

CITY COMMISSION MEETING MINUTES  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St.  
WEDNESDAY, OCTOBER 27, 2021

**A. CALL TO ORDER:**

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

**B. INTRODUCTION:**

**1. ROLL CALL:**

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

Hon. Sandra Whitehead, Mayor  
Hon. Amanda Forrister, Mayor Pro-Tem  
Hon. Paul Baca, Commissioner  
Hon. Frances Luna, Commissioner

Also Present: Bruce Swingle, City Manager  
Angela A. Torres, City Clerk-Treasurer

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

**2. SILENT MEDITATION:**

Mayor Whitehead called for fifteen seconds of silent meditation.

**3. PLEDGE OF ALLEGIANCE:**

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

**4. APPROVAL OF AGENDA:**

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

**C. PUBLIC COMMENT (3 Minute Rule Applies):**

Klaus Wittern addressed the Commission with comments related to:

- (1) His comment in the October 13, 2021 minutes for the Year Out Energy Public Hearing. He would like to give the Clerk his comments because he wants them to be accurate.

Ron Pacourek addressed the Commission with comments related to:

- (1) D2. Golf Course fees. He feels that the new proposed fees are too high for this community. (Complete copy attached hereto, and made a part hereof).

Art Burger addressed the Commission with comments related to:

- (1) Item F7 on the agenda. The recruitment procedures to select a qualified elector to fill the vacant seat on the Commission. He also explained why he did not run during the election and how he feels that he would be a great candidate for the vacant seat.

Mayor Whitehead read a comment submitted by Rick Dumiak. (Complete copy attached hereto, and made a part hereof).

**D. CONSENT CALENDAR:**

1. **City Commission Regular Minutes, October 13, 2021**
2. **Acknowledge Regular Public Utility Advisory Board Minutes, August 16, 2021**
3. **Subrecipient FY 21/22 1st Quarter Reports**

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

**E. ORDINANCES/RESOLUTIONS/ZONING:**

1. **Discussion/Action: Amending Resolution No. 26 21/22 to include cremation lot fees for Vista Memory Gardens Cemetery:**

Traci Alvarez, Assistant City Manager explained that this Resolution was passed at the last City Commission meeting, and this item is to amend the Resolution and add cremation lot fees for Vista Memory Gardens Cemetery to the Resolution.

**Mayor Pro-Tem Forrister moved to approve the amendment of Resolution No. 26 21/22 to include cremation lot fees for Vista Memory Gardens Cemetery. Commissioner Luna seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

Public Comment October 27, 2021

Honorable Mayor and City Commissioners:  
Rick Dumiak  
705 Charles, Truth or Consequences NM 87901

I am sorry I cannot attend in person today, however I have a previously scheduled commitment out of town so please read the following during public comment;

On today's agenda, under new business, regarding item F 5; I would like to call your attention to the existing rules of procedure. (See below for reference)

This commission has not been following the existing procedural rules for several months, specifically rules (16) 4 (c) Comments from the Public and 4 (d) Response to Public Comments.

While it appears that City Manager Swingle is asking for a change to this part of the procedures, it seems to me that he is actually just asking you to follow the existing procedures. We have not had response to public comment after public comment for a number of months, not sure what happened but response to public comment 4(d) went away, it would be nice to see it return. We the electors, should not have to wait till the end of the commission meeting to learn if we will get a response to our comments or not.

However, regarding one change that City Manager Swingle has also placed on today's agenda is to limiting Public Comment to the first Regular Meeting of the month only.

That is not a change we should see to the procedural rules, this cuts the time citizens can speak to the city commission meetings in half. That is not fair to the electors of Truth or Consequences, we deserve every opportunity to speak to this commission in a public forum.

Next regarding item F7 on today's agenda:

It is my hope Mayor Whitehead and our current City Commissioners will not only define the recruitment procedures for appointing a qualified elector to the currently vacated seat, but that they will all also state for the record, that they will not reappoint a currently seated City Commissioner back onto this city commission if that commissioner is defeated in the next regular election, on November 2<sup>nd</sup>, 2021. While there may be nothing illegal in reappointing a defeated city commissioner it would be a slap in the face to the electors of TorC.

Thank you,  
Rick Dumiak

Subject: **GOLF COURSE RESOLUTION 31 21/ 22**

Priority: **Normal**

FIRST OFF FEES FOR A YEAR SINGLE W/CART TODAY \$871 NEW RESOLUTION SINGLE W/CART \$1612 A 46% INCREASE JUST A EXAMPLE.

NEW RESOLUTION HAS NO CONSIDERATION FOR SNOWBIRD WITH THE REMOVAL OF THE 3 & 1 MONTH FEES.

COMPARING OTHER GOLF COUSES TO OURS IS LIKE COMPARING APPLES AND ORANGES AND HERE'S WHY OTHER COUSES ARE 18 HOLES WE ONLY HAVE 9 HOLES AND THEY HAVE CLUB HOUSES WITH MERCHANDISE WE HAVE ACCOUNTER TO PAY AT AND THEY HAVE A BAR A RESTAURANT AND A BANQUET ROOM.

OTHERS COURSES HAVE A PRO WITH MAKES THEM PGA SANCTIONED AT OUR COURES IF WE HAVE A TOURNAMENT IT'S NOT PGA SANCTION NO PRO.

WE HAVE NO HANDY CAP SET FOR THE GOLFERS TO LEVEL OUT TOURNAMENT PLAY OR FOR THE LEAGUES

IN THE NEW RESOLUTION NO MENTION OF GROSS RECEIPTS TAX. NO MENTION OF THE \$1 GOLF IMPROVEMENT FUND (GIF) AKA SIGN IN FEE.

IN THE RESOLUTION 08 2018/2019 THERE IS A PARAGRAPH WHICH STATES THE CITY RECONGNIZED THAT THE FEES FOR USE OF THE GOLF COURSE ARE KEPT ARTIFICIALLY LOW TO MAKE THE GOLF COURSE AFFORDABLE TO OUR RESIDENT BECAUSE MOST OF US ARE ON FIXED INCOMES.

MY RECOMMENDATION IS IF Y'ALL NEED TO RAISE THE FEES ADD 5% ACROSS THE BOARD TO THE EXISTING RESOLUTION SO WE DON'T LOSE ANY INFORMATION FOR FUTURE USE IF

*Y'ALL DECIDE TO HIRE SOMEONE TO RUN THE COURSE LIKE IN THE PAST  
I'M MORE THAN WILLING TO SIT DOWN WITH ANYONE AND SHARE  
MY THOUGHTS ABOUT THIS RESOLUTION*



**2. Discussion/Action: Resolution No. 31 21/22 establishing fees for the City of T or C Municipal Golf Course:**

OJ Hechler, Community Services Director explained why they are increasing the fees at the T or C Municipal Golf Course by saying a little over 4 years ago the T or C Municipal Golf Course was contractor operated. We used to receive complaints on the playability and the condition of the Golf Course. The city made the transition from contractor to a city operated course, and invested thousands of dollars into additional staff, new sprinklers, and golf carts. As a result, under the leadership of Mr. Owens the condition and the playability of the course has improved. We understand the necessity of keeping and maintaining the Golf Course is a quality-of-life issue, and a benefit to this community, but in order to reduce the monetary burden to our citizens, we need to make the Golf Course economically more self-sufficient. The new fees along with better promotion of the Golf Course, hosting additional tournaments, and special events in the future should help the course be more self-sufficient.

Wes Owens, Golf Course Manager reviewed the proposed fees, and noted that they compared rates with what other Golf Courses are charging throughout the state.

Commissioner Luna stated that the \$1.00 fee was implemented so we can keep track of who is golfing. She asked how we will now track that.

Wes Owens, Golf Course Manager explained that he does a daily spreadsheet, and he turns it into the city. Everybody who signs in is on that daily spreadsheet. If they have a membership, then they will not have to pay the \$1.00 fee. However, they will still charge \$1.00 for everyone who pays for daily green fees.

City Manager Swingle explained why we need to increase the fees at the T or C Municipal Golf Course by saying the city spends about \$269,000 on the Golf Course, and we are generating about \$41,000 worth of revenue. \$51,000 is coming from the General Fund, and \$55,000 is coming from Lodgers Tax to compliment the budget and keep the Golf Course moving. Wes and OJ are doing amazing work on the Golf Course. It is looking really good. However, it is not paying for itself. We did a study, and our rates with the increase are still lower than everyone else's fees.

Commissioner Luna stated that we are going to be forced with the decision of stopping services to our residences and our visitors if we do not take aggressive action. People might be upset that it costs more to play golf now, but imagine how upset they would be if we had to shut down the Golf Course and other services that we offer.

**Mayor Pro-Tem Forrister moved to approve the Resolution No. 31 21/22 establishing fees for the City of T or C Municipal Golf Course. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**3. Discussion/Action: Resolution No. 32 21/22 for the participation in the Capital Outlay Program Administered by the New Mexico Department of Transportation:**

Traci Alvarez, Assistant City Manager explained that this project was one of the items that were on our ICIP last year. We put in a request for the plan, design and construction of the drainage improvements within the City of T or C. We were awarded \$100,000 to put towards that, and that funding will be used specifically for planning. On page 4 of the agreement, we made a correction and replaced the previous City Clerk with Clerk Torres. We also made a correction to a typo on the resolution itself.

**Commissioner Baca moved to approve Resolution No. 32 21/22 for the participation in the Capital Outlay Program Administered by the New Mexico Department of Transportation. Commissioner Luna seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**4. Discussion/Action: Resolution No. 33 21/22 Setting procedures and conditions for a Catastrophic Utility Failure Relief Program as recommended by the Public Utility Advisory Board:**

George Szigeti, Public Utility Advisory Board Chairman explained that this is something that came to his attention while he was sitting as a City Commissioner. One of our customers contacted him because their waterline had ruptured, and they had a geyser in their front yard, and the amount of water lost was going to cost them quite a bit of money, and being one of our citizens who is on a limited income he asked if there could be anything done to help alleviate that financial burden. When there is a waterline break that is on the city's side of the meter, it is the city's responsibility to take that loss, but if it is on the customers side of the meter, the water has to be paid by the customer. When waterlines break it can be catastrophic, and pump out a huge amount of water in a very short period of time. Many homeowners do not have the ability to shut off the water at the meter, and they have to wait for a city worker to go out there and shut it off. In some instances, the homeowners may not be at home at the time of the rupture, and if it is not something that is visible from the street, no one notices it and it can go on for quite a while, and quite a bit of water can be lost through no fault of the homeowner. This has occurred many times in the past, and it has been handled by the City Manager. The customer would meet with the City Manager, they would come to some sort of agreement, and part of that cost would then be forgiven. However, the problem with having the City Manager handle it is that there may be a subconscious bias on each customer, and you can't guarantee consistency, and for legal reasons, the city has to make sure that everyone is treated equally. This has gone before the Public Utility Advisory Board for consideration, and now it is before you with the recommendations from the board.

Mayor Pro-Tem Forrister asked if the Utility Office or the Water Department was consulted on this item.

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George Szigeti, Public Utility Advisory Board Chairman stated that he is not sure because most of the initial discussion on this occurred when he was not on the board.

Mayor Pro-Tem Forrister stated that it looks like a lot of time and effort went into this, and she understands the reason for it, but she would really like to hear from the Utility Office or Water Department because they are the ones who will have to deal with this situation.

Commissioner Luna suggested that they hold a workshop with the Public Utility Advisory Board, and possibly the Utility Office and Water Department. She feels that they need to come together, create a final plan, and re-present it to the Commission.

Commissioner Baca agreed because he feels like this could get us in trouble in some sort of way.

Mayor Whitehead would like for there to be some sort of research done on how often this happens, and how many residents this affects. She also feels that a workshop needs to take place because we need to figure out if this is going to cause more problems for the city, and if it will be costly to handle something like this.

City Manager Swingle stated if you look at Section 1A, it says, *the utility failure was not the result of action or inactivity of the utility customer*. He does not know how we are going to know that in most cases. He has been here roughly 6 months, and these issues have not surfaced yet. The only real issue we had is where customers had an extremely high bill in any given month, but there was no water leak or evidence of a water leak. It was just a consumption issue. He understands that water leaks can happen to anyone at any given time, and he has heard stories of them being truly catastrophic expenses for the individual, but he first has to ask the City Attorney if this is something that can be waived by anti-donation or can it not be waived.

City Attorney Rubin stated that he understands the concern, and he knows that the intent of this resolution is to try to be helpful, and what the anti-donation clause says is that we are not allowed to give away something of value without getting something in return. We need to look into if we forgive a bill, will we be in violation. He would like to look into that further.

**Mayor Pro-Tem Forrister made a motion to take this item back to the Public Utility Advisory Board for further consideration, and make sure that the Water Department and the Utility Office are aware of this item. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**5. Discussion/Action: Publication of Ordinance No. 722 amending the City of Truth or Consequences Municipal Code of Ordinance Section 2-248 (E) pertaining to the Library Advisory Board:**

Traci Alvarez, Assistant City Manager explained that our Library Advisory Board currently meets on almost a monthly basis. Their meetings last around 15 minutes. This topic came up at their last library board meeting. They would like to amend our code so they can meet on a quarterly basis. They fill that a quarterly basis would meet their needs, and maybe they would have a better opportunity to recruit people if they were only requesting them to show up on a quarterly basis.

**Mayor Pro-Tem Forrister moved to approve Publication of Ordinance No. 722 amending the City of Truth or Consequences Municipal Code of Ordinance Section 2-248 (E) pertaining to the Library Advisory Board. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**F. NEW BUSINESS:**

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

Carol Kirkpatrick, Finance Director introduced our Procurement Officer Donna Gardner. She then reviewed the purchase requisitions that were presented in the packet.

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

**2. Discussion/Action: Approval of Contract with Wilson & Company for Multiple Engineering and Architecture Projects:**

Carol Kirkpatrick, Finance Director explained in April of this year, we brought to you an award recommendation. There are twelve recommendations you approved for these services. This is so we can get contracts in place, and not have to go out to bid every time. We did have a request for proposals, and we will be bringing the other contracts to you at the next Commission meeting. We are a little behind on this, but this is so we can move forward with some services from Wilson & Company.

**Commissioner Baca moved to approve the Contract with Wilson & Company for Multiple Engineering and Architecture Projects. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**3. Discussion/Action: Approve Professional Services Agreement with Wilson and Company for Water System Performance Improvements Phase 1:**

Traci Alvarez, Assistant City Manager explained that this item was first brought to the Commission as a public hearing back in March, and ultimately the Commission approved submission of an application for this project. On August 25<sup>th</sup> in City Manager Swingles reports he gave an update that we were offered the funding, and we were going to review it and see if we could proceed forward. The review of the water budget showed that they can support the project. The previous water rates study that we had supports this project, and will not require any more rate study or any different rate increase. In order to move forward with the Phase 1 Water System Performance Improvements project, we need approval of the agreement. This will address the high-pressure issues in the "West" and "Williamsburg" areas by replacing the Cook St. to Morgan St. main transmission line, and it will eliminate high pressures issues within the city's water system. It will also replace 6.2% of the existing waterlines within the city that are 6 inches or less in diameter.

**Mayor Pro-Tem Forrister moved to approve the Professional Services Agreement with Wilson and Company for Water System Performance Improvements Phase 1. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**4. Discussion/Action: Approval of the City of Truth or Consequences Uniform Policy:**

City Manager Swingle explained that this is a document that has been generated from a number of different documents that the city has to develop a Uniform Policy. There is nothing new on this that we haven't been doing. We are just putting it into one policy. The policy is to provide uniforms for employees who are engaged in dirty, unsanitary or energized environments or employees who are working in the field who have contact with the public and the public needs to know that they are city employees.

**Commissioner Luna moved to approve the City of Truth or Consequences Uniform Policy. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**5. Discussion/Action: Review and possible amendments to the City Commission Rules of Procedure:**

City Manager Swingle explained that his initial intent to amend the City Commission Rules of Procedure was to move the reports after public comment so that the community will be present to hear the reports because we have a message that we want to get out to the public. We tend to lose a lot of our audience and listeners during the middle of the



meetings so they are not hearing the important things that are being said during the reports that are at the end of the meeting. In reviewing the Rules of Procedure there are actually several things that have come to life that probably need to be changed. He reviewed his recommended changes as follows:

1. **Page 6, under the current rules of procedure: Rule 16: Order of Business:** Public Comment was limited to one meeting and it is stated that the City Manager would meet with folks generally around the second meeting. He would encourage the Commission to change that to where public comment is at all regular Commission Meetings, and he asked that Paragraph 2 that states that the City Manager will meet with the public around the second meeting be removed completely.
2. **Item E under the current rules of procedure: Response to Public Comment:** He knows of no governmental entity who responds to public comment because it is important that the Commission does not get into a discussion during the meeting because it could create a lot of ill will. We saw that in the last public hearing where the individual kept asking questions, and wanted a response so he could ask other questions. He asks that the "Reports" be added to that section.
3. **Page 7, under the current rules of procedure: Unfinished Business:** We used that language in the past, but we don't use it anymore so he would like that removed as well.
4. **Page 7, Item K under the current rules of procedure: Executive Session:** Take action if needed. He would remove that because there will never be action taken in executive session. Never has, never will be. Action is taken when they return to regular session.
5. **Page 8, under the current rules of procedure: After the close of all public comments, the City Commissioners may immediately respond to the public comments or respond to the public comments during the "Response to Public comment" section at the next regularly scheduled City Commission Meeting:** That language should be removed. Leave that to staff to address it with the public if it is germane and should be responded to. Often the comments are rhetorical.

City Attorney Rubin explained that we had public comment at both City Commission meetings for years and years, and a couple of years ago we changed it on an experimental basis. We decided to try only having public comment at one meeting, and if we didn't like it, we would change it back. He also concurs with deleting response to public comment.

Mayor Whitehead stated that we need to revise the portion that pertains to the Battershell Process because we don't always have a Battershell Process.

City Clerk Torres explained that the Battershell portion in the Rules of Procedure was implemented because we did not have a Planning & Zoning Commission at the time that the Rules of Procedure was adopted, and the City Commission acted as the Planning & Zoning Commission. There are occasions when we do not have a quorum on the Planning & Zoning Commission. Therefore, the public hearing is held by the Governing Body. Maybe we should have it listed separately in case the Commission has to do a Battershell hearing.

Mayor Whitehead agreed that she would like two separate portions listed for a public hearing, one for a regular public hearing, and one for a Battershell hearing.

Commissioner Luna stated that she will contact City Attorney Rubin regarding **RULE 14: APPEARANCE OF FAIRNESS DOCTRINE**; so, he can explain why that is part of the Rules of Procedure because she feels that it is a matter of perception. If it is something that is not required, she would like for it to be removed.

**Commissioner Baca made a motion to table this item so staff can make the appropriate amendments and then bring it back to the Commission. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**6. Discussion/Action: Approval of NRECA Services Agreement for the Phase I Municipal Acquisition Review Study:**

City Manager Swingle explained that this is a proposal from the NRECA to do the Phase 1 study of a possible acquisition of our Electric Department Infrastructure to Sierra Electric Cooperative. This Phase is a joint effort by Sierra Electric COOP and the City of T or C to look at the feasibility of whether it is in everybody's best interest to go into the next phase. He has had a lot of inquiries of what this means, and things they feel he needs to look into, but that is part of another phase. They are not part of the initial assessment and review. It is staff's recommendation that the Commission approve the proposal. There has been no commitment from City of T or C or Sierra Electric COOP for the city to sell or Sierra Electric COOP to buy the Electric Department Infrastructure. This is only fact finding at this point to find out if it is in everyone's best interest to do this.

**Commissioner Luna moved to approve the NRECA Services Agreement for the Phase I Municipal Acquisition Review Study. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**



**7. Discussion/Action: Recruitment procedures to select a qualified elector to fill the vacancy of City Commissioner Position II:**

Mayor Whitehead explained that she knows that the Commission asked that we wait until after the Election to choose a candidate, but asked that this be added to agenda because she wanted to explain a few things. A few months after she became a Commissioner, a Commissioner had passed away, and it took them 8 months to choose someone to fill that seat because the motion always died because of a tied 2 to 2 vote. Then they finally decided to have a Special Election which costs the tax payers money, and lo and behold, the person who was elected was one of the people they had originally nominated for that position. A few years later, another Commissioner resigned his position in January, and in March they were able to fill that position through letters of interest. Two years later, a Commissioner resigned, and before he left his position, chose who he wanted to fill his seat, and we allowed that, and the replacement did a great job. Last year another Commissioner resigned and we then again accepted letters of interest, and we interviewed those who submitted their letters of interest, and we selected a Commissioner. There is no certain process or timeline that they need to follow. If Commissioner Aragon's position would have been vacated prior to a certain time frame for the Election, we could have added that position to the November 2<sup>nd</sup> ballot. Whomever we choose to fill the vacant position will have to run for office during the next election. The position is not a 4-year position. She asked City Clerk Torres, and City Attorney Rubin to also address this topic, and she wants the public to know that the Commission in no way shape or form are they violating their job duties as a Commission because there are some of those out there who feel that we should have appointed someone right away. She knows that her fellow Commissioners want to wait until after the Election to fill the vacancy, but she personally would like for those who are interested in serving in the vacant position submit a letter of interest. That way the Commission can decide if they want to choose from one of the unsuccessful candidates who ran for Commission, or someone who submitted a letter of interest. She wants to reiterate, that the Commission is doing what they feel is in the best for the public and the community. However, whatever they choose to do is the decision of the Commission.

City Clerk Torres explained that Mayor Whitehead is correct. We are not in any violation by the Commission choosing to wait until after the Election to fill the vacancy. The only thing that the state statute and city code indicates is that whomever the Governing Body chooses to fill the vacancy will serve in that position until the next upcoming Election, and the qualified elector will fill the remaining unexpired term. There is nothing that states how the Governing Body must choose a qualified elector to fill the vacancy.

Mayor Whitehead would like for there to be a full Commission come the first of the year because it is not healthy to only have a 4-member Commission because if you have a 2-2 vote the motion dies, and you sometimes continue battling back and forth. She would like everyone who is interested in serving in the vacant position to submit a letter of interest.

City Attorney Rubin explained that the state statute that Ms. Torres was referring to is 3-14-9, and it basically says what Ms. Torres indicated, and there is no deadline that is set forth in the statute. You should take reasonable action, but he does not think that it needs to be done the very next meeting, and he feels that the decision to wait until after the Election to fill the vacancy is fine.

Mayor Whitehead explained that she added this item to the agenda to clarify things because there were a lot of rumors out on social media about the way things are being handled.

Commissioner Luna stated that she does not think it will hurt for them to take letters of interest.

**Commissioner Luna made a motion to accept letters of interest until November 10, 2021. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

#### **G. REPORTS:**

##### **City Manager Swingle reported the following:**

- He gave kudos to all of the city staff. Carol mentioned that Donna Gardner has completed her testing for a certified Procurement Officer. Every Governmental entity has to have a certified Procurement Officer on staff. The test is not easy, and Donna did a fantastic job. We are very proud of her. He thinks that we have a rockstar in the works. She was a rock star in her former position with the city, and he expects the same as our Procurement Officer.
- He thanked OJ, Wes, and Traci because did a lot of work and research on establishing the fees for the Golf Course.
- Kyle also did a great job with coming up with fees for the Swimming Pool. He also did a lot of research to come up with the fees.
- He thanked Tammy for everything that she does. She is doing fantastic work in the office.
- Bo and the Electric Department has a lot of work going on right now. They are moving poles and the lines for the roundabout project, and they are starting the process of relocating everything on the south end of town for that construction and bridge. Bo and the Electric Department handled the work with Tri-State when they were replacing some poles around the city, and from the very beginning we asked Tristate not to turn off the power. Bo was able to work with them, and convince them to do this live. The cost was a little more, but they were able to accomplish the work and it was flawless. We had no outages from Tri-State's work. We very much appreciate them working with us on that, but that would not have happened had it not had been for Bo and the Electric Department so kiddos to all of them.
- We continue to have an average of 15-20 water leaks a week, and he knows that people get upset when the Water Department is not out fixing every leak the

minute it is called in, but they have to prioritize because they have a limited budget, and limited staff, and they can only get one project done at a time. The larger leaks are prioritized first.

- We had a Sierra Vista Hospital Board Meeting yesterday, and finances are excellent. We have had several COVID cases this past month in Sierra County, and the hospital is performing really well when they get a number of COVID patients who are hospitalized. They and they're taking care of them, and doing a great job,
- Hospital CEO interviews are starting today. It was a nationwide search, and they were soliciting around the country for a couple of months. The interview panel consists of three JPC members and three Governing Board members who will do the initial assessment. Once they make a decision, they will send that list in and will more than likely have a special meeting next week to look at that list and set up interviews or take an action.
- Our legislative delegation for Sierra County and Truth or Consequences is on Friday the 29<sup>th</sup>. He, Traci, and the Mayor will be there as well as other governmental entities in the area. This is a great opportunity to communicate our needs to the delegation. SCCOG has put that together and we appreciate that very much.
- The New Mexico Finance Authority Board is meeting tomorrow, and one of the items on their agenda is to make a decision on our transformer loan for a little over \$1000000 to replace the transformer at substation. We will have a decision tomorrow, whether it's going to be approved or not. All indications are that it will be, and as soon as we get all the documentation and agreements in place, they will submit them to the Commission and have it on an agenda. He doesn't know if it'll be at the next meeting, but it will be timely as soon as we receive the information.
- The hospital JPC is meeting tomorrow, and that meeting is at 2:00 p.m.
- We completed the first phase of our leadership training for our supervisors. There is a block of 5 courses that we are going to provide to all of our supervisors so we can grow our leadership ability, and the leadership that we expect to see in the City of Truth or Consequences.
- We start Personnel training next week for all of our employees.
- He addressed the public comment we had a few meetings ago about the \$8 fee for the Utilities. We gave that individual a copy of the ordinance and the ordinance clearly explains what it is. It is referred to as the customer charge which is the flat charge for providing the availability of the service. There have been questions about where the money is going and what it is used for. We don't segregate utility dollars, and a lot of our money. It goes into the electric revenue fund, and that is where we hold the revenue that comes in for it.
- He received a request from some tower companies. They have submitted some offers of instead of them paying us \$400 a month, they will give us \$20,000 upfront, and they will never have to pay the city again. It would be a short-term interest for the city to move forward with that, and fortunately you have not done that. However, with the Verizon tower on North Pershing, they submitted a pretty reasonable offer that at least warrants some discussion. One offer was that they

would pay a lump sum of \$300,000 or a 60-month period where they would pay \$5,500 a month for \$330,000. Another option was a 120-month period where they would pay \$3,000 a month for a total of \$360,000. If nothing else, that is what they offered and there is certainly room for negotiations to increase that, but the first thing he would want to know is what is the value of the land. They own the tower, and we own the land. They want to take possession of the land and reduce their cost. He thinks it should be something we should consider.

**City Attorney Rubin had no report.**

**City Commission Reports:**

**Commissioner Luna had no report.**

**Commissioner Baca reported the following:**

- He thanked all of the city workers for all of their hard work.

**Mayor Pro-Tem Forrister had no report.**

**Mayor Whitehead reported the following:**

- She gave kudos to everyone for all of their hard work.
- Some of the smaller water leaks are being addressed.
- She has seen some work on Corbett. They are replacing waterlines and the streets. Even though these guys get bad blood from the community sometimes, they are doing their job and they are doing what they need to be doing, and they don't hesitate when you call them.

#### **H. EXECUTIVE SESSION:**

- 1. Threatened & Pending Litigation (McCleskey vs. City of T or C) pursuant to 10-15-1(H.7):**

**Commissioner Baca made a motion to go into executive session at 10:48 a.m. to discuss Threatened & Pending Litigation (McCleskey vs. City of T or C) pursuant to 10-15-1(H.7). Mayor Pro-Tem Forrister seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.**

Mayor Whitehead reconvened the meeting in open session at 11:16 a.m.

**Mayor Pro-Tem Forrister certified that only matters pertaining to Threatened & Pending Litigation (McCleskey vs. City of T or C) pursuant to 10-15-1(H.7) was discussed in Executive Session and no action was taken.**

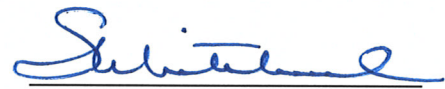
#### **I. ADJOURNMENT:**


CITY COMMISSION OCTOBER 27, 2021 REGULAR MEETING MINUTES

Mayor Pro-Tem Forrister moved to adjourn at 11:18 a.m. Commissioner Baca seconded the motion. Motion carried unanimously.

Passed and Approved this 17th day of November, 2021.



  
Sandra Whitehead, Mayor

  
Angela A. Torres, CMC, City Clerk