

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, JULY 13, 2022

A. CALL TO ORDER:

The meeting was called to order by Mayor Amanda 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. Amanda Forrister, Mayor
Hon. Rolf Hechler, Mayor Pro-Tem
Hon. Merry Jo Fahl, Commissioner
Hon. Shelly Harrelson, Commissioner
Hon. Destiny Mitchell, Commissioner via teleconference

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 Forrister called for fifteen seconds of silent meditation.

3. PLEDGE OF ALLEGIANCE:

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

4. APPROVAL OF AGENDA:

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

C. PRESENTATIONS:

1. Presentation of City of Truth or Consequences Employee Service Anniversary Awards:

City Manager Swingle and Victor Rodriguez, Chief of Police presented an Employee Service Anniversary Award to Mary Anne Digiacomio for 2 years of service with the City of Truth or Consequences.

City Manager Swingle presented an Employee Service Anniversary Award to Victor Rodriguez for 1 year of service with the City of Truth or Consequences.

City Manager Swingle presented an Employee Service Anniversary Award to Carol Kirkpatrick for 3 years of service with the City of Truth or Consequences

City Manager Swingle and Tara Manning, Animal Shelter Supervisor presented an Employee Service Anniversary Award to Mark Hopkins for 2 years of service with the City of Truth or Consequences.

City Manager Swingle presented an Employee Service Anniversary Award to Patrick Lovell for 4 years of service with the City of Truth or Consequences.

D. PUBLIC COMMENT (3 Minute Rule Applies):

Kim Artman addressed the Commission with comments related to:

- (1) The amazing programs they have available at the Olive Tree. The Olive Tree offers a free program that covers mind, body, and soul, and teaches people to use positive thoughts and ways in their actions. The program also includes yoga and art therapy.

Rick Dumiak submitted a letter of public comment. (Complete copy attached hereto and made a part hereof).

E. REPORTS:

City Manager Reports:

City Manager Swingle reported the following:

- He recognized all of the city employees. They are doing tremendous work every day. Our Code Enforcement and Chief of Police were out on a Sunday working so he gave kudos to them for that. The city has been significantly understaffed for about 6-8 months. That doesn't mean that things fall by the wayside. It means that a lot of people are picking up a lot of extra work, and that is across the board, and across the city. He commends their commitment to community service, and advancing the quality of life in this community. They do great work, and their only limitations are the financial resources we have in this community.

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- He thanked David Johnson for his work with vector control. He does it a couple of nights a week, and the requirements he has to follow for vector control and mosquito spaying is very cumbersome. He has to spray at night or in the early morning so that wildlife and insects are not out and about. He also has to make sure that the environmental and atmosphere conditions are appropriate to spray. He doesn't get overtime. He just goes out and does it, and he doesn't complain year in and year out.
- We still have a number of vacancies on various city boards. We have two vacancies for the Airport Advisory Board. We have five vacancies on the Golf Course Advisory Board. We have two vacancies on the Lodgers Tax Advisory Board. We have two vacancies on the Impact Fee Advisory Board. Hopefully we can fill the Planning & Zoning vacancies today.
- We continue to average between 15-20 water leaks a week, and that is not going to change. There is a tremendous amount of money that needs to be invested into our water system to improve the infrastructure, and get it caught up.
- The issue we had with the personal property on our Easements on Wyona Street is being addressed. We hired Bar 2 to go in and remove the debris. It will be done on July 20th. The property owner has had a lot of time to remove the items from the property.
- We went out to bid a second time for the \$6 million MSD Water Project. We had the bid opening on July 7th, and unfortunately the bids that came in were over by about \$2.5 million dollars from the contingency fees that are required by USDA. It was less than the first bid, but it still went over what we have available to us, so our engineers are working on that now, and they are looking at how we can descope some of the project that does the best, and does the least harm. We are also working with USDA on funding options to see if we can find a mechanism to fill that gap in funding. One thing for sure is that we cannot incur any more debt in the Water Department.
- The Animal Shelter has finished their 6-month annual report. They have taken 671 animals for the first 6 months. They had 211 adoptions. 121 were returned to the owners. 74 were sent to rescues. 117 went to barns and out into the rural part of the community, and out of the 671, only 49 were euthanized. We are trying to reduce the number of euthanizes, but it is a serious reduction from where we were a couple of years ago. Some animals unfortunately have to be euthanized for several reasons, but the Animal Shelter is working diligently to decrease that number as we go forward.
- The library had 17,016 visitors in their two facilities so far this year. 2,170 were at the branch, and 14,846 were at the main library. That is a significant number of people attending our libraries. Although these numbers are lower than the pre-COVID numbers, we are certainly working to go back in that direction to get back to those numbers. They also have 37 children registered for the summer reading program.
- He reminded the Commission that the meeting with Virgin Galactic is on July 21st.

City Attorney Reports:

City Attorney Rubin had no report.

City Commission Reports:

Commissioner Fahl had no report.

Commissioner Mitchell had no report.

Mayor Pro-Tem Hechler reported the following:

- Western Fix had an event recently. The Rios Family who are the owners are such a great family. It is really nice to see things moving forward in this community after so much of a shutdown during COVID.

Mayor Forrister reported the following:

- She attended our county livestock school that was last weekend, and there were so many people who came from out of town to attend it. She believes there were around 158 pigs, 103 goats, and 44 steers. She didn't get to go to the Western Fix event because she was at the livestock event, but she heard it was a tremendous event. The Rios family is awesome at supporting our community.

Commissioner Harrelson reported the following:

- They had a lot of people come in from all over the state for the livestock event, and on Sunday when they had the jackpot, there were trailers for miles. It was a huge event, so maybe next year they can think of some different ways to develop some revenue and resources through that event because there were a lot of people in town.

F. CONSENT CALENDAR:

1. **City Commission Regular Minutes, February 23, 2022**
2. **Acknowledge Regular Public Utility Advisory Board Minutes, January 10, 2022**
3. **Accounts Payable, February 2022**
4. **Take-home vehicle form for the Water Department.**

Commissioner Fahl moved to approve the Consent Calendar as submitted.

Commission Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

G. PUBLIC HEARINGS:

- 1. Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 734 to amend Ordinance No. 723 that was adopted on January 12, 2022 for the authorization of the execution and delivery of loan No. PPRF-5652, between the City of Truth or Consequences and the New Mexico Finance Authority for the purpose of purchasing a new electrical transformer:**

City Manager Swingle explained that the Commission has seen this before. This is the second opportunity with the loan that we had with NMFA. As you recall this was caught up between NMFA and USDA on basically who has subservient on the loan revenues should the city go bankrupt, or have cash flow issues. They finally resolved that. It is a 10-year loan for \$1,320,907, with an interest rate of 2.003808%.

Mayor Forrister opened the public hearing.

Proponents:

None.

Opponents:

None.

Mayor Forrister closed the public hearing.

Commissioner Fahl moved to approve adoption of Final Adoption of Ordinance No. 734 to amend Ordinance No. 723 that was adopted on January 12, 2022 for the authorization of the execution and delivery of loan No. PPRF-5652, between the City of Truth or Consequences and the New Mexico Finance Authority for the purpose of purchasing a new electrical transformer. Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. ORDINANCES/RESOLUTIONS/ZONING:

- 1. Discussion/Action: Resolution No. 01 22/23 Open Meetings Act and reasonable notice of meetings:**

City Clerk Torres explained that this is our annual Open Meetings Act Resolution. This resolution is generally adopted as the first resolution of each fiscal year, at the first meeting in July. This resolution is in conjunction with the State's Open Meeting Act Laws, and it covers the requirements for Regular Meetings, Special Meetings, and Emergency Meetings.

Mayor Pro-Tem Hechler moved to approve Resolution No. 01 22/23 for the Open Meetings Act and reasonable notice of meetings. Commission Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Resolution No. 02 22/23 Infrastructure Capital Improvement (ICIP) Plan:

Traci Alvarez, Assistant City Manager explained that a public hearing was held on June 22, 2022, and our draft ICIP was presented at that time. You were also provided lists from our various departments on their Capital Improvement list. We are now presenting our draft ICIP Plan. It isn't in order. It just shows recommendations by staff. The Commission can review, make any changes to the order, and add or delete any projects that are on the list. The top projects that staff are recommending are the Marie Street Improvements, the Animal Shelter Kennel Building, a Street Department 4000 Gallon Water Truck, Soccer Field Improvements, and the Clancy Force Main Improvements. There are some projects in there that don't have an ID number. Those are the new projects that were listed by some of our departments for this year and added in. She color coded them so they have projects listed by rank for 2024, 2025, 2026, 2027, and 2028. One of the Commissioners requested at the public hearing that we have a bridge crossing listed somewhere on the ICIP, so she listed both a vehicular, and a foot bridge, because there was no specification on which type of bridge they wanted.

City Manager Swingle also explained that they don't have a cost for the foot bridge at this point. They did have some information on the vehicular bridge that the engineers did when they did the last study on that plan.

Discussion ensued regarding which top items should be chosen.

Mayor Pro-Tem Hechler moved to approve Resolution No. 02 22/23 for the Infrastructure Capital Improvement (ICIP) Plan with the top 5 items of #1. Marie Street Improvements, #2. Animal Shelter Kennel Building, #3. Street Department 4000 Gal. Water Truck, #4. Soccer Field Improvements, #5. Clancy Force Main Improvements, and to also add the vehicular bridge crossing and footbridge crossing to the 2028 ICIP, and pre-approve the footbridge crossing totals as soon as the information is available from Commissioner Fahl. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Resolution No. 03 22/23 to amend Animal Shelter Fees:

Traci Alvarez, Assistant City Manager explained that Resolution No. 47 21/22 was approved for fees at the Animal Shelter. Since then, we realized that we didn't have

anything on there to include small animals and goats. Our cat and dog adoption fees seemed too high, especially for the small animals, so we are amending the resolution to include those adoption fees.

Mayor Pro-Tem Hechler moved to approve Resolution No. 03 22/23 to amend the Animal Shelter Fees. Commission Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Resolution No. 04 22/23 South Central Council of Governments Annual Dues:

City Manager Swingle explained that this is an annual item for our participation with the South Central Council of Governments (SCCOG) for membership. The cost is \$2,187 to be a part of the SCCOG and have access to their services. In the Resolution we are assigning Mayor Forrister to remain as the member, and Commissioner Mitchell to remain as the alternate unless you wish to assign new members and then a revision can be made to the Resolution.

Mayor Pro-Tem Hechler moved to approve Resolution No. 04 22/23 South Central Council of Governments Annual Dues with Mayor Forrister as the member and Commissioner Mitchell as the alternate. Commission Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Publication of Ordinance No. 731 amending the City of Truth or Consequences Municipal Code of Ordinances, by amending Sections 11-10-4 and 11-10-5 and adding Section 11-10-6 to the Planning & Zoning Code Pertaining to Storage Units/Shipping Containers:

Traci Alvarez, Assistant City Manager Staff explained that this is the second time this ordinance has been brought forward. The Commission had some recommended changes and concerns, so they included a section pertaining to shipping containers by right in the commercial district, except for in the downtown historic district. Those would have to go in front of the Planning & Zoning Board and the City Commission for a Special Use Permit. In the residential areas, shipping containers can potentially be allowed. They would also have to go in front of the Planning & Zoning Board, and the City Commission for a Special Use Permit. The use of shipping containers for a dwelling or business would have to be done by a conditional use permit.

Commissioner Fahl moved to approve Publication of Ordinance No. 731 amending the City of Truth or Consequences Municipal Code of Ordinances, by amending Sections 11-10-4 and 11-10-5 and adding Section 11-10-6 to the Planning & Zoning Code Pertaining to Storage Units/Shipping Containers.

Commission Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Publication of Ordinance No. 735 Amending Section 14-48 pertaining to the Customer Generated Renewable Energy Program:

City Manager Swingle explained that this is an ordinance that the Public Utility Advisory Board worked on for quite a while. They approved it several months ago. We were really slow in bringing it to the Commission because we wanted to work out our billing issues with Solar. We still have not worked out those issues. However, we need to respect the Public Utility Advisory Board's request, and get this ordinance before the Commission. We also have an issue because the New Mexico State Veterans Home is planning to put in Solar in their new development. One of the Governors initiatives is to put as much renewable energy as possible on the new buildings at the NSVH. Our current ordinance requires a 90% maximum capacity of solar, based on 12 months of billing. That is illegal. The state law doesn't allow for that, so we have not been imposing it. However, it is still listed that way in the ordinance, and the state would like us to get this cleaned up for their comfort on the work on the Veterans Home. The main changes to the ordinance is removing the 90% maximum capacity of solar based on 12 months of billing. It changes the amount of money that gets credited to the solar user should they have credits. We are currently paying around \$.14 per KWH, and this goes to what the average is over a given year. It also deletes the fees in service costs that are in the ordinance which should be done by resolution so when numbers increase or decrease, you're not having to go through the whole ordinance process to make those changes.

Public Utility Advisory Board Chairman Szigeti explained how they came up with the amendments to the Customer Generated Renewable Energy Program ordinance.

Mayor Pro-Tem Hechler had concerns regarding item C on the proposed ordinance. He also had a concern with the 90% constraint to current solar users. Many were told to build at 90%, but now we are going to also reduce the payback you are going to get on top of limiting them to the 90% which he feels is punishing them unnecessarily. The people who already have the solar systems installed should be grandfathered in because they were forced to build under the 90% capacity. He is a solar user, and he has never made money on his solar. He has never come out at the end of the year ahead, but now you're telling him that he's going to have to pay more money for the system he has now. There are more people like him out there, and he doesn't feel like that is fair. He feels that some grandfather clauses should be included into the ordinance. He is willing to propose at the end of the year to go back to see if the credits aren't used, then they can have the 2%.

Public Utility Advisory Board Chairman Szigeti stated that the actual number will probably be somewhere around \$.06 per KWH. Sierra Electric Coop does 2%. We are proposing 6%.

City Manager Swingle stated that one of the most important things we have to do is look at the revenues for the Electric Department, and how it will affect them, and look at the carnage that it will be causing the Utility Billing Department. Every part of the solar billing is done manually.

Mayor Pro-Tem Hechler made a motion to table item H6, Publication of Ordinance No. 735 Amending Section 14-48 pertaining to the Customer Generated Renewable Energy Program until the next time City Manager Swingle can put it on the agenda. Commission Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Publication of Ordinance No. 736 repealing Ordinance No. 677 pertaining to the Truth or Consequences Brewing Company Local Economic Development Project:

City Manager Swingle explained that this ordinance is a requirement as part of the LEDA project that the Brewery entered into a number of years ago. They received approximately \$125,000 from State LEDA funds to open their Brewery and to provide jobs. They met all of the benchmarks that were established by the State Economic Development Department. In accordance with the project participation agreement and the intergovernmental agreement we need to rescind the ordinance. So staff's recommendation is to approve publication of this ordinance so we can take this project off the books.

Commissioner Fahl moved to approve Publication of Ordinance No. 736 repealing Ordinance No. 677 pertaining to the Truth or Consequences Brewing Company Local Economic Development Project. Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. NEW BUSINESS:

Item I10 was moved before item I1.

Mayor Pro-Tem Hechler made a motion to move item I10 and item I11 before item I1. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

10. Discussion: Interview of applicants for the Planning & Zoning Commission:

City Clerk Torres explained at the last meeting we interviewed 3 of our 5 applicants for the open positions on the Planning & Zoning Commission. Esther Luchini and Robert Carey were not able to make that meeting. We have Esther Luchini here to do her interview, and Robert Carey was unfortunately not able to make it today, so we will only

have the one interview today and then the next item is to appoint members to fill the four vacancies on the board.

The City Commission interviewed Esther Luchini for the position of an appointed board member to serve on the Planning & Zoning Commission.

11. Discussion/Action: Selection of board members to fill the vacancies on the Planning & Zoning Commission:

City Clerk Torres explained that our Planning & Zoning Board is a 5-member board, and we currently only have one member left on the board. Therefore, we need 4 new members to fill all of the vacancies. We originally had 5 members apply for the position, Rick Dumiak, Susan Buhler, Eduardo Alicea, Esther Luchini, and Robert Carey. However, Rick Dumiak submitted a letter stating that he is rescinding his application to serve on the board. With that being said, I ask that the Commission choose members to fill the vacancies on the Planning & Zoning Board. If selected, two members shall serve for one year, and two shall serve for two years so that there will be overlapping tenures of office. Each term shall expire on June 30, however, any member of the Board shall continue to hold his office until his successor is appointed and qualified. The Code states that 3 members shall serve for two years. Chris Sisney is currently our only member on the board and he is appointed for a two-year term.

Commissioner Mitchell explained that Robert Carey could not make it to today's meeting because he does tours on the Armendariz Ranch during the week, but he is still interested in serving as a member on the board.

Mayor Pro-Tem Hechler made a motion to appoint Susan Buhler and Esther Luchini to serve a two-year term, on the Planning & Zoning Commission. Mayor Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

Commissioner Mitchell made a motion to appoint Eduardo Alicea and Robert Carey to serve a one-year term, on the Planning & Zoning Commission. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

1. Discussion/Action: Notice of Termination Truth or Consequences Brewing Company Local Economic Development Project:

City Manager Swingle explained that this is the second component that is required from the state for all of the ordinances and agreements that have been made for this project. The termination notice will terminate the project participation agreement, and it will terminate the intergovernmental agreement between us and the Brewery. It will release

the Brewery's security that they have while they completed their project and met all of the bench marks established by the State Economic Development, He would like to amend the date in the Notice of Termination to reflect July 13, 2022. With this and the ordinance that will hopefully be adopted, will end any involvement the city and the Brewery has in our partnership. He feels that John Masterson and Marianne Blaue have done a phenomenal job with the Brewery, and he thinks that everyone agrees how important the Brewery is to Truth or Consequences and the downtown area. The sky is the limit with their leadership and business savvy.

Commissioner Fahl moved to approve the Notice of Termination Truth or Consequences Brewing Company Local Economic Development Project effective July 13, 2022. Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Approval of the Biennial Memorandum of Understanding (MOU) between MainStreet and the City of T or C:

City Manager Swingle explained that this is a Memorandum of Understanding that we do every two years, and have done for several years. It is a partnership with the MainStreet of New Mexico, the Truth or Consequences MainStreet, and the City of Truth or Consequences. The Memorandum of Understanding specifies the requirements of all three entities. We provide them with \$45,000 worth of funding per year as a part of this agreement. The \$45,000 can be brought down to as low as \$35,000. We have historically provided them with \$45,000 worth of funding. Staff recommends approval of this Memorandum of Understanding.

Commissioner Fahl moved to approve the Biennial Memorandum of Understanding (MOU) between MainStreet and the City of T or C. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. 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.

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

4. Discussion/Action: Accept and Approve Bridge Loan Funding Offer from Bank of the Southwest:

Traci Alvarez, Assistant City Manager explained that this is for a loan for our Water System Improvements Phase 1 project. We are seeking pre-development financing in an amount not to exceed \$750,000 to pay for costs incurred for all pre-development activities. Bank of the Southwest has provided a draft letter of Commitment for pre-development financing. The updates letter has been provided today with the final numbers and the same interest rate. Once we expend through pre-development we would go back out to the Bank of the Southwest for the entire loan amount of \$4,811,000 that will pay off the pre-development and put us into interim financing which will remain in effect until the project is completed and then USDA would come in and pay off Bank of the Southwest, including the interest payments, and we will then only have our loan through USDA. We are requesting to approve the Bridge Loan Funding Offer from Bank of the Southwest, and to approve the City Manager to proceed with the signing of the documents.

Commissioner Fahl moved to accept and approve the Bridge Loan Funding Offer from Bank of the Southwest and to approve the City Manager to sign any appropriate documents. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Approve Roadway Hazard Identification Beacon Maintenance Agreement between the City of T or C and NMDOT:

Traci Alvarez, Assistant City Manager explained that this is a Roadway Hazard Identification Beacon Maintenance Agreement between the City of Truth or Consequences and NMDOT to have 8 Flashing Crosswalk Beacons installed at the Double lane Roundabouts at Smith Road and New School Road. Once installed, the city will be responsible for all maintenance/repairs/replacements of Beacons as needed.

City Manager Swingle also explained that he is not happy about this agreement, but it is a federal requirement. When the city agreed to the Roundabout project and signed all of the agreements over 2 years ago, we committed to this, and there is no way out of it.

Mayor Pro-Tem Hechler moved to approve the Roadway Hazard Identification Beacon Maintenance Agreement between the City of T or C and NMDOT. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Award Recommendation for RFP #21-22-009 Engineering Services for the T or C Airport Improvements:

Traci Alvarez, Assistant City Manager explained that the RFP #21-22-009 for Engineering Services for the T or C Airport Improvements was advertised for two consecutive weeks and posted on the city's website, and a pre-proposal meeting was held on June 3, 2022 at the Airport. Proposals were due on June 16, 2022 at 2:00 p.m. and evaluations were performed on July 6, 2022. There were no oral presentations held. The Evaluation Committee's Recommendation for the Award is Delta Airport Consultants, Inc.

Commissioner Fahl moved to award the recommendation of Delta Airport Consultants, Inc for RFP #21-22-009, for Engineering Services for T or C Airport Improvements. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Review and Approval of the Memorandum of Understanding (MOU) between the Truth or Consequences Police Department and the NM Attorney General's Office for an Internet Crimes Against Children Taskforce:

Victor Rodriguez, Chief of Police explained that this is for a Memorandum of Understanding (MOU) between the Truth or Consequences Police Department and the NM Attorney General's Office for an Internet Crimes Against Children Taskforce.

Mayor Pro-Tem Hechler moved to approve the Memorandum of Understanding (MOU) between the Truth or Consequences Police Department and the NM Attorney General's Office for an Internet Crimes Against Children Taskforce. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

8. Discussion/Action: Review and Approval of the Memorandum of Understanding (MOU) between the Truth or Consequences Police Department and the NM Attorney General's Office for a Human Trafficking Taskforce:

Victor Rodriguez, Chief of Police explained that this is for a Memorandum of Understanding (MOU) between the Truth or Consequences Police Department and the NM Attorney General's Office for a Human Trafficking Taskforce.

Commissioner Fahl moved to approve the Memorandum of Understanding (MOU) between the Truth or Consequences Police Department and the NM Attorney General's Office for a Human Trafficking Taskforce. Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

9. Discussion/Action: Selection of appointees to serve on the Magistrate Court Designation Committee:

City Manager Swingle explained on June 22, 2022 the Commission adopted a Resolution to designate the Sierra County Magistrate Court as the court having jurisdiction over the City of Truth or Consequences Code of Municipal Ordinances. Within 15 days from the adoption of the resolution the governing body of the municipality shall create a municipal ordinance jurisdiction advisory committee. The committee shall be composed of the following members: (1) the Mayor (2) A member of the Governing Body (3) A municipal Judge (4) The Chief of Police (5) 3 members of the public, each selected by the Mayor, the Governing Body, and the Municipal Judge.

The appointed Magistrate Court Designation Committee consists of the following members: Victor Rodriguez, **Chief of Police**, Amanda Forrister, **Mayor**, Beatrice Sanders, **Municipal Judge**, Klarene Rich, **member of the public appointed by the Municipal Judge**, and Mayor Pro-Tem Rolf Hechler, City Manager Swingle, and Frances Luna **to serve as the 3 additional members of the public appointed by the Governing Body**.

Mayor Forrister made a motion to nominate Mayor Pro-Tem Rolf Hechler to serve as a member on the committee (member of the public). Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Forrister made a motion to nominate City Manager Swingle to serve as a member on the committee (member of the public). Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Pro-Tem Hechler made a motion to nominate former Commissioner Frances Luna to serve as a member on the committee (member of the public). Mayor Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Forrister made a motion to accept Judge Sander's nomination to have Klarene Rich to serve as a member on the committee (member of the public). Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

10. Discussion: Interview of applicants for the Planning & Zoning Commission:

Item was moved before item 11.

11. Discussion/Action: Selection of board members to fill the vacancies on the Planning & Zoning Commission:

Item was moved after item 12.

12. Discussion/Action: Consideration of the re-appointment of Mark Shipley to the Airport Advisory Board:

City Clerk Torres explained that Mark Shipley is a current member on the Airport Advisory Board. His term expired in June 2022. On July 5, 2022, the Airport Advisory Board recommended the re-appointment Mr. Shipley to serve another 2-year term on the board.

Commissioner Fahl made a motion to re-appointment of Mark Shipley to serve another two-year term on the Airport Advisory Board. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

13. Discussion/Action: Consideration of the re-appointment of Larry Mullenax to the Airport Advisory Board:

City Clerk Torres explained that Larry Mullenax is a current member on the Airport Advisory Board. His term expired in June 2022. On July 5, 2022, the Airport Advisory Board recommended the re-appointment Mr. Mullenax to serve another 2-year term on the board.

Mayor Pro-Tem Hechler made a motion to re-appointment of Larry Mullenax to serve another two-year term on the Airport Advisory Board. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

J. EXECUTIVE SESSION:

- 1. Threatened & Pending Litigation (Chuck VanGelder vs. the City of Truth or Consequences) pursuant to 10-15-1(H.7).**
- 2. Threatened & Pending Litigation (Ron Hoskin vs. the City of Truth or Consequences) pursuant to 10-15-1(H.7).**

Mayor Pro-Tem Hechler made a motion to go into executive session at 11:32 a.m. to discuss Threatened & Pending Litigation (Chuck VanGelder vs. the City of Truth or Consequences) pursuant to 10-15-1(H.7) and Threatened & Pending Litigation (Ron Hoskin vs. the City of Truth or Consequences) pursuant to 10-15-1(H.7). Commissioner Harrelson seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

CITY COMMISSION JULY 13, 2022 REGULAR MEETING MINUTES

Mayor Forrister reconvened the meeting in open session at 12:20 p.m.

Mayor Pro-Tem Hechler certified that only matters pertaining to Threatened & Pending Litigation (Chuck VanGelder vs. the City of Truth or Consequences) pursuant to 10-15-1(H.7) and Threatened & Pending Litigation (Ron Hoskin vs. the City of Truth or Consequences) pursuant to 10-15-1(H.7) was discussed in Executive Session.

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

1. Threatened & Pending Litigation (Chuck VanGelder vs. the City of Truth or Consequences) pursuant to 10-15-1(H.7).
2. Threatened & Pending Litigation (Ron Hoskin vs. the City of Truth or Consequences) pursuant to 10-15-1(H.7).

No action was taken.

L. ADJOURNMENT:

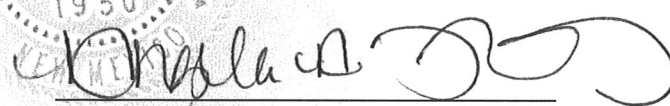
Mayor Forrister adjourned the meeting at 12:21 p.m.

Passed and Approved this 27th day of July, 2022.



Rolf Hechler, Mayor Pro-Tem

ATTEST:



Angela A. Torres, CMC, City Clerk

Torres, Angela

From: Rick Dumiak <rdumiak@gmail.com>
Sent: Saturday, July 09, 2022 11:58 AM
To: Torres, Angela
Subject: Re: Agenda for the July 13, 2022 Regular CC Mtg.

Just in case you couldnt open the file..

Thanks

July 13, 2022

Honorable Mayor, Mayor Pro Temp and City Commissioners;

Rick Dumiak
705 Charles
TorC NM

I am sorry I can not be at todays meeting however I have a previous commitment that I cannot reschedule.

Please allow this to serve as my notice that I am rescinding my application to serve on the Truth or Consequences Planning and Zoning Advisory Board.

With all due respect to this commission, after presenting my qualifications at three different city commission meetings and having a vote on my appointment or rejection tabled three times, it is my opinion that this commission does not want me to serve on the P&Z Advisory board despite my qualifications.

After all, having made three different presentations to this commission which were followed by questions regarding not only my qualifications to serve on the P&Z board, but I was questioned about a petition I signed supporting a neighbors art work installation located on his property.

If you support the first amendment then my signing of any petition is irrelevant in voting to either appoint or reject me to the P&Z board.

This commission tabled a vote based on our city attorneys recommendation and assumption that my signature on a petition was in his opinion, proof that I was not in support of the city or this commission and might be used in a court matter.

The decision to table a vote solely based on my signing of a petition came very close to violating my civil rights.

The first amendment guarantees our right to present requests to the government without punishment or reprisal. A signed petition is just that, a request to the government, nothing more.

My application to serve on the P&Z was submitted to the city clerk on March 31, 2022 and on April 7 2022 the P&Z board voted to accept my nomination pending a vote by this commission.

However, here we are three and a half months and 7 city commission meetings later, and no decision, one way or the other has been made.

This is not only frustrating it is disrespectful.

Have any other advisory board applicants ever had to have made three separate presentations to a city commission? Not to my knowledge, so why am I being subjected to such scrutiny? If you were in my shoes what would you do or think?

I would like to point out that serving on any civic or governmental entity requires you to only look at the pertinent facts and the letter of the law, personal opinions, assumptions or popularity should not influence a decision one way or the other.

Thank you,
Rick Dumiak

On Sat, Jul 9, 2022 at 10:17 AM Rick Dumiak <rdumiak@gmail.com> wrote:

Angela,

I will be out of town for the commission meeting this Wed the 13th.

Can you please make sure the attached statement is read during public comment?

Thanks

Rick