

CITY COMMISSION MEETING MINUTES  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
TUESDAY, MARCH 8, 2016  
6:00 p.m.

**ORGANIZATIONAL MEETING**

**OPENING CEREMONIES**

**ADMINISTRATION OF OATH OF OFFICE BY THE HONORABLE MAGISTRATE JUDGE ALAN BROWN**

Municipal Judge – Beatrice Sanders  
Position II City Commissioner - Rolf Hechler  
Position III City Commissioner - Joshua Frankel  
Position IV City Commissioner - Kathleen Clark  
Position V City Commissioner - Steven Green

Magistrate Judge Brown administered the Oath of Office to Judge Sanders, Commissioner Hechler, Commissioner Frankel, Commissioner Clark, and Commissioner Green.

**A. CALL TO ORDER**

The meeting was called to order by Mayor Sandra Whitehead, who presided and Renee Cantin, City Clerk-Treasurer, acted as Secretary of the meeting.

**B. INTRODUCTION**

**1. ROLL CALL**

Upon calling the roll, the following Commissioners were reported present.

Hon. Sandra Whitehead, Mayor  
Hon. Steve Green, Mayor Pro-Tem  
Hon. Kathy Clark, Commissioner  
Hon. Rolf Hechler, Commissioner  
Hon. Joshua Frankel, Commissioner

Also Present: Juan Fuentes, City Manager  
Bradley Springer, City Attorney  
Renee Cantin, City Clerk-Treasurer

There being a quorum present, the Commission proceeded with the business at hand.

**2. SILENT MEDITATION**

Mayor Sandra Whitehead called for fifteen seconds of Silent Meditation and asked us to keep the family and friends of our Cabinet Secretary of the Dept. of Health who recently passed away in our thoughts and prayers.

### 3. PLEDGE OF ALLEGIANCE

Mayor Sandra Whitehead lead the Pledge of Allegiance.

### 4. APPROVAL OF AGENDA

**Mayor Pro-Tem Green moved to approve the agenda. Commissioner Clark seconded the motion. Motion carried unanimously.**

### C. COMMENTS FROM THE PUBLIC (3 Minute Rule Applies)

Mayor Sandra Whitehead called for Public Comment, noting those wishing to comment would get three minutes, may only approach the podium once, and any correspondence for the Commission was to be left in the black box by the podium.

**Russ Peterson** wanted to congratulate those who were elected. He knows they will all do a fantastic job. He thanked the Mayor for all of her diligence in some of his requests. He also thanked City Manager Fuentes, he doesn't know how he has made it through some of the rhetoric but he tried his best to keep an open mind about everything and he appreciated his honesty. He mentioned he liked the way Commissioner Clark had books and everything and kept things in her mind. He added Steve with all of his assistance with the City Manager and getting grants to clean up and beautify our city. He wished the Commission the best of luck in the future. Some things he held sacred was to learn more about the ordinances. You will have many that will tell you the other Commissioners or the City Manager are no good. He suggested to let your own observations guide you not some of the naysayers that will step up to this podium. If they ever need anything, he added, please know you have one heck of a supporter in him.

**Randy Ashbaugh** welcomed Joshua Frankel, Rolf Hechler, and the other members who were voted onto the Commission.

- 1) He would like the city to look at the Impact fees. He has discovered the impact fees are totally unaccounted for. The ordinance by the New Mexico Development Act is totally, completely not being followed by the city. He has an Attorney who is addressing the problem. He wishes the city would just admit they have not been keeping track of it, and see what we are going to do with those impact fees. We're not talking about chicken feed, we are talking hundreds and hundreds of thousands of dollars and this needs to be addressed.
- 2) Would like to see them put the old Landfill back in. Tomorrow morning he is bringing a request, he saw the old landfill and there were quite a few earthmovers out there and he would like to know what that cost is.
- 3) He would like the cost of the city dozer used at Landfill.
- 4) Asked for more support for the North and South ends of town. We need streets swept also and Christmas decorations. We need complete city support to force the DOT to put a stop light at New School Road. There are too many accidents. There have been over 100 accidents in the last five years. We had a new design on New School Road and also there is a new design on Rd. 181 coming in from the Lake on Date St. We have had two bad car accidents there in the last two weeks.
- 5) He would like to work with the city a bit more. He would like to have a workshop on some of these issues. He has a list of 20 things, one of which is, we haven't graded

our Alley's in quite a long time and they need to be graded and Code Enforcement needs to enforce anyone who hasn't cut their weeds in the alley.

**Audon Trujillo**

- 1) He congratulated the new elected commissioners. He suggested they get acquainted with city ordinances, state statutes, state procurement regulations, personnel policies, as well as, the City Commissioner's Rules of Procedures and information from the Council of Government's Pocket Guide for New Mexico Municipal Officials. He encouraged them to always remember your legal counsel is there to advise, but it's their decision. He notified them they will face extremes of apathetic non-voters constituted by 84 percent of registered city voters and very vocal voters some would call activists. The task of governing the city will be and always has been difficult. He added they will be paid \$500 a month while their county peers will be paid \$1,500 a month. Due to the amount of work involved, he feels their pay scale is something they should consider amending.
- 2) He called there attention to two fundamental documents that he believes are critical if they want to be effective at governing. Neither is difficult but they will involve the time of the commission, staff, and residents. And they will require leadership. First is to review the city's personnel policies especially with regard to hiring practices; Second is to review the city's ordinances with a special focus on whether the ordinances are being adhered to as written. And further is the responsible party for implementing ordinances performing his duties responsibly? And are they being followed as written and intended. He has a PowerPoint detailing specific instances and he will make that available to the new commissioners in the next few days.
- 3) He called for leadership by this Commission's seasoned official to undertake a review of the city's personnel policies (specifically related to hiring). He believes the City's Personnel Board which has never been formed should be staffed and could be the body that undertakes a review of the policies.
- 4) He also called for the Commission to undertake a review of city ordinances and determining if the city is complying with them, if any need to be changed, or, other changes that may need to be addressed.
- 5) He thanked them for their consideration of his input and if they have any questions we would be glad to respond to them.

**George Szigeti**

- 1) He congratulated all of the new Commissioners. He looks forward to working with them both as a private citizen and as Chair of the Public Utility Advisory Board.
- 2) Thanked Mayor Whitehead for her service as Mayor for this last year. He is proud of the job she has done as Mayor for the city. He added that in light of his being elected to a third term as Commissioner, and his unwavering commitment to the community and it's citizens, he would feel honored if the Commission would select Steve Green as the new Mayor, he certainly deserves it.
- 3) With the Municipal Election behind us, he feels it's time to take a look at the way the Commissioners are elected. He has talked to many people and many find this hybrid system is confusing to some and it may contribute to the low turnout we have at this time. There are various options to this districting or at large voting. He asked them to call for a series of town halls to bring people together to discuss this and look at the various options that are available. He thinks we can do better and do something which will bring people to the polls to vote.

**Ron Fenn**

- 1) He will withhold his congratulations to the end of their term. Then he will congratulate them if they have done a proper job.
- 2) He wanted to present his first motion as a Commissioner but he didn't quite make it. He requested they postpone all of the business items from Item H on to be postponed for two weeks to give the Commission and the citizens more time to review them. This is due to the people because you commit us to paying for programs that are not well reviewed. This is a one-time deal to change this agenda and put it off for two weeks. This way Mr. Fuentes will be able to slip goodies by us that we have to pay for. It creates a great problem for us who you call activists or cavers or whatever because we will not be going away. We will be keeping you to your oaths, state law, local ordinances, and the Constitution. So far he hasn't seen very much of that happen in this town. But they will keep the commission's toes to the fire.

**Linda DeMarino with Destiny Mitchell.**

- 1) She first of all stated they are not sure they should congratulate anyone yet or apologize. We have a Cleanup this weekend on Saturday at the old Buckhorn lot just west of 303 Main St. they had an architectural expert from MainStreet come down and give them ideas where they can go with that. The first thing they are going to do is clean it up.
- 2) They asked Mr. Slettom to come up front to present a plaque to him for his hard work with MainStreet. He has been an invaluable resource to them.

**Ron Pecourek**

- 1) Two meetings ago he came up about the money given to the Golf Course and you only dedicate \$24,000 to the SJOA. They feed over 300 people a day through meals going to the homes and cleanup and everything. He asked him to please consider giving more money to the SJOA.. If it folds it becomes the responsibility of the city.
- 2) Three weeks ago he asked where we were with the city utility company's new system. What is the status of it? He would appreciate a verbal response in this open meeting for him on where the city utility company's new computer system is. There are still people not getting their bills. He added the poor ladies behind the counter should get a raise for the abuse they are taking. He saw one woman come in and apologize for the lady who just left.

**D. RESPONSE TO PUBLIC COMMENTS**

Commissioner Clark responded to Mr. Trujillo and his suggestion to look into the Personnel Policies and ordinances. It's not unknown that she has found discrepancies. She would like to see a workshop on this. She thanked Mayor pro tem Green for bringing one from 1997 which was the LEDA Act Ordinance and she feels it's our responsibility to do that 2) She also believes a stoplight needs to be put in. One of her kids got in an accident on the corner; 3) she also has some agreement with Mr. Fenn about receiving the agenda earlier. She thanked him for bringing that up; 4) SJOA is a very important part to her also. She can't think the people who work there enough especially Joe McClintock. She knows were looking at appointing another person on that board in August and she thinks it would be a very nice thing to keep in mind the work these people do.

Mayor Pro-Tem Green followed up on the stoplight on Old School Road. He asked Mr. Fuentes if the school asked for a letter of support for this road. We have a SCRTD Meeting at the end of this month and DOT is always in attendance. He said if we did a letter of support, he could present that at that meeting.

Mayor Whitehead thanked Mr. Ashbaugh, Mr. Trujillo, and Mr. Fenn for their comments. She suggested that we set up periodic workshops to go over Municipal Code and our rules of procedure. She would like to have City Manager Fuentes set up some workshops. She has looked at our municipal codes as well as the New Mexico municipal handbook where she has also found discrepancies. She would like him to invite past commissioners as well as the public.

Commissioner Hechler asked if there is a traffic study done on that intersection and whether it exists. City Manager Fuentes said the NMDOT has contract with an Engineering Firm and they have held a public hearing. So they are looking at public input to see what would be the best design for that intersection. We can talk to them to see what's available to provide to the commission.

#### **E. PRESENTATIONS**

1. Proclamation declaring March 12, 2016 Alma Lynn Grantham Day.

Mayor Whitehead read the proclamation and presented it to Alma Grantham.

Alma Grantham said who would've thought a little country girl from Caballo. She has heard it said that one of your most blessed things in life is the ability to get up and go to work every morning, and she has always adhere to that and thinks it's true. She has had a long career and it's been a pleasure to serve the people of Sierra County. She has helped things get built and has seen things get done and she was happy to have the opportunity.

#### **F. CONSENT CALENDAR**

1. City Commission Regular Minutes, February 9, 2016.
2. Accounts Payable for February, 2016.

**Mayor Pro-Tem Green moved to approve the consent calendar. Commissioner Clark seconded the motion. Motion carried unanimously.**

#### **G. PUBLIC HEARINGS**

1. Public Hearing: Final Adoption of Ordinance No. 671 related to the Public Utility Advisory Board. Juan Fuentes, City Manager

City Manager Fuentes notified the Commission this is one of the ordinances that needed to be reviewed and needed to be updated to be consistent with state statute. The proposed ordinance is to amend Section 2-2-73 of the code for the public utility advisory board makeup to be consistent with the impact fee board. He referred to the specific changes that were listed in the ordinance. This ordinance has been presented for first reading it has been published as required and at this time who will have the public hearing for comments from the public in any questions from the commission. Adoption will come later on in the agenda

Mayor Whitehead opened the public hearing.

Opponents:

**Mr. George Szigeti** explained his opposition to this ordinance. When this ordinance was brought before the commission for consideration he commented this had been discussed to the Public Utility Advisory Board but they had not made any decisions on the best way to proceed. Although he did not oppose the ordinance at that time he has had more time to think about it. He doesn't feel this is the best method for handling this issue. At the January meeting they asked the city manager to get better definitions for the terms and state law. For an example is an electrician working for a subcontractor considered a representative of the construction industry. Is a realtor working part-time from their home considered a representative of the real estate industry. Must the individual be actively working or can they be retired? And must they reside in the city limits? He thinks we need to have answers to these questions before we can properly proceed. Secondly he believes the proposed changes needlessly distort the composition of the Public Utility Advisory Board. Even with the relatively lenient requirements in the code, it is difficult to find knowledgeable people who are willing to serve. It will make recruiting members even more difficult, and it will be of no benefit to anybody if we have to operate with one of these positions vacant. He believes another solution discussed by the board is simpler, easier to implement, and will not interfere with the function of the PUAB. He stated the Public Utility Advisory Board has at least five members. 40% of which must represent the construction real estate or development fields. One of the PUAB requirements is to have a member of the construction industry, during my tenure this has been the case. If we set up a separate impact fee board, we can stipulate that the membership in cysts consists of the members of the PUA be and had a standing member from the construction industries. The two additional individuals would not participate in the PUAB activities, they would only be involved in the impact fee board duties. He believes there would be more interested in serving on this board if it would only be on an as-needed basis. The simpler less complicated solution is almost always the best and he feels this is that solution.

Mayor Pro-Tem Green asked if he was speaking as the Chair of the board or for the board. Mr. Szigeti said he was speaking strictly for himself.

Commissioner Clark also has difficulty with the way this is written. We have the PUAB for a reason and their recommendation is something she feels is very important for us to pay attention to. At this particular point if it feels like it needs to go back for revision to the board than she is happy to support that.

Commissioner Frankel agrees with Commissioner Clark.

City Manager Fuentes said currently our Impact Fee Board is the Public Utility Advisory Board. This is just one of the steps we need to correct when we come up with a different board or use the same board. This issue is to make sure we are in compliance with the state statutes. Moving forward the next steps from staff's standpoint is to make sure that we follow all of the other requirements of the impact fee and until this is changed to have a board that complies we are going to continue to use the public utility advisory board to make sure the impact fee ordinance is required. This has been reviewed by legal counsel and this was the best and simplest way to address this issue.

**H. NEW BUSINESS**

1. Review/Discussion: Canvass of Election Returns. Renee Cantin, City Clerk

City Clerk Cantin stated the election was held March 1 the canvass of the election was held on Thursday, March 3<sup>rd</sup> at 3:00 p.m. with Mayor Whitehead serving on the canvassing committee. We had no changes to the results that were given to us on Election Night. The final results were:

Position II (4 year term) – Rolf M. Hechler  
Position III (2 year term) – Joshua Frankel  
Position IV (4 year term) – Kathleen Clark  
Position V (4 year term) – Steven Green  
And for Municipal Judge Beatrice Sanders

She added there is no action required for this item but it is required to be included with the official minutes book.

2. Reorganization: Selection of a Mayor & Mayor Pro-Tem. Renee Cantin, City Clerk

Per the state statute after each Regular Election, the Commission is required to select a Mayor and Mayor Pro-Tem.

Mayor Whitehead opened the floor for nominations for mayor.

**Commissioner Frankel nominated Steve Green for the position of Mayor.**

Commissioner Clark had a comment. She is sorry to bring this up but state statute specifically states that the commission/manager form of government has to reorganize every two years. Our municipal code says the governing body shall select one of its members as mayor until the expiration of his term as Commissioner. She knows we need to follow state statute that this is just an example of one of those things we need to clean up. Her other comment is it's been very interesting being a city commissioner working with Mayor Whitehead, she's been absolutely amazing. She has also worked with Mayor pro tem Green and she can't believe anybody would keep doing what they're doing as long as he's been doing this and she would feel honored to have either one of them serve as mayor, but maybe it's time to do a flip-flop. She's just putting that out there because she thinks the world of both.

**Commissioner Clark seconded the nomination.**

**Commissioner Hechler nominated Mayor Whitehead for the position of Mayor.**

Coming into this as a newcomer, he would not like to change horses midstream. She's had strong leadership and he thinks she handles it well, and he would like to continue to see her in this position.

**Mayor Whitehead seconded the nomination.**

**First nomination for Commissioner Green as Mayor.** Mayor Whitehead called for a vote. **Mayor Pro-Tem Green, Commissioner Clark, and Commissioner Frankel voted aye. Mayor Whitehead and Commissioner Hechler voted nay. Motion carried by a vote of 3-2.**

**Commissioner Clark nominated Sandy Whitehead for the position of Mayor Pro-Tem. Mayor Pro-Tem Green seconded the nomination. Mayor Whitehead called for the vote. Motion carried unanimously.**

Mayor Green said if it is the will of the Commission he thinks it's only right and fitting for her to take us home through the meeting today. There were no objections.

**3. Discussion/Action: Selection of South Central Council of Governments (SCCOG) Alternate Board Member. Renee Cantin, City Clerk**

City Clerk Cantin presented the current representatives are Steve Green with Sandra Whitehead as the alternate.

**Mayor Whitehead suggested Mayor Pro-Tem Green to serve as the board member and Mayor Whitehead offered to continue as the alternate. Commissioner Clark put that in the form of a motion. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.**

**4. Discussion/Action; Selection of Joint Powers Commission (JPC) Board Member. Renee Cantin, City Clerk**

City Clerk Cantin joint Powers commission or the hospital board has three elected officials serve. Currently serving his Kathy Clark, Steve Green, and Russ Peterson. We need the commission to appoint elected official servant position previously held by Russ Peterson.

Mayor Pro-Tem Whitehead asked Manager Fuentes if we select all the appointments or just one? She asked if there was someone else who was serving, or if there is a specific protocol for that.

City Manager Fuentes responded since we had an election, it would be okay if all of the names were appointed again just for a formality. As stated we have yourself and Steve Green as the Vice Chair, but Russ Peterson is no longer on the Commission, so we will need to appoint for his position.

Commissioner Clark suggested it's very important to keep Sandy Whitehead and Steve Green on that board. She has attended one and there is an awful lot of information. She does not want to serve on that board, and she would highly recommend one of the new Commissioners should serve on this board. It's extremely important as we build the new hospital and if you feel like it, make sure you can make that commitment. The reason she doesn't do it is she travels too much and she can't be at the meetings.

Commissioner Hechler asked what the commitment is. Mayor Pro-Tem Whitehead said it's just to attend meetings quarterly and get together going over discussion as to what is going on with the Hospital. Commissioner Hechler expressed interest and would be honored to serve in that position.

**Commissioner Clark moved to approve Steve Green, Sandy Whitehead and Commissioner Rolf Hechler to serve on the JPC Board. Mayor Green seconded the motion. Mayor Pro-Tem Green thanked Commissioner Hechler for raising his hand and**



suggested contacting Mr. Zimmerman the CEO of the hospital and he would make himself available to give their view point. He wanted to make a correction, the Vice Chair doesn't come from the Commission, it is appointed by the board. Mayor Pro-Tem Whitehead called for the vote. **Motion carried unanimously.**

5. Discussion/Action: To delegate Signature Authority to City Manager Juan Fuentes for related contract documents, change orders, application for payments, and renewals pertaining to WWTP Improvements Phase 1. Traci Burnette, W/WW Admin. Assistant

W/WW Admin. Assistant Burnette is hear per USDA requirements to delegate signature authority to the City Manager for the purpose of signing the documents contracts, applications for payments that goes with our phase 1 funding. Phase 1 should be starting in May but according to USDA the city needs to designate signatory authority.

Commissioner Clark was concerned about this putting the City Manager is a difficult spot. She read the contract in the bid recipient information, her biggest concern is there is not a dual form of someone he should work with. Primarily because we have been hit with internal control issues in the last audit, she would like to suggest that the city manager has someone to look at things before he signs it to protect them.

City Manager Fuentes mentioned this is a requirement by USDA and any payments are approved by USDA as well. This is just a formality of who will be signing. Lori will be keeping track of all of the grant activity. He added it's not a blanket authority for his office to sign. It has to go through the proper channels before he signed anything. They have to have this on record on who can sign documents so they can proceed forward.

Commissioner Clark asked if Ms. Montgomery is confident this will not put the city manager in jeopardy.

Finance Director Montgomery said if you look at all of those grant requirements, they have requested a single contact.

Commissioner Hechler asked if there are reporting requirement as far as notifying the Commission. City Manager Fuentes responded this grant will be coordinated with the USDA. As the project goes on we will be giving you updates. If there is a change order, and it requires formal action, we will bring it back to the city Commission. He will be consulting with staff and the engineers to make sure we're following the guidelines of USDA.

**Mayor Green moved to approve delegating Signature Authority to City Manager Juan Fuentes for related contract documents, change orders, application for payments, and renewals pertaining to WWTP Improvements Phase 1. Commissioner Hechler seconded the motion.**

Commissioner Clark said if we had a 10% change order it would be quite a difference and can we bring it back to Commission. City Manager Fuentes responded if there a change order in that amount he would definitely come to the Commission because he doesn't know where that money would come from. And Staff would be adamant about doing that as well. **Motion carried unanimously.**

6. Discussion/Action: Authorization to submit USDA Funding Application for a Front End Loader. Bill Slettom, Assistant City Manager

Assistant City Manager Slettom addressed the Commission. USDA has been very generous to the city. They have some excellent programs for rural development and one of them as community facilities. This is the program we used to purchase the street sweeper. This time are seeking your permission to submit an application for a Case Front End Loader. This is a 55% match grant, the rest of the money we can either borrow or use our own funds as a match.

Commissioner Hechler asked where the loader would be used. Assistant City Manager Slettom responded it's for the streets department, but it's used for all departments.

Commissioner Clark asked where the rest of the money will come from to buy this piece of equipment. City Manager Fuentes said this can either be a loan or a grant. We do have some funds in the history department for operation or equipment needs.

Mayor Green asked if we have one now. Assistant City Manager Slettom responded no we borrowed one from the county for the Healing Waters Plaza project.

City Manager Fuentes responded we have an old front end loader that we have invested in repairs and it's still in the shop. This presented an opportunity to get a new piece of equipment having to put up the whole amount

Commissioner Clark asked if we need a front loader to use every day. Solid Waste Director Alvarez said a front end loader is desperately needed for heavy jobs, it can lift heavier objects so much easier. He is sure it will be used on a daily basis but not for a full eight hours

Commissioner Hechler added some information about purchasing the heavy equipment. If you knew 3 or 4 days in advance you needed to use it, then fine you can share. For that reason he thinks it would behoove us to acquire this.

**Mayor Green moved to approve authorization staff to submit an application to USDA for a Front End Loader. Commissioner Hechler seconded the motion. Motion carried unanimously.**

7. Discussion/Action: Final Adoption of Ordinance No. 671 related to the Public Utility Advisory Board. Juan Fuentes, City Manager

City Manager Fuentes stated the reason for this ordinance to address the inconsistencies with the public utility advisory board. As express by the chair of the board there might be other options to look into. This can either be addressed through this ordinance or any other revisions as presented by Mr. Szigeti.

Commissioner Clark would like to send it back to the PUAB and have them bring it back as soon as possible with the suggestions Mr. Szigeti presented. Commissioner Frankel concurs with Commissioner Clark at this time.

Mayor Green the ordinance in the present construction as the board exists, do we hit the need of the impact fee board melded into the PUAB Board. Or are we still in violation. City Manager Fuentes responded if we pass the ordinance as it is now the addressed the inconsistencies with the state statutes and the Impact Fee Board. As far as we have only we are okay. Once their terms expire we can look at members who are appointed.

Mayor Green was concerned about where we stand with this board, and if we wait until a term is up and we potential don't get any applications or interest for the required experience, we could potentially always be out of compliance.

City Manager Fuentes said whether we do it in this ordinance or create a new board. The way the code is written have to have those members. He don't have the flexibility that we need the current board. That's why section C allows you to appoint another competent person to serve on the board. New ordinance will give us the flexibility.

Mayor Pro-Tem Whitehead asked if there is a time frame on this or can we send it back to the PUAB Board for their recommendation updates. City Manager Fuentes responded there is no time frame on this. It was brought up a resident through threatened legal action so we are trying to correct the issue. The Commission can certainly send it back to the board, but this is listed as final adoption has been published. If that's the will of the commission would be motion not to adopt and kills his proposal and he will take it back to PUAB.

Commissioner Clark referred to the background sections. She thinks once again we need to have them be very clear wording in this ordinance before we accept it.

**Mayor Green moved to have staff send this ordinance back to the PUAB and work with them on this item and bring this back with something that will satisfy our terms and keep us legal. Commissioner Clark seconded the motion. Motion carried unanimously.**

8. Discussion/Action: City Purchasing Policies. Steve Green, Commissioner

Mayor Pro-Tem Green presented his ideas of really looking into saving some money by being smart, careful, and cautious. Every month we get a copy of the print out of the checks that have been paid. Knowing it's going to be a tight budget season and every dime and dollar has to be looked at and analyzed, he feels we should keep as much money and purchasing local as we can. He gave some examples including the purchase of batteries price or different departments who have purchased. Maybe there's a local buyer or business they could buy in bulk or larger quantities to get us a better price. Gloves for example sometimes we buy in town and sometimes we buy out of town. He gave other examples of other supplies that were purchased. Another example he gave money wise he went to the bathroom and City Hall the lights are on the fan is blowing, but what would it cost to put an automatic sensor? What would it take for us to save money on the little things? He would like to start a discussion with his fellow commissioners.

Commissioner Hechler said if we buy on state contract we have to get three quotes. Or if it's an emergency purchase have to keep it under 50,000. He asked what the processes for the city. Finance Director Montgomery said there is a tier structure each department is allowed to do. Each Department is required to get the quotes it comes to purchasing for approval and

it comes to Finance Director to be approved. There are some contracts in place already to allow departments to make purchases from.

Commissioner Frankel commented he noticed the same thing. He wondered about the tracking of the tools and things we have. He wondered what policies were in place for accountability and tracking small items in inventory. He's curious how the communication works in tracking the items. Finance Director Montgomery responded anything worth \$5,000 or more is required to be on the asset list. She will be looking at inventory in each department by the end of March. There is tracking for each of the departments she's working on getting it streamlined.

Commissioner Clark thinks it's an excellent idea. The more we can do local without breaking any compliances is important. She spoke to somebody about getting a preference to local businesses. Finance Director Montgomery called the Director of State Purchasing about this issue. In particular the community that she is talking about is a home rule community, there are 10 in the state. They are larger communities who have the staff and employees and the ability to write their own rules. All other communities in the state are not home ruled and we are one of them. We are required to follow the state guidelines. State guidelines for local preferences only apply to home ruled communities. So just because you have a local business she cannot give you that preference following the state guidelines. She added there is a change coming related to veteran's preference for bids.

Mayor Green asked would we be legal if we asked each department to look at their budget and what they bought last year and make a public notice to the residents saying next year we may buy these items to take into consideration that we asked for bids so they are more competitive. Finance Dir. Montgomery said you can set up annual contracts to go out for bid for certain items. It takes an inordinate amount of time but it can be done. Mayor Green asked if it's worth saving \$7000 for us to go through all of this work.

City Manager Fuentes added when we do that will not necessarily get local preference the bid may not go to a local business. Finance Director Montgomery said she went through the same things, and we spend a lot of money with local vendors. There are several local vendors to reap the benefits of being a city vendor.

Commissioner Hechler suggested that we go through the items that we purchased the lot of you see if we can put those in the process to bid on.

Mayor Whitehead said she thinks shopping locally is a great idea.

Mayor Green feels City Manager Fuentes and Finance Director Montgomery has heard the discussion and will work with their staff keeping this in mind.

## **I. REPORTS**

### **1. City Manager**

City Manager Fuentes announced tomorrow we have a Colonias meeting for the Wastewater Phase 2 in Ruidoso at 9:00 a.m. We have applied and received funding each year. We're hoping we can get funding for this funding cycle again. We are close to pulling all of the money we need for the improvements. After this cycle we will be exploring USDA funding as well.

- 3) The Healing Waters Plaza Project is moving forward. He commended our street department who are doing the initial work to save money. That is moving along quite well and our goal is to get the project completed by the Centennial celebration.

2. City Attorney

None.

3. City Commission

**Commissioner Frankel** announced tomorrow at 10:00 a.m. there will be a ribbon cutting at the Fire Dept. for the new training facility. He looks forward to working with the commission.

**Commissioner Clark** reiterated she cannot feel more honored to be sitting between two of the most lovely people and she challenged the new Commission to stand up to it. Because these people have been amazing to work with the last two years. She also thanked manager Fuentes for never giving up on her. She also added staff is awesome too.

**Mayor Pro-Tem Green** thinks it's important when the Commission serve on boards, it's important to report it to the Commission so we are all involved and we're all aware. The other thing he would like to say is Commissioner Hechler had a great point, if someone is doing a great job why change. He thanked Mayor Whitehead and she has done an extraordinary job. He has watched her really grow as the Mayor and he looks forward to continually learning from her. He has always viewed the Mayor and Pro-Tem as one position to work together. If someone can't make it, the other one does. If there's an event Mayor Whitehead feels committed to, he has no problem shutting up and stepping back and letting her continue with those projects. If you take a look at the Municipal League bulletin, the Governor is taking some funding back. The Healing Waters Plaza is a great example of where we have fought for the money. We have a committed staff and a great Manager and he's sorry to see Bill Slettom go. But he feels this Commission is up for the challenges.

**Mayor Whitehead** said it has been a pleasure, an honor, and a learning experience to serve as Mayor for the last two years. She thanked the past Commissioners, as well as, the Current Commission and the community for allowing her the opportunity to serve as Mayor. She looks forward to serving as Mayor Pro-Tem and announced what a relief it is. She thanked Commissioner Frankel for nominating her and she turned the gavel over to Mayor Green. She truly thanked everyone and even though people fuss at us during Public Comment, she is here to help the community and the needs of the community at heart. She thanked all of the staff and the City Manager. And others who were in attendance.

**Mayor Pro-Tem Green** read a press release from Solid Waste Director Alvarez. This was pursuant to something that was brought up in Public Comment a couple of weeks ago. He read: "the market for plastics has been declining. We have continued to accept plastics. However, due to our permitting requirements and weather damage, we are only able to stockpile a limited amount for a limited time. As the limits were reached or the plastics became damaged or contaminated, they were removed to make room for more plastics. During this time we are seeking other sources for plastics and continue to accept plastics from our customers. We have now found a recycling vendor who will accept all of our recycling commodities including our plastics. We estimate a load leaving our facility by the

end of the month. And that's free to pick up by the company, we do not pay to have it picked up. We have plastics on site that we have been saving. And we continue to bail them to be ready for recycling." He complimented Andy and his staff because this was a tough thing to nail down. Plastics are tied with oil and we would almost come to an agreement with the changing price of oil. Solid Waste Director Alvarez worked hard and eventually came up with a company who would take everything. Eventually there will be value to these plastics and we will already have a vendor who supported us.

Mayor Whitehead also thanked City Clerk Cantin for the nice spread of cookies and coffee.

#### J. EXECUTIVE SESSION

1. Pending or Threatened Litigation (Hot Springs Land Development) *Pursuant to 10-15-1H(7)*

Mayor Green moved to approve going into Executive Session at 8:11 p.m. to discuss Pending or Threatened Litigation (Hot Springs Land Development) *Pursuant to 10-15-1H(7)*. Commissioner Hechler seconded the motion. Mayor Green agrees the former City Attorney Jay Rubin's presence will be of value for informational purposes and added asking him attend for informational purposes only to the motion. Mayor Green amended his motion to include it. Commissioner Clark seconded the amendment. Roll call vote was taken by the Clerk. Motion carried unanimously.

Mayor Pro-Tem Whitehead stated that the Commission was now in Open Session at 9:19 p.m.

Mayor Green stipulated that only matters pertaining to Pending or Threatened Litigation (Hot Springs Land Development) *Pursuant to 10-15-1H(7)* were discussed in Executive Session, discussion incurred and there was no action taken.

Mayor Pro-Tem Whitehead moved to approve authorizing Mayor Green and City Manager Fuentes to proceed forward with the mediation to be held this Friday, March 11, 2016 as discussed in Closed Session. Commissioner Clark seconded the motion. Motion carried unanimously.

#### 2. ADJOURNMENT

Mayor Pro-Tem Whitehead moved to adjourn at 9:21 p.m. Mayor Green seconded the motion. Motion carried unanimously.

Passed and Approved this 12<sup>th</sup> day of April, 2016.

  
Steven Green, Mayor

ATTEST:

  
Renee L. Cantin, GMC, City Clerk