

**Minutes  
Regular Trustee Meeting  
December 14<sup>th</sup>, 2023  
6:00 P.M.**

The Village of Capitan Board of Trustees met for a regular meeting on Tuesday December 14<sup>th</sup>, 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 Via Zoom. 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 as department heads were all present. A list of others in attendance is attached.

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

Trustee Kearns made a motion to approve the agenda with a discussion. Trustee Fraley seconded the motion.

Trustee Kearns made a motion to exclude items #12, and 14 from the agenda. Trustee Shearer seconded the motion.

**Discussion:**

**Trustee Kearns** – Mr. Mayor, I'm a little concerned about a few of these things. Particularly number 7, 11, 12, and 14. Because, we're in the middle of a change here. You are going to have two trustee's and a Mayor going to be sitting here a month from now. I really feel like we ought to be postponing each of those, for that meeting. For example, #7, we are talking about moving the regular meeting to the third Tuesday of the month. I believe that is something that those folks ought to be discussing.

**Trustee Shearer** – That's to accommodate the new Trustee's so that they can go to the elected official orientation.

**Trustee Kearns** - Oh, it's just for that one week. Okay. We can drop that, but I would like to focus on 11, 12, and 14. Those are big expenditures, and again something that I think the new board ought to be.... They are going to make the decision and live with it. If I make that decision tonight, I'm going to be walking away from this and not worry about whether or not these things fit our budget. We've had budget problems since I've began here, 4 years and 9 months ago and we still don't have it all put together. All of those are large budget issues. I feel like they should be postponed for the next Trustee's and board to make a decision on them, because everyone is going to have to live with it.

I make a motion that item's number 11, 12, and 14 be postponed.

**Trustee Shearer** – I second the motion.

**Village Clerk Al Cavazos** – Mr. Mayor, On #11.

**Mayor Lowrance** – Okay.

**Trustee Shearer** - What about the FY 22?

**Village Clerk Al Cavazos** – I don't understand the question. Has what, been submitted to who?

**Trustee Shearer** – The last meeting we were told that FY 21 had not gone to Pam Rice yet, because it was still with Carr and Rigs.

**Deputy Clerk Angela Autrey** – Yes, it has.

**Village Clerk Al Cavazos** – It has been submitted to Pam.

**Trustee Shearer** – It has been submitted to Pam Rice, and it's in progress?

**Village Clerk Al Cavazos** – Yes

**Trustee Shearer** – The FY 22 is waiting behind that? The FY 23... So, 22 and 23 have not been started?

**Mayor Lowrance** – They will probably be concurrent.

**Trustee Shearer** – Okay, but tomorrow is the day we were shooting for, for everything to have been started.

**Village Clerk Al Cavazos** – That discussion has been had with Maestas and Ricky Bejarano, which are the two people that are in charge of the State Audit.

**Trustee Shearer** – The State Auditor and the Deputy State Auditor.

**Village Clerk Al Cavazos** – They are working on that for us.

**Trustee Shearer** – Working on?

**Village Clerk Al Cavazos** – Trying to get the resolution on this thing so that we can get that audit taken care of.

**Trustee Shearer** – Okay.

**Item #4 Discussion/Action – Approval of the Minutes- Public Hearing November 14<sup>th</sup>, 2023 and Regular Trustee meeting November 14<sup>th</sup>, 2023.**

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

Discussion: There was no discussion of this item.

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

**Item #6 Discussion Review – Of FY 23-24 Monthly Budget Overview.**

**Mayor Lowrance-** This item is open for discussion.

Discussion:

**Trustee Shearer** – I didn't see any of the budget adjustments in this.

**Finance Officer LeAnne Brasher** – I did not have that in there. I'm working on the new budget adjustments. Which will be at the next meeting.

**Trustee Shearer** – I didn't see the budget adjustments from the October either.

**Finance Officer LeAnne Brasher** – No, I did not have time. I didn't put them in.

**Trustee Shearer** – Okay. So, this is all the original budget.

**Finance Officer LeAnne Brasher** – Correct. It will be in the next one.

**Trustee Shearer** – Okay.

**Item #7 Discussion/Action Move Regular January 2024 Trustee Meeting to the Third Tuesday of the Month to January 16, 2024.**

Trustee Fraley motioned to approve. Trustee Shearer seconded.

Discussion: There was no discussion on this item.

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

**Item #8 Discussion/Action Remove Ron Lowrance and Kimble Kerns Off As Signers on the Bank Accounts and Add Minerva Davalos As A Signer, Effective January 1.**

Trustee Fraley motioned to approve. Trustee Kerns seconded.

Discussion: There was no discussion on this item.

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

**Item #9 Discussion/Action approval amended employee Holiday Calendar Resolution 2023-35.**

Trustee Fraley motioned to approve. Trustee Kearns seconded.

Discussion: There was no discussion on this item.

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

**Item #10 Discussion/Action – Approval of Ordinance 2023-2, Landowners Petition for Annexation into the Village of Capitan. Property 8412 US Hwy 380 Capitan New Mexico. – Kathleen McDonald.**

Trustee Kearns motioned to approve. Trustee Fraley seconded.

Discussion:

**Trustee Fraley** – This is the same one as we did last month, wasn't it?

**Mayor Lowrance** – Yes.

**Trustee Shearer** – It just wasn't on the agenda.

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

**Item #11 Discussion/Action – Approval Amendment to: Memorandum of Understanding (MOU) for SRO pay increase, Dated June, 2022 and Signed by Superintendent J. Vance Lee on June 19, 2023 for School Year 2023-2024.**

Trustee Fraley moved to approve the Memorandum of Understanding for the pay increase.

Trustee Kearns seconded.

Discussion: There was no discussion on this item.

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

**Item #13 Discussion – Smokey Bear Museum & Gift Shop Monthly and Annual Sales.**

Mayor Lowrance opened the floor for discussion.

**Finance Officer LeAnne Brasher** – We just wanted to show how well the sales have been increasing over the last three years. Peggy plans on making at least \$7,000 by Christmas. She's hoping.

**Mayor Lowrance** – And we paid for all the improvements out of the earnings. All of those we were going to pay for out of the budget, they paid for from the earnings.

**Trustee Kearns** – Perfect.

**Trustee Shearer** - Yea, I have a question about that. What's showing in our budget update, is that it's got \$43,000 in expenses and it's made \$43,000 in this fiscal year. It's showing that it's barely breaking even. In fact, I came up with, it was in the black by \$8.

**Finance Officer LeAnne Brasher** – Which line are you looking at?

**Trustee Shearer** – Well I'm looking at your budget for Smokey Bear Enterprises and expenditures. Verses July through present income.

**Finance Officer LeAnne Brasher** – Okay, and you've taken into consideration the unrestricted cash? Which we partially budgeted for the capital outlay.

**Trustee Shearer** – Well, the unrestricted cash came from reserve. That's money that we've put in over the last two years. That's not from sales.

**Finance Officer LeAnne Brasher** – No, that is not strictly from sales.

**Trustee Shearer** – Not any of it's from sales. You are giving us calendar year revenue.

**Finance Officer LeAnne Brasher** – I see what you're saying.

**Trustee Shearer** – It's expenditures, and so, yes, we are selling more, but I think we are buying more merchandise also.

**Finance Officer LeAnne Brasher** – We put her on hold.

**Trustee Shearer** – You put that on hold?

**Finance Officer LeAnne Brasher** – We did.

**Trustee Shearer** – It's still barely paying for itself and I think it's currently under budget on salary so if we were operating it year-round we would be back in the red, I think.

**Finance Officer LeAnne Brasher** – I think we will be.

**Trustee Shearer** – In the red, not in the black. In the red.

**Finance Officer LeAnne Brasher** – She's been doing very well.

**Trustee Shearer** – I'm saying, I think if we were operating full time, we would be losing money. In fact, it looks like we should probably shut it down in January and February, because it seems to.... If \$2,800 is it's top for January and \$3,500 is it's top for February that's probably not paying its expenses in those months.

**Village Clerk Al Cavazos** – So how do you anticipate generating income if you don't have sales?

**Trustee Shearer** – Well, I was saying. It looks like March is great. April is not bad. May, June, July, August. But it looks like January and February, you are probably paying more in payroll than you're bringing in.

**Village Clerk Al Cavazos** – We haven't had anybody working over there, on a part time basis, for a while. We've had Peggy working part time here, and part time there to keep sales up.

**Trustee Shearer** – But you're still taking her salary out of sales.

**Village Clerk Al Cavazos** – We are taking a portion of her salary out of sales.

**Finance Officer LeAnne Brasher** – The hours that she's worked there.

**Trustee Shearer** – I'm just saying, that it doesn't look to me like it's, even with these numbers. We've crossed over two fiscal years. It's not actually operating with a profit.

**Village Clerk Al Cavazos** – It's been working in a negative for a long time. This thing is starting to generate income, and it is in the black. Now, what you are saying, you are anticipating that it's going to take losses. Not knowing what the sales are going to be.

**Trustee Shearer** – I'm just saying, you've given us 3 years' worth of sales. For three years, January and February, haven't exceeded \$3,500.

**Village Clerk Al Cavazos** – How are you anticipating that it's going to be the same? The sales are increasing.

**Finance Officer LeAnne Brasher** – January and February of this year, did a lot better than the two previous years.

**Trustee Shearer** – Okay, but if you take July, August, September, and October. What you reported here for November and you add all that up, what does that come to?

**Village Clerk Al Cavazos** – Are you talking about the difference in those months, from the previous years? Or are you talking about the total income from this year?

**Trustee Shearer** – No, no. I'm talking about July, August, September, October and November's revenue vs. expenditures.

**Village Deputy Clerk Angela Autrey** – You can't count November because we had to shut down for all of the repairs.

**Trustee Shearer** – You still got eight hundred and something in revenue in here and you weren't taking out personnel. Right, you weren't paying somebody to be over there.

**Village Deputy Clerk Angela Autrey** – No, we weren't paying anyone to be over there because it wasn't open.

**Trustee Shearer** – So I'm just saying, when you add, July through now, sales up. Then you add July through now, expenditures up. It's almost a wash.

**Finance Officer LeAnne Brasher** – Because of being closed for the month of November?

**Trustee Shearer** – No, because it's really not generating profit.

**Village Clerk Al Cavazos** – It is generating profit.

**Trustee Shearer** – Okay

**Item #15 Discussion – Transfer Eric Chavez to Parks and Rec Department from Street Department, and Transfer Quincy Boyd to Street Department from Parks and Rec Department.**


Mayor opened the item for discussion. No discussion was made.

**Adjournment:**


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

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

Meeting adjourned at 6:20 PM.

  
Minerva Davalos, Mayor, Village of Capitan

**Attest:**

  
~~Al Cavazos, Village Clerk~~  
Angela Autrey, Deputy Clerk

