

Regular Meeting-October 18, 2005

The Board of Trustees of the Village of Tularosa met in a Regular Meeting on Tuesday, October 18, 2005 at 7:00 P. M. in the Court Room of the Public Safety Facility located at 609 St. Francis Drive, Tularosa, New Mexico.

Present: Mayor Pro-Tem Ray Cordova, Trustee Margaret Trujillo, Trustee Fred Utter, Trustee Thomas McKean, Village Attorney Jeff Rhodes, Police Chief Frank Sackman, Field Supervisor Reynaldo Guilez as well as Village Clerk Dianna Brusuelas and Finance Officer Valerie Delgado.

Absent: Mayor Demetrio Montoya Jr.

Mayor Pro-Tem Ray Cordova opened the meeting asking all to rise and join in the Pledge of Allegiance and introducing the members of the Board to the public.

Item 1. Consideration of Agenda and Consent Agenda

Trustee Margaret Trujillo requested to move Item 17 to 3A. Trustee Thomas McKean also requested to move Item's 14, 15, 16 and 20. Item number 14 make that 2A, Item number 15-2B, Item number 16-2C and Item number 20 make that 2D. **Trustee Thomas McKean proceeded to move to accept the Agenda and the consent Agenda with the changes and was seconded by Trustee Margaret Trujillo.** Motion carried with all members of the Board voting aye.

Item 2. John Sowders-Request permission to construct Multi-Family Housing Condos at 1003 Central

Mr. Sowders request was to construct a total of 12 units like the one's previously built. Trustee McKean questioned the parking area, where it would be. Mr. Sowders replied that the parking would be in front and in the back. Trustee McKean asked if the parking would be cemented. Mr. Sowders responded that it would be gravel like the other apartments. Trustee McKean asked about the telephone lines because he noticed the other telephone lines were running across the ground. Mr. Sowders reply was that the lines do not belong to him.

Trustee Thomas McKean moved to approve and was seconded by Trustee Fred Utter. Roll Call Vote: Trustee McKean, aye. Trustee Utter, aye. Mayor Protem Cordova, aye. Trustee Trujillo, aye. Motion carried with all members of the Board voting aye.

Item 2A (previously item 14) Robert Poma-Water Bill-To be repaid for the reconnect fee and part of the July bill

Mr. Poma not having any representation **Trustee Thomas McKean moved for Mr. Poma not to be repaid, Trustee Margaret Trujillo seconded the motion.**

After much discussion about the Anti-donation Attorney Jeff Rhodes explained that if there was a dispute as to whether there was a leak and it could not be determined if it was on the Village side or the customer side the village could compromise but if it's just a matter of forgiving a charge we can't. **Roll Call Vote:** Trustee McKean, aye. Trustee Utter, aye. Trustee Trujillo, aye. Trustee Cordova, aye. Motion carried with all members of the Board voting aye.

Item 2B (previously item 15) John (Bobby) Montoya-Water Bill-Requesting adjustment

Mr. John Montoya stated that the line going to his meter came apart and was requesting an adjustment to his water bill. Mayor Protem Cordova asked what he

would request of the Village. Mr. Montoya responded that what the Village felt was adequate would be ok. Trustee Margaret Trujillo felt that the Village could offer Mr. Montoya an option to make payments and **moved to let Mr. Montoya make payments on the \$263.10 billing and was seconded by Trustee Thomas McKean.** Motion carried with all members of the Board voting aye.

Item 2C (previously item 16) Gloria C. Diaz-Water Bill-Requesting adjustment

Ms. Diaz requested the adjustment of a billing at 1110 Marcial Circle at the home of her father who no longer resides there. Ms. Diaz stated that the bill was for \$160.87 and that the average bill from January 31 thru September 2005 the total is 324.09 which included a reconnect fee. After requesting a recheck and the field personnel not finding a leak, feels they did not consume that amount of water. Ms. Diaz explained that no one had lived in the house for over a year. Mr. Ray Ramos, a field personnel employee stated that he was first sent to the house to do a recheck and walked around the house to do a visual and noticed a hose slightly on and he shut it off. **Trustee Thomas McKean moved not to reimburse the bill. Trustee Margaret Trujillo amended the motion to say that the Village would average out the entire readings and let Ms. Diaz make payment arrangements.** Ms. Diaz asked if they were averaging out the \$160.00. Trustee Trujillo responded that all the readings she had including the \$160.00. Trustee McKean explained that if anything was averaged out it would be less than \$160.00 and suggested leaving it like it is. Trustee Trujillo agreed and said payments could be made. Village Clerk Dianna Brusuelas asked Trustee Trujillo if she was dropping her amendment. Trustee Trujillo responded yes, she would drop the amendment. **Mayor Protem called for a second on the motion and the motion was then seconded by Trustee Margaret Trujillo.**

The Board suggested installing a shut-off valve on the property. **Roll Call Vote:** Trustee McKean, aye. Trustee Utter, aye. Trustee Cordova, aye. Trustee Trujillo, aye. Motion carried with all members of the Board voting aye.

Item 2D (previously 20) Trustee Trujillo-Kids in office

Trustee Margaret Trujillo explained that she had received complaints about employee's having children or their spouses in the work area, primarily in the Police Department. Trustee Trujillo stated that she was aware of a memo sent out by Mr. Bassler back in April but felt that this did not help. **Trustee Margaret Trujillo proceeded to move to prohibit employee's from bringing family members to work and making it part of the village policy.** Trustee Utter questioned if they were bringing them for a few minutes or were they there for hours. Trustee Trujillo responded that she had no idea, but had received one complaint from a lady who had come in to file a report but could not get anywhere with them because they had a child in the Police Department. Trustee Trujillo also stated that she has also had Police Department employee's tell her there is a child there, that there is a playpen there, though she has not seen it nor gone in there to check on it. Mayor Protem Cordova stated that he had a problem with this, asking Trustee Trujillo, based on one complaint and not seeing this nor witnessing this and wondered if this complainant wasn't bringing this issue up because she was mad at the Police Department and felt that a lot of people take things out on police in different ways. Mayor Protem Cordova suggested conducting an investigation and asking the other police officers if they are bothered by this. Trustee Thomas McKean stated that he had seen the playpen once in the old Police Department and once in the new Police Department. Trustee McKean felt that when an individual comes to work they should not babysit their kids when they come to work. Trustee Utter agreed. Trustee Trujillo restated her motion. Trustee McKean stated that it included the Recreation Center and all four areas. **Trustee Cordova moved to amend that employee's could bring a child or a spouse or a friend if it's only for a short visit no longer than an hour. Trustee Thomas McKean seconded the amendment.** Motion carried with all members of the Board voting aye.

Item 3. Monica Voorbach-Award Bids for Surplus Equipment

Trustee Thomas McKean brought up the bid from Lancon for roof tile, if it was not on the original list he felt that it could not be awarded. Mr. Reynaldo Guilez, Field Supervisor, stated that the roof tile had been sold and paid for at the prior bid sale but had not yet been picked up so it should not have been on the list.

Trustee Thomas McKean moved to award to the highest bidder and was seconded by Trustee Margaret Trujillo. Roll Call Vote: Trustee McKean, aye. Trustee Utter, aye. Trustee Cordova, aye. Trustee Trujillo, aye. Motion carried with all members of the Board voting aye.

Item 3A (previously item 17) Approve or disapprove recommended discharge of Yvonne Anderson

Trustee Margaret Trujillo stated that she felt that they did not have enough information to uphold the Mayor's termination or suspension of Ms. Anderson and **moved to disapprove the Mayor's decision and return Yvonne to her duties as Supervisor of Dispatch and to pay her the amount owed her while she was on suspension without pay. Trustee Thomas McKean seconded the motion.** Mayor Protem Ray Cordova asked what her status was at this point. Trustee Margaret Trujillo stated that she was on suspension without pay. Mayor Protem Cordova asked Trustee Margaret Trujillo if she had moved to return her to employment. Trustee Trujillo restated her motion. Mayor Protem Cordova asked if there was anything further and asked for roll call. **Roll Call Vote:** Trustee McKean, aye. Trustee Utter, aye. Trustee Cordova, aye. Trustee Trujillo, aye. Motion carried with all members of the Board voting aye.

Item 4. Information: Ray S. Ramos Wastewater Systems 2 Certification

Mr. Reynaldo Guilez, Field Supervisor, spoke on behalf of Mr. Ramos stating that Mr. Ramos without taking Level I Wastewater challenged and attained his Wastewater Level II Certification in less than 2 months.

Item 5. Approve Adoption of Ordinance 216-Lease Agreement between the Village of Tularosa and Plateau Telecommunications

Trustee Thomas McKean stated that he felt if Plateau Telecommunications were to put more than one tower in they should be charged per tower. The question was asked if the Ordinance overrides the lease. Trustee Trujillo stated that the lease was part of the ordinance. Attorney Jeff Rhodes also stated that the lease was incorporated in to the ordinance and that you cannot separate the two.

Trustee Thomas McKean moved to approve the adoption of the ordinance with the two changes; a single tower site and the legal description subject to Appendix "A" Trustee Fred Utter seconded the motion. Roll Call Vote: Trustee McKean, aye. Trustee Utter, aye. Trustee Cordova, aye. Trustee Trujillo, aye. Motion carried with all members of the Board voting aye.

Item 6. Approve Temporary Employment Agreement-Cruz Voorbach-Animal Control Officer as per Chapter II, Section 20-01, paragraph E of the Village of Tularosa Employee Personnel Policy-From 10/07/05 to 10/18/05 at \$7.00 per hour

Trustee Margaret Trujillo moved to approve. Trustee Thomas McKean asked if he was going to be needed after the 18th. Trustee Trujillo stated probably so and the Mayor could rehire and then he comes back in again. **Trustee Ray Cordova seconded the motion. Roll Call Vote:** Trustee McKean, aye. Trustee Utter, aye. Trustee Cordova, aye. Trustee Trujillo, aye.

Item 7. Approve Temporary Employment Agreement-Lindsay Sackman-Dispatcher as per Chapter II, Section 20-01, paragraph E of the Village of Tularosa Employee Personnel Policy-From 9/30/05 to 10/30/05

Trustee Thomas McKean inquired about her hourly rate. Village Clerk stated that she thought she was at \$6.00. **Trustee Fred Utter moved to approve and was seconded by Trustee Ray Cordova. Roll call vote:** Trustee McKean, aye if the Personnel Policy and Procedures that was passed tonight are followed. Trustee McKean explained that they had passed a policy that the children would not be in the work place and wants to make sure that policy is adhered to. Trustee Trujillo stated that she was hired to make sure the overtime goes down and has received something stating that it has not really happened. Trustee McKean said that we still have two Dispatchers at 230 hours and one at 177 hours. Trustee Trujillo felt that the purpose of having her there for what they wanted her there is not happening. Trustee Utter, aye. Trustee Cordova, aye. Trustee Trujillo, aye. Motion carried with three members voting aye, and one member voting no.

Item 8. Approval of termination of Kelly Mirabal as Activities Coordinator for the Senior Program

Trustee Thomas McKean moved to accept the termination and was seconded by Trustee Margaret Trujillo. Roll Call Vote: Trustee McKean, aye. Trustee Utter, aye. Trustee Cordova, aye. Trustee Trujillo, aye. Motion carried with all members of the Board voting aye.

Item 9. Approve appointment of Valerie Delgado as Finance Officer with 6 months probation. Date of Hire 9/26/05 at \$10.00 per hour

Trustee Thomas McKean moved to approve the appointment and was seconded by Trustee Ray Cordova. Roll Call Vote: Trustee McKean, aye. Trustee Utter, aye. Trustee Cordova, aye. Trustee Trujillo, aye. Motion carried with all members of the Board voting aye.

Item 10. Approve increase for Barbara Rupp Dispatcher from \$7.00 per hour to \$8.50 per hour

Trustee Utter asked if the money was already there. Trustee Trujillo stated that it was something that was automatically done. Trustee McKean asked where it was budgeted. Trustee Trujillo explained that she was talking about the salary schedule not the line item's. Chief Sackman was asked and he responded that Ms. Rupp had completed her 6 months probationary period, was appointed as Evidence Technician and had completed the NM Dispatch Certification Academy. After identifying that making her a regular full time employee was inadvertently left off the agenda Attorney Jeff Rhodes advised that it could not be acted on. Mayor Protem Cordova proceeded with the approval of the salary increase. After discussion of the budgeted line items Trustee Trujillo asked if they would run out of budget before the end of the Fiscal Year. Village Clerk Dianna Brusuelas stated that it depended on the overtime because that was also being taken out of the line item. **Trustee Ray Cordova moved to increase Barbara Rupp from \$7.00 per hour to \$8.00 per hour and was seconded by Trustee Thomas McKean. Roll Call Vote:** Trustee McKean, aye. Trustee Utter, aye. Trustee Cordova, aye. Trustee Trujillo, aye. Motion carried with all members of the Board voting aye.

Item 11. Approve increase for Raymond Ramos from \$13.80 per hour to

\$14.80 per hour

Field Supervisor Reynaldo Guilez spoke on behalf of his employee Raymond Ramos again informing the Board of Trustee's that the previous employee took close to two years to pass the Level I and Mr. Ramos passed the Level II in less than two months. Mr. Guilez explained to the Board that the salary in the Wastewater line item was budgeted at \$13.00 per hour and is currently only using \$9.00 per hour and that's where he expects to get the money. Trustee Thomas McKean asked what the increase was for and what the Level II is supposed to make. Trustee Trujillo said the maximum on the salary schedule is \$12.00. Mr. Guilez felt that moving money from Sewer to Water could be done. Trustee McKean felt that moving Mr. Ramos from the Water salary to the Sewer salary was not good. **Trustee Fred Utter moved to give \$1.00 increase pending on getting the money wherever it is available. Trustee Ray Cordova moved to amend to look at the end of the month report and if it is there do it** and asked the Village Clerk if it was there. Village Clerk Dianna Brusuelas explained that the Sewer Operator was budgeted at \$13.00 per hour and we are paying one person, Julian Martinez, from that salary at \$9.00 per hour. Trustee Thomas McKean stated that the Sewer fund is not budgeted at \$13.00 per hour. Trustee Margaret Trujillo stated that the Salary Schedule's were recently passed and incorporated into the policy and understands that the \$1.00 extra is for an incentive but feels that if the incentive is for a Wate Level II he is already at \$13.80 which is way beyond the Wate Level II. Mayor Protem Ray Cordova stated that Mr. Ramos would remain in the same classification, as Mechanic. Trustee Trujillo felt that working around the parameters of a Mechanic because the salary schedule there goes up to \$16.00 per hour. Mayor Protem Ray Cordova felt that when these requests come through the Department Heads should come before the Board and tell them where they are at, how much their overtime is running etc. Trustee Trujillo emphasised that when a Budget has been approved, all department heads have to adhere to that budget. **Trustee Ray Cordova amended the motion to say that if it's in his budget and it can be done and we're not breaking laws by moving money and it can be supported by figures. Trustee Margaret Trujillo seconded the motion. Roll Call Vote:** Trustee McKean, no. Trustee Utter, aye. Trustee Cordova, aye. Trustee Trujillo, aye. Motion carried with one no and three ayes.

Item 12. Approve increase for Eusabio Duran from \$11.00 per hour to \$11.50 per hour

Trustee Trujillo moved to approve the increase for Mr. Duran and was seconded by Trustee Utter. Roll Call Vote: Trustee McKean stated that he would like to amend to say if it's in the budget and asked Trustee Trujillo what her motion was. **Trustee Trujillo repeated that she would like to move to approve the increase for Eusabio Duran from \$11.00 per hour to \$11.50 per hour if it is in the budget.** Mayor Protem Cordova stated that the motion was seconded by Trustee Utter. Village Clerk Dianna Brusuelas said it would be coming from the Sewer Fund. Trustee McKean stated that it should be in the Water Fund. Trustee Trujillo stated that the Board would have to make a motion to move money from the Sewer Fund but it is not on the Agenda. Trustee McKean stated that a Resolution would have to be presented at the next meeting. **Roll Call Vote:** Trustee McKean, aye. Trustee Utter, aye. Trustee Cordova, aye. Trustee Trujillo, aye. Motion carried with all members of the Board voting aye.

Item 13. Approve increase for Chris Rupp from \$12.50 per hour to \$13.50 per hour

Chief Frank Sackman spoke on behalf of Mr. Rupp explaining that Mr. Rupp has taken over the Code Enforcement duties and has been on board for a year. Mayor Protem Ray Cordova asked Chief Sackman if his budget supported this \$1.00 increase. Trustee Trujillo remembered this coming before the board before and explained that Attorney Jeff Rhodes told them they could not give an incentive to do code

enforcement. Mayor Protem Cordova explained that giving \$25.00 per call as presented before is what could not be done. Attorney Jeff Rhodes explained that this is just considered a wage increase. After extensive discussion as to where the \$1.00 increase should come from, possibly taking a dollar from the person who had the Code Enforcement duties **Mayor Protem Cordova moved to postpone until he sees the end of the month report and until the next regular meeting and was seconded by Trustee Margaret Trujillo. Roll Call Vote:** Trustee McKean, aye. Trustee Utter, aye. Trustee Cordova, aye. Trustee Trujillo, aye. Motion carried with all members of the board voting aye.

Item 14-Was made 2A

Item 15-Was made 2B

Item 16-Was made 2C

Item 17-Was made 3A

Item 18. Possible Executive Session-Pending litigation the Waggoner Trucking Co

Attorney Jeff Rhodes explained that a previous Police Officer owed the Waggoner Trucking Company some money, the trucking company got a judgement against him and filed a Writ of Garnishment. The Writ of Garnishment was improperly served on somebody at the Police Department and is required to be served on the Village Clerk. A response was filed by someone who had no authority. Our defense is that the garnishment was improperly served, the trucking company is making a settlement offer. Mayor Protem didn't feel the Village should be held liable and asked counsel his advise. **Trustee Thomas McKean moved not to accept their offer and was seconded by Trustee Fred Utter. Roll Call Vote:** Trustee McKean, aye. Trustee Utter, aye. Trustee Cordova, aye. Trustee Trujillo, aye. Motion carried with all members of the board voting aye.

Item 19. Trustee McKean-Who is performing duties as Code Enforcer (left off from 9/20/05 agenda)

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Mayor Protem Cordova said Officer Rupp. Trustee McKean said the Mayor gave the duty to Mr. Rupp but he said our ordinance says the Police Chief, though the Police Chief can delegate the duties to whoever he wants to. **Trustee Thomas McKean moved to say that the Code Enforcer is the Police Chief of our ordinances. Trustee Trujillo seconded the motion. Mayor Protem amended the motion to say that the Chief is the primary enforcer and can delegate to whoever he decides. Trustee Margaret Trujillo seconded the motion. Roll Call Vote:** Trustee McKean, aye. Trustee Utter, aye. Trustee Cordova, aye. Trustee Trujillo, aye. Motion carried with all members of the board voting aye.

Item 20-Was made 2D

Item 21. Trustee Trujillo-De-annexation of Southern portion of Old Mescalero Road with exception of 150'

Trustee Margaret Trujillo stated that she had asked Attorney Jeff Rhodes to check into this and Attorney Jeff Rhodes responded that he could find no authority for de-annexing. Trustee Margaret Trujillo asked about amending an ordinance. Mr. Rhodes explained that what they would be acting on is a specific petition, for a specific piece of

property and the specific petition was to annex and that is what they did.

Item 22. Trustee Trujillo-Set Workshop for November 1, 2005

Trustee Margaret Trujillo moved to conduct the Workshop on Thursday, November 3rd 2005 at 7:00 P. M. and was seconded by Mayor Protem Ray Cordova. After discussing Mr. Utter's work schedule and the fact that Village Clerk Dianna Brusuelas would be out of town the decision to conduct the workshop on Wednesday, November 9, 2005 was agreed by all. Items to be discussed included the Policy, Salary Ranges. **Roll Call Vote:** Trustee McKean, aye. Trustee Utter, aye. Trustee Cordova, aye. Trustee Trujillo, aye. Motion carried with all member's voting aye.

Item 23. New Business

Trustee Margaret Trujillo asked Attorney Jeff Rhodes if a person has been suspended and the Board brought them back on can they be suspended again? Attorney Jeff Rhodes answered yes, until the next regular meeting. Trustee Trujillo asked if they could be suspended for the same reasons. Mr. Rhodes responded yes.

Item 24. Old Business

Trustee Thomas McKean asked Attorney Jeff Rhodes about the ordinances given to him. Mr. Rhodes explained that he had not gone over them yet. Trustee McKean asked if anyone had received a new Fire Hydrant list from the Fire Chief. Everyone's response was no. Mayor Protem Cordova suggested to have him attend the Workshop

Item 25. Unscheduled Correspondence & Public Comments

A citizen questioned the newly annexed property if it inherits roads maintained by the county. Mayor Protem asked if the first step was to see if it was on the county maintenance schedule. It was said that it was not on the schedule, nor on the county map. Mr. Rhodes stated that it would be difficult to prove. Mayor Protem Cordova stated that it was probably somebody's property. Trustee Trujillo asked Mr. Rhodes about the annexation of the Mia Estates. Mr. Rhodes asked if the Village got petitioned to annex. The response was no. Mr. Rhodes explained that we have to go through a whole different process for compelling the annexation, we have to get involved with the county, appoint an annexation commission and so forth and it is much more cumbersome. After much discussion on the annexation which includes the Mia Estates it was decided to review it at the Workshop.

Trustee McKean advised that there is an ICIP meeting in Alamogordo at 2:00 P. M. at the Court House on the 21st of October.

Trustee Trujillo announced that there would be a School Bond Election on Thursday and asked all to go out to vote.

Mr. Albert Mendez, a citizen in the audience told the Board that regarding the Water and Wastewater Operators that their accomplishments are something to be admired and congratulated those who have attained the levels that they have.

Trustee Trujillo asked the Chief of Police if Mr. Bassler was at the Academy. Chief

Sackman's response was that he was scheduled for the 24th of October. Trustee Trujillo asked what Academy he was going to. Response was Hobbs, NM. Trustee Trujillo asked if he was paying for his own. Response was the Village was paying. Trustee Trujillo inquired if the Academy in Santa Fe, NM was free. Chief Sackman stated that basically the paperwork for the Santa Fe Academy would not be ready and that we would still have to pay for the Certification by Waiver course.

Item 26. Adjourn

Trustee Fred Utter moved to adjourn and was seconded by Mayor Protem Ray Cordova. There being no further business to come before the Board the meeting adjourned at 10:00 P. M.

The written minutes are the official minutes of the meeting. The recorded tapes 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.

Demetrio H. Montoya Jr., Mayor

ATTEST:

Dianna R. Brusuelas, Village Clerk