

City of Rio Communities Workshop Minutes
Tuesday April 10, 2018

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

Council reports & agenda items – 30 minutes

- Councilor Ramsell said he noticed road repairs are on the way. He said potholes on Guapo and Kaghan have been repaired and there are also repairs being made on the east and west side of Rio Communities Blvd. He said citizens are letting him know they appreciate it.
- Councilor Sais said he has information regarding organic food sales. He said he will get the phone number of the lady he spoke with for EDC.
- Councilor Sais asked how the fire station is going.
- Manager Skerry mentioned they should finish within the next few days. He said we're trying to close out \$175,000 in the fire department fund \$66,000 of which is committed, and we only want to carry over \$30,000. He then said we had FBT Architects look at the fire station to do some exterior work on the building and began a discussion.
- Councilor Sais said he would like for City Hall to be open Monday through Friday when the remodeling is done.
- Councilor Brown said we are about to experience some vacancies in P&Z and EDC and he thinks it is time to put people in, so we have experienced people when the transition comes. He said he is led to believe that in November there will be two openings in P&Z and probably one in EDC. He said the ordinance for both state they have at least five members on both commissions.
- Councilor Brown distributed copies of the governing body's priority sheet and began a discussion on the list.
- Councilor Brown asked about the status of the abatement ordinance.
- Manager Skerry said abatement and adverse possession are the number one issues for law suits, so we need to talk with the Municipal League and do some more research before we try to pass an abatement ordinance.
- Councilor Brown said he would like to take the information he has on abatement and imminent domain and pursue it further individually.
- Manager Skerry said we won't have staff for six months to a year that could enforce those ordinances.
- Councilor Brown said he received a letter from Mr. Padilla regarding code violations and is afraid, if we don't do something, we're open for more problems.
- Manager Skerry explained that he spoke with the Mayor regarding the letter and this matter goes straight to the attorney. He said this is a good example of why he has been concerned about code enforcement because there is a real possibility of a law suit and CID has dumped this issue back in our lap. He said code enforcement is extremely stressful and requires experienced people that know what to say and not to say. He said the wall Mr. Padilla is talking about was built over two years which is not the time schedule that has been represented and this is a land owner dispute.
- Mayor Gwinn explained this complaint will be sent to Marcus Rael and let him tell us where we stand and what we need to do.

- Councilor Brown said this also brings back the issue about the need for a code enforcer.
- Councilor Sais said he agrees and we have talked about this and have a job description for a code enforcer.
- Councilor Gutjahr said the health fair is on the 21st and there will be from 52 to 56 vendors there.
- Councilor Gutjahr said it looks as if someone has been picking up trash and it may be helpful to have two more signs regarding illegal dumping.
- Mayor Gwinn said he met with the County Sheriff and we were selected to host the National Night Out on August 7, 2018 and began a discussion.
- Mayor Gwinn said we'll have the wood chipper at the cleanup on the 28th.
- Mayor Gwinn said that he, Manager Skerry and Councilors Brown and Sais attended the District 8 meeting. He said they discussed HB 98 which is the election bill. He said we must opt in if we want the county to run our election and he let them know Rio Communities will not opt in.
- Mayor Gwinn said that NMML is putting together committees to come up with things they want to present at the sixty-day session.
- Mayor Gwinn asked Jim Winters if he will resign from MRCOG.
- Jim Winters said he is willing to fill in if needed. He said he is interested in staying on because we can submit again for TIP and we have a lot of roads that can fit into that plan.

MOA – Valencia County – Housing and care of adult persons arrested

- Manager Skerry discussed the MOA with Valencia County. He said the only change is the fee that was increased from \$85 to \$95 and the contact information and signature page.
- Mayor Gwinn explained the amount that our county is asking for is reasonable compared to what other counties are charging.
- Councilor Brown asked what is in the budget for this.
- Manager Skerry said we have set aside \$19,000 in the past and so far, everyone that has been caught has been caught in another jurisdiction. He said we've gotten away with paying nothing but that will probably change.
- Mayor Gwinn said cities across the State are finding they do not know how to budget for this and struggling because in some areas the city pays for a certain number of days and then the state takes over.

Job description for all positions – Discussion Personnel Matters – Discussion

- Council combined the job descriptions on all positions, discussion of personnel matters and ordinance 2018–xxx personnel policy into one discussion.
- Manager Skerry explained that HR reviewed all the job descriptions, personnel policy and the compensation survey.
- Mayor Gwinn explained that he talked with Randy Van Vleck about our Ordinance #28 that we passed in 2014. He said Randy reviewed the ordinance and said we are a municipality with a manager. He said there are 80 cities in the state that are Mayor/Council, but they use an administrator. He said Randy will put us on the list as a Mayor/Council with Manager form of government.
- Manager Skerry asked Council to review the ordinance regarding relationship between manager and council. He said it's important to know that the duties listed are word for word out of the statutes and continued the discussion on the requirements for the manager.

- Councilor Gutjahr said she has never suggested that Council should make the decision about who is hired but she has suggested that the process should involve more than one or two people.
- Council discussed the personnel policy and changes that should be made.
- Councilor Sais said he has concerns regarding paragraph 1.3 and clarified that Council can amend the policy. He also said he is concerned about the hiring process and that there had been discussion about a committee for hiring and having one of the Councilors involved.
- Mayor Gwinn said NMML brought that up at Newly Elected. He said they recommended that people be hired for certain positions by a three-person board with one being a Councilor or someone neutral. He said he would like to see three people involved in the hiring process.
- Manager Skerry said that needs to be clarified because he thinks it applies only when there is an administrator. He said a merit-based policy is not possible if there are appointments made by elected officials.
- Councilor Gutjahr said the issue is the hiring process and the final decision of who to hire will always be made by the City Manager. She said there should be more than the City Manager and the department head involved in the interviewing process.
- Manager Skerry said he wants himself and the department heads to interview and make the decision like we have in the past. He said we shouldn't let someone who has never been involved with city government be involved in hiring.
- Councilor Sais said that process becomes bureaucratic and we need someone involved that is "neutral". He said the tools are still available to get rid of someone at will during the probationary period.
- Councilor Sais said Council is elected to make policy and the City Manager is responsible for implementing the policies.
- Councilor Gutjahr said she wished Celina and Pam were in the room and went on to say that what has bothered her for three months is watching a division occurring with staff against council. She said she doesn't know who instigated it, but that's what she feels.
- Manager Skerry said there is a division because Council has had nine months to make the decisions regarding personnel and consequently everyone has had to do extra work.
- Treasure Benavidez and Deputy Clerk Johnson came into the room and workshop.
- Manager Skerry said now that all the staff is present, Council should ask them why there is a division.
- Mayor Gwinn gave each member of the staff an opportunity to address Council.
- Clerk Adair said one of her concerns is that she is hearing that we need an outside agency to write a personnel policy and she disagrees. She also said there has been conversation about hiring someone without qualifications and having to train them for that position and she doesn't want to be a training ground.
- Deputy Clerk Johnson said she has never been mistreated by anyone. She said that, to compete for qualified people, the pay scale will have to be more competitive.
- Treasurer Benavidez said her main issue is that Council is not going to the City Manager and are doing things on their own. She said in doing so they are violating several state statutes. She said it is frustrating that when issues are brought to Council, there is no real action taken. She also said she feels like she is being blamed for Marsha's leaving.
- Manager Skerry said it has been frustrating to him not knowing where Council stands versus what managers and staff are supposed to be doing. He said this includes Councilors talking to the code

enforcer and disgruntled people individually as Councilors. He said staff's job is to run the city – not Council's.

- Mayor Gwinn asked Councilors to respond to staff concerns.
- Councilor Brown said he appreciates Clerk Adair's perception that people hired without qualifications require training, but Council doesn't do the hiring. He said he understands Deputy Clerk Johnson's issue regarding wages and Council will address salary increases. He said Treasurer Benavidez' voiced concerns about violation of statutes and issues that may occur because of that but, to his knowledge, Council has not violated any statutes.
- Treasurer Benavidez explained statutes she believes were violated and said they were explained in an e-mail sent to Council.
- Councilor Brown said he understands that Treasurer Benavidez feels like she is being blamed for Marsha's situation, but he has never seen any indication from anyone that blame was placed on her.
- Councilor Gutjahr said she appreciates what Clerk Adair had to say but no matter who we hire, they will require some training. She said she agrees that people should be paid well but she feels it has to be sustainable and continued the discussion.
- Councilor Sais said he agrees that we want to pay staff well. He also said training is very important and should be relevant to our community.
- Councilor Ramsell said he appreciates what staff does and the hard work they do on a day to day basis. He said staff should be paid well for the job they do.
- Mayor Gwinn said he appreciates the work the staff does and realizes there are times when we need more people. He also said every person we hire will have to be trained.
- Council continued their discussion on the personnel policy and job descriptions and made changes.
- Clerk Adair said she will make the changes discussed today and present at the regular meeting tonight.

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

- No public input.

Ordinance 2018 – __ Personnel Policy – 14-day review

- Changes to the policy were made in the above discussion.

Manager Report

- No manager's report
- The City Council workshop was adjourned at 2:19 pm.

Respectfully submitted,

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

Date: _____

Approved:

Mark Gwinn,
Mayor

Margaret (Peggy) Gutjahr,
Councilor Mayor Pro-tem

Bill Brown,
Councilor

Joshua Ramsell,
Councilor

Arturo R. Sais,
Councilor