

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
TUESDAY, MARCH 24, 2020

A. CALL TO ORDER:

The meeting was called to order by Mayor Sandra Whitehead at 9:00 a.m., who presided and Angela A. Torres, 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. Kathy Clark, Mayor Pro-Tem
Hon. Rolf Hechler, Commissioner
Hon. Paul Baca, Commissioner
Hon. George Szigeti, Commissioner

Also Present: Morris Madrid, City Manager
Angela A. Torres, City Clerk-Treasurer

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

2. SILENT MEDITATION:

Mayor Whitehead called for fifteen seconds of silent meditation to remember our Country during this crisis we are experiencing with this Covid-19 Pandemic.

3. PLEDGE OF ALLEGIANCE:

Mayor Whitehead led the Pledge of Allegiance.

4. APPROVAL OF AGENDA:

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

C. ORDINANCES/RESOLUTIONS/ZONING:

**1. Discussion/Action: Resolution 32 19/20 Declaration of Health Emergency
for the City of Truth or Consequences:**

City Attorney Rubin: This is a Declaration of Health Emergency for the City of Truth or Consequences, New Mexico. The reason why we are here today is to try and protect the citizens of the city. There are several 'whereas' that talk about the Center for Disease Control and World Health Organization. This is being posted as an Emergency Meeting for the City of Truth or Consequences. He then reviewed the changes made to the Resolution:

- **The Mayor** was removed from Paragraph 3, F, & G. With this being a City Manager form of Government, we thought that would be appropriate.
- Paragraph B & E: **30 days was changed to 90 days.**
- Item I was changed to: **That the City Commission authorizes such other emergency measures as outlined in the town's Pandemic COOP, Action Plan, Resolution 32 19/20 or by order, direction or advertisement of the federal or state government, or such interagency mutual aid emergency cooperation agreements as the FEMA and DHA approved the City of Truth or Consequences All hazard Plan, to which the city is a signatory.**
- Item J was added and reads: **This emergency Resolution will expire in 90 days. It can be renewed only with Commission approval.**

Mayor Pro-Tem Clark: There are two things that need to be very clear. We don't want to bind the new Commission. This is the last time this current Commission will meet, and the new Commission needs to have the ability to get out of this agreement if they need to. Also, paragraph 3 basically says what will happen if the City Manager is not available.

City Attorney Rubin: He read paragraph 3 which states: ***The City Commission hereby authorizes the City Manager to conduct such emergency measures as may be appropriate to safeguard the public health, safety and welfare of both our residents and visitors. In the event that the City Manager is unavailable, emergency management will go to the City Mayor who will immediately call the City Commission to a special meeting to appoint a temporary emergency replacement.*** He continued by saying that paragraph 3 explains what we are doing here because ordinarily there will be decisions that the City Commission will be expected to make, but we don't want to keep calling city meetings.

Mayor Pro-Tem Clark: We wanted to make it clear that the Commission can take this away at any given time. She also thinks it is important for the public to realize that this document is specific to allow the city to be able to access state and federal funding, and without a Declaration of Emergency we do not have the ability to go in and do that. The intent of this document and meeting is to be able to give our city access to emergency funding, and without this we don't have that ability and that needs to be the #1 clarity of this whole meeting, and this whole document. We're just making sure that we don't bind our future Commission, and if we have an emergency, and we don't have 24 hours to call a meeting, we need to be able to have somebody who can make a decision. After that when the emergency meeting is called that can be re-done or whatever needs to happen at that point. She thanked City Attorney Rubin for his assistance and she said that this Commission is a great team.

Mayor Whitehead: She also feels that they have come together as a team, and they are trying to work for the best of their community to make sure that things are met in a timely fashion, and everything is done cooperatively and on task.

Commissioner Szigeti: Our city government is run by a Commission of 5 people, and no one person has an absolute authority like the cities that have an elected Mayor or the state that has a Governor. When there is one individual who is elected to be in charge, that person by law has many emergency powers that they can enact based upon their individual entities' rules and laws. When we have a City Manager/Commission form of government, those same rules do not apply, and that's why we have to do a Resolution like this. In these types of situations we have a single point of contact that has the authority to take action in an emergency. Emergency Declaration's and granting emergency powers is always a tricky issue. There are a couple of concerns that he has, and as long as this document addresses these then he is good with it.

- #1: Anything dealt with here must be directly related the COVID-19 Pandemic.
- #2: These have to be items that have to be dealt with immediately and cannot wait for a meeting to be scheduled.
- #3: All of the actions taken must be briefed to the Commission at the next meeting.
- #4: The Commission should be able to give a vote of support to the City Manager or the Mayor saying that these actions were done ultimately with the approval of the Commission.
- #5: These actions should also be communicated as quickly as possible to the Commissioners. They need to be kept up to date on what is going on at all times.
- #6: If something that happens strikes a nerve with one of the Commissioners, he thinks they should have the right to call a meeting to discuss that issue if they feel that anyone has overstepped their boundaries on any particular item.

City Attorney Rubin: Most of Commissioner Szigeti's concerns are addressed in the Resolution.

Commissioner Szigeti: The first two items he mentioned had been addressed. He just wanted to bring them up for clarity.

City Manager Madrid: It should be a major part of the briefing. There are things on a day to day basis in the management of this crisis that he hasn't informed the Commission on specifically. For example, he organized a meeting last week with all of the area entities so that they could coordinate, and collaborate, the efforts. That involves the entire region. That is something he would report to the Commissioners, but not get permission for because this is an effort that requires more coordination than funding.

Commissioner Hechler: He asked for clarification on item #6 *The City Commission authorizes, consistent with the recommendations of the Emergency Management*

Team. He asked that Mr. Madrid identify who the Emergency Management Team is, and how that is going to work.

City Manager Madrid: The Emergency Management Team consists of the City Management Team, Department Heads and Supervisors. This is a very different type of Declaration. It's normally a disaster type of Declaration, and this is considered a Health Emergency and we operate in much of the same way.

Commissioner Hechler: He asked what interactions Mr. Madrid has had with the other community leaders.

City Manager Madrid: Last week he organized a meeting with representatives of the County, Elephant Butte, Williamsburg, SJOA, the Hospital, Sierra Electric COOP, the Veterans Home, and the Superintendent of the Schools. We also had some non-profit organizations and the Department of Health present at the meeting. The meeting was organized in order to establish communications, exchange information, and do a preliminary assessment of each entity to see where they stood in the management of this event. That was discussed entity by entity. Then we received some good practice advice from the Department of Health. We also established a method to coordinate how we deal with the media, and make sure that our entities are sending out the same message so we have a redundancy between the different entities in any media releases to the public, that way we are sending out the same message, and there is no more conflicting information. They have had one meeting to formulate what our priorities are, what our assets are, and what our needs are. Yesterday he sent out an email to the entire Round table to try and collect information on what assets they have to offer. On behalf of the city we have our Civic Center that can be used for emergency housing, and the Commission Chambers that can be used for emergency meetings because we can broadcast over the radio. Assets that the city might need may be volunteers to assist if we have to distribute food, or pick up utility bill payments. We also may need contributions of volunteer work or even food at the Animal Shelter. We will have another Task Force Meeting in the next day or two, and another meeting of the round table hopefully by teleconference, by the end of this week.

Mayor Pro-Tem Clark: When the Manager is updating the new Commission starting April 1st, maybe it would be a good idea to include the media, and then the media can use that information to disseminate it to the public without trying to get into the City Clerk's Office (that is closed) to request an IPRA.

City Manager Madrid: That is what we are doing. Frances Luna at the radio station has been more than cooperative in allowing us to do daily updates (if needed) and we coordinate them before anyone goes on the radio. We also use the newspaper, Facebook, and the city website. The County has set up an additional website for emergency information regarding the Coronavirus.

Mayor Pro-Tem Clark: She asked that the media also be included in any updates that are given to the Commission.

The media agreed to disseminate the information to the public.

City Attorney Rubin: The Resolution we are using is also being used in other Municipalities.

Mayor Pro-Tem Clark moved to approve Resolution 32 19/20 Declaration of Health Emergency for the City of Truth or Consequences with the amended version that was provided to them that was reviewed by City Attorney Rubin and with the additional wording of unless terminated by the City Commission added to item J on the Resolution. Commissioner Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

D. EXECUTIVE SESSION:

1. Limited Personnel Matters (various positions) pursuant to 10-15-1(H.2):

Commissioner Baca moved to approve going into executive session at 9:53 a.m. to discuss Limited Personnel Matters (various positions) pursuant to 10-15-1(H.2). Commissioner Szigeti seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Whitehead reconvened the meeting in open session at 10:29 p.m.

L. ACTION ON ITEMS DISCUSSED DURING EXECUTIVE SESSION, if any. ADJOURNMENT:

No action taken.

M. ADJOURNMENT:

Mayor Whitehead moved to adjourn at 10:30 a.m. Commissioner Hechler seconded the motion. Motion carried unanimously.

Passed and Approved this 22nd day of April, 2020.



Angela A. Torres, CMC, City Clerk

Sandra Whitehead, Mayor