

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL SPECIAL MEETING HELD ON MONDAY, JULY 31, 2017 AT 3:00 P.M. IN THE CITY COUNCIL CHAMBERS**

**MAYOR:** Tonita Gurulé-Girón

**COUNCILORS:** David L. Romero  
David A. Ulibarri, Jr.  
Barbara A. Casey  
Vincent Howell

**ALSO PRESENT:** Richard Trujillo, City Manager  
Casandra Fresquez, City Clerk  
Corinna Laszlo-Henry, City Attorney  
Juan Montano, Sergeant at Arms

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

Councilor Romero asked the Lord to help Council in making the right decisions.

**APPROVAL OF AGENDA**

Councilor Howell made the motion to approve the agenda as is. Councilor Casey seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

|                        |     |                 |     |
|------------------------|-----|-----------------|-----|
| David A. Ulibarri, Jr. | Yes | David L. Romero | Yes |
|------------------------|-----|-----------------|-----|

Barbara A. Casey

Yes

Vincent Howell

Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

### **PUBLIC INPUT**

Bruce McAllister stated that he believed that continued support in an increased level for the Police Department was extremely beneficial, both short term and long term for the City and stated that the Police Department was doing a great job although needed more man-power due to a lot of crime in the City. Mr. McAllister felt it was crucial to properly fund the Police Department.

Catherine Kahn stated that she was in support of our Law Enforcement although was worried about this issue affecting our budget and possibly violating the DFA and also losing federal funding which could affect housing, utilities, infrastructure and improvement, Senior Center Meals on Wheels program and the City's dam project. Ms. Kahn asked if the issues of the Police Department could possibly be tabled for a later date to hold a public hearing to inform the community and Council of the issues at hand.

Debra Gage spoke on officer safety and asked if Council would consider budgeting for the Police Department. Ms. Gage did not understand the reason of not budgeting for the department and asked Council to come to a conclusion for the safety of our officers and citizens.

Kim Reed-Deemer spoke in support of the Police and Fire Department and urged Council to vote against the proposed budget and informed she and her husband were volunteers with the Red Cross and had assisted with the most underserved community that the City "claimed to champion" at the time of a fire on Douglas Avenue. Ms. Reed-Deemer stated that they got a good idea of the risks of Fire Fighters and how hard they work and asked Council to think of the adverse affects of the loss of life and property that would be at stake to both the Fire and Police Departments.

Veronica Lujan spoke in support of the Las Vegas Police Department and of several concerns on why the department needed the man-power it deserved and stated how important it was not to neglect the safety of our officers and the

citizens. Ms. Lujan stated they should put tax-payer dollars to use for Police Officers and equipment needed and asked Council to vote no on the proposed budget.

Mary Jean Lujan spoke in support of the Las Vegas Police Department and asked that the budget be voted down, to re-negotiate to allow funding for the Police Department in order to fill vacancy positions, and to purchase vehicles and equipment. Ms. Lujan stated that the officers put their lives on the line everyday to protect the community and urged to vote no on the proposed budget.

Wilbert Ryan a retired New Mexico State Government employee (New Mexico Department of Public Safety) advised he worked with the Las Vegas Police Department although limited found them to be very responsive and professional. Mr. Ryan spoke of several concerns of negative consequences of an understaffed association and asked Council to consider funding the Police Department vacant positions and the equipment the officers would need.

Cordia Sammeth stated that she supported the Fire and Police Departments however the matter of budgeting them should be approached in a different manner and informed that after much research; found that there were 29 Las Vegas Police Officers patrolling the City in which the population is 13,000 which fell in the national average. Ms. Sammeth felt that the issues of the budget and safety issues should be separate and discussed by the community in a public forum and by not passing the budget would compromise funding of 2.2 million dollars, affecting many projects and public safety as well. Ms. Sammeth praised the many accomplishments made this year from this administration and asked to please pass the budget.

Arielle Hawney spoke in support of the Police Department and the statements made from the families of the officers regarding their safety and felt that they should not be underestimated. Ms. Hawney stated that the budget should not be passed and should be reworked to find other ways to reallocate budget lines to allow funding to the Police Department and felt the budget could be managed without the consequences of negatively affecting the city.

Jane Lumsden stated that the Department of Finance and Administration advised the City in 2016 to cut non-essential jobs and felt that the Police Department did

not fall in that category. Ms. Lumsden stated that she respected Chief of Police Montano and felt that if he felt additional police officers were needed, the City should support them adding that overworked and understaffed officers would not help the safety of the community and asked Council to re-look and not approve the budget.

Pat Leahan stated that the reason of the budget not passing was due to the Police Department requesting to fill 3 vacant positions which were badly needed, that it should be in the proposed budget and didn't understand the refusal to fund the positions. Ms. Leahan informed that explanations heard from City representative did not add up and reported that in February 2016 and 2017, the City received memos from the New Mexico Department of Finance and Administration regarding the hiring freeze of non-essential positions although within that time the City hired three non-essential personnel that affected the General Fund. Ms. Leahan informed that the 2018 budget had funded vacancies in many departments with a directive of not funding by DFA and felt that taking money from vehicle line item to hire one police officer was not a solution. Ms. Leahan praised Chief of Police Montano for his work in the department and stated that the deadline was at hand but felt that the issues could be dealt with basic protocols with DFA and asked Council to vote against the proposed budget.

J. Mike Trujillo spoke of his history when being involved in a City Official campaign in which his main concern was the Police Department which was a great concern at that time. Mr. Trujillo reminded everyone that Abe Montoya was killed at the hands of a police officer whose credentials were questionable due to the City not being attentive to the department and that after that incident the City was able to get a qualified, competent, energetic and well-staffed Police Department. Mr. Trujillo stated that it had continued to this day and praised both the Police and Fire Departments and believed they should not be abandoned. Mr. Trujillo's response to the national average Police staffing statistics was to consider all City personnel as well as officers, if going with that. Mr. Trujillo stated that he hoped the City would move with forward thinking, that Council would remain responsive and would govern wisely. Mr. Trujillo also advised that as a citizen and taxpayer he demanded the Governing Body to pay attention to the Public Safety Departments.

Sarah Frazier stated that that she was opposed of the proposed budget because she felt our Police Department deserved adequate staffing and informed that she worked in the medical field and informed of her experience in working with many dedicated police officers. Ms. Frazier spoke of many difficult situations the police officers face and stated that Chief of Police Montano should be believed when he informs of needing additional staff. Ms. Frazier advised that this was an important quality of life issue and it affected the reputation and value of our town, not just for residents but also those who consider visiting.

Percyne Gardner stated that she supported our local Police Department and praised them for an excellent job and spoke of them being helpful when it came time to form a neighborhood watch in her neighborhood which was working very well. Ms. Gardner advised that public safety was most important and should come first.

Yolanda Cruz (Sapello, N.M.) advised that she was familiar with the many concerns of the Police Department being short staffed. Ms.Cruz informed that even living outside city limits, they had utilized City police and that should be taken into account in deciding how many officers were needed. Ms. Cruz stated that crime rates had gone down because of having a good police force and those issues of a short staffed Police Department supported results in a training ground for other officers to leave Las Vegas, losing officers with more vacancies which results in a more dangerous community. Ms. Cruz stated that the Police Department had been very involved and pro-active with community coalitions in which she was a part of and asked to consider amending the budget to adequately fund the Police Department.

Yolanda Cruz briefly spoke of concerns regarding a painted curbing on Rio Arriba Street.

Francesca Madrid stated that it was crucial to have extra man power at the Police Department and spoke of concerns regarding safety for our officers with the lack of positions, putting them in danger and that it was not smart to cut positions that were necessary. Ms. Madrid felt that the Governing Body did not understand the level of stress that officers and families go through and felt they needed more

back-up rather than new vehicles. Ms. Madrid urged Council to vote no on the budget.

Las Vegas Police Officer Caleb Marquez stated he was there to encourage Council to vote down the budget and hoped that everyone could come to an understanding regarding the support that was needed by the Police Department. Mr. Marquez advised that this was a big issue weighing over the Police Union and the Police Department although thanked their leaders for their support regarding the budget issues. Mr. Marquez spoke on several high priority calls that were negatively affected by being short staffed and stated that he would like to see the proof of not needing positions filled and recommended giving Chief Juan Montano the opportunity speak on this issue and felt it had been one sided. Mr. Marquez asked Council to reconsider the budget and to conduct a public forum for discussion.

Rita Sardi stated that she supported Chief Juan Montano and the Las Vegas Police Department and asked Council to vote no on the budget and added that she felt that it was essential to fill the three vacancy positions.

Wid Slick advised he had been recently discussing the Lodger's Tax program as being an underutilized economic development opportunity; with the City's difficulties in budgeting, he recommended looking at this opportunity more carefully. Mr. Slick stated that with a few changes on how the Lodger's Tax program was run, the City could have \$500,000 dollars a year to help solve the City's budgeting problems.

Carol Johnson a resident of Las Vegas stated that the response time of first responders was very important and added that domestic violence issues were very critical and thought that an understaffed Police Department was ridiculous. Ms. Johnson stated she would be 100% behind on doing anything to support our police officers.

Bob Pearson spoke on his past experience working with Police Chief Tim Gallegos to develop a Taser Use Policy which was just being introduced to the Police Department and explained that he attended a training program that involved Police Officers watching and reacting to unexpected developments. Mr. Pearson stated that it had given him an insight into how Police Officers have to make what

could be life and death decisions in a split second and thought that if a Police Department was understaffed and members overworked it would more likely cause them to make mistakes that may unnecessarily cost lives. Mr. Pearson advised that he supported fully funding Safety Departments not only with personnel but with remuneration and training and that not fully funding these departments may be a short-term fix but and he urged Council to take care.

Carol Pearson stated that she did not reside in Las Vegas although her social and economic life was focused on this town and looked to the Police Department to know how to keep the citizens of Las Vegas as safe as possible. Mrs. Pearson thought it would be a mistake not to fully fund the needs of the Police Department and she believed that they did need three more people as they had informed. Mrs. Pearson expressed her concern of having an understaffed and possibly undertrained Police Department, she felt that the City needed a good and happy department and asked Council to reconsider and not to pass the budget as is.

Jillian Lautalo asked Council to take serious consideration before making the decision of passing the budget; she hoped that Council would recognize this as life and safety of our officers who work hard in keeping the community safe and about officers feeling confident when answering calls. Ms. Lautalo added that the department was losing officers to other departments in the state and felt it was not fair for officers to have to move their families because they felt that their leaders had failed them. She added that her sons looked at their dad as a hero and that it was about his life as well as his brothers and sisters lives and stated that they would not be silent and allow this budget to pass. Mrs. Lautalo advised she would not allow for something to happen to her husband due to the lack of support and asked Council to work on a solution that would keep the future of our community safe and most importantly keeping the men and women in the front line safe. Ms. Lautalo challenged Council to ride alongside with an officer to experience the demand that weighs on their shoulders and asked for consideration before voting on the budget and was in full support of the Police Department.

Meredith Britt stated that she was in support of both Las Vegas Police and Fire Departments and supported her community and those who protect it and added that this budget issue was very important. Ms. Britt hoped that the department

would be fully funded and fully staffed. Ms. Britt appreciated their efforts as well as the Council's efforts and urged to vote the budget down until they would provide the needs of the community.

Alex Aragon stated that he was not happy regarding the time it took to prepare the budget and felt that this administration was not knowledgeable of the state statute regarding budget deadlines and cited *New Mexico State Statute #6-6-2 Local Government Divisions Powers and Duties-Hold Public Hearings on proposed budget*. Mr. Aragon spoke of several concerns in the City which included streets (pot holes), weeds and public safety and informed that they were budgeted and was opposed to withholding the filling of the three positions at the Police Department.

### **BUSINESS ITEMS**

1. Approval/Disapproval of Resolution #17-29 to adopt the Final FY 2017-2018 Budget for submission to DFA Local Government Division.

Finance Director Ann Marie Gallegos advised that the City of Las Vegas is required to develop, approve and adopt a Final Budget for submission to DFA Local Government by July 31, 2017.

Finance Director Gallegos stated that not having a DFA certified budget would prompt a two year audit finding (FY2017-2018) and could affect Federal funding given out October 2017 and many departments as well, such as Housing Department, state grants and mainly Bradner Dam with 8 million dollars in jeopardy without an approved budget.

Finance Director Gallegos advised they had met with Councilor Howell and Councilor Casey on Friday to discuss the budget and advised they had come to a consensus to approve one FTE and stated that Councilor Casey had requested to attach it to the resolution.

Councilor Casey stated that she did not agree to any consensus.



Finance Director Gallegos stated that she was under the impression that Councilor Casey requested to do the FTE and attach it to the resolution and added that Councilor Howell was also present.

City Manager Trujillo reminded everyone that last week the budget was not voted on by two Councilors, stopping the process and advised they met with Councilor Casey and Councilor Howell trying to explain what this administration had done for the Police Department, such as purchasing eight vehicles which cost \$238,000.00, and a negotiated 25 year pay plan which included every officer getting a pay raise to bring them up to par with the pay plan and with a 3% raise for every anniversary date, which was more than other City Union employees receive.

City Manager Trujillo informed that this administration supported the Police Department and stated that at the time of working on the budget, he had asked every department for a 5% decrease in their budgets, excluding the Police Department, which would have decreased their budget by \$199,545.00 and also explained that a communications tower was purchased for the Police Department which involved searching for funds. City Manager Trujillo stated they have improved salary, added a longevity pay plan and informed that he had requested an officer shift report from Commander Juan Gonzales and that the report submitted reflected 5 to 7 officers per shift. City Manager Trujillo explained that there were three budgeted positions and that they had not stopped the hiring of the three and that it also included a retiree's position which was also budgeted.

City Manager Trujillo spoke of several other ways the Police Department had been helped and stated that they were not impeding on the hiring of replacing the vacant officers positions and felt that the public was being mis-informed. City Manager Trujillo stated that the City was not against the Police Department and that this administration's commitment was to be frugal and to review the budget on a daily basis in looking for money for every department in the city, not just for Fire and Police Departments. City Manager Trujillo advised that there was an advertised budget hearing held in May and stated that the City knew what officers' jobs entail and respected it. He advised that anyone was welcomed to the officer shift report and asked the Police Department not to ignore what had been done for them.

Mayor Gurule-Girón stated that based on this discussion, it would be prudent to hold a meeting with all the information and facts which would include City Manager, Police Department, Finance, Council and the public. Mayor Gurulé-Girón advised to put the facts forward and to give at least two meetings to make certain that everyone knew what was going on.

City Manager Trujillo asked Mayor Gurulé-Girón if that was a directive.

Mayor Gurulé-Girón asked Finance Director Gallegos to continue her report.

Finance Director Gallegos advised that City Manager Trujillo stated many facts and that the budget was the most difficult task to prepare and that everyone needed to make sacrifices. Finance Director Gallegos further stated that bond ratings, federal monies and state grants (received in October) would be affected City wide.

Finance Director Gallegos reported that proposed budget would stand to lose \$2,282,000.00 in Federal Grants and the grant of 8 million dollars could be in jeopardy and would affect the \$50,000.00, US Department of Justice Grant which would go to the Police Department and stated that we had received to date \$9,693.00 and would close out in October 2017.

Finance Director Gallegos reported that the City could lose \$657,000.00 in the Department of Transportation, Municipal Airport -\$500,000.00 grant, Transportation Department- \$152,000.00, Public Housing -\$1,230,000.00. Finance Director Gallegos added that our senior center programs would lose close to \$300,000.00 and also would affect highway grants in the amount of \$151,000.00 and another \$230,000.00 as well.

Finance Director Gallegos stated that it had nothing to do with the Police Department but had everything to do with the City of Las Vegas, and it was detrimental to the City. She stated that Mayor Gurulé-Girón and City Manager Trujillo were in agreement to meet the needs of public safety to include the Fire Department with Fire Chief Montoya doing away with some FTE positions as was the Police Department.

Councilor Howell advised that he and Councilor Casey had disapproved the budget last week and was asked to come in and discuss the budget issue on Thursday and met City Clerk Fresquez, Finance Director Gallegos, City Manager Trujillo and City Attorney Laszlo-Henry and stated that he requested at least two officers from the three that were vacant, to be funded and as discussion went on to possibly fund one officer by transferring one vehicle. Councilor Howell stated that he could not commit until Councilor Casey would have the opportunity to review, until it would be brought to Council and advised that Councilor Casey arrived about an hour later to review and decided that it would have to be brought to Council. Councilor Howell informed that he spoke with many constituents who felt it was not fair to take funding from the vehicle to fill one officer vacancy and stated that Councilor Casey had notified D.F.A. and was informed that the City had enough in General Fund to transfer to the Police Department. Councilor Howell advised that he had reviewed the Police Department's budget and understood that three vacancies had not been funded and the discussion beforehand was to possibly fund two officers. Councilor Howell stated that the Police Department was told in May that they would be able to get two officers and two vehicles and understood they had documentation stating that commitment. He felt the meeting regarding the issues were in good faith and advised that he reviewed the General Fund vacancies and they added to \$194,000.00. Councilor Howell informed that he was told that other departments would take exceptions to taking those dollars and giving it to the Police Department and stated that in his opinion the General Fund vacancies with attached dollars were non-essential.

City Manager Trujillo informed that the positions in other departments discussed, were positions that were going to be held off on due to the budget situation however he felt that at the time of discussion, it was wrong to take away positions from Public Works and other departments.

Councilor Howell stated that if they were not essential, they could transfer to the Police Department and mentioned the D.F.A. letter regarding the hiring freeze for non-essential positions and stated that three vacancies in the Police Department had zero dollars attached to them.

City Manager Trujillo informed that the Police Department had four vacancies that had not been budgeted which had been there for two years.

Councilor Howell advised that he had heard that was false and that this was the opportunity to delve into what is right and what is wrong in the Police Department and also in this administration. Councilor Howell stated that non-essential positions were created which were the Public Information Officer and the Media Specialist positions. Councilor Howell asked, "Can we table the budget, bring back today, fund the three vacancies with the transfer to Police Department and submit by today."

Finance Director Gallegos stated "those vacancies would have to come from the General Fund and we could come back with the amendment to fill the positions to approve today, and see where we can find the vacancy total."

Discussion took place on the timing of the process of funding the transfers.

Mayor Gurulé-Girón suggested to Finance Director Gallegos to discuss the reoccurring expense.

Finance Director Gallegos informed that it was an annual reoccurring expense as opposed to vehicles, which were a onetime expenditure and informed that the General Fund total would not change due to it coming from a different department.

Councilor Howell stated that besides the Police Department being a priority, there was another priority which was the focus of revenue generating throughout the year and mentioned that Lodger's Tax tourism dollars would aid in that.

Mayor Gurulé-Girón advised that the City and the Lodger's Tax Committee had been working on proposing a one percent increase on Lodgers Tax that will generate approximately \$40,000 in addition and stated they had been working with Wid Slick as well.

Councilor Howell asked if he would make a motion to table this proposal, would we be able to get it transferred to Police Department and still submit the budget on time, today.

Finance Director Gallegos advised that they would certainly try to transfer funds and submit the budget on time.

Councilor Casey wanted to explain the chain of events that had occurred stating that the day after the meeting she had discussion with Rick Lopez, Director of the Local Government Division regarding the budget not being approved and stated that Mr. Lopez stated that they were vaguely informed as to why the budget had not been approved and she advised him it was due to Public Safety concerns. Mr. Lopez asked about the support from Councilors and the community in providing more funding for the Police Department and she informed him that three out of four Councilors supported it however there was only one member of the community present at the time of the budget hearing. Councilor Casey advised there was discussion regarding the lack of advertisement of the Budget Hearing and was advised by Mr. Lopez that no expense should be spared when it came time to publish meetings in the newspaper.

Councilor Casey stated that she questioned Mr. Lopez regarding the consequences the City would face if the budget would not be finalized, Mr. Lopez replied that the City would run normally due to turning in the required preliminary budget and that the worst thing would be an audit finding and the City would be okay as long as the final budget was turned in three months of when it was due.

Councilor Casey advised that she understood the concern of losing Federal and State grants although advised that there was time and read a memorandum sent to her by Mr. Ludi from D.F.A. regarding the implementing of an immediate freeze on all current vacant employee positions, excluding health and public safety service positions as well as increases to employee salaries and excluding union contractual obligations. Councilor Casey stated that everything the Police Department negotiated through collective bargaining was okay and mentioned to Mr. Lopez that three non-essential contracts had been funded by General Fund after memo had been sent out from DFA.

Councilor Casey stated that on Friday she had received a text at 10:30 a.m. from Councilor Howell notifying her that he had been called by City Attorney Laszlo-Henry to meet with her, City Manager Trujillo and Finance Director Gallegos and asked if she could come and she replied no and he texted back saying there was a resolution proposed that would say that we would vote for the budget as it was

and that at a later date they would fund the positions that were necessary at the Police Department and she stated that she did not agree to that.

Councilor Casey informed that Councilor Howell asked her to come to City Hall and tell them herself and she agreed although could not be there until 12:30 p.m. and when they both arrived they were given a new S-1 form that showed personnel and it funded one additional Police Officer and we were told that the money that was used to fund that officer which was \$ 90,000.00 that had been budgeted previously for police vehicles, had been moved to hire one officer with the salary of \$37,892.00 and with benefits would total to \$56,890.00.

Councilor Casey asked what had happened to other money and was advised by Finance Director Gallegos that it was needed for Police equipment.

Councilor Casey stated that one of her concerns was that it was inappropriate for one Councilor to be called in to meet three people from Administration to negotiate the budget for the Police Department without calling in the Chief of Police, also stating that it was inappropriate to have called her in, after the fact and added that even more inappropriate was when looking at the budget summary page; showing that they had met at 12:30 p.m. and stated that the last budget update was on Friday at 11:31 a.m.

Councilor Casey stated that in her personal opinion it was already thought of and done way before her and Councilor Howell got there at 11:30 a.m. Councilor Casey advised that several things distressed her, which included the Police Department being left out and being one sided, not filling vacancies that have been needed for years, the way the budget was presented to the public, and the need for more advertising of meetings. Councilor Casey requested that budgets be worked on in a timely manner and to be more careful of deadlines, making decisions that involve all Councilors and hoped it would not happen again. She stated that if budget would be tabled that everyone needs to know of the changes that would be made on budget and thanked everyone that came to support the Police Department and felt that they did a commendable job under very difficult circumstances and needed everyone's support. Councilor Casey stated that the budget presented to them last week had a \$224,000.00 plus cut to the Police Department and felt that people should be present at meetings in order to be knowledgeable of the budget.

Mayor Gurulé-Girón asked Councilor Casey to point out the \$224,000.00 that was cut from the Police Department.

Councilor Casey stated that she did not have the document with her and stated that she should have brought it but brought the wrong notebook.

Mayor Gurulé- Girón asked Finance Director Gallegos when the budget process began.

Finance Director Gallegos advised that the budget process began March 15, 2017 with all Department Directors collaborating, gathering requests from different departments and putting numbers together. Finance Director Gallegos informed that one particular department had requested a considerable increase and stated that it could not be implemented due to it being a flat GRT, she recommended Council to visit in order to see how the City could generate additional funding.

Mayor Gurulé-Girón asked if Finance Department had met individually with directors.

Finance Director Gallegos advised they met with them individually in March and informed it was a three day event at Public Works Department.

Mayor asked if they continued to meet with them after the month of March.

Finance Director Gallegos advised they continued to meet with them on a monthly basis and informed that City Manager Trujillo requested flat budgets this year from the Directors due to no increase in the GRT.

Mayor Gurulé-Girón asked if Chief of Police Montano was involved in the preparation of the budget, during the meetings.

Finance Director Gallegos advised that Chief of Police Montano was present and involved in the budget preparation.

Mayor Gurulé-Girón asked if that also included the raise to Chief of Police Montano, if it was included in the budget and if all measures of the Police Department were reviewed.

Finance Director Gallegos stated that all measures of the Police Department were reviewed and added that two vehicles were requested.

Mayor Gurulé-Girón asked how many vehicles had been given to the Police Department by this Administration.

Finance Director Gallegos advised that the appropriation from the Legislature was \$108,000.00 and stated that the rest was made up from General Fund in the amount of \$120,000.00 for eight vehicles.

Mayor Gurulé-Girón asked how many FTEs were fully funded that had not been filled.

Finance Director Gallegos informed that there were five fully funded vacancies although were not filled.

Mayor Gurulé-Girón asked why the vacancies had not yet been filled.

Finance Director Gallegos stated that she did not know why the vacancies had not been filled and agreed that it was essentially up to the Director to recommend filling vacancies and would then be taken to the City Manager.

Mayor Gurulé-Girón asked if there were two more positions in addition to the five and asked "is that what we are discussing today?"

Finance Director Gallegos advised that there were four more positions when they had met with them and added that Officer Jenkins stated that they would rather give up the vehicles in order to have the FTE.

Mayor Gurulé-Girón stated that she had heard that statement from Council as well.



City Attorney Corinna Laszlo-Henry took the opportunity to address the comments that were called improper and stated that the budget meeting did comply with our resolution and our ordinance of the Open Meetings Act. City Attorney Laszlo-Henry informed they did comply with state law and added that as Legislators, Council could determine some other kind of notice that was preferable for that process. City Attorney Laszlo-Henry clarified that they were in compliance with law regarding the May 17<sup>th</sup> Regular meeting which was on the agenda. City Attorney Laszlo-Henry also mentioned that a statute was sighted in public comment and advised that it was true that the Local Government Division of the Department of Finance had the power and the duty in relation to Local Public Bodies to hold Public Hearings and added that that was the section of the New Mexico statute annotated.

City Attorney Laszlo-Henry advised that it was said that it was improper for staff to call two as she recalled, not three members of the Governing Body, who voted to disapprove the budget at the last meeting. City Attorney Laszlo-Henry reminded that there was no tabling or time at which this matter was going to be taken up again and stated “so in terms of staff calling to see what we could do to present you with the budget that would be passable, in that case, is what reaching consensus and compromise is often about.”

Mayor Gurulé-Girón stated “actually it was based on the request of the Council.”

City Attorney Laszlo-Henry advised there was nothing improper regarding calling staff and that whether tabling would be appropriate in this case as inquired, something could be worked out or whether it was a viable option to consider. City Attorney Laszlo-Henry stated that the Open Meeting Act would require, if the budget and the resolution that were before them today were going to be amended, the public could participate in the entire process and that it should be discussed in an open meeting. City Attorney Laszlo-Henry advised that if there was a directive to staff, and were there until midnight to try and get it done, that it should not be in the form of tabling and reconvening and stated that if there would be an up/down vote on an amendment then staff could work in the context of that.

Brief discussion took place regarding the actual cutoff time to submit the approved budget.

City Attorney Laszlo-Henry stated that the question was whether if it was physically doable and added that as their staff, they were there to do whatever Council wanted them to do and stated that the other question was the will of the Governing Body and thought that was something that should happen after discussion, by motion.

City Attorney Laszlo-Henry took the opportunity to address concerns regarding the Housing Department and H.U.D. and informed that the City had an Annual Contributions Contract with H.U.D. recently approved at a Housing Commission Meeting and sighted; *Section 11 Operating Budget requires the Housing Authority shall prepare and its Board of Commissioners shall approve the Operating Budget for its fiscal year.* City Attorney informed it created the operating subsidy that was calculated by H.U.D. and was part of the Housing Authority's ongoing expenditures and was calculated based on the approved budget. City Attorney Laszlo-Henry advised that Section D explicitly stated "the Housing Authority shall not incur any operating expenditures, except pursuant to that approved operating budget" and informed the proposed budget amount was about \$600,000.00.

Mayor Gurulé-Girón stated that she believed the amount of the Housing Department proposed budget was 1 million dollars.

Finance Director Gallegos advised that the Capital Funds were included in the 1 million dollars.

City Attorney Laszlo-Henry informed that the operating subsidy eligibility was entirely based on what the City of Las Vegas also commits and what the total budget is and stated that the payment schedule was also set in relation to that and that all of that, under Federal Regulations did have to take place within 45 days and informed that they were already behind. City Attorney Laszlo-Henry reminded of the D.F.A. deadline for Local Government approval and praised the guidance they had given and that expending funds greatly concerned her and stated we had to tread really lightly with our relationship with H.U.D. which was another reason in coming to an agreement.

Councilor Howell stated that we all want a "win win" situation and asked if they could get the commitment that was made in May of receiving two vehicles and

two officers into the budget and asked if the dollars could get transferred to the Police Department and also to get the budget approved with this stipulation.

Finance Director Gallegos asked City Manager Trujillo to address Councilor Howell's question regarding the budget transfer.

City Manager Trujillo stated that the budget would have to be looked at and justified as to where they would find the money.

Councilor Howell stated that there was \$194,000.00 in the General Fund that was vacant.

Finance Director Gallegos explained that they would need to look at the budget, locate the dollars and identify those dollars and those resources.

City Manager Trujillo stated that if we were going to take dollars from another department they would like the opportunity to discuss with that director on how it would impact their department.

Councilor Casey stated that at the time the preliminary budget was discussed, they stated that they would like to see more money placed in to the Police Department Budget to cover those officers that had not been budgeted. Councilor Casey stated that City Manager Trujillo advised that he would look at the budget in May, she asked how much more time was needed, they had been waiting and stated nothing had happened yet. Councilor Casey stated that they were here at the 11<sup>th</sup> hour trying to get this done, that they had expressed their concerns back in May and advised that this needed to get settled as soon as possible in order to be in compliance.

City Attorney Laszlo-Henry asked City Clerk Fresquez if there was a vote on any directive from Council on May 17<sup>th</sup>, regarding the budget.

City Clerk Fresquez advised City Attorney Laszlo-Henry that there was no vote by Council at the Budget Hearing.

City Attorney Laszlo-Henry suggested that if there was an actual commitment to discuss something in which there was a consensus, she advised to propose an

amendment, and propose a line to move an FTE into the Police Department. City Attorney Laszlo-Henry stated “ if that’s what you wish to see happen, make that amendment, see what the will of the Governing Body is, if they vote, staff will be here until midnight to get it done” and stated to Councilor Casey that it was their job.

Councilor Casey advised that she felt it was not the Council’s job to look for FTEs and money in the General Fund, and stated that it is the Finance Director’s job and her staff to do that.

City Attorney Laszlo-Henry advised that it was the Governing Body’s job to direct staff, what their will is.

Councilor Casey stated that they had done that before although didn’t take a vote on it but they agreed and had consensus at that time.

City Manager Trujillo stated for the record that they were asked to look in to it.

Discussion took place regarding the consensus from Council at the time of the May 17<sup>th</sup> meeting.

Mayor Gurulé-Girón called order to the meeting due to Alex Aragon and others speaking out of order.

Councilor Howell asked for clarification regarding the Council’s options in giving direction to staff to transfer to the Police Department from the vacancies in the General Fund.

Mayor Gurulé-Girón stated that if that was the case, in all fairness, they would need to notify the Department Managers whose departments will be affected by the transfers.

City Attorney Laszlo-Henry explained that it was a motion that needed to be made rather than tabling it which would be a violation of the Open Meetings Act.

Lengthy discussion took place regarding the options on the proposed budget which included disapproval, approval and tabling process.

Mayor Gurulé-Girón explained to Councilor Howell that they can make an amendment to the budget now and approve it with that amendment and a directive to the administrative authorities (City Manager and Finance Director) and asked City Attorney Laszlo-Henry to define the word “consensus”.

City Attorney Laszlo-Henry defined the word “consensus” as being the majority of the Governing Body would be voting on the motion whether that being to approve or approval with amendments.

City Attorney Laszlo-Henry advised that consensus was not required for most actions before this body and stated that approval of ordinances or resolutions requires the majority of the Governing Body and that the passage of resolutions with amendments would require the majority of the Governing Body. City Attorney Laszlo-Henry stated that she had reviewed the May 17<sup>th</sup> minutes and did not see a vote or a directive in the minutes.

Councilor Casey stated that she would not support to prepare an amendment for the proposed budget and felt it was inappropriate for Council to identify where the money was coming from.

Discussion took place between Mayor Gurulé-Girón and Councilor Casey regarding the non-essential vacant positions.

City Manager Trujillo requested a five minute recess.

Councilor Howell made a motion to take a five minute recess. Councilor Casey seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Vincent Howell         | Yes | Barbara A. Casey | Yes |
| David A. Ulibarri, Jr. | Yes | David L. Romero  | Yes |

City Clerk Fresquez re-read the motion and advised that the motion carried.

Councilor Howell made a motion to reconvene into Regular session. Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

|                        |     |                 |     |
|------------------------|-----|-----------------|-----|
| Barbara A. Casey       | Yes | Vincent Howell  | Yes |
| David A. Ulibarri, Jr. | Yes | David L. Romero | Yes |

City Clerk Fresquez re-read the motion and advised that the motion carried.

Councilor Howell stated that to meet the commitment that was mentioned to the Police Department about the two officers and the two vehicles back in May, Councilor Howell needed to approve the budget with an amendment that will state that we need to fund two officers and two vehicles from the Utilities-General Fund 101-5400-700-7307.

Mayor Gurulé-Girón stated that before voting on the recommendation, asked if the recommendation came from Councilor Howell’s review of the budget or had it come from Finance Director Gallegos’ recommendation.

Councilor Howell advised that he looked at the budget and made the recommendation.

City Manager Trujillo wanted to clarify that Utilities was not from the Enterprise Fund and stated that it was the money that the City used to pay lights and water.

Finance Director Gallegos advised that it would affect our utilities and stated they would have to come back to Mayor and Council to replenish those funds at some point.

Mayor Gurulé-Girón asked Finance Director Gallegos what this fund covered.

Finance Director Gallegos informed that it covered all the General Fund buildings which were the majority of the buildings with the exception of Utilities Department (Enterprise Fund). She informed that Enterprise paid for its own and we pay 75% of water, gas, waste water and solid waste. Finance Director Gallegos stated that they would have to come back to Council with an amendment to the utility line item to replenish the fund.

Mayor Gurulé-Girón asked where that replenishing would come from.

Finance Director Gallegos stated that was the million dollar question.

Councilor Howell stated that was why we needed to work with Lodger's Tax, Non-Profits and Cisneros Design to get revenue generated.

Mayor Gurulé-Girón asked if it was possible to move money from the Lodger's Tax to the General Fund.

City Manager Trujillo advised that money could not be moved from the Lodger's Tax to the General Fund.

Councilor Howell made a motion to approve Resolution #17-29 to adopt the Final FY 2017-2018 Budget for submission to DFA Local Government Division with an amendment of funding two officers and two vehicles from the Utilities General Fund account: 101-5400-700-7307. Councilor Casey seconded the motion.

Resolution #17-29 was presented as follows:

**STATE OF NEW MEXICO  
MUNICIPALITY OF CITY OF LAS VEGAS  
RESOLUTION NO. 17-29  
2017-2018 FINAL BUDGET ADOPTION**

**WHEREAS**, the Governing Body in and for the Municipality of the City of Las Vegas, State of New Mexico has developed a Final Budget for fiscal year 2017-2018 , and

**WHEREAS**, said budget was developed on the basis of need and through cooperation with all department users, department supervisors, City Administration and elected officials, and

**WHEREAS**, the official meeting for the review of said documents was posted publicly on July 28, 2017 in compliance with the State Open Meetings Act, and

**WHEREAS**, it is the majority opinion of this governing body that the Final Budget meets the requirements as currently determined for fiscal year 2017-2018.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Governing Body of the Municipality of the City of Las Vegas, State of New Mexico hereby adopts the budget hereinabove described and respectfully requests approval from the Local Government Division of the Department of Finance and Administration.

**RESOLVED:** In session this 31st day of July , 2017.

MUNICIPAL GOVERNING BODY  
LAS VEGAS, NEW MEXICO

TONITA GURULE-GIRON, MAYOR

ATTEST:

CASANDRA FRESQUEZ, CITY CLERK

(SEAL)

APPROVED FOR LEGAL SUFFICIENCY:

CORINNA LASZLO-HENRY, CITY ATTORNEY

Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

|                        |     |                 |     |
|------------------------|-----|-----------------|-----|
| David A. Ulibarri, Jr. | Yes | David L. Romero | Yes |
| Barbara A. Casey       | Yes | Vincent Howell  | Yes |

City Clerk Fresquez re-read the motion and advised that the motion carried.

Mayor Gurulé-Girón advised that when going through the Public Input process, she felt that they were very gracious about listening to everyone and added that they appreciate public input although when it came time for Administration (City Manager, Directors, Legal Counsel and Council) to speak, she asked that there would be no interruptions, specifically from employees.

Deputy Chief Ken Jenkins apologized for speaking out of order during the meeting.

Mayor Gurulé-Girón thanked Deputy Chief Jenkins and advised that we should be respectful to each other because we have to work together and that it was not an easy job. Mayor Gurulé-Girón stated that everyone is going through this difficult time, regarding the budget and they were doing all they could to meet the needs of the community and thanked everyone again for their input which they welcomed.

**EXECUTIVE SESSION**



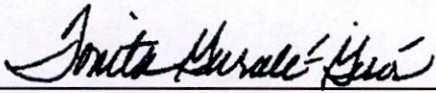
City Manager Trujillo advised that there was no need for Executive Session at this time.

**ADJOURN**

Councilor Casey made a motion to adjourn. Councilor Howell and Councilor Romero seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

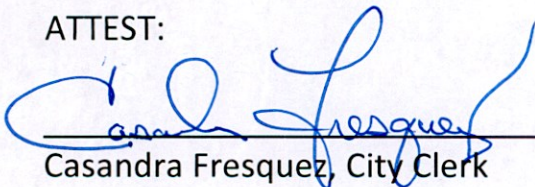
|                 |     |                        |     |
|-----------------|-----|------------------------|-----|
| David L. Romero | Yes | Barbara A. Casey       | Yes |
| Vincent Howell  | Yes | David A. Ulibarri, Jr. | Yes |

City Clerk Fresquez re-read the motion and advised that the motion carried.



\_\_\_\_\_  
Mayor Tonita Gurulé-Girón

ATTEST:



\_\_\_\_\_  
Casandra Fresquez, City Clerk