



Village of Wagon Mound  
Regular Meeting Agenda  
**Tuesday, July 11, 2023 - 6:00PM**  
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 Eldie R. Cruz, Councilor Claudia M. Martinez, Councilor Paul A. Miera, and Councilor Gabriel J. Maestas.

III. \*Approval of Agenda

IV. \*Approval of Minutes for:

- A) Regular Meeting June 13, 2023
- B) Special Meeting June 29, 2023

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. Business Matters

- 1. \*Discussion: FY22 audit update with report from Northern Regional Housing Authority.
- 2. \*Discussion/Approval/Disapproval: Acceptance of payments utilizing funds from Capital Outlay grant #A22G2010 for work performed at the new Senior Center building:
  - A) Gigawatt Electric LLC – install outlets in storage room
  - B) Automatic Entrances of New Mexico, LLC – repairs to automatic ADA door opener

VIII. Monthly Reports

- A. \*Approval Item –Approval of Vouchers (payment to vendors) Clerk Treasurer Amber Alcon
- B. Utility Delinquent List – Deputy Clerk, Colleen Engelhardt
- C. Utility Superintendent – Utility Superintendent, Gary Sanchez
- D. MVD Reports – MVD Manager, Amber Alcon
- E. Mora County Sheriff's Office Report
- F. Housing Authority – Northern Regional Housing Authority
- G. Wagon Mound Fire Department – Fire Chief
- H. Bean Day Association – President, Luis Lopez

IX. Old Business

X. Mayor's Report

XI. Adjourn



I. Call to Order and Pledge of Allegiance

II. Roll Call was taken by Clerk Treasurer Amber Alcon. Mayor Andres Martinez, Mayor Pro Tem Eldie R. Cruz, Councilor Claudia M. Martinez, Councilor Paul A. Miera, and Councilor Gabriel J. Maestas were present.

III.\*Approval of Agenda

**Motion to approve the agenda was made by Councilor C Martinez, seconded by Mayor Pro Tem Cruz. (Vote 4-0) Motion carried with all in favor.**

IV.\*Approval of Minutes for:

A) Regular Meeting June 13, 2023

**Motion to approve minutes for Regular Meeting June 13, 2023 was made by Mayor Pro Tem Cruz, seconded by Councilor C Martinez. (Vote 4-0) Motion carried with all in favor.**

B) Special Meeting June 29, 2023

**Motion to approve minutes for Special Meeting June 29, 2023 was made by Councilor C Martinez, seconded by Councilor Maestas. (Vote 4-0) 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

- None

VII. Business Matters

1. \*Discussion: FY22 audit update with report from Northern Regional Housing Authority.

- Mayor Martinez stated Terry Baca and Natasha Martinez of Northern Regional Housing Authority (NRHA) will be providing an update regarding the Wagon Mound Housing Authority (WMHA) audit.
- Executive Director Terry Baca stated they met with the WMHA auditor on June 30<sup>th</sup>, and he was able to review the files. Terry stated he had a long-time employee working to correct and update the files due to the former WMHA Director not maintaining them properly. He stated the employee became disgruntled and deleted all the information, and the employee no longer works for NRHA. Terry stated they have been working with the software company to try to recover the files, but they have not yet been successful. Additionally, he stated they hired an accountant to review and prepare the books for the auditor. He stated the accountant did not do a good job, and the auditor would not accept his work. Mr. Baca stated it is possible WMHA will receive some serious findings due to the way the records were kept. He stated they have brought the 2023 records up to speed with a different software, but the 2022 records are no longer there. He stated they have reconciled checks. He also stated they were not certain how rents were being calculated, but they have fixed that moving into the future.
- Deputy Director Natasha Martinez stated the Las Vegas office initially set up a system for cash receipting and accounts receivable, and then it was transferred to the Raton office. She stated this is when the employee that eventually deleted the files took over so files lost cover a year and a half, and she stated she does not have administrative access. She stated when IT was trying to recover the files, they didn't process properly because the records were applying to current tenants, thus, skewing the rents. Ms. Martinez stated they are now trying to utilize the NRHA accounting software,



and this will be the recommendation moving forward. She stated NRHA had been utilizing the same accountant as the WMHA, but when the NRHA contract was given to another accountant the original accountant stopped working on the WMHA accounts, unbeknownst to them. She stated given these circumstances, she and Mr. Baca will have more oversight over their managers and their day-to-day activities. She stated the auditor, Dominic, is having a difficult time determining the opinion which may be modified due to the issues with rents, the tenant files, and the accounting software failure. She stated the lack of software data is the biggest hurdle, but they have sent to the auditor everything they were able to recover as well as explanations for missing items. She stated the IT is trying to go in through the backend of the WMHA software to try to extract any historical data without interfering with the HUD side. She stated as far as HUD is concerned, the correct tenants, rent and all the things that needed to come to compliance are now there. She stated there is one additional piece the auditor overlooked last year, and that is a prior accountant in 2017 had depreciated the property and building values down to zero which cannot be done. She stated the WMHA cannot be transferred with a zero value so she will be going to the Mora County Assessor for a salvage value to reapply a value to the buildings and land until a survey or appraisal can be conducted.

- Mayor Martinez asked what this mean in terms of when the audit will be submitted, and Ms. Martinez stated Dominic has been in communication with the Village's auditor to give a timeline. She stated they are hoping to receive a modified opinion as a worst-case scenario.
- Clerk Treasurer Amber Alcon asked what will happen if the auditor does not complete the audit. Ms. Martinez stated he is under contract so he will complete it, but he has not provided a specific timeline or date since his initial date of June 30<sup>th</sup>.
- Deputy Clerk Colleen Engelhardt asked, in an effort to clarify the timeline of events, when the disgruntled employee deleted the data, and Ms. Martinez stated she is uncertain as she thought it was all there as of mid-June. She stated in order to access it, she has to be plugged into the server in Raton so she did not discover the lost files until she tried printing some reports. She stated this is one of the internal controls that was blown. She stated it was her fault, in a lot of ways, that she was not checking in. She stated, typically, the staff performs the work with the manager checking the work, and she assumed this was happening. Ms. Martinez stated the employee left in November. She stated she believes they have all records from December moving forward, but records no longer exist from the time NRHA took over WMHA to November 2022. She stated the IT has been able to pull out all the records that had been uploaded from that system to the HUD system so this has served as a method to verify. But, she stated currently, she cannot access a total amount owed for an individual tenant right now. She stated the staff was concerned, but they were afraid to ask about it. Ms. Martinez stated they have clarified with the staff that they need to ask questions and make the directors aware.
  - Colleen stated the Village's audit was due last December, and the WMHA audit is a required component of the Village's audit before it can be submitted. She stated it is concerning that this is only being discovered now knowing that the Village's audit was due several months ago.
  - Amber stated this is the second year in a row the Village's audit is late due to the WMHA audit not being complete. She stated the first year was understandable given the circumstances of the Director's untimely death and NRHA taking over, but now the Village's audit is late again for the same reason.
  - Ms. Martinez stated the only staff that is billed is the WMHA maintenance employee because the budget could not sustain any NRHA staff hours, and they were put in a bit of a predicament when they took over WMHA. She stated the WMHA operations have been moved back to the Las Vegas office, and she stated they are trying to amend everything they possibly can.
- Mayor Pro Tem Cruz clarified that the Village's audit submission and budget approval is on standby, and Ms. Martinez stated the budget can be done without the audit. Amber stated the



FY23 4<sup>th</sup> quarter report will be rejected because the FY 22 is outstanding. Amber stated all the funding the Village has been applying for and awarded will be put on hold or lost because this is the same predicament as last year.

- Mr. Baca stated they will build a fire under the auditor, and he recognized similar communication and timing difficulties with the auditor last year. Ms. Martinez stated the contract with this auditor is one they took over when they began operating WMHA. She stated they would need to reprocur a new auditor if they wanted to discharge this auditor. Mr. Baca stated this option was discussed, but this means starting over at square one. Ms. Martinez stated they have just hired new staff, including two new accounting employees. Mr. Baca stated he will reach out to Dominic again tomorrow to ask about a timeline, and he stated he'll share that information with the Village.
- Mayor Martinez asked if they can assure the Village this will not happen again next year, and Ms. Martinez stated the goal is to transfer WMHA to NRHA by that time so it will no longer be attached to the Village.
- Mayor Pro Tem Cruz stated the situation is disappointing because the Village does not have much income, and because the audit is outstanding, all of the funding is on hold. He also asked if the Village has been in contact with the State Auditor.
  - Colleen stated the Village's auditor has communicated with the Office of the State Auditor to seek another option for submitting the Village's audit, which was conducted and completed on-time, and he was given a hard stop.
  - Mr. Baca stated that is odd because WMHA operates independently of the Village. He stated before the Raton Housing Authority transferred the NRHA, they operated in exactly the same way, and the housing audit was not required for the city's audit submission. He stated NRHA and/or HUD will contact the State Auditor to see if anything can be done. He stated at one point in time it was a requirement, but that changed several years ago. Colleen stated the Village is going off of what our auditor has stated, and he has had regular communication with the State Auditor's office.
- Mr. Baca reiterated they will do everything they can with the WMHA auditor as well as the State Auditor, and they will be in communication with the Village.
- Mayor Martinez thanked both Mr. Baca and Ms. Martinez for attending and explaining the circumstances, and the discussion concluded.

2. \*Discussion/Approval/Disapproval: Acceptance of payments utilizing funds from Capital Outlay grant #A22G2010 for work performed at the new Senior Center building:

A) Gigawatt Electric LLC – install outlets in storage room

B) Automatic Entrances of New Mexico, LLC – repairs to automatic ADA door opener

- Mayor Martinez stated Gigawatt Electric installed six new outlets in the area that was originally designated for the custom walk-in cooler, and now will have the reach-in refrigerators and freezers. He stated the ADA door openers were not working, and Automatic Entrances of New Mexico had to perform a service call to fix them.
  - Deputy Clerk Colleen Engelhardt stated this company installed the interior door opener, but the exterior door opener was installed some time ago when the building was built by a different company. She stated the repairs were on the exterior door opener, and they had to bill the Village for the travel and work performed.
- Colleen stated the Gigawatt invoice is in the amount of \$1,548.50, and the Automatic Entrances invoice is in the amount of \$785.02, and grant #A22G2010 is the same grant utilized to purchase the kitchen equipment. She stated there will still be approximately \$8,000 available from that grant.

**Motion to approve acceptance of payments to Gigawatt Electric and Automatic Entrances NM utilizing grant #A22G2010 funds was made by Councilor C Martinez, seconded by Councilor Maestas. (Vote 4-0) Motion carried with all in favor.**



## VII. Monthly Reports

- A. \*Approval Item –Approval of Vouchers (payment to vendors) Clerk Treasurer Amber Alcon
- Clerk Treasurer Amber Alcon stated payments were issued to Michael Quintana (Highland Construction) and Michael Freeman, and the quarterly payment was made to Workforce Solutions. She stated the remaining payments are regular monthly bills.

**Motion to approve the June vouchers was made by Councilor C Martinez, seconded by Councilor Miera. (Vote 4-0) Motion carried with all in favor.**

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

- Active – 10 letters sent with a delinquent total of \$944.00 with payments due by June 26<sup>th</sup>. All payments were received on time totaling \$1,454.04.
- Inactive – 9 letters sent with delinquent total of \$931.45 with no payments received.

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

- Water – chlorine residual is at 0.08mg/L, and the water tap was installed at the Jardin (Wagon Mound Community Garden) on June 29<sup>th</sup>
- Wastewater – preparing to take the 2nd Quarter monitoring wells samples, and then he'll start discharging more
- Natural Gas – nothing to report

### D. MVD Reports – MVD Manager, Amber Alcon

- June – 55 transactions were processed for a total of \$5,771.32
- The new MVD Agent, Julia Olguin, has successfully completed her training and has started processing transactions on her own. She does have questions at times, but she's doing well.

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

- Absent

### F. Housing Authority – Northern Regional Housing Authority

- Reported as Discussion under Business Matters

### G. Wagon Mound Fire Department – Fire Chief

- Assistant Fire Chief Rio Armijo reported the Fire Department has not been called out recently.
- Amber stated the Village just received an email informing of grant opportunities for Fire Departments, and the message stated the email was sent to all Fire Chiefs as well. Mayor Martinez stated he had forwarded the message to Assistant Chief Cruz. Deputy Clerk Colleen Engelhardt stated she thought she saw a due date in August, and Amber stated the grants included stipends for volunteers.
- Asst Chief Armijo clarified that the tire quotes were approved and the Purchase Requisition was submitted, and he asked for the next step. Clerk Treasurer Amber Alcon stated he can set up appointments to have the tires changed, but she asked him to verify the prices given in the quotes are still valid. She stated she'll provide him a copy of the purchase order.
  - Mayor Martinez stated he thought the batteries had also been approved, but Clerk Treasurer Amber Alcon stated the Fire Chief hasn't been in to sign the purchase requisition for the batteries.
  - Asst Chief Armijo stated they need four batteries, 40 ft of cable for jumper cables, and kill switches for the batteries. He stated he'll work on getting the Fire Chief's approval.
- Mayor Pro Tem Cruz asked if it is possible for an Assistant Chief to be appointed to sign off on purchase requests.
  - Councilor C Martinez stated she isn't familiar with how fire funds work. She asked if they had funds available and are they "use it or lose it" funds.
  - Amber stated she just recently completed the Fire Department's budget and rollover request, and Mayor Martinez stated there is about \$300K in the fund. Amber stated she was contacted by the



State Fire Marshal's Office, and she was asked her to complete the Fire Department's budget and carry over request because they were having difficulty contacting the Fire Chief. She stated the gentleman said he feared the Wagon Mound Fire Department may end up losing their funding because he has such a difficult time getting in touch with the Chief.

- Deputy Clerk Colleen Engelhardt stated we will need to confirm whether or not signing authority can be delegated.
- Councilor C Martinez stated the Village is liable if the Fire Department's equipment is not properly maintained, and it results in an injury. Colleen added the insurance will not cover a claim if equipment is not being properly maintained. Councilor C Martinez stated it will only take one such accident, and it could result in the loss of the Fire Department.
- Mayor Martinez stated it is his understanding that any work performed on the fire vehicles has to be done by an ASE (Automotive Service Excellence) certified mechanic. Amber stated the mechanic must also be PRC (Public Regulation Commission) certified because of the specialized equipment. She stated she became aware of this while she was looking into how to get EMTs and ambulance services.
  - Councilor C Martinez asked if there are specific companies with these certifications to contact for a site visit to determine work that needs to be performed to bring the vehicles and equipment up to code, and this information could be presented to the Fire Chief.
  - Mayor Martinez stated it is the responsibility of the Fire Chief to move on these things.
  - Amber stated the Fire Chief will send other people with papers with random phone numbers on them for her to contact. She stated contacting vendors is the Fire Department's responsibility while her responsibility is to sign off on the purchase and issue payment.
  - Mayor Martinez asked if any of the Fire Department vehicles have ever been inspected by a certified mechanic, and Asst Chief Armijo stated they have been inspected by hose and pump testers but not a mechanic in the twelve years he's served on the Department.
- Councilor C Martinez asked if the Fire Chief is responsible for reporting the financials to the volunteers, and Councilor Miera asked if the Chief attends the meetings.
  - Asst Chief Armijo stated the Chief attends the meetings, but typically there is no financial report because the Chief states the Village doesn't provide the report.
  - Mayor Martinez stated it is not the Village's responsibility to provide the report, but rather, the Chief needs to come for it. Amber stated anyone from the Department could come for the report. She stated she'll have it prepared when she's asked for it.
  - Asst Chief Armijo stated it often comes to the "blame game" with it being someone else's fault.
- Mayor Pro Tem Cruz asked how much governance the Village has over the Fire Department. He asked if the Village could limit the location of where the Department services, such as only having them respond to calls in the Village.
  - Amber stated she would have to inquire because they are funded with state monies.
  - Mayor Martinez stated he will try to find a properly certified mechanic to come inspect all the vehicles, and if any are not up to code, then they will not be used until they are fixed.
  - Colleen stated a Fire Department can only exist in conjunction with a local government, either a county or a municipality. She stated she is uncertain of the Village's full governance authority, but the Village's main role is appointing the Fire Chief along with not allowing vehicles to be used that are not up to code.
  - Asst Chief Armijo stated it would be nice to have regular inspections. He also stated the Department has one of the fastest response time in the state, and they have a strong rapport with State Police.
  - Mayor Martinez stated it is a safety concern, and the vehicles need to be maintained so they are ready to go at all times.
  - Amber stated the Fire Chief needs to be making good decisions on behalf of the volunteers, the Department and the Village.



- Mayor Pro Tem Cruz asked Amber to ask the Fire Marshal's Office if an Assistant Chief may be designated with signing authority. Councilor C Martinez asked Amber to inquire about inspections for the vehicles in terms of frequency and if a checklist exists that may be followed.

#### H. Bean Day Association – President, Luis Lopez

- Absent

#### X. Old Business

- Nothing to report

#### K. Mayor's Report

- Mayor Martinez stated the old rodeo arena is almost completely removed, and it should be finished in another day or two. He stated he has already gotten quotes for dirt to fill the arena floor, and he will contact Richard Garcia to operate the grader to level the ground before the new arena is installed.
- Mayor Martinez reported the Senior Center kitchen equipment is almost all installed. He stated Roper needs to install the dishwasher assembly and the prep table, and he stated Roper and Gigawatt Electric need to coordinate to connect the hood to the fire alarm monitoring system. The Mayor stated once this work is complete, the State Fire Marshal will need to inspect the building.
- Mayor Martinez asked Deputy Clerk Colleen Engelhardt to read a letter received from the Wagon Mound Bean Day Association (WMBDA) aloud. The letter requested the Village collaborate with WMBDA and asked the Village to coordinate and pay for ambulance service throughout the weekend, sufficient porta potties at the parks and rodeo grounds, electricity, a stage for bands to play at the park, a band to play on Monday at the park, and to attend a ribbon cutting ceremony for the new rodeo arena.
  - Ambulance Service – Mayor Martinez stated the Village paid half the cost of the ambulance service last year, but he believes Mora County Commissioner George Trujillo has instructed Mora County ambulance service to be here. The Mayor stated he needs to contact them to coordinate, and to find out what the charge will be.
  - Porta Potties – The Mayor stated the Village has been paying for these for the last few years because it is a public health matter.
  - Electricity – The Mayor stated the Village paid for this last year, but he believes Springer Electric may donate electricity usage for the Bean Day event.
  - Stage for Park and Band for Monday – Councilor Miera stated the stage rental cost has fluctuated, and at a WMBDA meeting he expressed he didn't feel a stage was necessary as a flatbed trailer has always been used in the past making this an avoidable cost. Mayor Martinez agreed with Councilor Miera and asked for input.
    - Clerk Treasurer Amber Alcon stated she understands the Village's role in providing porta potties as a public health issue, but the Village does not have responsibility for the event activities like renting a stage and booking a band. Regarding the ambulance service, she stated the Village stepped in last year to coordinate and pay because WMBDA was not going to provide this service. Amber stated the Village needs to be charging rent for the space utilized for the event to justify paying for these costs. She stated the Village is liable for any activity taking place in or on Village property, and she stated the Village's insurance has requirements to charge a rental fee and have a signed rental agreement in place. Amber stated this rental fee and agreement will need to be implemented for any person or group utilizing Village facilities.
    - Deputy Clerk Colleen Engelhardt stated if the Village chooses to pay these costs for WMBDA, then there will be an obligation to pay these costs for all other parties interested in hosting events.
    - Amber stated the Village will need to adopt a resolution imposing the rental agreement and fee and adopt a fee schedule that will apply to any party interested in renting Village facilities.
  - Ribbon Cutting Ceremony – Councilor C Martinez stated she was unclear about this invitation – are they asking the Village to host the ceremony or are they inviting the Village to their ceremony? Amber and Colleen both stated the rodeo arena is owned by the Village, and Mayor Martinez stated



WMBDA needs to understand the rodeo grounds land, the arena, and the structures belong to the Village. He stated the Village allows them to use the facilities.

- Mayor Pro Tem Cruz asked if it would make sense to get a legal opinion to show what the Village needs to do, and Amber presented information from the New Mexico Self-Insurer's fund showing their recommendations for municipal facility rentals. Mayor Pro Tem Cruz read the document which refers to a rental contract outlining responsibilities of both the renter and the municipality, a hold harmless indemnification clause, and a requirement for the renter to have insurance. Mayor Martinez suggested this document be provided to WMBDA.
- Mayor Martinez stated people need to recognize that times have changed, and the Village needs to take steps to protect ourselves. Councilor C Martinez and Colleen both agreed it is also protecting all citizens of the Village because a lawsuit could bankrupt the Village.
- Mayor Martinez stated the Village is doing its part in making improvements that benefit WMBDA.

XI. Adjourn


**Motion to approve adjournment was made by Councilor Miera, seconded by Mayor Pro Tem Cruz. (Vote 4-0) Motion carried with all in favor. The meeting adjourned at 7:35PM.**

Approved and attested this 8<sup>th</sup> Day of August 2023.



Andres Martinez, Mayor

Attest:

  
Amber L. Alcon, Clerk Treasurer  
(SEAL)