

Regular Meeting-December 19, 2012

The Mayor and the Board of Trustees of the Village of Tularosa met in a Regular Meeting on Wednesday, December 19, 2012 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 Patrick A. Garcia

Trustee Joseph Lueras

Trustee Gloria R. Sainz

Trustee Fred O. Tyler

Also present was Village Attorney Jefferson Rhodes, Richard Gutierrez Grant's Coordinator as well as Dianna Brusuelas-Guilez Village Clerk.

At 7:00 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 Patrick Garcia asked about a bill for repairs to a surveillance camera. Chief Chuck Wood explained that the expense was to rebuild a power supply to the police department's cameras.

Trustee Patrick Garcia asked about raises for employees and the Police Department. Mayor Cordova suggested using the Small Cities Assistance Fund which comes in about April and then to consider raising water, sewer and garbage rates.

Trustee Fred Tyler moved to approve the consideration of the agenda and the consent agenda. Trustee Patrick Garcia seconded the motion.

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

Item 2. Unscheduled Correspondence and public comments

Trustee Fred Tyler said the village needs to consider installing cameras at the Community Center because over the weekend someone vandalized the play-ground equipment at the Head Start.

Chief Wood said he has asked for quotes for cameras to different buildings and will have them available.

Trustee Patrick Garcia made note that the 2nd Hand Store has cleaned up a little in front of the old Wells Fargo building.

Item 3. Rick Gutierrez-Approval of Adoption of Resolution 2012-2013-7 Authorizing and approving submission of application for financial assistance and project approval to the New Mexico Finance Authority

Trustee Patrick Garcia moved to approve the Adoption of Resolution 2012-2013-7 and was seconded by Trustee Fred Tyler.

Trustee Tyler asked if there was a match and the response from Mr. Richard Gutierrez was no that it was total grant.

Trustee Joseph Lueras asked what this was about. Mr. Gutierrez said it was for a Comprehensive Plan which has to be done about every 10 years and is a study of a community, where it plans to go in the future, it involves community

members, students from the schools and the governing body. Trustee Lueras asked who performs the work and Mr. Gutierrez said it is contracted out.

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

Item 4. Rick Gutierrez-Approval to accept Colonias funding of \$350,863.00 with a 10% loan component

Trustee Gloria Sainz moved to approve the acceptance of Colonias funding with a 10% loan component.

Trustee Joseph Lueras seconded the motion asking what the money would be used for. Mr. Rick Gutierrez said it would be used to upgrade the water plant. Trustee Lueras asked for a detailed list of what would be done to the water plant for the funding.

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

Item 5. Mayor Ray S. Cordova-Approval to purchase a Recreation Van and a Village vehicle through the State Purchasing Contract

Trustee Joseph Lueras asked if there was a need for a village car and a recreation van. Mayor Cordova explained that when the recreation van was purchased the village paid four or five thousand for it and just last month had \$1,000.00 worth of repairs and still needs the breaks worked on and does not want to keep sticking money into an old van that transports kids.

Trustee Patrick Garcia agreed with the Mayor stating that the board is quick to approve things for the seniors but when it comes to recreation and the youth in our community we question, Trustee Garcia feels a van is desperately needed because the recreation makes constant trips to Alamogordo and the field trips to Wet and Wild etc.

Mayor Cordova said the village car has high mileage and is old and doesn't feel safe traveling with it across the state.

Trustee Lueras asked for an explanation as to where the money is coming from for the vehicles. Village Clerk Dianna Brusuelas-Guilez said the village had a Debt Service loan and one of the requirements was to have a CD with one years worth of payments and a reserve fund with one years worth of payments. The Debt Service loan has since been paid off and the village has the CD and money in the reserves which we can now use.

Trustee Fred Tyler asked if we could use the money for the match on the \$350,000.00 colonias funding. The village clerk explained that since colonias was funding for water projects the match has to come from the water fund.

Trustee Joseph Lueras asked what else the money could be used for besides the vehicles? Village Clerk responded whatever the board wished. Trustee Lueras asked if there was something that tops this on the priority list other than the vehicles. Mayor Ray Cordova responded that he did not know anything that was more important than our children.

Trustee Tyler requested to purchase the bumper to bumper warranty.

Trustee Lueras asked if the village would be selling the old vehicles. Mayor Cordova said yes, or otherwise we have to keep them insured.

Trustee Fred Tyler moved to approve the purchase of a Recreation Van and a village vehicle through the State Purchasing Contract. Trustee Gloria Sainz seconded the motion.

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

Item 6. Mayor Ray S. Cordova-Approval of the re-hire of Sonya Gililand as the Recreation Director/Rover at \$11.49 per hour

Trustee Patrick Garcia moved to approve and was seconded by Trustee Fred Tyler.

Trustee Joseph Lueras asked if there was a reason why she was getting hired at a \$1.00 per hour increase. Mayor Cordova said she has never received a raise other than the 2% across the board and she is a department head with no assistance. Trustee Lueras felt she was being rewarded for leaving the village and coming back. Mayor Cordova said he had spoken to people who he thought might be interested in the job and no one was interested. Trustee Lueras asked the attorney if the Mayor could do that. Village Attorney Rhodes said absolutely that state law says Mayor hires and the board approves or disapproves. Mayor Cordova said he approached some people and some people approached him but when he explained what the job entailed they said no thank you, we do not want to deal with 15 kids in Las Cruces, it's too much work for what you pay. Mayor Cordova said he did not know why people do not like to re-hire a person if you know the performance of the person, their work record, their work ethic and you know that they are reliable, why not rehire them again.

Ms. Monique Gonzales, a member of the audience, said that she attends a lot of the functions of the recreation and that there are some parents who don't come pick up their kids when they are supposed to or they drop their kids off real early before the lunches are supposed to start and parents just tell their kids to stay with Sonya. Sometimes we are going to the movies at 2:30 but Sonya has the kids since 10:00 or 10:30. Ms. Gonzales said she would not like to have that job for the pay and that her husband must be very understanding. Ms. Gonzales said yes Sonya does have her kids with her a lot of the time but she also sacrifices a lot and wants everyone to know that it is not a 9 to 5 job or just at the summer lunches. Ms. Gonzales said it is not like Ms. Gililand saying she is going to have her lunch break and will pick up kids for movies at 2:30, parents just leave the kids at the park since the morning. Mayor Cordova said he also appreciates Mr. Gililand because sometimes when the Recreation van brakes he is the one who fixes it without charging the village and that when Ms. Gililand is sent to the Older American Center to do dishes or the water department to cashier she goes without a complaint. Ms. Gonzales said her grandparents go to the Senior Center to eat lunch and say Sonya is a hard worker.

Ms. Teresa Marr also complemented Sonya Gililand working with the kids.

Trustee Fred Tyler asked Attorney Jeff Rhodes if it was legal to pretend she never left the village and reinstate her sick leave and benefits and what is stated on the Payroll Change Notice. Attorney Rhodes said yes because it would be part of her compensation package which the board can approve any way they want, stating State Statute is very clear in the the hiring and firing in a municipality, you can have all kinds of personnel policies but that does not override state statute, the only way it would be no is if she were being compensated for something that has already been done. Attorney Jeff Rhodes explained that what state statute provides in a Mayor-Council form of government, the Mayor hires and fires and the board approves it or disapproves it at the next meeting, policies are only guidelines to follow.

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

Item 7. Monica Voorbach-Award bid for lease of Irrigation Water Rights

Trustee Joseph Lueras asked about the two remaining water rights, would the village keep them in reserve? Mayor Ray Cordova asked if the village could take back the water rights if necessary, should we run out of water. Attorney Jeff Rhodes explained that the village is the only one who can convert irrigation water rights to domestic and the village could put a provision in the lease agreement stipulating that the rights are leased subject to a reversion in the event of an emergency.

Village Clerk Dianna Brusuelas-Guilez said the village doesn't even have an agreement.

Trustee Fred Tyler made a motion to lease all seven water rights to the people that made their bids. Motion was seconded by Trustee Patrick Garcia.

The village clerk questioned whether bidder number two pays \$678.00 for the one and bidder number one pays the \$715.00.

Attorney Jeff Rhodes said he would prepare a License Agreement for leasing water rights.

Trustee Patrick Garcia asked to clarify, bidder number 1 bid \$715.00 per water right, bidder number 2 bid \$678.00 per water right, should bidder number 2 meet the bid of \$715.00 if he wants the right? Attorney Jeff Rhodes said yes, you just tell bidder number 2 you are not going to accept his bid of \$678.00 for the one water right, we will only accept \$715.00. The village can accept the bids at \$715.00 with the condition that we can terminate it in whole or in part based upon extraordinary circumstances.

Trustee Fred Tyler then amended his motion to read that he moved to approve the lease of seven irrigation water rights at the price of \$715.00 if the person who bid \$678.00 is agreeable, per water right, if not it shall remain in reserve or the other bidder can lease it.

Trustee Patrick Garcia seconded the motion.

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

Item 8. Old Business

Trustee Joseph Lueras asked if the village had heard from FEMA. Mayor Ray Cordova said yes, he, Rick and Fred spent several hours with FEMA representatives from out of state, some from Albuquerque and a contractor hired by FEMA and felt it looked quite positive for Tularosa. Trustee Lueras asked how long would it take to get things resolved. Mayor Cordova said they have to follow a six step process which usually takes about eight months .but they did say they would try to expedite it.

Item 9. New Business

Trustee Patrick Garcia asked about new Christmas decorations for next year. Village Clerk said they could use the money that is left after we pay for the vehicles. Trustee Joseph Lueras said to give what is left to recreation. Trustee Garcia agreed.

Item 10. Adjourn

Trustee Gloria Sainz moved to adjourn. Trustee Joseph Lueras seconded the motion.

The meeting adjourned at 8:05 P. M.

Ray S. Cordova, Mayor

ATTEST:

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 January 16, 2013.