



MICHAEL NEALEIGH  
Mayor

ROBERT WILSON  
Mayor Pro-Tem.

## VILLAGE OF JEMEZ SPRINGS

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JUDY BOYD

Trustee

JAMES MCCUE

Trustee

MANOLITO SANCHEZ

Trustee

## VILLAGE OF JEMEZ SPRINGS REGULAR VILLAGE COUNCIL MEETING MINUTES

Tuesday, August 20, 2024, 6:00 PM

Governing Body Conference Room

### 1. Call to Order

Mayor Nealeigh called the meeting to order at 6:00 PM.

- Members Present: Mayor Mike Nealeigh, Trustee Judy Boyd, Trustee James McCue, Trustee Manolito Sanchez, Trustee Robert Wilson, Interim Clerk Heather Gutierrez Members Absent: None Guest Speaker: Ryan Magee, UNM-SWEFC
- Others: Finance Director Jim Cox, IT Consultant Fred Simmank, Wastewater Operations Manager Rose Fenton, Planning & Zoning Commission Chair Betsy Daub, Library Board Chair Barbra Stone, Librarian Janet Phillips, Fire Chief Craig Francois, Police Chief Joe Moreno, Steven Neff, Talia Michell, Allan Turner, Cheryl Maracich, Cliff Elliott, Olympia Holliday, Stephen Anderson, Monique Alton, August Gula

### 2. Pledge of Allegiance

The Pledge of Allegiance was recited by all in attendance.

### 3. Approval of Agenda

Trustee Boyd noted a typographical error on the agenda, stating Monday, August 20th, instead of Tuesday, August 20th. The Mayor confirmed that the error had been corrected on copies distributed to the public.

Motion: To approve the agenda as corrected, made by Trustee Sanchez, seconded by Trustee McCue. Motion passed unanimously.

### 4. Approval of Minutes

Trustee Wilson identified a misspelling of Trustee Sanchez's last name in the July 15th Regular Meeting minutes. Trustee Boyd pointed out an error in the heading of the July 15th Special Meeting minutes, which was labeled as "Regular Meeting Minutes".

Motion: To approve the minutes from the July 15th, 2024 Special Meeting and Regular Meeting, as corrected, made by Trustee Sanchez, seconded by Trustee Boyd. Motion passed unanimously.

### 5. Public Input

A community member asked if hard copies of the agenda were available at the meeting. Mayor Nealeigh explained that agendas are posted online the Thursday prior to each meeting, but agreed to provide hard copies at future meetings. No further public input was offered.

### 6. Court Report

The Mayor presented the court report for July 2024. He clarified that while the report was addressed to him, the court operates independently of the Mayor and the Council. No questions or comments were raised regarding the report.

### 7. Mayor's Report

Mayor Nealeigh presented a comprehensive report covering various aspects of Village operations.

a. Code Enforcement: No active code enforcement issues were reported.

b. Administration:

- The Mayor announced that a Gross Receipts Tax ordinance may be presented for consideration at the September Council meeting, pending proper public notice.
- He confirmed that there are no updates regarding the Open Meetings Act (OMA) and Inspection of Public Records Act (IPRA) claims filed against the Village.
- Regarding ongoing projects, the Mayor reported that:
  - A facility request form is under development to streamline the process for those seeking to use Village facilities. Public input will be sought.
  - The electrical service at the new building at Civic Center Park is now connected. Efforts are underway to connect water and sewer and to construct ADA accessible porches. The Mayor is optimistic that these projects can be done using existing grant resources.
  - Progress on the Dark Sky Project is expected to accelerate, with meeting scheduled in September with the fixture supplier and the New Mexico Department of Transportation (NMDOT) to discuss project requirements, timeline, and available funding.

c. Personnel Matters: No personnel matters were reported.

d. Community Relations:

- Meeting with State Representative: The Mayor announced that a meeting is scheduled for August 21, 2024 with State Representative Christine Chandler. The purpose of the meeting is to discuss Village priorities, potential funding opportunities, and to thank Representative Chandler for her years of support of the Village.
- Communications and Customer Service Initiative: The Mayor provided details about a "Communications and Customer Service Initiative" that is being implemented with funding provided by Sandoval County Commissioner Joshua Jones. The initiative, developed collaboratively by Village staff and the Mayor, will increase communication and improve customer service. It includes four key components:
  - Two-Way Text Messaging System: A two-way text messaging system is being developed that will allow residents to opt-in to receive important announcements, emergency alerts, updates, deadlines, and other relevant information from the Village, as well as submit questions or concerns to the Village.
  - Informational Web Pages: A series of pages will be added to the Village website and developed to provide residents with easily accessible information about key Village functions, services, regulations, and frequently asked questions.
  - Volunteer Workstation: A designated workstation with a printer will be set up at the Village office for the use of volunteer groups--such as the Library Board, Lodgers Tax Board, and Planning and Zoning Commission.
  - Online Form Filling and Payment: The feasibility of implementing online form filling and payment options for Village services will be investigated with the goal of delivering services more efficiently and potentially reduce administrative costs.

The Mayor emphasized that the Communications and Customer Service Initiative is in development and that public input will be sought before final implementation.

e. Boards and Commissions:

- Library Board Chair Barbra Stone reported that the board did not meet in July and August but will resume their regular meeting schedule in September.

- Lodger's Tax Chair James McCue did not have anything to report.
- The Planning and Zoning Commission submitted the draft minutes from their July meeting. There were no questions from the Council.

f. Department Reports:

- Bath House: The Bath House report for July 2024 was presented, providing an overview of the month's operations, including visitor numbers, revenue, and expenses. There were no questions from the Council regarding the report.
- Fire Department: Minutes from the Jemez Springs Volunteer Fire Department's latest meeting was presented. In addition, Fire Chief Craig Francois confirmed that half of the funds annually allocated for the Village from state Fire Funds have been received. He also discussed the recent loan pay off on a firetruck. Additional discussion focused on the process for obtaining the title to the firetruck.
- Information Technology: The written report was presented and IT Consultant Fred Simmank outlined the status of ongoing IT projects, maintenance activities, and any technical issues addressed during the month. There were no questions or additional comments from the Council.
- Library: The written report was submitted and Librarian Janet Phillips highlighted the successful completion of the summer reading program, noting that a record number of children had participated and completed the program's reading requirements. Ms. Phillips emphasized the program's positive impact on fostering literacy and engagement with the library, particularly among younger residents. She acknowledged that the program's success was even more remarkable considering the challenges posed by the library's recent relocation back into its renovated building at the beginning of June.
- Police: The written Police report was presented. The Police Chief was delayed by official duties and was unable to attend the first portion of the meeting.
- Public Works: The Public Works report provided a summary of the department's activities during the month, focusing on routine maintenance, groundskeeping, and special projects undertaken. Specific tasks completed were outlined. There were no questions or comments from the Council.
- Wastewater Operations: Wastewater Operations Manager Rose Fenton presented the Wastewater Operations report.
  - ARPA Project Updates: Ms. Fenton discussed the progress of various infrastructure improvement projects funded through the American Rescue Plan Act (ARPA). She noted that \$268,000 of the \$450,000 ARPA funds have been obligated with the remaining \$182,000 scheduled to be committed to wastewater projects by the end of the year. Ms. Fenton answered questions from the Trustees and community members present.
  - Wastewater Rate Assessment Presentation: UNM-SWEFC Consultant Ryan McGee presented a detailed report on a recently completed wastewater rate assessment. Mr. McGee explained the methodology used to analyze the wastewater system's current financial status, projected operational costs, and infrastructure needs. He presented several scenarios for rate increases, outlining the potential impact of each scenario on different customer classes (residential, small commercial, and large commercial) both within and outside Village limits. Mr. McGee emphasized that the proposed rate increases were necessary to ensure the long-term financial sustainability of the wastewater system, allowing for essential maintenance, repairs, upgrades, and compliance with regulatory requirements. He concluded his presentation by fielding questions from the Council and community members regarding the proposed rate analysis and the rationale behind it.

## 8. Trustee Reports

- Trustee Boyd raised concerns about the financial burden of sewer rate increases on residents, particularly those with limited incomes. She suggested exploring community outreach efforts to inform residents about potential state and local assistance programs for utility bill payments.
- Trustee McCue had no report.
- Trustee Sanchez shared insights from his recent participation in the Municipal Official League Institute (MOLI) training. He highlighted the value of the training, emphasizing the resources available to municipalities and the importance of collaboration with other communities. He encouraged fellow trustees to attend future MOLI trainings.
- Trustee Wilson had no report.

## 9. Finance Board

A motion made by Trustee Wilson and seconded by Trustee Sanchez to convene the Finance Board passed without opposition.

### a. Interim Clerk Report:

- Interim Clerk Heather Gutierrez summarized her activities for the month of July 2024. She focused on the routine operations of the Clerk's office, detailing the processing of invoices, issuing checks, managing cash receipts, preparing bank deposits, reconciling bank statements, and performing other essential accounting and financial record-keeping tasks.
  - Copier Service Contract Update: Mayor Nealeigh informed the Finance Board that a new contract for copier services has been negotiated with Pacific Office Automation (POA), replacing the previous contract. The new contract is approximately \$1,000 a year less than the previous five-year contract and places new copiers in the Village Office, in the Library, and at the Bath House. The Mayor reported that in the process of negotiating the new contract it was discovered that the Village has been paying a third-party vendor for toner that was included in the lease agreement with POA. It appears that someone at the Village office, possibly over a year ago, had responded to a fraudulent solicitation that led to the Village being enrolled in this unauthorized agreement. Steps have been taken to rectify the situation.

### b. Finance Director's Report:

Finance Consultant Jim Cox presented a financial report covering prior fiscal years, the recently completed fiscal year, and the current fiscal year.

#### i. Prior Fiscal Year(s) – 2022 & 2023:

- Audit Status: Mr. Cox reported that the audit for Fiscal Year 2022 is still pending, with completion and submission to the state auditor expected soon. He is actively compiling the necessary documentation and information for the auditors' review. Work on the Fiscal Year 2023 audit is also underway, and the audit for Fiscal Year 2024 would be initiated shortly.
- Outstanding Liabilities: Mr. Cox reported that outstanding bills totaled \$181,520.40.
  - \$68,000 owed to various vendors for goods and services.
  - \$108,000 owed to insurance vendors.
  - \$5,000 owed for a specific bill that will be paid using funds from the Law Enforcement Protection Fund once those funds are disbursed to the Village.

- Plan for Addressing Liabilities: Mr. Cox acknowledged the significant amount of outstanding liabilities and indicated that he would present a detailed plan for addressing these obligations during the Fiscal Year 2025 portion of his report.
- ii. Just Completed Fiscal Year – 2024:
  - FY24 Closeout: Mr. Cox reported that the fiscal year ending June 30, 2024 (FY24) has been successfully closed out. All required financial reports, including the fourth quarter report approved by the Council at the previous meeting, have been submitted to the New Mexico Department of Finance and Administration (DFA).
  - DFA Review: Mr. Cox noted that the fourth quarter report was currently under review by DFA. While final approval from DFA is not expected for several months, he did not anticipate any significant issues or changes.
  - Pending Audit: The primary outstanding item for FY24 is the completion of the annual audit. Mr. Cox reiterated that the audit process is underway and would proceed according to the established schedule.

iii. Current Fiscal Year – 2025:

1. Property Owner at 16295 Highway 4 Request for Sewer Bill Refund: A motion was made by Trustee Wilson and seconded by Trustee McCue that Mr. Anderson be granted a \$2,507 credit to his sewer account against future sewer charges.
  - Mr. Stephen Anderson addressed the Finance Board regarding his request for a sewer bill refund. Mr. Anderson explained that he has been making automatic monthly payments for sewer service on the property since 2004 (244 months). Mr. Anderson estimated that he had paid approximately \$8,006 and is requesting a refund in that amount.
  - Mayor Nealeigh presented the following evaluation of the situation.
    - At the time Mr. Anderson assumed ownership a trailer connected to water and sewer was located on the property.
    - Sometime around July of 2004 he began paying the base-rate sewer bill of approximately \$25.07 by means of an automatic payment through his bank.
    - At some point in the in the history of this account the base-rate payment shifted from a payment for services to a credit.
    - In July 2022 the account showed a credit balance of \$1,955.40 which grew to \$2,507.00 in April 2024 when automatic payments stopped.
    - Estimating from the July 2022 beginning balance of \$1,945.40, the monthly payment may have shifted to credit in October 2014 (6 years and 8 months earlier).
    - The Wastewater Department records are not accessible prior to this date.
    - The Mayor pointed out that if payments to the account began accumulating as credit at the earliest possible date (July 2004) and accumulated for 244 months at the rate indicated on his April 2024 statement (\$25.07), the total credit would be no more than \$6,117.08.
  - Following period of discussion, the Mayor called for a vote on the motion. The motion failed by a vote of 4-0. The Mayor agreed to investigate Mr. Anderson’s situation further. Mr. Anderson indicated that he may file an IPRA request.
2. Mr. Cox then continued his fiscal year 2025 report:
  - Unpaid Payroll Taxes: Mr. Cox reported that the Village had received a notice from the Internal Revenue Service (IRS) indicating that certain payroll taxes dating back to 2020 had not been properly remitted. Based on his review of available records and the IRS notice, Mr. Cox estimated that the Village’s total liability for unpaid payroll taxes, including both

federal and state withholding taxes, may be as much as \$160,000. He cautioned that this is an estimate, and the actual amount owed could be different once the IRS completed its review.

- Mr. Cox explained that his investigation revealed that the issue stemmed from problems with the Village's QuickBooks payroll system. It appears that QuickBooks has not been filing the required payroll tax forms (941s) correctly, and the estimated payroll taxes had not been paid to the IRS. He attributed this to missing information within the QuickBooks system and to the existence of three separate QuickBooks company files using the same Employer Identification Number (EIN).
- Mr. Cox explained that the Village is currently in a holding pattern while the IRS processes the initial payment that had been made. Once the payment is processed, the IRS is expected to provide further guidance on the remaining balance owed and any additional steps required to resolve the issue.
- Mr. Cox assured the Finance Board that he was implementing procedures to ensure that all future payroll tax filings and payments would be made on time and accurately. This included working with the Village's payroll provider to resolve the issues with QuickBooks and establishing a system for closely monitoring payroll tax obligations.
- Mr. Cox then highlighted several positive financial developments for the current fiscal year (FY25):
  - Improved Budget Monitoring: Mr. Cox reported that the Village had implemented a new system for monitoring departmental budgets. Monthly budget-to-actual reports are now provided to department heads and budget managers, allowing for closer tracking of expenditures and proactive identification of potential budget variances. On the revenue side, Gross Receipts Tax (GRT) collections are in line with expectations, and he was confident that the Village will meet its budgeted GRT revenue target for the year.
  - Final Budget Submission and Approval: The final budget for FY25, approved by the Council at the previous meeting, has been submitted to the DFA for review and approval. He anticipates that the DFA will complete its review and formally approve the budget by September 6th. The final budget was essentially identical to the interim budget adopted by the Council, with only minor adjustments to cash balances.
  - GRO Funds Award: Mr. Cox reported that the Village has been awarded \$160,000 in "GRO Funds" through the advocacy efforts of State Representative Christine Chandler. Designated for general Village operations, these funds will provide a much-needed infusion of resources to support essential services and programs. Mr. Cox explained that he and the Mayor have met with representatives from the Mid-Regional Council of Governments (MRCOG), which is administering the GRO Funds program. The Village's budget for utilizing the GRO Funds has been approved, and an intergovernmental agreement between the Village and MRCOG is pending. Once the agreement is finalized, the Village will be able to access and expend the funds.
    - Mr. Cox explained that by using the GRO Funds to cover current operating expenses, cash will be freed up to make payments on the \$181,000 in outstanding bills from prior years. This strategy will allow the Village to reduce its debt burden while maintaining essential services.
  - New Mexico Self-Insurance Fund Reimbursement: Mr. Cox reported that the Village has received an insurance settlement of \$47,500 from the New Mexico Self-Insurance Fund. This payment is related to expenditures made toward the mold remediation at the Library. The funds will be used to make payments to vendors, further reducing the Village's outstanding liabilities.

- Vehicle Sale to Los Lunas: Mr. Cox informed the Finance Board that the sale of a surplus police vehicle to the Village of Los Lunas, approved by the Council earlier this year, was nearing completion. The sale will be finalized soon, generating \$45,000 in revenue for the Village. These funds will be strategically used as a "float" to cover upfront costs associated with grant-funded projects. This approach will allow the Village to access and utilize grant funds more effectively, as reimbursement processes for grant expenditures can often take several months.
- Ongoing Financial Management: Mr. Cox concluded his report by reiterating his and the Mayor's commitment to addressing the Village's financial challenges and to implement sound financial management practices. He expressed optimism about the Village's financial outlook for FY25, citing the availability of new funding and the implementation of budget monitoring procedures. He acknowledged that challenges remained, particularly with the unpaid payroll taxes, but he is confident that these issues would be resolved in a timely and responsible manner.

A brief discussion followed regarding the payroll tax issue during which Mr. Cox assured those present that any monies owed for prior years will be properly accounted for in the relevant audits.

Motion: To adjourn the Finance Board, made by Trustee Sanchez, seconded by Trustee Boyd. Motion passed unanimously.

## 10. Old Business

### a. Resolution 2024-022 Approving Wastewater Rate Increases:

Motion: To remove Resolution 2024-022 from the table, made by Trustee Sanchez, seconded by Trustee McCue. Motion passed unanimously.

Motion: To approve Resolution 2024-022, adopting the wastewater rate increases with the small and large commercial tiers, made by Trustee Boyd, seconded by Trustee McCue.

Mayor Nealeigh read the resolution aloud, detailing the proposed rate structure:

#### Within the Village limits:

##### Residential

Base rate: \$59.00

Usage rate: \$ 12.00 for each 1,000 gallons

##### Small commercial (less than 3,000 gallons average previous year)

Base rate: \$110.00

Usage rate: \$12.00 for each 1,000 gallons

##### Large commercial (equal to or greater than 3,000 gallons average previous year)

Base rate: \$140.00

Usage rate: \$12.00 for each 1,000 gallons

#### Outside the Village limits:

##### Residential

Base rate: \$64.00

Usage rate: \$ 12.00 for each 1,000 gallons

##### Small commercial (less than 3,000 gallons average previous year)

Base rate: \$115.00

Usage rate: \$12.00 for each 1,000 gallons (prorated)

##### Large commercial (equal to or greater than 3,000 gallons average previous year)

Base rate: \$145.00

Usage rate: \$12.00 for each 1,000 gallons

A robust discussion followed regarding the proposed rate increases.

- Concern was expressed about the impact of the increases on vulnerable residents, particularly those on fixed incomes. Trustee Sanchez advocated for exploring alternative rate structures that might mitigate the burden on these individuals.
- Trustee Boyd echoed Trustee Sanchez's concern and suggested exploring ways to connect residents with potential state and local assistance programs.
- A community member questioned the disparity between the proposed rates and those charged by other similarly sized communities in New Mexico, citing a survey from the New Mexico Environment Department that suggested Jemez Springs' rates were significantly higher. Calls were made for a thorough investigation into the factors contributing to this discrepancy, advocating for transparency and a commitment to finding cost-saving measures.
- Other community members emphasized the essential nature of water and sewer services, urging residents to prioritize these necessities and acknowledge the true cost of providing them.
- Trustee Sanchez asked several questions about specific aspects of the expense budget and the cost of personnel moving forward and asked if the rate increase could be delayed for another year. Trustee Wilson expressed his opinion that a delay would only make the fiscal problem worse.

Once discussion concluded, Mayor Nealeigh called for a roll call vote on the motion to approve Resolution 2024-022.

Roll Call Vote: Trustee Boyd – Aye, Trustee McCue – Aye, Trustee Sanchez – No, Trustee Wilson – Aye. Motion passed 3-1.

## 11. New Business

a. Ordinance #200 Authorizing the Village to Enter into a Grant Agreement with the New Mexico Environmental Department:

Motion: To approve Ordinance #200, made by the Trustee Sanchez, seconded by Trustee McCue.

Mayor Nealeigh read the ordinance aloud. The ordinance authorized the Village to enter into a grant agreement with NMED for \$230,370 to fund the design phase of a project to rehabilitate the Village's wastewater collection system. The Mayor clarified that while the agreement was structured as a loan, it would be forgiven upon final approval, effectively functioning as a grant.

Roll Call Vote: Trustee Boyd – Aye, Trustee McCue – Aye, Trustee Sanchez – Aye, Trustee Wilson – Aye. Motion passed unanimously.

b. Resolution 2024-024 OSG Assigning Official Representatives and Signatory Authorities:

Motion: To approve Resolution 2024-024, made by Trustee McCue, seconded by Trustee Boyd.

The Mayor read the resolution which designated the Mayor and the Wastewater Operations Manager as the official contacts and authorized them as signatories for documents related to the NMED grant agreement and fund disbursement.

Roll Call Vote: Trustee Boyd – Aye, Trustee McCue – Aye, Trustee Sanchez – Aye, Trustee Wilson – Aye. Motion passed unanimously.

c. Resolution 2024-025 Adopting the 2026-2030 Infrastructure Capital Improvement Plan:

Motion: To approve Resolution 2024-025, made by Trustee Sanchez, seconded by Trustee Boyd.

Resolution 2024-025 formally adopted the Village's FY 2026-2030 Infrastructure Capital Improvement Plan (ICIP). The ICIP outlined a comprehensive list of infrastructure projects the Village intended to pursue over the next five years, including estimated costs and rankings. The Mayor explained that a valid ICIP is a prerequisite for applying for various grant programs, including the state's capital outlay process and other infrastructure-related grants. He acknowledged that the process for developing the ICIP had



been expedited due to a missed deadline and assured the Council that this truncated process would not be duplicated in the future.

- Discussion ensued regarding the process for prioritizing projects within the ICIP. Trustee Sanchez expressed frustration with the expedited timeline, which had limited opportunities for Council input on project prioritization. The Mayor emphasized that the decision-making authority for selecting projects to pursue with grant funding remains with the Council.

Roll Call Vote: Trustee Boyd – Aye, Trustee McCue – Aye, Trustee Sanchez – Aye, Trustee Wilson – Aye. Motion passed unanimously.

d. Granting Authority to the Mayor to Negotiate a Memorandum of Understanding with the Pueblo of Jemez:

Motion: Made by Trustee McCue and seconded by Trustee Sanchez to grant the Mayor authority to negotiate an MOU with the Pueblo of Jemez in consideration for the Village not pursuing the appeal related to the Pueblo's trust-to-fee application for property within Village limits. The Mayor will bring back any negotiated agreement for public input and final decision by the Village Council.

- Discussion centered around the scope of the Mayor's authority and the transparency of the negotiation process. A community member expressed concern about the potential for closed-door negotiations, advocating for open discussions and public input. The Mayor clarified that the motion granted him authority to initiate negotiations, not to finalize an agreement. He assured the Council and the public that any proposed MOU would be brought back for their review and approval. Trustee Wilson asked if the matter might fall under an exception to the Open Meetings Act, allowing for closed-door negotiations. The Mayor stated that it was his understanding that the exception cited by Trustee Wilson applied to contract negotiations, not to the specific situation at hand.

Roll Call Vote: Trustee Boyd – Aye, Trustee McCue – Aye, Trustee Sanchez – Aye, Trustee Wilson – Aye. Motion passed unanimously.

e. Consideration of Grant Application to the City Parks Improvement Fund:

Motion: Made by Trustee McCue and seconded by Trustee Boyd to pursue grant funding from the City Parks Improvement Fund to convert the vault toilets in Civic Center Park to full plumbing.

The Mayor explained that he had recently completed training on the City Parks Improvement Fund grant program and believed this project aligned well with the grant's requirements. The project was also included in the Village's recently adopted ICIP.

Voice Vote: Motion passed unanimously.

f. Consideration of Grant Application to the Trail + Program of the NM Outdoor Recreation Division:

Motion: To pursue grant funding from the Trail + Program to fund the stone gathering circle at the Jemez Riverwalk, made by Trustee McCue, seconded by Trustee Boyd.

The motion authorized the Mayor to apply for grant funds from the New Mexico Outdoor Recreation Division's Trail + Program to complete the stone gathering circle at the Jemez Riverwalk. This project, part of the larger Riverwalk trail improvement initiative, was included in the Village's ICIP.

During discussion it was confirmed that capital outlay funds had already been secured for a cover over the stone circle, and that the grant application would focus on funding the construction of the circle itself.

Voice Vote: Motion passed unanimously.

12. Adjourn

Motion to adjourn made by Trustee McCue and seconded by Trustee Wilson. Motion passed unanimously and the meeting adjourned at 8:55 p.m.

DRAFT