

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, FEBRUARY 8, 2023

A. CALL TO ORDER:

The meeting was called to order by Mayor Amanda Forrister at 9:00 a.m., who presided and Lisa Gabaldon, Deputy City Clerk, 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
Hon. Shelly Harrelson, Commissioner

Also Present: Bruce Swingle, City Manager
Lisa Gabaldon, Deputy Clerk
Traci Alvarez, Assistant City Manager
Jay Rubin, City Attorney attended via telephone
Kristie Wilson, Finance Director
Luis Tavizon, Chief of Police
Tara Manning, Animal Shelter Supervisor
Sean Barnes, Parks Supervisor
George Szigeti, PUAB Chairman

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 with the removal of item C2 until the next meeting. Commissioner Fahl seconded the motion. Roll call was taken by the Deputy Clerk. Motion carried unanimously.~~

C. PRESENTATIONS:

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

City Manager Swingle and OJ Hechler, Community Services Director presented an Employee Service Anniversary Award to Sean Barnes for 1 year of service with the City of Truth or Consequences.

City Manager Swingle and Andy Alvarez, Sanitation Director presented an Employee Service Anniversary Award to Carmen Howell for 4 years of service with the City of Truth or Consequences.

City Manager Swingle and Andy Alvarez, Sanitation Director presented an Employee Service Anniversary Award to Matthew Gransbury for 6 years of service with the City of Truth or Consequences.

2. Certificate to LaRena Miller for 27 years as the Executive Director of the Geronimo Trail National Scenic Byway:

Item was tabled until the next meeting.

D. PUBLIC COMMENT (3 Minute Rule Applies):

Gina Kelly addressed the Commission with comments related to:

- (1) She spoke in regards to LaRena Millers retirement as the Geronimo Trail National Scenic Byway Executive Director and stated that she will be the new Executive Director.
- (2) She also updated the Commission on how many recent visitors that they have had at the Geronimo Trail National Scenic Byway Visitor Center.
- (3) She encouraged the city to re-locate the Geronimo Trail National Scenic Byway to a central location downtown.

Denise Addie addressed the Commission with comments related to:

- (1) She updated the Commission on the next Turtleback Mountain Music Festival. They are going to try and encompass not only our local people, but people from outside the area as well.

E. REPORTS:

City Manager Swingle reported the following:

- After our last meeting we had a tremendous water line break, and I cannot give the staff city wide, more kudos than what they deserve because they did a fantastic job. They do a fantastic job day in and day out. We are virtually understaffed in every office and department, and we have very limited financial resources. This water leak was a very bad situation for us. It was an 8 inch water line main, and nobody knew that this line existed. The contractors cut it by accident. Everyone did their due diligence, but it just happened. Shutting off the water that night, I think it was going to get down to 18 or 20 degrees, and we had several inches of water on all of Broadway, and all of the side streets heading towards the river. It could have been catastrophic for us with the skating rink, and wrecks on the streets, but the Street Department, Sanitation Department, and Water/Wastewater Department were over there helping. As well as Smith Co. in trying to address the problem, and mitigate all of the issues that we had. We didn't have one incident happen overnight. It was amazing work from everyone who was involved so kudos to all of them. We could have had a very serious situation in the entire City of T or C.
- We still have two vacancies on the Impact Fee Advisory Board. We have one vacancy on the Library Board. One vacancy on the Recreation Advisory Board, and one vacancy on the Planning & Zoning Commission.
- Fiscal year to date, we are up about \$300,000 in revenue over last year, and this does not include the major construction that we have going on with the roundabouts, the city project or with the bridge. We will not realize those revenues until March. Then they will start showing up on our distribution report. I think it is due to an improved economy, as well as the construction that is going on at the Veterans Home that is reflected, and with all that combined, I think we have a very good 18 months ahead of us with revenue generation for the city and for the community.
- We have a new Water/Wastewater Director, Arnie Castaneda. Arnie is not new to Truth or Consequences or to the department. He was here 5 or 6 years ago, and served as the interim director for quite a while and ultimately ended up moving to Las Cruces. We were able to bring him back and I look forward to introducing him at the next meeting or two.
- I want to give kudos to Traci. She has been working with Wilson Engineering, and we received a vision zero safety action plan grant, and the amount is for \$163,200 to conduct a city wide traffic safety plan. The federal government has sent to the state \$1 billion dollars a year for 5 years. The first thing you have to do is develop a traffic safety plan. We have a safety plan for the school area, but that does not suffice for this funding. Year one she was able to generate the funding for conducting the study, and then years 2, 3, 4, and 5 the city can apply for street projects. So congratulations to Traci for that.
- We have the Engineering report for the Lee Belle Johnson Building, and it is recommending that we close the building until we can mitigate the settlement,

and the movement of the building which is going to be time consuming and very expensive. We moved the Library, and the Spaceport Visitor Center was in the process of investing money into the facility, and we stopped that until we can get a grip on this. Now we have to move the Visitor Center. We are looking at locations, and ideally it will be down town because they need to be in the downtown district. That is where their customer base is, and their interactions so that will really give us the biggest bang for the buck so we are trying to find that location. It is going to cost us some money to pay for the rent for this building, wherever that may be, and we can do that out of Lodgers Tax funding once we identify a space, and can negotiate a contract.

- I had a meeting with the County and the Village of Williamsburg to discuss the animal services which is Animal Control and Animal Shelter Services for the entities, ongoing. The County kind of countered with a proposal. We were looking at charging somewhere in the neighborhood of \$92,000 a year. Currently they pay \$3000 a month, plus \$30 per Animal Control call. That was not compensating the city for its cost for providing those services so they countered back with \$50 annually, and then \$50 per call so I think the direction you gave me at the last meeting was pretty clear to go forward with the fee schedule that we had come up with.

City Attorney Rubin reported the following:

- He is recovering from shoulder surgery, and he hopes to be back in the office by May, so he will probably appear telephonically for the second meeting in February, and that will complete his target.
- While he is recovering, he is continuing to work on city matters. He is making that a priority. At the last City Commission Meeting he was instructed to finish up his recommendations of the police policies that the City Commission approved. I was working on that the last few days, and I got several letters that I already drafted which my staff are putting together for me as we speak, so I should be able to get that to the City Manager and the Chief of Police by the end of this week. I was also able to coordinate with the City Manager and the City Clerk to go over things that are on the agenda today, so hopefully I was able to make some helpful suggestions.

City Commission Reports:

Commissioner Fahl reported the following:

- I was at the Sierra County Recreation and Tourism meeting. It is always interesting to go to those meetings. There is always so much broad representation at those meetings of people involved in the tourism industry, and how it truly, financially impacts us. She is thankful that she gets to serve on that board.
- She was invited to a meeting that the Gila National Forest conducted for the burned area emergency team after a fire. The person she is working with has worked on the Gila for 30 years and he was part of the Silver fire. He got different entities together, and informed us that because of the damage of the recent fires,

the New Mexico National Forest is getting a boat load of money for rehabilitation of the forest. They still have fire money left over from the fire because when they have those fires, you have a year after the fire is declared contained to use that special pot of money for rehabilitation. They also kind of talked about an assessment for things that have been lost. They also talked about the trails and roads so if any of you know of special trails or roads that are not commonly used roads that have suffered damage, they want to know about them so they can add them to their list. I believe they said that they are going to get around \$8 million for rehabilitation. They problem, and the concern of why they want to partner with the county and other entities is the contracting process for the federal government is even more delayed, and they are thinking that it will be a year or a year and a half before they can get a contract in place for some of these improvements. They ordered 30 mile fencing material and about time they were told that it was ok to order it, it had been 3 months and the quotes weren't good anymore so what they want to do is enter into agreements with Sierra County so they can funnel the money to the county, and then the county can expedite the work. They also plan to go through other entities as well so I think that will be really good for the community.

Commissioner Harrelson reported the following:

- They had an incident last month at the high school where they had to use some security and shut down the premises. The collaboration between the high school, the city and the security team was awesome so I want to give kudos to the high school team for making it successful and keeping our kids safe.
- I want to also give kudos to our teachers because they work very, very hard and we need to keep that in mind.

Mayor Pro-Tem Hechler reported the following:

- He serves on the Fiesta Board. It is going to be a great Fiesta this year. He always finds it interesting that when you do things like the Fiesta, there are spin off things that happen, for instance the rodeo. They are not directly affiliated with the Fiesta, but they are welcome to join us, and it broadens the horizon of Fiesta itself. This year for Fiesta there will be a dance at the Civic Center which isn't directly affiliated, but it brings more people to town, and it just makes a bigger and broader event for everybody so we welcome these things, and it is going to be a great time.
- I serve on the joint Powers Committee and our big initiative that we are going through right now is to have a petition signed for a special hospital district, and basically what that will do for the community is put elective members on the district vs appointed members. There are currently 23 members between the JPC and the Governing Board that work with the hospital, and this will bring that down to a 5 member hospital district. It will be a lot easier, and it will be streamlined, and it will be better to work with the hospital which is incidentally doing very well. So if folks come around with the petition, please consider signing it for us because I think it is very important.

- I want to give kudos to Rick Artman at the Golf Course. I attended the Cornhole tournament that he had last Saturday, and I had some time to talk with Rick and he has a very interesting approach for that Golf Course, and that is to have to be a multi-use facility. I think he was a good hire, and I really appreciate what he is doing.
- I spent a little time at the Animal Shelter when Jordan's way was there, and the enthusiasm from the shelter manager and the staff and volunteers was infectious, and it resulted in a great outcome which they will go over when we get to that part of the agenda so kudos for all of the hard work that they did.

Mayor Forrister reported the following:

- She serves on the South Central Council of Government Board. They meet quarterly, and the last meeting was in December, so she does not have a current update for that board.

F. CONSENT CALENDAR:

1. City Commission Regular Minutes, January 25, 2023
2. January 2023 Accounts Payable
3. Take Home Vehicle Form

Commissioner Fahl moved to approve the Consent Calendar as submitted. Commissioner Harrelson seconded the motion. Roll call was taken by the Deputy Clerk. Motion carried unanimously.

G. PUBLIC HEARINGS:

1. Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 743 amending the City of Truth or Consequences Municipal Code Sections 2-356 and 2-357:

OJ Hechler, Community Services Director: This is an ordinance amending the Municipal Code pertaining to combining the Golf Course Advisory Board and the Recreation Advisory Board. We implemented a few changes to the ordinance. The first change is where it says "City Recreation Director," it should say "Community Services Director", and anywhere that it says "City Parks Director" should be changed to "City Parks Manager". Everything else is correct in the amended Municipal Code.

Commissioner Fahl: Thank you for working with the Recreation Board to get this in place.

Commissioner Harrelson: How many people will sit on that board?

OJ Hechler, Community Services Director: We are looking at 8 total members. Three will be non-voting members, which are city staff, and the remaining 5 will be voting members. We currently have 5 voting members on the Recreation Advisory Board.

Board Member Carol Wheeler's term has expired, but she is serving on the board until we can fill her vacancy. We have two applications for people who are interested in serving on the board (golf & recreation) so we will see if the one that applied for the Golf Course Board a couple of years ago is still interested on serving on the board.

Mayor Forrister: I think this is a great idea to get more quality people, and combine the two boards that should really be together anyways.

Mayor Forrister opened the public hearing.

Proponents:

There were no proponents.

Opponents:

There were no opponents.

Mayor Forrister closed the public hearing.

City Attorney Rubin: Since the changes that Community Services Director Hechler is proposing do not have a significant change to the structure of the ordinance, I think we can move forward.

Mayor Pro-Tem Hechler made a motion to approve final Adoption of Ordinance No. 743 amending the City of Truth or Consequences Municipal Code Sections 2-356 and 2-357 with the amendments mentioned by OJ Hechler, Community Services Director. Commissioner Harrelson seconded the motion. Roll call was taken by the Deputy Clerk. Motion carried unanimously.

2. Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 744 to providing for the repeal of Ordinance No. 406 pertaining to the Golf Course Advisory Board:

OJ Hechler, Community Services Director: All of these sections in the Municipal Code reference the Golf Course Advisory Board so we are repealing all of the sections of this Municipal Code due to the fact that we are combing the Recreation Advisory Board and the Golf Course Advisory Board.

Mayor Forrister opened the public hearing.

Proponents:

There were no proponents.

Opponents:

There were no opponents.

Mayor Forrister closed the public hearing.

Commissioner Fahl made a motion to approve final Adoption of Ordinance No. 744 to providing for the repeal of Ordinance No. 406 pertaining to the Golf Course Advisory Board. Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Deputy Clerk. Motion carried unanimously.

H. ORDINANCES/RESOLUTIONS/ZONING:

1. Discussion/Action: Resolution No. 28 22/23 Budget Adjustment Resolution:

Kristie Wilson, Finance Director reviewed the Budget Adjustments provided in the packet.

Commissioner Fahl moved to approve Resolution No. 28 22/23 Budget Adjustment Resolution. Commissioner Harrelson seconded the motion. Roll call was taken by the Deputy Clerk. Motion carried unanimously.

2. Discussion/Action: Resolution No. 29 22/23 Repealing all resolutions that purported to set forth a method for allocating Lodger's Tax:

City Manager Swingle: The Lodgers Tax Advisory Board presented a change to us in the language of our existing resolution. We currently have a breakdown of 60% of the remaining 89% on all of the lodger's tax divvied up. We had it available for non-profits. The statute allows us to accept local governments, private entities, and non-profits, so we want to expand the language to what the law allows us to do, and that gives the city the ability to use lodger's tax for more purposes. Governmental entities were excluded from that so this will make that change and allow for that to happen. That is the only change to this ordinance. Everything else will remain the same.

Mayor Pro-Tem Hechler moved to approve Resolution No. 29 22/23 Repealing all resolutions that purported to set forth a method for allocating Lodger's Tax. Commissioner Harrelson seconded the motion. Roll call was taken by the Deputy Clerk. Motion carried unanimously.

3. Discussion/Action: Resolution No. 30 22/23 Approving support of a Fourth Leg Spoke to the proposed intersection/roundabout at Date Street and NM-181, I-25 Business Loop:

City Manager Swingle: This project has been going on for approximately 8 years. The state has been working on developing some traffic control plans for the north side of town to address some traffic safety issues. Ultimately, they decided on roundabouts. Randy Ashbaugh has been working on the development of that land immediately west, and North West of that location, and he wanted to include a spoke to build a road, and then a spoke into the roundabout. At this point, we would be entering into the contract with Mr. Ashbaugh, and then we would be in contract with the state to execute this. Mr. Ashbaugh is paying for 100% of this construction, and you approved it at one of your last actions on the budget adjustments. Mr. Ashbaugh has paid \$130,000 to the city. 100% of that will be sent to the state, and that will be for the actual planning & design of the fourth spoke. \$30,000 will be for a traffic safety study that has to be done on the impact that spoke will have on the artery, and then Mr. Ashbaugh will be responsible for building a road within 3 years from that time to attach to the roundabout. We think that this will be good for development in the community. Mr. Ashbaugh is paying for 100% of it, and everything that he pays us will simply be passed onto whatever entity, being the state or to the engineering firm that is doing the analysis.

Commissioner Fahl moved to approve Resolution No. 30 22/23 Approving support of a Fourth Leg Spoke to the proposed intersection/roundabout at Date Street and NM 181, I-25 Business Loop. Commissioner Harrelson seconded the motion. Roll call was taken by the Deputy Clerk. Motion carried unanimously.

4. Discussion/Action: Publication of the City's General Obligation Bonds, Series 2023 Ordinance No. 745:

Chris Muirhead, Modrall Sperling: This one is a little different than the one that we did in the past. This one is a General Obligation Bond which is unique in the fact that it had to go to an election, and you all adopted an election resolution last fall that went onto the November 8th ballot that was approved by the public with two questions submitted, one for the roads at \$1 million, and one for \$2 million for the water and wastewater. You have 4 years in which to issue all of that forward. The first one that we have been tasked with looking at is \$750,000. \$250,000 for the roads, and \$500,000 for the water and the wastewater. The lender is the New Mexico Finance Authority, and this would be considered for adoption on March 8th. At that point, the blanks in the document will be filled in term of the loan, the interest rates, the principal payments, and the final maturity incentive of 15 years. Because it is a general obligation, your pledge is really the add to property taxes which will go on everybody's property tax bill, and that is why it needed to go to a vote which is required under New Mexico law. This is the most secure of debt pledges that a community can do.

City Manager Swingle: We are not trying to issue the full \$3 million dollars of bonds. Our strategy was to use this funding as seed money for grants that are out there, and use this money as match funding for the city so that it reduces the city's cost and interest rates over the terms of these bonds.

Mayor Pro-Tem Hechler moved to approve publication of the City's General Obligation Bonds, Series 2023 Ordinance No. 745. Commissioner Fahl seconded the motion. Roll call was taken by the Deputy Clerk. Motion carried unanimously.

5. Discussion/Action: Publication of Ordinance No. 746 Amending Chapter 14, Article I and II, and Sections 14-1 to 14-37 of the Municipal Code of Ordinances pertaining to Utility Mandated Annual Increases in Service Charges:

George Szigeti, PUAB Chairman: As you know, three of our four utilities have a mandated annual increase, and Public Utility Advisory Board Member Ron Pacourek had a concern that there were no conditions on time limits set on these increases, and without the Commission's intervention, these increases could just go on forever whether the utilities actually needed the money or not. When he brought it up, we discussed it and we agreed that we really need to have some sort of control or review on this so when we get to a point where the rates are sufficient for supporting the utilities, and their improvements we have the ability to monitor that regularly, and either reduce or temporarily suspend those increases. It would also provide a level of oversight to all of the utilities, and this way we can demonstrate to the public that these continued increases are necessary because this would require the utility department heads to come before the board, once every 3 years, show us their finances, and justify their continued need for that annual rate increase.

Mayor Pro-Tem Hechler: What is the annual increase right now?

George Szigeti, PUAB Chairman: It is 5% for wastewater and solid waste, but it is the cost of living for the water. We discussed changing it to make the same increases for them all.

Mayor Pro-Tem Hechler: Personally, I like the idea of having a CPI attached to a rate increase because that would mean that the city doesn't lose any money every year like we have in the past. I know that we spent about 15 years before we had a rate increase and we fell way behind.

Commissioner Fahl: I appreciate you doing all of this Mr. Szigeti, and I understand the need that we probably need to review that every three years to see if we want to continue that. Sitting here, I can't see a time in the future where we are not going to want to do that because of the situation that our infrastructure is in. However, I do want to ask about the statement that the board will review a financial justification from each utility director for continuation, what do you picture that as being?

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George Szigeti, PUAB Chairman: We purposely set this up for April, which is the time when everybody is working on their annual budgets, and they are already bringing a lot of this financial information together, and they are planning for the next year. If we were going to make any changes, we wanted to make sure it was done during that planning stage so we would know at that time whether or not we would need to do a rate increase.

Mayor Forrister: I don't believe our directors should have to go and present their budget to your board on top of getting budget together. I would recommend that maybe you as the PUAB Chairman come and sit in during our budget meetings and listen to our problems that we are facing, and the reason why we have the annual increase. It is also my understanding that we are still under the CPI.

City Manager Swingle: The Water Department is the only one that is based on CPI. Initially when you developed this ordinance, we had a rate study done, and there was a 30% increase in water rates, and the CPI was based after that. 2 years ago the CPI rate was 5.4%, and last year it was 9.1% which was imposed. We are staying consistent with what the CPI is, however, much revenue is still needed for infrastructure.

Mayor Forrister: I personally feel that we need to continue our increases and if at any point the city directors or City Manager feel that they need to come back, and say that we need to halt that increase then we can do that, but I don't see that happening. It is also my understanding that USDA requires that we have increases. Is that correct?

City Manager Swingle: That is correct.

Mayor Pro-Tem Hechler: I think we should table this for some further study, and along the lines of formulating it based off of the CPI like we have with the water, and see how that comes out. I know that there may be a fee increase in the future, but it only makes the city more competitive and viable. We have to stop losing money at some point.

Assistant City Manager Alvarez: The only thing I would caution on the CPI for the water and the waste water is that USDA mandated that we have a water and wastewater rate study done, and they reviewed it and they approved that study, and they approved that increase and the projected revenues in order to give us that funding. With that being said, I don't know what process we have to go through to see if we could revise those rate studies, and adjust the 5% increase.

Mayor Pro-Tem Hechler made a motion to table the Ordinance No. 746 Amending Chapter 14, Article I and II, and Sections 14-1 to 14-37 of the Municipal Code of Ordinances pertaining to Utility Mandated Annual Increases in Service Charges until more research is done. Commissioner Fahl seconded the motion. Roll call was taken by the Deputy Clerk. Motion carried unanimously.

I. NEW BUSINESS:

1. Discussion/Action: Request to use donated proceeds to purchase memorial park benches:

Sean Barnes, Parks Supervisor: The city has received two separate requests to install memorial benches. One bench to be installed at Ralph Edwards Park, and the other to be installed at the Ralph Edwards Park Fish Pond area. Both requesting parties want to donate money for the full cost of the benches, engraving, labor and material.

Mayor Pro-Tem Hechler: Memorials are important for our community to recognize folks that have spent so much time volunteering and doing things for our community, but having dealt with memorials quite a bit in my past career, one of the things that I find essential is to have a policy in place regarding memorials before you start. That way you control the types of memorials that you get, the type of tree plantings that you get, and things such as that, and that will allow you to plan ahead of time what you want in certain areas because all of those areas have a theme. It should really be driven by the department, rather than being driven by the individual wanting the memorial. Therefore, I think we should first develop a policy for pricing, and different types of memorials, and then we can bring this back.

Mayor Pro-Tem Hechler made a motion to table the request to use donated proceeds to purchase memorial park benches until a memorial policy is developed. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Update: Update regarding the January 29th Jordan's Way fundraiser:

Tara Manning, Animal Shelter Supervisor gave an update on the January 29th Jordan's Way Animal Shelter fundraiser.

3. Discussion/Action: Approve proposed Mutual Aid Agreement between the Sierra County Sheriff's Office and the Truth or Consequences Police Department:

Luis Tavizon, Chief of Police: I submitted a proposed Mutual Aid Agreement between the Sierra County Sheriff's Office and the Truth or Consequences Police Department. This will give special Deputy Commission to the Police Department in the event that we are requested outside of our jurisdiction for emergency situations. What that commission does is give us arrest powers, and the same authority that the Deputy's would have in those situations. Our Officers would be operating under our policies and procedures that were recently passed, so they would have that direction to guide them in their actions. I think it would be a good thing for the community to allow us to do that.

City Attorney Rubin: There had been a previous MOU between the Sierra County Sheriff's Office and the Truth or Consequences Police Department back in 2018. It was not the same as this, because that called for a participation, and an immediate response team which this contract does not do that. There were some other things I noticed on the other contract that I feel could be helpful in this particular contract. I sent an email to the Chief and City Manager yesterday stating my considerations. However, I am fine with the agreement the way it stands, but if you want to add the other things to it we still could.

City Manager Swingle: I have a number of concerns with this Mutual Aid Agreement. What it allows the city to do, is respond to emergencies in the County when the County requests it, and yes, that is important. The agreement says our School Resource Officer, but it would be any investigation the city has, where somebody is outside the city limits and we need to do an investigative follow up. We don't need the County's permission to go talk to, interview or conduct these investigations outside of the city limits because they would not be taking any enforcement action, or anything like that. That would all be done through court orders, and warrants. The Sheriff's Department has historically been adamant, not to deputize us to work in the County, and I don't think we have any energy or intent to go into the County. We have enough work to do here in the city limits. All of this is going to be done through notifications through SCRDA. The Sheriff's Department makes a request, the request comes in, and Officers will go out once that is done, but when it comes down to it, the city is not getting anything out of this agreement, other than that they are able to help the Sheriff's Department in an emergency, and that is really a very small piece of this whole MOU. It is really trying to limit our ability out in County in things that we have every right to do today, and I am a little concerned about that. Another concern that I have is, since the Sheriff's Deputies are not in close proximity of the Village, I don't want this to be something to where the Police Department will be responding to all of their calls. I think we could wordsmith this a little better so that the Sheriff's Department is not authorizing us rights we already have. I recommend that this be tabled until the Chief can meet with the Sheriff, and try to clarify what the actual intent of this is, and not try to restrict the city's ability to do their job regardless of where the individuals live.

The Commission agreed with City Manager Swingle.

Mayor Pro-Tem Hechler made a motion to table the proposed Mutual Aid Agreement between the Sierra County Sheriff's Office and the Truth or Consequences Police Department until this proposal can be cleaned up a little bit to fit our needs. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Approval of Memorandum of Driving Range Surface Lease Agreement:

City Manager Swingle: At a prior meeting you gave the City Manager authority to execute the agreement if we could come up with the proper language. Well there was a significant change to the amount of acreage. The acreage is 29.463 acres of land on all of the documents we have, and in the agreement we were talking about 13 acres, so we need to modify the Memorandum of Driving Range Surface Lease Agreement for the full 29.463 acres. This agreement is between the City of Truth or Consequences and the City of Elephant Butte knowing that the City of Elephant Butte is going to sublease this property to the owners of their golf course at some point. That is the plan. We had this agreement in place since 2007, and we never had the correct language in the agreements historically, so this will correct that. The city will receive \$7,500 a year for the lease agreement and as of 2028 it will increase by 10%, and every 5 years thereafter it will increase 10% for the term of the agreement. The agreement is for 99 years.

Commissioner Fahl made a motion to approve the Memorandum of Driving Range Surface Lease Agreement. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Review, Approve and/or Allocate Funds for Sierra County Arts Council Application:

Tammy Gardner, Executive Assistant reviewed the Sierra County Arts Council Lodgers Tax Application provided in the packet.

Commissioner Fahl moved to approve and allocate Funds to Sierra County Arts Council in the amount of \$187.45. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried

6. Discussion/Action: Review, Approve and/or Allocate Funds for Friends of New Mexico Film Application:

Tammy Gardner, Executive Assistant reviewed the Friends of New Mexico Film Lodgers Tax Application provided in the packet.

Mayor Pro-Tem Hechler moved to approve and allocate Funds to Friends of New Mexico Film in the amount of 1,500.00. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried

7. Discussion/Action: Review, Approve and/or Allocate Funds for Uplyfting Spirits Application:

Tammy Gardner, Executive Assistant reviewed the Uplyfting Spirits Lodgers Tax Application provided in the packet.

Commissioner Fahl moved to approve and allocate Funds to Uplyfting Spirits in the amount of \$24,675.00. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried

J. EXECUTIVE SESSION:

1. Limited Personnel Matters (City Manager Applications) Pursuant to 10-15-1(H.2):

Mayor Pro-Tem Hechler made a motion to go into executive session at 11:15 a.m. to discuss Limited Personnel Matters (City Manager Applications) Pursuant to 10-15-1(H.2). Commissioner Fahl seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Forrister reconvened the meeting in open session at 12:05 p.m.

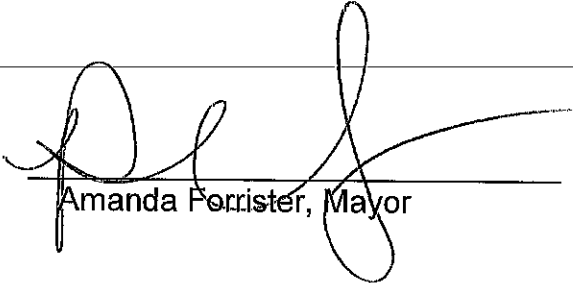
Mayor Pro-Tem Hechler certified that only matters pertaining to Limited Personnel Matters (City Manager Applications) Pursuant to 10-15-1(H.2) was discussed in Executive Session.

Mayor Pro-Tem Hechler made a motion to conduct City Manager Interviews on Friday, February 24th. Commissioner Harrelson seconded the motion. Motion carried unanimously.

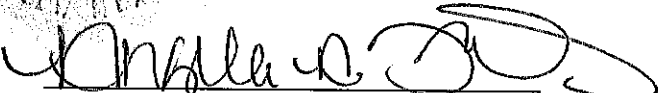
K. ADJOURNMENT:

Mayor Forrister adjourned the meeting at 12:06 p.m.

Passed and Approved this 22nd day of February, 2023.



Amanda Forrister, Mayor



Angela A. Torres, CMC, City Clerk