



Village of Wagon Mound  
Regular Meeting Agenda  
Tuesday, November 10, 2020  
6:00 pm

Presiding Mayor Andres Martinez

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**\* - Indicates an action item**

**During this meeting the Mayor and Council may convene into Executive Session  
as allowed by Section, 10-15-1, H 1-10. NMSA 1978**

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- I. Call to Order and Pledge of Allegiance
- II. Roll Call: Mayor Andres Martinez, Mayor Pro Tem Timothy Cruz, Councilor Adrian A. Clouthier, Councilor Paul A. Miera, Councilor F. Luis Lopez.
- III. \*Approval of Agenda
  - \*Approval of Minutes for:
    - A. Regular Meeting Minutes October 20, 2020
- V. Public Input: Please sign in if you would like to participate (limited to 3 minutes per person)
- VI. Comments or Concerns of Council
- VII. Public Hearing – Amending Ordinance No. 182-A – Increasing Village Councilor’s Monthly Honorarium from \$40.00 to \$100.00, and changing date of honorarium Payment to the 1<sup>st</sup> of the month.
- VIII. Business Matters
  1. \*Discussion/Approval/Disapproval: Village participation in protest to State Engineer.
  2. \*Discussion/Approval/Disapproval: Adopting Ordinance No. 2020-03 – Governing Body Honorariums.
  3. \*Discussion/Approval/Disapproval: Review and accept Agreement for Engineering Services Contract from Dennis Engineering to complete the sewer lagoon monitoring wells project.
  4. \*Discussion/Approval/Disapproval: Review and adopt Village of Wagon Mound Operation, Maintenance and Emergency Manual for Village Natural Gas System.
  5. \*Discussion/Approval/Disapproval: Approve FY21 first quarter Budget Adjustment Resolution No. 2020-13.

6. \*Discussion/Approval/Disapproval: Review and accept payment to Elayne Sena for legal fees affiliated with Fire Department Substation property.
7. \*Discussion/Approval/Disapproval: Review and accept purchase of three PCs and monitors for Clerk's office.
8. \*Discussion/Approval/Disapproval: Review and accept quote for purchase of new firewall security device.
9. \*Discussion/Approval/Disapproval: Review and accept Harris Technology quote for installation of PCs and firewall security device.
10. \*Discussion/Approval/Disapproval: Review and accept La Jicarita quote for purchase and installation of new VoIP Phone System.

IX. Monthly Reports

- A. \*Approval Item –Approval of Vouchers (payment to vendors) Clerk/Treasurer- Monica Martinez
- B. Utility Delinquent List – Utility Clerk, Colleen Engelhardt
- C. Utility Superintendent – Utility Superintendent, Gary Sanchez
- D. MVD Reports – MVD Manager, Vacant (MVD Office Temporarily Closed)
- E. Mora County Sheriff's Office Report
- F. Housing Authority – Director, Theresa Carmody
- G. Fire Chief – Robert Mondragon
- H. Bean Day Association – President, Luis Lopez

X. Old Business

XI. Mayor's Report

XII. Adjourn



I. Call to Order and Pledge of Allegiance

II. Roll Call was taken by Clerk/Treasurer Monica Martinez. Mayor Martinez, Mayor Pro Tem Cruz, Councilor Councilor Miera, and Councilor Lopez were present. Councilor Clouthier was absent.

III. \*Approval of Agenda

Motion to approve the agenda was made by Mayor Pro Tem Cruz, seconded by Councilor Miera. (Vote 3-0)  
Motion carried with all in favor.

IV. \*Approval of Minutes for:

A. Regular Meeting Minutes October 20, 2020

**Motion to approve the minutes for Regular Meeting on October 20, 2020 was made by Mayor Pro Tem Cruz, seconded by Councilor Lopez. (Vote 3-0) Motion carried with all in favor.**

V. Public Input: Please sign in if you would like to participate (limited to 3 minutes per person)

- None

VI. Comments or Concerns of Council

- Councilor Miera expressed concern that the various agencies, including Housing, Fire Department, and Mora County Sheriff, listed under monthly reports have not been in attendance. He stated often times issues or concerns are discussed that involve these agencies, and he stated he doesn't feel the situation can be resolved without their participation.
  - o Mayor Pro Tem Cruz stated, as the Assistant Fire Chief, he is able to report on behalf of the Fire Department.

VII. Public Hearing – Amending Ordinance No. 182-A – Increasing Village Councilor's Monthly Honorarium from \$40.00 to \$100.00, and changing date of honorarium Payment to the 1st of the month.

- Deputy Clerk Colleen Engelhardt stated this is an opportunity for the public to voice any comments or concerns. She stated, at the September meeting, it was approved to publish the draft amendment with an intent to adopt. She read the entire draft ordinance that will amend Ord# 182-A, including increasing the Councilor's honorarium to \$100.00 and changing the payment date of the honorarium to the 1<sup>st</sup> of the month.
- The only member of the public present, Tracy Seidman, stated she does not reside inside Village limits, but she expressed her support for the pay increase.

VIII. Business Matters

1. \*Discussion/Approval/Disapproval: Review and accept Agreement for Engineering Services Contract from Dennis Engineering to complete the sewer lagoon monitoring wells project.

Richard Runyon of Dennis Engineering (DEC) presented the contract to the Governing Body. He stated the Village maintains a Discharge Permit with the NM Environment Department (NMED) for the wastewater system. He stated the Village is required to abide by the conditions listed in the permit, and he stated the NMED has required the Village to install three monitoring wells. Richard stated the Village pursued a funding

source to complete the project, and a half loan/half grant was awarded via the NMED. He stated the Governing Body at that time then chose to pursue a full grant or Capital Outlay funding which was unsuccessful. He stated the Village then took the steps necessary to secure the half loan/half grant funding source, which has now been fully executed, and he stated the Village requested a time extension from the NMED, which was granted. He stated the Village then put the engineering services out for RFP, and DEC was awarded the project. He stated DEC has submitted a contract for the Village to review and approve. Richard stated the contract includes designing the three monitoring wells and providing construction phase services, and he stated the Contract Time for the Design Phase is 180 calendar days from the date the engineering agreement is fully executed. Richard stated once the design portion is complete, the Construction Phase will begin, and he stated the contract allows for 90 calendar days for the Construction Phase, including 45 days for the actual construction and 45 days for the project Close Out. Richard stated he is confident the project will be completed by the deadline. He stated a recent email from Jason Herman of the NMED asked if the project will be finished by June 2021, and Richard stated this contract timeline runs a little more than a month beyond that date. He stated he is confident the NMED will be willing to honor the additional extension.

- Mayor Pro Tem Cruz asked if DEC is going to provide a completion date, and Richard stated the actual completion date is dependent upon agency review time. He stated in the past three months, it has taken twice as long as usual to receive comments back from agencies, which is beyond the control of DEC, and therefore, it is difficult to identify a specific date. He stated in a “worst case scenario” the project should be completed by August or September 2021.
- Mayor Pro Tem Cruz asked what happens if it is not completed by that time, and Richard stated it will be explained to the NMED to request a final extension.
- Mayor Pro Tem Cruz asked why the Village would not go after DEC if it is not completed on time. Richard explained there are circumstances that arise, like a delay in agency review that would be out of DEC’s control. He also stated that if the construction is not completed in accordance with the contract then that would be the responsibility of the contractor, and the Village could go after the contractor in that case. However, Richard stated, the engineering contract includes a clause for liquidated damages should DEC be at fault, but he stated DEC will hold up their end of the deal.
- Mayor Martinez clarified that the contract with the contractor will include language regarding fees to be charged should the contractor fail to complete the project by a specified date. Richard stated language including assessed liquidated damages fees will be included in the contract with the contractor as well.
  - Mayor Martinez stated the Village is being very cautious with this issue because past contracts have not included these terms.
  - Mayor Pro Tem Cruz agreed and stated the Council is wanting to ensure things are being done properly, and if they are not, they want to ensure provisions are included in the contract to safeguard the Village. He asked Richard what DEC’s role will be in ensuring the work is completed on time.
  - Richard ensured the Governing Body that DEC is known for “holding the contractor’s feet to the fire” in terms of holding them accountable to the contract.

**Motion to approve acceptance of Agreement for Engineering Services Contract from DEC to complete the sewer lagoon monitoring wells project was made by Mayor Pro Tem Cruz, seconded by Councilor Lopez. (Vote 3-0) Motion carried with all in favor.**

2. \*Discussion/Approval/Disapproval: Village participation in protest to State Engineer.

- Deputy Clerk Colleen Engelhardt stated in 2017 the Village became involved in a protest to an application the State Engineer to drill two wells just south of Village limits. Colleen stated confusion has arisen with regards to information provided to the Council regarding the level of the Village’s participation. She stated the Village filed as a protestant and was required to have legal representation because it is an entity acting on behalf of more than two people. Colleen stated, at that time, the Village had a contract in place with attorney, Dave

Romero, and Mr. Romero represented the Village in the Protestant Hearing process. She stated Mr. Romero has been paid for these services. Colleen stated she had not been involved with this hearing since 2018, and was not aware it was still ongoing. She stated the Village did not become aware that this case was still ongoing until after the recent decision was made to dismiss the contract for general services with Mr. Romero. She stated she is not certain how or where the communication breakdown occurred, but she stated neither the office nor the Council were receiving information about this case. Colleen stated the Village needs to have legal representation in order to remain a protestant, or the Village may choose to opt out of being a protestant in this case. She stated the Mayor, the Clerk Treasurer and herself met with one of the lead protestants in the case, Tracy Seidman, to learn more about the current status of the case.

- Citizen Tracy Seidman stated Colleen had provided her with a few questions in which the Village would like addressed. She stated the first question asked for hydrological data indicating the impact on the Santa Clara Springs, the Village's source of drinking water source, should the wells be allowed and irrigation begin. She stated the plaintiffs in the case, the Real Wagon Mound Ranch, the Christmas Ranch, Ojo Feliz Ranch, Jeff Cornell, Inez May, and Theresa Carmody, are united in believing the hydrology shows the possibility of a big impact on the Village's water supply. Tracy stated she would like to share the hydrological reports, but because the studies have been conducted specifically for this case, they are proprietary. She stated the Village will need to seek this information from their lawyer, and she stated he will be able to provide more information than she can. She stated the Village's attorney has been an active participant in discussions with the other lawyers. Tracy stated the second question asked is if the Village can change legal counsel at this point in the process, and she stated the Village Council will need to first select a new attorney. Then, she stated, the Village will need to go before the court to inform the judge of the dismissal of the prior attorney and the desire to be represented by a new attorney, and she stated the judge will need to issue an approval of the change. Tracy stated it was discussed that the logical change seemed to be to have the Village represented by the same lawyers representing Real Wagon Mound Ranch and the Christmas Ranch. However, she stated, their lawyers did not accept this suggestion because of the potential for a future conflict of interest of the parties involved. Tracy stated the third question regarded the ability for Robert Quintana, the proposed well driller, to sue the Village for their involvement as a protestant. She stated the Village has followed the procedures set forth by New Mexico water code. She stated the Village has established and documented water rights, and because the Village has followed due process, she stated Mr. Quintana would have no ground for filing suit.
- Tracy provided the Council with an update of the current standing of the case. She stated the protestants made a case before the Office of the State Engineer that Mr. Quintana does not have valid water rights because there was adequate evidence that the water rights had not been put to use in a very long time. She stated they requested a summary judgement due to the water rights being abandoned so long ago. She stated the proceedings included legal representation for Mr. Quintana, for the protestants, and for the Office of the State Engineer, and she stated the State Engineer gave a summary judgement decision in favor of the protestants. She stated, at that time, they thought they had won, and the case was closed. However, she stated, Mr. Quintana has filed an appeal through the court system requesting a judge to review the case to determine if adequate evidence was provided to make the summary judgement decision. She stated this hearing will be held in Fourth District Court on Dec 12<sup>th</sup> before Judge Aragon in Las Vegas. She stated if the Judge upholds the State Engineer's decision, Mr. Quintana's recourse will be to take the case to the New Mexico Court of Appeals. Or, Tracy stated, if Judge Aragon decides the protestants did not have adequate evidence to decide the issue, then it will go back to the State Engineer's Office where a full trial will be held to hear all evidence.
- Tracy stated should the Village decide to opt out as a protestant, the Village will no longer have any say in how the dispute is settled. She stated, if the case goes to a full-scale trial, the State Engineer will need to consider

public welfare, and the Village will not have a voice. She stated, unfortunately in this kind of hearing, the Mayor cannot speak on behalf of the Village. She stated she recognizes the Village has many other issues to be addressing, and she appreciates how hard the Governing Body is working.

- Tracy stated when the summary judgement decision was appealed, the protestants decided to have legal representation for all the plaintiffs work together to submit one Response Brief to the Judge rather than submitting several briefs with similar content. She stated the brief has been written and is ready to be submitted. She stated their lawyers have stated Mr. Romero has done a good job at representing the Village's interests, he understands the problem, he has a good rapport with Judge Aragon, and they have stated he is a good asset to their team.
- Mayor Martinez stated his biggest concern is why Mr. Romero has not kept the Village informed of the proceedings of this case. He stated it shows a lack of respect for the not only the Council but for the Village as a whole. He stated the Village is not even aware if we should be in this fight. He stated his recollection from when the protest first started is the Village was going to submit a letter in support of the protestants, but never to be an actual protestant. Tracy stated while she can sympathize, she can't address those concerns, and she stated she was not aware of the Village not being kept up to date with the case.
- Tracy stated Mr. Quintana is an aggressive water user, and the water rights he is seeking total almost one million gallons per year. She stated he will be utilizing pumps in a 10-inch casing that will draw an enormous amount of water at any given time, and this will create a suction effect pulling water from all directions. She stated this effect is called the cone of depression, and it will include the entire area impacted. She stated her family's ranch will be the first to be impacted, and she is absolutely concerned. She stated the Ojo Feliz Ranch is equally concerned, and that property is in close proximity to the Village's water source. She stated the Council are the guardians of the assets of this Village, and future of Wagon Mound is highly dependent on its source of water. She stated it is important for the Village to have a voice in this suit because should the process result in allowing Mr. Quintana to irrigate, the State Engineer has the ability to take protestant concerns into consideration, and he may place restrictions or requirements on the water rights such as metering, timing of irrigation, and monitoring other water uses to ensure they are not impacted.
- Mayor Pro Tem Cruz stated he attended a meeting almost two years ago in Las Vegas, and a decision was supposed to have been made by November. He stated he never heard anything else about the case after that meeting. Mayor Martinez asked Tracy if she has been involved with and informed by her attorneys of each step in this case, and Tracy stated she has been. The Mayor stated he believes the Village should have been just as involved, and our attorney should have been informing the Council step-by-step. Tracy stated her knowledge of Mr. Romero's conduct in this case comes from her lawyers, and they have been pleased with his performance. She stated she is asking the Council to consider that the bulk of Mr. Romero's work on this case has already been paid, and he aware of the issues.
- Mayor Martinez stated it would be very costly for the Village to change legal representation in order to bring a new attorney up to speed on the case. He stated he is aware the upcoming hearing is significant, but he stated he is disappointed the Village was never kept in the loop of the proceedings of the case.
- Mayor Pro Tem Cruz asked if there is any way to obtain more information for review because he stated it is difficult to make a sound decision without knowing the entire scope. Tracy stated she had hoped to have one of their attorneys present at tonight's meeting, but it did not work out with the short notice. She stated she can pursue materials that have been release. However, she stated, the best course of action will be to speak with the Village's attorney because he has access to the studies and evidence.
- Tracy stated she admits her proposal to Council is an act of self-interest because her family's property will be hit hard if Mr. Quintana begins irrigating. However, she stated, she along with many others, strongly believe the Village's water could be greatly impacted as well.

- Mayor Martinez asked if any other protestants have stepped down, and Tracy stated some have. Mayor Martinez asked if the Daniels Ranch or Harper Ranch ever involved, and Tracy stated Harold and Irene Daniels sent a letter to protest Mr. Quintana's application. She stated Harold's health started declining, and Irene became overwhelmed. Tracy stated Irene wrote a letter to the State Engineer stating her support of the protest, but she was too overwhelmed with her personal issues. Tracy stated the Harper Ranch was never involved. Mayor Martinez stated, in his opinion, because the Village shares water rights to the Santa Clara Spring with these two ranches, their perspectives are important for the Village to consider. He stated if they are not worried of an impact on their water rights, then it wouldn't impact the Village's water rights either. Tracy stated she is not aware if Mr. Harper had been contacted when local ranchers became aware of the application for drilling after it was published in the Las Vegas Optic. She stated she is certain Irene Daniels has concern for the impact, and she left the case due to being worn down, not only by her husband's health declining, but also from prior legal battles.
- Tracy stated it is important the Village remain a protestant through this next hearing because the future of the Village is important to the Judge, as she is a native of Mora County. She stated if the Judge decides in favor of the plaintiffs and the Summary Judgement decision stands, there will not be much more required from the Village or any protestants. She stated if Mr. Quintana took the case to the Court of Appeals and they chose to hear the case, they will only be reviewing the District Court Judge's decision to determine if it was correct. She stated all the discovery, compiling of data, and providing expert witnesses has already been done, and therefore, the bulk of the Village's cost for legal counsel has already been paid.
- Colleen stated she became aware of and involved with this process shortly after she was hired in 2017, and from that time through the Request for Summary Judgement hearing in the middle of 2018, the Village's attorney did a pretty good job of keeping the Village informed. She stated there was quite a bit of communication between the Village, Mr. Romero, and the other attorneys.
- Mayor Pro Tem Cruz asked if the decision can be postponed until more information is available. He stated the Council needs to know what is going on and where the Village stands. He stated if it's going to affect our water, then we need to stay in it, but if there will not be an impact, then we need to get out. But, he stated, the Village needs to be more informed before making that decision. He stated we can hold a special meeting, if necessary.
- Mayor Martinez stated he is not certain Mr. Romero will be willing to cooperate with the Village because his contract was terminated. However, he stated, Mr. Romero sent Colleen an email stating, by law, he is required to represent the Village until the Village either selects other legal counsel or opts out. Colleen stated she believes he would be required to share with the Village materials and information related to the case. Tracy stated she is more than willing to gather more information to provide to Council as well.
- Mayor Martinez asked if the Village will need to sign a contract with Mr. Romero, and Colleen stated the contract would need to specify the legal counsel services will be for this case only.
- Mayor Martinez asked the Council if they would like to schedule a special meeting next week because the Hearing is on December 10<sup>th</sup>, and Colleen stated next Tuesday is November 17<sup>th</sup>. He stated the Village is currently going through a lot right now, including a PRC audit on the natural gas system, and they are requiring the Village to acquire tools and parts that will cost about \$15K. He stated he is concerned the Village is running out of money. The Mayor asked for opinions from the Council and Utilities Superintendent.
  - Mayor Pro Tem Cruz stated he would like to review more information before making a decision. He stated he would like to see the studies showing the impact on the Santa Clara Springs along with any other impacts on the Village.
  - Utilities Superintendent Gary Sanchez stated he did not believe Mr. Quintana's water usage will impact the Village. He stated if the Village's water source is impacted by other users, the State Engineer will address it immediately because it is a source of public water supply.

- Tracy stated after working with the State Engineer's Office for years, she knows they will require the Village to provide proof that Mr. Quintana's wells and irrigation are the source of the impact on the water supply. She stated the State Engineer is not currently monitoring the Spring, and Mayor Martinez stated the Village conducts monitoring. Gary stated water tests would start showing elevated levels of contaminants. Tracy stated the State Engineer would require the Village to initiate an action to begin monitoring. She stated she has an honest concern for the Village's water supply, and she is begging the Council to give her more time to provide more information on which to base a decision. She stated she believes the Council has an obligation to make a well informed decision.
- Councilor Lopez stated his understanding is water that replenishes the Spring, comes from Agua Fria so it comes from northwest of the Village, and Mr. Quintana's wells are located southeast of town. He stated he does not believe the Village's water will be impacted by his irrigation because the Spring is located northwest of the wells and uphill from the irrigation. He stated Charette Lake never dries up because it is replenished and located within the same water table as the Spring. He stated the aquifer feeding the Spring does not come from the Turkey Mountains, and he stated he believes the Village has other priorities that need to be addressed right now. He stated he is concerned the Village will be stuck with fighting this case if others drop out.
  - Mayor Martinez stated the Harper Ranch is not a protestant, and perhaps this is the reason why.
- Clerk Treasurer Monica Martinez stated the Village monitors and tests the water in the Spring, and she stated if changes in flow or degradation in quality are discovered, then the Village can take it to the State Engineer.
- Councilor Miera stated the Village needs to learn more because we really don't have a good understanding of the hydrology.
  - Colleen stated she recalled Dr. Kate Ziegler presenting on the hydrology in this area at a community meeting that the Santa Clara Springs looked pretty good. Colleen stated her understanding was that the Spring was not necessarily untouchable, but it is in a pretty good situation. She stated there may be better data that needs to be considered with the additional hydrological studies that have been conducted for this case. Colleen stated she is in favor of communicating with Mr. Romero to see if he is able to provide this information before making a decision. Mayor Martinez stated he wants to see data showing an impact.
  - Colleen stated she believes it is possible Mr. Romero had been providing information to the Village, but it was not being shared with Council. The Mayor stated he is not certain Mr. Romero will want to comply with our request for information because he may state that he has already provided it.
  - Councilor Lopez stated he favors seeking more information before making a decision.
- Mayor Martinez stated if the Council agrees, the Village will postpone tonight's decision until next week. He stated the Village will hold a Special Meeting next Tues, Nov 17<sup>th</sup> with this being the only item on the agenda.

**Motion to approve postponing a decision regarding the Village's participation in the protest to the State Engineer until the Special Meeting on Nov 17, 2020 was made by Councilor Lopez, seconded by Mayor Pro Tem Cruz. (Vote 3-0) Motion carried with all in favor.**

3. \*Discussion/Approval/Disapproval: Adopting Ordinance No. 2020-03 – Governing Body Honorariums.

**Motion to approve adoption of Ordinance No. 2020-03 – Governing Body Honorariums was made by Mayor Pro Tem Cruz, seconded by Councilor Miera. (Vote 3-0) Motion carried with all in favor.**

4. \*Discussion/Approval/Disapproval: Review and adopt Village of Wagon Mound Operation, Maintenance and Emergency Manual for Village Natural Gas System.



- Mayor Martinez stated the Village spent the last few days in an audit with the PRC. He stated they identified several deficiencies, and the Village has a lot to work on to get things organized and on track. He stated implementing the corrective measures will be on the Utilities Supervisor's shoulders, but everyone will need to help as much as possible.
- Mayor Pro Tem Cruz asked if it is possible to contract temporary labor to help get things on track. Mayor Martinez stated this was discussed, but the PRC suggested hiring in the summer in order to give Gary an opportunity to really focus on the gas system at that time. Clerk Treasurer Monica Martinez also stated the Village does not currently have it in the budget to hire any additional labor.
- Deputy Clerk Colleen Engelhardt stated she provided copies of the manual in the meeting packets, and she stated there have been additional changes made to it since that time. She stated this document needs to be reviewed and updated on an annual basis, and it must not go longer than 15 months. She stated it does not necessarily need to go before Council, but at minimum, it needs to be read by those that work within the natural gas system including the Utilities Superintendent, Utilities Assistant, Deputy Clerk and Mayor on an annual basis not to exceed 15 months. She stated the PRC strongly recommended having the entire staff and Governing Body read this manual to become familiar with operations. She stated this annual review must be documented and kept with the paperwork for review by the PRC. Colleen stated it takes more than one person knowing what needs to happen in order to properly operate the system. Colleen stated, in the near future, Gary, Amber, and herself will sit down together to create an annual calendar of the tasks that need to occur monthly, annually, etc. She stated there is much work to be done in the office to become more organized with tracking the tasks that need to be completed, but she stated there will be a lot of work that needs to take place in the field. Mayor Martinez stated Gary will be required to document everything, and he will need to keep a log of all the work he conducts.
- Colleen stated there are many rules and requirements enforced by the PRC, but the rules are in place in order to ensure the safety of our community. Mayor Martinez stated the three inspectors involved in the audit stated they are here to help the Village rather than to just enforce rules and issue fines.
- Colleen stated the PRC has already done some leg work for the Village by contacting New Mexico gas to see if they will be willing to donate some of the required equipment the Village needs to acquire.

**Motion to approve adoption of the Village of Wagon Mound Operation, Maintenance and Emergency Manual was made by Mayor Pro Tem Cruz, seconded by Councilor Lopez. (Vote 3-0) Motion carried with all in favor.**

5. \*Discussion/Approval/Disapproval: Approve FY21 first quarter Budget Adjustment Resolution No. 2020-13.
- Clerk Treasurer Monica Martinez stated she needed to adjust a few line items, and this is due to the fact that because of COVID, the DFA allowed entities to submit last year's budget without any changes. She stated the adjustments are not moving monies from one fund to another, but they do move monies from one line item to another within the same fund.

**Motion to approve FY21 first quarter Budget Adjustment Resolution No. 2020-13 was made by Mayor Pro Tem Cruz, seconded by Councilor Lopez. (Vote 3-0) Motion carried with all in favor.**

6. \*Discussion/Approval/Disapproval: Review and accept payment to Elayne Sena for legal fees affiliated with Fire Department Substation property.
- Clerk Treasurer Monica Martinez presented the payment voucher for this payment, and she stated she wanted to receive approval from Council before cutting the check. She stated this payment will be paid out of the General Fund because Fire Funds cannot be paid out for legal fees. Monica stated Ms. Sena has already paid her attorney the full amount of \$630.57 so the Village is reimbursing Ms. Sena with this payment.

**Motion to approve payment to Elayne Sena for legal fees affiliated with Fire Department Substation property was made by Mayor Pro Tem Cruz, seconded by Councilor Miera. (Vote 3-0) Motion carried with all in favor.**

7. \*Discussion/Approval/Disapproval: Review and accept purchase of three PCs and monitors for Clerk's office.
- Clerk Treasurer Monica Martinez stated the computers in the Clerk's office are in dire need of an update because they are old and starting to fail. She stated Harris Technology provided a quote for \$2,410.26, and she researched the same PCs to find additional quotes. She stated the cheapest price for the same computers was from Walmart for \$1,818.00. Monica stated these will replace the old PCs that are used by Colleen, Amber, and herself. She stated, eventually, Gary's computer will need to be updated as well, but because he doesn't use his computer as often, this will happen at a later date.

**Motion to approve quote from Dell to purchase three PCs and monitors for Clerk's office was made by Mayor Pro Tem Cruz, seconded by Councilor Lopez. (Vote 3-0) Motion carried with all in favor.**

8. \*Discussion/Approval/Disapproval: Review and accept quote for purchase of new firewall security device.
- Mayor Martinez stated the current firewall is also failing, and the Village needs this security in place in order to protect our system and data.
  - Clerk Treasurer Monica Martinez stated Harris Technology updated their quote to only show the cost of the firewall unit itself at \$922.45 because the firewall installation and trip fee cost will be included in the quote to install the three PCs.

**Motion to approve quote from Harris Technology for purchase of a new firewall security device was made by Mayor Pro Tem Cruz, seconded by Councilor Miera. (Vote 3-0) Motion carried with all in favor.**

9. \*Discussion/Approval/Disapproval: Review and accept Harris Technology quote for installation of PCs and firewall security device.
- Deputy Clerk Colleen Engelhardt stated Harris Technology will be providing an updated quote reflecting the combined costs to install the PCs and the firewall. She stated they were unable to submit it in time for the meeting, but she was told the quote would be increased by a maximum of \$500 to \$600. Colleen stated the firewall is something that needs to be installed by professionals, and as she concurred with Mayor Martinez in that the firewall is necessary to protect the Village.
  - Mayor Martinez asked if quotes had been obtained for an external hard drive, and Colleen stated they ran out of time to get those quotes for this meeting. He stated he would like to have an external hard drive to back up the server and workstations in case something were to happen and data is lost.

**Motion to approve the quote from Harris Technology for the installation of 3 PCs and a firewall security device was made by Mayor Pro Tem Cruz, seconded by Councilor Lopez. (Vote 3-0) Motion carried with all in favor.**

10. \*Discussion/Approval/Disapproval: Review and accept La Jicarita quote for purchase and installation of new VoIP Phone System.
- Mayor Martinez stated he asked Daniel Esquibel to provide an assessment of the offices computer network and phone system because he was the IT liaison with Harris Technology for the school.
  - Clerk Treasurer Monic Martinez stated Mr. Esquibel stated the phones are very old and outdated, and they are just as likely to crash as the computers.
  - Mayor Martinez stated he has requested new phones and lines to be installed where phones are currently located and to add another line in the Village Chambers to utilize for conference calls.
  - Monica stated the Village has an existing contract with La Jicarita, and updating the lines is covered. She stated the quote includes just the cost of the phone system itself along with installation. She stated this is the cheapest option they offer. Monica stated La Jicarita is a sole source because they are the Village's provider, and they monitor our lines.

**Motion to approve La Jicarita quote for purchase and installation of new VoIP phone system was made by Mayor Pro Tem Cruz, seconded by Councilor Lopez. (Vote 3-0) Motion carried with all in favor.**

#### **IX. Monthly Reports**

##### **A. Approval Item – Approval of Vouchers (payment to vendors) Clerk/Treasurer- Monica Martinez**

- Clerk Treasurer Monica Martinez stated this month's payments include regular bills. She stated both Colleen and she became Notary Publics, and payment was issued to cover those fees. She stated there will be a new monthly fee of \$20 from uAttend for the timeclock service, and she stated the timeclock is working out really well. She stated there was one final payment made out of Temp Work, but the Village no longer has any temporary employees so this will be the last payment from that line item for a while. She stated Gabriel Maestas received his pre-employment drug screen, and that fee was paid.

**Motion to approve the monthly vouchers was made by Mayor Pro Tem Cruz, seconded by Councilor Miera. (Vote 3-0) Motion carried with all in favor.**

##### **B. Utility Delinquent List – Utility Clerk, Colleen Engelhardt**

- October – 12 letters sent to active accounts for a total delinquent balance of \$558.13, and payments received totaled \$701.70. Colleen stated there are two accounts that did not pay until after 9AM on the date following the due date, but the accounts did get paid.
  - Inactive accounts – LIHEAP payments were received and approved to be applied to closed accounts with outstanding balances for Account #A16003 and #A15001. She stated she worked with the LIHEAP office to ensure the distributions were approved to be applied toward closed account balances. She stated both customers submitted new applications, paid the deposit, and both now have new active accounts.
- November – Colleen presented the accounts that will become delinquent if the balance is not paid by Nov 15.

##### **C. Utility Superintendent – Utility Superintendent, Gary Sanchez**

- Water – Chlorine residual is at 0.1PPM. He just received the results for the lead and copper tests so he'll be notifying those customers, and he's still waiting for the disinfection byproducts results.
- Wastewater – Will be taking the 3<sup>rd</sup> quarter samples and discharges samples next week.
- Natural Gas – Audit with PRC as discussed earlier. He stated he will be creating a punch list to prioritize what needs to get done first. All valves have been cleaned and tested to ensure proper function. Gary stated he will be making an appointment to get his electrofusion certification updated.
- Mayor Martinez asked about the status of the Utilities Assistant, Gabe Maestas, obtaining his CDL, and Gary stated he will be taking the driving portion of the class in January. Mayor Martinez asked about the status of getting Gabe certified in water and wastewater. Gary stated Gabe is current on his water certification, but he needs to obtain his wastewater certification. The Mayor stated he would like to get Gabe all the necessary water and wastewater certifications in order to free up more time for Gary to focus on gas. Gary stated he can do the wastewater training online, and the Mayor asked that Gabe gain these certifications as quickly as possible. Gary stated he would also like Gabe to get his electrofusion certification because then they can inspect each other's welds.

##### **D. MVD Reports – MVD Manager, Vacant (MVD Office Temporarily Closed)**

- MVD Manager Amber Alcon stated she is in the process of getting finger printed, and she cannot start training until they have been received by MVD.

##### **E. Mora County Sheriff's Office Report**

- Absent

F. Housing Authority – Director, Theresa Carmody

- Absent

G. Fire Chief – Robert Mondragon

- Mayor Pro Tem Cruz reported as the Assistant Fire Chief. He stated they will be ordering new tires and batteries for two different trucks that are currently out of service.

H. Bean Day Association – President, Luis Lopez

- None

X. Old Business

- None

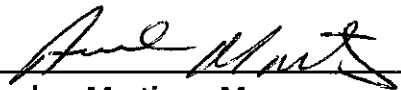
XI. Mayor's Report

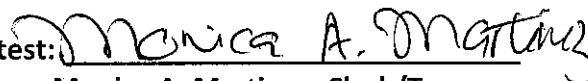
- None

XII. Adjourn

Motion to adjourn was made by Councilor Miera, seconded by Councilor Lopez **(Vote 3-0) Motion carried and all in favor.** The meeting adjourned at 7:56PM.

Approved and attested this 15<sup>th</sup> Day of December, 2020.

  
\_\_\_\_\_  
Andres Martinez, Mayor

Attest:   
\_\_\_\_\_  
Monica A. Martinez, Clerk/Treasurer  
(SEAL)

