

Sandra Whitehead
Mayor

Kathy Clark
Mayor Pro-Tem

Rolf Hechler
Commissioner



Paul Baca
Commissioner

George Szigeti
Commissioner

Morris Madrid
City Manager

505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673 ♦ F: 575-894-0363
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REGULAR MEETING

THE REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO, IS TO BE HELD IN THE COMMISSION CHAMBERS, 405 W. 3RD ST., ON WEDNESDAY, JANUARY 23, 2019; TO START AT 9:00 A.M.

A. CALL TO ORDER

B. INTRODUCTION

1. ROLL CALL

Hon. Sandra Whitehead, Mayor
Hon. Kathy Clark, Mayor Pro-Tem
Hon. Rolf Hechler, Commissioner
Hon. Paul Baca, Commissioner
Hon. George Szigeti, Commissioner

2. SILENT MEDITATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA

C. COMMENTS FROM THE PUBLIC (3 Minute Rule Applies)

D. RESPONSE TO PUBLIC COMMENTS

E. PRESENTATIONS

1. Presentation of a Commendation to Officer Jaffee Blomquist. Randall Aragon, Police Chief

F. CONSENT CALENDAR

1. City Commission Special Meeting Minutes, December 19, 2018
2. Airport Advisory Board Minutes, October 2, 2018
3. Accept the Canvass for January 15, 2019 Special Municipal Election
4. Appointment of Kay Thompson to the Golf Course Advisory Board
5. Discussion/Action: Award - IFB: 18-19-006 WWTP and Lift Station Improvements, Phase 2B

CONSENT CALENDAR *(Continued)*

6. Discussion/Action: Award RFP: 18-19-004 Engineering Services for Water System Improvements
7. Discussion/Action: Approve the resumes of the individuals potentially performing Resident Project Representative (RPR) Services provided by Smith Engineering during the construction of WWTP improvements for Phase 2B, pending USDA RD concurrence

G. ORDINANCES/RESOLUTIONS/ZONING

1. Discussion/Action: Resolution No. 23 2018/2019 Budget Adjustment. Melissa Torres, Finance Director
2. Discussion/Action: Resolution No. 24 2018/2019 creating a Sierra County Complete Count Committee (SCCCC) for Census 2020. Paul Dulin, US Census Bureau and Renee Cantin, City Clerk-Treasurer
3. Discussion/Action: Resolution No. 25 2018/2019 confirming the continuation of Municipal Elections to be conducted on Municipal Officer Election Day in March of even numbered years. Renee Cantin, Clerk-Treasurer

H. NEW BUSINESS

1. Discussion/Action: DFA 2nd Quarter Budget Report. Melissa Torres, Finance Director
2. Discussion/Action: Appointments to Various External Boards & Committees to replace Steve Green. Renee Cantin, City Clerk-Treasurer
 - a. Sierra County Recreation & Tourism Advisory Board
 - b. Joint Powers Commission (Sierra Vista Hospital)
 - c. South Central Council of Governments (SCCOG) & Regional Planning Organization (RPO)
3. Discussion/Action: Provide direction to staff for proposed amendments to the City Commission Rules of Procedure. Sandra Whitehead, Mayor
4. Discussion/Action: Assistance to federal employees and contractors affected by the government shutdown. George Szigeti, Commissioner

I. REPORTS

1. City Manager
2. City Attorney
3. City Commission

J. ADJOURNMENT

NEXT CITY COMMISSION MEETING FEBRUARY 13, 2019



E1

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Respectfully request the opportunity be provided for me to award a "Certificate of Commendation" to Officer Jaffee Blomquist at this Commission Meeting.

BACKGROUND:

Officer Blomquist displayed admirable restraint in not employing deadly force when such was warranted with an armed perpetrator on January 2, 2019.

STAFF RECOMMENDATION:

Unquestionably Officer Blomquist's actions were commendable and my staff totally supports this most deserving recognition.

SUPPORT INFORMATION:

This incident was recorded on his body worn camera and witnessed by Detective Ted Ontiveros who also recognized that Officer Blomquist's actions were commendable.



F1

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Approve the minutes of the City Commission Special Meeting for December 19, 2018.

BACKGROUND:

None.

STAFF RECOMMENDATION:

Approve the minutes.

SUPPORT INFORMATION:

December 19, 2018 Minutes.

CITY COMMISSION SPECIAL MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, DECEMBER 19, 2018

A. CALL TO ORDER

The meeting was called to order by Mayor Steve Green at 3:00 p.m., who presided and Renee Cantin, Interim City Manager/City Clerk-Treasurer, acted as Secretary of the meeting.

B. ROLL CALL

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

Hon. Steve Green, Mayor
Hon. Sandra Whitehead, Mayor Pro-Tem
Hon. Kathy Clark, Commissioner
Hon. Rolf Hechler, Commissioner
Hon. Paul Baca, Commissioner

Also Present: Renee Cantin, Interim City Manager/City Clerk-Treasurer

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

PRESENTATION:

Border Patrol Federal Agents presented an award of appreciation to Lt. Baker in recognition of her outstanding support to the El Paso Sector in the United States Border Patrol.

Lt. Baker thanked the United States Border Patrol as well as Mari and Jamie for all of their help with Shop with a cop.

APPROVAL OF THE AGENDA:

Mayor Pro-tem Whitehead moved approval of the agenda as noted.
Commissioner Clark seconded the motion.
Motion carried unanimously.

PLEDGE OF ALLEGIANCE:

Commissioner Hechler led the Pledge of Allegiance.

SILENT MEDITATION:

Mayor Green called for fifteen seconds of Silent Meditation and asked us to keep our veterans in our thoughts and prayers.

C. NEW/UNFINISHED BUSINESS:

1. Discussion/Action: Appointment of Traci Burnette as the temporary designated Zoning Official. Renee Cantin, Interim City Manager:

Interim City Manager/City Clerk Cantin stated according to the city code related to an administrative official, it says that the City Commission is required to designate a zoning official who can carry out the duties as directed in the code. Right now with the vacancy of the Planning & Zoning Coordinator, Traci Burnette has graciously been filling in to provide those services to assist in so those duties are continued with and taken care of temporarily until we have a new position. We are asking that you consider appointing her as the temporary designated zoning official. If we don't designate a zoning official, we will have to turn away.

City Attorney Rubin mentioned he is in support of this because he has been working with Traci, and he feels that she has a grasp on the procedures.

Mayor Green asked if this would be an addition to the jobs, roles, and responsibilities that Traci already has.

Interim City Manager/City Clerk Cantin responded yes.

Mayor Green with that being said, he would like to throw out for discussion that with this additional volunteering of responsibility, he thinks that should be recognized financially and until we are able to hire someone on a full time basis if we are asking someone to go above and beyond their job description, then he feels that we should show our appreciation in that way.

Interim City Manager/City Clerk Cantin stated In order to make things fair for all of those who may have asked for additional increases, we were directed to put a hold on any Interim pay or pay increases until the new City Manager comes.

Commissioner Clark thanked Traci Burnette for stepping up to the plate and taking on the additional responsibility.

Mayor Pro-Tem Whitehead moved to approve the appointment of Traci Burnette as the temporary designated Zoning Official. Mayor Green seconded the motion. Motion carried unanimously.

2. Discussion/Action: Approve the proposed Golf Course Plan. Rolf Hechler, Commissioner:

Commissioner Hechler began by saying we would like to terminate the contract for management of the Golf course effective January 1, 2019. He proposed the city take the Golf Course duties in house and hire two employees as Seasonal Employees one for Golf Course Supervisor for \$15/hour plus housing at the Golf Course; and the other would be a Seasonal Laborer position for \$18/hour which is a specialized worker that can be under Parks, and the money that is left in the budget to be moved to the Parks Department.

Mayor Pro-Tem Whitehead asked if the Golf Course employees will be offered any type of training as far as maintenance of taking care of the grass and equipment at the golf course.

Commissioner Hechler responded that these two individuals are actually Mr. Taylor's employees. They have been maintaining the Golf Course for quite some time now. He has met with both of the individuals and they are competent, and they have the knowledge written out to maintain that golf course and perhaps even improve it. We need to get the sulfur filtration system in place there to tackle the water system and we also need to get the fresh water pond re-activated. If we get those things done, he is confident that if we could go out for RFP, we would get a contractor that would be much more willing to maintain that facility, not having to tackle those two problems.

Commissioner Clark agreed with Commissioner Hechler.

Mayor Green asked about hiring them as Seasonal.

Commissioner Hechler responded Seasonal can be up to 9 months and that would give us time to put a plan together and possibly go out for RFP in the future.

**Commissioner Clark moved to approve the Golf Course Plan as presented by Commissioner Hechler. Mayor Pro-Tem seconded the motion.
Motion carried unanimously.**

3. Discussion/Action: Publication of Ordinance No. 701 for Elected Officials Salaries. Kathy Clark, Commissioner:

Commissioner Clark presented the item which was brought to the previous meeting and no action was allowed. She stated that we can actually pay our Commissioners up to what the County Commission receives. Whatever move we would make today is not going to affect a single one of us sitting up here. This is for future commissioners, this is not for current Commissioners. The thought is if we bumped that up a little bit, there might be some other people in the community that might consider putting their names into the hat when three of our positions go up for election in a year. Her thought was to

CITY COMMISSION DECEMBER 19, 2018 SPECIAL MEETING MINUTES

get this done now instead of right before an election and to see how her fellow Commissioners feel about doing something like this.

Commissioner Hechler stated that he thinks it would be a good idea and it may bring forward other potential candidates and it may allow people to sacrifice other things in order to run for Commission because we all sacrifice to some degree to be here.

Commissioner Baca also agreed.

Mayor Pro-Tem Whitehead thinks it is a great idea and it has been a long time coming. She thanked Commissioner Clark for the effort and energy in putting it out even though it won't affect any of them now, it might affect some of them in the future or any future candidates who wish to throw their hats in.

Commissioner Hechler added, if they rely on the next election to offer this pay to three Commissioners then they will have a disparity on the board. That means these three Commissioners will be receiving this increased pay and two Commissioners will not. The other alternative we could discuss is sometime in the future when the new Commissioners would hold off until we have the next two Commissioners re-elected and then at that time we would institute the raise for them so all five Commissioners would have the same rate of pay at the same time.

Commissioner Clark noted that the people who will be affected is the Mayor Pro-Tem and Commissioner Baca so a lot of it would depend on their input.

Mayor Pro-Tem Whitehead stated that she doesn't have a problem with what she is getting now. She thinks it's just something to look forward to in the future.

Mayor Green cannot wrap his head around the idea that three new people who don't have knowledge who will be making twice as much and not doing as much as those who will not receive the increase. He is more in favor of keeping it a team effort so all will receive the increase.

Commissioner Clark stated that Commissioner Hechler brought up the option of doing 2022. She asked Interim City Manager Cantin if it is possible for three new Commissioners to be voted in and for 2 years be on the same playing field as the two existing Commissioners and then all five of them would go up to a new rate if we voted it in now?

Interim City Manager Cantin stated yes that would be possible if you made it effective the 2022 election.

City Attorney Rubin will do more research as to allowing the Commission to make the increase to be effective to all Commissioners after the 2020 Regular Election.

**4. Discussion/Action: Approve the contract for the new City Manager.
City Commission:**

Commissioner Hechler announced that they have made their final selection for our new City Manager and we've negotiated terms for him to come on board and he feels pretty confident in the selection of Mr. Morris Madrid. He has a bachelor degree in the county. He has an MBA in General Business. He has been the senior accountant at Highlands University and he has also been a City Manager and Finance Director for the City of Las Vegas. More recently he has worked for the Department of Finance Authority and he is the Public Service Director for San Miguel County. So with all this experience and background, we felt he was the perfect fit for what we were looking for and a perfect fit for the leadership of our City. We really look forward to bringing him board.

Mayor Green thanked his fellow Commissioners for their hard work and support.

The Commission will meet with Mr. Madrid in Executive Session for final negotiations of the contract.

**5. Discussion/Action: Selection of a process to fill the vacancy for the
Position V City Commissioner. Renee Cantin, Interim City Manager:**

Interim City Manager Cantin presented the process that is generally followed to fill a vacancy on the City Commission. The Commission can appoint a qualified elector to serve for the remainder of the term which will be the next regular election. She has extensively looked through the local election act to make sure everything was the same or similar and the only difference was if it is less than half a term then you go to a Special Election, but that is no longer in place. Anytime there is a vacancy in an elected official position the governing body would just appoint someone until the next regular election. The thing we would have to figure out is how long the Commission would like to allow to receive letters of interest and declarations of candidacy for the position. IF you wanted to do something to the effect of January 25th or the end of January, or if you wanted to do it before the second meeting in January so that you can start the interview process. She thinks that a clean cut might be the end of January to give plenty of time for notification and publication. We also have three weeks in between that and the February 13th meeting. The easiest way to do it and keep track and make sure we have qualified electors is for us to revise the declaration of candidacy that you all are required to submit for your regular filing and then a letter of interest to show why they would be interested. Once we receive those declarations of candidacy then we can schedule a time for them to present.

Mayor Green thanked Interim City Manager Cantin for her research. He asked to be part of the process of choosing a replacement to sit in Position V. He asked if any of his fellow Commissioners reached out to anyone who has expressed an interest and that they think would do a good job filling in for the 14 months up to March 2020. If no one has a name, he would like to suggest that they appoint George Szigeti as the Position V candidate. He has been the Co-Chair of the Bountiful Alliance Recycling Committee and

he is the Chairman of the Public Utility Advisory Board. He knows how government works, he does his research, he's a sharp guy and he's worked for the United States Government. He's got the highest clearance that the Department of Defense gives anybody, so he's dealt with executive sessions so we know that he can keep a secret. One his concerns and one of the reasons he is stepping down is that if they have three new City Commissioners, it puts an undue burden on Mayor Pro-tem Whitehead and whatever position it may be in January and Commissioner Baca so he felt that now would be the time to let someone hit the ground running who's been speaking in front of them for all these years and who could bring something to the table.

City Attorney Rubin recited NMSA 3-14-9 related to Vacancies in commission, states If a vacancy occurs in the commission, the remaining elected and appointed commissioners shall, by a majority vote, appoint a qualified elector to fill the vacancy until the next regular local election, at which time a qualified elector shall be elected to fill the remaining unexpired term, if any.

Mayor Pro-Tem Whitehead with all due respect, Mayor Green has stepped down and now he is appointing his replacement so she has some concerns of how the public would perceive that and if we are being transparent. She asked if the Commissioners, (*excluding Mayor Green*) should vote for their new replacement for Mayor Green's position, or if Mayor Green is allowed to vote for his replacement. She's been in County Government for a very long time and it has always been perceived that if you sat on one seat or one department and you decided that you didn't want to sit on that department anymore, you couldn't resign your position to run for that next office without your term limits.

City Attorney Rubin advised Mayor Green that he is allowed to vote.

Mayor Green noted that the citizens voted for them and none of them got every single vote so they are counting on us to use good judgement, good faith, and move forward.

Mayor Green moved to approve appointing George Szigeti to serve in the vacancy of the Position V term beginning January 1st, 2019 until the next Regular Election. Mayor Pro-Tem Whitehead seconded the motion. And added her comments. Mayor Green wanted to add Mayor Pro-Tem Whitehead never ceases to amaze him and he appreciates her support and the love she has to deliver the love to all of the people. Motion carried unanimously.

Mayor Green asked Interim Manager Cantin to get Mr. Szigeti sworn in after January 1st so he can attend the 1st meeting in January and the Mayor also indicated that he would like to be notified of when it will be held. City Clerk Cantin said she can do the swearing in.

D. EXECUTIVE SESSION:

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

Mayor Pro-Tem Whitehead moved to approve going into executive session at 3:58 p.m. to discuss Limited Personnel Matters (City Manager) Pursuant to 10-15-1(H.2). Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Pro-Tem Whitehead reconvened the meeting in open session at 4:21 p.m.

Mayor Pro-Tem Whitehead certified that only matters pertaining to Limited Personnel Matters (City Manager) Pursuant to 10-15-1(H.2) was discussed in Executive Session and no action was taken.

**E. ACTION ON ITEMS DISCUSSED DURING EXECUTIVE SESSION, if any.
ADJOURNMENT**

Commissioner Hechler moved to authorize City Attorney Rubin to prepare a contract for Morris Madrid for \$95,000 to include 8 hours of Annual Lease per pay period with the regular benefit of a city employee and designated as an At-Will Employee for a contract term of one year from January 7, 2019 to January 6, 2020. Commissioner Clark seconded the motion. Motion carried unanimously.

F. ADJOURNMENT

Meeting was adjourned at 4:26 p.m.

Passed and Approved this ____ day of _____, 2019.

Sandra Whitehead, Mayor

ATTEST:

Renee L. Cantin, CMC, City Clerk



**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Approve the minutes of the Airport Advisory Board Regular Meeting for October 2, 2018.

BACKGROUND:

None.

STAFF RECOMMENDATION:

Approve the minutes.

SUPPORT INFORMATION:

October 2, 2018 Minutes.

**AIRPORT ADVISORY BOARD
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO**

REGULAR MEETING

TUESDAY, OCTOBER 2, 2018

TIME & PLACE:

The Airport Advisory Board of the City of Truth or Consequences, New Mexico, met in Regular Session in full conformity with the law and ordinances of said Board, at the Truth or Consequences City Commission Chambers, 405 W. 3rd St. Truth or Consequences, New Mexico on Tuesday, the 2nd day of October, 2018 at 4:00 pm.

PRESIDING OFFICER:

The meeting was called to order by Chairman Gerald LaFont, and Angela A. Torres acted as Board Secretary.

ATTENDANCE:

Upon calling the roll the following members were reported present:

Present:

Gerald LaFont, Chairman
David Senn, Vice Chairman
Larry Mullenax, Member

Absent:

Dennis Anderson, Member
Mark Shipley, Member

Also Present:

Renee L. Cantin, Interim City Manager
Angela A. Torres, Deputy City Clerk
Orlando Saavedra, KTCS A
Randy Malone, KTCS
Armstrong Consultants
Traci Burnette, Grants Coordinator

QUORUM:

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

PLEDGE OF ALLEGIANCE

Chairman LaFont led the Pledge of Allegiance.

APPROVAL OF AGENDA:

Chairman LaFont called for approval of the agenda.

Vice Chairman Senn moved approval of the agenda as submitted.

Member Mullenax seconded the motion. Motion carried unanimously.

APPROVAL OF MINUTES:

Approval of Regular Meeting of Tuesday, July 10, 2018:

Chairman LaFont called for approval of minutes for Tuesday, July 10, 2018.

Vice Chairman Senn moved approval of the minutes as submitted.

Member Mullenax seconded the motion. Motion carried unanimously.

COMMENTS FROM THE PUBLIC:

There were no comments from the public.

NEW BUSINESS:

Discussion/Update: NMED Letter – Municipal Airport Water System – Renee Cantin, Interim City Manager & Traci Burnette, Grant Projects Coordinator:

Interim City Manager Cantin reported that they received a letter from NMED related to the water system at the Airport. Michael Montoya from the Drinking Water bureau reached out to Traci to follow up on the letter that we received and he suggested that she reach out to Aaron Beckford of the NMED to see what initiated the determination to activate the T or C Municipal Airport as a public water system. His supervisor scheduled the site visit after that meeting with what he thought was a possible current or past board member, or member of the public. During this visit it was determined that the well servicing the Airport meets the criteria of a

public water system. Therefore, it must comply with some regulations that were outlined in the letter. Part of the determination explanation is pursuant to the CFR 141.2. The public water system is defined as the system for the provision of the public of water for human consumption. If such system has at least 15 service connections or regularly averages at least 25 individuals daily, at least 60 days out of the year. As confirmed by our Airport Attendants, there are currently a total of at least 17 service connections there and on a typical day we would receive about 5 flights with an average of 2 pilots or passengers. Traci Burnette researched the Office of the State Engineer files and found information pertaining to the well as far back as 1983 when the FAA transferred ownership of the well to the city. To the most current records of an exploratory well permit that was done in 2004. We are going to proceed forward to obtain sampling from those wells and by doing this we can accomplish two things. #1 – We'll meet the required level of sampling specified in the letter and #2 will determine if that water is potable or non-potable. We have been unable to find any information that specifies that it is non-potable. Once they have the results of the samples, Traci will keep us all updated and we will provide you another report.

Traci Burnette, Grants Coordinator stated that she was informed if the water is unpotable they will have look at disconnecting the well and having no water service except for via a tank unless we chose to treat the water which will probably be more expensive than bring in a large tank and having it filled.

Discussion/Update: Fuel Farm Schedule 3 Update – Tim Archibeque, Armstrong Consultants:

Tim Archibeque, Armstrong Consultants reported the following:

- The tender agreement for the fuel farm with the bonding company went to the City Commission last week. The bonding company has someone on board to finish up that project after the other one defaulted on their contract. They have a tank supposedly built and ready to ship. So once that tender agreement gets to them they will release the shipping of that 1000 gallon tank with the hook ups and everything. Garrett Western Construction Company is the local contractor and will be doing the work on that. Under their sub consultant they have a fuel company that will be doing the hookups to the fuel.

Discussion/Update: Airport Update – Randy Malone & Orlando Saavedra, KTCS Airport:

Orlando Saavedra and Randy Malone reported the following:

- The Airport Hangar leases are coming along really well. We are at 70% and all we need is 10 more and we will be up to date for 16 months. They all end January 31st 2020 and then what we are going to try and do is put an addendum to that so it will re-up their

lease for the next year and they won't have to keep coming in and do the whole entire lease.

- We've done a hand full of inspections and that's about it. He has been contacting the people to get conduct the inspection on their hangar to make sure they are keeping up to their agreement on their lease and that is becoming a problem. I have already given them a 30 day notice and if they are not there, he wants to go in and do the inspection himself. A 10 day notice is required but we are giving them a 30 day notice.
- We are wanting to put the old fire truck we have out there at the Airport in the auction. The Fire Department doesn't want it anymore.

Discussion: Inspection of hangars for compliance with the leases –Larry Mullenax, Member:

Member Mullenax said, it sounds to him like you guys are making some progress on the hangar leases.

Orlando Saavedra, KTCS Airport stated that they are and they are not. They have some people who keep saying that they don't have anywhere to put their stuff and they don't want anything to do with it. They just want to use their hangar as a storage.

Member Mullenax replied that the lease is for an airplane so that's what it needs to be used for.

Orlando Saavedra, KTCS Airport stated that they need to start a process on what to do with the stuff in those type of situations.

COMMENTS FROM THE BOARD:

There were no additional comments from the board.

COMMENTS FROM STAFF:

Deputy City Clerk Torres asked the board if they wanted to have a special meeting to recommend appointment of Mark Shipley to the board.

The board agreed to meet for the Special Meeting on August 21st at 4:00 p.m.

ADJOURNMENT:

There being no further business to come before the board, Chairman Gerald LaFont asked for a motion to adjourn the meeting.

Vice Chairman Senn made a motion to adjourn the meeting.

Motion Seconded by Member Mullenax. Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 8th day of January, 2019.



Gerald LaFont, Chairman



F3

CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

Canvass of the January 15, 2019 Special Election Returns.

BACKGROUND:

The Special Municipal Election was held on January 15, 2019. The Canvass of the election was held on Friday, January 18th at 9:00 a.m. at the Sierra County Commission Chambers, 855 Van Patten with the Sierra County Commission serving as the Canvassing Board. The Official Canvass is required to be given to us; one to the County Clerk; and one to the Secretary of State.

The results confirmed the following were the Official Results: The measure for Ordinance No. 697 passed with 781 votes for the measure and 713 votes against the measure. And for the first time in a very long time, we had a Certified Observer who was present for the entire day.

We currently have 3,898 Total Registered Voters in the city limits; with 1,519 Ballots, which is a 38.96% Voter turnout.

A Special thank you to Angela Torres, who did an amazing job taking the lead in this election while she served as the Acting City Clerk. And to our Precinct Board, Mary Jo Montgomery; Kathleen Gurnsey; and Linda DeMarino for doing an excellent job on Election Day.

STAFF RECOMMENDATION:

No action required. Will be made a part of the official minutes.

| | |
|---|--------------------------|
| Name of Drafter: Renee Cantin, City Clerk | Meeting date: 01/23/2019 |
|---|--------------------------|



CITY OF TRUTH OR CONSEQUENCES

CITY CLERK'S OFFICE

505 SIMS STREET, TRUTH OR CONSEQUENCES, NEW MEXICO 87901

PHONE: (575) 894-6673 EXT# 301 FAX: (575) 894-7767

**City of Truth or Consequences
January 15, 2019 Special Election Official Canvass**

The canvass was held on Friday, January 18, 2019 at 9:00 a.m. at the Sierra County Commission Chambers, 855 Van Patten, Truth or Consequences, New Mexico 87901.

| | Petition QUESTION ORDINANCE #697 | | Voter Totals |
|-----------------------------|-------------------------------------|------------|--------------|
| | FOR | AGAINST | |
| By Mail Ballots – (Machine) | 763 | 704 | 1467 |
| Hand Tallied Ballots | 18 | 9 | 27 |
| Rejected Ballots * | -- | -- | 25 |
| TOTALS | 781 | 713 | 1519 |

* Rejected Ballots: 25 Total = 20 - not signed; 3 - with no ballots; and 2 - no votes.

Voter turnout:

3,898 - Total Registered Voters

1,519 - Total Ballots Received

38.96% - Voter turnout

We, the undersigned, certify this canvass of returns for the January 15, 2019 Special Municipal Election for the City of Truth or Consequences as presented by City Clerk-Treasurer Renee Cantin and Deputy Clerk Angela Torres.

Frances Luna, Vice Chairman

Absent

James E. Paxon, Member

Travis L. Day, Member



ATTEST

SEAL

Shelly K. Trujillo, County Clerk



CITY OF TRUTH OR CONSEQUENCES

CITY CLERK'S OFFICE

505 SIMS STREET, TRUTH OR CONSEQUENCES, NEW MEXICO 87901

PHONE: (575) 894-6673 EXT# 301 FAX: (575) 894-7767

Question on the Ballot

At the Special Municipal Election, voters shall be asked whether the following measure shall be adopted:

Ordinance No. 697 amending the code to allow the operation of Recreational Off-Highway Vehicles and All-Terrain Vehicles on maintained streets or roads owned and controlled by the City of Truth or Consequences.

FOR THE ABOVE MEASURE ☐

AGAINST THE ABOVE MEASURE ☐



F.4

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Appointment of Kay Thompson to the Golf Course Advisory Board

BACKGROUND:

The Golf Course Advisory Board (GCAB) has a vacancy due to the position which was vacated by Mary Ann Weaver. The vacancy was published and as you can see from the attached letter, the GCAB has evaluated the application and is recommending Kay Thompson to fill the vacant seat on the board.

STAFF RECOMMENDATION:

Approve the Appointment of Kay Thompson to the Golf Course Advisory Board

SUPPORT INFORMATION:

Board recommendation and application.

November 14, 2018

Re: Golf Course Advisory Board, Member recommendation

Honorable Mayor and Mayor Pro-Tem

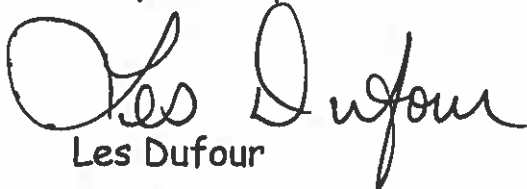
Honorable Commissioners

City Manager

The Board has received an application from Kay Thompson for the position vacated by Mary Ann Weaver. We have evaluated the application and feel that Kay would be a welcomed addition and bring different qualities to the Advisory Board with her business and golf background. The Board recommends that you approve Kay as a member of the Board.

If you have any questions, please feel free to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "Les Dufour". The signature is fluid and cursive, with the first name "Les" and last name "Dufour" clearly distinguishable.

Chairperson

Name: Kay Thompson

Address: P.O. Box 145, Williamsburg, N.M. 87942

Phone: 575-200-8143

I am interested in serving as a member of the Golf Course Advisory Board.

My qualifications are as follows:

Tournament/Event Coordinator for the Tombstone Animal Shelter Golf Charity – 4 years.

Upper Management responsibility for retail store operations.

Owner/Mgr. of When Pigs Fly in T or C.

Reason why you are interested in serving on this Board?

Interested in the management direction of the T or C Municipal GC.

Interested in bringing new golfers/people to the sport.

Interested in improving the playing condition at the T or C Municipal GC.

Comments:

Feel that the City should improve the advertising for the T or C Municipal GC.

Signature:

A handwritten signature in black ink that reads "Kay Thompson". The signature is written in a cursive, flowing style.



F.5

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

AWARD – IFB: 18-19-006 WWTP AND LIFT STATION IMPROVEMENTS PHASE 2B

BACKGROUND:

Bid Opening was held on Tuesday, December 18, 2018 at 2:00 p.m. We received 2 bids for this project.

1. RMCI, INC.
2. SMITHCO CONSTRUCTION, INC.

STAFF RECOMMENDATION:

Smith Engineering (see attached) is recommending to award bid to RMCI, Inc. Base Bid only, which has a total cost of \$3,910,882.50 including NMGT.

SUPPORT INFORMATION:

Smith Engineering letter of recommendation and bid tabulation.



January 15, 2019

Morris Madrid, City Manager
Traci Burnette, Grant/Projects Coordinator
Pat Wood, Chief Procurement Officer
City of Truth or Consequences
505 Sims Street
Truth or Consequences, New Mexico 87901

Re: Truth or Consequences Wastewater Treatment Plant and Lift Station Improvements Phase 2B
Recommendation of Award
Smith Project# 117103

Dear Mr. Madrid/Ms. Burnette/Ms. Wood:

The City of Truth or Consequences (City) and Smith Engineering Company (Smith) opened bids for the above referenced project on December 18, 2018. The following bids were received (see Attachment 1 for Bid Opening Minutes):

Table 1: Bid Summary

| Contractor | BASE | ADDITIVES | ALLOWANCES | NMGRT (8.5%) | TOTAL |
|----------------------------------|----------------|--------------|-------------|--------------|----------------|
| ENGINEER'S ESTIMATE ¹ | \$3,116,563.00 | \$707,780.00 | \$47,500.00 | \$329,106.66 | \$4,200,949.66 |
| RMCI, Inc. | \$3,557,000.00 | \$855,200.00 | \$47,500.00 | \$379,074.50 | \$4,838,774.50 |
| Smithco Construction, Inc. | \$3,965,000.00 | \$801,500.00 | \$47,500.00 | \$409,190.00 | \$5,223,190.00 |

We have attached a Tabulation of Bids (Attachment 2) and included the Engineer's Opinion of Probable Construction Cost (Engineer's Estimate). We have reviewed the lowest bidder's bid and submittals and completed a bid review. The bid review form is attached (Attachment 3).

The low bidder for the project is RMCI, Inc. (see Attachment 4 for a copy of the bid). We reviewed the submitted bid documents, and determined:

- ✓ The Bid Proposal was signed by Steven J. Duffy, an individual duly authorized to bind the company.
- ✓ RMCI, Inc. is an actively licensed contractor in the State of New Mexico, License No. 31964. We have verified this information with the New Mexico E-Services for Contractor Licensing website (<http://public.psiexams.com/search.jsp>).

¹ Engineer's Opinion of Probable Construction Costs

- ✓ RMCI, Inc. is an actively registered contractor with the State of New Mexico Department of Workforce Solutions, Registration No. 0185042011510. We have verified this information with the New Mexico E-Services for Contractor Licensing website.
(<https://www.dws.state.nm.us/pwaa/LRDEmployer/PW/Search/LEFSearch.ASPX>).
- ✓ RMCI, Inc. acknowledged receipt of Addenda #1 on December 7, 2018, and Addenda #2 on December 13, 2018.

Along with the signed Bid Proposal Form, RMCI, Inc. submitted the following as part of their bid package:

- ✓ Acknowledgement of Addenda, Subcontractor's Listing, Supplier's Listing, Non-Collusion Affidavit, Campaign Contribution Disclosure Form, Resident Veterans Preference Form, USDA Form RD 400-6, USDA Form AD-1048, USDA Form 1940-Q and RMCI, Inc. Qualification Statement (EJCDC C-451) were submitted and complete.
- ✓ Bid Bond for 5% of the Bid with Power of Attorney. The surety for the Bid Bond is Western Surety Company. They are listed on Federal Circular 570 and licensed to do business in the State of New Mexico. (<https://fiscal.treasury.gov/surety-bonds/list-certified-companies.html>). PHONE: (312) 822-5000. UNDERWRITING LIMITATION b/: \$151,958,000.

Western Surety Company (NAIC #13188)

SURETY LICENSES c, // AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.

Smith contacted several Owners and Engineers from RMCI's listed projects. A summary of these references is provided in Attachment 5.

The project funding information that has been provided to Smith by the City is contained in the Letter of Conditions that was issued to the City by the United States Department of Agriculture (USDA) Rural Development (RD) on September 21, 2016, and is summarized in Table 2. Based on this funding information, it is our understanding that a total of \$4,284,717.95, including 10% Contingency and New Mexico Gross Receipts Tax (NMGRS) is available for construction budget to cover the cost of construction, engineering services, and construction observation (Resident Project Representative) services.

Table 2: Project Funding Summary

| # | DESCRIPTION | AMOUNT | NMGRS | TOTAL |
|----|---|-----------------|----------------|-----------------|
| 1 | USDA LOAN | | | \$ 715,000.00 |
| 2 | USDA GRANT | | | \$ 4,515,400.00 |
| 3 | Interim Loan Origination Fee | \$ (4,500.00) | \$ (382.50) | \$ (4,882.50) |
| 4 | Interim Loan Interest | \$ (34,000.00) | \$ (2,890.00) | \$ (36,890.00) |
| 5 | Legal Services - Local Attorney | \$ (20,000.00) | \$ (1,700.00) | \$ (21,700.00) |
| 6 | Legal Services - Bond Counsel Services | \$ (20,000.00) | \$ (1,700.00) | \$ (21,700.00) |
| 7 | Professional Engineering Services (Design + Bid Assist) | \$ (427,000.00) | \$ (31,976.96) | \$ (458,976.96) |
| 8 | Professional Engineering Services (Const. + Post Const.+Oper. Assist.) | \$ (251,525.00) | \$ (19,807.59) | \$ (271,332.59) |
| 9 | Resident Project Representative Services | \$ (120,000.00) | \$ (10,200.00) | \$ (130,200.00) |
| 11 | AMOUNT AVAILABLE FOR CONSTRUCTION | | | \$4,284,717.95 |

It should be noted that the actual amounts of project funding for Items #3-6 in Table 2 may differ from the information that has thus far been provided to Smith and we have requested that the City verify/update those amounts. However, the differences will be small relative to the total project budget.

As can be seen in the Bid Tabulation, the project funding amount does not allow for the construction of the entire project. Therefore, we recommend that the project be awarded to RMCI, Inc. for the construction items included in the Base Bid only, which has a total cost of \$3,910,882.50, including NMGR (8.5%). The project scope and cost of the Base Bid items only will allow City a contingency amount of \$373,835.45 (9.56%) to address unforeseen conditions at the project sites.

Smith looks forward to working with the City and RMCI, Inc. to complete the construction of this project.

Sincerely,
Smith Engineering Company



David Schwent, P.E.
Project Manager

ATTACHMENTS:

1. Bid Opening Minutes
2. Bid Tabulation Review sheet
3. Lowest Bidder's (RMCI, Inc.) Bid Review Package
4. Lowest Bidder's (RMCI, Inc) Bid Submittal [Bid Forms]
5. RMCI Reference Check Summary

F.6



**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

AWARD – RFP: 18-19-004 ENGINEERING SERVICES FOR WATER SYSTEM IMPROVEMENTS

BACKGROUND:

RFP's for Engineering Services for Water System Improvements were received until Tuesday, December 11, 2018 at 2:00 p.m. We received 3 proposals for Engineering Services.

1. JEL & Associates
2. WH Pacific
3. Wilson & Company

STAFF RECOMMENDATION:

Selection Committee: Renee Cantin – City Clerk/Interim City Manager, Traci Burnette – Grant/Project Coordinator and Jeff Dornbush – Public Utility Advisory Board Member have made a recommendation to award the contract to Wilson & Company.

REQUESTED ACTION:

To approve negotiation and professional services contract with Wilson & Company.

SUPPORT INFORMATION: Evaluation Scoring Totals

Memo

To: Pat Wood – Chief Procurement Officer

From: Traci Burnette – Grant Projects Coordinator

Date: January 10, 2019

Re: **EVALUATIONS:** RFP 18-19-004 Engineering Services for Water System Improvements

| | JEL & ASSOC | WH PACIFIC | WILSON & CO |
|--------------|-------------|------------|-------------|
| 1 | 97 | 143 | 153 |
| 2 | 66 | 134 | 167 |
| 3 | 82 | 135 | 158 |
| | | | |
| TOTAL | 245 | 412 | 478 |

| EVALUATION COMMITTEE |
|---|
| Renee Cantin – City Clerk/Interim City Manager |
| Traci Burnette – Grant/Project Coordinator |
| Jeff Dornbush – Vice Chairman Public Utility Advisory Board |

Evaluation Committee Comments:

The panel recommends Wilson & Company for RFP 18-19-004 Engineering Services for Water System Improvements



F.7

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

TO APPROVE THE RESUMES OF THE INDIVIDUALS POTENTIALLY PERFORMING RPR SERVICES PROVIDED BY SMITH ENGINEERING DURING THE CONSTRUCTION OF WWTP IMPROVEMENTS PHASE 2B PENDING USDA RD CONCURRENCE

BACKGROUND:

City of T or C already has a signed and approved (May 2017) contract with Smith Engineering Services to provide RPR (Resident Project Representative) services during construction of the WWTP Improvements, Phase 2B. USDA RD requires the Commission to review and approve the attached resumes that will be potentially used to perform RPR services pending USDA RD concurrence.

STAFF RECOMMENDATION:

- To approve the resumes of the individuals that will be potentially used to perform RPR services pending USDA RD Concurrence.

SUPPORT INFORMATION:

- Resumes for the following individuals:
 - James MacCornack
 - Timothy Yatsco
 - Tod Carroll
 - Desire Smoot

| | | |
|---------------------------------|------------------------------------|------------------------|
| Name of Drafter: Traci Burnette | Department: Community Development. | Meeting date: 01-23-19 |
| E-mail: tburnette@torcnm.org | Phone: 575-894-6673 ext. 353 | |



James MacCornack

Designer | Field Technician

Education

Certificate, Civil Surveying and Map Drafting, TVI

Background

Mr. MacCornack has over 35 years of experience in the preparation of engineering drawings and construction observation. He has worked on a variety of projects, including drainage, roadway, water system, and structural projects. He was also the superintendent of two building addition projects. Mr. MacCornack's design and construction experience provides him with the insight to quickly resolve issues in the field, and make him the ideal choice to bridge the gap between design and construction on projects. On previous projects, he completed fieldwork, drawing preparation, and construction observation. He is also proficient in AutoCAD and MicroStation.

Experience

- Albuquerque Bernalillo County Water Utility Authority – Small Diameter Sewer Rehabilitation
- Albuquerque Bernalillo County Water Utility Authority – On-call Construction Services
- Albuquerque Metropolitan Arroyo Flood Control Authority – 2013 to 2014, 2014 to 2015, and 2015 to 2016 Agency Area Wide Flood On-Call
- City of Albuquerque – San Mateo Storm Drain Improvements
- City of Albuquerque – Fortuna Road Improvements
- City of Albuquerque – Alameda Boulevard Widening
- City of Albuquerque – Bryn Mawr Storm Drain Improvements
- City of Albuquerque – Louisiana/Lomas Storm Drain Improvements
- City of Rio Rancho – Northern Boulevard Widening
- Navajo Tribal Utility Authority (NTUA) – Kayenta WWTP Headworks
- Sandia National Laboratories – Various Design and Construction Phase Services Projects
- Southern Sandoval County Arroyo – SLO Dam Design
- Truth or Consequences – Wastewater Treatment Plant Improvements, Phase 2A
- URS Greiner – Big I Rehabilitation
- Pueblo of Isleta – Isleta Road TR 40
- Pueblo of Zia – Fire Station
- Pueblo of Zia – Cabezón Road Drainage Repair

✉ jamesm@smithengineering.pro

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Direct: 505-314-5580
Mobile: 505-239-7793

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Building 4, Suite 200
Albuquerque, NM 87110

🌐 smithengineering.pro



Timothy Yatsco

Vice President | Construction Phase Services Team Leader

Education

BS, Engineering Technology, New Mexico State University

Professional Certifications

American Concrete Institute-ACI Field Tech I (exp 03/2020)

Background

Mr. Yatsco has 26 years of experience in observation, inspection, and materials testing for water, sewer, storm drain, streets and roads, gas, electrical, and other dry utilities. He has extensive experience in managing construction projects from development to completion. He developed the Electronic Daily Field Reporting format for Smith. Mr. Yatsco's experience includes verification of pay applications and quantities, coordination of Weekly Progress Meetings. He is knowledgeable in construction specifications of NMSHTD, the New Mexico Department of Transportation (NMDOT), City of Santa Fe, Santa Fe County, City of Albuquerque, City of Rio Rancho, City of Aztec, American Association of State Highway and Transportation Officials (AASHTO), American Water Works Association (AWWA), and American Public Works Association APWA, among others.

Experience

- Albuquerque Bernalillo County Water Utility Authority – Small Diameter Utility Replacement/Rehabilitation
- Albuquerque Bernalillo County Water Utility Authority – Small Diameter Utility Replacement/Rehabilitation
- Albuquerque Bernalillo County Water Utility Authority – Transmission Line Asset Management Plan
- Albuquerque Bernalillo County Water Utility Authority – Small Diameter Sewer Rehabilitation
- Albuquerque Bernalillo County Water Utility Authority – Central Corridor Rehab for Rapid Transit Design
- Albuquerque Bernalillo County Water Utility Authority – Paseo del Norte Interchange Water Line & SAS Engineering & Construction Phase
- Albuquerque Metropolitan Arroyo Flood Control Authority – Area Wide Flood Control Maintenance
- The City of Rio Rancho – Northern Boulevard Widening Project
- Navajo Tribal Utility Authority – Window Rock Wastewater Treatment Plant Phase 2 Improvements
- Pueblo of Isleta – Village Proper Water Main Replacement
- Pulte Group Development of NM and Del Webb – Mirehaven Subdivision and Arroyo

✉ timy@smithengineering.pro

📞 Office: 505 884 0700
Direct: 505 314 5586
Mobile: 505 259 3177

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Building 4, Suite 200
Albuquerque, NM 87110

🌐 smithengineering.pro



Tod Carroll

Special Inspector

As a Project Observer with Smith for nine years, Mr. Carroll is proficient in monitoring construction developments to ensure quality control. He has considerable knowledge in materials testing such as soil densities, concrete, Superpave asphaltic concrete, asphalt sampling, grout, and mortar. Mr. Carroll's project experience includes the Artesia Wastewater Treatment Plant, Jal Booster Station, Portales Well field, Corona Sewer Upgrades, Permian Pavilion, 10th St. Waterline, Artesia Water Tower Valve and Line Replacement.

Project Experience

City of Artesia – 13th St. Reconstruction

City of Artesia – 26th St. Sewer Replacement
Agave Amine Plant, Loving, NM

City of Artesia – Water Tower

Roswell Independent School District – Various Schools

Carlsbad Caverns Elevator Rehab – NPS

Corona – Wastewater Treatment Plant

City of Artesia – Wastewater Treatment Plant

Eastern New Mexico University – Roswell Educational Center

Hobbs High School – Various Phases

City of Jal – Wastewater Treatment Plant

New Mexico State University – Performing Arts Center

Odessa College, Odessa TX

Renewable Resource Consultants – Melrose Retail

Picacho Middle School, Las Cruces, NM

Education

Associate of Applied Science-Welding Technology
ENMU-R, 2007

Professional Licenses and Certifications

- Certified Welding Inspector / Welding Educator
- ICC Structural Welding Special Inspector / Steel & Bolting Special Inspector
- ASNT Central Certification Program – ACCP Level II Visual Testing Certificate of Training: Ultrasonic Testing/Welding (Hellier Non-Destructive Testing (NDT) Straight Beam & Shear Wave Inspections, and Hellier NDT Phased Array Ultrasonic Testing (UT))
- Certificate of Training: Radiological Safety for Nuclear Moisture Density Gauges/Aggregate Materials Testing/Soil Material Testing/Nuclear Moisture Density Gauge Operation/Concrete Field Technician Aggregate Laboratory Technician/Soil Laboratory Technician/Operator of Nuclear Moisture Density Gauge/Concrete Field Technician No.22997

Organizations

- American Welding Society
- American Society for Nondestructive Testing
- International Code Council
- ENMU-R Welding Technology Department Advisory Board



City of Portales – Los Lomas Well Field

City of Portales – Pond Sludge Removal

Quail Nuclear – Brazing Procedure Qualifications

Southwest Cheese – Consulting Services, Clovis, NM

Raytheon Polar Services – Consulting Services

Desire Smoot

Field Technician I

Education

University of New Mexico 2010-2013
CNM, 2012-2013

Background

Ms. Smoot has been with Smith over four years. She started with the Construction Observation team in June 2018. She assists in observation including reviewing of schedules, attending construction meetings, and serving as engineer's liaison with contractors. In her role as engineers' liaison with the contractor, she reviews contractor payment applications, verifies materials and installed equipment, creating daily electronic field reports, while maintaining project files. She observes whether the contractor has arranged for required inspections in accordance with the contract documents. She has experience in the final site visit, including punch list preparation for substantial completion and final project walk-through.

Experience

- Albuquerque Bernalillo County Water Utility Authority (ABCWUA) – Small Diameter Sewer Rehab
- ABCWUA – South Valley Drinking Water, Phase 7
- ABCWUA – Large Diameter Valve Replacement P2
- AMAFCA – AAW VIIIIB

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G.1

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Resolution No. 23 18/19, Budget Adjustments transferred, as listed below

BACKGROUND:

Reconciling Budget Adjustments request (based on Chapter 6, Article 6 NM Statue) needed for increase expenses as listed below.

STAFF RECOMMENDATION:

| Description | Amount | Recommendation |
|--|----------|---|
| General Fund– Revenue Fund 101 101-1099-30314 DFA #11000-0001-41250 | \$15,000 | Increase Revenue –Gross Receipts-Mun. Gen. Due to Attorney Fees Exp. |
| General Fund– Expense Fund 101 101-1000-43597 DFA #11000-1001-55020 | \$15,000 | Increase Expense - Attorney Fees |
| Muni Street– Expense Fund 216 216-4503-48598 DFA #21600-2002-55030 | \$20,000 | Increase Expense – From Ending Cash Balance – For MainStreet Block Grant |
| WWTP – Expense Fund 506 506-4005-48598 DFA #50300-2002-55030 | \$20,000 | Increase Expense – From Ending Cash Balance – For WWTP Consultant |
| | | |
| | | |

SUPPORT INFORMATION:

Finance Documents as presented.

Submitted by: [Click here to enter text.](#)

Department: [Click here to enter text.](#)

Meeting date: [Click here to enter date.](#)



RESOLUTION NO. 23-18/19

A RESOLUTION REQUESTING BUDGET ADJUSTMENTS IN THE REVENUE AND EXPENDITURE BUDGET FOR FISCAL YEAR 2018-2019.

WHEREAS, the final budget for was approved by the City Commission of the City of Truth or Consequences, New Mexico, pursuant to Chapter 6, Article 76 NMSA 1978; and

WHEREAS, the City Commission resolve to request a budget adjustment in the 2018-2019 Fiscal Year Revenue and Expenditure Budget as per the Schedule of Budget Adjustments.

NOW THEREFORE, approval of the above is hereby requested of the New Mexico Department of Finance and Administration, Local Government Division.

PASSED, ADOPTED AND APPROVED this 23rd day of January, 2019.

Sandra Whitehead, Mayor

ATTEST:

Reneé L. Cantin, City Clerk-Treasurer

Department of Finance and Administration
Local Government Division
Financial Management Bureau
SCHEDULE OF BUDGET ADJUSTMENTS

REVISÉ 12/08/06

| | |
|------------------------|-------------------------------|
| ENTITY NAME: | City of Truth or Consequences |
| FISCAL YEAR: | 2018 / 2019 |
| DFA Resolution Number: | 23 18/19 |

For Local Government Division use only:

[illegible]

ATTEST: _____
Renee Cantin, Clerk-Treasurer (Date)

Sandra Whitehead (Date)



G.2

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Discussion/Action: Resolution No. 24 2018/2019 creating a Sierra County Complete Count Committee (SCCCC) for Census 2020.

BACKGROUND:

Mr. Paul Dulin from the U.S. Census Bureau will make the presentation. He met with City Clerk Cantin when she was serving as the Interim City Manager. The Census is requesting each community to consider creating a Complete Count Committee for the upcoming 2020 Census. This Committee would be instrumental in helping get the word out for citizens to comply with the Census Count which would be a tremendous asset for our community and our county. Communities rely on the census statistics to plan for a variety of resident needs including new roads, schools, and emergency services. Businesses also use the data to determine where to open places to shop.

In a discussion with County Manager Bruce Swingle, we feel it would benefit our entire county if we joined efforts with the County, City of Elephant Butte, Village of Williamsburg, School District, Churches, business community, Non-Profits, Healthcare, and other unincorporated areas.

STAFF RECOMMENDATION:

Approve Resolution No. 24 creating a Sierra County Complete Count Committee (SCCCC) for Census 2020.

SUPPORT INFORMATION:

Presentation; Resolution; & 2020 Census information.



2020 Census: What's at Stake?

Your Southern New Mexico Partnership Specialists:

Elaine Avina, Partnership Specialist, U.S. Census Bureau-Denver Region

elaine.avina@2020census.gov; Cell: 575 805-4245

Paul Dulin, Partnership Specialist, U.S. Census Bureau- Denver Region

paul.a.dulin@2020census.gov; Cell: 575 805-3826

Census Overview

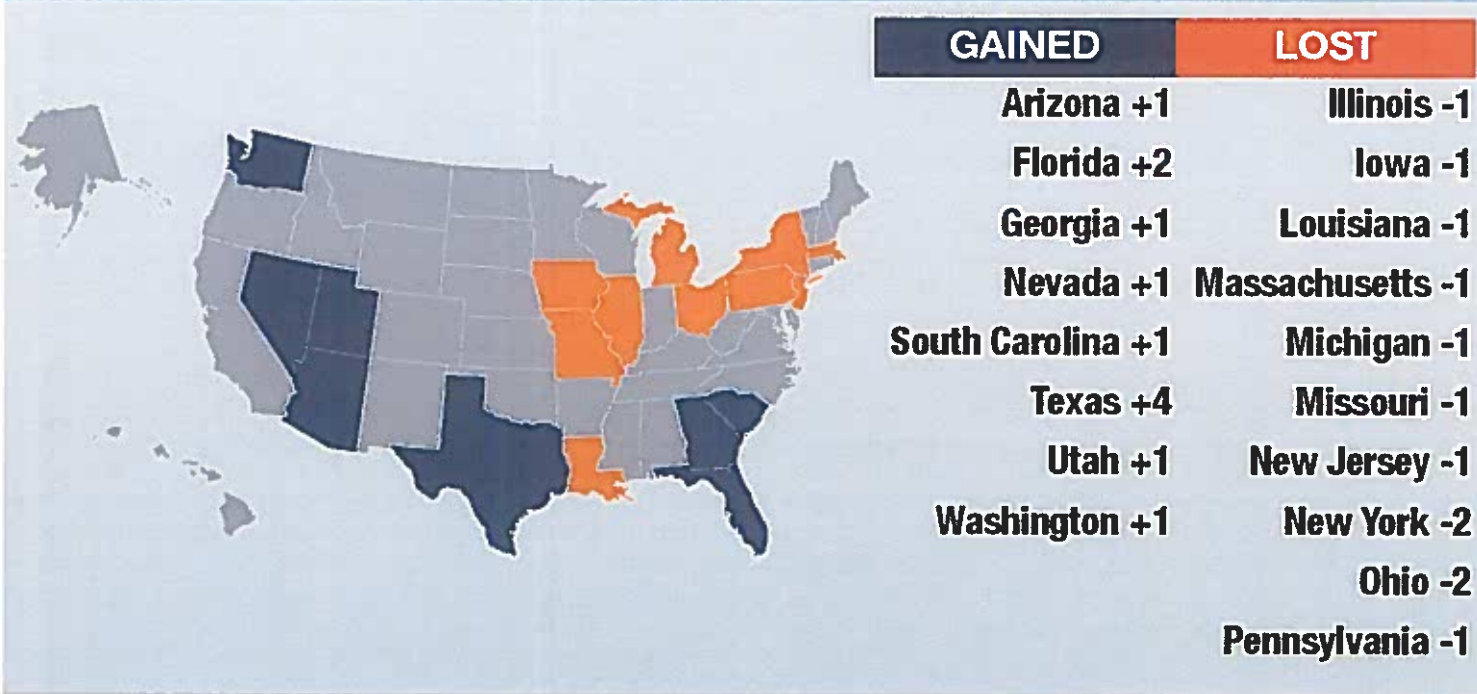
Why we do a census:

Article 1, Section 2 of the US Constitution

The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct.

APPORTIONMENT

2010
OFFICIAL RESULTS



Counting For Dollars

New Mexico receives over \$6 billion dollars per year based on Decennial Census data.

The per capita per annum allocation is \$2,972

Just a 1% undercount of New Mexicans in 2020 could result in a \$6,000,000 loss of funds over a 10-year period!

Counting for Dollars link:

<https://gwipp.gwu.edu/counting-dollars-role-decennial-census-geographic-distribution-federal-funds>

New Mexico

Total Program Obligations: \$6,197,394,617

Per Capita: \$2,972 (see note on proper use)

| <u>CFDA #</u> | <u>Program Name</u> | <u>Dept.</u> | <u>Type</u> | <u>Recipients</u> | <u>Obligations</u> |
|-------------------|---|--------------|-------------|-------------------|--------------------|
| 93.778 | Medical Assistance Program (Medicaid) | HHS | Grants | States | \$4,173,017,895 |
| 10.551 | Supplemental Nutrition Assistance Program (SNAP) | USDA | Direct Pay | Households | \$685,206,629 |
| 20.205 | Highway Planning and Construction | DOT | Grants | States | \$360,908,073 |
| 93.774 | Medicare Part B (Supplemental Medical Insurance) – Physicians Fee Schedule Services | HHS | Direct Pay | Providers | \$252,631,865 |
| 84.010 | Title I Grants to Local Education Agencies | ED | Grants | LEAs | \$115,281,583 |
| 10.555 | National School Lunch Program | USDA | Grants | States | \$95,353,466 |
| 84.027 | Special Education Grants (IDEA) | ED | Grants | States | \$90,766,161 |
| 93.600 | Head Start/Early Head Start | HHS | Grants | Providers | \$84,381,811 |
| 14.871 | Section 8 Housing Choice Vouchers | HUD | Direct Pay | Owners | \$74,512,000 |
| 93.767 | State Children's Health Insurance Program (S-CHIP) | HHS | Grants | States | \$73,635,000 |
| 93.527/ 93.224 | Health Center Programs (Community, Migrant, Homeless, Public Housing) | HHS | Grants | Providers | \$65,320,352 |
| 10.557 | Supplemental Nutrition Program for Women, Infants, and Children (WIC) | USDA | Grants | States | \$38,654,036 |
| 14.195 | Section 8 Housing Assistance Payments Program (Project-based) | HUD | Direct Pay | Owners | \$30,028,385 |
| 93.658 | Foster Care (Title IV-E) | HHS | Grants | States | \$20,392,000 |
| 93.596 | Child Care and Development Fund-Entitlement | HHS | Grants | States | \$20,188,000 |
| 93.568 | Low Income Home Energy Assistance (LIHEAP) | HHS | Grants | States | \$17,117,361 |

Key Data Collection Dates

- Nov – 2019
- April 2018
- January-Feb 2019
- Aug – Oct 2019
- Jan-Aug-2019
- Early 2020
- March 23, 2020
- **April 1, 2020**
- May 2020
- August 2020
- December 31, 2020
- In-Office Address Canvass
- Regional Census Center Opens
- Early Area Census Offices Open
- Address Canvassing – select areas
- Area Census Offices Open
- Group Quarters Start
- Self Response Starts
- **CENSUS DAY**
- Non-Response Follow-Up Starts
- Data Collection Complete
- Counts Delivered to President

What is a Complete Count Committee

WHO?

Tribal, state, and local governments work together with partners to form CCCs to promote and encourage response to the 2020 Census in their communities. Community-based organizations also establish CCCs that reach out to their constituents.

WHAT?

A CCC is comprised of a broad spectrum of government and community leaders from education, business, healthcare, and other community organizations. These trusted voices develop and implement a 2020 Census awareness campaign based upon their knowledge of the local community to encourage a response.

WHEN?

The formation of CCCs is happening NOW! Leaders are identifying budget resources and establishing local work plans. In 2020, they will implement the plans and lead their communities to a successful census count.



Structure of a Complete Count Committee

The mayor, county manager or highest executive officer appoints the members of the CCC based on their ability to:

- Communicate to their constituencies about the importance of the Census
- Bring Resources to the table
- Approve initiatives
- Influence or can bring about awareness, especially to the Hard-to-Count
- Allocate sufficient time to the effort
- Represent all races/ethnicities in a non-partisan manner
- Have the leadership to create coalitions

Complete Count Committee Formation



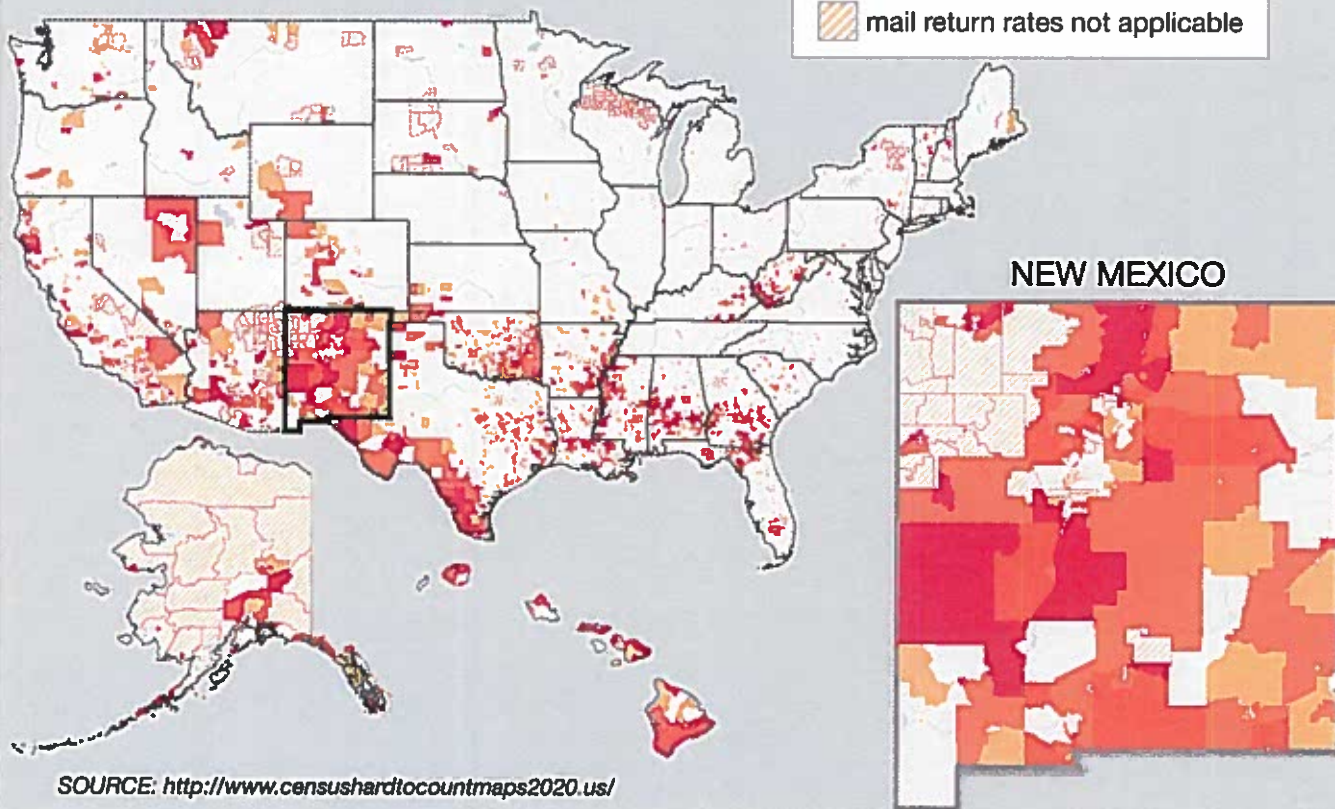
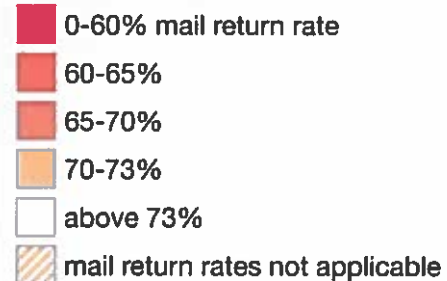
Census Mobilization Process



- *Education/Awareness Phase* **Engage & Educate Local Leaders, Partners & Communities** January 2018-September 2019
- *Promotion Phase* **Promote Participation** April 2019-January 2020
- *Motivation/Operational Phase* **Call to Action for Residents to Respond** February 2020-June 2020

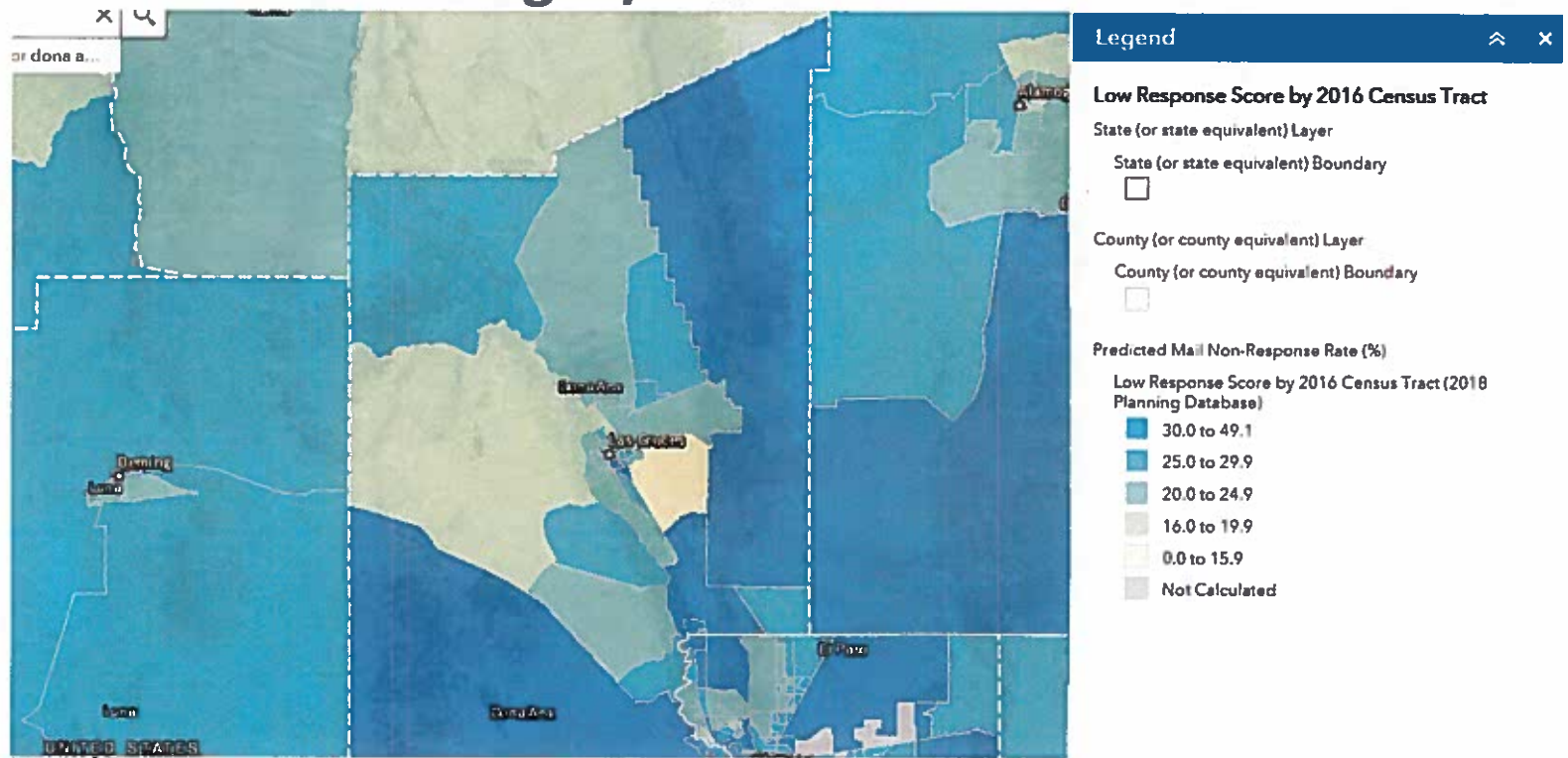
HARDEST TO COUNT TRACTS IN THE NATION

Tracts with 2010 mail return rates of 70% or less (in the bottom 20 percent of returned rates nationwide) are shaded on the map.

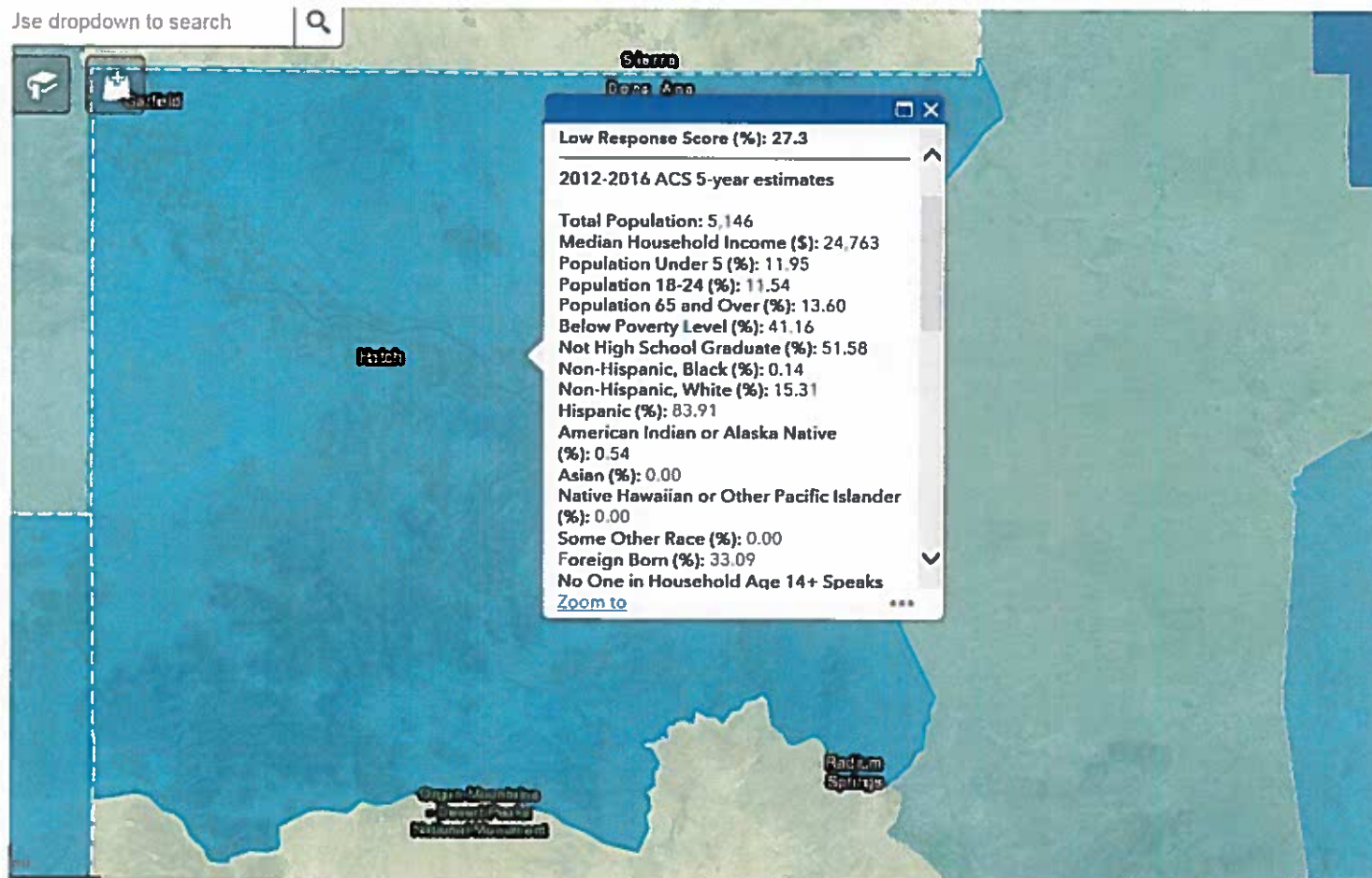


Response Outreach Area Mapper (ROAM)

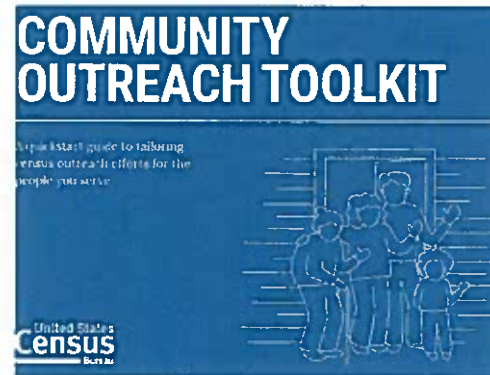
census.gov/roam



Use dropdown to search



CCC TOOLS



<https://www.census.gov/partners/>



U.S. Department of Commerce
Economics and Statistics Administration
U.S. CENSUS BUREAU
[census.gov](https://www.census.gov)

<https://www.census.gov/partners/toolkit.pdf>

CENSUS JOBS NOW LIVE!

<https://2020census.gov/jobs>



Critical Steps/What's Next

2019

- Continue establishing and training CCCs, and development of strategies and work plans
- Open Area Census Offices (Albuquerque and Las Cruces)
- CCCs begin community organization mobilization.
- August-October Address Canvassing begins
- Recruiting for Operations in 2020-enumerators (Fall, 2019)

2020

- 2020 Census advertising campaign begins in early in late 2019 and into 2020
- CCCs support the 2020 Census
- CCCs encourage self-response (Internet, cell phone, paper, telephone)
- April 1, 2020 – CENSUS DAY
- CCCs urge households who do not respond to cooperate with census takers
- CCCs thank the community for their participation in the 2020 Census

**SIERRA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO.**

**A RESOLUTION CREATING A CENSUS 2020 COMPLETE COUNT COMMITTEE
STRUCTURE TO PLAN AND CONDUCT LOCAL EDUCATIONAL INITIATIVES,
PUBLICITY AND PROMOTIONAL ACTIVITIES TO INCREASE COMMUNITY
AWARENESS AND PARTICIPATION IN CENSUS 2020**

WHEREAS, the Board of Sierra County Commissioners of Sierra County, New Mexico, met a regularly scheduled Commission Meeting on January 22, 2019, at the Sierra County Administration Building, 855 Van Patten, Truth or Consequences, NM 87901; and,

WHEREAS, the United States Census has been performed every ten years since 1790, with the last census in 2010; and

WHEREAS, Sierra County's decennial census population count directly affects the amount of federal revenue distributed for roads, schools, libraries, senior centers, day care centers, and hospitals; and

WHEREAS, the community loses approximately \$3,000 Federal dollars per year for each resident failing to participate in the Census; and

WHEREAS, accurate census information is critical to planning for future growth, development and social needs of the County of Sierra; and

WHEREAS, the county welcomes assistance and advice from community-based organizations, the school districts, local businesses and the media in counting the entire local population, including traditionally hard to count, or undercounted, populations; and

WHEREAS, the more informed residents become about the 2020 census operations, the probability of a successful enumeration will be increased; and

WHEREAS, everyone, whether a United States citizen, an immigrant or an undocumented worker needs the goods and services provided by local and state government, paid for, in part, by federal grants.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF THE
COUNTY OF SIERRA:**

1. The Census 2020 Complete Count Committee, established to serve in an educational and promotional advisory capacity to the County, shall be called the Sierra County Complete Count Committee.

- a. The Sierra County Complete Count Committee members shall include representation from the following community groups:
 - i. Governing Officials
 - ii. Business Community
 - iii. Education Sector
 - iv. Community / Nonprofit Organizations
 - v. Faith Based Groups
 - vi. Media
 - vii. Youth
 - viii. Healthcare
 - ix. Others
 - b. The purpose of the Sierra County Count Committee is to provide advice and assistance to the County and promote participation in obtaining the most accurate and complete count for Census 2020 by increasing the response rate through focused, structured community minded action. The committee will utilize the knowledge and expertise of each committee member to implement a census awareness campaign targeted to residents.
 - c. The census effort will be driven from the County as an inclusive community effort supported by the US Census Bureau.
 - d. Duties and responsibilities of the committee shall include formulation of strategies to enhance the County's response rate to Census 2020.
 - i. The committee will utilize local knowledge, expertise and influence of each committee member to design and implement a census awareness campaign targeted to the various communities across the region.
2. Committee members shall serve from January 2019 through August 2020 at which time the Committee shall dissolve. No dissolving resolution is necessary.
- a. Any organization represented in the committee shall appoint a designated committee member and replace a committee member who steps down or can no longer fulfill the responsibilities entailed in service to the committee.
 - b. The Committee will engage as necessary to effectuate the purposes of this Resolution.

PASSED AND APPROVED this 22nd day of January 2019.

BOARD OF COUNTY COMMISSIONERS

Travis Day, Commissioner

Frances Luna, Commissioner

James Paxon, Commissioner

Attest:

Shelly Trujillo
Sierra County Clerk

DRAFT

The 2020 Census at a Glance

Counting everyone once, only once, and in the right place.

The U.S. Census Bureau is the federal government's largest statistical agency. We are dedicated to providing current facts and figures about America's people, places, and economy. Federal law protects the confidentiality of all individual responses the Census Bureau collects.

The U.S. Constitution requires that each decade we take a count—or a census—of America's population.



The census provides vital information for you and your community.

- It determines how many representatives each state gets in Congress and is used to redraw district boundaries. Redistricting counts are sent to the states by March 31, 2021.
- Communities rely on census statistics to plan for a variety of resident needs including new roads, schools, and emergency services.
- Businesses use census data to determine where to open places to shop.

Each year, the federal government distributes hundreds of billions of dollars to states and communities based on Census Bureau data.

In 2020, we will implement new technology to make it easier than ever to respond to the census. For the first time, you will be able to respond online, by phone, as well as by mail. We will use data that the public has already provided to reduce followup visits. And, we are building an accurate address list and automating our field operations—all while keeping your information confidential and safe.

United States®
Census
Bureau

KEY MILESTONES

- | | |
|-------------|---|
| 2018 | <ul style="list-style-type: none">● 2018 End-to-End Census Test● 2020 Census questions sent to Congress by March 31, 2018● Six regional 2020 Census offices and 40 area census offices open |
| 2019 | <ul style="list-style-type: none">● Partnership activities launch● Complete Count Committees establish● Remaining 248 area census offices open |
| 2020 | <ul style="list-style-type: none">● Advertising begins in early 2020● Public response (online, phone, or mail) begins● Census Day— April 1, 2020● In-person visits to households that haven't responded begin● Apportionment counts sent to the President by December 31, 2020 |
| 2021 | <ul style="list-style-type: none">● Redistricting counts sent to the states by March 31, 2021 |

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THE GEORGE WASHINGTON UNIVERSITY

WASHINGTON, DC

Counting for Dollars 2020

16 Large Federal Assistance Programs that Distribute Funds on Basis of Decennial
Census-derived Statistics (Fiscal Year 2015)

New Mexico

Total Program Obligations: \$6,197,394,617

Per Capita: \$2,972 (see note on proper use)

| CFDA # | Program Name | Dept. | Type | Recipients | Obligations |
|-------------------|---|-------|------------|------------|-----------------|
| 93.778 | Medical Assistance Program (Medicaid) | HHS | Grants | States | \$4,173,017,895 |
| 10.551 | Supplemental Nutrition Assistance Program (SNAP) | USDA | Direct Pay | Households | \$685,206,629 |
| 20.205 | Highway Planning and Construction | DOT | Grants | States | \$360,908,073 |
| 93.774 | Medicare Part B (Supplemental Medical Insurance) – Physicians Fee Schedule Services | HHS | Direct Pay | Providers | \$252,631,865 |
| 84.010 | Title I Grants to Local Education Agencies | ED | Grants | LEAs | \$115,281,583 |
| 10.555 | National School Lunch Program | USDA | Grants | States | \$95,353,466 |
| 84.027 | Special Education Grants (IDEA) | ED | Grants | States | \$90,766,161 |
| 93.600 | Head Start/Early Head Start | HHS | Grants | Providers | \$84,381,811 |
| 14.871 | Section 8 Housing Choice Vouchers | HUD | Direct Pay | Owners | \$74,512,000 |
| 93.767 | State Children's Health Insurance Program (S-CHIP) | HHS | Grants | States | \$73,635,000 |
| 93.527/ 93.224 | Health Center Programs (Community, Migrant, Homeless, Public Housing) | HHS | Grants | Providers | \$65,320,352 |
| 10.557 | Supplemental Nutrition Program for Women, Infants, and Children (WIC) | USDA | Grants | States | \$38,654,036 |
| 14.195 | Section 8 Housing Assistance Payments Program (Project-based) | HUD | Direct Pay | Owners | \$30,028,385 |
| 93.658 | Foster Care (Title IV-E) | HHS | Grants | States | \$20,392,000 |
| 93.596 | Child Care and Development Fund-Entitlement | HHS | Grants | States | \$20,188,000 |
| 93.568 | Low Income Home Energy Assistance (LIHEAP) | HHS | Grants | States | \$17,117,361 |



G3

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Resolution No. 25 2018/2019 confirming the continuation of Municipal Elections to be conducted on Municipal Officer Election Day in March of even numbered years.

BACKGROUND:

As you may, or may not recall, last year our City Clerk served as the Co-Chair of the New Mexico Clerk's & Finance Officers Association. Along with other Officer's in the NMCFOA, she attended quite a few hearings at the Capitol and was also designated the Expert Witness for a portion of the hearings. The Local Election Act Bill where Municipal Clerk's and all Municipalities were going to be required to have the County Clerk run their elections did not end up passing because the Governor Pocket vetoed it.

We then worked with Senator Ivey-Soto on some changes municipalities could live with and the Local Election Act Bill passed. One of the changes in the bill included the option for the local governing bodies to have the option to Opt-in to the Ordinance if they preferred the County Clerk's to administer their elections. Those elections would be held with other non-partisan elections including: School Boards; Soil & Water Conservation Districts; and others in November of odd numbered years. And again would be combined with other non-partisan group elections.

The CFOA Committee decided it would be a good idea for the communities who plan to have their Municipal Clerk's run the Election, would have better support if it was approved officially in a meeting. So the attached Resolution is confirming the continuation of Municipal Elections to be conducted on Municipal Officer Election Day in March of even numbered years. If we would like to look into the other option, we would need to do so by January 30th of next year.

STAFF RECOMMENDATION:

None.

SUPPORT INFORMATION:

Resolution 25 2018/2019

RESOLUTION NO. 26 2018/2019

**A RESOLUTION CONFIRMING THE CONTINUATION OF MUNICIPAL ELECTIONS
TO BE CONDUCTED ON MUNICIPAL OFFICER ELECTION DAY**

WHEREAS: on July 1, 2018, the Local Election Act went into effect as Chapter 1, Article 22, NMSA 1978 establishing the Municipal Officer Election Day on the first Tuesday in March of even numbered years; and

WHEREAS: the Local Election Act provides the option for each municipality to determine if its elective officers shall be elected at the Regular Local Election on the first Tuesday after the first Monday in November of odd numbered years or at Municipal Officer Election Day on the first Tuesday of March of even number years; and

WHEREAS: the City of Truth or Consequences has considered the issues related to selecting an election day, including the uniformity of procedure and convenience for the voters.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY
OF TRUTH OR CONSEQUENCES, NEW MEXICO:**

Section 1. The City of Truth or Consequences selects to elect its municipal officers at the Municipal Officer Election Day, the first Tuesday in March of even numbered years.

Section 2. The Municipal Clerk shall conduct the Municipal Officer Elections for the City of Truth or Consequences utilizing the appropriate statutes and NMAC rules, in the same manner as the Municipal Clerk previously conducted Municipal Elections utilizing the Municipal Election Code.

PASSED, APPROVED, AND ADOPTED THIS 23rd DAY OF January, 2019.

Sandra Whitehead, Mayor

(SEAL)

ATTEST:

Renee L. Cantin, CMC, City Clerk-Treasurer



H.1

CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

Approval of Quarterly Budget Report Submission to DFA – 2nd Quarter,
October 1, 2018 to December 31, 2018

BACKGROUND:

Required reporting to DFA on a quarterly basis

SUPPORT INFORMATION:

- Finance Documents as presented.

| | | |
|---------------------------------|--------------------------------|---------------|
| Name of Drafter: Melissa Torres | Department: : Finance Director | Mtg: 01/23/19 |
|---------------------------------|--------------------------------|---------------|

CITY OF TRUTH OR CONSEQUENCES

FYE 2019 — FINANCIAL REPORT



2nd Quarter Report

With Year-to-Date Information

October 1, 2018 through December 31, 2018

General & Enterprise Fund Revenue

FYE 19 - 2nd Qrt

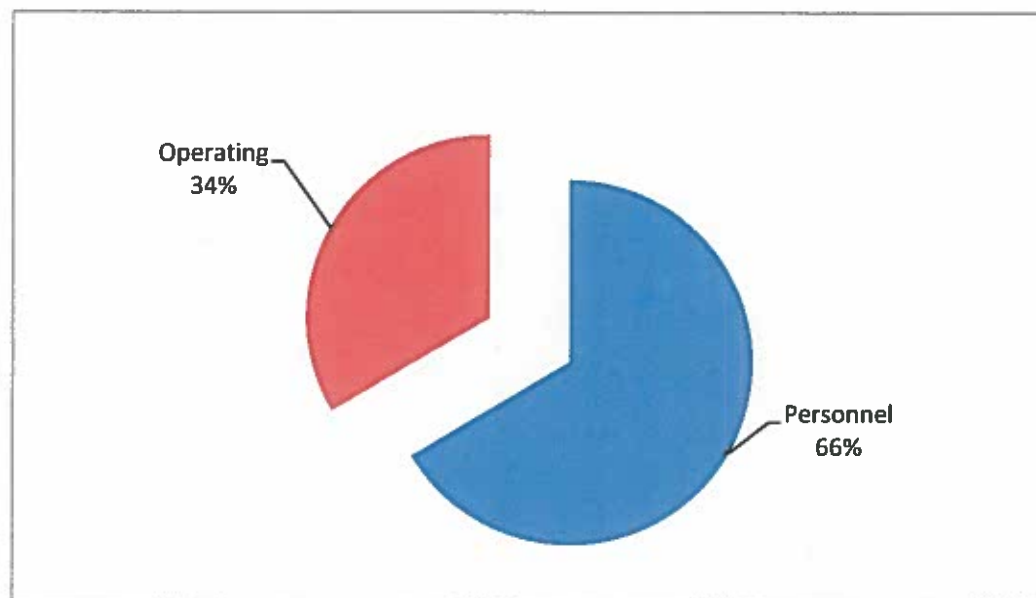
| Fund | REVENUE | Budget | Revenue | Total | Mo.% | %Rev. | YTD % over/under |
|------|-------------------|-----------------|-----------------|-----------------|--------|--------|---------------------|
| 101 | General Fund | \$ 3,475,317.00 | \$ 1,721,396.43 | \$ 1,721,396.43 | 50.00% | 49.53% | 0.47% |
| 295 | Municipal Pool | \$ 16,400.00 | \$ 7,084.00 | \$ 7,084.00 | 25.00% | 43.20% | -18.20% |
| 501 | Cemetery | \$ 10,600.00 | \$ 7,160.84 | \$ 7,160.84 | 25.00% | 67.47% | -42.47% |
| 502 | Utility Office | \$ 60,407.00 | \$ 28,518.78 | \$ 28,518.78 | 25.00% | 47.21% | -22.21% |
| 503 | Electric Division | \$ 6,779,498.00 | \$ 3,622,042.64 | \$ 3,622,042.64 | 25.00% | 53.43% | -28.43% |
| 504 | Water Division | \$ 1,019,748.00 | \$ 517,759.66 | \$ 517,759.66 | 25.00% | 50.77% | -25.77% |
| 505 | Solid Waste | \$ 1,582,907.00 | \$ 753,533.78 | \$ 753,533.78 | 25.00% | 47.60% | -22.60% |
| 506 | Waste Water | \$ 1,119,920.00 | \$ 570,621.15 | \$ 570,621.15 | 25.00% | 50.95% | -25.95% |
| 507 | Transfer Station | \$ 589,413.00 | \$ 255,392.95 | \$ 255,392.95 | 25.00% | 43.33% | -18.33% |
| 508 | Golf Course | \$ 30,300.00 | \$ 9,802.27 | \$ 9,802.27 | 25.00% | 32.35% | -7.35% |
| 509 | Airport | \$ 179,050.00 | \$ 110,541.52 | \$ 110,541.52 | 25.00% | 61.74% | -36.74% |

General & Enterprise Fund Expenditures

FYE 19 - 2nd Qrt

| Fund/Dept | EXPENDITURES | Budget | Personnel | Operating | Total | Mo.% | %Exp. | YTD % over/under |
|------------|---------------------|------------------------|------------------------|----------------------|------------------------|---------------|---------------|---------------------|
| 1000 | Gov. Body | \$ 174,317.00 | \$ 16,549.66 | \$ 76,881.85 | \$ 93,431.51 | 50.00% | 62.69% | -12.69% |
| 1001 | City Clerk | \$ 180,249.00 | \$ 45,977.32 | \$ 11,835.46 | \$ 57,812.78 | 50.00% | 38.89% | 11.11% |
| 1002 | Municipal Court | \$ 234,684.00 | \$ 87,588.43 | \$ 15,366.16 | \$ 102,954.59 | 50.00% | 45.24% | 4.76% |
| 1003 | City Manager | \$ 257,722.00 | \$ 125,996.19 | \$ 33,319.43 | \$ 159,315.62 | 50.00% | 64.89% | -14.89% |
| 1004 | Finance | \$ 489,240.00 | \$ 151,998.54 | \$ 113,493.41 | \$ 265,491.95 | 50.00% | 66.69% | -16.69% |
| 1005 | Vol. Fire Dept. | \$ 21,500.00 | \$ - | \$ 21,500.00 | \$ 21,500.00 | 50.00% | 100.00% | -50.00% |
| 1007 | Police | \$ 1,378,518.00 | \$ 518,108.29 | \$ 201,780.64 | \$ 719,888.93 | 50.00% | 57.22% | -7.22% |
| 1008 | Codes/Animal | \$ 363,558.00 | \$ 123,123.17 | \$ 13,015.91 | \$ 136,139.08 | 50.00% | 41.71% | 8.29% |
| 1009 | Recreation | \$ 280,461.00 | \$ 63,975.32 | \$ 26,361.22 | \$ 90,336.54 | 50.00% | 38.59% | 11.41% |
| 1010 | Comm. Dev. | \$ 224,422.00 | \$ 40,903.72 | \$ 5,021.69 | \$ 45,925.41 | 50.00% | 22.10% | 27.90% |
| 1011 | Street | \$ 389,800.00 | \$ 154,574.34 | \$ 597.72 | \$ 155,172.06 | 50.00% | 39.98% | 10.02% |
| 1012 | Fleet | \$ 133,111.00 | \$ 51,093.37 | \$ 2,608.24 | \$ 53,701.61 | 50.00% | 42.41% | 7.59% |
| 1014 | Facilities | \$ 516,162.00 | \$ 171,884.52 | \$ 41,678.15 | \$ 213,562.67 | 50.00% | 45.64% | 4.36% |
| 1016 | Library | \$ 208,337.00 | \$ 82,014.75 | \$ 590.92 | \$ 82,605.67 | 50.00% | 39.86% | 10.14% |
| 1017 | Hospital GRT Dist. | \$ 200,000.00 | \$ - | \$ 110,880.38 | \$ 110,880.38 | 50.00% | 55.44% | -5.44% |
| 1018 | Ins. & Utilities | \$ 191,600.00 | \$ - | \$ 150,327.39 | \$ 150,327.39 | 50.00% | 122.80% | -72.80% |
| 101 | General Fund | \$ 5,243,681.00 | \$ 1,633,787.62 | \$ 825,258.57 | \$ 2,459,046.19 | 50.00% | 52.94% | -2.94% |
| 295 | Municipal Pool | \$ 222,996.00 | \$ 50,976.19 | \$ 26,668.39 | \$ 77,644.58 | 50.00% | 46.78% | 3.22% |
| 501 | Cemetery | \$ 11,000.00 | \$ - | \$ 7,160.84 | \$ 7,160.84 | 50.00% | 66.88% | -16.88% |
| 502 | Utility Office | \$ 471,354.00 | \$ 141,842.16 | \$ 71,586.68 | \$ 213,428.84 | 50.00% | 49.54% | 0.46% |
| 503 | Electric Division | \$ 4,896,658.00 | \$ 194,929.86 | \$ 2,664,896.24 | \$ 2,859,826.10 | 50.00% | 96.79% | -46.79% |
| 504 | Water Division | \$ 736,787.00 | \$ 156,225.30 | \$ 251,879.84 | \$ 408,105.14 | 50.00% | 67.46% | -17.46% |
| 505 | Solid Waste | \$ 1,394,672.00 | \$ 260,318.87 | \$ 311,780.04 | \$ 572,098.91 | 50.00% | 76.70% | -26.70% |
| 506 | Waste Water | \$ 848,625.00 | \$ 139,784.40 | \$ 216,832.53 | \$ 356,616.93 | 50.00% | 68.63% | -18.63% |
| 507 | Transfer Station | \$ 698,435.00 | \$ - | \$ 176,357.03 | \$ 176,357.03 | 50.00% | 26.83% | 23.17% |
| 508 | Golf Course | \$ 150,300.00 | \$ - | \$ 72,960.96 | \$ 72,960.96 | 50.00% | 78.83% | -28.83% |

| | | | | | | | | |
|-----|---------|---------------|--------------|---------------|---------------|--------|--------|---------|
| 509 | Airport | \$ 274,181.00 | \$ 41,853.98 | \$ 112,034.52 | \$ 153,888.50 | 50.00% | 61.52% | -11.52% |
|-----|---------|---------------|--------------|---------------|---------------|--------|--------|---------|



Special Revenue Fund Revenue & Expenditures

FYE 19 -2nd Qrt

| Fund | REVENUE | Budget | Revenue | Total | Mo.% | %Rev. | YTD % over/under |
|------|--------------------|---------------|---------------|---------------|--------|--------|---------------------|
| 201 | Corrections | \$ 14,115.00 | \$ 4,804.00 | \$ 4,804.00 | 50.00% | 34.03% | 15.97% |
| 209 | State Fire | \$ 289,685.00 | \$ 178,085.87 | \$ 178,085.87 | 50.00% | 61.48% | -11.48% |
| 211 | LEPF | \$ 27,800.00 | \$ 25,400.00 | \$ 25,400.00 | 50.00% | 91.37% | -41.37% |
| 214 | Lodger's Tax | \$ 352,358.00 | \$ 172,254.80 | \$ 172,254.80 | 50.00% | 48.89% | 1.11% |
| 216 | Municipal Street | \$ 350,490.00 | \$ 188,168.99 | \$ 188,168.99 | 50.00% | 53.69% | -3.69% |
| 217 | Recreation | \$ 35.00 | \$ 3.41 | \$ 3.41 | 50.00% | 9.74% | 40.26% |
| 293 | Veterans Wall Perp | \$ 4,000.00 | \$ - | \$ - | 50.00% | 0.00% | 50.00% |
| 294 | State Library | \$ 34,005.00 | \$ 6,630.45 | \$ 6,630.45 | 50.00% | 19.50% | 30.50% |
| 296 | PD GRT | \$ 75,200.00 | \$ 25,062.78 | \$ 25,062.78 | 50.00% | 33.33% | 16.67% |

| Fund | EXPENDITURES | Budget | Operating | Total | Mo.% | %Exp. | over/under |
|------|--------------------|---------------|---------------|---------------|--------|--------|------------|
| 201 | Corrections | \$ 36,200.00 | \$ 18,850.00 | \$ 18,850.00 | 50.00% | 73.66% | -23.66% |
| 209 | State Fire | \$ 777,187.00 | \$ 40,015.61 | \$ 40,015.61 | 50.00% | 6.82% | 43.18% |
| 211 | LEPF | \$ 27,800.00 | \$ 10,794.86 | \$ 10,794.86 | 50.00% | 51.17% | -1.17% |
| 214 | Lodger's Tax | \$ 279,881.00 | \$ 73,284.91 | \$ 73,284.91 | 50.00% | 40.60% | 9.40% |
| 216 | Municipal Street | \$ 500,715.00 | \$ 102,155.57 | \$ 102,155.57 | 50.00% | 26.79% | 23.21% |
| 217 | Recreation | \$ 42,000.00 | \$ 28,982.48 | \$ 28,982.48 | 50.00% | 69.01% | -19.01% |
| 293 | Veterans Wall Perp | \$ 400.00 | \$ - | \$ - | 50.00% | 0.00% | 50.00% |
| 294 | State Library | \$ 34,005.00 | \$ 1,175.48 | \$ 1,175.48 | 50.00% | 7.61% | 42.39% |
| 296 | PD GRT | \$ 130,000.00 | \$ - | \$ - | 50.00% | 0.00% | 50.00% |

Capital Projects Fund Revenue & Expenditures

FYE 19 - 2nd Qrt

| Fund | REVENUE | Budget | Revenue | Total | Mo.% | %Rev. | YTD % over/under |
|------|-----------------------|-----------------|---------------|---------------|--------|----------|---------------------|
| 301 | Impact Fees | \$ 108.00 | \$ 3,793.78 | \$ 3,793.78 | 50.00% | 3512.76% | -3462.76% |
| 302 | Electric Construction | \$ 2,070.00 | \$ 823.89 | \$ 823.89 | 50.00% | 39.80% | 10.20% |
| 303 | Veterans Wall | \$ 58,776.00 | \$ 33,276.00 | \$ 33,276.00 | 50.00% | 56.61% | -6.61% |
| 305 | CI General | \$ 80.00 | \$ 2.67 | \$ 2.67 | 50.00% | 3.34% | 46.66% |
| 306 | CI Jt Util | \$ 551,241.00 | \$ 181,817.04 | \$ 181,817.04 | 50.00% | 32.98% | 17.02% |
| 309 | USDA WWTP | \$ 4,532,055.00 | \$ 29,121.40 | \$ 29,121.40 | 50.00% | 64.00% | -14.00% |
| 311 | R&R Sewer | \$ 500.00 | \$ 254.04 | \$ 254.04 | 50.00% | 50.81% | -0.81% |
| 312 | R&R Airport | \$ 49,013.00 | \$ 52,356.00 | \$ 52,356.00 | 50.00% | 106.82% | -56.82% |
| 313 | R&R Water | \$ 445.00 | \$ 0.46 | \$ 0.46 | 50.00% | 10.00% | 40.00% |
| 314 | CDBG | \$ 150,000.00 | \$ 323,565.47 | \$ 323,565.47 | 50.00% | 215.71% | -165.71% |

| Fund | EXPENDITURES | Budget | Operating | Total | Mo.% | %Exp. | over/under |
|------|-----------------------|-----------------|---------------|---------------|--------|---------|------------|
| 301 | Impact Fees | \$ - | \$ - | \$ - | 50.00% | 0.00% | 50.00% |
| 302 | Electric Construction | \$ 538,973.00 | \$ - | \$ - | 50.00% | 9.29% | 40.71% |
| 303 | Veterans Wall | \$ 64,036.00 | \$ 51,879.63 | \$ 51,879.63 | 50.00% | 93.65% | -43.65% |
| 305 | CI General | \$ 12,000.00 | \$ 15,978.19 | \$ 15,978.19 | 50.00% | 168.29% | -118.29% |
| 306 | CI Jt Util | \$ 1,003,009.00 | \$ 329,401.86 | \$ 329,401.86 | 50.00% | 32.93% | 17.07% |
| 309 | USDA WWTP | \$ 4,615,000.00 | \$ 68,371.43 | \$ 68,371.43 | 50.00% | 9.89% | 40.11% |
| 311 | R&R Sewer | \$ - | \$ - | \$ - | 50.00% | 0.00% | 50.00% |
| 312 | R&R Airport | \$ 70,014.00 | \$ 8,686.62 | \$ 8,686.62 | 50.00% | 12.41% | 37.59% |
| 313 | R&R Water | \$ 3,000.00 | \$ - | \$ - | 50.00% | 0.00% | 50.00% |
| 314 | CDBG | \$ 150,000.00 | \$ - | \$ - | 50.00% | 0.00% | 50.00% |

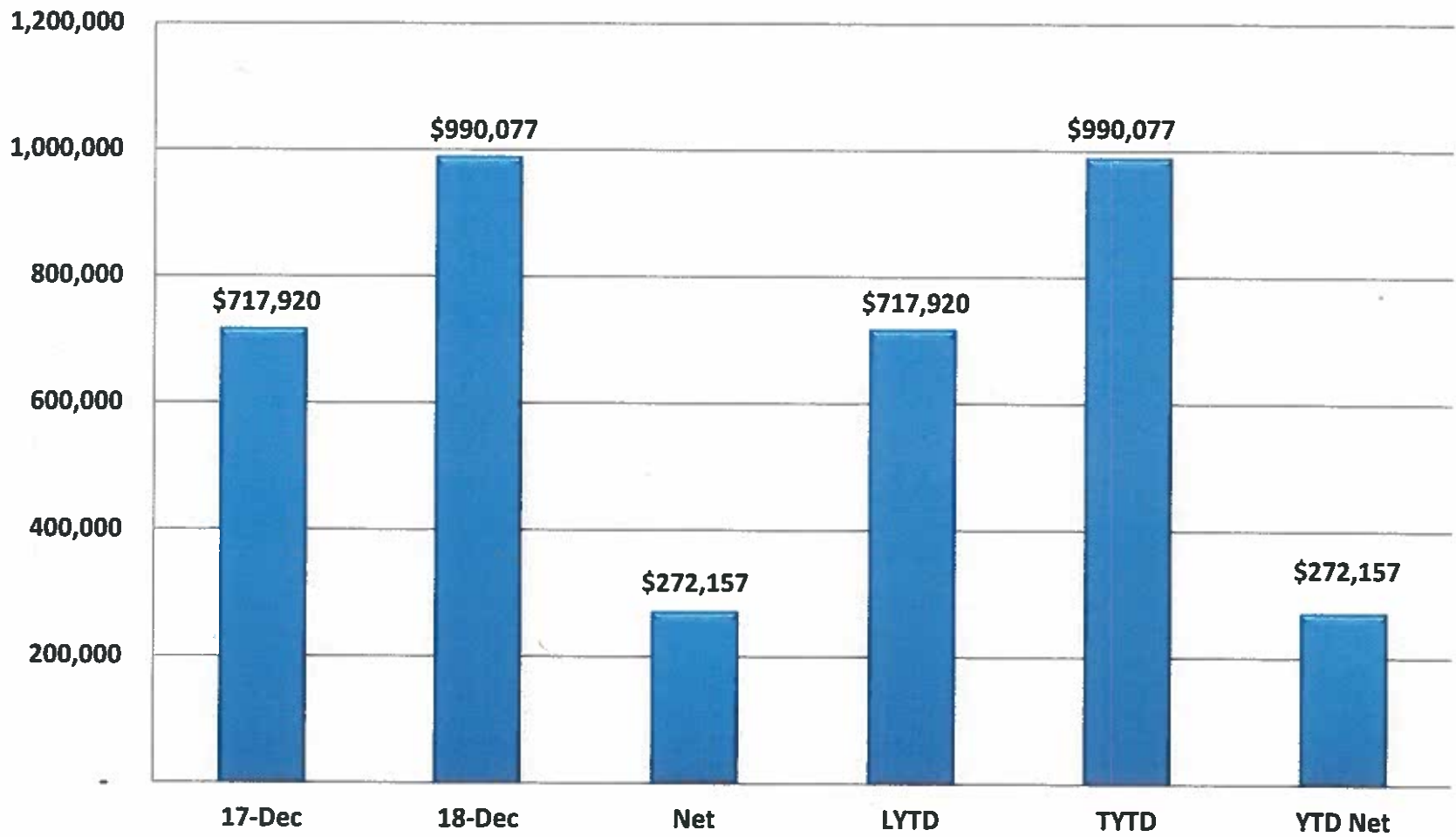
GRT — 5-year Comparison

| | FY 13/14 | FY 14/15 | FY 15/16 | FY 16/17 | FY 17/18 | FY 18/19 |
|---------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| July | \$ 228,948.47 | \$ 288,059.26 | \$ 229,564.35 | \$ 333,796.98 | \$ 256,101.73 | \$ 361,516.21 |
| Aug | \$ 223,005.12 | \$ 265,425.34 | \$ 230,566.56 | \$ 354,407.19 | \$ 281,905.59 | \$ 285,401.28 |
| Sept | \$ 202,275.53 | \$ 246,125.55 | \$ 266,770.50 | \$ 360,216.14 | \$ 255,235.32 | \$ 259,751.18 |
| Oct | \$ 254,584.00 | \$ 282,146.10 | \$ 223,127.38 | \$ 331,511.40 | \$ 263,616.54 | \$ 356,912.95 |
| Nov | \$ 215,986.75 | \$ 219,263.23 | \$ 224,882.18 | \$ 321,318.88 | \$ 234,894.97 | \$ 324,897.37 |
| Dec | \$ 214,376.70 | \$ 277,103.06 | \$ 228,179.91 | \$ 245,672.13 | \$ 219,408.22 | \$ 308,266.37 |
| Jan | \$ 203,186.20 | \$ 196,312.66 | \$ 211,757.68 | \$ 357,021.10 | \$ 229,230.60 | \$ - |
| Feb | \$ 283,700.57 | \$ 255,575.73 | \$ 282,034.54 | \$ 311,328.08 | \$ 274,373.58 | \$ - |
| Mar | \$ 219,370.40 | \$ 205,249.27 | \$ 263,118.36 | \$ 267,279.72 | \$ 276,417.98 | \$ - |
| April | \$ 236,604.55 | \$ 213,003.12 | \$ 373,675.39 | \$ 300,974.90 | \$ 241,946.54 | \$ - |
| May | \$ 250,209.41 | \$ 264,986.00 | \$ 298,425.50 | \$ 292,276.44 | \$ 301,853.08 | \$ - |
| June | \$ 255,182.13 | \$ 227,318.20 | \$ 234,903.01 | \$ 245,812.92 | \$ 246,634.17 | \$ - |
| Totals | \$ 2,787,429.83 | \$ 2,940,567.52 | \$ 3,067,005.36 | \$ 3,721,615.88 | \$ 3,081,618.32 | \$ 1,896,745.36 |
| 2nd Qtr | \$ 684,947.45 | \$ 778,512.39 | \$ 676,189.47 | \$ 898,502.41 | \$ 717,919.73 | \$ 990,076.69 |

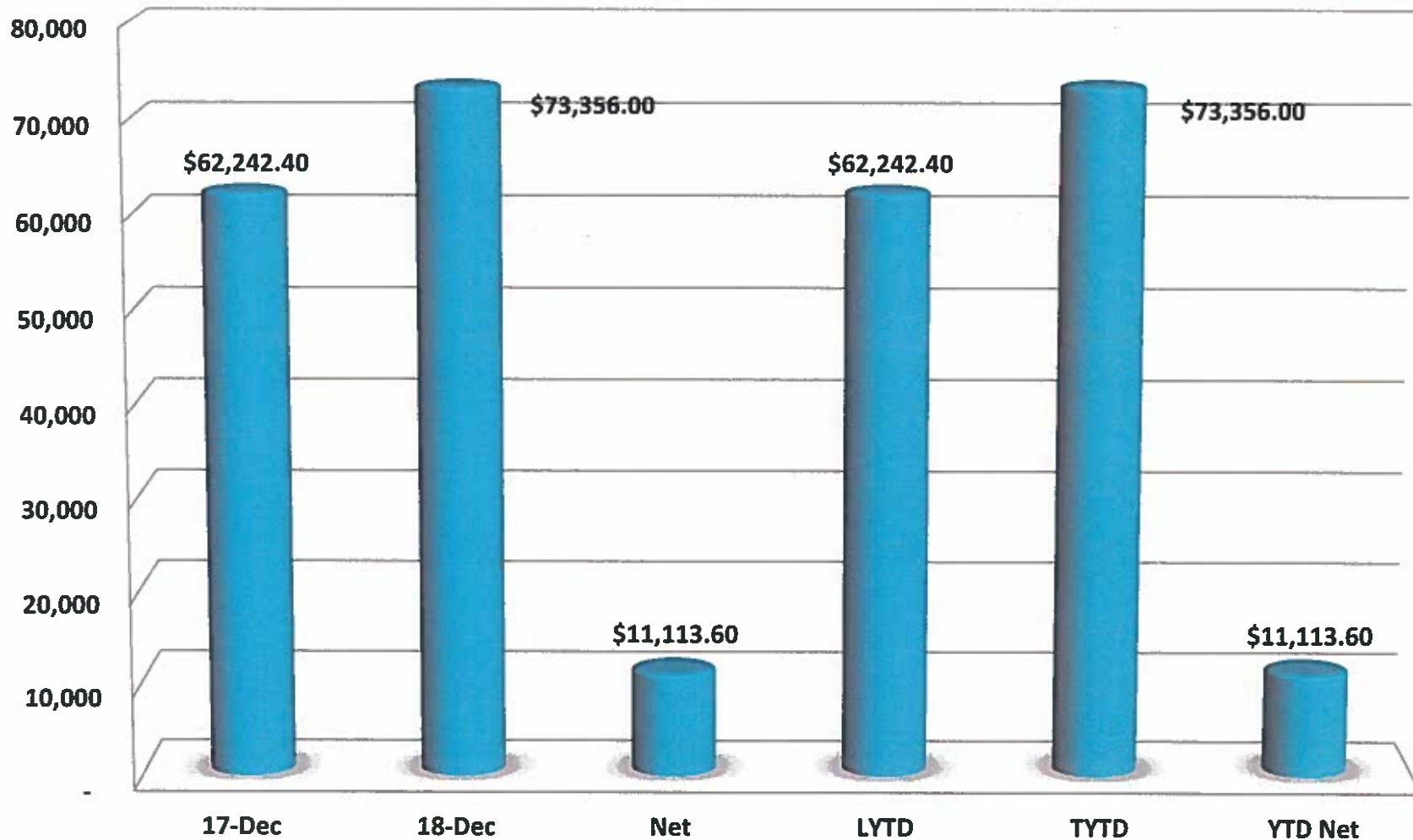
\$ 3,081,618.32 \$ 1,896,745.36

\$ (1,184,872.96)

Prior vs. Current GRT 2nd Qtr. & YTD Comparison



Prior vs. Current Lodgers' Tax Revenue Month & YTD Comparison





**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Appointments to Various External Boards & Committees to replace Steve Green. Renee Cantin, City Clerk-Treasurer

- a. Sierra County Recreation & Tourism Advisory Board
- b. Joint Powers Commission (Sierra Vista Hospital)
- c. South Central Council of Governments (SCCOG) & Regional Planning Organization (RPO)

BACKGROUND:

a. Sierra County Recreation & Tourism Advisory Board

Steve Green and Kathy Clark currently serve on this board. The Commission will need to appoint a member to fill the vacancy for Steve Green.

b. Joint Powers Commission (Sierra Vista Hospital)

The City has 3 Elected Officials who currently serve on this Board, including: Steve Green (Vice-Chair); Sandy Whitehead; Kathy Clark; & Rolf Hechler (Alternate)

The Commission will need to appoint a member to fill the vacancy for Steve Green.

c. South Central Council of Governments (SCCOG) & Regional Planning Organization (RPO)

Steve Green currently serves on the South Central Council of Governments Board and the Regional Planning Organization. Sandra Whitehead serves as the Alternate.

The Commission will need to appoint a member to fill the vacancy for Steve Green.

STAFF RECOMMENDATION:

Appoint a Board Member to serve on the vacancy for Steve Green each of the Boards. We recommend a separate motion for each board.

| | | |
|---|--|--------------------------|
| Name of Drafter: Renee Cantin, City Clerk | | Meeting date: 01/23/2019 |
|---|--|--------------------------|



H.3

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Provide direction to staff for proposed amendments to the City Commission Rules of Procedure

BACKGROUND:

Mayor Whitehead requested this item at the last meeting. She will present her recommendation for the Commission to discuss. Staff is requesting direction to prepare the amendments to the Rules of Procedure for a future meeting.

City Manager Madrid would also like to remove the Public Hearing portion from the order of business and hold all public hearings in conjunction with the Action item so they can be done together on the agenda.

STAFF RECOMMENDATION:

Provide direction.

SUPPORT INFORMATION:

Proposed amendment.

City of Truth or Consequences Commission RULES OF PROCEDURE



**ADOPTED OCTOBER 24, 1994 – RESOLUTION NO. 10-94/95
AMENDED MAY 9, 2006 – RESOLUTION NO. 24-06/07
AMENDED JANUARY 26, 2010 – RESOLUTION NO. 19-09/10
AMENDED MAY 8, 2012 – RESOLUTION NO. 33-11/12
AMENDED SEPTEMBER 25, 2012 – RESOLUTION NO. 14-12/13
AMENDED MARCH 22, 2016
AMENDED APRIL 25, 2017
AMENDED AUGUST 23, 2017
AMENDED MARCH 14, 2018
AMENDED SEPTEMBER 26, 2018**

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION RULES OF PROCEDURE**

SECTION 1 – GENERAL PROVISIONS

RULE 1. COMMISSION MEETING – LOCATION

All regular, special, and emergency meetings of the City Commission shall be held at the City Commission Chambers, 405 West 3rd Street as specified in the Open Meetings Resolution. [Resolution No. 2-94/95] [Amended – Resolution No. 24-05/06]

RULE 2. COMMISSION MEETING – TIME

The regular meetings of the City Commission shall be held Pursuant to the Open Meetings Act Resolution adopted annually. [Resolution No. 2-94/95] [Amended – Resolution No. 24-05/06] [Amended – Resolution No. 28 15/16]

RULE 3. COMMISSION MEETINGS – OPEN TO THE PUBLIC

All meetings of the City Commission and of committees thereof held for the purpose of formulating public policy or for the purpose of taking any action within the authority of or the delegated authority are declared to be public meetings open to the public at all times, except as otherwise provided for in the state constitution or the Open Meetings Act (§10-15-1 et seq. NMSA 1978).

RULE 4. ELECTION OF OFFICERS

Procedures for electing officers are as follows:

- (a) At the first organizational meeting of the new City Commission, the members thereof select one of its members to act as Mayor for two years. The Mayor has all the powers and duties of a Commissioner as well as the right to vote on all matters that come before the City Commission. (§3-14-10 NMSA 1978).
- (b) In conjunction with the above election, a Mayor Pro Tempore shall also be elected in a like manner.
- (c) The above elections shall be by affirmative motion.

RULE 5. PRESIDING OFFICER

The Mayor shall preside at all meetings of the City Commission, and be recognized as the official head of the City for all ceremonial purposes, civil process and for military purposes (§3-14-10 NMSA 1978). The Mayor has no regular administrative or executive duties. In case of the Mayor's absence or temporary disability, the Mayor Pro Tempore shall act as Mayor during the continuance of the absence. In case of the absence or

CITY OF TRUTH OR CONSEQUENCES COMMISSION RULES OF PROCEDURE

temporary disability of the Mayor and the Mayor Pro Tempore, a Mayor Pro Tempore selected by members of the City Commission shall act as Mayor during the continuance of the absences or disabilities. The Mayor or Mayor Pro Tempore are referred to as "Presiding Officer" from time to time in these Rules of Procedures. The Presiding Officer shall preserve order and decorum and have general direction of the meetings; Announce the business before the Body in the order in which it is to be acted upon; and Recognize the speakers entitled to the floor and guide and direct the proceedings of the body.

RULE 6. QUORUM

A quorum is necessary for the governing body to conduct business at any meeting. A quorum is a simple majority of all the commissioners including the Mayor. A majority vote of all the members of the City Commission is required to adopt an ordinance or resolution and certain other actions as required by law or ordinance. (§3-17-3 NMSA 1978). The City Commission may adjourn from time to time, provided that written notice of said adjournment be posted on the exterior Chamber door and at the City Clerk's office. City Commission meetings adjourned under the previous provision shall be considered a regular meeting for all purposes.

RULE 7. ATTENDANCE, EXCUSED ABSENCES

Members of the City Commission may be excused from attendance from a meeting by complying with this section. The member shall contact the City Manager or City Clerk prior to the meeting and state the reason for his/her inability to attend the meeting who shall convey the message to the Presiding Officer. The Presiding Officer shall inform the City Commission of the member's absence and excuse the member's absence. The Clerk will make an appropriate notation in the minutes.

RULE 8. SPECIAL AND EMERGENCY COMMISSION MEETINGS

Procedures for setting a special meeting are as follows:

- (a) A special meeting may be called only by a majority of the members of the City Commission.
- (b) Notice of the special meeting shall be given with no less than seventy-two hours' notice before such meeting. The notice shall specify the business to be conducted and shall be broadcast over the radio, or in the alternative, be posted as set forth in the Open Meetings Resolution.

Procedures for setting an emergency meeting are as follows:

CITY OF TRUTH OR CONSEQUENCES COMMISSION RULES OF PROCEDURE

- (a) An emergency meeting may be called only under circumstances that , if not addressed immediately by the City Commission, will likely result in injury or damage to persons or property or substantial financial loss to the City.
- (b) Emergency meetings may be called by the Mayor or a majority of the City Commission by giving whatever notice is possible and reasonable under the circumstances.

RULE 9. COMMISSION MEETING AGENDA

The City Clerk, under the direction of the City Manager, shall arrange a list of such matters according to the order of business and prepare an agenda for the City Commission. A copy of the agenda and supporting materials shall be prepared for the City Commission members, the City Manager, the City Clerk, and the press at least five (5) days before a regular City Commission meeting. The City Commission shall have the option of deleting any item from the agenda or deferring an item on the agenda to a subsequent meeting. The Presiding Officer or any Commission member may introduce a new item to the agenda by Noon *seven (7) days* before a meeting.

Persons wishing to be placed on the agenda must submit complete written documentation to a member of the City Commission or City Manager who shall make the determination whether to forward to the City Clerk to be place on the agenda. All requests are due by noon, seven (7) days prior to the meeting. Requests, which do not include detailed information on the proposed subject matter, will not be placed on the agenda.

The City Commission deals with a variety of routine items that do not require individual action or discussion. These items include accounts payable, meeting minutes, etc. These types of items shall be listed on a "Consent Calendar" where one (1) action approves all items. However, if an individual Commissioner wishes to discuss a particular item, then that item shall be removed from the said "Consent Calendar" during the "Approval of the Agenda" portion of the meeting. (See Rule 16. E-3)

RULE 10. WORKSHOPS

Special Workshops, or regular City Commission meetings that may be canceled by the Presiding Officer in accordance with law, may be designed as Workshops where no official action is contemplated. Workshops may be conducted informally so long as such informality is not in conflict with these rules. The City Clerk, under the direction of the City Manager, shall arrange a City Commission Workshop agenda for the Workshop. The Workshop agenda shall, for each item, contain the Workshop Item. After the proposed Workshop agenda has been approved by the City Manager, a copy of it along with any supporting materials shall be prepared for City Commission members, the City Manager, the City Clerk and the press at least *seventy-two (72) hours* before the City Commission Workshop. During the Workshop, the Presiding Officer may; 1) introduce

CITY OF TRUTH OR CONSEQUENCES COMMISSION RULES OF PROCEDURE

the subject and give background information; 2) identify the eventual goal of the Workshop, and; 3) act as facilitator to keep the meeting discussion focused to the subject.

RULE 11. CITY MANAGER

The City Manager, as the chief administrative, and executive officer and head of the executive branch of City government or his/her designee, shall attend all meetings unless excused by the Presiding Officer or City Commission. The City Manager may take part in the City Commissioner's discussion on all matters on the agenda, and otherwise concerning the welfare of the City. Except when clearly undesirable or unnecessary, the commission shall request the opinion of the manager on any proposed measure (§3-14-14 NMSA 1978). The City Manager has a seat at commission meetings, but does not have a vote. In the event that the City Manager is unable to attend a City Commission meeting, the City Manager shall appoint another qualified staff member to attend the meeting on behalf of city management.

RULE 12. CITY CLERK

The City Clerk shall be ex-officio Clerk of the City Commission, and shall keep minutes and shall perform such other and further duties in the meeting as may be required by the City Commission, Presiding Officer, or City Manager. In the absence of the City Clerk, the City Manager or the Clerk shall appoint another qualified staff member to act as Clerk.

RULE 13. FORMS OF ADDRESS

The Mayor shall be addressed as "Mayor", "Your Honor", or "Mr. /Madam Mayor". The Mayor Pro-Tempore, when acting for the Mayor, shall be addressed as "Mayor". Members of the City Commission shall be addressed as "Commissioner".

RULE 14. APPEARANCE OF FAIRNESS DOCTRINE

Appearance of Fairness Doctrine and its Application.

When public hearings give the public not only the right to attend, but the right to be heard as well, the hearings must not only be fair, but must appear to be so.

It is a situation where appearances are quite as important as substance. The test of whether the appearance of fairness doctrine has been violated is as follows; 1) Would a disinterested person, having been appraised of the totality of a board member's personal interest in a matter being acted upon, be reasonably justified in thinking that partiality may exist?

If answered in the affirmative, such deliberations, and any course of conduct reached thereon, should be voided.

CITY OF TRUTH OR CONSEQUENCES COMMISSION RULES OF PROCEDURE

RULE 15. RULES OF ORDER

The City Commission members shall be governed by the “City Commission Rules of Procedure”.

RULE 16. ORDER OF BUSINESS

The first meeting of the month will be the meeting where the detailed presentations will be given and public comment allowed. The second meeting of the month will be action on any items in the previous meeting and no public comment. Should someone wish to provide their public comment for the second meeting, they can email it to the City Clerk or City Manager to be distributed to the Commission before the meeting.

The City Commission may use the following as a guideline for the business of all regular meetings of the City Commission. However the Presiding Officer may, during a City Commission meeting, re-arrange items in the agenda to conduct the business before the city Commission more expeditiously.

(a) **Call to Order** by the Presiding Officer

(b) **Introduction**

(1) **Roll Call** (See Rule 7 for procedure to excuse an absence).

(2) **Silent Meditation**

(3) **Pledge of Allegiance**

(4) **Approval of Agenda**

(c) **Comments from the Public** (for Items not on the agenda – see Rule 17 for procedural details.)

(d) **Response to Public Comments**

(e) **Consent Calendar**

(1) The City Manager, in consultation with the Presiding Officer, shall place matters on the Consent Calendar which have been; a) previously discussed by the City Commission, or; b) based on the information delivered to members of the City Commission by administration that can be reviewed by a Commission member without further explanation or; c) are so routine or technical in nature that passage is likely, or; d) as directed by the City Commission.

CITY OF TRUTH OR CONSEQUENCES COMMISSION RULES OF PROCEDURE

- (2) The Presiding Officer shall read the Consent Calendar, including the titles of any resolutions contained therein.
- (3) Prior to the vote on the motion to adopt the Consent Calendar, the Presiding Officer shall inquire if any City Commission member wishes an item to be withdrawn from the Consent Calendar. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda for the current or a future meeting.

(f) **Public Hearings** (~~see Rule 17 for procedural details~~).

(g) **Ordinances, Resolutions, and Zoning** (see Rule 17 for Public Hearing procedural details).

(h) **Unfinished Business**

(i) **New Business**

(j) **Reports**

- 1. City Manager
- 2. City Attorney
- 3. City Commissioners

(k) **Executive Session** (Taken action as needed)

(l) **Return to regular Session** (if applicable)

(m) **Adjournment**

RULE 17. ACTIONS FOR “COMMENTS FROM THE PUBLIC” OR A PUBLIC HEARING

The procedures for “Comments from the Public” are as follows:

Any member of the public may request time to address the City Commission. The Presiding Officer in his/her discretion may then allow the comments, subject to a time limitation of three (3) minutes. Following such comments, the City Commission may place the matter on a future agenda, or refer the matter to the City Manager for investigation and report. After the close of all public comments, the City Commissioners may immediately respond to the public comments or respond to the public comments during the “Response to Public comment” section at the next regularly scheduled City Commission Meeting.

CITY OF TRUTH OR CONSEQUENCES COMMISSION RULES OF PROCEDURE

Prior to the start of "Comments from the Public", all persons wishing to be heard shall give their names and addresses.

The following rules of conduct shall apply to all public comment:

Decorum is mandatory. No derogatory or degrading comments directed at staff or the City Commission will be tolerated during public comment.

No comments shall be made from any other location than the podium and anyone making "out of order" comments as determined by the Presiding Officer may be subject to removal from the meeting. In that regard, a police officer may be present to enforce these rules of conduct.

There will be no demonstrations during, or at the conclusion, of anyone's presentation. No extensions of time shall be given to any speaker, and no sharing or passing of time to other speakers shall be permitted.

If it appears that a group of speakers desire to speak on a particular subject, that group shall delegate a spokesperson to speak for the entire group. This will prevent repetitious comments and prevent the wasting of time.

Any person making a public comment may also supplement their comment by submitting documents. Such documents, however, must be deposited into a receptacle that is designated by the chair. The speaker may not approach the Commissioners without the express consent of a majority vote of the Commission. At the close of the open portion of the City Commission meeting, the City Clerk shall collect the deposited documents from the receptacle.

Any person who violates the rules of conduct may be subject to having their speaking privileges removed at future City Commission Meetings or may be subject to removal from that particular meeting as determined by a majority vote of the City Commission.

The Procedures for a "Public Hearing" are as Follows:

(a) Prior to the start of a public hearing all persons wishing to be heard shall give their name and address and whether they wish to speak as a proponent, opponent, or otherwise. The time limit for each speaker shall be limited to five (5) minutes. In public hearings that are not of a quasi-judicial nature, the time limit for each speaker shall be limited to five (5) minutes. The Presiding Officer, subject to concurrence of the majority of the City Commission, may extend time limits and otherwise control presentation. The Presiding Officer may change the order of speakers so that testimony is heard in the most logical groups (i.e. proponents, opponents, adjacent owners, vested interests, etc.). However, the following shall be determined a reasonable guide.

(b) The Presiding Officer introduces the agenda item, opens the public hearing, and asks

CITY OF TRUTH OR CONSEQUENCES COMMISSION RULES OF PROCEDURE

for comments for or against the item at hand.

- (c) At the outset of each public hearing or meeting to consider a zoning amendment or zoning reclassification the Presiding Officer will announce the legal standards for zoning amendments and ask the parties to limit their presentations to information within the scope of the standards.
- (d) The Presiding Officer calls upon the City Manager to describe the matter under consideration.
- (e) The Presiding Officer calls for proponents.
- (f) The proponents now speak. (Note: If the City itself is the proponent, a member or members of the Administration shall be designated to give proponent and rebuttal testimony).
- (g) Opponents speak.
- (h) The Presiding Officer calls for proponents to speak in rebuttal. A proponent speaking in rebuttal shall not introduce new materials. If the proponent does, or is allowed to do so, the opponents shall also be allowed to rebut the new elements.
- (i) The Presiding Officer inquires as to whether any City Commission members have any questions to ask the proponents, opponents, or administration. If any City Commission member has questions, the appropriate individual will be recalled to the podium.
- (j) The Presiding Officer closes the public hearing.

RULE 18. VOTING

The votes during all meetings of the City Commission shall be transacted as follows:

- (a) Each Commissioner in attendance must vote for or against all measures before the Governing Body, unless there is a conflict of interest, for which abstention is recognized. (See 18.f)
- (b) Unless otherwise provided for by statute, a Roll call vote shall be taken for final adoption of ordinances, resolutions, and to adjourn into Executive Session by the Clerk.
- (c) In case of a tie in votes on any proposal, any Commissioner may request the item be put on the next agenda.

CITY OF TRUTH OR CONSEQUENCES COMMISSION RULES OF PROCEDURE

- (d) Every member who was in the City Commission chambers when the question was put, shall give their vote unless the City Commission, for special reasons, shall excuse the member by motion or unless the City Commission member is excused in accordance with Rule 7. A City Commission member who "abstains" will be recorded as neither an "aye" or "nay" vote.
- (e) A majority vote of all the members of the City Commission is required to adopt an ordinance or resolution and certain other actions as required by law or ordinance. (§3-17-3 NMSA 1978).
- (f) A member of the City Commission shall recuse himself/herself from participating in a particular item on the agenda when such member 1) has a conflict of interest as described in the Government Conduct Act, 10-16-1, et seq., or 2) the totality of circumstances would create a reasonable public perception that such member cannot participate in that particular item in a fair and impartial manner. In such event, the member shall explain his/her reasoning prior to the item being discussed by the City Commission. The recusing member shall then remove himself/herself from the City Commission chambers prior to the commencement of any discussion of that particular agenda item, and shall not vote on such item.

RULE 19. DECORUM

- (a) Member of the City Commission shall confine their remarks to the question under discussion or debate, avoiding personal references or attacks on fellow members, staff members or members of the public. No member of the City Commission shall engage in private discourse or commit any other act tending to distract the attention of the Governing body from the business before it.
- (b) A member who resorts to persistent irrelevance or persistent repetition may be directed to discontinue his speech by the presiding officer.
- (c) Point of Order. A Commissioner may call attention to the violation of the rules or a mistake in procedure by rising a point of order. The presiding officer may permit a full explanation before ruling on the claim and may submit the question to the Governing Body for decision by a majority vote.

RULE 20. COMMITTEES

The Committee structure of the City Commission and the procedures governing, all committees shall be as follows:

- (a) Special ad Hoc Citizen Advisory Committees:

Special as hoc citizen advisory committees may be created by the City Commission for a particular purpose. Committee members shall be appointed by the City Commission. The Presiding Officer shall appoint the chair of the Committee. Citizen study committee shall sunset at the end of their mission, but

CITY OF TRUTH OR CONSEQUENCES COMMISSION RULES OF PROCEDURE

no later than the end of each calendar year unless specifically continued by the City Commission thereafter for a specified time period. One City Commission member, and one alternate City Commission member, may be appointed as a member and liaison of a Citizen advisory committee.

RULE 21. ENACTED ORDINANCES, RESOLUTIONS AND MOTIONS

An enacted ordinance is a legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality. City Commission action shall be taken by ordinance when required by law, or to prescribe permanent rules of conduct which continue in force until repealed, or where such conduct is enforced by penalty.

An enacted resolution is an internal legislative act, which is a formal statement of policy concerning matters of special or temporary character. City Commission action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired.

An enacted motion is a form of action taken by the City Commission to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law.

RULE 22. RESOLUTIONS

A resolution may be put to its final passage on the same day on which it is introduced. The title of each resolution shall in all cases be read prior to its passage, provided, should a majority of the City Commission members present request that the entire resolution or certain of its sections be read, such requests shall be granted. Printed copies shall be made available to interested persons during normal and regular business hours of the City Clerk upon request and payment of a reasonable charge for reproduction.

RULE 23. ORDINANCES

The procedure for ordinances are as follows:

- (a) Notice by publication of the title and subject matter of any ordinance proposed for adoption by the City Commission must take place at least two weeks prior to consideration of final action upon the ordinance in open session. This does not apply to ordinances dealing with an emergency declared by the Mayor to be an immediate danger to the public health, safety and welfare of the City, or to ordinances, the subject matter of which is amending a city-zoning map. The title of each ordinance shall in all cases be read prior to its passage; provided, should a majority of the City Commission

CITY OF TRUTH OR CONSEQUENCES COMMISSION RULES OF PROCEDURE

members present request that the entire ordinance or certain of its sections be read, such requests shall be granted. Printed copies shall be made available to interested persons during normal and regular business hours of the City Clerk upon request and payment of a reasonable charge beginning with the date of publication and continuing to the date of consideration by the City Commission.

- (b) If a Motion to pass an ordinance fails, any Commissioner may request the ordinance be put on a future agenda after six (6) months.
- (c) Any ordinance amending or repealing any portion of the City Code of Ordinances shall also amend or repeal the respective portions of any underlying ordinance(s).

RULE 24. PERMISSION REQUIRED TO ADDRESS THE COMMISSION

Persons other than City Commission members and management may be permitted to address the City Commission upon recognition and introduction by the Presiding Officer or the chair of the appropriate City Commission committee.

RULE 25. COMMISSION RELATIONS WITH BOARDS, COMMISSIONS AND ADVISORY COMMITTEES

All boards, commissions and City Commission citizen advisory bodies shall provide the City Commission with copies of any minutes taken of meetings. Communications from such boards, commissions and bodies to the City Commission shall be recorded in the minutes as follows.

Any such communication shall be officially acknowledged by the City Commission and receipt noted in the minutes.

RULE 26. PHOTOGRAPHS, MOTION PICTURES, VIDEO TAPE, TELEPHONE DEVICES – PERMISSION REQUIRED FOR ARTIFICIAL ILLUMINATION

No photographs, motion pictures, or video tapes that require the use of flash bulbs, electronic flashes, floodlights, or similar artificial illumination, or telephone devices shall be used at City Commission Meetings without the consent of the Presiding Officer or a majority of the City Commission. All cellular telephones shall be either turned off or placed on a non-audio setting. Reasonable effort shall be made to accommodate the use of audio and video recording devices.



H.4

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Assistance to federal employees and contractors affected by the government shutdown.

BACKGROUND:

Commissioner Szigeti requested this item to be included on the agenda.

STAFF RECOMMENDATION:

None.

SUPPORT INFORMATION:

Documentation provided by Commissioner Szigeti.

Utility payment relief for federal workers/contractors affected by government shutdown

I was a federal employee during the previous extended government shutdown, and I know firsthand the difficulties that these people are facing today. Our children were young teenagers at the time. Since I held a "mission essential" position, I had to report for work anyway, so I was unable to seek temporary employment. Fortunately, we had a little extra put aside, and my wife was still working. Nevertheless, it would have been very difficult for us had the shutdown lasted much longer.

This measure would be open to any federal employee or government contractor who is not receiving a paycheck during the shutdown.

Individuals must contact the utility office to verify their eligibility.

Package includes:

Waiver of late fees on utility bills.

Moratorium on service disconnects (red tags).

These measures are effective until 45 days after government shutdown is resolved. Within that time, those affected must contact the utility office and make arrangements to bring their accounts up to date.

If shutdown extends beyond 60 days, the commission shall revisit the terms of this measure, in particular, the time allowed to catch up on payments.