



City of Las Vegas

1700 N. Grand Avenue, Las Vegas, NM 87701 505.454.1401

lasvegasnm.gov

MAYOR VINCENT HOWELL

**CITY OF LAS VEGAS
WORK SESSION CITY COUNCIL AGENDA
MARCH 11, 2020–Wednesday– 5:30 p.m.
City Council Chambers
1700 N. Grand Ave**

(The City Council shall act as the Housing Authority Board of Commissioners on any matters on the Agenda concerning the Housing Department.)

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE**
- IV. MOMENT OF SILENCE**
- V. APPROVAL OF AGENDA**
- VI. APPROVAL OF MINUTES (February 12th and February 19th, 2020)**
- VII. PUBLIC INPUT (not to exceed 3 minutes per person and persons must sign up at least fifteen (15) minutes prior to meeting.)**
- VIII. DISCUSSION ITEMS**
 1. Resolution #20-10.

Tana Vega, Interim Finance Director The City of Las Vegas is requesting increase/decrease to the FY2020 Budgeted revenues and expenditures for various funds.

IX. EXECUTIVE SESSION

**THE COUNCIL MAY CONVENE INTO EXECUTIVE SESSION IF
SUBJECT MATTER OF ISSUES ARE EXEMPT FROM THE OPEN**

MEETINGS REQUIREMENT UNDER § (H) OF THE OPEN MEETINGS ACT.

- A. Personnel matters, as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978.**
- B. Matters subject to the attorney client privilege pertaining to threatened or pending litigation in which the City of Las Vegas is or may become a participant, as permitted by Section 10-15-1 (H) (7) of the New Mexico Open Meetings Act, NMSA 1978.**
- C. Matters pertaining to the discussion of the sale and acquisition of real property, as permitted by Section 10-15-1 (H) (8) of the Open Meetings Act, NMSA 1978.**

X. ADJOURN

ATTENTION PERSONS WITH DISABILITES: The meeting room and facilities are accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office prior to the meeting so that arrangements may be made.

ATTENTION PERSONS ATTENDING COUNCIL MEETING: By entering the City Chambers, you consent to photography, audio recording, video recording and its/their use for inclusion on the City of Las Vegas Web-site, and to be televised on Comcast.

NOTE: A final agenda will be posted 72 hours prior to the meeting. Copies of the Agenda may be obtained from City Hall, Office of the City Clerk, 1700 N. Grand Avenue, Las Vegas, NM 87701

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL WORK SESSION MEETING
HELD ON WEDNESDAY, FEBRUARY 12, 2020 AT 5:30 P.M. IN THE CITY COUNCIL
CHAMBERS**

MAYOR: Vincent Howell

COUNCILORS: David G. Romero
Barbara A. Casey
David A. Ulibarri, Jr.

ALSO PRESENT: Ann Marie Gallegos, Interim City Manager
Casandra Fresquez, City Clerk
Esther Garduno Montoya, City Attorney
David T. Bibb III, Chief of Police

CALL TO ORDER

Mayor Howell thanked everyone in the audience for attending the council meetings and advised it is important to listen to their voice as their voice matters and not to be intimidated to speak with them.

Mayor Howell called the meeting to order at 5:30 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Councilor Romero asked for a moment of silence for all those who have passed away in our community and for all those who are homeless and guidance for the Governing Body to continue to do the right thing for the community.

APPROVAL OF AGENDA

Councilor Casey made a motion to approve the agenda as presented. Councilor Romero seconded the motion. Mayor Howell asked for a roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Barbara Casey	Yes
David G. Romero	Yes		

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

APPROVAL OF MINUTES

Councilor Casey made a motion to approve the minutes for the January 8th Work Session and January 15, 2020 Regular as amended. Councilor Ulibarri, Jr., seconded the motion. Mayor Howell advised making an amendment to the minutes on January 8th, he stated that in the minutes, he received the letter of resignation from the previous Mayor and would like it changed to state, "I received the letter from the City Manager". Mayor Howell asked for a roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara Casey	Yes
David A. Ulibarri, Jr.	Yes		

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

PUBLIC INPUT

Meredith Britt spoke about loose dogs that have been roaming around for several months. Ms. Britt advised there was a pack of loose dogs in her neighborhood that run after people, herself and her dog. Ms. Britt advised she and others have contacted the Police, she has also contacted her City Councilor and wrote a letter to the Optic. Ms. Britt advised the problem has not been solved and doesn't know what else she could do but something needs to be done.

Mayor Howell asked where the pack of loose dogs were.

Ms. Britt advised they were by the riverwalk and the Utilities Department.

Mayor Howell advised the Council would address the problem.

Joan Krohn spoke about going through physical therapy from having an encounter with a loose dog while riding her bicycle. Ms. Krohn advised she was thrown off the bicycle while trying to avoid the dog. Ms. Krohn stated she saw five dogs near New Mexico Avenue and that kids cannot walk to school with so many dogs roaming around. Ms. Krohn requested that something be done to prevent others from being injured.

Mayor Howell advised that all comments be directed towards the Governing Body.

Wid Slick spoke about the current governing body doing great things for Las Vegas Lodgers Tax over the last four years. Mr. Slick advised they passed the one percent lodgers tax increase which means there is one hundred thousand dollars a year to beautify the community such as the Gallinas River Park and the E. Romero Fire Museum. Mr. Slick stated the Governing Body has shown respect to the Lodger Tax Advisory Board, never challenging or overturning any recommendations. Mr. Slick further stated their support allowed Lodger Tax promotions to grow the Las Vegas Tourism economy, now generating over 15 million dollars per year, which is over 10 percent of the City's total economy. Mr. Slick advised tourism may be the fastest growing sector of the City's economy, which grew 27 percent in the first half of the fiscal year. Mr. Slick stated he appreciated the appointment of three highly qualified community volunteers to the Lodger Tax Advisory Board.

DISCUSSION ITEMS

1. Resolution #20-04 transferring two vehicles to Santa Fe Community College.

Police Chief David T. Bibb advised the Police Department is seeking approval to transfer (2) seventeen year old unmarked vehicles to the auto shop program at the Santa Fe Community College. Police Chief Bibb advised the vehicles are not operational, are at a zero value and have no value to the department.

Councilor Romero asked how the decision to give the vehicles to Santa Fe Community College was made.

Mayor Howell advised the Council would address the problem.

Joan Krohn spoke about going through physical therapy from having an encounter with a loose dog while riding her bicycle. Ms. Krohn advised she was thrown off the bicycle while trying to avoid the dog. Ms. Krohn stated she saw five dogs near New Mexico Avenue and that kids cannot walk to school with so many dogs roaming around. Ms. Krohn requested that something be done to prevent others from being injured.

Mayor Howell advised that all comments be directed towards the Governing Body.

Wid Slick spoke about the current governing body doing great things for Las Vegas Lodgers Tax over the last four years. Mr. Slick advised they passed the one percent lodgers tax increase which means there is one hundred ^{thousand} dollars a year to beautify the community such as the Gallinas River Park and the E. Romero Fire Museum. Mr. Slick stated the Governing Body has shown respect to the Lodger Tax Advisory Board, never challenging or overturning any recommendations. Mr. Slick further stated their support allowed Lodger Tax promotions to grow the Las Vegas Tourism economy, now generating over 15 million dollars per year, which is over 10 percent of the City's total economy. Mr. Slick advised tourism may be the fastest growing sector of the City's economy, which grew 27 percent in the first half of the fiscal year. Mr. Slick stated he appreciated the appointment of three highly qualified community volunteers to the Lodger Tax Advisory Board.

DISCUSSION ITEMS

1. Resolution #20-04 transferring two vehicles to Santa Fe Community College.

Police Chief David T. Bibb advised the Police Department is seeking approval to transfer (2) seventeen year old unmarked vehicles to the auto shop program at the Santa Fe Community College. Police Chief Bibb advised the vehicles are not operational, are at a zero value and have no value to the department.

Councilor Romero asked how the decision to give the vehicles to Santa Fe Community College was made.

Police Chief Bibb advised they sought them out, and advised last year they gave (2) transfers, first to Highlands then to Luna Community College and wanted to spread it around.

Police Chief Bibb advised when they sought out Santa Fe Community College they were enthusiastic to receive them.

Interim City Manager Ann Marie Gallegos advised her understanding was they take the vehicles and upgrade them to vehicles that can be used and worked on in the classroom.

Mayor Howell asked if the vehicles would be transferred as is.

Police Chief Bibb advised yes, and that all the police equipment had been removed from those vehicles and Santa Fe College understands they are getting them as is.

Mayor Howell stated they won't be driving them, only working on them in the classroom.

Police Chief Bibb advised presently they are not drivable, and are destined for the auto shop class.

Mayor Howell asked about any kind of liability when they transfer the vehicles.

Police Chief Bibb advised they won't be driven, they would be trailered and once they take possession of the vehicles its theirs.

The governing body agreed to place the item as a consent agenda item.

2. Resolution No. 20-03 assuring the availability of matching funds for the participation in the New Mexico Department of Transportation Municipal Cooperative Agreement (COOP), in the amount of \$75,000.00 which is 25% of total estimated project cost of \$300,000.00 for this phase of the project.

Interim Public Works Director Danny Gurule advised the project is for Keen Street and West National. Interim Public Works Director Gurule stated he was seeking

approval for the availability of matching funds for the COOP for the Keen and West national project.

Councilor Romero asked about the drainage on Keen Street within his ward.

Interim Public Works Director Gurule advised the drainage for the project would be on the Northside and is looking into a cost estimate which would need a full reconstruction as far as drainage.

Councilor Casey asked if the match amount was available and from what fund.

Interim City Manager Gallegos advised it would be from the 214 street coop fund and would be available July 1st.

Mayor Howell advised that Interim Public Works Director Gurule and himself went to the Legislature and spoke with Senator Campos and Representative Salazar and they appreciated Interim Public Works Director Gurule's comments regarding their needs.

Mayor Howell thanked Interim Public Works Director Gurule.

The governing body agreed to place the item as a consent agenda item.

3. Request to purchase one front load commercial collection truck for the Solid Waste division.

Utilities Director Maria Gilvarry and Solid Waste Manager Lucas Marquez advised they were requesting to replace a new front load commercial collections truck. Utilities Director Gilvarry advised both commercial and residential trucks needing to go to shops for repairs, and normally have a three to five year life but the current truck is between nine and eleven years old. Utilities Director Gilvarry advised Council approved a budget adjustment request to fund both trucks but she's not sure when they will receive the trucks.

Councilor Casey asked how many front loader trucks the Solid Waste Department would have once they purchased the new truck.

Solid Waste Manager Marquez advised one truck has passed its life expectancy and is costing the City a lot to repair so would be put aside but there would be two usable vehicles for each route.

Councilor Casey asked if the front loaders pick up the big trash bins.

Solid Waste Manager Marquez advised yes.

Discussion took place regarding the warranties on the vehicle and preventive maintenance.

Councilor Ulibarri asked how many commercial drivers they had.

Solid Waste Manager Marquez advised there is one commercial driver and one residential driver.

Utilities Director Gilvarry advised they have a total of three vacancies.

Councilor Ulibarri asked how many customers there were.

Solid Waste Manager Marquez advised between three and four hundred customers.

Councilor Ulibarri advised it would be good to do maintenance on what they can at their facility to save money.

Mayor Howell asked about the maintenance program and if there would be certified maintenance employees that could work on the equipment.

Solid Waste Manager Marquez advised they would get the proper training for the individuals that would work on equipment and they have also had free training through MCT.

Discussion took place regarding the type of license the drivers should have and the proper rate of pay for drivers in the Solid Waste department.

The governing body agreed to place the item as a consent agenda item.

4. Request to purchase one side load residential collection truck for the Solid Waste division.

Utilities Director Maria Gilvarry advised they are requesting to purchase a residential truck due to aging trucks but also when that older truck is being repaired the driver could use the newer truck to continue routes. Utilities Director Gilvarry advised the cost would be more for the residential truck than the commercial truck and has been budgeted.

Councilor Casey asked how many trucks they would have that are usable.

Solid Waste Manager Marquez advised two commercial trucks and two operable residential and one back up.

Discussion and questions took place regarding the warranties on the truck, if a residential truck that was needing repairs got fixed and if they were replacing dumpsters.

Mayor Howell asked if the residential truck was capable of lifting recycle bins from the curbside.

Solid Waste Manager Marquez advised yes.

The governing body agreed to place the item as a consent agenda item.

5. Request to purchase one multi terrain loader (skid steer) for the Water Distribution division.

Utilities Director Maria Gilvarry advised the distribution division is in need of replacing their existing skid steer due to the age of the equipment. Utilities Director Gilvarry advised the older skid steer would be transferred to Waste Water. Utilities Director Gilvarry advised they would be getting additional equipment for the skid steer.

Councilor Ulibarri advised it was a good thing to get the attachments for the skid steer because they can be used for a lot of different jobs.

Discussion took place regarding the warranty and if it was budgeted.

The governing body agreed to place the item as a consent agenda item.

6. Request to Repeal City of Las Vegas Governing Body Rules of Procedure, Resolution 02-17 adopted 7/17/2002 and amended 7/20/2005, in its entirety.

Councilor Barbara Casey advised the resolution created so much conflict within the Council because it did not align with the City Charter or with City ordinances. Councilor Casey advised the administration would use the resolution but when it conflicted with the City Charter or City ordinances they couldn't resolve those issues. Councilor Casey advised the State Auditor had requested that the resolution be repealed because it was poorly written and was a conflict with other documents that superseded the resolution. Councilor Casey advised they need to repeal the entire resolution.

Councilor Casey advised the former Mayor used the resolution to hire her own lawyer and pay with City money. Councilor Casey advised by repealing the resolution Councilor Romero and herself would be able to file a motion with the court to request that the declaratory judgement be dismissed that way they could end the contract with the attorney who is still representing the former Mayor.

Councilor Casey requested when they meet next week that they repeal the resolution and solve all the conflicts and solve the question as to what they should be following in terms of ordinances and City Charter.

Councilor Casey advised there are other things in place that give them rules to follow such as state statutes and the Municipal Code which are the City's ordinances.

Councilor Casey advised the resolution was not necessary.

Councilor Casey advised discussion item 6 could not go under consent items and would have to be voted on separately.

Mayor Howell advised it would help re-initiate the Charter Review Committee, so they could really take a look at the Charter that hasn't been changed in ten years.

Mayor Howell advised it would help re-initiate the Charter Review Committee, so they could really take a look at the Charter that hasn't been changed in ten years.

Mayor Howell advised he asked the Councilors to give him at least two names to initiate the Charter Review Committee.

Interim City Manager Gallegos asked when the two names from each Councilor would be brought back.

Mayor Howell advised as soon as he received the names they would make a decision.

EXECUTIVE SESSION

Councilor Romero made a motion to convene into executive session for the purpose of discussing personnel matters, as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978. Councilor Casey seconded the motion. Mayor Howell asked for a roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara Casey	Yes
David A. Ulibarri, Jr.	Yes		

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

Councilor Romero made a motion to reconvene into regular session after being in Executive session to discuss personnel matters, as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978, and advised only those matters were discussed and no action was taken. Councilor Casey seconded the motion. Mayor Howell asked for a roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	David G. Romero	Yes
Barbara Casey	Yes		

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

ADJOURN

Councilor Ulibarri, Jr., made a motion to adjourn. Councilor Casey seconded the motion. Mayor Howell asked for a roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara Casey	Yes
David A. Ulibarri, Jr.	Yes		

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

Mayor Howell asked about Las Vegas Day scheduled for February 17th and what time it was at.

Interim City Manager Gallegos advised Mayor Howell about the scheduled times for Las Vegas Day.

Vincent Howell, Mayor

ATTEST:

Casandra Fresquez, City Clerk

MINUTES OF THE CITY OF LAS VEGAS REGULAR CITY COUNCIL MEETING HELD ON WEDNESDAY, FEBRUARY 19, 2020 AT 6:00 P.M. IN THE CITY OF LAS VEGAS COUNCIL CHAMBERS

MAYOR: Vincent Howell

COUNCILORS: Barbara A. Casey
David G. Romero
Michael L. Montoya
David A. Ulibarri Jr.

ALSO PRESENT: Ann Marie Gallegos, Interim City Manager
Casandra Fresquez, City Clerk
Esther Garduno Montoya, City Attorney
David T. Bibb III, Sergeant at Arms

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Councilor Romero asked to remember those we had recently lost in the past month and asked God to guide them in decisions made for the best interest of the community.

APPROVAL OF AGENDA

Interim City Manager Ann Marie Gallegos advised that on Business Item #2, regarding Resolution 20-06 and that it was not on the agenda request although it was included in their packets.

Councilor Casey made a motion to approve the agenda. Councilor Ulibarri, Jr. seconded the motion. Mayor Howell asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr. Yes David G. Romero Yes

Barbara A. Casey Yes

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

APPROVAL OF MINUTES

Councilor Casey made a motion to approve the minutes for February 5, 2020 with minor corrections. Councilor Romero seconded the motion. Mayor Howell asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara A. Casey	Yes
David A. Ulibarri, Jr.	Yes		

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

MAYOR'S APPOINTMENTS/REPORTS

Approval to appoint Mr. Michael Montoya, Councilor, Ward II as per City of Las Vegas Municipal Charter.

Mayor Howell advised he had known Mr. Michael Montoya for many years, that he had been a very active member of the community and that it was his pleasure to appoint Michael Montoya to Ward II seat as Councilor.

Councilor Romero made a motion to approve the appointment of Michael L. Montoya to Councilor, Ward II. Councilor Casey seconded the motion. Mayor Howell asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	David G. Romero	Yes
Barbara A. Casey	Yes		

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

Michael L. Montoya was sworn in as Councilor, Ward II of the City of Las Vegas, San Miguel County of the State of New Mexico.

Councilor Montoya thanked the governing body for the appointment to Ward II seat until the election and for their hard work in bringing the City where it was, for the support they gave the City of Las Vegas and the community at the current

Legislature, commended City staff for standing ground and doing their jobs during this tribulation. Councilor Montoya also thanked the citizens of Las Vegas for holding on and having faith in this governing body and prayed that he could do a great job for the citizens and thanked his family for their support.

PUBLIC INPUT

Marshall Poole gave an AWC report for the month of January 2020 and spoke in detail about issues regarding the issues of animal control in the City and the difference between Animal Control and the Animal Welfare Coalition services.

Lalo Sanchez spoke about issues in regard to not being able to contact Chief of Police Bibb, issues of unnumbered police cars and about City employees being overloaded with doing their jobs and jobs that have not been filled. Mr. Sanchez suggested changing Public Input time from 3 to 5 minutes and mentioned he was still having problems with the Utilities Department billing, regarding a water leak. He stated that he hoped that the City would progress with this new administration.

PRESENTATIONS

New Mexico Highlands University Faculty Member, Dr. Eric Romero gave a detailed presentation regarding the visitation from Dolores Huerta. He informed she was scheduled to be the commencement exercise speaker for the May 9th, Highlands University Graduation and would also be awarded an Honorary Doctorate from Highlands University for her work and spoke of her many years of different forms of humanitarian advocacy, community activism and political reform, she was duly recognized as the co-founder, along with Cesar Chavez of the United Farmworkers in 1962. He requested from the Governing Body to consider a recognition to take place the second week in May honoring Mrs. Huerta, showing their appreciation for her service to this community, the state and the country.

Councilor Casey stated that she could not think of any woman in New Mexico that deserved more recognition and honor than Dolores Huerta and thought it would be a wonderful tribute if the City would give her the recognition and honor she deserved.

Councilor Montoya stated this was a very important presentation, that Mrs. Huerta had moved many people out of poverty and she had presented around the

country. He recommended inviting Mrs. Huerta to the Regular City Council meeting in May (if in conjunction with her being in town), presenting her with a resolution and the key to the City.

Mayor Howell gave Interim City Manager Gallegos the directive to follow through with the preparation of the recognition for Mrs. Huerta. He asked for clarification of the dates she would be available.

Discussion took place regarding the specific dates of her participation and the celebration of her 80th Birthday and how Las Vegas was one of her favorite communities.

A Las Vegas Community member gave a brief presentation regarding a proposal to make a Commemorative Bench to honor the life of William "Skip" Smith, who was a community icon, who made Las Vegas his home and inspired and motivated kindness, compassion and empathy in our community.

Mayor Howell thought it was a great gesture and agreed to give Interim City Manager Gallegos the directive to move forward for Design Review Board for the commemorative bench at the next scheduled meeting to review and approve of the design and move with the installation.

Councilor Montoya took the opportunity to remind of the recent passing of former Chief of Police, Albert Mares who served the community and expressed condolences to his family.

Utilities Director Maria Gilvarry gave a presentation regarding the award received by the City of Las Vegas Water Treatment Plant from the New Mexico Water and WasteWater Association for the most improved facility in 2019. She presented Jesus Hathaway with the award on behalf of the Water Treatment staff and added that he and the staff were an asset to the City and thanked them for their tremendous job done.

Grant Writer/Administrator Robert Archuleta along with Architectural Research Consultants Representative, Liza Miller presented a detailed update on the progress of the Comprehensive Master Plan. Mr. Archuleta recognized the Steering Staff working on the plan, thanked them and City Staff for their contributions.

Discussion and questions took place regarding the participation/public input at the time of 2011 when the plan had last been adopted and of WLV school faculty/students participation in the project.

Councilor Casey thanked everyone involved in working so diligently on the Comprehensive Master Plan, she commended the effort to reach many people in the community and stated that the public was thankful for receiving surveys in their utility bills which made it easier for them.

Councilor Montoya thanked the committee for their work on the Comprehensive Master plan, that it had to be approved by DFA and by New Mexico Economic Development and that it began with the community input, bringing it to Council. He stated that was how funding was obtained.

Councilor Ulibarri, Jr. thanked everyone involved in the Comprehensive plan, that it looked very promising for the citizens of Las Vegas.

Mayor Howelll stated he had the opportunity to meet with the committee to give his input, he was glad to see this moving forward and thanked everyone for their hard work to see this through. He asked what the top three issues were brought up by the community.

Discussion took place of the current concerns brought up by the community which included streets, parks and economic development and survey participation.

CITY MANAGER'S REPORT

Interim City Manager Gallegos gave an update on current projects taking place which included:

- Las Vegas Day Festivities
- Lodgers Tax Advisory - Tour Guide
- Easter Egg Hunt- 4.11.20 @ Lincoln Park
- P & Z Meeting-2.24.2020 (Discussion - Clearing of RHS area between 4th Street/Maintenance Dept.)

FINANCE REPORT

Deputy Finance Director Dominic Chavez presented the Finance Report for the month ending January 31, 2020 (58% of Year Lapsed-7 of 12 months), reporting

the General Fund revenue at 64% (\$7,311,721) and expenditures as 50% (\$6,446,387). He reported the Enterprise Funds revenue at 52% (\$8,779,625) and expenditures came in at 45% (\$9,304,397) and informed that the revenue for the Recreation Department was at 53% (\$333,783) with expenditures at 52% (\$373,585).

Deputy Finance Director Chavez also presented the Lodgers Tax Promotion-Revenue Comparison for January 31, 2020, reporting revenue at 76% (\$284,922) and expenditures coming in at 41% (228,632).

Mayor Howell commended Mr. Chavez' presentation at the Lodger Tax Meeting.

Brief discussion and questions took place regarding the Check Listing and the line item for the Housing Department.

Councilor Romero stated that there was a statement made at a forum by a candidate regarding \$125,00.00 being raised by the Library and asked where it went.

Library Manager Zach McNellis stated that to his knowledge, there was no money raised for the Library in any amount, the only things raised were for Story Time held back in August, which were not monetary donations, only being beverages and time donated.

Discussion and questions took place regarding the savings amount in each department due to unfilled vacancies.

CONSENT AGENDA

City Clerk Fresquez read the Consent Agenda into the record as follows:

1. Approval of Resolution #20-04 donating two (2) 2003 Chevrolet Impala belonging to the City Las Vegas to Santa Fe Community College and directing the City of Las Vegas Police Department to transfer said property to Santa Fe Community College.

Resolution 20-04 was presented as follows:

CITY OF LAS VEGAS

RESOLUTION NO. 20-03

A Resolution assuring available matching funds Supporting the New Mexico Department of Transportation Municipal Cooperative Agreement (COOP) for the Plan Design, Construction Management, Construction, Reconstruction, Pavement Rehabilitation, Drainage Improvements and Miscellaneous Construction for West National Avenue from Keen Street to South Pacific Avenue for this phase of this project.

Whereas, the City of Las Vegas Governing Body has declared improvements are needed to West National Avenue a necessity for the good and well being of citizens of Las Vegas, New Mexico, and to support this Cooperative Agreement for funding to accomplish the work; and

Whereas, the City of Las Vegas will work in accordance with the funding requirements of the Municipal Cooperative Agreement program, and will budget \$75,000.00 which is 25% of total cost of project of \$300,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the local governing body of the City of Las Vegas that the Cooperative Agreement for the above funding be submitted to the New Mexico Department of Transportation.

PASS, APPROVED, AND ADOPTED this _____ day of February, 2020

CITY OF LAS VEGAS

Vincent Howell
MAYOR

ATTEST:

Casandra Fresquez, CITY CLERK

3. Approval to purchase one front load commercial collection truck for the Solid Waste division.
4. Approval to purchase one side load residential collection truck for the Solid Waste division.
5. Approval to purchase one multi terrain loader (skid steer) for the Water Distribution division.

Councilor Casey made a motion to approve the Consent Agenda as read into the record. Councilor Romero and Councilor Ulibarri, Jr. seconded the motion. Mayor Howell asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Michael L. Montoya	Yes
Barbara A. Casey	Yes	David A. Ulibarri, Jr.	Yes

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

BUSINESS ITEMS

1. Approval/Disapproval to repeal City of Las Vegas Governing Body Rules of Procedure, Resolution 02-17 Adopted 7/17/2002 and amended 7/20/2005, in its entirety.

Councilor Barbara Casey advised that the City of Las Vegas Governing Body Rules of Procedure contains language that is in conflict with the Municipal Charter which was adopted after the Governing Body Rules of Procedure. Further, the Governing Rules of Procedure contains superfluous language that is already included in the City Charter and the Municipal Code, Section 14-7, as well as Robert’s Rules of Order.

Councilor Casey made a motion of approval to repeal the City of Las Vegas Governing Body Rules of Procedure and the approval of Resolution 02-17. Councilor Romero seconded the motion.

Resolution 20-11 was presented as follows:

**CITY OF LAS VEGAS
RESOLUTION NO. 20-11**

A resolution supporting the repeal of Resolution 02-17, City of Las Vegas Governing Body Rules of Procedure.

WHEREAS, Resolution 02-17 was adopted in 2002 and amended in 2005, 8 years and 5 years, respectively, before the adoption of the Municipal Charter for the City of Las Vegas in 2010; and,

WHEREAS, Resolution 02-17 does not align with and conflicts with the provisions of the Municipal Charter; and,

WHEREAS, Resolution 02-17 contains language that already exists in the Municipal Code, Article 14-7, Procedures for Regular and Special Meetings, Sections A-H; and,

WHEREAS, the superfluous and unnecessary language in Resolution 02-17 has created constant, unnecessary discord among the members of the Governing Body; and,

WHEREAS, the Auditor of the State of New Mexico, has questioned the existence of Resolution 02-17 and has requested that the Governing Body of the City of Las Vegas take action to rectify the issues caused by Resolution 02-17.

NOW, THEREFORE, it is hereby resolved by the Governing Body of the City of Las Vegas that Resolution 02-17, known as the Governing Body Rules of Procedure, is repealed in its entirety.

PASSED, APPROVED, AND ADOPTED THIS _____ DAY OF FEBRUARY, 2020.

City of Las Vegas

MAYOR

ATTEST:

Cassandra Fresquez, City Clerk

Councilor Montoya asked City Attorney Garduno Montoya if she had reviewed the Resolution.

City Attorney Garduno Montoya advised that she had reviewed the Resolution.

Councilor Montoya asked for clarification on the Resolution 02-17 regarding paragraph 2, *“Adopted in 2002 and amended in 2008 8 years and 5 years”*. He added that he did not see the amendments for 2005 included in the document.

Councilor Casey explained that it was adopted in 2002 which was eight years before the Municipal Charter was adopted in 2010 and then it was amended in 2005 which was 5 years before the Municipal Charter was put into place in 2010.

Councilor Montoya spoke in detail regarding several sections of Resolution 02-17 that conflicted with the Municipal Charter. He advised that he could agree in amending the Governing Body Rules of Procedure but not repealing the whole document. He stated the processes in the Governing Body Rules & Procedures went hand in hand with the City Charter.

Councilor Romero stated that he agreed with Councilor Montoya regarding some items in the Resolution that were not relevant or contradicted the Charter. He added that the new administration could develop new Governing Rules of

Procedure although at this time the intent was to do away with the current one in the case of the new Mayor wanting to use it, allowing the opportunity to deny placing items on the agenda. He advised that their intent had been to have the Governing Body Rules of Procedure and the City Charter to align and felt they had given good direction to this and previous Legal Office, although it was never done.

Councilor Montoya stated that he felt that it did not make any sense to repeal now due to the new administration starting in a month.

Councilor Casey advised that the reasoning of repealing was due to the previous Mayor ignoring and refusing to follow the Charter and some portions of ordinances and only using parts of the Governing Body Rules of Procedure to suit her purposes. She stated that in four years placing agenda items by Council were never honored and that was an abuse of power.

Councilor Casey stated there were other state laws that were stronger than the Charter which included the Municipal Code that ruled over the Charter and mentioned that part of the charges the previous Mayor was being indicted was for abuse of power and abuse of the Governmental Conduct Act. She advised that the recommendation letter from the State Auditor was to eliminate the document in its entirety because it conflicted with state law, governmental rules of conduct and created a problem. She added that this would stop anyone else coming into office that did not follow rules, was unscrupulous, was willing to break the law for their own purpose and repealing it would end that and would eliminate the treatment of disrespect of the Councilors.

Councilor Montoya expressed that the City Charter gave the members of the City Council power, was approved by the AG's Office and Municipal League and that it gave Mayor and Council more authority in giving direction.

Councilor Romero stated for clarification, the City Charter would still be in effect and that it was the Governing Body Rules of Procedure that would be repealed.

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

David A. Ulibarri, Jr.	No	Barbara A. Casey	Yes
David G. Romero	Yes	Michael L. Montoya	No

City Clerk Fresquez re-read the motion and advised that there was a tie.

Brief discussion took place regarding comments taking place prior to voting.

City Attorney Garduno Montoya advised that once there was a call for the vote, there is no more discussion.

Mayor Howell voted Yes and the tie was broken.

2. Approval of 2019 Audit and Resolution 20-06.

Deputy Finance Director Dominic Chavez advised that the Office of the State Auditor had released the 2019 Audit for review and final approval by Mayor and Council.

Axiom Representative Jaime Rumbaoa advised that the City of Las Vegas 2019 Audit was available on the New Mexico State Auditor's website. Mr. Rumbaoa gave a lengthy detailed presentation of the 2019 Audit.

Councilor Romero advised that he had brought the request made last year with last year's report, a request for a disclosure statement and advised that it was not part of the audit.

Mr. Rumbaoa stated that they had talked to the Mayor regarding the disclosure statement.

Councilor Romero asked for clarification for the record, that it was not Mayor Howell.

Mr. Rumbaoa stated that they had talked to the former Mayor for her input back then in regard to the disclosure statement.

Councilor Romero stated that he had requested an Entrance Interview with the Council and asked if disclosure statements were provided to employees due to employees might be related to contractor or vendor which was a conflict.

Mr. Rumbaoa advised that they did not normally perform that procedure, although that it could be considered.

Discussion and questions took place regarding the importance of having a disclosure statement to deter from conflict or fraud and briefly discussed liabilities regarding HUD in the amount of \$600,000.00.

Councilor Casey stated that the State Auditor asked that certain things should be looked into and asked Mr. Rumbaoa what those things were and why Internal Controls were not looked into.

Mr. Rumbaoa informed that things they looked into included procurement, allowable money not being spent according to ordinance, billing complaint and legal expenses for former Mayor. He advised that Internal Controls were not a requirement of the audit.

Lengthy discussion and questions from Councilor Monotya took place in acquiring independent contractors for internal audits. Also discussed was long term contract debts, current statistical population of City of Las Vegas, the importance of the 2020 Census and disaster recovery plans.

Councilor Ulibarri, Jr. asked if direction could be given to Interim City Manager Gallegos to work on the findings of the audit.

Interim City Manager Gallegos advised that the development of policies and procedures, the fire suppression system for I.T. had been updated with four new servers installed and would bring back a draft of policies and procedures for approval.

Mayor Howell suggested discussion regarding the auditors recommendations and other matters at a Work Session that should include I.T. personnel and asked for clarification of how the City rated on the audit.

Mr. Rumbaoa advised that the City received a non-modified audit and commended City Staff.

Discussion took place regarding the process of reviewing procurement files during the audit and the question of how the City's procurement policies rated.

Mr. Rumbaoa stated that he felt that the City's procurement policies were more extreme than state law and that it was most important to follow procurement policy.

Councilor Casey made a motion to approve the 2019 Audit and Resolution 20-06. Councilor Montoya seconded the motion.

Resolution 20-06 was presented as follows:

**ACCEPTANCE AND APPROVAL OF THE FY2019 AUDIT
RESOLUTION 20-06**

WHEREAS, the City of Las Vegas is required by statute to contract with an independent auditor to perform the required annual audit or agreed upon procedures for Fiscal Year 2019: and, WHEREAS, the City of Las Vegas Governing Body has directed the accomplishment of the audit for FY2019 be completed; and,

WHEREAS, this audit has been completed and presented to the City of Las Vegas Governing Body per the February 6, 2020 Letter from the State Auditor authorizing release of the FY2019 audit;

WHEREAS, NMAC 2.2.2.10 (M) (4) provides in pertinent part that "Once the audit report is officially released to the agency by the state auditor (by a release letter) and the required waiting period of five calendar days has passed, unless waived by the agency in writing, the audit report shall be presented by the IPA, to a quorum of the governing authority of the agency at meeting held in accordance with the Open Meetings Act, if applicable,;" and,

NOW THEREFORE, BE IT RESOLVED, that the City of Las Vegas Governing Body does hereby accept and approve the completed audit report and findings as indicated within this document;

ACCEPTED AND APPROVED the 19 th day of February 2020 in regular session by the City of Las Vegas Governing Body, at Las Vegas, San Miguel County, New Mexico.

Vincent Howell, Mayor

David Ulibarri, Councilor

Michael L. Montoya, Councilor

Barbara Perea-Casey, Councilor

David G. Romero, Councilor

ATTEST BY:

Casandra Fresquez, City Clerk

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

David G. Romero	Yes	David A. Ulibarri, Jr.	Yes
Barbara A. Casey	Yes	Michael L. Montoya	Yes

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

3. Approval/Disapproval of Resolution 20-07 assuring the available matching funds, amount being \$300,000.00, with City match of \$75,000.00, which is 25% of total cost of this phase of this project.

Interim Public Works Director Danny Gurule advised that as part of the Municipal Arterial Program Agreement submittal criteria for New Mexico Department of Transportation, a resolution of support is required from our Local Governing Body assuring matching funds accompany agreement. In complying with criteria, staff is requesting that this resolution be approved for the Plan, Design, construction, Construction Management, Reconstruction, Pavement Rehabilitation, Drainage and Misc. Improvements to Mountain View Drive, for this phase of the project. Budgetary provisions will be made in the Public works Department during the 2020/2021 fiscal cycle.

Councilor Casey made a motion to approve Resolution 20-07 assuring the available matching funds, amount being \$300,000.00 with City match of \$75,000.00, which is 25% of total cost of this phase of this project. Councilor Romero seconded the motion.

Resolution 20-07 was presented as follows:

CITY OF LAS VEGAS, NM
RESOLUTION NO. 20-07

A Resolution Supporting the New Mexico Department of Transportation Municipal Arterial Program(MAP) for the Plan Design, Construction Management, Construction, Reconstruction, Pavement Rehabilitation, Drainage Improvements and Miscellaneous Construction for Mountain View Drive for this phase of this project.

Whereas, the City of Las Vegas Governing Body has declared improvements are needed to Mountain View Drive a necessity for the good and well being of citizens of Las Vegas, New Mexico and to support this Agreement for funding to accomplish the work; and

Whereas, the City of Las Vegas will work in accordance with the funding requirements of the Municipal Arterial program, and will budget \$75,000.00 which is 25% of total cost of project of \$300,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the local governing body of the City of Las Vegas that the Agreement for the above funding be submitted to the New Mexico Department of Transportation.

PASS, APPROVED, AND ADOPTED this _____ day of February, 2020.

ATTEST:

CITY OF LAS VEGAS

Casandra Fresquez
City Clerk

Vincent Howell
Mayor

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

Michael L. Montoya	Yes	David G. Romero	Yes
David A. Ulibarri, Jr.	Yes	Barbara A. Casey	Yes

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

4. Approval/Disapproval of Resolution 20-08 assuring the availability of funds for Legion Drive road improvements administered by the New Mexico Department of Transportation (NMDOT), in the amount of \$2,780,345, State share being 95% or \$2,641,327.75, City of Las Vegas share being 5% or \$139,017.25.

Interim Public Works Director Gurule advised that as per NMDOT submittal criteria, it is required that a resolution of support from our Local Governing Body accompany grant application. In complying with this criteria, staff is requesting that the resolution be approved for the Plan, Design, Construction, Construction Management, REconstruction, Pavement Rehabilitation, Drainage Improvement and Miscellaneous Construction to Legion Drive from Grand Avenue to 7th Street.

Councilor Montoya took the opportunity to thank the staff for recognizing crucial projects and acknowledged a local resident of Las Vegas, Walter Adams as being appointed Chairman of the NMDOT Commission, which would help Las Vegas as they were more than willing to assist the City.

Councilor Romero asked if there was a weight limit on Mountain View and Legion.

Mr. Gurule advised that there was a weight limit although there was no indicating signage.

Lengthy discussion took place regarding weight limit signage, enforcing the limit by Police Department, LED lighting funding and sending out public announcements prior to construction.

Mayor Howell thanked Mr. Gurule for accompanying him at the recent Legislature and for him being very articulate with Legislators in regard to the City's needs.

Councilor Montoya made a motion to approve Resolution 20-08 assuring the availability of funds for Legion Drive road improvements administered by the New Mexico Department of Transportation (NMDOT), in the amount of \$2,780,345, State share being 95% or \$2,641,327.25. Councilor Ulibarri, Jr. seconded the motion.

Resolution 20-08 was presented as follows:

**CITY OF LAS VEGAS
RESOLUTION 20-08**

A Resolution Supporting the eligibility of funds to submit an application to the New Mexico Department of Transportation (NMDOT) for fiscal year 2020 Local Government Transportation Project Fund, or the Call for Projects Grant.

WHEREAS; the City of Las Vegas Governing Body has declared improvements are needed to Legion Drive a necessity for the good and well being of citizens of Las Vegas, New Mexico and to support this agreement for funding to accomplish the work; and

WHEREAS; the total project cost being Two Million Seven Hundred Eighty Thousand Three Hundred Forty Five, (\$2,780,345.00) to be administered by the NMDOT; and

WHEREAS; the NMDOT share amount being 95% or \$2,641,327.75 and the City of Las Vegas proportional matching share being 5% or \$139,017.25; and

WHEREAS; the City of Las Vegas shall pay all costs that exceeds the total amount of \$2,780,345.00.

NOW THEREFORE, BE IT RESOLVED, by the City of Las Vegas Local Governing Body that an agreement assuring the availability of matching funding be submitted to NMDOT , for the Plan, Design, Construction, Construction Management, Reconstruction, Pavement Rehabilitation, Drainage Improvements, and Miscellaneous Construction be done to Legion Drive from Grand Avenue to 7th Street.

PASSED, APPROVED, AND ADOPTED THIS ____ DAY OF FEBRUARY 2020.

ATTEST:

CITY OF LAS VEGAS

Casandra Fresquez
City Clerk

Vincent Howell
Mayor

Mayor Howell seconded the motion. Roll Call Vote was taken and reflected the following:

Barbara A. Casey	Yes	Michael L. Montoya	Yes
David G. Romero	Yes	David A. Ulibarri, Jr.	Yes

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

COUNCILORS' REPORTS

Councilor Ulibarri, Jr. spoke of issues regarding potholes and the material and the time used and suggested looking into a better way of the repair.

Streets Superintendent Chris Rodarte advised that they were using millings to temporarily fill the potholes until the weather improved and stated he would welcome any other suggestions in dealing with the issue.

Councilor Montoya informed that a solution would be to collaborate with NMDOT as they had the material to use with millings and added that he had personally experienced a problem regarding damages from a pothole and concurred that it was of great concern. He asked for this to please be addressed.

Mayor Howell recommended for Mr. Rodarte, Councilor Montoya and Interim City Manager Gallegos to meet, discuss and plan to work with NMDOT to address the issue of potholes. He advised that Mr. Rodarte and staff were doing their best with what they had to work with and also there were many people who the City could work with.

Councilor Casey stated that she wanted to recognize and thank Department Heads and City staff for their hard work and that everyone should support them and defend them from attacks from those who did not understand the workings of the City. She advised that the person who took the initiative to repair potholes in the

City had violated the City Ordinance although he may have had good intentions, it was detrimental to the City putting them in legal liability, having to go back and repair damage he had caused. Councilor Casey thanked the Street Department for the installation of the three Stop signs near the schools as requested and also employees who took on extra duties due to the vacancies and stated that the focus needed to be on filling vacancies with people who were qualified.

Councilor Romero thanked the Streets Department for working on the One-Way signs installed and graffiti and they appreciated their hard work and asked for an update on Code Enforcement and Animal Control staffing.

Police Chief Bibb informed that Patrol Officers were taking initial Code Enforcement calls, there was one officer in service training and two individuals who had accepted the positions never showed.

Mayor Howell recommended to publicly meet with Municipal Court Judge, AWC, NM Dog Group, Sheriff's Dept. and LV Police Dept. and the community to discuss animal abuse resolution, that was much needed by mid March. He added that the governing body would be giving direction to Interim City Manager and Department Heads to get jobs done and to work on the many staffing issues.

ADJOURN

Councilor Casey made a motion to adjourn. Councilor Ulibarri, Jr. seconded the motion. Mayor Howell asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara A. Casey	Yes
Michael L. Montoya	Yes	David A. Ulibarri, Jr.	Yes

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

Mayor Vincent Howell

ATTEST:

Casandra Fresquez, City Clerk

Work Session

CITY COUNCIL MEETING AGENDA REQUEST

DATE: 02/28/20

DEPT: Finance

MEETING DATE: 03/11/20

DISCUSSION ITEM/TOPIC: *Resolution 20-10*

BACKGROUND/RATIONALE: The City of Las Vegas is requesting increase/decrease to the FY2020 Budgeted revenues and expenditures for various funds.

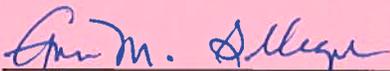
THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY CLERK'S OFFICE NO LATER THAN 5:00 P.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.

SUBMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:



**VINCENT HOWELL
MAYOR**



**ANN MARIE GALLEGOS,
INTERIM CITY MANAGER**



**TANA VEGA, INTERIM
FINANCE DIRECTOR
(PROCUREMENT)**

**PURCHASING AGENT
(FOR BID/RFP AWARD)**

**ESTHER GARDUNO MONTOYA,
CITY ATTORNEY
(ALL RESOLUTIONS, ORDINANCES
& CONTRACTS MUST BE
REVIEWED)**

**STATE OF NEW MEXICO
MUNICIPALITY OF CITY OF LAS VEGAS
RESOLUTION NO. 20-10**

WHEREAS, The Governing Body in and for the Municipality of Las Vegas, State of New Mexico has developed a budget adjustment request for fiscal year 2019-20, and

WHEREAS, said budget adjustments were developed on the basis of increases in revenues, expenditures through cooperation with all user departments, elected officials and other department supervisors, please see attached schedule; and

WHEREAS, the City of Las Vegas is in need of making budget adjustments in the 2019-20 fiscal year budget; to include a net increase of \$90,000.00 in revenues and expenditures for communication equipment needed by the City of Las Vegas Fire Department to be funded by a 100% grant from New Fire Protection in Fund 203 – State Fire/Grant; a net increase of \$25,738.00 in revenues and expenditures to be funded by a grant from New Mexico Department Health for Emergency Medical Services, City of Las Vegas Fire Department - \$12,763.00 and Superior Ambulance – LV \$12,975.00 in Fund 206 – Emergency Medical Service; a net increase of \$6,000.00 in revenue and expenditures for hazardous materials response to a WIPP transportation event to be funded by NM Energy, Minerals and Natural Resources Department in fund 260 – Waste Isolation Pilot Project and a net increase in revenues for NMFA Debt Service - \$11,193.36 in Fund 645.

WHEREAS, it is the majority opinion of this governing body that the budget adjustment request be approved and meets the requirements as currently determined for fiscal year 2019-20;

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Municipality of the City of Las Vegas, State of New Mexico hereby approves the budget adjustment request herein above described and respectfully requests approval from the Local Governing Division of the Department of Finance and Administration.

RESOLVED: In session this 18th day of March, 2020

Vincent Howell, Mayor

ATTEST:

Casandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

Esther Garduno Montoya, City Attorney

CITY OF LAS VEGAS
 RESOLUTION # 20-10
 BUDGET ADJUST REQUEST
 FISCAL YEAR 2020

Resolution 20-10	Fund	Revenues	Transfers	Expenditures
State Fire/Grant	203-0000-450-5309	90,000.00		NM Fire Protection Grant
State Fire/Grant	203-0000-710-8004			90,000.00 NM Fire Protection Grant
Emergency Medical Services	206-0000-430-5302	25,738.00		DOH - EMS Grant
Emergency Medical Services	206-0000-710-7114			25,738.00 DOH - EMS Grant
Waste Isolation Pilot Project	260-0000-430-5878	6,000.00		NM Minerals and Natural Resources Dept
Waste Isolation Pilot Project	260-0000-710-8004			6,000.00 NM Minerals and Natural Resources Dept
NMFA Debt Service	645-0000-510-5504	11,193.36		11,193.36 Bank Deposit
		132,931.36	-	132,931.36

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

- DISTRICT 1 CYNTHIA B. HALL
- DISTRICT 2 JEFFERSON L. BYRD, VICE CHAIR
- DISTRICT 3 VALERIE ESPINOZA
- DISTRICT 4 THERESA BECENTI-AGUILAR, CHAIR
- DISTRICT 5 STEPHEN FISCHMANN



P.O. Box 1269
 1120 Paseo de Peralta
 Santa Fe, NM 87504-1269

STATE FIRE MARSHAL DIVISION

John Kondratick
 Interim State Fire Marshal
 Phone (505) 470-1044
 Fax (505) 476-0100

INTERIM CHIEF OF STAFF

Jason N. Montoya, P.E.

January 16, 2020

Treasurer
 City of Las Vegas
 1700 N Grand Ave Las Vegas, NM 87701-4731

Ref: FY 20 New Mexico Fire Protection Grant Council Award Notice

Dear Treasurer:

Congratulations! Your grant application on behalf of the City of Las Vegas Fire Department for Communication has been reviewed and an award has been granted.

Over 120 grant applications were submitted and over \$23 million in needs were considered, while \$10.7 million were available for distribution. The City of Las Vegas Fire Department has met the minimum requirements and is clearly addressing a critical need affecting the ISO fire protection classification. The specifications submitted for the equipment needs identified in the 2020 Grant application must be approved by this office by close of business February 1, 2020 and prior to encumbering any funds. The equipment purchased with this grant shall meet the requirements of the latest Editions of NFPA.

Upon approval of the specifications, FY 20 Grant Award funds in the amount of \$90,000.00, for the purchase of the approved project request; are scheduled to be distributed via ACH no later than February 28, 2020. Notification of ACH distribution will be sent via email, prior to the ACH release by the Department of Finance and Administration (DFA).

The deadline to encumber the money by contract with the vendor is **May 15, 2020**. If the bid amount exceeds the awarded amount plus the required matching amount, the additional cost shall be the responsibility of the local government. If the specified equipment may be purchased for less than the grant amount plus the matching amount, the remaining money shall be returned to the grant fund. All equipment purchased with grant funds must be inspected by this office upon receipt and the attached Project Close-Out Checklist completed and submitted immediately thereafter.

Failure to meet deadlines will result in the loss of funds. If you need additional time to complete your project, your request for an extension must be made in writing, explaining the need for additional time. Grant recipients also need the Council's written permission to make changes to their projects. Project modifications must be requested in writing, and the modification shall not significantly alter the original purpose of the approved application. Extension and modification requests are reviewed on a case-by-case basis and are not automatically granted.

If further information is required, please contact Deputy Fire Marshal Randy Varela, Fire Service Support Bureau at (505) 709-8150.

Sincerely,

John Kondratick
 Interim State Fire Marshal

Sincerely,

Norma Jean Valdez
 Grant Council Chair

xc: Chief
 Board of County Commissioners

1 888 4 ASK PRC
 www.nmprc.state.nm.us



**FY20 NEW MEXICO FIRE PROTECTION GRANT AWARD
PROJECT CLOSEOUT CHECKLIST**

Upon completion of the funded project, this checklist must be submitted to the State Fire Marshal's Office, Fire Services Support Bureau.

DEPARTMENT NAME: City of Las Vegas COUNTY: San Miguel
 FUNDED PROJECT: Communication
 AMOUNT AWARDED: \$90,000.00

PROJECT CHECKLIST

Benchmark	Deadline	Date	Name of SFMO Representative
Project specifications submitted to State Fire Marshal's Office for Review/Approval	November 1, 2019	Submittal Date	Submitted to:
Approval from SFMO to proceed with project specifications	February 15, 2020	Approval Date	Approved by:
Funds Encumbered by Procurement Code	May 15, 2020	Encumbrance Date	Encumbrance Method Contract/Purchase Order #
Project Completed		Goods/Services Received Date	
SFMO Inspection		Requested Date	Requested of whom:
SFMO Inspection Completed		Inspection Date	By Whom:
SFMO Check of NFIRS Compliance			

August 12, 2019

City of Las Vegas
1700 N. Grand Ave.
Las Vegas, NM 87701

Dear Sir/Mam:

In accordance with the Terms of Rules Governing in Emergency Medical Services Fund Act, DOH 7.27.4 NMAC, a warrant in the amount of \$25,738.00 is authorized for disbursement on behalf of the following local recipient (s) in accordance with their approved applications:

City of Las Vegas Fire Department \$12,763.00 Superior Ambulance -LV \$12,975.00

These funds from the Local Funding Program of the EMS Fund Act for FY 20 (July 1, 2019 – June 30, 2020) must be accounted for in accordance with the rules set forth by the New Mexico Department of Finance and Administration, Local Government Division and the EMS Fund Act Rules 7.27.4 NMAC.

In order to keep our records in order, we are asking that each Applicant (Fiscal Agent) submit an itemized expenditures report for FY19 EMS Fund Act Local Funding Award (July 1, 2018 – June 30, 2019). If you administer funds for more than one (1) Local recipient, please submit a report for each.

If you have any questions, please contact me at (505) 476-8233 or by e-mail at ann.martinez1@state.nm.us

Sincerely,
Ann Martinez
Ann Martinez FF I / EMT- I
EMS Fund Act Coordinator

Xc: EMS Regional Director
City of Las Vegas
Local Government Division/DFA

**MEMORANDUM OF AGREEMENT
BETWEEN THE
NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
AND THE CITY OF LAS VEGAS**

THIS MEMORANDUM OF AGREEMENT (MOA) is entered into by and between the State of New Mexico, Energy, Minerals and Natural Resources Department (EMNRD) and the City of Las Vegas (City).

WHEREAS, EMNRD is responsible for providing staff support to the New Mexico Radioactive Waste Consultation Task Force (Task Force) authorized pursuant to NMSA 1978, § 74-4A-1 through 74-4A-14;

WHEREAS, the U.S. Department of Energy (DOE) has entered into a Cooperative Agreement with EMNRD to implement the Waste Isolation Pilot Plant (WIPP) transportation safety program;

WHEREAS, EMNRD is responsible for management of funds provided under the Cooperative Agreement DE-EM0004167 (Cooperative Agreement) (Attachment 1) between the State of New Mexico and the U.S. Department of Energy Carlsbad Field Office (DOE-CBFO);

WHEREAS, EMNRD is responsible for meeting the requirements of DOE's Special Terms and Conditions for Financial Assistance Awards (Special Terms and Conditions) (Attachment 2);

WHEREAS, in the approved budget (Approved Budget) (Attachment 3) of the Cooperative Agreement between the State of New Mexico and DOE, EMNRD is provided funding to assure that appropriate emergency response personnel in state, local, and tribal governments and emergency response organizations along the New Mexico WIPP routes are properly and adequately equipped to safely and effectively respond to, abate and control, and assist in the mitigation of a WIPP transportation emergency;

WHEREAS, DOE has agreed to provide funds to off-set costs associated with a hazardous materials response to a WIPP transportation event, of which up to \$6,000.00 is allocated under this MOA for the City of Las Vegas Fire Department;

WHEREAS, the City does not have an existing mechanism to receive funding from DOE;

WHEREAS, the purpose of this MOA is to provide the City access to the funds provided under the Cooperative Agreement;

WHEREAS, EMNRD seeks to use its experience in oversight of the Cooperative Agreement to support management of those funds provided within the Approved Budget; and

WHEREAS, EMNRD and the City desire to enter into this Agreement for administrative efficiency so that the funds can be expended through a single program;

NOW, THEREFORE, THE PARTIES AGREE as follows:

1. **EMNRD shall:**

A) provide the City with a statement of annual funding prior to June 1 of each state Fiscal Year;

B) provide management of the funds allocated under the Approved Budget to be provided to the City and to be used by the City of Las Vegas Fire Department and reimburse the City for costs incurred under this MOA in an amount not to exceed six thousand dollars (\$6,000.00), including New Mexico Governmental Gross Receipts Taxes, if applicable, and any travel necessary, for each fiscal year this MOA is in effect, subject to expected approval of the appropriate budget amounts when EMNRD submits its budget to DOE each fiscal year. Upon notification by EMNRD of available Fiscal Year funding, the City and EMNRD shall jointly develop projects that enhance the response to a WIPP transportation event;

C) reimburse the City quarterly, for expenses arising from the MOA in accordance with the Cost Principles for Local Governments located in 2 Code of Federal Regulations (C.F.R.) 200;

D) render assistance in the development of a hazardous materials and radiological response program;

E) determine if the City's project justifications and workplans are sufficient to enhance the response capability as it relates to a WIPP transportation event prior to project start, and review proposed expenditures for funding eligibility;

F) review quarterly progress reports as required under the Special Terms and Conditions; and

G) provide quarterly progress and financial reports to the DOE.

2. **The City shall:**

A) comply with the established rules and regulations in the Cooperative Agreement;

B) submit in writing to EMNRD WIPP program staff a project justification for approval on each project, and have written approval prior to expending

any funds within this MOA to include all equipment purchases, proposed travel, and training-related expenses;

C) successfully implement, in all respects, the activities outlined below:

1) develop and implement a city-wide hazardous materials emergency response training program, including response protocols (to include fire fighters, emergency medical service providers, law enforcement officers, dispatchers, emergency managers, and volunteers, and others as appropriate) that enhances the response capability of emergency responders as it pertains to hazardous materials without negatively impacting other areas of response training;

2) use funds to provide OSHA 29 C.F.R. 1910.120 (Attachment 4) compliant awareness level training for personnel that may come upon an incident while performing their normal duties; OSHA 29 C.F.R. 1910.120 compliant operations level training for responders who will likely respond to an incident to take defensive actions to protect nearby persons, property, or the environment;

3) provide training on instruction on the State Hazardous Materials Emergency Response Plan (Attachment 5) and emergency response as it applies to an incident involving a WIPP shipment;

4) use funds for training-related expenses that enhance the WIPP transportation safety program, including course tuition, course materials, training aids, travel and per diem for fire services related activity, and instructor fees that are incurred for the purpose of enhancing its hazardous materials emergency response capability;

5) demonstrate proficiency as it pertains to hazardous materials emergency response through mutually agreed upon participation in drills or exercises conducted by the Task Force. Funds allocated under this MOA may be used to support the local jurisdiction in preparation of and during Task Force training and exercises. Such expenses intended for WIPP training, drills, and exercises will be to the City Emergency Manager by the Department of Homeland Security and Emergency Management (DHSEM) through a separate agreement between DHSEM and the City.

6) submit detailed statements accounting for all services performed, goods obtained, and expenses incurred to EMNRD for reimbursement. If EMNRD finds that the statement, services, goods, or expenses are not acceptable, within 30 days after the date of receipt of (i) written notice from the City that payment is requested, and (ii) all supporting documentation, EMNRD shall provide the City a letter of exception explaining the defect or objection to the statement, services, goods, or expenses, and outlining steps the City may take to provide remedial action. Upon EMNRD's certification that the statement, supporting documentation, services, goods, or expenses have been received and accepted, EMNRD shall tender payment to the City within 30 days after the date of acceptance. If payment is made by mail, the payment shall be deemed tendered on the date it is postmarked. However, EMNRD shall not incur late

charges, interest, or penalties, for failure to make payment within the time specified herein;

7) provide written quarterly project performance reports to EMNRD in accordance with the Cooperative Agreement, beginning with the first report due September 30, 2019 and on the last day of the month ending the quarter thereafter throughout the duration of this MOA, and until the completion of all projects, and all funds are expended in the approved Fiscal Year;

8) provide written quarterly financial reports on the projects to EMNRD with the first report due September 30, 2019 and on the last day of the month ending the quarter thereafter throughout the duration of this MOA, and until the completion of all projects, and all funds are expended in the approved fiscal year;

9) pay all costs of the project(s) over the amount set forth in this MOA;
and

10) maintain all equipment within the fire service organization for which it was purchased. The City may only transfer equipment purchased under this MOA upon EMNRD's written approval to a fire service organization that has an MOA with EMNRD for this funding.

4. **Term:** This MOA becomes effective on EMNRD's signature and shall be ongoing, unless terminated earlier pursuant to Section 5, Termination, or Section 6, Appropriations, below.

5. **Termination:** Either party may terminate this MOA upon written notice delivered to the other at least 15 days prior to the intended termination date. By such termination, neither party may nullify or avoid any obligation required to have been performed prior to termination.

6. **Appropriations:** This MOA's terms are contingent upon the New Mexico Legislature, City Council, and DOE granting sufficient appropriation and authorization. If sufficient appropriation or authorization is not granted, either party may terminate this MOA, or in the alternative suspend performance pending approval of sufficient appropriation or authorization upon written notice from one party to the other. Either party's decision as to whether sufficient appropriations are available shall be final, binding and accepted by the other.

7. **Subcontracting**: Contractor shall not subcontract any portion of the services it performs under this Agreement or obligate itself in any manner to any third party, with respect to any rights or responsibilities under this Agreement, without EMNRD's prior written approval.

A. Contractor is required to provide EMNRD with evidence of competitive procurement for any subcontract, including records of advertisement of bid, proposals received and methods to select each subcontractor

B. Any subcontract shall include provisions necessary to allow Contractor to meet its obligations and requirements under this Agreement.

8. **Strict Accountability for Receipts and Disbursements**:

A. The City shall be strictly accountable for receipts and disbursements relating hereto and shall make all relevant financial records available to EMNRD, the Department of Finance and Administration, the New Mexico State Auditor, and DOE upon request, and shall maintain all such records for six years after the funding for each project has expired or has been terminated.

B. If the City receives \$750,000 or more in federal funding from all sources in the aggregate in a fiscal year, City's financial records involving services and procurement under this MOA shall be audited annually pursuant to all federal, state and local government audit requirements, and in accordance with the Single Audit Act Amendments of 1996, 2 C.F.R. 200, Subpart F – Audit Requirements, OMB Circular Compliance Supplement and Government Auditing Standards, as prescribed by the Single Audit Act of 1984, or any subsequent OMB Circular. Contractors who do not meet the \$750,000 audit threshold (Tier 7), must complete the State of New Mexico – Office of the State Auditor Certification Form for Tier 1 and Tier 2, or the Office of the State Auditor Agreed Upon Procedures (Tiers 3-6) in accordance with the Audit Act, NMSA 1978, §§ 12-6-1 through 12-6-14, and 2.2.2.16 NMAC, Annual Financial Procedures Required for Local Public Bodies with Annual Revenues Less than Five Hundred Thousand Dollars. In order to comply with state audit requirements, City shall have one of the above-mentioned Forms or Agreed Upon Procedures on file with the Office of the State Auditor. City shall provide EMNRD with a copy of the independent financial audit, either in hard copy format or on disk, no more than 45 days after the audit's completion for each fiscal year this Agreement is in effect.

9. **Disposition, Division, or Distribution of Property; Return of Surplus Funds**: Upon expiration or termination of this MOA, if either party has property or funds in its possession belonging to the other, it shall return the property or funds in proportion to the parties' original contribution.

10. **Equal Opportunity Compliance**: The City agrees to abide by all federal and state laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with

all such laws of the State of New Mexico, the City assures that no person in the United States shall, on the grounds of race, religion, color, national origin, ancestry, sex, age, physical or mental handicap, serious medical condition, spousal affiliation, sexual orientation, or gender identity be excluded from employment with or participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity performed under this Agreement. If the City is found not to be in compliance with these requirements during the life of this MOA, the City agrees to take appropriate steps to correct these deficiencies.

11. **Compliance with Funding Source Conditions:** the City shall comply with all applicable state and federal statutes and rules and regulations the funding source imposes.

12. **Insurance Coverage:** By signing this MOA, Contractor certifies that activities described in Section 1 above are covered by insurance as specified within this Section, secured in accordance with any method allowed by applicable law, including self-insurance, pooling of self-insured reserves, or insurance provided by a third party. City shall maintain continuous insurance coverage as specified below of the activities described in Section 1 above so long as this MOA is in effect. Failure to maintain such coverage is reason for this MOA's immediate termination. City shall notify EMNRD prior to cancellation or expiration of any insurance required under this MOA.

A. Worker's Compensation protection that complies with the requirements of the New Mexico Workers' Compensation Act, NMSA 1978, § 52-1-1, *et seq.*, if applicable. If City fails to comply with the Workers' Compensation Act and applicable rules when required to do so, EMNRD may terminate this MOA.

B. Comprehensive public liability protection covering property damage and personal injury liability that may arise under this Agreement and any amendments hereto, in amounts equal or greater than liability limits set forth in NMSA 1978, § 41-4-19, as it may be amended from time to time.

13. **Liability:** Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this MOA. Any liability incurred with this MOA is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, § 41-4-1, *et seq.*, as amended.

14. **Amendment:** This MOA shall not be altered, changed, or amended except by written instrument executed and approved by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have herein below executed this Agreement.

**STATE OF NEW MEXICO, ENERGY, MINERALS AND NATURAL RESOURCES
DEPARTMENT**

By:  Date: 9/12/19
Cabinet Secretary or Designee

CITY OF LAS VEGAS

By: Ann M. Gallegos Date: 8/30/19
Authorized Representative Signature

Ann M. Gallegos, Interim City Manager
Printed Name and Title

"645"

NEW MEXICO FINANCE AUTHORITY

ATTN: PPRF ADMIN TEAM
207 SHELBY ST
SANTA FE, NM 87501

(505) 984-1454
FAX (505) 992-9635

Activity Statement

Mailing Address:
DW - LAS VEGAS, CITY OF
ATTN: FINANCE DIRECTOR
1700 NORTH GRAND AVENUE
LAS VEGAS, NM 87701

Property/Project Address:
D. MTY DW-3043
REHAB 3 CITY WATER TANKS

Loan Number: LASVEGAS27
Statement as of: 12/10/2019
Interest Paid to: 05/01/2019

Period Beginning: 11/01/2019
Period Ending: 11/30/2019

Leslie Medina
(505) 231-5277

Account Activity

Date	Transaction Type	Activity Type	Memo	Amount	Balance	Due for
11/01/2019	Beq Balance	1300 Principal			194,222.00	
11/01/2019	Beq Balance	4015 Administrative Fee			1,210.15	
1020 Cash - Debt Servicing						
11/01/2019	BEGINNING BALANCE				2,958.51	
11/01/2019	Disbursement	Disbursement	11/1/2019 DEBT SERVICE PMT	-236.97	2,721.54	11/01/2019
11/02/2019	Adjustment	Adjustment	Adj for Revised D/S Schedule	6,557.78	9,279.32	00/00/0000
11/30/2019	Receipt	Interest Earned	NOVEMBER 2019 INTEREST	15.92	9,295.24	00/00/0000
11/30/2019	ENDING BALANCE				9,295.24	
1300 Principal						
11/01/2019	BEGINNING BALANCE				194,222.00	
11/02/2019	Adjustment	Adjustment	Adj for Revised D/S Schedule	4,648.00	189,574.00	00/00/0000
11/30/2019	ENDING BALANCE				189,574.00	
4010 Interest						
11/01/2019	BEGINNING BALANCE				11,193.36	
11/02/2019	Adjustment	Adjustment	Adj for Revised D/S Schedule	-11,193.36	0.00	00/00/0000
11/30/2019	ENDING BALANCE				0.00	
4015 Administrative Fee						
11/01/2019	BEGINNING BALANCE				1,810.15	
11/01/2019	Receipt	Adjustment	11/1/2019 ADM ADJ	236.97	2,047.12	11/01/2019
11/02/2019	Adjustment	Adjustment	Adj for Revised D/S Schedule	-12.42	2,034.70	00/00/0000
11/30/2019	ENDING BALANCE				2,034.70	

Int Inc
(15.92)

Interest Reimbursement
(11,193.36)

Adm
236.97
(12.42)
224.55

Principal
4648.00

2958.51
Cash
6557.78
(236.97)

15.92
9295.24

DEC 13 RECD

D8