

Minutes of the Special Meeting of the Gallup City Council, City of Gallup, New Mexico, held in the Council Chambers at City Hall, 110 West Aztec, at 5:00 p.m. on Tuesday, September 20, 2011.

The meeting was called to order by Mayor Jackie McKinney.

Upon roll call, the following were present:

Mayor: Jackie McKinney

Councilors: Mike Enfield
Cecil Garcia
Allan Landavazo
E. Bryan Wall

Also present: Dan Dible, City Manager

Councilor Enfield made the motion to adjourn into closed session for the purpose of discussing limited personnel matters relating to the hiring of a City Attorney and to conduct interviews with potential candidates for the position. Seconded by Landavazo. Roll call: Councilors Enfield, Landavazo, Garcia, Wall and Mayor McKinney all voted aye.

The Mayor and Councilors adjourned into closed session, pursuant to §10-15-1-H.(2) NMSA 1978 Comp. (as revised).

Following the closed session, Councilor Garcia made the motion to reconvene the Work Session. Seconded by Councilor Enfield. Roll call: Councilors Garcia, Enfield, Wall, Landavazo and Mayor McKinney all voted aye.

Mr. Dible certified for the record that the only matters discussed during the closed session was limited personnel matters relating to the hiring of a City Attorney. Mr. Dible further certified that the Mayor and Councilors conducted interviews with Steve Seeger and George Kozeliski for the City Attorney's position since both candidates have previous experience in municipal government. The certification by Mr. Dible is made pursuant to Section 10-15-1-J of the Open Meeting Act, NMSA 1978.

Presented to the Mayor and Councilors were the following Discussion/Action Topics:

1. Appointment of a City Attorney – Mayor Jackie McKinney

Councilor Landavazo made the motion to offer the position of City Attorney to George Kozeliski and to authorize the Mayor to negotiate an employment contract with Mr. Kozeliski. Seconded by Councilor Enfield. Roll call: Councilors Landavazo, Enfield, Wall, Garcia and Mayor McKinney all voted aye.

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2. Fiscal Year 2012 Lodgers' Tax Appropriations – Judi Starkovich, Executive Director, Administrative Services Division

Ms. Starkovich presented an overview of the spreadsheets containing the following information: proposals submitted for lodgers' tax funding, lodgers' tax budget worksheet, lodgers' tax revenue comparison by fiscal year, lodgers' tax expenditures during the current fiscal year and lodgers' tax cash flow for the current fiscal year.

Mayor McKinney asked about the surplus amount listed on the lodgers' tax budget worksheet. Mrs. Starkovich said the surplus amount of \$454,609 would be the amount remaining in reserves if all of the requests for funding are appropriated. Mayor McKinney said questions needed to be answered during the last regular meeting concerning the allocations for events that have already taken place and the events where funding has already been committed. Ms. Starkovich said funds for Fiscal Year 2011 are required to be spent by June 30, 2011 and the events that require immediate funding for Fiscal Year 2012 are events that were held during July 2011, August 2011 and the first part of September 2011.

Councilor Enfield asked about the funding requests for events that have already taken place. Ms. Starkovich said the following events have already taken place during the current fiscal year: Cycle City Promotions/Red Rock Arenacross; Gallup Christian School/Wild Thing Bull Riding; Rock the Rocks Productions/Wild Thing Championship Bull Riding; Land of Enchantment Opera/Summer Institute of Vocal Arts; Gallup Inter-Tribal Indian Ceremonial; RMCHCS Foundation/Charity Invitational XV; and Red Rock Productions/USTRC. Councilor Landavazo said the Squash Blossom Classic will take place this coming weekend.

Discussion followed concerning the allocation of lodgers' tax funds for the events that have already taken place, possible consideration by the Mayor and Councilors of the remaining requests for lodgers' tax funding and enhancing the application and scheduling process for the requests for lodgers' tax funding by event organizers.

Councilors expressed concerns with the allocation proposed for Teach for America. He questioned whether the proposed allocation meets the eligibility requirements for lodgers' tax funding in accordance with state statute. The request from Teach for America stated that the proposed use of lodgers' tax funds would be used to subsidize the costs of recruiting, selecting, training, placing and supporting more than 50 teachers as they transition to Gallup and the induction orientation; and to offset the costs of planning and executing the Four Corners Education Summit. Councilor Landavazo said state law specifically requires lodgers' tax funds to be used for advertising, publicizing,

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and promoting tourist-related attractions, facilities and events of the municipality or county and tourist facilities or attractions within the area. He does not believe the Monster Truck National will take place this year and recommended eliminating the event from the list of proposed lodgers' tax allocations. He also said the Red Rock Team Roping event is one of the top five team roping events in the entire country and recommended an increase in the allocation from \$2,000 to \$5,000.

Mayor McKinney said law enforcement and fire protection services for tourist-related events qualify for lodgers' tax funding. He recommended creating a line item for such services to be funded with lodgers' tax funds which will offset the personnel and overtime costs to the Police and Fire Department budgets. Mr. Dible said the lodger tax funding for police and fire protection services for events would help the general fund for about two to three years; however, the personnel and overtime costs for both departments would eventually exhaust the lodgers' tax funds in reserves. Mr. Dible recommended reviewing the personnel and overtime costs for the events and to address such costs in the contracts with the event sponsors in the future.

Regarding the elimination of lodgers' tax funding for Teach for America, Councilors Enfield and Wall agreed with Councilor Landavazo.

Lindsay Cross, Teach for America, asked the Mayor and Councilors to reconsider their request for lodgers tax funding. She said Teach for America is a recruitment program for teachers, who are in essence tourists when they first come to Gallup. The teachers, along with their families and friends, stay at El Rancho Hotel and dine in local restaurants for a period of ten days during the summer. The Four Corners Education Summit brings teachers to Gallup from Arizona State University, Mescalero Jicarilla Apache and Indian reservations from Utah.

Anna Dallago, member of the Lodgers' Tax Committee, said the Committee wants the funds to be used specifically for the promotion of tourism. She said the Teach for America program not only brings in teachers during the recruitment period but their families as well. She also wants to verify that at least 35% of all lodgers' tax revenues are used specifically for tourist-related promotions.

Madeline Leyba, Teach for America, said their organization has many events throughout the year in addition to the two events listed on their application. Their organization promotes Gallup through their website as their program recruits over 120 teachers per year with 35% of the teachers continuing to stay in Gallup to work and live.

Discussion followed concerning whether to take action on the proposed allocations or if additional time was needed to analyze the material which was presented during the

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meeting. Ms. Starkovich said there are events that will be occurring in the near future that are contingent on receiving lodgers' tax funds.

Following discussion, Councilor Enfield made the motion to approve the following lodgers' tax funding allocations: NMEMA Conference, \$10,000; Squash Blossom Classic, \$10,000; and the Inter-Tribal Indian Ceremonial, \$50,000. Seconded by Councilor Wall. Roll call: Councilors Enfield, Wall, Landavazo, Garcia and Mayor McKinney all voted aye.

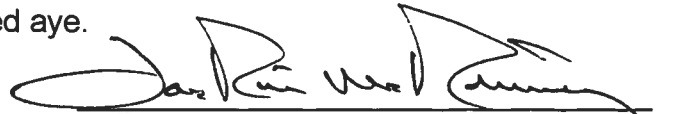
Councilor Garcia made the motion to table the remaining proposed lodgers' tax allocations until the next regular meeting. Seconded by Councilor Enfield. Roll call: Councilors Garcia, Enfield, Wall, Landavazo and Mayor McKinney all voted aye.

3. Resolution No. R2011-28; A Resolution Supporting Local Control of Fireworks Sales Within Local Jurisdictional Boundaries – Dan Dible, City Manager

Mr. Dible provided an overview of his experience with a State emergency management official concerning the flash-flood warning procedures that was required by the State when Mr. Dible was City Manager in Hobbs. Based on his experience with the flash-flood situation in Hobbs, Mr. Dible said the flash-flood warning procedures should have been a local autonomy rather than being required to follow the impractical procedures that were being required by the State. When there is State control there is a loss of the insight of concerns at the local level. The proposed Resolution would support the local control of fireworks as the issue of fireworks is currently being considered by the State Legislature during the Special Session.

Councilor Enfield made the motion to approve Resolution No. R2011-28. Seconded by Councilor Garcia. Roll call: Councilors Enfield, Garcia, Landavazo, Wall and Mayor McKinney all voted aye.

There being no further business, Councilor Landavazo made the motion to adjourn the meeting. Seconded by Councilor Garcia. Roll call: Councilors Landavazo, Garcia, Enfield, Wall and Mayor McKinney all voted aye.


Jackie McKinney, Mayor

ATTEST:


Alfred Abeita, City Clerk

Approved 10/11/2011