

**TOWN OF COCHITI LAKE  
MINUTES OF ASSEMBLY MEETING  
THURSDAY, DECEMBER 15, 2011**

**I. CALL TO ORDER**

Mayor Kiesling called the meeting to order at 7:01pm.

Assembly members in attendance were Ken Kiesling, Mac Poling, Sue Kinzie, Freda Donica. Linda Bradshaw was excused from the meeting.

Point of Order was called by Freda Donica. She noticed that the agenda did not have an item for agenda or approval of agenda. She then passed out a pamphlet that read that an agenda has to be proposed, and become an official agenda before the meeting and must be adopted by the Assembly at the outset of the meeting. Freda Donica made a motion to have a resolution added to the agenda. Mayor Kiesling asked if the item in question was an emergency item. Freda stated that it was not an emergency item. Mayor Kiesling overruled the motion.

**APPROVAL OF MINUTES**

Mac Poling moved for the approval of Minutes of November 17, 2011.

**It was seconded by Sue Kinzie and passed with a 3 to 0 vote and 1 excused and 1 abstention.** Freda Donica abstained from the vote.

**II. OLD BUSINESS**

There was no old business to report.

**III. NEW BUSINESS**

**1. Appointment of Interim Town Administrator, Resolution 2011-10**

Mayor Kiesling read Resolution 2011-10 aloud and moved for approval. **It was seconded by Sue Kinzie and passed with a 3 to 0 vote and 1 excused.** Freda Donica abstained from the vote.

**2. Wage Adjustment for Town Treasurer, Resolution 2011-11**

Mayor Kiesling read Resolution 2011-11 aloud. He moved, knowing that there were some adjusted numbers. **It was seconded by Sue Kinzie that Resolution 2011-11 be approved.** She reported that the attached chart calculated the 3.02% average for the last eleven months; she added that the Consumer Price Index changed for the next eleven months and averaged 3.39%, making the new rate \$19.64. **The motion passed with a 3 to 0 vote and 1 excused.** Freda Donica abstained from the vote.

**3. RV Moratorium Extension, Resolution 2011-9**

Mac Poling read Resolution 2011-9 aloud and reported that the status of the Moratorium in regards to CCDC was no closer than a year ago. He reported that although there had been some great new leadership installed at CCDC, they have a lot of issues and that it is going to be a long time before CCDC would be able financially to deal with anything in that area. **Mac Poling moved for the passage of Resolution 2011-9 with no sunset**

**date. It was seconded by Sue Kinzie. The motion passed with a 3 to 0 vote and 1 excused.** Freda Donica abstained from the vote.

#### **4. Approval of November Financials**

Mayor Kiesling opened the item by turning it over to Town Treasurer Gloria Halama. Gloria reported that in the Admin portion of the budget \$1,654.76 was received in tax revenue and that it was appropriated to Admin. Legal fees paid were \$151.94 regarding meeting conduct and \$1,160.00 was paid for a new computer for the Administrator position. Admin was under budget in revenue by \$9,454.37 and under budget in expenses year-to-date by \$2,043.69. Library received \$1,859.07 in tax revenue and was approximately \$395.00 below budget year-to-date. PW was over budget by approximately \$1,466.71 year-to-date. This was due primarily to yard waste roll offs. EMS received \$4,020.94 from ambulance services and was under budget by \$735.00 year-to-date. VFD's major expenses for the month included \$1,040.00 for a new computer for the Fire Chief and \$1,747.31 for hose and ladder testing. VFD was over budget by approximately \$45,343.00, which was due to the purchase of the new ambulance and equipment and maintenance with regard to the new ambulance. The budget adjustment to address the issue will be done at year end. Gloria reported that VFD has authority to use cash net worth at the end of the fiscal year and to utilize it in order to adjust the budget. Gloria reported that the Community Fund Board had no expenditures for the month and interest earned was \$22.66 and cash balance available was \$36,136.32. Gloria responded to questions about being below budget.

**The November Financials were approved with a 3 to 0 vote and 1 excused.**

Freda Donica abstained from the vote.

#### **5. Appointments to the Library Board**

Mayor Kiesling asked Freda Donica if she wanted to present the item. Freda Donica responded that she would not be able to present the item but that she wanted to revisit the amendment to the agenda. She stated that she did have an emergency because her resolution concerns a leave of absence for Mary Wheeler whose vacation days run out on Saturday. Mayor Kiesling stated that her Resolution was not an emergency. Freda Donica responded that it was an emergency item because she did not know what Mary's status would be. She asked that her amendment to the agenda be added and she be permitted to present her resolution concerning an unpaid 12 week, protected leave of absence for Mary Wheeler, Town Administrator. Mayor Kiesling denied her request. He opened the item by reading a letter written by Cindy Eakin, Library Board Chairperson regarding appointments requested for the Library Board. Mayor Kiesling moved that

Sandra Kadisak, Suzanne Guy, Bill Mathison and Tammi Kaltbach be appointed to the Library Board.

**It was seconded by Mac Poling and passed with a 3 to 0 vote and 1 excused.**

Freda Donica abstained from the vote.

#### **6. Approval of Town Hall Calendar**

Mayor Kiesling moved to accept the 2012 calendar as presented. **It was seconded by Sue Kinzie.** Sue stated that in November the Assembly meeting falls on Thanksgiving

and suggested that the date be changed from the 22<sup>nd</sup> of November to the 15<sup>th</sup> of November. **The motion passed with a 3 to 0 vote and 1 excused.**  
Freda Donica abstained from the vote.

**IV. ANNOUNCEMENTS**

The next Assembly and Town meetings were scheduled for January 26, 2012 at 6pm followed by a potluck, followed by the Town meeting at approximately 7pm. Both meetings will be at the New Community Center.

**V. FOR THE GOOD OF THE ORDER**

Residents were concerned about rumors they heard that CCDC had filed for bankruptcy. Administration had not heard the rumor. There were some residents that were put on a list of emails that were sent to them regarding the Town Administrator. Residents understood that the Town Assembly was not required by law to comply with the Family Member Leave Act. Freda Donica asked why leave was not granted. Mayor Kiesling stated that it was not that he was opposed to granting a leave of absence, speaking only for himself. Another resident and former Administrator stated that it is the Assembly's job to govern the Town and to do it transparently and to vote in an open meeting on matters that concern the Town. Mayor Kiesling responded that all issues have to come before the Assembly to be voted on and that there are certain things that have to be decided more immediately, or simply as a supervisor-employee type situation and that the immediate supervisor for the Town Administrator is the Mayor. He went on to say that if the Town Administrator or the Treasurer or the Clerk wanted to go on vacation in the middle of January, the Assembly does not have to go before everybody and vote on whether it is approved or not. Freda Donica asked that Resolution 2010-17 be referred to about duties and responsibilities of the Mayor. She stated that nowhere in the resolution did it say that the Mayor could arbitrarily decide what happens to the Town Administrator. Another resident was concerned about a leave of absence for Mary Wheeler and asked if she was granted leave. Mayor Kiesling stated that a leave of absence was not approved by the Mayor and that she does have the freedom to return and that there has been no action taken. He was asked if she was entitled to return to her job or not. Mayor Kiesling responded that, yes, she could return. There was concern that personnel policies were being ignored. Mayor Kiesling responded that personnel policies were not being ignored. Another issue was that agenda items were not allowed to be submitted according to Robert's Rules. Mayor Kiesling responded that Robert's Rules of Order that the Assembly uses are the same as Sandoval County. He stated that the Robert's Rules of Order that have been used by the County are the same rules that the Assembly uses, and that process is similar to the Assembly's. He also stated that there are revisions to Robert's Rules but that not all institutions adhere to all of the changes that are proposed. Another concern was that the Fire Department was short handed and wondered who would replace Mary Wheeler at the CLVFD. The Fire Chief stated that there are two fulltime EMT's in place and that he could get extra help if he needed to. A resident asked members of the Assembly if they were in agreement with the Mayor that Mary Wheeler TA could at a reasonable time return to her job. Freda Donica was in agreement that Mary could return to her job. Mac Poling stated that the Mayor did what the Town Administrator Mary Wheeler asked him to do, after consulting with the other

Assembly members. Mayor Kiesling asked the Town Clerk if she wanted to comment. The Town Clerk stated that she and the Town Administrator had a meeting about her resignation. The Clerk went on to say that the Town Administrator turned in her resignation to the Town Clerk. Assembly member Freda Donica interrupted and stated that Mary Wheeler had changed her mind. Mayor Kiesling added that the Town Clerk joined him and the Town Administrator in their conversations on the 28<sup>th</sup> and the 29<sup>th</sup> of November while Mary was offering her resignation. Mayor Kiesling suggested to Mary that she request a leave of absence. The Town Clerk was asked if she had the letter of resignation. She responded that she did have the letter of resignation. Freda Donica stated that she received a signed letter from the Town Administrator requesting a leave of absence and that she did not know that the Town Administrator had turned in her letter of resignation to the Town Clerk. Mayor Kiesling stated that the resignation letter was post dated December 2<sup>nd</sup> and that the leave of absence was dated December 1<sup>st</sup> and that that was her last request. Freda Donica stated that she was not allowed to put an item on the agenda for a vote. Mayor Kiesling stated that the Assembly was not required to vote and if they had accepted the resignation then it would have been considered to be on the agenda. The Town Clerk stated that the only letter that she received was the letter of resignation and had never received a leave of absence from the Town Administrator. Another resident stated that it was very obvious that the Town Administrator turned in her letter of resignation and that she did not want to return to the Town Administrator's position. Another resident was concerned that personnel matters were being discussed in an open meeting. Another resident asked if Santo Domingo Fire Department was trying to get the contract from Sandoval County which Cochiti Lake Volunteer Fire Department has, and if they were to get it what was the future of the CLVFD. Mayor Kiesling responded that it was true that Santo Domingo wanted the contract for dispatching and other services. Mayor Kiesling stated that he and Mary met with the County Manager and the Fire Chief in a public meeting. He stated that it did not mean that CLVFD services would be interrupted if someone else had the contract within this fiscal year, it could be July, and that the Town was assured that services would not be cut off as a result of who held the contract. As far as the EMT there is not a crisis situation currently with regards to the retirement of the present EMT. Assembly member Sue Kinzie was questioned about her position on the discussion of the status of the Town Administrator. Sue responded that her position was that once an employee submits a letter of resignation it severs the relationship. Freda Donica stated that, as she understood, the letter of resignation was to be held for a future time and that the matter was not handled correctly.

## **VI. ADJOURNMENT**

Sue Kinzie moved to adjourn the meeting. It was seconded by Mac Poling.

**The motion passed with a 3 to 0 vote and 1 excused.** Freda Donica abstained from the vote. The meeting adjourned at 8:10pm.

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Kenneth Kiesling, Mayor

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Annette Narvaiz, Town Clerk

