

Court Chambers
820 Highway 478
Anthony, NM 88021

City of Anthony, NM
Board of Trustees: Regular Meeting
MINUTES
November 6th, 2024
6:00PM

Diana Murillo, Mayor
Gabriel I. Holguin, MPT
Jose Garcia, Trustee
Daniel Barreras, Trustee
Fernando Herrera, Trustee

**You can join meeting using your phone
by dialing.**

United States: +1 (469) 312-8116
Access Code: 520 251 730#

**Please join TEAMS meeting from your
computer, tablet or smartphone.**

Meeting ID: 284 313 740 235
Passcode: 9yM4Lo

All members of the public entity participating remotely must identify themselves whenever they speak and must be clearly audible to the other members.

- 1. CALL TO ORDER** by MPT Gabriel I. Holguin at 6:15pm
- 2. PLEDGE OF ALLEGIANCE** led by Trustee Herrera
- 3. ROLL CALL** Present:

MPT Gabriel I. Holguin	YES	NO
Trustee Jose Garcia	YES	NO
Trustee Daniel Barreras	YES	NO
Trustee Fernando Herrera	YES	NO
Mayor Diana Murillo	YES	NO
Quorum Established	YES	NO

Si necesita un traductor, informe la Secretaria de la Ciudad a más tardar una semana antes de la fecha programada de la reunión

4. APPROVAL OF AGENDA ORDER

Trustee Herrera motioned to postpone 7c,7d, 7e postponed to the following meeting

1st Motion: Trustee Herrera

2nd Motion: Trustee Garcia

Roll Call Vote:

MPT Holguin	YES NO	
Trustee Garcia	YES NO	4-0 Vote, Motion Passes
Trustee Barreras	YES NO	
Trustee Herrera	YES NO	

MPT Holguin postponed item 7i until a recommendation is provided by the Attorney General in response to a complaint that has been submitted by 3 members of the governing board.

1st Motion: MPT Holguin

2nd Motion: Trustee Herrera

Roll Call Vote:

MPT Holguin	YES NO	
Trustee Garcia	YES NO	4-0 Vote, Motion Passes
Trustee Barreras	YES NO	
Trustee Herrera	YES NO	

5. PUBLIC COMMENTS (3-minute limit for each person)

Marty Gutierrez
Adrian Perez
Cecilia Acosta
Cesar Cruz

6. APPROVAL OF MINUTES

a. Regular Meeting: 10/16/2024

1st Motion: Trustee Herrera

2nd Motion: Trustee Garcia

Roll Call Vote:

MPT Holguin YES NO
Trustee Garcia YES NO 4-0 Vote, Motion Passes.
Trustee Barreras YES NO
Trustee Herrera YES NO

b. Budget Workshop: 10/28/2024

1st Motion: Trustee Herrera **2nd Motion:** Trustee Garcia

Roll Call Vote:

MPT Holguin YES NO
Trustee Garcia YES NO
Trustee Barreras YES NO
Trustee Herrera YES NO

c. Workshop: 10/28/2024

1st Motion: Trustee Herrera **2nd Motion:** Trustee Garcia

Roll Call Vote:

MPT Holguin YES NO
Trustee Garcia YES NO
Trustee Barreras YES NO 4-0 Vote, Motion Passes.
Trustee Herrera YES NO

7. CONSIDERATION AND ACTION

- a.** Consideration and Action to temporarily suspend the Finance Policies specifically regarding the contracting of an attorney to review the Urgent Care agreement, **Presented by HR.**

The HR Director explained the need and urgency to contract an attorney to complete the required legal review of a drafted lease agreement for the Anthony Urgent Care. She shared the hourly rates of three attorneys the City has worked with in the past and it was decided to proceed with Serpe Andrews and their \$200/rate. Trustee Herrera had some questions regarding the during of the review, HR agreed to follow up and will share with the board the estimated time of completion and amount. To avoid any sort of conflict of interest with any current contract and litigation, MPT Holguin agreed with Serpe Andrews as well.

1st Motion: Trustee Garcia **2nd Motion:** Trustee Barreras

Roll Call Vote:

MPT Holguin YES NO
Trustee Garcia YES NO
Trustee Barreras YES NO 4-0 Vote, Motion Passes.
Trustee Herrera YES NO

- b.** Consideration and Action to approve Diana Cruz as the Interim Head Librarian and extend the provisional pay, **Presented by HR.**

The HR Director emphasized the importance of presenting this item to the Board and informing them of the operational challenges resulting from the absence of a Head Librarian. She highlighted the impact on daily operations, specifically to the Reading Program and the required quarterly meetings and advised the Board against further postponement. She cautioned that if this item were delayed again, it would require notifying Diana Cruz to cease all additional duties related to the Head Librarian position. Trustee Garcia questioned whether Ms. Cruz was currently receiving provisional pay for these duties, to which the HR Director clarified that she was not, as the extension of that pay had previously been denied. MPT Holguin clarified that the reason for delaying the position was not a lack of desire for a Head Librarian but rather concerns that the proper process had not been followed. In response, the HR Director explained that the procedural requirements differ depending on whether a City Manager is in place. MPT Holguin further expressed, once legal counsel is hired, he would like a

complete review of all policies, as he believes current procedures are not being consistently followed. The City Clerk asked Trustee Garcia to recused himself from voting due to the conflict of interest it is believed to exist due to his position on the Library Advisory Board that was confirmed by the NMSIF. .

1st Motion: Trustee Herrera

2nd Motion: Trustee Barreras

Roll Call Vote:

MPT Holguin	YES NO	
Trustee Garcia	YES NO- <i>Recused</i>	3-0 Vote, Motion Passes.
Trustee Barreras	YES NO	
Trustee Herrera	YES NO	

- c. Consideration and Action to hire an IT Assistant **Presented by HR. (POSTPONED)**
- d. Consideration and Action to hire a Neighborhood Services Supervisor, **Presented by HR. (POSTPONED)**
- e. Consideration and Action to hire a Parks and Recs Director, **Presented by HR. (POSTPONED)**
- f. Consideration and Action to hire a Head Librarian, **Presented by HR.**

Approving this item would allow the HR Director to proceed with the process of hiring an individual, she shared she has about 6 qualified candidates.

1st Motion: Trustee Barreras

2nd Motion: Trustee Herrera

Roll Call Vote:

MPT Holguin	YES NO	
Trustee Garcia	YES NO	
Trustee Barreras	YES NO	4-0 Vote, Motion Passes.
Trustee Herrera	YES NO	

- g. Consideration and Action to amend Resolution 2024-024, A Resolution Creating an In-House Counsel Hiring Committee, **Presented by MPT Holguin.**

The City Clerk informed the board of the recent update to the resolution, reflecting the decision made in recent discussions. This adjustment specifies that only the Mayor, two Board members, and the HR representative will be present during the In-House Counsel interview

1st Motion: Trustee Garcia

2nd Motion: Trustee Herrera

Roll Call Vote:

MPT Holguin	YES NO	
Trustee Garcia	YES NO	3-1 Vote, Motion Passes.
Trustee Barreras	YES NO	
Trustee Herrera	YES NO	

- h. Consideration and Action to approve the budget adjustments for Fiscal Year 2024-2025 and submit to the LGBMS (Local Government Budget Management System), **Presented by the Finance Director.** *The HR Director presented the item on behalf of the Finance Director, detailing a total budget of \$143,990. Both the HR Director and the City Clerk emphasized that while any desired changes can be addressed later, it is crucial to approve the budget and submit it to the State promptly to proceed with the hiring process. MPT Holguin raised specific questions regarding payroll and 'Professional Services.*

1st Motion: Trustee Garcia

2nd Motion: Trustee Herrera

Roll Call Vote:

MPT Holguin	YES NO	
Trustee Garcia	YES NO	
Trustee Barreras	YES NO	4-0 Vote, Motion Passes.
Trustee Herrera	YES NO	

- i. Consideration and Action to remove MPT Gabriel I. Holguin as an authorized signatory and authorize Trustee Fernando Herrera as a signatory, **Presented by Finance Director. (POSTPONED)**

8. PUBLIC HEARING

- a. Consideration and Action to approve the variance appeal for 801 Livesay Anthony, NM 88021 ID-R1818148, which would permit two (2) mobile homes on the property.

Chairwoman of the Planning and Zoning Commission, followed by the applicant, Ms. Teresa Romero. Both parties would be allowed cross-examination, and the public would then have the opportunity to express their opinions, either in support or opposition to the case. The Chairwoman of the Planning and Zoning Commission was sworn in by the City Clerk and presented the background of the case. She explained that this matter had previously come before the Planning and Zoning Commission in 2022 and was denied because Ms. Romero's request did not comply with City Ordinances. At that time, Ms. Romero was asked to remove the older mobile home on her property. Several trustees expressed reservations about deciding on the case due to apparent missteps by the City. It was noted that the City initially approved Ms. Romero's permit but later withdrew it, which led to the current complications. Trustee Herrera emphasized the importance of postponing a decision until legal counsel could review the matter to avoid potential litigation. Meanwhile, MPT Holguin expressed frustration over the City's failure to follow through on its responsibilities in this case. Ms. Teresa Romero addressed the Board, acknowledging that she is not currently in compliance with City regulations but expressing frustration with the situation. She argued that the City should either allow her to keep one of the mobile homes or cover the expenses of removing the trailer, as she believes the situation arose due to the previous Neighborhood Services Director's failure to perform his duties. Ms. Romero disclosed that she has already spent approximately \$10,000 and stated that if her application were denied, she would consider legal action against the City. Given this, Trustee Herrera reiterated the need to consult legal counsel before proceeding to ensure the City avoids potential litigation. He also asked clarifying questions regarding the State inspection mentioned in the background documents. The City Clerk clarified that the State inspection had only been requested in October 2024 because the applicant's attorney asked for the case to be heard before the Board. She explained that the State inspection verification was provided as additional background information for Board members and was not a City requirement. Instead, utility companies typically request such information before connecting utilities, which is the applicant's current issue. MPT Holguin expressed his support for the applicant, citing staff's failure to manage the case appropriately. He shared his frustration about the time it had taken to bring this matter to the Board and criticized the absence of key staff, such as the Public Works Director, who is currently responsible for these duties. While acknowledging the potential repercussions of approving the application, MPT Holguin argued that the City must accept responsibility for its failures in handling the matter. Ultimately, motion was made to postpone the decision until legal counsel is hired.

Original 1st Motion: Trustee Barreras

2nd Motion: Trustee Herrera

Motion to Postpone 1st Motion: Trustee Herrera

2nd Motion: Trustee Barreras

Roll Call Vote:

MPT Holguin	YES NO	
Trustee Garcia	YES NO	
Trustee Barreras	YES NO	4-0 Vote, Motion Passes.
Trustee Herrera	YES NO	

9. ITEMS FROM THE MAYOR AND TRUSTEES

Trustee Herrera: *Doesn't agree in allowing individuals that are not staff into the back offices of City Hall. Asked the City Clerk to request from Public Works to fill potholes on Grants streets as the whole street is in rough shape.*

Trustee Barreras: *Expressed with the other members that Public Works could get more work done if they were given additional funds.*

Trustee Garcia: *Reiterated his desire to potentially contract out the Public Works Department. Shared his*

frustration with the lack of communication between the Board, Mayor and Staff. Shared that a resident had reached out to him about a lose dog on Archer street and shared that the same resident wanted to thank Ofc. S. Martinez and Sgt. J. Martinez for helping him in obtaining his stolen bikes. He also responded to some comments that were made by a resident. Motion to have a resolution to grant access to the side gate with their own personal code.

1st Motion: Trustee Garcia

2nd Motion: MPT Holguin

Roll Call Vote:

MPT Holguin **YES** NO
 Trustee Garcia **YES** NO
 Trustee Barreras **YES** **NO**
 Trustee Herrera **YES** NO

3-1 Vote, Motion Passes.

Motion to have a resolution at the upcoming meeting to implement cameras to record 24/7 in the municipal chambers. The City Clerk questioned who he suggests could oversee this project without in-house IT support, Trustee Garcia suggested contracting out. Some concerns were brought up with court cases being held and the cameras recording those, again the City Clerk brought up the issue of not having someone in house to manage those.

1st Motion: Trustee Garcia

2nd Motion: Trustee Herrera

Roll Call Vote:

MPT Holguin **YES** NO
 Trustee Garcia **YES** NO
 Trustee Barreras **YES** NO
 Trustee Herrera **YES** NO

4-0 Vote, Motion Passes.

MPT Holguin: Wanted an update from the City Clerk regarding a records request that was submitted during the last meeting as we are beyond those 15 days. Explained why he refunded to sign specific checks, sharing that that most must be brought to the Board for approval as they are over the \$400 limit that has been put in place with the amended finance policies.

10. ADJOURNMENT

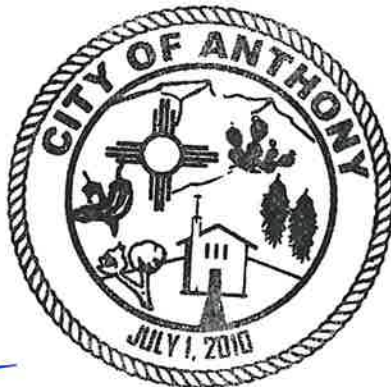
1st motion: Trustee Barreras

2nd Motion: Trustee Herrera

Roll Call Vote:

MPT Holguin **YES** NO
 Trustee Garcia **YES** NO
 Trustee Barreras **YES** NO
 Trustee Herrera **YES** NO

4-0 Vote, Motion Passes at 8:39pm



Diana Murillo

Diana Murillo, Mayor

{SEAL}
 Attest:

KOA

Karla Oropeza, City Clerk