

**VILLAGE OF CLOUDCROFT NM
SPECIAL MEETING OCTOBER 26, 2021
OTERO COUNTY**

Minutes of the Special Council Meeting of the Governing Body for the Village of Cloudcroft, held on Tuesday, October 26, 2021, at 5:00 p.m., in the Village Council Chambers, 201 Burro Avenue, Cloudcroft, NM.

Mayor Denney called the meeting to order at 5:00 p.m. with the following Council members providing a Quorum:

Present/absent:

- Trustee / Mayor William Denney – present
- Trustee / Mayor Pro-Tem Tieman - present
- Trustee – Jim Maynard – present
- Trustee – George Mitchell – absent
- Trustee – Bruce Smaga – present

The following Village staff and guests were present: Jini Turri, Project Manager; Barbara K. Garcia, Clerk; Mike Brabson, VOC; Chief Kevin Summers, VOC; Al Watson, Darlene Watson, Tom Blessum, G. Blessum, Justin Munoz, Tabitha Foster, Toni Carrizal, Matt Willett, Maria Tieman, Mark Tatum, Terrie Tatum, Virginia Littlefield, Erich Wuersching, Susan Maynard, Bill Davis, Nancy Davis, Nathan Tompkins, Gail K. McCoy, Grover Sterling, Raixdy Melton, Kevin Laugford, Scott McCoy, Shelley M. Hughes, Becky Blomstedt, Jim Carlton, SELF; Craig Turner, Borru Street Exchange; Karl Campbell, Cabins at Cloudcroft; Laura Disciorio, Cabins at Cloudcroft; Nicole Widmir, Old Barrel Tea Co; Jim Miller, Old Barrel Tea Co; Meredith Langford, Shepherd's; D C Collier, Public; Chris Hagar, Public (Item #1)

The pledge of allegiance to the US and NM flags was led by Mayor Denney. (Item #2)

Mayor Denney addressed the audience to inform them of the agenda and that the meeting was to address his actions in creating a committee for review of the water ordinance for the Village of Cloudcroft, for recommendations of updates. The committee was made up of two trustees, employees, community members and business owners. Mayor Denney advised that the committee is not setting Ordinance, the committee was bringing forth ideas for the Ordinance. The Ordinance will not be decided upon until a work session of all trustees in an open meeting. The committee came to controversial items and was not making progress at this time. Mayor Denney made the decision to have the committee of employees, committee members and business owners separate and continue work via a letter on October 15, 2021, with the Board Members reporting their ideas via email to the Mayor. Once all ideas are in, there will be a group work session where a decision will be made to determine what updates to make to the Ordinance. Mayor Denney explained that if the audience was here to see what was on the ordinance, this was the wrong meeting, however if the public had ideas to send them after review of the current ordinance send to the Village Office or the Mayor directly. The meeting is structured and there will be no public interaction, the trustees will be given 10 minutes to individually speak and after a vote will be taken to decide how to proceed.

APPROVAL OF AGENDA:

Mayor Denney entertained a motion to approve the Agenda for the Special Meeting of October 26, 2021. Trustee Tieman made a motion to approve as written, Trustee Smaga seconded the motion and with further discussion from Trustee Maynard regarding the formation of the committee and how the members were selected. This is a very complex item and involves the whole view of governance for the Village of Cloudcroft.

Trustee Smaga requested of Trustee Maynard a point of clarity. "Trustee Maynard states the way the committee was formed" Trustee Smaga would like clarification on what the point is? That the Mayor decided to green light the committee to get this done?

Trustee Maynard advised that from the inception the committee was not set up correctly, committees have chairs and structure. The idea that we are going to be filtering ideas of legislation through a committee still needs to be run by the legislative process, which is the trustee. Trustee Maynard advised that from the formation of the committee on he has been questioning how this was going to work.

Trustee Smaga stated that it was his understanding that the Village Clerk was to be the Chair of the committee, the Mayor confirmed that this was correct and the way that it was set up.

Trustee Maynard disagreed that it was never designated like that.

Trustee Smaga advised that he believed that the controversy was due to the commercial and questioned if that was the rub?

Mayor Denney advised that at this time he would not get into the details of what is on the Ordinance and he would stick strictly to the agenda and the committee. After no further discussion and upon vote of Trustees Tieman, Maynard, and Smaga all voting "aye" the motion carried unanimously. (Item #3)

NEW BUSINESS:

Discussion/Action: Water Ordinance committee restructure. 1.) As of 10/18/2021 Mayor Denney separated the water committee, asking the Trustees to continue their suggestions separately and asking the res of the Committee to appoint one more resident and finish their work. 2.) In this meeting I will give up to 10 minutes for each trustee to state their view on this matter. 3.) Trustees will vote on this step.

Mayor Denney turned the floor over to Trustee Tieman to address. Trustee Tieman provided his input on water taps and bulk water. He provided information on the costs of taps and what we are currently charging and information on the charge for bulk water users vs what the Village pays to haul water. Trustee Tieman conceded the floor.

Mayor Denney turned the floor over to Trustee Maynard to address. Trustee Maynard addressed the trustees, Mayor and audience regarding the legislative process. The trustees are elected officials and he states that the trustees have been removed. The review of the Ordinance should be done by the Governing Body and that the Mayor has no authority other than what is given to him by the Governing Body. Mayors are to suggest and guide, they are leadership positions. Trustee Maynard requested of the governing body not to be derelict in their duties and pass off the work. Trustee Maynard conceded the floor.

Mayor Denney turned the floor over to Trustee Smaga to address. Trustee Smaga stated that the committee was formed to provide guidance and recommendations which is not unusual. The bottom line is we are not paying our bills with the revenue. As a committee it will be brought before the full council and at an open meeting workshop where the council is to accept, change or go back to the committee and rework.

He advised that at no point was the committee or council trying to mis-represent the citizens of this village. No decision or legislation has been taken; nothing has been put on the books. He advised that this would come before the public in open meetings. Trust Smaga conceded the floor.

Mayor Denney advised he would like to put a few items straight. The committee is not about legislation but was from the beginning about ideas. Ideas from the public to the governing body so the governing body can create the legislation. Another thing that was alluded to was that our community member, Gail McCoy, the Mayor did ask her to step off of the committee following the local elections for trustee on November 2, 2021 but to forward her ideas to the Mayor as a new council member. He is trying to ensure that as a trustee their will be no gravitas that will control any committee members. Mayor Denney is not interested in one persons' view of this, but all members of the committee and public. Mayor Denney called for a motion from the council that entails the next step of continuing with the committee or something different.

Trustee Maynard made a motion to return the Ordinance review exclusively to the governing body through a series of Work Shops open to the public. Trustee Smaga seconded the motion with a call for further discussion.

Further Discussion: Trustee Smaga questioned if Trustee Maynard was opposed to the maintenance crews that deal in the water being on the review? Trustee Maynard stated that when the supervisory board has a technical question they can call and ask the question and then move on. Trustee Smaga stated that during the committee meetings they were present and that through great legislation you often call on the experts for answers. Trustee Maynard stated that they will be called on in the open workshops. Trustee Smaga questioned of Trustee Maynard that he seems to feel that the council is trying to shirk the people and he does not believe that they have done that. We are trying to come up with a written ordinance that would then come before the council and then the council could then postpone for review and that is a process. Trustee Smaga is a little confused that there seems to be a conception that the council is trying to do something in the dark and he does not believe that to be accurate. Trustee Maynard states that the review is 90% complete and he feels that it is time for the thing to come on to the governing body and stop letting people beat it to death. He has been in meetings since May, he did not give up on the first meeting, this is over and over and that it is now time for us. Trustee Smaga said okay maybe it is time, he did not feel that Mayor Denney's letter to restructure was a bad decision and that it is within his ability to do that. He suggested that at this time if the council feels that it should be brought before them, to pick a date. The council will have to come up to speed.

Mayor Denney called for any further discussion? Trustee Smaga made a recommendation to amend the motion to read that the Village Clerk be the chairperson. Trustee Maynard objected and stated that the motion was to return the ordinance exclusively to the governing body. Mayor confirmed that Trustee Smaga was making a motion to amend the first motion. Trustee Smaga stated that the Village Clerk is an impartial chair and that she is not committee, community, business or one group and that would be an impartial chairperson or to pick another one.

Mayor Denney advised that he has a motion on the table to amend the current motion to appoint the Village Clerk or other designated impartial person to chair the work session. Trustee Smaga asked the clerk if she would like to sit as the chair, and she stated no, she will be in the meetings as the Clerk/Treasurer but not the chair. Mayor Denney called for a second to the amended motion. The motion dies for lack of second. Mayor Denney stated that we are now at the original motion that has been moved and seconded to dissolve the committee and return the ordinance review exclusively to the governing body through a series of Work Shops open to the public.

With no further discussion a vote was taken.
Trustee Maynard "AYE"
Trustee Smaga "AYE"
Trustee Tieman "ABSTAINED"
Motion carries two to nothing.

Mayor Denney advised that dates for Work Sessions would be set. (Item #4)


ADJOURNMENT: Mayor Denney entertained a motion to adjourn the meeting. Trustee Tieman made such motion to approve, Trustee Maynard seconded the motion and upon vote of Trustees Tieman, Maynard, and Smaga all voting "aye" the motion carried unanimously. Mayor Denney adjourned the meeting of October 26, 2021, at 5:37 PM. (Item #5)



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Barbara K. Garcia, CPO
Clerk/Treasurer



William Denney
Mayor