

MINUTES
TOWN OF EDGEWOOD
SPECIAL COUNCIL MEETING
September 3, 2020 @ 10:00 am
TOWN OF EDGEWOOD COUNCIL CHAMBERS – 171A STATE ROAD 344

CALL TO ORDER.

Mayor Bassett called the meeting to order at 10:00 AM.

Councilors Present: Audrey Jaramillo, Sherry Abraham, John Abrams, and Linda Holle.

Also Present: Clerk/ Treasurer Juan Torres, Chief Darryl Sanchez, Attorney Marcus Rael, Attorney William Zarr, Administrative Assistant Courtney LaBrum, Secretary Rachel Martinez.

PLEDGE OF ALLEGIANCE.

I. APPROVAL OF AGENDA

MOTION: Councilor Abrams made the motion to approve the agenda. Councilor Holle seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

II. CLOSED SESSION

- A. As per motion and roll call vote and pursuant to NMSA 1978 Section (§ 10-15- 1(H)(7)) the following will be discussed in Closed Session: Pending Litigation. Specifically, State of New Mexico, County of Santa Fe, First Judicial District, Case No. D-101-CV-2020-00328, State of New Mexico ex rel., Thomas McGill, Jerry Powers, And Howard Calkins, Qui Tam Plaintiffs. V. John Bassett, individually, John Bassett, in his capacity as Mayor for the Town of Edgewood, Governing Body for the Town of Edgewood, Defendants and, Governing Body for the Town of Edgewood ex rel. Thomas McGill, Jerry Powers, and Howard Calkins, Qui Tam Plaintiffs, v. John Bassett, individually, John Bassett, in his capacity as Mayor for the Town of Edgewood, Josephine Bassett and Eugene Bassett, Defendants.

MOTION: Councilor Abrams made the motion to go into Closed Session as per roll call vote and pursuant to NMSA 1978 Section (§ 10-15- 1(H)(7)) the following will be discussed in Closed Session: Pending Litigation. Specifically, State of New Mexico, County of Santa Fe, First Judicial District, Case No. D-101-CV-2020-00328, State of New Mexico ex rel., Thomas McGill, Jerry Powers, and Howard Calkins, Qui Tam Plaintiffs. V. John Bassett, individually, John Bassett, in his capacity as Mayor for the Town of Edgewood, Governing Body for the Town of Edgewood, Defendants and, Governing Body for the Town of Edgewood ex rel. Thomas McGill, Jerry Powers, and Howard Calkins, Qui Tam Plaintiffs, v. John Bassett, individually, John Bassett, in his capacity as Mayor for the Town of Edgewood, Josephine Bassett and Eugene Bassett, Defendants. Councilor Abraham seconded the motion with discussion.

Discussion:

Councilor Abraham asked that Mayor Bassett not go into Closed Session with the Council and let the Mayor Pro-Tem act on his behalf.

 Initials

Attorney Marcus Rael stated that there is nothing prohibiting Mayor Bassett from participating in the Closed Session; However, Mayor Bassett does have the option to choose whether or not to participate.

Councilor Abraham stated that previously when Councilor Ring had a Lawsuit pending with the Town of Edgewood, he was denied access to the Closed Session. She asked that Mr. Rael shed light on the reasoning behind that.

Attorney Marcus Rael explained the differences in the situations.

Councilor Abraham asked if Mayor Bassett would be allowed to vote in the event of a tie.

Attorney Marcus Rael stated that Mayor Bassett would be able to vote in the event of a tie.

Councilor Jaramillo asked that since Mayor Bassett is a defendant, if it was a conflict of interest under the Governmental Conduct Act for Mayor Bassett to participate in the discussion, and decision-making process about whether the Town should choose to become a Plaintiff.

Attorney Marcus Rael stated that all that is being determined in this meeting is whether the Town will intervene and depending on what the Governing Body decides today, a conflict could arise between the Town and Mayor Bassett, but until that decision is made, there is no conflict.

Councilor Holle reminded everyone that pursuant to Resolution 2020-12, there is a prohibition of having any recording devices in a Closed Session.

Attorney Real stated that if anyone within the governing body feels that there is a conflict of interest, they can make a motion to vote on prohibiting Mayor Bassett from participating in the Closed Session.

MOTION: Councilor Abraham made the motion to prohibit Mayor Bassett from participating in the Closed Session or the decision-making process and to have the Mayor Pro-Tem continue as the head of the meeting as the Governing Body moves forward. Councilor Jaramillo seconded the motion.

VOTE: Councilor Abraham voted aye. Councilor Jaramillo voted aye. Councilor Abrams voted nay. Councilor Holle voted nay. The motion died due to lack of majority.

VOTE: Councilor Abrams voted aye. Councilor Abraham voted nay. Councilor Jaramillo voted nay. Councilor Holle voted aye. Mayor Bassett voted aye. The motion carried.

Council left for Closed Session at 10:13 AM

Council returned from Closed Session at 11:37 AM

MOTION: Councilor Abrams made the motion to go back into open session as pursuant to NMSA 1978 Section (§ 10-15- 1(H)(7)) only the following was discussed in closed session: Pending Litigation. Specifically, State of New Mexico, County of Santa Fe, First Judicial District, Case No. D-101-CV-2020-00328. Councilor Jaramillo seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Holle voted aye. Councilor Abraham voted aye. Councilor Jaramillo voted aye. The motion carried.

Councilor Abrams certified, that was all that was discussed in closed session and no decisions were made. Councilor Holle so affirmed. Councilor Abraham so affirmed. Councilor Jaramillo so affirmed. Mayor Bassett so affirmed.

III. ACTION ITEM

A. Discussion, Consideration and Action on whether or not the Town of Edgewood should intervene in this matter as a plaintiff and proceed with the action.

MOTION: Councilor Abraham made the motion that the Town of Edgewood intervene in the action, the Qui Tam suit against Mayor Bassett as well as Ms. Josephine Bassett. The motion dies for lack of a second.

IV. ADJOURN

MOTION: Councilor Abrams made the motion to Adjourn the meeting of September 3, 2020. Councilor Holle seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

Mayor Bassett Adjourned the meeting of September 3, 2019 at 11:42 AM.

PASSED, APPROVED, and ADOPTED this 9th Day of September 2020.


John Bassett, Mayor

ATTEST:


Juan Torres, Clerk/Treasurer

 Initials