

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, AUGUST 25, 2021

A. CALL TO ORDER:

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

B. INTRODUCTION:

1. ROLL CALL:

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

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

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

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

2. SILENT MEDITATION:

Mayor Whitehead called for fifteen seconds of silent meditation.

3. PLEDGE OF ALLEGIANCE:

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

4. APPROVAL OF AGENDA:

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

C. PUBLIC COMMENT:

Christie LaFont approached the Commission with comments related to her support for improvements to the Louis Armijo Soccer Field that was listed on the ICIP.

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

Ron Fenn approached the Commission with comments related to item E3 "Special election Resolution" and he asked that the text of the Resolution in question be added to the Special election Resolution so it is clear to the voter on what they are voting for.

D. CONSENT CALENDAR:

- 1. City Commission Special Budget/Finance Workshop Minutes, August 9, 2021**
- 2. City Commission Regular Minutes, August 11, 2021**
- 3. Acknowledge Regular Public Utility Advisory Board Minutes, July 19, 2021**

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

E. ORDINANCES/RESOLUTIONS/ZONING:

- 1. Discussion/Action: Resolution No. 16 21/22 in support of the Infrastructure Capital Improvement Plan (ICIP) for the Sierra Joint Office on Aging (SJOA):**

Crystal Walton, SJOA Executive Director reviewed the Sierra Joint Office on Aging's (SJOA) Infrastructure Capital Improvement Plan (ICIP).

Mayor Pro-Tem Forrister moved to approve Resolution No. 16 21/22 in support of the Infrastructure Capital Improvement Plan (ICIP) for the Sierra Joint Office on Aging (SJOA). Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

- 2. Discussion/Action: Resolution No. 17 21/22 Approve resolution, list, and ranking for the FY 2023-2027 Infrastructure Capital Improvement Plan (ICIP) as required by DFA:**

Traci Alvarez, Assistant City Manager explained that the packet consists of a list of 61 projects, and the list was comprised with input from city staff, department heads, and public input that we received. The Commission is being asked to add or remove, and rank the projects you see before you.

Each department head gave a brief overview of their top priorities.

Public Comment – Truth or Consequences City Commission – August 24, 2021
Ariel Dougherty

Good morning, Commissioners. The public welfare is the most significant obligation and honor of your role as public servants. What efforts do you make to achieve this sacred responsibility? What are your visions and interaction with citizens that you bring to the decisions you make on our behalf? Who outside of your familiar circle, surely not other Commissioners, have you discussed or sought advice on any of the issues on today's agenda?

As a Commission you called for public input into improving our city's infrastructure. Sadly, city ~~workers~~ ^{staff} are depriving you to learn of contributions from citizens in how the City might progress. You might ask Traci Alvarez what happened. The ICIP submissions in the packet are governmental requests serving city departmental needs. These are not necessarily in service of the public welfare.

Your confusion about serving the public welfare is overshadowed by your response to a large, often familial city staff with a vast host of needs. Those needs range from protection against dangerous dogs to desiring a new backhoe, a growing questionable choice in the age of global warming. The imposition of smart meters on all electric customers underscores how this Commssion fails to address the public welfare. Every presentation on the AMIs accentuated City worker concerns, never the advantages or good that such meters might bring to the public. You might think I stand here alone. I ~~am~~ ^{am not} alone. 240 citizens signed the accompanying petition to rescind Resolution 5 21/22. Many signed this petition because they clearly understood the Resolution's vindictiveness. The actual wording your counsel has designed for the proposed public vote is highly problematic, bordering fraudulence.

Why do you insist on constantly violating state laws, your oaths of office, even your own laws and rules? Today you were to hear an appeal by me on Resolution 5 21/22 based on the new rules you yourselves established July 28th. Mr Rubin, however, countered the process and had the item removed from the agenda. Why allowed him to manipulate *and control the public agenda*? Most egregious, **and ironic**, a city meter reader has disasterously misread my electric meter. This sloppiness makes a mockery of your outrageous \$50 extra charge. Promised last Friday such charges would be waived, this glaring abuse remains on my bill. When, I demand, will your Commission hear my appeal?

Last, beware of White Knight Saviour syndrome. But I have run out of time to explain. Maybe you will widen your circle of citizen input and call me for a fuller explanation.

The results of the top 5 projects are as follows:

- #1: Marie Street Improvements.**
- #2: Substation Primary Underground Feeder Replacement.**
- #3: Solid Waste Roll off Truck and Dumpsters.**
- #4: Street Department 4000 Gal. Water Truck.**
- #5: Animal Shelter Kennel Building.**

Mayor Pro-Tem Forrister moved to approve Resolution No. 17 21/22, as well as the list, and ranking for the FY 2023-2027 Infrastructure Capital Improvement Plan (ICIP) as noted. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Special Election Resolution No. 18 21/22 calling for a Special Election on Tuesday, February 15, 2022 for the purpose of a petition against Resolution No. 05 21/22:

City Clerk Torres explained that she received a petition on August 12, 2021 against Resolution No. 05 21/22 which was the resolution imposing a \$50 monthly fee to retain a digital meter in lieu of an AMI meter. As shown in the packet, the required number of signatures needed for a special election to occur in regards to this petition was 152 signatures. There were 240 signatures on the petition, and after the verification process occurred, there were 197 valid signatures. The date of the special election is February 15, 2022, and it will be conducted through the Office of the County Clerk. This will be a mail ballot election for all registered City of Truth or Consequences qualified electors. She also noted that she does not have a problem with adding the text of Resolution No. 05 21/22 to the special election Resolution, and she noted that she will also include the language that the fee is monthly fee, and not a one-time fee.

City Attorney Rubin explained that the packet includes State Statute 3-14-17, and Paragraph A states that the ordinance or resolution shall become ineffective upon verification of the petition and the commission shall within 10 days of verification adopt a resolution calling for the holding of a special election on the measure within ninety days of the verification of the petition. With that being said, even though the word *shall* is included within that statute, there is an annotation that exhibits the cases which have been decided by the Supreme Court, and interprets this particular statute. He has discussed the matter with his co-counsel John Appel, and even though the word *shall* is present in the state statute, there is an annotation called an Exception to Referendum Power which states: The referendum power of voters, Subsection A of this section, and the city charter was subject to an implied exception for administrative and executive matters, and an ordinance that changed the rate charged by a city-owned utility was an administrative matter within the scope of the exception. *Johnson vs. City of Alamogordo. (Complete copy attached hereto, and made a part hereof).* What the Supreme Court was saying is when you have an ordinance or resolution which classifies more as administrative in nature, you are not required to hold a special election. It is based upon what the Commission feels is most appropriate to do, and he

3-14-17. Commission-manager; referendum; subjects petition; election; effect; repeal of emergency measure.

A. If within thirty days following the adoption of an ordinance or resolution, a petition, signed by the qualified electors in a number more than twenty percent of the average number of voters who voted at the previous four regular municipal elections or more than twenty percent of the number of voters who voted at the previous regular municipal election, whichever is the greater, is presented to the commission asking that the ordinance or resolution in question be submitted to a special election for its adoption or rejection, the ordinance or resolution shall become ineffective upon verification of the petition and the commission shall within ten days of verification adopt a resolution calling for the holding of a special election on the measure within ninety days of the verification of the petition.

B. The ballot shall contain the text of the ordinance or resolution in question. Below the text shall be the phrases:

"For the above measure", and

"Against the above measure",

followed by spaces for marking the ballot with a cross or check or other mark necessary for proper counting of the ballot, in order to cast a vote for the phrase desired. If a majority of the votes cast favor the measure, it shall take effect immediately. If a majority of the votes cast are against the measure, it shall not take effect.

C. If an ordinance or resolution is an emergency measure, it shall go into effect immediately, but it may be repealed by an adverse majority at a referendum election.

History: 1953 Comp., § 14-13-17, enacted by Laws 1965, ch. 300; 1985, ch. 208, § 113.

Cross references. — For examinations of signatures, purging and judicial review of petitions, see 3-1-5 NMSA 1978.

The 1985 amendment inserted "upon verification of the petition" following "resolution shall become ineffective"; substituted "within ten days of verification adopt a resolution calling for the holding of a special election" for "provide for an election"; "ninety days" for "sixty days"; and "verification of the petition" for "filing of the petition" near the end of Subsection A, and inserted "the ballot" following "spaces for marking" and "or check or other mark necessary for proper counting of the ballot, in order to cast a vote for" preceding "the phrase desired" near the middle of Subsection B.

ANNOTATIONS

Liberal construction. — Provisions reserving to the people the power of referendum are to be given a liberal construction to effectuate the policy thereby adopted. *City Comm'n v. State ex rel. Nichols*, 1965-NMSC-104, 75 N.M. 438, 405 P.2d 924.

No time limit is set out for the filing of referendum petitions on emergency measures. *City Comm'n v. State ex rel. Nichols*, 1965-NMSC-104, 75 N.M. 438, 405 P.2d 924.

Exception to referendum power. — The referendum power of voters under Subsection A of this section and the city charter was subject to an implied exception for administrative and executive matters, and an ordinance that changed the rate charged by a city-owned utility was an administrative matter within the scope of the exception. *Johnson v. City of Alamogordo*, 1996-NMSC-004, 121 N.M. 232, 910 P.2d 308.

Summary of ordinance only required. — Where Subsection B of this section states "the ballot shall contain the text," the statutory language can be construed as requiring only a summary of the ordinance to be decided upon. *Turner v. Barnhart*, 1972-NMSC-036, 83 N.M. 759, 497 P.2d 970.

Failure to print entire ordinance does not void election. — Where Subsection B of this section provides "the ballot shall contain the text of the ordinance or resolution in question," failure to print the entire ordinance on the ballot does not amount to an irregularity in the election that is substantial enough to void the election and circumvent the will of the voters involved. *Turner v. Barnhart*, 1972-NMSC-036, 83 N.M. 759, 497 P.2d 970).

Am. Jur. 2d, A.L.R. and C.J.S. references. — 42 Am. Jur. 2d Initiative and Referendum §§ 7, 9 et seq.

Right of signer of petition or remonstrance to withdraw therefrom or revoke withdrawal in time therefor. 27 A.L.R.2d 604.

62 C.J.S. Municipal Corporations §§ 311 to 327.

3-14-18. Commission-manager; initiative; failure of commission to adopt; election.

A. In any commission-manager municipality, upon petition, signed by the qualified electors in a number more than twenty percent of the average number of voters who voted at the previous four regular municipal elections or more than twenty percent of the number of voters who voted at the previous regular municipal election, whichever is the greater, any measure may be proposed to the commission for enactment within thirty days of the date of verification of the petition. If the commission:

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understands if you choose not to go forward with the election, we will probably be in litigation. He can never predict what is going to happen in court, but he thinks based upon what we just read, we have a pretty good argument. In the case of Johnson vs. City of Alamogordo there is some language that he feels is in our favor, and that is because of the fact that it is basically a rate making process, which is basically what the Johnson vs. City of Alamogordo case is saying. We are basically talking about is that we were implementing new technology (which were the AMI meters), and that would affect the rates of the people who opted not to get the AMI meter. Therefore, he and City Attorney Appel thinks if it were to go to litigation, they would have a few good arguments to defend such an action. He is not here to push the Commission into not voting for the referendum, but nevertheless he wanted them to hear, if they choose not to go in that direction, he thinks we will have a defensible position.

Mayor Pro-Tem Forrister asked what a special election would cost the city.

City Clerk Torres responded that the city will not pay for it since we opted into the Local Election Act. Everything goes through the County, and they will cover the fees. She believes that the cost of our last special election was somewhere around \$12,000 to \$15,000. It will be a mail in ballot election, and it gets a bit expensive to mail all of the ballots to the qualified electors, and provide postage for all of the returned ballots.

City Manager Swingle stated that he appreciates City Attorney Rubin's research, and exploring all of the options. He knows that the Secretary of State has administratively made some decisions not to pursue referendums based on proclamations that she has received on executive powers. However, he does not know the full gamut of the facts of the Johnson vs. City of Alamogordo case, and he does not know if the facts are similar to ours or different. There were a large number of people who signed the petition for whatever reason, so it may be in the best interest of the city to move forward with having a special election, and let the chips fall where they fall. The fee was a trade up by the Commission for those individuals that decided to opt-out. He thinks some will advocate that the price is unfair, and he keeps hearing the language "unlawful" which he does not abide by in any way shape or form, but he thinks it should go to an election, and then we will respond accordingly when we have a voter decision.

Commissioner Aragon asked if this goes to an election what happens to the fee.

City Attorney Rubin explained that the resolution would not be in effect.

City Clerk Torres also explained, as of right now, since the petition has been verified, anybody who had opted-out from having an AMI Meter will not be charged the \$50 fee until it is decided in the election.

Commissioner Aragon asked if they vote against the fee, do we start again, and come up with another fee?

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City Manager Swingle stated that would be the Commission's option. They can look at another option, whether it be a lesser fee or no fee. They could come up with a number of different scenarios, but the \$50 fee would be deemed inappropriate.

Mayor Pro-Tem Forrister asked if the \$50 fee is deemed inappropriate as of right now, or after the election.

City Manager Swingle stated that we are on hold right now.

Mayor Pro-Tem Forrister asked if we have to have an election.

City Attorney Rubin responded, if you decide to have the election, then the fee goes on hold, but if you decide not to have an election, then we would have to hear the appeals that have been filed. He advised City Manager Swingle, and City Clerk Torres that it may not be appropriate to have the appeals on this agenda, when we didn't know if we were going to have an election or not.

Mayor Pro-Tem Forrister asked if we go to election, and it is voted down, will it still come back to the Commission for a vote on fees.

City Attorney Rubin responded yes, and you can even come back, and say that you are not going to allow for anyone to opt-out.

Mayor Pro-Tem Forrister stated that the Commission has already set a fee, so what is the point in spending all of this money on an election that the tax payers are going to have to pay for.

Commissioner Aragon explained that he voted to keep the fee at \$25 per month, and that was based on research on what was reasonable. We went with \$50 per month, but he feels that they need to think about that again because there was research done to come up with a \$25 trip fee.

Mayor Pro-Tem Forrister feels that no matter what fee they choose, there will still be the same people who are opposed of the fee, and we are still going to have the same outcome.

Commissioner Aragon stated if it gets to court they may lower the fee.

Mayor Whitehead explained that the fees are not being imposed at this time because of the petition, and the resolution that is on the agenda today.

Commissioner Aragon stated that this whole thing started with a determination that was administrative, and why there was no vote necessary to go to smart meters.

Mayor Pro-Tem Forrister explained when the new Commissioners came on board, it was the will of the Commission at that point in time to not give an opt-out option. It was

all or nothing, so when Commissioner Luna came on board, she was trying to meet the customers in the middle, and that's when the fee was imposed. It's pointless to waste money on a special election when the issue will still come back to Commission, and they will still make another decision on the fee.

City Manager Swingle explained if it comes back to the Commission in the future, and you make another decision on the fee, there is no guarantee that the new fee will not be petitioned even if it is at a lower rate. As our City Attorney mentioned, you didn't have to give an option in the first place, so if you decide not to allow an opt-out option, there is no guarantee that there will not be a petition on that as well.

- *The Commissioners mentioned that they were informed that some people may have been misled on the context of the petition.*

Mayor Whitehead explained that the city had public hearings, and public meetings in regards to the AMI meters for approximately 6 years or so before the AMI meters were even installed. Everyone had an opportunity to speak on this matter during those meetings, and when we finally went with the AMI meters, the previous Commission was thinking about having an opt-out option, but nothing was ever implemented for an opt-out program. The opt-out option was again discussed when the new Commissioners came on board, and it was said that we were either all in, or we are all out, and we chose to go all in. There were 3 or 4 people who then came in and filed their appeal of having the AMI meters installed, and the decision was made at that time to implement the \$50 monthly fee, and move forward. Now we have this petition before us, and it seems that we are never going to solve this issue, so today she is asking the Commission to do the right thing, and decide to either move forward with the special election, or not move forward with it due to the research provided by City Attorney Rubin.

City Attorney Rubin explained that City Attorney Appel strongly recommended not moving forward with the special election.

Mayor Pro-Tem Forrister explained that we cannot keep spending tax payer's money every single time we charge a fee.

Mayor Pro-Tem Forrister moved to not approve Resolution No. 18 21/22 calling for a Special election on Tuesday, February 15, 2022 for the purpose of a petition against Resolution No. 05 21/22. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Resolution No. 19 21/22 rescinding the Commission's action to name Triangle Park the 911 Memorial Monument Park, and to locate a 911 Memorial in the park:

City Manager Swingle explained on June 23, 2021 the Commission approved to re-name the Triangle Park the 911 Memorial Monument Park, and to locate a 911 Memorial in the park. We subsequently found out that we maintain that park, but the property is actually owned by the New Mexico Department of Transportation. The individual who was trying to erect the monument at the park has rescinded their request. Therefore, we are asking the Commission to rescind the action that was approved on June 23, 2021.

Mayor Pro-Tem Forrister moved to approve Resolution No. 19 21/22 rescinding the Commission's action to name Triangle Park the 911 Memorial Monument Park, and to locate a 911 Memorial in the park. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

F. NEW BUSINESS:

1. Discussion/Update: Update on the re-opening plans for Sierra Joint Office on Aging (SJOA):

Crystal Walton, SJOA Executive Director explained that is has been a very long and trying year with the COVID Pandemic, restrictions, and closures. She acknowledged the staff that has been working with them throughout the entire Pandemic. Without them the SJOA Center would not be open. SJOA has been given a ton of different guidance on how they need to proceed in order to operate the Senior Center. However, the fact that they do not have enough staff to operate is the primary reason why they have not been able to open the congregate setting at this time. They are currently running at a 30% deficit in staffing, and that is pre-COVID. With the added safety guidelines, and security, the majority of her staff are pulling workloads of 2-3 people a day. The other part of it is that they would have to double down on their kitchen staffing because they are still required to provide the "grab and go" outside of the facility. However, they have been able to open up the home making services, and transportation program. They are hoping to expand the transportation program at the beginning of September, and that will allow them to transport seniors who are fully vaccinated to Las Cruces.

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

Carol Kirkpatrick, Finance Director reviewed the Purchase Requisitions over \$20,000 that were provided in the packet.

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

3. Discussion/Action: Authorization to open a new checking account at First Savings Bank for "Special Revenue" funds:

Carol Kirkpatrick, Finance Director explained that the City has received the first half of Fiscal Recovery Funds in the amount of \$712,404. These funds need to be kept separated from capital or general funds for record keeping and accountability. The second half of these funds will be received in the 2022-2023 fiscal year.

Commissioner Baca made a motion to approve the authorization to open a new checking account at First Savings Bank for "Special Revenue" funds. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Approval of User Agreement, and Inter-Governmental Service Agreement for Traffic & Criminal Software between the New Mexico Department of Public Safety, and the Truth or Consequences Police Department:

Police Chief Rodriguez explained that this has been a system that has been out there for a while, and this will allow the Police Department to access software that will allow them to give an electronic traffic citation, and make electronic crash reports. It will also allow us to share information between the agencies that are agreed to share the database. A lot of agencies in New Mexico use the database, including the State Police. They will also provide us with grant funding for five in-car printers, and five in-car scanners to scan licenses.

Mayor Pro-Tem Forrister moved to approve the User Agreement, and Inter-Governmental Service Agreement for Traffic & Criminal Software between the New Mexico Department of Public Safety, and the Truth or Consequences Police Department. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Review and approval of Take-Home Vehicle forms for various departments:

City Manager Swingle explained that the Commission recently approved a Resolution creating a Vehicle Take Home Policy, and with that policy it is required that we bring the forms to the Commission for approval to authorize take home vehicle for various departments. Overtime, he would like to eliminate this process so that we can do this administratively. He then briefly reviewed the forms provided in the packet, and stated that some of the individuals who are listed on the forms are on-call individuals who are rotated every two weeks, and they will not always have a take home vehicle.

Commissioner Baca moved to approve the Take-Home Vehicle forms for various departments. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Selection of voting delegate for the 2021 New Mexico Municipal League Annual Conference.

City Manager Swingle explained that we recently received a notification from the New Mexico Municipal League that we need to re-assign the voting delegate for the City of Truth or Consequences to vote on behalf of the City during the Municipal League conferences.

Mayor Pro-Tem Forrister made a motion to select Mayor Whitehead to act as the voting delegate and go with Mayor Whitehead's recommendation to have herself (Mayor Pro-Tem Forrister) act as the Alternate voting delegate for the 2021 New Mexico Municipal League Annual Conference. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

G. REPORTS:

City Manager Swingle reported the following:

- There will be a Sierra Vista Hospital Governing Board meeting on August 26, 2021.
- We started providing professionalism training to our staff. We started with our directors and supervisors of the organization. We have about a 40 hour block of training that will be set up over the next couple of months. We will start with the course, and then we will make sure to educate everyone within the organization. The professionalism expectations that the organization has is clearly identified in the draft Personnel Policy. In his experience, you typically don't fire a lot of people for performance issues. When you have to discipline or terminate employees, it's usually based on behavior or ethical issues. He invited the Commissioners to join the trainings if they wish to do so.
- The safety policy has been circulated to the departments for review and feedback. It is very likely that we will have it on the next City Commission agenda. We don't have a safety committee, and an organization of our size does not necessarily need a safety officer. Therefore, safety will now be the responsibility of the departments.
- We received notification that the State approved our FY 2021/2022 Budget. He congratulated Carol Kirkpatrick, and her finance team for working very hard, and diligently to get the budget to where it needed to be.
- The new census data is out on the County level, and unfortunately we saw another decrease in population for Sierra County. In October we should start seeing the data released for the City level. The drop is due to the economy, or lack of, so we really need to look at growing our economy.

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- We had a 12 inch Water Main leak that just occurred a few minutes ago. He will be out there to check it out as soon as this meeting is over. He doesn't have any other information about it at this point. However, he was informed that the schools have been cancelled for the remainder of the day because of the Water Main break.
- We received notification from USDA on our Phase I Water Infrastructure citywide project. The Commission has already approved the letter to USDA, and should we act on that letter, the total amount of funding would be \$7,531,000. \$2,720,000 would be a grant, and the loan portion would be \$4,811,000. The Water Department does not have a lot of bandwidth left with the existing loans that they have, so we will have to sit down, and look at this very closely to see what we need to do, and if we should move forward with this or not. USDA did not recommend a rate increase at this time for this loan. The deadline to have the letter submitted is Friday at noon.
- Staff is doing an amazing job, and they are very receptive to moving forward as an organization.

City Attorney Rubin had no reports.

City Commission Reports:

Mayor Pro-Tem Forrister had no reports.

Commissioner Aragon reported the following:

- He knows that the Keep Truth or Consequences Clean & Beautiful Advisory Board did not work out, but wanted to make it known that he has received an email from a citizen named Jim Davis about how he thought that the board was a great idea.

Commissioner Baca reported the following:

- A group of people went around asking citizens to sign a petition. He is not sure what they were telling the citizens, but he wanted to make it known that the \$50 monthly trip fee is only for those individuals who have opted-out of having an AMI meter. The fee is not for everyone who has an AMI meter.

Mayor Whitehead had no reports.

H. EXECUTIVE SESSION:

1. Threatened & Pending Litigation (Clover Leaf Water Rights Case) pursuant to 10-15-1(H.7):

Commissioner Baca made a motion to go into executive session at 11:21 a.m. to discuss Threatened & Pending Litigation (Clover Leaf Water Rights Case) pursuant to 10-15-1(H.7). Mayor Whitehead seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

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Mayor Whitehead reconvened the meeting in open session at 11:40 a.m.

Mayor Pro-Tem Forrister certified that only matters pertaining to Threatened & Pending Litigation (Clover Leaf Water Rights Case) pursuant to 10-15-1(H.7) was discussed in Executive Session and no action was taken.

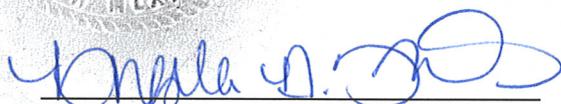
I. ADJOURNMENT:

Commissioner Baca moved to adjourn at 11:45 a.m. Mayor Pro-Tem Forrister seconded the motion. Motion carried unanimously.

Passed and Approved this 8th day of September, 2021.


Sandra Whitehead, Mayor




Angela A. Torres, CMC, City Clerk