

**Minutes
Regular Meeting
July 13th, 2021**

The Village of Capitan Board of Trustees met in a Regular Meeting on Tuesday, July 13th, 2021 at the Village Hall in Capitan, New Mexico at 4:30 PM.

Mayor Lowrance asked for a moment of silence and led the assembly in the Pledge of Allegiance.

Mayor Lowrance called the meeting to order at 4:32 PM.

Roll Call: Mayor Lowrance – present, Trustee Shearer – present, Trustee Kearns – present, Trustee Fraley – present, Trustee Johnson – not present. Stephanie Bason – Village Clerk, Grace Centrella – Finance Officer, Randy Spear – Police Chief, J. Leinneweber – Administrative Assistant, Angela Autrey – Court Clerk/Human Resources Clerk, Steve Osborn – Water Utilities Supervisor, Johnathan LaMay – Street Department Supervisor, Ronnie Montes – Parks Department Supervisor and Kevin Kennedy – Fire Chief were also present. A list of others in attendance is attached.

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

Trustee Shearer made a motion to Approve the Agenda. Trustee Fraley seconded the motion.

Roll Call: Trustee Shearer – yes, Trustee Kearns – yes, Trustee Fraley - yes

Item #2 on the Agenda: Public Input. (Agenda Items Only).

There was no Public Input

Item #3 on the Agenda: Mayor and Trustee Comments.

Trustee Fraley said there were items on the agenda that he is not familiar with like items 14 & 15. He also noted with regards to the Budget there was a lot to go over. He had missed the Budget Meetings since he was not a Member of the Board at that time but was able to review the Budget prior to this Meeting.

Trustee Shearer said there was a report in the Lincoln County News that the Board had discussed her property in Executive Session and that its clear in the Minutes that the Board did not. She reminded the Board that they were joined by former Mayor Sederwall, he had a proposal that required Executive Session but nothing about her property was discussed in Executive Session or will it be. She also wants the Board to consider at a future Meeting, “creating a position of Grants & Contracts Administrator.” Trustee Shearer has noticed that this function takes up a lot of Stephanie’s time causing “other duties to fall through the cracks.” She would like the Board to consider “at least a part-time position, somebody who would actually be dedicated to handling these Water/Road Grants, State Funds.”

Trustee Kearns said the Village needs to know about the Elections coming up November 2nd, 2021 and that anyone interested in running for Mayor or the 3 Board of Trustees seats up for election has only one day, August 24th, 2021 between the hours of 9AM and 5PM to turn in their names to the County Clerk in Carrizozo to be registered as candidate.

Mayor Lowrance had no comments at this time.

Item #4 on the Agenda: Approval of Minutes – Regular Meeting June 8th, 2021.

Trustee Shearer made a motion to Approve the Minutes – Regular Meeting June 8th, 2021. Trustee Fraley seconded the motion.

Roll Call: Trustee Shearer – yes, Trustee Kearns – yes, Trustee Fraley - yes

Item #5 on the Agenda: Discussion/Action – Approval of Bills Paid for June 2021.

Trustee Shearer made a motion to Approve the Bills Paid for June 2021. Trustee Fraley seconded the motion.

Discussion: No Discussion

Roll Call: Trustee Shearer – yes, Trustee Kearns – yes, Trustee Fraley - yes

Item #6 on the Agenda: Discussion/Action- Approval of the Appointment of Sherry Hair to the Village of Capitan Water Advisory Board.

Trustee Shearer made a motion to Approve the Appointment of Sherry Hair to the Village of Capitan Water Advisory Board. Trustee Fraley seconded the motion.

Discussion: No Discussion

Roll Call: Trustee Shearer – yes, Trustee Fraley – yes, Trustee Kearns - yes

Item #7 on the Agenda: Action – Approve the Hiring of Melody McConnell as a Part Time Fill-In Sales Clerk at the Smokey Bear Museum & Gift Shop (SBE).

Trustee Shearer made a motion to Discuss the Approval of Hiring of Melody McConnell as a Part Time Fill-In Sales Clerk at the Smokey Bear Museum & Gift Shop (SBE). Trustee Fraley seconded the motion.

Discussion: Trustee Shearer asked if these were original applicants from the 1st posting. J. explained that when the position was posted the Village received one applicant and he was hired. It was determined that having more Fill-Ins available for back up in case the current Fill-in would be unavailable to work when needed would be a good idea. The Fill-In position was posted again and the Village received additional applicants.

Trustee Kearns asked if it was first posted as a Part-Time position then changed to a Fill-in position? J. explained that the position has always been posted as Fill-In to cover existing sales clerk schedules and would not add to the Budget. J. explained the importance of having coverage and a deeper pool of fill-ins to call in to work, often at the last minute for the Museum & Gift Shop, especially on weekend days as these are potentially the largest money-making days, otherwise the Museum & Gift Shop would have to be closed and miss the opportunity.

Trustee Shearer made a motion to Approve the Hiring of Melody McConnell as a Part Time Fill-In Sales Clerk at the Smokey Bear Museum & Gift Shop (SBE). Trustee Fraley seconded the motion.

Roll Call: Trustee Shearer – yes, Trustee Kearns – yes, Trustee Fraley – yes

Item #8 on the Agenda: Action – Approve the Hiring of Jessica Goldston as a Part Time Fill-In Sales Clerk at the Smokey Bear Museum & Gift Shop (SBE).

Trustee Shearer made a motion to Approve the Hiring of Jessica Goldston as a Part Time Fill-In Sales Clerk at the Smokey Bear Museum & Gift Shop (SBE). Trustee Fraley seconded the motion.

Roll Call: Trustee Shearer – yes, Trustee Kearns – yes, Trustee Fraley – yes

Item #9 on the Agenda: Action – Approve the Resignation of Sanjna Bhakta as Part Time Sales Clerk for the Smokey Bear Museum & Gift Shop (SBE).

Trustee Shearer made a motion to Approve the Resignation of Sanjna Bhakta as Part Time Sales Clerk at the Smokey Bear Museum & Gift Shop (SBE). Trustee Fraley seconded the motion.

Roll Call: Trustee Shearer – yes, Trustee Kearns – yes, Trustee Fraley – yes

Item #10 on the Agenda: Discussion/Action – Approve the Posting of the Position of Part Time Sales Clerk for the Smokey Bear Museum & Gift Shop (SBE).

Trustee Shearer made a motion to Approve the Posting of the Position of Part Time Sales Clerk for the Smokey Bear Museum & Gift Shop (SBE). Trustee Fraley seconded the motion.

Discussion: No Discussion

Roll Call: Trustee Shearer – yes, Trustee Kearns – yes, Trustee Fraley – yes

Item #11 on the Agenda: Discussion – Determine the Cost of Living Increase for the Village of Capitán Employees for Fiscal Year 2021/2022.

Trustee Shearer thought that the Board had already addressed this. J. explained that in the minutes from the Board Meeting when the Board approved the preliminary budget there was some discussion as to what percent of increase for cost of living the employees receiving a cost of living increase would get. The Board had decided to approve it at one percent and they could always address the issue again prior to approving the Final Budget. This was the Board's opportunity to do so if they choose. The Board decided to stay with the one percent increase.

Item #12 on the Agenda: Discussion – Final Budget for Fiscal Year 2021/2022.

Trustee Kearns said he has gone over the budget and was satisfied that the Employees receiving raises to bring them up to where they should be would not be getting the cost of living increase as well.

Trustee Shearer asked why the Agenda didn't have Action on this item now. The Mayor advised the Board the reason was the Budget wouldn't have been complete had they decided to change the cost of living increase. He advised the Board that there would have to be a Special Meeting scheduled for the next week to approve the Final Budget. The Board decided to schedule a Special Meeting on Thursday, July 22nd, 2021 at 6:00 PM.

Item #13 on the Agenda: Discussion – Prioritization of the 2023-2027 Infrastructure Capital Improvement Plan (ICIP) List.

Trustee Shearer asked when the Prioritized List was due. J. replied the end of August. Trustee Shearer asked that the Item be placed on the next Regular Meeting Agenda for prioritization and for a Vote.

Trustee Kearns said he'd like the Department Heads input. He feels it's important for them to let the Board know what they need for their departments.

Trustee Shearer asked that a preliminary List including recommendations from the Department Heads be available to the Trustees for discussion at the Special Meeting.

Trustee Fraley asked if the projects with the status of Funded had to be included on the list. The response was that until a project is completed it should remain on the List in case more funding is required to complete it. Some projects may only be partially funded and will require more funding later so should remain fairly high on the List.

Item #14 on the Agenda: Discussion – Electronic Complaint Submission to the New Mexico State Attorney General by Janis Shaver.

Trustee Shearer thanked Janis for “doing that. I appreciate it, I think you should hold our feet to the fire. If we’re doing something wrong we need to fix it. There’s not a person at this table that wants to get it wrong.” Trustee Shearer was sorry that Janis had to “go to that trouble. We will do our best not to violate the Open Meetings Act”. Janis said “...this is my home, I care about it and if I see something ...” Trustee Shearer went on to say “the public is entitled to do that.”

Item #15 on the Agenda: Discussion – Open Fraud Investigation of the Village of Capitan by the Village of Capitan Police Department Regarding the Two Temporary Laborers Hired for the Main Road Phase III Project.

Trustee Shearer said she asked for this Item to be put on the Agenda. She “thinks an investigation by the Village into the Village is fraught with conflicts of interest.” She said she thinks “it creates a liability situation for the Village” and “any investigation needs to be turned over to an independent agency” Trustee Shearer said she called the District Attorney last week and let him know that she is requesting the Item be placed on the Agenda and that she was “going to request that it be referred to his office.” She said the District Attorney would be willing to look at it if it was referred to his office. Trustee Shearer told the Mayor she’d leave it to him how the matter gets referred and that she wasn’t “getting into any personnel issues.”

Item #16 on the Agenda: Discussion/Action – Approve the Joint Powers Agreement Between Capitan Municipal School District and the Village of Capitan – Capitan Ballfield.

Trustee Shearer made a motion to Approve the Joint Powers Agreement Between Capitan Municipal School District and the Village of Capitan – Capitan Ballfield. Trustee Kearns seconded the motion.

Discussion: Trustee Fraley asked how that works, if at the end of a month they would submit receipts? The Mayor replied “yes”. The Mayor explained that in the summer the Village pays the Water bill because of Baseball Little League and overflow from Ruidoso Soft Ball Tournaments being played at the Ballfield and these are budgeted for. The Agreement is the same as it has always been 55% and 45%.

Trustee Shearer asked if the Village has the ability to waive an excessive water bill if the Village is the customer. The Mayor replied “not by ordinance.”

Randy Spear asked if there was any way that the Baseball Field could be added to the ICIP list so that the Field could be lighted? Many games have had to be called early and not completed due to losing light in the evenings. The Mayor explained that the Lights for the Ballfield have been included on the Village’s ICIP List in the past with no results. The Capitan Schools is adding it to their List for 2023-2027 thinking they will have a better chance obtaining funding for this project. That is why it is not on the Village’s List for 2023-2027 this way the project won’t have to compete with larger sewer, water and street projects. Trustee Shearer said she believed that’s how the Ballfield got its funding, through the Schools ICIP List.

Trustee Kearns asked if when the lights are installed on the Ballfield if the same 55%/45% split in the Agreement would apply to electricity or would that have to be negotiated. It was determined that the Agreement would have to be updated to include the cost of electricity when the Lights are installed.

Roll Call: Trustee Shearer – yes, Trustee Kearns – yes, Trustee Fraley – yes

Item #17 on the Agenda: Discussion/Action – Approve the Application for a Barn at 226 Hailstorm Rd – Fernando Salcedo & Ida Montes-Salcedo.

Trustee Shearer made a motion to Approve the Application for a Barn at 226 Hailstorm Rd – Fernando Salcedo & Ida Montes-Salcedo. Trustee Fraley seconded the motion.

Discussion: No Discussion

Roll Call: Trustee Shearer – yes, Trustee Kearns – yes, Trustee Fraley – yes

Item # 18 on the Agenda: Discussion/Action – Approval for Extra-Territorial Water Service at TR 123A Zia Dr. – Susan M Broaddus.

Trustee Shearer made a motion to Approve the Extra-Territorial Water Service at TR 123A Zia Dr. – Susan M Broaddus. Trustee Fraley seconded the motion.

Discussion: No Discussion

Roll Call: Trustee Shearer – yes, Trustee Kearns – abstained on the grounds that the property is currently listed with Lincoln County Realty for whom Trustee Kearns is a broker, Trustee Fraley – yes

Item #19 on the Agenda: Discussion/Action – Approval for Extra-Territorial Water Service at 266 Antelope Circle – Dale A. & Dorothy S. Woods.

Trustee Shearer made a motion to Approve the Extra-Territorial Water Service at 266 Antelope Circle – Dale A. & Dorothy S. Woods. Trustee Fraley seconded the motion.

Discussion: Trustee Kearns pointed out that the property is in Garlan Creek Sub-Division which is “way out there.” Trustee Kearns wanted someone with the knowledge, to explain to the public “just why this is possible.” Steve Osborn said in the past the Village got water from Bonito Lake and the water line “is literally in their front yard.” Trustee Kearns observed that more people along this line can be serviced, right now they are all on wells. Steve said that not all the residents in the Sub-Division are close to the water line and it would be more cost effective for them to get several properties to request extra-territorial service at the same time so that they’d share the cost of the line necessary to add them to the Village’s water system.

A Member of the Public asked if they get billed for the water and Trustee Shearer replied they would be charged 1.5 times the rate charged to properties that are inside the Village Limits.

Roll Call: Trustee Shearer – yes, Trustee Kearns – yes, Trustee Fraley – yes

Item #20 on the Agenda: Discussion/Action – Approval for Extra-Territorial Water Service at 116 Sims – Trevor L. & Davida E. Cox.

Trustee Shearer made a motion to Approve the Extra-Territorial Water Service at 116 Sims – Trevor L. & Davida E. Cox. Trustee Fraley seconded the motion.

Discussion: No Discussion

Roll Call: Trustee Shearer – yes, Trustee Kearns – yes, Trustee Fraley – yes

Item #21 on the Agenda: Discussion/Action – Approval for Extra-Territorial Water Service at 168 Bancroft – Trevor L. & Davida E. Cox.

Trustee Shearer made a motion to Approve the Extra-Territorial Water Service at 168 Bancroft – Trevor L. & Davida E. Cox. Trustee Fraley seconded the motion.

Discussion: No Discussion

Roll Call: Trustee Shearer – yes, Trustee Kearns – yes, Trustee Fraley – yes

Item #22 on the Agenda: Discussion/Action – Approve Opening of a Separate Account at Washington Federal for the Fire Funds.

Trustee Shearer made a motion to Approve Opening of a Separate Account at Washington Federal for the Fire Funds. Trustee Fraley seconded the motion.

Discussion: Mayor Lowrance explained that at one time each fund had its own bank account. There were twenty-two (22) accounts. When the Village switched its banking relationship to Washington Federal all the accounts were consolidated in one checking account. He went on to explain that both the Fire Department and the Police Department receive funds in the form of Grants that can only be used by the Department and only for specific purposes. For this reason, it is important to keep these funds separate from the other Village funds to be sure that the funds do not get mixed up with other Village expenses and for accounting purposes to determine the correct specific balance of these specific funds. **Trustee Shearer** thinks it would be a good idea in the future to have separate accounts for the Grants the Village receives also.

Roll Call: Trustee Shearer – yes, Trustee Kearns – yes, Trustee Fraley – yes

Item #23 on the Agenda: Discussion – Offering Public Employees Retirement Association (PERA) Retirement Plan as a Choice to Non-Police Department Employees.

Mayor Lowrance explained that there are 2 to 3 individuals, not PD employees that had been contributing to PERA with previous State Employers and are not able to continue with PERA because the Village does not participate in PERA for its non-PD Employees. The Mayor thinks its important to offer PERA to these employees that have so much invested in the PERA Retirement Program already. He pointed out that the Village added the Code Enforcement/Animal Control Officer to a PERA Retirement Plan when she was not allowed to participate in the Police Officer PERA plan. He said that the match for the Village is higher for the PERA plan versus the 457b plan previously approved by the Board for the remaining Village employees, but “not that much more.” The State requires a Resolution to participate in specific plans. Stephanie explained that the Village would only match for one retirement plan and that while a PERA participant could also contribute to a 457b plan the Village would only match the PERA plan.

Trustee Shearer asked if the employees would rather have a PERA plan. Steve Osborn replied for himself PERA wouldn’t work for him and if he was forced to participate in the PERA plan he would have to leave Village employment. The 457b plan works best for him in reaching his retirement goals with the time he has left until retirement. He knows for others that have participated and invested in the PERA plan for many years, that plan works best for them in reaching their retirement goals. Trustee Shearer would like to look at the “feasibility of offering both as long as its comparable compensation.” She doesn’t want one group of employees receiving more than others just based on the retirement plan they choose to participate in. She’d like to see every employee receive the same benefit amount from Village and thinks the match to the 457b may need to be raised to be equal with the PERA match.

Item #24 on the Agenda: Discussion/Possible Action – Old Business Projects and Funding.

Trustee Shearer said she thought on the complaint there was an issue with the Old Business and New Business items on the Agenda. She would like in future that what ever is to be discussed in these items be clearly described on the Agenda.

Stephanie wanted to let the Board know that the purpose for including these items without a clear description was in case an urgent item came in after the Agenda was posted from our engineers, which is a very common occurrence. It would be an item regarding projects and funding where the project/funding was already approved and in progress but certain items like Task Orders or Work Change Orders need approval. This would avoid having to call a Special Meeting so that work on high dollar projects can proceed in a timely manner.

Trustee Shearer said if there is not 72 hours' notice that the Board will not act, she suggested calling an Emergency Meeting for these items. Stephanie advised the Board that these actions wouldn't qualify for that.

The Mayor said he checked with Van Fleck and if it's within budget it doesn't need to be specifically listed.

Trustee Shearer said she looked it up on the Attorney General's Open Meetings Compliance Act Guide and it says "we needed to be specific about Old Business and New Business. It said that just listing it like this is not acceptable."

Item # 25 on the Agenda: Discussion/Possible Action – New Business Projects and Funding.

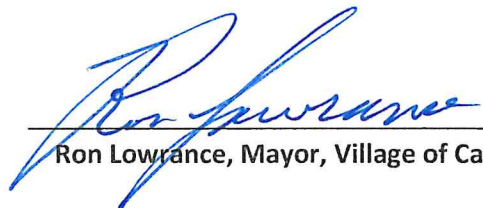
No Items Listed

CORRESPONDENCE

No Discussion Regarding Correspondence


ADJOURNMENT

Mayor Lowrance Adjourned the meeting at 5:22 P.M.



Ron Lowrance, Mayor, Village of Capitan

Attest:



Stephanie Bason, Village Clerk

4:30 PM

[illegible]