

**Minutes
Regular Trustee Meeting
November 14th, 2023
6:00 P.M.**

The Village of Capitan Board of Trustees met for a regular meeting on Tuesday November 14th, 2023 at the Village Hall in Capitan, New Mexico at 6:00 PM.

Mayor Lowrance Called the meeting to order at 6:00 PM

Roll Call: Mayor Lowrance – Present, Trustee Kerns – Present, Trustee Shearer – Present, Trustee Fraley – Present, Trustee Hair – Present. Village Clerk Al Cavazos, Deputy Clerk Angela Autrey, Finance Officer LeAnne Brasher, Police Chief Randy Spear, Fire Chief Kevin Kennedy, Water Department Steve Osborn, Street Department Jonathan LaMay, the department heads were present. A list of others in attendance is attached.

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

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

Discussion:

Mayor Lowrance – Before we approve the agenda, since we’ve got people who have a long distance to travel, we are going to put Items 20 and 21 after number 5. 20 and 21 will be numbers 6 and 7.

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

Item #2 on the agenda: Public Input:

Mayor Lowrance opened the floor for public input.

Allison Provine – I’ve got a question. On the agenda, number 6, it says there is an anticipated purchase of property. Does that mean that it is already a done deal? The property will be purchased?

Mayor Lowrance – No. It’s just a presentation.

Trustee Kerns – Good question.

Allison Provine – Okay. It’s written kind of strange.

Mayor Lowrance – It’s the land we talked about.... 6 months ago. We said we’d get all the facts and letters and stuff and we’ve had people interested. The university, for one. We have a presentation to tell you who else. Of what we can do with that property. We are land locked in Capitan. We have no where to go and nowhere to build.

Allison Provine – But the purchase price is?

Mayor Lowrance – 2.2?

Village Clerk Cavazos – We can deal with all of that in the presentation.

Allison Provine – Okay, and would that fit within the parameters of an outgoing administration, out spending more than 50% of the budget?

Mayor Lowrance – What we are trying to do is get everything submitted in a business plan so that we can go out for funding.

Allison Provine – Okay, and can the Village get funding when they haven’t passed any audits?

Mayor Lowrance – Well, that’s a good question. But now that we’ve got 2016, \$260,000 IRS bill fixed. We got it taken care of. We’ve got a couple more issues with that so we can go forward and if everybody would quit calling Pam and making her mad, we’ll get her in here to do our audit for 20/21, instead of taking a disclaimer which would put us four years out.

Allison Provine – Well, I haven’t been calling Pam, and 20/21 hasn’t been approved.

Mayor Lowrance – No, I know. It was a shot gun blast. Okay.

Allison Provine – Okay.

Mayor Lowrance – Yes, we can not get money unless we get the budget’s, if that’s what you’re asking for.

Trustee Shearer – We are.

Mayor Lowrance - That's what I'm trying to tell you is, we've got everything fixed and I wasn't going to take a disclaimer, because if we take a disclaimer on 20/21, it's going to happen on 22/23, 21/22. We'll never get it fixed. There will always be a disclaimer. Finally, DFA came down and told us how to fix the IRS. We've got everything fixed. We are waiting on them to give us a letter, and they haven't given us one. So, we put everything by what DFA says. It will be a mention because we've already fixed it, but it won't be a finding.

Allison Provine – So you are waiting on an IRS letter?

Mayor Lowrance – No, we fixed it. We are waiting on now, is that Pam understands that we have all the issues fixed that she was going to give us a disclaimer on, and we are waiting for her to give us a date to come do 20/21, 21/22, and 22/23 we will be doing concurrent, and then we will be done.

Allison Provine – Okay, so we are waiting for Pam's audit for 20/21?

Mayor Lowrance – We've been waiting on that for almost, a year and a half.

Allison Provine – Got it. Thank you.

Item #3 Mayor and Trustee Comments:

Mayor Lowrance opened the floor for Trustee Comments.

Trustee Hair – No Comment

Trustee Fraley – I think this is the largest Public outpour I've seen since I've been here. That's awesome! Thanks everybody for coming. It's great!

Trustee Shearer – So what we heard at the budget workshop this morning was that the FY 21 audit is at the accountants for audit review but it has not yet gone to the auditors. Is that correct?

Mayor Lowrance – That is correct.

Trustee Shearer – So, our chances of getting FY 23 started by December 15th, is that anywhere in the realm of possibility?

Mayor Lowrance – According to everybody saying, that we should go forward and if we can get Pam online, everything should be done by the end of December. It may not make it on the 15th, but we'll get an extension and go further with that to get 22/23 done.

Carr Riggs & Ingram Cindy Bryan – That's a lot of auditing to do, for 3 years. I think the biggest hurdle to get over is 6-30 20/21, which is what it is, to get that straightened out. Then things start falling into place as you go forward. It took it a little while to get here and we are working really hard to get it fixed. This team and my team. I think we are going to have a good result.

Trustee Shearer - Do you want to just give everybody your name.

Carr Riggs & Ingram Cindy Bryan – It's Cindy Bryan. I'm with Carr Riggs & Ingram. I'm out of the Carlsbad New Mexico office. I've been working with small government, small businesses, small nonprofits, since 1988. Been around a while.

Trustee Shearer – Can I ask one more quick question? Has the water sales for Blattner Energy, is it 8 million gallons a week? Or is it 8 million gallons a month?

Steve Osborn – 8 million gallons a month.

Trustee Shearer – I think our sheet here has 8 million gallons a week. And it actually goes lower in the summer.

Village Clerk Al Cavazos - We've got that option in the contract, that we can reduce it down to 4 million if we need to.

Trustee Shearer – I thought we had to do that to stay within the gauging stations.

Steve Osborn – Yea, it's set up to be at 4 million at the max in the Summer.

Trustee Shearer – In the summer, okay.

Steve Osborn – If something changes, it doesn't mean that we can't go more, but we are not telling them that we can give them anymore than that. Because of the 5-year accounting for the State Engineers office, there is some possibilities that we'd be able to change some things. Especially later on in the last couple of years of it. We've been banking some water rights, if you will.

Trustee Shearer – Are we going to be affected at all by the stock work in Arizona on the transmission line?

Steve Osborn – I don't know anything about that.

Trustee Shearer – There was a story this morning about the Sun Zia Transmission Line, experiencing a stock work in Arizona. I didn't know if that was going to affect us.

Trustee Kerns – No Comment

Mayor Lowrance – I do appreciate everybody showing up. I wish you had been here for 2 years so we could get some good input.

Item #4 Discussion/Action – Approval of the Minutes- Special Trustee Meeting October 26, 2023.

Trustee Hair made a motion to approve this item. Trustee Kerns Seconded the motion.

Discussion: There was no discussion of this item.

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

Item #5 Discussion/Action – Approval of October 2023 Bills Paid.

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

Discussion: There was no discussion of this item.

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

Item #6 Discussion/Action – Wage Incentive Levels for All Departments.

Trustee Fraley made a motion to approve getting information on an incentive program for the employees. Trustee Hair seconded the motion.

Discussion:

VOC Clerk Al Cavazos – After our meeting this morning. Cindy sat down and put together the incentive programs for the individuals. The two pages we got here. What she did was, she took into account all of the individuals that have worked here that are in the budget. The only adjustment we really had to make was, Michael Chavez. Several months ago, we allowed him to take some time out. He did come back. We did not incorporate him into the budget. She made that adjustment at the very end. On the very bottom. You'll see that 39,920.50, and that was the adjustment for him. The new number then, would be 112,256.02.

Carr Riggs & Ingram Cindy Bryan – That includes the budget adjustment for Michael Chavez. I did not have time to do the work as it relates to how much of the budget it would affect the current year. I was looking at what a years' worth of these changes would cost. That is what is in the annual total increase column is.

Trustee Shearer – So, the total increase is a 112,000?

Carr Riggs & Ingram Cindy Bryan – Yes, the increase for the changes in pay is 72,335.52 for a year. The change to add Michael Chavez original salary to the budget, plus the benefits of FICA, Medicare, I don't believe he participate in retirement, and Workman's comp. is 39,920.50

Steve Osborn – Mr. Mayor, I believe you guys are working on Item #21.

Mayor Lowrance – Well, that's what we are working on but, it was supposed to be 20.

Trustee Shearer – So, item #20 what we received in our packet of wage incentive levels. It's got .50 cents, .75 cents, \$1, \$2. Do you want to explain that?

VOC Clerk Al Cavazos – That was a little bit different. I think at the last meeting what happened was, we are trying to incorporate incentive pay for different people in different departments. But you have there is nothing more for the water and sewer department. The reason we did that was because, there was promises that were made based on incentives that were put together for people who went out and made an effort and took classes and increased their level performance. So, based on that, prior to them being rejected on the last request for an increase. What we wanted to do is put together some kind of incentive package not only for the Water and Sewer but we are also working for the street. Johnathan has also put together some information for the street department, also we are working for the Police department and also for the administration staff here. We feel like, without incentive there is really no purpose for people to come in to just get a paycheck. Right now, we are not any where near what other municipalities are offering their employees for those particular positions. Right now, we are right on the edge of losing a number of people because we are not supporting personnel. Those people are going to be very hard for us to replace at any kind of level much less of what we are offering to keep them here. If we don't do this type of thing, we are one of the very few municipalities that are not doing anything for their personnel. They are probably the most important asset that you've got. You can go out and get new equipment. But if you don't have anybody that equipped to be able to handle those things, you're spitting in the wind, if you will. So, the situation is, we are putting together incentive programs that we'd like to initiate going forward so that we can keep those people who have been loyal to the Village of Capitán up to this point. In the same token, with the increases, and the cost of living. The increases for gas, food, everything that's involved, without them getting any kind of consideration. Is

going to be difficult to keep them. With that in mind, we have a possibility of losing 2 police officers, possibly 3. We have also, the possibility of losing a couple of people in the water department that have also gone beyond their level to increase their certifications and to get some kind of incentives for their efforts. That's the purpose of putting together some kind of incentive program for all the different departments. We haven't done anything like that here. Within the next several months, hopefully, we are going to have a program for the Trustee's, especially the new ones that are coming in to review and make considerations on what we are going to do for the people that are working for the Village. That gives you some indication of what we are trying to accomplish with the Wage Incentive Levels that we are putting together. We do have information we have received from the State. What they do in the County and what they do for the other Municipalities with what they are doing with their people, as far as incentives. What we want to do is, we want to get support from the Trustee's to continue to do this thing so that you can see. Number one, the efforts being made by the employees that are working for you. So that you can also see what it is that you would like to consider in proposing any type of incentives for their accomplishments.

Trustee Fraley – Am I understanding, #20 Wage Incentives, we are actually voting on tonight. It's just getting the information for what's equitable as far as that. Which we don't have those set out in stone yet. We need to get a plan together for it.

Mayor Lowrance – Right.

Trustee Fraley – Okay.

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

Item #7 Approval of Previously Presented Department and Personnel Wage Adjustments.

Discussion:

Mayor Lowrance - Go ahead Cindy.

Carr Riggs & Ingram Cindy Bryan – I think I said it all that I think that the operative number here in the cost side of the equation, is roughly 72,335.52. Again, this is what we worked on this afternoon, I haven't done a self-review of it. I believe we've captured the material cost in what it would take to give the proposed COLA and incentive increases.

Trustee Shearer – I have a question about this spread sheet. This shows the Village Clerk worked 171 hours of overtime last year.

Carr Riggs & Ingram Cindy Bryan – I think we discussed that. We'd have to differ to him but it think it was a special project related to the ordinances.

Trustee Shearer – 171 hours of overtime?

Village Clerk Al Cavazos - Well, you figure it out. That one weekend for ordinances. I don't know what that number was.

Mayor Lowrance – It was 117 total combined...

Trustee Shearer – No, I'm talking about last years overtime hours, on this sheet for the Village Clerk.

Deputy Clerk Angela Autrey - Some of it is, we have to run to the bank now. We don't have a bank here. So, he takes an hour every week to go to the bank. That's considered overtime.

Trustee Shearer – Okay, so

Deputy Clerk Angela Autrey - Part of it. I'm not saying that it's all of it but I know for a fact because we don't have a bank.

Village Clerk Al Cavazos – One thing I'd like to interject is, I do not approve my time sheets by the way. Those time sheets have to be approved by three officers. Those three officers are Angela, LeAnne, and the Mayor. So, any time that I have to do anything like that. Some of the other work that we do is...

Deputy Clerk Angela Autrey – Like tonight, for a meeting. He can't run home like LeAnne and I can.

Village Clerk Al Cavazos – Keven and I sit on a board for....

Trustee Shearer – Angela, it's like twice as much over time as you.

Deputy Clerk Angela Autrey – Like I was saying, I can run home. I don't stay. So, he's here and he's working that whole time.

Trustee Shearer – So is your revised annual total for the Village Park, is that 74,485?

Carr Riggs & Ingram Cindy Bryan – The total that is paid? That includes Workers Comp., FICA, Medicare.

Trustee Shearer – What is the total?

Carr Riggs & Ingram Cindy Bryan – The total annual cost, right now, is in the total annual cost column.

Trustee Shearer – So, it's a \$4,485 increase?

Carr Riggs & Ingram Cindy Bryan – I show 4,179. It's hard for me to follow the lines, but I think it's 4,179.36

Trustee Shearer – The increase?

Carr Riggs & Ingram Cindy Bryan – That includes the increase in workers comp and the FICA, Medicare, and the Retirement match.

Trustee Shearer – How does that compare with municipalities of our size?

Carr Riggs & Ingram Cindy Bryan – I would have to take a look, but that is a median rate of pay.

Trustee Shearer – I looked at a survey earlier of other municipalities. The only one paying that level of our size, was Cuba and their clerk has 22 years on the job.

Carr Riggs & Ingram Cindy Bryan – Okay, and I'm looking at municipalities of various sizes, not just this size. I would have to look at that. I can't give you a definitive answer on that.

Trustee Shearer – Okay, so the total budget increase for the remainder of year is 112,000?

Carr Riggs & Ingram Cindy Bryan – No. That is an annual number. I did not have time to understand the amount for the remainder of the year. That's an annual amount.

Trustee Shearer – Okay. And what was the, are these the revenue figures?

Carr Riggs & Ingram Cindy Bryan – I'd have to defer on that.

Village Clerk Al Cavazos – Do you have specific questions?

Trustee Shearer – Is this supposed to show that there is enough revenue to cover this?

Village Clerk Al Cavazos – What we are doing here is taking into account, what was not recorded as revenues. I understand what you are doing, is you are taking the number off the budget that you put together.

Trustee Shearer – No, I'm taking what you guys gave me.

Village Clerk Al Cavazos – No. I'm talking about the one that you put together this past year. That we had to submit. You're taking into account the expenses that we have had since that period and indicating that we are above budget. Not taking into account any kind of revenues.

Trustee Shearer – Well, that is why I've been wanting to have a budget workshop, so we could see the adjustments. So, we could see the additional revenue. Why are we not seeing it in the context of the budget?

Village Clerk Al Cavazos – These are the adjustment that you have made, as far as revenues are concerned.

Finance Officer Brasher – You are talking about this part in this corner. Washington Federal CD of the \$308,000, now that it's at the 2.94%, we should be getting in the \$9,193.39 and the \$1,000,000 we have in the 2 CDARS's accounts, we should generate about \$50,000 in interest.

Trustee Shearer – Per year, is that annually?

Village Clerk Al Cavazos – No, that's six months. \$50,000, yes, we generate annually. We will get 5% for an annual deal that will generate \$50,000. Annually.

Trustee Fraley – So, my thinking is the interest on the CD's will cover that \$100,000 extra. Is that reasonable or not?

Village Clerk Al Cavazos – Yes. What we are doing is, taking into account. She is asking, how can we take care of any kind of increase here. What we are trying to show you is one of the things that has not been taken into account, this additional revenue that we will be taking in. In addition to that the MOU that we have in there for the Capitán Municipal School is the expenditure that we had of \$36,870, that we have not received from the school yet. Plus, we also have, under the LERR, when we hired Phillip, \$37,500 that will be receiving. That's an additional \$133,563.39 that is not taken into account.

Trustee Shearer – I thought we already had the \$37,500 in the budget and that, it's about to run out. It's already extended. That position has already extended at 75%, and I haven't seen where the rest of that money is in the budget.

Finance Officer Brasher – We just received that money from the State. Which is not in these figures. A portion of Phillips salary, we are being reimbursed at \$37,500 for the law enforcement retention recruitment.

Trustee Shearer – I thought the way I read the budget, we were working off of that \$37,500. It's about 75% spent and we are going to have to make that up for the rest of the year.

Finance Officer Brasher – It was in the budget. Yes.

Trustee Shearer – But I didn't see it in the police department budget, so I don't know where the extra money is coming from.

Finance Officer Brasher – So when I did the budget, taking Phillip into consideration, I had expended the \$37,500 for that first portion of his salary, then the rest of it was put into the Law Enforcement Protection salary's.

Trustee Shearer – It's under Law Enforcement Protection?

Finance Officer Brasher – The balance of his salary.

Trustee Shearer – But it's in Law Enforcement Protection, not in Law Enforcement salary's?

Finance Officer Brasher – I had to divide up his salary between the Law Enforcement retention and the balance of his salary went into the Law Enforcement Protection. The regular law enforcement fund.

Trustee Shearer – Not LEPP.

Finance Officer Brasher - No. Not LEPP.

Trustee Shearer – Okay, that's confusing. So, when I look at the Law Enforcement budget, I'm not seeing that extra money in there.

Finance Officer Brasher – It was budgeted.

Trustee Fraley - Mr. Al, am I right, do we still have about \$3,000,000 in CD's?

Village Clerk Al Cavazos – We do.

Trustee Fraley – We do. Okay. And is the interest off of that counted into our budget?

Trustee Shearer – We don't have 3 million.

Village Clerk Al Cavazos – We have a Million that we are investing.

Mayor Lowrance - Million and a half.

Trustee Kerns - \$300,000 wasn't it?

Trustee Shearer – We have about 1.7 total reserves, and we used to have 1.9. So last year we dipped into it 200,000.

Trustee Fraley – We had 3 alternating CD's of \$500,000.

Trustee Shearer – I part of that COVID money?

Mayor Lowrance – No, that's the money that has been sitting in there since 2006, 2004...

Trustee Hair – That nobody was doing anything with.

Trustee Fraley – Right. Is the interest for that figured into the budget?

Mayor Lowrance – No.

Trustee Fraley – We really couldn't right, because we didn't know what the interest rates were going to be.

Trustee Shearer – But that's part of what he's trying to show here with the \$50,000.

Trustee Fraley – That's off of 1 million right or the 1.5

Mayor Lowrance – It's off a million.

Trustee Shearer – What our current budget is showing, isn't showing 1.5 million in reserve, unless part of that is in water.

Finance Officer Brasher – In water CD, we have \$109,292.

Trustee Shearer – That's the one that's going to be lowered to 3% or whatever?

Finance Officer Brasher – It was a .65% and it is now at 5%.

Trustee Shearer – Let me find the Police department. The budget is, 189,000 and our year to date total is, 73,000. So, it says we are at 38.72% and this is the 1/3 of the way through the year. So, this is 33% of the way through the year and in a since that we've already expended 38%, so how is that other money in there?

Finance Officer Brasher – When I did the budget, I took the salary for the year for Phillip. I took out the 37,500 and the balance of that salary I had put into the law enforcement.

Trustee Shearer – But we are already at 38% of spending for that line item.

Finance Officer Brasher – For four months.

Trustee Shearer – Which is 1/3 of the year.

Finance Officer Brasher – A little over a 1/3 of the year.

Trustee Shearer – So we have just enough to finish the year for the salaries already coming out of that line item. We don't have an extra 37,500 in there.

Finance Officer Brasher – No, not in the law enforcement expenses, no.

Trustee Shearer – So, 37....

Finance Officer Brasher – Am I not making myself 100% clear? I took Phillips salary, as a whole. I took out the \$37,500 that was coming from the Law Enforcement Recruitment and Retention. The balance of his salary, I did put into the Law Enforcement Expenses.

Trustee Shearer – So, we've spent that on overtime?

Finance Officer Brasher – Overtime, yea. They've had a lot of overtime. Part of the overtime with the Step Program, and the LCDI Program, we will get part of that back.

Trustee Shearer – Okay, and with the Law Enforcement Recruitment, do we have 100% of that next year?

Finance Officer Brasher – For the Law Enforcement Recruitment, so last year was 100%, this year was 50%, and I believe next year it will be 25%.

Trustee Shearer – That's what the State pays. We have to pay 75% of that. I'm struggling still. Maybe we could have a special meeting, and come back with a full budget and see these in cooperated.

Finance Officer Brasher – Okay

Trustee Shearer – Maybe even wait, I mean, I don't want to delay anybody's raises if the money is there but. We have new Trustees coming on in January.

Mayor Lowrance – It's up to yall.

Trustee Fraley – Is there enough money in the budget to cover what we've said. Is that a pretty safe bet, or do we not know?

Trustee Shearer – We don't know.

Carr Riggs & Ingram Cindy Bryan – I don't know. I worked on a cost piece. That's what I had time to do to figure out how much it would cost for an entire year. So, certainly yes, we are a part of the way through the year, so we could just extrapolate that number. I was coming up with, what would it cost for the entire year.

Trustee Fraley – Would it be outside of it to do a temporary raise until we can finalize it in January?

Mayor Lowrance – We'd have to do a BAR adjustment. But, that happens every time because you guess at the last three months of your budget anyway, so you are always going to have BAR adjustments.

Trustee Hair – I think the other factor that needs to be considered in this and why a delay would be, not our wisest decision to make is because, and it's been explained that we have people that are basing this decision on continuing their employment here at the Village of Capitan.

Mayor Lowrance – They could get a better job somewhere else.

Trustee Hair – Correct. They should have the freedom to do that, but they are committed to this particular Village.

Mayor Lowrance – They are.

Trustee Hair – So, if we delay the complication of that will be, they are going to make decisions. We get people in here that don't know their job, then we have to fire, then we have to go in and retrain, then we have to go through a probationary period. Please explain to me how that is going to benefit the Village. I think these people were promised this. We have an indication that we have the funding to cover it, which was what Trustee Shearer was concerned about this morning, and justifiably so. But if we have that, delaying it is not going to do any of these people any good. They have a problem now. They have put their faith in this board to go in and be reasonable about this. If we can prove it, we should vote on it tonight.

Mayor Lowrance – All we need is a motion.

Trustee Shearer – If we could see the numbers, I'd be willing to come back for a special meeting. If we could actually see that everything is under budget.

Carr Riggs & Ingram Cindy Bryan – One thing I didn't do was total up by department but the Water Department was about \$15,000 roughly, and there is clearly money in the Water Department even at the 1.4 million. So, I think what you are really looking considering, is there enough money for the difference. For the general fund.

Trustee Shearer – And we can't take the Water money and put it in the general fund.

Carr Riggs & Ingram Cindy Bryan – But a good chunk of that 72,000 is the water department, where there is money for that.

Trustee Shearer – Can we see this revised?

Carr Riggs & Ingram Cindy Bryan – I'm not really sure what revisions you want to the cost.

Trustee Shearer – No, what I'm asking for is to just see it in the budget. To see the Water revenues, expenditures. Just like our standard budget. So we know what the adjustments are going to be, and whether or not we have the funding to do it, and will it take more than a week to do that?

Carr Riggs & Ingram Cindy Bryan – I can certainly help with that.

Trustee Fraley – How big of a chunk is the Water? Is that like the majority or?

Carr Riggs & Ingram Cindy Bryan – It's \$15,000 and change of the 72,000.

Trustee Fraley – Okay.

Francis Traylor – Can I ask a question?

Mayor Lowrance – Go ahead.

Francis Traylor – LeAnne, do you feel like you have an increase in your revenue like in your interest, and in your gross receipts?

Finance Officer Brasher – Between the first quarter of last year, and the first quarter of this year, just in the gross receipts, we've had a difference of \$76,000.

Trustee Shearer – In our budget, we raised the gross receipts.

Francis Traylor – So, do you feel like you have got the money coming in to cover the increases for these people?

Finance Officer Brasher – I believe so. Between the gross receipts and the interest that we are going to be receiving. I believe we can cover it.

Francis Traylor – So, you feel confident.

Finance Officer Brasher – I do.

Trustee Fraley – So, we've got \$50,000 coming in more or less from interest and we've got \$15,000 in Water. So, we are at \$65,000 out of a projected \$74,000 is that right?

Carr Riggs & Ingram Cindy Bryan – It's \$72,330 is the estimate so, \$74,000 is good. Let's say \$74,000

Trustee Fraley – We are within \$10,000.

Trustee Shearer – You're not counting in overtime, you're not counting anything over budget.

Carr Riggs & Ingram Cindy Bryan – This does have overtime in it. That overtime is calculated in it.

Trustee Fraley – That's close enough. I make a motion we approve it.

Trustee Hair – And I second it.

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

Item #8 Presentation – General Overview of the Anticipated Purchase of the Property Off of Highway 246 -

Laurie Jones and Lacy Wilson.

Mayor Lowrance – This is not a purchase. This is just a discussion.

Laurie Jones – We are strictly here tonight to talk about future possibilities and visions. This is a concept map with ideas of possibilities for your community. (hands out concept map) We'd like to present an opportunity to progress your community with thoughtful consideration for future growth. Uncontrolled expansion looks like, a cannabis grow farm, solar and wind farms, who knows what could move in. A controlled expansion might look like a trade school, an expansion of ENMU college. An event center, a hike and bike recreational center, town offices, and other entities needed for positive growth. With this particular parcel, so close to Capitan, it makes sense for the town to consider its utilization. We hope you can see we've come up with a meaningful design to preserve the community and western culture. There has been much thought and discussion about the positive impact this would have on your community. Funding for the project has also been taken into consideration by Mr. Cavazos and his team. They plan on having another meeting in the future for your questions and concerns. I personally believe that the fear of growth can paralyze a community. I believe you need courage to create a positive impact for future generations. I'm going to introduce Lacy Wilson who is a WPRA, Women's Professional Rodeo Association. She is

with the New Mexico Turquoise Circuit. She will explain positive community impact an event center can bring to this community.

Lacy Wilson - I represent the women in professional rodeo, along with the Turquoise Circuit and the PRCA. We are the one's who actually get everything going and can have rodeos. What I would like to say is that, there is no place in New Mexico that has a facility like this and I don't know of a better place than here in Capitan. The reason why is because it seems, the mountain range with the Rio Grand right in middle is a huge divide. Some people stay on one side of the State, and the others, stay on the other. Capitan is right in the middle. It would really draw the whole State. As a matter of fact, the whole Circuit, which is New Mexico and Arizona. It's a really positive thing to have. There is nothing else like this. There are no plans to step on toes. Capitan 4th of July Rodeo. I've been there since I was a kid, competed at it, and I'm 3rd generation in this kind of Pro Rodeo. It's a big deal. It was the largest 4th of July open rodeo in the world. It's not anymore. There isn't enough space. We don't want to step on toes, it would actually aid. You would have more stalls, more parking, it would aid and enhance. The possibilities of having events are limitless. It's as creative as you want to get, it's there. Jim Keeney is a 15 time qualifier for his stock. He would have liked join but was tied up in San Antonio. He and I put on a rodeo in Artesia a couple months ago and was a huge success.

I do this for a living now, but I am also a licensed mental therapist. I can tell you the impact with animals and being outside, has with the youth. It's one of the most effective therapy there is with a child. I never saw such change that I did with a kid as I did when they were with a horse. You have a high school rodeo team. Right?

Mayor Lowrance – We had one. Back when I was a kid.

Lacy Wilson – Well we could get it going again. We could have clinics.

Mayor Lowrance – Most PRCA's go Thursday – Sunday? How many contestants do you pack in during that time? I know there are long go's, a short go and then you have ropers that, a bunch will show up.

Lacy Wilson – There's many ways you can set up a rodeo. With Jim Keeney, he's got Socorro, Las Cruces, Artesia, you could make it a big 4 for big 5 like Pendleton used to do. In the Artesia rodeo we generated over \$20,000 with the tickets and stalls. Essentially each day is its own separate rodeo. That draws contestants because everybody needs to get their rodeo count in. You have to go to so many a year.

A video was presented on the computer of Jana Bean NFR qualifier. – Thankful for considering putting in a facility. It would be a blessing to the Southwest. People would like to be able to spend time around Ruidoso, in the cool mountains.

Laurie Jones – I'd like to point out. These facilities are different. They are covered and controlled grounds. These facilities are common in Hamilton Tx and Andrews. They are unique. As we progress with this, later, I'd like to show you some of these facilities. We modeled this one with Circle T in Hamilton Tx. It's got a hotel and RV hook-ups with several different revenues. With that being said. I'd like to introduce another NFR gentle man. Lionel Burns

Lionel Burns – Laurie asked me to talk because I've been down this road here 15 years ago. With a proposal to the county. I've got experience with the Lea County fair and rodeo. You know that Lincoln County was the play ground for Eastern New Mexico and West Texas. When I did it, we did an economic impact study. I can tell you that it boils down to, if you want to prosper, and grow this, or if they are satisfied with the way you are. The deal I had with the county. I got them the land, I showed them how to get the money to build it. Mostly free money. I would lease it back with the maintenance because you need a private entity to run the facility. Someone with experience. I have a friend in Andrews TX who built one. In 6 months', time had it booked year around.

Laurie Jones – What kind of people are going to come? I know people are concerned that it will bring in a crowd that disrupt their small-town atmosphere.

Lionel Burns – I'm not going to guarantee that you won't have a bad egg that shows up but over all normally it's good people, good atmosphere. At the end of the day, it's what the people wants.

Trustee Hair – I have a question. You brought up a real good point. You've done a lot of the organization. I know that the city of Albuquerque can tell you to the dollar how much they anticipate with their revenues, with their gross receipts tax by having these types of events. Do you have some type of feel for that? It's not limited to just equestrian events. You can do things like Chip and Joanna Gains did. You could have cooking competitions and cook-offs. Roswell enjoys their Alien Invasion.

Laurie Jones – We have talked about possible ENMU trade school. That would bring more events. That's what your town can get to do, to get together and create.

Lacy Wilson – You will have the city lodgers' tax, the gross receipts tax.

Trustee Hair – Jobs for local people.

Trustee Shearer – You have on here, Hideout Hotel, bank or other commercial business, outdoor mall, cinema, hotel parking. Are you saying that the arena would generate enough to build all of that? How would all of that fit in.

Laurie Jones – I'm telling you that Mr. Cavazos said that would be a major concern for all of you. He has done research on that, and that is another meeting. We wouldn't have put it on paper, unless we felt like it was something that could be done. I'm going to leave that to him to present to you at another time. I know that he has worked on it and put together several different scenarios. There are many ways to generate money.

Lacy Wilson – That's why city's and county's end up taking over these kinds of facilities because they are so profitable.

Trustee Shearer – That's what I'm trying to get to. With the profits from the arena. Would it generate the revenue to build all these other things, like a new city hall, is that what you're saying?

Lionel Burns – I'm going to interject. When you hire a private enterprise, all your money is going to come up gross receipts from money spent while it's here.

Trustee Shearer – So you are saying that the gross receipts are what would cover all these other things.

Lionel Burns – You should set up a meeting with the folks in Andrews and let them explain why they like it so much. What they own, and the revenue of what they bring in.

Trustee Shearer – And those facilities have hotels and cinemas and all these.

Lacy Wilson – If that's what you want. That's the thing. You set the pace.

Laurie Jones – You can do it in stages. We are just discussing the possibilities and visions for your town. It's another meeting to dig down deep.

Trustee Shearer – The anticipation is that the Village would purchase the raw property and develop this?

Laurie Jones – Correct.

Trustee Shearer – And what is this price?

Laurie Jones – 2.2 million

Trustee Shearer – Is that down from 3.5 million, previously?

Laurie Jones – Jim, do you have anything you want to say?

Jim Carlton – Yes, I represent the estate that owns the land. All of the proceeds from the sale, whoever it is, goes to charity. No body is making any money off of this. The people who are administrating the estate, very much wanted the Village of Capitan to have it. Rather than selling it to some marijuana grower or whatever.

Trustee Shearer – And who is that, who has the estate?

Jim Carlton – It is the estate of Teressa Ham.

Trustee Shearer – Okay.

Mayor Lowrance – Thank you all. I appreciate everything you did. I'll keep you posted.

Item #9 Discussion – Recognition for the Citizens that Helped With the Cemetery Cleanup Day – Peggy Wilson.

Peggy Wilson – What I'd like is number one. When we started this, this is our first clean up kind of thing since I've been here. I'm sure there were others before me. If everyone who came out to the cemetery, and helped clean up on October 14th, would you stand up please. We'd like to recognize all of you.
(Clapping)

What I'm doing, I took a picture of everyone that was there, and I'm having it framed. I don't know a whole lot of you by your pictures. You will be getting an email from me with the pictures, so you can tell me who you are in it. We are going to have it framed and hung somewhere in our Village Hall. I just can't tell you how much I appreciate you guys for showing up. Our fire department for the wonderful

barbeque. We got almost half of the cemetery done. If you look out there is over 100 little orange flags out there, that I'm desperately going through and digging up and trying to find out who's buried there because there's no records. They have records of people who have died but not where they are buried at our local funeral homes up here. Then after I find out the names, then I can find out who's a veteran because the veterans are going to come and put new tombstones are any that are broken or missing. The Parks Department, as I understand has already gone out, we've already tagged some that were damaged, they were falling down. They are cleaning those up and refilling them. Thank you again. December 2nd, is our first annual Christmas tree lighting for Capitan. We don't have a tree yet, but we are putting up a flag pole, and running lights down so it looks like a tree with a star on top. We'll have a Santa Clause. I have bought 250 candy canes. All of the churches have committed to baking cookies for that night and they are sending carolers. The library is doing hot cider and hot chocolate. Thank you.

Item #10 Discussion/Review – October 2023-24 Monthly Budget Overview.

Mayor Lowrance – I think we've all discussed that enough.

Trustee Shearer – Yea, I think we've covered the budget overview.

Discussion: There was no discussion on this item.

Item #11 Discussion/Action – Appointment of Planning Board, Board Member – Linda Jones

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

Discussion:

Trustee Shearer – Do we get something? Usually we get a write up or something like that.

Deputy Clerk Angela Autrey – What was the question?

Mayor Lowrance - Mr. and Mrs. Jones. Going on the planning board.

Trustee Shearer – This is husband and wife?

Trustee Kerns – One of them is Water and the other is Planning.

Roll Call: All were in favor. Motion passed.

Item #12 Discussion/Action – Appointment of Water Board, Board Member – Jeff Jones.

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

Discussion: There was no discussion on this item.

Roll Call: All were in favor. Motion passed.

Item #13 Discussion – Appointment of Phillip Wall as Deputy Police Chief for Village of Capitan.

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

Discussion:

Trustee Shearer – I have a question. This directive is dated October 18th. Is that the date that this was done?

Mayor Lowrance – Yes

Trustee Shearer – Was this done at a meeting?

Mayor Lowrance – No, I did it so that I could file it with the County of Lincoln so that they know, when Randy goes on vacation that he's the second in charge.

Trustee Shearer – But, how did this come about? Did you hold a meeting with Randy?

Mayor Lowrance – With all of them.

Trustee Shearer – Where was that meeting held?

Mayor Lowrance – Back in my office.

Village Clerk Al Cavazos – Actually it was at the Police Department.

Trustee Shearer – There was a meeting held at the Police Department on October 18th.

Village Clerk Al Cavazos – Between the Mayor and the entire Police Department.

Trustee Shearer – Was Randy there?

Village Clerk Al Cavazos – No, Randy was out of town. Randy knew about it.

Trustee Shearer – Who else was in that meeting?

Village Clerk Al Cavazos – I'm sorry.

Trustee Shearer – You were in that meeting, the Mayor was at that meeting, the Police officers were at that meeting. Anyone else there?

Village Clerk Al Cavazos – Minerva was there.

Trustee Shearer – You were in that meeting as a candidate?

Minerva Davalos – No

Trustee Shearer – What was your capacity in that meeting?

Minerva Davalos – Just to know what was going on here in the Village.

Trustee Shearer – Is there a surveillance camera at the Police Station?

Chief Spear – Yes.

Trustee Shearer – Could that meeting have been recorded?

Chief Spear – It should be.

Trustee Shearer – I would like to request a copy of any surveillance video from that meeting. Here in this public meeting, I'd like to request a copy of any video from that meeting.

Village Clerk Al Cavazos – Would mind sending in a request, IPRA request.

Trustee Shearer – I'm asking as a member of the Board of Trustee's. I'm asking as a member of the governing body.

Mayor Lowrance – I think you have to IPRA it.

Trustee Shearer – Alright, I will send you an IPRA.

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

Item #14 Discussion/Action – Approve the Renewal of Quincy Boyd's Position in the Parks & Rec. Department.

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

Discussion:

Trustee Shearer – We added this, so this is part of what we put into the budget right? It was part of the raises and that position is part of the \$72,000?

Finance Officer Brasher – Yes

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

Item #15 Discussion/Action – Approval of 2024 Village of Capitan Holiday Calendar.

Trustee Kerns motioned to approve. Trustee Fraley seconded the motion.

Discussion:

Trustee Shearer – I have a question. It looked like last year had 14 holidays and this next one has 16 holidays.

Mayor Lowrance – Indigenous national holiday

Trustee Shearer – No, it's New Year's Day is observed Monday and Tuesday. Juneteenth day is observed on Wednesday and Thursday.

Deputy Clerk Autrey – Last year we didn't have New Years on the calendar.

Trustee Shearer – New Years was on there last year. For Juneteenth we had Monday June 19th, this time we've got it on Wednesday and Thursday. So, two days of holidays and on New Year's, we have two days of holidays. Instead of one.

Deputy Clerk Autrey – We put New Year's on there twice. We put the two years in.

Trustee Shearer – I saw it on this one that it had it on there twice. We are creating two more holidays than we had last year. I'm not sure why Juneteenth is a two-day holiday or why New Year's Day is a two-day holiday. You are going to have to budget for that. You are going to have to budget for holiday pay, people being off, and then overtime for anybody who worked the holiday. I'm curious why we are adding extra holidays.

Roll Call: Trustee Shearer – No, Trustee Kerns – No, Trustee Fraley – Yes, Trustee Hair – Yes, Mayor Lowrance – Yes.

Item #16 Discussion/Action – Move Regular Trustee Meeting from December 12th to December 14th.

Trustee Kerns made a motion to move the meeting to the 14th. Trustee Fraley seconded the motion.

Discussion:

Mayor Lowrance – I'm flying out to Guam. I was supposed to come back the 10th but, Tokyo Airlines changed my flight to the 12th. I have a layover in Tokyo until the 13th and I get to San Francisco at 3:00 then to Dallas and back to Albuquerque. So, I can't make it to the meeting. It's up to yall. I'm sure the Pro tem can handle it. I just thought if you wanted to move it. It would be fine with me.

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

Item #17 Discussion/Action – Approve Recommendation of Application for Mobile/Manufactured Home at 429 3rd St., Lot 15 – Phillip Wall

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

Discussion: There was no discussion on this item.

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

Item #18 Discussion/Action – Keep the designation of \$109,000.00 on a 6-month CD at 5% and Maintain \$312,236.55 in MMKT (public funds) account in General Funds at 2.94%. Required for the Audit.

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

Discussion:

Trustee Fraley – I have noticed there are some higher interest savings accounts that we might look into. I know CapitalOne has a 4.5% available now. So, if there is a higher one.

Mayor Lowrance – Is there a maturity date?

Trustee Fraley – It's no maturity, it's just a savings account.

Mayor Lowrance – Okay

Trustee Fraley – I don't know if that might be an option, where we can get a better interest rate, but we could look at that and see.

Village Clerk Al Cavazos – We can. This is a general funds account, it's like a money market account. It's like a savings account. That's what they are offering but, we will certainly look at other options that will generate. This is a non-penalty, deposit. We need to make the transfer because that the requirement for the audit. We will certainly look at other options.

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

Item #19 Discussion/Action – Approve the Purchase of 2 Trucks for Water & Sewer from Melloy Dodge – Steve Osborn.

Trustee motioned to approve. Trustee seconded the motion.

Discussion:

Trustee Shearer – Are these in the budget?

Mayor Lowrance – Yes. We've approved them once before, right?

Steve Osborn – They were put into the budget. I was trying to go for a little bit bigger truck. The trucks that is was wanting were larger. Like 1.5 ton and they were \$72,000.00. We would not have a delivery for about a year, so the price will increase. They had 2 of these in stock at Melloy in Albuquerque, and they are 1 ton. Right now, we are using ¾ tons. I was wanting to go a little bigger because we are hauling and pulling up to 16,000 pounds. So, we need a stronger, heavier duty truck.

Mayor Lowrance – You didn't want to wait a year?

Steve Osborn – Yea, wait a year and they may not even get it.

Mayor Lowrance – The Police Department is having that trouble. Aren't you?

Trustee Shearer – Are these coming out of the American Rescue funds?

Steve Osborn – No.

Trustee Shearer – They are coming out of the Water Department reserve?

Steve Osborn –

Trustee Shearer – Okay.

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

Item #20 Discussion/Action – Change Order for Lift Station Project. Project. # SAP 20-E21336-STB and # SAP 21-E2338-STB – Kevin Kennedy.

Trustee Fraley made a motion to approve to change the order. Trustee Hair seconded the motion.

Discussion:

Trustee Shearer – This is coming out of reserve? The capital project?

Fire Chief Kennedy – Steve says he's got money in waste water. We started this project and there was a problem with the water. So, we've got to pump the water out, then we can store it up, and be able to put this vessel in the hole. They've got to cement it in. This was over and above the contract price so, rightfully so, the contract ended at \$40 grand. So, that was the increase beyond the contract price. With the money that we have within the two projects, we are \$19,000 short. So, that is what we are looking for is 19 grand.

Trustee Shearer – And we have this booked as a capital project, right LeAnne?

Finance Officer Brasher – We have capital projects.

Trustee Shearer – Okay

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

Item #21 Discussion/Action – Price Proposal from Via Vista Mapping for Cemetery Mapping – Johnathan LaMay.

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

Discussion:

Johnathan LaMay – What this is, is so we can hire this company to come in to do sound waves on the cemetery.

So, we will know where everybody is buried out there and not repeat plots. So, we don't take the chance and digging into a casket. They will make a new map for us, that will be accessed by the public if they want to. It needs to be done because we have no idea where,

Mayor Lowrance – Some of the old ones are.

Johnathan LaMay – Yea, sometimes they didn't put headstones, they put a rock for a headstone.

Trustee Shearer – We have this money in the cemetery fund, correct?

Johnathan LaMay – I believe so.

Mayor Lowrance - \$56,000 I think.

Trustee Shearer – But we do have the money in the cemetery.

Finance Officer Brasher – We went off the previous year \$54,000.

Johnathan LaMay – It really needs to be done. When we go out there, it's a hit and miss and we really don't want to do that.

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


Adjournment:

Trustee Fraley made a motion to adjourn. Trustee Hair Seconded the motion.

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

Meeting adjourned at 7:30 PM.

Attest:



Al Cavazos, Village Clerk



Ron Lowrance, Mayor, Village of Capitan

