Amanda Forrister Mayor

Rolf Hechler Mayor Pro-Tem

Merry Jo Fahl Commissioner



Destiny Mitchell Commissioner

Shelly Harrelson Commissioner

Angie Gonzales City Manager

#### 505 Sims St. Truth or Consequences, New Mexico 87901 P: 575-894-6673 ♦ F: 575-894-7767 www.torcnm.org

#### **REGULAR MEETING**

THE REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO, TO BE HELD IN THE COMMISSION CHAMBERS, 405 W. 3RD ST., ON WEDNESDAY, AUGUST 09, 2023; TO START AT 9:00 A.M.

- A. CALL TO ORDER
- **B. INTRODUCTION** 
  - 1. ROLL CALL

Hon. Amanda Forrister, Mayor Hon. Rolf Hechler, Mayor Pro-Tem Hon. Destiny Mitchell, Commissioner Hon. Merry Jo Fahl, Commissioner Hon. Shelly Harrelson, Commissioner

- 2. SILENT MEDITATION
- 3. PLEDGE OF ALLEGIANCE
- 4. APPROVAL OF AGENDA
- C. PRESENTATIONS (5 Minute Rule Applies)
  - 1. Presentation of City of Truth or Consequences Employee Service Anniversary Awards. City Manager Gonzales and Department Supervisor
- D. PUBLIC COMMENT (3 Minute Rule Applies)
- E. REPORTS
  - 1. City Manager
  - 2. City Attorney
  - 3. City Commission
- F. CONSENT CALENDAR
  - 1. City Commission Regular Minutes, July 26, 2023
  - 2. Acknowledge Regular Lodgers Tax Advisory Board Minutes, May 22, 2023
  - 3. Acknowledge Regular Library Advisory Board Minutes, July 31, 2023
  - 4. July 2023 Accounts Payable

- G. NEW BUSINESS
  - 1. Discussion/Update: Water Update. City Manager Gonzales
  - 2. Discussion/Action: Approve Electric Rate Study Recommendation. Craig Brown, 1898 & Co.
  - 3. Discussion/Action: Award of RFP #23-24-001 for Electric Transformers. Assistant City Manager Alvarez
  - 4. Discussion/Action: Approval of Purchase Requisitions over \$20,000. Kristie Wilson, Finance Director
  - 5. Discussion/Action: Review, Approve and/or Allocate Funds for Sierra Co. Chamber of Commerce. Tammy Gardner, Executive Assistant
  - 6. Discussion/Action: Review, Approve and/or Allocate Funds for MainStreet Truth or Consequences. Tammy Gardner, Executive Assistant
  - 7. Discussion/Action: Order granting variance application for 800 Block of Wyona. City Attorney Rubin
  - 8. Discussion/Action: Request to change Assistant City Clerk job description to a City Clerk Administrative Assistant. City Clerk Torres
- H. EXECUTIVE SESSION
  - 1. Threatened & Pending Litigation (*Erica Baker*) pursuant to 10-15-1(H.7).
- I. ADJOURNMENT

# The meeting will be broadcast live through KCHS on 101.9 FM.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting please contact the City Clerk's Office, at 505 Sims Street, Truth or Consequences, New Mexico 87901, phone (575) 894-6673 at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the City Clerk's Office if a summary or other type of accessible format is needed.

# NEXT REGULAR CITY COMMISSION MEETING AUGUST 23, 2023

	CITY OF TRUTH OR CO AGENDA REQUEST MEETING DATE: Augu	FORM	ENCES Agenda Item #: <u>C.1</u>	
DEPARTMENT: F DATE SUBMITTED: A SUBMITTED BY: A WHO WILL PRESENT	lona Niebergall THE ITEM: City Manager Gonzales and d		upervisor	
Summary/Background:         Employee Anniversary: Hechler, OJ – 6 YEARS         Employee Anniversary: Niebergall, Alona – 3 YEAR         Employee Anniversary: Bowles, Jessica – 2 YEARS         Employee Anniversary: Loera, Rene – 4 YEARS         Employee Anniversary: Venable, Donald – 6 YEARS    Employee Anniversary: Venable, Donald – 6 YEARS Employee Anniversary: Venable, Donald – 6 YEARS Employee Anniversary: Venable, Donald – 6 YEARS				
Recommendation:	Only.			
Attachments: Printed certificates to be signed by city manager and mayor Click here to enter text. Fiscal Impact (Finance): No				
Legal Review (City A	<i>ttorney):</i> No			
<i>Approved For Submittal By:</i> ⊠ Department Director <i>Reviewed by:</i> ⊠ City Clerk ⊠ Finance □ Legal □ Other: Click here to enter text. <i>Final Approval</i> : ⊠ City Manager				
CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN Resolution No Ordinance No Continued To: . Referred To: . Approved Denied Other: Click here to enter text. File Name: CC Agendas 8-9-2023				

	AGENDA REQUEST FORM	
-	MEETING DATE: August 9, 2023	Agenda Item #: <u>F.1</u>
	MELING DATE. August 5, 2025	
SUBJECT:	City Commission Regular Minutes, July 26, 2023	· · · · · · · · · · · · · · · · · · ·
DEPARTMENT:	City Clerk's Office	
DATE SUBMITTED	-	
	Angela A. Torres, Clerk-Treasurer NT THE ITEM: Consent Calendar	
Summary/Backgr	ound:	
Minutes approval.		
Recommendation	:	
Approve the minu	tes.	
Attachments:		e.
CC Minute		
CC Minutes -	S	
Fiscal Impact (Find	ance): N/A	
\$0.00		
Legal Review (City	Attorney): N/A	
None.		
Approved For Sub	mittal By: 🗌 Department Director	
Reviewed by: 🖂	City Clerk  Finance  Legal Other: Click her	e to enter text.
Final Approval: 🗵		
	CITY CLERK'S USE ONLY - COMMISSION AC	TION TAKEN
Resolution No	Ordinance No	
Continued To: -	Referred To: -	
	Denied Other: -	

#### CITY COMMISSION MEETING MINUTES CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St. WEDNESDAY, JULY 26, 2023

# A. CALL TO ORDER:

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

# **B. INTRODUCTION:**

#### 1. ROLL CALL:

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

- Hon. Rolf Hechler, Mayor Pro-Tem Hon. Destiny Mitchell, Commissioner Hon. Shelly Harrelson, Commissioner Hon. Amanda Forrister, Mayor was absent Hon. Merry Jo Fahl, Commissioner via teleconference
- Also Present: Angie Gonzales, City Manager Traci Alvarez, Assistant City Manager Jay Rubin, Assistant City Manager Angela A. Torres, City Clerk-Treasurer Luis Tavizon, Chief of Police Kristie Wilson, Finance Director

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

# 2. SILENT MEDITATION:

Mayor Pro-Tem Hechler called for fifteen seconds of silent meditation.

# 3. PLEDGE OF ALLEGIANCE:

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

#### 4. APPROVAL OF AGENDA:

Mayor Pro-Tem Hechler: Before we approve the agenda, I would like to request one minor change for item G7. I think we had a typo, G7 is supposed to be a discussion/action item which is not identified on the agenda, so when we get to number G7, that's what it will be.

City Attorney Rubin: I think that is appropriate, because even though it doesn't say discussion/action on the agenda itself, the purpose of having it on the agenda is to discuss the item and take action on it. It is not mandatory that discussion/action has to be present on the agenda so I think we can proceed.

Commissioner Mitchell moved to approve the agenda with adding discussion/action to item G7. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

#### C. PUBLIC COMMENT (3 Minute Rule Applies):

Randall Ashbaugh addressed the Commission with comments related to the water system. He would like the city to put together a mechanism for a department to work on the water lines and get them caught up. He proposed that we add a 3% to 5% fee on all utilities, electric, trash and everything.

Diane Gunning addressed the Commission with comments related to the 800 Block of Wyona variance. (Complete copy attached hereto and made a part hereof).

Gina Kelley addressed the Commission with comments related to adding the repairs to the Lee Belle Johnson Center on the top 10 of the ICIP list. She thanked the staff for working on that.

Rick Dumiak addressed the Commission with various comments. (Complete copy attached hereto and made a part hereof).

Alan Hansen Begg addressed the Commission with comments related to disc golf. He brought disc golf to the city golf course and in less than 6 months the baskets installed paid for themselves. Disc golf is profitable for the City of Truth or Consequences and the current expansion plans will include a second course which will give T or C the only two course facility in the state.

George Henson addressed the Commission with comments related to the 800 Block of Wyona variance.

Jim Row addressed the Commission on behalf of Ron Fenn with various Comments. (Complete copy attached hereto and made a part hereof).

Nate Stephens addressed the Commission with comments related to his development 800 Block of Wyona. (Complete copy attached hereto and made a part hereof).

# D. REPORTS:

#### City Manager Gonzales reported the following:

I am also frustrated with the water leaks, and I have only been here for 4 months. The water crew is burned out, and I am frustrated. I can't fix it. I was out talking with a community member, and that person mentioned something so obvious to me that I am frustrated with myself that I didn't think of it. If any community needs the service of a political lobbyist, it is Truth or Consequences, New Mexico. I envision bringing someone in who works with the Governor's Office outlay program and are excellent elected senator and representators as well as Senator Heinric, and Luhan. I want Truth or Consequence named in anything that involves infrastructure funding. I don't care if the funding is in an envelope or if it is in a bucket. I want the Truth or Consequences infrastructure in front of those people. I am tired of water rushing down the streets, and I haven't been here 40 years. I have been here 4 months and I am sick and tired of the water rushing down the streets. To the community, please be patient. It took us 60 years for this issue to break down. It will take us time to take measures to do an upgrade of the infrastructure. Please check your thoughts and be uplifting to the staff. They are the ones out at 6:30 a.m., 9:00 p.m. and 2:00 a.m. fixing leaks. If we don't take care of them, who will fix these leaks. It is not that easy to just go and get another contractor. My water crew is burnt out so my other departments have offered employees to help out in the true spirit of team work. Thank you to the departments. I am looking at the possibility of bringing a lobbyist contract to you for consideration. I think you can tell that I am passionate about that.

#### City Attorney Rubin reported the following:

- At the last couple of meetings, I have been talking about litigation involving the property on Charles Street. The hearing will be on August 2<sup>nd</sup>. It is a status conference at 10:30. I will be appearing by teleconference.
- I want to address something that was said in public comment (*refer to Ron Fenn's public comment*) they indicated that we did something improper and incorrectly when we passed an ordinance delegating the authority from the Municipal Court to the Magistrate Court. Please let me remind everybody that we went through the procedures set forth by statute, and the ordinance was approved by the Supreme Court.

# **City Commission Reports:**

### Commissioner Mitchell reported the following:

• I also live right across Wyona, and I see a lot of increased traffic down there and I think that Rick's idea of getting more stop signs and stuff like that is a good idea because I lost my kitty to people racing down that strip so personally, I think that slowing people down across the board, especially with construction is a good idea.

#### Commissioner Harrelson reported the following:

• We have to do better and we need to be more positive.

#### Commissioner Fahl had no reports.

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

- I would like to revisit the RV Ordinance regarding people that want to keep their RV's at their residences. We've had some complaints recently, and I think that the Ordinance that we passed a year or so ago was unduly restricted, and I would like to re-visit that a little bit, and maybe discuss it a little bit further to see if we can tweak it a little bit better for the community needs.
- Taylor Esthetics Salon will be having their grand opening and ribbon cutting on July 29<sup>th</sup>, so if you are available, please visit them and welcome them to the community, as well as the Magnolia Ellis building will be rented or occupied at 310 N. Broadway, and it is going to provide general counseling and their ribbon cutting is July 31<sup>st</sup> at noon, so if we can make either one of those, I think we should so we can support our new businesses in our community.

#### E. CONSENT CALENDAR:

- 1. City Commission Regular Minutes, July 12, 2023
- 2. Acknowledge Regular Public Arts Advisory Board Minutes, March 15, 2023
- 3. Acknowledge Regular Public Utility Advisory Board Minutes, June 20, 2023
- 4. Acknowledge Regular Recreation/Golf Course Advisory Board Minutes, June 05, 2023
- 5. Subrecipient FY 22/23 4th Quarter Reports
- 6. Take Home Vehicle Form

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

# F. PUBLIC HEARINGS:

1. Public Hearing/Discussion/Action: Variance Request for 800 Block of Wyona. Applicant is requesting a variance of Sec. 11-14-2. Standards for Districts, specifically related to required minimum side setbacks:

City Clerk Torres swore in all those who spoke during the public hearing.

City Attorney Rubin: I think it is okay for us to proceed even in the absence of a Planning & Zoning Board recommendation. As you know, this issue came up before.

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We had a period of time when we did not have an active Planning & Zoning Board, and I even got an opinion from the Municipal League on this issue. As long as the Commission makes the same findings that are set forth in the ordinance of findings and facts, in your determinations as to the property itself, you are ok to proceed. The Planning & Zoning Board is only there to make a recommendation to you.

Assistant City Manager Alvarez: The applicant submitted a variance request for his lots in the 800 Block of Wyona for a side setback of 5 feet. If the applicant, in the future, decides to sell each individual lot with each individual unit on it, then he would require a side setback variance. There should be 5 feet between the property lot lines, and currently the way it is structured, there is only about 3 ½ ft. between property lot lines, which would only leave about 7ft. between buildings, as opposed to the required 10 ft. for buildings per fire code. The applicant has met all requirements for the entire parcel for all side setbacks, rear and front. We are just looking at a potential of a future sale of individual lots at this point. He has met all requirements for flood and fire control, as well as full review and approval and he has proceeded to build. All persons within a 300 ft. radius were notified both of the Planning & Zoning public hearing which ended up being cancelled. We re-notified everybody by certified mail that the public hearing would be held instead at the City Commission Meeting. I received no emails or phone calls in regards to anybody within that 300 ft. radius, and all certified mailings were signed for and received back.

Commissioner Mitchell: You said that the 5ft. was required by a fire code? Is that the state code?

Assistant City Manager Alvarez: Its 10ft. between buildings per the municipal fire code and 5ft. for side setbacks.

Commissioner Harrelson: Have you allowed similar variances in the past?

Assistant City Manager Alvarez: We have had in the past, somebody who came through requesting a front setback variance where they were going to be a little bit closer on a remodel and both Planning & Zoning and the Commission approved that.

Mayor Pro-Tem Hechler: So just for clarification, there is no variance needed right now if he decides to sell the whole thing as a unit, it would only be needed if he were to sell them individually or in guarters?

Assistant City Manager Alvarez: Correct. There are 6 lots, and each lot has one unit with 4 dwellings on it. If he wanted to sell each lot separately in the future, then a variance would be required. Typically, what happens is that people go into the process of a sale, and then they realize that they have to come for a variance. You guys just recently had one where there was a unit that encroached on the city alleyway, and it gets held up in the sale, and you could potentially lose your person that is buying because they would no longer be interested. He is just trying to get ahead of the game so if he does decide to sell them individually in the future, the variance is already approved.

#### Commissioner Fahl left the meeting at this point at 9:42 a.m.

Mayor Pro-Tem Hechler opened the public hearing.

#### Proponents:

Nate Stephens, applicant: We are looking for a variance for the side setbacks on the units that I am building on the 800 block of Wyona. So, we need to talk about the reason why the code exists for that setback between units and the reason for that is for the fire code so the firefighters will have time to stop the fire before it goes to the next dwelling, and because you are creating an impervious area. Your roof does not absorb water so you have to have a plan to do something with your water. If every house's roofline is so close to one another, then you can't really mitigate the water situation between one neighbor and the next. That is the reason why those codes exist, and those were approved on my plans that were approved by the city, and approved by the engineer and the state. We are doing a fire code sheetrock. It is a 5/8 sheetrock panel on the exterior of every wall that was in place from the very beginning. It has always been in place. Each 5/8 layer gives you one hour of fire rating so we are putting 5/8 sheetrock on the exterior of all of the joining walls, the ones that are closest to each other, so that would give you a 2 hour fire rating, so if a fire started in one unit, they would have 2 hours before that fire was able to get into the next unit. That was already in place in our plan, and we've already achieved that goal. I did that from the very beginning because I wanted safety over everything. Now we are going to talk about the impervious area which is the amount of water runoff that I am creating. In the plan that was approved, we have gutter systems, underground drainage ditches, we have a canal put in that is going to convert that water taken from the roofs and take it out and dispel of it properly. All of that is in the plan already. There is nothing in the plan that doesn't already check all of these boxes. I did that based on the correct way to build something of this statute. The plan was approved as one development which has 24 units, regardless that there are 6 lots. Anywhere that you build in this city, it was subdivided long ago so you have multiple lots no matter what so even if you built a 100 unit apartment complex, you would be building that complex on multiple lots. What we are asking for the side setback variance is, in the event that somebody wants to buy a fourplex from us which is basically what we are building, we would be able to see them a fourplex and be able to divide it out of the 24 development plan that we have. The way that it was approved was as the development, which would mean, we would have to inform the condo association and we would have to go through all of that stuff, and have a board of trustees, and do all of those things which we are willing to do, and that was the plan from the beginning. Then the idea came up, what if we were able to separate these and sell them individually, but in order for me to be able to achieve that, if that becomes the way that we want to sell these things, then that is where this variance would come in. This variance is not going to stop the development as it was approved. The development is going to go on and we are going to build these things just the way that they were approved. However, if we can in the sale of them, we would be able to divide out and

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sell a fourplex. What that would do for someone is it would give them the ability to reside in one, and rent out the other 3. So someone who could previously not afford a mortgage payment would now be able to afford a mortgage payment because they would have subsidized income by the other 3 rentals. So that is what it does for the community and people who previously wouldn't be able to afford a home. They would be able to afford these because the other 3 would be subsidizing their income. We are going to propose plans for this in different places in the city. We are going to try and make this a goal of ours to create this multi-family dwelling situation to where a school teacher or a nurse or someone who could not afford a home would then have this subsidized income be able to afford the homes. This is going to be a plan you guys are going to see come before you again and again because we think that it is a great way to offer homeownership to people who previously would not be able to achieve that.

Commissioner Harrelson: So, what I'm hearing you say is that the plans have been preapproved by the safety commission and all of that through Santa Fe? So beyond us, it has been approved on a bigger scale than just our community.

Nate Stephens, applicant: Yes ma'am. With inspections and everything regarding those things happening as we go along through the process.

Mayor Pro-Tem Hechler: So, the smallest unit you will sell is a fourplex?

Nate Stephens, applicant: That is correct. The only way we would sell it individually is if we condo the whole thing, which we would then have a condo and be back to the original development plan (*process for that was explained in earlier testimony*) and I would obtain ownership of the land, and the owner would own the space inside the walls. This just gives us different avenues and allows us to get more interests in bringing new people to the city.

Commissioner Harrelson: I spent a majority of my adult career living in Albuquerque, and this is a very common way of living in Albuquerque. It makes it easier for ownership, and for you to keep your community growing, and I do think that is very necessary in our community. Being a teacher, we have struggled to find nice places to live that are equipped appropriate, and our teachers are struggling, as well as anyone who is coming into our community that is middle income.

Nate Stephens, applicant: In Albuquerque, they just passed a new ordinance that you can build a new casita on your residential property so they are now allowing for multi-families even in R1 zoning.

#### **Opponents:**

Diane Gunning: Testimony attached hereto and made a part hereof.

City Clerk Torres addressed her comment regarding the posting of the notice. It was sent to all of the adjacent property owners well within the 15 day requirement. We published the notice in the newspaper and we posted it in all the required places.

Assistant City Manager Alvarez: Mr. Henson was mailed twice for the public hearings by our Municipal Code we are to mail these to the mailing address on record at the Sierra County Assessor's Office, and both notices that were addressed to Mr. Henson were signed for. They were mailed to the address on record in Colorado Springs. That is the address for his property under his name.

Rick Dumiak: You really need to table this item. If you look at your packet, look at the site plan which is supposedly is a site plan, and according to our code, that site plan is supposed to list 7 specific items, and they are not shown on the site plan. Therefore, we are not following procedure right from the get go. Forget about that. Let's go back to the variance. The developer is asking this simply for one reason; profit. He wants to sell these four units, and we were led to believe that there was going to be a Condo Association, and we were also told that there would not be BRBO's in there. All of that goes out the window now if these are sold as a quad unit. There is no Association. The owner does what he wants. The side setbacks are there for more than just fire safety. They are there for safety as well. I admire that he is doing the fire retardant that he is required with the 5/8 sheetrock on the exterior. I was a developer for 20 years and this sounds like poor planning to me. Never in my life, in all of the developments I did, did I go and ask for a variance after the units were built. This is just wrong. We are not following procedures. I am a guy of literal law. Follow the law. The law is there for a reason. We have these procedures and we need to follow them. Alright, you got a gray area where you are letting P & Z go by on it. I get it because we didn't have a P & Z at times so the Commission did do it, but we do have a P & Z now and they should hear this first, and then all of the documentation should be correct. When I look at this packet, I am looking at a site plan that says grading and drainage. There is no parking or turnaround shown. There is no turnaround shown. There is no landscaping shown. There are no isles shown. None of that is on this site plan that you are basing this decision on. You are basing a decision erroneously with incorrect information. This won't stand. There will be a suit guys. Don't do this to yourselves.

Mayor Pro-Tem Hechler: Assistant City Manager Alvarez, I seem to recall initially when we went through this process, all of these items were addressed by a previous Commission, and I think I was part of that Commission back in 2019.

Assistant City Manager Alvarez: Typically, the Commission wouldn't approve the plans. What was brought to you is he had to do a public hearing for a summary plat when he re-did his lots, and he also did a public hearing for, I believe another variance request. I would have to look back on my records, but I know that this has been to the P & Z and the Commission two other times. All of those times, he has taken the time to explain to the Commission and the P & Z exactly what he was building there even though that wasn't a necessity per say. The only time the Planning & Zoning and the City Commission would approve plans would be for a full subdivision development, not the

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development for homes per say. Within those public hearings that we had, there were various site plans that were pertaining to whatever you guys were hearing. The site plans that Mr. Dumiak is referencing are site plans that are submitted for the whole development, not necessarily just for the public hearing portion.

Mayor Pro-Tem Hechler: Attorney Rubin, do you have any concerns with what we just discussed?

City Attorney Rubin: The one question that I had was the issue of the notice, and the City Clerk addressed that issue. Ms. Torres do you have the dates when the posting occurred.

Assistant City Manager Alvarez: The public hearing meeting change was posted in the designated location and on the website on July 10th, sent to the adjacent property owners on July 10<sup>th</sup> and published on July 14<sup>th</sup>. The meeting was originally posted for the Planning & Zoning Commission, and it met the public meeting posting requirements for that and then we had to change the meeting. As I said, there was a miscommunication, and that Planning & Zoning Commission meeting was cancelled, and the reason why it was re-scheduled to be heard here is because this is the date that the recommendation from the Planning & Zoning would come to the Commission. It wasn't the applicant's fault that the Planning & Zoning Commission meeting was cancelled. Therefore, requesting that they wait another 30-45 days, would be unfair to them, due to the fact that we only have 3 members right now on our Planning & Zoning Commission, and at the last public hearing we were almost unable to have a meeting even though a lot of the public showed up, because we almost didn't have a quorum. We had to wait 45 minutes for one member to arrive so we could have a quorum. We did not feel at this time, since this was previously scheduled, that it was worth rescheduling all of that for the applicant to have to wait that long.

City Attorney Rubin: So, anybody who was interested party defined by our code would have received more than 15 days' notice to attend this public hearing, so I think that sufficient notice has been given, and the fact that we are doing the public hearing notice with the battershell process, and based upon what I have heard, I think you are legally ok as far as the notice is concerned.

Mayor Pro-Tem Hechler: Do you have any concerns with Mr. Dumiak's testimony regarding the plans and things of that nature. Are there any potential violations that we should be concerned of?

City Attorney Rubin: I think it is to the Commission's discretion. You have the right to request whatever information you need in order to make a decision. There are a couple of ways that you can do this today. One you can go through the public hearing and vote on it, and you can also just do the public hearing today, but you don't have to take action. You can take action at the next meeting if you wish to do that and do some more investigation on this. That is to your discretion.

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George Henson: To address what has just gone on is a lack of a lot of communications. I have had two communications with Mr. Stephens, and the first one was that I hoped that his timing was better, as far as the economic situation goes. The second time was about the insurance on the bridge he built. To address the idea of setbacks, the ditch was actually altered to make room for the two houses next to the ditch. The maintenance on those ditches are quite lacking causing plants and salt cedar that burns readily, and somehow those being in the ditch and close to that fire fuel source is not a good thing. The idea that this is a hybrid motel with duplexes and fourplexes, whatever they plan to do. Everything has changed. It was first affordable housing tiny homes, and it is not the same size. It is two stories, and it has extras that make it more expensive to build.

Mayor Pro-Tem Hechler: Mr. Henson, would you address the variance request please.

George Henson: That is what I am saying. I am talking about the drainage off of the roofs that he says is figured out. The drainage that he says carries water away is plugged. The access on that far side is non-existent for fire and other maintenance. It is just too intense to be a tiny house development that is always a surprise. I was going to say, prove that I had notice. I guess it was still sent to my people who help me in Colorado, and they signed for it not knowing why or what, and I never heard about it. The idea that there should be some plans so people would know what is going to come up instead of just going by tiny affordable houses. I am hearing rumors that it is \$150,000, and now a guy that says he knows Nate says oh it's \$200,000. He can't sell the last house down the block, and so the idea that this intense thing is needed with no economy. We have some infrastructure being put in, but it is not going to fly. His idea that taxes are going to flow in. The variance is a hybrid motel.

Diane Gunning: It is only a couple of weeks until the next Planning & Zoning Meeting, and if I appeal this, which I will, that will add another 30 day wait until this would be heard again so I suggest that you go ahead and go with the Planning & Zoning Commission and let them go over carefully in advance and look at all of the plans, and all of the pertinent data, and all of the violations in code so they can make a recommendation to the City Commission.

Nate Stephen: I think we need to stay on topic for the variance. None of those things Diane mentioned exist right? The development plan has been approved. Everything has been approved from the state, and so all of the other quote on quote code violations don't pertain to what we are here today to discuss, so if we are just going to discuss the variance or the setback on the side blocks, I think you guys have all of the information that you need.

City Attorney Rubin: I think one thing that we need to put into the record is maybe we need some testimony from Mr. Stephens or Ms. Alvarez, but again, I am talking about the Planning & Zoning Code that Mr. Dumiak is referring to, we do need to make findings as to whether the granting of the variance would cause any adverse effects on property owners and whether there is going to be any increase to the congestion as a

result of this setback variance. We might want to make sure that somebody makes a comment about that whether it be Mr. Stephens or Ms. Alvarez.

Assistant City Manager Alvarez: Approving or denying, either one, this variance request will not change anything to do with the traffic. The buildings are still being built. They meet all requirements within the code. This is only a request on whether or not he sells the lot individually or keeps it as a whole for the variance request. It doesn't change any of the traffic pattern whether he sells it that way or not. It will not impact anything surrounding either.

Rick Dumiak: I am not arguing the approval of anything that is already there, and is going forward. I have no problem with that. This variance that is being requested is not following procedure pure and simple. The site plan is erroneous. I would like to know who submitted the site plan, and why wasn't the correct site plan submitted with this application packet for a variance.

Assistant City Manager Alvarez: I am the one who puts the agenda packet together and I might have added the wrong plan. I was working from home that day. However, there is nothing within our Municipal Code that says what I need to provide in my agenda packet. They only have to submit it to my office for my review. Anything that I include in the agenda packet for the Planning & Zoning or City Commission is just to assist in you guys making your decision. The only difference in what you guys received vs. the full set of plans might have been the notation of how many feet there were between the lot lines which is about 3 1/2 ft. between each lot line from the building to the lot line, and about 7ft. between the buildings on the interior side. Nate has submitted everything to my office for this variance request. There are 36 parking spaces. There are 28 in front and 8 on the side and that meets the 36 required parking spaces. There is a notation that was referenced pertaining to a rear setback on a review. On the review sheet it shows review and it says conditional and then it is slashed after that is approved once those items were identified on the overall plans. There is a 5ft reference in the rear and that is 5 ft. from the building to a walkway. Then there is the walkway portion, and after the walkway portion yet another section of property over 15ft. in the rear. It is just the way it is noted on the plans, and we have to pull up the Assessors and go over stuff with Nate. All of the issues and concerns that were on the review sheet, that are reviewed by our engineer to make sure they meet our Municipal Code were approved. Everything on this development as it sits right now has been approved and meets everything within our Municipal Code. The variance is only if he wants to divide this parcel with the lots and sell the lots individually.

Mayor Pro-Tem Hechler closed the public hearing.

Commissioner Harrelson made a motion to approve the Variance Request for 800 Block of Wyona as presented by city staff. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

# 2. Public Hearing/Public Input: Public input for the City of Truth or Consequences and Senior Center Infrastructure Capital Improvement Plan (ICIP).

Assistant City Manager Alvarez: This is just a public hearing to receive some public input regarding our Infrastructure Capital Improvement Plan (ICIP) for the City and SJOA. We posted it on Facebook and via the newspaper and city website, and I have mentioned it in a couple of different Commission Meetings requesting some public input. To date the only public input that I have received is a request that we put the Lee Belle Johnson Center somewhere in the top 10. Other than that, I have not received any public input on my side.

Crystal Walton, SJOA Executive Director: As far as for the City ICIP I do feel that infrastructure is still very much needed and she knows that the city is moving forward with that, and I would like to continue to see those items being put on your top project lists for your mega infrastructure items which would be water, sewer and electrical. I hope that those items are able to be funded. As for the Senior Center, we are moving forward with some of our renovation projects. We look forward to being able to make a few additional upgrades to the building so that it is more ADA assessable for our seniors to be able to come in.

#### G. ORDINANCES/RESOLUTIONS/ZONING:

1. Discussion/Action: Resolution No. 02 23/24 for the Sale of Surplus Property to be sold at the August 19, 2023 Auction through Willard Hall Auctions.

City Clerk Torres: Pursuant to Section 3-54-2 of the New Mexico State Statutes, 1978, Annotated, the City of Truth or Consequences has property that is no longer needed. The items presented to the Commission on 5/24/23 to be sold at the June 24th Willard Hall auction were not sold at said auction. We are requesting approval for the same items to be sold at the August 19th Willard Hall Auction at the Sierra County Fair Barn, plus some additional items that are listed on the attached property disposal forms.

Commissioner Mitchell moved to approve Resolution No. 02 23/24 for the Sale of Surplus Property to be sold at the August 19, 2023 Auction through Willard Hall Auctions. Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

# 2. Discussion/Action: Resolution No. 03 23/24 to accept the final 2023-24 Budget.

Kristie Wilson, Finance Director: This is a Resolution to accept the final 2023-24 Budget. In your packet you have the changes that were made for the interim budget to the final. She reviewed some of the changes included in the packet.

Commissioner Mitchell moved to approve Resolution No. 03 23/24 to accept the final 2023-24 Budget. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Resolution No. 04 23/24 approval of final 2022-23 Budget Adjustments.

Kristie Wilson, Finance Director reviewed the final budget adjustments for the fiscal year that were provided in the packet.

Commissioner Mitchell moved to approve Resolution No. 04 23/24 approval of final 2022-23 Budget Adjustments. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Resolution No. 05 23/24 approval of FY 22/23 4th Quarter Report.

Kristie Wilson, Finance Director reviewed the FY 22/23 4th Quarter Report that were provided in the packet.

Commissioner Mitchell moved to approve Resolution No. 05 23/24 approval of FY 22/23 4th Quarter Report. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Resolution No. 06 23/24 South Central Council of Governments Annual Dues.

Assistant City Manager Alvarez: This resolution is for the annual dues to South Central Council of Governments for the 23-24 fiscal year.

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Commissioner Mitchell moved to approve Resolution No. 06 23/24 South Central Council of Governments Annual Dues with Mayor Forrister as the member and Commissioner Mitchell as the alternate. Commission Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion Action: Approve Resolution 07 23/24 Infrastructure Capital Improvement Plan (ICIP).

Assistant City Manager Alvarez reviewed the top 10 city recommended ICIP projects. (List of projects attached hereto and made a part hereof).

Commissioner Mitchell moved to approve Resolution 07 23/24 Infrastructure Capital Improvement Plan (ICIP) and rank the top 10 items recommended by city staff, and to add recommendations suggested by the Commission. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Resolution No. 08 23/24 in support of the Infrastructure Capital Improvement Plan (ICIP) for the Sierra Joint Office on Aging (SJOA).

Crystal Walton, SJOA Director: You have a list of our ICIP projects. We do feel that there is still a definite necessity for the items that are listed. We also presented this list to our Board of Directors and they are in agreeance of the listed items.

Commissioner Mitchell moved to approve No. 08 23/24 in support of the Infrastructure Capital Improvement Plan (ICIP) for the Sierra Joint Office on Aging (SJOA). Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

#### H. NEW BUSINESS:

#### 1. Discussion Action: Accept Junior Bill Appropriation.

Assistant City Manager Alvarez: This is the annual \$35,000 appropriation that SJOA has received in the past. It is to offset their expenses for meals, supplies, and things that they normally purchase. They now get to submit those receipts and get \$35,000 back.

Commissioner Harrelson moved to approve Accept Junior Bill Appropriation. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

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

Kristie Wilson, Finance Director reviewed the Purchase Requisitions over \$20,000 provided in the packet.

Commissioner Mitchell moved to approve Purchase Requisitions over \$20,000. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

# 3. Discussion/Action: Approval of 2023 Contract with Coppler Law Firm.

Assistant City Manager Alvarez: This is our annual contract with Coppler Law Firm for legal services. This is the other law firm that the city uses for certain matters.

Commissioner Harrelson moved to approve the 2023 contract with Coppler Law Firm. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

# 4. Discussion/Action: Re-appointment of David Dawdy to serve a 2 year term on the Recreation/Golf Course Advisory Board.

City Clerk Torres: David Dawdy is a current member on the RAB/GCAB. The board recommended the re-appointment of David Dawdy to serve a 2 year term on the Recreation/Golf Course Advisory Board.

Commissioner Mitchell moved to approve the re-appointment of David Dawdy to serve a 2 year term on the Recreation/Golf Course Advisory Board. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

# 5. Discussion/Action: Re-appointment of Ingo Hoeppner to serve a 2 year term on the Recreation/Golf Course Advisory Board.

City Clerk Torres: Ingo Hoeppner is also a current member on the RAB/GCAB. The board recommended the re-appointment of David Dawdy to serve a 2 year term on the Recreation/Golf Course Advisory Board.

Commissioner Mitchell moved to approve the re-appointment of Ingo Hoeppner to serve a 2 year term on the Recreation/Golf Course Advisory Board. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

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# 6. Discussion/Action: Appointment of Audon Trujillo to serve a 2 year term on the Recreation/Golf Course Advisory Board.

City Clerk Torres: The Recreation/Golf Course Advisory Board has a vacancy on their board. On June 5th the board made a recommendation to appoint Audon Trujillo to fill the vacancy on the board for a two year term.

Commissioner Harrelson made a motion to appoint Audon Trujillo to serve a 2 year term on the Recreation/Golf Course Advisory Board. Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer.

Hon. Shelly Harrelson, Commissioner voted aye Hon. Rolf Hechler, Mayor Pro-Tem voted aye Hon. Destiny Mitchell, Commissioner voted nay

Motion failed with a 2-1 vote out of a 5 member Commission. 2 votes proposed and 1 vote opposed.

# 7. Discussion/Action: Re-appointment of Suzanne Carlstedt to serve a 4 year term on the Public Arts Advisory Board.

City Clerk Torres: Suzanne Carlstedt is a current member on the Public Arts Board. The board recommended the re-appointment of Suzanne Carlstedt to serve a 4 year term on their board.

Commissioner Mitchell moved to approve the re-appointment of Suzanne Carlstedt to serve a 4 year term on the Public Arts Advisory Board. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

#### J. ADJOURNMENT:

Mayor Pro-Tem Hechler adjourned the meeting at 11:14 a.m.

Passed and Approved this <u>9<sup>th</sup></u> day of <u>August</u>, 2023.

# CITY COMMISSION JULY 26, 2023 REGULAR MEETING MINUTES

Amanda Forrister, Mayor

ATTEST:

Angela A. Torres, CMC, City Clerk

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**Public Comments**. Nate Stephens, the owner and developer of the 800 Block of Wyona St, has disregarded the city codes form the minute he planned and and began to built his homes on the 6 Tracts. Eight of the proposed 24 houses are already built now.

By doing so he has set a precedent for all other citizens of this town. These are some of the codes he has disregarded that out of fairness you will now also be allowed to disregard:

- The code states that he needs **4,500** sq ft minimum area per unit of Single-Family home, but his homes, being four to a lot of 5,400 sq ft, have only **1,350** sq ft of area each.
- There is supposed to be a minimum of **10 ft** between structures on the same tract, but he has only 6 feet separating his homes on each tract.
- He is supposed to have **1.5 parking spots** for each home, which would mean 36 spots for 24 homes, but he has only 27 parking spots.
- He has no room on his building plans for emergency vehicle and garbage truck turn around. Our street will have resident and visitor cars parked on both sides up and down the street due to this lack of adequate parking. As it is now, the garbage truck has to back all the way out to the intersection.
- Traci Alvarez was told on May 5 by a consulting firm that Nate needs to get a variance for his rear setback, it is only 10 ft now but needs to be 15 ft. I thought that was the variance Nate must be asking for here today. But I was wrong.

I was planning to ask today that rather than build on them, Nate use the last of the 6 tracts to provide adequate parking as well as a vehicle turnaround. Now that it turns out that he will be asking for a variance later today which will permit him to break up all his 6 tracts in order to be able to sell them individually, it seems that is unlikely to happen.

Greed, disregard for the codes and lack of common sense has kept Nate continuing with his plans no matter what we neighbors say. I wonder what it is that has kept the city so determined to allow him to do whatever he wants.

For July 26 2023 City Commission meeting

Dire G Ďiane Gunning

709 Wyona St Truth or Consequences, NM 87901 diane.tominaga@gmail.com

Spages Total For inclusion with minutes

4/23, 1:07 Aivi Consequences, Nivi Code of Ordinances				
District	Lots: Minimum Area	Lots: Minimum Width	Dwelling: Minimum Area	Maximum Height
R-1	9,000 s. f.	60'	1,200 s. f.	26'
R-2: Single-Family	5,000 s. f.	60'	900 s. f.	26'
R-2: Two-Family	4,000 s. f./unit	60'	650 s. f./unit	35'
R-2: Multiple-Family	3,500 s. f./unit	60'	600 s. f./unit	35'
R-2: Apartments	3,500 s. f./unit	60'	500 s. f./unit	35'
R-2: MH*	5,000 s. f.	60'	900 s. f.	26'
R-3: Single-Family	<mark>4,500 s. f.</mark>	45'	700 s. f.	35'
R-3: Two-Family	3,000 s. f. <mark>/unit</mark>	45'	500 s. f./unit	35'
R-3: Multiple-Family	3,000 s. f. <mark>/unit</mark>	45'	450 s. f./unit	35'
R-3: Apartments	2,000 s. f. <mark>/unit</mark>	45'	400 s. f./unit	35'

#### Truth or Consequences, NM Code of Ordinances

New dwellings may be erected as closed to a front property line as the average distance established by existing dwellings on that side of the block, provided the lots on the same side of the block are fifty (50) percent developed.

- 4. An addition to a main dwelling shall be permitted as an extension of existing building lines, which have non-conforming setbacks. Setbacks for such addition shall be the same as the main dwelling.
- 5. There shall be a minimum setback of one (1) foot for each foot in height of any building, other than a single or two family dwelling, abutting on R-1 or R-2 District.
- B. FRONT-YARD PARKING. Parking areas shall not cover over one-third (<sup>1</sup>/<sub>3</sub>) of any open area between the front of a dwelling and the front property line; except in cases of a cul-de-sac, two-thirds (<sup>3</sup>/<sub>3</sub>) of a front yard can be used; and on existing lots less than fifty (50) feet, a twenty (20) feet parking area is permitted. Townhouses and apartment lots may use three fourths (<sup>3</sup>/<sub>4</sub>) of the front yard for parking.
- C. *MINIMUM DISTANCE BETWEEN STRUCTURES*. There shall be no less than ten (10) feet between buildings or structures located on the same lot, tract, or parcel.
- D. *EASEMENT ENCROACHMENTS.* There shall be no permanent structures located on easements without written approval of the City Commission.

Sec. 11-14-4. - Commercial and Manufacturing Districts: Additional Provisions and Exceptions.

The following provisions shall apply to all development in a commercial or manufacturing Districts:

- A. SETBACK EXCEPTION.
  - 1. A zero (0) foot side yard shall be permitted only when:
    - a. A building on the abutting side is at least five (5) feet from the property line; or
    - b. Both buildings share a common wall on the side property line; or
    - c. When the abutting property is undeveloped. Otherwise, a five (5) foot setback is required.
  - There shall be a minimum setback of one (1) foot for each foot in height of any building abutting a residential District. There shall be at least a minimum distance of thirty (30) feet maintained between any residential dwelling and any commercial or industrial structure.
- B. *MINIMUM DISTANCE BETWEEN STRUCTURES.* There shall be no less than ten (10) feet between buildings or structures located on the Same lot, tract, or parcel.
- C. *PRIVATE STREETS*. All non-dedicated streets or private drives shall be a minimum of twenty-four (24) feet In width.

ARTICLE XIV. - DEVELOPMENT STANDARDS

Sec. 11-14-1. - General Development Standards.

All lots, tracts, buildings and structures in the City shall be developed in accordance with this Article and other related provisions of this Code. All development standards of this Code shall apply to each lot, tract, or parcel independent of all other lots, tracts, or parcels.

Sec. 11-14-2. - Standards For Districts.

District	Lots: Minimum <mark>Front</mark> Setback	Yards: Minimum <mark>Rear</mark> Setback	Yards: Minimum <mark>Side</mark> Setback
R-1	25'	25'	8'
R-1	25'	20'	6' or 0'*
R-3	<mark>20'</mark>	<mark>15'</mark>	<mark>5' or 0'*</mark>
R-4	25'	25'	5'
RR-1	25'	15'	5'
C-1	20'	15'	5' or 0'*
M-1	25'	25'	5' or 0'*
T-1	25'	25'	15'

\* As permissible per <u>Section 11-14-3</u> and <u>11-14-4</u>.

Over 1,000 20 spaces plus 1 s	space 1 of every 8 accessible
for every 100 space	ces or parking spaces or
fraction thereof o	r fraction thereof
1,000	

The designated parking spaces shall be located so as to provide the most convenient access to entryways or to the nearest curb cut.

#### Sec, 11-12-3. - Space Criteria.

- A. RESIDENTIAL AND LODGING USES.
  - One-Family and Two-Family Dwellings: One and one-half (1½) off-street parking spaces per dwelling unit shall be provided. One-third (1/3) of any part of a front yard of a dwelling may be used for parking, except in cases of cul-de-sac where two-thirds (3/3) of a front yard is permissible, and on existing fifty (50) foot lots where twenty (20) foot width parking is permissible.
  - 2. *Multi-Family Dwellings (three (3) or More Units):* One and one-half (1½) spaces per dwelling unit shall be provided.
  - 3. *Boarding Houses and Similar Uses:* Two (2) spaces in addition to one (1) space for each person, resident or member.
  - 4. *Hotels and Motels:* One (1) space for each guest room in addition to requirements for auxiliary uses such as restaurants or shops.
- B. OFFICES AND PERSONAL SERVICE ESTABLISHMENTS.
  - 1. *Professional Services—(Medical and dental offices, barbers, hairdressers, and similar uses):* One (1) space for each two hundred fifty (250) feet of gross floor area.
  - Small Office Establishment—(Law, accounting, engineering, and real estate offices): Two
     (2) spaces plus one (1) space for each three hundred (300) square feet of gross floor area.
  - Large Business Offices—(Banks, telephone, electric companies, and other similar offices):
     One (1) space for each company-owned vehicle, in addition to one (1) space for each three hundred (300) square feet of gross floor area.
  - 4. Low Volume Service Establishment—(Dry cleaning, equipment rentals, small and large item repair shops and similar uses): One (1) space for each three hundred (300) square feet of floor space.

Parallel	9'	9'	22'	12'	24'
Parking					

A parking space is further defined as having ingress and egress to a public street without moving any other automobile. Ingress and egress to an alley is permissible only for a single family or duplex dwelling. All other parking must ingress and egress to a public street.

#### Sec. 11-2-8. - Parking Plan Approval.

Detailed plans for on street or off-street parking and driveway openings shall be submitted to the designated Zoning Administrator for approval prior to construction. All curb cuts require approval from the designed Zoning Administrator.

Sec. 11-12-9. - Construction Standards.

All parking spaces and areas provided under the provisions of this Code shall:

- A. Be paved with asphalt, double-penetration chip-seal or other appropriate surface as approved by the designated Zoning Administrator.
- B. Afford adequate drainage. A drainage plan will be required for major developments, including parking, as determined by the designated Zoning Administrator, and said plan must be approved by the City Commission prior to issuance of a building permit.
- C. Have bumper guards where needed.
- D. Be provided with necessary space and aisle safety markings.



Stantec Consulting Services Inc. 3831 E. Lohman Ave, Suite 200, Las Cruces NM 88011

May 5, 2023

Attention: Traci Alvarez, Assistant City Manager City of Truth or Consequences 505 Sims Street Truth or Consequences, NM 87901

Dear Ms. Alvarez,

# Reference: Review No. 1 for City Development Review Services for Wyona Street (Condominiums)

I have reviewed the new development (Wyona Condominiums) along with the City Department Staff and the following are comments from that review.

#### Project Information:

Address:	Wyona Street
Developer:	AGNS Construction
Zoning:	R-3
Type:	New Condominiums
Flood Zone:	AE

#### General Comments:

1) Once approved by the City of Truth or Consequences, building plans need to be approved through CID.

#### Zoning and Planning Comments (CONDITIONAL - APPROVED):

- Will require a variance to the Minimum Rear Setback from 15' to 10'. 1)
- 2) 3) Lot meets minimum area and minimum width for R-3.
- Dwelling meets minimum area and maximum height for R-3.

#### Engineering Comments (CONDITIONAL - APPROVED):

- 1) Tract 7 labeled on plans/Lot 12 labeled on Survey Plat need to verify which and needs to be labeled as an easement. Need to verify what type of easement it is for.
- 2) Maintain positive drainage away from building.

#### Utility Comments (CONDITIONAL - APPROVED):

- 1) Arnie Castaneda Water/Wastewater Director (Conditional Approved 5/2/23)
  - a) 2 inch water connection must have a 2 inch master meter with vault and lockable cut off valve on the city side and gate valve on the customer side. Install to AWWA standards.
  - Sewer connection must be connected to a minimum 6inc sewer line (not shown). b)
  - c) Sewer connections must have double cleanouts on customer side accessible to customer. Install to AWWA standards.
- 2) Bo Easley Electric Department Director (Approved 4/27/23)

Design with community in mind

May 5, 2023 Traci Alvarez, Assistant City Manager Page 2 of 2

Reference: Review No. 1 for City Development Review Services for Wyona Street (Condominiums)

- a)
- Install 5 pad mount transformers. The transformer pads will need to be higher than the house foundations. b)

#### Solid Waste Comments (N/A):

#### Flood Commission Comments (APPROVED):

1) Travis Atwell - Flood Director (Approved - 4/25/23)

#### Fire and Emergency Comments (N/A):

#### Impact Fees:

Fixture Type	Quantity	Cost per Fixture Unit	Total Impact Fees
Water Closet	96	\$150	\$14,400
Lavatory	96	\$150	\$14,400
Bathtub/Shower	24	\$150	\$3,600
Kitchen Sink	24	\$150	\$3,600
Clothes Washer	24	\$150	\$3,600
Total Fixtures	264	\$150 per Fixture Unit	\$39,600*

\*This amount could be impacted by previous development fees paid. Impact Fees will be offset by WA/SW/Streets Dev.

Water Line Est. \$16,275.00 Sewer Line Est. \$24,000.00 Street Improv. Est. TBD

Thank you,

Stantec Consulting Services Inc.

Hall, Wesley Distally signed by Hall, Wesley District Are 'Hall, Wesley', Oll-Internal, Oll-user, Oll-Internal, Oll-user, Distantec, DC=corp, DC=ads, Date: 2023.05.08 11:34:10-06'00'

Wesley Hall Project Manager Direct: 575-805-6009 Email: Wesley.hall@stantec.com

Design with community in mind

Rick Dumiak 705 Charles Truth or Consequences NM

Good morning Mayor and Commissioners;

I am here to comment on a few different items this morning.

I find it very discouraging to see city and county vehicles ignoring our traffic laws, and when those in authority ignore the law how can we expect the average citizen to follow the traffic laws?

Stop signs seem to be only suggestions as rolling stops are far more common than a full stop in TorC. Speed limits? They don't seem to exist, especially on Main and Broadway between 7-8 AM during the week. Post Street is turning into a drag strip.

With our city in such dire financial shape, we could easily put more dollars in the general fund with a much more aggressive traffic enforcement policy.

A well known fact is that Camel Back casino in Cuyamungue NM was largely paid for with revenue from almost constant traffic enforcement on 84/285. It was and still is well known that you do the speed limit in Cuyamungue or you get a ticket. TorC should be no different.

Speaking of traffic laws, ever since construction started on the 800 block of Wyona, traffic on Post St has increased well over 150%. The workers are in a hurry to get somewhere so the speed limit on Post is not adhered to at all and the stop signs on the side streets are being ignored. A lot of local residents walk on Post every day and as there are no sidewalks we are forced to walk in the roadway and someone is going to get hurt or killed if nothing is done about the speeding on Post St.

I had previously suggested when the project on Wyona was being discussed that stop signs needed to be installed on Post St. and since work on the development began, Post St. has only become more dangerous for local residents and pedestrians.

l urge you to have stop signs installed on the corners of Van Patten and Post and Wyona and Post, currently the only stop sign on Post or any other cross street is on Austin (Bullocks parking lot), after that stop sign Post is becoming an almost perfect 1/4 mile drag strip. Installing two additional stop signs will slow traffic down on Post down especially if there is enforcement to go along with the signage.

Since I am talking about the development on Wyona, I urge you to table item F1 on todays agenda as our own code of ordinances will be ignored and or broken if you hear this item today.

Our Code of Ordinances is very clear regarding variances and under Chapter 15, section 15-8, Subdivision Code the procedure for a variance is clear and specific.

Sec. 15-8 Variances Item B. Required Findings

Before recommending approval of a variance to the Planning and Zoning Commission, the City's Zoning Administrator shall make the following findings of fact. These same findings **must** be made by the Planning and Zoning Commission **before** it may recommend for approval to the City Commission. The same findings must be made by the City Commission before it may approve a subdivision with variances and must form the basis of its decision when acting on an appeal regarding a variance.

If you hear item F1 today you will be ignoring the required procedures that state the variance request must be heard by the Planning and Zoning commission prior to submittal to the city commission.

In addition according to todays packet it is stated that item F1 provides the following documentation; Site plan, Development standards and Public Hearing Notice. I guess 2 out of 3 of is okay?

The site plan that is included in todays packet is not a site plan but a "Grading and Drainage plan" this plan does not show the items required of a site plan per Sec. 11-14-10 that defines what a site plan is and lists 7 items that must be on a site plan.

The submitted "site plan" in todays packet does not meet the 7 items required of a site plan including but not limited to the locations and dimensions of all parking facilities, turning spaces, drives, aisles and landscaping.

Again I urge you to table item F1 until all procedures are followed to the letter of the law.

Finally, why do we have selective enforcement of our local laws and ordinances? There is no camping permitted in Rotary Park without special permission, yet for the the last 5 days there has been a person camped out under one of the pavilion's at Rotary Park. I have called dispatch 5 different times and nothing has been done.

When I called on the 4th day dispatch told me "he has no where else to go" and made it sound like I was in the wrong! My friends tried to sleep in their camping van in the dirt lot by the dirt dam several months ago and they were chased out by PD but this person gets a pass for 5 days, if that's not selective enforcement I don't know how else to define it.

Thank you;

**Rick Dumiak** 

Public Comment of Ron Fenn, 316 N. Foch St. T or C July 26,2023

The recent convening of a Committee to study and ultimately order the transfer the judicial powers of the Municipal Court, regarding Municipal Codes, to the Magistrate Court was done illegally and inadvisably due to its lack of Public participation (as usual) and violations of the State Statute that allows it and the NM Constitution's Article III Distribution of Powers.

Since the Magistrate Court is a higher judicial body with higher standards and requirements it is very unlikely that code enforcement will take the "quality of life" issues such as; passable sidewalks, to that higher court, or that citizens will be given the consideration they currently get from the lower court.

The Committee's violation of the Open Meetings Act is currently under review by The Office of the Attorney General.

Under T or C's Commission/Manager form of government The People are the Executive Branch equivalent to "Mayor" while mayor Forrister is a commissioner, with limited mayoral duties, so along with mayor pro-tem Hechler, made up 2 members of the "governing body" where the Statute 35-14-1 B allows for only one. Their appointed public members were; City Manager Swingle and former commissioner Francis Luna. Thus the voting committee was stacked with former of Police Chief Rodriguez creating an overwhelming 5-2 advantage in what Francis Luna testified; "…this committee…and public hearing is merely a formality" also "…the municipal court is going to close", This was a predetermined based on the fraudulent make up of the Committee.

NM Stat § 35-14-1 G (2021) provides for a reversal of the process and retention of the Municipal Court with a Petition of "at least twenty percent of the registered voters who voted in the last municipal election for the *office of the mayor*". (emphasis added)

Attorney Rubin. who with the City Clerk, has stopped the legal process for Petitions NM Stat § 3-1-5 (2019) J. ironically using the argument that "The City of Truth or Consequences is not a Mayor Elected form of government." "…our Mayor is appointed, not elected. Therefore, I cannot verify how many signatures are needed for Mr. Fenn's petition… supporting the fact that mayor Forrister should not have acted as an elected Mayor and that the Executive Branch committee member should have been filled by the only member of the T or C public that has acknowledged and acted as Co-CEO of the City of Truth or Consequences, namely Ron Fenn.

Thank you,

Attached are the documents supporting this accusation: July 11, 2023 Letter of verification for 5 signatories representing 100% of the votes cast for mayor Forrister. The Petition Rubin Letter Amanda Forrister Mayor

Rolf Hechler Mayor Pro-Tem

Merry Jo Fahl Commissioner



Destiny Mitchell Commissioner

Shelly Harrelson Commissioner

Angie Gonzales City Manager

#### RON FENN - 2<sup>nd</sup> PETITION TO RE-ESTABLISH THE MUNICIPAL COURT

New Mexico Statutes Chapter 35. Magistrate and Municipal Courts § 35-14-1. Municipal court; creation

G. Any municipality that has passed an ordinance designating the magistrate court of the county in which the municipality is located as the court having jurisdiction over municipal ordinances may re-establish the municipal court as the court having jurisdiction over municipal ordinances through the following procedures:

(1) the governing body of the municipality may pass an ordinance rescinding the designation that was made pursuant to Subsection B of this section; or

(2) following receipt of a petition signed by at least twenty percent of the registered voters who voted in the last municipal election for the office of mayor:

(a) convene a municipal ordinance jurisdiction advisory committee pursuant to Subsection B of this section that shall make a report and recommendation, if any, to the governing body of the municipality; and

(b) the governing body shall indicate its assent to re-establishment of the municipal court by ordinance.

3-1-5. Petitions; examinations of signatures; purging; judicial review. (2007) is attached hereto and made a part hereof.

July 11, 2023

A second Petition to re-establish the Municipal Court was submitted to my office on <u>June 28, 2023</u> by Ron Fenn (copy of petition attached hereto and made a part hereof). A voter registration list has been provided to me by the County Clerk's Office and the verification of signatures was performed by me, Angela A. Torres, on <u>June 28, 2023</u>.

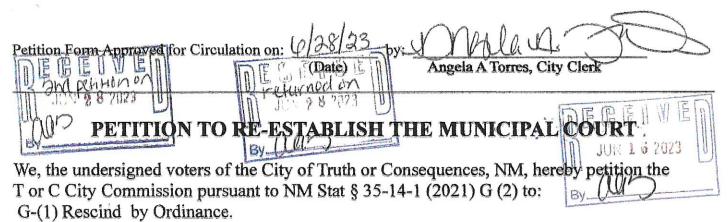
Registered Voter Signatures:

- 1. Ron Fenn, 316 N Foch, T or C, NM 87901: Mr. Fenn is a registered voter within the Municipality of Truth or Consequences.
- 2. <u>Ray Downs, 418 Locust, T or C, NM 87901</u>: Mr. Downs is a registered voter within the Municipality of Truth or Consequences.
- 3. <u>Susan Crow, 711 Kopra, T or C, NM 87901</u>: Ms. Crow is a registered voter within the Municipality of Truth or Consequences.
- 4. <u>Ariel Dougherty, 1580 Caballo Road, T or C, NM 87901</u>: Ms. Dougherty is a registered voter within the Municipality of Truth or Consequences.
- 5. <u>Charles Vangelder, 207 S. Arrowhead, T or C. NM 87901</u>: Mr. Vangelder is a registered voter within the Municipality of Truth or Consequences.

I am verifying that the five (5) signatures listed above, as and provided on Mr. Fenn's petition are registered voters within the Municipality. However, the New Mexico State Statute § 35-14-1 (2) states: following receipt of a petition signed by at least twenty percent of the registered voters who voted in the last municipal election for the office of mayor. The City of Truth or Consequences is not a Mayor Elected form of government. We are a City Manager/City Commission form of government, and our Mayor is appointed, not elected. Therefore, I cannot verify how many signatures are ideded for Mr. Fenn's petition, and as explained in the attached letter from our City Attached for Mr. Fenn's 35-14-1 (2) applies."

Angela A. Torres, CMC, City Clerk

IANI



**Ordinance** 742

AN ORDINANCE AMENDING THE CITY OF TRUTH OR CONSEQUENCES MUNICIPAL CODE OF ORDINANCES BY ADDING A NEW SECTION DESIGNATING THE SIERRA COUNTY MAGISTRATE COURT AS THE COURT HAVING JURISDICTION OVER MUNICIPAL ORDINANCES AND REPEALING SECTIONS 2-371 THROUGH 2-380.

or

- (a) convene a new legal jurisdiction committee pursuant to § 35-14-1 (2021) B and
- (b) governing body shall indicate its assent to re-establishment of the municipal court by ordinance.

DATE	Print Name	Print Address	Signature	t
6/28/23	RON FENN	316 N Foeth St	REAL	2
6/28/22	Ariel Dougherty	1500 Laballo Rual	Anitonthe	
6/28/2	charlesvarbiger	1580 Laballo Roal 2075. ARED When leaded	Church Bar	1
6/28/23	RAY DOWNS	418 LOCUST ST	Bulan	
6/28/23	JUSAN Crow	711 Kepra St	Reor	
NA In-Adorban (Long Constitution de anti-				

† Verification

NOTICE: Any person or any municipal or county official knowingly violating the provisions of this section, knowingly providing or causing to be provided any false information on a petition or forging a signature or otherwise signing a petition when that person knows the person is not a qualified elector in the municipality is guilty of a fourth degree felony. NMSA § 3-1-5. O.

**Re-Establishment of Municipal Court** 

Page 6 of 6

STATE OF NEW MEXICO COUNTY OF SIERRA

, \* .

I, Ros FENN do hereby certify that the signatures appearing on the front hereof were signed in my presence; that to the best of my knowledge and belief each such signature is genuine and that the person so isgning is a qualified elector in the county named on this page.

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Signed

\*



City of Truth or Consequences 505 Sims Street Truth or Consequences, New Mexico 87901 City (575) 894-6673 - Fax (575) 894-7767

July 6, 2023

Ronald Fenn 316 N. Foch Street Truth or Consequences, NM 87901

Dear Mr. Fenn,

Your second Petition to Re-Establish the Municipal Court dated June 28, 2023 has been referred to me by the City Clerk.

As you are aware, the City recently pursued a lengthy, time-consuming procedure to enact an Ordinance designating the Magistrate Court of Sierra County as having jurisdiction over City Ordinances. The Ordinance was approved by the.

The City has no authority to challenge the New Mexico Supreme Court. Further, it is highly unlikely that the City Commission would desire to re-commence the process of rescinding the Ordinance, especially so soon after its recent enactment.

Given that the City does not hold elections for the office of the mayor, it is unclear whether  $\frac{335-14-1}{G}$  (G) (2) applies.

Based upon the foregoing, the City Clerk and I feel that we have no authority to take action with respect to your Petition. We will make copies of our correspondence available to the City Commission and the public.

Very Sincerely

Jaimer Rubin, City Attorney JFR: sjh Cc: City Clerk

I am going to share a quote with you guys from John F. Kennedy. History is a relentless master. It has no present, only the past rushing into the future. To try to hold fast is to be swept aside. This city is at a crossroads right now with development and what we are trying to do. If we don't embrace it, and we don't move forward with development and the plans to better the city, we are going to be swept aside. That is what is happening. All of the infrastructure is failing, and we all know that. It is very obvious as you drive around town. We need to generate new ways of the city getting revenue, and that would be by adding houses. We have teachers that are coming in, and these teachers have nowhere to live so we are working to try and find them rentals, and we are working to try and remodel houses to get them in there. Our children aren't going to have teachers because we don't have housing. The idea that we are going to fight development and fight the addition of housing because somebody doesn't want traffic on their street is ludicrous. The three culverts that are on Marshall are 18 inches. Those 3 culverts have the combined square inch diameter of 972 inches. They have been holding back and diverting the water to the Rio Grande for years, even decades with no incident. We had the big flood in 2020 that flooded Williamsburg, and we had the big flood for the 3 day event that risked overflowing the Rio Grande. Neither one of those events that those culverts didn't handle and divert the water down that drainage canal into the Rio Grande. The culvert that we put in is 3422 inches in diameter. That is 3.5 times the size of the system that has been in the work and has been working for decades. All of the mistruths and all of those things can be addressed by giving me a call or meeting with me to talk with me. We can make changes, if need be, to my plan so that we make sure that we touch all the marks. If I miss something, I am willing to work with you guys 100%, but the idea that we can just stop development because someone doesn't want traffic on their street is ludicrous.

Nate Stephens

**Comments for Variance Request for Side Setback Requirements** 800 Block of Wyona During City Commission meeting and July 26 2023

This hearing today is invalid for two reasons:

**Reason 1**: *Improper notice has been given for the hearing*. Sec 11-7-2 A. States that variance requests shall be published at least fifteen (15) days prior to the date of the hearing in one newspaper of general circulation in the city. The only newspaper in the City, the Sierra County Sentinel, ran a Legal Notice for the hearing on July 14, 2023 for the meeting today, July 26, 2023. That is only a 12 day notice.

Also, George Henson, who lives closest to the development says he did not receive a certified letter announcing this hearing.

**Reason 2**: This matter has not been presented to the Planning and Zoning Commission for consideration and recommendation. They have not voted on it with a quorum of 3 and have not presented the City Commission with a written recommendation within its minutes and in a special letter to the City Commission on all matters per Sec 11-7-2 D.

The Planning and Zoning Commission needs to review the codes and building plans, including those for the bridge that dams the drainage ditch, and to put in writing that it believes whether or not that granting this variance, which is needed for a re-subdivision, will ultimately result in detriment to the public health, safety, or welfare, will be materially injurious to properties or improvements in the area of notice, that it upholds the spirt and intent of this Code, that public safety and welfare will be secured and substantial justice done, that it will not result in the City being caused to absorb costs over and above those typically associated with subdivision approval, and that it will not cause negative impacts on adjoining properties, properties in the area of notice, or to the public well being – then after that when these recommendations for or against the variance are sent to the City Commission, only then can the Commission rule on this variance request.

Furthermore, as can be seen by my public comments today, the developer requesting this variance does not give a second thought about following codes, and Sec 15-8 states that "No variance shall be granted simply because the subdivider disagrees or does not wish to meet the goals, objectives or standards of this Code" and that granting a variance "Shall not constitute a special privilege inconsistent with the limitations on other properties in the area of notice"

Diane Gunning, 709 Wyona St, Truth or Consequences, NM, diane.tominaga@gmail.com

I pages For inclusion in minutes

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# **CITY OF TRUTH OR CONSEQUENCES**

AGENDA REQUEST FORM

MEETING DATE: July 26, 2023

Agenda Item #: F.1

SUBJECT: Public Hearing/Discussion/Action – Variance Request 800 Block Wyona Side Setback Requirements
DEPARTMENT: Community Development
DATE SUBMITTED: July 20, 2023
SUBMITTED BY: Traci Alvarez
WHO WILL PRESENT THE ITEM: Traci Alvarez Assistant City Manager
Summary/Background:
Property is located in the R-3 Zone requiring a minimum side setback of <mark>5 fee</mark> t if lots are individually sold.
Applicant would like to request a variance of the required setback for potential sale of individual lots.
Recommendation:
Approve or deny Variance request
Attachments:
Site Plan
Development Standards
Public Hearing Notice
-
Fiscal Impact (Finance): N/A Click here to enter text.
Legal Review (City Attorney): Yes
Approved For Submittal By:  Department Director
<i>Reviewed by:</i> City Clerk Finance Legal Other: Click here to enter text.
Final Approval:  City Manager
CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN
Resolution No. Click here to enter text. Ordinance No
Continued To: - Referred To: -
Approved Denied Other: -
File Name: CC agendas 7-26-2023

Sec. 11-7-2. - Hearings of the Planning and Zoning Commission.

The following applications reviewed by the Planning and Zoning Commission may be done only after a public hearing at which all parties in interest and citizens shall have an opportunity to be heard.

- A. Requirements of public notice. A Public Notice for Conditional Use Permits, Special Use Permits, Level III Home Occupation Permits, Annexations, Change of Districting, Variances, or Amendments to this Code, shall state the time and place of the public hearing, shall be
- published at least fifteen (15) days prior to the date of the hearing in one newspaper of
   general circulation in the City.
   Legal Notice appeared in Sierra County Sentinel
   on July 14 2023 for hearing changed to July 26 2023; only 12 days
  - B. Requirement of notice to property owners.
    - Notice of the public hearing shall be mailed by certified mail, return receipt requested, to the owners as shown by the records of the County Treasurer, of lots or land within the area proposed to be changed and within one hundred (100) feet, excluding public right-of-way, of the area proposed to be changed. Whenever:
      - i. A change of Districting is proposed for an area of one block or less
      - ii. An application is for a Conditional Use, Special Use, Variance, or Level III home occupation permit.
    - 2. Whenever a change in Districting is proposed for an area of more than one block, the procedure stated in the preceding paragraph shall be following except that property owners shall be advised by first class mail. If a notice by first class mail to an owner is returned undelivered, City staff shall attempt to discover the owner's most recent address and shall remit the notice by certified mail, return receipt requested, to that address.
    - 3. Notice shall be mailed not less than fifteen (15) days prior to the required public hearing.
    - 4. Notice of the proposed hearing date, time, and location shall be placed on the subject property fifteen (15) days prior to the required public hearing.
    - 5. Fees and costs: The applicant shall bear the cost of mailing, envelopes and publication of all notices and shall provide the maps and property owner information to the City staff in a timely manner. The City staff shall calculate the costs of mailing and publishing and require payment prior to publishing the notice or sending out the mailed notices. The application form shall specify the manner and format in which the mailing list (property owners) shall be delivered to the City staff. The City staff may charge an additional fee as specified by Commission Resolution for doing the research required to create the property owner list.

George Henson, closest home to the development says he did not receive a letter *Recommendations of the Planning and Zoning Commission*. Recommendations of the Planning and Zoning Commission shall be made in accordance with the criteria stated in Article II of this Code.

D. *Report to the City Commission*. The Planning and Zoning Commission shall provide a written recommendation within its minutes and in a special letter to the City Commission on all matters.

The hearing is taking place during a regularly scheduled City Commission meeting. Is there to be a quorum of 3 of the Planning and Zoning Commission present? Will they be able to review, or have they already reviewed plans for the development in question? Will they be able to make a recommendation in writing to the City Commission before it makes its final decision? 11-This legal posted at County ( 1www.publicnoticeads.com Video: m al mrv-nxuwnt LEGAL NOTICE phonic: 1 S-Pin: 945 7: 7day, Augi NOTICE OF PUBLIC 2:50 p.m., 11. HEARING MEETING orable N 56 CHANGE MURPHY. he NOTICE is hereby given /s/ Jaim he that the July 10, 2023 Plan-JAIME vnning & Zoning Public Hear-Attorne 4 ing has been re-scheduled Represent of to go before the City Com-mission on Wednesday, Jaime | 16 P.O. Dr 'est July 26, 2023 Truth o tion The public hearing listed NM 8790 uth, below will be held during 575.89 the regular scheduled City Fax: 575 ) as Commission meeting start-Pub.: Ju rder ing at 9:00 a.m. in the City This 1 of www.p Chambers, trict Commission 405 W. Third, Truth or Con-Ana. sequences, New Mexico. RG-LEG Public Hearing/Discusilled sion/Action: Variance Remay quest for 800 Block of STATE ( 11.2 COUNT Wyona. Applicant is recallo SEVEN<sup>1</sup> questing a variance of sting Sec. 11-14-2. Standards TRICT ( ) 17 NO: D-7 for Districts, specifically uppli-JUDGE related to required minimercedes ( mum side setbacks. ) drill IN THE Should you have any inder questions regarding this ESTATI 1 72-BYRON Public Hearing, please conbunty tact Traci Alvarez at (575) Deceas rsion NOTIC 941-0565 or by email at talr has NO1 varez@torcnm.org. bene-The agenda may be ob-GIVEN is ortained on Friday, July 21, signed in the persor 2023 on the city website el. To this es at calendar and www.torcnm.org; by coning cla tation tacting the City Clerk's Oftate a ineer their fice at 575-894-6673; or by nge a email to: torcclerk@tormonth n apfirst F 1680 cnm.org. /s/ Angela A. Torres, tice o Las ever CMC, City Clerk Any Posted on July 10, 2023 be pi ation unde at the following places: rting 1) Bulletin board at the rese ns or City Utilities Office; 2.) the FILC writnorth bulletin board at the Drav legi-Sierra County Administrasequ ; the tive Building; 3) First Savfiled ime, ings Bank; 4) Bank of the 311 ad-Southwest at T or C; 5) U.S. Cor ad-Post Office located on Main ico. oes lete Street; and 6) City Clerk's DA Office and on the City's mail /s/l ad-Pei website. Pub.: July 14, 2023 ed in-14: ed for This legal posted at Pri nt prowww.publicnoticeads.com /s/ an af-At t does LEGAL NOTICE Re above-Pc equire-STATE OF NEW MEXICO Tr N umber. COUNTY OF SIERRA

12 dags) NOT 15 DAys!

Sec. 15-8. - Variances.

- A. *Cause:* Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this Code would result in a substantial or unreasonable hardship to the subdivider because of exceptional topographic, soil or other surface or subsurface conditions, or that strict compliance with this Code would result in inhibiting the achievement of the objectives of this Code, the Planning and Zoning Commission may recommend and the City Commission may approve variances, modification or waivers of this Code's requirements. No variance shall be granted simply because the subdivider disagrees with or does not wish to meet the goals, objectives or standards of this Code.
- B. Required findings: Before recommending approval of a variance to the Planning and Zoning Commission, the City's Zoning Administrator shall make the following findings of fact. These same findings must be made by the Planning and Zoning Commission before it may recommend approval to the City Commission. The same findings must be made by the City Commission before it may approve a subdivision with variances and must form the basis of its decision when acting on an appeal regarding a variance. Granting a variance:
  - 1. Shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the area of notice;
  - 2. Shall not result in detriment to the public health, safety, or welfare, or be materially injurious to properties or improvements in the area of notice;
  - 3. Is justified because a physical hardship to the applicant is caused by existing size or shape of the lot, by existing structures, topographic or physical conditions on the site or in the area of notice, or if a physical hardship to the applicant would result from strict compliance with this Code;
  - 4. Upholds the spirit and intent of this Code, public safety and welfare will be secured, and substantial justice done;
  - 5. Will not result in the City being caused to absorb costs over and above those typically associated with subdivision approval;
  - 6. Is not contrary to the requirements of state law;
  - Will not cause negative impacts on adjoining properties, properties in the area of notice, or to the public well being.
- C. *Procedures and requirements:* The following procedures and requirements shall apply to all requests for variances under this Code.
  - 1. Requests for variances and the review fee shall be submitted in writing prior to or at the time of request for preliminary plat approval.

ARTICLE II. - ADMINISTRATION OF THE CODE

Sec. 11-2-1. - Administrative Official.

This Code shall be administered by the Building Inspector for the City until a Zoning Official is specifically designated by the City Commission. Throughout this Code, "designated Zoning Official" shall mean the Building Inspector, or a zoning official subsequently designated by the City Commission. Except as otherwise provided in this Code, the designated Zoning Administrator shall:

- A. Administer and enforce this Code;
- B. Receive applications;
- C. Inspect premises for Code compliance;
- D. Issue permits and certifications;

No building permit or certificate of occupancy shall be issued by the designated Zoning Administrator except where compliance with the provisions of this Code have been met.

## Sec. 11-2-2. - The Planning and Zoning Commission.

- A. *Purpose.* A Municipal Planning and Zoning Commission is hereby established for the purpose of interpretation of this Code, approving certain actions, receiving requests for modifications to this Code and re-zoning, and making recommendations to the City Commission concerning matters pertaining to zoning within the City.
- B. Administrative review and interpretations.
  - 1. The Planning and Zoning Commission shall review an administrative action of the designated Zoning Administrator when it is alleged that there is an error in the order, requirement, determination, or refusal made by the designated Zoning Administrator and reverse, affirm, or modify the administrative action.
  - 2. The Commission shall interpret this Code when the designated Zoning Administrator is in doubt as to the exact meaning of the text.
  - 3. The Commission shall interpret the Official Planning and Zoning District Map in accordance with the standards set forth in the Comprehensive Planning and Zoning Code when the designated Zoning Administrator is uncertain as to the exact boundary of a District shown on the Official Planning and Zoning District Map.
- C. Powers and duties.
  - Recommend to the City Commission either approval, denial or modification of a request for annexation, special use permit, variance, subdivision, zoning, amendment of this Code,

or any other land use consideration within the planning and zoning jurisdiction of the City.

- 2. Grant final approval or denial of a home occupation or conditional use permit after public meeting, provided there is not an appeal to the City Commission within fifteen (15) days in accordance with Article 7 of this Code.
- D. *Composition of the Planning and Zoning Commission*. The Planning and Zoning Commission shall consist of five (5) members each to be appointed by a simple majority of the City Commission. Eligibility requirements for membership shall be established by the City Commission. Members shall serve staggered terms of two (2) years each. A recording secretary shall be provided to assist the Planning and Zoning Commission by the City. The recording secretary shall not be a member of the Planning and Zoning Commission and shall be only responsible for those duties requested by the Planning and Zoning Commission and approved by the City Manager.
- E. Organization of the Planning and Zoning Commission. The Planning and Zoning Commission shall elect a chairman, vice-chairman, and second vice-chairman in July of each year, or as required due to unforeseen vacancies. They shall serve for one (1) calendar year following their elections.
- F. *Voting.* A simple majority vote of a quorum of the Planning and Zoning Commission is required for approval of all Planning and Zoning Commission actions. A quorum requires at least three members of the Commission present.

In order for a vote to be valid on a particular issue, a quorum must actually vote regarding the measure. A member who abstains from voting on an issue is deemed to have not voted on the issue.

- G. *Findings of facts for recommendations and decisions*. In considering all requests, the Planning and Zoning Commission shall review applicable plans and determine whether the request will:
  - 1. Impair an adequate supply of light and air to adjacent property;
  - 2. Unreasonably increase the traffic in public streets;
  - 3. Increase the danger of fire or endanger the public safety;
  - 4. Deter the orderly and phased growth and development of the community;
  - 5. Unreasonably impair established property values within the surrounding area;
  - 6. In any other respect impair the public health, safety and general welfare of the City; or
  - 7. Constitute a spot zone and therefore adversely affect adjacent property values.

All actions or recommendations by the Planning and Zoning Commission shall be based on Findings of Facts as to the impacts of the proposal, using the criteria listed in numbers 1 through 7, above. The Planning and Zoning Commission shall review each of the above listed factors and accord each factor the necessary weight on a case-by-case basis in making its determination.

H. Report to the City Commission. The Planning and Zoning Commission shall provide written minutes, with recommendations as necessary, to the City Commission on all matters that are brought before the Commission. Such minutes shall include a statement of the findings of facts that were the basis of any decision or recommendation made by the Planning and Zoning Commission.

Sec. 11-2-3. - The City Commission.

The City Commission shall make all final decisions concerning amendments to this Code, original zoning, re-zoning, variances, appeals, and special use permits, and subdivisions.

All actions by the City Commission shall be based on and stated as a Findings of Facts of the impacts of the proposal, using the criteria listed in Section 1-2-2 H1 through 7, above. The City Commission shall review each of the above listed factors and accord each factor the necessary weight on a case-by-case basis in making its determination.

	STAFF RECOMMENDED PROJECTS																		
				F	FUNDED TO										TOTAL PROJECT	T	AMOUNT NOT		
IÐ	YEAR	RANK	PROJECT TITLE	CATEGORY		DATE		2025		2026	2	027		2028	 2029	COST		YET FUNDED	PHASES
			Emergency Water Distribution Line																
	2025	001	Replacement	Water - Water Supply	\$ :	1,600,000.00	\$	7,000,000.00	\$1	5,500,000.00	\$ 6,50	0,000.00	\$	-	\$ -	\$ 21,600,000.0	0   \$	20,000,000.00	Yes
				Water - Storm/Surface Water															
39246	2025	002	Cantrell Dam Improvements	Control	\$	825,000.00	\$	500,000.00			\$	-	\$	-	\$ 	\$ 1,325,000.0	0 \$	500,000.00	Yes
38613	2025	003	Water Meter Replacement/Updgrade	Water - Water Supply	\$	750,000.00	\$	750,000.00	\$	750,000.00	\$	*	\$		\$ -	\$ 2,250,000.0	0\$	1,500,000.00	Yes
				Transportation -						1								12.7	
	2025	004	Sidewalk Improvements	Highway/Roads/Bridges	\$	212,910.00	\$	708,159.02	\$	336,910.72	\$ 30	3,060.33	\$	407,554.70	\$ 491,305.31	\$ 2,459,900.0	8 \$	2,246,990.08	Yes
	2025	005	Feasibility Study - Recreation/Green Space	Other - Other	\$	-	\$	85,000.00	\$	-	\$	-	\$	-	\$ -	\$ 85,000.0	0   \$	85,000.00	No
40367	2025	006	Clancy Force Main Improvements	Water-Wastewater	\$	-	\$	100,000.00	\$	1,400,000.00	\$	-	\$	-	\$ -	\$ 1,500,000.0	0 \$	1,500,000.00	Yes
38581	2025	007	Soccer Field Improvements	Other - Other	\$	-	\$	500,000.00	\$	-	\$	-	\$		\$ -	\$ 500,000.0	0 \$	500,000.00	Yes
38538	2025	008	Police Department Renovation	Facilities - Administrative Facilities	\$	-	\$	-	\$	-	\$	-	\$	-	\$ -	\$-	\$	-	Yes
36448	2025	009	City wide Drainage Improvements	Other - Other	\$	100,000.00	\$	800,000.00	\$	1,000,000.00	\$ 1,70	0,000.00	\$	1,700,000.00	\$ 	\$ 5,300,000.0	0 \$	5,200,000.00	Yes
40372	2025	010	Lee Belle Johnson Facility Improvements	Facilities - Other	\$	-	\$	-	\$	-	\$	-	\$	-	\$ -	\$-	\$		Yes

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and the second	CITY OF TRUTH OR CONSEQUE	
att-	AGENDA REQUEST FORM	
	MEETING DATE: August 9, 2023	Agenda Item #: <u><b>F.2</b></u>
	Acknowledge Regular Lodgers Tax Advisory Board Minu	tes, May 22, 2023.
	City Clerk's Office	
DATE SUBMITTED: A		
	Angela A. Torres, City Clerk-Treasurer T THE ITEM: Consent Calendar	
Summary/Backgrou		
Acknowledge Minut	es.	
Recommendation:		
Acknowledge minut	es.	
Attachments:		
D.4		
- Minutes		
Fiscal Impact (Finan	nce): N/A	
\$0.00		
Legal Review (City A	Attornauly N/A	
Legui Review (City A	Accorney). N/A	
None.		
Approved For Subm	ittal By:   Department Director	
<b>Reviewed by:</b> $\boxtimes$ C	City Clerk	enter text.
Final Approval:		<ul> <li>revenuescontent</li> <li>POLISTICIONIS</li> </ul>
	CITY CLERK'S USE ONLY - COMMISSION ACTIO	N TAKEN
Resolution No	Ordinance No	
Continued To: - I		
	Denied      Other: -	

## CITY OF TRUTH OR CONSEQUENCES LODGERS TAX ADVISORY BOARD MINUTES MONDAY, MAY 22, 2023

#### **REGULAR MEETING**

Regular meeting of the Lodgers Tax Advisory Board of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, May 22, 2023 at 12:00 pm.

## CALL TO ORDER:

The meeting was called to order by Vice-Chairman Gina Kelley.

## **ROLL CALL:**

Jake Foerstner, Chairman- Absent Gina Kelley, Vice-Chairman Linda DeMarino, Member -Absent Victoria Harrington, Member Jessica MacKenzie, Member

## ALSO PRESENT:

Angela Gonzales, City Manager Tammy Gardner, Executive Assistant Harleigh Wilkins, Assistant Clerk

1. APPROVAL OF AGENDA: Member MacKenzie made a motion to approve the agenda with the removal of items B + E. Member Harrington seconded the motion. Motion carried unanimously.

## 2. APPROVAL OF MINUTES:

a. Regular Meeting Minutes of March 27, 2023.

Member Harrington made a motion to approve the minutes. Member MacKenzie seconded the motion. Motion carried unanimously.

3. COMMENTS FROM THE PUBLIC (3 minute rule applies)

**Cary "Jagger" Gustin:** He is reporting from the Truth or Consequences Advisory Board, in the last meeting there was an application for \$15,000 additional to work on the city owned fountain and the Lodgers Tax board approved that so the work on that is ongoing. He is in contact with the city officials that are now in the process of applying for a well permit and then a hold harmless agreement for the private property owner that is next door. He was also told by the city officials that they will hold over those Lodgers Tax funds so they won't lose that money for the coming year. The welder was ready to go to action just as soon as they have a permit in place and the City Attorney that is on point will work on an agreement to protect the private property owner and the city to repair the parking lot that is adjacent to the city owned property.

#### 4. NEW BUSINESS:

a. Discussion/Action: Recommendation for re-appointment of Member Gina Kelley Member MacKenzie made a motion to re-appoint member Gina Kelley to the Lodgers Tax Advisory Board. Member Harrington seconded the motion. Motion carried unanimously.

b. Discussion/Update: T or C/Sierra County Chamber of Commerce 2022-2023 Lodgers Tax Grant Report for Interstate Billboard & Digital Media project.

Board made a motion to withdraw this item until July's meeting.

 c. Discussion/Update: Sierra County Arts Council 2022-2023 Lodgers Tax Grant Report for Website Development Maintenance & Hosting.
 Gina Kelley reported the following: This is a report that tells us the projects are finished. These reports are actually something that our City Commission asked for

a few years ago about two commissions ago. They asked for these follow up reports so that when people come back, they can report to us how it went if there is anything they would like to change and then that way we're keeping tabs on these because previously they're just submitting the reimbursement requests to Tammy, we never saw them or heard back from them on how it went so this is what we're doing to find out if those were a success and if it was something they want to do again in the future. We know that the Arts Council website is very important and the work that they do.

Board Member Harrington made a motion to approve the Sierra County Arts Council 2022-2023 Lodgers Tax Grant Report for Website Development Maintenance & Hosting. Board Member MacKenzie seconded the motion. Motion carried unanimously.

d. Discussion/Action: Sierra County Arts Council 2022-2023 Lodgers Tax Grant Application for the Reprint of Mural Brochures.

**Cary "Jagger" Gustin reported the following:** This application is to reprint the Murals that are located all around the downtown area. They're 8x12x14 sheets, four panels per side double gate fold, full color, delivered folded and with updates of course because there are new artworks up that need to be included. The plan is to print 5,000 brochures on 100 gloss stalks, there's a \$100 for tax and shipping so the request is for \$1,010.50.

**Vice-Chairman Gina Kelley:** My question is this is the cost for the printing what about the costs for the updates?

**Cary "Jagger" Gustin:** He will be doing that for us for free, he is on our board of directors.

Member MacKenzie made a motion to approve the Sierra County Arts Council reprint of the Mural Brochure request for \$1,010.50. Member Harrington Seconded the motion. Motion carried unanimously.

e. Discussion/Action: Sierra County Arts Council 2022-2023 Lodgers Tax Grant Application for Website Hosting Domain Name Requisition. Board made a motion to withdraw this item until next July's meeting.

f. Discussion/Update: Geronimo Trail Scenic Byway 2022-2023 Lodgers Tax Grant Report for Update Reprint of Hot Springs Brochures.

**Vice-Chairman Kelley reported the following:** Took a year and is finally done and as soon as it got finished, we found out that the Fire Water now takes walk in soaks. We were awarded \$330,070 last July to do 25 thousand brochures. We could not afford to front that kind of money and then get reimbursed by Lodgers. Tax it was just not financially feasible for that organization to get that much money so I cut it down to \$10,000. The other thing is that we are finding that people are printing too many brochures when you get 25 thousand brochures printed by the time, you're three months into the year they're already out of date so you update them for the following year and as an example I am sitting on probably 10,000 Geronimo Trails Byway brochures that are out of date. I have been sending them the stuff that is a little bit out of date all over the state to the visitor centers just to get rid of them because we already have new ones so this should not have been applied for until much later in the year.

Member MacKenzie made a motion to accept the report from Geronimo Trail Scenic Byway 2022-2023 Lodgers Tax Grant Report for Update reprint of the Hot Springs Brochures. Member Harrington Seconded the Motion. Motion carried unanimously.

g. Discussion/Action: SCRAGS 2022-2023 Lodgers Tax Grant Application

1. Discussion/Update: 2022-2023 Lodgers Tax Grant Report Vice-Chairman Kelley Reported that the Fiscal year for the agenda should have been 2023-2024 for this item.

**Megan Holden from SCRAGS reported the following:** The rock and gem show was a huge success. The attendance was largely due to the Lodgers Tax boards support of advertising.

**Vice Chairman Kelley:** The one comment that I would make is that we had people coming to the visitor's center that were attending, unfortunately everybody that I talked to was staying in Elephant Butte because T or C was sold out. That is an issue that we knew was going to be a problem when they first came to us with these dates because it's peak season in T or C everybody is sold out anyway so we're not certain that it is actually putting heads in beds in T or C, it's putting heads in beds everywhere else. February, March, April are our busiest months especially March and spring break.

**Megan Holden from SCRAGS:** So, I did specifically ask on the door slips whether they stayed in T or C I'm not sure if people who answered would make the distinction between T or C and Elephant Butte but I did specifically ask T or C and that is where the numbers came from.

**Vice Chairman Kelley:** There are people who would really love to see this event moved maybe to the beginning of the Rock and Gem Show season before we can get really busy. Now you're in the end, right?

Megan Holden from SCRAGS: We're in the end of the natural migration, one of the reasons we chose the date we did is to be in line with the current establish shows because it makes it easier for vendors who are out of state to travel between the shows. So, kind of the natural progression is the gigantic Tucson show in February and then they come to Deming, Albuquerque and then now us. Our week was sort of available as far as shows there is no large established show the last weekend in March so it seemed like a great time to do it. Now that we have the established time period, I think it is also good for the public and the mineral collectors who are kind of in the mindset of going to the different shows but there is also a balancing act that is why we added the special events to our show to bring people the general public for example to us. We added the activities for kids the Safire panning, the gold panning, the wheel of fortune, we had the presentations and the field trips those are both pretty unique not all of the area shows have those and I think it paid off because we had great draw and like I said in the report so many people were just thrilled to have the local event. We were all stopped and thanked for how much fun it was and for how it was free. After the fact the local businesses were incredibly grateful. Dan was stopped several times by business owners to thank him and myself when I was going to restaurants, they were sold out of all sorts of ingredients so we definitely provided a lot of extra business to the locals.

**Vice Chairman Kelley:** The other comment that I got that the vendors said that they sold more at our event than in Deming.

**Megan Holden from SCRAGS:** I know yes, I was blown away by that and Albuquerque, they had amazing shows. Like I said in the report there was one vendor that said on Saturday they had the best day ever that they had ever had and they have been to 70 shows including some of the huge shows in Tucson that have been established for 50 years plus so they were so thrilled and so we want to do the same thing next year we've talked about adding just a few vendors. I did want to ask the thing I brough up at the end about the \$280.00 allocated to digital ads whether or not I can use that for Facebook it was actually a Facebook ad through New Mexico Magazine technically a digital ad I just wanted to get permission to use that.

Vice Chairman Kelley: Is that for this past year?

Megan Holden from SCRAGS: Yes

Vice Chairman Kelley: Your request was originally for digital advertising, right?

Megan Holden from SCRAGS: That particular \$280 line item yes.

Vice Chairman Kelley: Well Facebook is digital.

Megan Holden from SCRAGS: Yes, but I just wanted to make sure.

Vice Chairman Kelley: Is it something that you have already submitted for reimbursement?

Megan Holden from SCRAGS: No but I will do it in the next day.

Vice Chairman Kelley: You need to do it like today.

Tammy Gardner Executive Assistant: I have been working with them, I just told them that it would probably be a better idea if they want to reallocate what they didn't spend on one line item that I would ask you guys because I'm not real sure how it falls in the category. More than

likely why she's asking is because there is probably a line item for Facebook and then a line item for digital ads.

**Megan Holden from SCRAGS:** And the money specifically allocated to New Mexico Magazine so this would using an additional line item.

**Member MacKenzie:** I want to thank you for this report it is just spot on and easy to read, all of the appropriate attachments so thank you.

Member MacKenzie made a motion to accept the report from SCRAGS. Member Harrington seconded the motion. Motion carried unanimously.

## Following Line Item G. Discussion/Action: SCRAGS 2022-2023 Lodgers Tax Grant Application

**Megan Holden from SCRAGS:** We are requesting money for printing post cards and posters and for the graphic design that is associated with that. Last year because we didn't make our request until September SCRAGS had to pay for about \$400 worth of printing and doing it all in one large batch will save you and us a quite a bit of money so that is why we're requesting the money now and that will cover 7,500 post cards and 500 posters, you had talked about printing too many postcards and with the brand new event it was hard to know how many to print out but out of the 5,000 we printed I only have about 50 left. I was told that people saw a poster in a gas station in Arizona. I am sending them out to the rock shops and rock shows, and rock clubs as well.

Vice-Chairman Kelley: Can I ask why you're not applying for anything else at this time?

**Megan Holden from SCRAGS:** Well because we are a fairly new show, we need to think about whether we want to change our strategies at all. Like I discussed in the report we're making some small adjustments but we wanted to give it a little time to figure things out but I did have a question along those lines about when we should reply, and how often do you guys meet?

**Vice-Chairman Kelley:** We meet every other month so our next meeting is in July. If you do want to do New Mexico Magazine again you will want to get in there around the same time frame as you did last time. I wouldn't much past September.

**Megan Holden from SCRAGS:** We can definitely get a lot of the quotes in hopefully by July definitely before September. So, is it alright if I submit things in stages like we did last year the request or do you prefer to have it all at once?

**Member MacKenzie:** I like to have it all at once because you are a really big ask so that just makes it clearer for us.

**Member Harrington:** I agree and then one thing I would change on your questionnaire is where is says "did you stay overnight in T or C?" I would ask "did you stay in Elephant Butte?" right below it and that way we kind of get that situated.

**Vice-Chairman Kelley:** Another thing I would put is ask them where they are from. But nobody else does this so we just like having that information.

**Megan Holden from SCRAGS:** Should we aim for the moon again as far as increasing advertising we appreciate you taking the risk on us before but I think that we proved ourselves at least once and we want to do it again.

**Vice-Chairman Kelley:** I think that you should just come to us with what you think is appropriate, our concern is that you ran out of space and so how much can you organically sustain because it was pretty packed in there on Saturday.

**Megan Holden from SCRAGS:** We actually have an idea for flow to make it a little better we are going to put the food trucks out back. So instead of a kind of bottle neck inside we'll bring the food trucks out back and that will also help the outdoor vendors. We will have the baker up front but the food trucks out back.

**Vice-Chairman Kelley:** I really like that you did a deep dive into what worked and what didn't and that you have said well now we're not going to do that next year because you don't see the payoff.

**Megan Holden from SCRAGS:** The numbers that surprised me were the number of people that stayed for more than two nights, only about 40% of the attendance filled out the door slips and of course somebody from the same party could have filled out more than one door slip but 90 said they stayed over one night in T or C, 83 for two nights, and 229 for more than two nights. That indicates to me that for planning a 3 night trip you want to do that ahead of time so advertising 3-4 months I think would really help out bring in more people for longer stays. So that is why we would like to start earlier with New Mexico Magazine and some of the other publications.

Member MacKenzie made a motion to approve the tax grant application from SCRAGS for \$1,000 to print post cards and posters for the 2023-2024 fiscal year. Member Harrington seconded the motion. Motion carried unanimously.

## 5. COMMENTS FROM THE BOARD

No comments from the board.

## 6. COMMENTS FROM STAFF

**City Manager Gonzales:** Hello everyone I am the new City Manager and I look forward to working with you guys.

## 7. ADJOURNMENT

Vice-Chairman Kelley adjourned the meeting.

PASSED AND APPROVED this 24<sup>th</sup> day of July 2023.

Jake Foerstner, Chairman

AGENDA REQUEST FORM MEETING DATE: August 9, 2023 Agenda Item #: <u>F.3</u>
SUBJECT:Acknowledge Regular Library Advisory Board Minutes, July 31, 2023.DEPARTMENT:City Clerk's OfficeDATE SUBMITTED:August 4, 2023SUBMITTED BY:Angela A. Torres, City Clerk-TreasurerWHO WILL PRESENT THE ITEM: Consent Calendar
Summary/Background: Acknowledge Minutes.
Recommendation: Acknowledge minutes.
Attachments: Minutes
Fiscal Impact (Finance): N/A \$0.00
Legal Review (City Attorney): N/A
None.
Approved For Submittal By:       □ Department Director         Reviewed by:       ⊠ City Clerk       □ Finance       □ Legal       □ Other: Click here to enter text.         Final Approval:       □ City Manager
CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN Resolution No Ordinance No Continued To: - Referred To: - Approved Denied Other: - File Name: CC Agendas 8-09-23

## Minutes of the Library Advisory Board Meeting, Monday, July 31, 2023

The meeting was called to order at 5:30 p.m. by Vice-Chairman Michael Bankson. A quorum being present, it was decided that the meeting should proceed.

Present were: Vice-Chairman Michael Bankson, Board Members Terie Hafner, Brendan Tolley, and Priscilla Spitler, and Library Director Pat O'Hanlon. Board Chairman Angie Torres was not able to attend, and is excused. Also present was one guest, Community Services Director O.J. Hechler. The agenda for the meeting was approved; the motion to approve was made by Brendan Tolley and seconded by Terie Hafner. The minutes of the last regular meeting were approved as read, motion to approve made by Brendan Tolley, and seconded by Mike Bankson. The affirmative votes on both motions were unanimous.

## COMMENTS FROM THE PUBLIC:

None

## **REPORTS**:

- Board members: Priscilla Spitler has been asking people in the community whether enough interest might be found to re-establish our Friends of the Library support group. Priscilla feels that there is, in fact, sufficient interest, and would like to take on the project. She will also do some research regarding whether it is possible to re-activate our original non-profit papers, or whether we will need to start over.
- Friends of the Library: No further report.
- Library Foundation: The current value as shown on the June 30, 2023 statement is \$23,215.55.
- Director's report: 1.) We still do not have telephone or Internet service at the new Branch location; however, Facility Management Supervisor Dave Johnson reports that Tech Support has been working in the building, so we will wait to hear from them. 2.) The issue with the City's GoDaddy account has not yet been solved. City Clerk Angela Torres is working on a solution to that problem.
   3.) The Annual Report for this year has been completed and will be submitted to the State Library tomorrow, August 1, 2023.

## **OLD/UNFINISHED BUSINESS:**

None.

## NEW BUSINESS:

• The library's Three Year Strategic Plan has been approved, as read, and will be filed with the State Library tomorrow, August 1, 2023. The motion to approve was made by Brendan Tolley and seconded by Mike Bankson. The affirmative vote to approve was unanimous.

There being no further business to come before the Board, the motion to adjourn was made by Brendan Tolley and seconded by Terie Hafner. The motion was approved unanimously, and the meeting was adjourned at 6:02 p.m. The Board's next regular meeting is scheduled for Monday, October 30, 2023.

Respectfully submitted,

Michael Bankson, Vice-Chairman Pat O'Hanlon, Library Director

## **CITY OF TRUTH OR CONSEQUENCES**

AGENDA REQUEST FORM



MEETING DATE: August 9, 2023

Agenda Item #: F.4

SUBJECT:July 2023 Accounts PayableDEPARTMENT:FinanceDATE SUBMITTED:August 1, 2023SUBMITTED BY:Silke Kapela, Accounts PayableWHO WILL PRESENT THE ITEM: Consent CalendarSummary/Background:

According to Sec. 2-28 of the Municipal Code related to Publication of expenditures:

Each month there may be published a summary of expenditures made during the preceding calendar month, which shall include a list of the total expenditures during the month, the amount spent in connection with each budgetary item, and a summary of all receipts; provided, however, that the publication mentioned in this section shall be made only at the discretion of the Commission if it shall deem such publication necessary in the public interest.

## **Recommendation:**

Approve the Accounts Payable summary for July 2023

Attachments:

• End of Month Accounts Payable Report by Fund

Fiscal Impact (Finance): Yes

All Funds Summary is a total of \$ 7,467,203.22

Legal Review (City Attorney): N/A N/A

Approved For Submittal By: 
Department Director

*Reviewed by:* 🛛 City Clerk 🖾 Finance 🗆 Legal 🖾 Other: Silke Kapela, Account Payable

Final Approval: 
City Manager

## CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. N/A Ordinance No. N/A Continued To: - Referred To: -Approved Denied Other: Click here to enter text. File Name: CC Agendas 8-9-2023

# Accounts Payable Transfer Sheet - 2023-2024 FY Post Date Ending: 7/7, 7/13, 7/14, 7/21, 7/28

<u>Fund</u>	<u>Fund</u>	Fund Totals						GRAND TOTAL	<u>Fund</u> Numbers
	<u>Description</u>	7/7/2023	7/13/2023	7/14/2023	7/21/2023	7/28/2023		TRANSFERS	<u>Inumpers</u>
101	General	\$43,661.18	\$37,169.51	111-12020	\$19,237.51	\$83.526.02	=	\$183,594.22	101
201	Local Government Corrections	\$60.00	+;		· · · · · · · · · · · · · · · · · · ·	\$330.00	:	\$390.00	201
209	State Fire	\$187.13			\$15,240.87	\$2,317.67		\$17,745.67	209
211	Law Enforcement Protection	*101110			\$1,590.62	+_,		\$1,590.62	211
214	Lodger's Tax		\$4,998.73		<i><b>†</b> .,<b>5 • • • • • • • • • •</b></i>	\$827.64		\$5,826.37	214
216	Street Renovation		\$2,691.79					\$2,691,79	216
217	Municipal Recreation		,					\$0.00	217
260	Fiscal Recovery Funds							\$0.00	260
293	Veterans Wall Perpetual Care					\$600.00		\$600.00	293
294	State Library	\$99.95			\$26.73	\$226.57		\$353.25	294
295	Municipal Pool	\$2,437.64	\$100.00		\$807.69	\$2,394.18		\$5,739.51	295
296	PD-GRT Fund				\$100.98	\$142,953.61		\$143,054.59	296
298	PD-Donations					\$314.10	1	\$314.10	298
302	Electrical Construction							\$0.00	302
303	Veterans Memorial					\$148.69		\$148.69	303
304	SJOA - Grants							\$0.00	304
305	Capital Improvement General			·				\$0.00	305
306	Captial Improvement Joint Utility		\$5,475.00	1. Contract (1. Contract)		1		\$5,475.00	306
307	Golf Course Improvements							\$0.00	307
308	USDA -Sweeper							\$0.00	308
309	USDA-Wastewater	,					-	\$0.00	309
310	R&R-Emergency							\$0.00	310
311	R&R-Sewer			-				\$0.00	311
312	R&R-Airport			· · · · · ·				\$0.00	312
313	R&R-Water							\$0.00	313
314	CDBG - Grant	<u> </u>						\$0.00	314
315	CI Reserve- Non Capital Equipment				\$540.75			\$540.75	315
316	Emergency Reserve							\$0.00	316
320	USDA Water System Improvements			\$5,150,771.51	\$1,284,350.37			\$6,435,121.88	320
321	Water System Improvements							\$0.00	321
360	NMFA Projects		\$3,251.25					\$3,251.25	360
370	Water Trust Board Projects		\$20,642.97					\$20,642.97	370
380	Community Development						-	\$0.00	380
403	Pledge State Tax	\$24,052.03	\$12.41					\$24,064.44	403
501	Cemetery				\$1,421.10			\$1,421.10	501
502	Utility Office	\$3,306.86	\$15,311.41		\$719.52	\$1,305.41		\$20,643.20	502
503	Electric Dept	\$27,454.95	\$241,454.87		\$60,925.41	\$8,478.39		\$338,313.62	503
504	Water Dept	\$22,427.89	\$223.13		\$19,228.17	\$9,992.21		\$51,871.40	504
505	Solid Waste	\$66,058.07	\$4,832.57		\$35,015.45	\$3,637.54		\$109,543.63	505
506	WasteWater	\$27,487.11	\$298.71		\$6,154.50	\$11,567.58		\$45,507.90	506
507	Solid Waste Landfill/Collection							\$0.00	507
508	Golf Course	\$2,237.54			\$3,193.30	\$2,653.56		\$8,084.40	508
509	Municipal Airport	\$39,056.57	\$992.52		\$199.70	\$123.80		\$40,372.59	509
600	Internal Service Fund		\$166.62		\$133.66			\$300.28	600
	Grand Total-Accounts Payable	\$258,526.92	\$337,621.49	\$5,150,771.51	\$1,448,886.33	\$271,396.97	\$0.00	\$7,467,203.22	

EOM AP REPORT By Fund

#### PAYABLE APPROVAL

I hereby approve the Issuance of these payments.

FINANCE DIRECTOR OR DESIGNEE

/

DATE:

Truth or Consequences

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Fund: 101 - General					
TYLER TECHNOLOGIES, INC.	025-423775	07/06/2023	FINANCE ANNUAL TYLER SUB.	. 101-1004-43815	10,828.99
TYLER TECHNOLOGIES, INC.	025-423775	07/06/2023	POLICE DEPT ANNUAL TYLER	. 101-1007-43815	10,828.99
TDS	06182023	07/06/2023	GENERAL OPEN PO FY 22/23	101-1018-43780	4,717.91
MIKE TORRES DBA CD TECHN.	1010	07/06/2023	IT SERVICE GENERAL FUND OF	101-1018-48598	1,175.42
TALON SEPTIC & POTTY SERVI.	1698	07/06/2023	RENTAL OF PORTABLE TOILETS	5 101-1009-43465	1,000.00
QUILL CORPORATION	31169824	07/06/2023	JUMBO PAPERCLIPS	101-1001-44606	12.41
SILVERSKY, INC.	483440-SI	07/06/2023	OPEN PO FY23/24 GENERAL F.	101-1018-43815	243.76
TURTLEBACK PEST CONTROL,	7835	07/06/2023	TURTLEBACK PEST CONTROL .	. 101-1014-43403	1,075.24
VERIZON WIRELESS	9938133835	07/06/2023	POLICE DEPT OPEN PO FY23/2	4 101-1007-43775	205.10
VERIZON WIRELESS	9938133835	07/06/2023	ANIMAL CONTROL OPEN PO F	101-1008-43775	123.06
SIERRA COUNTY SENTINEL	996	07/06/2023	OPEN PO FOR FY 22/23 PUBLI	., 101-1001-43740	244.47
CITY UTILITIES	C-D JUNE 2023	07/06/2023	GENERAL FUND CYCLE C&D O	101-1018-43780	8,053.95
NEW MEXICO GAS COMPANY,	INV JUNE 2023-3	07/06/2023	ANIMAL SHELTER OPEN PO FY	101-1018-43780	36.68
NEW MEXICO GAS COMPANY,	INV JUNE 2023-3	07/06/2023	NM WORKFORCE CONNECTI	101-1018-43780	31.11
NEW MEXICO GAS COMPANY,	INV JUNE 2023-3	07/06/2023	GENERAL OPEN PO FY23/24	101-1018-43780	380.29
LASTING PAWS PET MEMORIA	LC10391-1-0040	07/06/2023	CREAMTION SERVICES	101-1006-48598	860.72
NM RETIREE HEALTH CARE	PPE 2023-06-30	07/06/2023	PPE 2023-06-30	101-1001-41226	149.45
NM RETIREE HEALTH CARE	PPE 2023-06-30	07/06/2023	PPE 2023-06-30	101-1002-41226	43.87
NM RETIREE HEALTH CARE	PPE 2023-06-30	07/06/2023	PPE 2023-06-30	101-1003-41226	154.68
NM RETIREE HEALTH CARE	PPE 2023-06-30	07/06/2023	PPE 2023-06-30	101-1004-41226	337.15
NM RETIREE HEALTH CARE	PPE 2023-06-30	07/06/2023	PPE 2023-06-30	101-1006-41226	120.67
NM RETIREE HEALTH CARE	PPE 2023-06-30	07/06/2023	PPE 2023-06-30	101-1007-41226	1,119.78
NM RETIREE HEALTH CARE	PPE 2023-06-30	07/06/2023	PPE 2023-06-30	101-1008-41226	113.11
NM RETIREE HEALTH CARE	PPE 2023-06-30	07/06/2023	PPE 2023-06-30	101-1009-41226	100.18
NM RETIREE HEALTH CARE	PPE 2023-06-30	07/06/2023	PPE 2023-06-30	101-1010-41226	96.74
NM RETIREE HEALTH CARE	PPE 2023-06-30	07/06/2023	PPE 2023-06-30	101-1011-41226	294.00
NM RETIREE HEALTH CARE	PPE 2023-06-30	07/06/2023	PPE 2023-06-30	101-1012-41226	121.99
NM RETIREE HEALTH CARE	PPE 2023-06-30	07/06/2023	PPE 2023-06-30	101-1013-41226	77.30
NM RETIREE HEALTH CARE	PPE 2023-06-30	07/06/2023	PPE 2023-06-30	101-1014-41226	174.60
NM RETIREE HEALTH CARE	PPE 2023-06-30	07/06/2023	PPE 2023-06-30	101-1016-41226	204.66
XEROX CORP - OLD	07072023	07/07/2023	FLEET DEPT	101-1004-43465	91.61
XEROX CORP - OLD	07072023	07/07/2023	FINANCE OFFICE	101-1004-43465	242.25
XEROX CORP - OLD	07072023	07/07/2023	POOL	101-1004-43465	30.21
XEROX CORP - OLD	07072023	07/07/2023	GOLF COURSE	101-1004-43465	147.54
XEROX CORP - OLD	07072023	07/07/2023	WASTE WATER	101-1004-43465	158.50
XEROX CORP - OLD	07072023	07/07/2023	UTILITY BILLING	101-1004-43465	64.79
POLICARPIO V BUSTAMANTE		07/12/2023	OPEN PO-LANDSCAPING SERV		900.00
WILSON & COMPANY, INC. E.		07/12/2023	ON CALL GRANT MANAGEME		4,805.69
O'REILLY AUTO PARTS, INC.	2162-120629	07/12/2023	CORE CHARGE	101-1007-47420	40.00
O'REILLY AUTO PARTS, INC.	2162-120629	07/12/2023	ALTERNATOR	101-1007-47420	276.53
SIERRA COUNTY TREASURER	23-0706	07/12/2023	ANNUAL FLOODPLAIN MANA		5,000.00
WH PACIFIC, INC.	338287	07/12/2023	CONSTRUCITON SUPPORT	101-1010-48598	6,465.05
CHRISTINE ROMERO	5/26/2023	07/12/2023	STERILAZATION REFUND	101-1099-34343	25,00
JAIME F. RUBIN, LLC	78305	07/12/2023	GRT	101-1000-43597	401.20
JAIME F. RUBIN, LLC	78305	07/12/2023	OPEN PO FOR LEGAL SERVICE		4,869,60
ARENAS VALLEY ANIMAL CLIN	79644, 79813	07/12/2023	VET SERVICES AND ANIMAL T	101-1006-44607	210.50

#### Payment Dates: 7/1/2023 - 7/31/2023

				rayment bates. // 1/2023 - //	31/2023
Vendor Name	Payable Number	Post Date	Description (item)	Account Number	Amount
ARENAS VALLEY ANIMAL CLIN	79885, 80145	07/12/2023	VET SERVICES AND ANIMAL T	101-1006-44607	587.00
ARENAS VALLEY ANIMAL CLIN	80438, 80530	07/12/2023	VET SERVICES AND ANIMAL T	101-1006-44607	370.01
ARENAS VALLEY ANIMAL CLIN	80554	07/12/2023	VET SERVICES AND ANIMAL T	101-1006-44607	27.13
JUSTICE SYSTEMS, INC	INV175527	07/12/2023	ORCALE MAINTENANCE	101-1002-43770	318.60
JUSTICE SYSTEMS, INC	INV175527	07/12/2023	INTERGRATED IMAGING	101-1002-43770	334.80
JUSTICE SYSTEMS, INC	INV175527	07/12/2023	FULL COURT LICENSE	101-1002-43770	2,743.20
JUSTICE SYSTEMS, INC	INV175527	07/12/2023	ТАХ	101-1002-43770	231.39
PUBLIC SAFETY PSYCHOLOGIC	075-033	07/13/2023	PSYCHOLOGICAL EXAM FOR L	101-1007-48598	373.41
COPPLER LAW FIRM, P.C.	12076/12082	07/13/2023	FOR JUNE LEGAL SERVICES 20	101-1000-43597	151.46
ALARM CONTROL TECHNOLOG.	30207 & 30206	07/13/2023	FIRE ALARM MONITORING OP	101-1014-47410	53.82
SIERRA VISTA HOSPITAL / SIER	57563C15467	07/13/2023	COLLECTION DRUG TEST FEE	101-1004-48599	125.00
WEX BANK	90211954	07/13/2023	FUEL FOR VEHICLES/EQUIPM	101-1007-43316	6,660.59
WEX BANK	90211954	07/13/2023	FUEL FOR VEHICLES/EQUIPM	101-1008-43316	772.89
WEX BANK	90211954	07/13/2023	FUEL FOR VEHICLES/EQUIPM	101-1014-43316	534.14
QUEST DIAGNOSTICS, INC.	9204628066	07/13/2023	SCREENING & MRO FEE FY 23	101-1004-48599	392.35
SIERRA COUNTY SENTINEL	993	07/13/2023	HELP WANTED ADS - FY23-24	101-1004-43740	483.15
SAMBA HOLDINGS, INC.	INV01159106	07/13/2023	SAMBA DIVIN REPORTS - NH	101-1004-48599	17.00
DAWN SWEENEY	07092023	07/18/2023	CIVIC CENTER DEPOSIT REFU	101-1099-34348	250.00
XEROX CORP - OLD	07172023	07/18/2023	UTILITY BILLING	101-1004-43465	861.35
XEROX CORP - OLD	07172023	07/18/2023	FINANCE OFFICE	101-1004-43465	205,71
XEROX CORP - OLD	07172023	07/18/2023	AIRPORT	101-1004-43465	44.85
XEROX CORP - OLD	07172023	07/18/2023	FACILITIES DEPT	101-1004-43465	0.06
SHARE CORP.	239089	07/18/2023	LINERS HD 38X58 TRASH BAGS	101-1009-44607	1,392.00
XEROX CORP.	4495256	07/18/2023	CLERKS OFFICE OPEN PO FY23	101-1001-43465	297.01
XEROX CORP.	4495256	07/18/2023	CITY MANAGER OPEN PO FY2	101-1003-43465	282.16
XEROX CORP.	4495256	07/18/2023	FINANCE OFFICE OPEN PO FY	101-1004-43465	514.87
XEROX CORP.	4495256	07/18/2023	POLICE DEPT OPEN PO FY23/24	101-1007-43465	311.86
XEROX CORP.	4495256	07/18/2023	PARKS DEPT OPEN PO FY23/24	101-1009-43465	200.47
XEROX CORP.	4495256	07/18/2023	FACILITIES DEPT OPEN PO FY2	101-1014-43465	37.12
XEROX CORP.	4495256	07/18/2023	MUNICIPAL COURT OPEN PO	101-1040-43465	297.01
CITY UTILITIES	A-B JULY 2023	07/18/2023	GENERAL FUND CYCLE A&B O	101-1018-43780	4,500.78
CITY UTILITIES	JULY 2023	07/18/2023	GENERAL FUND OPEN PO FY2	101-1018-43780	9.50
TASER INTERNATIONAL INC	INUS168402	07/19/2023	ТАХ	101-1007-42310	41.46
TASER INTERNATIONAL INC	INUS168402	07/19/2023	TASER Instructor Re-Certificat		250.02
TASER INTERNATIONAL INC	INUS168402	07/19/2023	TASER Instructor Re-Certificat		70.49
NM SELF INSURERS FUND		07/20/2023	DEDUCTIBLE CLAIM PAYMENT		1,984.42
NM RETIREE HEALTH CARE	PPE 2023-07-14	07/20/2023	PPE 7/1/23 - 7/14/23	101-1001-41226	151.82
NM RETIREE HEALTH CARE		07/20/2023	PPE 7/1/23 - 7/14/23	101-1002-41226	43.87
NM RETIREE HEALTH CARE		07/20/2023	PPE 7/1/23 - 7/14/23	101-1003-41226	155.71
NM RETIREE HEALTH CARE		07/20/2023	PPE 7/1/23 - 7/14/23	101-1004-41226	339.87
NM RETIREE HEALTH CARE	PPE 2023-07-14	07/20/2023	PPE 7/1/23 - 7/14/23	101-1006-41226	123.12
NM RETIREE HEALTH CARE	PPE 2023-07-14	07/20/2023	PPE 7/1/23 - 7/14/23	101-1007-41226	1,157.36
NM RETIREE HEALTH CARE	PPE 2023-07-14	07/20/2023	PPE 7/1/23 - 7/14/23	101-1008-41226	114.67
NM RETIREE HEALTH CARE	PPE 2023-07-14	07/20/2023	PPE 7/1/23 - 7/14/23	101-1009-41226	61.01
NM RETIREE HEALTH CARE	PPE 2023-07-14	07/20/2023	PPE 7/1/23 - 7/14/23	101-1010-41226	98.69
NM RETIREE HEALTH CARE	PPE 2023-07-14	07/20/2023	PPE 7/1/23 - 7/14/23	101-1011-41226	259.15
NM RETIREE HEALTH CARE	PPE 2023-07-14	07/20/2023	PPE 7/1/23 - 7/14/23	101-1012-41226	122.64
NM RETIREE HEALTH CARE	PPE 2023-07-14	07/20/2023	PPE 7/1/23 - 7/14/23	101-1013-41226	77.30
NM RETIREE HEALTH CARE	PPE 2023-07-14	07/20/2023	PPE 7/1/23 - 7/14/23	101-1014-41226	210.43
NM RETIREE HEALTH CARE	PPE 2023-07-14	07/20/2023	PPE 7/1/23 - 7/14/23	101-1016-41226	208.55
TDS	7182023	07/21/2023	GENERAL OPEN PO FY 22/23	101-1018-43780	4,562.18
WINDSTREAM CORPORATION	07242023	07/26/2023	CITY MANAGER OPEN PO FY2		89.06
ANIMAL CARE EQUIPMENT &		07/26/2023	SNAKE AND REPTILE BUCKET 5.		78.00
VALLEY VET SUPPLY	17363779	07/26/2023	MICROCHIPS	101-1006-44607	599.50
VALLEY VET SUPPLY	17363779	07/26/2023	WORMEZE LIQUID FOR DOGS		37,16
AMAZON CAPITAL SERVICES, I		07/26/2023	HANGING FILE FOLDERS	101-1006-44606	13.98
AMAZON CAPITAL SERVICES, I		07/26/2023	LARGE DOG POOL	101-1006-44607	27.99
AMAZON CAPITAL SERVICES, I		07/26/2023	WIRELESS DOORBELL	101-1006-44607	29.99
AMAZON CAPITAL SERVICES, I		07/26/2023	SMALL DOG POOL	101-1006-44607	39.98
AMAZON CAPITAL SERVICES, I	. 1KIVK-TV7-YHLW	07/26/2023	STYPTIC POWDER	101-1006-44607	4.99

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#### Payment Dates: 7/1/2023 - 7/31/2023

LOW AF NEFONI			rayment vates. // 1/ 2	023 - 773172023
Vendor Name	Payable Number	Post Date	Description (Item) Account Number	Amount
SHARE CORP.	239659	07/26/2023	LEATHER GLOVES MEDIUM 101-1009-44607	153.12
SHARE CORP.	239659	07/26/2023	LEATHER GLOVES LARGE 101-1009-44607	160.80
SHARE CORP.	239659	07/26/2023	WILD FIRE ANT DEHYDRATOR 101-1009-44607	290.70
SHARE CORP.	239.659	07/26/2023	REFLECTIVE VEST - 3 COLOR 101-1009-44615	176.28
SHARE CORP.	239659	07/26/2023	SAFETY GLASSES - EVER LITE 101-1009-44615	76.20
SHARE CORP.	239659	07/26/2023	REFLECTIVE VEST - 3 COLOR L 101-1009-44615	176.28
NU-WAY LAUNDRY & CLEANE	38523	07/26/2023	NU-WAY CARPET SERVICES O 101-1014-44607	98.10
TRANS UNION RISK & ALTERN	485949-202306-1	07/26/2023	TRANSUNION TU 101-1007-43815	114.00
DESERT GRAPHICS INC.	6711	07/26/2023	LIBRARY STREET SIGNS 12X18 101-1014-43403	159.96
XEROX CORP - OLD	7252023	07/26/2023	GOLF COURSE 101-1004-43465	97.25
XEROX CORP - OLD	7252023	07/26/2023	FINANCE OFFICE 101-1004-43465	77.50
XEROX CORP - OLD	7252023	07/26/2023	ELECTRIC DEPT 101-1004-43465	68.39
XEROX CORP - OLD	7252023	07/26/2023	FLEET DEPT 101-1004-43465	64.77
XEROX CORP - OLD	7252023	07/26/2023	SOLID WASTE 101-1004-43465	30.22
XEROX CORP - OLD	7252023	07/26/2023	POOL 101-1004-43465	28.11
XEROX CORP - OLD	7252023	07/26/2023	PARKS DEPT 101-1004-43465	217.06
XEROX CORP - OLD	7252023	07/26/2023	CLERKS OFFICE 101-1004-43465	206.11
XEROX CORP - OLD	7252023	07/26/2023	CITY MANAGER 101-1004-43465	177.94
XEROX CORP - OLD	7252023	07/26/2023	UTILITY BILLING 101-1004-43465	583.57
XEROX CORP - OLD	7252023	07/26/2023	WASTE WATER 101-1004-43465	158.38
XEROX CORP - OLD	7252023 7252023	07/26/2023	POLICE DEPT 101-1004-43465	217.09
	8173400	07/26/2023	MUNICIPAL COURT 101-1004-43465 URINAL SCREENS / CASE 101-1014-44607	177.25 73.96
BRADY INDUSTRIES, LLC BRADY INDUSTRIES, LLC	8173400	07/26/2023 07/26/2023	LARGE BLACK TRASH LINERS 3., 101-1014-44607	451.10
BRADY INDUSTRIES, LLC	8173400	07/26/2023	GLASS CLEANER / CASE 101-1014-44607	258.48
TURTLEBACK PEST CONTROL,		07/26/2023	TURTLEBACK PEST CONTROL 101-1014-43403	1,075.24
VERIZON WIRELESS	9939685851	07/26/2023	CITY CLERK OPEN PO FY23/24 101-1001-43775	276.43
VERIZON WIRELESS	9939685851	07/26/2023	MUNICIPAL COURT OPEN PO 101-1002-43775	194.04
VERIZON WIRELESS	9939685851	07/26/2023	CITY MANAGER OPEN PO FY2 101-1003-43775	231.85
VERIZON WIRELESS	9939685851	07/26/2023	FINANCE OPEN PO FY23/24 101-1004-43775	248.29
VERIZON WIRELESS	9939685851	07/26/2023	ANIMAL SHELTER OPEN PO FY., 101-1006-43775	109.99
VERIZON WIRELESS	9939685851	07/26/2023	POLICE DEPT OPEN PO FY23/24 101-1007-43775	1,050.94
VERIZON WIRELESS	9939685851	07/26/2023	ANIMAL CONTROL OPEN PO F., 101-1008-43775	125.33
VERIZON WIRELESS	9939685851	07/26/2023	PARKS DEPT OPEN PO FY23/24 101-1009-43775	144.75
VERIZON WIRELESS	9939685851	07/26/2023	COMMUNITY DEVELOPEMENT101-1010-43775	93,11
VERIZON WIRELESS	9939685851	07/26/2023	STREETS DEPT OPEN PO FY23/ 101-1011-43775	140.38
VERIZON WIRELESS	9939685851	07/26/2023	FLEET DEPT OPEN PO FY23/24 101-1012-43775	85.32
VERIZON WIRELESS	9939685851	07/26/2023	FACILITIES DEPT OPEN PO FY2 101-1014-43775	127.26
BANK OF AMERICA	07-11-2023	07/27/2023	NM ANIMAL HUMANE CONFE 101-1006-42720	100.00
PUBLIC SAFETY PSYCHOLOGIC	. 075-034	07/27/2023	CERT. BY WAIVER PSYCHOLOG 101-1007-48598	373.41
SUPERIOR WEED AND PEST LLC	1146	07/27/2023	WEED SPRAY - OLD BMX TRACK 101-1009-47415	758.63
NM EDGE	11781	07/27/2023	NM EDGE FINANCE CLASSES 101-1004-42720	490.00
ARCHIVESOCIAL INC.	228640	07/27/2023	SOCIAL MEDIA ARCHIVING SU 101-1001-43770	2,988.00
ROTARY CLUB OF TORC	6102, 6138, 6176, 6212	07/27/2023	ROTARY CLUB OF TORC MEM 101-1007-43770	240.00
TDS	7242023	07/27/2023	GENERAL OPEN PO FY 22/23 101-1018-43780	149.00
CITY UTILITIES	C-D JULY 2023	07/27/2023	GENERAL FUND CYCLE C&D O 101-1018-43780	9,054.92
WORKMED OCCUPATIONAL H		07/27/2023	PRE-ACADEMY MEDICAL ASS, 101-1007-48598	599.36
SCRDA	07009023	07/28/2023	SCRDA BILL FOR FY 23-24 101-1007-48599	59,656.50
			Fund 101 - General Total:	183,594.22
Fund: 201 - Corrections			· · · · · · · · · · · · · · · · · · ·	
ADMINISTRATIVE OFFICE OF		07/06/2023	PAY DWI /COURT AUTO/JUD / 201-1903-44805	60.00
SIERRA COUNTY TREASURER	07012023	07/27/2023	OPEN PO - CARE OF PRISONERS 201-1903-48710	330.00
			Fund 201 - Corrections Total:	390.00
Fund: 209 - Fire				
CITY UTILITIES	C-D JUNE 2023	07/06/2023	FIRE DEPT_CYCLE C&D OPEN 209-1603-43780	112.87
NEW MEXICO GAS COMPANY, .	INV JUNE 2023-3	07/06/2023	FIRE SOUTH STATION OPEN P 209-1603-43780	32.29
NEW MEXICO GAS COMPANY, .	INV JUNE 2023-3	07/06/2023	FIRE STATION OPEN PO FY23/ 209-1603-43780	41.97
FIRE PROGRAMS SOFTWARE	232429	07/18/2023	ANNUAL ACCESS/SUPPORT/U 209-1603-43815	2,722.00
XEROX CORP.	4495256	07/18/2023	FIRE DEPT OPEN PO FY23/24 209-1603-43465	334.14
MEGAHERTZ COMPUTER CON	. 71256	07/18/2023	INTERNET SERVICE/NORTH FI 209-1603-43775	54.19

#### Payment Dates: 7/1/2023 - 7/31/2023

EOM AP REPORT				Payment Dates: 7/1/202	3 - 7/31/2023
Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
CITY UTILITIES	A-B JULY 2023	07/18/2023	FIRE DEPT CYCLE A&B OPEN P	209-1603-43780	324.54
THE WALKER AGENCY, LLC	001774	07/20/2023	VFIS INSURANCE 7/1/2023-6/		11,806.00
WINDSTREAM CORPORATION	07242023	07/26/2023	FIRE DEPT OPEN PO FY23/24	209-1603-43775	123.70
LYNN'S LANDSCAPE	528	07/26/2023	OPEN PO FOR MONTHLY CLE	209-1603-47415	471.98
VERIZON WIRELESS	9939685851	07/26/2023	FIRE DEPT OPEN PO FY23/24	209-1603-43775	188.48
BRAD SPENCER	71723	07/27/2023	PER DIEM STATE FIREFIGHTER	. 209-1603-42720	189.60
PETER BACA	71723	07/27/2023	PER DIEM STATE FIREFIGHTER	. 209-1603-42720	216.10
JAMIE SANDERS	71723	07/27/2023	PER DIEM STATE FIREFIGHTER	. 209-1603-42720	98.60
DOUGLAS KOHLER	71723	07/27/2023	PER DIEM STATE FIREFIGHTER	. 209-1603-42720	332.51
DEE BROWN	71723	07/27/2023	PER DIEM STATE FIREFIGHTER	. 209-1603-42720	263.92
NATHAN MAULDIN	71723	07/27/2023	PER DIEM STATE FIREFIGHTER	. 209-1603-42720	98.60
KAM RALSTON	71723	07/27/2023	PER DIEM STATE FIREFIGHTER	. 209-1603-42720	189.46
CITY UTILITIES	C-D JULY 2023	07/27/2023	FIRE DEPT CYCLE C&D OPEN	209-1603-43780	144,72
			·	Fund 209 - Fire Total:	17,745.67
Fund: 211 - Law Enforce Prot		-			
THE LINE, LLC	2029, 2016	07/18/2023	CONDOR COMBAT SHIRT LS VI.	.,211-2003-44573	86.16
THE LINE, LLC	2029, 2016	07/18/2023	APEX PANTS 34X32 NAVY EILE	. 211-2003-44573	229.50
THE LINE, LLC	2029, 2016	07/18/2023	CONDOR COMBAT SHIRT SS VI.	211-2003-44573	102.84
THE LINE, LLC	2029, 2016	07/18/2023	APEX PANTS 32X32 NAVY VILL	. 211-2003-44573	153.00
KAUFMAN'S WEST, LLC	8129LR	07/19/2023	POLICE ACADEMY EQUIP FOR	. 211-2003-44613	945.61
TASER INTERNATIONAL INC	INUS168402	07/19/2023	TASER Instructor Re-Certificat	. 211-2003-42535	73.51
			Fun	d 211 - Law Enforce Prot Total:	1,590.62
Fund: 214 - Lodgers Tax					
UPLYFTING SPIRITS, LLC	0630-23	07/12/2023	OPEN PO FOR LODGERS TAX	214-2560-60725	4,998.73
ELITE MEDIA GROUP LLC DBA	. INV65395/INV65402	07/26/2023	CITY ADVERTISING-OPEN PO-F,	214-2503-47597	827.64
				Fund 214 - Lodgers Tax Total:	5,826.37
Fund: 216 - Muni Street					
B & H OIL CO.	JUNE2023	07/13/2023	RED DIESEL FOR JUNE	216-4503-43316	2,691.79
				Fund 216 - Muni Street Total:	2,691.79
Fund: 293 - Vet Wall Perp					
WILLIAM KIRIKOS	07272023	07/27/2023	WILLIAM HOLLAND INTERNM	. 293-5103-44810	200.00
WILLIAM KIRIKOS	07272023	07/27/2023	JUANITA BEAN INTERNMENT	. 293-5103-44810	200.00
WILLIAM KIRIKOS	07272023	07/27/2023	BILLIE WAYNE YEUBINTERNM	. 293-5103-44810	200.00
			•	Fund 293 - Vet Wall Perp Total:	600.00
Fund: 294 - State Library					
TDS	07012023	07/06/2023	INTERNET SERVICE LIBRARY O	. 294-5003-60834	99.95
XEROX CORP.	4495256	07/18/2023	LIBRARY OPEN PO FY23/24	294-5003-43465	26.73
XEROX CORP - OLD	019308942, 019207653	07/26/2023	XEROX OLD CONTRACT FOR LL.	., 294-5003-43465	60.22
VERIZON WIRELESS	9939685851	07/26/2023	LIBRARY OPEN PO FY23/24	294-5003-43775	166.35
				Fund 294 - State Library Total:	353.25
Fund: 295 - Muni Pool					
TDS	06182023	07/06/2023	POOL OPEN PO FY 22/23	295-4803-43780	600.00
CITY UTILITIES	C-D JUNE 2023	07/06/2023	POOL CYCLE C&D OPEN PO F	295-4803-43780	1,797.54
NM RETIREE HEALTH CARE	PPE 2023-06-30	07/06/2023	PPE 2023-06-30	295-4803-41226	40.10
DEBRA NORTHAM	06252023	07/12/2023	POOL PARTY REFUND	295-4803-34355	50.00
KACEY POLANCO	07062023	07/12/2023	POOL PARTY REFUND	295-4803-34355	50.00
XEROX CORP.	4495256	07/18/2023	POOL OPEN PO FY23/24	295-4803-43465	31.19
NEW MEXICO GAS COMPANY,	., 17JUL2023	07/20/2023	SWIMMING POOL OPEN PO F	. 295-4803-43780	136.40
NM RETIREE HEALTH CARE	PPE 2023-07-14	07/20/2023	PPE 7/1/23 - 7/14/23	295-4803-41226	40.10
TDS	7182023	07/21/2023	POOL OPEN PO FY 22/23	295-4803-43780	600.00
VERIZON WIRELESS	9939685851	07/26/2023	POOL OPEN PO FY23/24	295-4803-43775	28.44
BANK OF AMERICA	1042000314-7	07/27/2023	POOL SHOCK	295-4803-44607	214.02
CITY UTILITIES	C-D JULY 2023	07/27/2023	POOL CYCLE C&D OPEN PO F		2,151.72
				Fund 295 - Muni Pool Total:	5,739.51
Fund: 296 - PD GRT					
TASER INTERNATIONAL INC	INUS168402	07/19/2023	TASER Instructor Re-Certificat.		100.98
WAC UPFITTERS	10302	07/27/2023	PD UNIT UPFIT	296-2403-80810	15,744.61

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EOM AP REPORT				Payment Dates: 7/1/20	23 - 7/31/2023
Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
MELLOY DODGE	36010	07/28/2023	POLICE UNIT - 3	296-2403-80810	127,209.00
				Fund 296 - PD GRT Total:	143,054.59
Fund: 298 - PD Donations					
BANK OF AMERICA	153416	07/27/2023	DARE SUPPLIES	298-2103-45607	314.10
	<b>`</b>		Ŧ	Fund 298 - PD Donations Total:	314.10
Fund: 303 - Vet Wall					
WINDSTREAM CORPORATION	07242023	07/26/2023	VETERANS WALL OPEN PO FY	•••	148.69
				Fund 303 - Vet Wall Total:	148.69
Fund: 306 - Cl Jt Uti					
BURNS & McDONNELL ENGIN	149211-6	07/12/2023	ELECTRIC RATE STUDY	306-6103-48598	5,475.00
				Fund 306 - Cl Jt Uti Total:	5,475.00
Fund: 315 - Cl Reserve					
AMAZON CAPITAL SERVICES, I		07/18/2023	Ubiquiti LBE-5AC-GEN2-US Lit		279.60
AMAZON CAPITAL SERVICES, I		07/18/2023	VIVO Black 1,000ft bulk Cat5e,		89.09
AMAZON CAPITAL SERVICES, I AMAZON CAPITAL SERVICES, I		07/18/2023 07/18/2023 <sup>3</sup>	Cable Matters UL Listed 25-Pa Ubiquiti Univeral Antenna Mo		68.70 58.70
AMAZON CAPITAL SERVICES, I		07/18/2023	Cable Matters 10-Pack Low Pr		44.66
		0771072020		Fund 315 - CI Reserve Total:	540.75
Fund: 320 - USDA WATER SYST	EM IMOROVEMENTS				
BANK OF THE SOUTHWEST	2001210282	07/14/2023	USDA MSD Water Improveme	, 320-6603-90905	5,128,689.65
BANK OF THE SOUTHWEST	2001210282	07/14/2023	INTEREST DUE	320-6603-90910	22,081.86
	112981/115873/116720/117	07/21/2023	ENGINEERING SERVICES MSD	320-6603-80860	133,697.10
SMITHCO CONSTRUCTION INC.	PAY APPLICATION 7&8	07/21/2023	MSD WATERLINE CONSTRUCT	. 320-6603-80860	1,150,653.27
			Fund 320 - USDA WATER S	YSTEM IMPROVEMENTS Total:	6,435,121.88
Fund: 360 - NMFA PROJECTS					
WILSON & COMPANY, INC. E	117541	07/12/2023	ENG SERVICES ROADWAY IMP		3,251.25
			Fur	nd 360 - NMFA PROJECTS Total:	3,251.25
Fund: 370 - WATER TRUST BOA	ARD PROJECTS				
WILSON & COMPANY, INC. E		07/12/2023	PROFESSIONAL SERVICES BOO.		15,752.10
WILSON & COMPANY, INC. E	117431	07/12/2023	ENGINEERING SERVICES CANT.		4,890.87
			Fund 370 - WATER	TRUST BOARD PROJECTS Total:	20,642.97
Fund: 403 - Pledge State					600 F0
NEW MEXICO FINANCE AUTH		07/07/2023	NMFA LOAN PYMT TORC 18 NMFA LOAN PYMT TORC 19	403-1203-12918 403-1203-12919	690.58 7,598.71
NEW MEXICO FINANCE AUTH NEW MEXICO FINANCE AUTH		07/07/2023 07/07/2023	NMFA LOAN PYMT TORC 19 NMFA LOAN PYMT PPRF 5652		8,612.15
NEW MEXICO FINANCE AUTH		07/07/2023	NMFA LOAN PYMT PPRF-4967		7,150.59
NEW MEXICO FINANCE AUTH		07/12/2023	INTEREST & ADMIN FEES FOR		12.41
				Fund 403 - Pledge State Total:	24,064.44
Fund: 501 - Cemetary					
CITY UTILITIES	A-B JULY 2023	07/18/2023	CEMETARY CYCLE A&B OPEN	. 501-1803-43780	421.10
HOT SPRINGS CEMETERY ASS	07102023	07/20/2023	HOT SPRINGS CEMETERY CON.	501-1803-47415	1,000.00
				Fund 501 - Cemetary Total:	1,421.10
Fund: 502 - Util Office - Pool					
TYLER TECHNOLOGIES, INC.	025-423775	07/06/2023	UTILITY BILLING ANNUAL TYLE.	502-3601-43815	2,707.25
CITY UTILITIES	C-D JUNE 2023	07/06/2023	UTILITY BILLING OFFICE CYCLE		344.66
NM RETIREE HEALTH CARE	PPE 2023-06-30	07/06/2023	PPE 2023-06-30	502-3601-41226	254.95
TYLER TECHNOLOGIES, INC.	025-422954	07/12/2023	TYLER PAYMENTS HARDWARE.		1,797.00
POSTMASTER PITNEY BOWES INC.	07112023 3317556549	07/12/2023 07/12/2023	POSTAGE UTILITY OFFICE OPE UTILITY OFFICE PITNEY BOWES		10,000.00 3,514.41
XEROX CORP.	4495256	07/18/2023	UTILITY BILLING OPEN PO FY2		460.37
NM RETIREE HEALTH CARE	PPE 2023-07-14	07/20/2023	PPE 7/1/23 - 7/14/23	502-3601-41226	259.15
STAPLES CONTRACT & COMM.		07/26/2023	STANDARD STAPLES	502-3601-44606	9.75
STAPLES CONTRACT & COMM.		07/26/2023	PENS	502-3601-44606	12.50
STAPLES CONTRACT & COMM.	. 7377928684-000001	07/26/2023	AAA BATTERIES	502-3601-44606	19,61
STAPLES CONTRACT & COMM.	. 7377928684-000001	07/26/2023	CLOROX WIPES 6/CARTON	502-3601-44606	62.00
STAPLES CONTRACT & COMM.		07/26/2023	AA BATTERIES	502-3601-44606	25.99
STAPLES CONTRACT & COMM.	. 7377928684-000001	07/26/2023	PERK TISSUE	502-3601-44606	78.60

## Payment Dates: 7/1/2023 - 7/31/2023

EOM AP REPORT				Payment Dates: 7/1/2023	8 - 7/31/2023
Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
STAPLES CONTRACT & COMM	7377928684-000001	07/26/2023	TRUE RED COPY PAPER	502-3601-44606	345.95
STAPLES CONTRACT & COMM	7377928684-000001	07/26/2023	7 POCKET PLASTIC LETTER WA.	502-3601-44606	22.00
VERIZON WIRELESS	9939685851	07/26/2023	UTILITY BILLING OPEN PO FY2	. 502-3601-43775	271.94
CITY UTILITIES	C-D JULY 2023	07/27/2023	UTILITY BILLING OFFICE CYCLE.	502-3601-43780	457.07
			Fu	nd 502 - Util Office - Pool Total:	20,643.20
Fund: 503 - Electric					
TYLER TECHNOLOGIES, INC.	025-423775	07/06/2023	ELECTRIC DEPT ANNUAL TYLER	503-3702-43815	20,058.97
TDS	06182023	07/06/2023	ELECTRIC DEPT OPEN PO FY 2	503-3702-43780	600.00
MIKE TORRES DBA CD TECHN	1010	07/06/2023	IT SERVICE ELECTRIC DEPT OP	. 503-3702-48598	1,175.42
SILVERSKY, INC.	483440-SI	07/06/2023	OPEN PO FY23/24 ELECTRIC D.	., 503-3702-43815	243.76
CITY UTILITIES	C-D JUNE 2023	07/06/2023	ELECTRIC DEPT CYCLE C&D O	. 503-3702-43780	4,953.37
NEW MEXICO GAS COMPANY,	INV JUNE 2023-3	07/06/2023	ELECTRIC DEPT OPEN PO FY23.	503-3702-43780	28,51
NM RETIREE HEALTH CARE	PPE 2023-06-30	07/06/2023	PPE 2023-06-30	503-3702-41226	394.92
TRIPLE H SOLAR, LLC	0340	07/12/2023	ENGINEERING SERVICES- OPEN		2,560.00
	07052023, 07072023	07/12/2023	MIMS CITY LIGHTS- OPEN PO		567.18
SIERRA ELECTRIC CO-OP, INC.	07052023, 07072023	07/12/2023	POWER SERVICES-OPEN PO FY.		199,902.18
ALTEC INDUSTRIES, INC	12328993	07/12/2023	COVER- OUTRIGGER INTERLO		329.29
ALTEC INDUSTRIES, INC	12328993	07/12/2023	SYNTHETIC ROPE ASSEMBLE	503-3702-47420	1,748.70
	304152	07/12/2023	POWER SERVICE- OPEN PO FY.		35,694.17
ALTEC INDUSTRIES, INC	51247784	07/12/2023	PRELIMINARY ESTIMATE FOR		653.35
XEROX CORP.	4495256	07/18/2023	ELECTRIC DEPT OPEN PO FY23.		133.66
VERIZON WIRELESS	9938742039	07/18/2023	ELECTRIC DEPT OPEN PO FY23.		50.95 138.37
CITY UTILITIES WESTERN AREA POWER ADM	A-B JULY 2023	07/18/2023	ELECTRIC DEPT CYCLE A&B OP.		138.37 58,024.91
CITY UTILITIES	JULY 2023	07/18/2023 07/18/2023	BASE DEMAND & BASE ENER ELECTRIC DEPT OPEN PO FY23.		56,024.91 14.00
ALTEC INDUSTRIES, INC	12330927	07/19/2023	SYNTHETIC ROPE ASSEMBLY	503-3702-47420	953.04
NEW MEXICO ONE CALL, INC.	153005319	07/19/2023	QUARTERLY ALLOCATION US		611.00
NM RETIREE HEALTH CARE	PPE 2023-07-14	07/20/2023	PPE 7/1/23 - 7/14/23	503-3702-41226	399.48
TDS	7182023	07/21/2023	ELECTRIC DEPT OPEN PO FY 2		600,00
REED'S TIRE CENTER	13122	07/26/2023	TIRE PRESSURE SENSOR	503-3702-47420	63.78
AMAZON CAPITAL SERVICES, 1		07/26/2023	SAFETY BOOTS- C. REES	503-3702-44615	176.13
MERCHANT JOB TRAINING &		07/26/2023	TUITION- MERCHANTS TEST	503-3702-42720	1,650.00
LANDIS+GYR TECHNOLOGY, I	90377337	07/26/2023	SaaS MONTHLY FLAT FEE- OP	. 503-3702-43770	1,400.00
VERIZON WIRELESS	9939685851	07/26/2023	ELECTRIC DEPT OPEN PO FY23.	503-3702-43775	191,53
CITY UTILITIES	C-D JULY 2023	07/27/2023	ELECTRIC DEPT CYCLE C&D O.,	. 503-3702-43780	4,996.95
				Fund 503 - Electric Total:	338,313.62
Fund: 504 - Water					
TYLER TECHNOLOGIES, INC.	025-423775	07/06/2023	WATER DEPT ANNUAL TYLER	. 504-3803-43815	10,828.96
TDS	06182023	07/06/2023	WATER DEPT OPEN PO FY 22/.	504-3803-43780	600.00
MIKE TORRES DBA CD TECHN	1010	07/06/2023	IT SERVICE WATER DEPT OPEN	504-3803-48598	1,175.42
SILVERSKY, INC.	483440-51	07/06/2023	OPEN PO FY23/24 WATER DE	. 504-3803-43815	243.75
CITY UTILITIES	C-D JUNE 2023	07/06/2023	WATER DEPT CYCLE C&D OP	504-3803-43780	7,820.16
NM RETIREE HEALTH CARE	PPE 2023-06-30	07/06/2023	PPE 2023-06-30	504-3803-41226	254.75
TAXATION AND REVENUE	06302023	07/07/2023	WATER CONSERVATION FEE F		1,504.85
WILSON & COMPANY, INC. E	117294	07/12/2023	GIS TECHNICAL ASSISTANCE	504-3803-48598	223.13
CITY UTILITIES	A-B JULY 2023	07/18/2023	WATER DEPT CYCLE A&B OPEN		613.36
STEVE BELL CONSTRUCTION	C18279	07/18/2023	BASECOURSE	504-3803-47415	1,440.00
STEVE BELL CONSTRUCTION	C18424	07/18/2023	ANNUAL USE OF CRUSHER FIN		753.75
SMITHCO CONSTRUCTION INC.	-	07/20/2023	LEAK REPAIRS	504-3803-48598	14,461.12
STEVE BELL CONSTRUCTION	C18428	07/20/2023	OPEN PO	504-3803-47415	1,083.75
NM RETIREE HEALTH CARE	PPE 2023-07-14	07/20/2023	PPE 7/1/23 - 7/14/23	504-3803-41226	276.19
TDS	7182023	07/21/2023	WATER DEPT OPEN PO FY 22/.		600.00 25.00
NM STATE ENGINEER OFFICE	78484	07/26/2023	FILING FEE PERMIT TO CHANG		25.00 69.47
VERIZON WIRELESS	9939685851 303201779313850	07/26/2023	WATER DEPT OPEN PO FY23/ COOLERS FOR FIELD TRUCKS	504-3803-44607	69.92
BANK OF AMERICA	C-D JULY 2023	07/27/2023 07/27/2023	WATER DEPT CYCLE C&D OP		9,827.82
GITT VILLIES		V112112023	WATEN DEFT GIGLE GRU UP		2,027.02
	C-D JOL   2025			Fund 504 - Water Total	51,871,40
	0-			Fund 504 - Water Total:	51,871.40
Fund: 505 - Solid Waste TYLER TECHNOLOGIES, INC.	025-423775	07/06/2023	SANITATION ANNUAL TYLER S		<b>51,871.40</b> 10,828.99

## Payment Dates: 7/1/2023 - 7/31/2023

EOWI AP REPORT				Payment Dates: //1/2023	2.1/21/2072
Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
TDS	06182023	07/06/2023	SANITATION OPEN PO FY 22/23	505-3904-43780	600.00
MIKE TORRES DBA CD TECHN	. 1010	07/06/2023	IT SERVICE SANITATION DEPT	505-3904-48598	1,175.41
SILVERSKY, INC.	483440-SI	07/06/2023	OPEN PO FY23/24 SOLID WAS	505-3904-43815	243.76
CITY OF LAS CRUCES	95377	07/06/2023	SCSWA WASTE DISPOSAL	505-3904-45601	52,021.26
CITY UTILITIES	C-D JUNE 2023	07/06/2023	SANITATION DEPT CYCLE C&D.,	.505-3904-43780	628.42
NEW MEXICO GAS COMPANY,	INV JUNE 2023-3	07/06/2023	RECYCLE CENTER OPEN PO FY	505-3904-43780	29.06
NM RETIREE HEALTH CARE	PPE 2023-06-30	07/06/2023	PPE 2023-06-30	505-3904-41226	531.17
WEX BANK	90211954	07/13/2023	FUEL FOR VEHICLES/EQUIPM	505-3904-43316	4,832.57
XEROX CORP.	4495256	07/18/2023	SOLID WASTE OPEN PO FY23/	505-3904-43465	222.76
RED WING SHOES OF LAS CRU	5585	07/18/2023	SAFETY BOOTS - WYATT WILL	505-3904-44615	200.00
RED WING SHOES OF LAS CRU	5586	07/18/2023	SAFETY BOOTS - ANDRES A AL	505-3904-44615	200.00
RED WING SHOES OF LAS CRU	5586	07/18/2023	SAFETY BOOTS- MATHEW HILL	505-3904-44615	200.00
CITY UTILITIES	JULY 2023	07/18/2023	SANITATION DEPT OPEN PO F	505-3904-45601	22,845.72
PARKHILL SMITH & COOPER	04078823.00-4	07/20/2023	MONITORING WELL REPLACE	505-3904-48599	2,612.16
PARKHILL SMITH & COOPER	04089223.00-4	07/20/2023	ON CALL AGREEMENT- RATE S		7,454.08
CNA SURETY	9-10-2023	07/20/2023	RENEWAL BOND # 62153207		100.00
NM RETIREE HEALTH CARE	PPE 2023-07-14	07/20/2023	PPE 7/1/23 - 7/14/23	505-3904-41226	580.73
TDS	7182023	07/21/2023	SANITATION	505-3904-43780	600.00
ALISA J PEREZ DBA INFINITE		07/26/2023	REPAIRS TO FIRE SUPPRESSIO		2,760.46
VERIZON WIRELESS	9939685851	07/26/2023	SANITATION OPEN PO FY23/24		164.89
BARTOO SAND & GRAVEL, INC		07/26/2023	4 TONS OF SCREENED SAND	505-3904-44607	55.48
CITY UTILITIES	C-D JULY 2023	07/27/2023	SANITATION DEPT CYCLE C&D.		656.71
				Fund 505 - Solid Waste Total:	109,543.63
Fund: 506 - WWTP					
TYLER TECHNOLOGIES, INC.	025-423775	07/06/2023	WASTE WATER DEPT ANNUAL.	. 506-4005-43815	10,828.99
TDS	06182023	07/06/2023	WASTE WATER OPEN PO FY 2	506-4005-43780	600.00
MIKE TORRES DBA CD TECHN.	. 1010	07/06/2023	IT SERVICE WASTE WATER OP	. 506-4005-48598	1,175.41
SILVERSKY, INC.	483440-SI	07/06/2023	OPEN PO FY23/24 WASTE WA.,	. 506-4005-43815	243.75
CITY UTILITIES	C-D JUNE 2023	07/06/2023	WASTE WATER DEPT CYCLE C.,	, 506-4005-43780	9,879.24
NEW MEXICO GAS COMPANY,	INV JUNE 2023-3	07/06/2023	VACUUM STATION OPEN PO F.		30.93
NM RETIREE HEALTH CARE	PPE 2023-06-30	07/06/2023	PPE 2023-06-30	506-4005-41226	141.46
VILLAGE OF WILLIAMSBURG	06/30/23	07/07/2023	SEWER RECEIPTS FY 23/24 OP		4,587.33
WILSON & COMPANY, INC. E		07/12/2023	GIS TECHNICAL ASSISTANCE	506-4005-48598	223.13
B & H OIL CO.	55043	07/12/2023	OPEN PO FOR DIESEL, OIL AND.		75.58
	2306B36, 2306425, 2306E55	07/18/2023	EPA METHOD 625 SVOCS	506-4005-48598	225.00
	2306B36, 2306425, 2306E55	07/18/2023	EPA METHOD 624 VOCS	506-4005-48598	100.00
	2306B36, 2306425, 2306E55	07/18/2023	SM5210B BOD	506-4005-48598	120.00
	2306B36, 2306425, 2306E55	07/18/2023	TAX ON LABOR 7.875%	506-4005-48598	47.97
	2306B36, 2306425, 2306E55	07/18/2023	EPA 200.8 METALS/200.7 ME		175.00
HALL ENVIRONMENTAL ANAL		07/18/2023	TAX ON LABOR 7.875%	506-4005-48598	5.34
HALL ENVIRONMENTAL ANAL		07/18/2023	EPA 200.8 METALS/200.7 ME		70.00
XEROX CORP. CITY UTILITIES	4495256 A D HUX 2022	07/18/2023	WASTE WATER OPEN PO FY23.		171.82
STEVE BELL CONSTRUCTION	A-B JULY 2023 C18424	07/18/2023 07/18/2023	WASTE WATER DEPT CYCLE A ANNUAL USE OF CRUSHER FIN.		1,228.28 753.75
CITY UTILITIES	JULY 2023	07/18/2023	WASTE WATER DEPT OPEN PO		18.84
HALL ENVIRONMENTAL ANAL		07/20/2023	EPA 200.8 METALS/200.7 ME		70.00
HALL ENVIRONMENTAL ANAL		07/20/2023	TAX ON LABOR 7.875%	506-4005-48598	79.20
HALL ENVIRONMENTAL ANAL	-	07/20/2023	EPA METHOD 624 VOCS	506-4005-48598	200.00
HALL ENVIRONMENTAL ANAL		07/20/2023	SM52108 BOD	506-4005-48598	240.00
HALL ENVIRONMENTAL ANAL		07/20/2023	EPA METHOD 625 SVOCS	506-4005-48598	450.00
JAMES, COOKE & HOBSON, IN	•	07/20/2023	JCH LABOR	506-4005-48598	1,062.08
JAMES, COOKE & HOBSON, IN		07/20/2023	ENM-10 FLOAT LEVEL SENSOR		395.00
NM RETIREE HEALTH CARE	PPE 2023-07-14	07/20/2023	PPE 7/1/23 - 7/14/23	506-4005-41226	142.22
TDS	7182023	07/21/2023	WASTE WATER OPEN PO FY 2		600.00
VERIZON WIRELESS	9939685851	07/26/2023	WASTE WATER DEPT OPEN PO		376.73
COVE ENVIRONMENTAL, LLC	111-3-23	07/27/2023	QUARTERLY WET TEST	506-4005-48598	1,800.00
AMAZON CAPITAL SERVICES, I		07/27/2023	POWER GEAR 4 FT PHONE CO.		21.02
AMAZON CAPITAL SERVICES, I		07/27/2023	16" TOOL BAG 34-POCKET OP.,		49.88
AMAZON CAPITAL SERVICES, I		07/27/2023	PACIFIC 3 PAIRS 26" RUBBER		38.99
AMAZON CAPITAL SERVICES, I		07/27/2023	PACIFIC 3 PAIRS 26" RUBBER	•	38.99
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## Payment Dates: 7/1/2023 - 7/31/2023

EOIVI AP REPORT				Payment Dates: 7/1/20	25 - 7/31/2023
Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
AMAZON CAPITAL SERVICES, I	. 1H43-Q7L4-31RX	07/27/2023	ECOWITT WIRELESS RAIN GA	506-4005-44607	59.99
HALL ENVIRONMENTAL ANAL	2306745	07/27/2023	EPA METHOD 300.0 ANIONS	506-4005-48598	225.00
HALL ENVIRONMENTAL ANAL	2306745	07/27/2023	EPA METHOD 1664B	506-4005-48598	95.00
HALL ENVIRONMENTAL ANAL	2306745	07/27/2023	TAX ON LABOR 7.875%	506-4005-48598	94.55
HALL ENVIRONMENTAL ANAL	2306745	07/27/2023	EPA METHOD 365.1 TOTAL P	506-4005-48598	45.00
HALL ENVIRONMENTAL ANAL	2306745	07/27/2023	SM 4500 NORG C TKN	506-4005-48598	875.00
HALL ENVIRONMENTAL ANAL	2307151	07/27/2023	SM5210B BOD	506-4005-48598	120.00
HALL ENVIRONMENTAL ANAL	2307151	07/27/2023	EPA 200.8 METALS/200.7 ME	506-4005-48598	35.00
HALL ENVIRONMENTAL ANAL	2307151	07/27/2023	<b>TAX ON LABOR 7.875%</b>	506-4005-48598	36.60
HALL ENVIRONMENTAL ANAL	2307151	07/27/2023	EPA METHOD 624 VOCS	506-4005-48598	100.00
HALL ENVIRONMENTAL ANAL		07/27/2023	EPA METHOD 625 SVOCS	506-4005-48598	225.00
HALL ENVIRONMENTAL ANAL		07/27/2023	TAX ON LABOR 7.875%	506-4005-48598	5.34
HALL ENVIRONMENTAL ANAL		07/27/2023	EPA 200.8 METALS/200.7 ME		70.00
CITY UTILITIES	C-D JULY 2023	07/27/2023	WASTE WATER DEPT CYCLE C		7,255.49
	0 0 7001 2020	37,27,2020		Fund 506 - WWTP Total:	45,507.90
Fund: 508 - Golf Course				``````````````````````````````````````	
TDS	06182023	07/06/2023	GOLF COURSE OPEN PO FY 22		600.00
SUN COUNTRY AMATEUR GOL.		07/06/2023	SUN COUNTRY GHIN FEES FOR.		30,00
NM RETIREE HEALTH CARE	PPE 2023-06-30	07/06/2023	PPE 2023-06-30	508-4303-41226	63.07
B & H OIL CO.	55084	07/07/2023	DIESEL FUEL	508-4303-44607	921.34
B & H OIL CO.	55084	07/07/2023	UNLEADED GAS	508-4303-44607	623.13
CONSOLIDATED ELEC DIST.	4036-1065332	07/18/2023	200 AMP "J" TYPE FUSE FOR T	. 508-4303-44607	231.11
XEROX CORP.	4495256	07/18/2023	GOLF COURSE OPEN PO FY23/.	508-4303-43465	152.22
CITY UTILITIES	A-B JULY 2023	07/18/2023	GOLF COURSE CYCLE A&B OP	508-4303-43780	2,145.63
NM RETIREE HEALTH CARE	PPE 2023-07-14	07/20/2023	PPE 7/1/23 - 7/14/23	508-4303-41226	64.34
TDS	7182023	07/21/2023	GOLF COURSE OPEN PO FY 22	. 508-4303-43780	600.00
YAMAHA MOTOR FINANCE C	812920	07/26/2023	OPEN PO ANNUAL FY 23- 24 Y.	. 508-4303-43465	903.51
VERIZON WIRELESS	9939685851	07/26/2023	GOLF COURSE OPEN PO FY23/.	508-4303-43775	80.08
BANK OF AMERICA	197905	07/27/2023	DEWALT AIR COMPRESSOR 60.	508-4303-44613	899.99
BANK OF AMERICA	197905	07/27/2023	40 GAL 3PT HOOK UP SPRAYER	508-4303-44613	549.99
BANK OF AMERICA	399719	07/27/2023	12 V TRANSFER UTILITY PUMP.	508-4303-44607	219,99
				Fund 508 - Golf Course Total:	8,084.40
Fund: 509 - Muni Airport					
CHAD ROSACKER DBA TECH 45.	1000	07/06/2023	BASIC SERVICE SET UP FEE	509-4403-48598	12,000.00
CHAD ROSACKER DBA TECH 45.	1000	07/06/2023	AIRCRAFT MAINTENANCE PER.	509-4403-48598	5,000.00
CHAD ROSACKER DBA TECH 45.	1000	07/06/2023	HR MANAGEMENT SET UP FEE	509-4403-48598	10,000.00
CHAD ROSACKER DBA TECH 45.	1000	07/06/2023	FUEL SERVICING YEARLY SET	509-4403-48598	7,000.00
CHAD ROSACKER DBA TECH 45.	1000	07/06/2023	PILOT LOUNGE SET UP - 1 TIMI	509-4403-48598	5,000.00
NM RETIREE HEALTH CARE	PPE 2023-06-30	07/06/2023	PPE 2023-06-30	509-4403-41226	56.57
SIERRA ELECTRIC CO-OP, INC.	2154-7	07/12/2023	OPEN PO FY22/23 SIERRA ELE.	509-4403-43780	992.52
O'REILLY AUTO PARTS, INC.	2162-120998	07/18/2023	ABS SENSOR	509-4403-47420	146.24
XEROX CORP.	4495256	07/18/2023	AIRPORT OPEN PO FY23/24	509-4403-43465	53.46
VERIZON WIRELESS	9939685851	07/26/2023	AIRPORT OPEN PO FY23/24	509-4403-43775	123.80
	55556565454	3.120/2020		Fund 509 - Muni Airport Total:	40,372.59
Fund: 600 - Internal Serv					
WEX BANK	90211954	07/13/2023	FUEL FOR VEHICLE/EQUIPME	600-7003-43316	166.62
XEROX CORP.	4495256	07/18/2023	FLEET DEPT OPEN PO FY23/24		133.66
		, <b></b>		Fund 600 - Internal Serv Total:	300.28
				#	
				Grand Totals	7 467 202 22

Grand Total: 7,467,203.22

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Fund Summary

	Fund Summary	
Fund	,	Payment Amount
101 - General		183,594.22
201 - Corrections		390.00
209 - Fire		17,745.67
211 - Law Enforce Prot		1,590.62
214 - Lodgers Tax		5,826.37
216 - Muni Street		2,691.79
293 - Vet Wall Perp		600.00
294 - State Library		353.25
295 - Muni Pool		5,739.51
296 - PD GRT		143,054.59
298 - PD Donations		314.10
303 - Vet Wall		148.69
306 - Ci Jt Uti		5,475.00
315 - Cl Reserve		540.75
320 - USDA WATER SYSTEM	M IMPROVEMENTS	6,435,121.88
360 - NMFA PROJECTS	۰	3,251,25
370 - WATER TRUST BOAR	D PROJECTS	20,642.97
403 - Pledge State		24,064.44
501 - Cemetary		1,421.10
502 - Util Office - Pool		20,643.20
503 - Electric		338,313.62
504 - Water		51,871 <b>.40</b>
505 - Solid Waste		109,543.63
506 - WWTP		45,507.90
508 - Golf Course	· .	8,084.40
509 - Muni Airport		40,372.59
600 - internal Serv		300.28
	Grand Total:	7,467,203.22
	Account Summary	
Account Number	Account Summary Account Name	Payment Amount
Account Number 101-1000-43597	-	Payment Amount 5,422.26
	Account Name	i i
101-1000-43597	Account Name ATTORNEY FEES-GOVER	5,422.26
101-1000-43597 101-1001-41226	Account Name ATTORNEY FEES-GOVER RETIREE INSURANCE	5,422.26 301.27
101-1000-43597 101-1001-41226 101-1001-43465	Account Name ATTORNEY FEES-GOVER RETIREE INSURANCE RENT OF EQUIPMENT	5,422.26 301.27 297.01 244.47
101-1000-43597 101-1001-41226 101-1001-43465 101-1001-43740	Account Name ATTORNEY FEES-GOVER RETIREE INSURANCE RENT OF EQUIPMENT PRINTING/PUBLISHING	5,422.26 301.27 297.01
101-1000-43597 101-1001-41226 101-1001-43465 101-1001-43740 101-1001-43770	Account Name ATTORNEY FEES-GOVER RETIREE INSURANCE RENT OF EQUIPMENT PRINTING/PUBLISHING SUBSCRIPTION & DUES	5,422.26 301.27 297.01 244.47 2,988.00
101-1000-43597 101-1001-41226 101-1001-43465 101-1001-43740 101-1001-43770 101-1001-43775	Account Name ATTORNEY FEES-GOVER RETIREE INSURANCE RENT OF EQUIPMENT PRINTING/PUBLISHING SUBSCRIPTION & DUES TELEPHONE	5,422.26 301.27 297.01 244.47 2,988.00 276.43
101-1000-43597 101-1001-41226 101-1001-43465 101-1001-43740 101-1001-43770 101-1001-43775 101-1001-44606	Account Name ATTORNEY FEES-GOVER RETIREE INSURANCE RENT OF EQUIPMENT PRINTING/PUBLISHING SUBSCRIPTION & DUES TELEPHONE OFFICE SUPPLIES	5,422.26 301.27 297.01 244.47 2,988.00 276.43 12.41
101-1000-43597 101-1001-41226 101-1001-43465 101-1001-43740 101-1001-43770 101-1001-43775 101-1001-44606 101-1002-41226	Account Name ATTORNEY FEES-GOVER RETIREE INSURANCE RENT OF EQUIPMENT PRINTING/PUBLISHING SUBSCRIPTION & DUES TELEPHONE OFFICE SUPPLIES RETIREE INSURANCE	5,422.26 301.27 297.01 244.47 2,988.00 276.43 12.41 87.74
101-1000-43597 101-1001-41226 101-1001-43465 101-1001-43740 101-1001-43770 101-1001-43775 101-1001-44606 101-1002-41226 101-1002-43770	Account Name ATTORNEY FEES-GOVER RETIREE INSURANCE RENT OF EQUIPMENT PRINTING/PUBLISHING SUBSCRIPTION & DUES TELEPHONE OFFICE SUPPLIES RETIREE INSURANCE SUBSCRIPTION & DUES	5,422.26 301.27 297.01 244.47 2,988.00 276.43 12.41 87.74 3,627.99
101-1000-43597 101-1001-41226 101-1001-43465 101-1001-43740 101-1001-43770 101-1001-43775 101-1001-44606 101-1002-41226 101-1002-43770 101-1002-43775	Account Name ATTORNEY FEES-GOVER RETIREE INSURANCE RENT OF EQUIPMENT PRINTING/PUBLISHING SUBSCRIPTION & DUES TELEPHONE OFFICE SUPPLIES RETIREE INSURANCE SUBSCRIPTION & DUES TELEPHONE	5,422.26 301.27 297.01 244.47 2,988.00 276.43 12.41 87.74 3,627.99 194.04
101-1000-43597 101-1001-41226 101-1001-43465 101-1001-43740 101-1001-43770 101-1001-43775 101-1001-44606 101-1002-41226 101-1002-43775 101-1003-41226	Account Name ATTORNEY FEES-GOVER RETIREE INSURANCE RENT OF EQUIPMENT PRINTING/PUBLISHING SUBSCRIPTION & DUES TELEPHONE OFFICE SUPPLIES RETIREE INSURANCE SUBSCRIPTION & DUES TELEPHONE RETIREE INSURANCE	5,422.26 301.27 297.01 244.47 2,988.00 276.43 12.41 87.74 3,627.99 194.04 310.39
101-1000-43597 101-1001-41226 101-1001-43465 101-1001-43740 101-1001-43770 101-1001-43775 101-1001-44606 101-1002-41226 101-1002-43775 101-1003-4326 101-1003-43465	Account Name ATTORNEY FEES-GOVER RETIREE INSURANCE RENT OF EQUIPMENT PRINTING/PUBLISHING SUBSCRIPTION & DUES TELEPHONE OFFICE SUPPLIES RETIREE INSURANCE SUBSCRIPTION & DUES TELEPHONE RETIREE INSURANCE RETIREE INSURANCE RETIREE INSURANCE	5,422.26 301.27 297.01 244.47 2,988.00 276.43 12.41 87.74 3,627.99 194.04 310.39 282.16
101-1000-43597 101-1001-41226 101-1001-43465 101-1001-43740 101-1001-43770 101-1001-43775 101-1001-44606 101-1002-41226 101-1002-43775 101-1003-43465 101-1003-43775	Account Name ATTORNEY FEES-GOVER RETIREE INSURANCE RENT OF EQUIPMENT PRINTING/PUBLISHING SUBSCRIPTION & DUES TELEPHONE OFFICE SUPPLIES RETIREE INSURANCE SUBSCRIPTION & DUES TELEPHONE RETIREE INSURANCE RENT OF EQUIPMENT TELEPHONE	5,422.26 301.27 297.01 244.47 2,988.00 276.43 12.41 87.74 3,627.99 194.04 310.39 282.16 320.91
101-1000-43597 101-1001-41226 101-1001-43465 101-1001-43740 101-1001-43770 101-1001-43775 101-1001-44606 101-1002-41226 101-1002-43775 101-1003-43465 101-1003-43775 101-1003-43775	Account Name ATTORNEY FEES-GOVER RETIREE INSURANCE RENT OF EQUIPMENT PRINTING/PUBLISHING SUBSCRIPTION & DUES TELEPHONE OFFICE SUPPLIES RETIREE INSURANCE SUBSCRIPTION & DUES TELEPHONE RETIREE INSURANCE RENT OF EQUIPMENT TELEPHONE RETIREE INSURANCE	5,422.26 301.27 297.01 244.47 2,988.00 276.43 12.41 87.74 3,627.99 194.04 310.39 282.16 320.91 677.02
101-1000-43597 101-1001-41226 101-1001-43465 101-1001-43740 101-1001-43770 101-1001-43775 101-1001-44606 101-1002-41226 101-1002-43775 101-1003-43465 101-1003-43775 101-1004-41226 101-1004-42720	Account Name ATTORNEY FEES-GOVER RETIREE INSURANCE RENT OF EQUIPMENT PRINTING/PUBLISHING SUBSCRIPTION & DUES TELEPHONE OFFICE SUPPLIES RETIREE INSURANCE SUBSCRIPTION & DUES TELEPHONE RETIREE INSURANCE RENT OF EQUIPMENT TELEPHONE RETIREE INSURANCE EMPLOYEE TRAINING-A	5,422.26 301.27 297.01 244.47 2,988.00 276.43 12.41 87.74 3,627.99 194.04 310.39 282.16 320.91 677.02 490.00
101-1000-43597 101-1001-41226 101-1001-43465 101-1001-43740 101-1001-43770 101-1001-43775 101-1001-44606 101-1002-41226 101-1002-43775 101-1003-43465 101-1003-43775 101-1004-42720 101-1004-43465	Account Name ATTORNEY FEES-GOVER RETIREE INSURANCE RENT OF EQUIPMENT PRINTING/PUBLISHING SUBSCRIPTION & DUES TELEPHONE OFFICE SUPPLIES RETIREE INSURANCE SUBSCRIPTION & DUES TELEPHONE RETIREE INSURANCE RENT OF EQUIPMENT TELEPHONE RETIREE INSURANCE EMPLOYEE TRAINING-A RENT OF EQUIPMENT	5,422.26 301.27 297.01 244.47 2,988.00 276.43 12.41 87.74 3,627.99 194.04 310.39 282.16 320.91 677.02 490.00 4,465.38
101-1000-43597 101-1001-41226 101-1001-43465 101-1001-43740 101-1001-43770 101-1001-43775 101-1001-44606 101-1002-41226 101-1002-43775 101-1003-41226 101-1003-43775 101-1004-42720 101-1004-43740	Account Name ATTORNEY FEES-GOVER RETIREE INSURANCE RENT OF EQUIPMENT PRINTING/PUBLISHING SUBSCRIPTION & DUES TELEPHONE OFFICE SUPPLIES RETIREE INSURANCE SUBSCRIPTION & DUES TELEPHONE RETIREE INSURANCE RENT OF EQUIPMENT TELEPHONE RETIREE INSURANCE EMPLOYEE TRAINING-A RENT OF EQUIPMENT PRINTING/PUBLISHING	5,422.26 301.27 297.01 244.47 2,988.00 276.43 12.41 87.74 3,627.99 194.04 310.39 282.16 320.91 677.02 490.00 4,465.38 483.15
101-1000-43597 101-1001-41226 101-1001-43465 101-1001-43740 101-1001-43770 101-1001-43775 101-1001-44606 101-1002-41226 101-1002-43775 101-1003-43775 101-1003-43775 101-1004-43740 101-1004-43775	Account Name ATTORNEY FEES-GOVER RETIREE INSURANCE RENT OF EQUIPMENT PRINTING/PUBLISHING SUBSCRIPTION & DUES TELEPHONE OFFICE SUPPLIES RETIREE INSURANCE SUBSCRIPTION & DUES TELEPHONE RETIREE INSURANCE RENT OF EQUIPMENT TELEPHONE RETIREE INSURANCE EMPLOYEE TRAINING-A RENT OF EQUIPMENT PRINTING/PUBLISHING TELEPHONE	5,422.26 301.27 297.01 244.47 2,988.00 276.43 12.41 87.74 3,627.99 194.04 310.39 282.16 320.91 677.02 490.00 4,465.38 483.15 248.29
101-1000-43597 101-1001-43465 101-1001-43465 101-1001-43740 101-1001-43770 101-1001-43775 101-1001-44606 101-1002-41226 101-1002-43775 101-1003-43465 101-1003-43775 101-1004-4375 101-1004-43775 101-1004-43815	Account Name ATTORNEY FEES-GOVER RETIREE INSURANCE RENT OF EQUIPMENT PRINTING/PUBLISHING SUBSCRIPTION & DUES TELEPHONE OFFICE SUPPLIES RETIREE INSURANCE SUBSCRIPTION & DUES TELEPHONE RETIREE INSURANCE RENT OF EQUIPMENT TELEPHONE RETIREE INSURANCE EMPLOYEE TRAINING-A RENT OF EQUIPMENT PRINTING/PUBLISHING TELEPHONE SOFTWARE LIC/SOFTWA	5,422.26 301.27 297.01 244.47 2,988.00 276.43 12.41 87.74 3,627.99 194.04 310.39 282.16 320.91 677.02 490.00 4,465.38 483.15 248.29 10,828.99
101-1000-43597 101-1001-43465 101-1001-43465 101-1001-43740 101-1001-43770 101-1001-43775 101-1001-44606 101-1002-41226 101-1002-43775 101-1003-43465 101-1003-43775 101-1004-43270 101-1004-43775 101-1004-43815 101-1004-48599	Account Name ATTORNEY FEES-GOVER RETIREE INSURANCE RENT OF EQUIPMENT PRINTING/PUBLISHING SUBSCRIPTION & DUES TELEPHONE OFFICE SUPPLIES RETIREE INSURANCE SUBSCRIPTION & DUES TELEPHONE RETIREE INSURANCE RENT OF EQUIPMENT TELEPHONE RETIREE INSURANCE EMPLOYEE TRAINING-A RENT OF EQUIPMENT PRINTING/PUBLISHING TELEPHONE SOFTWARE LIC/SOFTWA OTHER CONTRACTUAL S	5,422.26 301.27 297.01 244.47 2,988.00 276.43 12.41 87.74 3,627.99 194.04 310.39 282.16 320.91 677.02 490.00 4,465.38 483.15 248.29 10,828.99 534.35
101-1000-43597 101-1001-43465 101-1001-43465 101-1001-43740 101-1001-43770 101-1001-43775 101-1001-44606 101-1002-41226 101-1002-43775 101-1003-43775 101-1003-43465 101-1003-43775 101-1004-42720 101-1004-43775 101-1004-43815 101-1004-48599 101-1006-41226	Account Name ATTORNEY FEES-GOVER RETIREE INSURANCE RENT OF EQUIPMENT PRINTING/PUBLISHING SUBSCRIPTION & DUES TELEPHONE OFFICE SUPPLIES RETIREE INSURANCE SUBSCRIPTION & DUES TELEPHONE RETIREE INSURANCE RENT OF EQUIPMENT TELEPHONE RETIREE INSURANCE EMPLOYEE TRAINING-A RENT OF EQUIPMENT PRINTING/PUBLISHING TELEPHONE SOFTWARE LIC/SOFTWA OTHER CONTRACTUAL S RETIREE INSURANCE	5,422.26 301.27 297.01 244.47 2,988.00 276.43 12.41 87.74 3,627.99 194.04 310.39 282.16 320.91 677.02 490.00 4,465.38 483.15 248.29 10,828.99 534.35 243.79
101-1000-43597 101-1001-43465 101-1001-43465 101-1001-43740 101-1001-43770 101-1001-43775 101-1001-44606 101-1002-41226 101-1002-43775 101-1003-43465 101-1003-43775 101-1004-41226 101-1004-42720 101-1004-43815 101-1004-43815 101-1004-438599 101-1006-41226 101-1006-42720	Account Name ATTORNEY FEES-GOVER RETIREE INSURANCE RENT OF EQUIPMENT PRINTING/PUBLISHING SUBSCRIPTION & DUES TELEPHONE OFFICE SUPPLIES RETIREE INSURANCE SUBSCRIPTION & DUES TELEPHONE RETIREE INSURANCE RENT OF EQUIPMENT TELEPHONE RETIREE INSURANCE EMPLOYEE TRAINING-A RENT OF EQUIPMENT PRINTING/PUBLISHING TELEPHONE SOFTWARE LIC/SOFTWA OTHER CONTRACTUAL S RETIREE INSURANCE EMPLOYEE TRAINING-C	5,422.26 301.27 297.01 244.47 2,988.00 276.43 12.41 87.74 3,627.99 194.04 310.39 282.16 320.91 677.02 490.00 4,465.38 483.15 248.29 10,828.99 534.35 243.79 100.00
101-1000-43597 101-1001-43465 101-1001-43465 101-1001-43740 101-1001-43770 101-1001-43775 101-1001-44066 101-1002-41226 101-1002-43775 101-1003-43775 101-1003-43775 101-1004-41226 101-1004-42720 101-1004-43775 101-1004-43815 101-1004-43815 101-1004-432720 101-1006-42720 101-1006-42720 101-1006-43775	Account Name ATTORNEY FEES-GOVER RETIREE INSURANCE RENT OF EQUIPMENT PRINTING/PUBLISHING SUBSCRIPTION & DUES TELEPHONE OFFICE SUPPLIES RETIREE INSURANCE SUBSCRIPTION & DUES TELEPHONE RETIREE INSURANCE RENT OF EQUIPMENT TELEPHONE RETIREE INSURANCE EMPLOYEE TRAINING-A RENT OF EQUIPMENT PRINTING/PUBLISHING TELEPHONE SOFTWARE LIC/SOFTWA OTHER CONTRACTUAL S RETIREE INSURANCE EMPLOYEE TRAINING-C TELEPHONE	5,422.26 301.27 297.01 244.47 2,988.00 276.43 12.41 87.74 3,627.99 194.04 310.39 282.16 320.91 677.02 490.00 4,465.38 483.15 248.29 10,828.99 534.35 243.79 100.00 109.99

PROFESSIONAL SERVICES

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101-1006-48598

860.72

	Account Summary	
Account Number	Account Name	Payment Amount
101-1007-41226	RETIREE INSURANCE	2,277.14
101-1007-42310	PER DIEM-POLICE DEPT	291.48
101-1007-42720	EMPLOYEE TRAINING-P	70.49
101-1007-43316	GAS & OIL	6,660.59
101-1007-43465	RENT OF EQUIPMENT	311.86
101-1007-43770	SUBSCRIPTION & DUES	240.00
101-1007-43775	TELEPHONE	1,256.04
101-1007-43815	SOFTWARE	10,942.99
101-1007-47420	MAINTENANCE VEHICLE	316.53
101-1007-48598	PROFESSIONAL SERVICES	1,346.18
101-1007-48599	OTHER CONTRACTUAL S	59,656.50
101-1008-41226	RETIREE INSURANCE	227.78
101-1008-43316	GAS & OIL	772.89
101-1008-43775	TELEPHONE	248.39
101-1008-44607	FIELD SUPP-CODE ENF/	78.00
101-1009-41226	RETIREE INSURANCE	161.19
101-1009-43465	RENT OF EQUIPMENT	1,200.47
101-1009-43775	TELEPHONE	144.75
101-1009-44607	FIELD SUPPLIES-MUNI R	1,996.62
101-1009-44615	SAFETY EQUIPMENT	428.76
101-1009-47415	MAINTENANCEREPAIRS.	1,658.63
101-1010-41226	RETIREE INSURANCE	195.43
101-1010-43775	TELEPHONE PROFESSIONAL SERVICES	93.11
101-1010-48598 101-1011-41226	RETIREE INSURANCE	16,270.74 553.15
101-1011-41226		553.15 140.38
101-1011-43773	TELEPHONE RETIREE INSURANCE	244.63
101-1012-41228	TELEPHONE	85.32
101-1012-43775	RETIREE INSURANCE	154.60
101-1013-41226	RETIREE INSURANCE	385.03
101-1014-43316	GAS & OIL	534.14
101-1014-43403	REGULAR BUILDING MA	2,310.44
101-1014-43465	RENT OF EQUIPMENT	37.12
101-1014-43775	TELEPHONE	127.26
101-1014-44607	FIELD SUPPLIES-FACILITY	881.64
101-1014-47410	MAINTENANCE CONTRA	53.82
101-1016-41226	RETIREE INSURANCE	413.21
101-1018-43780	UTILITIES	31,496.32
101-1018-43815	SOFTWARE LIC/SOFTWA	243,76
101-1018-46732	GENERAL LIABILITY INSU	1,984.42
101-1018-48598	PROFESSIONAL SERVICES	1,175.42
101-1040-43465	RENT OF EQUIPMENT	297.01
101-1099-34343	ANIMAL POUND FEES	25.00
101-1099-34348	RENT OF PUBLIC FACILIT	250.00
201-1903-44805	AUTO/LAB/DWI/JUD ED	60.00
201-1903-48710	CARE OF PRISONERS-CO	330.00
209-1603-42720	Employee Training & Tra	1,388.79
209-1603-43465	RENT OF EQUIPMENT	334.14
209-1603-43775	TELEPHONE	366.37
209-1603-43780	UTILITIES	656.39
209-1603-43815	SOFTWARE LIC/SOFTWA	2,722.00
209-1603-46730	INSURANCE (NON EMPL	11,806.00
209-1603-47415	MAINTENANCEREPAIRS	471.98
211-2003-42535	EMPLOYEE TRAINING	73.51
211-2003-44573	UNIFORM & EQUIPMENT	571.50
211-2003-44613	NON-CAPITAL ITEMS	945.61
214-2503-47597	9% ADVERTISING/MARK	827.64
214-2560-60725	GRANTS TO SUB-RECIPI	4,998.73

	Account Summary	
Account Number	Account Name	Payment Amount
216-4503-43316	GAS & OIL	2,691.79
293-5103-44810	COLUMBARIUM EXPENS	600.00
294-5003-43465	RENT OF EQUIPMENT	86.95
294-5003-43775	TELEPHONE	166.35
294-5003-60834	STATE LIBRARY GRANT-S	99.95
295-4803-34355	POOL DEPOSIT/RENTAL	100.00
295-4803-41226	RETIREE INSURANCE	80.20
295-4803-43465	RENT OF EQUIPMENT	31.19
295-4803-43775	TELEPHONE	28.44
295-4803-43780	UTILITIES-MUNI POOL	5,285.66
295-4803-44607	FIELD SUPPLIES-MUNI P	214.02
296-2403-44613	NON-CAPITAL ITEMS	100,98
296-2403-80810	OTHER CAPITAL EQUIPM	142,953.61
298-2103-45607	MISC. EXPENSES	314.10
303-4703-43775	TELEPHONE	148.69
306-6103-48598	PROFESSIONAL SERVICES	5,475.00
315-8001-10136	PPRF-4968 TECHNOLOGY.	540.75
320-6603-80860	INFRASTRUCTURE	1,284,350.37
320-6603-90905	DEBT SERVICE PRINCIPAL	5,128,689.65
320-6603-90910	DEBT SERVICE INTEREST	22,081.86
360-7009-80847	ROADWAYS/BRIDGES PROFESSIONAL SERVICES	3,251.25 15,752,10
370-7008-48598 370-7019-80847	ROADWAYS AND BRIDG	4,890.87
403-1203-12918	CWPA PPRF-2613 TORC	4,890.87
403-1203-12918	CWPA PPRF-2015 TORC	7,598.71
403-1203-12919	PPRF-5652 ELECTRIC TR	8,612.15
403-1203-12952	PPRF-4967 OPERATING	7,150.59
403-1203-12507	COMMITMENTS & OTHE	,,130.33
501-1803-43780	UTILITIES	421.10
501-1803-47415	MAINTENANCEREPAIRS.	1,000.00
502-3601-41226	RETIREE INSURANCE	514.10
502-3601-43465	RENT OF EQUIPMENT	460.37
502-3601-43735	POSTAGE & MAIL SERVI	10,000.00
502-3601-43770	SUBSCRIPTIONS & DUES	5,311.41
502-3601-43775	TELEPHONE	271,94
502-3601-43780	UTILITIES	801.73
502-3601-43815	SOFTWARE LIC/SOFTWA	2,707.25
502-3601-44606	OFFICE SUPPLIES	576.40
503-3702-41226	RETIREE INSURANCE	794.40
503-3702-42720	EMPLOYEE TRAINING-EL	1,650.00
503-3702-43465	RENT OF EQUIPMENT	133.66
503-3702-43770	SUBSCRIPTION & DUES	2,011.00
503-3702-43775	TELEPHONE	242.48
503-3702-43780	UTILITIES	11,898.38
503-3702-43815	SOFTWARE LIC/SOFTWA	20,302.73
503-3702-44615	SAFETY EQUIPMENT	176,13
503-3702-47420	MAINTENANCE-VEHICLE	3,748.16
503-3702-48598	PROFESSIONAL SERVICES	3,735.42
503-3702-50795	WHOLESALE POWER CO	293,621.26
504-3803-41226	RETIREE INSURANCE	530.94
504-3803-43770	SUBSCRIPTION/DUES	25.00
504-3803-43775	TELEPHONE	69.47
504-3803-43780	UTILITIES	19,461.34
504-3803-43797	WATER CONSERVATION	1,504.85
504-3803-43815	SOFTWARE LIC/SOFTWA	11,072.71
504-3803-44607	FIELD SUPPLIES-WATER	69.92
504-3803-47415	MAINTENANCEREPAIRS	3,277.50
504-3803-48598	PROFESSIONAL SERVICES	15,859.67

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	Account Summary	
Account Number	Account Name	Payment Amount
505-3904-41226	RETIREE INSURANCE	1,111.90
505-3904-43316	GAS & OIL	4,832.57
505-3904-43403	REGULAR BUILDING MA	2,760.46
505-3904-43465	RENT OF EQUIPMENT	222.76
505-3904-43770	SUBSCRIPTION & DUES	100.00
505-3904-43775	TELEPHONE	164.89
505-3904-43780	UTILITIES	2,514.19
505-3904-43815	SOFTWARE LIC/SOFTWA	11,072.75
505-3904-44607	FIELD SUPPLIES-SOLID	55.48
505-3904-44615	SAFETY EQUIPMENT	600.00
505-3904-45601	WASTE DISPOSAL	74,866.98
505-3904-48598	PROFESSIONAL SERVICES	1,175.41
505-3904-48599	OTHER CONTRACTUAL S	10,066.24
506-4005-41226	RETIREE INSURANCE	283.68
506-4005-43316	GAS & OIL	75.58
506-4005-43465	RENT OF EQUIPMENT	171.82
506-4005-43775	TELEPHONE	376.73
506-4005-43780	UTILITIES	19.612.78
506-4005-43815	SOFTWARE LIC/SOFTWA	11,072.74
506-4005-44606	OFFICE SUPPLIES	21.02
506-4005-44607	FIELD SUPPLIES-WASTE	187.85
506-4005-47415	MAINTENANCEREPAIRS	753.75
506-4005-48598	PROFESSIONAL SERVICES	8,364.62
506-4005-48798	VILLAGE OF WILLIAMSB	4,587.33
508-4303-37316	MISC INCOME-GOLF CO	30.00
508-4303-41226	RETIREE INSURANCE	127.41
508-4303-43465	RENT OF EQUIPMENT	1,055.73
508-4303-43775	TELEPHONE	80.08
508-4303-43780	UTILITIES	3,345.63
508-4303-44607	FIELD SUPPLIES	1,995.57
508-4303-44613	NON-CAPITAL ITEMS	1,449.98
509-4403-41226	RETIREE INSURANCE	56.57
509-4403-43465	RENT OF EQUIPMENT	53.46
509-4403-43775	TELEPHONE	123.80
509-4403-43780	UTILITIES	992.52
509-4403-47420	MAINTENANCE VEH/EQU.	146.24
509-4403 <b>-48</b> 598	PROFESSIONAL SERVICES	39,000.00
600-7003-43316	GAS & OIL	166.62
600-7003-43465	RENT OF EQUIPMENT	133.66
	Grand Total:	7,467,203.22

## **Project Account Summary**

Project Account Key		Payment Amount
**None**		7,467,203.22
	Grand Total:	7,467,203.22

ç

CITY OF TRUTH OR CONSEQUENCES         AGENDA REQUEST FORM         MEETING DATE: August 9, 2023             Agenda Item #: G.1
SUBJECT: Water Update         DEPARTMENT:       City Manager's Office         DATE SUBMITTED: August 4, 2023         SUBMITTED BY:       Tammy Gardner         WHO WILL PRESENT THE ITEM: City Manager Gonzales
Summary/Background: Water Update.
Recommendation: Presentation only.
Attachments: <ul> <li>N/A</li> <li>Click here to enter text.</li> </ul>
Fiscal Impact (Finance): Yes Click here to enter text.
Legal Review (City Attorney): Yes Click here to enter text.
<i>Approved For Submittal By:</i> ⊠ Department Director <i>Reviewed by:</i> □ City Clerk □ Finance □ Legal □ Other: Click here to enter text. <i>Final Approval</i> : □ City Manager
CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN Resolution No. Click here to enter text. Ordinance No. Click here to enter text. Continued To: Click here to enter a date. Referred To: Click here to enter text. Approved Denied Other: Click here to enter text. File Name: CC Agendas 8-9-2023

City of Truth or Consequences         AGENDA REQUEST FORM         MEETING DATE: August 9, 2023             Agenda Item #: <u>G.2</u>	
SUBJECT: ELECTRIC RATE RECOMMENDATION	
DEPARTMENT: ELECTRIC DEPARTMENT DATE SUBMITTED: August 1, 2023	
SUBMITTED BY: BO EASLEY, ELECTRIC DEPT. MANAGER	
WHO WILL PRESENT THE ITEM: CRAIG BROWN, 1898 & CO., BO EASLEY, ELECTRIC DEPT.	
Summary/Background:	
PRESENTATION REGARDING THE RECOMMENDATION FOR THE ELECTRIC RATE INCREASES.	
Recommendation:	
Discussion/Action	
Attachments:	
ELECTRIC RATE RECOMMENDATION PRESENTATION     -	
Fiscal Impact (Finance): N/A	
-	
Legal Review (City Attorney): N/A	-
-	
	$\neg$
Approved For Submittal By: 🛛 Department Director	
<i>Reviewed by:</i> City Clerk Finance Legal Other: Click here to enter text.	
Final Approval:  City Manager	
CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN	
Resolution No Ordinance No	N.S.
Continued To: - Referred To: -	
Approved Denied Other: -      Eile Name: CC Agendas & 9,2023	
File Name: CC Agendas 8-9-2023	



# TRUTH OR NEW MEXICO CONSEQUENCES

# Electric Rate Recommendations

August 9, 2023 Craig Brown, 1898 & Co. | Part of Burns & McDonnell

# Why is a rate increase necessary for the Electric Utility?

- TorC has not raised electric rates in over 20 years.
  - The cost of providing services has increased dramatically in that time period
- TorC is severely under-recovering its Power Supply Costs
  - The Energy Cost Adjustment (ECA) is designed to be a pass through of power supply costs.
  - The current rate is 4.14 cents per kWh and TorC pays 8.82 cents per kWh
- TorC has been forced to stop any capital investment into maintaining the existing system and stopped all transfers to the general fund
- TorC's cash position is well below industry standards for minimum operating balance.



# **Recommendations for Rate Adjustments**

- Build back a capital outlay budget of \$1.5 million per year to return to maintaining the electric system
- 2. Build up the ECA rate back to collecting 100% of power supply costs over three years
- 3. 5.0% Base Rate increase in FY 2024
- 4. Meet minimum financial targets by 2027
- 5. Adjust rate structure to recover fixed customer costs in the Customer Charge



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# **Residential Rate Design**

Rate Class:	Residential			al
Description		Present Rate		Recommended Rate
<u>Residential</u> Customer Charge (\$/bill)	\$	8.00	Ś	18.00
Energy Charge (\$/kWh)	\$	0.0900	\$	0.0813
Energy Cost Adjustment Charge (\$/kWh)	\$	0.0414	\$	0.0621

Турі	Typical Customer Bills under Existing and Recommended Rates					
		Billed	Existing	Recomme	nded	
Rate Class	Energy	Demand	Bill	Bill	Change	
	kWh	kW	\$	\$	\$	
		Monthly				
Residential	400		\$60.56	\$75.36	\$14.80	
Residential	600		\$86.84	\$104.04	\$17.20	
Residential	800		\$113.12	\$132.72	\$19.60	
Residential	1,200		\$165.68	\$190.08	\$24.40	
Residential	1,500		\$205.10	\$233.10	\$28.00	

Average Residential customer uses 600 kWh per month and will see an increase of about \$17 per month.



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# **Small Commercial Rate Design**

Rate Class:		Small Commercial					
Description		Present Rate	Re	ecommended Rate			
Small Commercial							
Customer Charge (\$/bill)							
1 Phase	\$	10.00	\$	20.00			
3 Phase	\$	12.00	\$	22.00			
Energy Charge (\$/kWh)	\$	0.0946	\$	0.0888			
Energy Cost Adjustment Charge (\$/kWh)	\$	0.0414	\$	0.0621			

Typical Customer Bills under Existing and Recommended Rates						
		Existing	Recomme	nded		
Rate Class	Energy	Bill	Bill	Change		
	kWh	\$	\$	\$		
	Mont	thly				
Small Commercial	1,000	\$146.00	\$170.90	\$24.90		
Small Commercial	1,500	\$214.00	\$246.35	\$32.35		
Small Commercial	2,500	\$350.00	\$397.25	\$47.25		
Small Commercial	4,000	\$554.00	\$623.60	\$69.60		
Small Commercial	5,000	\$690.00	\$774.50	\$84.50		
Small Commercial	7,500	\$1,030.00	\$1,151.75	\$121.75		



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# Large Commercial Rate Design

Rate Class:		Large Co	mm	ercial				
Description	Present Rate						F	Recommended Rate
Large Commercial								
Customer Charge (\$/bill)								
1 Phase	\$	23.25	\$	150.00				
3 Phase	\$	25.50	\$	175.00				
Demand Charge (\$/kW)	\$	8.00	\$	10.00				
Energy Charge (\$/kWh)	\$	0.0766	\$	0.0593				
Energy Cost Adjustment Charge (\$/kWh	\$	0.0414	\$	0.0621				

Typical Customer Bills under Existing and Recommended Rates						
		Billed Existing		Recomme	nded	
Rate Class	Energy	Demand	Bill	Bill	Change	
	kWh	kW	\$	\$	\$	
С.		Monthly				
Large Commercial	10,000	25	\$1,403.25	\$1,614.00	\$210.75	
Large Commercial	10,000	30	\$1,443.25	\$1,664.00	\$220.75	
Large Commercial	15,000	40	\$2,113.25	\$2,371.00	\$257.75	
Large Commercial	15,000	55	\$2,233.25	\$2,521.00	\$287.75	
Large Commercial	30,000	70	\$4,123.25	\$4,492.00	\$368.75	
Large Commercial	30,000	90	\$4,283.25	\$4,692.00	\$408.75	



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# Appendix

# **Financial Forecast Under Existing Rates**

### Summary Financial Forecast Under Existing Rates

	Fiscal Year July 1 - June 30						
Description	2022	2023	2024	2025	2026	2027	
Revenue		÷ 1 coo 200	ć 4 502 000	¢ 4 5 65 000	CA E 10 400	¢4.444.600	
Base Rate Revenue	\$4,588,500	\$4,609,300	\$4,593,900	\$4,565,900	\$4,519,400	\$4,444,600	
ECA Revenue	\$1,810,000	\$1,816,700	\$1,807,600	\$1,792,500	\$1,768,800	\$1,732,400	
Other Revenue	\$671,000	\$498,600	\$503 <i>,</i> 600	\$508,600	\$513,700	\$518,800	
Total Revenue	\$7,069,500	\$6,924,600	\$6,905,100	\$6,867,000	\$6,801,900	\$6,695,800	
Revenue Requirements							
Power Supply	\$3,755,600	\$4,000,000	\$4,499,800	\$4,596,800	\$4,676,300	\$4,727,000	
Operating Expenses	\$1,605,000	\$2,400,500	\$2,269,800	\$2,360,600	\$2 <i>,</i> 454,900	\$2,553,000	
Debt Service	\$93,600	\$167,700	\$156,400	\$172,000	\$172,000	\$172,000	
Capital Outlay	\$33,100	\$0	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000	
Other Expenses	\$1,824,100	\$244,200	\$245,000	\$245,800	\$246,600	\$247,400	
Total Revenue Requirements	\$7,311,400	\$6,812,400	\$8,671,000	\$8,875,200	\$9,049,800	\$9,199,400	
Net Annual Cash Flow	(\$241,900)	\$112,200	(\$1,765,900)	(\$2,008,200)	(\$2,247,900)	(\$2,503,600)	



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# **Key Financial Metrics Under Existing Rates**

### **Key Financial Metrics Under Existing Rates**

	Fiscal Year July 1 - June 30					
Description	2022	2023	2024	2025	2026	2027
Operating Cash Balance					8	
Beginning Balance	\$1,233,893	\$991,993	\$1,104,193	(\$661,707)	(\$2,669,907)	(\$4,917,807)
Annual Cash Flow	(\$241,900)	\$112,200	(\$1,765,900)	(\$2,008,200)	(\$2,247,900)	(\$2,503,600)
Ending Cash Balance	\$991,993	\$1,104,193	(\$661,707)	(\$2,669,907)	(\$4,917,807)	(\$7,421,407)
-						
Days Cash on Hand	69	64	(34)	(139)	(250)	(371)
Debt Service Coverage						
Operating Revenues	\$7,069,547	\$6,924,553	\$6,905,098	\$6,867,001	\$6,801,905	\$6,695,871
Operating Expeneses	(\$5,360,576)	(\$6,400,512)	(\$6,769,627)	(\$6,957,432)	(\$7,131,198)	(\$7,280,009)
Net Revenues	\$1,708,971	\$524,041	\$135,471	(\$90 <i>,</i> 430)	(\$329 <i>,</i> 293)	(\$584,138)
Debt Service P&I Paid	\$93,638	\$167 <i>,</i> 670	\$156,421	\$172,017	\$172,017	\$172,017
Debt Service Coverage Ratio	18.25	3.13	0.87	(0.53)	(1.91)	(3.40)



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### BCE0 Take off 2021 Brown, Craig E, 2023-05-15T18:41:46.687

# **Proposed Rate Adjustments**

### Summary Financial Forecast Under Proposed Rates

		Fiscal Year July 1 - June 30					
Description	2023	2024	2025	2026	2027		
Revenue							
Base Revenue Under Existing Rates	\$4,609,300	\$4,593,900	\$4,565,900	\$4,519,400	\$4,444,600		
Base Rate Adjustment	[	5.0%	0.0%	0.0%	0.0%		
Additional Rate Revenue	\$0	\$229,700	\$228,300	\$226,000	\$222,200		
Purchased Power Cost	\$4,000,000	\$4,499,800	\$4,596,800	\$4,676,300	\$4,727,000		
Energy Cost Adjustment Revenue Under Existing Rates	\$1,816,700	\$1,807,600	\$1,792,500	\$1,768,800	\$1,732,400		
ECA Adjustment	Γ	50.0%	50.0%	16.0%	4.0%		
Additional ECA Revenue	\$0	\$903,800	\$2,240,700	\$2,847,800	\$2,970,100		
Purchase Power Cost In Relation to ECA Revenues	(\$2,183,300)	(\$1,788,400)	(\$563,600)	(\$59,700)	(\$24,500		
Total Rate Revenue Under Proposed Rates	\$6,426,000	\$7,535,000	\$8,827,400	\$9,362,000	\$9,369,300		
Other Revenue	\$498,600	\$503,600	\$508,600	\$513,700	\$518,800		
Total Revenue	\$6,924,600	\$8,038,600	\$9,336,000	\$9,875,700	\$9,888,100		
Total Revenue Requirements	\$6,812,400	\$8,671,000	\$8,875,200	\$9,049,800	\$9,199,400		
Net Annual Cash Flow	\$112,200	(\$632,400)	\$460,800	\$825,900	\$688,700		
Days Cash on Hand	64	27	50	91	124		
Debt Service Coverage Ratio	3.13	8.11	13.83	15.95	15.16		



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# PART OF BURNS MSDONNELL

### **CITY OF TRUTH OR CONSEQUENCES**

AGENDA REQUEST FORM

MEETING DATE: August 9, 2023



A.	
SUBJECT:	Award Recommendation for RFP #23-24-001 250KVA Transformers
DEPARTMENT:	Finance Department
DATE SUBMITTED:	August 2, 2023
SUBMITTED BY:	Mindee Holguin, CPO
WHO WILL PRESEN	IT THE ITEM: Traci Alvarez, Assistant City Manager or Bo Easley, Electric Manager
Summary/Backgro	ound: RFP #23-24-001 for Five (5) Each Refurbished Electrical Transformers was advertised
for two consecutiv	e weeks and posted on the City's website. Proposals were due on July 27, 2023 at 2:00
pm. Evaluations w	ere performed on July 27, 2023. Only one (1) bid was received and deemed responsive.
Recommendation:	
CPO and Electric D	ept Manager's Recommendation for Award is Western United Electric Supply
Attachments:	
Click here to	
Western Ur	nited Electric Bid Sheet
•	
•	
Fiscal Impact (Find	uncole Voc
riscui impuct (rind	incej. Tes
Cost is \$165105.00	
COSt 15 \$105105.00	
Legal Review (City	Attorney): N/A
Legui Neview (City	Attomey). N/A
	2
Approved For Subr	nittal By: 🗵 Department Director
Reviewed by: $\boxtimes$	City Clerk 🛛 Finance 🗆 Legal 🗆 Other: Click here to enter text.
Final Approval:	City Manager
	CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN
Resolution No. C	lick here to enter text. Ordinance No
Continued To: .	
□ Approved	Denied Other:
File Name: CC ag	
The Marine. CC ag	



### City of Truth or Consequences

505 Sims Street Truth or Consequences, New Mexico 87901 City (575) 740-7597 Fax (575) 894-0363

### NOTICE OF AWARD

August 2, 2023

Western United Electric Supply Attn: Estevan Sisneros esisneros@wue.coop 7311 La Morada Pl NW Albuquerque, NM 87120 505-346-9572

Notice of Award of RFP#23-24-001 Five (5) Each Refurbished Transformers Re:

Dear Mr. Sisneros,

The Evaluation Committee for the above mentioned Request for Proposal (RFP) has selected your company to provide the services as listed in RFP #23-24-001 Five (5) Each Refurbished Transformers 250 KVA Single Phase Pad Mount. The City of Truth or Consequences' Commission approved the award on August 9, 2023.

If you agree to accept this award, please print and sign the signature page of the agreement. Please email to procurement@torcnm.org, no later than Friday, August 4, 2023.

We will send you an executed copy of the agreement for your records after the City of Truth or Consequences' Commission approves it on August 9, 2023. You may not begin work until the Commission has approved the agreement. Any work that you perform will require an approved, signed purchase order prior to the work beginning.

We look forward to the execution of this contract and to working with your firm. Should you have any questions, please do not hesitate to contact me at 575-952-0490.

Sincerely,

Mindee Holguin Chief Procurement Officer

Attachments: City of Truth or Consequences Professional Services Agreement



### REQUEST FOR PROPOSALS (RFP) FOR FIVE (5) EACH REFURBISHED ELECTRICAL TRANSFORMERS

July 12, 2023

Enclosed you will find an RFP for five (5) each reconditioned transformers (TRANSFORMERS) for the City of Truth or Consequences, NM Electric Department. All pertinent information is contained within.

The RFP due date is Thursday July 27<sup>th</sup>, 2023, at 2:00 p.m. MST. The RFP will be reviewed beginning Friday July 28<sup>th</sup>, 2023, at the electrical department offices in Truth or Consequences. Award for the transformers will be August 9, 2023 after the City Commission meeting.

Should you need clarification on any part of this RFP please contact, Mindee Holguin, Chief Procurement Officer at 575.952.0490 or email procurement@torcnm.org.

Thank you for reviewing this information and participating in our RFP process.

Sincerely,

Minder Holgin CPS

Mindee Holguin Chief Procurement Officer City of Truth or Consequences Ph. 575-952-0490 | procurement@torenm.org



### CITY OF TRUTH OR CONSEQUENCES-RFP NOTICE TRANSFORMERS

Request for proposals will be received by the Procurement Department of the City of Truth or Consequences (City), 505 Sims, Truth or Consequences NM, 87901, until 2:00 p.m., prevailing time on June 27<sup>th</sup>, 2023, for TRANSFORMERS. Email submissions are also acceptable.

The Electrical Department Manager and staff will then evaluate them for compliance and score accordingly. Award for the transformers is expected August 9, 2023 after City Commission meeting.

The successful respondent shall deliver the transformers FOB to the City of Truth or Consequences Electric Utility Shop located at 404 East Joffre Street, Truth or Consequences, NM 87901. All applicable destination, freight or other charges shall be included in the price provided.

Award criteria based on best value for the City of T or C NM:

Criteria	Points
Price	0-50
Earliest delivery date	0-50
Total	100

Respondents with the total highest score are candidates for award.

Proposals shall not to exceed five 8-1/2" x 11" pages and must be submitted in a scaled envelope, addressed ATTN: Mindee Holguin, Chief Procurement Officer, City of Truth or Consequences, 505 Sims, Truth or Consequences NM, 87901. The outside of the envelope must be marked TRANSFORMERS and the respondents name and address shall be shown thereon, Email submissions are also acceptable method of submission. Email proposals to procurement@torenm.org.

All costs must be provided on the required cost proposal form attached. All blank spaces for proposal prices must be filled in, in ink, or type written, and the proposal cost form must be fully completed and executed when submitted. Any exceptions will be evaluated for suitability and acceptance is at the sole discretion of the City.

The City may waive any informalities or minor defects or reject any and all proposals. Any proposal may be withdrawn prior to the scheduled due date of the proposals or authorized postponement thereof. No respondent may withdraw their proposal within thirty (60) days after the actual due date and the price proposed shall be good for 60 days.

All applicable laws, ordinances and the rules and regulations of all authorities having jurisdiction over the City and State of NM shall apply to the contract throughout.



### CITY OF TRUTH OR CONSEQUENCES COST PROPOSAL FOR FIVE (5) EACH **REFURBISHED TRANSFOMERS**

To: Mindee Holguin, Chief Procurement Officer Ph. 575-952.0490 | procurement@torcnm.org 505 Sims St. Truth or Consequences, NM 87901

Transformer 250KVA Single Phase Pad Mount, 12,470/GRDY/7200 - 240/120, Loop Feed, Dead Front

50a. @\$ 33, 021.00 each,

Total=\$ 165,105.00

Delivery date for Equipment: 30-32 WEEKS

A complete list of specifications for all transformers and related components being provided by the respondent shall be submitted with all proposals. Failure to do so may disqualify your proposal.

ELECTRIC SUPPM ESTERN NITED

Respondents Name (Please print or type)

LA MORADA PL ABO, NM 87120 7311 Address UNV

Signature of Officer of Company

RESTEVAN SISNEROS Name of Officer (Please print or type)

7/24/23

<u>505-346-9578</u> Cell Phone#

esisneros ewue, coop

**Email Address** 

### **QUOTATION**

ŧ

Western United Electric Supply Corp

7311 La Morada Pl NW Albuquerque, NM 87120 US 505-346-9572



Order Ni 2066	
Order Date	Page
07/24/2023 12:00:39	1 of 1

### Pricing and lead times are subject to change at time of shipment due to market volatility

### Bill To:

1 1

City of Truth or Consequences 505 SIMS STREET TRUTH OR CONSEQUENCES, NM 87901 US

### Ship Tọ:

City of Truth or Consequences 505 SIMS STREET TRUTH OR CONSEQUENCES, NM 87901 US

575-894-6675

Attn: INVOICES .

Requested By: Bo Easley

Customer ID: 10250

		PO Numb			Ship Route	Tal		
	2:	50KVA 1Pł	n Pad			 ESISN	EROS	
Drdered	Qua Allocated	ntities Remaining	UOM E Unit Size	Item ID Item Descrip	otion	Pricing UOM	Unit Price	Extended Price
5.00	0.00	5.00		250KVA 1PI		<u>Unit Sko</u> EA 2 1,0	33,021.000000	165,105.00
lotal Lin	es: 1				<u>, , , , , , , , , , , , , , , , , , , </u>		G-TOTAL: TAX: NT DUE: U.S. Dolla	165,105.00 0.00 <b>165,105.00</b>

Effective July 1, 2022, Colorado imposes a retail delivery fee of \$0.28 on all deliveries by motor vehicle to a location in Colorado with at least one item of tangible personal property subject to state sales or use tax. The fee will be assessed at the time of shipment and included on your invoice.

### CITY OF TRUTH OR CONSEQUENCES AGREEMENT BETWEEN OWNER AND SUPPLIER

### THIS IS AN AGREEMENT made as of <u>August 9, 2023</u> between the CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO (OWNER) and WESTERN UNITED ELECTRIC SUPPLY (SUPPLIER).

Transformer 250KVA Single Phase Pad Mount, 12,470/GRDY/7200 - 240/120, Loop Feed, Dead Front

HEREAS the OWNER has determined that WESTERN UNITED ELECTRIC SUPPLY. is the most qualified based on the criteria stated in the Request for Proposals #23-24-001 and

5ea. @ \$ <u>33,021.00</u> each,

Total = \$ <u>165,105.00</u>

Delivery date for Equipment: 30-32 WEEKS

**TERM:** The Term of this agreement shall begin on <u>August 09, 2023</u> and end 30-32 weeks, once products are delivered. This agreement will not automatically renew.

IN WITNESS WHEREOF, The parties hereto have executed This Agreement to be effective as of the date first above written.

OWNER: City of Truth or Consequences 505 Sims Street Truth or Consequences, NM 87901 SUPPLIER: Western United Electric Supply 7311 La Morada Pl NE Albuquerque, NM 87120

(Signature)

(Signature)

Date:

Page 1 of 1

City of Truth or Consequences         AGENDA REQUEST FORM         MEETING DATE: August 9, 2023             Agenda Item #: <u>G.4</u>
SUBJECT:Approval of Purchase Requisitions Over \$20,000DEPARTMENT:FinanceDATE SUBMITTED: August 4, 2023SUBMITTED BY:Mindee Holguin, CPOWHO WILL PRESENT THE ITEM: Kristie Wilson, Finance Director
Summary/Background: Per Resolution No 46 20/21 Execution of Contracts; Grant Agreements; Memoranda of Understanding; Joint Powers Agreements; Settlement Agreements; Purchases (Contract and Purchases More Than \$20,000)
<b>Recommendation:</b> Approval Recommended by Finance Director
<ul> <li>Attachments:</li> <li>Listing of Purchase Requisitions \$20,000 or More</li> <li>Purchase Requisitions, Procurement Documentation</li> </ul>
Fiscal Impact (Finance): Choose an item. As Per Total on Listing of Purchase Requisitions
<i>Legal Review (City Attorney):</i> Choose an item. Click here to enter text.
Approved For Submittal By:  Department Director Reviewed by:  City Clerk  Finance  Legal Other: Click here to enter text. Final Approval:  City Manager
CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN Resolution No. Click here to enter text. Ordinance No. Click here to enter text. Continued To: Click here to enter a date. Referred To: Click here to enter text. Approved Denied Other: Click here to enter text. File Name: CC agendas 8-9-2023

### PURCHASE REQUISITION APPROVAL

### 2023-24 Fiscal Year

### COMMISSION MEETING 08/09/2023 Procurement Requested By Department Description **Total Amount** Number Vendor Name Type Andy Alvarez Solid Waste \$ 22,542.00 Registration Renewal 90384 Parkhill Community Dev 70,000.00 Traci Alvarez \$ On Call Grant Management Services 90448 Wilson & Company Well 8 Repairs Arnie Castaneda Water \$ 55,000.00 90457 Mauldin Drilling . .

ATTEST:

Angela Torres, Clerk-Treasurer

Date

Amanda Forrister, Mayor

Date

\$ 147,542.00

# REQUISITION



**ISSUED TO:** PARKHILL SMITH & COOPER ACCOUNTS PAYABLE

4222 85TH ST,

LUBBOCK, TX 79423-

### Requisition #: 90384

### **Date:** 07/26/2023

### Vendor #: 6058

SHIP TO: City of Truth or Consequences 505 Sims St. Truth or Consequences, NM 87901

ITEM	UNITS DESCRIPTION PROJE	CT # PRICE GL ACCOUNT NUMBER	AMOUNT
1	0 REGISTRATION RENEWAL	0.00 505-3904-48599	22,542.00
	,		
		<i>,</i>	
		•	
		,	
	ription: REGISTRATION RENEWAL		
	Description:		
ICITY OF TR	024- JUNE 18,2029 RUTH OR CONSEQUENCES RECYCLING AND WASTE COLLECTION CENT SIGNGED PROPOSAL, TO BE APPROVED AT NEXT COMM. MEETING.	ER REGISTRATION RENEWAL	
L		SUBTOTAL:	20,800.00
Authoriz	ad Bv	TOTAL TAX:	1,742.00
AUTORIZ	Gu by.	SHIPPING:	0.00
		TOTAL	22,542.00

REQUISITION



### **Requisition #:** 90448

Date: 08/01/2023

### Vendor #: 7982

**ISSUED TO:** WILSON & COMPANY, INC. ENGINEE 4401 MASTHEAD ST NE SUITE 150 Sims St. ALBUQUERQUE, NM 87109-

Truth or Consequences, NM 87901

ITEM UN	ITS DESCRIPTION	PROJECT # PRICE GL ACCOUNT NUMB	ER AMOUNT
1	0 ON CALL GRANT MANAGEMENT SERVICE	0.00 101-1010-48598	70,000.00
X			
,			
PO Description	ON: GRANT MANAGEMENT SERVICES		
Detailed Des			
			70.000.00
		SUBTOTAL:	70,000.00 0.00
Authorized B	y:	TOTAL TAX: SHIPPING:	0.00
		TOTAL	
			70,000.00



**ISSUED TO:** MAULDIN DRILLING, LLC P.O. BOX 131

WILLIAMSBURG, NM 87942

# REQUISITION

### Requisition #: 90457

### **Date:** 08/02/2023

### Vendor #: 1734

SHIP TO: City of Truth or Consequences 505 Sims St. Truth or Consequences, NM 87901

1 0 WELL 8 REPAIRS 0.00 504-3803-47415 55,000.00
PO Description: WELL 8 REPAIRS
Detailed Description:
WELL 8 REPAIRS
SUBTOTAL: 55,000.0
TOTAL TAX: 0.0
Authorized By: SHIPPING: 0.0
<b>TOTAL</b> 55,000.0

### CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM



MEETING DATE: August 9, 2023

Agenda Item #: <u>G.5</u>

SUBJECT: Review, Approve and/or Allocate Funds for Sierra Co. Chamber of CommerceDEPARTMENT:City Manager's OfficeDATE SUBMITTED: July 31, 2023SUBMITTED BY:Tammy GardnerWHO WILL PRESENT THE ITEM: Tammy Gardner

### Summary/Background:

Commission approval of Sierra Co. Chamber of Commerce application and contract for Community Art Park Billboard (1) year rental.

Recommendation: The applicant requested \$1,500.00 and the LTAB recommended to fully fund this project.

### Attachments:

- Sierra Co. Chamber of Commerce Application
- Sierra Co. Chamber of Commerce Contract

Fiscal Impact (Finance): Yes

\$1,500.00

Legal Review (City Attorney): Yes

Approved for Submittal By: 🛛 Department Director
<i>Reviewed by:</i> City Clerk Finance Legal Other: Click here to enter text.
Final Approval: City Manager
CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN
Resolution No Ordinance No
Continued To: - Referred To: -
Approved Denied Other: -
File Name: CC Agendas 08-09-2023

# 2023-2024

2022-2023 LODGERS' TAX GRANT APPLICATION

### PART I: PROJECT INFORMATION

Complete one application for each project or event.

Organization Name	
Organization Name	Truth R Consequences
	SiennA County CHAMBAO+CONACURE
Project/Event Name	COMMUNITY BAT PARK
	BILL boand
Event Date(s) and Location (if applicable)	COMMUNITY ARE PARIS
	CONVEROT HCAdoo/CIANCY St.
Event Organizer & Title within Organization (if applicable)	CARY SHARER Gustin U. President
	CARY SHAPER Gustin U. President CHAMBER BOARdof BIRELLORS
Phone Number of Organizer	
	575-312-2050
Email of Organizer	
	+AiLORMAN53@YA400.com
Organization Address	CHAMBER O ffice
	207 FOCH ST TORP, NM 82901
Organization's Contact Person (If different than	
event organizer)	SAME
Contact Phone and Email for Organization's	
Contact Person	SAme
	descent of the second se

# PART 2: PROJECT COST AND FUNDING REQUEST Lodgers Tax Grant Funding

Amount Requested: (Must match application page 4)	\$1,500 \$	
Anticipated Attendance (not including volunteers/staff):	NIA	

### PART 3: CRITERIA

1.

2022 2023 Was this project/event funded in 2020-2021? Circle one: Yes(No

NIA

NIA

How many times has your event occurred? List previous events years. If new, indicate "new":
New Project
1. Define/Describe the overall project/event (what is happening at the event?) Highly Usible Double Sided Billboard Corner of HCAdoo and CLARCY streets Tore, NM
CORNER OF MCADOO and CLANCY STREETS TORC. NM
2. Who is your target audience for your project/event and advertising (who do you want to attend? <u>HAINSE TONE truffic - UISITORS who may wish</u> <u>Mformation About Lodging, Spa's, Dining options</u> <u>AIFE Shops/ AAII cries, Area Attenactions</u>

3. Describe the regions/cities in which you plan to market your project/event outside of Truth or Consequences?

4. What percentage of your printed materials will be distributed outside of Sierra County and how will they be distributed?

5. Describe your project/event indicators of success and how you plan to gather the information and how you plan to share that assessment with the City (e.g. increased hotel stays, increased attendance, first time attendees:

REQUESTS FOR INFORMATION From Billhoand

6. How many Facebook followers do you have for this event page or organization page (for a project)?  $\underline{N(A)}$  Instagram followers?  $\underline{N(R)}$ 

7. If applicable, do you plan to sell advertising for this project? If so, how much do you anticipate will be ad revenue will be generated? NO ALS SOLO

8. If you are asking for funding for an existing website, be sure to attached analytics from previous year.

### PART 4: PLAN FOR GRANT AMOUNT REQUESTED

Fill out this chart with your spending plan and the costs for these items. Note: The items listed within this budget are the only reimbursable items after funds are awarded. Modifications to your plan may only take place with regards to variation in dates of publication. Items not listed within the application at the time of approval will not be reimbursed. The Lodgers' Tax Board

reserves the right to recommend denying funding of specific items within this budget during their recommendation to City Commission.

Advertising/Promotion	Type of Ad/Promotion	Cost
Company/Provider	rype of Ad/Fiomotion	Cost
eenipariy/110/1461		
Seshh JAY		
	0	
P.O. BOX 1921	Rouble sided	5
Eliphant Butte, NH 87935	BUIL DOMANDA	IYEAR \$1500
01933		1
		·
8		
TOTAL AMOUNT REQUESTED:		d
Must match page 1.		P1500

### PART 5: FINANCIAL DISCLOSURE CHECKLIST

As per the attached City Ordinance, all applicants for Lodgers' Tax funds must submit the following information. You are only required to submit this information once per fiscal year.

AIRS and Secretary of State proof of Good Standing

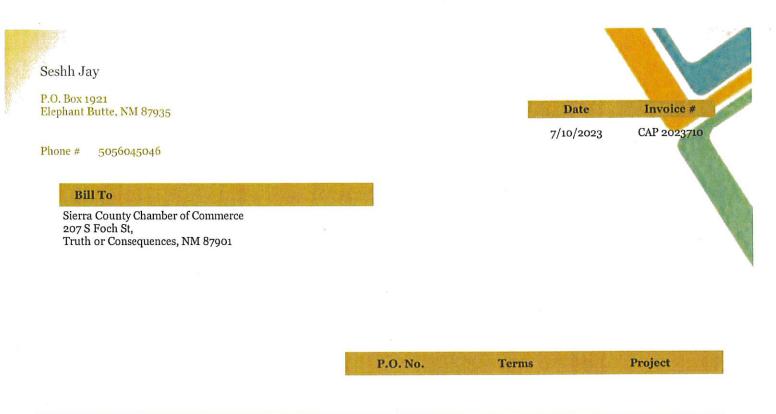
Previously submitted

### PART 6: ASSURANCES AND CERTIFICATIONS

I/We certify that I/we am/are authorized to act on behalf of the organization making this application and that the statements herein are complete and accurate to the best of my knowledge. If funded, we will keep a clear and accurate accounting of how the funds were used. We will evaluate the use of funds as required and approved by the City of Truth or Consequences and will deliver an evaluation report to the City no more than (60) days after

the event or project completion, except when the events or projects occur between April 1<sup>st</sup> and May 15<sup>th</sup>, such evaluations must be submitted by the last day of May.

Print your name and title:	U-President
Signature: Carry MUSto	
Date:	
古い以14,2023	



Quantity	Description	Rate	Amount
1 Community Art Park 4 x 8 Selfie Image		1,500.00	1,500.00



\$1,500.00



# Community Art Park

# Corner McAdoo and Clancy

# Display Options

2 4 x 8 custom Image on both sides (different or same) selfie images so people will post images on social media

1 4 x 8 custom Image on both sides (different or same) selfie images so people will post images on social media.

# 1 4 x 4 custom Image on both sides (different or same) selfie images so people will post images on social media

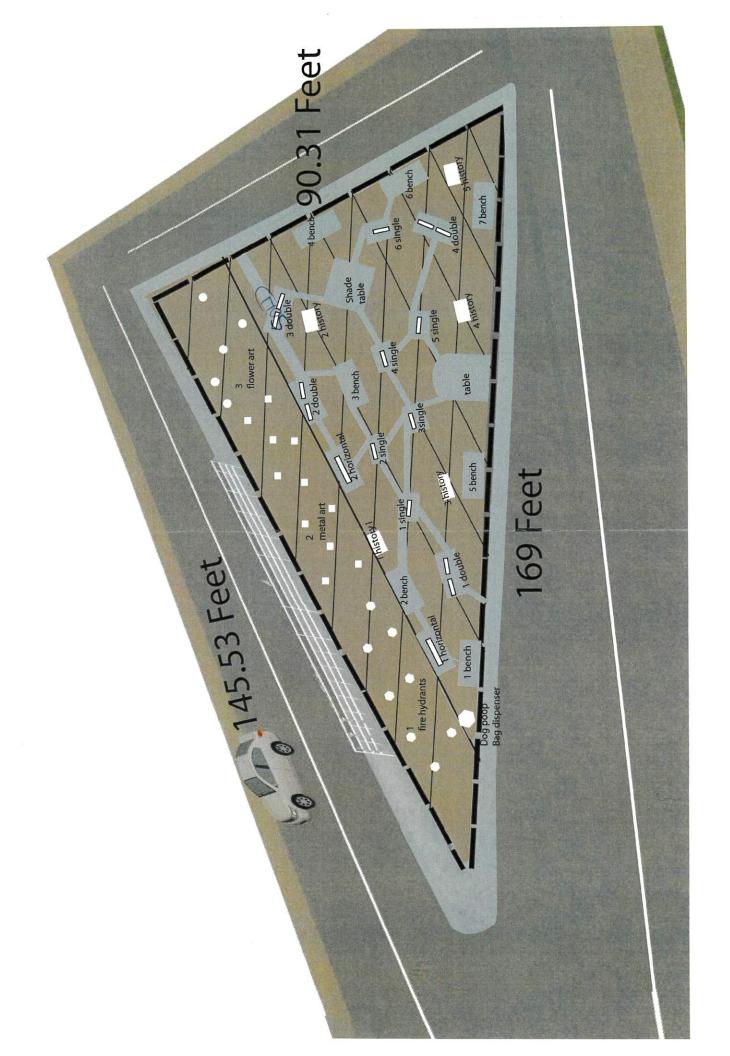
Community images on 4 x 8 sign one side only 24 x 18

# \$3,000 one year

\$1,500 one year

# \$1,000 one year

### \$600 one year



### **ADVERTISING & PROMOTION CONTRACT**

THIS AGREEMENT is made and entered into by and between the City of Truth or Consequences, New Mexico, herein referred to as "City" and <u>Chamber of</u> <u>Commerce-Community Art Park Billboard</u> herein referred to as "Contractor".

**WHEREAS** the City and Contractor desire to enter into a Contract to provide Lodger's Tax funds to the Contractor to aid the Contractor's promotion and advertising of the City as a tourist attraction which will aid in the economic growth of the City.

**NOW, THEREFORE, IN CONSIDERATION** of the mutual promises of the parties; it is hereby covenanted and agreed by and between the parties:

1. The City shall provide up to the sum of <u>\$1,500.00</u> to the Contractor beginning on July1, 2023 through May 31, 2024.

### 2. The Contractor shall:

- a. Advertise, publicize and promote the City and its facilities as a tourism attraction. Such publicizing and promoting shall include but not be limited to the advertising of the fairgrounds, civic center, museums, convention center and other City and area resources and attractions.
- b. Said promotion and advertising shall specifically consist of the plan as presented (and approved by the Lodger's Tax Board) in the Contractor's application for Lodger's Tax Funds. The Scope of Work is set forth within the application.
- c. All print media, television ads, billboards and radio ads of the Contractor which are reimbursed for from Lodger's Tax monies, shall include the wording "PAID IN PART BY TRUTH OR CONSEQUENCES LODGER'S TAX" and include the City of Truth or Consequences logo IF APPLICABLE, and the New Mexico Tourism Department logo. The logo may be obtained by visiting <u>www.nmtourism.org</u>. In the case of radio advertising, the slogan "New Mexico True" must be used, as well as the phrase "Paid in part by the New Mexico Tourism Department and the Truth or Consequences Lodgers"
- 3. **Fund Expenditures:** Funding under this contract is from Lodger's Tax. Such funds may be spent for promotion and advertising only.
- 4. **Procurement by Contractor:** The Procurement Code, Sections 13-1-28 through 13-1-199 NMSA 1978, imposes civil and criminal penalties for violation of this statute. Any property purchased by Contractor, the cost of which is to be paid under this agreement, shall be purchased in compliance with the Procurement Code.

- a. The City and the Lodger's Tax Advisory Board shall determine which of these expenditures are allowable and are in compliance with the purpose of this contract.
- b. If determined to be an eligible purchase, the City will pay the Contractor for reimbursement.
- c. Since the purpose of the Tax is to bring visitors to town, the Contractor must use seventy-five percent (75%) of the funds outside the County. This will serve to increase the use of hotels, motels, and RV parks which will in turn yield more Lodger's Tax.
- d. All invoices must be turned into the City Manager's Office no later than the last business day of May, 2024.
- e. Invoices submitted after that date WILL NOT BE PAID! All unspent funds will revert to the City's Lodger's Tax Fund to be used for any purpose the City may deem eligible.
- f. All invoices submitted for advertising must be accompanied by a copy of the advertisement that clearly shows the City of Truth or Consequences logo and "Paid in part by Truth or Consequences Lodgers Tax".
- 5. Termination: Either party shall have the right to terminate this Contract without cause by giving thirty (30) days written notice to the other party.
- 6. **Records:** The Contractor agrees to keep accurate records of all time and expenses allocated to the performance of the agreed upon work. Such records shall be kept in the office of the Contractor and shall be made available to the City or its authorized representatives for inspection and copying upon reasonable request.
- 7. **Ownership of Documents:** All reports, maps, ads, logos, or documents prepared as a part of this Agreement, including original drawings, estimates, specifications, field notes, and data are the property of the City. The Contractor may retain reproducible copies of drawings and other documents.
- 8. Claims: The Contractor shall save and hold the City free from claims that might arise in connection with work the Contractor will perform under this Agreement. The Contractor also agrees to pay for staff time, at standard hourly billing rates, plus expenses at cost that might be required for expert testimony or any other court appearances, together with preparation time and legal costs that might arise because of Contractor's involvement in this assignment, whether subpoenaed by the City or any other group.

### 9. Personnel:

- a. The Contractor represents that they have, or will secure at their own expense, all personnel required in performing the services under this Agreement. Such personnel shall not be employees of or have any Agreement relationship with the City.
- b. All of the services required hereunder will be performed by the Contractor or under his/her supervision and all personnel engaged in the work shall be

fully qualified and shall be authorized or permitted under state and local law to perform such services.

- c. None of the work or services covered by this Agreement shall be subcontracted without the prior written approval of the City and Lodger's Tax Advisory Board. Any work or services subcontracted hereunder be specified by written Subcontract and shall be subject to each provision of this Agreement.
- 10. Assignability: The Contractor shall not assign any interest on this Agreement, and shall not transfer any interest in the same (whether by assignment or notation), without the prior written consent of the Lodger's Tax Advisory Board and City thereto: Provided, however, that claims for money by the Contractor from the City under the Agreement may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment or transfer shall be furnished promptly to the City.
- 11. Authority: Contractor agrees not to purport to bind the City to an obligation not herein assumed, unless Contractor has expressed written authority to do so, and then only within the strict limits of that authority.
- 12. **Reports and Information**: The Contractor, at such times and in such forms as the City may require, shall furnish the City such periodic reports as it may request pertaining to the work or services undertaken pursuant to this Agreement, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this Agreement.
- 13. Copyright: No report, maps, ads, logos, or other documents produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of the Contractor.
- 14. **Compliance with Local Laws**: The Contractor shall comply with all applicable laws, ordinances and codes of the State and the City and the Contractor shall save the City harmless with respect to any damages arising from any tort done in performing any of the work embraced by this Agreement.
- 15. Equal Employment Opportunity: During the performance of this Agreement, the Contractor agrees as follows:
  - a. The Contractor will not discriminate against any employee or applicant for employment because of race, creed, sex, color or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, sex, color or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or

termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the City setting forth the provisions of this nondiscrimination clause.

- b. The Contractor will, in all solicitation or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, or national origin.
- c. The Contractor will cause the foregoing provisions to be inserted in all Subcontracts for any work covered by this Agreement so that such provisions will be binding upon each subcontractor, provided that the foregoing provisions shall not apply to Agreements or Subcontracts for standard commercial supplies or raw materials.
- d. The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.
- e. The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his/her books, records and accounts by the City's representative, the funding agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders:
- f. In the event of the Contractor's noncompliance with the equal opportunity clauses of this Agreement or with any of such rules, regulations or orders, this Agreement may be canceled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further government Agreements in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or order of the Secretary of Labor, or as otherwise provided by law.
- g. The Contractor will include the provisions of paragraphs (a) through (g) in every Subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any Subcontract or purchase order as the City's representative may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the City, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

16. Civil Rights Act of 1964: Under Title VI of the Civil Rights Act of 1964, no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

### 17. Access to Records:

- a. The State Auditor, the City's auditor, the City, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the Contractor which are directly pertinent to this specific Agreement, for the purpose of audits, examinations, and making excerpts and transcriptions.
- b. All records connected with this Agreement will be maintained in a central location by the City and will be maintained for a period of three (3) years from the official date of closeout of the contract.
- 18. Third Party Rights: The provisions of this agreement are for the sole benefit of the parties and shall not be construed as conferring rights on any other person or entity.
- 19. Captions and Headings: The captions and headings contained in this Agreement are provided for identification purposes only and shall not be interpreted to limit or define the content of the provisions described under the respective caption or heading.
- 20. Severability: If any one or more of the sentences, clauses, paragraphs or sections contained herein is declared invalid, void or unenforceable by a court of competent jurisdiction, the same shall be deemed severable from the remainder of this Agreement, and shall not affect, impair or invalidate any of the remaining sentences, clauses, paragraphs or sections contained herein.
- 21. Venue: All proceedings involving disputes over the terms, provisions, covenants or conditions contained in this Agreement and all proceedings involving any enforcement action related to this Agreement shall be initiated and conducted in the applicable court or forum in Sierra County, New Mexico.
- 22. Attorney Fees: In the event any action, suit or proceeding is brought for the enforcement of, or the declaration of any right or obligation pursuant to this Agreement or as a result of any alleged breach of any provision of this Agreement, the prevailing party in such suit or proceeding shall be entitled to recover its costs and expenses, including reasonable attorneys' fees, from the losing party, and any judgment or decree rendered in such a proceeding shall include an award thereof.

- 23. Authority to Sign Agreement: The persons executing this Agreement on behalf of the parties hereto warrant that they are duly authorized to execute this Agreement on behalf of said parties.
- 24. Interest of Members of the City: No member of the governing body of the City and no other officer, employee, or agent of the City who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this Agreement; and the Contractor shall take appropriate steps to assure compliance.
- 25. **Interest of other Local Public Officials -** No member of the governing body of the City and no other public official of the City, who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this Agreement; and the Contractor shall take appropriate steps to assure compliance.
- 26. Bribes, Gratuities and Kickbacks: It is illegal in this state for any public employee to solicit or accept anything of value in connection with award of this Agreement and for any person to offer or pay anything of value to any such public employee (§30-24-1 through §30-24-2 NMSA 1978). Pursuant to §13-1-191 NMSA 1978 reference is made to the criminal laws of this state (including §30-41-1 through §30-41-3 NMSA 1978) which prohibit bribes, kickbacks, and gratuities and violation of which constitutes a felony. Further, the Procurement Code (§13-1-28 through §13-1-199 NMSA 1978) imposes civil and criminal penalties for its violation.

Angie Gonzales, City Manager	Date	
Kristie Wilson Finance Officer, Reviewed for Budgetary Sufficiency	Date	
Jaime Rubin, City Attorney, Reviewed for Legal Sufficiency	Date	
CONTRACTOR		
Authorized Representative (Signature & Printed Name)	Date	

For a recipient of Lodger's Tax to be eligible for the City, acting as the fiscal agent, to reimburse their incurred financial obligations using Lodger's Tax, the following must be <u>strictly</u> adhered to:

Please(initial)each requirement:

- Invoices must be presented to the City Manager's Office for reimbursement with a copy of the tear sheets or script within a timely manner so that we can maintain a good working relationship with the vendors. The tear sheets, scripts, and invoices are the responsibility of the Contractor. Please review invoices for accuracy. Do not assume that they are correct.
- No bill will be reimbursed unless it has the "Paid in part by Truth or Consequences Lodger's Tax" and the City of Truth or Consequences logo in print or "Paid in part by Truth or Consequences Lodger's Tax" spoken in a radio ad. Radio ad invoice shall include the ad/message.
- No bill will be reimbursed if it differs from the services agreed upon in the application and signed contract unless the change is requested in writing, recommended by the Lodger's Tax Advisory Board and approved by the City Manager.
- It is the responsibility of the Contractor to keep a running total of their unused and available Lodger's Tax award.
- It is the responsibility of the Contractor to notify the City as to who are the two (2) eligible people to turn in bills for reimbursement. (Please <u>print</u> names below.)

Designee No. 1:	Phone No.
Designee No. 2:	Phone No

- No bill will be reimbursed by the City unless it bears the signature of the City Manager or designee approving payment.
- By your signature on this contract, you have agreed to follow and implement all conditions within the time frame set forth and if you deviate without prior approval from the Lodger's Tax Advisory Board and the City Manager, then the City has no further fiscal responsibility per this contract.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023

CONTRACTOR:

BY:

Printed Name of Authorized Representative

Signature of Authorized Representative

AGENDA REQUEST FORM

MEETING DATE: August 9, 2023

Agenda Item #: <u>G.6</u>

SUBJECT: Review, Approve and/or Allocate Funds for MainStreet Truth or ConsequencesDEPARTMENT:City Manager's OfficeDATE SUBMITTED: July 31, 2023SUBMITTED BY:Tammy GardnerWHO WILL PRESENT THE ITEM: Tammy Gardner

Summary/Background:

Commission approval of MainStreet Truth or Consequences application and contract for Truth or Consequences Desert Ultra.

Recommendation: The applicant requested \$3,250.00 and the LTAB recommended to fully fund this project.

Attachments:

- MainStreet Truth or Consequences Application
- MainStreet Truth or Consequences Contract

Fiscal Impact (Finance): Yes

\$3,250.00

Legal Review (City Attorney): Yes

Approved for Submittal By:	☑ Department Director
----------------------------	-----------------------

Reviewed by:	🗆 City Clerk	□ Finance	🗆 Legal	<b>Other:</b> Click here to enter text.
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*Final Approval*: City Manager

# **CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN**

Resolution No. -Ordinance No. -Continued To: -Referred To: -ApprovedDeniedOther: -File Name: CC Agendas 08-09-2023





# 2021-2022 LODGERS' TAX GRANT APPLICATION

# PART I: PROJECT INFORMATION

Complete one application for each project or event.

Organization Name	MainStreet Truth Or Consequences
Project/Event Name	Truth or Consequences Desert Ultra
Event Date(s) and Location (if applicable)	Sat, Oct 28, 2023
Event Organizer & Title within Organization (if applicable)	John Masterson, Race Director
Phone Number of Organizer	575-297-9797
Email of Organizer	john@runtorc.com
Organization Address	410 Main Street, T or C
Organization's Contact Person (If different than event organizer)	Cathy Mears-Martin
Contact Phone and Email for Organization's Contact Person	575 740 6617

# PART 2: PROJECT COST AND FUNDING REQUEST Lodgers Tax Grant Funding

Amount Requested: (Must match application page 4)	
Anticipated Attendance (not including volunteers/staff):	120 people (including those taking part and supporters)

#### PART 3: CRITERIA

Was this project/event funded in 2020-2021? Circle one: Yes/No

How many times has your event occurred? List previous events years. If new, indicate "new":

2021, 2022. 2023 will be the third annual event. We've attracted around 75 runners each year, many of whom brought friends and family.

1. Define/Describe the overall project/event (what is happening at the event?):

The event is a foot race across the river with three distances: 10K (~6 miles), halfmarathon (13.1 miles), and 50K (~33 miles). The longest distance is longer than a marathon (26.2 miles) and is therefore an "ultramarathon". The race begins and ends at Rotary Park, utilizing the rock dam to access trails on the other side of the river. The start/finish line includes food, music, and a beer garden.

2. Who is your target audience for your project/event and advertising (who do you want to attend?)

We will market via social media to trail running enthusiasts regionally.

3. Describe the regions/cities in which you plan to market your project/event outside of Truth or Consequences?

We'll market statewide and to contiguous states. Previous cities we have targeted include Tucson, El Paso etc

4. What percentage of your printed materials will be distributed outside of Sierra County and how will they be distributed?

If time and budget allow, we'll advertise nationally in Trail Runner and Ultra Running magazine, at least 99% of which will be distributed outside Sierra County.

5. Describe your project/event indicators of success and how you plan to gather the information and how you plan to share that assessment with the City (e.g. increased hotel stays, increased attendance, first time attendees): In 2021 we distributed an economic impact survey to our runners. 36% of responses indicated that they had spent more than \$200 locally.

In 2022 we updated the survey to include higher spend options, and 26% of respondents spent \$300 or more locally.

Our goal is to make the event bigger and better and introduce more trail runners to the people and amenities of T or C.

6. How many Facebook followers do you have for this event page or organization page (for a project)? \_\_108\_\_\_\_\_ Instagram followers? \_\_\_51\_\_\_\_

https://www.instagram.com/torcdesertultra/

https://www.facebook.com/torcdesertultra

Event organization page: <u>https://www.runtorc.com/</u>

7. If applicable, do you plan to sell advertising for this project? If so, how much do you anticipate will be ad revenue will be generated?

We ask for sponsors and promote their businesses on social media, t shirts, banners

8. If you are asking for funding for an existing website, be sure to attach analytics from previous year.

N/A

### PART 4: PLAN FOR GRANT AMOUNT REQUESTED

Fill out this chart with your spending plan and the costs for these items. Note: **The items listed** within this budget are the only reimbursable items after funds are awarded. Modifications to your plan may only take place with regards to variation in dates of publication. Items not listed within the application at the time of approval will not be reimbursed. The Lodgers' Tax Board reserves the right to recommend denying funding of specific items within this budget during their recommendation to City Commission.

Advertising/Promotion Company/Provider	Type of Ad/Promotion	Cost	
Facebook	Social Media Promotion	\$200	
Sentinel	Local Newspaper Promotion	\$100	
Talon	Port – A - Potties	\$300	
To be confirmed	Graphic Design for adverts	\$400	
MorningStar Sports	T – Shirts	\$1,250	
Andrew Williams and second photographer to be determined	Photography – 2 photographers to capture during race and finish line	\$500	
Running Magazine/s Promotions: Trail Runner / Ultra Running	Print Promotion	\$500	
TOTAL AMOUNT REQUESTED: Must match page 1.	\$3,260		

## PART 5: FINANCIAL DISCLOSURE CHECKLIST

As per the attached City Ordinance, all applicants for Lodgers' Tax funds must submit the following information. You are only required to submit this information once per fiscal year.

□ IRS and Secretary of State proof of Good Standing

Previously submitted

### PART 6: ASSURANCES AND CERTIFICATIONS

I/We certify that I/we am/are authorized to act on behalf of the organization making this application and that the statements herein are complete and accurate to the best of my knowledge. If funded, we will keep a clear and accurate accounting of how the funds were used. We will evaluate the use of funds as required and approved by the City of Truth or Consequences and will deliver an evaluation report to the City no more than (60) days after the event or project completion or on or before May 31<sup>st</sup>, 2022, whichever comes first).

as-Execu meator Print your name and title: Signature: Date:

## **ADVERTISING & PROMOTION CONTRACT**

THIS AGREEMENT is made and entered into by and between the City of Truth or Consequences, New Mexico, herein referred to as "City" and <u>MainStreet Truth or</u> <u>Consequences-Desert Ultra Marathon</u> herein referred to as "Contractor".

**WHEREAS** the City and Contractor desire to enter into a Contract to provide Lodger's Tax funds to the Contractor to aid the Contractor's promotion and advertising of the City as a tourist attraction which will aid in the economic growth of the City.

**NOW, THEREFORE, IN CONSIDERATION** of the mutual promises of the parties; it is hereby covenanted and agreed by and between the parties:

1. The City shall provide up to the sum of <u>\$3,250.00</u> to the Contractor beginning on July1, 2023 through May 31, 2024.

#### 2. The Contractor shall:

- a. Advertise, publicize and promote the City and its facilities as a tourism attraction. Such publicizing and promoting shall include but not be limited to the advertising of the fairgrounds, civic center, museums, convention center and other City and area resources and attractions.
- b. Said promotion and advertising shall specifically consist of the plan as presented (and approved by the Lodger's Tax Board) in the Contractor's application for Lodger's Tax Funds. The Scope of Work is set forth within the application.
- c. All print media, television ads, billboards and radio ads of the Contractor which are reimbursed for from Lodger's Tax monies, shall include the wording "PAID IN PART BY TRUTH OR CONSEQUENCES LODGER'S TAX" and include the City of Truth or Consequences logo IF APPLICABLE, and the New Mexico Tourism Department logo. The logo may be obtained by visiting <u>www.nmtourism.org</u>. In the case of radio advertising, the slogan "New Mexico True" must be used, as well as the phrase "Paid in part by the New Mexico Tourism Department and the Truth or Consequences Lodgers"
- 3. **Fund Expenditures:** Funding under this contract is from Lodger's Tax. Such funds may be spent for promotion and advertising only.
- 4. **Procurement by Contractor:** The Procurement Code, Sections 13-1-28 through 13-1-199 NMSA 1978, imposes civil and criminal penalties for violation of this statute. Any property purchased by Contractor, the cost of which is to be paid under this agreement, shall be purchased in compliance with the Procurement Code.

- a. The City and the Lodger's Tax Advisory Board shall determine which of these expenditures are allowable and are in compliance with the purpose of this contract.
- b. If determined to be an eligible purchase, the City will pay the Contractor for reimbursement.
- c. Since the purpose of the Tax is to bring visitors to town, the Contractor must use seventy-five percent (75%) of the funds outside the County. This will serve to increase the use of hotels, motels, and RV parks which will in turn yield more Lodger's Tax.
- d. All invoices must be turned into the City Manager's Office no later than the last business day of May, 2024.
- e. Invoices submitted after that date WILL NOT BE PAID! All unspent funds will revert to the City's Lodger's Tax Fund to be used for any purpose the City may deem eligible.
- f. All invoices submitted for advertising must be accompanied by a copy of the advertisement that clearly shows the City of Truth or Consequences logo and "Paid in part by Truth or Consequences Lodgers Tax".
- 5. Termination: Either party shall have the right to terminate this Contract without cause by giving thirty (30) days written notice to the other party.
- 6. **Records:** The Contractor agrees to keep accurate records of all time and expenses allocated to the performance of the agreed upon work. Such records shall be kept in the office of the Contractor and shall be made available to the City or its authorized representatives for inspection and copying upon reasonable request.
- 7. **Ownership of Documents:** All reports, maps, ads, logos, or documents prepared as a part of this Agreement, including original drawings, estimates, specifications, field notes, and data are the property of the City. The Contractor may retain reproducible copies of drawings and other documents.
- 8. Claims: The Contractor shall save and hold the City free from claims that might arise in connection with work the Contractor will perform under this Agreement. The Contractor also agrees to pay for staff time, at standard hourly billing rates, plus expenses at cost that might be required for expert testimony or any other court appearances, together with preparation time and legal costs that might arise because of Contractor's involvement in this assignment, whether subpoenaed by the City or any other group.

## 9. Personnel:

- a. The Contractor represents that they have, or will secure at their own expense, all personnel required in performing the services under this Agreement. Such personnel shall not be employees of or have any Agreement relationship with the City.
- b. All of the services required hereunder will be performed by the Contractor or under his/her supervision and all personnel engaged in the work shall be

fully qualified and shall be authorized or permitted under state and local law to perform such services.

- c. None of the work or services covered by this Agreement shall be subcontracted without the prior written approval of the City and Lodger's Tax Advisory Board. Any work or services subcontracted hereunder be specified by written Subcontract and shall be subject to each provision of this Agreement.
- 10. Assignability: The Contractor shall not assign any interest on this Agreement, and shall not transfer any interest in the same (whether by assignment or notation), without the prior written consent of the Lodger's Tax Advisory Board and City thereto: Provided, however, that claims for money by the Contractor from the City under the Agreement may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment or transfer shall be furnished promptly to the City.
- 11. Authority: Contractor agrees not to purport to bind the City to an obligation not herein assumed, unless Contractor has expressed written authority to do so, and then only within the strict limits of that authority.
- 12. **Reports and Information**: The Contractor, at such times and in such forms as the City may require, shall furnish the City such periodic reports as it may request pertaining to the work or services undertaken pursuant to this Agreement, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this Agreement.
- 13. **Copyright**: No report, maps, ads, logos, or other documents produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of the Contractor.
- 14. Compliance with Local Laws: The Contractor shall comply with all applicable laws, ordinances and codes of the State and the City and the Contractor shall save the City harmless with respect to any damages arising from any tort done in performing any of the work embraced by this Agreement.
- 15. Equal Employment Opportunity: During the performance of this Agreement, the Contractor agrees as follows:
  - a. The Contractor will not discriminate against any employee or applicant for employment because of race, creed, sex, color or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, sex, color or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or

termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the City setting forth the provisions of this nondiscrimination clause.

- b. The Contractor will, in all solicitation or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, or national origin.
- c. The Contractor will cause the foregoing provisions to be inserted in all Subcontracts for any work covered by this Agreement so that such provisions will be binding upon each subcontractor, provided that the foregoing provisions shall not apply to Agreements or Subcontracts for standard commercial supplies or raw materials.
- d. The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.
- e. The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his/her books, records and accounts by the City's representative, the funding agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.
- f. In the event of the Contractor's noncompliance with the equal opportunity clauses of this Agreement or with any of such rules, regulations or orders, this Agreement may be canceled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further government Agreements in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- g. The Contractor will include the provisions of paragraphs (a) through (g) in every Subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any Subcontract or purchase order as the City's representative may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the City, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

16. Civil Rights Act of 1964: Under Title VI of the Civil Rights Act of 1964, no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

## 17. Access to Records:

- a. The State Auditor, the City's auditor, the City, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the Contractor which are directly pertinent to this specific Agreement, for the purpose of audits, examinations, and making excerpts and transcriptions.
- b. All records connected with this Agreement will be maintained in a central location by the City and will be maintained for a period of three (3) years from the official date of closeout of the contract.
- 18. Third Party Rights: The provisions of this agreement are for the sole benefit of the parties and shall not be construed as conferring rights on any other person or entity.
- 19. Captions and Headings: The captions and headings contained in this Agreement are provided for identification purposes only and shall not be interpreted to limit or define the content of the provisions described under the respective caption or heading.
- 20. Severability: If any one or more of the sentences, clauses, paragraphs or sections contained herein is declared invalid, void or unenforceable by a court of competent jurisdiction, the same shall be deemed severable from the remainder of this Agreement, and shall not affect, impair or invalidate any of the remaining sentences, clauses, paragraphs or sections contained herein.
- 21. Venue: All proceedings involving disputes over the terms, provisions, covenants or conditions contained in this Agreement and all proceedings involving any enforcement action related to this Agreement shall be initiated and conducted in the applicable court or forum in Sierra County, New Mexico.
- 22. Attorney Fees: In the event any action, suit or proceeding is brought for the enforcement of, or the declaration of any right or obligation pursuant to this Agreement or as a result of any alleged breach of any provision of this Agreement, the prevailing party in such suit or proceeding shall be entitled to recover its costs and expenses, including reasonable attorneys' fees, from the losing party, and any judgment or decree rendered in such a proceeding shall include an award thereof.

- 23. Authority to Sign Agreement: The persons executing this Agreement on behalf of the parties hereto warrant that they are duly authorized to execute this Agreement on behalf of said parties.
- 24. Interest of Members of the City: No member of the governing body of the City and no other officer, employee, or agent of the City who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this Agreement; and the Contractor shall take appropriate steps to assure compliance.
- 25. Interest of other Local Public Officials No member of the governing body of the City and no other public official of the City, who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this Agreement; and the Contractor shall take appropriate steps to assure compliance.
- 26. Bribes, Gratuities and Kickbacks: It is illegal in this state for any public employee to solicit or accept anything of value in connection with award of this Agreement and for any person to offer or pay anything of value to any such public employee (§30-24-1 through §30-24-2 NMSA 1978). Pursuant to §13-1-191 NMSA 1978 reference is made to the criminal laws of this state (including §30-41-1 through §30-41-3 NMSA 1978) which prohibit bribes, kickbacks, and gratuities and violation of which constitutes a felony. Further, the Procurement Code (§13-1-28 through §13-1-199 NMSA 1978) imposes civil and criminal penalties for its violation.

Angie Gonzales, City Manager	Date	
Kristie Wilson Finance Officer, Reviewed for Budgetary Sufficiency	Date	
Jaime Rubin, City Attorney, Reviewed for Legal Sufficiency	Date	
CONTRACTOR		
Authorized Representative (Signature & Printed Name)	Date	

For a recipient of Lodger's Tax to be eligible for the City, acting as the fiscal agent, to reimburse their incurred financial obligations using Lodger's Tax, the following must be <u>strictly</u> adhered to:

Please(initial)each requirement:

- Invoices must be presented to the City Manager's Office for reimbursement with a copy of the tear sheets or script within a timely manner so that we can maintain a good working relationship with the vendors. The tear sheets, scripts, and invoices are the responsibility of the Contractor. Please review invoices for accuracy. Do not assume that they are correct.
- No bill will be reimbursed unless it has the "Paid in part by Truth or Consequences Lodger's Tax" and the City of Truth or Consequences logo in print or "Paid in part by Truth or Consequences Lodger's Tax" spoken in a radio ad. Radio ad invoice shall include the ad/message.
- No bill will be reimbursed if it differs from the services agreed upon in the application and signed contract unless the change is requested in writing, recommended by the Lodger's Tax Advisory Board and approved by the City Manager.
- It is the responsibility of the Contractor to keep a running total of their unused and available Lodger's Tax award.
- It is the responsibility of the Contractor to notify the City as to who are the two (2) eligible people to turn in bills for reimbursement. (Please <u>print</u> names below.)

 Designee No. 1:
 Phone No.

 Designee No. 2:
 Phone No.

- No bill will be reimbursed by the City unless it bears the signature of the City Manager or designee approving payment.
- By your signature on this contract, you have agreed to follow and implement all conditions within the time frame set forth and if you deviate without prior approval from the Lodger's Tax Advisory Board and the City Manager, then the City has no further fiscal responsibility per this contract.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023

CONTRACTOR:

BY:

Printed Name of Authorized Representative

Signature of Authorized Representative

AGENDA REQUEST FORM



MEETING DATE: August 9, 2023

Agenda Item #: <u>G.7</u>

SUBJECT:	Order Granting Variance Application for 800 Block of Wyona
DEPARTMENT:	City Attorney
DATE SUBMITTED:	en sons en constantes en constante
SUBMITTED BY:	Angela A. Torres, Clerk-Treasurer
WHO WILL PRESEN	NT THE ITEM: City Attorney Rubin
Summary/Backgro	ound:
City Attorney Rubi	n will present an Order Granting Variance Application for 800 Block of Wyona
Recommendation:	
Approval of order.	
Attestation	
Attachments:	
Order	
-	
Fiscal Impact (Find	ince): N/A
\$0.00	
Langel Deview (City	Attornaul: Vac
Legal Review (City	Attorney): Yes
Yes	
105	
Approved For Sub	<i>mittal By:</i> Department Director
Reviewed by:	City Clerk 🛛 Finance 🖾 Legal 🗆 Other: Click here to enter text.
Final Approval: 🛛	City Manager
	CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN
Resolution No	Ordinance No

Approved Denied Other: -

File Name: CC Agendas 8-9-2023

Continued To: - Referred To: -



### **ORDER GRANTING VARIANCE APPLICATION**

THIS MATTER came on to be heard before the City Commission of the City of Truth or Consequences at its regularly scheduled meeting held on July 26, 2023 at the City Commission Chambers held at 405 West Third Street, Truth or Consequences, New Mexico 87901. The specific matter to be heard was an application for a variance submitted by the applicant Nate Stephens in which the applicant was seeking relief from a minimum setback requirement pertaining to its lots owned at the 800 Wyona block in the City of Truth or Consequences. After reviewing the materials contained in the Agenda Packet conducting a public hearing and then deliberating, the City Commission hereby **FINDS** as follows:

1. The property is located in the R-3 Zone which requires a minimum side setback of 5 feet if lots are individually sold. The applicant is seeking a variance from this required setback for the potential sale of individual lots.

2. This matter was properly placed on the July 26, 2023 Agenda as "Public Hearing/Discussion/Action – Variance Request 800 Block Wyona Side Setback Requirements".

3. Pursuant to the procedural requirement set forth in Section 15-8(C)(5) of the Planning and Zoning Code, certified notice of the variance request along with a copy of Public Hearing was provided by certified mail to all owners of record of property within 300 feet of the area (otherwise known as "interested parties") proposed for the variance.

4. A "Battershell" public hearing was held during the July 26 regular City Commission

meeting. Any "interested parties" and all members of the public were permitted to give testimony and ask questions of all other witnesses.

5. After reviewing all of the evidence, the City has considered the required findings as described in Subsection B of Ordinance 15-8 and hereby specifically makes findings as described below.

6. The approval of the variance would not constitute a grant of special privilege.

7. The granting of the variance would not result in the detriment to the public health, safety or be materially injurious to properties or improvement in the area. The City Commission notes that the applicant owns 6 lots which are contiguous to each other in a consecutive manner (see Exhibit A attached). The subject side setbacks are all within the consecutive lots that are all owned by the applicant.

8. The denial of the variance would impede the applicant's ability to develop and/or sell individual lots.

9. The granting of the variance would uphold the spirit of the Code of Ordinances, and public safety and welfare will be secured.

10. The variance would not result in the City being caused to absorb costs over and above those typically associated with variance approval.

11. Granting the variance would not be contrary to the requirements of New Mexico State Law.

12. The variance would not cause negative impacts on adjoining properties, in the area of action, or to the public wellbeing.

13. It would be in the best interest of the City for the variance to be granted.

#### The City hereby Orders that the Application for Variance be granted.

## PREPARED AND SUBMITTED BY:

JAIME F. RUBIN, Esq. Attorney for Plaintiff Jaime F. Rubin, LLC P.O. Drawer 151 Truth or Consequences, NM 87901 Ph.: 575.894.3031 Fax: 575.894.3282

AGENDA REQUEST FORM



MEETING DATE: August 9, 2023

Agenda Item #: G.8

SUBJECT: Request to change Assistant City Clerk job description to a City Clerk Administrative AssistantDEPARTMENT:City Clerk's OfficeDATE SUBMITTED: August 4, 2023SUBMITTED BY:City Clerk TorresWHO WILL PRESENT THE ITEM: City Clerk Torres

# Summary/Background:

My Assistant City Clerk position is currently vacant, and after reviewing the job descriptions of other city admin assistants, I noticed that the duties performed by the Assistant City Clerk position is very similar. Therefore, I would like to request that the current job title/job description of Assistant City Clerk be changed to a City Clerk Administrative Assistant in hopes of better recruitment opportunities.

## **Recommendation:**

Approval of updated job description from Assistant City Clerk to City Clerk Administrative Assistant.

## Attachments:

• Updated Job Description

# Fiscal Impact (Finance): Yes

The salary for this position would go from \$13.12 to \$14.47 an hour. The increase is \$3,397 which can be taken out of funds already allocated to the City Clerk's budget. Therefore, a budget adjustment will not be needed.

Legal Review (City Attorney): N/A N/A

*Approved For Submittal By:* 
Department Director

Reviewed by:	🖾 City Clerk	Finance	🗆 Legal	$\Box$ Other:	Click here	to enter text
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Final Approval: 🛛 City Manager

# **CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN**

Resolution No. N/A Ordinance No. N/A Continued To: - Referred To: -Approved Denied Other: Click here to enter text.

File Name: CC Agendas 8/4/2023

# City of Truth or Consequences Human Resources Office

PH: (575) 740-7554

505 Sims Street Truth or Consequences, NM 87901

FAX: (575) 894-0363

# **POSITION DESCRIPTION**

Class Title: City Clerk Administrative Assistant Department: Office of the City Clerk Supervisor: City Clerk

**Status: Classified Fulltime** 

#### GENERAL PURPOSE:

This position works under direct supervision of the City Clerk or Deputy City Clerk and performs clerical, receptionist, and secretarial duties for the City Clerk's office.

#### SUPERVISION RECEIVED/GIVEN:

This person is supervised by the City Clerk-Treasurer and Deputy Clerk.

#### **ESSENTIAL FUNCTIONS:**

- Type correspondence, reports, and other materials from rough or advanced draft using a word processor and/or computer.
- File and retrieve information from manual and/or computer automated files.
- Enters data into various city software programs.
- Provides customer service by answering telephones and greeting walk-in customers, provides information, answering inquires, and directing inquiries to the appropriate city department.
- Sort and distribute mail; prepares outgoing mail.
- Take complaints from public and provides information as requested.
- Files Tort Claims, which includes distribution to the Clerk-Treasurer, appropriate departments, and the NMSIF.
- Research information from files, minutes, regulations, and legal documents.
- Maintain Records for City Owned Cemetery's which includes, scheduling internments, purchase of lots, and preparation of cemetery deeds.
- Schedule events at various City venues and parks.
- Prepares Accounts Payable Vouchers for deposit refunds.
- Performs a variety of clerical duties as needed including making copies, sending faxes and emails.
- Maintain supplies inventory and order supplies as necessary.
- Provide secretarial support for appointed City boards and Committees which includes preparation of agendas, transcribing minutes, and preparing board appointment letters.
- Issues Animal Licenses, Kennel/Multi-Animal Permits, Dangerous Dog Permits, Business Licenses, Short Term Rental Applications, Liquor Licenses, Golf Cart Permits, Firework Permits and other related permits.
- Assists City Clerk and Deputy Clerk with Public Information Requests.
- Logs and issues city credit cards to various departments for city purchases.

- Responsible for all records retrieval, archiving, and destruction.
- Assists the Clerk-Treasurer and Deputy Clerk with all aspects of the administration of the Office.
- Provides Notarial Services to the public and various departments.

The above information on this job description has been designed to indicate the general nature and level of work performed by employees within this classification. It is not designed to contain or be interpreted as a comprehensive inventory of all duties and responsibilities required of all employees assigned to this job.

### **GENERAL DUTIES:**

- Works cooperatively with colleagues, supervisors, employees, governing body, board members, and the public.
- Seeks out viable solutions to problems; researches articles, publications, and other resources to find solutions.
- Maintain and complies with the City's Personnel Policies and Procedures.
- Demonstrates ethical behavior.
- Engages in self-development and attends training to maintain and enhance knowledge.
- Responds to change productively and handles other tasks as assigned.
- Answers telephone and addresses all customers in a professional and positive manner.
- Accepts responsibility for all actions and work.
- Maintains a neat, functional office that is inviting, professional, safe, and free of clutter.
- Work independently with minimal supervision.
- Assists with preparation of agendas and filing, scanning, and distribution of agenda packets.
- Works cooperatively with colleagues, supervisors, employees, and the public.
- Exercises caution and attention to detail, work methods and procedures when dealing with confidential information.
- Composes and processes a variety of materials including correspondence, reports, notices and various other documents.
- Maintains a regular filing system and keeps accurate records.
- Obtains, organizes and presents pertinent data for required licenses.
- Maintains a pleasant and positive public relations image through telephone and written communications, assistance to individuals on a walk-in basis, scheduling of appointments and rapport with co-workers.
- Adheres to all health, safety and sanitation policies of the City and notifies the proper authorities when repairs or replacements are required in order to maintain established standards.
- Regular and punctual physical attendance in the workplace.
- Accepts responsibility for all actions and work.
- Demonstrates ethical behavior.
- Responds to change productively and handles other tasks as assigned.
- Maintains a neat, functional office that is inviting, professional, safe, and free of clutter.
- Provides support to other department staff and City Clerk as needed.
- Serves as a first point of contact via telephone and for those customers coming into the Clerk's Office.

#### **MINIMUM QUALIFICATIONS:**

#### **Education and Experience:**

• High school diploma or GED equivalency is required.

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• Two (2) years' experience as a receptionist, clerk or typist in an office setting.

#### Knowledge, Skill, and Abilities:

- Ability to file, type, use word processor, computer terminal, excel spreadsheets, and multi-line telephone system.
- Needs dexterity, speed and accuracy in handling office equipment.
- Ability to work efficiently and accurately in an atmosphere of frequent interruptions.
- Ability to effectively and courteously meet and deal with the public and exhibit tact, courtesy, and initiative in handling routing problems in the department.
- Ability to handle a large volume of routine correspondence. Assist in maintaining reports, records, databases and information files.
- Ability to count monies accurately.
- Ability to communicate effectively both oral and written English.
- Ability to take and transcribe minutes.
- Ability to perform a wide variety of duties with accuracy and speed under the pressure of time sensitive deadlines.
- Computer literate, proficiency in related software such as MS Word, Excel and data entry programs.
- Ability to answer telephones in a professional manner, take messages, direct callers and at all times maintain a professional demeanor with an emphasis on providing a high level of customer service.
- Ability to prioritize, plan and organize work.
- Ability to meet deadlines.
- Ability to communicate effectively orally and in writing.
- Ability to conduct yourself in a professional manner with coworkers and the public.
- Ability to handle confidential matters in a professional trustworthy manner.
- Ability to exercise good judgment and work in an environment with frequent interruptions and competing priorities.
- Ability to multi-task and organize, prioritize, and follow multiple projects and tasks through to completion with an attention to detail and with accountability for work product.
- Effective skills in planning and organization.
- Demonstrate effective team member participation.
- Proficiency in personal computer use, word processing, spreadsheets, and license/permit data entry.
- Ability to perform a variety of specialized assignments requiring interpretation and analysis of work practices and procedures.
- Ability to demonstrate and perform a high degree of customer service to the public, coworkers, and governing body.
- Ability to communicate, verbally and in writing, in order to maintain effective working relationships with staff, administrators, and general public.
- Ability to maintain high accuracy and attention to detail.
- Ability to work independently with minimal supervision.
- Ability to appropriately handle confidential matters.
- Ability to perform essential job functions and job task requirements.

#### Requirements/Certifications/License:

- Valid New Mexico Driver's License.
- Must successfully pass pre-employment drug screening.
- New Mexico Notary Public Certification or the ability to obtain within 3 months of hire.

#### EQUIPMENT, TOOLS, AND MATERIALS:

- Equipment typically used as follows, multi-line telephone, computer terminal, computer printer, computer keyboard, word processor, photocopy machine, fax machine, calculator.
- Material and products handled as follows, files, forms, reports, records, receipt books, and office supplies and chemical.

#### WORK ENVIRONMENT:

- All essential duties are performed indoors, in a temperature-controlled environment.
- Duties are performed on an even and dry surface, which may be carpeted or tiled.
- Duties performed weekdays and evenings, as required.
- Often works alone with direction from the City Clerk.

#### PHYSICAL FUNCTIONS:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

- Sufficient manual dexterity, with or without reasonable accommodation, which permits the employee to operate standard office equipment and personal computer.
- Sufficient manual mobility, agility, balance, strength and flexibility to work in an office environment that requires sitting for long periods of time, keyboarding and occasionally lifting up to 40 pounds.
- Sufficient clarity of speed and hearing, with our without reasonable accommodation, which permits the employee to discern verbal instruction and communicate effectively on the telephone and in person.
- Sufficient visual acuity, with or without reasonable accommodation, which permits the employee to comprehend written work, instructions and review, evaluate, and prepare a variety of written/typed documents and materials.
- Jobs in the class require performing repetitive hand movement in gripping, finger movement, and hand/wrist/arm movements. Related job task my require, with or without reasonable accommodation, walking, standing, sitting, stooping, squatting, kneeling bending, crouching, pushing, grasping and reaching.

#### **SELECTION GUIDELINES:**

Formal application, rating of education and experience, oral interview and reference check; job related tests may be required. The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position. The job description does not constitute an employment agreement between the employer and the employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

#### **Equal Opportunity Employer Statement:**

The City of Truth or Consequences is an equal opportunity employer that is committed to diversity and inclusion in the workplace. We prohibit discrimination and harassment of any kind based on race, color, sex, religion, sexual orientation, national origin, disability, genetic information, pregnancy, or any other protected characteristic as outlined by federal, state, or local laws. This policy applies to all employment practices within our organization, including hiring, recruiting, promotion, termination, layoff, recall, leave of absence,

compensation, benefits, training, and apprenticeship. The City of Truth or Consequences makes hiring decisions based solely on qualifications, merit, and business needs at the time.

Reviewed and submitted by:

Alona Niebergall, Human Resources

Angela Gonzales, City Manager

I have read the above Written job description, I understand the demands and expectations of the position described and to the best of my knowledge believe I can perform these duties. I understand that this is a uniformed fulltime position in compliance with FLSA (Fair Labor Standards Act).

Name\_\_\_\_\_

Date\_\_\_\_