

**Town of Estancia**  
**Regular Meeting of the Board of Trustees**

**MONDAY, FEBRUARY 6, 2023 6:15pm**

**Municipal Building, 513 Williams Avenue, Estancia, NM 87016**

**Minutes**

**Invocation and Pledge of Allegiance**

The meeting was called to order at 6:15pm and Roll Call was taken:

Trustee Lovato - Present  
Trustee Sedillo - Present  
Trustee Chavez - Absent  
Trustee Hall - Present  
Mayor Dial - Present

**1.0 Approval/Disapproval of Agenda - Action Item**

**ACTION TAKEN:** Trustee Lovato made a motion to approve the February 6, 2023 agenda as written. Trustee Hall seconded the motion. All in favor. **MOTION CARRIED**

**2.0 Approval of the January 23, 2023 Regular Meeting minutes - Action Item**

**ACTION TAKEN:** Trustee Hall made a motion to approve the January 23, 2023 Regular Meeting minutes as written. Trustee Lovato seconded the motion. Trustee Hall- Yes, Trustee Lovato - Yes, Trustee Sedillo abstains. **MOTION CARRIED**

**3.0 Discussion/Approval of the February 6, 2023 Bill List - Action Item**

**ACTION TAKEN:** Trustee Sedillo made a motion to approve the February 6, 2023 Bill List. Trustee Hall seconded the motion. All in favor. **MOTION CARRIED**

**No Public Comment**

**4.0 Department Updates:**

**Police-** Sergeant Downing presented the following written report to the Board:

General Updates

PD APPLICANT UPDATES

- PT Test scheduled for Sat (2/11) @ noon for non-certified applicant.
- Waiting for the offer letter for Mr. Green.

CADET UPDATE

- Cadet Alderete is scheduled for his TASER certification on Thursday.
- I will be present at the academy for cadet update meeting and to participate in the TASER certification.

TRAINING

- April 6 - TASER Instructor Certification (ABQ)
- June 6-8 - Rifle Armorer certification training (Santa Fe)
- OPTION - Host county-wide legal update & officer/town liability training. (8 hrs)

- o See information packet
- o NMDPS approved training.
- o Instructor: Erik Scramlin
  - Current NMDPS certified instructor
  - Attorney/Instructor w/Dept. of Homeland Security (FLETC)
  - fmr NM Deputy District Attorney for 5<sup>th</sup> District
  - fmr NM Chief Deputy District Attorney for 1<sup>st</sup> District

**GRANTS**

- USDA Community Facilities (Loan & Grant)
  - o Up to 75% of total cost of vehicle.
    - Can include all installed equipment, radio, laptops, emergency equipment, etc.
  - o Based on population size and income average.
  - o Estancia PD was previously awarded this grant in 2008 and 2014.
  - o Attempting to locate previously approved grants.

**PD FY24 ANNUAL WORKPLAN**

- The Estancia Police Department (EPD) FY24 Annual Work Plan provides a broad overview of basic expectations, goals, and department direction.
- As some goals are dependent on the budget-related discussions, an earlier copy will be completed.

**SAMPLE FY24 GOALS**

Policy & Procedure Development PD Budget  
 Equipment Update/Replacement Ofc/Supv Training & Development Data/Tracking  
 Facility Space/Layout Procedure/Program Testing Staffing Recruiting/Retention

<b>Dispatch Activities</b>	<b>DEC 2022</b>	<b>JAN 2023</b>	<b>Month to Month Trend (DEC-JAN)</b>
EPD Response	57	64	
TCSO Response	70	57	
<b>Combined</b>	127	121	-4.72
<b>Call Type--*EPD Only</b>			
Public Service			
911 Open/Hang Up		2	
Abandoned Vehicle		1	
Accident w/o Injury			
Abdominal Pain			
Accident w/Injury			

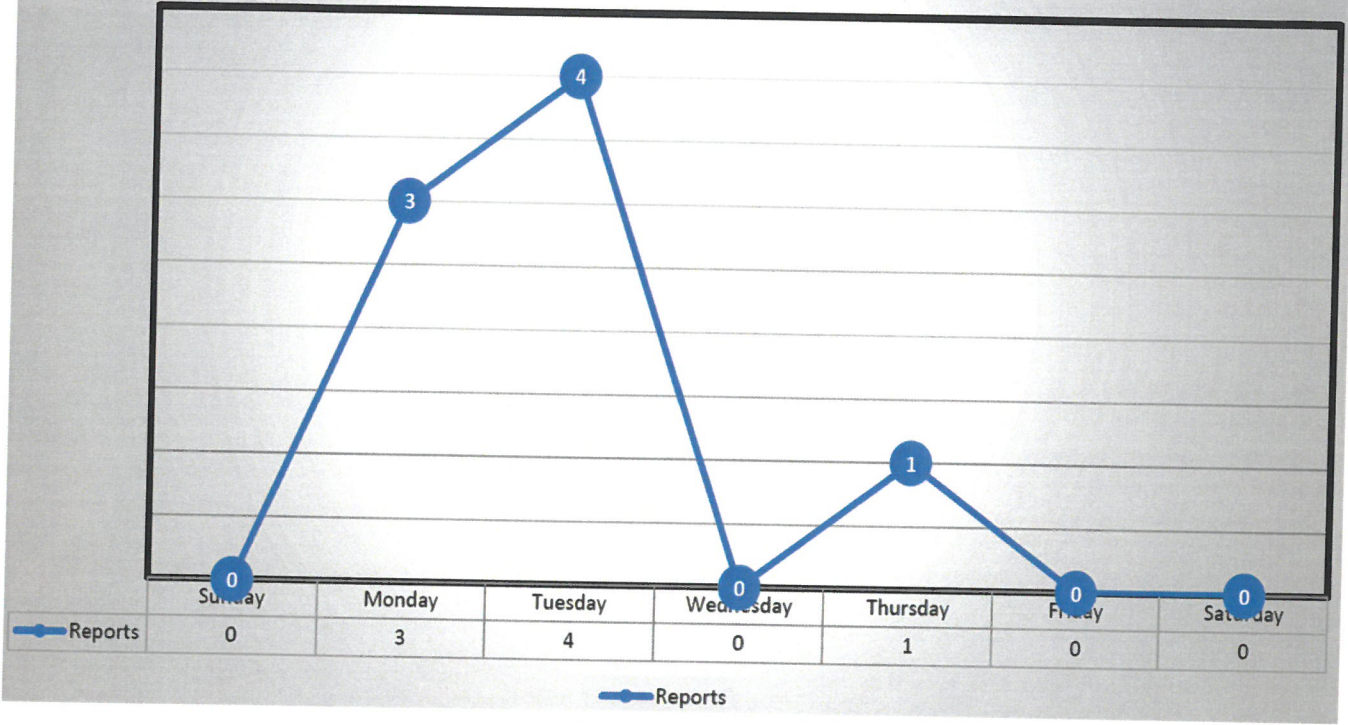
Alarm				
Animal (Livestock)			3	
Arrest				
Assault				
Assistance				
Wanted Person				
Welfare Check			1	
Abandoned Vehicle				
Altercation				
Abduction				
Blood Pressure				
B&E (Burglary)				
Battery			1	
Child (Welfare)				
Civil Matter			1	
Close Patrol			19	
Custody Dispute				
Cuts/Lacerations				
CYFD Referral				
Domestic Violence				
Disturbance			2	
Drill				
ETOH (Alcohol)				
Escort			1	
Fainting				

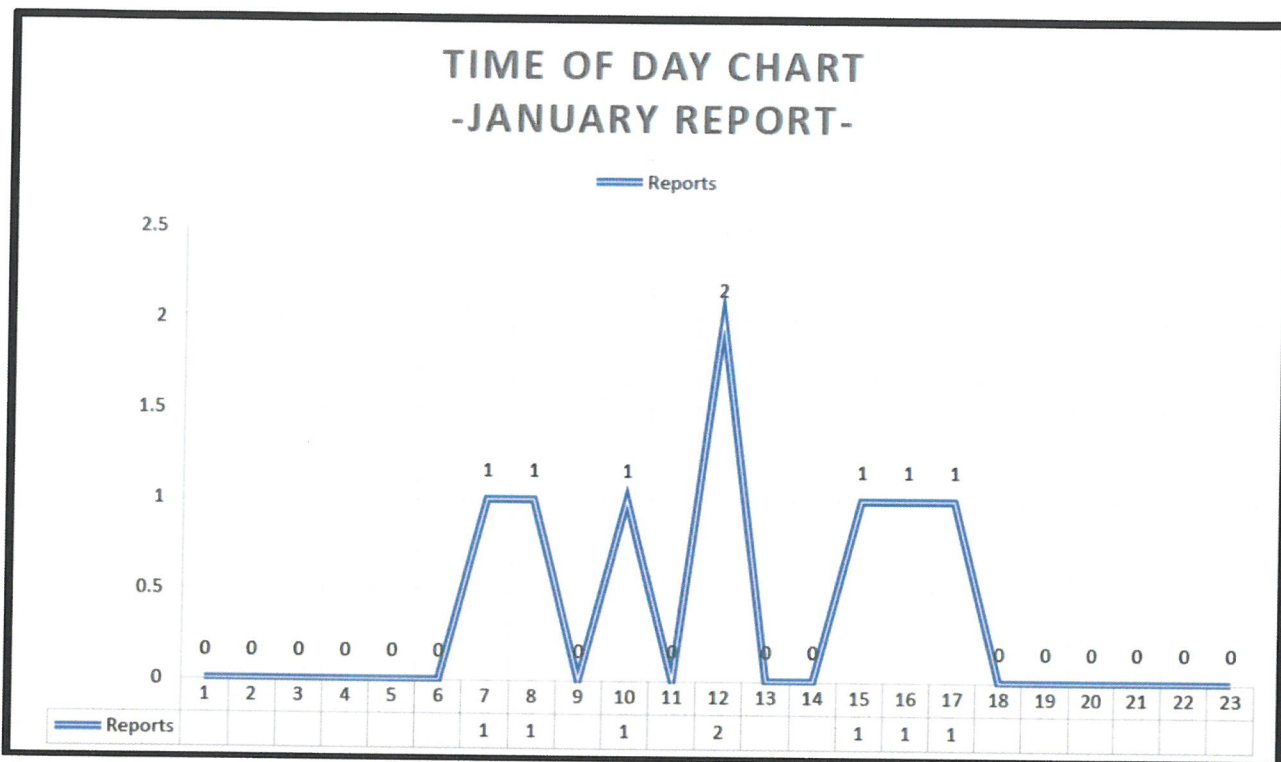
Falls			2	
Fingerprinting				
Follow Up				
Fight				
Fireworks				
Fire Alarm				
Fraud				
Found Property			1	
General Sickness				

Harassment				
Hit & Run				
Headache				
Illegal Control Burn				
Identity Theft				
Information			4	
Illegal Dumping				
Juvenile				
Landlord Tennant				
Lost & Found				
Neighbor Dispute				
Noise Complaint				
Motorist Assist			1	
Narcotics				
Paper Service				
Reckless Driver				
Recovered Property				
Security Check			19	
Seizure				
Sexual Assault/Rape				
Shots Fired				
Narcotics			1	
Smoke Check				
Domestic Violence				
Stolen Items				
Stroke				
Suicidal Person				
Unk Susp Person				
Suspicious Activity			2	
Suspicious Vehicle				

Theft				
Threat				
Traffic Control			1	
Traffic Stop			1	
Transport				
Trespass				
Warrant Service			1	
Unc Breathing				
Wanted Person				
Unknown / Man Down				
Unwanted Person				
Welfare Check				
Vandalism				
<b>Totals</b>			<b>64</b>	

### Day of Week Chart -JANUARY REPORT-





Sergeant Downing also presented the following training opportunity:

Train Like a Lawyer

# Law Made Simple

[www.PoliceLegalTraining.com](http://www.PoliceLegalTraining.com)

### Legal Update (2 hours)

The most dangerous phrase in law enforcement is “that’s the way we’ve always done it.” Recent national events have placed intense scrutiny on police officers. It is no longer good enough to have a basic understanding of the law. Police officers must know the law like a lawyer. Failure to have a solid grasp of the law exposes officers and their public employers to costly and harmful lawsuits. New Mexico legal update is designed to educate law enforcement and administrators on the most important changes in the law that effect policing. This NMDPS approved course also serves to meet New Mexico’s biennium training requirement for all New Mexico certified officers. However, this is not your typical check the box training. This is an interactive course that will use audio, video and hands on exercises to ensure the everyday field officer leaves with a solid grasp of the law. In this course, officers will learn:

- Recent United States Supreme Court case law effecting both criminal and civil liability.
- Recent New Mexico case law effecting criminal and civil liability.

- Important changes in search and seizure law.
- New Mexico case law effecting how officers charge criminal cases.
- 5<sup>th</sup> and 6<sup>th</sup> Amendment case law.
- Cases specific to New Mexico law.
- New Statutes such as HB4 and The Recreational Marijuana Act.

This course will educate officers in the most important changes in federal and state law effecting policing.

### **Officer Liability: A Step-By-Step Guide to Understanding and Avoiding Liability (6 hours)**

The constitution guarantees and federal law protects individual's "civil rights." New Mexico's constitution also provides for the same protections. With the recent passage of HB4 "The New Mexico Civil Rights Act", police officers and their public employers find themselves under intense scrutiny. Civil rights lawsuits can have a devastating effect on a law enforcement officers career and personal life. In addition, these lawsuits can result in massive settlement payouts or worse, jury verdicts against the public employer who failed to supervise or train the officer. These lawsuits can be so costly that some municipalities have had to declare bankruptcy. This is in addition to federal consent decrees and severe damage to the community the agency is sworn to protect.

Many officers avoid talking about this topic because it is confusing and uncomfortable and let's face it, officers simply do not get enough good training when it comes to the law. This NMDPS approved course will break down the law into a simple step-by-step guide on how to recognize officer liability and mitigate exposure to it. Officers will learn:

- The basics of civil rights and civil liability.
- Federal criminal liability for civil rights violations.
- The anatomy of a use of force lawsuit.
- Qualified immunity.
- Civil liability under New Mexico law.
- HB4 The New Mexico Civil Rights Act.
- The top 3 legal topics that every officer must know to limit exposure to liability.
- What administrators and municipalities can do to limit exposure to lawsuits.

### **Your Instructor**

**Erik M. Scramlin:** is the owner of Tactical Legal Solutions, LLC where he provides legal training to law enforcement and prosecutors. Mr. Scramlin previously served as an Attorney-Advisor (Instructor) for Department of Homeland Security, FLETC. Prior to joining FLETC, he served as the Deputy District Attorney for the 5<sup>th</sup> Judicial District of New Mexico, Chief Deputy District Attorney for the 1<sup>st</sup> Judicial District of New Mexico, and the Deputy City Attorney for the City of Hobbs where he represented the Hobbs Police Department in civil rights claims. His awards include *New Mexico Young Prosecutor of the Year 2012*, and *New Mexico Prosecutor of the Year 2016*.

Mr. Scramlin is a member of the New Mexico State Bar. As an instructor Mr. Scramlin is a NMDPS certified instructor, federal law enforcement certified instructor and certified federal use of force law instructor.



Mr. Scramlin has trained thousands of state and federal officers in the law over his career. He brings significant experience as a prosecutor and civil rights defense attorney to all his trainings. In addition, he is obsessed with the art of teaching. His trainings are interactive and utilize multiple learning styles so that every officer leaves a course with value.

**Planning and Zoning/Animal Control** – Code Enforcement William Teaney told the Board that P&Z has been pretty slow lately, but Animal Control has been very busy. He has been getting a lot of calls about dogs. Many people just want to surrender their dogs to the Town, but we are telling them no because we have no place to house them. We are beginning the process of building a temporary shelter behind the P&Z building. We are going to try to reach out to the County again to get on their agenda to see if they will work with us concerning our animal control. We also do not have a working P&Z or Animal Control vehicle right now. We will work to get the vehicles fixed.

**Fire-** Volunteer Fire Chief Chris Wolonsky said that the ambulance is fixed and working. He will send our Maintenance Supervisor information about our fire hydrants.

**Library** had no written update for this meeting, but did send word that the Library’s new alarm system is being installed.

**Maintenance** had no update for this meeting.

**Administration**-Clerk/Treasurer Michelle Jones presented the following written report:

Update 02.06.2023

1. We will be testing our new equipment this week to begin broadcasting our meetings.
2. We did not get the match for the TPF funding.
3. I will be meeting with our IT rep to talk about having an annual contract for IT. We also had to purchase a new server.
4. Mayor Dial and I will be meeting with Ms. Elaine Pacheco from the Office of the State Engineer to talk about moving forward with Flood Mitigation.

### **Old Business**

**5.0 Lighting/Construction of the Baseball Field- Discussion/Possible Action NO ACTION**

**6.0 Discussion/Possible Action concerning attending Municipal Day in Santa Fe and going to DC to request Federal Grant Funding- Discussion/Possible Action** The Board of Trustees, Mayor Dial, and Clerk Michelle Jones will be attending Municipal Day in Santa Fe. Mayor Dial, Clerk Michelle Jones, Trustee Sedillo, Trustee Lovato and Trustee Chavez plan to travel to DC in March to meet with our representatives to request Federal Funding. **INFORMATION ONLY, NO ACTION**

### **New Business**

**7.0 Executive Session- As per Motion and Roll Call Vote- Pursuant to NMSA 1978 10-15-1 Section (H)(8) the purchase, acquisition, or disposal of real property.**

**ACTION TAKEN:** Trustee Hall made a motion to go into Executive Session- As per Motion and Roll Call Vote- Pursuant to NMSA 1978 10-15-1 Sections (H)(2)(8) to discuss personnel and the purchase, acquisition, or disposal of real property. Trustee Sedillo seconded the motion. Roll Call Vote: Trustee Lovato- Yes, Trustee Hall – Yes. **MOTION CARRIED**

**Executive Session began at 7:17pm.**

**Reconvene Regular Session:**

**ACTION TAKEN:** Trustee Sedillo made a motion to go back into Regular Session and stated that the only item discussed in Executive Session was the item listed on the agenda and no action was taken. Trustee Hall seconded the motion. All in favor.

**Regular Session resumed at 7:41pm.**

- 8.0 Possible Action concerning the sale of the property located at 405 5<sup>th</sup> street- Possible Action**  
**ACTION TAKEN:** Trustee Sedillo made a motion to accept the offer letter for the purchase of 405 5<sup>th</sup> street from Mr. Aaron Mitchell, and to approve the Purchase Agreement with wet ink with the Mayor's signature. Trustee Lovato seconded the motion. Roll Call Vote: Trustee Lovato – Yes, Trustee Sedillo – Yes, Trustee Hall – Yes. **MOTION CARRIED**
- 9.0 Schedule a hiring committee to conduct interviews for Maintenance Worker 1 - Action Item**  
**ACTION TAKEN:** Trustee Lovato made a motion to conduct interviews at 5:45pm on Wednesday, Feb. 15 at Town Hall. Trustee Hall seconded the motion. All in favor. **MOTION CARRIED**
- 10.0 Approve Resolution 2023-01 Resolution Authorizing the Submittal for the 23/24 NM DOT MAP program- Action Item**  
**ACTION TAKEN:** Trustee Hall made a motion to approve Resolution 2023-01 Resolution Authorizing the Submittal for the 23/24 NM DOT MAP Program. Trustee Lovato seconded the motion. Roll Call Vote: Trustee Lovato – Yes, Trustee Sedillo – Yes, Trustee Hall – Yes. **MOTION CARRIED**
- 11.0 Approve Resolution 2023-02 Resolution Authorizing the Submittal for the 23/24 NM DOT COOP program- Action Item**  
**ACTION TAKEN:** Trustee Hall made a motion to approve Resolution 2023-02 Resolution Authorizing the Submittal for the 23/24 NM DOT COOP Program. Trustee Lovato seconded the motion. Roll Call Vote: Trustee Lovato – Yes, Trustee Sedillo – Yes, Trustee Hall – Yes. **MOTION CARRIED**
- 12.0 Mayor/Council:**  
**Trustee Hall** said that he is very worried about the over filling of the pond. He believes it may be killing some of the nearby trees. He is excited about the idea of the Town purchasing a skid steer. Our Maintenance Supervisor needs to do some research on the different sizes.

**Trustee Chavez** – absent

**Trustee Lovato** said he had very good news to share. EMW Gas was able to lock in to a very good rate for gas for the next 3 months. He said significant savings would be coming to our residents very soon. He suggested that the Town employees receive embroidered work shirts. This is a very good idea that the Clerk will research. Trustee Lovato also said that EYDG has been a great success this year. Over 100 youth participated this year.

**Trustee Sedillo** congratulated Trustee Lovato on the success of the EYDG program.


**Mayor Dial** told the Board that the local post office had neglected to pay their water bill. Per the Town ordinance, the Post office's water was scheduled to be shut off. The Post Master spoke with the Mayor. The

American Legion paid the bill. The Mayor was at the post office with his gun on and was told he could not be in the post office with a weapon. The postal employee was in the process of calling 911 when he experienced a medical emergency. The Mayor called 911. The Estancia PD , EMS, and the Sheriff showed up at the Post Office. Now, we are trying to get clarification about whether our PD has jurisdiction at the Post Office because it is a Federal building.

**Adjournment**

Trustee Hall made a motion to adjourn the meeting. Trustee Lovato seconded the motion. All in favor.  
**MOTION CARRIED**

The meeting adjourned at 8:18 pm.

Approved: 

Date: 2/21/2023

Attest: 

Date: 2/21/2023