
CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, JULY 14, 2021

A. CALL TO ORDER:

The meeting was called to order by Mayor Sandra Whitehead 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. Sandra Whitehead, Mayor
Hon. Amanda Forrister, Mayor Pro-Tem
Hon. Paul Baca, Commissioner
Hon. Randall Aragon, Commissioner
Hon. Frances Luna, Commissioner present telephonically until 9:17 a.m.

Also Present: Bruce Swingle, City Manager
Angela A. Torres, City Clerk-Treasurer

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

2. SILENT MEDITATION:

Mayor Whitehead called for fifteen seconds of silent meditation.

3. PLEDGE OF ALLEGIANCE:

Mayor Whitehead called for City Clerk Torres to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA:

City Clerk Torres asked that item G2 be removed from the agenda at this time.

Mayor Pro-Tem Forrister moved to approve the agenda removing item G2. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

C. PRESENTATIONS:

1. Windstream/Kinetic presentation regarding the fiber that is being built in Truth or Consequences.

Johnny Montoya, Johnny Etheredge, and Dan Ferguson, from Windstream/Kinetic gave a presentation in regards to the fiber that is being built in Truth or Consequences. (Complete copy attached hereto and made a part hereof).

D. PUBLIC COMMENT (3 Minute Rule Applies):

Ron Pacourek approached the Commission with comments related to no wake on the river.

Rick Dumiak approached the Commission with comments related to his objection to item Resolution No. 05 21/22 the imposition of a \$50 monthly fee to retain a digital meter.

Ariel Dougherty approached the Commission with comments related to item Resolution No. 05 21/22. (Complete copy attached hereto and made a part hereof).

Jim Row approached the Commission with comments related to the City Ordinance related to launching fireworks, and his concern of fireworks being launched in the city limits.

Ron Fenn approached the Commission with comments related to his objection to item Resolution No. 05 21/22 the imposition of a \$50 monthly fee to retain a digital meter.

Mayor Whitehead read comments submitted by Susan Crow. (Complete copy attached hereto and made a part hereof).

E. CONSENT CALENDAR:

- 1. City Commission Regular Minutes, June 23, 2021**
- 2. Acknowledge Regular Airport Advisory Board Minutes, April 6, 2021**
- 3. Acknowledge Regular Public Utility Advisory Board Minutes, May 17, 2021**
- 4. Acknowledge Special Public Utility Advisory Board Minutes, June 14, 2021**
- 5. Acknowledge Regular Library Minutes, June 28, 2021**
- 6. Accounts Payable, June 2021**

Mayor Pro-Tem Forrister moved to approve the consent calendar as submitted. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.



Truth or Consequences, NM

City Commission Meeting

July 14, 2021

Agenda

- About Windstream
- Status of Current Projects
- Opportunities / Issues





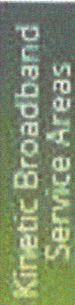
About Windstream – New Mexico

- Windstream is a privately held communications and software company. The company provides premium broadband, entertainment and security services through an enhanced fiber network and 5G fixed wireless service to consumers and businesses primarily in rural areas in 18 states.
- Locations Served (Residential & SMB) 109,340
- Employees 93
- Capital Investment (2016-2020) \$56M
- Fiber Route Miles 1,204

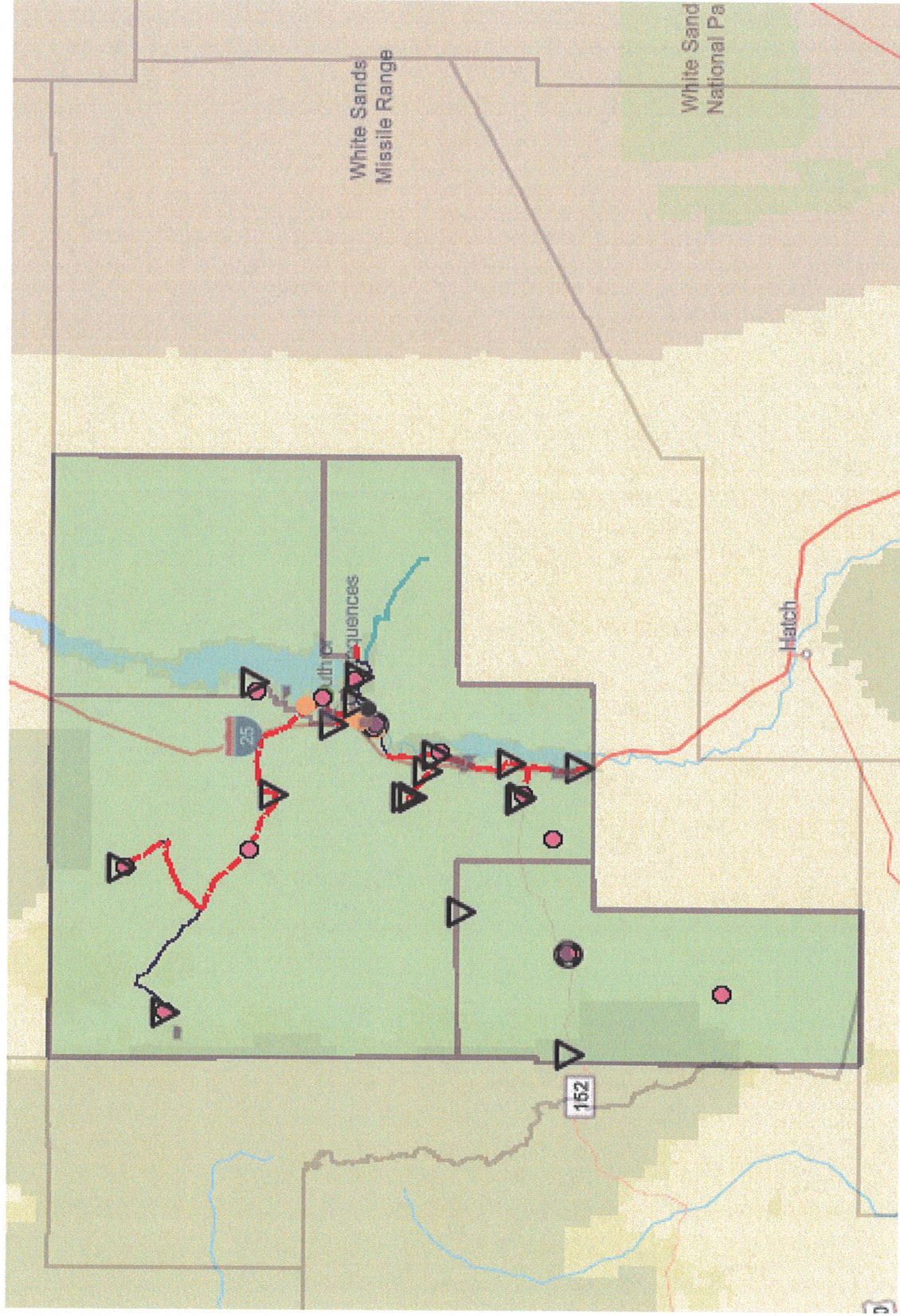
■ Broadband Speed Availability

- 25Mbps+ 55%
- 100Mbps+ 33%
- 1Gbps 15%

Serving rural communities is in our DNA



T or C Exchange Territory





T or C Exchange Customers

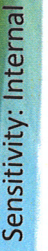
Residential

Exchange	TOTAL	Total Qualified	% Qualified and Higher	% 25MB and Higher	% 50MB and Higher	% 100MB and Higher
T or C, NM	7,119	6,953	97.7%	38.5%	26.1%	17.0%

Business

Small Business Locations

Exchange	Total Locations	Total BB Speed Qualified Locations	Speed Qualified 50MB+ Locations	% Qualified at 50Mb+	WIN BB Active Locations	WIN BB Penetration of Qualified Locations	WIN BB Qualified Active 50MB+	% Active at 50Mb+	WIN BB Qualified Active at 100MB+	% Active at 100Mb+
T or C, NM	732	687	330	48.0%	150	21.8%	59	39.3%	40	26.7%





Project Summary

- Estimated completion: EOM August 2021 (Depending on permitting)

Project Phase	Cost
Backbone of 4 Polygons	\$228,043
Distribution of 387 FIATs	\$77,400
Grand Total	\$305,443

Total Households Projected: 1,733



Opportunities / Issues

- Pole Attachment Agreement
- Federal Broadband Funding Sources
 - Federal Rural Digital Opportunity Fund (RDOF)
 - American Rescue Plan Act (ARPA)
 - National Telecommunications & Information Administration (NTIA)
- 2022 State Broadband Fund Request - NMPRC



Thank You

<https://www.youtube.com/watch?v=zr9IRygUJFc>

Public Comments at Truth or Consequences City Commission, July 14, 2021
from Ariel Dougherty – Caballo Road

Good Morning, Commissioners

One: Thus far you have failed to address most of the concerns that the Attorney General's May 28th letter raises. No where on your public record do you Commissioners take any vote that accepts or denies my appeal brought before you January 27th. It is now almost six months since this appeal to keep my former, yet digital, meter. Based on your decision of Mr. Dumiak's appeal June 23rd, as I still retain my electromechanical digital meter, I surmise that you have *de facto* accepted my appeal.

Two: In crafting and approving your agenda for today, you clearly do not understand the Open Meetings Act. Or, are you attempting to fool the public? Or, you do not know about digital metering? The wording of G.5., ***Discussion/Action: Resolution No. 05 21/22 the imposition of a \$50 monthly fee to retain a digital meter. City Manager Swingle***, implies that you want to charge the entire customer base, minus one that I know of, a \$50 monthly fee for their digital meter. Approval of G.5. will be a violation of the OMA. But it could rake in almost another \$200,000 monthly. Cool way to make up the City's deficit.

Three: In a meeting June 2nd with City Manager Swingle my first question was: *what was his responsibility to ensure that the Commission does not violate state and federal law*. He responded, it was a core responsibility.

Four: In that same meeting I showed the City Manager NM Statute 62-8-1 on Utility Rates. I urged him to share the statute with you. Rates must be "reasonable and just".

Five: Repeatedly not thoroughly thought out consequences by City staff, you Commissioners and your legal counsel have created this prolonged dilemma. Yet, you want to blame me and my fellow citizens for acting to protect our welfare.

Six: There remains a valid legal question as to whether rules that do not exist prior in an appeal process can be retroactively enforced.

Seven: You could vote down G.5. And end this violation of state law and our civil rights.

Eight: You, later in this meeting will approve appointments of three men to two advisory boards that are, and have been since I've lived here, all male. These repeat appointments show your lack of commitment to diversity and broad citizen participation in governmental processes.

And Nine: I quote Canadian-Lebanese author, Najwa Zebian: ***"Today I decided to forgive you. Not because you apologized, or because you acknowledged the pain that you caused me, but because my soul deserves peace."***

T or C Public Comment

From: Suz Crow <suzcrow505@gmail.com>
Sent: Monday, July 12, 2021 3:05 PM
To: T or C Public Comment
Subject: Public Comment for Wednesday's Commission Meeting

Please verify receipt - Thank you so much!

Susan Crow
711 Kopra St, Truth or Consequences, NM 87901

The meter you have offered as an "opt-out" is not an opt-out meter because your "opt-out" meter carries and imposes most of the same hazards and harm as your standard electronic "smart" meter.

Your use of the term "opt-out" represents intentional deception (Criminal Fraud) and is therefore violation of 18 U.S. Code, Sec. 1341, Frauds and Swindles calling for fines and 20 years imprisonment and, separately, represents Extortion prohibited by Hobbs Act, 18 U.S. Code 1951 (b)(2) also calling for fines and 20 years imprisonment. Those violations also cause automatic obligation of major civil penalties and liabilities against each of you and in the favor of anyone who is offered an "Opt-Out" program or contract for your violation of the above Codes and 4th Amendment Bill of Rights, U.S. Constitution.

The term "opt-out", to be true and accurate in reference to electric meters, must represent that you are offering to provide a safe and lawful **Electromechanical Meter**.

You cannot claim ignorance of the above violations, therefore you are knowingly committing Fraud and Extortion by demanding fees and offering a so-called "opt-out" program or contract which, in fact, does not provide opt-out of the hazards and harm represented by electronic AMI metering.

Deceptive word games using the term "opt-out" do not change the fact that electronic metering is unsafe, unlawful, hazardous and damaging to health, safety and property values, and that you, by your Fraud, Extortion, misrepresentations and trespass are personally liable for criminal prosecution, civil penalties and all damages related to that hazard and harm for all time during which any electronic (smart or digital) utility meter is present on my property.

The safe and lawful **electromechanical utility meter** is less expensive than an electronic meter and it requires no expensive computer infrastructure, therefore no additional charges are justified or permissible. NM Statute 62-8-1 on Rates. *Every rate made,*

*demanded or received by any public utility shall be just and **reasonable**.* NM Statute 62-3-2 (4) The accomplishment of this intent (which refers to just and reasonable rates) is necessary and vital to the preservation of the public health, safety and welfare.

Thank You

Mayor Whitehead announced that Commissioner Luna is no longer connected telephonically and will be absent for the remainder of the meeting.

F. PUBLIC HEARINGS:

1. Public Hearing/Public Input: Public input for the 2023-2027 City of Truth or Consequences and Senior Center Infrastructure Capital Improvement Plan (ICIP):

Traci Alvarez, Community Development Director explained that this is the 2nd public hearing to receive public input for projects that the public would like placed on our Truth or Consequences Capital Improvements Plan. We will have the projects submitted to the Commission, and we will list anything that comes in from the public. We are also continuing to have discussions with staff for their items. We will present the list to the City Commission on August 11, 2021 for rank and approval. All projects must be entered by September 17, 2021.

Public Input:

Ariel Dougherty stated that she is glad to have the timetable for August 11th when the material needs to be presented prior to the Commission. She would presume that it would actually need to be in the Clerk's Office sooner. She was the only person who spoke at the last hearing, and she stated that she seems to be the only one speaking again. She is trying to get a little bit more clarity on the timeframe, and how to help other members of the public who maybe want to participate.

Traci Alvarez, Community Development Director explained that she will be presenting the items on August 11, 2021, so she would need to submit everything to the City Clerk no later than the Wednesday prior to the meeting.

Ariel Dougherty stated that the public hearing announcement refers to the Senior Center Infrastructure Capital Outlay. She asked what the dynamic was because it is not on the agenda request form.

Traci Alvarez, Community Development Director explained that they work close with the Senior Center, and they try to make sure that our projects from the Senior Center also coincide with the projects on our list.

City Manager Swingle stated that someone at a prior meeting commented that we didn't have a list of projects available to everybody, and that is because that is not the intent of this public input hearing. The intent is not to guide, sway, or coheres the public in submitting ideas. We want ideas from the public, and it goes against the point of having a public hearing for infrastructure when you start listing the things that you want to do. We want to hear what the public wants.

Ron Fenn stated that he hears what the City Manager is saying, but it's a curiosity here because in normal public hearings, information is already presented so that people can

look at it and say I like this, or I don't like that. To just say everybody should just make comments or recommendations towards this Community Center or Senior Center; how is that going to prevent 16 people from saying that they think we should have a Library in there. If there is a list of comments or ideas that are already out there, than people wouldn't have to waste their time coming up and reiterating it. These are ideas, and people need to have some ideas of what has been presented so far so they can say well yeah, maybe that's good. He feels something else is missing here. Nobody knows what is missing because nobody knows what's there. Nobody comes to these meetings, so the information you receive will be minimal.

Mayor Whitehead stated that all we are trying to do at this point is to put together a list of ideas. We are hoping that you all that are here at this meeting today will visit with your friends and come up with a list of ideas to give us so we can look at it and generate a list.

Mayor Whitehead then closed the public hearing.

G. ORDINANCES/RESOLUTIONS/ZONING:

1. Discussion/Action: Resolution No. 01 21/22 Open Meetings Act and reasonable notice of meetings:

City Clerk Torres explained that this is an annual resolution that is required to be in compliance with the Open Meetings Act. Our practice is to designate this resolution as the first resolution of each fiscal year.

Commissioner Aragon stated Section C does not say where to advertise the meetings. He would like that included in the resolution.

Mayor Pro-Tem Forrister made a motion to approve Resolution No. 01 21/22 Open Meetings Act and reasonable notice of meetings with the amendments mentioned by Commissioner Aragon. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Resolution No. 02 21/22 adopting fees for the City of T or C Golf Course Club House:

Item Removed.

3. Discussion/Action: Resolution No. 03 21/22 Authorizing Acceptance of Colonias Infrastructure Fund (CIF) Project No 5550-CIF; Water Infrastructure; T or C Water System Improvements Phase 2 from New Mexico Finance Authority (NMFA):

Traci Alvarez, Community Development Director explained in February 2021 the City Commission approved the application to NMFA Colonias Infrastructure Fund for Water

System Improvements. This will work in conjunction with the Drinking Water State Revolving Loan Fund Project to service waterlines on East 2nd, Marshall Street, North Pershing, and Sierra Vista. The city has received an award from the New Mexico Finance Authority. The award is a \$450,000 grant, and a \$50,000 loan with a 20-year term, 0% interest, as well as a 50% cash match. The resolution is authorizing an acceptance of this award, and designating City Manager Swingle for signature, and also accepting the cash match.

Mayor Pro-Tem Forrister moved to approve Resolution No. 03 21/22 Authorizing Acceptance of Colonias Infrastructure Fund (CIF) Project No 5550-CIF; Water Infrastructure; T or C Water System Improvements Phase 2 from New Mexico Finance Authority (NMFA). Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Resolution No. 04 21/22 South Central Council of Governments (SCCOG) annual dues:

City Manager Swingle explained what you have before you an annual resolution for the dues to participate with the South Central Council of Governments (SCCOG). It is staff's recommendation to approve the resolution. The fee this year is \$2,187. If you do entertain the idea of approving the resolution, we will need the representative designated, and an alternate for that board. Currently the Mayor is on that board.

Mayor Pro-Tem Forrister moved to approve Resolution No. 04 21/22 South Central Council of Governments (SCCOG) annual dues with Mayor Whitehead as the Representative and Mayor Pro-Tem Forrister as the Alternate. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Resolution No. 05 21/22 the imposition of a \$50 monthly fee to retain a digital meter:

City Manager Swingle explained that this is a resolution to impose a fee which will basically eliminate the appeal process. If someone doesn't want an AMI meter they can retain the meter that they already have or have a digital meter installed. However, with that there would be a \$50 monthly fee associated with that for meter reading, and trip service to manually go through that process. The Commissioners have a lot of options. You can reduce the number, eliminate it entirely, or keep it the same. It is entirely up to the Commission on what you choose to do. It is very important to understand that the appeal process will be eliminated. This would mean that they can get an AMI meter, or they can opt-out and obtain the meter that they have, or digital meter if their old meter is not available.

Utility Office Manager Sonya Renfro-Williams explained at this time nobody has an analog meter which are the old meters.

Mayor Pro-Tem Forrister stated that it is her understanding that all of the analog meters are gone, so the option would be a digital meter or an AMI meter.

Utility Office Manager Sonya Renfro-Williams explained that we've been doing away with analog meters for years, and we have been replacing them with digital meters. Her only concern is that we have put so much money into the AMI system, so we are kind of taking a step backwards. She understands that some people want to keep their digital meters, and that is fine, but it seems pointless for us to keep ordering digital meters when we have already put so much money into AMI system.

Mayor Pro-Tem Forrister agreed.

Mayor Whitehead explained that we as the City, and as the Commission did our due process. Ms. Alvarez has a stack of information as to our public meetings where we worked on the AMI process for a very long time. It wasn't just something that happened overnight, and they just pulled out of the sky and said we're doing this, and here it goes. We had public hearings, and public input, and the previous Commission had talked about opting-out, and then the new Commission chose not to let anyone opt-out. Then we decided if you choose to keep your digital meter for those 5 or 6 people who refused, they would pay the \$50 trip fee. These fees help take care of our employees who have to physically go out to the properties and read these meters, bring the information back, input it into the system, and send the bills out. She thinks \$50 is a fair fee, and she feels that we should keep the \$50 fee.

Utility Office Manager Sonya Renfro-Williams stated that she agrees, and she thinks that a lot of people are making it about themselves. She and her second in charge Chelsea has had to go out and read meters when they have been short staffed, and it is a dangerous situation. It's not like they are picking on any particular person, because in 10 years or 20 years someone else might live at that property. She has had people open up their doors and let their dogs out to come after the meter readers, or people will come out and threaten them.

Mayor Pro-Tem Forrister stated that Sierra Electric Cooperative is doing the same trip fee.

Commissioner Aragon stated that he feels the fee is needed, and he agrees that going out to read the meter is not an easy task. However, he concurs with the Chairman George Szigeti of the Public Utility Advisory Board when he said that \$25 is definitely a reasonable fee. He did his research and determined that there could be backlash on the rate, and that's why he feels that we should go with a \$25 fee.

Mayor Pro-Tem Forrister moved to approve Resolution No. 05 21/22 the imposition of a \$50 monthly fee to retain a digital meter. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer.

Hon. Paul Baca, Commissioner voted aye

Hon. Randall Aragon, Commissioner voted nay

Hon. Sandra Whitehead, Mayor voted aye

Hon. Amanda Forrister, Mayor Pro-Tem voted aye

Motion carried with a 3-1 vote.

6. Discussion/Action: Resolution No. 06 21/22 identifying public information officers for the city and release of information to the public and news media:

City Manager Swingle explained at the last meeting we talked about identifying Public Information Officers for the various departments, so we can get the information out as timely as possible, and give the public and media access to the most accurate and reliable information we can. This resolution designates and authorizes department directors to service Public Information Officers on matters of their particular department. It allows the City Manager to serve as the principal Public Information Officer for information on city-wide, and organizational matters. It also clarifies the issue that information pertaining to potential litigation, personnel matters, or other matters that are typically discussed in executive session will not be released by any of the information officers.

Mayor Pro-Tem Forrister moved to approve the agenda Resolution No. 06 21/22 identifying public information officers for the city and release of information to the public and news media. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Resolution No. 56 20/21 establishing fees and adopting procedures for requesting Inspection of Public Records:

City Manager Swingle explained that we discussed this at our last meeting, and we wanted to tie in the Police Departments fees as well. The only thing that we didn't include is the fingerprinting fees because those can change, and there were a lot of caveats for different purposes. Therefore, we will let them make those determinations at the Police Department level. Otherwise the resolution covers all other IPRA requests and fees. Most important to protect the city's data and infrastructure, personal travel drives, CD's, DVD's, etc. will not be used to store data or information for purposes of IPRA records requests, and personal devices will not be connected to city property to store data or information. If we have to provide that, we will provide the device we put it

on, and charge them for accordingly for the cost of the device, because the risk for cyber security is just too great. Another important factor of this policy is that electronic data will be provided in the format that it exists in. We were converting data because we had the ability to do so, but when we ran this through the New Mexico Foundation for Open Government they discouraged that, and told us that we have to give the information in the format that it exists. That may become an issue with some of our constituents in wanting the Clerk's Office to convert the documents into something else. We are not authorized to that, and it would be a violation of State Statute to do so.

Commissioner Baca moved to approve Resolution No. 56 20/21 establishing fees and adopting procedures for requesting Inspection of Public Records. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. OLD BUSINESS:

- 1. Discussion/Action: Request to formally withdraw application to the USDA Rural Development Community Facilities Grant Program for financial assistance for Electrical Transformer and equipment:**

Traci Alvarez, Community Development Director explained that the City Commission previously approved a public hearing, and action for us to submit an application to USDA for the Electrical Transformer. As we are funding that differently now, USDA does require a formal letter written and signed by the Mayor to withdraw that application.

Mayor Pro-Tem Forrister moved to approve the request to formally withdraw application to the USDA Rural Development Community Facilities Grant Program for financial assistance for Electrical Transformer and equipment. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. NEW BUSINESS:

- 1. Discussion/Action: Emergency purchase for repair/replacement of Well #7:**

City Manager Swingle explained that we had an emergency purchase for repairs that we did to Well #7. We initially intended to go out for an RFP to do the repairs for Well #7 and Well #6. However, we ended up having a water crisis where production wasn't keeping up with consumptions in the community, and it came to the point where we were starting to lose water pressure in the water lines at businesses and residential areas. At that point we declared it an emergency that we needed to get done right away, at least for one of the two wells. We got Well #7 up and running, and it complimented the existing wells and provided enough water to the community. This is before you because the emergency purchase has to be approved by the Commission, and once it

is approved we will submit it to the State. Well # 6 repair is still in RFP, and will go through the formal process.

Mayor Pro-Tem Forrister moved to approve Emergency purchase for repair/replacement of Well #7. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

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

City Manager Swingle explained that this in light of the Resolution No. 46 20/21 that was approved a couple meetings ago. The purchase orders before you are for \$20,000 or greater which exceed his authority, and needs to be approved by the Commission. He then reviewed the purchase requisitions within the packet.

Commissioner Baca moved to approve the Purchase Requisitions over \$20,000. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Update: Airport Grants Update:

Traci Alvarez, Community Development Director explained that we received two grant offers from the New Mexico Department of Transportation for the paving of the Airport. One was a 100% grant for \$106,000 which will purchase a tractor and attachments for the Airport to upkeep the grounds. The other one is our bi-annual maintenance grant for \$22,222.00. \$20,000 is a grant and \$2,222 is the match. The maintenance grant is used for regular maintenance materials at the Airport, so the match of \$2,222 is already budgeted within their normal maintenance budget. The grant paperwork came in at the last minute from NMDOT, and signatures have been obtained and she is just updating the Commission on these grants.

4. Discussion/Action: Award RFP 19-20-003 Vacuum Sanitary Improvements and approve contract:

Traci Alvarez, Community Development Director explained that we had a RFP 19-20-003 that went out. Proposals were received and reviewed, and we also held interviews with the three companies who submitted proposals. Score sheets were drafted, and the recommendation was sent out to the New Mexico Environment Department who has oversight. They concurred with our results, and we would like to award the RFP to Wilson & Company, and also enter into a contract with them. The contract is provided in the agenda packet, and is also being reviewed by the New Mexico Environment Department because we will have to have their concurrence as well.

Mayor Pro-Tem Forrister moved to approve the Award of RFP 19-20-003 and contract to Wilson & Company for the Vacuum Sanitary Improvements. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Subrecipient fiscal year 20/21 4th Quarter Reports:

City Manager Swingle explained that we have received all of the 4th Quarter Subrecipient reports, and they are in your packet. He then reviewed each report with the Commission.

Mayor Pro-Tem Forrister moved to approve Subrecipient fiscal year 20/21 4th Quarter Reports. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: State of New Mexico Tourism Department Cooperative Agreement for fiscal year 21/22:

City Manager Swingle explained what you have before you is Lodgers Tax funding. The request is for \$29,157.00 which will be matched with \$58,318.00 from the Cooperative Market and Advertising Program through the State of New Mexico. The investment we are making is being matched 2-1. Projects that are identified are commercial TV ads, a video on Facebook, and there are some other marketing things that we will be doing outside of Sierra County.

Kim Skinner noted that \$10,000 of the \$29,157.00 is coming from Sierra County Lodgers Tax. Serina Bartoo the Sierra County Interim Manager has been involved in the entire process and she did take it to the County Commissioners and they approved it. The City of Truth or Consequences portion will be \$19,000. This is the Tourism Department Cooperative grant and the Tourism Department buys down these items and the value is a lot greater than what you imagine because even places like Ruidoso cannot buy this advertising at this rate.

Mayor Pro-Tem Forrister moved to approve the State of New Mexico Tourism Department Cooperative Agreement for fiscal year 21/22. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Re-appointment of Don Armijo to serve another term on the Public Utility Advisory Board:

City Clerk Torres explained that Don Armijo is a current member on our Public Utility Advisory Board. His term expired in June 2021. On June 21, 2021 the Public Utility Advisory Board recommended the re-appointment of Mr. Armijo to serve another term on the board. The term is for two years, and will expire on June 30, 2023. The position has also been advertised in the local newspaper. She started using the City Facebook page as another means of advertisement.

City Manager Swingle explained that there has been criticism towards the city for not selecting females, as well as always re-appointing existing board members. You could never advertise this in enough places where everyone is going to see it, but the city is making a good faith effort to try and solicit board members to volunteer and serve on these boards. He thinks the criticism is unjust and it is just something to harp about. If they truly feel that way then they need to apply themselves. It is not just us. The County also has a hard time recruiting volunteers to serve on boards as well. We are also advertising on Facebook which is a great idea and we will continue to improve that. However, we are not always going to get every audience. We are making a very good faith effort to get a message out.

Mayor Pro-Tem Forrister moved to approve the re-appointment of Don Armijo to serve another term on the Public Utility Advisory Board. Commissioner Luna seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

8. Discussion/Action: Re-appointment of Gil Avelar to serve another term on the Public Utility Advisory Board.

City Clerk Torres explained that Gil Avelar is also a current member on our Public Utility Advisory Board, and his term also expired in June 2021. On June 21, 2021 the Public Utility Advisory Board recommended the re-appointment of Mr. Avelar to serve another term on the board. The term is for two years, and will expire on June 30, 2023. The position has also been advertised in the local newspaper.

Mayor Pro-Tem Forrister moved to approve the re-appointment of Gil Avelar to serve another term on the Public Utility Advisory Board. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

9. Discussion/Action: Re-appointment of David Senn to serve another term on the Airport Advisory Board:

City Clerk Torres explained that David Senn is a current member on our Airport Advisory Board. His term expired in June 2021. On July 6, 2021 the Airport Advisory Board recommended the re-appointment of Mr. Senn to serve another term on the board. The term is for two years, and will expire on June 30, 2023. There are also two additional vacancies on this board, and no applications have been received. Advertisements are taking place to recruit new members.

Commissioner Baca moved to approve the re-appointment of David Senn to serve another term on the Airport Advisory Board. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

J. REPORTS:

City Manager Swingle reported the following:

- At our last meeting we talked about the PNM standards, and at the end of the day he thinks that the Commissioners decided that we should get an expert on board to evaluate the PNM standards handbook and give us an analysis of what the standards mean. That is going to be an expensive endeavor to do. However, he does take full responsibility for not having the chance to review the PNM standards prior to the meeting. It's a massive book to review, but the gist of it is mostly all distribution standards. It talks about mapping symbols; underground tagging; primary overhead lines; secondary lines; overhead and underground services; poles; transformers; power capacitors and regulator switches; primary and secondary underground; cable termination; outdoor lighting; clearance and separation sagging; joint use; surge party attachments; assembly details; raptor safe steel pole distribution; and maintenance issues. It is literally what Bo described it as. It is basically for developers, commercial properties, and the city to follow. He would encourage that we go ahead and move forward with Bo's recommendation to add this to the list, and bring it back to the Commission without bringing in an electrical expert to do an analysis. That will just cost us money we don't have.

Mayor Pro-Tem Forrister stated that she feels that using an electrical expert was more of a suggestion, and she does not have a problem with us bringing it back for further review.

Commissioner Aragon asked if we could maybe have a city of our size, or someone above PNM to look at it and say if it is reasonable or not. That might make the developers feel comfortable.

City Manager Swingle noted that Commissioner Aragon's suggestion is possible.

- We had a rather significant flight launch over the weekend. There were around 250 people at the Civic Center watching the flight. It was really neat and exciting. There is still a belief out there that we are not receiving the revenue that is collected at the County level and going to the Spaceport. We far exceed that in revenue that we're getting from the Spaceport. In salaries alone we equal the revenue that we are paying on an annual basis to the Spaceport. We have all of the Contractors and activities out there. Pre-Pandemic you could go to the restaurants, and there were always Consultants and Employees who were working at the Spaceport who were eating at our restaurants, and staying in our hotels. We are absolutely ahead of the game. Virgin Galactic gave us a small donation so we could put on the event. We offered breakfast burritos, coffee, orange juice, bottled water, fruit, and donuts. It was well received by the community, and a lot of great folks were there. We had a celebrity there, but most of the people were out of the Auditorium by the time our celebrity appeared through a zoom meeting. Randy Jackson was the celebrity, and he congratulated Virgin Galactic, the Spaceport, Sierra County, and Truth or Consequences for the event, and realizing how significant it is. He will be here in a couple of weeks to talk about the Truth or Consequences game show with the owner of the company, and the Commissioners will all have the opportunity to meet him. They also aired some of the early Truth or Consequences game show episodes during the event.
- He introduced our new Chief of Police Victor Rodriguez. The interview panel did an exceptional job on interviewing, screening, and selecting the best candidate for the Chief of Police. He thinks Mr. Rodriguez will do a phenomenal job for Truth or Consequences. He feels that he is in it for the long haul, which is important. We are excited to have him on board.
- He would like to set up the budget/finance workshop on Friday, July 30th.

City Attorney Rubin had no reports.

City Commission Reports:

Commissioner Baca reported the following:

- Thanked City Manager Swingle for all that he has done with the Virgin Galactic event.
- He also thanked the outside crews and city employees for all of their hard work.

Mayor Pro-Tem Forrister reported the following:

- She addressed the comment made in regards to fireworks. She is interested to know what our law is on fireworks because in her opinion, she feels that we have one day out of the year to celebrate and as long as people are doing it responsibly then it should be okay.
- We have talked about the no wake on the river time and time again and we do not have jurisdiction over the river.

City Manager Swingle stated that he and City Attorney Rubin talked about the City developing an ordinance restricting motorized vessels on the river. However, the Bureau of Reclamation specifically authorized the New Mexico State Parks to have authority over most of the lake, which is everything except around Dam Site, and the river. They have given the State Parks the authority of enforcement action, and we have no jurisdiction.

Mayor Pro-Tem does not feel that an ordinance against motorized vessels is a good idea because that will affect all of the people who live on the river, who have boats sitting on their dock who like to go fish.

Commissioner Aragon reported the following:

- He also thanked City Manager and City staff for participating in the viewing of the Virgin Galactic Launched.
- He also touched on the comment regarding fireworks. Our current fireworks ordinance is unique. A lot of cities prohibit fireworks, but our city doesn't. Ours just state that you can't throw fireworks from a vehicle or at a vehicle, but we allow fireworks. We have a noise ordinance so that is something you can charge someone with at 2:00 a.m.

Mayor Pro-Tem Forrister stated that was what she was getting at. As long as people are being respectful, it shouldn't be a problem.

- Commissioner Aragon commented that the Town Hall Meeting went very well. We had 29 or 30 people show up, and we covered a lot of stuff. He has worked in cities that had a Clean City Advisory Commission, and a lot of people want to jump on that. Mr. Dumiak would be good on that committee. The committee comes up with solutions for litter and problems like that, and it means more when you have a conservative group talking about keeping the city clean. That is something that we need to consider, and hopefully we will get both females and males on that committee.
- He's glad that the Police Chief started back the Facebook site. It has been dormant for almost a year.
- He is very pleased with what the new Police Chief is doing and he wants to introduce him on his radio show next Thursday.
- He touched on the no wake comment. We have been kicking that can down the road since he has been here. The Bureau of Reclamation is responsible for it, and they authorized the New Mexico State Parks to have authority over it. We have no jurisdiction in that matter.

Mayor Whitehead reported the following:

- She commented on the Spaceport Launch and stated that it was an awesome experience to watch, and be amongst all of the people, and to know that we finally achieved this vision that has been going on for at least 20 years. It took 17 years for Branson to finally get to the edge of space which was probably the most exciting point of his life. His vision has been a vision on many past members of

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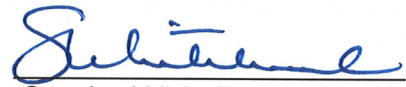
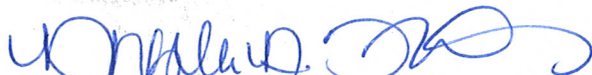
Sierra County and Truth or Consequences. He thanked Virgin Galactic and everyone involved in the launch. It was such a wonderful event.

- She announced that they were invited to a birthday party yesterday for Thelma Dickenson Clark who turned 105 years old. She stated that we will have a proclamation prepared for Ms. Clark for the July 28th meeting.

K. ADJOURNMENT:

Mayor Pro-Tem Forrister moved to adjourn at 11:08 a.m. Commissioner Baca seconded the motion. Motion carried unanimously.

Passed and Approved this 28th day of July, 2021.


Sandra Whitehead, Mayor
Angela A. Torres, CMC, City Clerk