

MINUTES
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BOULEVARD NW
BOARD OF TRUSTEES SPECIAL MEETING
May 14, 2018 - 7:00 P.M.

Present:

Don Lopez, Trustee / Mayor Pro Tem
Pablo Rael, Trustee
Mary Homan, Trustee
Allen Lewis, Trustee

Kelly S. Ward, Administrator
Stephanie Dominguez, Clerk
Nancy Haines, Treasurer
Bill Chappell, Attorney
Tim McDonough, Planning & Zoning Director *

**excused*

1. CALL TO ORDER

A. APPROVAL OF AGENDA

Mayor Pro Tem Lopez called the meeting to order at 7:00 p.m.

MOTION: Trustee Rael moved approval of the agenda. **Trustee Homan** seconded the motion.

VOTE: The motion carried, 3-0 (Mayor Pro Tem Lopez did not vote).

2. PUBLIC COMMENT PERIOD [3 MINUTE TIME LIMIT] - (PLEASE SIGN IN WITH THE CLERK IF YOU WISH TO SPEAK UNDER PUBLIC COMMENT ON AN ITEM THAT IS NOT ALREADY ON THIS AGENDA)

NONE.

3. NEW BUSINESS

Mayor pro tem Lopez provided a statement indicating his desire to fill the vacancy in the office of the Mayor created by the death of Larry Abraham and a summary of his qualifications.

A. PASSING OF MAYOR LARRY P. ABRAHAM - DISCUSSION AND ACTION ON NMSA 1978 §3-11-2 IN CASE OF THE DEATH, DISABILITY, RESIGNATION OR CHANGE OF RESIDENCE, FROM THE MUNICIPALITY, OF THE MAYOR, THE GOVERNING BODY SHALL APPOINT BY MAJORITY VOTE A QUALIFIED ELECTOR TO FILL THE VACANCY FOR THE UNEXPIRED TERM OF OFFICE.

Attorney Chappell said as a matter of procedure under the Governmental Conduct Act, the Board should consider appointing an alternate chairperson to run the meeting due to the conflict of interest. Mayor Pro Tem Lopez should also consider recusing himself from participation in this agenda item.

MOTION: Mayor Pro Tem Lopez moved under Roberts Rules of Order and comments from Attorney Chappell, **Trustee Homan** has volunteered to serve as the chair of the meeting.

VOTE: The motion carried, 3-0 (Mayor Pro Tem Lopez did not vote).

Trustee Homan served as the chair of Agenda Item 3.A.

Janelle Miller Johnson, 6835 Guadalupe Trail NW, asked if Mayor Pro Tem Lopez can reassure us that you would continue to keep all of the staff and the officers that serve the Village, including the Village Attorney, for the remainder of Mayor Abraham's term.

Mayor Pro Tem Lopez said it was always my intent, because of the outstanding staff, to not make any personnel changes.

J.T. Michaelson, 5001 Rio Grande Blvd NW, said the first thing is Mayor Abraham's passing is finally sinking in. We are going to miss him and the success he and the Board has had. I have a few suggestions, I hope the next Village Vision includes a dedication to Mayor Abraham; the second is to consider changing the name of the Argi- Nature Center to the Abraham Agri-Nature Center. In terms of what we are doing tonight, it is important that the new Mayor and Trustee includes Village involvement and possibly make a final decision at a later meeting.

Richard Saylor, Eakes Road, said this is a sad occasion. I have known Trustee Lopez, Trustee Rael, and Trustee Homan for a length of time. I have seen amazing things happen in this Village with great staff. I have seen Trustee Lopez's dedication and I do not know of anyone that loves the Village as much as he does. I certainly hope he is the choice to be the next Mayor.

Betty Tichich, 6724 Edgewood Drive, said one of the things Mayor Abraham felt strongly about is purchasing and persevering open space. I have not heard Trustee Lopez speak to this matter.

Mayor Pro Tem Lopez said we embarked on a procedure to purchase open space a long time ago. The Village has been consistent in purchasing valuable open space. Unfortunately, we will have to slow down due to the budget, the budget will decline this year to \$2 million. The continued emphasis on the possibility of acquiring future open space is important.

Trustee Lewis said to my understanding this meeting was to establish a procedure for dealing with the loss of Mayor Abraham. I do not feel that there should be a rush with

Trustee Lopez serving as the Mayor Pro Tem. I think we should open up the process to Village residents and for the next few weeks accept resumes for those interested in serving as Mayor. As Trustees we can consider any Village resident, like that in an election. At the meeting in June all applications can be reviewed and voted upon at the June meeting.

Bob Maw, 8400 Rio Grande Blvd NW, said I would like to ask Attorney Chappell if what **Trustee Lewis** is asking for leads to a special election. One of the things that discourages me is that we had less than three percent of eligible voters show up in the last general election. We should adhere to the procedures outlined in the statutes.

Attorney Chappell stated that with respect to filling the vacancy the statute is the only guidance provided. Consequently, the Board may adopt any procedure or use any method that they choose to fill the vacancy, as long as the Open Meetings Act is followed. Decisions should not be made prior to a meeting, and proper notice of meetings must be provided. The Attorney General's guidance provides that a specific list of items to be voted upon should be on the agenda. If these general guidelines are followed, the statute gives the Board latitude to fill the vacancy. If Mayor Pro Tem Lopez is elected to fill the Mayor's vacancy, a Trustee vacancy will be created. The statute regarding filing the governing body vacancy provides more options to filling the vacancy.

Trustee Rael asked if a decision to fill the vacancy can be decided this evening or at a later meeting.

Attorney Chappell said that is at the discretion of the Board. A decision can be made this evening; however, someone may challenge the public notice as listed on the agenda. The Board may also nominate a person to fill the vacancy, and vote at a later Board of Trustees meeting.

Trustee Lewis asked if there is a time limit that the Mayor Pro Tem may serve.

Attorney Chappell said the Mayor Pro Tem has all of the authority of the Mayor until the vacancy is filled, there is not a limit on how long they may serve in that capacity.

Trustee Lewis asked what is required for a person to serve as the Mayor.

Attorney Chappell said the only qualification is the person appointed must be a qualified elector.

Tom Donelan, 6668 Edgewood Drive NW, asked if the Trustees are able to discuss issues outside of meetings.

Attorney Chappell said according to the Attorney General's guidelines decisions are not to be made outside of meetings, however, it is also discouraged that the governing body members discuss topics outside of meetings.

Dru Tagliapietra said I do not support opening up the process to anyone that has not

served as an elected official.

MOTION: Trustee Rael moved to nominate Mayor Pro Tem Donald T. Lopez to fill the remainder of the term to be voted upon at the June 13, 2018 Board of Trustees Meeting.

Trustee Lewis said my suggestions is to make the process as transparent as possible.

Don Bradley said I have been a resident for 38 years. I have total confidence in the Board and Trustee Lopez. I can understand wanting to select a Mayor this evening or at a later meeting.

Richard Saylor said our Mayor has passed away and it is sad, but it is time that we get on with it. I think the presumption was that we would know who the mayor is.

John McDowell, 7201 Guadalupe Trail, asked what term would be filled.

Trustee Homan said the action is to fill the ~~vacancy~~ the remainder of Mayor Abraham's term.

Trustee Homan seconded the motion.

VOTE: The motion carried, 3-0 (Mayor Pro Tem Lopez recused from the agenda item).

B. DISCUSSION AND ACTION ON NMSA §3-12-1 (A) EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, ANY VACANCY ON THE GOVERNING BODY OF A MAYOR-COUNCIL MUNICIPALITY SHALL BE FILLED BY APPOINTMENT OF A QUALIFIED ELECTOR BY THE MAYOR OF THE MUNICIPALITY, WITH THE ADVICE AND CONSENT OF THE GOVERNING BODY. ANY QUALIFIED ELECTOR APPOINTED TO FILL A VACANCY ON THE GOVERNING BODY SHALL SERVE UNTIL THE NEXT REGULAR MUNICIPAL ELECTION, OR ANY SPECIAL ELECTION CALLED IN ACCORDANCE WITH SUBSECTION B OF THIS SECTION, AT WHICH TIME A QUALIFIED ELECTOR SHALL BE ELECTED TO FILL THE REMAINING UNEXPIRED TERM, IF ANY. (B) A SPECIAL ELECTION, FOR THE PURPOSE OF FILLING A VACANCY ON THE GOVERNING BODY, MAY BE CALLED BY THE MAYOR, WITH THE CONSENT OF THE GOVERNING BODY OR BY THE GOVERNING BODY. EXCEPT FOR THE FACT THAT THE ELECTION NEED NOT BE HELD ON THE DATE SPECIFIED IN THE MUNICIPAL ELECTION CODE [CHAPTER 3, ARTICLES 8 AND 9 NMSA 1978] FOR THE REGULAR MUNICIPAL ELECTION, THE SPECIAL ELECTION TO FILL A VACANCY SHALL BE CONDUCTED IN THE MANNER SET FORTH IN THE MUNICIPAL ELECTION CODE FOR REGULAR MUNICIPAL ELECTIONS. HOWEVER, THIS SUBSECTION SHALL NOT APPLY TO THOSE MUNICIPALITIES WHICH HAVE ADOPTED A CHARTER UNDER THE PROVISIONS OF ARTICLE 10, SECTION 6 OF THE CONSTITUTION OF NEW MEXICO OR TO THOSE COUNTIES WHICH HAVE INCORPORATED UNDER THE

PROVISIONS OF ARTICLE 10, SECTION 5 OF THE CONSTITUTION OF NEW MEXICO.

Trustee Homan said Attorney Chappell provided an overview of this process in the last agenda item. Should the Board elect someone currently serving on the Board to fill the Mayor's term, a vacancy would be created on the governing body. There are a number of options, the Mayor at that time may appoint someone with the consent of the Trustees, or a special election may be called. Are there notice requirements to be made aware of if a person is appointed to fill the Mayor's term at the June Meeting?

Attorney Chappell said if a vacancy on the governing body is created at the June meeting, the next step should be to determine the procedure to follow to fill the vacancy.

No action taken by the Board of Trustees

4. ADJOURNMENT

The meeting was adjourned at 7:46 P.M.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this **13th** day of **June 2018**.

ATTEST:



Stephanie Dominguez, Village Clerk