**Town of Estancia**

**Regular Meeting of the Board of Trustees**

**Monday April 19, 2021 Immediately following the Public Hearing**

**Municipal Building, 513 Williams Avenue, Estancia, NM 87016**

**Minutes**

**Invocation and Pledge of Allegiance**

**The meeting was called to order at 8:14 pm and Roll Call was taken:**

**Trustee Lovato – Present**

**Trustee Sedillo – Present via Phone**

**Trustee Chavez – Present**

**Trustee Hall – Absent**

**Mayor Dial – Present**

1. **Approval/Disapproval of Agenda – Action Item**

Mayor Dial requested that item 6.0 be heard after item 3.0. **ACTION TAKEN:** Trustee Chavez made a motion to approve the April 19, 2021 as amended above. Trustee Lovato seconded the motion. All in favor. **MOTION CARRIED**

1. **Discussion/Approval of the April 5, 2021 Regular Meeting Minutes – Action Item**

**ACTION TAKEN:** Trustee Lovato made a motion to approve the April 5, 2021 Regular Meeting Minutes as written. Trustee Chavez seconded the motion. All in favor. **MOTION CARRIED**

1. **Discussion/Approval of the April 19, 2021 Bill List – Action Item**

**ACTION TAKEN:** Trustee Lovato made a motion to approve the April 19, 2021 Bill List. Trustee Sedillo seconded the motion. All in favor. **MOTION CARRIED**

**No Public Comment**

**Old Business**

**6.0 P&Z- Review and Possible action concerning an application for a zoning amendment from resident Amy Embick- Ms. Josie Chavez- Discussion and Possible Action**

Planning and Zoning Code Enforcement Officer Ms. Josie Chavez addressed the Board. In summary, Ms. Embick has applied for a zoning amendment to allow for the placement of two recreational vehicles behind a business on Main Street. Ms. Embick has stated that the R.Vs would allow for a security officer and a mechanic to remain onsite. They want to connect the RV’s to water and sewer at the location. Ms. Chavez explained that the Town ordinance does not allow this. The Ordinance only allows the following:

* Storage of two recreational vehicles, provided they are not used as additional living quarters for longer than 30 days in any calendar year and are not permanently connected to utilities…
* Parking or placement of a recreational vehicle as a dwelling connected to any utility during construction of a dwelling unit on the premises, for a period of up to six months or until the construction is completed, whichever comes first. The six-month period shall begin to run from the date on which a development permit is issued for the dwelling unit.

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RV’s can also be housed long-term in the new Mobile Home RV Park in town. Ms. Crosswhite stated that people would not be living in the RV’s. Ms. Chavez clarified that if utilities are connected, that is considered living in the RV. After much discussion, the Board agreed that the ordinance is clear and the application for the placement of the two RV’s behind the business could not be approved. **ACTION TAKEN:** Trustee Sedillo made a motion to deny the application for a zoning amendment per the ordinance. Trustee Lovato seconded the motion. All in favor. **MOTION CARRIED**

1. **Approve Contract with Mr. Steven Ferguson from Wildlife, Fisheries & Habitat Services LLC for Pond Services – Action Item**

**ACTION TAKEN:** Trustee Lovato made a motion to approve the yearly contract with Mr. Steven Ferguson from Wildlife, Fisheries &Habitat Services LLC for Pond Services. Trustee Sedillo seconded the motion. All in favor. **MOTION CARRIED**

1. **Appoint a person to represent the Town of Estancia on the NM RTPO- Discussion/Possible Action**

**ACTION TAKEN:** Trustee Chavez made a motion to TABLE this item to allow more time to find a representative. Trustee Sedillo seconded the motion. All in favor. **ITEM TABLED**

**New Business**

1. **Approval of MOU between the Town of Estancia and the Torrance County Sheriff’s Office for services- Action Item**

**ACTION TAKEN:** Trustee Lovato made a motion to TABLE this item to allow time for the Trustees to read the MOU and give suggestions for additions/deletions or amendments to the MOU. Trustee Chavez seconded the motion. All in favor. **ITEM TABLED**

1. **Discussion and Possible Action concerning PD hourly pay and Take-home amendment to the Town Ordinance - Action Item NO ACTION**
2. **Presentation of 3rd Qtr Qtrly Report- Information Only**

Clerk Michelle Jones gave three reports to the Board for review: 1. The LGBMS 3rd Qtr recap, 2. The current Investment schedule, 3. The Profit and Loss statement for FY21 year to date thru the 3rd Qtr. (thru March 31). She reminded the Board that we are now 75% through the fiscal year. She said that, currently, we are in good shape financially.

* Total revenues to date are $ 1,987,872.87 - 77.6% of our Budgeted revenues
* Total expenditures to date are $1,457,713.35 – 55.3% of our Budgeted expenditures

Ms. Jones told the Board that we would begin our Budget Workshops in May. **NO ACTION, INFORMATION ONLY**

1. **Approval of Resolution 2021-08** **Adjustment to the General Fund Balance and the Meter Fund Balance to insure accurate reporting the NM DFA- Action Item Roll Call** **Vote** Clerk Michelle Jones presented Resolution 2021-08 to the Board for approval. The Resolution is attached below:

**Resolution 2021-08**

**Adjustment to the General Fund Account Balance and the Meter Fund Account Balance to insure accurate reporting to NMDFA**

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**WHEREAS** The Town of Estancia received Audit Finding 2019-001 (2016-003) – Mismanagement of Pooled Cash, Material Weakness, Compliance and other Matter (repeated and revised from 2016 Special Investigation) and

**WHEREAS** The Clerk/Treasurer and Deputy Clerk agreed with the auditor’s comments and believe that it is critical to report accurate fund balances to the New Mexico Department of Finance, to the Board of Trustees and the Mayor, and Most importantly- to our Residents, and

**WHEREAS** The Clerk/Treasurer has concluded that an adjustment increasing the General Fund balance by $57,680.99 an adjustment increasing the Meter Deposit Fund balance by $8474.18 will rectify our inaccurate reporting.

**NOW THEREFORE, BE IT RESOLVED,** that the Town of Estancia Board of Trustees does hereby accept and approve the Adjustment to the General Fund Account Balance of $57,680.99 and the Adjustment to the Meter Deposit Fund Account Balance of $8474.18 to ensure accurate reporting to NMDFA and to clear this final audit finding.

**ACCEPTED AND APPROVED** this 19th day of April 2021 in regular session by the Town of Estancia Board of Trustees, at Estancia, Torrance County, New Mexico.

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mayor, nathan dial

ATTEST BY:

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michelle jones, town of estancia Clerk/treasurer

In summary, this Resolution will correct our cash balances for our General Fund and our Meter Deposit fund in LGBMS- which will result in accurate reporting to DFA and will clear one of our two remaining audit findings. **ACTION TAKEN:** Trustee Lovato made a motion to approve Resolution **2021-08** **Adjustment to the General Fund Balance and the Meter Fund Balance to insure accurate reporting the NM DFA.** Trustee Chavez seconded the motion. Roll Call Vote: Trustee Lovato – Yes, Trustee Chavez – Yes, Trustee Sedillo – Yes. **MOTION CARRIED**

1. **Approval** **of Resolution 2021-09 Increasing the Budgeted Revenues and Expenditures for the Motor Vehicle Sweep Fund- Action Item Roll Call Vote** Clerk Michelle Jones presented Resolution 2021-08 to the Board for approval. The Resolution is attached below:

**Resolution 2021-09**

**Increasing the Budgeted Revenues and Expenditures for the Motor Vehicle Sweep Fund**

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Per Section 2.2.2.10.(r)(1)(a) of the State Audit Rule, if actual expenditures exceed budgeted expenditures at the legal level of budgetary control, that fact shall be reported. Motor Vehicle has experienced a significant increase in service to our residents this fiscal year and, as a result, the actual revenues and expenditures year-to-date have exceeded our current budgetary authority.

Therefore, the Board of Trustees of the Town of Estancia, New Mexico, meeting in a regular session on April 19, 2021 resolved to request the following adjustment to the 2020-2021 fiscal year budget.

Increase Budgeted Revenues and Expenditures in the Motor Vehicle Sweep Fund as follows:

4150-01 State of NM MVD Deposit- Increase by $60,000.00 for a total revenue budget of $160,000.00

5962-18 State of NM MVD Sweep- Increase by $60,000.00 for a total expenditure budget of $160,000.00

**ACCEPTED AND APPROVED** this 19th day of April 2021 in regular session by the Town of Estancia Board of Trustees, at Estancia, Torrance County, New Mexico.

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mayor, nathan dial

ATTEST BY:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

michelle jones, town of estancia Clerk/treasurer

In summary, this Resolution will increase our budgeted revenues and expenditures for our Motor Vehicle Sweep account. Making sure that the Board approves any budget increases will result in accurate reporting to DFA and will clear one of our two remaining audit findings. **ACTION TAKEN:** Trustee Sedillo made a motion to approve **Resolution 2021-09 Increasing the Budgeted Revenues and Expenditures for the Motor Vehicle Sweep Fund.** Trustee Lovato seconded the motion. Roll Call Vote: Trustee Lovato – Yes, Trustee Chavez – Yes, Trustee Sedillo – Yes. **MOTION CARRIED**

1. **Select a Town of Estancia Representative for the EMWT Board- Action Item**

The Town of Estancia requested Letters of Interest from anyone interested in representing the Town on the EMWT Board. The Town received two Letters on Interest: one from Mr. David Dean and one from Mr. Dennis Wallin. The Board read the letters and discussed their options. The Board appreciated the interest of both candidates. **ACTION TAKEN:** Trustee Chavez made a motion to appoint Mr. Dennis Wallin to represent the Town on the EMWT Board. Trustee Lovato seconded the motion. All in favor. **MOTION CARRIED**

1. **Discussion of Summer Events- Discussion Only**

Mayor Dial outlined his list of upcoming events for the Town: Old Timers Day, the County Fair, the 4th of July, Punkin Chunkin, the Mile Long Sidewalk Sale, a Tractor Parade, and Highschool Graduation, and movies in the park. Trustee Lovato is working with the newly formed Events committee and they are focusing on several of these events. Trustee Chavez

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will also be a part of this committee. Ms. Jones said that she is glad that a committee will be working in these events. Trustee Chavez said that Rotary is working very hard to try and make Punkin Chunkin happen. It is a difficult prospect, and she welcomes any ideas that might add to this event. She expressed concern that if Punkin Chunkin is not held this year, it may not be held again. Ms. Jones and Mayor Dial commented that, unfortunately, it is too late to do YCC this year as we have not heard anything from the YCC organization and the timeframe is too short to get youth hired, etc. Also, because of COVID 19, our pool will not open this summer. Trustee Lovato said that the Events committee will be meeting soon.

**NO ACTION, INFORMATION ONLY**

1. **Executive Session Executive Session- As per motion and Roll Call Vote- Pursuant to NMSA 1978-10-15-1 Section (H)(2) concerning personnel matters– Action Item**

**ACTION TAKEN:** Trustee Chavez made a motion to go into Executive Session per motion and Roll Call Vote- Pursuant to NMSA 1978-10-15-1 to 10-15-4 Section (H)(2) to discuss personnel matters. Trustee Lovato seconded the motion. Roll Call Vote: Trustee Lovato – Yes, Trustee Chavez – Yes, Trustee Sedillo – Yes. **MOTION CARRIED**

**Executive Session began at 9:30 pm.**

**Return from Executive Session-**

**ACTION TAKEN:** Trustee Lovato made a motion to return to Regular Session at 10:03pm. Trustee Chavez seconded the motion. All in Favor. **MOTION CARRIED** Trustee Lovato stated that the only item discussed in Executive Session was the item listed on the agenda and no action was taken.

1. **Approval of Mayor’s Termination of Probationary Public Works Employee- Action Item ACTION TAKEN:** Trustee Lovato made a motion to approve the Mayor’s termination of a Probationary Public Works employee. Trustee Sedillo seconded the motion. All in favor. **MOTION CARRIED**

**16.0 Mayor/Council:**

**Trustee Hall – absent**

**Trustee Chavez** asked if there was any progress on trees. Mayor Dial said that we are getting an estimate from a vendor to contract to trim our trees. We should have this very soon. She also asked if the rubber had been placed at the playground at the park. Mayor Dial said that, yes, it has.

**Trustee Sedillo** wants to do the Fishing Derby also this summer.

**Trustee Lovato** would like to do more research on the PD issue. He wants to discuss hiring bonuses for PD and said that we need to invest in our PD. He also asked if Public Works could do some maintenance at the park as the weeds are getting rampant.

**Mayor Dial** told the Board that Marshall Hall has resigned as the Airport Manager. He will be asking is resident Jeff Brock would be interested in taking over this volunteer position. He said that we still don’t know very much at all about the new American Rescue Plan

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fund. We know we will be receiving funds, but we don’t know how much yet and we don’t know how it will be disbursed. As we find out more about this, we will pass this information on to the Board.

**Adjournment**

Trustee Lovato made a motion to adjourn the meeting. Trustee Sedillo seconded the motion. All in favor. **MOTION CARRIED.**

The meeting adjourned at 10:37 pm.

**Approved: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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