

*Steven Green  
Mayor*

*Sandra Whitehead  
Mayor Pro-Tem*

*Kathy Clark  
Commissioner*



*Rolf Hechler  
Commissioner*

*Joshua Frankel  
Commissioner*

*Juan A. Fuentes  
City Manager*

*505 Sims St.  
Truth or Consequences, New Mexico 87901  
P: 575-894-6673 ♦ F: 575-894-0363  
[www.torcnm.org](http://www.torcnm.org)*

## REGULAR MEETING

THE REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO, IS TO BE HELD IN THE COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> ST., ON TUESDAY, MARCH 28, 2017; TO START AT 9:00 A.M.

### A. CALL TO ORDER

### B. INTRODUCTION

#### 1. ROLL CALL

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

#### 2. SILENT MEDITATION

#### 3. PLEDGE OF ALLEGIANCE

#### 4. APPROVAL OF AGENDA

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

### D. RESPONSE TO PUBLIC COMMENTS

### E. CONSENT CALENDAR

1. City Commission Regular Minutes, February 28, 2017
2. Public Utility Advisory Board Minutes, February 21, 2017

### F. PUBLIC HEARINGS

1. Public Hearing: Special Use Permit for Skyway Towers. Robbie Travis, Building Inspector

### G. ORDINANCES/RESOLUTIONS/ZONING

1. Discussion/Action: Special Use Permit for Skyway Towers. Robbie Travis.

ORDINANCES/RESOLUTIONS/ZONING *(continued)*

2. Discussion/Action: Ordinance No. 679 16/17 for publication related to the Public Utility Advisory Board. Juan Fuentes, City Manager
3. Discussion/Action: Ordinance No. 680 16/17 for publication amending Chapter 2, Article IV, Division 6 and 7 related to Boards, Commissions, and Committees. Juan Fuentes, City Manager
4. Discussion/Action: Resolution No. 07 16/17 Parks Fees. Renee Cantin, Clerk-Treasurer
5. Discussion/Action: Resolution No. 28 16/17 supporting a Public-Private Economic Development MainStreet project. Linda DeMarino, MainStreet T or C, Executive Director
6. Discussion/Action: Resolution No. 30 16/17 Budget Adjustment. Mellisa Torres, Finance Director

H. NEW BUSINESS

1. Discussion/Action: Request related to Utility Bill penalties. Sid Bryan, Requestor
2. Discussion/Action: Approve the Job Description for the Animal Shelter Manager new position. Lee Alirez, Police Chief
3. Discussion/Action: Memorandum of Understanding with NMSU for Special Events. Lee Alirez, Police Chief
4. Discussion/Action: Authorization to enter into a Small Services Agreement with Hot Springs Cemetery. Juan Fuentes, City Manager
5. Discussion/Action: Subrecipient Grant Allocations. Juan Fuentes, City Manager

I. REPORTS

1. City Manager
2. City Commission

J. EXECUTIVE SESSION

1. Threatened or Pending Litigation (Alley behind Theater; Hot Springs Land Development; & Wastewater Treatment Project Phase 2A) *Pursuant to 10-15-1(H.7)*
2. Acquisition, Disposition or Sale of Real Property (1310 Nickel & 613 Gold St.) *Pursuant to 10-15-1(H.8)*
3. Limited Personnel Matters (City Manager Evaluation). *Pursuant to 10-15-1(H.2)*

K. ACTION ON ITEMS DISCUSSED DURING EXECUTIVE SESSION, if any.

L. ADJOURNMENT

**NEXT CITY COMMISSION MEETING APRIL 11, 2017**



E.1

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

**ITEM:**

Approve the minutes of the City Commission Regular Meeting for February 28, 2017.

**BACKGROUND:**

None.

**STAFF RECOMMENDATION:**

Approve the minutes.

Submitted by: Renee Cantin, City Clerk-Treasurer

Meeting date: 3/28/2017

CITY COMMISSION MEETING MINUTES  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St.  
TUESDAY, FEBRUARY 28, 2017

**A. CALL TO ORDER**

The meeting was called to order by Mayor Steve Green at 9:00 a.m., who presided and Renee Cantin, 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. Steve Green, Mayor  
Hon. Sandra Whitehead, Mayor Pro-Tem  
Hon. Kathy Clark, Commissioner (by telephone)  
Hon. Rolf Hechler, Commissioner  
Hon. Joshua Frankel, Commissioner

Also Present: Juan Fuentes, City Manager  
Renee Cantin, City Clerk-Treasurer

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

**2. SILENT MEDITATION**

Mayor Green expressed our deepest sympathy to Tony Archuleta, his family, and his friends on the passing of his wife. He called for fifteen seconds of Silent Meditation and asked us to keep our veterans in our thoughts and prayers.

**3. PLEDGE OF ALLEGIANCE**

Mayor Green called for Mayor Pro-Tem Whitehead to lead the Pledge of Allegiance.

**4. APPROVAL OF AGENDA**

**Commissioner Hechler moved to approve amending the agenda to move items C & D after New Business and Items H.1; I.2; and I.1 to immediately after the Consent Calendar. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.**

*Mr. Ron Fenn as leaving the building commented saying this is ridiculous, you're going to pass things without Public Comment. Mayor Green announce to Mr. Fenn, he is out*

*of order and to please leave the building. Mr. Fenn continued saying this is the way democracy works here. Mayor Pro-Tem Whitehead called for Rules of Procedure and Police Chief Alirez escorted Mr. Fenn out of the meeting while Mr. Fenn commented to put him in cuffs so he can buy a new car.*

*Mayor Green apologized for the interruption. He continued by saying if Mr. Fenn had had the common courtesy and decency to sit here, he would've heard his following words. Commissioner Clark as you will probably hear by her voice, has to leave early for an appointment. We have changed the agenda to accommodate her schedule and we apologize for any inconvenience. This was not done underhandedly or anything other than the respect that this Commission gives to its fellow Commissioner.*

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

Moved to after New Business.

**D. RESPONSE TO PUBLIC COMMENTS**

Moved to after New Business.

**E. PRESENTATIONS**

1. Presentation by Griffin & Associates on marketing for the City of T or C.  
Joannie Griffin, Griffin & Associates

Ms. Griffin began her presentation and LaRena Miller joined her as one of the Committee Members. The presentation is part of the agenda packet. They applied for two grants, One for T or C (\$8,000 with match), and one for Sierra County (\$10,000 with match) and they were successful in getting both. This is substantially lower than the \$40,000 they had in previous years but the \$18,000 has to be spent by May of this year. She notified them of the ads that will be run with the funding. She outlined some of the projects they have done this year in advertising. Billboards that are posted are consistent with the New Mexico True regulations so we are eligible for our grant reimbursement. She added T or C is the number three destination for Travel Writers that are coming to the state. #1 is Santa Fe, #2 is Taos, and #3 is T or C. They are actively working on bringing more Travel Writer's to the city. She gave an overview of all of the plans they have related to tourism and marketing for the city.

Ms. LaRena Miller notified the Commission they have a monthly teleconference with Joannie and the members of the Tourism Board to discuss what's going on so she has some local viewpoint feedback.

Commissioner Clark commented the disappointing thing to her is to have the Tourism money cut down to \$18,000 from \$43,000 but the fact that she was willing to get us \$18,000 is impressive and remarkable. She feels we need to sit down and take a look at all of the tourism funds in our area so we can pool it and use it the best way. She asked if there is a way to look at more in-house as oppose to dependent upon the state.

## CITY COMMISSION FEBRUARY 28, 2017 REGULAR MEETING MINUTES

Ms. Griffin responded we can definitely look at that and will know more in the next month after the Legislative Session to see what the Dept. of Tourism will have available. This year it's been cut dramatically. She has no issue with looking at other opportunities. Commissioner Clark said that was the main comments she had and she wanted to get Ms. Griffin's input. If we are not bound by the states rules and regulations, we might be able to find something more extensive. We'll know more in the next month or so and we can have a get together in April to brainstorm when we have a better idea of what we have to work with.

Commissioner Frankel was concerned about the billboard being after Socorro instead of before it. Ms. Griffin added that was a typo and the billboard is actually North of Socorro. Commissioner Frankel added about the poster we should have a consistent marketing plan that has the same message. He doesn't see Hot Springs on there and "Hot times, cool vibe" doesn't portray the Hot Springs. He was concerned that we may have lost sight of the Hot Springs. Ms. Griffin invited him to participate in the calls they have on the first Friday of the month where the committee meets to make these decisions. Commissioner Frankel wants to make sure we don't have different brands out there.

Commissioner Hechler concurred that "Hot Springs" should be included in that brand. He feels it was great to hear we were the Number three in the state for destinations for Travel Writers. When we do have travel writers come to town, we would like a heads up of when that will happen so the right representatives who want to promote this community can have a chance to meet with that person. Ms. Griffin agreed to send that out to the Commission when they have someone scheduled.

Ms. LaRena Miller announced something is being done right if our visitors are going up 36% and not down.

Mayor Green asked about the process for spending the state money and Ms. Griffin responded as to the process which has to be done by the middle of April. Mayor Green added we appreciate the County has seen fit to partner with certain projects with the city and realize one entity cannot do it alone. He appreciates the support the County has given us. He added with knowing magazines are going electronic, how are they making this happen when on one hand, the boss is saying, don't go out there because I have to pay your expenses. How does that work?

Ms. Griffin let them know they use a software with a database of Travel Writer's all over the world and they sent notifications to all of them. It's more regional and the state does have the money to fly in the A-List media to fly them in and host them, and we piggyback on that because we don't have the budget. Mayor Green clarified that she works closely with the state to verify when someone may be coming in so we can work with them. Mayor Green pointed out the Adventure Guide which points out the budget friendly hotels in Truth or Consequences where they are talking about the Hot Springs. The Hot Springs is what makes us special and different. He asked if this is the perception of the writers who are producing this or is this her view of reality. Ms. Griffin said it's both. We are so influenced by the media.

## CITY COMMISSION FEBRUARY 28, 2017 REGULAR MEETING MINUTES

Mayor Green asked if there is any way we can get some information to track how this is working out and is the money being spent wisely. He asked how we can come a little more sophisticated in tracking our stats. Ms. Griffin said we do track with Pandora to see how many people interact with the App, and obviously you can't track the billboards but you can track the online visits. We do both audio and video ads on Pandora because we get a better return rate.

Ms. Miller added on their sign in sheet they have some of the responses that shows the date, how many people came, and what brought them to our city. And the highest response is because of the Hot Springs. She does keep the major statistical sheet and they don't have December yet, but it tells how many people are coming from where. She does share the year-end report with Renee to distribute.

Commissioner Clark is not entirely clear on the money from the County. She asked if the county money has to be spent by F18. Ms. Griffin responded in order to get \$18,000 we have to spend \$36,000 first, then we submit for the reimbursement of the \$18,000. Commissioner Clark added the \$10,000 from the county will be spent before the May 15<sup>th</sup> date.

### 2. Presentation introducing the DWI Program and staff. George Lee, Sierra Co. DWI Program

Mr. Lee began with his presentation and he introduced his staff. Sandra Lucero, Vanessa Segura, and Michael Sulzer. He just wanted to explain a little of what they do. The program is funded primarily with funding through the State and Sierra County is the fiscal agent. They provide numerous services for Municipal, Magistrate, and District Courts and also provide drug testing. They currently have about 153 clients in the program in the DWI, and other side is the misdemeanor compliance for other violations not DWI related. They have 45 people on active probation for DWI convictions; then about 60 people on probation for other misdemeanor crimes. There are 53 people on conditions of release. In one year it's gone from 30 to 53 people on conditions of release. As the Coordinator, he oversees all of the programs. He explained the funding they receive. They have a number of programs he explained in detail including prevention; safe ride service; enforcement; screening for treatment; compliance; tracking; monitoring; coordination; and planning.

He's requested \$6,000 for prevention and he would like to start a Silver Streak ride program for those who have been drinking to stay safe and off the roads. If during holidays, they are at the lake and want to come downtown and visit the businesses or the new Brewery, we can provide transportation for rides. He's looking at other programs to use as an example and if he gets the funding that will happen. He added the new Brewery was very interested in the service and very supportive. He went on to notify them of other funding that will be needed, including DWI saturation patrols.

His vision would be to have a joint city/county Misdemeanor Probation Department. The County currently pays wages and benefits for their Misdemeanor Probation Officers. Statistics show the majority of the offenses were committed in the city. He doesn't know what it looks like or how we would get there, but he would like to see it more of a partnership between the City and the County to fund these probation services. There is going to be more grant opportunities, they will be looking at to find a way to provide more treatment.

Commissioner Clark thanked Mr. Lee for all of the hard work he has done on this.

Mayor Green thanked him and wishes his organization didn't have to exist but because we have to, he thanks them for what they do. Did he hear that with the people convicted and not incarcerated, there are fines involved, and does Judge Brown give them an option? Mr. Lee responded, yes, community service. Not only is it a possibility we will do our best to find community service programs for them to serve. There are some restrictions on that. He referred to the compliance officer.

Ms. Vanessa Segura responded to the question. If the Judge court orders fees for the court, he does let them do community service for his fees. That has nothing to do with them. They do provide a list of community service providers, and the city is on that list. And the person decides where they are going to do their community service. For their office, because they are dealing with budget cuts, it's hard for them do the community service with the \$50 program fee. They do work with us and we do let them go work at the jail or something that will benefit our program. Unfortunately, they can't do it with everybody.

#### **F. CONSENT CALENDAR**

1. Public Utility Advisory Board Minutes, January 21, 2017
2. Lodgers Tax Board Minutes, August 27, 2016
3. Service Agreement Renewal with Sierra Vista Hospital

**Mayor Pro-Tem Whitehead moved to approve the Consent Calendar including the Public Utility Advisory Board Minutes for January 21, 2017; Lodgers Tax Board Minutes for August 27, 2016; and Service Agreement Renewal with Sierra Vista Hospital. Commissioner Frankel seconded the motion. Motion carried unanimously.**

Will discuss Items H.1, then I.2, then I.1 after the consent calendar.

#### **H.1 Discussion/Action: Marketing Contract renewal for Griffin & Associates. Juan Fuentes, City Manager**

City Manager Fuentes added we have already heard the presentation and he asked Ms. Griffin to come forward for any further questions the Commission may have.

## CITY COMMISSION FEBRUARY 28, 2017 REGULAR MEETING MINUTES

Commissioner Clark would like to have her look at what next year would look like. Mayor Green clarified what he thinks she is saying is bring them with us up to the end of June until the new Financial Calendar comes into effect we will have a better idea of what will be available.

Mayor Green said on the attachment it lists the county for \$10,000, the city for \$25,000 and Elephant Butte as \$5,000. He thought Elephant Butte pulled out of this. Ms. Griffin responded the City of Elephant Butte pulled out. They are going another route now. We do coordinate so we are not stepping on each other's toes. She has no issues with what Commissioner Clark is asking. As soon as we here from the state we will know better what we can do.

Mayor Green asked for clarification on where the money goes and who controls the money. Ms. Griffin responded it goes into the marketing budget. It goes into Sierra County because they are both married and done together. Ms. Griffin encouraged the Commission to reach out to their Legislative Officials about Tourism dollars. She touched on some of the changes that have been made and what it has to be used for.

Mayor Green asked if we are charged for doing the grants. Ms. Griffin said she does that gratis. They have a template they use and they beef it up, normally we did one for only Sierra County and now Elephant Butte does one on their own to get additional grant money.

Commissioner Frankel clarified if this motion would be for the contract to stand here as presented or taking into consideration Commissioner Clark's idea to take Item No. 3 for the term to end in June.

**Commissioner Clark moved to approve Marketing Contract renewal for Griffin & Associates to prorate that contract and get this year finished and then in April put a more comprehensible marketing plan together with more of the Lodger's Tax money.** This would be to prorate to get through this year to look at another renewal this year. Ms. Griffin said it will not be so easy to prorate for four months. They have to spend the advertising, they have to produce the advertising. There is also Public Relations, Account Management, and Newsletters which are not covered by the grant. It's not so cut and dry that you can break it down by months.

City Manager Juan Fuentes asked if the contract would then expire in June of 2018? Commissioner Clark said they meant 2017. She asked what extra would be involved to get us to July 1<sup>st</sup> yearly contract with her. Ms. Griffin added they will spend the lion's share between now and June 30. Then her intent is to get more money from the state to move them into next year. They have to spend it to get the reimbursement. Commissioner Clark is trying to find out if there is a way to finish this with the state and doing something different.

City Manager Fuentes asked Mr. Coppler about the termination clause and if it gives the Commission the flexibility to say three month. Mr. Coppler asked if it has the 30 day

## CITY COMMISSION FEBRUARY 28, 2017 REGULAR MEETING MINUTES

termination clause then they could negotiate a different arrangement at that time. If you see budget problems coming forward

City Manager Fuentes added he believes the county's contract is similar to this and it is in effect until January 21<sup>st</sup> of 2018. He asked if this is something the Commission wants to incorporate in this contract, or do they want to pursue forward, or if we want to proceed with a 30 day notice. Commissioner Clark is concerned because we don't want to lose the momentum Griffin has established for us. Mayor Green asked if she would like to condense it and make it to a workable motion.

Commissioner Clark would like whatever we do renew covers us through the fiscal period to June 30. And knowing the County's and City's money will be spent, she believe we should know by June 30<sup>th</sup>.

Commissioner Frankel said is sounds like we would change the February date to June 30<sup>th</sup>. With July 1<sup>st</sup> looking at a new contract at that time. Commissioner Clark asked if that \$25,000 is already earmarked. She suggested this be renewed with a new renewal date to July 1<sup>st</sup>, 2017.

City Manager Fuentes said if the intent is to end the marketing contract to the end of June and begin a new marketing firm to begin July 1<sup>st</sup>. We would need to ask the county if they would want to go into a new RFP.

Commissioner Clark said the question is if the county has already designated that \$10,000 for this. City Manager Fuentes said they have been not notified that the county does not want to continue with this funding. He doesn't see why they wouldn't want to allocate that from their Lodger's Tax.

Commissioner Clark said back to what the lawyer said, the contract does have a 30 day termination.

Mr. Frank Coppler said you could change the wording to a shorter clause for termination, which is an option for you and would give you more flexibility. There is nothing to stop you from including a 10 day clause in order to give you more flexibility.

Ms. Griffin asked them to consider renewing the contract and have a planning meeting sometime in May to see if we need to shift our course. She thinks we can work it out to analyze where we are at.

Mr. Coppler said the contract does require the city to pay the consultant for stuff that has been incurred prior to the termination. So even if it's a ten day clause, if they contractor incurs cost prior to the ten days, they are entitled to reimbursement.

**Commissioner Clark moved to approve the extension of this contract with the privy of knowing that we will meet with the County, the City, and every other entity in May and if we need to do a quick round about, we have that 10 day clause in order**

**to be able to do so. Commissioner Hechler seconded the motion. Motion carried with a vote of 3-2, Commissioner Frankel and Mayor Pro-Tem Whitehead voted nay.**

did not have a second to the motion City Clerk Cantin suggested the first motion should be withdrawn and was notified that it so that was not necessary.

**I.2 Discussion/Action: MOU between the City of Truth or Consequences and the New Mexico Spaceport Authority for the use of the Lee Belle Johnson Center. Juan Fuentes, City Manager**

City Manager Fuentes notified the Commission that Follow the Sun Tours terminated their contract to operate the tours and manage the Visitor's Center at the Lee Belle Johnson Center. We have been in discussion with the New Mexico Spaceport Authority to use the Center, they will be paying \$300 a month for the use of the Center and it is in compliance in accordance with Section 58-31-5.B. This is an MOU for five years between the city and the Spaceport. In the future, if there is another entity it will give the city the opportunity to negotiate with that entity.

Commissioner Frankel has a few concerns with this as it compares with our last contract with Follow the Sun Tours. He is wondering if five years might be too great of a time for letting this asset out of our control and if the defrayed cost of utilities. He understands there are other communities doing a lot more to get the Spaceport there.

City Manager Fuentes added there is a termination clause in this contract. We understand things do take time but as we understand, we think this is a reasonable term. Commissioner Frankel feels we put the Temporary Visitor's Center to the people who spoke in favor of this. He's wondering if this might be something that might be on the ballot next year during the election as to whether we want to continue this on an on-going basis.

Mayor Green responded as for the Utility Bill, there is only one Electric hook up. We asked staff to run some numbers to see what the usage was for previous years. Previously when it was used as a recreational building, it also held a few concerts. We also have the Library in there and the Geronimo Scenic Trails in there. The building on average was running on \$268 for the entire building. He thinks \$300 is a fair and reasonable fee. There is nothing driving our community other than economic development. We need to work with our citizens to buy local and help raise our GRT. He feels we should get on with this and not take it to the voters.

Commissioner Clark appreciated City Manager Fuentes reiterating there is a termination clause and Ms. Miller's numbers on the visitor's with an increase of 38%. There is an intangible amount of money we will never be able to put a number on.

**Mayor Green moved to approve MOU between the City of Truth or Consequences and the New Mexico Spaceport Authority for the use a portion of the Lee Belle**

**Johnson Center. Commissioner Clark seconded the motion. Motion carried unanimously.**

**I.1 Discussion/Action: Award RFP 16-17-004 for Legal Services to Jaime Rubin, Attorney at Law and Coppler Law Firm. Pat Wood, CPO**

Central Purchasing Officer Wood notified the proposals were opened on February 3<sup>rd</sup> and we received two proposals. The selection committee is recommending to award it to Jaime Rubin, Attorney at Law and Coppler Law Firm.

**Mayor Pro-Tem Whitehead moved to approve the Award of RFP 16-17-004 for Legal Services to Jaime Rubin, Attorney at Law and Coppler Law Firm. Commissioner Frankel seconded the motion. Motion carried by a vote of 4-1, Commissioner Clark abstained.**

Mr. Rubin addressed the Commission saying he is enjoying the opportunity to come back. He asked about the time frame and whether there is a contract that will need to come back to the Commission.

**Commissioner Clark, who attended by telephone, left the meeting at 10:42 p.m.**

#### **G. ORDINANCES, RESOLUTION, & ZONING**

1. Discussion/Action: Resolution No. 26 16/17 Budget Adjustment. Melissa Torres, Finance Director

Finance Director Torres presented the budget adjustments which include: 1 ½ Ton Truck and 1 Ton Truck for the Electric Department; 2 ½ ton Trucks for the Solid Waste Department; Adding a Revenue & Expense Accounting Line for the LEDA project; Transfer out from the Water & Wastewater Fund to the correct revenue fund; Increase to Police Department GRT Fund to replace an aging IT equipment with a new server for security measures.

City Manager Fuentes added in reference to some of these projects, some of the fleet vehicle need to be replaced. Some of the funds that are healthier will be purchasing new vehicles and some of the better vehicles will be transferred over to other departments to be used. As we go through our Fleet Schedule, then we'll try to do the same every year. Unfortunately, some of the other departments in the General Fund, as we all know, have limited resources. He added we appreciate Andy and Bo for allowing us to transfer those other vehicles. And just for clarification on some of the transfers out, the first deposit was made in error and that's why we are putting them where they belong. The Commission had previously approved the investment of those funds because they are tied into litigation, with the State Treasurer's office. If approved, once these transfers are made, we will in turn deposit to the State Treasurer's Office until the litigation is over.

**Mayor Pro-Tem Whitehead moved to approve Resolution No. 26 16/17 for the Budget Adjustment. Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk. Motion carried by a vote of 4-0. Commissioner Clark is absent.**

2. Discussion/Action: Resolution No. 27 16/17 opposing CS/HB 174 related to the Local Election Act. Renee Cantin, Clerk-Treasurer

City Clerk Cantin presented this item saying as most of you know she has been following this House Bill very closely on behalf of all of the Clerk's in the state. The detailed description is in the Commission Action Form. This bill has been before two Committees so far. She has been to Santa Fe four times to testify on this bill. We feel municipalities should be able to hold their own elections, and if the County Clerk's Office holds the elections that we would lose the personal touch that we have built over many years. The other things they are looking at in this bill is combining ours with other Non-Partisans which includes: school districts, special hospital districts, community college districts, technical and vocational institute districts, learning center districts, arroyo flood control districts, special zoning districts, soil and water conservation districts, and water and sanitation districts which will result in long and confusing ballots. They will be separate than the General Elections because they would be in November of odd years. When it went to the House Floor it was only approved by a vote of 38-29 so we were that close. We would really like to get all of the municipalities on board with passing the Resolution to oppose the bill. The other issue would be the Special Elections which would be required to be done by mail ballot which could potentially cost a lot more for a special election because you would have to do postage to mail it and return postage which would be about \$1.00 per voter. Some of the other things wrong with this is the County Clerk's office would charge the municipalities for the cost of the election. We like to keep track of our own charges because we won't have any control or approval for the election. With this we are requesting official support to oppose this bill to continue with the process. She presented a revised Resolution that was presented to the Commission.

Mayor Green thanked City Clerk Cantin because he knows she has been following this closely in Santa Fe.

**Mayor Pro-Tem Whitehead moved to approve Resolution No. 27 16/17 opposing CS/HB 174 related to the Local Election Act. Commissioner Frankel seconded the motion. Roll call was taken by the Clerk. Motion carried by a vote of 4-0-1. Commissioner Clark is absent.**

#### **H. UNFINISHED BUSINESS**

1. Discussion/Action: Marketing Contract renewal for Griffin & Associates. Juan Fuentes, City Manager

Presented above.

2. Discussion/Action: 2018 Local Government Road Fund (LGRF). Don Armijo, Public Works Director

Mayor Green started by saying we have asked Mr. Armijo to go back and bring the Commission a more simplified list of the most important streets to include in the project for our community.

Public Works Director Armijo let them know they reduced it to two blocks on Veater St. and then from 7<sup>th</sup> to 9<sup>th</sup> on Kruger St. and then on 8<sup>th</sup> Street the continuation towards Kruger and he was asked to put Glenn St. on their also. He reminded them this is depending on what the state gets and we may have to get it out of the roads fund for additional streets.

Commissioner Frankel asked what the current understructure is on these streets picked. Public Works Director Armijo said most of the understructure is older, once you get in and do the compaction there is a chance it could create problems. He did put out a call to Marty about the understructure and did not get back with him. Basically everything there has been there for several years. Commissioner Frankel would like to have the lines inspected before the street is done so any necessary repairs can be made.

Mayor Pro-Tem Whitehead understands sometimes we pull some projects ahead of others when we have improvements involved. Our residents are just as important as some people who are coming in to visit. She feels it's important to keep those in mind. She mentioned Mr. McCoy and Jackson St. Public Works Director Armijo responded that section we picked up from the county and the problem is the drainage. He explained how it doesn't run to Cuchillo Creek like it should, it just runs across the properties there. If we do that area we need to do something with the drainage because we can't leave it the way it is now. If Cuchillo Creek ran full it could be a problem and it's not a quick easy answer.

Mayor Green asked Mr. Armijo if he's heard about the Governor dipping into that fund or does he think it will be ok. Public Works Director Armijo said they will have a meeting in the near future where they can meet with the District Engineer to get an idea of what's going on. There was one time they didn't have funds and at that time they did not give funding for a year and asked us to hold our projects and they funded it the following year. Mayor Green added he wished there was more money and he agreed with Mayor Pro-Tem about the Citizens should be first and then the visitor's. But he also said it doesn't make sense to partner with the County to make the upgrades and then the night before the event it rains and it becomes a mud puddle and they can't use it. He drove all of the roads and feels the section of Veater to South Broadway and some other block that would impact the most citizens and houses and is a safety issue for our citizens. He met with Mr. McCoy and Glenn St is nasty. What he is hearing is even if we pave it or chip seal it, the drainage is a problem. Public Works Director Armijo described from Glenn to Rodeo Arena Road to south to the culvert on the corner of 51 and Rodeo Arena Road.

Mayor Pro-Tem Whitehead clarified she meant Glenn street and not Jackson St. She thinks we should go by what Don's ideas are and it all depends on how much money we have available.

Public Works Director Armijo said the idea that the Mayor came up with doing Veater and one of the blocks would work. If we do any new construction then we do have to make it ADA Compliant, but chip seal is not under that ADA law.

Mayor Green thinks he's hearing Veater to Iron and if anything is left over we will try to do something at Glenn and Rodeo Arena Road. He believes Mayor Pro-Tem Whitehead mentioned East 7<sup>th</sup>, Kruger to Tingley and clarified that is the one with the small housing complex.

**Mayor Green moved to approve to authorize staff contingent on funding to include Veater St to Iron St.; East 7<sup>th</sup>, Kruger to Tingley, and anything else left get rid of the swamp at the corner of Glenn and Rodeo Arena Road. Mayor Pro-Tem Whitehead seconded the motion. Motion carried by a vote of 4-0-1. Commissioner Clark is absent.**

Public Works Director Armijo assured Commissioner Frankel he will check on the understructure. Mayor Green added if he could also check the culvert at the end of Daniels St. and to clean it out if it needs to be and to please keep it cleaned. Public Works Director Armijo would like to talk to him later if City Manager Fuentes doesn't mind so he doesn't take up more of their time.

## **I. NEW BUSINESS**

1. Discussion/Action: Award RFP 16-17-004 for Legal Services to Jaime Rubin, Attorney at Law and Coppler Law Firm. Pat Wood, CPO

Discussed after Consent Calendar.

2. Discussion/Action: MOU between the City of Truth or Consequences and the New Mexico Spaceport Authority for the use of the Lee Belle Johnson Center. Juan Fuentes, City Manager

Discussed after Consent Calendar.

3. Discussion/Action: Request by the Sierra County Cooperative Extension Service to have a City Representative on the Planning Committee. Joshua Boyd, Cooperative Extension Agricultural Agent/County Director and Mary Jo Fahl

Ms. Fahl commented and turned it over to Mr. Boyd.

Mr. Boyd presented this item and gave an overview of what they would like to see in the facilities which will benefit so many kids at the County Fair Barn and in the area. Ms. Fahl and Sierra County has agreed to help look for funding. There was a private donation of \$25,000 which was given to the Extension which can be accessed once we have a plan in place. He is here today to see if they want to have a member on the Planning Committee. Mayor Green asked what the time commitment will be. Mr. Boyd said he hoping to have a full committee by the end of January and the first meeting by the end of March. The process will be determined at that first meeting to as whether it will be monthly or bi-monthly.

Ms. Fahl is hoping to have a diverse group on this committee to get ideas from both the city and the county, as well as, the Tourism Board, and Bountiful Alliance to enhance everybody's projects. Once the planning committee gets together to brainstorm, they will need a board to help coordinate events and other stuff and will be set up later. This planning committee may only need to meet two or three times so we aren't taking away from anything we are doing now.

Mayor Green asked them for a map to see where the county line begins. Ms. Fahl showed them on the map. He asked about the positioning of the building. Mr. Boyd stated he would like to put the beautification and hoop house by Cook St. Mayor Green said on Cook St. there might be some objections there. Mr. Boyd said that's the purpose of the building to house the animals.

Mayor Green asked if there is anyone who would like to volunteer for this particular committee to be a part of the planning.

Mayor Pro-Tem Whitehead volunteered to serve on this committee. She doesn't know anything about farming, but she be willing to serve on the committee.

**Mayor Green moved to approve Mayor Pro-Tem Whitehead to serve as the city Representative on the Sierra County Cooperative Extension Service Planning Committee for this project. Commissioner Frankel seconded the motion. Motion carried by a vote of 4-0-1. Commissioner Clark is absent.**

Mr. Boyd added his job as the Extension Director is to educate and to provide that service for our community.

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

Mayor Green called for Public Comment, noting those wishing to comment would get three minutes, state your name, and any material for the Commission was to be left in the black box by the podium.

Audon Trujillo addressed the Commission related to:

1) Feels there are errors in the Memorandum of Understanding for the Spaceport. He commended them for looking into the cost. And the comments Commissioner Frankel

made about having a vote, he feels that really should happen. There is not 1 meter, there are 2 meters in that building and he believes the cost is not an average of \$300 but about \$1,300 per month. He asked them to check that and he's pretty sure it's true because he's seen figures about six months ago Ron has been keeping track of. He keeps track of everything. He asked them to just look at it. That should have made a big difference in the way you all voted and the way it was worded in here. You are allowing the memo to be terminated by the Spaceport Authority on their own or by mutual agreement. But the city can't say we need it for something else or we voted on that and you can't use it for that. You are supposed to defend and protect the city, not the contractor.

2) The Audit found three things, the city did not obtain an appraisal from a certified appraiser. The city did not determine whether the property was valued at \$25,000 or more, and the city did not follow by placing an ordinance of its intention to lease the property. He thinks we are not following 3-54-1 and you all don't seem to care about that. And obviously the audit did too because you were found culpable of that. You are sole sourcing this now again with one entity. You have another committee with the Convention Entertainment Board who is supposed to take precedence in deciding what goes on at the Civic Center. Please read what that ordinance says about the Convention & Entertainment Board. It's on the books and you all are ignoring it.

Commissioner Frankel read comment by John Masterson who couldn't be here today.

John Masterson, Truth or Consequences Brewing Company addressed the Commission related to:

1) Expressed their support and commitment to partner with the Sierra County DWI Program to make sure everyone gets home safely every time. If there is anything they can do to support or promote a sober ride home program or community shuttle service, please let them know.

#### **D. RESPONSE TO PUBLIC COMMENTS**

None.

#### **J. REPORTS**

##### **a. City Manager**

- 1) He & Finance Director Torres will be working on the budget schedule for the next two months. The Preliminary Budget will require approval either the first part or the second meeting in May. He knows we've heard a lot about these projects and people requesting certain items. The budget is a very important tool because it's a roadmap of what we will do for the next year. He asked when we go into this cycle to keep an open mind for all of the needs.
- 2) The Rodeo Arena improvements are well underway, scoreboards were installed. We are looking at an early April ceremony with the Little League folks who have participated and an invitation will be sent to the Commissioner's.

##### **b. City Commission**

**Mayor Pro-Tem Whitehead** thanked everyone who participated in the public forum. We had a lot of great ideas.

**Commissioner Hechler** passed out the evaluations and asked for an Executive Session at the second meeting in March and first meeting in April to present completed forms to City Manager Fuentes. He doesn't want the public to be alarmed, this will just be the scheduled evaluation. He asked the Commission to begin filing in the forms and get them back to him. This is an interim evaluation and not the final one. But we certainly want to give that direction to the Manager and if we want to change directions we can do that or anything else we may want to add.

**Mayor Green** addressed a couple of things and if he misspoke it certainly was not his intention, he believes he heard there was one meter hookup but he will double check that. He asked the Commission if they recall, he had asked them to bring a relocation packet to City Hall at the last meeting. He would like to put that on the agenda next time, to review the relocation packet. He would like to look at it and what is being distributed and whether it tells the story of who we are and what we are and why people should come to our community. And if it works fine, and if it doesn't then we can take a look at it.

#### **K. ADJOURNMENT**

**Commissioner Frankel** moved to adjourn at 11:39 a.m. **Mayor Green** seconded the motion. Meeting was adjourned.

**Passed and Approved** this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Steven Green, Mayor

ATTEST:

\_\_\_\_\_  
Reneé L. Cantin, CMC, City Clerk

E.2



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

**ITEM:**

Approve the minutes of the Public Utility Advisory Board for February 21, 2017

**BACKGROUND:**

None.

**STAFF RECOMMENDATION:**

Approve the minutes.

Submitted by: Renee Cantin, City Clerk-Treasurer		Meeting date: 3/28/2017
--	--	-------------------------

**CITY OF TRUTH OR CONSEQUENCES  
PUBLIC UTILITY ADVISORY BOARD  
TUESDAY, FEBRUARY 21, 2017**

**REGULAR MEETING**

**Action Minutes**

Regular meeting of the Public Utility 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 Tuesday, February 21, 2017 at 5:30 P.M.

**INTRODUCTION:**

**PRESENT:**

George Szigeti, Chairman  
Jeff Dornbusch, Vice-Chairman  
Ron Pacourek, Member  
Gil Avelar, Member

**ABSENT:**

Randy Ashbaugh, Member

**ALSO PRESENT:**

Bo Easley, Electric Department Director  
Melissa Torres, Finance Director  
Sonya Williams, Utility Office Manager  
Ruby Otero-Vallejos, Water/Wastewater Admin. Assistant  
Marty Davis, Interim Water Dept. Supervisor  
Tammy Gardener, Electric Division Admin. Assistant  
Angela A. Torres, Deputy City Clerk  
Edward Williams, Retired Electric Division Director

**APPROVAL OF AGENDA:**

Member Pacourek moved approval of the agenda.

Member Dornbusch seconded the motion. Motion carried unanimously.

**APPROVAL OF MINUTES - REGULAR MEETING HELD MONDAY, JANUARY 17, 2017:**

Member Pacourek asked that it be noted in the minutes that the map he presented at the last meeting was provided by Fire Chief Tooley. He also wanted it noted that the Fire Department is going to take responsibility for the fire hydrant operations.

Deputy Clerk Torres informed the Board that the minutes taken are only action minutes. Therefore, if any Board member has specific points they would like added to the minutes, please let it be known during the meeting or email the City Clerk's Office, and those specific points will be added before the next scheduled meeting.

Member Avelar moved approval of the January 17, 2017 minutes with the additions added by Member Pacourek.

Vice-Chairman Dornbusch seconded the motion. Motion carried unanimously.

**COMMENTS FROM THE PUBLIC:**

Sonya Williams, Utility Office Manager and Melissa Torres, Finance Director asked the Board what details they would like added to the utility reports.

Chairman Szigeti noted that they would like to see the reports added to the agenda quarterly.

**NEW BUSINESS:**

**Discussion/Update: Water/Wastewater Department - Jesus Salayandia, Water/Wastewater Director:**

Marty Davis, Interim Water Dept. Supervisor, and Ruby Otero-Vallejos, Water/Waste Water Admin, Assistant reported the following:

- On March 6<sup>th</sup> interviews will be held for a new Water Dept. Supervisor.
- Contractors will be doing surveys on the manholes that need to be replaced throughout the city.
- The emergency generator at the Wastewater Treatment Plant has been installed and is ready for any power outages.

Vice Chairman Dornbusch had concerns regarding the water leak on Magnolia Street.

Mr. Davis replied that it's due to a spring, and tomorrow they will be running the drain to see if that resolves the problem. If that doesn't work, they might have to dig up the drain and have it fixed.

**Discussion/Update: Electric Department – Electric Division Director:**

Electric Department Director Bo Easley introduced his new Administrative Assistant Tammy Gardener.

Mr. Easley reported the following:

- American Electric tested the substation. They had to remove the CT's on top of the transformers so they could get to the plug port to test the towers and all of them tested well. A few meters were replaced as well as (2) two counters on Riverside and Williamsburg. They also re-tested the oil sample on for the north transformer. Hopefully we will receive it back soon.
- The High School will be building a Fitness Center. They are just waiting on the engineers to finish the design. Hopefully within the next month the design will be complete and they can start to move forward on that.
- The estimate for the two (2) story Hospital is almost complete.
- They built a 3 phase line for the Animal Shelter. The Animal Shelter will be a single phase tap off the 3 phase line, but the Armory will be refurbished and a Public Safety Building for the Police Officers will be added.
- They are still giving SCCOG information on the Year Out for the automatic meter reading system for electric and water.
- The meter can for the Veterans Center was replaced last week.
- Tomorrow they will be switching out phases by Conoco up toward the Sanitation Department.
- He met with the electrician last week regarding the Brewery Company and after payment is submitted from the owners they will be building a 3 phase bank for the Brewery.
- Scoreboards were installed at Louis Armijo Ball Fields.

Member Avelar asked if the metering at the Armory has been updated.

Mr. Easley responded that the old metering was updated 3 or 4 years ago, and it will be changed once they add the 3 phase metering system.

Chairman Szigeti noted that they will need additional information for the pass thru.

**Discussion: Electric pass-thru charge – George Szigeti, Chairman:**

Chairman Szigeti gave an overview of the preliminary electric pass-thru report. The report showed how the pass thru rate was calculated.

Edward Williams approached the podium and explained that the services budget fee is to inspect the line installations, poles and etc. it has nothing to do with the cost of power. If you start to include all costs then you're talking about rate cost, a rate study, and you're starting to go way beyond pass-thru.

Electric Division Director Easley noted that the City is in contract with Sierra Electric Cooperative for another 10 years.

Chairman Szigeti stated that what they are trying to do right now is get an idea of what the total costs to the Electric Department would be.

Member Pacourek stated that the pass-thru formula we're using now doesn't include the Solar Array.

Sonya Williams stated that according to the city code the City Commission is supposed to look at the pass thru on a yearly basis.

Member Avelar replied that's something that may need to be addressed.

Chairman Szigeti asked that this item be brought back to the next meeting as discussion-action.

Member Pacourek noted that the Solar Array produces electricity, and is for city use only. Does the Solar Array produce more electricity than the city ever uses? And if so, then what happens to the surplus?

Chairman Szigeti replied the amount of electricity produced by the Array is supposed to go for City Buildings and City Facilities.

Member Dornbusch and Member Pacourek asked why the customers have to pay for the pass thru if the city doesn't.

Chairman Szigeti noted that maybe the City Manager will be at the next meeting so he can answer that question.

**COMMENTS FROM THE BOARD:**

There were no additional comments from the Board.

**COMMENTS FROM STAFF:**

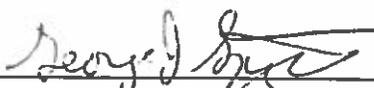
There were no comments from staff.

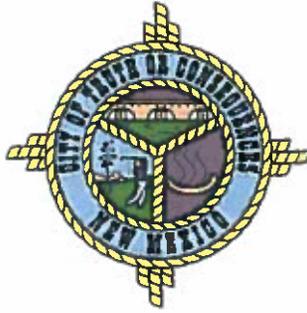
**ADJOURNMENT:**

There being no further business to come before the Public Utility Advisory Board, George Szigeti, Chairman, declared the meeting adjourned.

**APPROVAL:**

PASSED AND APPROVED this 20th day of March, 2017, on a motion duly made by Ron Pacourek, seconded by Jeff Dornbusch and carried.

  
\_\_\_\_\_  
George Szigeti, Chairman  
Public Utility Advisory Board



F.1  
+  
G.1

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

**ITEM:**

Special Use Permit for a Cell Tower with Skyway Towers and Ashland Properties LLC at 400 West 2<sup>nd</sup> Street

**BACKGROUND:**

This property has a residential home and a Home Occupation Permit Level II and is next to the City water tank at the top of the hill.

**STAFF RECOMMENDATION:**

The staff cannot recommend this application because of the R-3 Residential zone it is in, does not meet the code without a Special Use Permit. However there may be alternative sites that would be less likely to be so visually intrusive.

**SUPPORT INFORMATION:**

- Application
- Boundary Survey Plat
- Comprehensive Statement

Name of Drafter: Robbie Travis	Department: Building Inspector	Meeting date: 3/28/17
E-mail: rtravis@torcnm.org	Phone: 575-894-6673 Ext. 330	



F.1  
+  
G.1

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

**ITEM:**

Special Use Permit for a Cell Tower with Skyway Towers and Ashland Properties LLC at 400 West 2<sup>nd</sup> Street

**BACKGROUND:**

This property has a residential home and a Home Occupation Permit Level II and is next to the City water tank at the top of the hill.

**STAFF RECOMMENDATION:**

The staff cannot recommend this application because of the R-3 Residential zone it is in, does not meet the code without a Special Use Permit. However there maybe alternative sites that would be less likely to be so visually intrusive.

**SUPPORT INFORMATION:**

- Application
- Boundary Survey Plat
- Comprehensive Statement

Name of Drafter: Robbie Travis	Department: Building Inspector	Meeting date: 3/28/17
E-mail: rtravis@torcnm.org	Phone: 575-894-6673 Ext. 330	

## **Staff Report**

**Subject:** Cell Tower with Skyway Towers and Ashland Properties LLC at 400 W. 2<sup>nd</sup> Street

**Applicant:** Skyway Towers/by FDH Velocitel and Ashland Properties LLC

**Code Reference:** Sec. 11-9-4 (D) 15. R-3 Special Use Permit and Sec.11-5-6

### **1. Provisions for special use permit.**

- a. The increase in congestion of streets, and right-of-way;
- b. Diminishment of safety from fire, panic and other dangers;
- c. Diminishment to the health and general welfare of the public;
- d. Degradation of light and air for all properties in the immediate area, of the proposed Permit; increase of overcrowding of land and undue concentrations of populations;
- e. Adverse effects on provisions for transportation, water, sewer, schools, parks, and other public facilities or increase in the effects of natural hazards;
- f. Increases or facilitation of the unlawful use of structures, buildings or land;  
and
- g. Promote the use or waste of energy in the use of structures, buildings, and land.

**2. Special Use Permits** shall not be granted in such cases where the use will result in negative impacts, which substantially outweigh the positive impacts of the use.

**History:** This property is used for residential use and a small business that is compatible within a residential area to meet the Level II Home Occupation Permit that has been issued to the renter Louie Gonzalez and Fastwave High-Speed Internet Service

**Public Comment:** Five concerned neighbors called in to ask some questions, and have objections to this in their neighborhood. Two of the neighbors met with me.

**Staff Recommendation:** The staff cannot recommend this application for a Special Use Permit, because our code does not allow for this in an R-3 Zone without a Special Use Permit. But there are sites that are less visually intrusive.



ARIZONA OFFICE  
2350 East Germann Road, Suite 26  
Chandler, AZ 85286  
O: (480) 378-6405  
corporateinfo@fdhvelocitel.com

[WWW.FDHVELOCITEL.COM](http://WWW.FDHVELOCITEL.COM)

Authorized Agent for: Skyway Towers  
Skyway Towers Project Name: **NM 3 Beaverville**

Town of Truth Or Consequences  
Due Diligence for Planning and Zoning

**Project Narrative**

FDH Velocitel for Skyway Towers is requesting Conditional Use Permit consideration for the below proposals:

**Project Location:** 400 West Second Street Truth or Consequences NM 87901

Address: 400 West Second Street Truth or Consequences NM 87901  
APN: 3-022-078-212-410  
Zoning: R-3

**Project Representative:**  
Shirley Crowder, Site Acquisition Specialist  
FDH Velocitel  
2350 E Germann Rd, Suite 26  
Chandler, AZ. 85286

**Skyway Towers**  
Justin Jones, Project Manager  
3637 Madaca Lane  
Tampa, FL. 33618  
813-270-1197

**Project Description:**

This project will consist of a New 80' monopole. The monopole will be stealth in design and comply with all City Design Guidelines regarding Wireless Communications facilities.

There will be 3 sectors with 1-4 antennas per sector and the antenna array will not extend more than 24" from the structure. All cables will be concealed inside the pole or cable shroud.

The equipment area will be enclosed and designed to match the neighboring structures. This could include, but not limited to paint to match, brick or other designs deemed warranted.

**Project Objectives:**

The objective is in response to Skyway Towers commitment to providing better service throughout the area, to existing and potential wireless customers. There is a drop on coverage and data capabilities in this area, and this WCF will service the surrounding areas and fill in the gaps in coverage.

**We should also look at the benefits of a cell tower...**

- 1.) Better reception for calling
- 2.) E-911 clarity and capacity
- 3.) Data demands fulfilled
- 4.) 75% of people don't have a landline anymore, and children who have to be alone while their parents are at work, will have the ability to reach out more effectively in an emergency.
- 5.) Television services, iPad and Tablet services
- 6.) Location services (GPS)

### Aerial of the Proposed Site

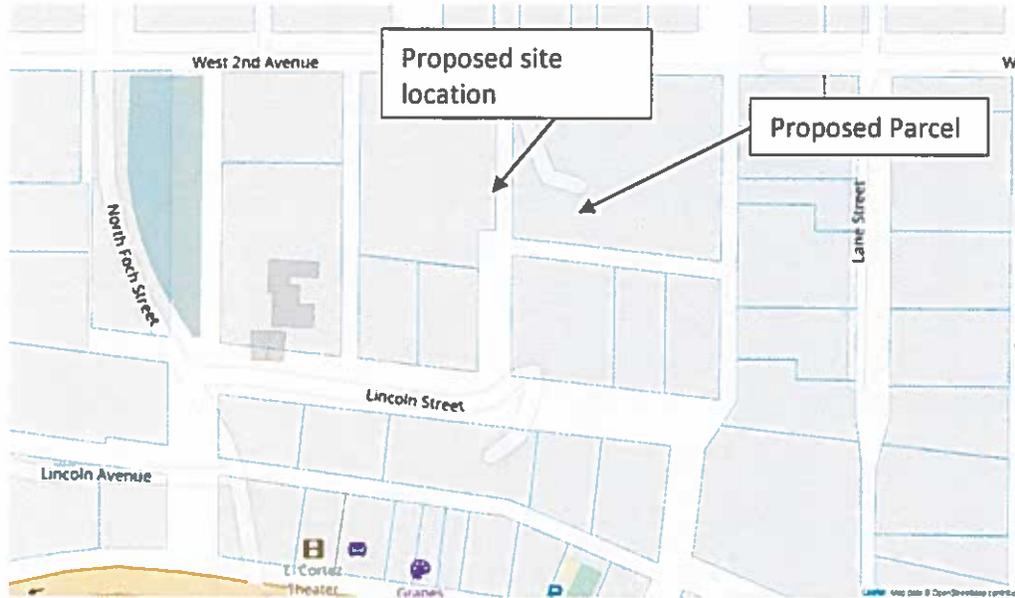


### Assessors Information

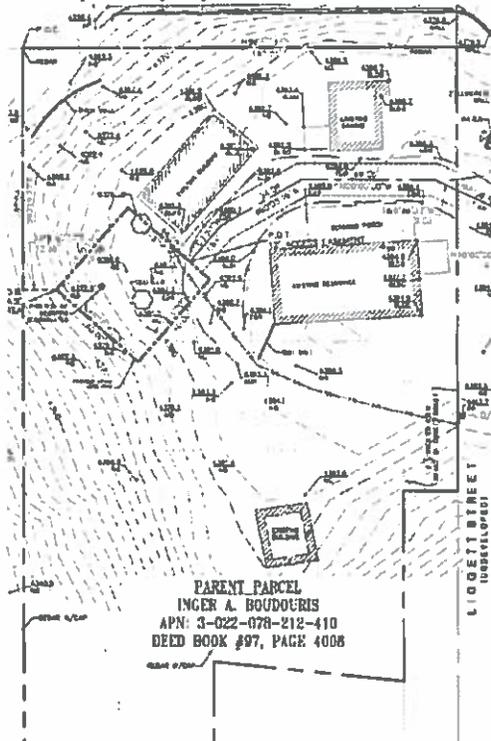
Feature 3022078212410

Attribute	Value
Primary Key	15162
Parcel Code	3022078212410
Owner Number	3873
Owner Name	BOUDOURIS INGER A
Care Of	ASCHLAND PROPERTIES LLC %
Mailing Address (Line 1)	
Mailing Address (Line 2)	555 S MIRANDA ST
Mailing City	LAS CRUCES
Mailing State	NM
Mailing ZIP (5-character)	88005
Mailing ZIP (4-character)	
District	6 IN
Book	124
Page	2519
Street Name	2ND
Street Number	400
GADIR	W
Land Full Value	47706
Improvements Full Value	103956
Personal Property Full Value	0

**Assessor's Parcel**



**Survey with proposed Lease Area**













G.2



## CITY OF TRUTH OR CONSEQUENCES COMMISSION ACTION FORM

**ITEM:**

**DISCUSSION/ACTION:** FOR PUBLICATION AN ORDINANCE RELATED TO THE PUBLIC UTILITY ADVISORY BOARD.

**BACKGROUND:**

Pursuant to Section 2-273, the Public Utility Advisory Board is made up of five members appointed by the City Commission. Under said section, the Commission must appoint at least some members with an electrical utility background, financial background and a general contractor background. However, it is recognized that if candidates with such backgrounds are not available, then the Commission will appoint other competent individuals to fill the position.

In 2007, the City Commission adopted the Development Impact Fee Act and codified it under Article VI of the City Code. This act comes from the NM State Statutes, Section 5-8-1 to 5-8-43. It was the intent of the City Commission to assign the duties under said act to the PUAB, Section 4-421 City Code.

Under Section 5-8-34, the Advisory Committee is also a five member board appointed by the City Commission. However, said section requires that "Not less than forty percent of the membership of the Advisory Committee must be representative of the real estate, development or building industries." Forty percent of five members would be two members with the background described.

The purpose of the proposed ordinance is to add two additional members to the existing PUAB makeup to form the Impact Fee Board to carry out the duties under the Development Impact Fee Act.

**STAFF RECOMMENDATION:**

- Approval of the proposed ordinance.

**SUPPORT INFORMATION:**

- Proposed Ordinance.

Reviewed by: Juan A. Fuentes	Department: City Manager	E-mail: <a href="mailto:jafuentes@torcnm.org">jafuentes@torcnm.org</a>
Meeting: 03-28-17		

**ORDINANCE NO.**

**AN ORDINANCE AMENDING CHAPTER 4, ARTICLE VI, "DEVELOPMENT IMPACT FEE", SECTION 4-421, OF THE CITY CODE OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO.**

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES THAT:** the following section of the City Code is hereby amended by deleting the stricken material and/or by adding the underlined material as indicated below:

**Section 1.** Sec. 4-421. ~~— Impact Fee Board and Comments~~Advisory board  
~~comments.~~

(a) The Impact Fee Board shall consist of the Public Utility Advisory Board established by the City and two additional members.

(b) No less than forty percent of the membership of the Impact Fee Board shall be representative of the real estate, development or building industries

~~(a)(c)~~ (c) The Public Utility Advisory Board ~~established by the City or its successor~~ shall file its written comments on the proposed capital improvements plan and development impact fees before the fifth business day before the date of the public hearing on the plan and fees.

~~(b)(d)~~ (d) The Board or its successor shall file its written comments on any proposed amendment to the land use assumptions, capital improvements plan, or impact fees before the fifth business day before the date of the public hearing on the amendments.

**Section 2. Severability**  
If a court of competent jurisdiction holds any part or application of this ordinance invalid, the remainder, or its application shall not be affected.

**Section 3. Repealer**  
All ordinances or resolutions, or part therefore, inconsistent with this ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part therefore, previously repealed.

**Section 4. Effective Date**  
This ordinance shall be in full force and effect, five (5) days after this approval, adoption and publication as provided by law (§3-17-5).

**PASSED, APPROVED, AND ADOPTED** by the City Commission of the City of Truth or Consequences, New Mexico, on this \_\_\_\_ day of \_\_\_\_\_.

G.3



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

**ITEM:**

DISCUSSION/ACTION: AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV, "BOARDS, COMMISSIONS AND COMMITTEES", DIVISION 6 AND 7, OF THE CITY CODE OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO.

**BACKGROUND:**

Section 1 of the proposed ordinance repeals the Industrial and Economic Development Advisory Board. This board has not existed since its inception. There are two primary duties of this board identified in Section 2-313 which include recommending an annual budget and to establish a comprehensive plan for industrial and economic development. (Section 2-313 (a) (b)). Over the years, the City has used other methods to promote economic development within the City and County. Most recently, the City was a member of the Sierra County Economic Development Organization (SCEDO) until it disbanded a few years ago. Other efforts to promote economic development include collaboration and partnering with the New Mexico Economic Development Department, Rural Council, NM Partnership, MainStreet and individual efforts by Mayor and Commissioners.

Most recently, the City participated in a regional effort to establish the Middle Rio Grande Economic Development Association (MRGEDA). The purpose of MRGEDA is to create, attract, retain, and expand sustainable economic-based businesses, and develop infrastructure to enhance economic development.

Repealing this board does not impact our efforts and collaboration with other organizations, entities and individuals in our efforts to promote industrial and economic development.

Section 2 of the proposed ordinance repeals the Convention and Entertainment Board. This board also has not existed since its inception. Under the code, this board has "jurisdiction over the Convention Center, Recreation Center, and Civic/Activities Center for the purpose of recommending to the Commission programs to be carried on and carried out at these and other places or installations as may be specifically designated from time to time by the Commission." The board also recommends reasonable rules and regulations for the use and care of the facilities under its jurisdiction and make recommendations to the Commission concerning the maintenance, supervision, and management of the facilities under its jurisdiction as well as concerning expenditures to be made in connection with such facilities.

The City does not have the funding or staff in place to carry out any such program/activity that may be recommended by this board if it existed. Depending on the annual facilities budget, staff maintains and repairs all of the city facilities not just those specified under this section.

**STAFF RECOMMENDATION:**

- Approval of Ordinance No. 677

Name: Juan A. Fuentes	Department: City Manager	Mtg: 03/28/17
-----------------------	--------------------------	---------------

**ORDINANCE NO.**

**AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV, "BOARDS, COMMISSIONS AND COMMITTEES", DIVISION 6 AND 7, OF THE CITY CODE OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO.**

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES THAT:** the following section of the City Code is hereby amended by deleting the stricken material and/or by adding the underlined material as indicated below:

**Section 1.** Division 6 'Industrial and Economic Development Advisory Board' is hereby repealed in its entirety.

**Section 2.** Division 7 'Convention and Entertainment Board' is hereby repealed in its entirety.

**Section 3. Severability**  
If a court of competent jurisdiction holds any part or application of this ordinance invalid, the remainder, or its application shall not be affected.

**Section 4. Repealer**  
All ordinances or resolutions, or part therefore, inconsistent with this ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part therefore, previously repealed.

**Section 5. Effective Date**  
This ordinance shall be in full force and effect, five (5) days after this approval, adoption and publication as provided by law (§3-17-5).

**PASSED, APPROVED, AND ADOPTED** by the City Commission of the City of Truth or Consequences, New Mexico, on this \_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Steve Green  
Mayor

**ATTEST:**

\_\_\_\_\_  
Renee Cantin  
City Clerk-Treasurer



G.4

CITY OF TRUTH OR CONSEQUENCES  
COMMISSION ACTION FORM

**ITEM:**

Resolution No. 07 16/17 related to Parks Fees.

**BACKGROUND:**

On September 27, 2016 this resolution was brought before the Commission for review. Some suggestions were made and included in this resolution from that meeting. It was then taken to the Parks & Recreation Board at the November, December, and January Meetings for their review and input. Then the last time it was brought to the Commission was on January 24<sup>th</sup> and some recommendations for changes were made.

The revised Resolution which was approved by the Parks & Recreation Board is attached with some additional changes made by the Commission. We held a meeting with Commissioner Hechler and Gloria Franke, Parks Manager on March 9<sup>th</sup> and some the second Resolution is the final one we are presenting for adoption.

One of the changes that were made was to remove all of the Rodeo Arena fees and to plan to have that one as a separate Resolution because of the details with renting the facility, such as stalls, etc. That will be brought sometime at a future meeting.

Once the Resolution is completed, the Rental Agreement will be amended to include the approved information. And the document for the Placing of Temporary Memorials has already been completed for use.

**STAFF RECOMMENDATION:**

Approve the Resolution.

Submitted by: Renee Cantin, City Clerk

Meeting date: 03/28/2017

RESOLUTION NO. 07 16/17

A RESOLUTION OF THE CITY OF TRUTH OR CONSEQUENCES CITY COMMISSION ADOPTING A RESOLUTION FOR FEES, DEPOSITS AND REGULATIONS FOR USE OF THE CITY PARKS.

WHEREAS, the City of Truth or Consequences operates and maintains the City Parks including the Rodeo Arena, Playgrounds, etc., and;

WHEREAS, the City of Truth or Consequences operates and maintains the City Parks for the free enjoyment of the public, and;

WHEREAS, the City Parks are sometimes used by the public for commercial purposes, and;

~~WHEREAS, the City Parks were not intended for private persons or corporations to charge a fee or donation (defined as a commercial purpose) to use a park that is a free City service, and;~~

WHEREAS, the City of Truth or Consequences finds it necessary to collect fees, and deposits in order to assure the continued maintenance of the City Parks ~~when used for commercial purposes~~, as follows:

The following are the fees and deposits created for use of the City Parks:

FACILITY USE	\$15/hr. up to \$100.00 (24 8 hr. period or more)
USE OF ELECTRICITY	\$5/hr. up to \$40.00 (8 hr. period or more)
USE OF FIELD LIGHTS	\$5/hr. or \$50/per season use.
TENNIS COURTS	\$5 per day plus \$5/Night (per use, not per person)
	<del>\$10 Key Check out deposit (up to one week)</del>
	(\$20 Key Replacement)
RODEO ARENA	\$15 per animal per overnight stay or
	\$100 per event
YOUTH ACTIVITIES (any)	\$50 Deposit only
CLEANING/DAMAGE DEPOSIT	<del>\$100.00</del> 50.00*

\* The cleaning/damage deposit will be deposited in a City account and will be refunded if the facility is cleaned after the event and the facility has not been damaged to the satisfaction of the City. If the amount of deposit is greater than the cost of cleaning or damage, the difference will be refunded. If the cost of cleaning or damage is greater than the amount of deposit the renter will be charged accordingly.

Certain rentals of City Parks including use of Rodeo Arena, Adult Leagues, and Large Events may be required to show proof of Liability naming the City as an additional insured or a release of liability form.

**Adult Sports Leagues must submit By-Laws with Application for Season use.**

Note: Set-up and tear-down will be the responsibility of the renter.

**NON-PROFIT ORGANIZATIONS:**

Non-profits will receive a 50% reduction in fees, however, cleaning and security deposits will be paid in the same manner as other organizations, individuals or groups. Any Non-Profit holding an event that requires at least two consecutive days rent will be eligible for 100% reduction on fees, excluding the cost of Electricity.

**NON-PROFIT CRITERIA:**

- The organization must be a registered non-profit organization.
- The organization must be either located in the City or their work must benefit the City and/or its residents.
- The organization must state the purpose of the event and how the revenue will benefit the citizens of Truth or Consequences.
- An application supplied by the City must be submitted to the City Manager Clerk prior to the date of the event.

Note: The City Manager or his/her designee may impose other use regulations as he/she may deem necessary as long as those regulations do not subvert the intent of this policy. Any complaints for public affray may affect your ability to use City Parks.

**TEMPORARY MEMORIALS** can be placed in City Parks and those who wish to place them are required to submit a request to the City Clerk’s Office. Memorials will be allowed to be placed for up to 30 days and city staff has the right to dispose of or distribute items after 30 days.

**NOW THEREFORE, BE IT RESOLVED** by the City of Truth or Consequences Governing Body, that the fees, deposits and regulations described herein are hereby enacted.

**BE IT FURTHER RESOLVED** that nothing in the Resolution shall prohibit the use or access of City Parks by the public at large for free.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2017.

**CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO**

By: \_\_\_\_\_  
Steve Green, Mayor

ATTEST:

\_\_\_\_\_  
Reneé L. Cantin, City Clerk-Treasurer

**RESOLUTION NO. 16/17**

**A RESOLUTION OF THE CITY OF TRUTH OR CONSEQUENCES CITY COMMISSION ADOPTING A RESOLUTION FOR FEES, DEPOSITS AND REGULATIONS FOR USE OF CITY PARKS**

**WHEREAS**, the City of Truth or Consequences operates and maintains the City Parks and playgrounds, etc., and;

**WHEREAS**, the City of Truth or Consequences operates and maintains the City Parks for the enjoyment of the public, and;

**WHEREAS**, THE City Parks are sometimes used by the public for commercial purposes, and;

**WHEREAS**, the City of Truth or Consequences finds it necessary to collect fees, and deposits in order to assure the continued maintenance of those facilities as follows:

The following are the fees and deposits created for use of the City Parks:

FACILITY USE	\$15/HR. UP TO \$100.00 (8 hr. period or more)
USE OF ELECTRICITY	\$5/HR. UP TO \$40.00 (8 hr. period or more)
USE OF FIELD LIGHTS	\$5/hr. (Excludes team sports)*
TENNIS COURTS	\$5/Night; \$25 key replacement
YOUTH ACTIVITIES	Single Event (Not season) \$50 deposit only
CLEANING/DAMAGE DEPOSIT	\$50**
MEN/WOMEN SPORTS LEAQUE	\$75 per team per season (includes electric)
YOUTH LEAGUE TEAMS	\$40 per team per season
GUEST TOURNAMENTS (MEN/WOMEN) \$200 (UP TO THREE CONSECUTIVE DAYS)	

\*Electric use is included once participating teams have paid all fees.

\*\*The cleaning/damage deposit will be refunded after the event if the facilities are clean and undamaged to the satisfaction of a City representative. If the cost of cleaning or damage is greater than the amount of the deposit the renter will be charged accordingly. Set up and tear down will be the responsibility of the renter.

Some activities/events may be required to show proof of liability insurance naming the City as an additional insured or the completion of a release of liability form by the user group.

Adult Sports Leagues must submit by-laws with Application for Season Use.

Note: The City Manager or his/her designee may impose other use regulations and other exemptions as he/she may deem necessary as long as those regulations do not subvert the intent of this policy. Additionally, complaints for public affray or other law enforcement action may result in the loss of City Park privileges.

**NON PROFIT ORGANIZATIONS:**

Non-profits will receive a 50% reduction in fees, however, cleaning and security deposits will be paid prior to the event. Any Non-Profit holding an event that requires at least two consecutive days rent will be eligible for 100% reduction on fees, excluding the cost of electricity and deposit.

**NON-PROFIT CRITERIA**

- The organization must be a registered non-profit organization.
- The organization must be either located in the City or their work must benefit the citizens of Truth or Consequences.
- The organization must state the purpose of the event and how the revenue will benefit the citizens of Truth or Consequences.
- A City application must be completed and presented to the City Manager or designee at least 10 days prior to the event.

**TEMPORARY MEMORIALS** may be placed with written approval from the City Manager or designee. Memorials may be placed up to 30 days at which time City staff reserve the right to dispose of or to distribute the items.

**NOW THEREFORE, BE IT RESOLVED** by the City of Truth or Consequences Governing Body, that the fees, deposits and regulations described herein are hereby enacted.

**BE IT FURTHER RESOLVED** that nothing in the Resolution shall prohibit the use or access of City Parks for the public at large for free.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017

**CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO**

By: \_\_\_\_\_  
Steve Green, Mayor

ATTEST:

\_\_\_\_\_  
Renee L. Cantin, City Clerk-Treasurer



G-5

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

**ITEM:**

Resolution No. 28 16/17 supporting a Public-Private Economic Development MainStreet project.

**BACKGROUND:**

The attached documents were submitted by Linda DeMarino, Executive Director of MainStreet T or C. She will be presenting the item.

**STAFF RECOMMENDATION:**

None.

Submitted by: Renee Cantin, City Clerk-Treasurer

Meeting date: 3/28/2017

**City of Truth or Consequences  
Resolution No. 28 16/17**

**SUPPORTING A PUBLIC-PRIVATE ECONOMIC DEVELOPMENT MAINSTREET PROJECT**

WHEREAS, the City of Truth or Consequences (City) supports the revitalization and economic re-development of its historic commercial core; and

WHEREAS, the City desires to maintain an economically vital and vibrant town center for its residents, visitors and tourists; and

WHEREAS, the City sees an economically healthy downtown as one of its critical assets; and

WHEREAS, the City realizes that a sustainable town center economy contributes to the community's economic health; and

WHEREAS, the City recognizes its traditional commercial core as representing the unique history and culture of our community; and

WHEREAS, the City wishes to maintain a livable, walkable town center with opportunities to shop, work, live and discover recreational, cultural and heritage opportunities; and

WHEREAS, the City wishes to pursue a partnership with a local MainStreet non-profit economic re-development organization through the NM Economic Development Department's New Mexico MainStreet Program (NMMS), to invest in enhancing the quality of life for the community's citizens via the implementation of asset-based economic development strategies under the Main Street Four Points Approach®, and

WHEREAS, the City's partnership with MainStreet Truth or Consequences may leverage technical assistance and other resources through the New Mexico NMMS (the nationally licensed and accredited state coordinating program in the state of New Mexico), to support the economic re-development and revitalization of the MainStreet Truth or Consequences district.

**THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION, THE GOVERNING BODY OF THE CITY OF TRUTH OR CONSEQUENCES:**

1. The City of Truth or Consequences agrees to work with the New Mexico Economic Development Department's New Mexico MainStreet Program dedicating resources and financial support to create a successful downtown economic development program through strategies established by the National Main Street Center's Economic Transformation Strategies and the Main Street Four-Point Approach®.

2. The City commits to work collaboratively with the MainStreet Truth or Consequences Organization and the New Mexico Economic Development Department's MainStreet Program to meet the standards and principles of revitalizing and re-developing the core commercial district of the community, contracting with the local MainStreet organization to coordinate and administer activities for the City as set forth in biennial MOU and a separate "services contract" with the local MainStreet organization.

3. The City commits to provide philosophical, financial, planning and coordination assistance for the MainStreet Truth or Consequences organization to support operations and projects under the specifications of the biennial MOU and a separate "services contract" with the local MainStreet organization.

4. The term of this resolution shall be deemed effective for the life of the MOU, generally a two-year period commencing July 1, 2017.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2017.

**CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO**

By: \_\_\_\_\_  
Steve Green, Mayor

ATTEST:

\_\_\_\_\_  
Reneé L. Cantin, City Clerk-Treasurer

New Mexico



Main Street

## **Biennial Memorandum of Understanding (MOU)**

**July 1, 2017 – June 30, 2019**

**Between**

**New Mexico MainStreet Program,**

**The City of Truth or Consequences and Truth or Consequences MainStreet, Inc.**

The state of New Mexico's Economic Development Department seeks to increase the number of jobs and businesses, sustain and expand existing businesses, mitigate commercial leakage, support local entrepreneurs in start-ups, and improve property values within traditional and historic commercial districts. To that end, it has dedicated resources, professional assistance and services to partnering municipalities and a local non-profit organization representing stakeholders within the designated commercial district through the New Mexico MainStreet, New Mexico Arts & Cultural District, Frontier Communities Initiative and Historic Theaters Initiative programs. The partners of this MOU agree to dedicate collaborative resources, adopt local governing body economic growth and revitalization tools, and establish economic development funding for operations and program implementation to restore economic vitality within the MainStreet economic redevelopment district.

New Mexico MainStreet (NMMS) is a designated "Main Street America Coordinating Program" of the National Main Street Center, Inc. (NMSC), a program of the National Trust for Historic Preservation. The New Mexico Economic Development Department (NMEDD) is licensed and accredited annually to administer the NMSC's *Main Street Four-Point Approach*® downtown revitalization. It does so through NMSC's "Economic Transformation Strategies." The New Mexico MainStreet (NMMS) program is an economic development partnership program with local, eligible communities. NMEDD, by New Mexico State Statute (3-60B-1 to 3-60B-4 NMSA 1978, as amended 2013), is authorized to select programs to participate in the Accelerator Process based on the standards and principles set forth by the NMSC and when legislative appropriation allows. Local partners (the local revitalization organization and the local governing body), join their resources (human, social and financial) to directly support the economic development of the district.

As a NMSC Main Street America Coordinating Program, NMMS provides local designated state MainStreet organizations, revitalization partners and local governing body partners with resources, training, and technical services that enhance local culture and heritage, and build the economic vitality of each participating community's downtown, village plaza, town center, courthouse square, historic commercial corridor or traditional neighborhood central business district.

The local government partner (municipal, county or tribal government) financially supports the work of community economic development partnership within the dedicated MainStreet district for both operations and program implementation through a services contract with the local, state-designated MainStreet organization.

The local MainStreet organization is an economic development organization comprised of downtown stakeholders, whose programs, projects, and activities enhance the local downtown economy and contribute to the quality of life of its citizens. The organization builds local partnerships to leverage resources and buy-in for the revitalization of the district.

This MOU commits partners to the criteria defined in New Mexico MainStreet Program Guidelines (Attachment 1).

NMMS is responsible for coordinating and orchestrating resources, services and professional technical assistance to state designated local MainStreet organizations and revitalization partners through the following programs and initiatives:

- A. New Mexico MainStreet Revitalization Program Tiers. As local state designated MainStreet organizations build capacity, and are able to take on more complex revitalization projects, additional resources become available for their economic development projects.
  - 1) NMMS Revitalization Partner, designated by New Mexico MainStreet
  - 2) NMMS Accelerator Process, designated by New Mexico MainStreet
  - 3) Main Street America Affiliate Program, designated by New Mexico MainStreet
  - 4) Main Street America Accredited Program, designated by New Mexico MainStreet
- B. New Mexico State-Authorized Arts & Cultural District Program
  - 1) State Authorized Start-Up Arts & Cultural District/Compound
  - 2) State Authorized State-Certified Arts & Cultural District/Compound
- C. Frontier Communities Initiative
- D. Historic Theaters Initiative
- E. New Mexico Cultural & Heritage Corridors Initiative

This MOU covers a period of two years beginning July 1, 2017. Once fully executed by all parties on the signature page below, it replaces any previous Letters of Agreement (LOA) or MOU related to the NMMS program of the NMEDD.

## **I. PARTICIPATION AND COMMITMENT UNDER THIS MEMORANDUM OF UNDERSTANDING**

The local Governing body of Truth or Consequences and Truth or Consequences MainStreet, Inc. agree to abide by the eligibility and participation requirements as set forth below. The local governing body's official representative and the steering committee or board of the local MainStreet organization have read and understand the Accreditation requirements of the NMMS Program and the NMSC's "Ten Accreditation Standards" as set forth in Attachment 1.

## **II. REQUIREMENTS OF THE LOCAL MAINSTREET ORGANIZATION**

- A. Provide community economic growth revitalization services to the property and business owners and residents of the district through the Main Street Four-Point Approach®, and in alignment with the guidelines of the NMSC.
- B. The organization has a fully executed Memorandum of Understanding (MOU) with the Economic Development Department.
- C. The organization has a separate annual contract of services with the municipality and/or county government to do community development work within the designated district. The organization must supply NMMS with a copy of the executed agreement annually.
- D. Work with the local government partner (municipal, county, or tribal government) to ensure that appropriate financial revitalization tools, created through state statute for economic development (inclusive of any statutory changes), are adopted by the local government partner for the MainStreet

District. These tools include the Local Economic Development Act (LEDA), a Metropolitan Redevelopment Area (MRA) and related finance mechanisms, a Tax Increment Finance District (TIF), a Tax Increment Development District (TIDD) and/or a Business Improvement District (BID).

- E. The organization must maintain compliance with all annual nonprofit registration and reporting requirements of the New Mexico Secretary of State's Corporations Bureau, the New Mexico Attorney General's Office (Charitable Organizations Division) and Internal Revenue Service (IRS). The organization files all compliance and related documents to the NMMS Digital Dashboard.
- F. The organization in partnership with the local government, maintains the minimum required operating budget relevant to the size of the community, neighborhood or district served (Attachment 1, Table 1).
- G. The organization must have a Board of Directors with oversight of the organization's performance.
  - 1) The Board of Directors agrees to raise matching funds for operations per the specifications (Attachment 1, Table 1)
  - 2) The organization must maintain an adequate budget to support training for board members in nonprofit management and leadership and ensure board attendance requirements are met.
- H. The organization is required to establish two (2) NMMS approved Economic Transformation Strategies for the district and implement the work of the Main Street Four-Point Approach® and provide evidence of annual progress towards implementation.
  - 1) The organization must also establish up to one additional organizational development strategy that accommodates capacity-building activities not directly related to specific economic development goals.
  - 2) The organization is required to have a written work plan adopted by the Board of Directors that reflects projects and activities in each of the Four Points towards realization of outcomes of the three (3) Economic Transformation Strategies.
- I. The organization has adopted, and abides by, the following organizational policies as recommended by the IRS and the New Mexico Attorney General's office:
  - 1) Conflict of Interest policy
    - a) All members of the Board of Directors or Steering Committee must sign an annual Conflict of Interest Disclosure statement in accordance with the adopted Conflict of Interest policy.
  - 2) Records and Retention and Destruction policy,
  - 3) Whistleblower Protections policy, and
  - 4) Fiscal Controls/Financial Management policy.
- J. Upon revision to the local MainStreet organization's operational by-laws and/or amendment of its Articles of Incorporation, the local organization will provide NMMS with updated copies.
- K. The organization hires an Executive Director to oversee day-to-day operations of the nonprofit (see Attachment 1, Table 1), to provide outreach and support to the MainStreet District's constituents, attend required meetings and trainings and support the board and its committees in meeting the goals, projects, and activities the board has established.
  - 1) The Board of Directors provides the Executive Director with a written job description; an appropriate annual staff work plan based on the organization's annual work plan; and at minimum an annual job performance review.
  - 2) The Board of Directors ensures the Executive Director has an office equipped to conduct the work of the program.

- 3) Maintains adequate funding for the Executive Director's expenses in building skills knowledge and expertise to assist the organization through the trainings and programs offered by NMMS and NMSC.
- L. Meet all ten of the NMSC Accreditation Standards needed to maintain status as a Main Street America Accredited program. Provide evidence of annual compliance with all programmatic requirements of the NMMS program including legal compliance documents, annual work plans, operating budgets, assessment surveys and adoption of required policies.
  - M. The organization agrees to meet all reporting requirements for NMMS.
    - 1) The organization agrees to submit Quarterly Reports to NMMS as established by the state legislature, tracking performance measures for the program. Reports are submitted according to the following schedule:
      - a) The First Quarter Report, July 1 through September 30 is due October 10.
      - b) The Second Quarter Report, Oct 1 through December 31 is due December 10
      - c) The Third Quarter Report, January through March 31 is due April 10
      - d) The Fourth Quarter Report, April 1 through June 30 is due June 10.
    - 2) The organization ensures the timely filing of all other reports and surveys required by the NMSC, the State Legislature, the NMEDD, and, where applicable, municipal and governmental partners.
  - N. The organization's Staff and Board members participate in an annual NMMS assessment to review organization and staff performance.
  - O. The organization will notify NMMS of any changes to contact information for the local program office, Executive Director, Board President, Board Members and Committee Chairs.

### III. REQUIREMENTS OF THE LOCAL GOVERNMENT PARTNER – TRUTH OR CONSEQUENCES

The Main Street Four-Point Approach® for comprehensive economic growth and revitalization of historic and traditional commercial neighborhood districts requires a cooperative, working partnership of the public and private sectors to succeed.

- A. With the execution of this MOU, the NMMS program requires each local MainStreet program to have in place an annual resolution of financial support adopted by the local government stating its support and funding commitment to the local MainStreet organization. Each year, the annual resolution by the governing body will need to be approved and delivered to the NMMS office as a condition of receiving services or funding from NMMS. Failure to adopt such resolution of financial support, or to provide the required financial resources, may result in the suspension of the services provided by NMMS and designation of the local organization as "inactive."
- B. NMMS requires the local government partner to enter into an annual contract (or similar procurement mechanism in accordance with local policies and standards) for such financial support based on the adopted District Cultural Economic Development Plan, District Master Plan or Metropolitan Redevelopment Area Plan and the ETS, with the local MainStreet organization. Contracts should specify the commitment of resources in accordance with the *New Mexico MainStreet Program Guidelines* (minimum funding contributions by the local government partner are described Attachment 1, Table 1) and shall include deliverables and/or services relevant to the revitalization of the downtown MainStreet district under the specifications of a adopted District Cultural Economic Development Plan, District Master Plan or Metropolitan Redevelopment Area Plan for the MainStreet District, and in alignment with the selected ETS for the district
- C. Coordinate planning and implementation of revitalization projects through designated/appointed liaisons (local government Manager, Administrator, or Planning Director).

- D. Where applicable, adopt appropriate ordinances, tools (LEDA, etc.), plans (District Cultural Economic Development Plan, District Master Plan or Metropolitan Redevelopment Area Plan) and include projects on local infrastructure capital improvement plans (ICIP) to support the district revitalization. The local government partner will dedicate economic development funding to priority economic development projects identified in adopted ordinances, tools, and plans, and agrees to administer state and federal funds with the MainStreet organization partner.
- E. Partner in Public Infrastructure reinvestment in the District by administering funds in a timely manner, coordinating projects and managing capital outlay or other state or federal funds dedicated to revitalization projects.
- F. Assist the local Accelerator Steering Committee or MainStreet organization, where applicable, with collection and dissemination of relevant information, plans and statistics that support the district economic revitalization or reporting to the New Mexico State Legislature through the NMMS program.

#### **IV. REQUIREMENTS OF THE NEW MEXICO MAINSTREET PROGRAM**

NMMS, in consideration of financial resources established annually through the New Mexico State Legislature, will provide the following services to the Steering Committee participating in the Accelerator process or MainStreet communities (inclusive of the local government partner and local MainStreet organization):

- A. Through its staff or contractors, provide technical assistance relevant to the *Main Street Four-Point Approach*® and other commercial district economic growth, revitalization and management topics. Each local organization may request services from NMMS, through submission of a Service Request Form to the NMMS Director. (Attachment 1, Section IV.)
- B. Provide trainings, institutes, workshops and conferences to support the community revitalization work of organizations and local government partners, and the professional development of Executive Directors and Board Members, including Executive Director State-Certification. (Attachment 1, Section IV.)
- C. Conduct annual Accreditation Review of the local MainStreet organization, a comprehensive assessment of the program's accomplishments under the Main Street Four-Point Approach® with recommendations required of the organization as a State-Designated Revitalization Partner.
- D. Seek, manage and coordinate public resources (capital outlay, public infrastructure or other state/federal funds, and partnership grants) for the implementation of local revitalization projects.
- E. Supplies NMSC network dues, discounted registration fees for trainings, institutes, workshops and conferences, as funding is available.

#### **V. SUBLICENSES**

Designated Main Street America Affiliate and Accredited Programs must sign an annual sublicensing agreement established by the NMSC and implemented through the NMMS State Coordinating Program. The sublicensing agreements establish guidelines for participation and use of Main Street America Logos and Branding.

#### **VI. MAIN STREET AMERICA ACCREDITATION**

Consideration for Accreditation by the National Main Street Center (NMSC) applies only to organizations who implement their Economic Transformation Strategies, track and fulfill performance measures, and meet the Ten Standards of Performance established by the NMSC (Attachment 1, Section III, C).

#### **VII. NONCOMPLIANCE**

An organization that is unable to meet its programs requirements, especially organizations with minimum budget and staff salaries, or does not follow the Main Street Four-Point Approach® may be re-designated and NMMS

services may be suspended. The Economic Development Department may also notify programs of termination of the MOU at the New Mexico MainStreet Director's recommendation. Upon cancellation of the MOU, NMMS will no longer provide services to the organization and local government partner and they will be ineligible to apply for NMMS funding opportunities. The organization may be prohibited from using the Main Street name, a trademark of the National Main Street Center, Inc. Inactive programs must reapply to NMMS for designation through the NMMS Accelerator Process.

## **V. AGREEMENT**

The parties hereunder do mutually agree that they have read and fully understand the obligations and responsibilities in operating as a partner with the New Mexico Economic Development Department's New Mexico MainStreet program as a MainStreet organization with the New Mexico MainStreet Program as stated herein and in Attachment 1 (*New Mexico MainStreet Program Guidelines*) accompanying this MOU. The parties further agree to abide by the terms of this MOU, implementing it to the best of their ability, with the assistance of services provided through the New Mexico MainStreet program, and in accordance with the Main Street Four-Point Approach® as defined by the National Main Street Center, Inc.

The local MainStreet organization, local government partner and New Mexico MainStreet program hereby mutually agree to support the revitalization of the designated MainStreet and/or Arts & Cultural District under the specifications listed herein and in Attachment 1 (*New Mexico MainStreet Program Guidelines*) accompanying this MOU.

*We do hereby sign:*

**On behalf of New Mexico MainStreet Program, a program of the New Mexico Economic Development Department:**

---

Director, New Mexico MainStreet Program

Date

---

Division Director, Economic Development Division

Date

***On behalf of the Local MainStreet Organization:***

---

President of Truth or Consequences MainStreet

Date

---

Address

City

State

Zip

***On behalf of the Local Government Partner:***

---

Mayor or City Manager of Truth or Consequences

Date

---

Other City Representative

Date

***Please enclose the annual resolution of the City Council, County Commission or Tribal Council identifying financial support for the MainStreet organization. Also attach any other working agreements or contracts between Truth or Consequences and Truth or Consequences MainStreet, Inc.***



## Attachment 1

### New Mexico MainStreet Program Guidelines for July 1, 2017 through June 30, 2019

#### **I. Background**

***Mission:** The New Mexico MainStreet Program fosters economic development in the state by supporting local MainStreet revitalization organizations and their local government partner and their economic work in downtowns and the adjacent neighborhoods. The Program provides resources, education, training and services for asset-based economic growth that builds local knowledge and skills based on the Main Street Four Point Approach®, which preserves and enhances the built environment, supports district businesses and entrepreneur development, and conserves and interprets local culture and heritage resulting in increased economic vitality of each participating partnerships local MainStreet district.*

New Mexico MainStreet (NMMS) is a designated "Main Street America Coordinating Program" of the National Main Street Center, Inc. (NMSC), a subsidiary of the National Trust for Historic Preservation. The New Mexico Economic Development Department (NMEDD) is licensed and accredited annually by NMSC to administer and manage the Main Street Center's registered trademark revitalization program in New Mexico providing services, resources and technical assistance to help implement the *Main Street Four-Point Approach®* to local organizations.

NMMS is delegated by state statute (NMSA 1978, 3-60B-1 to 3-60B-4), and through NMEDD, to assist communities in building capacity in community economic development that creates jobs, supports commercial property owners, mitigates leakage, grows businesses, encourages entrepreneurs, benefits the local economy, and raises the quality of life for its residents. The NMMS program was launched in 1984 and accepted its first designated organizations in 1985. NMMS is responsible for coordinating and orchestrating resources, services, and professional technical assistance to its organizations via several programs and initiatives. For more information, visit the NMMS website: [www.nmmainstreet.org](http://www.nmmainstreet.org).

#### **II. New Mexico MainStreet Network Members & Benefits**

The MainStreet program, and the other programs housed inside NMMS, are established as public-private, community economic development partnership programs dedicated to revitalization and economic growth of traditional and/or historic commercial centers. NMMS has established several tiers of participation for organizations. Designation as a MainStreet community is through application to NMMS and successful completion of a Readiness Assessment by the state program. NMMS provides technical assistance and support to communities concurrent with their program designation or authorization. Those include:

1. **NMMS Revitalization Partner:** A NMMS Revitalization Partner may consist of an organization, coordinating council, or association focused on asset-based community economic development in a traditional or historic commercial area with a specific priority around creative economy work, a cultural facility, cultural corridor, revitalization planning, and/or economic development catalytic project. This includes NMMS "State Authorized" or "Municipally Designated" Arts & Cultural Districts, and communities

under the Frontier, Historic Theaters and Cultural & Heritage Corridor Initiatives, or other programs that NMEDD or the New Mexico State Legislature may delegate under the NMMS umbrella. Communities with more than 7,500 residents that do not qualify for Frontier Community designation may apply to be a Revitalization Partner. Generally, Arts & Cultural Districts/Compounds and Historic Theaters projects may exist in perpetuity as long as the program maintains good standing with NMMS in programmatic performance and compliance areas. Duration of the membership for all other Revitalization Partners recognized by NMMS, including Frontier Community Initiatives, is for the length of the revitalization project, while maintaining the benchmarks appropriate to the tier and/or program requirements.

Benefits available to NMMS Revitalization Partners:

- Access to the e-Newsletter and network list serves for the appropriate project or initiative.
- Discounted basic registration for appropriate network meetings for up to 2 leadership members (meal or other ancillary costs may be assessed). Additional attendees may be charged a registration fee.
- Discounted basic registration for the biannual Building Creative Communities Conference.
- Technical professional assistance for one project as identified in a Letter of Agreement (LOA), MOU or Scope of Services for the program or initiative executed with NMMS; Arts & Cultural Districts/Compounds qualify for one technical assistance service each year. Services to Arts & Cultural Districts and Historic Theaters are requested via appropriate Service Request Form.

Limitations:

- Revitalization Partners are not registered as members with the NMSC.
- Other NMSC/NMMS network benefits and/or scholarships for conferences or workshops are not available.

2. ***NMMS Accelerator Process Designate:*** When Legislative funding to NMMS allows for new communities to be considered in the Main Street America program, a competitive application process will be opened by NMMS for a community revitalization group or steering committee to apply, receive a Readiness Assessment conducted by NMMS staff and consultants, be reviewed and ranked, and if eligibility criteria are met, may be selected for participation in the Accelerator process as a pathway to Main Street America designation. Those aspiring revitalization programs that have a dedicated history of at least 6 months of attendance at NMMS workshops, webinars, trainings and quarterlies will be allowed to apply. Frontier Community participants are encouraged to apply for and successfully complete two successive Frontier Community projects prior to applying for participation in the Accelerator process.

Application for the Accelerator process must include a resolution of support by a local government partner indicating philosophical and financial support for the Accelerator, and if graduating, local Main Street America program. If selected, a stakeholder group will form a steering committee responsible for the process and that will receive Accelerator services, an intensive 18-month maximum capacity-building process establishing a pathway to the NMSC Main Street America program. Failure to complete Accelerator benchmarks within the maximum 18-month period may result in the organization being placed in the Revitalization Partner tier or given the option to leave the network. Accelerator process designees receive these additional benefits:

- Comprehensive education, coaching and capacity-building assistance to establish a nonprofit revitalization organization for the purpose of advancing economic revitalization of the traditional or historic commercial district.
- Technical professional assistance in identifying initial district Economic Transformation Strategies (ETS), and completing 2 small, incremental projects annually under the Main Street America Four- Point Approach®.
- One discounted basic registration scholarship available annually to local leadership for up to three in-state Network Leadership Meetings convened by NMMS.

- Discounted basic registration for the biennial Building Creative Communities Conference.
- One discounted basic registration for the NMSC Main Street Now Conference.
- Discounted basic registration to NMMS Basic, Intermediate and Advanced trainings, webinars, workshops, quarterlies for up to 4 local Accelerator designate leaders.
- All other conferences, institutes and advanced trainings at set fee cost to local Accelerator designate leaders and members.

Limitations:

- Accelerator Process Designees are not registered as members with the NMSC.

Upon successful completion of required Accelerator process benchmarks within an 18-month period, the organization may be designated a Main Street America Affiliate or Accredited program.

3. **Main Street America Affiliate™:** As the NMSC state licensed and accredited state coordinating program, NMMS may award the Main Street America Affiliate™ designation for programs that have demonstrated a commitment to comprehensive Main Street District economic growth and revitalization and are on the pathway to achieving meaningful economic, social, physical and organizational improvements in their downtown or commercial districts.

Affiliate status is for revitalization programs that have completed the NMMS Accelerator Process benchmarks and are building their organizational capacity utilizing their Economic Transformation Strategies (ETS) that engage the Main Street Four-Point Approach® to develop their goals and annual implementation plans. Affiliate Programs are building their operational sophistication and their programmatic engagement with demonstrable economic performance toward completing goals of the ETS leading to Main Street America Accredited designation. Affiliates commit to:

- Broadly engaging community stakeholders in the economic growth and revitalization process
- Working with stakeholders to identify a unified vision, and to develop ETS, goals for district success, and appropriate organization and project performance measures
- Developing diverse and sustainable funding sources to support revitalization efforts
- Participating in available training, professional development, and networking opportunities to strengthen leadership capacity and deepen knowledge of the Main Street Four-Point Approach®
- Maintaining membership with the National Main Street Center, Inc.

Benefits and Services available to Main Street America Affiliates:

- NMSC network dues and access to benefits paid by NMMS\*.
- Access to the NMMS listserv and newsletters.
- Access to Intermediate NMMS Professional Assistance based on annual biennial MOU and via approved service requests.
- Discounted basic registration for Executive Director to NMMS network leadership meetings (3 per year, exclusive of meal costs and special fees), two intermediate-level professional development trainings per year and the annual NMSC Main Street Now Conference (early-bird registration).
- Discounted fee for registration for up to three board members at NMMS network meetings (3 per year).
- Discounted basic registration for Executive Director and/or board members to NMMS Specialty/Revitalization Institutes (exclusive of meal costs or special institute fees).
- Unlimited access by board members, staff and volunteers to NMMS training webinars.
- Access to New Mexico MainStreet Accelerator Process trainings, where applicable.
- Access to financial resources for district revitalization tied to the ETS, or MRA/Master Plan, and the annual work plan (competitive application; other eligibility requirements may apply); Public

Infrastructure funding may be available for planning if the organization does not qualify for an NMFA planning grant).

4. **Main Street America Accredited™:** NMMS may also designate Main Street America Accredited programs for communities that exhibit a commitment to comprehensive economic growth, revitalization, community engagement, and rigorous outcome performance measurements.

Accredited status is for programs or organizations that demonstrate success in planning, implementing, and measuring successful Economic Transformation Strategies utilizing the Main Street Four-Point Approach®. Accredited programs have fully engaged boards, committees or task groups working in all Four Points and a full time paid Executive Director. Accredited programs establish rigorous outcome performance measurements and show achievement under all Ten Standards of Performance established by the National Main Street Center, Inc.

Main Street America Accredited Program Benefits:

- NMSC network dues and access to benefits paid by NMMS\*
- Access to the NMMS listserv and newsletters.
- Access to Advanced NMMS Professional Technical Assistance based on the biennial MOU and via approved service requests.
- Bonus points in application process for advanced special projects such as Great Blocks on MainStreet, Community Initiated Development and Real Estate Development.
- Discounted basic registration for Executive Director to NMMS network leadership meetings (3 per year), three intermediate-level professional development trainings per year and the annual Main Street America Conference (early-bird registration).
- Discounted basic registration for up to three board members at NMMS network leadership meetings (3 per year).
- Discounted basic registration for one board member at the annual NMSC Main Street Now Conference (early-bird registration).
- Discounted registration for Executive Director and/or board members to NMMS Specialty/Revitalization Institutes (exclusive of meal costs or special institute fees).
- Unlimited access by board members, staff and volunteers to NMMS training webinars.
- Access to NMMS Accelerator Process trainings for new leaders, where applicable.
- Access to Public Infrastructure funds and other financial resources for district revitalization projects. Accredited programs receive bonus points in the competitive application process (other eligibility requirements may apply).
- Support by NMMS in application for the Great American Main Street Award (GAMSA).

\* *National Main Street Center benefits:*

- Registration discounts for the Main Street Now Conference (Member early bird Basic) and the Main Street America Institute trainings at own cost.
- NMSC Weekly e-newsletter
- Access to the NMSC list serve
- Access to tier appropriate Main Street America Logo
- National Main Street Marketing campaigns based on NMSC logo and branding
- Free digital publications
- Online training
- Eligibility for NMSC Premier Program Recognition

5. **MainStreet program with State-Authorized Arts & Cultural District (ACD):** MainStreet programs having chosen and been state-authorized shall dedicate one of their ETS to ACD work.
- A fifth standing committee shall be designated as part of the MainStreet structure.
  - The fifth standing committee shall be recognized as the ACD Coordinating Council.
  - Shall meet all the statutory obligations of the Arts & Cultural District Act (2007).
  - Shall meet all policy requirements established by the State ACD Council.
  - The Coordinating Council will complete an ACD Cultural Economic Development Plan adopted by the local governing body.
  - The ACD Cultural Economic Development Plan will help guide the development of an ACD ETS to grow the District's Cultural Economy.
  - Goals of the ETS shall be integrated into the annual work plan and budget of the MainStreet organization.
  - The Cultural Economy shall include artists, artist organizations, cultural entrepreneurs, creative enterprises and industries and creative placemaking.
  - The MainStreet board is responsible for ensuring adequate staffing to the ACD Coordinating Council.
  - ACD staff and, when possible, ACD Coordinating Council members shall participate in state ACD Council programs, trainings.
  - The MainStreet board through its ACD Coordinating Council, shall ensure all creative economy benchmarks and performance measures are met.
  - Technical Assistance and services are accessed by the ACD Coordinating Council through a request for Services Form.
  - ACD Coordinating Councils may have access to grants made possible through the NM ACD Coordinator. Funding is made available from the partnering organization to the ACD Coordinating Council by application.
6. **MainStreet Program with Historic Theater Initiative:** MainStreet organizations that have received EDD funding for historic theaters within their district, shall develop one ETS that directly builds the district's economy around the state investment into the Theater.

### III. Economic Transformation Strategies and Community Revitalization

The local MainStreet organization is required to set three (3) NMMS-approved Economic Transformation Strategies (ETS) for the District based on one of the adopted economic development plans. Of the three ETS, one should be dedicated to organizational capacity building and is not directly related to specific economic development goals. An annual work plan is developed based on the three (3) ETS. All work in the "Main Street Four-Point Approach®" (Organization, Design, Promotion, and Economic Vitality), should directly support outcomes established under the ETS strategies. Work teams, task forces or committees are established in each of the Four Points to implement projects that advance each strategy.

The prime focus of the annual performance assessment of each local organization will be based on the positive outcomes of the board and staff in meeting performance metrics in the annual work plan related to each ETS strategy and the engagement of each of the Four Points by the organization in meeting each strategy.

ETS strategies should be concrete, specifically defined, and doable with the existing resources of the local organization. Local resources include volunteers established as committees or work teams, funding, and adopted revitalization and redevelopment tools necessary for successful completion of each of the annual strategies.

Requests for NMMS services, resources and support are for achieving these annual economic development strategies.

Annual strategies are derived from:

- For communities admitted to the NMMS **Accelerator** process, the NMMS Readiness Assessment and/or Resource Team Report.
- For **Main Street America Affiliate or Accredited programs, or State Authorized Arts & Cultural Districts** having completed their Start-Up phase, the adopted District Cultural Economic Development Plan, District Master Plan or Metropolitan Redevelopment Area Plan.

Based on designation of the local organization as a Main Street America Affiliate or Main Street America Accredited program, NMMS will provide professional assistance and support through the Main Street Four-Point Approach® tied to an annual work plan and through a service request form submitted to NMMS. NMMS will work with the local governing body and the local organization to identify and apply for funding for planning and infrastructure/capital investments within the district identified as priority projects in adopted plans. Higher priority is given to those MainStreet projects on the Infrastructure Capital Improvement Plans; additional bonus points on competitive applications may also be considered.

### **III. Performance Requirements and Operating Standards**

#### **A. Requirements for Local MainStreet Organizations**

Maintaining a Main Street America Affiliate or Accredited Program can lead to access to additional specialized technical support, incentive programs, and resources, and serves as a pre-requisite to apply for MainStreet Public Infrastructure funds and operations/project funding through NMMS Partners (MFA, NMFA, FundIt, and other federal, state and foundation grantors). Maintaining a Main Street America Accredited program also ensures access to scholarships and grants from the New Mexico Resiliency Alliance (NMRA) and its funding partners.

New Mexico MainStreet maintains a digital dashboard ([www.nmmainstreet.org/dashboard/login.php](http://www.nmmainstreet.org/dashboard/login.php)) to track annual compliance filings and monitor progress toward state certification and national accreditation. Local MainStreet organizations are responsible for uploading compliance and other required filings on an annual basis.

A local MainStreet organization designated by NMMS of the NMEDD must meet or exceed the following requirements to maintain its designation:

1. **MOU:** The organization has a fully executed Memorandum of Understanding with the Economic Development Department.
2. **Contract/MOU/LOA with Local Government Partner:** It is required that the local MainStreet organization have a separate annual contract for services with the municipality and/or county to do community economic development work within the designated district, outlining expectations of the municipality and clearly defined deliverables for its financial support of the local MainStreet organization. The organization must provide NMMS with a copy of the executed agreement annually.
3. **Resolution of Support and Funding by the Local Government Partner** (City Council, County or Tribal Commission). Each Main Street America Affiliate or Accredited program must have in place a biennial MOU with NMEDD's NMMS program and the local governing body, along with an annual resolution adopted by the local government partner for the term of the MOU stating its support and funding commitment to the local MainStreet organization. If the resolution is for only the first year of this MOU, then a new resolution by the governing body will need to be approved and delivered to NMMS prior to services from NMMS continuing into the second year of the two-year MOU cycle. Failure to adopt such resolution of financial support, or to provide the operational resources to sustain the Public-Private Partnership may result in the suspension of the services provided by NMMS. The annual funding commitment required of the local government partner is described in Table 1 below.
4. The MainStreet organization is required to engage in fundraising and resource development activities needed to meet the minimum operational budget requirements for a Main Street America Program.

Table 1: Budget and staffing requirements for MainStreet organizations only (does not apply to Frontier Communities or Arts & Cultural districts).

	Rural Community	Small Community	Mid-Size Community or Commercial Neighborhood	Large Community or Urban Program
Population	< 5,000	5,001 - 15,000	15,001 - 50,000	> 50,000
Min. Operating Budget for Main Street America Affiliate program	\$25,000	\$45,000	\$60,000	\$100,000+
Min. Operating Budget for Main Street America Accredited Program	\$40,000	\$60,000		\$100,000+
Required Contribution to local MainStreet program by Local Gov't Partner	\$20,000	\$35,000	\$40,000	\$60,000
Executive Director Staffing Requirement, MainStreet America Affiliate (hrs/wk)	20	30		
Executive Director Staffing Requirement, MainStreet America Accredited program (hrs/wk)	20	40		
NMMS Accelerator Process Designate	\$15,000 from local government; no staffing requirement			
NMMS Revitalization Partner (MainStreet only)	Communities unable to meet budget/staffing requirements for MainStreet America Affiliate or Accredited programs			

\*Note: operating at minimum budget/staffing benchmarks is usually not adequate to advance Four Point projects.

**B. Participation Requirements for Local MainStreet Organizations**

The MainStreet Executive Director and/or appropriate staff should attend NMMS institute trainings to build their skills and knowledge. Task force and committee chairs are encouraged to attend their corresponding Main Street Four-Point Approach® Institute. Additionally, the board president, members of the board of directors, and other organization leaders should attend NMMS training and networking events.

1. **Requirements for Executive Directors:** The Executive Director attends *all three* state-produced NMMS Network Meetings (Winter/Summer/Fall Leadership Quarterlies, biannual Building Creative Communities Conference) in the calendar year. The organization's Executive Director must complete all required one-time trainings (basic, intermediate and advanced) provided by NMMS or NMMS-affiliated training partners. An Executive Director must attend a National Main Street Conference within the first two-years of employment and at least once every four years. The organization, through reimbursement or other schedule of payment, assumes the costs of the Executive Director's participation in all required trainings.
  - a) **MainStreet Fundamentals** are required for all NMMS Executive Directors: **Fundamentals One-time requirements** (*Required within first year of employment*)
    - 1) **New Executive Director Orientation:** Fundamentals of the Main Street Four-Point Approach®, nonprofit management, and essential components of a MainStreet Executive Director's job.
    - 2) **Introduction to Time Management:** Basic skills and techniques for effectively managing your time in the office, for special events and projects.
    - 3) **Nonprofit Management/Leadership:** Skills for effectively leading and managing your MainStreet organization.

- 4) **Project and Event Management:** Advanced techniques for effectively managing and coordinating local MainStreet events and projects.
  - 5) **Volunteer Development:** Methods for effective volunteer recruitment, training and management.
  - b) **Intermediate One-time requirements** (*Required within the first two-years of employment*)
    6. Fundraising: Techniques and processes to adequately support the organization's efforts in resource development.
    7. Grant Writing: Training in the skills and techniques for effectively writing grants for MainStreet District events, activities and projects.
  - c) **Other requirements**
    - 8) National Main Street Conference: Attendance enables Executive Directors to keep up-to-date on the accomplishments and innovations of other MainStreet leaders nationally and attend advanced trainings in the Four Points. (All new directors must attend within first two-years of hire.)
    - 9) The Executive Director attends all three state-produced NMMS Leadership Network Meetings.
2. **In addition to the basic requirements, State-Certified Directors must complete annual training requirements to include:**
- a. **The Executive Director attends all three state-produced NMMS Leadership Network Meetings.**
  - b. **Attendance at one of the following one-day Intermediate Trainings:**
    1. New Mexico Infrastructure Conference
    2. Governor's Conference on Tourism and Hospitality
    3. A MainStreet Institute (as offered, e.g. Arts & Cultural Districts, Historic Theaters)
    4. \*A comparable conference or training (prior approval required)
  - c. **Attendance at one of the following Advanced Trainings on an annual basis:**
    5. National Main Street Conference. (All Executive Directors must attend at least once every four years).
    6. \*\*Building Creative Communities Conference (BCCC) (offered on a bi-annual basis)
    7. National Preservation's Past Forward Conference: attendance allows a unique opportunity to learn about the work of the National Trust for Historic Preservation and its national, statewide and local partners in spreading a holistic preservation ethic.
    8. Economic Development Course (Western NM University): Taken on a one-time basis, this internationally-certified course offers instruction on how to select the right combination of strategies to cost-effectively create jobs in your community.
    9. American Institute of Architects National Conference
    10. American Planning Association National Conference
    11. Urban Land Institute National Conference
    12. \*A comparable conference or training (prior approval required).
    - \* Executive Directors wishing to substitute equivalent training courses must obtain prior written approval from NMMS and proper documentation must be provided when courses are completed.
    - \*\*BCCC can serve either as an intermediate or advanced training the year it is offered.
3. **Board President/Board Members:** The local organization Board President must fully attend one of the following each year: NMMS network leadership meeting (winter or summer) or the Building Creative Communities conference. The Board President, or his/her designate must attend the NMSC conference at least once every four years. The Board President and other board members shall attend any required board member trainings established by NMMS.

### **C. Additional Operating Guidelines and Standards**

1. **Sublicensing agreements for Main Street America Affiliate and Accredited programs:** Revitalization partners designated as a Main Street America Affiliate or Accredited program must sign an annual sublicensing agreement established by the NMSC and implemented through the NMMS Coordinating Program. The sub-licensing agreements establish guidelines for participation and requisite use of Main Street America Logos and Branding.
2. **Main Street America Accreditation:** Consideration for Accreditation by the National Main Street Center applies only to those local MainStreet organizations implementing their Economic Transformation

Strategies, tracking and fulfilling performance measures, and meeting the Ten Standards of Performance established by NMSC which are as follows:

- Has broad-based community and public-private sector support for the commercial district revitalization process:
  - Has vision and mission statements relevant to community conditions and organization organizational stage
  - Has, and follows, a comprehensive Main Street work plan each year
  - Maintains a historic preservation ethic
  - Has an active board of directors and committees
  - Maintains an adequate operating budget
  - Had a paid full-time professional Executive Director
  - Conducts a program of ongoing training for staff and volunteers
  - Monitors and reports key statistics
  - Is a current member of the National Main Street Center network
3. *Annual Report:* The local MainStreet organization will develop articles and images for the NMMS monthly e-newsletter, Annual Report and the NMMS website.
  4. Executive Directors holding State Certification for two consecutive years may apply to the NMMS Director to apply for admittance to the National Main Street Executive Director Certification. NMMS may provide reimbursement for part of the costs of the training financial upon successful completion of the National program and National certification awarded.

#### **IV. Resources Provided by New Mexico MainStreet**

NMMS is funded through the New Mexico State Legislature and provides a variety of resources to designated communities including access to professional technical assistance, economic growth and revitalization supports, networking, and education as described in the following pages:

##### **A. Technical Assistance Services**

Through its staff or contractors, NMMS will provide technical assistance in a variety of subject areas relevant to the *Main Street Four-Point Approach*® and other commercial district economic growth, revitalization and management topics. Each local organization may request on-site, email, and/or telephone consultation(s) from NMMS. Access to Technical Assistance is initiated through submission of a Service Request Form to the NMMS Director. Upon receiving the service request, the NMMS Director will assign the appropriate Program Associate(s) to coordinate design and delivery of services, on-site visits and/or other communications. Service request forms, along with descriptions of available services are available online at: [nmmainstreet.org/resources.php](http://nmmainstreet.org/resources.php).

Technical Assistance services include, but are not limited to:

1. *Organization:* Organizational development consultants provide facilitation in strategic planning, visioning and mission statements, work plan development, fundraising, leadership and volunteer development, succession planning, non-profit management, committee training, staff training, and continuous quality improvement of the program.
2. *Marketing and Promotion:* Promotion, Marketing and Graphic Design specialists offer assistance with image development and branding, marketing strategies, logo design, promotional and collateral materials development, event planning, visual merchandising, media relationships, online/social media, publicity and advertising.
3. *Economic Vitality:* Economists and business development specialists provide technical assistance and training in market analysis, business strengthening and recruitment, real estate development, economic

development incentives, revitalization financing tools, placemaking, and program progress and impacts monitoring.

4. *Architectural and Design Services:* Architects and Planners provide conceptual design services for façade improvements, floor plans, parking, landscape, signage and interior improvements. Each local program is eligible to receive architectural services for two design projects per year.
5. *Design Intensives:* Specialized, local volunteer-driven, on-site design intensives are offered by the NMMS Design Team to an Accelerator Steering Committee or MainStreet organization through application in the following areas: MainStreet Interiors, MainStreet Placemaking, and MainStreet Façade Squad, and other architectural restoration. See the NMMS website for further information on these initiatives.
6. *Planning and Historic Preservation:* Planners and design professionals provide assistance in "placemaking," historic preservation, community-based planning processes, streetscape design, vehicular and pedestrian circulation enhancements, parks, way-finding design, district master planning, metropolitan redevelopment plans, urban planning, and zoning.
7. *Arts & Cultural Resources Development:* Cultural Resource consultants, in partnership with staff and consultants from New Mexico Arts, offer technical assistance and services related to protection, development and promotion of arts and cultural resources, cultural facilities and historic properties to enhance the local creative economy supporting cultural entrepreneurs, creative enterprises and industries.

## **B. Trainings, Institutes, Workshops, and Conferences**

1. *Leadership Orientation:* NMMS provides leadership orientation for MainStreet Executive Directors, Presidents and board members on coordinating, managing, guiding and building capacity, resiliency and sustainability of the MainStreet non-profit organization.
2. *Organization Orientation:* NMMS provides basic orientation on the Main Street Four-Point Approach® for local organization staff, new board and committee members, and other interested members of the community.
3. *Accelerator Process:* NMMS provides up to 18 months of comprehensive coaching and organizational development trainings for Revitalization Partners that have applied for MainStreet designation, successfully completed the Readiness Assessment, and been accepted into the Accelerator process.
4. *Executive Director Hiring:* A NMMS staff member and/or Program Associate is available to assist the local organizations hiring committee to review and make suggestions for job description, evaluation criteria, resume review, and final interview. NMMS staff/program associates will not recommend a specific candidate nor vote on selection of candidates.
5. *Board Development:* At the request of the local organization, NMMS can provide board facilitation services at an annual retreat, strategic planning session, visioning session and/or work plan development session, and/or training in roles and responsibilities, fundraising, volunteer development and more.
6. *Committee and Task Force Development:* At the request of the chair, NMMS provides an orientation session for committees and task squads, including roles and responsibilities and work plan development.
7. *NMMS Awards:* The local MainStreet organization will work with NMMS to nominate and select award recipients to celebrate local MainStreet organization successes across New Mexico.
8. *Network Meetings:* Up 3x per year, NMMS provides Leadership Network Meetings with educational sessions and networking events. The Executive Director is required to attend the network meetings on behalf of the board. The board is expected to budget adequately for travel, food and lodging for the Executive Director's expenses.
9. *Workshops and Institutes:* Annually, NMMS identifies opportunities for intermediate and advanced-level trainings in specific areas of the Main Street Four-Point Approach® to strengthen and build skills for organizational and municipal leaders and partnering organizations. Workshops and Capacity-Building

Institutes will be provided at low or no cost for Presidents, board members, committee chairs, committee members, executive directors and other organization leaders. Intermediate level workshops include a four-part series on Grant Writing and a three-part series on Nonprofit Fundraising for local MainStreet leaders.

10. *Online trainings:* NMMS provides webinars, videos or other online training opportunities to build capacity of staff, community leaders and organization volunteers in support of the district economic growth and revitalization.
11. *Building Creative Communities Conference:* In November on biannual basis (funding permitted), the statewide interagency conference is convened for the purpose of sharing knowledge, best practices and developing cross-sector partnerships that integrate Arts, Historic Preservation, Tourism and asset-based community economic growth, placemaking and creative economy activities, projects and programs in New Mexico. The conference is implemented by the NMMS program of NMEDD in partnership with NM Arts and the Historic Preservation Division of the New Mexico Cultural Affairs Department. The Building Creative Communities Conference, like the National Main Streets Conference, is considered an advanced training for MainStreet professionals and local leaders.
12. *National Main Street Center Conference – Main Street Now:* Annually, NMMS provides discounted basic registration for Main Street America Affiliate and Accredited programs to help each Executive Director attend the Main Street Now conference sponsored by NMSC. Local organizations meeting all annual performance standards for Main Street America Accredited programs are provided one (1) additional discounted basic registration to the NMSC conference for a member of the Board of Directors.

### **C. Other Resources**

New Mexico MainStreet provides a variety of resources and partnerships to assist local communities and organizations with the revitalization of their traditional or historic commercial district. These include:

1. *Information and Networking:* Through regular email, list serves, mailings, websites and meetings, NMMS provides timely notice on grant and partnership opportunities, guidance on innovative revitalization tools and techniques, and helps with addressing the multiple challenges that arise during the day-to-day course of each local organization's MainStreet efforts.
2. *Orientation and Training Materials:* NMMS provides local programs with a variety of downloadable materials to help train boards of directors and committees in the comprehensive Main Street Four-Point Approach® to revitalization (see [www.nmmainstreet.org](http://www.nmmainstreet.org)).
3. *Marketing:* NMMS through the NMEDD provides marketing of the State Program and its services through its website [www.goNM.biz](http://www.goNM.biz). NMMS also markets local initiatives through its websites ([www.nmmainstreet.org](http://www.nmmainstreet.org), [www.offtheroadnm.org](http://www.offtheroadnm.org)), Facebook page, e-newsletters and other social media.
4. *Resource Team Service:* Start-Up MainStreet and Arts & Cultural districts receive a Resource Team visit by a group of specialists that look closely at the districts' needs and opportunities and recommend a series of activities that will provide a "blueprint" to guide revitalization projects and activities for a period of three to five years. Additionally, the team recommends organizational improvements that will help the local MainStreet team accomplish its work. The Resource Team service may include facilitation of one or more community input sessions and culminate in a comprehensive strategic planning activity with the Board of Directors of the local MainStreet organization.
5. *Certification Program for Executive Directors:* Executive Directors seeking to develop a professional career path within MainStreet may apply for the State-Certification program. Upon successful completion of the basic, intermediate and advance trainings, Directors receive status as a State-Certified Executive Director. Local organizations that maintain a State-Certified Executive Director shall receive bonus points in scoring of competitive grants for Public Infrastructure funds and partner grants and shall also receive a second discounted basic fee for registration to the NMSC conference.

6. *Accreditation Review:* Accreditation by NMSC recognizes achievement under the Ten Standards of Performance established by the National MainStreet Center, Inc. NMMS conducts an annual accreditation review – a comprehensive assessment of the program’s accomplishments under the Main Street Four-Point Approach® for the previous calendar year. Participation in the Accreditation review is required and the NMMS director prepares recommendations for NMSC in the final quarter of each year, based on the performance of the previous 12 months. Main Street America Accreditation is also contingent upon meeting all compliance requirements identified in preceding sections.
7. *National Main Street Network Membership:* The state program pays each local organization’s annual network fee to NMSC. Membership benefits include the monthly *Main Street News*, discounted conference and workshop registration fees, access to members-only informational resources on the NMSC website, and member rates on publications.
8. *MainStreet Public Infrastructure:* Main Street America Affiliate and Accredited programs along with Arts & Cultural Districts and Frontier Communities are eligible to apply for funds for economic development capital outlay and physical infrastructure projects from the New Mexico MainStreet Public Infrastructure fund, as funds are available through the State Legislature. NMEDD works with the State Legislature and Governor to appropriate Public Infrastructure funds, which are then awarded on a competitive basis with particular emphasis on construction ready projects and organizational commitment to leverage such funds for direct economic growth and private sector reinvestment. Applicant communities may be eligible for bonus points in Public Infrastructure grant requests (see information listed in *Table 2* below).
9. *MainStreet Partnership Grants and Resources:* NMMS works closely with several other state agencies including the Tourism Department, Historic Preservation Division, New Mexico Arts Division, and the Department of Transportation. Other statewide partnering organizations that share a common vision include the New Mexico Coalition of MainStreet Communities (NMCMS) and the New Mexico Resiliency Alliance (NMRA).

New Mexico MainStreet Revitalization Partners, as well as Main Street America Affiliate and Accredited Programs, Arts & Cultural Districts, and Frontier Community Initiatives, may be eligible for funding by the NMRA. Depending on funding and eligibility, local organizations may access educational offerings, grants and other financial resources provided by the NMRA. Eligibility requirements are established by the NMRA and its funding partners. For more information on the partner organizations and services, go to [www.nmmainstreet.org](http://www.nmmainstreet.org).

Table 2: Summary of resources provided annually to MainStreet, ACD and Frontier Community affiliates

	NMMS Revitalization Partner	NMMS Accelerator Process	Main Street America Affiliate Program	Main Street America Accredited Program	State Certified Director	Frontier Community	Arts & Cultural District or Compound
Resource Team Service			Provided as part of transition from Accelerator Process				Provided during initial year of designation
Four Points Technical Assistance Services	One project/yr, plus organizational supports	Bi-monthly coaching sessions in 18 months	1 per year (Design, EP, Promotions), plus any approved Organization supports	2/year in each of the Main Street Four Points		One project in 12-18 month period	1/year with approved service request
Access to Public Infrastructure funds	No	No	Yes, for level-specific projects (master plans, etc.) by application +5 bonus pts if project on local gov't ICIP	Yes, by application; +5 bonus pts for accredited programs, +5 bonus pts if project on local gov't ICIP	+5 bonus pts. for affiliates with State-Certified director	Yes, by application. +5 bonus pts if project on local gov't ICIP plan;	Yes, by application. +5 bonus pts if project on local gov't ICIP plan;
Registration, National Main Street Center Conference	1 free registration/year paid by NMMS			+1 additional for a Board Chair/Member			
Network Leadership Meetings (up to 3x/year)	Discounted registration for staff and board members; Arts & Cultural District leadership invited to separate ACD semi-annual network meetings. Nominal fee for ancillary costs (meals, etc.)						
NM Building Creative Communities Conference	Limited number of registrations via scholarship by NMMS partners (NM Resiliency Alliance or other partner), depending on availability of funding. Requires application to NMMS.						
NMMS Prof. Development and Capacity Building Trainings	Discounted Registration to all NMMS affiliates						
NMMS online trainings and resources	Free to all NMMS affiliates and partners at no cost						
Specialized Institutes and Intensives	Provided at minimal cost, depending on institute						
Training for Director Certification	Free for MainStreet affiliate staff					N/A	
Affiliate Performance Reviews	Annually						
Partner grants (via NMRA)	Yes, depending on availability of funds. Eligibility criteria and applications guidelines established by NMRA in partnership with NMMS.						
Membership, Nat'l Main Street Center Network	No	Paid by New Mexico MainStreet			N/A		
List serves, marketing services and newsletters	Free to all MainStreet affiliates						

G.4



CITY OF TRUTH OR CONSEQUENCES  
COMMISSION ACTION FORM

**ITEM: Resolution No.30 16/17, Budget Adjustments transferred, as listed below**

**AUTHORIZATION TO:** To authorize budget adjustments in the categories as listed below.

**BACKGROUND:** Reconciling Budget Adjustments needed for pending year-end transactions as listed below.

Description	Amount	Recommendation
Decrease General Fund 101 – Expenditure(s)	\$30,000	Budget Adjustment is due to required decrease of expenditure and revenue adjustment to meet the DFA ‘Local Reserves Requirement’
Increase General Fund 101–Revenue	\$10,000	Budget Adjustment is due to required decrease of expenditure and revenue adjustment to meet the DFA ‘Local Reserves Requirement’

**SUPPORT INFORMATION:**

- Finance Documents as presented

Name of Drafter: Melissa Torres	Department: : Finance Director	Mtg: 03/28/2017
---------------------------------	--------------------------------	-----------------



**RESOLUTION NO. 30-16/17**

**A RESOLUTION REQUESTING BUDGET ADJUSTMENTS IN THE REVENUE AND EXPENDITURE BUDGET FOR FISCAL YEAR 2016-2017.**

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

**WHEREAS**, the City Commission resolve to request a budget adjustment in the 2016-2017 Fiscal Year Revenue and Expenditure Budget as per the Schedule of Budget Adjustments.

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

**PASSED, ADOPTED AND APPROVED** this 28<sup>th</sup> day of March, 2017.

\_\_\_\_\_  
Steven Green, Mayor

ATTEST:

\_\_\_\_\_  
Reneé L. Cantin, CMC, City Clerk-Treasurer



H.1



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

**ITEM: Request from, Sidney Bryan 'Address City Commission against paying late penalties on 2 utilities 302 Jones & 110 Main.'**

**BACKGROUND:** Response to Commission regarding request from Mr. Sid Bryan to remove penalties from his past due utility bills.

Per City Ordinances and the need to avoid the perception of providing preferential treatment to customers, we feel that removing the penalties would set a precedent for future customers who refuse to pay penalties on past due balances. The Utility Office has made numerous attempts to notify customers of the addition of penalties and isn't responsible for customers with a history of past due balances or missed payments.

**SUPPORT INFORMATION:**

- Please see attached Memo & Supporting Documentation

Name of Drafter: Melissa Torres	Department: : Finance Director	Mtg: 03/22/17
---------------------------------	--------------------------------	---------------



CITY OF TRUTH OR CONSEQUENCES  
 CITY CLERK'S OFFICE  
 505 SIMS STREET  
 TRUTH OR CONSEQUENCES, NEW MEXICO 87501  
 PHONE: (575) 894-6673 EXT#1301 FAX: (575) 894-7767

RECEIVED  
 MAR 10 2017

**APPLICATION FOR LISTING ON CITY COMMISSION AGENDA**

DATE: 3.10.17

DATE OF MEETING YOU ARE REQUESTING TO BE LISTED UNDER: 3.14.17 or 3.28.17

NAME OF APPLICANT/ORGANIZATION: Sidney Bryan

ADDRESS: 108 Main

PHONE: 894-0037 E-MAIL: sea-prop torc@uphoo.com

REQUEST: (ATTACH WRITTEN REQUEST AND/OR DOCUMENTS IF AVAILABLE)

Address City Commission against paying  
late penalties on 2 utilities  
302 Jones & 110 Main.

WHAT RESOURCES DO YOU REQUIRE: none

ESTIMATED TIME FOR PRESENTATION: 5min. SIGNATURE: [Signature]

**CITY MANAGER ACTION**

APPROVED FOR COMMISSION AGENDA OF: \_\_\_\_\_

DENY - REASON FOR DENIAL: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

**IF YOUR REQUEST WAS DENIED AND YOU WISH TO APPEAL, YOU MAY:**

- appear personally before the City Commission on the day of the meeting and during the "Comments from the Public" ask that the Commission place your item on the next available agenda (usually in 2 weeks); or,
- appeal directly to any one of the City Commissioner by contacting them (see reverse side for contact information). Any Commissioner may place your item on the agenda by notifying the City Clerk at least 7 days prior to the Commission meeting.

**CITY COMMISSIONER'S CONTACT INFORMATION**



# City of Truth or Consequences

Finance Department | 505 Sims Street  
Truth or Consequences, New Mexico 87901  
Phone (575) 894-6673 Fax (575) 894-0363

DATE: March 22, 2017

TO: City of Truth or Consequences City Commissioners

FROM: Melissa Torres, Finance Director  
Sonya Williams, Utility Manager

CC: City Manager

Subject: Retention of Penalty Fees on past due utility bills

Due to the request of utility customer, Mr. Sidney Bryan, to address the City Commission regarding the removal of penalty fees from his multiple utility accounts, we have assembled the following response.

The response is prefaced by a general timeline of public notices regarding penalties and disconnects.

**June 24, 2016:** Notice on front page of Sierra County Sentinel regarding the resumption of Red Tags following the resolution of issues caused by the Tyler software transition.

**June, 2016-continuous:** Radio ads regarding the resumption of Red Tags.

**September, 2016:** Insert added to Utility bills notifying customers that disconnects for non-payment would resume in October.

**October 28, 2016:** Article on front page of The Herald newspaper regarding the resumption of disconnects for non-payment.

**January, 2017:** Resumed addition of penalties to past-due accounts prior to resumption of Red Tags and disconnects for non-payment.

The reasoning behind these early notices was to provide customers ample opportunity to either begin paying on past-due balances, or to make payment arrangements with the Utility Office.

We understand that the issues began with the Tyler transition, which is why we stopped penalties and disconnects during the upheaval. However, we have made numerous efforts to notify customers once the situation had been stabilized and regular billing had resumed, in an effort to allow them to avoid penalties and disconnects.

Per the attached email from former City Finance Director Lori Montgomery to then Interim Utility Office Manager, Sonya Williams, Mr. Bryan contacted Ms. Montgomery on June 06, 2016. They discussed a 'deal' that Mr. Bryan allegedly had with former Utility Office Manager Korie Jankowski. There was never any confirmed payment arrangement and nothing in writing concerning any arrangements or agreements.



# City of Truth or Consequences

Finance Department | 505 Sims Street  
Truth or Consequences, New Mexico 87901  
Phone (575) 894-6673 Fax (575) 894-0363

At that time, Mr. Bryan had been underpaying on his utility bills since the City's September, 2015 software transition and had over \$8,000 in unpaid bills. Further, he had made only two payments on each account since the first of the year. Ms. Montgomery's email mentioned that if Mrs. Williams wanted to do something different regarding the past due bills, that Mr. Bryan was willing to work with her.

Mr. Bryan failed to attend a July 26, 2016 appointment that he had requested with Mrs. Williams and Finance Director, Melissa Torres, to further discuss the issue. And despite missing that meeting, Mr. Bryan did begin paying an additional \$200 per month in addition to his regular bills, with the exception of the missing payment from December, 2016.

Per City Ordinance, Section 14-36 Billing procedures: (b) All bills are net and payable within ten days from date of bill and are delinquent 30 days from date of bill. (c) Customers are required to pay the entire past due amount of their delinquent utility bills. (d) Exceptions may be granted on a case-by-case basis upon showing good cause before the City Manager provided that a reasonable repayment plan can be agreed upon.

Per City Ordinance, Section 14-37 Security deposits, payment guarantees: (e) The City, at its sole discretion, may require a security deposit of customers with a previously acceptable credit rating, and deposit waiver, as a condition of continued service if: (1) The customer is chronically delinquent in paying utility charges.

Per City Ordinance, Section 14-51 Past due bill charges: If any service rate or charge for any of the services provided under Chapter 11 and Chapter 14 of the Municipal City Code, is not paid within 45 days after such charge is due, the City shall charge an additional one and one-half percent late penalty per month on all such past due amounts.

Notices have been sent to utility customers since October, 2016 regarding the resumption of penalties, red tags, and disconnects. Further, notices have been placed in the Sierra County Sentinel and aired on the local radio station.

Penalties were assessed on Mr. Bryan's accounts in January and currently total \$129.21, which is a fraction of the \$6,992.01 that he presently owes.



# **City of Truth or Consequences**

Finance Department | 505 Sims Street  
Truth or Consequences, New Mexico 87901  
Phone (575) 894-6673 Fax (575) 894-0363

Per our own City Ordinance, we're obligated to charge late penalties to all customers with past due bills. Removing penalties from one customer would set a precedent and would obligate us to remove penalties from all customers.

In closing, in order to remain consistent and provide the same service to all City of Truth or Consequences utility customers, we need to continue to follow the City Ordinances that have been put into place. We are respectfully requesting that all penalties assessed on Mr. Bryan's account remain and continue to be assessed on past due balances.

**Attachments:**

- A:** 06/06/2016 email from Lori Montgomery to Sonya Williams and Juan Fuentes
- B:** City Ordinance Section 14-36; b, c, d: Billing procedures
- C:** City Ordinance Section 14-37; a, e: Security deposits, payment guarantees
- D:** City Ordinance Section 14-51: Past due bill charges
- E:** Utility bill insert regarding penalty fees, sent September, 2016
- F:** Utility bill insert regarding penalty fees, sent January, 2016
- G:** Utility bill insert regarding penalty fees, sent February, 2016
- H:** Newspaper advertisement(s) regarding penalty fees (also aired on radio)
- I:** Account Transaction Report; Mr. Bryan-108 Main St.
- J:** Billing History Report; Mr. Bryan-108 Main St.
- K:** Account Transaction Report; Pelican Apt/Motel-108 Main St.
- L:** Billing History Report; Pelican Apt/Motel-108 Main St.

'A'

**Torres, Melissa**

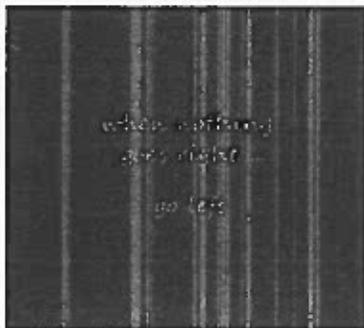
---

**From:** Montgomery, Lori  
**Sent:** Monday, June 06, 2016 3:00 PM  
**To:** Sonya Williams  
**Cc:** Juan A. Fuentes  
**Subject:** Sid Bryan

Sid Bryan called me again today. He worked up a deal with Korie but she never solidified it in writing; when I spoke to him he wasn't sure what he was doing with the accounts. What he says he can do is to pay an additional \$200 per month on the account(s). I told him it would be really hard to "divide" that amount up between all of his accounts, that it might be easiest to pay off one account then move onto the next account, etc. He has multiple accounts, therefore, it is hard to make a note in each one! I told him that I would advise you all of this as best I could so that he would not get "dinged" on the accounts after I left. He got caught up in the month that were estimated really high and then went back to normalcy the next months. If you want to do something different, please feel free to do so, he is willing to work with you all to do so. Thanks Lori

Have a Great Day!

Lori Montgomery, Finance Director  
City of Truth or Consequences  
505 Sims  
Truth or Consequences, NM 87901  
575-894-6673, ext. 310  
[LMontgomery@torcnm.org](mailto:LMontgomery@torcnm.org)



1 'B'

## Sec. 14-36. - Billing procedures.

- (a) The City reserves the right to adopt any reasonable billing procedures, including machine code billing, and charged as a unit for any premises or person. There will be a connection fee charge of \$19.09 for installing or turn on of each electric meter and each water meter. Meters will be read and charges for services will be assessed on a reasonable billing cycle.
- (b) All bills are net and payable within ten days from date of bill and are delinquent 30 days from date of bill.
- (c) Customers are required to pay the entire past due amount of their delinquent utility bills.
- (d) Exceptions may be granted on a case-by-case basis upon showing good cause before the City Manager provided that a reasonable repayment plan can be agreed upon.
- (e) If any utility bill installment is not paid when due, the service will be disconnected if the delinquency is not paid within 24 hours after red tagging the premises. Before utility services can be reinstated, the account must be paid in full, and there will be a charge of \$19.09 to cover the cost of reinstatement of each such service, which amount shall be in no way concerned with the regular utility service deposit.
- (f) There will be an automatic \$50.00 red tag fee.
- (g) The interest rate charge on merchandising and jobbing accounts is 18 percent per annum plus the cost of certified letters.
- (h) The City shall, in addition, file a lien against the property serviced as provided by law on all properties where the utility account is delinquent and unpaid.
- (i) Payment by check is conditioned upon the check being paid upon presentment. There will be an automatic charge of \$25.00 for each check which is returned for insufficient funds.
- (j) No deposit shall be refunded under this or any other section of this article unless the balance to be refunded totals \$1.00 or more.
- (k) All service charges shall be doubled if said services are requested by customer and provided after 4:00 p.m. and before 8:00 a.m. of the next business day, unless such service call was necessitated by a City problem.
- (l) All final and first billings shall be calculated on a pro-rata basis.
- (m) In order for utilities to be turned on at a property where they were disconnected for nonpayment, the City must receive a sworn statement from the owner or owner's authorized designee of the property that the person(s) for which utilities were disconnected for nonpayment are no longer residing or paying rent at the property.

(Code 1962, § 3-3-11; Ord. No. 494, § 1, 7-9-01; Ord. No. 511, § 1, 3-11-02; Ord. No. 542, §§ 1, 3,

3-28-05; Ord. No. 591, 8-26-08)

**State Law reference—** Municipal authority to require reasonable deposits for utilities, NMSA 1978, § 3-23-1.

121

## Sec. 14-37. - Security deposits, payment guarantees.

- (a) The City will require a utility deposit or an acceptable credit rating for residential or commercial utility service. The deposit will not exceed an amount equivalent to one-sixth of that customer's estimated annual billings or not more than one and one-half times times the customer's estimated maximum monthly billing. However, if an average cannot be obtained, then \$200.00 (\$100.00 for electricity service plus \$100.00 for water service) will be collected.
- (b) The City reserves the right to refund, or waive, deposit requirements upon establishment of an acceptable credit rating. A customer or guarantor may establish an acceptable credit rating only if they can provide adequate credit references from a utility service.
- (c) If a customer, or prospective customer, cannot establish an acceptable credit rating, but can demonstrate to the City that they do not have adequate financial resources to pay the security deposit in one payment because of low income and are elderly, disabled, or subject to other considerations, the City will give special consideration to such a customer in determining the partial deposit amount and monthly time period over which the customer will be billed for the full deposit. In no case will monthly deposit accruals exceed six months.
- (d) If a customer, or prospective customer, cannot establish an acceptable credit rating, but previously received utility service under the name of a spouse, the City may consider the spouse's prior utility service in determining the customer's utility deposit amount, if any.
- (e) The City, at its sole discretion, may require a security deposit of customers with a previously acceptable credit rating, and deposit waiver, as a condition of continued service if:
- (1) The customer is chronically delinquent in paying utility charges;
  - (2) As a condition for reconnection of service following discontinuance of service by the City;  
or
  - (3) A customer who, in an unauthorized manner has interfered with, or diverted, the City's utility service located on, or about, or delivered to, the customer's premises.
- (f) Security deposits may be applied toward payment, or partial payment, of utility charges, including penalty charges, at such time as when penalty charges become applicable.
- (g) Repealer. All ordinances or resolutions, or parts thereof, inconsistent therewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

(Code 1962, § 3-3-12; Ord. No. 419, § 1, 9-12-94; Ord. No. 513, § 1, 3-11-02; Ord. No. 584, 6-10-08)

State Law reference— Municipal authority to require reasonable deposits for utilities, NMSA 1978, § 3-23-1.

'D'

Sec. 14-51. - Past due bill charges.

If any service rate or charge for any of the services provided under Chapter 11 and Chapter 14 of the Municipal City Code, is not paid within 45 days after such charge is due, the City shall charge an additional one and one-half percent late penalty per month on all such past due amounts.

(Ord. No. 482, § 1, 9-11-00; Ord. No. 512, § 1, 3-11-02)



# City of Truth or Consequences

Utility Office

505 Sims Street

Truth or Consequences, New Mexico 87901

City: (575) 894-6671 • FAX: (575) 894-0569

'E'

## ATTENTION UTILITY CUSTOMERS

Beginning October 1, 2016, the City of Truth or Consequences Utility Office will resume the Disconnect for Non-Payment process.

This letter is to give customers who have *not* set up payment arrangements, or who are *not* current on their Utility bills, the option to make arrangements and/or payments before this process begins.

We will also start adding late penalties to customers who have not made prior arrangements.

Should you have any questions regarding this notice please contact our Utility Office at (575) 894-6673, option #6. Please disregard this letter if payment arrangements have been made or if your account is current.

Thank you,

Juan A. Fuentes, City Manager

Melissa Torres, Finance Director



# City of Truth or Consequences

505 Sims Street

Truth or Consequences, New Mexico 87901

City (575) 894-6673 Fax (575) 894-0363

'F'

## NOTICE:

### The City of Truth or Consequences Utility Office

Stop by the Utility office if you are interested in signing up for our new Budget Billing Plan (AMP). Ask to have your bills emailed to you and go paperless.

**Penalties are now being applied to ALL accounts with late payments. In order to avoid additional charges, please make your payments on time.**

If you have a water leak, please call the Water/Wastewater Department at 894-7331 to have your meter turned off. After hours, please call Central dispatch at 894-7111. Also, please remember that all customers must provide access to the electric/water meters. Denial of access may result in denial of service.

### **Upcoming Events: March 2017**

- 4<sup>th</sup> – “Share the Love” Boys & Girls Club Fund Raiser at the Civic Center
- 11<sup>th</sup> – Catfish Tournament, Elephant Butte Lake
- 11<sup>th</sup> – “Vent” Book Signing at Black Cat Books & Coffee
- 12<sup>th</sup> – Daylight Savings Time Begins
- 26<sup>th</sup> – Art Talk with Nolan Winkler at Rio Bravo Gallery

Subject to change. Verify dates and see more info at [SierraCountyEvents.com](http://SierraCountyEvents.com).

**You can now pay or manage your account online!**  
**Just go to [www.torcnm.org](http://www.torcnm.org) and select ‘online services’.**  
**Or you can make a payment over the phone!**





# City of Truth or Consequences

505 Sims Street

Truth or Consequences, New Mexico 87901

City (575) 894-6673 Fax (575) 894-0363

'G'

## NOTICE:

Upcoming Events: MARCH 2017

4- "Share the Love" Boys & Girls Club Fund Raiser at the Civic Center

11- Catfish Tournament, Elephant Butte Lake

11 - "Vent" Book Signing at Black Cat Books & Coffee

12 - Daylight Savings Time Begins

26 - Art Talk with Nolan Winkler at Rio Bravo Gallery

Subject to change. Verify dates and see more info at [SierraCountyEvents.com](http://SierraCountyEvents.com).

### The City of Truth or Consequences Utility Office

Stop by the Utility office if you are interested in signing up for our new Budget Billing Plan (AMP). Ask to have your bills emailed to you and go paperless.

Penalties are now being applied to ALL accounts with late payments. To avoid additional charges, please make your payments on time.

If you have a water leak, please call the Utility Department to have your meter turned off. After hours, please call Central dispatch at 894-7111. Also, please remember that all customers must provide access to the electric/water meters. Denial of access may result in denial of service.

**You can now pay or manage your account online!**  
**Just go to [www.torcnm.org](http://www.torcnm.org) and select 'online services'.**  
**Or you can make a payment over the phone!**



# NMDOT Repave Project A Go



(SENTINEL Photo/Chuck Wentworth)

By Chuck Wentworth  
SENTINEL

© Copyright 2016 Sierra County Sentinel

New Mexico Department of Transportation (NMDOT) officials and contractors with Lawrence, Kansas-based Cutler Repaving, began an extensive resurfacing project on Third Avenue (Highway 51) earlier this week. This is the first phase of a three-phase initiative, which will also include repaving of Highway 179 and Highway 195.

According to reports, Highway 51 will be resurfaced from the Date Street intersection to the Elephant Butte Dam, and is expected to take approximately 10 days to complete.

NMDOT authorities are then planning to move paving efforts to Highway 179, and then on to Highway 195, before bringing the overall project to a close on or about the end of July.

Project coordinators have emphasized that motorists will encounter a single lane drop, flagman and pilot car operations

from 7 a.m. until 6 p.m. Monday through Friday for the initiative's duration.

As with all road construction projects, motorists are being advised to utilize caution and to reduce speed when nearing or passing through work zones.

Further information about this NMDOT project may be obtained by visiting the department's website ([www.dot.state.nm.us/en/Projects.html](http://www.dot.state.nm.us/en/Projects.html)), or by phoning District Engineer Trent Doolittle, P.E. at (575) 544-6530, or Toll Free at (800) 444-0745.

# City Utility Billing Stabilized

## Red Tags To Resume

By Chuck Wentworth  
SENTINEL

© Copyright 2016 Sierra County Sentinel

During the Truth or Consequences (T-or-C) Public Utility Advisory Board's (PUAB) June 20 regular meeting, Interim Utility Office Manager Sonya Williams and City Manager Juan Fuentes reported that most of the problems experienced with the new Tyler Technologies software billing system are now in hand.

Williams confirmed that the regular utility billing cycles were on track and agreed with the city manager's assertion that staff members were making good progress in addressing a majority of the issues that arose following the software transition.

Fuentes said because of this progress, the utility department would be ending a temporary moratorium placed on collection efforts and would be reinstating the city's Red Tag procedures for past due accounts.

With this noted, Fuentes acknowledged how software issues posed problems for many customers and told the board that a "reasonable grace period" would be observed before Red Tag notifications would begin. He anticipated that Red Tag processes would resume within approximately 60 days.

The city manager told the PUAB that the recent billing problems prompted a number of customers to either pay minimum amounts, or to temporarily forego payments entirely. While emphasizing the administration was aware of difficulties experienced during the software transition, Fuentes nonetheless encouraged customers with past due accounts to begin taking steps to bring their

(RED\* Continued On Page A3)

# SIERRA COUNTY SENTINEL

JUNE 24, 2016

Your Hometown Newspaper

22 PAGES • 4 INSERTS • 50¢

# PUAB Endorses OSE Install

By Chuck Wentworth  
SENTINEL

© Copyright 2016 Sierra County Sentinel

With a unanimous vote June 20, the Truth or Consequences (T-or-C) Public Utility Advisory Board (PUAB) supported an agreement between the city and the Office of the State Engineer (OSE), which will allow installation of a new metering system at the Ralph Edwards Park fishing pond.

Board members were told that city attorneys with Holt, Mynatt, Martinez, P.C. previously reviewed the proposed agreement and deemed the measure to be legally appropriate.

Water/Wastewater Department Director Jesus Salayandia said the OSE was specifically addressing water taken directly from the Rio Grande throughout the state, and was seeking an agreement in order to upgrade the current metering system. He said the new equipment would monitor the

flow of water transferred into the fishing pond; sending real time data to the OSE offices in Las Cruces.

PUAB vice-chairman Jeff Dornbusch asked if water from the fishing pond drained back into the river, and after this was confirmed, suggested the only thing the OSE could be monitoring would be water loss due to evaporation.

With this noted, Dornbusch said his only concern was that the OSE would monitor only the amount of water withdrawn from the river, and that such data might be utilized inappropriately in potential water rights assessments in the future.

Chairman George Sziget shared this concern, but said he could support the measure if the amount of water actually returned to the river was also measured.

While information about the OSE's exact plans was incomplete, Water/Wastewater Ad-

ministrative Assistant Traci Burnette told the PUAB that the proposal would replace aging meters already in place. She said the city has been reporting on water flow into the fishing pond for many years and suggested that the new metering system would not amount to any significant change.

Salayandia agreed and said since state authorities would be covering all costs, he felt the project would be worthwhile. He also noted that the new equipment's radio telemetry would eliminate the need of hands on attention from city staff and indicated this would be a welcomed change.

Later in the discussion, Dornbusch acknowledged that the agreement did include a clause permitting the city to opt out of the agreement at any time with proper notification. After noting this point, he said he could therefore support the proposed installation.

Board members agreed, and



**STEPPING ASIDE** - After serving with T-or-C's Public Utility Advisory Board since the 1980s, former chairman Al Siffing announced that he would not be seeking another term, during the board's June 20 session.

after acknowledging that the measure would be fully reviewed by the city commis-

(\*INSTALL\* Continued On Page A2)

## NOMINATION PERIOD:

# FSA County Committees Nominations Sought

By Isabel Benemelis

The U.S. Department of Agriculture (USDA) announced this week that the nomination period for farmers and ranchers to serve on local Farm Service Agency (FSA) county committees began on Wednesday, June 15.

"Through the county committees, farmers and ranchers have a voice. Their opinions and ideas get to be heard on federal farm programs," said FSA Administrator Val Dolcini. "I encourage all eligible farmers and ranchers across the spectrum of American agriculture, to get involved in this year's elections. We have seen

(FSA\* Continued On Page A14)



	HIGH	LOW
June 17	100	67
June 18	103	71
June 19	102	72
June 20	101	72
June 21	101	71
June 22	100	72
June 23	102	73

Avg. For Week Beginning June 17

Hgt 101" • Low 71"

**Elephant Butte Lake Levels**  
Lake Elevation (06-24-16) 4325.59 ft  
Elevation (1 Year ago) 4,310.78 ft.

## Extended Forecast

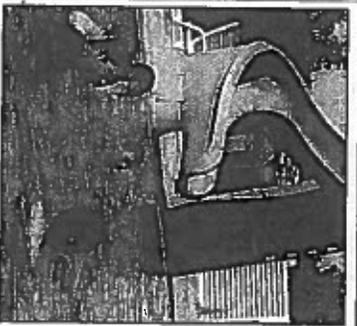
Day	Forecast
Friday, June 24	Clear - high 98, low 71
Saturday, June 25	Clear - high 95, low 72
Sunday, June 26	P.Cloudy - high 92, low 69
Monday, June 27	Clear - high 92, low 70
Tuesday, June 28	

7  
(2)



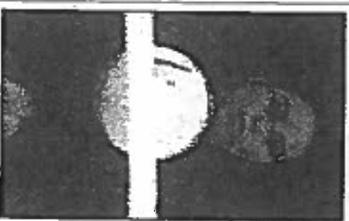
### At Home

HSHS football team's homecoming at Tiger Stadium a big triumph  
**SPORTS • PAGE 4**



### NMSU Trip

HSHS Army JROTC enjoys pools in TorC and New Mexico State  
**HSHS • PAGE 9**



### Bounce Back

Tiger volleyball looking to return to form after getting swept by Silver, Santa Teresa  
**SPORTS • PAGE 5**

There is Nothing More Powerful Than The Truth



Email: herald@torcheard.com & torcheardpub@gmail.com Websites: www.heraldpub.com www.theheraldtorc.com



VOLUME 88, NUMBER 13 ~ OCTOBER 5, 2016

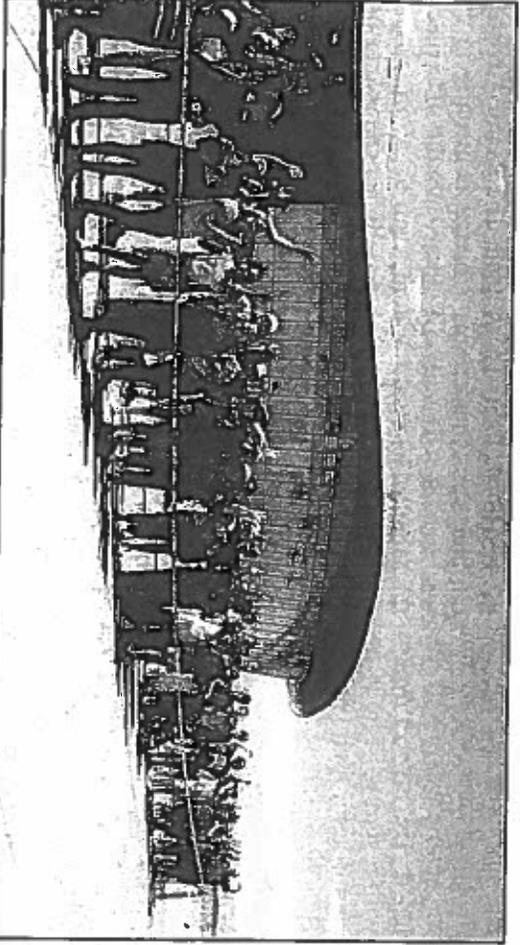
# The Truth of Consequences, NMSU

50022  
T OR C LIBRARY  
325 LIBRARY LANE  
T OR C, NM 87901

## 50¢

20 PAGES IN 2 SECTIONS • PLUS 2 INSERTS

## Spaceport Open House



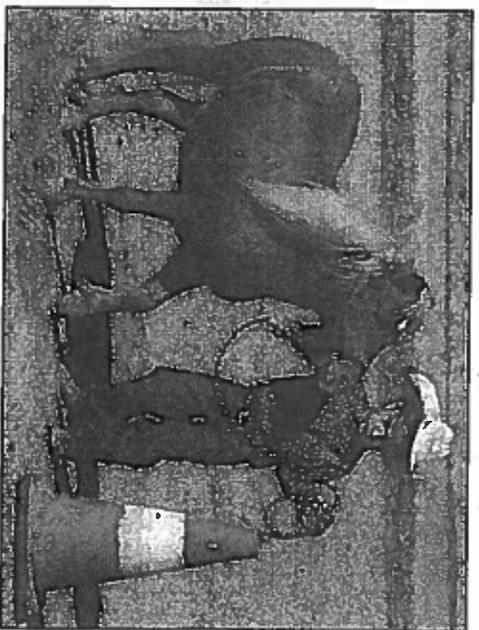
Over 2,000 people registered for the Spaceport America Open House Saturday, Oct. 1. Aircraft flown in by the US Pilot's Association and Civil Air Patrol, as well as powered

## Sierra County Fair Time

HERALD Staff

This week, the time-honored events of the annual Sierra County Fair will get underway. This year, activity surrounding the Annual Sierra County Fair got underway Tuesday morning, Oct. 6, when the building was open for booth construction.

For the public, activities will kick off Thursday, Oct. 6, at 9 a.m., at the Sierra County Fairgrounds located on South Broadway with Breeding



Robert Gardner and pony at a previous fair  
ing a 1,250-pound market hours of the night for five

approved a lease extension for Follow the Sun Tours, which operates the Spaceport America Visitor Center at 301 S. Foch St.

"The City granted a three-month extension of the lease agreement for the Visitor Center to Follow the Sun Tours," according to a commission action form submitted by City Manager Juan Fuentes. "The extension expires on Sept. 30, 2016. New Mexico Spaceport Authority, FTS and the City desire to keep the Spaceport Visitor Center

local entities to operate and maintain/open the visitor center on a month to month basis."

The commission approved the lease extension on a 4-0-1 vote, with Commissioner Rolf Hechler abstaining on account of his employment status with Fiore Enterprises, which provides fire protection and security services at Spaceport America in southeastern Sierra County.

Prior to the vote during public comment, four TorC residents - Audon Trujillo, Sophia Peron,

FTS, citing a recent letter from the State Auditor's Office addressed to TorC Mayor Steve Green.

According to the Sept. 23 letter from the state auditor, initially quoted by Trujillo and Peron, the city violated section 3-54-1 of state statutes in signing lease agreements, not only with FTS, but also with Affordable Solar, Geronimo Trail Scenic Byway and the TorC/Sierra County Chamber of Commerce for separate city owned property/buildings.

See LBJ on Page 7

gressive man inside the Sierra Vista Clinic in Elephant Butte Friday afternoon Aug. 12.

Central Dispatch advised Sgt. Joel Trejo while en route to the clinic that the

**you no harm."**

**Paul Delatorre to victims**

man was armed and all the employees were hiding in back rooms.

gan to clear the building. Several people were in the lobby of the building as the deputies entered and they all said everything was okay.

See COURT on Page 7

## Commission Urged To Appoint 2 New Board Members to SJOA

By Tony A. Archuleta  
HERALD Reporter

The finance director of the Sierra Joint Office on Aging last week urged the City Commission to move forward on appointing a pair of city representatives to the SJOA Board of Directors.

Sue Penner, during public comment at the Sept. 27 meeting, said the term of one board member, Rita Johnston, has expired, while another board member, John Wheeler, Esq., recently resigned. A third board member representing the Village of Williamsburg also resigned.

Penner said the board is desperately in need of full board membership and input, especially on budget issues.

In other action:

►The commission welcomed Jagger Gustin, local liaison to the State of New Mexico Film Office, and web designer Ruanna Waldrum, who announced the launching of a new website locally, www.filmsierracounty.com. The duo appeared before the Sierra County Commission the previous week. "The website puts our city and community in a great light," Gustin

wrote in a letter addressed to Mayor Steve Green. "Film producers, location scouts and the film industry as a whole can see firsthand what Truth or Consequences and Sierra County has to offer for film possibilities."

►Approved for publication a proposed ordinance for discounted utility rates for large businesses.

An eligible large business is "any manufacturing, industrial or large retail business that employs eight or more full-time employees or employs sufficient full- and part-

See CITY on Page 7

## Disconnect for Nonpayment Of City Utility Bill Resumes

Effective Oct. 1, the City of TorC will resume the Disconnect for Nonpayment program.

"This notice is to give customers who have not set up payment arrangements, or who are not current on their utility bills, the option to make

arrangements and/or payments before this process begins," city officials announced in a release last week. "We will also start adding late penalties to customers who have not made prior payment arrangements."

For ease of payment,

customers can set up automatic bank draft by visiting the city's website at [www.torcnm.org](http://www.torcnm.org) and following the instructions for bill pay under the "I Want To" tab and clicking on "Pay My Utility Bill."

See BILL on Page 7

### WEEKLY WEATHER WATCH 8-DAY FORECAST

WEDNESDAY OCTOBER 5	THURSDAY OCTOBER 6	FRIDAY OCTOBER 7	SATURDAY OCTOBER 8	SUNDAY OCTOBER 9	MONDAY OCTOBER 10	TUESDAY OCTOBER 11	WEDNESDAY OCTOBER 12	NEED PRINTING?
HIGH 83 LOW 52 Sunny SW Wind: 15 mph Sunrise: 7:06 am Set: 6:47 pm	HIGH 82 LOW 51 Mostly Sunny SSW Wind: 10 mph Sunrise: 7:07 am Set: 6:46 pm	HIGH 77 LOW 52 Mostly Sunny NE Wind: 14 mph Sunrise: 7:07 am Set: 6:44 pm	HIGH 73 LOW 53 Rain ESE Breeze: 7 mph Sunrise: 7:09 am Set: 6:43 pm	HIGH 75 LOW 54 Showers SE Breeze: 8 mph Sunrise: 7:09 am Set: 6:42 pm	HIGH 78 LOW 55 Partly Cloudy S Breeze: 9 mph Sunrise: 7:10 am Set: 6:40 pm	HIGH 80 LOW 54 Showers SSW Breeze: 8 mph Sunrise: 7:10 am Set: 6:39 pm	HIGH 78 LOW 54 Partly Cloudy ENE Breeze: 7 mph Sunrise: 7:11 am Set: 6:38 pm	Competitive Prices! Let Us Bid On Your Next Printing Job. The HERALD 1204 North Doty PO Box 752 TorC, NM 87701

# COURT

Continued from Page 1

A clinic employee told deputies that Delatorre walked in the clinic and said he needed his medications refilled. She stated, according to the criminal complaint in the case, that he was agitated and angry.

The employees advised Dr. Glen Adkins of the situation and reported back to Delatorre that Adkins was going to call in his order.

Delatorre, according to the report, was still very agitated and at this point, Adkins came out to talk to him. Delatorre allegedly approached the doctor demanding his medications. The doctor said he felt threatened and thought Delatorre was going to hurt him. He locked his door, but Delatorre kept demanding his medications. Adkins told him he was not going to be his doctor anymore.

Delatorre walked outside to his car and then Adkins saw him coming back with a handgun.

In court Thursday, Sept. 29, Adkins testified the staff let him know when Delatorre arrived in the clinic and that he was sitting there waiting for his medications. Delatorre has asserted that he had

there until the incident was over.

"I thought that was the last day of my life," she said.

The MA told the court the patient had a cell phone and they called 911.

The patient was called to testify, but she too, couldn't identify Delatorre and was dismissed.

Deputy District Attorney Anne Gibson argued that Delatorre backed the doctor into a corner, went to his car and got two guns and ammunition causing everyone to scatter in fear. She told the judge that since two witnesses could not identify Delatorre, she was willing to dismiss two of the five charges of aggravated assault with a deadly weapon in the case.

Defense attorney Lee Deschamps said while he was not going to address the intelligence of the act committed by his client, he does not know of a law against bringing a weapon into a clinic. He said the weapon was not concealed.

Since everyone hid, Delatorre did not point the gun at anyone, instead he realized the staff had called 911 and sat down to wait for law enforcement to arrive.

Judge Brown said he had heard people have con-

He said the 36-month time frame is a key component. "Hopefully, by that time, they recognize this is a good place to be doing business."

► In tandem with other units of local government, including the County of Sierra, the commission adopted a resolution urging "the establishment of a minimum pool at Elephant Butte Lake" to help bolster countywide tourism prospects.

The proposed resolution calls upon the U.S. Bureau of Reclamation to help initiate the program, but Commissioner Rolf Hechler, a retired New Mexico State Parks regional superintendent, pointed out that while the BOR is the proper agency to work with, it cannot introduce legislation, although it "can provide information how to get things done."

Hechler said local entities could potentially purchase water to increase elevation levels at the lake, but he also cautioned that the loss of water through evaporation must be taken into account.

\*\*\*

## BILL

Continued from Page 1

Online bill pay will be available for customers beginning in October as

mer away at the spaceport and one of its most ardent supporters, Mayor Green.

He called the touted value of the spaceport and the TorC Visitor Center "utterly ridiculous."

"The numbers say it's a failure, and it will continue to be a failure," Fenn said. "Space industry all over the country is growing - not in New Mexico, because it wasn't done right, it wasn't done in the right place, it wasn't done in an area where there is even a workforce to man it."

"We are deluding ourselves. This is a retirement community. Recognize the fact that it is a retirement community, and purpose your actions toward making it a better community."

Dougherty said visitation numbers to the visitor center over the last year totaled 2,500, far below the number of 20,000 that she said was estimated by Green.

"What about the GRT (sales tax revenue)?" she asked. "It's going down, not up as promised. Please, let's just admit that taking away the (LBJ) from public use has been an abysmal failure. The vagary of this proposal for a new lease is equally absurd. The (New Mexico) Spaceport (Authority) has

operator)."

Also during public comment, LaRena Miller, executive director of Geronimo Trail Scenic Byway, countered arguments that the Visitor Center has failed to attract a sufficient number of tourists.

"Our visitation to the TorC Visitor Center, since it moved to the Lee Belle Johnson is up 40 to 50 percent," she said. "We have people from all over the world coming for the hot baths and to view the spaceport and ask questions... we are absolutely thrilled and honored that the city has asked us, MainStreet (TorC) and the Chamber of Commerce to assist in keeping the visitor center, because it's a very viable destination for people, and we are glad to work with the city to promote tourism."

gled out Trujillo, thanking him for his efforts, while Green addressed at least one portion of the State Auditor's letter.

Green did not address the parts of the letter quoted by Peron, instead focusing on "one of the lines in the letter that repeats itself."

Green was referring to the property value cited by the State Auditor versus updated figures, including the LBJ, which dropped in value from about \$1.7 million to \$631,230 for the building and \$83,970 for the land when the attached municipal court and skate zone were demolished in 2014.

"There are discussions ongoing by the city to bring this unfortunate mistake to the State Auditor, and we will keep you informed as we move forward," Green said.

\*\*\*

# NEED PRINTING?

## QUALITY MAKES THE DIFFERENCE!

# THE HERALD

CALL US TODAY • (575) 894-2143 FOR YOUR PRINTING NEEDS

1204 NORTH DATE • FAX (575) 894-7824

email: [herald@torherald.com](mailto:herald@torherald.com) & [torheraldpub@gmail.com](mailto:torheraldpub@gmail.com)

# FAIR

*Continued from Page 1*

crafts, home-science, baking, the horse show, other large animals and plenty of small animals as well. Regardless of the project, youth are challenged to perfect their skills and put in long hours working with their animals.

"Youth under the age of nine years are considered Clover Buds and generally can do anything older 4-H members can, except participate in the Livestock Auction. There are approximately nine clubs with more than 100 youth in Sierra County.

The projected cost to put on this popular event is hard to calculate in dollar and cents. For the most part, the fair is made possible by amazing donors, sponsors and a small army of volunteers.

The Junior Livestock Sale raises close to \$100,000 each year to help encourage youth to participate in animal projects and grow as responsible, hard working members of the community.

The support in itself is testament to the power of these projects and positive impact they make in lives of those willing to put in the time.

The annual Sierra County Pickup Party raises

been waiting for five days for his diabetes medication to be called into the Wal-Mart pharmacy.

Adkins said during a discussion with Delatorre, he "kind of lunged at me," so he went behind the counter. He said Delatorre was yelling, "do it," over and over again. Adkins told him he couldn't be his doctor anymore and Delatorre said, "fine," and walked out.

Adkins said it was shocking to have a patient come at him that way.

"I was behind the counter - I looked out and saw Mr. Delatorre approaching with a firearm," Adkins testified. He said he told the staff to run and hide then he peeked around the corner and saw him sitting in the lobby.

Asked how he felt, Adkins said, "I was fairly sure he was going to come and kill me."

Adkins said deputies arrived very quickly.

The front desk receptionist said when Delatorre came in that day he said he would just sit there until the doctor could talk to him. She said when Adkins and Delatorre began to have a confrontation she felt uncomfortable and moved to a hallway.

She said during the incident she had a panic attack, saying she be-

cerns about Delatorre's conditions of release which includes house arrest.

Ankle Monitor Program Director Robert Gundeloh said Delatorre has been 100 percent compliant with those conditions.

Dr. Adkins was concerned that Delatorre had been released and that he and his wife don't feel safe, that they are afraid to even go to the grocery store and had a security system installed at their home.

Brown said Delatorre isn't allowed to go to the store - he said he realizes that the incident was traumatic for the doctor and said, "I'm going to take some time to process that."

One of medical assistants said she had to seek medical help and still feels anxious when she sees a similar car or person. "I just need to feel safe," she said.

Delatorre was allowed to make a statement and said, "I apologize if I scared you all. My diabetes was at 500. I was out of control - my mind was out of control like I was drunk or something. I was asking for help. The doctor made a mistake. We all make mistakes and I made a doozey. I meant you no harm."

well.

The Utility Office will also be implementing a prorated Budget Billing Plan for customers whose accounts are current. This plan is not a discount program; it offers no savings or lower rates. The total annual cost for utilities remains the same, but customers have the convenience of a more predictable bill each month.

\*\*\*

# LBJ

*Continued from Page 1*

The statute spells out a city's authority to sell or lease municipal property, utilities and other holdings.

Quoting from the letter, Peron said the State Auditor's evaluation of a complaint lodged by Peron and company "suggests" the city did not have the value of the property appraised prior to the lease of the property; the city did not enter into the lease by ordinance; the city did not notify the public about the ordinance before or after adoption; and that the auditor's office was informed the value of the property was less than \$25,000.

The auditor cited similar concerns over the lease with Geronimo Trail Scenic Byway, Affordable



AVAILABLE FOR ADOPTION - Dash is a shepherd mix male approx. 3-6 months, and Cleo is a DSH male approx. 1 year old. Both animals are available for adoption at the Sierra Animal Shelter.

## HUMANE HAPPENINGS



By Eliana C. Aubin

Teenage felines Henry and Vulcan, together with little Penny, a very young three-legged white Siamese-mix kitten with an inquisitive personality and big bright blue eyes, are now the newest residents of the Cool Cat Neighborhood at Desert Haven Animal Refuge. Desert Haven is owned and operated by the Sierra County Humane Society, the non-profit animal-welfare organization that serves this area of New Mexico. Henry, Vulcan and Penny arrived with their owners and were

Interested in learning more about the newest little rescues at Desert Haven? Check-out our Petfinder Page and also our Facebook page at [www.Facebook.com/DesertHavenAnimalRefuge](http://www.Facebook.com/DesertHavenAnimalRefuge). These last few weeks, we have added to our Adopt-a-Pet Referral list a few little dogs in need of a new home: young adult male Shi-tzu, a very young Boxer puppy and a small terrier.

Our Desert Haven team continues to invite kind-hearted individuals willing and able to help us



Truth or Consequences

# Account Transaction Report

'I'

3011-14431-00  
BRYAN, SID  
108 MAIN ST  
TRUTH OR CONSEQ, NM 87901

Service Address: 302 S JONES ST  
Balance Due: 1,555.71

Date	Transaction	Packet Number	Receipt No.	Transaction Description	Amount	Balance
3/3/2017	Memo	UBPKT02128		DISCONNECT POSTED Billing Criteria: UBPKT0	0.00	1,555.71
3/3/2017	Reinstate (Exclude from	UBPKT02128		REINSTATEMENT Billing Criteria: UBPKT02017	0.00	1,555.71
3/1/2017	Cutoff Exclusion	UBPKT02128		CUTOFF EXCLUSION Billing Criteria: UBPKT02C	0.00	1,555.71
3/1/2017	Memo	UBPKT02128		CUTOFF POSTED Billing Criteria: UBPKT02017	0.00	1,555.71
2/28/2017	Payment	Batch:800002333	R00050981		-2,000.00	1,555.71
2/24/2017	Penalty Notice Printed	UBPKT02126		Late Notice	0.00	3,555.71
2/23/2017	Penalty	UBPKT02126		PENALTY Billing Criteria: UBPKT02017	38.35	3,555.71
2/23/2017	Bill	UBPKT02120		BILL 1/4/2017 - 2/3/2017	893.40	3,517.36
1/30/2017	Payment	Batch:800002168	R00047536		-871.94	2,623.96
1/24/2017	Bill	UBPKT02017		BILL 12/5/2016 - 1/4/2017	871.94	3,495.90
12/22/2016	Bill	UBPKT01931		BILL 11/5/2016 - 12/5/2016	830.84	2,623.96
12/2/2016	Payment	Batch:800001869	R00041206		-614.93	1,793.12
11/22/2016	Bill	UBPKT01852		BILL 10/6/2016 - 11/5/2016	414.93	2,408.05
10/25/2016	Payment	Batch:800001650	R00037189		-616.66	1,993.12
10/21/2016	Bill	UBPKT01664		BILL 9/6/2016 - 10/6/2016	416.66	2,609.78
9/26/2016	Payment	Batch:800001489	R00033897		-833.33	2,193.12
9/22/2016	Bill	UBPKT01517		BILL 8/7/2016 - 9/6/2016	533.33	3,026.45
8/26/2016	Payment	Batch:800001332	R00030763		-892.58	2,493.12
8/24/2016	Bill	UBPKT01408		BILL 7/8/2016 - 8/7/2016	692.58	3,385.70
7/25/2016	Payment	Batch:800001146	R00027374		-1,194.80	2,693.12
7/21/2016	Bill	UBPKT01227		BILL 6/8/2016 - 7/8/2016	994.80	3,887.92
7/7/2016	Payment	Batch:800001062	R00025268		-819.40	2,893.12
6/23/2016	Bill	UBPKT01127		BILL 5/9/2016 - 6/8/2016	619.40	3,712.52
5/31/2016	Bill	UBPKT00972		BILL 4/9/2016 - 5/9/2016	421.63	3,093.12
5/3/2016	Payment	Batch:800000762	R00018684		-488.06	2,671.49
4/27/2016	Bill	UBPKT00864		BILL 3/10/2016 - 4/9/2016	488.06	3,159.55
3/31/2016	Bill	UBPKT00723		BILL 2/9/2016 - 3/10/2016	445.58	2,671.49
2/25/2016	Bill	UBPKT00602		BILL 1/10/2016 - 2/9/2016	959.97	2,225.91
1/28/2016	Payment	Batch:800000354	R00007440		-852.07	1,265.94
1/25/2016	Bill	UBPKT00482		BILL 12/11/2015 - 1/10/2016	1,265.94	2,118.01
12/29/2015	Payment	Batch:800000225	R00004983		-329.21	852.07
12/23/2015	Bill	UBPKT00337		BILL 11/11/2015 - 12/11/2015	852.07	1,181.28
11/25/2015	Bill	UBPKT00077		BILL 10/10/2015 - 11/11/2015	329.21	329.21
11/18/2015	Payment	Batch:800000064	R00000767		-428.66	0.00
11/17/2015	Converted Adjustment	ZUS-CONV AGING ADJ #1 - Cycle		ZUS-CONV AGING ADJ #1	428.66	857.32
11/17/2015	Converted Adjustment	ZUS-CONV CREDIT APPL ADJ #1 -		ZUS-CONV CREDIT APPL ADJ #1	-428.66	428.66
10/23/2015	Bill	ZUS-BILL-10/23/2015 - Cycle: C			428.66	428.66
10/16/2015	Payment	ZUS-PMNT-10/16/2015 - Cycle: ( SB071171			-532.68	0.00
9/25/2015	Bill	ZUS-BILL-09/25/2015 - Cycle: C			532.68	532.68
9/4/2015	Payment	ZUS-PMNT-09/04/2015 - Cycle: ( DW001952			-563.23	0.00
8/26/2015	Bill	ZUS-BILL-08/26/2015 - Cycle: C			563.23	563.23
8/5/2015	Payment	ZUS-PMNT-08/05/2015 - Cycle: ( SB069919			-823.22	0.00
7/27/2015	Bill	ZUS-BILL-07/27/2015 - Cycle: C			823.22	823.22
7/1/2015	Payment	ZUS-PMNT-07/01/2015 - Cycle: ( SW015415			-243.35	0.00
6/22/2015	Bill	ZUS-BILL-06/22/2015 - Cycle: C			243.35	243.35
5/29/2015	Payment	ZUS-PMNT-05/29/2015 - Cycle: ( SW014865			-223.86	0.00
5/20/2015	Bill	ZUS-BILL-05/20/2015 - Cycle: C			223.86	223.86
5/1/2015	Payment	ZUS-PMNT-05/01/2015 - Cycle: ( DML064744			-227.73	0.00
4/22/2015	Bill	ZUS-BILL-04/22/2015 - Cycle: C			227.73	227.73
3/30/2015	Payment	ZUS-PMNT-03/30/2015 - Cycle: ( DRP023724			-634.51	0.00
3/24/2015	Bill	ZUS-BILL-03/24/2015 - Cycle: C			634.51	634.51
2/27/2015	Payment	ZUS-PMNT-02/27/2015 - Cycle: ( SB066276			-1,119.62	0.00
2/23/2015	Bill	ZUS-BILL-02/23/2015 - Cycle: C			1,119.62	1,119.62

Date	Transaction	Packet Number	Receipt No.	Transaction Description	Amount	Balance
2/2/2015	Payment	ZUS-PMNT-02/02/2015 - Cycle: C	SW011627		-1,438.34	0.00
1/27/2015	Bill	ZUS-BILL-01/27/2015 - Cycle: C			1,438.34	1,438.34
		Balance Due for Account 3011-14431-00:		1,555.71		



Truth or Consequences

3011-14431-00  
BRYAN, SID

Service Address: 302 S JONES ST

Parcel Number: 03951

# Account Billing History Report

Date	Packet Number	Arrears	Services Billed	Deposit Billed	Contract Billed	AMP Adjustment	Deposit Return	E. A. Return	Total Due	Metered Service Analysis						
										Service Code-Descript.	Consump.	Charge	Days	Tax	Read Date/Reading	
2/23/2017	UBPKT02120	2,623.96	893.40	0.00	0.00	0.00	0.00	0.00	3,517.36	100 - WATER	3	13.40	30	0.67	2/8/2017	789
										200 - ELECTRIC	5,379	743.70	30	63.21	2/8/2017	5,317
										400 - SEWER	0	19.53	30	0.98		0
										500 - TRASH	0	49.44	30	2.47		0
1/24/2017	UBPKT02017	2,623.96	871.94	0.00	0.00	0.00	0.00	0.00	3,495.90	100 - WATER	3	13.40	30	0.67	1/11/2017	786
										200 - ELECTRIC	5,234	723.92	30	61.53	1/9/2017	99,938
										400 - SEWER	0	19.53	30	0.98		0
										500 - TRASH	0	49.44	30	2.47		0
12/22/2016	UBPKT01931	1,793.12	830.84	0.00	0.00	0.00	0.00	0.00	2,623.96	100 - WATER	2	11.65	30	0.58	12/15/2016	783
										200 - ELECTRIC	4,992	690.91	30	58.73	12/12/2016	94,704
										400 - SEWER	0	16.25	30	0.81		0
										500 - TRASH	0	49.44	30	2.47		0
11/22/2016	UBPKT01852	1,993.12	414.93	0.00	0.00	0.00	0.00	0.00	2,408.05	100 - WATER	3	13.40	30	0.67	11/10/2016	781
										200 - ELECTRIC	2,146	302.71	30	25.73	11/9/2016	89,712
										400 - SEWER	0	19.53	30	0.98		0
										500 - TRASH	0	49.44	30	2.47		0
10/21/2016	UBPKT01664	2,193.12	416.66	0.00	0.00	0.00	0.00	0.00	2,609.78	100 - WATER	4	15.15	30	0.76	10/12/2016	778
										200 - ELECTRIC	2,122	299.44	30	25.45	10/7/2016	87,566
										400 - SEWER	0	22.81	30	1.14		0
										500 - TRASH	0	49.44	30	2.47		0
9/22/2016	UBPKT01517	2,493.12	533.33	0.00	0.00	0.00	0.00	0.00	3,026.45	100 - WATER	3	13.40	30	0.67	9/13/2016	774
										200 - ELECTRIC	2,946	411.83	30	35.01	9/12/2016	85,444
										400 - SEWER	0	19.53	30	0.98		0
										500 - TRASH	0	49.44	30	2.47		0
8/24/2016	UBPKT01408	2,693.12	692.58	0.00	0.00	0.00	0.00	0.00	3,385.70	100 - WATER	6	18.65	30	0.93	8/15/2016	771
										200 - ELECTRIC	3,915	544.01	30	46.24	8/10/2016	82,498
										400 - SEWER	0	29.37	30	1.47		0
										500 - TRASH	0	49.44	30	2.47		0
7/21/2016	UBPKT01227	2,893.12	994.80	0.00	0.00	0.00	0.00	0.00	3,887.92	100 - WATER	23	51.28	30	2.56	7/11/2016	765
										200 - ELECTRIC	5,330	737.01	30	62.65	7/11/2016	78,583
										400 - SEWER	0	85.13	30	4.26		0
										500 - TRASH	0	49.44	30	2.47		0

4

Date	Packet Number	Arrears	Services Billed	Deposit Billed	Contract Billed	AMP Adjustment	Deposit Return	E. A. Return	Total Due	Metered Service Analysis							
										Service Code-Descript.	Consump.	Charge	Days	Tax	Read Date/Reading		
6/23/2016	UBPKT01127	3,093.12	619.40	0.00	0.00	0.00	0.00	0.00	3,712.52	100 - WATER	9	24.26	30	1.21	6/7/2016	742	
										200 - ELECTRIC	3,341	465.72	30	39.59	6/14/2016	73,253	
										400 - SEWER	0	37.31	30	1.87		0	
										500 - TRASH	0	47.09	30	2.35		0	
5/31/2016	UBPKT00972	2,671.49	421.63	0.00	0.00	0.00	0.00	0.00	3,093.12	100 - WATER	11	28.12	30	1.41	5/10/2016	733	
										200 - ELECTRIC	1,933	273.67	30	23.26	5/9/2016	69,912	
										400 - SEWER	0	43.55	30	2.18		0	
										500 - TRASH	0	47.09	30	2.35		0	
4/27/2016	UBPKT00864	2,671.49	488.06	0.00	0.00	0.00	0.00	0.00	3,159.55	100 - WATER	17	39.70	30	1.99	4/11/2016	722	
										200 - ELECTRIC	2,167	305.58	30	25.97	4/12/2016	67,979	
										400 - SEWER	0	62.27	30	3.11		0	
										500 - TRASH	0	47.09	30	2.35		0	
3/31/2016	UBPKT00723	2,225.91	445.58	0.00	0.00	0.00	0.00	0.00	2,671.49	100 - WATER	2	11.65	30	0.58	3/16/2016	705	
										200 - ELECTRIC	2,411	338.87	30	28.80	3/16/2016	65,812	
										400 - SEWER	0	15.47	30	0.77		0	
										500 - TRASH	0	47.09	30	2.35		0	
2/25/2016	UBPKT00602	1,265.94	959.97	0.00	0.00	0.00	0.00	0.00	2,225.91	100 - WATER	7	20.40	30	1.02	2/23/2016	703	
										200 - ELECTRIC	5,714	789.39	30	67.10	2/23/2016	63,401	
										400 - SEWER	0	31.07	30	1.55		0	
										500 - TRASH	0	47.09	30	2.35		0	
1/25/2016	UBPKT00482	0.00	1,265.94	0.00	0.00	0.00	0.00	0.00	1,265.94	100 - WATER	4	15.15	30	0.76	1/14/2016	696	
										200 - ELECTRIC	7,885	1,085.52	30	92.27	1/14/2016	57,687	
										400 - SEWER	0	21.71	30	1.09		0	
										500 - TRASH	0	47.09	30	2.35		0	
12/23/2015	UBPKT00337	0.00	852.07	0.00	0.00	0.00	0.00	0.00	852.07	100 - WATER	8	22.33	30	1.12	12/11/2015	692	
										200 - ELECTRIC	4,949	685.05	30	58.23	12/10/2015	49,802	
										400 - SEWER	0	34.19	30	1.71		0	
										500 - TRASH	0	47.09	30	2.35		0	
11/25/2015	UBPKT00077	0.00	329.21	0.00	0.00	0.00	0.00	0.00	329.21	100 - WATER	7	20.40	32	1.02	11/10/2015	684	
										200 - ELECTRIC	1,452	208.05	32	17.68	11/6/2015	44,853	
										400 - SEWER	0	31.07	32	1.55		0	
										500 - TRASH	0	47.09	32	2.35		0	
11/17/2015	ZUS-CONV CRE	0.00	-428.66	0.00	0.00	0.00	0.00	0.00	-428.66								
11/17/2015	ZUS-CONV AGI	0.00	428.66	0.00	0.00	0.00	0.00	0.00	428.66								
10/23/2015	ZUS-BILL-10/23	0.00	428.66	0.00	0.00	0.00	0.00	0.00	428.66	100 - WATER	7	21.42	26	1.02	10/14/2015	677	
										200 - ELECTRIC	2,124	325.18	26	25.47	10/13/2015	43,401	
										400 - SEWER	7	32.62	26	1.55		0	
										500 - TRASH	0	49.44	26	2.35		0	
9/25/2015	ZUS-BILL-09/25	0.00	532.68	0.00	0.00	0.00	0.00	0.00	532.68	100 - WATER	3	14.07	34	0.67	9/16/2015	670	
										200 - ELECTRIC	2,965	449.65	34	35.22	9/16/2015	41,277	
										400 - SEWER	3	19.52	34	0.93		0	
										500 - TRASH	0	49.44	34	2.35		0	

Date	Packet Number	Arrears	Services Billed	Deposit Billed	Contract Billed	AMP Adjustment	Deposit Return	E. A. Return	Total Due	Metered Service Analysis						
										Service Code-Descript.	Consump.	Charge	Days	Tax	Read Date/Reading	
8/26/2015	ZUS-BILL-08/26	0.00	563.23	0.00	0.00	0.00	0.00	0.00	563.23	100 - WATER	2	12.23	27	0.58	8/13/2015	667
										200 - ELECTRIC	3,206	485.32	27	38.02	8/24/2015	38,312
										400 - SEWER	2	16.24	27	0.77		0
										500 - TRASH	0	49.44	27	2.35		0
7/27/2015	ZUS-BILL-07/27	0.00	823.22	0.00	0.00	0.00	0.00	0.00	823.22	100 - WATER	5	17.75	33	0.85	7/10/2015	665
										200 - ELECTRIC	4,859	729.96	33	57.19	7/10/2015	35,106
										400 - SEWER	5	26.07	33	1.24		0
										500 - TRASH	0	49.44	33	2.35		0
6/22/2015	ZUS-BILL-06/22	0.00	243.35	0.00	0.00	0.00	0.00	0.00	243.35	100 - WATER	2	12.23	33	0.58	6/11/2015	660
										200 - ELECTRIC	1,063	167.79	33	12.79	6/3/2015	30,247
										400 - SEWER	2	16.24	33	0.77		0
										500 - TRASH	0	47.09	33	2.24		0
5/20/2015	ZUS-BILL-05/20	0.00	223.86	0.00	0.00	0.00	0.00	0.00	223.86	100 - WATER	8	23.45	28	1.12	5/11/2015	658
										200 - ELECTRIC	778	125.70	28	9.58	5/8/2015	29,184
										400 - SEWER	8	27.62	28	1.32		0
										500 - TRASH	0	47.09	28	2.24		0
4/22/2015	ZUS-BILL-04/22	0.00	227.73	0.00	0.00	0.00	0.00	0.00	227.73	100 - WATER	1	10.40	26	0.50	4/8/2015	650
										200 - ELECTRIC	1,012	160.26	26	12.22	4/9/2015	28,406
										400 - SEWER	1	9.98	26	0.48		0
										500 - TRASH	0	47.09	26	2.24		0
3/24/2015	ZUS-BILL-03/24	0.00	634.51	0.00	0.00	0.00	0.00	0.00	634.51	100 - WATER	1	10.40	23	0.50	3/11/2015	649
										200 - ELECTRIC	3,767	567.04	23	43.22	3/12/2015	27,394
										400 - SEWER	1	9.98	23	0.48		0
										500 - TRASH	0	47.09	23	2.24		0
2/23/2015	ZUS-BILL-02/23	0.00	1,119.62	0.00	0.00	0.00	0.00	0.00	1,119.62	100 - WATER	6	19.58	32	0.93	2/12/2015	648
										200 - ELECTRIC	6,905	1,030.37	32	78.52	2/12/2015	23,627
										400 - SEWER	6	22.58	32	1.08		0
										500 - TRASH	0	47.09	32	2.24		0
1/27/2015	ZUS-BILL-01/27	0.00	1,438.34	0.00	0.00	0.00	0.00	0.00	1,438.34	100 - WATER	5	17.75	35	0.85	1/13/2015	642
										200 - ELECTRIC	9,093	1,353.44	35	103.15	1/15/2015	16,722
										400 - SEWER	5	20.06	35	0.96		0
										500 - TRASH	0	47.09	35	2.24		0
<b>Totals for 3011-14431-00:</b>			<b>17,265.54</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>			<b>16,453.48</b>		<b>1,267.46</b>			



Truth or Consequences

# Account Transaction Report

'K'

3011-13757-00  
PELICAN APT/MOTEL  
108 MAIN ST  
TRUTH OR CONSEQ, NM 87901

Service Address: 110 W MAIN ST  
Balance Due: 5,436.30

Date	Transaction	Packet Number	Receipt No.	Transaction Description	Amount	Balance
3/3/2017	Memo	UBPKT02128		DISCONNECT POSTED Billing Criteria: UBPKT0:	0.00	5,436.30
3/3/2017	Reinstate (Exclude from	UBPKT02128		REINSTATEMENT Billing Criteria: UBPKT02017	0.00	5,436.30
3/1/2017	Cutoff Exclusion	UBPKT02128		CUTOFF EXCLUSION Billing Criteria: UBPKT02C	0.00	5,436.30
3/1/2017	Memo	UBPKT02128		CUTOFF POSTED Billing Criteria: UBPKT02017	0.00	5,436.30
2/28/2017	Payment	Batch:800002333	R00050981		-2,000.00	5,436.30
2/24/2017	Penalty Notice Printed	UBPKT02126		Late Notice	0.00	7,436.30
2/23/2017	Penalty	UBPKT02126		PENALTY Billing Criteria: UBPKT02017	86.61	7,436.30
2/23/2017	Bill	UBPKT02120		BILL 1/4/2017 - 2/3/2017	1,421.39	7,349.69
1/30/2017	Payment	Batch:800002168	R00047536		-1,469.03	5,928.30
1/24/2017	Bill	UBPKT02017		BILL 12/5/2016 - 1/4/2017	1,469.03	7,397.33
12/22/2016	Bill	UBPKT01931		BILL 11/5/2016 - 12/5/2016	1,480.04	5,928.30
12/2/2016	Payment	Batch:800001869	R00041206		-950.78	4,448.26
11/22/2016	Bill	UBPKT01852		BILL 10/6/2016 - 11/5/2016	750.78	5,399.04
10/25/2016	Payment	Batch:800001650	R00037189		-954.94	4,648.26
10/21/2016	Bill	UBPKT01664		BILL 9/6/2016 - 10/6/2016	754.94	5,603.20
9/26/2016	Payment	Batch:800001489	R00033897		-1,212.76	4,848.26
9/22/2016	Bill	UBPKT01517		BILL 8/7/2016 - 9/6/2016	912.76	6,061.02
8/26/2016	Payment	Batch:800001332	R00030763		-1,772.16	5,148.26
8/24/2016	Bill	UBPKT01408		BILL 7/8/2016 - 8/7/2016	1,572.16	6,920.42
7/25/2016	Payment	Batch:800001146	R00027373		-1,788.60	5,348.26
7/21/2016	Bill	UBPKT01227		BILL 6/8/2016 - 7/8/2016	1,588.60	7,136.86
7/7/2016	Payment	Batch:800001063	R00025272		-1,588.66	5,548.26
6/23/2016	Bill	UBPKT01127		BILL 5/9/2016 - 6/8/2016	1,388.66	7,136.92
5/31/2016	Bill	UBPKT00972		BILL 4/9/2016 - 5/9/2016	813.78	5,748.26
5/3/2016	Payment	Batch:800000762	R00018683		-676.64	4,934.48
4/27/2016	Bill	UBPKT00864		BILL 3/10/2016 - 4/9/2016	676.64	5,611.12
3/31/2016	Bill	UBPKT00723		BILL 2/9/2016 - 3/10/2016	943.90	4,934.48
2/25/2016	Bill	UBPKT00602		BILL 1/10/2016 - 2/9/2016	1,705.91	3,990.58
2/5/2016	Payment	Batch:800000387	R00008035		-1,530.09	2,284.67
1/25/2016	Bill	UBPKT00482		BILL 12/11/2015 - 1/10/2016	2,284.67	3,814.76
12/29/2015	Payment	Batch:800000225	R00004982		-581.15	1,530.09
12/23/2015	Bill	UBPKT00337		BILL 11/11/2015 - 12/11/2015	1,530.09	2,111.24
11/30/2015	Credit Application	UBPKT00084		Credit Application	0.00	581.15
11/25/2015	Bill	UBPKT00077		BILL 10/10/2015 - 11/11/2015	581.16	581.15
11/17/2015	Converted Adjustment	ZUS-CONV AGING ADJ #1 - Cycle		ZUS-CONV AGING ADJ #1	-0.01	-0.02
11/17/2015	Converted Adjustment	ZUS-CONV CREDIT APPL ADJ #1 -		ZUS-CONV CREDIT APPL ADJ #1	0.01	-0.01
10/29/2015	Payment	ZUS-PMNT-10/29/2015 - Cycle: ( SB071379			-672.16	-0.01
10/23/2015	Bill	ZUS-BILL-10/23/2015 - Cycle: C			672.15	672.15
10/2/2015	Payment	ZUS-PMNT-10/02/2015 - Cycle: ( SB070866			-1,082.86	0.00
9/25/2015	Bill	ZUS-BILL-09/25/2015 - Cycle: C			1,082.86	1,082.86
9/15/2015	Payment	ZUS-PMNT-09/15/2015 - Cycle: ( DW002056			-1,012.36	0.00
8/26/2015	Bill	ZUS-BILL-08/26/2015 - Cycle: C			1,012.36	1,012.36
8/5/2015	Payment	ZUS-PMNT-08/05/2015 - Cycle: ( SB069911			-1,148.91	0.00
7/27/2015	Bill	ZUS-BILL-07/27/2015 - Cycle: C			1,148.91	1,148.91
7/1/2015	Payment	ZUS-PMNT-07/01/2015 - Cycle: ( SW015413			-491.65	0.00
6/22/2015	Bill	ZUS-BILL-06/22/2015 - Cycle: C			491.65	491.65
5/29/2015	Payment	ZUS-PMNT-05/29/2015 - Cycle: ( SW014863			-469.71	0.00
5/20/2015	Bill	ZUS-BILL-05/20/2015 - Cycle: C			469.71	469.71
4/28/2015	Payment	ZUS-PMNT-04/28/2015 - Cycle: ( SW014143			-424.16	0.00
4/22/2015	Bill	ZUS-BILL-04/22/2015 - Cycle: C			424.16	424.16
3/30/2015	Payment	ZUS-PMNT-03/30/2015 - Cycle: ( DRP023723			-836.63	0.00
3/24/2015	Bill	ZUS-BILL-03/24/2015 - Cycle: C			836.63	836.63
2/27/2015	Payment	ZUS-PMNT-02/27/2015 - Cycle: ( SB066280			-1,239.61	0.00

Date	Transaction	Packet Number	Receipt No.	Transaction Description	Amount	Balance
2/23/2015	Bill	ZUS-BILL-02/23/2015 - Cycle: C			1,239.61	1,239.61
2/2/2015	Payment	ZUS-PMNT-02/02/2015 - Cycle: C SW011630			-1,997.08	0.00
1/27/2015	Bill	ZUS-BILL-01/27/2015 - Cycle: C			1,997.08	1,997.08
		Balance Due for Account 3011-13757-00:		5,436.30		



Truth or Consequences

# Account Billing History Report

3011-13757-00  
PELICAN APT/MOTEL

Service Address: 110 W MAIN ST

Parcel Number: 03937

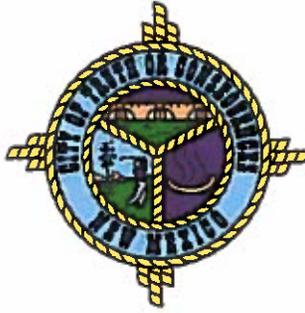
Date	Packet Number	Arrears	Services Billed	Deposit Billed	Contract Billed	AMP Adjustment	Deposit Return	E. A. Return	Total Due	Metered Service Analysis						
										Service Code-Descript.	Consump.	Charge	Days	Tax	Read Date/Reading	
2/23/2017	UBPKT02120	5,928.30	1,421.39	0.00	0.00	0.00	0.00	0.00	7,349.69	100 - WATER	4	15.15	30	0.76	2/8/2017	617
										100 - WATER	12	30.05	30	1.50	2/8/2017	556
										200 - ELECTRIC	4,483	621.49	30	52.83	2/8/2017	25,530
										200 - ELECTRIC	3,421	476.63	30	40.51	2/8/2017	77,371
										400 - SEWER	0	124.34	30	6.22		0
										500 - TRASH	0	49.44	30	2.47		0
1/24/2017	UBPKT02017	5,928.30	1,469.03	0.00	0.00	0.00	0.00	0.00	7,397.33	100 - WATER	4	15.15	30	0.76	1/11/2017	613
										100 - WATER	12	30.05	30	1.50	1/11/2017	544
										200 - ELECTRIC	4,662	645.90	30	54.90	1/9/2017	21,047
										200 - ELECTRIC	3,564	496.13	30	42.17	1/9/2017	73,950
										400 - SEWER	0	124.34	30	6.22		0
										500 - TRASH	0	49.44	30	2.47		0
12/22/2016	UBPKT01931	4,448.26	1,480.04	0.00	0.00	0.00	0.00	0.00	5,928.30	100 - WATER	6	18.65	30	0.93	12/15/2016	609
										100 - WATER	14	33.91	30	1.70	12/15/2016	532
										200 - ELECTRIC	4,983	689.69	30	58.62	12/12/2016	16,385
										200 - ELECTRIC	3,079	429.98	30	36.55	12/12/2016	70,386
										400 - SEWER	0	150.58	30	7.52		0
										500 - TRASH	0	49.44	30	2.47		0
11/22/2016	UBPKT01852	4,648.26	750.78	0.00	0.00	0.00	0.00	0.00	5,399.04	100 - WATER	4	15.15	30	0.76	11/10/2016	603
										100 - WATER	15	35.84	30	1.79	11/10/2016	518
										200 - ELECTRIC	1,435	205.74	30	17.49	11/9/2016	11,402
										200 - ELECTRIC	1,757	249.66	30	21.22	11/9/2016	67,307
										400 - SEWER	0	144.02	30	7.20		0
										500 - TRASH	0	49.44	30	2.47		0
10/21/2016	UBPKT01664	4,848.26	754.94	0.00	0.00	0.00	0.00	0.00	5,603.20	100 - WATER	3	13.40	30	0.67	10/12/2016	599
										100 - WATER	11	28.12	30	1.41	10/12/2016	503
										200 - ELECTRIC	1,565	223.47	30	18.99	10/7/2016	9,967
										200 - ELECTRIC	1,955	276.67	30	23.52	10/7/2016	65,550
										400 - SEWER	0	111.22	30	5.56		0
										500 - TRASH	0	49.44	30	2.47		0

17

Date	Packet Number	Arrears	Services Billed	Deposit Billed	Contract Billed	AMP Adjustment	Deposit Return	E. A. Return	Total Due	Metered Service Analysis						
										Service Code-Descript.	Consump.	Charge	Days	Tax	Read Date/Reading	
9/22/2016	UBPKT01517	5,148.26	912.76	0.00	0.00	0.00	0.00	0.00	6,061.02	100 - WATER	3	13.40	30	0.67	9/13/2016	596
										100 - WATER	9	24.26	30	1.21	9/13/2016	492
										200 - ELECTRIC	2,002	283.07	30	24.06	9/12/2016	8,402
										200 - ELECTRIC	2,705	378.97	30	32.21	9/12/2016	63,595
										400 - SEWER	0	98.10	30	4.90		0
										500 - TRASH	0	49.44	30	2.47		0
8/24/2016	UBPKT01408	5,348.26	1,572.16	0.00	0.00	0.00	0.00	0.00	6,920.42	100 - WATER	7	20.40	30	1.02	8/15/2016	593
										100 - WATER	16	37.77	30	1.89	8/15/2016	483
										200 - ELECTRIC	4,256	590.52	30	50.19	8/10/2016	6,400
										200 - ELECTRIC	4,249	589.57	30	50.11	8/10/2016	60,890
										400 - SEWER	0	170.26	30	8.52		0
										500 - TRASH	0	49.44	30	2.47		0
7/21/2016	UBPKT01227	5,548.26	1,588.60	0.00	0.00	0.00	0.00	0.00	7,136.86	100 - WATER	7	20.40	30	1.02	7/11/2016	586
										100 - WATER	4	15.15	30	0.76	7/11/2016	467
										200 - ELECTRIC	5,016	694.18	30	59.01	7/11/2016	2,144
										200 - ELECTRIC	4,319	599.12	30	50.93	7/11/2016	56,641
										400 - SEWER	0	91.54	30	4.58		0
										500 - TRASH	0	49.44	30	2.47		0
6/23/2016	UBPKT01127	5,748.26	1,388.66	0.00	0.00	0.00	0.00	0.00	7,136.92	100 - WATER	5	16.90	30	0.85	6/7/2016	579
										100 - WATER	21	47.42	30	2.37	6/7/2016	463
										200 - ELECTRIC	3,919	544.56	30	46.29	6/14/2016	52,322
										200 - ELECTRIC	3,245	452.62	30	38.47	6/14/2016	97,128
										400 - SEWER	0	180.70	30	9.04		0
										500 - TRASH	0	47.09	30	2.35		0
5/31/2016	UBPKT00972	4,934.48	813.78	0.00	0.00	0.00	0.00	0.00	5,748.26	100 - WATER	8	22.33	30	1.12	5/10/2016	574
										100 - WATER	14	33.91	30	1.70	5/10/2016	442
										200 - ELECTRIC	1,703	242.29	30	20.59	5/9/2016	48,403
										200 - ELECTRIC	1,811	257.03	30	21.85	5/9/2016	93,883
										400 - SEWER	0	155.74	30	7.78		0
										500 - TRASH	0	47.09	30	2.35		0
4/27/2016	UBPKT00864	4,934.48	676.64	0.00	0.00	0.00	0.00	0.00	5,611.12	100 - WATER	5	16.90	30	0.85	4/11/2016	566
										100 - WATER	20	45.49	30	2.27	4/11/2016	428
										200 - ELECTRIC	1,332	191.68	30	16.29	4/12/2016	46,700
										200 - ELECTRIC	1,079	157.18	30	13.36	4/12/2016	92,072
										400 - SEWER	0	174.46	30	8.72		0
										500 - TRASH	0	47.09	30	2.35		0
3/31/2016	UBPKT00723	3,990.58	943.90	0.00	0.00	0.00	0.00	0.00	4,934.48	100 - WATER	16	37.77	30	1.89	3/16/2016	561
										100 - WATER	3	13.40	30	0.67	3/16/2016	408
										200 - ELECTRIC	1,564	223.33	30	18.98	3/16/2016	45,368
										200 - ELECTRIC	2,998	418.93	30	35.61	3/16/2016	90,993
										400 - SEWER	0	137.02	30	6.86		0
										500 - TRASH	0	47.09	30	2.35		0

Date	Packet Number	Arrears	Services Billed	Deposit Billed	Contract Billed	AMP Adjustment	Deposit Return	E. A. Return	Total Due	Metered Service Analysis							
										Service Code-Descript.	Consump.	Charge	Days	Tax	Read Date/Reading		
2/25/2016	UBPKT00602	2,284.67	1,705.91	0.00	0.00	0.00	0.00	0.00	3,990.58	100 - WATER	9	24.26	30	1.21	2/23/2016	545	
										100 - WATER	8	22.33	30	1.12	2/23/2016	405	
										200 - ELECTRIC	2,495	350.32	30	29.78	2/23/2016	43,804	
										200 - ELECTRIC	7,337	1,010.77	30	85.92	2/23/2016	87,995	
										400 - SEWER	0	124.54	30	6.22		0	
										500 - TRASH	0	47.09	30	2.35		0	
1/25/2016	UBPKT00482	0.00	2,284.67	0.00	0.00	0.00	0.00	0.00	2,284.67	100 - WATER	9	24.26	30	1.21	1/14/2016	536	
										100 - WATER	13	31.98	30	1.60	1/14/2016	397	
										200 - ELECTRIC	4,159	577.29	30	49.07	1/14/2016	41,309	
										200 - ELECTRIC	9,294	1,277.70	30	108.60	1/14/2016	80,658	
										400 - SEWER	0	155.74	30	7.78		0	
										500 - TRASH	0	47.09	30	2.35		0	
12/23/2015	UBPKT00337	0.00	1,530.09	0.00	0.00	0.00	0.00	0.00	1,530.09	100 - WATER	11	28.12	30	1.41	12/11/2015	527	
										100 - WATER	10	26.19	30	1.31	12/11/2015	384	
										200 - ELECTRIC	2,733	382.79	30	32.54	12/10/2015	37,150	
										200 - ELECTRIC	5,679	784.62	30	66.69	12/10/2015	71,364	
										400 - SEWER	0	149.50	30	7.48		0	
										500 - TRASH	0	47.09	30	2.35		0	
11/25/2015	UBPKT00077	-0.01	581.16	0.00	0.00	0.00	0.00	0.00	581.15	100 - WATER	11	28.12	32	1.41	11/10/2015	516	
										100 - WATER	7	20.40	32	1.02	11/10/2015	374	
										200 - ELECTRIC	1,049	153.09	32	13.01	11/6/2015	34,417	
										200 - ELECTRIC	1,125	163.46	32	13.89	11/6/2015	65,685	
										400 - SEWER	0	130.78	32	6.54		0	
										500 - TRASH	0	47.09	32	2.35		0	
11/17/2015	ZUS-CONV CRE	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.01								
11/17/2015	ZUS-CONV AGI	0.00	-0.01	0.00	0.00	0.00	0.00	0.00	-0.01								
10/23/2015	ZUS-BILL-10/23	0.00	672.15	0.00	0.00	0.00	0.00	0.00	672.15	100 - WATER	5	17.75	26	0.85	10/14/2015	505	
										100 - WATER	9	25.47	26	1.21	10/14/2015	367	
										200 - ELECTRIC	1,684	260.08	26	20.38	10/13/2015	33,368	
										200 - ELECTRIC	1,644	254.16	26	19.92	10/13/2015	64,560	
										400 - SEWER	14	65.25	26	3.11		0	
										500 - TRASH	0	49.44	26	2.35		0	
9/25/2015	ZUS-BILL-09/25	0.00	1,082.86	0.00	0.00	0.00	0.00	0.00	1,082.86	100 - WATER	5	17.75	34	0.85	9/16/2015	500	
										100 - WATER	8	23.45	34	1.12	9/16/2015	358	
										200 - ELECTRIC	3,254	492.43	34	38.58	9/16/2015	31,684	
										200 - ELECTRIC	2,885	437.82	34	34.30	9/16/2015	62,916	
										400 - SEWER	13	61.97	34	2.95		0	
										500 - TRASH	0	49.44	34	2.35		0	
8/26/2015	ZUS-BILL-08/26	0.00	1,012.36	0.00	0.00	0.00	0.00	0.00	1,012.36	100 - WATER	5	17.75	27	0.85	8/13/2015	495	
										100 - WATER	10	27.50	27	1.31	8/13/2015	350	
										200 - ELECTRIC	2,929	444.33	27	34.81	8/10/2015	28,430	
										200 - ELECTRIC	2,662	404.82	27	31.72	8/10/2015	60,031	
										400 - SEWER	15	68.52	27	3.26		0	
										500 - TRASH	0	49.44	27	2.35		0	

Date	Packet Number	Arrears	Services Billed	Deposit Billed	Contract Billed	AMP Adjustment	Deposit Return	E. A. Return	Total Due	Metered Service Analysis						
										Service Code-Descript.	Consump.	Charge	Days	Tax	Read Date/Reading	
7/27/2015	ZUS-BILL-07/27	0.00	1,148.91	0.00	0.00	0.00	0.00	0.00	1,148.91	100 - WATER	3	14.07	33	0.67	7/10/2015	490
										100 - WATER	11	29.53	33	1.41	7/10/2015	340
										200 - ELECTRIC	3,823	576.63	33	45.17	7/10/2015	25,501
										200 - ELECTRIC	2,724	413.99	33	32.44	7/10/2015	57,369
										400 - SEWER	14	65.25	33	3.11		0
										500 - TRASH	0	49.44	33	2.35		0
6/22/2015	ZUS-BILL-06/22	0.00	491.65	0.00	0.00	0.00	0.00	0.00	491.65	100 - WATER	5	17.75	33	0.85	6/11/2015	487
										100 - WATER	14	35.61	33	1.70	6/11/2015	329
										200 - ELECTRIC	1,538	237.91	33	18.13	6/3/2015	21,678
										200 - ELECTRIC	412	71.66	33	5.46	6/3/2015	54,645
										400 - SEWER	19	81.63	33	3.89		0
										500 - TRASH	0	47.09	33	2.24		0
5/20/2015	ZUS-BILL-05/20	0.00	469.71	0.00	0.00	0.00	0.00	0.00	469.71	100 - WATER	4	15.91	28	0.76	5/11/2015	482
										100 - WATER	5	17.75	28	0.85	5/11/2015	315
										200 - ELECTRIC	1,194	187.12	28	14.26	5/8/2015	20,140
										200 - ELECTRIC	1,039	164.24	28	12.52	5/8/2015	54,233
										400 - SEWER	9	37.60	28	1.80		0
										500 - TRASH	0	47.09	28	2.24		0
4/22/2015	ZUS-BILL-04/22	0.00	424.16	0.00	0.00	0.00	0.00	0.00	424.16	100 - WATER	4	15.91	26	0.76	4/8/2015	478
										100 - WATER	4	15.91	26	0.76	4/8/2015	310
										200 - ELECTRIC	1,126	177.09	26	13.50	4/9/2015	18,946
										200 - ELECTRIC	828	133.08	26	10.14	4/9/2015	53,194
										400 - SEWER	8	35.08	26	1.68		0
										500 - TRASH	0	47.09	26	2.24		0
3/24/2015	ZUS-BILL-03/24	0.00	836.63	0.00	0.00	0.00	0.00	0.00	836.63	100 - WATER	4	15.91	23	0.76	3/11/2015	474
										100 - WATER	12	31.55	23	1.50	3/11/2015	306
										200 - ELECTRIC	2,122	324.15	23	24.71	3/12/2015	17,820
										200 - ELECTRIC	2,383	362.69	23	27.64	3/12/2015	52,366
										400 - SEWER	16	55.24	23	2.64		0
										500 - TRASH	0	47.09	23	2.24		0
2/23/2015	ZUS-BILL-02/23	0.00	1,239.61	0.00	0.00	0.00	0.00	0.00	1,239.61	100 - WATER	7	21.42	32	1.02	2/12/2015	470
										100 - WATER	8	23.45	32	1.12	2/12/2015	294
										200 - ELECTRIC	2,496	379.36	32	28.91	2/12/2015	15,698
										200 - ELECTRIC	4,773	715.57	32	54.53	2/12/2015	49,983
										400 - SEWER	15	52.72	32	2.52		0
										500 - TRASH	0	47.09	32	2.24		0
1/27/2015	ZUS-BILL-01/27	0.00	1,997.08	0.00	0.00	0.00	0.00	0.00	1,997.08	100 - WATER	6	19.58	35	0.93	1/13/2015	463
										100 - WATER	10	27.50	35	1.31	1/13/2015	286
										200 - ELECTRIC	3,422	516.09	35	39.33	1/15/2015	13,202
										200 - ELECTRIC	8,945	1,331.58	35	101.48	1/15/2015	45,210
										400 - SEWER	16	55.24	35	2.64		0
										500 - TRASH	0	47.09	35	2.24		0
<b>Totals for 3011-13757-00:</b>			<b>29,249.63</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>			<b>27,815.32</b>		<b>2,113.27</b>			



H.2

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

**ITEM:**

Discussion / Action:

**BACKGROUND:**

This is the creation of a new fulltime position within The City of Truth or Consequences, for an Animal Shelter Manager. The Job description is based on our community needs, and industry standard for duties and experience of an Animal Shelter Manager. We are on track to open our Animal Shelter within the next few months, and if approved, fill this position as we get closer to the actual opening of the shelter. This position would be funded through the Police Departments Animal Control annual budget.

**STAFF RECOMMENDATION:**

Approval of the Job Description and Fulltime Position

**SUPPORT INFORMATION:**

Attached Job Description.

Lee Alirez, Chief of Police Name of Presenter: 	Police Department Department:	March 28, 2017 Meeting date:
---	----------------------------------	---------------------------------

**City of Truth or Consequences  
Human Resources Office**

**PH: (575) 894-6673  
EXT: 314**

**505 Sims McAdoo  
Truth or Consequences, NM 87901**

**MAIL: 505 Sims Street  
FAX (575) 894-0363**

## **POSITION DESCRIPTION**

**Class Title:** Animal Shelter Manager  
**Department:** Police Department  
**Division:** Operational /Administrative

**Job Code:** 10-08  
**Grade No:** PM-3  
**Status:** Classified

### **GENERAL PURPOSE:**

The Animal Shelter Manager reports to the Chief of Police or his/her designee. The Animal Shelter Manager is a uniformed position responsible for day to day operations of the City of Truth or Consequences Animal Shelter in accordance with established policies and procedures including all applicable State and or Federal laws. The Animal Shelter Manager supervises shelter staff and or volunteers, and addresses concerns and or operational issues of the shelter. The Animal Shelter Manager submits an annual budget to the Chief of Police or his/her designee for review and submittal to the City.

### **SUPERVISION RECEIVED/ GIVEN:**

Supervisees and manages all fulltime, part time employees including volunteer staff in the day to day operations of the City of Truth or Consequences Animal Shelter.

Manages employees and evaluates team performance; provides opportunities for the adequate training of employees; coaches, counsels, and motivates employee for exceptionalism; investigates complaints or subordinate performance concerns; recognizes exceptional or below average employee performance and implements disciplinary action as need with consultation with the Chief of Police, Human Resources and the City Manager.

Provides leadership by example and through consistent management of Animal Shelter; makes sound reasonable decisions; solves problems; develops departmental procedures; maintains required records/files; conducts regular staff meetings and represents the Animal Shelter during internal and external meetings.

### **ESSENTIAL DUTIES AND RESPONSIBILITIES:**

*The below listed duties are not inclusive and are intended to illustrate essential responsibilities for this position.*

- Provides facility management for the day to day operations of the Animal Shelter; assures best practices are followed in the humane handling of all animals at the Animal Shelter; assures the facility is thoroughly cleaned and disinfected on a daily basis; animal intake and initial screening for health and temperament related issues.
- Oversees administration of vaccines and or drugs as related to the humane care of animals; identifies and refers animals for veterinary needed treatment.

- Coordinates with veterinary services for emergency treatment of referred animals; coordinates and or performs euthanasia by injection; coordinates and closely works with the Animal Control Compliance Officers; coordinates and works closely with Non Profit, Animal Transfer Out, and adoption groups.
- Develops and Implements Volunteer and Community Out Reach programs; develops and implements a local Animal Adoption program from the Animal Shelter; assist the public in locating and reuniting lost animal with their owners; restocks and maintains adequate supplies of food and disinfectant / cleaning agents.
- Coordinates with other City Departments to provide or obtain current animal licensing information; responds to public request for information and programs available to the community; ensures the proper handling of records on all intake animals per policy and procedure; ensure the proper handling and recording of all monies received at the Animal Shelter; balances and prepares deposits for all monies received at the Animal Shelter.

### **MINIMUM QUALIFICATIONS:**

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

- A high school diploma or equivalent;
- Minimum of four (4) years of Management experience of the operational characteristics, services and activities of an Animal Shelter;
- Experience and knowledge of Planning, Organizing, Staffing, Directing, Coordinating, Reporting & Budgeting.
- Experience in the principles and practices of program development and administration;
- Experience in the principles and practices of budget preparation and administration;
- Experience in the principals and practices of analyzing programs, policies and operational needs;
- Experience and working knowledge of Animal Behavior;
- Experience in human animal restraint and care techniques;

#### **Knowledge, Skills and Abilities:**

- Supervision, training and conducting performance evaluations;
- Local Ordinance, State and Federal law as it pertains to Animal Sheltering;
- Manage and or direct staff and or Volunteers to meet the needs of the animal shelter;
- Ability to communicate clearly both orally and in written form;
- Analyze problems, identify solutions, project proposed actions, and implement a course of action;
- Ability to identify the breeds, species of animals;
- Ability to identify the signs of animal neglect, abuse and cruelty;
- Computer literate, including but not limited to email, word processing, excel, database concepts including basic internet / social media applications.

#### **Requirements/Certifications/License:**

- State of New Mexico Valid Driver's License
- Veterinarian Technician Certificate (*Highly Desired but not required*)
- Possess or is willing and able to obtain a State of New Mexico Euthanasia Certification

**TOOLS AND EQUIPMENT USED**

- Equipment typically used; telephone, computer, printer, fax machine, photocopiers, calculator, and other industry standard type office equipment;
- Uses standard hand tools occasionally;
- Dolly for moving items in excess of thirty five (35) pounds.

**PHYSICAL DEMANDS:**

The physical demands described here are representative of those an employee will encounter to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

**WORK ENVIRONMENT:**

The position of Animal Shelter Manager is a fulltime uniformed position with a scheduled forty (40) hour work week, as assigned by the Chief of Police or his/her designee to best meet the needs of the animal shelter.

- The working environment consist of but is not limited to being exposed to outside weather conditions, fumes or airborne particles, animal transmitted diseases, exposure to fractious, frightened or dangerous animals;
- Walking
- Lifting 25lbs by manually raising or lowering an object from one level to another and or carry the object for a short distance;
- Contact with the public and at times emotional pet owners.

**SELECTIVE GUIDELINES:**

Formal application, rating of education, experience, personal reference checks, background investigation, oral interview and related tests may be required.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Reviewed And Submitted By:

\_\_\_\_\_  
Chief Lee Alirez- Police Chief

\_\_\_\_\_  
Melissa Torres – Finance Director

\_\_\_\_\_  
Becky Rodriguez – HR Analyst

APPROVED THIS \_\_\_\_\_  
DAY OF MARCH, 2017

\_\_\_\_\_  
Juan Fuentes, 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 \_\_\_\_\_



H.3

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

**ITEM:**

Discussion / Action

**BACKGROUND:**

This is an MOU Agreement between the New Mexico State University Police Department, and the City of Truth or Consequences Police Department under the Mutual Aid Act, Section 29-8-1 et seq. NMSA.

**STAFF RECOMMENDATION:**

Approval of the Mutual Aid Agreement between the New Mexico State University Police Department and the City of Truth or Consequences Police Department.

**SUPPORT INFORMATION:**

(3) Three original copies of the agreement

Lee Alirez, Chief of Police Name of Presenter: 	Police Department Department:	March 28, 2017 Meeting date:
---	----------------------------------	---------------------------------

**Mutual Aid Agreement**  
Between the  
**NMSU Police Department**  
And the  
**Truth or Consequences Police Department**

**WHEREAS**, the Board of Regents of New Mexico State University maintains a university police department and the City of Truth or Consequences maintains a municipal police department;

**WHEREAS**, situations where mutual assistance from nearby law enforcement agencies is needed occur frequently;

**WHEREAS**, in such situations, assistance from nearby agencies can increase safety for both the officers and the public (e.g., when officers need assistance in the search for and apprehension of a suspect);

**WHEREAS**, officers must often cross jurisdictional boundaries in the normal course of business;

**WHEREAS**, all certified police officers in the State of New Mexico must meet the same minimum standards of training for certification;

**WHEREAS**, law enforcement agencies must frequently cope with limited resources (e.g., conditions of overload occur where there are not enough officers of the primary jurisdiction to be able to handle all of the calls for assistance in a safe and timely manner); and,

**WHEREAS**, the undersigned agencies will benefit from the ability to obtain assistance from each other based on a formal agreement with clear objectives and guidelines;

**NOW THEREFORE**, as authorized under the Mutual Aid Act, Section 29-8-1 et seq. NMSA, the undersigned do hereby agree that:

- 1) All certified and commissioned officers of the agencies listed below will have concurrent jurisdiction in the agencies's jurisdictional territory.
- 2) This authorization of concurrent jurisdiction provides such officers with full law enforcement authority without restriction, except as may be imposed by this agreement.
- 3) The concurrent jurisdictional powers established under this Agreement will only be exercised under the following conditions:

- a. When a request for assistance is received from an agency signing this agreement;
  - b. When an officer observes any felony or misdemeanor in progress while in the regular course of his/her duties;
  - c. When an officer observes a situation wherein there is danger to personal or public safety arising out of criminal or non-criminal circumstances and immediate action would help alleviate the danger; or
  - d. When an officer, in the normal course of a criminal investigation, has reason to conduct investigatory tasks in the jurisdiction of one of the parties to this agreement.
- 4) Concurrent jurisdictional powers will only be exercised when notification of the agency with primary jurisdiction has occurred, except when notification is impossible due to the circumstances, or would hamper the investigation or increase danger to officers or the public.
  - 5) The agencies signing this agreement may allow officers with concurrent jurisdictional powers to fully handle an incident encountered, or may elect to assist with or take over such investigation or law enforcement action, based on the circumstances involved.
  - 6) Officers will use their concurrent jurisdictional powers based on the employer agency's written policies and procedures for such, and will at all times remain an employee of the employer agency.
  - 7) Officers will only use concurrent jurisdictional powers when necessary, and will not actively seek-out situations that would allow them to use such powers (e.g., officers will not "patrol" a neighboring jurisdiction or respond to calls in a neighboring jurisdiction on a routine basis).
  - 8) Officers taking any legal action based on their concurrent jurisdictional powers will file all legal actions with a court of competent jurisdiction over the matter (which may differ from the court normally used by the officer).
  - 9) Each agency shall be responsible for the negligence of its own officers irrespective of the jurisdiction where the negligent conduct occurs. However, if an officer of one agency is working under the directive or request of another agency, then the requesting or supervising agency shall, to the extent permitted under the New Mexico Tort Claim Act, be primarily responsible for the negligence of officers working for or under the directions of that agency.
  - 10) This agreement may be amended only by written agreement of the parties. However any party may withdraw from this agreement by giving the other parties thirty (30) days written notice of intention to withdraw. For notice to be

effective it must be addressed to the chief administrative officer of each of the parties who remain a part of this agreement.

As provided by NMSA Section 29-8-3, this Mutual Aid Agreement has been approved by the Governor of the State of New Mexico and by the authorities of the City of Truth or Consequences and New Mexico State Universities, on the date or dates as indicated below.

**State of New Mexico:**

\_\_\_\_\_  
Suzanna Martinez, Governor

\_\_\_\_\_  
Date

**City of Truth or Consequences:**

\_\_\_\_\_  
Juan Fuentes, City Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lee Alirez, Chief of Police

\_\_\_\_\_  
Date

**New Mexico State University:**

\_\_\_\_\_  
Garrey Carruthers, President

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Stephen Lopez, Chief of Police

\_\_\_\_\_  
Date

*02/24/2017*

4.4



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

**ITEM:**

DISCUSSION/ACTION: AUTHORIZATION TO ENTER INTO A SMALL SERVICES AGREEMENT WITH HOT SPRINGS CEMETERY.

**BACKGROUND:**

For the past several years, the Hot Springs Cemetery has submitted a sub-recipient grant to care and maintain a city owned cemetery. The application for this fiscal year was not submitted within the required deadline thus disqualifying them from funding under the sub-recipient guidelines.

Hot Springs Cemetery Association takes great pride in caring and maintaining the city cemetery with little cost to the City. It is unclear why they were required to submit a sub-recipient application in the first place. It is mutually beneficial to have an ongoing service agreement with Hot Springs Cemetery.

Since past practice has been to enter into such agreement thru a sub-recipient agreement, staff is requesting authorization to enter into a small services agreement for the remainder of this fiscal year and develop a new agreement for the next fiscal year that can be incorporated in the budget annually.

**STAFF RECOMMENDATION:**

- Authorization to enter into a small service agreement with Hot Springs Cemetery.

Reviewed by: Juan A. Fuentes	Department: City Manager	E-mail: <a href="mailto:jafuentes@torcnm.org">jafuentes@torcnm.org</a>
Meeting: 03-28-17		

H.5



**CITY OF TRUTH OR CONSEQUENCES  
CITY MANAGER'S OFFICE  
505 SIMS STREET  
TRUTH OR CONSEQUENCES, NEW MEXICO 87901  
PHONE: (575) 894-6673 EXT 320 FAX: (575) 894-0363**

**COMMISSION ACTION FORM**

**ITEM:**

*Subrecipient Applications for FY 2017/18*

**PURPOSE OF ACTION:**

*Review and allocate funds.*

**BACKGROUND:**

*The deadline for applications for FY 2017/18 was March 17, 2017. A total of 9 applications were submitted by the deadline for a sum of \$100,135. Subrecipient Grant fund is \$43,000.*

**STAFF RECOMMENDATION:**

Review and allocate.

**SUPPORT INFORMATION:**

Applications with Required Documentation  
Recap Sheet  
Allocation Worksheet

Name of Drafter: Linda Sparks	Department: City Manager's Office	Meeting: 3/28/17
E-mail: <a href="mailto:lsparks@torcnm.org">lsparks@torcnm.org</a>	Phone: 575-894-6673 Ext. 320	

**CITY OF TRUTH OR CONSEQUENCES  
2017/2018 SUBRECIPIENT GRANT AWARDS**

**FY 2017/18 FUND: \$43,000.00**

Updated: 3/22/17

**DEADLINE: 03/17/17 APPLICATIONS REQUIRE CURRENT PROOF OF NONPROFIT STATUS WITH IRS & SOS.**

NAME OF ORGANIZATION GENERAL FUND (GL #101-1000-60725)	FY 2014/15 AWARD	FY 2015/16 AWARD	FY 2016/17 APPROVED	FY 2017/18 REQUESTED	FY 2017/18 APPROVED
Companion Animal Action Team (CAAT)	N/A	\$1,000.00	\$1,000.00	\$1,500.00	
Domestic Abuse Intervention Center (DAIC)	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	
Matthew 25 Food Pantry	\$6,000.00	\$6,000.00	\$6,000.00	\$7,200.00	
Sierra Joint Office on Aging (SIOA) *	\$20,000.00	\$24,000.00	\$24,000.00	\$40,435.00	
THE Bountiful Alliance-Bountiful Babies	N/A	Utilities**	**	\$1,500.00	
<b>TOTALS</b>	<b>\$28,500.00</b>	<b>\$33,500.00</b>	<b>\$33,500.00</b>	<b>\$53,135.00</b>	<b>\$0.00</b>

Budget Balance  
101-1000-60725

\* SIOA receives \$6,000-\$7,000 in paid utilities annually.

\*\* TBA-BB: FY 15/16 contract extended 6 months into FY 16/17.

\$43,000.00

**ADDITIONAL FUNDING REQUESTS**

**LODGERS TAX FUND / O&M**

Friends of Elephant Butte State Park . . . . .	#2503811	\$1,000.00	\$1,000.00	\$2,000.00	
Geronimo Museum . . . . .	#2503815	\$3,500.00	\$3,500.00	\$5,000.00	
Geronimo Trail Scenic Byway . . . . .	#2503815	\$3,500.00	\$3,500.00	\$5,000.00	
MainStreet Truth or Consequences . . . . .	#2503591	\$30,000.00	\$35,000.00	\$35,000.00	
<b>LODGERS TAX TOTALS</b>		<b>\$38,000.00</b>	<b>\$43,000.00</b>	<b>\$47,000.00</b>	<b>\$0.00</b>
<b>GRAND TOTALS</b>		<b>\$66,500.00</b>	<b>\$76,500.00</b>	<b>\$100,135.00</b>	<b>\$0.00</b>

## SUBRECIPIENT GRANT APPLICANTS

FY 2017/2018

(Deadline for Applications 3/17/17)

(City Commission Meeting 3/28/17)

### ORGANIZATION

### DATE RECEIVED

- 1) Boys & Girls Club of Sierra County ..... **3/20/17**  
*Application late, declined 3/20/17.*
- 2) Companion Animal Action Team (CAAT) ..... 3/15/17  
*Request \$1,500 – Application signed, current proof of nonprofit status was provided, Exemption Determination letter dated 3/07/14 from IRS also provided (this letter without current proof is meaningless as nonprofit status can be lost anytime thereafter), 2016 Profit and Loss Statement was included.*
- 3) Domestic Abuse Intervention Center (DAIC) ..... 3/10/17  
*Request \$2,500 – Application signed, current proof of nonprofit status was provided, Audited Financial Statements 6/30/16 and 2015 included.*
- 4) Friends of Elephant Butte Lake State Park ..... 3/14/17  
*Request \$2,000 – Application signed, current proof of nonprofit status was provided, included letter signed by independent auditor dated 3/09/17 and Balance Sheet as of 2/28/17.*
- 5) Geronimo Springs Museum ..... 3/17/17  
*Request \$5,000 – Application signed, proof of nonprofit status was not dated, but confident it's current after some cross-checking. Per Marilyn Pope, she included the 2015 Tax Return because she doesn't expect 2016 to be completed until May.*
- 6) Geronimo Trail Scenic Byway ..... 2/22/17  
*Request \$5,000 – Application signed, current proof of nonprofit status and internal financial statement were provided.*
- 7) MainStreet Truth or Consequences ..... 3/06/17  
*Request \$35,000 – Application signed, current proof of nonprofit status; letter from CPA and accompanying Compilation of Financial Documents were provided.*
- 8) Matthew 25 Food Pantry ..... 3/03/17  
*Request \$7,200 – Application signed, current proof of nonprofit status and 2016 Profit & Loss Statement were provided; participant numbers & letters of support were included.*
- 9) Sierra Joint Office on Aging (SJOA) ..... 3/17/17  
*Request \$40,435 – Application signed, proof of nonprofit status was not dated, but confident it's current after some cross-checking. Financial Statements for FYE 2016 and 2015 were provided.*
- 10) The Bountiful Alliance-Bountiful Babies ..... 3/14/17  
*Request \$1,500 – Application signed, current proof of nonprofit status for The Bountiful Alliance was provided, December 2016 Treasurer's Report with year-to-date totals for Income and General Fund Expense was included.*