CITY OF LAS VEGAS

1700 N. GRAND AVE. • LAS VEGAS, NEW MEXICO 87701-4731 • 505-454-1401 • FAX: 505-425-7335

ALFONSO E. ORTIZ, JR.
Mayor

CITY OF LAS VEGAS
REGULAR CITY COUNCIL AGENDA
September 17, 2014–Wednesday– 6:00 p.m.
City Council Chambers
1700 N. Grand Ave

(The City Council shall act as the Housing Authority Board of Commissioners on any matters on the Agenda concerning the Housing Department.)

I. **CALL TO ORDER**

II. **ROLL CALL**

III. **PLEDGE OF ALLEGIANCE**

IV. **MOMENT OF SILENCE**

V. **APPROVAL OF AGENDA**

VI. **APPROVAL OF MINUTES (August 13th Special, August 13th Work Session, and August 20, 2014)**

VII. **MAYOR'S APPOINTMENTS**

VIII. **MAYOR'S RECOGNITIONS/PROCLAMATIONS**

IX. **PUBLIC INPUT (not to exceed 3 minutes per person)**

X. **PRESENTATIONS (not to exceed 10 minutes per person)**

- Presentation by Sherry F. Hooper, Executive Director for "The Food Depot".

XI. **FINANCE REPORT**

XII. **OLD BUSINESS**

1. Conduct a Public Hearing and Approval/Disapproval to Adopt Ordinance 14-05.

TONITA GURULE-GIRON Councilor, Ward 1
VINCE HOWELL Councilor, Ward 2
JOSEPH "JOEY" HERRERA Councilor, Ward 3
DAVID L. ROMERO Councilor, Ward 4

Dave Romero, City An Ordinance, 14-05 Imposing a two (2) year moratorium the submission consideration or approval of applications for conditional use or special use permits or variances for wireless communications facilities within the City of Las Vegas. Ordinance 14-05 was published on August 25, 2014.

XIII. NEW BUSINESS

1. Approval/Disapproval of Out of State Travel for two Police personnel.

   Christian Montano, Police Chief An Internal Affairs Certification Course will be held in Las Vegas, NV on December 1st through December 5th, 2014. This course is considered to be an advanced training level. One (1) Commander and one (1) Lieutenant will be attending to increase their level of training for the Office of Personnel Standards.

2. Approval/Disapproval to Apply for funding through the Department of Public Safety for the Region IV Narcotics Task Force.

   Christian Montano, Police Chief The Las Vegas City Police Department is requesting approval to apply for funding in the amount of $93,509.00 to provide overtime, training and equipment for members of the Region IV Narcotics Task Force.

3. Approval/Disapproval of Resolution 14-62 Signatory Authority for Senior Center (s).

   Annette Ortega, Senior Citizens Center Manager A resolution is required for signatory authority for all documents necessary to continue Senior Center Operations.

4. Approval/Disapproval to award Request for Proposal #2015-03 and enter into negotiations with Innovative Technical Consulting, Inc.

   Ann Marie Gallegos, Finance Director The 2013 Audit included an Informational Technology Finding. The Finding recommended that the City develop and update a formal Disaster Recovery Plan, to ensure the City has a redundant server especially for the Tyler application, to address the network security and to engage a third party service provider to perform several tests to ensue and protect all City data. Finally, hardware will upgrade servers and backup systems.

5. Approval/Disapproval of Use Agreement with the Pecos League.

Elmer J. Martinez, Acting City Manager The Pecos League is the owner and operator of the "Vegas Train Robbers" a professional baseball team. This team utilizes the City of Las Vegas baseball field situated at the Rodriguez Park Complex known as Henry Martinez field. Council reviewed the previous agreement and provided direction to staff for the preparation of a revised Use Agreement with the Pecos League.

6. Approval/Disapproval of Contract with the Las Vegas/San Miguel Economic Development Corporation.

   Elmer J. Martinez, Acting City Manager The purpose of this EDC Contract is to coordinate collaborative and economic development initiatives that stimulate economic opportunities for Las Vegas. The proposed agreement sets forth specific projects with quarterly reporting to the City of Las Vegas under terms of the Contract.

7. Approval/Disapproval of Resolution 14-63 Designating the Use of Commerce Street Soccer Field to the Las Vegas Youth Soccer League.

   Elmer J. Martinez, Acting City Manager Designating the use of Commerce Soccer Field for the purpose of establishing a central location for youth soccer and working with the Las Vegas Youth Soccer League to work together in making improvements to the field and surrounding area to enhance recreational experiences.

8. Approval/Disapproval to ratify agreement for purchase of water rights from Victory Enterprises as represented by Maria Padilla.

   Ken Garcia, Utilities Director The City is continuously seeking out additional water sources to improve the water situation. On August 1, 2012, the City entered into agreement with Victory Enterprises (#2498-12) for the purchase of water rights at a cost of $5,000 per water right. The transfer amount is 11.01 acre feet of consumptive use with 1848 priority. The total amount payable to Victory Enterprises is $55,050.00. The original petition to the Office of the State Engineer was protested which accounts for the time lapse between the signing of the agreement and the final closing. However, the transfer of water rights has since been approved by the Office of the State Engineer.

XIV. COUNCILORS' REPORTS

XV. EXECUTIVE SESSION

THE COUNCIL MAY CONVENE INTO EXECUTIVE SESSION IF SUBJECT MATTER OF ISSUES ARE EXEMPT FROM THE OPEN

MEETINGS REQUIREMENT UNDER § (H) OF THE OPEN MEETINGS ACT.

A. **Personnel matters, as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978.**

B. **Matters subject to the attorney client privilege pertaining to threatened or pending litigation in which the City of Las Vegas is or may become a participant, as permitted by Section 10-15-1 (H) (7) of the New Mexico Open Meetings Act, NMSA 1978.**

C. **Matters pertaining to the discussion of the sale and acquisition of real property, as permitted by Section 10-15-1 (H) (8) of the Open Meetings Act, NMSA 1978.**

XVI. ADJOURN

ATTENTION PERSONS WITH DISABILITES: The meeting room and facilities are accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office prior to the meeting so that arrangements may be made.
ATTENTION PERSONS ATTENDING COUNCIL MEETING: By entering the City Chambers, you consent to photography, audio recording, video recording and its/their use for inclusion on the City of Las Vegas Web-site, and to be televised on Comcast.

NOTE: A final agenda will be posted 72 hours prior to the meeting. Copies of the Agenda may be obtained from City Hall, Office if the City Clerk, 1700 N. Grand Avenue, Las Vegas, N.M 87701

MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL SPECIAL MEETING HELD ON WEDNESDAY AUGUST 13, 2014 AT 4:30 P.M. IN THE CITY COUNCIL CHAMBERS

MAYOR:	Alfonso E. Ortiz, Jr.
COUNCILORS:	Tonita Gurule-Giroń Vince Howell Joey Herrera David L. Romero
ALSO PRESENT:	Elmer Martinez, Acting City Manager Casandra Fresquez, City Clerk Dave Romero, City Attorney Eugene Garcia, Sergeant at Arms

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Mayor Ortiz Jr. asked for a moment of silence in appreciation of life and the opportunity that life gives us and try everyday to do a little more each day to help one another.

APPROVAL OF AGENDA

Councilor Howell made a motion to approve the agenda as is. Councilor Herrera seconded the motion.

Mayor Ortiz Jr. asked for a roll call. Roll call was taken and reflected the following.

Joey Herrera	Yes	Tonita Gurule-Giroń	Yes
Vincent Howell	Yes	David L. Romero	Yes

City Clerk Casandra Fresquez re-read the motion and advised the motion carried.

PUBLIC INPUT

None at this time

BUSINESS ITEMS

1. Approval/Disapproval of Resolution 14-60 ratifying Memorandum of Agreement between the City of Las Vegas and the State of New Mexico General Services Department for property transfer for the remediation of the old City of Las Vegas Solid Waste Landfill.

Utilities Director Ken Garcia introduced John Rupley the Project Manager and Alexis Johnson, the attorney for the Facilities Management Division.

Utilities Director Ken Garcia gave a brief history of the landfill and its relation to the State Behavioral Health property and discussions that have taken place with the State and the agreement entered into with the City of Las Vegas. Utilities Director Garcia explained the resolution outlining the agreement.

Questions and discussion took place regarding the agreement, deadlines and corrective measures the City needs to take towards the potential groundwater contamination around the landfill.

Mr. Johnson gave a brief overview of the negotiations that took place with the Environment Department, Facilities Management and the City about the land transfer in order for the City to move forward. Mr. Johnson also advised the Governing Body that the agreement will also protect the City, once it has had the property transferred, from any third party property owners in the area claiming damages for the purposes of contamination. The agreement has been reviewed and mediated by the Environment Department, the State and the City of Las Vegas and the benefit of the City acquiring the transfer will allow the City to build the groundwater remediation facility.

Utilities Director Garcia explained what the remediation facility is and its purpose to the possible groundwater contamination around the landfill.

Acting City Manager Martinez also explained remediation dam and how the water will be collected and treated to lessen any possible contamination of the groundwater.

Utilities Director Garcia further explained the benefits of transferring the property from the State and also supporting the State in its efforts to improve water, sewer

and gas service and further supporting the State in its efforts to complete annexation of approximately 300 acres into the City limits.

Questions and discussion took place regarding the resolution and the status of the annexation.

Councilor Howell made a motion to approve Resolution No. 14-60. Councilor Herrera seconded the motion.

Resolution No. 14-60 was presented as follows:

CITY OF LAS VEGAS
RESOLUTION NO. 14-60

RATIFYING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LAS VEGS AND THE NEW MEXICO FACILITIES MANAGEMENT OF THE STATE OF NEW MEXICO GENERAL SERVICES DEPARTMENT (GSD/FMD)

WHEREAS, the City operated a landfill located adjacent to State property beginning in 1977 through 1999; and

WHEREAS, the City has conducted closure activities at the landfill since 1994 and is required to remediate potential groundwater contamination on and adjacent to the landfill; and

WHEREAS, the City of required to implement a 2005 Corrective Measures Plan for the landfill to comply with NM Solid Waste Rules NMAC 20.9.9.16(E); and

WHEREAS, the City increased solid waste rates July 1, 2013, in part to acquire bond funds to finance the construction of the landfill remediation project, construct transfer station improvements, and purchase solid waste equipment; and

WHEREAS, The New Mexico Environment Department has held an Administrative Compliance Order including penalties in abeyance to allow the City a reasonable time to complete corrective measures; and

WHEREAS, the City desires to construct groundwater remediation facilities that will consist of a collection leachate system located on the City landfill and approximately five acres of adjacent State property; and

WHEREAS, the City desires to acquire an easement through State property to convey leachate through State property to the City's wastewater collection system; and

WHEREAS, the City desires to drill potable or non potable water wells on State property, extend the non potable "effluent" system through State property to the Camp Luna area for further treatment and storage; and

WHEREAS, the City is exchanging values and benefits in the MOU that includes authorization of the State to tap onto the water, sewer, and gas mains as specified in the MOU; and

WHEREAS, the City will support the State in its efforts to improve water, sewer and gas service as well as support the State in its efforts to complete the annexation of approximately 300 acres of State property into City limits; and

WHEREAS, the acquisition of the property, easement and other considerations provide for compensation to GSD/FSD and mutually beneficial services and benefits to the City and GSD/FSD.

NOW THEREFORE BE IT RESOLVED THAT THE GOVERNING BODY OF THE CITY OF LAS VEGAS hereby ratifies the attached Memorandum of Understanding between the City and the New Mexico Facilities Management of the State of New Mexico General Services Department as entered into by the City Manager Elmer Martinez.

Mayor Ortiz Jr. asked for a roll call. Roll call was taken and reflected the following.

David L.Romero	Yes	Tonita Gurule-Giroń	Yes
Vincent Howell	Yes	Joey Herrera	Yes

City Clerk Casandra Fresquez re-read the motion and advised the motion carried.

EXECUTIVE SESSION

No items for Executive Session

Councilor Howell made a motion to adjourn. Councilor Gurule-Giroń seconded the motion.

Mayor Ortiz Jr. asked for a roll call. Roll call was taken and reflected the following.

Joey Herrera	Yes	Tonita Gurule-Giroń	Yes
David L. Romero	Yes	Vincent Howell	Yes

City Clerk Casandra Fresquez re-read the motion and advised the motion carried.

ADJOURN

_____

Mayor Alfonso E. Ortiz, Jr.

ATTEST:

_____

Casandra Fresquez, City Clerk

MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL WORK SESSION HELD ON WEDNESDAY AUGUST 13, 2014 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS

MAYOR:	Alfonso E. Ortiz, Jr.
COUNCILORS:	Tonita Gurule-Giroń Vince Howell Joey Herrera David L. Romero
ALSO PRESENT:	Elmer Martinez, Acting City Manager Casandra Fresquez, City Clerk Dave Romero, City Attorney Eugene Garcia, Sergeant at Arms

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Mayor Ortiz Jr. asked for a moment of silence to continuously help those that are in need.

APPROVAL OF AGENDA

Councilor Howell made a motion to approve the agenda as is. Councilor Herrera seconded the motion.

Mayor Ortiz Jr. asked for a roll call. Roll call was taken and reflected the following.

David L. Romero	Yes	Joey Herrera	Yes
Vincent Howell	Yes	Tonita Gurule-Giroń	Yes

City Clerk Casandra Fresquez re-read the motion and advised the motion carried.

MAYOR'S APPOINTMENTS

Mayor Ortiz Jr. advised he had no appointments at this time.

MAYOR'S RECOGNITION/PROCLAMATION

None at this time.

PUBLIC INPUT

Bob Wessley asked the Governing Body to maintain focus in the community water problem but also asked the Governing Body to not forget the iconic American words that seem to have been forgotten in Washington and wonder if the City has the heart and selflessness to welcome some of the nation's child refugees to the City.

Mayor Ortiz Jr. called attention to the hunger issues that every community endures and the tremendous job the local soup kitchens do to help those in need.

CITY MANAGER'S INFORMATIONAL REPORT

Acting City Manager Martinez advised the Governing Body of the utility rate increase that went into effect July 2014. The rate increase ordinance came into effect in September 2012.

Questions were asked whether the increases needed to come back to Council for a vote to be approved.

Utilities Director Garcia advised the ordinance adopted in 2012 included phased increases.

Discussion and comments took place regarding the rate increase.

Acting City Manager Martinez advised the City crews are working on fixing the potholes along the city streets now that they received material. Acting City Manager commended staff that responded to the fire at the Inn of Las Vegas. Weeds continue to be a problem around the community and the Code Enforcement Officers have been active in notifying individuals and also speaking out over the radio to remind the community. Acting City Manager Martinez advised the City will be advertising for the Public Works Director position and hopefully conducting interviews soon. Acting City Manager Martinez advised the City is really focusing on customer service training for all the staff and has been

attending a lot of department staff meetings to inform the departments of the expectation of exceptional customer service.

DISCUSSION ITEMS

1. Conduct a Public Hearing and Identify project priorities for the 2016-2020 Infrastructure Capital Improvements Plan.

Acting City Manager Martinez advised the project priorities are similar to past Capital Improvement Plans. The departments have been working to identify priority projects and the Abe Montoya Recreation Center Pool re-roof has been moved up to priority number two. Acting City Manager Martinez asked that the Council conduct a public hearing and ask members of the audience to speak during that time as is required for the ICIP and is due September 2, 2014. The swimming pool re-roof and repair of the VAC system are the only projects that have been moved up on the priority list, the groundwater treatment production to number six. Acting City Manager Martinez named the top six priorities that the governing body has set.

Questions were asked about the cost of the swimming pool repair.

Acting City Manager Martinez advised that a scope of work is being done by engineer within the next week and once the final scope is created with cost estimate he will provide that to the governing body. Acting City Manager Martinez advised a structural engineer came and reviewed the facility and the structural beams range from moderate to severe in terms of condition.

Questions were asked about the anticipated cost recovered from the insurance, status of the E. Romero Fire Station project and the inclusion of Housing projects in the ICIP.

Acting City Manager Martinez advised he does not have all the details regarding the E. Romeo Fire station but will be meeting with the architect on several projects including the fire station.

Questions were asked about street improvement projects listed on the ICIP and consideration of the family fun center that has been discussed.

Discussion took place regarding the youth of the community, the economy and the feasibility study that was to take place.

Councilor Gurule-Giroń recommended that the ICIP priority listing be kept as presented due to the deadline to submit.
Councilor Herrera made a motion to conduct a public hearing. Councilor Howell seconded the motion.

Mayor Ortiz Jr. asked for a roll call. Roll call was taken and reflected the following.

Tonita Gurule-Giroń	Yes	Vincent Howell	Yes
Joey Herrera	Yes	David L. Romero	Yes

City Clerk Casandra Fresquez re-read the motion and advised the motion carried.

City Attorney Romero asked those who wished to speak during the public hearing to stand and be sworn in.

All were sworn in.

Bob Wessley commented that Item 7, Brander Dam Improvement project may be obsolete since the City is currently working on the Brander Dam project and could possibly be deleted from the list. Mr. Wessely feels the family fun center would have a better marketing point if the name could be changed as not to appear as an optional community need.

Utilities Director Ken Garcia spoke about the Brander Dam expansion project and the additional funding being requested by the State. Utilities Director Garcia advised the planning is moving forward with projects so when funding is requested the projects are ready to proceed.

Building Inspector Ben Maynes commented on the name of the family fun center and advised he would like a BMX track built on the community and create a sports plex committee.

Councilor Herrera made a motion to close the public hearing. Councilor Howell seconded the motion.

Mayor Ortiz Jr. asked for a roll call. Roll call was taken and reflected the following.

David L. Romero	Yes	Joey Herrera	Yes
Vincent Howell	Yes	Tonita Gurule-Giroń	Yes

City Clerk Casandra Fresquez re-read the motion and advised the motion carried.

Councilor Gurule-Giroń made a motion to reconvene into regular session. Councilor Howell seconded the motion.

Mayor Ortiz Jr. asked for a roll call. Roll call was taken and reflected the following.

Joey Herrera	Yes	Vincent Howell	Yes
David L. Romero	Yes	Tonita Gurule-Giroń	Yes

City Clerk Casandra Fresquez re-read the motion and advised the motion carried.

2. Interim Appointment of Public Works Director.

Acting City Manager Martinez advised he is recommending for ratification of the Interim Appointment of Chris Cavazos as the Public Works Director. The position is currently being advertised.

Questions were asked about the length of appointment and would a committee be created to interview the candidates.

Acting City Manager Martinez advised the interim appointment can be no longer then six months and the interview committee would include some senior level supervisors.

The governing body agreed to place the item as a consent agenda item.

3. Resolution No. 14-54 Disposing of Obsolete Property.

Acting City Manager Martinez advised Finance Director Gallegos was not in attendance due to family and he be would handling the item. The City of Las Vegas has obsolete property, such as scrap metal, water and gas meters and other obsolete equipment that has been fully depreciated.

Questions were asked if the property would be auctioned or placed for bid.

Acting City Manager Martinez advised they have not finalized which direction the City will take.

The governing body agreed to place the item as a consent agenda item.

4. Publication of Ordinance 14-05.

City Attorney Romero advised the ordinance is to impose a two year moratorium on the submission consideration or approval of applications for wireless communications facilities within the City of Las Vegas. Upon discussion with the Community Development Department it was agreed the current ordinance needed to be looked at and updated to address new issues that have come up with the placement and design of communication towers.

Questions and discussion took place about the two year moratorium.

The governing body agreed to place the item as a consent agenda item.

5. Out of State travel for Mr. Ben Maynes, Building Inspector.

Interim Community Development Director Marquez requested for Building Inspector, Ben Maynes to attend the Pearson Training class and exam given during October 6th through October 11th in Englewood Colorado. Interim Community Development Director Marquez advised Mr. Maynes is required to be certified nationally through Construction Industries Licensing Act.

Building Inspector Maynes gave an overview of the class and exam and advised the law amended in 2013 requires that municipalities have a Certified Building Officer. Mr. Maynes advised the State recognizes his certification for a five year period from the 2013 requirement.

Questions were asked about the requirement listed in the Construction Industries Act and the language of transferring the authority to issue building permits reverts back to the State in the event the Certified Building Officer leaves the municipality. Questions were asked about fees the City pays to maintain Mr. Maynes' certification and trainings.

Interim Community Development Director Marquez gave a breakdown of the cost of the training.

The governing body agreed to place the item as a consent agenda item.

6. Encroachment agreement with Ms. Isabel Saavedra.

Interim Community Development Director Marquez advised that during a "Boundary Survey Plat" prepared by surveyor Redline LLC, it was discovered that a porch attached to Isabel Saavedra's home located at 1408 South Pacific, encroaches onto City right of way, 1408 South Pacific is a registered historical home that falls within the local Cultural Historic Overlay. Interim Community Development Director Marquez went through the exhibits presented to the governing body, the zoning requirements and the agreement proposed and stating that currently the City will allow the encroachment but should any future remodel, repair, or removal on the porch, the original boundary line will be enforced.

Questions and discussion place regarding the agreement and clarification of language.

The governing body agreed to place the item as a consent agenda item.

7. Public Transportation (5311) Grant Application- Review of Resolution 14-58 authorizing application to the New Mexico Department of Transportation Transit and Rail Division for Public Rural Transportation Grant.

Acting City Manager Martinez advised the City of Las Vegas provides public transportation for the community via Meadow City Express. The grant will provide for continuation of this service. The grant is due September 5th.

The governing body agreed to place the item as a consent agenda item.

EXECUTIVE SESSION

Acting City Manager Martinez advised there are items for Executive Session regarding threatened or pending litigation.

Councilor Herrera made a motion to go into Executive Session. Councilor Gurule-Giroń seconded the motion.

Mayor Ortiz Jr. asked for a roll call. Roll call was taken and reflected the following.

David L. Romero	Yes	Joey Herrera	Yes
Vincent Howell	Yes	Tonita Gurule-Giroń	Yes

City Clerk Casandra Fresquez re-read the motion and advised the motion carried.

Councilor Herrera made a motion to reconvene into regular session and no action was taken. Councilor Romero seconded the motion.

Mayor Ortiz Jr. asked for a roll call. Roll call was taken and reflected the following.

Vincent Howell	Yes	Joey Herrera	Yes
David L. Romero	Yes	Tonita Gurule-Giroń	Yes

City Clerk Casandra Fresquez re-read the motion and advised the motion carried.

ADJOURN

Councilor Herrera made a motion to adjourn. Councilor Gurule-Giroń seconded the motion.

Mayor Ortiz Jr. asked for a roll call. Roll call was taken and reflected the following.

Tonita Gurule-Giroń	Yes	Joey Herrera	Yes
Vincent Howell	Yes	David L. Romero	Yes

City Clerk Casandra Fresquez re-read the motion and advised the motion carried.

_____
Mayor Alfonso E. Ortiz, Jr.

ATTEST:

_____
Casandra Fresquez, City Clerk

MINUTES OF THE CITY OF LAS VEGAS REGULAR CITY COUNCIL MEETING HELD ON AUGUST 20, 2014 AT 6:00 P.M. IN THE CITY COUNCIL CHAMBERS

MAYOR:	Alfonso E. Ortiz, Jr.
COUNCILORS:	Joey Herrera-Absent (Illness) Tonita Gurule-Giroń David L. Romero Vincent Howell
ALSO PRESENT:	Elmer Martinez-Acting City Manager Casandra Fresquez-City Clerk Dave Romero-City Attorney Juan Montano-Sergeant at Arms

CALL TO ORDER

Mayor Alfonso E. Ortiz, Jr. called the meeting to order at 6:20 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Mayor Ortiz, Jr. asked to devote a moment of silence in memory of our loved ones who have departed and to appreciate our time on earth which allows us to do more for our families. Mayor Ortiz, Jr. also asked for a moment of silence in memory of Mr. Patell (owner of the Regal Hotel) who had recently passed away.

APPROVAL OF AGENDA

Councilor Gurule-Giroń made a motion to approve the agenda with the recommended changes to remove the presentation by Ed Toms with URS and to place Business Items #3, #4, #5, #6, #7 and #8 on consent agenda. Councilor Romero seconded the motion.

Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

David L. Romero	Yes	Vincent Howell	Yes
Tonita Gurule-Giroń	Yes	Joey Herrera	Absent

City Clerk Fresquez re-read the motion and advised the motion carried.

APPROVAL OF MINUTES

Councilor Howell made a motion to approve the minutes for July 9th, 16th and 28th 2014. Councilor Tonita Gurule-Giroń and Councilor Romero seconded the motion.

Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	David L. Romero	Yes
Tonita Gurule-Giroń	Yes	Joey Herrera	Absent

City Clerk Fresquez re-read the motion and advised the motion carried.

MAYOR'S APPOINTMENTS

None at this time.

MAYOR'S RECOGNITIONS/PROCLAMATIONS

Mayor Ortiz, Jr. advised that the City of Las Vegas Retirees Presentation would not take place since the three retirees could not attend the meeting and a letter of appreciation and plaque would be sent to them. Mayor Ortiz, Jr. recommended that they be recognized for their committed service to the City of Las Vegas.

City Clerk Fresquez recognized the following retired employees in appreciation for their dedication and loyal service to the City of Las Vegas:

Gerald Garcia-Zoning & Licensing Supervisor-Retired on May 30, 2014 -27 Years of Service

Carlos Ortiz-Public Facilities Director-Retired on June 6, 2014-26 Years of Service

Mack Allingham-Police Commander- Retired on June 27, 2014-20 Years of Service

Mayor Ortiz, Jr. expressed his gratitude to the three retirees for their dedicated service with the City of Las Vegas.

Acting City Manager Elmer Martinez took this opportunity to publicly thank Gerald Garcia for his service and whom he worked closely with in the Community Development Department. Acting City Manager Martinez also recognized Carlos Ortiz and Mack Allingham for their hard work and publicly thanked all three retirees on behalf of the City Manager's Office.

Mayor Ortiz, Jr. advised that he spoke with Utilities Director Ken Garcia and Acting City Manager Elmer Martinez about conducting a workshop that would update the community on all aspects on water issues and he also spoke briefly on several projects concerning the Bradner Dam Project.

PUBLIC INPUT

Mr. Steven Garcia expressed his concerns about fast drivers and drivers not stopping at the stop signs in the area of Tecolote and Salazar Streets.

Mayor Ortiz, Jr. advised that sadly fast driving and not stopping at stop signs occurs throughout the city and asked Commander Juan Montano to take note of the situation on Tecolote and Salazar Streets.

FINANCE REPORT

Finance Director Ann Marie Gallegos presented the finance report ending July 2014. Finance Director Gallegos advised that the General Fund expenditures

were at seven percent, just one percent higher than expected due to the overtime used for 4th of July Fiestas and revenue was at six percent.

Councilor Gurule-Giroń had questions regarding Inter-Governmental Funds, expenditures for Finance Department, Animal Shelter and several other concerns with the finance report.

Finance Department Director Gallegos addressed the questions and concerns about the various expenditures.

Brief discussion took place concerning funding for repairs at the Abe Montoya Recreation Center.

Councilor Howell had questions and budget concerns regarding Parks Department, Animal Shelter and Library as well as several other expenditures.

Finance Director Gallegos and Acting City Manager Martinez addressed all questions and concerns brought up by Councilor Howell.

Finance Director Gallegos advised the Recreation Department brought in seven percent of their revenues and eight percent on their expenditures. Enterprise Funds came in at seven percent of their revenues and expended two percent of their budget.

Councilor Gurule-Giroń asked if a comparison had been conducted on revenue for Enterprise Funds in the last three years.

Finance Director Gallegos advised that there hadn't been a study done but that she would conduct a comparison for the Enterprise Fund.

Councilor Howell had questions on percentages of the community who cannot pay their utilities and was also concerned about the County Tax Increase affecting the city's budget.

Utilities Director Garcia clarified the process of delinquent notices, shut off notices and payment arrangements that are available for the community.

Finance Director Gallegos advised that the County Tax Increase would not affect the city's budget.

Finance Director Gallegos reported for the record that the City of Las Vegas received a letter on August 9, 2014 from the State of New Mexico Department of Finance and Administration approving the final budget for Fiscal Year 2014-2015.

BUSINESS ITEMS

1. Conduct a Public Hearing and Approval/Disapproval of Resolution 14-59 adopting the 2016-2020 Infrastructure Capital Improvements Plan.

Acting City Manager Martinez advised the Department of Finance, Local Government Division recommends that municipalities prepare and submit an ICIP in order to plan the systematic allocation of funds and also enable the executive branch of state government to propose a rationale ICIP to the legislature for funding. The deadline for submittal is September 2, 2014.

Councilor Gurule-Giroń made a motion to go into public hearing. Councilor Howell seconded the motion.

Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

Tonita Gurule-Giroń	Yes	David L. Romero	Yes
Vincent Howell	Yes	Joey Herrera	Absent

City Clerk Fresquez re-read the motion and advised the motion carried.

City Attorney Dave Romero asked all who wished to speak to stand and be sworn in. There was no one that wished to speak.

Councilor Gurule-Giroń moved to close public hearing and to reconvene into regular session. Councilor Howell seconded the motion.

Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	David L. Romero	Yes
Tonita Gurule-Giroń	Yes	Joey Herrera	Absent

City Clerk Fresquez re-read the motion and advised the motion carried.

Councilor Gurule-Giroń made a motion to approve Resolution 14-59 adopting the 2016-2020 Infrastructure Capital Improvements Plan. Councilor Howell and Councilor Romero seconded the motion.

Resolution 14-59 was presented as follows:

CITY OF LAS VEGAS

RESOLUTION No. 14-59

A RESOLUTION ADOPTING AN INFRASTRUCTURE CAPITOL IMPROVEMENTS PLAN (ICIP)

WHEREAS, the municipality of Las Vegas recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and

WHEREAS, in time of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

WHEREAS, systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and

WHEREAS, this process contributes to local and regional efforts in project identification and selection in short and long range capital planning efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF LAS VEGAS that:

1. The City of Las Vegas has adopted the attached Infrastructure Capital Improvements Plan, and
2. It is intended that the Plan be a working document and is the first of many steps toward improving rational, long-range capital planning and budgeting for New Mexico's infrastructure, and
3. This Resolution supersedes Resolution No. 13-45

PASSED, APPROVED AND ADOPTED this _____ day of _____.

_____

Alfonso E. Ortiz, Jr., Mayor

ATTEST:

_____

Casandra Fresquez, City Clerk

Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	David L. Romero	Yes
Tonita Gurule-Giroń	Yes	Joey Herrera	Absent

City Clerk Fresquez re-read the motion and advised the motion carried.

2. Approval/Disapproval of Resolution 14-61 Expressing gratitude to the New Mexico Congressional Delegation for their support.

Utilities Director Garcia recognized the following Congressional Delegation Representatives:

Patricia Dominguez- Office of Senator Martin Heinrich
Pamela Garcia – Office of State Representative Ben Ray Lujan
Carlos Sanchez – Office of Senator Tom Udall

Utilities Director Garcia advised the City of Las Vegas has received exceptional support from the State of New Mexico Congressional Delegation of the Bradner Dam Enlargement project. Through this resolution, the City would like to express their sincere appreciation and gratitude to the NM Congressional Delegation for its continued support. Utilities Director Garcia read the resolution in its entirety.

Congressional Delegation Representative Patricia Dominguez spoke on behalf of Senator Heinrich to express his gratitude for the opportunity to serve the community of Las Vegas. Congressional Delegation Representative Pamela Garcia

offered congratulations from Congressman Lujan and recognized all the hard work involved in this project. Congressional Delegation Representative Carlos Sanchez relayed best greetings from Senator Tom Udall and to express how pleased he was that the waiver was granted and how proud he was to serve the people of Las Vegas and San Miguel County.

Mayor Ortiz, Jr. offered his gratitude on behalf of the City of Las Vegas, to each member of the Congressional Delegation for their help and support to the City of Las Vegas on the Bradner Dam Enlargement Project.

Councilor Gurule-Giroń made a motion to approve Resolution 14-61 Expressing gratitude to the New Mexico Congressional Delegation for their support. Councilor Romero seconded the motion.

Resolution 14-61 was presented as follows:

CITY OF LAS VEGAS
RESOLUTION NO. 14-61

A RESOLUTION OF THE CITY OF LAS VEGAS, NM EXPRESSING GRATITUDE TO THE NEW MEXICO CONGRESSIONAL DELEGATION FOR THEIR SUPPORT OF THE BRADNER DAM ENLARGEMENT PROJECT.

WHEREAS, on September 13, 2011 through Resolution Number 11-57 the City of Las Vegas adopted a comprehensive Preliminary Engineering Report for the City's water system to analyze and address the City's requirement to reliably deliver sufficient water at an acceptable quality for years to come in a cost constrained environment; and

WHEREAS, on September 28, 2012 through Ordinance Number 12-13 the Governing Body amended water rates to partially fund the water systems improvements outlined in the PER related to water quality, storage, conveyance and supply; and

WHEREAS, The City anticipated the need for more funding for this project and City officials met with the Congressional delegation in Washington D.C. on November 20, 2013 to discuss this project and the dire need for support; and

WHEREAS, on December 19, 2012, through Resolution Number 12-66 the City of Las Vegas amended its infrastructure capital improvements plan to make the Bradner Dam Enlargement project its top priority; and

WHEREAS, on December 11, 2013, through Resolution Number 13-56 the City of Las Vegas adopted the engineer recommended alternative for the Bradner Dam Enlargement project into the City's PER; and

WHEREAS, on December 19, 2012, through Resolution Number 12-65 the City applied for 4 million dollars in funding assistance to the Drinking Water State Revolving Loan Fund for planning and design of the Bradner Dam Enlargement project; and

WHEREAS, on August 21, 2013, through Resolution Number 13-39 the City established financial policies to manage water funds to ensure reserve borrowing capacity for this project; and

WHEREAS, on May 20, 2014 through Resolution 14-27 the City applied for and was awarded 4 million dollars in funding support from the New Mexico Water Trust Board for this project; and

WHEREAS, on June 16, 2014, through Resolution Number 14-39 the City has applied for funding from the New Mexico Finance Authority under the United States Environmental Protection Agency Drinking Water State Revolving Loan Fund up to 20 million dollars for this project; and

WHEREAS, on July 16, 2014, through Resolution Numbers 14-41 and 14-42 the City entered into agreement with the New Mexico Office of the State Engineer for a combined total of 10 million dollars in funding assistance awarded through the 2014 Legislative session; and

WHEREAS, in their letter dated April 22, 2013, the Environmental Protection Agency recognizes that dams are not typically authorized under the Drinking Water State Revolving Loan Fund program, they realized the importance of the Bradner Dam to the City's drinking water system and have required that the City apply for a waiver for funding; and

WHEREAS, on June 30, 2014 the City responded to the New Mexico Finance Authority with additional documentation supporting its SRF application; and

WHEREAS, on July 21, 2104 the New Mexico Finance Authority provided the Environmental Protection Agency with its determination that the City is eligible for State Revolving Loan Funding and requested a USEPA deviation due to the length of time it could take the Environmental Protection Agency to determine State Revolving Loan Funding eligibility; and

WHEREAS, the Congressional Delegation expressed its support to the United States Environmental Protection Agency on August 14, 2014 for the project and the waiver; and

WHEREAS, the City realized that City, State and Federal financial support is critical to completing a project of this magnitude.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE City of Las Vegas that the City extends its sincere gratitude and appreciation to the Congressional Delegation for their letter and continued support on this very important and critical project.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 20____.

CITY OF LAS VEGAS

_____
Mayor Alfonso E. Ortiz, Jr.

(Seal)

ATTEST:

_____
Casandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

_____
Dave Romero Jr., City Attorney

Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	Tonita Gurule-Giroń	Yes
David L. Romero	Yes	Joey Herrera	Absent

City Clerk Fresquez re-read the motion and advised the motion carried.

Discussion took place of the significance of the waiver and the importance of the different funding sources which included the Legislature, Water Trust Board and SRF Funding and how it is a lengthy process.

Mayor Ortiz, Jr. advised that the City of Las Vegas is paving the way for other communities that might have to deal with the same water issues and expressed the importance of water and what a precious resource it is.

CONSENT AGENDA

City Clerk Fresquez read the consent agenda Business Items into the record to include Business Items #3 through #8.

3. Ratification of Appointment of Chris Cavazos as Interim Public Works Director until such time position is filled.

4. Approval of Resolution 14-54 Disposing of Obsolete Property.

Resolution 14-54 was presented as follows:

STATE OF NEW MEXICO
MUNICIPALITY OF CITY OF LAS VEGAS
RESOLUTION 14-54
OBSOLETE EXCESS PROPERTY

WHEREAS, The Governing Body in and for the Municipality of Las Vegas, State of New Mexico has developed a need for disposition of items deemed unusable; and

WHEREAS, the City of Las Vegas is proposing to auction, bid out and/or sell off obsolete equipment including items that have been fully depreciated, to include scrap metal, and dispose of other items deemed unusable; and

WHEREAS, a request will be submitted to Department of Finance and Administration for approval to auction, bid out and/or sell off surplus and obsolete equipment including scrap metal; and

WHEREAS, a notice of sale will be submitted to Office of the State Auditor for informational purposes; and

WHEREAS, the sale of identified surplus property will be held in FY 2014-2015; and

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Municipality of the City of Las Vegas, State of New Mexico hereby approves the sale of obsolete equipment, scrap metal, and/or surplus equipment respectfully requests approval from the Local Governing Division of the Department of Finance and Administration.

RESOLVED: In session this 20th day of August, 2014.

_____
Alfonso E. Ortiz, Jr. Mayor

ATTEST:

_____
Casandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

_____
Dave Romero, City Attorney

5. Approval to Publish Ordinance 14-05 Imposing a two (2) year moratorium the submission consideration or approval of applications for conditional use or special

use permits or variances for wireless communications facilities within the City of Las Vegas.

6. Approval for Out of State travel for Ben Maynes, City of Las Vegas Building Inspector.

7. Approval for City of Las Vegas to enter into Encroachment agreement with Ms. Isabel Saavedra and/or future owners of 1408 South Pacific Street.

8. Approval of Resolution 14-58 authorizing application to the New Mexico Department of Transportation Transit and Rail Division for a Public Rural Transportation Grant.

Councilor Howell made a motion to approve consent agenda as read into record. Councilor Romero seconded the motion.

Resolution 14-58 was presented as follows:

CITY OF LAS VEGAS

Resolution No. 14-58

A RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION TRANSIT AND RAIL DIVISION FOR A PUBLIC RURAL TRANSPORTATION GRANT

WHEREAS, the City of Las Vegas Transportation Service—Meadow City Express was designated a public rural transportation system in 1995; and

WHEREAS, since that time the City of Las Vegas—Meadow City Express has applied for New Mexico Department of Transportation--Transit and Rail Division monies (Administrative, Operating and Capital) on an annual basis to operate Meadow City Express, a Public Rural Transportation system in Las Vegas, New Mexico; and

WHEREAS, the City of Las Vegas-Meadow City Express intends to submit an application for a Federal FY 2015 Section 5311 Public Transportation Grant; and

WHEREAS, the application is due September 5, 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF LAS VEGAS that the City of Las Vegas hereby authorizes the submittal of an application to the New Mexico Department of Transportation Transit and Rail Division for a Section 5311 Public Rural Transportation Grant.

PASSED, APPROVED and ADOPTED by the Governing Body at its meeting of

August _____, 2014

_____

Alfonso E. Ortiz, Jr., Mayor

ATTEST:

_____

Casandra Fresquez, City Clerk

Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

Tonita Gurule-Giroń	Yes	Vincent Howell	Yes
David L. Romero	Yes	Joey Herrera	Absent

City Clerk Fresquez re-read the motion and advised the motion carried.

COUNCILORS' REPORT

Councilor Howell expressed how excited he was about the city moving forward and working together in taking care of the issues at hand.

Mayor Ortiz, Jr. added that he appreciated the governing body for their hard efforts and working well together to resolve these issues.

Acting City Manager Martinez wished to thank City Planner Matt Griego for the help he gave with preparing and submitting the ICIP for funding.

ADJOURN

Councilor Gurule-Giroń made a motion to adjourn. Councilor Romero seconded the motion.

Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	David L. Romero	Yes
Tonita Gurule-Giroń	Yes	Joey Herrera	Absent

City Clerk Fresquez re-read the motion and advised the motion carried.

_____

Mayor Alfonso E. Ortiz, Jr.

ATTEST:

_____

Casandra Fresquez, City Clerk

CITY COUNCIL MEETING AGENDA REQUEST

DATE: 9-9-14 **DEPT:** Executive **MEETING DATE:** September 17, 2014

ITEM/TOPIC: Presentation by Sherry F. Hooper, Executive Director for "The Food Depot".

ACTION REQUESTED OF COUNCIL: Presentation.

BACKGROUND/RATIONALE: Presentation will be about *Hunger* in the community and the work of The Food Depot, partner agencies (the local food pantries, etc.) to end hunger - and about the work of the Las Vegas Agency Relations Council.

STAFF RECOMMENDATION:

COMMITTEE RECOMMENDATION:

THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY MANAGER'S OFFICE NO LATER THAN 10:00 A.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.

SUBMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:

ALFONSO E. ORTIZ, JR.
MAYOR

ANN MARIE GALLEGOS
FINANCE DIRECTOR

ELMER J. MARTINEZ
ACTING CITY MANAGER

PURCHASING AGENT
(FOR BID AWARD ONLY)

DAVE ROMERO
CITY ATTORNEY
Approved as to Legal Sufficiency Only
(If Box is Initialed by City Mngr., Review and Sign)

Approved to form 9-25-12

Ms. Medina,

I want to touch base about the presentation Mayor Ortiz asked me to make to the City

GENERAL FUND REVENUE COMPARISON
THRU AUGUST 31, 2014 - 17% OF YEAR LAPSED (2 of 12 months)
FISCAL YEAR 2015

Total Budget to Actual Comparison

	A	B	C	D	E	F (E/C)	G (E/B)
	FY 2014 BUDGET	FY 2015 BUDGET	FY 2015 YTD - BUDGET	FY 2014 YTD - ACTUAL	FY 2015 YTD - ACTUAL	% YTD - BDGT	FY 2015 % REV
PROPERTY TAX	1,273,369	1,350,000	225,000	1,400,458	70,651	31%	5%
GROSS RECEIPT TAX 1.225	3,525,000	3,550,000	591,667	3,637,191	588,922	96%	16%
FRANCHISE TAX	800,000	800,000	133,333	824,764	124,321	93%	16%
GROSS RECEIPT TAX .75	2,350,000	2,585,000	430,833	2,626,837	374,390	87%	14%
1/8 INFRASTRUCTURE	340,000	350,000	58,333	366,007	57,132	98%	16%
GRT .25 (JAN 2011)	670,000	680,000	113,333	722,647	111,895	99%	16%
LICENSE & FEES	64,000	63,000	10,500	74,942	6,506	62%	10%
INTERGOVERNMENTAL	65,000	65,000	10,833	59,264	12,869	119%	20%
LOCAL-FINES	97,500	87,400	14,567	78,402	12,447	85%	14%
LOCAL-MISC	1,646,080	1,657,930	276,322	1,730,613	26,364	10%	2%
TOTAL	10,830,949	11,188,330	1,864,722	11,521,145	1,365,517	73%	12%

(License& Fees-Business Licenses, Liquor Licenses and Building Permits)
(Local Fines- Court Fines, Library Fines, Traffic Safety Fines)

GENERAL FUND EXPENDITURE COMPARISON
THRU AUGUST 31, 2014 - 17% OF YEAR LAPSED (2 of 12 months)

Total Budget to Actual Comparison

	A	B	C	D	E	F	G (E/C)	H (E/B)
	FY 2014 BUDGET	FY 2015 BUDGET	FY 2015 YTD - BUDGET	FY 2014 YTD - ACTUAL	FY 2015 YTD - ACTUAL	FY 2015 AVAIL. BAL.	% YTD - BDGT	% BDGT
JUDICIAL	271,496	281,458	46,909	263,071	47,296	234,160	101%	17%
EXECUTIVE	469,235	479,970	79,995	469,235	78,404	401,566	98%	16%
ADMINISTRATION	258,329	253,986	42,331	217,378	32,798	221,188	77%	13%
CITY ATTORNEY	205,319	206,938	34,490	205,319	33,764	173,174	98%	16%
PERSONNEL/HR	257,303	253,741	42,290	240,176	42,531	211,210	101%	17%
FINANCE	527,996	572,076	95,346	494,880	91,646	480,430	96%	16%
COMMUNITY DEV.	583,040	466,064	77,677	545,116	78,795	387,269	101%	17%
POLICE	3,872,014	4,074,107	679,018	3,671,476	674,316	3,399,791	99%	17%
CODE ENFORCEMENT	188,647	167,755	27,959	157,926	17,286	150,469	62%	10%
ANIMAL SHELTER	141,070	129,000	21,500	130,138	20,602	108,398	96%	16%
FIRE	1,297,793	1,320,485	220,081	1,124,964	196,786	1,123,699	89%	15%
PUBLIC WORKS/PARKS	674,812	755,474	125,912	649,274	103,670	651,804	82%	14%
PARKS	222,394	0	0	222,394	0	0	0%	0%
AIRPORT	0	70,476	11,746	0	10,086	60,390	86%	14%
LIBRARY	203,023	198,041	33,007	200,858	32,831	165,210	99%	17%
MUSEUM	123,937	168,204	28,034	108,928	25,745	142,459	92%	15%
GENERAL SERVICES	1,768,760	1,620,180	270,030	1,677,593	130,947	1,489,233	48%	8%
SALARY CONTINGENCY	88,000	80,000	13,333	53,582	0	80,000	0%	0%
TRANSFERS	0	485,385	80,898	0	0	485,385	0%	0%
TOTAL	11,153,168	11,583,338	1,930,556	10,432,308	1,617,503	9,965,835	84%	14%

RECREATION DEPARTMENT-REVENUE COMPARISON
THRU AUGUST 31, 2014 -17% OF YEAR LAPSED (2 OF 12 MONTHS)
FISCAL YEAR 2015

	A	B	C	D	E	F (E/C)	G (E/B)
	FY 2014 BUDGET	FY 2015 BUDGET	FY 2015 YTD - BUDGET	FY 2014 ACTUAL	FY 2015 YTD - ACTUAL	% YTD - BDGT	% REV
WELLNESS CENTER	115,000	115,000	19,167	108,473	12,376	65%	11%
OPEN SWIM	20,000	10,000	1,667	13,275	58	3%	1%
YAFL	10,000	8,000	667	6,974	4,308	646%	54%
YABL	16,000	18,000	3,000	20,172	369	12%	2%
SUMMER FUN PROGRAM	30,000	30,000	5,000	19,907	2,220	44%	7%
RECREATION-OTHER	37,300	45,300	7,550	40,322	5,077	67%	11%
GEN FUND TRANSFER	450,000	450,000	75,000	450,000	75,000	100%	17%
TOTAL	678,300	676,300	112,050	659,123	99,408	89%	15%

RECREATION DEPARTMENT- EXPENDITURE COMPARISON
THRU AUGUST 31, 2014 -17% OF YEAR LAPSED (2 OF 12 MONTHS)

	A	B	C	D	E	F	G (E/C)	H (E/B)
	FY 2014 BUDGET	FY 2015 BUDGET	FY 2015 YTD - BUDGET	FY 2014 ACTUAL	FY 2015 YTD - ACTUAL	FY 2015 AVAIL. BAL.	% YTD - BDGT	% BDGT
EMPLOYEE EXP.	659,847	681,723	113,621	525,338	124,062	557,661	109%	18%
YAFL	4,000	2,500	417	3,791	0	2,500	0%	0%
YABL	4,000	4,500	750	2,853	0	4,500	0%	0%
OTHER OPERATING EXP.	94,199	85,750	14,292	63,826	9,562	76,188	67%	11%
CAPITAL OUTLAY	5,901	4,500	750	5,129	0	4,500	0%	0%
TOTAL	767,947	778,973	129,829	600,937	133,624	645,349	103%	17%

ENTERPRISE FUNDS-REVENUE COMPARISON
THRU AUGUST 31, 2014- 17% YEAR LAPSED (2 of 12 months)
FISCAL YEAR 2015

Total Budget to Actual Comparison

	A	B	C	D	E	F (E/C)	G (E/B)
	FY 2014 BUDGET	FY 2015 BUDGET	FY 2015 YTD - BUDGET	FY 2014 YTD - ACTUAL	FY 2015 YTD - ACTUAL	% YTD - BDGT	% BUDGET
WASTE WATER (610)	3,125,000	2,761,000	460,167	2,635,469	459,247	100%	17%
NATURAL GAS (620)	5,121,000	5,522,000	920,333	5,694,027	314,243	34%	6%
SOLID WASTE (630)	3,270,050	3,133,500	522,250	3,167,292	540,587	104%	17%
WATER (640)	4,527,131	4,602,850	767,142	4,633,602	780,354	102%	17%
Total of Enterprise Funds	16,043,181	16,019,350	2,669,892	16,130,390	2,094,431	78%	13%

ENTERPRISE FUNDS-EXPENDITURES COMPARISON
THRU AUGUST 31, 2014- 17% YEAR LAPSED (2 of 12 months)
FISCAL YEAR 2015

Budget to

	A	B	C	D	E	F	G (E/C)	H (E/B)
	FY 2014 BUDGET	FY 2015 BUDGET	FY 2015 YTD - BUDGET	FY 2014 ACTUAL	FY 2015 YTD - ACTUAL	FY 2015 AVAIL. BAL.	% YTD - BDGT	% BUDGET
WASTE WATER(610)	3,309,206	2,761,000	460,167	2,624,480	110,516	2,650,484	24%	4%
NATURAL GAS (620)	5,876,448	5,522,000	920,333	4,312,178	26,089	5,495,911	3%	0%
SOLID WASTE (630)	3,401,769	3,091,854	515,309	2,529,004	263,131	2,828,723	51%	9%
WATER (640)	3,755,816	4,409,514	734,919	3,075,750	320,600	4,088,914	44%	7%
Total of Enterprise Funds	16,343,239	15,784,368	2,630,728	12,541,412	720,336	15,064,032	27%	5%

CITY COUNCIL MEETING AGENDA REQUEST

DATE: 09/05/14 **DEPT:** Attorney **MEETING DATE:** 09/17/14

ITEM/TOPIC: Conduct a public hearing and Adoption of Ordinance 14-05

ACTION REQUESTED OF COUNCIL: Conduct a public hearing Approval/Disapproval to Adopt Ordinance 14-05.

BACKGROUND/RATIONALE: An Ordinance 14-05 imposing a two (2) year moratorium the submission consideration or approval of applications for conditional use or special use permits or variances for wireless communications facilities within the City of Las Vegas.

STAFF RECOMMENDATION: Approve

COMMITTEE RECOMMENDATION:

THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY MANAGER'S OFFICE NO LATER THAN 10:00 A.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.

Dave Romero

SUBMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:

Thomas E. Ortiz Jr.

ALFONSO E. ORTIZ, JR.
MAYOR

ANN MARIE GALLEGOS
FINANCE DIRECTOR

Elmer Martinez

ELMER J. MARTINEZ
ACTING CITY MANAGER

PURCHASING AGENT
(FOR BID AWARD ONLY)

DAVE ROMERO, JR
CITY ATTORNEY

Approved as to Legal Sufficiency Only

(If Box is Initialed by City Mngr., Review and Sign)

Approved to form 9-25-12

CITY OF LAS VEGAS

ORDINANCE NO. 14-05

AN ORDINANCE IMPOSING A TWO (2) YEAR MORATORIUM ON THE SUBMISSION, CONSIDERATION OR APPROVAL OF APPLICATIONS FOR CONDITIONAL USE OR SPECIAL USE PERMITS OR VARIANCES FOR WIRELESS COMMUNICATIONS FACILITIES WITHIN THE CITY OF LAS VEGAS.

WHEREAS, the City Council being the Governing Body of the City of Las Vegas, New Mexico, pursuant to §3-21-1 et seq., NMSA 1978, as amended, is the zoning authority for the municipality, and charged by law with regulating and restricting within its jurisdiction the height, number of stories and size of buildings and other structures, and the location and use of buildings, structures, and land for trade, industry, residence or other purposes; and

WHEREAS, the land use zoning ordinance currently in effect in the City does not provide sufficient definitive criteria with which the City can address the concerns of City residents and properly evaluate and condition the siting of wireless communications facilities; and

WHEREAS, the City of Las Vegas is in the process of developing a telecommunications facility ordinance which will include criteria to regulate these facilities; and

WHEREAS, a moratorium on filing and processing of applications is necessary while the City studies the issues inherent in the construction and siting of wireless communications facilities and develops appropriate land use controls for the emerging technology; and

WHEREAS, the City Council finds that the moratorium imposed by this ordinance is necessary for the purpose of protection of promoting the health, safety, morals and the general welfare of the citizens of the City of Las Vegas; now, therefore:

IT IS HEREBY ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAS VEGAS THAT:

A moratorium is imposed for a period of two (2) years following the effective date of this Ordinance, no filing and processing of applications for the Conditional or Special Use Permit and or a Variance for wireless communications facilities shall be considered for approval within the corporate limits of the City of Las Vegas, New Mexico.

The Community Development Department shall continue the preparation of land use regulations governing placement of wireless communications facilities within the City and shall submit them for consideration by the Planning Commission and City Council.

This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of adoption.

Towers and facilities proposed by the City of Las Vegas, which are necessary for the health, welfare, and safety of the citizens, are exempt from the moratorium.

PASSED, APPROVED, AND ADPOPTED THIS _____ DAY OF _____, 2014.

CITY OF LAS VEGAS

_____
Alfonso E. Ortiz, Jr., Mayor

ATTEST:

_____
Casandra Fresquez, City Clerk

_____
Dave Romero, Jr., City Attorney

CITY COUNCIL MEETING AGENDA REQUEST

DATE: Aug. 27, 2014 **DEPT: Police** **MEETING DATE: Sept. 17, 2014**

ITEM/TOPIC: Out of State Travel for two (2) Police Personnel

ACTION REQUESTED OF COUNCIL: Approval/Disapproval for out of state travel for two (2) Police Personnel to attend an internal Affairs Certification.

BACKGROUND/RATIONALE*: (Provided with Work Session Packet)*

STAFF RECOMMENDATION: The Las Vegas Police Department is requesting approval for out of state travel for two (2) police personnel to attend an Internal Affairs Certification. To enhance the department's ability to effectively address citizen complaints, Administrative Investigations, risk management and discipline.

COMMITTEE RECOMMENDATION: none.

THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY MANAGER'S OFFICE NO LATER THAN 10:00 A.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.

Christian Montaño
Chief of Police

REVIEWED AND APPROVED BY:

ALFONSO E. ORTIZ, JR.
MAYOR

ANN MARIE GALLEGOS
FINANCE DIRECTOR

ELMER J. MARTINEZ
ACTING CITY MANAGER

PURCHASING AGENT
(FOR BID AWARD ONLY)

DAVE ROMERO
CITY ATTORNEY

Approved as to Legal Sufficiency Only

(If Box is Initialed by City Mngr., Review and Sign)

Approved to form 9-25-12

City of Las Vegas

318 Moreno Street • Las Vegas New Mexico 87701 • Ph# (505) 425-7504 • Fax # (505) 425-6346

[redacted]

Chief Christian Montaño

RECEIVED
AUG 5 2014

TO: Chief Christian Montano @ Approved

FROM: Kenneth C. Jenkins 206
Commander Kenneth C. Jenkins

THRU: Eugene Garcia
Deputy Chief Eugene Garcia

DATE: August 5, 2014

RE: request for training

I am writing this memo in regards to the request for training in the area of Internal Affairs. As per our conversations we discussed the need for a successor for Deputy Chief Garcia as well as continuity of this section and remaining up to date in its ever growing changes, in practices and laws. Please except this letter as a request to attend the annual Internal Affair conference to be held December 1st -5th, 2014 in Las Vegas Nevada. Through our conversations we were in agreement, Lt. Eric Padilla will be D.C. Garcia's successor. So I am asking approval for he and I are sent to this training. If approved I am asking if this process can be expedited due to the lengthy process for out of state travel as well as vacancy for this training tends to fill quickly. I have included attached to this memo the announcement as well as a copy of the online registration form with the seminar **ID# 12394**

Thank you in advance for your attention in this matter.

If there are any questions concerning this please feel free to contact me.

XC: Cmdr. R. Gutierrez

CITY OF LAS VEGAS
OUT OF STATE TRAVEL AUTHORIZATION

No._____

1. NAME, HOME ADDRESS & ZIP CODE WORK PHONE NO.	2.DEPARTMENT NAME & NO.	3. ✓ CONFERENCE ____ SCHOOL ____ OTHER_____	4. DESTINATION
Kenneth Jenkins	Police		Las Vegas, Nevada

5. DEPARTURE DATE & HOUR	6. RETURN DATE & HOUR	7. TOTAL DAYS/HOURS	8.WHERE CAN YOU BE REACHED?
11/30/2014 8:00 AM	12/6/2014 8:00 PM	6 days 12 hours	

9. NAME OF SCHOOL CONFERENCE OF OTHER	10. MEETING DATES	11. ARE OUTSIDE FUNDS BEING CONTRIBUTED TOWARD THE TRIP?	12. TYPE OF REQUEST
Internal Affairs Conference & Certification	December 1-5,2014	___YES ✓NO PROVIDE DETAILS. General Fund	___ACTUAL ✓PER DIEM

13. ✓ CITY VEHICLE NO. _____ ____ PRIVATE VEHICLE _____PUBLIC CONVEYANCE_____ (PLANE, TRAIN, ETC.)

14. PER DIEM 10 DAY 12 HRS x 215+30 = 1320.00
DAYS/HOURS RATE/DAY TOTAL

15. MILEAGE _____ X _____ = _____
DISTANCE RATE / MILE TOTAL

ESTIMATED COST OF TRIP		LINE ITEM	SPECIAL INSTRUCTIONS
TRAVEL	$_____		
REGISTRATION	$ $595 $0	101-4800-710-7203	
*HOTEL	$ $1,320	101-4800-710-7202	6 Days 12 Hours
*PERDIEM	$ $0		
*MEALS	$ $0.00		
*OTHER	$_____		
TOTAL	$1,915.00		

TOTAL AUTHORIZED ADVANCE $ $1,056.00

Registration & Per Diem Needed by 11/14/2014

*ADVANCE SHALL NOT EXCEED 80% OF THESE COSTS

I AUTHORIZE THE CITY OF LAS VEGAS TO DEDUCT FROM MY BI-WEEKLY PAY CHECK THE AMOUNT OF ADVANCE INDICATED ABOVE + $15.00 PENALTY IS ALL TRAVEL DOCUMENTS ARE NOT PROPERLY FILED IN ACCOUNTS PAYABLE 5 WORKING DAYS AFTER THIS TRIP IN CONCLUDED.

I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT TO THE BEST OF MY KNOWLEDGE.

Kenneth C Jenkins

EMPLOYEE SIGNATURE DATE SOCIAL SECURITY NUMBER

APPROVED:

_____
MAYOR & COUNCIL MEETING DATE

FOR ACCOUNTING ONLY

APPROVED:

_____ 8/27/14
AUTHORIZED SIGNATURE DATE

REVIEWED FOR COMPLETENESS:

APPROVED:

CITY MANAGER DATE FINANCE DIRECTOR DATE

REASON FOR REQUEST OF ACTUAL EXPENSE REIMBURSEMENT:_____

CITY MANAGER APPROVAL REQUIRED FOR ADVANCE ON ACUTAL-----APPROVED ( ) NOT APPROVED ( )_____
CITY MANAGER SIGNATURE

DISTRIBUTION OF COPIES: FINANCE DEPARTMENT-WHITE; CITY MANAGER DEPARTMENT-GREEN: YELLOW VOUCHER SUBMITTED WITH REIMBURSEMENT VOUCHER; TRAVELER-PINK; DEPARTMENT-GOLDENROD.

ATTACH COPIES OF BROCHURES AND ANY OTHER INFORMATION REGARDING REASON FOR TRAVEL.

CITY OF LAS VEGAS
OUT OF STATE TRAVEL AUTHORIZATION

No._____

1. NAME, HOME ADDRESS & ZIP CODE WORK PHONE NO.	2. DEPARTMENT NAME & NO.	3. ✓ CONFERENCE ____ SCHOOL ___ OTHER_____	4. DESTINATION
Eric Padilla	Police		Las Vegas, Nevada

5. DEPARTURE DATE & HOUR	6. RETURN DATE & HOUR	7. TOTAL DAYS/HOURS	8. WHERE CAN YOU BE REACHED?
11/30/2014 8:00 AM	12/6/2014 8:00 PM	6 days 12 hours	

9. NAME OF SCHOOL CONFERENCE OF OTHER	10. MEETING DATES	11. ARE OUTSIDE FUNDS BEING CONTRIBUTED TOWARD THE TRIP? ___ YES ___ NO PROVIDE DETAILS.	12. TYPE OF REQUEST ___ ACTUAL ✓ PER DIEM
Internal Affairs Conference & Certification	December 1-5, 2014	General Fund	

13. ✓ CITY VEHICLE NO. _____ ____ PRIVATE VEHICLE _____PUBLIC CONVEYANCE_____ (PLANE, TRAIN, ETC.)

14. PER DIEM (CDN 12HOR) X 215+30 = 1320.00
DAYS/HOURS RATE/DAY TOTAL

15. MILEAGE _____ X _____ = _____
DISTANCE RATE / MILE TOTAL

ESTIMATED COST OF TRIP		LINE ITEM	SPECIAL INSTRUCTIONS
TRAVEL	$		
REGISTRATION	$ $595	101-4800-710-7203	
*HOTEL	$ $0		
*PERDIEM	$ $1,320	101-4800-710-7202	6 Days 12 Hours
*MEALS	$ $0		
*OTHER	$ $0.00		
TOTAL	$ $1,915.00		

TOTAL AUTHORIZED ADVANCE Registration& Per Diem Needed by 11/14/2014 $ $1,056.00

*ADVANCE SHALL NOT EXCEED 80% OF THESE COSTS

I AUTHORIZE THE CITY OF LAS VEGAS TO DEDUCT FROM MY BI-WEEKLY PAY CHECK THE AMOUNT OF ADVANCE INDICATED ABOVE + $15.00 PENALTY IS ALL TRAVEL DOCUMENTS ARE NOT PROPERLY FILED IN ACCOUNTS PAYABLE 5 WORKING DAYS AFTER THIS TRIP IN CONCLUDED.

I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT TO THE BEST OF MY KNOWLEDGE.

[signature] 8/26/14 _____
EMPLOYEE SIGNATURE DATE SOCIAL SECURITY NUMBER

APPROVED:

_____
MAYOR & COUNCIL MEETING DATE

FOR ACCOUNTING ONLY

APPROVED:

Ch. of [signature] 8/27/14
AUTHORIZED SIGNATURE DATE

REVIEWED FOR COMPLETENESS:

APPROVED:

_____ _____
CITY MANAGER DATE FINANCE DIRECTOR DATE

REASON FOR REQUEST OF ACTUAL EXPENSE REIMBURSEMENT:_____

CITY MANAGER APPROVAL REQUIRED FOR ADVANCE ON ACUTAL----APPROVED ( ) NOT APPROVED ( )_____
CITY MANAGER SIGNATURE

DISTRIBUTION OF COPIES: FINANCE DEPARTMENT-WHITE; CITY MANAGER DEPARTMENT-GREEN: YELLOW VOUCHER SUBMITTED WITH REIMBURSEMENT VOUCHER; TRAVELER-PINK; DEPARTMENT-GOLDENROD.

ATTACH COPIES OF BROCHURES AND ANY OTHER INFORMATION REGARDING REASON FOR TRAVEL.

SEMINAR DETAILS

RSS LINK
Recommend

Pre-Payment is NOT required to register and attend
Register for this Seminar | Return to Schedule | Send this page to a friend

Seminar Title:

Internal Affairs Conference and Certification

DATES: 12/1/2014 through 12/5/2014

INSTRUCTOR(S): Multiple Instructors

LOCATION: Palace Station - 2411 West Sahara Avenue, Las Vegas, NV 89102

HOTEL: Palace Station - Las Vegas, NV 1-800-634-3101
Book Room Online Here
Tower Rooms:
$65.00 S/D Sunday-Thursday/$85.00 S/D Friday & Saturday

*Additional $6.95 Service Fee Per Night (Includes Scheduled Transportation To and From Airport, Shuttle to strip, Work-out Center, and In Room Internet Access)
NOTE: Identify with Group Code PCIPA14 or Public Agency Training Council to receive discounted rate

COURSE REGISTRATION FEE: $595.00 Includes all training materials, and a Certificate of Completion.

Instructor Bio

TIMOTHY LONGO, SR. Chief Timothy J. Longo, Sr., began his law enforcement career with the Baltimore Police Department in 1981. In September of 1990, he was reassigned to the Education and Training Division as the agency's primary law instructor. April of 1993, he assumed command of the department's Special Investigation Section within the Internal Investigation Division. His duties focused on the investigation of criminal wrongdoing within the department's ranks. Chief Longo retired and served briefly as a Senior Associate with a public sector consulting firm in Rockville, Maryland. In February of 2001, he was selected to serve as the Chief of Police for the City of Charlottesville, Virginia. Chief Longo is a graduate of Towson University in Baltimore where he served as an Adjunct Professor. He is a graduate of the University of Baltimore, School of Law. Chief Longo lectures across America in the field of Ethics, Professional Standards and Internal Affairs.

STEVE ROTHLEIN Steve Rothlein was a 30-year veteran of the Miami-Dade Police Department. During his career he served at all ranks in nearly all investigative units including Narcotics and Internal Affairs. He served as the Chief of the Criminal Investigations Division until 2003 when he was promoted to Assistant Director. In 2004, he was promoted to the #2 ranking officer in the Department and remained in charge of all investigative functions of the Department until he retired on October 01, 2005. Steve regularly presents training for IACP and PATC. He has lectured about internal affairs issues to the DEA, FBI, U.S. Marshal's Service and has twice been selected to speak on integrity issues at the Major City Chiefs Association. He has authored several articles including "The Changing Role of Internal Affairs," The Ramifications of an Internal Affairs Investigations," and "Fostering Integrity in Policing: A Corruption Prevention Strategy." He is a graduate of John Jay College of Criminal Justice in New York and has a

COLLEGE CREDIT

Master's degree in Public Administration from the University of Miami. He is also a graduate of the Southern Police Institute.

RICHARD ROSENTHAL Richard Rosenthal, in 2011 was selected to create the first all civilian force investigative unit for British Columbia. Prior to that he was the Independent Monitor (IM) for the City and County of Denver, Colorado. The IM monitors the Denver Police and Sheriff Department's Internal Affairs Bureaus and monitors officer-involved shooting and in-custody death investigations. The Monitor makes recommendations regarding the imposition of discipline and conducts audits of police policy issues. From 2001-2004, he worked as the first Police Auditor for the City of Portland, Oregon. From 1986-2001, he was a Deputy District Attorney for the County of Los Angeles. Mr. Rosenthal specialized in the investigation and prosecution of financial crimes and public corruption. Richard received a Bachelor of Arts with Majors in Economics and History from the University of California, Berkeley in 1983 and Juris Doctor from the University of California Berkeley (Boalt Hall School of Law) in 1986.

JEFF NOBLE Jeffrey J. Noble retired in 2012 as the Deputy Chief of Police of the Irvine Police Department located in southern California after 28 years of policing service. In 2014, Mr. Noble was hired as the Deputy Chief of Police in Westminster, California, in a temporary 6 month capacity to assess the department's Internal Affairs Unit, department policies and procedures and to conduct audits of department systems. He is the co-author of a text titled, "Managing Accountability Systems for Police Conduct: Internal Affairs and External Oversight." Jeff is currently a consultant and expert witness in policing matters.'

HARRY DOLAN Harry P. Dolan is a 32-year police veteran who brings 25 years of public safety executive experience to his courses. He retired in October 2012 as Chief of Police of the Raleigh Police Department. He has also been a deputy sheriff, officer in Raleigh, and chief of police in Lumberton, NC, and Grand Rapids, MI..

CRAIG FUTTERMAN Craig B. Futterman, J.D. Prior to his 2000 appointment to the University of Chicago Law School Faculty, Craig Futterman was the Director of Public Interest Programs and Lecturer in Law at Stanford Law School. He graduated with the highest distinction from Northwestern University in 1988, where he received a Bachelor of Arts in Sociology and Economics. He then graduated from Stanford Law School in 1991. Following Law School, he was a trial attorney in the Juvenile Division of the Cook County Public Defender's Office. In 1994, he joined Futterman & Howard, a Chicago law firm concentrating in complex federal litigation. There, Mr. Futterman specialized in civil rights lawsuits, focusing on matters involving police brutality and racial discrimination. Mr. Futterman founded the Civil Rights and Police Accountability Project of the Mandel Legal Aid Clinic in Fall 2000.

LOU REITER Lou Reiter has been a national trainer for PATC for over 15 years and is a Co-Director of the Legal and Liability Risk Management Institute of PATC. He has presented training on Internal Affairs issues for the past 25 years and reaches about 1000 practitioners each year. Lou regularly conducts police agency audits and has been the consultant on investigations involving 8 cities and the Civil Rights Division, U.S. Department of Justice. He has been a police practices expert in over 1000 civil cases appearing for both plaintiffs and defendants. He authored the Third Edition of Law Enforcement Administrative Investigations in 2006. Lou retired from the L.A.P.D. as a Deputy Chief of Police after 20 years of service.

JACK RYAN Jack Ryan is an attorney in Rhode Island, receiving his Juris Doctorate, Cum Laude, from Suffolk University Law School. Jack has 20 years police experience as a police officer with the Providence Police Department, Providence, RI, retiring as a Captain. Jack is a former adjunct faculty member at Salve Regina University and lectures frequently throughout the United States. He is the Co-Director of the Legal and Liability Risk Management Institute and has conducted agency audits for that entity, several involving issues of administrative investigations. Jack regularly conducts training seminars for LLRMI/PATC in a variety of subjects including use of force, internal affairs and legal issues. Jack has written two books for use by Rhode Island law enforcement officers, Rhode Island Law Enforcement Officers Guide to Criminal Procedure and Rhode Island Law Enforcement Officers' Bill of Rights, a Practical Guide to the Law of Investigations and Hearings. Jack has written extensively on the legal issues surrounding the Internal Affairs process. Jack Ryan also writes a field guide for law enforcement officers nationally titled: Case Law for Critical Tasks in Law Enforcement, A Legal Guide for Officers and Supervisors, which is updated annually at the end of each United States Supreme Court

term. Jack also authors and edits the Legal and Liability Risk Management Institute's bi-monthly publications providing legal and liability updates to law enforcement agencies throughout the United States.

Pre-Payment is NOT required to register or attend this seminar

CLICK HERE TO REGISTER FOR THIS SEMINAR

Course Objectives

DAY 1

Timothy Longo
First amendments implications on administrative investigations and employee discipline
Administrative searches
Garrity, unraveling the mystery
Code of Silence and its adverse potential for IA/OPS investigations
Contempt of Cop: how this can create civil liability

DAY 2

Richard Rosenthal
Creation of the first all civilian force investigative unit in British Columbia and civilian oversight
Mediation of citizen complaints alleging police misconduct
The development of a disciplinary matrix

Jack Ryan
Use of force issues legal update
Jail liability issues legal update
Filming the police: what are the reasonable and legal consequences?

DAY 3

Steve Rothlein
Covert investigations and stings: Potentials and pitfalls.
Early Intervention and Identification Systems: Overview of current systems and practical uses.
Police Employee Domestic Misconduct

Craig Futterman
Overview of the history, operational issues and civil litigation of the Special Operations Section of the Chicago Police Department
Code of Silence and its impact on civil litigation and community perception of the police

DAY 4

Jeff Noble
Creating an Internal Affairs Unit
Role of the Internal Affairs Unit
Unit Reporting, Location, and Evidence Handling
Auditing the Performance of an Internal Affairs Unit Starting an IA / OPS Unit

Lou Reiter
Employee issues regarding social media investigations
Sexual misconduct: an administrative, supervisory and investigative approach to this on-going public safety agency problem
Inspection of High Risk Critical Tasks

DAY 5

Harry Dolan
Should past complaints be considered when determining discipline for an employee?
Is a discipline matrix a viable tool for police employee discipline?

When should an agency use an administrative no-contact order for employees?

Register for this Seminar | Return to Schedule | ✉ Send this page to a friend

Suzette Rudolph

From: registration@patc.com
Sent: Wednesday, August 27, 2014 6:33 AM
To: srudolph@ci.las-vegas.nm.us
Subject: Email Confirmation - Internal Affairs Conference and Certification

Thank you for registering for a Public Agency Training Council seminar!

****
****
**** NOTE! WE HAVE MOVED!
**** Please update your records
**** and send all remits to:
****
**** Public Agency Training Council
**** 5235 Decatur Blvd
**** Indianapolis, IN 46241
****
****

REGISTRATION INFORMATION:
- - Attendees - -
Eric Padilla
Kenneth Jenkins

- - Seminar Information - -
The personnel listed above are registered for the course

Internal Affairs Conference and Certification
12/1/2014 through 12/5/2014
35 Hours
Fee $595 per person

- - General Information - -
Registration is from 8:00 - 8:30 - Coffee will be provided.
Lunch break is from 12:00 - 1:00 (On Own) Attendees will be released by 4:30 each day.
Attendees are encouraged to dress appropriately for classroom training unless otherwise instructed.
Uniforms are not required.

- - Location Information - -
Palace Station
2411 West Sahara Avenue
Las Vegas NV

- - Hotel Information - -
Palace Station
2411 West Sahara Avenue

Thank you for registering for a PATC Seminar

5235 Decatur Blvd Indianapolis, IN 46241 |
P: 800.365.0119 | F: 317.821.5096 | www.PATC.com

*** This is not an invoice. ***
Official confirmation will be sent via email to srudolph@cl.las-vegas.nm.us within two business days.

SEMINAR INFORMATION:

Seminar Title: Internal Affairs Conference and Certification

Seminar ID: 12394

Dates: 12/1/2014 through 12/5/2014

Training Fee Per Attendee: $595.00 **Payment Method:** invoice

Seminar Location: Palace Station
2411 West Sahara Avenue
Las Vegas, NV 89102

Recommended Hotel: Palace Station
2411 West Sahara Avenue
Las Vegas, NV 89102
I-15 & Sahara Avenue Exit
1-800-634-3101
Book Room Online Here
Tower Rooms:
$65.00 S/D Sunday-Thursday/$85.00 S/D Friday & Saturday

*Additional $6.95 Service Fee Per Night (Includes Scheduled Transportation To and From Airport, Shuttle to strip, Work-out Center, and In Room Internet Access)
NOTE: Identify with Group Code PCIPA14 or Public Agency Training Council to receive discounted rate

REGISTRATION INFORMATION:

Agency Name: Las Vegas Police Department

Invoice To Attention: Suzette

Address: 318 Moreno Street

City: Las Vegas

State NM **ZIP:** 87701

Contact Email Address: srudolph@cl.las-vegas.nm.us

Phone: 505-426-3147 **FAX:** 505-425-6346

Registered Attendees: Kenneth Jenkins
Eric Padilla

Visit www.patc.com/training/registrations.php **for more important information about PATC registrations.**

CITY COUNCIL MEETING AGENDA REQUEST

DATE: 09/04/14 **DEPT: POLICE** **MEETING DATE: 09/17/14**

ITEM/TOPIC: Approval/Disapproval to apply for funding through the Department of Public Safety for the Region IV Narcotics Task Force.

ACTION REQUESTED OF COUNCIL: Approval/Disapproval to apply for funding through Department of Justice.

BACKGROUND/RATIONALE: (Provided with Work Session Packet)

STAFF RECOMMENDATION: Requesting approval to apply for funding through Department of Public Safety in the amount of $93,509.00 to provide overtime, training and equipment for members of the Region IV Narcotics Task Force.

COMMITTEE RECOMMENDATION: No committee recommendation.

THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY MANAGER'S OFFICE NO LATER THAN 10:00 A.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.

CHRISTIAN MONTANO
CHIEF OF POLICE

REVIEWED AND APPROVED BY:

ALFONSO E. ORTIZ, JR.
MAYOR

ELMER J. MARTINEZ
CITY MANAGER

ANN MARIE GALLEGOS
FINANCE DIRECTOR

PURCHASING AGENT
(FOR BID AWARD ONLY)

DAVE ROMERO
CITY ATTORNEY

Approved as to Legal Sufficiency Only

(If Box is Initialed by City Mngr., Review and Sign)

Approved to form 9-25-12

DEPARTMENT OF PUBLIC SAFETY
GRANTS MANAGEMENT BUREAU
FY 2014 JAG PROGRAM APPLICATION

TITLE PAGE

City Of Las Vegas - Region IV Multi Jurisdictional Task Force

SUB-GRANTEE (FIDUCIARY/FISCAL AGENT):

City of Las Vegas

1700 N. Grand Ave.

San Miguel, Las Vegas, New Mexico, 87701

LEAD AGENCY:

City Of Las Vegas - Region IV Multi Jurisdictional Task Force

San Miguel, Las Vegas, 87701

PROGRAM PURPOSE AREA:

Law Enforcement Program

CERTIFICATION:

I hereby certify that the information presented in this application is true and correct to the best of my

Alfonso E. Ortiz, Jr.	
Sub-Grantee Official's Name	**Sub-Grantee Official's Signature**
Mayor of the City of Las Vegas	
Sub-grantee Official's Title	**Date**
Christian Montano	
Lead Agency Official's Name	**Lead Agency Official's Signature**
Chief of Police	
Lead Agency Official's Title	**Date**

DEPARTMENT OF PUBLIC SAFETY
GRANTS MANAGEMENT BUREAU
FY 2014 JAG PROGRAM APPLICATION

COVER SHEET

City Of Las Vegas - Region IV Multi Jurisdictional Task Force

SUB-GRANTEE (FIDUCIARY/FISCAL AGENT):	City of Las Vegas 1700 N. Grand Ave. San Miguel, Las Vegas, New Mexico, 87701
LEAD AGENCY:	City Of Las Vegas - Region IV Multi Jurisdictional Task Force San Miguel, Las Vegas, 87701
COUNTY/COUNTIES SERVED:	San Miguel Mora Colfax Union
CONGRESSIONAL DISTRICT:	NM-003
SUB-GRANTEE CONTACT:	Ann Marie Gallegos **Title:** Finance Director **Phone:** 505-426-3251 **Email:** amgallegos@ci.las-vegas.nm.us
LEAD AGENCY CONTACT:	Eric Padilla **Title:** Narcotics Lieutenant **Phone:** 505-429-6248 **Email:** epadilla@ci.las-vegas.nm.us
PROGRAM PURPOSE AREA:	**Law Enforcement Program**
FFY 2014 JAG FUNDING REQUEST:	$ 93,509

PARTICIPATING AGENCIES: to be supported/demonstrated with letters of commitment, JPAs, MOUs ...

Las Vegas City Police Department	Union County Sheriff's Office	Mora County Sheriff's Office
4th & 8th Judicial District Attorney's Office	San Miguel County Sheriff's Office	Harding County
New Mexico Highlands University	Raton Police Department	Springer Police Department

DEPARTMENT OF PUBLIC SAFETY
GRANTS MANAGEMENT BUREAU
FY 2014 JAG PROGRAM APPLICATION

GENERAL PROGRAM OVERVIEW

City Of Las Vegas - Region IV Multi Jurisdictional Task Force

PROGRAM DESCRIPTION:

Region IV Multi Jurisdictional Task Force is a narcotics task force that focuses their efforts on identifying drug threats and defining criminal activities of local drug organizations. We work to disrupt and dismantle leader command control and infrastructure of local drug trafficking of licit and illicit drugs that threaten our communities. We also provide assistance to Region IV counties to fight drug related crimes and violence. Region IV consists of five counties: San Miguel, Colfax, Union, Harding, and Mora. We sit on the northeast corner of New Mexico with Colorado bordering us on the north and Texas on the east. Region IV has other small villages and towns that connect the two major interstates of I-25 and I-40. These corridors are used to transport cocaine, marijuana, heroin, and methamphetamine. Region IV also has a vast mountain range west of I-25 with wilderness that is ideal for marijuana plantations. It is apparent through our intelligence sources that Region IV is on a major corridor for illegal narcotics to our Region and other destinations east and west ranging from southern California to New York State. Our task force also coordinates with federal law enforcement agencies to pursue investigations into larger trafficking operations. We are committed to working with all state and federal agencies and all other Narcotic Task Forces that are in need of our assistance. We are capable of handling assignments in all different areas within the scope of our responsibility to enforce both state and federal laws. We have in place a fiscal agent, the City of Las Vegas and administrative staff to fulfill the grant agreement responsibilities. The Law Enforcement responsibilities have been developed and operate professionally by following an established chain of command, rules and regulations and policies governed through the Region IV Executive Board Members.

PROGRAM PROBLEM STATEMENT:

Communities within Region IV are seeing a rise in property and violent crimes due to the availability of licit and illicit narcotics which affect the overall quality of life of our residents. In 2013, the task force removed over $19,200 in illegal narcotics and prescription pills, made 104 narcotics related arrests, gave 3 anti-drug presentations in the community and seized 59,654 grams of marijuana, 110 grams of cocaine, 17 grams of methamphetamine, 50 grams of heroin and 9 firearms related to illegal drug activity. A shortage of manpower within smaller agencies does not allow agencies to commit staff to investigate narcotics related crimes on a full time basis.

PROGRAM PARTICIPANTS:

QTY	TITLE/POS.	AGENCY	JAG FUNDED	FULL TIME	PART TIME
1	Lt./Narcotics	LVPD	NO	YES	NO
1	Sgt./Narcotics	LVPD	NO	YES	NO
1	Grants Administrator	LVPD	NO	NO	YES
1	Commander/Narcotics Division	LVPD	NO	NO	YES

Funding under this application will allow the sub-grantee to:

Funding under this application will allow the sub-grantee to: Assist communities within Region IV by conducting impact operations, gathering intelligence, conducting surveillance, and dismantling drug trafficking organizations all in an effort to initiate prosecution against offenders violating narcotics related laws. We also plan to equip and train officers/deputies with up to date techniques and technology on newer trends related to narcotics related violent and property crimes.

Without continued funding, what quantifiable effects may be felt by the stakeholders served by the program?
Officers and agents cannot commit full time resources as it would impact each agency's budget. There will be an increase in narcotics related crimes in our respective communities. Without the regional concept there will also be a breakdown in communication between the respective agencies all of whom are dealing with similar issues.

If full funding is not achieved, the sub-grantee will make the following modifications to its program:
Agencies within Region IV will be responsible for providing resources to the Task Force if they desire and they will have to commit manpower to conduct self initiated investigations and our communities would see the impact through a continued rise in crime rates.

Statement of Sustainment: If no funding is received, what plans are in place?
Additional funding will be sought from local bodies of government or other grant sources to continue the Regional concept.

DEPARTMENT OF PUBLIC SAFETY
GRANTS MANAGEMENT BUREAU
FY 2014 JAG PROGRAM APPLICATION

PRIOR YEARS' OUTCOMES

City Of Las Vegas - Region IV Multi Jurisdictional Task Force

JAG ACTUAL OUTPUTS/OUTCOMES

Enter Type of Measurement	2008	2009	2010	2011	2012	2013	TOTAL	Average
Cases Generated	46	18	83	47	69	59	322	54
# of Arrests Made	64	22	75	42	85	104	392	65
Defendants with Prior Felonies	2	3	21	6	11	2	45	7.5

DRUG SEIZURES (Measurement)-If Applicable	2008	2009	2010	2011	2012	2013	TOTAL	Average
Cocaine (g)	49	17	35	50	67	110	327.3	54.55
Crack Cocaine (g)	83	63.2	39	4.01	0	57	245.81	40.96833333
Ecstasy (D.U.)	14,000	0	17	340	0	0	14357	2392.833333
Hashish (g)	0	0	0	0	0	0	0	0
Heroin (g)	8	0	70	0.08	19	50	146.58	24.43
Marijuana (g)	220	593	2,496	1652.61	41949.129	59654	106564.939	17760.82317
Marijuana (outdoor) (g)	46,300	1360	2,280	231	0	193	50364	8394
Synthetic cannabis (e.g. K2, Spice) (g)	0	0	0	0	0	0	0	0
Methamphetamine (g)	25	0	0	0	1	17	43	7.166666667
Oxycontin (D.U.)	2	31	0	0	0	0	33	5.5
Prescription Drugs (D.U.)	0	0	167	8	529	629	1333	222.1666667
Psilocybin (D.U.)	0	0	0	0	0	0	0	0
Psilocybin (g)	0	0	0	0	0	0	0	0
Other (Specify) Suboxone Strips	0	0	0	0	2	3	5.03	0.838333333

CLANDESTINE LABORATORY CASES-If Applicable	2008	2009	2010	2011	2012	2013	TOTAL	Average
Meth Labs Dismantled	0	0	0	0	0	0	0	0
Laboratory Dump Sites Seized	0	0	0	0	0	0	0	0
Chemical/Glassware/Equipment Seized	0	0	0	0	0	0	0	0

DEPARTMENT OF PUBLIC SAFETY
GRANTS MANAGEMENT BUREAU
FY 2014 JAG PROGRAM APPLICATION

GOALS AND OBJECTIVES

City Of Las Vegas - Region IV Multi Jurisdictional Task Force

Goal 1.	Investigate Narcotic Related Crimes
Objective:	By conducting surveillance, gathering intelligence, and initiating consensual encounters.

Expected Output / Outcome	Output/Outcome Measure	Questions:	2014 Expected Output/Outcomes
Region IV will use all legal means available to identify and initiate prosecution against offenders violating narcotics related laws.	Through the disruption and dismantling of drug trafficking organizations, weapons violations and property crimes throughout Northeastern New Mexico.	What do we expect to accomplish?	60 - 80 cases
			Increased neighborhood presence
			Increased awareness in our communities

Goal 2.	Execute Impact Operations
Objective:	Show increased officer presence to reduce crime

Expected Output / Outcome	Output/Outcome Measure	Questions:	2014 Expected Output/Outcomes
To deter criminal activity	By Coordinating Impact Teams to do proactive enforcement	How many operations do we plan to execute?	5
		How do we execute these operations?	By coordinating with agencies within Region IV and gather intelligence to disrupt narcotics sales in relation to other crimes

DEPARTMENT OF PUBLIC SAFETY
GRANTS MANAGEMENT BUREAU
FY 2014 JAG PROGRAM APPLICATION

GOALS AND OBJECTIVES

through a proactive approach			

Goal 3.	**To enhance Narcotics enforcement within Region IV through working partnerships with citizens, law enforcement and other community organizations.**
Objective:	**To assist agencies within Region IV with technical support including surveillance, electronic monitoring and other investigative techniques.**

Expected Output / Outcome	Output/Outcome Measure	Questions:	2014 Expected Output/Outcomes
To provide a supportive role to our citizens, law enforcement and other community organizations.	To dismantle drug trafficking organizations and gather evidence for prosecution.	How do we get our communities and other agencies more involved?	By conducting 5 public awareness seminars
			Increasing officer presence proactively
			By offering our support

DEPARTMENT OF PUBLIC SAFETY
GRANTS MANAGEMENT BUREAU
FY 2014 JAG PROGRAM APPLICATION

TIMELINE

City Of Las Vegas - Region IV Multi Jurisdictional Task Force

Milestone	Oct '14	Nov	Dec	Jan '15	Feb	March	April	May	June	July	August	Sept '15
Execute Narcotics Enforcement Operations												
Develop Impact Teams to target specific problem areas												
Gather intelligence through effective investigations												
Conduct Public Awareness and Community Organizations Seminars												

DEPARTMENT OF PUBLIC SAFETY
GRANTS MANAGEMENT BUREAU (GMB)
FY 2014 JAG PROGRAM APPLICATION

BUDGET DETAIL WORKSHEET

City Of Las Vegas - Region IV Multi Jurisdictional Task Force

1. 200 CATEGORY COSTS -

1a. Personnel - 200 – List each position by title. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization. MJTF Coordinator Annual Salary cannot exceed $60,000 of grant funds provided by the Department of Public Safety.

Name/Position	Salary	Per	% of time	Yrs/Mo/PP/Hrs	Grant Funds
Officers Engaged in Overtime Operations from Fiscal Agency	$40.38	Hour	25.0%	12	$ 19,382
	$0.00		0.0%	0	$ -
					$ -

1a. Sub-Total Personnel **$ 19,382**

1b. Fringe Benefits - 200 – Fringe benefits should be based on actual known costs or an established formula. Fringe benefits are for those listed in the personnel budget category and only for the percentage of time devoted to the project. Fringe benefits on overtime hours are limited to FICA, Workman's Compensation, and Unemployment Compensation.

Type	Base	Rate	Grant Funds
Overtime Fringe	$19,382.40	15.30%	$ 2,966
			$ -
			$ -

1b. Sub-Total Fringe Benefits **$ 2,966**

Justification Personnel and Fringe Benefits: Funds will pay overtime and FICA benefits for experienced officers from the lead agency to conduct impact operations, investigations, and surveillance.

Total 200 Category **$ 22,348**

2. 300 CATEGORY COSTS

2a. Contractual Services - 300 – For each contractor, enter the name, if known, service to be provided, hourly or daily fee, and estimated time on the project. Consultant fees in excess of $650 per day or $81.25 per hour require additional justification and prior approval.

Name of Contractor & Service Provided	Amount	Per	Quantity	Grant Funds
Officers from other Agencies within Region IV to Conduct Operations	$1,000.00	Month	12	$ 12,000
				$ -
				$ -

2a. Sub-Total Contractual Services **$ 12,000**

Justification Contractual Services: Funds will be used to pay overtime for officers from other agencies within Region IV to conduct investigations, surveillance, impact operations and other narcotic related activities.

Total 300 Category **$ 12,000**

3. 400 CATEGORY COSTS

3a. Travel - 400 – For Purposes of the Grant application budget, enter the total budgetary costs for travel anticipated for the grant term. Travel expenses include staff trainings, field interviews, advisory group meetings, airfare, lodging, subsistence etc. Identify the location of travel, if known. Registration Fees should be included in the "Other Costs Category" not the "Travel Costs Category".

Purpose	Location	Amount	Basis	Quantity	Grant Funds
Out of State Recertification for 2 officers in Haz Mat and Clandestine Lab Clean Up	Mississippi	$450.00	Per Diem	2	$ 900
Out of State Meals & Lodging for Training - 5 Officers	Florida	$710.00	day	5	$ 3,550
Out of State airfare for training - 5 officers	Florida	$521.00	per person	5	$ 2,605
Out of State rental car for training - 5 agents	Florida	$317.29	per week	1	$ 317

3a. Sub-Total Travel **$ 7,372**

Justification Travel: The narcotics officers will attend advanced training on high risk warrant service in Jacksonville, Fl. Dates are pending at this time. With advanced training, officers will bring that knowledge back to the department and pass it on to less experienced officers. Union County will send two officers for Hazardous Materials/Clandestine Lab Clean Up recertification.

3b. Equipment – 400 – List non-expendable items that are to be purchased. Equipment is tangible property valued at $1,500 or more OR having a useful life of more than one year, AND any Information Technology items (e.g., computers, tablets, printers, etc.). Rented or leased equipment costs should be listed in the "Contractual" category. Explain how the equipment is necessary for the success of the project. All equipment will be bar-coded by the GMB for tracking purposes.

Item	Amount	Quantity	Grant Funds
Lapel Cameras for Union County Deputies	$899.00	11	$ 9,889
Tablets and Accessories for Narcotics Agents	$900.00	2	$ 1,800
Printer for Grants Administrator	$250.00	1	$ 250
Digital Cameras for Clayton and Las Vegas Police Department	$400.00	5	$ 2,000

3b. Sub-Total Equipment **$ 13,939**

Justification Equipment: To obtain and document evidence for prosecution of narcotics related offenses and reduce liability. The printer will be utilized to meet grant requirements and Region IV related activities.

3c. Supplies – 400 – List items by type (office supplies, postage, training materials, etc.) and show the basis for computation. Generally, supplies include any materials that are expendable or consumed during the course of the project.

Supply Item	Amount	Per	Quantity	Grant Funds
Master Pack Drug Test Kits for Clayton PD	$400.00	Officer	9	$ 3,600
Ink Cartridges	$124.00	Each	9	$ 1,116
Portable Twin Lights for Clayton PD Generator	$489.00	Each	1	$ 489

Materials for Red Ribbon Week in Union County	$750.00		1	$ 750
Community Outreach ref: Drug Interdiction for Union County	$1,200.00		1	$ 1,200
	$0.00		0	$ -
	$0.00		0	$ -

3c. Sub-Total Supplies $ 7,155

Justification Supplies: To properly identify narcotics in the field. Materials to conduct community awareness seminars.

3d. Confidential Funds – 400 – Confidential funds are those monies allocated to: **Purchase of Service (P/S)**, including efforts to create or establish the appearance of affluence for undercover purposes, within reasonable limits; **Purchase of Evidence (P/E)** for purchase of evidence and/or contraband, such as narcotics; and/or **Purchase of Information (P/I)**, including payments to an informant for specific

Description	Amount	Per	Quantity	Grant Funds
PS/PE/PI	$1,250.00	Month	12	$ 15,000
				$ -
				$ -

3e. Sub-Total Confidential Funds $ 15,000

Justification Confidential Funds: To allow agencies to purchase services and evidence to prosecute narcotics related cases.

3e. Other Costs – 400 – List items (e.g., telecommunication, vehicle maintenance, equipment maintenance, janitorial or security services, registration fees) by major type and the basis of the computation. For example, telecommunication costs, provide number of phone lines, monthly cost, and number of months.

Description	Amount	Per	Quantity	Grant Funds
Registration for 5 agents to attend High Risk Warrant Service	$1,075.00	Each	5	$ 5,375
Vehicle Maintenance	$ 860.00	Month	12	$ 10,320
				$ -

3f. Sub-Total Other Costs $ 15,695

Justification Other Costs: Registration costs. Due to undercover fleet being older and high mileage, there are increased costs to keep vehicles working properly to use in operations.

Total 400 Category $ 59,161

BUDGET SUMMARY

Budget Category	Grant Funds	Costs	Grant Funds Only

Personnel Services -200	$ 19,382	$ 19,382	21%
Fringe Benefits - 200	$ 2,966	$ 2,966	3%
200- Category Total	**$ 22,348**	**$ 22,348**	**24%**
Contractual Services - 300	$ 12,000	$ 12,000	13%
300 - Category Total	**$ 12,000**	**$ 12,000**	**13%**
Travel - 400	$ 7,372	$ 7,372	8%
Equipment - 400	$ 13,939	$ 13,939	15%
Supplies - 400	$ 7,155	$ 7,155	8%
Confidential Funds - 400	$ 15,000	$ 15,000	16%
Other Costs - 400	$ 15,695	$ 15,695	17%
400 - Category Total	**$ 59,161**	**$ 59,162**	**63%**
Total Application Request	**$93,509**		**100%**

OTHER FUNDING SOURCES FOR PROGRAM:

HIDTA	OCDETF	OTHER	TOTAL
		"Specify Here"	
"Enter Amount Here"	"Enter Amount Here"	"Enter Amount Here"	$ -

PROGRAM PARTICIPANTS:

QTY	TITLE/POS.	AGENCY	JAG FUNDED	FULL TIME	PART TIME
1	Lt./Narcotics	LVPD	NO	YES	NO
1	Sgt./Narcotics	LVPD	NO	YES	NO
1	Grants Administrator	LVPD	NO	NO	YES
1	Commander	LVPD	NO	NO	YES

DEPARTMENT OF PUBLIC SAFETY
GRANTS MANAGEMENT BUREAU (GMB)
FY 2014 JAG PROGRAM APPLICATION

COST BENEFIT ANALYSIS

City Of Las Vegas - Region IV Multi Jurisdictional Task Force

Type of Costs Incurred	Reason for Incurring the Cost
Cost 1: Overtime	Reason 1: For officers/deputies to conduct operations in their respective communities to combat narcotics related offenses.
Cost 2: Equipment and Supplies	Reason 2: To provide tools to aid in effective investigations and evidence preservation and to reduce the amount of liability claims.
Cost 3: Training	Reason 3: To increase officer awareness and officer safety while performing their duties.

Alternative Options:

Alternative 1: _____

Alternative 2: _____

Alternative 3: _____

Conclusion: _____

Costs

Category		Item	Qty	Price	Total
200	Personnel	Overtime	1	$19,382	$ 19,382.00
	Benefits	FICA	1	$2,966	$ 2,966.00
300	Contractual	Overtime for other agencies	1	$12,000	$ 12,000.00
400	Other	Travel	1	$7,372	$ 7,372.00
		Training	1	$5,375	$ 5,375.00
		Equipment/Supplies	1	$21,094	$ 21,094.00
		Vehicle Maintenance	1	$10,320	$ 10,320.00
		Confidential Funds	1	$15,000	$ 15,000.00

Total Cost:	**$ 93,509.00**

Benefits / Direct (Tangible)

Average Cost of Property Crimes such as Burglaries, Larcenies and Motor Vehicle Thefts as they Relate to Narcotics $8104.00 x 12 average hours officers spend investigating these types of crimes x $21.63 average hourly rate based on Rand Cost of Crime Calculator	$ 2,103,474.24
Average cost savings of officer time to conduct field interrogations 3 hours x $21.63 average hourly rate x 127 incidents based on 2012 UCR Crime Statistics	$ 8,241.03
	$ -
	$ -
	$ -
Total:	$ 2,111,715.27

Benefits / Indirect (Intangible)

Quality of Life for the Citizens in the Region IV Communities	$ -
	$ -
Total:	$ -

Total Benefits:	**$ 2,111,715.27**

Net Benefit:	**########**

Benefits and Impacts
Decreased number of narcotics related crimes
Increased number of recorded evidence and field interrogations.
Increased number of successfully prosecuted cases due to having recorded evidence.
Decrease in number of tort claims to the respective agencies due to audio/video evidence and proper training
Feasibility
Based upon the goal of committing to improving the quality of life for the citizens in our Community through effective policing, gathering tangible evidence to produce for prosecution, and obtaining advanced training to reduce liability issues, this project is economically feasible.
2 -
3 -
4 -
Alternatives
No alternative proposed.
2 -
3 -
4 -
Assumptions

Average cost of officer time is current.
Cost to human life not utilized in analysis, but should factor due to the affects it has on not just families but the community as a whole.
3 -
4 -

DEPARTMENT OF PUBLIC SAFETY
GRANTS MANAGEMENT BUREAU (GMB)
FY 2014 JAG PROGRAM APPLICATION

RETURN ON INVESTMENT

City Of Las Vegas - Region IV Multi Jurisdictional Task Force

Program Cost (Investment):	$ 93,509.00
Program Gains (Benefits):	$ 2,111,715.27

Calculation: $\frac{\$\ 2{,}018{,}206.27}{\$\ 93{,}509.00} =$ **2158.3%** **Return on Investment**

Example

ROI is frequently derived as the "Return" (incremental gain) from an action divided by the cost of that action.

Simple ROI Example $\frac{\text{Gains - Investment Costs}}{\text{Investment Costs}} =$ **%** **Return on Investment**

Example: To determine the ROI for a new marketing program that is expected to cost $500,000 (implementation costs) over the next five years and deliver an estimated $700,000 in increased profits (benefits) during the same time frame, we would calculate as follows:

Simple ROI Example $\frac{\$700{,}000 - \$500{,}000}{\$500{,}000} =$ **40.0%** **Return on Investment**

CITY COUNCIL MEETING AGENDA REQUEST

DATE: 8-28-14 **DEPT:** Senior Center **MEETING DATE:** September 17, 2014

ITEM/TOPIC: Resolution No. 14-62.

ACTION REQUESTED OF COUNCIL: Approval/Disapproval of Resolution No. 14-62 authorizing signatory authority for Senior Center(s).

BACKGROUND/RATIONALE: See attached Resolution.

STAFF RECOMMENDATION: Request approval of Resolution No. 14-62.

COMMITTEE RECOMMENDATION:

THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY MANAGER'S OFFICE NO LATER THAN 10:00 A.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.

SUBMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:

ALFONSO E. ORTIZ, JR.
MAYOR

ELMER J. MARTINEZ
ACTING CITY MANAGER

ANN MARIE GALLEGOS
FINANCE DIRECTOR

PURCHASING AGENT
(FOR BID AWARD ONLY)

DAVE ROMERO
CITY ATTORNEY
Approved as to Legal Sufficiency Only
(If Box is Initialed by City Mngr., Review and Sign)

Approved to form 9-25-12

CITY OF LAS VEGAS
RESOLUTION NO. 14-62

A RESOLUTION AUTHORIZING THE ASSIGNMENT OF OFFICIAL REPRESENTATIVES AND SIGNATURE AUTHORITIES

WHEREAS, the City of Las Vegas provides Senior Center services to the Community of Las Vegas, San Miguel and Pecos; and

WHEREAS, the City Municipal Charter as adopted March 2010 , Section 5.03 of this Charter states Power and Duties of City Manager; The City Manager shall be the Chief Administrative Officer of the City in charge of day to day administrative affairs of the City; and

WHEREAS, the Finance Director oversees the day to day budget operations for the City; and

WHEREAS, the City of Las Vegas submits contract(s) and/or funding documents needed to continue operations; and

NOW THEREFORE, be it resolved that the governing body of the City of Las Vegas does hereby authorize the City Manager (Acting City Manager) of the City of Las Vegas or his/her designee and the Finance Director or his/her Designee as the official representatives with signatory authority for all documents necessary to continue Senior Center(s) operations .

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2014.

_____
Mayor Alfonso E. Ortiz, Jr.

ATTEST:

_____
Casandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

_____
Dave Romero Jr., City Attorney

CITY COUNCIL MEETING AGENDA REQUEST

DATE: 09/03/2014 **DEPT:** FINANCE **MEETING DATE:** 09/17/2014

ITEM/TOPIC: Award of Request for Proposal #2015-03 Hardware and Software Installation/Professional Services

ACTION REQUESTED OF COUNCIL: Approval/Disapproval to award RFP #2015-03 and enter into negotiations with Innovative Technical Consulting, Inc.

BACKGROUND/RATIONALE: (Provided with Work Session Packet)
The 2013 Audit included an Informational Technology finding. The award of RFP #2015-13 will address the backup support systems, the network security, and the Disaster Recovery compliance issues to ensure and protect any/all City data.

STAFF RECOMMENDATION: Approve RFP #2015-03.

COMMITTEE RECOMMENDATION: Approve.

THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY MANAGER'S OFFICE NO LATER THAN 10:00 A.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.

Ann M. Gallegos
SUBMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:

Alfonso E. Ortiz Jr.
ALFONSO E. ORTIZ, JR.
MAYOR

Ann M. Gallegos
ANN M. GALLEGOS
FINANCE DIRECTOR

☐

Elmer J. Martinez
ELMER J. MARTINEZ
ACTING CITY MANAGER

PURCHASING AGENT
(FOR BID AWARD ONLY)

DAVE ROMERO
CITY ATTORNEY

☐

Approved as to Legal Sufficiency Only

(If Box is Initialed by City Mngr., Review and Sign)

Approved to form 9-25-12

RFP #2015-03
IBM HARDWARE & SOFTWARE INSTALLATION/PROFESSIONAL SERVICES

09/03/2014

ITC

Interviewer	Question 1	Question 2	Question 3	Question 4	Question 5	Total Score	Rank
Interviewer 1	25	20	20	20	10	95	1
Interviewer 2	20	17	20	19	10	86	1
Interviewer 3	20	15	20	20	12	87	1

SPSVar

Interviewer	Question 1	Question 2	Question 3	Question 4	Question 5	Total Score	Rank
Interviewer 1	0	0	0	0	15	15	3
Interviewer 2	0	9	8	5	14	36	3
Interviewer 3	0	10	10	5	15	40	3

IT Connect Inc.

Interviewer	Question 1	Question 2	Question 3	Question 4	Question 5	Total Score	Rank
Interviewer 1	10	15	15	5	5	50	2
Interviewer 2	16	16	9	9	4	54	2
Interviewer 3	20	15	10	10	5	55	2

Submitted by: Ann M. Gallegos

Ann Marie Gallegos, Finance Director

CITY COUNCIL MEETING AGENDA REQUEST

DATE: 9-5-14 **DEPT:** Executive **MEETING DATE:** 9-17-14

ITEM/TOPIC: Facility Seasonal Usage Agreement between the City of Las Vegas and the Pecos League.

ACTION REQUESTED OF COUNCIL: Approval/Disapproval of Use Agreement with the Pecos League.

BACKGROUND/RATIONALE: The Pecos League is the owner and operator of the "Vegas Train Robbers", a professional baseball team. This team utilizes the City of Las Vegas baseball field situated at the Rodriguez Park Complex known as Henry Martinez field. Council reviewed the previous agreement and provided direction for staff for the preparation of a revised Use Agreement with the Pecos League.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION:

THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY MANAGER'S OFFICE NO LATER THAN 10:00 A.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.

SUBMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:

ALFONSO E. ORTIZ, JR.
MAYOR

ANN MARIE GALLEGOS
FINANCE DIRECTOR

ELMER J. MARTINEZ
ACTING CITY MANAGER

PURCHASING AGENT
(FOR BID AWARD ONLY)

DAVE ROMERO
CITY ATTORNEY
Approved as to Legal Sufficiency Only
(If Box is Initialed by City Mngr., Review and Sign)

Approved to form 9-25-12

CITY COUNCIL MEETING AGENDA REQUEST

DATE: 9-4-14 **DEPT:** Executive **MEETING DATE:** 9-17-14

ITEM/TOPIC: Contract with the Las Vegas/San Miguel Economic Development Corporation.

ACTION REQUESTED OF COUNCIL: Approval or Disapproval of contract with the Las Vegas/San Miguel Economic Development Corporation.

BACKGROUND/RATIONALE: The purpose of this EDC Contract is to coordinate collaborative and economic development initiatives that stimulate economic opportunities for Las Vegas. The proposed agreement sets forth specific projects with quarterly reporting to the City of Las Vegas under terms of the Contract.

STAFF RECOMMENDATION: Approval by Council.

COMMITTEE RECOMMENDATION:

THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY MANAGER'S OFFICE NO LATER THAN 10:00 A.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.

SUBMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:

ALFONSO E. ORTIZ, JR.
MAYOR

ANN MARIE GALLEGOS
FINANCE DIRECTOR

ELMER J. MARTINEZ
ACTING CITY MANAGER

PURCHASING AGENT
(FOR BID AWARD ONLY)

DAVE ROMERO
CITY ATTORNEY
Approved as to Legal Sufficiency Only
(If Box is Initialed by City Mngr., Review and Sign)

Approved to form 9-25-12

CONTRACT BETWEEN THE CITY OF LAS VEGAS, NEW MEXICO
AND
LAS VEGAS/SAN MIGUEL ECONOMIC DEVELOPMENT, INC.

This contract entered into this __ day of _____, 2014 and is effective October 1, 2014 between the City of Las Vegas, New Mexico a municipal corporation, hereinafter called the "City" and Las Vegas/San Miguel Economic Development, Inc., a New Mexico non-profit corporation exempt under Section 501(c) (6), hereinafter called the "Contractor."

WHEREAS, the Contractor is designated as the advisory body for economic development, working in partnership with the City Las Vegas as provided in City of Las Vegas Chapter 33 Economic Development Plan of the Code of the City of Las Vegas formally Ordinance NO. 01-19 adopted by the governing body of the City of Las Vegas on the 9th day of January 2002; and

WHEREAS, Contractor is organized as a New Mexico non-profit to promote Las Vegas and San Miguel County as a desirable place to do business, produce goods and services, educate our citizens and enjoy the quality of life. The Contractor is to implement the economic development goals established by the Las Vegas Comprehensive Master Plan via a collaborative effort between public and private sectors, to in part work toward the following goals:

a) Stabilize and promote existing businesses,
b) Encourage and promote new home grown business,
c) Attract new targeted businesses to our area,
d) Reduce the outflow of spending from our community
e) Improve the standard of living for our community,
f) Be the gatekeeper and facilitate for new employers desiring to locate in Las Vegas
g) Reduce the level of unemployment and underemployment in our community
h) Improve the skills of our workforce and promote excellent customer service,
i) Actively recruit compatible and complimentary employers to our community,
k) Serve as a public-private partnership organization under the leadership of a community-wide board of directors,
1) Develop and maintain a data base of business assets, telecommunications capabilities, infrastructure and available properties for economic development,
m) Collaborate with regional economic development initiative, the national laboratories, the state Economic Development Office, and others, and corporations organized under the laws of the State of New Mexico; and in general to carry on any lawful activity and perform any lawful act permitted by the State of New Mexico.

WHEREAS, the City, acting through its governing body, the City Council, is desirous of continuing to join the efforts and activities of the Contractor to permit the Contractor to better serve the citizens of the City of Las Vegas in achieving the stated goals and mission of the Contractor, and

WHEREAS, the City commits financial support for the next 12 months in the amount of $35,000 for the year, to be paid to the Contractor under the terms and conditions of this contract.

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. GENERAL CONDITIONS, NARRATIVE EXPENDITURE REPORTS, SCOPE OF WORK, DELIVERABLES, SCHEDULES AND PAYMENTS

The City will pay on invoices presented under this Contract where work (described under Scope of Work below) has been completed and services provided the City according to the schedule (indicated below) based on invoices which show: (i) the Contractor name and address, (ii) description of the work performed or services acquired, (iii) the amount of payment requested- and (iv) a certification by an authorized officer of the Contractor as to the statements set forth in the invoice. The Contractor shall submit reports and original invoices to the Community Development Department with a copy to the City Manager's office. To be paid for any invoice, the Contractor must be current in reporting requirements. The requirements are as follows:

A.1 SCOPE OF WORK

Business Expansion/Retention and Jobs

1. The Contractor shall work with Old Wood, LLC who is seeking to expand its wood floor operation, which will add up to 100 workers. This project will be done through a project participation agreement as provided under Chapter 33 of the Code, and based on the applicant meeting the requirements, to access LEDA and other funding. This project will allow Old Wood, LLC to remain in the community as its sole manufacturing company.

a. The contractor shall report quarterly on the status of the project (Project Participation Agreement.

2. The Contractor shall work with City Community Development and others to identify funding for roads and drainage at Dee Bibb Industrial Park to provide a more stable infrastructure to support expansion and development of Old Wood, a manufacturer of wood flooring which is sold nationally and globally. This will improve workforce opportunities and retain a much-needed manufacturing company. As funding permits, road and drainage improvements should extend to other areas of the Industrial Park.

a. The contractor shall report quarterly on the status of the project.

Recruitment and Business Development

1. The Contractor through its staff or designated principle shall work with City IT personnel to create a web presence for economic development on the City website. This site will provide links and critical demographic data about resources and amenities, as well as be a recruitment and contact page for key economic development resources. This addresses recruitment and business development.

a. The Contractor shall report quarterly on the status of the project, or until completion of the project

2. The Contractor shall respond to PROs (Professional Recruitment Opportunities) which are submitted by the State in a timely and informed manner targeting responses that will bring jobs and be in keeping with area resources. The purpose of this project is to address the goal of new business recruitment and business development.

a. The Contractor shall report quarterly on the status of the project

3. The Contractor, using Certified Community Initiative (CCI) grant funding, will actively pursue compatible companies to locate in Las Vegas, concentrating efforts on environment-friendly companies. This will be accomplished through a marketing strategy developed in cooperation with community partners and using the resources of the Business and Media Arts Department at New Mexico Highlands University.

   Further, the Contractor shall use information garnered from the City's Buxton project to work toward the goals of a) stabilizing and promote existing businesses, b) Encouraging the development of new home-grown businesses, c) Attracting new targeted businesses to Las Vegas.

a. The Contractor shall report quarterly on the status of the project.

Entrepreneur Development

1. The Contractor shall develop an Entrepreneur Institute in collaboration with New Mexico Highlands University and Luna Community College, and economic development partners in the area, to create a program for identifying entrepreneurs at local institutions who are interested in going into business filling recognized gaps in products, programs and services in the community. The Contractor will collaborate with all available resources in the state office of economic development to make best use of existing programs and to help offset costs. Further, the Contractor shall use information garnered from the City's Buxton project, particularly in the area of identifying gaps and recommending viable opportunities to potential or existing entrepreneurs.

b. The Contractor shall report quarterly on the status of the project.

Execution of Scope of Work

The Contractor shall implement the Scope of Work as and implement the above stated economic development goals and those of the City's Comprehensive Master Plan through a collaborative effort between public and private sectors.

Execution of Responsibilities under Code of Las Vegas Chaper 33, formally Ordinance No. 01-19

In assisting the governing body of the City in carrying out the economic development plan for the City, the Contractor will review and make recommendations to the governing body on the applications for assistance for economic development projects and will review business plans, make introduction and provide recommendations to the governing body of new business proposals within the community and will comply with all provisions and requirements as set forth in Chapter 33 of the Code of Las Vegas.

A.2 DELIVERABLES

The Contractor will submit a status/activity report and invoices on a quarterly basis for review and approval by the Community Development Department with a copy to the City Manager's office prior to the City making payment to the Contractor. The report must include but not be limited to all activities conducted by the Contractor as outlined in the scope of work. The report shall include the status of the activities in the preceding quarter and will include the Contractor's best estimates as to jobs developed, jobs saved and jobs recruited.

A.3 PAYMENT

Payment to the Contractor shall be quarterly in the amount of eight thousand seven hundred fifty dollars ($8,750) each quarter. The first payment is due with the signing of the contract and shall be deemed to cover the period from October 1, 2014 to December 31, 2014. Subsequent payments shall be made in on a quarterly basis. The Contractor may submit an invoice for $8,750 with its quarterly report. The first such report shall be submitted on October 1, 2014, and subsequent reports shall be submitted in the month following the end of the calendar quarter, throughout the term of this contract. With proper notice, the Contractor may be requested to present at a meeting of the Governing Body on the status or progress on the particulars of this agreement. Payment will be made to the Contractor within 10 days of the approval of invoices.

2. INSURANCE

Contractor will furnish City's Finance Director with a Certificate of Insurance prior to disbursement of any funds. The insurance shall cover any and all activities engaged in and sponsored by Contractor and shall name the City as an additional insured. Maintain directors' and officers' liability insurance at $1,000,000 limit per occurrence; $2,000,000 aggregate.

(2) HOLD HARMLESS

The Provider shall hold harmless, indemnify and defend the City and its "public employees" as defined in the New Mexico Tort Claims Act, Sections 41-4-1 to 41-4-29, NMSA 1978, as amended, against and from any and all claims, losses, demands, judgments, damages, liabilities, lawsuits, expenses, fees of attorneys, costs, and/or actions of any kind and nature whether from death, bodily injury or damage to property resulting from or related to the Provider's negligence or intentional acts, errors or omissions in the Provider's performance under this Contract. The Provider's agreement to hold harmless, indemnify and defend shall not be affected nor terminated by the cancellation, expiration of the term or any renewal or any other modification of the Contract for any reason and shall survive the cancellation, expiration of the term or any renewal or any other modification of the Contract, for negligence, acts, errors or omissions to act occurring during the term of this Contract. The Contractor and the City shall in like manner hold harmless the Provider and its employees for acts or omissions of the Contractor and City or its employee, officers or agents.

3. DISCLOSURE TO THE CITY

At such times and in such form as the City Council may require. Contractor shall furnish to the City in addition to the requirements of Section 1, such statements, records, reports, data and information as the City may reasonably request pertaining to matters covered by this Contract.

4. NO FINANCIAL INTEREST

No officer or employee of the City or of the Contractor who exercises any function or responsibility in connection with the planning and carrying out of any of the provisions of this Contract shall have any direct personal financial interest in this Contract, and the Contractor shall take appropriate steps to assure compliance. Compensation for services rendered shall not be considered personal financial interest for purposes of this Contract.

5. PREJUDICE

No person, on account of race, color, religion or national origin shall be excluded from participating in, or denied benefits of any activity made possible by or resulting from this Contract.

6. POLITICAL ACTIVITY

None of the funds, materials, property or services rendered directly or indirectly by the Contractor shall be used for any political activity or to further the election of or defeat of any candidate for state, federal or local office. The Contractor shall have the ability to carry out any political activities authorized by Section 501(c)(6) of the IRS Code so long as it does not use any of the payments under this contract for such purpose. Without regard to its authority under Section 501(c)(6) the Contractor agrees that it will not endorse or support any candidate standing for election to an office at the City. The Contractor agrees that if officer(s) or employee(s) of the

Contractor elect to become a candidate for any office of the City, they must take a leave of absence from their positions with the Contractor while they are candidates for such office. The Contractor agrees that it will not lobby for, endorse or support projects that are contrary to the best interest or mission of the City of Las Vegas.

7. ASSIGNMENT

The Contractor shall not assign any interest in this Contract excluding payments for services by the Contractor as provided for above and shall not transfer any interest in the same (whether by assignment or notation), without the prior written consent of the City thereto. This provision shall not restrict the Contractor from entering into legal agreements with and providing funding for other local organizations to carry out the Scope of Work of this agreement when the Contractor determines this to be the most effective method of carrying out the Scope of Work under this agreement.

8. SUBJECT TO LAWS

The Contractor shall comply at its own cost with all applicable laws, ordinances, and codes of the federal, state and local government.

9. NO FURTHER LIABILITY

The City shall not be obligated or liable under this Agreement to any party other than the Contractor for payment of any monies or for provision of any goods or services.

10. JURISDICTION

It is mutually agreed by and between the parties hereto that this Contract shall be performed in the City of Las Vegas, San Miguel County, New Mexico, and further that any legal action or cause in connection herewith will be prosecuted in a court of competent jurisdiction if located in San Miguel County.

11. TERMINATION

The City may terminate this Agreement at any time upon sixty (60) days written notice of termination given to the Contractor. In such event, all finished or unfinished documents, data studies, photographs, reports and the rights to any property prepared or procured by the Contractor under this Contract shall at the option of the City become equitable compensation for any work satisfactorily completed through the termination date. Similarly, the Contractor may, terminate this Contract stated upon a sixty (60) day written notice given to the City.

12. ENTIRE AGREEMENT

This Agreement constitutes the entire Contract between the parties hereto; any prior Contract, whether written or oral, or assertion or statement, or understanding or other commitment antecedent to the Contract shall not have any force or effect whatsoever, unless the same is mutually agreed to by the parties hereto and reduced to writing. No changes or amendments to this Contract shall be effective except those on written approval by both parties.

13. AMENDMENT

This Agreement will not be altered, changed or amended except by a written document signed by the parties to this contract. As a strategic plan is adopted, the contract will change as necessary.

14. AUTHORITY TO BIND THE CITY

The Contractor shall not have the authority to enter into any Contract binding upon the City or to create any obligation on the part of the City except such as shall be specifically authorized by the City's Governing Body or by the City Manager acting upon authority granted by the City's Governing Body.

15. INDEMNIFICATION

The Contractor agrees to indemnify and defend the City from all claims, demands actions, damages, costs, interest, attorney's fees, and all other liabilities and expenses of any kind, from any source, which may arise out of the performance by Contractor of this Contract, excepting any claims, demands, actions, damages, costs, interest, attorneys fees and other liabilities and expenses arising out of the negligence or willful neglect of the City or any parties acting on behalf of the City.

16. NOTICES

Any notices required to be given under this Contract shall be deemed to be given in writing, by mail, to the principal office of the City or to the principal office of the Contractor.

17. BRIBERY AND KICKBACKS

As required by Section 13-1-191, NMSA 1978, as amended. It is a third degree felony under New Mexico law to commit the offense of bribery of a public officer or public employee, Section 30-24-1, NMSA 1978, as amended. It is a third degree felony to commit the offense of demanding or receiving a bribe by a public officer or public employee Section 30-24-2, NMSA 1978, as amended. It is a fourth degree felony to commit the offense of soliciting or receiving illegal kickbacks. Section 30-41-1, NMSA 1978, as amended. It is a fourth degree felony to

commit the offense of offering or paying illegal kickbacks. Section 30-41-2, NMSA 1978, as amended.

18. TERM

The term of this Contract will be twelve (12) months and may be renewed annually on the anniversary date of the contract unless notice of termination has been given to Contractor 60 days prior to the anniversary date of the contract. Should the Contractor wish to renew this contract, the Contractor must provide written notice to the City sixty (60) days prior to the anniversary date. It is anticipated that a new contract may be developed prior to the end of the current fiscal year (June 30, 2015) in order bring this agreement into line with the City's fiscal year.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2014.

_____
Mayor Alfonso E. Ortiz, Jr.

ATTEST:

_____
Casandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY:

_____
Dave Romero Jr., City Attorney

Signed:

_____
Elmer J. Martinez, Acting City Manager

_____
Sharon Vandermeer, President

CITY OF LAS VEGAS AGENDA REQUEST

DATE: 9/8/2014 **DEPT: Executive** **MEETING DATE: 9/17/2014**

ITEM/TOPIC: Resolution No. 14-63 Designating the Use of Commerce Street Soccer Field to the Las Vegas Youth Soccer League.

ACTION/REQUESTED OF COUNCIL: Approval/Disapproval of Resolution No. 14-63.

BACKGROUND/RATIONALE: Approval of Resolution to designate the use of Commerce Soccer Field for the purpose of establishing a central location for youth soccer and working with the Las Vegas Youth Soccer League to work together in making improvements to the field and surrounding area to enhance recreational experiences.

STAFF RECOMMENDATION: Approval of Resolution No. 14-63

COMMITTEE RECOMMENDATION:

THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY MANAGER'S OFFICE NO LATER THAN 10:00 A.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.

SUBMITTER'S SIGNATURE

ALFONSO E. ORTIZ, JR.
MAYOR

ANN MARIE GALLEGOS
FINANCE DIRECTOR

ELMER J. MARTINEZ
ACTING CITY MANAGER

PURCHASING AGENT
(FOR BID AWARD ONLY)

DAVE ROMERO
CITY ATTORNEY

Approved as to Legal Sufficiency Only

CITY OF LAS VEGAS
RESOLUTION NO. 14-63

A RESOLUTION DESIGNATING THE USE OF COMMERCE STREET SOCCER FIELD TO THE LAS VEGAS YOUTH SOCCER LEAGUE, A NON-PROFIT ORGANIZATION, FOR THE PURPOSE OF ESTABLISHING A CENTRAL LOCATION FOR YOUTH SOCCER

WHEREAS, the City of Las Vegas encourages the development of athletic leagues to foster community partnership, prosperity, and to provide recreational and other opportunities for the youth, adults and Citizens of Las Vegas, New Mexico; and

WHEREAS, the Las Vegas Youth Soccer League was established 30 years ago as an all-volunteer sports organization intended to provide a non-competitive soccer league for youth in Las Vegas; and

WHEREAS, increasing use in the area, and making improvements will continue to address blight conditions in the neighborhood which is consistent with the Las Vegas Comprehensive Master Plan; and

WHEREAS, the Las Vegas Youth Soccer League has been utilizing various fields throughout the community and by establishing a central location for youth soccer can greatly expand opportunities and positive experiences for the local youth; and

WHEREAS, the City of Las Vegas wishes to continue to make improvements to the Commerce Street Field in order to enhance recreational experiences in the area; and

WHEREAS, the Las Vegas Youth Soccer League intends to utilize this designation to secure grant funding to assist the City in making improvements to said field and surrounding area; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Las Vegas does hereby designate the use of Commerce Street Soccer Field to the Las Vegas Youth Soccer League for the purpose of establishing a central location for youth soccer.

PASSED, APPROVED AND ADOPTED THIS _____DAY OF _____, 2014

_____
Alfonso E. Ortiz Jr., Mayor

ATTEST:

_____
Casandra Fresquez, City Clerk

REVIEWED AND APPROVED BY:

_____
Dave Romero, City Attorney

Work Session

CITY COUNCIL MEETING AGENDA REQUEST

DATE: 09/04/14 **DEPT:** Utilities Dept. **MEETING DATE:** 09/17/14

ITEM/TOPIC: Ratification of agreement for purchase of water rights from Victory Enterprises as represented by Maria Padilla.

ACTION REQUESTED OF COUNCIL: Ratification of agreement.

BACKGROUND/RATIONALE: The City is continuously seeking out additional water sources to improve the water situation. On August 1, 2012, the City entered into agreement with Victory Enterprises (#2498-12) for the purchase of water rights at a cost of $5,000 per water right. The transfer amount is 11.01 acre feet of consumptive use with 1848 priority. The total amount payable to Victory Enterprises is $55,050.00. The original petition to the Office of the State Engineer was protested which accounts for the time lapse between the signing of the agreement and the final closing. However, the transfer of water rights has since been approved by the Office of the State Engineer.

STAFF RECOMMENDATION: Ratification of agreement.

COMMITTEE RECOMMENDATION: This item will be discussed at the September 9, Utility Committee regular meeting. Their recommendation will be provided at the Council Meeting.

THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY MANAGER'S OFFICE NO LATER THAN 10:00 A.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.

SUBMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:

ALFONSO E. ORTIZ, JR.
MAYOR

ELMER MARTINEZ
ACTING CITY MANAGER

ANN MARIE GALLEGOS
FINANCE DIRECTOR

PURCHASING AGENT
(FOR BID AWARD ONLY)

DAVE ROMERO
CITY ATTORNEY
Approved as to Legal Sufficiency Only
(If Box is Initialed by City Mngr., Review and Sign)

Approved to form 9-25-12

RECEIVED
AUG 0 1 2012
City of Las Vegas
Utilities Administration

Agreement / Contract
No. 2498-12
City of Las Vegas
Date

WATER RIGHTS PURCHASE AGREEMENT

This Water Rights Purchase Agreement ("Agreement") is made this 1 day of Aug, 2012 between the City of Las Vegas, New Mexico, a municipal corporation ("Buyer") and Victory Enterprises, Inc. ("Seller"), who agree as follows:

1. Recitals. This Agreement is executed in contemplation of the following facts and circumstances:

   1.1. Seller owns surface water rights reflected in the records of the New Mexico Office of the State Engineer Office ("OSE") as described in Exhibit A to this Agreement ("Water Rights").

   1.2. Seller desires to sell the Water Rights to Buyer and Buyer desires to purchase the Water Rights for municipal and related uses under the terms and conditions set forth below.

NOW, THEREFORE, in consideration of the mutual agreements contained herein, and other good and valuable consideration, it is agreed as follows:

2. Agreement to Sell and Purchase. Seller agrees to sell and convey to Buyer and Buyer agrees to purchase and acquire from Seller all of Seller's right, title and interest in and to the Water Rights, subject to the terms and conditions of this Agreement.

3. Consideration and Payment Terms. At Closing, Buyer shall pay Seller **Five Thousand Dollars ($5,000.00)** in cash times the number of acre feet of consumptive use approved for transfer by the OSE for municipal purposes at the Buyer's place of use and point of diversion. For the purposes of this Agreement "cash" shall mean cashier's check or certified check, payable to Seller, or a wire transfer to Seller's bank account.

4. Representation and Warranties of Seller. Seller represents as of the date hereof and at the time of Closing that:

   4.1. Authority. Seller has the full right, power, legal capacity and authority to enter into and perform its obligations under this Agreement; no other approval or consent is necessary in connection with the above-described rights, powers and capacities.

   4.2. Effect of Agreement. The terms and conditions of this Agreement are valid, binding, and enforceable against Seller, subject only to applicable bankruptcy, moratorium and other laws generally affecting the rights and remedies of creditors.

4.3. Free and Clear Title. As of Closing Seller will have good and merchantable fee simple title to the Water Rights, and the Water Rights will not be subject to any liens, security interests, mortgages, pledges, encumbrances, ditch fees, taxes, assessments and charges, prior conveyances, or claims of any nature.

4.4. Known Claims of Forfeiture or Abandonment. The Water Rights have not been forfeited or abandoned.

4.5. Known Claims of Defects in Water Rights. Neither the OSE nor any other person or entity has asserted the existence of any defect in nor limitation on the existence, validity, use, merchantability or transferability to different ownership, place or purpose of use or point of diversion of the Water Rights and Seller has no information that any such defects or limitations exist.

4.6. Compliance with Conditions Precedent. Seller will comply with all conditions precedent (as provided below) prior to or at the time of Closing.

4.7. No Further Sales or Assignments. Upon and after execution of this Agreement, Seller shall not sell, offer to sell, pledge, encumber, alter, assign, convey, or otherwise adversely affect in any way the Water Right.

4.8. Seller's Cooperation. Seller shall cooperate with Buyer before, during and after Closing to effectuate the transactions contemplated in this Agreement, including, without limitation, the execution of any documents or the taking of any action (or forbearing from acting) necessary or desirable to achieve the intended results herein.

5. Representations and Warranties of Buyer. Buyer represents and warrants as of the date hereof and at the time of closing that:

5.1. Authority. Buyer has the full right, power, legal capacity, and authority to enter into, and perform its obligations under this Agreement; no other approval or consent is necessary in connection with the above-described rights, powers and capacities. The execution and delivery of this Agreement by Buyer has been duly authorized by all necessary municipal action.

5.2. Effect of Agreement. The terms and conditions of this Agreement are valid, binding, and enforceable against Buyer in accordance with their terms, subject only to applicable bankruptcy, moratorium and other laws generally affecting the rights and remedies of creditors.

5.3. Buyer's Cooperation. Buyer shall cooperate with Seller before, during and after Closing to effectuate the transactions contemplated in this Agreement, including, without limitation, the execution of any documents or the taking of any action (or forbearing from acting) necessary or desirable to achieve the intended results herein.

6. Conditions Precedent to Buyer's performance. The obligations of Buyer to close the sale transaction under this Agreement are subject to the satisfaction, at or before Closing, of all of the following conditions.

6.1. Record Review. Within 15 days from the date of this Agreement, Seller shall provide to Buyer copies of all records in Seller's possession relating to the Water Rights including offers of judgment and subfile orders concerning the Water Rights. In addition, Seller shall provide such further proof of the validity, quantity and priority of the Water Right that Seller may reasonably request.

6.2. Survey and Proof of Title. Within 15 days from the date of this Agreement, Seller shall provide to Buyer a reasonably current survey by a New Mexico licensed surveyor of the land to which the Water Rights are appurtenant and shall order, using the description in that survey, an up-to-date abstract of title or title report covering such land, prepared by a qualified title abstractor. If Seller provides a title report, Buyer shall have the right to require Seller to provide an abstract of title, if Buyer determines that the provision of an abstract of title is necessary to evaluate the merchantability of the title to the Water Right.

6.3. Buyer's Investigation and Objections. Upon receipt of all the documents described in subparagraphs 6.1 and 6.2 above, Buyer may conduct an investigation of the validity, quantity, priority, transferability and merchantability of the Water Rights, at its own expense, and shall notify Seller in writing of any objections to the Water Right within thirty (30) days from the date of receipt of the documents. Seller may, but is not required to, cure such objections within thirty (30) days from the date it is notified in writing of Buyer's objections. If Seller does not cure the objections to Buyer's reasonable satisfaction, Buyer shall have the right to terminate this Agreement by notifying Seller in writing within five (5) days of the expiration of such 30-day cure period. Upon such termination the parties shall have no further rights or obligations under this Agreement.

6.4. Buyer's Compliance with Acequia Notification Rule. Subject to Buyer's right of termination provided in paragraph 6.3 above, Buyer shall submit written request to the commissioners of the Nuestro Señora de los Dolores Acequia ("Acequia") for documentary evidence of Buyer's compliance with any applicable requirement for the proposed change in the Water Right from the Seller's point of diversion and

place and purpose of use to Buyer's point of diversion and place and purpose of use, pursuant to NMSA § 72-5-24.1 and Rule 19.26.2.11(F) NMAC, within 30 days from the later of (1) the date of receipt of all the documents described in subparagraphs 6.1 and 6.2 above, (2) Seller's cure of objections as provided in paragraph 6.3 or (3) expiration of the period provided for Buyer to terminate this Agreement if Seller fails to cure objections as provided in paragraph 6.3.

6.4.1. Action of the Acequia. If the Acequia opposes or denies the proposed changes in the Water Right, or seeks to impose conditions on its approval which are not acceptable to Buyer in its sole discretion, then Buyer shall have the right to (i) terminate this Agreement, or (ii) appeal to the State Engineer, district court or appellate courts. Upon termination, the parties shall be under no further obligations by reason of this Agreement.

6.5. Water Rights Transfer Application. Within 30 days from receipt by the Buyer of the documentary evidence or affidavit from the commissioners of the Acequia provided for in NMSA § 72-5-24.1, Buyer shall file the documentary evidence or affidavit with the Office of the State Engineer, along with an Application for permit to change point of diversion and place and purpose of use of the Water Right ("Application"). If the Acequia fails to make a decision within one hundred twenty days in response to Buyer's request for approval of the proposed change in the Water Right, Buyer shall submit the Application within 30 days after expiration of the 120 period. Buyer shall thereafter diligently prosecute the Application. Buyer and Seller acknowledge and agree that the amount of the Water Right to be sold under this Agreement will be determined in the administrative process of transferring the Water Right from the Seller's point of diversion and place and purpose of use to Buyer's point of diversion and place and purpose of use, and subsequent court proceedings if any.

6.6. Action of the State Engineer or District Court.

6.6.1. If, at any stage of the proceedings on the transfer Application before the State Engineer or the district court, a permit is issued which is not acceptable to Buyer, then Buyer shall have the right to (i) withdraw the Application, or (ii) request a hearing, if none has been held, or (iii) appeal to the district court or to the appellate courts. Upon withdrawal of the Application the parties shall be under no obligations by reason of this Agreement which shall thereupon terminate;

6.6.2. If the transfer Application is protested, the Buyer shall have the right at any stage of proceedings before the State Engineer or the district court or the appellate courts to withdraw the Application if the Buyer determines that it is

not economically beneficial for Buyer to continue prosecuting the Application. Upon withdrawal of the Application the parties shall be under no obligations by reason of this Agreement which shall thereupon terminate;

6.6.3. If, at any stage of the proceedings on the transfer Application before the State Engineer or the courts, a permit is issued which is acceptable to Buyer and the permit becomes final, then there will be closing scheduled within 30 days from the date the permit becomes final.

6.7. Transfer Application Obligation and Costs. The Buyer shall be responsible for all costs in preparing, filing and prosecuting the Water Right transfer Application. Seller agrees to cooperate and provide necessary information and assistance (including provision of testimony in proceedings before the State Engineer or the district court) upon request by the Buyer.

6.8. Seller's Costs. Seller shall be responsible for the payment of Seller's expenses for brokers' fees, commissions, title reports, abstracts of title and Seller's attorneys, hydrologists, geologists, surveyors, engineers and other consultants utilized by Seller in selling the Water Right to the Buyer and in satisfying Seller's obligations under this Agreement.

7. Closing.

7.1. Time and Place. The closing of the transaction agreed to herein ("Closing") shall take place at such place and time as the parties shall agree in writing consistent with the requirements for closing in subparagraph 6.5.3 of this Agreement.

7.2. Seller's Obligation at Closing. At Closing, Seller shall deliver the following documents:

7.2.1. Deed to Water Right. A Warranty Deed, in a form approved by Buyer, conveying to Buyer good and merchantable title to the Water Right. The deed may contain a limitation on Seller's liability thereunder to the amount of the purchase price.

7.2.2. Additional Documents. The originals of all documents provided by Seller to Buyer pursuant to subparagraphs 6.1 and 6.2, above.

7.3. Buyer's obligation at Closing. At Closing, Buyer shall pay Seller the purchase price in cash. The Buyer shall prepare a Change of Ownership of the Water Right to Buyer

on a form approved by the OSE and shall file the Change of Ownership of the Water Right with the OSE and record it in the appropriate records of San Miguel County.

8. Obligations after Closing. After Closing, the parties shall cooperate in filing and recording all documents necessary to carry out this Agreement, signing any additional documents required for such purpose, or complying with conditions of approval set forth in the final Water Right transfer permit.

9. Termination.

9.1. Termination by Buyer. As provided in subparagraphs 6.3, 6.4.1, 6.6.1 and 6.6.2 of this Agreement, Buyer has the right to terminate this Agreement upon the occurrence of specified events. In addition, if the Water Right transfer Application is denied in full by the State Engineer or district court, then the Buyer may terminate this Agreement.

9.2. Termination by Seller. Seller may terminate this Agreement if Buyer does not timely file and thereafter prosecute the Application for transfer of Water Right as provided in subparagraph 6.5 of this Agreement.

9.3. Effect of Termination. Upon termination, the parties will withdraw any Application under this Agreement then pending before the State Engineer or courts, and the parties shall be under no further obligations by reason of this Agreement.

10. Miscellaneous.

10.1. Effects of Headings. The subject headings of the paragraphs and subparagraphs of this Agreement are included for convenience only and shall not affect the construction or interpretation of any of its provisions.

10.2. Survival of Representations and Warranties. Unless expressly limited, the parties' representations and warranties hereunder shall survive the Closing.

10.3. Entire Agreement, Modification and Waiver. This Agreement constitutes the final and complete agreement between the parties pertaining to the subject matter contained in it and supersedes all prior and contemporaneous agreements, representations, and understandings of the parties. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing by the parties. No waiver of any of the provisions of this Agreement shall be deemed, or shall constitute, a waiver of any provision, whether or not similar.

10.4. Counterparts. This Agreement may be executed simultaneously in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

10.5. Assignment. This Agreement shall be binding on, and shall inure to the parties and their heirs, representatives, successors, and assigns, but may not be assigned by Buyer without the consent of Seller in writing, which consent Seller shall not unreasonably withhold.

10.6. Recovery of Litigation Costs. If any legal action or other proceeding is brought for the enforcement of this Agreement, or because of an alleged dispute, breach, default or misrepresentation in connection with any of the provisions of this Agreement, the successful or prevailing party shall be entitled to recover reasonable attorneys' fees and other costs incurred in good faith in that action or proceeding, in addition to any other relief to which it may be entitled. The term "prevailing party" shall include any party who engages counsel and subsequently obtains substantially the results sought as a plaintiff, defendant, petitioner or respondent, whether by compromise, settlement or judgment.

10.7. Notices. All notices, requests, demands and other communications under this Agreement shall be in writing and shall be deemed to have been duly given on the date of service if served personally on the party or by confirmed facsimile, or on the second day after mailing if mailed to the party to whom notice is to be given, by first class mail, registered or certified postage prepaid, and properly addressed as follows:

To Seller: Victory Enterprises, Inc.
Attn. Maria Padilla
POB 670
Las Vegas, NM 87701
Telephone No.: 505-454-1853

To Buyer: City of Las Vegas
Attn. Kenneth Garcia, Utilities Director
905 12th Street
Las Vegas, New Mexico 87551
Telephone No.: 505-454-0265
Facsimile No.: 505-454-1632

Any party may change its address or name of contact for the purpose of this paragraph by giving the other party written notice of the change in the manner set forth above.

10.8. Governing Law. This Agreement shall be construed in accordance with, and governed by, the laws of the State of New Mexico.

10.9. Severability. If any provision of this Agreement is held invalid as against public policy by any court of final jurisdiction, it is the intent of the parties that all other provisions of this Agreement be construed to remain fully valid, enforceable and binding on the parties.

10.10. Time of Essence. Time is of the essence in this Agreement.

10.11. No Recordation. Neither party shall record this Agreement without the written consent of the other party; either party may record a memorandum of this Agreement which does not reflect the price to be paid by Buyer.

(*Signature page to follow*)

EXHIBIT A

Priority date:	1848
OSE File No.	SD-06391
Source:	Gallinas River – Nuestro Señora del los Dolores
Status:	Consent Order pending
Subfile:	GR-24.04
Acreage	12.5 acres
Diversion amount:	2 acre-feet/acre or 25.0 acre feet (2 x 12.5)

APPROVAL BY SELLER

Maria L Padilla
Signature of officer

State of (New Mexico)

County of (San Miguel) ss.

This instrument was acknowledged before me this 1 day of Aug, 2012,

By Maria L Padilla, Executive Director
(Name of Officer) (Title of Officer)

of Victory Enterprises Inc, a New Mexico corporation,
(Name of Corporation Acknowledging) (State of Corporation)

on behalf of said corporation.

Witness my hand and official seal.

Notary Public

My commission expires: 12/19/12 #

APPROVAL BY BUYER

By:
Timothy P. Dodge, City Manager

By:
Alfonso E. Ortiz, Jr., Mayor

Attest by: Cassandra Fresquez, City Clerk

* Recommend Signature FCan 8/2/12

STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER
DISTRICT VI - SANTA FE

Scott A. Verhines, P.E.
State Engineer

Water Rights Division
P.O. Box 25102
Santa Fe, NM 87504-5102
Phone: (505) 827-6120
Fax: (505) 827-6682

August 21, 2014

City of Las Vegas
c/o Kenneth L. Garcia
905 12th St.
Las Vegas, NM 87701

Re: File No: SD-06391-4 (Sub-files GR-24.04) into SP-02662 Victory Enterprises Inc. and the City of Las Vegas

Greetings:

Enclosed is your copy of the above referenced Permit to Change the Point of Diversion and Place and Purpose of Use of Surface Waters of the Gallinas River, which has been **approved** for the maximum total diversion of 11.01 acre-feet per annum, consumptive use.

If you are aggrieved by this decision you should advise this office in writing before the expiration of thirty (30) days after receipt of this letter and request that the previous action of the State Engineer be set aside and that a date for hearing be set by the State Engineer. Requests for hearing may be filed by facsimile, provided the original request is mailed and postmarked within 24 hours of the facsimile. The applicant must indicate the date and time of transmission of the facsimile and also provide a cover letter confirming that the original will be mailed within 24 hours.

Please address any questions via telephone to Ramona Martinez at 505.827.6120 or via e-mail at Ramona.Martinez2@state.nm.us.

Sincerely,

Ramona Martinez
Upper Pecos Basin Supervisor

STATE ENGINEER · STATE OF NEW MEXICO · GREAT SEAL OF THE STATE OF NEW MEXICO · 1912

Cc: File

CONDITIONS OF APPROVAL

Approval of Application SD-06391-4 (Sub-file GR-24.04) into SP-02662 to Change Point of Diversion and Place and Purpose of Use of Surface Water is recommended in accordance with the Rules and Regulations of the State Engineer and with the following conditions of approval:

1. **Permit No:** SD-06391-4 (Sub-file GR-24.04) into SP-02662.

   Priority: December 31, 1848

   Point of Diversion:

   Move-From

   Nuestra Senora de los Dolores de Las Vegas Ditch POD located where:

   Easting = 477,756 meters

   Northing = 3,941,576 meters

   UTM Zone 13, Datum NAD 1983, within the Las Vegas Grant

   Move-To

   City of Las Vegas POD located where

   Easting = 471,343 meters

   Northing = 3,944,872 meters

   UTM Zone 13, Datum NAD 1983, within the Las Vegas Grant.

   Amount of Water:

   Not to exceed 11.01 acre-feet per annum, consumptive use.

   Place of Use:

   Move From:
   12.5 acres of land irrigated by the Nuestra Senora de los Dolores de Las Vegas Ditch and also described as tract GR-24.04 on Map Sheet 17 of the 1990 Pecos River Stream System Hydrographic Survey, Gallinas Section.

   Move To

   The City of Las Vegas Municipal Water System Service Area, within the Las Vegas Grant, San Miguel County.

   Purpose of Use:

   From: Irrigation Use
   To: Municipal Use

2. The water diverted under this permit at the Las Vegas diversion point above Montezuma, New Mexico and stored in Bradner and Petersen Reservoirs and other locations as approved by the Office of the State Engineer shall not exceed 11.01 acre-feet per annum and may be increased only through an approved Return Flow Credit Plan.

3. The records of the total amount of water diverted from the Gallinas River shall be submitted to the Office of the State Engineer Water Rights Division, P.O. Box 25102, Santa Fe, New Mexico 87504-5102, on or before the 10th day of each month for the preceding calendar month.

4. Permit No. SD-06391-4 (Sub-file GR-24.04) into SP-02662 shall not be exercised to the detriment of others having valid existing water rights or in a manner that is contrary to the conservation of water within the state or detrimental to the public welfare of the state.

5. Water right appurtenant to the 12.5 acres of land at the move-from location is severed thereafter and shall not be irrigated with water from any source.

6. Plat of the 12.5 acres of move-from land shall be submitted to this office within 90 days of the approval of this application.

7. Proof of beneficial use shall be due on August 21, 2017.

8. The Permittee shall utilize the highest and best technology available to ensure conservation of water to the maximum extent practical.

9. In the event of a Priority Administration on the Gallinas River, the OSE and the Gallinas River Water master will give preferential consideration to the permitee's exercise of this water right in light of the fact that the water right has already been reduced in the approval of this application to reflect the historical supply of the water right premised upon its relative priority. Priority Administration of diversions under this permit shall not preclude Permittee from diverting the full amount of the permit during portions of the calendar year in which Priority Administration is not in place.

Witness my hand and seal this 21 day of August 2014.

Scott A. Verhines, P. E.
New Mexico State Engineer

By:
Ramona Martinez
Upper Pecos Basin Supervisor

STATE ENGINEER
GREAT SEAL OF THE STATE OF NEW MEXICO
1912
STATE OF NEW MEXICO

Receipt #
G-00003 $200.00 Amy

File No. SD-06391 into SP-2662

NEW MEXICO OFFICE OF THE STATE ENGINEER

APPLICATION FOR PERMIT TO CHANGE AN EXISTING WATER RIGHT

(Non 72-12-1)

(check applicable boxes):

For fees, see State Engineer website: http://www.ose.state.nm.us/

☒ Change Purpose of Use ☒ Change Place of Use	☐ Change Point of Diversion (POD): From: ☐ Groundwater ☒ Surface Water To: ☐ Groundwater ☒ Surface Water	☐ Additional Groundwater Point of Diversion (POD) ☐ Additional Surface Water Point of Diversion (POD)
☐ Temporary Request - Requested Start Date:		Requested End Date:

1. APPLICANT(S) (Required) Note: water-right owner must be listed as an applicant.

Name: **City of Las Vegas**	Name: **Victory Enterprises, Inc.**
Contact or Agent: **Kenneth L. Garcia** check here if Agent ☐	Contact or Agent: **Maria Luisa Padilla** check here if Agent ☐
Mailing Address: **905 12th Street**	Mailing Address: **PO Box 670**
City: **Las Vegas**	City: **Las Vegas**
State: **NM** Zip Code: **87701**	State: **NM** Zip Code: **87701**
Phone: ☐ Home ☐ Cell Phone (Work): **505-426-3310**	Phone: ☐ Home ☐ Cell Phone (Work): **505-454-1853**
E-mail (optional):	E-mail (optional):

2. CURRENT OSE FILE INFORMATION (Required)

OSE File No(s): **SD-06391, SUBFILE NO. GR 24.04**	Priority Date (if known): **1848**

3. CURRENT PURPOSE OF USE AND AMOUNT OF WATER (Required)

☐ Domestic ☐ Livestock ☒ Irrigation ☐ Municipal ☐ Industrial ☐ Commercial ☐ Other Use (specify): _____ Describe a specific use if applicable (i.e. sand & gravel washing, dairy etc): _____	Amount of Water (acre-feet per annum): If more details are needed, type "See Comments" in "Other" field below, and explain in Additional Statements Section Diversion: ~~25.0~~ Consumptive Use: ~~12.5~~ Other (include units): _____ See Conditions of approval-RM

FOR OSE INTERNAL USE — Application for Permit, Form wr-06, Rev 12/14/11

File Number: SD-06391-4	Trn Number:
Trans Description (optional): into SP-2662	
Sub-Basin: GR	
PCW/LOG Due Date:	PBU Due Date: August 31, 2018

2012 OCT 24 AM 10:58

OFFICE OF STATE ENGINEER
SANTA FE, NEW MEXICO

4. COUNTY WHERE WATER RIGHT IS CURRENTLY USED (Required)

San Miguel

5. ADDITIONAL STATEMENTS CONCERNING THE CURRENT WATER RIGHT

Water right has been adjudicated in a Consent Order filed in the Fifth Judicial District Court on May 19, 2005. "Lewis" adjudication Nos. 20294 and 22600 Consolidated, Court File No.: CV-WB-01-950.

6. CURRENT or MOVE-FROM POINT(S) OF DIVERSION (POD) (Required)

☒ Surface POD OR ☐ Ground Water POD (Well)

Name of ditch, acequia, or spring: Nuestro Senora de los Dolores de Las Vegas Ditch

Stream or water course: Gallinas River | Tributary of: Pecos River

If application proposes a new point of diversion involving a diversion dam, storage dam, main canal, and/or pipeline, complete Attachment 2. ☐ Check here if Attachment 2 is included in this application packet.

POD Location Required: Coordinate location must be reported in NM State Plane (NAD 83), UTM (NAD 83), or Latitude/Longitude (Lat/Long - WGS84)

☐ NM State Plane (NAD83) (Feet)
- ☐ NM West Zone
- ☐ NM East Zone
- ☐ NM Central Zone

☒ UTM (NAD83) (Meters)
- ☐ Zone 12N
- ☒ Zone 13N

☐ Lat/Long (WGS84) (to the nearest 1/10th of second)

POD Number (if known):	X or Easting or Longitude:	Y or Northing or Latitude:	Optional: Complete boxes labeled "Other" below with PLSS (Public Land Survey System, i.e. Quarters, Section, Township, Range); Hydrographic Survey Map & Tract; Lot, Block & Subdivision; OR Land Grant Name if known.
GR -24	477756	3941576	Las Vegas

NOTE: If more PODS need to be described, complete form WR-08 (Attachment 1 – POD Descriptions)
Additional point of diversion descriptions are attached: ☐ Yes ☐ No If yes, how many

Point of Diversion is on Land Owned by: Unknown, Search Of County Assessor Records Did Not Provide Ownership.

Other description relating point of diversion to common landmarks, streets, or other: The location of the point of diversion (GR-24) is shown on H.S. Map Sheet 17. The diversion Is located between Cinder Rd. and Hot Springs Blvd., opposite of the main entrance road to Luna College.

7. CURRENT or MOVE-FROM PLACE(S) OF USE (Required)

The land is legally described by (check all that apply):

☐ Public Land Survey System (PLSS) (quarters, section, township, range)
☐ Irrigation or Conservation District Map
☒ Hydrographic Survey Report or Map
☐ Subdivision
☐ Grant

Complete the blocks below for all tracts of land (more than one description can be provided for a tract if available):

PLSS Quarters or Halves. **and/or** Name of Hydrographic Survey. **and/or** Name of Irrigation or Conservation District. **and/or** Name and County of Subdivision **and/or** Grant	PLSS Section **and/or** Map No. **and/or** Lot No.	PLSS Township **and/or** Tract No. (Please list each tract individually) **and/or** Block No.	PLSS Range	Acres	Priority
Upper Pecos River Stream System, Gallinas River Section (5/8/2008)	**GR-24.04**			**12.5**	**1848**
			Total Acres:	**12.5**	

Other description relating place of use to common landmarks, streets, or other: **Land is located east of Hot Springs Blvd. behind the Victory Enterprises facility, approximately 1,300 feet north of Mills avenue. See attached map.**

Place of use is on land owned by (required): **Victory Enterprises, Inc.**

Are there other sources of water for these lands? No ☒ Yes ☐ describe by OSE file number:

Note: If on Federal or State Land, please provide copy of lease.

8. MOVE-TO PURPOSE OF USE AND AMOUNT OF WATER (Complete this section ONLY if the purpose of use is changing)

☐ Domestic ☐ Livestock ☐ Irrigation ☒ Municipal ☐ Industrial ☐ Commercial ☐ Other Use (specify): _____ Describe a specific use If applicable (i.e. sand & gravel washing, dairy etc): _____	Amount of Water (acre-feet per annum): If more details are needed, type "See Comments" in "Other" field below, and explain in Additional Statements Section. Diversion: ~~25.0~~ 12.50 Consumptive Use: _____ Other (include units): _____

9. MOVE-TO POINT(S) OF DIVERSION (POD) (Complete this section ONLY if adding or replacing a POD)

☒ **Surface POD OR** ☐ **Ground Water POD (Well)**

Name of ditch, acequia, or spring: **City of Las Vegas Diversion, GR-14**

Stream or water course: **Gallinas River** | Tributary of: **Pecos River**

If application proposes a new point of diversion involving a diversion dam, storage dam, main canal, and/or pipeline, complete Attachment 2. ☐ Check here if Attachment 2 is included in this application packet.

POD Location Required: Coordinate location must be reported in NM State Plane (NAD 83), UTM (NAD 83), or Latitude/Longitude (Lat/Long - WGS84)

☐ NM State Plane (NAD83) (Feet)
- ☐ NM West Zone
- ☐ NM East Zone
- ☐ NM Central Zone

☒ UTM (NAD83) (Meters)
- ☐ Zone 12N
- ☒ Zone 13N

☐ Lat/Long (WGS84) (to the nearest 1/10th of second)

POD Number (if known):	X or Easting or Longitude:	Y or Northing or Latitude:	Optional: Complete below with PLSS (Public Land Survey System, i.e. Quarters, Section, Township, Range); Hydrographic Survey Map & Tract; Lot, Block & Subdivision; OR Land Grant Name if known.
GR -14, MAP SHEET 7	471343	3944872	Las Vegas

NOTE: If more PODS need to be described, complete form WR-08 (Attachment 1 – POD Descriptions)
Additional POD descriptions are attached: ☐ **Yes** ☒ **No** **If yes, how many**

Other description relating point(s) of diversion to common landmarks, streets, or other: **City diversion located approximately 2 miles above Montezuma also shown on Gallinas River Section H.S. Map Sheet 7.**

Point of Diversion is on Land Owned by: **City Of Las Vegas**

Note: The following information is for wells only. If more than one (1) well needs to be described, provide attachment.

Approximate depth of well (feet):	Outside diameter of well casing (inches):
Driller Name:	Driller License Number:

10. MOVE-TO PLACE(S) OF USE (Complete this section ONLY if adding or changing a place of use)
List each individually

The land is legally described by (check all that apply):

☐ Public Land Survey System (PLSS) (quarters. section. township. range)
☐ Irrigation or Conservation District Map
☐ Hydrographic Survey Report or Map
☐ Subdivision
☐ Grant

Complete the blocks below for all tracts of land (more than one description can be provided for a tract if available):

PLSS Quarters or Halves. **and/or** Name of Hydrographic Survey. **and/or** Name of Irrigation or Conservation District. **and/or** Name and County of Subdivision **and/or** Grant	PLSS Section **and/or** Map No. **and/or** Lot No.	PLSS Township **and/or** Tract No. (Please list each tract individually) **and/or** Block No.	PLSS Range	Acres	Priority
Within the City of Las Vegas municipal water service area				**6,000+/-**	
			Total Acres:	**6,000+/-**	

Other description relating place of use to common landmarks. streets. or other: **Map of the water service area is on file with the OSE.**

Place of use is on land owned by (required): **Various**

Are there other sources of water for these lands? No ☐ Yes ☒ describe by OSE file number: **UP-124 ET AL. and SP-02662**

Note: If on Federal or State Land. please provide copy of lease.

11. ADDITIONAL STATEMENTS OR EXPLANATIONS

The proposed transfer of water rights is needed to improve the City's ability to divert sufficient water fropm the Gallinas River under variable flow conditions and to improve system reliability under drought conditions.

The City proposes to divert and consumptively use up to 25.0 acre-feet of water per annum plus any other amount approved by the OSE pursuant to an approved Return Flow Credit permit.

The City proposes to store the water diverted under this application in Peterson and Bradner Reservoirs and/or any other storage facillty approved by the OSE. Data on City owned dams and reservoirs is on record with the OSE.

Affidavit from the acequia representative submitted with this application.

ACKNOWLEDGEMENT

I. We (name of applicant(s)). Kenneth L. Garcia and Maria Luisa Padilla
Print Name(s)

affirm that the foregoing statements are true to the best of (my. our) knowledge and belief.

Applicant Signature

Applicant Signature

ACTION OF THE STATE ENGINEER

This application is:

☑ approved ☐ partially approved ☐ denied

provided it is not exercised to the detriment of any others having existing rights. and is not contrary to the conservation of water in New Mexico nor detrimental to the public welfare and further subject to the attached conditions of approval.

Witness my hand and seal this 21 day of August 20 14 . for the State Engineer.

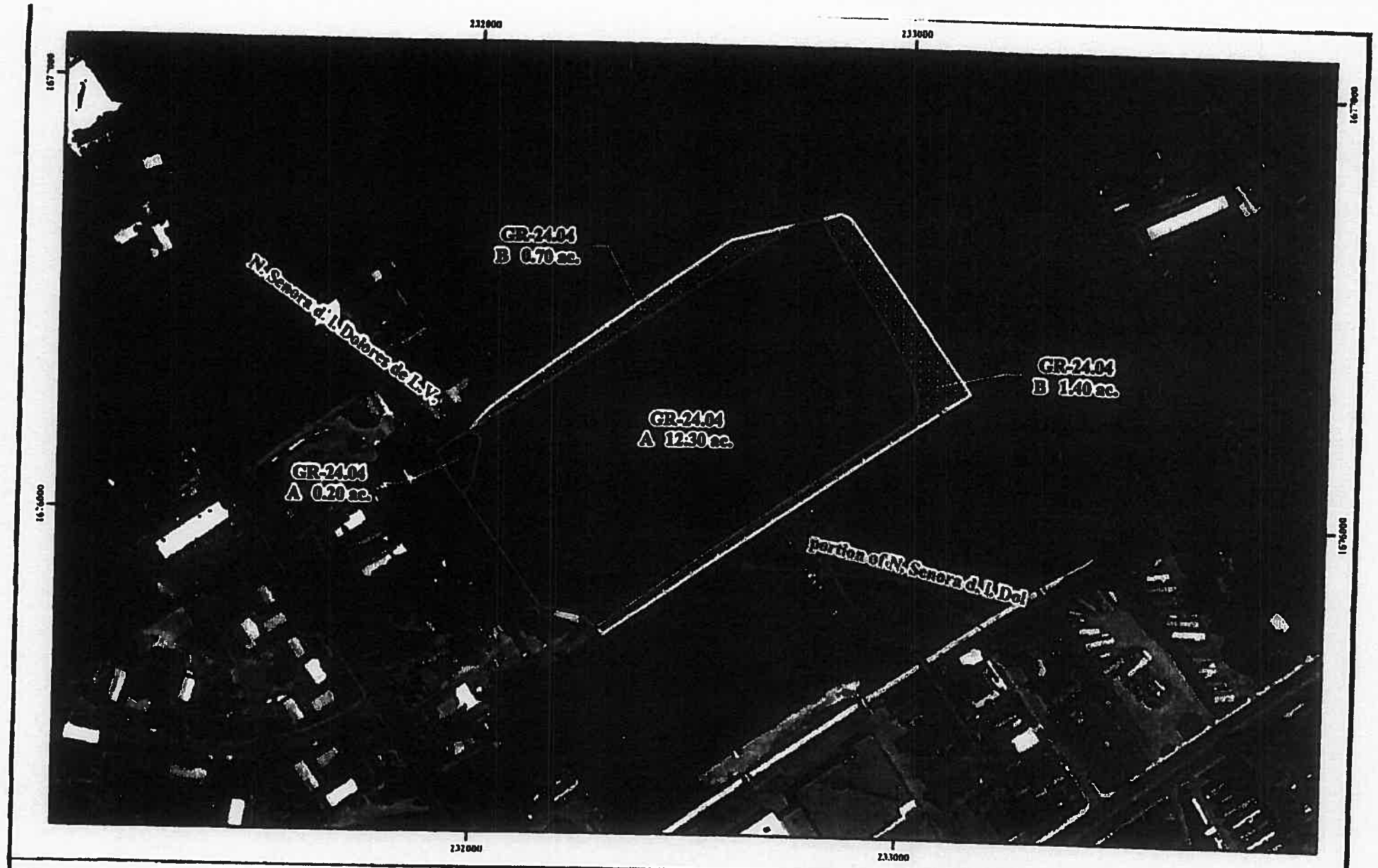
Scott A. Verhines, P.E. . State Engineer

By: Ramona Martinez
Signature Print

Title: Upper Pecos Basin Supervisor
Print

FOR OSE INTERNAL USE Application for Permit, Form wr-06

File Number:	Trn Number:



Legend

- Point of Diversion
- Inoperable Ditch
- Operable Ditch
- Operable Pipeline

Irrigated Tract Boundaries

- Water Right
- Pond / Reservoir
- No Right
- OUT Out Area

2005 Digital Ortho Quarter Quads
Grid Interval = 1000
Scale 1" =300'
1:3,600
0 300 Feet

N

STATE OF NEW MEXICO
Office of the State Engineer
John R. D'Antonio, Jr., P.E., State Engineer

Upper Pecos River Stream System
Gallinas River Section Hydrographic Survey
Within the Las Vegas Grant, San Miguel County,
as shown on 1991 Hydrographic Survey Map Sheet No. 17

Victory Enterprises INC.
Subfile GR-24.04
5/8/2008

CAH

AFFIDAVIT OF MARIA LUISA PADILLA

I, Maria Luisa Padilla being first duly sworn upon oath, state as follow:

1. I am 65 years old.

2. I reside at 207 Oso Road, Sapello, New Mexico.

3. I am the Registered Agent for Victory Enterprises, Inc. My rights as Registered Agent include authority to execute any and all legal documents pertaining to real property, including water rights, owned by Victory Enterprises, Inc.

4. Victory Enterprises, Inc. is the owner of water rights adjudicated in the Gallinas River Subsection of the Pecos River Stream System under Subfile GR-24.04. The point of diversion for these water rights is the Acequia de Nuestro Señora de los Dolores de Las Vegas (hereafter "Acequia").

5. On or about August 1, 2012 I entered into an agreement with the City of Las Vegas to sell the City all of the water rights under Subfile GR-24.04. The City will be filing an application with the Office of the State Engineer ("OSE") to transfer these water rights to its surface water diversion.

6. This affidavit is prepared pursuant to NMSA § 72-5-24.1 and the rules of the Office of the State Engineer (NMAC 19.26.2.11.F) requiring the City, prior to filing the water right transfer application, to obtain from the Commissioners of the Acequia an affidavit indicating whether or not the proposed transfer is in accordance with any applicable requirements the Acequia may have.

7. Mr. Mustafa Chudnoff, the City's water rights consultant, informed me that he had previously been informed by Mr. Luis Aguirre, the OSE's appointed Gallinas River Water Master,

that I am the point of contact for the Acequia. Mr. Chudnoff has further informed me that the annual reports of the Gallinas River Water Master for the years 2008 through 2011 also identify me as the point of contact of the Acequia.

8. The Acequia does not currently have any elected commissioners, nor has there been an elected commission since at least 2008.

FURTHER, AFFIANT SAYETH NAUGHT.

Signature

On October 15, 2012, personally appeared Maria Luisa Padilla, personally known to me or identified through satisfactory evidence, being duly sworn, swore to me that the foregoing instrument is true and correct and that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted executed the instrument.

Signature of Notary Public
Printed Name: Eva Silva
My Commission Expires: 12-19-12

OFFICIAL SEAL
EVA SILVA
Notary Public
State of New Mexico
My Comm. Expires 12/19/12

CITY OF LAS VEGAS REQUISITION FOR PURCHASE

PURCHASE ORDER NO.: _____

BID REQUIREMENTS — **CHECK APPROPRIATE BOX** — DATE: 09·04·14

- ☐ $0 TO $500.00: Purchase under Resolution #07-41; Requires 2 quotes minimum 2.2A.
- ☐ $500.01 TO $5,000.00: Requires three (3) telephoned or written bids; 2.2B.
- ☐ $5,000.01 TO $20,000.00: Requires sending Bid Notices and receiving signed bids within the time specified; 2.2C.
- ☐ $20,000.01 AND OVER: Requires Competitive sealed Bids or Proposals pursuant to Resolution #07-41, 2.2D and the State Procurement Code.

☐ BID NO.: _____ – _____ AWARDED: _____/_____/_____; CONTRACT NO.: _____.

(RECORD BID NUMBER, AWARDED DATE, AND CONTRACT NUMBER ABOVE)

- ☐ SPD CONTRACT; 2.2F: SPD NO.: _____ EXPIRES: _____/_____/_____.
- ☐ EXEMPT PURCHASE; 3.0. Provide Section No. _____.
- ☐ GSA CONTRACT; 14.0. GSA NO.: _____-_____ EXPIRES: _____/_____/_____.
- ☐ PROFESSIONAL SERVICES; 2.3.
- ☐ SOLE SOURCE; 4.0: REQUIRES DETERMINATION.
- ☐ EMERGENCY; 5.0: AND SECTIONS 1.4.1.60 thru 1.4.1.64, NMSA, 2005.
- ☒ OTHER CITY CONTRACT; 17OC; NO.: 2498-12 EXPIRES: —/—/—.
- ☐ CITY OF LAS VEGAS HOUSING AUTHORITY SECTION 33.0; PURCHASES OVER $100,000.

STATEMENT OF NEED: *(Must Complete)*

To purchase Water Rights from Victory Enterprises

IN COMPLIANCE WITH THE PROCUREMENT CODE 07-41 THE FOLLOWING QUOTES WERE OBTAINED

DATE	NAME OF VENDOR	PHONE NUMBER	PERSON CONTACTED	PRICE QUOTED

(If needed, attach additional quote documentation to this requisition)

LINE	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	SUB TOTAL
1	11.01	acre feet	1848 priority Water Rights	$ 5,000	$ 55,050.00

VENDOR: Victory Enterprises — TOTAL: $ $ 55,050.00

ADDRESS: P.O. Box 670 Las Vegas, NM 87701

NM CRS NO.: — FEDERAL TAX NO.:

I CERTIFY THAT THIS PURCHASE IS NECESSARY AND THAT THE REQUESTED ITEMS WILL BE PURCHASED AT THE LOWEST BID OR BEST OBTAINABLE PRICE.

BUDGET $ _____

EXPENDED TO DATE $ _____

CURRENT EXPENSE $ _____

BALANCE $ _____

D. Garcia / S. Muniz
SIGNATURE OF PERSON REQUESTING

647 · 0000 · 650 · 8014
FUND DEPARTMENT ACTIVITY

APPROVED BY: _____ BUDGET AVAILABLE YES: _____ NO: _____

WHITE COPY: ACCOUNTS PAYABLE — YELLOW COPY: PURCHASING — PINK COPY: DEPARTMENT

CITY OF LAS VEGAS
1700 N. GRAND AVE. • LAS VEGAS, NEW MEXICO 87701-4731 • 505-454-1401 • FAX: 505-425-7335

ALFONSO E. ORTIZ, JR.
Mayor

MEMORANDUM

TO: Helen Vigil, Accounts Payable

FROM: Kenneth L. Garcia, Utilities Director

DATE: September 4, 2014

RE: Check Request-Victory Water Rights

The City of Las Vegas entered into a purchase agreement with Victory Enterprises on August 1, 2012. The agreement is for the purchase of 11.01 acre feet of water at $5,000 per acre feet for a total of $55,050.00.

Please issue a check in the amount of $55,050.00 payable to Victory Enterprises. The funds should be debited from line item number 647-0000-650-8014. A line item transfer is pending.

Please feel free to contact me with any questions.

APPROVED/DISAPPROVED

Elmer Martinez, Acting City Manager

APPROVED/DISAPPROVED

Ann Marie Gallegos, Finance Director

TONITA GURULE-GIRON
Councilor, Ward 1

VINCE HOWELL
Councilor, Ward 2

JOSEPH "JOEY" HERRERA
Councilor, Ward 3

DAVID L. ROMERO
Councilor, Ward 4

BUDGET LINE ITEM TRANSFER FORM

Fund Number **647**

Department **WATER ACQUISITION FUND**

9/4/2014

FROM:		Decrease	TO:		Increase
647-0000-610-7304	ATTORNEY FEES	55,050.00	647-0000-650-8014	WATER RIGHTS	55,050.00

NEEDED FOR WATER RIGHTS PURCHASE

Director — 9/4/14 Date

City Manager — Date

Date Finance Received — Initial

Finance Director — Date

Date Recorded — Initial

revised 01/13/2012

Form **W-9**
(Rev. August 2013)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

Print or type
See Specific Instructions on page 2.

Name (as shown on your income tax return)
Victory Enterprises, Inc.

Business name/disregarded entity name, if different from above

Check appropriate box for federal tax classification:
☐ Individual/sole proprietor ☐ C Corporation ☑ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶

☐ Other (see instructions) ▶

Exemptions (see instructions):
Exempt payee code (if any)
Exemption from FATCA reporting code (if any)

Address (number, street, and apt. or suite no.)
2810 Hot Springs Blvd.

Requester's name and address (optional)
City of Las Vegas

City, state, and ZIP code
Las Vegas, NM 87701

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number
[ ][ ][ ] - [ ][ ] - [ ][ ][ ][ ]

Employer identification number
8 5 - 0 4 2 9 4 3 5

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below), and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here Signature of U.S. person ▶ [signature] Date ▶ 9-4-2014

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. The IRS has created a page on IRS.gov for information about Form W-9, at *www.irs.gov/w9*. Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, payments made to you in settlement of payment card and third party network transactions, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.

Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.