

A G E N D A

Carlsbad City Council Regular Meeting
Janell Whitlock Municipal Complex
114 S. Halagueno Street
Carlsbad, New Mexico

March 12, 2024 at 6:00 p.m.

Invocation – Pledge of Allegiance

1. Approval of Agenda
2. Consider Approval of Resolution 2024-08, a Resolution making certain Budgetary Adjustments to the 2023-24 Fiscal Year Budget
3. Routine and Regular Business

All matters under this heading are considered routine by the City Council and will be acted upon in one motion. There will be no separate discussion of these items. If discussion is desired on a particular item, upon request, that item may be removed from the Routine and Regular Business and be considered separately.

- A. **Minutes of the Regular City Council Meeting held on February 27, 2024**
- B. **City Personnel Report**
- C. **Purchasing**
 - 1) Consider Approval to Advertise Invitation for Request for Proposals for on-call Construction Services Contract for various Capital Projects
 - 2) Consider Approval to Award Bid 2024-02 to Border States for electrical equipment at Lake Carlsbad Recreation Area
- D. **Contracts and Agreements**
 - 1) Consider Approval of Agreement between the City of Carlsbad and Brycer, LLC for a Fire and Life Safety Data Management System for the Carlsbad Fire Department
 - 2) Consider Approval of Amendment to Agreement between the City of Carlsbad and NM Department of Finance to the E911 Grant Agreement for the 911 Telephone Emergency System at the Carlsbad Police Department
- E. **Monthly Reports**
 - 1) Fire Department 2023 Annual Report
 - 2) Human Resources Department February 2024
 - 3) Municipal Court Department February 2024
 - 4) Transportation and Facilities Department February 2024
4. Consider Approval of CNM Disadvantaged Business Enterprise Program for Cavern City Air Terminal
5. Consider Approval of Temporary Use Application to allow for mobile sales (vending) of food (Ice Cream) and drinks (non-alcoholic) within City streets throughout the City for The Ice Cream Man, LLC Owner: Jason Stearns

6. Consider Approval of Resolution 2024-09, a Resolution requiring the removal of the ruined, damaged or dilapidated buildings or structures, ruins, rubbish, wreckage and debris for property located at 1004 N Richard Owners: Christopher Tuggle and David Bond
7. Consider Approval of Resolution 2024-10, a Resolution requiring the removal of the debris, junk and trash at 1312 Westridge Road Owners: Kathleen Saunders and Gregory Wheeler
8. Consider Approval of proposed reconsideration of Resolution 2023-65, a Resolution requiring the removal of the ruined, damaged or dilapidated building or structure at 1916 W Lea Street Owner: Erica Corrales c/o Jesus R. Juarez
9. Consider Approval of Ordinance 2024-09, an Ordinance amending a portion of Section 29-C of Chapter 16 of the Code of Ordinances, to increase the acting Municipal Judge's flat rate fee per day and increase the total fee during any one calendar year
 - A. Public Hearing
 - B. Approval of Ordinance 2024-09
10. Council Committee Report
11. Adjourn



FOR INFORMATION ONLY

Agendas and City Council minutes are available on the City web site: cityofcarlsbadnm.com or may be viewed in the Office of the City Clerk during normal and regular business hours.

Public Comments - three minute time limit per person. The City request all comments be respectful and courteous in nature.

CARLSBAD CITY COUNCIL MEETING SCHEDULE

- Regular Meeting - Tuesday, March 26, 2024 at 6:00 p.m.
- Regular Meeting – Tuesday, April 9, 2024 at 6:00 p.m.

If you require hearing interpreter, language interpreters or auxiliary aids in order to attend and participate in the above meeting, please contact the City Administrator's office at (575) 887-1191 at least 48 hours prior to the scheduled meeting time.

RESOLUTION NO. 2024-08

**A RESOLUTION MAKING CERTAIN BUDGETARY
ADJUSTMENTS TO THE 2023-24 FISCAL YEAR BUDGET**

WHEREAS, it is necessary to amend the 2023-24 fiscal year budget to adjust revenues, transfers and expenditures as reflected on the attached pages, and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD that the 2023-24 fiscal year budget be amended as attached.

INTRODUCED, PASSED, ADOPTED AND APPROVED this 12th day of March 2024.

Mayor

ATTEST:

City Clerk

Description		Revenues & Transfers		Costs		Approvals		
Fund / Department	Item	Increase (Decrease) to Fund		Labor, Operating, Capital Increase (Decrease) to Fund		Dates		
		Amount	R or T	Amount	L, O, C	Budget Com	Council	DFA
August 2023								
General Fund - Public Safety	Donation from Carlsbad Community Anti-Drug & Gang Coalition will be used to purchase police supplies	10,000.00	R	(10,000.00)	O	8/25/2023	9/12/2023	9/21/2023
General Fund - Parks	Additional cost of installation of equipment at the Splash Pad at Friendship Park			(325,000.00)	C	8/25/2023	9/12/2023	9/21/2023
Lodgers' Tax - Promotional	Red Rocket - Local event promotion and social ad buy - Advertising			(60,000.00)	O	8/25/2023	9/12/2023	9/21/2023
Lodgers' Tax - Promotional	Carlsbad Mainstreet - Hutton Broadcasting - Advertising			(15,000.00)	O	8/25/2023	9/12/2023	9/21/2023
Lodgers' Tax - Non-Promotional	Additional cost of installation and equipment at the golf couse driving range			(300,000.00)	C	8/25/2023	9/12/2023	9/21/2023
Lodgers' Tax - Discretionary	Additional cost of installation and equipment at the golf couse driving range			(350,000.00)	C	8/25/2023	9/12/2023	9/21/2023
September 2023								
GRT Capital Outlay	Transfer out funds to Water & Sewer for Old Cavern Highway project	(1,200,000.00)	T			9/22/2023	10/10/2023	10/23/2023
Water & Sewer	Transfer in funds from GRT Capital Outlay for the Old Cavern Highway project	1,200,000.00	T	(1,200,000.00)	C	9/22/2023	10/10/2023	10/23/2023
General Fund - Fire	Donation from Crestwood Operations LLC for the purchase of EMS supplies	10,000.00	R	(10,000.00)	O	9/22/2023	10/10/2023	10/23/2023
General Fund	Increase revenue to match PSA Agreement for Eddy County contribution	50,000.00	R			9/22/2023	10/10/2023	10/23/2023
Health Insurance	Transfer Out to General, Municipal Transit, Solid Waste, Sports Complex, and Water & Sewer Funds fro employee health insurance rebate	(826,848.22)	T			9/22/2023	10/10/2023	10/23/2023
General Fund	Employee health insurance rebate	658,576.15	T	(658,576.15)	L	9/22/2023	10/10/2023	10/23/2023
Sports Complex	Employee health insurance rebate	13,306.92	T	(13,306.92)	L	9/22/2023	10/10/2023	10/23/2023
Municipal Transit	Employee health insurance rebate	20,331.18	T	(20,331.18)	L	9/22/2023	10/10/2023	10/23/2023
Water & Sewer	Employee health insurance rebate	97,067.50	T	(97,067.50)	L	9/22/2023	10/10/2023	10/23/2023
Solid Waste	Employee health insurance rebate	32,290.31	T	(32,290.31)	L	9/22/2023	10/10/2023	10/23/2023
Golf Pro Shop	Employee health insurance rebate	5,276.16	T	(5,276.16)	L	9/22/2023	10/10/2023	10/23/2023
Lodgers' Tax - Promotional	Christmas on the Pecos - Advertising			(92,000.00)	O	9/22/2023	10/10/2023	10/23/2023
Lodgers' Tax - Promotional	Carlsbad Community Theatre - Advertising			(20,000.00)	O	9/22/2023	10/10/2023	10/23/2023
Lodgers' Tax - Non-Promotional	Carlsbad Chamber of Commerce - Pecos River Conference Center Holiday Lighting			(30,000.00)	O	9/22/2023	10/10/2023	10/23/2023
Capital Projects	RAISE grant awarded to the City of Carlsbad for the preliminary plan of the Dark Canyon Bridge and Bikeway Project	1,100,008.00	R	(1,375,010.00)	C	9/22/2023	10/10/2023	10/23/2023
Airport Improvements	NMDOT-Aviation grant for the replacement of the terminal apron from asphalt to PCCP	5,000,000.00	R	(5,000,000.00)	C	9/22/2023	10/10/2023	10/23/2023
Water & Sewer - Water	Replenish funds for the Well 8 Rehab project that were borrowed for another project			(195,000.00)	C	9/22/2023	10/10/2023	10/23/2023
Capital Projects	Transfer grant related projects to the Water & Sewer fund	(2,410,000.00)	R	2,410,000.00	C	-	10/10/2023	10/23/2023

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Fund / Department	Item	Increase (Decrease) to Fund		Labor, Operating, Capital Increase (Decrease) to Fund	Dates		
		Amount	R or T	Amount L, O, C	Budget Com	Council	DFA
Water & Sewer - Water	Transfer grant related projects from the Capital Projects fund	2,410,000.00	R	(2,410,000.00) C	-	10/10/2023	10/23/2023
Law Enforcement Recruitment & Retention	Reallocate the second distribution of \$300,000 of fy23 LERR funds to new DFA account for state tracking purposes				-	10/10/2023	10/23/2023
Law Enforcement Retention	Grant for \$1,050,000 from NM DFA for the recruitment of commissioned law enforcement officers and civilian support personnel, first distribution	600,000.00	R		-	10/10/2023	10/23/2023
Law Enforcement Retention	Transfer Out to General Fund	(600,000.00)	T		-	10/10/2023	10/23/2023
General Fund - Public Safety	Transfer In from Law Enforcement Retention Fund	600,000.00	T		-	10/10/2023	10/23/2023
October							
General Fund - Finance	Replenish funds for the Cashier Remodel project that were borrowed for the C-Hill Improvement project			(185,000.00) C	10/27/2023	11/1/2023	11/8/2023
General Fund - Public Safety	Reclassify executive secretary position to a patrol senior position			(55,380.00) L	10/27/2023	11/1/2023	11/8/2023
General Fund - Public Safety	DOJ Edward Byrne Memorial Justice Assistance Grant to support body worn camera equipment for police officers	14,734.00	R	(14,734.00) O	10/27/2023	11/1/2023	11/8/2023
General Fund - Community Development	Halagueno Arts Park improvements			(100,000.00) C	10/27/2023	11/1/2023	11/8/2023
General Fund - Golf	Golf course sewer remediation project			(600,000.00) C	10/27/2023	11/1/2023	11/8/2023
General Fund - Facility Maintenance	Roof and miscellaneous repairs due to rain damage			(250,000.00) C	10/27/2023	11/1/2023	11/8/2023
General Fund - Cemetery	Purchase 5 - 24" aluminum military emblems for the Veteran's Cemetery			(13,014.00) O	10/27/2023	11/1/2023	11/8/2023
Airport Improvements	NMDOT-Aviation grant for airfield marking, this grant has a City match of \$15,000	135,000.00	R	(150,000.00) C	10/27/2023	11/1/2023	11/8/2023
Landfill-Construction	Increase funds for the City's portion of projected costs associated with the Cell 6 Construction, Sandpoint Waterline, Transfer Station and BLM expansion at the Sandpoint Landfill			(645,000.00) C	10/27/2023	11/1/2023	11/8/2023
Sports Complex	Grant from the Department of Justice for LED lighting for the sports complex	76,000.00	R	(300,000.00) C	10/27/2023	11/1/2023	11/8/2023
November							
Lodgers' Tax - Promotional	Creative Carlsbad Arts Council - Advertising			(6,000.00) O	11/17/2023	12/12/2023	12/27/2023
Capital Projects	NM DFA grant to offset the City's match requirement with state funding for the recently accepted RAISE grant	275,000.00	R		11/17/2023	12/12/2023	12/27/2023
Capital Projects	NM DFA grant awarded to the City to be used to replace the HVAC system at the Riverwalk Recreation Center. These funds are part of the Regional Recreation Centers/Quality of Life Grant.	1,621,051.00	R	(1,621,051.00) C	-	12/12/2023	12/27/2023
Capital Projects	NM DFA grant awarded to the City to supplement the cost to replace the HVAC system at the Riverwalk Recreation Center. These funds are part of the Local Government Outlay Project Overruns Grant.	450,000.00	R	(450,000.00) C	-	12/12/2023	12/27/2023
General Fund - Community Development	Increase downtown restrooms project due to quote coming in higher than budget			(30,000.00) C	-	12/12/2023	12/27/2023
December							
General Fund - Parks	Replenish funds for the annual park improvements project that were borrowed for the HAP art project			(45,000.00) C	12/15/2023	1/9/2024	1/16/2024

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General Fund - Public Safety	Add 5 School Resource Officer (SRO) Positions, 1 Sergeant Position for February through June. The City will be reimbursed by the Carlsbad Municipal Schools for the labor cost of these positions.	376,501.46	R	(376,501.46)	L	12/15/2023	1/9/2024	1/16/2024
General Fund - Public Safety	Increase operating costs due to the additional training and equipment needed for 4 SRO's			(200,000.00)	O	12/15/2023	1/9/2024	1/16/2024
Fire Protection Fund	Department of Homeland Security and Emergency Management grant to be used to purchase 32 Self Contained Breathing Aparatus (SCBA) packs for the fire department	299,483.63	R	(299,483.63)	C	12/15/2023	1/9/2024	1/16/2024
Lodgers' Tax -Non-Promotional Fund	Increase the fireworks project to \$120,000 for RFP awarded, City contribution of \$80,000 and County contribution of \$40,000			(55,000.00)	O	12/15/2023	1/9/2024	1/16/2024
Lodgers' Tax - Promotional	Boys & Girls Club - Gus Macker Tournament Advertising			(80,000.00)	O	12/15/2023	1/9/2024	1/16/2024
January								
General Fund - Cemetery	Additional fencing at the cemetery.			(700,000.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Cemetery	Dirt work for the expansion of the cemetery			(100,000.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Community Service	Increase capital costs on the Gator project by \$36,500 to purchase a JD ProGator 2030 with a chemical sprayer.			(36,500.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Electrical	Increase operating costs to repair the hydraulic boom on the electrical department's 1994 bucket truck.			(12,200.00)	O	1/26/2024	2/13/2024	2/16/2024
General Fund - Executive	Potential purchase of BLM land for future economic development and the associated costs for preparation of documents necessary to convey 495.5 acres of public land to the City.			(185,000.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Executive	Purchase safety truck			(75,000.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Finance	Reestablish the Fixed Assets & Inventory Accountant position in the finance department.			(43,505.62)	L	1/26/2024	2/13/2024	2/16/2024
General Fund - Fire	Donation from Devon Energy for the purchase of equipment for the Fire department.	5,000.00	R	(5,000.00)	O	1/26/2024	2/13/2024	2/16/2024
General Fund - Fire	Replace two HVAC units at the Fire department.			(20,000.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Fire	Purchase 70 sets of PPE for the dual certified vehicle extractor for wildland fires.			(70,000.00)	O	1/26/2024	2/13/2024	2/16/2024
General Fund - Fire	Purchase a FOTOKITE tethered drone to provide aerial footage during emergency situations. This drone will not require an FAA permit.			(45,000.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Fire	Replace 8 aged cardiac monitors at the Fire department			(400,000.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Fire	Purchase 2-2024 Ford Mavericks for the Fire department to replace 2008 F-250's with high mileage			(70,000.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Garage	Purchase a New Maxx 80 tire changer with the capability to handle larger tires.			(9,000.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Museum	Reclassify a Museum part time attendant to full time			(16,109.51)	L	1/26/2024	2/13/2024	2/16/2024
General Fund - Parks	Outdoor Recreation Trails+ grant awarded to the City of Carlsbad by NM EDD for the renovation of the south-western shore and various enhancements at Lower Tansill Dam. This grant has a 50% City match.	499,927.45	R	(1,000,000.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Parks	Resurface the fall zone at Friendship Park.			(225,000.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Parks	Increase the C-Hill remediation project.			(10,000.00)	C	1/26/2024	2/13/2024	2/16/2024

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		Amount	R or T	Amount L, O, C	Budget Com	Council	DFA
General Fund - Public Safety	Increase the police vehicles project for the additional cost of upfits.			(65,000.00) C	1/26/2024	2/13/2024	2/16/2024
General Fund - Public Safety	Increase operating costs in the police department for the purchase of additional ammunition.			(35,000.00) O	1/26/2024	2/13/2024	2/16/2024
General Fund - Public Safety	Increase operating costs in the police department to replace approximately 50 obsolete tasers.			(150,000.00) O	1/26/2024	2/13/2024	2/16/2024
General Fund - Public Safety	Add a second Evidence Clerk position in the police department to assist with evidence backlog.			(34,883.38) L	1/26/2024	2/13/2024	2/16/2024
General Fund - San Jose Senior Center	Replace the roof at the San Jose Senior Center building.			(600,000.00) C	1/26/2024	2/13/2024	2/16/2024
General Fund - Streets	Equip the street department dump truck with salt spreader and snow plow attachments.			(55,000.00) C	1/26/2024	2/13/2024	2/16/2024
General Fund	Transfer Out to Street Improvements Fund.	(1,300,000.00)	T		1/26/2024	2/13/2024	2/16/2024
Street Improvements Fund	Transfer In from General Fund and create project to add sidewalks to the east side of Old Cavern Highway.	1,300,000.00	T	(1,300,000.00) C	1/26/2024	2/13/2024	2/16/2024
Street Improvements Fund	Continue with various street improvements.			(500,000.00) C	1/26/2024	2/13/2024	2/16/2024
NMFA-Water & Sewer	Payoff the Carlsbad 11 - Double Eagle Extension loan. The funds for this payoff have already been set aside.			(11,106,129.40) O	1/26/2024	2/13/2024	2/16/2024
Water & Sewer - Double Eagle	NM DFA grant awarded to the City of Carlsbad for the double eagle waterline extension project.	1,000,000.00	R	(1,000,000.00) C	1/26/2024	2/13/2024	2/16/2024
February							
General Fund - Executive	Add a Safety Specialist position to expand the safety department.			(58,334.55) L	2/23/2024		
General Fund - Parks	Shorthorn fields remediation project design.			(100,000.00) C	2/23/2024		
General Fund - Construction	Add 4 Construction Maintenance II positions to create a sidewalk crew.			(117,751.12) L	2/23/2024		
General Fund - Construction	Increase operating for materials needed for the sidewalks.			(15,000.00) O	2/23/2024		
General Fund - Museum	Carlsbad Community Foundation Catalyst Grant to facilitate Carlsbad Museum Tours for Carlsbad Municipal School students.	2,000.00	R	(2,000.00) O	2/23/2024		
General Fund - Public Safety	Police department 4th floor remodel design.			(100,000.00) C	2/23/2024		
General Fund - Public Safety	Add 2 Corporals in the Police department for community outreach.			(71,989.62) L	2/23/2024		
DPS - Law Enforcement Retention Fund	Funds received from the NM Department of Public Safety for retention disbursements for police officers who have completed 4, 9, 14 or 19 consecutive years of employment with the same agency.	49,977.17	R		2/23/2024		
DPS - Law Enforcement Retention Fund	Transfer Out funds received from the NM Department of Public Safety.	(49,977.17)	T		2/23/2024		
General Fund - Public Safety	Transfer In funds received from the NM Department of Public Safety to be used for retention incentive pay for eligible officers.	49,977.17	T	(49,977.17) L	2/23/2024		
Emergency Medical Services Fund	Return unspent EMS funds from fiscal year 2023 to the NM Department of Health EMS Bureau.			(1,674.45) O	2/23/2024		
Fire Protection Fund	Fire Protection bi-annual distribution came in higher than anticipated.	5,638.00	R		2/23/2024		
Lodgers' Tax - Non-Promotional	Increase revenues to projected actuals.	700,000.00	R		2/23/2024		

Description		Revenues & Transfers		Costs	Approvals			
Fund / Department	Item	Increase (Decrease) to Fund		Labor, Operating, Capital	Dates			
		Increase (Decrease) to Fund		Increase (Decrease) to Fund				
		Amount	R or T	Amount	L, O, C	Budget Com	Council	DFA
Lodgers' Tax - Non-Promotional	Add Cavern Theatre Phase 5 project.			(350,000.00)	C	2/23/2024		
Lodgers' Tax - Promotional	Increase revenues to projected actuals.	450,000.00	R			2/23/2024		
Lodgers' Tax - Promotional	Add Cavern Theatre Marquee project.			(350,000.00)	C	2/23/2024		
CDBG Fund	NM DFA CDBG grant to be used for the third phase of the Alejandro Ruiz Senior Center. This grant has a \$75,000 city match.	750,000.00	R	(825,000.00)	C	2/23/2024		
General Fund	Transfer Out funds to the CDBG fund for working capital.	(400,000.00)	T			2/23/2024		
CDBG Fund	Transfer In funds from General Fund for working capital.	400,000.00	T			2/23/2024		
Municipal Transit Fund	Reinstate the Transit Assistant Manager position.			(26,395.69)	L	2/23/2024		
Local Government Correction Fund	Transfer Out funds to General Fund to cover the cost of operating the Municipal Court.	(500,000.00)	T			2/23/2024		
General Fund	Transfer In funds from Local Government Correction Fund.	500,000.00	T			2/23/2024		
Golf Pro Shop Fund	Increase revenues to projected actuals.	350,000.00	R			2/23/2024		
Golf Pro Shop Fund	Transfer Out funds to General Fund to cover labor costs paid out of General Fund.	(700,000.00)	T			2/23/2024		
General Fund	Transfer In funds from the Golf Pro Shop.	700,000.00	T			2/23/2024		

Description			Revenues & Transfers		Costs	
Fund / Department	Increase/Decrease	Item	Increase (Decrease)		Personnel, Operating, Capital Increase (Decrease)	
			Amount	R or T	Amount	L, O, C
August 2023						
General Fund - Planning & Regulation	Increase Capital	Transfer operating funds to Cameras project due to an increase in the cost of the cameras			274.63	C
General Fund - Planning & Regulation	Decrease Operating				(274.63)	O
General Fund - Community Development	Increase Capital	Transfer funds from the closed Museum HVAC Controls project to the Hall of Fame project			25,000.00	C
General Fund - Museum	Decrease Capital				(25,000.00)	C
General Fund - Riverwalk	Increase Capital	Transfer funds from the Riverwalk elevator project to the Facility Maintenance elevator project			542.11	C
General Fund - Facility Maintenance	Decrease Capital				(542.11)	C
September 2023						
General Fund - Alejandro Ruiz Senior Center	Increase Capital	Transfer operating funds to project# 100532, this project will be used as City match for ARSC grant			2,324.01	C
General Fund - Alejandro Ruiz Senior Center	Decrease Operating				(2,324.01)	O
Water & Sewer - Collections	Increase Capital	Transfer funds from the Well 8 Rehab project to the Bataan Lift Station project due to an increase in costs for equipment/installation since the original budget was developed			195,000.00	C
Water & Sewer - Water	Decrease Capital				(195,000.00)	C
October 2023						
General Fund - Parks	Increase Capital	Transfer operating funds to cover the price increase on pat traps for the shooting range			130.00	C
General Fund - Parks	Decrease Operating				(130.00)	O
General Fund - Parks	Increase Capital	Transfer leftover funds from the Toro Equipment project to a new project to purchase a Toro GrandStand Mower			18,242.34	C
General Fund - Parks	Decrease Capital				(18,242.34)	C
General Fund - Parks	Increase Capital	Transfer funds from the Cashier Remodel and Land Acquisition projects to the C-Hill Remediation project			335,000.00	C
General Fund - Finance/Executive	Decrease Capital				(335,000.00)	C
General Fund - ARSC	Increase Capital	Transfer allocated gym equipment operating funds to a capital project for a multi-gym set that will need to be capitalized			6,797.25	C
General Fund - ARSC	Decrease Operating				(6,797.25)	O
Solid Waste Fund	Increase Capital	Transfer funds from the ARC trucks project to the Grappler truck project to cover the steel price increase			13,000.00	C
Solid Waste Fund	Decrease Capital				(13,000.00)	C
GRT Capital Outlay	Increase Capital	Transfer funds from the ARSC roof replacement project to the ARSC renovations project			375,000.00	C
GRT Capital Outlay	Decrease Capital				(375,000.00)	C
Water & Sewer - Water		Project# 100955 was for the of purchase 3 service trucks, a 4th truck will be purchased with the leftover funds				
Water & Sewer - Water						
November 2023						
General Fund - Airport	Increase Capital	Transfer operating funds to the Terminal rekey project due to quote coming in higher than budget			1,000.00	C
General Fund - Airport	Decrease Operating				(1,000.00)	O
General Fund - Library	Increase Operating	Transfer capital funds from the 2020 GO Bond Grant project to operating to purchase small furniture and shelving			5,000.00	O
General Fund - Library	Decrease Capital				(5,000.00)	C
General Fund - Finance	Increase Labor	Reclassify Director of Municipal Services to Director of Grant Programs, transfer the remaining salary to the finance department			103,380.00	C
General Fund - Community Development	Decrease Labor				(103,380.00)	O
Water & Sewer - Waste Water	Increase Capital	Transfer equipment maintenance operating funds to a capital project to purchase a lift station pump			12,000.00	C
Water & Sewer - Waste Water	Decrease Operating				(12,000.00)	O
December 2023						
Water & Sewer - Waste Water	Increase Capital	Transfer equipment maintenance operating funds to a capital project to purchase a re-use meter			8,250.00	C
Water & Sewer - Waste Water	Decrease Operating				(8,250.00)	O
General Fund - Golf Course	Increase Capital	Transfer funds from the golf course sewer remediation project to the driving range project			21,000.00	C
General Fund - Golf Course	Decrease Capital				(21,000.00)	C
Sports Complex Fund	Increase Capital	Transfer funds from the landscaping project to the LED lighting project due to project coming in higher than budget			20,000.00	C
Sports Complex Fund	Decrease Capital				(20,000.00)	C
General Fund - Parks	Increase Capital	Transfer funds from the annual park improvements project			45,000.00	C

Description			Revenues & Transfers	Costs
Fund / Department	Increase/Decrease	Item	Increase (Decrease)	Personnel, Operating, Capital Increase (Decrease)
			Amount R or T	Amount L, O, C
General Fund - Parks	Decrease Capital	to the HAP art project to purchase art piece		(45,000.00) C
Airport Improvements Fund	Increase Capital	Transfer operating funds to the airport resurfacing project		1,000.00 C
Airport Improvements Fund	Decrease Operating	due to quote coming in higher than budget		(1,000.00) O
January 2024				
General Fund - Parks	Increase Capital	Transfer funds from the annual park improvements project		35,000.00 C
General Fund - Parks	Decrease Capital	to the C-Hill remediation project to cover additional costs		(35,000.00) C
General Fund - Community Development	Increase Capital	Transfer operating funds to the downtown light post		1,700.00 C
General Fund - Community Development	Decrease Operating	project to cover additional shipping costs		(1,700.00) O
General Fund - Airport	Increase Capital	Transfer operating funds to the Terminal rekey project to		1,500.00 C
General Fund - Airport	Decrease Operating	cover additional costs		(1,500.00) O
General Fund - Streets		Purchase a rotary broom with skid steer funds, as the		
General Fund - Streets		current rotary broom is no longer working, and a skid steer		
		is no longer needed (\$116,000)		
General Fund - Parks	Increase Capital	Transfer capital funds from the Nick Salcido Park Canopy		(3,000.00) C
General Fund - Parks	Decrease Capital	project to the Fall Zone at San Jose Plaza project		3,000.00 C
Solid Waste Fund		Utilize remaining funds from the ARC Trucks (2) project to		
Solid Waste Fund		purchase a third truck (\$329,526)		
Water & Sewer - Collections	Increase Capital	Transfer remaining funds from two truck projects (100968		48,151.00 C
Water & Sewer - Collections	Decrease Capital	& 100967) to purchase a third truck		(48,151.00) C
February 2024				
General Fund - Performing Arts	Increase Capital	Transfer leftover funds from the HVAC project to the sound		90,000.00 C
General Fund - Performing Arts	Decrease Capital	and lighting project for the Civic Center.		(90,000.00) C
General Fund - North Mesa Senior Center	Increase Capital	Transfer operating funds from the community		2,250.00 C
General Fund - Community Development	Decrease Operating	development department to the door replacement project		(2,250.00) O
		in North Mesa to cover shortfall.		
General Fund - Garage	Increase Capital	Transfer funds from the Toro Equipment project to the		17,000.00 C
General Fund - Parks	Decrease Capital	Garage department to purchase a Polartek Dual AC		(17,000.00) C
		Machine.		
General Fund - Airport	Increase Capital	Transfer operating funds to the Terminal rekey project to		500.00 C
General Fund - Airport	Decrease Operating	cover additional costs.		(500.00) O
Water & Sewer - Waste Water	Increase Capital	Increase the air compressor project to cover additional		3,000.00 C
Water & Sewer - Waste Water	Decrease Capital	costs.		(3,000.00) C
Water & Sewer - Double Eagle	Increase Capital	Transfer capital funds from other projects to cover the		700,000.00 C
Water & Sewer - Double Eagle/Water	Decrease Capital	change order to complete total footage of DE Waterline		(700,000.00) C
		Replacement project.		
Lodgers' Tax - Discretionary	Increase Capital	Transfer funds from a closed project to the Jed Howard		122,500.00 C
Lodgers' Tax - Discretionary	Decrease Capital	project to purchase the building at 405 W. Fox.		(122,500.00) C

**FILE NO. 24-020409
APPRAISAL REPORT**

**COMMERCIAL BUILDING
405 W. FOX STREET
CARLSBAD, NEW MEXICO**

OWNER OF RECORD: ROLMAR, INC.

**PREPARED FOR

PROJECTS - CITY OF CARLSBAD
114 S. HALAGUENO
CARLSBAD, NEW MEXICO 88220**

EFFECTIVE DATE OF VALUE: FEBRUARY 21, 2024

**PREPARED BY

SMS APPRAISAL/ENVIRONMENTAL SERVICES, INC.
STEVEN M. SPARKS, MAI, CEI
5109 82ND STREET, SUITE 7 PMB: #210
LUBBOCK, TEXAS 79424-3099**

SMS APPRAISAL/ENVIRONMENTAL SERVICES, INC.

REAL ESTATE APPRAISING & CONSULTING

Steven M. Sparks, MAI, CEI

February 28, 2024

Projects - City of Carlsbad
114 S. Halagueno
Carlsbad, NM 88220
Attn: Kenneth Cass

Re: Appraisal - Commercial Building @
405 W. Fox Street, Carlsbad, New
Mexico.

I have inspected and appraised the property as described herein. Conditions pertinent to or indicative of the value of the property were investigated. The subject of this report includes a 5,893 SF commercial building, being situated on 7,500 SF of land. The subject is located on the south side of W. Fox Street, west of Halagueno Street in Carlsbad, New Mexico.

This appraisal report sets forth my findings and conclusions derived therefrom, together with plats, maps, photographs, etc., as are considered essential to explain the processes followed in preparing the appraisal. The Appraisal Institute conducts a voluntary program of continuing education for its designated members. Members who meet the minimum standards of this program are awarded periodic educational certification. Steven M. Sparks is currently certified under this program. The appraisal has been made in compliance with the requirements of the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute. To the best of my knowledge, this appraisal conforms to the FDIC Rules and Regulations codified in 12 C.F.R. 323, and with the Uniform Standards of Professional Appraisal Practice (USPAP) of the Appraisal Foundation, and FIRREA.

The estimated Fee Simple "As Is" Market Value of the subject, considering the included Assumptions and Limiting Conditions, as of February 21, 2024, was: **\$410,000.**

PURPOSE OF THE APPRAISAL: The purpose of this appraisal is to provide the appraiser's best estimate of the Fee Simple "As Is" Market Value of the subject real property as of the effective date. Market value is defined as follows:

"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- a. buyer and seller are typically motivated;
- b. both parties are well informed or well advised, and each acting in what they consider their own best interest;
- c. a reasonable time is allowed for exposure in the open market;
- d. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- e. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

(Source: Office of the Comptroller of the Currency under 12 CFR, Part 34, Subpart C-Appraisals, 34.42 Definitions [f].)

INTENDED USER (CLIENT) & USE OF REPORT: The report is intended to be employed as an aid in acquisition. Intended user of the report is the City of Carlsbad (client), and any affiliates, governmental/non-governmental agencies, legal counsel or other transaction participants.

INTEREST VALUED: Fee Simple Interest - Source: Appraisal Institute, The Dictionary of Real Estate Appraisal, 7th ed. (Chicago: Appraisal Institute, 2022), as: "Absolute ownership unencumbered by any other interest or estate subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat."

EFFECTIVE DATE OF VALUE: February 21, 2024

DATE OF REPORT: February 28, 2024

APPRAISAL DEVELOPMENT AND REPORTING PROCESS:

In preparing this appraisal, the appraiser...

- inspected the subject site and improvements.
- gathered information on comparable improved sales; plus rents, expense and capitalization rates; which are necessary in the appraisal process.
- confirmed and analyzed the data relative to the Sales Comparison and Income Capitalization approaches to value.

The appraiser did not employ the cost approach to value. Although the cost approach might generally be considered meaningful in appraising a property of this type, the actual original date of construction is not known, being impacted to a large degree by physical incurable depreciation. Overall, the appraiser believes the primary methods to value are the sales comparison and income capitalization approach, and elimination of the cost approach would not materially impact my value conclusion.

Per USPAP 2024-2025, this is an Appraisal Report. It is presented in a summarized format with supporting documentation retained in the appraiser's files.

COMPETENCY RULE: It should be noted that the undersigned have experience in appraising properties considered similar to the subject, in the subject market area, and therefore comply with the competency rule as outlined by USPAP (2024/2025 Edition).

SALES HISTORY: The subject property has not sold over the past three years (2/21/21-2/21/24). At present, the subject is listed at a reported price of \$449,000 (\$76.19/SF), and was on the market for 868 days. The appraiser is not aware of any past sale, other listing, contract or option associated with subject. The current owner of record is Rolmar, Inc.

DESCRIPTION OF REAL ESTATE APPRAISED:

Regional Area Analysis - The subject property is located on the south side of W. Fox Street, west of Halagueno Street, being geographically located in the southeast section of New Mexico. The southeast quadrant of New Mexico includes the major cities of Alamogordo, Artesia, Carlsbad, Clovis, Hobbs, Lovington, Portales, Roswell and Ruidoso. The larger cities that are within 100 to 300 miles of Carlsbad include Las Cruces and Albuquerque, New Mexico; Amarillo, Lubbock, Midland-Odessa, and El Paso, Texas.

Carlsbad has a mild climate, characteristic of high altitude, dry continental climates. The area has an average elevation of 3,100 feet above sea level, being located at the foothills of the Guadalupe Mountains, on the edge of the Chihuahuan Desert.

The primary mode of transportation for Carlsbad and Eddy County is via automobile or truck with the area being well served by several state highways. Public utilities are adequate with all forms (water, sanitary sewer, natural gas, electricity and telephone).

The most recent population estimate (2020 Census) reports a population of 62,314 for Eddy County, and 32,238 for the City of Carlsbad. It should be noted that population estimates differ in Unincorporated areas. According to the American Community Survey three-year estimates, it was 16,334 in 2013, while the total Eddy County population was estimated to be 55,471. Based on a water use study and new employment, however, the county's resident population could be as high as 71,000 to 100,000.

The following chart reveals building permit trends in Carlsbad since 2016. Year end 2022 data was not available at this time.

Description	2016	2017	2018	2019	2020	2021
New Residences	\$10,417,225	\$21,980,706	\$ 25,939,971	\$ 56,464,061	\$30,286,381	\$13,612,121
New Commercial	\$11,893,105	\$15,381,945	\$ 42,405,903	\$ 35,937,973	\$17,516,508	\$11,912,471
New Hotels	-0-	-0-	\$ 8,124,563	\$ 24,242,000	\$ 800,000	-0-
New Apartments	\$12,000,000	\$ 6,223,412	\$ 11,100,000	-0-	\$29,620,000	-0-
Misc. Projects	\$10,608,965	\$10,308,261	\$ 15,763,034	\$ 15,535,487	\$14,724,617	\$ 3,841,073
Total	\$44,919,295	\$53,894,324	\$103,333,471	\$132,179,521	\$92,947,506	\$29,365,665

Based on Multiple Listing Service (MLS) data, the following chart reveals the total number of residential units sold, total dollar sales volume, year end listings, residential lots sold and average lot price since 2016.

Description	2016	2017	2018	2019	2020	2021	2022
Total Residential Units Sold	408	413	587	513	548	506	497
Average Sales Price	\$174,472	\$188,802	\$209,438	\$242,309	\$260,233	\$258,265	\$267,287
Listings as of 12/31	139	73	48	95	119	108	124
Residential Lots Sold	20	27	55	112	59	56	66

Carlsbad Medical Center operates a 144-bed facility and provides outstanding medical service to the citizens of Carlsbad and Eddy County. Carlsbad's municipal schools maintain a student population of over 7,199, with 429 teachers.

Entertainment in the area is abundant with many museums, galleries, libraries, etc. available, as well as various public recreational facilities.

The population trends have affected the economic picture of the Eddy County and City of Carlsbad reporting areas. Eddy County reported a 2022 (annual average) civilian labor force of 34,483 people, with a total of 33,419 people employed, revealing an unemployment rate of 3.1%. The most recent unemployment rate (12/23) is 2.4% (labor force @ 33,008) for Eddy County, as compared to December 2022 (2.1%; labor force @ 32,355). Unemployment rates are somewhat stable, due to improvements in the oil and gas economy.

It should be noted that the price of oil has dropped from previous high levels; however, the impact was primarily an increase in unemployment. Over the past several months, oil prices have improved, and are currently at \$77.00+/- . Prices are slowing increasing at the present time, with growth currently limited by demand. The timing of a recovery, and possible impact it could have on the local economy, is dependent upon supply and demand regaining a state of equilibrium. At this time, one can only speculate as to what the impact "may" be; however, time will be the final arbiter. It should be noted that general spending, travel, auto sales, and new construction have been on the decline over this time period, while unemployment levels increased. Although these indicators point to a diminishing economy; there have been no noticeable indicators that point to declining values or market rental levels in the real estate sector.

The regional economy is dependent upon agriculture, extractive mineral production, manufacturing, tourism, military bases, and state-funded colleges. The primary economic factors that influence the region are the oil and gas industry, farming, ranching, and the dairy industry. Eddy County is more economically diversified than surrounding counties, due to the Waste Isolation Pilot Plant (WIPP) that has brought significant federal spending to the county. Eddy County also has a significant impact from tourism, primarily due to the Carlsbad Caverns National Park. In addition, agriculture and the oil and gas industry play a big part in the Eddy County economy. The largest employers in Carlsbad and Eddy County are the Carlsbad Municipal Schools, Washington TRU Solutions, Mosaic, Intrepid and the Carlsbad Medical Center. The Carlsbad economy is somewhat more diversified than other towns in the region. Although gross receipts taxes continue to increase, there is no anticipation of fast growth in Carlsbad. The generally lower interest rates, and the overall economic improvement in Carlsbad have stimulated both the residential portion of the economy, and the commercial portion of the economy. At present, after a period decline, oil and gas prices are beginning to strengthen. This factor will impact future growth and development.

Neighborhood Analysis - The subject property is located on the south side of W. Fox Street, west of Halagueno Street in the City of Carlsbad, New Mexico. The subject neighborhood boundaries are well defined, and are believed to be Pierce Street to the north, Green Street to the south, the Pecos River to the east, and 8th Street to the west. The subject property is located in the south central sector of this defined neighborhood.

Passage to and through the defined neighborhood is considered to be good. There are five roads that provide access to and through the defined neighborhood which are summarized below:

NAME	DIRECTION OF TRAVEL
W. Pierce Street (U.S. 285)	East/West
Green Street (U.S. 62)	East/West
Mesa Street	North/South
Canal Street	North/South
8th Street	North/South

The subject neighborhood is afforded accessibility by two primary highways (U.S. 285 and U.S. 62), also known as Canal and Pierce Street (U.S. 285), plus Green Street (U.S. 62). Canal Street bisects the defined neighborhood and transitions into Pierce Street (north boundary), being a primary highway through Carlsbad and the overall southeastern region of New Mexico. U.S. 62 (Green Street) extends along the south boundary, also being a major thoroughfare in Carlsbad, and a regional highway in New Mexico. On a regional basis, U.S. 285 allows passage to Roswell (north), while U.S. 62 allows access to Hobbs (east). This overall access is considered to be one of the most positive influences for the neighborhood. Interior secondary roadways also traverse the neighborhood and typically extend from these primary thoroughfares providing interior access. Overall, the subject neighborhood maintains an adequate transportation system, and each of these roadways have been well maintained and are in good condition.

The neighborhood is estimated to be approximately 95% developed with the uses being a mix of office, commercial/retail, and residential type development. The subject neighborhood is considered to be in a mature stage, with limited new construction over the past several years, primarily due to the built-up status.

As previously discussed, Canal Street and Pierce Street (U.S. 285) are the most heavily developed commercial/retail corridors in the City of Carlsbad. Primary developments along this roadway in the northern sector of the defined neighborhood include the Regional Hospital, the NMSU Carlsbad branch campus, and the Carlsbad Mall. Surrounding the hospital is the Carlsbad Medical Center Complex, which includes numerous single and multi-tenant medical office buildings. Due to the fact that the Carlsbad Mall is located in the defined neighborhood, there are numerous fast food restaurants, branch banks, and other single-tenant service commercial uses. Development along Canal Street within the southern segment of the neighborhood is less dense, being a shallow commercial corridor in this area. The Carlsbad Central Business District is located in the southern sector of the defined neighborhood, with uses being office, retail and a limited amount of light industrial development.

The primary residential developments in the area are within its core. A majority of the residential development on the southwest side of Pierce Street, plus east and west of Canal Street, is 30-50 years old. However, a majority of the residential development on the northeast side of Pierce Street is new to 30 years old. It should be noted that a significant amount of the new residential development in Carlsbad occurs in the defined neighborhood. A majority of the new upper-income residential development that has taken place over the past ten to fifteen years has been north of the Pecos River in the Country Club area. This area also maintains a large amount of multi-family apartment complexes, generally being newer construction and

in good condition.

There are several tracts of vacant land located along W. Pierce Street in the northern sector of the neighborhood, with only a limited amount of vacant land within the interior areas, or along Canal Street. This vacant land is generally zoned for commercial use.

The subject property is located on the south side of W. Fox Street, west of Halagueno Street. The subject is located in an area that would be described as the Central Business District, being surrounded by commercial development in all directions.

Site Description - A complete metes and bounds legal description was not provided to the appraiser in this instance. A brief legal description of the subject property is as follows:

"All of Lot 5, Block 44, Stevens Addition, City of Carlsbad, Eddy County, New Mexico".

Based on the available Eddy County Assessor records, the subject site contains 7,500 SF (0.17 Acres) and is located on the south side of W. Fox Street, west of Halagueno Street. The site is rectangular in shape, being an interior location with 50' of frontage along W. Fox Street, with a depth of 150', revealing a frontage/depth ratio of 0.33:1. W. Fox is a secondary roadway through the Central Business District of Carlsbad, allowing passage to all primary north/south thoroughfares, while Canal Street is just over one block east. Based on the available plat map, no adverse easements impact the subject site, while no title policy or survey was provided for a final determination.

The soil type associated with the site is Reagan loam, 0 to 1 percent slopes. The landform associated with this soil type is alluvial fans, and fan remnants. A typical soil profile is loam from 0 to 82 inches. This soil type is well drained, while the runoff class is low, and the depth to a restrictive feature, plus the water table is more than 80 inches.

Based on the latest available flood plain maps (see Addendum as Exhibit B), the subject site is located in a designated flood hazard area, being located in Zone X500, described as an area within the 500-Year flood. Typically, flood insurance is not required in this zone.

The subject site is presently zoned C-1, Commercial District. The purpose of this district is to provide limited local retail and service commercial uses which serve one of several neighborhoods. These districts are typically located on existing thoroughfares, or at the intersections of major thoroughfares. All uses allowed are typically of local retail sales and/or service type, plus restaurants, bars and lodging facilities.

The subject property is served by all necessary utilities, to include water, sanitary sewer, gas, electricity and telephone service.

Improvement Description - The subject contains 5,893 SF, which includes the ground floor area (5,203 SF), plus mezzanine level office (690 SF), but excludes the basement level vault (520 SF). The subject is presently employed as a gym, but could be employed in a number of uses. The subject property is located on the south side of W. Fox Street, west of Halagueno Street, with a physical address of 405 W. Fox Street in Carlsbad, New Mexico. The improvements are oriented to the north, with parking available at the west elevation, plus being off street at the north boundary. The date of construction associated with the existing improvements is not known. Overall the improvements are average in overall condition, quality and appeal.

The improvements are a masonry structure on a concrete slab foundation, while the roof is flat, and maintains a concrete deck with a TPO surface. The exterior is stucco over masonry, plus a limited aluminum and glass storefront at the north elevation. Primary entry doors are aluminum and glass. A majority (4,269 SF or 72%) of the space is heated and cooled, while the remaining area (1,624 SF), plus the basement vault (520 SF) is not heated or cooled.

In general, the primary entry is located along the north (front) elevation. The subject is partitioned into an open reception area, three mezzanine level offices, storage space, two additional storage areas, plus a mens and womens restroom. Floor covering is primarily exposed concrete, with limited areas of vinyl composition tile and carpet. Interior walls are primarily plaster (assumed), with select areas of exposed masonry. The ceiling is also either plaster (assumed), suspended acoustical tile, or exposed to the structure; while lighting is either strip or recessed fluorescent fixtures. As revealed, heating and air-conditioning is provided by a central system for 4,269 SF (72%), while the remaining areas are not heated or cooled.

The improvements cover 79% of the site, with a land-to-building ratio of 1.27:1. A concrete walk extends along the north elevation of the improvements, with an alley at the south elevation. Concrete paved parking areas are located on the west elevation, with approximately 7 spaces, with additional parking off street. The revealed floor-area ratio and land-to-building ratio appear to be within the typical market range for this type of property, especially considering the central business district location. The improvements are believed to be a substantial use of the subject site with no excess or surplus land available.

Although the improvements are not considered to be modern in design for their intended use, they are adequate. The configuration of the improvements on the subject site and the interior floor plans are considered to be somewhat functional, based upon my comparison with other nearby and competitive projects. Thus, no functional obsolescence is present. In addition, economic obsolescence does not impact the subject.

The date of construction associated with the original improvements is not known. Overall, the improvements are in average condition, with no known areas of deferred maintenance. It must be assumed that all mechanical and plumbing is in a working condition. Also, it is also specifically assumed that the foundations and buildings are structurally sound.

Overall, when consideration is given to the current condition of the improvements, an effective age of 35 years is considered reasonable. A remaining economic life of 15 years is indicated, which is based on a 50 year total economic life (average). Thus, physical incurable depreciation is equal to 70% (35/50).

An additional concern relative to any improved property, is its compliance with the Americans with Disabilities Act (ADA). The final regulations and accessibility guidelines published by the U.S. Department of Justice in 1991 will greatly increase the access for all disabled people to public accommodations and commercial facilities. Considering the expected age, plus no recent major renovations, it is reasonable to assume that it does not conform to ADA standards.

Real Estate Taxes - The subject is assessed as currently improved. The subject is assessed under one account (R049521). At present, the applicable mill rate is defined as being non-residential inside the city, with the 2023 mill rate at \$28.786/\$1000. At present, the combined full value is \$149,664 (land @ \$6,975; improvements @ \$142,689), while the taxable value (1/3 of full value) is \$49,888. As

a result, taxes are equal to \$1,436. It should also be noted that no past due taxes are owed.

HIGHEST AND BEST USE:

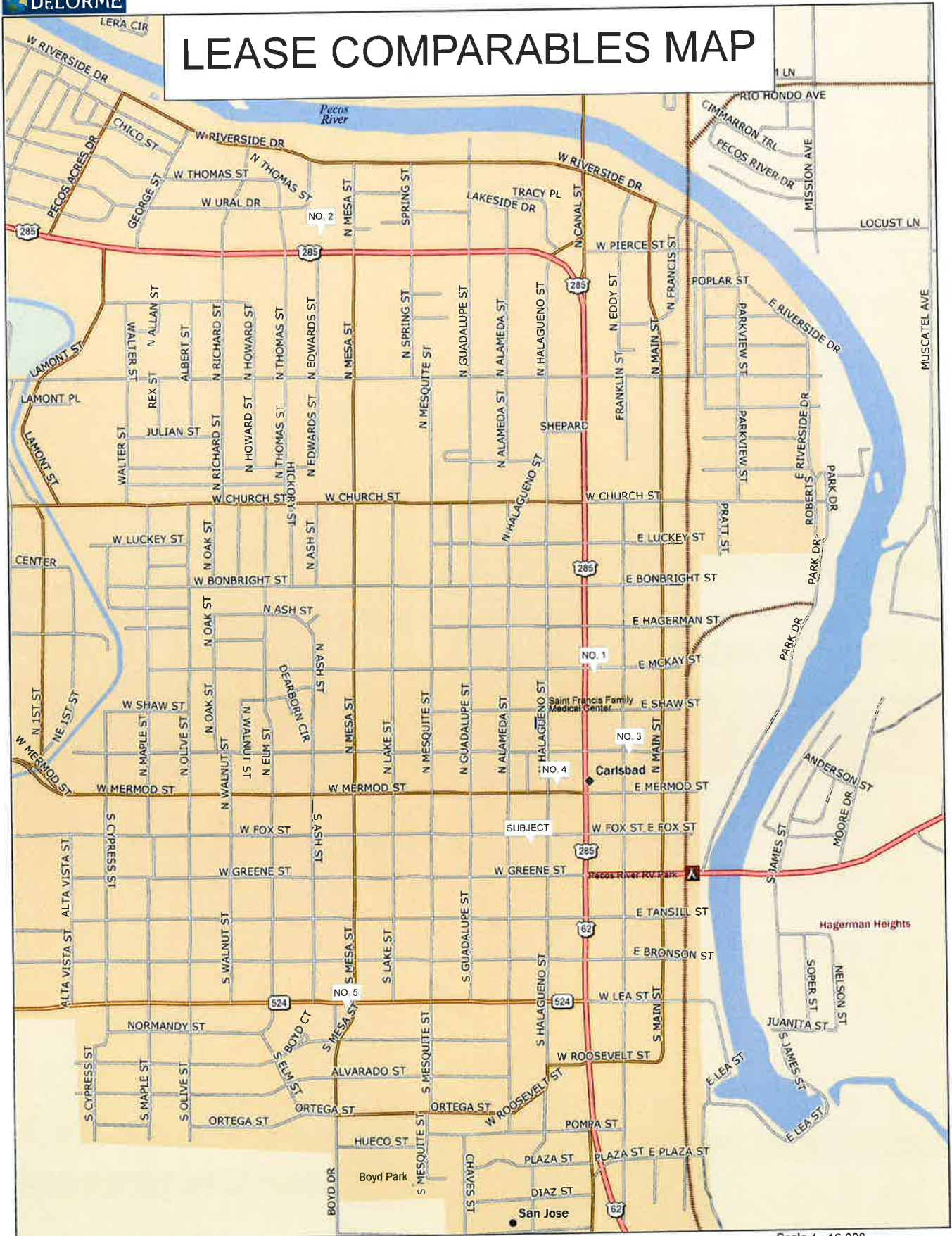
Highest and Best use as though vacant - The physical characteristics associated with the subject site are adequate for most forms of moderate scale commercial or retail development with no limiting factors. The subject is located inside the City of Carlsbad, and is presently zoned C-1, Commercial District. Commercial and retail uses are allowed, plus considering surrounding uses, commercial or retail development would be reasonable. Typically, financial feasibility relative to development of this type of use (commercial or retail) is associated with location to include access, visibility, traffic counts, and surrounding development. All of these factors in association with the subject site are believed to be adequate. Once again, when considering the locational attributes of the subject property, a commercial or retail use is believed to be maximally productive, and the highest and best use as vacant.

Highest and Best use as improved - Over the near term, the subject site, improved with a single-tenant commercial building, should offer a higher return on the investment and there is no legal, alternative use that would presently justify removal of the existing improvements as of the date of appraisal.

SUMMARY OF ANALYSIS AND VALUATION:

Income Approach - A rental survey and map of various somewhat similar projects in the general area or competitive areas was conducted. Detailed information regarding each rent comparable is located in the Addendum as Exhibit C. A map and summary of this information is revealed as follows:

LEASE COMPARABLES MAP



Data use subject to license.

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www.delorme.com



Scale 1 : 16,000



1" = 1,333.3 ft Data Zoom 13-6

COMPARABLE OFFICE RENTAL SUMMARY						
#	ADDRESS	YEAR BUILT	OCC.	NRA SF	RENT/SF	EXPENSES
1	312-314 N. Canal St.	NA	100%	6,867	\$14.91	Gross
2	1002 W. Pierce St.	NA	100%	2,632	\$13.68	T-Net
3	134 N. Canyon St.	NA	100%	2,676	\$15.02	M-Gross
4	318-320 W. Mermod St.	NA	100%	4,895	\$ 9.55	M-Gross
5	903-905 W. Lea St.	NA	58%	6,456	\$12.34	M-Gross
Subject Property		NA	100%	5,893		

The subject's current configuration would allow a variety of commercial type uses. The subject is located in the Carlsbad CBD on Fox Street, being just west of Canal Street. At present, the subject is in average condition, but is generally open space that could be employed in a number of uses. Also, on-site parking is available at the west elevation, plus off street. The subject also maintains a basement level vault, being a positive benefit.

With the exception being No. 1 with a Canal (superior) location, the remaining comparables maintain a similar location. However, each are also believed to be superior in regard to overall condition, plus interior configuration. Each comparable also maintains a similar size, being both multi and single tenant buildings. Relative to lease conditions, No. 1 is gross, No. 2 is triple net, while Nos. 3, 4 and 5 are modified gross. Overall, they are believed to be the best available in this instance, revealing a range of from \$9.55/SF to \$15.02/SF.

Overall, each comparable is believed to be superior to the subject, especially in regard to overall condition, and a market rent of \$9.00/SF will be employed, and is based on a modified gross lease (tenant pays utilities; landlord pays all remaining expenses); also being leased "As Is".

Gross Rental Income: **\$53,037**

The gross rental income for the subject property is based on the anticipated income generated with market rents at \$9.00/SF. It should be noted that this market rent is below the comparables, but considered reasonable based on the current configuration. Effectively, the above amount represents the maximum amount of

rental income the subject property could achieve based on market leases, as of the date of appraisal.

Vacancy & Collection Loss: **\$ 3,713**

A majority of the comparables are multi-tenant buildings, being 100% occupied. The subject property is a single-tenant facility. At present, the overall location is believed to be good, with no negative influences. A very limited number of similar buildings are available for lease in this market. Based upon these factors, a stabilized occupancy level of 93% is believed to be reasonable, and not overly optimistic. For the subject property, since it is being analyzed as 93% occupied, a stabilized vacancy and collection loss rate of 7% or \$3,713 is estimated. This vacancy and collection allowance does not mean that exactly 7% of the rent will be lost every year by reason of vacancies and collection losses. A property may enjoy virtually full occupancy for a period and then encounter an interval of competition, overbuilding, or economic trends when vacancies and collection losses may increase significantly. The estimated vacancy and collection loss allowance is a stabilized amount used to cover average vacancy and collection losses over the life of the improvements.

Effective Gross Rental Income: **\$49,324**

The effective gross income of \$49,324 is the remaining income after anticipated vacancy and collection losses of \$3,713 have been subtracted from gross potential income of \$53,037.

Expenses - Estimated rent associated with the subject is based on a modified gross lease, being supported by the market. Relative to a modified gross lease; the landlord pays all operating expenses, excluding utilities and janitorial. An operating history of the subject was not available in this instance. As support, operating expenses associated with similar facilities were employed. The description of the expense comparable includes information associated with net rentable area and year built.

DESCRIPTION	10,275 SF, 1979	6,750 SF, 2006	7,640 SF 1980	5,000 SF, 2007	10,766 SF, 1983	21,337 SF, 2003
Management	NA	\$0.43/SF	NA	\$0.46/SF	\$0.45/SF	\$0.25/SF
Administrative	\$0.79/SF	\$0.08/SF	NA	\$0.13/SF	\$0.34/SF	\$0.30/SF
Real Estate Taxes	\$1.10/SF	\$2.07/SF	\$1.01/SF	\$2.00/SF	\$1.18/SF	\$1.13/SF
Insurance	\$0.11/SF	\$0.25/SF	\$0.52/SF	\$0.37/SF	\$0.29/SF	\$0.23/SF
Maintenance & Repairs	\$0.70/SF	\$0.67/SF	\$0.07/SF	\$0.57/SF	\$1.63/SF	\$0.93/SF
Utilities	\$1.95/SF	\$0.21/SF	NA	NA	\$1.35/SF	\$1.07/SF
Cleaning/Janitorial	\$0.15/SF	NA	NA	NA	\$0.89/SF	\$0.88/SF
TOTAL	\$4.78/SF	\$3.71/SF	\$1.60/SF	\$3.52/SF	\$6.12/SF	\$4.78/SF

Based on this comparable market data, expenses are estimated as follows (rounded to the nearest \$100):

Management **\$ 500**

Normally, this represents a charge for management of the investment and management supervision. It is estimated as a percentage of effective gross rental income. Typically, management fees are within a range of 1% to 3%, while the expense comparables revealed a management fee of from \$0.25/SF to \$0.46/SF. For the subject, and considering the single-tenant nature and expected rent, a management fee of 1.0% of effective gross income or **\$500** (rounded) is felt to be appropriate (.01 X \$49,324). My estimate of 1.0% of EGI or \$500/Year is reasonable.

Real Estate Taxes **\$ 1,400**

This includes all local real estate taxes. The subject property is within the taxing authority of the State of New Mexico, Eddy County, City of Carlsbad, and Carlsbad M.S.D. The full value of the subject is \$149,664 (land @ \$6,975; improvements @ \$142,689), while the taxable value is \$49,888, being one-third of the full value. At present, the applicable mill rate is defined as non-residential inside the city, with the 2023 mill rate at \$28.786/\$1000. Based on the total taxable value and current mill rates, taxes are equal to \$1,436 (rounded). Considering available information, real estate taxes equal to **\$1,400** or \$0.24/SF (rounded) will be employed in this analysis.

Insurance**\$ 5,900**

Includes all one year charges for fire, liability, compensation, theft and all insurance premiums. The expense comparables revealed a range of from \$0.11/SF to \$0.52/SF. However, insurance costs have continued to increase. Overall, based upon 93% stabilized occupancy and considering the subject's age/condition, size, and construction type, a charge of \$1.00/SF or \$5,900 (rounded) is considered reasonable.

Maintenance and Repairs**\$ 1,500**

Accounts for all items of general maintenance and repairs, to include any related payroll, HVAC, electrical, structural/roof and plumbing repairs, fire/life safety, other maintenance/supplies, parking and grounds, and reserves. Items such as tenant modifications are considered capital expenditures and are not deemed expense items in this analysis. Maintenance is a volatile expense item. It will normally include a certain amount of capital items which would traditionally be covered under a reserve heading. Maintenance will vary significantly from project to project and is a function of building age, design, etc. The subject is in average condition with no known renovations, with limited parking and no landscaping to maintain. The expense comparables revealed a range of from \$0.07/SF to \$1.63/SF, to include roads/grounds/security. Over a typical holding period, including reserves for replacement, a maintenance and repairs charge of \$0.25/SF or \$1,500 is reasonable.

Total Expenses**\$ 9,300**

Expenses for the subject are estimated to be \$9,300 or \$1.58/SF. Based upon my survey of several comparables, this total expense amount is believed to be reasonable based on a modified gross lease. The expense comparables revealed a range of from \$1.60/SF to \$6.12/SF, with a majority being full service to include janitorial.

Net Operating Income**\$40,024**

By deducting total expenses of \$9,300 or \$1.58/SF from effective gross income of \$49,324, net operating income equates to \$40,024 or \$6.79/SF.

PRO-FORMA ANALYSIS

Gross Rental Income (\$9.00/SF)	\$53,037
Less: Vacancy and Collection Loss at 7%	(3,713)
Effective Gross Income	\$49,324
Less: Expenses (rounded to nearest \$100)	
Management (at 1.0% of Total EGI)	\$ 500
Real Estate Taxes (@ \$0.24/SF)	1,400
Insurance (@ \$1.00/SF)	5,900
Maintenance and Repairs (@ \$0.25/SF)	1,500
Total Expenses (\$1.58/SF)	(9,300)
Net Operating Income (\$6.79/SF)	<u>\$40,024</u>

Direct Capitalization - Direct Capitalization is a method used to convert a single year's income estimate into a value indication. The income rates and factors reflect the relationship between income and value and are derived from market data. Therefore, an appropriate selection from among a potentially wide range of indicated capitalization rates from comparable sales or other means is a critical factor for developing a reasonable value conclusion.

Deriving capitalization rates from comparable sales is preferred when sufficient data on sales of similar, competitive properties are available. It is important to understand why sales often indicate a wide range of rates of return (capitalization rate). The terms of a sale affect the sales price and, thus, any derived rates would be affected by favorable or unfavorable terms. The sales utilized within this analysis were either judged to be cash equivalent or adjusted to cash equivalency. Of primary importance is the fact that rates should be derived from similar income streams. Capitalization rates also vary because of property characteristics. A property with an expected longer economic life would probably require a lower capitalization rate

than a property with a shorter economic life. Properties with higher risk require higher capitalization rates than similar properties of less risk. Lower quality properties would probably require higher capitalization rates than higher quality properties. Properties with longer term leases often have higher capitalization rates than those with shorter term leases.

The sales utilized within this appraisal are relatively recent transactions and are believed to reflect buyer behavior. The following table is a summary of sales utilized in this analysis.

IMPROVED SALES SUMMARY								
#	LOCATION	DATE	L/B RATIO	SIZE/SF	YEAR BUILT	PRICE PER SF	GIM	OAR
1	101 S. Canyon Street	4/22	1.00:1	5,500	NA	\$ 81.82	5.84x	10.53%
2	402 S. Canyon Street	4/22	5.14:1	7,200	NA	\$ 93.75	8.15x	9.91%
3	106 S. Main Street	5/22	4.17:1	10,791	NA	\$ 79.70	7.97x	10.01%
4	209 S. Halagueno Street	8/22	1.32:1	11,398	1927	\$ 43.87	6.27x	10.28%
5	624 S. Canyon Street	7/23	2.80:1	6,700	NA	\$ 37.31	5.33x	10.75%
6	108 N. Canyon Street	12/23	1.81:1	2,692	1950	\$107.73	7.18x	9.50%
7	307 W. Mermod Street	1/24	1.29:1	8,726	NA	\$ 37.25	5.32x	10.20%
S	405 W. Fox Street		1.27:1	5,893	NA			

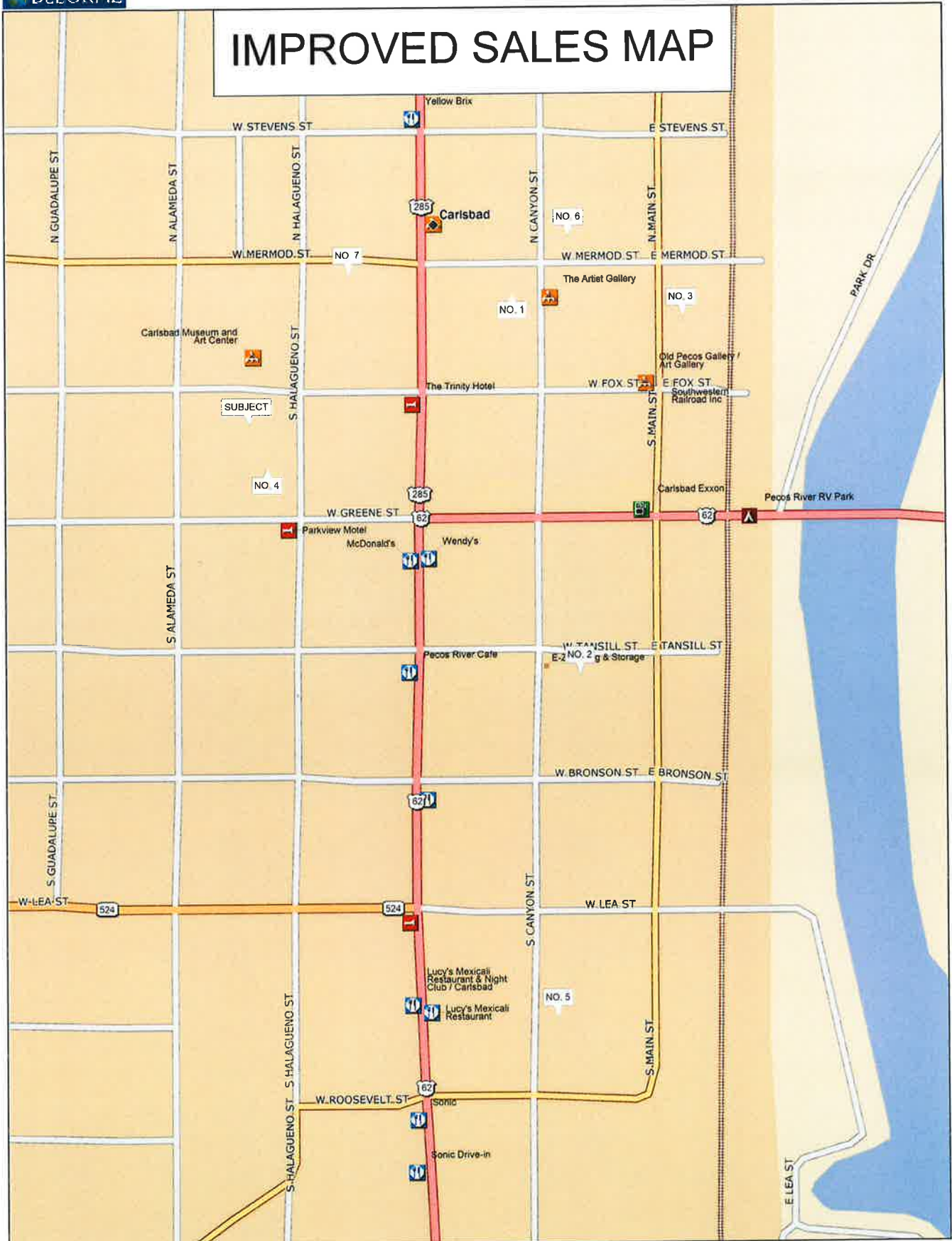
A majority of the capitalization rates were based upon a pro-forma of income and expenses. The bulk of the sales utilized in this analysis were not income producing at the time of sale and were purchased for general owner occupancy or use. General rental and expense information was obtained from estimates provided by the broker or party to the transaction, thus these estimates are considered reasonable and appropriate in this market. These sales reflect a range of overall capitalization rates of 9.50% to 10.75%, which is a tight range.

The estimated and market supported capitalization rate (10.00%) is applied to the pro-forma net operating income and results in a Fee Simple "As Is" Market Value, as follows:

NOI		CAP RATE		INDICATED VALUE
\$40,024	/	10.00%	=	\$400,240
ROUNDED TO \$400,000				

Sales Comparison Approach - There has been a limited number of similar building sales in the subject market over the past several years, while very few are listed on the market at this time. The sales included should allow a broad scope of prices paid for somewhat similar commercial buildings. Detailed information regarding each sale is located in the Addendum as Exhibit D. A map and summary of the data on comparable improved sales is illustrated as follows:

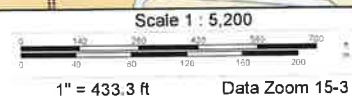
IMPROVED SALES MAP



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IMPROVED SALES SUMMARY								
#	LOCATION	DATE	L/B RATIO	SIZE/SF	YEAR BUILT	PRICE PER SF	GIM	OAR
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7	307 W. Mermod Street	1/24	1.29:1	8,726	NA	\$ 37.25	5.32x	10.20%
S	405 W. Fox Street		1.27:1	5,893	NA			

Each of the included sales are located in a similar market, and are the best representation of market transactions, being useful as a gauge of investor/purchaser attitudes toward similar projects.

In this instance, only the best comparable sales will be employed in the adjustment chart. Other sales were included to possibly add insight into motivations regarding select factors of adjustment. Sale Nos. 2, 3 and 4 will be employed in the following adjustment chart, and should require the least number of adjustments.

ADJUSTMENT CHART				
Price Sq. Ft.	Subject	No. 2	No. 3	No. 4
		\$93.75	\$79.70	\$43.87
Sale Date Adjustment		4/22 -0-	5/22 -0-	8/22 -0-
Conditions of Sale Adjustment		Market -0-	Market -0-	Market -0-
Adj. Price		\$93.75	\$79.70	\$43.87
Size/SF Adjustment	5,893	7,200 +5%	10,791 +15%	11,398 +20%
Location Adjustment	Good	Similar -0-	Similar -0-	Similar -0-
Age/Cond. Year Built Adjustment	Average NA	Similar NA -0-	Similar NA -0-	Similar NA -0-
Physical Character & Util. Interior Other Adjustment	Average 1.27:1 Varies Vault	Superior 5.14:1 Varies Parking/Fenced -30%	Superior 4.17:1 Varies Parking/Fenced -25%	Inferior 1.32:1 Partial Two Sty. +30%
Total Net Adjustment		-25%	-10%	+50%
Adjusted Sales Price		\$70.31	\$71.73	\$65.81
ADJUSTMENT ANALYSIS				
Number of Adjustments		2	2	2
Total Gross Adjustment		35%	40%	50%

Numerous adjustments were necessary, which is typical considering the improvement type. In this analysis, adjustments were needed for factors associated with size and utility.

EXPLANATION OF ADJUSTMENTS

Time/Market Conditions - The sales employed in this analysis occurred between April 2022 to August 2022. The market in Carlsbad has been limited in regard to similar building sales, with very few available for lease or sale. Overall, no discernable trend could be determined regarding an increase or decrease in value. Therefore, no adjustment will be applied for time/market conditions.

Conditions of Sale - Each comparable sold on an arms length basis and no adjustment was necessary relative to conditions of sale.

Size - Nos. 2, 3 & 4 - The subject contains 5,893 SF of building area, being smaller than Nos. 2 (7,200 SF), 3 (10,791 SF) and 4 (11,398 SF) and adjustments are needed. Typically, larger buildings will sell for less per square foot, in contrast with smaller buildings, due to the economies of scale, while the opposite is also true. Thus, a positive adjustment will be applied to each sale.

Location - The subject property is located on the south side of W. Fox Street, west of N. Halagueno Street, being within the Carlsbad CBD. The sales employed are located on Main Street, Canyon Street and Halagueno. Each are believed to be similar locations, when compared to the subject, and no adjustments are warranted.

Age/Condition - The year built of the subject is not known, and the subject is in average condition, with no known major renovations. Although the year built is not known for each sale, they are believed to be similar in overall condition, and no adjustment is warranted.

Physical Characteristics/Utility - Nos. 2, 3 & 4 - The subject has a land/building ratio 1.27:1, with two concrete paved areas that would allow on-site parking, being a positive benefit. In addition, the subject also benefits from a 520 SF basement level vault, not included in the total square footage. The interior is a mix of finished and air-conditioned space, plus unfinished space. Overall, the utility of the subject is average.

The land/building ratio, plus areas of paved and fenced parking associated with Nos. 2 and 3 is superior to the subject, and negative adjustments are needed. Sale No. 4 has a similar land/building ratio, but is a two story facility, and a positive adjustment is required.

Price Per Square Foot Value Conclusion - After comparison of the improved sales to the subject property and after necessary adjustments, the adjusted sales produced a range of between \$65.81 to \$71.73 per square foot. Adjustments needed include size and utility (Nos. 2, 3 & 4). As a result, each sale needed the same (two) number of adjustments. However, adjustments to No. 4 equalled the largest (50%) total net adjustment, followed by No. 2 (25%) and No. 3 (10%). Overall, considering the range after adjustments, Sale No. 3 will be weighed more heavily (50%), followed by Nos. 2 (30%) and 4 (20%).

After comparison of the sales to the subject property and after analysis and necessary adjustments for size and utility, it is the appraisers' opinion that the value of the subject site and improvements is \$70.00 per square foot. Calculated as follows:

SIZE SF		PRICE PER SF		INDICATED VALUE
5,893 SF	X	\$70.00/SF	=	\$412,510
ROUNDED TO \$410,000				

RECONCILIATION AND VALUE CONCLUSION:

Market Value Via the Income Approach:	\$400,000
Market Value Via the Sales Comparison Approach:	\$410,000

The Income and Sales Comparison Approach revealed an "As Is" value of \$400,000 to \$410,000. Each approach is believed to be a reasonable indication of value, and each value estimate is reasonable given the available information, with the sales comparison approach being given primary emphasis. The estimated "As Is" Fee Simple Market Value of the subject, considering the included Assumptions and Limiting Conditions, as of February 21, 2024, was: **\$410,000**.

MARKETING/EXPOSURE PERIOD

Market value is based on the premise that a reasonable time is allowed for exposure in the open market, considering the property type and local market conditions. Reasonable exposure time is one of a series of conditions (i.e., typically motivated buyer and seller, both parties well-informed) under which the current sale is presumed to occur. Exposure time precedes the effective date of appraisal. This fact is substantiated by related facts in the appraisal process: the use of current cost information and supply/demand conditions as of the effective date of appraisal, the analysis of historical sales information (sold after exposure and after completion of negotiations between the seller and buyer), and the analysis of future income expectancy estimated from the effective date of appraisal.

The number of sales and overall market activity has remained stable in the City of Carlsbad, with a very limited number of similar single-tenant building listings in this market. The subject maintains a good location in the Carlsbad Central Business District, and is in average condition. Because of these factors, it is believed that the subject would attract investor interest if offered for sale. The estimate of market value is based on a marketing and/or exposure period of 12 months.

GENERAL ASSUMPTIONS AND LIMITING CONDITIONS

It is assumed that title to the property herein appraised is good and merchantable, and in fee simple. The value is reported without regard to questions of title, boundaries, encroachments, environmental regulations, licenses, or other matters of a legal nature unless noncompliance has been stated, defined, and considered in the appraisal report.

Also, the value is estimated under the assumption that there will be no international nor domestic political, economic, nor military actions that will seriously affect real estate values throughout the country.

Certain information concerning market and operating data was obtained from others. A rent roll was not provided to the appraiser. This information is verified and checked, where possible, and is used in this appraisal only if it is believed to be accurate and correct. However, such information is not guaranteed. Dimensions and areas of the subject property and of the comparables were obtained by various means and are not guaranteed to be exact.

Real estate values are influenced by a large number of external factors. The data contained herein is all of the data I consider necessary to support the value estimate. I have not knowingly withheld any pertinent facts, but I do not guarantee that I have knowledge of all factors which might influence the value of the subject property. Due to rapid changes in external factors, the value estimate is considered reliable only as of the date of appraisal.

Opinions of value contained herein are estimates. This is the definition of an appraisal. There is no guarantee, written or implied, the subject property will sell for such amounts. The value estimated assumes that the property is under responsible ownership and has competent and prudent management.

The appraiser will not be required to give testimony or attendance in court or before other legal authority by reason of this appraisal without prior agreement and arrangement between the employer and the appraiser.

Disclosure of the contents of this appraisal report is governed by the By-Laws and Regulations of the Appraisal Institute.

Neither all nor any part of the contents of this report (especially any opinions, analysis, or conclusions concerning value, the identity of the appraiser or the firm with which he is connected, or any reference to the Appraisal Institute or the MAI Designation) shall be disseminated to the public through advertising media, public relations media, news media, sales media, prospectus for securities, or any other public means of communication without prior written consent and approval of the undersigned.

It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structure which would render it more or less valuable, except as stated in this report. No responsibility is assumed for such conditions or engineering which may be required to discover them. It is assumed that a prudent owner/buyer would allow the inspection of the property by a qualified soils or structure engineer if conditions required.

The distribution of the total valuation in this report between land and improvements applies only under the reported Highest and Best Use of the land. The allocations of value for land and improvements, if presented, must not be used in conjunction with any other appraisal and are invalid if so used.

No environmental impact studies were either requested or made in conjunction with this appraisal, and the appraiser hereby reserves the right to alter, amend, revise, rescind any of the value opinions based upon any subsequent environmental impact studies, research, or investigation.

This appraisal was prepared by SMS Appraisal Services and consists of trade secrets and commercial or financial information which are privileged and confidential and exempted from disclosure under 5 U.S.C. 552 (b) (4). Please notify Steven M. Sparks of any request of reproduction of this appraisal.

Under no circumstances shall the company's or appraiser's liabilities exceed the fee actually collected for this report, and then only in case of a gross error which would have materially affected the appraiser's value opinion as of the date of valuation. Thus, by accepting this report, acknowledgment is made that a value opinion is an opinion only, and not a provable fact. As a personal opinion, valuation may vary between appraisers based on the same facts. Therefore, the company and the appraiser warrants only that the value conclusion is the best opinion as of the exact day of valuation.

No investigation was made by the appraiser to determine if asbestos, fiberglass, or synthetic mineral fiber products are present in improved properties. The existence

of such fibers, if any, would have to be determined by a qualified inspector. It is assumed that there are no asbestos, fiberglass, synthetic material fiber products, nor other contaminants present that would materially affect value.

The ADA extends to individuals with disabilities civil rights protection similar to the those provided to persons previously on the basis of race, sex, national origin and religion under the Civil Rights Act of 1964. One objective of the ADA is to make accessible to persons with disabilities all buildings and other facilities open to the general public on the same basis that those buildings and facilities are available to persons without disabilities. Existing buildings were required to be brought into compliance by July 1992. The appraiser is not an expert in this matter and unless it is specified otherwise in the report, the value conclusion assumes the subject will not be adversely affected by this act.

Specific Assumptions and Limiting Conditions

No survey was provided the appraiser in this instance, thus, it is assumed that the land area (provided by assessor records) is true and accurate.

Hypothetical Condition

None

Extraordinary Assumption

None

CERTIFICATION:

I certify that, to the best of my knowledge and belief

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analysis, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the person signing this certification.
- This appraisal assignment was not based on a requested minimum valuation, a specific valuation, or approval of a loan.

- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and Standards of Professional Practice of the Appraisal Institute.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- As of the date of this report, I (Steven M. Sparks) have completed the continuing education program for Designated Members of the Appraisal Institute.
- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- Based on my analysis of the subject property, a Fee Simple "As Is" Market Value, subject to all Assumptions and Limiting Conditions, as of February 21, 2024, was:

\$410,000

FOUR HUNDRED AND TEN THOUSAND DOLLARS


Steven M. Sparks, MAI, CEI
#NM-1114-G (Expires 4/30/26)

REAL ESTATE APPRAISAL QUALIFICATIONS
OF STEVEN M. SPARKS, MAI, CEI

PROFESSIONAL AFFILIATIONS

Member, Appraisal Institute (#8985)

Certified General Real Estate Appraiser in Texas (#TX-1322593-G), and New Mexico (001114-G).

Realtor, Lubbock Association of Realtors

Certified Environmental Inspector (CEI), Environmental Assessment Association

The Appraisal Institute conducts a mandatory program of continuing education for its designated members. MAI's and SRA's who meet the minimum standard of this program are awarded periodic educational certification. As of the date of this report, I have completed the requirements under the continuing education program and I am currently certified under this program.

EDUCATION

Graduate of Texas Tech University, B.B.A., Petroleum Land Management 1983

Courses include: Farm and Ranch Appraisal, Real Estate Law, Corp. Finance I and II, Real Estate Fundamentals. General background in management finance, marketing, business law, accounting and economics; Dean's List.

Professional Courses - Appraisal Institute: Real Estate Appraisal Principles, Basic Valuation Procedures, Capitalization Theory & Techniques Part A, Capitalization Theory & Techniques Part B, Standards in Professional Practice, Case Studies, Report Writing, Demonstration Report and Comprehensive Exam.

Resolution Trust Corporation - Affordable Housing Appraisal Seminar

Residential Case Study - Appraisal Institute (2/94)

Performing Phase I Site Assessments - EAA (5/94)

Fair Lending and the Appraiser - Appraisal Institute (10/94)

Market Extractions - Appraisal Institute (1/96)

Appraisal of Retail Properties - Appraisal Institute (10/96)

The High Tech Appraisal Office - Appraisal Institute (1/96)

Appraising Nursing Home Facilities - Appraisal Institute (2/97)

EXPERIENCE

1984-Present:

- Appraisal/Environmental of all types of Commercial, Residential, Farm and Ranch Real Estate.
- Appraisal/Environmental experience to include single-family residences, apartments, shopping centers, hotels, office buildings, movie theaters, industrial buildings, land developments, single family subdivisions and vacant land. Past experience in the overbuilt markets of Dallas/Fort Worth (1984-1992) and New England (4/92-6/93).

ADDENDUM

Exhibit A

ENGAGEMENT LETTER

**Bill To**

City of Carlsbad
PO Box 1569
Carlsbad, NM 88221-1569
or
Email to invoices@cityofcarlsbadnm.com
A/P Phone 575-234-7961

PHONE

(575) 887-1191

FAX

(575) 887-7559

HOURS

Monday - Friday

8:00 a.m. - 5:00 p.m.

(Mountain Time)

www.cityofcarlsbadnm.com

Purchase Order

Fiscal Year 2024

Page: 1 of 1

THIS NUMBER MUST APPEAR ON ALL INVOICES,
PACKAGES AND SHIPPING PAPERS.

Purchase Order #

22404989

Delivery must be made within doors of specified destination.

Vendor

SMS APPRAISAL/ENVIRONMENTAL
SERVICES INC.
5109 82ND STREET
LUBBOCK, TX 79424

Ship To

Projects
City of Carlsbad, NM
114 S Halagueno
Carlsbad, NM 88220
Email: kccass@cityofcarlsbadnm.com

VENDOR PHONE NUMBER		VENDOR FAX NUMBER		REQUISITION NUMBER	DELIVERY REFERENCE
				12405617	
DATE ORDERED	VENDOR NUMBER	DATE REQUIRED	FREIGHT METHOD/TERMS		DEPARTMENT/LOCATION
02/07/2024	1842	02/07/2024			Projects
NOTES					

Appraisal for 421 W. Fox Street

The Above Purchase Order Number Must Appear On All Correspondence - Packing Sheets And Bills Of Lading

ITEM #	DESCRIPTION / PART #	QTY	UOM	UNIT PRICE	EXTENDED PRICE
1	Appraisal for 421 W. Fox Street	1.0	EACH	\$2,500.00	\$2,500.00
	GL Account: 680-25-3000-680-0000-80300-			\$2,500.00	
GL SUMMARY					
	680-25-3000-680-0000-80300-			\$2,500.00	

Authorized Signature

Authorized Signature

**CONTINUED ON
NEXT PAGE**

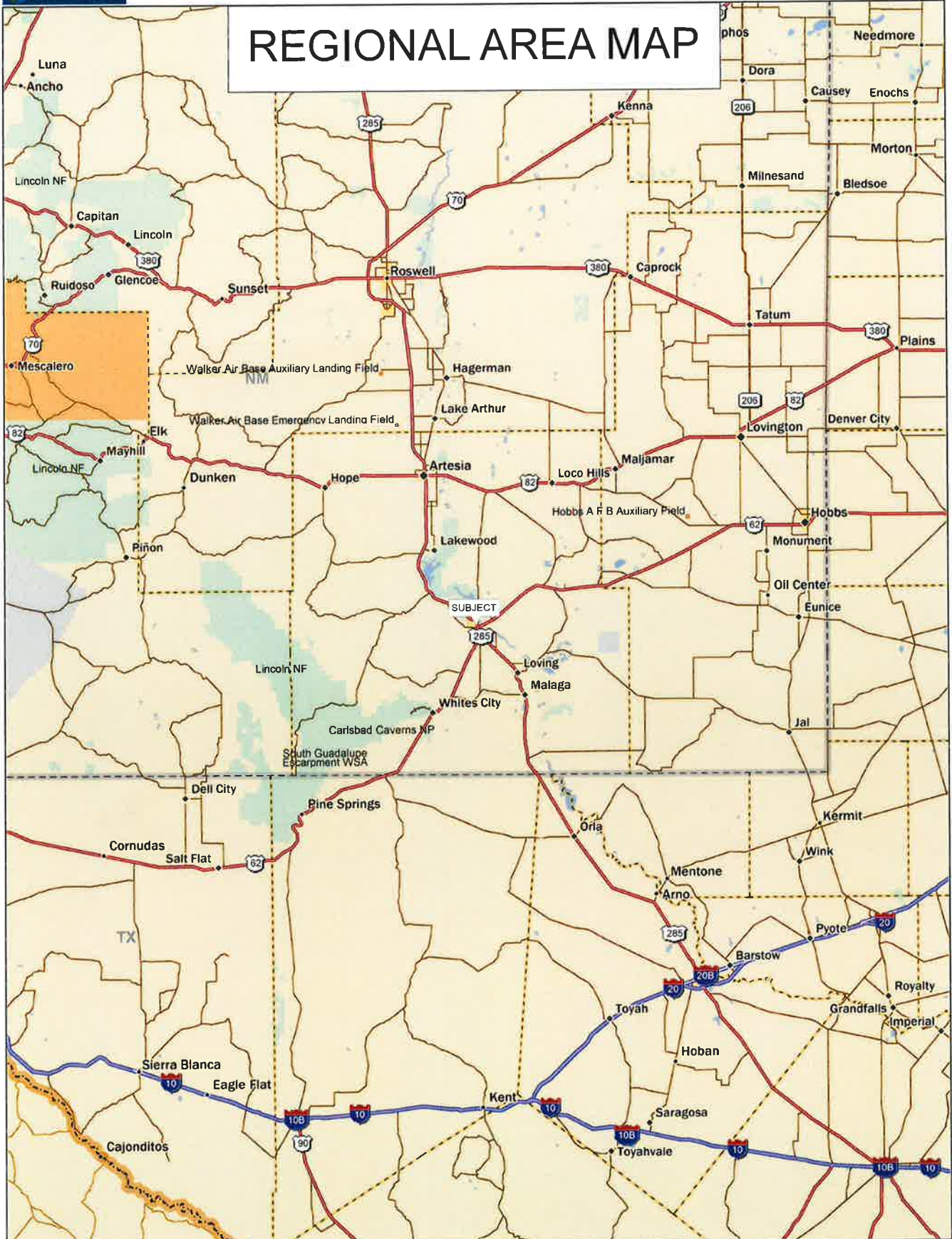
Any party accepting this purchase order must agree to the following terms and conditions as required by the State of New Mexico Procurement Code 13-1-158:

1. No check or other negotiable instrument shall be issued in payment for any purchase of services, construction or items of tangible personal property unless an authorized representative of the City of Carlsbad, certifies that the services, construction or items of tangible personal property have been received and meet specifications.
2. Upon certification that services, construction or items of tangible personal property have been received and accepted, payment shall be tendered to the contractor within 30 days of the date of certification. If payment is made by mail, the payment shall be deemed tendered on the date it is postmarked.
3. If the City of Carlsbad finds that services, construction or items of tangible personal property are not acceptable, it shall notify the contractor within 15 days of receipt of invoice, that the services, construction or items of tangible personal property is rejected.
4. If the City finds that services, construction or items of tangible personal property are not acceptable, shall within 30 days of the date the invoice is received, provide to the contractor a letter of exception explaining the defect or objection to the services, construction or delivered tangible personal property along with details of how the contractor may proceed to provide remedial action.

Exhibit B

MAPS, PLATS AND PHOTOGRAPHS

REGIONAL AREA MAP



Data use subject to license.

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Scale 1 : 1,600,000



1" = 25.25 mi

Data Zoom 7-0

NEIGHBORHOOD MAP



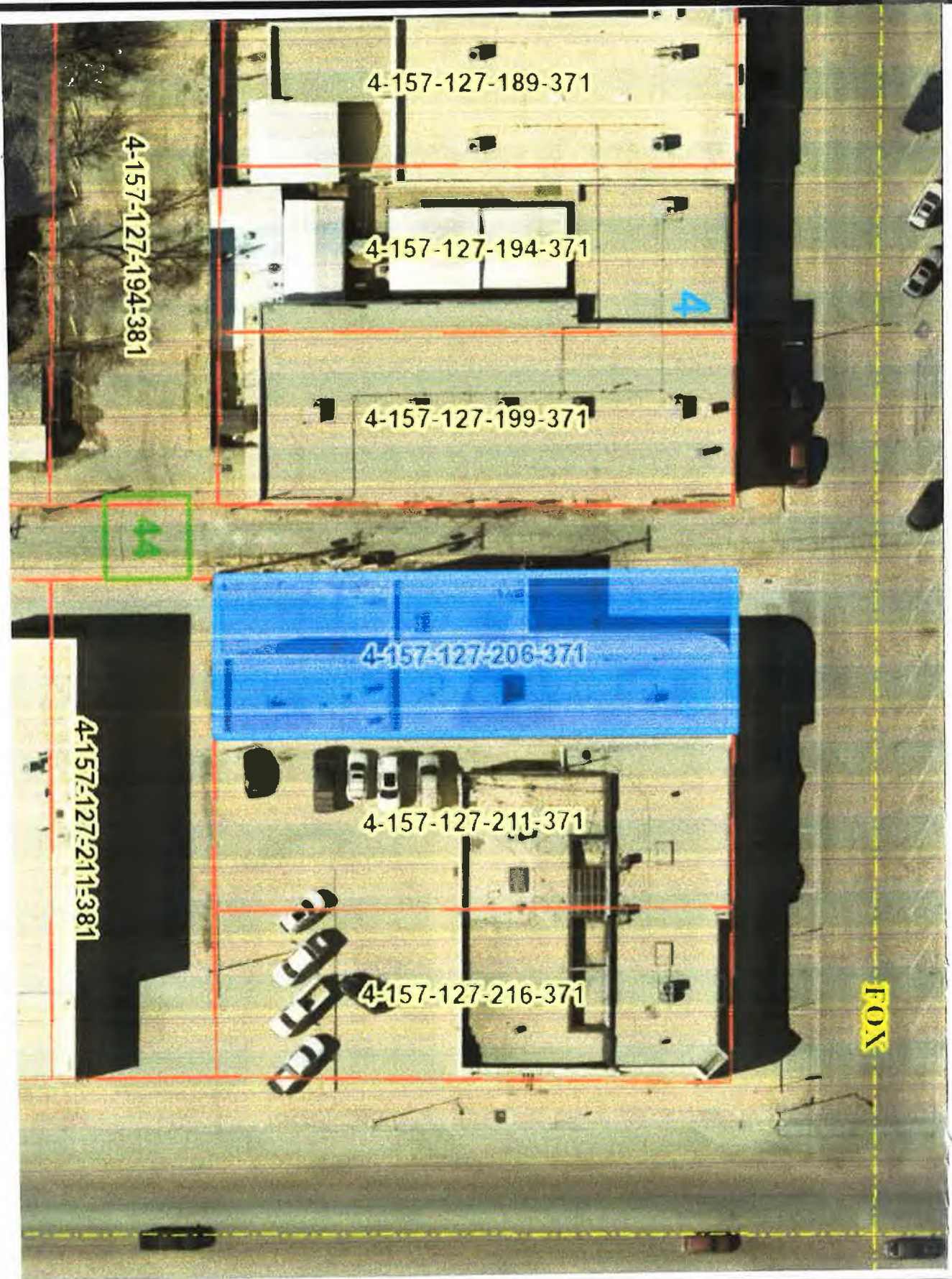
www.delorme.com

Scale 1 : 25,000


$$1'' = 2.083.3 \text{ ft}$$








Data Zoom 13-0

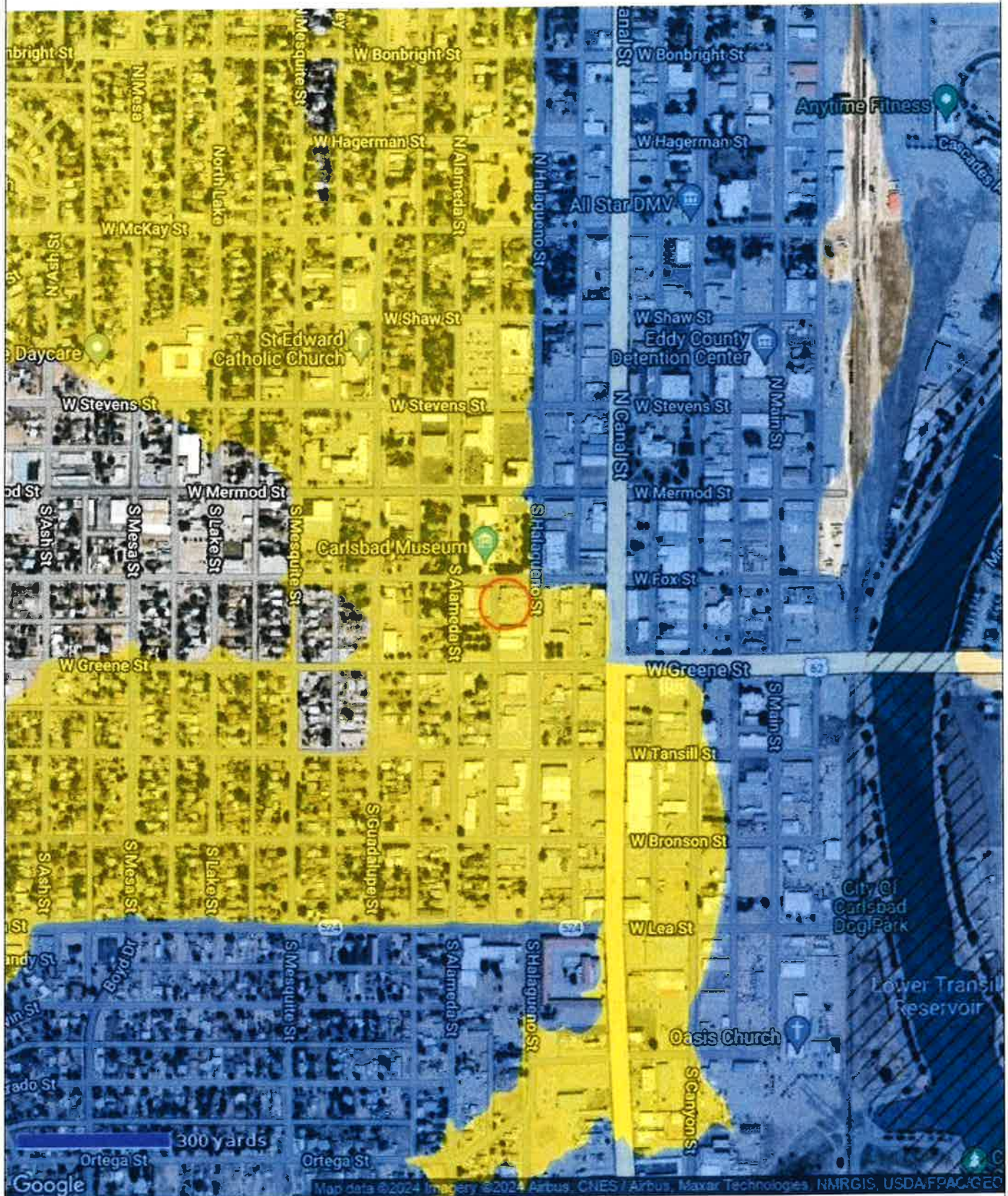
ASSESSORS PLAT MAP





Zoning

-  C-1
-  C-2
-  I
-  PUD
-  R-1
-  R-2
-  R-R



MAP DATA

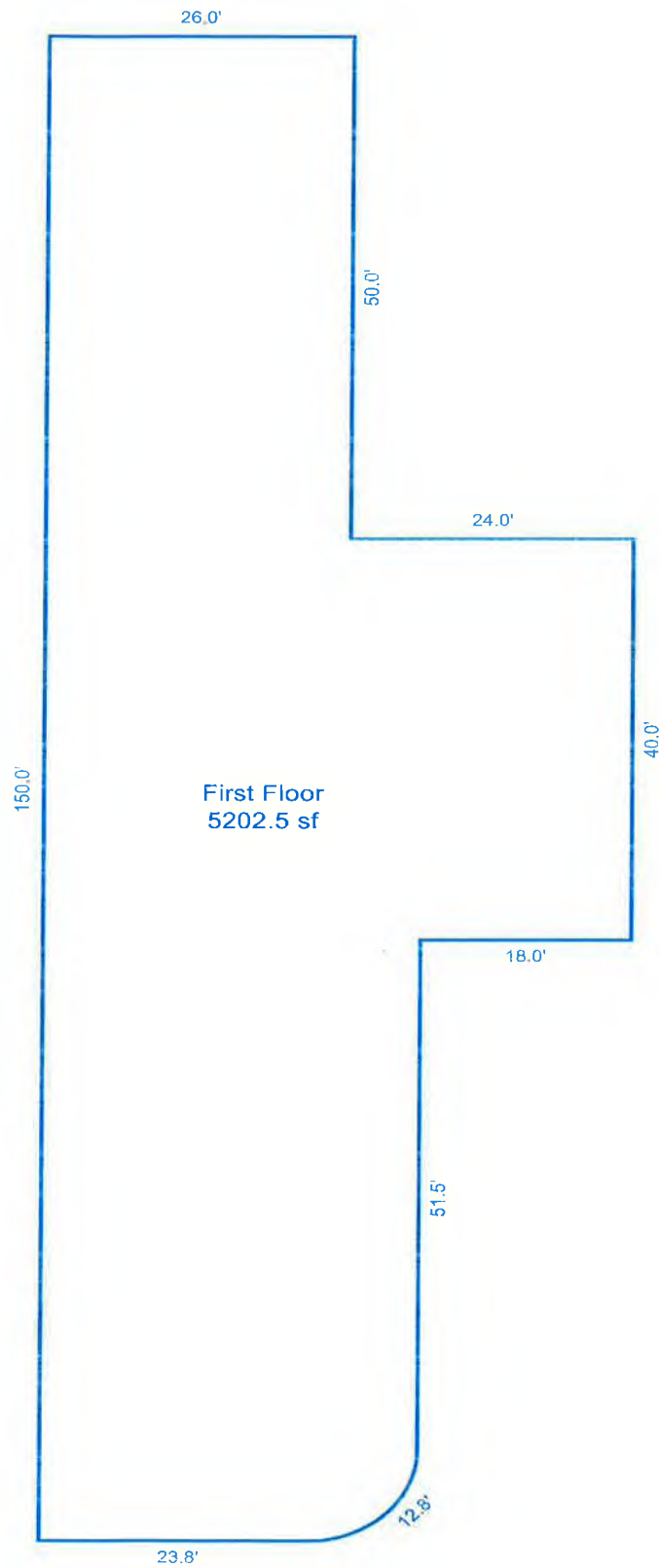
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Map Number: 35015C1005D
Zone: X500
Map Date: June 04, 2010
FIPS: 35015

MAP LEGEND

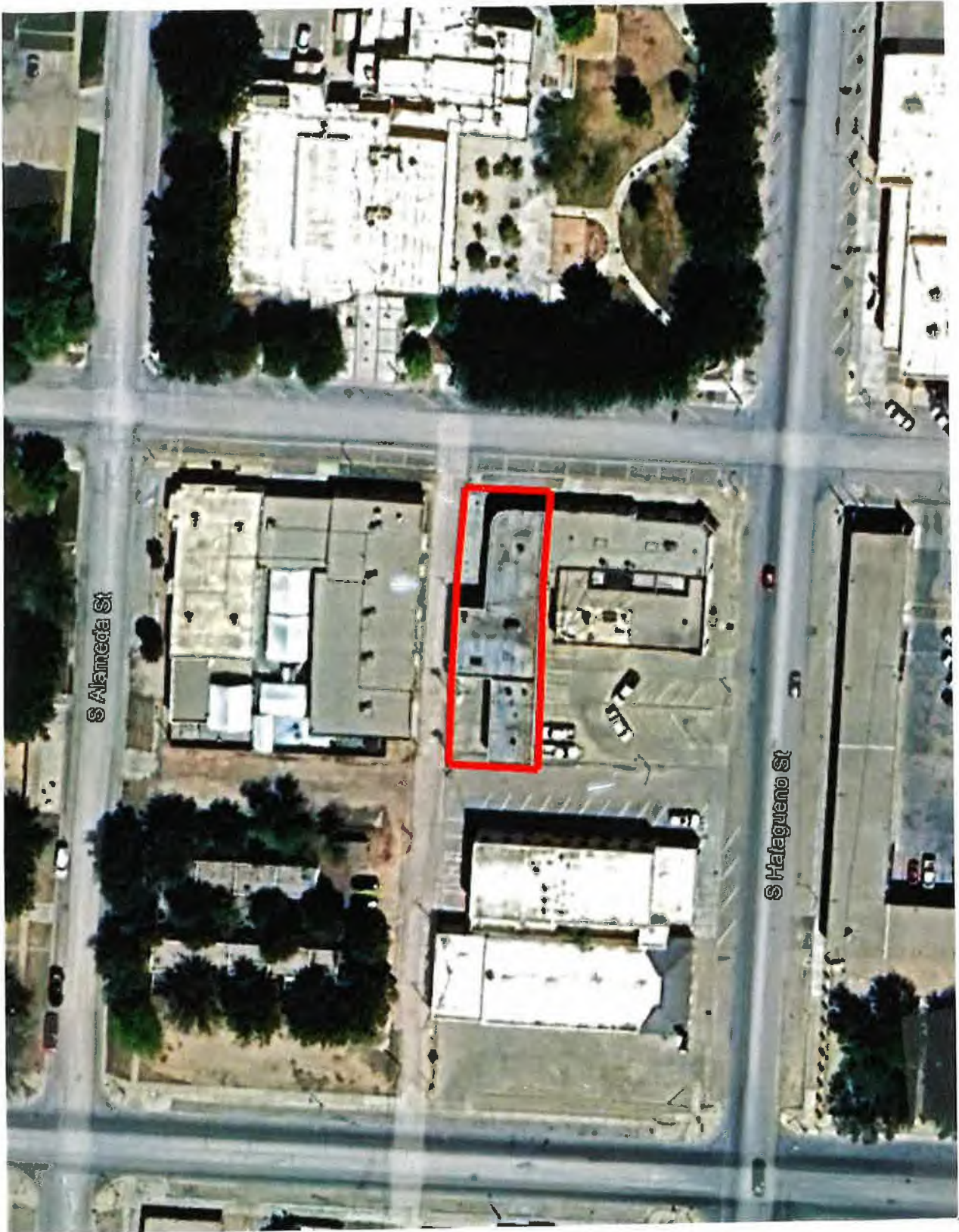
- Areas inundated by 500-year flooding
- Areas inundated by 100-year flooding
- Velocity Hazard

- Protected Areas
- Floodway
- Subject Area

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BUILDING SKETCH



AERIAL PHOTOGRAPH

NEIGHBORHOOD PHOTOGRAPHS



1. Facing west along W. Fox Street from the subject vicinity.



2. Facing east along W. Fox Street from the subject vicinity.

SUBJECT PHOTOGRAPHS



1. Typical front view of the subject improvements.



2. Typical front view of the subject improvements.

SUBJECT PHOTOGRAPHS

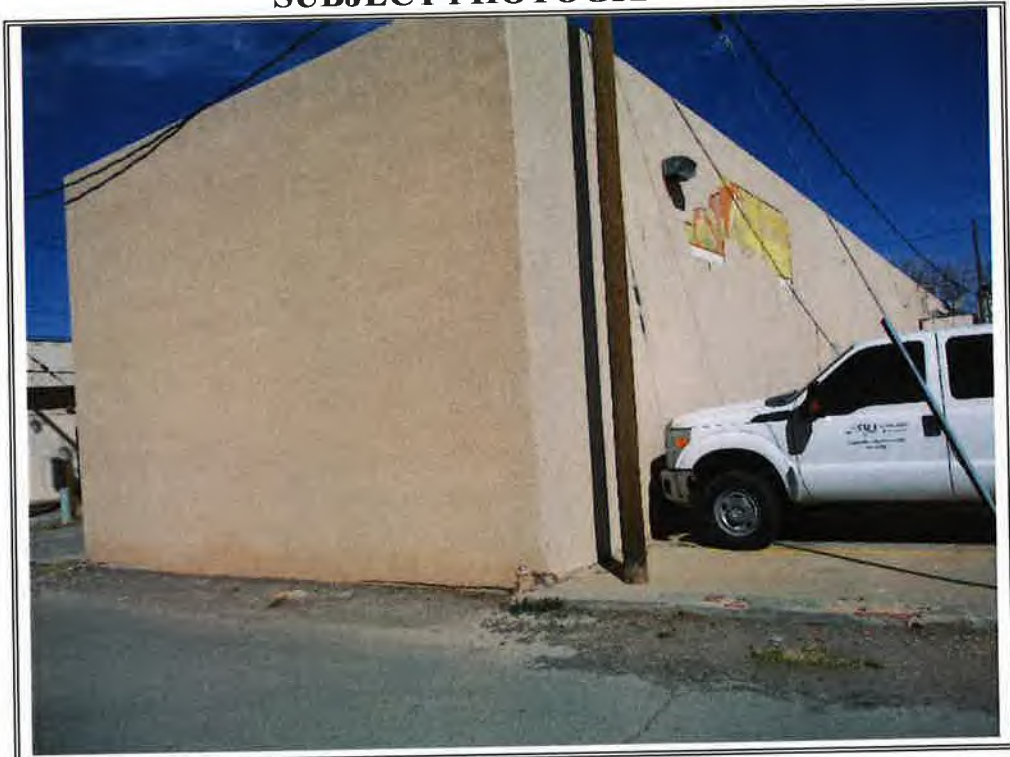


3. Typical side view of the subject improvements.



4. Typical side view of the subject improvements.

SUBJECT PHOTOGRAPHS

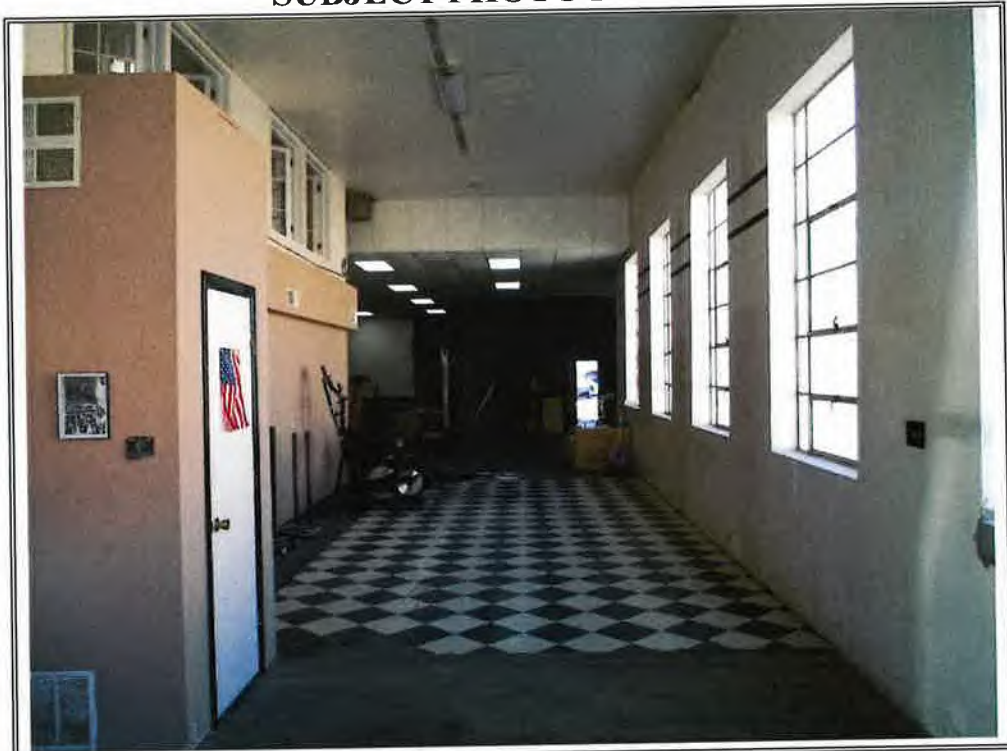


5. Typical rear view of the subject improvements.



6. Typical interior view of the subject.

SUBJECT PHOTOGRAPHS



7. Typical interior view of the subject.



8. Typical interior view of the subject.

SUBJECT PHOTOGRAPHS



9. Typical interior view of the subject.



10. Typical interior view of the subject.

SUBJECT PHOTOGRAPHS



11. Typical interior view (mezzanine office) of the subject.



12. Typical interior view (basement vault) of the subject.

DETAIL OF RENT COMPARABLES

LEASE COMPARABLE NO. 1



Tenants Name: Multi-tenants
Location: 312-314 N. Canal Street, Carlsbad, NM

Size

Rentable Area: 6,867 SF
Common Area Factor: Limited

Construction Characteristics

No. of Stories: 1
Year Built: NA
Type Construction: Block, with a brick and stone exterior, flat built-up roof.
Parking: On site (27 spaces)
Condition: Average
Occupancy: 100% (See Comments)
Rental Rate/SF: \$14.91/SF (\$8,530/Month)
Concessions: None
Lease Term: Varies (See comments)
Lease Conditions: Gross (Landlord pays all operating expenses except janitorial)

LEASE COMPARABLE NO. 1 (Continued)

- | | |
|---------------------|----|
| 1) Taxes: | NA |
| 2) Insurance: | NA |
| 3) Maintenance: | NA |
| 4) Other: | NA |
| 5) Finish Out All.: | NA |
| 6) Escalations: | NA |

Other

Management Fee:	NA (Owner Managed)
Leasing Commission:	NA (Owner Leased)
Verified:	Allen Burkeen
Comments:	This is a multi-tenant building occupied by six tenants. Lease start dates range from January 2018 to August 2021, while a majority are month-month. Common areas are very limited, but the size of each space is not known. Parking is adequate with a land/building ratio is 2.18:1.

LEASE COMPARABLE NO. 2



Tenants Name: Not Available
Location: 1002 W. Pierce Street, Carlsbad, NM

Size

Rentable Area: 2,632 SF
Common Area Factor: Not applicable

Construction Characteristics

No. of Stories: 1
Year Built: NA
Type Construction: Block & stucco, pitched built-up roof.
Parking: Adequate
Condition: Average
Occupancy: 100%
Rental Rate/SF: \$13.68/SF (Year 1)
\$18.24/SF (Years 2-6)
Concessions: None
Lease Term: Six Years (7/23)

LEASE COMPARABLE NO. 2 (Continued)

Lease Conditions:	Triple Net (Tenant pays utilities, plus taxes, insurance and CAM; Landlord pays remaining expenses)
1) Taxes:	NA
2) Insurance:	NA
3) Maintenance:	NA
4) Other:	NA
5) Finish Out All.:	NA
6) Escalations:	NA

Other

Management Fee:	NA (Owner Managed)
Leasing Commission:	NA (Owner Leased)
Verified:	Owner
Comments:	This a two tenant building, that is being leased to one tenant. The past use was more office oriented.

LEASE COMPARABLE NO. 3



Tenants Name: Multi-tenants
Location: 134 N. Canyon Street, Carlsbad, NM

Size

Rentable Area: 2,676 SF
Common Area Factor: None

Construction Characteristics

No. of Stories: 1
Year Built: NA
Type Construction: Stucco over masonry exterior, flat built-up roof.
Parking: Off Street
Condition: Average
Occupancy: 100% (See Comments)
Rental Rate/SF: \$15.02/SF (\$3,350/Month)
Concessions: None
Lease Term: Month to Month
Lease Conditions: Modified Gross (Landlord pays all operating expenses except utilities and janitorial)

LEASE COMPARABLE NO. 3 (Continued)

- | | |
|---------------------|----|
| 1) Taxes: | NA |
| 2) Insurance: | NA |
| 3) Maintenance: | NA |
| 4) Other: | NA |
| 5) Finish Out All.: | NA |
| 6) Escalations: | NA |

Other

Management Fee:	NA (Owner Managed)
Leasing Commission:	NA (Owner Leased)
Verified:	Appraisers files
Comments:	This is a multi (three) tenant building. Rates are \$16.59/SF (1,447 SF), \$15.00/SF (480 SF) and \$12.02/SF (749 SF).

LEASE COMPARABLE NO. 4



Location:	318-320 W. Mermod Street, Carlsbad, NM.
Occupancy:	100% (3,518 SF - See Comments)
Total Size/SF:	4,895 SF
Current Rental:	\$9.55/SF (\$2,800/Mo. or \$33,600/Yr)
Concessions:	None
Lease Term:	Month-to-Month
Lease Conditions:	Modified Gross
Tenant Pays:	Interior utilities
Landlord Pays:	All remaining expenses

1) Taxes	NA
2) Insurance	NA
3) CAM	NA
4) Rent Escalation -	None
5) Percentage Rent -	None
6) Finish Out All. -	As Is

LEASE COMPARABLE NO. 4 (Continued)

Other

Management Fee -	Owner managed
Leasing Commission -	Owner leased

Construction Characteristics

Age:	NA
Exterior:	Masonry with a stucco exterior, flat built-up roof.
Parking:	Adjacent Lot
Condition:	Average
Verified:	Appraisers files
Comments:	This includes two tenants, with one being office, and the second being open showroom.

LEASE COMPARABLE NO. 5



Project Name: Multi-Tenant Building
Location: 903-905 W. Lea Street, Carlsbad, New Mexico

Size

Rentable Area: 6,456 SF

Rental Terms

Actual Rate/SF: \$12.34/SF (\$3,825/Month - 3,720 SF Leased)
Concessions: None
Lease Term: Varies
Lease Conditions: Modified Gross
Tenant Pays: Interior utilities
Landlord Pays: All remaining expenses
Rent Escalation: None
Finish Out All.: As Is

LEASE COMPARABLE NO. 5 (Continued)

Other

Occupancy:	58%
Management Fee -	NA (Owner managed)
Leasing Commission -	NA (Owner leased)
Absorption -	NA

Construction Characteristics

Year Built:	NA
Type Construction:	Block, plus aluminum and glass storefront, pitched composition shingle roof.
Parking:	Asphalt
Condition:	Average
Verified:	Appraisers files
Comments:	This is a multi-tenant building to include retail and shop space, and two apartment units (600 & 700 square feet). Approximately 3,096 SF is heated and cooled with a package central system, 2,620 SF is cooled with three the wall units and panel heat, and 740 SF is neither heated or cooled.

DETAIL OF IMPROVED SALES

IMPROVED SALE NO. 1



Location:	101 S. Canyon Street, Carlsbad
Grantor:	Montgomery Agency, Inc.
Grantee:	Pivot Enterprises, LLC
Date of Sale:	4/21/22
Recorded:	1159/444
Sales Price:	\$450,000
Terms:	Cash to seller

Property Description

Land Area:	5,500 SF
Rentable Building Area:	5,500 SF
Year Built:	NA
Condition:	Average
Type Construction:	Stucco over masonry, plus a brick trim exterior, flat built-up roof.
Land-to-building ratio:	1.00:1

IMPROVED SALE NO. 1 (Continued)

Economic Analysis

Gross Income @ \$14.00/SF:	\$77,000
Less Vacancy (3%):	<u>2,310</u>
Effective Gross Income:	\$74,690
Less Expenses @ \$4.96/SF:	<u>27,300</u>
Net Operating Income:	\$47,390

Units of Comparison

Operating Expense Ratio:	35%
Gross Income Multiplier:	5.84x
Overall Rate:	10.53%
NOI/SF:	\$8.62
Sales Price/SF:	\$81.82

Verified:	Appraiser files (contract)
Comments:	This is an average quality office building, being owner occupied (3,000 SF) and leased (2,500 SF).

IMPROVED SALE NO. 2



Location:	402 S. Canyon Street, Carlsbad, NM.
Grantor:	Key Six Properties, LLC
Grantee:	Dos Ricardos Properties
Date of Sale:	4/21/22
Recorded:	NA
Sales Price:	\$675,000
Terms:	Cash to seller

Property Description

Land Area:	37,026 SF
Rentable Building Area:	7,200 SF
Finished/AC Area:	3,600 SF (50%)
Year Built:	NA
Condition:	Average (See Comments)

IMPROVED SALE NO. 2 (Continued)

Type Construction:	Concrete block building, stucco exterior, sloped or pitched roof, asphalt parking, 12' wall height. Fenced asphalt paved yard, and canopy (1,150 SF).
Land-to-building ratio:	5.14:1
Floor-Area Ratio:	0.19:1

Economic Analysis

Gross Income:	\$82,800	(\$11.50/SF)
Less Vacancy (3%):	(2,484)	
Effective Gross Income:	\$80,316	
Less Expenses:	(13,400)	(\$1.86/SF)
Net Operating Income:	\$66,916	

Units of Comparison

Operating Expense Ratio:	16%
Gross Income Multiplier:	8.15x
Overall Rate:	9.91%
Sales Price/SF:	\$93.75

Verified:	Contract (appraisers files)
Comments:	This building maintained showroom, limited office, parts storage and shop space. Heating and cooling was forced gas heat, evaporative cooling and thru-the-wall units.

IMPROVED SALE NO. 3



Location:	106 S. Main Street, Carlsbad
Grantor:	2020 Carlsbad, LLC
Grantee:	Eddy County New Mexico
Date of Sale:	5/31/22
Recorded:	1160/755
Sales Price:	\$860,000
Terms:	Cash to seller

Property Description

Land Area:	45,000 SF
Rentable Building Area:	10,791 SF
Year Built:	NA
Condition:	Average
Type Construction:	Concrete block, stucco exterior, flat built-up roof.
Land-to-building ratio:	4.17:1

IMPROVED SALE NO. 3 (Continued)

Economic Analysis

Gross Income @ \$10.00/SF:	\$107,910
Less Vacancy (5%):	<u>5,396</u>
Effective Gross Income:	\$102,514
Less Expenses @ \$1.52/SF:	<u>16,400</u>
Net Operating Income:	\$ 86,114

Units of Comparison

Operating Expense Ratio:	15%
Gross Income Multiplier:	7.97x
Overall Rate:	10.01%
NOI/SF:	\$7.98
Sales Price/SF:	\$79.70

Verified:	Appraiser files (contract)
Comments:	This is an average quality commercial building, with finished (1,505 SF) and unfinished space (9,286 SF). The yard is fenced and asphalt paved.

IMPROVED SALE NO. 4



Location:	209 S. Halagueno Street, Carlsbad
Grantor:	S8 Engineering, Inc.
Grantee:	Branson Properties, LLC
Date of Sale:	8/1/22
Recorded:	1162/560
Sales Price:	\$500,000
Terms:	Cash to seller

Property Description

Land Area:	15,000 SF
Rentable Building Area:	11,398 SF
Year Built:	1927
Condition:	Average
Type Construction:	Stucco over masonry, flat built-up roof.
Land-to-building ratio:	1.32:1

IMPROVED SALE NO. 4 (Continued)

Economic Analysis

Gross Income @ \$7.00/SF:	\$79,786
Less Vacancy (7%):	<u>5,585</u>
Effective Gross Income:	\$74,201
Less Expenses @ \$2.00/SF:	<u>22,796</u>
Net Operating Income:	\$51,405

Units of Comparison

Operating Expense Ratio:	29%
Gross Income Multiplier:	6.27x
Overall Rate:	10.28%
NOI/SF:	\$4.51
Sales Price/SF:	\$43.87

Verified:

Comments:

Broker/MLS

This is an average quality commercial building, generally being an office use. Improvements are two stories with 4,620 SF (41%) of the building area on the second floor, with a full kitchen. Select personal property, plus a conex were included in the sale, with very limited contributory value.

IMPROVED SALE NO. 5



Location:	624 S. Canyon Street, Carlsbad
Grantor:	PBS PT, Inc.
Grantee:	Carlsbad Auto Supply Co.
Date of Sale:	7/6/23
Recorded:	1172/700
Sales Price:	\$250,000
Terms:	Cash to seller

Property Description

Land Area:	18,750 SF
Rentable Building Area:	6,700 SF
Year Built:	NA
Condition:	Average
Type Construction:	Brick storefront, masonry, flat built-up roof.
Land-to-building ratio:	2.80:1

IMPROVED SALE NO. 5 (Continued)

Economic Analysis

Gross Income @ \$7.00/SF:	\$46,900
Less Vacancy (7%):	<u>3,283</u>
Effective Gross Income:	\$43,617
Less Expenses @ \$2.50/SF:	<u>16,750</u>
Net Operating Income:	\$26,867

Units of Comparison

Operating Expense Ratio:	36%
Gross Income Multiplier:	5.33x
Overall Rate:	10.75%
NOI/SF:	\$4.01
Sales Price/SF:	\$37.31

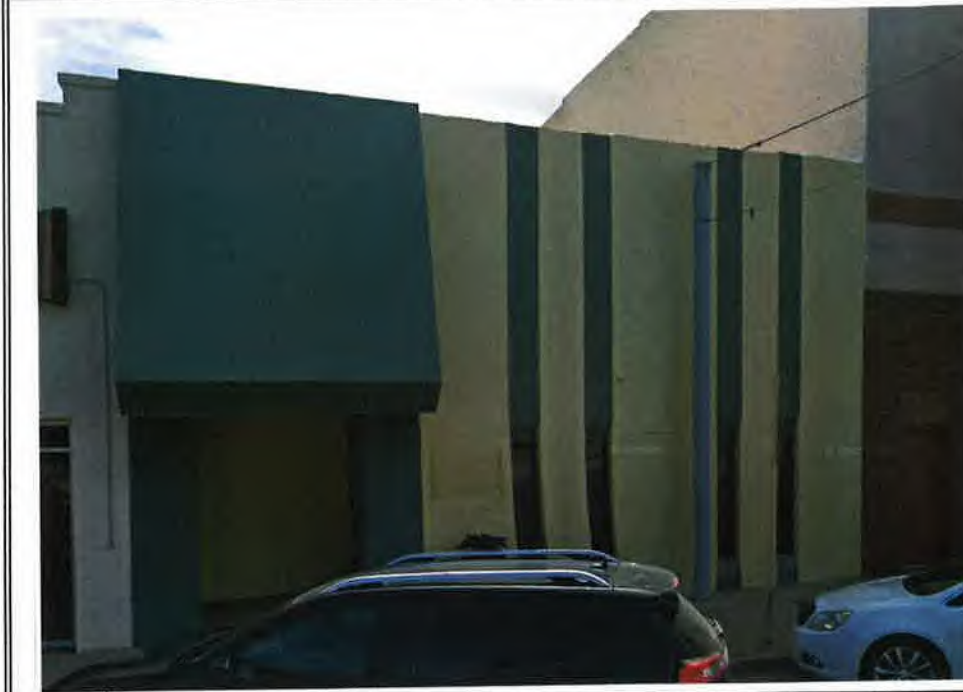
Verified:

Comments:

Broker/MLS

This is an average quality commercial building, generally being open showroom space, limited office, plus storage space with no HVAC. Property includes a parking lot at the south boundary, being purchased by the adjacent (south) owner.

IMPROVED SALE NO. 6



Location:	108 N. Canyon Street, Carlsbad
Grantor:	Currier Holding, LLC
Grantee:	BVJ Holdings, LLC
Date of Sale:	12/15/23
Recorded:	1177/825
Sales Price:	\$290,000
Terms:	Cash to seller

Property Description

Land Area:	4,875 SF
Rentable Building Area:	2,692 SF
Year Built:	1950
Condition:	Average
Type Construction:	Masonry exterior, flat built-up roof.
Land-to-building ratio:	1.81:1

IMPROVED SALE NO. 6 (Continued)

Economic Analysis

Gross Income @ \$15.00/SF:	\$40,380
Less Vacancy (8%):	<u>3,230</u>
Effective Gross Income:	\$37,150
Less Expenses @ \$3.57/SF:	<u>9,600</u>
Net Operating Income:	\$27,550

Units of Comparison

Operating Expense Ratio:	24%
Gross Income Multiplier:	7.18x
Overall Rate:	9.50%
NOI/SF:	\$10.23
Sales Price/SF:	\$107.73

Verified: Broker/MLS

Comments: This is an average quality commercial building, generally being an office use, but also being wide open with limited partitions. Six covered parking spaces are located at the rear.

IMPROVED SALE NO. 7



Location:	307 W. Mermod Street, Carlsbad
Grantor:	Jeffrey B. & Evalynn J. Diamond
Grantee:	LR Real Estate, LLC
Date of Sale:	1/18/24
Recorded:	1178/642
Sales Price:	\$325,000
Terms:	Cash to seller

Property Description

Land Area:	11,250 SF
Rentable Building Area:	8,726 SF
Year Built:	NA
Condition:	Poor
Type Construction:	Stucco over masonry exterior, flat built-up roof.
Land-to-building ratio:	1.29:1

IMPROVED SALE NO. 7 (Continued)

Economic Analysis

Gross Income @ \$7.00/SF:	\$61,082
Less Vacancy (10%):	<u>6,108</u>
Effective Gross Income:	\$54,974
Less Expenses @ \$2.50/SF:	<u>21,815</u>
Net Operating Income:	\$33,159

Units of Comparison

Operating Expense Ratio:	36%
Gross Income Multiplier:	5.32x
Overall Rate:	10.20%
NOI/SF:	\$3.80
Sales Price/SF:	\$37.25

Verified:	Appraisers files
Comments:	This is a multi-tenant building that would require significant renovation in order to be effectively leased. All parking is off street.

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE JANELL WHITLOCK
MUNICIPAL COMPLEX BUILDING ON FEBRUARY 27, 2024 AT 6:00 P.M.**

Present:	Richard D. Lopez	Mayor
	Edward T. Rodriguez	Councilor
	Karla Niemeier	Councilor
	Jason O. Chavez	Councilor
	Anthony Foreman	Councilor
	Mark C. Walterscheid	Councilor
	Jeff Forrest	Councilor
	Mary Garwood	Councilor
Absent:	Lisa A. Anaya Flores	Councilor
Also Present:	Wendy Austin	Interim City Administrator
	K.C. Cass	Deputy City Administrator
	Denise Madrid-Boyea	City Attorney <i>via GoTo</i>
	Nadine Mireles	City Clerk
	Quay Dominguez	Compliance Clerk
	Angie Barrios-Testa	Director of Grant Programs
	Mike Abell	Director of Utilities
	Wayne Hatfield	IT Director
	Allan Henriksen	IT Technician
	Melissa Salcido	Finance Director
	Ken Ahrens	Fire Chief
	Jeff Patterson	Planning Director
	Shane Skinner	Police Chief
	Patrick Cass	Public Works Director
	Charlie Garcia	Police Officer
	Katey Prell	Dispatch Commander
	Missi Currier	NM Oil and Gas Association
	Farley Vener	Hinkle and Landers <i>via GoTo</i>
	Edward VanScotter	Museum Director
	Gerry Washburn	Superintendent

Time Stamps and headings below correspond to recording of meeting and the recording is hereby made a part of the official record.

0:00:00	Call Meeting to Order
0:00:10	Invocation Pledge of Allegiance

0:00:44 **Mayor Lopez** welcomed Missi Currier with the New Mexico Oil and Gas Association. **Ms. Currier** said she wanted to give an update on the legislative session. She said it was a decent legislative session for business in New Mexico. She said in the tax package, there is a severance tax bill that will allow smaller oil and gas producers to have a tax break that would allow them to continue using their smaller wells and come to be in compliance with environmental standards. She said this is a good environmental bill and a good fiscal policy for smaller companies. She said it is not a tax break that large companies can utilize, it is specifically for smaller operators that have older wells. **Ms. Currier** said they are working closely with the Governor's office to hopefully have this signed into law. She said there were egregious oil and gas bills that were not on the Governor's call. She said they will have to fight these bills going forward into the interim as well as going into the 60-day session. She said one of the things that will need to be cognizant of are setbacks. She said setbacks are where the actual infrastructure is for the oil and gas equipment compared to where schools, hospitals, and other facilities can be. She said oil and gas can be supportive of setbacks within reason. **Ms. Currier** said they are working diligently to have interim committees come to Carlsbad.

0:03:47 **PRESENTATION ON RAVE EMERGENCY ALERT SYSTEM BY KATEY PRELL**

Mayor Lopez welcomed Katey Prell. **Ms. Prell**, Dispatch Commander, presented a project that has been underway for the communities of Carlsbad and Artesia and all of Eddy County. She said the name of the project is Smart911 or RAVE. She said it is a web-based program with an application called Smart911, which is a nationwide application that can be used anywhere and it has been adopted in Carlsbad and all of Eddy County. **Ms. Prell** said individuals in the community can create a safety profile. She said once the profile is created, when 911 is dialed, the dispatch center will have all of the individuals' information readily available. She said having this information as soon as a call is made to 911, can save time and the individual can have faster service. She said it is a free service that is secure. **Ms. Prell** said the dispatch center can see someone's information when 911 is dialed and it stays in the system for up to ten minutes after a call. She said Smart911 is newer technology and all systems have been updated to be able to use it. She said the application is one side of the project. She said the City of Carlsbad, the City of Artesia, and all of Eddy County have purchased the RAVE alert system. She said this is going to be the emergency notification system that can be subscribed to after creating a profile in Smart911. She said this can be the main source for notifications instead of having to look on social media. **Ms. Prell** said the plan is to do a public launch with this project in the next week.

0:16:28 **1. APPROVAL OF AGENDA**

0:16:30 **MOTION**

The motion was made by Councilor Forrest and seconded by Councilor Walterscheid to approve the Agenda.

0:16:36 **VOTE**

The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - Anaya-Flores; the motion carried.

0:16:50 **2. CITY OF CARLSBAD FINANCIALS - JANUARY 2024**

Ms. Salcido reviewed the revenues and expenditures as of January 2024 for the General Fund and selected Enterprise and Special Funds contained within the City Budget.

0:18:25 **3. CONSIDER APPROVAL OF RESOLUTION 2024-06, A RESOLUTION ACCEPTING AND APPROVAL OF THE INDEPENDENT AUDITOR S REPORT FOR THE YEAR ENDED JUNE 30, 2023**

Ms. Salcido said the City of Carlsbad is required to complete a financial audit every year. She said City of Carlsbad's financial statements, notes, and the independent auditor's reports were submitted timely to the state auditor. She introduced Farley Vener, the President and Managing Shareholder of Hinkle and Landers. **Mr. Vener** presented the results of the 2023 audit.

0:33:51 **MOTION**

The motion was made by Councilor Forrest and seconded by Councilor Niemeier to approve Resolution 2024,06, a Resolution accepting and approval of the Independent Auditor s Report for the year ended June 30, 2023.

0:33:57 **VOTE**

The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - Anaya-Flores; the motion carried.

0:34:13 **4. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on February 13, 2024
- B. City Personnel Report
- C. Purchasing
 - 1) Consider Approval to Advertise Request for Proposals for design services for Alejandro Ruiz Senior Center Renovation Phase III
 - 2) Consider Approval to Award Bid 2023-16 to Border States for electrical equipment for the Par 3 Golf Course
- D. Contracts and Agreements
 - 1) Consider Approval of Agreement between the City of Carlsbad and Southeast New Mexico Community Action Corporation for lease of a portion of the property commonly known as the Alejandro Ruiz Senior Center for use as a Meal Site and lease Commercial Kitchen Equipment and Program Vehicles
 - 2) Consider Approval of Lease Agreement between the City of Carlsbad and John Deere Financial for Grounds Maintenance Equipment for use at the Bob Forrest Youth Sports Complex
 - 3) Consider Approval of Agreement between the City of Carlsbad and Shorthorn Little League for League Services at Bob Forrest Youth Sports Complex

- 4) Consider Approval of Agreement between the City of Carlsbad and National Little League Girls Softball for League Services at the Bob Forrest Youth Sports Complex
 - 5) Consider Approval of Lease Agreement between the City of Carlsbad and Air Methods LLC for Ground Space at the Cavern City Air Terminal.
- E. Monthly Reports
- 1) Transportation and Facilities Department January 2024
 - 2) Utilities Department January 2024
- F. Board Appointments
- 1) Board of Water and Sewer Commissioners reappoint Ex-officio Eddie Rodriguez four year term

0:34:34 **Mayor Lopez asked Mrs. Barrios-Testa to briefly discuss Agenda item C1, Consider Approval to Advertise Request for Proposals for design services for Alejandro Ruiz Senior Center Renovation Phase III.**

Mrs. Barrios-Testa said the City of Carlsbad is requesting approval to solicit design services. She said the City currently has Aging and Long-Term Services funding that will help begin the process. She said the City is combining the funds as a leverage for the CDBG project. She said this contract is anticipated to be approximately \$123,000.

0:35:42 **Mayor Lopez asked Mrs. Barrios-Testa to briefly discuss Agenda item D1, Consider Approval of Agreement between the City of Carlsbad and Southeast New Mexico Community Action Corporation for lease of a portion of the property commonly known as the Alejandro Ruiz Senior Center for use as a Meal Site and lease Commercial Kitchen Equipment and Program Vehicles.**

Mrs. Barrios-Testa said this is a lease agreement with Southeast New Mexico Community Action Corporation and they currently provide the nutritional program at the Alejandro Ruiz Senior Center. She said there is a one-time option for renewal for another five years. She said the City has a strong partnership with the organization.

0:36:35 **MOTION**

The motion was made by Councilor Garwood and seconded by Councilor Walterscheid to approve Routine and Regular Business.

0:36:40 **VOTE**

The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - Anaya-Flores; the motion carried.

0:36:55 **5. CONSIDER APPROVAL OF TEMPORARY USE APPLICATION TO ALLOW FOR MOBILE SALES (VENDING) OF SHAVED ICE ON CITY PROPERTY AT THE CARLSBAD BEACH PARK AND THE RAY ANAYA SAN JOSE PLAZA BY THE COLD SHOULDER OWNER: VANESSA RAMIREZ**

Mr. Patterson said the applicant would like to locate at the Ray Anaya San Jose Plaza and the Carlsbad Beach Park. He said the Planning Department would recommend

approval of this request with the following conditions; the applicant shall not disturb the peace with a loud speaker, megaphone, bell, music, or other disruptive noise, the applicant shall provide hours of operation, the applicant shall vend toward the sidewalk and avoid vending toward a roadway or drive aisle, the applicant shall dispose of all trash generated from the vending activities by utilizing their own trash disposal arrangements and avoid utilizing city trash receptacles. **Mr. Patterson** said approval of this request grants permission to the applicant to vend shaved ice and related food and drinks (non-alcoholic) on city-owned property at the Beach Park near the Carlsbad Water Park and within the Ray Anaya San Jose Park beginning on February 28, 2024 through December 31, 2024. He said the applicant will need to provide a surety bond to the City.

0:39:06 **MOTION**

The motion was made by Councilor Chavez and seconded by Councilor Niemeier to approve of Temporary Use Application to allow for mobile sales (vending) of shaved ice on City property at the Carlsbad Beach Park and the Ray Anaya San Jose Plaza by the Cold Shoulder Owner: Vanessa Ramirez.

0:39:11 **VOTE**

The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - Anaya-Flores; the motion carried.

0:39:32 **6. CONSIDER APPROVAL OF TEMPORARY USE APPLICATION TO ALLOW FOR MOBILE SALES (VENDING) OF FOOD AND DRINKS (NON-ALCOHOLIC) ON CITY PROPERTY AT THE CARLSBAD BEACH PARK AND THE RAY ANAYA SAN JOSE PLAZA BY CURBSIDE CRAVINGS OWNER: ROBERT DURAN**

Mr. Patterson said the applicant would like to locate at the Ray Anaya San Jose Plaza and the Carlsbad Beach Park. He said the applicant has requested to set up for business from Sunday through Saturday, 5:00 am to 11:00 pm at the Ray Anaya San Jose Plaza Park and 5:00 pm to 9:00, Saturday through Sunday at the Carlsbad Beach Park. He said the Planning Department would recommend approval of this request with the following conditions; the applicant shall not disturb the peace with a loud speaker, megaphone, bell, music, or other disruptive noise, the applicant shall vend toward the sidewalk and avoid vending toward a roadway or drive aisle, the applicant shall dispose of all trash generated from the vending activities by utilizing their own trash disposal arrangements and avoid utilizing city trash receptacles. He said approval of this request grants permission to the applicant to vend food and drinks (non-alcoholic) on city-owned property at the Ray Anaya San Jose Park, Sunday through Saturday, 5:00 am to 11:00 pm, and at the Carlsbad Beach Park, Saturday through Sunday, 5:00 pm to 9:00 pm beginning on February 28, 2024 through December 31, 2024. He said the applicant will need to provide a surety bond to the City.

0:41:24 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Walterscheid to approve of Temporary Use Application to allow for mobile sales (vending) of food and drinks (non-alcoholic) on City property at the Carlsbad Beach Park and the Ray Anaya San Jose Plaza by Curbside Cravings Owner: Robert Duran.

0:41:31 **VOTE**

The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - Anaya-Flores; the motion carried.

0:41:49 **7. CONSIDER APPROVAL OF ACCEPTANCE OF 2023 COMMUNITY DEVELOPMENT BLOCK GRANT FOR ALEJANDRO RUIZ SENIOR CENTER RENOVATION PHASE III PROJECT**

Mrs. Barrios-Testa said this is a grant award for the 2023 Community Development Block Grant that comes through New Mexico Department of Finance (NMDFA) for Phase III renovations to the center. She said the project is anticipated to cost just under \$3 million. She said the funding is provided as a state pass-through from the US Housing and Urban Development, therefore it does have federal regulations and laws to follow. She said this grant will be \$750,000 and it requires a 10% match.

0:42:55 **MOTION**

The motion was made by Councilor Niemeier and seconded by Councilor Garwood to approve of acceptance of 2023 Community Development Block Grant for Alejandro Ruiz Senior Center Renovation Phase III Project.

0:43:02 **VOTE**

The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - Anaya-Flores; the motion carried.

0:43:17 **8. CONSIDER APPROVAL OF ACCEPTANCE OF 2023 FEDERAL MATCHING GRANT FROM NEW MEXICO DEPARTMENT OF FINANCE TO MATCH THE COMMUNITY DEVELOPMENT BLOCK GRANT FEDERAL FUNDS FOR THE ALEJANDRO RUIZ SENIOR CENTER RENOVATION PHASE III PROJECT**

Mrs. Barrios-Testa said NMDFA invited the City of Carlsbad to apply for additional funds because there were remaining funds for matching. She said \$75,000 was awarded to cover the 10% match.

0:44:32 **MOTION**

The motion was made by Councilor Niemeier and seconded by Councilor Rodriguez to approve of acceptance of 2023 Federal Matching Grant from New Mexico Department of Finance to match the Community Development Block Grant Federal Funds for the Alejandro Ruiz Senior Center Renovation Phase III Project.

0:44:39 **VOTE**

The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - Anaya-Flores; the motion carried.

0:44:55 **9. CONSIDER APPROVAL OF ACCEPTANCE OF CARLSBAD COMMUNITY FOUNDATION CHEVRON CATALYST GRANT FOR CARLSBAD MUSEUM FOR CARLSBAD SCHOOLS STUDENT BUS TRIPS TO THE MUSEUM**

Mr. VanScotter said the Carlsbad Museum applied for this \$2,000 grant in October 2023 in order to pay for bus rides to get children to the Carlsbad Museum. He said as of right now in the Carlsbad Municipal Schools, each class is allowed one bus ride per year. He said this is a repeat of a grant that was applied for and funded last year. He said the previous grant allowed every fourth-grade class in Carlsbad Municipal Schools to the Carlsbad Museum.

0:46:35 **MOTION**

The motion was made by Councilor Niemeier and seconded by Councilor Rodriguez to approve of acceptance of Carlsbad Community Foundation Chevron Catalyst Grant for Carlsbad Museum for Carlsbad Schools Student Bus Trips to the Museum.

0:46:41 **VOTE**

The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - Anaya-Flores; the motion carried.

0:46:56 **10. CONSIDER APPROVAL OF RESOLUTION 2024-07, A RESOLUTION OF SUPPORT FOR CARLSBAD MUNICIPAL SCHOOL GENERAL OBLIGATION BOND**

Dr. Washburn said this bond amount is for \$300 million and will primarily replace and rebuild Carlsbad High School. He said the original high school was built in 1908 and P.R Leyva was built in the 1930s and it served the community until 1962. He said the main building is an iconic building with an open concept but it does not have the same durability it used to have. He said the open concept plan has created some significant security issues to keep the children and staff safe. He said because of this, they would rather replace the building than remodel it. **Dr. Washburn** said the plan is to ask the architects to honor the open concept and build a building with an open interior but as an enclosed building. He said the sq. footage would be significantly increased. He said the tax rates will remain the same as they have been since 2015. **Dr. Washburn** said this is a multi-generational opportunity for this community to replace all facilities and have them paid off by 2027.

Councilor Rodriguez said when he was a child he did not understand the concept of bonds at the time but as a young adult, he started to understand the importance of school bonds. He said he encourages everyone to support the school district and allow us to continue to grow and prosper.

Councilor Chavez said the main building is an iconic part of Carlsbad and he would hope that this is stressed to the community. **Dr. Washburn** said this has been recognized and any design will incorporate features to where people can see the resemblance. He said he will accept full responsibility for building the Performing Arts Center and how it blocks the view of the city from the main building. He said moving the main building to a different place will replace the ability to see the city from that building. He said the other part of this bond is to remodel and rebuild P.R. Leyva. He said the front will remain the way it is but the inside will be modernized.

Councilor Walterscheid thanked Dr. Washburn for his leadership.

Councilor Niemeier thanked Dr. Washburn for being proactive and utilizing the funds that the city currently has with the oil and gas industry.

Councilor Garwood said she appreciates the safety factors that are being considered into the new plans.

Councilor Forrest asked Dr. Washburn if the new building is on the same plot of land. **Dr. Washburn** said yes. **Councilor Forrest** asked if it is going to be built between the buildings already there or on the parking lot. **Dr. Washburn** said the main part of construction will occur on the parking lot between the PAD building and the cafeteria. He said they are planning on utilizing the footprint so there will not be a lot of excavating. He said with this comes a challenge in how many portables can be placed since school will still occur on the campus during construction. He said the Alta Vista campus will be used to house the P.R. Leyva students when that construction starts. He said at the high school, the plan is to replace all the buildings excluding the gyms, although a new gym will be built.

0:58:20 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Niemeier to approve of Resolution 2024-07, a Resolution of support for Carlsbad Municipal School General Obligation Bond.

0:58:25 **VOTE**

The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - Anaya-Flores; the motion carried.

0:58:43 **11. COUNCIL COMMITTEE REPORT**

Mayor Lopez called Carlos Romero, Associate Vice President of Research and Economic Development, and Valerie Davis, Interim Director, to the podium for an update on the National Cave and Karst Research Institute (NCKRI). **Mr. Romero** said NCKRI has had its headquarters in Carlsbad since its formation. He said the Executive Director retired last year and since then they have conducted a national search for a

replacement. He said there are three finalists. He said they are hoping to get constituent feedback within the next few weeks and then they will proceed from there.

Councilor Niemeier said she appreciates the City of Carlsbad being looped back into this process.

Mr. Romero said NMTech is in a time of transition with a new President coming in next month. He said he encouraged the President and the Board of Regions to visit Carlsbad.

Councilor Garwood said RiverBlitz is on Saturday, March 2. She thanked the Parks Department, the Street Department, and the Solid Waste Department for helping her coordinate the event this year. She said this has been the highest pre-registered amount she has had with 232 people.

1:02:38 **Mayor Lopez asked if anyone in the audience would like to address the Council. No one appeared.**

1:02:44 **12. ADJOURN**

1:02:46 **MOTION**

The motion was made by Councilor Walterscheid and seconded by Councilor Forrest to adjourn.

1:02:52 **VOTE**

The vote was as follows: Yes - Forrest, Niemeier, Walterscheid, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - Anaya-Flores; the motion carried.

1:03:07 **Adjourn**

There being no further business, the meeting was adjourned at 7:03 p.m.

Richard D. Lopez, Mayor

ATTEST:

Nadine Mireles, City Clerk

CITY OF CARLSBAD
PERSONNEL REPORT

March 12, 2024

APPOINTMENTS:

<u>NAME</u>	<u>DATE</u>	<u>DEPARTMENT</u>	<u>CLASSIFICATION</u>
Phillip Aguilar	03/13/24	Solid Waste	ARC Driver
Elias Bocanegra	03/13/24	Sports Complex	Sports & Recreation Attendant
Christopher Caron	03/13/24	Police	Corporal
Kristina Henderson	03/13/24	Finance	Receptionist
Dillon Ripley	03/13/24	Police	Patrolman, certified
Mystery Stephens	03/13/24	Police	Telecommunicator, uncertified
Kay Walker	03/13/24	Library	Library Page

TERMINATIONS:

<u>NAME</u>	<u>DATE</u>	<u>DEPARTMENT</u>	<u>CLASSIFICATION</u>	<u>REASON</u>
Ted Cordova	02/29/24	Executive	Deputy City Administrator	Resigned
Sebastian Heredia	02/29/24	Fire	Firefighter Rookie/EMT-B	Resigned
Raul Palomino	02/29/24	Solid Waste	ARC Driver	Resigned
Kenny Supulver	02/28/24	Police	Animal Control	Resigned
Judith Webster	02/22/24	Municipal Court	Court Clerk	Retired

INTERNAL TRANSFERS AND PROMOTIONS:

<u>NAME</u>	<u>DATE</u>	<u>DEPARTMENT</u>	<u>CLASSIFICATION</u>
Abellardo Rivas	02/26/24	Garage	Welder

CITY OF CARLSBAD

RECOMMENDATION FOR EMPLOYMENT

Richard Lopez, Mayor

Wendy Austin, City Administrator

TO: The Honorable Mayor Richard Lopez & Members of the City Council

FROM: Ivan M. Abell, Director of Utilities



Digitally signed by Ivan M. Abell
DN: cn=Ivan M. Abell, o=CITY OF CARLSBAD, ou=City of Carlsbad, email=IAbell@cityofcarlsbad.com, c=US
Reason: I am the author of this document
Location:
Date: 2024.02.22 14:08:48-07'00'
Form PDF Editor Version: 12.0.1

SUBJECT: Recommendation for Employment

DATE: February 22, 2024

The Following applicant has met all pre-employment requirements and is hereby recommended for employment with the City of Carlsbad subject to pre-hire medical examination:

General Information:

Name: Phillip A. Aguilar Classification/Position: ARC Driver
Department: Solid Waste

<input checked="" type="checkbox"/> Regular	<input checked="" type="checkbox"/> Full-time	<input checked="" type="checkbox"/> Hourly \$ 26.26 per hour
<input type="checkbox"/> Seasonal	<input type="checkbox"/> Part-time	<input type="checkbox"/> Salary \$ _____ per hour
<input type="checkbox"/> Temporary	<input type="checkbox"/> On call	

Education Level:

<input checked="" type="checkbox"/> High School Diploma	<input type="checkbox"/> GED or equivalent
<input type="checkbox"/> Associates Degree	_____
<input type="checkbox"/> Bachelors Degree	_____
<input type="checkbox"/> Masters Degree	_____
<input type="checkbox"/> Other	_____

Employment:

Present or last Employer: Basin Chemical
From 09/2023 to present Classification: Truck Driver
Duties: Deliver methanol to locations, perform pre and post trips, log drive hours and fuel usage.

Related Experience: Has a CDL and is able to operate a dumpster, forklift, and roll off truck.

Comment: _____

CITY OF CARLSBAD

RECOMMENDATION FOR EMPLOYMENT

Rick Lopez, Mayor

TO: The Honorable Mayor Rick Lopez & Members of the City Council

FROM: K.C. Cass, Deputy City Administrator

K.C. Cass
2/27/2021

SUBJECT: Recommendation for Employment

DATE: 02/26/2024

The following applicant has met all pre-employment requirements and is hereby recommended for employment with the City of Carlsbad subject to a pre-hire medical examination:

General Information:

Name: Elias Bocanegra Classification/Position: Recreation Attendant

Department: Sports Complex

<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Full-time	<input checked="" type="checkbox"/> Hourly \$ <u>23.54</u> per hour
<input type="checkbox"/> Seasonal	<input checked="" type="checkbox"/> Part-time	<input type="checkbox"/> Salary \$ _____ per annum
<input type="checkbox"/> Temporary	<input checked="" type="checkbox"/> On call	

Education Level:

<input checked="" type="checkbox"/> High School Diploma	<input type="checkbox"/> GED or equivalent
<input type="checkbox"/> Associates Degree	_____
<input type="checkbox"/> Bachelors Degree	_____
<input type="checkbox"/> Masters Degree	_____
<input type="checkbox"/> Other	_____

Employment:

Present or last Employer: 2R Construction

From May 2019 to May 2021 Classification: Laborer/Helper

Duties: Home remodels, roofing, concrete, fencing, etc.

Related Experience: Farm equipment operator, lawn care, demolition

Comments: _____

CITY OF CARLSBAD

RECOMMENDATION FOR EMPLOYMENT

Richard Lopez, Mayor

Wendy Austin, Interim City Administrator

TO: The Honorable Mayor Richard Lopez & Members of the City Council

FROM: Chief Shane Skinner

 #A137

SUBJECT: Recommendation for Employment

DATE: March 4, 2024

The following applicant has met all pre-employment requirements and is hereby recommended for employment with the City of Carlsbad subject to a pre-hire medical examination:

General Information:

Name: Chris Caron Classification/Position: Police Corporal
Department: Police

<input checked="" type="checkbox"/> Regular	<input checked="" type="checkbox"/> Full-time	<input checked="" type="checkbox"/> Hourly \$ <u>37.01</u> per hour
<input type="checkbox"/> Seasonal	<input type="checkbox"/> Part-time	<input type="checkbox"/> Salary \$ _____ per annum
<input type="checkbox"/> Temporary	<input type="checkbox"/> On call	

Education Level:

☒ High School Diploma ☐ GED or equivalent

☐ Associates Degree _____

☐ Bachelors Degree _____

☐ Masters Degree _____

☐ Other _____

Employment:

Present or last Employer: Eddy County Sheriffs Office
From October 2022 to Present Classification: Patrol Deputy/Canine Handler
Duties: Answer calls for service, currently works shift work, patrol different areas within Eddy County and the City of Carlsbad.

Related Experience: Certified Law Enforcement Officer. Attended the Southeastern New Mexico Law Enforcement Academy. Graduated in December 2014. He holds certifications for field training officer, and academy certified general instructor

Comments: None

CITY OF CARLSBAD

RECOMMENDATION FOR EMPLOYMENT

Richard Lopez, Mayor

Wendy Austin, Interim City Administrator

TO: The Honorable Mayor Richard Lopez & Members of the City Council

FROM: Melissa Salcido

*MSalcido
2/23/24*

SUBJECT: Recommendation for Employment

DATE: February 23, 2024

The following applicant has met all pre-employment requirements and is hereby recommended for employment with the City of Carlsbad subject to a pre-hire medical examination:

General Information:

Name: Kristina Henderson

Classification/Position: Receptionist

Department: Finance

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Regular | <input type="checkbox"/> Full-time | <input checked="" type="checkbox"/> Hourly \$ <u>19.01</u> per hour |
| <input type="checkbox"/> Seasonal | <input checked="" type="checkbox"/> Part-time | <input type="checkbox"/> Salary \$ _____ per annum |
| <input type="checkbox"/> Temporary | <input type="checkbox"/> On call | |

Education Level:

- | | |
|---|--|
| <input checked="" type="checkbox"/> High School Diploma | <input type="checkbox"/> GED or equivalent |
| <input type="checkbox"/> Associates Degree | _____ |
| <input type="checkbox"/> Bachelors Degree | _____ |
| <input type="checkbox"/> Masters Degree | _____ |
| <input type="checkbox"/> Other | _____ |

Employment:

Present or last Employer: Coastal Growers LLC

From September 2021 to January 2024 Classification: Accounts Payable Specialist

Duties: Daily processing of invoices, process all broker statements, balance accounts to monthly statements, process purchase orders, as well as many other duties

Related Experience: Ms. Henderson has previous experience as a receptionist and in customer service.

Comments: Ms. Henderson's previous experience as a receptionist and in customer service will be a great asset for the Finance Department.

CITY OF CARLSBAD

RECOMMENDATION FOR EMPLOYMENT

Richard Lopez, Mayor

Wendy Austin, Interim City Administrator

TO: The Honorable Mayor Richard Lopez & Members of the City Council

FROM: Chief Shane Skinner  #A137

SUBJECT: Recommendation for Employment

DATE: March 1, 2024

The following applicant has met all pre-employment requirements and is hereby recommended for employment with the City of Carlsbad subject to a pre-hire medical examination:

General Information:

Name: Dillon Ripley Classification/Position: Certified Patrolman
Department: Police

☒ Regular ☒ Full-time ☒ Hourly \$ 33.45 per hour
☐ Seasonal ☐ Part-time ☐ Salary \$ _____ per annum
☐ Temporary ☐ On call

Education Level:

☒ High School Diploma ☐ GED or equivalent
☐ Associates Degree _____
☐ Bachelors Degree _____
☐ Masters Degree _____
☐ Other _____

Employment:

Present or last Employer: Eddy County Sheriffs Office
From December 2022 to Present Classification: Patrol Deputy
Duties: Answer calls for service, currently works shift work, patrol different areas within Eddy County and the City of Carlsbad.

Related Experience: Certified Law Enforcement Officer. Attended the Southeastern New Mexico Law Enforcement Academy. Graduated in May 2021

Comments: None

CITY OF CARLSBAD

RECOMMENDATION FOR EMPLOYMENT

Richard Lopez, Mayor

Wendy Austin, Interim City Administrator

TO: The Honorable Mayor Richard Lopez & Members of the City Council

FROM: Chief Shane Skinner  #A137

SUBJECT: Recommendation for Employment

DATE: February 28, 2024

The following applicant has met all pre-employment requirements and is hereby recommended for employment with the City of Carlsbad subject to a pre-hire medical examination:

General Information:

Name: Mystery Stephens Classification/Position: Dispatcher
Department: Carlsbad Police Department

<input checked="" type="checkbox"/> Regular	<input checked="" type="checkbox"/> Full-time	<input checked="" type="checkbox"/> Hourly \$ <u>23.26</u> per hour
<input type="checkbox"/> Seasonal	<input type="checkbox"/> Part-time	<input type="checkbox"/> Salary \$ _____ per annum
<input type="checkbox"/> Temporary	<input type="checkbox"/> On call	

Education Level:

<input checked="" type="checkbox"/> High School Diploma	<input type="checkbox"/> GED or equivalent
<input type="checkbox"/> Associates Degree	_____
<input type="checkbox"/> Bachelors Degree	_____
<input type="checkbox"/> Masters Degree	_____
<input type="checkbox"/> Other	_____

Employment:

Present or last Employer: Blue Star Therapy
From June 2022 to Current Classification: Developmental Specialist
Duties: Assess children for developmental delays

Related Experience: No previous law enforcement experience


Comments: None

CITY OF CARLSBAD

RECOMMENDATION FOR EMPLOYMENT

Richard Lopez, Mayor

TO: The Honorable Mayor Richard Lopez & Members of the City Council

FROM: K.C. Cass, Deputy City Administrator 

SUBJECT: Recommendation for Employment

DATE: March 4, 2024

The following applicant has met all pre-employment requirements and is hereby recommended for employment with the City of Carlsbad subject to a pre-hire medical examination:

General Information:

Name: Kay Walker Classification/Position: Library Page

Department: Library

<input type="checkbox"/> Regular	<input type="checkbox"/> Full-time	<input checked="" type="checkbox"/> Hourly \$ <u>17.12</u> per hour
<input checked="" type="checkbox"/> Seasonal	<input checked="" type="checkbox"/> Part-time	<input type="checkbox"/> Salary \$ _____ per annum
<input type="checkbox"/> Temporary	<input type="checkbox"/> On call	

Education Level:

<input checked="" type="checkbox"/> High School Diploma	<input type="checkbox"/> GED or equivalent
<input type="checkbox"/> Associates Degree _____	
<input type="checkbox"/> Bachelors Degree _____	
<input type="checkbox"/> Masters Degree _____	
<input type="checkbox"/> Other _____	

Employment:

Present or last Employer: Word of Life Church
From January 2019 to Present Classification: Admin/Secretary
Duties: Filing, inventory, quickbooks, book keeping, answering the phones, greeting the public
event planning and booking

Related Experience: Kay's work experience with organization and planning will help her
organize the books.

Comments: Kay is the best candidate for this position. Her past experience will help her be an asset
for the library and the city.

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM PURCHASING RECOMMENDATION

Council Meeting Date: 3/12/24

Department: CAPITAL PROJECTS	BY: Matt Fletcher, CPO	Date: 3/06/24
SUBJECT: Services Description: Solicit proposals for On-Call Construction Services Contract		
SYNOPSIS: Qty _____ Total Est. Cost _____ Total Actual Cost _____ Budgeted Yes _____ Est. City Share _____ Actual City Share _____ Account # Various Capital Projects _____ Account # _____ Account # _____ Account # _____ <div style="text-align: right;">TOTAL \$ 0.00</div>		
BACKGROUND, JUSTIFICATION AND IMPACT: (Safety and Welfare/Financial/Personnel/Infrastructure/etc.) The City of Carlsbad intends to establish an on-call construction services contract that will be awarded to multiple contractors across multiple construction disciplines. This contract will allow the City to establish agreements with contractors to perform plumbing, mechanical, electrical, utilities, roofing, painting, landscaping and general construction services as needed, rather than having to conduct a bid or rely exclusively on cooperative purchasing agreements established by other entities. The City requests authorization to conduct a Request for Proposals (RFP) for On-Call Construction Services.		
Requested action to be taken by Council: Advertise Invitation for Request for Proposal	Council Action Taken: Select one	Date:
Interim Reviewed by City Administrator: /s/Wendy Austin <div style="text-align: right;">03/07/2024</div>		

POST BID/RFP RECOMMENDATION	Council Meeting Date:	
Requested action to be taken by Council: Other:	Council Action Taken: Select one	Date:
ADDITIONAL INFORMATION: 		
Reviewed by City Administrator: 		

ATTACHMENT(S): ☐ Specifications ☐ Bid/RFP Summary ☐ Other: _____

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM
PURCHASING RECOMMENDATION

Council Meeting Date: 3/12/24

Department: PARKS	BY: Matt Fletcher, CPO <i>usaleido 3/12/24</i>	Date: 3/06/24																												
SUBJECT: Equipment Description: Award bid for electrical components to replace the existing lighting at the Lake Carlsbad Recreation Area.																														
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">SYNOPSIS:</td> <td style="width: 15%;">Qty <u>1</u></td> <td style="width: 20%;">Total Est. Cost <u>\$ 65,000.00</u></td> <td style="width: 20%;">Total Actual Cost <u>\$ 54,112.90</u></td> </tr> <tr> <td></td> <td>Budgeted Yes</td> <td>Est. City Share <u>\$ 65,000.00</u></td> <td>Actual City Share <u>\$ 54,112.90</u></td> </tr> <tr> <td></td> <td>Account # <u>100917</u></td> <td><u>\$ 65,000.00</u></td> <td></td> </tr> <tr> <td></td> <td>Account # _____</td> <td>_____</td> <td></td> </tr> <tr> <td></td> <td>Account # _____</td> <td>_____</td> <td></td> </tr> <tr> <td></td> <td>Account # _____</td> <td>_____</td> <td></td> </tr> <tr> <td colspan="2" style="text-align: right;">TOTAL</td> <td><u>\$ 65,000.00</u></td> <td></td> </tr> </table>			SYNOPSIS:	Qty <u>1</u>	Total Est. Cost <u>\$ 65,000.00</u>	Total Actual Cost <u>\$ 54,112.90</u>		Budgeted Yes	Est. City Share <u>\$ 65,000.00</u>	Actual City Share <u>\$ 54,112.90</u>		Account # <u>100917</u>	<u>\$ 65,000.00</u>			Account # _____	_____			Account # _____	_____			Account # _____	_____		TOTAL		<u>\$ 65,000.00</u>	
SYNOPSIS:	Qty <u>1</u>	Total Est. Cost <u>\$ 65,000.00</u>	Total Actual Cost <u>\$ 54,112.90</u>																											
	Budgeted Yes	Est. City Share <u>\$ 65,000.00</u>	Actual City Share <u>\$ 54,112.90</u>																											
	Account # <u>100917</u>	<u>\$ 65,000.00</u>																												
	Account # _____	_____																												
	Account # _____	_____																												
	Account # _____	_____																												
TOTAL		<u>\$ 65,000.00</u>																												
BACKGROUND, JUSTIFICATION AND IMPACT: (Safety and Welfare/Financial/Personnel/Infrastructure/etc.) The City of Carlsbad conducted a bid for electrical equipment needed to replace the existing lighting at the Lake Carlsbad Recreation Area. The City received three bids. Facility Solutions Group from El Paso, Texas had the overall low bid. However, in accordance with NMSA 13-1-21 of the New Mexico Procurement Code, Border States qualifies as a New Mexico Resident Business. Therefore, Border States bid is reduced by a factor of 5% for bidding purposes. Once this 5% reduction was applied, Border States became the low bidder. The City recommends awarding the bid to Border States in the amount of \$54,112.90 excluding NMGRT.																														
Requested action to be taken by Council: Select one	Council Action Taken: Select one	Date:																												
Reviewed by City Administrator:																														

POST BID/RFP RECOMMENDATION	Council Meeting Date:
Requested action to be taken by Council: Award Bid Number <u>2024-02</u>	Council Action Taken: Select one
ADDITIONAL INFORMATION: <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div>	
Interim Reviewed by City Administrator: /s/Wendy Austin	
03/07/2024	

 ATTACHMENT(S): ☐ Specifications ☒ Bid/RFP Summary ☐ Other: _____

Bid Number

2024-02

Date: 3/04/2024

Commodity: Lake Carlsbad Lighting Equipment

Time: 2:00 pm

Bidder Name

	Border States	Facility Solutions Group	Lynco Electric
Base Bid (Excluding NMGRT)	\$ 54,112.90	\$ 53,378.01	\$ 67,387.00
Addenda Acknowledgment	Yes	Yes	Yes
NM Resident Business	Yes	No	Yes
Bid Calculation with 5% Resident Bidder Preference	\$ 51,407.25	\$ 53,378.01	\$ 64,017.65

STATE OF NEW MEXICO

TAXATION AND REVENUE DEPARTMENT

RESIDENT BUSINESS CERTIFICATE

Issued to: **BORDER STATES INDUSTRIES, INC.**

DBA: **BORDER STATES INDUSTRIES, INC**
5601 JEFFERSON ST NE
ALBUQUERQUE, NM 87109-3412

Expires: **28-Apr-2024**

Certificate Number:

L0387488176



Stephanie Schardin Clarke
Cabinet Secretary

THIS CERTIFICATE IS NOT TRANSFERABLE

**CITY OF CARLSBAD
AGENDA BRIEFING MEMORANDUM**

COUNCIL MEETING DATE: 03/12/2024

DEPARTMENT: Fire	BY: Ken Ahrens, Fire Chief <i>KA</i>	DATE: 02/29/2024
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SUBJECT: Agreement between Carlsbad Fire Department and Brycer, LLC to provide a fire and life safety data management system to the City of Carlsbad.

SYNOPSIS, HISTORY and IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.):
BACKGROUND:

The Carlsbad Fire Department would like to enter into an agreement with Brycer, LLC to provide Carlsbad with "The Compliance Engine", a web based system that tracks frequency and amount of various types of required annual inspections of fire and life safety equipment, such as fire extinguisher, fire alarm, and fire sprinkler inspections, and notifies both business owners and the Fire Marshal's Office when inspections are due or past due.

Currently, the Fire Department does not know if fire and life safety equipment is being properly maintained in a business unless the Fire Marshal conducts an on-site fire inspection. The Compliance Engine will help business owners remember to get their equipment inspected, reducing the need for multiple re-inspections by the Fire Marshal, saving time and increasing efficiency, as well as reducing false fire alarms caused by faulty, unmaintained equipment.

This service is funded by the fire and life safety inspections companies, who pay a small fee to upload their annual inspection reports to the Compliance Engine. There is no cost to the City of Carlsbad or the local businesses being inspected.

This agreement is for a term of three years, with successive three-year renewals available.

DEPARTMENT RECOMMENDATION: The Carlsbad Fire Department recommends that City Council approves the Agreement between the Carlsbad Fire Department and Brycer, LLC.

BOARD/COMMISSION/COMMITTEE ACTION:

<input type="checkbox"/> P&Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	<input type="checkbox"/> APPROVED
<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> DISSAPPROVED
<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> _____ Committee	

Reviewed by Interim
City Administrator: /s/Wendy Austin **Date:** 03/07/2024

ATTACHMENTS: Agreement between Carlsbad Fire Department and Brycer, LLC

BRYCER, LLC
4355 Weaver Parkway
Suite 230
Warrenville, IL 60555

February 28th, 2024

Carlsbad Fire Department
401 South Halagueno Street
Carlsbad, NM 88221

Re: “The Compliance Engine”

Dear Carlsbad Fire Department:

We look forward to providing you with “The Compliance Engine” (the “Solution”). This proposal letter provides the basic terms by which Brycer, LLC (“Brycer”) will provide you, Carlsbad Fire Department (“Client”), with the Solution. The use of the Solution and all matters between Brycer and Client will be subject to the standard “Terms and Conditions” attached to this proposal as Exhibit A. The basic terms are as follows:

1. **Term**: Brycer will provide Client with the Solution for three years, commencing April 15th, 2024 (the “Initial Term”). Thereafter, the Term shall automatically renew for successive three-year periods unless terminated by Brycer or Client in writing at least 90 days prior to the expiration of the then current Term (each, a “Renewal Term” and together with the Initial Term, the “Term”). Following the expiration or termination of the Term (as provided in the Terms and Conditions), Client shall stop using the Solution; provided, however, Brycer shall make available, and Client shall have the right to download, Client’s data from the Solution for a period of 60 days after the expiration or termination of the Term. Client shall have the right to terminate this agreement upon giving 90 days written notice to Brycer.

2. **Fees**: Client shall not pay any fees for use of the Solution. Brycer will collect all fees due and payable by third party inspectors in connection with activities relating to the Solution.

3. **Brycer Responsibilities**: During the Term, Brycer shall be responsible for the following in connection with Client’s use of the Solution:

- **Availability**. Brycer shall make the Solution available to Client as set forth on Exhibit B. The maintenance schedule and minimum service levels for the Solution are set forth on Exhibit B.
- **Service Level**. Brycer shall provide commercially reasonable levels of customer service with respect to the Solution to all third parties who transact business with Client and access the Solution.
- **Backup**. Brycer shall backup the database used in connection with the Solution to a separate server located within the same web hosting firm which the Solution is being hosted on a real time basis. Upon request by Client (which can be no more than once a month) or made prior to or within 60 days after the effective date of termination of the Term, Brycer will make available to Client a complete and secure (i.e. encrypted and appropriately authenticated) download file of Client data in XML format including all schema and attachments in their native format. Brycer shall maintain appropriate administrative, physical and technical safeguards for protection of the security, confidentiality and

integrity of Client data. Brycer shall not (a) modify Client data or (b) disclose Client data except as required by law.

- ***Retention of Information.*** Brycer will maintain all information entered into the database by third party inspectors for at least five years from the time such information is entered into the database.
- ***Notices.*** Brycer will be responsible for generating and delivering the following notices to third parties in connection with the Solution: (a) reminders of upcoming inspections that are due; (b) notices that an inspection is past due; and (c) notices of completed inspection reports which contain one or more deficiencies.
- ***Call Center*** Phone calls by Brycer on behalf of the Client to the property for EACH life-safety system overdue for service based on dates automatically tracked within the TCE database. Brycer is not an agent of the Client and all scripts for the overdue calls will be approved by the Client.
- ***Updates and Enhancements.*** In the event Brycer releases any updates, corrections, or enhancements to the Solution during the Term, Brycer shall promptly provide such updates or corrections to Client free of any charge or fee.

4. **Client Responsibilities:** During the Term, Client shall be responsible for the following in connection with Client's use of the Solution:

- ***Operating System.*** Client shall be solely responsible for providing a proper operating environment, including computer hardware or other equipment and software, for any portion of the Solution installed on the Client's equipment (the "Client Access Software") and for the installation of network connections to the Internet. In addition to any other Client Access Software requirements, Client must use version Edge, Firefox version 76, Chrome 60 or Safari (or more recent versions), in addition to having a .pdf reader installed on machines to view attachments.
- ***Training.*** Client shall allow Brycer at Client's facilities to train all applicable personnel of Client on the use of the Solution.
- ***Information.*** Client shall promptly provide Brycer with all appropriate information necessary for Brycer to create the database for the Solution, including without limitation: (a) all commercial building addresses within **[Carlsbad Fire Department]** for Brycer's initial upload; and (b) quarterly updates to in a format acceptable to Brycer in its discretion.
- ***Enforcement.*** Client shall take all actions necessary to require (e.g. resolution, ordinance, fire policy, code amendment) the use of the Solution by third party inspection companies.
- ***Reports.*** Client will require all compliant and deficient test results to be submitted.

5. **Ownership of Data.** Client owns all the data provided by Client and received from third party contractors for Client. Brycer shall maintain appropriate administrative, physical and technical safeguards for protection of the security, confidentiality and integrity of Client's data.

Please acknowledge your acceptance of this proposal and our standard Terms and Conditions by counter-signing this proposal below. We look forward to a long-term and mutually beneficial relationship with you.

Brycer, LLC

By: Matt B. B.
Its: President

Acknowledged and Agreed to this
___ day of _____, 20___:

[Carlsbad Fire Department]

By: _____
Its: _____

Exhibit A

Terms and Conditions

Any capitalized terms not defined in these Terms and Conditions shall have the meaning assigned to it in that certain Letter Agreement attached hereto by and between Brycer, LLC and Client (the "Agreement").

1. **Restrictions on Use.** Client shall not copy, distribute, create derivative works of or modify the Solution in any way. Client agrees that: (a) it shall only permit its officers and employees (collectively, the "Authorized Users") to use the Solution for the benefit of Client; (b) it shall use commercially reasonable efforts to prevent the unauthorized use or disclosure of the Solution; (c) it shall not sell, resell, rent or lease the Solution; (d) it shall not use the Solution to store or transmit infringing or otherwise unlawful or tortious material, or to store or transmit material in violation of third party rights; (e) it shall not interfere with or disrupt the integrity or performance of the Solution or third-party data contained therein; (f) it shall not reverse engineer, translate, disassemble, decompile or otherwise attempt to create any source code which is derived from the Solution (g) it shall not permit anyone other than the Authorized Users to view or use the Solution and any screen shots of the Solution and (h) it shall not disclose the features of the Solution to anyone other than the Authorized Users. Client is responsible for all actions taken by the Authorized Users in connection with the Solution.
2. **Proprietary Rights.** All right, title and interest in and to the Solution, the features of the Solution and images of the Solution as well as any and all derivative works or modifications thereof (the "Derivative Works"), and any accompanying documentation, manuals or other materials used or supplied under this Agreement or with respect to the Solution or Derivative Works (the "Documentation"), and any reproductions works made thereof, remain with Brycer. Client shall not remove any product identification or notices of such proprietary rights from the Solution. Client acknowledges and agrees that, except for the limited use rights established hereunder, Client has no right, title or interest in the Solution, the Derivative Works or the Documentation.
3. **Independent Contractor.** Nothing in the Agreement may be construed or interpreted as constituting either party hereto as the agent, principal, employee or joint venturer of the other. Each of Client and Brycer is an independent contractor. Neither may assume, either directly or indirectly, any liability of or for the other party. Neither party has the authority to bind or obligate the other party and neither party may represent that it has such authority.
4. **Reservation of Rights.** Brycer reserves the right, in its sole discretion and with prior notice to Client, to discontinue, add, adapt, or otherwise modify any design or specification of the Solution and/or Brycer's policies, procedures, and requirements specified or related hereto. All rights not expressly granted to Client are reserved to Brycer, including the right to provide all or any part of the Solution to other parties.
5. **Use of Logos.** During the term of this Agreement, Brycer shall have the right to use Client's logos for the purpose of providing the Solution to Client.
6. **Confidential Information.** Brycer and Client acknowledge and agree that in providing the Solution, Brycer and Client, as the case may be, may disclose to the other party certain confidential, proprietary trade secret information ("Confidential Information"). Confidential Information may include, but is not limited to, the Solution, computer programs, flowcharts, diagrams, manuals, schematics, development tools, specifications, design documents, marketing information, financial information or business plans. Each party agrees that it will not, without the express prior written consent of the other party, disclose any Confidential Information or any part thereof to any third party. Notwithstanding the foregoing, the parties acknowledge that Client and Brycer shall be permitted to comply with any all federal and state laws concerning disclosure provided that any such required disclosure will not include any of Brycer's screen shots. The disclosing party shall provide prior written notice of any required disclosure of the nondisclosing party's Confidential Information to the nondisclosing party and shall disclose only the information that is required to be disclosed by law. In the event that Client requests from Brycer any reports or other information for purposes of complying with federal and state disclosure laws, Brycer shall provide such information within five business day following such request. Confidential Information excludes information: (a) that is or becomes generally available to the public through no fault of the receiving party; (b) that is rightfully received by the receiving party from a third party without limitation as to its use; or (c) that is independently developed by receiving party without use of any Confidential Information. At the termination of this Agreement, each party will return the other party all Confidential Information of the other party. Each party also agrees that it shall not duplicate, translate, modify, copy, printout, disassemble, decompile or otherwise tamper with any Confidential Information of the other party or any firmware, circuit board or software provided therewith.
7. **Brycer Warranty.** Brycer represents and warrants to Client that Brycer has all rights necessary in and to any patent, copyright, trademark, service mark or other intellectual property right used in, or associated with, the Solution, and that Brycer is duly authorized to enter into this Agreement and provide the Solution to Client pursuant to this Agreement.
8. **Disclaimer.** All information entered into Brycer's database is produced by third party inspectors and their agents. **THEREFORE, BRYCER SPECIFICALLY DISCLAIMS ANY REPRESENTATION OR WARRANTY AS TO THE ACCURACY OR COMPLETENESS OF ANY INFORMATION ENTERED INTO BRYCER'S DATABASE BY EITHER CLIENT OR THIRD PARTY INSPECTORS. EXCEPT AS SET FORTH IN SECTION 7, BRYCER MAKES NO OTHER WARRANTY, EXPRESS OR IMPLIED, WITH RESPECT TO THE SOLUTION OR ANY OTHER INFORMATION AND ALL OTHER WARRANTIES, WHETHER EXPRESS OR IMPLIED, ARE HEREBY DISCLAIMED, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. BRYCER'S SOLE LIABILITY FOR BREACH OF THE REPRESENTATION AND WARRANTY SET FORTH IN SECTION 7, AND CLIENT'S SOLE REMEDY, SHALL BE THAT BRYCER SHALL INDEMNIFY AND HOLD RECIPIENT HARMLESS FROM AND AGAINST ANY LOSS, SUIT, DAMAGE, CLAIM OR DEFENSE ARISING OUT OF BREACH OF THE REPRESENTATION AND WARRANTY.**
9. **LIMITATION ON DAMAGES.** BRYCER SHALL ONLY BE LIABLE TO CLIENT FOR DIRECT DAMAGES PURSUANT TO THE AGREEMENT. EXCEPT AS OTHERWISE PROVIDED IN SECTION 7, IN NO EVENT SHALL BRYCER BE LIABLE FOR OR OBLIGATED IN ANY MANNER FOR SPECIAL, CONSEQUENTIAL, OR INDIRECT DAMAGES, INCLUDING, BUT NOT LIMITED TO, LOSS OF USE, LOSS OF PROFITS OR SYSTEM DOWNTIME. CLIENT ACKNOWLEDGES AND AGREES THAT IN NO CASE SHALL BRYCER'S LIABILITY FOR ANY LOSS OF DATA OR DATA INTEGRITY EXCEED THE REPLACEMENT COST OF THE MEDIA ON WHICH THE DATA WAS STORED.
10. **Risks Inherent to Internet.** Client acknowledges that: (a) the Internet is a worldwide network of computers, (b) communication on the Internet may not be secure, (c) the Internet is beyond the control of Brycer, and (d) Brycer does not own, operate or manage the Internet. Client also acknowledges that there are inherent risks associated with using the Solution, including but not limited to the risk of breach of security, the risk of exposure to computer viruses and the risk of interception, distortion, or loss of communications. Client assumes these risks knowingly and voluntarily releases Brycer from all liability from all

such risks. Not in limitation of the foregoing, Client hereby assumes the risk, and Brycer shall have no responsibility or liability of any kind hereunder, for: (1) errors in the Solution resulting from misuse, negligence, revision, modification, or improper use of all or any part of the Solution by any entity other than Brycer or its authorized representatives; (2) any version of the Solution other than the then-current unmodified version provided to Client; (3) Client's failure to timely or correctly install any updates to the Client Access Software; (4) problems caused by connecting or failure to connect to the Internet; (5) failure to provide and maintain the technical and connectivity configurations for the use and operation of the Solution that meet Brycer's recommended requirements; (6) nonconformities resulting from or problems to or caused by non-Brycer products or services; or (7) data or data input, output, accuracy, and suitability, which shall be deemed under Client's exclusive control.

11. **Indemnity.** Brycer (the "Indemnifying Party") will defend and indemnify Client against any damages, losses, liabilities, causes of action, costs or expenses arising from Brycer's breach of this Agreement, gross negligence or intentional misconduct. Client will defend and indemnify Brycer against any damages, losses, liabilities, costs or expenses (including reasonable attorneys' fees) arising from Client's breach of this Agreement, gross negligence or intentional misconduct. Client acknowledges that Brycer does not create any of the data and information included in the Solution and is not responsible for and does not assess or make any suggestions or recommendations with respect to any such data or information. Client will defend and indemnify Brycer against any damages, losses, liabilities, costs or expenses (including reasonable attorneys' fees), claims, demands, suits or proceedings made or brought against Brycer by a third party in connection with Client's or an Authorized User's use of the Solution, or any action or inaction taken by a third party, including, but not limited to, third party inspectors, in connection with such third party providing services for Client or otherwise at Client's or an Authorized User's request or direction.
12. **Breach.** Brycer shall have the right to terminate or suspend this Agreement, and all of Client's rights hereunder, immediately upon delivering written notice to Client detailing Client's breach of any provision of this Agreement. If Client cures such breach within 5 days of receiving written notice thereof, Brycer shall restore the Solution and Client shall pay any fees or costs incurred by Brycer in connection with the restoration of the Solution.
13. **Illegal Payments.** Client acknowledges and agrees that it has not received or been offered any illegal or improper bribe, kickback, payment, gift or anything of value from any employee or agent of Brycer in connection with the Agreement.
14. **Beneficiaries.** There are no third party beneficiaries to the Agreement.
15. **Force Majeure.** Neither party shall be responsible for any failure to perform due to unforeseen, non-commercial circumstances beyond its reasonable control, including but not limited to acts of God, war, riot, embargoes, acts of civil or military authorities, fire, floods, earthquakes, blackouts, accidents, or strikes. In the event of any such delay, any applicable period of time for action by said party may be deferred for a period of time equal to the time of such delay, except that a party's failure to make any payment when due hereunder shall not be so excused.
16. **Notices.** All notices required in the Agreement shall be effective: (a) if given personally, upon receipt; (b) if given by facsimile or electronic mail, when such notice is transmitted and confirmation of receipt obtained; (c) if mailed by certified mail, postage prepaid, to the last known address of each party, three business days after mailing; or (d) if delivered to a nationally recognized overnight courier service, one business day after delivery.
17. **JURISDICTION AND VENUE.** THE AGREEMENT SHALL BE GOVERNED BY, CONSTRUED AND INTERPRETED IN ACCORDANCE WITH, AND ENFORCEABLE UNDER, THE LAWS OF THE STATE IN WHICH CLIENT EXISTS APPLICABLE TO CONTRACTS MADE IN SUCH STATE AND THAT ARE TO BE WHOLLY PERFORMED IN SUCH STATE WITHOUT REFERENCE TO THE CHOICE-OF-LAW PRINCIPLES OF SUCH STATE. THE PARTIES IRREVOCABLY AGREE THAT ALL ACTIONS OR PROCEEDINGS IN ANY WAY, MANNER OR RESPECT ARISING OUT OF OR FROM OR RELATED TO THE AGREEMENT SHALL BE LITIGATED ONLY IN COURTS LOCATED WITHIN THE STATE IN WHICH CLIENT EXISTS. THE PARTIES HEREBY CONSENT AND SUBMIT TO THE EXCLUSIVE JURISDICTION OF ANY LOCAL, STATE OR FEDERAL COURT LOCATED WITHIN SAID STATE. THE PARTIES HEREBY WAIVE ANY RIGHTS THEY MAY HAVE TO TRANSFER OR CHANGE VENUE OF ANY SUCH ACTION OR PROCEEDING ARISING OUT OF OR RELATING TO THIS AGREEMENT. THE PARTIES WAIVE ANY RIGHT TO TRIAL BY JURY ON ANY ACTION OR PROCEEDING TO ENFORCE OR DEFEND ANY RIGHTS UNDER THE AGREEMENT, AND AGREE THAT ANY SUCH ACTION OR PROCEEDING SHALL BE TRIED BEFORE A COURT AND NOT BEFORE A JURY.
18. **Attorneys' Fees.** The prevailing party in any proceeding in connection with the Agreement shall be entitled to recover from the non-prevailing party all costs and expenses, including without limitation, reasonable attorneys' and paralegals' fees and costs incurred by such party in connection with any such proceeding.
19. **Entire Agreement.** The Agreement sets out the entire agreement between the parties relative to the subject matter hereof and supersedes all prior or contemporaneous agreements or representations, oral or written.
20. **Amendment.** The Agreement may not be altered or modified, except by written amendment which expressly refers to the Agreement and which is duly executed by authorized representatives of both parties. The waiver or failure by either party to exercise or enforce any right provided for in the Agreement shall not be deemed a waiver of any further right under the Agreement. Any provision of the Agreement held to be invalid under applicable law shall not render the Agreement invalid as a whole, and in such an event, such provision shall be interpreted so as to best accomplish the intent of the parties within the limits of applicable law. The Agreement may be executed by facsimile and in counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.
21. **Expiration.** The rights and obligations contained in these Terms and Conditions shall survive any expiration or termination of the Agreement.

Exhibit B

Maintenance Schedule and Minimum Service Levels

1. **Uptime and Maintenance.**

The Solution shall be available 24 hours per day during the term of this Agreement. The Solution shall be fully functional, timely and accessible by Client at least 99.5% of the time or better and Brycer shall use reasonable efforts to provide Client with advance notice of any unscheduled downtime.

2. **Response Time.**

Brycer shall respond to telephone calls from Client within two hours of the call and/or message and all emails from Client within two hours of the receipt of the email.

3. **Customer Support**

Customer support hours are 24/7/365. The number is 630-413-9511

Brycer will assign client a dedicated customer representative with direct access to their email and work number.

CITY OF CARLSBAD
AGENDA BRIEFING MEMORANDUM

Council Meeting Date: 03/12/2024

DEPARTMENT: Carlsbad Police Department	By:  Shane Skinner – Chief of Police	DATE: 02/22/2024											
SUBJECT: FY 2024 E-911 Grant Agreement Amendment													
BACKGROUND, ANALYSIS AND IMPACT: (Safety and Welfare/Financial/Personnel/Infrastructure/etc.) This Grant Agreement is with the NM Department of Finance and Administration, Local Government Division for the Enhanced 911 Act. The 911 telephone emergency system is necessary to expand the benefits of the basic 911 emergency telephone number to achieve a faster response time which minimizes the loss of life and property. The State Board of Finance awarded the City of Carlsbad \$181,951 for the FY2023-FY2024. Fiscal Year 2024 (FY24) E-911 Grant funding Amendments regarding the transition and connection of your call handling equipment to the ESInet and NGS router. The State Board of Finance awarded the Grantee an additional \$14,684 for enhanced 911 services and equipment for CHE upgrades and ESInet migration. The amended FY24 operating budget no longer includes recurring costs for the ESInet and NGCS as these costs won't be incurred until FY25, resulting in an overall decrease of -\$24,299 grant assistance awarded. I would request that the governing body give authorization for the Mayor or his designee to sign the grant agreement amendment.													
DEPARTMENT RECOMMENDATION: I recommend the City of Carlsbad approve the E-911 FY24 Grant Agreement Amendment.													
BOARD/COMMISSION/COMMITTEE ACTION: <table style="width: 100%; border: none;"><tr><td><input type="checkbox"/> P & Z</td><td><input type="checkbox"/> Lodgers Tax Board</td><td><input type="checkbox"/> Cemetery Board</td><td rowspan="2" style="vertical-align: middle;">} <input type="checkbox"/> APPROVED</td></tr><tr><td><input type="checkbox"/> Museum Board</td><td><input type="checkbox"/> San Jose Board</td><td><input type="checkbox"/> Water Board</td></tr><tr><td><input type="checkbox"/> Library Board</td><td><input type="checkbox"/> N. Mesa Board</td><td><input type="checkbox"/> _____ Committee</td><td>} <input type="checkbox"/> DISAPPROVED</td></tr></table>			<input type="checkbox"/> P & Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	} <input type="checkbox"/> APPROVED	<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> _____ Committee	} <input type="checkbox"/> DISAPPROVED
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<table style="width: 100%; border: none;"><tr><td style="width: 60%;">Reviewed by: Interim City Administrator: /s/Wendy Austin</td><td style="width: 40%;">Date: 03/07/2024</td></tr></table>			Reviewed by: Interim City Administrator: /s/Wendy Austin	Date: 03/07/2024									
Reviewed by: Interim City Administrator: /s/Wendy Austin	Date: 03/07/2024												

ATTACHMENT(S): FY24 E-911 Grant
Amendment 1 (Project No. 24-E-28)

STATE OF NEW MEXICO
DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION
ENHANCED 911 ACT GRANT PROGRAM

GRANT AMENDMENT 1

Project No. 24-E-28

THIS GRANT AMENDMENT, hereinafter referred to as the “Amendment”, is made and entered into by and between the Department of Finance and Administration (DFA) acting through the Local Government Division, Bataan Memorial Building, Suite 202, Santa Fe, New Mexico 87501, hereinafter called the “**Division**”, and the **City of Carlsbad**, hereinafter called the “**Grantee**”, and collectively referred to as the “**Parties**”, as of the date this Amendment is executed by the Division.

WHEREAS, The Parties entered into a grant agreement, effective July 1, 2023 for an award of grant assistance to the Grantee in the amount of **\$181,951** for enhanced 911 services and equipment.

WHEREAS, on January 18, 2024, the State Board of Finance awarded the Grantee an additional **\$14,684** for enhanced 911 services and equipment for CHE upgrades and ESInet migration. The amended FY24 operating budget no longer includes recurring costs for the ESInet and NGCS as these costs won't be incurred until FY25, resulting in an overall decrease of **-\$24,299** grant assistance awarded.

WHEREAS, the Grantee and the Division desire to memorialize through this Amendment the terms and conditions upon which the Grant Agreement, as amended, will be administered.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and obligations contained herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. The “Exhibit C” of the Grant Agreement is hereby replaced in its entirety with “Exhibit C” attached hereto.
2. All other provisions of the Grant Agreement not amended herein remain in full force and effect.

IN WITNESS WHEREOF, the Grantee and the Division do hereby execute this Grant Agreement.

THIS AMENDMENT has been approved by:

GRANTEE

Authorized Signatory

Date

(Printed Name)

(Title, Organization)

DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION

By: _____
Wesley Billingsley, Local Government Division Director

Date

New Mexico E-911 Program Grant

Exhibit C

Local Government Division

Department of Finance and Administration

Grantee:	City of Carlsbad	Grant Award:	157,652
Address:	602 W. Mermod Carlsbad, New Mexico 88220	Project Number:	24-E-28
Telephone:	(575) 885-2111 ext 233	Grant Period:	July 1, 2023 - June 30, 2024
Number of Funded PSAP Positions:		7	

Budget Line Items	Total Budgeted Amount
Capital	
E-911 Equipment Upgrades	14,684
NextGen 9-1-1 ESInet & NGCS	43,752
Dispatch Software	
Recorder	
UPS/Generator	
Capital Subtotal	58,436
Recurring Network/Managed Services	
E-911 Voice Network	35,142
Data Network	1,500
NextGen 9-1-1 ESInet	
NextGen 9-1-1 NGCS	
Wireless Cost Recovery	-
Recurring Network/Circuit Subtotal	36,642
Recurring Maintenance	
System Maintenance	41,684
Recurring Maintenance Subtotal	41,684
Services/Training	
911 Related Training	-
911 Related GIS	2,000
911 Consulting Services	6,261
GIS Consulting Services	11,629
Interpretive Services	1,000
Minor Equipment	-
Services/Training Subtotal	20,890
TOTAL	157,652

2023 ANNUAL REPORT

CARLSBAD FIRE DEPARTMENT



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MESSAGE FROM THE FIRE CHIEF



Fire Chief Ahrens

It is my pleasure to present the Carlsbad Fire Department's Annual Report for 2023. The information inside will provide you with history, activities, and statistical information on incident response and other department data.

The dedicated men and women of this department responded to 6,281 incidents in 2023, an increase of 839 calls for service from 2022. Carlsbad Firefighters responded to all types of emergencies; including building fires, wildland fires, medical emergencies, vehicle accidents, hazardous materials incidents, and technical rescues from both flood waters and cliff sides.

In 2023, training new firefighters and preparing current personnel for promotion was a top priority, as we continue to recover from multiple retirements of senior staff members over the last few years. This includes Fire Chief Rick Lopez, who retired at the end of 2022 after 20 years of service, ten of them as the Fire Chief. During his tenure, Chief Lopez added 15 firefighter positions to the department, built one new fire station and remodeled / expanded another, and completely renovated our fire and EMS fleet with new fire trucks and ambulances. These changes enhanced the safety of our firefighters and the community, and put us in a position to succeed for many years.

Even though the COVID-19 pandemic is officially over, we are still encountering COVID patients, as well as treating and transporting critically ill patients suffering from other infections, such as influenza and respiratory syncytial virus (RSV). Additionally, we are still suffering from supply chain issues, price increases, and extended build times for new response vehicles.

As always, Carlsbad Fire Department continually looks for ways to positively impact this community every day. Whether it is by saving lives on emergency responses, teaching fire and life safety classes, increasing our involvement in the schools and public events, or simply by helping a stranded motorist, we are here 24/7 to serve the residents and visitors of Carlsbad. Your firefighters are true professionals and live by our motto of "Be nice. Take care of people."

As Fire Chief, it is a pleasure and honor leading this great department. I would like to thank all of our members and their families for their continuous dedication and commitment to each other, this department, and our city.

Thank you for taking the time to read this annual report and learn about your fire department.

ADMINISTRATION

City of Carlsbad

Mayor
Dale Janway

City Council

Lisa Anaya-Florez	Ward 1	Karla Niemeier	Ward 3
Edward Rodriguez	Ward 1	Judith Waters	Ward 3
JJ Chavez	Ward 2	Wesley Carter	Ward 4
Jeff Forrest	Ward 2	Mark Waltersheid	Ward 4

City Administrator
John Lowe

Deputy City Administrator
K.C. Cass

Fire Department

Fire Chief
Kenneth Ahrens

Assistant Fire Chief
John Majerus

EMS Chief
Tony Souza

Maintenance Supervisor
Ernie Dominguez

Executive Assistant
Alysha Vasquez

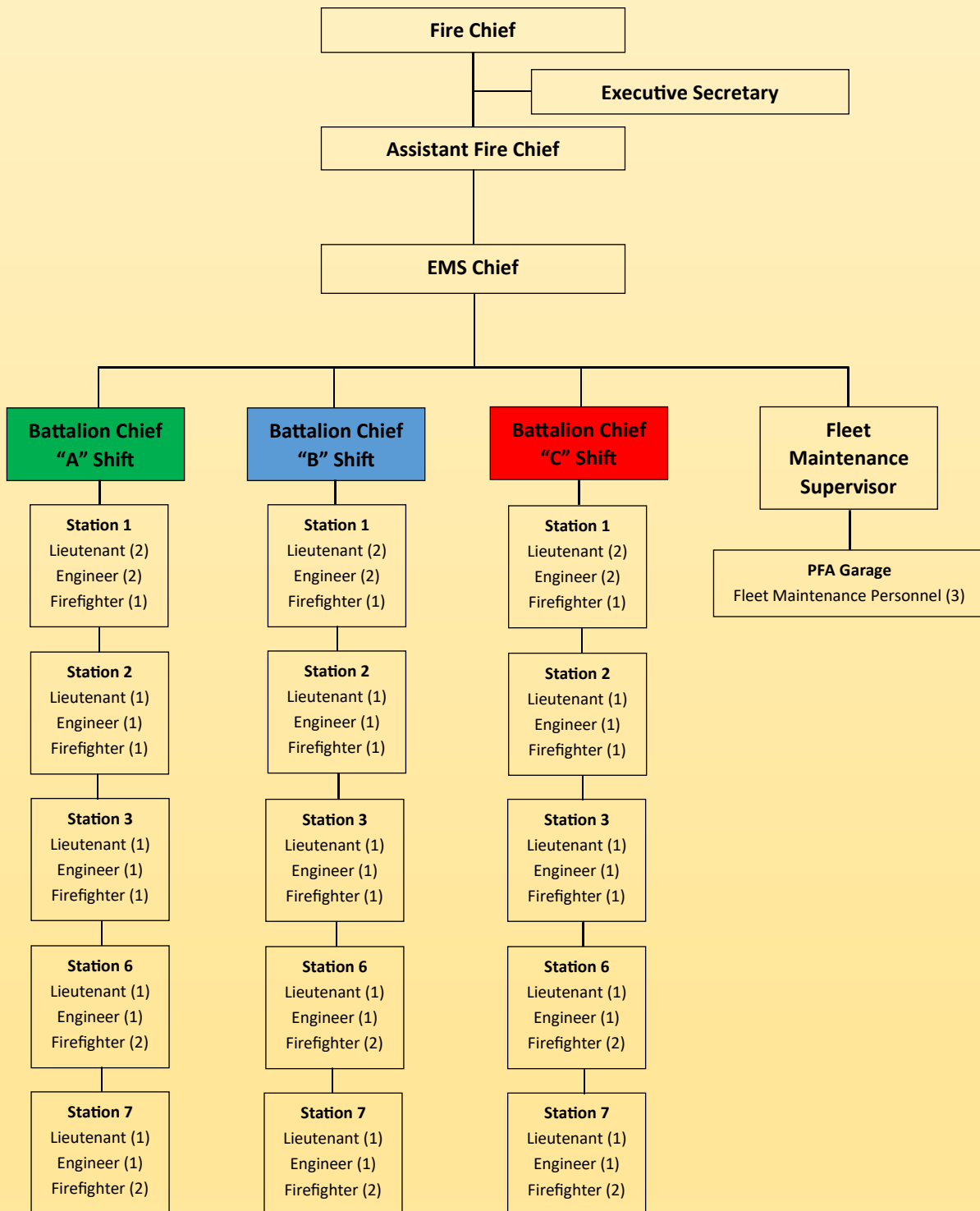
MISSION STATEMENT

The Carlsbad Fire Department is committed to preserving and protecting the lives and property of our community through **prevention, preparedness, and effective emergency response.**



“Be nice. Take care of people.”

2023 ORGANIZATIONAL CHART



Fire Dept. Administration.....401 S. Halagueno St.

Fire Station 1.....409 S. Halagueno St.

Fire Station 2.....2415 W. Church St.

Fire Station 3.....1028 N. Halagueno St.

Fire Station 5.....720 Park Dr.

Fire Station 6.....1400 Redline Dr.

Fire Station 7.....304 W. Wood St.

PFA Garage.....501 S. Alameda St.

FIRE DEPARTMENT PERSONNEL

December 31, 2023

NAME	RANK	EMT LICENSURE LEVEL	DATE OF HIRE
Ahrens, Kenneth	Fire Chief	Paramedic	06/14/2010
Majerus, John	Assistant Chief	EMT Intermediate	09/20/2010
Souza, Tony	EMS Chief	Paramedic	07/01/2019
Vasquez, Alysha	Executive Secretary	Not Applicable	07/01/2019
Moreno, Mark	Battalion Chief	Paramedic	09/29/2003
Yturralde, Larry	Battalion Chief	EMT Intermediate	03/27/2006
Luna, Alexander	Battalion Chief	Paramedic	01/29/2007
-----	-----	-----	-----
Carlsen, Bradley	Lieutenant	Paramedic	01/29/2007
Riddle, John	Lieutenant	EMT Intermediate	01/29/2007
Rusk, Christopher	Lieutenant	Paramedic	02/02/2007
Jaquez, Gerard	Lieutenant	EMT Intermediate	09/10/2007
Ramos, Sergio	Lieutenant	EMT Intermediate	10/29/2007
Flores, Eric	Lieutenant	Paramedic	10/30/2007
Marrs, Cody	Lieutenant	EMT Intermediate	11/03/2008
Ruiz, Andres	Lieutenant	EMT Intermediate	11/03/2008
Trujillo, Michael	Lieutenant	Paramedic	01/31/2011
Vannatter, Todd	Lieutenant	EMT Intermediate	01/31/2011
Collins, Casey	Lieutenant	Paramedic	02/06/2012
Campos, Jose	Lieutenant	EMT Intermediate	10/02/2012
Bishop, Travis	Lieutenant	EMT Intermediate	11/11/2013
Ramirez, Richard	Lieutenant	Paramedic	08/11/2014

FIRE DEPARTMENT PERSONNEL

December 31, 2023, continued...

NAME	RANK	EMT LICENSURE LEVEL	DATE OF HIRE
Johnson, Mark	Lieutenant	Paramedic	08/11/2014
Dorado, Jacob	Lieutenant	Paramedic	08/11/2014
Munoz, Dylan	Lieutenant	EMT Intermediate	02/02/2015
Henson, Brad	Lieutenant	EMT Intermediate	01/04/2016

Shell, Caleb	Engineer	EMT Intermediate	08/11/2014
Vasquez, Louis	Engineer	EMT Intermediate	05/11/2015
Lee, Brandon	Engineer	Paramedic	08/31/2015
White, Matthew	Engineer	EMT Intermediate	08/31/2015
Wootton, Bradley	Engineer	EMT Intermediate	06/27/2016
Headrick, Burke	Engineer	Paramedic	07/24/2017
Winfield, Leslie	Engineer	Paramedic	07/16/2018
Castillo, Robert	Engineer	EMT Intermediate	10/15/2018
Trujillo, Mathew	Engineer	EMT Intermediate	10/15/2018
Smith, Zachary	Engineer	EMT Intermediate	06/13/2018
Salazar, Lonnie	Engineer	Paramedic	09/10/2018
Soto III, Samuel	Engineer	EMT Intermediate	07/16/2018
Campbell, Zadoc	Engineer	Paramedic	06/15/2020
Briceno, Anthony	Engineer	Paramedic	08/12/2019
Roberts, Micah	Engineer	EMT Intermediate	04/01/2019
Capps, Ryan	Engineer	EMT Intermediate	01/03/2022

FIRE DEPARTMENT PERSONNEL

December 31, 2023, continued...

NAME	RANK	EMT LICENSURE LEVEL	DATE OF HIRE
Houser, Joseph	Firefighter	Paramedic	06/15/2020
Pifer, Zachary	Firefighter	EMT Intermediate	02/01/2022
Wheeler, Kirby	Firefighter	EMT Intermediate	06/28/2021
Delfin, Andy	Firefighter	EMT Intermediate	06/28/2021
Melendez, Xavier	Firefighter	EMT Intermediate	02/28/2022
Blue, Ryan	Firefighter	EMT Intermediate	07/18/2022

Aguilar, Daniel	Rookie Firefighter	EMT Intermediate	02/28/2022
Rodriguez, Cristian	Rookie Firefighter	EMT Intermediate	05/09/2022
Linker, Austin	Rookie Firefighter	EMT Intermediate	05/09/2022
Campbell, Joshua	Rookie Firefighter	EMT Intermediate	07/18/2022
Hernandez, Eric	Rookie Firefighter	EMT Intermediate	10/03/2022
Kupkufske, William	Rookie Firefighter	EMT Intermediate	10/03/2022
Mireles, Kaden	Rookie Firefighter	EMT Intermediate	10/03/2022
Daniel, Joshua	Rookie Firefighter	EMT Basic	09/04/2023
Hinojos, Matthew	Rookie Firefighter	EMT Basic	09/04/2023
Heredia, Sebastian	Rookie Firefighter	EMT Basic	09/04/2023
Barreras, Aragorn	Rookie Firefighter	EMT Basic	09/04/2023
Juarez, Raul	Rookie Firefighter	EMT Basic	09/04/2023
Florez, Joseph	Rookie Firefighter	EMT Basic	11/27/2023
Cantrell, Leslie	Rookie Firefighter	None	11/27/2023
Rodriguez, Johnathan	Rookie Firefighter	None	11/27/2023

FIRE DEPARTMENT PERSONNEL

2023

PROMOTIONS

NAME	RANK ACHIEVED	EFFECTIVE DATE
Kenneth Ahrens	Fire Chief	January 1, 2023
John Majerus	Assistant Chief	January 9, 2023
Mark Johnson	Lieutenant	January 19, 2023
Zadoc Campbell	Engineer	January 19, 2023
Xavier Melendez	Firefighter	May 1, 2023
Munoz, Dylan	Lieutenant	July 24, 2023
Larry Yturralde	Battalion Chief	July 30, 2023
Brad Henson	Lieutenant	July 30, 2023
Jacob Dorado	Lieutenant	August 3, 2023
Anthony Briceno	Engineer	August 3, 2023
Micah Roberts	Engineer	August 3, 2023
Ryan Capps	Engineer	August 3, 2023
Ryan Blue	Firefighter	November 28, 2023

APPOINTEES

Joshua Daniel	Matthew Hinojos	Sebastian Heredia
Aragorn Barreras	Raul Juarez	Joseph Florez
Leslie Cantrell	Johnathan Rodriguez	

RESIGNATIONS

Michael Hensley	Robert Trautner	Garret Aldaz
David McDougall	Josh Dorado	Camden Petrie
Bryan Cabriaes		

RETIREMENTS

Scott Maxwell, Battalion Chief

APPARATUS REPORT

VEHICLE	DESCRIPTION
Ambulances	
Ambulance 402	2018 Ford F550 AEV Type I
Ambulance 403	2017 Ford F450 AEV Type I
Ambulance 404	2019 Ford F550 AEV Type I
Ambulance 405	2017 Ford F450 AEV Type I
Ambulance 40	2011 Dodge 4500 AEV Type I
Ambulance 408	2015 Ford F450 AEV Type I
Ambulance 409	2020 Ford F550 Road Rescue Type I
Ambulance 410	2023 Ford F550 AEV Type I
Fire Engines	
Engine 1	2012 Pierce Pumper
Engine 3	2022 Pierce Pumper
Engine 6	2015 Pierce Rescue Pumper
Engine 7	2015 Pierce Rescue Pumper
Engine 61	2013 Ford F550 BME Type 6 Wildland Pumper
Engine 62	2017 Ford F550 BME Type 6 Wildland Pumper
Airport 6	2000 Oshkosh Aircraft Firefighting Pumper
Airport 66	2016 Rosenbauer Aircraft Firefighting Pumper
Reserve Engine 1	2005 Pierce Pumper
Reserve Engine 2	1994 Pierce Pumper



APPARATUS REPORT

continued...

VEHICLE

DESCRIPTION

Aerial Apparatus

Ladder 1 2005 Pierce 105' Ladder Truck

Ladder 2 2015 Pierce 107' Ladder Truck

Specialized Apparatus

Rescue 1 2009 Pierce Contender Dive Rescue Truck

Heavy Rescue 1 2022 Pierce Velocity Rescue/Extrication Truck

Rescue 6 2019 Ford F550 Wildland REM Truck

Rescue 11 2014 Ford F350 Technical Rescue Truck

Dive 1 2011 Carolina Skiff River Patrol Boat

Dive 2 2005 SeaArk River Patrol Boat

UT-1 2018 Kawasaki Mule UTV

UT-2 2019 Kawasaki Mule UTV

UT-3 2021 Polaris Ranger UTV

F-3 2014 F150 Fire Investigation Truck

F-7 2016 Chevrolet Tahoe Incident Command Truck

F-0 1928 Seagraves Pumper (Parade Truck)

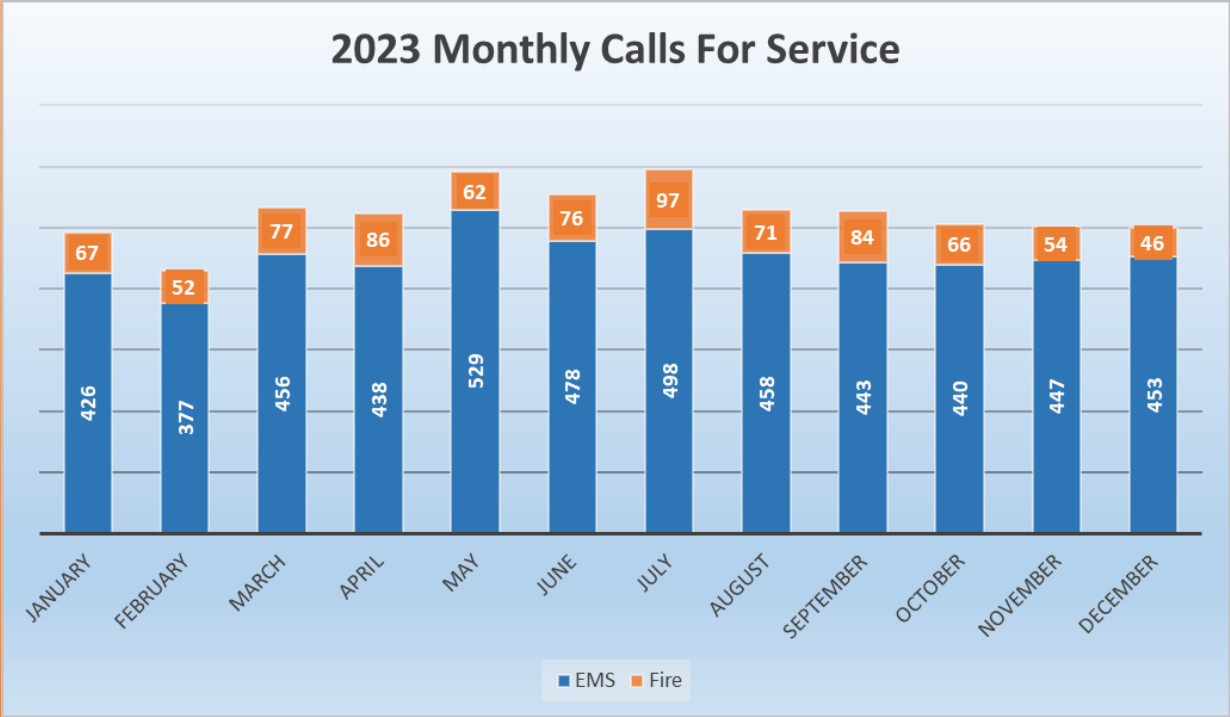
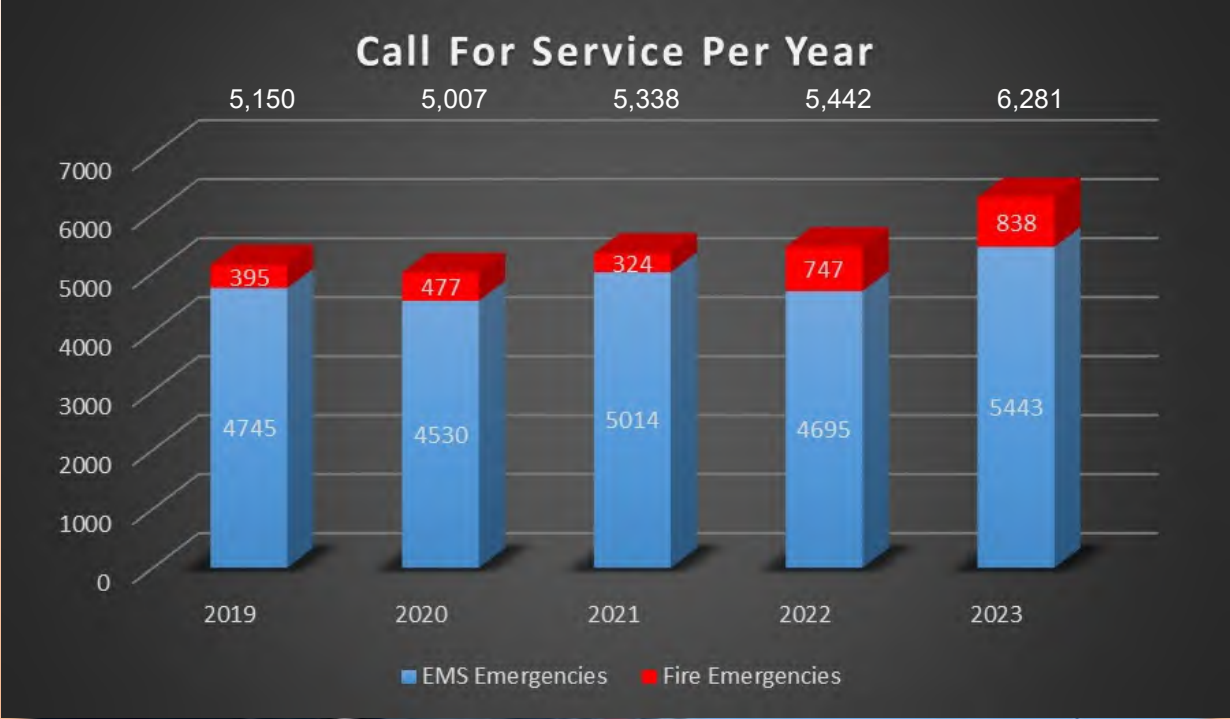


EMERGENCY RESPONSE REPORT

2023

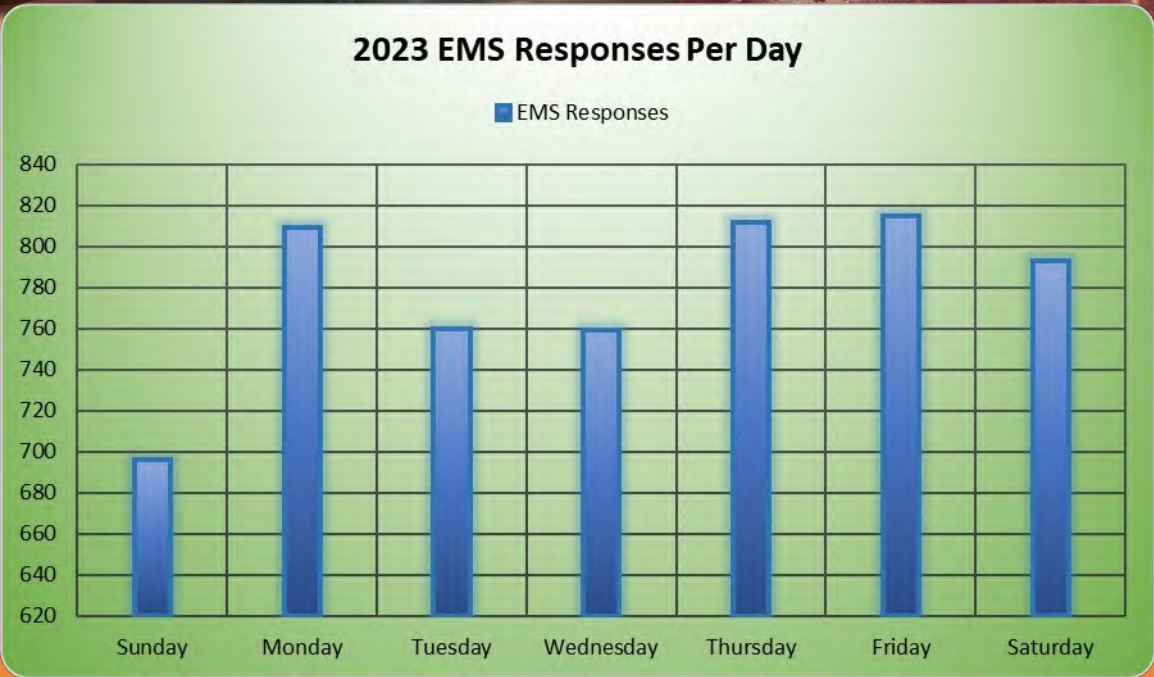
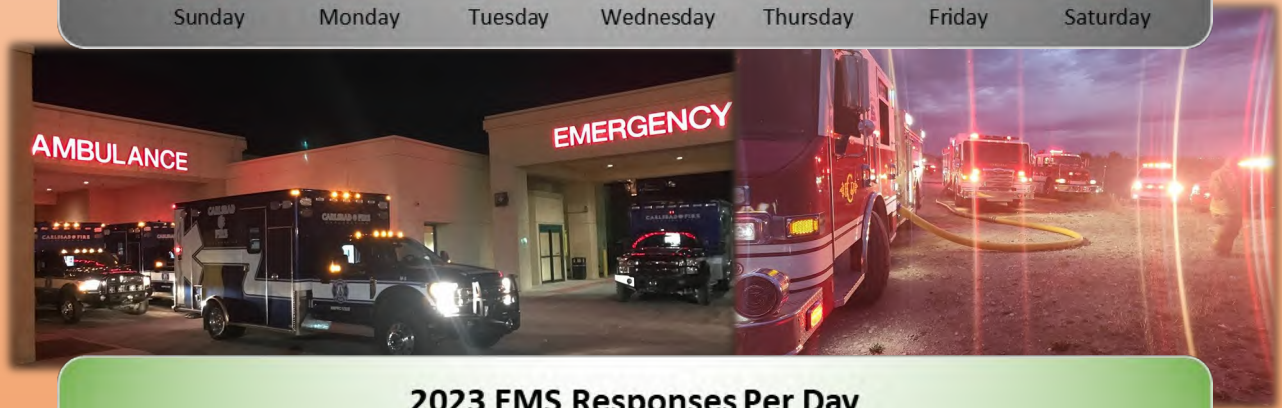
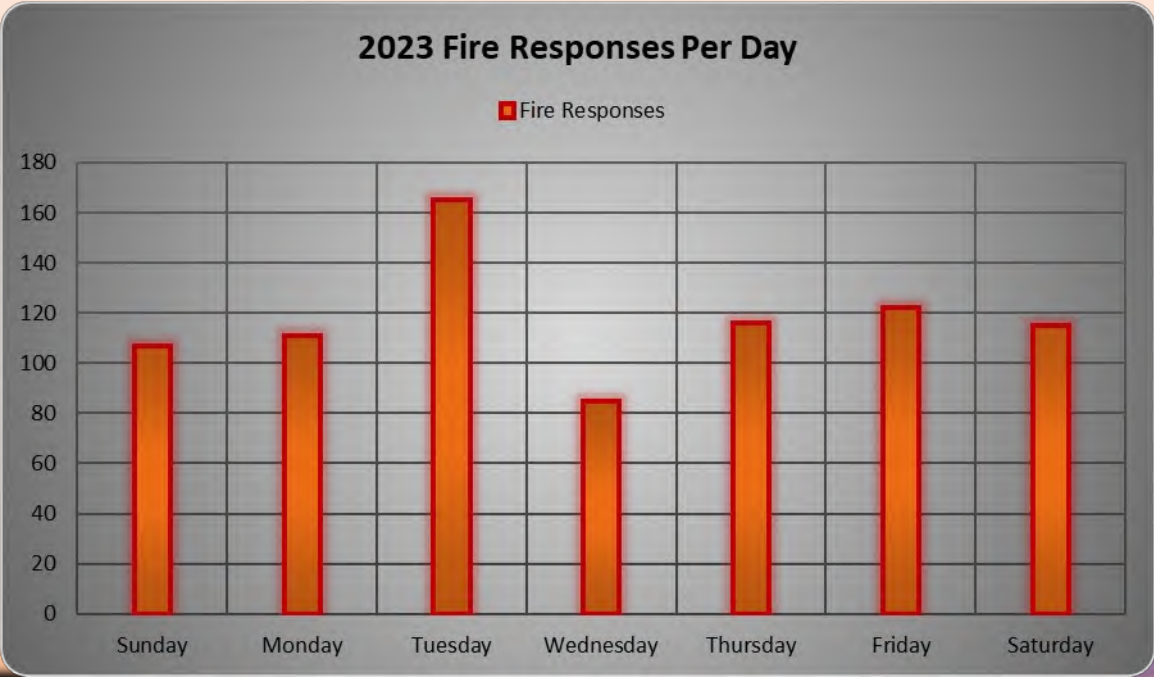


CALLS FOR SERVICE



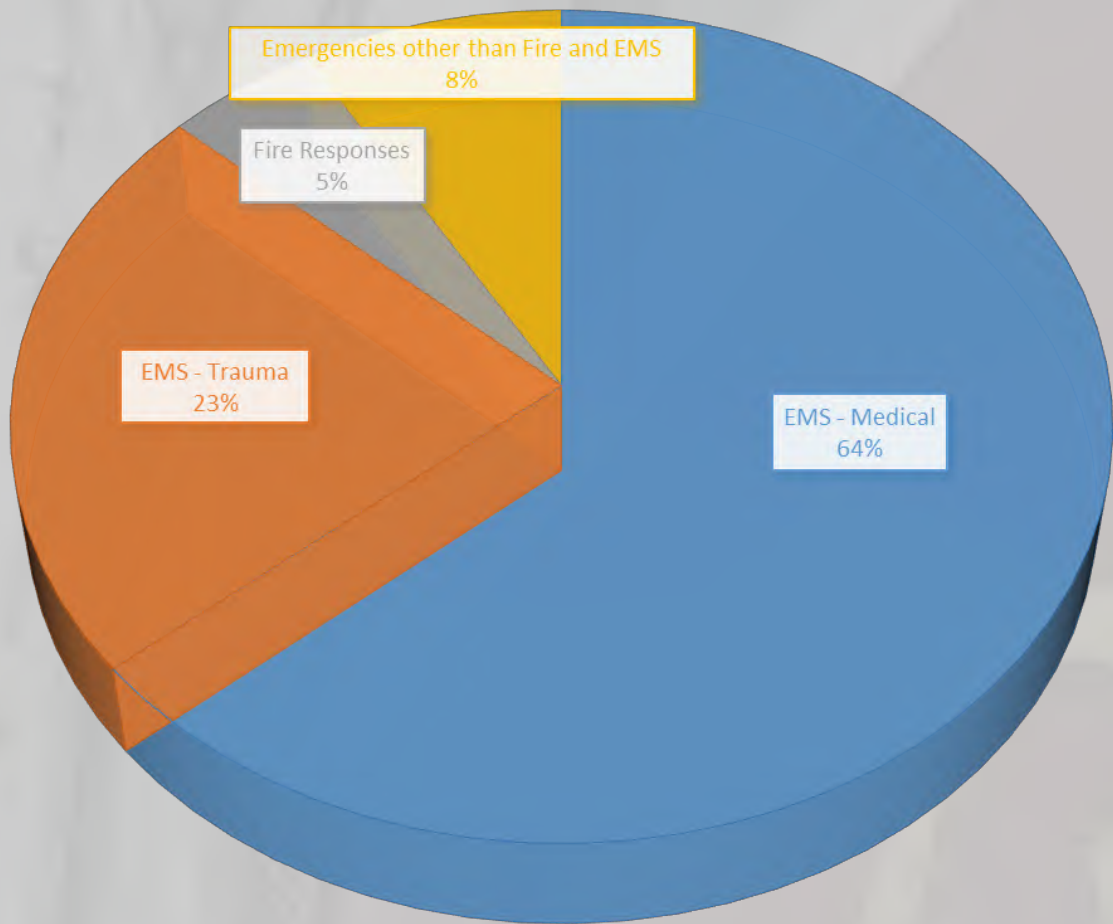
CALLS FOR SERVICE

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INCIDENT DATA

INCIDENT TYPES - 2023



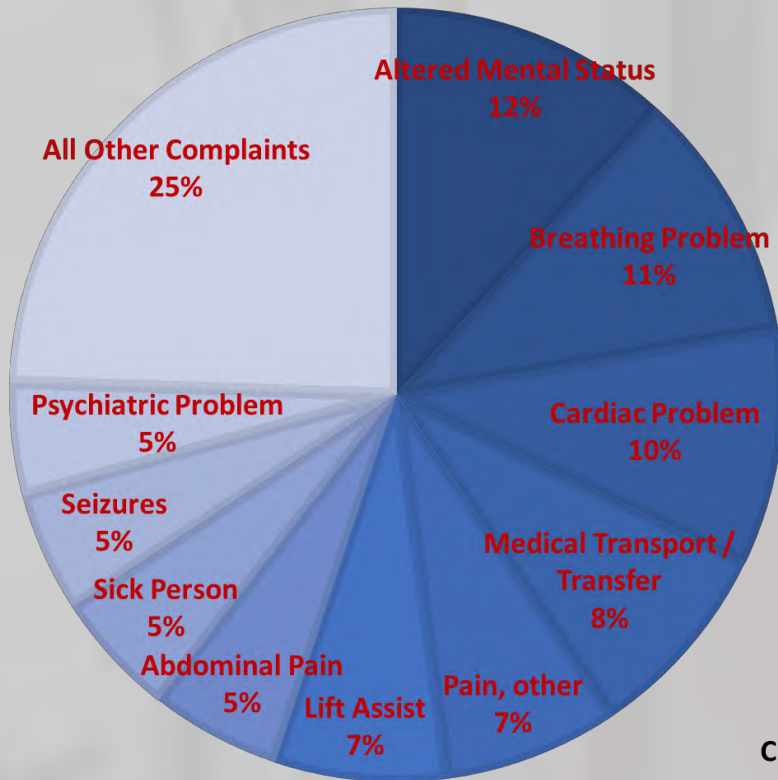
MOST COMMON EMERGENCY PER INCIDENT TYPE

EMS - MEDICAL	EMS - TRAUMA	FIRE RESPONSES	EMERGENCIES OTHER THAN FIRE AND EMS
<div>•ALTERED MENTAL STATUS</div> <div>•472 RESPONSES</div>	<div>•MOTOR VEHICLE ACCIDENT</div> <div>•636 RESPONSES</div>	<div>•FIRE, OTHER</div> <div>•60 RESPONSES</div>	<div>•DISPATCHED AND CANCELLED ENROUTE</div> <div>•188 RESPONSES</div>

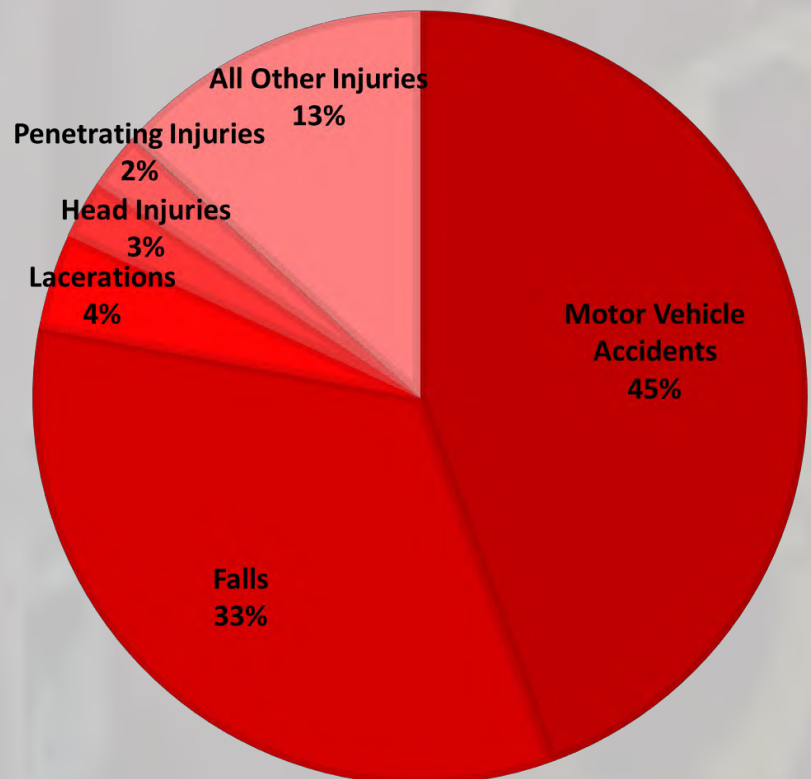
INCIDENT DATA

2023 EMS RESPONSES

CHIEF COMPLAINT - MEDICAL

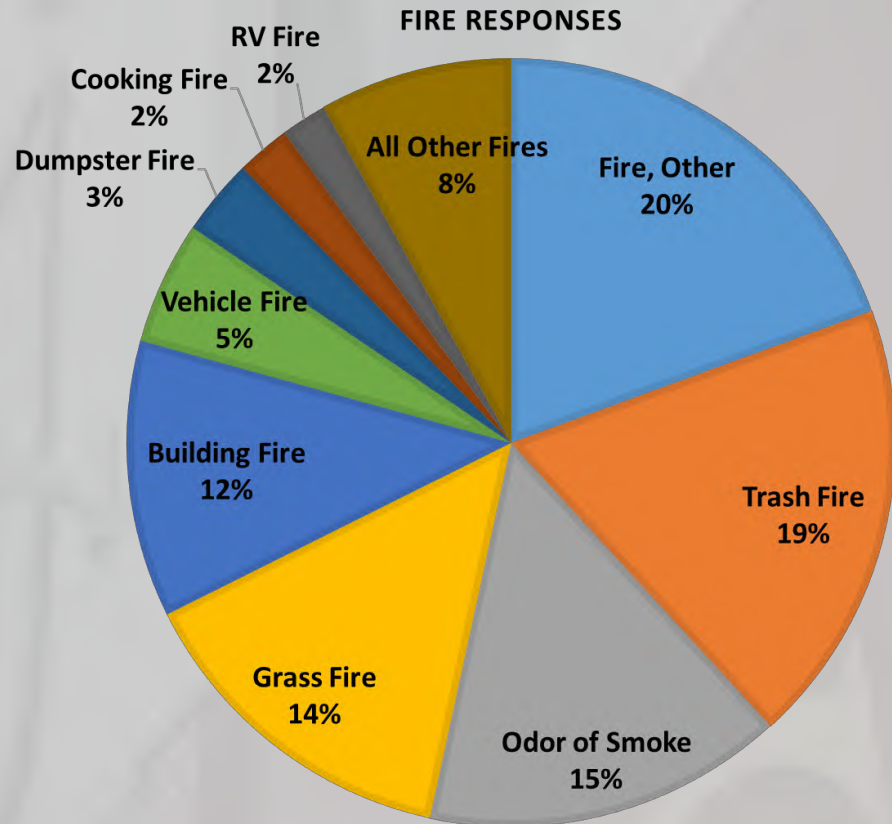


CHIEF COMPLAINT - TRAUMA

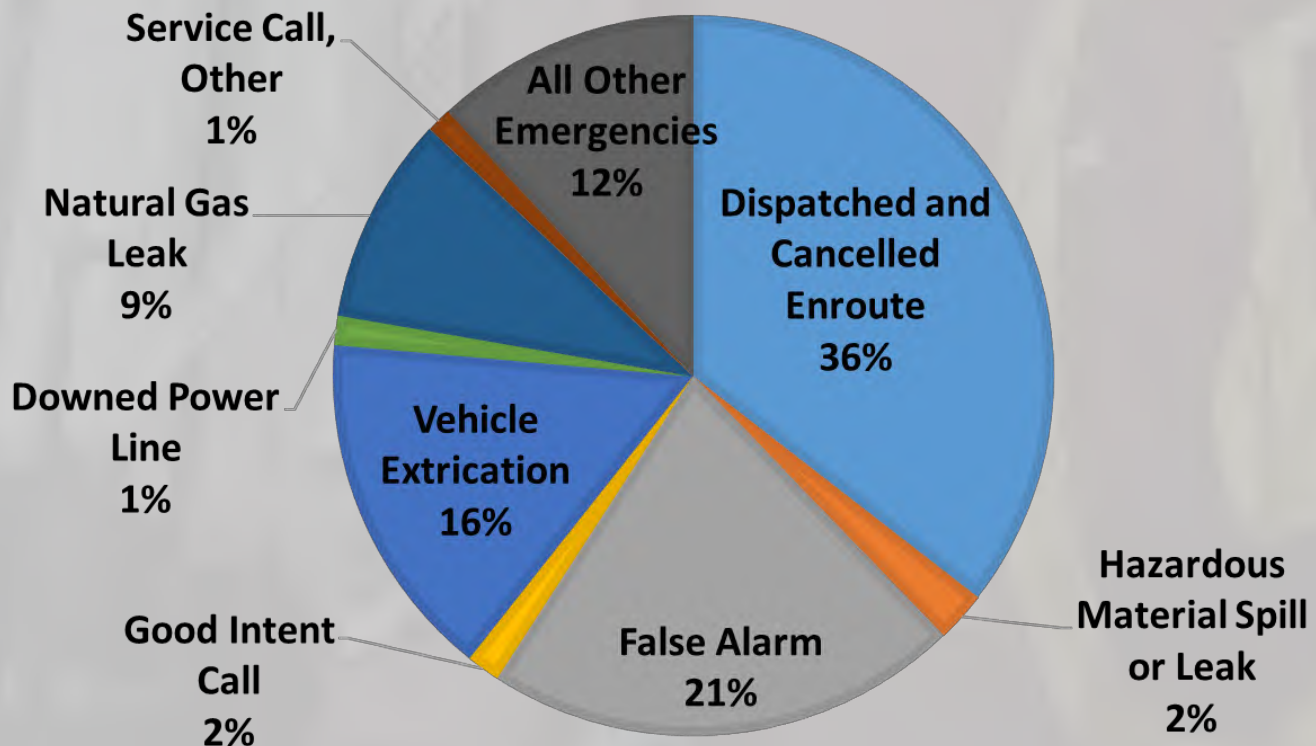


INCIDENT DATA

2023 FIRE RESPONSES



NON-FIRE, NON-EMS RESPONSES



DEPARTMENT TRAINING

Fire Department members train constantly throughout their careers, always working to improve their ability to safely deliver the most effective and efficient service to our citizens and community. At a minimum, every member is certified in Hazardous Materials & Operations and Firefighter I & II through the New Mexico Firefighter's Training Academy, and is a Nationally registered and New Mexico licensed EMT - Intermediate. Engineers conduct additional training on driving and operating fire engines, ladder trucks, and specialty vehicles. Officers receive additional training in Incident Command, employee supervision, and resource management. And many members of all ranks have completed additional EMS training and become licensed Paramedics.

Members also conduct regular training in a variety of specialty skills, including hazardous materials mitigation, wildland firefighting, aircraft rescue & firefighting, high-angle rope rescue, swift water rescue, dive operations, and peer support and critical incident stress management. Training conducted in 2023 is listed below.

Training Type	Staff Hours
Firefighting	3,031
Emergency Medical Skills	6,723
Fire Apparatus Driving & Operating	241
Officer/Supervisor	888
Wildland Firefighting	126
Aircraft Firefighting	833
Hazardous Materials Response	260
Technical Rescue	170
Dive Rescue	12
Critical Incident Stress Management, Peer Support	486
2023 Total Training Hours	12,770

MAJOR ACTIVITIES & ACCOMPLISHMENTS

2023

- **March 11**—Carlsbad Fire Department members participated in the Red Cross smoke alarm program, installing smoke alarms in homes all over the City. This program was conducted in co-operation with Eddy County Fire & Rescue, Lowe's Home Improvement Store, and the Red Cross.
- **April 19**—At Carlsbad High School's first annual Occupation Day, Carlsbad Firefighters explained the day-to-day life of a firefighter to students, and gave them a chance to see our vehicles, equipment, and personal protective clothing.
- **April 28**—Carlsbad Fire Department placed its newest fire engine into service. This 2022 Pierce Saber pumper responds out of Fire Station 3 to emergency incidents on the north side of Carlsbad.
- **April 29**—The largest incident of the year, a rescue of a hiker trapped on a cliff side of El Capitan Peak in Guadalupe National Park, was successfully conducted.
- **May 2**—Carlsbad ambulance #410 was placed into service at Fire Station 3. This ambulance is a remount; the rear patient treatment box was removed from an older Carlsbad ambulance and refurbished, then mounted to a new truck frame.
- **June 2**—Carlsbad Firefighters Richie Ramirez, Jesse Ramirez, and Anthony Briceno were recognized by Trans Aero Medevac Service and University Medical Center—El Paso for their excellent response and medical treatment of a person who suffered a medical emergency underground at Carlsbad Caverns National Park.
- **July 4**—Performing river patrol duties at Lake Carlsbad and providing medical care throughout the Beach area, Carlsbad firefighters helped ensure another safe 4th of July in Carlsbad.
- **September 21**—After a dedication and blessing ceremony, the Safe Haven baby surrender box was put into service. Located at the Fire Department Administrative Building, 401 S. Halagueno St., this baby box allows for the safe, legal, and anonymous surrender of babies younger than 90 days to Fire Department personnel, who will ensure that any needed medical care is given and contact the appropriate agencies to take custody of the child.
- **October 2**—After several days of heavy rain in the area, Carlsbad Fire Department's Swift Water Rescue Team had a busy night rescuing a total of 4 victims at three separate incidents when vehicles were swept off of flooded roads. This included one incident in which a vehicle at the intersection of Boyd and Radio was struck by an empty boat that had been carried off of its owner's property by the rising waters.
- **December 6**—Engineer Brandon Lee was named Carlsbad's First Responder of the Year at the annual Caveman Strong event, held at Southeast New Mexico Community College.

LARGEST INCIDENT OF THE YEAR

2023



Eng. Brandon Lee

El Capitan, Texas



BC Scott Maxwell

On the evening of Saturday, April 29th, Eddy County Fire & Rescue and Guadalupe National Park in Texas contacted Carlsbad Fire Department, requesting personnel to aid in rescuing a hiker who was stranded halfway up an approximately 1000' tall cliff at El Capitan Peak. Two of Carlsbad Fire Department's Technical Rescue Technicians that responded were Battalion Chief Scott Maxwell and Engineer Brandon Lee. Upon arriving at the staging area, BC Maxwell helped organize personnel and resources that were either on scene or enroute from Eddy County Fire & Rescue, Guadalupe National Park, Texas Department of Public Safety, Carlsbad Fire Department, and the US Army. When helicopters from Fort Bliss arrived on scene later that night, BC Maxwell, Eng. Lee, and a rope rescue technician from Eddy County Fire & Rescue were the three rescuers chosen to be airlifted to the top of the peak.

From the top of El Capitan, BC Maxwell, in radio contact with aircraft circling overhead, was able to lead the rescue team, in the dark, to a location above the stranded hiker. From there, Eng. Lee was able to rappel down the face of the cliff and safely secure the hiker to his rope. Eng. Lee and the hiker were then hoisted to the top of the cliff, where they were able to hike to a safe landing zone, board a helicopter, and were flown to the staging area so that the hiker could be treated and transport to a medical facility.

This incredibly complicated and dangerous rescue required resources from multiple agencies across two states and the US Army, and the entire operation lasted over 24 hours.

Battalion Chief Maxwell, for his efforts in leading this successful operation under hazardous conditions and with imminent personal risk, was awarded Carlsbad Fire Department's second highest award for bravery; the Medal of Valor.

Engineer Brandon Lee, for his act of conspicuous heroism, under extremely hazardous conditions in which he was knowingly confronted with imminent personal risk, and acting in the highest traditions of the fire service, was awarded Carlsbad Fire Department's highest award for bravery; the Medal of Honor.

PICTURES FROM THE YEAR

2023



PICTURES FROM THE YEAR

2023



PICTURES FROM THE YEAR

2023



PICTURES FROM THE YEAR

2023



PICTURES FROM THE YEAR

2023



PICTURES FROM THE YEAR

2023



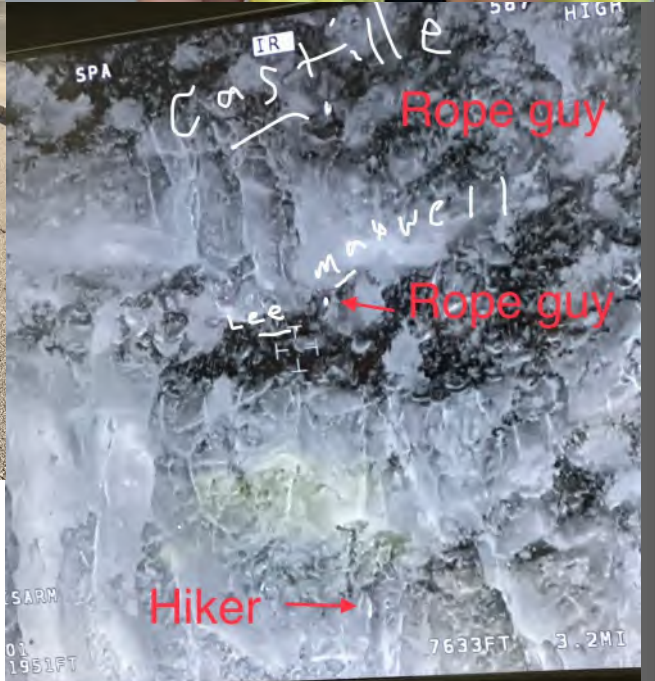
PICTURES FROM THE YEAR

2023



PICTURES FROM THE YEAR

2023



PICTURES FROM THE YEAR

2023



Carlsbad Fire Department was founded as Eddy volunteer fire company in 1892, and we hired our first full-time firefighter in 1923.

2023 marked 100 years of paid, professional firefighters serving the City and citizens of Carlsbad. We look forward to continuing to serve this great community for the next 100 years!



Carlsbad Fire Department
401 South Halagueno Street
Carlsbad, NM 88220
575-885-3125

<https://cityofcarlsbadnm.com/departments/carlsbad-fire-department/>



**City of Carlsbad
Personnel Department**

**Action Report
Month of February 2024**

City of Carlsbad
Personnel Department Action Report
Month of February 2024

EMPLOYEE REPORT	Beginning of Month	New Hires	Terminations	Transfers In	Transfers Out	End of Month
Full-Time Employees	423	4	7	0	0	420
Part-Time/Temp Employees	38	0	0	0	0	38
Total Employees	461	4	7	0	0	458
Administrative	20	0	1	0	0	19
Judicial	7	0	1	0	0	6
Finance	17	0	0	0	0	17
Police	101	0	1	0	0	100
Fire	64	0	1	0	0	63
Community Development	84	0	0	0	1	83
Planning & Regulation	14	0	0	0	0	14
Utilities	73	2	3	0	0	72
Transportation & Facilities	81	2	0	1	0	84
TOTAL	461	4	7	1	1	458

WEEKLY INDEMNITY	Beginning of Month	New Claims	Released To Work	Terminated	End of Month
Employees on WI	3	4	0	0	7

UNEMPLOYMENT CLAIMS	Claims Received	Claims Returned	Claims Denied	Claims Approved	Claims Pending	Claims Appealed
Current Month	0	0	0	0	0	0

DRUG TESTS	Number Given
Pre-employment	7
Probationary	0
Post Accident	14
Random	0
Periodic	0
Probable Cause	0

PHYSICAL EXAMINATIONS	Number Given
Pre-employment	8
Return to Work Evaluation	0
Functional Capacity Evaluation	0

TESTING	Number Given
None	

VACANCIES ADVERTISED	Applications Received
Account Clerk 1	21
Account Clerk 1, part-time	12
Construction Maintenance	Pending
Court Clerk	44
Director of Community Services	Pending
Director of Human Resources	Pending
Electrician	Pending
Firefighter	Pending
Fixed Asset & Inventory Accountant	11
Library Page	34
Lifeguard	Pending
Patrolman	Pending
Pro Shop Attendant	Pending
Projects Administrator	Pending
Riverwalk Recreation Attendant, p/t	Pending
Safety Specialist	6
Sports & Recreation Attendant	10
Transit Driver, on-call	Pending
Truck Driver	6
Water Park Recreation Attendant	Pending

VACANCIES BID	Department
Fixed Asset & Inventory Accountant	Finance
Projects Administrator	Projects
Receptionist	Finance
Safety Specialist	Executive

**CARLSBAD MUNICIPAL COURT
CITY OF CARLSBAD
February 2024**

Number of Cases	854
Warrants Outstanding	4532
Amount of Fines	\$ 80,431.00
Cases on Appeal	6

FINES

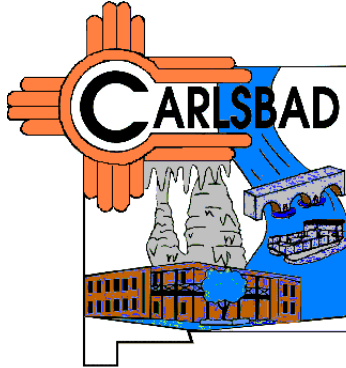
Summary for the Month of	January 2024
Total Fines	\$ 80,431.00
Total Prevention Fees	\$ 346.00
Total Lab Fees	\$ 249.00
Total Correction Fees	\$16,554.00
Total Automation Fees	\$ 4,906.00
Judicial Fees	\$ 2,490.00
Notary Fees	\$ 0.00
Victim Restitution	\$ 0.00
Restitution	\$ 00
TOTAL	\$ 104,976.00
TOTAL FINES WORKED OUT THROUGH COMMUNITY SERVICE	3,446.00

cc: Chief
City Administrator
Finance Department


Municipal Judge

*Restitution collected to reimburse court for Court Appointed Attorney, to be put back in the general fund.

CITY OF CARLSBAD



TRANSPORTATION AND FACILITIES FEBRUARY 2024

Monthly Reports from:

- **Community Service**
- **Construction**
- **Electrical**
- **Garage**
- **Parks**
- **Street**
- **Cemetery**

A handwritten signature in blue ink, appearing to read 'Patrick Cass', is located below the list of services.

Digitally signed by Pat Cass
DN: cn=Pat Cass, o=City of Carlsbad, ou=Public Works,
email=pjccass@cityofcarlsbadnm.com, c=US
Date: 2024.03.07 10:46:18 -07'00'

Reviewed and approved by: Patrick Cass, Director of Public Works

COMMUNITY SERVICE DEPARTMENT

Monthly Work Report

February 2024

Number of Employees 06	No. of days in the Month 29
Holidays 0	No. of days worked in this month 21

Every Friday during the Summertime and every other Friday during the Wintertime the crew begins and ends each week doing litter control at Eddy House, Spring Park, Ocotillo Trails, Canal, Canyon St. Six Mile Dam Area, Medians on Greene & Eight St. and around the Cascades. The crew power-wash sidewalks, benches curb, and gutters on Canyon St. between Greene and Stevens St. clean the Cotton Patch property, and sprayed bird stop on Canyon St.

Week of February 5th through February 9th

The crew worked in area 3 weed eating and picking up litter in our right of way

Week of February 12th through February 16th

The crew finished weed eating in area 3 and began area 4, crew also started spraying weeds in right of way in area 1.

Week of February 19th through February 23rd

The crew finished in area 4 weed eating and litter control and began in area 5, crew continued spraying weeds in area 2

Week of February 26th through February 29th

The crew worked in area 5 weed eating and litter control, crew continued to spray for weeds in area's 3 and 4. Crew also helped spread mulch at Project Playground with Parks dept.



Digitally signed by Justin Ramos
DN: cn=Justin Ramos, o=City of Carlsbad,
ou=Public Works,
email=jramos@cityofcarlsbadnm.com, c=US
Date: 2024.03.05 15:28:29 -07'00'

Prepared by: _____
Justin Ramos, Streets Superintendent

CONSTRUCTION DEPARTMENT

Monthly Work Report February 2024

Number of Employees 10	No. of days in the Month 29
Holidays 0	No. of days worked in this month 21

1. Repaired sidewalk and driveway at 631 N. 6th Street.
2. Repaired sidewalk at 1024 Edward Street.
3. Installed bench and concrete pad at Spring Park.
4. Installed a subgrade pad at Smith Park for the restroom.
5. Installed a subgrade pad at Cruz Fernandez Park for the restroom.
6. Installed concrete pad for the transit station at 6th Street and Nevada Street.
7. Repaired sidewalk at the Pecos River Village Center.
8. Repaired fence, and tile in the two restrooms, and the drywall in the kitchen at Avalon building.
9. Repaired and adjustments at the Sports Complex batting cage.
10. Repaired water meter lid at the Carlsbad Senior Citizen Center on Mesa Street.
11. Repaired Rockwall near the beach pavilions.
12. Repaired close-up windows and stucco exterior at the Alano Club Building.
13. Repaired curbs and gutters at 301 Riverside and 705 N. Canyon Street.

Prepared by:



Patrick Cass, Public Works Director

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Works, email=pjcass@cityofcarlsbadnm.com,
c=US
Date: 2024.03.06 07:31:25 -07'00'

ELECTRICAL DEPARTMENT

Monthly Work Report

February 2024

Number of Employees 08	No. of days in the Month 29
Holidays 0	No. of days worked in this month 21

Number of Jobs Performed for Individual Departments

1.	Airport	17
2.	Golf Course	18
3.	Parks	41

4. Waste Water

a.	Treatment Plant	21	b.	Primary Lift	08
c.	Lift Station	18	d.	Other	0

5. Water

a.	Water Wells	20	b.	Double Eagle	05
c.	Yard	1	d.	Other	0

6. Public Building and Yards

a.	City Hall	15	b.	Library	13
c.	Museum	15	d.	Mesa Senior Rec.	07
e.	Alejandro Ruiz Sr. Center	11	f.	Riverwalk Rec.	12
g.	Rifle Range	03	h.	Community Soup Kitchen	01
i.	Antique Lights	35	j.	Pecos River Village	11
k.	Convention Center	05	l.	Civic Center	10
m.	Avalon Building	03	n.	Literacy Building	01
o.	Public Works Yard	06	p.	Bob Forrest Sports Complex	14
q.	Sign Shop	0	r.	Solid Waste	16
s.	Janell Whitlock Building	08			

7.	Traffic	24
8.	Streets	19
9.	School Crossing Lights	30
10.	Transportation	04
11.	Cascades	05
12.	Sunnyview Catch Basin	0
13.	Underground Line Locates	99



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 Works, email=pjccass@cityofcarlsbadnm.com, c=US
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Prepared by: _____
Patrick Cass, Director of Public Works

GARAGE
Monthly Work Report
February 2024

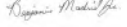
Number of Employees 15	No. of Days In the Month 29
Holidays 0	No. of Day Worked In The Month 21

Mechanics performed necessary repairs and adjustments to keep the Public Works equipment and fleet vehicles operable. They performed preventive maintenance checks on various vehicles and equipment as needed to prevent costly repairs in the future. Made service calls for all departments as required.

Lubrication filled fluid levels on refuse collection trucks daily. Delivered fuel to various locations and projects. They perform preventive maintenance on units (changed oil and filters, lubricated, serviced batteries, and cleaned battery cables) according to maintenance schedule. They checked all vehicles anti-freeze levels and steam cleaned parts for mechanics.

Tire repair shop removed, repaired, and reinstalled tires for Public Works equipment and fleet vehicles to keep them in service. Submitted requisitions and go Purchase Orders for tire repairs and tire purchase for all departments. Delivered tires to different locations. Made service calls for tire repairs or to air tires as required. Kept spare tire room supplies and tire inventory current.

Welding shop performed various repairs on vehicles, equipment and structures as needed. They fabricated, built and repaired various projects for all departments within the City as needed.

Prepared by: 

Digitally signed by Ben Madrid
DN: cn=Ben Madrid, o=City of Carlsbad,
ou=Public Works,
email=benmadrid@cityofcarlsbadnm.com, c=US
Date: 2024.02.29 13:57:16 -07'00'

Benjamin Madrid Jr., Garage Superintendent

PARKS DEPARTMENT

Monthly Work Report February 2024

Number of Employees 12		No. of days in the Month 29
Holidays 0		No. of days worked in this month 21

Week of February 1st through February 2nd

Five employees did litter control at Lake Carlsbad Municipal Park, Riverview Park, Lower Tansill Area, Martin Luther King Jr. Park, Ray Anaya Plaza, and Nick Salcido Fitness Park. Seven employees trimmed trees and bushes at Lake Carlsbad Municipal Park. Two employees power-washed Martin Luther King Jr., Riverview Park, and Carlsbad Bandshell Pavilions. Two employees repaired a water line and covered trenched ditches at the Golf Course Barn.

Week of February 05th through February 09th

Seven employees did litter control at Lake Carlsbad Municipal Park, Riverview Park, Lower Tansill Area, Martin Luther King Jr. Park, Nick Salcido Fitness Park, Hall Addition Park, Cass Park, Davis Park, Troy Young Park, Cruz Fernandez Park, and Arcadia Park. Eight employees spread fiber at the playground on the Pecos. Five employees trimmed trees and mustard weeds at the Playground on the Pecos area. Two employees aerated Lake Carlsbad Municipal Park. Three employees flagged sprinklers at Lake Carlsbad Municipal Park. Three employees did irrigation repairs on Delta and Orchard Lane, Spring Park, and the Carlsbad Cemetery.

Week of February 12th through February 16th

Six employees did litter control at Lake Carlsbad Municipal Park, Riverview Park, Lower Tansill Area, Martin Luther King Park, Ray Anaya Plaza, Nick Salcido Fitness Park, 8th Street Park, 5th Street Park, Smith Park, and Carlsbad Shooting Range. Five employees trimmed trees at the Carlsbad Police Department. Five employees trimmed shrubs and mustard weeds at Riverview Park and the Lake Carlsbad Beach House. Two employees continued aerating Lake Carlsbad Municipal Park. Two employees removed fencing at Cruz Fernandez Park. Three employees checked restrooms for damages and repairs. Three employees continued flagging sprinklers at Lake Carlsbad Municipal Park. Three employees assisted in installing restrooms at Smith Park, and Cruz Fernandez Park.

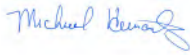
Week of February 19th through February 23rd

Six employees did litter control at Lake Carlsbad Municipal Park, Riverview Park, Lower Tansill Area, Martin Luther King Jr. Park, Nick Salcido Fitness Park, Ray Anaya Plaza, Ira Stockwell Park, Sunset Park, and McLenathen Park. Seven employees spread fiber at Sawyers Park and Lamont Street Park. Three employees removed dead trees and replaced them with new trees at Veterans Memorial Park, Ray Anaya Plaza, Davis Park, and Lake Carlsbad Park. Five employees trimmed trees at Veterans Memorial Park. One employee spot-sprayed herbicide at Sunset Park and Lake Carlsbad Park. Two employees did maintenance at the Lake Carlsbad Municipal Park Splash Pads.

Week of January 26th through February 29th

Seven employees did litter control at The Lake Carlsbad Municipal Park, Riverview Park, Lower Tansill Area, Martin Luther King Park, Nick Salcido Fitness Park, Ray Anaya Plaza, Sawyers Park, Desert Willow Park, Riverside Park, and Spring Park. Seven employees removed salt cedars from Lake Carlsbad Riverwalk. Two employees removed graffiti from Martin Luther King Jr. Park and Troy Young Park restrooms. Seven employees did dirt work at Sawyers Park. Two employees built backstops and delivered them to Cass Park and Davis Park. Two employees added additional irrigation at Smith Park

for a newly planted tree. Two employees unclogged the sewer main to the Lower Tansill Park Restrooms.



Digitally signed by Michael Hernandez
DN: cn=Michael Hernandez, o=City of Carlsbad,
ou=Parks Department,
email=mihernandez@cityofcarlsbadnm.com, c=US
Date: 2024.03.01 09:18:57 -07'00'

Prepared by:

Michael Hernandez, Parks Superintendent

Street

Monthly Work Report

February 2024

Number of Employees 08	No. of days in the Month 29
Holidays 0	No. of days worked in this month 21

The Street Department mows, patches, sweep streets, repair/clean alleys, and other various jobs as needed in Areas.

Week of February 5th through February 09th

This crew worked at Alejandro Ruiz repairing landscape, working on roads at the 6-mile Dam, and installing a guard rail.

Week of February 12th through February 16th

The crew worked on patching in areas surrounding Solana, East of Canal, and Canal to Mesa, Normandy, La Huerta, and Pecos Acres. The crew worked on the speed table on Elgin adding material to make for a smoother ride.

Week of February 19th through February 23rd

The crew worked on patching in areas west of Carlsbad, Lamont, and Mesa to CID and Hall Addition areas. The Crew hauled trash to the landfill.

Week of February 26th through February 29th

The crew patched in areas around Standpipe, East of the river, San Jose Blvd, Sunnyview, and South of Carlsbad. The crew hauled trash to the landfill including tree limbs from various places around Carlsbad that have accumulated at Lower Tansill.

2024 Signs and Markings Division of the Street Department

Type of Sign	Repaired	Stripped	Replaced	Installed	Constructed
Stop Signs	10		02	01	
Warning Signs	01		01	04	05
Guide Signs			02		02
Street Marker Signs	02			05	05
Regulatory Signs	03		01	03	03

Other work performed by Signs and Markings Division of the Street Department

- Painted curbs at intersection of Boyd Drive and National Parks Highway.
- Painted speed table on Elgin.
- Installed 35 reflectors at the Carlsbad Airport Runway.

Prepared by:



Digitally signed by Justin Ramos
DN: cn=Justin Ramos, o=City of Carlsbad,
ou=Public Works,
email=jrramos@cityofcarlsbadnm.com, c=US
Date: 2024.03.05 13:56:34 -0700

Justin Ramos, Street Superintendent

CEMETERY MONTHLY REPORT

February, 2024

	Carlsbad Cemetery(VA)	Santa Catarina	Sunset Gardens	Total
Number of Interments:	19(1)	2	0	22
Cremations (Columbarium, included)	4(1)	1	0(0)	5(1)
Babyland	1	0	0	1
Indigent	0	0	0	0
Saturday	3	0	0	3
Double Depth	1	0	0	1
SUNDAY/Holiday	0	0	0	0
Disinterment:	1	0	0	1
Sale of Lots: (Columbaria, included)	9(1)	0	0	9(1)
On Payment Plan:	2	0	0	2
Pre-Need: (Columbaria, included)	6(0)	0	0	6(0)
Meetings:	0	0	0	0
Monument Permits:	30(0)	1	4	0
Complaint/Incident Reports:	0	0	0	0
Vandalism				
Damaged Stone				
Sunken Grave				
Sunken Marker				
Theft				
Flowers				
Maintenance				
Other				
Correspondence:				

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

The City of Carlsbad, has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The City of Carlsbad has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, The City of Carlsbad has signed an assurance that it will comply with 49 CFR Part 26 (hereafter referred to as "Part 26").

It is the policy of the City of Carlsbad to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also The City of Carlsbad policy to engage in the following actions on a continuing basis:

1. Ensure nondiscrimination in the award and administration of DOT- assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for DOT- assisted contracts;
3. Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. Help remove barriers to the participation of DBEs in DOT assisted contracts;
6. Promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
7. Assist the development of firms that can compete successfully in the market place outside the DBE Program; and
8. Make appropriate use of the flexibility afforded to The City of Carlsbad of Federal financial assistance in establishing and providing opportunities for DBEs.

Cari Pickens has been delegated as the DBE Liaison Officer. In that capacity, Cari Pickens, Airport Manager is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the City of Carlsbad in its financial assistance agreements with the Department of Transportation.

The City of Carlsbad has disseminated this policy statement to the City Council of The City of Carlsbad and all of the components of our organization. This statement has been distributed to DBE and non-DBE business communities that may perform work on The City of Carlsbad DOT-assisted contracts. The distribution was accomplished by <https://cityofcarlsbadnm.com/cavern-city-air-terminal/>

Richard D. Lopez, Mayor of Carlsbad

Date

GENERAL REQUIREMENT

Section 26.1 Objectives

The objectives are elaborated in the policy statement on the first page of this program.

Section 26.3 Applicability

The City of Carlsbad is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

Section 26.5 Definitions

The City of Carlsbad will use terms in this program that have their meanings defined in Part 26, §26.5.

Section 26.7 Non-discrimination Requirements

The City of Carlsbad will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, The City of Carlsbad will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Record Keeping Requirements

Reporting to DOT

The City of Carlsbad will provide data about its DBE Program to the Department as directed by DOT operating administrations.

DBE participation will be reported to *FAA* as follows:

The City of Carlsbad will transmit to *FAA* annually, by or before December 1, the information required for the “Uniform Report of DBE Awards or Commitments and Payments”, as described in Appendix B to Part 26. The City of Carlsbad will similarly report the required information about participating DBE firms. All reporting will be

done through the FAA official reporting system, or another format acceptable to FAA as instructed thereby.

Bidders List

The City of Carlsbad will create and maintain a bidders list. The purpose of the list is to provide as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on The City of Carlsbad DOT-assisted contracts, for use in helping to set overall goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms.

This information will be collected in the following way(s) The method used by the City of Carlsbad is a standard bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts for that airport. The method used by the City is a standard bidder's list form in all of their contract documents. On this form, all contractors bidding on the project must list all of their subcontractors including if they are DBE or Non-DBE. This form can be seen in Attachment 3.

Records retention and reporting:

The City of Carlsbad will maintain records documenting a firm's compliance with the requirements of this part. Related records will be retained for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the financial assistance agreement, whichever is longer.

Section 26.13 Federal Financial Assistance Agreement

The City of Carlsbad has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: - Each financial assistance agreement The City of Carlsbad signs with a DOT operating administration, The City of Carlsbad will include the following assurance:

The City of Carlsbad shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The City of Carlsbad shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The City of Carlsbad DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the City of Carlsbad of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49

CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

Contract Assurance: The City of Carlsbad will ensure that the following clause is included in each DOT-funded contract it signs with a contractor (and each subcontract the prime contractor signs with a subcontractor):

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as The City of Carlsbad deems appropriate, which may include, but is not limited to:

- 1) Withholding monthly progress payments;
- 2) Assessing sanctions;
- 3) Liquidated damages; and/or
- 4) Disqualifying the contractor from future bidding as non-responsible.

ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

The City of Carlsbad is required to have a DBE program meeting the requirements of this part as it will receive grants for airport planning or development and will award prime contracts, cumulative total value of which exceeds \$250,000 in FAA funds in a federal fiscal year. The City of Carlsbad is not eligible to receive DOT financial assistance unless DOT has approved this DBE program and The City of Carlsbad is in compliance with it and Part 26. The City of Carlsbad will continue to carry out this program until all funds from DOT financial assistance have been expended. The City of Carlsbad does not have to submit regular updates of the DBE program document, as long as it remains in compliance. However, significant changes in the program, including those required by regulatory updates, will be submitted for DOT approval.

Section 26.23 Policy Statement

The Policy Statement is elaborated on the first page of this DBE Program.

Section 26.25 DBE Liaison Officer (DBELO)

The following individual has been designated as the DBE Liaison Officer for The City of Carlsbad:

*Cari Pickens
Airport Manager
1505 Terminal Drive
Carlsbad, New Mexico 88220
(575) 887-3060
capickens@cityofcarlsbadnm.com*

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that The City of Carlsbad complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Mayor of The City of Carlsbad concerning DBE program matters. An organizational chart displaying the DBELO's position in the organization is included in Attachment 2 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has staff to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Works with all departments to set overall annual goals.
3. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
4. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
5. Participates in pre-bid meetings.
6. Determine contractor compliance with good faith efforts.
7. Maintain copies of the New Mexico Department of Transportation (NMDOT) DBE contractor listing. Actual certification of the contractors will be the responsibility of the NMDOT EEO office.

Section 26.27 DBE Financial Institutions

The City has investigated services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community and has

identified one financial institution in the State of New Mexico as being owned by socially and economically disadvantaged individuals. Those institutions are:

CENTINEL BANK OF TAOS

512 Paseo del Pueblo Sur

P.O. Box 818

Taos, NM 87571

Phone: 575-758-6770

Fax: 575-758-6708

This information is provided to contractors for their consideration in conducting business in the City of Carlsbad. Additional Information on financial institutions owned and controlled by socially and economically disadvantaged individuals in the community can be obtained from the Minority Bank Deposit Program at 202-874-7055 or <http://www.fms.treas.gov/mbdp/participants.html>.

Section 26.29 Prompt Payment Mechanisms

The City of Carlsbad requires that all subcontractors performing work on DOT-assisted contracts shall be promptly paid for work performed pursuant to their agreements, in accordance with all relevant federal, state, and local law.

In accordance with 49 CFR §26.29, The City of Carlsbad established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from the prime contractor's receipt of each payment from The City of Carlsbad.

The City of Carlsbad ensures prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Pursuant to §26.29, the City of Carlsbad has selected the following method to comply with this requirement:

The City will include the following clause in each DOT-assisted prime contract:

Pursuant to 57-28-5 NMSA 1978, the prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than seven (7) days from the receipt of each payment the prime contractor receives from the City of Carlsbad. The prime contractor agrees further to return retainage payments to each subcontractor within seven (7) days after subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the City of Carlsbad. This clause applies to both DBE and non-DBE subcontractors.

If the prime contractor is found to be in violation or fails to abide by the prompt payment mechanisms, the City shall impose sanctions as stated under the Monitoring and Enforcement Mechanisms paragraph.

1. A contract clause that requires prime contractors to include in their subcontracts language providing that prime contractors and subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes. You may specify the nature of such mechanisms.
2. A contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.
3. Other mechanisms, consistent with this part and applicable state and local law, to ensure that DBEs and other contractors are fully and promptly paid.

Section 26.31 Directory

The City utilizes a directory maintained by the NMDOT, identifying all firms eligible to participate as DBE's. The directory lists the firm's name, address, phone number, date of most recent certification, and the type of work the firm has been certified to perform as a DBE. The NMDOT revises the Directory at least annually. The Directory is available from the NMDOT: P.O. Box 1149, Santa Fe, NM 87504-1149, 505-827-1774, <http://nmshtd.state.nm.us/dbed-public/dbed.asp>

Section 26.33 Over-concentration

The City of Carlsbad has not identified that over-concentration exists in the types of work that DBEs perform.

Section 26.35 Business Development Programs

The City of Carlsbad has not established a Business Development Program.

Section 26.37 Monitoring Responsibilities

The City of Carlsbad implements and carries out appropriate mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants, including prompt payment, and describes and set forth these mechanisms in The City of Carlsbad's DBE program.

The City of Carlsbad actively monitors participation by maintaining a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments.

Monitoring Payments to DBEs and Non-DBEs

The City of Carlsbad undertakes ongoing monitoring of prime payments to subcontractors over the course of any covered contract. Such monitoring activities will be accomplished through the following method(s):

- The City of Carlsbad requires prime contractors to maintain records and

documents of payments to subcontractors, including DBEs, for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the City of Carlsbad financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of the City of Carlsbad or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

The City of Carlsbad requires prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the City of Carlsbad's financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of The City of Carlsbad or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

Prompt Payment Dispute Resolution

The City of Carlsbad will take the following steps to resolve disputes as to whether work has been satisfactorily completed for purposes of §26.29.

Pursuant to 57-28-5 NMSA 1978, the prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than seven (7) days from the receipt of each payment the prime contractor receives from the City of Carlsbad. The prime contractor agrees further to return retainage payments to each subcontractor within seven (7) days after subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the City of Carlsbad. This clause applies to both DBE and non-DBE subcontractors.

If the prime contractor is found to be in violation or fails to abide by the prompt payment mechanisms, the City shall impose sanctions as stated under the Monitoring and Enforcement Mechanisms paragraph.

Pursuant to Sec. 157 of the FAA Reauthorization Act of 2018, all complaints related to prompt payment will be reported in a format acceptable to the FAA, including the nature and origin of the complaint and its resolution.

Prompt Payment Complaints

The City of Carlsbad will take the following steps to resolve disputes as to whether work has been satisfactorily completed for purposes of §26.29.

Pursuant to 57-28-5 NMSA 1978, the prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than seven (7) days from the receipt of each payment the prime contractor receives from the City of Carlsbad. The prime contractor agrees further to return retainage payments to each subcontractor within seven (7) days after subcontractor's work is satisfactorily completed. Any delay or postponement of

payment from the above referenced time frame may occur only for good cause following written approval of the City of Carlsbad. This clause applies to both DBE and non-DBE subcontractors.

If the prime contractor is found to be in violation or fails to abide by the prompt payment mechanisms, the City shall impose sanctions as stated under the Monitoring and Enforcement Mechanisms paragraph.

Enforcement Actions for Noncompliance of Participants

The City of Carlsbad will provide appropriate means to enforce the requirements of §26.29. These means include:

Pursuant to 57-28-5 NMSA 1978, the prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than seven (7) days from the receipt of each payment the prime contractor receives from the City of Carlsbad. The prime contractor agrees further to return retainage payments to each subcontractor within seven (7) days after subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the City of Carlsbad. This clause applies to both DBE and non-DBE subcontractors.

The City of Carlsbad will actively implement the enforcement actions detailed above.

Monitoring Contracts and Work Sites

The City of Carlsbad reviews contracting records and engages in active monitoring of work sites to ensure that work committed to DBEs at contract award or subsequently (e.g., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed. Work site monitoring is performed by Project Managers and consultants. The City of Carlsbad will maintain written certifications that contracting records have been reviewed and work sites have been monitored for this purpose.

Section 26.39 Fostering Small Business Participation

The City of Carlsbad has created a Small Business element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

The small business element is incorporated as Attachment 4 to this DBE Program. The program elements will be actively implemented to foster small business participation.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

The City of Carlsbad does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

The City of Carlsbad will establish an overall DBE goal covering a three-year federal fiscal year period if it anticipates awarding DOT-funded prime contracts the cumulative total value of which exceeds \$250,000 in DOT funds during any one or more of the reporting fiscal years within the three-year goal period. In accordance with §26.45(f), The City of Carlsbad will submit its Overall Three-year DBE Goal to operating administration by August 1st of the year in which the goal is due, as required by the schedule established by and posted to the website of FAA:

https://www.faa.gov/about/office_org/headquarters_offices/acr/bus_ent_program/media/Schedule_of_DBE_and_ACDBE_Reporting_Requirements_Dec_2017_Issue.pdf

The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If The City of Carlsbad does not anticipate awarding prime contracts the cumulative total value of which exceeds \$250,000 in DOT funds during any of the years within the three-year reporting period, an overall goal will not be developed. However, this DBE Program will remain in effect and The City of Carlsbad will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

Step 1. The first step is to determine a base figure for the relative availability of DBEs in the market area. The City of Carlsbad will use a DBE Directory information and Census Bureau Data, or other alternative method that complies with §26.45 as a method to determine the base figure. The City of Carlsbad understands that the exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of 49 CFR Part 26.45(c)(2), is not an acceptable alternative means of determining the availability of DBEs.

Step 2. The second step is to adjust, if necessary, the “base figure” percentage from Step 1 so that it reflects as accurately as possible the DBE participation the City of Carlsbad would expect in the absence of discrimination. Adjustments may be made based on past participation, information from a disparity study (to the extent it is not already accounted for in the base goal), and/or information about barriers to entry to past competitiveness of DBEs on contracts. The City of Carlsbad will examine all of the evidence available in its jurisdiction to determine what adjustment, if any, is needed. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

Any methodology selected will be based on demonstrable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in the City of Carlsbad market.

In establishing the overall goal, The City of Carlsbad will provide for consultation and publication. This includes consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the efforts by The City of Carlsbad to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it will occur before The City of Carlsbad is required to submit the goal methodology to the operating administration for review pursuant to §26.45(f). The goal submission will document the consultation process in which The City of Carlsbad engaged. Notwithstanding paragraph (f)(4) of §26.45, the proposed goal will not be implemented until this requirement is met.

In addition to the consultation described above, The City of Carlsbad will publish a notice announcing the proposed overall goal before submission to the FAA on August 1st. The notice will be posted on The City of Carlsbad official internet web site and may be posted in other sources (e.g., minority-focused media, trade association publications). If the proposed goal changes following review by FAA, the revised goal will be posted on the official internet web site.

The public will also be informed that the proposed overall goal and its rationale are available for inspection during normal business hours at the principal office of The City of Carlsbad. This notice will provide that the City of Carlsbad and FAA will accept comments on the goals for 30 days from the date of the notice. Notice of the comment period will include the addresses to which comments may be sent (including offices and websites) where the proposal may be reviewed

The Overall Three-Year DBE Goal submission to FAA will include a summary of information and comments received, if any, during this public participation process and The City of Carlsbad responses.

The City of Carlsbad will begin using the overall goal on October 1 of the relevant period, unless other instructions from FAA have been received.

Project Goals

If permitted or required by the FAA Administrator, an overall goal may be expressed as a percentage of funds for a particular grant or project or group of grants and/or projects, including entire projects. Like other overall goals, a project goal may be adjusted to reflect changed circumstances, with the concurrence of the appropriate operating administration. A project goal is an overall goal and must meet all the substantive and procedural requirements of this section pertaining to overall goals. A project goal covers the entire length of the project to which it applies. The project goal will include a projection of the DBE participation anticipated to be obtained during each fiscal year covered by the project goal. The funds for the project to which the project goal pertains are separated from the base from which the regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

If a goal is established on a project basis, the goal will be used by the time of the first solicitation for a DOT-assisted contract for the project.

Prior Operating Administration Concurrence

The City of Carlsbad understands that prior FAA concurrence with the overall goal is not required. However, if the FAA review suggests that the overall goal has not been correctly calculated or that the method employed by The City of Carlsbad for calculating goals is inadequate, FAA may, after consulting with The City of Carlsbad, adjust the overall goal or require that the goal be adjusted by The City of Carlsbad. The adjusted overall goal is binding. In evaluating the adequacy or soundness of the methodology used to derive the overall goal, the U.S. DOT operating administration will be guided by the goal setting principles and best practices identified by the Department in guidance issued pursuant to §26.9.

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 5 to this program.

Section 26.47 Failure to meet overall goals

The City of Carlsbad cannot be penalized or treated by the Department as being in noncompliance with Part 26, because DBE participation falls short of an overall goal, unless The City of Carlsbad fails to administer its DBE program in good faith.

The City of Carlsbad understands that to be considered to be in compliance with this part, an approved DBE Program and overall DBE goal, if applicable, must be maintained, and this DBE Program must be administered in good faith.

The City of Carlsbad understands that if the awards and commitments shown on the Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the following actions must be taken in order to be regarded by the Department as implementing this DBE Program in good faith:

- (1) Analyze in detail the reasons for the difference between the overall goal and the awards and commitments in that fiscal year;
- (2) Establish specific steps and milestones to correct the problems identified in the analysis to enable the goal for the new fiscal year to be fully met.

Section 26.51 Means the City of Carlsbad Use to Meet Overall Goals

Breakout of Estimated Race-Neutral & Race-Conscious Participation

The City of Carlsbad will meet the maximum feasible portion of its overall goal by using race-conscious means of facilitating DBE participation.

The breakout of estimated race-neutral and race-conscious participation can be found in

Attachment 5 to this program.

The City of Carlsbad will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.3

Contract Goals

If the approved projection under paragraph (c) of §26.51 estimates that the entire overall goal for a given year can be met through race-neutral means, contract goals will not be set during that year, unless the use of contract goals becomes necessary in order meet the overall goal.

Contract goals will be established only on those DOT-assisted contracts that have subcontracting possibilities. A contract goal need not be established on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work).

Contract goals will be expressed as a percentage of the Federal share of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures in Situations where there are Contract Goals

Demonstration of good faith efforts (pre-award)

In cases where a contract goal has been established, the contract in question will only be awarded to a bidder/offeror that has made good faith efforts to meet the contract goal. The bidder/offeror can demonstrate that it has made good faith efforts by either meeting the contract goal or documenting that it has made adequate good faith efforts to do so. Examples of good faith efforts are found in Appendix A to Part 26.

DBELO is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as Responsive.

The City of Carlsbad will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before committing to the performance of the contract by the bidder/offeror.

In all solicitations for DOT-assisted contracts for which a contract goal has been established, the following information will be required of every bidder/offeror:

- (1) Award of the contract will be conditioned on meeting the requirements of this section;
- (2) All bidders or offerors will be required to submit the following information to the City of Carlsbad, at the time provided in paragraph (3) of this section:

- (i) The names and addresses of DBE firms that will participate in the contract;
- (ii) A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;
- (iii) The dollar amount of the participation of each DBE firm participating;
- (iv) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and
- (v) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment.
- (vi) If the contract goal is not met, evidence of good faith efforts (as elaborated in Appendix A of Part 26). The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract; and
- (3) The bidder/offeror will be required to present the information stipulated in paragraph (2) of this section:
- (4) Under sealed bid procedures, as a matter of **responsiveness**, or with initial proposals, under contract negotiation procedures.

Administrative reconsideration

Within 14 days of being informed by The City of Carlsbad that it is not *responsive* because it has not documented adequate good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

Wendy Austin, City Administrator, 101 N. Halagueno, Carlsbad, New Mexico 88221, 575-887-1191, wdaustin@cityofcarlsbadnm.com. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with the reconsideration official to discuss the issue of whether the goal was met or the bidder/offeror made adequate good faith efforts to do so. The bidder/offeror will be sent a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts procedural requirements (post-solicitation)

The awarded contractor will be required to make available upon request a copy of all DBE subcontracts. The contractor shall ensure that all subcontracts or agreements with DBEs to supply labor or materials include all required contract provisions and mandate that the subcontractor and all lower tier subcontractors perform in accordance with the provisions of Part 26.

Prime contractors will be prohibited from terminating a DBE subcontractor listed in response to a covered solicitation (or an approved substitute DBE firm) without the prior written consent of The City of Carlsbad. This includes, but is not limited to, instances in which a prime contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or another DBE firm.

Such written consent will be provided only if The City of Carlsbad agrees, for reasons stated in the concurrence document, that the prime contractor has good cause to terminate the DBE firm. For purposes of this paragraph, good cause includes the following circumstances:

- (1) The listed DBE subcontractor fails or refuses to execute a written contract;
- (2) The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor;
- (3) The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, non-discriminatory bond requirements.
- (4) The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
- (5) The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215 and 1,200 or applicable state law;
- (6) The City of Carlsbad determined that the listed DBE subcontractor is not a responsible contractor;
- (7) The listed DBE subcontractor voluntarily withdraws from the project and provides The City of Carlsbad written notice of its withdrawal;
- (8) The listed DBE is ineligible to receive DBE credit for the type of work required;
- (9) A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract;
- (10) Other documented good cause that The City of Carlsbad has determined compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

Before transmitting to The City of Carlsbad a request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to The City of Carlsbad, of its intent to request to terminate and/or substitute the DBE, and the reason(s) for the request.

The prime contractor must give the DBE five days to respond to the prime contractor's notice and advise The City of Carlsbad and the prime contractor of the reasons, if any, why the DBE objects to the proposed termination of its subcontract and why the prime contractor's action should not be approved. If required in a particular case as a matter of

public necessity (e.g., safety), a response period shorter than five days may be provided.

In addition to post-award terminations, the provisions of this section apply to pre-award deletions of or substitutions for DBE firms put forward by offerors in negotiated procurements.

Each prime contract will include a provision stating:

The contractor shall utilize the specific DBEs listed in the contractor's bid response to perform the work and supply the materials for which each is listed unless the contractor obtains prior written consent of The City of Carlsbad as provided in 49 CFR Part 26, §26.53(f). Unless such consent is provided, the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

The City of Carlsbad will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal that was established for the procurement. The good faith efforts shall be documented by the contractor. If The City of Carlsbad requests documentation from the contractor under this provision, the contractor shall submit the documentation within 7 days, which may be extended for an additional 7 days if necessary at the request of the contractor. The City of Carlsbad shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

If the contractor fails or refuses to comply in the time specified, the contracting office/representative of The City of Carlsbad may issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Section 26.55 Counting DBE Participation

DBE participation will be counted toward overall and contract goals as provided in §26.55. The participation of a DBE subcontractor will not be counted toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

In the case of post-award substitutions or additions, if a firm is not currently certified as a DBE in accordance with the standards of subpart D of this part at the time of the execution of the contract, the firm's participation will not be counted toward any DBE goals, except as provided for in §26.87(j).

FAA Funding The City of Carlsbad Only

Pursuant to Sec. 150 of the FAA Reauthorization Act of 2018, firms that exceed the business size standard in § 26.65(b) will remain eligible for DBE certification and credit on FAA-funded projects as long as they do not exceed the small business size standard, as adjusted by the United States Small Business Administration, for the NAICS code(s) in which they are certified.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The City of Carlsbad Aviation Department is a non-certifying member of the State of New Mexico Unified Certification Program (NMUCP). The New Mexico Department of Transportation Office of Equal Opportunity Programs is the lead for this program. To be certified as a DBE by NMUCP, a firm must meet all certification standards set forth by 49 CFR Part 26. The NMUCP will make certification decisions based on the facts as a whole.

For more information about the certification process or to apply for certification, firms should contact: DBE Supportive Services, 1120 Cerrillos Road, Room 111, Santa Fe, NM, 87504, 505-670-3294, E-Mail: DBE.SS@state.nm.us.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The City of Carlsbad is the member of a Unified Certification Program (UCP) administered by NMDOT. The UCP will meet all of the requirements of this section.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures Applicable to The City of Carlsbad

The City of Carlsbad understands that if it fails to comply with any requirement of this part, The City of Carlsbad may be subject to formal enforcement action under §26.103 or §26.105 or appropriate program sanctions by the concerned operating administration, such as the suspension or termination of Federal funds, or refusal to approve projects, grants or contracts until deficiencies are remedied. Program sanctions may include, in the case of the FHWA program, actions provided for under 23 CFR 1.36; in the case of the FAA program, actions consistent with 49 U.S.C. 47106(d), 47111(d), and 47122; and in the case of the FTA program, any actions permitted under 49 U.S.C. chapter 53 or applicable FTA program requirements.

Section 26.109 Information, Confidentiality, Cooperation and intimidation or retaliation

Information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law will be safeguarded from disclosure to third parties. The Inspection of Public Record Act is a series of laws under Chapter 14 of the New Mexico Statutes. The Act is designed to guarantee that the public has access to public records of governmental bodies in New Mexico. See more at:

<http://freedomofinformationacts.uslegal.com/state-freedom-of-information-acts/new-mexico/#sthash.V4Ji3lmo.dpuf>

Notwithstanding any provision of Federal or state law, information that may reasonably be construed as confidential business information will not be released to any third party without the written consent of the firm that submitted the information, including applications for DBE certification and supporting information. However, this information will be transmitted to DOT in any certification appeal proceeding under §26.89 or to any other state to which the individual's firm has applied for certification under §26.85.

All participants in the Department's DBE program (including, but not limited to, The City of Carlsbad, DBE firms and applicants for DBE certification, complainants and appellants, and contractors using DBE firms to meet contract goals) are required to cooperate fully and promptly with DOT and The City of Carlsbad compliance reviews, certification reviews, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved (e.g., with respect to The City of Carlsbad, a finding of noncompliance; with respect to DBE firms, denial of certification or removal of eligibility and/or suspension and debarment; with respect to a complainant or appellant, dismissal of the complaint or appeal; with respect to a contractor which uses DBE firms to meet goals, findings of non-responsibility for future contracts and/or suspension and debarment).

The City of Carlsbad, contractor, or any other participant in the program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The City of Carlsbad understands that it is in noncompliance with Part 26 if it violates this prohibition.

ATTACHMENTS

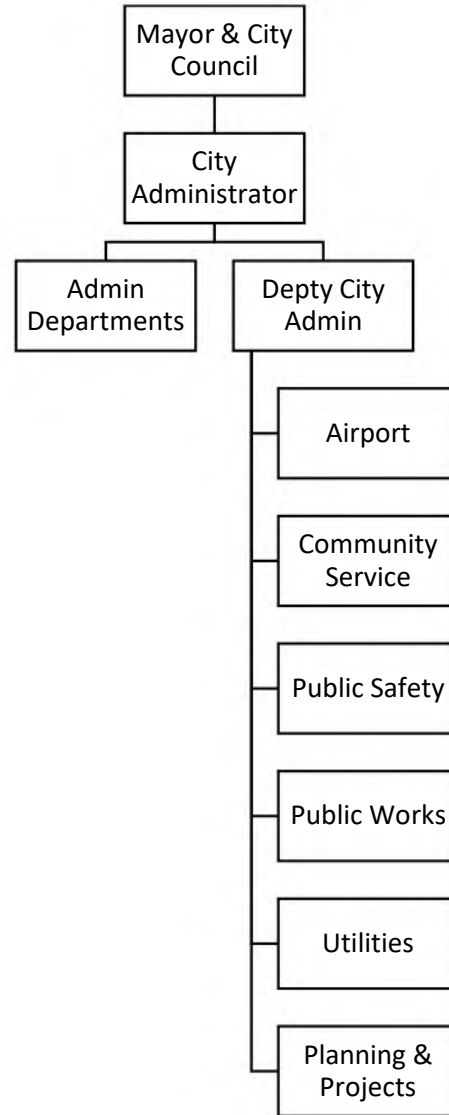
Attachment 1	Regulations: 49 CFR Part 26 or website link
Attachment 2	Organizational Chart
Attachment 3	Bidder's List Collection Form
Attachment 4	DBE Directory or link to DBE Directory
Attachment 5	Overall Goal Calculations
Attachment 6	Demonstration of Good Faith Efforts or Good Faith Effort Plan - Forms 1& 2
Attachment 7	DBE Monitoring and Enforcement Mechanisms
Attachment 8	DBE Certification Application Form
Attachment 9	State's UCP Agreement
Attachment 10	Small Business Element Program

ATTACHMENT 1

Regulations: 49 CFR Part 26, or link to website

<https://www.ecfr.gov/current/title-49/part-26>

**CITY OF CARLSBAD, NEW MEXICO
ORGANIZATIONAL CHART**



Attachment 3
Bidder's List Collection Form

CITY OF CARLSBAD
CARLSBAD MUNICIPAL
AIRPORT
AIP PROJECT NO. 3-35-<aip number>

LIST OF PROJECT SUBCONTRACTORS

Subcontract Category	_____
DBE/Non DBE	_____
Estimated Value of Work	_____
Subcontractor's Name	_____
Business Address	_____ _____
Phone Number	_____
E-mail Address	_____
Federal Identification No. (FEIN #)	_____
New Mexico Contractor's License No.	_____
License Categories	_____
New Mexico Dept. of Workforce Solutions Registration No.	_____
(list only if value of work is in excess of \$60,000)	

Subcontract Category	_____
DBE/Non DBE	_____
Estimated Value of Work	_____
Subcontractor's Name	_____
Business Address	_____ _____
Phone Number	_____
E-mail Address	_____
Federal Identification No. (FEIN #)	_____
New Mexico Contractor's License No.	_____
License Categories	_____
New Mexico Dept. of Workforce Solutions Registration No.	_____
(list only if value of work is in excess of \$60,000)	

**Attachment 3
Bidder's List Collection Form**

Subcontract Category _____

Estimated Value of Work _____

Subcontractor's Name _____

Business Address _____

Phone Number _____

E-mail Address _____

Federal Identification No. (FEIN #) _____

New Mexico Contractor's License No. _____

License Categories _____

New Mexico Dept. of Workforce Solutions Registration No. _____

(list only if value of work is in excess of \$60,000)

Subcontract Category _____

Estimated Value of Work _____

Subcontractor's Name _____

Business Address _____

Phone Number _____

E-mail Address _____

Federal Identification No. (FEIN #) _____

New Mexico Contractor's License No. _____

License Categories _____

New Mexico Dept. of Workforce Solutions Registration No. _____

(list only if value of work is in excess of \$60,000)

Signature of Authorized Representative for BIDDER:

_____ Date: _____

Duplicate, complete, and submit additional sheets as required.

ATTACHMENT 4

New Mexico DBE Directory web link to DBE directory

<https://nmdot.dbesystem.com>

Attachment 5

FAA Overall Goals (§26.45)

Name of Recipient: Carlsbad Municipal Airport

Goal Period: Fiscal Year 2022– October 1, 2021 through September 30, 2022

Fiscal Year 2023 – October 1, 2022 through September 30, 2023

Fiscal Year 2024 – October 1, 2023 through September 30, 2024

DOT-Assisted Contract Amount: \$ 500,000.00

DBE Goal: 2.7%

Market Area: The market area was determined to be both Geographical Areas One and Four; combined, these two Geographical Areas make up Market Area Four. Geographical Area Four is located in the southeastern portion of New Mexico and is comprised of the following counties: Torrance, Lincoln, De Baca, Curry, Otero, Chavez, Roosevelt, Eddy, and Lea. Geographical Area One is located in central New Mexico and is comprised of the following counties: Sandoval, Santa Fe, Bernalillo, Valencia, and Los Alamos. A substantial majority of contractors that perform work at the Carlsbad Municipal Airport are from the counties that make up Geographical Area One, as it is with the rest of New Mexico. As with all New Mexico communities, the substantial majority of contractors and subcontractors come from Geographical Area One. Due to the majority of contractors and subcontractors coming from Geographical Area One, the City, like other New Mexico communities, spends the majority of their contracting dollars within Geographical Area One as well. This was determined based on information within the contract documents from past projects showing locations of contractors and subcontractors that have performed work for the Carlsbad Municipal Airport in the past. Information regarding locations of the DBE businesses was found on the New Mexico Department of Transportation website. This information also shows that the substantial majority of all DBEs are based within the Geographical Area One boundary. A map and breakout of the Geographical Areas is enclosed as an attachment.

Step One: The method used to calculate the relative availability of the DBEs for Step One in this process utilizes 26.45(c)(1) DBE Directories and Census Bureau Data. The base figure was determined by dividing the total number of DBE firms in the local market area by the total of all firms in the market area.

Number and Types of Projects for FY 2022:

1. No projects in FY2022

Number and Types of Projects for FY 2023:

1. Taxiway A Seal Marking

Project: Taxiway A Seal Marking

Amount: \$360,000.00

Analysis

TABLE 1
PROJECT ONE: TAXIWAY A SEAL MARKING

NAICS Code	Work Item	DBE's in Market Area	All Available Firms	Total Amount	Weight Factor
23899	Markings/Specialty Contractors	2	198	\$310,000.00	86.11%
54138	Engineering Services	7	283	\$20,000.00	5.56%
54162	Inspection/Testing	3	71	\$30,000.00	8.33%
	Total	12	552	\$360,000.00	100.00%

Source: County Business Patterns and NMDOT DBE Directory

The construction estimate for this project is \$360,000.00. Of that amount, \$310,000.00 or 86.11% is anticipated for Markings/Specialty Contractors; \$20,000.00 or 5.56% is anticipated for Engineering and \$30,000.00 or 8.33% is anticipated for Inspection/Testing.

Therefore, the baseline DBE goal for this contract was weighed so that it would more accurately reflect the potential DBE participation as shown below.

M= Marking/Specialty
E=Engineering
I=Inspection/Testing

Project One Base Figure =

$$M(\%) \times \frac{\# \text{ DBE in Local Market (M)}}{\# \text{ All Firms (M)}} + E(\%) \times \frac{\# \text{ DBE in Local Market (E)}}{\# \text{ All Firms (E)}} +$$

$$I(\%) \times \frac{\# \text{ DBE in Local Market (I)}}{\# \text{ All Firms (I)}}$$

Project One Base Figure = .861 (2/198) + .0556(7/283) + .0833(3/71)

Project One Base Figure = 1.36%

Number and Types of Projects for FY 2024:

1. East Parking Apron Environmental and Design

Project: East Parking Apron Environmental and Design
Amount: \$140,000.00

Analysis

TABLE 1
PROJECT ONE: EAST PARKING APRON
ENVIRONMENTAL AND DESIGN

NAICS Code	Work Item	DBE's in Market Area	All Available Firms	Total Amount	Weight Factor
54138	Engineering Services	7	283	\$80,000.00	57.14%
54162	Geotechnical/Environmental	3	74	\$60,000.00	42.86%
	Total	10	357	\$140,000.00	100.00%

Source: County Business Patterns and NMDOT DBE Directory

The construction estimate for this project is \$140,000.00. Of that amount, \$80,000.00 or 57.14% is anticipated for Engineering and \$60,000.00 or 42.86% is anticipated for Geotechnical/Environmental.

Therefore, the baseline DBE goal for this contract was weighed so that it would more accurately reflect the potential DBE participation as shown below.

$$E(\%) \times \frac{\# \text{ DBE in Local Market (E)}}{\# \text{ All Firms (E)}} + G(\%) \times \frac{\# \text{ DBE in Local Market (G)}}{\# \text{ All Firms (G)}} +$$

Project One Base Figure = .5714 (7/283) + .4286 (3/74)

Project One Base Figure = 3.15%

Step Two: This step is intended to adjust the base figure percentage calculated in Step One to reflect as accurately as possible the DBE participation that the Carlsbad Municipal Airports would expect in the absence of discrimination.

We have considered all of the other factors, which include the current capacity of DBEs to perform work in the DOT-assisted program. We also considered the available evidence from related fields that affect the opportunities for DBE firms to form, grow, and compete. In our research, none of the previously mentioned factors require an adjustment to the base figure.

Our base figure is not the goal of another recipient and therefore was not considered as an adjustment factor.

There have been two similar projects at the Carlsbad Municipal Airport. Table 2 reflects the overall and achieved goals for each project.

TABLE 1
CARLSBAD MUNICIPAL AIRPORT PAST PARTICIPATION

Fiscal Year	Description	Overall Goal	Achieved Goal
FY 2009	Runway Rehabilitation	8.20%	1.74%
FY 2010	Taxiway Reconstruction Phase I	3.20%	3.90%
3-35-0029-0012	R/W 18-36 Construction	4.59%	4.40%

Due to the similarity of the subcontracting possibilities between the past projects, past participation is going to be considered as an adjustment factor.

Past participation will be accounted for by taking the historical average (3.35%) of the achieved goals, adding it to the average base figure for FY 2022-2024 (2.00 %), and dividing by two.

$$\text{Overall Adjusted Goal} = \frac{2.00\% (\text{Base Figure}) + 3.35\% (\text{Achieved Goal})}{2}$$

Overall Adjusted Goal = 2.7%

The proposed overall goal for the Carlsbad Municipal Airport can be seen below.

Carlsbad Municipal Airports Proposed Overall Goal = 2.7%

Breakout of Estimated Race-Neutral and Race-Conscious Participation (§26.51 (b) (1-9))

The Carlsbad Municipal Airport will meet the maximum feasible portion of its overall goal by using race-conscious means of facilitating DBE participation. The Carlsbad Municipal Airport uses the following race-conscious means to increase DBE participation: By arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in a way to facilitate DBE and other small businesses' participation (e.g., requiring and/or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces).

The following is a summary of the basis of our estimated breakout of race-neutral and race-conscious DBE participation. As can be seen from Table 1, the DBE goal was not achieved for similar projects and subcontracting opportunities, or was achieved but not substantially. Therefore, the Carlsbad Municipal Airport estimates that in meeting its overall goal of 3.00%, we will obtain 0% from race-neutral participation and 3.00% from race-conscious participation.

The Carlsbad Municipal Airport will adjust the estimated breakout of race-neutral and race-conscious DBE participation as needed to reflect actual DBE participation and track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract obtained through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

Public Participation

DBE's in Geographic Area One and Four were notified of a public meeting to be held on February 15, 2024 at 5:30 pm to discuss the projects that are planned for the next three years. The DBE goals and methodology for arriving at the goals for the project were discussed. A list of the projects, goals and methodology was also made available to them for review.

Sample Public Notice Language:

Disadvantaged Business Enterprise (DBE) Goals for Federal Fiscal Years 2022-2024

The City of Carlsbad hereby announces its fiscal years 2022-2024 DBE Goal Setting Meeting for airport construction projects. **A public meeting will be held at 5:30pm, February 15, 2024 at the Cavern City Air Terminal, Conference Room, 1505 Terminal Drive, Carlsbad, NM 88220.**

The goal and goal-setting methodology will be available for inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday, for a period of 30 days following the meeting at **The Cavern City Air Terminal, Airport Managers Office, 1505 Terminal Drive, Carlsbad, New Mexico, 88220.**

The Cavern City Air Terminal will accept comments on the DBE goals for 30 days from the date of this notice. Comments can be sent to either of the following:

DBELO
Cari Pickens
capickens@cityofcarlsbadnm.com
Airport Manager
City of Carlsbad
P.O. Box 1569
Carlsbad, NM 88221

Federal Aviation Administration
Civil Rights Staff, AWP-9
P.O. Box 92007
Los Angeles, CA 90009-2007

Contract Goals

The Carlsbad Municipal Airport will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The Carlsbad Municipal Airport uses the following race-neutral means to increase DBE participation: By arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in a way to facilitate DBE and other small businesses' participation (e.g., requiring and/or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces).

The following is a summary of the basis of our estimated breakout of race-neutral and race-conscious DBE participation. The Carlsbad Municipal Airport estimates that in meeting its overall goal for FY 2022-2024 of 3.00%, we will obtain 3.00% from race-conscious participation and 0% from race-neutral participation.

The Carlsbad Municipal Airport will adjust the estimated breakout of race-neutral and race-conscious DBE participation as needed to reflect actual DBE participation and track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract obtained through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal, DBE participation on a prime contract exceeding a contract goal, and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

Attachment 6

Forms 1 & 2 for Demonstration of Good Faith Efforts

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

☐ The bidder/offeror is committed to a minimum of % DBE utilization on this contract.

☐ The bidder/offeror (if unable to meet the DBE goal of % is committed to a minimum of % DBE utilization on this contract and should submit documentation demonstrating good faith efforts.

Name of bidder/offeror's firm:

State Registration No.

By
(Signature) Title

FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$ _____.

Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By _____
(Signature) (Title)

If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.

(Submit this page for each DBE subcontractor.)

ATTACHMENT 7

DBE Monitoring and Enforcement Mechanisms

The City of Carlsbad has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract.
2. Breach of contract action, pursuant to New Mexico Statutes and Codes; Section 13-4-41 Penalties, Section 13-4-36 Substitution of subcontractor.

In addition, the Federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE program, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR Part 26
2. Enforcement action pursuant to 49 CFR Part 31
3. Prosecution pursuant to 18 USC 1001.

ATTACHMENT 8
DBE Certification Application Form

<https://nmdot.dbesystem.com>

Welcome!

Please login or create an account to apply for certification, and/or provide annual updates and renewal information to us. If you have questions about certifications, please contact us at dbe.cert@state.nm.us. For more information on NMDOT Certification programs and requirements, please visit Construction and Civil Rights Publications (state.nm.us)

Attachment 9

FILE COPYAGREEMENT

FOR

2002 JAN 30 PM 3:50

NEW MEXICO UNIFIED CERTIFICATION PROGRAM (NMUCP)

THIS AGREEMENT is made and entered into this 22nd day of January, 2002, by and between the undersigned, authorized representatives of the New Mexico State Highway and Transportation Department (NMSHTD), and City of Carlsbad, New Mexico, a current or future recipient of United States Department of Transportation (USDOT) funds (USDOT Recipient) from Federal Highway Administration (FHWA), Federal Aviation Administration (FAA) or Federal Transit Administration (FTA).

WHEREAS, a final rule revising the USDOT's regulations for its Disadvantaged Business Enterprise (DBE) Program was published in the *Federal Register* on *February 2, 1999*.

WHEREAS, these regulations contained in 49 CFR Part 26, as amended, became effective on March 4, 1999.

WHEREAS, 49 CFR Part 26, Subpart E, as amended, of the Regulation details the requirements for a Unified Certification Program (UCP) including a "one-stop shopping" certification provision intended to enable DBEs, once certified by any one recipient of USDOT funds, to participate in the programs of other recipients.

WHEREAS, all USDOT recipients within each state must sign an agreement establishing a UCP, said agreement is to be submitted by March 3, 2002, for approval by the Secretary of the USDOT, and

WHEREAS, USDOT Recipient wishes to participate in the NMUCP.

NOW THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES:

1. The New Mexico Unified Certification Program (NMUCP) is established for all USDOT Recipients within the State of New Mexico. The NMUCP is detailed in Attachment A to this Agreement. The purpose of the NMUCP is to comply with the requirements contained in 49 CFR Part 26, Subpart E, as amended.

2. NMSHTD, through its Office of Equal Opportunity Programs (OEOP), will take the lead and be responsible for:

a. The certification of DBEs, the removal of DBE eligibility, and the suspension or debarment of DBEs consistent with 49 CFR Part 26, as amended,

b. Administering the requisite procedures for full cooperation with the oversight, review and monitoring activities of USDOT and its Operating Administrations (OA),

c. The maintenance of the NMUCP's DBE Directory (electronic and hard copy), listing certified DBEs, and

d. The implementation of USDOT directives and guidance concerning certification matters.

3. USDOT Recipient agrees to:

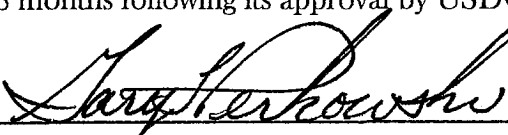
a. Be bound by the decisions or actions of the NMUCP concerning this program,

b. Use the Uniform Certification Application as published in the *Federal Register* on Tuesday, May 8th 2001 (Attachment B), and

c. Commit to ensure that the NMUCP has sufficient resources and expertise to carry out the requirements contained in 49 CFR Part 26 Subpart E, as amended.

4. Upon approval of New Mexico's Uniform Certification Program, the NMSHTD, through the OEOP, will immediately assume and consolidate all certification functions and responsibilities. The NMUCP will be operational not later than 18 months following its approval by USDOT.

USDOT RECIPIENT

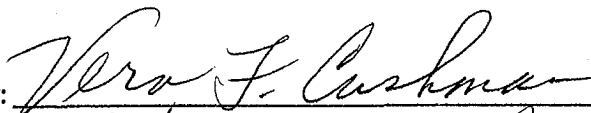
By: 

Title: Mayor

Agency: City of Carlsbad

Recipient: City
(city, town, county, etc.)

NMSHTD

By: 

Title: Chief, OEOP

New Mexico State Highway and Transportation
Department (NMSHTD)

Attachment 10

Fostering Small Business Participation (§26.39)

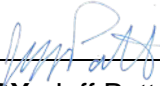
Cavern City Air Terminal is taking steps to foster competition by small business concerns with the limits of the Procurement Code of the State of New Mexico (New Mexico State Annotated (NMSA) 13-1-1 *et. seq.*, and the Federal and State grant obligations and requirements by taking the following steps with the approval of DOT and FAA to eliminate obstacles to their participation including, but not limited to:

- Will not practice unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.
- Establishing a race-neutral small business goal for prime contracts under a stated amount (e.g. \$1million). The goal will be established following the procedure in this program, but will not be submitted to the FAA for approval. Set asides are not allowed in New Mexico.
- In multi-year design build contracts (e.g. mega projects); requiring bidders on the prime contract to specify elements of the contract or specific subcontract that are of a size that small businesses, including DBE's, can reasonably perform.
- On prime contracts not having DBE contract goals, requiring prime contractor to provide subcontracting opportunities of a size that small businesses, including DBE, can reasonably perform, rather than self-performing all the work involved.
- Identifying alternative acquisition strategies and structuring procurements to facilitate the ability of consortia or joint ventures consisting of small businesses, including DBE's, to complete for and perform prime contracts.
- If implementing the overall goal wholly through race/gender-neutral measures, ensure that a reasonable number of prime contracts are of a size that small businesses, including DBE's, can reasonably perform.
- Cavern City Air Terminal will partner with NMDOT who will dedicate staff within its Office of Equal Opportunity Programs to conduct outreach to DBE's and small business concerns, including providing assistance in obtaining bonding and financing; providing technical assistance, widely distributing information on contract opportunities and available firms, implementing a program to enhance business management of small businesses, providing assistance to start-up firms, and assisting DBE's in utilizing emerging technology.
- Cavern City Air Terminal will include the following in invitations to bid on federal-aid projects, "regardless of whether a DBE goal is set on a contract, and in accordance with NMSA 1978 Section 13-1-184, "Assistance to Small Business Policy," Cavern City Air Terminal encourages Contractors to use small businesses, including DBE's, on it's projects."
- Implementing the New Mexico State Procurement Ordinance 13-1-185, Assistance to small business; Duties of the State Purchasing Agent;
 - The State Purchasing Agent shall issue publications designed to assist businesses in learning how to do business with the state agencies and local public bodies.

- The State Purchasing Agent shall compile, maintain and make available source lists of small businesses for the purpose of encouraging procurement by the state agencies and local public bodies from small businesses.
 - The State Purchasing Agent and central purchasing offices shall take all reasonable action to ensure that small businesses are solicited on each procurement for which they appear to be qualified.
 - The State Purchasing Agent shall develop training programs to assist small businesses in learning how to do business with the state agencies and local public bodies.
 - The State Purchasing Agent or a central purchasing office may make special provisions for progress payments as such office or officer may deem reasonably necessary to encourage procurement from small businesses in accordance with regulations promulgated by the secretary or a central purchasing office with authority to issue regulations.
- “Small Business” means a personal net worth of under 1.32 million and average annual gross receipts over the past three years of under 22.4 million.
 - NMDOT annually obtains information required in 49 CFR 26.11 through an Annual Profile Registration that included business size (annual gross receipts) information for its bidders and quoters to identify small businesses and identifies prior year small business participation on federally-assisted contracts. Cavern City Air Terminal will reference this information.
 - Contractor and Subcontractor awards to Small Businesses will be documented on the projects bid and subcontracts awarded. Actual participation of small businesses will be reported by Cavern City Air Terminal from data provided by the contractors as required in the project contract documents.
 - The plan will be implemented nine months after approval.

CITY OF CARLSBAD
AGENDA BRIEFING MEMORANDUM

Council Meeting Date: 3/12/2024

DEPARTMENT: Planning & Regulation	 BY: Jeff Patterson, Planning Director	DATE: 3/5/2024											
<p>SUBJECT: Permission from the City Council to allow for mobile sales (vending) of food (ice cream) and drinks (non-alcoholic) within City streets throughout the City, for The Ice Cream Man, LLC.</p> <p>The Ice Cream Man, LLC. Jason Stearns, owner 5605 Carrick St. NW Albuquerque, NM 87120</p>													
<p>BACKGROUND, ANALYSIS AND IMPACT: (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)</p> <p>The purpose of this request is to allow vending of food & drinks within City streets around town. The applicant plans to take a mobile ice cream truck around town and vend ice cream and related treats in various neighborhoods. Section 56-80 of the Zoning Ordinance, regarding temporary uses, requires permission from the property owner in order to allow someone other than the property owner to utilize the property in this manner. In this case, the City of Carlsbad is the property owner. The applicant has submitted an application for an annual city business license. The applicant will also need to provide a certificate of liability insurance.</p>													
<p>RECOMMENDATION: Approval of the request with the following conditions:</p> <ol style="list-style-type: none">1. The applicant shall not disturb the peace with a loud speaker, megaphone, bell, music or other disruptive noise.2. The applicant shall vend toward the sidewalk or curb and avoid vending toward the lanes of traffic or drive aisles.3. Approval of this request grants permission to the applicant to vend food and drinks (non-alcoholic) within City-streets from Wednesday, March 13, 2024, through Tuesday, December 31, 2024.4. The applicant shall provide the City with proof of liability insurance naming the City as additional insured.													
<p>BOARD/COMMISSION/COMMITTEE ACTION: N/A</p> <table style="width: 100%;"><tr><td><input type="checkbox"/> P & Z</td><td><input type="checkbox"/> Lodgers Tax Board</td><td><input type="checkbox"/> Cemetery Board</td><td rowspan="2" style="vertical-align: middle;">} <input type="checkbox"/> APPROVED } <input type="checkbox"/> DISAPPROVED</td></tr><tr><td><input type="checkbox"/> Museum Board</td><td><input type="checkbox"/> San Jose Board</td><td><input type="checkbox"/> Water Board</td></tr><tr><td><input type="checkbox"/> Library Board</td><td><input type="checkbox"/> N. Mesa Board</td><td><input type="checkbox"/> _____ Committee</td><td></td></tr></table>			<input type="checkbox"/> P & Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	} <input type="checkbox"/> APPROVED } <input type="checkbox"/> DISAPPROVED	<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> _____ Committee	
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<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> _____ Committee											
<p>Reviewed By: Interim</p> <p>City Administrator: <u>/s/Wendy Austin</u> Date <u>03/07/2024</u></p>													

ATTACHMENT(S): Application

**CITY OF CARLSBAD**

Planning, Engineering, and Development Dept.

Phone: (575) 885-1185

Fax: (575) 628-8379

NON-REFUNDABLE APPLICATION FEE:

- ☒ \$25 Door to Door--City Solicitation License
(as regulated by Sec. 28.161)
- ☐ \$25 Dance, per day
- ☐ \$200 Dance, per year
- ☐ \$50 Boxing, wrestling, fighting, or martial arts
exhibitions or contests, per performance
- ☐ \$100 Carnival, circus, or menagerie, per day
- ☐ \$250 Pawnbroker, per year

Date: 2-20-24**BUSINESS LICENSE
(SPECIAL EVENTS/PAWNBROKERS)
APPLICATION****BUSINESS NAME:**THE ICE CREAM MAN LLC**TYPE OF BUSINESS/PURPOSE OF LICENSE:**ICE CREAM VAN.**LOCATION OF BUSINESS (Physical Address):**3105 NATIONAL PARK HWY**NM ID #:**6977294**MAILING ADDRESS:**5605 CARNICK ST N.W.**BUSINESS OWNER:**JASON STEARNS**E-MAIL**ADDRESS: JASONSTEARNS76@GMAIL.COMPHONE NUMBER (505) 716-2577**DATES OF LICENSE USE:**3/24 3/25**APPLICANT'S SIGNATURE:**[Signature]**FOR OFFICIAL USE ONLY**Solicitor's License? ☐ Yes ☐ NoCouncil Action: ☐ Approved ☐ Denied

Date: _____

Conditions Required: _____

CITY OF CARLSBAD PROCEDURES FOR APPLYING FOR BUSINESS LICENSE

MEETING TIME AND DATE: Business License Requests are presented to the City Council. This application will be set for Council on 3/12/2024.

DEADLINE: The deadline for submitting applications for City Council is 3/6/2024.

APPLICATION FEE: The Fee is due upon submission of application. Fees are listed on first page of application.

LETTER OF INTENT: A letter explaining the reason for the request must be submitted. The letter should be typed and addressed to the Carlsbad City Council.

BOND: (from Section 28-163 of the City of Carlsbad, Code of Ordinances, bold type added)
"The provisions of section 28-162(a) shall not apply to any person if such person for himself, or through his employer, shall have:
(1) Posted a surety bond, with a surety licensed to do business in the state, in the amount of \$1,000.00, to the city and the residents of the city conditioned that the person posting the surety bond shall comply fully with all the provisions of the ordinances of the city and the statutes of the state regulating and concerning the business licensed, and guaranteeing to any resident of the city that all money paid will be accounted for and applied according to the representations of the licensee, and further guaranteeing to any resident of the city doing business with such licensee that the property or services purchased will be delivered or furnished according to representations made by the licensee, and will conform to such representation, whether such representations be oral or in writing, and that the licensee's contract in all respects will be fully performed. Action on such bond may be brought in the name of the city to the use and benefit of the aggrieved person or in the name of the aggrieved person. **The term of such bond shall be at least one year.**
a. Any employer may purchase such a bond for any person employed by him or representing him in any capacity. If such bond is purchased by an employer of **more than one employee**, he shall purchase one such bond in the amount of **\$2,000.00**, which bond shall cover all persons employed by him or representing him in any capacity."

ATTACHMENTS: Any additional information about business such as brochures, plans, or deeds should be submitted with the application.

SUBMIT TO: City of Carlsbad
Planning, Engineering, and Regulation Department
114 S. Halagueno (or mail to PO Box 1569)
Carlsbad, NM 88220
Phone: (575) 885-1185, Fax: (575) 628-8379

PRESENCE AT MEETING: The Carlsbad City Council will vote on the request during a regularly scheduled City Council meeting. The applicant or his/her representative must be present to address any questions that the Mayor or Council members may have.



CITY OF CARLSBAD

Planning, Engineering, and Regulation Department
114 S. Halagueno, PO Box 1569
Carlsbad, New Mexico 88220
Phone (575) 885-1185, Fax (575) 628-8379

BUSINESS LICENSE SOLICITOR REGULATIONS (Sec. 28-161 to 169)

1. Post a surety bond, with a surety licensed to do business in the state, in the amount of \$1,000.00, or \$2,000.00 for more than one employee, to the City; and
2. Obtain a City Business Registration; and
3. Obtain a Peddler's Identification Card. However, since the capability for issuance of Peddler Identification Cards no longer exists as detailed in Ordinance Section 28-163(3), the following information shall be displayed on the business registration:
 - a. the name and address of the bearer;
 - b. the name and address of the employer;
 - c. a "wallet-sized" photograph of the applicant;
 - d. the name and address of the bonding company;
 - e. the statement: "THE CITY OF CARLSBAD DOES NOT ENDORSE OR GUARANTEE THE PRODUCT OR SERVICE OF THE PERMITTEE OR HIS COMPANY." ; and
4. Hours of operation be limited to start no earlier than 10:00 AM and terminate each day no later than 9pm or ½ hour prior to sunset, whichever occurs first; and
5. Solicitors are prohibited from using a loudspeaker to announce or advertise his or her presence or otherwise disturb peace and tranquility; and
6. Solicitors shall not enter property unless requested or invited to do so by the owner or occupant of property. Solicitors shall not enter property if there is a sign posted in a conspicuous place that reads: "No Trespassing," "No Peddlers," "No Agents," "No Solicitors," "No Advertisements" or any similar notice.

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

Council Meeting Date: March 12, 2024

DEPARTMENT: Legal	BY: Denise Madrid Boyea DB	DATE: March 5, 2024										
SUBJECT: Proposed Resolution requiring the removal of the ruined, damaged or dilapidated buildings or structures, ruins, rubbish, wreckage, and debris at 1004 N. Richard St.												
BACKGROUND, ANALYSIS AND IMPACT: (Safety and Welfare/Financial/Personnel/Infrastructure/etc.) The property commonly known as 1004 N. Richard St. is in a residential neighborhood near the intersection of Richard and Blodgett. There appears to be a dilapidated structure on the property and a large amount of rubbish, debris and weeds. The Eddy County Assessor's Office lists Christopher Tuggle and David Bond as owning or having an interest in the property. The Assessor's records lists Mr. Tuggle and Bond's address as 1020 N. Spring St., Apt. 12, Carlsbad, NM 88220. The property appears to be vacant but secured. Code enforcement has been to the property. There is demo debris along the back side of the structure, overgrown tree limbs over the street and sidewalk, dead grass and weeds throughout the parcel. A Notice of Violation was mailed to the owners on October 23, 2023 and a second violation mailed on November 28, 2023, which was returned unclaimed. The property has been inspected by the City Code Enforcement Office, the Building Inspector and the Fire Marshall. They found that the property remains out of compliance with applicable codes. The ruined or dilapidated structure remains on the property. The Fire Marshall found that the property presents an extreme fire hazard for responding firefighters and emergency personnel and recommends the building be demolished, the property be cleaned and the debris be removed. A resolution has been prepared which, if adopted, would require the property owners to remove all ruins, dilapidated structure, rubbish, wreckage, debris and weeds from the property within thirty days of the service of the resolution. On March 5, 2024, a certified letter was sent to the owners of record at the address on record of the County, which invited them to attend the meeting and speak with Council about the property.												
DEPARTMENT RECOMMENDATION: Adopt the proposed resolution.												
BOARD/COMMISSION/COMMITTEE ACTION: N/A												
<table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> P & Z</td> <td><input type="checkbox"/> Lodgers Tax Board</td> <td><input type="checkbox"/> Cemetery Board</td> <td rowspan="3" style="vertical-align: middle;"> } <input type="checkbox"/> APPROVED } } <input type="checkbox"/> DISAPPROVED </td> </tr> <tr> <td><input type="checkbox"/> Museum Board</td> <td><input type="checkbox"/> San Jose Board</td> <td><input type="checkbox"/> Water Board</td> </tr> <tr> <td><input type="checkbox"/> Library Board</td> <td><input type="checkbox"/> North Mesa Board</td> <td><input type="checkbox"/> _____ Committee</td> </tr> </table>			<input type="checkbox"/> P & Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	} <input type="checkbox"/> APPROVED } } <input type="checkbox"/> DISAPPROVED	<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> Library Board	<input type="checkbox"/> North Mesa Board	<input type="checkbox"/> _____ Committee
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<input type="checkbox"/> Library Board	<input type="checkbox"/> North Mesa Board	<input type="checkbox"/> _____ Committee										

Reviewed by: Interim**City Administrator** /s/Wendy Austin**Date:** 03/07/2024**ATTACHMENT(S):**

Proposed Resolution with Attachments

Photographs

Letter to Christopher Tuggle and David Bond dated March 5, 2024

RESOLUTION NO. 2024-09

A RESOLUTION FINDING THE BUILDINGS OR STRUCTURES AT THE PROPERTY COMMONLY KNOWN AS 1004 N. RICHARD STREET TO BE RUINED, DAMAGED, AND DILAPIDATED AND FINDING THE PREMISES TO BE COVERED WITH RUINS, RUBBISH, WRECKAGE, WEEDS, DEBRIS; AND REQUIRING THE REMOVAL OF THE BUILDINGS, STRUCTURES, RUINS, RUBBISH, WRECKAGE, WEEDS, AND DEBRIS

WHEREAS, the records of the Eddy County Assessor's Office show **Christopher Joel Tuggle and David Alexander Bond** to be the owners of or to have an interest in the property commonly known as **1004 N. Richard St., Carlsbad, Eddy County, New Mexico**, and more particularly described as:

Subd: CARTER UNIT #2 Lot: 16 Block: 9 Quarter: SE
S: 36 T: 21S R: 26E

hereinafter referred to as "Property", and

WHEREAS, the Property has been inspected by the Carlsbad Code Enforcement Officer, the Fire Marshall Chief and the Certified Building Official; and

WHEREAS, the Carlsbad Code Enforcement Officer, the Fire Marshall and the Certified Building Official found that the Property has not been adequately maintained; and

WHEREAS, the Property contains a large amount of ruins, rubbish, wreckage, and/or debris, and some weeds; and

WHEREAS, the Property is in an unsafe condition and constitutes a hazard to the surrounding properties, residents and passersby; and

WHEREAS, the Carlsbad Code Enforcement Officer found that the specific violations, under Code of Ordinances of the City of Carlsbad, at the Property include, but are not limited to those listed on the attached Exhibit "A"; and

WHEREAS, the City Fire Marshall has inspected the Property and found that the specific violations at the Property under Fire Code include, but are not limited to those listed on the attached Exhibit "B"; and

WHEREAS, the specific Building Code violations include, but are not limited to those listed on the attached Exhibit "C;" and

WHEREAS, the Property and all structures, ruins, rubbish, wreckage, debris, and weeds are a menace to the public comfort, health, peace, and safety and require removal forthwith.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Carlsbad, Eddy County, New Mexico that:

1. A copy of this Resolution shall be served on the record owners, as shown by the real estate records of the County Clerk, occupants, or agents in charge of the Property. Such service shall be in person if such a person can be found within the City of Carlsbad, New Mexico after a reasonable search.

2. If a record owners, occupant, or agent in charge of the Property cannot be located within the City of Carlsbad, New Mexico, notice shall be by posting at the Property and by publishing this Resolution one time in a newspaper in general circulation in the City of Carlsbad.

3. Within ten days of either the receipt of a copy of this Resolution or the posting and publishing of this Resolution, the owner, occupant, or agent in charge of the Property shall either:

- A. Commence removing all ruins, rubbish, wreckage, debris, and weeds from the premises; or
- B. File a written objection with the Carlsbad Municipal Clerk at 101 N. Halagueno, Carlsbad, New Mexico 88220 and request a hearing before the City Council.

4. If a written objection is filed as required, the City Council shall proceed as directed by Chapter 22, Article II of the Code of Ordinances, City of Carlsbad, New Mexico.

5. The removal of the structure, ruins, rubbish, wreckage, debris, and weeds shall:

- A. Begin immediately;**
- B. Proceed properly and with diligence; and**
- C. Be completed in a timely manner;**
- D. BUT IN NO CASE SHALL SUCH WORK TAKE LONGER THAN THIRTY (30) DAYS FROM THE DATE THE RESOLUTION WAS SERVED UNLESS THE CARLSBAD CITY COUNCIL CONSENTS IN WRITING TO AN EXTENSION.**

6. Any removal of the structures, ruins, rubbish, wreckage, debris, or weeds shall leave the property from which the materials have been removed in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled.

7. If the owner, occupant, or agent in charge does not commence the removal of the stated items, and if no written objection is filed as required, or if the removal of the stated items is not completed in a timely manner, the City may remove the structures, ruins, rubbish, wreckage, debris, and/or weeds at the cost and expense of the owner.

8. The reasonable cost of such a removal shall constitute a lien against the structures, ruins, rubbish, wreckage, debris, and/or weeds so removed and against the lot or parcel of land from which it was removed.

9. The City Clerk shall make out, sign, attest, file, and record in the office of the Eddy County Clerk's Office, a claim of lien upon the described premises.

10. The lien shall bear interest at the rate of twelve percent (12%) per annum from the date of filing until paid, together with reasonable attorney's fees for the foreclosure of the same. The lien shall be foreclosed in any manner proved by an applicable state lien foreclosure law.

INTRODUCED, PASSED, ADOPTED, AND APPROVED this 12th day of March, 2024.

RICHARD D. LOPEZ, MAYOR

ATTEST:

NADINE MIRELES, CITY CLERK



CITY OF CARLSBAD

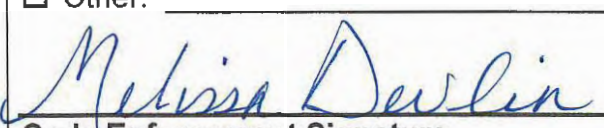
*Planning, Engineering,
and Regulation Department*

114 S. Halagueno, PO Box 1569

Carlsbad, New Mexico 88220

Phone (575) 885-1185, Fax (575) 628-8379

CODE ENFORCEMENT REPORT

Case Number: CE- <u>23</u> - <u>265</u>	Date of Complaint: 10/23/2023	Complaint Taken By: M. Devlin
Complainant Name: Anonymous		Phone Number:
Complaint Location: 1004 N Richard Street		
Details of Complaint: Abandoned house, overgrown tree limbs, Demo debris, Weeds		
Primary Structure: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Occupied <input checked="" type="checkbox"/> Vacant <input checked="" type="checkbox"/> Secured <input type="checkbox"/> Unsecured <input type="checkbox"/> No structure on property	Photographs Taken (attach): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	CE District: <input checked="" type="checkbox"/> North <input type="checkbox"/> South
Narrative: This property has been vacant for years. There is demo debris along the back side of the structure that has never been removed. There are overgrown tree limbs over the street and sidewalk that have not been cut. There is dead grass and weeds throughout the parcel. This property needs to be cleaned up and brought into compliance.		
Disposition of Case: <input type="checkbox"/> No Basis for Complaint: _____ <input checked="" type="checkbox"/> Mailed Notice of Violation/Date: <u>10/23/2023, 11/28/2023-returned</u> <input type="checkbox"/> Door Hanger Notice of Violation/Date: _____ <input type="checkbox"/> Verbal Warning/Date: _____ <input type="checkbox"/> Referred to Other Agency: _____ <input type="checkbox"/> Other: _____		
 Code Enforcement Signature	Melissa Devlin Printed Name	02/09/2024 Date
Report Information: Entered into Database on: _____ By: _____ Page ____ of ____		

15 CITY OF CARLSBAD

Planning, Engineering, and Regulation Department
Code Enforcement Division
114 S. Halagueno, PO Box 1569
Carlsbad, New Mexico 88220
Phone 575.885.1185, Fax 575.628.8379

**NOTICE OF CODE VIOLATION**Date: 10/23/2023Case: CE- 23 - 265Address: 1004 N RICHARD ST.

Carlsbad, New Mexico 88220

Name and Address of Property Owner or Occupant*

TUGGLE, CHRISTOPHER JOEL & BOND, DAVID
ALEXANDER (N-JT)
1020 N SPRING ST APT 12
CARLSBAD, NM 88220

The following violation(s) of the Carlsbad Code of Ordinances have been identified as existing on your property. It is your responsibility, if you have any control over the property, to take immediate action to correct these violation(s), even if you do not actually occupy the property or if the property is occupied by others.

COMPLETION OF CORRECTIVE ACTION(S) IS REQUIRED NO LATER THAN: 11/03/2023**CORRECTIVE ACTION TO BE TAKEN (WHAT YOU SHOULD DO) BEFORE DEADLINE:**

Please remove all demo debris that is on the property. Contact me or our building official regarding your plans for the property. Maintain all grass and weeds on the property as well. Thank You. Any Question Contact 885-1185, Ext 2238.

CODE VIOLATED:

EXCESS WEEDS - LOTS (CCO 22-64): It shall be unlawful for any owner having charge or control of any lot within the city to permit or maintain on any such lot, including the area located between the property line and the middle of the alley adjacent to the property, and the area located between the property line and the curb, and the area located ten feet outside the property line where there is no curb, any growth of weeds to a greater height than 12 inches, or any accumulation of weeds.

CODE VIOLATED:

WASTE STORAGE (CCO 22-03): Any land, within the city, used for open storage of junk, trash or debris is hereby declared to be a public nuisance, and such use of land is prohibited in the city.

CODE VIOLATED:

Thank You!!

Note: Specific details regarding the applicable ordinance may be obtained from the Code Enforcement Division Office listed above. The complete Code of Ordinances may be found on the City of Carlsbad website: www.cityofcarlsbadnm.com or in the office of the City Clerk.

The required Corrective Action listed above must be initiated immediately and be completed no later than the deadline. Failure to comply with the Ordinances of the City of Carlsbad is subject to specific actions. If the owner of the property cannot be located or refuses compliance, the City may initiate condemnation procedures under Chapter 22, Article II, of the Carlsbad Code of Ordinances to remedy the violation. Under this procedure the City will file a claim of lien against the premises in the amount of the expenditure by the City to correct each violation. Optionally, the City may seek a judgment in Municipal Court for the maximum penalty allowed by ordinance for violation of municipal ordinances. Unless a lesser maximum penalty or a specific penalty is established by ordinance for a particular offense, a fine of not more than \$500 or imprisonment for not more than 90 days, or both, plus court costs, may be imposed by the court.

*Property and owner information is received from the Eddy County Assessor's Office, Occupant, or City records.

Handwritten signature of M. Devlin in blue ink.

Code Enforcement Signature

M. DEVLIN

Printed Name

10/23/2023

Date

15 CITY OF CARLSBAD

Planning, Engineering, and Regulation Department
Code Enforcement Division
114 S. Halagueno, PO Box 1569
Carlsbad, New Mexico 88220
Phone 575.885.1185, Fax 575.628.8379

**NOTICE OF CODE VIOLATION**Date: 11/28/2023Case: CE- 23 - 265Address: 1004 N RICHARD STREET

Carlsbad, New Mexico 88220

Name and Address of Property Owner or Occupant*

TUGGLE, CHRISTOPHER JOEL & BOND, DAVID
ALEXANDER
1020 N SPRING ST APT 12
CARLSBAD, NM 88220

FINAL NOTICE

The following violation(s) of the Carlsbad Code of Ordinances have been identified as existing on your property. It is your responsibility, if you have any control over the property, to take immediate action to correct these violation(s), even if you do not actually occupy the property or if the property is occupied by others.

COMPLETION OF CORRECTIVE ACTION(S) IS REQUIRED NO LATER THAN: 12/08/2023**CORRECTIVE ACTION TO BE TAKEN (WHAT YOU SHOULD DO) BEFORE DEADLINE:**

Please remove all demo debris on the property. Maintain all grass and weeds on the property including halfway through the alley. Cut back all tree branches hanging over the sidewalk and street. This is your final notice before a condemnation is submitted. Thank You. Any Question Contact 885-1185, Ext 2238.

CODE VIOLATED:

EXCESS WEEDS - LOTS (CCO 22-64): It shall be unlawful for any owner having charge or control of any lot within the city to permit or maintain on any such lot, including the area located between the property line and the middle of the alley adjacent to the property, and the area located between the property line and the curb, and the area located ten feet outside the property line where there is no curb, any growth of weeds to a greater height than 12 inches, or any accumulation of weeds.

CODE VIOLATED:

WASTE STORAGE (CCO 22-03): Any land, within the city, used for open storage of junk, trash or debris is hereby declared to be a public nuisance, and such use of land is prohibited in the city.
Thank You!!

CODE VIOLATED:

Sec. 56-110. - Landscaping and buffering requirements. (g) Required landscaping materials and practices. 3. Prevention of obstructions. All landscaping shall be designed, installed and maintained so as to prevent the obstruction of or interference with pedestrian and vehicular traffic. At a minimum:
(a) All artwork, bushes, trees, or other vegetation extending on or over a sidewalk or other pedestrian way shall have a clearance of no less than eight feet above the sidewalk or other pedestrian way.
(b) All bushes, trees, or other vegetation extending on or over a street or other vehicular way shall have a clearance of no less than 14 feet above the street or other vehicular way.
(c) All bushes, trees, or other vegetation shall be kept trimmed so that they do not obstruct any traffic control device, sign, signal, or traffic line of sight.

Note: Specific details regarding the applicable ordinance may be obtained from the Code Enforcement Division Office listed above. The complete Code of Ordinances may be found on the City of Carlsbad website: www.cityofcarlsbadnm.com or in the office of the City Clerk.

The required Corrective Action listed above must be initiated immediately and be completed no later than the deadline. Failure to comply with the Ordinances of the City of Carlsbad is subject to specific actions. If the owner of the property cannot be located or refuses compliance, the City may initiate condemnation procedures under Chapter 22, Article II, of the Carlsbad Code of Ordinances to remedy the violation. Under this procedure the City will file a claim of lien against the premises in the amount of the expenditure by the City to correct each violation. Optionally, the City may seek a judgment in Municipal Court for the maximum penalty allowed by ordinance for violation of municipal ordinances. Unless a lesser maximum penalty or a specific penalty is established by ordinance for a particular offense, a fine of not more than \$500 or imprisonment for not more than 90 days, or both, plus court costs, may be imposed by the court.

*Property and owner information is received from the Eddy County Assessor's Office, Occupant, or City records.

A handwritten signature in blue ink, appearing to read "M. Devlin".
Code Enforcement Signature

M. DEVLIN

Printed Name

11/28/2023

Date

7017 1070 0000 6425 3249

U.S. Postal Service™ 23-265	
CERTIFIED MAIL® RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee	\$ 4.35
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 3.85
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 4.63
Total Postage and Fees	\$ 8.53
Sent To	
Tusala, Christopher + Bond, David	
Street and Apt. No., or PO Box No.	
1020 N. Spring St. Apt 12	
City, State, ZIP+4®	
Carlsbad, NM 88220	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



Phone 575.885.1185. Fax 575.628.8379

TUGGLE, CHRISTOPHER JOEL & BOND, DAVID
ALEXANDER
1020 N SPRING ST APT 12
CARLSBAD, NM 88220

The following violation(s) of the Carlsbad Code of Ordinances:



7017 1070 0000 6425 3249



LN
12.1

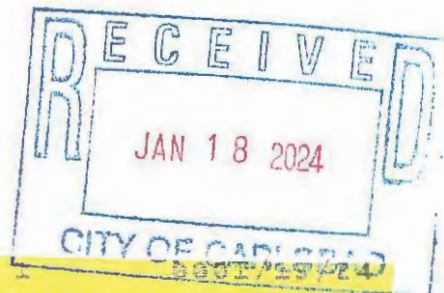
1-18

LUBBOCK TX 794

29 NOV 2023 PM 1 1

US POSTAGE IMPITNEY BOWES

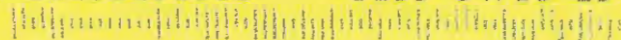
ZIP 88220 \$ 008.53⁰
02 4W
0000385820 NOV 29 2023



730

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

FOI: 8827116958 - 2157-54728-13-39



8822141569
9920-549

23-265

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tuggle, Christopher Joel
Bond, David Alexander
1020 N Spring St. Apt #12
Carlsbad, NM 88220



9590 9402 2177 6193 9057 98

2. Article Number (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
- ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

- D. Is delivery address different from item 1?** ☐ Yes
- If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Delivery

Domestic Return Receipt

Feb 27, 2024 at 1:32:01 PM





02/08/2024 12:27



02/08/2024 12:27



02/08/2024 12:28

City Of Carlsbad

Inter-Office Memorandum

Richard D. Lopez, Mayor

Wendy Austin, City Manager

Date: 1 March 2024

To: Denise Madrid Boyea, City Attorney

From: Joshua Campbell, Fire Marshal

Re: 1004 N. Richard St.

On March 1, 2024, I inspected a property located at 1004 N. Richard St. This property presents an **extreme** fire hazard for responding Firefighters and emergency personnel. I recommend that the buildings be secured or demolished, the property be cleaned up, and the weeds and debris be removed under the following fire codes.

The International Fire Code, 2015 edition states:

Section 110 Unsafe Buildings

110.1 General. If during the inspection of a building or structure or any building system, in whole or part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

110.1.1 Unsafe Conditions. Structures or existing equipment that are or here after become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by Section 311 shall be unsafe.

110.1.2 Structural Hazards. When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by this code, the fire official shall immediately notify the building official in accordance with Section 110.1

110.4 Abatement. The owner, operator or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions by repair, rehabilitation, demolition, or other approved corrective action.

Section 304 Combustible Waste Material

304.1.1 Waste material. Accumulations of wastepaper, wood, hay, straw, weeds, litter, or combustible or flammable rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle, or other similar structure.

304.1.2 Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises.

Section 311 Vacant Premises

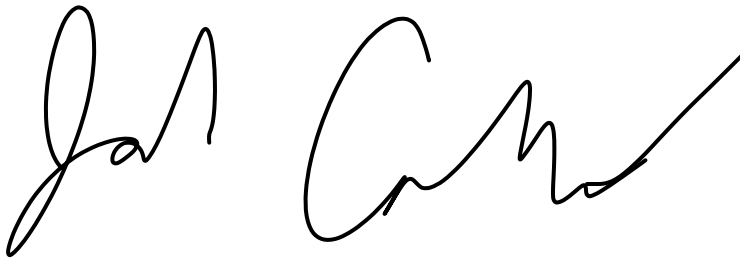
311.1 General. Temporarily unoccupied buildings, structures, premises, or portions thereof including tenant spaces shall be safeguarded and maintained in accordance with this section.

311.1.1 Abandoned premises. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered, declared unsafe and abated by demolition or rehabilitation.

311.2 Safeguarding vacant premises. Temporarily unoccupied buildings, structures, premises, or portions thereof shall be secured and protected in accordance with this section.

311.2.2 Security. Exterior openings and interior openings accessible to other tenants or authorized persons shall be boarded, locked, blocked or otherwise protect to prevent entry by unauthorized individuals. The Fire Code Official is authorized to placard, post signs, erect barrier tape or take similar measures as necessary to secure public safety.

311.3 Removal of combustibles. Persons owning, or in charge of a vacant building or portion thereof, shall remove therefrom all accumulations of combustible material, flammable or combustible waste or rubbish and shall securely lock or otherwise secure doors, windows, and other openings to prevent entry by unauthorized persons. The premises shall be maintained clear of waste or hazardous materials.

A handwritten signature in black ink, appearing to read 'Josh Campbell', is written over a horizontal line.

Joshua Campbell, Fire Marshal
Carlsbad Fire Department

CITY OF CARLSBAD
INTER-OFFICE MEMORANDUM

Richard D. Lopez, Mayor

Wendy D. Austin, City Administrator

TO: Denise Madrid Boyea, City Attorney
FROM: Nick Sullivan, Building Inspector
DATE: 2-27-2024
SUBJECT: Condemnation - 1004 North Richard Street
Cc:

On February 27, 2024 I performed an inspection on the property located at 1004 North Richard Street. During our walk through of the property we found the house to be abandoned and unoccupied. The house was left in ruin. There are no utilities to the property. At one point it looks like the back portion of the house has been demolished and the interior framing has all been exposed or altered. There was exposed wiring and open receptacles throughout the house making it unsafe. The interior plumbing throughout the house was not working correctly causing substantial health issues. All interior walls have sustained damage to the point that the interior of the house is unsuitable for human occupancy. In its current state this property is a serious risk to the general public. And should be condemned under the following sections of the International Property Maintenance Code.

108.1.3- Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.5- Dangerous Structure or Premises- For the purpose of this code, any structure or premises that have any or all of the conditions or defects described below shall be considered dangerous: Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

Section 304- Exterior Structure

304.1- General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.7- Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Section 305- Interior Structure

305.1- General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units* or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

Section 505 Water System

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet, or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code (and/or Uniform Plumbing Code).

Section 602- Heating Facilities

602.2 Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees F (20 degrees C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Section 604- Electrical Facilities

604.2- Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

Nick Sullivan, Building inspector



City of Carlsbad
February 27, 2024





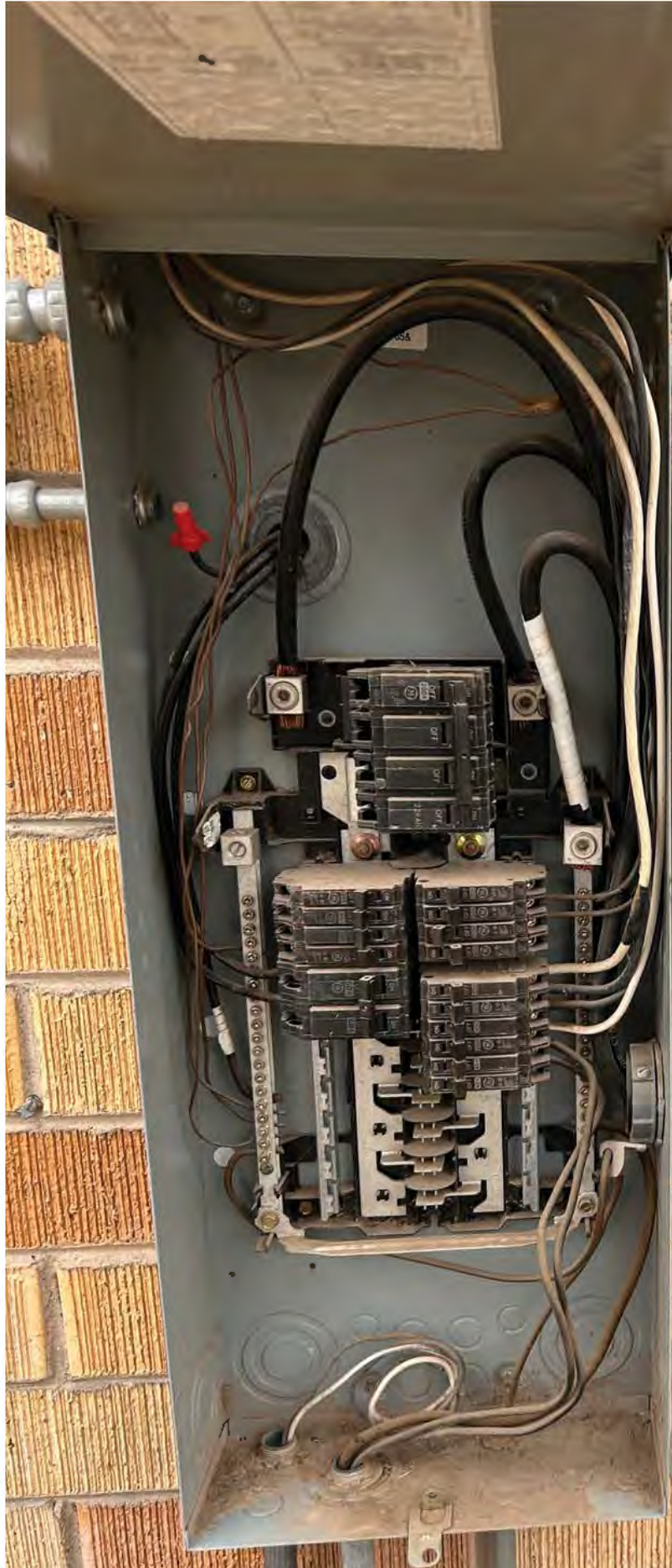












CENTRON



CL200 240V 3W TYPE C1S 30TA 1.0Kh

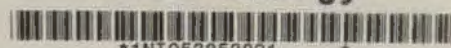
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Xcel Energy

CA 0.5

FM2S

60Hz



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Itron

WATTHOUR METER

USA 3/08

FF. WILBANK
TYPE OR ENCLOSURE













RICK LOPEZ
MAYOR

Post Office Box 1569
Carlsbad, NM 88221-1569
(575) 887-1191
1-800-658-2713
www.cityofcarlsbadnm.com

March 5, 2024

Christopher Tuggle
David Bond
1020 N. Spring St. Apt. 12
Carlsbad, NM 88220

RE: Dangerous Premises at the property known as 1004 N. Richard St., Carlsbad, NM

Dear Mr. Tuggle and Mr. Bond:

According to the records of the Eddy County Assessor's Office, you are the owners or have an interest in the property commonly known as **1004 N. Richard St., Carlsbad, NM**. The property has been inspected by the City Code Enforcement Office, the Building Inspector and the Fire Marshall. They have found the property to be in violation of a number of health, safety, and building laws.

Because of the condition of the property, a Resolution has been prepared requiring the removal of the structure and cleaning of the property. The Carlsbad City Council will consider passing that Resolution at its meeting on **Tuesday, March 12, 2024 at 6:00 PM**. That meeting will be held in the Council Chambers in the Janell Whitlock Municipal Complex at 114 S. Halagueno St., Carlsbad, NM. You are encouraged to come to the meeting and speak with Council about the property. A draft of the Resolution is included with this letter.

If the Council adopts the Resolution, you must begin removing the structure, ruins, rubbish, wreckage, debris, and weeds from the property within ten days and complete the work within thirty days. The property must be left in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled. If the work is not done, the City may do the work itself or hire someone to do the work. All reasonable costs to the City for such work will become a lien against the property. The City may then foreclose the lien as allowed by law.

If you have any questions regarding this matter, please contact me at (575) 887-1191, or at the Municipal Building, 101 N. Halagueno, Carlsbad, NM 88220.

Sincerely,



Denise Madrid Boyea
City Attorney

Enclosure

COUNCILORS

Ward 1
LISA A. ANAYA FLORES
EDDIE T. RODRIGUEZ

Ward 2
J J CHAVEZ
JEFF FORREST

Ward 3
MARY GARWOOD
KARLA NIEMEIER

Ward 4
ANTHONY FOREMAN
MARK WALTERSCHEID

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

Council Meeting Date: March 12, 2024

DEPARTMENT: Legal	BY: Denise Madrid Boyea DB	DATE: March 6, 2024											
SUBJECT: Proposed Resolution requiring the removal of the debris, junk and trash at 1312 Westridge Rd.													
BACKGROUND, ANALYSIS AND IMPACT: (Safety and Welfare/Financial/Personnel/Infrastructure/etc.) The property commonly known as 1312 Westridge Rd. is in a residential neighborhood near the intersection of Westridge and Pecos Acres. There appears to be an occupied structure on the property and some debris, junk and trash. The Eddy County Assessor's Office lists Kathleen Saunders and Gregory Wheeler as owning or having an interest in the property. The Assessor's records lists Saunder's and Wheeler's address as 1312 Westridge Rd., Carlsbad, NM 88220. Junk and debris has been stored in the front and side of the property. Boxes and crates of items have been left out in the weather. Code enforcement has been to the property, and have made contact with the property owner regarding the violations in September 2023. No progress has been made. A Notice of Violation was mailed by certified mail to the owners on August 30, 2023 and September 18, 2023, which was signed for on September 21, 2023, by Greg Wheeler. The property has been inspected by the City Code Enforcement Office and the Fire Marshal. They found that the property remains out of compliance with applicable codes. The Fire Marshal found that the property presents an extreme fire hazard for responding firefighters and emergency personnel and recommends the property be cleaned up and the trash and debris be removed. A resolution has been prepared which, if adopted, would require the property owners to remove all weeds from the property within thirty days of the service of the resolution. On March 6, 2024, a certified letter was sent to Kathleen Saunders and Gregory Wheeler at the address on the records of the County, which invited them to attend the meeting and speak with Council about the property.													
DEPARTMENT RECOMMENDATION: Adopt the proposed resolution.													
BOARD/COMMISSION/COMMITTEE ACTION: N/A													
<table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> P & Z</td> <td><input type="checkbox"/> Lodgers Tax Board</td> <td><input type="checkbox"/> Cemetery Board</td> <td rowspan="2" style="vertical-align: middle;">} <input type="checkbox"/> APPROVED } <input type="checkbox"/> DISAPPROVED</td> </tr> <tr> <td><input type="checkbox"/> Museum Board</td> <td><input type="checkbox"/> San Jose Board</td> <td><input type="checkbox"/> Water Board</td> </tr> <tr> <td><input type="checkbox"/> Library Board</td> <td><input type="checkbox"/> North Mesa Board</td> <td><input type="checkbox"/> _____ Committee</td> <td></td> </tr> </table>			<input type="checkbox"/> P & Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	} <input type="checkbox"/> APPROVED } <input type="checkbox"/> DISAPPROVED	<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> Library Board	<input type="checkbox"/> North Mesa Board	<input type="checkbox"/> _____ Committee	
<input type="checkbox"/> P & Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	} <input type="checkbox"/> APPROVED } <input type="checkbox"/> DISAPPROVED										
<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board											
<input type="checkbox"/> Library Board	<input type="checkbox"/> North Mesa Board	<input type="checkbox"/> _____ Committee											

Reviewed by: Interim**City Administrator** /s/Wendy Austin**Date:** 03/07/2024**ATTACHMENT(S):**

Proposed Resolution with Attachments

Photographs

Letter to Kathleen Saunders and Gregory Wheeler, dated March 6, 2024

RESOLUTION NO. 2024- 10

A RESOLUTION FINDING 1312 WESTRIDGE ROAD TO BE COVERED WITH RUINS, RUBBISH, WRECKAGE, DEBRIS, AND/OR WEEDS AND REQUIRING THE REMOVAL OF THE RUINS, RUBBISH, WRECKAGE, DEBRIS, AND/OR WEEDS

WHEREAS, the records of the Eddy County Assessor's Office show **Kathleen Saunders and Gregory Wheeler** to be the owners of or to have an interest in the property commonly known as **1312 Westridge Road**, Carlsbad, Eddy County, New Mexico, and more particularly described as:

Subd: PECOS ACRES UNIT #2 Lot: 7 Block: 4 Quarter: NE S: 36
T: 21S R: 26E

hereinafter referred to as "Property", and

WHEREAS, the Property has been inspected by the Carlsbad Code Enforcement Officer and the City Fire Marshal; and

WHEREAS, the Code Enforcement Officer and the Fire Marshal found that the Property has not been adequately maintained; and

WHEREAS, the Property contains a large amount of ruins, rubbish, wreckage, and/or debris, and some weeds; and

WHEREAS, the Property is in an unsafe condition and constitutes a hazard to the surrounding properties, residents and passersby; and

WHEREAS, the Code Enforcement Officer found that the specific violations, under Code of Ordinances of the City of Carlsbad, at the Property include, but are not limited to those listed on the attached Exhibit "A"; and

WHEREAS, the City Fire Marshal has inspected the Property and found that the specific violations at the Property under Fire Code include, but are not limited to those listed on the attached Exhibit "B"; and

WHEREAS, the Property and all ruins, rubbish, wreckage, debris, and weeds are a menace to the public comfort, health, peace, and safety and require removal forthwith;

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Carlsbad, Eddy County, New Mexico that:

1. A copy of this Resolution shall be served on the record owner, as shown by the real estate records of the County Clerk, occupants, or agents in charge of the Property. Such service shall be in person if such a person can be found within the City of Carlsbad, New Mexico after a reasonable search.

2. If a record owner, occupant, or agent in charge of the Property cannot be located within the City of Carlsbad, New Mexico, notice shall be by posting at the Property and by publishing this Resolution one time in a newspaper in general circulation in the City of Carlsbad.

3. Within ten days of either the receipt of a copy of this Resolution or the posting and publishing of this Resolution, the owner, occupant, or agent in charge of the Property shall either:

A. Commence removing all ruins, rubbish, wreckage, debris, and weeds from the premises; or

B. File a written objection with the Carlsbad Municipal Clerk at 101 N. Halagueno, Carlsbad, New Mexico 88220 and request a hearing before the City Council.

4. If a written objection is filed as required, the City Council shall proceed as directed by Chapter 22, Article II of the Code of Ordinances, City of Carlsbad, New Mexico.

5. The removal of the ruins, rubbish, wreckage, debris, and weeds shall:

A. Begin immediately;

B. Proceed properly and with diligence; and

C. Be completed in a timely manner;

D. BUT IN NO CASE SHALL SUCH WORK TAKE LONGER THAN THIRTY (30) DAYS FROM THE DATE THE RESOLUTION WAS SERVED UNLESS THE CARLSBAD CITY COUNCIL CONSENTS IN WRITING TO AN EXTENSION.

6. Any removal of the ruins, rubbish, wreckage, debris, or weeds shall leave the property from which the materials have been removed in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled.

7. If the owner, occupant, or agent in charge does not commence the removal of the stated items, and if no written objection is filed as required, or if the removal of the stated items is not completed in a timely manner, the City may remove the ruins, rubbish, wreckage, debris, and/or weeds at the cost and expense of the owner.

8. The reasonable cost of such a removal shall constitute a lien against the ruins, rubbish, wreckage, debris, and/or weeds so removed and against the lot or parcel of land from which it was removed.

9. The City Clerk shall make out, sign, attest, file, and record in the office of the Eddy County Clerk's Office, a claim of lien upon the described premises.

10. The lien shall bear interest at the rate of twelve percent (12%) per annum from the date of filing until paid, together with reasonable attorney's fees for the foreclosure of the same. The lien shall be foreclosed in any manner proved by an applicable state lien foreclosure law.

INTRODUCED, PASSED, ADOPTED, AND APPROVED this 12th day of March, 2024.

RICHARD D. LOPEZ, MAYOR

ATTEST:

NADINE MIRELES, CITY CLERK



CITY OF CARLSBAD

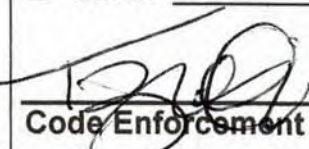
*Planning, Engineering,
and Regulation Department*

114 S. Halagueno, PO Box 1569

Carlsbad, New Mexico 88220

Phone (575) 885-1185, Fax (575) 628-8379

CODE ENFORCEMENT REPORT

Case Number: CE- <u>23</u> - <u>232</u>	Date of Complaint: 8/30/2023	Complaint Taken By: M. Devlin
Complainant Name:		Phone Number:
Complaint Location: 1312 Westridge Rd		
Details of Complaint: Outside storage of junk and debris around the front and side of the structure.		
Primary Structure: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Occupied <input type="checkbox"/> Vacant <input type="checkbox"/> Secured <input type="checkbox"/> Unsecured <input type="checkbox"/> No structure on property	Photographs Taken (attach): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	CE District: <input checked="" type="checkbox"/> North <input type="checkbox"/> South
Narrative: Junk and debris has been stored in the front and side of the property. Boxes and crates of items have been left out in the weather. Code Enforcement (M. Devlin) has spoken with the homeowner and no progress has been made. This property needs to be brought into compliance		
Disposition of Case: <input type="checkbox"/> No Basis for Complaint: _____ <input checked="" type="checkbox"/> Mailed Notice of Violation/Date: <u>8/30/2023 & 9/18/2023</u> <input type="checkbox"/> Door Hanger Notice of Violation/Date: _____ <input checked="" type="checkbox"/> Verbal Warning/Date: <u>M. Devlin spoke with owner 9/2023 regarding the violations</u> <input type="checkbox"/> Referred to Other Agency: _____ <input type="checkbox"/> Other: _____		
 Code Enforcement Signature	Trysha Ortiz Printed Name	3/5/2024 Date
Report Information: Entered into Database on: _____ By: _____ Page ____ of ____		

15 CITY OF CARLSBAD

Planning, Engineering, and Regulation Department
Code Enforcement Division
114 S. Halagueno, PO Box 1569
Carlsbad, New Mexico 88220
Phone 575.885.1185, Fax 575.628.8379

**NOTICE OF CODE VIOLATION**Date: 08/30/2023Case: CE- 23 - 232Address: 1312 WESTRIDGE

Carlsbad, New Mexico 88220

Name and Address of Property Owner or Occupant*

SAUNDERS, KATHLEEN & WHEELER,
GREGORY (JT)
1312 WESTRIDGE
CARLSBAD, NM 88220

The following violation(s) of the Carlsbad Code of Ordinances have been identified as existing on your property. It is your responsibility, if you have any control over the property, to take immediate action to correct these violation(s), even if you do not actually occupy the property or if the property is occupied by others.

COMPLETION OF CORRECTIVE ACTION(S) IS REQUIRED NO LATER THAN: 09/09/2023.**CORRECTIVE ACTION TO BE TAKEN (WHAT YOU SHOULD DO) BEFORE DEADLINE:**

Please remove all trash, junk and debris from the entire property. Thank You. Any Question, Contact 885-1185, Ext 2238.

CODE VIOLATED:

WASTE STORAGE (CCO 22-03): Any land, within the city, used for open storage of junk, trash or debris is hereby declared to be a public nuisance, and such use of land is prohibited in the city.

CODE VIOLATED:

Thank You!!

CODE VIOLATED:

Note: Specific details regarding the applicable ordinance may be obtained from the Code Enforcement Division Office listed above. The complete Code of Ordinances may be found on the City of Carlsbad website: www.cityofcarlsbadnm.com or in the office of the City Clerk.

The required Corrective Action listed above must be initiated immediately and be completed no later than the deadline. Failure to comply with the Ordinances of the City of Carlsbad is subject to specific actions. If the owner of the property cannot be located or refuses compliance, the City may initiate condemnation procedures under Chapter 22, Article II, of the Carlsbad Code of Ordinances to remedy the violation. Under this procedure the City will file a claim of lien against the premises in the amount of the expenditure by the City to correct each violation. Optionally, the City may seek a judgment in Municipal Court for the maximum penalty allowed by ordinance for violation of municipal ordinances. Unless a lesser maximum penalty or a specific penalty is established by ordinance for a particular offense, a fine of not more than \$500 or imprisonment for not more than 90 days, or both, plus court costs, may be imposed by the court.

*Property and owner information is received from the Eddy County Assessor's Office, Occupant, or City records.

A handwritten signature in blue ink that reads "M. Devlin".

Code Enforcement Signature

M. DEVLIN

Printed Name

08/30/2023

Date

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS FOLD AT DOTTED LINE

CERTIFIED MAIL



7017 1070 0000 6425 3157
7017 1070 0000 6425 3157

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
Postage \$
Total Postage and Fees \$

MD #15

Postmark
Here

Sent To
Saunders, Kathleen + Wheeler
Street and Apt. No., or P.O. Box No. 1312 Westridge Rd Gregory
City, State, ZIP+4[®] Carlsbad, NM 88220

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Saunders, Kathleen +
Wheeler, Gregory
1312 Westridge Road
Carlsbad, N.M. 88220



9590 9402 2177 6193 9058 66

2. Article Number (Transfer from service label)

7017 1070 0000 6425 3157

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
- ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

- D. Is delivery address different from item 1?** ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail[®]
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Mail Restricted Delivery
- ☐ Priority Mail Express[®]
- ☐ Registered MailTM
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature ConfirmationTM
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

23-232

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input checked="" type="checkbox"/> <i>Gregory Wheeler</i> <input type="checkbox"/> Agent <input type="checkbox"/> Address</p>	
<p>1. Article Addressed to: <i>Saunders, Kathleen & Wheeler, Gregory</i> <i>1312 Westridge Road</i> <i>Carlsbad, N.M. 88220</i></p>		<p>B. Received by (Printed Name) <i>Gregory Wheeler</i> C. Date of Delivery <i>9/2/03</i></p>	
<p>2. Article Number (Transfer from service label) 7017 1070 0000 6425 3157</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail</p>		<p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>9590 9402 2177 6193 9058 66</p>		<p>Mail Restricted Delivery (0)</p>	

PS Form 3811, July 2015 PSN 7530-02-000-9053

23-232

U.S. Postal Service™
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For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$ *4.35*

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$ *3.55*

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage \$ *6.3*

Total Postage and Fees \$ *8.53*

Sent To
Saunders, Kathleen & Wheeler
 Street and Apt. No., or P.O. Box No. *1312 Westridge Rd Gregory*
 City, State, ZIP+4® *Carlsbad, NM 88220*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7017 1070 0000 6425 3157

U.S. POSTAL SERVICE
 SEP 1 2003
 CARLSBAD NM 88220

15 CITY OF CARLSBAD

Planning, Engineering, and Regulation Department
Code Enforcement Division
114 S. Halagueno, PO Box 1569
Carlsbad, New Mexico 88220
Phone 575.885.1185, Fax 575.628.8379

**NOTICE OF CODE VIOLATION**Date: 09/18/2023Case: CE- 23 - 232Address: 1312 WESTRIDGE ROAD

Carlsbad, New Mexico 88220

Name and Address of Property Owner or Occupant*

SAUNDERS, KATHLEEN & WHEELER,
GREGORY
1312 WESTRIDGE ROAD
CARLSBAD, N.M. 88220

FINAL NOTICE*Sent certified*

The following violation(s) of the Carlsbad Code of Ordinances have been identified as existing on your property. It is your responsibility, if you have any control over the property, to take immediate action to correct these violation(s), even if you do not actually occupy the property or if the property is occupied by others.

COMPLETION OF CORRECTIVE ACTION(S) IS REQUIRED NO LATER THAN: 09/28/2023**CORRECTIVE ACTION TO BE TAKEN (WHAT YOU SHOULD DO) BEFORE DEADLINE:**

Please remove All trash, junk and debris from the entire property. Thank you. Any Question Contact 885-1185, Ext 2238.

CODE VIOLATED:

WASTE STORAGE (CCO 22-03): Any land, within the city, used for open storage of junk, trash or debris is hereby declared to be a public nuisance, and such use of land is prohibited in the city.

CODE VIOLATED:**CODE VIOLATED:****THANK YOU!**

Note: Specific details regarding the applicable ordinance may be obtained from the Code Enforcement Division Office listed above. The complete Code of Ordinances may be found on the City of Carlsbad website: www.cityofcarlsbadnm.com or in the office of the City Clerk.

The required Corrective Active listed above must be initiated immediately and be completed no later than the deadline. Failure to comply with the Ordinances of the City of Carlsbad is subject to specific actions. If the owner of the property cannot be located or refuses compliance, the City may initiate condemnation procedures under Chapter 22, Article II, of the Carlsbad Code of Ordinances to remedy the violation. Under this procedure the City will file a claim of lien against the premises in the amount of the expenditure by the City to correct each violation. Optionally, the City may seek a judgment in Municipal Court for the maximum penalty allowed by ordinance for violation of municipal ordinances. Unless a lesser maximum penalty or a specific penalty is established by ordinance for a particular offense, a fine of not more than \$500 or imprisonment for not more than 90 days, or both, plus court costs, may be imposed by the court.

*Property and owner information is received from the Eddy County Assessor's Office, Occupant, or City records.

A handwritten signature in blue ink, appearing to read "M. Devlin".

Code Enforcement Signature

M. DEVLIN

Printed Name

09/18/2023

Date

Feb 22, 2024 at 12:34:33 PM

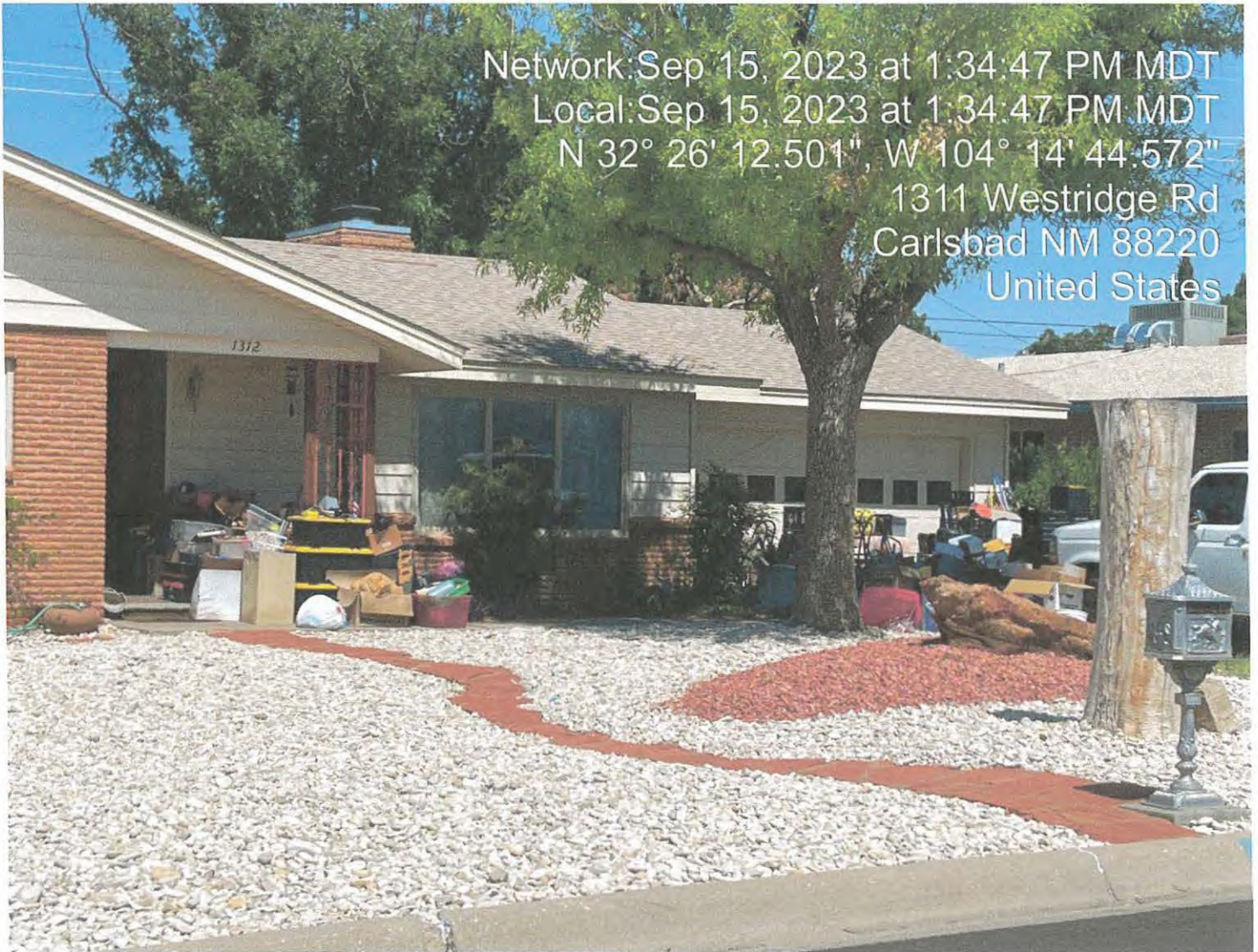


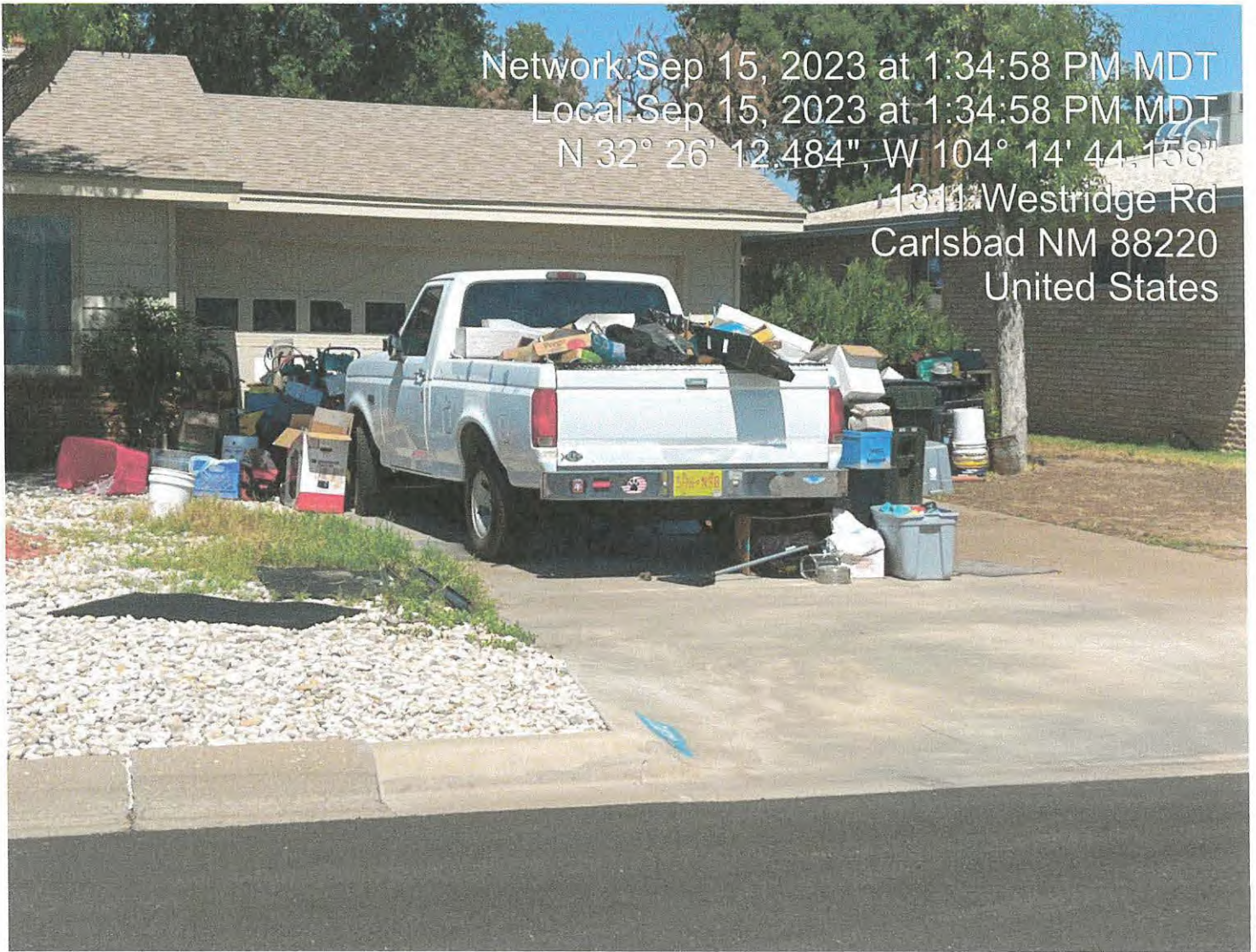
Feb 22, 2024 at 12:34:57 PM



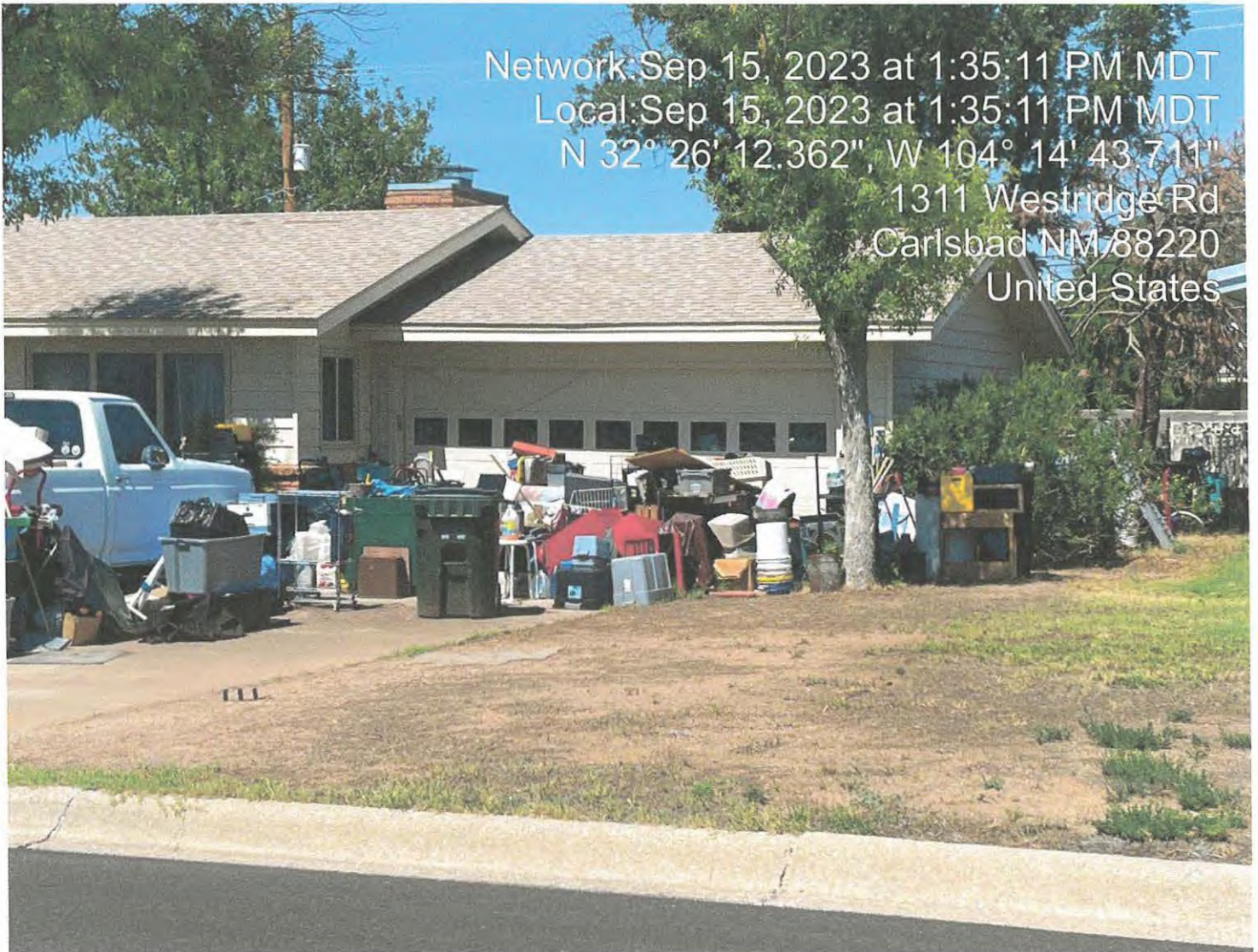
Feb 22, 2024 at 12:34:41 PM







Network Sep 15, 2023 at 1:34:58 PM MDT
Local Sep 15, 2023 at 1:34:58 PM MDT
N 32° 26' 12.484", W 104° 14' 44.158"
1311 Westridge Rd
Carlsbad NM 88220
United States



Network Sep 15, 2023 at 1:35:11 PM MDT
Local Sep 15, 2023 at 1:35:11 PM MDT
N 32° 26' 12.362", W 104° 14' 43.711"
1311 Westridge Rd
Carlsbad NM 88220
United States

City Of Carlsbad

Inter-Office Memorandum

Richard D. Lopez, Mayor

Wendy Austin, City Manager

Date: 1 March 2024

To: Denise Madrid Boyea, City Attorney

From: Joshua Campbell, Fire Marshal

Re: 1312 Westridge Rd.

On March 1, 2024, I inspected a property located at 1312 Westridge Rd. This property presents an **extreme** fire hazard for responding Firefighters and emergency personnel. I recommend that the property be cleaned up and the trash and debris be removed under the following fire codes.

The International Fire Code, 2015 edition states:

Section 110 Unsafe Buildings

110.1 General. If during the inspection of a building or structure or any building system, in whole or part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

110.4 Abatement. The owner, the owner's authorized agent, operator or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition, or other approved corrective action.

Section 304 Combustible Waste Material

304.1 Waste accumulation prohibited. Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises.

304.1.1 Waste material. Accumulations of wastepaper, wood, hay, straw, weeds, litter, or combustible or flammable rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle, or other similar structure.

304.1.2 Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises.

304.2 Storage. Storage of combustible rubbish shall not produce conditions that will create a nuisance or hazard to the public health, safety, or welfare.

Section 313 Fueled Equipment

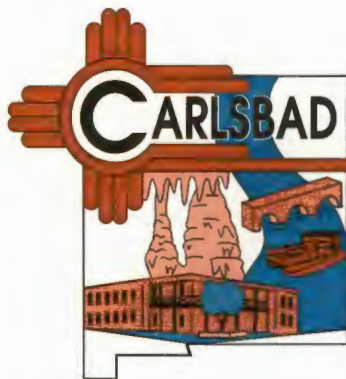
313.1.1 Removal. The fire code official is authorized to require removal of fueled equipment from locations where the presence of such equipment is determined by the fire code official to be hazardous.

Section 315 Miscellaneous Combustible Materials Storage

315.3 Outside Storage. Outside storage of combustible materials shall not be located within 10 feet of a property line.

A handwritten signature in black ink, appearing to read 'Josh Campbell', written in a cursive style.

Joshua Campbell, Fire Marshal
Carlsbad Fire Department



RICK LOPEZ

MAYOR

Post Office Box 1569
Carlsbad, NM 88221-1569
(575) 887-1191
1-800-658-2713
www.cityofcarlsbadnm.com

March 6, 2024

Kathleen Saunders & Gregory Wheeler
1312 Westridge
Carlsbad, NM 88220

RE: Dangerous Premises at the property known as 1312 Westridge Rd., Carlsbad, NM

Dear Ms. Saunders & Mr. Wheeler:

According to the records of the Eddy County Assessor's Office, you are the owner or have an interest in the property commonly known as **1312 Westridge Rd., Carlsbad, NM**. The property has been inspected by the City Code Enforcement Office and the Fire Marshal. They have found the property to be in violation of a number of health, safety, and building laws.

Because of the condition of the property, a Resolution has been prepared requiring the cleaning of the property. The Carlsbad City Council will consider passing that Resolution at its meeting on **Tuesday, March 12, 2024 at 6:00 PM**. That meeting will be held in the Council Chambers in the Janell Whitlock Municipal Complex at 114 S. Halagueno St., Carlsbad, NM. You are encouraged to come to the meeting and speak with Council about the property. A draft of the Resolution is included with this letter.

If the Council adopts the Resolution, you must begin removing the ruins, rubbish, wreckage, debris, and weeds from the property within ten days and complete the work within thirty days. The property must be left in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled. If the work is not done, the City may do the work itself or hire someone to do the work. All reasonable costs to the City for such work will become a lien against the property. The City may then foreclose the lien as allowed by law.

If you have any questions regarding this matter, please contact me at (575) 887-1191, or at the Municipal Building, 101 N. Halagueno, Carlsbad, NM 88220.

Sincerely,

A handwritten signature in blue ink that reads "Denise Madrid Boyea".

Denise Madrid Boyea
City Attorney

Enclosure

COUNCILORS

Ward 1
LISA A. ANAYA FLORES
EDDIE T. RODRIGUEZ

Ward 2
J J CHAVEZ
JEFF FORREST

Ward 3
MARY GARWOOD
KARLA NIEMEIER

Ward 4
ANTHONY FOREMAN
MARK WALTERSCHEID

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

Council Meeting Date: March 12, 2024

DEPARTMENT: Legal	BY: Denise Madrid Boyea DB	DATE: March 7, 2024
SUBJECT: Proposed reconsideration of Resolution 2023-65 requiring the removal of the ruined, damaged or dilapidated building or structure at 1916 W. Lea St.		
BACKGROUND, ANALYSIS AND IMPACT: (Safety and Welfare/Financial/Personnel/Infrastructure/etc.) On February 13, 2024, this property was brought before the City Council for consideration of a Resolution requiring the removal of the ruined, damaged or dilapidated building or structure at 1916 W. Lea St. The property was first brought to Council on October 24, 2023, at which time the council allowed the owners four months to bring the property into compliance. Council approved Resolution 2023-65 on February 13, 2024, which required the removal of the ruined, damaged or dilapidated structure. The owner's Personal Representative Jesus R. Juarez, was sent a certified letter on February 7, 2024, informing him of the proposed Resolution, but did not appear at the February 13, 2024, Council meeting in opposition to the Resolution. The owner's Personal Representative Jesus R. Juarez has since contacted the City to state he wishes to sell the property but seeks to rescind the Resolution requiring the removal of the structure. The owner is still shown as Erica Corralez in the records of the Eddy County Assessor's Office. A certified letter was sent to Jesus R. Juarez at his address of record on March 7, 2024, to inform him that this matter will be considered at the Council meeting of March 12, 2024. Council may reconsider Resolution 2023-65 and determine whether it should remain in place or be rescinded.		
DEPARTMENT RECOMMENDATION: Confirm Resolution 2023-65.		
BOARD/COMMISSION/COMMITTEE ACTION: N/A		
<input type="checkbox"/> P & Z <input type="checkbox"/> Museum Board <input type="checkbox"/> Library Board	<input type="checkbox"/> Lodgers Tax Board <input type="checkbox"/> San Jose Board <input type="checkbox"/> North Mesa Board	<input type="checkbox"/> Cemetery Board <input type="checkbox"/> Water Board <input type="checkbox"/> _____ Committee
		} <input type="checkbox"/> APPROVED } } <input type="checkbox"/> DISAPPROVED

Reviewed by: Interim

City Administrator /s/Wendy AustinDate: 03/07/2024

ATTACHMENT(S):

Resolution 2023-65 with Attachments approved February 13, 2024
 Photographs
 Letter to Jesus R. Juarez dated March 7, 2024.

FEB 13 2024

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

Council Meeting Date: February 13, 2024

DEPARTMENT: Legal	BY: Denise Madrid Boyea <i>DB</i>	DATE: February 7, 2024
SUBJECT: Update of Condition of Property and Proposed Resolution requiring the removal of the ruined, damaged or dilapidated building or structure at 1916 W. Lea St.		
BACKGROUND, ANALYSIS AND IMPACT: (Safety and Welfare/Financial/Personnel/Infrastructure/etc.) <p>On October 24, 2023, this property was brought before the City Council for consideration of a Resolution requiring the removal of the ruined, damaged or dilapidated building or structure at 1916 W. Lea St., plus removal of the weeds, debris, trash and an abandoned RV. It was the will of the City Council, at that meeting, to allow the owners four months to remove the weeds, debris, trash and RV and repair the ruined, damaged or dilapidated building. The weeds, debris, trash and RV was removed but, the building or structure has not had any improvements. The building inspector met with an individual regarding repair of the structure the day after the initial City Council meeting, but never contacted him again, nor has any permit been requested to repair the structure. No work on the structure is visible.</p> <p>A resolution has been prepared which, if adopted, would require the property owner to remove all ruined, damaged or dilapidated structures from the property within thirty days of the service of the resolution.</p> <p>On February 7, 2024, a certified letter was sent to Erica Corralez c/o Jesus R. Juarez at the address on the records of Eddy County, which invited him to attend the meeting and speak with Council about the property.</p>		
BOARD/COMMISSION/COMMITTEE ACTION: N/A		
<input type="checkbox"/> P & Z <input type="checkbox"/> Museum Board <input type="checkbox"/> Library Board	<input type="checkbox"/> Lodgers Tax Board <input type="checkbox"/> San Jose Board <input type="checkbox"/> North Mesa Board	<input type="checkbox"/> Cemetery Board <input type="checkbox"/> Water Board <input type="checkbox"/> _____ Committee
		} <input type="checkbox"/> APPROVED } } <input type="checkbox"/> DISAPPROVED

Reviewed by:

City Administrator

*Wendy Austin*Date: 2-8-2024

ATTACHMENT(S):

Proposed Resolution with Attachments

Photographs

Letter to Erica Corralez c/o Jesus R. Juarez dated February 7, 2024

RESOLUTION NO. 2023- 65

A RESOLUTION FINDING THE BUILDINGS OR STRUCTURES AT THE PROPERTY COMMONLY KNOWN AS 1916 W. LEA STREET TO BE RUINED, DAMAGED, AND DILAPIDATED AND FINDING THE PREMISES TO BE COVERED WITH RUINS, RUBBISH, WRECKAGE, WEEDS, DEBRIS; AND REQUIRING THE REMOVAL OF THE BUILDINGS, STRUCTURES, RUINS, RUBBISH, WRECKAGE, WEEDS, AND DEBRIS

WHEREAS, the records of the Eddy County Assessor's Office show **Erica Corrales c/o Jesus R. Juarez** to be the owner of or to have an interest in the property commonly known as **1916 W. Lea Street, Carlsbad, Eddy County, New Mexico**, and more particularly described as:

Subd: ALTA VISTA #2 (CARLSBAD-IN) Lot: 1 Block: 1

hereinafter referred to as "Property", and

WHEREAS, the Property has been inspected by the Carlsbad Code Enforcement Officer, the Fire Chief and the Certified Building Official; and

WHEREAS, the Carlsbad Code Enforcement Officer, the Fire Chief and the Certified Building Official found that the Property has not been adequately maintained; and

WHEREAS, the Property contains a large amount of ruins, rubbish, wreckage, and/or debris, and some weeds; and

WHEREAS, the Property is in an unsafe condition and constitutes a hazard to the surrounding properties, residents and passersby; and

WHEREAS, the Carlsbad Code Enforcement Officer found that the specific violations, under Code of Ordinances of the City of Carlsbad, at the Property include, but are not limited to those listed on the attached Exhibit "A"; and

WHEREAS, the City Fire Chief has inspected the Property and found that the specific violations at the Property under Fire Code include, but are not limited to those listed on the attached Exhibit "B"; and

WHEREAS, the specific Building Code violations include, but are not limited to those listed on the attached Exhibit "C;" and

WHEREAS, the Property and all structures, ruins, rubbish, wreckage, debris, and weeds are a menace to the public comfort, health, peace, and safety and require removal forthwith.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Carlsbad, Eddy County, New Mexico that:

1. A copy of this Resolution shall be served on the record owners, as shown by the real estate records of the County Clerk, occupants, or agents in charge of the Property. Such service shall be in person if such a person can be found within the City of Carlsbad, New Mexico after a reasonable search.

2. If a record owners, occupant, or agent in charge of the Property cannot be located within the City of Carlsbad, New Mexico, notice shall be by posting at the Property and by publishing this Resolution one time in a newspaper in general circulation in the City of Carlsbad.

3. Within ten days of either the receipt of a copy of this Resolution or the posting and publishing of this Resolution, the owner, occupant, or agent in charge of the Property shall either:

- A. Commence removing all ruins, rubbish, wreckage, debris, and weeds from the premises; or
- B. File a written objection with the Carlsbad Municipal Clerk at 101 N. Halagueno, Carlsbad, New Mexico 88220 and request a hearing before the City Council.

4. If a written objection is filed as required, the City Council shall proceed as directed by Chapter 22, Article II of the Code of Ordinances, City of Carlsbad, New Mexico.

5. The removal of the structure, ruins, rubbish, wreckage, debris, and weeds shall:

- A. Begin immediately;
- B. Proceed properly and with diligence; and
- C. Be completed in a timely manner;
- D. **BUT IN NO CASE SHALL SUCH WORK TAKE LONGER THAN THIRTY (30) DAYS FROM THE DATE THE RESOLUTION WAS SERVED UNLESS THE CARLSBAD CITY COUNCIL CONSENTS IN WRITING TO AN EXTENSION.**

6. Any removal of the structures, ruins, rubbish, wreckage, debris, or weeds shall leave the property from which the materials have been removed in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled.

7. If the owner, occupant, or agent in charge does not commence the removal of the stated items, and if no written objection is filed as required, or if the removal of the stated items is not completed in a timely manner, the City may remove the structures, ruins, rubbish, wreckage, debris, and/or weeds at the cost and expense of the owner.

8. The reasonable cost of such a removal shall constitute a lien against the structures, ruins, rubbish, wreckage, debris, and/or weeds so removed and against the lot or parcel of land from which it was removed.


9. The City Clerk shall make out, sign, attest, file, and record in the office of the Eddy County Clerk's Office, a claim of lien upon the described premises.

10. The lien shall bear interest at the rate of twelve percent (12%) per annum from the date of filing until paid, together with reasonable attorney's fees for the foreclosure of the same. The lien shall be foreclosed in any manner proved by an applicable state lien foreclosure law.

INTRODUCED, PASSED, ADOPTED, AND APPROVED this 13th day of February, 2024.


RICHARD D. LOPEZ, MAYOR

ATTEST:


NADINE MIRELES, CITY CLERK





CITY OF CARLSBAD

Planning, Engineering,
and Regulation Department

114 S. Halagueno, PO Box 1569

Carlsbad, New Mexico 88220

Phone (575) 885-1185, Fax (575) 628-8379

CODE ENFORCEMENT REPORT

Case Number: CE- <u>2023</u> - <u>0007</u>	Date of Complaint: 6-30-2023	Complaint Taken By:
	Complainant Name:	Phone Number:

Complaint Location:
1916 W. Lea St.

Details of Complaint:

Property in disrepair
Dilapidated RV/Motorhome
Storage of Ruin, Rubbish

Primary Structure:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Residential | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Occupied | <input checked="" type="checkbox"/> Vacant |
| <input type="checkbox"/> Secured | <input checked="" type="checkbox"/> Unsecured |
| <input type="checkbox"/> No structure on property | |

Photographs Taken (attach):

- ☒ Yes
☐ No

CE District:

- ☐ North
☒ South

Narrative:

This property has been a nuisance property. Ownership has transferred several times over the years, but the Planning Department has made contact with the new owner. There has been several phone calls explaining the need for the removal of the dilapidated RV. On October 4, 2023 the Planning Director, Deputy Planning Director and Building Inspector met with the owner to view the structure and revisit the issue of the RV. The Building Inspector found the structure to be in poor condition and has recommended the removal of the structure.

Disposition of Case:

- ☐ No Basis for Complaint: _____
- ☒ Mailed Notice of Violation/Date: 7/6/2023
- ☐ Door Hanger Notice of Violation/Date: _____
- ☒ Verbal Warning/Date: 10/4/2023
- ☐ Referred to Other Agency: _____
- ☒ Other: Phone calls with J. Patterson, Planning Director


Code Enforcement Signature

Trysha Ortiz

Printed Name

10/12/2023

Date

Report Information:

Entered into Database on: _____ By: _____ Page ____ of ____

15 CITY OF CARLSBAD

Planning, Engineering, and Regulation Department

Code Enforcement Division

101 N. Halagueno St., PO Box 1569

Carlsbad, New Mexico 88220

Phone (575) 885-1185, Fax (575) 628-8379

**NOTICE OF CODE VIOLATION**Date: July 6, 2023Case: CE- 2023 - PendingAddress: 1916 West Lea

Carlsbad, New Mexico 88220

Name and Address of Property Owner or Occupant*

4-156-127-100-511

CORRALEZ, ERICA & JUAREZ, JESUS R

914 FRANKLIN ST #B

CARLSBAD, NM 88220

FINAL NOTICE

The following violation(s) of the Carlsbad Code of Ordinances have been identified as existing on your property. It is your responsibility, if you have any control over the property, to take immediate action to correct these violation(s), even if you do not actually occupy the property or if the property is occupied by others.

COMPLETION OF CORRECTIVE ACTION(S) IS REQUIRED NO LATER THAN: July 13, 2023**CORRECTIVE ACTION TO BE TAKEN (WHAT YOU SHOULD DO) BEFORE DEADLINE:**

Please clean and remove non-running vehicles, weeds, trash, and debris from the property. Also, the house on the property appears to be damaged, decayed, and dilapidated, please contact us about these issues. Thank you for your compliance, should you have any questions please call our office at 575-885-1185.

CODE VIOLATED:

VEHICLE STORAGE (CCO 50-06(d)):

ABANDONED MOTOR VEHICLE (CCO 50-6):

CODE VIOLATED:

SECTION 108

UNSAFE STRUCTURES AND EQUIPMENT

CODE VIOLATED:

Accessory Sec. 56-70. - Uses and structures

Note: Specific details regarding the applicable ordinance may be obtained from the Code Enforcement Division Office listed above. The complete Code of Ordinances may be found on the City of Carlsbad website: www.cityofcarlsbadnm.com or in the office of the City Clerk.

The required Corrective Action listed above must be initiated immediately and be completed no later than the deadline. Failure to comply with the Ordinances of the City of Carlsbad is subject to specific actions. If the owner of the property cannot be located or refuses compliance, the City may initiate condemnation procedures under Chapter 22, Article II, of the Carlsbad Code of Ordinances to remedy the violation. Under this procedure the City will file a claim of lien against the premises in the amount of the expenditure by the City to correct each violation. Optionally, the City may seek a judgment in Municipal Court for the maximum penalty allowed by ordinance for violation of municipal ordinances. Unless a lesser maximum penalty or a specific penalty is established by ordinance for a particular offense, a fine of not more than \$500 or imprisonment for not more than 90 days, or both, plus court costs, may be imposed by the court.

*Property and owner information is received from the Eddy County Assessor's Office, Occupant, or City records.

A handwritten signature in blue ink, appearing to read "Lonnie Jaquez".
Code Enforcement Signature

Lonnie Jaquez

Printed Name

7/6/2023

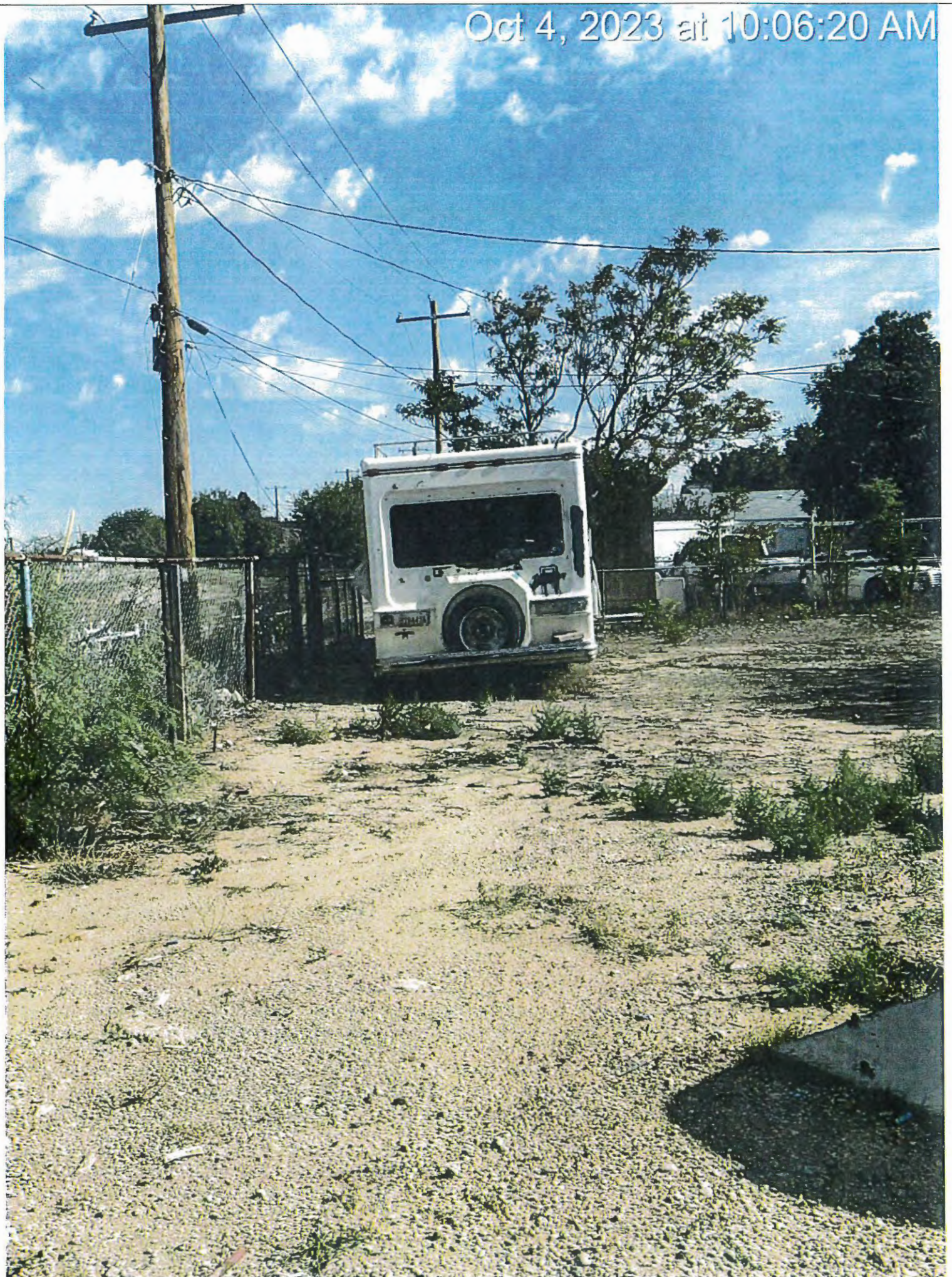
Date



Oct 4, 2023 at 10:07:59 AM



Oct 4, 2023 at 10:06:20 AM



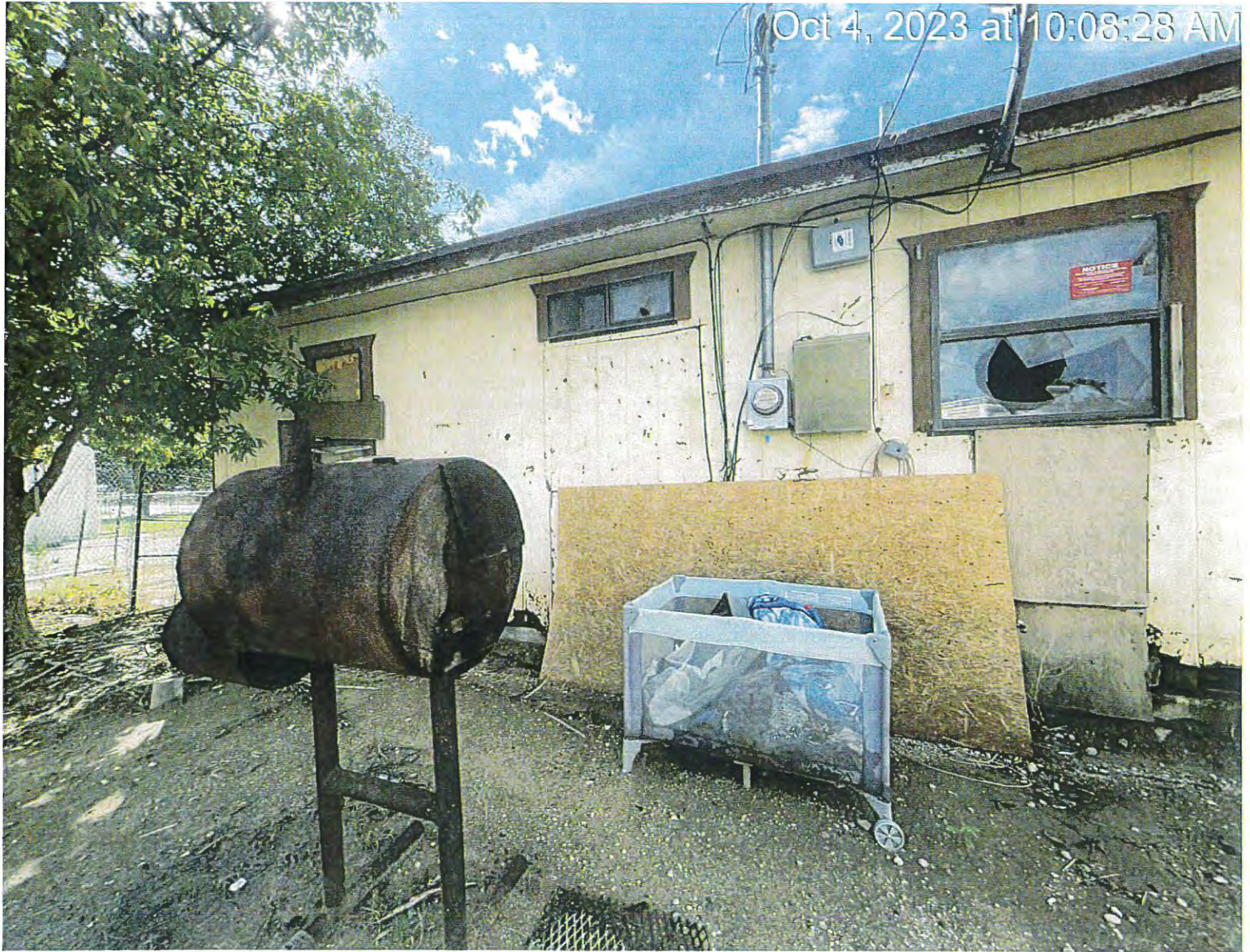
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Oct 4, 2023 at 10:08:26 AM



Oct 4, 2023 at 10:08:28 AM



Oct 4, 2023 at 10:08:40 AM



Oct 4, 2023 at 10:09:02 AM



City Of Carlsbad

Inter-Office Memorandum

Dale Janway Mayor

John Lowe, City Manager

Date: August 10, 2023

To: Denise Madrid Boyea, City Attorney

From: Ken Ahrens, Fire Chief

Re: 1916 W. Lea St.

On August 10, 2023, I inspected a property located at 1916 W. Lea St. This property presents an *extreme* fire hazard for responding Firefighters and emergency personnel. I recommend that the property be cleaned up and the trash, debris, and inoperable Recreational Vehicle and automobile be removed under the following fire codes.

The International Fire Code, 2015 edition states:

Section 110 Unsafe Buildings

110.1 General. If during the inspection of a building or structure or any building system, in whole or part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

110.4 Abatement. The owner, the owner's authorized agent, operator or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition, or other approved corrective action.

Section 304 Combustible Waste Material

304.1 Waste accumulation prohibited. Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises.

304.1.1 Waste material. Accumulations of wastepaper, wood, hay, straw, weeds, litter, or combustible or flammable rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle, or other similar structure.

304.1.2 Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises.

304.2 Storage. Storage of combustible rubbish shall not produce conditions that will create a nuisance or hazard to the public health, safety, or welfare.

Section 313 Fueled Equipment

313.1.1 Removal. The fire code official is authorized to require removal of fueled equipment from locations where the presence of such equipment is determined by the fire code official to be hazardous.

Section 315 Miscellaneous Combustible Materials Storage

315.3 Outside Storage. Outside storage of combustible materials shall not be located within 10 feet of a property line.

A handwritten signature in blue ink, consisting of two parts. The first part is a stylized 'KA' and the second part is a stylized 'Ah'.

Ken Ahrens, Fire Chief
Carlsbad Fire Department

foundation or underpinning of the building or structure is likely to fail or give way.
The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

Section 304- Exterior Structure

304.1- General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.7- Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Section 305- Interior Structure

305.1- General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units* or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

Section 505 Water System

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet, or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code (and/or Uniform Plumbing Code).

Section 602- Heating Facilities

602.2 Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees F (20 degrees C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Section 604- Electrical Facilities

604.2- Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

Nick Sullivan, City Building Inspector



City of Carlsbad
October 4, 2023





NOTICE

**THIS BUILDING IS DEEMED UNSAFE FOR
HUMAN OCCUPANCY.**

UNDER SECTION R102.7 OF THE INTERNATIONAL RESIDENTIAL CODE
AND UNDER SECTION 108 OF THE INTERNATIONAL PROPERTY
MAINTENANCE CODE, AS ADOPTED BY ORDINANCE 8-1 OF THE
CITY OF CARLSBAD, NM

IT IS UNLAWFUL FOR ANY PERSON TO OCCUPY OR RESIDE IN THIS BUILDING



☒ NO WATER

☐ NO POWER



☒ BUILDING NOT SAFE

BUILDING DEPARTMENT
CITY OF CARLSBAD


Building Official

ANY UNAUTHORIZED PERSON REMOVING THIS SIGN WILL BE PROSECUTED.

DATE: 10-4-23

PER TO SECTION 107.4 INTERNATIONAL PROPERTY MAINTENANCE CODE (CHAPTER 1-5 CCO)

NICHOLS PRINTING, INC.

NOTICE
THIS BUILDING IS DEEMED UNSAFE FOR
HUMAN OCCUPANCY.

UNDER SECTION 110.1 OF THE INTERNATIONAL RESIDENTIAL CODE
AND UNDER SECTION 106 OF THE INTERNATIONAL PROPERTY
MAINTENANCE CODE, AS ADOPTED BY ORDINANCE 8-1 OF THE
CITY OF CARLSBAD, CA.

IT IS UNLAWFUL FOR ANY PERSON TO OCCUPY OR RESIDE IN THIS BUILDING
IF:
NO WATER NO POWER NO PLUMBING OR GAS

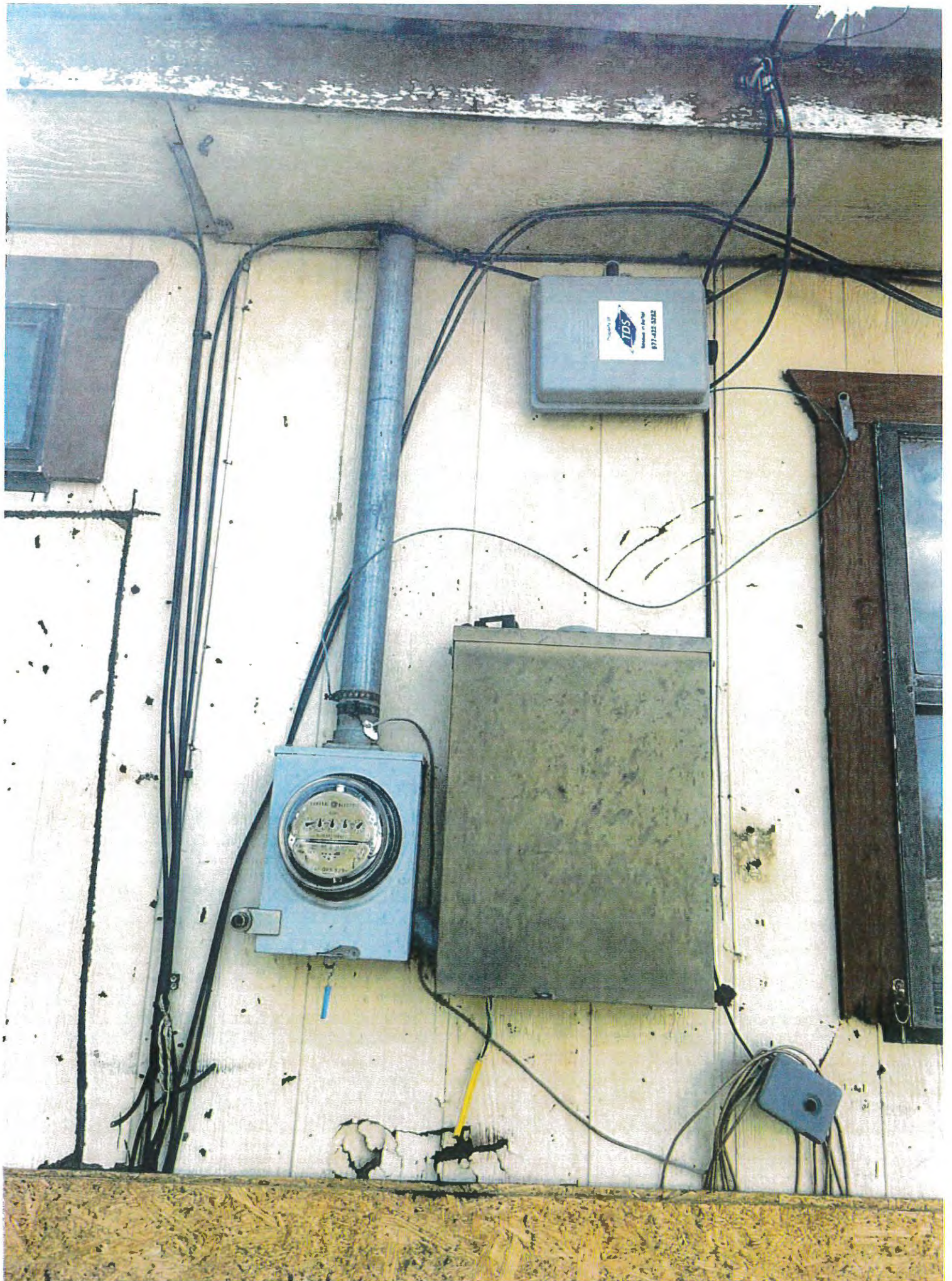
BUILDING DEPARTMENT
CITY OF CARLSBAD

10-4-2010







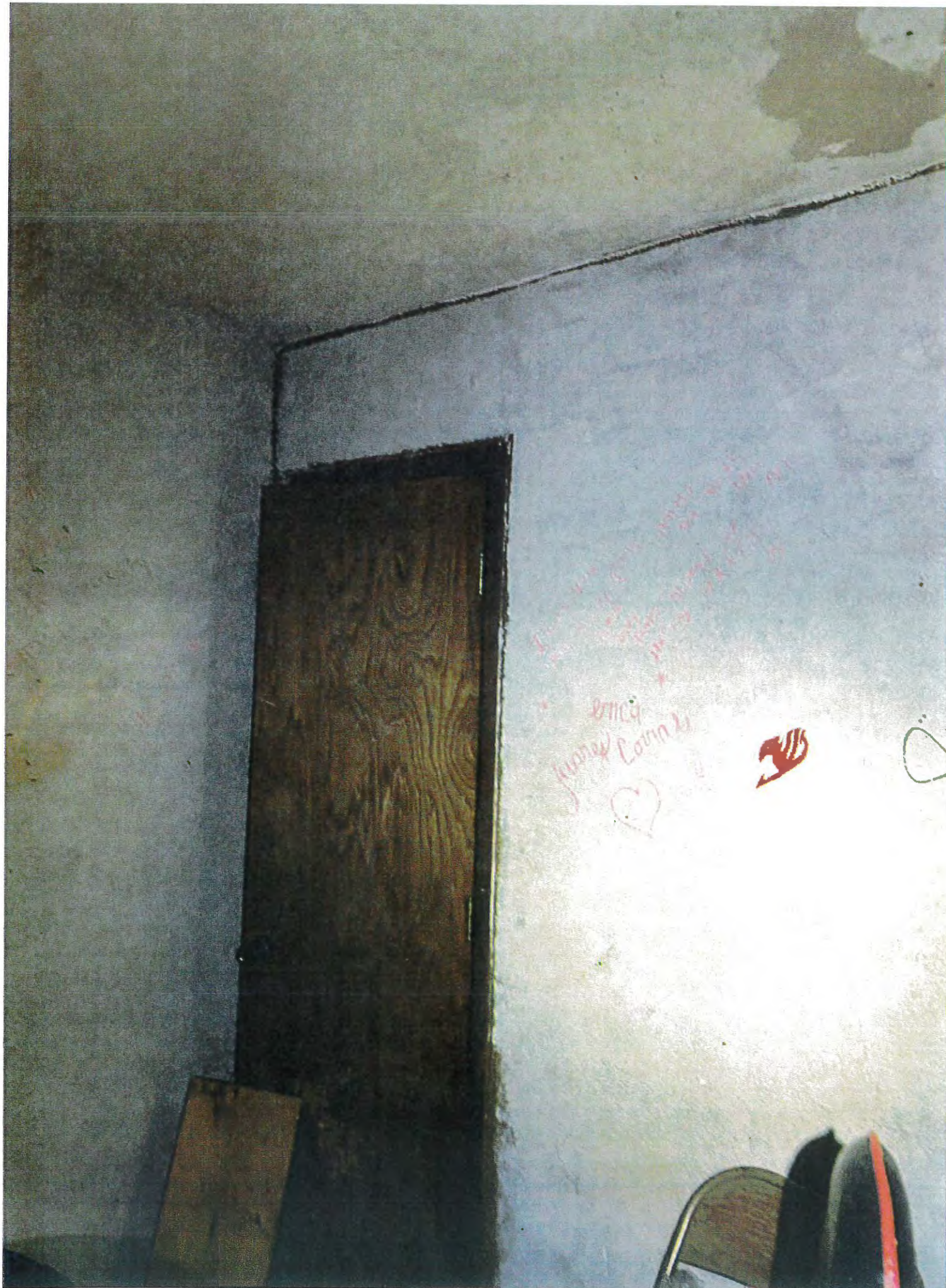


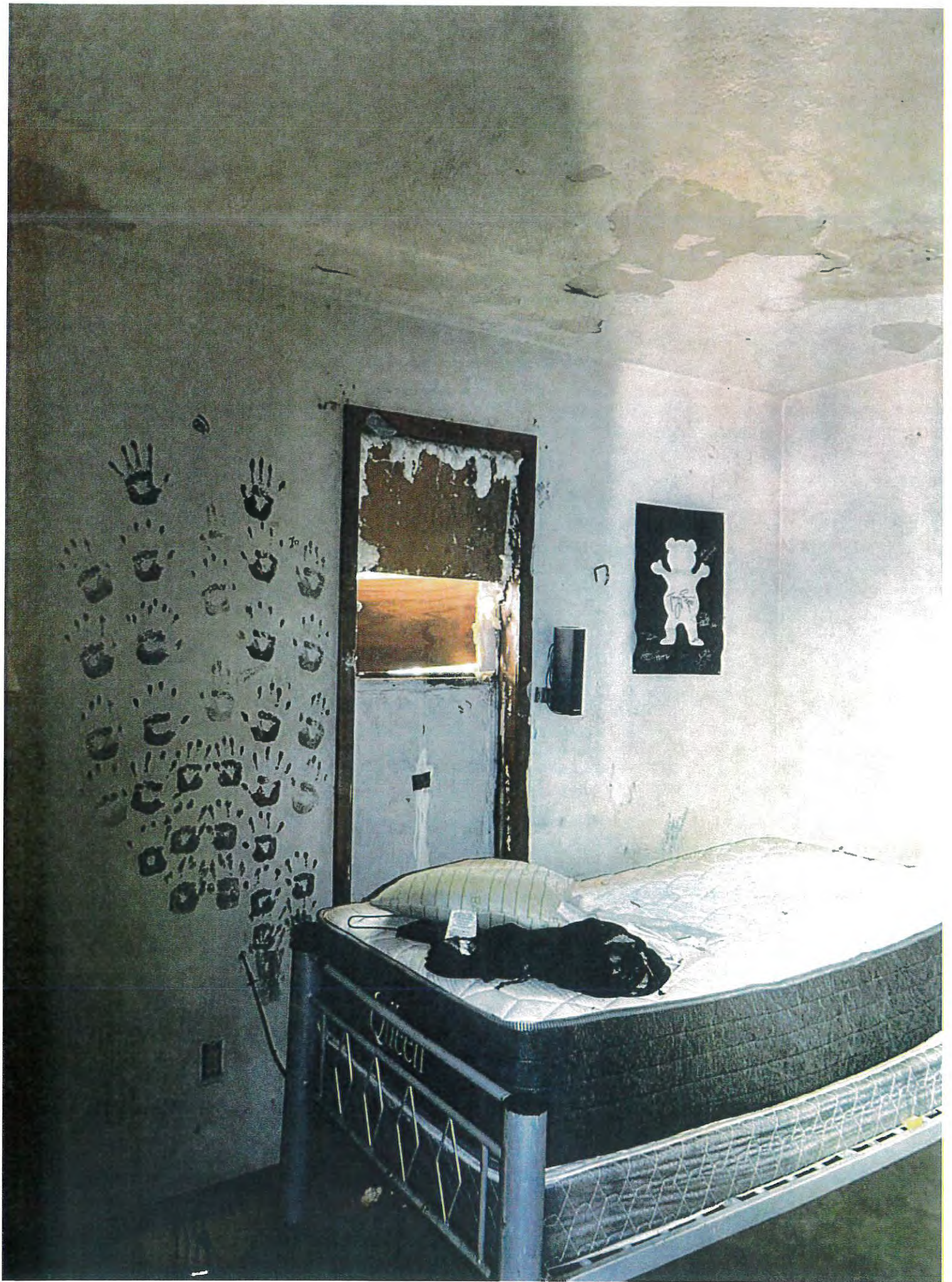






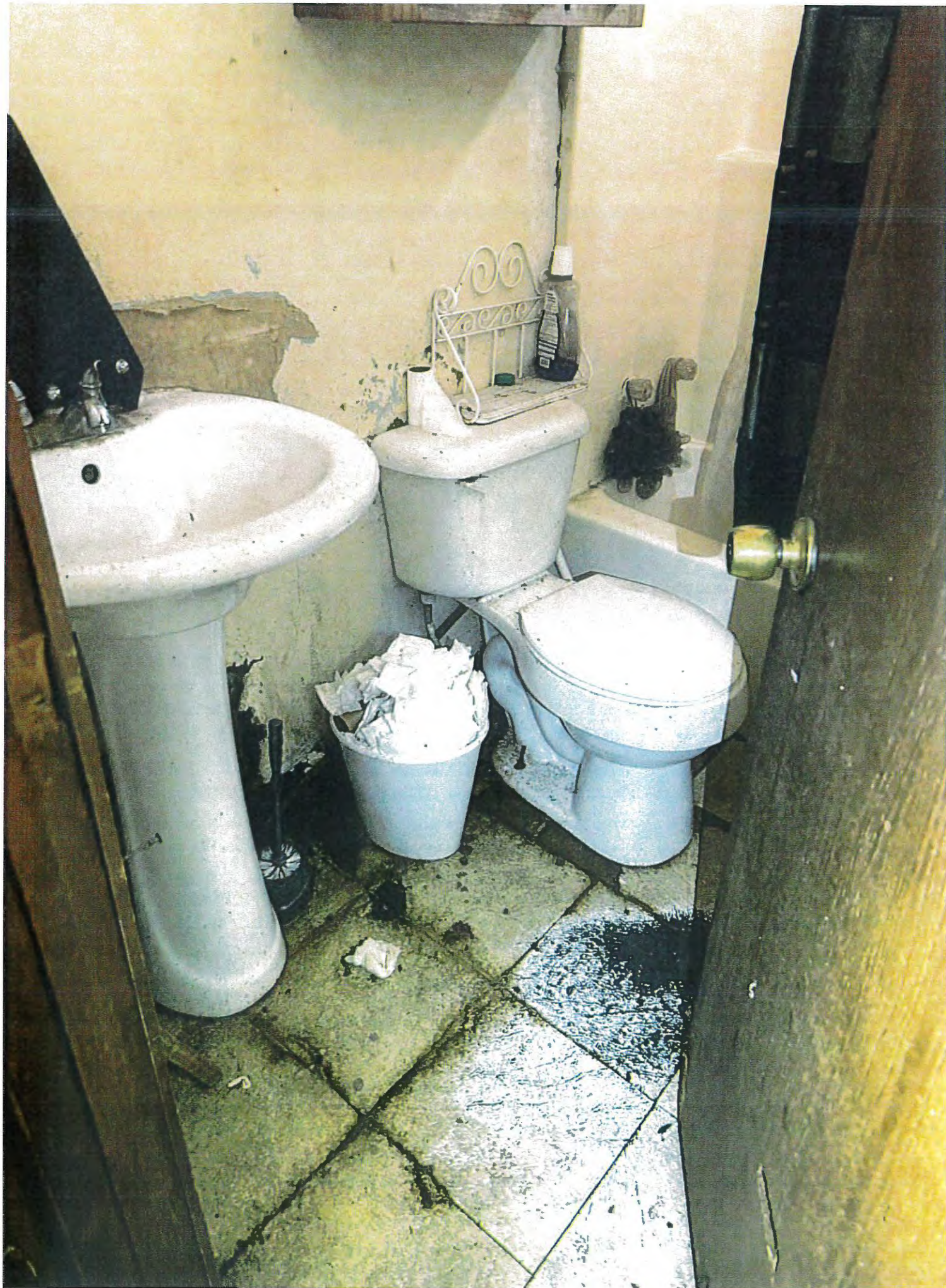


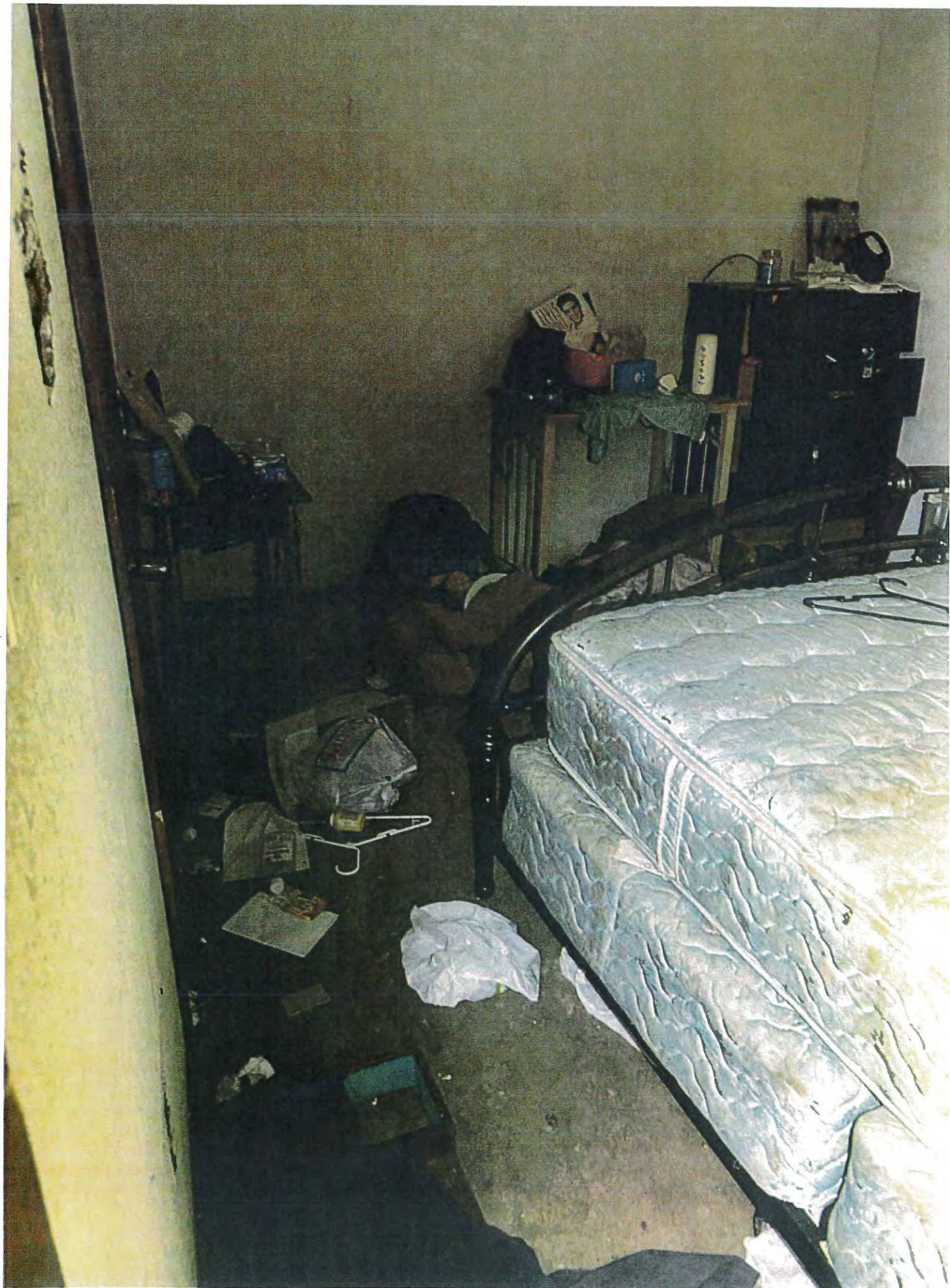






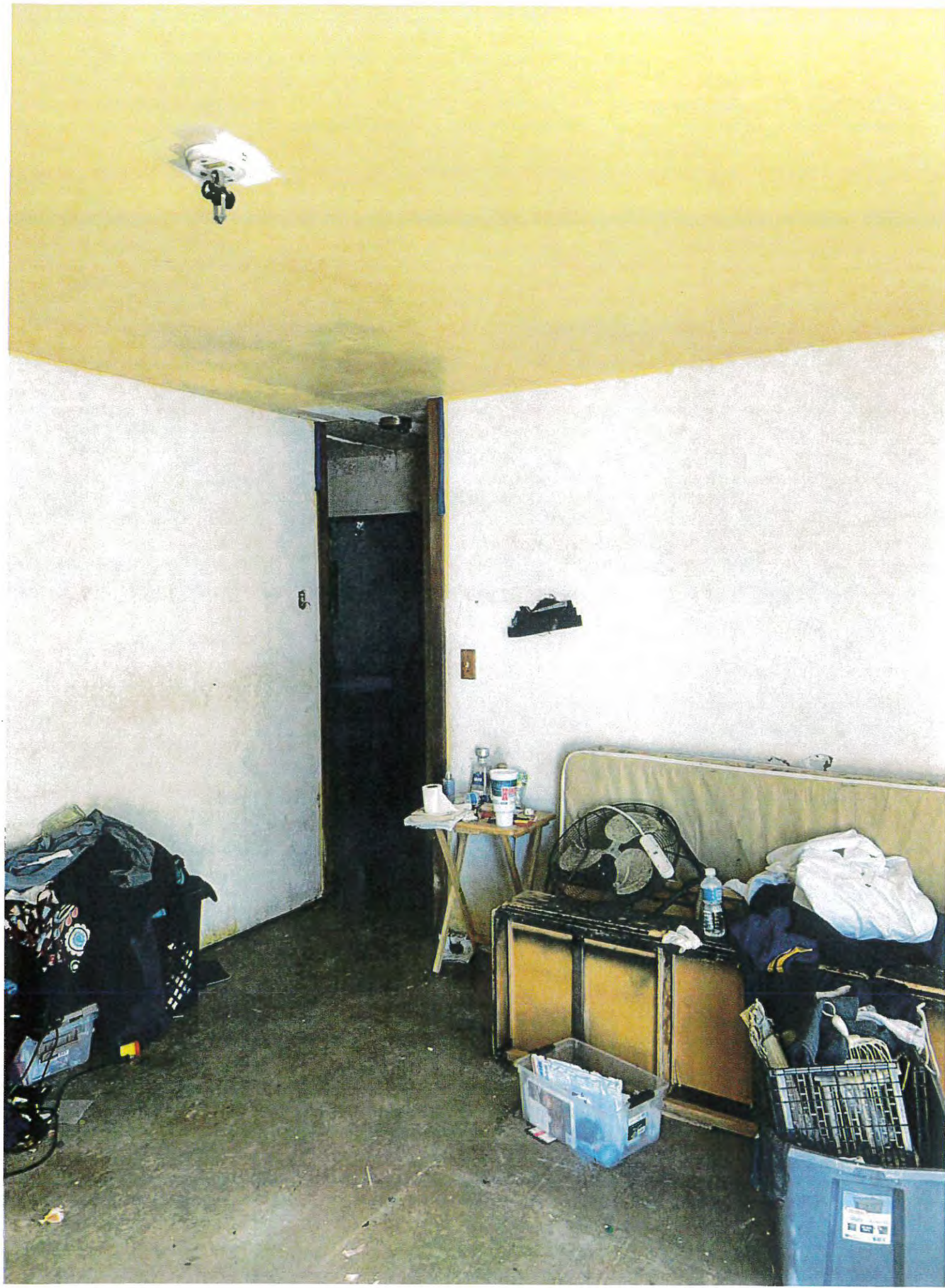




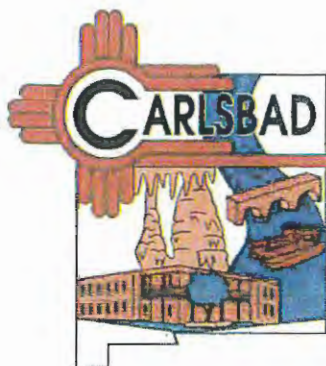












RICK LOPEZ
MAYOR

Post Office Box 1569
Carlsbad, NM 88221-1569
(575) 887-1191
1-800-658-2713
www.cityofcarlsbadnm.com

February 7, 2024

Erica Corrales c/o Jesus R. Juarez
914 Franklin St. #B
Carlsbad, NM 88220

RE: Dangerous Premises at the property known as 1916 W. Lea St., Carlsbad, NM

Dear Mr. Juarez :

According to the records of the Eddy County Assessor's Office, you are the owners or have an interest in the property commonly known as **1916 W. Lea St., Carlsbad, NM.** The property was recently inspected by the Director of Planning. The structure on the property has not been improved.

Because of the condition of the structure on the property, a Resolution has been prepared requiring the removal of the structure. The Carlsbad City Council will consider passing that Resolution at its meeting on **Tuesday, February 13, 2024 at 6:00 PM.** That meeting will be held in the Council Chambers in the Janell Whitlock Municipal Complex at 114 S. Halagueno St., Carlsbad, NM. You are encouraged to come to the meeting and speak with Council about the property. A draft of the Resolution is included with this letter.

If the Council adopts the Resolution, you must begin removing the structure from the property within ten days and complete the work within thirty days. The property must be left in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled. If the work is not done, the City may do the work itself or hire someone to do the work. All reasonable costs to the City for such work will become a lien against the property. The City may then foreclose the lien as allowed by law.

If you have any questions regarding this matter, please contact me at (575) 887-1191, or at the Municipal Building, 101 N. Halagueno, Carlsbad, NM 88220.

Sincerely,

Denise Madrid Boyea
City Attorney

Enclosure

COUNCILORS

Ward 1
LISA A. ANAYA FLORES
EDDIE T. RODRIGUEZ

Ward 2
J J CHAVEZ
JEFF FORREST

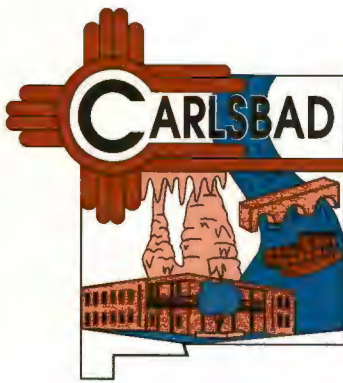
Ward 3
MARY GARWOOD
KARLA NIEMEIER

Ward 4
ANTHONY FOREMAN
MARK WALTERSCHEID





—
Jeff Patterson, CFM
Director, Planning and Regulation Dept.
City of Carlsbad
[575-885-1185](tel:575-885-1185)
[Ext. 2221](tel:575-885-2221)



RICK LOPEZ
MAYOR

Post Office Box 1569
Carlsbad, NM 88221-1569
(575) 887-1191
1-800-658-2713
www.cityofcarlsbadnm.com

March 7, 2024

Erica Corrales c/o Jesus R. Juarez
1018 Lamont St., Apt. 19
Carlsbad, NM 88220

RE: Dangerous Premises at the property known as 1916 W. Lea St., Carlsbad, NM

Dear Mr. Juarez :

According to the records of the Eddy County Assessor's Office, Erica Corrales c/o Jesus R. Juarez is the owners or have an interest in the property commonly known as **1916 W. Lea St., Carlsbad, NM**. The property was recently inspected by the Director of Planning. The structure on the property has not been improved.

Because of the condition of the structure on the property, Resolution 2023-65 has been passed requiring the removal of the structure. The Carlsbad City Council may reconsider Resolution 2023-65 at its meeting on **Tuesday, March 12, 2024 at 6:00 PM.** That meeting will be held in the Council Chambers in the Janell Whitlock Municipal Complex at 114 S. Halagueno St., Carlsbad, NM. You are encouraged to come to the meeting and speak with Council about the property. A copy of the Resolution 2023-65 is included with this letter.

If the Council decides not to reconsider Resolution 2023-65, or if they confirm Resolution 2023-65, you must begin removing the structure from the property within ten days and complete the work within thirty days. The property must be left in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled. If the work is not done, the City may do the work itself or hire someone to do the work. All reasonable costs to the City for such work will become a lien against the property. The City may then foreclose the lien as allowed by law.

If you have any questions regarding this matter, please contact me at (575) 887-1191, or at the Municipal Building, 101 N. Halagueno, Carlsbad, NM 88220.

Sincerely,

A handwritten signature in blue ink that reads "Denise Madrid Boyea".
Denise Madrid Boyea
City Attorney

Enclosure

COUNCILORS

Ward 1
LISA A. ANAYA FLORES
EDDIE T. RODRIGUEZ

Ward 2
J J CHAVEZ
JEFF FORREST

Ward 3
MARY GARWOOD
KARLA NIEMEIER

Ward 4
ANTHONY FOREMAN
MARK WALTERSCHEID

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

Council Meeting Date: March 12, 2024

DEPARTMENT: Legal	BY: Denise Madrid Boyea	DATE: March 6, 2024												
SUBJECT: Consider approval of Ordinance to increase the Acting Municipal Judge's Flat Rate Fee and Total Fee														
BACKGROUND, ANALYSIS AND IMPACT: (Safety and Welfare/Financial/Personnel/Infrastructure/etc.) In 1988, the City of Carlsbad set the flat rate fee of the Acting Municipal Judge at Fifty Dollars per day pursuant to Section 16-29-C of the Carlsbad City Code of Ordinances. The salary currently recommended is an increase to Three Hundred Dollars (\$300.00) per day and increase the total fee allowed to be paid per year to Sixty Thousand Dollars (\$60,000.00).														
DEPARTMENT RECOMMENDATION: If it is the pleasure of the City Council, it is recommended that an Ordinance be approved increasing the Acting Municipal Judge's salary to Three Hundred Dollars per day.														
BOARD/COMMISSION/COMMITTEE ACTION: <table border="0"><tr><td><input type="checkbox"/> P & Z</td><td><input type="checkbox"/> Lodgers Tax Board</td><td>Cemetery Committee</td><td>APPROVED</td></tr><tr><td><input type="checkbox"/> Museum Board</td><td><input type="checkbox"/> San Jose Board</td><td><input type="checkbox"/> Water Board</td><td><input type="checkbox"/> DISAPPROVED</td></tr><tr><td><input type="checkbox"/> Library Board</td><td><input type="checkbox"/> North Mesa Board</td><td><input type="checkbox"/> _____ Committee</td><td></td></tr></table>			<input type="checkbox"/> P & Z	<input type="checkbox"/> Lodgers Tax Board	Cemetery Committee	APPROVED	<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> DISAPPROVED	<input type="checkbox"/> Library Board	<input type="checkbox"/> North Mesa Board	<input type="checkbox"/> _____ Committee	
<input type="checkbox"/> P & Z	<input type="checkbox"/> Lodgers Tax Board	Cemetery Committee	APPROVED											
<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> DISAPPROVED											
<input type="checkbox"/> Library Board	<input type="checkbox"/> North Mesa Board	<input type="checkbox"/> _____ Committee												

Reviewed by: Interim City Administrator: /s/Wendy Austin	Date: 03/07/2024
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ATTACHMENT(S):
Ordinance

ORDINANCE NO. 2024-09

AN ORDINANCE AMENDING A PORTION OF SECTION 29-C OF CHAPTER 16 OF THE CODE OF ORDINANCES, CITY OF CARLSBAD, NEW MEXICO TO INCREASE THE ACTING MUNICIPAL JUDGE'S FLAT RATE FEE PER DAY AND INCREASE THE TOTAL FEE DURING ANY ONE CALENDAR YEAR

WHEREAS, Chapter 16-29-C of the Code of Ordinances, City of Carlsbad, New Mexico, set the Acting Municipal Judge's flat rate fee in 1988 at Fifty Dollars (\$50.00) per day and set the total amount to be paid at Three Thousand Dollars (\$3,000.00) during any one calendar year; and

WHEREAS, the City Council of Carlsbad desires to increase the Acting Municipal Judge's flat rate fee per day and increase the total amount to be paid during any one calendar year.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD, COUNTY OF EDDY, STATE OF NEW MEXICO, that:

Section 16-29-C of the Carlsbad City Code is hereby amended to state an increase of the flat rate fee of the Acting Municipal Judge shall be Three Hundred Dollars (\$300.00) per day and an increase not in excess of SIXTY THOUSAND DOLLARS (\$60,000.00) during any one calendar year.

INTRODUCED, PASSED, ADOPTED, AND APPROVED this _____ day of _____, 2024.

Richard D. Lopez, MAYOR

ATTEST:

City Clerk

Committee Reports

Adjourn



March 4th, 2024

Mrs. Wendy Austin
City Administrator
City of Carlsbad

Dear Mrs. Austin:

The following report is submitted to the City of Carlsbad to update the progress and status of the Carlsbad MainStreet Project for February 2024, per the Downtown Revitalization Services Contract. With this report, MainStreet is enclosing an invoice requesting the monthly allocation from the City of Carlsbad for \$7,500.00 based on the total annual services contract of \$90,000.

NEW MEXICO MAIN STREET (NMMS) REQUIRED MEETINGS (MAINSTREET EXECUTIVE DIRECTOR):

- New Mexico MainStreet Winter Conference- 1/31- 2/2 Santa Fe
- New Mexico MainStreet Round Table: Agriculture and Farmers Markets 2/14

EXECUTIVE DIRECTOR BOARDS AND COMMITTEES:

- In addition to MainStreet activities, the Carlsbad MainStreet Executive Director serves on the following boards and committees related to downtown promotion and economic development and attends weekly and monthly meetings to support their priorities and activities:

Carlsbad Area Art Association, Carlsbad Community Concerts Association, Cavern Theater Task Force, Carlsbad Downtown Lions Club, Pearl of the Pecos Committee, Chamber of Commerce Tourism Council, Chamber of Commerce Non-Profit Council, Chamber of Commerce Age Friendly Council, Eddy County DWI Mayors Fine Arts and Acquisition Committee (FAAV), Mayors Beautification Committee, Anti-Drug and Gang Coalition, Rotary, Chamber of Commerce, City Council, Eddy County Commission, Walter Gerrell's Civic Center Advisory Board, and Carlsbad Department of Development

ECONOMIC DEVELOPMENT-MAINSTREET STYLE

MainStreet Business/Merchants Economic Vitality

- Worked with JChester Designs on our brand marketing for the upcoming year and the launch of our updated website.
- Updated our vacant building list.
- Worked with 2 individuals to try and find available office space for their business in the district
- Planning to have our state revitalization specialist- Leighton Moon come to Carlsbad for our next merchant meeting in March, we will discuss marketing your business and how to strengthen your business through online marketing and social media presence.



Downtown MainStreet Rejuvenation Project

- Received final shipment of trash receptacles and benches from Keystone Ridge Design, we are working with the city to get them installed as well as our last remaining light poles.
- Requested assistance from New Mexico MainStreet Revitalization Specialist, Amy Bell to assist with getting updated renderings for our alley activation project that we can use for future grant proposals.

MainStreet

- February 21st- CavernFest Planning Meeting
- February 22nd- Board of Directors Meeting

Pearl of the Pecos

- February 1st – New Mexico Arts Commission Meeting (Santa Fe)
- February 26th- POP Steering Committee Meeting
- Full report of POP work can be found in February ACD report

City of Carlsbad

- February 13th- City Council (POP Update)
- February 14th- Public Restrooms Meeting with City Staff
- February 19th- 4th of July Planning Meeting
- February 19th- Meeting with Mayor, Wendy Austin and KC Cass on MainStreet Projects

Eddy County

- February 22nd- Meeting with County Manager Roberta Gonzalez

Chamber of Commerce

- February 6th- Age Friendly Council Meeting
- Leadership Carlsbad Session #5 -February 16th (Tourism Day)

Department of Development

- February 12th- Legislative update meeting

HAPPENING AT THE MAINSTREET OFFICE

Staff at the MainStreet office

- Shea attended the next round of New Mexico MainStreet Grant writing and fundraising training in Albuquerque this month, she worked on a grant proposal and thank you fundraising letter.
- We have hired a new staff member to serve as our vendor coordinator and farmers market manager, her name is Leslie Grimaldi, she is new to the area from Houston, TX. She has been having office hours and getting all caught up.



- Submitted our request for funding from Eddy County for FY 2024-2025. Had a meeting with County Manager, Roberta Gonzales, to discuss the request and update her on the work of MainStreet.
- Submitted Lodgers Tax Funding request to the City for FY 2024-2025

Reporting

- All monthly and quarterly reports have been submitted to the City and County
- Q 4 report submitted to New Mexico MainStreet

Speaking Opportunity

- N/A

OTHER MAINSTREET ED MEETINGS AND ACTIVITIES:

- Kat attended City Council on the 13th to provide the council with an update on the successful state authorization our community received for our Arts and Cultural District.
- Through the Cultural Planning Process, we have come across a recommendation in our grant agreement for updating our local LEDA Ordinance following the adoption of the plan. Kat met with Jeff with City Planning to see if this is something we could work on. Jeff agreed the plan was outdated and we could explore options to work to update it. Then we set up a meeting with Jim Lucero and Kevin Wilson, our regional Economic Development Department Representatives to discuss, they were able to provide us templates from other communities for us to review.

PROMOTION FOR MAINSTREET and CARLSBAD

New Mexico Magazine

- Signed contract for 2024 advertising agreement. Submitted March edition ad

Focus Magazine

- Signed contract for 2024

Texas Monthly

- Submitted ad and article for spring travel issue

Carlsbad Local

- Forwarded ACD press release for printing

Current-Argus

Forwarded ACD press release for printing

Carlsbad Radio

- N/A

KCC Radio

- N/A

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

Respectfully,

Kat Davis

Kat Davis