

Special Meeting-September 23, 2008

The Board of Trustees of the Village of Tularosa met in a Special session on Tuesday, September 23, 2008 at 7:00 P. M. in the Court/Conference Room of the Public Safety Facility located at 609 St. Francis Drive, Tularosa, New Mexico.

**Present:** Mayor Ray S. Cordova, Trustee Fred Tyler, Trustee Patrick Garcia, Trustee Thomas McKean, Trustee Gloria Sainz as well as Village Attorney Jefferson Rhodes and Village Clerk Dianna Brusuelas.

Mayor Ray S. Cordova called the meeting to order asking that all rise and join in the Pledge of Allegiance.

#### **Item 1. Consideration of Agenda**

Trustee Thomas McKean moved to consider the Agenda requesting to postpone Item 5 and Item 6 as Mr. Morel is out of town at this time. Trustee Gloria Sainz seconded the motion.

Trustee Patrick Garcia asked when the village would address the items. Attorney Jeff Rhodes suggested placing them on the agenda of the next regular meeting.

**Roll Call Vote:** Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. With all members of the Board voting in the affirmative, motion carried.

#### **Item 2. Executive Session as per Section 10-15-1 (H) of the Open Meetings Act, threatened or pending litigation. Re: Enforcement of Alamo Disposal Waste Collection Contract, including the right to terminate**

Attorney Jeff Rhodes suggested combining the executive session with Item 4 as well.

Mayor Cordova read **Item 4. Executive Session as per Section 10-15-1 (H) of the Open Meetings Act subject to the attorney-client privilege pertaining to threatened or pending litigation Re: Application by David & Julia Christopher OSE File No. SP-4896**

Trustee Thomas McKean moved to go into executive session for items 2 and 4 for pending litigation for Waste Collection Contract and for the application for David Christopher state engineer file. Trustee Fred Tyler seconded the motion.

**Roll Call Vote:** Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. With all members voting in the affirmative the motion to go into executive session was passed.

The Mayor and Members of the Board retired into executive session at 7:07 P. M.

The meeting reconvened at 8:05 P. M. with Mayor Cordova stating that the matters discussed in the closed session were limited to only those specified in the motion for closure.

**Item 3. Consideration of termination of Alamo Disposal Waste Collection contract or other enforcement of contract**

Trustee Thomas McKean moved to direct the attorney to send notice of numerous defaults and non-performance setting the breach's of the contract to be cured, with notice of intention to terminate if default cure is not timely cured. Trustee Fred Tyler seconded the motion.

**Roll Call Vote:** Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. With all members of the Board voting in the affirmative, the motion passed.

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On item 4, attorney Jeff Rhodes suggested placing the consideration of Item 4 on the agenda of the October meeting.

**Item 7. Adjourn**

Trustee Thomas McKean moved to adjourn and was seconded by Gloria Sainz. The meeting adjourned at 8:07 P. M. with a voice vote by all.

The written minutes are the official minutes of the meeting. The recorded compact flash are part of the minutes only for interpreting any ambiguity in the written minutes. When the minutes are approved and signed the written minutes are the official minutes of the meeting.

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Ray S. Cordova, Mayor

ATTEST:

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Dianna R. Brusuelas, Village Clerk

Minutes approved by the Board of Trustees at the Regular Meeting of October 21, 2008.