

City of Rio Communities Workshop Minutes
Tuesday, March 13, 2018

- Mayor Gwinn called to order the city council workshop at 10:00 am
- Present: Mayor Gwinn; Councilors, Bill Brown, Joshua Ramsell and Arturo Sais
Present: City Manager Bob Skerry, City Treasurer Celina Benavidez, Municipal Clerk Lisa Adair, EDC Chairman Jim Winters and City Attorney Marcus Rael.

Council reports & agenda items - 30 minutes

- Councilor Sais asked if the DOT has been informed about the barriers that have been piled up for several months.
- Manager Skerry explained that they are waiting until it is warmer, so they can pour concrete there and not have to blanket it.
- Councilor Brown had no report.
- Councilor Ramsell had no report.
- Mayor Gwinn explained L.E. Rubin is the new fire chief and will be sworn in tonight.
- Mayor Gwinn explained that CID has finished their report on the fire department and then asked if the building is almost complete.
- Manager Skerry said electricians are there today and HVAC and plumbers are supposed to be finished next week.
- Mayor Gwinn reminded that the city cleanup day is this weekend. He also said Abundant Life youth group will do a clean-up on the 31st on Hwy 47.
- Mayor Gwinn said the newly elected officials training is on the 24th and the District 8 meeting will be on the 28th. He said we'll get some insight on the laws the governor signed. He said we know she signed the election law, so we'll get an update on what that will mean to municipalities.
- Mayor Gwinn explained that he has been getting a lot of calls on the tumbleweeds and then asked if the fire department can do a controlled burn.
- Mayor Gwinn said he has been getting calls from the HR company and he would like to see what we have to do to clear that up.

MOA – Valencia County – EMS Director/Services – Discussion

- Manager Skerry explained that a director is required to take care of all EMT's and EMS personnel and certify the drugs. He said the only difference in this MOA and last year's is the date and started a discussion. He said the cost of the director is split up among five municipalities and the county.

MOA – Valencia County – Sheriff – Discussion

- Manager Skerry explained that the cost for one officer remains at \$125,000/year to be paid in a lump sum no later than September. He said other than that only the date has change and we will continue with one officer through the end of fiscal year 2019.
- Councilor Sais asked if there have been any discussions about getting another officer.
- Mayor Gwinn said currently we have funds for one officer and if we get another one, we have to deal with the lapse of time between collecting the funds and getting the officer.
- Manager Skerry said he has talked with the Sheriff and some people running for Sheriff and they want to keep this agreement going. He said if we get money for another officer, we have to pay the \$125,000 up front for a full officer.

Continuation of Service Agreement – Valencia County - Discussion

- Manager Skerry explained that, in the past, we had some agreements with Belen but the animals go to the same shelter so we still have to deal with the County. He said, for that reason, we decided to contract with the County for the past three years. He said the bills have been extremely high because when someone takes a dog to the shelter, we pay for up to three days to house the dog at \$50/day plus cost to catch the dog.
- Manager Skerry explained that we have another agreement with the County for installation of the signs on municipal streets that does not sunset and continued the discussion.
- *Attorney Rael asked if Council has held an organizational meeting. He said, at that meeting, it's Council's responsibility to appoint all the officers as well as employees in the municipality and approve or disapprove.*

Selection & Approval of Architects – Discussion

- Manager Skerry read an e-mail he received from the architects listing options for reducing the cost for renovating the city hall building.
- Mayor Gwinn asked about drainage under the sidewalk to keep the sidewalk from flooding.
- Manager Skerry said they haven't addressed that yet and continued an explanation of what to expect regarding the design of the building.
- Mayor Gwinn asked if we approve this tonight the architects will give us a cost estimate and time frame.
- Manager Skerry explained that tonight, Council will vote on the architectural firm not on the cost of this work at this time.
- Councilor Sais asked about expanding the landscape in the parking lot that was discussed at the presentation.
- Manager Skerry explained this cost will be determined in the future.
- Councilor Sais asked what it would cost to demolish the sign.
- Manager Skerry said the proposal is to re-face the sign and add new signage but the option is stucco with stone accents to save money.
- Attorney Rael asked if we did an RFP.
- Manager Skerry explained we did not and CES will do the procurement.

a) Public input/questions (3) minutes to address the Council

- No public comments or input.

Fire Department personnel – Discussion

- Manager Skerry explained that we have an all-volunteer Fire Department and the discussion will be about having a paid position for a chief/EMT and an assistant chief. He said we can use GRT monies to pay a portion of the cost. He then explained that the by-laws have not been updated to change the fiscal agent to the City which was why he thought we should not swear L.E. Rubin in as chief tonight.
- Councilor Sais asked, if we hired a chief and an assistant, we would have more in-put regarding policies and procedures since we'll be paying them.
- Manager Skerry explained that we are a Mayor Council Manager form of government and he was hired by ordinance as city manager and personnel is the manager's responsibility.
- Mayor Gwinn explained that he understands that even though we are a Mayor-Council-Manager government we still need to protect the people we hire.
- Attorney Rael said because our population is over 5,000, we qualify to have a manager form of government. He said his recollection is that Rio Communities was incorporated as a strong mayor form

of government and he wasn't sure if the steps were taken to become a manager form of government. He said Council hired a manager instead of an administrator which is what they would do under a strong mayor form of government.

- Manager Skerry said the manager form of government was established by ordinance.
- Attorney Rael said to pass that ordinance, Council would have to take steps to switch from strong mayor to a manager. He said it sounds like the city was incorporated under one form of government and then passed an ordinance that belongs in the other form so that needs to be fixed and it's up to Council to decide what they want.
- Mayor Gwinn explained that the former governing body wanted to have a city manager because the manager would take care of hiring and personnel matters. He said he likes having HR guidance on some things.
- Manager Skerry said we either have a manager or administrator but we can't mix the two especially since we have an ordinance that gives the manager 100% control of personnel.
- Attorney Rael said we have the option under the administrator statute to give some or all power to a city administrator.
- Mayor Gwinn said we wanted the HR company to look over the personnel policy and job descriptions, but Council also wanted them to make sure EEOC is being done correctly. He said that part should come to Council and personnel issues would go to the City Manager.
- Treasurer Benavidez said that should have been written into the contract.
- Manager Skerry explained that EEOC was directed at the personnel policy and they took our policy and inserted new EEOC terms. He said everything was done in accordance with the scope of work and any changes could have been requested in writing through Treasurer Benavidez as procurement officer or him as principal contact.
- Treasurer Benavidez said another problem is that Manager Skerry is the principal contact, but all contact was being diverted to the Mayor.
- Mayor Gwinn said that Council approved having EEOC matters coming directly to Council.
- Treasurer Benavidez said the HR firm is still contacting Mayor Gwinn when she is the one who severed the contract.
- Mayor Gwinn said he hasn't answered the calls from the HR firm because Treasurer Benavidez asked him not to. He said he is the point of contact only on EEOC matters – not personnel matters.
- Treasurer Benavidez said it doesn't matter – the only thing that matters according to procurement policy is the contract we signed.
- Councilor Sais said we need more clarification on that and need an attorney to advise us as to what form of government we're going to have and where we stand.
- Councilor Brown asked for further discussion on the fire department. He said we should acknowledge the newly elected fire chief and swear him in so he can fulfill his duties.
- Manager Skerry explained that the fire department didn't change their by-laws, so we'll be swearing someone in with no by-laws to back it up.
- Councilor Sais asked if he could be sworn in as an interim until the by-laws are changed.
- Manager Skerry explained that the fire department is all volunteer so they all have to vote to adopt new by-laws. He said they have to meet and the majority has to vote for new by-laws.
- Councilor Sais said we don't know when they're going to meet, and we need a fire chief, so we should swear him in as the fire chief or as an interim.
- Councilor Brown explained that the Chief has been voted in until November when Taylor's term ends and at that time, there will be another election.
- Attorney Rael asked if the city controls any funds at the fire department. He said if we serve as the finance board, the chief is an appointed position and the volunteers don't get to select who the chief is

if they're receiving funds from the municipality. He said their by-laws don't over-ride state statutes, so the fire chief could be sworn tonight.

a) Public input/questions (3) minutes to address the Council

- No public comments or input.

Code Enforcer personnel – Discussion

- Mayor Gwinn said the council wants to discuss hiring for this position instead of waiting until we approve what HR provided to us.
- Councilor Sais said we allocated the funds for that position and he would like to see it posted and someone hired.
- Manager Skerry explained it is not that he doesn't want to hire a code enforcer, but we've hired an HR firm to do a new personnel policy, new job descriptions and a new wage/salary scale. He said he wants to have that adopted and proceed with PERA, so we can get a trained code enforcer that has done the job before.
- Councilor Sais said he understands we have an HR firm to do a study, but the new job description is almost the same.
- Manager Skerry said the difference is full-time instead of part-time and getting someone who can get certified as a code enforcer. He said we've had problems with turn-over in that position and he is trying to solve that problem and it's his job to decide what it takes to run personnel.
- Mayor Gwinn said we have a manger who does the hiring, but council can ask him to move forward and fill the position. He said we can't be involved in the hiring process because that falls to the city manager.
- Councilor Sais said, at this point, we have slots open that need to be filled and we may have to train the new person if he doesn't have the experience maybe we need to put money aside for training.
- Councilor Brown said we have not had a viable code enforcer for a year and the city is hurting because nothing is being done to correct some bad conditions. He said as a matter of good faith to our citizens, we should at least post the position and see if there is a viable candidate out there.
- Manager Skerry said revision of the personnel policy, job descriptions, wage/salary and applying for PERA on council's agenda for six months. He said he wants to see everything in place before the job is posted.
- Treasurer Benavidez explained that she will not train someone who does not have experience. She said if council is not willing to make the changes necessary to get someone with experience, she is not willing to train.
- Clerk Adair said it's offensive to hear someone say we're a training ground and people will go elsewhere after they're trained. She said she loves the city and wants to stay but she needs a competitive wage scale. She said she will be certified within a couple of months and then asked if we're considered a training ground, should she be training to go somewhere else.
- Mayor Gwinn said when people are hired there is a level of training required, and everyone will have a learning curve.
- Treasurer Benavidez said training is not the same as level of competence. She said Manager Skerry has fifteen years' experience in government so under our merit-based system, he should be compensated accordingly and we're not doing that.
- Mayor Gwinn said he should be compensated according to our boundaries and we can't go outside the limit of re-occurring funds.

a) Public input/questions (3) minutes to address the Council

- Marilyn Winters said she feels like we're holding the city hostage for what the City Manager wants. She said we have a valid job description, personnel policy and wage/scale and have had for years and there is no reason why the position can't be posted now.
- L.E Rubin said the code enforcer is not much different from the volunteers at the fire department. He said it is a revolving door and all they do is train people, they leave, and we train again. He also said most of the people who come in have zero training and it may be that the city is training people to go somewhere else. He said there are people in the community that have done code enforcement that may not have been available before but may be now.

Open Meeting Act – add a new posting location – Discussion

- Clerk Adair explained that the resolution won't be passed until the 27th and explained the changes that have been made. She said she would like to add "at least" to the number of posting places and Claudine at the Coffee Shop agreed to let us post there, so she would like to add that to the list.

a) Public input/questions (3) minutes to address the Council

- No public comments or input.

Manager Report

- Manager Skerry explained he had a conference call with Ralph Mims and Russell Combs regarding the incubator project. He said they're putting together a steering committee which will be made up of a representative from each city and he and Ralph. He said one of the studies showed that Rio Communities would be a good location for a kitchen incubator.
 - Manager Skerry said work on the roads will not start again until the weather is warmer and began a discussion on pot holes. He said if Council doesn't want to wait a few weeks, he can get a pot hole crew now, but they can do more potholes for less cost if they do all the work at the same time. He then said we received payment from DOT for the last co-op grant, so it has been closed and the date for the new grant is March 15.
 - Manager Skerry said we got \$133,000 from small city assistance and we budgeted \$150,000. He explained that the franchise fees have been low, so we are under budget from both of these areas but we're running a 12% gain in GRT and have a boost in property valuation.
 - Manager Skerry explained he is still working on annexation and waiting for the petition.
 - Manager Skerry explained he and Jim will be meeting with Peter Mitchell from the State Economic Development.
 - Manager Skerry said Belen has been put on assigned risk with DOT and DFA has put the County on assigned risk by DFA. He said even if the county was willing to pass a LEDA ordinance, they don't have the financial wherewithal to do that. He said the City has money that we've bankrolled primarily by keeping the staff low and his position has been to pay the people well but keep the staff small. He continued the discussion regarding LEDA and explained we have \$900,000 in recurring funds and can only designate 10% of that for LEDA. He said we have reserves that we could use by budget adjustment if something happens on the industrial park, but we need to keep \$90,000 in reserves.
 - Manager Skerry said there is a good possibility that now that the County is on assigned risk, the City will get control of the Senior Center.
- The City Council workshop was adjourned at 12:00 pm.

Respectfully submitted,

Lisa Adair, Municipal Clerk
(Transcribed by Pamela Johnson, Deputy Clerk)

Approved:

Mark Gwinn,
Mayor

Margaret (Peggy) Gutjahr,
Councilor Mayor Pro-tem

Bill Brown,
Councilor

Joshua Ramsell,
Councilor

Arturo R. Sais,
Councilor

Date: _____