



**COUNCIL MEETING**  
**Wednesday, March 1, 2017**  
**103 Water St. Elephant Butte, NM 87935**  
**ACTION MINUTES**

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Kent called the Meeting to order at 2:00pm, and Mayor Pro-Tem Skinner led the Pledge of Allegiance.

**ROLL CALL**

Clerk Rieth called the roll.

Mayor Kent, Mayor Pro Tem Skinner, Councilor Lafont, Councilor Trager and Councilor Rogers were all present.

Clerk Rieth stated a quorum was present.

Also in attendance were Attorney Rennick, 6 members of the Public and 1 Member of the Press.

**STATEMENT OF OPEN MEETINGS RESOLUTION AND THREE MINUTE LIMIT PER SPEAKER ON ALL ISSUES**

**PUBLIC COMMENT**

Ginger Van Gundy 301 Ocotillo, Elephant Butte, stated that she voted for each one of the members and thinks that they are all doing a great job. Ms. Van Gundy is disappointed because she went to the city clerk and requested a copy of the agreement on the agenda and was told that no such document existed in the City of Elephant Butte. Ms. Van Gundy was told by the AG's office that it would not be on the agenda if it did not exist. Ms. Van Gundy submitted a formal request. The City Clerk responded within the 3 day limit by phone call not in writing. Ms. Van Gundy spoke with the Attorney General seeking advice on what to do because the public needs a copy of the agreement that way Ms. Van Gundy will know what it will be doing to her and the public since the public will have to live with this for years to come. Ms. Van Gundy really does not want to see the golf course close, but also does not see it being the taxpayer's responsibility. People are worried about their home values while here home values are already low. Ms. Van Gundy is concerned about the water issues on the agenda for closed session. Ms. Van Gundy's main concern was if the water issues that were on the agenda had anything to do with the golf course.

Mayor Kent stated normally there is no response to public comment, but to clarify for the record what was quoted for the agenda was New Mexico State Statute and what was with it was purchase, acquisition, or disposal of real property or water rights. It could be any one of those items specifically.

Cheryl Davis, 105 Sparrow Ct, Elephant Butte, stated she doesn't know much of what is going on but is interested in knowing how the public can find out about any liens associated with the Turtleback Properties.

Mayor Kent responded that those will be discussed at the March 8<sup>th</sup> Town Hall Meeting. This meeting will be an opportunity for the community to get facts from Council.

Mayor Kent asked Ms. Van Gundy to set up an appointment with Manager Lucero to discuss IPRA and give more of an explanation on why she was not given exactly what was requested.

Klaus Wittern, 618 Charles T or C, NM, addressed Mayor Kent and all Councilors. Mr. Wittern is aware that not all information was available at that time which is part of the concern. Mr. Wittern asked if it would be possible in preparation of the PowerPoint presentation upon finalization be posted to the city website so it will be handy for the public, which would help comments be more precise. Mr. Wittern stated that going into Executive session is an opportunity not a must.

#### **APPROVAL OF AGENDA –**

**Councilor Rogers made a motion to approve the Agenda**

**Councilor LaFont seconded.**

**Motion carried.**

#### **MAYOR AND COUNCIL REPORT**

Mayor Kent encouraged the public to attend the Town Hall meeting on March 8, 2017 at 2:00 at the Community Center. Mayor Kent and Manager Lucero are working together on items to bring to council with processes and changes to the Personnel Handbook.

Mayor Pro Tem Skinner reported that February 28 was the New Mexico Municipal League Annual Legislative Day in Santa Fe. Director, Bill Fulginiti discussed the dire financial state of the State of New Mexico and discussed how to balance Fiscal Year 2017. One way to balance for the \$69 million that the state was short was to cut back on all the reserves for LEPF and State Fire Funds. Director Fulginiti stated that the monies will not be allotted in one lump sum; it will now be broken down in one month or quarterly increments, but that expense will be falling on the city which possibly may be reimbursed. Also, the deficit going into Fiscal Year 2018 is already at \$125 million and the Governor had already tapped into the States reserve funds for \$90 million. That \$90 million has to be paid back to the reserve fund. As of right now going into Fiscal 2018 the State is already at 200 and some million dollars in the whole. It had been talked about taxes being raised such as in cigarettes, liquor, excise tax for cars from 3 to 4 percent, hospitals and medical exempting the first 60% and taxing the remaining 40% which would be devastating to hospitals. Governor Martinez is also looking at taking money from cash balances by looking at DFA Reports monies need to be encumbered.

Councilor LaFont did not have anything to report at this time.

Councilor Rogers did not have anything to report at this time.

Councilor Trager did not have anything to report at this time.

#### **Manager's Report**

Manager Lucero reported attending the Municipal day as well. One good thing considered to be put in Legislation was for DFA to state letting Cities know where GRT is coming from. New Mexico Magazine is going to put Elephant Days in the next magazine. The magazine just needs solid dates. Manager Lucero is in the process of hiring a new Maintenance Supervisor, who will starting on March 2<sup>nd</sup> and Director Cole gave him a tour of everything before making him a job offer.. Manager Lucero and Clerk Rieth have been working on the presentation for the Lodger's Tax Meeting to be held on March 9<sup>th</sup> at 9am. Also, Manager Lucero is preparing for the P&Z Meeting that was scheduled for March 7<sup>th</sup> at 9am. Sign Ordinances will be looked at during this meeting. Zone Variances is the item on the agenda for that meeting.

### **Clerk-Treasurer's Report**

Clerk Rieth reported that when the City was established in 1998 it was mistakenly set up as Corporation through Tax and Rev Department. This was discovered through a letter from Tax and Rev stating that we could no longer issue Non-Taxable Transaction Certificates or submit any more required reporting until we provided Tax and Rev with a Business ID issued through the Secretary of State. Clerk Rieth contacted the Secretary of State to clarify what this ID was and was told that the City did not need one which led to back and forth between several entities for the last 4 months. DFA finally got involved and facilitated between the Secretary of State's office and Tax and Rev. The City of Elephant Butte was able to prove to be a Municipality in the State of New Mexico. City of Elephant is now officially registered with Tax and Rev as a Government Entity.

Clerk Rieth explained that presented for today's agenda is the Audit for the Fiscal Year 2015-2016, in which we have permission to print communication from the Office of the State Auditor. Clerk Rieth stressed that the City had zero findings this year. The audit is available for public inspection though the Clerk's office during regular business hours.

Clerk Rieth announced that on March 20 - 24 Chief Boone will be conducting fire hydrant testing. Citizens have been notified through a note on their last utility bill, the city website, Facebook, at the public posting places, and also on the LED Sign. Chief Boone would like everyone to know that the testing could cause a brief discoloration of water, but there are no concerns with safety. Mayor Kent clarified this possible discoloration is for citizens on city water only not those on New Mexico Water.

Clerk Rieth stated that The Clerk's office had obtained approval for Federal Funding reimbursement through New Mexico Help for Court Software training for Clerk Rieth and Deputy Clerk/Court Clerk Apodaca, which is scheduled for May 5<sup>th</sup>. This program was brought to Clerk Rieth's attention through Mayor Pro-Tem Skinner. This program reimburses the City for employees' wages and costs involved in obtaining additional certifications and necessary job trainings as long as they are provided by outside sources. The City will be applying for additional funds for future training for clerks and in-field personnel getting their water and waste water certifications.

### **CONSENT ITEMS**

Mayor Kent stated that it was very unusual to have no findings on the Audit, and Commended Clerk Rieth and the staff for clearly following all policies and procedure through the Auditor's Office:

**Councilor Rogers made a motion to approve the Consent Items: Approval for the Regular Meeting Minutes of February 15, 2017 and Acceptance of Fiscal Year 15-16 Annual Audit. Mayor Pro-Tem Skinner seconded.**

**A Roll Call Vote was held:  
Councilor Trager voted yes.  
Councilor Rogers voted yes.  
Councilor LaFont voted yes.  
Mayor Pro-Tem Skinner voted yes.  
Motion carried.**

## **REGULAR ITEMS**

Clerk Rieth presented **Resolution 16-17-120 Budget Adjustment in the 209 Fire Fund.** There was a Surplus auction for a truck and some other equipment from the Fire Department. There were two separate payments: one was for \$3,353.81 and the other was for \$1901.00. Both the Revenues and Expenditures need to be increased in order for Chief Boone to be able to spend these proceeds. Staff recommends passage of the Resolution.

**Mayor Pro-Tem Skinner made a motion to approve Resolution 16-17-120 Budget Adjustment in the Revenue and Expenditures 209 Fire Fund  
Councilor LaFont seconded.**

## **EXECUTIVE SESSION**

**At 2:28pm, Mayor Pro-Tem Skinner made a motion to go into Executive Session to discuss NMSA 10-15-1(H)(8) purchase, acquisition or disposition of real property of water rights by the public body**

**Councilor Rogers seconded.**

**A Roll Call Vote was held:  
Mayor Pro-Tem Skinner voted yes.  
Councilor LaFont voted yes.  
Councilor Rogers voted yes.  
Councilor Trager voted yes.**

**Motion carried.**

**Council came out of executive session at 5:39pm.**

Councilor LaFont certified that only matters on the agenda had been discussed, no decisions had been made, and no action had been taken.

**ADJOURNMENT:**

**Councilor Rogers made a motion to adjourn.  
Councilor LaFont seconded.**

**Meeting adjourned at 5:39pm.**

*Minutes approved and adopted at the Regular meeting of the City Council on:*

*March 15, 2017*

*Karen Rieth*

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Karen Rieth, Clerk-Treasurer

