

Minutes
Public / Regular Trustee Meeting
August 8, 2023

The Village of Capitán Board of Trustees met in public Hearing on Tuesday, August 8, 2023 at the Village Hall in Capitán, New Mexico at 6:00 PM.

Mayor Lowrance Called the meeting to order at 6:01 PM

Roll Call : Mayor Lowrance – Present, Trustee Shearer – Present, Trustee Kerns – Present, Trustee Fraley – Present, Trustee Hair – Present. Al Cavazos – Village Clerk, Angela Autrey – Deputy Clerk, and LeAnne Brasher – Finance Officer were also present. A list of others in attendance is attached.

Mayor Lowrance – Before we go to item #1 I want to make a change on the approval of the Minutes. It's not June 27th, it's July 27th.

Trustee Shearer – So we need a motion to amend the agenda?

Mayor Lowrance – We haven't approved it yet. But, we can do that. Can we get a motion to amend from June to July?

Trustee Kerns made the motion that the agenda showed on point number 4, the meeting was on July 27th instead of June 27th. Trustee Shearer seconded that motion. All in favor, motion passed.

Trustee Kerns – I make a motion that we amend the...

Trustee Shearer – Amend the agenda to correct June to July, is that your motion?

Trustee Kerns – Let me finish that, okay. You anticipate what I was going to say. I make a motion that the agenda show on point number 4, that the meeting was on July 27th instead of June 27th.

Trustee Shearer – I'll second that motion.

Mayor Lowrance – All in favor?

Item #1 on the Agenda: Approval of the Agenda.

Trustee Fraley made a motion to approve the agenda. **Trustee Hair** Seconded the motion.

Discussion:

Trustee Hair – We just approved an amended agenda. We just had a motion to approve the agenda with the amendments, I thought.

Item #2 Public Input.

Lorna Fike – My name is Lorna Fike. I'm director of Hope Harbor. I have some flyers over there. Our ribbon cutting is on September 16th. I gave y'all a heads-up last time, but this time I have a flyer. So, you

can spread the news. We are very excited to do this and I appreciate the Village of Capitan so much in supporting this mission to help women and children.

Trustee Kerns – What time is the ribbon cutting?

Lorna Fike – 11:00 a.m.

Mayor Lowrance – Okay, thank you. Anyone else?

Item #3 Mayor and Trustee Comments

Trustee Hair – I have nothing at this time Mayor.

Trustee Fraley – We are going through the ordinances, are we going to review those next month or a special meeting? We set those up for water taps and that kind of stuff. I know we are working through that.

Mayor Lowrance – Two major issues. We can get the input, then send them to the lawyer to make sure we are not messing with any of the laws. So once we get your input, we'll make the changes. Then we will send them to the lawyer. Once he says they are okay, we will set a public meeting. Then have a meeting right after that.

Trustee Shearer – Shouldn't we do that in a workshop meeting though instead of us all submitting it? There's no public involvement if we are all just doing it on our own and submitting it. The purpose of the open meetings act..

Mayor Lowrance – It's up to yall.

Trustee Shearer - is for all of this to be done in the public, and I wasn't through talking yet, is for all of this to be done in the public. So, my recommendation will be that we have a workshop on it.

Trustee Fraley – Either way, I just want to make sure we deal with that. I don't know how to do that so.

Mayor Lowrance – Sure, that's basically it.

Trustee Fraley – Okay

Mayor Lowrance – So, while we are on the subject.

Trustee Fraley – Do we make a motion for a special meeting? Is that the most efficient way? Do we need a certain amount of time or?

Trustee Shearer – Again, I think it needs to be a workshop.

Trustee Fraley – That's fine.

Mayor Lowrance – It's just a workshop. Yall can agree on a workshop but if you make a motion, it has to be on the agenda.

Trustee Fraley – Okay

Mayor Lowrance – It's not on the agenda.

Trustee Fraley – Gotcha, okay.

Trustee Kerns – You can as for it to be on the agenda for next month.

Trustee Hair – But that's delaying it quite a bit. Could we do it before then as a workshop?

Mayor Lowrance – Yes

Trustee Hair – We've agreed on other things that weren't on the agenda necessarily to create a workshop. So, I don't know..

Trustee Shearer – As long as it's publicly noticed with plenty of time. I think we can set a workshop.

Trustee Hair – Yea, I think a workshop would be appropriate for that.

Mayor Lowrance – Alright, look at your calendars. See when you want to do it.

Trustee Shearer – I'm out on Thursday's all month.

Trustee Hair – Anytime after the 20th, I should be good.

Trustee Shearer – I could do Monday, Tuesday, or Wednesday, the week of the 20th.

Trustee Fraley – I think on the week of the 20th there is a school board meeting on Monday. So, it would have to be Tuesday or Wednesday for me.

Trustee Hair – How about Wednesday the 23rd?

Trustee Shearer – Okay

Trustee Hair – Kimble, does that work for you?

Trustee Kerns – My calendar is on my desk. So, I'm just going to have to say yes.

Mayor Lowrance – Okay. Time?

Trustee's – 6:00

Mayor Lowrance – The 23rd at 6:00. Did you get that Angela?

Trustee Kerns – August 23?

Public Attendee Ed Reeves – Is that just for the council Ron?

Mayor Lowrance – No, it's a public workshop. We'll get in there and hash it out. We are just trying to clean stuff up.

Trustee Kerns – Is it going to be limited?

Mayor Lowrance – We can work on all of them if you want to. It's just a workshop on the ordinances. But there's two major ones about land and water.

Trustee Kerns – The ones we got on the email just the other day. So that will be our primary focus.

Mayor Lowrance – That would be it unless yall want to go deeper.

Trustee Fraley – Okay

Mayor Lowrance – Anything else?

Trustee Shearer – What is the status of the FY 20-21 audit?

Mayor Lowrance – We are getting a 21 28 from the accountants to get IRS to tell us that we don't owe them that money. That they are telling us that we owe.

Trustee Shearer – That's what's holding up the FY 21

Mayor Lowrance – That's exactly what's holding us up.

Trustee Shearer – Because I went and printed up a copy of the at-risk list today. I have some extra copies so everybody in the audience wants one. So, if you look at this list, we are the only entity. There's one other entity that doesn't have their 2020 audit done. We are the only one that doesn't have our FY 21 done. The only one that's behind us is Willard. Is anybody familiar with Willard? It's got maybe a population of 100 people, I'm guessing.

Mayor Lowrance – If that much.

Trustee Shearer – So, we have to get off this list. And this FY 21 isn't even going to get us off this list. I continue to have concerns that we are creating new audit finds. Even as we are in a fresh new fiscal year. So, I want us to really think about this, and I think the Trustee's need to think about having another budget workshop, because when we did the budget we were working off the third quarter. Then last time we got the 4th quarter. We really need to go back and visit that budget. We've approved expenditures that are not in the budget. This is costing us millions. We aren't only on the bad list, we are on the bottom of the bad list. So, I just really want this board to take the budget seriously and start fixing this problem.

Trustee Hair – When would you propose a workshop?

Trustee Shearer – I'm open to a budget workshop. You guys want to look at the budget at the same workshop we look at the ordinances? That's fine with me.

Trustee Fraley – We could do that. We are already going to be here.

Trustee Shearer – There is no harm in looking at the budget because this is really harming our departments and it's really harming our Village. This board needs to take it seriously.

Trustee Fraley – Okay, can we put that vote on the agenda for the 23rd?

Mayor Lowrance – It will just be open for discussion.

Trustee Kerns – I have no comment at this time.

Item #4 on the Agenda: Discussion/Action – Approval of the Minutes – Special Trustee Meeting July 27, 2023.

Trustee Shearer Moved for approval of the minutes. **Trustee Hair** seconded the motion.

Discussion: No discussion of this item.

Roll Call: All in favor, motion passed.

Item #5 on the Agenda: Discussion/Action – Approval of July's 2023 Bills Paid.

Trustee Fraley made a motion to approve. Trustee Shearer seconded the motion.

Discussion: No discussion of this item.

Roll Call: All in favor, motion passed.

Item #6 on the Agenda: Discussion/Action – Heather Jones-Pendergrass Resignation.

Trustee Shearer made the motion to approve. Trustee Kerns seconded the motion.

Discussion: No discussion of this item.

Roll Call: All in favor, motion passed.

Item #7 on the Agenda: Discussion/Action – Annika Beyer Part-Time at the Museum Gift Shop.

Trustee Fraley made the motion to approve. Trustee Hair seconded the motion.

Discussion:

Trustee Shearer – I have a question. Does the gift shop have any merchandise?

Mayor Lowrance – Yes

Deputy Clerk Angela – We just put in another order. We sold out really fast. They are doing good.

Trustee Shearer – Someone came and said they had no merchandise. If we don't have anything to sell, there is no point of us having it open.

Deputy Clerk Angela – We just restocked, and it's already selling out.

Trustee Shearer – Good. I'd like to see them finish in the black this year, because I'm afraid we are going to have to shut it down if it keeps taking 50,000 a year it's hard to keep budgeting that.

Public attendee Ed Reeves – How many hours is part time?

Mayor Lowrance – They can go up to 30.

Trustee Shearer – I think they work about 20.

Mayor Lowrance – State reg's say 30

Trustee Shearer – But it's an enterprise fund so it's required to be self-supported. So if we don't have merchandise, you know, it's not paying the bills.

Roll Call: All in favor, motion passed.

Item #8 on the Agenda: Discussion/Action – Approve Recommendation of Application for Mobile/Manufactured Home at 112 Straightway Rd. Mt. Capitan Subdivision Lot Number 7A, Block 6 – Kenny Espinosa.

Trustee Hair made a motion to approve. **Trustee Shearer** seconded the motion.

Discussion: There was no discussion on this item.

Roll Call: Trustee Shearer – Yes, Trustee Kerns – Yes, Trustee Fraley – Yes, Trustee Hair – Yes

Item #9 on the Agenda: Discussion/Action – Approval of Expenditure for Capitan Fire Department – Kevin Kennedy.

Trustee Shearer made a motion to approve. Trustee Hair seconded the motion.

Discussion:

Fire Chief Kennedy – Good evening. What the Fire Department is wanting to purchase is a type 7 apparatus. It's a side by side with 6 wheel drive. It carries in the body a slip in thing that bolts down. It has a 70 gallon water tank. It's got a basket, so you can do rescue with it. It can get to places where our brush trucks can't go. Almost every department in the county has one. When I first started I thought, you have a toy out there, but after seeing them work, they are amazing little things. They can get up there and put out a fire with a hand crew. It's would take an hour to get up there to put it out. You can do this in a quarter of the time. We could chase fire, all day with this thing.

Mayor Lowrance – It's small enough to get around some of the housing projects we've got around here.

Fire Chief Kennedy – That's exactly right. If we need to get around a house we can't get the truck up into, we can take that back up in there. It's a good apparatus, we've got the money. So, lets buy this .

Public woman attendee – What's it called?

Fire Chief Kennedy – We call it a Gitney.

Public woman attendee – I've seen Gitney's before, it's not one of them.

Fire Chief Kennedy – It's a type 7 apparatus.

Trustee Shearer – Keven, you guys do a great job, fire department does a great job, and you do a great job over you budget so, I'm happy for this.

Roll Call: Trustee Shearer – Yes, Trustee Kerns – Yes, Trustee Fraley – Yes, Trustee Hair – Yes

Item #10 on the Agenda: Discussion /Action – Resolution 2023-28 adopting an Infrastructure Capital Improvement Plan (ICIP).

Trustee Fraley made a motion to approve. **Trustee Hair** seconded the motion.

Discussion:

Trustee Fraley – This is basically the same one we've had before, isn't it?

Mayor Lowrance – Yes

Trustee Shearer – It's the one we went over with you, right? Although we have to get out of audit trouble if we want to get any money. Just putting that out there.

Mayor Lowrance – Of course.

Trustee Shearer – We haven't gotten capital out lay in a while.

Trustee Kerns – Well taken

Roll Call: Trustee Shearer – Yes, Trustee Kerns – Yes, Trustee Fraley – Yes, Trustee Hair – Yes

Item #11 on the Agenda: Discussion/Action – Memorandum of Understanding Between Village of Capitan and Capitan Library LLC.

Trustee Hair motioned for approval. **Trustee Shearer** seconded the motion.

Discussion:

Peggy Wilson – Right now I'm volunteering to write grants for the village, 2 days a week. A lot of the grants have a component in them, that we could share or ask for extra funds that the Village needs to go to support community centers and libraries. We do not have a MOU with the Library. In order for me to do that, I have to show it. So this memorandum of understanding gives us no financial culpability or any insurance liability with the Library. It is only that I can add in those funds to go the Library. I'm incoming president on the board now. We need funds. We are closing the library now one and a half days, because we can't afford the utility bills. We just got a new director, and we are struggling. We've only got two paid employees, and we need the funds. The answer to it is, I went to the Mayor and said, can I bring a MOU to you guys? That is our community center right now, so we need to support it as much as we can.

Roll Call: Trustee Shearer – Yes, Trustee Kerns – Yes, Trustee Fraley – Yes, Trustee Hair – Yes

Item #12 on the Agenda: Discussion/Action – Selection of the Voting Delegate & Alternate for the Village of Capitan for the 2023 NMML Annual Conference.

Trustee Fraley motioned for approval. **Trustee Hair** seconded the motion.

Discussion:

Mayor Lowrance – We've never that this before but, you all need to decide. I know Randy has to be there, the Judge has to be there. I think Al is going, I'm going. I don't know if you are going. Are you going to go that? It's in Farmington.

Trustee Shearer – I usually go because I have a project. The Municipal League has always done this. I served as a district alternate when I was on the board in 2002, so I don't think this is anything new.

Mayor Lowrance – Do you all want to suggest names? Who is going to be the voting delegate and alternate?

Trustee Fraley – I can't go, I've got to teach that weekend.

Trustee Shearer – What weekend is that?

Trustee Fraley – It's Labor Day weekend.

Mayor Lowrance – 29th through the 1st.

Trustee Shearer – Yea, that's a bad weekend. Are you in Farmington anyway?

Trustee Hair – I'm not going to in that time period.

Trustee Shearer – Let me look at my calendar. I can do it if you guys want me to, but I wasn't planning on it.

Mayor Lowrance – Okay so, Bobbie Shearer will be the voting delegate.

Trustee Fraley – And the alternate

Mayor Lowrance – There's two sitting right there.

Trustee Fraley – Perfect, Okay.

Mayor Lowrance – All I need is the name for an alternate, incase Ms. Shearer gets sick or can't vote or..

Trustee Shearer – Doesn't it need to be another board member?

Mayor Lowrance – I don't know.

Trustee Shearer - I think it does. I think it has to be a member of the governing body.

Mayor Lowrance – So, me as an alternate?

Trustee Shearer – You are going to be there anyway?

Mayor Lowrance – I'm planning on attending.

Roll Call: All in favor, motion passed.

Item #13 on the Agenda: Discussion/Possible Action – EGRT's for Capitan – Green Tree Crystal Ingle – Roller.

Discussion:

Public Woman Attendee – What does that stand for?

Trustee Shearer – Environmental Gross Receipts Taxes

Public Woman Attendee – Got it, thanks.

Trustee Shearer – It is a particular one sixteenth increment that is part of the gross receipt's taxes. What is our new rate 6.565 %?

Finance Manager Brasher – Yes

Trustee Shearer – It went down because the state lowered it .125%

Crystal Ingle Roller – My name is Crystal Ingle Roller and I'm the director of operations for Greentree Solid Waste Facility. I was asked to come and talk to you about the gross receipts tax, that Capitan

should be paying Greentree. What the gross receipts tax does, that all of the municipalities pay, is to help capitalize so we don't have to raise the rates for the residents. So, we raise the rates as little as possible. And the EGRT's all subsidize that.

Trustee Shearer – And do you by Polly carts or?

Crystal Ingle Roller – We buy Polly carts, we by Polly cart trucks, the dumpsters, the dumpster trucks, any type of equipment, that would help out.

Trustee Shearer – How long has Capitan withholding the EGRT's?

Crystal Ingle Roller - November of 22

Mayor Lowrance – Do you have the Memorandum that was approved by the board, that was approved by the board for the capture?

Crystal Ingle Roller – I don't understand the question?

Mayor Lowrance – Well when they take, like we did for the loan. When the department of Finance take's the GRT's. That's what I'm asking for, the memorandum, that the board said that you could take this on as a new loan?

Crystal Ingle Roller – Okay, there are no loan documents that I can show to you. When we got the loan back in 2005, It shows that we were already getting EGRT's from all the municipalities since 1990 to help start Greentree, and to help keep capitalizing, and when we got the loan in 2005 we dedicated EGRT's to the loan until the loan was paid for Once the loan paid off the EGRT's were supposed to go back to Greentree to help keep capitalizing.

Trustee Kearns – So your saying that is what Capitan has been paying monthly, and their last payment was in November of 2022?

Crystal Ingle Roller – That is correct.

Trustee Shearer – And so, if we are not paying our EGRT's, Solid waste is an enterprise fund, right? For us it is an Enterprise fund? So, and Enterprise fund for us is required to be self-supporting. So, if we are not paying the EGRT's, then we would have to raise the rate in order to cover those cost, is that correct?

Crystal Ingle Roller – Yes, that is correct.

Trustee Shearer – So, I think that the EGRT's at this point are going into the general fund. So, it seems like at some point that that will come back to the rate payers as a rate increase because it is being put into our general fund. How many customers do we have?

Crystal Ingle Roller – 758 including commercial.

Trustee Shearer – And we have already spent \$3000 in Attorney's fees.

Crystal Ingle Roller – I knew that y'all hired an attorney when I received an IPRA from him.

Mayor Lowrance – Wait a second, let me clarify that. We didn't hire an attorney. He is our water attorney, and I didn't know nothing about JPA's or anything about that stuff, so I asked him a few questions. He said that he would look into it for me. We already hired him.

Trustee Shearer – But we have had it on our agenda twice to pay two bills related to Greentree and they were \$1500 + each.

Mayor Lowrance – Well it's no different that the \$750 that we paid for the deal with Cook on garbage management.

Trustee Shearer – I don't know what that even means.

Trustee Kearns – So who is paying this to the Village? And, you were asking to see a copy of a memorandum?

Mayor Lowrance – This is on a new loan, and we just paid off an old loan and we were done. That is what I'm going on is Item #7, I think that is 7 (F) where there is supposed to come an end to where they are completely out of our reach. WE don't even want any ties to them. They are supposed to be self-sufficient, is what I'm trying to say. Item number 7(F).

Trustee Shearer – Where does it say that the gross receipts sunsets in some way?

Mayor Lowrance – It's not the gross receipts taxes, it's the environmental..

Trustee Shearer – Environmental Gross Receipts Tax, that's what EGERT's Stand for.

Mayor Lowrance – And that is what? \$450.00 a month?

Finance Officer Brasher – The specific line of environmental gross receipts is not very much.

Trustee Shearer – It is a 1/16th increment.

Crystal Ingle Roller – It is roughly around \$12,000 to Greentree.

Mayor Lowrance – And that's from 2022?

Crystal Ingle Roller – Yes

Trustee Shearer – And so at some point our 750 customers are going to pay that.

Crystal Ingle Roller – Yes, if things don't get cleared up. And it comes out roughly between \$15,000-17,000 a year. Which is very minimal, but it really helps in the long run to help keep the rates lower for residents in each of the municipalities.

Mayor Lowrance – Did you guys understand all of that?

Trustee Kerns – No. I am not understanding why we are withholding that.

Mayor Lowrance – Well since 22 it never came up.

Trustee Shearer – What do you mean, it never came up? I have asked four times for this to be but on the agenda.

Mayor Lowrance – You took that out of context of course. Anyways, what do you not understand? She's saying that we owe the money and I'm saying that I didn't know. I wanted it to be clarified at the last meeting that I went to. Because it made no sense to me. Because there is some low with the State of NM where that wasn't going to happen anymore. I don't know. I'm trying to figure all of this out.

Crystal Ingle Roller – If I may, (handed some papers to the council) the top is just a copy of what the JPA actually says, but if you look underneath, I did bring the resolution from before that all of the municipalities are supposed to be paying the EGRT's in order to help Greentree to capitalize them and it all is there.

Mayor Lowrance – Well Crystal, all I'm trying to get across is that I called the DFA and they had no recollection of a capture.

Crystal Ingle Roller – The loan is with the New Mexico Finance Authority.

Mayor Lowrance – All I am trying to say is the City of Capitan did a memorandum, anyways that's what I'm trying to say, I've been looking and I'm trying to find...

Trustee Shearer – Excuse me, we need to get this conversation out in there (as she was conversing with the Deputy Clerk Autrey).

Crystal Ingle Roller – So, in the Village of Capitan Ordinance 90-6 states that the EGRT's will come to Greentree.

Trustee Shearer – Actually it doesn't, because those are from ordinance's that have form language that recommends that it be used for solid waste.

Crystal Ingle Roller – It does. And then in the JPA in 1991 states that it is for capitalization for Greentree.

Trustee Shearer – What Angela is pointing out to me over here, is the amount of the EGRT's that is actually coming in. And it doesn't look like it is \$4,000.

Deputy Clerk Autrey – And I may be wrong, but this is what I am looking at (Showing the monthly GRT capture for the municipalities.)

Trustee Shearer – It is a 1/16th so that does seem low.

Deputy Clerk Autrey – That is what I am seeing, so I am not understanding.

Crystal Ingle Roller – We talked to Tax and Rev, and we talked to David Montief, and here's how he explained it to us.

Deputy Clerk Autrey – What he sent you, because we talked to him as well, what he sent you was an example of what we had owed from the intercept. That is what he had sent you.

Crystal Ingle Roller – That was the information that he had at that time.

Deputy Clerk Autrey – Right, I understand that, and that's totally understandable. When we were doing the loan, they had calculated it a certain way. I understand. I am not trying to argue. I get it. But, that is what I am not understanding. So, either I'm not looking at something right, and like I said there's really only one way to look at it because of what the ordinance is saying.

Crystal Ingle Roller – And we went based off of what they were drawing as well.

Deputy Clerk Autrey – I understand that, because I couldn't figure it out myself.

Trustee Kerns – So it's really a matter of, not that we owe, but how much we owe?

Trustee Shearer – Your saying it's \$12,000. But your saying it's probably less?

Deputy Clerk Autrey – I'm saying, I'm not seeing where they are getting their number from.

Trustee Shearer – So, we need to get an assessment done.

Crystal Ingle Roller – I'm sure whatever your amount, whatever your collecting. 1/16th is plenty. It's fine and I didn't bring figures from before the intercept, because it was no longer being done.

Trustee Kearns – And the purpose that we were holding them is because you wanted to..... Make sure that we were clear on this before paying anything?

Deputy Clerk Autrey – Well honestly, I didn't understand how it worked because it wasn't being intercepted anymore. So, I really didn't understand how you get or figured it. So, this says Environmental gross receipts and I get that. Is that what I'm supposed to send? Because I will be glad to send that.

Crystal Ingle Roller – Do you have a 601 or a 602?

Deputy Clerk Autrey – I do have a 601.

Crystal Ingle Roller – Okay, this it's 1/16th of the 601.

Deputy Clerk Autrey – So, the 601 is our municipal receipts, not our environment receipts.

Crystal Ingle Roller – So whatever your 601 and 602 is, they combine them and then you take a 1/16th from them and that is what you owe.

Trustee Shearer – But 1/16 really should be generating more than that.

Deputy Clerk Autrey – I understand that, but then why does that say environment?

Trustee Shearer – I don't know.

Deputy Clerk Autrey – Sorry, that's why I was confused!

Trustee Shearer – I can understand not being able to know exactly what we should be paying on. But in the last 10 months you have sent emails and you haven't gotten any responses. I've asked to have it placed on the agenda. So, that is why you guys are here tonight and that's why you have hired an attorney. Right?

Crystal Ingle Roller – I've gotten responses. Because the Village of Capitan and Greentree Solid Waste have the same attorney. It's a conflict. So, He has to step out, since they had an attorney that I received an IPRA from, we have done what's in the best interest for Greentree, and since we cannot use Zach we had to hire someone to also look after us. We are not suing the Village, we aren't doing any of that, but we have to have someone that will look out for our best interest for us and protect Greentree, since we can't use Zach.

Trustee Shearer – So right now all of the other municipalities, which are Carrizozo, Ruidoso Downs, and Corona. They are all paying the EGRT's?

Trustee Kerns – Which is 1/16th of a line called 601?

Crystal Ingle Roller – Yes

Keven Kennedy – Well wouldn't it be a good solution to take the 1/16th out again and start it over?

Crystal Ingle Roller – NMFA won't do that again because...

Trustee Shearer – There's not a law

Crystal Ingle Roller – We do have another loan with the New Mexico Finance Dept. and the EGRT's help pay with that as well.

Trustee Shearer – When we had something on our agenda probably about last November, I can't remember exactly what it was. I would have to go back and look. It was a proposal to bring in Sierra Contracting. Which would violate the JPA. And what they proposed, for the same price that we are paying now, they would provide us with one single dump site, and everybody in town would haul their household garbage to that one single dumpsite. Yes, that was the proposal. And that is really what our alternative is. If we damage your operations. If we're not paying our bills. Then the rate is going to go up. And the reason that Greentree can keep our rates where they are and a private entity can't compete, is because we have been investing taxpayer dollars into that entity for 33 Years. Capitan alone has probably put at least a half a million dollars in the facility and there was a million dollars of capital outlay from Governor Richardson. I think that we are getting a pretty good deal. And I don't want to do anything that will drive the rates up because it will all come back to the rate payers, and I'm not hauling my garbage to a central location.

Trustee Fraley – So for the rate, what we need to do before we can actually make a motion, is we have to get the right numbers, right?

Trustee Shearer – I think we could have a motion to ask the administration to work with Greentree to establish the proper number and then pay the proper amount of the EGRT's.

Trustee Fraley – Well I think that we need to figure out the proper amount first.

Trustee Shearer – And we will have a deficit. Probably going to have to come out of the solid waste fund.

Trustee Kerns - Before we do that, I think that we need to look and see if there is a chance of it even being reconcilable, and would like to look at Angela to see if this can even be reconciled?

Deputy Clerk Autrey – Seriously, you saw what I was looking at and why I was thinking what I was thinking?

Trustee Kearns – You learned something tonight?

Deputy Clerk Autrey – Yes

Mayor Lowrance – Ordinances.

Deputy Clerk Autrey – I was looking at the Ordinance and hearing Environmental Gross Receipts and the 1/16th. Even LeAnne was seeing the same thing that I was. We were very confused. I still don't think that it's correct.

Mayor Lowrance – That's why I was hoping that she could come and clarify it and she has for the most part.

Trustee Shearer – The other entities are receiving the same form of this report, so we can take a look at what Carrizozo and the others are doing.

Trustee Hair – I think that we need to get some solid numbers. We can't just be writing a blank check.

Trustee Shearer – It's not a blank check. It's 1/16th that we committed in 1990. It's just a matter of understanding of what the number is. We already committed the 1/16th.

Trustee Fraley made a motion that we get the numbers that we owe and put that payment on the next agenda So that we can get caught up. **Trustee Shearer** Seconded this Motion.

Roll Call: All were in Favor, The motion Passed.

Item #14 on the Agenda: Discussion/Possible Action – Solid Waste Rate Increase – Greentree, Crystal Ingle – Roller

Discussion:

Crystal Ingle Roller - So, October of last year we had a Public Hearing with all of the Municipalities, it was posted in the paper. We did all the things that you are supposed to do. We had not had a rate increase in 5 years. We try to keep the rates as low as possible, but since it had been so long and with everything. Covid happening, and prices tripled, we just had to do a rate increase. It was just not possible to stay within our budget without one. It passed. It was an absolute majority. 75% voter requirement. Capitan has not implemented the rate increases.

Trustee Shearer – There were just two?

Deputy Clerk Autrey – Capitan has implemented and paid all of the increases.

Crystal Ingle Roller – Not the second one. The one that started in July.

Deputy Clerk Autrey – That just started, we haven't even gotten that bill until today. I didn't even know about this rate increase.

Crystal Ingle Roller – I sent emails. I got no responses. I called to talk to you and got, I believe it was Peggy or Charlene. When I asked if the rate increase had been implemented, we have been told to tell you to call the Mayor, and that's all I got.

Trustee Shearer – So was it put on the bills?

Deputy Clerk Autrey – The rate increase that we've had?

Trustee Shearer – No, no, no. It was like our water rates. As I understand, there was a resolution on there, but there was a small rate increase in October and another one in July.

Crystal Ingle Roller – 2% every year. So, it was about \$.49 to start on the July billing and sent that for us to collect in August.

Trustee Shearer – So, when it increased in October it didn't come before the board?

Crystal Ingle Roller – I sent it out to all the municipalities.

Trustee Shearer – But not before this board?

Crystal Ingle Roller – No

Trustee Shearer – It was just implemented. So, the same resolution, we have a second-rate increase, and now we have it on the agenda, but nothing has really changed. It's the same resolution that you pass last October?

Crystal Ingle Roller – Yes, it was passed at the percentage and then a 2% every year for 5 years, so that everybody wasn't hit all at once.

Trustee Shearer – It's just like what we did with the water.

Trustee Fraley – So, explain what you were saying Angela. I didn't quite understand as far, if we were paying or we were not paying.

Deputy Clerk Autrey – Well so, I guess I missed something, because I knew that you raised you rates in October, or that id passed in October and we have been paying the rate increase since January.

Finance Officer Brasher – And now there is a second rate increase. I know, I didn't now about it until Charlene showed it to me today.

Crystal Ingle Roller – I sent it on June 16th.

Trustee Shearer – And when you called you were told that you had to talk to the Mayor?

Crystal Ingle Roller – Yes

Trustee Shearer – So it's a \$.49 increase

Trustee Kearns – So, we didn't charge them for July or August, but it's not a big amount. It's \$.49 we have 400 residential customers. It's really only a couple of hundred bucks. We can cover that out of the solid waste fund.

Crystal Ingle Roller – I believe that I sent the email to Angela, Al, Peggy, Mayor, and Charlene.

Trustee Kearns – Made a motion to approve item #14 for the rate increase. **Trustee Shearer** seconded the motion.

Finance Officer Brasher – Can I make a request? When you send emails, Can you please include me in those also.

Crystal Ingle Roller – Of course I can.

Roll Call: All were in favor, motion passed

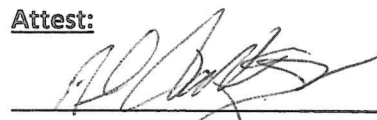
Adjournment:

Trustee Fraley made a motion to adjourn/Trustee Shearer Seconded the motion.

Roll Call: All were in favor, the motion carried.

Meeting adjourned at 6:44 PM.

Attest:



Al Cavazos, Village Clerk



Ron Lowrance, Mayor, Village of Capitan