

TOWN MEETING/ PUBLIC HEARING

Minutes

Monday, March 19, 2018

6 pm

Municipal Building
513 Williams Avenue
Estancia, NM 87016

1.0 The Public Hearing was called to order at 6:06 pm and Roll Call was taken:

2.0 Roll Call:

Trustee Romero- Present
Trustee Sedillo- Present
Trustee Chavez- Present
Trustee Hall- Present
Mayor Dial- Present

3.0 Approval of Public Hearing Agenda- Action Item

Clerk Michelle Jones stated that the items on the agenda would not be action items, but would be for INFORMATION ONLY, as action could not be taken in a Public Hearing. Ms. Jones stated that these items would be listed for action at the 4/2/18 Regular meeting.

ACTION TAKEN: Trustee Hall made a motion to approve the agenda with the amendment as listed above. Trustee Chavez seconded the motion. All in favor.

MOTION CARRIED

4.0 Amendment to Ordinance 5-2-1 Business Registration to pro-rate fee-

Clerk Michelle Jones recommended an amendment to Town Ordinance 5-2-1 Business Registration to pro-rate the fee as listed below:

MARCH - MAY - \$35.00

JUNE - AUGUST- \$26.25

SEPTEMBER - NOVEMBER- \$17.50

DECEMBER - FEBRUARY- \$ 8.75

The annual fee is \$35.00 and all registrations are renewed annually in the month of March. Pro-rating the fee is allowed by state statute 3-38-3, is currently being done by Torrance County and is a fair to our customers. The Board agreed with this amendment.

There was no public comment on the agenda item. This amendment will be on the 4/2/18 Board of Trustees regular meeting agenda for action.

- 5.0 **Adoption of Ordinance 2018-02 Establishing a fee for tampering with a water meter**
Clerk Michelle Jones recommended the adoption of Ordinance 2018-02 establishing a fee for tampering with a water meter. This will actually be an amendment to **Chapter 9 Utilities 9-2-22 and 9-2-23** of the Town Ordinances. Ms. Jones suggested replacing the following portion of the current ordinance with verbiage from the Town of Mountainair's utility ordinance:

9-2-22 **UNLAWFUL TO INJURE PIPE, ECT.** It shall be unlawful for any person, firm or corporation to remove, obstruct, or in any way injure any fire hydrant, valve, box, stop cock, or cover or to dig up any street, alley, or sidewalk or to connect any pipe or main of the city without excavation, without having first obtained permission of the superintendent so to do, or in any way to injure any pipe, pump, reservoir, apparatus or fixtures, or property of the water system of the town.

9-2-23 **PENALTY.** Any person, firm or corporation violating any provision of this article, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine in any sum not to exceed one hundred dollars (\$100.00), or by imprisonment in the Torrance County jail for a period not to exceed ninety (90) days.

After some discussion between Ms. Jones, Mayor Dial, and the Board of Trustees, the following verbiage was suggested:

9-2-22 **PROTECTION FROM DAMAGE**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper by any means with any structure, apparatus, or equipment which is a part of the WATER or SEWAGE WORKS of the town, and ALL OTHER PUBLIC UTILITIES.

9-2-23 **PENALTIES**

- a. Any person violating any of the provisions of this Ordinance SHALL be fined in the sum of \$500.00 (five hundred) dollars.
- b. The fine shall be per each violation.
- c. The utilities will be discontinued upon discover of violation or violations and shall not be reinstated until the fine or fines and utilities are paid in FULL.
- d. There will be no exceptions.

The Board agreed with this amendment and there was no comment from the public. This amendment will be on the 4/2/18 Board of Trustees regular meeting agenda for action.

6.0 Amendment to Ordinance 9-6-9 Rent of Community Building to clarify that only one security guard is required for an event- Action Item

Deputy Clerk Michelle Dunlap noticed that this ordinance stated that two security guards were required for events; only one guard is required. Clerk Michelle Jones recommended that this ordinance be amended to correctly reflect that only one security guard is required. Trustee Chavez noticed an incorrect fee was also listed. The Board agreed with this amendment to the ordinance to correctly state the fees and that only one security guard is required. There was no comment on this item from the public. This amendment will be on the 4/2/18 Board of Trustees regular meeting agenda for action.

7.0 Amendment to Ordinance 2017-02 to correctly reflect our pro-rated water billing-

In 2016, the Town received an audit finding because our Utility Billing system UB Max was pro-rating customer bills, which was, "not in compliance with the Town's utility billing ordinance". The Clerk, Deputy Clerk, and the Administrative Assistant worked with UB Max to try to correct this problem. The UB Max system automatically pro-rates the bills and cannot bill any other way. As a result, Clerk Michelle Jones recommended that we amend our ordinance to correctly reflect our pro-rated billing system. She recommended that the following verbiage be added to the ordinance for usage above the initial flat rate fee:

An additional amount pro-rated at a rate equal to ...

This added verbiage would clarify that the additional billing will be pro-rated at the rate set in the ordinance, for example:

Effective bills sent on or after Aug. 1, 2018:

0-3,999 gallons:	\$13.74 flat fee
4,000-11,999 gallons:	An additional amount pro-rated at a rate equal to An additional \$2.46 per 1,000 gallons over 4,000, up to 12,000
12,000 gallons or more:	An additional amount pro-rated at a rate equal to An additional \$2.89 per 1,000 gallons over 12,000

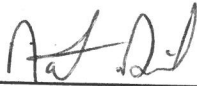
The Board agreed with this amendment and there was no public comment on this item. This amendment will be on the 4/2/18 Board of Trustees regular meeting agenda for action.

Several members of the public attended this hearing and were thanked for their time and participation.

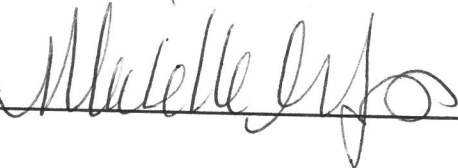
Adjournment of Public Hearing

ACTION TAKEN: Trustee Hall made a motion to adjourn the Public Hearing. Trustee Romero seconded the motion. All in Favor. **MOTION CARRIED**

The Public Hearing adjourned at 6:19 pm.

Approved 

Date 3 April 18

Attest 

Date 4/3/18