

TRANSCRIPTION OF AUDIO RECORDING OF
THE ESPANOLA CITY COUNCIL
May 13, 2013
CITY HALL COUNCIL CHAMBERS
405 N. PASEO DE ONATE
ESPANOLA, NEW MEXICO

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GOVERNING BODY

Mayor:	Alice A. Lucero
Mayor Pro-Tem:	Dennis Tim Salazar
Councilors:	Elaine H. Herrera
	Cory Lewis
	Peggy Sue Martinez
	Eric Radosevich
	Robert Seeds
	Pedro Valdez

1 COUNCILOR VALDEZ: Tonight some of us have
2 been praying for this budget for our city. We ask
3 that you help us out on coming up with a decision
4 tonight. In Jesus' name, amen.

5 ALL COUNCIL MEMBERS: Amen.

6 MAYOR LUCERO: Thank you. Will the City
7 Clerk please call roll?

8 TESSA JO MASCARENAS: Councilor Robert
9 Seeds?

10 COUNCILOR SEEDS: Here.

11 TESSA JO MASCARENAS: Councilor Pedro
12 Valdez?

13 COUNCILOR VALDEZ: Here.

14 TESSA JO MASCARENAS: Councilor Peggy Sue
15 Martinez?

16 COUNCILOR MARTINEZ: Present.

17 TESSA JO MASCARENAS: Mayor Pro-Tem Dennis
18 Tim Salazar?

19 MAYOR PRO-TEM SALAZAR: Present.

20 TESSA JO MASCARENAS: Councilor Cory Lewis?

21 COUNCILOR LEWIS: Present.

22 TESSA JO MASCARENAS: Councilor Eric
23 Radosevich? Councilor Elaine Herrera?

24 COUNCILOR HERRERA: Here.

25 MAYOR LUCERO: We have a quorum with one

1 Councilor being absent, Councilor Eric Radosevich.
2 Okay. We will continue with the approval of the
3 agenda. Councilors, do you have the agenda before
4 you? Tonight our primary item is the budget. Are
5 there any changes or additions to the agenda as
6 presented? Councilor Robert Seeds?

7 COUNCILOR SEEDS: Mayor, thank you. I'd
8 like for Item I to be moved up before Item H.

9 MAYOR LUCERO: Okay. Item I to be moved up
10 before Item H?

11 COUNCILOR SEEDS: Yes, ma'am. And also,
12 Mayor, I have -- I need to have something clarified.
13 It says here, "Matters from the Mayor, action items."
14 Does that mean everything on the agenda or --

15 MAYOR LUCERO: No, just the -- that
16 shouldn't have even been there because I didn't have
17 anything itemized, but it's there for when there are
18 action items under "Matters from the Mayor."

19 COUNCILOR SEEDS: Very good.

20 MAYOR LUCERO: But you can disregard that.

21 COUNCILOR SEEDS: So am I to assume that
22 everything on the budget is action items for tonight?

23 MAYOR LUCERO: No, the budget is still for
24 review.

25 COUNCILOR SEEDS: I had requested from the

1 City Clerk -- I talked to her personally and I asked
2 her to place the action items on this budget so that
3 we don't have to keep going back on finding out that
4 we're discussing things. We're deciding what we want
5 to pull out and put in and the finance director is
6 still putting them back there. So we're sort of
7 wasting our time these last three or four meetings
8 that we've had. We really haven't accomplished a
9 thing, Mayor. So if we're going to have these
10 meetings, we should decide what we're going to leave
11 in, take out, you know, if we're going to add moneys,
12 take out moneys, and then that's going to be final.
13 She's going to give us a graph to reflect that. And
14 that has not been done as of today.

15 MAYOR LUCERO: I know that she did make
16 changes from the last meeting to this meeting. I
17 don't know if there were any that were missed, but as
18 we were going along, she was telling us what changes
19 were being made.

20 COUNCILOR SEEDS: Mayor, the reason I bring
21 that up is that if a Councilor discusses a line item,
22 if we decide to leave the moneys in there or take them
23 out or add or, you know, whatever we decide to do,
24 that is an action -- you know, decision from the
25 governing body. And that should be just passed on,

1 you know, as -- so we don't have to go back and
2 discuss it again. We've already gone through it. And
3 the way it is now, the information we were given today
4 doesn't reflect those last meetings' requests. Thank
5 you.

6 MAYOR LUCERO: Councilor Valdez?

7 COUNCILOR VALDEZ: Mayor, in this situation,
8 I think the Mayor is doing the right thing by letting
9 us go through the budget. You might want to make
10 changes to make changes, but not on the approval
11 budget. Now we're going through it and she's been
12 giving you-all a chance to change whatever it is for
13 the last time that we'll be approving the budget. I
14 think if we continue making changes, for myself, I've
15 already gone through the budget. I know what I'm
16 going to decide to do. And I think by talking to the
17 finance director, that's the way we should make those
18 decisions. Because if you start discussing the budget
19 and keep changing and you don't have the money, you're
20 still going to be changing things, so you've got to
21 figure out that -- where there's the money, the
22 revenues, then you can start making changes. But
23 right now we have revenues, a budget that we can pass
24 and adopt and go from there.

25 MAYOR LUCERO: Okay. Let's continue with

1 approval of the agenda. We still need to approve that
2 before we go to public comments. Councilor Martinez?

3 COUNCILOR MARTINEZ: I just wonder, since
4 we're not working on an action item kind of deal with
5 this agenda, the changes that this governing body is
6 approving tonight are recommendations that you're
7 following or how is that working?

8 JOYCE SANDOVAL: Every time the Council has
9 made a recommendation, I had, with one exception that
10 I know of, I had made those changes. But most of the
11 changes that were made were modifications to the
12 department request whether they changed it themselves
13 or not.

14 COUNCILOR MARTINEZ: The Mayor mentioned
15 that you had made changes from the last meeting to
16 this meeting. I just want to state for the public
17 that the last package that I got was before the last
18 meeting, so any information that I have doesn't
19 reflect any type of change that's been made thus far.
20 Because if it was made in the last week, I haven't
21 received a new one from that time. I'm working on the
22 last one you gave us which was --

23 JOYCE SANDOVAL: The packet you should have
24 is the one that says, "Department head request with
25 changes through our last meeting," which was

1 April 30th, and it was, as you requested, done in
2 two --

3 COUNCILOR MARTINEZ: Right. I appreciate
4 that. I know that it was harder for you to do that,
5 but it makes it a lot easier for --

6 JOYCE SANDOVAL: So those have the changes.
7 Most of the changes that were made, I might point out,
8 are in the salary schedule that rolls up into the
9 salary line items in the general fund. So they might
10 not be real noticeable, but much of the last meeting
11 was related to public safety change in their salary
12 schedule request.

13 COUNCILOR MARTINEZ: I just want to make it
14 known that I haven't received anything since the last
15 one that you're talking about. And the Mayor states
16 that you've made changes within this week that I
17 haven't seen on any budget.

18 JOYCE SANDOVAL: No, I made changes to the
19 meeting that we were going to have on the 7th. I have
20 it, which includes anything up to our meeting on the
21 30th.

22 COUNCILOR MARTINEZ: So then what Mr. Seeds
23 said is sort of right that we haven't really -- we've
24 done a lot of spinning our wheels and we haven't
25 really gotten to the grit of making any adjustments

1 anywhere at all.

2 JOYCE SANDOVAL: Well, I mean, we've
3 added -- we've added some items. We've -- the
4 departments have requested items. The departments
5 have rescinded some of those requests. And those are
6 all reflected.

7 COUNCILOR MARTINEZ: But as far as the
8 Council goes, there's not been any reflection in the
9 budget concerning any actions that we've taken thus
10 far?

11 JOYCE SANDOVAL: Uh-huh. Yes, ma'am, there
12 is. They're reflected in the (Inaudible).

13 MAYOR LUCERO: Okay. Is there a motion to
14 approve the agenda as amended?

15 COUNCILOR VALDEZ: So moved.

16 MAYOR LUCERO: Okay. It's been moved to
17 approve the agenda as amended. Is there a second to
18 that motion?

19 COUNCILOR SEEDS: Second.

20 MAYOR LUCERO: Okay. It's been moved and
21 seconded to approve the agenda as amended. All those
22 in favor of the motion signify by saying "aye."

23 ALL COUNCIL MEMBERS: Aye.

24 MAYOR LUCERO: All opposed same sign?
25 Motion carried. The next item is public comments.

1 Are there any members of the public wishing to make a
2 comment at this time? Hearing none, we'll continue
3 with Councilor comments. Councilors, do you have any
4 comments or announcements? Councilor Valdez -- well,
5 who was first? Okay. Councilor Herrera?

6 COUNCILOR HERRERA: I just wanted to note
7 that there -- we have a local artist, Diego Lopez,
8 that has a movie playing at the Dreamcatcher Theater.
9 It's called Blaze You Out and it's playing this week
10 at 4:45 and 7:15. So go out and support Diego and
11 watch his movie. I also wanted to announce that it is
12 National Police Week. So thank our police and we
13 appreciate all that you do. And if you see a
14 policeman, give him your thanks.

15 MAYOR LUCERO: Thank you for bringing that
16 up. I wish we would have known so we could have had a
17 proclamation tonight. But thank you for bringing that
18 up. Okay. Councilor Valdez?

19 COUNCILOR VALDEZ: Yeah, I just want to read
20 something here from the newspaper. It says, "Council
21 Approves \$320 million city budget. Vacant jobs to
22 help with \$9 million shortfall. The Santa Fe City
23 Council on Wednesday approved a nearly \$320 million
24 city budget for 2013-2014 fiscal year that begins
25 July 1st. Councilors plugged a projected 9.3 million

1 shortfall using measures such as leaving some city
2 jobs vacant, moving around certain positions, slashing
3 benefits for future part-time employees, reducing
4 overtime and stand-by time, adjusting the amount of
5 money the city sets aside for health care expenses for
6 vacant positions, and a piecemeal plan to reduce
7 spending in various departments. The budget increases
8 efficiency, maintains current levels of service
9 without any tax increase, avoids layoffs or furloughs
10 for city employees or the loss of any health benefits,
11 an April 22nd memo from City Manager Robert Romero."
12 And I just want to point out that that's one of the
13 things that we have to deal with our budget to come
14 out with a correct budget.

15 MAYOR LUCERO: Thank you, Councilor.
16 Councilor Cory Lewis?

17 COUNCILOR LEWIS: I just want to thank
18 Councilor Valdez for reading the newspaper article
19 from Santa Fe. And I just want to let everybody know
20 that I don't make my decision on what Santa Fe is
21 doing. I make my decision on what Espanola -- what I
22 see Espanola needs. Thank you.

23 MAYOR LUCERO: Any other comments? I'm not
24 sure who's first.

25 COUNCILOR MARTINEZ: I'll yield to Robert

1 and then I'll --

2 MAYOR LUCERO: Councilor Seeds?

3 COUNCILOR SEEDS: Thank you, Mayor. Mayor,
4 I'd like an answer from the City Clerk as to why the
5 agenda was put forth in this fashion and it wasn't
6 placed as an action item in the budget process which I
7 had requested from Tessa. Joe and I talked to her
8 personally on the phone and I need to know from her
9 why it was not placed as an action item.

10 TESSA JO MASCARENAS: Councilor Seeds, it's
11 my understanding that all changes that are made here
12 are put into it. I believe that the final action item
13 according to DFA is done by resolution. But it was my
14 understanding that any changes made here were put
15 directly into the budget and I believe that's what I'm
16 hearing from Joyce. So it doesn't require action as
17 any action you take if you make another change to it
18 or for several other motions needing to be made. But
19 any changes that you do make here are going into the
20 budget.

21 COUNCILOR SEEDS: Mayor, Tessa, that's not
22 what I asked you. I requested from you as our City
23 Clerk -- you are the City Clerk of all the city -- of
24 the governing body, is what you are -- and I had asked
25 you to place this as an action item. I didn't ask you

1 to decipher it or make your own judgment call on it.
2 I requested that as a City Councilor member, and any
3 Council members that would request that from you, I
4 would hope that you would do it. Not draw your own
5 conclusions about it. My experience has been in the
6 past (Inaudible) that the budget is not reflecting the
7 wishes of the governing body as we've gone along from
8 meeting to meeting. So I wanted to make sure it was
9 an action item so we could discuss it, take some
10 action on it, and then we knew for sure that it would
11 change or it would change in the form that it was.
12 And that's why I asked you to place it as an action
13 item. So I would hope that you will do that in the
14 future for any other Council members that ask this of
15 you and not draw your own conclusion because that's
16 not what we asked of you. That's not what I asked of
17 you. And you assured me that day that it would be
18 done, so I just assumed that you would do the
19 professional thing and do it, and it didn't get done.

20 MAYOR LUCERO: Councilor Seeds, in response
21 to your request, I do have to say that this budget is
22 nowhere near being acted upon.

23 COUNCILOR SEEDS: I understand that, Mayor.

24 MAYOR LUCERO: And it only can be approved
25 by resolution.

1 COUNCILOR SEEDS: I understand that, Mayor.

2 MAYOR LUCERO: So I ask that this be placed
3 as a budget review item until we're ready to -- until
4 we have a budget we can present that we can approve.
5 And we're not at that point right now.

6 COUNCILOR SEEDS: Mayor, if we went by the
7 understanding that you're explaining to all of us
8 tonight, then the last meetings have been a waste of
9 time.

10 MAYOR LUCERO: No, they have not.

11 COUNCILOR SEEDS: Because -- because --
12 well, we have -- well, we have shown our wishes to
13 change in the budget process has not been done in the
14 past.

15 MAYOR LUCERO: Well --

16 COUNCILOR SEEDS: And it puts an action
17 item, Mayor, if it comes before us and we discuss it
18 and we take action on it for that item, then it will
19 be finalized and it will be placed in the budget
20 process as a finalization before we finalize the whole
21 budget process of approving it. But I will not come
22 to another meeting or be part of one unless there's
23 action items to be placed on this finance process.

24 MAYOR LUCERO: Well, whatever, but
25 tonight --

1 COUNCILOR SEEDS: No, it's not whatever
2 because it is or it isn't.

3 MAYOR LUCERO: Well, fine.

4 COUNCILOR SEEDS: It's not whatever. So
5 we're either going to have action items so we can all
6 discuss -- so we can listen to our employees and see
7 what they need and we can take action on it or we
8 cannot.

9 MAYOR LUCERO: Well, tonight -- this agenda
10 was posted. It remains as it is. We cannot change it
11 to be an action item at this point. It was already
12 posted. So it will be a department budget review as
13 it states.

14 COUNCILOR SEEDS: I'd like the attorney's
15 opinion on this because a while back we had stipulated
16 that any City Council member can request anything on
17 the budget, Frank, or on the agenda? And we decided
18 that any Council member had that right to do so and it
19 should be done. So what do we do in this case?

20 MR. COPPLER: We can't correct it now.

21 COUNCILOR SEEDS: No, I'm not -- I'm not
22 asking that. What -- what -- what can be done?

23 MR. COPPLER: Well, with regard to this item
24 tonight, nothing.

25 COUNCILOR SEEDS: And if it continues in the

1 future?

2 MR. COPPLER: You're the City Councilor.

3 COUNCILOR SEEDS: Yes. Okay. You're right.

4 Thank you, Frank.

5 MAYOR LUCERO: Okay. Any other comments? I
6 think Peggy had her hand up. Councilor Martinez?

7 COUNCILOR MARTINEZ: I just wanted to read
8 an article like Mr. Valdez, but this is pertaining to
9 us -- directly to us, I think. "New Mexico cities,
10 counties, and other governmental entities will not be
11 eligible to receive State outlay funding if they do
12 not have an annual financial audit in place under the
13 Executive Order signed by Governor Susana Martinez.
14 The Order could reduce waste and abuse in the State's
15 capital outlay process and compel local governments
16 and agencies to bring the State-required examinations
17 of their financial affairs up-to-date. The Republican
18 Governor said in her statement, 'Millions of dollars
19 are spent each year on capital projects in communities
20 throughout the state,' Martinez said. It's important
21 for the entities spending this money to show on a
22 regular basis that they can meet financial management
23 standards. There are currently 38 cities that do not
24 have an up-to-date financial audit in place, according
25 to Auditor Hector Balderas' office. The list includes

1 Espanola, Gallup, Carlsbad, and Santa Rosa. In
2 addition, 29 other county school districts and State
3 agencies were behind in their audits as of April 15th.
4 Martinez signed last month into law a \$270 million
5 package of statewide public works projects that
6 lawmakers had approved during the 60-day legislative
7 session. It is under" -- "it is unclear how much of
8 the money could be affected by the Governor's
9 Executive Order which took place immediately upon
10 being signed."

11 So I have the Executive Order if you want me
12 to read it, but I don't really think that's necessary.
13 I think that, like the article says and it states,
14 that we are directly affected by this issue. I think
15 that should have been an item that should have been on
16 this agenda. I think that is very, very relevant to
17 this city's financial status and well-being.
18 Concerning H on the whole agenda issue, I really feel
19 like if we're not going to do any action on it, I
20 think we should just have a complete other meeting
21 with action so that we can just take care of the
22 business that we need to take care of. This whole
23 issue has been looming over my head for three weeks.
24 And I had a lot of people call me concerning different
25 issues about different departments and other things.

1 So I'm at a point where I really feel like I'm
2 ready -- ready to do it and it doesn't seem like
3 tonight is going to be the night. So I would like to
4 see this whole H sent to a special meeting possibly
5 next week with action, make the changes we want to
6 make, and take care of business.

7 MAYOR LUCERO: Okay. Councilor Valdez?

8 COUNCILOR VALDEZ: Well, I guess I'm one --
9 one that will probably just walk out of this meeting
10 that you guys are having. I just don't understand why
11 you can't see what the revenues have come in. They're
12 not coming in and you're wanting to spend more money
13 than what's coming in in revenues. That's no way to
14 handle a budget. A budget is handled because of
15 what -- the moneys we project that's coming in. If
16 anything -- any changes have to be done, it's a little
17 later on after we get it to the State. But I just
18 don't understand what you guys -- you and -- Councilor
19 Robert Seeds and you, Peggy, here it is, you want to
20 make changes, but yet you don't see the actual
21 revenues that the City is coming up. Right now we're
22 \$1.6 million in the short. But I came out with --
23 with about \$900,000 that we could do away with that we
24 could bring it down. Then it came out to 600,000.
25 But it has to do with employees. It's going to have

1 to deal with employees' positions and stuff. But I'm
2 looking at the revenues that are coming in.

3 Now, if you want to discuss anything over
4 that budget, I don't want to be a part of it because
5 there's no moneys. You can't put a budget -- you
6 can't send it to the State if you don't have the
7 money. They'll turn it right back to us and they'll
8 tell us to go over it again. I want us to work and
9 say there's \$10 million that you can use because those
10 are the \$10 million that are going to be coming in.
11 If anything more than that, then we have nothing to
12 discuss. And that's what you guys are putting out
13 here is wanting to discuss and pass stuff that we
14 don't even know if we have the moneys for it. I do.
15 I already went through the whole budget. I know what
16 I'm going to vote for and what I'm going to do. But
17 if you don't, then you are wasting your time every
18 time we come here.

19 MAYOR LUCERO: Councilor Martinez?

20 COUNCILOR MARTINEZ: You know, I respect
21 Mr. Valdez and all the experience he has on this
22 Council, but I'll have to disagree with his train of
23 thought concerning what "you guys." In the first
24 place, Robert and I have not sat down together to
25 conspire, if that's what you're thinking.

1 COUNCILOR VALDEZ: No, no, no.

2 COUNCILOR MARTINEZ: But --

3 COUNCILOR VALDEZ: (Inaudible).

4 COUNCILOR MARTINEZ: Well, you have no idea
5 how I think because you haven't asked me.

6 COUNCILOR VALDEZ: I hear it.

7 COUNCILOR MARTINEZ: Well --

8 MAYOR LUCERO: Okay. There's no need for
9 that. Just make your statement.

10 COUNCILOR MARTINEZ: All I can say is -- I
11 want to finish. And what I want to say is that you do
12 not have any idea where I'm at on this budget. I
13 didn't hand you the list of cuts that you handed me
14 and the wish list that you handed me. You created
15 your own deal and handed it up to every single one of
16 us. I've never done that to you. I'm trying to work
17 with everybody. I'm trying to keep an open mind, but
18 I also have a responsibility. And the
19 responsibility -- and the responsibility is to take
20 care of this money like it was the public's because it
21 is.

22 MAYOR LUCERO: Are there any other comments?
23 Councilor Seeds?

24 COUNCILOR SEEDS: Mayor, thank you. Again,
25 I don't know why Mr. Valdez is assuming that we're

1 only wanting to inflate the budget. We all understand
2 that we can only do so much with the little bit of
3 money that we have. The only thing that I have shown
4 an interest or real concern in reducing is the cost of
5 our water, the cost of our hookup fees to our
6 residents. I have been getting too many complaints
7 from people in the valley, single-home units, one
8 person in a home paying over \$300 for water
9 (Inaudible) in this city a month. And it's ridiculous
10 for a single-family unit home to pay over \$300 a
11 month. So I've asked the City Clerk, "I need to
12 double-check and make sure it's on the agenda for
13 public works this week." But that is something that
14 I -- and Cory -- Councilor Lewis has also shown that
15 he's very concerned about this through e-mails that
16 I've read in the past. That this is something that we
17 need to look at reducing because it's way out of hand.
18 Thank you.

19 MAYOR LUCERO: Any other comments from the
20 City Council? Councilor Lewis?

21 COUNCILOR LEWIS: I'd just like to state
22 that I've had several e-mails go out to the City
23 Manager. Several constituents contacting me regarding
24 some issues. And it seems like maybe 20% of my
25 e-mails, maybe 50, have been answered. And, you know,

1 we need to be accountable to our constituents. I
2 understand that Mr. Duran was on vacation, but I think
3 he's been back for a while now, and I still haven't
4 received an e-mail in response. And I'd just like to
5 follow up with that and be assured that our e-mails
6 are answered in a timely manner because we have to
7 answer to our constituents in a timely manner. So I'd
8 like to see that in the future. Thank you.

9 MAYOR LUCERO: Any other comments or
10 announcements? Mr. Duran?

11 JOE DURAN: Thank you, Mayor. I would like
12 to respond to that comment there about the e-mails.
13 On those e-mails I was behind, like I did tell you,
14 but that same day I did get ahold of you and I let you
15 know and I also copied those who were on your list. I
16 did take care of the situation. I don't know what
17 other e-mails you have pending.

18 COUNCILOR LEWIS: I'll forward them to you
19 in the morning and maybe we can get some answers to
20 them so I can get back to my constituents.

21 JOE DURAN: That would be fine.

22 COUNCILOR LEWIS: Thank you.

23 MAYOR LUCERO: Okay. Anything else from the
24 City Council? I've got some announcements myself.
25 The Run for the Wall is this weekend. It's on Friday.

1 And that's where there are bikers from all over the
2 nation biking all the way to Washington, D.C. And
3 they'll be going to Espanola on Friday the 17th and
4 it's expected that they'll stop here sometime between
5 1:00 and 2:00. And this will be at the Veterans
6 Memorial Wall on the Plaza. And we will be issuing a
7 proclamation at that time, so I'm just letting you
8 know in case you want to be there.

9 There was a Crisis Center dinner fundraiser
10 Friday evening at Anthony's At The Delta and it was
11 very well attended. And also we had the Dubbing of
12 Onate and the crowning of La Reina on Saturday at the
13 5:30 mass at Santa Cruz de la Canada and it was a very
14 beautiful event, very beautiful ceremony, and it was
15 followed by the coronation ball at the Santa Clara
16 which was also very well attended. And I want to
17 thank the Fiesta Council for the hard work that
18 they've done to raise money for the Fiesta del Valle
19 de Espanola.

20 Okay. Then with that we'll continue with
21 the next item which is Items Proposed for Council
22 Consideration. Under that item -- and this is an
23 action item -- under that it's Resolution 2013-10
24 requiring pre-approval by the City Council to be in
25 session as the Board of Finance of payments of \$2,500

1 or more. And you have the resolution before you,
2 Councilors. What's the pleasure of this Council?

3 COUNCILOR LEWIS: I'll make a motion to
4 approve Resolution 2013-10 requiring pre-approval by
5 the City Council for \$2,500 or more.

6 MAYOR LUCERO: Okay. Is there a second to
7 that motion?

8 COUNCILOR SEEDS: Second.

9 MAYOR LUCERO: Is there any discussion?
10 Councilor Seeds?

11 COUNCILOR SEEDS: I need to know why the
12 resolution number is 23-10 instead of what I had
13 requested of 4104, if that matters or does it matter,
14 but why did it change? The meat of the resolution is
15 the same, but I guess I'm curious why the numbers
16 changed.

17 MAYOR LUCERO: Well, there's a number system
18 that we go by. Do you want to explain the number
19 system?

20 TESSA JO MASCARENAS: Councilor, there is a
21 numbering system that we go by. It's very basic. It
22 begins with the year 2013 and then resolutions are
23 numbered as they come before the governing body or
24 actually as they're turned in to me to go before the
25 governing body.

1 COUNCILOR SEEDS: I understand that. The
2 reason I ask that is, Frank, I thought when you did a
3 partial draft for me as a City Attorney of the City of
4 Espanola, that that number existed on that resolution
5 draft.

6 MR. COPPLER: That's my file number.

7 COUNCILOR SEEDS: Oh, that's your -- okay.

8 MR. COPPLER: It's not a resolution number.

9 COUNCILOR SEEDS: Okay. That's why I asked.

10 Thank you.

11 MR. COPPLER: And then the other thing in
12 that first paragraph it's 25,000, not 2,500.

13 COUNCILOR SEEDS: It's 2,500.

14 MAYOR LUCERO: 25,000.

15 MR. COPPLER: No, in the first paragraph
16 it's supposed to be 25,000, not 2,500.

17 MAYOR LUCERO: There's a typo on the third
18 line.

19 MR. COPPLER: The current policy allows the
20 City Manager to purchase up to 25,000.

21 COUNCILOR SEEDS: No, it's 2,500.

22 MR. COPPLER: No, I'm sorry, but the current
23 policy. Not this --

24 COUNCILOR SEEDS: No, I understand that. I
25 understand that.

1 MR. COPPLER: The current policy allows --
2 under the procurement code allows the City Manager to
3 purchase up to 25,000.

4 COUNCILOR SEEDS: But if we changed it to
5 2,500, then that's what it will be.

6 MAYOR LUCERO: Go ahead and finish, Frank.

7 MR. COPPLER: Pardon me?

8 MAYOR LUCERO: Go ahead and finish your
9 sentence.

10 MR. COPPLER: The -- that -- I don't have
11 any quarrel with the rest of the 2,500 that's
12 reflected in the resolution. I'm not quarreling about
13 that. All I'm saying is current law, current policy
14 is 25,000 which you want to change to 2,500.

15 COUNCILOR SEEDS: Right.

16 MR. COPPLER: And so the proper way to do
17 that is to have 25,000 in the third line and then
18 leave the 2,500 alone in the rest of the resolution.

19 COUNCILOR SEEDS: Have you looked at it,
20 Frank? Does it work like that?

21 MR. COPPLER: Yes, uh-huh, I've looked at
22 it.

23 MAYOR LUCERO: Well, you have it before you,
24 Councilor Seeds.

25 COUNCILOR SEEDS: Yes, I'm asking the

1 attorney, Mayor.

2 MR. COPPLER: No, that's the way it works.
3 You want the current language -- the current policy
4 first. On Line 3 is 25,000. That's what it should
5 read. And then on the rest of the resolution it
6 should be 2,500. Okay? Which is the way it is now.
7 So all I'm saying is you should strike out the
8 reference to 4104, based on what the City Clerk said.

9 COUNCILOR SEEDS: Right. (Inaudible).

10 MR. COPPLER: Change in Line 3 the 2,500 to
11 25,000 and then it's good to be adopted. And then it
12 changes the current policy of 25,000 and moves it down
13 to 2,500.

14 COUNCILOR SEEDS: So after tonight, if this
15 is approved, what I understand is that the City
16 Manager cannot hire somebody for -- under professional
17 services for 10,000, for example, without coming to
18 the governing body.

19 MR. COPPLER: Not only that, if this is
20 approved, they couldn't have a check or a purchase
21 order or a warrant for more than \$2,500 for anything.

22 COUNCILOR SEEDS: Right.

23 MR. COPPLER: That's correct.

24 COUNCILOR SEEDS: Right. Good. Thank you.

25 MAYOR LUCERO: Okay. So this resolution is

1 before you. It's been moved by Councilor Cory Lewis,
2 seconded by Councilor Robert Seeds, to approve
3 Resolution 2013-10. Is there any discussion?
4 Councilor Martinez?

5 COUNCILOR MARTINEZ: On the agenda it says
6 Resolution 20-10 and then on the resolution itself it
7 says Resolution 4104?

8 MAYOR LUCERO: Yeah, just disregard the
9 4104, as the attorney said. And this resolution was
10 prepared by the attorney's office. It will be put in
11 the right format by the City Clerk's office. We have
12 to have a heading of Resolution No. 2013-10 and make
13 it on our proper format. So any other discussion on
14 this resolution? Councilor Lewis?

15 COUNCILOR LEWIS: I'd just like to have the
16 resolution number to reflect 2013-10. That way, you
17 know, they can't sit there and say that we didn't vote
18 on 2013-10. That we voted on 4104 which doesn't
19 exist. I just wanted to mention that we're clear on
20 that.

21 MAYOR LUCERO: Yes. The agenda does --

22 COUNCILOR LEWIS: (Inaudible). I just want
23 to make sure.

24 MAYOR LUCERO: The agenda does state that
25 and it will be done properly.

1 COUNCILOR MARTINEZ: So that's the only
2 change, the 2013-10?

3 MAYOR LUCERO: And on the resolution --

4 COUNCILOR MARTINEZ: I didn't hear a motion
5 for that, ma'am.

6 MAYOR LUCERO: There was a motion by Cory
7 Lewis and seconded by Robert Seeds.

8 COUNCILOR MARTINEZ: To accept it as it
9 sits, not with a change?

10 MAYOR LUCERO: Well, we explained the
11 change. It's only a change of -- it's just a typo
12 where he says the current law states that the City
13 Manager can approve up to 25,000. And this says we
14 should be changing that to 2,500.

15 COUNCILOR MARTINEZ: See, I disagree with
16 you respectfully on whether it's a typo or not. I
17 think that it does the job that this Council intends
18 it to do leaving that at 2,500. I don't understand
19 what the need is to change that.

20 MAYOR LUCERO: Well, you have to read the
21 entire thing. It says, "Current City policy allows
22 the City Manager, et cetera, to acquire tangible
23 personal property having a value not exceeding
24 25,000." According to the way this sentence reads,
25 yes, it has to be \$25,000 because that's what it is

1 currently. And this resolution will change it to
2 2,500. So it has to read with the 25,000, Councilor.
3 Okay? So you understand -- I hope you understand the
4 changes. There's one -- well, two. We're just going
5 to disregard the 4104 that's at the top of the
6 resolution and we're changing that 2,500 to 25,000 to
7 what it should be. Is there any other discussions?
8 Councilor Seeds?

9 COUNCILOR SEEDS: I need to leave here
10 tonight, Mayor, if this is approved, understanding,
11 Frank, I'm asking you as the City Attorney, if this is
12 approved tonight, nobody at City Hall, including the
13 City Manager, anybody in finance can issue any PO over
14 \$2,500 unless it's preapproved by the governing body
15 of the finance board. Is that my understanding?

16 MR. COPPLER: Not just a PO. It says,
17 "Check, purchase order, warrant or otherwise."

18 COUNCILOR SEEDS: Anything --

19 MR. COPPLER: Anything.

20 COUNCILOR SEEDS: -- is my question.

21 MR. COPPLER: That's what it says.

22 COUNCILOR SEEDS: I'm asking you over 2,500?

23 MR. COPPLER: Yes.

24 COUNCILOR SEEDS: We do not have

25 (Inaudible) --

1 MR. COPPLER: If it's approved tonight. If
2 it's approved. If it's approved.

3 COUNCILOR SEEDS: Yes, if it's approved
4 tonight. Yes.

5 MAYOR LUCERO: Okay. I'll go ahead and read
6 that last paragraph. It says, "Now, therefore, be it
7 involved by the City Council that purchase or payment
8 by check, purchase order, warrant or other value of
9 2,500 or more shall not be completed or issued except
10 with the pre-approval of the City Council in session
11 as the City Board of Finance."

12 COUNCILOR MARTINEZ: Question.

13 MAYOR LUCERO: That's what it states. So
14 you're calling for the question.

15 COUNCILOR MARTINEZ: Yes.

16 MAYOR LUCERO: Is there any further
17 discussion? Hearing none -- Mr. Duran?

18 JOE DURAN: As interim City Manager I'm
19 forced to just speak out and say \$2,500 is very low.
20 I understand what the concept it, but, again, we're
21 not running a household here, and \$2,500 will be
22 slowing down the City's growth a lot.

23 MAYOR LUCERO: Thank you. I'm going to call
24 for a vote now and I'd like for it to be a voice roll
25 call vote, please.

1 TESSA JO MASCARENAS: Councilor Herrera?

2 COUNCILOR HERRERA: Against the motion.

3 TESSA JO MASCARENAS: Councilor Lewis?

4 COUNCILOR LEWIS: For.

5 TESSA JO MASCARENAS: Mayor Pro-Tem Salazar?

6 MAYOR PRO-TEM SALAZAR: Yes.

7 TESSA JO MASCARENAS: Councilor Martinez?

8 COUNCILOR MARTINEZ: Yes, and I want to
9 qualify my vote and say that I feel that it's very
10 important to do this because of the items not being
11 up-to-date and I think that this is a move in the
12 right direction.

13 TESSA JO MASCARENAS: Councilor Valdez?

14 COUNCILOR VALDEZ: No.

15 TESSA JO MASCARENAS: Councilor Seeds?

16 COUNCILOR SEEDS: Yes.

17 MAYOR LUCERO: Okay. The vote is 4 to 2 and
18 this motion failed. And the reason for that is
19 because in order to adopt a resolution, we need five
20 votes on City Council. And I -- this -- I realized
21 this not too long ago -- well, I wondered about it, so
22 I did some research and I did find that any resolution
23 or ordinance adopted by the City Council requires five
24 votes. I checked with the City Attorney. And,
25 Mr. Coppler, can you please give me your opinion on

1 that?

2 MR. COPPLER: Yes, Mayor. Under the
3 statute, we are required to have five votes in favor
4 of a resolution in order to pass it.

5 COUNCILOR MARTINEZ: Can you state that
6 again, Mr. Coppler?

7 MR. COPPLER: Under the statute we are
8 required to have five votes in favor of a resolution,
9 because this is an eight-member body, in order to pass
10 it. We need a majority.

11 MAYOR LUCERO: So the motion failed. Okay.
12 Let's move on now. Councilor Seeds?

13 COUNCILOR SEEDS: Thank you, Mayor. You
14 know, Mr. Coppler, you had stated earlier if it
15 passes. And I, for some reason, think that your visit
16 to City Hall earlier today was so that you could
17 huddle around with the Mayor and the City Manager and
18 discuss how you're going to deal with this. Well,
19 what I'm asking you, and I want your honest opinion,
20 this governing body -- the majority of it wants to get
21 a handle on the excessive spending or overspending
22 that this governing body or this City administration
23 is doing right now. Case in point, the situation that
24 we all experienced that took place in Recreation where
25 a PO was issued for over \$16,000 or around \$16,000 for

1 things that were ridiculous when this governing body
2 would have come to us, but it never came to us, so we
3 weren't able to catch it until after the fact. So
4 what can we do without going to a resolution so that
5 we can get a handle on spending anything over \$2,500
6 in this city?

7 MR. COPPLER: Again, you're the Councilor.
8 I'm not --

9 COUNCILOR SEEDS: You're the attorney, so
10 I'm asking for your opinion. What can we do?

11 MR. COPPLER: What can you do?

12 COUNCILOR SEEDS: Yes, what can we do?

13 MR. COPPLER: You need more than four votes
14 to pass a resolution.

15 COUNCILOR SEEDS: So does it have to be in a
16 resolution form?

17 MR. COPPLER: Yes.

18 COUNCILOR SEEDS: It does?

19 MR. COPPLER: Yes.

20 COUNCILOR SEEDS: Spending, that has to be
21 in a resolution?

22 MR. COPPLER: Yes, the budget needs to pass
23 with a resolution.

24 COUNCILOR SEEDS: And if it doesn't pass?

25 MR. COPPLER: You don't have a budget.

1 MAYOR LUCERO: Mayor Pro-Tem Salazar?

2 MAYOR PRO-TEM SALAZAR: Thank you, Mayor. I
3 need a little bit of clarification. You're saying a
4 resolution needs five votes? Is that any resolution?

5 MR. COPPLER: Any resolution needs five
6 votes. It's an eight-member council. It has to pass
7 by a majority of the Council.

8 MAYOR PRO-TEM SALAZAR: Because it's my
9 recollection there has been resolutions that have been
10 passed with less than five votes.

11 MR. COPPLER: That's not my recollection,
12 Mayor Pro-Tem.

13 MAYOR PRO-TEM SALAZAR: Okay. I think we
14 should look back into the records, past minutes, and,
15 you know, just kind of look at the facts just so we
16 can see exactly where we stand. Thank you.

17 MAYOR LUCERO: I know that there was a
18 resolution on this same issue that was -- at the time
19 that's what prompted me to look into it was at the
20 time passed by 4 to 3, I believe, and that resolution
21 was never signed because I wanted to research the law
22 first, and that's the one that I'm aware of. If there
23 are others, we will have to research to look back.
24 But, anyway, Councilor Lewis?

25 COUNCILOR LEWIS: Frank, you keep saying

1 this is an eight-member council. There's only seven
2 members on this council. Does that change or --

3 MR. COPPLER: No, it does not.

4 COUNCILOR LEWIS: How would it not change?

5 MAYOR LUCERO: Can you interpret the law,
6 please?

7 MR. COPPLER: It's in the statute and there
8 are Attorney General's opinions on it. And if you
9 would like to ask me to reduce this to writing in a
10 letter form, I'd be happy to. And I would be happy to
11 send a copy simultaneously to the Mayor and all the
12 members of the Council. And I would urge you if you
13 disagree with my opinion, to call the Municipal League
14 or call whatever other lawyer you want to call on this
15 issue. I don't have a problem with that.

16 MAYOR LUCERO: Okay. I would appreciate if
17 you could put your opinion in writing and state the
18 statutes and indicate, you know, what they just say.
19 Because even though we have a vacancy, according to
20 State law, it is counted. It's still counted. It's
21 still an eight-member council and five is still the
22 majority. Councilor Martinez?

23 COUNCILOR MARTINEZ: I have a question for
24 Mr. Coppler. What happens in the case where we look
25 back and we realize that we have passed resolutions

1 without that five majority? What happens to all those
2 resolutions, sir?

3 MR. COPPLER: I'm not willing to assume
4 that's correct. I do not believe we have passed
5 resolutions without five votes.

6 MAYOR LUCERO: We'll look at that. This is
7 Resolution 2013-10. So I'm assuming this is the tenth
8 one that we've adopted this year. So I'd like for you
9 to do that research and report to the City Council at
10 the next meeting. Thank you.

11 COUNCILOR MARTINEZ: Can I ask for a
12 five-minute recess? And during that recess,
13 Mr. Coppler, could you please get the State statute so
14 you can read that to us, please? Look it up? Thank
15 you.

16 MAYOR LUCERO: And you want him to read
17 what, Councilor Martinez?

18 COUNCILOR MARTINEZ: The statute that he's
19 basing this decision on. I think it's very important.
20 Let's find out what the truth is. You should be able
21 to get to it relatively easily, Mr. Coppler.

22 MR. COPPLER: If that's what you want me to
23 do, that's fine.

24 COUNCILOR MARTINEZ: I would like to see it.
25 I mean, knowing that this was going to come out of the

1 hat tonight, I think you would have had the resolution
2 statute prepared and --

3 (End of audio file.)

4 MR. COPPLER: Majority of all the members is
5 five in the case of the City of Espanola. Actually,
6 that was dealing with the City of Ruidoso which had
7 only four members at the time, but the principle is
8 the same. In that case, a majority of all the members
9 had to be three, because it was a four-member council.
10 Here it's an eight-member council. So a majority of
11 all members under that Opinion 71-45 is fine,
12 notwithstanding the fact that one seat is vacant. I
13 do not have Attorney General Opinion No. 71-45 here
14 because it is not on-line. Attorney General Opinions
15 are not on-line, but I can scan that Opinion and send
16 it to you tomorrow if you want.

17 MAYOR LUCERO: Okay. Thank you. So now
18 Councilor Seeds.

19 COUNCILOR SEEDS: Thank you. This question
20 is to Mr. Coppler. Frank, before the meeting started,
21 the City Clerk made -- did roll call count, declared
22 that there was a quorum present to have this meeting
23 today. Does not five members of the governing body
24 constitute a super -- a supermajority? It doesn't?
25 So if the resolution that I'm reading here says a

1 majority of all members -- so if a majority of the
2 members are here, I mean, how does that say that?
3 How -- is your challenge different?

4 MR. COPPLER: As I mentioned earlier, the
5 Attorney General in Opinion No. 71-45 analyzed this
6 issue with respect to, in that Opinion, the City of
7 Ruidoso and in that Opinion they were talking about
8 only a four-member council, not an eight-member
9 council. And the Attorney General held that in that
10 situation three positive votes was necessary to pass
11 the resolution even though one seat on the City of
12 Ruidoso council was vacant. And, therefore, by
13 analogy, necessary in these circumstances where you
14 have an eight-person City Council with one seat
15 vacant. The fact that that seat is vacant is not
16 relevant under the Attorney General's Opinion and,
17 therefore, you have to have five votes to pass the
18 resolution. It's based on that Opinion. And I will
19 be -- the Opinion is not on-line. Attorney General's
20 Opinions are not on-line, but I can scan that Opinion
21 and sent it to you-all tomorrow.

22 MAYOR LUCERO: Okay. All right. Councilor
23 Martinez?

24 COUNCILOR MARTINEZ: The paper that I
25 received says if a majority of all members of the

1 governing body vote in favor of adopting an ordinance
2 or resolution, it is adopted. So I'll read Webster's
3 definition of a majority. The greater part or number;
4 the number larger than half the total, the majority of
5 the population. A number of voters or votes, jurors,
6 or others in agreement, constituting more than half of
7 the total number. So I think that when a majority
8 votes and it gets slapped down the way that it got
9 slapped down today, it's not only disrespect to the
10 integrity of this governing body, but it's
11 disrespectful to the voters that put their faith and
12 trust into us. And anytime that somebody comes
13 against something like this, against the will of the
14 body that governs this community, it's disrespectful
15 to those people that put faith in us to do this job.

16 I think that we need to work together. I
17 don't see this happening a lot in here, but I really
18 think that we really need to come together and work
19 together on this budget. I think it's unfortunate
20 that this came out of a hat like a magic trick in the
21 very last second. And it just leads to more distrust
22 and more concern for this governing body to be on
23 alert for what's happening to this city in the
24 financial areas. Mr. Coppler, I have a question for
25 you: Did you represent Sunland Park?

1 MR. COPPLER: I do.

2 COUNCILOR MARTINEZ: No wonder that they
3 landed where they landed. But I'm going to formally
4 request that appointed positions and -- be put on the
5 agenda at the next meeting as an action item. Thank
6 you.

7 MR. COPPLER: And, once again, I guess I
8 would like to say that I urge any or all of the City
9 Councilors to check this Opinion with the Municipal
10 League or with any other lawyer. You know, I'm not
11 here telling you that I'm the only word or the last
12 word. Please check it if you don't -- if you disagree
13 with my opinion, I say, "Knock yourself out. Go find
14 someone else to take a look at it who's an attorney
15 willing to put his opinion in writing."

16 MAYOR LUCERO: Thank you, Mr. Coppler. Go
17 ahead, Councilor Martinez.

18 COUNCILOR MARTINEZ: I contacted Randy Van
19 Vleck, the attorney for the New Mexico Municipal
20 League, on Friday concerning what constituted a
21 majority. I was concerned because a number of us were
22 invited to the same party and I didn't want to be a
23 part of a situation where we were having an illegal
24 quorum, so I spoke to Mr. Van Vleck concerning this
25 issue. And he assured me that four people from this

1 governing body would not be a quorum, so --

2 MR. COPPLER: I agree with him. That's
3 correct.

4 COUNCILOR MARTINEZ: Okay.

5 MR. COPPLER: On the quorum issue, I agree.

6 COUNCILOR MARTINEZ: Okay. So I guess we'll
7 do some research and revisit this situation.

8 MAYOR LUCERO: Okay. A quorum, though, and
9 a vote of the majority are two different things.

10 COUNCILOR MARTINEZ: No, it's not.

11 MAYOR LUCERO: Councilor Lewis, did you have
12 your hand up?

13 COUNCILOR LEWIS: Yeah, I just -- I just
14 want to make sure that the City Clerk got to it.
15 Councilor Martinez was requesting to put all appointed
16 positions on the next agenda in an action item. I
17 just want to make sure it gets put on there.

18 MAYOR LUCERO: Okay. Anything else on this
19 issue? Well, let's move on. The next item is the
20 department budget review. Before we even start this,
21 I just want to -- for the sake of this Council and the
22 sake of the public that's here and those who are
23 listening, I just want to let you know that when we
24 started this budget process with the request that it
25 come in at that time, we were at a \$320,000 deficit,

1 and we did let you Councilors know that we were going
2 to have to cut some of the requests. And then when
3 other departments came in with their additional
4 requests, we ended up at \$1,000,099 additional -- I
5 mean, at a deficit of \$1,000,099. 1,099,000 -- I'm
6 sorry? Is that right? 1,099,000?

7 JOYCE SANDOVAL: Mayor, it's \$1,099,000.

8 MAYOR LUCERO: \$1,099,000 in additional
9 requests. Then after the last meeting, we pared that
10 down to \$803,000. So we're still at a deficit. But I
11 do want to say that about five years ago we were
12 fortunate that we had a \$12 million general fund
13 budget and then the economy plummeted. We -- our
14 revenue decreased to \$9 million. That's a quarter of
15 our entire general fund budget. It went from 12- to
16 9 million. That's considerable for a city of our
17 size. Now revenues have come in a little higher, but
18 we're only at 10 million. We're still \$2 million
19 short. So just because they've increased doesn't mean
20 we have all this money. We're not where we should be.
21 We're still in a deficit. And even though our GRT is
22 beginning to climb and we've gone up to the
23 \$10 million mark, other revenues have not climbed, and
24 those other revenues include fees for service such as
25 rentals, recreation, and those kind of things.

1 And then in addition to that, we have the
2 whole (Inaudible) this year where they're going to be
3 taking that away from municipalities starting in 2014.
4 We'll be losing \$100,000 per year up to 15 years where
5 we will lose a total of \$1.5 million. But \$100,000 a
6 year is, again, considerable. And this is all general
7 fund. So, Councilors, this -- the last few meetings
8 we had, instead of cutting, we've added. So my
9 suggestion to you is that we start with a flat budget.
10 And I've asked Joyce to look at this possibility. And
11 if there's any money at all, instead of adding
12 positions or any of that, I would prefer to see us
13 give a small salary increase if at all possible. But
14 I don't think we're at the point -- we still have
15 positions in some departments that are frozen. This
16 isn't the time to be adding new positions. But that's
17 my proposal to you is to go back to a flat budget and
18 consider a small increase for employees. Now,
19 budget -- I mean, Joyce, based on what I'm
20 recommending, can you tell us what we can or can't do
21 if we have a flat budget?

22 JOYCE SANDOVAL: Just as -- to give a little
23 bit of perspective, if you look on your budget sheets
24 on Page 2, our revenue last year -- that we submitted
25 a balanced budget last year. Our revenues last year

1 were at 9,948,311. Then if you turn to Page 18,
2 you'll see that our expenditures last year were
3 \$9,935,399. Just slightly less of the revenues that
4 we brought in leaving us with a \$12,000 revenues over
5 expenditures at the end of the budget time. Now, if
6 you compare that to this year's requests where
7 we're -- with our modifications in our projected
8 revenues based on what we have actually received now,
9 April 2013 to date, our revenues projected is
10 9,952,333.

11 Now, the difference between our projected
12 revenue -- our revenues that we budgeted last year to
13 our projected revenue right now is only an increase of
14 \$4,022. So if you go with the flat budget and our
15 expenditures last year were 9,935,399 and you tack on
16 an expense we know that we're going to have to
17 accommodate, which is our 15 -- our portion of the 15%
18 increase in health care which is 146,332, that brings
19 up our expenditures this year to 10,081,731, which
20 would leave us in a deficit position of 129,398.

21 Now, the 129,000 could -- because, again,
22 we're talking preliminary -- could be covered by some
23 of our cash balance that we have this year, because we
24 don't have 803,381 to cover -- because we're planning
25 to use some of the cash balance for some additional

1 expenditures that we needed for this year. So we have
2 to wait until June 30th when we close our June books
3 to see just how much cash balance we have to carry
4 forward. Very likely, though, we may have the
5 129,000, so we could submit a balanced general fund
6 budget by doing that. But, again, that's just a
7 perspective based on what we have in front of us.

8 MAYOR LUCERO: Okay. Councilor Martinez?

9 COUNCILOR MARTINEZ: Joyce, so the
10 statements from the banks have all been reconciled and
11 are up-to-date right now then?

12 JOYCE SANDOVAL: Uh-huh.

13 COUNCILOR MARTINEZ: Everything is
14 up-to-date?

15 JOYCE SANDOVAL: We are -- I think we're
16 three months behind in the general fund, the general
17 operating fund, and the rest of them are current.

18 COUNCILOR MARTINEZ: So when we get a cash
19 balance, that's a legitimate cash balance this time?

20 JOYCE SANDOVAL: Well, the cash balance on
21 the bank statement is different than the balance in
22 the general fund. They're not one in the same.
23 Because the operating statement includes all public
24 money except for Fire, E-911, and lodger's tax.

25 COUNCILOR MARTINEZ: Okay. Another question

1 that I had, on the primary budget that was submitted
2 to this Council, there was a \$320,000 deficit, but
3 that 320,000 also included mistakenly, and correct me
4 if I'm wrong, Mr. Padilla, the funds that -- state
5 fire funds allocated to the fire department was also
6 included in that budget. Am I right?

7 JOYCE SANDOVAL: No.

8 COUNCILOR MARTINEZ: Remember when we got
9 our very first budget which would be this copy? In
10 this -- no, I'm sorry, not this copy. When we got the
11 very first -- hold on.

12 MAYOR LUCERO: Let me just say when we got
13 the very first one with the \$320,000 deficit, we
14 didn't have any requests from Fire or Police at that
15 time. When we got the requests from Police or Fire,
16 it went up to a \$1 million deficit. So it wasn't
17 included as the \$320,000 deficit because they hadn't
18 submitted it yet. Okay? So continue.

19 JOYCE SANDOVAL: So I guess my
20 recommendation is to go back and revisit the
21 department and at a minimum leave them at a flat
22 budget with the exception of their change in health
23 care. And then -- and then we could submit the
24 general fund budget balanced to DFA by June 1st.

25 MAYOR LUCERO: Okay. So the increase in

1 health care would be covered by the cash ending
2 balance and they will accept a budget with a --
3 consider the cash ending balance.

4 JOYCE SANDOVAL: Yes. In fact, last year we
5 had -- we had submitted a budget with 315,864 in
6 budgeted cash balance for the current year that we're
7 in.

8 MAYOR LUCERO: Okay. Go ahead.

9 JOYCE SANDOVAL: And that's as long as we're
10 not taking from our investments to balance the budget
11 because DFA frowns on that. As long as the current
12 activity has cash -- the current fiscal year or the
13 then current fiscal year has a cash balance, you are
14 allowed -- or it's okay to budget that balance, but
15 once you move that cash balance into investments, then
16 they frown upon you taking it out to operate. Now,
17 taking it out for a special project or for some
18 unusual or extraordinary event is not usually frowned
19 upon, but just to take it out for operating is frowned
20 upon.

21 MAYOR LUCERO: Okay. I know Councilor
22 Valdez had requested that you check what it would cost
23 to have salary increases starting out at 1%, 1 1/2, 2,
24 I believe, and 2 1/2.

25 COUNCILOR VALDEZ: One, 3 and 5, I believe

1 it was. One percent, 3%, and 5%.

2 MAYOR LUCERO: Did you check that?

3 JOYCE SANDOVAL: I did, but I forgot to
4 print the pages. Would you like me to go do that?

5 MAYOR LUCERO: Well, I think -- I'd
6 appreciate it because I'd like to see exactly what it
7 would cost if we were to consider giving salary
8 increases. Will it take just a minute?

9 JOYCE SANDOVAL: Yeah. I will return. I
10 left my computer on.

11 MAYOR LUCERO: Okay. Thank you. So to me
12 it just seems like we don't really have a choice
13 because we don't have the revenues to be able to
14 accommodate the expansion that the departments have
15 requested. And even as it is with a flat budget, we
16 still have to increase it by 129,398 to cover the
17 health care. That's our portion. So I don't see us
18 having much of a choice. Councilor Martinez?

19 COUNCILOR MARTINEZ: I disagree with you,
20 Madam Mayor. I think that for my purposes I really
21 see that the Department of Public Safety is the most
22 important, critical department to the entire
23 population in our community. The drug situation in
24 our community is completely out of hand. The
25 panhandling and the stuff that goes on in the parking

1 lots at Wal-Mart and Walgreens and other businesses is
2 completely out of hand. We have done things by this
3 Council and by this governing body to move in the
4 right direction and to help this community be a safer
5 place. I think we're suffering terminally from an
6 issue with the way people see our community, and I
7 think that for my purpose I would like to see public
8 safety become somewhat of a priority for the city so
9 that we can begin to improve -- improve everything.
10 With one department improving and affecting all of us,
11 I think that will just have a ripple effect on the
12 scenario.

13 One thing that I'll state is that under
14 Planning and Zoning revenues, if you go with me to
15 Page 2 -- hold on. Let me find it. Page 1 -- I'm
16 sorry -- under "Building Permits," we were expected to
17 receive 54,569 and so far we've received 8,727. The
18 same thing with zoning permits. We were expected to
19 receive 18,900. So far we're a little close to
20 11,000. So my logic behind this is, obviously, the
21 economy has affected the building that is going on in
22 the city, but more than that, I think that public
23 safety and the issues concerning public safety in our
24 community have been a detriment to the development of
25 businesses coming into this community and investing

1 into the community.

2 So from my thinking, I really feel that if
3 we improve public safety, we could thereby improve the
4 community which thereby would bring more revenue
5 inevitably. So my vision is not to hold one
6 department hostage against another. I really think
7 that it's detrimental to the city that we don't work
8 together and that we are tugging and pulling and
9 tearing at each other over this issue. I think that's
10 it's very important to understand a vision and then to
11 stick to that vision. Unfortunately, we've never
12 discussed any of the governing body, so I'm left to
13 sort of hold my own priorities at the helm.

14 So for my purpose I really believe that
15 public safety is important and it will help to improve
16 this community so that we can all be in a better
17 community and we can develop it so that it's better
18 for all the children. Thank you.

19 MAYOR LUCERO: Okay. And I think public
20 safety has been a priority for this governing body.
21 Last year we had to have furloughs and we had to
22 freeze positions. And we had to hit Public Safety and
23 freeze some of those positions, as well. But if you
24 recall, in the fall I believe we unfroze some of the
25 Public Safety positions as soon as we were able to,

1 and then at mid-year we allowed them to fill those
2 positions that had been frozen. So, now, I spoke to
3 the Chief about this and I explained our situation.
4 And if he -- where did the Chief go? I was going to
5 ask him to comment. And he told me that when they
6 fill the positions, the Deputy Chief and the vacancies
7 that they have, you know, they can operate. And with
8 Chief Garcia at the helm, I think we've made a lot of
9 improvements. And I've seen a difference in the
10 panhandling. I don't know if the rest of you have,
11 but I've seen where there is noticeable difference.

12 But, you know, we still have a lot of
13 problems and they're not going to be solved overnight
14 and they're not going to be solved with one additional
15 officer. But, you know, we've had to be -- we've all
16 sacrificed, all the departments have sacrificed, and
17 it is what it is. You know, if we don't have the
18 revenue, I don't know where you're going to get that
19 additional revenue to fund new positions. So I'm just
20 being realistic after seeing this budget and then
21 looking at the requests and there's no possible way
22 that we can accommodate any growth at all. And -- but
23 I would at least like to see employees get a salary
24 increase, if at all possible, and that would be
25 across-the-board because they're all deserving. They

1 haven't gotten one in five years. And that's very sad
2 to say, but it is what it is, like I said. Joyce, do
3 you have those figures?

4 JOYCE SANDOVAL: Yes, Madam Mayor. I have
5 the figures of what it would cost the general fund.
6 Again, we're only speaking general fund.

7 MAYOR LUCERO: Yeah.

8 JOYCE SANDOVAL: What it would cost the
9 general fund to give a 1% raise to its people would be
10 72,831. The cost for a 1.5 increase is 109,247.

11 MAYOR LUCERO: Okay.

12 JOYCE SANDOVAL: And a 2% would cost us
13 182,078. And a 3% would be -- 3% would be 218,494.

14 MAYOR LUCERO: 218,494?

15 JOYCE SANDOVAL: Uh-huh.

16 MAYOR LUCERO: Okay. So if we want to
17 consider a salary increase, you have the figures
18 there. So that's over and above the other amount we
19 have to increase the budget by to cover the employee
20 share -- the employer share of the health insurance
21 cost. So, like I said, I would -- you know, employees
22 are going to be taking home less money because their
23 insurance costs are going up. And if we can at least
24 give them a hundred -- I mean, at least a 1.5%, would
25 that cover their cost, do you think, Joyce? If an

1 employee has to pay 15% more for health insurance, I
2 imagine -- is it more than 1% or about 1%? Well, I'm
3 sure it depends on the salary.

4 JOYCE SANDOVAL: I really -- I can't say
5 that it's a certain percentage because everybody is at
6 a different level. I just don't believe that that
7 would make up for it, but it would certainly help
8 defray the rate of loss of net income for them.

9 MAYOR LUCERO: Okay. So -- Councilor
10 Valdez?

11 COUNCILOR VALDEZ: On private companies,
12 what they gave on raises was about 2.5, but they're
13 private. They make money one way or another. And I'd
14 like to see if we would go with that 2.5% on raises
15 and -- in a flat budget and then look at it after we
16 give it to the State and the State returns it back to
17 see if they okay it, then we can start looking at the
18 actual revenues that have come in up to June, end of
19 June, and that way we can start considering what it is
20 that we can do for the departments of continuing --
21 what I'd like to see is probably continuing to have
22 zero amounts on the positions that are being asked for
23 to hire or to replace or to -- you know, that they
24 have in their budgets is to put zero there, but then
25 look at it after we get it back from the State. Then

1 we can see the real figures of what we can spend and
2 what we can help the employees with. But on the
3 raises, I'd like to see -- because it's been five
4 years and it's hard. And I know that in private
5 companies that's all they gave, is 2.5.

6 MAYOR LUCERO: But especially because
7 they're going to be taking home less money because of
8 their insurance costs. And that's just really a
9 concern to me because there are people on fixed
10 incomes and with families and it is just a great
11 hardship. Councilor Martinez?

12 COUNCILOR MARTINEZ: Could I ask the City
13 Clerk what's the -- so she's helping at HR? What's
14 the City's percentage and the employee's percentage
15 concerning the cost of that insurance?

16 TESSA JO MASCARENAS: I would have to check
17 on that. I don't know the figures off the top of my
18 head.

19 MAYOR LUCERO: But isn't it 15% for the
20 employee and (Inaudible)?

21 JOYCE SANDOVAL: No, ma'am.

22 MAYOR LUCERO: Or is it 15 total?

23 JOYCE SANDOVAL: It's 15% on the whole
24 premium. And then the split between the employer or
25 the City, that share is larger than the employee's

1 share. So it's -- let's say if it's an 80/20 split,
2 which I can't remember --

3 COUNCILOR MARTINEZ: It's 75/25.

4 JOYCE SANDOVAL: So then it would be 75% of
5 that 15% increase belongs to the City side and the
6 other would go to the employee's part of it. And
7 depending on which medical insurance you have, what
8 you pay is different because it ranges -- for a single
9 person it ranges from 3-, almost \$400 down to
10 200-and-something for the employer's cost of a single
11 person's medical policy.

12 MAYOR LUCERO: Councilor Martinez?

13 COUNCILOR MARTINEZ: Well, that's my point
14 at hand. That the City is going to absorb 75% of that
15 15% health cost increase as it is, so you're talking
16 about creating a raise to help the employee offset
17 their medical cost when the medical cost to that
18 employee is 25% of that 15%. So it's not -- it's not
19 a --

20 (End of audio file.)

21 JOYCE SANDOVAL: To 13,000.

22 MAYOR LUCERO: Have you finished with
23 Municipal League?

24 COUNCILOR MARTINEZ: We have. I already
25 asked them.

1 JOYCE SANDOVAL: We're now on the employee
2 professional development. What was the Council's
3 pleasure on that?

4 COUNCILOR SEEDS: Zero on that. And if
5 anybody has any other comments about it, let's talk
6 about it. I mean, that's why we're gathered here.

7 MAYOR LUCERO: I know. There's more than
8 just, you know, one person or two persons. I'd like
9 to know how you feel about not being able to attend
10 anything. Because even the Municipal League requires
11 a registration fee whether or not it's in Taos or not.
12 And that's where this comes out of, the employee
13 professional development. So tell me what your
14 feelings are.

15 COUNCILOR MARTINEZ: Well, my feeling is
16 that Tessa went to Municipal League. Russell went to
17 Municipal league. Joe Duran went to Municipal League.
18 And, unfortunately, Pedro and I were the only two
19 people there, but -- a lot of what was said there was
20 very interesting, but it always alluded to the fact
21 that more information will be on the website next
22 week. So I think that if we're all committed, we can
23 do the research and find out what we need to find out.
24 If we really are committed, we can pay out of our
25 pockets to go to Taos and take care of that base. I

1 think this is a very good place to start because it
2 shows a commitment to the rest of the department.

3 One thing about mileage and per diem, I
4 don't think that you should be all that concerned
5 because you're driving a City vehicle, so it doesn't
6 really affect you on that line.

7 MAYOR LUCERO: Well, that's why I'm asking
8 for input from the other Councilors --

9 COUNCILOR MARTINEZ: Okay.

10 MAYOR LUCERO: -- you know. And as long as
11 there is one available, I will, because many times I
12 use my personal vehicle and I have for the last
13 several years until this year. So any -- please, I'd
14 appreciate some comments from some of you on how you
15 feel about this line item.

16 JOYCE SANDOVAL: Madam Mayor, may I make a
17 suggestion? Can we meet halfway and leave the
18 employee professional development at 1,000?

19 COUNCILOR SEEDS: You know, I'm not okay
20 with that. We need to set an example like
21 Councilwoman Martinez did. So we've already
22 subtracted almost 7,000 in just the governing body, so
23 I think we're doing -- we're on the right track.
24 Thank you.

25 MAYOR LUCERO: And I just want to say that,

1 you know, if you do this, that's fine. It doesn't
2 really matter to me.

3 COUNCILOR SEEDS: Let's move on, Mayor.

4 MAYOR LUCERO: But I just want to say, Mr.
5 Seeds, Councilor Seeds, that I think this is a
6 disservice to the public that you're not allowing for
7 our own governing body to be trained and well
8 informed. Okay. Let's move on. The next item is
9 City Attorney.

10 JOYCE SANDOVAL: I'm sorry, I didn't get
11 where -- what we were going to do with per diem.

12 COUNCILOR SEEDS: Per diem is zero.

13 MAYOR LUCERO: All zero.

14 JOYCE SANDOVAL: And employee professional
15 development?

16 COUNCILOR MARTINEZ: Zero.

17 COUNCILOR SEEDS: It was zero.

18 JOYCE SANDOVAL: And then in publishing?

19 COUNCILOR MARTINEZ: You said all the time,
20 Madam Mayor, that this is a work in progress. If
21 somebody absolutely feels that they need to attend
22 something, they can always present it to the Council
23 and we'll go from there. But for right now this is a
24 good place to start.

25 MAYOR LUCERO: Printing and publishing went

1 down to 150, I believe?

2 COUNCILOR SEEDS: Printing and publishing is
3 150, yes.

4 MAYOR LUCERO: And the dues went down to
5 13,000?

6 COUNCILOR SEEDS: Yes, ma'am.

7 COUNCILOR MARTINEZ: Yes, ma'am.

8 MAYOR LUCERO: Okay. The City Attorney
9 budget. We have attorney's fees, professional
10 services, claims and judgments.

11 JOYCE SANDOVAL: Again, my recommendation is
12 no change on this. As it is, we're overspent on
13 claims and judgments and we'll need some of the
14 remaining --

15 COUNCILOR SEEDS: Professional services?

16 MAYOR LUCERO: The professional services is
17 our City Attorney, Frank Coppler.

18 COUNCILOR SEEDS: Why isn't it under City
19 Attorney Frank Coppler? Why is it professional
20 services?

21 JOYCE SANDOVAL: Well, because we contract
22 with him for his professional services. And we wanted
23 to keep the two different -- the prosecutor and the
24 City Council separate. It was a management decision
25 to budget our attorney's fees, any other attorney's

1 fees that we got for the City for different purposes
2 other than our City Attorney activity to come under
3 attorney's fees. And this line item is for our
4 contract with our City Attorney, Frank Coppler.

5 COUNCILOR SEEDS: Mayor, if I may follow up.
6 So, Joyce, under professional services to our City
7 Attorney, Frank Coppler, which you've told us now only
8 \$89,233 has only been paid to Frank Coppler and his
9 firm as of today?

10 JOYCE SANDOVAL: No, as of April 30th.

11 COUNCILOR SEEDS: As of April 30th. \$89,000
12 and change. That's it.

13 JOYCE SANDOVAL: That's what we had
14 received --

15 COUNCILOR SEEDS: I'm asking the question.
16 Is that the only thing?

17 JOYCE SANDOVAL: I am trying to answer you.

18 COUNCILOR SEEDS: Okay.

19 JOYCE SANDOVAL: What we have paid is what
20 we received and paid as of April 30th.

21 COUNCILOR SEEDS: Which is what? How much?

22 JOYCE SANDOVAL: \$89,233.

23 COUNCILOR SEEDS: As of April 30th?

24 JOYCE SANDOVAL: That's what we had received
25 and paid as of April 30th. Now, that doesn't mean

1 there weren't other billings. But, like I said, it's
2 what we had received as of that date.

3 COUNCILOR MARTINEZ: Question.

4 MAYOR LUCERO: Councilor Martinez?

5 COUNCILOR MARTINEZ: Joyce, what is Mr.
6 Coppler's rate per hour?

7 JOYCE SANDOVAL: I don't know that.

8 COUNCILOR MARTINEZ: You don't know that?

9 MAYOR LUCERO: We have a contract.

10 JOYCE SANDOVAL: We have a contract.

11 COUNCILOR MARTINEZ: Mr. Coppler, do you
12 know what your rate is per hour?

13 MR. COPPLER: I don't. I'd have to look at
14 the contract.

15 JOYCE SANDOVAL: The contract that we have
16 stipulates a rate per hour plus copying costs and
17 other costs. In addition to as far as the labor, I
18 mean, the gross receipts tax with it. And that's the
19 contract that we have with Mr. Coppler -- with Mr.
20 Coppler's firm.

21 MAYOR LUCERO: And I feel that I must say
22 that before we hired Mr. Frank Coppler, the prior
23 years we had been paying up to \$400,000 in attorney's
24 fees, and we cut it down to the 158- and the 71,000,
25 which is even less than 3 -- well, about 250,000. A

1 lot less than what we were paying in prior years, so
2 we saved money there considerably.

3 COUNCILOR MARTINEZ: I have a question.

4 MAYOR LUCERO: Councilor Martinez?

5 COUNCILOR MARTINEZ: The 82,000 that's
6 listed underneath that amount, it says, "Claims,
7 judgments and settlements"? You know, I don't
8 remember ever that coming through this governing body.
9 I don't think we've ever voted on a settlement, that
10 I'm aware of.

11 MAYOR LUCERO: Let me have Frank address
12 that. You know how the insurance company/risk
13 management pays a claim?

14 MR. COPPLER: I think I'm correct in that we
15 are insured through an insurance company that insures
16 against claims, exposures under the Tort Claims Act.
17 That's, basically, premises liability and automobile
18 and Workers' Comp. And the -- in addition, the
19 insurance company covers claims in Federal court under
20 the Federal constitution. Basically, constitutional
21 torts. Most of those arise in the police department.
22 It's claims of unlawful search and seizure, violation
23 of due process, et cetera. We pay out a premium for
24 that coverage that's budgeted. I think it's something
25 like 3- or \$400,000 a year. The policy also carries a

1 deductible and a reimbursable under the deductible and
2 so we have to budget that amount in -- I'm sorry,
3 Joyce, you said claims --

4 JOYCE SANDOVAL: Claims, judgments and
5 settlements, Mr. Coppler.

6 MR. COPPLER: Right. And I think that's
7 what we have to budget for reimbursement to the
8 insurance company under their deductible.

9 COUNCILOR MARTINEZ: Question.

10 MAYOR LUCERO: Councilor Martinez?

11 COUNCILOR MARTINEZ: So you're stating that
12 prior to Mr. Coppler's services -- how long have you
13 been with the City, Mr. --

14 MR. COPPLER: Three years.

15 COUNCILOR MARTINEZ: Three years? So prior
16 to you being here, Angela "Spence" Pacheco was the
17 attorney?

18 MR. COPPLER: I don't know who was here
19 before. I've heard it was Spence Pacheco and then I
20 heard there was --

21 COUNCILOR MARTINEZ: Madam Mayor, you're
22 stating that you were paying her \$400,000 a year?

23 MAYOR LUCERO: What I'm telling you is they
24 had -- it wasn't just Spence. At that time they had
25 Spence and they had -- every time they -- she only

1 had -- every time they'd have a different problem,
2 they'd hire a different attorney, so they were
3 constantly hiring other attorneys. Even though they
4 had her on contract and here full time, they'd have a
5 personnel issue, so they'd hire a personnel attorney.
6 They'd have other kinds of issues and they were always
7 hiring specialty attorneys. So we got a firm that was
8 well-rounded and had a lot of those specialty types of
9 law in their firm so we're not having to contract with
10 several attorneys. The only time that we do is for
11 water and for Indian law. And we haven't dealt with
12 any of the Indian law issues, so we haven't contracted
13 with an Indian law attorney. Up to this point, we've
14 used Mr. Coppler for that purpose. But that's what
15 the problem was. Even though they had a full-time
16 attorney, they were constantly hiring other attorneys.

17 MR. COPPLER: Mayor, I might just
18 supplement --

19 MAYOR LUCERO: Please, go ahead.

20 MR. COPPLER: -- to one extent. We did, in
21 fact, take over all of the outstanding litigation of
22 all of the -- of both Spence Pacheco and the other
23 attorneys that were hired that the Mayor talked about
24 with only one exception, which I brought to the City
25 Council's attention at the time, and that was the

1 ongoing litigation with respect to the Nambe Ware --
2 Nambe Mills. And the reason we didn't take that one
3 over is because I knew that if we took that one over,
4 we would probably end up being named as a witness by
5 Nambe Mills who was adverse to us and that would have
6 precluded us from handling that litigation. And so I
7 recommended that counsel -- that they continue that
8 outside attorney on that one case. So that was the
9 only exception and that was the reason for the
10 exception. It was disclosed to the City Council at
11 the time and that's the only exception.

12 MAYOR LUCERO: I think that was two years
13 ago.

14 MR. COPPLER: That was two or three years
15 ago, yes. Two years ago.

16 MAYOR LUCERO: Okay. Councilor Lewis?

17 COUNCILOR LEWIS: I have a question for
18 Mr. Coppler. Have you ever settled a case without the
19 governing body's approval other than, you know,
20 judgments by the insurance, an individual case?

21 MR. COPPLER: A lawsuit?

22 COUNCILOR LEWIS: Yes.

23 MR. COPPLER: No, not a lawsuit. We have
24 handled lots of disputes. We have complaints coming
25 in from this person, that person, all the time.

1 COUNCILOR LEWIS: I'm talking actual money
2 without the governing body's approval?

3 MR. COPPLER: Absolutely not.

4 COUNCILOR LEWIS: Thank you.

5 MR. COPPLER: Now, the insurance company's
6 lawyers do that.

7 COUNCILOR LEWIS: Excluding insurance
8 companies.

9 MR. COPPLER: Yeah. Well, I just want to
10 make sure we're being real precise. But, no, we have
11 never settled a lawsuit on behalf of the City where
12 money has changed hands without approval of the
13 governing body.

14 MAYOR LUCERO: Okay. All right. So what is
15 the --

16 COUNCILOR MARTINEZ: I have another question
17 for Mr. Coppler.

18 MAYOR LUCERO: Okay. Councilor Martinez?

19 COUNCILOR MARTINEZ: Mr. Coppler, this
20 budget states that after 4/20/13 the City has paid you
21 \$89,233. Is that -- is your billing up-to-date, sir?

22 MR. COPPLER: I send the billing every
23 month.

24 COUNCILOR MARTINEZ: Okay. With that said,
25 I'll move to change that line item from 158,500 to

1 107,000 -- or 108,000, even. And the reason for that
2 is because if 90,000 reflects 10 months, then 108-
3 reflects 12.

4 JOYCE SANDOVAL: May I add some information?

5 MAYOR LUCERO: Ms. Sandoval?

6 JOYCE SANDOVAL: I was looking at the
7 details based on what Councilor Seeds had asked me and
8 the last time -- in April, we did pay Mr. Coppler for
9 March, and that check was cut in the first couple of
10 weeks. I think on the 5th of April or -- let me see.
11 Let me find it again.

12 COUNCILOR MARTINEZ: With that said, I'll
13 work with you on that and I'll raise it by \$10,000.
14 So we'll go to 118,000 with a \$40,000 savings on that
15 line item. On the previous line item before that,
16 this line item originally was supposed to be at 28,000
17 and then it landed up going to 7,000 because we had
18 discussed the fact that Mr. AJ had not handed over his
19 billing at the end of the last fiscal year. So with
20 that said, if that's the same case, we'll go ahead and
21 add a little more to that. We'll go 42,000 on that
22 line item, ma'am.

23 JOYCE SANDOVAL: I was sent an e-mail with
24 Mr. Salazar's caseload. There are numerous things
25 that he's working on and I don't believe the Council

1 has a proper look on what he does. This line item,
2 also, is supposed to include anything else that we
3 might need where Mr. Coppler cannot perform. Now, as
4 he stated, a case in point is that, to use the Judge's
5 term, he would have to recuse himself from a certain
6 case. Well, that may happen, but we don't know what
7 the population of next year's caseload is going to
8 look like. And the police have said in their -- in
9 their -- I guess their support for what they do is
10 that they're going after more crime. So, granted,
11 whether it's AJ or somebody else, they're going to
12 have more cases.

13 Then we have the Municipal Court Judge here
14 that has indicated to us in terms of his revenue
15 that's generated by the court, that he plans on an
16 active court. And we would have to pay -- if we have
17 to pay -- let's say we lose a case somehow and we have
18 to pay their attorney, we would have to pay them
19 either out of attorney's fees or out of more claims
20 and judgments costs. I really recommend you do not
21 cut that line item.

22 COUNCILOR MARTINEZ: I'll meet you halfway a
23 little bit just because I think that the caseload is
24 going to be a little bit bigger where DUI's are
25 concerned or at least I'm hoping for that scenario.

1 So, with that said, I'll leave at 50,000 and drop it
2 by 21,000, ma'am. And I'll leave the claims,
3 settlements and judgments alone at 50,000.

4 MAYOR LUCERO: Councilor Seeds?

5 COUNCILOR SEEDS: Mayor, thank you. You
6 know, Joyce, through this process, you know, none of
7 us have a crystal ball. We don't know what we're
8 going to spend or what we're going to need. That's
9 why all staff members have the ability to come before
10 the governing body to get change orders if they need
11 any more down the road. So, you know, work with us,
12 Joyce. It seems like you're resisting every time we
13 suggest something. Let's go along. We're taking a
14 lot of time discussing things. Work with us on the
15 amounts that we're trying to slash this budget. You
16 know, we don't have money, as everybody is saying
17 tonight. So if they do need more money that we
18 thought they would not need later on, then they can
19 come with a change order and they can justify it at
20 the time. But I believe that \$50,000 is too much. I
21 would want to leave it at 42,000, but whatever you
22 guys want to do. Thank you.

23 MAYOR LUCERO: Okay. So have we completed
24 the City Attorney portion?

25 COUNCILOR SEEDS: There's a hundred and --

1 COUNCILOR MARTINEZ: Unless anybody has
2 anything else to add, I have.

3 JOYCE SANDOVAL: Well, I would like to
4 review what the Council has requested for the
5 attorney -- City Attorney numbers.

6 MAYOR LUCERO: Seventy-one down to 50,000.
7 158,500 down to 118-. And 50,000 stays the same on
8 the claims and judgments. Okay. Councilor Herrera?

9 COUNCILOR HERRERA: I'd just like to say
10 that never in my professional career -- I deal with a
11 multi-million dollar budget on a daily basis far in
12 excess of this budget and never in my professional
13 career have I seen such disregard for the way budgets
14 should be handled. With that being said, I apologize
15 to all you department heads that are here, but with
16 that being said, I can no longer sit through this.

17 MAYOR LUCERO: Thank you, Councilor. Okay.
18 Now, are we -- now we go on to City Manager budget and
19 that's on Page 5. Mr. Duran, do you want to sit with
20 Joyce so that you can -- because I don't see you have
21 a microphone.

22 JOE DURAN: (Inaudible).

23 MAYOR LUCERO: Okay.

24 JOE DURAN: I like Joyce's company. Okay.
25 As you wish, the full-time position, all I did was

1 just ask for somebody there for a janitor. I still
2 would like a janitor. Did ask for a full time with
3 benefits. We can take the benefits off, if that's
4 what you wish, and we can save some money there. We
5 do have one janitor taking care of eight buildings.
6 It's overwhelming.

7 MAYOR LUCERO: Can you deal with a half
8 time? Because I'd hate to hire a full time and not
9 offer benefits.

10 JOE DURAN: And that would be fine.

11 MAYOR LUCERO: Or a three-quarter time?

12 JOE DURAN: Half time would be good.

13 COUNCILOR MARTINEZ: How much would that
14 cost you, Mr. Duran?

15 JOE DURAN: I took the same amount -- if you
16 go to the salary schedule and look under City
17 Manager -- I think that's where she's at -- and
18 custodian, that would be \$12. Page 4 on the salary
19 schedule on the back. And that would be \$12 with an
20 annual salary of 24,960. And with benefits -- that
21 would be without benefits. And with benefits it's --
22 hold on.

23 (Inaudible).

24 COUNCILOR MARTINEZ: So the total cost for
25 half time would be without benefits?

1 JOYCE SANDOVAL: For a temporary, it would
2 be 28,057.

3 COUNCILOR MARTINEZ: That's half time?

4 JOYCE SANDOVAL: That's a temporary
5 position.

6 COUNCILOR MARTINEZ: No, we're talking about
7 two different things. I'm talking half time, you're
8 talking temporary. Let's get on the same.

9 JOE DURAN: Yeah, this was temporary, 40
10 hours. So we can go 20 hours if that's what you'd
11 like.

12 COUNCILOR MARTINEZ: And the cost of that
13 would be how much?

14 MAYOR LUCERO: It would be about 17,000?

15 JOYCE SANDOVAL: Half time would be 12,470
16 of the annual salary, and the FICA would drop
17 correspondingly, and so would the Workers'
18 Compensation. The other costs would remain.

19 COUNCILOR MARTINEZ: So this -- how much
20 does a new fire fighter make coming into the
21 (Inaudible) --

22 (Inaudible).

23 MAYOR LUCERO: Per hour?

24 COUNCILOR MARTINEZ: So a temporary janitor
25 would make \$2.50 more than a fireman?

1 JOYCE SANDOVAL: Excuse me, ma'am.

2 COUNCILOR MARTINEZ: Or a part-time
3 (Inaudible).

4 JOYCE SANDOVAL: You have to remember that a
5 fire fighter work schedule is based on a 12-hour
6 workday, so you can't compare the two. The janitor
7 would be working on an eight-hour workday. And so her
8 or his pay would be based on the rate times eight
9 hours versus the rate times 24 hours.

10 COUNCILOR MARTINEZ: Thank you for that
11 clarification, Joyce.

12 MAYOR LUCERO: Excuse me. I'd like to yield
13 the floor to Elijah Mares.

14 ELIJAH MARES: Thank you, Mayor, and
15 Council.

16 MAYOR LUCERO: Elijah, you want to state
17 your position?

18 ELIJAH MARES: My name is Elijah Mares. I'm
19 Vice President of Local 1188. Mayor, Council, I just
20 have a quick question. I know we compared the 9.50
21 starting for Fire and stated here that it's based off
22 of different hours. We have people that are starting
23 in the Water Department, Parks, and everything else I
24 think at 10 and below. So I just wanted to make sure
25 those other people are considered, too, because those

1 are also eight-hour day people. I mean, anybody
2 coming in at \$12 an hour, whether it's part time or
3 not, would affect morale. I just wanted to make sure
4 that that was addressed.

5 MAYOR LUCERO: I don't think it's the \$12 an
6 hour.

7 ELIJAH MARES: Well, it was based off that,
8 from what I understand. I may be incorrect.

9 MAYOR LUCERO: Okay. But thank you. It is.
10 Thank you. Thank you for correcting me. Okay.
11 Councilor Martinez?

12 COUNCILOR MARTINEZ: Mr. Duran, would you
13 consider a half time at possibly \$9 an hour?

14 JOE DURAN: Yes, ma'am. I have placed it as
15 a \$12 because it was going to be full time. And then
16 we figured let's save some money, go down to 10, and
17 then took away the benefits. But at a part time or a
18 temporary half time, then that amount would be
19 feasible.

20 MAYOR LUCERO: \$9?

21 JOE DURAN: Yes, ma'am.

22 COUNCILOR MARTINEZ: Okay. Can we put that
23 on hold just for now? And go down your budget to --
24 professional service there was 28,904 and only 1,700
25 of that was used. Can you help me understand that,

1 sir -- or \$1,200? I keep asking that this light be
2 changed down here and I still don't get it done
3 because I have a shadow right over my page. So when I
4 move it, it's really hard because I get a weird glare
5 so -- that light that faces over there, could it face
6 over here?

7 JOE DURAN: Not a problem. We can do that.
8 What line item was that, ma'am?

9 COUNCILOR MARTINEZ: 101 100 45030. And
10 it's 28,904 and then what was utilized was -- I think
11 that's a 2. 1,271. And the department head is still
12 at 28,904. Can you explain that to me, Mr. Duran?

13 JOE DURAN: Some of those professional
14 services are for some of the employees when they need
15 to go. We have two employees there. And then -- no.
16 I'm sorry. The professional services is the one.
17 And -- okay. And then we need to hire sometimes some
18 people on professional services. Let me see. What we
19 had in the past -- okay. We had a surveying company
20 that came in and did some surveys on some appraisals
21 that we did in the past. Those were the three that
22 were -- came out to that amount of \$1,200.

23 COUNCILOR MARTINEZ: Okay. Thank you. The
24 other one that I have a question about is --
25 promotional, you have it at \$8,000. And the last time

1 that we had gone over this we discussed paying for the
2 pins that had already been preordered by the time you
3 guys got to budget. And then we asked that that line
4 item get annihilated after that purpose because I
5 don't think it's in the best interest to hand out pins
6 when we're really not in a budget to do so. So I
7 think -- I would like to see that budget down to zero,
8 Madam Mayor, and Council members.

9 JOE DURAN: If I may, the promotional, you
10 have the lobbying legislative times that you go out
11 there and you need to be able to promote Espanola. It
12 would be kind of embarrassing to go out there and just
13 show nothing, you know, as far as promotional. We
14 need to promote Espanola one way or another. All
15 these games that go on, we need to be able to promote
16 Espanola. There's people that go from here represent
17 Espanola in other locations. That's another
18 promotional. We have Little League. All those little
19 teams that our Espanola-community teams that go and
20 promote Espanola differently in different places. We
21 would like to be part of that.

22 COUNCILOR MARTINEZ: So are you telling me
23 that when a team goes out from Espanola with --
24 representing the city, that the City somehow helps
25 them with the money on that?

1 JOE DURAN: No, ma'am. But when they do
2 come here, a nice pin, something. Not only a
3 proclamation would be wise, but, you know, a
4 certificate, all of that is going to cost you. Okay?

5 MAYOR LUCERO: And I do have to say that
6 there are a lot of times when the classes come to us
7 and tell us, you know, "We're going here, we're going
8 there. Do you have some City things to give us so
9 that we can give them to the other kids in the other
10 schools," or, you know, whoever they're competing
11 against.

12 COUNCILOR MARTINEZ: See, I think, from my
13 perspective, the way to promote this city is to
14 improve it. That's the best promotion that we can do.
15 So I still would leave that promotional at zero. I
16 don't see that as helping us at all. So take 8,000
17 out of there. And professional services -- being that
18 you have to come to Council for approval of anything
19 over 2,500 concerning a survey company or an
20 appraisal, I'll be happy to see that come down, too,
21 and I'll listen to my counterparts for a dollar amount
22 on that.

23 MAYOR LUCERO: Council Martinez, I have to
24 correct you, that that resolution did not go through.

25 COUNCILOR MARTINEZ: Oh, that's right. So

1 we better take care of it right here, right now.

2 You're absolutely right, Madam Mayor. What was I
3 thinking?

4 COUNCILOR SEEDS: Mayor?

5 MAYOR LUCERO: I think Councilor Martinez --

6 COUNCILOR MARTINEZ: I'll yield to Mr.
7 Seeds.

8 MAYOR LUCERO: Councilor Seeds?

9 COUNCILOR SEEDS: Thank you, Mayor. Thank
10 you, Councilor Martinez. Professional services, you
11 know, they spent \$1,271 last year. I would suggest
12 taking it to 1,500 instead of the 28,000. Joe, one
13 thing that really disturbs me a lot of times is staff
14 doesn't identify what you want to use the money for.
15 You say, "Oh, well, we might need it for this or we
16 might need it for that," so it's like a slush fund.
17 And that's what I'm going to say. It's a slush fund
18 because you don't identify it. Show me some receipts
19 of what you spent in the past, justify what you need,
20 and we'll support you. But just to throw a figure in
21 there, "Oh, golly, I'm going to need \$28,000 this year
22 because something might come up," you know, times are
23 hard. But explain to us what you need it for and give
24 us the documentation and I'll support it, for one.
25 But just to put a figure in there just because you

1 think we're going to do this or you think we're going
2 to do that, we may land up buying a lot of dinners at
3 the local restaurants for some of our neighboring
4 cities or different areas, you know, and that's not
5 right in times that we're really struggling here and
6 it's hard, you know. So I don't agree with that.

7 JOE DURAN: Councilor, I understand what
8 you're saying, but you also need to consider that we
9 have a lot of streets in this town that we have not
10 identified. We need to survey them. We need to show
11 that.

12 COUNCILOR SEEDS: This has here "surveying
13 street"? Where do you identify that here?

14 JOE DURAN: I didn't identify it here.

15 COUNCILOR SEEDS: Line item it. You ought
16 to put there "we need so much money for identifying
17 streets." Get a quote, you know, so we know exactly
18 what we're going to spend. But for you just to put a
19 figure here without any justification, it's a slush
20 fund, is what it is, and it's not right. I would
21 suggest \$1,500 in that one. Thank you. And then last
22 year we approved Animal Shelter at 80,000. Why is it
23 86,000? It's gone past what we approved for the
24 Animal Shelter last year. Joyce?

25 JOYCE SANDOVAL: They were behind on their

1 billing, so we paid for last year's bill in the
2 current year.

3 COUNCILOR SEEDS: So where would that money
4 have come from?

5 JOYCE SANDOVAL: Cash balance.

6 COUNCILOR SEEDS: So that will stay at
7 80,000 for the rest of the contract agreement, right?

8 COUNCILOR MARTINEZ: Question.

9 MAYOR LUCERO: Councilor Martinez?

10 COUNCILOR MARTINEZ: Joe, how many people
11 work directly in your department, the City Manager's
12 department?

13 JOE DURAN: In the City Manager, we have the
14 City Manager and two. It would be Julie and the
15 custodian.

16 COUNCILOR MARTINEZ: So three?

17 JOE DURAN: That's three total.

18 (End of audio file.)

19 COUNCILOR SEEDS: And I don't disagree with
20 the program. I think Ben Sandoval is doing a heck of
21 a good job with these kids. I really do. And you
22 know me, Mayor, I've always been very supportive of
23 funding many activities for our kids and our elderlies
24 alike, you know, in the city. But in the past, you
25 know, we've had requests from people that have come

1 before this governing body for 2-, 3-, \$4,000. And,
2 you know, we've told them, you know, because of the
3 anti-donation clause, we can't help them. So my
4 question is how do we get by on this program and not
5 the others? Because I believe that we should fund
6 them all. I do. Just like, hopefully, we helped our
7 seniors take this trip out of state, I think that
8 we -- you know, we need to get back to those
9 fundamental, you know, things that are important to
10 our people in the community.

11 MAYOR LUCERO: Okay. You asked me how we
12 came about? Let me answer that before I give you the
13 floor. A few years ago we had Portage, a company
14 that -- well, we got the building donated to us from
15 Los Alamos, but it was just a building and it needed
16 to be renovated. So Portage, a contractor from Los
17 Alamos, donated their services and they renovated the
18 building. The City does not have the money to staff
19 it for a youth center. So we reached out to Los
20 Alamos and Los Alamos YMCA said, "We'll staff it. You
21 provide the building, the utilities and those type of
22 things, building maintenance, and we'll staff it with
23 an employee." So here came Ben Sandoval. Well, since
24 he got on board, he has gotten all kinds of equipment
25 donated to them. They have exercise equipment, pool

1 tables, shuffleboard. All kinds of game tables. Some
2 video game tables. I mean, all these things have been
3 donated. They have it fully furnished. Big screen TV
4 and all, donations again. But being that he is
5 actually providing a service to the community,
6 that's -- you know, we are -- he is doing a service
7 for the people. So he's providing this service to us
8 and that's why we're able to pay this contract amount.
9 And it's a contract dealing with the YMCA from Los
10 Alamos, but -- and they've been good enough to help
11 us. Like I said, last year they were on the verge of
12 closing their doors, and thanks to some donations that
13 came in they were able to leave their doors open. But
14 they're always -- you know, there are a lot of other
15 things they could do. Like just recently they
16 participated in this Robo Rave competition and they
17 did very well. They didn't get the grand prize, but
18 they scored quite a bit. But what happened is
19 their -- they needed backup equipment and they didn't
20 have the backup equipment that they needed, so they
21 told me, "We need another \$500 so that next year when
22 we participate we at least have a backup." He said,
23 "We" -- something happened with a part and they had
24 nothing to fix it with, so that was part of the
25 problem.

1 So they're doing a lot of good in our youth.
2 Our youth from this community are benefiting from this
3 program. So I would like to see that the Council
4 consider a few thousand dollars more for them. Like I
5 said, if we can afford to give the Animal Shelter
6 80,000 --

7 COUNCILOR SEEDS: And I agree.

8 MAYOR LUCERO: -- I don't see why we
9 couldn't give our youth that much.

10 COUNCILOR SEEDS: Mayor, the reason I
11 brought that up to you -- and I'd like to move to --
12 you know, suggest that we take that to 50,000 for
13 right now. And also open the doors for some funding,
14 as Councilwoman Martinez has really emphasized in the
15 past meetings, for a lot of our kids. I think it's a
16 great investment, you know, to sponsor activities at
17 our recreational centers. You know, with no fee or
18 little fee, if any fee is all that's charged to our
19 kids because a child being -- you know, utilizing our
20 recreation facilities is keeping them off the street
21 and you're hopefully teaching them something.
22 Something that will benefit them down the road. So I
23 would like to suggest \$50,000 there and --

24 MAYOR LUCERO: Okay. Could anyone else
25 consider more?

1 COUNCILOR SEEDS: Well --

2 MAYOR LUCERO: Like I said, if we compare --
3 give our Animal Shelter 80,000 -- I mean, I think our
4 youth deserve more than that. So I would appreciate a
5 higher amount.

6 COUNCILOR SEEDS: Well, this is -- you know,
7 I was going to suggest, Mayor, down the road that, you
8 know, we fund programs for our youth, you know, in the
9 other areas that the City runs, you know, like in part
10 of this budget process.

11 MAYOR LUCERO: We are, you know, through
12 the -- what the Art Center is doing at the Plaza,
13 they, too, have a lot of programs going and those are
14 funded by NNMRAAC. And we really have a lot of
15 opportunity for our youth now that we haven't had in
16 years. And recreation, I agree with you. We need to
17 plan for that. But if you're going to be taking away
18 from some of these other departments, I think these
19 are some of the ones that need to be funded.

20 COUNCILOR SEEDS: So right now let's take it
21 to 60- there, that I would suggest. Okay? And then
22 we'll go from there. Let's go to 60-.

23 COUNCILOR LEWIS: I was thinking 70-.

24 COUNCILOR SEEDS: You want to go 70-?

25 MAYOR LUCERO: Thank you, Councilor.

1 COUNCILOR LEWIS: And then, Mayor, I had a
2 question after our donations all came up and I'm just
3 wondering where our City Attorney is. Do you know?

4 MAYOR LUCERO: He asked if we continued, if
5 we needed him, and I told him I didn't think so. He
6 could leave. Because in the budget process we
7 normally don't need the attorney. But there is an
8 anti-donation law. What it is is we can -- we can
9 only give money for services rendered. We can't
10 donate money to entities for --

11 COUNCILOR LEWIS: No, I understand that,
12 Mayor, but the reason I'm asking is because it seems
13 like the City Attorney has had different opinions in
14 the past and he's not here to answer these questions
15 and, you know, we're paying him, so I think he needs
16 to be here.

17 MAYOR LUCERO: Well, you're not paying him
18 for the time he's not here.

19 COUNCILOR LEWIS: I understand, but he was
20 here and he left.

21 MAYOR LUCERO: Yeah, he did ask, and I did
22 tell him that he could go ahead and leave. Anything
23 else? So we moved that to 70,000?

24 COUNCILOR SEEDS: Seventy.

25 MAYOR LUCERO: Councilor Martinez, you had

1 your hand up?

2 COUNCILOR MARTINEZ: No, they covered the
3 base. Thank you.

4 MAYOR LUCERO: Okay. Very good. So now if
5 we move on to Recreation.

6 (End of audio file.)

7 MAYOR LUCERO: Okay. Now we're on
8 recreation.

9 COUNCILOR MARTINEZ: Before we go into
10 recreation, I have one more question for Joyce. You
11 stated, ma'am, that the building is in need of repair
12 at some point. And I wondered from the -- from our
13 sheet that we got last week, Joyce, with the 124 fund,
14 was it, where it has buildings and repair, can some of
15 that repair come out of that fund?

16 JOYCE SANDOVAL: I honestly -- I don't know,
17 but it is -- but if it is a City facility, then, yes,
18 it would qualify to have moneys from that 124-103.
19 And I don't know, specifically, what things are
20 needed.

21 MAYOR LUCERO: I'm just anticipating that.
22 Because they sat on that facility for about five or
23 six or seven years now. So, again, it's going to need
24 some type of maintenance. So that's why I bring it
25 up, because sometimes we forget that we -- we forget

1 to budget for maintenance issues in some of our
2 facilities. Okay. Go ahead and continue with
3 recreation.

4 ANDREW HERRERA: Did you have any specific
5 questions on --

6 COUNCILOR MARTINEZ: What page are you guys
7 on?

8 MAYOR LUCERO: Seven.

9 ANDREW HERRERA: We try and do ours a little
10 bit detailed to give you an idea of what we've spent
11 in the past and what we may anticipate in the future.
12 So, you know, it's pretty basic. A lot of it is flat.
13 But you may have some questions. Councilor Seeds?

14 COUNCILOR SEEDS: Thank you, Mayor. Mayor,
15 you know, a while back I asked Andrew to get a price
16 or look into putting a cover at the Ranchitos Pool and
17 also looking into repairing the kiddy pool. You know,
18 a lot of family -- working moms go over there with
19 their kids and they can't -- you know, they can't
20 utilize the facility properly like it was intended
21 for. So, hopefully, after we -- you know, we finalize
22 the expense of the softball fields, you know, we're
23 going to have a little money left there and,
24 hopefully, we can use it to upgrade, you know, some of
25 our other recreational facilities.

1 Saying that, you know, I'd like to increase
2 Line Item 46013 to 20,000 for the recreational
3 program -- recreational programs in the recreation.

4 COUNCILOR MARTINEZ: Where are you at?

5 COUNCILOR SEEDS: It's the third section.
6 46013.

7 MAYOR LUCERO: Ed rec activities?

8 COUNCILOR SEEDS: Yes.

9 MAYOR LUCERO: So from 15 to 20?

10 COUNCILOR SEEDS: Twenty. Do you think that
11 will be enough? Andrew, what do you think, you know,
12 if we start, you know --

13 ANDREW HERRERA: I think that's a good
14 start.

15 COUNCILOR SEEDS: You think that's a good
16 start? So I'd like to take that there. And I don't
17 know what else anybody thinks we need to do. Are we
18 covered for lifeguards, Andrew, for this year?

19 ANDREW HERRERA: Yes.

20 COUNCILOR SEEDS: We are?

21 MAYOR LUCERO: Councilor Cory Lewis?

22 COUNCILOR LEWIS: Yeah. I've been
23 talking -- talking about a basketball league for a
24 while already, you know, like we used to have in the
25 past. And a lot of people are requesting or asking if

1 we can do that again. So I'd like to increase that
2 from 20 to more if that will cover it. I mean, I know
3 Eddie Romero used to help a lot and it worked. People
4 were happy, you know. So I'd like to continue the
5 basketball league if possible there and whatever we
6 need to for that.

7 MAYOR LUCERO: That's usually funded by the
8 revenue that we receive from the registration fees,
9 isn't it?

10 COUNCILOR LEWIS: But what I'm saying is it
11 stopped, we haven't done it, and I'd like to bring it
12 back. That's what I'm saying. So whatever we need to
13 do to make it happen, let's do it.

14 COUNCILOR SEEDS: Madam Mayor, if I may,
15 what I think Councilperson Lewis is saying is that if
16 we have enough staffing and moneys to implement these
17 programs, because -- you know, Andrew, are we going to
18 have enough staffing and (Inaudible) in the winter
19 months?

20 ANDREW HERRERA: That is part of what was
21 happening before, is the referees weren't being paid
22 properly, so -- but I believe that with this amount I
23 believe it's (Inaudible) --

24 COUNCILOR SEEDS: Are we okay?

25 ANDREW HERRERA: And as far as staffing,

1 then, you know, we'll -- you know, we have plenty of
2 staff, I believe, to be able to run these programs.

3 COUNCILOR SEEDS: All right. Because I
4 agree with Cory Lewis we need to get these programs
5 back.

6 MAYOR LUCERO: I notice that under full-time
7 positions you have an additional \$16,000 for \$15,000.
8 Can you tell us what that increase is for?

9 ANDREW HERRERA: It was a typo. Last year
10 the Excel spreadsheet for some reason didn't add up
11 the salaries. But what she's saying from last year to
12 this year.

13 JOYCE SANDOVAL: What it is --

14 MAYOR LUCERO: Joyce, make sure you speak
15 into the microphone.

16 JOYCE SANDOVAL: I'm sorry.

17 MAYOR LUCERO: I do want the public to hear
18 your response.

19 JOYCE SANDOVAL: This year when we submitted
20 the preliminary salary schedule, we specifically
21 listed out four temporary positions -- bear with me
22 one moment while I find my page. It's on Page 5 of
23 the salary schedule for recreation. Those four
24 positions for seasonal lifeguards were not on last
25 year's schedule.

1 MAYOR LUCERO: Okay. So that's where --
2 that's where that 16,000 is then.

3 COUNCILOR SEEDS: Yes. That's seasonal.

4 MAYOR LUCERO: Okay. So these are
5 additional positions that are being requested. So
6 that answers my question. So there's an increase
7 being project -- being proposed. And I don't know if
8 you want to --

9 COUNCILOR MARTINEZ: Question?

10 MAYOR LUCERO: Councilor Martinez?

11 COUNCILOR MARTINEZ: The increase in that
12 portion, Mr. Herrera, is temporary seasonal
13 employment?

14 ANDREW HERRERA: For that part, yes.

15 COUNCILOR MARTINEZ: So that's what that is
16 for? Is it possible that we could move that
17 completely out of the line item and put it back up
18 on --

19 MAYOR LUCERO: 121?

20 JOYCE SANDOVAL: Seasonal employees
21 typically are temporary employees and so they would be
22 paid out of this line item. When they're hired and
23 they go through their paperwork, we consider them
24 temporary employees. And depending on how they fill
25 out the paperwork, they'll either come out of the

1 full-time line item or out of the temporary line item.
2 But whether it's there or above, this is just a
3 breakout between what we see as a 50% position versus
4 a 100% position or a seasonal position. So I don't
5 quite understand what you want to achieve.

6 COUNCILOR MARTINEZ: Okay. I'll explain
7 what I'm trying to get at. Where you have full-time
8 position and you have it up at \$16,000, then if you
9 come down to FICA and PERA and health care and
10 everything else, all that gets adjusted according to
11 the full-time position, right? Okay. So what I'm
12 trying to avoid is that adjustment in health care and
13 everything else, because if it's just a temporary
14 position and the person is held to under 40 hours, we
15 can do it without providing those benefits.

16 JOYCE SANDOVAL: And that's what's reflected
17 on the salary schedule is they don't have benefits.

18 COUNCILOR MARTINEZ: Okay. So now you lost
19 me. So --

20 JOYCE SANDOVAL: The only positions that
21 have benefits are the recreational supervisor, the
22 administrative assistant, the WS -- is it "I"? Yeah,
23 water -- WSI lifeguard and the aquatic coordinator and
24 the lifeguard and the clerk, those are the positions
25 that have health care benefits attached to them. The

1 rest of the positions, the lifeguard that's a half
2 time and the seasonal lifeguard, which are four
3 positions, do not have health care insurance attached
4 to them.

5 COUNCILOR MARTINEZ: Okay. So if we add up
6 all of these including -- well, except for the 50% --
7 does Gilbert Romero still work there?

8 ANDREW HERRERA: Yes.

9 COUNCILOR MARTINEZ: He does? And he's at
10 how much?

11 JOYCE SANDOVAL: WS -- he's at a water
12 safety instructor position and that's a full-time
13 position.

14 COUNCILOR MARTINEZ: How long has he been
15 with us?

16 ANDREW HERRERA: He's been with us as long
17 as a year.

18 COUNCILOR MARTINEZ: He's been with us for a
19 year?

20 ANDREW HERRERA: I just noticed on the
21 salary schedule, though, the health care insurance
22 (Inaudible) --

23 COUNCILOR MARTINEZ: The third one down, the
24 Gilbert Nathan Romero that's listed as a temp and his
25 insurance is at zero and his --

1 MAYOR LUCERO: Does he work full time?

2 ANDREW HERRERA: Yes. That position along
3 with the clerk at one time were full-time positions.
4 And then when they -- when we had people leave for
5 whatever, they became vacant. In an effort to save
6 the City money, we hired temp employees as opposed to
7 hiring full-time employees. So at one time they were
8 a full-time employee, but then we hired them as -- we
9 hired temps to fill in. And then -- but then the
10 salary schedule got changed.

11 COUNCILOR SEEDS: So, Mayor, if I may, so we
12 need adjustments and get back -- we're very, very
13 serious about -- I am, anyway, and I know a lot of you
14 are -- about getting back to a -- you know, giving
15 back to the community as far as recreation and
16 supplying a top-notch facility for our community. So
17 what do we need here, Andrew? Do we need to take this
18 back to full time with benefits or what?

19 ANDREW HERRERA: On the lifeguard/WSI and
20 the clerk, yes.

21 COUNCILOR MARTINEZ: How much will that cost
22 us, Joyce?

23 JOYCE SANDOVAL: You would just increase the
24 health insurance coverage by 12,282 on each one of
25 those.

1 MAYOR LUCERO: And that's if they're
2 interested in taking health care?

3 JOYCE SANDOVAL: Correct. But they would be
4 eligible as a full-time employee to obtain up to
5 12,282 City-covered costs.

6 COUNCILOR MARTINEZ: Okay. So, then, that
7 would take the temporary position, and correct me if
8 I'm wrong, from -- gosh, I get so much shadow over
9 here and I'm so old it's so hard for me to see --
10 14 -- 19,4 -- I'm going to take a shot at it -- 48 on
11 Gilbert Romero? So you would take that salary and add
12 \$12,000 to it so that would make that --

13 MAYOR LUCERO: 12,282.

14 COUNCILOR MARTINEZ: Okay. So that would
15 become --

16 JOYCE SANDOVAL: No, ma'am. You would add
17 12,282 to the 24 --

18 COUNCILOR MARTINEZ: Right, that's what I
19 just said.

20 JOYCE SANDOVAL: That's not what you said,
21 but --

22 MAYOR LUCERO: You said to the 19.

23 COUNCILOR MARTINEZ: No, I said -- I was
24 going to say this. Maybe I didn't. So --

25 MAYOR LUCERO: So you add the 12 to 24,995?

1 COUNCILOR MARTINEZ: And then the other one
2 is which one, Mr. --

3 ANDREW HERRERA: The clerk.

4 COUNCILOR MARTINEZ: And she is a temporary
5 herself right now, also?

6 ANDREW HERRERA: We don't have anybody in
7 this position right now. We're currently in the
8 process of (Inaudible.)

9 COUNCILOR MARTINEZ: Okay. Can we hold up
10 on this one until the end and see where we're at with
11 everything and just go ahead and fund that one
12 completely? And then the other thing that I would
13 like to see happen is being that we sort of want to
14 reorganize that Parks and Rec into one division head
15 and since Andrew's been taking the helm on that, can
16 we cover him on that 10% pay for doing that duty, Mr.
17 Duran?

18 MAYOR LUCERO: Okay. So are these seasonal
19 positions being funded then in this budget? And
20 they're being funded under full time, right, instead
21 of temporary? Is that correct?

22 COUNCILOR SEEDS: Just the one was, Mayor, I
23 believe.

24 MAYOR LUCERO: Well, it's 15,000 and there's
25 an additional 16,000 in full time.

1 COUNCILOR MARTINEZ: Well, you have -- on
2 the temporary position you have on the last year's
3 budget 18,720, and he actually made 24,995. And then
4 if you're adding 12,292 to that amount, you could move
5 that whole amount and remove that temporary position
6 for right now. So instead of having that 19,4 --
7 Andrew, explain to me why this says 136,134 and then
8 last year's budget was 121,326.

9 ANDREW HERRERA: It's a typo.

10 COUNCILOR MARTINEZ: It's a typo?

11 COUNCILOR SEEDS: He said that earlier.

12 COUNCILOR MARTINEZ: So the real amount that
13 is the true salary schedule right now is 136,134?

14 ANDREW HERRERA: (Inaudible) just a
15 full-time position? (Inaudible) give you an idea of
16 what that should be.

17 MAYOR LUCERO: Joyce, can you respond to
18 that?

19 JOYCE SANDOVAL: (Inaudible.)

20 MAYOR LUCERO: Okay. But didn't you say it
21 was corrected in --

22 JOYCE SANDOVAL: It has. It has been
23 corrected.

24 MAYOR LUCERO: So it should be 121,326?
25 Okay.

1 COUNCILOR MARTINEZ: So it should be
2 121,326?

3 COUNCILOR SEEDS: It's already been
4 corrected, yes.

5 ANDREW HERRERA: There's apparently an error
6 for just a full-time position not including the
7 lifeguards on the other side because it was considered
8 a temp. So we have a temp (Inaudible) temp line item
9 and not including the part time. It does come out to
10 the -- it's actually 120,286.40.

11 COUNCILOR MARTINEZ: That includes the clerk
12 that we just spoke of?

13 ANDREW HERRERA: Yes.

14 COUNCILOR MARTINEZ: Okay. So this
15 lifeguard is at 50%. That's going to remain
16 temporary?

17 ANDREW HERRERA: He's a part time.

18 COUNCILOR MARTINEZ: He's part time? Okay.
19 So then on the adjustment -- where am I at? So then
20 we would move that temporary 19,4 out of that line
21 item completely for right now and -- or do we still
22 need it for those four positions on the lifeguard, the
23 seasonal?

24 ANDREW HERRERA: We would need that for the
25 upcoming season.

1 COUNCILOR MARTINEZ: For the upcoming
2 seasonal? Okay. Then we'll just leave that alone.
3 So then -- we'll just leave that top one. Positions
4 is 12,292. So if you have 121,326 without that clerk
5 and we're adding the 12,000, can you add 12,000 --
6 well, it would actually be in health care insurance,
7 is where that would go up. So can we add that 12,000
8 to the health care insurance for right now until we
9 see what type of insurance he's going to require or
10 what he wants to purchase? So we have 11,785 adding
11 12,292? (Inaudible.)

12 JOYCE SANDOVAL: To clarify it, are we
13 changing strictly the insurance possibility for the
14 WSI?

15 COUNCILOR MARTINEZ: Yes, for right now. So
16 instead of that 11,785, make that line item 2477 or
17 just 24,000 and then we'll adjust it as need be? And
18 then on the salary schedule on full time at the top,
19 his wages would stay the same, so that wouldn't be
20 really affected unless he's doing less than 40 hours,
21 Andrew?

22 ANDREW HERRERA: He's doing 40.

23 COUNCILOR MARTINEZ: He's doing 40? So his
24 wages would not be affected. So we'll leave that at
25 the 121 until we see where we're at with that clerk

1 position. And then adding 10% to Andrew would put him
2 at 17.60 an hour instead of the \$15 an hour which
3 would be --

4 ANDREW HERRERA: An additional 3,828.

5 COUNCILOR MARTINEZ: Say that again?

6 ANDREW HERRERA: 3,828.

7 MAYOR LUCERO: Actually, it's more than that
8 because you have the FICA effect and PERA.

9 COUNCILOR MARTINEZ: Right. But on that
10 line item on the top, it would say 3,338. So from
11 that 121 let's go ahead and raise that to 125 for
12 right now until we revisit that clerk position. So
13 that covers you on your temporary seasonal help for
14 your lifeguard. That covers on changing that
15 temporary employee rightfully so after a year to a
16 more permanent status. And it covers you on the 10%
17 that we agree on for you taking on the Parks part --
18 portion.

19 JOYCE SANDOVAL: So we're not funding the
20 clerk?

21 COUNCILOR MARTINEZ: For right now, I just
22 want to see where we're at at the very end. I'm
23 trying to balance it as best I can, so --

24 JOYCE SANDOVAL: So are we funding the clerk
25 position or not funding the clerk position?

1 COUNCILOR MARTINEZ: For right now, no.
2 Andrew, do you feel like this is an absolute
3 necessary? Could we do this as a temporary position?

4 ANDREW HERRERA: We can do it on a temporary
5 position. What we're currently doing as far as
6 applications right now is for this year's fiscal
7 budget and if we get enough money for this fiscal
8 budget. This wouldn't take effect until July 1st.

9 COUNCILOR MARTINEZ: Right.

10 ANDREW HERRERA: So we could do with a temp
11 position.

12 COUNCILOR MARTINEZ: Could we do a temporary
13 part time, maybe? Thirty hours?

14 ANDREW HERRERA: I'm sure we could work
15 something out.

16 COUNCILOR MARTINEZ: Just so that we --
17 we're working with you, you're working with us? Okay.
18 For right now, let's just put that to the side and
19 visit it at that time. Okay? Thirty hours a
20 part-time temp. Okay.

21 JOYCE SANDOVAL: So we are funding it or not
22 funding it?

23 COUNCILOR MARTINEZ: Not until we are --
24 we're done with everything.

25 MAYOR LUCERO: I don't think Councilor

1 Martinez realizes that the clerk is already included
2 in the 121,326.

3 COUNCILOR MARTINEZ: Oh, well, then if
4 that's the situation, we have some subtracting to do.
5 You know -- and that was budgeted without health
6 insurance, also, Mr. Herrera, that clerk position?

7 ANDREW HERRERA: Yes.

8 COUNCILOR SEEDS: And we already included
9 that, didn't we? (Inaudible.)

10 MAYOR LUCERO: No.

11 COUNCILOR MARTINEZ: So you're currently
12 creating a job description for that job?

13 ANDREW HERRERA: We already had one done.

14 COUNCILOR MARTINEZ: You had one done? Has
15 it been advertised as of yet?

16 ANDREW HERRERA: As a temporary position.

17 COUNCILOR MARTINEZ: As a temporary
18 position? And that's because you have it in your
19 budget from last year?

20 ANDREW HERRERA: From this fiscal year, yes.

21 COUNCILOR MARTINEZ: Okay. Let's just --
22 let's go ahead and remove that. Did you say it was
23 included -- you said it wasn't included. She said it
24 was included.

25 ANDREW HERRERA: For this fiscal year, there

1 was a clerk position that was budgeted.

2 COUNCILOR MARTINEZ: So the next one it's
3 not included.

4 ANDREW HERRERA: If you wish for -- to not
5 have it in there, then --

6 COUNCILOR MARTINEZ: Okay. Let's put it on
7 hiatus just for the -- just for the time being and for
8 the sake of creating a balanced budget. Let's go
9 ahead and minus that 21,423 for right now from that
10 salary schedule of 125.

11 ANDREW HERRERA: We could do the clerk as a
12 50%, which would be a part time, which is the same
13 thing that we have a lifeguard which doesn't get
14 benefits. It's 38 hours every two weeks.

15 COUNCILOR MARTINEZ: Okay. Let's just put
16 it on hiatus just for right now just so that we --

17 MAYOR LUCERO: Okay. Let me just ask a
18 question. Andrew, if you don't have a clerk, who does
19 the collection at the door?

20 ANDREW HERRERA: Truthfully, we all double
21 as that. Right -- currently, this is what's happening
22 right now. Currently, I open at 6:00, and then I have
23 Gretta come in at noon and then she takes over. So
24 for the first six hours of the morning it's either
25 myself, it's either Desiree Miranda, who's our

1 aquatics coordinator, that basically would be doing
2 the front desk clerk.

3 JOE DURAN: (Inaudible.)

4 ANDREW HERRERA: Yes. So it's working right
5 now, but to have a clerk -- and actually the clerk
6 that was coming in before, we had her coming in
7 from -- or the employee was coming in from 11:00 to
8 9:00 and it was Tuesday through Friday. Fridays was
9 9:30 to 6:30 and then Saturdays was four hours. And
10 that would give the employee the 40 hours that they
11 needed. And then they had off Sundays -- Sundays and
12 Mondays. So, basically, the clerk was the closing
13 person.

14 MAYOR LUCERO: And so if you're watching the
15 front desk and you have to be at the back --

16 ANDREW HERRERA: Desiree is the one that --
17 when he was talking about an employee, Desiree would
18 be the one that would be in the pool. And then we
19 have a lifeguard in the back there, too.

20 MAYOR LUCERO: You said that from 6:00 to
21 12:00 you would be --

22 ANDREW HERRERA: I'm in the front.

23 MAYOR LUCERO: But if you have to be at the
24 back, people can walk in and nobody charges them for
25 services.

1 ANDREW HERRERA: If I needed to attend to
2 something, yes.

3 MAYOR LUCERO: So I feel that there is a
4 need for a front desk clerk, from what you're saying.

5 ANDREW HERRERA: There is a need.

6 JOE DURAN: There is a need, because even if
7 one of them is off that day, people will go in through
8 there.

9 MAYOR LUCERO: And that's how we lose
10 revenue.

11 COUNCILOR MARTINEZ: So you said 38 hours
12 every two weeks as a temporary?

13 ANDREW HERRERA: No, that would be a part
14 time. We could do a temporary under an 80-hour pay
15 period and they still wouldn't get benefits because
16 it's a temporary employee.

17 COUNCILOR MARTINEZ: So you're talking about
18 a temporary eight-hour schedule at the cost of \$8 an
19 hour?

20 ANDREW HERRERA: Correct.

21 COUNCILOR MARTINEZ: Okay. Let's just go
22 ahead and leave that in. So then the 125 dictates the
23 total amount adjustment. The only real line item that
24 got adjusted was the health care insurance got
25 adjusted in case the gentleman that is not going to be

1 temporary opts to buy the whole package.

2 (End of audio file.)

3 JOYCE SANDOVAL: Demonstrated or expressed
4 an opinion that it doesn't have enough people. So
5 I'm -- I mean, if you don't want to give me the
6 additional position, that's fine, but don't take away
7 the minimum that I have.

8 COUNCILOR MARTINEZ: Joyce, the position
9 that we're talking about, you currently have a
10 temporary person that's working at that position.

11 JOYCE SANDOVAL: Correct. But after
12 July 1 -- after July 1, I would still need a person to
13 continue those duties.

14 COUNCILOR MARTINEZ: Yeah. That is covered
15 under the line item of contractual services, right?

16 JOYCE SANDOVAL: No, no, that does not.

17 COUNCILOR MARTINEZ: It does not get covered
18 under that?

19 JOYCE SANDOVAL: No. We're talking about
20 regular duties, not audit assistance.

21 COUNCILOR MARTINEZ: How much are we paying
22 the person that's sitting there temporarily right now
23 today?

24 JOYCE SANDOVAL: How much have we paid?

25 COUNCILOR MARTINEZ: Yes, ma'am.

1 JOYCE SANDOVAL: I can tell you the rate of
2 pay. She doesn't work a full 40 hours. I could not
3 give you a total amount since it's buried in our
4 full-time positions.

5 COUNCILOR MARTINEZ: So the \$10,000 that's
6 here under contractual services --

7 JOYCE SANDOVAL: Is for audit assistance for
8 future audits which is fiscal '11 and fiscal '12.

9 COUNCILOR MARTINEZ: I think we're on two
10 different line items. You're on 10 Audit Contract and
11 I'm on 00 Contractual Services. So this 10,233 does
12 not reflect any money that has been paid to the person
13 that has sat in as a financial analyst as a temporary?

14 JOYCE SANDOVAL: No, because that's in the
15 full-time positions. All of my -- all of my staff is
16 grouped in there, so that -- whatever we paid her
17 would be part -- as of April, it would be part of that
18 167,000 that we've paid.

19 MAYOR LUCERO: It would be -- it would be
20 within the financial analyst allotment for 80,000.
21 Well, actually the salary is 53,000.

22 JOYCE SANDOVAL: Right, it's within that.

23 COUNCILOR MARTINEZ: So you'd utilize like
24 that basic pay scale for the person that you have as a
25 temporary?

1 JOYCE SANDOVAL: Yes, ma'am.

2 COUNCILOR MARTINEZ: But what is the pay
3 rate that the lady is getting paid right now?

4 JOYCE SANDOVAL: \$25 an hour. We discussed
5 this.

6 MAYOR LUCERO: Councilor Seeds?

7 COUNCILOR SEEDS: Joyce, at the next meeting
8 I'd like for you to -- you can tell me now, but I
9 still want documentation, showing me where the \$10,232
10 was spent under contractual services to date.

11 JOYCE SANDOVAL: I expressed that I had a
12 contract with Patrick Varela.

13 COUNCILOR SEEDS: I'd like (Inaudible) that
14 contract that you spent (Inaudible).

15 JOYCE SANDOVAL: You want to review the
16 contract or do you want to look at the checks?

17 COUNCILOR SEEDS: I'm sorry?

18 JOYCE SANDOVAL: What is it that you would
19 like?

20 COUNCILOR SEEDS: I want to -- you said you
21 wrote a contract up. I want to see the contract. I
22 want a copy of it.

23 JOYCE SANDOVAL: Okay.

24 COUNCILOR SEEDS: Okay. Thank you.

25 COUNCILOR MARTINEZ: I have another

1 question. For non-capital equipment where computer
2 replacements are there, what's the -- how many
3 computers are we talking about? How many employees do
4 you have?

5 JOYCE SANDOVAL: There are four -- there are
6 four employees covered in this budget.

7 COUNCILOR MARTINEZ: In the year of a tight
8 budget, though, do you think it's feasible to buy two
9 computers and then buy two next year, in the next
10 fiscal? Would that help you?

11 JOYCE SANDOVAL: Oh, it all helps.

12 COUNCILOR MARTINEZ: Okay. So instead of
13 that 3,500, we'll put \$2,000 on that line item. And
14 I'll leave it to the pleasure of my counterparts
15 concerning the analyst's position in the future. Are
16 you planning on losing this temporary girl? After
17 July, she's 86'd? She's not going to be around
18 anymore?

19 JOYCE SANDOVAL: Well, you have a choice.
20 You either -- you either hire them permanently or they
21 disappear.

22 COUNCILOR SEEDS: Mayor, if I may?

23 MAYOR LUCERO: But I think there is a need
24 for this person to continue after July 1st.

25 JOYCE SANDOVAL: I would -- personally, I

1 would try very hard to convince her to come work full
2 time for the City in that position. However, she has
3 not expressed interest in a full-time position.

4 MAYOR LUCERO: Councilor Seeds?

5 COUNCILOR SEEDS: No, Mayor, I'm okay.
6 Let's just move on.

7 JOYCE SANDOVAL: Okay. One thing that I
8 have to say about this person that's filling this
9 temporary -- on a temporary basis is that she's
10 actually doing the job of a full-time person at a
11 part-time rate and that saves us money.

12 (Inaudible).

13 COUNCILOR MARTINEZ: That's exactly what I
14 have been saying for an hour.

15 JOYCE SANDOVAL: Just like Recreation has
16 temporaries that they're continuing, she's just
17 continuing this temporary.

18 COUNCILOR LEWIS: Give her a raise.

19 COUNCILOR MARTINEZ: Let's just wait for a
20 year where she has the year mark like everybody else
21 and just --

22 JOYCE SANDOVAL: Excuse me. But how much
23 did you cut the non-capital equipment budget?

24 COUNCILOR MARTINEZ: 1,500, Ms. Sandoval,
25 from 3,500 to 2,000, so it was a savings of \$1,500.

1 JOYCE SANDOVAL: Okay. Thank you very much.

2 COUNCILOR MARTINEZ: Yes, ma'am.

3 MAYOR LUCERO: Okay. Are we ready to move
4 on?

5 COUNCILOR MARTINEZ: And let's go ahead and
6 cut that two desks and two bookshelves since we're not
7 really sure. We already cut one position for sure and
8 we're not really sure that we're going to need the
9 other desk.

10 JOYCE SANDOVAL: We need the other desk.

11 COUNCILOR MARTINEZ: We do? Okay. So --

12 JOYCE SANDOVAL: The only addition -- the
13 only addition would be if we have the additional
14 position, but there is one desk that needs
15 replacement. So if we cut that in half --

16 COUNCILOR MARTINEZ: I'll give you half of
17 that, Joyce, since that's what you need. But 1,150,
18 at a savings at 1,150.

19 COUNCILOR SEEDS: Which is it?

20 COUNCILOR MARTINEZ: The two desks and two
21 computer shelves. Line Item No. 46020. The amount
22 now is 1,150, saving 1,150. And other than that, I
23 don't know what else. Professional development for
24 employees at 2,300; Joyce? Oh, you already explained
25 that. Never mind.

1 MAYOR LUCERO: Anything else for finance?
2 Okay. Let's move on. Next is IT and that's right on
3 the bottom of that same page. Are there any questions
4 on IT?

5 COUNCILOR LEWIS: I have a question.

6 MAYOR LUCERO: Councilor Cory Lewis?

7 COUNCILOR LEWIS: Professional services,
8 what's that? I understand it's IT support, but who is
9 it?

10 JOAQUIN MAESTAS: That is Efinity Networks.

11 MAYOR LUCERO: And he explained that in
12 detail last time.

13 COUNCILOR LEWIS: Well, I'm asking again.

14 MAYOR LUCERO: Well, okay. (Inaudible).

15 COUNCILOR LEWIS: I forgot.

16 COUNCILOR SEEDS: Mayor, if I may --

17 MAYOR LUCERO: I believe -- Councilor Lewis,
18 are you done?

19 COUNCILOR LEWIS: No, I'm done, because I
20 already asked last time.

21 COUNCILOR SEEDS: Joaquin, that's the total
22 amount for the year is 10,000?

23 JOAQUIN MAESTAS: 10,000 does not seem to
24 cover the amount that we would need for that, that
25 line item at all.

1 COUNCILOR SEEDS: We have an existing
2 contract for over 30,000, don't we?

3 JOAQUIN MAESTAS: Up to 30,000.

4 COUNCILOR SEEDS: Up to 30,000?

5 JOAQUIN MAESTAS: Yes, sir.

6 COUNCILOR SEEDS: And how much did we expend
7 this year of that contract?

8 JOAQUIN MAESTAS: That, I can't answer for
9 you.

10 COUNCILOR SEEDS: Close.

11 JOAQUIN MAESTAS: 9,000 --

12 MAYOR LUCERO: As of what date?

13 JOAQUIN MAESTAS: As of April, 9,906.

14 MAYOR LUCERO: Is that as of April or as of
15 March, actually? As of April.

16 JOAQUIN MAESTAS: As of April.

17 COUNCILOR SEEDS: Joaquin, what do they do
18 that you can't do under IT?

19 JOAQUIN MAESTAS: Well, as you know, I
20 support the entire city. So that's Police, that's
21 every outlying building that we have, library, City
22 Hall, wastewater, and so forth. It's not necessarily
23 what they can do, but one person to do all of that,
24 including -- I also do the telephone systems and I
25 also do the cellphones. So one person to do all of

1 that -- sometimes I like a day off. And if I take a
2 day off, we absolutely can't have somebody making 20
3 or \$25 an hour not able to work. The City actually
4 loses money that way. As you know, if there's a
5 computer down somewhere, we -- you-all get complaints
6 from the constituents. We're trying to make sure that
7 if something is down like that and I'm busy doing
8 something else, we need somebody to come in to help.
9 An extra set of hands.

10 MAYOR LUCERO: Councilor Lewis?

11 COUNCILOR LEWIS: I guess you are looking
12 at -- from an employee's standpoint, you know,
13 shouldn't you see if you're better off hiring another
14 employee than using contractual services there? Give
15 somebody else a job? I mean, I don't know. What's
16 your take on that, Joaquin?

17 JOAQUIN MAESTAS: That's a good question.
18 There are times where we get resources from our
19 contractor that we currently don't have in-house. If
20 we need a part, something that we can't -- we don't
21 have in-house or we might have to order, we're able to
22 get those parts immediately and get people back in
23 service. So while I would agree with you --

24 COUNCILOR LEWIS: Point of order. We don't
25 have a quorum.

1 JOAQUIN MAESTAS: Sure.

2 MAYOR LUCERO: Okay. Thank you.

3 COUNCILOR LEWIS: Can we take a recess?

4 MAYOR LUCERO: I just noticed that Councilor
5 Martinez stepped out. Well, it's getting a little
6 late. I just got a note that KDCE will stop
7 broadcasting at 11:00 p.m. So if they're going to
8 stop broadcasting, I would recommend that we plan on
9 adjourning at 11:00. I hate to take a recess now
10 because it's getting close. But we'll just wait on
11 Councilor Martinez again.

12 (Recess was held.)

13 COUNCILOR MARTINEZ: I apologize, but my
14 bladder can't handle the --

15 MAYOR LUCERO: Okay. We have a quorum
16 again. Let's continue. I do want to point out on
17 your question about hiring an employee, believe me, it
18 would be -- cost a lot more than 10,000 to hire an
19 employee when you consider an hourly rate and benefits
20 and that whole thing, but I just wanted to make that
21 point.

22 COUNCILOR MARTINEZ: Is it possible, Madam
23 Mayor, to consider putting an RFP together for what
24 Efinity does and see if we can possibly cut our costs
25 by utilizing somebody else being that they've been

1 with the City for so long?

2 MAYOR LUCERO: Well, you know, they are a
3 local employer. That's one thing. Because we're
4 always asking for local. And, you know, RFP's do cost
5 money and it costs to advertise. But that would be
6 something for the City Manager to decide if that needs
7 to be done or not. I don't know how long their
8 contract is for, you know, but if it's time
9 (Inaudible) because we do have a contract with them
10 and I don't know what the term is.

11 JOYCE SANDOVAL: The term goes into next
12 year.

13 MAYOR LUCERO: Okay.

14 COUNCILOR MARTINEZ: Do you know when that
15 term expires?

16 MAYOR LUCERO: She just said next year.

17 COUNCILOR MARTINEZ: Do you know what date?

18 JOYCE SANDOVAL: April or March. It's April
19 of 2014.

20 COUNCILOR MARTINEZ: It's a one-year
21 contract or a two-year contract?

22 JOYCE SANDOVAL: One year.

23 COUNCILOR MARTINEZ: So it was renewed this
24 April?

25 JOYCE SANDOVAL: It was.

1 MAYOR LUCERO: Councilor Lewis?

2 COUNCILOR LEWIS: I would actually request
3 to put that out to RFP, also. There is other
4 companies in the city that are local. I just want it
5 to be fair for everybody.

6 JOYCE SANDOVAL: Well, I --

7 COUNCILOR LEWIS: That's what I'm
8 requesting.

9 JOYCE SANDOVAL: I'm very willing to do
10 that. And when this contract comes up for renewal, we
11 will put it out for bid.

12 COUNCILOR MARTINEZ: Do we have a clause for
13 canceling that contract? What's the time frame for
14 that, Mr. Duran?

15 JOE DURAN: I would have to look at the
16 contract, but there is --

17 COUNCILOR MARTINEZ: Again, I would hope
18 that the employees would follow through and heed to
19 the request of Mr. Lewis and this Council that that be
20 done fairly on an annual basis giving all companies a
21 chance to do business with the City.

22 MAYOR LUCERO: Joaquin?

23 JOAQUIN MAESTAS: I have some specific
24 information that you were asking for. The terms of
25 the contract -- the cancelation is a 30-day period. I

1 would also like to add that having worked in this
2 field for a number of years and worked with a number
3 of different contractors, it takes a significant
4 amount of time to be able to develop a knowledge of
5 our internal systems, and that's why we continue to
6 stay with Efinity. They also do the schools here in
7 town. They have demonstrated a specific acumen as far
8 as what we need to provide service to all of the
9 different departments in the city. And they've been a
10 very big help when we've had a crisis.

11 So I just -- I was not the person who
12 negotiated the initial contract with Efinity nor did I
13 know them at the time we had a previous contractor.
14 But Salvador Sandoval is the director over there at
15 Efinity right now and they have been a very big help
16 to the City and have a very specific knowledge
17 especially now because of the fact that we're trying
18 to consolidate our data centers with RediNet. That
19 plan has been constructed hand-in-hand with the people
20 from Efinity. So I would just like to say that the
21 working relationship has been (Inaudible).

22 COUNCILOR MARTINEZ: So, Joaquin, basically,
23 you're saying that you feel that being that this
24 company has been with the City for four, three --

25 JOAQUIN MAESTAS: I believe it's three

1 years.

2 COUNCILOR MARTINEZ: Three?

3 JOAQUIN MAESTAS: (Inaudible).

4 COUNCILOR MARTINEZ: You think that their
5 being with the City three years trumps us getting a
6 better deal?

7 JOAQUIN MAESTAS: As a matter of fact,
8 something that we've done recently is that I looked at
9 the terms of the initial contract and went to Efinity
10 and called for some of those costs to come down. I
11 was not satisfied with the rates that we were getting
12 initially in the first contract, but we -- what was
13 signed on for was a mandatory number of hours and so
14 forth per week, that they would get X amount of hours
15 per week. I didn't think that that was right and I
16 didn't think that that was the way that we should be
17 charged. And just so you-all know, we have never
18 actually done that. The only way that we've done
19 business with Efinity up to now is on an as-needed
20 basis.

21 COUNCILOR MARTINEZ: I'm happy to hear that
22 because that was one of my concerns that it did state
23 on the contract that I have that there was a minimum,
24 I think, of -- it was --

25 JOAQUIN MAESTAS: It was 15 hours per week.

1 COUNCILOR MARTINEZ: Fifteen hours per week,
2 right.

3 JOAQUIN MAESTAS: And then it was also 10
4 hours desktop support per week.

5 COUNCILOR MARTINEZ: So is it feasible for
6 us to have a new copy of whatever contract you have
7 with them --

8 JOAQUIN MAESTAS: Absolutely.

9 COUNCILOR MARTINEZ: -- so that I can review
10 that?

11 JOAQUIN MAESTAS: Absolutely.

12 COUNCILOR MARTINEZ: Other than that, I
13 don't have anything else with this department.

14 MAYOR LUCERO: Joyce, did you have something
15 to add?

16 JOYCE SANDOVAL: I just wanted to say that
17 one of the things I -- I didn't know anything about
18 Efinity when we first contracted with them. I didn't
19 write up with the contract. However, I will be happy
20 to say that Efinity, by all rights in the contract,
21 could have requested more money because we had agreed
22 to minimum hours, but they never did. That just goes
23 to show you the integrity of the -- at least the ones
24 that I deal with on a regular basis which is Sal. And
25 you just -- you have to -- so, I mean, develop a solid

1 relationship. When we've called for assistance, we
2 have never waited, you know, past -- maybe closing-up
3 time at another job and time to drive over, maybe a
4 half hour, maybe 45 minutes. If you tell them you
5 really need them, then he's there. And I -- that's
6 the kind of working relationship that I would like to
7 continue with because he's absolutely great and I feel
8 like I can trust what he tells me what's wrong, what
9 we need to do here, and the options that he gives me
10 as far as finding a solution.

11 (End of audio file.)

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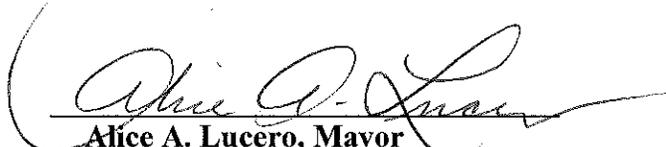
REPORTER'S CERTIFICATE

I, Terri D. Walters, CCR #228, DO HEREBY CERTIFY that the above proceedings were transcribed by me to the best of my ability and that I did thereafter report in stenographic shorthand the audio recording set forth herein, and the foregoing is a true and correct transcript of the proceeding to the best of my ability.

I FURTHER CERTIFY that I am neither employed by nor related to nor contracted with (unless excepted by the rules) any of the participants in this proceeding and that I have no interest whatsoever in the final disposition of this.

TERRI D. WALTERS, CCR
New Mexico CCR #228
License Expires: 12-31-2013

APPROVED AND ADOPTED THIS 24th DAY OF September, 2013.


Alice A. Lucero, Mayor


ATTEST: CITY OF NEW MEXICO

Jessa Jo Mascarenas, City Clerk