



**CITY OF ELEPHANT BUTTE
SPECIAL CITY COUNCIL MEETING**

Monday, December 6, 2021 – 10:30 am

Municipal Building, 103 Water St. Elephant Butte, NM 87935

The City will also open the meeting to the public through WebEx number: (408) 418-9388, Access Code: 126 124 0239, Password: 87935 or going to www.cityofelephantbutte.com for information about accessing the meeting through your computer.

MINUTES

1. CALL TO ORDER

Mayor Edna Trager called the meeting to order, and Councilor Cathy Harmon led the Pledge of Allegiance.

2. ROLL CALL

Clerk-Treasurer Rani Bush called roll.

Mayor Edna Trager – Present
Mayor Pro Tem Kim Skinner - Present
Councilor Travis Atwell – Present
Councilor Cathy Harmon – Present
Councilor Michael Williams – Present

Clerk-Treasurer Bush declared a quorum.

3. APPROVAL OF AGENDA - Council Declaration of Conflict of Interest

Councilor Williams motioned to approve the agenda. Councilor Atwell seconded. **Motion passed by acclamation.**

4. STATEMENT OF OPEN MEETINGS RESOLUTION & 3 MINUTE LIMIT PER SPEAKER ON ALL ISSUES

5. EXECUTIVE SESSION

Councilor Williams motioned to go into Executive Session. Councilor Atwell seconded. Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner - Yes
Councilor Atwell – Yes
Councilor Harmon – Yes
Councilor Williams - Yes

Motion passed.

*******EXECUTIVE SESSION BEGAN*******

- a. Discussion of limited personnel matters regarding evaluation of the City Manager, pursuant to NMSA 1978, Section 10-15-1(H)(2).

Councilor Williams motioned to come out of executive session. Councilor Atwell seconded. Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner - Yes
Councilor Atwell - Yes
Councilor Harmon - Yes
Councilor Williams - Yes

Motion passed.

*****EXECUTIVE SESSION CAME TO AN END*****

Councilor Williams certified as required by Section 10-15-I(J), NMSA 1978, matters discussed in executive session were limited only to those specified, and no actions were taken.

6. REGULAR ITEMS

- a. Discussion/Possible Action: Evaluation of the City Manager

Councilor Williams motioned that due to the overall average scores were below the norm that the Council immediately terminate the city manager.

Clerk-Treasurer Bush asked if that was legal. City Attorney Ben Young clarified that State statute provides that managers shall be employed for an indefinite term until vacancies are created by death, resignation or removal by the commission or council. City Code states that the position will be vacated on resignation, retirement, or death of the City Manager or upon removal, without stated cause, by the Mayor with the concurrence of the City Council. Attorney Young pointed out that this potentially conflicts with State statute, which is pretty clear that the commission or council makes the motion as opposed to the mayor.

Mayor Pro Tem Skinner seconded. Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner - Yes
Councilor Atwell - Yes
Councilor Harmon - Yes
Councilor Williams - Yes

Motion passed.


Mayor Pro Tem Skinner recommended that an ad be placed in the local paper right away and also with the NM Municipal League.

7. ADJOURNMENT

Mayor Trager adjourned the meeting.

Minutes approved and adopted at the City Council Meeting on December 15, 2021.

ATTEST:


Rani Bush
Clerk-Treasurer

