



# City of Las Vegas

1700 N. Grand Avenue | Las Vegas, NM 87701 | T 505.454.1401 | lasvegasnm.gov

## Madam Mayor Tonita Gurulé-Girón

**CITY OF LAS VEGAS  
WORK SESSION CITY COUNCIL AGENDA  
December 12, 2018–Wednesday– 5:30 p.m.  
City Council Chambers  
1700 N. Grand Ave**

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

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **MOMENT OF SILENCE**
- V. **APPROVAL OF AGENDA**
- VI. **PUBLIC INPUT (not to exceed 3 minutes per person and persons must sign up at least fifteen (15) minutes prior to meeting.)**
- VII. **DISCUSSION ITEMS**

1. Out of State Travel to Tulsa, Oklahoma

*David T. Bibb III, Police Chief* Less Lethal Impact Projectiles Instructors Course will be held in Tulsa, Oklahoma on March 24-30, 2019. Our Sergeant and a Police Officer will be attending this training. They will be trained in the proper utilization and deployment of less than lethal equipment and munitions. This training is critical to ensure the Las Vegas Police Department meets instructor training requirements mandated by the New Mexico Department of Public Safety on high risk instructor courses which require two instructors during instruction of students.

2. Resolution #18-49 Disposition of Obsolete, Worn-Out or Unusable Tangible Personal Property.

*Tana Vega, Interim Finance Director* The City of Las Vegas is requesting review and approval of Resolution 18-49 Disposition of obsolete, worn-out or unusable tangible personal property.

## **VIII. EXECUTIVE SESSION**

**THE COUNCIL MAY CONVENE INTO EXECUTIVE SESSION IF SUBJECT MATTER OF ISSUES ARE EXEMPT FROM THE OPEN MEETINGS REQUIREMENT UNDER § (H) OF THE OPEN MEETINGS ACT.**

- A. Personnel matters, as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978.**
- B. Matters subject to the attorney client privilege pertaining to threatened or pending litigation in which the City of Las Vegas is or may become a participant, as permitted by Section 10-15-1 (H) (7) of the New Mexico Open Meetings Act, NMSA 1978.**
- C. Matters pertaining to the discussion of the sale and acquisition of real property, as permitted by Section 10-15-1 (H) (8) of the Open Meetings Act, NMSA 1978.**

## **IX. ADJOURN**

**ATTENTION PERSONS WITH DISABILITIES:** The meeting room and facilities are accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office prior to the meeting so that arrangements may be made.

**ATTENTION PERSONS ATTENDING COUNCIL MEETING:** By entering the City Chambers, you consent to photography, audio recording, video recording and its/their use for inclusion on the City of Las Vegas Web-site, and to be televised on Comcast.

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

## Work Session

### CITY COUNCIL MEETING AGENDA REQUEST

DATE: 11/29/18

DEPT: Police

MEETING DATE: 12/12/18

**DISCUSSION ITEM/TOPIC:** *Out of State travel to Tulsa, Oklahoma*

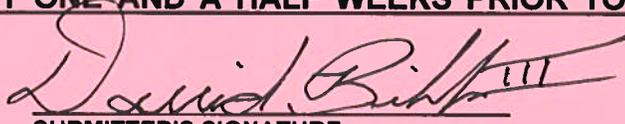
**BACKGROUND/RATIONALE:** *Less Lethal Impact Projectiles Instructors Course will be held in Tulsa, Oklahoma on March 24-30, 2019. Our Sergeant and a Police Officer will be attending this training. See attached memorandum*

*Registration cost for this training is \$768.00 each person attending. Per Diem expenses will cost \$805.00 each person attending. Total cost of \$1,573.00 each person.*

*Less Lethal Impact Projectiles Instructor Course is high risk training, and will train two of officers to become instructors for the department. They will be trained in the proper utilization and deployment of less than lethal equipment and munitions. In their return they will train department personnel assigned to the departments Emergency Response Team and any other personnel deploying less than lethal equipment.*

*This training is critical to ensure the Las Vegas Police Department meets instructor training requirements mandated by the New Mexico Department of Public Safety on high risk instructor courses, which require two instructors during instruction of students.*

**THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY CLERK'S OFFICE NO LATER THAN 5:00 P.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.**



SUBMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:



TONITA GURULE-GIRON  
MAYOR



ANN MARIE GALLEGOS,  
INTERIM CITY MANAGER

TANA VEGA, INTERIM  
FINANCE DIRECTOR  
(PROCUREMENT)

PURCHASING AGENT  
(FOR BID/RFP AWARD)

ESTHER GARDUNO MONTOYA,  
CITY ATTORNEY  
(ALL CONTRACTS MUST BE REVIEWED)



**City of Las Vegas**

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



**MEMORANDUM**

**TO:**

**Ann Marie Gallegos  
Interim City Manager**

**FROM:**

*Kenneth C. Jenkins* 202  
**Kenneth C. Jenkins  
Deputy Chief of Police**

**DATE:** November 1, 2018

**RE: Out of State Travel-Tulsa, Oklahoma  
Less than Lethal Training  
March 24-30, 2019  
2 LVPD Personnel**

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Estimated Travel Cost

Per Diem for 1 LVPD Personnel \$ 1,610.00  
@ 805.00 per individual

Registration for 1 LVPD Personnel \$ 1,536.00  
@ \$768.00 per individual

**TOTAL COST \$ 3,146.00**

All expenses will be paid by Law Protection Fund 215-0000-710-7202, 215-0000-710-7203, and partial by General Fund 101-4800-710-7203.

XC: File



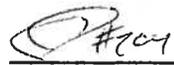


Interim Chief Christopher Lopez

MEMORANDUM

TO: Christopher Lopez, Interim Chief of Police

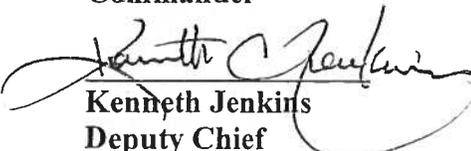
FROM:

  
Eric N. Padilla  
Commander

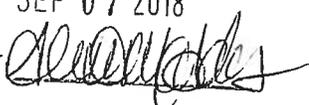
RECEIVED

SEP 07 2018

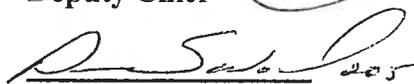
THRU:

  
Kenneth Jenkins  
Deputy Chief

BY



THRU:

  
Pamela Sandoval  
Training/Recruiting Interim Commander

DATE: September 04, 2018

RE: Request for Out of State Training (Advanced Firearms Training)

This memo is a request to send Police Officer David Lautalo and Sgt. Jason Gage to a less than lethal, flash and sound diversionary device and chemical agent instructor course. The course will be held in Tulsa Oklahoma March 25, 2019, and is a 5 day 40 hour course. The cost of the course is \$768.00 for registration for non members and \$744.00 for members, and is hosted by The National Tactical Officers Association. Sgt. Gage was a member of the NTOA both he and PO Lautalo will need to travel a day before the course starts and return the day after the course ends.

We currently have less than lethal equipment in our armory, which is essential equipment for the department Emergency Response Team. PO Lautalo is our department's firearm instructor and Sgt. Gage is assigned to our departments Emergency Response Team. I am asking for two instructors in this course because it is high risk training. The New Mexico Department of Public Safety requires two instructors for high risk instruction, when instructing five or more students. After Sgt. Gage's and PO Lautalo's certifications in this course they will train personnel assigned to the Emergency Response Team in the proper use and deployment of the less than lethal equipment we have. They will train department personnel on the use and deployment of less than lethal equipment such as bean bag rounds. This training and its entirety is not held in New Mexico. Both Officers will drive to Tulsa Oklahoma due to having to transport training equipment. Should you have any questions, please do not hesitate to contact me. Thank you for your consideration in this matter.



City of Las Vegas

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Interim Chief Christopher Lopez

Registration @ 7.00 out of <sup>total</sup> fund  
Registration @ 161.00 out of 215 fund  
All per-diem out of 215 fund

Review by:  
Marla Martinez  
Marla Martinez, Finance Specialist

10/3/18  
Date

Beatrice Salazar  
Beatrice Salazar, Grants Administrator

09/07/18  
Date

Approved/Disapproved  
Christopher Lopez  
Christopher Lopez  
Interim Chief of Police

9.7.18  
Date

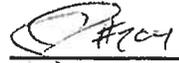
not original  
215 fund Signature  
as of this date  
10/3/18  
\$541 left  
in 7002  
line item



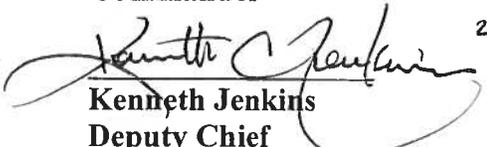
Interim Chief Christopher Lopez

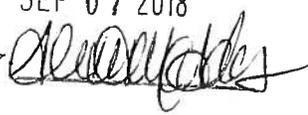
MEMORANDUM

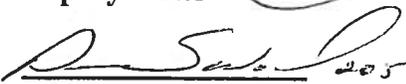
TO: Christopher Lopez, Interim Chief of Police

FROM:   
Eric N. Padilla  
Commander

RECEIVED

THRU:  202  
Kenneth Jenkins  
Deputy Chief

SEP 07 2018  
BY 

THRU:  203  
Pamela Sandoval  
Training/Recruiting Interim Commander

DATE: September 04, 2018

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## Interim Chief Christopher Lopez

Review by:

Marla Martinez  
Marla Martinez, Finance Specialist

10/3/18 All registrations + Per-dum  
out of 215 fund  
Date

Beatrice Salazar  
Beatrice Salazar, Grants Administrator

09/07/18 215  
fund  
Date

Approved/Disapproved

Christopher Lopez  
Christopher Lopez  
Interim Chief of Police

9-7-18  
Date

NTOA TRAINING COURSE REGISTRATION



# LESS-LETHAL / FSDD / CHEMICAL AGENT INSTRUCTOR CERTIFICATION

COURSE #: 20190510 LOCATION: TULSA, OK START DATE: 3/25/2019

NON-MEMBER COST: \$799.00 TEAM MEMBER COST: \$769.00 INDIVIDUAL MEMBER COST: \$744.00

Your Cost: **\$799.00** Enter your Member ID in the field below to receive our member discount

THE NTOA RESERVES THE RIGHT TO CANCEL ANY COURSE UP TO 30 DAYS PRIOR TO THE START. PLEASE DO NOT MAKE ANY NON-REFUNDABLE TRAVEL ARRANGEMENTS BEFORE THIS TIME.

## STUDENT INFO

**MEMBER ID** DON'T KNOW YOUR MEMBER ID?

PLEASE ENTER YOUR INDIVIDUAL OR TEAM MEMBER ID (ONLY THE NUMERIC PORTION). THIS IS REQUIRED IN ORDER TO RECEIVE A MEMBER DISCOUNT.

**STUDENT FIRST NAME**

**MI**

**STUDENT LAST NAME**

**RANK**

**ASSIGNMENT (SELECT ONE) OTHER ASSIGNMENT**

SWAT

**HOME ADDRESS**

**CITY**

**STATE**

Alabama

**ZIP**

**HOME PHONE**

**CELL PHONE**

**HOME EMAIL**

**WORK EMAIL**



## TRAINING ANNOUNCEMENT

Less Lethal, Flash Sound Diversionary Device, Chemical Agents Instructor Certification

March 25-29, 2019

Tulsa, OK

Co-Hosted By Tulsa Police Department

### Course Overview

**THIS INSTRUCTOR CERTIFICATION EXPIRES FOUR YEARS AFTER COMPLETION OF THE CERTIFICATION COURSE.**

The Less Lethal Impact Projectiles Instructor Course is a train the trainer course designed to familiarize attendees with less lethal weapons, impact munitions and deployment tactics. Topics to be covered include instructor development techniques, less lethal force philosophy, case law, policy issues, technology overview, deployment tactics, product demonstrations, and less lethal practical scenarios.

The Flash Sound Diversionary Device Instructor Course is a train the trainer course designed to familiarize attendees with flash sound diversionary devices (FSDD). Topics to be covered include history of diversionary devices, definitions, and nomenclature, legal aspects of diversionary devices, policy issues, preparation and deployment of diversionary devices, and practical application. The Chemical Agent Instructor Course is a train the trainer course designed to familiarize attendees with chemical munitions. Topics to be covered include history, products and characteristics, delivery systems, hazards, decontamination, gas masks, and general tactics as they relate to the use of chemical agents.

Register online at <a href="http://www.ntoa.org">http://www.ntoa.org</a>			
Registration Fee:	NTOA Individual Members: \$744	NTOA Team Members: (Includes 1 yr digital membership)	\$769
Non-Member (Includes 1 year Individual Membership:		\$799	
<b>REGISTRATION DEADLINE:</b>	<b>2/25/2019</b> <span style="float: right;">course # 20190510</span>		
Prerequisites:	Sworn full time law enforcement personnel		
Training Location:	Tulsa Police Academy 6066 E 66th Street North Tulsa, OK 74117		
Student Equipment:	Law Enforcement I. D. See attached list		
Start Time:	0800		
Co-host Point of Contact:	Cpl. Jason Muse <a href="mailto:jmuse@cityoftulsa.org">jmuse@cityoftulsa.org</a>		
Nearest Airport:	Tulsa International Airport		
Suggested Car Rental Agency	Use the following ID#, <b>XZ17D23</b> to get the discounted rate. You can log onto <a href="http://www.enterprise.com">www.enterprise.com</a> and use the pin code of <b>NAT</b> or call 1-800-RENT-A-CAR		
Hotel Suggestions:	Double Tree by Hilton 616 W. Seventh Street Tulsa, OK, 74127 918-587-8000		
<b>Cancellation Policy:</b>			
Student will receive full refund of any paid fee if cancelled in writing 30+ days prior to course start.			
NTOA will charge \$100 cancellation fee if written notice is received less than 30 days prior to course start.			
No written notice, no refund. Qualified substitutions are always acceptable.			
NTOA reserves the right to cancel a course 30 days prior to the start date. We will notify you immediately if this occurs.			
Completed registrations may be emailed to <a href="mailto:training@ntoa.org">training@ntoa.org</a>			
Checks made payable to NTOA may be mailed to 7150 Campus Drive Suite 215, Colorado Springs, CO 80920			



## LESS LETHAL, FLASH SOUND DIVERSIONARY DEVICE, CHEMICAL AGENTS INSTRUCTOR CERTIFICATION

### COURSE OVERVIEW AND INSTRUCTIONAL GOALS

<b>COURSE LENGTH:</b>	40 Hours	5 Days
	29 Hours	Classroom
	11 Hours	Practical

### COURSE OVERVIEW

**THIS INSTRUCTOR CERTIFICATION EXPIRES FOUR YEARS AFTER COMPLETION OF THE CERTIFICATION COURSE.**

The Less Lethal Impact Projectiles Instructor Course is a train the trainer course designed to familiarize attendees with less lethal weapons, impact munitions and deployment tactics. Topics to be covered include instructor development techniques, less lethal force philosophy, case law, policy issues, technology overview, deployment tactics, product demonstrations, and less lethal practical scenarios.

The Flash Sound Diversionary Device Instructor Course is a train the trainer course designed to familiarize attendees with flash sound diversionary devices (FSDD). Topics to be covered include history of diversionary devices, definitions, and nomenclature, legal aspects of diversionary devices, policy issues, preparation and deployment of diversionary devices, and practical application.

The Chemical Agent Instructor Course is a train the trainer course designed to familiarize attendees with chemical munitions. Topics to be covered include history, products and characteristics, delivery systems, hazards, decontamination, gas masks, and general tactics as they relate to the use of chemical agents.

### NOTICE

The information necessary to present instruction regarding less lethal munitions, flash sound diversionary devices, and chemical agents is contained within the curricula of this course. The ability to teach others and correctly convey the course content is an individual skill. Completing this NTOA course of instruction is not an endorsement of any individuals teaching skill or experience. Instructors should ensure that they have met the necessary requirements to instruct the subject matter as required by local or state mandates. Further, instructors should be approved to teach the materials by their agency head or designee.

### INSTRUCTIONAL GOALS

Upon completion of this course the attendee will be familiar with:

1. Instructor Development Techniques
2. Less Lethal Force Philosophy
3. Case Laws, Legal Studies Training Issues
4. Less Lethal Policy
5. Use of Force Reports
6. Less Lethal Force Technology
7. Less Lethal Deployment Tactics
8. Conducting Less Lethal Practical Scenarios
9. History of Flash Sound Diversionary Devices (FSDD's)
10. Specific Definitions
11. Nomenclature



12. Legal Aspects of Diversionary Devices
13. Tactics involving Flash Sound Diversionary Devices
14. Deployment Concerns
15. FSDD Policy Issues
16. Preparation and Deployment of Diversionary Devices
17. Chemical Munitions Products and Characteristics
18. Chemical Munitions Delivery Systems
19. Potential Hazards of Chemical Munitions
20. Decontamination Issues
21. Gas Masks
22. General Tactics as they Relate to the Use of Chemical Agents

### SPECIFIC INSTRUCTIONAL GOALS

1. The less lethal force philosophy as outlined in this course of instruction
2. At least three significant less lethal force options available to law enforcement today
3. Two basic classifications of kinetic energy impact munitions
4. The three most significant factors that must be considered when evaluating kinetic energy impact projectiles
5. At least three kinetic energy impact projectile delivery systems
6. The characteristics of the most commonly used less lethal projectiles
7. Less lethal kinetic energy impact projectiles and their placement on a "use of force" model. Students will also be able to explain some circumstances that may cause an officer to use such devices differently than the "use of force" model suggests.
8. Several situations in which the use of less lethal force projectiles would be appropriate
9. Actions that should be taken in cases where a person is struck with a kinetic energy impact projectile
10. The three most significant issues that must be addressed with end users in extended range kinetic energy impact programs
11. Case laws as they relate to less lethal deployment
12. Sample less lethal policies and the philosophy behind less lethal policies
13. Use of force reports as they relate to the deployment of kinetic energy impact projectiles
14. Various tactics as they relate to the deployment of kinetic energy impact projectiles as well as arrest teams, entry teams, containment teams, and civil disorder
15. The actual deployment of various kinetic energy impact projectiles. Students will observe them being deployed and will discuss accuracy issues and proper application.
16. The history of the flash sound diversionary device (FSDD)
17. What a diversionary device is
18. Specific definitions as they relate to the FSDD
19. Specific nomenclature as it relates to a FSDD
20. The difference between a deceptive and physiological distraction and the characteristics of each
21. The effects of the FSDD on the human body
22. Three types of explosions
23. The difference between a detonating explosive and a deflagrating explosive
24. The components of a FSDD
25. The components of the M201A1 fuze
26. The combustion characteristics of a FSDD
27. Deployment concerns involved with using a FSDD
28. The "critical number" as it relates to the sound produced by a FSDD
29. Rendering safe procedures for a FSDD
30. Concerns to be addressed when developing policy for the use of a FSDD
31. Case law as it relates to the deployment of a FSDD
32. The first documented case in which a lacrimator was used by civilian law enforcement
33. The two basic concepts of chemical munitions deployment



34. The two most common chemical agents used by civilian law enforcement today
35. The most likely effects of law enforcement chemical agents on human beings
36. The differences between primary and secondary contamination
37. The most commonly used chemical munitions and the deployment concepts most applicable to those particular munitions
38. Multiple concepts of chemical munitions deployment
39. The steps in the chemical agent decontamination process
40. The process of testing a chemical agent mask for proper fit and operation

**In addition, the student will:**

1. Take part in practical scenarios to become familiar with tactics and proper decision-making involving the use of less lethal impact munitions, diversionary devices, and chemical agents.
2. Take part in familiarization drills utilizing several less lethal projectile delivery systems, including the 12-gauge shotgun, 37 mm launcher, and 40 mm launcher.
3. Demonstrate in a practical examination, the ability to safely and effectively deploy a diversionary device. Students will deploy at least one diversionary device.
4. Demonstrate the ability to safely dismantle and clean a FSDD (if applicable to the brand being deployed).
5. Complete a written test on Less Lethal Projectiles, FSDD's, and Chemical Agents which requires 80% to pass.



## LESS LETHAL, FLASH SOUND DIVERSIONARY DEVICE, CHEMICAL AGENTS – INSTRUCTOR CERTIFICATION

### DAY TO DAY / HOUR TO HOUR AGENDA

#### DAY ONE

<b>Hours:</b>	<b>Instruction:</b>
0800-0830	Introduction of Instructor and Students / Registration
0830-0900	Pre-Test for Less Lethal Projectiles, FSDD's, and Chemical Agents
0900-0930	Explanation of Course Objectives
0930-1030	Instructor Development Techniques / Safety Lead - In
1030-1200	Less Lethal Force Philosophy
1200-1300	Lunch
1300-1700	Less Lethal Force Technology

#### DAY TWO

<b>Hours:</b>	<b>Instruction:</b>
0800-0900	Less Lethal Force Technology
0900-1100	Case Laws, Legal Concepts, Use of Force Reports
1100-1200	Less Lethal Policy
1200-1300	Lunch
1300-1500	Injury Photos / Impact Projectile Death Cases
1500-1700	Tactical Decision Making

#### DAY THREE

<b>Hours:</b>	<b>Instruction:</b>
0800-0900	Less Lethal Final Exam
0900-1100	Less Lethal Videos / Incident Debriefs
1100-1200	Lunch
1200-1400	(AT RANGE) Product Demo and Familiarization Drills
1400-1700	(AT RANGE) Practical Scenarios / Scenario Demonstration



## DAY FOUR

### Hours:

0800-1030

1030-1200

1200-1300

1330-1330

1330-1400

1400-1700

### Instruction:

Chemical Munitions Overview / Decontamination / Policy Considerations

Chemical Agents Delivery Systems

Lunch

Gas Masks

Chemical Munitions Incident Debriefs

(AT RANGE) Chemical Agent Product Demonstration / Practical Demonstration and Deployment of 12 Gauge / 37 mm / 40 mm Chemical Agent Projectiles / Chemical Agents Exposure / Gas Mask Clearance Demonstration / Decontamination

## DAY FIVE

### Hours:

0800-1000

1000-1100

1100-1200

1200-1300

1300-1400

1400-1630

1630-1700

### Instruction:

Diversionsary Devices History, Definitions, Nomenclature, Types

Characteristics of Diversionsary Devices, Tactics

Diversionsary Device Legal Aspects, Policy Considerations, Deployment Concerns

Lunch

Chemical Agents / FSDD Review and Exam

(AT RANGE) Practical Deployment of Diversionsary Devices / Demonstration of Cleaning and Preparation of Diversionsary Devices

Course Review / Course Closeout at Range



**LESS LETHAL, FLASH SOUND DIVERSIONARY DEVICE, CHEMICAL AGENTS  
INSTRUCTOR CERTIFICATION  
STUDENT EQUIPMENT LIST**

**INDIVIDUAL**

**INDIVIDUAL**

Law Enforcement I. D.

Eye protection

Ear protection

Gas mask

Nomex Gloves

Clothing such as BDU's that are suitable for physical activity. Students will be outside at times and will take part in range activities.

A change of clothes to wear after chemical contamination

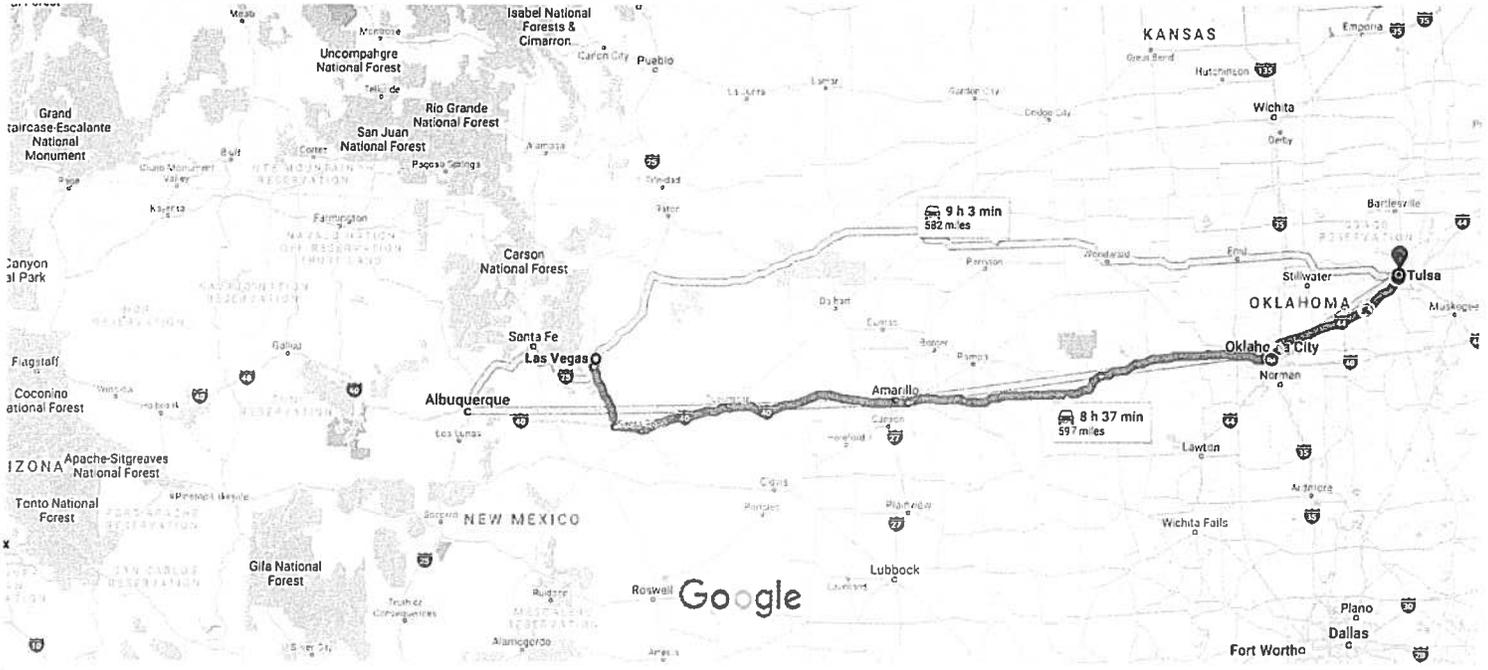
Agency Approved Chemical Agent Mask (APR)

Students who have not received an approved level 1, 2, or 3 chemical agent exposure to CS or OC will be required to have an exposure for completions of this course. However, a waiver is available to students who have already been exposed. Students who complete the waiver will be exempt from the level 1,2, and 3 exposure requirements. It is recognized that many students participating in this course have already been exposed to CS or OC.

All students will be exposed to pyrotechnic CS for fit and evaluation of their masks.

# Google Maps las vegas nm to tula oklahoma

Drive 597 miles, 8 h 37 min



Map data ©2018 Google 50 mi



via I-40 E

8 h 37 min

Fastest route, the usual traffic

597 miles

⚠ This route has tolls

⚠ Your destination is in a different time zone.



via US-412 E

9 h 3 min

582 miles



6:50 PM–1:28 PM (Tuesday)

17 h 38 min

Orange

New Mexico Rail Runner Express (N...

Greyhound

**Work Session**

**CITY COUNCIL MEETING AGENDA REQUEST**

**DATE: 11/27/2018 DEPT: Finance MEETING DATE: 12/12/2018**

**DISCUSSION ITEM/TOPIC:** Resolution #18-49 Disposition of Obsolete, Worn-Out or Unusable Tangible Personal Property

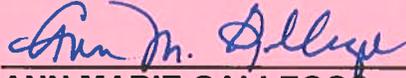
**BACKGROUND/RATIONALE:** The City of Las Vegas is requesting review and approval of Resolution 18-49 Disposition of Obsolete, Worn-Out or Unusable Tangible Personal Property.

**THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY CLERK'S OFFICE NO LATER THAN 5:00 P.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.**

\_\_\_\_\_  
**SUBMITTER'S SIGNATURE**

**REVIEWED AND APPROVED BY:**

  
\_\_\_\_\_  
**TONITA GURULE-GIRON  
MAYOR**

  
\_\_\_\_\_  
**ANN MARIE GALLEGOS,  
INTERIM CITY MANAGER**

  
\_\_\_\_\_  
**TANA VEGA, INTERIM  
FINANCE DIRECTOR  
(PROCUREMENT)**

\_\_\_\_\_  
**PURCHASING AGENT  
(FOR BID/RFP AWARD)**

\_\_\_\_\_  
**ESTHER GARDUNO MONTOYA,  
CITY ATTORNEY  
(ALL CONTRACTS MUST BE  
REVIEWED)**

**STATE OF NEW MEXICO  
MUNICIPALITY OF CITY OF LAS VEGAS  
RESOLUTION NO. 18-49  
DISPOSITION OF OBSOLETE, WORN-OUT OR UNUSABLE TANGIBLE  
PERSONAL PROPERTY**

**WHEREAS**, the Governing Body in and for the Municipality of the City of Las Vegas have adopted NMSA 1978, Section 13-6-1, the State of New Mexico's Disposition of obsolete, worn-out or unusable tangible personal property, and applicable federal law and regulations, and

**WHEREAS**, said policy was developed for use by the governing bodies of each state agency, local public body, school district and state educational institution, and

**WHEREAS**, it is the majority opinion of this governing body that the State of New Mexico's, Disposition of Obsolete, Worn-Out or Unusable Tangible Personal Property meets the requirements of the City of Las Vegas, and

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Governing Body of the Municipality of the City of Las Vegas, State of New Mexico hereby adopts the State of New Mexico's Disposition of Obsolete, Worn-Out or Unusable Tangible Personal Property and applicable federal law and regulations.

**RESOLVED**: In session this 19th day of December, 2018.

MUNICIPAL GOVERNING BODY  
LAS VEGAS, NEW MEXICO

TONITA GURULE-GIRON, MAYOR

ATTEST:

CASANDRA FRESQUEZ, CITY CLERK

(SEAL)

APPROVED FOR LEGAL SUFFICIENCY:

ESTHER GARDUNO-MONTOYA, CITY ATTORNEY

### **13-6-1. Disposition of obsolete, worn-out or unusable tangible personal property.**

A. The governing authority of each state agency, local public body, school district and state educational institution may dispose of any item of tangible personal property belonging to that authority and delete the item from its public inventory upon a specific finding by the authority that the item of property is:

- (1) of a current resale value of five thousand dollars (\$5,000) or less; and
- (2) worn out, unusable or obsolete to the extent that the item is no longer economical or safe for continued use by the body.

B. The governing authority shall, as a prerequisite to the disposition of any items of tangible personal property:

(1) designate a committee of at least three officials of the governing authority to approve and oversee the disposition; and

(2) give notification at least thirty days prior to its action making the deletion by sending a copy of its official finding and the proposed disposition of the property to the state auditor and the appropriate approval authority designated in Section 13-6-2 NMSA 1978, duly sworn and subscribed under oath by each member of the authority approving the action.

C. A copy of the official finding and proposed disposition of the property sought to be disposed of shall be made a permanent part of the official minutes of the governing authority and maintained as a public record subject to the Inspection of Public Records Act [Chapter 14, Article 2 NMSA 1978].

D. The governing authority shall dispose of the tangible personal property by negotiated sale to any governmental unit of an Indian nation, tribe or pueblo in New Mexico or by negotiated sale or donation to other state agencies, local public bodies, school districts, state educational institutions or municipalities or through the central purchasing office of the governing authority by means of competitive sealed bid or public auction or, if a state agency, through the surplus property bureau of the transportation services division of the general services department.

E. A state agency shall give the surplus property bureau of the transportation services division of the general services department the right of first refusal when disposing of obsolete, worn-out or unusable tangible personal property of the state agency.

F. If the governing authority is unable to dispose of the tangible personal property pursuant to Subsection D or E of this section, the governing authority may sell or, if the property has no value, donate the property to any organization described in Section 501(c)(3) of the Internal Revenue Code of 1986.

G. If the governing authority is unable to dispose of the tangible personal property pursuant to Subsection D, E or F of this section, it may order that the property be destroyed or otherwise permanently disposed of in accordance with applicable laws.

H. If the governing authority determines that the tangible personal property is hazardous or contains hazardous materials and may not be used safely under any circumstances, the property shall be destroyed and disposed of pursuant to Subsection G of this section.

I. No tangible personal property shall be donated to an employee or relative of an employee of a state agency, local public body, school district or state educational institution; provided that

nothing in this subsection precludes an employee from participating and bidding for public property at a public auction.

J. This section shall not apply to any property acquired by a museum through abandonment procedures pursuant to the Abandoned Cultural Properties Act [18-10-1 to 18-10-5 NMSA 1978].

K. Notwithstanding the provisions of Subsection A of this section, the department of transportation may sell through public auction or dispose of surplus tangible personal property used to manage, maintain or build roads that exceeds five thousand dollars (\$5,000) in value. Proceeds from sales shall be credited to the state road fund. The department of transportation shall notify the department of finance and administration regarding the disposition of all property.

L. If the secretary of public safety finds that the K-9 dog presents no threat to public safety, the K-9 dog shall be released from public ownership as provided in this subsection. The K-9 dog shall first be offered to its trainer or handler free of charge. If the trainer or handler does not want to accept ownership of the K-9 dog, then the K-9 dog shall be offered to an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 free of charge. If both of the above fail, the K-9 dog shall only be sold to a qualified individual found capable of providing a good home to the animal.

History: 1953 Comp., § 6-1-7.1, enacted by Laws 1961, ch. 100, § 1; 1979, ch. 195, § 2; 1984, ch. 47, § 1; 1987, ch. 15, § 1; 1989, ch. 211, § 6; 1995, ch. 181, § 1; 1998, ch. 16, § 1; 2001, ch. 317, § 1; 2007, ch. 57, § 4; 2012, ch. 10, § 1; 2013, ch. 9, § 1.