade and chipseal.
- Area is 205 ft. long x 36 ft. wide.
- Cost estimate is \$9,900.00.
- This street would start the ground work for river road

8. Marshal, tin to Coal



8. Marshal, tin to Coal

- This area would consist of tight blade and chip seal.
- Area is 350 ft. long x 36 ft. wide.
- Cost estimate is \$13,500.00.
- This street would start the ground work for river road and go along with 7

9. River Road, Tin to bottom of Hill



9. River road, Tin to Bottom of hill

- This area would consist of new base and chip seal.
- Area is 1,800 ft. long x 36 ft. wide.
- Cost estimate is \$53,400.00.
- This street would start the ground work for river road and go along with 7 and 8 for around \$76,800.00

10. West Riverside, Wyona to Daniels



10. West Riverside, Wyona to Daniels

- This area would consist of new base and chip seal.
- Area is 545 ft. long x 22 ft. wide.
- Cost estimate is \$13,500.00.
- This street would start the river road from the north side and help with dust from river road

11. Kruger, 8th to 7th



11. Kruger, 8th to 7th

- This area would consist of curb and gutter, sidewalk, and hot mix.
- Area is 360 ft. long x 34 ft. wide.
- Cost estimate is \$36,000.00.
- This street would help with dust control and heavy traffic and complete Kruger

12. East 7th ,kruger to Tingley



12. East 7th, Kruger to Tingley

- This area would consist of curb and gutter, sidewalk and hot mix.
- Area is 315ft. Long x 36 ft. wide
- Cost estimate \$ 30,000.00
- There is a small housing complex on this street and help with traffic.
- Could add this to kruger to 8th for a total of \$66,000.00

13. East 8th Coleman to Tingley



13. East 8th Coleman to Tingley

- This area would consist of curb and gutter, sidewalk, and hot mix.
- Area is 360 ft. long x 34 ft. wide.
- Cost estimate is \$36,000.00.
- This street would help with dust control and heavy traffic

14 East 8th Coleman to Kruger



14. East 8th Coleman to Kruger

- This area would consist of curb and gutter, sidewalk, and hot mix.
- Area is 360 ft. long x 34 ft. wide.
- Cost estimate is \$36,000.00.
- This street would help with dust control and heavy traffic and join with slide 13 for a total of \$72,000.00

15. Locust, sixth to Seventh



15. Locust, sixth to Seventh

- This area would consist of curb and gutter, sidewalk, and hot mix.
- Area is 310 ft. long x 32 ft. wide.
- Cost estimate is \$31,100.00.

16. Locust, Sixth to Fifth



16. Locust, Sixth to Fifth

- This area would consist of curb and gutter, sidewalk, and hot mix.
- Area is 310 ft. long x 32 ft. wide.
- Cost estimate is \$31,100.00 and go along with 15. \$62,200.00

17. Locust, Fifth to Fourth



17. locust, Fifth to Fourth

- This area would consist of curb and gutter, sidewalk, and hot mix.
- Area is 360 ft. long x 32 ft. wide.
- Cost estimate is \$35,700.00



J.1

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Approval to make an Annual Proclamation designating September 2nd as the Truth or Consequences Volunteer Dept. Appreciation Day.

BACKGROUND:

Mayor Green presented a proclamation at the beginning of this meeting designating September 2nd as the Truth or Consequences Volunteer Dept. Appreciation Day. He would like the Commission to take action to make this an annual event for our Volunteer Fire Department.

STAFF RECOMMENDATION:

Approve the request to make an Annual Proclamation for Truth or Consequences Volunteer Dept. Appreciation Day.

Submitted by: Renee Cantin, City Clerk-Treasurer

Meeting date: 2/14/2017