

TOWN OF SAGUACHE
Board of Trustees
Public Hearing and
Special Session
December 8, 2015

The Town of Saguache Board of Trustees met for a Special Session on December 8, 2015, with Trustees being present as follows:

Greg Terrell, Mayor	Present
Luana Lovato, Mayor Pro Tem	Present
May Engquist, Trustee	Present
Tony Sandoval, Trustee	Present
June Savage, Trustee	Present
Kate Vasha, Trustee	Present
Andrew Virdin, Trustee	Present

Town of Saguache employees present as follows:

Therese Garcia, Town Clerk	Present (via telephone)
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Citizens in Attendance: Akia Tanara

Call to Order of Public Hearing: The public Hearing for the 2016 Proposed Budget for the Town of Saguache was called to order by Mayor Terrell at 6:45 p.m.

Hear Objections (if any) to 2016 Proposed Budget: There were no objections received to the 2016 Proposed Budget.

Adjourn Public Hearing: The Public Hearing was adjourned at 6:50 p.m. by Mayor Terrell.

Call to Order: The Special Session was called to order at 7:00 p.m. by Mayor Terrell

2016 Budget: Clerk Garcia discussed the final budget with the Trustees and answered any questions that were asked.

Resolution 2015-E: A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUE FOR EACH FUND, AND ADOPTING A BUDGET FOR THE TOWN OF SAGUACHE, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON HE FIRST DAY OF JANUARY 2016, AND ENDING ON THE LAST DAY OF DECEMBER 2016.

MOTION by Trustee Engquist; Second by Trustee Virdin

Trustee Engquist moved to approve Resolution 2015-E: A Resolution Summarizing Expenditures and Revenue for each Fund and Adopting the Budget for the Calendar Year Beginning on the First Day of January 2016, and Ending on the last day of December 2016.

Vote as follows: Trustee Engquist – Aye; Trustee Vasha – Aye; Trustee Virdin – Aye; Trustee Savage – Aye; Trustee Sandoval – Aye; Mayor Pro Tem Lovato – Aye; Mayor Terrell – Aye

VOTE: 7– Aye; 0 – No; 0 – Abstain

Let the minutes reflect the vote was unanimous

Resolution 2015-F: A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENICES IN THE AMOUNTS AND FOR THE

PURPOSES AS SET FORTH BELOW, FOR THE TOWN OF SAGUACHE, COLORADO FOR THE 2016 BUDGET YEAR

MOTION by Trustee Engquist; Second by Trustee Virdin

Trustee Engquist moved to approve Resolution 2015-F: A Resolution Appropriating Sums of Money to the Various Funds and Spending Agencies in the Amounts and for the Purposes as Set Forth Below, for the Town of Saguache, Colorado for the 2016 Budget Year.

Vote as follows: Trustee Engquist – Aye; Trustee Vasha – Aye; Trustee Virdin – Aye; Trustee Savage – Aye; Trustee Sandoval – Aye; Mayor Pro Tem Lovato – Aye; Mayor Terrell – Aye

VOTE: 7– Aye; 0 – No; 0 – Abstain

Let the minutes reflect the vote was unanimous

Resolution 2015-G: A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2016, TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE TOWN OF SAGUACHE, COLORADO, FOR THE 2016 BUDGET YEAR.

MOTION by Trustee Engquist; Second by Trustee Virdin

Trustee Virdin moved to approve Resolution 2015-G: A Resolution Levying General Property Taxes for the Year 2016, to Help Defray the Costs of Government for the Town of Saguache, Colorado, for the 2015 Budget Year.

Vote as follows: Trustee Engquist – Aye; Trustee Vasha – Aye; Trustee Virdin – Aye; Trustee Savage – Aye; Trustee Sandoval – Aye; Mayor Pro Tem Lovato – Aye; Mayor Terrell – Aye

VOTE: 7– Aye; 0 – No; 0 – Abstain

Let the minutes reflect the vote was unanimous

Review/Discuss/Approve Independent Contract Agreement- Temporary Town

Administrator: Mayor Terrell asked Trustees if they had all gotten a chance to look over the independent contract agreement for temporary Town administrator. Trustee Vasha suggested that Trustees go through it page by page to discuss any needed changes. Trustee Vasha stated that she had a comment on page one in the 5th bullet down, she doesn't know why the line "in acquiring and empowering a Town administrator" was taken out, as that was kind of the point of the bullet. Mayor Pro-Tem Lovato responded that she had removed line because it doesn't make sense. After reading the entire bullet she added that it sounds to me like where letting the Town administrator make the case that we need a Town administrator, and she doesn't agree with that. Mayor Terrell responded we are acquiring a Town administrator and we are empowering a Town administrator at the board's direction, and he would agree with Kate that it makes no sense without the last line. Mayor Pro-Tem Lovato responded that yeah they are making recommendation for new and revised policy that support best practices in municipal administrative matters as needed procedure for carrying out approved policies. Mayor Terrell said what the administrator is doing is making recommendations that support the board, and the goals of the board are acquiring and empowering a Town administrator. Trustee Vasha added that the point of this is to get a Town Administrator permanently, right now they are not at that point. Mayor Pro-Tem Lovato added regardless this person is still going to be reviewing policies, job descriptions, ordinances, and making recommendations that support the board period. Trustee Vasha suggested that they just vote on this matter. Mayor Pro-Tem Lovato added that she want to remove anything with reference to moving towards the position, and that she's looking at this through a human resources point of view.

MOTION by Trustee Vasha; Second by Trustee Engquist

Trustee Vasha moved to approve adding back on page one, under the 5th bullet to say “in acquiring and empowering a Town Administrator.

Vote as follows: Trustee Engquist – Aye; Trustee Vasha – Aye; Trustee Viridin – Aye; Trustee Savage – Aye; Trustee Sandoval – Aye; Mayor Pro Tem Lovato – No; Mayor Terrell – Aye
VOTE: 6– Aye; 1 – No; 0 – Abstain *Let the minutes reflect the vote was unanimous*

Trustee Vasha then asked if there were any other comments on page two; there were none. Trustee Vasha stated that on page two on the 6th bullet down, that she’s fine with it but would like for it to read “keep the Mayor apprised of any or all situations” as she doesn’t want to get back into this Town administrator talking to board members which is problem we’ve had in the past, that way if there’s a problem it goes to the Mayor, and if it needs to then it comes to the board.

Trustee Vasha said on roman-numeral II she wants to remove about extending the term of this agreement, as she wants to move forward with hiring somebody. Trustee Lovato stated “I don’t” I want the option for us to be able to extend it if we need to. She feels that in twelve weeks she doesn’t know if they’ll be ready. Mayor Terrell added that they’ve been talking about this for time and he’s ready to move forward. Trustee Vasha asked if anyone agreed with Mayor Pro-Tem Lovato. Mayor Pro-Tem Lovato said that she would just like to have the option to extend, otherwise in 12 weeks it will automatically be advertised for, and we’re locking ourselves in. Mayor Terrell stated at the end of the 12 weeks it will be a simple “Yes” we want a town administrator, or “No” we don’t want a town administrator. Mayor Pro-Tem Lovato stated that they’re going to talk, and talk and vote over her anyways like they always do, and she’s putting her opinion out there. She added that they work with contracts all the time, and the more flexible a contract can be the better off all parties are.

MOTION by Trustee Vasha; Second by Trustee Engquist

Trustee Vasha moved to approve deleting from this draft under roman-numeral II in the second paragraph about extending the agreement. Vote as follows: Trustee Engquist – Aye; Trustee Vasha – Aye; Trustee Viridin – Aye; Trustee Savage – Aye; Trustee Sandoval – Aye; Mayor Pro Tem Lovato – No; Mayor Terrell – Aye

VOTE: 6– Aye; 1 – No; 0 – Abstain *Let the minutes reflect the vote was unanimous*

Trustee Vasha asked if there were any changes under roman-numeral III; there were none. Trustee Vasha then added that under roman-numeral III under A, that was her edit and it somehow got mixed up, and the language just need put into the correct spot. Mayor Pro-Tem Lovato stated that she has question about part C where it says contractor will work at Town hall, and also from contractor’s private office, she asked what that is. Mayor Terrell responded that some of the work she can do from home. Trustee Viridin asked is just like a blanket that she can work from where ever she wants. Mayor Terrell responded yes. Trustee Vasha asked if there were any other questions on page 3. Trustee Vasha then asked is there any question under roman-numeral VIII, Mayor Terrell stated that when they got his first email on this was Town Attorney Eugene Farish’s contract which he felt was horrid it had no termination agreement in there, and we need an exit strategy for all parties involved, it’s a courtesy to both parties. Mayor Pro-Tem Lovato said it severance pay, that’s an employment contract. Mayor Terrell then stated it’s a common courtesy, he added he wanted to look at the big picture to get a Town administrator on, and the goal is to develop and atmosphere where we could accommodate this and he doesn’t think they should be nit picking. Mayor Pro-Tem Lovato stated that she has worked on and created many contracts and when reading this contract and she wasn’t nit picking anything and she takes offense to that, she added don’t ask for my feedback if you’re going to tell me I’m nitpicking.

Mayor Terrell stated we need have common courtesy. Mayor Pro-Tem Lovato again stated that it's a contract. Mayor Terrell responded we live in a corporate world where they are one sided, and heavy handed, they should be civil and fair, and have common courtesy. Mayor Pro-Tem Lovato stated how is this not fair, worst case scenario \$10,000.00 comes up missing and we find out that our contractor has stolen that money, are you going to turn around and give them fourteen days' notice, we are going to pay them for fourteen days, it's a breach of contract. I mean worst case scenario. Trustee Vasha added her problem is that negligence is not defined, and because it's not defined legally she's not comfortable with that. Mayor Pro-Tem Lovato then stated if our attorney has seen this why he didn't define it, if he was uncomfortable with that. Mayor Terrell stated that after speaking to the Town attorney that to define negligence you're looking at a twelve page document. Akia Tanara had spoken saying any contract can be broken, and that in a situation that something illegal was going on, you could with board motion terminate their employment. Mayor Pro-Tem Lovato responded that we can't do that because in here it says we would do it with a fourteen day advance notice of termination. Adding that means even if we terminated today we still obligated to pay for fourteen days. Viridin said he feels that all arguments have been made.

MOTION by Trustee Viridin; Second by Mayor Pro-Tem Lovato

Trustee Viridin moved to approve Section VIII General Terms and Conditions as is, including the second paragraph. Vote as follows: Trustee Engquist – No; Trustee Vasha – No; Trustee Viridin – Aye; Trustee Savage – No; Trustee Sandoval – No; Mayor Pro Tem Lovato – Aye; Mayor Terrell – No

VOTE: 2– Aye; 5 – No; 0 – Abstain

Let the minutes reflect the vote was unanimous

Trustee Vasha asked if there were any comments to roman-numeral section IX, there were none, she then asked if there were any comments or questions to roman-numeral section X or XI, there were none.

MOTION by Trustee Vasha; Second by Trustee Engquist

Trustee Vasha moved to approve the Town of Saguache Colorado Agreement for Services between Akia Tanara and the Town of Saguache as amended and discussed in this meeting, to begin the 10th day of December, 2015 ending the 3rd day of March, 2016.

Vote as follows: Trustee Engquist – Aye; Trustee Vasha – Aye; Trustee Viridin – Aye; Trustee Savage – Aye; Trustee Sandoval – Aye; Mayor Pro Tem Lovato – Aye; Mayor Terrell – Aye

VOTE: 7– Aye; 0 – No; 0 – Abstain

Let the minutes reflect the vote was unanimous

Discuss Work Plan for 12 week period – Temporary Town Administrator: Mayor Terrell suggested that because so much is outlined in the contract, he feels that periodically that they review the contract again, he also suggests one or two them sit down with Akia and tell her everything and anything that she needs to know. And right now have her look at policies, ordinances, job descriptions, salary survey, and giving recommendations to the board. Trustee Vasha stated that things are not written for Akia to really be doing this, so she will need direction from the board that will allow her to that, and they will discuss it December 14th, 2015. A short discussion continued.

Discuss Retirement Gift: Mayor Terrell had spoken with Dave's daughters and to Faith McGill and some of other friends of Dave's and they feel the appropriate place for the party would be to

have it at the Oasis. He added Cindy would be happy to clothes the Oasis for that day. Mayor Terrell also reported that everyone also feels that a watch would be the most appropriate gift. Trustee Vasha would like to see the watch also be engraved. After a short discussion Mayor Terrell recommended having Faith Magill go to Salida and shop around for a watch, and then report back to Trustees.

Adjourn: There being no further business; the meeting was adjourned at 7:45 p.m.

TOWN OF SAGUACHE BOARD OF TRUSTEES
SAGUCAHE, COLORADO

Greg Terrell, Mayor

ATTEST:

Therese Garcia, Town Clerk