

1 **VILLAGE OF QUESTA**
2 **REGULAR MEETING MINUTES**
3 **TUESDAY, MARCH 14, 2017**
4 **VILLAGE OF QUESTA COUNCIL CHAMBERS**
5 **6:00PM**

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8 I. **CALL TO ORDER BY MAYOR MARK L. GALLEGOS**

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10 Mayor Gallegos called the meeting to order at 6:05 pm.

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12 II. **ROLL CALL**

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14 Mayor Gallegos asked Village Clerk Renee Martinez to take roll.

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16 Present:

17 Councilor Lawrence Ortega

18 Councilor John Anthony Ortega

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20 Not Present:

21 Councilor Julian Cisneros

22 Councilor Brent Jaramillo

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24 Also Present:

25 Village Clerk Renee Martinez

26 Attorney Randy Autio

27 Attorney Lance Hough

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29 III. **PLEDGE OF ALLEGIANCE**

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31 Mr. Christian Isely led the Pledge of Allegiance.

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33 IV. **APPROVAL OF AGENDA**

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35 Mayor Gallegos asked Councilors to review the agenda and asked to move Section VII D. Land & Water Trust
36 Update to Section VII A. Any other presenters will follow after this item as they walk in.

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38 Councilor John Ortega made a motion to move Section IX Executive Session to follow Section XI Matters from
39 Mayor and Council

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41 Motion: Councilor John Ortega

42 Second: Councilor Lawrence Ortega

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44 In Favor: All

45 Opposed: None

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47 To approve the agenda as amended. All voted yes. Motion carried.

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49 V. **APPROVAL OF MINUTES –**

50 ***Special Meeting, January 28, 2017**

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Line 186 – Items K-E should they be there? Ms. Martinez stated that she believed that these are the items that were not covered in the meeting as well as some water issues not covered. The list pertains to the following sentence. Ms. Martinez stated she would make it clearer.

Motion: Councilor Lawrence Ortega
Second: Councilor John Ortega

In Favor: All
Opposed: None

To approve the minutes of January 28, 2017 as amended. All voted yes. Motion carried.

*Regular Meeting, February 28, 2017

Motion: Councilor Lawrence Ortega
Second: Councilor John Ortega

In Favor: All
Opposed: None

To approve the minutes of February 28, 2017 as presented. All voted yes. Motion carried

VI. **PUBLIC COMMENTS** - *(It is the policy of the Governing Body to accept public comment. Because your particular issue is not on the agenda the Governing Body cannot respond immediately, but may direct staff to address issues at a future Council Meeting. Public comments are limited to a maximum of three minutes.)*

- No public comments.

VII. **PRESENTATIONS / UPDATES**

A. Land & Water Trust Update – Attorney Lance Hough

Mr. Lance Hough updated the Governing Body on the following:

- Land & Water Rights for the Village of Questa – Chevron Mining Inc. has valuable land and water right that they are willing to sell for fair market value for economic benefit for the Village of Questa and surrounding areas that are considered the ‘target area.’ There have been ongoing discussions between Chevron Mining representatives: Kevin Dougherty and Christian Isely; Robles, Rael & Anaya, P.C. representatives: Attorney Marcus Rael and Attorney Lance Hough; and Mayor Gallegos representing the Village, and Chairman Malaquias Rael of Questa Economic Development Fund. As a result a term sheet has been developed. Land and water has been divided into three (3) classifications that Chevron Mining Inc. (CMI) has. The first portion is land and water directly tied to the CERCLA process. The second classification is part of the Abeyta water settlement. The third classification is other land and water CMI has available. Approximately 44,000 acres of land and 1,400 acre/ft. of water to be primarily used for agriculture use.
- Councilor Ortega asked Mr. Hough what the plan with regard to the potential negotiated sales with the Abeyta Settlement participants and mutual domestics and acequias and would like to know if CMI is going to negotiate to sell these water rights associated to the settlement. Mr. Hough advised that CMI would have to answer that question directly. Mr. Christian Isely informed Councilor Ortega that CMI has other stakeholders exist within the Taos area with an expressed interest in CMI’s water rights to include the Abeyta Settlement participants and that they are interested in purchasing some of these water rights however Mr.

Isley stated that CMI wants to help the Village and that the other parties that are interested in CMI's water rights will not negatively impact and land and water rights to Questa.

- Mr. Hough continued to explain the purpose of the land and water rights available from CMI and contents of the term sheet to date. A specific emphasis that they should be used for the economic development of the Village of Questa. The term sheet also specifies that the purpose of the agreement would be to increase GRT for the Village. The entire process must be fair open and transparent. The formation of a Questa Land Water Non-profit Corporation referred to as QLW would be the organization to facilitate the transactions. QLW would be responsible for reviewing proposals to purchase and/or lease rights parties are interested in and to evaluate the following: the proposed use for land/water rights, explain any permitting or regulatory issues that may arise, oversee and analyze impact of GRT and economic development for the Village of Questa, and any other considerations that may be deemed necessary. QLW would also approve or reject proposals. QLW would also be a conduit to help those seeking land and water rights with financial assistance. QLW will submit proposals to CMI for final endorsement to ensure that the proposal fits within the criteria for economic development for the target area. Once CMI endorses the final proposal CMI will convey rights to the end user. There may be some special water rights provisions to be addressed and finally closing costs will be shared between CMI and the end user. All transactions shall adhere to standard terms and conditions of the sale of land and water rights. Other terms discussed are the makeup of the QLW board to include at least one QDEF board member, one Village of Questa Councilor, CMI will have a non-voting board member to facilitate discussions. Furthermore, QDEF may not direct or control activities. QLW will have a funding mechanism to cover offering costs without profit and loss once tax-exempt status is achieved by QLW. QLW will not participate in CMI's sales and leases outside of the identified target area. Conflict of interest provision will be incorporated. Mr. Hough described the next processes to move forward and what needs to yet be finalized.
- Mayor Gallegos informed the Governing Body about his participation to date with the formation of the term sheet and the creation of QLW and expressed that he has had limited involvement lately and has not participated in all meetings. Mayor Gallegos expressed concerns with the amount of work that still needs to be completed and questions the GRT benefit for the Village.
- Councilor Lawrence Ortega asked when the Village would see the bigger picture. Mr. Christian Isley informed that this project fits into the overall economic development plan and how this would tie into the agriculture economy within the Village of Questa.
- Mayor Gallegos inquired to the size of the board. Mr. Isley informed Mayor Gallegos that currently the QLW board is set to have five (5) voting board members and one (1) non-voting board member from Chevron. This number is not final at this point.
- Councilor John Ortega inquired whom the conflict of interest provisions will apply. Mr. Isley informed the Governing Body that this issue is still being worked on. Councilor Lawrence Ortega expressed that he believes a conflict may exist if someone is member of the Acequia Commission but does not believe one would exist if someone is a parciente.
- Mayor Gallegos asked for examples of what NGO's would be interested. Mr. Isley explained that Amigos Bravos may be one NGO that is an interested party.
- Councilor John Ortega inquired about timeframe for completion. Mr. Isley stated that they will be having another meeting on March 28, 2017 to discuss remaining tasks and project timeline.
- Mayor Gallegos asked Chevron to provide information on what other land and water rights may be available for the Village to purchase so they may have the opportunity to begin looking for funding for such purposes.

Mr. Isley informed that CMI has planned on designating approximately 170 acre/ft that Village has expressed they need.

- Councilor Lawrence Ortega asked whether the mutual domestics listed would have to follow the same guidelines for economic development. Mr. Isley informed Councilor Ortega that the mutual domestics discussed will not follow the QLW process because it would fall under a business transaction between CMI and individual end users.

B. Taos Mountain Energy Foods, Inc. – Mr. Kyle Hawari

- No presentation was made.

C. Legislative Update - Mr. Gabriel Cisneros, Universal Professional Services

- Mr. Cisneros provided updates on the CDBG program and advised that there was an order to stop the project until March 1, 2017 and inquired whether the contractor is back. Ms. Martinez informed the Governing Body that the contractor will start April 3, 2017.
- Councilor Lawrence Ortega discussed the need for the change order. Ms. Martinez informed Councilor Ortega that she spoke with Joe Moore and he will have the change order ready by the meeting on the March 28, 2017 and he also has a letter that he will send to Mr. Adame notifying work can resume on April 3, 2017. Any claims for reimbursement by the contractor shall be determined in the manner provided by paragraph 17. Councilor asked why we waited to until April 3, 2017 for a commencement date. Ms. Martinez informed him that according to Joe that the contractor was finishing up a job elsewhere.
- Mr. Cisneros informed that CDBG is ready to move forward. He also stated that there is an upcoming CDBG application that we will not be able to apply for but we will be able to apply for economic development which is year round and if the Village qualifies.
- Mr. Cisneros informed the Governing Body of the status of the ICIP. Mr. Cisneros expressed concern with the lack of capital at the state legislature. Councilor Lawrence Ortega asked for Mr. Cisneros to elaborate on what Village requests he believes will not get funding for. Mr. Cisneros informed that the Taos Mountain Energy Foods may have some difficulty. Mr. Cisneros also informed that there is a strong possibility of a special legislative session where we may be able to ask for more funding.
- Mr. Cisneros described the meeting held in Dallas with the EPA and Mayor Gallegos and potential for funding through the EPA.

D. EMS Department Update – Ms. Raynelle Cordova, EMS Coordinator

- Ms. Cordova reviewed the current coverage and new employees who have been brought in to provide coverage. Ms. Cordova would like to hold on from hiring a full-time employee at this time to save money and evaluate whether a full time employee is truly needed. Ms. Cordova also explained the current volunteer schedule. Ms. Cordova informed that all paperwork has been submitted by January 20th to receive funding from the State. Since last June the ambulance didn't have any narcotics which is standard EMT Intermediate Scope of Practice. Since that time she contacted DEA and Pharmacist and we are now in compliance and have narcotics on the ambulance. A PRC inspection was held and found non-compliant on a minor infraction due to lack of background checks on all employees and volunteers. Ms. Cordova was not aware of this requirement until the inspection. Ms. Cordova informed the governing body that she is now working with Chief Lamendola and background checks have been conducted and submitted to come into compliance. A

call book has been implemented that is reviewed once a week to find discrepancies between call book and computer system. This system also tracks how we can bill.

- Ms. Cordova would like to look into bringing the billing in house to ensure billing is accurate and collections are occurring. Ms. Cordova is also actively looking into grants but has not been successful in finding any to date. The staff has been working on station improvements. Additionally, only one ambulance is in use at this time but supplies have been purchased and ready to supply the second ambulance when it becomes operable again.
- Ms. Cordova stated that she would like to look into 10 hour shifts.
- Councilor Lawrence Ortega and Councilor John Ortega would like to review the EMS budget soon before the fiscal year comes to a close. Mayor Gallegos would like to review staffing budget for EMS as well as projected collections from billings.
- Discussion was held regarding the EMS vehicle that needs repair and the need for three bids. Councilor John Ortega would like to know if an RFP can be issued to be able to service Village vehicles. Mayor Gallegos would like to begin soliciting quotes immediately to begin the process of fixing the system.

VIII. FINANCIALS –

A. Approval of Unpaid Vouchers

Mayor Gallegos stated that invoice 16 - All American Waste Services has opted to adjust the invoice and will send a revised invoice at a lesser rate. Mayor Gallegos has informed Ms. Karen Shannon and has advised to wait to seek approval for payment until the adjusted invoice is received.

Councilor Lawrence Ortega would like to entertain a motion to table this until the Village has an opportunity to review the invoices for the emergency water expenses or removing any invoices related to the water emergency for consideration at this time until invoices and backup are reviewed, and approve the other unpaid vouchers presented.

Mayor Gallegos recommended tabling any vouchers related to water emergency until all invoices are submitted.

Councilor Lawrence Ortega asked about the Cabresto Ditch invoice and would like clarification for which land this has irrigation rights associated with it. Ms. Martinez informed Councilor Ortega that the voucher states “administrative building assessment” and informed Councilor Ortega that the Village does not use water from the Cabresto ditch. Councilor Ortega then asked what the Village is being assessed for and Ms. Martinez informed him that it was for 2 ½ acres irrigation 2017 ditch cleaning days and that is all the invoice states. The assessment fee is \$50 and another \$50 to assist in the ditch cleaning efforts. Councilor Ortega suggests moving forward with paying the fee so the Village can retain the water rights. Mayor Gallegos asked if the water can be transferred to the Municipal Park and asked Ms. Martinez to look into this transfer request.

Motion: Councilor Lawrence Ortega – Table all invoices related to water emergency and pay all other vouchers.

Second: Councilor John Ortega

In Favor: All
Opposed: None

To approve the Unpaid Vouchers list as amended. All voted yes. Motion carried.

X. MATTERS FROM ATTORNEY

Mr. Randy Autio informed the governing body that as the Village moves forward with the water rate study there will be some amendments the ordinance to incorporate the emergency ordinance. Mr. Autio would first like to have the rate study completed and then begin drafting amendments to the ordinance in order to prevent delaying the implementation of the ordinance.

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Councilor Lawrence Ortega asked about the status of the request of the closure of Cabresto Road. Mr. Autio has informed Councilor Ortega that the issue is currently not active and considered dead.

Councilor John Ortega asked Mr. Autio about the passage of the OHV Ordinance and the status of the exception from the state for North Kiowa Road to allow off-road vehicles on that road. Mr. Autio has contacted the NMDOT and ascertained what process would have to be followed and that an application for the State Transportation Commission will need to be completed after determining what is a state road and what is not. Mr. Autio is in the process of confirming that Cabresto Road is no longer a state road and once that is confirmed Mr. Autio will then prepare a resolution requesting that designation for the state road and present that to State Transportation Commission.

Mayor Gallegos informed Mr. Autio that a letter will be going out the NMDOT District 5 Engineer regarding this issue as well as the pillar in front of Car Questa store and the Right of Way easements on North Kiowa and if a meeting is set the Council will be invited to discuss all matters with NMDOT

IX. **EXECUTIVE SESSION** – *(The Governing Body may convene into Executive Session at this time pursuant to the NM Open Meetings Act NMSA 1978 10-15-1)*

- Limited Personnel Matters (Section 10-15-1(H) (2)) – Village Administrator Position

A motion to enter into Executive Session to discuss Limited Personnel Matters was made by Councilor Lawrence Ortega, seconded by Councilor John Ortega.

Roll Call:

Councilor John Anthony Ortega	YES
Councilor Lawrence Ortega	YES

Mayor Gallegos stated that the Governing Body will go into Executive Session to discuss only the item listed. The Governing Body entered into Executive Session at 8:34 pm.

A motion was made to reconvene from Executive Session at 9:04pm by Councilor Ortega, seconded by Councilor John Ortega.

Roll Call:

Councilor Lawrence Ortega	YES
Councilor John Anthony Ortega	YES

Mr. Autio stated that only the performance evaluation of the Village Administrator was discussed during closed session. There was no action was taken.

XI. **MATTERS FROM MAYOR AND COUNCIL**

Councilor Lawrence Ortega asked if there was a reason Taos Mountain Energy did not show up for the meeting. Mayor Gallegos is unaware of a specific reason for not being able to attend the meeting. Mayor Gallegos stated he will ask Mr. Hawari to provide the Council with an update via e-mail.

Councilor John Ortega would like to know the status of the beautification project. Mayor Gallegos informed the council that the contractor has been out of town and a meeting needs to be held once they return to discuss

outstanding issues. Councilor Lawrence Ortega informed the governing body that the contractor had previously met with Loretta Trujillo and asked that the irrigation system not be included as part of the contract. However this was part of the original bid that they responded to. Mayor Gallegos said this would be addressed in the upcoming meeting with the contractor.

Councilor John Ortega asked whether any ads have been run for the Village Administrator position. Ms. Martinez stated no.

Mayor Gallegos presented on the change order and start date with Wilson & Co. The Local Government Road Project Application has been submitted along with MAP application. Joe Moore will try to meet with Joey Perovich to move the project forward. CDBG project Business Park Grant is being worked on by Mr. Amalio Madueno. Mayor Gallegos informed that Mr. Madueno is being paid by LANL co-op grants that are available to help small communities.

Mayor Gallegos asked the Councilors to consider whether to allow the RTD bus to park on Village property in the yard and the Village would have to provide a key and access as the RTD employees need early morning access. Councilor Ortega does not have any issues with this. Councilor John Ortega does not have any issues.

Mayor Gallegos reported on a water leak that had been found on Embargo Road by Polito Gallegos' property where Romero Excavation has been conducting work and they will work on the water leak. Mayor Gallegos stated the residents have been contacted of the water shut-down and repair schedule.

Mayor Gallegos stated that Chevron has submitted a request for an easement for a road through the business park. According the agreement Chevron has the right to do if the Village does not meet certain requirements. Mr. Autio informed the Mayor that the 10 year clause within the agreement and would recommend extending the contract to avoid the reversionary clause coming into effect and get an extension from Chevron. Councilor Lawrence Ortega would like a map from Chevron to display what area they are proposing and will provide his comments. Mayor Gallegos stated that the Village should also present a proposal to Chevron of what options they could also have.

Mayor Gallegos informed that and EDLT meeting will be held next Monday and encouraged participation and informed that there will be more discussion on the land & water rights issue as well as a barley system. Mayor also solicited from the Council any thoughts on clean-up dates to coordinate with county and avoid conflicts with the acequias.

Councilor Brent Jaramillo will be providing information on the asset inventory that needs to be completed and along with Ms. Martinez they will provide that information to the governing body.

Mayor Gallegos stated an agreement with the little league to have a clean-up is ongoing if the Village can provide the tools and the little leagues would be required to sign waivers.

Mayor Gallegos informed that the historical trails group would like to meet with the Village regarding trail access on Hwy 38 and 522 for signage. Mayor Gallegos inquired whether the Council has been receiving the daily updates that have been sent out and whether this is satisfactory system until an Administrator is hired. Councilor Lawrence Ortega and John Ortega agreed that this was a fine until an Administrator is hired. Councilor Lawrence Ortega inquired whether the water tank levels are between 85 – 75 percent. Mayor Gallegos stated that he believes that they are at 88% at this point.

Mayor Gallegos informed the Council that a resident has closed his mechanic shop and his garage has commercial water and commercial sewer. He is now requesting that the Village now convert that back to residential pricing and Mayor Gallegos asked the Council for consideration. A request from a resident to reduce solid waste fee penalties if they pay in full. Councilor Lawrence Ortega referred to the ordinance and Mr. Autio

informed that the penalties are at the Village discretion and can be waived if an agreement to pay is initiated or the full amount is paid. Councilor John Ortega recommended looking at budget billing and a neighbor helping neighbor program. Councilor John Ortega recommended looking at other organizations that face similar situations and how they handle them such as Kit Carson. Councilor Lawrence Ortega would like the Village to look into something like this.

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A motion was made to reconvene from Executive Session at 9:04pm by Councilor Lawrence Ortega, seconded by Councilor John Ortega.

Roll Call:

Councilor Lawrence Ortega	YES
Councilor John Anthony Ortega	YES

Mr. Autio stated that no action was taken.

Mayor Gallegos stated that the direction of the Governing Body regarding the Administrator position is to advertise immediately with the Taos News, Albuquerque Journal, NMML Reporter and Association of Counties. Also, post on the Village Website and Facebook page. The salary offered would be DOE. The position would be full-time with benefits. The closing date would be April 7th. Review of applicants can be the on the meeting of April 11th.

XII. **ADJOURNMENT**

Motion: Councilor John Ortega
Second: Councilor Lawrence Ortega

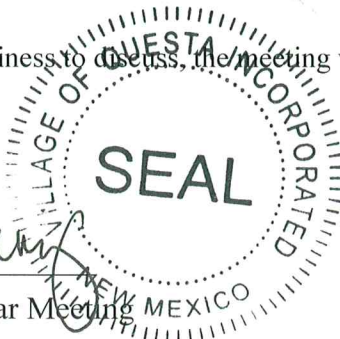
In Favor: All
Opposed: None

There being no further business to discuss, the meeting was adjourned at 9:12 pm.

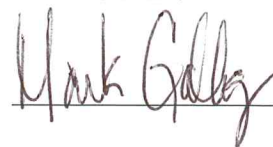
ATTEST:



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APPROVED:



412 Renee Martinez, CMC

Mark Gallegos, Mayor