

CITY COMMISSION MEETING MINUTES  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St.  
WEDNESDAY, OCTOBER 12, 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. Destiny Mitchell, Commissioner was absent  
Hon. Merry Jo Fahl, Commissioner was absent  
Hon. Shelly Harrelson, 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 Forrister called for fifteen seconds of silent meditation.

**3. PLEDGE OF ALLEGIANCE:**

Mayor Forrister called for Commissioner Harrelson to lead the Pledge of Allegiance.

**4. APPROVAL OF AGENDA:**

**Mayor Pro-Tem Hechler moved to approve the agenda as submitted. Commissioner Harrelson 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 presented an Employee Service Anniversary Award to Mindee Holguin for 2 years of service with the City of Truth or Consequences.

City Manager Swingle presented an Employee Service Anniversary Award to Robert Waldron Robert for 12 years of service with the City of Truth or Consequences.

City Manager Swingle and Pete English, Water/Wastewater Director presented an Employee Service Anniversary Award to Leonides Martinez for 25 years of service with the City of Truth or Consequences.

City Manager Swingle and Dave Johnson, Facility Management Director presented an Employee Service Anniversary Award to John Daley for 1 year of service with the City of Truth or Consequences.

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

There were comments from the public.

**E. REPORTS:**

**City Manager Swingle reported the following:**

- He gave kudos to the employees. We had an emergency outside of the Utility Office last week, and we received nice comments from the family that the staff stayed with the individual that was having the emergency. They were basically holding hands with the individual until the ambulance arrived, and the family was appreciative and wanted to communicate that to the City. Every week there is outstanding work being done. I couldn't be prouder of all of our employees. They just do great work.
- On a less positive note, water leaks and infrastructure issues continue. I thank the community for being understanding of the predicament that the City is in, and the age of the infrastructure. We are working on funding, and securing a lot of funding. There is a lot of funding that is in the works, and there is future funding that we have to go out and identify. We are doing that as fast as we can under the present economic climate and structure that we have to work with.
- The infrastructure bond issue is on the ballot. Early voting started yesterday. The Chamber of Commerce is working diligently to get information out on the bond issue for the increase in property tax for water, streets, and wastewater. That will only be on the city resident's ballot. It will be titled Municipal Bond Issue for water, streets, and wastewater.

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- The hospital mill levy is on the ballot as well, and I think that is important to this community. It has been an important funding source for the hospital. It has been a very steady stream of revenue.
- We had a meeting last week with Senator Lujan's Liaison for our region. The Mayor was in attendance and they had a good discussion about the congressional issues, and some local issues we communicated to their office. It was a positive meeting for the hour that we had with the individual.
- The Court Committee will meet next week on the 17<sup>th</sup> to continue the process of evaluating the courts, and the potential of designating the Magistrate Court for city codes.
- We've been involved in the engagement of Chief of Police, and we conducted interviews last week with a number of candidates. We are looking at setting up interviews for a couple of those applicants, and we've invited our former Chief of Police to participate and the Deputy District Attorney Virginia Hicks to also serve on the committee.
- We have the meeting with the Office of the State Engineer to come at our next meeting and have a workshop. I would recommend that we have them show up at 9:00 a.m. and the meeting will immediately follow the workshop. I think the thing that was obvious to me in my communications with their office was that they did not put a lot of emphases on the geothermal water and geothermal wells, and I think that will probably come across pretty clearly when we have the discussion in two weeks.
- We've had some issues with the Lee Belle Johnson facility. There is some flooring that is bubbling and it looks like it is a real infrastructure problem, and structural issue with the building. I don't know much more than that about it, but we are bringing in an engineer to take a look at it, and see what is causing the problem, and what we can do to resolve the problem if anything.
- We have a new vacancy on the Public Utility Advisory Board. Ron Pacourek resigned from the board. We have one vacancy on the Airport Advisory Board. We have many vacancies on the Golf Course Advisory Board, although we are looking at consolidating the Golf Course Board and Recreation Advisory Board. We also have two vacancies on the Impact Fee Advisory Board, and we have one vacancy on the Planning & Zoning Commission.

**City Attorney Rubin reported had no reports.**

**City Commission Reports:**

**Commissioner Harrelson reported the following:**

- We had a fantastic fair last week. We had a lot of community support. The kids worked hard, and their parents were there. I really appreciate all of the community support and sales so we can give back to our kids and our community and support all of the kids that worked so hard this year.

**Mayor Pro-Tem Hechler reported the following:**

- Sidekixx had their grand opening last Friday. Commissioner Fahl, Commissioner Mitchell and I were able to attend. I am excited for the Masterson's. They have done a wonderful job with the T or C Brewery, and I am expecting this to spill over to Sidekixx and they do a masterful job there as well. They retained most of the employees there, and I am looking forward to them opening up the bowling alley portion later on this year. It should be another great place for us to visit.

**Mayor Forrister reported the following:**

- We had \$100,000 of add on money from community members that gave money here and there. I want to make sure that our community knows that even though you may not want to acquire an animal and spend \$4,000 - \$6,000 on an animal you can still support that community by adding on to anybody's animals, whether it be \$50 or \$500. It was a really good event and it shows the heart and soul of our community.
- We understand that there is going to be 30 plus new water leaks a week and I know how frustrating it can be because I had some sewage issues at my house so I understand the people's frustration when things don't get fixed right away, but that is not always feasible. The City is trying their best and I want to commend Pete for getting out there and getting the sewer issue on 3<sup>rd</sup> fixed.
- The meeting with the representative from Senator Lujan's office was very interesting. It was nice to just sit down and listen to what they are doing to help, and get some ideas of what we can maybe do to push them to help us in the direction of fixing some of these big issues that we have. It is very frustrating when we have so many large issues and not enough money to cover them so we have to reach out to other places for funding.
- Our volleyball team is rocking and rolling. We are 14 and 1. We have one more game before we go into district, and we will be hosting districting here so I would really appreciate anybody who would like to come out and support them. Friday night is Homecoming for our football team, and we will have a parade through town on Friday. We are also ranked #3 in that State. We keep going in between #2 and #3 in the State of New Mexico so that is very cool. I am very proud.

**F. CONSENT CALENDAR:**

1. **City Commission Regular Minutes, September 28, 2022**
2. **Acknowledge Regular Airport Advisory Board Minutes, July 5, 2022**
3. **Acknowledge Special Airport Advisory Board Minutes, August 23, 2022**
4. **September 2022 Accounts Payable**

**Mayor Pro-Tem Hechler 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. ORDINANCES/RESOLUTIONS/ZONING:**

- 1. Discussion/Action: Resolution No. 13 22/23 for the Sale of Surplus Property to be sold at the November 5, 2022 Auction through Willard Hall Auctions:**

City Clerk Torres: Willard Hall will be having an auction on November 5, 2022 at the Sierra County Fairgrounds. We only have one item to sell in this auction, and it is a John Deere Backhoe from the Parks Department.

**Mayor Pro-Tem moved to approve Resolution No. 13 22/23 for the Sale of Surplus Property to be sold at the November 5, 2022 Auction through Willard Hall Auctions. Commission Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

- 2. Discussion/Action: Resolution No. 14 22/23 to adopt a City Debit/Credit Card Policy:**

City Manager Swingle: What you have before you is a credit card policy that the State is requiring all local governments to develop. It basically mirrors their template that they sent out to all of us. It addresses debit cards, credit cards, or electronic transfers. The only addition to this policy that has been identified is on page 5, D1 (a). There was a word that was excluded in the first sentence. It says "*the City of Truth or Consequences will take all payments with technical assistance, and equipment.*" The word "*and*" needs to be added to the policy. Otherwise, it is a mirror of the State's template that they asked us to adopt.

**Mayor Pro-Tem Hechler moved to approve Resolution No. 14 22/23 to adopt a City Debit/Credit Card Policy with the amendment noted by City Manager Swingle. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**H. PUBLIC HEARING:**

- 1. Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 735 Amending Section 14-18 pertaining to the Customer Generated Renewable Energy Program:**

City Manager Swingle: We have seen this item multiple times on the agenda. Unfortunately, Public Utility Advisory Board Chairman George Szigeti was not here to represent the board. What you have here is an ordinance that they generated. At the last meeting that this was discussed, City Attorney John Appel wanted to insert one more section into this ordinance which we have done. This has had legal review with the additional modifications. The Public Utility Advisory Board have no changes. The change that was mentioned is on page 4, section f of the ordinance that reads "*The City*

*reserves the right to reduce or terminate its acceptance of electricity generated by customers in the event that the total amount of electricity generated and offered at any given time exceeds the amount that can be put to use.”* Meaning, if we can't use it then there is a chance that we will not be purchasing it. Other than that, it is the same document that the Commission has seen on multiple occasions. This does call for the actual clearing of accounts at the end of the calendar year. There was some discussion that we should change it from January to possibly February, March, or maybe even April because there is a lot going on in January. There are also winter months where individuals are not generating at peak capacity.

**Mayor Forrister opened the public hearing.**

**Opponents:**

*Ariel Dougherty: Complete testimony attached hereto and made a part hereof.*

Ron Fenn: This is a very problematic ordinance for any number of reasons. Some of which were stated by Ms. Dougherty. This does not repeal ordinance #664 under which 80 something customers have solar created. We've spent our money, and we've invested our money under that ordinance. It is not repealed or replaced. This is just another ordinance that will only affect the people who come in today or after you approve this. It is kind of meaningless. It will actually discourage people from putting in solar if they can understand this ordinance at all. Some of the things that are wrong with this ordinance is in the very beginning it states that this is amending Section 14-48, but there is no Section 14-48. Under the Municipal Code it is listed as reserved. It has nothing to do with solar or anything else so that is false information that has been put into this. It is a reserved number. You can write any kind of ordinance that you want, but it has to be a new ordinance, not an amendment. If you amend something in total, you are creating something new. It's not amending. The provisions listed in the overview are curiously in two places. They reference state law, Rule 17.9.568 NMAC. Why are we dealing with a piece of a state law when we ignore all of state law as it relates to utilities? We do not follow the state laws that are meant to protect the people. That is a big legal problem. In the metering it describes this as in 664 by directional net metering. It is meaningless because we don't have net meters. We have co-generation meters which are for companies and entities that are trying to sell electricity to the city. We produce kilowatts. We don't produce money. The monetization of this whole process is false to begin with. Nobody is in this to make money, but people do want to recover the vast investment that they have in their properties to do this, and this ordinance will negate that for the people who come in now. It is meaningless of how it has been allowed by the Public Utility Advisory Board who does not understand any of this. In fact, there is nobody in the billing department or utility department that understands net metering and solar, and yet they write this kind of nonsense, and out it for you to sign off on it. None of you had anything with writing this ordinance so please ignore it because if you don't ignore it chances are that there will be a petition for referendum on this issue. The numbers are also totally meaningless. Even Ariel gave you a number of some hundreds of thousands of kilowatt hours. I did the analysis of the actual credit that was due on January 1<sup>st</sup> of this year and

Mayor and Commissioners I salute you in the key effort with 735 to recognize and comply with Municipalities Article 18, Section 3-18-32 that states municipalities can not restrict solar installation. Future electrical use – such as an electric vehicle – was not possible in the prior ordinance. I appreciate the effort of the PUAB and the Commission to make these changes. However, too much in Ordinance 735 needs clarity and a fuller understanding of renewable functions and its credit process. Hence, I urge you not move forward without these additional changes.

Foremost two standard industry terms – NET METERING and AVOIDED COSTS – appear nowhere in the document. They should. Their inclusion would underline the benefits renewables bring to the City. Producers' over production fed into the City grid approximately 245,000 kWh in 2021. This saved the City about \$16,500 it did not have to purchase elsewhere. This averaged as a \$27.50 contribution to the City by each producer every month. More producers will increase this contribution. Billing is over-emphasized throughout the document. The City should instead create a new code line for renewable meter readings. PLUS, keep the readings month by month in kWh. This demands no additional staff time and paper/mailing expense of a 2<sup>nd</sup> bill.

Specifically: **FIRST:** Producers install renewables at considerable personal expense to reduce their carbon footprint. PLEASE strike under 2) **Applicability:** *“with the intent of reducing their electric bill.”* **SECOND:** Number 3) should be “NET METERING” followed by a description. I have one in an addendum, if you choose to discuss this further. Instead, now this section focuses on billing and misconstrues the purpose of Net Metering. **THIRD: 4) Rates (Residential) ii.** The phrase *“billed for service in accordance with rate structure”* needs Commissioners' awareness of the function of the \$8 monthly charge under *“availability of service”*, as delineated in City Code 14-45 (d) 2.

**FOURTH :** v. There is no reason month by month to translate the kWh into dollars and cents. With separate codes, the difference between electricity purchased from the City vs - kWh produced by

renewable customers will clearly show kWh to be charged or credits to be carried to the next month.

**FIFTH: vi.** An annual “settlement” of an account **should be optional** and the amount stated in kWh form. For the producers, March is a better “settlement” time. Keeping everything in kWh and making this optional, again, saves the utility office time and energy. **SIX: d.** For several reasons I urge this be dropped. One, the City already gets a monthly benefit from the daily over production of producers, as I have mentioned; Two, as there currently exists an “*availability of service*” charge of \$8 you Commissioners should state now what that covers before more charges are added to customers; and Three, postponing such a charge to a Resolution complicates how to know and where to gather all the requirements for an applicant. **SEVEN, a grandfather clause is critical.**

Please make the Ordinance clearer and more specific to the virtues of adding renewables.



**3. Net Metering**

Is a process via a bi-directional meter to record kWh readings from the City grid in a forward motion (+ kWh) or from the renewable producer through their renewable energy sources in a reverse or backward motion (- kWh). It enables the customer producer at peak sun/wind times to send over-production back into the City grid for locally produced electricity that the City then sells to other City consumers without transmission loss. This lowers the City's purchase of electricity from its commercial sources. Because customer producers remain tied into the City grid they can pull off that source, pushing the meter forward, when the renewable energies are not available. Accumulation of excess production is registered via a separate code as - kWh. Excess - kWh can carry over month by month and should be credited only as - kWh. In short, **over production feeds the City's grid, excess production**, which to date has been very limited, means the producer provides the city more over production than the City electricity they purchase.

**Definition of AVOIDED COSTS:**

(1) avoided costs means the incremental costs to an electric utility of electric energy or capacity or both which, but for the purchase from the qualifying facility or qualifying facilities, such utility would generate itself or purchase from another source.

**Grandfather Clause:**

Renewable customers approved under Ordinance 664 can continue under those contracts and if they do not add additional renewables to their systems. If they desire to add additional renewables to their system they will then be covered by this new ordinance.

[ remember to strike "in its entirety" after "amended" under **Section 1** ]

**A KEY BENEFIT**  
 Renewable Producers add to the City of Truth or Consequences

<b>2021</b>	<b>50 Renewable Producers</b>	<b>Provided (for free)</b> <b>245,000 kWh to City</b>	<b>Saved City</b> <b>\$ 16,500</b> in Sierra/WAPA purchase
<b>2022</b>	<b>100 Renewable Producers</b> 75 already approved	Estimated: <b>Will provide (mostly for free)</b> <b>500,000 kWh to City</b>	Approximately: <b>City will save</b> <b>\$33,650</b> In Sierra/WAPA purchase

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it amounts to a total of about \$1,069. There are large number of credits that are totally bogus because there is no physical way that the facilities that these people have can create the kind of credit. It is all book keeping errors and it needs to be addressed. I hope that somebody is looking into those credits because they are bogus. It is all accounting, and it is all because we are using monetization.

### **Proponents:**

There were no proponents.

### **Mayor Forrister closed the public hearing.**

City Attorney Rubin: This is something that we're not rushing into. It's been on the agenda several time. We've had a good discussion back in August and there were some good legal questions that were raised and I felt more comfortable with us getting an opinion from Mr. Appel, and he wrote us a detailed letter on September 2<sup>nd</sup> which addresses the questions that were raised in the August meeting. Then we had our first meeting in September and Mr. Appel was on the line and he addressed again the questions that had come up so I don't really have anything else legally to add to that because nothing has changed except for the fact that we added the paragraph (f) on page 4. I do however want to point out on the very bottom of page 4 it does state "*All Ordinances or Resolutions, or parts thereof, in particular Ordinance 664, inconsistent herewith are hereby repealed*" therefore we are repealing Ordinance 664. I brought a copy of ordinance 664 and that references section 14-48 so I think we have the right number here.

City Manager Swingle: We all understand that this is an important ordinance, and it is really unfortunate that two of our Commissioners had prior obligations to deal with. It may be something that you want to table until you can have an entire body and have a discussion on it. That is just a suggestion. I would hate for the brunt of this ordinance to fall on three people vs the entire board.

City Attorney Rubin: I like that approach. I was thinking about that also, and I don't think that you have to have another public hearing because we've already had that so I think you can call this a recess and continuation of the discussion/action.

Mayor Pro-Tem Hechler: I agree that we should table this item until we have all of the Commission present, but I do have a concern that I would like addressed before the next meeting. If the City is able to contract energy at a reduced rate of wholesale cost cheaper than what the solar owners produce, does that means under f that the city has the right to not purchase any electricity from the solar users, basically affecting their system and putting them out of business and that is a concern. The City reserves the right to reduce or terminate its acceptance of electricity generated by customers in the event that the total amount of electricity generated and offered at any given time exceeds the amount that can be put to use. I have a fear that if the city was able to purchase a great amount of energy at wholesale cost less than the .06 cents/kWh that the solar producers produce, the city won't buy anything from the solar users and their

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systems would not be worth anything. If you could clarify that for me that would help me. If I am wrong let me know.

City Manager Swingle: I think this was language that was discussed at a prior meeting where somebody wanted it in the ordinance, and I just don't recall the exact conversation.

Mayor Forrister: John Appel wanted that added.

City Attorney Rubin: Yes ma'am. As you remember, we voted to approve the ordinance for publication subject to including the additional language.

Mayor Pro-Tem Hechler: If we do table this, I'd like to address that particular concern that I have the next time we bring this up because I think that it is a legitimate concern for the solar participants.

Mayor Forrister: I think tabling this is a good idea for the fact if we were to vote and one of us voted different it wouldn't work anyway.

**Mayor Pro-Tem Hechler made a motion to table the final adoption of Ordinance No. 735 Amending Section 14-18 pertaining to the Customer Generated Renewable Energy Program until the next feasible moment or until the city can have the questions answered that we have. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**I. NEW BUSINESS:**

**1. Discussion/Action: Approval of the Grant Agreement between the New Mexico Department of Transportation and the City of Truth or Consequences:**

Interim Chief Donald Venable: This is a request to approve the grant between the New Mexico Department of Transportation and the City of Truth or Consequences. This is the End DWI step, buckle up. What this allows the officers to do is focus on traffic enforcement instead of being called out to calls. It provides a better and safer driving environment. It focuses on seat belts and making sure everyone is wearing them as well as concentrating on DWI to make it safer for everyone.

**Mayor Pro-Tem Hechler made a motion to approve the Grant Agreement between the New Mexico Department of Transportation and the City of Truth or Consequences. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

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

City Manager Swingle reviewed the Purchase Requisitions provided in the packet.

**Mayor Pro-Tem Hechler made a motion to approve the Purchase Requisitions over \$20,000. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**3. Discussion/Action: Amendment to the 2022-23 Salary Pay Schedule:**

City Manager Swingle: I'm not sure how it happened. We missed it as an organization. Our water and our wastewater employees pretty much serve dual roles. A water employee works wastewater projects and wastewater employees work water projects. It is kind of all hands-on board with these functions. It was brought to our attention that our wastewater employees are listed as a classification 3 and our water employees are 4 so what we would like to do to be consistent and fair about it since they are all serving the same rolls and doing the same duties, we would like to change it to where they are both level 4's. Classification 4's and whatever step they are in, they are in. That does not change. It is a change of \$.69 per hour. We do have one other change that we are going to be recommending in the very near future for our CDL Operators. We just have to figure out how we are going to classify it. We have them in different departments and we need to figure out how we are going to compensate them. Feds have made a major change in CDL operators and the training that they have to go through. Before we can offer the training with our instructors internally, they've changed that to where we have to send them to a several month school for these employees to receive their CDL certifications. We've got to find out a way to adequately compensate them for that and make sure that it's consistent across the entire organization.

**Mayor Pro-Tem Hechler made a motion to approve the amendment to the 2022-23 Salary Pay Schedule to change the wastewater employees to a number 4 as presented by City Manager Swingle. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**4. Discussion/Action: Approval of Contract between Nick Jernigan and the City of Truth or Consequences for Water/Wastewater Field Foreman Services:**

City Manager Swingle: The state requires that we have a level 2 operator onsite of every water leak or when we are turning valves, decontaminating pipes or sawing new pipes to make sure that the proper decontamination processes are being followed. The only level 2 or over operator that we have is our Water/Wastewater Director Pete English and he is a 4 by 4 certification, but it is impossible for him to be onsite of every water leak and stay there for the time frame of the water leak. If that were the case then he wouldn't really be serving in the director capacity. We have an individual in the

community that has a level 2 certification and we want to contract with him to use him on those water leaks as required on a case-by-case basis to comply with state regulations. We are trying to hire a 2 by 2 in the organization, but we don't have one at this point and it would take some time to get our employees up to that level. I think we lack the interest in ensuring that our employees are developing over time. You have to serve a year in a roll before you can test for a level 1. Then you serve additional years for each level. I think we've remised historically in not ensuring that our employees are getting their certifications, and frankly in this case we're in violation if we don't have this contract in place. The cap is \$45,000 for the position, and that is a very high estimate. We are looking at \$25 an hour onsite while we are doing water leak repairs.

**Mayor Pro-Tem Hechler made a motion to approve the Contract between Nick Jernigan and the City of Truth or Consequences for Water/Wastewater Field Foreman Services. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**5. Discussion/Action: Approval of Contract Renewal for Bartoo Sand & Gravel, Inc:**

City Manager Swingle: It's time to renew our agreement renewal with Bartoo Sand & Gravel, Inc. with a revision in price to include a 17% price increase above contractor's cost for asphalt, super pave, cold mix, and ready-mix concrete for inflation. We had to do some changes with the contract at the very end of the term of the former contract because the cost that they were experiencing was going to cause them to lose money on every project that they were doing for the City. It just happened to be a Williamsburg project doing the Palo Verde are in Williamsburg. We negotiated a price that we would pay for the materials and that project was completed. The costs continue to escalate on oil-based products and contractors are giving you two week estimates and then they want to re-quote it because the cost is increasing so to avoid this issue, and be able to enter into a contract, we put in a percentage above and beyond what the contractor is paying for the materials as basically their profit margin and then minus whatever internal expenses they have. That is the only way that we can actually work into a long-term contract because it is very difficult for us to bid projects as often that we use them. So, for us to be able to plan projects out, this is the only way to do it.

**Mayor Pro-Tem Hechler made a motion to approve the Contract Renewal for Bartoo Sand & Gravel, Inc. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**6. Discussion/Action: Approval of JPA between the City of Truth or Consequences and the Village of Williamsburg for Police Services, Animal Control Services and Animal Shelter Service:**

City Manager Swingle: This came to light because the State changed the amount of money, they provide each entity for law enforcement protection funds. Historically we have been getting roughly \$20,000 from Williamsburg. They would literally let us expense it and they would pay for the \$20,000 out of the Law Enforcement Protection Fund. With that in mind, we had to modify the agreement so we could expense the entire \$45,000. With that in mind, we took the opportunity to look at how much law enforcement is costing us to provide for Williamsburg. It is currently costing the city a little over \$1.9 million to provide law enforcement services community wide. That is for Truth or Consequences and Williamsburg. Typically, when you are creating the Police Department you basically identify how many residents you have and you go from there and build your budget, and the number of officers you are going to need, basically your cost. The services are costing us much more than what we are receiving. In the current JPA we agree not to purchase vehicles because all of the equipment that is purchased in the law enforcement protection funds under the current agreement revert back to the Village of Williamsburg when we are done so if this contract ended today, we would have to revert everything back to the Village of Williamsburg so that's telling me that it is really not ours so that has been extracted because now we are talking \$45,000 and the number could go up or down in subsequent years. We are talking real money where we could buy a police car. We need to have the discretion to use the money for what we feel we need to use it for and know that we are going to be able to keep it. In my conversations with the Village prior to drafting this was that they can't afford any increase at all. I explained that we can't afford it either. It's one of those of whether we should be compensated full cost of law enforcement to your community or just a portion of it, and I think the right answer is that we should be fully compensated. We are not asking for any administrative cost or time that is involved, we are just talking about the actual direct services that are being provided to the community.

City Manager Swingle did a brief review of the attached cost break down for services provided to Williamsburg.

Mayor Forrister: If you look at our tax difference, their residents are not taxed like our residents are so it is not fair to put that burden on our tax dollars when their residents are getting a break in that.

City Manager Swingle: I did discuss that with their Mayor and Clerk that it is not fair that the city has to increase their taxes to provide the services for Williamsburg, and they certainly understand that. I have not heard back from them. I think that they are going to look at other options and reach out to the Sheriff's Department to see if they can provide law enforcement services to them, and that is certainly their prerogative, but we are not out anything if they decide to go with another entity to provide law enforcement services. In the long run it is going to be cheaper on us to do that, but we will have to

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probably work something out with animal control and animal shelter services because there is just no way you can create an animal shelter for \$10,000.

Mayor Pro-Tem Hechler: So, this year's Law Enforcement Protection funds are \$45,000. Is that correct? Lenient

City Manager Swingle: That is correct.

Mayor Pro-Tem Hechler: So that will actually come out to up to \$171,000.

City Manager Swingle: Correct, and in any combination of Law Enforcement Protection fund and the cash that they would pay the city. I would also like to point out, what we want this to really look like because it is unfair to hit the Village with a high-cost mid budget in the middle of the year. It is really a matter of pass through so if they have \$45,000 coming in Law Enforcement Protection Funds. That's what we should ask for this year. With respect to the increase in cost, I would recommend that we make this affective for that fee. It actually comes in with the fiscal year. So, we keep and honor the \$10,000 that we have this year, and in July 1 it goes to the new rate.

**Mayor Pro-Tem Hechler made a motion to approve the JPA between the City of Truth or Consequences and the Village of Williamsburg under the following conditions that they accept \$45,000 for Law Enforcement Protection funds this year plus the \$10,000 Services of what they've given us and that we postpone the additional increase to the next fiscal year in the amount of \$171,447. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**7. Discussion/Action: Re-appointment of Jake Foerstner to the Lodgers Tax Advisory Board:**

City Clerk Torres: Jake Foerstner is a current member on the Lodgers Tax Advisory Board. His term is up this year, and he wishes to remain on the board. On September 26th, the Lodgers Tax Advisory Board made a recommendation to re-appoint Mr. Foerstner to the board. If approved by the Commission, Mr. Foerstner will serve a 4-year term on the board.

**Mayor Pro-Tem Hechler made a motion to re-appoint Jake Foerstner to the Lodgers Tax Advisory Board to the Lodgers Tax Advisory Board for a 4-year term. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**8. Discussion/Action: Re-appointment of Linda DeMarino to the Lodgers Tax Advisory Board:**

City Clerk Torres: Linda DeMarino is a current member on the Lodgers Tax Advisory Board. Her term is up this year, and she wishes to remain on the board. On September 26th, the Lodgers Tax Advisory Board made a recommendation to re-appoint Ms. DeMarino to the board. If approved by the Commission, Ms. Linda DeMarino will serve a 4-year term on the board.

**Mayor Pro-Tem Hechler made a motion to re-appoint Linda DeMarino to the Lodgers Tax Advisory Board to the Lodgers Tax Advisory Board for a 4-year term. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**9. Discussion/Action: Consideration of the appointment of Victoria Harrington to the Lodgers Tax Advisory Board:**

City Clerk Torres: The Lodgers Tax Advisory Board has one vacancy on their board. At their September 26th meeting, the board recommended the appointment of applicant Victoria Harrington to serve as a member on their board. If approved by the Commission, she will serve a 3-year term on the board.

**Mayor Pro-Tem Hechler made a motion appoint Victoria Harrington to the Lodgers Tax Advisory Board for a 3-year term. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**10. Discussion/Action: Consideration of the appointment of Allen Hansen Begg to the Recreation Advisory Board:**

City Clerk Torres: The Recreation Advisory Board has two open positions on their board. Greg D'Amour and Carole Wheeler are currently serving as members until the two vacancies are filled. On October 3rd, the board recommended the appointment of applicant Allen Hansen Begg to serve as a member on their board. If approved by the Commission, he will serve a 2-year term on the board.

**Mayor Pro-Tem Hechler made a motion appoint Allen Hansen Begg to the Recreation Advisory Board for a 2-year term. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**



**11. Discussion/Action: Consideration of the appointment of Robert McGuire to the Airport Advisory Board:**

City Clerk Torres: The Airport Advisory Board has an open position on their board. On October 4th, the board recommended the appointment of applicant Robert McGuire to serve as a member on their board. If approved by the Commission, he will serve a 2-year term on the board.

**Mayor Pro-Tem Hechler made a motion appoint Robert McGuire to the Airport Advisory Board for a two-year term. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**12. Discussion/Action: Annual request to hold one meeting in November and December 2022:**

City Clerk Torres: Each year the Commission determines whether to combine meetings and only hold one meeting during the months of November and December due to the Thanksgiving and Christmas Holidays. The dates of the meetings will be November 16<sup>th</sup>, and December 14<sup>th</sup>.

**Mayor Pro-Tem Hechler made a motion approve the annual request to hold one meeting in November on November 16<sup>th</sup> and one meeting in December 2022 on December 14<sup>th</sup>. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**13. Discussion/Action: Review, Approve and/or Allocate Funds to Geronimo Trail Scenic Byway (GTSB) for Postage Fulfillment for the year:**

City Manager Swingle reviewed the Geronimo Trail Scenic Byway (GTSB) Lodgers Tax Application provided in the packet, and stated that the requested amount was approved by the Lodgers Tax Advisory Board.

**Mayor Pro-Tem Hechler moved to approve the contract and allocate Funds to Geronimo Trail Scenic Byway (GTSB) in the amount of \$800.00 for Postage Fulfillment for the year. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**14. Discussion/Action: Review, Approve and/or Allocate Funds to Geronimo Trail Scenic Byway (GTSB) application for Visitor Center Feather Flag funding:**

City Manager Swingle reviewed the Geronimo Trail Scenic Byway (GTSB) Lodgers Tax Application provided in the packet, and stated that the requested amount was approved by the Lodgers Tax Advisory Board.

**Mayor Pro-Tem Hechler moved to approve the contract and allocate Funds to Geronimo Trail Scenic Byway (GTSB) in the amount of \$140.00 for the Visitor Center Feather Flag funding. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**15. Discussion/Action: Review, Approve and/or Allocate Funds to the Sierra County Rock & Gem Society for the T or C Rock and Gem Show:**

City Manager Swingle reviewed the Sierra County Rock & Gem Society for the T or C Rock and Gem Show Lodgers Tax Application provided in the packet, and stated that the requested amount was approved by the Lodgers Tax Advisory Board.

**Mayor Pro-Tem Hechler moved to approve the contract and allocate Funds to Sierra County Rock & Gem Society for the T or C Rock and Gem Show in the amount of \$6,250.00. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**J. EXECUTIVE SESSION:**

- 1. Threatened & Pending Litigation (*George Henson*) pursuant to 10-15-1(H.7).**
- 2. Threatened & Pending Litigation (*Robbie Montgomery*) pursuant to 10-15-1(H.7).**

**Mayor Pro-Tem Hechler made a motion to go into executive session at 10:31 a.m. to discuss Threatened & Pending Litigation (*George Henson*) pursuant to 10-15-1(H.7) and Threatened & Pending Litigation (*Robbie Montgomery*) pursuant to 10-15-1(H.7) and he will recuse himself from Threatened & Pending Litigation (*Robbie Montgomery*) 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 OCTOBER 12, 2022 REGULAR MEETING MINUTES

Mayor Pro-Tem Hechler recused himself after Threatened & Pending Litigation (George Henson) pursuant to 10-15-1(H.7) was discussed.

Mayor Forrister reconvened the meeting in open session at 11:01 a.m.

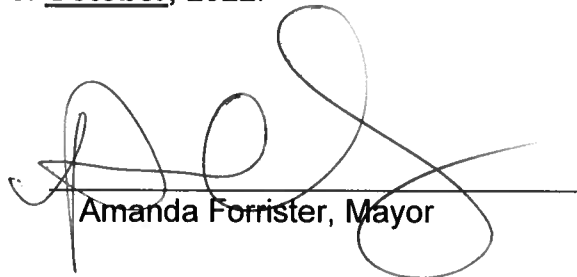
**Commissioner Harrelson certified that only matters pertaining to Threatened & Pending Litigation (George Henson) pursuant to 10-15-1(H.7) and Threatened & Pending Litigation (Robbie Montgomery) pursuant to 10-15-1(H.7) was discussed in Executive Session.**

**No action was taken.**

**J. ADJOURNMENT:**

**Mayor Forrister adjourned the meeting at 11:02 a.m.**

**Passed and Approved this 26<sup>th</sup> day of October, 2022.**



Amanda Forrister, Mayor



**ATTEST:**



Angela A. Torres, CMC, City Clerk