

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, JUNE 23, 2021

A. CALL TO ORDER:

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

B. INTRODUCTION:

1. ROLL CALL:

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

Hon. Sandra Whitehead, Mayor – Absent
Hon. Amanda Forrister, Mayor Pro-Tem
Hon. Paul Baca, Commissioner
Hon. Randall Aragon, 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 Pro-Tem Forrister called for fifteen seconds of silent meditation.

3. PLEDGE OF ALLEGIANCE:

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

4. APPROVAL OF AGENDA:

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

C. PUBLIC COMMENT (3 Minute Rule Applies):

Randy Ashbaugh addressed the Commission with comments related to:

- (1) He commented on his opposition of Ordinance 718.

Rick Dumiak addressed the Commission with comments related to:

- (1) Rotary Park and the lack of signage and camping at the Rotary Park.
- (2) Trash at Rotary Park.

Ron Pacourek addressed the Commission with comments related to:

- (1) The lack of enforcement of no wake on the river.

Ariel Dougherty addressed the Commission with various comments. Complete copy attached hereto and made a part hereof).

Sophia Peron addressed the Commission with comments related to:

- (1) The agenda item regarding the Infrastructure Capital Improvement Plan (ICIP):
- (2) The agenda item regarding Resolution No. 56 20/21 adopting procedures for requesting Inspection of Public Records. A rude remark was also made towards Commissioner Luna.
- (3) The city's financials.

Commissioner Luna read comments submitted by Ken and Lani Litton. (Complete copy attached hereto and made a part hereof).

Commissioner Luna read comments submitted by Ron Fenn. (Complete copy attached hereto and made a part hereof).

Commissioner Luna read comments submitted by Susan Crow. (Complete copy attached hereto and made a part hereof).

D. RESPONSE TO PUBLIC COMMENT:

There were no responses to public comment.

E. CONSENT CALENDAR:

1. **City Commission Regular Minutes, June 9, 2021**
2. **Acknowledge Regular Planning & Zoning Commission Minutes, May 3, 2021**
3. **Acknowledge Regular Recreation Advisory Board Minutes, May 3, 2021**

Commissioner Luna moved to approve the consent calendar as submitted. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

Greetings. It is completely unclear – hence lacks transparency – how this Advisory Board will proceed on making any changes to Ordinance 664 on Customer Generated Renewable Energy. Please use the proper title going forward.

Last Monday, a new fabrication erupted about why the 90%. At the workshop it was falsely explained to keep solar customers paying for the electric department overhead. Hidden in the EL TOTAL CHARGE is an \$8 fee that *all customers* are charged. Annually over \$375,000 is brought in by this fee, let alone the overcharge on the ENERGY COST ADJ line of over 4 cents a kwh.

EV use at our homes was not mentioned in last week's workshop. It's home usage should be allowed in whatever solar panel additions citizens choose to make to their properties. The four car charging station that the City has projected in a recent RFP, which will cost us citizens well over \$200,000, will never be able to accommodate the swell of EV use that is coming.

Let's list all the benefits of what Solar citizens provide the City:

- extra power without transmission loss that can be sold to other customers;
- purchased, at the moment, for nothing and sold at 13.2⁴ cents a kwh;
- extra kWh relieving an old (worn out) electrical grid;
- less reliance on fossil fuels, a positive for the planet;
- improved property values, a benefit for the city.

Last, I object to the reappointment of present members of this advisory board, when, one, the City does nothing to advertize and recruit new members. And two, as I have long complained the PUAB and the City are complicit in practicing sexual discrimination in violation of the Civil Rights Act of 1965. This Board is suppose to be a citizens advisory board and should represent citizens not almost wholly former workers of the departments it discusses. This board needs new faces and perspectives. Do some work in the community to recruit members.

6/22/2021

Gmail - Protection for the Rio Grande river



TO: Amanda Coleis

Leilani Litton <leilani1139@gmail.com>

Protection for the Rio Grande river

3 messages

Leilani Litton <leilani1139@gmail.com>

Tue, Jun 22, 2021 at 10:32 AM

To: bsyvingle@torcmm.org, amanda.fortster@torc.org, fluna@tomm.org, Paul.Baca@torcmm.org, randall.aragon@torcmm.org, Sandra.Whitehead@torcmm.org

We are asking your collective consideration in implementing and enforcing a city ordinance that would disallow motorized vessels within the city limits on the Rio Grande river.

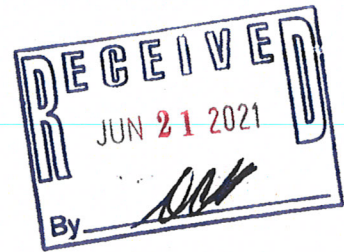
In 2001, the city commissioners recommended that the New Mexico Boat Act Regulations 18 NMAC17.2 Section 11.3.3 was applicable and property owners along the river should make such postings so as to be seen from those parties recreating on the river. These postings were made. However, enforcement of this regulation has been slim to none.

The iconic Rio Grande river is a treasure and one of the most beautiful assets we have here in New Mexico as well as Sierra County. The "no wake" policy is one that keeps this river from bank erosion by speed boats, jet skis, and the like. It also preserves and protects the beauty of the river and the safety of those who enjoy swimming, floating or fishing in it.

As riverfront property owners who maintain and enjoy the many benefits associated with this stunning river, we ask your consideration and assistance in its preservation, by implementing this ordinance ASAP.

Respectively submitted,
Ken and Lani Litton
808 E. Riverside Dr
T. or C., New Mexico
575-497-9583

Public comment of:
Ron Fenn,
316 N Foch St T or C, NM



Commenting on agenda item G-3 "a resolution for requesting information of public records".

I believe that this proposal is an attack on the right of the people to obtain knowledge of our local government's operation. I believe that this runs counter to the purpose of the Inspection of Public Records Act and the concept of transparency in government. This amounts to abusive charges for records which should be freely available to all citizens will only serve to make this community less transparent and less attractive.

The government has been established to provide services and protection for the welfare and well-being the residents of the community. The city's employees are paid for their service to those ends. One of the main functions of City Clerks is to collect and maintain records of government transactions and those records need to be available for scrutiny by the people paying for those services.

Mr. Swingle has expressed his concern about the "outmigration of population" amongst other major issues and I can think of no better way to increase out-migration then by denying the taxpayers their right to know where their money is being spent and how they will be treated when they have differences of opinion with City officials or staff.

I beg you to carefully consider the ramifications of such a resolution on the morale of this community and its ability to attract newcomers.

Rather than discourage participation in local affairs a long-range plan for reducing the necessity of IPRA should include making public records available online as routine. The city could begin with putting all information provided under IPRA in a searchable file on the city's website.

The New Mexico Foundation for Open Government can provide the city with guidance in achieving a more open and participatory government for all. Please don't hesitate to request their assistance.

Thank you for listening.

T or C Public Comment

From: Suz Crow <suzcrow505@gmail.com>
Sent: Monday, June 21, 2021 2:58 PM
To: T or C Public Comment
Subject: 6/23 Commission - Public Comment

Please confirm receipt of my public comment for Wednesday's commission meeting.

Thank you,
Susie Crow

Susie Crow
711 Kopra St.

This is an update and thanks for providing the proof of the dangerous radiation levels these smart/digital meters are causing our community.

The dirty electricity levels measured in my home receptacles with an analog meter ranged between 200-250. However, the test after Advanced Metering installation was over 1100. I knew that smart/digital meters increased dirty electricity, however, no one reported that levels increased 400 to 500%. Dirty electricity is the transient energy that you don't get to use, but still have to pay for. It runs through the electrical wiring in the walls of your home and radiates out six to eight feet into the center of your rooms. **Dirty electricity is just one of the forms of electrical emissions from these digital/smart meters.**

Since you have electrified the property at 711 Kopra, I cannot sleep unless every circuit is switched off during the night. Even with all panel circuits off, the meter is still emitting Electro-magnetic Frequency in the 350+ range; proving that these meters are relay stations and the radio antennas inside are communicating with all the other smart/digital meters in the neighborhood. What you may not know, is that they're also in communication with the antennas on all the city light poles. I was thirty feet away from the light pole in my alley when I recorded electric field levels over 500 V/m. (Volts per meter)

And finally, just as was shown in the documentary "Take Back Your Power", my alley neighbor's smart meter has been irradiating my pecan tree since their meter was installed in December 2020. Their meter is on a pole at the alley wall, 26 ft. away from my back wall. None of the branches on the alley side of the tree have leafed out this year. The front has leafed out, but not as robustly as the tree further away from the alley smart meter. These trees have the same amount of food and water, so the smart meter is the only condition that has changed since last year.

While you may not be able to feel the increased radiation as I do, that doesn't mean it's not impacting your health and the health of your loved ones. The phrase that continues to pass through my consciousness is: *Forgive them Father, for they know not what they do.* Please stop this madness. Are you really going to wait until your children are sterile, before getting rid of these devices?

Thank you

F. PUBLIC HEARINGS:

1. Public Hearing/Public Input: Public input for the 2023-2027 City of Truth or Consequences and Senior Center Infrastructure Capital Improvement Plan (ICIP):

Traci Alvarez, Community Development Director explained that this is the 1st of 3 public hearings that will be held to receive public input for the ICIP. Projects have to be entered into the database September 17, 2021. We will be bringing a list composed of public comment. Department heads will meet with them as well to give their list and then meet with the City Manager. That list will come before the City Commission no later than August 11, 2021 for rank and approval. We will have a list composed prior to that for at least one of the public hearings.

Public Input:

Sophia Peron asked if a list of projects will be provided. The last list she saw was Jerry Stagner's water fall that goes down tank hill. She asked where the list is and what are they having a public hearing about.

Commissioner Luna responded that Ms. Alvarez just explained that we are taking ideas, and concepts at this time and a list will be created from those ideas. If you have any ideas, we would love to hear it, and we will greatly produce that list with the ideas received at the next meeting.

Sophia Peron stated that she does not have any ideas. She already told City Manager Swingle her ideas.

Traci Alvarez, Community Development Director explained that there is a list available from last year's ICIP if anyone would like to reference it. Some of those projects have already been funded so they wouldn't be on the list. The list is on the DFA Capital Outlay website.

Ariel Dougherty thinks it's great that you are encouraging input into such a list. She would really like to see the Electric Department and city yard moved away from what is basically a residential area, and right across the street from one of our city's best assets which is the Ralph Edwards Park. She thinks, by turning the city yard complex with existing buildings into a recreational facility would be good because it would take the parking away from river. She also commented on the parking area at the Ralph Edwards Park and she would like that moved away from the river because it does not allow access directly to the river. She also feels that there are other types of development that can go on in that facility as a community type of facility.

2. Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 718 amending the City of Truth or Consequences Municipal Code of Ordinances, by amending Section 4-87 of the code pertaining to the Electrical Code:

Bo Easley, Electric Department Director explained that this proposed ordinance is amending section 4-87 of the electrical code to include the language that states that the city follows the PNM Distribution Construction Standards Handbook, and the PNM Meter Standards Handbook. On May 26, 2021 the City Commission approved the publication of this ordinance. The next step is to have a public hearing, and then the Governing Body can then make a final decision on Ordinance No. 718.

City Attorney Rubin stated that we had our agenda review meeting last week, and the issue was brought up about Mr. Ashbaugh being concerned that these PNM books are quite voluminous. However, Mr. Easley is familiar with the contents and how they work.

Bo Easley, Electric Department Director explained that the meter handbooks pertain to the standards regarding meter cans that PNM and the city follow, and the construction portion of the handbook explains how we build our 3 phase, and single phase poles. It also explains how we do our transformer banks. It's pretty much all of the construction work that PNM follows, as well as the city.

City Attorney Rubin responded by saying, so it sounds like even though these books may be fairly voluminous, you don't see any issue from your stand point of us implementing them.

Bo Easley, Electric Department Director responded no he does not. We have followed the PNM standard handbooks since he started working for the city. The standards have been followed by the city since the 1980's.

Mayor Pro-Tem Forrister opened the public hearing.

Opponents:

Ariel Dougherty feels that it is unfair to the public to pick and choose which laws we want to follow. This is not a good procedure. The PNM standards is a large document, so can any of you explain what the code is going to do for the city's Electric Department?

Commissioner Baca stated that he 100% agrees.

Ariel Dougherty continued by saying that she feels this is another complication. In future when we have public hearings, she would recommend that there be some sort of a summary of points of why it is important. Not that, this is the code and you have to go somewhere to read it. You need to explain why it is significant. With that being said, she is opposed to passing this ordinance.

Randy Ashbaugh stated that the handbook is 100's and 100's of pages, and that gives the city the opportunity to pick and choose what they want to use against the customers and developers. The city is also going to have to follow the guidelines also. If you want to lay out certain sections, and have the attorney and an electrical engineer review it, then bring it back to the Commission at that time to pass a specific section that deals with our little electric system, then that would probably be agreeable. We do need some kind of standards, but to just pass a document such as carte blanche is ridiculous. It could open up a can of worms for the city and it could also make the city liable for God knows what, because nobody knows what is in that thing. Also, our electrical system has many deficiencies for one reason or another. To adopt such a document carte blanche is not smart. These guidelines could make it very expensive, and could stop development, which we have very little of. We are not a rich community. These guidelines are a double edge sword, and the city has to comply to negate liability. If you adopt the entire book of PNM guidelines, someone could come back and say that the city is not complying with what they adopted. This modification needs to be voted down, or tabled and completely reviewed. He knows the reason for this effort, and he does not think it is smart at all. It needs to be limited. Would you take the PNM Human Services Resource Manual and adopt it for the city, a big huge public company. You absolutely would not. You are doing the same thing with this, and it is ridiculous.

Rick Dumiak stated that he is also very much against this. To adopt the PNM manual is crazy. We already have problems with our Municipal Code. Section 14-30 on appeals is a prime example. He is here today for an appeal, and according to section 14-30 any person disputing a disconnect notice or other action related to utility service, will be provided a reasonable opportunity to appeal within the department, then to the City Manager, and if dissatisfied with the City Manager's decision, to the City Commission in accordance with written procedures established by the Electric Department. We don't have any written procedures in place for the appeal. He's here to appeal something and there are no guidelines for it. He asked the City Clerk please provide me with written procedures. They don't exist. The same thing is going to happen with this if you adopt it. We are going down a path we don't want to go.

Bo Easley, Electric Department Director explained that this is only for construction for the Electric Department. The construction is how we frame our poles, how we set our poles, and how we run our wires. That's all that this is. This has nothing to do with the appeal process. This is only for when a contractor comes into town, and they want to know what the rules and regulations are with anything that has to do with electrical.

Commissioner Luna stated, so this does not impact any of our electrical customers service. This is only for the contractors and the city?

Bo Easley, Electric Department Director stated yes.

Commissioner Luna then asked if we are already following these rules.

Bo Easley, Electric Department Director stated yes ma'am.

Commissioner Luna then asked what the other options are for rules besides PNM.

Bo Easley, Electric Department Director stated El Paso Electric, and Raton is a small town like our so maybe they have their own rules and regulations. He also mentioned the City of Aztec or Farmington.

Commissioner Luna asked City Attorney Rubin, by adopting 500 pages of documents that we are already utilizing, does that set us up for a liability for anything?

City Attorney Rubin responded, as we know, he can never guarantee that you are never going to be sued by anyone. We all know how that it happens, but that was the reason why he asked Mr. Easley the questions he asked earlier so we can make sure that these are things he's already familiar with, and these are things he feels comfortable implementing. As a general rule, he would ordinarily familiarize himself with everything that is brought before this Commission. However, in this case we are talking about technical aspects that are essential to the issues that Mr. Easley is talking about, which is the construction industry. Mr. Easley is the person who is in charge of implementing this, and he felt comfortable going forward. That's why this was brought forward to the Commission.

Commissioner Luna stated, as Mr. Ashbaugh pointed out, PNM is a big, private, profitable company with 50 plus lawyers, and if this is their document they she has no doubt that they have vetted the entire manual, and it has been beneficial to them, so she doesn't see why it would not be beneficial to us. So the comments about understanding all of the documents... she doesn't understand how her car runs, but that doesn't keep her from operating it, and knowing that she needs to put gas in it, and change the oil, and make sure that the tires have tread on them. We trust our Electric Department head, and it sounds to her if there is no litigation against PNM, and we have been utilizing their standards for over 20 years, then why would we not add it to our actual ordinance that says, these are the rules we are using.

Mayor Pro-Tem Forrister asked Electric Department Director Easley why he chose to go with PNM, versus going with another electric source.

Bo Easley, Electric Department Director responded by saying they already follow the PNM standards and they have since the 80's. They are already used to their standards and how they do their construction.

Commissioner Baca stated that he is not sold on this. He was on the fence the last time, and he has to agree with Mr. Dumiak, Mr. Ashbaugh, and Ms. Dougherty. He doesn't think that we need to follow such a huge company. We need to maybe come up with our own, or come up with some more information for all of us to understand. He feels like this should be tabled until we receive additional information to where we all can understand it, or change it all together and come up with our own stuff.

Commissioner Aragon stated that he agrees with Commissioner Luna's statement when she said that she doesn't understand how her car runs, but that doesn't keep her from operating it. Maybe we should strike a balance, and have a consultant look at this as a disinterested person. He would like for the Commission to consider that.

Public Comment:

Art Burger commented that he has spent 40 years as a technology consultant. In this circumstance he has to agree with Commissioner Aragon that we don't know enough, and the concern he has isn't that there is something evil about PNM. That's not the point. The point is as Commissioner Luna stated, this does not affect the customers. He just spent the last 6 months looking at lots of houses in this town, and the number one thing that killed several deals was that the electric facilities in the houses was so far out of date that his mortgage companies and insurers would not accept it, and to buy those houses, he would have had to completely replace that electric. These guidelines are about those components on the private side that connect to the city's side. So what is the impact? When you adopt this and codify it, it means that all of your consumers have to be able to interface to that code that is set, and most of the houses that he saw would not be able to do it. So at the very least, it would be helpful to have someone do an impact study that says what this changes. Are we doing it already? In that case there's no change. If we are not, or if the codification increases the ability of that code then potentially you have a serious impact on your constituents.

Proponents:

There were no proponents who spoke on this item.

Mayor Pro-Tem Forrister closed the public hearing.

Commissioner Baca made a motion that this item be tabled until more research has been done. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer.

**Hon. Randall Aragon, Commissioner voted aye
Hon. Amanda Forrister, Mayor Pro-Tem voted aye
Hon. Paul Baca, Commissioner voted aye
Hon. Frances Luna, Commissioner voted nay**

Motion carried with a 3-1 vote

G. ORDINANCES/RESOLUTIONS/ZONING:

- 1. Discussion/Action: Resolution No. 53 20/21 authorizing acceptance of Water Trust Board (WTB) Project No. 5442-WPF Funding offer; Flood Prevention Project; Cantrell Dam Design/Rehabilitation from New Mexico Finance Authority (NMFA):**

Traci Alvarez, Community Development Director explained after the 2020 flood we realized that there were going to be some things that need to be addresses at the Cantrell Dam. We were approved by the City Commission to apply for Water Trust Board funding. In your packet you will see that Water Trust Board has given us an offer. This resolution would be for the acceptance of that offer, including the grant amount of \$450,000, and a 40% loan amount of \$300,000. The cash match would be included of \$75,000. This would be for the design rehabilitation of the Cantrell Dam.

City Manager Swingle also explained that the City acquired this responsibility for maintenance of the Dam in 2003. The letter does not state that we took possession of it, but it is a letter from the State Engineers Office thanking us for taking over the maintenance responsibilities. We have no documents to be found that the city actually took it over, other than that. We've done some maintenance to the Dam periodically over the years. However, over the years, the sediment built up in the bottom of the Dam, and the walls deteriorated over time so when we had the 4-5 inches of rain fall within an hour or so, it surpassed the capacity of the dam. The Streets Department has been out there restoring the Dam the best they can without additional funding. This is going to be a huge project which will be several million dollars to re-habilitate the Dam, and restore it back to what its original condition was in. The \$750,000 is just for the design of the Dam. This is one of those things that we can't afford not to do, and it is our responsibility at this point. We don't know who built it or why they built it. There has been speculation that it was built by NMDOT to preserve the construction site when they were doing the work on I-25. He also explained that the loan portion will be covered by the COVID relief funds the city will be receiving in the amount of \$1.3 million dollars. The \$75,000 is due upfront, so we can use those funds to pay it, or we can pay the \$300,000 in payments over time.

Commissioner Luna moved to approve Resolution No. 53 20/21 authorizing acceptance of Water Trust Board (WTB) Project No. 5442-WPF Funding offer; Flood Prevention Project; Cantrell Dam Design/Rehabilitation from New Mexico Finance Authority (NMFA). Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Resolution No. 55 20/21 establishing fees for Frisbee Golf:

Ryan Lawler, Parks Manager explained that this resolution went before the Recreation Advisory Board at their last meeting. They did a lot of research on fees from other Municipalities and a lot of them do the Frisbee golf for free. The reason the Recreation Advisory Board recommended the \$2.00 fee is because they felt that some sort of fee would help with accountability issues.

Commissioner Luna stated under the debit and credit card transaction column, she thinks it should be changed to processing fee for transactions under \$25.00 not over

~~\$25.00. However, in reality we should be charging the \$1.00 processing fee for all transactions.~~

Mayor Pro-Tem felt that we should follow the same \$1.50 base charge that is being charged at the Golf Course.

Ryan Lawler, Parks Manager agreed.

Orrin Hechler, Community Services Manager explained that the current Golf Course fee resolution states that we will charge \$1.00 for everything over \$25.00. We are hoping to change it to applicable fees or appropriate fees because these fees will go up over time, and if we have that language included, that will help us in the long run with not having to bring forth a resolution every time that fee goes up.

The Commission agreed that the base charge amount should be changed to *“an applicable credit card transaction fee will be charged”*.

Commissioner Luna moved to approve Resolution No. 55 20/21 establishing fees for Frisbee Golf with amendments mentioned. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Resolution No. 56 20/21 adopting procedures for requesting Inspection of Public Records:

City Manager Swingle explained that this resolution basically updating the city process and fees for Inspection of Public Records. Our current resolution is about 11 years old. We received a letter from the New Mexico Foundation for Open Government, basically stating that our process was old. He has two revisions that the New Mexico Foundation for Open Government came up with late last night. The electronic data and data conversion to accessible format on the fee schedule should be removed from the resolution. In our discussion, they said that it was appropriate. However, after she consulted with some folks, it was determined that we should not charge for data conversion because we are not required to convert the data. However, if we give you data out of our Tyler system, and you don't have the Tyler system, you are going to get a bunch of hieroglyphics, but they still disagreed that we should charge for that so it has been removed for that reason. There is no fee to inspect the record. However, if you want copies of it you would have to follow the appropriate fee schedule. There will be no fee for emailing an electronic document. If we have hard copies, we will send them hard copies. We also do not have to create a record. We will provide the records in format that we have, and in the format that they send it to us in.

Commissioner Aragon stated that the Police Department gets requests for Police reports. He then asked these fees are in line with the Police Department's requirements as well.

City Manager Swingle responded by saying that he thinks that the Police Department charges \$1.00 per page. They charge their own fees because they are their own custodian of records.

Commissioner Luna stated that they should be governed by our city policy and there should be one policy for everything.

Mayor Pro-Tem Forrister made a motion to table Resolution No. 56 20/21 so we can add the Police Department fee schedule to the Resolution. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Resolution No. 57 20/21 Budget Adjustment Request:

City Manager Swingle explained that this resolution is requesting a budget adjustment in revenue and expenditures for FY 20/21. These are the end of the year budgets adjustments that need to occur to balance out the budget. Some of these are additional funds that came in and expenses that we are budgeting.

Commissioner Luna moved to approve Resolution No. 57 20/21 Budget Adjustment Request. Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Resolution No. 58 20/21 Election Resolution.

City Clerk Torres explained that the city opted into the Local Election Act on July 22, 2020, which means that our elections will now be held in November, and will be administered by the County Clerk. Our upcoming election will be held on Tuesday, November 2, 2021, and the following positions will be listed on the ballot:

- Position I: ONE Commissioner for a four year term.
- Position III: ONE Commissioner for a four year term.
- Position IV: ONE Commissioner for a two year term.

City Clerk Torres also explained that Declarations of Candidacy can be filed in the Office of the County Clerk on August 24th between 9:00 a.m. and 5:00 p.m. and declarations of Candidacy for write-in candidates can be filed in the Office of the County Clerk on August 31st between the hours of 9:00 a.m. and 5:00 p.m. Staff recommends approval of this resolution as it is due to the County Clerk no later than July 5, 2021.

Commissioner Luna moved to approve Resolution No. 58 20/21 Election Resolution. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. NEW BUSINESS:

1. Discussion/Action: AMI Meter Public Appeal:

City Attorney Rubin stated before we get started he wanted to raise a few concerns about this, and he wants to make sure that we understand what the procedure is going to be. In discussing the procedure for 14-30 appeals, it is correct that we don't actually have a written policy. However, we did follow a procedure when we had other appeals which worked fairly well. What we did there is we invited the appellants to submit any documentation they wanted to submit and it be made part of the packet. The advantage of that is it gives the City Commissioners the opportunity to review the documents that were before you so you can have an idea of what the base of the appeal is going to be. He is concerned that we only received Mr. Dumiak's appeal documents today. He knows that the City Clerk had contacted Mr. Dumiak on a couple of occasions requesting these records and they were not provided as far as the packet. He just doesn't want the Commission to be caught off guard with documents that you have not seen before and expect to make a ruling on this today.

City Clerk Torres commented that Mr. Dumiak brought the documents to the meeting this morning.

City Attorney asked the Commission if that is sufficient for the Commission.

Mr. Dumiak stated that there are no written procedures for an appeal.

City Attorney Rubin then explained that we are talking about a 6 month period of time. With the other appellants, you denied the appeals, but then you also allowed for an alternative procedure of allowing people to keep their old meters if they paid a \$50 charge. In this case, as he understands it, we no longer have Mr. Dumiak's old meter. The last thing that he has to disclose is when we deliberated these appeals back in January, there was a complaint made to the Attorney General's Office that we did not properly follow the Open Meetings Act by allowing the procedure of a \$50 trip fee to be implemented, and that was not part of the agenda and therefore this is something that we shouldn't be imposing. We have gone back and forth with the Attorney General's Office. He happens to disagree with their determination. He felt what we did was appropriate, and he still feels that way, but he has to make this disclosure to the Commission that it was a problem.

Commissioner Luna stated, as someone who could appeal something she can understand wanting to hold on to your ace until it's time to show your cards. However, as someone who needs to make an informed decision, she would have liked to have time to read them as well. She stated that she hopes Mr. Dumiak can understand that.

City Attorney Rubin stated that an option could be for the Commission to hear the appeal and all of the information that is available, but you don't have to rule on it today if you don't want to.

The Commission proceeded with Mr. Dumiak's appeal.

Appeal:

Rick Dumiak presented his appeal by saying on June 1, 2021 the City Manager denied his appeal for the removal of the AMI meter at his residence. Page of 1 of 6 of the documents he submitted shows the denial letter from City Manager Swingle. There were two things that were pointed out in the letter. One being that he did not request the removal of the AMI meter in time, and the letter stated that the meter had been installed for six months. Therefore, his request is not timely, and the second point was that once all of the meters were removed they were disposed of. He read section 14-30 which states **"Appeal: Any person disputing a disconnect notice or other action related to utility service, will be provided a reasonable opportunity to appeal within the department, then to the City Manager, and if dissatisfied with the City Manager's decision, to the City Commission in accordance with written procedures established by the Electric Department."** He submitted his appeal within the department. He also submitted his appeal to the City Manager. He is dissatisfied with the City Managers decision so now he is bring his appeal to the City Commission. The code states that the appeal will then go before the Commission in accordance with written procedures established by the Electric Department. The does not have any written procedures in writing. City Manager Swingle denied his request for the removal of the AMI meter, but he was not aware of any of the past documentation. He then reviewed all previous correspondence with the city. **(Complete copy of appeal attached hereto and made a part hereof)**. His appeal was denied due to not being submitted in a timely manner. However, written procedures do not exist. Therefore, the time line doesn't exist. The documents show that he has been trying to appeal the AMI meter since 9/22/2020 which is shown on a letter submitted in the packet.

Commissioner Aragon stated that he is looking at section 14-30 € and it does say written procedures, and there aren't any? Maybe that is something we want to look at someday. Being that we don't have any written procedures, it is coming to us. He asked City Manager Swingle what he recommends.

City Manager Swingle stated that he was not aware of a lot of the information that was presented by Mr. Dumiak when he rendered the decision of 6 months not being a timely appeal. Written procedures are important to have. However, there is an appeal process whether it's verbal or in writing so let's not get so caught up in the fact that there is a written or non-written procedures. We do need written procedures, and he felt that 6 months was excessive to file an appeal. However, Mr. Dumiak demonstrated with the information provided that he has given ongoing efforts to try and get the matter resolved to no avail. He certainly cannot give the Commission any guidance on what you should do on the appeal.

City Attorney Rubin agreed with City Manager Swingle. It's a question of whether the Commission feels that there is excusable reasons as to why there is a 6 month delay here. He also agrees with the comment that we should not get hung up on written

procedures. He wasn't the one who drafted the ordinance, but he saw the ordinance, and that is the reason why he said that all of the appellants can always submit any documentation they want to the Commission, that way there would be a full due process. They are encouraged to provide the Commission with any information they want considered ahead of time.

Mayor Pro-tem Forrister stated, that there is written procedure as far as going to the Electric Company and then coming here. That is the procedure, and when it comes to us, it's at the discretion of the Commission as to how they want to proceed.

Commissioner Luna asked to hear from Electric Department Director Bo Easley because it sounds as though he might be the only person here who can shed some light from time period to time period besides Mr. Dumiak. Her mom always said that there are 3 sides to every story. His side, her side and what really happened, and we can't even find the middle ground right now.

Bo Easley, Electric Department Director explained when the contractor was installing the meters, Mr. Dumiak did not want the contractor to install the AMI meter so he went out and served Mr. Dumiak with papers, and Mr. Dumiak signed it and dated it. The letter gave him 15 days to appeal the process and 7-8 days later he notified City Manager Madrid to request that they go out and install the AMI meter.

Mr. Dumiak stated that he did not request it. He only agreed to it because he was served with a disconnect notice if he did not allow the meter to be installed.

Commissioner Luna stated that it sounds like Mr. Easley got half of the message, and not all of the message when you were told to put in the meter. She then asked if we still have any of the old meters.

Bo Easley, Electric Department Director responded that they do not have the old mechanical meters. They have the new style digital meters that are not AMI.

Commissioner Luna asked if those are the meters we said we can install in people's houses and charge the \$50 trip fee.

City Attorney Rubin stated that he thought that the old meters were still available, and that is the reason for the appeals to be filed in a timely manner, so that we will still have the old equipment.

Bo Easley, Electric Department Director responded that the old mechanical meters were installed back in the 80's. In 2005 we started installing the digital meters and that is what we still have in stock. The old style mechanical meters were junked.

Commissioner Aragon asked if there is no mechanical meter available, and you would put in a digital meter if someone appeals the AMI meter and charge the trip fee.

TorC City Clerk

From: Rick Dumiak <rdumiak@gmail.com>
Sent: Thursday, July 15, 2021 9:19 AM
To: TorC City Clerk

City Clerk Torres,

Under the rules of the Inspection of Public Records Act,

I would, please, like to receive copies of the contract for the purchase of the AMI smart meters with Landis-Gyr dated 9-16-2019

I prefer to receive these documents in electronic form by email, please. If they are unavailable in that format, I will come to the Clerk's office to view the material.

If all of the material is not readily available within the three days of compliance in an IPRA, please provide me what you can in that time period.

If these records do not exist, in a follow up email to this, please state so.

Thank you very much for your quick attention to this matter.

Sincerely,
Rick Dumiak

--

Barclay, Dawn

From: George Szigeti <szigdog@gmail.com>
Sent: Thursday, July 15, 2021 9:23 AM
To: Barclay, Dawn; Torres, Angela; Swingle, Bruce
Subject: items for PUAB packet
Attachments: WORKING DOC - Ord 664.rtf; NMAC 17.9.570 net metering rule.rtf

Here is the red-lined version of the Ordinance 664 revision. Also included, as supporting information, an excerpt from NMAC 17.9.570 pertaining to investor owned utilities.

As I mentioned to Dawn over the phone, I am against allowing Ms Dougherty a spot on the agenda. We already had a public workshop on the Ordinance revision, at which she spoke, and there have been ample opportunities for public comment at previous meetings. The process has advanced well beyond the point where her suggestion is appropriate. It was agreed at the last meeting that we would consider our final red-lined version for approval at this month's meeting.

The only other item I have for this meeting is the Utility Departments' reports that were scheduled during our March meeting.

George Szigeti

1066
PAGE 1

Sandra Whitehead
Mayor

Amanda Forrister
Mayor Pro-Tem

Frances Luna
Commissioner



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

Paul Baca
Commissioner

Randall Aragon
Commissioner

Bruce Swingle
City Manager

***** Sent via email rdumiak@gmail.com *****

June 1, 2021

Rick Dumiak
705 Charles
Truth or Consequences, NM 87901

Re: Appeal

Dear Mr. Dumiak:


I am in receipt of your request to appeal the installation of an AMI meter at your residence, 705 Charles.

On June 1, 2021, in accordance with City Ordinance Chapter 14 Utilities, Article 1 In General, Section 30 Access to property; inspection; service installation, Subsection (c) Appeal, I met with City staff and Attorney Jay Rubin to consider your appeal. I reviewed your email request, the ordinance and discussed the facts of your situation with staff.

An AMI meter was installed on your property about six months ago, while your appeal request is dated May 26, 2021. Waiting six months to file an appeal is not timely or reasonable. Most importantly, once old meters are removed from service, they are disposed. Thus, your appeal is denied, as it was not filed timely.

The ordinance authorizes you to appeal my decision to the City Commission, if you desire. If you decide to appeal my decision, please submit your request to the City Clerk within 15 days of receipt of this letter.

Regards,


Bruce Swingle
City Manager

AMI Meter Appeal Determination

Tue, Jun 1, 2021 at 4:50 PM

Swingle, Bruce <bswingle@torcnm.org>

To: "rdumiak@gmail.com" <rdumiak@gmail.com>

Cc: "jrubin@zianet.com" <jrubin@zianet.com>, Sonya Williams <swilliams@torcnm.org>, "Easley, Bo" <beasley@torcnm.org>, "Torres, Angela" <aatorres@torcnm.org>

Mr. Dumiak: Attached, please find my appeal determination, thank you.

Bruce Swingle,

City Manager

Professionalism, it's a Habit, not an Act

 DOC032.pdf
39K

Rick Dumiak <rdumiak@gmail.com>

Tue, Jun 1, 2021 at 6:48 PM

To: "Swingle, Bruce" <bswingle@torcnm.org>

Mr. Swingle,

Thank you for reviewing my request for the removal of the electrical smart meter at my residence. I am very sorry to hear you have denied my request based on the length of time that has passed since the installation of the smart meter and my request.

I think you need to understand that I have been trying to get the smart meter removed since the day it was installed.

I have copies of emails that were sent to the city manager at the time, Morris Madrid requesting the smart meter not be installed due to my health concerns.

I also have copies of the email that I sent granting permission for the installation of the smart meter under duress as I was threatened with disconnection of my electrical service,

Furthermore I contacted Sonya Renro of the electrical department several times asking how I could get my old meter back and was told I would need to wait until a policy was established.

In other words I never wanted the smart meter installed and have been fighting for its removal since the day it was installed and was told I had to wait.

Now I am being told I waited too long, but I only waited to request the removal under the direction of the city staff.

This does not seem very fair so I hope this email will serve as my request for an appeal on this decision.

Sincerely
Rick Dumiak

Electrical meter

Rick Dumiak <rdumiak@gmail.com>
To: Angela Torres <torccclerk@torcnm.org>

Wed, May 26, 2021 at 1:58 PM

To whom it may concern:

On November 10, 2020 I received a notice of disconnect from the former City Manager Morris Madrid. Prior to Nov 10, 2020 I had sent the city manager several emails explaining that due to health reasons I did not want a "smart meter" installed at my residence.

Ignoring my concerns I received the disconnect notice that stated I had 15 days to either permit the installation of a smart meter or my electrical service would be disconnected.

On or about Nov 25th, 2020 the smart meter was installed irregardless of my concerns.

It has now been about 6 months since the smart meter install at my residence and during this time my health has deteriorated and I am having frequent headaches and disruption of sleep patterns. My physicians cannot find the cause for these health issues as these are not symptoms I have ever had before and I am convinced the smart meter is at fault.

At this time I am asking the city to remove the smart meter and reinstall the old analog meter ASAP so I can get a decent nights sleep and be able to feel safe in my home.

Sincerely,

Rick Dumiak
rdumiak@gmail.com
505 603 6400

TorC City Clerk <torccclerk@torcnm.org>
To: Rick Dumiak <rdumiak@gmail.com>
Cc: "Barclay, Dawn" <dbarclay@torcnm.org>, "Gabaldon, Lisa" <lgabaldon@torcnm.org>

Wed, May 26, 2021 at 2:33 PM

Good afternoon Mr. Dumiak,

Attached is a copy of your date stamped appeal you submitted to my office.

Thank you,

Angela A. Torres, CMC

City Clerk-Treasurer

City of Truth or Consequences

505 Sims St.

Truth or Consequences, NM 87901

(575) 894-6675

torcclerk@torcnm.org

aatorres@torcnm.org

[Quoted text hidden]

 **Dumiak Appeal.pdf**
437K

Rick Dumiak <rdumiak@gmail.com>
To: TorC City Clerk <torcclerk@torcnm.org>

Wed, May 26, 2021 at 5:21 PM

Thank you.

From;
Rick Dumiak
Rdumiak@gmail.com

On May 26, 2021, at 2:33 PM, TorC City Clerk <torcclerk@torcnm.org> wrote:

[Quoted text hidden]
<Dumiak Appeal.pdf>

TorC City Clerk <torcclerk@torcnm.org>
To: Rick Dumiak <rdumiak@gmail.com>

Thu, May 27, 2021 at 9:16 AM

You're welcome.

Angela A. Torres, CMC

City Clerk-Treasurer

City of Truth or Consequences

505 Sims St.

Truth or Consequences, NM 87901

(575) 894-6675

torcclerk@torcnm.org

aatorres@torcnm.org

5

ORDER ON 14-30 (e) APPEALS

This matter came before the City Commission for consideration at its regular meeting held January 27, 2021. The City Commission make the following findings:


1. Ronald Fenn, Lee Foerstner and Ariel Daugherty all filed timely appeals to the City Manager and the Electric Department Director in which the appellants were contesting the City's attempt to install "Smart Meters" on their respective properties.
2. By letter dated December 31, 2020 and signed by the Electric Department Director, City Manager and City Attorney, the appeals were denied.
3. The appellants then filed timely appeals to the City Commission pursuant to City Ordinance 14-30 (e).
4. The appellants were permitted to supplement their appeals with supporting documents.
5. At the January 27, 2021 meeting, each appellant was given five (5) minutes to supplement their appeals with an oral presentation.

After carefully considering the written materials submitted by the appellants and considering their oral presentations and being otherwise advised in the matter, the City Commission hereby **ORDERS** as follows:

- A. The appellants were all granted due process in having their appeals considered.
- B. The City administration's decision to deny the appellants' respective appeals is upheld, subject to the modification described in paragraph C.
- C. If any of the appellants still opt not to have Smart Meters installed, any of the appellants can retain their old meters by paying an additional fee of \$50.00 per month. This


fee would cover the City's anticipated costs, including the cost of the meter reader manually reading the meters and subsequent billing process and procedures.

D. If any other citizens desire to opt out of having a Smart Meter installed on their property, they must notify Electrical Department Manager and City Manager within a reasonable time pursuant to City Ordinance 14-30 (e). A "reasonable time" depends on the facts and circumstances of each particular case.



Angela A. Torres, City Clerk
February 24, 2021

Date



Sandra Whitehead, Mayor

Sec. 14-30. - Access to property; inspection; service installation.

- (a) *Property of the City; right to enter* . The meters, meter boxes and locks shall be, and remain the property of the City and shall be subject to the control of the City through its employees. Employees of the City shall have the right to enter any premises to access City owned meters, meter boxes, and locks of the occupant to whom water and electricity is furnished, at reasonable times for the purpose of examining pipes, lines, and fixtures, and to determine proper installation of equipment for water and electric usage. Upon refusal of any occupant to grant such right, water or electric service may be discontinued, subject to the provisions of subsection (d) of this section.
- (b) *Meter access, installation and inspection* . All water and electric meters and meter accessories shall be accessible at all times and free of any obstructions, hazards, aggressive or dangerous animals or other dangers, as determined by the employees of the City. The meters and accessories shall be located at a place and in a position that the same may be readily accessible to the employees of the City for the purpose of inspection, reading, repair, and supervision by the City employees. If a City employee finds that a meter is inaccessible or that access to the meter appears hazardous for any reason, and the landowner or occupant is unavailable or refuses to take action within his or her power to make the meter safely accessible, the City employee shall promptly inform the employee's supervisor or the utilities department director so that the City may take appropriate action in accordance with this section.

Installation of electrical meters shall be done under the supervision of, and approved by the City Electric Department and shall be in compliance with all state and federal codes and regulations. Before such meter is installed, a disconnect main switch shall be installed outside of any building or structure up to, and including 200 ampere main capacity.

All new electrical meter installations shall be installed outside of the house, structure, or building and located on a stable wall or pole, free from vibration and safe from physical damage. Meters shall not be installed on company owned poles or other company owned facilities.

- (c) *Meter relocation* . If at any time the City, through its utilities department director or the director's authorized representative, determines that any existing meter and/or meter accessories need to be moved to enable the City employees to properly inspect, read, or repair the meter and meter accessories and maintain the service at the place, the City shall be empowered to take the necessary corrective action. Corrective action may entail moving obstructions in the view of meter, making modifications to property, or relocating the meter. Moving the meter shall be done at the property owner's expense; provided, however, that the utilities department director may approve moving the meter at City expense if all three of the following conditions apply: (I) The meter is at a location originally approved, either explicitly or implicitly, by the City; (II) there has been no change in the condition, configuration or use of the property rendering the meter less



accessible than it was when originally installed; and (iii) the meter relocation is at the behest of and for the convenience of the City. Any person aggrieved by a City demand for meter relocation may appeal the City's decision as provided in subsection (e).

- (d) *Disconnection of service; limitations*. No service will be disconnected or discontinued without reasonable notice to the owner or resident responsible for payment and an opportunity to correct any violations. No service will be disconnected or discontinued if the City receives appropriate certification that a chronically or seriously ill person resides on the premises and does not have the financial resources to pay the charges of moving a meter. Any person aggrieved by a disconnect notice or discontinuance of service may appeal the action as provided in subsection (e).

- (e) *Appeal*. Any person disputing a disconnect notice or other action related to utility service, will be provided a reasonable opportunity to appeal within the department, then to the City Manager, and if dissatisfied with the City Manager's decision, to the City Commission in accordance with written procedures established by the Electric Department. *

(Code 1962, § 3-3-5; Ord. No. 669, §§ 1, 2, 6-14-16)

Editor's note— Ord. No. 669, § 2, adopted June 14, 2016, changed the title of § 14-30 from "Access to property, inspection" to read as herein set out.

* NO TIME LINE
TO APPEAL

To: Rick Dumiak <rdumiak@gmail.com>
 Cc: "Swingle, Bruce" <bswingle@torcnm.org>, "jrubin@zianet.com" <jrubin@zianet.com>

You're welcome.

[Quoted text hidden]

Fri, Jun 4, 2021 at 8:59 AM

Rick Dumiak <rdumiak@gmail.com>
 To: "Torres, Angela" <aatorres@torcnm.org>

BTW can you please send me the appeal procedure documentation?
 I cant seem to find anything on the city website defining the procedures and process.
 Thanks

[Quoted text hidden]

Fri, Jun 4, 2021 at 9:08 AM

Torres, Angela <aatorres@torcnm.org>
 To: Rick Dumiak <rdumiak@gmail.com>
 Cc: "Swingle, Bruce" <bswingle@torcnm.org>, "jrubin@zianet.com" <jrubin@zianet.com>


Mr. Dumiak,

Attached is the signed Order on Appeals, and Section 14-30 (e.) Appeals.

[Quoted text hidden]

2 attachments

 **Signed Order on Appeals.pdf**
 726K

 **Section 14-30.pdf**
 1365K

Rick Dumiak <rdumiak@gmail.com>
 To: "Torres, Angela" <aatorres@torcnm.org>

Fri, Jun 4, 2021 at 9:51 AM

Angela,
 Thanks, but those are not what I'm looking for.
 I would like to see the written appeals process and procedures.
 In other words the rules and policies of the appeal process.
 How long is the appeal process and what rules are followed?
 What are the procedural rules of the appeal process?
 Is the appeal a closed session or open?
 Can I call witnesses to testify?
 In other words the written documentation of the appeal process.

Thanks again,
 Rick

[Quoted text hidden]

Rick Dumiak <rdumiak@gmail.com>
 To: fenwron234@gmail.com


Fri, Jun 4, 2021 at 10:51 AM

Ron,
So this is what the clerk sent me when I asked for the appeal process documentation.
I asked for rules and regulations of the appeal process and they sent me your appeal!
Unreal...

I resent my request for written documentation of the appeal process....

[Quoted text hidden]

2 attachments

 **Signed Order on Appeals.pdf**
726K

 **Section 14-30.pdf**
1365K

Torres, Angela <aatorres@torcnm.org>
To: Rick Dumiak <rdumiak@gmail.com>

Fri, Jun 4, 2021 at 11:42 AM

Let me look into that and I will get you an answer no later than Monday.

Thank you,

[Quoted text hidden]

Rick Dumiak <rdumiak@gmail.com>
To: "Torres, Angela" <aatorres@torcnm.org>

Fri, Jun 4, 2021 at 11:45 AM

Angella,
Thanks,
It's hard to prepare for an appeal if I don't know the rules and regulations of the appeal process.

Rick

[Quoted text hidden]

Torres, Angela <aatorres@torcnm.org>
To: Rick Dumiak <rdumiak@gmail.com>

Mon, Jun 7, 2021 at 3:48 PM

Good afternoon Mr. Dumiak,

It appears that currently there are no written procedures on appeals. **Section 14-30 E.) Appeal:** explains that any person disputing a disconnect notice or other action related to utility service, will be provided a reasonable opportunity to appeal to the City Commission.

The individuals who presented their AMI Meter appeals to the City Commission on January 27, 2021 submitted documentation they wished to be examined and considered by our Governing Body. Those documents were then included in the January 27, 2021 City Commission packet, and were reviewed by our Governing Body. Each person (appellant) was given 5 minutes to present their appeal, and the Commission made a decision based on

the facts and documentation provided. Please note that each appeal is determined on a case to case basis.

\\

I hope this information is helpful. Please let me know if you have any questions.

[Quoted text hidden]

Rick Dumiak <rdumiak@gmail.com>
To: "Torres, Angela" <aatorres@torcnm.org>

Wed, Jun 9, 2021 at 7:27 AM

Thank you for the information.

[Quoted text hidden]

Torres, Angela <aatorres@torcnm.org>
To: Rick Dumiak <rdumiak@gmail.com>

Thu, Jun 17, 2021 at 1:54 PM

Hi Mr. Dumiak,

I am in the process of finalizing the agenda for Wednesday's City Commission Meeting. Do you by chance have your appeal documents ready, or would you like to postpone your hearing until the July 14th meeting?

Thank you,

Angela A. Torres, CMC

City Clerk-Treasurer

City of Truth or Consequences

505 Sims St.

Truth or Consequences, NM 87901

(575) 894-6675

torcclerk@torcnm.org

aatorres@torcnm.org

From: Rick Dumiak [mailto:rdumiak@gmail.com]
Sent: Friday, June 04, 2021 7:53 AM
To: Torres, Angela
Cc: Swingle, Bruce; jrubin@zianet.com
Subject: Re: AMI Meter Appeal

12

Thank you, will do.

[Quoted text hidden]

Thu, Jun 17, 2021 at 2:16 PM

Rick Dumiak <rdumiak@gmail.com>
To: "Torres, Angela" <aatorres@torcnm.org>

Angela,
I will be bringing my supporting documentation with me to the appeal.
As there is no formal or documented appeal process, I have decided I do not want the documentation viewed before my appeal hearing.
Can you tell me what time on the 23rd my appeal is scheduled for?

Thanks
Rick

[Quoted text hidden]

Thu, Jun 17, 2021 at 2:27 PM

Torres, Angela <aatorres@torcnm.org>
To: Rick Dumiak <rdumiak@gmail.com>

The meeting starts at 9:00 a.m. However it is hard to say exactly what time your appeal will be heard. There are 7 items that will be presented before your appeal. My recommendation would be to attend the meeting at 9:00 a.m. I will send you the agenda tomorrow when it is ready.

Thank you,

Angela A. Torres, CMC

City Clerk-Treasurer

City of Truth or Consequences

505 Sims St.

Truth or Consequences, NM 87901

(575) 894-6675

torcclerk@torcnm.org

aatorres@torcnm.org

From: Rick Dumiak [mailto:rdumiak@gmail.com]
Sent: Thursday, June 17, 2021 2:16 PM
To: Torres, Angela

[Quoted text hidden]

[Quoted text hidden]

Public Comment

Rick Dumiak <rdumiak@gmail.com>
To: arielcamera@gmail.com

Mon, Feb 22, 2021 at 3:11 PM

Ariel,
Here is a copy of what I am having the city clerk read during public comment.
I want my comments to be part of the written meeting minutes and if the clerk doesn't read the comments the city does not put the comments in the minutes.
They will be on video if there are no technical issues.

Rick Dumiak, 705 Charles TorC

I have three items to comment on:

First, I have been trying to get my smart electrical meter replaced since the city commission voted and passed a motion to allow opting out of the smart meters. I have been told there is no policy yet.

The proposed monthly fee of \$50.00 for a meter reading charge is outrageous in my opinion.
Before the smart meters were installed, meter reading was included in the monthly electrical fees. Why are we supposed to pay more now? What happened to monies we were being charged to read the old meters? Why are we expected to pay more now?

I have health issues and concerns that I wish to remain private and under HIPPA regulations do not need to be disclosed.

By charging me or anyone else that wishes to opt out of having a smart meter due to health reasons or concerns, you are putting a price tag on their health and for our residents on fixed incomes you are forcing them to decide on feeling safe in their own homes or having to perhaps give up \$50.00 worth of food each month.

My understanding is that the \$50.00 amount was based on Sierra Electric Cooperatives trip charge to read meters. I urge you to consider that the City of TorC is much smaller than the area that Sierra Electric Cooperative services. To charge a resident of the city of Tor C the same fee that Sierra Electric Cooperative charges for a trip charge is like comparing apples and oranges, they are not the same.

Has an in-depth cost analysis of the actual time it takes for a worker to travel to the furthest city limits and read a meter and return to the shop been completed? If not, how can a fair charge be established?

Why can't the homeowner simply take a picture of their meter every month and send it into the city?
Why can't the same person reading the water meter simply read both meters at the same time?

Bottom line, the city is telling me that if I want to feel safe in my home from the smart meter concerns that I and many others have, we need to pay \$ 50.00 a month for a meter reading.

Perhaps \$50.00 a year is a more realistic and actual cost for meter reading by a city employee and an amount that would not create an undue hardship on or elderly residents.

The next item I want to comment on is once again, 630 Charles. At the last city commission meeting on Feb 10th, 2021 the city manager stated that progress has been made and that substantial completion would be obtained on Monday Feb 15, 2021.

The city manager also stated the weeds and debris along the fence line had been removed. I urge the commissioners to drive by 630 Charles and look in the back yard and alley and tell me if you believe that has happened?

Yes, I understand we had a snowstorm on Sunday Feb 14th, 2021 but again this issue has been going on for years and the other resident on Charles continue to wait on for closure.

The last item I wish to comment on is the selection of a new city manager. It is my hope this commission will reach out to the citizens of TorC for input in the interviewing process.

I personally have many years of experience in hiring upper-level managers in the corporate and municipal environment and I would be happy to assist in any way possible and I am sure I am not the only resident with this experience.

--
Rick

Bad decisions make great stories, yea I have some great stories....

Meter installation

Tue, Nov 17, 2020 at 10:17 AM

Rick Dumiak <rdumiak@gmail.com>
To: mmadrid@torcnm.org
Cc: Lisa Gabaldon <torcclerk@torcnm.org>
Bcc: rdumiak@gmail.com

Mr. Madrid,

Regarding your letter to me dated 11/10/2020 in which you notified me that if I did not permit the installation of a new smart electrical meter at my place of residence, 705 Charles, Truth or Consequences NM 87901, prior to 11/25/2020, you would have the electrical department disconnect my electrical service on 11/25/2020.

This email will serve as my legal notification that I will permit the installation of the new smart meter, however it should be noted I am agreeing to the smart meter installation against my free and under the threat of my electrical service being discontinued if I do not agree to the smart meter installation.

In addition to the threat of disconnection, I am fearful of the new smart meters as there is significant evidence the smart meters emit harmful RF waves that are known to cause cancer as well as the potential for electrical fires from the smart meters.

I call your attention to the following website where this evidence can be researched; <https://stopsmartmeters.org/the-science/>

Please confirm receipt of this email as my notification to you to permit the smart meter installation at my residence at 705 Charles Truth or Consequences NM 87901 on or prior to 11/25/2020 so my electrical service will not be disconnected.

Sincerely;

Richard Dumiak
705 Charles
Truth or Consequences NM 87901

505 603 6400

—
Rick

Bad decisions make great stories, yea I have some great stories....

Madrid, Morris <mmadrid@torcnm.org>
To: Rick Dumiak <rdumiak@gmail.com>
Cc: TorC City Clerk <torcclerk@torcnm.org>

Tue, Nov 17, 2020 at 10:35 AM

Mr. Dumiak,

Received by Morris Madrid

Thank you

Get Outlook for iOS

From: Rick Dumiak <rdumiak@gmail.com>
Sent: Tuesday, November 17, 2020 10:17:08 AM
To: mmadrid@torcnm.org <mmadrid@torcnm.org>
Cc: Lisa Gabaldon <torcclerk@torcnm.org>
Subject: Meter installation

[Quoted text hidden]

Tue, Nov 17, 2020 at 10:55 AM

Rick Dumiak <rdumiak@gmail.com>
To: "Madrid, Morris" <mmadrid@torcnm.org>

Thank you

[Quoted text hidden]

Re: Utility Complaint Online Form

Complaints, CRD, PRC <CRD.Complaints@state.nm.us>
To: "rdumiak@gmail.com" <rdumiak@gmail.com>

Thu, Nov 5, 2020 at 9:52 AM

Mr. Dumiak,

Please know that the NMPRC does not have any authority or jurisdiction over city/county owned utilities throughout the State of NM. We suggest that you contact the Utility Director or the City Manager's Office for further assistance in this matter.

Thank you.

From: crd.complaints@state.nm.us <crd.complaints@state.nm.us>
Sent: Tuesday, November 3, 2020 10:30 AM
To: Complaints, CRD, PRC
Subject: Utility Complaint Online Form

NMPRC Utility Online Complaint Form**Customer Contact Information (the name on your bill or account)**

Customer Name:	Richard Dumiak
If Business, contact persons name:	N/A
Primary Phone:	505 603 6400
Other Phone:	N/A
Fax:	N/A
E-Mail Address:	rdumiak@gmail.com

Service Address

Street:	705 Charles
City:	Truth or Consequences
State:	N/A

Zip:

Mail Address (if different from above)

Street: N/A
City: N/A
State: N/A
Zip: N/A

If you are not the customer of record, please fill out this section:

Name: N/A
Address: N/A
Relationship to Customer: N/A
Daytime Phone Number: N/A
Reason why customer cannot complete the form: N/A

Utility against which you are filing a complaint:

Utility Name: TorC Utility
Your Account Number: N/A

If your complaint involves a termination of service please complete:

Is your service currently on? Yes
If your service is off, when was it turned off? N/A
How much money is the utility requiring to restore service? N/A
If your service is on, do you have a turnoff notice? No
If you are requesting an extension on a turnoff notice, when can you make the payment? N/A
and how much can you pay? N/A

Your Complaint:

*Explain the details of your complaint.
Provide copies of any documents you believe will assist us.

The city run utility has threatened to disconnect my electrical service because I do not want a smart meter installed on my property. My electrical meter is on the exterior wall of my bedroom and I do not want to be subjected to the radiation the smart meter puts out. Can the city legally refuse to provide me power?

Suggested Resolution:

Explain what you feel would be a fair resolution of this matter.
N/A

The information provided on and with this form is true and correct to the best of my knowledge and belief. I am enclosing copies of any correspondence or other documentation in my possession that may be of assistance.

Smart meters

Rick Dumiak <rdumiak@gmail.com>
To: raragon1257@gmail.com

Tue, Nov 3, 2020 at 12:54 PM

Randall,

I am emailing to let you know how disappointed I am with the city commissions decision to not allow an opt out for the new smart electric meters that are being installed. This morning I denied the company installing the smart meters access to my property as they are not employees of the city. They are subcontractors and therefore (I feel) they have no legal right to trespass on my property. When I told the installer I didn't want the new meter, he told me "no problem, the city will be disconnecting your power".

Later this morning, Bo from the city's electrical department came out and while I allowed him access to my property I told him I didn't want the new meter as I have health and safety concerns about them. I asked him when my power would be cut so I could order a whole house generator and arrange to get a large propane tank delivered and filled (to power the generator). He told me he will need to spark with the city manager and city attorney regarding when my power would be disconnected. I would hope that you may be able to get a date as to when my power will be disconnected so I am ready in time.

It blows my mind that this city cares so little for its aging population that they would threaten a resident with utility disconnect over a smart meter. Hasn't this gone far enough? A simple opt out option is a compromise we can all live with.

I do not want to get into a legal battle with the city, as that just costs everyone money, but it appears a class action suit may be the only avenue left if we don't have an option to opt out. Please reconsider the opt out option, and in the meantime can you get an answer from Mr. Madrid as to when my power will be disconnected? My calls and or emails to Mr. Madrid go unanswered as usual. Purchasing a whole house generator and propane tank will not be cheap and I can only imagine what the neighbors will think about it as it runs 24/7.

Thanks for your time:

Rick Dumiak
505 603 6400

—
Rick

Bad decisions make great stories, yea I have some great stories....

Randall Aragon <raragon1257@gmail.com>
To: Rick Dumiak <rdumiak@gmail.com>

Tue, Nov 3, 2020 at 6:13 PM

Rick:

I chatted with City Manager Morris Madrid on this matter right after I received your email and asked him to call you.

Basically, the *Public Utility Advisory Board* recommended to not have an "opt-out" protocol. Additionally, the City Commission has not acted either way to address an opt-out mechanism; consequently,

none exists nor does it need to go to a referendum vote as court precedence rules that it is an administrative matter. As for your setting up a generator, etc., Mr. Madrid mentions that is doable;

nevertheless, please await a call from him regarding this entire matter.

I can understand how you feel on this overall scenario; however, as you can see from the aforementioned commentary this issue (at this juncture) is not going to move any closer toward having an "opt-out" feature.

Take care,

Randall Aragon

914 Spruce Street

Truth or Consequences, NM 87901-1556

Cell #: (575) 740-2559

Email: raragon1257@gmail.com

[Quoted text hidden]

Rick Dumiak <rdumiak@gmail.com>
To: Randall Aragon <raragon1257@gmail.com>

Wed, Nov 4, 2020 at 8:41 AM

Randall,

Thanks for getting back to me, I have written a few emails previously to the former commissioners as well as Mr. Madrid regarding other issues and you are the first commissioner to actually respond to an email or return a phone call.

I had called Mr. Madrid's office prior to emailing you yesterday, and I have yet to hear back from him, nor do I expect to.

In any case I understand the process that got us where we are at, I just don't think the commission acted in the resident's best interests by not allowing an opt out option regardless of what the advisory board recommended, after all they are an "advisory" board, they are not the city commission.

I know I'm not the only citizen that feels this way, but I feel this needs to be revisited by the city commission to either allow an opt

out option or the city could provide RF blockers for the new meters if a resident requests one.

This would go a long way to showing the residents that the commission actually hears our concerns instead of just listening out of courtesy. I really do not want to buy a whole house generator and propane tank to run it as I will have issues with our noise ordinance, but I also do not want a smart meter as there are too many unknown health issues from them.

If you want to go down the rabbit hole, this web site provides a lot of valuable information on smart meters and what other communities have faced with these.

<https://stopsmartmeters.org/frequently-asked-questions/>

Again, thanks for actually responding to my email, it is a welcome change in the city commission.

Sincerely

Rick

505 603 6400

[Quoted text hidden]

Wed, Nov 4, 2020 at 12:01 PM

Randall Aragon <raragon1257@gmail.com>
To: Rick Dumiak <rdumiak@gmail.com>

Rick:

Thanks for the kudos!

Also, anticipate a call-back from Mr. Madrid.

Query him on your thoughts, etc.

Take care

Randall Aragon

City Commissioner

Truth or Consequences, NM Ph # (575) 740-2559/email: randall.aragon@torcnm.org

> On Nov 4, 2020, at 8:41 AM, Rick Dumiak <rdumiak@gmail.com> wrote:

>

> Randall,

[Quoted text hidden]

Tue, Nov 10, 2020 at 12:45 PM

Rick Dumiak <rdumiak@gmail.com>
To: Randall Aragon <raragon1257@gmail.com>

Randall,

FYI

I have not heard from Mr. Madrid (as I expected) but today, 11/10/2020, I was given a letter outlining city ordinance 14-30 as well as notifying me that if I did not permit the smart meter installation my power would be disconnected.

I now have 15 days (per the letter) to allow the city to install a smart meter on my residence or I will be disconnected.

For the record, Mr. Madrid has never returned a call (several have been made in the last two years) nor has he ever responded to any of the emails I have sent him.

I hope you know (IMO) he is BSing all of the commissioners when he says he is in touch with the residents.
One of the reasons I serve on the P&Z is that Mr. Madrid has to respond to me at a public meeting.

That is the only way I get to ask him any questions and we (the P&Z) specifically added comments from the P&Z to our agenda for this purpose.

I hate to use that time in matters unrelated to the P&Z, but again it is the only way Mr. Madrid will communicate with me.

I fully expect Mr. Madrid to push for my removal from the P&Z as he does not like to be questioned by the people that ultimately pay his salary, the residents of TorC.

Again, I thank you for at least listening and responding to me, it is something the other city commissioners should try, I have given up on Mr. Madrid ever following up on calls or emails.

Rick

[Quoted text hidden]

Tue, Nov 10, 2020 at 8:20 PM

Randall Aragon <raragon1257@gmail.com>
To: Rick Dumiak <rdumiak@gmail.com>

Rick:

Certainly understand how you feel on the many issues you mention.

Mr. Madrid did indicate he was going to send out a letter to you (and perhaps others) regarding the legal status and the 15-day notice. He did indicate rather than calling you

that he was going with the letter.

Just keep on with the P & Z mission as on my watch I will not allow any attempt to remove members unless totally warranted.

Please be sure that the P & Z Board employs the principles mentioned in the ordinance relating to that list of "factors" that must be considered on any decision.

In fact, using a *checklist* of some sort listing those factors being checked off (or commented upon) would greatly facilitate the City Commissioners in considering the P & Z Board's

recommendations.

Take care,

Randall Aragon

City Commissioner (Position 2)

9-22-2020

To: City Manager: Mr. Morris Madrid and the City of Truth or Consequences City Commission.

505 Sims Street

Truth or Consequences NM 87901

To whom it may concern:

Notice of **non-consent** to installation of any electronic or wireless metering device

I, Richard Dumiak hereby prohibit(s) any electronic or wireless metering device (hereafter referred to as a "smart meter") from being installed in or around my residence at 705 Charles, Truth or Consequences, NM 87901.

This letter acts as a formal notice, and any liability for damage or harm resulting from these conditions being violated, rests with the recipient of this letter, the meter manufacturers and any subcontractors involved in meter production, installation, or operation.

Homeowners have the ultimate authority to decide what technology is installed in their homes – not utilities whose government-protected monopoly prevents residents from choosing a competing utility provider.

- Smart meters are surveillance devices and violate our 4th Amendment right to privacy in our home guaranteed under the United States Constitution. All portions of the political spectrum agree it's about individual freedom of choice and residents' basic property rights.
- Smart meters are a fire hazard, and such devices have been responsible for thousands of fires, explosions, and other serious safety problems.
- Smart meters have caused documented health problems. The bursts of RF radiation emitted by their antennas is considered by the World Health Organization to be a Class 2B carcinogen.
- Smart meters typically overcharge and inaccurately represent usage, when compared with reliable, accurate analog meters.

-
- "Smart meters" and the "smart grid" risk national security and reliability of the electricity supply by opening a new portal to hackers and others who wish to disrupt these services. This is a major cyber-security problem created by "smart meters".

For these reasons (but not limited to these reasons) we require only analog, electromechanical meters without electronic components be used in connection with this account. We will self-read the analog meter and accurately track the usage billing for energy consumption on our property, making available the meters for reading confirmation with reasonable notice.

Sincerely,

Richard Dumiak

705 Charles Street

Truth or Consequences NM 87901

Account # 4170-18998-02

CITY COMMISSION JUNE 23, 2021 REGULAR MEETING MINUTES

City Manager stated that we will need to revisit the \$50 trip fee and we will do that at the next meeting. This appeal should only be on the issue of the AMI vs. another meter.

Commissioner Aragon asked if putting in a digital in the interim would be reasonable.

Commissioner Luna stated that it sounds like we don't have the old meters so it would have to be a digital meter.

The Commission asked Mr. Dumiak is fine with the digital meter.

Mr. Dumiak stated that he wants a meter, but he doesn't want the AMI meter.

Commissioner Luna stated that she finds Mr. Dumiak to be a reasonable person and she thanked him for realizing that there might not be an analog meter and a digital meter might be the best that we can do for you. She thinks that Mr. Dumiak has proven that he was in contact with the city and was trying to appeal this since the beginning.

Commissioner Aragon asked about the \$50 fee.

City Manager Swingle stated that no fee will be assessed until it is brought back and the Commission makes that decision.

Commissioner Luna made a motion to approve Mr. Dumiak's appeal of his AMI Meter, and provide him with a digital meter. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action Approval of location and naming of the 9/11 Memorial Monuments Park:

Denise Addie explained that she would like the Commission to approve the 9/11 Memorial on what we currently call Blue Star Park. However, she is not sure if that is actually the name of the park. In your packet it shows what the monument is going to look like. She then explained a little bit about the monument. She feels that this will be beneficial for this community and tourism. This will be the only 9/11 memorial park in the State of New Mexico. She is expecting at least 1,000 people on 9/11. This has been her baby for the last 4 years and now she wants it to be the city's baby. However, she will maintain it, and add the bricks to it. She then asked the Commission to set the monument in that location a few days before 9/11.

Commissioner Aragon made a motion to re-name the Blue Star Park to be named the 911 Memorial Monuments Park. Commissioner Luna seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Update: Update on the emergency purchase of the north transformer tap changer:

City Manager Swingle explained that the Electric Department had to make an emergency purchase for the north transformer tap changer, they hired a company to provide the service to do the repairs to the north transformer, but that company on the 11th hour went to Colorado on an emergency job instead of coming to T or C. Bo scrambled to find another company that could provide that service. They came in, and the cost was \$49,649.65 to do the repairs. Under the scope of the emergency justification was that an emergency procurement must meet the requirements under state statute, and this is certainly one that would have controlled a serious threat to public safety or welfare. The loss of power to the entire grid is a significant threat to public safety and public health. We are very fortunate that the southern transformer functioned as well as it did under the duress that there was with the heat that we have. Kudos to Bo and his staff for keeping things running and monitored.

4. Discussion/Update: Expenditure, Revenue, Cash, and Transfer Reports:

City Manager Swingle explained that this is the expenditure, revenue, cash, and transfer reports that Carol does on a monthly basis, and this is for the month of May.

5. Discussion/Update: Update on the state of the City of Truth or Consequences finances:

City Manager Swingle reviewed a handout of some of the revenue and cash balances, revenues, debt and loans, general expenditures and transfers. (Complete copy attached hereto and made a part hereof).

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

City Manager Swingle reviewed a listing of the Purchase Requisitions over \$20,000.

Commissioner Baca moved to approve said purchase requisitions over \$20,000. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

502 JOINT UTILITY OFFICE	\$	56,455	\$	60,954	\$	52,270	\$	32,368	\$	43,800
503 ELECTRIC DIVISION	\$	6,744,717	\$	6,803,098	\$	6,736,023	\$	7,136,396	\$	7,372,133
504 WATER DIVISION	\$	955,250	\$	945,330	\$	917,279	\$	1,383,780	\$	1,452,968
505 SOLID WASTE DIVISION	\$	1,995,299	\$	2,101,128	\$	2,185,498	\$	2,217,195	\$	2,312,956
506 WASTEWATER DIVISION	\$	1,035,164	\$	1,107,661	\$	1,087,254	\$	1,190,332	\$	1,164,625
508 GOLF COURSE	\$	24,094	\$	34,625	\$	36,614	\$	44,329	\$	41,515
509 MUNICIPAL AIRPORT	\$	180,218	\$	207,735	\$	197,203	\$	176,754	\$	201,225
Total										
		\$17,858,348		\$17,789,682		\$23,436,473		\$18,995,633		\$23,037,869

FUND CASH BALANCE HISTORY

	2017-18 Actual	2018-19 Actual	2019-20 Actual	2020-21 Est Actual	2021-22 Projected
101 General Fund	\$ 848,342	\$ 1,105,941	\$ 1,179,097	\$ 1,055,847	\$ 1,204,186
201 Correction Fund	12,868	14,967	15,584	16,611	7,111
209 STATE FIRE FUND	\$ 487,502	\$ 770,471	\$ 927,734	\$ 159,894	\$ 296,622
211 Law Enforcement Protection	\$ 2,791	\$ 4,625	-		
214 Lodger's Tax Act	\$ 285,907	\$ 335,986	\$ 412,007		
216 Municipal Street	\$ 469,938	\$ 476,528	\$ 582,156		
294 Library Fund	\$ 8,902	\$ 7,219	\$ 41		
295 Swimming Pool	\$ 17,077	\$ 45,521	\$ 58,640		
296 PD Gross Receipts Tax	\$ 155,986	\$ 178,472	\$ 373,925	\$ 842,333	\$ 837,971
301 Impact Fees	\$ 243,224	\$ 217,859	\$ 230,875	\$ 231,400	\$ 234,580
305 Capital Improvement Fund Gen	\$ 6,484	\$ 67	\$ -	\$ 85,251	\$ 26
315 Capital Improvement Reserve	\$ 1,731,652	\$ 1,761,134	\$ 1,767,071	\$ 1,772,289	\$ 3,221,628
316 Emergency Reserve	\$ 187,076	\$ 197,598	\$ 146,059	\$ 158,867	\$ 111,719
501 Cemetery	\$ 40,142	\$ 40,470	\$ 39,437	\$ 38,539	\$ 35,059
502 Joint Utility Office	\$ 4,507	\$ 53,269	\$ 92,224	\$ 44,805	\$ 11,235
503 Electric Division	\$ 2,541,108	\$ 1,561,666	\$ 2,379,719	\$ 1,429,450	\$ 373,526
504 Water Division	\$ 369,470	\$ 321,613	\$ 552,620	\$ 653,697	\$ 344,920
505 Solid Waste Division	\$ 1,071,366	\$ 1,231,266	\$ 1,580,741	\$ 1,338,764	\$ 453,324
506 Waste Water Division	\$ 1,142,936	\$ 1,214,179	\$ 898,347	\$ 741,015	\$ 367,227
508 Golf Course	\$ 24,511	\$ 59,110	\$ 29,738	\$ 40,936	\$ 5,301
509 Municipal Airport	\$ 14,620	\$ 17,918	\$ 28,727	\$ 28,179	\$ 166
Total	\$ 9,666,409	\$ 9,615,879	\$ 11,294,742	\$ 8,637,877	\$ 7,504,601

Debt/Loans

	Loan	Annual	Interest	Annual Total
General Fund	\$ 2,475,799.00	\$ 247,644.00	\$ 24,196.00	\$ 271,840
Electric Dept	\$ 391,199.00	\$ 90,604.00	\$ 2,824.00	\$ 93,428
Fire Dept	\$ 228,113.00	\$ 28,311.00	\$ 75.00	\$ 28,386
Police Dept	\$ 368,985.00	\$ 35,104.00	\$ 904.00	\$ 36,008
Sanitation Dept	\$ 1,260,000.00	\$ 95,000.00	\$ 63,200.00	\$ 158,200
Street dept	\$ 1,124,189.00	\$ 115,000.00	\$ 6,161.00	\$ 121,161
Water	\$ 8,136,069.00	\$ 143,170.00	\$ 31,199.00	\$ 174,369
WW	\$ 2,090,000.00	\$ 41,713.00	\$ 36,464.00	\$ 78,177
Total	\$ 16,074,354.00	\$ 796,546.00	\$ 165,023.00	\$ 961,569

Total Annual & Interest \$ 961,569.00

Waste Water	Debt Service Reserve Arrears	\$ 34,763	2020-2021 obligation
	Short Lived Assets	\$ 856,899	
			\$ 891,662

Sierra Vista Hospital	\$ 173,000
IRS	\$ 89,180

Total \$ 2,115,411

CITY OF TRUTH OR CONSEQUENCES BUDGETED 101 GENERAL FUNDS RECAP

General Fund Expenditures	Fiscal Year	
	2021-22	Projected
1000 Governing Body	\$ 216,636	
1001 City Clerk	\$ 216,559	
1002 Court (See 1030 for JAF Grant and 1040 for AOC Grant)	\$ 258,413	
1040 AOC (Court)	\$ 12,500	
1003 City Manager	\$ 333,260	
1004 Administrative Services	\$ 477,158	
1005 Fire	\$ 21,500	
1006 Animal Shelter	\$ 179,350	
1007 Police	\$ 1,499,903	
1008 Animal Control	\$ 175,842	
1009 Parks & Recreation	\$ 402,553	
1010 Community Development	\$ 204,914	
1011 Street Department	\$ 420,319	
1012 Fleet Maintenance	\$ 189,694	
1013 Community Services (New Dept)	\$ 103,725	
1014 Facility Management	\$ 369,231	
1016 Library Department	\$ 218,036	
1017 Hospital GRT Payments	\$ 269,000	
1018 Utility & Insurance Exp.	\$ 647,550	
Total G.F. Expend.	\$ 6,216,143	

GENERAL FUNDS

RECAP

EXPENDITURE RECAP FOR GENERAL AND ENTERPRISE FUNDS

	Actual 2016-17	Actual 2017-18	Actual 2018-19	Actual 2019-20	Estimated 2020-21 (Revised)	Projected 2021-22
General Fund	\$ 4,760,295	\$ 4,988,386	\$ 5,189,472	\$ 5,553,378	\$ 5,635,191	\$ 6,216,143
201 Correction Fund	\$	14,059	\$ 11,406	\$ 6,342	\$ 7,400	\$ 5,500
209 STATE FIRE FUND	\$	289,811	\$ 376,795	\$ 313,081	\$ 326,728	\$ 327,428
211 Law Enforcement Protection	\$	27,800	\$ 25,400	\$ 27,800	\$ 26,600	\$ -
214 Lodger's Tax Act	\$	332,763	\$ 371,265	\$ 339,429	\$ 352,400	\$ 300,800
216 Municipal Street	\$	384,058	\$ 478,386	\$ 439,680	\$ 516,348	\$ 486,348
294 Library Fund	\$	30,833	\$ 17,820	\$ 15,836	\$ 70,344	\$ 43,241
295 Swimming Pool	\$	8,280	\$ 17,989	\$ 9,831	\$ 5,750	\$ 6,500
296 PD GRT Fund	\$	70,200	\$ 147,925	\$ 98,240	\$ 350,265	\$ 300,200
501 CEMETERY	\$ 9,790	\$ 9,523	\$ 9,403	\$ 9,523	\$ 9,598	\$ 12,000
502 Utility Office	\$ 277,104	\$ 337,188	\$ 429,649	\$ 454,272	\$ 473,160	\$ 509,070
503 Electric	\$ 4,363,082	\$ 5,466,541	\$ 5,270,504	\$ 5,388,114	\$ 6,592,753	\$ 6,254,484
504 Water	\$ 323,601	\$ 493,228	\$ 483,801	\$ 737,279	\$ 976,050	\$ 817,265
505 Solid Waste	\$ 1,355,507	\$ 1,069,044	\$ 1,159,282	\$ 1,823,187	\$ 2,064,123	\$ 2,296,921
506 Waste Water	\$ 698,964	\$ 995,608	\$ 830,138	\$ 839,547	\$ 981,488	\$ 957,348
508 Golf	\$ 154,439	\$ 153,949	\$ 118,511	\$ 182,389	\$ 228,266	\$ 267,132
509 Airport	281,599	313,562	366,938			

Total Expenditures All Funds \$ 7,760,817 \$ 8,319,002 \$ 8,524,414 \$ 9,956,983 \$ 10,656,580 \$ 18,800,380

2021-2022

SCHEDULE OF TRANSFERS

2021-2022

SCHEDULE OF TRANSFERS

CITY OF TRUTH OR CONSEQUENCES SCHEDULE OF TRANSFERS

2021-2022

Fund No.	Fund Name	Description	Purpose	Fiscal Year 2017-18 Actual	Fiscal Year 2018-19 Actual	Fiscal Year 2019-20 Actual	Fiscal Year 2020-21 Budgeted	Fiscal Year 2021-22 Projected
		(217) Recreation Closing Recreation Bank Acct	217 - TOTAL TRANSFERS OUT \$	\$ -	\$ -	\$ (19,227)	\$ -	\$ -
		217 - NET TRANSFERS		\$ 36,000	\$ 42,000	\$ (19,227)	\$ -	\$ -
293	Veterans Wall Perpetual Care	TRANSFER OUT TO OTHER FUNDS						
		(303) Veteran Wall Closing Vet Wall Perp Bank Acct	293 -Total Transfer OUT \$	\$ -	\$ (13,692)	\$ (13,692)	\$ -	\$ -
295	Municipal Pool	TRANSFER IN FROM OTHER FUNDS						
		(101) General Fund General Fund Support		\$ 180,000	\$ 195,000	\$ 132,000	\$ 76,437	\$ 188,000
		295 -Total Transfer IN \$		\$ 180,000	\$ 195,000	\$ 132,000	\$ 76,437	\$ 188,000
296	PD Gross Receipts Tax Fund (GRT)	TRANSFER IN FROM OTHER FUNDS						
		PY Revenues Owed 20-21(Willi Pay in						
		(101) General Fund Full)		\$ 155,000	\$ 67,577	\$ 300,000	\$ 237,127	
		(101) General Fund 2019-20 GRT Revenues (Partial Reimb)				\$	\$ 43,137	
		(101) General Fund Pay Off All Prior Years					\$	\$ -
		296 -TOTAL TRANSFER IN \$		\$ 155,000	\$ 67,577	\$ 300,000	\$ 280,264	\$ -
		TRANSFER OUT TO OTHER FUNDS						
		(101) General Fund \$1.50 Raises beginning 2019-20 and beyond				\$	\$ (52,728)	\$ (52,728)
		(101) General Fund \$1.50 PD Raises. Transfer not made int 2019-20				\$	\$ (52,728)	\$ -
		(201) Correction Fund Care of Prisoners (Sierra Vista Hospital)					\$	\$ (60,000)
		(297) PD Confidential To replace Community Policing				\$	\$ (10,000)	
		296 -Total Transfer OUT \$		\$ -	\$ -	\$ -	\$ (115,456)	\$ (112,728)
		296 - NET TRANSFERS		\$ 155,000	\$ 67,577	\$ 300,000	\$ 164,808	\$ (112,728)
297	PD Conf.	TRANSFER IN FROM OTHER FUNDS						
		(298) PD Donations Community Policing			\$ 11,214			
		(296) PD Gross Receipts To replace Community Policing			\$	\$ 10,000	\$ 10,000	
		297 -Total Transfer IN \$		\$ -	\$ -	\$ 11,214	\$ 10,000	\$ -
		TRANSFER OUT TO OTHER FUNDS						
		(298) PD Donations Closing PD Confid Bank Acct			\$ (1,695)			
		297 -TOTAL TRANSFER OUT \$		\$ -	\$ -	\$ (1,695)	\$ -	\$ -

SCHEDULE OF TRANSFERS

CITY OF TRUTH OR CONSEQUENCES SCHEDULE OF TRANSFERS

2021-2022

Fund No.	Fund Name	Description	Purpose	Fiscal Year		Fiscal Year		Fiscal Year		Fiscal Year	
				2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
				Actual	Actual	Actual	Budgeted	Projected	Projected	Projected	Projected
			297 - Net Transfers \$	-	-	\$ 9,519	\$ 10,000	\$			
298	PD Donations	TRANSFER IN FROM OTHER FUNDS									
		(297) PD Confid	Closing PD Confid Bank Acct			\$ 1,695					
		298 - TOTAL TRANSFER IN \$		-	-	\$ 1,695					
		TRANSFER OUT TO OTHER FUNDS									
		(101) General Fund	Community Police								
		(297) PD Confidential	Closing PED Confid Bank Acct			\$ (11,214)					
		(201) Corrections Fund	Deficit Coverage	\$ (36,000)	\$ (25,000)	\$					
		(403) Debt Service	NMFA CAMERAS/REPEATER			\$ (20,082)					
		298 - TOTAL TRANSFER OUT \$		\$ (36,000)	\$ (25,000)	\$ (31,296)	\$				
		298-NET TRANSFERS \$		\$ (36,000)	\$ (25,000)	\$ (29,601)	\$				
302	Electrical Construction	TRANSFER IN FROM OTHER FUNDS									
		(503) Electric Division									
		(503) Electric Division	Cielo Vista & Substation	\$	\$ 420,000	\$					
		(503) Electric Division	Debt Pymt. TorC 6 Refinanced	\$ 118,963	\$ 118,973	\$ 50,000					
		302 -Total Transfer IN \$		\$ 118,963	\$ 538,973	\$ 50,000	\$				
		TRANSFER OUT TO OTHER FUNDS									
		(503) Electric Division	NMFA Payoff/Refinance T or C 6			\$ (76,582)					
		302 -TOTAL TRANSFER OUT \$		-	-	\$ (76,582)	\$				
		302-NET TRANSFERS \$		\$ 118,963	\$ 538,973	\$ (26,582)	\$				
303	Veterans Wall	TRANSFER IN FROM OTHER FUNDS									
		(293) Vet Wall Perp	Closing Vet Wall Perp Bank Acct			\$ 13,692					
		303 -Total Transfer IN \$		-	-	\$ 13,692	\$				
304	Senior Grants	TRANSFER IN FROM OTHER FUNDS									
		(101) General Fund	SJOA Grant 20-21			\$	\$ 60,080				

2021-2022

SCHEDULE OF TRANSFERS

CITY OF TRUTH OR CONSEQUENCES SCHEDULE OF TRANSFERS

2021-2022

Fund No.	Fund Name	Description	Purpose	Fiscal Year 2017-18 Actual	Fiscal Year 2018-19 Actual	Fiscal Year 2019-20 Actual	Fiscal Year 2020-21 Budgeted	Fiscal Year 2021-22 Projected
309	USDA Waste Water Treatment Plant							
		TRANSFER IN FROM OTHER FUNDS						
		(506) Waste Water Divisions	Cover Fund Deficit					
			309 -Total Transfer IN \$	\$ -	\$ -	\$ 78,435	\$ -	\$ -
310	Emergency Repair							
		TRANSFER IN FROM OTHER FUNDS						
		(503) Electric Division	Per City Code					
			310 -Total Transfer IN \$	\$ 2,500	\$ 2,500	\$ -	\$ -	\$ -
		TRANSFER OUT TO OTHER FUNDS						
		(316) Emergency Repair	Closed Emergency Reserve Bank Acct					
			310 -Total Transfer OUT \$	\$ -	\$ -	\$ (62,439)	\$ -	\$ -
			310 -Net Transfer \$	\$ 2,500	\$ 2,500	\$ (62,439)	\$ -	\$ -
312	R & R Airport							
		TRANSFER IN FROM OTHER FUNDS						
		(101) General Fund	Grant Matching Funds	\$ 45,000	\$ 25,000	\$ 11,919	\$ -	\$ -
		(101) General Fund	Temporary Loan to cover expenses				\$ 7,720	
		(315) Capital Improvement Reserve	NMDOT Aviation Division Electrical Vault Design Construction	\$ -	\$ -	\$ -	\$ -	\$ -
			312 -Total Transfer IN \$	\$ 45,000	\$ 25,000	\$ 11,919	\$ 7,720	\$ -
		TRANSFER OUT TO OTHER FUNDS						
		(101) General Fund	Temporary Loan to cover expenses				\$ (7,720)	
			312 -Total Transfer OUT \$	\$ -	\$ -	\$ -	\$ (7,720)	\$ -
			312 -Net Transfer \$	\$ 45,000	\$ 25,000	\$ 11,919	\$ -	\$ -
313	R & R Water							
		TRANSFER IN FROM OTHER FUNDS						
		(504) Water Division	Bank Activity	\$ -	\$ -	\$ -	\$ -	\$ -
			313 -Total Transfer IN \$	\$ -	\$ -	\$ -	\$ -	\$ -
		TRANSFER OUT TO OTHER FUNDS						
		(316) Emergency Repair Reserve	Closed R&R Water Bank Acct			\$ (1,887)		
			313 -Total Transfer OUT \$	\$ -	\$ -	\$ (1,887)	\$ -	\$ -
			313 -Net Transfer \$	\$ -	\$ -	\$ (1,887)	\$ -	\$ -
314	CDBG							
		TRANSFER OUT TO OTHER FUNDS						

CITY OF TRUTH OR CONSEQUENCES SCHEDULE OF TRANSFERS

2021-2022

Fund No.	Fund Name	Description	Purpose	Fiscal Year 2017-18		Fiscal Year 2018-19		Fiscal Year 2019-20		Fiscal Year 2020-21		Fiscal Year 2021-22	
				Actual		Actual		Actual		Budgeted		Projected	
		(504) Water	Closed CDBG Bank Account					\$ (276,341)					
		(506) WWTP	Closed CDBG Bank Account					\$ (50,000)					
			313 -Total Transfer OUT	\$ -	\$ -	\$ -	\$ -	\$ (326,341)	\$ -	\$ -	\$ -	\$ -	\$ -
315	Capital Improvement Jt.												
	Utility												
		TRANSFER IN FROM OTHER FUNDS											
		(506) Waste Water Division	Per City Code	\$ 23,605	\$ 23,605								
		(503) Electric Division	Per City Code 14-35 b							\$ 154,839	\$ 160,569		
		(504) Water Department	Per City Code 14-35 b							\$ 20,639	\$ 31,135		
		(505) Solid Waste	Per City Code 14-35 b							\$ 49,018	\$ 49,887		
		(506) Waste Water	Per City Code 14-35 b							\$ 24,463	\$ 24,901		
			315 -Total Transfer IN	\$ 23,605	\$ 23,605					\$ 248,959	\$ 286,492		
		TRANSFER OUT TO OTHER FUNDS											
		Project: NMFA Water Trust Board											
		(370) Water Trust Board Project	Booster Station and Austin St.										
			Improvements (7008)	\$ -	\$ -	\$ -	\$ -					\$ (71,000)	
		Project: NMFA Water Trust Board											
		(312) Other Federal Funded Projects	NMDOT Aviation Division Electrical Vault										
			Design Construction	\$ -	\$ -	\$ -	\$ -						
		(360) NMFA Projects	Project: NMFA Colonias 2019 City-Wide										
			Water Preliminary Engineering Report	\$ -	\$ -	\$ -	\$ -			\$ (9,000)	\$ (9,000)		
			315 -Total Transfer OUT	\$ -	\$ -	\$ -	\$ -			\$ (9,000)	\$ (9,000)	\$ (71,000)	
			315 - Net Transfers	\$ 23,605	\$ 23,605					\$ 239,959	\$ 195,492		
316	Emergency Repair Reserve												
		TRANSFER IN FROM OTHER FUNDS											
		(503) Electric Division	Per City Code 14-35 c							\$ 3,125	\$ 3,125		
		(504) Water Division	Per City Code 14-35 c	\$ 2,500	\$ 2,500	\$ 10,000	\$ 10,000			\$ 3,125	\$ 3,125		
		(505) Solid Waste Division	Per City Code 14-35 c	\$ 2,500	\$ 2,500	\$ -	\$ -			\$ 3,125	\$ 3,125		
		(506) Waste Water Division	Per City Code 14-35 c	\$ 2,500	\$ 2,500	\$ -	\$ -			\$ 3,125	\$ 3,125		
		(507) Solid Waste Collection Center	Per City Code	\$ 2,500	\$ 2,500	\$ -	\$ -			\$ -	\$ -		
		(310) Emergency Reserve	Closed Emergency Reserve Bank Acct					\$ 62,439					
		(313) R&R Water	Closed R&R Water Bank Acct					\$ 1,887					
			316 -Total Transfer IN	\$ 10,000	\$ 10,000	\$ 74,326	\$ 74,326			\$ 12,500	\$ 12,500		
		TRANSFER OUT TO OTHER FUNDS											
		(216) Municipal Streets	Street Repair, Hot and Cold Mix					\$ (15,000)					

CITY OF TRUTH OR CONSEQUENCES SCHEDULE OF TRANSFERS

2021-2022

Fund No.	Fund Name	Description	Purpose	Fiscal Year			Fiscal Year		Fiscal Year	
				2017-18	2018-19	2019-20	2020-21	2021-22		
				Actual	Actual	Actual	Budgeted	Projected		
			316 - Total Transfer OUT	\$ -	\$ -	\$ (15,000)	\$ -	\$ -		
			316 - Net Transfer	\$ 10,000	\$ 10,000	\$ 59,326	\$ 12,500	\$ 12,500		
317	Waste Water R&R	TRANSFER IN FROM OTHER FUNDS								
		(216) Municipal Streets								
		(506) Waste Water Per City Code 14-35 d		\$ 15,776	\$ 15,776	\$ 10,000	\$ 19,027	\$ 19,368		
		317 - Total Transfer IN		\$ 15,776	\$ 15,776	\$ 10,000	\$ 19,027	\$ 19,368		
		TRANSFER OUT TO OTHER FUNDS								
		(216) Municipal Streets Street Repair, Hot and Cold Mix				\$ (5,000)				
		317 - Total Transfer OUT		\$ -	\$ -	\$ (5,000)	\$ -	\$ -		
		317 - Net Transfer		\$ 15,776	\$ 15,776	\$ 5,000	\$ 19,027	\$ 19,368		
318	Electrical Reserve	TRANSFER IN FROM OTHER FUNDS								
		(503) Electric Division Per City Code 14-35 e		\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000		
		318 - Total Transfer IN		\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000		
		TRANSFER OUT TO OTHER FUNDS								
		(503) Electric Division Cash Needed for Expenditures				\$ (123,000)				
		318 - Total Transfer OUT		\$ -	\$ -	\$ -	\$ (123,000)	\$ -		
		318 - Net Transfer		\$ 10,000	\$ 10,000	\$ 10,000	\$ (113,000)	\$ 10,000		
360	NMFA Projects	TRANSFER IN FROM OTHER FUNDS								
		Project: NMFA Colonias 2019 City-Wide Water Preliminary Engineering Report								
		(315) Capital Improvement Reserve (7000)		\$ -	\$ -	\$ -	\$ 9,000	\$ -		
		Project: NMFA Colonias 2020 MSD								
		(216) Municipal Street Fund Project Roadway Replacement (7009)		\$ -	\$ -	\$ -	\$ -	\$ 100,000		
		360 - Total Transfer IN		\$ -	\$ -	\$ -	\$ 9,000	\$ 100,000		
370	Water Trust Board	TRANSFER IN FROM OTHER FUNDS								
		Project: NMFA Water Trust Board								
		Booster Station and Austin St.								
		(315) Capital Improvement Reserve Improvements (7008)		\$ -	\$ -	\$ -	\$ -	\$ 71,000		
		370 - Total Transfer IN		\$ -	\$ -	\$ -	\$ -	\$ 71,000		

CITY OF TRUTH OR CONSEQUENCES SCHEDULE OF TRANSFERS

2021-2022

Fund No.	Fund Name	Description	Purpose	Fiscal Year		Fiscal Year		Fiscal Year		Fiscal Year	
				2017-18	2018-19	2019-20	2020-21	2021-22	2021-22	2021-22	2021-22
				Actual	Actual	Actual	Budgeted	Projected			
TRANSFER IN FROM OTHER FUNDS											
380	Other State Funded Projects										
			Project: NMDOT Aviation Division								
			Airfield Maintenance and Consumable								
			(509) Airport Items (7005)								
				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
			380 -Total Transfer IN	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TRANSFER IN FROM OTHER FUNDS											
403	Debt Service										
			(296) PD GRT NMFA CAMERAS/REPEATER								
			(503) Electric Division Debt Pymt. NMFA PPRF-4967	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
			(504) Water Division Debt Pymt. NMFA PPRF-4967	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
			Debt Payment (NMFA TorC								
			(504) Water Division 2,17,18,19,22)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
			(504) Water Division Debt Pymt DW4794								
			(504) Water Division Debt Pymt CIF-4927								
			(505) Solid Waste Division Capital One Revenue Bond	\$ 115,488	\$ 116,205	\$ 117,848	\$ 119,293	\$ 115,540	\$ 115,540	\$ 115,540	\$ 115,540
			(506) Waste Water Division Debt Service (NMFA TorC 24,27)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
			(506) Waste Water Division Debt Service USDA Loan \$715,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
			(506) Waste Water Division Debt Service USDA Loan \$315,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
			(506) Waste Water Division Debt Service-USDA Loan 9 (\$910,000)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
			403 -Total Transfer IN	\$ 115,488	\$ 116,205	\$ 253,582	\$ 504,929	\$ 461,783	\$ 461,783	\$ 461,783	\$ 461,783
TRANSFER IN FROM OTHER FUNDS											
502	Utility Office										
			(503) Electric Division Administrative Fees	\$ 48,200	\$ 82,130	\$ 109,740	\$ 98,343	\$ 107,925	\$ 107,925	\$ 107,925	\$ 107,925
			(504) Water Division Administrative Fees	\$ 86,200	\$ 82,130	\$ 59,740	\$ 98,343	\$ 107,925	\$ 107,925	\$ 107,925	\$ 107,925
			(505) Solid Waste Division Administrative Fees	\$ 48,200	\$ 82,130	\$ 159,741	\$ 98,343	\$ 107,925	\$ 107,925	\$ 107,925	\$ 107,925
			(506) Waste Water Division Administrative Fees	\$ 48,200	\$ 82,130	\$ 109,740	\$ 98,343	\$ 107,925	\$ 107,925	\$ 107,925	\$ 107,925
			(507) Landfill/Collection Center Administrative Fees	\$ 48,200	\$ 82,130	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
			502 -Total Transfer IN	\$ 279,000	\$ 410,650	\$ 438,961	\$ 393,372	\$ 431,700	\$ 431,700	\$ 431,700	\$ 431,700
TRANSFER IN FROM OTHER FUNDS											
503	Electric Division										
			(302) Electrical Construction NMFA Payoff/Refinance T or C 6			\$ 76,582					
			(318) Electrical Const Reserves Cash Needed for Expenditures				\$ 123,000				
			(503) NMSTO Investment To Operating Fund for Expenditures				\$ 283,416				
			503 -Total Transfer IN	\$ -	\$ -	\$ 76,582	\$ 406,416	\$ -	\$ -	\$ -	\$ -

CITY OF TRUTH OR CONSEQUENCES SCHEDULE OF TRANSFERS

2021-2022

Fund No.	Fund Name	Description	Purpose	Fiscal Year		Fiscal Year		Fiscal Year		Fiscal Year	
				2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
				Actual	Actual	Actual	Budgeted	Projected	Projected	Projected	Projected
TRANSFER OUT TO OTHER FUNDS											
		(101) General Fund: Administrative Fees		\$ (1,650,000)	\$ (1,650,000)	\$ (1,400,000)	\$ (1,290,000)	\$ (1,553,987)			
		(302) Electrical Construction: Cielo Vista & Substation		\$ -	\$ (420,000)		\$ -				
		(302) Electrical Construction: Debt Pymt. TorC 6 Refinanced				\$ (50,000)	\$ -				
		(306) Capital Improvement Jt. Utility: Per City Code		\$ (142,974)	\$ (142,974)	\$ (157,211)					
		(310) Emergency Repair Fund: Per City Code		\$ (2,500)	\$ (2,500)		\$ -				
		(315) Capital Improvement Reserve: Per City Code 14-35 b					\$ (154,839)	\$ (160,569)			
		(316) Emergency Repair Reserve: Per City Code 14-35 c					\$ (3,125)	\$ (3,125)			
		(318) Electrical Repair Reserves: Per City Code 14-35 e		\$ (10,000)	\$ (10,000)	\$ (10,000)	\$ (10,000)	\$ (10,000)			
		(403) NMFA Loan Debt Service: Debt Pymt. NMFA PPRF-4967		\$ (118,963)	\$ (118,973)	\$ (90,428)	\$ (98,948)	\$ (93,639)			
		(502) Joint Utility Office: Administrative Fees		\$ (48,200)	\$ (82,130)	\$ (109,740)	\$ (98,343)	\$ (107,925)			
		(503) NMSTO Investment: To Operating Fund for Expenditures		\$ (1,972,637)	\$ (2,426,577)	\$ (1,817,379)	\$ (1,938,671)	\$ (1,929,245)			
		503 Total Transfer OUT		\$ (1,972,637)	\$ (2,426,577)	\$ (1,740,797)	\$ (1,532,255)	\$ (1,929,245)			
		503 - Net Transfers		\$ (1,972,637)	\$ (2,426,577)	\$ (1,740,797)	\$ (1,532,255)	\$ (1,929,245)			
TRANSFER IN FROM OTHER FUNDS											
		(314) CDBG: Closed CDBG Bank Account				\$ 276,341					
		504 - Total Transfer IN		\$ -	\$ -	\$ 276,341	\$ -	\$ -			
TRANSFER OUT TO OTHER FUNDS											
		(101) General Fund: Administrative Fees		\$ (100,000)	\$ (100,000)	\$ (50,000)	\$ (40,000)	\$ (340,000)			
		(301) WWWW Effluent: Bank Inactivity		\$ -	\$ -	\$ -					
		(403) Debt Service: Debt Pymt. NMFA PPRF-4967				\$ (25,224)	\$ (27,601)	\$ (26,120)			
		(403) Debt Service: Debt Payment (NMFA TorC)									
		(403) Debt Service: Debt Pymt DW4794					\$ (216,227)	\$ (115,991)			
		(403) Debt Service: Debt Pymt CIF-4927						\$ (31,866)			
		(502) Joint Utility Office: Administrative Fees		\$ (86,200)	\$ (82,130)	\$ (59,740)	\$ (98,343)	\$ (107,925)			
		(306) Capital Improvement Jt. Utility: Per City Code		\$ (141,159)	\$ (141,159)						
		(306) Capital Improvement Jt. Utility: Debt Pymt.		\$ (20,714)	\$ (20,714)						
		(315) Capital Improvement Reserve: Per City Code 14-35 b					\$ (20,639)	\$ (31,135)			
		(313) R&R Water Fund: Bank Activity		\$ -	\$ -	\$ -					
		(316) Emergency Repair Fund: Per City Code 14-35 c		\$ (2,500)	\$ (2,500)	\$ (10,000)	\$ (3,125)	\$ (3,125)			
		(216) Streets: Street Repair, Hot and Cold Mix					\$ (30,000)	\$ (30,000)			
		504 - Total Transfers OUT		\$ (350,573)	\$ (346,503)	\$ (144,984)	\$ (435,935)	\$ (886,612)			
		504 NET TRANSFERS		\$ (350,573)	\$ (346,503)	\$ 131,377	\$ (435,935)	\$ (886,612)			

CITY OF TRUTH OR CONSEQUENCES SCHEDULE OF TRANSFERS

2021-2022

Fund No.	Fund Name	Description	Purpose	Fiscal Year 2017-18		Fiscal Year 2018-19		Fiscal Year 2019-20		Fiscal Year 2020-21		Fiscal Year 2021-22	
				Actual		Actual		Actual		Budgeted		Projected	
505	Solid Waste Division	TRANSFER IN FROM OTHER FUNDS											
		(507) Landfill/Collection Ctr. Close Transfer Station Bank Account											
		505 - Total Transfer IN						\$ 386,964		\$ -		\$ -	
								\$ 386,964		\$ -		\$ -	
		TRANSFER OUT TO OTHER FUNDS											
		(403) Pledge Debt Service Capital One Revenue Bond		\$ (115,488)	\$ (116,205)	\$ (117,848)	\$ (119,293)	\$ (117,848)	\$ (119,293)	\$ (115,540)		\$ (115,540)	
		(502) Joint Utility Office Administrative Fees		\$ (48,200)	\$ (82,130)	\$ (159,741)	\$ (98,343)	\$ (159,741)	\$ (98,343)	\$ (107,925)		\$ (107,925)	
		(101) General Fund Administrative Fees		\$ (20,000)	\$ (20,000)	\$ (75,000)	\$ (125,000)	\$ (75,000)	\$ (125,000)	\$ (625,000)		\$ (625,000)	
		(507) Landfill/Collection Ctr. Fund Deficit		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	
		(306) Capital Improvement Jt. Utility Per City Code		\$ (26,926)	\$ (26,926)	\$ (48,312)		\$ (48,312)					
		(315) Capital Improvement Reserve Per City Code 14-35 b		\$ (2,500)	\$ (2,500)	\$ -	\$ (49,018)	\$ -	\$ (49,018)	\$ (49,887)		\$ (49,887)	
		(316) Emergency Repair Fund Per City Code 14-35 c		\$ (213,114)	\$ (247,761)	\$ (400,901)	\$ (3,125)	\$ (400,901)	\$ (3,125)	\$ (3,125)		\$ (3,125)	
		505 - Total Transfers OUT		\$ (213,114)	\$ (247,761)	\$ (400,901)	\$ (3,125)	\$ (400,901)	\$ (3,125)	\$ (3,125)		\$ (3,125)	
		505 - NET TRANSFERS		\$ (213,114)	\$ (247,761)	\$ (13,937)	\$ (394,779)	\$ (13,937)	\$ (394,779)	\$ (907,477)		\$ (907,477)	
506	Waste Water Division	TRANSFER IN FROM OTHER FUNDS											
		(314) CDBG Closed CDBG Bank Account						\$ 50,000					
		506 Total Transfer IN		\$ -	\$ -	\$ -	\$ -	\$ 50,000	\$ -	\$ -		\$ -	
		(101) General Fund Administrative Fee		\$ -	\$ -	\$ -	\$ -	\$ (100,000)	\$ (90,000)	\$ (90,000)		\$ (90,000)	
		(502) Joint Utility Office Administrative Fee		\$ (48,200)	\$ (82,130)	\$ (109,740)	\$ (98,343)	\$ (109,740)	\$ (98,343)	\$ (107,925)		\$ (107,925)	
		(306) Capital Improvement Jt. Utility Per City Code		\$ (90,790)	\$ (90,790)	\$ (25,949)		\$ (25,949)					
		(306) Capital Improvement Jt. Utility Debt Service		\$ -	\$ -	\$ (7,713)		\$ (7,713)					
		(403) Debt Service (NMFA TorC 24.27)						\$ (7,713)	\$ (7,713)	\$ (7,713)		\$ (7,713)	
		(403) Debt Service Debt Service-USDA Loan 9 (\$910,000)						\$ (35,147)	\$ (34,787)	\$ (34,787)		\$ (34,787)	
		(506) Waste Water Division Debt Service USDA Loan \$715,000		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (24,196)		\$ (24,196)	
		(506) Waste Water Division Debt Service USDA Loan \$315,000		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (11,481)		\$ (11,481)	
		(309) USDA WWTP Fund Deficit		\$ -	\$ -	\$ (78,435)		\$ (78,435)					
		(315) Capital Improvement Jt. Utility Per City Code 14-35 b		\$ (23,605)	\$ (23,605)	\$ -	\$ (24,463)	\$ -	\$ (24,463)	\$ (24,901)		\$ (24,901)	
		(316) Emergency Repair Fund Per City Code 14-35 c		\$ (2,500)	\$ (2,500)	\$ -	\$ (3,125)	\$ -	\$ (3,125)	\$ (3,125)		\$ (3,125)	
		(317) Waste Water Repair Reserves Per City Code		\$ (15,776)	\$ (15,776)	\$ (10,000)	\$ (19,027)	\$ (10,000)	\$ (19,027)	\$ (19,368)		\$ (19,368)	
		(216) Streets Street Repair, Hot and Cold Mix						\$ (15,000)	\$ (15,000)	\$ (15,000)		\$ (15,000)	
		506 - Total Transfers OUT		\$ (180,871)	\$ (214,801)	\$ (331,837)	\$ (292,818)	\$ (331,837)	\$ (292,818)	\$ (338,496)		\$ (338,496)	
		506 - Net Transfers		\$ (180,871)	\$ (214,801)	\$ (281,837)	\$ (292,818)	\$ (281,837)	\$ (292,818)	\$ (338,496)		\$ (338,496)	
507	Landfill	TRANSFER OUT TO OTHER FUNDS											
		(502) Joint Utility Office Administrative Fee		\$ (48,200)	\$ (82,130)	\$ -		\$ -					
		(101) General Fund Administrative Fee		\$ (20,000)	\$ (20,000)	\$ -		\$ -					

SCHEDULE OF TRANSFERS

CITY OF TRUTH OR CONSEQUENCES SCHEDULE OF TRANSFERS

2021-2022

Fund No.	Fund Name	Description	Purpose	Fiscal Year 2017-18		Fiscal Year 2018-19		Fiscal Year 2019-20		Fiscal Year 2020-21		Fiscal Year 2021-22	
				Actual		Actual		Actual		Budgeted		Projected	
		(505) Solid Waste Division: Close Transfer Station Bank Account		\$	-	\$	-	\$	(386,964)				
		(306) Capital Improvement Jt. Utility Per City Code		\$	(14,017)	\$	(14,017)	\$	-				
		(316) Emergency Repair Fund Per City Code		\$	(2,500)	\$	(2,500)	\$	-				
		507 -Total Transfer OUT		\$	(84,717)	\$	(118,647)	\$	(386,964)	\$	-	\$	-
508	Golf Course	TRANSFER IN FROM OTHER FUNDS											
		(101) General Fund Deficit Coverage		\$	45,000	\$	65,000	\$	65,000	\$	140,133	\$	151,437
		(214) Lodgers Tax Deficit Coverage		\$	55,000	\$	55,000	\$	55,000	\$	55,000	\$	55,000
		508 -Total Transfer IN		\$	100,000	\$	120,000	\$	120,000	\$	195,133	\$	206,437
		TRANSFER OUT TO OTHER FUNDS											
		(307) Golf Course Improvement Fund Capital Improvement Reserve		\$	-	\$	-	\$	-				
		508 -Total Transfer OUT		\$	-	\$	-	\$	-	\$	-	\$	-
		508 - Net Transfers		\$	100,000	\$	120,000	\$	120,000	\$	195,133	\$	206,437
509	Airport	TRANSFER IN FROM OTHER FUNDS											
		(101) General Fund General Fund Support		\$	110,000	\$	94,000	\$	172,708	\$	121,000	\$	144,238
		509 -Total Transfer IN		\$	110,000	\$	94,000	\$	172,708	\$	121,000	\$	144,238
		TRANSFER OUT TO OTHER FUNDS											
		(30800) Other State Funded Projects Items (7005)	Project: NMIDOT Aviation Division Airfield Maintenance and Consumable	\$	-	\$	-	\$	-	\$	-	\$	(2,189)
		Reimb GF for \$30,000 Cares Act Grant (exp paid in 19-20) Did not happen in 20-											
		(101) General Fund 21		\$	-	\$	-	\$	(30,000)				
		509 -Total Transfer OUT		\$	-	\$	-	\$	(30,000)	\$	-	\$	(2,189)
		509 - Net Transfers		\$	110,000	\$	94,000	\$	142,708	\$	121,000	\$	142,049
600	Fleet Services	TRANSFER IN FROM OTHER FUNDS											
		(101) General Fund General Fund Support											
		600 -Total Transfer IN		\$	-	\$	-	\$	-	\$	-	\$	43,000
				\$	84,717.00	\$	118,647.00	\$	(67.00)	\$	-	\$	-

7. Discussion/Action: Extension of the services contract between the City of Truth or Consequences, and Integrated Technologies Group, LLC:

City Manager Swingle explained that the contract with Integrated Technologies Group expires on June 30, 2021. We usually do an RFP and go out and look at other companies. However, at the moment we do not have a Procurement Officer. Once we do hire somebody, it will take the Procurement Officer a little time to get up to speed. So with that being said, we are asking for a 90 extension to continue services with Integrated Technologies Group. The terms of the existing contract will remain the same with a monthly fee of \$4,583.33. Total cost is \$13,750 for the 90 days.

Commissioner Luna moved to approve the extension of the services contract between the City of Truth or Consequences, and Integrated Technologies Group, LLC. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

8. Discussion/Action: Joint Powers Agreement (JPA) between NMML/NMSIF and the City of Truth or Consequences:

City Manager Swingle explained that this is the Joint Powers Agreement (JPA) between NMML/NMSIF and the City of Truth or Consequences. All Municipalities are a part of the New Mexico Municipal League/New Mexico Self Insurers Fund, and they are being asked to ratify the New Mexico Municipal League's Board's decision to change the bylaws. This is the first change in over 30 years to the JPA, so that says something about the original document. Their goal is to take measures to ensure equity, transparency, and accountability with the changes to the JPA. He then reviewed the details of the JPA.

Commissioner Luna moved to approve the Joint Powers Agreement (JPA) between NMML/NMSIF and the City of Truth or Consequences. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

9. Discussion/Action: Approval of Chief of Police contract and lease agreement:

City Manager Swingle explained that this contract is for the Chief of Police who is scheduled to start on July 6, 2021. The contract is similar to the contracts we've had with prior Police Chiefs. The starting salary is \$77,000 and the evaluation criteria is consistent with other employment contracts.

Commissioner Luna moved to approve Chief of Police employment contract. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

City Manager Swingle explained that the Chief of Police has looked for housing, and has not been able to find anything. The agreement is for 12 months and the fair market value of the house is estimated to be \$500 a month for the apartment. The Police Chief will be responsible for his utilities.

Commissioner Baca moved to approve Chief of Police lease agreement. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

10. Discussion/Action: Approval of contract for Steven Sage as the appointed Public Defender Attorney for the Municipal Court:

City Attorney Rubin explained that this is an annual public defender contract that we have been using for the Municipal Court for many years. We are required to have a public defender on contract and that is what this accomplishes.

Commissioner Luna moved to approve the contract for Steven Sage as the appointed Public Defender Attorney for the Municipal Court. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

11. Discussion/Action: Approval of 90-day extension of the Airport tenant lease:

City Manager Swingle explained that a Police Office has been residing at the mobile home located at the Airport. This contract is expired, and we need to do some serious renovations to the property. The Officer is aware of it, and he has a place to go. We are giving him 90 days to find another place to stay and move his stuff out so we can take care of the things that need to be taken care of on the building. Most recently we had some flooding in the building with minor flood damage that we need to address as well as other things. The trailer will be available after that, and we will approach the Commission with a new contract.

Commissioner Luna moved to approve the 90-day extension of the Airport tenant lease. Mayor Pro-tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

12. Discussion/Action: Direction of City Advisory Boards:

Commissioner Luna explained that we have had some prior discussion during budget, about the issues that we are having with the advisory boards. There was discussion about completely doing away with them, or modifying them. We have also had ideas of having one Commissioner Chair an Advisory Board. She asked that this be placed on the agenda so they can have some formal discussion about this because it appears that there is a lack of continuity between some of the boards, and some Roberts Rules of Order that some of the boards are not following.

City Clerk Torres explained that all of our boards have an ordinance of what we need to follow for each board, so if anything is changed we will have to amend the ordinances with the implemented changes.

City Manager Swingle stated that there is a concern of having a Commissioner administer the advisory boards because you appoint them as advisory boards for the Commission. It would also be an issue of public perception.

Commissioner Aragon would like us to consider having the Municipal League do some sort of training for the boards.

City Manager Swingle stated that he has been to every board meeting since he has started, and for one it is hard to find that many volunteers. He has had people tell him that we have had members on boards that were basically there to address an issue that they were specifically in that affected them. We have also had vacancies that we cannot fill. We have an awful lot of boards, and we have very few citizens who are willing to serve on the boards, and provide meaningful input. When you have that change over that we are experiencing with board members, you can't train them enough to go over Roberts Rules of Order and parliamentary procedures, and the combination of both. There is also the governmental conduct act that they need to be trained on. A new approach needs to be taken. He does not know what that approach is at this point. The boards need to be focused on the best interest of the entire city.

Commissioner Luna stated that there has been conversation of completely eliminating the advisory boards, and she thinks that would be a dis-service to our residents because we do want that input. If we did away with the things that the advisory boards look at we would be here for 8 hours every single week. She would like to maybe have a workshop at another time and ask the members of the boards for their input. She doesn't mean this with any disrespect to anyone, but we cannot have someone running rogue on a board with their own self-interest all of the time. She does not know if on the ordinances if there is any way to dismiss a board member who is causing havoc within that board.

Mayor Pro- Tem stated that she previously suggested that a representative of each board come and do a brief report before the Commission.

City Clerk Torres explained that our Planning & Zoning Chairman is new, but he is very eager to learn so she typed him step by step instructions of how to administer the meetings.

Commissioner Luna feels that those written instructions will be beneficial to all of the boards.

No action was taken on this item.

13. Discussion/Action: Possible re-organization of City Representatives who serve on the Sierra Vista Hospital Joint Powers Commission (JPC):

City Clerk Torres explained that she added the next 4 items were added to the agenda to give the Commission the opportunity to switch board members on the boards listed should they wish to do so. The re-organization usually takes place after an Election where a Commissioner is no longer serving on the Governing Body.

Commissioner Luna made a motion to leave the members as is until after the Election. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

14. Discussion/Action: Possible re-organization of City Representatives who serve on the South-Central Council of Governments (SCCOG) and the Regional Planning Organization (RPO):

Commissioner Luna made a motion to leave the members as is until after the Election. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

15. Discussion/Action: Possible re-organization of City Representatives who serve on the Sierra County Recreation & Tourism Advisory Board:

Commissioner Luna made a motion to leave the members as is until after the Election. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

16. Discussion/Action: Possible re-organization of City Representatives who serve on the Spaceport America Committee:

Commissioner Luna made a motion to leave the members as is until after the Election. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. REPORTS:

City Manager Swingle reported the following:

- Due to the drought conditions, and the high temperatures we've had, water production is not keeping pace with community consumption. We have asked the community to reduce water usage to the best extent that they can for the short term. He also directed city departments to discontinue irrigation services, and things like that. This is a very short term issue. We contacted a number of high water users, and asked them to commit to decreasing their water usage, and everyone was supportive of helping out. Water/Wastewater Director Jesse Cole informed him that we were able to make a little gain on water storage today so that is positive news. The contractor is onsite doing the work today. We were doing an RFP for Restoration services on Well #6 and Well #7. With the emergency situation, it is not practical for us to wait. We will be working on Well #7 today and tomorrow to repair the well. We should have our water capacity back up next week. Well #6 will be addressed through an RFP because it is not in crisis mode.
- He received some kudos for various departments. A nice card was sent to Ryan in parks for helping with their alley. Parks Department and the Electric Department helped clean up a mess that was in the alley.
- Willie Montoya and Chris Rees from the Electric Department graduated from the Merchant job training and safety program. Historically there was a pay increase associated with this accomplishment, but the Commissioners have frozen that, so that is not taking place at this time.
- We have a company with our powers that we are receiving revenue from for a tower. The company is wanting to extend an offer to us and give us a lump sum of cash. If we enter into a 99 year easement with them they are willing to give us \$47,500 and if it is a 30 year easement they are willing to give us \$31,000. If you would like to invite either of these proposals, we can add it to the next agenda, but we will be taking a net loss over time.
- We have two billboards in the county that the city funds, and he is assuming that we are paying for these out of Lodgers Tax. The New Mexico True billboards are \$840 a month for both billboards. He asked the Commission if they would like for us to continue paying for them. The contract expired years ago, and we've been going on a month to month basis.

The Commission would like to move forward with renewing the contract.

City Attorney Rubin reported the following:

- There is a file in motion to dismiss the lawsuit against us from Hot Springs Land Development. The basis of the motion was that this case has been dragging on for so long, and there really hadn't been any action, and nothing has been filed with the courts over the past 2 years. He has been in touch with the New Mexico Self insurers fund about a possible resolution, and they seem pretty positive about it.

City Commission Reports:

Commissioner Aragon reported the following:

- He commented on the public comment regarding signage at Rotary Park. He think that is something that is do-able.
- The public comment regarding the wake on the river. That is an enforcement issue with the parks, and they will not enforce the regulation if there are no people who would be impacted by it.
- He is having a Town Hall Meeting on June 30, 2021 at 5:30 p.m. here in the Commission Chambers. It will be for new ideas that have never been discussed, and a vision of what the community wants us to do.

Commissioner Baca had no report.

Commissioner Luna reported the following:

- There will be a community open house here in the Commission Chambers on June 24, 2021 from 5:30 p.m. to 7:30 p.m. The purpose of the open house is to develop a river walk feasibility study. The community is encouraged to participate.
- In regards to the water on the wake. This has been an issue for a while now, and she thinks that it boils down to the fact that we have no jurisdiction over the river. We get to enjoy it, and use it, but at the end of the day, the City of T or C has no jurisdiction. It is not our water, and it is not our right to enforce the rule. The only thing we were able to do is put no wake signs up.
- We touched on a few items today for the need to re-design who our Public Information Officer is. We need to get out the urgencies, and ideas of how to conserve water. The City Manager has far too much on his plate to be the one who is responsible for that. The Chief Deputy was tasked under the previous City Manager as being the PIO, but she is also far too busy to be the PIO. We need to revamp it, and she feels that the departments should be responsible for posting information for their departments.
- She apologized to the Commission, staff and residents because we have far too many important things happening and that need addressed for any of the time of this Commission Meeting to be taken up with personal attacks by people who have vendettas against her. She apologizes to each of you that the vendettas people have against her are taking time away from these meetings.

Mayor Pro-Tem Forrister reported the following:

- She thanked everyone for their reports, and baring with her with the first meeting she has had to run.

J. EXECUTIVE SESSION:

1. Threatened & Pending Litigation (Erica Baker & Michael Lanford) pursuant to 10-15-1(H.7).

Commissioner Luna made a motion to go into executive session at 12:10 p.m. to discuss Threatened & Pending Litigation (Erica Baker & Michael Lanford) pursuant to 10-15-1(H.7). Commissioner Baca seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Pro-Tem Forrister reconvened the meeting in open session at 12:32 p.m.

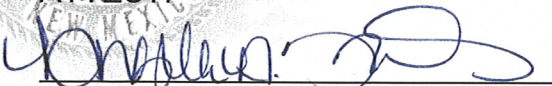
Commissioner Luna certified that only matters pertaining to Threatened & Pending Litigation (Erica Baker & Michael Lanford) pursuant to 10-15-1(H.7) was discussed in Executive Session and no action was taken.

K. ADJOURNMENT:

Mayor Pro-Tem Forrister moved to adjourn at 12:33 p.m. Commissioner Luna seconded the motion. Motion carried unanimously.

Passed and Approved this 14th day of July, 2021.




Angela A. Torres, CMC, City Clerk



Sandra Whitehead, Mayor