

**CITY OF TUCUMCARI**  
**CITY COMMISSION**  
**Work Session Notes**  
**July 14, 2016**

The Tucumcari City Commission met in a work session on Thursday, July 14, 2016 at 5:00 p.m. in the City Commission Chambers. Members present were John Mihm, Ruth Ann Litchfield, Robert Lumpkin, Amy Gutierrez and Ralph Moya.

City staff members present were: Jared Langenegger, City Manager; Doug Powers, Assistant City Manager; Dennis Dysart, Finance Director; Shane Warner, Fire Chief; and Angelica Gray, City Clerk.

Guests: Gail Houser and Steve Hansen.

**Discussion of Volunteer Policy**

Mr. Langenegger stated that a few weeks ago some folks from Main Street came and asked about doing community service for the City. His concern about having people coming and doing community service and volunteer work for the City is that we don't have a policy in place to outline applications, background checks and protocols for taking on volunteers. I have a preliminary draft of a policy, I got this policy from New Mexico State Parks they have a very detailed policy. The first part is a statement that we encourage volunteerism, gives definitions, gives program requirements, whether they can use vehicles and equipment. The way the policy and the program are set up, we'll have one person who is the coordinator for the program who will keep all the files. I would like to make that the administrator at Community Development position available. This position will be in charge of filing and making sure we have the background checks and other necessary things. Anytime we have someone that wants to volunteer for the City they will have to fill out the form. The form outlines that they aren't a City employee, they are not covered by workmen's compensation or insurance. If they are performing duties for the City they are covered by the Tort Claims Act but as far as medical insurance and workmen's comp they are not covered. It outlines vehicle usage, if they are using a City vehicle for volunteer duties we'll do drivers license check. This form will have to be signed by the volunteer and if they are under eighteen it must be signed by a parent or guardian. Volunteers under sixteen have to be volunteering with a parent or guardian.

Commissioner Gutierrez asked for volunteers under sixteen does it have to be with a parent or legal guardian can it be the organization leader. Mr. Langenegger stated yes and it's outlined in procedures that whenever a group is participating they will have to have a signed form saying that the group leader is overseeing them. Mayor Pro Tem Lumpkin asked if this would affect the advisory boards since all members are volunteers. Mr. Langenegger stated that he didn't think it would. He stated that he hasn't sent this draft to be reviewed by the attorney or insurance agent yet and that's a question that he will ask. Commissioner Moya stated he doesn't see how this could affect the boards because their duties are defined and the volunteers chose to be here while the board is appointed, the board has guidelines to follow.

Mr. Langenegger stated that he was glad this was brought before the Commission and that we're going forward with this policy because the HR Director just received information from our insurance asking about how we do volunteer work and background checks. This policy will satisfy a lot of what our insurance is asking from us as well. Commissioner Moya stated that the policy is very well written but when we start taking court ordered community service who will supervise them. Mr. Langenegger

stated that right now it is set up where the department head is the designee so they will supervise all the volunteers. The way this is structured each department head will put together a volunteer plan for their department and outline the duties and based off of that we'll put together volunteer job descriptions. Last week Chief Braziel said he wanted to work with the courts and with our code compliance and have volunteers help clean up graffiti and properties. This is a good thing that we can incorporate and make an impact on a lot of properties around the city.

Commissioner Moya stated they would need to make sure that sex offenders do not go to the Recreation Center. Mr. Langenegger stated the way it's outlined now is if someone is a registered sex offender they won't be able to volunteer. Commissioner Moya stated that he is a little concerned about operating a vehicle. Mr. Langenegger stated that not everyone who volunteers will be able to use a vehicle but there are some that can and there needs to be a section that does allow for volunteers to operate vehicles.

### **Discussion of EMS**

Mr. Langenegger stated the EMS is trending towards us subsidizing it more with general fund over the last several years. This year we received a \$97,000 grant for an ambulance with a \$30,000 match from the City. What we have budgeted for next year for general fund is \$350,000, we're still working the final numbers and hopefully we'll have some final numbers to present next week at the special Commission Meeting.

Commissioner Moya stated if 10% of calls come from the unincorporated part of the city we're looking at about \$35,000 that we have to subsidize from the unincorporated part of the city. Mr. Langenegger stated that was correct, that would just be the general fund we're just talking about what we have to give, not the full amount. Chief Warner has been doing a very good job in trying to increase our revenues. We are working on increasing our rates which will in turn increase our revenue. The other thing that we are working on that we haven't done in the past is sending bills to collections. If you look at the budget we've billed for \$563,000 in 2016 and \$238,000 of that was uncollectable. There are two things we're working on there; the first is Chief Warner is working with our billing company and other billing companies to see what it would cost us to have a collections agent. Currently our billing company bills three times and if they don't pay within those three times they drop it and we write it off. Having a collection agent we would send it to them and we'd both get a percentage of what they've collected, which would be better than what we are receiving right now. The other thing that we are working on is I asked the County for their procedures for filling for indigent funds, which the County has for medical emergencies. Chief Warner is reviewing those and we are going to work with our billing and if we have patients that are indigent they will go through that process and help fill out that paperwork so they can claim the indigent funds and we can receive payments. It won't be a huge increase but it will be an increase, anything that we can get paid that we aren't currently is positive. Another thing that we can discuss is approaching the county for assistance to help offset the costs. Commissioner Moya stated that would only be fair because we are covering the unincorporated part of Tucumcari but it's only fair that the county does its fair share in paying for this ambulance. We can't afford to keep taking money out of the general fund because we have a responsibility and commitment to the community. We need to approach the county.

Mayor Pro Tem Lumpkin stated that the county is receiving a new tax that the people awarded them during an election and that might free up some funds for them to help us. He stated the tax was for the call center which is medical related or emergency ambulance related. Commissioner Moya stated they needed to make the county aware, during his time on the Commission before the county was paying

their fair share and we were able to offset some of the costs that we pay them for the jail. Mr. Langenegger stated that the city pays a flat rate of \$54,000 a year for the jail, Chief Braziel is putting together numbers of how many prisoners we have so we can see what the cost is per prisoner so once we have that information we can evaluate it. Commissioner Moya stated that we can look at that the possibility of bail without bond and that would save the city a tremendous amount because that's costing the city a lot of money. Some people stay in jail until they see a judge three or four days later and the routine should be the following day. While they are sitting in jail the city has to pay for the care of that person so we can see how we can cut costs on the city part on incarcerating people. Mr. Langenegger stated that's why he asked Chief Braziel for those numbers so they can look at how much they are paying per night and getting that adjusted if it needs to be.

Commissioner Moya asked when it comes to a transport by ambulance how does it work. Mr. Langenegger stated they are billed for those as well, if they're indigent we still transport them and if they don't pay it gets written off. That's why we need to work with the indigent so they can file and the county can pay. Commissioner Moya stated it's good to provide services because that's what we're here to do but we also need to protect the city. He asked who covers Conchas. Mr. Langenegger stated that Conchas had their own ambulance service but they do call for intercepts and assistance because they are just a BLS service, so if they have something that is more serious then they call for an intercept and we go assist them. Commissioner Moya stated they needed to look at all of these costs because we were elected to take care of our community; it's great to do extra for society.

Chief Warner stated that when he first came on they were running on a lot of BLS and emergency calls. He stated that when he came on he shut down Albuquerque transfers because Medicaid and Medicare set a standard on billing and it states that they have to go to the closest appropriate facility, so if we send someone to Albuquerque because that's where their doctor is but the hospital in Clovis or Amarillo can provide the same care Albuquerque isn't the closest facility. Medicare will pay the pickup rate but will deny mileage. If we went to Albuquerque and they could get the same care in Clovis they would only pay for seventy-two miles. A lot of our care is Medicare or Medicaid. We have been giving out a lot of county indigent paperwork the problem is the county has a board that approves it and it has a \$5,000 cap per incident. So as soon as they come out of the hospital you're looking at a bill of \$7,000 or more so that \$5,000 is used up quick. He stated that he is going to be focusing on different areas that will help increase revenue such as training, quality assurance, scope of practice and bill collection. In the month of June \$22,854.59 was written off. I implemented more security system by installing locks, safes and tying the equipment down a little better. Before we had a revolving door system if someone needed something they would get it, there wasn't a checks and balance system. I've been focused on this for the past year and I'm implementing more.

Commissioner Moya asked Chief Warner how he felt about the unincorporated part of the City. Chief Warner stated he was not happy about it. Commissioner Moya stated that he has family right on the line of the City and he would be upset if they didn't get help because the County isn't helping. He also asked how many times they have refused services when called outside the city. Chief Warner stated he has never refused service or any transports. Mr. Langenegger stated they have held back on transports whenever an ambulance was broken. Before we purchased a new ambulance there were times where all ambulances were broken and we were borrowing one from Santa Rosa and Logan and there was about a couple weeks where we couldn't take transports. So there was a time where we didn't have the equipment for a transport but if we have the equipment and personnel then we don't refuse service.

### **Presentation regarding Quay County on the Move**

Steve Hansen stated that Quay County on the Move is asking permission to place signs in various parks and the Rec Center gym. We had some difficulty with Jimenez Park because of the sidewalk so there will not be a sign placed there but we will be substituting it with the Rec Center Park. The signs will be 18 x 24 vertical blue signs. Chris Tapia with Artforms will be putting the signs up.

Commissioner Moya asked why the signs said Quay County. Mr. Hansen stated that this was sponsored by Quay County Health Council. The funding for this project comes from grants from Oregon State University and Presbyterian so we are designating this as a county project. Mr. Langenegger asked if these signs were the same as the ones that were presented to the Commission previously. Mr. Hansen stated that they were and Mr. Langenegger stated he believed they were given permission to put up the signs. He stated that Brenda Bishop came in and spoke about having a trail in each district and asked if that was still the plan. Mr. Hansen stated that the dates were not definite. Mr. Houser stated that it was up to the Commissioners this was just to let people know that the trails are there. Mayor Pro Tem Lumpkin stated that district four would be having theirs in September starting at Wailes Park. Mr. Langenegger asked if they have visited with local providers to see about doing prescription trails. Mr. Hansen stated they have the prescription form and there have been conversations. He stated the forms will look like regular prescription forms saying that the provider would like you to walk a certain trail a certain amount of times. Mr. Langenegger stated that in other communities' health care providers utilize it as part of their practice when they are treating obese people. Mr. Houser stated that they are already available at the doctors.

Mr. Langenegger asked what the total distance of trails in the city, Mr. Hansen stated he wasn't sure. Mr. Houser stated that the Rail Trail has a mile trail and then a two mile so its subjective on the individual doing the walking but somewhere around five or six miles if you incorporate the recommendations, some people aren't able to walk a mile. Commissioner Moya asked how the participation was. Mr. Houser stated that they've only had the Rail Trail event in April and eighty-five people participated with twenty-four dogs so we're thinking about making it a dog walk and a regular walk so people can get in the habit of walking. Mr. Houser stated that this hasn't cost the City or county anything everything came from a grant.

### **Discussion of Amending Nuisance Ordinance 1133**

Mayor Pro Tem Lumpkin stated that during the Commission meeting he would like to move item 7F to the top of new business, there's quite a few people listening for this on the radio and this could be a pretty long agenda. He stated he has been working on this for about a month and I've spoken to the Mayor about this, this is a legitimate request there is nothing here in the way of obstruction, these things are good for the City and I think these things will be good for the people of the city and they will be good for the ordinance objectives themselves and they can also save some revenue because there would be less administrative work. I want to make three motions, I want to support them prior to us voting. One of the motions is to rescind the penalty section of the nuisance ordinance for all sections except the dangerous building section. I've worked with Judge Dominguez on this, he wanted to be here for this but he couldn't but he supports this. I want to rescind the vacant building section altogether and the parts of the vacant building section that does the most good there are other parts of the ordinance that covers that it won't leave a building unmanaged or unaddressed. I would move to organize a citizen committee to review the ordinance, there's a lot of things in the ordinance that can be done that will keep the ordinance objective, intact, the bottom line of the ordinance is to clean up Tucumcari and I would like the citizens committee to work with me to help me with this. The ordinance is slightly unpopular in some parts. Half of my calls that I'm getting about this ordinance is someone complaining that their neighbor isn't mowing their lawn or has trash in their lawn. The other

half thinks that the penalty section was unjust. The penalty section has fines attached to it which is a ticket. Removing this won't remove motivation to clean your yard, a trip to see the judge is good motivation. This will make it a little less burdensome for people that need the help. There are buildings in the community that are dangerous and we should accent getting those cleaned up, with these amendments that could pull some emphasis off of things that are less important and get us back to things that are more important. We've talked about people coming to town and seeing things that would affect them coming to town or affect them from buying a building. I've asked people that have come to me, if they would be interested in buying a building if it has these restrictions attached to it. We're not talking about a dilapidated building we're talking about one that is in good shape, they said they might be interested but they would want the price to be lowered and they would be concerned about the future of the building if the later needed to sale it. It's not going to hurt the nuisance ordinance in any way for us to consider these amendments. I would also like you to consider the fact that I've talked about this and I mentioned that I wanted this on the agenda a month ago and it's at the end of the agenda and I don't think it would be a very big effort to move it to the beginning of new business and I'll ask for that during the consideration or changes of the agenda.

Commissioner Moya stated that when he came on board, this ordinance was one that he was really opposed to, I had a lot of questions about it and I voted against it but at the same time we had people that were for it and I don't think anyone that was opposed to it showed up to the meeting when we voted. I was 100% against it but what makes it hard for me was the fact that the Commission went ahead and approved this, it's already a done deal and we cannot set a precedence that we will pass a rule then a month later rescind it. We have to be careful that we don't do that because we are the governing body of the City of Tucumcari and we must make decisions. I didn't like that it passed but I also respect the fact that majority rules. Mayor Pro Tem Lumpkin stated that he understood but he was going to support this. This isn't setting a precedence this is a fifteen page ordinance. Commissioner Moya stated look at the garage sale ordinance, we procrastinated and it turned into the community dividing and it turned into a nightmare. When we publish these the public should come in and speak their minds so we don't have to go back and rescind ordinances. I don't like the nuisance ordinance but I believe that the governing body has to stand and not go back. Mayor Pro Tem Lumpkin stated that the community is involved now. Commissioner Moya stated that he is more concerned about the governing body and its reputation, it would be useless. I am spending a huge amount of money on one building that I own to bring it up to compliance. Mr. Langenegger stated that is one thing that concerns him about this if the Commission does go back and rescind sections of this ordinance. We have people that have already spent the money to go forward and comply and if we rescind it those people are going to be very upset because the spent money that they may not have had to. Mayor Pro Tem Lumpkin stated that we are not rescinding any section that affects the dangerous buildings that will not be changing the penalty phase. He stated that he is not against the ordinance but the unfairness of it and it needs to be done, the people of Tucumcari will benefit. Commissioner Moya stated that the bottom line is majority rules.

Commission adjourned at 6:03 p.m.

Submitted by:

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Angelica M. Gray  
City Clerk