



CITY OF LAS VEGAS

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

Mayor Tonita Gurulé-Girón

**CITY OF LAS VEGAS
REGULAR CITY COUNCIL AGENDA
October 17, 2018–Wednesday– 6:00 p.m.
City Council Chambers
1700 N. Grand Avenue**

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

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **MOMENT OF SILENCE**
- V. **APPROVAL OF AGENDA**
- VI. **APPROVAL OF MINUTES (September 10th, September 12th Special, September 12th Work Session and September 19, 2018)**
- VII. **MAYOR'S APPOINTMENTS/REPORTS**
- VIII. **MAYOR'S RECOGNITIONS/PROCLAMATIONS**
- IX. **PUBLIC INPUT**
(not to exceed 3 minutes per person and persons must sign up at least fifteen (15) minutes prior to meeting)
- X. **PRESENTATIONS (Not to exceed 10 minutes per person)**
 - Presentation by Bob Mishler Las Vegas Community Foundation
- XI. **CITY MANAGER'S REPORT**
- XII. **FINANCE REPORT**
- XIII. **CONSENT AGENDA**
(Items may be moved to New Business at the request of any Councilor with approval of the Governing Body)

1. Approval of Department of Public Safety Grant for Las Vegas Police Department Street Crimes Unit for overtime, confidential funds and undercover vehicle maintenance.

Ken Jenkins, Deputy Police Chief The Las Vegas City Police Department is requesting approval to accept funding in the amount of \$24,300.00 from the Department of public Safety for overtime and confidential funds to conduct street crime operations and vehicle maintenance for undercover vehicles.

2. Approval to award RFP #2019-02 to Animal Welfare Coalition of Northeastern New Mexico for animal services & shelter operations.

Virginia Marrujo, Interim Community Development Director RFP #2019-02 to provide animal services and shelter operations for the City of Las Vegas. One Offeror submitted a proposal which was the Animal Welfare Coalition of Northeastern New Mexico. The Offeror met all specifications and requirements. The proposal is in the amount of \$129,280 excluding NMGRT as per nonprofit status.

3. Approval of Resolution No. 18-37 Abatement of nuisances located at 1309 6th Street.

Levy Lujan, Code Enforcement Officer Property noted above has several nuisances on the property. The property has not been cleaned or maintained for several months, creating a hazard to the public health, welfare and safety.

4. Approval of Resolution No. 18-41 assuring the availability of matching funds for the Plan and Design, Construction Management and Construction of the Municipal Airport SRE Building, for the storage of the Snow Removal Equipment as per FAA agreement. Total cost of the project = \$89,100.00, State match = \$81,000.00, City share = \$8,100.00.

Danny Gurule, Interim Public Works Director As part of the NMDOT Aviation Agreement, it is required that a Resolution of support from the Local Governing Body, assuring matching funding availability, accompany the agreement. Budgetary provisions have been made by the Public Works Department for this project in the 2018/2019 fiscal year.

5. Approval of Resolution #18-43 Budget Adjustment Resolution.

Tana Vega, Interim Finance Director The City of Las Vegas is requesting budget adjustments to the FY2019 budgeted revenues and expenditures, transfers to and from within various funds of the FY2019 Budget.

XIV. BUSINESS ITEMS

1. Approval/Disapproval of Resolution #18-42 request to continue support of the Amtrak Southwest Chief Passenger Service through Las Vegas, New Mexico.

Virginia Marrujo, Interim Community Development Director The City of Las Vegas is requesting the approval to continue support of Amtrak passenger services as the Southwest Chief which is currently in jeopardy of continuing the service through New Mexico, specifically through Raton, Las Vegas and Lamy.

XV. COUNCILORS' REPORTS

XVI. 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.**

XVII. ADJOURN

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

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

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

MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL SPECIAL MEETING HELD ON MONDAY, SEPTEMBER 10, 2018 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS

MAYOR: Tonita Gurulé-Girón

COUNCILORS: Vincent Howell
David A. Ulibarri, Jr.
David G. Romero
Barbara A. Casey

ALSO PRESENT: Ann Marie Gallegos, Interim City Manager
Casandra Fresquez, City Clerk
Danelle Smith, Acting City Attorney
Chris Lopez, Sergeant at Arms

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Councilor Casey asked for everyone to remember those on the anniversary of 911, who lost their lives in New York City and first responders who ran towards the towers to save people. She asked that everyone remember and thank our own first responders as they do an excellent job taking care of the people of our community and asked God to guide them and keep them safe while doing so.

APPROVAL OF AGENDA

Councilor Howell asked to make an amendment to the agenda, moving Executive Session before Business Items, to discuss personnel matters as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978.

Mayor Gurulé-Girón asked Councilor Howell for specific details as to why they would be going into Executive Session.

Councilor Howell advised, to discuss both candidates and all that was inclusive.

Mayor Gurulé-Girón asked Acting City Attorney, Danelle Smith if that was acceptable.

Danelle Smith advised that it was allowed to discuss limited personnel matters under the Open Meetings Act when considering hiring someone and added that the actual vote had to be in open session.

Councilor Howell clarified that it would be to discuss general matters, any contract issues and also to discuss the candidates who were present.

Mayor Gurulé-Girón stated that it was not a limited matter, that general matter would open it up for discussion, she stated that she did not agree with that and asked for the advice of the attorney.

Danelle Smith advised as she read from the Attorney General’s booklet, in regards to the Open Meetings Act ,which stated that limited personnel matters meant, *“the discussion of hiring, promotion, demotion or consideration of complaints or charges providing that this section is not to be construed as to exempt final actions on personnel from being taken at open public meetings”*.

Mayor Gurulé-Girón stated there was already a motion and asked for a second motion.

Councilor Romero seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Barbara A. Casey	Yes	Vincent Howell	Yes
David A. Ulibarri, Jr.	Yes	David G. Romero	Yes

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

Councilor Howell made a motion to approve the agenda as amended. Councilor Romero seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Vincent Howell	Yes
Barbara A. Casey	Yes	David G. Romero	Yes

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

PUBLIC INPUT

Interim City Manager Ann Marie Gallegos advised that no one had signed up for Public Input.

EXECUTIVE SESSION

Councilor Howell made a motion to go into Executive Session to discuss personnel matters , as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978. Councilor Romero mentioned that the limited matters would be questions that would be related to the employees and seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara A. Casey	Yes
Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes

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

Councilor Howell made a motion to reconvene into Regular Session and advised that no decisions were made. Councilor Romero seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Vincent Howell	Yes
Barbara A. Casey	Yes	David G. Romero	Yes

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

BUSINESS ITEMS

1. Confirmation to appoint Esther Garduno Montoya, City Attorney.

Mayor Tonita Gurulé-Girón advised that as per City of Las Vegas Municipal Charter, Article V, Officers, Directors and Employees, Section 5.04. City Attorney. The Mayor shall appoint the City Attorney, subject to the Council approval. The Governing Body shall enter into a contract with the City Attorney shall establish, among other matters, compensation, benefits, duties and responsibilities.

Councilor Casey had a question regarding the discussion of the contract.

Mayor Gurulé-Girón stated that regarding the changes to the contract, the confirmation first needed to take place then the City Attorney would read the changes into the record.

Danelle Smith suggested that the motion should be to confirm the appointment and to approve the amended contract, advised that it would be reviewed by the candidate and stated that in essence would be an offer to the employee.

Councilor Ulibarri, Jr. made a motion to confirm the appointment of Esther Garduno Montoya as City Attorney and approve the amended contract. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Barbara A. Casey	Yes	David G. Romero	No
Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes

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

2. Confirmation to appoint Jerry Delgado, Police Chief.

Mayor Tonita Gurulé-Girón advised that as per City of Las Vegas Municipal Charter, Article V, Officers, Directors and Employees, Section 5.06. Chief of Police. The Mayor shall appoint the Chief of Police, subject to Council approval. The Governing Body shall enter into a contract with the Chief of Police which shall establish, among other matters, compensation, benefits, duties and responsibilities.

Councilor Howell made a motion to confirm the appointment of Jerry Delgado as Police Chief and approve the amended contract. Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	David G. Romero	No
Barbara A. Casey	No	Vincent Howell	Yes

City Clerk Fresquez re-read the motion and advised that there was a tie.

Mayor Gurulé-Girón voted yes and broke the tie.

City Clerk Fresquez advised that the motion carried.

Councilor Romero stated that the reason he voted no, was due to having concerns regarding the contract although advised he was ready to work with the new appointees and offered his congratulations.

Mayor Gurulé-Girón congratulated Ms. Garduno Montoya and Mr. Delgado and thanked everyone for their support.

ADJOURN

Councilor Ulibarri, Jr. made a motion to adjourn. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Barbara A. Casey	Yes	David G. Romero	Yes
Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes

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

Mayor Tonita Gurulé-Girón

ATTEST:

Casandra Fresquez, City Clerk

MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL SPECIAL MEETING HELD ON WEDNESDAY, SEPTEMBER 12, 2018 AT 4:30 P.M. IN THE CITY COUNCIL CHAMBERS

MAYOR: Tonita Gurulé-Girón

COUNCILORS: David G. Romero
Barbara A. Casey
Vincent Howell
David A. Ulibarri, Jr.

ALSO PRESENT: Ann Marie Gallegos, Interim City Manager
Casandra Fresquez, City Clerk
David Silva, Acting City Attorney
Christopher Lopez, Interim Chief of Police

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Councilor Howell asked for a moment of silence for all the community members who live in the East Coast with the horrific hurricane that is approaching them, and to keep them safe and in our prayers.

APPROVAL OF AGENDA

Councilor Casey made a motion to approve the agenda as presented. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Vincent Howell	Yes
Barbara Casey	Yes	David G. Romero	Yes

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

PUBLIC INPUT

There was no public input.

Business Items

1. Approval/Disapproval of the Infrastructure Capital Improvement Plan (ICIP) through Resolution No. 18-39.

Grant Writer/Administrator Robert Archuleta advised the governing body had a short list of the Infrastructure Capital Improvement Plan that outlined 22 projects and also a more in depth outline of broken down projects.

Grant Writer/Administrator Archuleta advised he would be going over the ICIP changes that were set forth from DFA in a meeting he attended in Clovis and also go over the process of the ICIP through a powerpoint.

Grant Writer/Administrator Archuleta advised he would be providing the governing body the opportunity to pick their top ten projects they feel are most important and get the paperwork turned into DFA as soon as possible.

Discussion took place regarding the powerpoint over the changes and the process of the ICIP.

Councilor Howell asked if there was an asset management plan.

Grant Writer/Administrator Archuleta advised he is currently working with the City Manager and they have an estimate from an engineering firm to develop one.

Grant Writer/Administrator Archuleta advised he and Interim Director Daniel Gurule have gone out and completed a minor assessment of roads but an asset

management plan has been provided to them as an estimate and they are deciding how to move forward with that.

Councilor Howell asked if it's critical for the submission of the ICIP plan.

Grant Writer/Administrator Archuleta advised not necessarily but it's critical to track infrastructure projects within the City.

Interim City Manager Ann Marie Gallegos advised the dollar amount was over a hundred thousand so they decided to take it in phases and do the top ten roads and do a third of it this year and a third the next year to combine it together to show they are developing an asset management plan with an estimate done by Stantec and will develop a comprehensive plan once again but it was costly to do the full asset management plan which is why it is divided up into phases.

Councilor Howell asked about a Mountain View Drive project starting in the Summer of 2019, and if that means it's shovel ready.

Discussion and questions took place regarding combining West National and Mountain View Drive projects and where it will be starting from and ending.

Councilor Howell asked what the status was of the Main Street Corridor project.

Grant Writer/Administrator Archuleta advised the City was awarded for the planning and design of it but funding is needed.

Discussion and questions took place regarding the status of the gas transmission line.

Interim City Manager Gallegos advised the projects are up to the Mayor and Council on how they want to prioritize them, those that are shovel ready projects.

Discussion and questions took place regarding projects being shovel ready.

Councilor Romero asked about the pvc gas line replacement project at West Las Vegas costing thirty thousand and how it seemed low.

Utilities Director Gilvarry advised they have been working on it for several years and are almost done with it which is why the cost is low and they have two

sections they are currently working on which are the Valley/Chavez area and Sabino to Department of Transportation.

Discussion took place regarding funding for the pvc gas line replacement project at West Las Vegas.

Councilor Ulibarri, Jr. asked if the years to complete a project is set on a budget.

Interim City Manager Gallegos advised it is not, what becomes the issue is identifying the funding source for some projects but once prioritized they go out looking for that funding source.

A community member Michael Baca briefly spoke about requesting paint and Mayor Gurulé-Girón advised Mr. Baca that Interim Public Works Director Danny Gurule would help get his information down.

Discussion and questions took place regarding the purchase of bulletproof vests.

Discussion and questions took place regarding the heavy rescue unit from the Fire Department.

Councilor Romero asked from a safety perspective if certain projects should be ranked higher based on expertise.

Discussion took place regarding ranking certain projects higher due to safety perspectives.

Interim City Manager Gallegos advised working on projects in phases by putting money aside for planning and design.

Councilor Ulibarri, Jr. asked what heavy equipment from solid waste needed replacing.

Utilities Director Gilvarry advised they are packer trucks due to wear and tear and not having a long life span.

Mayor and council ranked their top ten projects from one through ten.

Grant Writer/Administrator Archuleta thanked Mayor and Council for their questions and participation and asked to consider the resolution and he will re-rank the projects and provide a new copy of the ranking along with a memo of what exactly he did so they can turn it into DFA.

Discussion and questions took place regarding some projects having the same rank.

Mayor Gurulé-Girón suggested looking at the feasibility if there are ties and rank those projects higher.

Discussion and questions took place regarding the importance of the resolution and the process with DFA.

Councilor Casey made a motion to approve resolution No. 18-39. Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	David G. Romero	Yes
Barbara Casey	Yes	David A. Ulibarri, Jr.	Yes

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

EXECUTIVE SESSION

There was no need for executive session.

ADJOURN

Councilor Casey made a motion to adjourn. Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Barbara Casey	Yes
Vincent Howell	Yes	David G. Romero	Yes

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

Mayor Tonita Gurulé-Girón

ATTEST:

Casandra Fresquez, City Clerk

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL WORK SESSION MEETING
HELD ON WEDNESDAY, SEPTEMBER 12, 2018 AT 5:30 P.M. IN THE CITY COUNCIL
CHAMBERS**

MAYOR: Tonita Gurulé-Girón

COUNCILORS: David G. Romero
Barbara A. Casey
Vincent Howell
David A. Ulibarri, Jr.

ALSO PRESENT: Ann Marie Gallegos, Interim City Manager
Casandra Fresquez, City Clerk
David Silva, Acting City Attorney
Christopher Lopez, Interim Chief of Police

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Councilor Ulibarri, Jr. asked for a moment of silence to keep all the kids, coaches and parents safe who are in sports that go out of town almost every Friday and to say a prayer for all of them.

APPROVAL OF AGENDA

Councilor Casey made a motion to approve the agenda as presented. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara Casey	Yes
Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes

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

PUBLIC INPUT

Marshall Poole advised the animal welfare coalition took in one hundred and fifty seven animals, and ninety one of those dogs came in unidentified and one hundred of those dogs had no evidence of rabies vaccination. Mr. Poole stated ninety percent of all dogs that are taken in are not identified, have no evidence of rabies vaccination or are not spayed or neutered. Mr. Poole advised they returned forty three animals to their owner or guardians, twenty six animals were adopted locally and they trapped fifty three cats and were sent for spaying and neutering. Mr. Poole advised they transported eighty eight dogs and cats to five different agencies for adoption.

Mr. Poole advised they had six bite holes last month which is unusually high and if an animal bites someone and does not have a certified rabies vaccination then animal control takes them to the animal shelter for a ten day hold to observe them for rabies. Mr. Poole advised if an animal does have rabies and is communicable it won't show up in a human till much later. Mr. Poole advised they transported seventeen citizen owned dogs at a low cost of twenty five dollars or no cost for spaying and neutering and also transported ten strays or owner surrendered animals for spay and neutering.

Mr. Poole advised the New Mexico Board of Veterinary Medicine certified the shelter and the shelter director to operate a municipal shelter and the board requires standards and they expected to have inspections within the next year. Mr. Poole advised there are two new Animal Control Officers' Alex Allington and Jeremiah Gutierrez and during their first week they took in sixteen animals and they will also be going to an ACO certification training in October with the shelter providing their tuition. Mr. Poole advised there will be two community fairs complete with a veterinarian and dogs and cats will get a rabies vaccine and any other shots needed at a price of five dollars a pet.

Councilor Howell congratulated Mr. Poole on their certification and advised that he and the AWC are doing a fantastic job.

Mr. Poole advised they will be ready for the inspection from the New Mexico Board of Veterinary Medicine.

Councilor Howell advised he knows the AWC are treating animals with passion and care.

Mayor Gurulé-Girón commended Mr. Poole on the incredible work, leadership and professionalism that he has brought to the AWC and the difference he has made.

Wid Slick spoke about how the City had the foresight to plan out the redevelopment and public infrastructure needed in the railroad district many years ago. Mr. Slick advised the new capital outlay opportunity came out through the Economic and Mainstreet departments and because of the prior planning and construction ready plans, Las Vegas is not only eligible but also on the short list. Mr. Slick advised the problem with it is a short timeline but hopefully there are ways to fast track it. Mr. Slick advised he hopes staff can work with them and it would be a City proposal with funding in two stages, stage one is due September 28, which the City would need to certify that they are willing to accept the money and manage it and then a full formal resolution from council is needed to move forward.

Mayor Gurulé-Girón thanked Mr. Slick and stated Interim City Manager Ann Marie Gallegos has been working on it for two or three years.

Interim City Manager Gallegos stated it is a shovel ready project.

Discussion Items

1. Award Bid #2019-01 to Electric Horsemen Inc. for the Las Vegas Municipal Airport Precision Approach Path Indicator (PAPI) installation.

Interim Public Works Director Danny Gurule advised Electric Horsemen was the lowest bid by almost one thousand dollars.

Interim City Manager Gallegos advised the bids are put out by the FAA State Office and then brought to Mayor and Council.

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

2. OCCAM Engineers Inc. task order-Las Vegas leak detection phase 2.

Utilities Director Maria Gilvarry advised OCCAM Engineers is operating under STANTEC and will perform leak detection services, and the company will use sounding equipment approximately one hundred twenty four miles of their distribution lines in which a majority of them are inside city limits. Utilities Director Gilvarry advised they want to make sure they are catching leaks before they are tremendous leaks that impact the community. Utilities Director Gilvarry advised phase one was done in 2012 and they were able to determine a lot of areas in town that were leaking and were not visible, they were able to repair many of them and are still in the process.

Utilities Director Gilvarry advised the company uses sounding equipment and they go around town listening at the valves and hydrants for flowing water. A lot of the work is done late at night while people are sleeping so they can pinpoint leaks. Utilities Director Gilvarry advised the company is able to estimate the size of the leak and then a technical report is done with a plan of action for the City to address each of the leaks based on the impact to the City.

Councilor Howell asked if the item was the same item from the ICIP plan for Annual Leak Detection.

Utilities Director Gilvarry advised it is on the ICIP Plan in perpetuity and will be done every several years, the ICIP item covers the entire leak detection process that includes repair, replacement and future assessments, while this item is a small part of that.

Discussion and questions took place regarding how much both projects will cost and the feasibility.

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

3. Award request for bid #2018-24 for the 8th Street and Hospital/Chico Drive waterline project to Hays Plumbing & Heating, Inc.

Utilities Director Maria Gilvarry advised the project was developed after the last leak detection process. Along 8th street there is a deteriorating line with

numerous patches, the plan is to install a brand new line on the edge of the roadway so it's easier if repairs are needed in the future, instead of tearing up sidewalks or properties.

Councilor Casey asked if the project was budgeted.

Utilities Director Gilvarry advised it is budgeted and has six thousand dollars in funding that has been approved and accepted.

Councilor Howell advised about flooding in the area due to rain and asked if they would be doing drainage in the area of Chico Drive, Harris and Terrace.

Discussion and questions took place regarding drainage not being part of the plans and what they can do to get that done.

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

4. Out of State Travel to Washington D.C..

Interim Police Chief Chris Lopez advised approval for Grants Manager Beatrice Salazar to go to Washington D.C. for advanced financial management training which is required bi-annually and would help the department and the City to obtain other grants and manage the ones they do get.

Councilor Howell advised it would be a great opportunity for talking points.

Interim City Manager Gallegos advised looking at other types of grants and Grants Manager Salazar being familiar with writing grants will be assisting the Recreation Center with writing their grants also.

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

5. Application for 2018 JAG Distribution Grant for Las Vegas Police Department and San Miguel County Sheriff's Office in order to purchase supplies.

Interim Police Chief Chris Lopez advised they receive funding on a yearly basis and have to partner with the San Miguel Sheriff's Office which is then split fifty fifty.

Interim Police Chief Lopez advised their share would be used for equipment for Officers' duty belts and the Sheriff's Office will be asking for bulletproof vests.

Councilor Howell asked if an Officer has to go back to the office to type out a report or if they can use the computers in their vehicles.

Interim Police Chief Lopez advised they have to go back to the office to do their reporting, but they are trying to work on getting laptops that have their reporting system accessible to them and do reports away from the office.

Councilor Howell asked if there was wifi available for laptops.

Discussion and questions took place regarding the cost and the efficiency to get laptops and the reporting systems accessible for Officers.

Interim City Manager Gallegos advised it will be taken to Mayor and Council once they define a plan they think is feasible.

Councilor Ulibarri, Jr., asked if Officers carry body cameras.

Interim Police Chief Lopez advised they do but the ones they have are starting to become outdated so they are looking for ways to purchase new ones but if they do not have enough body cameras for everyone then Officers carry a recording device.

Councilor Romero asked if the count of Officers between the City of Las Vegas and the Sheriff's Office makes a difference with their split of fifty fifty.

Interim Police Chief Lopez advised yes but it is a requirement of the grant itself.

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

6. Resolution No. 18-36 declaring drug abuse, alcohol abuse and addiction, a public health crisis in the City of Las Vegas, NM.

Interim Police Chief Chris Lopez advised they are finalizing their plan for the Northeastern Regional Treatment facility and have a lot of partners who are involved in it. Interim Police Chief Lopez advised the local government must be at

the forefront of the initiative to show their support for the resolution and also from the City.

Mayor Gurulé-Girón advised the resolution be read into the record.

Interim Police Chief Lopez read resolution No. 18-36 declaring drug abuse, alcohol abuse and addiction, a public health crisis in the City of Las Vegas, NM into the record.

Mayor Gurulé-Girón advised it was a good resolution and asked if all the requirements that were stated in the resolution had been met.

Interim Police Chief Lopez advised yes and the resolution is a requirement to receive a High Intensity Drug Trafficking Area designation and with that they could receive more resources and more federal assistance.

Councilor Romero thanked Interim Police Chief Lopez and advised he's been an important part and isn't sure what his future holds and if he's staying with the Police Department.

Discussion took place regarding how long Interim Police Chief Lopez would be staying with the City and his continued involvement with this public health crisis.

Discussion and questions took place regarding the input from schools about the possibility of using one of their sites.

Discussion took place regarding positive impacts and the importance of the location.

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

7. Resolution #18-38, 2020-2024 Infrastructure Capital Improvement Plan (ICIP) for the City of Las Vegas Senior Center.

Senior Center Manager Wanda Salazar advised senior centers are primarily funded through aging and long term services and there is a separation from the State that has incorporated the senior programs throughout the State.

Discussion took place regarding eight projects for the Las Vegas Senior Center ranked for 2020-2023.

Discussion took place regarding seven projects for the Pecos Senior Center ranked for 2020-2023.

Senior Center Manager Salazar advised some of the items will be going through the legislator to request funding.

Discussion took place regarding six projects for the San Miguel Senior Center ranked for 2020-2023.

Councilor Ulibarri, Jr., asked if they were going to do landscaping in the Las Vegas area.

Senior Center Manager Salazar advised yes.

Councilor Ulibarri, Jr., asked if they were also going to put sidewalks instead of walking through the middle of the parking lot.

Senior Center Manager Salazar advised yes, the plan is to do a roundabout with sidewalks.

Councilor Howell asked how much was budgeted for a bingo machine.

Senior Center Manager Salazar advised a good quality bingo machine is about ten thousand dollars. Senior Center Manager Salazar advised for Pecos she asked for ten thousand but for San Miguel she asked for five thousand. Senior Center Manager Salazar advised a five thousand dollar one can also get a good machine but it might not have everything compared to the ten thousand dollar machine.

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

EXECUTIVE SESSION

There was no need for executive session.

ADJOURN

Councilor Casey made a motion to adjourn. Councilor Ulibarri, Jr., seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	Barbara Casey	Yes
David A. Ulibarri, Jr.	Yes	David G. Romero	Yes

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

Mayor Tonita Gurulé-Girón

ATTEST:

Casandra Fresquez, City Clerk

MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR MEETING HELD ON WEDNESDAY, SEPTEMBER 19, 2018 AT 6:00 PM IN THE CITY OF LAS VEGAS COUNCIL CHAMBERS

MAYOR: Tonita Gurulé-Girón

COUNCILORS: David G. Romero
Vincent Howell
David A. Ulibarri, Jr.
Barbara A. Casey

ALSO PRESENT: Ann Marie Gallegos, Interim City Manager
Casandra Fresquez, City Clerk
Chris Lopez, Sergeant at Arms

ABSENT: David Silva, Acting City Attorney

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Councilor Ulibarri, Jr. asked for a moment of silence to remember residents and some of his family members who had recently passed away and to keep them in prayer.

APPROVAL OF THE AGENDA

Councilor Casey made a motion to approve the agenda as is. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	David G. Romero	Yes
Barbara A. Casey	Yes	Vincent Howell	Yes

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

APPROVAL OF MINUTES

Councilor Casey made a motion to approve the minutes of August 8th and August 15th, 2018 with amendments. Councilor Howell and Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara A. Casey	Yes
Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes

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

Interim City Manager Ann Marie Gallegos advised that Acting City Attorney David Silva was not present due to being ill. She stated that both Danelle Smith and Esther Garduno Montoya were not available, that she would address any questions and informed that Ms. Garduno Montoya would begin on Monday, September 24, 2018.

MAYOR'S APPOINTMENTS/REPORTS

Mayor Gurulé-Girón advised there were no appointments/reports at this time.

MAYOR'S RECOGNITIONS/PROCLAMATIONS

Mayor Gurulé-Girón advised there were no recognitions/proclamations at this time.

PUBLIC INPUT

Ursula Garcia District Governor for the Northern New Mexico Lions Club spoke briefly regarding the restructure of the Las Vegas Lions Club that would fulfill the community's needs. She encouraged everyone to attend a meeting being held that night at K-Bob's Restaurant at 6:30 p.m. and informed they specialized in community service organization and would be introducing some new ideas that benefit different needs of children and the elderly.

Councilor Howell asked who the Council could contact in order to give their ideas and needs.

Ms. Garcia advised that emails and phone numbers were available on the brochure provided and that once the new Lions club would be established, Leon Herrera would be the main person of contact.

PRESENTATIONS

Interim Police Chief Chris Lopez gave a brief presentation, recognizing Daniel Casados as the Employee of the Quarter, nominated by Lieutenant Monica Vigil. Interim Police Chief Lopez and Commander Eric Padilla spoke highly of Officer Casados, stating he was a great asset to the department, praised his hard work and dedication to the community as an Officer and a citizen and was well deserved of this recognition.

Interim Community Development Director Virginia Marrujo and Film Liaison Angie Lyster gave a detailed presentation regarding the Film Industry and Marketing Campaigns. Ms. Marrujo spoke regarding the Community Development Department staff and their duties and gave updates regarding a Media Strategic Plan, plans of building relationships with leaders, organizations and the community and informed of several other ongoing projects and goals of the Community Development Department.

Councilor Howell asked what budget line item was being used for funding these projects.

Interim Community Development Director Marrujo advised that website costs came from their budget although promotional projects were funded through Lodger's tax.

Councilor Howell asked if this presentation had been presented to the Lodger's Tax Board.

Ms. Marrujo informed that the information had been taken to the Lodger's Tax Board.

Councilor Howell recommended that the City show their interest in the Film Hall of Fame, to meet with state representatives and be able to receive capital project funding for that.

Brief discussion took place regarding collaboration with members of the Film Hall of Fame.

CITY MANAGER'S REPORT

Grants Writer/Administrator Robert Archuleta gave a detailed report regarding the assessment of the Old City Hall building, reporting that the building recently had a conservation assessment done with concerning findings with improper drainage causing deterioration of outer walls, settlement damage, stones coming out of place from building. He advised that emergency repairs would take place utilizing \$24,000.00 from the CLG Grant the City applied for.

Interim City Manager Gallegos advised they would continue to seek funding to restore as much as possible although focus on emergency repair at this time.

Councilor Howell had concerns of issues regarding the repair of the air conditioning at the Carnegie Library.

Library Manager Zach McNellis reported that two air conditioning units had been replaced and paid for by the Friends of the Library and advised that rehabilitation of the elevator would be taking place soon.

Interim City Manager Gallegos reported that they had received the letter of approval for the 2018-2019 final budget on August 27, 2018 from the New Mexico Department of Finance & Administration.

Interim City Manager Gallegos advised that there was a possibility of a utility rate increase, she informed that Utilities Director Maria Gilvarry and herself had decided to incur the utility rate (CPI). She stated that there were some issues with the utility rate (CPI), that would increase rates by 3.4% on each utility with the exception of gas and due to having a rate study coming up, would like to hold off for a couple of months. Interim City Manager Gallegos advised that the Utilities department, Finance Director and herself would meet to assess the budgets, cash or any other issues that might come up.

Utilities Director Gilvarry reiterated the information given by Interim City Manager Gallegos and added that they had ordinances that would give them direction as well and that most likely, there would be an adjustment that would be in favor of customers by considering the rate assessment study.

Mayor Gurulé-Girón asked Ms. Gilvarry how she would address the last bill regarding the increases. She recommended making the public aware that the increase was not going to happen, that they announce the change on the radio and asked Jason Brooks, Las Vegas Optic Editor to help in getting the word out.

Utilities Director Gilvarry advised that there had been a reverse rate increase and stated that anyone who did receive the rate increase, their accounts would be adjusted.

Interim City Manager Gallegos advised that they want to stay consistent with the ordinance although we will also be looking at the ordinance to see if there were any other type of adjustments that can be made.

Councilor Romero asked for clarification, regarding if it was alright to defer the ordinance.

Mayor Gurulé-Girón stated “when looking at the CPI and the ordinance, you also have to look at the funds”. She advised if the funds were healthy and if there was not essentially a need for an increase, you do not automatically impose an increase and that would go through the City Manager. Mayor Gurulé-Girón suggested for Utilities department and Finance to meet to reevaluate the situation, starting with residential, and moving to commercial.

Interim City Manager Gallegos advised that they could impose the CPI, that it did not give a particular time so they would look at the ordinance and rate study as well. She stated that she did not want to go against the ordinance and would meet with the City Attorney and would be brought back to the Council.

Interim City Manager Gallegos reported that the 2018 audit was currently taking place for the next two weeks and asked Council to contact Interim Finance Director Vega if they had any concerns.

Councilor Romero asked if Conflict of Interest documents needed to be signed by Councilors and asked when the approved 2018-2019 budget would be available online.

Interim City Manager Gallegos advised they would provide the Conflict of Interest documents to Council when received from the auditors and stated the budget would be available online as soon as approval letters were given to Council.

Interim City Manager Gallegos announced that Interim Chief of Police Chris Lopez had submitted his resignation, effective September 28, 2018. She stated they would have a more formal presentation at a later date and that he had done so much for the City and would do well for the County and wished him well.

Interim Chief of Police Chris Lopez stated he would always be there for the City of Las Vegas, he would miss everyone and thanked everyone for the opportunity to work as the Las Vegas Chief of Police.

Mayor Gurule-Girón thanked Mr. Lopez for his professionalism and commitment to the community, to the administration and for his dedication and service and hoped they could work together in the future.

FINANCE REPORT

Interim Finance Director Tana Vega presented the Finance Report ending August 31, 2018, reporting that General Fund collected 16% of budgeted revenues and expenditures were at 14%. Enterprise Funds revenues were at 15% overall with expenditures at 14%. Recreation Department revenues were at 14% and expenditures came in at 14%.

Brief discussion took place regarding general fund transfers and capital projects funds (street repair).

Councilor Howell stated that he felt that the Council should put in writing, their priorities regarding road repairs needed in their districts, in order to place them on priority plans. He stated there was a real issue on 11th and Douglas that should be addressed.

Interim City Manager Gallegos advised that Council should submit a list of 1 or 2 roads and would be reviewed with Public Facilities.

Mayor Gurulé-Girón asked for the status of the Asset Management Plan.

Interim City Manager Gallegos stated that the plan was not complete due to funding and would be completed in phases with a cost estimate to do that. She advised that they have a listing of major roads for repair and asked Council to submit their lists of roads for assessments.

Mayor Gurulé-Girón asked how would the Governing Body's requests to fix certain roads affect the ICIP, the cash balances funds and cash matches.

Ms. Gallegos advised they would look at priorities in the ICIP, which included the Hot Springs Boulevard project and stated that priorities from wards may not consist of a complete paving but it would be a commitment to repair and maintenance and asked for listings from the Council by the end of the first week in October.

CONSENT AGENDA

City Clerk Fresquez read the Consent Agenda into the record as follows:

1. Approval to award Bid #2019-01 to Electric Horsemen Inc. for the Las Vegas Municipal Airport Precision Approach Path Indicator (PAPI) installation.
2. Approval of OCCAM Engineers Inc. task order for Las Vegas leak detection phase 2.
3. Approval to award request for bid #2018-24 for the 8th Street and Hospital/Chico Drive waterline project to Hays Plumbing & Heating, Inc.
4. Approval of Out of State Travel to Washington D.C.
5. Approval of application for JAG Distribution Grant for Las Vegas Police Department and San Miguel County Sheriff's Office in order to purchase supplies.
6. Approval of Resolution No. 18-36 declaring drug abuse, alcohol abuse and addiction, a public health crises in the City of Las Vegas, NM. *Due to length of document, a complete copy may be obtained from the City of Las Vegas, City Clerk's Office.*

7. Approval of Resolution #18-38, 2020-2024 Infrastructure Capital Improvement Plan (ICIP) for the City of Las Vegas Senior Center.

Resolution 18-38 was presented as follows:

**STATE OF NEW MEXICO
CITY OF LAS VEGAS
RESOLUTION NO. 18-38
A RESOLUTION ADOPTING AN INFRASTRUCTURE CAPITAL
IMPROVEMENT PLAN (ICIP)
FOR THE LAS VEGAS SENIOR CENTER**

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the City of Las Vegas Governing Body that:

1. The City of Las Vegas has adopted the attached FY 2020-2024 Infrastructure Capital Improvement Plan for the Las Vegas Senior Center, and
2. It is intended that the Plan be a working document and is the first of many steps toward improving rational, long-range capital planning and budgeting for New Mexico's infrastructure.

PASSED, APPROVED AND ADOPTED by the Governing Body, this _____ day of September, 2018.

Signed:

ATTEST:

Mayor Tonita Gurulé-Girón

Casandra Fresquez, City Clerk

APPROVED AS TO LEGAL SUFFICIENCY ONLY:

City Attorney

Councilor Casey made a motion to approve the Consent Agenda as read into the record. Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	David G. Romero	Yes
Barbara A. Casey	Yes	David A. Ulibarri, Jr.	Yes

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

COUNCILORS' REPORTS

Councilor Romero asked if the Maintenance position had been filled for Museum/Municipal Building. He asked that vacant properties/alleys in the community be addressed regarding overgrowth.

Interim City Manager Gallegos informed that application review for maintenance was currently taking place and they had already hired two times before, although did not work out. She informed that Code Enforcement was looking into the issues regarding the overgrowth issues, preparing letters to be sent out and asked for any addresses that needed to be looked into.

Councilor Romero asked City Manager Gallegos if she was aware of any recordings taking place of employees by Directors.

Interim City Manager Gallegos advised that she was not aware of any recordings.

City Clerk Fresquez stated that recording only took place during employee investigations and that she was not aware of any other recordings.

Councilor Casey thanked the Public Works Department for their hard work in clearing many elm trees throughout the community and was pleased that two more Code Enforcement Specialists were hired, helping Levy Lujan with the overwhelming service calls. She asked for the turnout was regarding the current job fair held.

Councilor Casey stated that the City was probably losing money due to not issuing out building permits by not having a Building Inspector and was a problem for people to have to travel to Santa Fe asked if the position would ever be filled.

City Clerk Fresquez advised that regarding the job fair, they had a couple of employees from the Human Resource department present, who handed out several applications and information, answered many questions and were hopeful to receive applications.

Discussion took place regarding clarification of the CID Business Building Inspector and the Fire Department Building Inspector.

Interim City Manager Gallegos advised that the Building Inspector position was in the Community Development Department budget and believed that there was a position in there as well.

Councilor Howell asked how often the water standard report was submitted and stated that it had been reported to him that it had not been issued for 4 years.

Utilities Director Gilvarry advised that the only report submitted to the state, would be the Annual Water Quality Report and that was issued yearly to customers and published in the Optic. She advised that they had no violations and were well over EPA standards.

Councilor Howell asked for an update regarding the Samaritan House.

Interim City Manager Gallegos advised that they were in the process of creating a letter with requirements included that Samaritan House would need to meet. She stated that they had submitted a permit for the Mills Avenue site and the 7th Street site although to her understanding, the 7th Street building would not be ready due to needing updates and remodeling and advised they were working with the Samaritan House in order to move forward.

Councilor Ulibarri, Jr. thanked the Street and Code Enforcement departments for their work on abandoned buildings and weeds. He asked if the dam was almost ready.

Utilities Director Gilvarry stated that the dam was almost ready although had a delay in the outlet line, having a slight deviation and needing to add new material. She advised that this had been the only major change order issue so far and hopefully still planned the completion before the end of the year.

Mayor Gurulé-Girón advised Ms. Gilvarry to monitor the change orders and to stay within the twenty percent.

EXECUTIVE SESSION

Interim City Manager Gallegos advised there was a need for Executive Session.

Councilor Casey made a motion to go into Executive Session to discuss 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. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Barbara A. Casey	Yes
David G. Romero	Yes	Vincent Howell	Yes

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

Councilor Casey made a motion to reconvene into Regular Session, she advised that only discussion took place pertaining to threatened or pending litigation and that no action was taken. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	David A. Ulibarri, Jr.	Yes
Barbara A. Casey	Yes	Vincent Howell	Yes

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

ADJOURN

Councilor Casey made a motion to adjourn. Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes
David G. Romero	Yes	Barbara A. Casey	Yes

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

Mayor Tonita Gurulé-Girón

ATTEST:

Casandra Fresquez, City Clerk

Regular
CITY COUNCIL MEETING AGENDA REQUEST

DATE: 10/09/2018 DEPT: Executive MEETING DATE: 10/17/2018

ITEM/TOPIC: *Presentation by Bob Mishler Las Vegas Community Foundation*

ACTION REQUESTED OF COUNCIL: *No Action*

BACKGROUND/RATIONALE:

STAFF RECOMMENDATION:

COMMITTEE RECOMMENDATION:

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.

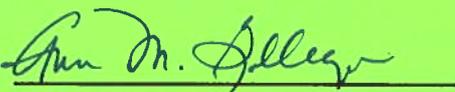
SUBMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:



TONITA GURULÉ-GIRÓN
MAYOR

TANA VEGA
INTERIM FINANCE DIRECTOR
(PROCUREMENT)



ANN MARIE GALLEGOS

INTERIM CITY MANAGER

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

**GENERAL FUND REVENUE COMPARISON
THRU SEPTEMBER 30, 2018 25% OF YEAR LAPSED (3 of 12 months)
FISCAL YEAR 2019**

	<i>Total Budget to Actual Comparison</i>						G (E/B) FY 2019 % REV
	A	B	C	D	E	F	
	FY 2018 BUDGET	FY 2019 BUDGET	FY 2019 YTD - BUDGET	FY 2018 YTD - ACTUAL	FY 2019 YTD - ACTUAL	FY 2019 AVAIL. BAL.	
PROPERTY TAX	1,291,000	1,485,000	371,250	1,308,831	61,794	233,878	21%
GROSS RECEIPT TAX 1.225	3,550,000	3,550,000	887,500	3,368,145	949,240	58,341	20%
FRANCHISE TAX	775,000	750,000	187,500	658,781	183,306	56,613	7%
GROSS RECEIPT TAX .75	2,440,000	2,332,500	583,125	2,212,663	623,472	203,938	19%
1/8 INFRASTRUCTURE	360,000	372,000	93,000	385,877	101,890	454,495	14%
GRT -25 (JAN 2011)	725,000	1,060,000	265,000	1,088,596	282,970	203,983	22%
GRT -HOLD HARMILESS (JULY 2015)	(110,400)	-	0	(110,400)	-	0	0%
LICENSE & FEES	61,000	83,500	20,875	101,337	9,612	168,945	24%
INTERGOVERNMENTAL	83,716	77,144	19,286	87,036	21,942	205,581	11%
LOCAL-FINES	77,000	66,500	16,625	58,462	15,105	203,736	17%
LOCAL-MISC	1,737,235	1,648,800	412,200	2,598,659	405,861	378,938	19%
TOTAL	10,989,551	11,425,444	2,856,361	11,757,986	2,655,192	203,983	22%

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

	<i>Total Budget to Actual Comparison</i>						H (E/B) % BDGT
	A	B	C	D	E	F	
	FY 2018 BUDGET	FY 2019 BUDGET	FY 2019 YTD - BUDGET	FY 2018 YTD - ACTUAL	FY 2019 YTD - ACTUAL	FY 2019 AVAIL. BAL.	
JUDICIAL	307,959	294,648	73,662	282,448	60,770	233,878	21%
GOVERNING BODY	73,038	18,260	60,736	0	14,697	58,341	20%
MAYOR	261,412	0	0	0	4,123	56,613	7%
MANAGER	397,969	227,499	55,625	354,880	57,429	203,983	22%
EXECUTIVE	272,858	229,704	57,426	246,384	53,554	168,945	24%
MUNICIPAL CLERK	231,944	245,259	61,315	151,848	24,123	205,581	11%
CITY ATTORNEY	278,960	457,223	116,806	257,124	41,523	203,736	17%
PERSONNEL/HR	452,393	528,706	132,177	423,633	88,285	378,938	19%
FINANCE	533,845	4,006,680	1,001,670	3,599,849	879,165	3,127,515	14%
COMMUNITY DEV.	3,854,744	150,334	37,584	99,486	17,529	132,805	12%
POLICE	136,113	135,490	33,873	134,551	22,172	113,318	16%
CODE ENFORCEMENT	135,490	1,357,467	339,367	1,160,823	291,141	1,066,326	21%
ANIMAL SHELTER	1,257,365	450,832	112,708	346,588	97,279	353,553	22%
FIRE	474,004	290,709	72,677	250,737	41,764	248,945	14%
PUBLIC WORKS/AIRPORT	286,222	0	0	0	0	0	0%
PARKS	0	200,046	50,012	156,119	36,372	163,674	18%
AIRPORT	205,217	148,116	37,029	128,806	25,415	122,701	17%
LIBRARY	150,845	3,161,410	790,353	1,868,073	572,545	2,588,865	18%
MUSEUM	2,358,248	0	0	0	0	0	0%
GENERAL SERVICES	0	739,667	184,917	719,667	184,875	554,792	25%
SALARY CONTINGENCY	719,667	13,023,976	3,175,457	10,558,377	2,586,972	10,437,004	20%
TRANSFERS	12,053,843	0	0	0	0	0	0%
TOTAL	12,053,843	13,023,976	3,175,457	10,558,377	2,586,972	10,437,004	20%

**RECREATION DEPARTMENT-REVENUE COMPARISON
THRU SEPTEMBER 30, 2018 - 25% OF YEAR LAPSED 3 OF 12 MONTHS
FISCAL YEAR 2019**

	A	B	C	D	E	G (E/B) % REV
	FY 2018 BUDGET	FY 2019 BUDGET	FY 2019 YTD - BUDGET	FY 2018 YTD - ACTUAL	FY 2019 YTD - ACTUAL	
RECREATION-TAXES (Cig)	0	0				0%
WELLNESS CENTER	115,000	115,000	28,750	17,182	27,199	15%
OPEN SWIM	20,000	20,000	5,000	3,321	3,953	17%
YAFL	0	0	0	0	0	0%
YABL	20,000	16,500	4,125	0	1,739	0%
SUMMER FUN PROGRAM	20,000	26,000	6,500	2,207	1,324	8%
RECREATION-OTHER	108,964	85,000	21,250	4,782	4,157	6%
GEN FUND TRANSFER	400,000	400,000	99,960	66,640	99,960	17%
TOTAL	683,964	683,964	165,585	94,132	138,332	14%

**RECREATION DEPARTMENT- EXPENDITURE COMPARISON
THRU SEPTEMBER 30, 2018 - 25% OF YEAR LAPSED 3 OF 12 MONTHS
FISCAL YEAR 2019**

	A	B	C	D	E	F	H (E/B) % BDGT
	FY 2018 BUDGET	FY 2019 BUDGET	FY 2019 YTD - BUDGET	FY 2018 YTD - ACTUAL	FY 2019 YTD - ACTUAL	FY 2019 AVAIL. BAL.	
EMPLOYEE EXP.	533,351	633,166	158,292	507,464	125,566	507,600	20%
YAFL	0	0	0	0	0	0	0%
YABL	4,050	8,500	2,125	2,835	1,128	7,372	13%
OTHER OPERATING EXP.	138,562	95,350	23,838	72,526	12,099	83,251	13%
CAPITAL OUTLAY	8,000	9,500	2,375	7,845	2,984	6,516	31%
TOTAL	683,963	746,516	186,629	590,670	141,777	604,739	19%

Regular or Special

CITY COUNCIL MEETING AGENDA REQUEST

DATE: 10/05/18

DEPT: Police

MEETING DATE: October 17, 2018

ITEM/TOPIC: *Approval/Disapproval to accept funding through the Department of Public Safety Grant for the Las Vegas Police Department Street Crimes Unit to use in overtime, confidential funds and undercover vehicle maintenance.*

ACTION REQUESTED OF COUNCIL: *Approval/disapproval to accept funds.*

BACKGROUND/RATIONALE: The Las Vegas City Police Department respectfully requests permission to accept funding in the amount of \$24,300.00 from the Department of Public Safety for overtime and confidential funds to conduct Street Crime operations and vehicle maintenance for undercover vehicles.

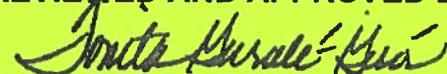
STAFF RECOMMENDATION: Requesting approval to accept funding through the Department of Public Safety.

COMMITTEE RECOMMENDATION:

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.


DEPUTY CHIEF KENNETH JENKINS

REVIEWED AND APPROVED BY:


TONITA GURULE-GIRON
MAYOR

TANA VEGA, INTERIM
FINANCE DIRECTOR
(PROCUREMENT)


ANN MARIE GALLEGOS,
INTERIM CITY MANAGER

PURCHASING AGENT
(FOR BID/RFP AWARD)

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

Subgrantee Name: City of Las Vegas
Subgrantee Agreement Number: 17-JAG-VEGAS-SFY19
Award Amount: \$24,300
Subgrantee DUNS number: 627298516
Grant Term: July 1, 2018 – June 30, 2019

2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Award

This Sub-grant Agreement made effective July 1, 2018, by and between the New Mexico Department of Public Safety, acting through the Administrative Services Division - Grants Management Bureau (GMB) herein referred to as the “BUREAU” and the City of Las Vegas, serving as the Fiscal/Fiduciary Agency for Las Vegas Police Department as the Program herein, jointly referred to as the “SUBGRANTEE.”

WHEREAS, this Sub-grant Agreement is made by and between the Bureau and the Subgrantee, pursuant to the authority of Public Law No. 113-76, Consolidated Appropriation Act, 2014, and NMSA 1978 Section 9-19-6; and

WHEREAS, The Edward Byrne Memorial Justice Assistance Grant (JAG) Program (42 U.S.C. 3750) (CFDA #16.738) is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system, from multi-jurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. JAG funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures; and

WHEREAS, the New Mexico Department of Public Safety is the designated State Administering Agency (SAA) in New Mexico that may apply for the JAG formula grant and administer funds to other state agencies and local units of government. The Department is, therefore, responsible for: coordination of JAG funds among state and local justice initiatives; preparation and submission of the state JAG application; administration of JAG funds including establishing funding priorities; distribution of funds; supervision of the Subgrantees’ compliance with all Bureau of Justice Assistance (BJA) special conditions and provisions. The Bureau provides ongoing assistance to Subgrantees; and is responsible for submitting financial reports, programmatic reports, performance measures, any other necessary sub-grant information, and closes out the awards to BJA; and

WHEREAS, the JAG Program was established to streamline justice funding and grant administration and allow states, tribes, and local governments to support a broad range of activities to prevent and control crime based on their own local needs and condition Public Law 109-162, Title XI Department of Justice Reauthorization, Subtitle B Improving the Department of Justice’s Grant Programs, Chapter 1 Assisting Law Enforcement and Criminal Justice Agencies, Sec. 1111 (Merger of the Byrne Formula Grant Program and Local Law Enforcement Block Grant Program). Programs to provide agencies with the flexibility to prioritize and place justice funds where they are needed most; and

WHEREAS, it is necessary for the Subgrantee to enter into this Sub-grant Agreement with the Bureau in order to receive and expend funds from the JAG Program for the purpose of implementing activities that qualify for funding under the JAG Program; and

NOW, THEREFORE, the parties hereto do mutually agree as follows:

SECTION ONE: PURPOSE

JAG funds may be used for state and local initiatives, technical assistance, training, personnel, law enforcement overtime, equipment, supplies, contractual support, and information systems for criminal justice. The award shall not be used for research and development. The funding for the 2017 JAG award is as follows:

Federal Award Identification Number: 2017-DJ-BX-0192

Award Date: June 26, 2018

Amount Awarded: \$1,620,065

Total Sub-Recipient Pass through: \$704,242

Federal Award Identification Number: 107000275

CFDA #16.738

SECTION TWO: SCOPE OF WORK

1. The Subgrantee agrees that it shall implement its program as detailed in their submitted 2017 Edward Byrne Justice Assistance Sub-grant (JAG) Program Application (attached and incorporated herein as Attachment A). Specifically, the Subgrantee shall use grant funds to achieve the following goals and objectives.
 - **Goals #1** – Increase the Street Crimes Units presence in neighborhoods to disrupt or deter crimes.
 - **Objectives** – Execute Community Impact Operations & Conduct Narcotic Search Warrants
 - Performance Measures**
 - 1 operation per month for a total of 12 for the year
 - 80 felony arrests
 - 500 grams of narcotics seized to include meth, heroin, crack cocaine and powder cocaine
 - 50 pounds of marijuana live plants
 - 40 firearms seizures
2. The Subgrantee agrees to make no change in its Application (attached and incorporated herein as Attachment A of this Sub-Agreement), which includes, but is not limited to, Subgrantee’s goals and objectives and detailed budget, without complying with the Bureau’s amendment procedures provided in this Sub-grant Agreement and notifying the Bureau prior to any changes being made.
3. The Subgrantee agrees to, at a minimum, demonstrate an emphasis on effective, evidence-based strategies that use intelligence and all available data to focus on reducing violent crime and drug trafficking. A detail program description is incorporated herein as part of the Subgrantee’s Application (attached and incorporated herein as Attachment A).
4. The Subgrantee agrees to provide all the necessary qualified personnel, materials, and facilities to implement the program described herein.

SECTION THREE: TERMS OF THIS SUB-GRANT AGREEMENT

1. This Sub-grant Agreement shall become effective July 1, 2018 and shall terminate on June 30, 2019.
2. The Bureau shall evaluate the Subgrantee's program's progress to determine if the Subgrantee is on track to expend funds by the end of the Sub-grant Agreement period. Spending reviews are scheduled to occur at mid-year and after the third quarter of the grantee period. If it appears funds will not be fully expended by the end of the Sub-grant Agreement period, the Bureau will make a recommendation to the DEAC Budget and Funding Sub-Committee to amend the Sub-grant Agreement's budget in an effort to revert funds. This action may occur prior to the end of the Sub-grant Agreement period to allow for funding to become available for other Subgrantee programs.
 - a. If extenuating circumstances exist, applicants may petition DEAC Budget and Funding Sub-Committee for relief of the reversion of un-expended funds.
 - b. Upon review and analysis of the petition, the Budget and Funding Sub-Committee through the Bureau shall forward their recommendation to the Secretary of the Department of Public Safety for disposition.
 - c. In all cases, the Secretary of the Department has the final authority in determining if the reversion shall occur.
3. The Bureau reserves the right to conduct periodic on-site monitoring visits upon reasonable notice to the Subgrantee prior to each visit. Further, the Subgrantee understands that it may be subject to additional financial and programmatic on-site monitoring, which may be on short notice, and agrees that it will cooperate with any such monitoring.
4. Title, use, management (including record keeping, internal control, and maintenance), and disposition of equipment acquired by Subgrantee or its Subgrantee(s) with Sub-grant Agreement funds, will be governed by the provisions of NMAC 2.20.1 and 45 CFR 74.34 or 45 CFR 92.32, as applicable.
5. This Sub-grant Agreement constitutes the entire agreement between the parties. Any claimed covenant, term, condition, warranty or promise of performance not expressly included in this document or its amendments, is not part of this Sub-grant Agreement and not enforceable pursuant to this Sub-grant Agreement. Performance of all duties and obligations herein shall conform with and shall not contravene any state, local, or federal statutes, regulations, rules, or ordinances.

SECTION FOUR: SUBGRANTEE DUTIES AND RESPONSIBILITIES

Subgrantee must adhere to the following duties and responsibilities, and other terms and conditions under this Sub-grant Agreement in order to receive the compensation described in Section Five.

- i. Act in the capacity as the fiduciary for this Program.
2. Include the Sub-grant Agreement number on all correspondence and submittals to the Bureau.
3. Adhere to the fiscal guidelines outlined in the current Office of Justice Programs (OJP) Financial Guide, The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by the Department of Justice (DOJ) in 2 C.F.R. Part 2800 (the "Part 200 Uniform Requirements") apply to this 2017 award from the Office of Justice Programs (OJP). For this 2017 award, the Part 200 Uniform Requirements, which were first adopted by DOJ on December 26, 2014, supersede, among other things, the provisions of 28 C.F.R. Parts 66 and 70, as well as those of 2 C.F.R. Parts 215, 220, 225, and 230.
4. Have the program commenced and operational within ninety (90) days of the last signatory executing this Sub-grant Agreement. If the Subgrantee's program has not commenced or is not operational within ninety (90) days, the Subgrantee must report in writing to the Bureau the steps taken to initiate the program, the reasons for delay, and the expected starting date prior to the end of the ninety (90) days. Additionally, Subgrantee must obtain an extension, in writing, from the Bureau prior to the end of the ninety (90) days. If an extension is not obtained prior to the ninety (90) days, the Subgrantee's program, at the Bureau's discretion, may be terminated and, if the Program is terminated, the BJA funds allocated to that program will be redistributed to fund other BJA programs.
5. Submit all program-related contracts, subcontracts, agreements, and subsequent contracts to the Bureau for review and approval prior to execution.
6. Provide the Bureau for its review for compliance and approval in writing, prior to any overtime being reimbursed, the overtime policy for all participating agency(s), if applicable.
7. Pay all expenditures made by Subgrantee in completion of this Sub-grant Agreement up front. The Bureau will reimburse for all allowable expenditures after receiving a Request for Reimbursement (RFR).
8. Retain all records that pertain to the amount and disposition of the funds from all sources budgeted for the Sub-grant Agreement period, descriptions of all expenditures made, the reason the expenditure was made, and the benefit received by the Subgrantee for the expenditure, the amount and nature of all contributions from other sources, and such other records as the Bureau shall prescribe. Such records shall be preserved for a period of not less than six (6) years following completion of the Sub-grant Agreement.
9. Understand and agree that the Bureau, Department of Justice (DOJ) (including OJP and the Office of the Inspector General (OIG)) and its representatives, and the Government Accountability Office (GAO), shall have access to and the right to examine all records (including, but not limited to, books, papers, and documents in any form) related to this award, including such records of any Subgrantee, contractor, or sub-contractor.
10. Understand and agree that the Bureau, DOJ, and the GAO are authorized to interview any officer or employee of the Subgrantee (or of any contractor or sub-contractor) regarding transactions related to this award.
11. Have both fiscal and programmatic personnel attend trainings when provided by the Bureau.
12. The Subgrantee agrees they will submit to the Bureau for review and approval any curricula, training materials, or other written materials that will be published, including web-based materials and web site content, or any publications (written, visual, or audio, but excluding press releases, notices, newsletters, and issue analyses) issued by the Subgrantee describing programs funded in whole or in part by this agreement. The Subgrantee

shall submit the above-stated material to the Bureau at least forty-five (45) working days prior to the targeted dissemination date or public release.

13. Have a representative attend quarterly Drug Enforcement Advisory Council (DEAC) meetings and provide a report on program progress if requested.
14. Submit the minutes from quarterly Region Board meetings.

SECTION FIVE: SUBGRANTEE COMPENSATION AND PAYMENT

1. Upon approval of the Subgrantee's satisfactory completion of all work and services required to be performed under the terms of this Sub-grant Agreement, and in compliance with all other Sub-grant Agreement terms herein stated, the Bureau shall reimburse the Subgrantee a sum up to, and not to exceed **\$24,300.00**.
2. **All payments shall be made on an actual cost reimbursement basis.** The Subgrantee shall submit a completed Request for Reimbursement (RFR) form along with all appropriate supporting documentation.
 - a. RFR forms (found at <https://www.dps.nm.gov/Subgrantee-forms>) shall be submitted to the Bureau for review and approval no later than fifteen (15) days after the end of each month in which there were grant expenditures.
 - b. A Final RFR must be submitted to the Bureau for review and approval no later than thirty (30) days following the termination date of this Sub-grant Agreement. Failure by the Subgrantee to timely submit the final RFR, including all supporting backup documentation, may result in an Administrative Closeout by the Bureau. If an Administrative Closeout takes place, any remaining expenditures may not be reimbursed, which may have a negative effect on Subgrantee's ability to obtain funding in the future.
3. If there are no expenditures to claim on an RFR, the Subgrantee is required to complete the RFR coversheet indicating zero expenditures are being claimed for that month.
4. Reimbursement of travel expenses, if applicable, will be governed by the New Mexico State Per Diem and Mileage Act (10-8-1 through 10-8-8 NMSA 1978), or Subgrantee's approved travel policy.
5. The funds set forth in Paragraph 1 of this Section shall constitute full and complete payment of funds to be received by the Subgrantee from the Bureau under this grant.
6. Any funds remaining at the end of the grant term shall be reverted to the New Mexico Department of Public Safety.
7. No RFR will be processed if, in the judgment of the Bureau, the Subgrantee is in violation of any section of this Sub-grant Agreement.
8. No matching requirement exists for this program.

SECTION SIX: SUBGRANTEE REPORTING REQUIREMENTS

It is necessary for the Bureau to evaluate the progress of the Program, therefore, the Subgrantee is required to complete and submit programmatic reports.

1. Consistent with DOJ's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, Subgrantees must provide data that measure the results of their work. Therefore, quarterly performance metrics reports must be submitted through BJA's Performance Measurement Tool (PMT) website (<https://bjapmt.ojp.gov/>).

PMT Progress Reports shall be submitted to the Bureau through the performance measurement tool (PMT) for review and approval no later than fifteen (15) days after the end of each calendar quarter. The quarterly reporting schedule is as follows:

- Quarter 1: October 1st – December 31st, Progress Report due January 15th
 - Quarter 2: January 1st – March 31st, Progress Report due April 15th
 - Quarter 3: April 1st – June 30th, Progress Report due July 15th
 - Quarter 4: July 1st - September 30th, Progress Report due October 15th
2. In addition, Quarterly Progress Reports must be submitted for the DEAC Budget & Funding Sub-Committee's review prior to each DEAC meeting. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future high-risk designation. The due dates for the DEAC reports will vary depending on the DEAC meeting schedule. The Bureau will provide the due date for DEAC reports to Subgrantees via email prior to each DEAC meeting.
 3. The Subgrantee agrees to comply with any additional reporting requirements or information requests imposed by DOJ, NIJ, OJP, OIG, OMB, and the Bureau. The Bureau will notify the Subgrantee of any additional reporting requirements as they are imposed.

SECTION SEVEN: FUND SUSPENSION OR TERMINATION AND OTHER SANCTIONS

1. The Bureau, by written notice to the Subgrantee shall have the right to terminate this agreement if, at any time, in the judgment of the Bureau the provisions of this agreement have been violated or the outlined program activities do not progress satisfactorily. In this event, the Bureau may demand refund of all or part of the funds dispersed to the Subgrantee. The Bureau may suspend funding in whole or in part, terminate funding, or impose other sanctions on Subgrantee for the following reasons:
 - a. Failing to comply substantially with the requirements or statutory objectives of the appropriate state or federal law, program guidelines issues hereunder, or other provisions of state or federal law;
 - b. Failing to make satisfactory progress toward the goals, objectives, or strategies set forth in the Subgrantee's Application;
 - c. Failing to adhere to the requirements in this Sub-grant Agreement;
 - d. Proposing or implementing substantial plan changes to the extent that, if originally submitted, the application would not have been selected for funding;
 - e. Failing to submit reports required by Section Six; or
 - f. Filing a false certification with the application, this Sub-grant Agreement, or in other reports or documents.Before imposing sanctions, the Bureau will provide reasonable notice to the Subgrantee of its intent to impose sanctions and will attempt to resolve the issue in an expeditious manner.
2. This Sub-grant Agreement may be terminated by the Subgrantee upon written notice delivered to the Bureau at least thirty (30) days in advance. Such termination, does not nullify Subgrantees obligations already incurred for performance or failure to perform prior to the date of termination. In any event, this sub-grant agreement shall be in effect until completed, unless terminated early pursuant to this Sub-grant Agreement.

SECTION EIGHT: SUBGRANTEE CERTIFICATIONS AND CONDITIONS

As a requirement in accepting this award, all Subgrantees must adhere to the following.

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any certifications or assurances submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or a certification or assurance related to conduct during the award period -- may result in the Office of Justice Programs ("OJP") taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. The Department of Justice ("DOJ"), including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 42 U.S.C. 3795a), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2017 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2017 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2017 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

3. Compliance with DOJ Grants Financial Guide

The Subgrantee agrees to comply with the DOJ Grants Financial Guide as posted on the OJP website (currently, the "2015 DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance.

4. Requirement to Report Duplicative Funding

If the Subgrantee currently has other active awards of federal funds, or if the Subgrantee receives any other award of federal funds during the period of performance for this award, the Subgrantee promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the Subgrantee must promptly notify the Bureau in writing of the potential duplication, and, if so requested by the Bureau, must submit a budget revision or program description change grant amendment to eliminate any inappropriate duplication of funding.

5. Requirements related to System for Award Management and Universal Identifier Requirements

The Subgrantee must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The Subgrantee also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the Subgrantee's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

6. All subawards ("subgrants") must have specific federal authorization

Any subrecipient at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization) and are incorporated by reference here.

7. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000

The Subgrantee agrees that all procurement (contract) transactions under this award must be conducted in a manner that is consistent with applicable Federal and State law, and with Federal procurement standards specified in regulations governing Federal awards to non-Federal entities. Procurement (contract) transactions should be competitively awarded unless circumstances preclude competition. All applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$150,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$150,000)), and are incorporated by reference here.

8. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The Subgrantee, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the Subgrantee's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

9. Required Training for Fiscal Agency Contact

The Subgrantee's fiscal agency contact must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2015, will satisfy this condition.

In the event that either the Subgrantee's fiscal agency contact for this award changes during the period of performance, the new fiscal agency contact must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after the date of the change occurred. Successful completion of such a training on or after January 1, 2015, will satisfy this condition.

A list of OJP trainings that will be considered "OJP financial management and grant administration training" for purposes of this condition is available at <https://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The Subgrantee should anticipate that it will be identified as high-risk and will be subject to a compliance monitoring plan if the Subgrantee fails to comply with this condition. The Subgrantee's failure to comply also may lead Bureau to impose additional appropriate conditions on this award.

10. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The Subgrantee, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "2015 DOJ Grants Financial Guide").

11. Requirement for data on performance and effectiveness under the award

The Subgrantee must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

12. OJP Training Guiding Principles

Any training or training materials that the Subgrantee -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/ojptrainingguidingprinciples.htm>.

13. Effect of failure to address audit issues

The Subgrantee understands and agrees that the Bureau may withhold award funds, or may impose other related requirements, if (as determined by the Bureau) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of JAG awards.

14. Potential imposition of additional requirements

The Subgrantee agrees to comply with any additional requirements that may be imposed by the Bureau during the period of performance for this award, if the recipient is designated as "high-risk" following a semi-annual risk assessment or is deemed "high-risk" by the DOJ.

15. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The Subgrantee, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

16. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The Subgrantee, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

17. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The Subgrantee, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries. Part 38 of 28 C.F.R., a DOJ regulation, was amended effective May 4, 2016.

Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

18. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the Subgrantee, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the Subgrantee, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a subrecipient would or might fall within the scope of these prohibitions, the recipient is to contact Bureau for guidance, and may not proceed without the express prior written approval of Bureau.

19. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2017)

The Subgrantee, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2017, are set out at <https://ojp.gov/funding/Explore/FY17AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact Bureau for guidance, and may not proceed without the express prior written approval of Bureau.

20. Reporting potential fraud, waste, and abuse, and similar misconduct

The Subgrantee, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 950 Pennsylvania Avenue, N.W. Room 4706, Washington, DC 20530; (2) e-mail to: oig.hotline@usdoj.gov; and/or (3) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://www.usdoj.gov/oig>

21. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or Subgrantee under this award, or entity that receives a contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

In accepting this award, the Subgrantee --

- a. represents that it neither requires nor has required internal confidentiality agreements or statements from employee or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

- b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

If the recipient does or is authorized to make sub-awards or contracts under this award – it represents that –

- c. it has determined that no other entity that the Subgrantee's application proposes may or will receive award funds (whether through a sub-award, contract, or subcontract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above;
- d. and it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and
- e. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

22. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The Subgrantee (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The Subgrantee also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the Subgrantee is to contact the Bureau for guidance.

23. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

24. Cooperating with OJP Monitoring

The Subgrantee agrees to cooperate with OJP monitoring of this award pursuant to OJP's guidelines, protocols, and procedures, and to cooperate with the Bureau and OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The Subgrantee agrees to provide to the Bureau and OJP all documentation necessary for OJP to complete its monitoring tasks, including documentation related to

any subawards made under this award. Further, the Subgrantee agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's monitoring activities may result in actions that affect the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the Subgrantee as a high-risk grantee by the Bureau or DOJ; or termination of an award(s).

25. Use of Program Income

The Subgrantee agrees that all income generated as a direct result of this award shall be deemed program income. Program income earned during the project period shall be retained by NMDPS, in accordance with Federal awarding agency regulations or the terms and conditions of the award and shall be used in one or more of the ways:

1. Added to funds committed to the project by the grant awarding agency and recipient and used to further eligible project or program objectives.
2. Used to finance the non-Federal share of the project or program.
3. Deducted from the total project or program allowable cost in determining the new allowable costs on which the Federal share of costs is based. (when an agency authorizes the disposition of program income as in 1 or 2, program income in excess of any limits stipulated shall be used this way)

All program income must be reported on a monthly basis on the Request for Reimbursement forms.

26. Justice Information Sharing

In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, the Subgrantee (and any subrecipient at any tier) must comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular award. The Subgrantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: https://it.ojp.gov/gsp_grantcondition. The Subgrantee shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

27. Avoidance of Duplication of Networks

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems, which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

28. Compliance with 28 C.F.R. Part 23

With respect to any information technology system funded or supported by funds under this award, the recipient (and any subrecipient at any tier) must comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the Subgrantee may be fined as per 42 U.S.C. 3789g(c)-(d). The Subgrantee may not satisfy such a fine with federal funds.

29. Protection of Human Research Subjects

The Subgrantee (and any subrecipient at any tier) must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

30. Confidentiality of Data

The Subgrantee (and any subrecipient at any tier) must comply with all confidentiality requirements of 42 U.S.C. 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.

31. Law enforcement task forces - required training

The Subgrantee agrees within 120 days of award acceptance, each current member of a law enforcement task force funded with award funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, must complete required online (internet-based) task force training. Additionally, all future task force members must complete this training once during the period of performance for this award, or once every four years if multiple OJP awards include this requirement. Subgrantees will be required submit to provide a copy of their completed task force roster and certificates of completion to the Bureau for audit purposes.

The required training is available free of charge online through the BJA-funded Center for Task Force Integrity and Leadership (www.ctfli.org). The training addresses task force effectiveness, as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. If award funds are used to support a task force, the Subgrantee must compile and maintain a task force personnel roster, along with course completion certificates.

Additional information regarding the training is available through BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

32. Required attendance at BJA-sponsored events

The Subgrantee (and its subrecipients at any tier) must participate in BJA-sponsored training events, technical assistance events, or conferences held by BJA or its designees, upon BJA's request.

33. Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.

34. Compliance with National Environmental Policy Act and Related Statutes

Upon request, the Subgrantee (and any subrecipient at any tier) must assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds, either directly by the Bureau or by a subrecipient. Accordingly, the Subgrantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the Subgrantee agrees to contact the Bureau.

The Subgrantee understands that this condition applies to new activities as set out below, whether or not they are being specifically funded with these award funds. That is, as long as the activity is being conducted by the Subgrantee, a subrecipient, or any third party, and the activity needs to be undertaken in order to use these award funds, this condition must first be met. The activities covered by this condition are:

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- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either
 - (1) result in a change in its basic prior use or
 - (2) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are:
 - (1) purchased as an incidental component of a funded activity and
 - (2) traditionally used, for example, in office, household, recreational, or education environments.
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The Subgrantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The recipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <https://bj.gov/Funding/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Condition to Recipient's Existing Programs or Activities: For any of the Subgrantee's or its subrecipients' existing programs or activities that will be funded by these award funds, the Subgrantee, upon specific request from the Bureau, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

35. Required Monitoring of Subawards

The Subgrantee must monitor subawards under this JAG award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of award funds by subrecipients. The Subgrantee agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

36. Required data on law enforcement agency training

Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.

37. Prohibited Expenditures List

The Subgrantee understands and agrees that award funds may not be used for items that are listed on the Prohibited Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time. The Prohibited Expenditure List may be accessed here: <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>

38. Controlled Expenditures – Prior Written Approval Required

The Subgrantee understands and agrees that award funds may not be used for items that are listed on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, without explicit written prior approval from BJA. The Controlled Expenditure List, and

instructions on how to request approval for purchase or acquisitions are set out at <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>

39. Controlled Expenditures – Incident Reporting

The Subgrantee understands and agrees that the purchase or acquisition of any item on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, with award funds by an agency will trigger a requirement that the agency collect and retain (for at least 3 years) certain information about the use of

- a. any federally-acquired Controlled Equipment in the agency's inventory, and
- b. any other controlled equipment in the same category as the federally-acquired controlled equipment in the agency's inventory, regardless of source; and make that information available to BJA upon request. Details about what information must be collected and retained may be accessed here: <https://ojp.gov/docs/L.E.-Equipment-WG-Final-Report.pdf>.

40. Sale of items on Controlled Expenditure List

The Subgrantee understands and agrees that notwithstanding the provision of the Part 200 Uniform Requirements set out at 2 C.F.R. 200.313, no equipment listed on the Controlled Expenditure List that is purchased with award funds may be transferred or sold to a third party, except as described below:

- a. Agencies may transfer or sell any controlled equipment, except riot helmets and riot shields, to a Law Enforcement Agency (LEA) after obtaining prior written approval from BJA. As a condition of that approval, the acquiring LEA will be required to submit information and certifications to BJA as if it were requesting approval to use award funds for the initial purchase of items on the Controlled Expenditure List.
- b. Agencies may not transfer or sell any riot helmets or riot shields purchased under this award.
- c. Agencies may not transfer or sell any Controlled Equipment purchased under this award to non-LEAs, with the exception of fixed wing aircraft, rotary wing aircraft, and command and control vehicles. Before any such transfer or sale is finalized, the agency must obtain prior written approval from BJA. All law enforcement-related and other sensitive or potentially dangerous components, and all law enforcement insignias and identifying markings must be removed prior to transfer or sale.

The Subgrantee must notify BJA prior to the disposal of any items on the Controlled Expenditure List purchased with award funds, and must abide by any applicable laws (including regulations) in such disposal.

The Subgrantee must notify the Bureau prior to the disposal of any items on the Controlled Expenditure List purchased with award funds, and must abide by any applicable laws (including regulations) in such disposal.

41. Prohibited or Controlled Expenditure – Effect of Failure to Comply

The Subgrantee understands and agrees that failure to comply with conditions related to prohibited or controlled expenditures may result in a prohibition from further controlled expenditure approval under this or other federal awards.

42. Controlled expenditures - Standards

Consistent with recommendation 2.1 of Executive Order 13688, a law enforcement agency that acquires controlled equipment with award funds must adopt robust and specific written policies and protocols governing General Policing Standards and Specific Controlled Equipment Standards. General Policing Standards includes policies on (a) Community Policing; (b) Constitutional Policing; and (c) Community Input and Impact Considerations. Specific Controlled Equipment Standards includes policies specifically related to (a) Appropriate Use of Controlled Equipment; (b) Supervision of Use; (c) Effectiveness Evaluation; (d) Auditing and Accountability; and (e) Transparency and Notice Considerations. Upon OJP's request, the recipient must

provide a copy of the General Policing Standards and Specific Controlled Equipment Standards, and any related policies and protocols.

43. "Certification of Compliance with 8 U.S.C. 1373" Required for Valid Award Acceptance by a " Subgrantee "

In order validly to accept this award, the Subgrantee must submit the required "Certification of Compliance with 8 U.S.C. 1373" (executed by the chief legal officer of the fiscal agency). Unless that executed certification either-- (1) is submitted to the Bureau together with the fully-executed award document, or (2) is emailed to dps.gms@state.nm.us no later than the day the signed sub-grant award document is submitted to the Bureau, any submission by a Subgrantee that purports to accept the award is invalid.

If an initial award-acceptance submission by the Subgrantee is invalid, once the prospective Subgrantee does submit the necessary certification regarding 8 U.S.C. 1373, the Subgrantee may submit a fully-executed sub-grant award document executed by the Subgrantee on or after the date of that certification.

44. Ongoing Compliance with 8 U.S.C. 1373 is Required

1. With respect to the "program or activity" funded in whole or part under this award (including any such "program or activity" of any subrecipient at any tier), throughout the period of performance for the award, no State or local government entity, -agency, or -official may prohibit or in any way restrict-- (1) any government entity or -official from sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. 1373(a); or (2) a government entity or -agency from sending, requesting or receiving, maintaining, or exchanging information regarding immigration status as described in 8 U.S.C. 1373(b). For purposes of this award, any prohibition (or restriction) that violates this condition is an "information-communication restriction."

2. Certifications from subrecipients. The Subgrantee may not make a subaward to a State or local government or a "public" institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373, properly executed by the chief legal officer of the jurisdiction or institution that would receive the subaward, using the appropriate form available at <https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm>. Similarly, the Subgrantee must require that no subrecipient (at any tier) may make a further subaward to a State or local government or a "public" institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373, properly executed by the chief legal officer of the jurisdiction or institution that would receive the further subaward, using the appropriate OJP form.

3. The Subgrantee's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition.

4. Allowable costs. Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated (including for authorized reimbursements) for the reasonable, necessary, and allocable costs (if any) that the Subgrantee, or any subrecipient at any tier that is a State or local government or a "public" institution of higher education, incurs to implement this condition.

5. Rules of Construction

A. For purposes of this condition:

(1) "State" and "local government" include any agency or other entity thereof, but not any institution of higher education or any Indian tribe.

(2) A "public" institution of higher education is one that is owned, controlled, or directly funded by a State or local government.

(3) "Program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. 2000d-4a).

(4) "Immigration status" means what it means for purposes of 8 U.S.C. 1373 (Illegal Immigration Reform and Immigrant Responsibility Act of 1996); and terms that are defined in 8 U.S.C. 1101 (Immigration and Nationality Act) mean what they mean under that section 1101, except that the term "State" also shall include American Samoa (cf. 42 U.S.C. 901(a)(2)).

(5) Pursuant to the provisions set out at (or referenced in) 8 U.S.C. 1551 note ("Abolition ... and Transfer of Functions"), references to the "Immigration and Naturalization Service" in 8 U.S.C. 1373 are to be read as references to particular components of the Department of Homeland Security (DHS).

B. Nothing in this condition shall be understood to authorize or require any recipient or any subrecipient at any tier, any State or local government, any "public" institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.

45. Authority to Obligate Award Funds Contingent on Compliance with 8 U.S.C. 1373; Unallowable Costs; Obligation to Notify

I. If the Subgrantee is a local government--

A. The Subgrantee may not obligate award funds if, at the time of the obligation, the "program or activity" of the Subgrantee (or of any subrecipient at any tier that is a unit of local government or a "public" institution of higher education) that is funded in whole or in part with award funds is subject to any "information-communication restriction."

B. In addition, with respect to any project costs it incurs "at risk," the Subgrantee may not obligate award funds to reimburse itself if -- at the time it incurs such costs -- the "program or activity" of the Subgrantee (or of any subrecipient at any tier that is unit of local government or a "public" institution of higher education) that would be reimbursed in whole or in part with award funds was subject to any "information-communication restriction."

C. Any requests for reimbursements of award funds by the Subgrantee shall be considered, for all purposes, to be a material representation by the Subgrantee to the Bureau that, as of the date the Subgrantee requests the reimbursement, the Subgrantee and all subrecipients (regardless of tier) are in compliance with 8 U.S.C. 1373.

D. The Subgrantee must promptly notify the Bureau (in writing) if the Subgrantee, from its requisite monitoring of compliance with award conditions or otherwise, has credible evidence that indicates that the funded "program or activity" of the Subgrantee, or of any subrecipient at any tier that is a unit of local government or a "public" institution of higher education, may be subject to any "information-communication restriction." In addition, any subaward (at any tier) to a subrecipient that is a local government, or a "public" institution of higher education must require prompt notification to the entity that made the subaward, should the subrecipient such credible evidence regarding an "information-communication restriction."

46. Required Local-government-level Rules or Practices Related to Aliens; Allowable Costs

The following provisions apply to the Subgrantee, if the Subgrantee is a unit of local government, and also apply to any local-government subrecipient of this award at any tier (whether or not the Subgrantee itself is a unit of local government).

I. Requirements

With respect to the "program or activity" that is funded (in whole or in part) by this award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance for the award—

A. A local ordinance, -rule, -regulation, -policy, or -practice (or an applicable State statute, -rule, -regulation, -policy, or -practice) must be in place that is designed to ensure that agents of the United States acting under color of federal law in fact are given access a local-government (or local-government-contracted) correctional

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facility for the purpose of permitting such agents to meet with individuals who are (or are believed by such agents to be) aliens and to inquire as to such individuals' right to be or remain in the United States.

B. A local ordinance, -rule, -regulation, -policy, or -practice (or an applicable State statute, -rule, -regulation, -policy, or -practice) must be in place that is designed to ensure that, when a local-government (or local-government-contracted) correctional facility receives from DHS a formal written request authorized by the Immigration and Nationality Act that seeks advance notice of the scheduled release date and time for a particular alien in such facility, then such facility will honor such request and -- as early as practicable (see "Rules of Construction" incorporated by para. 4.B. of this condition) -- provide the requested notice to DHS.

2. Monitoring

The Subgrantee's monitoring responsibilities include monitoring of any other subrecipient compliance with the requirements of this condition.

3. Allowable costs

Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated (including for authorized reimbursements) for the reasonable, necessary, and allocable costs (if any) of-- (1) developing and putting into place statutes, ordinances, rules, regulations, policies, and practices to satisfy this condition, (2) permitting access as described in para. 1.A. above, and (3) honoring any request from DHS that is encompassed by para. 1.B. above.

4. Rules of construction

A. The "Rules of Construction" and the "Important Note" set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required" are incorporated by reference as though set forth here in full.

B. The "Rules of Construction" set out in the award condition entitled "Required State-level rules or practices related to aliens; allowable costs" are incorporated by reference as though set forth here in full.

47. Use of funds for DNA testing; upload of DNA profiles

If the Subgrantee utilizes award funds for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS.

No profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA.

Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS.

48. Encouragement of Submission of "Success Stories"

The Bureau and BJA strongly encourage all subrecipients to submit annual (or more frequent) JAG success stories. To submit a success story, sign in to a My BJA account at <https://www.bja.gov/Login.aspx> to access the Success Story Submission form. If the recipient does not yet have a My BJA account, please register at <https://www.bja.gov/profile.aspx>. Once registered, one of the available areas on the My BJA page will be "My Success Stories." Within this box, there is an option to add a Success Story. Once reviewed and approved by BJA, all success stories will appear on the BJA Success Story web page at <https://www.bja.gov/SuccessStoryList.aspx>.

49. “Methods of Administration” – Monitoring Compliance with Civil Rights Laws and Nondiscrimination Provisions

The State Administering Agency (SAA) monitoring responsibilities include monitoring of subrecipient compliance with applicable federal civil rights laws and nondiscrimination provisions. Within 90 days of the date of award acceptance, the recipient must submit to OJP's Office for Civil Rights (at CivilRightsMOA@usdoj.gov) written Methods of Administration ("MOA") for subrecipient monitoring with respect to civil rights requirements. In addition, upon request by OJP (or by another authorized federal agency), the recipient must make associated documentation available for review.

The details of the recipient's obligations related to Methods of Administration are posted on the OJP web site at <https://ojp.gov/funding/Explore/StateMethodsAdmin-FY2017update.htm> (Award condition: "Methods of Administration" - Requirements applicable to States (FY 2017 Update)), and are incorporated by reference here.

50. Requirement to disclose whether Subgrantee is designated "high risk" by a federal grant-making agency outside of DOJ

If the Subgrantee is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the Subgrantee must disclose that fact and certain related information to the Bureau by email at dps.gms@state.nm.us. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the Subgrantee's past performance, or other programmatic or financial concerns with the Subgrantee. The Subgrantee's disclosure must include the following: 1. The federal awarding agency that currently designates the Subgrantee high risk, 2. The date the Subgrantee was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

51. Ensure Access to Federally Assisted Programs

Federal laws that apply to recipients of financial assistance from the DOJ prohibit discrimination on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in employment but also in the delivery of services or benefits. A federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.

In March of 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013. The statute amends the Violence Against Women Act of 1994 (VAWA) by including a nondiscrimination grant condition that prohibits discrimination based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity. The new nondiscrimination grant condition applies to certain programs funded after October 1, 2013. The OCR and the OVW have developed answers to some frequently asked questions about this provision to assist recipients of VAWA funds to understand their obligations. The Frequently Asked Questions are available at <http://ojp.gov/about/ocr/vawafaqs.htm>

52. Enforce Civil Rights Laws

All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

53. Provide Services to Limited English Proficiency (LEP) Individuals

In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <http://www.lep.gov>

54. Ensuring Equal Treatment for Faith-Based Organizations

The DOJ regulation, Equal Treatment for Faith-Based Organizations, 28 C.F.R. pt. 38, requires State Administering Agencies (SAAs) to treat faith-based organizations the same as any other applicant or sub-recipient. The regulation prohibits SAAs from making awards or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the DOJ to fund inherently (or explicitly) religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must hold them separately from the program funded by the DOJ, and recipients cannot compel beneficiaries to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see the OCR's website at http://www.ojp.usdoj.gov/about/ocr/equal_fbo.htm.

SAAs and faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 42 U.S.C. § 3789d(c); the Victims of Crime Act of 1984, as amended, 42 U.S.C. § 10604(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. § 5672(b); and VAWA, Pub. L. No. 113-4, sec. 3(b)(4), 127 Stat. 54, 61-62 (to be codified at 42 U.S.C. § 13925(b)(13)) contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions.

Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

55. Using Arrest and Conviction Records in Making Employment Decisions

The OCR issued an advisory document for subrecipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013), available at http://www.ojp.usdoj.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf. The Subgrantee should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, the Subgrantee should consult local counsel in reviewing their employment practices. If warranted, the Subgrantee should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOs) (see below).

56. Comply with the Safe Streets Act

An Subgrantee that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEOP (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), .205(c)(5)).

In the event a finding of discrimination against the Subgrantee results, after a due process hearing, on the ground of race, color, religion, national origin, or sex, Subgrantee must submit a copy of the finding to OCR and the Bureau for review.

57. Meeting the EEOP Requirement

If your organization has less than fifty employees or receives an award of less than \$25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEOP requirement. To claim the exemption, your organization must complete and submit Section A of the Certification Form, which is available online at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>

If your organization is a government agency or private business and receives an award of \$25,000 or more, but less than \$500,000, and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form), but it does not have to submit the report to the OCR for review. Instead, your organization has to maintain the Utilization Report on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>

If your organization is a government agency or private business and has received an award for \$500,000 or more and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form) and submit it to the OCR for review within sixty days from the date of this letter. For assistance in developing a Utilization Report, please consult the OCR's website at <http://www.ojp.usdoj.gov/about/ocr/eeop.htm>. In addition, your organization has to complete Section C of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>

To comply with the EEOP requirements, you may request technical assistance from an EEOP specialist at the OCR by telephone at (202) 307-0690, by TTY at (202) 307-2027, or by e-mail at EEOSubmission@usdoj.gov

58. Meeting the Requirement to Submit Findings of Discrimination

If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to the OCR and the Bureau.

59. De-confliction

A Subgrantee shall participate in the case and subject de-confliction process through the New Mexico High Intensity Drug Trafficking Area (HIDTA)/New Mexico Investigative Support Center (NMISC).

60. Reprisal for Whistleblowing

The Subgrantee should enforce the federal law that protects federal employees against reprisal for whistleblowing. A whistleblower is an employee of Federal contractor, subcontractor or grantee who discloses information that the individually reasonably believes is evidence of gross mismanagement of a Federal contract

CC

or grant; gross waste of Federal funds; abuse of authority relating to Federal contract or grant; substantial and specific danger to public health or safety; or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

In addition, under the National Defense Authorization Act of 2013 (NDAA), it is illegal for an employee of a Federal contractor, subcontractor, or grantee be discharged, demoted or otherwise discriminated against for making a protected whistleblower disclosure. Also, under Presidential Policy Directive (PPD-19), an action affecting access to classified information cannot be taken in reprisal for protected whistleblowing.

In the event that a DOJ contractor, subcontractor and grantee report allegations of what they reasonably believe to be wrongdoing, and believe that retaliation has occurred, they may file a complaint under the NDAA with the OIG which will investigate the matter. Information on how to report suspected reprisal to the OIG is available at: <http://oig.justice.gov/hotline/>. For further information about whistleblower rights and protections, please see the Whistleblower Protection page on OIG's website at: <https://oig.justice.gov/hotline/whistleblower-protection.htm>.

61. With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the Subgrantee at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (A Subgrantee may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)
This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.
62. Neither indirect or administrative costs are authorized under this Sub-grant Agreement and will not be reimbursed.
63. All funds awarded under this Sub-grant Agreement must be used in accordance with federal statutes, regulations, and the terms and conditions of the Federal award.
64. The Subgrantee understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior approval of the Bureau and OJP.
65. The Subgrantee agrees that funds received under this award **will not** be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for program activities. The Subgrantee understands that the Bureau will not reimburse any portion of salaries paid for existing general fund employees/staff.
66. The Subgrantee agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the Subgrantee is a high-risk grantee. Per 28 CFR parts 66, 70.
67. The Subgrantee agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the Subgrantee agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.

SECTION NINE: SUBGRANTEE AUDIT REQUIREMENTS

1. Subgrantee agrees to submit to the Bureau the Corrective Action Plan from the audit report when there are findings and recommendations disclosed in the audit report which may affect the fiscal and/or programmatic management of this grant.

SECTION TEN: AMENDMENTS, MODIFICATIONS, AND SEVERABILITY

1. Amendments may be submitted by the Subgrantee to request corrections for any programmatic, personnel, or financial change associated with this Sub-grant Agreement. The form for Amendment requests can be found here: <https://www.dps.nm.gov/Subgrantee-forms>
2. The Bureau, by written notice to the Subgrantee, shall have the right to change and/or correct this Agreement, if at any time, in the judgment of the Bureau the provisions of this Sub-grant Agreement require the Bureau to do so.
3. The Bureau, by written notice, has the right to deny any amendment or budget modification request.
4. If any provision of this Sub-grant Agreement is held to be invalid, illegal, void, or otherwise unenforceable by a court of competent jurisdiction, such provision may be revised by the Parties, insofar as possible, to cure the defect and give maximum effect to their intent in entering into this Sub-grant Agreement. In any event, such invalidity, illegality, or unenforceability shall not affect other provisions hereof, and the remainder of the Sub-grant Agreement shall continue in full force and effect.

The grant representatives' listed below are the Federal Awarding Agency, State Administering Agency, and Subgrantee representatives' responsible for overall fiscal and programmatic supervision of the approved program.

FEDERAL AWARDING AGENCY

Office of Justice Programs	Andrea Hawkins
807 7 th Street NW	State Policy Advisor
Washington, DC 20531	
Telephone: (202)307-0690	Telephone: (202)514-3904
Email: askOCR@usdoj.gov	Email: Andera.hawkings@ojp.usdoj.gov

STATE ADMINISTERING AGENCY

Department of Public Safety	Talal Saint-Lôt, Management Analyst
4491 Cerrillos Rd.	4491 Cerrillos Rd.
Santa Fe, New Mexico 87504	Santa Fe, New Mexico 87504
	Telephone: (505)827-9116

SUBGRANTEE REPRESENTATIVES

Quyên Nguyen	Sergio Hermosillo, Deputy U.S. Marshall
400 Roma Ave NW	400 Roma NW
Albuquerque, NM 87102	Albuquerque, NM 87102
Telephone: (505) 468-7480	Telephone: (505) 462-2335
Email: qnguyen@berncogov	Email: Sergio.hermosillo-murrillo@usdoj.gov

SECTION ELEVEN: AUTHORIZATION OF EXPENDITURES

The terms of this Sub-grant Agreement are contingent upon sufficient appropriations and authorizations being made by the Congress of the United States if federal funds are involved, or the State Legislature if State funds are involved, for performance of this Sub-grant Agreement. If sufficient appropriations and authorizations are not made, this Sub-grant Agreement shall terminate upon written notice being given by the Bureau to the Subgrantee. The Bureau is expressly not committed to expenditure of any funds until such time as they are programmed, budgeted, encumbered, and approved for expenditure by the Bureau. The Bureau's decision as to whether its funds are sufficient for fulfillment of the Agreement shall be final.

SECTION TWELVE: THIRD-PARTY BENEFICIARY CLAUSE

No provision of this Sub-grant Agreement creates in the public, or any member thereof, a third-party beneficiary or to authorize anyone not a party to the Sub-grant Agreement to maintain a suit for wrongful death, bodily and/or personal injury to person, damage to property, and/or any other claim(s) whatsoever pursuant to the provision of this Sub-grant Agreement.

SECTION THIRTEEN: STATUS OF SUBGRANTEE

The Subgrantee and its agents and employees are not, by virtue of this Sub-Grant Agreement, agents or employees of the Bureau or the State of New Mexico. The Subgrantee and its agents and employees shall not accrue leave, retirement, insurance, bonding, use of state vehicles, or any other benefits afforded to employees of the State of New Mexico as a result of this Sub-grant Agreement.

SECTION FOURTEEN: LIABILITY AND NEW MEXICO TORT CLAIMS ACT

The Subgrantee is responsible for any liability associated with the actions or omissions of it or its own employees, including violations of rights and privileges guaranteed under the Laws and Constitution of the United States and New Mexico. Any liability incurred in connection with this Sub-grant Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1 through 41-4-30, as amended. No provision of this Sub-grant Agreement establishes any waiver of immunity from liability for alleged tortious conduct of any employee of the Bureau or the Subgrantee arising from the performance of this Sub-grant Agreement apart from that set forth in the New Mexico Tort Claims Act.

SECTION FIFTEEN: SEVERABILITY

If any term or condition of this Sub-grant Agreement shall be held invalid or unenforceable, the remainder of this Agreement shall not be affected and shall be valid and enforceable.

SECTION SIXTEEN: WAIVER

The Bureau or Subgrantee's failure to require strict performance of any provision of this Agreement shall not waive or diminish the right thereafter to demand strict compliance with that or any other provision. No waiver by either party of any of its rights under this Sub-grant Agreement shall be effective unless express and in writing, and no effective waiver by a party of any of its rights shall be effective to waive any other rights.

SECTION SEVENTEEN: FORMS

Forms necessary to carry out the administration of the grant as outlined in this Sub-grant Agreement can be found at <https://www.dps.nm.gov/Subgrantee-forms>.

SECTION EIGHTEEN: ATTACHMENTS AND CERTIFICATIONS

1. Attachments listed below are incorporated into and made part of this Sub-grant Agreement.
 - a. Subgrantee's Application (Attachment A)
2. The below listed certifications need to be completed and returned to the Bureau along with this Agreement. They are incorporated and made part of this Sub-grant Agreement upon execution.
 - a. Certification of Compliance with Equal Employment Opportunity Plan ((EEO) Requirements (Certification 1)
 - b. Certified Assurances including Uniform Crime Reporting and Supplanting (Certification 2)
 - c. Privacy Certification (Certification 3)
 - d. Overtime Certification (Certification 4)

SECTION NINETEEN: GRANT CLOSEOUT

1. The Subgrantee will close-out the award when it determines that all applicable administrative actions and all required work of the award have been completed. This section specifies the actions the Subgrantee must take to complete this process at the end of the period of performance.
 - a. The Subgrantee must submit, no later than 30 calendar days after the end date of the grant period, all financial, performance, and other reports as required by the terms and conditions of the Federal award. DPS may approve extensions when requested by the Subgrantee and will be determined on a case by case basis.

- b. DPS will make prompt payments to the Subgrantee for allowable reimbursable costs under the award being closed out.
- c. The Subgrantee must account for any real and personal property acquired with Federal funds or received from the Federal Government in accordance with §§200.310 Insurance coverage through 200.316 Property trust relationship and 200.329 Reporting on real property.
- d. GMB will initiate a site visit closeout upon the closing of the grant period to ensure compliance with federal statutes, regulations and the terms and conditions of the federal award.

THEREFORE, the Subgrantee and the Bureau do hereby execute this Sub-grant Agreement as witnessed by the signatures below:

SUBGRANTEE:

By: *Yonita Gursule-Giron*
 Signature of Certifying Official

Date: 09/13/18

Yonita Gursule-Giron
Printed Name

Mayor, City of Las Vegas
Title

By: *[Signature]*
 Program Agency Director

Date: 9.13.18

Christopher Lopez
 Printed Name

Chief of Police
Title

DEPARTMENT OF PUBLIC SAFETY:

By: *[Signature]*
 Signature of Cabinet Secretary/Awarding Official

Date: 9/20/18

Scott Weaver
Printed Name

Reviewed as to legal form and sufficiency, Office of Legal Affairs

By: *[Signature]*
 General Counsel
 Elizabeth Trickey
 Printed Name

Date: 08/17/2018

Regular or Special

CITY COUNCIL MEETING AGENDA REQUEST

DATE: 10/9/2018 **DEPT:** Community Development **MEETING DATE:** 10/17/2018

ITEM/TOPIC: Award RFP # 2019-02 to Animal Welfare Coalition of Northeastern New Mexico for Animal Services & Shelter Operations.

ACTION REQUESTED OF COUNCIL: Approval or disapproval to Award RFP #2019-02 to Animal Welfare Coalition of Northeastern New Mexico for Animal Services & Shelter Operations.

BACKGROUND/RATIONALE: RFP #2019-02 to provide Animal Services and Shelter Operations for the City of Las Vegas. One Offerer submitted a proposal which was the Animal Welfare Coalition of Northeastern New Mexico. The Offerer met all specifications and requirements. The request is to award RFP# 2019-02 to Northeastern NM Welfare Coalition and proceed into final negotiations of the contract.

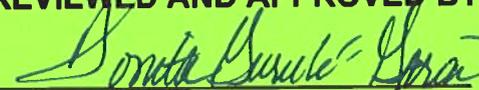
STAFF RECOMMENDATION: Consideration by Mayor and Council.

COMMITTEE RECOMMENDATION:

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

TANA VEGA, INTERIM
FINANCE DIRECTOR
(PROCUREMENT)


ANN MARIE GALLEGOS,
INTERIM CITY MANAGER

PURCHASING AGENT
(FOR BID/RFP AWARD)

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

CITY OF LAS VEGAS
RFP/BID/OPENING

DATE: 19-Sep-2018

OPENING NO.: 2019-02

TIME: 2:00 PM

DEPARTMENT: COMM LEVEL

LOCATION: City of Las Vegas Chambers
1700 N. Grand Ave.
Las Vegas, NM 87701

ITEM(S): **ANIMAL SERVICES & SHELTER OPERATIONS**

RECEIVED FROM:	AMOUNT	SUB CONTRACTOR LIST	BID BOND	AFFIDAVIT NOTARIZED	CAMPAIGN DISC. FORM
1 <u>Animal Welfare Coalition</u>				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2					
3					
4					
5					
6					

COMPANY REPRESENTATIVE	COMPANY NAME
1 <u>[Signature]</u>	<u>CLV Veterinary</u>
2 <u>[Signature]</u>	<u>CLV Purchasing</u>
3 <u>[Signature]</u>	<u>CLV Community Development</u>
4 <u>[Signature]</u>	<u>City Manager</u>
5	
6	
7	
8	
9	
10	

(use other side of form when full)

ORIGINALS TAKEN BY CITY CLERK:
[Signature]
DATE: 9/19/18

OPENED BY: FINANCE DEPARTMENT
[Signature]
DATE: 9/19/18

TAKEN BY DEPT:
[Signature]
DATE: 9/19/18



Animal Welfare Coalition
OF NORTHEASTERN NEW MEXICO

PO Box 524, Las Vegas, NM 87701

AWC Pet Center 1680 Grand Ave, Las Vegas, NM 87701 505-426-3289

A 501(c)(3) Corporation

FEIN 26-3140054

September 17, 2018

City of Las Vegas, New Mexico
1700 North Grand Avenue
Las Vegas, NM 87701

Re: Animal Services & Shelter Operations RFP / Opening No. 2019-02

Please consider this our response to the Animal Services & Shelter Operations RFP (Opening No. 2019-02).

We have very much appreciated the opportunity to work with the city during what is now more than five years. We feel we have grown and matured as a non-profit organization and bring considerably increased fundraising and volunteer strength to improve the welfare of animals in the city. We hope we can continue and expand that work with this new contract.

We look forward to meeting with you to discuss our proposal and finalize a contract.

Sincerely,


MARSHALL E. POOLE, President

OFFEROR INFORMATION

OFFEROR: Animal Welfare Coalition of Northeastern New Mexico

AUTHORIZED AGENT: Marshall E. Poole, Chair of the Board of Directors

ADDRESS: AWC, P. O. Box 524, Las Vegas, NM. 87701

TELEPHONE NUMBER (505) 670-9838

FAX NUMBER () NONE

DELIVERY: 1680 N. Grand Ave., Las Vegas, NM. 87701

STATE PURCHASING RESIDENT CERTIFICATION NO.: _____

NEW MEXICO CONTRACTORS LICENSE NO.: _____

SERVICE (S): ANIMAL SERVICES & SHELTER OPERATIONS.

THE CITY OF LAS VEGAS RESERVES THE RIGHT REJECT ANY OR ALL PROPOSALS AND TO WAIVE ANY TECHNICAL IRREGULARITY IN THE FORM.

AFFIDAVIT FOR FILING WITH COMPETITIVE PROPOSAL

STATE OF New Mexico }

COUNTY OF San Miguel }^{ss}

I, Marshall E. Poole, of lawful age, being of first duly sworn in oath, say that am the agent authorized by the offerors to submit the attached proposal. Affiant further states that the offeror has not been a party to any collusion among offerors in restraint of freedom of competition by agreement to a fixed price or to refrain from submitting a proposal; or with any city official or employee as to the quantity, quality or price in the prospective contract, or any other terms of said prospective contract; or in any discussion between offerors with any City official concerning an exchange of money or any other thing of value for special consideration in the letting of a contract.

Marshall E. Poole
Signature

Subscribed and sworn to before me, this 17 day of September, 20 18.



Alicia DeHerrera
Notary Public Signature
My Commission Expires: 4/25/2020

NON-COLLUSION

In signing of their proposal and affidavit the offeror certifies that he/she has not, either directly or indirectly entered into action of restraint of free competition in connection with the submitted proposal.

CLARIFICATION OF PROPOSAL

Offeror requiring clarification or interpretation of the proposal specifications shall make a written request to the Department involved in the proposal request at least five (5) days prior to the scheduled proposal opening date; with a copy forwarded to the Finance Department. Any interpretations, corrections, or changes (not part of the negotiation stage) of said proposal specifications shall be made by "ADDENDUM" only; including any Opening Dates or Time Change. Interpretations, corrections, or changes of said proposal made in any other manner (before opening and negotiation stage) will not be binding and offeror shall not rely upon such interpretations, corrections, and changes.

MODIFICATION OR WITHDRAWAL OF PROPOSAL

A proposal may not be withdrawn or cancelled by the offeror following the scheduled opening date and time; the offeror does so agree in submitting their proposal. Prior to the scheduled time and date of opening, proposals submitted early may be withdrawn but may not be re-submitted.

APPLICATION OF PREFERENCE

Pursuant to (Section 13-1-21 and 13-1-22, N.M.S.A. 1978), any New Mexico resident business or resident manufacturer who wishes to receive the benefit of an "Application of Preference" must provide their Certificate Number (issued by N.M. State Purchasing); with their proposal on the "OFFEROR INFORMATION/AFFIDAVIT" form.

FEDERAL TAX IDENTIFICATION NUMBER

Pursuant to IRS requirements, offerors shall provide their Federal Tax ID Number if offeror is incorporated. If offeror is a sole proprietorship or partnership, then shall provide their Social Security Number.

FEDERAL TAX ID NUMBER: FEIN 26-3140054

SOCIAL SECURITY NUMBER: -----

NEW MEXICO TAX IDENTIFICATION NUMBER

Payment may be withheld under; (Section 7-10-5, N.M.S.A. 1978) if you are subject to New Mexico Gross Receipts Tax and have not registered for New Mexico (CRS) Tax Identification Number. Contact the New Mexico Taxation & Revenue Department at (505) 827-0700 for registering instructions.

SPECIAL NOTICE

Proposals will be opened and all submitted copies will be checked for accuracy of Department's specific amount of copies requested. Any price or other factors of the submitted proposals will not be read out loud to anyone in attendance at the proposal opening. All factors of the submitted proposals are not public record to other offerors or interested parties before the negotiation or awarding process.

The department involved in the proposal request will evaluate all proposals submitted according to the evaluation criteria indicated in the proposal specifications.

NEGOTIATION

Pursuant to the City of Las Vegas Purchasing Rules and Regulations (section 6.7); discussions or negotiations may be conducted with a responsible offeror who submits an acceptable or potentially acceptable proposal. Negotiations of price will be done after all evaluation criteria have been met.

CONTRACT

When the City issues a purchase order in response to an awarded proposal, a binding contract is created (unless a specific contract has been created).

TAXES:

Bidder must pay all applicable taxes.

NOTE:

If bidder is from outside the City of Las Vegas, the successful bidder must pay Gross Receipts Tax in the City of Las Vegas.

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to Chapter 81, Laws of 2006, any prospective contractor seeking to enter into a contract with any state agency or local public body must file this form with that state agency or local public body. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two year period.

THIS FORM MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

The following definitions apply:

"Applicable public official" means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

"Campaign Contribution" means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official's behalf for the purpose of electing the official to either statewide or local office. "Campaign Contribution" includes the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

"Contract" means any agreement for the procurement of items of tangible personal property, services, professional services, or construction.

"Family member" means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law.

"Pendency of the procurement process" means the time period commencing with the public notice of the request for proposals and ending with the award of the contract or the cancellation of the request for proposals.

"Person" means any corporation, partnership, individual, joint venture, association or any other private legal entity.

"Prospective contractor" means a person who is subject to the competitive sealed

proposal process set forth in the Procurement Code or is not required to submit a competitive sealed proposal because that person qualifies for a sole source or a small purchase contract.

"Representative of a prospective contractor" means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

DISCLOSURE OF CONTRIBUTIONS:

~~Contribution Made By: _____
Relation to Prospective Contractor: _____
Name of Applicable Public Official: _____
Date Contribution(s) Made: _____
Amount(s) of Contribution(s) _____
Nature of Contribution(s) _____
Purpose of Contribution(s) _____
(The above fields are unlimited in size) _____

Signature Date

Title (position)~~

-OR-

NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS (\$250) WERE MADE to an applicable public official by me, a family member or representative.

Marshall E. Poole
Signature
Board Chair, Animal Welfare Coalition
Title (Position)

September 17, 2018
Date



Animal Welfare Coalition
OF NORTHEASTERN NEW MEXICO

PO Box 524, Las Vegas, NM 87701
AWC Pet Center 1680 Grand Ave, Las Vegas, NM 87701 505-426-3289
A 501(c)(3) Non-Profit Corporation
FEIN 26-3140054

RESPONSES TO SCOPE OF WORK REQUIREMENTS

1. Overall management of shelter operations

We currently have five full or part-time staff members who are managed by the shelter director. The shelter director reports to the AWC board of directors, which meets monthly (see attached roster).

We follow New Mexico Sheltering Board guidelines in the care of animals as well as accepted best practices. These recommendations call for vaccines on intake as well as routine deworming. The guidelines also specify procedures for cleaning and sanitizing kennels, cages, and crates used for transporting animals. These protocols minimize the chance of any disease transmission either to or from incoming animals.

2. Acceptance and care of animals

As required by our current contract with the City of Las Vegas, we are available to accept animals at any time, 24-7 including holidays. The shelter is open to the public 5 days per week but staffed daily for cleaning, feeding and watering of animals, and any needed medical care. When the shelter is not staffed, we meet animal control or law enforcement to take in animals.

Animals come in from city and county animal control and law enforcement, from good Samaritans, and owner surrenders. Citizens often contact us with animal issues after hours.

In the case of bite holds (where animals have bitten people and have no record of rabies vaccine), we hold and monitor animals as required by law.

We assess each animal for medical needs and transfer to appropriate veterinary partners as necessary. We have isolation wards for both dogs and cats who are undergoing medical treatment for conditions that are communicable.

3. Tracking all animal intake

We have comprehensive intake forms for all animal control and staff. In addition, we use PetPoint, a shelter management software that allows us to enter a variety of data for each intake and then track outcomes and print reports. We are currently submitting a number of these reports monthly as part of our invoicing.

4. Redemption of animal to owners

Where we are able to identify and make contact with an animal's guardian, we explain the steps the guardian needs to take to reclaim their pet. By law, owner/guardians will need a current rabies vaccination certificate or receipt for a pre-paid rabies vaccine. They will also need to pay shelter fees specified by city ordinance. Part of our Return to Owner (RTO) program includes offering a \$25 spay/neuter that includes surgery, vaccines, and a microchip. If they take that offer, it can significantly bring down their costs. If they choose not to take the spay/neuter offer, they still must make a \$25.00 spay/neuter deposit required by state law and refundable if they spay or neuter their pet within 30 days. All animals receive a city or county license when they are reclaimed.

We recommend a targeted effort to ID animals in the city because more than ninety percent of animals coming into the shelter have no ID (either city license, rabies tag, microchip, or other ID tag).

Here is the record of our returns to owners:

2014 - 138 animals
2015 - 199 animals
2016 - 258 animals
2017 - 243 animals
2018 — January 1 to date of this proposal: 218 animals

5. Adoptions

We have an active adoption program. Citizens complete an adoption application and staff helps potential adopters find an animal that is a good fit for their family. Every adopted animal is spayed or neutered, current on age-appropriate vaccines including rabies, microchipped, tested heartworm or FIV/FelV negative, received de-wormer and flea and tick treatment, passed a standard behavior evaluation, is registered for city or county license, and receives 30 days of free pet veterinary insurance.

Here is the record of our adoptions:

2014 - 244 Adoptions
2015 - 268 Adoptions
2016 - 263 Adoptions
2017 - 238 Adoptions
2018 — January 1 to date: 191

6. Rescue programs

Due to the never-ending flow of animals coming in and needing our services, the vast majority of animals we receive are transferred for adoption elsewhere. We have established transfer partners across the southwestern United States for dogs, cats, farm animals and wildlife. Every out-of-state transferred animal is current on age-appropriate vaccines including rabies, de-wormer, flea and tick treatment, tested negative for heartworm or FIV/FelV, undergone a standard behavior evaluation, and receives a current health certificate from a licensed veterinarian.

Here is the record of our transfers:

2014 - 1,158
2015 - 1,162
2016 - 1,090
2017 - 878
2018 — January 1 to date: 594

7. Foster care

Our foster program serves those most in need in our program. Neo-natal kittens and puppies, animals with medical issues, and animals needing extra help with behavior or socialization issues benefit from care in the homes of our experienced foster families.

8. Billings and budget monitoring

Our monthly billings to the City include extensive documentation of our income and month's activities, including detailed reports of animal intakes and outcomes.

Our internal budget monitoring includes monthly visits by our board chair and shelter director with our bookkeeper. In addition, monthly QuickBooks accounting printouts are reviewed and discussed at each monthly board meeting.

9. Financial reporting

Current with all required filings:

IRS (Form 990, Form 941)

State of New Mexico (NMTRD CRS, NMTRD WK-C, NMDWS ES-903A)

State of New Mexico Attorney General (COROS)

State of New Mexico Secretary of State Certificate of Good Standing and Compliance

10. Annual audits

As required by our current contract, we have begun commissioning an annual independent review of our bookkeeping. A copy of our latest review is attached as a supporting document.

11. Computerized financial system

We are using a contract bookkeeper and QuickBooks software to track income and expenses. We print monthly and Year-To-Date Profit & Loss, Balance Sheet, Accounts Payable, and Accounts Receivable reports for review by the shelter director and the board of directors.

12. Report preparation

See 3., 8., 10., and 11.

In addition:

We make monthly reports during public input at City Council work sessions or Council meetings.

We provide reports as needed to maintain our license and our vehicle certification with the State of Colorado for animal transports.

We post our annual shelter statistics on the "Our Report Card" section of our website.

13. Recruit and train staff

We are committed to providing staff with the training and tools to do their jobs well. Staff members regularly attend trainings and visit partner organizations for training opportunities. Staff has received training in animal behavior, animal evaluation, disaster preparedness, basic veterinary care, animal handling, and sanitation to name a few.

A private donor provides a weekly yoga class for staff wellness.

14. Implement volunteer services program

On any given month, we have an average of 25 volunteers. This number varies with the seasons and the academic year. These volunteers provide anywhere from 200 hours per month, sometimes far exceeding 500 hours per month. Volunteers perform a wide variety of tasks including dog walking, cat cuddling, dish washing, community cat trapping for spay and neuter, grounds improvement, animal transport to and from veterinary clinics and other shelters for adoption, website maintenance, fundraising, professional services, event planning, etc. The program includes students from Highlands University and the United World College.

We also host a variety of volunteers from community service programs:

- San Miguel County DWI community service program
- New Mexico Works community service program
- City of Las Vegas Work Defendant community service program
- Various court and probation assigned volunteers

15. Community education program

Our community education efforts have included:

- We partner with Animal Protection of New Mexico's animal humane education program in schools.
- We appear regularly on KFUN radio to address animal issues.
- We regularly collaborate with youth programs like Kiwanis KKids.
- We are featured monthly on KRQE News 13 TV in Albuquerque with animal humane education and adoptable animals.
- In collaboration with the City of Las Vegas and Highlands University, we produced a video PSA with elementary school students explaining animal care concepts. The video was shown before the free movies at NMHU's Ilfeld Theater.
- We have presented at service club meetings (Rotary and Kiwanis).
- We are members of Las Vegas First and have been featured speakers about animal issues in the city.

16. Fundraising

We have several types of fundraising to support our activities:

- a. Private funders
Several private funders support our free and low-cost spay/neuter programs, Trap/Neuter/Release program for cats, and free straw for animal bedding in winter.
- b. Grants
We continue to apply for and receive grants from a wide variety of foundations, trusts, and not-for-profit organizations.
- c. Events
2018 will be the fifth year of our annual ArtBark art auction fundraiser event. It will be held at the Trolley Building on the Highlands University campus with Dr. Minner as auctioneer.
We have had smaller fundraisers, including a small art auction in memory of an artist who donated the remaining pieces of her work to the AWC. A number of businesses in Las Vegas maintain donation jars to benefit the AWC. The Kiwanis KKids at two different elementary schools conducted a Walk-A-Thon and a supply drive for the Pet Center. The elementary class at Sierra Vista donated more than \$900 from their event.

17. Special event production

Some of the special events we have organized or participate in include:

4th of July Pet Parade

Hermit's Peak Watershed Alliance River Festival (9-29-2018)

Las Vegas Museum Christmas tree program

On-site free or low-cost spay/neuter clinics

Halloween carnival at rec center

City of Las Vegas Light Parade

Pet Stroll during pre-holiday Christmas shopping in Old Town shopping district

"The Link" is a training program for law enforcement and social workers that demonstrates the connection between animal abuse and child and spousal abuse.

We organized a training day in Las Vegas that brought in animal control officers, state police, local police, and county sheriff's departments from around the state, as well as social service providers. The training focused on how to assess animal conditions or family dynamics to spot abuse.

18. Facility improvement

We have made a number of improvements on the shelter campus, all of which were financed by grants, private donors, and volunteer work:

Canine and feline isolation units for sick animals

A cattery building to reduce stress for our cat population

Repairing the hardware and fencing on all the dog kennels to increase safety both for the animals and for staff and volunteers

3-bay stainless steel sink for proper washing and sanitizing

Replaced molded drywall

Painted front office, medication and intake rooms, hallways, and bathroom

Replaced wooden doors, door molding, and baseboards with metal or other non-porous materials for sanitation and bio-security

Installed visual barriers between dog kennels to reduce stress among the canine population

Built sheds for storage

Purchased and installed an airtight 20-foot-wide storage container to safely store donated pet food away from insects, mice, and the weather

19. Disaster preparedness

A number of AWC board and staff have successfully completed FEMA "Introduction to Incident Command System" training so that we are qualified to be on an emergency incident site.

We have met with county emergency personnel to make them aware that we are available to set up the legally required "companion animal" facilities in the event of an evacuation.

Staff has participated at emergency animal evacuations in other counties and have provided first-on-the-scene documentation and animal evaluation at cruelty/neglect/hoarding situations.

20. Create and own a website

<http://www.animalwelfaremexico.org/>

21. Create and own social media pages, groups, etc.

FaceBook: www.facebook.com/animalwelfaremexico

Twitter: @AwcAnimal

ADDITIONAL NOTES

1. As inquired about in the RFP, we are able to provide "on-call" backup services for Animal Control Officers. We would be glad to evaluate this option with the City.
2. We maintain all needed insurance policies:
 - a. Commercial General Liability
 - b. Directors and Officers
 - c. Commercial Auto
 - d. Workers Compensation and Employers' Liability
 - e. Staff and Volunteer Accident
3. Most of the pet food needed at the shelter and for our pet food pantry is donated by a variety of businesses, not-for-profit organizations, and individuals. Locally, both Walmart and Tractor Supply have donated bags of pet food they cannot sell due to packaging damage.
4. We have a pet food pantry for citizens who have difficulty feeding their pets. In addition, we have free straw that citizens can use for insulation for pets who live outdoors.
5. We have an active TNR (Trap/Neuter/Return) program for community or feral cats. We trap in neighbors around the city, usually in response to calls from citizens or requests from Animal Control. We then transport the cats to a Santa Fe veterinary clinic for spay or neuter, rabies vaccine, and an ear tip to indicate they have been altered. The cats then are returned to their neighborhood colony or relocated as working cats on farms or ranches. Although our staff and volunteers trap and transport the cats to and from Santa Fe, the veterinary costs of the TNR program are funded by a private donor.
6. We recently completed a board retreat facilitated by staff from the American Society for the Prevention of Cruelty to Animals and Animal Protection of New Mexico. The board completed a strategic plan for AWC, including our vision for a capital campaign to fund a new shelter.
7. We were chosen by ASPCA and APNM for a three-year Humane Communities grant that helped us cover shelter improvements, medical supplies, free spay/neuter for the public, and veterinary care for shelter animals before adoption or transport.
8. We have just received a grant from Animal Humane New Mexico to host two community pet fairs in 2019. The fairs will be promoted city-wide and will invite citizens to bring up to two pets per family to receive age-appropriate vaccinations including rabies, microchips, information on free or low-cost spay/neuter, and additional resources like dog harnesses, leashes, collars, and straw. All pets will be examined by a licensed veterinarian. Citizens will pay \$5 per pet as able.
9. For four out of the past five years we have maintained a greater than 90% live release rate, which means that if an animal enters our shelter alive, it has a greater than 90% chance of returning to its family or reaching an adoptive home, even if it comes in injured or ill.

ATTACHMENTS

1. Description of AWC
2. IRS Determination Letter
3. Board of Directors Roster
4. New Mexico Board of Veterinary Medicine License to Operate Municipal Shelter
5. Independent Accounting Review Report—2018
6. Asilomar Report for 2017
7. Letters of Recommendation:
 - a. American Society for the Prevention of Cruelty to Animals
 - b. Animal Protection of New Mexico
 - c. VCA Veterinary Clinic in Santa Fe
 - d. Petroglyph Animal Hospital in Albuquerque
 - e. Animal Humane New Mexico
 - f. Pike's Peak Humane Society, Colorado

— END —

Animal Welfare Coalition of Northeast New Mexico

A 501(c)(3) corporation FEIN 26-3140054

Vision:

We work to create a humane and just world for animals.

Mission:

To promote humane principles, compassionate care, and prevention of cruelty to animals in northeastern New Mexico.

The Animal Welfare Coalition (AWC) of Northeastern New Mexico was created in 2008 by local citizens compelled to address the cruelty and neglect of cats and dogs in and around Las Vegas, New Mexico. We are volunteers who gained our community's trust by assisting with pet food, providing low-cost spay and neuter services, and rescuing, rehabilitating, and finding "forever" (adoptive) homes for sick, injured, and forgotten animals. We also capture feral cats in neighborhoods throughout our service area and have them spayed or neutered and released so feral colony sizes are gradually reduced.

In September, 2013, we contracted with the City of Las Vegas and the County of San Miguel to run the pet center at 1680 Grand Avenue in Las Vegas. City of Las Vegas and San Miguel County Animal Control Officers, as well as the general public, bring stray animals into our shelter. Many are malnourished, sick, or injured. Few have licenses, proof of rabies vaccinations, or identification. We send many to veterinary clinics for surgery or other treatment. We maintain dog and cat isolation kennels for sick animals or for rabies watch if an animal whose rabies vaccination status is unknown bites someone.

We have an average daily occupancy of 25 cats and 65 dogs. Our live release rates (either through animals being returned to their guardians, adoption locally or transport for adoption in other communities in New Mexico or Colorado) were 90% for 2014, 87.9% for 2015, 91% for 2016, and 91.45% for 2017.

The shelter promotes volunteering in the community. Groups of students from Highlands University and the United World College of the American West regularly volunteer at the shelter to walk dogs and help with shelter cleanup. Other community volunteers regularly help with shelter activities, including adoption days and other outreach activities. We have a very active board of directors, all of whom also volunteer at the shelter. A number of local merchants, including Walmart and Tractor Supply Company, regularly donate dog and cat food to the shelter.

We also work with other rescue organizations in New Mexico to do outreach into neighborhoods delivering free doghouses, replacing dog collars with harnesses, and providing free straw for insulation during the winter. We have an active food pantry program that provides free dog and cat food to low-income citizens.

The AWC coordinates with other animal welfare groups in New Mexico and nationally to keep abreast of best practices and trends in animal care and adoption. When possible, we send staff and volunteers to trainings to maintain and sharpen their knowledge and skills.

— ### —

INTERNAL REVENUE SERVICE
P.O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

DATE: JUL 07 2009

NORTHEASTERN WELFARE COALITION OF
NORTHEASTERN NEW MEXICO
/O MARTHA PRICE
9 NM 518
LAS VEGAS, NM 87701

Employer Identification Number:
26-3140054
DLN:
17053177015019
Contact Person:
ZENIA LUK ID# 31522
Contact Telephone Number:
(877) 829-5500

Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
Yes
Effective Date of Exemption:
August 12, 2008
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Letter 947 (DC/01)



Animal Welfare Coalition
OF NORTHEASTERN NEW MEXICO

PO Box 524, Las Vegas, NM 87701
AWC Pet Center 1680 Grand Ave, Las Vegas, NM 87701 505-426-3289
A 501(c)(3) Non-Profit Corporation
FEIN 26-3140054

Board of Directors

Revision Date: 9-17-2018 by MP

Marshall Poole, President	M: 505-670-9838	mpoole@usa.net
Carmen Holguín, Secretary	M: 505-429-3067	clholguin@hotmail.com
Jennifer Carbajal, Member	M: 210-464-4349	jennifer.m.carbajal@gmail.com
Irene Kranenburg, Member	H: 505-426-7131	irenekranenburg@gmail.com
Angel Romero, Member	M: 512-784-7363	
	M: 505-718-8058	aromero16@live.nmhu.edu
Donna Sue Rivas, Member	H: 505-454-3867	
	M: 518-258-7825	donnasuerivas@gmail.com
Anne Bradford, Member	M: 505-429-5564	annesbnb@yahoo.com
Troy Denison, Member	M: 505-718-6996	montezumasuites@gmail.com
Roxanne Gonzales, Member	M: 505-429-0496	drrmgonzales@gmail.com

Shelter Director: Martina C. Holguín

— END —



New Mexico Board of Veterinary Medicine



ANIMAL SHELTER LICENSE No. SHL-197

Expiration Date: August 31, 2019

Issued to:

AWC Pet Center

1680 North Grand Avenue

Las Vegas, NM 87701

Manager: Martina C. Holguín

Issue Date: August 31, 2018

a licensed animal shelter in accordance with the New Mexico Veterinary Practice Act (Section 61-14-2.B NMSA 1978) and the Board of Veterinary Medicine Regulations (New Mexico Administrative Code Title 16, Chapter 24, Part 1.7.)

For questions or concerns, contact the Board's Executive Director at the telephone number below or via email at director@NMBVM.org.

Rebecca J. Washburn, DVM, Chair

License must be posted in a conspicuous place within the confines of the shelter where all clients can easily see and read the information on it.

License is granted to the manager of the facility. If the manager resigns or is replaced, or the shelter changes physical location, the newly designated manager must immediately apply for a new facility license.



New Mexico Board of Veterinary Medicine
7301 Jefferson Street, N.E., Suite H
Albuquerque, NM 87109-4363
Telephone: (505) 553-7021 Fax: (505) 553-7024



Carole Gonynor, CPM
1123 Grand Avenue
Las Vegas, NM 87701

June 1, 2018

Animal Welfare Coalition of Northeastern New Mexico
Attention: Marshall E. Poole
P O Box 970
Las Vegas, NM 87701

Regarding: 3rd party audit results for 2018

Marshall Poole provided the following documents for fiscal year 2017

- 1) Bank statements with access to checks and deposit records
- 2) Copy of the required Form 990, Return of Organization Exempt from Income Tax for 2016. The required 2017 Form 990 has not been included because an extension has been filed.
- 3) Profit and Loss Detail report for 2017
- 4) 2017 Balance Sheet
- 5) Profit & Loss YTD Comparison 2017
- 6) Balance Sheet 2017
- 7) A/P and A/R aging Summaries

John Goodwin provided me with complete access to the Quick Books financial record keeping system he is using for your organizational bookkeeping records.

Dear Marshall,

The audit was completed on June 1, 2018 and the following is a summary of my findings and recommendations:

- The required annual corporate reports have been filed and your domestic nonprofit corporation is in good standing. (a copy of the good standing certificate is enclosed)
- For all 4 quarters of 2017 the following were filed and paid as required
 1. CRS state withholding reports
 2. 941 quarterly tax returns with all required payments previously made
 3. Workers Compensation fees on form WC-1
 4. NM Dept. of Workforce Solutions wage unemployment tax due on form ES-9033A
- Checks and deposits were matched accurately with the bank statements
- The Animal Welfare Commission provides all receipts and bank statements to Accountant John Goodwin to verify income (including all in-kind goods and services provided), and all expenses.

Sincerely,



Carole Gonynor, CPM

OFFICE OF THE SECRETARY OF STATE
NEW MEXICO

Certificate of Good Standing and Compliance

IT IS HEREBY CERTIFIED THAT:

**ANIMAL WELFARE COALITION OF NORTHEASTERN NEW MEXICO
4069258**

the above named entity, a Corporation incorporated under the laws of New Mexico, is duly authorized to transact business in New Mexico as a Domestic Nonprofit Corporation, under the

Nonprofit Corporation Act

53-8-1 to 53-8-99 NMSA 1978

having filed its Articles of Incorporation on August 12, 2008, and Certificate of Incorporation issued as of said date.

It is further certified that the fees due to the Office of the Secretary of State which have been assessed against the above named entity have been paid to date and the entity is in good standing and duly authorized to transact business as its existence has not been revoked in New Mexico. This certificate is not to be construed as an endorsement, recommendation, or notice of approval of the entity's financial condition or business activities and practices.

Certificate Issued: **June 2, 2018**

In testimony whereof, the Office of the Secretary of State has caused this certificate to be signed on this day in the City of Santa Fe, and the seal of said office to be affixed hereto.



Maggie Toulouse Oliver

Maggie Toulouse Oliver
Secretary of State

Certificate Validation #: 0022099

A certificate issued electronically from the New Mexico Secretary of State's office is immediately valid and effective. The validity of a certificate may be established by viewing the Certificate Validation option on the Business Filing System at <https://portal.sos.state.nm.us/bfs/online> and following the instructions displayed under Certificate Validation.

Asilomar Animal Statistics

Print Date Saturday, January 13, 2018

Start Date 1/1/2017 12:00 AM

End Date 12/31/2017 11:59 PM

Site All

Annual Live Release Rate: 91.45%

The Annual Live Release Rate does not include 9 owner/guardian requested euthanasia which were unhealthy & untreatable and 57 dogs and cats that died or were lost in the shelter/care.

	<u>Dogs</u>	<u>Cats</u>	<u>Total</u>
A BEGINNING SHELTER COUNT 1/1/2017	49	22	71
INTAKE (Live Dogs & Cats Only)			
B From the Public	1137	426	1563
C Incoming Transfers from Organizations within Community/Coalition	9	0	9
D Incoming Transfers from Organizations outside Community/Coalition	4	0	4
E From Owners/Guardians Requesting Euthanasia	8	1	9
F Total Intake [B + C + D + E]	1158	427	1585
G Owner/Guardian Requested Euthanasia (Unhealthy & Untreatable Only)	8	1	9
H ADJUSTED TOTAL INTAKE [F minus G]	1150	426	1576
I ADOPTIONS	54	184	238
J OUTGOING TRANSFERS to Organizations within Community/Coalition	8	50	58
K OUTGOING TRANSFERS to Organizations outside Community/Coalition	771	49	820
L RETURN TO OWNER/GUARDIAN	195	48	243
DOGS & CATS EUTHANIZED			
M Healthy (Includes Owner/Guardian Requested Euthanasia)	68	7	75
N Treatable - Rehabilitatable (Includes Owner/Guardian Requested Euthanasia)	0	0	0
O Treatable - Manageable (Includes Owner/Guardian Requested Euthanasia)	12	1	13
P Unhealthy & Untreatable (Includes Owner/Guardian Requested Euthanasia)	22	26	48
Q Total Euthanasia [M + N + O + P]	102	34	136
R Owner/Guardian Requested Euthanasia (Unhealthy & Untreatable Only)	8	1	9
S ADJUSTED TOTAL EUTHANASIA [Q minus R]	94	33	127
T SUBTOTAL OUTCOMES [I + J + K + L + S]	1122	364	1486

Excludes Owner/Guardian Requested Euthanasia (Unhealthy & Untreatable Only)

U	DIED OR LOST IN SHELTER/CARE	17	40	57
V	TOTAL OUTCOMES [T + U] <i>Excludes Owner/Guardian Requested Euthanasia (Unhealthy & Untreatable Only)</i>	1139	404	1543
W	ENDING SHELTER COUNT 12/31/2017 11:59:00 PM	58	43	101



October 24, 2017

To Whom it May Concern:

I have been a grant officer for the American Society for the Prevention of Cruelty to Animals (ASPCA) for fourteen years and feel confident expressing my full support for the work and programs of the Animal Welfare Coalition of Northeast New Mexico.

Over the years we have provided multiple grants to this organization for everything from feral cat programs to facility improvements. I am continually impressed with what this small but mighty group accomplishes with limited resources in a challenging environment. The dedication and commitment of the Board of Directors and staff is inspirational.

Most recently I had the opportunity to facilitate their Board Retreat working with staff and board members as they envisioned the future of their organization and began development of their plan to make that vision a reality.

The Animal Protection of New Mexico (APNM) developed an initiative called "Humane Communities" and recognized the impactful work of this group by selecting them as one of the first communities to participate. Collaborating with APNM the ASPCA provided funding to support the initiative in Las Vegas and the work of the Animal Welfare Coalition of Northeast New Mexico.

In closing, from personal experience I wholeheartedly recommend funding the work of this organization.

Sincerely,

A handwritten signature in cursive script that reads "Karen Medicus".

Karen Medicus
ASPCA, Senior Director, Shelter Outreach
Karen.medicus@aspca.org
512-358-7005



Animal Protection of New Mexico
Making sure animals matter in every New Mexico community.

September 12, 2018

To Whom it May Concern:

Animal Protection of New Mexico (APNM), a statewide animal protection and advocacy organization with more than forty years of success, fully and confidently supports the Animal Welfare Coalition of Northeastern New Mexico (AWC) in its animal sheltering services, outreach programs, and many other efforts to improve the lives of animals in the community.

As a program manager with APNM, I have had the pleasure of working closely with AWC as our chosen partners in APNM's Humane Communities: Las Vegas Initiative, a pilot program that was awarded a generous grant from American Society for the Prevention of Cruelty to Animals (ASPCA). With the additional resources and guidance available as a Humane Communities partner, AWC has increased its capacity to provide expanded services to animals in the shelter and the community, including free spay/neuter and vaccination clinics, free straw for animals living outdoors year-round, preventative and necessary veterinary medical care for animals in need, training for law enforcement and Animal Control Officers, public education, and more. APNM hosted last year's AWC Board Retreat, facilitated by Karen Medicus, then a Senior Director and Grant Officer with the ASPCA; the demonstrated commitment and passionate dedication of the AWC Board of Directors and Staff is inspirational, compelling, and evident in all of the organization's endeavors in fulfillment of its mission.

Last month, AWC celebrated its fifth successful year as an invaluable community resource and the charitable nonprofit operating the AWC Pet Center and Las Vegas Animal Shelter under an open admission contract with the City of Las Vegas and surrounding San Miguel County. APNM highly recommends AWC as an organization of integrity, expertise, and professionalism to receive the support and funding from individuals, foundations, and other nonprofits, including federal, state and local agencies.

Sincerely,

Eileen McCarthy
Program Manager

September 12, 2018

To Whom it May Concern,

I am associate veterinarian and medical director of VCA Arrighetti Animal Hospital. Our clinic has worked with Animal Welfare Coalition of Northeastern New Mexico since 2016. AWC has been a responsible partner in fostering, medical care and finding "forever homes" for numerous strays, abandoned and neglected dogs and cats San Miguel county. AWC provides support for the community in Las Vegas, New Mexico by providing low cost spay and neutering services, vaccinations, nutrition support for pets, and testing and treatment for gastrointestinal and ectoparasites. AWC volunteers provide behavioral training and individual care for these animals increasing their chances of finding forever home. AWC had a live release rate of 91% in 2017 showing that they are committed to placing these animals in good permanent homes. In addition, AWC helps educate the people of Las Vegas about being responsible caregivers for their pets therefore increasing the happiness of the whole community.

It has been a pleasure to work with Animal Welfare Coalition of Northeastern New Mexico



Julie Newman, DVM

Medical Director

VCA Arrighetti Animal Hospital

1882 Plaza del Sur

Santa Fe, NM 87505

September 15, 2018

To Whom It May Concern,

I am Practice Manager of Petroglyph Animal Hospital in Albuquerque, NM. Our clinic has been assisting the Animal Welfare Coalition of Northeastern New Mexico with some of their most urgent medical cases since 2016.

I am consistently impressed with Tina and her team. No matter the late hour, difficult situation, or heartbreaking outcome, each person I have come in contact with displays compassion and a determination to achieve the best outcome for each animal. It really is in the worst circumstances that people have the chance to show you their best, and the AWC staff always shines.

On a personal note, I have participated in several in-the-trenches outreach events with AWC and NMDOG. Tina, as AWC's representative in the community, understands the importance of acting as a partner with law enforcement, municipal and county animal control officers, and the community, doing so with the right amounts of tact and tenacity.

I wholeheartedly endorse the Animal Welfare Coalition of Northeastern New Mexico for whatever grant or funding they need to maintain their vital place in their community, or to expand their excellent example elsewhere.

Regards,



Pat Anderson, CVPM, CPDT-KA
Practice Manager

September 15th, 2018

To Whom it May Concern:

My name is Sam Blankenship and I have been the Adoption & Operations Director at Animal Humane New Mexico the past nine years. In those nine years, I've been blessed to partner with shelters around New Mexico to assist with population management and community affairs.

Over the past few years, the team at the Las Vegas Animal Welfare Coalition and my agency have worked closely to help resolve over population within the northeast portion of our state. The team at LVAWC is dedicated to the mission, honest, and reliable.

We currently work with 25 shelters across the state and often witness shelters sit stagnant while shelter standards continue to develop. LVAWC is not one of those shelters. The team there is attentive to the ever-changing standards and maintains their standards as such.

I have often visited the shelter and have been greeted with open arms and access to all portions of their campus. The pets at their facility are cared for by loving hands and their reactions to their handlers speak on behalf of that.

In closing, from my experience working with Las Vegas and their pets, I fully support their mission and recommend funding for this organization.

Sincerely,

A handwritten signature in black ink, appearing to read 'S - B', with a stylized flourish extending to the right.

Sam Blankenship

Adoption Operations Director

samb@animalhumanenm.org

505-255-5523 ext. 134

9/12/2018



Humane Society

Pikes Peak Region

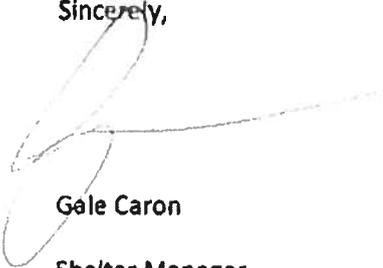
To Whom It May Concern:

I am writing this letter on behalf of Animal Welfare Coalition Pet Center who the Humane Society of the Pikes Peak Region (HSPPR) has been transfer partners with since March 2015. We have enjoyed and appreciated the wonderful relationship we have been able to develop with AWC over the past 5+ years resulting in the transfer of 978 dogs to HSPPR!

Martina and members of her team have attended a variety of trainings hosted by HSPPR in regards to better understanding canine behavior as well as best practices for health, sanitation and intake protocols for vaccinations and de-worming.

Martina as well as any staff or volunteers we have had the pleasure of working with have always displayed the highest level of professionalism. From our perspective AWC has presented itself as a responsible organization with sound animal welfare and care practices in place.

Sincerely,



Gale Caron

Shelter Manager

Humane Society of the Pikes Peak Region

610 Abbot Lane • Colorado Springs, Colorado 80905 • 719.473.1741 • 719.444.0179 • www.hisppr.org

Campus locations in Pueblo, Colorado Springs, Douglas County, and Centennial

Regular or Special

CITY COUNCIL MEETING AGENDA REQUEST

DATE: September 28, 2018 DEPT: Community Development MEETING DATE: October 17, 2018

ITEM/TOPIC:

Resolution No. 18-37. Abatement of nuisances located at 1309 6th Street.

ACTION REQUESTED OF COUNCIL:

Approval/Disapproval of Resolution No. 18-37. Abatement of nuisances located at 1309 6th Street.

BACKGROUND/RATIONALE:

Property noted above has several nuisances on the property. The property has not been cleaned or maintained for several months, creating a hazard to the public health, welfare, and safety.

STAFF RECOMMENDATION:

Approval of Resolution No. 18-37

COMMITTEE RECOMMENDATION:

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.

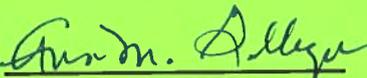

SUBMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:



TONITA GURULE-GIRON
MAYOR

TANA VEGA, INTERIM
FINANCE DIRECTOR
(PROCUREMENT)



ANN MARIE GALLEGOS,
INTERIM CITY MANAGER

PURCHASING AGENT
(FOR BID/RFP AWARD)

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

**CITY OF LAS VEGAS
RESOLUTION NO. 18-37**

A RESOLUTION DECLARING 1309 6TH STREET WHICH IS OWNED AND CONTROLLED BY ROBERT HANFORD DALTON TO BE DANGEROUS, COVERED WITH RUINS, RUBBISH, WRECKAGE AND DEBRIS AND A NUISANCE REQUIRING ABATEMENT

WHEREAS, pursuant to Section 3-18-5, NMSA, 1978, whenever any building or structure is ruined, or any premise is covered with ruins, rubbish wreckage or debris, the governing body of a municipality may by resolution find that the ruined, damaged and dilapidated building, structure or premises is a menace to the public comfort, health, peace or safety and require the removal from the municipality the building, structure, ruins, rubbish, wreckage or debris; and

WHEREAS, the Las Vegas City Council has received evidence from the Community Development Department/Code Enforcement as to the condition of a parcel of land described herein, which are owned, occupied or controlled by Robert Hanford Dalton, whose address is 502 Baca Avenue, Las Vegas NM 87701., according to the records at the San Miguel County Assessor's Office and described in said records as "Harold and Reynolds Addition Lot 23-24 Block 3 (Parcel ID: 1-095-093-031-420.

WHEREAS, the property is a public nuisance and the premises are a menace to the public comfort, health, peace or safety of the community and is in violation of City of Las Vegas Ordinance 301 Sections 6 Nuisance Declared; Unsanitary Premises (B); Hazardous Premises (C); Accumulation of Solid Waste (D); Dangerous/Unsafe Buildings or Structures (H). Items stored on the premises and visible from the public right of way in violations of City ordinances include but are not limited to boards, tires, plastic, metal, couches, construction cones, ropes, cables, couches, computer chairs, and other items that are not clearly visible.

WHEREAS, the City sent certified mail to the property owner noted above. Certified Mail was returned unclaimed. Notices were also hand delivered to the property owner Robert Hanford Dalton.

WHEREAS, proper notices served upon certified mail and on the property included: a Notice of Violation on April 16, 2018; a Red Tag Notice of Violation on June 20, 2018; a Notice of Pending Abatement on July 26, 2018. In the face of these notices, the nuisances remain and continue to pose a hazard to health, welfare, and safety of the public. Notices and Red Tags allowed for a Total of 119 days to correct the violations noted above.

NOW, THEREFORE, the City Council, the governing body of the City of Las Vegas, New Mexico does hereby resolve:

A. That the above described parcel of land is a nuisance pursuant to Section 3-18-5, NMSA, 1978, is a menace to the public comfort, health, peace or safety and requires

abatement as follows: All solid waste, rubbish and debris as described above and any other materials in violation of the Ordinance described above shall be removed from the property and properly disposed of.

B. The City shall serve a copy of this resolution on the owner, occupant or agent, including Robert Hanford Dalton, in charge of the premises as shown by the records of the County Assessors. If the owner occupant or agent in charge of the building, structure or premises cannot be served within the municipality, a copy of the resolution shall be posted on the building, structure or premises and a copy of the resolution shall be published one time.

C. Thereafter, and within ten (10) days after receipt of a copy of this resolution or of the posting and publishing of a copy of the resolution, the owner occupant or agent, in charge of the building, structure or premises shall commence removing the ruins, rubbish, wreckage and debris or file a written objection with the Municipal Clerk asking for a hearing before the governing body of the City of Las Vegas. .

D. That if a written objection is filed, the Governing Body shall follow the provisions as set forth of 3-18-5 D. NMSA 1978; fix a date for a hearing in its resolution and objection; consider all evidence for and against the removal resolution at the hearing; and determine if its resolution should be enforced or rescinded.

E. Any person aggrieved by the determination of the governing body may appeal to the district court by: giving notice of appeal to the governing body within 5 days after the determination made by the governing body; filing a petition in the district court within twenty days after the determination made by the governing body. The district court shall hear the matter de novo and enter judgment in accordance with its findings.

F. If the owner occupant or agent in charge of the building, structure or premises fails to commence removing the ruins, rubbish wreckage and debris as provided under NMSA 3-18-5 F, the municipality may remove ruins, rubbish wreckage and debris at the cost and expense of the owner. The reasonable cost of removal shall constitute a lien against the building, structure, ruins, rubbish wreckage and debris so removed and against the lots or parcels of land from which it was removed. The lien shall be foreclosed in the manner provided in sections 3-36-1 through 3-36-6 NMSA 1978.

G. The municipality may pay for the costs of removal of any condemned building, structure, wreckage, rubbish or debris by granting to the person removing such materials, the legal title to all salvageable materials in lieu of all other compensation.

H. Any person or firm removing any condemned building, structure, wreckage, rubbish or debris shall leave the premises from which the material has been removed in a clean, level and safe condition, suitable for further occupancy or construction and with all excavations filled.

PASSED, APPROVED AND ADOPTED THIS _____ DAY OF _____ 2018

Tonita Gurulé-Girón, Mayor

ATTEST:

Cassandra Fresquez, City Clerk

REVIEWED AND APPROVED BY:

Esther Garduno-Montoya, City Attorney

CITY COUNCIL MEETING AGENDA REQUEST

DATE: 09/27/18 DEPT: Public Works/Airport MEETING DATE: 10/17/18

ITEM/TOPIC: Resolution No. 18-41 assuring the availability of matching funds for the Plan and Design, Construction Management, and Construction of the Municipal Airport SRE Building, for the storage of the Snow Removal Equipment as per FAA agreement. Total cost of the project = \$89,100.00, State match = \$81,000.00, City share = \$8,100.00.

ACTION REQUESTED OF COUNCIL: Approval / Disapproval of Resolution No. 18-41.

BACKGROUND/RATIONALE: As part of the NMDOT Aviation Agreement, it is required that a Resolution of support from the Local Governing Body, assuring matching funding availability, accompany the agreement. In complying with the criteria, staff is requesting that this Resolution be approved for the Plan and Design, Construction Management, and Construction of the SRE Building. Budgetary provisions have been made by the Public Works Department for this project in the 2018/2019 fiscal year.

STAFF RECOMMENDATION: Approval of Resolution No. 18-41.

COMMITTEE RECOMMENDATION: N/A

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,
INERIM CITY MANAGER

TANA VEGA
INTERIM FINANCE DIRECTOR
(PROCUREMENT)

PURCHASING AGENT

CITY ATTORNEY
(ALL CONTRACTS MUST BE
REVIEWED)

**CITY OF LAS VEGAS
RESOLUTION NO. 18-41**

A resolution supporting the New Mexico Department of Transportation Aviation Division, Project No. (LVS-19-01), for the Plan and Design Construction Management of the Las Vegas Municipal Airport SRE Building Modifications.

WHEREAS, the total cost of the project is \$89,100.00. State share is 90%, which is \$81,000.00 and City match is 10%, which is \$8,100.00 and;

WHEREAS, the City of Las Vegas Governing Body has declared modifications that are needed to the SRE building as per FAA agreement for sheltering of Snow Removal Equipment and;

WHEREAS, the City of Las Vegas will work in accordance with the funding requirements of the NMDOT Aviation Division, Project No. (LVS-19-01) and has budgeted \$8,100.00, which is 10% of the total project cost.

NOW, THEREFORE, BE IT RESOLVED by the local governing body of the City of Las Vegas, that the NMDOT Aviation Division Agreement for the above funding, be submitted to the NMDOT Aviation Division.

PASSED, APPROVED, AND ADOPTED this _____ day of October, 2018.

CITY OF LAS VEGAS

TONITA GURULE-GIRON
Mayor

ATTEST:

CASANDRA FRESQUEZ,
CITY CLERK



U.S. Department of Transportation
Federal Aviation Administration

SPONSOR COPY

Agreement / Contract
No. 3349-17
City of Las Vegas
Date

GRANT AGREEMENT

PART I - OFFER

Date of Offer SEP 11 2017

Airport/Planning Area Las Vegas Municipal

AIP Grant Number 3-35-0025-015-2017

DUNS Number 021232723

TO: City of Las Vegas
(herein called the "Sponsor")

FROM: **The United States of America**(acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated September 1, 2017, for a grant of Federal funds for a project at or associated with the Las Vegas Municipal Airport, which is included as part of this Grant Agreement; and

WHEREAS, the FAA has approved a project for the Las Vegas Municipal Airport (herein called the "Project") consisting of the following:

Acquire Snow Removal Equipment
which is more fully described in the Project Application.

NOW THEREFORE, According to the applicable provisions of the former Federal Aviation Act of 1958, as amended and re-codified, 49 U.S.C. § 40101, et seq., and the former Airport and Airway Improvement Act of 1982 (AAIA), as amended and re-codified, 49 U.S.C. § 47101, et seq., (herein the AAIA grant statute is referred to as "the Act"), the representations contained in the Project Application, and in consideration of (a) the Sponsor's adoption and ratification of the Grant Assurances dated March 2014, and the Sponsor's acceptance of this Offer; and, (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurances and conditions as herein provided.

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay ninety (90) percent of the allowable costs incurred accomplishing the Project as the United States share of the Project.

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

CONDITIONS

- 1. Maximum Obligation.** The maximum obligation of the United States payable under this Offer is **\$501,712.00.**

The following amounts represent a breakdown of the maximum obligation for the purpose of establishing

- 10. United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.
- 11. System for Award Management (SAM) Registration And Universal Identifier.**
- A. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).
 - B. Data Universal Numbering System: DUNS number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D & B) to uniquely identify business entities. A DUNS number may be obtained from D & B by telephone (currently 866-705-5771) or on the web (currently at <http://fedgov.dnb.com/webform>).
- 12. Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi e-Invoicing System for Department of Transportation (DOT) Financial Assistance Awardees.
- 13. Informal Letter Amendment of AIP Projects.** If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000 or five percent (5%), whichever is greater, the FAA can issue a letter amendment to the Sponsor unilaterally reducing the maximum obligation.
- The FAA can also issue a letter to the Sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun provided it will not exceed the statutory limitations for grant amendments. The FAA's authority to increase the maximum obligation does not apply to the "planning" component of condition No. 1.
- The FAA can also issue an informal letter amendment that modifies the grant description to correct administrative errors or to delete work items if the FAA finds it advantageous and in the best interests of the United States.
- An informal letter amendment has the same force and effect as a formal grant amendment.
- 14. Air and Water Quality.** The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this agreement.
- 15. Financial Reporting and Payment Requirements.** The Sponsor will comply with all federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.
- 16. Buy American.** Unless otherwise approved in advance by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract.
- 17. Maximum Obligation Increase For Non-primary Airports.** In accordance with 49 U.S.C. § 47108(b), as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:
- A. May not be increased for a planning project;
 - B. May be increased by not more than 15 percent for development projects;

22. Exhibit "A" Property Map. The Exhibit "A" Property Map dated _____, is incorporated herein by reference or is submitted with the project application and made part of this grant agreement.

23. Employee Protection from Reprisal.

A. Prohibition of Reprisals –

1. In accordance with 41 U.S.C. § 4712, an employee of a grantee or sub-grantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph (A)(2), information that the employee reasonably believes is evidence of:
 - i. Gross mismanagement of a Federal grant;
 - ii. Gross waste of Federal funds;
 - iii. An abuse of authority relating to implementation or use of Federal funds;
 - iv. A substantial and specific danger to public health or safety; or
 - v. A violation of law, rule, or regulation related to a Federal grant.
2. Persons and bodies covered: The persons and bodies to which a disclosure by an employee is covered are as follows:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Federal office or employee responsible for oversight of a grant program;
 - v. A court or grand jury;
 - vi. A management office of the grantee or sub-grantee; or
 - vii. A Federal or State regulatory enforcement agency.
3. Submission of Complaint – A person who believes that they have been subjected to a reprisal prohibited by paragraph A of this grant term may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation.
4. Time Limitation for Submittal of a Complaint - A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.
5. Required Actions of the Inspector General – Actions, limitations and exceptions of the Inspector General's office are established under 41 U.S.C. § 4712(b)
6. Assumption of Rights to Civil Remedy - Upon receipt of an explanation of a decision not to conduct or continue an investigation by the Office of Inspector General, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c).

24. ARFF and SRE Equipment and Vehicles. The Sponsor agrees that it will:

- A. House and maintain the equipment in a state of operational readiness on and for the airport;
- B. Provide the necessary staffing and training to maintain and operate the vehicle and equipment;
- C. Restrict the vehicle to on-airport use only;
- D. Restrict the vehicle to the use for which it was intended; and
- E. Amend the Airport Emergency Plan and/or Snow and Ice Control Plan to reflect the acquisition of the vehicle and equipment.

25. Equipment Acquisition. The Sponsor understands and agrees that any equipment acquired through this grant is considered a *facility* as that term is used in the Grant Assurances. Further, the equipment must be only operated by the Sponsor. The Sponsor agrees that it will maintain the equipment and use it exclusively at the airport for airport purposes.

PART II - ACCEPTANCE

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

I declare under penalty of perjury that the foregoing is true and correct.¹

Executed this 20th day of September 2017.

City of Las Vegas

(Name of Sponsor)

Tonita Gurule-Giron

(Signature of Sponsor's Authorized Official)

By:

Tonita Gurule-Giron

(Typed Name of Sponsor's Authorized Official)

Title:

Mayor

(Title of Sponsor's Authorized Official)

CERTIFICATE OF SPONSOR'S ATTORNEY

I, Corinna Laszlo-Henry acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of New Mexico. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at Las Vegas (location) this 20th day of September

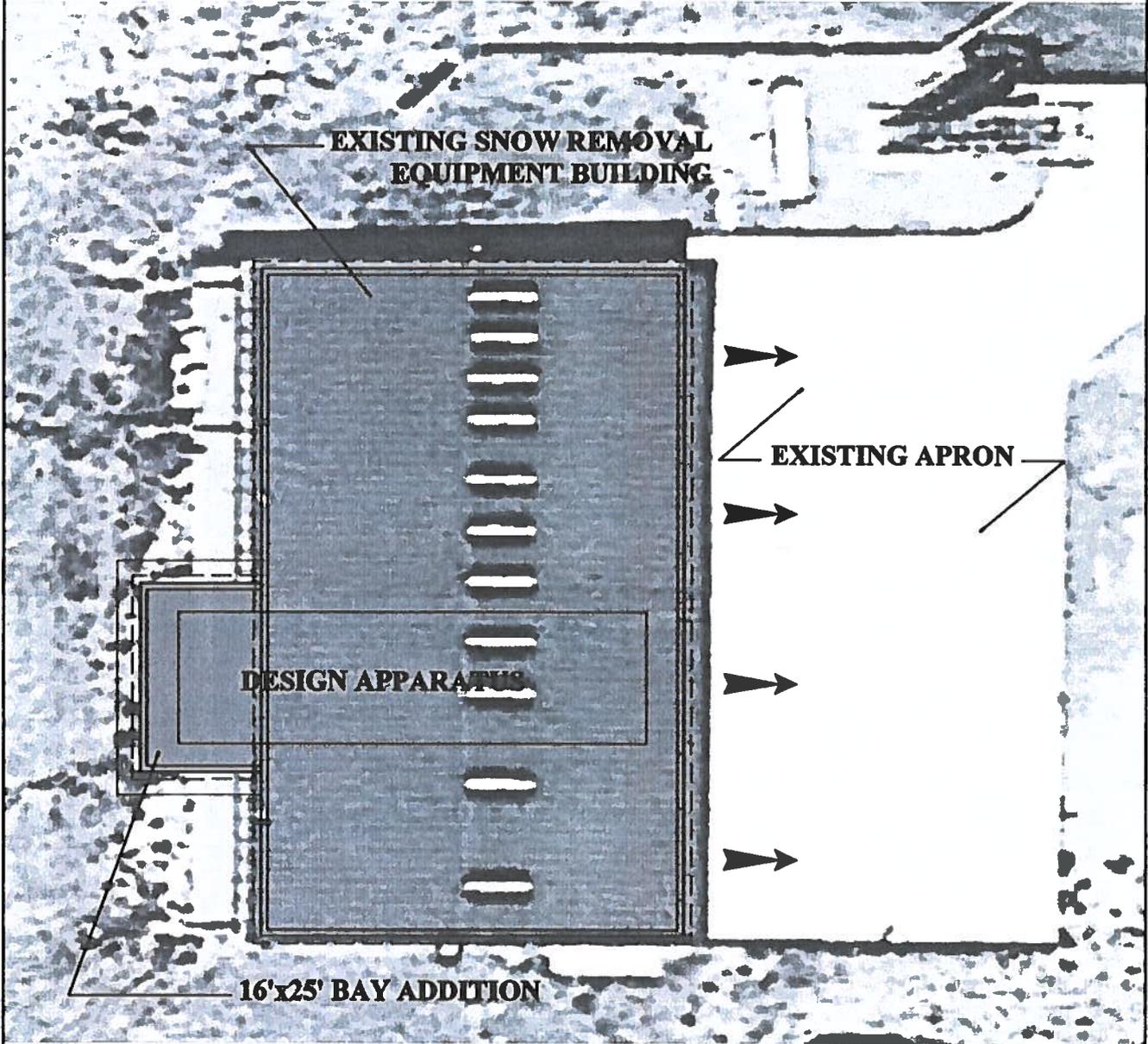
By:

Corinna Laszlo-Henry

(Signature of Sponsor's Attorney)

¹Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

LAST MODIFIED: Jan 19, 2018 - 3:00pm BY USER: jellford
DWG. LOCATION: I:\LASVGCAS2017 Arch Render\Snow Removal
DWG. NAME: LVG SRE sketched.rvt



Snow Removal Equipemnt Building Improvements - Las Vegas Municipal Airport

MOLZENCORBIN

Site Plan Sketch

June 19, 2018

Las Vegas Municipal Airport (LVS)

Snow Removal Equipment Building Improvements

Schematic Probable Costs

Qty	Description	Unit	\$/Unit	Subcontractor Total Incl. O&P	
Division 2 - Existing Conditions					
0.03	Site Clearing and Grubbing	AC	5,425.00	149.45	
1	Remove and dispose of oil separator and adjust piping/cleanouts	Ea.	1,500.00	1,500.00	
400	Remove and dispose of metal building wall section incl. paneling, insulation, and framing	S.F.	2.50	1,000.00	
15	Remove and reinstall casework	L.F.	20.00	300.00	
1	Remove and reinstall louvre (patch existing opening to match adj. construction)	Ea.	1,500.00	1,500.00	
6	Remove and reinstall electrical components	Ea.	500.00	3,000.00	
200	Remove and dispose of gyp board	S.F.	1.00	200.00	
2	Reconfigure Downspouts	Ea.	250.00	500.00	
				Division Subtotal	8,149.45
Division 3 - Concrete					
19	4" sidewalk apron at addition to control drainage	S.Y.	50.00	972.22	
44	7" reinforced slab, sloped to existing drain	S.Y.	70.00	3,111.11	
4	Column Bases	Ea.	495.00	1,980.00	
				Division Subtotal	6,063.33
Division 5 - Metals					
11	Steel Columns/main beams, framed opening members	Ea.	350.00	3,850.00	
1,312	Secondary framing	S.F.	3.00	3,936.00	
400	Steel Erection and miscellaneous connections	S.F.	7.50	3,000.00	
				Division Subtotal	10,786.00
Division 7 - Thermal and Moisture Protection					
1,312	Metal roof and wall paneling	S.F.	6.25	8,200.00	
1,312	Vinyl faced batt insulation @ walls & ceiling	S.F.	1.16	1,521.92	
1	Gutter and downspout	Lump Sum	1,000.00	1,000.00	
250	Sealants	L.F.	2.03	507.50	
				Division Subtotal	11,229.42
Division 9 - Finishes					
456	8' high water resistant type X gypsum board on sub framing	S.F.	1.99	907.44	
500	Paints & coatings, metal	L.F.	1.54	770.00	
456	Paints & coatings, Gyp board	L.F.	0.66	300.96	
				Division Subtotal	1,978.40
Division 26 - Electrical					
1	Lighting Package, materials and fixtures	Job	1,000.00	1,000.00	
1	Lighting Package, installed	Ea.	500.00	500.00	
0	Power & wiring distribution	Ea.	#DIV/0!	0.00	
				Division Subtotal	1,500.00
Division 31 - Earthwork					
1	Site Grading	Lump Sum	1,000.00	1,000.00	
44	Base Course	S.Y.	16.00	711.11	
		Ea.	#DIV/0!	0.00	
				Division Subtotal	711.11
Division 32 - Exterior Improvements					
1	Oil separator	Ea.	7,275.00	7,275.00	
				Division Subtotal	7,275.00
Division 33 - Sewer					
100	3" HDPE SD pipe	L.F.	10.00	1,000.00	
				Division Subtotal	1,000.00
ALLOWANCES					
	Utility Service Allowance Schedule				
	Storm water Reconfigure	Lump Sum		0.00	
	Phone/Data/IT Service	Lump Sum		0.00	
	SWPPP	Lump Sum		0.00	
Subcontractors Total				\$ 49,692.71	
G/C Fees (Location, Overhead, Profit, Mobilization, Testing, Traffic control, Construction staking)				30% \$ 14,907.81	
Construction Cost/SF				\$ - SUB-TOTAL \$ 64,600.53	
Gross Receipts Tax 2018				8.396% \$ 5,423.73	
Construction Total				\$ 70,024.26	
Design Fees w/tax				Lump Sum \$ 10,503.64	
Art In Public Places				Lump Sum \$ -	
Project Contingencies				10% \$ 7,002.43	
Gross Receipts Tax				7.8750% \$ 1,378.60	
SUB-TOTAL				\$ 18,884.67	
Project Total				\$ 88,908.93	

Regular or Special

CITY COUNCIL MEETING AGENDA REQUEST

DATE 10/01/2018

DEPT: Finance

MEETING DATE: 10/17/2018

ITEM/TOPIC: Resolution 18-43

ACTION REQUESTED OF COUNCIL: Approval/Disapproval of Resolution 18-43

BACKGROUND/RATIONALE: The City of Las Vegas is requesting increases to the FY2019 Budgeted revenues, expenditures, transfers to and from within various funds of the FY2019 Budget.

STAFF RECOMMENDATION: Approval

COMMITTEE RECOMMENDATION:

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



TANA VEGA, INTERIM
FINANCE DIRECTOR
(PROCUREMENT)



ANN MARIE GALLEGOS,
INTERIM CITY MANAGER

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 18-43
FISCAL YEAR 2018-2019
BUDGET ADJUSTMENT REQUEST

WHEREAS, The Governing Body in and for the Municipality of Las Vegas, State of New Mexico has developed a budget adjustment request for fiscal year 2018-2019; and

WHEREAS, said budget adjustment request was developed on the basis of need and through cooperation with all user departments, elected officials and other department supervisors, please see attached schedule; and

WHEREAS, the City of Las Vegas is in need of making budget adjustments in the 2018-2019 fiscal year budget; to include an increase of \$60,000 in Lodgers Tax, \$24,999 CLG Grant funding, \$111,959 - Senior Ctr. Legislative Appropriation, \$573,506 in Coop. Projects, \$4,090,681 NMFA Loan Proceeds, and \$378,239 in Aviation Grant Funding.

WHEREAS, it is the majority opinion of this governing body that the budget adjustment request is approved and meets the requirements as currently determined for fiscal year 2018-2019;

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Municipality of the City of Las Vegas, State of New Mexico hereby approves the budget adjustment request herein above described and respectfully requests approval from the Local Governing Division of the Department of Finance and Administration.

RESOLVED: In session this 17th day of October, 2018.

Tonita Gurule-Giron, Mayor

ATTEST:

Casandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

Esther Garduno Montoya, City Attorney

CITY OF LAS VEGAS
 RESOLUTION #18-43
 BUDGET ADJUST REQUEST
 FISCAL YEAR 2019

Resolution 18-43	Fund	Revenues	Transfers	Expenditures	
Lodgers Tax	202-0000-100-1101 Cash	\$ 60,000.00		\$ -	c/o 2018 Cash Balance
Lodgers Tax	202-0000-750-7317 Publications & Adv/		\$ -	\$ 60,000.00	LodgersTax Recommendation
CLG Grant	218-0000-500-5000 Revenue	\$ 24,999.00	\$ -	\$ -	Grant Revenue
CLG Grant	218-0000-710-7305 Expenditure		\$ -	\$ 24,999.00	Professional Services
SpecLegApprop	217-0000-430-5400 Legislative Revenue	\$ 101,100.00			Legislative Appropriation
SpecLegApprop	217-0000-780-8079 Site Improvements			\$ 101,000.00	Parking Lot Improvements
Co-op Projects	214-0000-100-1101 Cash	\$ 274,711.00			c/o 2018 Cash Balance
Co-op Projects	214-0000-720-8000 MAP 7647 (911)			\$ 274,711.00	Planning/Design/Construction Mountainview Dr. 7th to Grand
Co-op Projects	214-0000-430-5000 SP-19(957)	\$ 190,485.00			Dept of Transportation-Revenue
Co-op Projects	214-0000-720-8000 Expenditure SP-19(957)	\$ -		\$ 253,980.00	West NatIst to South Pacific St
Co-op Projects	214-0000-100-1101 Cash	\$ 33,611.00		\$ -	c/o 2018 Cash Balance
Co-op Projects	214-0000-720-8000 Expenditure SP-4-18(907)			\$ 44,815.00	Design of West NatIst to South
Senior Programs	282-6300-400-5000 Senior Employ Prog Grant	\$ 10,959.00			Senior Employment Program
Senior Programs	282-6300-600-6000 Senior Employ Prog			\$ 10,959.00	Senior Employment
Water Revenues	646-0000-400-5000 NMFA Loan Proceeds	\$ 4,090,681.00			Loan Proceeds
Water	646-0000-700-8000 Water Storage			\$ 4,090,681.00	Water Storage Rights
Water	646-0000-890-9000 Transfer Out		\$ (447,108.00)		Transfer to 645
Water DebtServ	645-0000-610-8000 Debt Service-Prin & Int			\$ 447,108.00	Principal & Interest NMFA
Water DebtServ	645-0000-890-9000 Transfer In		\$ 447,108.00		Transfer from 646
Rehab Airport	433-0000-400-5000 Fed Aviation Lighting Proj	\$ 269,139.00			Federal Aviation Grant
Rehab Airport	433-0000-700-8000 Lighting Project-Airport			\$ 269,139.00	Lighting Project
Rehab Airport	433-0000-400-5000 Fed Aviation-Blding Proj	\$ 89,100.00			Federal Aviation Grant
Rehab Airport	433-0000-700-8000 Building Modifications			\$ 89,100.00	Building Modifications
Rehab Airport	433-0000-400-5000 Fed Aviation-Supp&Matls	\$ 20,000.00			Federal Aviation Grnt
Rehab Airport	433-0000-700-8000 Supplies & Materials		\$ -	\$ 20,000.00	Building supplies & Matls.
Total		\$ 5,164,785.00	\$ -	\$ 5,686,492.00	

Regular or Special

CITY COUNCIL MEETING AGENDA REQUEST

DATE: 10/9/2018 **DEPT:** Community Development **MEETING DATE:** 10/17/2018

ITEM/TOPIC: Resolution request 18-42 to continue support of the Amtrak Southwest Chief Passenger Service through Las Vegas, New Mexico.

ACTION REQUESTED OF COUNCIL: Approval or disapproval of Resolution request 18-42 to continue support of the Amtrak Southwest Chief Passenger Service through Las Vegas, New Mexico.

BACKGROUND/RATIONALE: The City of Las Vegas is requesting the approval to continue support of Amtrak passenger services as the Southwest Chief is currently in jeopardy of continuing the service through New Mexico, specifically through Raton, Las Vegas and Lamy.

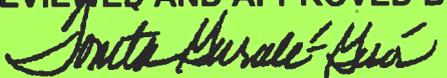
STAFF RECOMMENDATION: Consideration by Mayor and Council.

COMMITTEE RECOMMENDATION:

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

TANA VEGA, INTERIM
FINANCE DIRECTOR
(PROCUREMENT)


ANN MARIE GALLEGOS,
INTERIM CITY MANAGER

PURCHASING AGENT
(FOR BID/RFP AWARD)

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

**CITY OF LAS VEGAS
CITY COUNCIL
RESOLUTION NO. 18-42**

**A RESOLUTION ENDORSING EFFORTS TO CONTINUE SUPPORT OF
THE AMTRAK SOUTHWEST CHIEF PASSENGER SERVICE THROUGH
LAS VEGAS, NEW MEXICO**

WHEREAS, Amtrak's Southwest Chief serves Northern New Mexico on its long distance route between Chicago, IL and Los Angeles, CA on the host railroad line of Burlington Northern Santa Fe;

WHEREAS, the Train Depot was built in the late 1800's and designed in the Spanish Mission Style and renovated in 2000 with \$1.2 million secured federal, state and private sources;

WHEREAS, eastbound and westbound trains stop at Las Vegas daily and served more than 4,487 New Mexico passengers in 2017;

WHEREAS, Amtrak provides a transportation link to the residents of northern New Mexico that is of growing importance and will likely become critical as rising energy prices curtail the attractiveness of driving and flying;

WHEREAS, the train is a key economic contributor to Las Vegas, New Mexico and Northern New Mexico, including the cities of Raton, Santa Fe, and Lamy;

WHEREAS, railway freight traffic has declined, thereby reducing monies customarily set aside for rail maintenance and consequently forcing travel at lower speeds;

WHEREAS, it has been estimated that the rail traversed by the Southwest Chief is in immediate need of more than \$100 million in rail repairs in three states, including New Mexico, in order to resume normal speeds;

WHEREAS, it has been further projected that rail repairs over the course of the entire rail will total \$300 million over the next ten years;

WHEREAS, Amtrak is unable to make said repairs given current fiscal conditions;

WHEREAS, the route of the Southwest Chief through Raton, Las Vegas, Lamy (Santa Fe) and Albuquerque is threatened by an alternative route under consideration that would reroute the train south from Newton, Kansas through the Texas Panhandle to New Mexico west of Albuquerque, bypassing Las Vegas;

WHEREAS, the Southwest Chief is of the utmost importance to the City of Las Vegas as community members, business owners, homeowners, and city government are investing in the revitalization of the Historic Railroad District;

WHEREAS, the Southwest Chief is important to the increase of historical tourism as the City of Las Vegas consists of over 900 buildings on the National Historic Registry;

WHEREAS, the Southwest Chief serves as one of three forms of transportation in and out of Las Vegas;

NOW THEREFORE, BE IT RESOLVED, THE MAYOR AND CITY COUNCIL OF THE CITY OF LAS VEGAS, to call upon the Governor of the State of New Mexico, members of the legislature of the State of New Mexico, and the congressional delegation of the State of New Mexico to strongly endorse continuation of Amtrak's current Southwest Chief route through Northern New Mexico.

PASSED, APPROVED AND ADOPTED THIS _____ DAY OF _____, 2018.

Tonita Gurulé-Girón, Mayor

ATTEST:

Casandra Fresquez, City Clerk

REVIEWED AND APPROVED BY:

Esther Garduño-Montoya, City Attorney