***Regular Governing Body Meeting***
**City of Rio Rancho**
**AGENDA**
**May 11, 2023**
**6:00 PM**
**Council Chambers**

**Governing Body Members**

| | |
|---|---|
| Greggory D. Hull, Mayor | Paul Wymer, Councilor District 4 |
| Jim Owen, Councilor District 1 | Karissa Culbreath, Councilor District 5 |
| Jeremy Lenentine, Councilor District 2 | Daniel Stoddard, Councilor District 6 |
| Bob Tyler, Councilor District 3 | |

**Meeting Information**
This meeting will be conducted in-person and virtually, as well as, streamed live on the City of Rio Rancho website at https://rrnm.gov/2303/Watch-and-Download-City-Meetings

Public comment on agenda items can be taken in-person or remotely via Zoom meeting software with the access information below.

Join by Computer:
https://us06web.zoom.us/j/85302353741?pwd=bWp1QXliSGJoeHhJaGVOczF4MDN0UT09
Meeting ID 853 0235 3741
Passcode 789419

Join by Phone:
Dial 1-720-707-2699 US then enter the Meeting ID and Passcode above

**Call to Order and Pledge of Allegiance**

**Proclamations and Awards of Merit**

**1.** Police Week & Peace Officers Memorial Day Proclamation

**Public Forum**
Public Forum is conducted pursuant to Section 30.06 Rio Rancho Municipal Code.

(A) Public forum.
1. Any person wishing to address the governing body on any item which is not on the agenda, shall register with the City Clerk within 15 minutes before the beginning of the meeting.
2. Speakers shall be recognized in the order of registration with the City Clerk.

(B) Manner of address.
1. Each person shall seek the recognition of the presiding officer.
2. Each person shall give his name and address.
3. Comments or questions shall be addressed to the governing body as a whole through the presiding officer and not to any members thereof.
4. No person shall enter into any discussion without the permission of the presiding officer.

(C) Time limit. The presiding officer may place a limit on the amount of time any person may speak after being recognized.

*Must be in-person to participate under Public forum. Remote access is not available.

**Comments by Councilors**

**Consent Calendar**
There will be no discussion of these items unless a Governing Body Member so requests, in which event the item will be moved to a discussion item on the regular agenda.

**2.** Minutes of April 18, 2023 Work Session Meeting
***Minutes of April 18, 2023 Work Session Meeting***
***Minutes of April 18, 2023 Work Session - Signed***

**3.** Minutes of April 27, 2023 Regular Meeting
***Minutes of April 27, 2023 Regular Meeting***
***Minutes of April 27, 2023 - Signed***

**4.** Minutes of April 28, 2023 Special Meeting
***Minutes of April 28, 2023 Special Meeting***
***Minutes of April 28, 2023 Special - Signed***

**5.** R64, Resolution Authorizing the Disposal of City Property Located at the Sandoval County Regional Emergency Communications Center
***Resolution***
***Exhibit A***
***R64 - Signed***

**6.** R65, Resolution Authorizing a Budget Adjustment to the Water Capital Improvement Fund (540) for the Design and Construction of Well 9 Water Transmission Line
***Resolution***
***R65 - Signed***

**7.** R66, Resolution Authorizing the Removal of Equipment and Parts Permanently Affixed to Capital Assets Retired and Disposed of in Prior Periods from the Capital Asset Records
***Resolution***
***Exhibit A_Fire Department.pdf***
***Exhibit B_Meadowlark Senior Center.pdf***
***R66 - Signed***

**8.** R67, Resolution Authorizing the Disposal of Obsolete and Non-Working Minor Equipment and Office Furniture
***Resolution***
***Exhibit A***
***R67 - Signed***

**Boards and Commissions**

**Public Hearings**

**9.** Public Hearing for Fiscal Year 2024 Budget

**10.** Public Hearing for Fiscal Years 2024-2029 Infrastructure Capital Improvement Plan (ICIP)

**Second Reading of Ordinances**

**11.** O9, Ordinance Granting Comcast a Non-Exclusive Franchise to Operate a Cable Television System and Other Services within the City Limits by Utilizing Public Places via the Payment of

Franchise Fees for a Period of 10 Years
***Ordinance***
***Notice of Publication***
***O9 Signed***

**First Reading of Ordinances**

**Discussion and Deliberation**

**12.** R68, Resolution in Support of the Library and Information Services Department and its Staff, Policies and Procedures
***Resolution***
***Library Overview PPT April 27 2023***
***Leo S. Lo***
***Shel Neymark***
***Spencer Naar***
***Valerie Nye***
***Bentley Clark***
***Caitlin Moreno***
***Christian Peshlakai***
***Nandini Pillai Kuehn***
***Jean Potabi***
***Amy DiBello.pdf***
***Davis Landd.pdf***
***Denise Mariman.pdf***
***Jessica Jones.pdf***
***Kimla McDonald.pdf***
***Linda Sainz.pdf***
***Melanie Pizzonia.pdf***
***Sharon Wood.pdf***
***Valerie Florez.pdf***
***Johanna Smith.pdf***
***Sharon Amastae.pdf***
***Alana Nowicki.pdf***
***Britta Herweg.pdf***
***Dr. Bill Smith.pdf***
***Gary Fenchel.pdf***
***George M. Wilson.pdf***
***Karen Miller.pdf***
***Karen Nesbit.pdf***
***Katherine I. Tynan.pdf***
***Madeline McConnell.pdf***
***Marian Frear.pdf***
***Mary Ellen S. Capek.pdf***
***Melissa Rethlefsen.pdf***
***Val Nye.pdf***
***Adrienne Warner.pdf***
***Mike Hessheimer.pdf***
***D. Robbins.pdf***
***Lynette Schurdevin.pdf***
***Joan Ward.pdf***
***Cheryl Mugleston.pdf***
***Linda Wolcott.pdf***
***Ari Wellman.pdf***
***Deborah Barnum.pdf***
***Deborah Caldwell Stone.pdf***
***Doc Dee.pdf***

*Emily Graham.pdf*
*Gale G. Hannigan.pdf*
*John Barnum.pdf*
*John Knapp.pdf*
*Lynda St. Clair.pdf*
*Mike Jackovich.pdf*
*Jo Harmon.pdf*
*Krystal Bartholomew.pdf*
*Shawn Squires.pdf*
*Dylan McDonald.pdf*
*Eli Guinnee.pdf*
*Janet Philips.pdf*
*Julia Clarke.pdf*
*Karen Schafer.pdf*
*Kathleen McClerry.pdf*
*Maria Velasco.pdf*
*Ruth and Steve Tetrev.pdf*
*Dean Smith.pdf*
*Deb Sierra.pdf*
*Dylan Brennan.pdf*
*Gail Pinkepank.pdf*
*Heidi Henderson.pdf*
*Jatinder Jay Bajwa.pdf*
*Adrienne Podlesny.pdf*
*Claudette Selph.pdf*
*David McGuffie.pdf*
*Lorrie Runnels.pdf*
*Michael Baron.pdf*
*Pamina Deutsch.pdf*
*Reverend Judy Deutsch.pdf*
*Reverend Nancy Hitt.pdf*
*Richard and Christine Foley.pdf*
*Sonny King.pdf*
*Sue Piland.pdf*
*Susan Sheldon.pdf*
*Terri Garner.pdf*
*Dr. Norm Dawson.pdf*
*Marcy Botwick.pdf*
*Norm Ruth.pdf*
*Raelynn Richardson.pdf*
*Kathy Barco.pdf*
*Kate Miller.pdf*
*R68 - Signed*

**City Manager**

**Comments by Councilors**

**Adjournment**

**CITY OF RIO RANCHO**
**COVER PAGE**

**Legislation Item:**

AGENDA DATE:
May 11, 2023

DEPARTMENT:
City Clerk

SUBJECT:
Police Week & Peace Officers Memorial Day Proclamation

BACKGROUND AND ANALYSIS:

IMPACT:

ALTERNATIVES:

DEPARTMENT RECOMMENDATION:

**CITY OF RIO RANCHO**
**COVER PAGE**

**Legislation Item:**

AGENDA DATE:
May 11, 2023

DEPARTMENT:
City Clerk

SUBJECT:
Minutes of April 18, 2023 Work Session Meeting

BACKGROUND AND ANALYSIS:

IMPACT:

ALTERNATIVES:

DEPARTMENT RECOMMENDATION:

ATTACHMENT: Minutes of April 18, 2023 Work Session Meeting
ATTACHMENT: Minutes of April 18, 2023 Work Session - Signed

*Governing Body*
of the
City of
Rio Rancho
Special
Work Session
**MINUTES**

APRIL 18, 2023
3:00 p.m.
Council Chambers

**MEMBERS PRESENT:**
Greggory D. Hull, Mayor
Jim Owen, Councilor Dist. 1
Jeremy Lenentine, Dist. 2
Bob Tyler, Councilor Dist. 3 (left at 3:30 p.m.)
Paul Wymer, Councilor Dist. 4
Karissa Culbreath, Councilor Dist. 5

**MEMBERS ABSENT:**
Daniel Stoddard, Councilor Dist. 6

**STAFF & SPECIAL GUEST PRESENT:**
Matt Geisel, City Manager
Peter Wells, Deputy City Manager
James DeFillippo, Fire Chief
Stewart Steele, Police Chief
BJ Gottlieb, Director of Public Works
Amy Rincon, Director of Development Svcs.
Daniel Valenzuela, IPRA Compliance Administrator

## CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Hull called the meeting to order at 3:00 p.m.

**Discussion**

1. Impact Fees Update

Ms. Rincon gave a brief overview and turned in over to Willdan Financial Services.

Kevin Burnett, Principal Consultant with Willdan Financial Services gave a brief update of Development Impact Fees. This is a one-time charge, imposed at the building permit stage on all new development projects within a defined geographic area and to fund new and expanded facilities and infrastructure to serve new development. The Governing Body has determined impact fees provide a reasonable method of regulating new development and pay its proportionate share of capital cost. Impact fees allow growth to pay for itself, rather than pass those cost to the existing community and as development occurs service levels will decrease for existing residents, unless new development mitigates its impact. Also, impact fees hold developers accountable for external cost and allow other ongoing revenue. He went over the Impact Fee Project Process.

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Carlos Villarreal, Principal with Willdan Financial Services went into detail on the methodology of impact fees, cost allocation methods, and the different Impact Fee categories. Mr. Villarreal explained the anticipated next steps:

- Staff review of ICIP and impact fee analysis
- August 15, 2023 Governing Body Work Session to review the Land Use Assumption
- October 23, 2023 the CIPCAC will provide input & recommendation on the Land Use Assumption and Impact Fee analysis
- November/December – The Governing Body will consider the Land Use Assumption and Impact Fee schedule

2. Roads Update

Mr. Gottlieb went over the projects completed, City assets review, neighborhood streets improvement program, project allocation, and project pipeline. There have been 33 Capital road projects completed since 2016 and 9 additional road projects anticipated to start or finish over the next year. The NSIP Patch & Seal project has implemented 7 in-house phases of road improvement work since its inception in 2017 with 83 centerline miles will be completed at the conclusion of Phase 7 in November 2023. The NSIP has also seen funding over 2 years for supplemental patch & seal implemented by a contractor. In FY24 budget there is a request for funding patch and seal in-house and supplemental for up to 20 miles. The hybrid mill has improved residential roads not qualifying for NSIP Patch and Seal Project. Mr. Gottlieb went over a couple proposed practice that may be more efficient and effective that staff believes would make the best impact.

3. General Obligation Bonds Presentation

Mr. Wells presented this item. The City has the opportunity to place General Obligation Bond questions on the March 5, 2024 ballot. Based on current property tax value estimates, $16M could be placed on the ballot via different bonds questions. If approved by voters, $16M would result in no property tax rate increase and if $18M was placed on the March 2024 ballot via different bond questions, the corresponding property tax rate increase would equate to approximately $22.98 for a property/home with a total appraised value of $300,000. If no bond questions were placed on the March 2024 ballot, the corresponding property tax rate decrease would initially equate to a reduction of approximately $88.98 for a property/home with a total appraised value of $300,000. Staff is recommending 3 bond questions for Public Safety, Quality of Life, and Facilities and Roads. The ICIP and long-range planning documents factor in continued use of bonds and maintaining a regular bonding cycle to address needs. Making consistent investments in public services, infrastructure and amenities is key to quality of life. Staff is proposing the following bond questions:

- Public Safety Bond: Public safety vehicles, equipment and facilities (police and fire/rescue) $4,200,000 Bond Question with $3,885,000 available for projects after accounting for required 1% for the Arts, bond issuance costs and

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contingency

- Quality of Life Facilities Bond: Park playground replacement and access improvements; library materials for the public and facility equipment $1,200,000 Bond Question and $1,068,000 available for projects after accounting for required 1% for the Arts, bond issuance costs and contingency
- Road Bond: Designing, constructing, repairing, rehabilitating, enhancing and otherwise improving roads and underlying utility infrastructure $10,600,000 Bond Question and $10,175,000 available for projects after accounting for required 1% for the Arts, bond issuance cost and contingency

Mr. Wells explained that staff is seeking consensus on recommendations or determining other options for the 2024 Bond funding. A community survey will be sent out in the summer to gauge support and input and review from the City's Citizen Parks and Recreation Commission, Library Board, and Public Infrastructure Advisory Board will be given on bond proposals and projects. In the Fall 2023, the Governing Body will need to approve via Resolution if they want to place Bond questions on March 2024 ballot, and the specific projects that would receive funding if approved by voters.

The meeting adjourned at 4:48 p.m.

APPROVED THIS MAY 11, 2023

_____

Greggory D. Hull, Mayor

ATTEST:

_____

Rebecca A. Martinez, City Clerk

(SEAL)

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*Governing Body*
City of Rio Rancho
Work Session
**MINUTES**
APRIL 18, 2023
3:00 p.m.
Council Chambers

**MEMBERS PRESENT:**
Greggory D. Hull, Mayor
Jim Owen, Councilor Dist. 1
Jeremy Lenentine, Dist. 2
Bob Tyler, Councilor Dist. 3 (left at 3:30 p.m.)
Paul Wymer, Councilor Dist. 4
Karissa Culbreath, Councilor Dist. 5

**MEMBERS ABSENT:**
Daniel Stoddard, Councilor Dist. 6

**STAFF & SPECIAL GUEST PRESENT:**
Matt Geisel, City Manager
Peter Wells, Deputy City Manager
James DeFillippo, Fire Chief
Stewart Steele, Police Chief
BJ Gottlieb, Director of Public Works
Amy Rincon, Director of Development Svcs.
Daniel Valenzuela, IPRA Compliance Administrator

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Mr. Wells explained that staff is seeking consensus on recommendations or determining other options for the 2024 Bond funding. A community survey will be sent out in the summer to gauge support and input and review from the City's Citizen Parks and Recreation Commission, Library Board, and Public Infrastructure Advisory Board will be given on bond proposals and projects. In the Fall 2023, the Governing Body will need to approve via Resolution if they want to place Bond questions on March 2024 ballot, and the specific projects that would receive funding if approved by voters.

The meeting adjourned at 4:48 p.m.

APPROVED THIS MAY 11, 2023

Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk

(SEAL)

**CITY OF RIO RANCHO**
**COVER PAGE**

**Legislation Item:**

AGENDA DATE:
May 11, 2023

DEPARTMENT:
City Clerk

SUBJECT:
Minutes of April 27, 2023 Regular Meeting

BACKGROUND AND ANALYSIS:

IMPACT:

ALTERNATIVES:

DEPARTMENT RECOMMENDATION:

ATTACHMENT: Minutes of April 27, 2023 Regular Meeting
ATTACHMENT: Minutes of April 27, 2023 - Signed

*Governing Body*
of the
City of Rio Rancho

**MINUTES**

APRIL 27, 2023
6:00 PM
Council Chambers, City Hall

**MEMBERS PRESENT:**
Greggory D. Hull, Mayor
Jim Owen, Councilor Dist. 1
Jeremy Lenentine, Councilor Dist. 2
Bob Tyler, Councilor Dist. 3
Paul Wymer, Councilor Dist. 4
Karissa Culbreath, Councilor Dist. 5
Daniel Stoddard, Councilor Dist. 6

**MEMBERS ABSENT:**
None

**STAFF PRESENT:**
Matt Geisel, City Manager
Peter Wells, Deputy City Manager
Josh Rubin, City Attorney
Connie Peterson, Parks, Rec. & Comm Svcs.
Carol Jaramillo Dir. of Financial Scvs.
Stewart Steele, Police Chief
Amy Rincon, Dir. of Dev. Svcs. (virtual)
Jason Shoup, Library Director
Yolanda Lucero, Deputy City Clerk

## CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Hull called the meeting to order at 6:00 p.m.

## PROCLAMATIONS AND AWARDS OF MERIT

## COMMENTS BY COUNCILORS

## CONSENT CALENDAR

1.) Minutes of April 13, 2023 Regular Meeting
2.) R59, Resolution Authorizing Disposal of Police Department Property
3.) R60, Resolution Authorizing a Budget Adjustment to the Municipal Road Fund for Insurance Recovery for Damaged Traffic Signals and Devices

Daniel Stoddard moved to approve consent calendar. Seconded by Bob Tyler.

The motion carried by a vote of 6 FOR and 0 AGAINST.
YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath, Daniel Stoddard
NO: None

## BOARDS AND COMMISSIONS

## PUBLIC HEARINGS

DRAFT

4.) D22, Approval for Turtle Mountain Brewing Company, LLC. (the "Applicant") located at 7835 Enchanted Hills Blvd. Ste. M-105 Rio Rancho, NM 87144 for an Issuance of a Small Brewer Liquor License with On-Premises Consumption and Package Sales

Ms. Lucero stated the application is for the issuance of a Small Brewer Liquor License with On-Premises Consumption and Package Sales for Suite M-105 and will be used for the brewing operations. The Director of Alcohol Beverage Control Division has granted this application conditional preliminary approval and has forwarded it to the Governing Body of Rio Rancho for public hearing and action.

Nico Ortiz, Applicant was available for questions.

Bob Tyler moved to approve D22. Seconded by Karissa Culbreath.

The motion carried by a vote of 6 FOR and 0 AGAINST.
YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath, Daniel Stoddard
NO: None

**SECOND READING OF ORDINANCES**

**FIRST READING OF ORDINANCES**

5.) O9, Ordinance Granting Comcast a Non-Exclusive Franchise to Operate a Cable Television System and Other Services within the City Limits by Utilizing Public Places via the Payment of Franchise Fees for a Period of 10 Years

Mr. Geisel gave a brief overview and turned it over to Ms. Phares.

Julianne Phares, Comcast Director of External Affairs gave an overview of the innovative technology and local impact for bringing Comcast to Rio Rancho. They have invested $520.9 million in New Mexico in the last three years. They deliver world-class broadband, wireless, and video services through Xfinity and Comcast Business. This expansion will bring a full suite of services to residents and businesses.

Bob Tyler moved to approve O9. Seconded by Karissa Culbreath.

The motion carried by a vote of 6 FOR and 0 AGAINST.
YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath, Daniel Stoddard
NO: None

**DISCUSSION AND DELIBERATION**

DRAFT

6.) R61, Resolution Establishing an Annual Schedule of Governing Body Meetings and Determining Reasonable Notice for Public Meetings of the City of Rio Rancho

Ms. Lucero stated the proposed resolution serves to fulfills two obligations. First, it sets the annual schedule of regular Governing Body meetings from May 2023 - May 2024. Second, it communicates what constitutes reasonable notice for all meetings held by the Governing Body and Rio Rancho boards, commissions and committees. Each of these tasks are required by the New Mexico Open Meetings Act, City Charter and the Municipal Code. The recommended schedule is to continue on the 2nd and 4th Thursday of every month at 6:00 p.m., except for one meeting to be held in July on the 4th Thursday at 6:00 p.m., in November on the 3rd Thursday at 6:00 p.m., and December on the 2nd Thursday of the month.

Daniel Stoddard moved to approve R61. Seconded by Paul Wymer.

The motion carried by a vote of 6 FOR and 0 AGAINST.
YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath, Daniel Stoddard
NO: None

7.) R62, Resolution Authorizing the Defeasance and Optional Prior Redemption of the City of Rio Rancho, New Mexico General Obligation Improvement and Refunding Bonds, Series 2016 Maturing on or After August 1, 2026 (The "Defeased Series 2016 Bonds"); Approving a Form of Escrow Agreement and Notices of Defeasance and Redemption of the Defeased Series 2016 Bonds, and the Use of Funds on Deposit in the Debt Service Fund Established for the Series 2016 Bonds for Such Purpose; Ratifying Action Previously Taken in Connection Therewith, and Repealing Action Inconsistent with the Provisions of this Resolution

Ms. Jaramillo presented this item. The City's General Obligation Bond Debt Service Fund currently has a surplus due to higher than anticipated revenue the past several years. This Resolution will allow the City to set-aside excess revenue from the GOB Debt Service Fund in an escrow to defease and optionally redeem those bonds that mature on or after August 1, 2026 in an aggregate principal amount of $2,210,000. This action will assist the City to maintain a stable debt service property tax rate in accordance with its long-range capital planning and bond cycling program.

Karissa Culbreath moved to approve R62. Seconded by Jim Owen.

The motion carried by a vote of 6 FOR and 0 AGAINST.
YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath, Daniel Stoddard
NO: None

DRAFT

8.) R63, Resolution Adopting the Community Development Block Grant (CDBG) 2023-2027 Consolidated Plan and First Annual Action Plan for the 2023-2024 Fiscal Year

Ms. Jaramillo stated the City staff completed all applicable requirements to finalize the 2023-2027 Consolidated Plan and 2023 Annual Action Plan for approval and submission to the U.S. Department of Housing and Urban Development. The plan consists of CDBG-funded project awards totaling $489,772 as recommended by staff, the Capital Improvements Plan Citizen's Advisory Committee, and considering any public comment offered during the required 30-day public comment period. She presented the project summary.

Bob Tyler moved to approve R63. Seconded by Jim Owen.

The motion carried by a vote of 6 FOR and 0 AGAINST.
YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath, Daniel Stoddard
NO: None

**CITY MANAGER**

Mr. Geisel provided information on the Rio Rancho Public Library book process. The library serves more than 105,000 residents of Rio Rancho and has material on thousands of topics. It is funded by all community taxpayers who have diverse interest. The Collection Development and Material Selection Policy conforms to the American Library Association Library Bill of Rights, Freedom to Read Statement, and Freedom to View Statement. The intent is to build a collection that represents and serves the entire community. He went over the Reconsideration Policy and noted the public library has received one request for reconsideration for a title during the past year. The public library has policies in place for children 17 and under. The parent or guardian, have the right and responsibility to make decisions about what material are suitable for their family.

Mr. Rubin went over New Mexico State Statue, Article 30-37-2 in detail and outlined the section of Harmful to Minors. He went over the definitions and addressed specific allegations that were made toward the City of Rio Rancho. Mr. Rubin stated based on the elements to prove a violation has occurred, there is no reason to believe there has been any criminal activity relevant to the specific statue and is confident in the determination.

**PUBLIC FORUM**

The following individual spoke under this item:

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| | | |
|---|---|---|
| Madigan Ray | Abi Armstrong | Donna tillman |
| Representative Kathleen Cates | Anne Lewis-Strobell | Alexis Jimenez |
| Adam DeGradt | Representative Alan Martinez | Marisa Page |
| Jillian King | Terri Merkley | Janet Arrowsmith |
| Suzanne Bingham | Judy DeAtley | Stephen Conrad |
| Lynne Patton | Glenn Fraschilla | Scotti Romberg |
| Arwen Lynch-Poe | Judith Weuetsh | Christina Alison |
| Benjamin Radford | Sherry Hardage | Dan Miano |
| Bob Kanegis | Jatinder Bajwa | Emily Graham |
| John Pearse | Corrine Rios | Mary Laye Mackanin |
| Casey Robinson | Judy Gordon | Ivan Torres |
| Sandra Pierce | Paul Gutierrez | Terri Rees |
| Kari Bell | Pamina Deutsch | Deb Baca |
| Michael Jackovich | Jess Jaydan | Roxey Hecht |
| John Watkins | Aron Long | Tanya Watkins |
| Maria Gomez | Phillip Monson | Bert Coxe |
| Anne Kinney | Maureen Wheeler | Rosalinda Araujo Emery |
| | | Greg Bennett |

**COMMENTS BY COUNCILORS**

**ADJOURNMENT**

8:34 p.m.

**APPROVED THIS MAY 11, 2023**

**Greggory D. Hull, Mayor**

**ATTEST:**

**Rebecca A. Martinez, City Clerk**

**SEAL**

DRAFT

*Governing Body*
City of Rio Rancho

**MINUTES**
APRIL 27, 2023
6:00 PM
Council Chambers, City Hall

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Jeremy Lenentine, Councilor Dist. 2
Bob Tyler, Councilor Dist. 3
Paul Wymer, Councilor Dist. 4
Karissa Culbreath, Councilor Dist. 5
Daniel Stoddard, Councilor Dist. 6

**MEMBERS ABSENT:**
None

**STAFF PRESENT:**
Matt Geisel, City Manager
Peter Wells, Deputy City Manager
Josh Rubin, City Attorney
Connie Peterson, Parks, Rec. & Comm Svcs.
Carol Jaramillo Dir. of Financial Scvs.
Stewart Steele, Police Chief
Amy Rincon, Dir. of Dev. Svcs. (virtual)
Jason Shoup, Library Director
Yolanda Lucero, Deputy City Clerk

## CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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## PROCLAMATIONS AND AWARDS OF MERIT

## COMMENTS BY COUNCILORS

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Daniel Stoddard moved to approve consent calendar. Seconded by Bob Tyler.

The motion carried by a vote of 6 FOR and 0 AGAINST.
YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath, Daniel Stoddard
NO: None

## BOARDS AND COMMISSIONS

## PUBLIC HEARINGS

4.) D22, Approval for Turtle Mountain Brewing Company, LLC. (the "Applicant") located at 7835 Enchanted Hills Blvd. Ste. M-105 Rio Rancho, NM 87144 for an Issuance of a

Small Brewer Liquor License with On-Premises Consumption and Package Sales

Ms. Lucero stated the application is for the issuance of a Small Brewer Liquor License with On-Premises Consumption and Package Sales for Suite M-105 and will be used for the brewing operations. The Director of Alcohol Beverage Control Division has granted this application conditional preliminary approval and has forwarded it to the Governing Body of Rio Rancho for public hearing and action.

Nico Ortiz, Applicant was available for questions.

Bob Tyler moved to approve D22. Seconded by Karissa Culbreath.

The motion carried by a vote of 6 FOR and 0 AGAINST.
YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath, Daniel Stoddard
NO: None

**SECOND READING OF ORDINANCES**

**FIRST READING OF ORDINANCES**

5.) O9, Ordinance Granting Comcast a Non-Exclusive Franchise to Operate a Cable Television System and Other Services within the City Limits by Utilizing Public Places via the Payment of Franchise Fees for a Period of 10 Years

Mr. Geisel gave a brief overview and turned it over to Ms. Phares.

Julianne Phares, Comcast Director of External Affairs gave an overview of the innovative technology and local impact for bringing Comcast to Rio Rancho. They have invested $520.9 million in New Mexico in the last three years. They deliver world-class broadband, wireless, and video services through Xfinity and Comcast Business. This expansion will bring a full suite of services to residents and businesses.

Bob Tyler moved to approve O9. Seconded by Karissa Culbreath.

The motion carried by a vote of 6 FOR and 0 AGAINST.
YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath, Daniel Stoddard
NO: None

**DISCUSSION AND DELIBERATION**

6.) R61, Resolution Establishing an Annual Schedule of Governing Body Meetings and Determining Reasonable Notice for Public Meetings of the City of Rio Rancho

Ms. Lucero stated the proposed resolution serves to fulfills two obligations. First, it sets the annual schedule of regular Governing Body meetings from May 2023 - May 2024. Second, it communicates what constitutes reasonable notice for all meetings held by the Governing Body and Rio Rancho boards, commissions and committees. Each of these tasks are required by the New Mexico Open Meetings Act, City Charter and the Municipal Code. The recommended schedule is to continue on the 2nd and 4th Thursday of every month at 6:00 p.m., except for one meeting to be held in July on the 4th Thursday at 6:00 p.m., in November on the 3rd Thursday at 6:00 p.m., and December on the 2nd Thursday of the month.

Daniel Stoddard moved to approve R61. Seconded by Paul Wymer.

The motion carried by a vote of 6 FOR and 0 AGAINST.
YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath, Daniel Stoddard
NO: None

7.) R62, Resolution Authorizing the Defeasance and Optional Prior Redemption of the City of Rio Rancho, New Mexico General Obligation Improvement and Refunding Bonds, Series 2016 Maturing on or After August 1, 2026 (The "Defeased Series 2016 Bonds"); Approving a Form of Escrow Agreement and Notices of Defeasance and Redemption of the Defeased Series 2016 Bonds, and the Use of Funds on Deposit in the Debt Service Fund Established for the Series 2016 Bonds for Such Purpose; Ratifying Action Previously Taken in Connection Therewith, and Repealing Action Inconsistent with the Provisions of this Resolution

Ms. Jaramillo presented this item. The City's General Obligation Bond Debt Service Fund currently has a surplus due to higher than anticipated revenue the past several years. This Resolution will allow the City to set-aside excess revenue from the GOB Debt Service Fund in an escrow to defease and optionally redeem those bonds that mature on or after August 1, 2026 in an aggregate principal amount of $2,210,000. This action will assist the City to maintain a stable debt service property tax rate in accordance with its long-range capital planning and bond cycling program.

Karissa Culbreath moved to approve R62. Seconded by Jim Owen.

The motion carried by a vote of 6 FOR and 0 AGAINST.
YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath, Daniel Stoddard
NO: None

8.) R63, Resolution Adopting the Community Development Block Grant (CDBG) 2023-2027 Consolidated Plan and First Annual Action Plan for the 2023-2024 Fiscal Year

Ms. Jaramillo stated the City staff completed all applicable requirements to finalize the 2023-2027 Consolidated Plan and 2023 Annual Action Plan for approval and

submission to the U.S. Department of Housing and Urban Development. The plan consists of CDBG-funded project awards totaling $489,772 as recommended by staff, the Capital Improvements Plan Citizen's Advisory Committee, and considering any public comment offered during the required 30-day public comment period. She presented the project summary.

Bob Tyler moved to approve R63. Seconded by Jim Owen.

The motion carried by a vote of 6 FOR and 0 AGAINST.
YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath, Daniel Stoddard
NO: None

**CITY MANAGER**

Mr. Geisel provided information on the Rio Rancho Public Library book process. The library serves more than 105,000 residents of Rio Rancho and has material on thousands of topics. It is funded by all community taxpayers who have diverse interest. The Collection Development and Material Selection Policy conforms to the American Library Association Library Bill of Rights, Freedom to Read Statement, and Freedom to View Statement. The intent is to build a collection that represents and serves the entire community. He went over the Reconsideration Policy and noted the public library has received one request for reconsideration for a title during the past year. The public library has policies in place for children 17 and under. The parent or guardian, have the right and responsibility to make decisions about what material are suitable for their family.

Mr. Rubin went over New Mexico State Statue, Article 30-37-2 in detail and outlined the section of Harmful to Minors. He went over the definitions and addressed specific allegations that were made toward the City of Rio Rancho. Mr. Rubin stated based on the elements to prove a violation has occurred, there is no reason to believe there has been any criminal activity relevant to the specific statue and is confident in the determination.

**PUBLIC FORUM**

The following individual spoke under this item:

Madigan Ray
Representative Kathleen Cates
Adam DeGradt
Jillian King
Suzanne Bingham
Lynne Patton
Arwen Lynch-Poe
Benjamin Radford
Bob Kanegis
John Pearse
Casey Robinson
Sandra Pierce
Kari Bell
Michael Jackovich
John Watkins
Maria Gomez
Anne Kinney
Abi Armstrong
Anne Lewis-Strobell
Representative Alan Martinez
Terri Merkley
Judy DeAtley
Glenn Fraschilla
Judith Weuetsh
Sherry Hardage
Jatinder Bajwa
Corrine Rios
Judy Gordon
Paul Gutierrez
Pamina Deutsch
Jess Jaydan
Aron Long
Phillip Monson
Maureen Wheeler
Donna tillman
Alexis Jimenez
Marisa Page
Janet Arrowsmith
Stephen Conrad
Scotti Romberg
Christina Alison
Dan Miano
Emily Graham
Mary Laye Mackanin
Ivan Torres
Terri Rees
Deb Baca
Roxey Hecht
Tanya Watkins
Bert Coxe
Rosalinda Araujo Emery
Greg Bennett

**COMMENTS BY COUNCILORS**

**ADJOURNMENT**

8:34 p.m.

**APPROVED THIS MAY 11, 2023**

**Greggory D. Hull, Mayor**

**ATTEST:**

**Rebecca A. Martinez, City Clerk**

**SEAL**

**CITY OF RIO RANCHO**
**COVER PAGE**

**Legislation Item:**

AGENDA DATE:
May 11, 2023

DEPARTMENT:
City Clerk

SUBJECT:
Minutes of April 28, 2023 Special Meeting

BACKGROUND AND ANALYSIS:

IMPACT:

ALTERNATIVES:

DEPARTMENT RECOMMENDATION:

ATTACHMENT: Minutes of April 28, 2023 Special Meeting
ATTACHMENT: Minutes of April 28, 2023 Special - Signed

*Governing Body*
of the
City of Rio Rancho

MINUTES

APRIL 28, 2023
9:00 AM
Council Chambers, City Hall

MEMBERS PRESENT:
Greggory D. Hull, Mayor
Jeremy Lenentine, Councilor Dist. 2
Bob Tyler, Councilor Dist. 3
Paul Wymer, Councilor Dist. 4
Karissa Culbreath, Councilor Dist. 5
Daniel Stoddard, Councilor Dist. 6

MEMBERS ABSENT:
Jim Owen, Councilor Dist. 1

STAFF PRESENT:
Matt Geisel, City Manager
Peter Wells, Deputy City Manger
Rebecca Martinez, City Clerk
Carole Jaramillo, Director of Financial Svcs.
James DeFillippo, Fire Chief
Amy Rincon, Dir. of Development Services
BJ Gottlieb, Dir. of Public Works
Jim Chiasson, Dir. of Utilities
Connie Peterson, Parks, Rec & Comm Svcs.
Loyola Martinez, Director of Human Resources
Charli Hannona, Director of Info & Tech Svcs.
Stewart Steele, Police Chief
Jason Shoup, Library Director

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Hull called the meeting to order at 9:00 a.m.

Mayor Hull stated Councilor Owen has been excused from the meeting and public comment will not be taken during this meeting.

**Discussion**

1. Municipal Court FY24 Budget Request

Angel Mascarenas, Court Administrator was available for questions.

2. City Manager Response to Mayor's Comments on Recommended FY 24 Budget

Mr. Geisel thanked Mayor Hull for his response to the Recommended Budget.

3. Revenue Overview

4. Line Item Review of FY 24 Recommended Budget

DRAFT

Mayor Hull stated they will go through each Department and their fund code/line item if there are questions staff will be available to answer.

Ms. Jaramillo gave a brief overview. The financial plan for the next five years looks promising and healthy. Staff is approaching the budget as usual with normal conservativism. Revenues are increasing at a steady pace and expenses are doing the same. The fund balance is maintained at the target rate and a solid plan in in place for the future.

Mayor Hull is encouraged by the City's financial position and dedication to a fiscally responsible, balanced budget that reflects important public services and critical infrastructure investments while maintaining healthy reserves projected to meet or exceed the City's policy position of 25% for the next five fiscal years.

Council Culbreath requested a reduction in the City Council Budget, Program Supplies from $15,000 to $10,000.

Councilor Tyler inquired about the pavement at the Rio Rancho Event Center. He would like to ensure staff aware and a plan is in place to upkeep the parking lot.

Mr. Geisel stated the priority in this year's budget is the HVAC system. The cost is approximately $2 million and has failed and continues to fail. He voiced the importance of continuing to invest in the Rio Rancho Event Center. Staff is aware that the parking lot pavement needs improvement. A drainage study is part of the parking lot improvement project because the water flow causes it to flow into the building.

Councilor Tyler would like staff to look at body worn cameras for Animal Control Officers and Code Enforcement Officers.

Mr. Geisel stated staff is looking at the total overall body worn camera program and the total cost along with any additional storage.

Councilor Tyler would like to re-deploy the line item for supply of rifles, maintenance, and ammunition for the School Resource Program. He would like to see this program re-labeled and deployed throughout the Police Department as necessary. If it is decided at one point to move further into schools the City can work with stakeholder and the community to ensure it is deployed to the appropriate degree.

Councilor Tyler would like to add $2,000 to the Police Department for Blueguns Inert Training and supplies. Also, an additional Police Service Aide (PSA) position added to the PSA Program.

5. Infrastructure and Capital Improvement Plan FY 24-29

Mr. Geisel stated the next steps will be a public hearing on May 11, 2023 and May 25, 2023 and then adoption of the final budget.

DRAFT

COMMENTS BY COUNCILORS

ADJOURNMENT

10:47 p.m.

APPROVED THIS MAY 11, 2023

_____
Greggory D. Hull, Mayor

ATTEST:

_____
Rebecca A. Martinez, City Clerk
SEAL

DRAFT

*Governing Body*
City of Rio Rancho
Special Meeting
**MINUTES**
APRIL 28, 2023
9:00 AM
Council Chambers, City Hall

| MEMBERS PRESENT: | STAFF PRESENT: |
|---|---|
| Greggory D. Hull, Mayor | Matt Geisel, City Manager |
| Jeremy Lenentine, Councilor Dist. 2 | Peter Wells, Deputy City Manger |
| Bob Tyler, Councilor Dist. 3 | Rebecca Martinez, City Clerk |
| Paul Wymer, Councilor Dist. 4 | Carole Jaramillo, Director of Financial Svcs. |
| Karissa Culbreath, Councilor Dist. 5 | James DeFillippo, Fire Chief |
| Daniel Stoddard, Councilor Dist. 6 | Amy Rincon, Director. of Development Svcs |
| | BJ Gottlieb, Director of Public Works |
| MEMBERS ABSENT: | Jim Chiasson, Director of Utilities |
| Jim Owen, Councilor Dist. 1 | Connie Peterson, Director Parks, Rec & Comm Svcs. |
| | Loyola Martinez, Director of Human Resources |
| | Charli Hannona, Director of Info & Tech Svcs. |
| | Stewart Steele, Police Chief |
| | Jason Shoup, Director of Library & Info Svcs |

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Hull called the meeting to order at 9:00 a.m.

Mayor Hull stated Councilor Owen has been excused from the meeting and public comment will not be taken during this meeting.

**Discussion**

1. Municipal Court FY24 Budget Request

Angel Mascarenas, Court Administrator was available for questions.

2. City Manager Response to Mayor's Comments on Recommended FY 24 Budget

Mr. Geisel thanked Mayor Hull for his response to the Recommended Budget.

3. Revenue Overview

4. Line Item Review of FY 24 Recommended Budget

Mayor Hull stated they will go through each Department and their fund code/line item if there are questions staff will be available to answer.

Ms. Jaramillo gave a brief overview. The financial plan for the next five years looks promising and healthy. Staff is approaching the budget as usual with normal conservativism. Revenues are increasing at a steady pace and expenses are doing the same. The fund balance is maintained at the target rate and a solid plan in in place for the future.

Mayor Hull is encouraged by the City's financial position and dedication to a fiscally responsible, balanced budget that reflects important public services and critical infrastructure investments while maintaining healthy reserves projected to meet or exceed the City's policy position of 25% for the next five fiscal years.

Council Culbreath requested a reduction in the City Council Budget, Program Supplies from $15,000 to $10,000.

Councilor Tyler inquired about the pavement at the Rio Rancho Event Center. He would like to ensure staff aware and a plan is in place to upkeep the parking lot.

Mr. Geisel stated the priority in this year's budget is the HVAC system. The cost is approximately $2 million and has failed and continues to fail. He voiced the importance of continuing to invest in the Rio Rancho Event Center. Staff is aware that the parking lot pavement needs improvement. A drainage study is part of the parking lot improvement project because the water flow causes it to flow into the building.

Councilor Tyler would like staff to look at body worn cameras for Animal Control Officers and Code Enforcement Officers.

Mr. Geisel stated staff is looking at the total overall body worn camera program and the total cost along with any additional storage.

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Councilor Tyler would like to add $2,000 to the Police Department for Blueguns Inert Training and supplies. Also, an additional Police Service Aide (PSA) position added to the PSA Program.

5. Infrastructure and Capital Improvement Plan FY 24-29

Mr. Geisel stated the next steps will be a public hearing on May 11, 2023 and May 25, 2023 and then adoption of the final budget.

COMMENTS BY COUNCILORS

ADJOURNMENT

10:47 p.m.

APPROVED THIS MAY 11, 2023

Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk

SEAL

**CITY OF RIO RANCHO**
**COVER PAGE**

**Legislation Item: R64**

AGENDA DATE:
May 11, 2023

DEPARTMENT:
Police Department

SUBJECT:
R64, Resolution Authorizing the Disposal of City Property Located at the Sandoval County Regional Emergency Communications Center

BACKGROUND AND ANALYSIS:
The Sandoval County Regional Emergency Communications Center, located at 500 Quantum Road, has four file cabinets, two locker cabinets, and one storage cabinet that have broken parts making them hazardous. The unusable items are currently stored at the communications center, which is not optimal. Staff seek to safely remove and properly dispose of or recycle the items.

An estimated value of the items is less than $2,500. The disposal of personal property is governed by Section 3-54-2, NMSA 1978 requiring the Governing Body approval for property that does not exceed $2,500.

IMPACT:
Approval of the Resolution will enable the City to dispose of the unusable items.

ALTERNATIVES:
Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:
Staff recommends approval of the Resolution

ATTACHMENT: Resolution
ATTACHMENT: Exhibit A
ATTACHMENT: R64 - Signed

**CITY OF RIO RANCHO**
**RESOLUTION**

**RESOLUTION NO.** **ENACTMENT NO.**

**RESOLUTION AUTHORIZING THE DISPOSAL OF CITY PROPERTY LOCATED AT THE SANDOVAL COUNTY REGIONAL EMERGENCY COMMUNICATIONS CENTER**

**WHEREAS:** the Sandoval County Regional Emergency Communications Center, located at 500 Quantum Road, has four file cabinets, two locker cabinets, and one storage cabinet that have broken parts making them hazardous; and

**WHEREAS:** the items are currently stored at the communications center, which is not optimal; and

**WHEREAS:** staff desire to safely remove and properly dispose of or recycle the items; and

**WHEREAS:** the disposal of personal property is governed by Section 3-54-2, NMSA 1978 requiring the Governing Body approval for property that does not exceed $2,500.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:**

That formal authorization is hereby given to properly dispose of Sandoval County Regional Emergency Communications Center property as depicted in Exhibit A, attached hereto.

ADOPTED THIS _____DAY OF _____, 2023.

_____
Greggory D. Hull, Mayor

ATTEST:

_____
Rebecca A. Martinez, City Clerk
(SEAL)

# Exhibit A










VALIDATION





**CITY OF RIO RANCHO**
**RESOLUTION**

**RESOLUTION NO. 64** **ENACTMENT NO. 23-066**

**RESOLUTION AUTHORIZING THE DISPOSAL OF CITY PROPERTY LOCATED AT THE SANDOVAL COUNTY REGIONAL EMERGENCY COMMUNICATIONS CENTER**

**WHEREAS:** the Sandoval County Regional Emergency Communications Center, located at 500 Quantum Road, has four file cabinets, two locker cabinets, and one storage cabinet that have broken parts making them hazardous; and

**WHEREAS:** the items are currently stored at the communications center, which is not optimal; and

**WHEREAS:** staff desire to safely remove and properly dispose of or recycle the items; and

**WHEREAS:** the disposal of personal property is governed by Section 3-54-2, NMSA 1978 requiring the Governing Body approval for property that does not exceed $2,500.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:**

That formal authorization is hereby given to properly dispose of Sandoval County Regional Emergency Communications Center property as depicted in Exhibit A, attached hereto.

ADOPTED THIS 11th DAY OF MAY, 2023.

Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)

**CITY OF RIO RANCHO**
**COVER PAGE**

**Legislation Item: R65**

AGENDA DATE:
May 11, 2023

DEPARTMENT:
Utilities

SUBJECT:
R65, Resolution Authorizing a Budget Adjustment to the Water Capital Improvement Fund (540) for the Design and Construction of Well 9 Water Transmission Line

BACKGROUND AND ANALYSIS:
The Utilities Department was awarded $970,000 from the U.S. Army Corps. of Engineers, Albuquerque District, to design and construct the Well 9 water transmission line. Funding for the City's match ($363,000) was included in the FY 2023 Budget.

To connect the new Well 9 tank to the existing water distribution system in Rainbow Boulevard, a 16" water line will be constructed along King Boulevard to Rainbow Boulevard near King Meadows Park. The water line will assist with supplying water to the North Hills subdivision, Northern Meadows subdivision, and facilities located in City Center.

Upon acceptance of the funding, staff will begin the process of securing a contractor through the procurement process.

IMPACT:
Revenue and expenditures in the Water Capital Improvement Fund (540) will be increased $970,000. The proposed budget adjustment will not impact the General fund.

ALTERNATIVES:
Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:
Staff recommends approval of the Resolution.

ATTACHMENT: Resolution
ATTACHMENT: R65 - Signed

**CITY OF RIO RANCHO**
**RESOLUTION**

**RESOLUTION NO.** **ENACTMENT NO.**

**RESOLUTION AUTHORIZING A BUDGET ADJUSTMENT TO THE WATER CAPITAL IMPROVEMENT FUND (540) FOR THE DESIGN AND CONSTRUCTION OF THE WELL 9 WATER TRANSMISSION LINE**

**WHEREAS:** the City has entered into a grant agreement with the U.S. Army Corps. of Engineers, Albuquerque District, to provide financial assistance for the design and construction of the Well 9 water transmission line along King Boulevard to Rainbow Boulevard near King Meadows Park; and

**WHEREAS:** a budget adjustment is necessary to expend the grant funds as intended.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:**

That authorization is given for the following budget adjustment:

Water Capital Improvement Fund (540)

| Account | Project No. | Revised Budget | Increase | Decrease | Adjusted Budget |
|---|---|---|---|---|---|
| 540-0000-331.12-00 Federal Grants | WA2368 | $2,557,140 | $970,000 | | $3,527,140 |
| Total Sources | | $2,557,140 | $970,000 | | $3,527,140 |

| Account | Project No. | Revised Budget | Increase | Decrease | Adjusted Budget |
|---|---|---|---|---|---|
| 540-7130-545.70-20 Capital Expenditures | WA2368 | $0 | $970,000 | | $970,000 |
| Total Uses | | $0 | $970,000 | | $970,000 |

ADOPTED THIS _____DAY OF _____, 2023.

_____
Greggory D. Hull, Mayor

ATTEST:

_____
Rebecca A. Martinez, City Clerk
(SEAL)

**CITY OF RIO RANCHO**
**RESOLUTION**

**RESOLUTION NO. 65** **ENACTMENT NO. 23-067**

**RESOLUTION AUTHORIZING A BUDGET ADJUSTMENT TO THE WATER CAPITAL IMPROVEMENT FUND (540) FOR THE DESIGN AND CONSTRUCTION OF THE WELL 9 WATER TRANSMISSION LINE**

**WHEREAS:** the City has entered into a grant agreement with the U.S. Army Corps. of Engineers, Albuquerque District, to provide financial assistance for the design and construction of the Well 9 water transmission line along King Boulevard to Rainbow Boulevard near King Meadows Park; and

**WHEREAS:** a budget adjustment is necessary to expend the grant funds as intended.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:**

That authorization is given for the following budget adjustment:

Water Capital Improvement Fund (540)

| Account | Project No. | Revised Budget | Increase | Decrease | Adjusted Budget |
|---|---|---|---|---|---|
| 540-0000-331.12-00 Federal Grants | WA2368 | $2,557,140 | $970,000 | | $3,527,140 |
| Total Sources | | $2,557,140 | $970,000 | | $3,527,140 |

| Account | Project No. | Revised Budget | Increase | Decrease | Adjusted Budget |
|---|---|---|---|---|---|
| 540-7130-545.70-20 Capital Expenditures | WA2368 | $0 | $970,000 | | $970,000 |
| Total Uses | | $0 | $970,000 | | $970,000 |

ADOPTED THIS 11th DAY OF MAY, 2023.

Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)

**CITY OF RIO RANCHO**
**COVER PAGE**

**Legislation Item: R66**

AGENDA DATE:
May 11, 2023

DEPARTMENT:
Financial Services

SUBJECT:
R66, Resolution Authorizing the Removal of Equipment and Parts Permanently Affixed to Capital Assets Retired and Disposed of in Prior Periods from the Capital Asset Records

BACKGROUND AND ANALYSIS:
During the Financial Services Department's Fiscal Year 2023 capital asset inventories, staff identified equipment and parts that were recorded in the fixed asset database as stand-alone assets. However, the equipment was not stand-alone but was permanently affixed to other capital assets and should have been combined within the fixed assets database. The capital assets, which included the permanently affixed equipment, were previously disposed of.

A resolution is needed to properly dispose of the equipment that was affixed to the previously disposed assets. This property consists of ADA conversions to a senior services van stolen in April 2016, three No Smoke Exhaust Systems for Fire and Rescue Department vehicles, and a book of 12 coupons to clean the exhaust systems over a period of time.

IMPACT:
The inclusion of these items in the capital asset records is erroneous and should be corrected to ensure accurate reporting of the City's capital assets.

ALTERNATIVES:
Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:
Staff recommends approval of the Resolution.

ATTACHMENT: Resolution
ATTACHMENT: Exhibit A_Fire Department.pdf
ATTACHMENT: Exhibit B_Meadowlark Senior Center.pdf
ATTACHMENT: R66 - Signed

**CITY OF RIO RANCHO**
**RESOLUTION**

**RESOLUTION NO.** **ENACTMENT NO.**

**RESOLUTION AUTHORIZING THE REMOVAL OF EQUIPMENT AND PARTS PERMANENTLY AFFIXED TO CAPITAL ASSETS RETIRED AND DISPOSED OF IN PRIOR PERIODS FROM THE CAPITAL ASSET RECORDS**

**WHEREAS:** the Financial Services Department identified equipment and parts that were permanently affixed to capital assets previously removed from the capital asset records in prior accounting periods during the Fiscal Year 2023 capital asset inventories; and

**WHEREAS:** the Financial Services Department is seeking to eliminate these assets from all future inventories; and

**WHEREAS:** the Financial Services Department desires to make the necessary adjustments to the capital asset inventory and database to ensure the reporting of capital assets is accurate.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:**

The items listed with supporting documentation in Exhibits A and B, attached hereto, are hereby authorized and approved for removal from the capital asset inventory and sub-ledger records.

ADOPTED THIS _____ DAY OF _____, 2023.

_____
Greggory D. Hull, Mayor

ATTEST:

_____
Rebecca A. Martinez, City Clerk
(SEAL)

**Exhibit A**
**Fire Department**

| Asset Category | Asset Class | Asset Identifier | General Location Code Description | Asset Description | Installed Date - Calc | Serial ID | Company ID |
|---|---|---|---|---|---|---|---|
| EQUIP | FIREPOL | 452 | DPS MAIN FIRE ST#1 | INTEGRATED PASS GROUP OF 12 | 1/1/1998 | filter pack recharging | |
| EQUIP | VEHICLE | 16510 | DPS MAIN FIRE ST#1 | NO SMOKE DIESEL EXHAUST REMOVA | 6/28/2016 | Unit 907, Asset 9112 was retired 3/24/21 | Resolution No. 76, August 2020 |
| EQUIP | VEHICLE | 16502 | DPS MAIN FIRE ST#1 | NO SMOKE DIESEL EXHAUST REMOVA | 6/28/2016 | Unit 930, Asset 10276 was Retired 1/14/21 | Resolution No. 125, December 2019 |
| EQUIP | VEHICLE | 16507 | DPS NORTH HILLS ST#2 | NO SMOKE DIESEL EXHAUST REMOVA | 6/28/2016 | Unit 961, Asset 11978 was retired 10/11/22 | Resolution No. 17, April 2022 |

Fire Unit 907

**CITY OF RIO RANCHO**
**RESOLUTION**

**RESOLUTION NO. 76** **ENACTMENT NO. 20-074**

**RESOLUTION DECOMMISSIONING AND ALLOWING TRADE-IN OF EQUIPMENT**

**WHEREAS:** the Department of Public Works is requesting approval to decommission and trade-in used equipment for the purchase of new equipment; and

**WHEREAS:** the equipment that has been submitted meets the requirements outlined in the City of Rio Rancho Administrative Policies and Procedures (Chapter 2, Article 12, and Section 2-12-12; Revised May 19, 2014) to become eligible for decommissioning; and

**WHEREAS:** the decommissioned equipment will be traded in for a total monetary sum of $60,500.00 and reduce the purchase cost of a new Enforcer Pumper/Fire Truck and an Enforcer 107 Aerial/Ladder Truck.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:**

**Section 1.** That authorization is hereby given to decommission and trade-in Unit# 907 2007 Pierce Pumper Vin# 4P1CA01H37A007177; Unit# 916 1984 Mack Fire Apparatus Vin# 1M2N122C2EA001072; and Unit# 926 2001 International Pumper Vin# 1HTSDADR21H342759

ADOPTED THIS 27th DAY OF August, 2020.

Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez

Rebecca A. Martinez, City Clerk

(SEAL)

877-0000-369.40-10 Asset # 10276
Retired 1/14/21 Auctioned 7/11/20
Net proceeds $4,090.62
312-0000-395.20-00

GF

RioRancho
City of Vision

**CITY OF RIO RANCHO**
**AGENDA BRIEFING MEMORANDUM**

**Legislation Item:** R 125

Enactment 19-123

Fire Unit 930

AGENDA DATE:
December 11, 2019

DEPARTMENT:
Public Works

SUBJECT:
Resolution Decommissioning and Allowing for Disposal of Vehicles and Equipment

SYNOPSIS:
A variety of vehicles and equipment will be decommissioned and sent to auction. Proceeds from the auction will be placed in the Vehicle and Equipment Replacement Fund for future needs.

BACKGROUND AND ANALYSIS:
Pursuant to Administrative Policies and Procedures (Chapter 2, Article 12, and Section 2-12-12), the City may declare "eligible" vehicles and equipment decommissioned and ready for disposal. Vehicles and equipment may be disposed of by either auction, salvage, or trade-in.

Governing Body approval is sought to decommission and send to auction the vehicles and equipment listed in Attachment II.

The proceeds from the auction will be placed in the Vehicle and Equipment Replacement Fund for future needs.

IMPACT:
Vehicles and equipment will be decommissioned and sent to auction.

ALTERNATIVES:
Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:
Staff recommends approval of the Resolution.

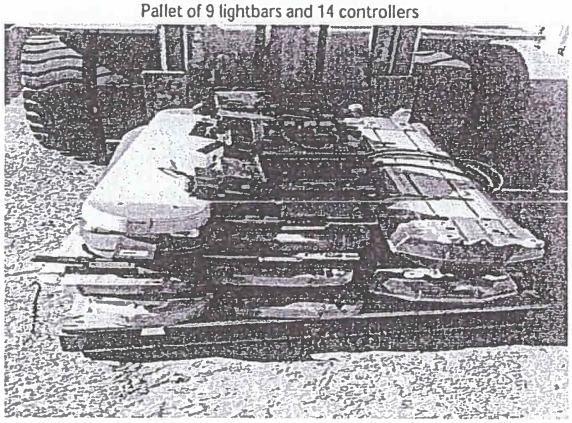
ATTACHMENT I: Resolution
ATTACHMENT II: List of Vehicles and Equipment

GBV $127,514.00
AD <127,514.00>
0

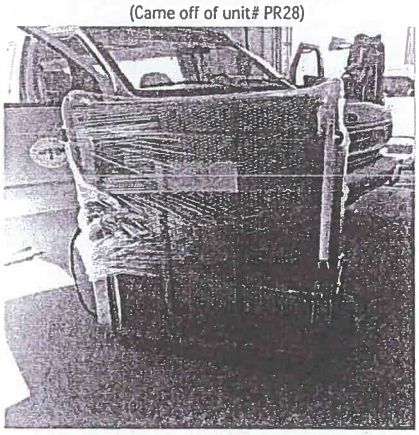
| Department | Unit # | Year | Make | Model | Description | Vin# | Mileage |
|---|---|---|---|---|---|---|---|
| CVAU | CV 186 | 2001 | CHEVROLET | IMPALA | SEDAN | 2G1WH55K219110574 | 136,149 |
| Development Sevices | CD 15 | 2007 | FORD | RANGER | COMPACT P/U | 1FTYR15E57PA58576 | 174,637 |
| DS Code Enforcement | CE 03 | 2005 | FORD | F150 | LIGHT DUTY P/U | 1FTPF12535NA85289 | 98,381 |
| Fire EMS | 930 | 2008 | FORD | F350 | AMBULANCE | 1FDXF46R08ED48983 | 167,894 |
| Fire EMS | 941 | 2006 | FORD | EXPLORER | MID-SIZE SUV | 1FMEU72E06ZA21636 | 710,053 |
| Fire EMS | 948 | 2005 | CHEVROLET | IMPALA | SEDAN | 2G1WF55K759361330 | 73,384 |
| Fire EMS | 960 | 2007 | FORD | F475 | AMBULANCE | 1FDXF47P17EB40364 | 94,532 |
| Fleet | FM 02 | 2000 | CHEVROLET | IMPALA | SEDAN | 2G1WF55K8Y9299795 | 135,283 |
| Police | DPS 001 | 2008 | FORD | EXPEDITION | FULL SIZE SUV | 1FMFU16588LA19439 | 131,154 |
| Police | DPS 024 | 2006 | DODGE | STRATUS | SEDAN | 1B3EL46R06N232282 | 98,029 |
| Police | DPS 86 | 2008 | CHEVROLET | IMPALA | SEDAN | 2G1WB58K889187716 | 113,128 |
| Police | DPS 134 | 2004 | CHEVROLET | IMPALA | SEDAN | 2G1WF55K449305795 | 134,772 |
| Police | DPS 141 | 2008 | FORD | EXPEDITION | FULL SIZE SUV | 1FMFU16538LA21180 | 148,199 |
| Police | DPS 150 | 2008 | FORD | EXPEDITION | FULL SIZE SUV | 1FMFU16578LA21179 | 116,657 |
| Police | DPS 188 | 2003 | CHEVROLET | IMPALA | SEDAN | 2G1WF55K739356321 | 126,387 |
| Police | DPS 223 | 2009 | FORD | CROWN VIC | SEDAN | 2FAHP71V79X115460 | 149,687 |
| Police | DPS 224 | 2009 | FORD | CROWN VIC | SEDAN | 2FAHP71V99X115461 | 143,522 |
| Police | DPS 227 | 2009 | FORD | CROWN VIC | SEDAN | 2FAHP71V19X146767 | 98,636 |
| Police | DPS 228 | 2009 | FORD | CROWN VIC | SEDAN | 2FAHP71V39X146768 | 131,164 |
| Police | DPS 229 | 2009 | FORD | CROWN VIC | SEDAN | 2FAHP71V59X146769 | 108,284 |
| Police | DPS 230 | 2009 | FORD | CROWN VIC | SEDAN | 2FAHP71VX9X146766 | 129,278 |
| Police | DPS 234 | 2010 | FORD | CROWN VIC | SEDAN | 2FABP7BV4AX110208 | 121,361 |
| Police | DPS 237 | 2011 | FORD | EXPEDITION | FULL SIZE SUV | 1FMJU1G50BEF05876 | 97,373 |
| Police | DPS 245 | 2011 | FORD | CROWN VIC | SEDAN | 2FABP7BVXBX112529 | 139,539 |
| Police | DPS 252 | 2011 | DODGE | CHARGER | SEDAN | 2B3CL1CTXBH600637 | 111,146 |
| Police | DPS 254 | 2011 | DODGE | CHARGER | SEDAN | 2B3CL1CT6BH600618 | 121,218 |
| Police | DPS 257 | 2011 | DODGE | CHARGER | SEDAN | 2B3CL1CTXBH600640 | 145,280 |
| Police | DPS 260 | 2004 | CHEVY | TRAILBLAZER | SUV | 1GNDT13S942335500 | 197,397 |
| Police | PD 1407 | 2014 | Dodge | Charger | Sedan | 2C3CDXAT2EH344827 | 42,066 |
| SROW | SRW 20 | 2004 | SCHWARZE | A4000 | STREET SWEEPER | J8DE5B14X47901442 | 33,671 |
| Utilities Waste Water | UT 114 | 1996 | GARDNER-DENVER | COMPRESSOR | COMPRESSOR | 484563 | 792 |
| Utilities T&D | UT 117 A | 2003 | INTERNATIONAL | 2574 | 12 CY DUMP TRUCK | 1HTGGAXR63H565172 | 68,922 |
| Utilities SCADA | UT 146 | 2006 | Ford | F350 | Heavy Duty Pickup | 1FDWF31516EB82822 | 192,696 |

## Equipment

Pallet of 9 lightbars and 14 controllers



Rincon Wheel Chair Lift
Model: S2003-S10000000 Serial# 96650
(Came off of unit# PR28)



# Consignor Settlement

v9.09-COMaint-30

**Bentley and Associates, LLC**
**7148 Bell**
**Amarillo, TX 79109**
**Phone: 806-376-1121 Fax: 806-351-2284**

| | |
|---|---|
| CO #: | 13481 |
| Date: | 7/11/2020 |
| Page: | 4 |

| Lot #: | Transaction Description | Amount |
|---|---|---|
| 7/11/2020 | Commission(Qty=1) | ( 97.50) |
| 24 | **2009 FORD CROWN VICTORIA ~ 149,687 MILES,** VIN: 2FAHP71V79X115460, A/C COLD, INTERIOR WORN, SMELLS LIKE SMOKE, PAINT CHIPS/PEELING, SCRATCHES, RUBS, RUST ON ROOF, RUNS, DPS22 TITLE # 08326034A107162, 149,687 MILES, 4 KEYS, | |
| 7/11/2020 | Invoice Sale Price(Qty=1) | 950.00 |
| | #249 - None, Haros-Flores, Raul I<br>505-967-1599Raul I Haros-Flores<br>None<br>8 Monica Ln Asset # 10440<br>Edgewood, NM 87015<br>Phone:505-967-1599<br>501654451 | |
| 7/11/2020 | Commission(Qty=1) | ( 95.00) |
| 25 | **2005 FORD RANGER XLT PICKUP 4WD ~ 179,148 MILES,** VIN: 1FTYR15E05PA58577, V6, 4.0L, A/C COLD, INTERIOR WORN/HOLES, TONNEAU COVER, FRONT TOW HITCH RECEIVER, NERF BARS, RUST ON ROOF, PAINT CHIPS/PEELING, SCRATCHES, RUBS, RUNS, EN11 TITLE # 05073134A04382, 179,148 MILES, 4 KEYS, | |
| 7/11/2020 | Invoice Sale Price(Qty=1) | 2,800.00 |
| | #109 - Anaya, Marcial<br>(505)804-1069Marcial Anaya<br>340 General Bradley St. NE.<br>Albuquerque, NM 87123 Asset# 4663<br>Phone:(505)804-1069 | |
| 7/11/2020 | Commission(Qty=1) | ( 280.00) |
| 26 | **2008 FORD F-450 XLT AMBULANCE ~ 168,011 MILES,** VIN: 1FDXF46R08ED48983, DIESEL, 4X4, RWD, 6.4L V8 OHV 32V, A/C SEMI COLD, INTERIOR WORN/HOLES, PAINT CHIPS/PEELING, SCRATCHES, RUBS, RUNS, TITLE # 08275034A717698, 168,011 MILES, 2 KEYS, | |
| 7/11/2020 | Invoice Sale Price(Qty=1) | 4,600.00 |
| | #221 - valdez-loya, Abraham<br>505-946-7183Abraham valdez-loya<br>11115 Ocate Rd trlr 79 Asset# 10276<br>Santa Fe, NM 87507<br>Phone:505-946-7183 Fax:5059467183 4,140.00<br>Fees < 49.38><br>502356917 4,090.62 | |
| 7/11/2020 | Commission(Qty=1) | ( 460.00) |
| 27 | **2002 FORD F-450 XL 4WD TRUCK ~ 181,097 MILES,** VIN: 1FDXF47S92EC89280, 4WD, 6.8L V10 SOHC 20V, A/C COLD, KNAPHEIDE TOOLBOX BED, TOW HITCH RECEIVER, DRIVER LOCK BROKEN, INTERIOR WORN/HOLES IN SEAT, RUST ON FRONT BUMPER, RUNS, UT11 TITLE # 02215034A186034, 181,097 MILES, 1 KEY, | |
| 7/11/2020 | Invoice Sale Price(Qty=1) | 2,150.00 |
| | #123 - Gallegos tire shop, Gallegos, Jeffrey<br>505-710-2715Jeffrey Gallegos<br>Gallegos tire shop Asset # 1524<br>37gallegos rd / po box 1076<br>Las Vegas nm, NM 87701<br>Phone:505-710-2715 | |
| 7/11/2020 | Commission(Qty=1) | ( 215.00) |
| 28 | **2007 FORD F-450 XLT AMBULANCE 4WD ~ UNKNOWN MILES,** VIN: 1FDXF47P17EB40364, 4WD, 6.0L V8 OHV 32V, DIESEL, 4X4, PAINT CHIP/PEELING, RUB, SCRATCHES, INTERIOR WORN/HOLES, HOLES IN EXTERIOR LIGHTS/MISSING, NON-RUNNER, TITLE # 10302434A211195, UNKNOWN MILES, 3 KEYS, | |
| 7/11/2020 | Invoice Sale Price(Qty=1) | 2,700.00 |
| | #200 - Takach, Stephen<br>505-573-3757Stephen Takach<br>8512 Jean Parrish Ct Asset # 11977<br>Albuquerque, NM 87110<br>Phone:505-573-3757 | |
| 7/11/2020 | Commission(Qty=1) | ( 270.00) |
| 29 | **2003 FORD F-350 TRUCK ~ UNKNOWN MILES,** VIN: 1FDWF36P73ED28565, RWD, 6.0L V8 OHV 32V, DIESEL, INTERIOR WORN/HOLES, RUST, FRONT BUMPER DAMAGED, SCRATCHES, RUBS, PAINT CHIPS, TOMMY GATE, TOOLBOX BED, LADDER RACKS, NON-RUNNER, EN18 TITLE # 03209134A889945, UNKNOWN MILES, 3 KEYS, | |
| 7/11/2020 | Invoice Sale Price(Qty=1) | 1,450.00 |
| | #175 - Jonathan Rivera, Rivera, Jonathan<br>505-469-1956Jonathan Rivera<br>Jonathan Rivera Asset # 3029<br>Po box 551<br>Ribera, NM 87560<br>Phone:505-469-1956 Fax:5054691956 | |
| 7/11/2020 | Commission(Qty=1) | ( 145.00) |
| 30 | **1993 FORD RANGER XLT PICKUP 4WD ~ 45,909 MILES SHOWING,** VIN: 1FTDR15X8PPA56353, 4WD, V6, 4.0L, SCRATCHED, RUBS, PAINT CHIPS, PEELING PAINT, INTERIOR WORN/HOLES, BRUSH GUARD, TOOLBOX, RUST, NON-RUNNER, TITLE # 98216222a411367, 45,909 MILES SHOWING, 1 KEY, | |
| 7/11/2020 | Invoice Sale Price(Qty=1) | 1,100.00 |
| | #220 - Quality Restaurant Supply Inc, Hess, Lance<br>505-261-5397Lance Hess<br>Quality Restaurant Supply Inc Not an asset<br>1870 Tamarack Circle UT Tort claim for<br>Bosque Farms, NM 87068 damages due to Flooding-<br>Phone:505-261-5397 we acquired the vehicle + paid owner to replace. | |

Fire Unit 961

**CITY OF RIO RANCHO**
**RESOLUTION**

**RESOLUTION NO. 17** **ENACTMENT NO. 22-017**

**RESOLUTION DECOMMISSIONING AND ALLOWING FOR THE DISPOSAL OF VEHICLES AND EQUIPMENT**

**WHEREAS:** the Department of Public Works is requesting approval to decommission and auction vehicles and equipment; and

**WHEREAS:** the list of vehicles and equipment that have been submitted meet the requirements outlined in the City of Rio Rancho Administrative Policies and Procedures (Chapter 2, Article 12, and Section 2-12-12; Revised May 19, 2014) to become eligible for decommissioning; and

**WHEREAS:** the proceeds from the auction will be returned to the Other Revenues/Auction Revenue fund; except Utilities vehicles and equipment, which will be returned to Other Financing Sources/Auction Revenue fund.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:**

That the list, attached hereto, of vehicles and equipment is decommissioned and shall be disposed of at auction.

ADOPTED THIS 14th DAY OF APRIL, 2022.

Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)

| | Dept | Unit# | Year | Make | Model | Mileage |
|---|---|---|---|---|---|---|
| 1 | Police | DPS281 | 2014 | Dodge | Charger | 91426 |
| 2 | Police | DPS277 | 2014 | Dodge | Charger | 109333 |
| 3 | Police | PDS283 | 2014 | Dodge | Charger | 86078 |
| 4 | Police | PD1606 | 2014 | Dodge | Charger | 76560 |
| 5 | Police | PD1501 | 2015 | Ford | | 67976 |
| 6 | Police | N/A | N/A | N/A | Used Police Vehicle Equipment | N/A |
| 7 | Public Works-Engineering | PWEN03 | 2008 | Chevrolet | Tahoe | 219590 |
| 8 | Animal Resource Center | AC042 | 2007 | Ford | F250 | 128772 |
| 9 | Animal Resource Center | AC042 | N/A | N/A | Animal Compartment | |
| 10 | Code Enforcement | CE05 | 2006 | Ford | F150 | 152969 |
| 11 | Development Services | DS12 | 2005 | Ford | F150 | 84434 |
| 12 | Development Services | DS14 | 2006 | Ford | F150 | 146224 |
| 13 | Development Services Engineering | DSEN24 | 2008 | Chevrolet | 1500 PICKUP | 146525 |
| 14 | Development Services Engineering | DSEN25 | 2008 | Chevrolet | 1500 PICKUP | 129666 |
| 15 | Fire Asset # 5360 | 947 | 2005 | Chevrolet | Impala R Oct 2022 | 126155 |
| 16 | Fire 5257 | 946 | 2005 | Chevrolet | Impala R Dec 2022 | 80350 |
| 17 | Fire 5853 | 909 | 2006 | Ford | F350 Ambulance | 68540 |
| 18 | Fire | 961 | 2007 | Ford | F450 Ambulance R Oct 2022 | 101324 |
| 19 | Parks & Recreation | PR15 | 2005 | Chevrolet | Silverado | 137852 |
| 20 | Parks & Recreation | PR06 | 2005 | Ford | F450 | 147482 |
| 21 | Parks & Recreation | PR43 | 2006 | Ford | E450 Shuttle | 108645 |
| 22 | Parks & Recreation | PR24 | 2007 | Ford | F350 | 185695 |
| 23 | Police | DPS222 | 1998 | International | Armored truck | 323263 |
| 24 | Police | CVA99 | 2007 | Chevrolet | Impala | 109981 |
| 25 | Police | DPS115 | 2008 | Ford | Taurus | 140751 |
| 26 | Police | DPS267 | 2012 | Dodge | Charger | 118324 |
| 27 | Police | DPS265 | 2012 | Dodge | Charger | 93895 |
| 28 | Public Works - Fleet | FM06 | 1978 | Hyster | Forklift | |
| 29 | Public Works-Building Maintenance | BM02 | 2008 | Chevrolet | 1500 PICKUP | 206932 |
| 30 | Public Works-Custodial | C11 | 2008 | Ford | Expedition | 115991 |
| 31 | Public Works-Engineering | PWEN20 | 2007 | Ford | F250 | 249950 |
| 32 | Public Works-SROW | SRW12 | 2005 | Ford | F450 with plow | N/A |
| 33 | Public Works-SROW | SRW61 | 2002 | Freightliner | 6yard dump | N/A |

Still on asset list

**Exhibit B**
**Meadowlark Senior Center**

| Asset Category | Asset Class | Asset Identifier | Location | Asset Description | Installed Date - Calc | Company ID |
|---|---|---|---|---|---|---|
| EQUIP | VEHICLE | 11062 | MEADOWLARK SENIOR CENTER | ADA CONVERSION TO VAN, 2009 FD | 6/26/2009 | Imp asset # 10913 - Retired June 27, 2018 Equipment was installed in vehicle that was stolen in April 2016 |
| EQUIP | VEHICLE | 11100 | MEADOWLARK SENIOR CENTER | RAISED ENTRY (REAR DOORS) | 6/30/2009 | Imp asset # 10913 - Retired June 27, 2018 Equipment was installed in vehicle that was stolen in April 2016 |

MSC Van SC07 Asset # 10413

RECD APR 11 2016

# STATE OF NEW MEXICO UNIFORM INCIDENT REPORT

| OCCURRENCE DATE(S) ON / OR / BETWEEN | DATE REPORTED | ORI NO | INCIDENT NO. | STN# | PRIMARY |
|---|---|---|---|---|---|
| 04/06/2016 – 04/07/2016 | 04/07/2016 | NM0230600 | 16002720 | | YES |

| AGENCY | GEOGR. CODE | CASE NUMBER | BURGLARY FORCE | BURGLARY NO F | NO. OF UNITS ENT |
|---|---|---|---|---|---|
| RIO RANCHO PD | 05098 | 16002720 | | ✓ | |

| TIME | DAY OF WEEK | TIME | DAY OF WEEK | TIME | DAY OF WEEK | ADDRESS / LOCATION OF INCIDENT | CITY | CTY. | ZIP | GANG REL. YES | GANG REL. NO | HATE / BIAS MOT CODE |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 21:30 | WED | 07:15 | THU | 07:41 | THU | 4110 SABANA GRANDE AVE SE (4E) | RIO RANCHO | 29 | 87124 | | ✓ | 00 |

## OFFENSE

| | OFFENSE / INCIDENT | STATUTE OR ORDINANCE | FEL / MISD. | ATTEMPTED / COMPLETED | UCR OFFENSE CODE | DOM VIOL. | SEX CRIME | CHILD | CRIMINAL ACTIVITY CODE | LOCAT. CODE | WEAPON CODE (UP TO 3 PER OFFENSE) | | | OFFENDER(S) SUSPECTED OF USING ALCOH | OFFENDER(S) SUSPECTED OF USING DRUG | OFFENDER(S) SUSPECTED OF USING COMP |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | UNLAW TAKING OF MOTOR VEHICLE | 30-16D-1 | F | C | 23G | NO | NO | NO | | 11 | 01 | | | NO | NO | NO |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |

PERSON CODES: V-VICTIM, W-WITNESS, O-OTHER, C-CITED, D-DECEASED, R-REPORTING PERSON, S-SUSPECT, M-MISSING PERSON, I-INTERVIEWED, A-ARRESTED, RP-RUNAWAY

TYPE CODES: I-INDIVIDUAL, B-BUSINESS, F-FINANCIAL INST., P-POLICE, G-GOVERNMENT, R-RELIGIOUS, S-SOCIETY/PUB, O-OTHER, U-UNKNOWN

INJURY CODES: A-APPARENT BROKEN BONE, P-POSSIBLE INTERNAL INJURY, T-SEVERE LACERATION, M-APPARENT MINOR INJURY, O-OTHER MAJOR INJURY, T-LOSS OF TEETH, U-UNCONSCIOUSNESS, N-NONE

ETHNIC CODES: B-BLACK, H-HISPANIC/LATINO, I-AMERICAN INDIAN/NATIVE AMERICAN, A-ASIAN/ORIENTAL, C-CHINESE, J-JAPANESE, W-WHITE, O-OTHER, U-UNKNOWN

## SUBJECTS (VICTIMS / SUSPECTS / PERSONS / BUSINESSES)

### Victim

| PERSON CODE | TYPE CODE | INJURY CODE | 1-NAME (LAST, FIRST, MIDDLE, SUFFIX) |
|---|---|---|---|
| V | B | N | CITY OF RIO RANCHO |

| STREET ADDRESS | APT. NO | CITY | CTY | STATE | ZIP |
|---|---|---|---|---|---|
| 4110 SABANA GRANDE AVE SE | | RIO RANCHO | 29 | NM | 87124 |

| RES. PHONE | BUS. PHONE | SOCIAL SECURITY NO. | DOB | AGE | SEX | RACE (WHT / BLK / ASIA / IND / UNK) |
|---|---|---|---|---|---|---|
| (505) 891-6196 | (505) 891-6196 | | | | | |

| HEIGHT | WEIGHT | HAIR | EYES | ETHNIC | AGG. ASSAULT / DOM. CODE | VICTIM OF OFF NO | VICTIM OF SUSP NO | REL | VICTIM OF SUSP NO | REL | VICTIM OF SUSP NO | REL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | |

| OCCUPATION | EMPLOYER / SCHOOL | EMPLOYER / SCHOOL ADDRESS | GANG AFFILIATION | VERIFIED |
|---|---|---|---|---|
| | SABANA GRANDE REC CENTER | | NONE | |

| ALIAS | NICKNAME | SCARS, MARKS AND TATTOOS | CLOTHING DESCRIPTION | ARMED WITH (SEE CODES) | TYPE OF ARREST (ON VIEW / CITED / CUST) |
|---|---|---|---|---|---|
| | | | | 01 | |

| DRIVER LICENSE NO. | D.L. STATE | ARREST / CITATION NO. | F.B.I. NO. | S.I.D. NO. | N.I.C. NO | RES. STATUS (RES / NON) |
|---|---|---|---|---|---|---|
| | | | | | | |

| 1. ID TYPE | ID NUMBER | ID STATE | 2. ID TYPE | ID NUMBER | ID STATE | 3. ID TYPE | ID NUMBER | ID STATE |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |

### Subject

| PERSON CODE | TYPE CODE | INJURY CODE | 1-NAME (LAST, FIRST, MIDDLE, SUFFIX) |
|---|---|---|---|
| I | I | N | HARVEY JENNIFFER |

| STREET ADDRESS | APT. NO. | CITY | CTY. | STATE | ZIP |
|---|---|---|---|---|---|
| 4110 SABANA GRANDE AVE SE | | RIO RANCHO | 29 | NM | 87124 |

| RES. PHONE | BUS. PHONE | SOCIAL SECURITY NO. | DOB | AGE | SEX | RACE (WHT / BLK / ASIA / IND / UNK) |
|---|---|---|---|---|---|---|
| (505) 891-6196 | (505) 891-6196 | | [redacted]1966 | 50 | F | |

| HEIGHT | WEIGHT | HAIR | EYES | ETHNIC | AGG. ASSAULT / DOM. CODE | VICTIM OF OFF NO | VICTIM OF SUSP NO | REL | VICTIM OF SUSP NO | REL | VICTIM OF SUSP NO | REL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 5' 05" | 175 LBS | BLN | HAZ | W | | | | | | | | |

| OCCUPATION | EMPLOYER / SCHOOL | EMPLOYER / SCHOOL ADDRESS | GANG AFFILIATION | VERIFIED |
|---|---|---|---|---|
| | SABANA GRANDE REC CENTER | | NONE | |

| ALIAS | NICKNAME | SCARS, MARKS AND TATTOOS | CLOTHING DESCRIPTION | ARMED WITH (SEE CODES) | TYPE OF ARREST (ON VIEW / CITED / CUST) |
|---|---|---|---|---|---|
| | | | | 01 | |

| DRIVER LICENSE NO | D.L. STATE | ARREST / CITATION NO. | F.B.I. NO. | S.I.D. NO. | N.I.C. NO | RES. STATUS (RES / NON) |
|---|---|---|---|---|---|---|
| [redacted]4312 | NM | | | | | ✓ |

| 1. ID TYPE | ID NUMBER | ID STATE | 2. ID TYPE | ID NUMBER | ID STATE | 3. ID TYPE | ID NUMBER | ID STATE |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |

## VEHICLE

VEH. STATUS CD.: 1-STOLEN, 2-BURNED, 3-REC. (STOLEN LOCALLY), 4-REC. (STOLEN OTHER JURIS.), 5-RECVD, 6-ABANDONED, 7-DAMAGED/VANDALIZED, 8-SUSPECT'S VEHICLE, 9-VICTIM'S VEHICLE, 10-OTHER, 11-EMBEZ., 12-REPO.

VEH. TYPE CD.: 01-AIRPLANE, 02-AUTOMOBILE, 03-BUS, 24-OTHER MOTOR VEHICLE, 25-MOTOR HOME, 27-TRUCK (PICK-UP), 28-WATERCRAFT, 41-MOTORCYCLE, 42-SNOWMOBILE, 43-ATV, 44-TRAILER

| VEH. STATUS CD. | VEH. TYPE CD. |
|---|---|
| 1 | 03 |

| YEAR | MAKE | MODEL | BODY STYLE | LICENSE NO | LIC. YEAR | LIC. ST | TOP COLOR | BTM. COLOR |
|---|---|---|---|---|---|---|---|---|
| 2009 | FORD | PAS | VN | G76898 | 2050 | NM | WHI | WHI |

| VIN | VALUE / DAMAGE EST | DISTINGUISHING FEATURES / VISIBLE DAMAGE | TOW TO / BY | N.I.C. NO. |
|---|---|---|---|---|
| 1FBSS31L69DA68584 | | CITY OF RIO RANCHO | | 738255903 |

REGISTERED OWNER'S NAME: CITY OF RIO RANCHO

| STREET ADDRESS | CITY | STATE | ZIPCODE |
|---|---|---|---|
| 4110 SABANA GRANDE AVE SE | RIO RANCHO | NM | 87124 |

| AGENCY OPTIONAL USE | TOWED FROM | OWNER NOTIFIED | DATE RECOVERED | TIME RECOVERED |
|---|---|---|---|---|
| | | ☐ | | |

$21,600.00

Dept 21,600.00

## PROPERTY

**PROPERTY STATUS:** 0-NONE; 1-STOLEN; 2-STOLEN & RECOVERED; 3-RECOVERED (STOLEN THIS JURIS.); 4-RECOVERED (STOLEN OTHER JURIS.); 5-EVIDENCE; 6-LOST; 7-FOUND; 8-COUNTERFEIT/FORGED; 8-DAMAGED/DESTROYED/VANDALIZED; 10-BURNED; 11-SEIZED; 12-USED IN CRIME; 13-SAFEKEEPING; 14-UNKNOWN; 15-EMBEZZLED

**PROPERTY TYPE:** 01-ALCOHOL; 02-BICYCLES; 03-CLOTHING/FURS; 07-COMPUTER HARDWARE/SOFTWARE; 08-CONSUMABLE GOODS; 09-CREDIT/DEBIT CARDS; 10-DRUGS/NARCOTICS; 11-DRUG/NARCOTIC EQUIPMENT; 12-FARM EQUIPMENT; 13-FIREARMS; 14-GAMBLING EQUIPMENT; 15-HEAVY CONSTRUCTION/INDUSTRIAL EQUIP; 16-HOUSEHOLD GOODS; 17-JEWELRY/PRECIOUS METALS; 18-LIVESTOCK; 19-MERCHANDISE; 20-MONEY; 21-NEGOTIABLE INSTRUMENTS; 22-NON-NEGOTIABLE INSTRUMENTS; 23-OFFICE EQUIPMENT; 25-PURSES/HANDBAGS/WALLETS; 26-RADIOS/TVs/VCRs; 27-RECORDING AUDIO/VISUAL; 28-STRUCTURE-SINGLE OCCUPANCY; 30-STRUCTURES-OTHER DWELLINGS; 31-STRUCTURES-OTHER COMM./BUSINESS; 32-STRUCTURES-INDUSTRIAL/MANUF; 33-STRUCTURES-PUBLIC/COMMUNITY; 34-STRUCTURES-STORAGE; 36-STRUCTURES-OTHER; 38-TOOLS; 39-VEHICLE PARTS/ACCESSORIES; 40-SPORTING EQUIPMENT; 77-OTHER; 88-PENDING INVENTORY; 99-SPECIAL CATEGORY

**DRUG TYPE:** A-CRACK; B-COCAINE; C-HASHISH; D-HEROIN; E-MARIJUANA; F-MORPHINE; G-OPIUM; H-OTHER NARCOTICS; I-LSD; J-PCP; K-OTHER HALLUCINOGENS; L-AMPH./METHAM.; M-OTHER STIMULANTS; N-BARBITURATES; O-OTHER DEPRESSANTS; P-OTHER DRUGS; U-UNKNOWN; X-OVER 3 TYPES

**FIELD UNIT OF MEASURE:** GM-GRAM; G-KILOGRAM; OZ-OUNCE; LB-POUND; GL-GALLON; NP-NO PLANTS; LT-LITER; FO-FLUID OUNCE; DU-DOSAGE UNITS; ML-MILLILITER

| PROPERTY STATUS | PROPERTY TYPE | TYPE OF ITEM | MAKE / BRAND | MODEL | CALIBER | VALUE | DRUG VALUE |
|---|---|---|---|---|---|---|---|
| | | | | | | | |

| SUSPECTED DRUG TYPE | QUANTITY | UNIT OF MS. | DESCRIPTION (COLOR, SIZE, FEATURES, ETC.) | SERIAL / OAN | DATE RECOVERED | N.I.C. NO |
|---|---|---|---|---|---|---|
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| PROPERTY STATUS | PROPERTY TYPE | TYPE OF ITEM | MAKE / BRAND | MODEL | CALIBER | VALUE | DRUG VALUE |
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| SUSPECTED DRUG TYPE | QUANTITY | UNIT OF MS. | DESCRIPTION (COLOR, SIZE, FEATURES, ETC.) | SERIAL / OAN | DATE RECOVERED | N.I.C. NO |
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| PROPERTY STATUS | PROPERTY TYPE | TYPE OF ITEM | MAKE / BRAND | MODEL | CALIBER | VALUE | DRUG VALUE |
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| PROPERTY STATUS | PROPERTY TYPE | TYPE OF ITEM | MAKE / BRAND | MODEL | CALIBER | VALUE | DRUG VALUE |
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| SUSPECTED DRUG TYPE | QUANTITY | UNIT OF MS. | DESCRIPTION (COLOR, SIZE, FEATURES, ETC.) | SERIAL / OAN | DATE RECOVERED | N.I.C. NO |
|---|---|---|---|---|---|---|
| | | | | | | |

M.O. EVENT CODES: (AGENCY OPTIONAL USE)

TOTAL VALUE STOLEN: $

TOTAL VALUE REC.: $

## SYNOPSIS

A CITY OF RIO RANCHO VAN WAS STOLEN OUT OF THE SABANA GRANDE RECREATION CENTER PARKING LOT.

## NARRATIVE

On April 7, 2016 at approximately 0741 hours Officer B. Mckinney and I responded to 4110 Sabana Grande Ave in reference to a stolen vehicle.

Upon my arrival I made contact with Jenniffer Harvey, an employee of the Sabana Grande Recreation center. Jenniffer stated the following. She arrived at the recreation center at approximately 0715 hours and observed one of the city vans was missing. Jenniffer had been at the recreation center until approximately 2130 hours the night prior. The van was parked in front of the recreation center, under a street lamp, facing north when she left. Jenniffer contacted her supervisor who informed her the van was not scheduled to be used for any events. Jenniffer then contacted the City's maintenence facility to check if the van was scheduled for maintenence. She was advised the van was not due for maintenence. The keys to the van were still in the recreation center's office. The office is secured every night and was secured when Jenniffer arrived.

The vehicle is a 2009 white Ford 15 passenger van with a brown City of Rio Rancho sticker on the side of it. The van is also handicap accessible and has a 07 sitcker on it. Jenniffer was able to provide me with a license plate number (G76898) and also a VIN (1FBSS31L69DA68584). The vehicle's information was entered into NCIC (738265903). Nothing further for this report.

## CERT./STATUS

"I WILL PROSECUTE/TESTIFY SHOULD THE OFFENDER BE ARRESTED" YES ☐ NO ☐

"I UNDERSTAND IT IS A CRIMINAL OFFENSE TO FILE A FALSE REPORT TO POLICE." COMPLAINANT / VICTIM CERTIFICATION SIGNATURE X _____ DATE _____

| REPORTING OFFICER (PRINT) | RANK | I.D. NO | DATE | DETECTIVE/FOLLOW-UP OFFICER/ REFERRED TO | I.D. NO | DATE |
|---|---|---|---|---|---|---|
| TRUJILLO, A | OFC. | 4614 | 04/07/2016 | | | |

| ASSISTING OFFICER (PRINT) | RANK | I.D. NO | DATE | PROCESSED BY | DATE | DATA ENTRY PERSON | DATE |
|---|---|---|---|---|---|---|---|
| B. MCKINNEY | OFC | 3973 | 03/07/2016 | | | | |

| APPROVING OFFICER (PRINT) | RANK | I.D. NO | DATE | INCIDENT STATUS: ACTIVE ☐ INACT. ☐ CLOSED ☑ U.F. ☐ CLA. ☐ CLS. ☐ | EXCEPT CODE | A-DEATH OF OFFENDER B-PROSECUTION DECLINED C-EXTRADITION DENIED D-VICTIM REF TO COOPERATE E-JUVENILE NO CUSTODY X-NOT APPLICABLE | DATE |
|---|---|---|---|---|---|---|---|
| KOSCHADE, RICHARD | CPL. | 2903 | 04/10/2016 | | | | |

AGENCY OPTIONAL USE (DISTRIBUTION, OTHER OFFICERS, ETC.)

CASES CLEARED BY THIS ARREST: CASE NO. _____ CASE NO. _____ CASE NO. _____

# RIO RANCHO POLICE DEPARTMENT
# DIVISION OF POLICE

EFFECTIVE DATE: 05-01-93
REVISED DATE: 05-01-93
CONTROL NUMBER: DPS/PD.019

## VEHICLE / PROPERTY THEFT DECLARATION

Vehicle Make: Ford Model: 15 passenger Van Year: 2009

Vehicle Identification Number (VIN): 1FBSS31L69DA68584 Color: White

Body Style: Van License Plate Number: G76895 State: NM Year: 2009

Property Description/Serial Number(s): ~~Wh~~ White City of Rio Rancho 15 passenger Van, Has a brown City of Rio Rancho Sticker on the side. Also, has a #7 Sticker on the side.

(Include name and model number of firearm(s) and major appliances)

I, Jennifer Harvey, did have legal possession of the vehicle/property and declare that the vehicle/property as reported in Offense/Incident Report # 16002720 is stolen. Further, I have not given anyone permission to take the vehicle/property at the time the vehicle/property was taken, nor, to the best of my knowledge, has anyone taken the vehicle/property normally having access to it. I request that a complaint be filed against the person(s) in possession of the vehicle/property, and I agree to cooperate during any subsequent investigation or criminal prosecution of the offender(s).

Jennifer Harvey

Signature of Person reporting stolen vehicle/property

A. Tafoya 4614

Officer taking report and declaration

738255903

NCIC Number

**CITY OF RIO RANCHO**
**RESOLUTION**

**RESOLUTION NO. 66** **ENACTMENT NO. 23-068**

**RESOLUTION AUTHORIZING THE REMOVAL OF EQUIPMENT AND PARTS PERMANENTLY AFFIXED TO CAPITAL ASSETS RETIRED AND DISPOSED OF IN PRIOR PERIODS FROM THE CAPITAL ASSET RECORDS**

**WHEREAS:** the Financial Services Department identified equipment and parts that were permanently affixed to capital assets previously removed from the capital asset records in prior accounting periods during the Fiscal Year 2023 capital asset inventories; and

**WHEREAS:** the Financial Services Department is seeking to eliminate these assets from all future inventories; and

**WHEREAS:** the Financial Services Department desires to make the necessary adjustments to the capital asset inventory and database to ensure the reporting of capital assets is accurate.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:**

The items listed with supporting documentation in Exhibits A and B, attached hereto, are hereby authorized and approved for removal from the capital asset inventory and sub-ledger records.

ADOPTED THIS 11th DAY OF MAY, 2023.

Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk

(SEAL)

**CITY OF RIO RANCHO**
**COVER PAGE**

**Legislation Item: R67**

AGENDA DATE:
May 11, 2023

DEPARTMENT:
City Attorney

SUBJECT:
R67, Resolution Authorizing the Disposal of Obsolete and Non-Working Minor Equipment and Office Furniture

BACKGROUND AND ANALYSIS:

The City Attorney's Office and Human Resources Department has obsolete and damaged office furniture and minor equipment that have been replaced, and disposal is necessary.

The furniture is in poor condition and is potentially unsafe. Safely disposing of the items is the best option available to the City.

The disposal of personal property is governed by Section 3-54-2-NMSA, 1978, and there is a requirement for Governing Body approval for the disposal of property that does not exceed $2,500.

IMPACT:
Approval of the Resolution will enable the City to dispose or obsolete, non-functional, and unused property.

ALTERNATIVES:
Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:
Staff recommends approval of the Resolution.

ATTACHMENT: Resolution
ATTACHMENT: Exhibit A
ATTACHMENT: R67 - Signed

**CITY OF RIO RANCHO**
**RESOLUTION**

**RESOLUTION NO.** **ENACTMENT NO.**

**RESOLUTION AUTHORIZING THE DISPOSAL OF OBSOLETE AND NON-WORKING MINOR EQUIPMENT AND OFFICE FURNITURE**

**WHEREAS:** the City Attorney's Office and Human Resources Department has gathered and identified obsolete and non-working minor equipment and office furniture; and

**WHEREAS:** staff desires to properly dispose of the obsolete minor equipment and office furniture; and

**WHEREAS:** the disposal of personal property is governed by Section 3-54-2, NMSA 1978 requiring Governing Body approval for property that does not exceed $2,500.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:**

That formal and required authorization is hereby given to properly dispose of office furniture and minor equipment, attached hereto in “Exhibit A”.

ADOPTED THIS _____DAY OF _____, 2023.

_____
Greggory D. Hull, Mayor

ATTEST:

_____
Rebecca A. Martinez, City Clerk
(SEAL)

# Exhibit A
# Disposal List

## City Attorney's Office

| | Item | Photo | Qty. | Est. Cost | Total |
|---|---|---|---|---|---|
| 1 | Binders |  | 35 | $0.50 | $17.50 |
| 2 | computer monitor stand |  | 2 | $0.25 | $0.50 |
| 3 | Black desk mat |  | 4 | $0.25 | $1.00 |
| 4 | Word Perfect software |  | 3 | $1.00 | $3.00 |
| 5 | Misc. software |  | 3 | $0.25 | $0.75 |
| 6 | File stand |  | 1 | $0.25 | $0.25 |
| 7 | Drawer organizer |  | 1 | $0.50 | $0.50 |
| 8 | Clock |  | 1 | $0.50 | $0.50 |
| 9 | File frames |  | 19 | $0.05 | $0.95 |
| 10 | Wrist pad |  | 1 | $0.50 | $0.50 |
| 11 | Printer toner |  | 1 | $1.00 | $1.00 |
| 12 | Air purifier |  | 1 | $1.00 | $1.00 |
| 13 | Headset |  | 1 | $5.00 | $5.00 |
| 14 | Rolling cart |  | 1 | $1.00 | $1.00 |
| 15 | Hard hat and vest |  | 1 | $1.00 | $1.00 |
| 16 | Clear desk mat |  | 1 | $0.25 | $0.25 |
| 17 | Calculator |  | 1 | $0.25 | $0.25 |
| 18 | File prongs |  | 1 | $5.00 | $5.00 |
| 19 | Metal panels |  | 2 | $0.50 | $1.00 |
| 20 | Misc. cords |  | 1 | $0.50 | $0.50 |
| 21 | File cabinet |  | 1 | $20.00 | $20.00 |

**City Attorney's Office Total: $26.45**

## Human Resources

| | Item | Photo | Qty. | Est. Cost | Total |
|---|---|---|---|---|---|
| 22 | Desk chair |  | 2 | $10.00 | $20.00 |
| 23 | Cork bulletin board |  | 1 | $0.50 | $0.50 |
| 24 | Fabric bulletin board |  | 1 | $0.50 | $0.50 |
| 25 | Rotary cards |   | 1 | $0.25 | $0.25 |
| 26 | Reference rack |  | 1 | $0.50 | $0.50 |
| 27 | Laminator |  | 1 | $10.00 | $10.00 |
| 28 | File stand |  | 7 | $0.50 | $3.50 |
| 29 | File stand |  | 2 | $0.50 | $1.00 |
| 30 | Organizer |  | 3 | $0.50 | $1.50 |

| | Item | Photo | Qty. | Est. Cost | Total |
|---|---|---|---|---|---|
| 31 | Paper tray |  | 6 | $0.50 | $3.00 |
| 32 | Paper tray |  | 29 | $0.50 | $14.50 |
| 33 | Projector light |  | 1 | $0.50 | $0.50 |
| 34 | Misc. plastic piece |  | 1 | $0.00 | $0.00 |
| 35 | Misc. desk accessories |  | 1 | $1.00 | $1.00 |
| 36 | Binders |  | 15 | $0.50 | $7.50 |
| 37 | Alphabetical pendaflex sorter |  | 3 | $0.50 | $1.50 |
| 38 | Screen filter |  | 1 | $0.50 | $0.50 |

**Human Resources Total: $37.75**

**CITY OF RIO RANCHO**
**RESOLUTION**

**RESOLUTION NO. 67** **ENACTMENT NO. 23-069**

## RESOLUTION AUTHORIZING THE DISPOSAL OF OBSOLETE AND NON-WORKING MINOR EQUIPMENT AND OFFICE FURNITURE

**WHEREAS:** the City Attorney's Office and Human Resources Department has gathered and identified obsolete and non-working minor equipment and office furniture; and

**WHEREAS:** staff desires to properly dispose of the obsolete minor equipment and office furniture; and

**WHEREAS:** the disposal of personal property is governed by Section 3-54-2, NMSA 1978 requiring Governing Body approval for property that does not exceed $2,500.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:**

That formal and required authorization is hereby given to properly dispose of office furniture and minor equipment, attached hereto in “Exhibit A”.

ADOPTED THIS 11th DAY OF MAY, 2023.

Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk

(SEAL)

**CITY OF RIO RANCHO**
**COVER PAGE**

**Legislation Item:**

AGENDA DATE:
May 11, 2023

DEPARTMENT:
Administration

SUBJECT:
Public Hearing for Fiscal Year 2024 Budget

BACKGROUND AND ANALYSIS:
The City Manager's Recommended Budget for Fiscal Year 2024 (July 1, 2023 to June 30, 2024) and Capital Program can be viewed by visiting www.rrnm.gov/fy24budget.

Pursuant to the City Charter, the City Manager's Recommended Budget and Capital Program for the coming fiscal year was provided to the Governing Body on April 14, 2023. Between April 15 and April 25, the Mayor may submit comments to the City Manager regarding the recommended budget. The Mayor's comments can be viewed at www.rrnm.gov/fy24budget.

On April 28, the Governing Body held a budget review work session meeting. The meeting provided a venue to ask questions of staff, propose and discuss budget amendments, and for the City Manager to formally respond to the Mayor's budget comments/recommendations.

Pursuant to the City Charter, public comment on the Recommended Fiscal Year 2024 Budget and Capital Program is taken at the Governing Body's regular meetings in May (May 11 and May 25).

A vote to adopt a balanced budget for Fiscal Year 2024 and capital program, which includes consideration of amendments that have been offered, will take place at the Governing Body's May 25 meeting.

IMPACT:
Compliance with City Charter and Municipal Code.

ALTERNATIVES:
This is a public hearing only, therefore there are no alternatives.

DEPARTMENT RECOMMENDATION:
Not an action item; public hearing only.

**CITY OF RIO RANCHO**
**COVER PAGE**

**Legislation Item:**

AGENDA DATE:
May 11, 2023

DEPARTMENT:
Administration

SUBJECT:
Public Hearing for Fiscal Years 2024-2029 Infrastructure Capital Improvement Plan (ICIP)

BACKGROUND AND ANALYSIS:
The City Manager's Recommended Budget for Fiscal Year 2024 (July 1, 2023 to June 30, 2024) and Capital Program (Infrastructure Capital Improvement Plan or ICIP for Fiscal Years 2024 - 2029) can be viewed by visiting www.rrnm.gov/fy24budget.

Pursuant to the City Charter, the City Manager's Recommended Budget and Capital Program for the coming fiscal year was provided to the Governing Body on April 14, 2023. Between April 15 and April 25, the Mayor may submit comments to the City Manager regarding the recommended budget and capital program. The Mayor's comments can be viewed at www.rrnm.gov/fy24budget.

On April 28, the Governing Body held a budget review work session meeting. The meeting provided a venue to ask questions of staff, propose and discuss budget amendments, and for the City Manager to formally respond to the Mayor's budget comments/recommendations.

Pursuant to the City Charter, public comment on the Recommended Fiscal Year 2024 Budget and Capital Program is taken at the Governing Body's regular meetings in May (May 11 and May 25).

A vote to adopt a balanced budget for Fiscal Year 2024 and capital program, which includes consideration of amendments that have been offered, will take place at the Governing Body's May 25 meeting.

IMPACT:
Compliance with City Charter and Municipal Code.

ALTERNATIVES:
This is a public hearing only, therefore there are no alternatives.

DEPARTMENT RECOMMENDATION:
Not an action item; public hearing only.

**CITY OF RIO RANCHO**
**COVER PAGE**

**Legislation Item: O9**

AGENDA DATE:
May 11, 2023

DEPARTMENT:
Administration

SUBJECT:
O9, Ordinance Granting Comcast a Non-Exclusive Franchise to Operate a Cable Television System and Other Services within the City Limits by Utilizing Public Places via the Payment of Franchise Fees for a Period of 10 Years

BACKGROUND AND ANALYSIS:
Second reading of an Ordinance. The Governing Body approved the first reading of this Ordinance at their meeting of April 27, 2023.

Comcast has formally notified the City that it desires to obtain a franchise to operate a cable television system and provide other services within the City limits.

Comcast is a nationally recognized cable television system and internet services provider currently serving more than 270,000 customers in the State of New Mexico. In addition to providing customers with cable television and internet services, Comcast prides itself on investing in municipalities on a local level. Comcast provides increasing technological and digital access to low-income areas and in under-resourced communities. Additionally, Comcast's conceptualized based services allows for Comcast to serve local communities through initiatives that support its non-profit partners and create storytelling platforms to connect various members of the local community. Comcast seeks to operate in the City of Rio Rancho in order to strengthen and connect the local community by operating a cable television system and other services.

The cable television franchising process at the local government level is heavily dictated and regulated by federal law (Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996) and the U.S. Federal Communications Commission (FCC), which establishes the procedures and standards that a local entity may grant or deny a new franchise. For example, pursuant to federal law the City, as the local franchising authority, may not grant an exclusive franchise and may not unreasonably refuse to award an additional competitive franchise. Additionally, a local franchising authority cannot set rates, cannot dictate what channels are or are not carried, cannot require franchise fees of more than 5 percent of gross revenues, and cannot regulate data services (e.g., internet).

Staff has reviewed relevant information and federal law over the past several months and has made the assessment that there is no basis to deny the Comcast franchise request. Should the Governing Body deny the franchise, Comcast would have the opportunity to pursue relief through judicial proceedings.

Comcast and the City agree that federal law has been followed and adhered to in negotiating the

franchise over the course of the past several months. The franchise Ordinance prepared by and with Comcast representatives is similar to the previous franchise granted by the City and in-line with other franchise agreements in the State that staff has reviewed.

Highlights of the franchise include that it is non-exclusive, the term is for 10 years, a channel for government use shall be provided upon request and with certain conditions met, cable television service for public elementary and secondary schools and City buildings under certain conditions is provided under certain conditions, and the maximum fee of 5 percent of gross revenue derived from cable television services is assessed for use of public places (e.g., public streets, public rights of way). The franchise Ordinance allows all of the fee revenue received by the City to flow into the General Fund.

IMPACT:

Approval of the Ordinance is beneficial for the public and for business growth in the in the community for the next 10 years. Approval will help to facilitate options for citizens related to their television service and internet service, and it will generate revenue for the City that will be used to fund and provide a variety of public services through the City's General Fund.

Not approving the Ordinance may negatively impact existing Rio Rancho citizens by limiting competition between cable television and other service providers.

Approval of the Ordinance does not prohibit another cable television provider's potential deployment of a cable television system and other services in Rio Rancho, should they desire to do so.

ALTERNATIVES:

Approve the Ordinance.

Do not approve the Ordinance; however, staff has made an assessment that there is no basis for denial which is necessary pursuant to federal regulations. Should the Governing Body not approve the Ordinance, Comcast would have the opportunity to pursue relief through judicial proceedings.

DEPARTMENT RECOMMENDATION:

City staff recommends approval of the Ordinance as presented.

ATTACHMENT: Ordinance
ATTACHMENT: Notice of Publication
ATTACHMENT: O9 Signed

**CITY OF RIO RANCHO**
**ORDINANCE**

**ORDINANCE NO.** **ENACTMENT NO.**

**ORDINANCE GRANTING TO COMCAST OF NEW MEXICO, LLC, A COLORADO LIMITED LIABILITY COMPANY, FOR A PERIOD OF TEN (10) YEARS FROM AND AFTER THE PASSAGE, ACCEPTANCE AND EFFECTIVE DATE OF THIS ORDINANCE, THE NONEXCLUSIVE RIGHT, PRIVILEGE, PERMIT AND FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN, UPON, ALONG, ACROSS, ABOVE, OVER, AND UNDER STREETS, ALLEYS, EASEMENTS, OPEN AREAS, PUBLIC WAYS AND PUBLIC PLACES, NOW LAID OUT OR DEDICATED, AND ALL EXTENSIONS THEREOF AND ADDITIONS THERETO, IN THE CITY OF RIO RANCHO, PROVIDING TERMS AND CONDITIONS FOR THE OPERATION OF SUCH CABLE TELEVISION SYSTEM AND THE PAYMENT OF FEES THEREFORE**

**WHEREAS:** Comcast of New Mexico, LLC, a Colorado limited liability company ("Comcast") LLC has formally notified the City that it desires a non-exclusive franchise to operate a cable television system and other services within the City limits; and

**WHEREAS:** the cable television franchising process at the local government level is heavily dictated and regulated by federal law and the U.S. Federal Communications Commission; and

**WHEREAS:** City staff has negotiated and worked with Comcast regarding its franchise request, where applicable; and

**WHEREAS:** approval of the franchise helps to facilitate options for citizens related to their television and internet service, and generates revenue for the City that is used to provide a variety of public services.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:**

**Section 1. FINDINGS.** The Governing Body hereby finds:

(A) The City is authorized to grant and renew franchises for the installation, operation and maintenance of cable television systems within the City.

(B) The City has endeavored to identify the future cable-related needs and interests of the community; to consider the financial, technical, and legal qualifications of Comcast; and to determine whether plans for upgrading and operating its system are adequate.

(C) The City has relied on Comcast's written representations and has considered all of the information Comcast has presented in making its determination.

(D) The City, having considered the interests proposed and advanced, has found that the grant of the franchise requested, subject to conditions, is in the public interest and hereby grants a cable franchise to Comcast as follows:

**Section 2. DEFINITIONS.**

References to any City official or City office also refer to any official or office that succeeds to any or all of the responsibilities of the named official, whether by succession or otherwise. In addition, the following definitions shall apply:

AFFILIATE. When used in connection with Franchisee, means any Person who owns or controls, is owned or controlled by, or is under common ownership or control with the Franchisee.

CABLE ACT. The federal Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996, as any of them may be amended.

CABLE ORDINANCE, ORDINANCE or FRANCHISE. This ordinance and any amendments, exhibits or appendices hereto.

CABLE SERVICE. The one-way transmission to Subscribers of (i) video programming, or (ii) other programming service; and the Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

CABLE SYSTEM. A facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide Cable Service which includes video programming and which is provided to multiple Subscribers within a community, but such term does not include:

(1) a facility that serves only to retransmit the television signals of one or more television broadcast stations;

(2) a facility that serves Subscribers without using, or connecting to a facility that uses, any Public Right-of-Way within the City;

(3) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II (Common Carriers) of the Federal Communications Act of 1934, as amended, except that such facility shall be considered a Cable System to the extent such facility is used in the transmission of video programming directly to Subscribers, unless the extent of such use is solely to provide interactive on-demand services;

(4) any facilities of any electric utility used solely for operating its electric utility systems, or

(5) an Open Video System (as described in 47 U.S.C. § 573) that is certified by the Federal Communications Commission (FCC).

CITY. The City of Rio Rancho; when used to describe a geographic area, the term refers

to the boundaries of the City of Rio Rancho, New Mexico, as they exist now or may exist in the future.

CITY COUNCIL. The Rio Rancho Governing Body, or its successor, the Governing Body of the City.

DWELLING UNIT. The definition of "Dwelling Unit" shall be consistent and match the definition as cited in Rio Rancho Municipal Code Section 150.25(B).

EXPANDED BASIC. The cable service tier that contains all local broadcast stations as well as the cable services that are included in Franchisee's first generally-available and advertised service tier above the tier containing all local broadcast stations.

FCC. The Federal Communications Commission.

FRANCHISE. This document, i.e., this Ordinance and, upon the written unconditional and acknowledged acceptance by the Franchisee, a contractual agreement, executed between the City and the Franchisee, containing the specific provisions of the authorization granted, including references, specifications, requirements and other related matters.

FRANCHISE AREA. All parts of the City now existing or hereafter annexed.

FRANCHISEE. Comcast of New Mexico, LLC, a Colorado limited liability company and its lawful and permitted successors, assigns and transferees.

GOVERNMENT CHANNEL: Any capacity on the cable system set aside by the Franchisee for local government use.

GROSS REVENUE. any and all cash, credits or other consideration of any kind or nature in any way derived from the operation of the Franchisee's Cable System to provide Cable Services in the Franchisee Area, received directly or indirectly by a Franchisee or their Affiliates, calculated in accordance with generally accepted accounting principles. Gross Revenues shall include, but is not limited to, monthly fees charged Subscribers for any basic, optional, premium or pay-per-view service net of that share of fees which is remitted to suppliers of such services; installation, disconnection, reconnection, and change-in-service fees; leased channel fees; processing fees and administrative fees; fees, payment or other consideration received from programmers for carriage or programming on the cable system, net of any payment or consideration reserved to market such programming to the extent such amounts are used for same; revenues from converter rentals or sales; advertising revenues; barter; revenues from program guides; and revenues from home shopping services. Gross Revenues shall be the basis for computing the Franchisee's Franchise Fee under this Agreement. Gross Revenues shall not include actual converter deposits that are paid by and returned to subscribers, Franchise Fees, actual refunds of amounts paid by and refunds to Subscribers by a Franchisee, actual uncollected Subscribers debts, or receipts from any sales or use taxes, or any other taxes which are imposed upon subscriber by an taxing authority and which the Franchisee is required to collect form a subscriber on behalf of said taxing authority. This definition shall be interpreted to include all revenues that may be subject to a Franchise Fee consistent with Federal law.

PERSON. An individual or a corporation, trust, partnership, limited liability company, or other entity recognized by law.

PUBLIC RIGHTS-OF-WAY. The surface of and the space above and below any street, road, highway, freeway, bridge, lane, path, alley, court, sidewalk, parkway, or right-of way or easement dedicated to compatible uses, now or hereafter existing within the City which may be properly used for the purpose of installing, maintaining, and operating a Cable System; and any other property that the Franchisee is entitled by state or federal law to use by virtue of the grant of this Franchise.

STANDARD DROP. An aerial or underground connection extending no more than 125 feet from the potential Subscriber's demarcation point to the nearest point of distribution on the cable system from which Cable Service can be provided to that subscriber.

SUBSCRIBER. The City or any person who lawfully is receiving Cable Service from a Franchisee and does not further distribute such service.

SUBSCRIBER NETWORK. The fibers, coaxial cables and the electronic devices and other components that are used in the provision of Cable Service to subscribers.

SYSTEM HEAD END. Any facility for signal reception and dissemination on a Cable System, including cables, antennas, wires, satellite dishes, monitors, switchers, modulators and all other related equipment and facilities.

**Section 3. GRANT OF FRANCHISE; LIMITS AND RESERVATIONS.**

(A) Grant, Term and Effective Date.

(1) The City hereby grants to the Franchisee, a non-exclusive right, privilege, permit and franchise to construct, operate, and maintain a cable television system in, upon, across, above, over and under, streets, alleys, easements, open areas, public ways, and public places now laid out or dedicated in the City and upon annexation of any territory to the City, this Franchise shall extend to the territory so annexed, commencing on the effective date of the Franchise and extending for ten (10) years unless earlier terminated in accordance with this Franchise or applicable law. The Franchise and its terms and provisions shall be unconditionally adopted by written instrument executed and acknowledged by the appropriate officials of the City and delivered to the Franchisee which shall accept same not later than thirty (30) days after receiving it by acknowledging the Franchisee's acceptance in writing. The date of the Franchisee's acceptance shall be the effective date of the Franchise.

(B) Surrender.

(1) Comcast may surrender this Franchise at any time upon filing with the City a written notice of its intention so to do, at least six (6) months before the surrender date. All the rights and privileges and all of the obligations, duties, and liability of the Comcast under this Ordinance, except as to the extent previously accrued hereunder, shall terminate on the surrender date specified in such notice.

(C) Relation to Other Provisions of Law.

(1) The Franchise issued by the City is subject to applicable federal and state law. References to laws or "applicable laws" in this Franchise include federal, state and local laws (and regulations lawfully adopted pursuant to those laws) now in effect, and to amended or new federal and state laws lawfully enacted. This Franchise does not confer rights upon the Franchisee other than as expressly provided herein, nor pass rights by implication except those that may otherwise vest pursuant to governing law. The Franchise does not convey title, equitable or legal, in the Public Rights-of Way or public property. Nothing in this Franchise shall be deemed to waive the right of the Company to offer such other services as may be permitted by Applicable Law.

(2) This Franchise and all rights granted under the Franchise are subject to the lawful and non-discriminatory or arbitrary exercise of the police powers the City now has or may later obtain, including but not limited to the power of eminent domain; and are further subject to the exercise of the City's rights as a property owner under state and federal laws. Except as expressly set forth herein, neither the granting of this Franchise or any provision herein shall constitute a waiver or bar to the exercise of any governmental right or power of the City, including without limitation the right of eminent domain, and the right to grant additional cable franchises. However, once effective, this Franchise is a contract and except as to those changes which are the result of the City's lawful and necessary exercise of police powers, neither party may take any unilateral action which changes the explicit mutual promises.

(3) The Franchise issued and the franchise fees paid hereunder are not in lieu of any other required generally applicable permit, authorization, fee, charge or tax. Without limiting the foregoing, the City, among other things, does not waive the requirements of, or the Franchisee's duty to obtain, all applicable permits, and to comply with the conditions thereof; to comply with zoning laws; or to comply with any generally applicable codes, ordinances and regulations governing the construction of the cable system.

(E) No Recourse.

(1) Without limiting such immunities as the City or other persons may have under applicable law, Franchisee shall have no monetary recourse whatsoever against the City or its officials, boards, commissions, agents, volunteers, or employees for any loss, costs, expense or damage arising out of any provision or requirement of this Franchise or because of the enforcement of this Franchise or other applicable law, unless the same shall be caused by criminal acts or by willful or gross negligence.

(F) Effect of Change in Law.

(1) In the event that state or federal laws, rules, or regulations preempt a provision or limit the enforceability of a provision of this franchise, then the provision shall be read to be preempted or limited to the extent and for the time, but only to the extent and for the time, that such laws, rules or regulations validly acted to preempt or limit such provision. In the event such state or federal law, rule, or regulation is subsequently repealed, rescinded, amended, or otherwise changed, so that the provision hereof that had been preempted or limited is no

longer so affected, such provision shall thereupon return to full force and effect and shall thereafter be binding on the parties hereto, without the requirement of further action on the part of the affected party.

**Section 4. RENEWAL PROCEDURES.**

(A) Any renewal of this Franchise shall be governed by and comply with the provisions of Section 626 of the Cable Act, as amended.

**Section 5. TRANSFERS.**

(A) The Cable System and this Franchise shall not be sold, assigned, transferred, leased or disposed of, either in whole or in part, either by involuntary sale or by voluntary sale, merger or consolidation; nor shall title thereto either legal or equitable, or any right, interest or property therein pass to or vest in any Person without the prior written consent of the City, which consent shall not be unreasonably withheld. Such consent shall not be deemed to waive any rights of the City to subsequently enforce this provision, or to enforce any other provision of this Franchise.

(B) The Franchisee shall promptly notify the City of any actual or proposed sale, change in, transfer of, or acquisition by any other party, of control of the Franchisee. The word "control" as used herein is not limited to majority stock ownership but includes actual working control in whatever manner exercised. Every change, transfer or acquisition of control of the Franchisee shall make this Franchise subject to cancellation unless and until the City shall have expressly consented in writing thereto. Such consent shall not be deemed to waive any rights of the City to subsequently enforce noncompliance issues relating to this Franchise.

(C) Prior to any such sale, transfer or change in control of the Cable System, the Franchisee shall make a written request to the City for its approval of a sale or transfer or change in control and shall furnish therewith all information required by law.

(D) In seeking the City's consent to any change in ownership or control, the proposed transferee or new controlling Person shall indicate whether, it:

1. Has ever been convicted, pleaded guilty or nolo contendere, or held liable for acts involving deceit including any violation of federal, State or local law or regulations or is currently under an indictment, investigation or complaint charging such acts;

2. Has ever had a judgment in an action for fraud, deceit or misrepresentation entered against it by any court;

3. Has pending any material legal claim, lawsuit or administrative proceeding arising out of or involving a Cable System;

4. Has the financial, legal and technical capability to enable it to maintain and

operate the Cable System consistent with all of the terms and requirements of this Franchise for the remaining term of the Franchise.

(E) The City shall act on the request within one hundred twenty (120) days of the Franchisee's submission of a complete application with all information required by FCC Form 394. Subject to the foregoing, if the City fails to render a final decision on the request within one hundred twenty (120) days, such request shall be deemed granted unless the requesting party and the City agree to an extension of time.

(F) Within thirty (30) days of any transfer, sale or change in control, if approved or deemed approved by the City, the Franchisee shall file with the City a copy of the deed, agreement, lease or other written instrument evidencing such sale or transfer of ownership or change in control, certified and sworn to as correct by the Franchisee and the transferee or new controlling Person. In case of a sale or transfer of ownership, the transferee shall file its written acceptance agreeing to be bound by all of the provisions of this Franchise, subject to applicable law. In the event of a change in control in which the Franchisee is not replaced by another entity, the Franchisee will continue to be bound by all of the provisions of this Franchise.

(G) In reviewing a request for sale or transfer or change in control, the City may inquire into the legal, technical and financial qualifications of the prospective controlling party or transferee, and the Franchisee shall assist the City in so inquiring; however, any inquiry shall not serve to extend the one hundred twenty 120-day review period referenced in subsection E.

(H) Notwithstanding anything to the contrary in this subsection, the prior approval of the City shall not be required for any sale, assignment or transfer of the Franchise or Cable System to an intra-company Affiliate; provided that the proposed assignee or transferee must show financial responsibility as is satisfactory to the City and must agree in writing to comply with all of the provisions of this Franchise. Further, the Franchisee may pledge the assets of the Cable System for the purpose of financing without the consent of the City; provided that such pledge of assets shall not impair the Franchisee's responsibilities and capabilities to meet all of its obligations under the provisions of this Franchise.

**Section 6. FRANCHISE FEE.**

(A) Payment to the City.

(1) The Franchisee shall pay the City a franchise fee in an amount equal to five percent (5%) of Gross Revenues. The balance shall be deposited into the general fund.

(B) GAAP (General Acceptable Accounting Principles) Applies.

(1) Records of Cable System revenues and expenses shall be kept in accordance with GAAP. Any disputes related to underpayment of franchise fees will be resolved with reference to GAAP.

(C) Not in Lieu of any other Assessments, Tax or Fee.

(1) The franchise fee is in addition to all other generally applicable fees, assessments, taxes or payments that the Franchisee may be required to pay under any federal, state, or local law, except as required by 47 U.S.C. § 542.

(D) Payments.

(1) Franchise fees shall be paid quarterly commencing thirty days after the end of each calendar quarter.

(E) No Accord or Satisfaction.

(1) In accordance with the appropriate statute of limitations, no acceptance of any payment by the City required by this Franchise shall be construed as a release or an accord and satisfaction of any claim the City may have for further or additional sums payable as a franchise fee or for the performance of any other obligation of the Franchisee.

(F) Monitoring Audits.

(1) The City may conduct an independent audit of the Franchisee's records reasonably related to the enforcement of this Franchise. If the audit shows that franchise fee payments have been underpaid by five percent (5%) or more, the Franchisee shall pay the total cost of the audit, such cost not to exceed fifteen thousand dollars ($15,000) along with all unpaid franchise fee payments shown thereby, within forty-five (45) days following completion of the audit. The City shall have the right to conduct such audits as the City deems necessary, though no more frequently than once per calendar year, upon thirty (30) days' prior written notice to the Franchisee.

(G) Consumer Disclosure.

(1) The amount of a Subscriber's total bill assessed as a franchise fee may be listed as a separate line item.

**Section 7. CONSTRUCTION.**

(A) All work Subject to City Laws and Regulations.

(1) The construction, operation, and repair of the Cable System shall be performed in compliance with all laws, ordinances, resolutions, departmental rules, regulations, written policies, and practices affecting such system. Persons engaged in the construction, operation, or repair of the Cable System shall exercise reasonable care in the performance of all their activities and shall use commonly accepted methods and devices for preventing failures and accidents that are likely to cause damage, injury, or nuisance to the public or to property.

(B) Permits.

(1) All work performed will be performed in strict accordance with the conditions of the appropriate City permits. City will not unreasonably withhold granting of permits. Upon order of the City, any work and/or construction undertaken that is not completed in compliance with the City's requirements, or which is installed without obtaining necessary permits and approvals shall be removed in accordance with the reasonable time line set forth by the City,

unless the Franchisee receives the necessary permits and approvals and/or corrects the non-compliant work or construction.

(C) Safety Codes.

(1) Without limiting the foregoing, the installation, construction, operation and maintenance of the Cable System shall be in accordance with the requirements of the National Electrical Safety Code of the American Insurance Association (successor to National Board of Fire Underwriters) and all applicable laws, ordinances, rules, regulations of the State and of the City affecting electrical installations and buildings in effect at the time of such installation. All structures and all lines, equipment, and connections in, over, under, and upon the streets shall at all times be kept and maintained in a safe, suitable, substantial condition, and in good order and repair.

(D) Installations, Excavations, and Restorations.

(1) The City shall have the right to regulate the time, manner and location of facilities in the Public Rights-of-Way. Without limiting the foregoing, the City may require the Franchisee, where unreasonable delay in the Franchisee's work will not result, to coordinate its work with work performed by others in the Public Rights-of-Way so that interference with the use of the Public Rights of-Way by others, including others that may be installing cable systems, may be minimized. The City may require a person using the Public Rights-of-Way to cooperate with others through joint trenching and other arrangements to minimize adverse impacts on the Public Rights-of-Way, subject to the Franchisee's right to not be unduly delayed in its emergency or planned work. The Franchisee shall have the right to excavate in, occupy, and use all Public Rights-of-Way and easements for the purpose of installing, erecting, constructing, repairing, maintaining, removing, relocating, and operating the Cable System after obtaining any and all appropriate permits from the City.

(E) Employee Identification.

(1) Any and all employees performing work on behalf of the Franchisee shall possess at all times a photo identification badge including a telephone number for verification. The Franchisee's vehicles shall also be marked with applicable identification.

(F) Clean-up and Restoration.

(1) After any excavation shall be made and after work is completed, the Franchisee, at the Franchisee's expense, shall as soon as practicable, weather permitting, remove all surplus material, and restore the portion of the Public Rights-of-Way to a condition that reasonably meets or exceeds the pre-excavation condition of such Rights-of-Way, subject to inspection by the City. Any other affected public or private property shall be restored to a condition reasonably as good as that which existed prior to the work. If the Franchisee fails to restore promptly the affected property, including reseeding, then following written notice to the Franchisee, and reasonable opportunity to cure, the City may make the restoration in a manner satisfactory to the City, and all costs incurred for such restoration, whether done with the City work forces and equipment or otherwise shall be paid by

the Franchisee.

(G) Use of Existing Poles and Conduit.

(1) The Franchisee shall utilize existing poles and conduit wherever possible. Additional poles may not be installed in the Right-of-Way without the permission of the City.

(2) In areas where either electric or telephone utility wiring is aerial, the Franchisee may install aerial cable, except when a property owner or resident requests underground installation and agrees to bear the additional cost in excess of aerial installation.

(3) In areas where electric and telephone lines or wires are installed underground at the time of Cable System construction, or when all such wiring is subsequently placed underground, all Cable System lines shall also be placed underground with other wireline service at no expense to the City or Subscribers unless funding is generally available for such relocation to all users of the Public Rights-of-Way. All Cable System equipment, including, but not limited to, pedestals and power supplies, must be placed in accordance with the City's applicable code requirements and rules. New cable drops which are intended to be underground shall be buried within fourteen (14) business days of placement, weather and ground permitting.

(4) In the event the Franchisee cannot obtain the necessary poles and related facilities pursuant to a pole attachment agreement, and only in such event, then it shall be lawful for the Franchisee to make all needed excavations in the Rights-of-Way for the purpose of placing, erecting, laying, maintaining, repairing, and removing poles, supports for wires and conductors, and any other facility needed for the maintenance or extension of the Franchisee's Cable System. All poles of the Franchisee shall be located as designated by the proper City authorities.

(5) This Franchise does not grant, give or convey to the Franchisee the right or privilege to install its facilities in any manner on specific utility poles or equipment.

(6) The Franchisee and the City recognize that situations may occur in the future where the City may desire to place its own cable or conduit. The Franchisee agrees to cooperate with the City in any construction by the Franchisee that involves trenching or boring, provided that the City has first notified the Franchisee in writing that it is interested in sharing the trenches or bores in the area where the Franchisee's construction is occurring. The Franchisee shall allow the City to lay City cables and conduits in the Franchisee's trenches and bores, provided that the City shares in the cost of the trenching and boring on the same terms and conditions as the Franchisee, and that the City agrees not to use such cables and conduits laid in the Franchisee's trenches and bores to provide commercial services competing with those of the Franchisee under this Franchise. The City shall be responsible for maintaining its respective cables and conduits buried in the Franchisee's trenches and bores under this paragraph.

(H) Publicizing proposed Construction Work.

(1) The Franchisee will publicize any initial build or any substantial rebuild or upgrade of its Cable System cable in each affected neighborhood before commencing that work by notifying those persons whose property is within three hundred (300) feet of the work in at least two of the following ways:

i. Telephone;
ii. In person;
iii. By mail;
iv. Online via its website;
v. Other forms of electronic communication such as e-mail or text message as allowed by law;
vi. By distributing flyers to residences; or
vii. By publication in local newspapers or by television public service
viii. announcement.

(I) Relocation.

(1) The Franchisee shall, within a reasonable time specified by the City, protect, support, temporarily disconnect, relocate, or remove any of its property when requested by the City by reason of traffic conditions; public safety; Public Right-of-Way construction and repair (including re-grading, resurfacing or widening); Public Right-of-Way vacation; construction, installation or repair of sewers, drains, water pipes, power lines, signal lines, tracks, or any other type of government-owned system or utility, public work, public facility, or improvement. Collectively, such matters are referred to below as the "public work." If funds are available to any person using the Public Rights-of-Way for the purpose of defraying the cost of any of the foregoing, the City shall reimburse the Franchisee in the same manner in which other persons affected by the requirement are reimbursed. If the funds are controlled by another governmental entity, the City shall make application for such funds on behalf of the Franchisee.

(J) Contribution.

(1) Nothing herein shall be construed to reduce or otherwise affect any right the Franchisee has to recover (from a party other than the City), seek contribution for or to offset the costs of complying with the requirements of this provision.

(K) Removal or Modification of Facilities.

(1) Whenever the Franchisee intends to discontinue using any facility within the Public Rights-of-Way, the Franchisee shall notify the City of its intent regarding such discontinuance. The Franchisee may remove the facility or request that the City permit it to remain in place. Notwithstanding the Franchisee's request that any such facility remain in place, the City may require the Franchisee to remove the facility from the Right-of-Way and/or modify the facility to protect the public health, welfare, safety, and convenience, or otherwise serve the public interest. The Franchisee shall use its best efforts to complete such removal or modification in accordance with a schedule set by the City. Until such time as the Franchisee removes or modifies the facility as directed by the City, or until the rights to and

responsibility for the facility are accepted by another Person having authority to construct and maintain such facility, the Franchisee shall be responsible for all necessary repairs and relocations of the facility, as well as maintenance of the Public Right-of-Way, in the same manner and degree as if the facility were in active use, and the Franchisee shall bear all liability for such facility.

(L) Moving of Buildings.

(1) Whenever it becomes necessary to temporarily rearrange, remove, lower, or raise the aerial cables or wires or other apparatus of the Franchisee to permit the passage of any building, machinery, or other object, the Franchisee shall perform such rearrangement upon receipt of payment for the estimated costs incurred by the Franchisee in making such rearrangements, and provided that the Franchisee received written notice at least 30, days in advance from the person or persons desiring to move said building, machinery, or other objects. The written notice shall detail the route of movement of the building, machinery, or other object. The costs incurred by the Franchisee in making such rearrangements of its aerial plant will be borne by the person or persons seeking such rearrangement, unless the aerial plant is placed or maintained in violation of the applicable rules of any local, state, or federal regulatory agency and thereby unlawfully interferes with the movement.

(M)Restoration of Property.

(1) The Franchisee shall reconstruct, replace, or restore to its previous condition in a timely fashion that portion of any street, alley, or public way or place; and any water, sewer, sanitary sewer, storm drainage, traffic signalization or other facility of the City, disturbed or damaged by the Franchisee, to a condition reasonably acceptable to the City consistent with reasonable standards of safety and appearance as required by generally applicable law and codes adopted pursuant to exercise of the City's police powers.

(N) Repairs and Reimbursement.

(1) The Franchisee shall properly replace and repair the surface, base, and landscape treatment of any Public Right-of-Way that may be excavated or damaged by reason of the erection, construction, maintenance, or repair of the Franchisee's facilities within a reasonable time after completion of the work in accordance with existing standards of the City in effect at the time of the work. The Franchisee shall give to the City twenty-four (24) hours' notice prior to undertaking any repair, replacement, or extension of its service on Public Rights-of-Way which require a City permit. Upon failure of the Franchisee to perform any such repair or replacement work, and after ten days' notice in writing shall have been given by the City to the Franchisee, the City may repair such portion of the Public Right-of-Way as may have been disturbed by the Franchisee, its contractors or agents, and upon receipt of an itemized bill from the City, the Franchisee will promptly reimburse the City for all reasonable costs so incurred. Notwithstanding the foregoing, if the City determines that the failure of the Franchisee to properly repair or restore the Public Right-of-Way constitutes a safety hazard to the

public, the City may undertake emergency repairs and restoration efforts. The Franchisee shall promptly reimburse the City for all reasonable costs incurred by the City. Should the City reasonably determine, within three (3) years for the surface or base, and within ninety (90) days for landscape treatment, from the date of any restoration performed by the Franchisee, that such surface, base, or landscape treatment requires additional restoration under this section, the Franchisee shall perform and bare the costs for such additional restoration work to the reasonable satisfaction of the City within a reasonable period of time following notice from the City.

(O) Trimming of Trees.

(1) The Franchisee may, upon reasonable notification to the City, trim trees above ground which infringe upon easements, rights of way or streets of the City to prevent the trees from coming into contact with the Cable System, and the City, at its option may do such trimming at the expense of the Franchisee.

(P) Supplying Maps.

(1) The Franchisee shall maintain on file all available maps, operational data, and reports pertaining to its operations in the City. Upon request of the City, the Franchisee shall furnish to the City, as soon as practicable without charge, current maps in a format compatible with the City's GIS software showing the location and dimension of those distribution facilities located within the Public Rights-of-Way within the Franchise Area. The Franchisee supplying maps under this provision may excise proprietary information so long as the location and dimension of any facilities, and their character (e.g. pole, equipment cabinet, fiber optic cable, power line) are clearly shown.

(Q) Failure to Perform.

(1) If the Franchisee should fail to perform any work required under this Section after written notice and reasonable opportunity to cure, the City may cause work to be performed, and may bill the Franchisee therefore, or draw upon any security fund or bond to recover its costs and associated recovery costs. If the City bills the Franchisee, the Franchisee shall pay the amount billed within thirty (30) days of receipt of the bill.

(R) Inspection of Construction and Facilities.

(1) The City may inspect any of the Franchisee's facilities, equipment or construction in the Public Right-of-Way at any time during normal business hours upon at least twenty-four (24) hour notice, or, in case of an emergency, at any time, upon demand without prior notice. If an unsafe condition is found to exist, the City, in addition to taking any other action permitted under applicable law, may order the Franchisee, in writing, to make the necessary repairs and alterations specified therein forthwith to correct the unsafe condition by a time the City establishes. The City has the right to correct, inspect, administer and repair the unsafe condition if the Franchisee fails to do so, and to charge the Franchisee therefor.

**Section 8. CONSTRUCTION PROVISIONS.**

(A) Construction Standards.

(1) The Franchisee will comply with all lawful and generally applicable construction standards utilized by the City. The construction, operation, and repair of the Cable System will be in accord with all applicable law. The construction, operation, and maintenance of the Cable System shall be performed by experienced and properly trained properly and licensed maintenance and construction personnel.

(2) Standards following completion of upgrade.

Upon completion of any Cable System upgrade, the Cable System shall:

i. Utilize facilities and equipment generally comparable to that used in other high-quality, reliable cable systems of similar design, including commercially reasonable backup power resources.

ii. Be two-way activated and shall include the facilities and equipment (except customer premises equipment) required to support broadband interactive services, such as Internet services.

iii. Provide reliable service and possess auto-start back-up power at the headend and elsewhere reasonably necessary (consistent with accepted industry standards and the system design) to avoid or minimize service interruptions.

**Section 9. RESIDENTIAL SERVICE.**

(A) Cable System Deployment and Access.

(1) Franchisee has established Cable System deployment plans which include the estimated projected dates when deployment of the Cable System will be completed and activated within the Franchise Area. Franchisee commits to using reasonable efforts to construct its Cable System within the Franchise Area in accordance with those plans and will meet with the City every six (6) months to update the City on the current status of construction and anticipated timeline to completion. The Franchisee may not charge the Subscriber the cost of extending the Cable System plant to a point where the dwelling unit can be served by a standard one hundred twenty-five (125) foot drop, other than its standard, non-discriminatory installation fee.

(B) General Service.

(1) Once the Cable System construction is complete in a given location within the Franchise Area, and Cable Service is available, Franchisee shall provide Cable Service within seven (7) days of a request by any potential Subscriber within the given location. For purposes of this Section, a request shall be deemed made on the date of signing a service agreement, receipt of funds by Franchisee, receipt of a written request by Franchisee or receipt by Franchisee of a verified verbal request. Except as otherwise provided herein, Franchisee shall provide

such service:

i. With no line extension charge except as specifically authorized elsewhere in this Franchise Agreement.

ii. At a non-discriminatory installation charge for a standard installation, consisting of a one hundred twenty-five (125) foot drop connecting to an inside wall for Residential Subscribers, with additional charges for non-standard installations computed according to a non-discriminatory methodology for such installations, adopted by Franchisee and provided in writing to the City.

iii. At non-discriminatory monthly rates for Residential Subscribers.

(C) Cost-Sharing for Low-Density Areas.

(1) The Franchisee shall offer a cost-sharing arrangement to residents requesting service in a low-density area whereby the Franchisee and the requesting Subscriber will each bear their proportionate share of construction costs to the point where the Dwelling Unit can be served by a standard one hundred twenty-five (125) foot drop. The Franchisee's share will be the cost of construction multiplied by a fraction, the numerator of which will be the number of Dwelling Units per mile of cable plant in the area where the extension will occur, and the denominator of which will be thirty (30). The requesting Subscribers shall bear the remaining cost on a pro-rata basis. The Franchisee may require the payment of the construction cost borne by potential Subscribers in low density areas be paid in advance.

(D) New Housing Developments.

(1) Nothing in this Agreement shall prohibit the City, the Franchisee, or any other person from entering into an agreement whereby entire new housing developments may be pre-wired for efficient future expansion of cable service.

(E) Service to Multiple Dwelling Units.

(1) Consistent with this Section 9, once the Cable System construction is complete in a given location within the Franchise Area and Cable Service is available, the Franchisee intends to offer the individual units of a Multiple Dwelling Unit all Cable Services offered to other Dwelling Units in the City and shall individually wire units upon request of the property owner or renter who has been given written authorization by the owner; provided, however, that any such offering is conditioned upon the Franchisee having legal access to said Dwelling Unit. The City acknowledges that the Franchisee cannot control the dissemination of particular Cable Services beyond the point of demarcation at a Multiple Dwelling Unit.

(F) Mandatory Line Extension for Primary Cable Service Provider.

(1) In the event Franchisee provides Cable Service to at least 65% of all Cable Service Subscribers within the Franchise Area, the Franchisee shall, upon written request by an un-served potential Subscriber, extend service to any Dwelling Unit not already passed by the Franchisee's Cable System in which the density of Dwelling Units is at least thirty (30) Dwelling Units per cable mile from existing connection to the Cable System plant. The Franchisee may not charge the Subscriber the cost of extending the Cable System plant to a point where the dwelling unit can be served by a standard one hundred twenty-five (125) foot drop, other than its standard, non-discriminatory installation fee.

(2) If any other Cable Service provider, other than Franchisee, is actively and currently providing or offering Cable Services to the specific requesting Dwelling Unit requesting Cable Services as described in this Section 9, Paragraph F(1), the Franchisee is not required to extend Cable Service or its Cable System until no other Cable Service Provider is willing and able to provide Cable Service to the Dwelling Unit.

**Section 10. SYSTEM OPERATIONS.**

(A) Technical Standards.

(1) The cable system must meet or exceed the technical performance standards set forth in 47 C.F.R. § 76.601 and any other applicable standards, or any successor or amended rules provided that, nothing in this provision is intended to permit the City to exercise any authority that it is prohibited from exercising under applicable federal law.

(B) Future Upgrades.

(1) It is the Franchisee's responsibility to make such commercially practicable improvements to its Cable System throughout the Franchise term to ensure that Subscribers are able to obtain advanced Cable Service, and so that services can be added throughout the franchise term.

(C) System Maintenance.

(1) The Franchisee may intentionally interrupt service on the Cable System only for good cause and for the shortest time possible and, except in emergency situations or to the extent necessary to fix the affected Subscriber's service problems, only after a minimum of forty-eight (48) hours' prior notice to Subscribers and the City of the anticipated service interruption; provided, however, that there shall be no minimum prior notice period, for planned maintenance that:

i. Does not require more than two (2) hours' interruption of service; and
ii. occurs between the hours of 1:00 a.m. and 6:00 a.m.

(D) FCC-Mandated Testing.

(1) The Franchisee shall, at its expense, perform all tests on its Cable System required by the FCC and shall maintain written records of its test results.

Copies of such test results will be provided to the City upon request.

(2) All required technical performance tests may be witnessed by representatives of the City. Upon request, the Franchisee will notify the City before any required technical proof-of-performance testing occurs.

(3) The Franchisee shall promptly take such measures as are necessary to correct any performance deficiencies fully and to prevent their recurrence as far as practicable.

(E) Emergency Alert System.

(1) The Franchisee shall comply in all respects with all applicable laws and FCC rules and regulations regarding the installation, maintenance and testing of an Emergency Alert System ("EAS"), and all reporting obligations therefor, as well as all applicable rules and procedures adopted by the State and City. The Franchisee will advise the City of the EAS testing schedule, and the City may be present for such tests.

(2) The City shall permit only its appropriately trained and authorized persons to operate the EAS equipment, and only when authorized to do so by applicable laws, rules and regulations, and shall take reasonable precautions to ensure compliance with such laws, rules and regulations and to prevent any use of the Cable System in any manner not in compliance therewith or in any inappropriate manner.

(G) Standby Power.

(1) The Franchisee shall provide standby power generating capacity at the System Headend capable of providing at least twelve (12) hours of emergency operation.

**SECTION 11. CUSTOMER SERVICE STANDARDS; CUSTOMER BILLS; AND PRIVACY PROTECTION**

(A) Customer Service Standards.

(1) The Franchising Authority hereby adopts the customer service standards set forth in Part 76, §76.309 of the FCC's rules and regulations, as amended. The Grantee shall comply in all respects with the customer service requirements established by the FCC.

(B) Customer Bills.

(1) Customer bills shall be designed in such a way as to present the information contained therein clearly and comprehensibly to Customers, and in a way that is not misleading and does not omit material information. Notwithstanding anything to the contrary the Grantee may, in its sole discretion, consolidate costs on Customer bills as may otherwise be permitted by Section 622(c) of the Cable Act (47 U.S.C. §542(c)) so long as costs and taxes are distinguished and separately identified.

(C) Privacy Protection.

(1) The Grantee shall comply with all applicable federal and state privacy

laws, including without limitation to Section 631 of the Cable Act and regulations adopted pursuant thereto.

**Section 12. PUBLIC, EDUCATIONAL, AND GOVERNMENT CHANNELS AND CONNECTION OF PUBLIC FACILITIES**

(A) The City may require a single, standard definition Government Access channel on Franchisee's Cable System when it can reasonably demonstrate that it can program such channel with programming at least eighty percent (80%) of the cumulative time of sixty (60) hours per week over a consecutive sixteen (16) week period. Such request shall be in the form of a resolution passed by the City Council, and the City will allow Franchisee meaningful and timely opportunity to comment on the City's proposals. Upon such request, Franchisee shall have no less than 180 days to make the Government Access channel available to Subscribers on its Cable System. Any capital or construction costs related to Cable System modifications necessary to supply the Government Access channel will be the responsibility of the City.

(B) City presently makes its Governmental Programming available to the public via the internet.

(C) As Franchisee's construction of its Cable System passes public buildings within the City, and upon one hundred twenty (120) days advance written request of the City:

(1) Franchisee shall provide one (1) expanded basic service outlet at no charge to each City government building, including without limitation to the City Government Center, each fire station, and each police station located within the Franchise area within one hundred twenty-five feet (125) of the nearest cable system distribution cable; and

(2) Franchisee shall provide one (1) expanded basic service outlet at each public school located within the Franchise area within one hundred twenty-five feet (125) of the nearest cable system distribution cable; and

(3) Franchisee covenants and warrants that Franchisee and its related entities shall take no steps to limit, speed or throughput throttle, or in any other way diminish, meter, or alter the City's or any of the covered Public Schools' provision of internet communications delivered to or received from any Internet-connected entity; and

(4) Franchisee shall not charge City, Schools, or Franchisee's customers or Subscribers any fee or show any line itemized listings for the provision of the services and conditions specified in this Section; however, Franchisee reserves all rights to offset complimentary Cable Service against Franchise Fees in accordance with Applicable Law, including any Orders resulting from the FCC's 621 proceeding, MB Docket No. 05-311. Should Franchisee elect to offset complimentary Service after service is activated, Franchisee shall provide the City with advance written notice of such action. Such notice shall document the proposed offset or service charges so that the City can make an

informed decision as to its course of action. Upon receipt of such notice the City shall have up to one hundred twenty (120) days to either (1) maintain the commitment with the understanding that the value shall be offset from Franchise Fees; (2) relieve Franchisee from the commitment obligation under the Franchise; or (3) pay for the services rendered pursuant to the commitment in accordance with Franchisee's regular and nondiscriminatory term and conditions.

(D) The City does not require the provision of Public Access Programming associated with this Agreement.

**Section 13. OPERATION AND REPORTING PROVISIONS.**

(A) Right to inspect and copy.

(1) The City shall have the right to inspect and copy records: related in whole or in part to the construction, operation or repair of the Cable System and reasonably necessary for the City to monitor compliance with the terms of this Ordinance or applicable law; or reasonably necessary to the exercise of any right or duty of the City under the same. The Franchisee is responsible for maintaining control over records, as required by law, related to the construction, operation, or repair of the Cable System. Other than records containing confidential financial and/or proprietary information, the Franchisee shall produce these records upon the City's request for the City's inspection within the limits of the City. Records must be maintained for a period of six (6) years, except that the Franchisee may specify a shorter period for certain categories of voluminous records where the information contained therein can be derived simply from other materials. The City agrees it will not audit more than once every two years.

(B) Reports.

(1) Unless the City specifically waives the requirement in writing, the Franchisee shall at all times maintain:

i. Records of all written complaints received, their nature and resolution. The term "complaints" refers to complaints about any aspect of the Franchisee's construction, operations or repair activities;

ii. Records of outages known to the Franchisee, their cause and duration;

iii. Records of service calls for repair and maintenance indicating the nature of the call for service, the date and time service was requested, the date of acknowledgment and date and time service was scheduled (if it was scheduled), and the date and time service was provided, and (if different) the date and time the problem was solved;

iv. Records of installation/reconnection and requests for service extension, indicating date of request, date of acknowledgment, and the date and time service were extended;

v. Records sufficient to show whether the Franchisee has complied with each FCC customer service standard that applies to it.

(C) Retention of Records; Relation to Privacy Rights.

(1) Nothing in this Section shall be read to require the Franchisee to violate 47 U.S.C. § 551 or other applicable law governing privacy. The Franchisee shall be responsible for redacting any data that state or federal law prevents it from providing to the City. Records shall be kept for at least six (6) years, except that service call logs may be retained for three (3) years, so long as the information contained therein is reflected in other documents.

**Section 14. INSURANCE; SURETY; INDEMNIFICATION.**

(A) Insurance.

(1) General Conditions. Except as this Franchise may otherwise provide, the Franchisee shall procure and maintain in full force and effect during the life of its Franchise, such insurance as is required in this Section below. Policies of insurance shall be written by companies authorized to write such insurance in New Mexico, and they shall be in a form reasonably satisfactory to the City and properly filed and approved by the Superintendent of Insurance, State of New Mexico. The Franchisee shall furnish the City copies of certificates of required insurance upon written request. All certificates of insurance (or policies) shall provide that thirty (30) days' written notice be given to the City before a policy is cancelled, materially changed or not renewed. Various types of required insurance may be written in one or more policies. With respect to all coverages required other than workers' compensation, the City shall be named an additional insured. All coverages shall be primary with respect to operations provided. The certificates of insurance and endorsements for each policy shall be signed by a person authorized by that insurer to bind coverage on its behalf. Certificates and other required proofs shall be filed with the City within thirty (30) days of the issuance of this Franchise, once a year thereafter, and whenever there is any change in coverage, upon written request.

(B) No Work Without Insurance.

(2) The Franchisee (or those acting on its behalf) shall not commence construction or operation of the Cable System without first obtaining insurance in amounts and of a type satisfactory to the City. The required insurance must be obtained and maintained for the entire period the Franchisee has facilities in the Public Rights-of-Way or on public property. If the Franchisee, its contractors, or subcontractors do not have the required insurance, the City may order such persons to stop operations until the insurance is obtained and approved.

(C) Work of Subcontractors.

(1) If any part of the construction, operation or repair of the Cable System is subcontracted, the Franchisee shall:

i. Include any and all subcontractors in its insurance policies; or

ii. Require the subcontractor to secure insurance to protect itself against all hazards enumerated herein which are not covered by the Franchisee's policies.

(D) Approval of Insurance.

(1) Neither approval nor failure to disapprove certificates, policies or the insurance by the City shall relieve the Franchisee or any sub-Franchisee of full responsibility to maintain the required insurance in full force and effect.

(E) Commercial General Liability Insurance Including Automobile.

(1) The Franchisee shall procure and maintain during the life of this Franchise a comprehensive commercial general liability and automobile liability insurance policy with liability limits in amounts not less than One Million Dollars ($1,000,000) combined single limit of liability for bodily injury, including death, and property damage in anyone occurrence and in the aggregate. Said policies or insurance must include coverage for all operations performed for the City by the Franchisee, including, but not limited to, coverage for collapse, explosion, and underground liability coverage, coverage for the user of all owned, non-owned, hired automobiles, vehicles, and other equipment both on and off work, and contractual liability coverage which shall specifically insure the indemnification provisions of this Ordinance and any Franchise.

(2) The above requirements shall include, but shall not be limited to, protection against:

i. Damage to, or destruction of, public and private property including telephone conduit, telegraph conduit, power conduit, telephone signal cable, fiber optics cable, television cable, computer cable, fire alarm circuits, gas mains, gas service connections, sanitary sewers, sewer, house or building connections, water mains, water service connections, steam lines, petroleum products pipe lines, storm drains, storm inlet lines, including all appurtenances thereto while located below the surface of the ground, including injury or death, to person or persons caused by the Franchisee's operations, including blasting and trenching-backfilling-tamping with or without the use of mechanical equipment; and

ii. The collapse of, or structural damage to, a building, house or structure, including power, telephone, telegraph, fire alarm, and street-light poles, curb and gutter and sidewalk, on public or private property, and destruction of, or damage to, other public and private property resulting therefrom, including injury or death to person or persons caused by the Franchisee, including but not limited to as a result of the Franchisee's operations in the removal of other buildings, structures, including their supports, trees and utility poles, or by excavation, including blasting, and trenching backfilling-tamping with or without use of mechanical equipment. "Other public and private property" as used herein shall include lawns, plants,

flowers, trees, fences, yards, walls, etc.

(F) Workers' Compensation Insurance.

(1) The Franchisee shall comply with the provisions of the Workers' Compensation Act, the Subsequent Injury Act, and the New Mexico Occupational Disease Disablement Law. The Franchisee shall procure and maintain during the life of a Franchise, complete workers' and employer's liability insurance in accordance with New Mexico law and regulations. Such insurance shall include coverage permitted under Section 52-1-10 NMSA 1978, for safety devices. With respect to workers' compensation insurance, if the Franchisee elects to be self-insured, it shall comply with the applicable requirements of law. If any portion of the construction, operation or repair of the Cable System is to be subcontracted, The Franchisee shall require the subcontractor similarly to provide such coverage (or qualify as a self-insured) for all latter's employees to be engaged in such work. The Franchisee shall save harmless the City, its officers, agents and employees from any claims or actions occasioned by failure of the Franchisee to comply with the provisions of this subparagraph. It is agreed that with respect to all workers' compensation insurance, the Franchisee and its insurer shall waive any right of subrogation it may acquire against the City, its officers, agents and employees by reason of any payment made on account of injury, including death resulting therefrom, sustained by any employee arising out of the performance of a Franchise, unless caused by the gross negligence or malfeasance of the City, its officers, agents and employees.

(G) Alterations in Limits.

(1) This Franchise shall be interpreted to permit the City to require the Franchisee to increase its insurance limits, or obtain additional types of insurance should the City determine in good faith that there are significant increased risks to the City or its citizens based on the Franchisee's actions, by such time as reasonably may be specified by the City.

(H) Ratings.

(1) The Franchisee's insurer shall have no less than an "A-" policyholder's rating and a financial rating of at least Class XI in accordance with the Best's rating current at the time purchased, unless specifically waived in writing by the City Manager.

(I) No Contribution.

(1) Any insurance or self-insurance maintained by the City shall be excess of the Franchisee's insurance and shall not contribute with it.

(J) Material Terms.

(1) The insurance requirements are material terms of this Franchise and cannot be changed without the mutual agreement of the City and the Franchisee. The Franchisee shall have insurance in place as herein required by the effective date of this Franchise, and shall, upon request, provide proof of such insurance reasonably satisfactory to the City prior to the effective date of the Franchise grant.

(K) Indemnification.

(1) To the extent permitted by applicable law, the Franchisee agrees to defend, indemnify and hold harmless the City, its trustees, elected and appointed officers, agents, volunteers, and employees, from and against any and all claims, demands, or causes of action of any kind or nature not resulting from the actions of the City, its trustees, elected and appointed officers, agents, volunteers, and employees, and the resulting losses, costs, expenses, reasonable attorneys' fees, liabilities, damages, orders, judgments, or decrees sustained by the City or any third party arising out of, or by reason of, or resulting from or of the acts, errors, or omissions of the cable communications system operator, or its agents, independent contractors or employees related to or in any way arising out of the construction, operation or repair of the system, the conduct of the Franchisee's business in the City, or the Franchisee's enjoyment or exercise of its franchise.

(2) The City will notify the Franchisee in writing of its duty to indemnify in any case subject to the indemnity in which the Franchisee is not a named defendant or plaintiff. The Franchisee will employ competent counsel, reasonably acceptable to the City Attorney.

**Section 15. CONTINUITY OF SERVICE.**

(A) It is the right of each subscriber in the Franchisee's Franchise Area to receive all available Cable Service offered by the Franchisee as long as the subscriber's financial and other obligations to the Franchisee are satisfied.

(B) The Franchisee shall make its best efforts to provide all Subscribers with continuous services.

(C) Uninterrupted Cable Service. At the City's request, the Franchisee shall operate its system for a temporary period (the "transition period") following the termination of its franchise or any transfer as necessary to maintain Cable Service to subscribers, and shall cooperate with the City to assure an orderly transition from it to another entity. The transition period shall be no longer than the reasonable period required to select another entity and in no event shall be longer than twelve (12) months, unless extended by mutual consent of the Franchisee and the City. During the transition period, the Franchisee will continue to be obligated to comply with the terms and conditions of this franchise and applicable laws and regulations, and will be deemed to have the necessary authorization required from the City to enable it to provide Cable Service.

(D) If the Franchisee abandons its Cable System during the franchise term or any transition period, or fails to operate its Cable System in accordance with the terms set forth in Section 13 above, the City, at its option, may operate the Cable System or designate another entity to operate the Cable System temporarily until the Franchisee agrees to restore and restores continuous Cable Service in compliance with the franchise until the franchise is revoked and a new entity selected by the City is providing Cable Service.

(E) The City shall be entitled to exercise its rights under Section 14 if the:

(1) The Franchisee fails to provide Cable Service in accordance with its franchise over a substantial portion of the Franchise Area for ninety-six (96) consecutive hours, unless such failure is due to force majeure or the City authorizes a longer interruption of service; or

(2) The Franchisee, for any period, willfully and without cause refuses to provide Cable Service in accordance with its franchise over a substantial portion of the Franchise Area.

(F) Rights upon Franchise Termination or Revocation.

(1) If the City revokes the franchise or the franchise otherwise terminates, the City shall have the following rights, in addition to the rights specified in this franchise or under applicable law:

i. The City may require the former Franchisee to remove its facilities and equipment at the former Franchisee's expense. If the former Franchisee fails to do so within a reasonable period of time, the City may have the removal done at the former Franchisee's and/or surety's expense, subject to any right of abandonment that may be provided for under applicable law. However, Franchisee shall have no obligation to remove its facilities where it utilizes the system to provide other non-cable services and has any other authority under applicable law to maintain facilities in the public rights-of-way, or where Franchisee is able to find a purchaser of the cable system, acceptable to the City, who holds such authorization.

ii. The City, by Governing Body resolution, may acquire ownership or affect a transfer of the Cable System at fair market value if the franchise is revoked for cause in accordance with the Cable Ordinance, at an equitable price. The terms "equitable price" and "fair market value" shall be interpreted in accordance with 47 U.S.C. § 547.

iii. Section 14(E)(2) does not apply to an abandonment. If a Cable System or any part thereof is abandoned by the Franchisee, the City may require the Franchisee to transfer title to the abandoned portions to it at no charge, free and clear of encumbrances, and the same will become the City's property and the City may keep, sell, assign, or transfer all or part of the assets of the Cable System, or otherwise dispose of those assets as it sees fit. In the event the City acquires title, the Franchisee shall have no further liability for the Cable System.

**Section 16. ENFORCEMENT AND REMEDIES: REVOCATION.**

(A) Right to Revoke; Generally.

(1) The Governing Body may revoke this Franchise if it finds that the Franchisee has committed a material breach of this Franchise or repeatedly failed to comply with this Franchise; has defrauded or attempted to defraud the City or Subscribers; or has attempted to evade the requirements of this Franchise.

i. Before revoking a Franchise, the following must have occurred:

a. The City Manager must give the Franchisee notice of an alleged default in performance (which notice will describe the nature of an alleged violation or breach) and a thirty (30) calendar day opportunity to cure or such additional time as is reasonably necessary (the "cure period"); except that an opportunity to cure is not required where the defect in performance is due to willful misconduct or fraud or attempted fraud, is an adjudicated felony violation of criminal law, or is part of a pattern of substantial violations where the Franchisee has already had notice and opportunity to cure. The City may extend the cure period for up to 30 additional days if the Franchisee has diligently attempted to correct the alleged default.

b. Not sooner than 30 calendar days after the City Manager notifies the Franchisee of the default (or such longer period as may be required to encompass an extended cure period), the City Council shall hold a public hearing to consider whether the Franchise should be revoked, at which time the Franchisee and the public will be given an opportunity to be heard and the Franchisee to present evidence for consideration by the City Council.

(2) Following the close of the public hearing the City Council may determine whether to revoke the Franchise. If the Franchisee was entitled to an opportunity to cure a default, the Franchise may not be revoked if the default was fully cured during the cure period, including by payment of all damages and penalties owed. If the City Council determines to revoke the Franchise, it will issue a written decision setting forth the reasons for its decision.

(3) A copy of such decision will be transmitted to the Franchisee.

(B) Rights upon Franchise Termination or Revocation.

(1) If the City revokes the Franchise or the Franchise otherwise terminates, the City may require the former Franchisee to remove its facilities and equipment at the former Franchisee's expense. If the former Franchisee fails to do so within a reasonable period of time, the City may have the removal done at the former Franchisee's and/or surety's expense, subject to any right of abandonment that may be provided for under applicable law. The Franchisee may appeal such actions to a court of competent jurisdiction.

(C) Termination in the Event of Bankruptcy.

(1) This Franchise will terminate automatically by force of law 180 calendar days after an assignment for the benefit of creditors or the appointment of a receiver or trustee to take over the business of the Franchisee, whether in a receivership, reorganization, bankruptcy assignment for the benefit of creditors, or other action or proceeding. However, the Franchise may be reinstated within that one hundred eighty (180) day period, if:

i. Such assignment, receivership or trusteeship has been vacated; or

ii. Such assignee, receiver or trustee has fully complied with the terms and conditions of this Franchise, and has executed an agreement, approved by any court having jurisdiction, assuming and agreeing to be bound by the terms and conditions of this Franchise. In the event of foreclosure or other judicial sale of any of the facilities, equipment or property of the Franchisee, the City may revoke the Franchise following a public hearing before the City Council, by serving notice upon the Franchisee and the successful bidder at the sale, in which event the Franchise and all rights and privileges thereunder will be revoked and will terminate thirty (30) calendar days after serving such notice, unless:

(a) The City has approved the transfer of the Franchise to the successful bidder; and

(b) The successful bidder has covenanted and agreed with the City to assume and be bound by the terms and conditions of the Franchise.

(D) Effect of termination or forfeiture.

(1) Upon termination or forfeiture of this Franchise, whether by action of the City as provided above, or by passage of time, the City may do one or a combination of the following:

i. The Franchisee must, should the City so direct, stop using the Cable System for the purposes authorized by the Franchise.

ii. The City may require the former Franchisee to remove all or a portion of its facilities and equipment at the former Franchisee's expense, subject to any right the Franchisee may have to abandon property in place. If the former Franchisee fails to remove its property within a reasonable period of time, the City may have the removal done at the former Franchisee's and/or surety's expense. Such removal by the Franchisee must be done in accordance with all applicable laws and construction standards. Conditions of the site of removal must be left in substantially as good of condition as before the equipment was removed.

**Section 17. MISCELLANEOUS PROVISIONS.**

(A) Compliance with Laws. The Franchisee shall comply with all applicable federal, state and local laws and regulations as they become effective, unless otherwise

stated herein.

(B) Governing Law. This franchise shall be governed and construed in accordance with applicable federal law and the statutes and laws of the state of New Mexico.

(C) No Pledging of the City's Credit. Under no circumstances shall the Franchisee have the authority or power to pledge the credit of the City or incur any obligation in the name of the City. The Franchisee shall save and hold harmless the City, its Governing Body, its officers, employees, boards and commissions for expenses arising out of any unauthorized pledges of the City's credit by the Franchisee under this franchise.

(D) Venue. In the event that suit shall be brought by either party, the parties agree that venue shall be exclusively vested in the Thirteenth Judicial District Court, State of New Mexico or, where otherwise appropriate, exclusively in the United States District Court for the district of New Mexico.

(E) Force Majeure. The Franchisee shall not be deemed in default with provisions of its franchise where performance was rendered impossible by war or riots, civil disturbances, floods or other natural catastrophes beyond the Franchisee's control or the unforeseeable unavailability of labor or materials. The acts or omissions of affiliates are not beyond the Franchisee's control, and the knowledge of affiliates shall be imputed to Franchisee. The Franchise shall not be revoked or the Franchisee penalized for such noncompliance, provided that the Franchisee takes immediate and diligent steps to bring itself back into compliance and to comply as soon as possible under the circumstances with its Franchise without unduly endangering the health, safety and integrity of the Franchisee's employees or property, or the health, safety and integrity of the Public, Public Rights-of-Way, Public Property, or private property.

(F) Notices. Unless otherwise expressly stated herein, notices required under this franchise shall be mailed first class, postage prepaid, or sent overnight delivery to the addressees below. Each party may change its designee by providing thirty (30) days written notice to the other party, but each party may only designate one entity to receive notice.

Notices to the Franchisee shall be mailed to the designated entity at the following address:

ATTN: Government Affairs
Comcast of New Mexico, LLC
4611 Montbel Pl NE
Albuquerque, NM 87107

with a copy to:

ATTN:  Government Affairs
Comcast Cable
8000 E. Iliff Avenue
Denver, CO  80231

(1) Notices to the City shall be mailed to the designated entity at the following address:

City Manager
City of Rio Rancho
3200 Civic Center Circle
Rio Rancho, New Mexico 87144

with a copy to:

City Attorney
City of Rio Rancho
3200 Civic Center Circle
Rio Rancho, New Mexico 87144

(G) Calculation of Time. Unless otherwise indicated, when the performance or doing of any act, duty, matter or payment is required hereunder and a period of time or duration for the completion thereof is prescribed and is fixed herein, the time shall be computed so as to exclude the first and include the last day of the prescribed or fixed period of duration/time.

(H) Time of Essence; Maintenance of Records of Essence. In determining whether the Franchisee has substantially complied with its franchise, the parties agree that time is of the essence to this franchise. The maintenance of records and provision of reports in accordance with the franchise is also of the essence to this franchise.

(I) Publication Costs. The Franchisee shall pay the cost of publication of the franchise ordinance upon the Franchisee's acceptance of the Franchisee.

(J) Captions. The captions and headings of this franchise are for convenience and reference purposes only and shall not affect in any way the meaning and interpretation of any provisions of this franchise.

(K) Third Parties. The parties agree this Franchise Agreement creates no rights for any third party.

**Section 18. ANTI-TAMPERING.**

(A) It shall be unlawful for any person, firm, corporation or other entity:

(1) To make any unauthorized connection, whether physically, electrically, acoustically;

(2) inductively or otherwise, with any part of the Cable System within the City for the purpose of taking or receiving television signals, radio signals, lights signals or other electronic signals;

(3) To make any unauthorized connection, whether physically, electrically, acoustically;

(4) inductively or otherwise, with any part of a Cable System within the City for the purpose of enabling himself or herself or others to receive any television signal, radio signal, light signal or other electronic signal, without payment to the Franchisee operating such System; or

(5) To willfully tamper with, remove or injure any cable, wires or equipment of the Cable System used by the Franchisee within the Franchise Area for distribution of such signals without the consent of the Franchisee operating such System.

(6) Any person convicted of a violation of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than $500 or by imprisonment of not more than ninety (90) days or by both fine and imprisonment or the maximum permitted under applicable law. Every violation of this section shall be a misdemeanor. Every day such violation is committed or permitted to continue shall be considered a separate offense and shall be punishable as such hereunder.

**Section 19. SEVERABILITY CLAUSE.**

If any section, paragraph, sentence, clause, word or phrase of this Ordinance is for any reason held to be illegal, unconstitutional, invalid or unenforceable by a court, agency or legislature of competent jurisdiction, said provision shall be considered a separate, distinct, and independent part of this Franchise, and such decision shall not affect the validity of the remaining provisions of this ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid. In the event that a court or agency or legislature of competent and controlling jurisdiction acts so that any material provision of this agreement is unenforceable according to its terms, or is otherwise void, the parties agree to immediately enter into negotiations in good faith to restore the relative burdens and benefits of this franchise. If the parties are unable to agree to a modification of this Agreement within sixty (60) days, either party may with ninety (90) days prior notice, terminate or shorten the franchise term; or resort to litigation to seek any available equitable relief; or do both. Each party agrees to participate in up to sixteen (16) hours of negotiation during the sixty (60) day period. Notwithstanding the foregoing, if a party believes a provision is not material, it must so notify the other party within fourteen (14) days of a request by such other party that it enter into negotiations, or else the materiality claim is waived. The obligation to negotiate is not tolled, and the parties must discharge their negotiation responsibility notwithstanding the dispute as to materiality. The remedies provided for herein do not prevent a party from contending that a particular provision is enforceable, or foreclose any remedies if a provision is enforceable.

**Section 20. MERGER; AMENDMENT.**

This Franchise represents the entire agreement between the parties with respect to the matters addressed herein, and all prior franchises, agreements, covenants, and understandings between the parties concerning the same have been merged into this written Franchise. This Franchise shall not be altered, modified, changed, or amended except by a written instrument executed by the parties.

**Section 21. EFFECTIVE DATE.** This Ordinance shall become effective thirty (30) days after adoption.

ADOPTED THIS ___ DAY OF _____, 2023.

**For Comcast of New Mexico, LLC:**

By: _____

Name:

Title:

Date: _____

**For The City of Rio Rancho, New Mexico:**

_____
Greggory D. Hull, Mayor

ATTEST:

_____
Rebecca Martinez, City Clerk
(SEAL)

ALBUQUERQUE PUBLISHING COMPANY
7777 Jefferson St. NE, Albuquerque, NM 87109

# Ad Proof/Order Confirmation

**Account Number**
1000292

**Ad Order Number**
0001569906

COMCAST CABLE /APSS DEPT
8000 E ILIFF AVE
DENVER, CO 80231 USA

| | | | | | |
|---|---|---|---|---|---|
| **Ordered By** | Zachary Rothmier | | **Customer Phone** | 3036032012 | **Joint Ad #** |
| **Customer EMail** | | | **PO Number** | | |
| **Ad Cost** | | $50.36 | **Sales Rep** | wschult | |
| **Tax Amount** | | $3.90 | **Order Taker** | wschult | |
| **Total Amount** | | $54.26 | | | |
| **Amount Paid** | | $0.00 | | | |
| **Amount Due** | | $54.26 | | | |
| **Affidavits** | 0 | | | | |

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**Pick Up #**

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|---|---|---|---|
| **Product** | Albuquerque Journal | **Placement** | 0Legal Notices |
| **Ad Number** | 0001569906-01 | **Classification** | 0Government |
| **Ad Type** | 0 Legal Liner | **Sort Text** | RIORANCHOORDINANCEFORSECONDREADINGONMAY112023THEGOVERNINGBODYWILLCONSIDERO9ANORDINANCEGRANTINGTOCOMCASTOFNEWMEXICOLLCACOLORADOL |
| **Ad Size** | 1 X 52 li | | |
| **Color** | | | |

**Run Date**
05/04/2023
05/04/2023
05/04/2023

**WYSIWYG Content**

**Rio Rancho Ordinance for Second Reading**

On May 11, 2023, the Governing Body will consider O9. An Ordinance Granting To Comcast Of New Mexico, Llc, A Colorado Limited Liability Company, For A Period Of Ten (10) Years From And After The Passage, Acceptance And Effective Date Of This Ordinance, The Nonexclusive Right, Privilege, Permit And Franchise To Construct, Operate And Maintain A Cable Television System In, Upon, Along, Across, Above, Over, And Under Streets, Alleys, Easements, Open Areas, Public Ways And Public Places, Now Laid Out Or Dedicated, And All Extensions Thereof And Additions Thereto, In The City Of Rio Rancho, Providing Terms And Conditions For The Operation Of Such Cable Television System And The Payment Of Fees Therefore. A copy of this ordinance is available in the Office of the Rio Rancho City Clerk or online at https://rrnm.gov/2303/Watch-and-Download-City-Meetings.

Journal: May 4, 2023

**CITY OF RIO RANCHO**
**ORDINANCE**

**ORDINANCE NO. 9** **ENACTMENT NO. 23-10**

# ORDINANCE GRANTING TO COMCAST OF NEW MEXICO, LLC, A COLORADO LIMITED LIABILITY COMPANY, FOR A PERIOD OF TEN (10) YEARS FROM AND AFTER THE PASSAGE, ACCEPTANCE AND EFFECTIVE DATE OF THIS ORDINANCE, THE NONEXCLUSIVE RIGHT, PRIVILEGE, PERMIT AND FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN, UPON, ALONG, ACROSS, ABOVE, OVER, AND UNDER STREETS, ALLEYS, EASEMENTS, OPEN AREAS, PUBLIC WAYS AND PUBLIC PLACES, NOW LAID OUT OR DEDICATED, AND ALL EXTENSIONS THEREOF AND ADDITIONS THERETO, IN THE CITY OF RIO RANCHO, PROVIDING TERMS AND CONDITIONS FOR THE OPERATION OF SUCH CABLE TELEVISION SYSTEM AND THE PAYMENT OF FEES THEREFORE

**WHEREAS:** Comcast of New Mexico, LLC, a Colorado limited liability company ("Comcast") LLC has formally notified the City that it desires a non-exclusive franchise to operate a cable television system and other services within the City limits; and

**WHEREAS:** the cable television franchising process at the local government level is heavily dictated and regulated by federal law and the U.S. Federal Communications Commission; and

**WHEREAS:** City staff has negotiated and worked with Comcast regarding its franchise request, where applicable; and

**WHEREAS:** approval of the franchise helps to facilitate options for citizens related to their television and internet service, and generates revenue for the City that is used to provide a variety of public services.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:**

**Section 1. FINDINGS.** The Governing Body hereby finds:

(A) The City is authorized to grant and renew franchises for the installation, operation and maintenance of cable television systems within the City.

(B) The City has endeavored to identify the future cable-related needs and interests of the community; to consider the financial, technical, and legal qualifications of Comcast; and to determine whether plans for upgrading and operating its system are adequate.

(C) The City has relied on Comcast's written representations and has considered all of the information Comcast has presented in making its determination.

(D) The City, having considered the interests proposed and advanced, has found that the grant of the franchise requested, subject to conditions, is in the public interest and hereby grants a cable franchise to Comcast as follows:

**Section 2. DEFINITIONS.**

References to any City official or City office also refer to any official or office that succeeds to any or all of the responsibilities of the named official, whether by succession or otherwise. In addition, the following definitions shall apply:

AFFILIATE. When used in connection with Franchisee, means any Person who owns or controls, is owned or controlled by, or is under common ownership or control with the Franchisee.

CABLE ACT. The federal Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996, as any of them may be amended.

CABLE ORDINANCE, ORDINANCE or FRANCHISE. This ordinance and any amendments, exhibits or appendices hereto.

CABLE SERVICE. The one-way transmission to Subscribers of (i) video programming, or (ii) other programming service; and the Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

CABLE SYSTEM. A facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide Cable Service which includes video programming and which is provided to multiple Subscribers within a community, but such term does not include:

(1) a facility that serves only to retransmit the television signals of one or more television broadcast stations;

(2) a facility that serves Subscribers without using, or connecting to a facility that uses, any Public Right-of-Way within the City;

(3) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II (Common Carriers) of the Federal Communications Act of 1934, as amended, except that such facility shall be considered a Cable System to the extent such facility is used in the transmission of video programming directly to Subscribers, unless the extent of such use is solely to provide interactive on-demand services;

(4) any facilities of any electric utility used solely for operating its electric utility systems, or

(5) an Open Video System (as described in 47 U.S.C. § 573) that is certified by the Federal Communications Commission (FCC).

CITY. The City of Rio Rancho; when used to describe a geographic area, the term refers

to the boundaries of the City of Rio Rancho, New Mexico, as they exist now or may exist in the future.

CITY COUNCIL. The Rio Rancho Governing Body, or its successor, the Governing Body of the City.

DWELLING UNIT. The definition of "Dwelling Unit" shall be consistent and match the definition as cited in Rio Rancho Municipal Code Section 150.25(B).

EXPANDED BASIC. The cable service tier that contains all local broadcast stations as well as the cable services that are included in Franchisee's first generally-available and advertised service tier above the tier containing all local broadcast stations.

FCC. The Federal Communications Commission.

FRANCHISE. This document, i.e., this Ordinance and, upon the written unconditional and acknowledged acceptance by the Franchisee, a contractual agreement, executed between the City and the Franchisee, containing the specific provisions of the authorization granted, including references, specifications, requirements and other related matters.

FRANCHISE AREA. All parts of the City now existing or hereafter annexed.

FRANCHISEE. Comcast of New Mexico, LLC, a Colorado limited liability company and its lawful and permitted successors, assigns and transferees.

GOVERNMENT CHANNEL: Any capacity on the cable system set aside by the Franchisee for local government use.

GROSS REVENUE. any and all cash, credits or other consideration of any kind or nature in any way derived from the operation of the Franchisee's Cable System to provide Cable Services in the Franchisee Area, received directly or indirectly by a Franchisee or their Affiliates, calculated in accordance with generally accepted accounting principles. Gross Revenues shall include, but is not limited to, monthly fees charged Subscribers for any basic, optional, premium or pay-per-view service net of that share of fees which is remitted to suppliers of such services; installation, disconnection, reconnection, and change-in-service fees; leased channel fees; processing fees and administrative fees; fees, payment or other consideration received from programmers for carriage or programming on the cable system, net of any payment or consideration reserved to market such programming to the extent such amounts are used for same; revenues from converter rentals or sales; advertising revenues; barter; revenues from program guides; and revenues from home shopping services. Gross Revenues shall be the basis for computing the Franchisee's Franchise Fee under this Agreement. Gross Revenues shall not include actual converter deposits that are paid by and returned to subscribers, Franchise Fees, actual refunds of amounts paid by and refunds to Subscribers by a Franchisee, actual uncollected Subscribers debts, or receipts from any sales or use taxes, or any other taxes which are imposed upon subscriber by an taxing authority and which the Franchisee is required to collect form a subscriber on behalf of said taxing authority. This definition shall be interpreted to include all revenues that may be subject to a Franchise Fee consistent with Federal law.

PERSON. An individual or a corporation, trust, partnership, limited liability company, or other entity recognized by law.

PUBLIC RIGHTS-OF-WAY. The surface of and the space above and below any street, road, highway, freeway, bridge, lane, path, alley, court, sidewalk, parkway, or right-of way or easement dedicated to compatible uses, now or hereafter existing within the City which may be properly used for the purpose of installing, maintaining, and operating a Cable System; and any other property that the Franchisee is entitled by state or federal law to use by virtue of the grant of this Franchise.

STANDARD DROP. An aerial or underground connection extending no more than 125 feet from the potential Subscriber's demarcation point to the nearest point of distribution on the cable system from which Cable Service can be provided to that subscriber.

SUBSCRIBER. The City or any person who lawfully is receiving Cable Service from a Franchisee and does not further distribute such service.

SUBSCRIBER NETWORK. The fibers, coaxial cables and the electronic devices and other components that are used in the provision of Cable Service to subscribers.

SYSTEM HEAD END. Any facility for signal reception and dissemination on a Cable System, including cables, antennas, wires, satellite dishes, monitors, switchers, modulators and all other related equipment and facilities.

**Section 3. GRANT OF FRANCHISE; LIMITS AND RESERVATIONS.**

(A) Grant, Term and Effective Date.

The City hereby grants to the Franchisee, a non-exclusive right, privilege, permit and franchise to construct, operate, and maintain a cable television system in, upon, across, above, over and under, streets, alleys, easements, open areas, public ways, and public places now laid out or dedicated in the City and upon annexation of any territory to the City, this Franchise shall extend to the territory so annexed, commencing on the effective date of the Franchise and extending for ten (10) years unless earlier terminated in accordance with this Franchise or applicable law. The Franchise and its terms and provisions shall be unconditionally adopted by written instrument executed and acknowledged by the appropriate officials of the City and delivered to the Franchisee which shall accept same not later than thirty (30) days after receiving it by acknowledging the Franchisee's acceptance in writing. The date of the Franchisee's acceptance shall be the effective date of the Franchise.

(B) Surrender.

Comcast may surrender this Franchise at any time upon filing with the City a written notice of its intention so to do, at least six (6) months before the surrender date. All the rights and privileges and all of the obligations, duties, and liability of the Comcast under this Ordinance, except as to the extent previously accrued hereunder, shall terminate on the surrender date specified in such notice.

(C) Relation to Other Provisions of Law.

(1) The Franchise issued by the City is subject to applicable federal and state law. References to laws or "applicable laws" in this Franchise include federal, state and local laws (and regulations lawfully adopted pursuant to those laws) now in effect, and to amended or new federal and state laws lawfully enacted. This Franchise does not confer rights upon the Franchisee other than as expressly provided herein, nor pass rights by implication except those that may otherwise vest pursuant to governing law. The Franchise does not convey title, equitable or legal, in the Public Rights-of Way or public property. Nothing in this Franchise shall be deemed to waive the right of the Company to offer such other services as may be permitted by Applicable Law.

(2) This Franchise and all rights granted under the Franchise are subject to the lawful and non-discriminatory or arbitrary exercise of the police powers the City now has or may later obtain, including but not limited to the power of eminent domain; and are further subject to the exercise of the City's rights as a property owner under state and federal laws. Except as expressly set forth herein, neither the granting of this Franchise or any provision herein shall constitute a waiver or bar to the exercise of any governmental right or power of the City, including without limitation the right of eminent domain, and the right to grant additional cable franchises. However, once effective, this Franchise is a contract and except as to those changes which are the result of the City's lawful and necessary exercise of police powers, neither party may take any unilateral action which changes the explicit mutual promises.

(3) The Franchise issued and the franchise fees paid hereunder are not in lieu of any other required generally applicable permit, authorization, fee, charge or tax. Without limiting the foregoing, the City, among other things, does not waive the requirements of, or the Franchisee's duty to obtain, all applicable permits, and to comply with the conditions thereof; to comply with zoning laws; or to comply with any generally applicable codes, ordinances and regulations governing the construction of the cable system.

(D) No Recourse.

Without limiting such immunities as the City or other persons may have under applicable law, Franchisee shall have no monetary recourse whatsoever against the City or its officials, boards, commissions, agents, volunteers, or employees for any loss, costs, expense or damage arising out of any provision or requirement of this Franchise or because of the enforcement of this Franchise or other applicable law, unless the same shall be caused by criminal acts or by willful or gross negligence.

(E) Effect of Change in Law.

In the event that state or federal laws, rules, or regulations preempt a provision or limit the enforceability of a provision of this franchise, then the provision shall be read to be preempted or limited to the extent and for the time, but only to the extent and for the time, that such laws, rules or regulations validly acted to preempt or limit such provision. In the event such state or federal law, rule, or

regulation is subsequently repealed, rescinded, amended, or otherwise changed, so that the provision hereof that had been preempted or limited is no longer so affected, such provision shall thereupon return to full force and effect and shall thereafter be binding on the parties hereto, without the requirement of further action on the part of the affected party.

**Section 4. RENEWAL PROCEDURES.**

Any renewal of this Franchise shall be governed by and comply with the provisions of Section 626 of the Cable Act, as amended.

**Section 5. TRANSFERS.**

(A) The Cable System and this Franchise shall not be sold, assigned, transferred, leased or disposed of, either in whole or in part, either by involuntary sale or by voluntary sale, merger or consolidation; nor shall title thereto either legal or equitable, or any right, interest or property therein pass to or vest in any Person without the prior written consent of the City, which consent shall not be unreasonably withheld. Such consent shall not be deemed to waive any rights of the City to subsequently enforce this provision, or to enforce any other provision of this Franchise.

(B) The Franchisee shall promptly notify the City of any actual or proposed sale, change in, transfer of, or acquisition by any other party, of control of the Franchisee. The word "control" as used herein is not limited to majority stock ownership but includes actual working control in whatever manner exercised. Every change, transfer or acquisition of control of the Franchisee shall make this Franchise subject to cancellation unless and until the City shall have expressly consented in writing thereto. Such consent shall not be deemed to waive any rights of the City to subsequently enforce noncompliance issues relating to this Franchise.

(C) Prior to any such sale, transfer or change in control of the Cable System, the Franchisee shall make a written request to the City for its approval of a sale or transfer or change in control and shall furnish therewith all information required by law.

(D) In seeking the City's consent to any change in ownership or control, the proposed transferee or new controlling Person shall indicate whether, it:

(1) Has ever been convicted, pleaded guilty or nolo contendere, or held liable for acts involving deceit including any violation of federal, State or local law or regulations or is currently under an indictment, investigation or complaint charging such acts;

(2) Has ever had a judgment in an action for fraud, deceit or misrepresentation entered against it by any court;

(3) Has pending any material legal claim, lawsuit or administrative proceeding arising out of or involving a Cable System;

(4) Has the financial, legal and technical capability to enable it to maintain and operate the Cable System consistent with all of the terms and requirements of this Franchise for the remaining term of the Franchise.

(E) The City shall act on the request within one hundred twenty (120) days of the Franchisee's submission of a complete application with all information required by FCC Form 394. Subject to the foregoing, if the City fails to render a final decision on the request within one hundred twenty (120) days, such request shall be deemed granted unless the requesting party and the City agree to an extension of time.

(F) Within thirty (30) days of any transfer, sale or change in control, if approved or deemed approved by the City, the Franchisee shall file with the City a copy of the deed, agreement, lease or other written instrument evidencing such sale or transfer of ownership or change in control, certified and sworn to as correct by the Franchisee and the transferee or new controlling Person. In case of a sale or transfer of ownership, the transferee shall file its written acceptance agreeing to be bound by all of the provisions of this Franchise, subject to applicable law. In the event of a change in control in which the Franchisee is not replaced by another entity, the Franchisee will continue to be bound by all of the provisions of this Franchise.

(G) In reviewing a request for sale or transfer or change in control, the City may inquire into the legal, technical and financial qualifications of the prospective controlling party or transferee, and the Franchisee shall assist the City in so inquiring; however, any inquiry shall not serve to extend the one hundred twenty 120-day review period referenced in subsection E.

(H) Notwithstanding anything to the contrary in this subsection, the prior approval of the City shall not be required for any sale, assignment or transfer of the Franchise or Cable System to an intra-company Affiliate; provided that the proposed assignee or transferee must show financial responsibility as is satisfactory to the City and must agree in writing to comply with all of the provisions of this Franchise. Further, the Franchisee may pledge the assets of the Cable System for the purpose of financing without the consent of the City; provided that such pledge of assets shall not impair the Franchisee's responsibilities and capabilities to meet all of its obligations under the provisions of this Franchise.

**Section 6. FRANCHISE FEE.**

(A) Payment to the City.
The Franchisee shall pay the City a franchise fee in an amount equal to five percent (5%) of Gross Revenues. The balance shall be deposited into the general fund.

(B) GAAP (General Acceptable Accounting Principles) Applies.
Records of Cable System revenues and expenses shall be kept in accordance with GAAP. Any disputes related to underpayment of franchise fees will be

resolved with reference to GAAP.

(C) Not in Lieu of any other Assessments, Tax or Fee.
The franchise fee is in addition to all other generally applicable fees, assessments, taxes or payments that the Franchisee may be required to pay under any federal, state, or local law, except as required by 47 U.S.C. § 542.

(D) Payments.
Franchise fees shall be paid quarterly commencing thirty days after the end of each calendar quarter.

(E) No Accord or Satisfaction.
In accordance with the appropriate statute of limitations, no acceptance of any payment by the City required by this Franchise shall be construed as a release or an accord and satisfaction of any claim the City may have for further or additional sums payable as a franchise fee or for the performance of any other obligation of the Franchisee.

(F) Monitoring Audits.
The City may conduct an independent audit of the Franchisee's records reasonably related to the enforcement of this Franchise. If the audit shows that franchise fee payments have been underpaid by five percent (5%) or more, the Franchisee shall pay the total cost of the audit, such cost not to exceed fifteen thousand dollars ($15,000) along with all unpaid franchise fee payments shown thereby, within forty-five (45) days following completion of the audit. The City shall have the right to conduct such audits as the City deems necessary, though no more frequently than once per calendar year, upon thirty (30) days' prior written notice to the Franchisee.

(G) Consumer Disclosure.
The amount of a Subscriber's total bill assessed as a franchise fee may be listed as a separate line item.

**Section 7. CONSTRUCTION.**

(A) All work Subject to City Laws and Regulations.
The construction, operation, and repair of the Cable System shall be performed in compliance with all laws, ordinances, resolutions, departmental rules, regulations, written policies, and practices affecting such system. Persons engaged in the construction, operation, or repair of the Cable System shall exercise reasonable care in the performance of all their activities and shall use commonly accepted methods and devices for preventing failures and accidents that are likely to cause damage, injury, or nuisance to the public or to property.

(B) Permits.
All work performed will be performed in strict accordance with the conditions of the appropriate City permits. City will not unreasonably withhold granting of permits. Upon order of the City, any work and/or construction undertaken that is not completed in compliance with the City's requirements, or which is installed without obtaining necessary permits and approvals shall be removed

in accordance with the reasonable time line set forth by the City, unless the Franchisee receives the necessary permits and approvals and/or corrects the non-compliant work or construction.

(C) Safety Codes.

Without limiting the foregoing, the installation, construction, operation and maintenance of the Cable System shall be in accordance with the requirements of the National Electrical Safety Code of the American Insurance Association (successor to National Board of Fire Underwriters) and all applicable laws, ordinances, rules, regulations of the State and of the City affecting electrical installations and buildings in effect at the time of such installation. All structures and all lines, equipment, and connections in, over, under, and upon the streets shall at all times be kept and maintained in a safe, suitable, substantial condition, and in good order and repair.

(D) Installations, Excavations, and Restorations.

The City shall have the right to regulate the time, manner and location of facilities in the Public Rights-of-Way. Without limiting the foregoing, the City may require the Franchisee, where unreasonable delay in the Franchisee's work will not result, to coordinate its work with work performed by others in the Public Rights-of-Way so that interference with the use of the Public Rights of-Way by others, including others that may be installing cable systems, may be minimized. The City may require a person using the Public Rights-of-Way to cooperate with others through joint trenching and other arrangements to minimize adverse impacts on the Public Rights-of-Way, subject to the Franchisee's right to not be unduly delayed in its emergency or planned work. The Franchisee shall have the right to excavate in, occupy, and use all Public Rights-of-Way and easements for the purpose of installing, erecting, constructing, repairing, maintaining, removing, relocating, and operating the Cable System after obtaining any and all appropriate permits from the City.

(E) Employee Identification.

Any and all employees performing work on behalf of the Franchisee shall possess at all times a photo identification badge including a telephone number for verification. The Franchisee's vehicles shall also be marked with applicable identification.

(F) Clean-up and Restoration.

After any excavation shall be made and after work is completed, the Franchisee, at the Franchisee's expense, shall as soon as practicable, weather permitting, remove all surplus material, and restore the portion of the Public Rights-of-Way to a condition that reasonably meets or exceeds the pre-excavation condition of such Rights-of-Way, subject to inspection by the City. Any other affected public or private property shall be restored to a condition reasonably as good as that which existed prior to the work. If the Franchisee fails to restore promptly the affected property, including reseeding, then following written notice to the Franchisee, and reasonable opportunity to cure, the City may make the restoration in a manner satisfactory to the City, and all costs incurred for such restoration, whether done with the City work forces and equipment or otherwise shall be paid by the Franchisee.

(G)Use of Existing Poles and Conduit.

(1) The Franchisee shall utilize existing poles and conduit wherever possible. Additional poles may not be installed in the Right-of-Way without the permission of the City.

(2) In areas where either electric or telephone utility wiring is aerial, the Franchisee may install aerial cable, except when a property owner or resident requests underground installation and agrees to bear the additional cost in excess of aerial installation.

(3) In areas where electric and telephone lines or wires are installed underground at the time of Cable System construction, or when all such wiring is subsequently placed underground, all Cable System lines shall also be placed underground with other wireline service at no expense to the City or Subscribers unless funding is generally available for such relocation to all users of the Public Rights-of-Way. All Cable System equipment, including, but not limited to, pedestals and power supplies, must be placed in accordance with the City's applicable code requirements and rules. New cable drops which are intended to be underground shall be buried within fourteen (14) business days of placement, weather and ground permitting.

(4) In the event the Franchisee cannot obtain the necessary poles and related facilities pursuant to a pole attachment agreement, and only in such event, then it shall be lawful for the Franchisee to make all needed excavations in the Rights-of-Way for the purpose of placing, erecting, laying, maintaining, repairing, and removing poles, supports for wires and conductors, and any other facility needed for the maintenance or extension of the Franchisee's Cable System. All poles of the Franchisee shall be located as designated by the proper City authorities.

(5) This Franchise does not grant, give or convey to the Franchisee the right or privilege to install its facilities in any manner on specific utility poles or equipment.

(6) The Franchisee and the City recognize that situations may occur in the future where the City may desire to place its own cable or conduit. The Franchisee agrees to cooperate with the City in any construction by the Franchisee that involves trenching or boring, provided that the City has first notified the Franchisee in writing that it is interested in sharing the trenches or bores in the area where the Franchisee's construction is occurring. The Franchisee shall allow the City to lay City cables and conduits in the Franchisee's trenches and bores, provided that the City shares in the cost of the trenching and boring on the same terms and conditions as the Franchisee, and that the City agrees not to use such cables and conduits laid in the Franchisee's trenches and bores to provide commercial services competing with those of the Franchisee under this Franchise. The City shall be responsible for maintaining its respective cables and conduits buried in the Franchisee's trenches and bores under this paragraph.

(H) Publicizing proposed Construction Work.

The Franchisee will publicize any initial build or any substantial rebuild or upgrade of its Cable System cable in each affected neighborhood before commencing that work by notifying those persons whose property is within three hundred (300) feet of the work in at least two of the following ways:

i. Telephone;
ii. In person;
iii. By mail;
iv. Online via its website;
v. Other forms of electronic communication such as e-mail or text message as allowed by law;
vi. By distributing flyers to residences; or
vii. By publication in local newspapers or by television public service
viii. announcement.

(I) Relocation.

The Franchisee shall, within a reasonable time specified by the City, protect, support, temporarily disconnect, relocate, or remove any of its property when requested by the City by reason of traffic conditions; public safety; Public Right-of-Way construction and repair (including re-grading, resurfacing or widening); Public Right-of-Way vacation; construction, installation or repair of sewers, drains, water pipes, power lines, signal lines, tracks, or any other type of government-owned system or utility, public work, public facility, or improvement. Collectively, such matters are referred to below as the "public work." If funds are available to any person using the Public Rights-of-Way for the purpose of defraying the cost of any of the foregoing, the City shall reimburse the Franchisee in the same manner in which other persons affected by the requirement are reimbursed. If the funds are controlled by another governmental entity, the City shall make application for such funds on behalf of the Franchisee.

(J) Contribution.

Nothing herein shall be construed to reduce or otherwise affect any right the Franchisee has to recover (from a party other than the City), seek contribution for or to offset the costs of complying with the requirements of this provision.

(K) Removal or Modification of Facilities.

Whenever the Franchisee intends to discontinue using any facility within the Public Rights-of-Way, the Franchisee shall notify the City of its intent regarding such discontinuance. The Franchisee may remove the facility or request that the City permit it to remain in place. Notwithstanding the Franchisee's request that any such facility remain in place, the City may require the Franchisee to remove the facility from the Right-of-Way and/or modify the facility to protect the public health, welfare, safety, and convenience, or otherwise serve the public interest. The Franchisee shall use its best efforts to complete such removal or modification in accordance with a schedule set by the City. Until such time as the Franchisee removes or modifies the facility as directed by the City, or until the rights to and responsibility for the facility are accepted by another Person having authority to construct and maintain such facility, the Franchisee shall be responsible for all necessary repairs and relocations of the

facility, as well as maintenance of the Public Right-of-Way, in the same manner and degree as if the facility were in active use, and the Franchisee shall bear all liability for such facility.

(L) Moving of Buildings.

Whenever it becomes necessary to temporarily rearrange, remove, lower, or raise the aerial cables or wires or other apparatus of the Franchisee to permit the passage of any building, machinery, or other object, the Franchisee shall perform such rearrangement upon receipt of payment for the estimated costs incurred by the Franchisee in making such rearrangements, and provided that the Franchisee received written notice at least 30, days in advance from the person or persons desiring to move said building, machinery, or other objects. The written notice shall detail the route of movement of the building, machinery, or other object. The costs incurred by the Franchisee in making such rearrangements of its aerial plant will be borne by the person or persons seeking such rearrangement, unless the aerial plant is placed or maintained in violation of the applicable rules of any local, state, or federal regulatory agency and thereby unlawfully interferes with the movement.

(M)Restoration of Property.

The Franchisee shall reconstruct, replace, or restore to its previous condition in a timely fashion that portion of any street, alley, or public way or place; and any water, sewer, sanitary sewer, storm drainage, traffic signalization or other facility of the City, disturbed or damaged by the Franchisee, to a condition reasonably acceptable to the City consistent with reasonable standards of safety and appearance as required by generally applicable law and codes adopted pursuant to exercise of the City's police powers.

(N) Repairs and Reimbursement.

The Franchisee shall properly replace and repair the surface, base, and landscape treatment of any Public Right-of-Way that may be excavated or damaged by reason of the erection, construction, maintenance, or repair of the Franchisee's facilities within a reasonable time after completion of the work in accordance with existing standards of the City in effect at the time of the work. The Franchisee shall give to the City twenty-four (24) hours' notice prior to undertaking any repair, replacement, or extension of its service on Public Rights-of-Way which require a City permit. Upon failure of the Franchisee to perform any such repair or replacement work, and after ten days' notice in writing shall have been given by the City to the Franchisee, the City may repair such portion of the Public Right-of-Way as may have been disturbed by the Franchisee, its contractors or agents, and upon receipt of an itemized bill from the City, the Franchisee will promptly reimburse the City for all reasonable costs so incurred. Notwithstanding the foregoing, if the City determines that the failure of the Franchisee to properly repair or restore the Public Right-of-Way constitutes a safety hazard to the public, the City may undertake emergency repairs and restoration efforts. The Franchisee shall promptly reimburse the City for all reasonable costs incurred by the City. Should the City reasonably determine, within three (3) years for the surface or base, and within ninety (90) days for landscape treatment, from the date of any restoration performed by the Franchisee, that such surface, base, or landscape treatment requires

additional restoration under this section, the Franchisee shall perform and bare the costs for such additional restoration work to the reasonable satisfaction of the City within a reasonable period of time following notice from the City.

(O) Trimming of Trees.

The Franchisee may, upon reasonable notification to the City, trim trees above ground which infringe upon easements, rights of way or streets of the City to prevent the trees from coming into contact with the Cable System, and the City, at its option may do such trimming at the expense of the Franchisee.

(P) Supplying Maps.

The Franchisee shall maintain on file all available maps, operational data, and reports pertaining to its operations in the City. Upon request of the City, the Franchisee shall furnish to the City, as soon as practicable without charge, current maps in a format compatible with the City's GIS software showing the location and dimension of those distribution facilities located within the Public Rights-of-Way within the Franchise Area. The Franchisee supplying maps under this provision may excise proprietary information so long as the location and dimension of any facilities, and their character (e.g. pole, equipment cabinet, fiber optic cable, power line) are clearly shown.

(Q) Failure to Perform.

If the Franchisee should fail to perform any work required under this Section after written notice and reasonable opportunity to cure, the City may cause work to be performed, and may bill the Franchisee therefore, or draw upon any security fund or bond to recover its costs and associated recovery costs. If the City bills the Franchisee, the Franchisee shall pay the amount billed within thirty (30) days of receipt of the bill.

(R) Inspection of Construction and Facilities.

The City may inspect any of the Franchisee's facilities, equipment or construction in the Public Right-of-Way at any time during normal business hours upon at least twenty-four (24) hour notice, or, in case of an emergency, at any time, upon demand without prior notice. If an unsafe condition is found to exist, the City, in addition to taking any other action permitted under applicable law, may order the Franchisee, in writing, to make the necessary repairs and alterations specified therein forthwith to correct the unsafe condition by a time the City establishes. The City has the right to correct, inspect, administer and repair the unsafe condition if the Franchisee fails to do so, and to charge the Franchisee therefor.

## Section 8. CONSTRUCTION PROVISIONS.

Construction Standards.

(1) The Franchisee will comply with all lawful and generally applicable construction standards utilized by the City. The construction, operation, and repair of the Cable System will be in accord with all applicable law. The construction, operation, and maintenance of the Cable System shall be performed by experienced and properly trained properly and licensed maintenance and construction personnel.

(2) Standards following completion of upgrade.
Upon completion of any Cable System upgrade, the Cable System shall:

i. Utilize facilities and equipment generally comparable to that used in other high-quality, reliable cable systems of similar design, including commercially reasonable backup power resources.
ii. Be two-way activated and shall include the facilities and equipment (except customer premises equipment) required to support broadband interactive services, such as Internet services.
iii. Provide reliable service and possess auto-start back-up power at the headend and elsewhere reasonably necessary (consistent with accepted industry standards and the system design) to avoid or minimize service interruptions.

**Section 9. RESIDENTIAL SERVICE.**

(A) Cable System Deployment and Access.
Franchisee has established Cable System deployment plans which include the estimated projected dates when deployment of the Cable System will be completed and activated within the Franchise Area. Franchisee commits to using reasonable efforts to construct its Cable System within the Franchise Area in accordance with those plans and will meet with the City every six (6) months to update the City on the current status of construction and anticipated timeline to completion. The Franchisee may not charge the Subscriber the cost of extending the Cable System plant to a point where the dwelling unit can be served by a standard one hundred twenty-five (125) foot drop, other than its standard, non-discriminatory installation fee.

(B) General Service.
Once the Cable System construction is complete in a given location within the Franchise Area, and Cable Service is available, Franchisee shall provide Cable Service within seven (7) days of a request by any potential Subscriber within the given location. For purposes of this Section, a request shall be deemed made on the date of signing a service agreement, receipt of funds by Franchisee, receipt of a written request by Franchisee or receipt by Franchisee of a verified verbal request. Except as otherwise provided herein, Franchisee shall provide such service:

i. With no line extension charge except as specifically authorized elsewhere in this Franchise Agreement.
ii. At a non-discriminatory installation charge for a standard installation, consisting of a one hundred twenty-five (125) foot drop connecting to an inside wall for Residential Subscribers, with additional charges for non-standard installations computed according to a non-discriminatory methodology for such installations, adopted by Franchisee and provided in writing to the City.
iii. At non-discriminatory monthly rates for Residential Subscribers.

(C) Cost-Sharing for Low-Density Areas.

The Franchisee shall offer a cost-sharing arrangement to residents requesting service in a low-density area whereby the Franchisee and the requesting Subscriber will each bear their proportionate share of construction costs to the point where the Dwelling Unit can be served by a standard one hundred twenty-five (125) foot drop. The Franchisee's share will be the cost of construction multiplied by a fraction, the numerator of which will be the number of Dwelling Units per mile of cable plant in the area where the extension will occur, and the denominator of which will be thirty (30). The requesting Subscribers shall bear the remaining cost on a pro-rata basis. The Franchisee may require the payment of the construction cost borne by potential Subscribers in low density areas be paid in advance.

(D) New Housing Developments.

Nothing in this Agreement shall prohibit the City, the Franchisee, or any other person from entering into an agreement whereby entire new housing developments may be pre-wired for efficient future expansion of cable service.

(E) Service to Multiple Dwelling Units.

Consistent with this Section 9, once the Cable System construction is complete in a given location within the Franchise Area and Cable Service is available, the Franchisee intends to offer the individual units of a Multiple Dwelling Unit all Cable Services offered to other Dwelling Units in the City and shall individually wire units upon request of the property owner or renter who has been given written authorization by the owner; provided, however, that any such offering is conditioned upon the Franchisee having legal access to said Dwelling Unit. The City acknowledges that the Franchisee cannot control the dissemination of particular Cable Services beyond the point of demarcation at a Multiple Dwelling Unit.

(F) Mandatory Line Extension for Primary Cable Service Provider.

(1) In the event Franchisee provides Cable Service to at least 65% of all Cable Service Subscribers within the Franchise Area, the Franchisee shall, upon written request by an un-served potential Subscriber, extend service to any Dwelling Unit not already passed by the Franchisee's Cable System in which the density of Dwelling Units is at least thirty (30) Dwelling Units per cable mile from existing connection to the Cable System plant. The Franchisee may not charge the Subscriber the cost of extending the Cable System plant to a point where the dwelling unit can be served by a standard one hundred twenty-five (125) foot drop, other than its standard, non-discriminatory installation fee.

(2) If any other Cable Service provider, other than Franchisee, is actively and currently providing or offering Cable Services to the specific requesting Dwelling Unit requesting Cable Services as described in this Section 9, Paragraph F(1), the Franchisee is not required to extend Cable Service or its Cable System until no other Cable Service Provider is willing and able to provide Cable Service to the Dwelling Unit.

**Section 10. SYSTEM OPERATIONS.**

(A) Technical Standards.

The cable system must meet or exceed the technical performance standards set forth in 47 C.F.R. § 76.601 and any other applicable standards, or any successor or amended rules provided that, nothing in this provision is intended to permit the City to exercise any authority that it is prohibited from exercising under applicable federal law.

(B) Future Upgrades.

It is the Franchisee's responsibility to make such commercially practicable improvements to its Cable System throughout the Franchise term to ensure that Subscribers are able to obtain advanced Cable Service, and so that services can be added throughout the franchise term.

(C) System Maintenance.

The Franchisee may intentionally interrupt service on the Cable System only for good cause and for the shortest time possible and, except in emergency situations or to the extent necessary to fix the affected Subscriber's service problems, only after a minimum of forty-eight (48) hours' prior notice to Subscribers and the City of the anticipated service interruption; provided, however, that there shall be no minimum prior notice period, for planned maintenance that:

i. Does not require more than two (2) hours' interruption of service; and
ii. occurs between the hours of 1:00 a.m. and 6:00 a.m.

(D) FCC-Mandated Testing.

(1) The Franchisee shall, at its expense, perform all tests on its Cable System required by the FCC and shall maintain written records of its test results. Copies of such test results will be provided to the City upon request.

(2) All required technical performance tests may be witnessed by representatives of the City. Upon request, the Franchisee will notify the City before any required technical proof-of-performance testing occurs.

(3) The Franchisee shall promptly take such measures as are necessary to correct any performance deficiencies fully and to prevent their recurrence as far as practicable.

(E) Emergency Alert System.

(1) The Franchisee shall comply in all respects with all applicable laws and FCC rules and regulations regarding the installation, maintenance and testing of an Emergency Alert System ("EAS"), and all reporting obligations therefor, as well as all applicable rules and procedures adopted by the State and City. The Franchisee will advise the City of the EAS testing schedule, and the City may be present for such tests.

(2) The City shall permit only its appropriately trained and authorized persons to operate the EAS equipment, and only when authorized to do so by applicable laws, rules and regulations, and shall take reasonable precautions to ensure compliance with such laws, rules and regulations and

to prevent any use of the Cable System in any manner not in compliance therewith or in any inappropriate manner.

(F) Standby Power.

The Franchisee shall provide standby power generating capacity at the System Headend capable of providing at least twelve (12) hours of emergency operation.

## SECTION 11. CUSTOMER SERVICE STANDARDS; CUSTOMER BILLS; AND PRIVACY PROTECTION

(A) Customer Service Standards.

The Franchising Authority hereby adopts the customer service standards set forth in Part 76, §76.309 of the FCC's rules and regulations, as amended. The Grantee shall comply in all respects with the customer service requirements established by the FCC.

(B) Customer Bills.

Customer bills shall be designed in such a way as to present the information contained therein clearly and comprehensibly to Customers, and in a way that is not misleading and does not omit material information. Notwithstanding anything to the contrary the Grantee may, in its sole discretion, consolidate costs on Customer bills as may otherwise be permitted by Section 622(c) of the Cable Act (47 U.S.C. §542(c)) so long as costs and taxes are distinguished and separately identified.

(C) Privacy Protection.

The Grantee shall comply with all applicable federal and state privacy laws, including without limitation to Section 631 of the Cable Act and regulations adopted pursuant thereto.

## Section 12. PUBLIC, EDUCATIONAL, AND GOVERNMENT CHANNELS AND CONNECTION OF PUBLIC FACILITIES

(A) The City may require a single, standard definition Government Access channel on Franchisee's Cable System when it can reasonably demonstrate that it can program such channel with programming at least eighty percent (80%) of the cumulative time of sixty (60) hours per week over a consecutive sixteen (16) week period. Such request shall be in the form of a resolution passed by the City Council, and the City will allow Franchisee meaningful and timely opportunity to comment on the City's proposals. Upon such request, Franchisee shall have no less than 180 days to make the Government Access channel available to Subscribers on its Cable System. Any capital or construction costs related to Cable System modifications necessary to supply the Government Access channel will be the responsibility of the City.

(B) City presently makes its Governmental Programming available to the public via the internet.

(C) As Franchisee's construction of its Cable System passes public buildings within

the City, and upon one hundred twenty (120) days advance written request of the City:

(1) Franchisee shall provide one (1) expanded basic service outlet at no charge to each City government building, including without limitation to the City Government Center, each fire station, and each police station located within the Franchise area within one hundred twenty-five feet (125) of the nearest cable system distribution cable; and

(2) Franchisee shall provide one (1) expanded basic service outlet at each public school located within the Franchise area within one hundred twenty-five feet (125) of the nearest cable system distribution cable; and

(3) Franchisee covenants and warrants that Franchisee and its related entities shall take no steps to limit, speed or throughput throttle, or in any other way diminish, meter, or alter the City's or any of the covered Public Schools' provision of internet communications delivered to or received from any Internet-connected entity; and

(4) Franchisee shall not charge City, Schools, or Franchisee's customers or Subscribers any fee or show any line itemized listings for the provision of the services and conditions specified in this Section; however, Franchisee reserves all rights to offset complimentary Cable Service against Franchise Fees in accordance with Applicable Law, including any Orders resulting from the FCC's 621 proceeding, MB Docket No. 05-311. Should Franchisee elect to offset complimentary Service after service is activated, Franchisee shall provide the City with advance written notice of such action. Such notice shall document the proposed offset or service charges so that the City can make an informed decision as to its course of action. Upon receipt of such notice the City shall have up to one hundred twenty (120) days to either (1) maintain the commitment with the understanding that the value shall be offset from Franchise Fees; (2) relieve Franchisee from the commitment obligation under the Franchise; or (3) pay for the services rendered pursuant to the commitment in accordance with Franchisee's regular and nondiscriminatory term and conditions.

(D) The City does not require the provision of Public Access Programming associated with this Agreement.

**Section 13. OPERATION AND REPORTING PROVISIONS.**

(A) Right to inspect and copy.

The City shall have the right to inspect and copy records: related in whole or in part to the construction, operation or repair of the Cable System and reasonably necessary for the City to monitor compliance with the terms of this Ordinance or applicable law; or reasonably necessary to the exercise of any right or duty of the City under the same. The Franchisee is responsible for maintaining control over records, as required by law, related to the construction, operation, or repair of the Cable System. Other than records containing confidential financial and/or proprietary information, the Franchisee shall produce these

records upon the City's request for the City's inspection within the limits of the City. Records must be maintained for a period of six (6) years, except that the Franchisee may specify a shorter period for certain categories of voluminous records where the information contained therein can be derived simply from other materials. The City agrees it will not audit more than once every two years.

(B) Reports.

Unless the City specifically waives the requirement in writing, the Franchisee shall at all times maintain:

i. Records of all written complaints received, their nature and resolution. The term "complaints" refers to complaints about any aspect of the Franchisee's construction, operations or repair activities;
ii. Records of outages known to the Franchisee, their cause and duration;
iii. Records of service calls for repair and maintenance indicating the nature of the call for service, the date and time service was requested, the date of acknowledgment and date and time service was scheduled (if it was scheduled), and the date and time service was provided, and (if different) the date and time the problem was solved;
iv. Records of installation/reconnection and requests for service extension, indicating date of request, date of acknowledgment, and the date and time service were extended;
v. Records sufficient to show whether the Franchisee has complied with each FCC customer service standard that applies to it.

(C) Retention of Records; Relation to Privacy Rights.

Nothing in this Section shall be read to require the Franchisee to violate 47 U.S.C. § 551 or other applicable law governing privacy. The Franchisee shall be responsible for redacting any data that state or federal law prevents it from providing to the City. Records shall be kept for at least six (6) years, except that service call logs may be retained for three (3) years, so long as the information contained therein is reflected in other documents.

**Section 14. INSURANCE; SURETY; INDEMNIFICATION.**

(A) Insurance.

General Conditions. Except as this Franchise may otherwise provide, the Franchisee shall procure and maintain in full force and effect during the life of its Franchise, such insurance as is required in this Section below. Policies of insurance shall be written by companies authorized to write such insurance in New Mexico, and they shall be in a form reasonably satisfactory to the City and properly filed and approved by the Superintendent of Insurance, State of New Mexico. The Franchisee shall furnish the City copies of certificates of required insurance upon written request. All certificates of insurance (or policies) shall provide that thirty (30) days' written notice be given to the City before a policy is cancelled, materially changed or not renewed. Various types of required insurance may be written in one or more policies. With respect to all coverages

required other than workers' compensation, the City shall be named an additional insured. All coverages shall be primary with respect to operations provided. The certificates of insurance and endorsements for each policy shall be signed by a person authorized by that insurer to bind coverage on its behalf. Certificates and other required proofs shall be filed with the City within thirty (30) days of the issuance of this Franchise, once a year thereafter, and whenever there is any change in coverage, upon written request.

(B) No Work Without Insurance.

The Franchisee (or those acting on its behalf) shall not commence construction or operation of the Cable System without first obtaining insurance in amounts and of a type satisfactory to the City. The required insurance must be obtained and maintained for the entire period the Franchisee has facilities in the Public Rights-of-Way or on public property. If the Franchisee, its contractors, or subcontractors do not have the required insurance, the City may order such persons to stop operations until the insurance is obtained and approved.

(C) Work of Subcontractors.

If any part of the construction, operation or repair of the Cable System is subcontracted, the Franchisee shall:

i. Include any and all subcontractors in its insurance policies; or
ii. Require the subcontractor to secure insurance to protect itself against all hazards enumerated herein which are not covered by the Franchisee's policies.

(D) Approval of Insurance.

Neither approval nor failure to disapprove certificates, policies or the insurance by the City shall relieve the Franchisee or any sub-Franchisee of full responsibility to maintain the required insurance in full force and effect.

(E) Commercial General Liability Insurance Including Automobile.

(1) The Franchisee shall procure and maintain during the life of this Franchise a comprehensive commercial general liability and automobile liability insurance policy with liability limits in amounts not less than One Million Dollars ($1,000,000) combined single limit of liability for bodily injury, including death, and property damage in anyone occurrence and in the aggregate. Said policies or insurance must include coverage for all operations performed for the City by the Franchisee, including, but not limited to, coverage for collapse, explosion, and underground liability coverage, coverage for the user of all owned, non-owned, hired automobiles, vehicles, and other equipment both on and off work, and contractual liability coverage which shall specifically insure the indemnification provisions of this Ordinance and any Franchise.

(2) The above requirements shall include, but shall not be limited to, protection against:

i. Damage to, or destruction of, public and private property including telephone conduit, telegraph conduit, power conduit, telephone

signal cable, fiber optics cable, television cable, computer cable, fire alarm circuits, gas mains, gas service connections, sanitary sewers, sewer, house or building connections, water mains, water service connections, steam lines, petroleum products pipe lines, storm drains, storm inlet lines, including all appurtenances thereto while located below the surface of the ground, including injury or death, to person or persons caused by the Franchisee's operations, including blasting and trenching-backfilling-tamping with or without the use of mechanical equipment; and

ii. The collapse of, or structural damage to, a building, house or structure, including power, telephone, telegraph, fire alarm, and street-light poles, curb and gutter and sidewalk, on public or private property, and destruction of, or damage to, other public and private property resulting therefrom, including injury or death to person or persons caused by the Franchisee, including but not limited to as a result of the Franchisee's operations in the removal of other buildings, structures, including their supports, trees and utility poles, or by excavation, including blasting, and trenching backfilling-tamping with or without use of mechanical equipment. "Other public and private property" as used herein shall include lawns, plants, flowers, trees, fences, yards, walls, etc.

(F) Workers' Compensation Insurance.

The Franchisee shall comply with the provisions of the Workers' Compensation Act, the Subsequent Injury Act, and the New Mexico Occupational Disease Disablement Law. The Franchisee shall procure and maintain during the life of a Franchise, complete workers' and employer's liability insurance in accordance with New Mexico law and regulations. Such insurance shall include coverage permitted under Section 52-1-10 NMSA 1978, for safety devices. With respect to workers' compensation insurance, if the Franchisee elects to be self-insured, it shall comply with the applicable requirements of law. If any portion of the construction, operation or repair of the Cable System is to be subcontracted, The Franchisee shall require the subcontractor similarly to provide such coverage (or qualify as a self-insured) for all latter's employees to be engaged in such work. The Franchisee shall save harmless the City, its officers, agents and employees from any claims or actions occasioned by failure of the Franchisee to comply with the provisions of this subparagraph. It is agreed that with respect to all workers' compensation insurance, the Franchisee and its insurer shall waive any right of subrogation it may acquire against the City, its officers, agents and employees by reason of any payment made on account of injury, including death resulting therefrom, sustained by any employee arising out of the performance of a Franchise, unless caused by the gross negligence or malfeasance of the City, its officers, agents and employees.

(G)Alterations in Limits.

This Franchise shall be interpreted to permit the City to require the Franchisee to increase its insurance limits, or obtain additional types of insurance should the City determine in good faith that there are significant increased risks to the City or its citizens based on the Franchisee's actions, by such time as

reasonably may be specified by the City.

(H) Ratings.
The Franchisee's insurer shall have no less than an "A-" policyholder's rating and a financial rating of at least Class XI in accordance with the Best's rating current at the time purchased, unless specifically waived in writing by the City Manager.

(I) No Contribution.
Any insurance or self-insurance maintained by the City shall be excess of the Franchisee's insurance and shall not contribute with it.

(J) Material Terms.
The insurance requirements are material terms of this Franchise and cannot be changed without the mutual agreement of the City and the Franchisee. The Franchisee shall have insurance in place as herein required by the effective date of this Franchise, and shall, upon request, provide proof of such insurance reasonably satisfactory to the City prior to the effective date of the Franchise grant.

(K) Indemnification.
(1) To the extent permitted by applicable law, the Franchisee agrees to defend, indemnify and hold harmless the City, its trustees, elected and appointed officers, agents, volunteers, and employees, from and against any and all claims, demands, or causes of action of any kind or nature not resulting from the actions of the City, its trustees, elected and appointed officers, agents, volunteers, and employees, and the resulting losses, costs, expenses, reasonable attorneys' fees, liabilities, damages, orders, judgments, or decrees sustained by the City or any third party arising out of, or by reason of, or resulting from or of the acts, errors, or omissions of the cable communications system operator, or its agents, independent contractors or employees related to or in any way arising out of the construction, operation or repair of the system, the conduct of the Franchisee's business in the City, or the Franchisee's enjoyment or exercise of its franchise.

(2) The City will notify the Franchisee in writing of its duty to indemnify in any case subject to the indemnity in which the Franchisee is not a named defendant or plaintiff. The Franchisee will employ competent counsel, reasonably acceptable to the City Attorney.

**Section 15. CONTINUITY OF SERVICE.**

(A) It is the right of each subscriber in the Franchisee's Franchise Area to receive all available Cable Service offered by the Franchisee as long as the subscriber's financial and other obligations to the Franchisee are satisfied.

(B) The Franchisee shall make its best efforts to provide all Subscribers with continuous services.

(C) Uninterrupted Cable Service. At the City's request, the Franchisee shall operate its system for a temporary period (the "transition period") following the termination of its franchise or any transfer as necessary to maintain Cable Service to subscribers, and shall cooperate with the City to assure an orderly transition from it to another entity. The transition period shall be no longer than the reasonable period required to select another entity and in no event shall be longer than twelve (12) months, unless extended by mutual consent of the Franchisee and the City. During the transition period, the Franchisee will continue to be obligated to comply with the terms and conditions of this franchise and applicable laws and regulations, and will be deemed to have the necessary authorization required from the City to enable it to provide Cable Service.

(D) If the Franchisee abandons its Cable System during the franchise term or any transition period, or fails to operate its Cable System in accordance with the terms set forth in Section 13 above, the City, at its option, may operate the Cable System or designate another entity to operate the Cable System temporarily until the Franchisee agrees to restore and restores continuous Cable Service in compliance with the franchise until the franchise is revoked and a new entity selected by the City is providing Cable Service.

(E) The City shall be entitled to exercise its rights under Section 14 if the:

(1) The Franchisee fails to provide Cable Service in accordance with its franchise over a substantial portion of the Franchise Area for ninety-six (96) consecutive hours, unless such failure is due to force majeure or the City authorizes a longer interruption of service; or

(2) The Franchisee, for any period, willfully and without cause refuses to provide Cable Service in accordance with its franchise over a substantial portion of the Franchise Area.

(F) Rights upon Franchise Termination or Revocation.

If the City revokes the franchise or the franchise otherwise terminates, the City shall have the following rights, in addition to the rights specified in this franchise or under applicable law:

i. The City may require the former Franchisee to remove its facilities and equipment at the former Franchisee's expense. If the former Franchisee fails to do so within a reasonable period of time, the City may have the removal done at the former Franchisee's and/or surety's expense, subject to any right of abandonment that may be provided for under applicable law. However, Franchisee shall have no obligation to remove its facilities where it utilizes the system to provide other non-cable services and has any other authority under applicable law to maintain facilities in the public rights-of-way, or where Franchisee is able to find a purchaser of the cable system, acceptable to the City, who holds such authorization.

ii. The City, by Governing Body resolution, may acquire ownership or

affect a transfer of the Cable System at fair market value if the franchise is revoked for cause in accordance with the Cable Ordinance, at an equitable price. The terms "equitable price" and "fair market value" shall be interpreted in accordance with 47 U.S.C. § 547.

iii. Section 14(E)(2) does not apply to an abandonment. If a Cable System or any part thereof is abandoned by the Franchisee, the City may require the Franchisee to transfer title to the abandoned portions to it at no charge, free and clear of encumbrances, and the same will become the City's property and the City may keep, sell, assign, or transfer all or part of the assets of the Cable System, or otherwise dispose of those assets as it sees fit. In the event the City acquires title, the Franchisee shall have no further liability for the Cable System.

**Section 16. ENFORCEMENT AND REMEDIES: REVOCATION.**

(A) Right to Revoke; Generally.

(1) The Governing Body may revoke this Franchise if it finds that the Franchisee has committed a material breach of this Franchise or repeatedly failed to comply with this Franchise; has defrauded or attempted to defraud the City or Subscribers; or has attempted to evade the requirements of this Franchise. Before revoking a Franchise, the following must have occurred:

i. The City Manager must give the Franchisee notice of an alleged default in performance (which notice will describe the nature of an alleged violation or breach) and a thirty (30) calendar day opportunity to cure or such additional time as is reasonably necessary (the "cure period"); except that an opportunity to cure is not required where the defect in performance is due to willful misconduct or fraud or attempted fraud, is an adjudicated felony violation of criminal law, or is part of a pattern of substantial violations where the Franchisee has already had notice and opportunity to cure. The City may extend the cure period for up to 30 additional days if the Franchisee has diligently attempted to correct the alleged default.

ii. Not sooner than 30 calendar days after the City Manager notifies the Franchisee of the default (or such longer period as may be required to encompass an extended cure period), the City Council shall hold a public hearing to consider whether the Franchise should be revoked, at which time the Franchisee and the public will be given an opportunity to be heard and the Franchisee to present evidence for consideration by the City Council.

(2) Following the close of the public hearing the City Council may determine whether to revoke the Franchise. If the Franchisee was entitled to an opportunity to cure a default, the Franchise may not be revoked if the default was fully cured during the cure period, including by payment of all damages and penalties owed. If the City Council determines to revoke the Franchise, it will issue a written decision setting forth the reasons for its decision.

(3) A copy of such decision will be transmitted to the Franchisee.

(B) Rights upon Franchise Termination or Revocation.
If the City revokes the Franchise or the Franchise otherwise terminates, the City may require the former Franchisee to remove its facilities and equipment at the former Franchisee's expense. If the former Franchisee fails to do so within a reasonable period of time, the City may have the removal done at the former Franchisee's and/or surety's expense, subject to any right of abandonment that may be provided for under applicable law. The Franchisee may appeal such actions to a court of competent jurisdiction.

(C) Termination in the Event of Bankruptcy.
This Franchise will terminate automatically by force of law 180 calendar days after an assignment for the benefit of creditors or the appointment of a receiver or trustee to take over the business of the Franchisee, whether in a receivership, reorganization, bankruptcy assignment for the benefit of creditors, or other action or proceeding. However, the Franchise may be reinstated within that one hundred eighty (180) day period, if:

i. Such assignment, receivership or trusteeship has been vacated; or
ii. Such assignee, receiver or trustee has fully complied with the terms and conditions of this Franchise, and has executed an agreement, approved by any court having jurisdiction, assuming and agreeing to be bound by the terms and conditions of this Franchise. In the event of foreclosure or other judicial sale of any of the facilities, equipment or property of the Franchisee, the City may revoke the Franchise following a public hearing before the City Council, by serving notice upon the Franchisee and the successful bidder at the sale, in which event the Franchise and all rights and privileges thereunder will be revoked and will terminate thirty (30) calendar days after serving such notice, unless:

(a) The City has approved the transfer of the Franchise to the successful bidder; and

(b) The successful bidder has covenanted and agreed with the City to assume and be bound by the terms and conditions of the Franchise.

(D) Effect of termination or forfeiture.

Upon termination or forfeiture of this Franchise, whether by action of the City as provided above, or by passage of time, the City may do one or a combination of the following:

i. The Franchisee must, should the City so direct, stop using the Cable System for the purposes authorized by the Franchise.
ii. The City may require the former Franchisee to remove all or a portion of its facilities and equipment at the former Franchisee's expense,

subject to any right the Franchisee may have to abandon property in place. If the former Franchisee fails to remove its property within a reasonable period of time, the City may have the removal done at the former Franchisee's and/or surety's expense. Such removal by the Franchisee must be done in accordance with all applicable laws and construction standards. Conditions of the site of removal must be left in substantially as good of condition as before the equipment was removed.

**Section 17. MISCELLANEOUS PROVISIONS.**

(A) Compliance with Laws. The Franchisee shall comply with all applicable federal, state and local laws and regulations as they become effective, unless otherwise stated herein.

(B) Governing Law. This franchise shall be governed and construed in accordance with applicable federal law and the statutes and laws of the state of New Mexico.

(C) No Pledging of the City's Credit. Under no circumstances shall the Franchisee have the authority or power to pledge the credit of the City or incur any obligation in the name of the City. The Franchisee shall save and hold harmless the City, its Governing Body, its officers, employees, boards and commissions for expenses arising out of any unauthorized pledges of the City's credit by the Franchisee under this franchise.

(D) Venue. In the event that suit shall be brought by either party, the parties agree that venue shall be exclusively vested in the Thirteenth Judicial District Court, State of New Mexico or, where otherwise appropriate, exclusively in the United States District Court for the district of New Mexico.

(E) Force Majeure. The Franchisee shall not be deemed in default with provisions of its franchise where performance was rendered impossible by war or riots, civil disturbances, floods or other natural catastrophes beyond the Franchisee's control or the unforeseeable unavailability of labor or materials. The acts or omissions of affiliates are not beyond the Franchisee's control, and the knowledge of affiliates shall be imputed to Franchisee. The Franchise shall not be revoked or the Franchisee penalized for such noncompliance, provided that the Franchisee takes immediate and diligent steps to bring itself back into compliance and to comply as soon as possible under the circumstances with its Franchise without unduly endangering the health, safety and integrity of the Franchisee's employees or property, or the health, safety and integrity of the Public, Public Rights-of-Way, Public Property, or private property.

(F) Notices. Unless otherwise expressly stated herein, notices required under this franchise shall be mailed first class, postage prepaid, or sent overnight delivery to the addressees below. Each party may change its designee by providing thirty (30) days written notice to the other party, but each party may only designate one entity to receive notice.

(1) Notices to the Franchisee shall be mailed to the designated entity at the following address:

ATTN: Government Affairs
Comcast of New Mexico, LLC
4611 Montbel Pl NE
Albuquerque, NM 87107

with a copy to:

ATTN: Government Affairs
Comcast Cable
8000 E. Iliff Avenue
Denver, CO 80231

(2) Notices to the City shall be mailed to the designated entity at the following address:

ATTN: City Manager
City of Rio Rancho
3200 Civic Center Circle
Rio Rancho, New Mexico 87144

with a copy to:

ATTN: City Attorney
City of Rio Rancho
3200 Civic Center Circle
Rio Rancho, New Mexico 87144

(G) Calculation of Time. Unless otherwise indicated, when the performance or doing of any act, duty, matter or payment is required hereunder and a period of time or duration for the completion thereof is prescribed and is fixed herein, the time shall be computed so as to exclude the first and include the last day of the prescribed or fixed period of duration/time.

(H) Time of Essence; Maintenance of Records of Essence. In determining whether the Franchisee has substantially complied with its franchise, the parties agree that time is of the essence to this franchise. The maintenance of records and provision of reports in accordance with the franchise is also of the essence to this franchise.

(I) Publication Costs. The Franchisee shall pay the cost of publication of the franchise ordinance upon the Franchisee's acceptance of the Franchisee.

(J) Captions. The captions and headings of this franchise are for convenience and reference purposes only and shall not affect in any way the meaning and interpretation of any provisions of this franchise.

(K) Third Parties. The parties agree this Franchise Agreement creates no rights for any third party.

**Section 18. ANTI-TAMPERING.**

It shall be unlawful for any person, firm, corporation or other entity:

(1) To make any unauthorized connection, whether physically, electrically, acoustically;

(2) inductively or otherwise, with any part of the Cable System within the City for the purpose of taking or receiving television signals, radio signals, lights signals or other electronic signals;

(3) To make any unauthorized connection, whether physically, electrically, acoustically;

(4) inductively or otherwise, with any part of a Cable System within the City for the purpose of enabling himself or herself or others to receive any television signal, radio signal, light signal or other electronic signal, without payment to the Franchisee operating such System; or

(5) To willfully tamper with, remove or injure any cable, wires or equipment of the Cable System used by the Franchisee within the Franchise Area for distribution of such signals without the consent of the Franchisee operating such System.

(6) Any person convicted of a violation of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than $500 or by imprisonment of not more than ninety (90) days or by both fine and imprisonment or the maximum permitted under applicable law. Every violation of this section shall be a misdemeanor. Every day such violation is committed or permitted to continue shall be considered a separate offense and shall be punishable as such hereunder.

**Section 19. SEVERABILITY CLAUSE.**

If any section, paragraph, sentence, clause, word or phrase of this Ordinance is for any reason held to be illegal, unconstitutional, invalid or unenforceable by a court, agency or legislature of competent jurisdiction, said provision shall be considered a separate, distinct, and independent part of this Franchise, and such decision shall not affect the validity of the remaining provisions of this ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid. In the event that a court or agency or legislature of competent and controlling jurisdiction acts so that any material provision of this agreement is unenforceable according to its terms, or is otherwise void, the parties agree to immediately enter into negotiations in good faith to restore the relative burdens and benefits of this franchise. If the parties are unable to agree to a modification of this Agreement within sixty (60) days, either party may with ninety (90) days prior notice, terminate or shorten the franchise term; or resort to litigation to seek any available

equitable relief; or do both. Each party agrees to participate in up to sixteen (16) hours of negotiation during the sixty (60) day period. Notwithstanding the foregoing, if a party believes a provision is not material, it must so notify the other party within fourteen (14) days of a request by such other party that it enter into negotiations, or else the materiality claim is waived. The obligation to negotiate is not tolled, and the parties must discharge their negotiation responsibility notwithstanding the dispute as to materiality. The remedies provided for herein do not prevent a party from contending that a particular provision is enforceable, or foreclose any remedies if a provision is enforceable.

**Section 20. MERGER; AMENDMENT.**
This Franchise represents the entire agreement between the parties with respect to the matters addressed herein, and all prior franchises, agreements, covenants, and understandings between the parties concerning the same have been merged into this written Franchise. This Franchise shall not be altered, modified, changed, or amended except by a written instrument executed by the parties.

**Section 21. EFFECTIVE DATE.** This Ordinance shall become effective thirty (30) days after adoption.

ADOPTED THIS 11 DAY OF MAY, 2023.

**For Comcast of New Mexico, LLC:**

By: _____

Name: _____

Title: _____

Date: _____

**For the City of Rio Rancho, New Mexico:**

_____
Greggory D. Hull, Mayor

ATTEST:

_____
Rebecca Martinez, City Clerk
(SEAL)

**CITY OF RIO RANCHO**
**COVER PAGE**

**Legislation Item: R68**

AGENDA DATE:
May 11, 2023

DEPARTMENT:
Administration

SUBJECT:
R68, Resolution in Support of the Library and Information Services Department and its Staff, Policies and Procedures

BACKGROUND AND ANALYSIS:
A resolution is a formal statement of policy concerning matters of special or temporary character pursuant to the Governing Body's adopted Rules of Procedure. A resolution remains in effect until rescinded or replaced by a subsequent resolution on the same subject.

The Rio Rancho public library serves the more than 105,000 residents of Rio Rancho by providing books, movies, music, events, programs, resources, and more to enhance the quality of life in the community and make information available. The public library has material on thousands of topics (over 1.3 million items), and is a heavily-used resource in Rio Rancho (35,000 active users who collectively checked out over 450,000 items in 2022). An average of 9,000 patrons visit the Esther Bone and Loma Colorado libraries each month.

The public library's Collection Development and Materials Selection Policy conforms to the American Library Association (ALA) Library Bill of Rights, Freedom to Read Statement, and Freedom to View Statement.

The ALA's website states that it is the oldest (founded in 1876) and largest library association in the world. The mission of ALA is "to provide leadership for the development, promotion and improvement of library and information services and the profession of librarianship in order to enhance learning and ensure access to information for all."

For example, the ALA Library Bill of Rights are:

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.
VII. All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information.

For example, the ALA's Freedom to View Statement is:

The FREEDOM TO VIEW, along with the freedom to speak, to hear, and to read, is protected by the First Amendment to the Constitution of the United States. In a free society, there is no place for censorship of any medium of expression. Therefore these principles are affirmed:

1. To provide the broadest access to film, video, and other audiovisual materials because they are a means for the communication of ideas. Liberty of circulation is essential to insure the constitutional guarantee of freedom of expression.
2. To protect the confidentiality of all individuals and institutions using film, video, and other audiovisual materials.
3. To provide film, video, and other audiovisual materials which represent a diversity of views and expression. Selection of a work does not constitute or imply agreement with or approval of the content.
4. To provide a diversity of viewpoints without the constraint of labeling or prejudging film, video, or other audiovisual materials on the basis of the moral, religious, or political beliefs of the producer or filmmaker or on the basis of controversial content.
5. To contest vigorously, by all lawful means, every encroachment upon the public's freedom to view.

Public library staff use reputable, unbiased, and professionally prepared tools to select and add materials to the public library collection to meet the needs of the population the public library serves. In addition, the qualifications for public library administrators include a master's degree in Library Science, years of experience, and knowledge of the methods, practices, and techniques for library classification, cataloging, references, and systems related to maintaining a library collection.

The public library is funded by all community taxpayers who have diverse interests.

Public library staff provide access to information and with such a broad spectrum of ideas and information available, it is inevitable that people will occasionally encounter resources with which they disagree. As such, the public library has a Request for Reconsideration Policy that allows a member of the public to ask for reconsideration of the selection or placement of an item in the library collection by professional public library staff. Also, public library users can suggest titles for purchase that reflect their beliefs, with efforts made by professional public library staff to acquire and add titles to the public library collection per the Collection Development and Materials Selection Policy.

The professional public library staff catalogs, arranges, and houses materials at the public library based on the publisher's intended audience.

The Library Child Safety Policy states that responsibility for children in the library public rests with the parent or guardian.

The Library Card Policy contains the following provisions regarding those ages 17 and under:

a. Full Access Card - available to 17 years of age and under accompanied by an adult parent or guardian with photo ID and signature (allows for checkout of 30 physical items and all electronic services);

b. Child Card – available to 17 years of age and under accompanied by an adult parent or guardian with photo ID and proof of in-state address and signature (allows for checkout of 30 physical items from Children's Collection only);
c. Youth Card – available to self-declared residents 17 years of age and under who can provide name and date of birth (allows the holder to checkout maximum of 2 books from Children's Collection only).

IMPACT:

There is no financial impact related to the Resolution. Lack of approval does not change existing library policies and procedures.

ALTERNATIVES:

Pass the Resolution.
Do not pass the Resolution.

DEPARTMENT RECOMMENDATION:

Governing Body policy decision.

City Administration recommends approval of the Resolution as presented based on the public forum comments received at the April 13 and 27, 2023, meetings of the Governing Body.

ATTACHMENT: Resolution
ATTACHMENT: Library Overview PPT April 27 2023
ATTACHMENT: Leo S. Lo
ATTACHMENT: Shel Neymark
ATTACHMENT: Spencer Naar
ATTACHMENT: Valerie Nye
ATTACHMENT: Bentley Clark
ATTACHMENT: Caitlin Moreno
ATTACHMENT: Christian Peshlakai
ATTACHMENT: Nandini Pillai Kuehn
ATTACHMENT: Jean Potabi
ATTACHMENT: Amy DiBello.pdf
ATTACHMENT: Davis Landd.pdf
ATTACHMENT: Denise Mariman.pdf
ATTACHMENT: Jessica Jones.pdf
ATTACHMENT: Kimla McDonald.pdf
ATTACHMENT: Linda Sainz.pdf
ATTACHMENT: Melanie Pizzonia.pdf
ATTACHMENT: Sharon Wood.pdf
ATTACHMENT: Valerie Florez.pdf
ATTACHMENT: Johanna Smith.pdf
ATTACHMENT: Sharon Amastae.pdf
ATTACHMENT: Alana Nowicki.pdf
ATTACHMENT: Britta Herweg.pdf
ATTACHMENT: Dr. Bill Smith.pdf
ATTACHMENT: Gary Fenchel.pdf
ATTACHMENT: George M. Wilson.pdf
ATTACHMENT: Karen Miller.pdf
ATTACHMENT: Karen Nesbit.pdf
ATTACHMENT: Katherine I. Tynan.pdf

ATTACHMENT: Madeline McConnell.pdf
ATTACHMENT: Marian Frear.pdf
ATTACHMENT: Mary Ellen S. Capek.pdf
ATTACHMENT: Melissa Rethlefsen.pdf
ATTACHMENT: Val Nye.pdf
ATTACHMENT: Adrienne Warner.pdf
ATTACHMENT: Mike Hessheimer.pdf
ATTACHMENT: D. Robbins.pdf
ATTACHMENT: Lynette Schurdevin.pdf
ATTACHMENT: Joan Ward.pdf
ATTACHMENT: Cheryl Mugleston.pdf
ATTACHMENT: Linda Wolcott.pdf
ATTACHMENT: Ari Wellman.pdf
ATTACHMENT: Deborah Barnum.pdf
ATTACHMENT: Deborah Caldwell Stone.pdf
ATTACHMENT: Doc Dee.pdf
ATTACHMENT: Emily Graham.pdf
ATTACHMENT: Gale G. Hannigan.pdf
ATTACHMENT: John Barnum.pdf
ATTACHMENT: John Knapp.pdf
ATTACHMENT: Lynda St. Clair.pdf
ATTACHMENT: Mike Jackovich.pdf
ATTACHMENT: Jo Harmon.pdf
ATTACHMENT: Krystal Bartholomew.pdf
ATTACHMENT: Shawn Squires.pdf
ATTACHMENT: Dylan McDonald.pdf
ATTACHMENT: Eli Guinnee.pdf
ATTACHMENT: Janet Philips.pdf
ATTACHMENT: Julia Clarke.pdf
ATTACHMENT: Karen Schafer.pdf
ATTACHMENT: Kathleen McClerry.pdf
ATTACHMENT: Maria Velasco.pdf
ATTACHMENT: Ruth and Steve Tetrev.pdf
ATTACHMENT: Dean Smith.pdf
ATTACHMENT: Deb Sierra.pdf
ATTACHMENT: Dylan Brennan.pdf
ATTACHMENT: Gail Pinkepank.pdf
ATTACHMENT: Heidi Henderson.pdf
ATTACHMENT: Jatinder Jay Bajwa.pdf
ATTACHMENT: Adrienne Podlesny.pdf
ATTACHMENT: Claudette Selph.pdf
ATTACHMENT: David McGuffie.pdf
ATTACHMENT: Lorrie Runnels.pdf
ATTACHMENT: Michael Baron.pdf
ATTACHMENT: Pamina Deutsch.pdf
ATTACHMENT: Reverend Judy Deutsch.pdf
ATTACHMENT: Reverend Nancy Hitt.pdf
ATTACHMENT: Richard and Christine Foley.pdf
ATTACHMENT: Sonny King.pdf
ATTACHMENT: Sue Piland.pdf
ATTACHMENT: Susan Sheldon.pdf
ATTACHMENT: Terri Garner.pdf
ATTACHMENT: Dr. Norm Dawson.pdf
ATTACHMENT: Marcy Botwick.pdf

ATTACHMENT: Norm Ruth.pdf
ATTACHMENT: Raelynn Richardson.pdf
ATTACHMENT: Kathy Barco.pdf
ATTACHMENT: Kate Miller.pdf
ATTACHMENT: R68 - Signed

**CITY OF RIO RANCHO**
**RESOLUTION**

**RESOLUTION NO.** **ENACTMENT NO.**

**SPONSORS: MAYOR GREGGORY HULL, DISTRICT 3 COUNCILOR BOB TYLER AND DISTRICT 5 COUNCILOR KARISSA CULBREATH**

**RESOLUTION IN SUPPORT OF THE LIBRARY AND INFORMATION SERVICES DEPARTMENT AND ITS STAFF, POLICIES AND PROCEDURES**

**WHEREAS:** the public library serves the more than 105,000 residents of Rio Rancho by providing books, movies, music, events, programs, resources, and more to enhance the quality of life in the community and make information available; and

**WHEREAS:** the public library has material on thousands of topics (more than over 1.3 million items available); and

**WHEREAS:** the public library is funded by all community taxpayers who have diverse interests; and

**WHEREAS:** the public library's Collection Development and Materials Selection Policy conforms to the American Library Association (ALA) Library Bill of Rights, Freedom to Read Statement, and Freedom to View Statement; and

**WHEREAS:** public library staff use reputable, unbiased, and professionally prepared tools to select and add materials to the public library collection to meet the needs of the population the public library serves; and

**WHEREAS:** public library staff provide access to information and with such a broad spectrum of ideas and information available, it is inevitable that people will occasionally encounter resources with which they disagree; and

**WHEREAS:** the public library has a Request for Reconsideration Policy that allows a member of the public to ask for reconsideration of the selection or placement of an item in the library collection by professional public library staff; and

**WHEREAS:** public library users can suggest titles for purchase that reflect their beliefs, with efforts made by professional public library staff to acquire and add titles to the public library collection per the Collection Development and Materials Selection Policy; and

**WHEREAS:** the professional public library staff catalogs, arranges, and houses materials at the public library based on the publisher's intended audience; and

**WHEREAS:** the Library Child Safety Policy states that responsibility for children in the

library public rests with the parent or guardian; and

**WHEREAS:** the Library Card Policy contains the following provisions pertaining to those ages 17 and under: (a) Full Access Card - available to 17 years of age and under accompanied by an adult parent or guardian with photo ID and signature (allows for checkout of 30 physical items and all electronic services); (b) Child Card – available to 17 years of age and under accompanied by an adult parent or guardian with photo ID and proof of in-state address and signature (allows for checkout of 30 physical items from Children's Collection only); and (c) Youth Card – available to self-declared residents 17 years of age and under who can provide name and date of birth (allows the holder to checkout maximum of 2 books from Children's Collection only).

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:**

1. That the Governing Body supports the Library and Information Services Department and its staff.

2. That the Governing Body believes that sufficient procedures (e.g., items cataloged and arranged in separate collections and areas for children, teen, and adult; availability of different library card types) are in place regarding age-related accessibility of the materials available at public libraries.

3. That the Request for Reconsideration Policy related to the selection or placement of an item in the public library collection is the appropriate avenue to address any concerns related to library materials.

4. The responsibility for children at a public library, and decisions about what materials are suitable, rests with the parent or guardian.

ADOPTED THIS _____DAY OF _____, 2023.

_____
Greggory D. Hull, Mayor

ATTEST:

_____
Rebecca A. Martinez, City Clerk
(SEAL)

# Rio Rancho Public Library Overview

APRIL 27, 2023

Rio Rancho
City of Vision

# Rio Rancho Public Library

**The public library serves the more than 105,000 residents of Rio Rancho** by providing books, movies, music, events, programs, resources, and more to enhance the quality of life in our community and make information available.

**The public library has material on thousands of topics.** The Rio Rancho community has access to over 1.3 Million items in the library collection.

**It is funded by all community taxpayers who have diverse interest.**

**The public library is a heavily-used resource in Rio Rancho:**

- 35,000 active users who collectively checked out over 450,000 items in 2022
- An average of 9,000 patrons visit the Esther Bone and Loma Colorado libraries each month.

# Collection Development

The public library professional staff selects materials and experiences that reflect the wide variety of interests and experiences of our community under the guidelines set forth in the *Collection Development and Materials Selection Policy.*

The *Collection Development and Materials Selection Policy* conforms to the American Library Association (ALA) Library Bill of Rights, Freedom to Read Statement, and Freedom to View Statement.

The intent is to build a collection that represents and serves the entire community.

# Reconsideration Policy

It is the public library's responsibility to collect and make available information representing the range of human thought and experience. It is inevitable and expected that people will occasionally encounter resources with which they disagree.

**Request for Reconsideration Policy**

Should a member of the community question the selection or placement of an item in the collection, the member of the community can submit a reconsideration request. A formal review in regards to the item's relation to the public library's mission and selection criteria will be conducted by a group of professional librarians to address the concerns of the community member. The community member will receive a formal response from the public library director. The item in question will not be removed from the shelf during the reconsideration process.

**Note: The public library has received one (1) Request for Reconsideration for a title during the past year as of yesterday (April 26, 2023).**

# Adding to the Library Collection

**Suggestions**

Public library users can suggest titles for purchase that reflect their beliefs through the *Suggest a Purchase* feature on the library's website. Requests will be reviewed and efforts will be made to acquire and add titles to the public library collection per the *Collection Development and Materials Selection Policy.*

**Note**: **The public library receives suggestions for purchases regularly. Recently, a patron requested that certain titles be included in the library collection related to religion and sexuality; 12 out of the 16 requested books on order or in collection.**

# Rio Rancho Public Library Policies

The ***Library Child Safety Policy*** states that responsibility for children in the library rests with the parent or guardian, and not with public library staff.

The public library catalogs, arranges, and houses materials based on the publisher's intended audience.

If you are a parent or guardian, you have the right and responsibility to make decisions about what materials are suitable for your own family.

The ***Library Card Policy (17 & Under):***

**Full Access Card** - available to 17 years of age and under accompanied by an adult parent or guardian with photo ID and signature; allows for checkout of 30 physical items and all electronic services

**Child Card** – available to 17 years of age and under accompanied by an adult parent or guardian with photo ID and proof of in-state address and signature; allows for checkout of 30 physical items from Children's Collection only

**Youth Card** – available to self-declared residents 17 years of age and under who can provide name and date of birth; allows the holder to checkout maximum of 2 books from Children's Collection only

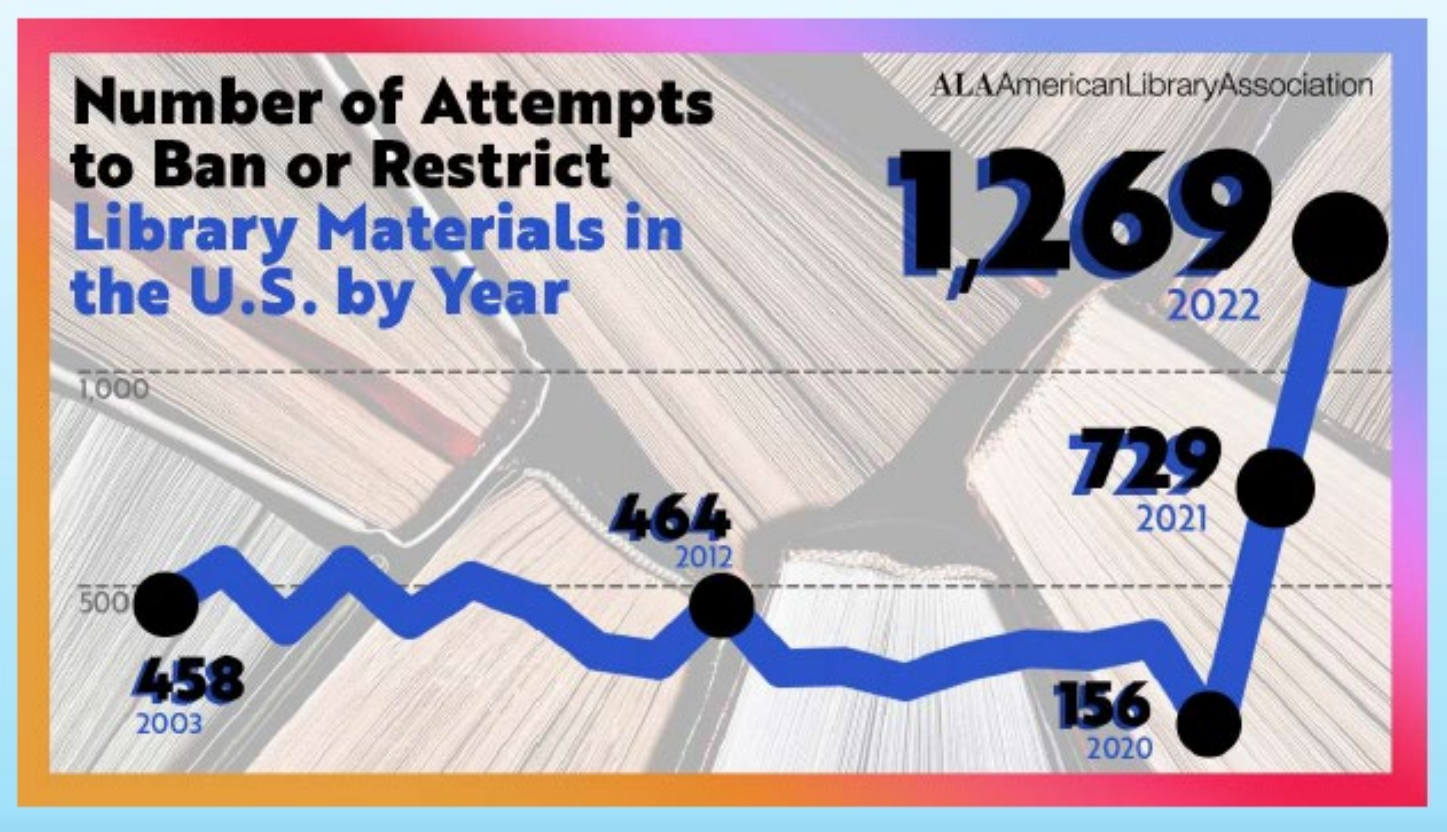
# Where We Are Today

**The titles referenced at the Governing Body's April 13, 2023 meeting are:**

-Available at many different New Mexico public libraries

-Widely available for purchase (e.g., Amazon, Barnes & Noble) and some titles are bestsellers

-Commonly targeted across the nation for removal



# Addressing Specific Allegations – NMSA 30-37-2

**New Mexico Law - Article 30-37 Sexually Oriented Material Harmful to Minors**

**30-37-2. Offenses; books; pictures.**

It is unlawful for a person to knowingly sell, deliver, distribute, display for sale or provide to a minor, or knowingly to possess with intent to sell, deliver, distribute, display for sale or provide to a minor:

A. any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body, or any replica, article or device having the appearance of either male or female genitals which depicts nudity, sexual conduct, sexual excitement or sado-masochistic abuse and which is **harmful to minors**; or

B. any book, pamphlet, magazine, printed matter however produced or sound recording which contains any matter enumerated in Subsection A of this section or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-masochistic abuse and which, taken as a whole, is **harmful to minors**.

https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#!b/a37

# Addressing Specific Allegations – NMSA 30-37-2

**New Mexico Law - Article 30-37 Sexually Oriented Material Harmful to Minors**

## 30-37-1. Definitions

F. **"harmful to minors" means** that quality of any description of representation, in whatever form, of nudity, sexual conduct, sexual excitement or sado-masochistic abuse, when it:

(1) predominantly appeals to the prurient, shameful or morbid interest of minors; and

(2) is patently offensive to prevailing standards **in the adult community as a whole** with respect to what is suitable material for minors; and

(3) is utterly without redeeming social importance for minors;

https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#!b/a37

# Addressing Specific Allegations – NMSA 30-37-2

**New Mexico Law - Article 30-37 Sexually Oriented Material Harmful to Minors**

**30-37-7. Penalties.**

A. A person violating Section **30-37-2**, 30-37-2.1, 30-37-3 or 30-37-3.1 NMSA 1978 is guilty of a **misdemeanor.**

https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#!b/a37

# Addressing Specific Allegations – NMSA 30-37-2

**New Mexico Law - Article 30-37 Sexually Oriented Material Harmful to Minors**

**30-37-4. Notice; prosecution.**

A. No prosecution based under this act shall be commenced unless the **district attorney** of the county in which the offense occurs shall have **previously determined that the matter or performance is harmful to minors** and the defendant shall have received actual or constructive notice of such determination. Persons shall be presumed to have constructive notice of such determination on the fifth business day following publication of a notice of such determination in a newspaper of general circulation in the county in which the prosecution takes place.

B. Any person adversely affected by such determination may, at any time within thirty days after such notice is given, **seek a judicial determination of its correctness**. The court shall, unless otherwise agreed by the parties, render judgment not later than two court days following trial. Filing of an action under this section shall stay prosecution until a judicial determination is rendered, but no appeal shall have such effect unless so ordered by the trial court.

https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#!b/a37

# Addressing Specific Allegations – NMSA 30-37-2

**New Mexico Law - Article 30-37 Sexually Oriented Material Harmful to Minors**

**30-37-5. Exclusions; defenses**

**No person shall be guilty of violating the provisions of this act:**

A. where such person had reasonable cause to believe that the minor involved had reached his eighteenth birthday, and such minor exhibited to such person a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that such minor had reached his eighteenth birthday; or

B. if the minor was accompanied by his parent or guardian, or the parent or guardian has in writing waived the application of this act either generally or with reference to the particular transaction; or

C. where such person had reasonable cause to believe that the person was the parent or guardian of the minor; or

**D. where such person is a bona fide** school, museum or **public library, or is acting in his capacity as an employee of such organization,** or as a retail outlet affiliated with and serving the educational purposes of such organization.

https://nmonesource.com/nmos/nmsa/en/item/4371/index.do#!b/a37

# Thank You

## YOLANDA LUCERO

**From:** REBECCA MARTINEZ
**Sent:** Monday, May 8, 2023 8:02 AM
**To:** YOLANDA LUCERO
**Subject:** Fwd: Support for Rio Rancho Public Library's Collection Development Policy and Freedom to Read

Rebecca Martinez, City Clerk
Rio Rancho City Clerks Office

Begin forwarded message:

> **From:** Leo Lo <leolo@unm.edu>
> **Date:** May 7, 2023 at 4:26:33 PM MDT
> **To:** GREGGORY HULL <ghull@rrnm.gov>, Karissa Culbreath <kculbreath@rrnm.gov>, Jim Owen <jowen@rrnm.gov>, Jeremy Lenentine <jlenentine@rrnm.gov>, Bob Tyler <btyler@rrnm.gov>, Paul Wymer <pwymer@rrnm.gov>, Daniel Stoddard <dstoddard@rrnm.gov>, REBECCA MARTINEZ <ramartinez@rrnm.gov>
> **Subject: Support for Rio Rancho Public Library's Collection Development Policy and Freedom to Read**



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Some people who received this message don't often get email from leolo@unm.edu. Learn why this is important

Dear Mayor Hull, Governing Body Members, and City Clerk,

I hope this message finds you well. My name is Leo Lo, and I am the Dean of the College of University Libraries and Learning Sciences at the University of New Mexico. I am writing to express my strong support for the Rio Rancho Public Library's Collection Development Policy, which is up for affirmation at your meeting on Thursday, 11 May 2023.

As a dedicated professional in the field of library and information science, I fully endorse the American Library Association's (ALA) Bill of Rights and the Freedom to Read Statement, which emphasizes the importance of free access to information and the protection of intellectual freedom. Upholding these principles is a fundamental responsibility of libraries, as they serve as essential cornerstones of our democracy.

I understand that you have fielded calls to ban books in your community, and I commend your efforts to address this issue by considering a resolution that reaffirms the Library's Collection Development Policy. By doing so, you will be taking a strong stand against censorship, upholding the First Amendment, and promoting free speech – all of which are vital for a thriving, open democracy.

It is my sincere hope that the City of Rio Rancho's Governing Body will come together and support this resolution. By doing so, you will not only send a powerful message to your community but also set a positive example for the rest of the state. Your commitment to intellectual freedom and the importance of diverse perspectives will be recognized and respected by many.

Please do not hesitate to reach out if you have any questions or if I can provide further information. I am confident that, with your support, we can ensure that the Rio Rancho Public Library continues to be a beacon of free access to knowledge for all.

Thank you for your time and consideration.

Sincerely,
Leo S. Lo

*I understand that your work hours may not be the same as mine. Please do not feel obliged to respond to this email outside your normal working hours.*

Leo S Lo, EdD, MLIS [*he, him his*]
Dean and Professor [*Begins 9/1/2021*]
College of University Libraries and Learning Sciences
University of New Mexico
https://library.unm.edu/

## YOLANDA LUCERO

**From:** REBECCA MARTINEZ
**Sent:** Monday, May 8, 2023 9:28 AM
**To:** YOLANDA LUCERO
**Subject:** Fwd: freedom to read

Rebecca Martinez, City Clerk
Rio Rancho City Clerks Office

Begin forwarded message:

> **From:** Shel Neymark <shelneymark@windstream.net>
> **Date:** May 8, 2023 at 9:04:34 AM MDT
> **To:** GREGGORY HULL <ghull@rrnm.gov>, Karissa Culbreath <kculbreath@rrnm.gov>, Jim Owen <jowen@rrnm.gov>, Jeremy Lenentine <jlenentine@rrnm.gov>, Bob Tyler <btyler@rrnm.gov>, Paul Wymer <pwymer@rrnm.gov>, Daniel Stoddard <dstoddard@rrnm.gov>, REBECCA MARTINEZ <ramartinez@rrnm.gov>
> **Subject: freedom to read**



[You don't often get email from shelneymark@windstream.net. Learn why this is important at https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fus-east-2.protection.sophos.com%2F%3Fd%3Daka.ms%26u%3DaHR0cHM6Ly9ha2EubXMvTGVhcm5BYm91dFNlbmRlcklkZW50aWZpY2F0aW9u%26p%3Dm%26i%3DNjNhMjNjZTRmMDNkNmMxMTVmMmNlZmQ2%26t%3DOTBBendUVmwrc0VSbTZaNnhBR0ZuMlRkK3doZXkwTVNLckI0cktZRVJaND0%3D%26h%3Dc19ee868abfe4a35aa1061ae854ac438%26s%3DAVNPUEhUT0NFTkNSWVBUSVaq9ndM6YA9QOHPi6oYFEk8Q1Xt_oO2C67DOyLhYM3AGQ&data=05%7C01%7Cramartinez%40rrnm.gov%7C35ed5728a71e4750ca4808db4fd586fa%7C85f89ab989ad408d8ea95572052f806c%7C0%7C0%7C638191550747980092%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=RzjubIfqyVPuf5uX55M%2BWGxeCY3r7qQZYBoQ3jjdsao%3D&reserved=0 ]

Dear Governing body of Rio Rancho,

I am director of the New Mexico Rural Library Initiative. I work with more than 50 rural libraries throughout the state. Please uphold the American Library Association's freedom to read and bill of rights statements. Please hold firm against groups who would ban certain reading materials.

Libraries are structured to serve people of all political stripes, religions, sexual orientation and races. As the first library in New Mexico that is being challenged in this way, Rio Rancho has a responsibility to not allow censorship. There are so many libraries with fewer resources to fight these kinds of challenges and you have the opportunity to set a precedent that can help the rest of the state.

Sincerely, Shel Neymark

## YOLANDA LUCERO

**From:** REBECCA MARTINEZ
**Sent:** Sunday, May 7, 2023 9:04 AM
**To:** Matt Geisel; PETER WELLS; YOLANDA LUCERO
**Subject:** Fwd: Please affirm Resolution 68 and affirm support of the Library and Information Services Department and its Staff, Policies and Procedures.

FYI

Rebecca Martinez, City Clerk
Rio Rancho City Clerks Office

Begin forwarded message:

> **From:** Spencer Naar <spencernaar@gmail.com>
> **Date:** May 6, 2023 at 5:49:19 PM MDT
> **To:** GREGGORY HULL <ghull@rrnm.gov>, Karissa Culbreath <kculbreath@rrnm.gov>, Jim Owen <jowen@rrnm.gov>, Jeremy Lenentine <jlenentine@rrnm.gov>, Bob Tyler <btyler@rrnm.gov>, Paul Wymer <pwymer@rrnm.gov>, Daniel Stoddard <dstoddard@rrnm.gov>, REBECCA MARTINEZ <ramartinez@rrnm.gov>



**Subject: Please affirm Resolution 68 and affirm support of the Library and Information Services Department and its Staff, Policies and Procedures.**

Caution! This message was sent from outside your organization.

Some people who received this message don't often get email from spencernaar@gmail.com. Learn why this is important

Dear City of Rio Rancho Mayor, Governing Body and City Clerk:

I am writing as a concerned citizen asking for your **support** of R68 at this week's upcoming 5/11 meeting. **Affirming** this resolution and the City of Rio Rancho's Library Collection Development Policy is the **right thing to do** and will demonstrate the city's commitment to free speech and intellectual freedom for **ALL** of its citizens. Censorship of information is not welcome in an open democracy. Our community is diverse and everyone has the right to see themselves represented and their lived experiences included in resources, books and information at public libraries paid for by their tax dollars.

Libraries recognize the right of parents and guardians to promote their own beliefs and values within their respective households, as well as their responsibility for the reading, viewing, and listening choices of their children. Indeed, it is encouraged that parents and guardians talk with their children about their reading and learning interests. However, libraries must serve the **entire community**, and cannot withhold material from the collection solely on the basis that some part of the community may find it disagreeable, objectionable, or offensive. No one set of beliefs or values can serve as the lens for developing a well-rounded library collection.



Supporting R68 at Thursday's meeting is critical to ensuring access of information, knowledge and inclusion to all citizens of Rio Rancho. Please vote to affirm.

Kind Regards,

Spencer Naar

## YOLANDA LUCERO

**From:** REBECCA MARTINEZ
**Sent:** Monday, May 8, 2023 9:29 AM
**To:** YOLANDA LUCERO
**Subject:** Fwd: Rio Rancho Public Library

Rebecca Martinez, City Clerk
Rio Rancho City Clerks Office

Begin forwarded message:

> **From:** Val Nye <valnye@gmail.com>
> **Date:** May 8, 2023 at 8:49:56 AM MDT
> **To:** REBECCA MARTINEZ <ramartinez@rrnm.gov>
> **Subject: Rio Rancho Public Library**



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You don't often get email from valnye@gmail.com. Learn why this is important

It has come to my attention that there is a group in Rio Rancho challenging books the library is making available to library patrons.

I strongly urge you to keep this book in the library to uphold the right of all young people, and all citizens of Rio Rancho, to read. Books that contain topics that are often uncomfortable to read and difficult to imagine are at the root of these challenges. In censoring these stories, you are suppressing the rights that people in Rio Rancho should have to see themselves in books and affirm their life experiences. Further, in banning these books, you are suppressing people's ability to engage in difficult discourse, for fear of "inappropriateness" or "offensiveness." This teaches, especially young people, that the way to handle these topics is to avoid them.

If you have been following book challenges across the country you will know that **towns and cities that have removed books from their shelves have found themselves on the losing ends of lawsuits with citizens who sue over the right to have access to the restricted books** (Llano County, Texas is a recent example).

I am writing to urge your support to protect the right to read. The protection of free expression and the right for people to see themselves represented in their libraries is of the utmost importance. I ask that

you consider this when these challenges arise. I therefore urge you to ensure that the Rio Rancho Public Library policies are followed and that the challenges to library material are addressed appropriately.

Sincerely,

Valerie Nye

## YOLANDA LUCERO

**From:** REBECCA MARTINEZ
**Sent:** Monday, May 8, 2023 8:08 AM
**To:** YOLANDA LUCERO
**Subject:** Fwd: Proposed Resolution of May 11, 2023

Rebecca Martinez, City Clerk
Rio Rancho City Clerks Office

Begin forwarded message:

> **From:** Bentley Clark <ms.bentleyclark@gmail.com>
> **Date:** May 6, 2023 at 1:04:37 PM MDT
> **To:** GREGGORY HULL <ghull@rrnm.gov>, Karissa Culbreath <kculbreath@rrnm.gov>, Jim Owen <jowen@rrnm.gov>, Jeremy Lenentine <jlenentine@rrnm.gov>, Bob Tyler <btyler@rrnm.gov>, Paul Wymer <pwymer@rrnm.gov>, Daniel Stoddard <dstoddard@rrnm.gov>, REBECCA MARTINEZ <ramartinez@rrnm.gov>
> **Subject: Proposed Resolution of May 11, 2023**



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Some people who received this message don't often get email from ms.bentleyclark@gmail.com. Learn why this is important

Good afternoon, Rio Rancho Mayor, Governing Body, and City Clerk,

As a passionate New Mexico librarian, I cannot emphasize strongly enough how important it is for you to pass the resolution on May 11, 2023, that affirms Rio Rancho Public Library's Collection Development Policy - which includes Rio Rancho's commitment to the ALA Bill of Rights and Freedom to Read Statements. I came to librarianship from the legal profession in large part because I understood that library-gained knowledge, compassion, understanding, empathy, and kindness are a better and more proactive solution to some of the major problems of our modern society than the often flawed, slow-grinding wheels of the reactive American judicial system.

Librarians of New Mexico should be allowed to focus on the imperative work we do every day without the stress and anxiety of wondering what we might face during work hours as well as off the clock - those who oppose the freedom of information have not limited their outrage to Governing Body meetings. You, the Rio Rancho Mayor, Governing Body, and City Clerk have the unprecedented opportunity to stand behind librarians and prove that the freedom to read and equitable access to information are New Mexico values.

I look forward to seeing you demonstrate this support clearly and strongly at the Governing Body meeting on May 11, 2023.

Sincerely,
Bentley Clark, B.A., M.S., M.L.S

## YOLANDA LUCERO

**From:** REBECCA MARTINEZ
**Sent:** Sunday, May 7, 2023 9:04 AM
**To:** Matt Geisel; PETER WELLS; YOLANDA LUCERO
**Subject:** Fwd: In Support of Resolution R68: Support of the Library and Information Services Department and its Staff, Policies and Procedures

Rebecca Martinez, City Clerk
Rio Rancho City Clerks Office

Begin forwarded message:

> **From:** Caitlin McAnally <caitlin.mcanally@gmail.com>
> **Date:** May 6, 2023 at 7:43:14 PM MDT
> **To:** GREGGORY HULL <ghull@rrnm.gov>, Karissa Culbreath <kculbreath@rrnm.gov>, Jim Owen <jowen@rrnm.gov>, Jeremy Lenentine <jlenentine@rrnm.gov>, Bob Tyler <btyler@rrnm.gov>, Paul Wymer <pwymer@rrnm.gov>, Daniel Stoddard <dstoddard@rrnm.gov>
> **Cc:** REBECCA MARTINEZ <ramartinez@rrnm.gov>



**Subject: In Support of Resolution R68: Support of the Library and Information Services Department and its Staff, Policies and Procedures**

[Some people who received this message don't often get email from caitlin.mcanally@gmail.com. Learn why this is important at https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fus-east-2.protection.sophos.com%2F%3Fd%3Daka.ms%26u%3DaHR0cHM6Ly9ha2EubXMvTGVhcm5BYm91dFNlbmRlcklkZW50aWZpY2F0aW9u%26p%3Dm%26i%3DNjNhMjNjZTRmMDNkNmMxMTVmMmNlZmQ2%26t%3DOTBBendUVmwrc0VSbTZaNnhBR0ZuMlRkK3doZXkwTVNLckI0cktZRVJaND0%3D%26h%3D531beef76b0543e19acdf3cd9d8c436f%26s%3DAVNPUEhUT0NFTkNSWVBUSVbG8S7H3Cwm8wW7E_S3DhHD0rwRBTpvR56NJNoG1NZOmA&data=05%7C01%7Cramartinez%40rrnm.gov%7C08551348352140a0108b08db4e9c6a71%7C85f89ab989ad408d8ea95572052f806c%7C0%7C0%7C638190205943879848%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=4Vj%2BiecmNuNMDIB38fvtIktqE3rTabfdPW1rK7IaXOU%3D&reserved=0 ]

Mayor Hull and City Councilors,

I'm emailing you to voice my support for resolution R68 on the agenda for the Governing Body meeting this Thursday 05/11. I am a resident of Rio Rancho District 1 and strongly oppose any form of censorship in our public library. As the City of Vision, we should be inclusive of ALL voices and perspectives in this community. Everyone deserves the right to access information freely and for their own purposes.

Please vote in favor of this resolution to maintain our first amendment rights and keep Rio Rancho as a place that values diverse opinions and free access to information for all.

Thank you,
Caitlin Moreno

652 Bhutan Dr SE
Rio Rancho, NM 87124

## YOLANDA LUCERO

**From:** REBECCA MARTINEZ
**Sent:** Sunday, May 7, 2023 3:25 PM
**To:** YOLANDA LUCERO
**Subject:** Fwd: Book banning concerns

Rebecca Martinez, City Clerk
Rio Rancho City Clerks Office

Begin forwarded message:

> **From:** Christian Peshlakai <cpeshlak@unm.edu>
> **Date:** May 7, 2023 at 2:25:29 PM MDT
> **To:** REBECCA MARTINEZ <ramartinez@rrnm.gov>
> **Subject: Fw: Book banning concerns**



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You don't often get email from cpeshlak@unm.edu. Learn why this is important

Good afternoon!

Some people spoke on behalf of Coalition of Conservatives in Action to ban book and I am wanting to protect libraries from books being selectively banned. There is a case in Texas presently regarding the banning of LGBTQ+ and other books, and I believe that New Mexico can avoid this situation by having active voices in support of books remaining within the library.

I support open access to information.

## YOLANDA LUCERO

**From:** Kate Nichols
**Sent:** Tuesday, May 9, 2023 8:05 AM
**To:** Clerk
**Subject:** FW: Protect Current Rio Rancho Library System Policies


**Kate Nichols**
*Executive Assistant*

**Office of the Mayor & City Manager**

**O:** 505.891.5001

RRNM.gov |




**From:** Nandini Kuehn <nkuehnpk@gmail.com>
**Sent:** Tuesday, May 9, 2023 7:37 AM
**To:** GREGGORY HULL <ghull@rrnm.gov>
**Subject:** Protect Current Rio Rancho Library System Policies


Caution! This message was sent from outside your organization.

You don't often get email from nkuehnpk@gmail.com. Learn why this is important


Dear Mayor:

We are in a situation where our library's collections are under assault by a group. The problem has become an assault on other people's freedoms.

Adults are absolutely free not to borrow books they find offensive. But, parents are the only ones who can determine limits to what their under-age children read. One parents' values cannot be held above another parents' rights.

Thank you for supporting and defending the Rio Rancho Library system's policies regarding acquisition of titles and maintenance of books.

Thank you

Nandini Pillai Kuehn
1-505-270-4574

## YOLANDA LUCERO

**From:** Kate Nichols
**Sent:** Tuesday, May 9, 2023 8:05 AM
**To:** Clerk
**Subject:** FW: Resolution 68 - Support of Library


**Kate Nichols**
*Executive Assistant*

**Office of the Mayor & City Manager**

**O:** 505.891.5001

RRNM.gov |




**From:** Jean & Bill Potabi <jbpotabi@gmail.com>
**Sent:** Tuesday, May 9, 2023 6:43 AM
**To:** GREGGORY HULL <ghull@rrnm.gov>; Karissa Culbreath <kculbreath@rrnm.gov>
**Subject:** Resolution 68 - Support of Library


Caution! This message was sent from outside your organization.

Some people who received this message don't often get email from jbpotabi@gmail.com. Learn why this is important


I am in full support of R68 because I respect our library staff and their commitment to providing information to all of our residents without judgement, censoring or partisan influence. We are a varied community; that is our strength and needs to be preserved.

Please vote in favor of this resolution.

Jean Potabi
District 5

| | |
|---|---|
| **From:** | Amy DiBello |
| **To:** | GREGGORY HULL; Karissa Culbreath; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Daniel Stoddard; REBECCA MARTINEZ |
| **Subject:** | May 11th Library Collection Development Policy Meeting |
| **Date:** | Monday, May 8, 2023 5:03:40 PM |

Caution! This message was sent from outside your organization.

Some people who received this message don't often get email from amymariedibello@gmail.com. Learn why this is important

Dear Mayor Hull and Council Members,

My name is Amy DiBello and I am an Albuquerque librarian and a former colleague of your outstanding library director Jason Shoup. Mr. Shoup has always been forthright and courageous about issues affecting public libraries and the need to support library workers. I am concerned about book banning and censorship challenges that your public library is currently facing. You have a strong collection development policy rooted in The American Library Association Library Bill of Rights and its supporting Freedom to Read Statement. Throughout the country, public libraries and library workers are on the culture wars frontline against anti-intellectualism, censorship, and intolerance.

Members of your community have visited my library branch to make inquiries about graphic novels, books with LGBTQ content, and whether or not we will host any future Drag Queen story times. I answer their questions, refer them to our collection development policy, produce reconsideration of materials request forms, and refer them to our manager or director for further information or complaints. When I first heard about the move to ban books in Rio Rancho, I knew that we would be next. I ask that you please continue to stand firm against extremist efforts to interfere with your public library users' constitutional right to read and have access to your library collections.

Sincerely,

Amy DiBello, MLIS

**From:** Kate Nichols
**To:** REBECCA MARTINEZ
**Subject:** FW: Resolution 68
**Date:** Monday, May 8, 2023 2:31:26 PM
**Attachments:** image001.png
image002.png
image003.png
image004.png

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For Library comments.

Thank you,


**Kate Nichols**
*Executive Assistant*

**Office of the Mayor & City Manager**

**O:** 505.891.5001

RRNM.gov |


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**From:** davis landd.net <davis@landd.net>
**Sent:** Monday, May 8, 2023 12:05 PM
**To:** GREGGORY HULL <ghull@rrnm.gov>
**Subject:** Resolution 68


Caution! This message was sent from outside your organization.

You don't often get email from davis@landd.net. Learn why this is important


Mayor Hull,

I am a resident of Rio Rancho. I am emailing you today to ask for your support of R68, Resolution in Support of Library and Information Services Department and its Staff, Policies and Procedures. This Resolution comes before the Governing Body on May 11. 2023.

I have read the Resolution and fully support all it encompasses. Our Library staff are educated professionals who make informed decisions every day on the inclusion of materials for the collection that offer diverse interests, viewpoints and information needs.

I may not have an interest in latest Marie Kondo book on home organization, but I respect the right of those that do. If one is offended by the content of a book don't check it out. However, asking for its removal from the collection, infringes on other community members' rights.

A March, 2022 survey conducted by Hart Research Associates and North Star Opinion Research on behalf of the American Library Association found:

Large majorities of voters (71%) oppose efforts to have books removed from their local public libraries, including a majority of Democrats (75%), Independents (58%) and Republicans (70%). Most voters and parents hold librarians in high regard, have confidence in their local libraries to make good decisions about what books to include in their collections, and agree that libraries in their communities do a good job offering books that represent a variety of viewpoints.

Again, I ask for your support of R68. Thank you for your time.

Linda Morgan Davis
589 Renaissance Loop, SE
87124

| | |
|---|---|
| **From:** | MARIMAN, DENISE M. |
| **To:** | GREGGORY HULL; Karissa Culbreath; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Daniel Stoddard; REBECCA MARTINEZ |
| **Subject:** | stand firm against attempts to censor library materials! |
| **Date:** | Tuesday, May 9, 2023 10:36:33 AM |

Caution! This message was sent from outside your organization.

Some people who received this message don't often get email from dmmariman@santafenm.gov. Learn why this is important

Hello, Rio Rancho City Governing Body members,

Please know that myself and library workers everywhere are in support of you as you consider reaffirming your library's collection development policy; libraries must constantly defend the free flow of information and the right to free speech by affirming every patron's (young, old, gay, straight, from all economic and political sides, etc.) right to read whatever they wish.

Please stand firm against challenges to your library's collection. Giving in to special interest groups is a slippery slope to losing freedoms for all of us.

Denise Mariman
Library Technician
Santa Fe Public Library, Main Branch
145 Washington Ave.

505-955-6785

**From:** Jessica Jones
**To:** GREGGORY HULL; Karissa Culbreath; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Daniel Stoddard; REBECCA MARTINEZ
**Subject:** Regarding R68: Resolution in Support of the Library and Information Services Department and its Staff, Policies, and Procedures
**Date:** Monday, May 8, 2023 2:33:03 PM

Caution! This message was sent from outside your organization.

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Dear Esteemed Rio Rancho City Leadership,

I am writing in support of the upcoming agenda item #12, R68, the Resolution in Support of the Library and Information Services Department and its Staff, Policies, and Procedures. I would ask that you please affirm support and adopt the resolution.

New Mexico is a place I keep close to my heart; my professional career in librarianship began in New Mexico. I started out as a cataloger at Northern New Mexico College before eventually being promoted into the library director role. I value my colleagues in New Mexico immensely, where I know they operate within a complicated political climate. Even in an academic setting, I fielded book challenges. One came from a faculty member who believed we had too many LGBTQIA2S+ inclusive materials. Thanks to Northern's administration's support, I was able to overcome those challenges, and I ask you to do the same for the library workers of Rio Rancho.

Book challenges and bans are an issue with which I have been dealing for my entire career. After leaving New Mexico, I was faced with even more situations like this as the manager for a public library branch in College Station, Texas. College Station is a relatively conservative community, despite having a major university in its city limits (Texas A&M University), and opinions are deeply felt on both sides. I want to share one particular book challenge that demonstrates the importance of inclusive collections in our public libraries.

This challenge was for a book called *My Two Dads*, which was part of a series that was all shelved together about different family situations that children may experience, like having a parent in the military or living with grandparents. The patron who objected to *My Two Dads* very quickly went from calmly asking me how to take this book off the shelves, to yelling and crying in the middle of the reading room when I said that we would retain the book in the interests of the LGBTQIA2S+ families who need to be represented in the library's collection, just like her own family is. When someone reacts that disproportionately, it is almost always about something more deeply rooted than the issue at hand. I talked to her long enough to find out that she had recently disowned her sixteen year old gay son and kicked him out of their family home.

The book remained in the collection, and I found another book for her to take home to the children she hadn't disowned. On the surface, this was a positive outcome for the library—the patron calmed down, and we kept the book in our collection—but it spoke volumes about the state of our community. While that gay teenager was not welcome in his home, he was still welcome at the library. He could still visit and see himself in our collections, even if he couldn't see himself included in his own family.

When we talk about book banning and censorship, the objectors tend to suck all the air out of the room, but in reality, they are the ones least affected by their actions. I urge you to prioritize safety and inclusivity for your marginalized communities over the discomfort of the few who seek to assert their ideological dominance by exerting undue influence over one of our most trusted public institutions.

Librarians and library workers are the best equipped people in your city to decide what content is needed in the city's library. Please do not cave to a national movement that represents a small, vocal minority. Your library workers interact with your residents all day long, and they know their patrons' needs and interests far better than someone taking their cues from conservative social media and biased news sources.

Thank you for your attention and consideration. The precedents set by cities like Rio Rancho may eventually affect us all; this is an opportunity for you to both publicly support your local marginalized residents and also serve as an example to other cities struggling with this very issue.

Sincerely,
***Jessica L. Jones***, MSI
she/her/hers
Library Director
Takoma Park Maryland Library

## REBECCA MARTINEZ

**From:** Kimla McDonald <kimlakelly@gmail.com>
**Sent:** Tuesday, May 9, 2023 11:36 AM
**To:** Daniel Stoddard
**Cc:** GREGGORY HULL; REBECCA MARTINEZ
**Subject:** Resolution 68

**Follow Up Flag:** Follow up
**Flag Status:** Completed

[Some people who received this message don't often get email from kimlakelly@gmail.com. Learn why this is important at https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fus-east-2.protection.sophos.com%2F%3Fd%3Daka.ms%26u%3DaHR0cHM6Ly9ha2EubXMvTGVhcm5BYm91dFNlbmRlcklkZW50aWZpY2F0aW9u%26p%3Dm%26i%3DNjNhMjNjZTRmMDNkNmMxMTVmMmNlZmQ2%26t%3DOTBBendUVmwrc0VSbTZaNnhBR0ZuMlRkK3doZXkwTVNLckI0cktZRVJaND0%3D%26h%3Dd536a89932984bc9888a1b6893f89e7f%26s%3DAVNPUEhUT0NFTkNSWVBUSVb6NeLpOupVIkaXd2Q82RBPw5ZWHlhpxTpTiiuu-9fGnQ&data=05%7C01%7Cramartinez%40rrnm.gov%7C32fd3047ff6d4e90b9da08db50b3f713%7C85f89ab989ad408d8ea95572052f806c%7C0%7C0%7C638192506109156188%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=E1WKrk8syn%2BS%2FGxIybA0fOukgosa8ME1gPtKR3%2FJC8g%3D&reserved=0 ]

Mr. Stoddard,

As a resident of your district, I write to urge you to support Resolution 68 at this week's council meeting. If Rio Rancho truly is to be a "city of vision", our libraries must be protected from bigots and hate groups who would limit what types of books are available to the public. Please vote to support our libraries and endorse Resolution 68!

Sincerely,
Kimla McDonald
5041 Kim Rd NE
Rio Rancho

## REBECCA MARTINEZ

**From:** Kate Nichols
**Sent:** Monday, May 8, 2023 2:31 PM
**To:** REBECCA MARTINEZ
**Subject:** FW: Book Banning

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

For Library comments.

Thank you,

Kate Nichols
Executive Assistant

Office of the Mayor & City Manager

O: 505.891.5001

RRNM.gov |

-----Original Message-----
From: Linda Sainz <lindasainz@yahoo.com>
Sent: Monday, May 8, 2023 11:46 AM
To: GREGGORY HULL <ghull@rrnm.gov>
Subject: Book Banning

[You don't often get email from lindasainz@yahoo.com. Learn why this is important at https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fus-east-2.protection.sophos.com%2F%3Fd%3Daka.ms%26u%3DaHR0cHM6Ly9ha2EubXMvTGVhcm5BYm91dFNlbmRlcklkZW50aWZpY2F0aW9u%26p%3Dm%26i%3DNjNhMjNjZTRmMDNkNmMxMTVmMmNlZTcx%26t%3DZVV5eDQ3bkQ0M2NLMnRMdVdmVnFaTWpEcnM3VkdOREIvcXhkdVgwVnFWTT0%3D%26h%3D1229d1cc7dff47849019a5cf206d4b7b%26s%3DAVNPUEhUT0NFTkNSWVBUSVZTZLTeo86HW0VbuFQGonLIUYD8rRNaoQP6A1e0PH_RTQ&data=05%7C01%7Cramartinez%40rrnm.gov%7Ce0cdeb2b681646aa81c108db500325dd%7C85f89ab989ad408d8ea95572052f806c%7C0%7C0%7C638191746673954742%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=5SbUYtbtjxPEUOnPZAkVtep9uz340joW1KpCFAh485E%3D&reserved=0 ]

My name is Linda Sainz. I am a resident of Rio Rancho, a Christian, mother, and retired teacher.
My husband and i both use the library and are currently in the process of reading the current list of “banned books” for this simple reason. How can we form an educated opinion without reading
what is written from more than one perspective? In other words we need the freedom to choose,
and compare in order to form our own opinion. Sincerely, Linda L. Sainz

**From:** Melanie PIZZONIA
**To:** GREGGORY HULL; Karissa Culbreath; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Daniel Stoddard; REBECCA MARTINEZ
**Subject:** Library Censorship
**Date:** Tuesday, May 9, 2023 11:07:54 AM

Caution! This message was sent from outside your organization.

Some people who received this message don't often get email from mpizzonia01@msn.com. Learn why this is important

I am writing to let you know that we support the NONcensoring of books in the library. Voting against censorship is is the right thing to do; fighting against censorship in the public library is a stand for the First Amendment, and that Free Speech is essential for a free and open democracy.

Thank you

*Melanie Pizzonia*
*3289 Oakmount*
*Rio Rancho NM 87124*

## REBECCA MARTINEZ

**From:** Sharon WOOD <sbright48@msn.com>
**Sent:** Monday, May 8, 2023 7:25 PM
**To:** GREGGORY HULL; Karissa Culbreath; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Daniel Stoddard; REBECCA MARTINEZ
**Subject:** Upcoming resolution endorsing Rio Rancho Library

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

[Some people who received this message don't often get email from sbright48@msn.com. Learn why this is important at https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fus-east-2.protection.sophos.com%2F%3Fd%3Daka.ms%26u%3DaHR0cHM6Ly9ha2EubXMvTGVhcm5BYm91dFNlbmRlcklkZW50aWZpY2F0aW9u%26p%3Dm%26i%3DNjNhMjNjZTRmMDNkNmMxMTVmMmNlZmQ2%26t%3DOTBBendUVmwrc0VSbTZaNnhBR0ZuMlRkK3doZXkwTVNLckI0cktZRVJaND0%3D%26h%3D3c4119c6b39d47ee996585c5169b78c9%26s%3DAVNPUEhUT0NFTkNSWVBUSVZkKxe60v_DfZtTpgWMAZdqMxKVoX9FYgiSdx1sblRsVQ&data=05%7C01%7Cramartinez%40rrnm.gov%7C5e62cb9a95274af7c3fc08db502c3668%7C85f89ab989ad408d8ea95572052f806c%7C0%7C0%7C638191923043516908%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=dvrDzNIEPRniD35c2IOL8YUQVt6nsD7EgUvLBTERo1c%3D&reserved=0 ]

Council Members,
I have been a resident of Rio Rancho for 25 years. It came to my attention that the public library is being questioned as to its ability to provide appropriate materials to our citizens.
In my use of the library I have always found the materials I wanted. As a parent I always felt responsible for the materials my children used.
I urge you to please pass the resolution to show our public library that the citizens it serves is very pleased with all they have done for us.
Keep all materials open for all. Allow parents to monitor their own children, but not all children.
Don’t take away my right to read!
Thank you for making our community a place for us all.
Sharon

| | |
|---|---|
| **From:** | Valerie Florez |
| **To:** | GREGGORY HULL; Karissa Culbreath; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Daniel Stoddard; REBECCA MARTINEZ |
| **Subject:** | Please support R68, Resolution in Support of the Library and Information Services Department and its Staff, Policies and Procedures |
| **Date:** | Monday, May 8, 2023 3:20:44 PM |

Caution! This message was sent from outside your organization.

Some people who received this message don't often get email from valpg@alum.calberkeley.org. Learn why this is important

Dear Mayor Hull, Council Member Culbreath, Council Member Lenentine, Council Member Owen, Council Member Stoddard, Council Member Tyler, Council Member Wymer, and City Clerk Martinez:

I am an academic librarian and a resident of this wonderful state of New Mexico. I have had an active public library card for almost four decades. My 10-year old son has been checking out books from the public library since he was a toddler. Public libraries and the free access to information that they provide are foundational to our democracy. Without them, our democracy disintegrates.

I am appalled that a small group of individuals with views unrepresentative of the Rio Rancho community is attacking the great institution of public libraries, the profession of librarianship, and the Constitutional right to freedom of speech. These attacks need a loud and clear response. The resolution affirming the Library's Collection Development Policy, R68, is that response. In a free and open democracy, a small group of citizens must not be able to dictate and censor what the larger body of the community can read, learn, or access at the public library.

Thank You,
Valerie Florez, MLIS

**From:** Johanna Smith
**To:** REBECCA MARTINEZ
**Subject:** Freedom to Read!
**Date:** Monday, May 8, 2023 11:38:09 AM

Caution! This message was sent from outside your organization.

You don't often get email from rebiljo@gmail.com. Learn why this is important

Dear Councilperson Martinez,

I'm writing this as a concerned citizen of Rio Rancho and a retired educator.

Please support freedom of thought, the most precious freedom we have in America, by supporting the American Library Association's Bill of Rights and Freedom to Read statement!

Please do not let us, our children, our future as a society be controlled by ignorant fear mongering by these terrifying groups of people who want to control our very thoughts!

Thank you for your consideration.

Johanna Smith
6212 Apache Plume Rd NE, Rio Rancho, NM 87144

**From:** Kate Nichols
**To:** REBECCA MARTINEZ
**Subject:** FW: Rio Rancho Public Library
**Date:** Monday, May 8, 2023 2:30:25 PM
**Attachments:** image001.png
image002.png
image003.png
image004.png

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For Library comments.

Thank you,


**Kate Nichols**
*Executive Assistant*

**Office of the Mayor & City Manager**

**O:** 505.891.5001

RRNM.gov |


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**From:** Sharon Amastae <samastae@gmail.com>
**Sent:** Monday, May 8, 2023 10:02 AM
**To:** GREGGORY HULL <ghull@rrnm.gov>
**Subject:** Rio Rancho Public Library


Caution! This message was sent from outside your organization.

You don't often get email from samastae@gmail.com. Learn why this is important


Dear Mayor Hull,

As a board member of the New Mexico Library Foundation and as a retired school librarian, I am writing to urge your support of the Rio Rancho Library's Collection Development and Materials Selection Policy at your meeting on Thursday, May 11, 2023. I know that this policy is the best way to ensure that your library provides the best books and materials for your community.

In my 30+ years of work with middle school children, I found that selecting books for the collection of our library was both rewarding and challenging. A good collection development policy guides this process. It made me feel that the collection I created would include the books and materials that my students and teachers wanted and needed. At the same time, I always made sure that parents knew that they were ultimately responsible for their children and could best guide what **their** children read, but **not all** the children in our school.

I know that these are difficult times, especially for governing bodies such as yours, but I feel certain that the City of Rio Rancho will do the right thing and affirm the collection

development policy that your public library staff has created.  In so doing, you will affirm the right of "free people to read freely."

Sincerely,
Sharon Amastae

*Sharon Amastae*
*PO Box 217  Lincoln, NM  88338*
*915-203-1501  samastae@gmail.com*

## YOLANDA LUCERO

**From:** Kate Nichols
**Sent:** Tuesday, May 9, 2023 12:52 PM
**To:** Clerk
**Subject:** FW: Thank you for supporting our libraries


**Kate Nichols**
*Executive Assistant*

**Office of the Mayor & City Manager**

**O:** 505.891.5001

RRNM.gov |




**From:** Alana Nowicki <nowickialana@gmail.com>
**Sent:** Monday, May 8, 2023 4:44 PM
**To:** GREGGORY HULL <ghull@rrnm.gov>; karissa4nm@gmail.com
**Subject:** Thank you for supporting our libraries


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You don't often get email from nowickialana@gmail.com. Learn why this is important


I wanted to thank you both for supporting our libraries and trying to protect them from having books banned. I do not support any books being banned. It should be up to the parents on what is appropriate for our own children.

Thanks,

Alana Nowicki

**From:** Kate Nichols
**To:** REBECCA MARTINEZ
**Subject:** FW: Thank you for defending my right to information
**Date:** Monday, May 8, 2023 2:29:27 PM
**Attachments:** image001.png
image002.png
image003.png
image004.png

---

For Library comments.

Thank you,


**Kate Nichols**
*Executive Assistant*

**Office of the Mayor & City Manager**

**O:** 505.891.5001

RRNM.gov |


---

**From:** Britta Herweg <brittaherweg@gmail.com>
**Sent:** Saturday, May 6, 2023 5:26 PM
**To:** GREGGORY HULL <ghull@rrnm.gov>
**Subject:** Thank you for defending my right to information


Caution! This message was sent from outside your organization.

You don't often get email from brittaherweg@gmail.com. Learn why this is important


Dear Mayor Hull,

As a librarian, a patron of the Rio Rancho Library system and an American citizen I trust in you to defend my freedom of access to information. I do not need organized groups to determine for me or my children what should be appropriate to read. I can make this decision very well for myself. Please, stand up for our constitutional rights, our Freedom of Speech, and take a stand against attempts of censorship in any form. Ensure that the Rio Rancho Library's Collection Development Policy is upheld and safeguarded.

Thank you so very much!

Most Kindly,
Britta Herweg-Samuels

Virus-free.www.avast.com

## YOLANDA LUCERO

**From:** Kate Nichols
**Sent:** Tuesday, May 9, 2023 12:52 PM
**To:** Clerk
**Subject:** FW: Library's Collection Development Policy – including the City's commitment to the ALA Bill of Rights and Freedom to Read Statements.


**Kate Nichols**
*Executive Assistant*

**Office of the Mayor & City Manager**

**O:** 505.891.5001

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**From:** Bill Smith <billybenbilly3618@gmail.com>
**Sent:** Monday, May 8, 2023 3:04 PM
**To:** GREGGORY HULL <ghull@rrnm.gov>
**Subject:** Library's Collection Development Policy – including the City's commitment to the ALA Bill of Rights and Freedom to Read Statements.


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You don't often get email from billybenbilly3618@gmail.com. Learn why this is important


We fully support the above referenced policy for the RR Library system. There should be no censorship or book banning driven by a small group of anti-democracy and religious zealots in RR. Freedom on the part of professional librarians is essential to build a diverse and credible library system and holdings.

Please do not kowtow to a small group of extremists!

Sincerely,

Dr. Bill Smith

## YOLANDA LUCERO

**From:** Kate Nichols
**Sent:** Tuesday, May 9, 2023 12:53 PM
**To:** Clerk
**Subject:** FW: Library

Kate Nichols
Executive Assistant

Office of the Mayor & City Manager

O: 505.891.5001

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-----Original Message-----
From: Gary Fenchel <garyfenchel@gmail.com>
Sent: Tuesday, May 9, 2023 8:32 AM
To: GREGGORY HULL <ghull@rrnm.gov>; Jim Owen <jowen@rrnm.gov>; Bob Tyler <btyler@rrnm.gov>; Paul Wymer <pwymer@rrnm.gov>; Karissa Culbreath <kculbreath@rrnm.gov>; Daniel Stoddard <dstoddard@rrnm.gov>; Jeremy Lenentine <jlenentine@rrnm.gov>
Subject: Library

[Some people who received this message don't often get email from garyfenchel@gmail.com. Learn why this is important at https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fus-east-2.protection.sophos.com%2F%3Fd%3Daka.ms%26u%3DaHR0cHM6Ly9ha2EubXMvTGVhcm5BYm91dFNlbmRlcklkZW50aWZpY2F0aW9u%26p%3Dm%26i%3DNjNhMjNjZTRmMDNkNmMxMTVmMmNlZTcx%26t%3DZVV5eDQ3bkQ0M2NLMnRMdVdmVnFaTWpEcnM3VkdOREIvcXhkdVgwVnFWTT0%3D%26h%3D1f672041c6c44471bd2b91f254b7e15f%26s%3DAVNPUEhUT0NFTkNSWVBUSVa5lEV7xmp1xjr-PvmWNXB-7eiKxhr1fQyeMKuo3thl6w&data=05%7C01%7CClerk%40rrnm.gov%7C55fb74f9bb1f4fd68cf708db50bea36e%7C85f89ab989ad408d8ea95572052f806c%7C0%7C0%7C638192551927646343%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=bSSFVN7QKQVVpGXNEJEeceYrfPpUb7jPQsEBMPYgD0c%3D&reserved=0 ]

In case I can't make the meeting regarding funding the library this
Thursday:

I'm a big supporter of parental rights. If a citizen wishes to keep their child ignorant of the world, I believe they have the right to do that.

I also believe that if a parent wants to expose their child to foreign ideas, they should be able to do that too.

If the library restricts the topics of books on its shelves, it prevents parents from exposing their kids to foreign ideas (unless they have the money to fund a private, personal library).

If the library offers books on topic some find offensive, they certainly have the right to not use the library, or to restrict what books their child is allowed to take out.

As for restricting books for adults - it's quite clear that our founders feared ignorance more than they feared knowledge. Suppressing the press is literally anti-American.

Please do not diminish support for our library. Please pass legislation item R68.

--
Gary Fenchel

**YOLANDA LUCERO**

**From:** Kate Nichols
**Sent:** Tuesday, May 9, 2023 12:54 PM
**To:** Clerk
**Subject:** FW: Resolution 68


**Kate Nichols**
*Executive Assistant*

**Office of the Mayor & City Manager**

**O:** 505.891.5001

RRNM.gov |




**From:** George Wilson <gwilson4261@gmail.com>
**Sent:** Tuesday, May 9, 2023 10:20 AM
**To:** GREGGORY HULL <ghull@rrnm.gov>
**Subject:** Resolution 68


Caution! This message was sent from outside your organization.

You don't often get email from gwilson4261@gmail.com. Learn why this is important


Dear Mayor Hull,

I am writing to urge your support for Resolution 68, In Support of the Library and Information Services Department and Its Staff, Policies and Procedures, when it comes before the Governing Body this Thursday. Free public libraries and access to the information they contain is an essential foundation to our democracy. Thank you in advance for your support.

--
**George M. Wilson**
**1005 11th Street SE**

**Rio Rancho, NM 87124**

## YOLANDA LUCERO

**From:** Kate Nichols
**Sent:** Tuesday, May 9, 2023 12:53 PM
**To:** Clerk
**Subject:** FW: R68


**Kate Nichols**
*Executive Assistant*

**Office of the Mayor & City Manager**

**O:** 505.891.5001

RRNM.gov |




**From:** Karen Miller <karen-miller@pinewoodpreschool.com>
**Sent:** Tuesday, May 9, 2023 7:51 AM
**To:** GREGGORY HULL <ghull@rrnm.gov>
**Subject:** R68


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Please support the passage of R68
Karen Miller


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## YOLANDA LUCERO

**From:** Kate Nichols
**Sent:** Tuesday, May 9, 2023 12:54 PM
**To:** Clerk
**Subject:** FW:


**Kate Nichols**
*Executive Assistant*

**Office of the Mayor & City Manager**

**O:** 505.891.5001

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**From:** Karen Nesbit <ksn689@gmail.com>
**Sent:** Tuesday, May 9, 2023 9:01 AM
**To:** GREGGORY HULL <ghull@rrnm.gov>
**Subject:**


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Book 🔥. Shame on you for even giving this issue the light of day. It is out of darkness that this has come. Move forward to what most the sensible people wish you to legislate on
We ares tired of your panels pettiness.

## YOLANDA LUCERO

**From:** Kate Nichols
**Sent:** Tuesday, May 9, 2023 12:55 PM
**To:** Clerk
**Subject:** FW: In support of the Rio Rancho Libraries

**Kate Nichols**
*Executive Assistant*

**Office of the Mayor & City Manager**

**O:** 505.891.5001

RRNM.gov |



**From:** Kitty Tynan <kittytynan@gmail.com>
**Sent:** Tuesday, May 9, 2023 10:53 AM
**To:** GREGGORY HULL <ghull@rrnm.gov>; REBECCA MARTINEZ <ramartinez@rrnm.gov>; Jim Owen <jowen@rrnm.gov>; Jeremy Lenentine <jlenentine@rrnm.gov>; Bob Tyler <btyler@rrnm.gov>; Paul Wymer <pwymer@rrnm.gov>; Karissa Culbreath <kculbreath@rrnm.gov>
**Cc:** Kitty Tynan <kittytynan@gmail.com>
**Subject:** In support of the Rio Rancho Libraries

Caution! This message was sent from outside your organization.

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I am reaching out to all of you in support of the Libraries in Rio Rancho and in strong opposition to the group trying to ban books from the Public Libraries. I urge you to pass the proposed resolution (R68) affirming the Libraries' Collection Development Policy.

I am a retired university librarian, a current volunteer at the Corrales Community Library, a member of the Board of the Friends of Corrales Library, a patron of the Rio Rancho Libraries, and a concerned citizen. Public libraries have been a part of America since our beginnings - the first public library was founded by Benjamin Franklin. They exist to allow

everyone to expand their horizons, to learn new things, and to enjoy themselves. Librarians are trained to, among other things, select items for their collections that will be of value and interest to their users. They are hired and paid to use their training and their judgement. They develop policies to support their decisions and to allow legitimate questions to be addressed properly.

The group which has continued to challenge titles in the Libraries' collection doesn't want to follow policies, nor do they want to accept the professional judgement of librarians. They want to impose their political agenda on everyone. Individual parents may limit what their own children read. They cannot set limits for everyone. Exercising parental rights does not extend beyond your family; doing it correctly is part of the hard job of your raising children.

Again, I strongly support the Rio Rancho Libraries and urge you to pass R68 at Thursday evening's meeting.

Thank you.
Katherine I. Tynan
Corrales

## YOLANDA LUCERO

**From:** Kate Nichols
**Sent:** Tuesday, May 9, 2023 12:52 PM
**To:** Clerk
**Subject:** FW: Support for Rio Rancho Public Library System


**Kate Nichols**
*Executive Assistant*

**Office of the Mayor & City Manager**

**O:** 505.891.5001

RRNM.gov |




**From:** Madeline McConnell <maddielmcconnell@gmail.com>
**Sent:** Monday, May 8, 2023 7:28 PM
**To:** GREGGORY HULL <ghull@rrnm.gov>
**Subject:** Support for Rio Rancho Public Library System


Caution! This message was sent from outside your organization.

You don't often get email from maddielmcconnell@gmail.com. Learn why this is important


Mayor Hull,

I am writing today to express my whole-hearted support for the Rio Rancho Public Library System and to affirm the Library Collection Development and Materials Selection Policy used by this organization. I am a former librarian for the City of Rio Rancho Public Library System with a masters degree in Library and Information Science and I am also a constituent currently residing in the City of Rio Rancho. This library system is part of my community and it is my hope that the Governing Body will uphold its responsibility to protect our First Amendment rights and will uphold its commitment to an open democracy for all citizens.

It is my firm belief as a licensed information professional that the materials in the RRPL collection uphold the core values of librarianship "access, confidentiality/privacy, democracy, diversity, education and lifelong learning, intellectual freedom, preservation, the public good, professionalism, service, social responsibility, and sustainability." (ALA, 2006). The current RRPL policies ensure that all materials including materials related to LGBTQ+ content are placed in developmentally appropriate areas, are meeting industry standards, are vetted by experts in their fields, and are not in violation of NM State Statute NM § 30-37. The materials in question are protected under federal law and this baseless attack on LGBTQ+ content would constitute as a form of discrimination against valued members of our community who have an equal right to check out content representative of their experiences in an institution with the purpose of serving a diverse public.

I hope you will join me in outpouring love and support for the Rio Rancho community, for public libraries, and for all the queer citizens who live in this beautiful city. Please show your support for ALA Bill of Rights and Freedom to Read Statement, and please affirm the Library's Collection Development and Materials Selection Policy to protect our libraries from such attacks in the future.

Thank you for your time,

Madeline McConnell, MLIS

## YOLANDA LUCERO

**From:** Marian Frear <MFrear@corrales-nm.org>
**Sent:** Tuesday, May 9, 2023 4:15 PM
**To:** Clerk
**Subject:** in support of the Rio Rancho Library's Collection Development Policy

Caution! This message was sent from outside your organization.

You don't often get email from mfrear@corrales-nm.org. Learn why this is important

Dear Ms. Martinez,

I am writing to urge you to support the Rio Rancho Library and its Collection Development Policy. As public librarians, it is our goal to make sure members of the community have open access to information resources and opportunities to develop literacy. Our public collections are designed to meet the needs of the community, to stimulate an interest in reading in children and young adults, and to provide continuing education to anyone who wants it.



Parents are welcome to supervise their children's reading matter, and guide it as they find appropriate. They may not, however, make a unilateral decision to restrict the reading matter of other people's children. Access to information and the ability to understand it are the backbone of a free and democratic society, and must be protected as such.

Thank you for your consideration.

Marian Frear
Director, Corrales Community Library

## YOLANDA LUCERO

**From:** Kate Nichols
**Sent:** Tuesday, May 9, 2023 12:54 PM
**To:** Clerk
**Subject:** FW: Thanks for R68!

Kate Nichols
Executive Assistant

Office of the Mayor & City Manager

O: 505.891.5001

RRNM.gov |



-----Original Message-----
From: MARY ELLEN CAPEK <mecapek@me.com>
Sent: Tuesday, May 9, 2023 9:10 AM
To: GREGGORY HULL <ghull@rrnm.gov>
Subject: Thanks for R68!

[You don't often get email from mecapek@me.com. Learn why this is important at https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fus-east-2.protection.sophos.com%2F%3Fd%3Daka.ms%26u%3DaHR0cHM6Ly9ha2EubXMvTGVhcm5BYm91dFNlbmRlcklkZW50aWZpY2F0aW9u%26p%3Dm%26i%3DNjNhMjNjZTRmMDNkNmMxMTVmMmNlZTcx%26t%3DZVV5eDQ3bkQ0M2NLMnRMdVdmVnFaTWpEcnM3VkdOREIvcXhkdVgwVnFWTT0%3D%26h%3D4dc1409e509b4f36a4d9b6fcdf1790b5%26s%3DAVNPUEhUT0NFTkNSWVBUSVYNHymchQdIYJrxAFe0BD32&data=05%7C01%7CClerk%40rrnm.gov%7C7c463b46f4204bedce8008db50bec257%7C85f89ab989ad408d8ea95572052f806c%7C0%7C0%7C638192552445677674%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=vaU7TXkXo8ZmO%2FGBQnlczr5FXLEH%2FEUmi3e20uJdb8w%3D&reserved=0 ]

Dear Mayor Hull, we so appreciate your support for the RR libraries' collections policy. This is essential democracy at work!

~~~~~~~~~~~~~~~

Mary Ellen S. Capek
mecapek@me.com
~~~~~~~~~~~~~~~

(505) 249-2201 cell

| | |
|---|---|
| **From:** | Melissa Rethlefsen |
| **To:** | GREGGORY HULL; Karissa Culbreath; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Daniel Stoddard; REBECCA MARTINEZ |
| **Subject:** | Library's Collection Development Policy |
| **Date:** | Monday, May 8, 2023 1:47:49 PM |

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Dear Members of the Rio Rancho Governing Body,

I am writing to encourage you to affirm the City of Rio Rancho Library's Collection Development policy, which prioritizes the freedom of speech and the promotion of diverse viewpoints in the library's collections.

As a librarian, I understand the importance of access to information and the free exchange of ideas. Libraries have long been a vital source of knowledge and a cornerstone of intellectual freedom, and the City of Rio Rancho Library's commitment to ensuring that its collections reflect a wide range of perspectives and ideas is both commendable and necessary.

In today's rapidly changing world, it is more important than ever that libraries remain a bastion of intellectual freedom and open discourse. As such, it is crucial that the City of Rio Rancho Library's Collection Development policy continues to prioritize the acquisition of materials that represent a diversity of viewpoints, even those that may be controversial or unpopular.

By maintaining an environment that encourages the free exchange of ideas and promotes access to information, the City of Rio Rancho Library is helping to ensure that its patrons have the tools they need to be informed and engaged citizens.

I urge you to affirm the City of Rio Rancho Library's Collection Development policy and its commitment to upholding the principles of intellectual freedom and free speech.

Sincerely,

Melissa L. Rethlefsen, MSLS, AHIP
Executive Director & Professor
Health Sciences Library & Information Center
University of New Mexico

**From:** Kate Nichols
**To:** REBECCA MARTINEZ
**Subject:** FW: Rio Rancho Public Library
**Date:** Monday, May 8, 2023 2:30:08 PM
**Attachments:** image001.png
image002.png
image003.png
image004.png

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For Library comments.

Thank you,


**Kate Nichols**
*Executive Assistant*

**Office of the Mayor & City Manager**

**O:** 505.891.5001

RRNM.gov |


---

**From:** Val Nye <valnye@gmail.com>
**Sent:** Monday, May 8, 2023 8:41 AM
**To:** GREGGORY HULL <ghull@rrnm.gov>
**Subject:** Rio Rancho Public Library


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Dear Mayor Hull,

It has come to my attention that there is a group in Rio Rancho challenging books the library is making available to library patrons.

I strongly urge you to keep this book in the library to uphold the right of all young people, and all citizens of Rio Rancho, to read. Books that contain topics that are often uncomfortable to read and difficult to imagine are at the root of these challenges. In censoring these stories, you are suppressing the rights that people in Rio Rancho should have to see themselves in books and affirm their life experiences. Further, in banning these books, you are suppressing people's ability to engage in difficult discourse, for fear of "inappropriateness" or "offensiveness." This teaches, especially young people, that the way to handle these topics is to avoid them.

If you have been following book challenges across the country you will know that **towns and cities that have removed books from their shelves have found themselves on the losing ends of lawsuits with citizens who sue over the right to have access to the restricted books** (Llano County, Texas is a recent example).

I am writing to urge your support to protect the right to read. The protection of free expression and the right for people to see themselves represented in their libraries is of the utmost importance. I

ask that you consider this when these challenges arise. I therefore urge you to ensure that the Rio Rancho Public Library policies are followed and that the challenges to library material are addressed appropriately.

Sincerely,

Valerie Nye

| | |
|---|---|
| **From:** | Adrienne Warner |
| **To:** | GREGGORY HULL; Karissa Culbreath; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Daniel Stoddard; REBECCA MARTINEZ |
| **Subject:** | Affirm Rio Rancho Public Library"s collection development policy and the freedom to read |
| **Date:** | Monday, May 8, 2023 11:12:13 AM |

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Dear Mayor Hull and Governing Body Members,

I hope you and your families are well.

I am writing to encourage you to affirm the Rio Rancho Public Library's collection development policy at the Governing Body meeting this Thursday. Not only will you be voicing your support for this policy, but also your belief that every person deserves the ability to choose which information to access and which book to read.

As publicly elected officials, I entreat you to represent your constituents with your vote on Thursday, the vast majority of whom condemn book banning and support libraries.

Thank you for your public service and your vote affirming the freedom to read.

With kindest regards,

Adrienne

Adrienne Warner
Learning Services Librarian, First Year Experience Librarian
Assistant Professor
College of University Libraries & Learning Sciences
University of New Mexico
adriennew@unm.edu
(she/her)

## YOLANDA LUCERO

**From:** Kate Nichols
**Sent:** Tuesday, May 9, 2023 4:45 PM
**To:** Clerk
**Subject:** FW: Library Resolution

**Kate Nichols**
*Executive Assistant*

**Office of the Mayor & City Manager**

**O:** 505.891.5001

RRNM.gov |



**From:** michael hessheimer <mhessheimer@outlook.com>
**Sent:** Tuesday, May 9, 2023 2:43 PM
**To:** GREGGORY HULL <ghull@rrnm.gov>
**Subject:** Library Resolution

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Mayor Hull,

I'm writing to thank you for your sponsorship of **R68, Resolution in Support of the Library and Information Services Department and its Staff Policies and Procedures**, and encouraging your continuing support.

I am strongly support the Library professional staff and am in favor of this resolution and allowing parents to exercise their responsibility in determining what material is appropriate for their children to read. I am strongly opposed to any attempts to restrict access to material by a small group of individuals based on their personal beliefs. The RR Library has

procedures in place to allow the public to question individual material and there is no need for additional external oversight.

Thank you.

Mike Hessheimer
3265 Oakmount Dr. SE, RR 87124
mhessheimer@outlook.com
505.492.5155

## YOLANDA LUCERO

**From:** Kate Nichols
**Sent:** Wednesday, May 10, 2023 8:22 AM
**To:** Clerk
**Subject:** FW: R68


**Kate Nichols**
*Executive Assistant*

**Office of the Mayor & City Manager**

**O:** 505.891.5001

RRNM.gov |




**From:** Donna Robbins <donnarobbins7@gmail.com>
**Sent:** Tuesday, May 9, 2023 10:05 PM
**To:** GREGGORY HULL <ghull@rrnm.gov>
**Subject:** R68


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You don't often get email from donnarobbins7@gmail.com. Learn why this is important


I am urging you to vote yes on R68 and maintain our access to information, knowledge, understanding
Thank you
D. Robbins
Placitas M

## YOLANDA LUCERO

**From:** Kate Nichols
**Sent:** Wednesday, May 10, 2023 8:21 AM
**To:** Clerk
**Subject:** FW: Resolution in Support of the Library and Information Services


**Kate Nichols**
*Executive Assistant*

**Office of the Mayor & City Manager**

**O:** 505.891.5001

RRNM.gov |




**From:** Lynette Schurdevin <lynetters618@gmail.com>
**Sent:** Tuesday, May 9, 2023 4:02 PM
**To:** GREGGORY HULL <ghull@rrnm.gov>
**Subject:** Resolution in Support of the Library and Information Services


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Dear Mayor and Councilors,

As the retired Library Director of Rio Rancho Public Libraries, and a citizen of this community, I write in support of the proposed Resolution R68.

Our country's constitution, along with the American Library Association Library Bill of Rights, states:

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

All citizens have free access to all library materials and are protected by the First Amendment of the Constitution. It is their choice as to what they choose to read.

Regarding minors under the age of 17, the Library Child Safety Policy states that parents will be responsible for their children and what they have free access to at the Library. This includes books, audiobooks, DVDs, magazines, and digital Items.

Please know that as a professional librarian it is important that information in all its formats for all ages continues to be available. It is imperative that we continue to provide free access to all.

Thank you for your consideration and support of this resolution.

Lynette Schurdevin, citizen of Rio Rancho
Master's in Library Science
Current member of the American Library Association
Current member of the Public Library Association
Current member of the American Association of University Women
Former Library Director of Rio Rancho Public Libraries
Former New Mexico Library Association president
Former New Mexico Municipal League Library section president
Former American Association of University Women-Albuquerque president

--



Lynette Schurdevin
"Dream as if you'll live forever. Live as if you'll die today". James Dean

## YOLANDA LUCERO

**From:** Kate Nichols
**Sent:** Wednesday, May 10, 2023 8:21 AM
**To:** Clerk
**Subject:** FW: R68

Kate Nichols
Executive Assistant

Office of the Mayor & City Manager

O: 505.891.5001

RRNM.gov |



-----Original Message-----
From: Joan Ward <wardjs65@gmail.com>
Sent: Tuesday, May 9, 2023 7:55 PM
To: Karissa Culbreath <kculbreath@rrnm.gov>; GREGGORY HULL <ghull@rrnm.gov>
Subject: R68

[Some people who received this message don't often get email from wardjs65@gmail.com. Learn why this is important at https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fus-east-2.protection.sophos.com%2F%3Fd%3Daka.ms%26u%3DaHR0cHM6Ly9ha2EubXMvTGVhcm5BYm91dFNlbmRlcklkZW50aWZpY2F0aW9u%26p%3Dm%26i%3DNjNhMjNjZTRmMDNkNmMxMTVmMmNlZTcx%26t%3DZVV5eDQ3bkQ0M2NLMnRMdVdmVnFaTWpEcnM3VkdOREIvcXhkdVgwVnFWTT0%3D%26h%3Da2e8bcba2b994da387ef7553a5265c20%26s%3DAVNPUEhUT0NFTkNSWVBUSVZwiDJLzwvIXpedfNjeNMuuw2VxqYwCs_FDdAwm3YavZA&data=05%7C01%7CClerk%40rrnm.gov%7C074e9a6382db4fcc38fc08db5161d327%7C85f89ab989ad408d8ea95572052f806c%7C0%7C0%7C638193252820938599%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=k361ym4w2KPkFgBlUhXFtfyc7NJEGaDv%2FulBlpvJAbM%3D&reserved=0 ]

I urge you to pass this resolution to keep our libraries free from censorship.

Joan Ward
1370 Tiffany LN SE
Rio Rancho NM 87124

Sent from my iPad

## YOLANDA LUCERO

**From:** Kate Nichols
**Sent:** Wednesday, May 10, 2023 8:22 AM
**To:** Clerk
**Subject:** FW: Resolution in support of the library


**Kate Nichols**
*Executive Assistant*

**Office of the Mayor & City Manager**

**O:** 505.891.5001

RRNM.gov |




**From:** Cheryl Mugleston <cmug_99@yahoo.com>
**Sent:** Tuesday, May 9, 2023 8:00 PM
**To:** GREGGORY HULL <ghull@rrnm.gov>
**Subject:** Resolution in support of the library


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Dear respected members of the Rio Rancho governing body,
I am writing to encourage you to support the resolution in support of the Library and Information Services Department in Rio Rancho, and to affirm the Library's collection development policy.
It is imperative that you maintain access to the Library's collections. Removal of library materials based on content would constitute a form of viewpoint discrimination under Federal Law and would be a violation of the community's First Amendment Rights.

"Banning books gives us silence when we need speech. It closes our ears when we need to listen. It makes us blind when we need sight." -Stephen Chbosky, author of _The Perks of Being a Wallflower_

Thank you for your consideration.
Respectfully,
Cheryl Mugleston
Librarian

Sent from Yahoo Mail for iPad

## YOLANDA LUCERO

**From:** Kate Nichols
**Sent:** Wednesday, May 10, 2023 8:22 AM
**To:** Clerk
**Subject:** FW: R68

Kate Nichols
Executive Assistant

Office of the Mayor & City Manager

O: 505.891.5001

RRNM.gov |



-----Original Message-----
From: Linda Wolcott <llwolcott@yahoo.com>
Sent: Tuesday, May 9, 2023 8:00 PM
To: GREGGORY HULL <ghull@rrnm.gov>
Cc: jowen@rmm.gov; Jeremy Lenentine <jlenentine@rrnm.gov>; Bob Tyler <btyler@rrnm.gov>; Paul Wymer <pwymer@rrnm.gov>; Karissa Culbreath <kculbreath@rrnm.gov>
Subject: R68

[You don't often get email from llwolcott@yahoo.com. Learn why this is important at https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fus-east-2.protection.sophos.com%2F%3Fd%3Daka.ms%26u%3DaHR0cHM6Ly9ha2EubXMvTGVhcm5BYm91dFNlbmRlcklkZW50aWZpY2F0aW9u%26p%3Dm%26i%3DNjNhMjNjZTRmMDNkNmMxMTVmMmNlZTcx%26t%3DZVV5eDQ3bkQ0M2NLMnRMdVdmVnFaTWpEcnM3VkdOREIvcXhkdVgwVnFWTT0%3D%26h%3Db36424bd784e4500a621f21c7feab8d6%26s%3DAVNPUEhUT0NFTkNSWVBUSVa3NBiIuWY8pmuK1bGsFuRo_hAIOXMmEOInvuq6FR3A1w&data=05%7C01%7CClerk%40rrnm.gov%7C8e5cc8d304c04778abfb08db5161e489%7C85f89ab989ad408d8ea95572052f806c%7C0%7C0%7C638193253101831020%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=d50xPkLHaEqUMkXN0VBaXulcoWOMW4Awem2%2BEcRo8Q0%3D&reserved=0 ]

Dear Mayor Hull and Rio Rancho representatives,

I am a frequent user of the Edna Ferguson library in Rio Rancho and I urge you to pass resolution R68 so that all knowledge found in your or any library can be available to all who want to access it. The pen is mightier than the sword,

so in that way a library can be more powerful than a gun. Let us keep libraries open to all and their resources available to all.
Thank you.
Linda Wolcott

**From:** Ari Wellman
**To:** GREGGORY HULL; Karissa Culbreath; Paul Wymer; REBECCA MARTINEZ; Bob Tyler
**Subject:** R68
**Date:** Tuesday, May 9, 2023 2:36:31 PM

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To Whom It May Concern-

I'm writing to you today to tell you about how important libraries are to me, as a constituent, a taxpayer, a woman, and a long time resident of Rio Rancho. Growing up in an extremely rural community (clearly not this one), the local library card was a passport to an outside world that I could only dream existed. The programs they offered (and still do) to connect people to services, to provide education and broaden minds are invaluable to people from all walks of life. They are one of the primary tools to make the world just that little bit more accessible.

They can't do that job under the constraints of censorship. I support the passage of R68, and I hope that you do too. No one can force anyone to listen to another's words, and no one can force you to read a book you are opposed to. Being opposed to it does not give the right to remove it from another's consideration- the very idea runs contrary to the ideals that put us all here to begin with.

I am sorry not to be able to attend the session on Thursday, and hope this has been sufficient to make my voice heard.

A. Wellman

**From:** Deb B
**To:** REBECCA MARTINEZ
**Subject:** R68
**Date:** Wednesday, May 10, 2023 8:19:14 AM

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As an American citizen who believes in the US Constitution, I am very concerned over the possibility of books being banned in our libraries. Resolution 68 is a must pass to protect the freedoms of our country. I am old enough to remember when we learned civics and history in school. Stop this minority group from taking away the rights of all of us. Every American has a right to read what they wish. Awareness is not indoctrination!! Knowledge helps with making the right choices. I will be there to watch the final vote Thursday evening. Do the right thing.
Thank you Deborah Barnum Dist 3

225 Michigan Avenue
Suite 1300
Chicago, Illinois 60601

Telephone: 800-545-2433
E-mail: oif@ala.org
www.ala.org/oif

ALA American Library Association

Office for Intellectual Freedom

May 10, 2023

City of Rio Rancho
3200 Civic Center Circle NE
Rio Rancho, NM 87144

To the members of the City of Rio Rancho Governing Body:

As the preeminent non-profit, non-partisan organization dedicated to the development, promotion, and improvement of library and information services in the United States, the American Library Association has long fought to preserve the public library as a community institution that provides free and unfettered access to a wide range of information and ideas for all the people of the community.

As community institutions, libraries have a particular responsibility to avoid bias and ensure that their materials and programs represent a variety of viewpoints and encompass all topics of interest, including those that might be controversial or even objectionable to some in the community. In addition, public libraries have a particular responsibility to operate in accordance with the First Amendment, which protects the right of every person to access and receive information in the public library, free from any government censorship.

It is for this reason that I write to support you in your effort to pass a resolution affirming the Rio Rancho Public Library's Collection Development Policy. Librarians and library staff take their responsibilities to the community seriously and have put in place policies that allow parents to guide their child's reading while preserving the ability of each parent and each family to make their own decisions about what books and resources they read.

Your local library supports early literacy and homeschooling families, provides programming and cultural enrichment for all ages, offers internet devices and online connectivity, supports job seekers and small businesses, and offers a community gathering space for all. We hope you will protect the freedom of choice and freedom of speech for all Rio Rancho patrons by affirming the policies of the City of Rio Rancho Library.

Sincerely,

Deborah Caldwell Stone
Director, Office for Intellectual Freedom
American Library Association

LIBRARIES TRANSFORM™

## REBECCA MARTINEZ

**From:** Doc Dee <jocharmon@gmail.com>
**Sent:** Wednesday, May 10, 2023 7:32 AM
**To:** REBECCA MARTINEZ
**Subject:** R68

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

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I ask your support for the legislation item on the agenda to be presented tomorrow evening: R68. Our public library, supported with taxpayer dollars, should be for all of the public, regardless of their religious, political or philosophical views. If an individual is not comfortable with certain materials, that individual can choose not to read those materials and it is incumbent upon parents to monitor what their children are reading. For a small minority of citizens to attempt controlling what the majority can read is unconstitutional.

Thank you for defending the fundamental rights included in the 1st amendment.

Jo Harmon

## REBECCA MARTINEZ

**From:** Emily Graham <hasmidas@gmail.com>
**Sent:** Tuesday, May 9, 2023 3:11 PM
**To:** GREGGORY HULL; REBECCA MARTINEZ; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Karissa Culbreath
**Subject:** In support of Council Resolution 68 on May 11th

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

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To our Rio Rancho Governing Body members,

My name is Emily Graham and I wanted to extend my support for Resolution 68 on the docket at the City Council meeting this Thursday. I was present at both previous meetings that featured many local citizens speaking their mind on the topic of which books should be available at our public libraries, and I appreciate having had the opportunity to have expressed my concerns to the Council.

Groups like Mass Resistance represent people who feel that they should have no trouble taking control of local governments and abusing the regular process of day-to-day administration in order to control and bully people that they think are "undesirable" in the community. I am relieved that the citizens of Rio Rancho have stood up against such an effort and that our commendable local library system is likely going to be further protected from people who have a political axe to grind. I cannot be at the meeting in person this time, but I urge the Council to go forward with R68 and I will be glad to see it done.

Respectfully,

Emily Graham

7409 Branco Drive NE

Rio Rancho, NM 87144

| | |
|---|---|
| **From:** | Gale Hannigan |
| **To:** | Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Karissa Culbreath; GREGGORY HULL; Daniel Stoddard; REBECCA MARTINEZ; Jason Shoup |
| **Cc:** | Jason Shoup; gale hannigan |
| **Subject:** | Please support your librarians |
| **Date:** | Wednesday, May 10, 2023 10:13:23 AM |

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Respected Members of Rio Rancho's Governing Body,

As a medical librarian of 45 years, I write to encourage your continued support of the Rio Rancho library's collection development policy. It is distressing that a small but very vocal (and coordinated) group is attacking libraries nationwide. Their loud voices and constant drumbeat should not outweigh the proven value of a community's free access to a publicly available collection of materials that are thoughtfully selected by experts. I can't count the times I've heard stories from people who, when they were growing up, discovered an open door to a larger world in their public libraries. There they could pursue interests and develop the habit of thoughtful inquiry and lifelong learning. A friend tells me that, when he reads, he feels like he is in direct communication with some of the most important scientists who ever lived. I escape into literature to better understand what it means to be human. The citizens of Rio Rancho are fortunate to benefit from the efforts of librarians committed to the principles that support unfettered freedom to read. Please support your dedicated librarians.
Thank you.

Sincerely,
Gale G. Hannigan, PhD, MPH, MLS
Albuquerque, NM

**From:** barcatfl@aol.com
**To:** REBECCA MARTINEZ
**Subject:** Resolution 68
**Date:** Wednesday, May 10, 2023 8:17:42 AM

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You don't often get email from barcatfl@aol.com. Learn why this is important

As an American who loves to read whatever the heck I want to, I ask you to pass R68 at this Thursday City Council meeting. I will be there to watch. Did I mention I am an avid voter who takes it very seriously?
Thank you,  John Barnum Dist 3

| | |
|---|---|
| **From:** | Knapp, John |
| **To:** | GREGGORY HULL; Jeremy Lenentine; Karissa Culbreath; Jim Owen; Bob Tyler; Paul Wymer; Daniel Stoddard |
| **Cc:** | YOLANDA LUCERO; REBECCA MARTINEZ |
| **Subject:** | Please Support Library Resolution (R68) |
| **Date:** | Wednesday, May 10, 2023 10:22:10 AM |

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Mayor Hull and Members of the Governing Body,

I'm Dr. John Knapp, a Rio Rancho resident, frequent library patron, instructor at Albuquerque Academy, and visiting scholar at UNM. I add my voice to those who urge you to support our city's invaluable library professionals by approving the Resolution (R68) at your meeting on May 11, 2023.

When Benjamin Franklin organized the first lending library in Philadelphia in 1731, he did so with the aim of "improving the general conversation of Americans," as he writes in his *Autobiography*. Franklin hoped a library would help make Americans more civil, more open-minded to new or different ideas, and more likely to improve themselves. Accordingly, the catalog represented a wide range of political, social, philosophical, and theological views.

I am heartened to know that Rio Rancho's library is in the hands of professionals who, in a similar way, work hard to establish a collection that represents an array of viewpoints and experiences—even (perhaps especially) those viewpoints and experiences with which some patrons might deeply disagree. It is good, not harmful, for patrons of all ages to be exposed to ideas that do not merely echo their own.

Thanks very much,
John Knapp

## REBECCA MARTINEZ

**From:** Lynda St. Clair <lynda.s.st.clair@gmail.com>
**Sent:** Wednesday, May 10, 2023 8:34 AM
**To:** GREGGORY HULL; Karissa Culbreath; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Daniel Stoddard; REBECCA MARTINEZ
**Subject:** R68, Resolution in Support of the Library and Information Services Department and its Staff, Policies and Procedures

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

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Some people who received this message don't often get email from lynda.s.st.clair@gmail.com. Learn why this is important

To the Mayor, Governing Body, and City Clerk of Rio Rancho:

I am writing in response to the recent news about attempts to ban books from the Rio Rancho public library (e.g. https://rrobserver.com/book-ban-proposal-causes-stir-at-council-meeting/ ) and the proposed resolution on the May 11, 2023 Agenda (R68, Resolution in Support of the Library and Information Services Department and its Staff, Policies and Procedures).

Although I am not a resident of Rio Rancho, the issue of banning books is not a local phenomenon and efforts to ban books have been growing rapidly (https://www.ala.org/news/press-releases/2023/03/record-book-bans-2022).
So, while my public library, Thomas Branigan Memorial Library (TBML) in Las Cruces, New Mexico, has not yet been subject to attempts to ban books that a few individuals want to prevent members of the public from reading, I have no doubt that it will be. When that happens, I will do all I can to support the library and its staff, both in my role as Vice President of the TBML Friends organization and as an individual who cares deeply about the rights of individuals to explore new ideas through reading widely. At that time, it would be nice to have examples of other cities in New Mexico to point to where the freedom to read has been supported by the local government.

I want to encourage you to stand up against these attempts to ban books from public libraries. Please support the Rio Rancho Library and its staff of professionals who have the responsibility of building a library collection that serves the needs of the broader community.

Sincerely,

Lynda St. Clair, Ph.D.
5116 Rock House Road
Las Cruces, NM 88011
Lstclair50@outlook.com

**From:** Michael Jackovich <mikejack@att.net>
**Sent:** Tuesday, May 9, 2023 2:52 PM
**To:** Gregg Hull <gregg.d.hull@gmail.com>; Matt Geisel <mgeisel@rrnm.gov>; REBECCA MARTINEZ <ramartinez@rrnm.gov>; Daniel Stoddard <dstoddard@rrnm.gov>
**Subject:** Objection to Resolution 68 "ballot stuffing"

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I am appalled at the obvious "ballot stuffing" by the City by soliciting only "supporters" of Resolution 68 as part of the May 11 agenda.

If I spent the time I will unearth the truth that each of these "supporters" were solicited (arm twisting?) by City staff.

Enough is enough - our group opposing obscene material in the library will be present in force to expose the City's tyrannical moves on this issue.

The City of Vision's new motto should be "SHUT UP AND OBEY"

Mike Jackovich

https://granicus_production_attachments.s3.amazonaws.com/riorancho/86295edb49774787239d6c7ca1b5e7be0.pdf

## YOLANDA LUCERO

**From:** Kate Nichols
**Sent:** Wednesday, May 10, 2023 12:05 PM
**To:** Clerk
**Subject:** FW: Support for Legislation Item: R68


**Kate Nichols**
*Executive Assistant*

**Office of the Mayor & City Manager**

**O:** 505.891.5001

RRNM.gov |




**From:** Doc Dee <jocharmon@gmail.com>
**Sent:** Wednesday, May 10, 2023 7:32 AM
**To:** GREGGORY HULL <ghull@rrnm.gov>
**Subject:** Support for Legislation Item: R68


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Mayor Hull:

I ask your support for the legislation item on the agenda to be presented tomorrow evening: R68. Our public library, supported with taxpayer dollars, should be for all of the public, regardless of their religious, political or philosophical views. If an individual is not comfortable with certain materials, that individual can choose not to read those materials and it is incumbent upon parents to monitor what their children are reading. For a small minority of citizens to attempt controlling what the majority can read is unconstitutional.

Thank you for defending the fundamental rights included in the 1st amendment.

Jo Harmon

## YOLANDA LUCERO

**From:** Kate Nichols
**Sent:** Wednesday, May 10, 2023 12:05 PM
**To:** Clerk
**Subject:** FW: Legislation Item: R68

**Kate Nichols**
*Executive Assistant*

**Office of the Mayor & City Manager**

**O:** 505.891.5001

RRNM.gov |



**From:** Krystal Bartholomew <kchavez8413@gmail.com>
**Sent:** Wednesday, May 10, 2023 10:23 AM
**To:** GREGGORY HULL <ghull@rrnm.gov>; Karissa Culbreath <kculbreath@rrnm.gov>
**Subject:** Legislation Item: R68

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Hello Mayo Hull and Council Culbreath,

I am writing as a Rio Rancho citizen (4252 High Mesa Rd SE, 87124) and library card holder 591250-5064-7515. I am in support of R68. I have followed the debate about removing books from the Rio Rancho library system. I do not support eliminating any books from the Rio Rancho Library, even if I do not agree with the book or author. It is also my job to be active in my children's lives, understand what media they consume, and talk to them about what they are consuming. I want R68 to pass in hopes that we can secure the library's collection and authority to serve all Rio Rancho citizens and free up meeting time to discuss ways to improve our city and allow the library staff to continue hosting significant events like Spring Storytime.

Thank you for your time,
Krystal Bartholomew

## YOLANDA LUCERO

**From:** Kate Nichols
**Sent:** Wednesday, May 10, 2023 12:52 PM
**To:** Clerk
**Subject:** FW: In support of the Resolution in Support of the Library and Information Services Department and its Staff, Policies, and Procedures


**Kate Nichols**
*Executive Assistant*

**Office of the Mayor & City Manager**

**O:** 505.891.5001

RRNM.gov |




**From:** Shawn Squires <shawnannesquires@gmail.com>
**Sent:** Wednesday, May 10, 2023 11:50 AM
**To:** GREGGORY HULL <ghull@rrnm.gov>
**Subject:** In support of the Resolution in Support of the Library and Information Services Department and its Staff, Policies, and Procedures


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You don't often get email from shawnannesquires@gmail.com. Learn why this is important


Mayor Hull,

I am writing to express my support of the Resolution in Support of the Library and Information Services Department and its Staff, Policies, and Procedures.

Libraries and the free information within are a vital part of our community, our intellectual and emotional lives, and as a statement that our city believes in open discourse and access to reading and other materials, thus supporting our constitional rights.

Thank you for respecting our libraries and the professionals that work within.

Shawn Squires
204 Spring Dr SE, Rio Rancho, NM 87124

Shawn Squires, she/her

*You are enough. Thank you for being you.*

| | |
|---|---|
| **From:** | Dylan McDonald |
| **To:** | GREGGORY HULL; Karissa Culbreath; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Daniel Stoddard; REBECCA MARTINEZ |
| **Subject:** | R68: Resolution in Support of the Library and Information Services Department and its Staff, Policies and Procedures |
| **Date:** | Wednesday, May 10, 2023 2:42:46 PM |

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I'm writing to voice my appreciation of your support for **R68 Resolution in Support of the Library and Information Services Department and its Staff, Policies and Procedures**.

The excellent and professional work done my colleagues at the Rio Rancho Public Library, including their ability to properly select materials for the needs of the community, should be acknowledged and supported by the city's highest governing body. A vocal and misinformed minority should not dictate Rio Rancho library policy.

Thank you.

**Dylan McDonald, CA**
Political Collections Archivist/Special Collections Librarian
New Mexico State University Library
Archives and Special Collections
MSC 3475, PO Box 30006
Las Cruces, NM 88003-8006
(575) 646-7711
dylanmcd@nmsu.edu
*Pronouns: he, him, his*




**Land Acknowledgment:** New Mexico State University honors Native American knowledges and world-views based on intimate relationships to the natural world. The genesis of the Southwest Indigenous Peoples, including the Pueblo, Navajo, and Apache, established their guardianship of the lands now occupied by New Mexico State University. As the state's Land-Grant University, we acknowledge and respect the sovereign Indian Nations and Indigenous Peoples. We pledge to have a meaningful and respectful relationship with the sovereign Indian Nations, Indigenous communities, and Native American Peoples within the institution.

NEW MEXICO STATE LIBRARY
1209 Camino Carlos Rey, Santa Fe, NM 87507 | nmstatelibrary.org | (505) 476-9700
A Division of the Department of Cultural Affairs

May 9, 2023

Jason Shoup
Department Director, Rio Rancho Library and Information Services
755 Loma Colorado Blvd NE,
Rio Rancho, NM 87124

Dear Director Shoup,

Thank you for your question regarding eligibility for state funding. You are correct that our eligibility rules require you follow all applicable rules and regulations, and removal of materials for reasons not outlined in policy would likely be a violation of both the First Amendment of the U.S. Constitution and your Grant Agreement, signed by Matthew B. Geisel, City Manager, and myself on December 2, 2022. As State Librarian, I reserve the right to withhold funding from a library operating in a manner not consistent with federal, state, or constitutional law, or with that library's own duly approved policies.

I have reviewed your Library Collection Development and Materials Selection Policy, which NMAC 4.5.2 requires you to have, and I have no concerns with the policy or with the Request for Reconsideration of Library Materials Form. The policy requires staff to select materials to meet the needs of the population, and this would include a range of materials and perspectives that reflect the diversity of your community. The policy requires staff to purchase from reputable book publishers and use professional reviews, so I have no concern that your staff is purchasing obscene materials. A public library serves the entire community and staff should select for a range of interests and perspectives. Your policy allows materials to be removed for damage, lack of use, being outdated, and so on, which are appropriate reasons for removal.

Federal case law has consistently supported the right of library users to freely access information. Any abridgment of access can create liability for your library. In *Board of Education v. Pico*, 457 U.S. 853 (1982) the Supreme Court held that "the right to receive ideas is a necessary predicate to the recipient's meaningful exercise of his own rights of speech, press, and political freedom." Once library material is purchased and made available to the public, it cannot be removed simply because it is offensive to an individual or particular group, unless a court of law deems it to be in violation of state or federal obscenity laws. Further, a public library does not act *in loco parentis*; it is up to parents/guardians to monitor and make decisions with and for the children in their care.

On a professional level, degreed librarians from an American Library Association (ALA) accredited program are held to a standard that includes a commitment to the ALA Library Bill of Rights. This includes "Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment," and "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." These are core tenets of a professional librarian and a public library.

Best Regards,

Eli Guinnee
New Mexico State Librarian

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| **From:** | Janet Phillips |
| **To:** | GREGGORY HULL; Karissa Culbreath; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Daniel Stoddard; REBECCA MARTINEZ |
| **Subject:** | Support for Resolution R68 |
| **Date:** | Wednesday, May 10, 2023 3:16:17 PM |

Caution! This message was sent from outside your organization.

Members of the City of Rio Rancho Governing Body:

I am writing in support of R68, Resolution in Support of the Library and Information Services Department and its Staff, Policies and Procedures.

As a fellow Library Director in Sandoval County, it is of particular concern to me that the largest library in the county uphold the values embodied in the American Library Association (ALA) Library Bill of Rights, Freedom to Read Statement, and Freedom to View Statement.

Libraries are charged to provide a broad spectrum of materials to serve all members of the communities they serve. It is not surprising when a patron is offended by a book(s) in the library; it would be more surprising to find a patron who wholeheartedly embraces the content of every item in the library.

Thank you for upholding the First Amendment and confronting censorship.

Sincerely,

Janet Phillips

--
Janet Phillips
Library Director
Jemez Springs Public Library
PO Box 479 (30 Village Plaza)
Jemez Springs, NM 87025
575-829-9155
email: librarian@jsplibrary.org
website: jsplibrary.org

| | |
|---|---|
| **From:** | Julia Clarke |
| **To:** | GREGGORY HULL; Karissa Culbreath; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Daniel Stoddard; REBECCA MARTINEZ |
| **Subject:** | Rio Rancho Library"s Collection Development Polidy |
| **Date:** | Wednesday, May 10, 2023 3:29:24 PM |

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You don't often get email from julialaneyclarke@comcast.net. Learn why this is important

May 10, 2023

To: The Governing Body, City of Rio Rancho

From: Julia Clarke, Retired Librarian

I am writing to express my heartfelt support for the resolution to affirm the Rio Rancho Library's Collection Development Policy.

The public library system exists to serve **all** residents in an area. The role of the library is not to tell anyone what to read, but rather to provide access to resources. The purchasing criteria is carefully considered and the selection procedures are available to the public. With the Collection Development Policy currently in place, parents are able to guide their children and to determine what is appropriate for their family and what is not. Adults are able to discern whether or not a book is right for them. Removing materials serves no one.

I am a *retired* librarian. I worked for 35+ years in academic and public libraries. A constant in my work was hearing expressions of appreciation from library users of all ages and all walks of life. Library users are grateful for the depth and variety of resources available in our libraries.

I understand that elected officials routinely deal with complex issues and this is no exception. Your service to the community is appreciated and valued. Thank you for the opportunity to express my thoughts on this topic.

Sincerely yours,

Julia Clarke
2630 Aloysia Lane NW
Albuquerque NM 87104

**From:** Karen Schafer
**To:** REBECCA MARTINEZ
**Subject:** Library Resolution
**Date:** Wednesday, May 10, 2023 2:40:35 PM

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You don't often get email from karenjean44@gmail.com. Learn why this is important

Please vote to support the Resolution in support of our library. It is one of the great treasures of our city.
Thank you,
Karen Schafer
4800 Palmas Altas Dr SE
Rio Rancho, NM 87124

Karen Schafer
505-796-5401 -
505-918-8007 (cell)

**"Power concedes nothing without a demand; it never did and it never will." Frederick Douglass**

*— Dr. Ngozi Okonjo-Iweala, chair of the board of the Global Alliance for Vaccinations and Immunization (Gavi)*

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|---|---|
| **From:** | Kathleen McCleery |
| **To:** | GREGGORY HULL; REBECCA MARTINEZ; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Karissa Culbreath |
| **Subject:** | R68 and the effort to ban books |
| **Date:** | Wednesday, May 10, 2023 3:32:45 PM |

Caution! This message was sent from outside your organization.

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I write in support of R68, an affirmation of the library's collection development policy. I treasure our rights and freedoms, including the right to read whatever book is available in my local library. When my children were growing up, I encouraged them to read and to learn for themselves what is right and what is wrong. I never denied my children any books. They were always allowed to select what they wanted. Both have grown to be responsible, caring adults who also cherish our democracy and the rights it gives them. They are both well educated with masters degrees, one soon to have a PhD. I am horrified by those who want to ban books from public libraries. That's what dictators do, not what leaders in a democracy support. Please do your jobs as political leaders to protect our community from those who would ban books.

Thank you.

Sincerely,
Kathleen McCleery

**KATHLEEN McCLEERY**
Producer, Writer and Media Consultant
kathleenmccleery7@gmail.com
703-582-1568 (mobile)
505-717-2120 (home office)
@kmccleery1

| | |
|---|---|
| **From:** | Marie Velasco |
| **To:** | GREGGORY HULL; Karissa Culbreath; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Daniel Stoddard; REBECCA MARTINEZ |
| **Subject:** | The fight against censorship |
| **Date:** | Wednesday, May 10, 2023 11:45:46 AM |

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You don't often get email from mariposampv@aol.com. Learn why this is important

Good Morning Councilors,

I applaud your dedication to the City of Rio Rancho. The Right to Read is a fundamental right. I have worked in both public libraries and academic libraries for over ten years. The library serves the public. Censorship of books in any form goes against our commitment to our communities. I encourage you to visit the American Library Association link I have provided below that includes their freedom to read statement.

Thank you for your time and commitment to the constituents of Rio Rancho which include a diverse public.

https://www.ala.org/advocacy/intfreedom/freedomreadstatement

Thank you,
Marie Velasco

## REBECCA MARTINEZ

**From:** Steve TETREV <tetrev@msn.com>
**Sent:** Wednesday, May 10, 2023 3:39 PM
**To:** REBECCA MARTINEZ
**Subject:** Resolution 68

[You don't often get email from tetrev@msn.com. Learn why this is important at https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fus-east-2.protection.sophos.com%2F%3Fd%3Daka.ms%26u%3DaHR0cHM6Ly9ha2EubXMvTGVhcm5BYm91dFNlbmRlcklkZW50aWZpY2F0aW9u%26p%3Dm%26i%3DNjNhMjNjZTRmMDNkNmMxMTVmMmNlZmQ2%26t%3DOTBBendUVmwrc0VSbTZaNnhBR0ZuMlRkK3doZXkwTVNLckI0cktZRVJaND0%3D%26h%3D73315f8ababf43d5a178aaaba790197c%26s%3DAVNPUEhUT0NFTkNSWVBUSVb2NEBQDi_hJk28ZC_kNVsU&data=05%7C01%7Cramartinez%40rrnm.gov%7Ca79472a12d6b4502354d08db519ef4d2%7C85f89ab989ad408d8ea95572052f806c%7C0%7C0%7C638193515383809843%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=D8vk9T5WOx0ReNtnOO6QrbwZcw1Zs8af7y8EiGdOjv8%3D&reserved=0 ]

Dear Ms Martinez,As residents of Rio Rancho, please note that we both support Resolution 68 to affirm the Rio Rancho Library Collection Development Policy . We are regular library users and are so proud of the facility. We hope to keep it safe and free from political attacks

Ruth Tetrev
Steve Tetrev
5704 Rio Animas Rd NE
Rio Rancho, NM 87144

**From:** Dean Smith
**To:** REBECCA MARTINEZ
**Subject:** Library materials for ALL
**Date:** Thursday, May 11, 2023 11:12:40 AM

Caution! This message was sent from outside your organization.

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City Clerk Rebecca A. Martinez,

As Past President of the New Mexico Library Association, I encourage support of free and open access to diverse public library materials for *everyone* in the community. The United States of America was largely founded by those seeking refuge from religious oppression. Free speech and open access to information are critical to a thriving democracy.

Having access to materials on LGBTQ topics is critical for LGBTQ youth and can make a difference, literally, between life and death for those youth. Materials discussing LGBTQ issues are no more pornographic than materials discussing heterosexual relationships. And LGBTQ citizens are members of every community and pay taxes like all other citizens. LGBTQ community members have every right to find materials reflecting their reality in the public library, as does any other community member.

Public library collections are meant to represent *everyone* in the community and every community member deserves to find materials of interest to them when they visit *their* public library.

Sincerely,

Dean P. Smith, NMLA Past President

**From:** Deb Sierra
**To:** GREGGORY HULL; Karissa Culbreath; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Daniel Stoddard; REBECCA MARTINEZ
**Subject:** City of Rio Rancho Public Library Collection Development Policy
**Date:** Wednesday, May 10, 2023 5:43:55 PM

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City of Rio Rancho
Governing Body
3200 Civic Center Circle NE
Rio Rancho, NM 87144

May 10, 2023

To Whom It May Concern:

As a librarian, a scholar and as an Indigenous person, I ask you to reflect on how allowing certain groups to censor and ban materials available to the public through their local library affects the lives of everyday citizens. If a parent chooses to limit their child's exposure to certain facts and information, the resulting ignorance or misinformation will trickle into the lives of everyone who comes in contact with that family. Like a virus, the misinformation will spread and contaminate the minds of others. That is the parent's choice. However, if a municipal government decides to take on the burden of controlling what their constituents read or watch, then those who were duly elected by the people, are not living up to their commitment to serve their community. Like Hitler's army, the complicitness serves to undermine the principles the United States was founded on; life, liberty and the pursuit of happiness.These same citizens who seek to limit information are likely the first to voice their concern over loss of gun rights, yet they seek to control the minds of those who do not support their political or religious agenda. Every person should have the chance to determine what is right for themselves. Given that one in 1,500 children are born with ambiguous gender identity, where is a child to turn when their parents have successfully managed to limit the child's access to relevant information? It is no mistake that though we were created equal, we are not carbon copies of the original humans. This is by design and not by accident. Please consider what support of groups who seek to control access to information implies, particularly to future generations, that may include your own family members. By placing Draconian laws into place, you contribute to the undermining of Democracy and open the doors to a world where freedom is compromised.

Sincerely,
Deb Sierra, MA, MLS
Librarian
Silver City Public Library
Silver City, New Mexico 88061

*If you want to be happy, set a goal that commands your thoughts, liberates your energy, and inspires your hopes.*

- Andrew Carnegie

| | |
|---|---|
| **From:** | Dylan Brennan |
| **To:** | GREGGORY HULL; Karissa Culbreath; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Daniel Stoddard; REBECCA MARTINEZ |
| **Subject:** | Book Bans at Rio Rancho Public Library |
| **Date:** | Thursday, May 11, 2023 12:21:07 PM |

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Hello all,

My name is Dylan, a card carrying member of the Rio Rancho Public Library system. I've been closely following the events regarding the proposal of book bans and I'd like to throw my oar in.

First off, it has been incredibly heartening how the city council has been listening to all sides on this issue that has been thrust into our national discourse. From what I've observed, it seems as though the city council has sided with the American Library Association, which I wholeheartedly agree with. There is a reason why that institution exists and it's important, now more than ever, to listen to experts in the field as opposed to a loud minority. The minority wants to ban all books that do not allow with their point of view and while it is necessary to consider what they have to say; it would be a grave error to give them more power than what the majority wants. The majority of the community wants to allow all people, children and adults, unfettered access to literature. It is an imperative to allow all people to have access to reading materials that both enlighten and challenge our minds. Public libraries are a public good and the demonization of literature is a blatant attack on the "other" of our society. The books they choose to attack are specifically against the LGBTQIA+ community, people of color, and women's issues. To align with that ideology is not what the community of Rio Rancho represents. The city council is a representative democracy that expressed the will of Rio Rancho. The majority of voices has risen against book bans.

Please keep this in mind when going to the floor to vote tonight. It's an absolute necessity to keep the will of the people in mind and keep access to libraries open to all and books to remain free.

Thank you for your consideration,
Dylan Brennan

## REBECCA MARTINEZ

**From:** GREGGORY HULL
**Sent:** Wednesday, May 10, 2023 6:25 PM
**To:** REBECCA MARTINEZ
**Subject:** FW: Book Banning

-----Original Message-----
From: GAIL PINKEPANK <gpinkepank@msn.com>
Sent: Wednesday, May 10, 2023 3:10 PM
To: GREGGORY HULL <ghull@rrnm.gov>
Subject: Book Banning

[You don't often get email from gpinkepank@msn.com. Learn why this is important at https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fus-east-2.protection.sophos.com%2F%3Fd%3Daka.ms%26u%3DaHR0cHM6Ly9ha2EubXMvTGVhcm5BYm91dFNlbmRlcklkZW50aWZpY2F0aW9u%26p%3Dm%26i%3DNjNhMjNjZTRmMDNkNmMxMTVmMmNlZTcx%26t%3DZVV5eDQ3bkQ0M2NLMnRMdVdmVnFaTWpEcnM3VkdOREIvcXhkdVgwVnFWTT0%3D%26h%3D5a3e88a70fa0448797f45b2991877db1%26s%3DAVNPUEhUT0NFTkNSWVBUSVYn-np433U27R4WQSqWyd36tGDJHylftx-M44QUmlRUqA&data=05%7C01%7Cramartinez%40rrnm.gov%7Cfeb36f9683c54f95f06908db51b62509%7C85f89ab989ad408d8ea95572052f806c%7C0%7C0%7C638193614978183943%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=rGF2tOiXsd1CavZNHxCjuJDyrZLfeCSLM%2BUz%2BVxAyBQ%3D&reserved=0 ]

Book banning is a bad idea, and a slippery slope to government intrusion in our private lives. Protect my rights and your own rights by supporting R68. If a citizen has a concern about a particular book, they don't have to read it. They can also supervise their kids and prevent them from looking at materials they don't like. I strongly oppose any attempt to ban materials from our libraries in Rio Rancho — not to mention any politician who heads in that direction.

Gail Pinkepank
1450 SARATOGA DR NE
RIO RANCHO, NM. 87144

Sent from my iPad

| | |
|---|---|
| **From:** | Heidi Henderson |
| **To:** | GREGGORY HULL; Karissa Culbreath; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Daniel Stoddard; REBECCA MARTINEZ |
| **Subject:** | Support of R68 on May 11 agenda |
| **Date:** | Thursday, May 11, 2023 11:19:36 AM |

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Dear Governing Body-
I am a Rio Rancho parent and taxpayer in addition to being a weekly library volunteer at the Rio Rancho public libraries since 2014. I attended recent Governing Body meetings during which public comment regarding book banning was presented. I was heartened by the overwhelming community support for the libraries and against book banning. I would encourage the Governing Body to approve R68. I believe this resolution will allow libraries to remain a critical and nonpartisan community resource.
Sincerely,
Heidi Henderson

**From:** GREGGORY HULL
**To:** REBECCA MARTINEZ
**Subject:** FW: Citizen Appeal/Request to approve R68
**Date:** Wednesday, May 10, 2023 6:24:24 PM

---

**From:** Jay Bajwa <jaybajwa@hotmail.com>
**Sent:** Wednesday, May 10, 2023 3:19 PM
**To:** GREGGORY HULL <ghull@rrnm.gov>; Bob Tyler <btyler@rrnm.gov>
**Subject:** Citizen Appeal/Request to approve R68

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Some people who received this message don't often get email from jaybajwa@hotmail.com. Learn why this is important

Mayor Hull and Council Member Tyler:

My name is Jatinder (Jay) Bajwa residing at 6329 Kestrel Dr NE Rio Rancho NM 87144. Council District 3.

I tell everyone that Rio Rancho is my city; and I am proud of it.
It is a well run city, thanks to its administration and elected officials.
It has the best schools, sanitation and city services.
The quality of life is not without it's citizens who are better educated and income earners compared to the average.
The City libraries are truly a sanctuary for all ages, children to adults.
The senior citizens living in the City enjoy the library resources; and depend upon the well stocked materials for information as well as entertainment.
**To consider any type of a book ban would be contrary to the freedom and enjoyment of all and any citizens of this great City of Vision.**

Therefore, I implore you to allow the rightful passage of R68: Resolution in Support of the Library and Information Services Department and its Staff, Policies and Procedures, which are representative of the
American Library Association Bill of Rights as stated herein:
I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use. VII. All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information.

Sincerely Yours,
Jatinder (Jay) Bajwa

| | |
|---|---|
| **From:** | Adrienne Podlesny |
| **To:** | GREGGORY HULL; Karissa Culbreath; Jim Owen; jentinr@rrnm.gov; Bob Tyler; Paul Wymer; Daniel Stoddard; REBECCA MARTINEZ |
| **Subject:** | Rio Rancho Library Policy |
| **Date:** | Thursday, May 11, 2023 6:47:43 AM |

Caution! This message was sent from outside your organization.

Some people who received this message don't often get email from adriennepod@gmail.com. Learn why this is important

As a Rio Rancho resident and frequent user of the Rio Rancho Public Library, I urge you to support the resolution on tonight's meeting agenda that affirms the Library's Collection Development Policy. The City's commitment to the American Library Association's Bill of Rights and Freedom to Read Policy are essential in a free society. People should be able to choose what they read, not have that determined by any individual's or group's decision as to what is suitable.

Thank you for the time and energy you devote to helping Rio Rancho grow.

Sincerely,
Adrienne Podlesny

Sent from Mail for Windows

## REBECCA MARTINEZ

**From:** GREGGORY HULL
**Sent:** Wednesday, May 10, 2023 6:26 PM
**To:** REBECCA MARTINEZ
**Subject:** FW: Please reaffirm the Library's current policy!

-----Original Message-----
From: claudette selph <claudette@selphandassociates.com>
Sent: Wednesday, May 10, 2023 2:45 PM
To: GREGGORY HULL <ghull@rrnm.gov>
Subject: Please reaffirm the Library's current policy!

[You don't often get email from claudette@selphandassociates.com. Learn why this is important at https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fus-east-2.protection.sophos.com%2F%3Fd%3Daka.ms%26u%3DaHR0cHM6Ly9ha2EubXMvTGVhcm5BYm91dFNlbmRlcklkZW50aWZpY2F0aW9u%26p%3Dm%26i%3DNjNhMjNjZTRmMDNkNmMxMTVmMmNlZTcx%26t%3DZVV5eDQ3bkQ0M2NLMnRMdVdmVnFaTWpEcnM3VkdOREIvcXhkdVgwVnFWTT0%3D%26h%3D89729e1592ef4fb3a2cccac03a8f5cb6%26s%3DAVNPUEhUT0NFTkNSWVBUSVYFjrjTF7_cOacurvz5G_uTSA18naxJaLutUvbzaseWiFI9dZ_haM0VQ_lm_thsdfQ&data=05%7C01%7Cramartinez%40rrnm.gov%7C44e242e1ce664eb5a43d08db51b63d5e%7C85f89ab989ad408d8ea95572052f806c%7C0%7C0%7C638193615367171074%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=kVmlzLhlMzxVa5aSDx6T%2F7uY%2FxMApsiYDLJdNbuG1WU%3D&reserved=0 ]

Banning books is dangerous and against American values. Thank you! Claudette Selph

I live in Mariposa

Sent from my iPhone

**From:** David McGuffie
**To:** REBECCA MARTINEZ
**Subject:** Library R68
**Date:** Thursday, May 11, 2023 10:40:35 AM

Caution! This message was sent from outside your organization.

You don't often get email from david.r.mcguffie@gmail.com. Learn why this is important

Please pass R68. There is no reason for any book to be banned. If you truly believe in the first ammendment, every book is an extension of that.

On another note, when are you going to finish paving the rest of Southern?

And speaking of paving roads, you do know that your city is only as beautiful as some of the most unattractive areas.
We all need our streets re-paved and it would be nice if you started with some of the older communities.

One last thought when you start to think about R68.....
Your religious freedom ends when you try to force it on others.
So while some of our constituents may start quoting scripture to get these books banned, please remind them WE, as Americans, have the right to choose for ourselves what we want to read, and to ban books is to oppress others and stick your nose up to the First Ammendment.

Thank you for your time and for taking the time to read my email.

Respectfully,
David McGuffie

| | |
|---|---|
| **From:** | Lorrie Runnels |
| **To:** | GREGGORY HULL; Karissa Culbreath; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Daniel Stoddard; REBECCA MARTINEZ |
| **Subject:** | in support of Rio Rancho Public Library |
| **Date:** | Wednesday, May 10, 2023 5:13:56 PM |

Caution! This message was sent from outside your organization.

Some people who received this message don't often get email from lorrie.b.runnels@gmail.com. Learn why this is important

City of Rio Rancho
Governing Body
3200 Civic Center Circle NE
Rio Rancho, NM 87144

May 10, 2023

As working librarians in New Mexico, we would like to voice our support for the Rio Rancho Public Library and its commitment to the First Amendment and the American Library Association's statement that the freedom to read is essential to our democracy. As Thomas Jefferson said, "Reason and free inquiry are the only effectual agents against error." (Thomas Jefferson, *Notes on the State of Virginia*, Query XVII, "Religion") Removing books from public libraries erodes our country's commitment to freedom of expression.

We believe parents can guide their own children's reading choices but should not dictate what others are allowed to read. Please reject any efforts to ban books. Allow individuals and parents to make decisions about what they can read and believe.

Sincerely,

Ken Dayer, librarian, Silver City, NM

Lillian Galloway, librarian, Silver City, NM

Lorrie Runnels, librarian, Silver City, NM

Abigail Kipp, librarian, Silver City, NM

--
Lorrie Benjamin Runnels

**From:** mbaron
**To:** GREGGORY HULL; REBECCA MARTINEZ; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Karissa Culbreath
**Subject:** R68
**Date:** Wednesday, May 10, 2023 6:02:39 PM

Caution! This message was sent from outside your organization.

Some people who received this message don't often get email from michael@michaelbaronphd.com. Learn why this is important

I wish to indicate that I am in SUPPORT of R68 Resolution in Support of the Library and Information Services Deportment and its Staff, Policies, and procedures. At one of your prior meetings, I shared my support.

Worldwide, the distance between birth and death is about 72 years on average. Most people would like that ride to be as joyous and pain-free as possible. Pettiness and hate come in many forms. If people would focus on enhancing their *own* happiness and health, and jettison their “shoulds” for others *everyone* would be a lot better off. Go in peace and not to pieces.

Michael Baron, Ph.D.
1496 Sagebrush Drive
Corrales, NM 87048-8305
505-269-1131
michael@michaelbaronphd.com
www.michaelbaronphd.com

| | |
|---|---|
| **From:** | Pamina Deutsch |
| **To:** | GREGGORY HULL; REBECCA MARTINEZ; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Karissa Culbreath |
| **Subject:** | I Support R68, Resolution in Support of the Rio Rancho Library Policies and Proceures |
| **Date:** | Wednesday, May 10, 2023 4:13:22 PM |
| **Attachments:** | RR Library resolution 11May23.pdf |

Caution! This message was sent from outside your organization.

Some people who received this message don't often get email from pdeutsch@unm.edu. Learn why this is important

Dear Mayor Hull, Clerk Martinez, and Councilors Owen, Lenentine, Tyler, Wymer, and Culbreath,

I am writing in support of R86," Resolution in Support of the Library and Information Services Department and its Staff, Policies, and Procedures." I am a longtime resident of Sandoval County and have been issued a Rio Rancho Libraries card. Last month, I attended the two meetings of the City Council in which representatives of New Mexico Mass Resistance and other similar groups sought to have several LBGTQ+-oriented books removed from the library, in order to promote their anti-gay, anti-transgender agendas. I and other family members spoke out against the removal of the books during the City Council's public comment sessions. As I understand, the proposed resolution reiterates existing Rio Rancho Library and American Library Association policies.

Throughout this process, I have been impressed with how you have handled this controversy, allowing for ample public comment even though it lengthened your meetings considerably. In particular, I was impressed with the detailed presentations that the City Manager and City Attorney made on April 27th.

Thanks for considering my comments and for your service.

Pamina Deutsch

---

Pamina M. Deutsch (she/her/hers)
Home: 505.898-4799
Cell: 505.269-5528
Email: pdeutsch@unm.edu

**From:** Judy Deutsch
**To:** GREGGORY HULL; REBECCA MARTINEZ; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; koulbreath@rrnm.gov
**Date:** Thursday, May 11, 2023 9:49:56 AM

Caution! This message was sent from outside your organization.

You don't often get email from revjd@aol.com. Learn why this is important

Dear Rio Rancho Officials:

Please vote in favor of R68, the Resolution in support of the Library and Information Services and its Staff, Policies and Procedures.

Having listened to some of you at th last two Council meetings, I believe that you understand the importance of a public library and the need for its staff to be able to select the books its population needs.

Therefore, I have faith that you will support 68.

Sincerely,
Reverend Judy Deutsch

**From:** Nancy Hitt
**To:** GREGGORY HULL; REBECCA MARTINEZ; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Karissa Culbreath
**Subject:** R68
**Date:** Thursday, May 11, 2023 11:34:09 AM

Caution! This message was sent from outside your organization.

Some people who received this message don't often get email from ministeruuwc@gmail.com. Learn why this is important

To: Rio Rancho City Council
From: Rev. Dr. Nancy Hitt
Re: R68

Please vote in favor of passing R68, the resolution that affirms the city library's Collection Development Policy when you vote this evening.

As the minister of the Unitarian Universalist Westside Congregation in Rio Rancho, I speak on behalf of my congregation in asking for your protection in regard to freedom of choice and access to books. We believe strongly that part of what makes Rio Rancho the "City of Vision" is open access to the reading material of choice for its citizens. When access to books is banned, vision suffers and the people languish. We encourage you to act for justice and protect liberty on behalf of your community. Vote YES to affirm R68.

As a private citizen who has enjoyed the use of the Rio Rancho Public Library system for ten years, I urge you to vote to affirm R68 and preserve the range of choice in literature of all sorts for the citizens of your community. Our freedom to think and speak are nurtured by this valuable resource. Do not dumb down your city!

Thank you.

Virus-free.www.avast.com

## REBECCA MARTINEZ

**From:** Rick Foley <rcfoley@hotmail.com>
**Sent:** Wednesday, May 10, 2023 6:21 PM
**To:** REBECCA MARTINEZ
**Subject:** Please support our Librarians

[You don't often get email from rcfoley@hotmail.com. Learn why this is important at https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fus-east-2.protection.sophos.com%2F%3Fd%3Daka.ms%26u%3DaHR0cHM6Ly9ha2EubXMvTGVhcm5BYm91dFNlbmRlcklkZW50aWZpY2F0aW9u%26p%3Dm%26i%3DNjNhMjNjZTRmMDNkNmMxMTVmMmNlZmQ2%26t%3DOTBBendUVmwrc0VSbTZaNnhBR0ZuMlRkK3doZXkwTVNLckI0cktZRVJaND0%3D%26h%3Da50943d136de470eb1e56810e053179b%26s%3DAVNPUEhUT0NFTkNSWVBUSVYDhN-D1RIQssk0P-jwPk8E04RF6OP7ena6WLS4vAWy4g&data=05%7C01%7Cramartinez%40rrnm.gov%7C4158102fa434435cc09608db51b59d38%7C85f89ab989ad408d8ea95572052f806c%7C0%7C0%7C638193612708775247%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C2000%7C%7C%7C&sdata=GaqqGiaop%2F7%2BQ6Wn8BAoio4FrDm2mjYD2ueEz7KhWzc%3D&reserved=0 ]

I, Richard Foley and my wife Christine, support Rio Rancho Librarians in their efforts to expand education through reading in all forms available. Please support R68. Banning books is not an American ideal. It is an authoritarian edict that is wholly undemocratic at its face.

Richard Foley
1301 Mesa Verde Dr.
Rio Rancho, NM

Sent from my iPhone

## REBECCA MARTINEZ

**From:** Sonny King <claudelking@yahoo.com>
**Sent:** Thursday, May 11, 2023 8:39 AM
**To:** REBECCA MARTINEZ
**Subject:** Resolution to protect our libraries

[You don't often get email from claudelking@yahoo.com. Learn why this is important at https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fus-east-2.protection.sophos.com%2F%3Fd%3Daka.ms%26u%3DaHR0cHM6Ly9ha2EubXMvTGVhcm5BYm91dFNlbmRlcklkZW50aWZpY2F0aW9u%26p%3Dm%26i%3DNjNhMjNjZTRmMDNkNmMxMTVmMmNlZmQ2%26t%3DOTBBendUVmwrc0VSbTZaNnhBR0ZuMlRkK3doZXkwTVNLckI0cktZRVJaND0%3D%26h%3D34930f390851414f890ec4645096898d%26s%3DAVNPUEhUT0NFTkNSWVBUSVZuKxAjfyeNJkutESm0QI0wydfQoZiHpDxvLZWa2m_lKA&data=05%7C01%7Cramartinez%40rrnm.gov%7Ca4b2d41e1e394752e11e08db522d73e9%7C85f89ab989ad408d8ea95572052f806c%7C0%7C0%7C638194127408017486%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=lN%2Bozjlyd9PCxQJSHpyGm737DVUdtZ9hmV%2FEnSD5m0s%3D&reserved=0 ]

As a resident of Rio Rancho I urge you to support and pass the resolution to protect our libraries.

Sent from my iPhone

**From:** Sue Piland
**To:** REBECCA MARTINEZ
**Subject:** Library
**Date:** Wednesday, May 10, 2023 4:41:17 PM

Caution! This message was sent from outside your organization.

You don't often get email from owlgranny@gmail.com. Learn why this is important

RA Martinez

I am writing to express my support of the Resolution in Support of the Library and Information Services Department and its Staff, Policies, and Procedures.

Libraries and the free information within are a vital part of our community, our intellectual and emotional lives, and as a statement that our city believes in open discourse and access to reading and other materials, thus supporting our constitional rights.

Thank you for respecting our libraries and the professionals that work within. Thank you, Susan Piland

--
Do not disturb sleeping dragons as you are crunchy and go well with ketchup!
Owlgranny

| | |
|---|---|
| **From:** | Susan Sheldon |
| **To:** | GREGGORY HULL; Karissa Culbreath; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Daniel Stoddard; REBECCA MARTINEZ |
| **Cc:** | Executive Committee |
| **Subject:** | Please Support Our Freedom to Read |
| **Date:** | Thursday, May 11, 2023 10:08:27 AM |
| **Attachments:** | image.png<br>image.png |

Caution! This message was sent from outside your organization.

You don't often get email from susansheldon@santafelibraryfriends.org. Learn why this is important

books & beyond...

FRIENDS of the Santa Fe Public Library

145 Washington Avenue, Santa Fe, NM 87501 www.santafelibraryfriends.org

Dear Mayor Hull and Councilors:

On behalf of the Friends of the Santa Fe Public Library Board of Directors, we strongly encourage you to support every citizen's freedom to read and the American Library Association's Library Bill of Rights https://www.ala.org/advocacy/intfreedom/librarybill. .

Libraries are essential to our democracy and provide free access to information and the expression of ideas. We trust that all Americans can make their own decision about what is best for them and their families to read .

Respectfully yours,

Susan M. Sheldon
President
Friends of the Santa Fe Public LIbrary

Cc: Executive Committee

**From:** Terri Garner
**To:** REBECCA MARTINEZ
**Subject:** Rio Rancho Public Libraries
**Date:** Thursday, May 11, 2023 12:18:24 PM

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You don't often get email from terrigarner2022@gmail.com. Learn why this is important

Please adopt the resolution because it is the right thing to do; that fighting against censorship in the public library is a stand for the First Amendment, and that Free Speech is essential for a free and open democracy.

Thank you

Mary Garner
312 Pinnacle Dr. SE
Rio Rancho, NM. 87124

| | |
|---|---|
| **From:** | Dr. Norm Dawson |
| **To:** | GREGGORY HULL; REBECCA MARTINEZ; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer |
| **Cc:** | Karissa Culbreath |
| **Subject:** | R68 |
| **Date:** | Thursday, May 11, 2023 3:09:18 PM |

Caution! This message was sent from outside your organization.

Some people who received this message don't often get email from drnorm@gmail.com. Learn why this is important

Mister Mayor, City Clerk and Rio Rancho Councilors,

I am writing to support R68, Collection Development Policy.

Please vote in favor of this resolution that is very important to the citizens of Rio Rancho.

Thanks,

Norm Dawson

505-252-7773

Corrales, NM 87048

| | |
|---|---|
| **From:** | Marcy Botwick |
| **To:** | ghull@rrnm.go; Karissa Culbreath; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Daniel Stoddard; REBECCA MARTINEZ |
| **Subject:** | In support of the Rio Rancho Resolution in Support of the Library |
| **Date:** | Thursday, May 11, 2023 12:47:39 PM |
| **Attachments:** | image001.png |

Caution! This message was sent from outside your organization.

Some people who received this message don't often get email from mbotwick@unm.edu. Learn why this is important

Dear Governing Officials,

Cynthia Greenlee recently wrote an essay for *The New York Times* about a 1959 controversy surrounding a children's picture book called *The Rabbits' Wedding*. The book is about the marriage of a black bunny to a white bunny and was created by Garth Williams, the celebrated illustrator of Laura Ingalls Wilder's "Little House on the Prairie" series. The simple text sparked intense debate across the country causing national groups to become involved in local politics. Library funding was threatened, and the book was banned in Alabama. According to Greenlee, the White Citizen's Council, a nationally funded white supremacist group, specifically argued that "that the book amounted to grooming by literary means, conditioning preschoolers to cross the color line."

Sixty-five years later, Rio Rancho is facing a similar threat. As you know, the recent attempts at book banning in your town are part of a larger, organized, national effort to curtail free speech. The subject matter of the books may have changed but the authoritarian impulse to control access to information is the same. In both cases, national groups use strong arm tactics and intimidation to impose their values and worldview on others.

Though the book was taken from the shelves of most Alabama libraries, one librarian, Emily Wheelock Reed, refused to acquiesce to pressure from the white supremacist organization and kept the book available through a state loan program. History has validated her support for freedom of information and her refusal to let the book be taken out of the system. Reed's bravery stands in counterpoint to the short-sighted tactics and overtly bigoted and malignant motives of groups who would ban books.

As a librarian who has worked in both public and academic libraries for 20 years, I am writing to commend your vote for the Rio Rancho's Library Collection Development Policy and your support for the ALA Bill of Rights and Freedom to Read Statements. Your vote to stand against censorship and for freedom of speech will also stand the test of time.

**Marcy Botwick**

LIS 3, Zimmerman Library

University of New Mexico

(she, her, hers)

mbotwick@unm.edu

COLLEGE OF UNIVERSITY LIBRARIES & LEARNING SCIENCES

https://www.nytimes.com/2023/04/26/books/review/garth-williams-the-rabbits-wedding-banned-books.html?smid=url-share

**From:** Kate Nichols
**To:** REBECCA MARTINEZ
**Cc:** Clerk
**Subject:** FW: R68
**Date:** Thursday, May 11, 2023 1:37:17 PM
**Attachments:** image001.png
image002.png
image003.png
image004.png

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Hi Rebecca – Mayor asked me to send this one to you.

Thank you,


**Kate Nichols**
*Executive Assistant*

**Office of the Mayor & City Manager**

**O:** 505.891.5001

RRNM.gov |


---

**From:** Norm Ruth <norm.ruth@deluxedesign.com>
**Sent:** Thursday, May 11, 2023 12:34 PM
**To:** GREGGORY HULL <ghull@rrnm.gov>
**Cc:** Jim Owen <jowen@rrnm.gov>; Bob Tyler <btyler@rrnm.gov>; Karissa Culbreath <kculbreath@rrnm.gov>; Paul Wymer <pwymer@rrnm.gov>; Daniel Stoddard <dstoddard@rrnm.gov>
**Subject:** R68


Caution! This message was sent from outside your organization.

Some people who received this message don't often get email from norm.ruth@deluxedesign.com. Learn why this is important


Dear members of the Governing Body,

I wanted to personally thank you for addressing the issue at hand, with eyes and minds open. In my personal opinion, as a member of the Rio Rancho community, with children, as well as a business owner, going way back to Southern Blvd in the 80's, I applaud the sponsors effort to maintain the existing fair standards.


Norman C. Ruth
Vice President
Deluxe Design, Inc.
3646 NM Hwy 528 NE

Rio Rancho, NM 87144
P 505-892-8090
C 505-301-4710
DeluxeDesign.com

**From:** Raelynn Richardson
**Subject:** City Governance Meeting 5-11 Legislation Item: R68
**Date:** Thursday, May 11, 2023 1:09:06 PM

Caution! This message was sent from outside your organization.

You don't often get email from rvrichardson13@gmail.com. Learn why this is important

Hi,

I am a Rio Rancho resident and an academic librarian. While I have never worked at our public library, I am a frequent patron, I love our public library, they have been such a great resource for myself and our community!

Our librarians need to be able to have the ability to provide information to all, based on the ALA Bill of Rights and Freedom to View.

A small group should NOT be able to take away valuable information and reading material from others. That is truly Un-American and Un-Democratic.

All communities deserve access to reading material, if others do not agree, they do not have to read. Censorship only hurts the already marginalized members of any community. Based on the titles discussed at previous meetings, it is obvious which community is being targeted.

This is not about children, this is about censorship.

We are all residents of Rio Rancho, please don't allow additional harm by supporting censorship.

Please vote in favor of supporting the library at the governance meeting today.

Thank you,
Raelynn V Richardson
2801 51st St NE
Rio Rancho, NM  87144

| | |
|---|---|
| **From:** | Kathy Barco |
| **To:** | GREGGORY HULL; Karissa Culbreath; Jim Owen; Jeremy Lenentine; Bob Tyler; Paul Wymer; Daniel Stoddard; REBECCA MARTINEZ |
| **Cc:** | Jason Shoup |
| **Subject:** | Just say NO to Book Banning!!!! |
| **Date:** | Thursday, May 11, 2023 4:22:16 PM |

Caution! This message was sent from outside your organization.

I am writing in support of the Rio Rancho Library's Freedom to Read policy and against attempts to ban and censor library materials.

As a former children's librarian and literacy coordinator with the Albuquerque Public Library, I'm a crusader for reading anything and everything, including banned/challenged books.

Lately, the most frequently banned/challenged books have LGBTQ content.

Books can have two purposes: as mirrors, and as windows. A person often looks for the "me" in a book. The reader hopes to see him or her self, or recognize something personal. . . . family situation, school experiences, a similar personality, even something as simple as a pet. This is the "mirror" aspect of a book. For example, many LBGTQ books on several reading levels provide such information.

As for the "window" analogy, readers who don't consider themselves part of the LGBTQ community can gain understanding of the subject, often with a glimpse into someone's life via a biography or memoir or novel.

A person can learn how to be a beekeeper, or an astronaut, or a firefighter by reading non-fiction and fiction books on those topics. Similarly, someone trying to find out more about their own or another person's sexuality can gain insight from a book or books.

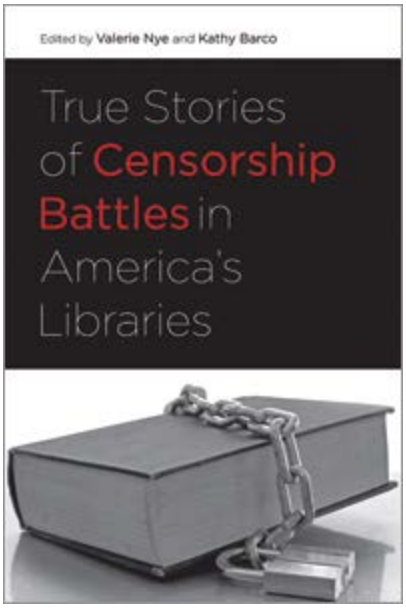
At this point I will bring up the book *Crank*, the first book written by Ellen Hopkins. Published in 2004, it is based loosely on the real life addiction of the author's daughter to crystal meth.This YA (Young Adult) book became a *New York Times* Bestseller, as have virtually all of Hopkins' subsequent titles. Additionally, it has frequently turned up on the American Library Association's lists of Banned and Challenged Books. In fact, it tied for Number 10 on the recently released list for 2022, having received 48 challenges that year. Reasons given for the challenges: drug use and claims that portions were sexually explicit.

I'm the co-editor of *True Stories of Censorship Battles in America's Libraries*, published by ALA Editions in 2012. My co-editor, Valerie Nye, and I were fortunate enough to persuade Ellen Hopkins to write the Foreword to our book. Although currently unavailable in the Rio Rancho Library Catalog, our book is easily obtained via Interlibrary Loan. The 31 chapters (or "stories") describe librarians' experiences in a wide variety of types of libraries. And not every story has a happy ending. My own chapter details a challenge I faced when I was children's librarian at the Taylor Ranch branch of the Albuquerque/Bernalillo County Library. Although our book was published over 10 years ago, it has sold nearly 1000 copies in paperback and electronic versions. And we're still getting royalty statements!

But I digress. I *fervently* encourage you not to give in to the factions that want to restrict access to information by children, young adults, and adults.

Please don't cover the mirrors. Please don't shut the windows.

Kathy Barco
kathy.barco@gmail.com



**From:** Kate Miller
**To:** REBECCA MARTINEZ
**Subject:** In support of R68
**Date:** Thursday, May 11, 2023 4:05:18 PM

Caution! This message was sent from outside your organization.

You don't often get email from katemillerdtc@aol.com. Learn why this is important

Dear Ms. Martinez,

I am writing in support of R68. I support the passage of this resolution in order to support the rights and freedoms of all individuals and affirming the library's Collection Development Policy.

Thank you for your consideration.

Sincerely,
Kathryn J. Miller PhD
Placitas Community Library Board Member

**CITY OF RIO RANCHO**
**RESOLUTION**

**RESOLUTION NO. 68** **ENACTMENT NO. 23-070**

**SPONSORS: MAYOR GREGGORY HULL, DISTRICT 3 COUNCILOR BOB TYLER AND DISTRICT 5 COUNCILOR KARISSA CULBREATH**

**RESOLUTION IN SUPPORT OF THE LIBRARY AND INFORMATION SERVICES DEPARTMENT AND ITS STAFF, POLICIES AND PROCEDURES**

**WHEREAS:** the public library serves the more than 105,000 residents of Rio Rancho by providing books, movies, music, events, programs, resources, and more to enhance the quality of life in the community and make information available; and

**WHEREAS:** the public library has material on thousands of topics (more than over 1.3 million items available); and

**WHEREAS:** the public library is funded by all community taxpayers who have diverse interests; and

**WHEREAS:** the public library's Collection Development and Materials Selection Policy conforms to the American Library Association (ALA) Library Bill of Rights, Freedom to Read Statement, and Freedom to View Statement; and

**WHEREAS:** public library staff use reputable, unbiased, and professionally prepared tools to select and add materials to the public library collection to meet the needs of the population the public library serves; and

**WHEREAS:** public library staff provide access to information and with such a broad spectrum of ideas and information available, it is inevitable that people will occasionally encounter resources with which they disagree; and

**WHEREAS:** the public library has a Request for Reconsideration Policy that allows a member of the public to ask for reconsideration of the selection or placement of an item in the library collection by professional public library staff; and

**WHEREAS:** public library users can suggest titles for purchase that reflect their beliefs, with efforts made by professional public library staff to acquire and add titles to the public library collection per the Collection Development and Materials Selection Policy; and

**WHEREAS:** the professional public library staff catalogs, arranges, and houses materials at the public library based on the publisher's intended audience; and

**WHEREAS:** the Library Child Safety Policy states that responsibility for children in the

library public rests with the parent or guardian; and

**WHEREAS:** the Library Card Policy contains the following provisions pertaining to those ages 17 and under: (a) Full Access Card - available to 17 years of age and under accompanied by an adult parent or guardian with photo ID and signature (allows for checkout of 30 physical items and all electronic services); (b) Child Card – available to 17 years of age and under accompanied by an adult parent or guardian with photo ID and proof of in-state address and signature (allows for checkout of 30 physical items from Children's Collection only); and (c) Youth Card – available to self-declared residents 17 years of age and under who can provide name and date of birth (allows the holder to checkout maximum of 2 books from Children's Collection only).

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:**

1. That the Governing Body supports the Library and Information Services Department and its staff.

2. That the Governing Body believes that sufficient procedures (e.g., items cataloged and arranged in separate collections and areas for children, teen, and adult; availability of different library card types) are in place regarding age-related accessibility of the materials available at public libraries.

3. That the Request for Reconsideration Policy related to the selection or placement of an item in the public library collection is the appropriate avenue to address any concerns related to library materials.

4. The responsibility for children at a public library, and decisions about what materials are suitable, rests with the parent or guardian.

ADOPTED THIS 11th DAY OF MAY, 2023.

Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk

(SEAL)