

**City of Tukumcari
City Commission Meeting Minutes
January 17, 2014**

The Tukumcari City Commission met in a regular meeting on Thursday, January 9, 2014, at 6:00 p.m. in the City Commission Chambers, Members present constituting a quorum were, Amiel Curnutt Ernest Dominguez, Robert Lumpkin, and Dora Salinas-McTigue

City Staff members present were: Doug Powers, City Manager; Charlie Sandoval, Asst. City Manager; Jason Braziel, Chief of Police; Angelica Gray, City Clerk; and Dennis Dysart, Financial Director.

Consideration of Changes or Deletions to Agenda

Mr. Lumpkin made the motion to approve the agenda as written dated January 17, 2014 and Ms. Salinas-McTigue seconded the motion. Roll Call:

Curnutt	Dominguez	Lumpkin	Salinas-McTigue
Yes	Yes	Yes	Yes

Items from Commissioners

Mr. Dominguez thanked everyone for coming today.

Mr. Lumpkin stated this started over City business, which was to fire or not to fire city personnel. Some of the commissioners did not think it was fair and worked real hard to reinstate this person. Some how or another, that action got deemed discriminating and racist. When this happens, the innocent in Tukumcari who want businesses to come to town, the racino, the developers, and the business buyers see something very negative. He can speak for himself and businesses he has been witnessed to and there has not been no discrimination or racism.

He stated it is easy to say, it's against the law. If there is something against the law we need to know about it. We need details, who it happened to and what the result of it was. But making that accusation, is hard to prove and to disprove, however; it always leaves a scar and it's this scar that he is referring to. This hurts business people ion Tukumcari and the people who want to work at the racino, if they get the chance, or people who are interested in buying Sands Dorsey.

He knows the people involved are good people. He suggested they get together to improve Tukumcari, before these people get recruited to speak at the microphone to say something bad about the City of Tukumcari or the City itself, or people who work for the City to justify firing somebody does damage to the innocent and hardworking citizens of Tukumcari, He said we need to say good things about Tukumcari.

It was said that the City failed 7 audits. The word failure is never used rather they are findings. The last four years, we have received the highest audit rating the State can award due to the work of the citizens of Tukumcari and staff of City of Tukumcari.

He does not believe that is failure. That's taking to many findings from the past and working hard to fix them.

Every time we organize a protest, that means people are interested. However, stay honest and stay above the work. Do not make accusations that hurt people especially if they are not true.

Let's get on board and work together and help Tukumcari. We need to show the people with the Racing Commission that we are together. We need to show people who are interested in buying property that we are together. We have volunteers who paint old stations and buildings and they are working hard and they are making progress and we come along and make accusations that hurt people.

Ms. Salinas-McTigue stated the first thing she wants to address is with Steve Hansen. Today's meeting was for 3:00 p.m. and he advertised it for 6:00 p.m. As a consequence, she will receive phone calls because he made a mistake on the time. Once they saw the newspaper they didn't hesitate to call her to ask for the correct time.

She also stated that while this commission board, because of what happened, we have been a collision course. We have been trying to be professional and trying to work together. We have very important decisions to make and she has always said that we will agree to disagree because that is what makes this work. Whether there was any disparaging remarks made, racial or otherwise, and many of them got back to her. She refuses to give those more attention than is necessary. She wants to move forward and she wishes we had this room full of people so she could tell them but she will be addressing issues that came up but she will pick her time to address those issues. While she will not demean her colleagues, because she intends to work with them. They are trying very hard to work together and get passed this. She wants to thank everyone for coming and listening and they will be hearing more from her.

Mayor Curnutt thanked everyone for coming tonight today. He knows there is information going around that does not jive. Some of the citizens have gone to the county clerk's office and received a copy of §3-14-16 along with §3-14-9 in regards to District 2. He asked Ms. Gray to explain the statutes.

Ms. Gray stated that regarding the statutes, the letter they received from Mr. Knudson addressed §3-14-9 and §3-14-16. She stated that §3-14-16 states that a vacancy created by a recall election shall be filled in the same manner as other vacancies are filled. When she spoke to Roger Makin, at NMML, he stated however, there is §3-14-9 which states the commission also has the right to call for a special election as long as it is not in the blackout dates.

She stated that the question was asked if because District 3 was filled by appointment last March, if it takes precedence on the commission appointing in District 2. She was told by Mr. Makin that it was his opinion that it does not set precedence. The commission is now back to agreeing and deciding by vote, on whether they would like an appointment or a special election.

New Business

Mr. Lumpkin stated District 2 submitted a petition with 31 signatures. The petition stated that District 2 would like to vote for their commissioner, which is exactly what most people would want to do.

He was told years ago, that the election cost approximately \$6,000 including attorney's fees and newspaper advertisement. Each election has different costs because of the amount of labor and the attorney's fees that are connected to it.

The election for District 2 will come at a price. The reason District 2 wants an election rather than an appointment, was due to the division in the commission. Mr. Lumpkin stated the commission always vote and not always do they agree but that does not mean we are divided.

They want to work together to help Tucumcari. They are not wanting to create any more perceived divisions.

He stated in District 2, an election took place in which 60 people voted one direction and 50 people voted another direction. That would indicate to me there is a divide there. If divide is the reason for an election, we need to go back and look at what's going on in that District.

He is not opposed to appointing but he is also not opposed to have these concerns answered. As he understands it, the commission has a certain date that they need to pass a resolution. If the resolution is passed by that date an election will take place by April, however, if the resolution is not passed then the election will not take place until September. The reason for that is because there are statutes that elections need to follow.

Ms. Gray clarified that it is not so much the election cannot take place until September, however, it must wait until the June 3 election, which is the primary. She has not found statute which states the commission needs to wait a certain time after an election however, she knows there is statutes that indicate the tabulator machines needs to be shut off for 30 days before they can run again. She stated September would be the latest the election could take place.

Mr. Lumpkin stated there are good people in every district and they care. The way we did it in District 3, he referenced §3-14-16 and §3-14-9. He interprets §3-14-16 and §3-14-9 as the commission can go either way.

The way we handled District 3, was we had citizens in that district submit a letter of interest, we interviewed, and asked questions. It took 88 days to appoint a commission for District 3.

He asked if there was a law that stated a decision needs to take place quickly. Ms. Gray stated that she was not aware of a statute however; Mr. Knudson advised the commission to appoint or call for a special election as soon as possible.

He talked to Marcello Valverde and mentioned that we possibly could appoint until we reach a time to have a special election and then if that person is not doing a good job and District 2 wants to have an election, they could. He was later told that may not be legal.

If we take time to do this right, we are going against the hurry up and get representation. If they do not take time and do it right, we are going back into a situation that may not be best for the City of Tucumcari.

He stated this is simply a discussion.

His drawbacks on the election are the cost and the campaigning could go on that could cause further division in District 2.

If those concerns are answered, then he would be in favor of an election. If not, he would be in favor of the appointment. It would save \$4,000 to \$7,000 to the citizens of Tucumcari.

Ms. Salinas-McTigue stated that number one, as Mr. Lumpkin mentioned, there was a petition on the recall of 50/60 and she feels this was close enough because the citizens took the time to get that petition and those signatures because they want to have a say as to who will represent them. She stated if it costs \$3,000, \$4,000, or \$6,000, it will be worth it for District 2 to vote for the person or persons who will go on the ballot to represent them.

She stated that they appointed in District 3, it took a long time because we were crossing our t's and dotting our I's. We did have meetings to discuss several options. None of which ever came up as a special election.

Now if there is a question from District 3 as to why District 3 was not given the option to have a special election, she stated there was ample time to let the people step up.

She is proud of District 2 because they have stepped up and told us what they wanted and they do not want the city commissioners to appoint somebody to represent them in the District and therefore, she supports the special election.

Mr. Dominguez stated he also wants what's best for District 2 because they need representation. He wants it done in the quickest way so they have their representation whether through appointment. If it's quicker to appoint someone, we need to have people put in their name and go through the process of interviews and they as commissioners take Tucumcari as a whole and then appoint someone. However, if its quicker to have a special election, where it might cost the City of Tucumcari \$3,500 or \$6,000, then we have a special election. But he wants representation as quickly as possible for District 2.

Ms. Salinas-McTigue asked on the first opinion from Mr. Knudson, we needed to reach an agreement in February. Ms. Gray clarified that in the first letter dated January 7, 2014 from Mr. Knudson he stated the election resolution would have to be adopted by February 7. However, the commission was provided with a revised letter from Mr. Knudson where he referenced §3-8-26 that indicates an election resolution needs to be adopted within the 84th and 112th day from the election and the 88th day would be January 23rd, which is the next commission meeting.

Mayor Curnutt stated they need to think about it and possibly schedule a work session prior to the next commission meeting.

Ms. Gray informed the commission if they are wishing to have a special work session, they need to comply with the Open Meetings Act and provide notice 72 hours prior to the meeting.

Items from Citizens

Gary Montano – He stated he reached out after receiving information from Ellen White regarding the §3-14-16, he quoted the statute. He stated he has voiced his opinion to the

commissioners. He has a copy of the letter from Mr. Knudson where he quotes §3-14-9, he read from Mr. Knudson's letter.

He stated he spoke to Ms. Gray yesterday and she gave a rough estimate of what the special election costs.

He stated the facts are that three city managers have been fired from this city commission in the last five years. He stated that is indisputable. He also has the timeline where District 3 was vacated on December 30th and the city work session notes which are very important. He stated that the January 10, 2013, work session notes it was stated that Doug Powers contacted city attorney, Randy Knudson by email and Mr. Knudson responded by providing Mr. Powers with law which is relevant to the city commission vacancy.

Mr. Lumpkin stated that a special election may cost the City of Tucumcari \$6,000 - \$7,000.

Mr. Montano stated the work session notes from January 10, 2013, indicated Mr. Powers stating the City would have to come up with the money in the event the commission chooses to have a special election. He stated he will request a copy of the email from Mr. Knudson to Mr. Powers.

He also has the notice of public notice, which was posted by Ms. Gray on January 16, 2013. He read the article.

He also has a listing of the four people that were interviewed, Ernest Dominguez, George Aragon, Edward Perea, and Nitin Bhakta.

He also has the actual interview comments for these four individuals. Lastly, he stated that Ms. Salinas-McTigue stated she thought the reason why she was asking for letters of recommendation was to save the City \$6,000 from having a special election. She thought the nominee who received most nominations would be chosen, which means the public had spoken.

He believes the petition that was passed out that contained over 30 signatures means they want a special election.

Mayor Curnutt asked Mr. Montano if he is saying he wants the election. Mr. Montano stated that yes he would like an election.

Items from Commissioners

Mr. Dominguez thanked everyone for coming today and for their comments and input. It means a lot to him to have the public comment from all districts. He thinks it makes him a stronger commissioner. He feels that having the public input is very important.

Ms. Salinas-McTigue stated if they are having a special meeting before the next commission meeting she would like to know the time.

Mayor scheduled the special work session for 4:00 p.m.

Mr. Lumpkin stated he has facts that dispute the undisputable facts mentioned by Mr. Montano. In regards to the three city managers who were fired in the last 5 years, it was not by this

commission. There are two members who never voted to fire a city manager. He stated if something is going to be said, he does not want it to be damaging. He does not want people thinking that this commission fired the city managers. Actually, most of the people involved, are not here anymore. We are trying to get some longevity and continuity and trying to work together for Tucumcari. He thanked everyone for coming.

Mayor Curnutt thanked everyone for coming. He further stated that they've had a lot of accusations made, but there has never been an investigation conducted to show or prove the accusations. He would like people to think about that.

Adjournment

Mayor Curnutt asked for a motion to Adjourn. Ms. Salinas-McTigue made the motion to adjourn and Mr. Lumpkin seconded the motion. Roll Call:

Dominguez	Lumpkin	Curnutt	Salinas-McTigue
Yes	Yes	Yes	Yes

Meeting over at 3:35 p.m.

Amiel Curnutt, Mayor

ATTEST:

Angelica M. Gray, City Clerk