

**MINUTES OF THE CITY OF LAS VEGAS ORGANIZATIONAL CITY COUNCIL MEETING
HELD ON TUESDAY, JULY 31, 2018 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS**

MAYOR: Tonita Gurulé-Girón

COUNCILORS: Barbara A. Casey
David G. Romero
Vincent Howell
David A. Ulibarri, Jr.

ALSO PRESENT: Ann Marie Gallegos, Interim City Manager
Casandra Fresquez, City Clerk
David Silva, Acting City Attorney
Chris Lopez, Sergeant at Arms

CALL TO ORDER

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Councilor Ulibarri, Jr. asked for a moment of silence for everyone involved in our City which included the City employees, Council, Mayor and the schools.

APPROVAL OF AGENDA

Councilor Romero stated to Mayor Gurulé-Girón that she had named this meeting an "Organizational" meeting although it did not meet the Charter's requirements as an Organizational meeting as stated in Section 2.07, the Governing Body Rules and Procedure. He advised that the agenda did not include to review the Mission & Vision Statement, no Mayor Pro Tem, City Clerk position and stated that he felt it was important to address all interim positions that had been placed by the City Manager.

Councilor Romero advised that he was concerned and asked his fellow colleagues, that as an organizational meeting these items should be discussed and addressed and asked if they continued with the meeting, would this meeting constitute the organizational meeting and not be able to address those other matters and informed that that was a concern to him.

Mayor Gurulé-Girón stated that actually not and advised that the Mission & Vision statement had already been discussed and accomplished in clear detail during scheduled Work Sessions. She advised that initially she had called the Organizational meeting to include all four positions, that also disclosed during those Work Sessions was the deferment of the City Manager and City Clerk to another meeting. She added that it was fairly consistent to what was occurring at the state level and that she had checked with the Municipal League.

Councilor Romero mentioned that it was discussed at the Work Session although it was not agreed upon.

Mayor Gurulé-Girón advised that it was agreed upon, that was why it came back to the Work Session and that they were still finalizing.

Councilor Romero advised he was yielding the floor to Councilor Casey.

Councilor Casey advised that a constituent expressed that the agenda might possibly not meet the specificity requirements of the Open Meetings Act, in that the names of the persons to be appointed were not included in the action items of the agenda. She stated that she contacted Mr. Dellman with the Attorney General's Office, OMA Regulations in order to find out how to settle the issue and that Mr. Dellman advised that while it did not meet the specific requirements, the Council needed to agree not to do this again, to include names in future appointments, having Council recognize that names were not included and would be on record in the case that someone were to challenge it.

Mayor Gurulé-Girón advised that she had the original agenda she had prepared and had given it to Interim City Manager Gallegos and added that it did have the names of the Police Chief and the City Attorney. She stated, "why they were not included, is beyond my comprehension" and asked Interim City Manager Gallegos if she knew what happened.

Interim City Manager Gallegos advised that she did not know what happened although they could include them and proceed with the agenda.

Mayor Gurulé-Girón assured that she had included the names and in regards to the resumes, she was unsure of releasing them to Council until she clarified with an attorney. She stated the City's attorney was unavailable at the time and recommended to Council to make an amendment to include the names before adopting.

Councilor Casey made a motion to amend the agenda to include the names to the City Attorney, Esther Montoya and Police Chief, Jerry Delgado. Councilor Ulibarri, Jr. seconded the motion.

Councilor Howell made a motion to go into Executive after Public Input to discuss personnel matters, as permitted by Section 10-15-1 (H)(2) of the New Mexico Open Meetings Act, NMSA 1978, to discuss the contracts and the candidates.

Mayor Gurulé-Girón stated that they would not go into Executive Session for the reason of the appointees not being employees of the City.

Councilor Howell asked if it would be discussed during the meeting.

Mayor Gurulé-Girón advised that it would be discussed during the meeting.

Mayor Gurulé-Girón advised that there was a first and a second motion and asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	David G. Romero	No
Barbara A. Casey	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

PUBLIC INPUT

Robert Gutierrez spoke in support of Chief of Police appointee Jerry Delgado and described him as a good and loyal friend, devoted husband and grandfather. He spoke highly of his strong character, how Mr. Delgado's goals were to change the Police Department for the better and his plans to make a positive difference in the City of Las Vegas. He stated that Mr. Delgado started his career with the Las Vegas

Police Department, that his roots were here in town and had genuine care for this town and asked for the approval of the appointment of Jerry Delgado as Chief of Police.

Lalo Sanchez spoke of his disappointment with the City of Las Vegas regarding issues of water in his household.

BUSINESS ITEMS

1. Confirmation to appoint City Attorney, Esther Garduno Montoya.

Mayor Tonita Gurulé-Girón advised that as per City of Las Vegas Municipal Charter, Article V, Officers, Directors and Employees, Section 5.04. City Attorney, C. The Mayor shall appoint the city attorney subject to Council approval. D. The Governing Body shall enter into a contract with the City Attorney which shall establish, among other matters, compensation, benefits, duties and responsibilities.

Mayor Gurulé-Girón introduced City Attorney appointee, Esther Garduno Montoya and recognized Kim Delgado, Roy Montibon and herself as the interview committee for City Attorney and asked Council to direct questions to her.

Councilor Howell commended Ms. Montoya on her many accolades and was impressed of the comments received as the City Attorney years ago. He stated that his concern was about the contract that was developed, that Council had not had any discussion about the contract prior to it being developed and not having names included. He added that discussion should involve Council regarding specifically about compensation, the termination clause and he did not agree with the contract.

Mayor Gurulé-Girón advised that if he was not pleased with the contract, that this was a good time to discuss it, and stated that in the past when they had a contract negotiation, they would openly discuss it in an open meeting and any concerns the Council had with the contract were on the record, and added that this process had been used before, for many years and any concerns were on the record. She stated that she spoke with Attorney Danelle Smith who prepared the contract and added that the employee understood that the terms and conditions could change. Mayor Gurulé-Girón advised that there was nothing binding in the contract until the Council made the determination to approve the appointment

and the contract and she strongly advised Council that their comments be on record.

Councilor Howell asked why a salary of \$100,000.00.

Mayor Gurulé-Girón explained that every City Attorney had been paid \$100,000.00 and that she was not discrediting any past attorneys although they did not have the Municipal experience that Ms. Garduno had which was twice the experience and expertise.

Councilor Howell advised that the Council had not agreed to the compensation of \$100,000.00 and had not had discussion regarding the compensation.

Mayor Gurule-Girón advised that she believed the terms and conditions of the contract were administrative although the appointment was up to the Council.

Discussion took place regarding the process of the Council's responsibility in the negotiating of compensation of the contract and how it would affect the budget.

Councilor Casey asked a question regarding item 1, the term, stating that "the contract would begin at the time the Council approves it and continue in effect until the day after the next city election in March". She advised that the next election was in 2020 and that she could not support that, that a contract should be fiscal year to fiscal year not from election to election.

Mayor Gurule Giron stated that she was looking at year to year regarding the length of the contract which would be August to August due to not having an election.

Councilor Casey had a concern and felt uncomfortable because of past history when this Council wanted to discuss the removal of one of the Mayor's appointees. She advised that the Mayor assured them at that time they voted for that person, that she would listen to their concerns and remove that person, if that was the wish of the Council and she did not do it. Councilor Casey stated that in her view that was not taken care of as the Mayor stated and in her opinion, he was not doing his job adequately, especially in terms of dealing with employees. She advised that she did not agree with the language on the contract under the Termination Clause 8B, which stated the contract would end automatically after the City election.

Mayor Gurule-Girón advised that the statement was consistent with what they did with the prior contract.

Councilor Casey advised yes and that she did not agree with that and suggested that they go with the date of hire for one year and in the future, to do their best to hire at the beginning of the fiscal year.

Mayor requested emails of any concerns from the Council regarding the contract and clarified that the contract would be for 12 months.

Councilor Casey had a concern regarding item 2C, *"city council members seek to obtain council as to a specific matter or a legal opinion as to matters of city business, which will have the approval of the governing body through consensus at a regular/special meeting of the council in order for the city attorney to undertake the requested work"*. She stated that that language was a compromise that they made last year through the other attorney, and had a problem with that. Councilor Casey advised that the City Attorney should be available to the Council for urgent issues if other legal assistance was not available.

Mayor Gurulé-Girón advised that they did not want to tie up the City Attorney with legal opinions from Council, that the City pays the Municipal League for the legal service for the Council. She stated that if the Council felt that the Municipal League was not meeting their needs, that the City did not have to continue with them.

Councilor Romero asked why the language just used regarding the Council participation with the Attorney, could not be included in the contract.

Mayor Gurulé-Girón advised, because it had already been passed as a resolution.

Councilor Casey asked if they could present a new resolution.

Mayor Gurulé-Girón stated yes, although it would have to go through a consensus and stated that the contract was open for negotiations, the only thing needed today was the appointment and stated she would look at the Councilor's opinions and concerns and forward those to the City Attorney and sit down with the attorney before finalizing the contract. She advised they could do a consensus via email and the attorney would also forward the contract to them.

Councilor Romero addressed Ms. Montoya and Mr. Delgado, stating that on his behalf he felt that the process was not transparent, receiving information at the last minute, not being notified until 5pm on Friday, receiving resumes via email and decisions being made with no collaboration with the Council. He stated that the Council was voted by their constituents to represent them with transparency and integrity and added that their constituents expected them to do their due diligence and carefully review all that they vote on . Councilor Romero advised that he did have the opportunity to meet Mr. Delgado although had questions that might be of legal matter and agreed with Councilor Howell in having discussion in Executive Session.

Mayor Gurulé-Girón stated that they could not discuss a personnel matter in executive session, that's consistent with policy.

Councilor Romero stated the he was a chairman for four years at West Las Vegas, and he knew exactly what could and could not be discussed in executive session and that he had hired superintendents and that the whole interview process was done in executive session consistent within the law.

Mayor Gurulé-Girón stated that they were not employees of the City of Las Vegas and was not a personnel matter, and that he was incorrect.

Councilor Casey stated that they had gone into Executive Session before with other people who were going to be appointed and were not employees of the City yet, and asked, why now?

Mayor Gurulé-Girón stated that it was because she allowed it, although now the Council had held her to every single rule, so therefore they would operate by every single rule and that in the past she had been very cooperative with the Council. She advised that they were not employees of the City, it did not fall into personnel and she had already checked on it.

Councilor Romero advised that he had reviewed the Open Meetings Act. He mentioned that he did not know what attorney gave her the information and stated to the Mayor, since she was being so transparent, he asked what attorney had given her that information.

Mayor Gurulé-Girón stated that the City's regular attorney Danelle Smith, gave her that information.

Councilor Romero advised that he wished that she was present so that they could ask her that question.

Mayor Gurulé-Girón stated that she was handling another situation, a personal matter.

Councilor Romero advised that he was curious, and added there was no disrespect to Acting City Attorney David Silva, that the City had him on board although did not use him and stated that he was confused as to why they use Danelle Smith.

Mayor Gurulé-Girón advised that she had a history with the City of Las Vegas for over 20 years.

Councilor Romero apologized to Ms. Montoya and Mr. Delgado for taking up their time and believed he was not given due diligence to review background information. He stated that in his opinion, he had seen the process of hiring without background checks and did not know if backgrounds had been done although that that was very important to him, before voting on the item. Councilor Romero apologized once again and stated that he meant no disrespect, that he did not know what was going to happen, maybe the Mayor would be more open and give the Council the information and put them on the agenda again to appoint. He asked that they not take it personally as he was not given the information within enough time.

Councilor Casey advised that they received the agenda and copy of contracts Friday but did not get the resumes until yesterday, which was not within a 72 hour period.

Mayor Gurulé-Girón advised that the agenda stated a final agenda with other added items requires a 24 hour notice and that she was also unaware of the release of the resumes .

Disagreement took place regarding if the resumes fell under an agenda item.

Councilor Casey stated that there was legal precedent that had been set in another state where not only resumes of appointees but also all the resumes and

applications of the individuals that had applied for the positions, had been released.

Discussion took place regarding that resumes were releasable when requested.

Councilor Casey requested that the applications and resumes of all the applicants be released to her.

Councilor Romero stated that he found it odd that the Mayor questioned the attorney to release the resumes to the Councilors although that there was no question in giving resumes to the committee that interviewed, when they were the elected body.

Mayor Gurulé-Girón advised that they were part of the interviewing committee and was consistent with the Charter. She advised that Councilor Romero was incorrect regarding them not receiving the resumes with enough time and that all that was required was 72 hours and 24 hours for any added information and that it was met. Mayor Gurulé-Girón advised that two resumes could have been reviewed in about 1 to 2 hours.

Councilor Howell was concerned with termination clause, and stated that the person hired would be at the will of the Governing Body, therefore it would be their responsibility to have a comprehensive discussion regarding the hiring. He stated that he did not feel this was a comprehensive discussion and that was the reason of going into Executive Session, to discuss resumes, contract information, backgrounds and expertise of the applicants. Councilor Howell advised the Governing Body needed to have consensus to approve the Mayor' appointees and was important for them to be involved.

Mayor Gurulé-Girón stated that that was why they were having an open meeting today, that they would not hide anything from the public. She advised that they asked for transparency and she was giving them 100% transparency and asked if there were any questions for Ms. Montoya or the committee.

Councilor Howell advised that the process they were using was very concerning to the Council, and as he had mentioned at the last meeting, they needed to be involved in discussion regarding the appointees and the contracts.

Mayor Gurule-Girón advised that the Mayor appoints and sets up a committee and the process was consistent with the charter.

Discussion took place regarding the issue of transparency.

Mayor Gurule-Girón stated that in the past, with a different Mayor, that this was never the process, that he never allowed the Council to openly ask any questions. She added that they either discussed the terms and conditions of the contract, that they either approved his recommendations or they did not and added that she was doing all that she could do to work with this Council and was giving them the opportunity to ask questions.

Councilor Casey advised that she was speaking for herself and understood what Councilor Howell was trying to say and stated that the transparency for the Council had not happened until tonight. She advised that the Mayor kept mentioning the Charter and was sorry to say that she interpreted the Charter however she wanted and informed that she had never seen policy, that all the policies were different from the City Charter, Ordinances to the Governing Rules/Procedures and that nothing matched. Councilor Casey stated that it was whatever the Mayor picked and chose at the time and that it had created a huge problem. She added that it was difficult for the Council to be expected to come in and vote yes to appoint people that they did not know. Councilor Casey stated she had received calls regarding the appointees and did not want to discuss everything in open session with chances of embarrassing anyone, speaking out of turn with the chance of being sued. She stated that in reality this was not being transparent and felt it was not fair to the appointees or the Council and should be discussed in Executive Session.

Mayor Gurule-Girón advised that as discussed before, the Mayor will appoint and the Council will confirm, and could only go into Executive Session in a personnel matter, if that individual was an employee of the City and they were not employees and therefore was an open discussion. She stated that she would stand her ground on this and asked if there were any questions for the candidates or the committee.

Councilor Casey stated that she had a lot of respect for all the committee members who served on the committee, were very involved in the community, wonderful citizens and she had no doubt on their recommendations made in good

faith although could not vote yes on either one until she saw a contract that was written correctly.

Mayor Gurulé-Girón stated that they were not discussing the contract, that they were discussing the appointment.

Councilor Casey advised that she would not vote on the appointment until the contract was correct, in front of her and that she was assured of the language that was in the contract.

Mayor Gurulé-Girón advised that if the Council realized that if the appointment was not confirmed today then she could not bring the same appointment back to the Council.

Councilor Casey asked why she would not be able to bring it back to Council.

Mayor Gurulé-Girón advised that it was stated in the Charter.

Councilor Howell questioned that specific statement being in the Charter.

Mayor Gurulé-Girón stated yes, that she read it and that she was concerned about that.

Councilor Romero made a motion for a 5 minute recess so that the Mayor would have the opportunity to show exactly where it was stated in the Charter.

Mayor Gurulé-Girón stated that she did not know where it was and that the Councilors could look for it or talk to the attorney.

Councilor Romero made a motion for a 5 minute recess in order to clarify that. Councilor Casey seconded the motion.

Mayor advised that they did not need a motion and just to go ahead and recess for 5 minutes.

A 5 minute recess was taken.

Councilor Romero made a motion to reconvene into regular session.

Mayor stated they were reconvened into regular session and asked if anything had been found.

Interim City Manager Gallegos advised that nothing was found in the Charter.

Acting City Attorney David Silva stated that he found no restrictions on resubmitting a name or person for appointment.

Mayor Gurulé-Girón advised that she knew she had read it and did have the information at home although there was no time to go look for it and that it stated that if the appointment was not accepted, it would have to be brought back with a new appointment, she advised that she had to find that policy to be absolutely certain. She added that after speaking with the Clerk, informed that the Council did not have the authority to negotiate the contract, which was an administrative function.

City Clerk Fresquez clarified that it was the City Manager along with the City Attorney that handled that administrative function.

Mayor Gurulé-Girón advised that the Council's duty was to confirm the appointment and was still willing to work with the Council, to ensure City Attorney and the City Manager look at the contract and stated that the City Attorney reviewed the contract and asked what the pleasure of the board was.

Councilor Ulibarri, Jr. made a motion to appoint Esther Garduno Montoya as City Attorney.

Mayor Gurulé-Girón asked for a second, there was no second motion.

Mayor Gurulé-Girón advised that the motion died.

Mayor Gurulé-Girón thanked the committee members for their due diligence and interviewing this exceptionally, qualified person and thanked Esther Garduno and apologized wholeheartedly to her for not being confirmed and added that this was a huge disservice to the City.

Councilor romero asked for the floor.

Mayor Gurulé-Giró stated to Councilor Romero that there was nothing to discuss and called up Mr. Delgado, Ms. Ortega and Mr. Crow and opened the floor for questions.

2. Confirmation to appoint Police Chief, Jerry Delgado.

Mayor Tonita Gurulé-Girón advised that as per City of Las Vegas Municipal Charter, Article V, Officer, Directors and Employees, Section 5.06, The Mayor shall appoint the Chief of Police, subject to Council approval. The Governing Body shall enter into a contract with the Chief of Police which shall establish, among other matters, compensation, benefits, duties and responsibilities.

Councilor Romero stated that he wished she was more open and willing to work with the Council in giving them more time and could not believe she let, which he believed a good person go.

Mayor Gurulé-Girón stated she did not let her go, that they did.

Council Romero advised that she was not open to them and needed more time to review.

Mayor Gurulé-Girón advised Councilor Romero she had given 72 hours to review, a 24 hour agenda, that there was no excuse for his disservice to his community, no excuse for not showing up to meetings, no excuse for his behavior anymore and that it was dereliction of duty on his part. She stated that if he felt that he could not serve this community, why didn't he just step down and let somebody else take over, somebody else that cared about the community. Mayor Gurulé-Girón stated that she was tired of his constant complaining in open public meetings about the Mayor. She advised that she had served on the Council for 10 years, that she never complained to the Mayor, she came prepared and did her job. She continued to say that she showed up to meetings, that she missed one meeting in 10 years and never undermine the efforts of the City, the employees or this administration. Mayor Gurulé-Girón stated that that was all Councilor Romero did so far and told him not to complain anymore about the Mayor and that it was his duty to either confirm or not confirm.

Councilor Romero advised the Mayor that he had never worked for a dictatorship.

Mayor Gurulé-Girón stated that it was not a dictatorship, it was a duty and that she had authority as he did as a legislative and executive branch and advised Councilor Romero to read the Charter and familiarize himself with it.

Councilor Casey stated that if she had allowed Councilor Romero or any one of the Council to say something after you asked Ms. Montoya to leave, they could have done something else.

Mayor Gurulé-Girón asked Councilor Casey, if you do not confirm, what else are you going to do, it is your duty.

Councilor Casey advised that she would not confirm that contract until she could see that the contract had been corrected with what the Council wanted in it, asking that Council reviews the final contract before they would take a vote on the confirmation.

Mayor Gurulé-Girón stated that she assured her in an open public meeting, that the contract would go through the Council before she signed it and that her duty was to confirm.

Councilor Casey stated "she did not want to say this publicly but was going to, because she insisted in being so transparent, there is no trust, if I trusted you to do what you say and what you're going to do, I would happily have voted but I don't trust that it will be done in a certain amount of time, I don't trust that we'll see it before you sign it and I won't vote to confirm until I have that contract before me and see what it says, what it is supposed to say".

Mayor Gurulé-Girón advised that if anyone should have a question of trust that it was her, and stated that all three Councilors had censured and lied about her publicly.

Councilor Romero advised the Mayor that he had never censured her.

Mayor Gurulé-Guruléó apologized to Councilor Romero stating he did not censure her.

Councilor Romero apologized to Mr. Delgado and spoke with him about how he was disgusted with the process and not to say that he was not deserving although

it was the process that he was voting against and wished he could have apologized to Ms. Montoya.

Mayor Gurule-Girón stated that the process had been followed and stated to Councilor Romero that there was no need to apologize for his failure to make a decision. She advised that the past Mayor never did this, he just selected whoever he wanted. She thanked Mr. Crow and Ms. Ortega for their hard work on the interview and apologized to Mr. Delgado, if he was not confirmed.

Mayor Gurulé-Girón stated for record “don’t be complaining about organizational meetings, appointments or confirmations, when you cant even do your duty”

Councilor Ulibarri, Jr. stated he did receive both resumes on Monday and it did not take long to read it and see the qualifications which were awesome and added that his vote was to appoint Mr. Delgado for Police Chief.

Mayor Gurulé-Girón asked Ulibarri, Jr., if that was a motion.

Ulibarri, Jr. confirmed it was a motion . Mayor Gurulé-Girónasked if there was a second motion.

Councilor Romero made a second motion for roll call to be taken.

Roll call vote was taken and reflected the following:

Barbara A. Casey	No	Vincent Howell	No
David G. Romero	No	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion did not carry.

Mayor Gurulé-Girón thanked Mr. Delgado, Ms. Ortega and Mr. Crow for their due diligence to the community and asked them to please look at their Council members very carefully in the future.

3. Approval/Disapproval to reemploy all classified City employees.

Councilor Casey made a motion to reemploy all classified City employees.

Councilor Romero asked Mayor to explain what she meant by “ all classified” employees.

Mayor Gurulé-Girón stated that under state statute, all city employees must be reemployed after every election.

Councilor Romero asked a question in regards to Interim Directors as well.

Interim City Manager Gallegos stated that they continue as Interim Directors unless they had been appointed other wise.

Councilor Ulibarri, Jr. seconded the motion.

Mayor Gurulé-Girón advised that there was a first and a second motion and asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	David G. Romero	Yes
Barbara A. Casey	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

ADJOURN

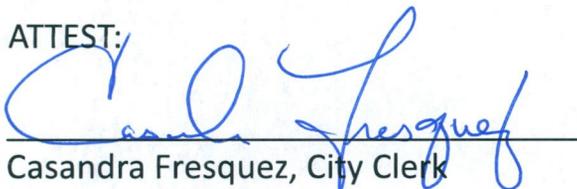
Councilor Ulibarri, Jr. made a motion to adjourn.

Mayor Gurulé-Girón stated she adopted the motion to adjourn.



Mayor Tonita Gurulé-Girón

ATTEST:



Casandra Fresquez, City Clerk