

City of Rio Communities Workshop Minutes
October 9, 2018

- Mayor Gwinn called to order the City Council workshop at 10:00 a.m.
- Present: Mayor Gwinn, Councilors; Bill Brown, Peggy Gutjahr, Arturo Sais and Joshua Ramsell
Present: City Manager Bob Skerry and Deputy Clerk Pam Johnson

Council reports & agenda items – 30 minutes

- Councilor Brown said the Older American Program Advisory Council meeting will be held on Thursday October 17 and Senator Stefanics will be there.
- Councilor Gutjahr said she talked with Tom Zanotti who lives at the corner of Horner and Goodman and he is interested in being on EDC or P&Z. She said he has concerns about a house next to him where a cease and desist order was issued to stop construction on a building that was being built in the back yard. She said he also told her that the County Commission allowed two or three communities to apply for a zip code but rejected Rio Communities. She also said none of the people she talked to at post offices could remember when they got their zip code or how they got it.
- Councilor Gutjahr said she has a list of things to be on Council's agendas that should be discussed in a workshop.
- Mayor Gwinn said that could be on the October 23 workshop agenda.
- Councilor Sais said there needs to be discussion regarding an organization chart concerning the City Manager and the Fire Chief. He also said we need a timetable on the annexation process.
- Councilor Ramsell had no report.
- Mayor Gwinn said the annual budget conference will be held at the Marriott on November 15 and 16 and the City Clerk would like to know who wants to attend. He said the conference is put on by DFA, Taxation and Revenue and NMML.
- Mayor Gwinn said some of the Councilors are getting calls or visits from the Padilla's. He said they sent a letter through their attorney and he forwarded it to the City's attorney. He said the matter is between the attorneys now, so we should let them handle it and not talk to the Padilla's.
- Mayor Gwinn said Robert's Rules of Order will be enforced during public speaking. He said when a member of the public want to speak they follow the rules by coming to the microphone, face Council, state their name and address and what they want to talk about for three minutes. He said Council can answer questions or talk about comments when the speaker is through. He also said there will no giving minutes to other residents.
- Councilor Gutjahr also said comments from the person at the microphone are directed to Council and people in the audience can't ask them questions.
- Mayor Gwinn said he has asked for three dumpsters to be at the next city clean up, one only for weeds. He said there will three groups of people picking up trash and he thinks there is enough money in the budget to pay for three dumpsters.

Solid Waste Ordinance update – Discussion

- Jim Winters said the ordinance has been sent to the City's attorney. He said one of the issues is how we will handle discounts and the attorney suggested discounts to customers be part of the procurement process and the other three legal issues will be addressed with Council. He said the attorney wants to strengthen enforcement of the ordinance and has some suggestions.

- Mayor Gwinn said the attorney would like to meet with Council during the week of the 23rd before we take it to another public forum. He said the attorney said the ordinance we're putting together is good, but he wants to make it stronger. He said he told the attorney we have no interest in how funds are collected, and we should let the hauler do that.

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

- Frank Stasi asked if the forum could be in the evening, so we get a better response. He also asked when the ordinance will be available to the public.
- Mayor Gwinn said the forum we had was in the evening and only three or four people attended. He said, once the Council moves the ordinance to a public forum, the paperwork will be available.
- Tommy Westmoreland, 458 Goddard Court asked about the solid waste ordinance. He said the garbage trucks are destroying Goddard Court. He said he has a problem with paying the company that puts the dumpsters here on clean up days. He said if they don't pick up something left at the curb, they should provide a dumpster as part of their contract. He asked Council to consider that and said he is disappointed with the amount of trash in the City.

Private Security/Civilian volunteer program – Discussion

- Councilor Ramsell said he contacted several private security companies and most told him they won't provide service this far from Albuquerque. He said he found one that would come to Rio Communities and was told we need 400 homes to sign up for the service at a rate of \$150 per home per month. He said that is \$1,800 per household and not a feasible solution for the City.
- Councilor Gutjahr said she called Ed Zendel, head of risk management and he told her a civilian volunteer program would be called an "extension of community watch". She said she talked to Bosque Farms and they sent her a copy of their guidelines and mission statement. She said the requirements are a car identified as Rio Communities Patrol; insurance which is called a "volunteer rider"; an agreement with the Sheriff's Department, and someone in City government to oversee it. She said the guidelines which we would have to set up are background check, review of driving record, signed statement that no guns or weapons will be in the car at any time, no uniforms that resemble security or police, no confronting people, a reporting process and a log for signing in and out. She also said it is important to let citizens know the purpose of the patrol and make it clear that we don't have a "promise to act" and citizens need to be given two weeks' notice before it starts.
- Councilor Brown said maintenance will be required on the vehicle and asked where the car will come from.
- Mayor Gwinn said we have a vehicle that has been donated and is operable.

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

- Tommy Westmoreland 458 Goddard Ct asked if we can appoint a town marshal and that private security is not the answer.
- Frank Stasi asked what the cost would be if we have more residents that sign up for private security.
- Councilor Ramsell said he asked that question and the answer was no - \$150 was flat rate.
- Mr. Stasi said it amounts to the number of homes and asked about citizen participation in the cost.
- Mayor Gwinn said the Sheriff would have to agree to allow that. He said Sheriff Burkhardt said the best idea is an active neighborhood watch and have someone patrol their area at night.

- Councilor Gutjahr said Katherine Hennessy talked about people promoting fear by talking about crime on social media.
- Sandra Deno asked if anyone has found out how much more people would have to pay for another police officer.
- Mayor Gwinn said we've added 2.75% to property tax to help pay for the officer we have but some people don't want a tax increase. He explained that we started the process like several other cities have that were new. He said Council wants to work on a plan to add police officers and develop our own police department. He DOJ wants communities like ours to co-op with other small communities because the cost for each officer is going up.

Review of Personnel Policy Manual – Discussion

- Mayor Gwinn said Council is working on things they want to see added to the personnel policy.
- Council Gutjahr said work is still being done on the policy and we aren't at a point to approve the changes. She then asked where the policy indicates that we adhere to EEOC and what the components of it are.
- Manager Skerry explained there are six rights protected by federal law - race, ethnicity, religion, gender identity, disability and age.
- Councilor Gutjahr asked where the policy states the procedure we follow when an employee leaves. She said the policy should include something that says every attempt will be made to get an exit interview.
- Manager Skerry said he has a letter from everyone who has left except one code enforcer that was working here before he came. He said some refuse an exit interview or even to give a letter of resignation. He said, if that happens, he notes that in their file.
- Mayor Gwinn said Section 5.4 states requirements for resignation and attempts to set up an exit interview should be done when notice of resignation is given.
- Councilor Gutjahr said she will work on that for discussion at the next workshop. She then asked how we accept applications for employment.
- Manager Skerry said we require applications to be submitted by e-mail, but some people still come in to drop off their applications and, when that happens, the clerk stamps it received with the time and date. He said he then scans the applications and keeps an electronic copy and the date the application was received, when it was sent and when he responded is shown when he opens it.
- Councilor Gutjahr said a simple response should be sent to let people know we have their application. She then started a discussion on the selection process.
- Manager Skerry said he tries to include three people in the process and usually includes the department head or the employee that will work with that employee. He said having a seven-member committee is not realistic when we have staff. He said he has a list of questions he asks each applicant he interviews.
- Councilor Gutjahr said she will revise the policy to read "the City Manager/Department Head will convene a committee of no less than three." She then discussed changes made to 8.1 Grievance Procedure and 9.2 Personnel Board Membership.

Fire Department Fuel Cards – Discussion

- Mayor Gwinn said we're going to P-cards (procurement cards issued by the State) and asked about the time line for when that will take place.
- Councilor Ramsell asked about having an open purchase order with a service station in the City.
- Treasurer Benavidez said she brought this matter to Council four months ago, but it has always been tabled. She said we need DFA approval to get P-cards and they have an application, but she doesn't

have time to deal with it. She also said the fire department is using more fuel now than ever before. She said in the past their fuel charges were \$400 and now their charges are over \$1,000.

- Councilor Brown asked about the interim game plan.
- Manager Skerry said they've been using the City credit card and maxed out the \$1,500 limit. He said the solution has been for him to meet them at Al's Mini Mart and gas up for them, so he can keep track of the cost.
- Mayor Gwinn asked about getting an account with Jaramillo and whoever gets gas has to sign for it and we pay the bill each month.
- Treasurer Benavidez said the charges can't exceed \$500 or it will have to go to procurement.
- Manager Skerry said he thought we could set up a debit card at the bank with a \$3,000 limit but they require a signer on the account to use it.
- Mayor Gwinn said we may need to get with Chief Rubin and let him know they need to manage the fuel.
- Manager Skerry said the Fire Department runs the fire house and lets the City know what they need. He said they are supposed to submit a budget to him and it's his job to see if the money is available. He said he doesn't tell them what to buy.
- Councilor Gutjahr said she received the budget from Fire Department but the only income it showed was from fire funds. She said she thought there were three income sources.
- Manager Skerry said there are three streams of income and the fire funds come in increments now, not in a lump sum.

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

- Mary Lee Serna said it seems like the City government isn't keeping track because nobody knows if they've overspent.
- Manager Skerry said there is a financial policy for the fire department but people at the fire department aren't following the policy.
- Mr. Westmoreland asked if the City has money in reserves.
- Manager Skerry explained that the State requires 1/12 to be in reserves but Council approved 20% and we also have a capital reserve account that can only be used for capital equipment match. He said anything left over from fire funds has to be returned to the state.

Overview of Joint meeting between Council and RGEFD – Discussion

- Mayor Gwinn said some concerns about policies and procedures the fire department works under for purchase orders came up at the joint meeting. He explained that Manager Skerry and Treasurer Benavidez have explained the process, but they don't grasp all the funds that go to the fire department. He said certain purchase orders go for certain things and fire department monitors but they don't understand what money can be spent for and they think they have more money than they do. He said we need to work to fix that because it could be an issue that affects our audit.
- Councilor Sais said the Chief says they have over \$400,000 and will get more on November 1 and asked if he is right.
- Manager Skerry said the Chief is wrong and he has been shown that he is wrong, but he continues to give out numbers that are incorrect. He said it was never \$400,000 because \$200,000 has to be subtracted from that figure and EMS GRT funds have to also be subtracted. He said the Chief doesn't know how to read a profit and lost statement, so he looked at the biggest number and did not subtract anything out.

- Treasurer Benavidez said the fire department has money from fire funds and EMS GRT, but the State EMS GRT has been expended and what they have left is what was from previous years that wasn't being rolled over. She said the auditor made changes and now they have more than \$58,000 for State and County EMS GRT but the fire protection fund is not \$400,000.
- Councilor Sais asked Treasurer Benavidez for a solution for the budget travesty.
- Treasurer Benavidez said we need a legal agreement between the City and the Fire Department. She said no one understands who is responsible for what and she doesn't know who to answer to. She also said the Chief needs to understand the budget, but he sends his Captain to do that.
- Councilor Brown said the policies and procedures on procurement were written before we had a fire department and it needs to be a priority to re-visit those to incorporate how we deal with the fire department. He also said we have no information from the State about what a fiscal agent is.
- Manager Skerry said we need to have a policy that will ensure a clean audit and satisfy the internal auditor and a state auditor. He said the policy was given to the fire department, but we need management and supervision at Fire Department that is accountable to the fiscal agent. He said his solution was a chief and assistant because we need people that respond and answer questions.
- Mayor Gwinn said putting the Fire Department under the City as their fiscal agent can be by ordinance, but we need one that suits our needs.
- Councilor Gutjahr said the budget the Fire Department gave Council is confusing and budgeting was not a problem with the past two chiefs. She said Chief Rubin said we approved \$118,000 for EMT's but it was for EMS not EMT's because we couldn't agree on positions and EMS can be used for a fire chief that is also an EMT. She said people who have been at the department a long time have told her the administrative staff is not EMT certified and the chief and three lieutenants can't take EMT calls and most of the calls are for EMS.
- Mayor Gwinn said the EMT's there don't want to hire more EMT's - they want someone to manage the fire department. He said their biggest concern is that they have a voice and someone to represent them if we go to a fire chief. He said they also told him they don't feel comfortable talking because of fear of retaliation.
- Councilor Brown said the City is only responsibility for money as fiscal agent and the chief has total control of volunteers. He said a new fire chief will be elected on November 1 who will take over on December 1.
- Manager Skerry distributed copies of a checklist showing what was required when the City took over the fire station. He also said the City wouldn't have a fire department if P&Z had not done a comprehensive plan we had not had a clean audit. He said we can't continue to operate with a volunteer chief and pass an audit.
- Councilor Brown said he is aware of the checklist and all that went in a joint resolution saying the City of Rio Communities accepts the transfer from the county to the city. He said what we don't have is an ordinance that established relationship.

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

- Tommy Westmoreland said he hasn't met the chief, but it sounds like he wants to worry about things as they come rather than planning. He said if Council doesn't have confidence in the fire chief, they should let him know that.
- Frank Stasi asked about the discrepancy in the amount of money the Fire Department thinks they have and what the City says they have.
- Mayor Gwinn said their funding is made up of three areas – GRT, the grant and State fire funds. He said when you subtract the GRT for EMT and the grant that leaves only \$58,000

in fire funds that can be run off purchase orders until they receive additional funds on November 1.

- Mayor Gwinn said Council approves the budget and accounts payable, but funds are handled differently because they're state fire funds and have to be spent in specific ways.

Hiring Process of a Finance Clerk – Discussion

- Treasurer Benavidez said she is holding up the hiring process because of the audit and first quarterly report. She said she may be able to hire someone when the audit is complete, but it may not be before December.
- Manager Skerry said he has gone through the applications, but Treasurer Benavidez doesn't have time to hire and train.
- Mayor Gwinn asked if the hiring process could start at end of this month.
- Manager Skerry said Treasurer Benavidez is behind in her work and doesn't have time for the interview process.

Code Enforcer update – Discussion

- Mayor Gwinn asked for an update on hiring the code enforcer.
- Manager Skerry said his name is Gordon Reeves. He said he is a general contractor and currently owns apartments in Belen. He said Mr. Reeves will work part time but can't start until November 1 because of commitments to contracts he has to finish.
- Mayor Gwinn asked why he was hired to work part-time.
- Manager Skerry said he wrote the offer up at \$16/hour part time for six months. He said we can discuss the need for a full-time enforcer at that time. He also said he is going to ask Loretta Hatch to help train and may send him to the County for FEMA training.
- Councilor Gutjahr recommended asking Preston Craig to help with the training.

Taxes Pro's and Con's – Discussion

- Mayor Gwinn said we've heard people say at the last few Council meetings that they wouldn't mind paying higher tax for another police officer, but some don't want that. He asked what Council has heard.
- Councilor Sais said he would like to look at taxes that would pay for two officers in the future. He said the people he has talked to are positive about an increase in tax to pay for another officer.
- Councilor Ramsell said he is not big on raising tax, but citizens can see things we need since incorporation. He said we should emphasize what we're going to do with additional funds.
- Mayor Gwinn said we can always put the question of a tax increase on the ballot.
- Councilor Gutjahr said we can do a mill levy increase without asking. She said people have said they would be ok with a mill levy increase to pay for another officer and additional staff. She said people need to understand that they only pay \$38/year for services and when we tell them we want to raise taxes they'll understand.
- Councilor Ramsell said people say they want more services, so they can't say they don't want to pay.
- Ross Harms 1611 Brown asked for clarification of the \$38/per person annually.
- Manager Skerry explained that the City receives about \$231,000 in property tax per year and that number divided by the number of residents is \$38.

Manager Report

- Manager Skerry distributed information about classes he is taking through NM Edge. He said he is working for a CPM (Certified Public Manager) and explained the requirements. He said he has also signed up for classes through NM Idea which is State Economic Development.

- Manager Skerry said we have received approvals for the CO-OP grant. He said he has a bid from Universal for paving and talked with them last week. He said they will try to reschedule and get crews here to get things done that aren't heat sensitive. He also said the contract for striping has been let in the amount is \$54,000 for Horner, Goodman, Hillandale, Golf Course, Frederico and Kaghan.
 - Manager Skerry said we're looking for another weed control contractor. He said we need to get bids for street lights, speed signs and weed control but Treasurer Benavidez hasn't had time to do that. He said we would also like to offer someone a part time job for janitorial work.
 - Manager Skerry said he isn't pursuing the industrial park annexation because we have to be able to prove to DFA that we can provide law enforcement and fire protection.
 - Councilor Sais asked about city parks.
 - Manager Skerry said negotiation on parks affects subdivisions because the law says the developers have to give us park land.
- The City Council workshop was adjourned at 2:10 p.m.

Respectfully submitted,

Lisa Adair, Municipal Clerk
 (Taken and 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