

## **Regular Meeting-August 15, 2012**

The Mayor and the Board of Trustees of the Village of Tularosa met in a Regular Meeting on Wednesday, August 15, 2012 at 7:00 P. M. in the Court- Conference Room of the Pubic Safety Facility located at 609 St. Francis Drive, Tularosa, New Mexico.

**Present:** Mayor Ray S. Cordova

Trustee Patrick A. Garcia

Trustee Gloria R. Sainz

Trustee Joseph Lueras

Trustee Fred Tyler

Also present was Village Attorney Jefferson Rhodes, Richard Gutierrez, Grants

Coordinator, Monica Voorbach Payroll/AP Clerk and Dianna Brusuelas-Guilez Village Clerk.

At 7:03 P. M. Mayor Ray S. Cordova called the meeting to order asking that all rise and join him in the Pledge of Allegiance and the Salute to the Flag of the State of New Mexico.

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

Trustee Joseph Lueras moved to approve the agenda and consent agenda switching item 7 to 8 and 8 to 7.

Motion was seconded by Trustee Fred Tyler.

**Roll Call Vote:** Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye.

Tyler, aye. Motion carried with all board members voting aye.

### **Item 2. Unscheduled Correspondence and Public Comments**

A constituent asked why the switch. Mayor Cordova asked Trustee Joseph Lueras to explain since he made the motion. Trustee Lueras explained that Susan was under the Judicial budget and if she is not hired then the Judicial Department would not loose part of their budget. Another question arose asking if she was under the umbrella of the Judge. Trustee Lueras answered that currently she is but would be moved to Legislative. Questions arose regarding the posting of the position. Response was that there was no recollection of the posting since the position has been renewed for years. Attorney Jeff Rhodes stated that New Mexico Statute permits the Mayor to appoint employees to get voted on by the board. The Mayor can hire until the next regular meeting where the board votes on it, nothing in State Statute requires posting. It was asked if then the policy was null and void, response was no but policy is typically a rule to guide decisions.

Trustee Fred Tyler thanked the Department Heads that provided the monthly reports and proceeded to name them.

Trustee Patrick Garcia commented on the Police Department being out on the lanes since the start of school.

**Item 3. Dianna Brusuelas-Guilez-Information: DFA-Local Government Division has granted a conditional certification of the Final FY 2012-2013 Budget**

No action.

**Item 4. Rick Gutierrez-Approval of Resolution 2012-2013-03 applying for a waiver of local entities matching funds for 2013 Road Co-Op Project**

Trustee Fred Tyler moved to approve Resolution 2012-2013-03 applying for a waiver of local entities matching funds for 2013 Road Co-Op Project.

Trustee Joseph Lueras seconded the motion.

**Roll Call Vote:** Trustee Garcia, aye. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all members voting aye.

**Item 5. Dianna Brusuelas-Guilez-Approval of Resolution 2012-2013-04 desiring the services of the Southeastern New Mexico Economic Development District and becoming a member of the Council of Governments at an annual contribution of \$1,000.00**

Trustee Patrick Garcia moved to approve.

Trustee Joseph Lueras and Trustee Fred Tyler both seconded the motion.

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

**Item 6. Dianna Brusuelas-Guilez-Consider for Adoption Ordinance 244 - adopting new sections 70.01(B)(6) and 70.01(B)(7); adopting amendments to the 2010 Uniform Traffic Ordinance and amending subsection 151.02(A) and to Publish by Title and Subject Matter**

Trustee Fred Tyler made a motion to approve adoption of ordinance 244 adopting new sections 70.01(B)(6) and 70.01(B)(7), adopting amendments to the 2010 Uniform Traffic Ordinance and amending subsection 151.02(A) and to Publish by Title and Subject Matter.

Trustee Patrick Garcia seconded the motion.

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

**Item 7. (previously Item 8.) Mayor Ray S. Cordova-Approval of Temporary Employment Agreement with Susan Flores from July 1, 2012 to December 31, 2012 at \$10.00 per hour with no more than 20 hours per week as per Chapter II, Section 20.01, Paragraph E of the Village of Tularosa Employee Personnel Policy**

Trustee Patrick Garcia moved to approve.

Trustee Fred Tyler seconded the motion with a change in the time frame from July 1, 2012 to 90 days.

Mayor Ray Cordova advised Trustee Tyler that at this time he could only 2nd the motion but not change it.

Attorney Jeff Rhodes explained that he could 2nd and offer an amendment then the person who makes the motion has to agree.

Trustee Fred Tyler then seconded the motion with an amendment to approve temporary employment agreement with Susan Flores from July 1, 2012 to 90 days thereafter with the caveat that her monthly report explain who, where and how the hours were used of every hour that she is accounting for. Trustee Garcia asked if they were open for discussion. Mayor Cordova said the change has to be approved. Trustee Tyler asked Trustee Garcia if he approved the amendment. Trustee Garcia said he did. Mayor Cordova asked if that had to be brought to a vote. Attorney Jeff Rhodes said it is now up for discussion and the motion that's on the table is the motion that was made as amended by the second. Mayor Cordova said that if he was requiring a detailed report from Susan then he would have to require a detailed report from all supervisors. Trustee Garcia said that there is no doubt that Susan Flores does a great job with Keep Tularosa Beautiful but often times it gets muddled with the duties of Community Service Coordinator and wanted that clarified. Trustee Garcia said he has argued nepotism for the past three years and the reason is that her husband is the Judge and Ms. Flores gets paid out of the Judicial fund and until recently her office was located in the Judicial secretaries office Trustee Garcia wondered why the Assistant to the judge can't handle the community service workers. Trustee Joseph Lueras again brought up nepotism, coming that we are a small community he felt that there would be some sort of relationships in the work areas and named several other employees and relatives. Trustee Tyler said the definition of nepotism is somebody working with someone that is their supervisor within the third degree. After much discussion by the audience Trustee Garcia called, Point of Order. Mayor Cordova asked the board if they had something else to say. Trustee Gloria Sainz said her concern was Ms. Flores getting paid out of the Judicial budget and felt she should be moved and get paid from another department.

After explanation from Attorney Jeff Rhodes, Trustee Gloria Sainz seconded the amendment and a roll call vote was taken.

**Roll Call Vote:** Trustee Garcia, aye. Trustee Lueras, nay. Trustee Sainz, aye. Trustee Tyler, aye.

Mayor Cordova explained that now the amendment was part of the main motion.

Roll call vote was then called on the main motion.

**Roll Call Vote:** Trustee Garcia, nay. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, nay. With a two and two vote Mayor Cordova broke the tie by voting aye.

**Item 8. (previously Item 7.) Mayor Ray S. Cordova-Remove line item (101-0200-41030) and Budget from Judicial. Insert line item (101-0100-41030) and Budget to Legislative. Decrease Payroll taxes (101-0200-42010) by \$796.00. Increase Payroll taxes (101-0100-42010) by \$796.00. Rename: Temporary Community Service Coordinator- Resource Officer**

Trustee Joseph Lueras moved to approve item 8 and was seconded by Trustee Fred Tyler.

**Roll Call Vote:** Trustee Garcia, nay. Trustee Lueras, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried one member voting nay and three members voting aye.

### **Item 9. Old Business**

Trustee Patrick Garcia asked the Chief of Police and the Mayor what the status was on the old propane place, Otero' Mini Mart and the area on Gallegos Lane.

Chief Wood responded that two properties have responded and are working on them and one he is getting ready to file a lien on. There was discussion on citing the one into court.

**Item 10. New Business**

Mayor Ray S. Cordova mentioned to the Board that a contract with the county is in the works allowing the village Solid Waste to dump at the La Luz Convenience center rather than at the one near Oro Grande.

Trustee Fred Tyler asked if there was going to be a grand opening of the Recycling Center in Tularosa, response was yes.

**Item 11. Adjourn**

There being no further business to come before the Board Trustee Patrick Garcia moved to adjourn, seconded by Trustee Joseph Lueras.

The meeting adjourned at 8:15 P. M.

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Ray S. Cordova, Mayor

ATTEST:

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Dianna R. Brusuelas-Guilez, Village Clerk

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.

Minutes approved by The Board of Trustees at the Regular Meeting of September 19, 2012.