**TOWN MEETING/ PUBLIC HEARING**

**Monday, April 19, 2021**

**6:00 pm**

**Municipal Building**

**513 Williams Avenue**

**Estancia, NM 87016**

**MINUTES**

**HEARING:**

1. **The meeting was called to order at 6:08 pm.**
2. **Roll Call was taken:**

**Trustee Lovato – Present**

**Trustee Sedillo – Present via Phone**

**Trustee Chavez – Present**

**Trustee Hall – Absent**

**Mayor Dial – Present**

1. **Approval of Public Hearing Agenda- Action Item** Mayor Dial requested to add **3.5 Public Comment-**

**ACTION TAKEN:** Trustee Chavez made a motion to approve the April 19, 2021 Public Hearing Agenda as amended above. Trustee Lovato seconded the motion. All in favor. **MOTION CARRIED**

**3.5 No Public Comment-**

1. **Discussion concerning the Estancia Police Department:**
2. **Pay** Clerk Michelle Jones presented the Board with a spreadsheet she received from the New Mexico Municipal League. The spreadsheet listed the average salary of a police officer in several municipalities around the state. Ms. Jones highlighted the information from municipalities that are similar in population and total expenditures. We compared Estancia with Mountainair, Moriarty, Capitan, Dexter, and Pecos. Ms. Jones told the Board that Pecos already has an MOU in place with their County Sheriff’s Office for PD services. After reviewing similar municipalities, it was determined that Estancia is comparable with respect to pay. No pay adjustment was discussed or recommended.
3. **MOU with Torrance County Sheriff’s Office**

Ms. Jones presented the Board with a draft MOU between the Town of Estancia and the Torrance County Sheriff’s office for PD services. In

summary, the MOU would outline and agreement in which the Town of Estancia would pay the Torrance County Sheriff’s Department an annual fee $95,680.00 (the average annual salary of two deputies) for Law Enforcement Services. In turn, the Torrance County Sheriff’s Office would patrol the town and conduct duties that would maintain law and order. Currently, the Town has one officer and one administrative assistant. The Town has attempted to hire a Sergeant and another office for quite some time with no success. The Board has called this Public Hearing to get feedback from town residents about this very important subject.

Mayor Dial told the Board that he spoke with a representative from the Municipal League about House Bill 4, now the NM Civil Rights Act, which is now law. In summary, this act prohibits a public body or those acting on the public body’s behalf from using “qualified immunity” as a defense to the underlying allegations. The act creates a $2 million dollar cap on damages awarded per claimant on each occurrence. The act allows a person who claims a deprivation of any “rights, privileges or immunities” secured by the bill of rights of the New Mexico Constitution to bring a lawsuit in state district court. If the Town were to be sued under this new law and incur damages at this level, the results could be catastrophic. The Town’s entire annual budget is approximately $2 million dollars. Mayor Dial said that he asked the League if they recommend that municipalities consider using the services of their County Sheriff’s offices to oversee law enforcement in their towns because of the possible liability. The League said that they are waiting to see more data before they comment. Ms. Jones attended a recent League meeting and told the Board that a Sheriff at the meeting strongly suggested that small municipalities consider agreements with the County Sheriff’s offices.

1. **Take-home distance**

Mayor Dial explained that currently our ordinance only allows for the hiring of police officers who reside within thirty (30) miles of town limits, and within a maximum of forty-five (45) minutes response time. Concern was expressed about increasing the distance. This could increase the response time and could result in a significant increase in fuel cost. To pay the fuel for an officer to take home a vehicle to Albuquerque, for example, could be very costly. No change to the ordinance concerning take home distance was recommended.

Trustee Lovato commented that we are trying to keep the police department in Estancia and are having this Public Hearing to discuss ways to achieve this.

Members of the public commented that they do not want to see our PD eliminated. Some commented that the Estancia PD is our eyes and ears and that the Town has diminished so much already and this would be another thing taken away. Some commented that we need to give a living wage so officers will want to come here. Some commented that they never see the Sheriff’s Deputies in town. Mayor Dial commented that he has a emotional tie to the PD being here in town too, but he has to also look at this financially.

1. **Hiring uncertified officers**

Ms. Jones reminded the Board that currently, our ordinance does allow for the hiring of uncertified officers and that, while Mountainair’s ordinance does allow this, they have made a deliberate decision not to hire uncertified. Ms. Jones also mentioned that the Town has hired uncertified officers in the past and it did not work. Once hired and put through the Academy, they leave for better paying positions in larger municipalities. At this time, no decision was made to amend the ordinance to hire uncertified officers.

Trustee Lovato thanked the residents in attendance for their feedback. He said he would do everything possible to keep the PD. Resident and store owner, Jackie Crosswhite, said that she never sees a Deputy drive by and does not want to see the Estancia PD to go away. Resident Glenda Page concurred.

Trustee Sedillo commented that a big unknown is bonuses. He does not know if a starting bonus could make a difference in our ability to hire officers. He believes this needs to be investigated more. He said he is on the fence about hiring uncertified officers because of HB4.

Resident Tisha Brick commented that she has a young son and that this is an issue that impacts her and her son. She said that she has respect for the PD and does not want to see it go, but there needs to be better training for our officers. There needs to be more training, especially with mental health issues.

Estancia Police Officer Milton Torres commented that if we hire uncertified officers, he will be babysitting them. He said they will be a liability. He also said that we cannot compete with the pay of larger municipalities.

Ms. Jones expressed the significant concerns she has about the liability Estancia will face if they do not complete this agreement with the TC Sheriff’s Office. She said that we are fortunate to be the County seat with the Sheriff’s Office in our Town.

The Board agreed to table the approval of the MOU as written in order to allow for more time to review it and recommend changes if desired.

The Board thanked all in attendance for their time and comments.

**Adjournment of Public Hearing**

**ACTION TAKEN-** Trustee Lovato made a motion to adjourn the Public Hearing. Trustee Chavez seconded the motion. All in favor. **MOTION CARRIED**

**The Public Hearing adjourned at 8:00 pm.**

**Approved: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**