

February 8, 2024

**Village of Capitan Agenda  
Regular Trustee Meeting  
Tuesday, February 13, 2024  
114 Lincoln Ave.  
6:00 PM**

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER

ROLL CALL

1. Approval of the Agenda
2. Discussion/Action – Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation, Section 10-15-1, Subparagraph (H)(7). Lincoln County Cause Number D-1226-CV-2024-00009.
3. Discussion/Action – Executive Session – Personnel – 10-15-1 (H)(2) – Limited Personnel Matters Administration.  
Any action taken as a result of the closed session will be brought back into open session.
4. Mayor and Trustee Comments
5. Public Input (2 Minute Limit Per Speaker)
6. Consent Agenda:
  - a. Approval of the Minutes: Special Meeting January 23<sup>rd</sup>, 2024.
  - b. Approval of January 2023 Bills Paid.
  - c. Approval to remove Al Cavazos Off as Signatory on the Bank.
  - d. Approval to Add Brian Cleckler as Signatory on the Bank.
  - e. Approval of Resolution 2024-01 Governing Body Meeting and Public Notice.
  - f. Approval of Resolution 2024-02 Public Input Policy.
7. Discussion/Action – Discuss and Set Budget Workshop Date and Time.
8. Presentation – Presentation of Smokey Bear Days, Hometown Association – Shirley Pavlovic.
9. Presentation – Presentation of ViaVista Mapping on the Work They Have Already Done for the Cemetery.
10. Discussion/Action – Request for New Funding for ViaVista Mapping to Finish Mapping the New Part of the Cemetery - Johnathan LaMay.
11. Discussion/Action – Approve Mayoral Appointment of Angela Autrey as Clerk for the Village of Capitan.
12. Discussion/Action – Approve Mayoral Appointment of Randy Spear as Interim Chief of Police for the Village of Capitan.
13. Discussion/Action – Approval of Appointment for Legal Services RFP 2024-01 – Kevin Kennedy.
14. Discussion/Action – Approval of Resolution No. 2024-07 Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority for the Colonias Infrastructure Fund – Kevin Kennedy.

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ADJOURNMENT

ATTEST:

/s/ Angela Autrey

Angela Autrey, Deputy Clerk

**The Agenda and Packet may be  
obtained at the Village of  
Capitan Website  
[villageofcapitan.org](http://villageofcapitan.org)**

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February 8, 2024

**Item #1** Approval of the Agenda

**Item #2** Discussion/Action – Executive Session  
Pursuant to Open Meetings Act: Discussion of All  
Threatened and/or Pending Litigation, Section 10-  
15-1, Sub paragraph (H)(7). Lincoln County Cause  
Number D-1226-CV-2024-00009.

**Item #3** Discussion/Action – Executive Session –  
Personnel, Section 10-15-1, Subparagraph (H)(2) –  
Limited Personnel Matters Administration.

**Item #4** Mayor and Trustee Comments

**Item #5** Public Input (2 Minute Limit Per Speaker)

#6

A.

**Draft Minutes  
Special Trustee Meeting  
January 23<sup>rd</sup>, 2024  
6:00 P.M.**

The Village of Capitan Board of Trustees met for a regular meeting on Tuesday January 23<sup>rd</sup>, 2024 at the Village Hall in Capitan, New Mexico at 6:00 PM.

Mayor Davalos Called the meeting to order at 5:56 PM

Roll Call: Mayor Davalos – here, Trustee Shearer – Here (via zoom), Trustee Hair – Here, Trustee Cleckler – Here, Trustee Menix – Here

**Item #1 Approval of the Agenda**

Trustee Menix made a motion to amend the agenda. Trustee seconded the motion to amend.

**Trustee Hair** – Madam Mayor, I make a motion to approve the agenda.

**Trustee Menix**- I'd like to approve the agenda but with an amendment please.

**Mayor Davalos** – Okay

**Trustee Menix** – I'd like to move #13 to #4.

**Mayor** – Okay, 13 would be selection of Mayor ProTem, move it up to 4.

**Trustee Menix**- Yes.

**Mayor Davalos**- Okay. Any, discussion on that? Everyone is okay with that? Okay. So, 13 is

**Trustee Shearer** – Mayor, I'll second that motion to amend the agenda.

**Mayor Davalos** - Okay, thank you. Below four is what I'm looking at?

**Trustee Menix**- Between 3 and 4, I guess. Yea

**Mayor Davalos** – Between 3 and 4. Okay it will go between 3 and 4. Okay, so we have an approval on that.

We'll go to our Mayor and Trustee Comments. Trustee Hair, we'll start with you.

**Item #2 Mayor and Trustee Comments –**

**Trustee Hair**- Thank you Madam Mayor. At this time, I have no comments to make.

**Mayor Davalos** – Thank you, Trustee Menix.

**Trustee Menix**- Nothing at this time.

**Mayor Davalos** – Thank you, Trustee Cleckler.

**Trustee Cleckler**- Yes, I have just a couple of things. First of all, I'd like to thank the city for sending me to Santa Fe, to the Municipal League. It was very enlightening. I learned a lot in all of the classes and I also made a lot of contacts. On those contacts, one of them I made today, and talked to them about State statutes and State Laws. I don't understand why Police Officers in Capitan are not Commissioned, when it was on the Mayors desk. It has nothing to do with the Trustees. Trustees have no opinion on it one way or the other. It's all up to the Mayor and it is also, it doesn't matter who the Police Chief is. So, as of right now we don't have commissioned police officers on the force. So, we are basically paying, paid suspension. So, I just wanted to make that public knowledge of what is going on. That our police officers are not commissioned until the Mayor (inaudible)

**Mayor Davalos** – Okay. Thank you. I do have comments....

**Trustee Shearer**- Mayor, you skipped me.

**Mayor Davalos** – I'm sorry, Trustee Shearer.



(Continued Item #2)

**Trustee Shearer** – (In audible) I wanted to say that we had the Smokey Bear Day at the Legislature today. It was a very nice event. Wish more people could have been here.

**Mayor Davalos**- Okay, Thank you. And the Smokey Bear Day Celebration will be in the first weekend in May, correct?

**Trustee Shearer**- We advertised that. We set it along the House floor.

**Mayor Davalos**- Nice

**Trustee Shearer**- There is a report on the Santa Fe (In audible) We believe they will be doing a story.

**Mayor Davalos** – Okay, Thank you. Okay, I had one statement prepared but there have been some items that have come up. So, I'm going to start with something else. Last week January 16<sup>th</sup>, we opened up our meeting, and at that time we had three Trustees that voted not to approve the agenda. By doing that, it prevented myself, and you as Trustee's for voting for vital and financial issues, which are time sensitive. There is a process in which the complete rejection of an agenda can be averted. In order to help us with options and protocol, I want to let you know that I am looking into some continuing training for myself and trustees. So, the more training we get, the better we can serve the community. Okay, since the vote on the last meeting to adjourn and not to proceed with the items at hand. On January 16<sup>th</sup> 2024 at 8:30 in the morning, Randy Spear filed a Writ of Mandamus against me personally, not naming the trustees who voted **not** to approve the agenda. The writ is a court order. This court order is ordering me to sign the Village of Capitan commissions cards. The signature of the Chief of Police is also necessary in order to be a valid commission card. By not giving me the opportunity to name my appointments, it prevented us from providing our community with a vital service. The court order did also give us until February 5<sup>th</sup>, 2024 to sign and issue these commission cards. Which this meeting will determine if we can comply. In order to comply with this order, a Police Chief will have to be appointed and approved by the trustees. Randy did know that he would not be appointed as Chief in this administration. My question is, how did Randy know that the appointment would not be accomplished, the Chief of Police and the other two positions? I also want you to know you will be paying for legal services if we do not comply with this court order. So, that answers....

**Trustee Shearer** – Mayor may I ask a question?

**Mayor Davalos** – Yes ma'am.

**Trustee Shearer** – Is the Village Attorney present?

**Attorney Zach Cook** – Yes.

**Mayor Davalos** – Yes, he is.

**Trustee Shearer** – Mr. Cook is there a (inaudible) the board's action and this Writ. As I understand that the current Police Chief holds over until a new Chief is appointed and the two are not related. This is not based on the Board's actions. In fact, I don't even know when that thing was filed. It's my understanding it arose on January the 1<sup>st</sup>. I was not aware of the connection between the board not approving the agenda and the Writ. Can you speak to that?

**Attorney Zach Cook** - Mayor, council, I have not seen the Writ. Or the petition for the Writ. Or the Writ that's signed by the Judge. I don't know if there is a nexus between the two. I know that, you have a statute that says that the Mayor shall sign the commission cards. You also have a statute that says, they Mayor shall, at the organizational meeting, appoint, or offer a name for appointment as a Police Chief. I don't believe that there is anything like, if there is a Police Chief that you intend to not appoint. But at the beginning of the year, you are now the Mayor and you have been sworn in. The previous Mayor is no longer Mayor. If you were to sign the commission cards, it doesn't bind the Mayor to that particular Police Chief. It's just the act of commissioning them. So, I don't know that anybody is to blame here. I don't think that if this matter were to go to court the 5<sup>th</sup>, or whenever the hearing is. There is a lot of

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tension in the room between all the different players. The courts, it's going to be a much cooler, calmer atmosphere. The courts are going to decide that. I don't know, where it's going to fall. I don't know what the status is, because it's not clear to me, to what happens to the commissioned officers when the Chief Executive that signed the previous card, is no longer in office. All I know is that the Mayor shall sign the commission cards. That hasn't happened. Are the courts really going to say that all of the sudden the Police Officers are not commissioned? I don't really want to have that fight. I think there are some risks involved in not signing the commission cards, and I think that the best way to mitigate those risk should be to sign the commission cords. That again, does not bind anybody to any future appointments. So, I don't know if that answers your question or not between the Nexus and what the Law is.

**Mayor Davalos** – Okay, thank you.

**Trustee Shearer** – Well what I thought I heard was the Board being blamed for the commission cards not being signed.

**Mayor Davalos**- No. They were not being blamed. The statement was that, I was ready to go on with this and was blocked by the adjournment of the meeting. So, that was not... I was trying to work with the trustees, and trying to get this taken care of.

**Trustee Shearer** – So, Mayor, is there a plan for you to get it taken care of? Do you plan on signing the commission cards?

**Mayor Davalos** – Yes ma'am. That what we are working on tonight and we sill see where we go from the meeting tonight.

**Trustee Shearer** – Okay.

**Mayor Davalos** – Okay, the statement I had from last week that I was going to present. (sigh) The thing is after the outcome of our last meeting, I basically found out that I had a runaway stagecoach. I have no choice but to take the reins and keep it from going over the cliff. I want to clarify some of the statements/accusations made at the last meeting. There are three things I am going to address, is the Conversation between myself and Trustee Cleckler. Another thing I want to address is demands, threats, and attempts of intimidation. Of possible conspiracy to lure me to violate the Open Meetings Act and on something I really hate going into but there's two statements that I do want to address and this is social media.

On 1-2-24, the first day of my official capacity. We worked 3 days that week. I had payroll to take care of, review resolutions for update, rough draft of the agenda, review documents for Trustee Packets. Review on tasks to be accomplished for the week of January 8<sup>th</sup> through the 11<sup>th</sup>. January 8<sup>th</sup> through the 11<sup>th</sup> was travel time, Mayor and Trustee training in Santa Fe. All the trustees and myself attended. Thursday on the 11<sup>th</sup>, I arrived at the office at approximately 2 p.m. I began finalizing the agenda and trustee packet for posting and distribution to trustees, signing checks for payment on invoices, and being briefed on activities during the time I was in training. I was reviewing correspondence. At approximately 5:00 p.m., Trustee Cleckler came to the office. During that conversation, Trustee Cleckler asked if I would give him the names of my appointees. I told him that during the campaign and after I had read some allegations and concerns about possible appointments. I told him, that at that time I was still researching and wanted to confirm or dismiss these accusations before I could be completely be sure of these appointees. Trustee Cleckler then said, and I am paraphrasing here, "if you do not give me the names, I will have to vote no on anything you present for a vote." I told him that was his choice, and he could vote however he felt he had to. He left at approximately 5:45. At approximately 6:37 p.m. I received a text from Trustee Menix with a message containing these words, "you need to immediately". A photo of the Village Ordinance, which is 50-2 and a photo with the ordinance on appointment of Village Officials. I responded with a thumbs up. I wondered how she knew that I didn't disclose my appointee names. At that moment I felt that I was being lured into a violation of the Open Meetings Act

**(Continued Item #2)**

and had no further conversations or media contact with her, Trustee Cleckler or any other trustee. I later received an e-mail from Trustee Menix implying, I was violating transparency obligations. I did not respond. Once again, I did not give into the attempt, that I felt, that was lure me to violate the Open Meetings Act.

**Trustee Menix** – May I respond to that real quick, please?

**Mayor Davalos** – No ma'am, not at this time.

**Trustee Menix**- Okay.

**Mayor Davalos**- Social Media. Like I said, I do not go onto social media. This was brought to my attention. I thought we need to address it. There is a statement on there that was made, "about time we were held accountable." I felt that they were talking about the Trustees and myself. Trustee Cleckler, Trustee Menix, Judge Bradley and I, just started our positions. And I'm sorry, Trustee Hair. We just started our positions and I'd like to know, what we are we to be held accounted for? We just started. I know there's that happened before us and are we to answer for the sins of our fathers? All I ask is to give us a chance to be able to learn what we need to in order to provide what we have to for this community. We are learning, we will be making mistakes. We ask for you to be patient with us, and help us out. We do not say that we know it all, but we would like to have your help also. Now, for that person, I'm not naming names, but if we all stop and think about it, if we look in the mirror. What do we see? Can we tell ourselves that we are perfect? I will be the first one to say, I am not perfect. I will make mistakes. I ask that you all help me work through these mistakes and I ask that we all work together in order to provide what we need to for the community. Now the second one. It was brought to my attention, that Ms. Provine, your statement was, and I am paraphrasing again, "think they'll quit?" My question is, is that a concern or a goal? I want to know. Are you concerned?

**Public Audience Provine** – That is out of context so I don't know what it talking about.

**Mayor Davalos** – Okay, I am paraphrasing. It was brought to my attention.

**Public Audience Provine** – That's (inaudible)

**Mayor Davalos**- Ms. Provine. (uses gavel)

**Public Audience Provine** – You are putting on the record.

**Mayor Davalos** – Yes, I am.

**Public Audience Provine** – And it is not...

**Mayor Davalos** – Ms. Provine, stop. It is not comment time. Okay.

**Public Audience Provine** – When do I defend myself?

**Mayor Davalos** – Stop. If you will look at the agenda, you will see that there is a time for public comment.

**Public Audience Provine** – I am aware.

**Mayor Davalos** – I will look at all of you in the face, each and everyone of you and tell you, I am not a quitter. That question you can ask of everyone else, and they can give you that answer. I was put in this position to do the very best I could to work with the community and to provide the services that you all deserve. I do not know who is driving the train or who will hitching their wagon to it. I was elected to do a good job here. That's my promise. I will do the very best I can. These Trustee's were placed here, with your confidence to do the best that we can. Please, do not judge us harshly. Please help us out. Please have compassion, because this is a tough job. We need help, we don't need people condemning us, judging us. We need help. We'll get over these bumps. We'll get over them. We're not... Like I say, we've had three weeks in this position. Three weeks. Did you learn everything you know in three weeks? So, there is no I in this position, it is we who make our community what it is. I will not give into demands, threats or intimidation. So, I ask again let's come together, let's work together. We're not here to make enemies. I believe in my heart, I don't have enemies. I don't look at it as if I have enemies. Enemies does

**(Continued Item #2)**

not accomplish anything. So, let's come together and let's help us to keep everyone safe. Provide services that they deserve and make Capitan prosper. Thank you.

**Trustee Menix** – Now may I speak?

**Mayor Davalos** – Yes.

**Trustee Menix** – I would like for the record to say, I received my packet at 4:45. I went to my car and emailed you immediately.

**Mayor Davalos** – Okay

**Trustee Menix** – When I did not hear a response from you, then I sent you the text, and the text said, "please check your email immediately." Is what the text said, and you sent me a thumbs up.

**Mayor Davalos** – Yes

**Trustee Menix** – With absolutely no... but you didn't say I has said check your email. But I did email you first before I text you.

**Mayor Davalos** – Okay

**Trustee Menix** – So, I wanted to make it clear since it is on the record.

**Mayor Davalos** – Okay, but once I saw that.... Well, I'll leave it at that.

**Trustee Cleckler** – Mayor, may I respond since....

**Mayor Davalos** – Mr. Cleckler. (motions to Trustee Cleckler)

**Trustee Cleckler** – Okay, in our meeting on Thursday. I came by here to retrieve the book from GreenTree. I had not even seen the agenda or anything on your desk. Me and you were in your office discussing this.

**Mayor Davalos** – Correct.

**Trustee Cleckler** – And you said right there, you did not have on the agenda, didn't have a lot of items on it. It was a very.... Nothing, nothing was on the agenda, and I said, I will vote no if I don't have enough information to make a proper judgement. And I stand by it. We are talking about people's lives here. If somebody has a job, doesn't have a job. If we do stuff. If we spend \$100,000 we do stuff like that I need more than a moment's notice to do that. We talked about it for a while and you said, yes you would take that into consideration.

**Mayor Davalos** – And you heard my response. So, the other thing that we are looking at is, is there is remedies to items on the agenda where you can say, let's postpone it, you can vote no, you can vote yes, but there are processes that we... and we are still learning, okay. We are still learning. So, we are going to have bumps along the road, and we can work through them. We can work through them. Okay, so let's do that. Like I say, there is no room for enemies. Okay. The next item on the agenda.

**Item #3 Public Input**

**Nita Taylor** – My name is Nita Taylor, I am a resident of Capitan. A long-term resident. Since I was in the 4<sup>th</sup> grade and that was a long time ago. Tonight, I'd like to thank you Madam Mayor and Trustees for the hard work and the decisions you have to make for the benefit of all of us. Specifically, I'd like to ask that you... In your discussion of agenda item #23, which is the purchase of the Washington Federal Bank building. I think that's clearly a hold over from the previous administration, I know it is. So, in your discussion and talk about that, I hope you include why the Village of Capitan is proposing to purchase, and spend tax payer dollars on the Washington Federal Bank Building and of what use it would be to the tax payers. Thank you.

**Mayor Davalos** – Along those lines, and I don't know if you all have noticed, we are really trying, we are posting the Trustee Packets on our web page along with the agenda. That packet is going to include everything that the Trustee's get. The information that we have available. So, sometimes that's going to

**(Continued Item #3)**

answer a lot of questions. Maybe it will help us all. So, that's one thing that we've implemented. We are also looking into implementing, other things that will help the community to be able to maybe phone in, and there's other things possible things that we can help the community be involved in our meetings. So, like I say, we've started out by not only posting the agenda but the Trustee Packets. That's available for every one to see. What we see in our packet, is something available for you to see. If for some reason it can not be pulled out, like this one is a big one, I don't know if it will all go through. But with your input, we can find out what we need to do in order to get that information to yall.

**Attorney Zach Cook** – Mayor, your agenda says two minutes per speaker. I just want to make sure Ms. Taylor stayed within that she is very familiar with the rules. I just want to make sure to stay compliance with the Open Meetings Act, as well as the Constitution. Just if there is, I don't know if there is official time keeper or not, but there should be one.

**Administrative Assistant Wall** - There is one.

**Mayor Davalos**- We do have one, also in our policy is on our agenda. We do have policy that we will be addressing, later on.

**Attorney Zach Cook**- Okay.

**Mayor Davalos** – Okay. So, you requested that we move 13 above 4.

**Trustee Menix**- I think you should see if there is somebody else that wants to talk.

**Mayor Davalos**- Oh, I'm sorry. See, I have a lot of help here. So, thank you all for helping me out. Yes, Sir. Would you step forward please.

**Corey Crayton** – I'm Corey Crayton. I've only lived here for 15 years, and I just want to say what she was saying. There is limited space for businesses around here. I've have put in some thought into opening something. But, if the Government takes up everything that we have, then the normal citizens don't have a chance on getting anything. Because everything cost so much. Our land or a building to be built. Something like this, a person can rent. If Washing Federal is into that. So, I just wanted to keep that in your heads when you are thinking about it. Thanks.

**Mayor Davalos**- Thank you. Okay, anyone else?

**James Taylor**- I'm James Taylor. Thank you, Madam Mayor and Trustee's. I don't know that I can speak on anything outside the agenda but I have a serious concern, and that's the lack of an audit in Capitan. We've talked before the election. I think it's important to get this done and if we can't get it done, we need to get somebody that can get it done. Thank you.

**Mayor Davalos** - Is there anyone else? I appreciate all of your comments. Okay, so we have moved item #13 to between 3 and 4.

**Item #4/13 Discussion/Action – Selection of a Mayor ProTem.**

Trustee Menix made a motion to appoint Brian Cleckler as Mayor ProTem. Trustee Shearer Seconded the motion. Motion passed 3 to 1.

**Mayor Davalos**- I would like to appoint...

**Trustee Menix** – No.... Go ahead, I'm sorry.

**Mayor Davalos** – Select, for my Mayor ProTem, Trustee Sherry Hair.

**Trustee Hair**- Thank you Madam Mayor for that trust.

**Trustee Menix** – I'd like to amend the motion. And I'd like to select Brian Cleckler.

**Trustee Shearer** – I will second Trustee Menix's motion.

**Attorney Zach Cook**- It was point of order. You can't make a motion. You've suggested a name so.

Trustee Menix would be a motion name Trustee Cleckler.

**Mayor Davalos**- Correct. Okay, discussion. Trustee Hair.



**(Item #4/13 Continued)**

**Discussion:**

**Trustee Hair-** I have nothing to add

**Mayor Davalos-** Trustee Menix?

**Trustee Menix –** No, just my motion.

**Mayor Davalos-** Trustee Cleckler.

**Trustee Cleckler-** News to me. I'm fine.

**Mayor Davalos –** Okay, so would you state your motion again please.

**Trustee Menix-** I would like to move that we select Brian Cleckler as Mayor ProTem.

**Mayor Davalos –** There is a motion to appoint Brian Cleckler as Mayor ProTem and a second. I'm sorry, you did second Bobbi?

**Trustee Shearer-** Yes, I did.

**Mayor Davalos-** Roll call please.

**Roll Call:** Trustee Hair – No, Trustee Shearer – Yes, Trustee Cleckler – Yes, Trustee Menix – Yes

**Item #5/4 Discussion Action – Approval of the Minutes – Regular Trustee Meeting December 14, 2023 and Regular Trustee Meeting January 16, 2024.**

Trustee Menix motioned to approve the December 14, 2023 minutes. Trustee Hair seconded the motion. All were in favor.

**Discussion:** There was no discussion on the December 14, 2023 minutes.

**Roll Call:** Trustee Hair – Yes, Trustee Cleckler – Yes, Trustee Shearer – Yes, Trustee Menix – Yes

Trustee Hair motioned to approve the January 16, 2024 minutes. Trustee Cleckler seconded the motion. All were in favor.

**Discussion:** There was no discussion on either minutes.

**Roll Call:** Trustee Hair – Yes, Trustee Cleckler – Yes, Trustee Shearer – Yes, Trustee Menix – Yes

**Item #6/5 Discussion Action – Approval of December 2023 Bills Paid.**

Trustee Hair motioned to approve the December bills paid. Trustee Menix seconded the motion. All were in favor.

**Discussion:** There was no discussion on this item.

**Roll Call:** Trustee Hair – Yes, Trustee Menix – Yes, Trustee Shearer – Yes, Trustee Cleckler – Yes

**Trustee Hair –** Madam Mayor

**Mayor Davalos-** Yes ma'am.

**Trustee Hair-** I would like to state that as the Trustee's. I know that it has been a comment before, it's very difficult for the recording to pick up light voices.

**Mayor Davalos –** Yes ma'am.

**Trustee Hair-** So as we vote we need to do so with emphasis, and articulate that to that is recorded correctly.

**Mayor Davalos –** Thank you. I'm sure that the stenographer will appreciate that. Thank you for bringing that to the front.

**Item #7/6 Discussion – Of FY 23-24 Monthly and Quarterly Budget Report**

**Trustee Shearer-** Mayor, I do have some questions about the budget report.

**Mayor Davalos –** Okay. Trustee Shearer, as we go through this, would you help us out on pointing out the page that you are referring to if you have a question on a certain page.

**Trustee Shearer –** Yes, I can try. I have the zoom up on one page and the packet up on another.

**Mayor Davalos-** Okay, best you can. We'll work with what we've got.

**Trustee Shearer –** Let me ask a question, it's my understanding that the Lodgers Tax asked for a bank statement the other day. That statement showed \$13 in the account, and our budget report shows that we should have about \$13,000 in the account. Maybe somebody could just explain. Remember we did three authorizations, but I didn't think that we brought the account down that far, and we have some stuff obligated. So, maybe somebody could speak to that.

**Finance Officer Brasher –** Angela and I together, because we had started balancing 2022, we had gone back and we figured what exact dollar amount needed to be transferred to the Lodgers Tax account. Which was around 13,000. A little more than 13,000 and that's what we deposited into that account today.

**Trustee Shearer –** But the budget report shows that the cash allocated was, 19,000.

**Finance Officer Brasher –** Right, but we've already spent money in that account.

**Trustee Shearer –** I know that. I understand that, but I'm looking at the beginning cash on hand and the revenues. The beginning cash on hand was \$19,450 revenues were 3,498 and you show 9,087 in expenditures which means a net of \$13,861.

**Finance Officer Brasher –** There was also income that was put into the Lodgers Tax bank account.

**Trustee Shearer-** I'm sorry, say that again.

**Finance Officer Brasher –** There was money being deposited into the Lodgers bank account, starting in May of 22. We figured how much money actually needed to go into the Lodgers Tax account from the beginning and as of May 22.

**Mayor Davalos-** Can I interject here just....

**Trustee Shearer-** Why is there such a wide variance between the bank account and the budget report?

**Deputy Clerk Autrey-** Whenever we first opened the bank accounts, we had to separate them for the audit. We didn't know exactly, because we didn't know about it before, how much to put in each account. So, there's Lodgers Tax, there was Fire and ones like that. So, we took close to what we could, to get it open. And then, we are having to go back in the accounts to figure exactly what needs to be in each fund.

**Mayor Davalos-** Can I interject something here Trustee Shearer? It is a question to Angela and LeAnne both. We had a meeting of the Lodgers Tax last week. Am I correct? Okay. Was this discussed and gone over with the officers of the Lodgers Tax? Okay

**Trustee Cleckler –** But then it only \$9,000, it wasn't \$13,000.

**Deputy Clerk Autrey-** Well you've got more money.

**Trustee Cleckler-** Yea, we got more money. (in audible)

**Trustee Shearer –** Well Brian doesn't take into account the revenue. The \$9,000 doesn't take into account the revenues.

**Lodgers Tax Member Traylor –** Bobbi they just sent an email out today, and I quickly checked it on my phone. And basically, it matches up with what I thought we should have. So, we're good.

**Trustee Shearer –** But does it match the budget report?

**Mayor Davalos –** Okay, let's hold off here for a minute okay. Ummm....

**Trustee Shearer –** Mayor, my issue is that we are reviewing the budget report.

**Mayor Davalos –** Yes, I understand Bobbi.

**Trustee Shearer –** Look, Mayor I have the floor. Please don't cut me off.

**Mayor Davalos –** Go ahead.



**(Item #7/6 continued)**

**Trustee Shearer** – It's hard enough to do this by zoom without you cutting me off. When we are doing the budget report and I'm asking questions about whether this budget report, matches up with bank statements. One of the things I'm looking at, we started in the general fund with \$369,102 in non-restricted cash. We brought in \$367,697, if you look at the revenue page on the budget report, the best I can read that. It's very small. So, I come up with money in the bank, in revenue, in the general fund, is \$746,799 and that doesn't include the investments. But when I add up all the money that's been spent, in the items of Governing Body, Mayor, Court, City Hall, Finance, Clerk, Police Department, Animal Control, Parks and Rec and Senior Center. I come up with \$665,383 spent. Being a difference in the general fund of \$71,416. Now based on the bills we just approved, the payroll is \$88,292. So, the question that is really coming up for me is, are we at a point where we have to cash out the investment money in order to put cash in the general fund?

**Finance Officer Brasher** – We have revenue coming in every month.

**Trustee Shearer**- I've accounted for all of the revenues. You show \$367,697 in revenue in the general fund. That includes the interest income, that includes the extra GRT.

**Finance Officer Brasher** – You are saying the \$369,000?

**Trustee Shearer** - \$367,697 is that the budget revenue year to date?

**Finance Officer Brasher** – I don't have that total. I would have to look into it further.

**Trustee Shearer** – Well, it's on our packet. If you look at the revenue totals on our packet. I'm so sorry, I've lost the screen here.

**Finance Officer Brasher** – It's very small, it's hard to see.

**Trustee Shearer** – I'm having trouble being able to rely on this budget report. I can't tell what numbers are accurate and what are not. I would like... I'm going ahead and make a request to see the bank statements for all of the Villages accounts for the second quarter of the year. October, November, and December.

**Trustee Menix** – And I would like to get budget in legal size paper please, because these are very very hard to read.

**Finance Officer Brasher** – They are very hard.

**Trustee Menix** – And I make a comment on it because I can't see a lot of it.

**Mayor Davalos** – That is one thing that we are working on. I we did have that discussion with my Finance Officer. Let's try and work on this and make it to where it's easier to read.

**Trustee Shearer**- Mayor, if we could receive it in Excel, instead of printed on excel and printed to pdf. And then run through a scanner, I think it would make it much much easier for the board and reduce my questions significantly.

**Mayor Davalos** – Okay, Is that possible with that? (looking at the Finance Officer)

**Finance Officer Brasher** – Yes, it's possible.

**Trustee Menix** – Thank you.

**Mayor Davalos** – We'll work on it and try and get that done. Okay, any other questions from the Trustees? Comments?

**Trustee Cleckler** – I do have a question. So, this is discussion item only? Right?

**Mayor Davalos** – Yes

**Trustee Cleckler** – So, we are discussing this, and then on the next meeting... (in audible) Is there any way we can have, before the next meeting, maybe a workshop or something for the Trustee's to where we can sit down with LeAnne and kind of go through and she can explain to us how it goes. Especially with the new Trustee's. So that way we can better understand the budget.

**Mayor Davalos** – Sure.

**Trustee Cleckler** – Maybe that would stream line the process during the meetings here.

**(Item #7/6 continued)**

**Mayor Davalos** – Sure, so, does anybody have a time they could not show up? We'll look at dates and times and stuff. We'll work on it to see when you are available.

**Trustee Menix** – I will not be available next Monday through Wednesday.

**Mayor Davalos** – Okay, Trustee Hair...

**Trustee Hair** - Madam Mayor, I had made a suggestion as an appointed trustee. In the last, I believe it was in the November meeting, that we actually pursue a workshop prior to the council meetings. Again, that will follow the Open Meetings Act, and discuss the budget at that time. That will cut down, I believe, on significant time with the council.

**Mayor Davalos** – I think that is a good idea. Are we good with that? (looking around asking, all members agreed) If we can get a lot of this stuff clarified, that way when we get here we will know where we are all at. These questions can be asked and answered.

**Item #8/7 Discussion/Action Resolution 2024-03 Budgetary Adjustments and Revisions.**

There was no motion made on this item.

**Discussion:**

**Mayor Davalos** – LeAnne, do you have any statements you'd like to make on this?

**Finance Officer Brasher** – No

**Mayor Davalos** – Okay, let's go into discussion.

**Trustee Shearer** – Mayor, I'm just not comfortable with the budget adjustments or the budget report right now. With all due respect to LeAnne, I know she's doing the best job that she can with what she has. I'm not sure I can support the budget adjustments at this time. I actually thought that one of them had been brought before the board. From my recollection is the one regarding the Police Retention Fund. That already had been approved.

**Finance Officer Brasher** – The one that we had previous, was for the income that was being taken from the one law enforcement recruitment into the other, how they restructured this year, and this particular resolution is for the expenditures.

**Trustee Shearer** – So, they had you put the (in audible) to the wrong fund and now are have you put the expenditures in the wrong fund, is that what you're saying?

**Finance Officer Brasher** – Yes, now we have to correct it.

**Trustee Shearer**- Okay, now what about the other budget adjustments? In October didn't we already move money into that line item?

**Finance Officer Brasher** – Which? Are you talking about a specific one? Or are you talking about the Retention?

**Trustee Shearer** – I'm talking about the other budget adjustment. Not the Retention adjustment. We've got two resolutions.

**Finance Officer Brasher** – Yes.

**Mayor Davalos** – Is that the one that mentions the general operating fund?

**Trustee Shearer**- Yes, didn't we move \$25,000 into that fund in October?

**Finance Officer Brasher** – We did, and unfortunately...

**Trustee Shearer** – Does that.... Go ahead.

**Finance Officer Brasher** – Unfortunately the expense with the CARR & RIGS Ingram has made the expense go up higher.

**Trustee Shearer** – Where is the adjustment, why are we not seeing the adjustment that we made in October?

**(Item #7/8 continued)**

**Finance Officer Brasher** – If you had asked me that on a previous meeting, and so that adjustment is now on the budget report. So, if you look at....

**Trustee Shearer** – Okay, show me where that is in the budget report.

**Finance Officer Brasher** – Go to the page... So, if you look on the page, general fund, general admin expenses, page 1 of 2, you'll see where it was added

**Trustee Shearer** – Let me get up to there really quick.

**Mayor Davalos** – What was the heading on that page again please?

**Finance Officer Brasher** – General Fund, General Admin. Expenses page 1 of 2.

**Trustee Shearer** – If we could get all the pages turned all the same way, it would be super. General Fun, General Admin. Page 2 of 2?

**Finance Officer Brasher** – Page 1 of 2. That's where the heading starts.

**Finance Officer Brasher**

**Trustee Cleckler**- Mayor, CARR and RIGS. Does this bring us up to date on them? We still have a (in audible) right? Do we have next month, or the next two months, are we getting another addition that we are going to have to give more money or is this enough money to pay them out?

**Finance Officer Brasher** – They are still being retained. So, to answer you that question....

**Trustee Cleckler**- So, this is not money put there in reserve, that as they send a bill, it's just to keep them caught up now. So is that where we get another bill, then we are going to have to adjust. Where are we at on the audit? But if the audits are caught up then that means, that we don't need them anymore.

**Mayor Davalos** – Can we make a clarification here? Can you let us know what CAR RIGGS is?

**Finance Officer Brasher** – That is the CPA Accounting Firm that was approved and hired to get all the needed information for the 20-21 Audit. As far as I know, everything has been submitted to Pam. We are just waiting Pam.

**Trustee Cleckler** – It's not at the State....

**Trustee Shearer** – LeAnne go back to that page, can you point me to the line that re adjusted in October?

**Finance Officer Brasher** – So, if you look at the headings, it says approved adjustment. Okay, it says approved budget, then it says approved adjustment, and then it says adjusted budget.

**Trustee Shearer** – So, didn't we put \$25,000 into two of those line items, \$25,000 each, \$50,000 total in the two of those line items.

**Finance Officer Brasher** – So, under the professional services we put \$30,000, and the contract other we put \$15,000.

**Trustee Shearer** – So, this budget isn't showing your proposed budget amendment, to add another \$20,000 to that fund. Is that what you are saying?

**Finance Officer Brasher** – That is correct.

**Trustee Shearer** – This is the October? And you're proposing another budget adjustment to add another \$20,000 to the fund.

**Finance Officer Brasher** – Correct

**Trustee Shearer** – Okay. What is the total general admin expenses? What is that number? Is that \$281,000 to date?

**Finance Officer Brasher** – Total expenses, yes.

**Trustee Shearer**- Yes, \$281,343. For the first six months of the year.

**Finance Officer Brasher** – Yes, through December.

**Trustee Shearer** – What is the total budget for that?

**Finance Officer Brasher** - The original total budget was, \$303,564.

**(Item #7/8 continued)**

**Trustee Shearer** – So, we have about \$19,000 to carry us through the next 6 months?

**Finance Officer Brasher** – That's what it's basically looking like because this budget was so short, it was so shorted in the beginning.

**Trustee Shearer** – So, if we take that \$281,000 and we multiply it time two. And I think that we've paid enough to our insurance, which we could back out. It's \$16,000 over budget. Our general fund admin expenses are coming in closer to \$500,000.

**Finance Officer Brasher** – That sounds about right.

**Trustee Shearer** – The general funds admin is \$200,000 over budget right now. Projecting by the end of the year.

**Finance Officer Brasher** – That would be correct.

**Trustee Shearer** – Okay, that give me great pause adding another \$20,000 to that item. Is that expenses that has already been incurred.

**Finance Officer Brasher** – Yes.

**Trustee Shearer** - For one thing, we talked about moving money out of, I believe the attorneys fee, line items. We have like \$50,000 in attorneys' fees and we have not.... I'm having trouble seeing.. When I add up the cash, the revenues and look at this budget. I'm having trouble seeing were all the money is coming from, to the end of the year unless it's coming out of the 1.3 million dollars in investments. There is just not enough extra revenue to cover this kind of overage.

**Mayor Davalos** – LeAnne, I do have a question. You are saying that, this expenditure is for the accounting services, am I correct? So, my question is that, in order to get to where we need to be on our audits, we are needing help in order to get everything in line so we can get to where we need to get our audits documented, all of the bookkeeping that needs to be done. This firm is helping us to get to that point.

**Finance Officer Brasher** – Correct.

**Mayor Davalos** – Thank you.

**Trustee Shearer** – What I'm suggesting is, you need to cut the budget in some other area. In order to cover the money for the accountant instead of continuing to inflate the budget. The money is just not there. You are going to dip down and not make as much interest, because you are going to dip down into the investments. Next fiscal year we are going to have less than a million dollars in reserves.

**Finance Officer Brasher** - Okay, I can do that. I will definitely look into other places, that I can take that money out of and put into the line item that we need.

**Mayor Davalos** – Clerk Cavazos, is there anything that you can help to understand what we are trying to accomplish here? I know it sound like a lot of money but the question that keeps coming up and I do understand the frustration of, we keep hearing the audits, the audits, the audits and we are trying our very best to get to where we need to be. Is there any clarification that you could give to, what it is we are trying to accomplish here?

**Village Clerk Cavazos** – We have \$314,000 in the money market account that is available to us without any kind of penalty. That money market is drawing interest. That money market is available for any adjustments that we have. Not taking into account, that the way the original budget, the way it was presented, was a 0 budget with no reserves taken into account. Or any adjustments on additional return. We also received a notice from the Internal Revenue, that the 200,000 debt that we had has been taken care of, and they have made the adjustment, and are also going to be submitting an additional \$22,600 that was overpaid to them as a result of the lack of fallow up. The previous several years, since 2016. We also have contractual agreements for additional funds that we are going to receive as a result to the water sales. So, we are not taking into account, any of the possibilities as far as

**(Item #7/8 continued)**

additional revenues that could be coming into the Village. We are only taking into account, last quarter numbers that were presented by Trustee Shearer. And so, we are sitting there trying to run the comparisons on first quarters, compared to first quarters, compared to forth quarters. Which is a difference of apples to oranges. So, taking old numbers, not taking into account, any adjustments that we have for revenues and only taking into account expenditures. So, I think we are making assumptions here based on possibly bad numbers. Those are the things that we are working with this audit, to get adjusted, to get those numbers correct. I think that....

**Trustee Shearer** – Mayor, may I ask a question?

**Mayor Davalos**- Hang on, were you...(question directed to Clerk)

**Village Clerk Cavazos** – No, I'm done.

**Mayor Davalos** – Thank you. Yes, Trustee Shearer.

**Trustee Shearer** – Is the Clerk suggesting that we are using money from sales of water shore up the general fund?

**Village Clerk Cavazos** – No. I'm saying that's additional funds are going to be coming in. That is your assumption.

**Trustee Shearer** – Help me..... This is about the general fund.

**Village Clerk Cavazos** – Okay, I'm talking about the general fund having over \$314,000 that is available. Because not taking into account a zero balance. Those are reserves. Not taking into account, when that budget was presented, by you at the time we had to make that presentation.

**Trustee Shearer** – What is our total reserve, right now. How much to we have in investments? In addition to the main one.

**Village Clerk Cavazos** – It's a little over a million dollars.

**Trustee Shearer** – So, when you say that \$314,000 you are talking... When we look on this budget, and it says \$1.3 million dollars in investments, what you are saying is, it's really only 1 million, and you are holding that 300,000 as (inaudible), because you need it to get through the end of the year.

**Village Clerk Cavazos** – We are not taking the income from those investments that are going to be at least \$40,000 for every six-month period.

**Trustee Shearer** – That's included, \$47,000, is included in the revenue on this budget report.

**Village Clerk Cavazos** – So, we do have the ability to make some revenue adjustments there. We are not broke.

**Trustee Cleckler** – Mayor, question here.

**Mayor Davalos**- Go ahead.

**Trustee Cleckler** – You are saying on the \$40,000 coming in on that, that's interest on our investment. Right?

**Village Clerk Cavazos** – It's interest on the CD's.

**Trustee Cleckler**- But didn't we, last year at the end of the year, we decided to use the interest on the CD's, will be used for raises for the employees. The \$109,000?

**Village Clerk Cavazos** – I think those funds were made available (inaudible)

**Mayor Davalos** – I have one more question. On the accounting firm, our moneys that we are spending for trying to get us to where we need to be. My question is, will this continue year, after year, after year? Or do we see that that's a possibility that we will be spending less once we get to where we need to be? Will we be paying them less, or is this continuous, is it a contract with them? Or what is it?

**Village Clerk Cavazos** – We will only be paying them for the time that they are using to help us to accommodate the meetings for the audit. They have already started the next two years audits. Now that the information has been provided to Pam for her to do the 21 audit. Once that 21 audit is done, and we have that number that we can use for the next two years audits will be done quickly. At that point we



**(Item #7/8 continued)**

will only need them as we need them. Not at that large expense. I think that we need to take into account that, when I came here two years ago, I tried to form what was called a loan committee, finance committee. Trustee Shearer sat on that committee. We had an opportunity to sit down with prior a finance officer to find out what we needed to do at that particular point in time to make the corrections, so that we could go forward. Nothing was accomplished.

**Trustee Shearer** – I'd like to respond to that.

**Village Clerk Cavazos** – I would like for you to.

**Trustee Shearer** – I think that....

**Mayor Davalos** – Ms. Shearer

**Trustee Shearer**- I think that...

**Mayor Davalos** – (Hits the gavel) Ms. Shearer, you will have your turn.

**Village Clerk Cavazos** – So, what we did then was, we had to go out and see if we could find some agency to help us accomplish this. Now, prior to that time, there had been well over \$100,000 spent. Going to different individuals who did absolutely nothing to help our accounting. Since that time, we have found someone who is helping us. And we are in a position now where we can get an awful lot of things done within the next 60-90 days. That's taking into account 3 different years of audits and the feedback that we are getting back is, it took an awful lot of effort to be able to get to where we are now. These people have spent an awful lot of time trying to locate those deficiency's and where they came out of. The fact that there is so much criticism on the expenditures that we are going through, we are spending less money today that we have spent in the prior administration. Where we got absolutely nothing back from our investments.

**Mayor Davalos** – Thank you. Trustee Shearer.

**Trustee Shearer**- Mayor, I came down and met the clerk and prior finance officers and LeAnne was part of that finance committee. The budget reports were so filled with errors, that there was nothing could be done. I went through, we put it up on a big screen, we put the spread sheet up on the big screen, we looked through and we showed where this number didn't add up and this number didn't transfer over to here. Quite honestly the Finance Officer never fixed it and didn't get resolved until LeAnne started working on it.

**Mayor Davalos** – Any more comments, statements?

**Trustee Hair** – I just wanted to ask one thing Mayor, and this is directed to Trustee Shearer. Did I hear you correctly, Trustee Shearer? That the previous Financial Officer is the one who caused quite a few errors and it didn't get corrected until our current Financial Officer was in place and started working on it. Did I hear that correctly?

**Trustee Shearer** – Yes, Sherry. Our current Financial Officer LeAnne, was hired to come in, originally, even when Grace was still here. LeAnne was hired to come in and start working through the 20-21 reconciliation.

**Trustee Hair** – Okay, I just wanted conformation of that. Thank You.

**Mayor Davalos** – Thank you. Any more from the Trustee's? Okay. So, we need action on Resolution 2024-03 Budgetary Adjustments and Revisions. Do I hear a motion? I do not have a motion on this. So, we have no motion on this one.

**Item #9/8 Discussion /Action – Resolution 2024-06 Law Enforcement Recruitment and Retention Fund Adjustment.**

Trustee Menix moved that the Resolution be brought to the table for explanation.

Trustee Menix motioned to approve the Resolution 2024-06. Trustee Cleckler seconded the motion.

**Discussion:**

**Trustee Menix-** I'd like to bring it to a motion to bring it to the table. It's something that has already been done, and we are just bringing it forward? With the Law Enforcement, would you explain that again?

**Finance Officer Brasher –** So, when the budget was actually done it was in a different... with a Local Budget Management System. It was in a different, what they call the line item in a fund, and in the middle of our submitting and being approved and everything, they changed the whole system and they decided that they put these specific funds of the Law Enforcement and Retention into another number so they are separating it out by year 1 and year 2. Originally it was just 1, and separating into year 2.

**Trustee Menix –** So, we are just voting to separate it out. Okay, I so move.

**Trustee Cleckler –** I second it.

**Mayor Davalos-** So I have a motion to, approve...

**Trustee Menix –** So, just approve this one, since it's just a move.

**Mayor Davalos-** Okay, thank you. I have a motion and a second. Any other discussion? Roll call Please.

**Roll Call:** Trustee Menix – Yes, Trustee Cleckler – Yes, Trustee Hair – Yes, Trustee Shearer – Yes\

**Item #10/9 Discussion/Action – Approve Mayoral Appointment of Joseph Albert Cavazos (AJ) as the Clerk for the Village of Capitan.**

Trustee Cleckler motioned to terminate Joseph Albert Cavazos as Clerk for the Village of Capitan under the State Statute 3-11-6. Trustee Shearer seconded the motion. Motion approved.

**Mayor Davalos –** I will also add to the many duties that he has, that I will also be asking him to take on as the compliance officer. Do I have a motion?

**Trustee Hair –** Madam Mayor, I move to this table for discussion.

**Trustee Cleckler –** Question. Can we.. We can't discuss employees during open meetings. Is that correct?

**Mayor Davalos –** We're not discussing employees. We are talking about appointments.

**Trustee Cleckler –** Can we, I was under the impression, I may be wrong, but we can't discuss personnel in an open meeting.

**Mayor Davalos –** Attorney Cook.

**Attorney Zach Cook –** Mayor, the statute requires that you bring a name to board for the approval of the appointed position. So, I would not want to get into anything. The issue before the board is, are you going to accept their recommended appointment?

**Mayor Davalos –** So, I do have a motion?

**Trustee Hair –** Madam Mayor, if may go in and amend my motion.

**Mayor Davalos –** Yes, ma'am.

**Trustee Hair –** I motion that we approve your appointee, for the position of Village Clerk.

**Trustee Cleckler –** Madam Mayor, I move to amend that motion. To immediate termination. Due to State Statute Section 3-11-6 Sub NMSA Subsection D.

**Mayor Davalos –** Okay, do you have a copy of that statute?

**Trustee Shearer-** Mayor, I want to second Trustee Cleckler's motion.

**Mayor Davalos-** If you would read it please. For the record.



**(Item 10/9 Continued)**

**Trustee Cleckler** – The Government body may discharge an appointed official or an employee with a majority vote of the members of the Governing Body.

**Mayor Davalos** – Okay, so we had a motion to bring this to the floor. We had the first amendment, I'm sorry was... Call it a correction and then you come up with a second one. Okay. Deputy Clerk, give me direction here.

**Deputy Clerk Autrey** – I would refer to our layer because I'm not sure that you can bring up... It's not on the agenda, but I may be wrong.

**Attorney Zach Cook** – Mayor, what is on the agenda is. Approve Mayoral appointment of Joseph Albert Cavazos as Clerk at the Village of Capitan. That's done pursuant to the Section 3-11-6 of the New Mexico Statutes. 3-11-6 also contains a provision that Trustee Cleckler referred to, it states the governing body may discharge an appointment, that an appointed official or employee by majority of all of the members of the governing body.

**Mayor Davalos** – At this point, he is not appointed. Can we discharge him if he is not yet been appointed? That's my question.

**Attorney Zach Cook** – Appointed offices continue until they are filled by somebody else. So, officially, he is your Clerk, Randy Spear your Police Chief, and LeAnne is your Finance Officer.

**Mayor Davalos** – Okay, so he continues until the new appointment comes in. Okay. So, would you state your motion.

**Deputy Clerk Autrey** – He made it, and Bobbi seconded.

**Mayor Davalos** – Oh, she seconded it. Any discussion? (pause) Roll Call.

**Roll Call:** – Trustee Cleckler – Yes, Trustee Menix – Yes, Trustee Hair – No, Trustee Shearer – Yes

**Mayor Davalos** – At this point the appointment was voted out. Once again attorney, if I am correct, the positions will continue on until we can find someone to fill that position.

**Attorney Zach Cook** – Mayor, based on that section of law referred by Trustee Cleckler is alternative motion. That the office of Clerk is vacated. So, you can bring back another name at the next meeting.

**Mayor Davalos** – Okay. Thank you.

**Item #11/10 Discussion/Action – Approve Mayoral Appointment of LeAnne Brasher as the Finance Officer for the Village of Capitan.**

Trustee Shearer motioned to approve the appointment of LeAnne Brasher as the Finance Officer for the Village of Capitan. Trustee Menix seconded the motion. Motion approved.

**Discussion:**

**Trustee Shearer** – I'm happy to support the reappointment of LeAnne.

**Mayor Davalos** – Thank you. Roll Call please.

**Roll Call:** Trustee Shearer – Yes, Trustee Hair – Yes, Trustee Cleckler – Yes, Trustee Menix – Yes

**Item #12/11 Discussion/Action – Approve Mayoral Appointment of Phillip Wall as the Chief of Police for the Village of Capitan.**

**Trustee Hair** – Madam Mayor, I move that we approve officer Wall as our new Chief of Police.

**Mayor Davalos** – Do I have a second. (pause and no response) There will be no discussion or action on this. Okay, at this time we will do the Swearing in of our Finance Officer, LeAnne Brasher.

**Item #13/12 Action – Swearing in of New Appointments if Approved.**

**Judge Bradley** - Raise your right hand and repeat after me.

(The oath was stated by Judge Bradley, and repeated by LeAnne Brasher.)

**Mayor Davalos** – Thank you Judge Bradley.

**Item #13 moved to item #4's position.**

**Item #14 Discussion/Action – Appointment of Green Tree Board Representative – Mayor Davalos**

Trustee Cleckler motioned to appoint Mayor Davalos to be the GreenTree's Board of Representative. Trustee Menix seconded the motion. All were in favor.

**Mayor Davalos** – In the past, it has been that he Mayor attend these meetings and represent the Village.

**Trustee Cleckler** – Mayor, I move that you are appointed to that position.

**Trustee Menix** – I second that.

**Mayor Davalos**- I have a motion and a second for approval. Do we have discussion? Roll call please.

**Roll Call:** Trustee Shearer – Yes, Trustee Hair – Yes, Trustee Cleckler – Yes, Trustee Menix – Yes

**Item #15 Discussion/Action – Resolution 2024-01 Governing Body Meetings and Public Notice.**

Trustee Menix motioned to postpone the action of the Resolution 2024-01. Trustee Cleckler seconded the motion. All Approved

**Trustee Shearer** – Mayor, let me scroll down. Can you look at paragraph 4?

**Mayor Davalos** – In the resolution itself?

**Trustee Shearer** – Yes. It looks as though some guidance from the Attorney General's office or something was inserted into the Resolution. It doesn't read correctly. It's probably been in here for several years.

**Mayor Davalos** – So, you're saying, it no longer applies, is that what I understand?

**Trustee Shearer** – No, I just don't think that it's properly part of the resolution. Looks like an email, that's been cut and pasted into the Resolution or something.

**Mayor Davalos** – Okay.

**Trustee Shearer** – (inaudible) I don't want to delay our Open Meetings resolution, but I think that we should have our Village attorney look at that paragraph and rewrite it.

**Mayor Davalos**- So, am I correct? That we would like to postpone this action to a later date after we have this reviewed?

**Trustee Shearer** – Can Zach give us an opinion on that? Do we pass it or amend it or?

**Trustee Menix** – May I ask this? Were you given it to read? Were you given either one of these resolutions to read?

**Attorney Zach Cook** – No.

**Trustee Menix** – Okay, I don't think we should act on either one until he gets an option to read them.

**Attorney Zach Cook** – It sounds like it's a drafting issue. Ms. Shearer, is that correct?

**Trustee Shearer** – Yes, it says, additionally we are assuming the public body (inaudible) would also be working remotely. Otherwise the staff would have to be at a physical location. That's not resolution language.

**Mayor Davalos** – Okay.

**Trustee Shearer** – We probably have been carrying this since 2020 (inaudible)

**Attorney Zach Cook** – Mayor, if you want to postpone this, I'll look at it and see if I could just edit out what she's referring to.

**Trustee Menix** – Do I need to wait until the next one, to ask about the next one?

**Mayor Davalos** – Yes. Do I have a motion to postpone the action on the resolution 2024-01?

**(Item #15 Continued)**

**Trustee Menix** – I so move

**Trustee Cleckler** – I second.

**Roll Call:** Trustee Shearer -Yes, Trustee Hair – Yes, Trustee Cleckler– Yes, Trustee Menix – Yes

**Item #16 Discussion/Action – Resolution 2024-02 Public Input Policy.**

Trustee Menix motioned to postpone the action and send it to the Attorney. Trustee Cleckler seconded the motion. All in favor.

**Trustee Menix** – I would like to move that we send this to the Attorney to be reviewed, and then brought back to the board.

**Mayor Davalos** – So, are you making a motion to postpone it?

**Trustee Menix** – Yes

**Mayor Davalos**- Thank you. I have a motion to postpone.

**Trustee Cleckler** – I second it.

**Trustee Shearer**- Mayor, I have a comment.

**Mayor Davalos** – Trustee Shearer, there has been a motion to postpone, do you still want to make a comment on that?

**Trustee Shearer** – Yes, I do.

**Mayor Davalos** – Trustee Shearer, hang on. Attorney Cook has something.

**Attorney Zach Cook** – You already had a second to the motion and opened up for discussion.

**Trustee Menix** – Brian seconded it.

**Mayor Davalos** – Okay, Also in our last training. We did understand that if discussion began before the second motion, that it continued on.

**Trustee Shearer** – Mayor, at that same training we went to, the advice that were given that if we live in a community of less than 5,000 people, you really should just let the audience talk. You should have an active discussion with the people who have taken their time who have come down to the council meeting and participate. I was up here in Santa Fe during COVID and that's when they really got strict on these two minutes to speak and you have to go to the podium. I'm not in favor of it. It really restricted public comment. I feel like the public has the right to come and speak. Quite honestly, I wouldn't want that for every item, if somebody in the audience was on a decision or if somebody in the audience was in support. So, I'm not going to be supporting the public input policy.

**Mayor Davalos** – Okay, so, I do have a question for you. On the time limit is where you object, or you would like to see change to, there is no time limit.

**Trustee Shearer** – For starters. Yea

**Mayor Davalos**- Okay. So...

**Trustee Menix**- Also, I'm not comfortable asking people their addresses.

**Mayor Davalos** – I understand, I'm sorry. I feel the same way. We will get that changed. I did address that and I'm sorry I didn't get that changed. No, I don't believe that people need to give their addresses. Their name is for the reason, when we do the transcription on the minutes. At least have a name to put to the voice. I have a motion for this to be postponed and a second. So, this one will be postponed.

**Roll Call:** Trustee Shearer – Yes, Trustee Hair – Yes, Trustee Cleckler – Yes, Trustee Menix – Yes

**Item #17 Presentation – Lincoln County Hazard Mitigation Plan – Kevin Kennedy**

**Fire Chief Kevin Kennedy** – Good evening. My name is Keven Kennedy. I don't know me. But I am the Emergency Manager of the Village of Capitan. Tonight, we are going to discuss the Lincoln County Multi Jurisdiction Hazard Mitigation Program. It's a plan that came into effect in about 2008 when the Federal Government said that, you have to have this plan in order to get federal money. So, in 2012, the County

**(Item #17 Continued)**

came in and said, let's all get together and make this plan. That's what they did. From the additional plan in 2012 which went into effect in 2013, every five years you have to update this plan. It was updated in 2018, now it's time to do it again. The timeline that we had for this process. We started this back in March of last year. The company that got the grant award to do this plan is an environmental company out of Albuquerque. She is actually on zoom listening. We started back in April of last year. We are at the point now, the governing body of the Village of Capitan used to adopt this plan in order to send this to FEMA next month and get them to approve it. Then we can start getting our federal money again. All this is, is a continuation of a plan which was updated. Did anybody look at the plan?

**Trustee Menix** – I thumbed through it.

**Fire Chief Kennedy**- Okay. All of this has to do with natural mitigation hazards. Wild land fire, flooding, wind events, severe thunderstorms, severe winter storms, drought and damns. Obviously, we don't have a damn around here so, we didn't have any mitigation actions to go against that subject. But, we did put in each individual village and town in Lincoln County. Put in their actions that their actions to mitigate their problems associated with these hazards. So, that is what the plan is. We've got all of those listed in the plan. If you looked at it you would know what the actions are. These actions don't have to be done but, mitigation is lessening the potential problems of hazards. There are things like, on the west side of town, you can go the forest service and get some of that brush on the west side of town. Not on the Village, but on the other side, to thin it out. Get it to where if a fire started out there, it would be a natural break to keep it from coming into the Village. Out there in the subdivision, there is a lot of trash. As far as trees out there that have grown to the ground, if you get fire, it's going to light them up. And a lot of those trees are close to houses, well it's going to light them up. The strategy there is, develop ordinances to have people clean up their land a little bit. You remember 20 years ago, they did that in Ruidoso. I thought the hanging ropes were coming out. You know, you don't tell me what to do on my land and stuff like that. It's going to be a hard issue to really accomplish. With you all's direction, we can do this. There are grants out there to help the people to mitigate the problems on their property. So, all I need you to do tonight, is adopt this program. Which is the next agenda item. Thank you.

**Mayor Davalos** – I do have one comment, question. From what you said, I do understand that, money is out there available for a private land owner to try and get help in order to get their property where if there is a hazard of fire.

**Fire Chief Kennedy** – I just a thing from the Association of County's today. There is a grant out there that goes to a certain amount that will assist the land owner with a 10% match. Say if it cost \$10,000 to do it. For a \$1,000, they can get that done. There is a lot of stipulations, this is federal money, so the stipulations are big. It's doable.

**Mayor Davalos** – Thank you.

**Fire Chief Kennedy**- Thank you.

**Item #18 Discussion/Action – Resolution 2024-05 Approval of Lincoln County Hazard Mitigation Plan.**

Trustee Menix made the motion to approve the resolution. Trustee Hair seconded the motion. All approved.

**Discussion:**

**Trustee Cleckler** – I have a question for Kevin. You said the next meeting it would be on here again. But we are approving this now.

**Fire Chief Kennedy** – No.

**Trustee Menix** – No, he said the next item.

**Trustee Cleckler** – Okay, I miss understood.

**Roll Call:** Trustee Shearer– Yes, Trustee Hair– Yes, Trustee Cleckler– Yes, Trustee Menix - Yes

**Item #19 Discussion/Action – Resolution 2024-04 Grant Submission to Cultural Properties Restoration Fund “Train Depot”.**

Trustee Menix made the motion to approve the resolution. Trustee Cleckler seconded the motion. All approved.

**Discussion:**

**Fire Chief Kennedy** – It’s pretty self-explanatory. We are trying to get a grant for \$250,000 to finish restoring the Train Depot and let it supply they community with what ever we are supposed to do with it.

**Trustee Menix** – Is the grant already written?

**Fire Chief Kennedy**- We are writing it now. It’s due the first of February.

**Trustee Menix** – But it’s not complete, and you have to submit it by the first of February.

**Fire Chief Kennedy**- Correct.

**Trustee Menix**- Okay, if I approve this, can you get me a copy of the grant as soon as possible. I just think that we should have had a copy of the grant to look at. I mean, I think the Train Depot should be done but we want to be informed. That is all.

**Fire Chief Kennedy**- Okay.

**Trustee Menix**- I would just like to see what the grant entails, what we are doing. Because I know there’s been issues in the past. So, I think if we have something so that we can say, where are you at now. Do you see what I’m saying?

**Fire Chief Kennedy**- That’s fine. To get this grant submitted (in audible – two people talking at once) As soon as it is done, I will get you a copy of it.

**Trustee Menix** – I move that we approve.

**Trustee Cleckler** – I second it.

**Trustee Shearer** – Mayor, I have a question. It says Train Depot and surrounding area, is this all going to go to the Train Depot? Or is part of it going to the old Fire Station?

**Fire Chief Kennedy** – No, the old Fire Station is not in the picture as far as this grant goes. But we are planning, on the north side of it, taking that picknick area out and put parking in there and parking on the south side as well. Probably paving the road around the little park.

**Trustee Shearer** – Okay, thank you.

**Mayor Davalos**- I did have a motion and a second, am I correct. Okay, no further discussion.

**Roll Call:** Trustee Shearer – Yes, Trustee Hair– Yes, Trustee Cleckler– Yes, Trustee Menix- Yes

**Item #20 Discussion/Action – Approval of Bid for Alamo Auto Supply for Equipment on the New Water Trucks – Water Department – Steve Osborn.**

**Water Department Osborn** – We had purchased a couple trucks at the end of last year. They were available, and they were pretty well outfitted. There are some additional items that were not on there. If we would have waited for them it would have been a year to year and a half to get it. We are trying to get a light bar, a light for safety at night, bed liner to prolong the life of the bed, running boards because it’s about 12’ tall. Anyways, that’s what we are looking for.

**Mayor Davalos** – Thank you. Any other discussion, questions?

**Trustee Cleckler** – Is this in the budget or is it something extra?

**Finance Officer Brasher** – This is something extra but, Steve and I went over it earlier today and with the cost of it, we can take part of it from the water-fund, under repairs and maintenance and then part of it out of the sewer- other operating.

**Mayor Davalos**- Any other discussion?

**Trustee Cleckler**- I move that we approve.

**Trustee Menix**- I second it.

**Mayor Davalos**- Okay. Roll call please.



**(Item #20 Continued)**

**Roll Call:** Trustee Shearer– Yes, Trustee Hair – Yes, Trustee Cleckler– Yes, Trustee Menix- Yes

**Item #21 Discussion – Substitution of Equipment that was Previously Approved, for the Street Department.**

**Street Department LaMay** – This is on the broom attachment that was previously approved for the front end of the backhoe. We have come into the opportunity to get a self-propelled broom for the same price. That way we don't take up our backhoe.

**Mayor Davalos** – Thank you. Any discussion, questions?

**Discussion:** There was no discussion on this item.

**Item #22 Discussion – Re Assignment of Village Administration Vehicle to Law Enforcement Fleet.**

**Deputy Clerk Autrey-** The white police car, the one that was the back. The village paid for it, and they needed another one because two of their vehicles were going down and one had been wrecked. So, we wanted to transfer that one to the PD for them to use.

**Trustee Cleckler-** That's the car...

**Deputy Clerk Autrey-** No, the white one. It's the white for explorer that we had previously bought. We needing to transfer it to them.

**Trustee Cleckler-** I have a question. So, how does that work? What funds purchased that? How does that go?

**Finance Officer Brasher** – It was approved, and purchased through the general fund. The money was actually taken from the budget of the Animal Control. She did not get that vehicle therefore we used those funds to purchase the admin car.

**Trustee Cleckler** – It's actually already used as a police department fund already so we should be okay.

**Finance Officer Brasher-** Yes

**Trustee Cleckler** – Okay. I just didn't want to get mixed up on the budget stuff. (inaudible)

**Item #23 Discussion – Purchase of the Washington Federal Bank Building.**

**Mayor Davalos** – I am going to try and do the best we can, with help from Deputy Clerk to address this. This was a presentation that was prepared by the Clerk. So, I will do the best I can. From what I understand, this has been an ongoing task. Looking into seeing if it was available. A lot of discussion went on into this. When we first contacted them, just to see what the possibilities were of the purchase, the purchase price, so on and so forth. I do not have the numbers in front of me. Deputy Clerk, did you have that information?

**Deputy Clerk Autrey-** It is \$165,000 with a deposit of \$8,000 and then, we would rent the ATM each month for \$500.

**Mayor Davalos** – I can try and go back and give a little more history on that. From what I understand, the appraisal price came in over \$280,000. \$280,000 was the appraisal price on the building itself. What happened then we went in and asked what the bottom line that they would consider. I believe it came in at \$178,000 was where they set a bottom line. After a lot of discussion back and forth, this happened with the last administration, they asked for a proposal. Tell us what you will offer. Last administration came in and offered the \$165,000. At that time, they did except that offer with the agreement that the Village would agree to lease back the area and keep the ATM up and going. They would in turn pay us the rental space to keep that ATM going. With what I found out, the ATM will be maintained, the maintenance and filling of it, will be the responsibly of Washing Federal Bank. The Village would just be renting the space. They would take care of everything else, as far as filling with the moneys. It's locked now, I haven't gotten a chance to look at it, but the persons that have access is the company (). That is

**(Item #23 Continued)**

who services the ATM so, we would be renting that space but we would not have any responsibility of keeping it up, or any kind of transactions. What I'm looking at is close to January 4<sup>th</sup> for Washington Federal Bank. They accepted our proposal, with that said, if we would review this. It is a proposal and a lease back. This is what they are proposing, they wanted us to look at it, see if we agreed with it, if we had some changes we would like to propose, and get back with them. They are looking at 30 days from expiration. They did say an \$8,000 deposit, and I think that was up for discussion there.

**Trustee Cleckler** – So, we have not made a deposit.

**Mayor Davalos** – No, it's still in the works. Okay, now I did have a question. LeAnne or Deputy Clerk, where would the funding come from. Either one of you worked on that?

**Finance Officer Brasher** – When I was talking with Al earlier today, we were talking about possibly from the public funds money market that has little over \$314,000 in it. Which can be used at anytime with out penalty. That's what him and I were talking about.

**Trustee Shearer** – LeAnne, is that the same money that Al was talking about using to fund the general fund for the rest of the year?

**Finance Officer Brasher** – Yes

**Trustee Shearer** – I don't know how many times you can use the same money.

**Trustee Menix**- My personal opinion is... sorry

**Trustee Shearer** – Mayor... I'm sorry this is just hard... Tell me what the purpose of the building was.

**Mayor Davalos** – That's what happens when people jump in. I was not able to finish my comments on it. Okay. We did look into things that we could possibly use it for. We had the Water Department take a look at it. He gave his comments on it. We did look at a place where we could upgrade our Police Department. If any of you know, the Police Department is very tight. That would be an option. And looking forward. Are there any services we could provide to the community with a place to do it with? We are looking at having someone there that, people can walk in and actually speak to someone. There is no one there. If you go to the Police Department the officers are always gone and there's things going on. So, we want to try and get more public access to the Police Department. You can have a place to come in and do reports. One of the things I have seen at the Police Department, is that if they are interviewing someone, and I don't know if you are familiar with the Police Department, you walk into the Police Department, there is a counter and behind it is a table. So, place yourself in the position of the person that is doing a report, an interview anything like that. Someone else walks in and there you are. No privacy, that the officers can take advantage of. This would be one of the things that I could see at the new building. The evidence locker is a room with a locked door. We see that the bank has a safe area, that would be a really good place to secure evidence. And those of us that has been in law enforcement knows how important it is, securing evidence is. That's one of the major things that Police Departments, if they do not have that safe place, that could be something that we could get in trouble with. As far as keeping our evidence safe. The police department down here has two offices. One office for the Chief and the other has three desks the area in there is probably the size of a very small bedroom, and you have three officers in there. Once again, I go back to interviews, doing reports, there is no privacy if you went to go in there and try and receive some type of services on that. That's what I see from the Law Enforcement stand point. I would like to see something more secure. So, I believe...

**Trustee Cleckler** – So where does the money come from to remodel that building too? Is that (inaudible) fund also?

**Finance Officer Brasher** – That was not discussed with me.

**Trustee Cleckler** – We are dropping our \$300,000 to...

**Deputy Clerk Autrey**- If you were doing the PD. I'd have to look at it. That's my opinion.



**(Item #23 Continued)**

**Trustee Hair** – Madam Mayor, one of the things that I would suggest doing, for further consideration, we have two new Trustees on the board. I would suggest, maybe do a tour of the current police department and a tour of the Washington Federal Building. See what differences they are. The other thing that might be looked at, maybe a brief proposal from someone that a new building would cost us. If we had to pay for it. (inaudible)

**Mayor Davalos** – That is available. That is part of what is in this letter, that they would open it up for a tour if we wanted to look at it. I think that would be a good thing to do before making a final decision. Therefore, that is why we put it down for discussion, because we wanted to make sure what it looked like. The possibilities we can go through and point what this room.....

**Trustee Cleckler**- Madam Mayor, I think it should just be tabled. The former Clerk said, that in 60-90 days, we will have the audits should be completed. By then we will know where we are financially. I think that it is a good buy. But to use our cash funds to buy this and then three months later we have to use cash again to get us out to the end of the year. If we have the audits done, then we know exactly where we are. I think it's a good buy. I'm just worried about money.

**Trustee Menix** – I stand there as well. We do not need to be spending any money until we have audits completely caught up. The bottom line, because it seems like every time I look at something, and something comes, we are overspending with what we really have without getting into reserves. At this point in time we don't need to be doing that, we are overbudget. If you looked at the 2020 audit, we were way over budget in 2020. I know it's not a completed audit, and now we've got to wait on 21 to see if we are way over budget again to 22 and 23. I just don't think we need to be spending money right now. Unless it's a necessity or an emergency. There is a difference in that but, I understand that they are dealing with those situations. I don't want them to have to. I just don't know that this is the proper time to just be jumping into a purchase without knowing what the bottom line is, financially. I think we need to be financially responsible.

**Mayor Davalos** – Is there any more discussion on this?

**Trustee Shearer** – Mayor, I have to (inaudible) of the two trustees. I don't think it's prudent for us to go buy that building right now, after looking at the budget. I think if we sit down and we have a real serious budget workshop, you will come to the same conclusion.

**Mayor Davalos** – I think that a wise idea. Once we have a budget workshop and we all understand where the money is, how it's being spent, and get really familiar with the finances. I think we would be able to make a better-informed decision. We'll look into doing that and the only main concern, and I don't know if it's even out there, but is there a timeline to get this done. I don't know if they've even mentioned that and do they have other options. There some information there I'm not totally sure of. So, I think that the budget workshop we will find out where we are at and where our money is, and then we can look further into items like this. I think that's a good idea. We will make contact with all of the trustees and see when we can set up a budget workshop.

**Trustee Menix**- Sounds good.

**Mayor Davalos** – Do I have a motion to adjourn?

**Trustee Menix**- I move that we adjourn.

**Trustee Hair**- I'll second that motion.

**Adjournment:**

Trustee Menix motioned to adjourn. Trustee Hair seconded the motion. All in favor.  
Meeting adjourned at 8:04 PM.

\_\_\_\_\_  
**Minerva Davalos, Mayor, Village of Capitan**

**Attest:**

\_\_\_\_\_  
**Angela Autrey, Deputy Clerk**

DRAFT



Village of Capitan - Collective Funds  
Transaction List by Vendor  
January 2024

	Type	Date	Num	Memo	Amount	
4 Rivers Equipment	Check	01/04/2024	7676	PO#ST5342 Inv#1563144 Backhoe maintenance	-392.20	Street
	Check	01/04/2024	1630	PO#W3210 Inv#1563137 Backhoe maintenance	-392.20	Water
AC PRINT & DESIGN LLC	Check	01/17/2024	7690	PO#ADM7227 Inv#35663 Envelopes	-387.33	General
	Check	01/17/2024	1643	PO#ADM7227 Inv#35663 Envelopes	-387.33	Water
Administrative Office of the Courts	Check	01/24/2024	7702	Dec 2023 Municipal Court Automation & Judicial Education Fees	-90.00	Court
American AED	Check	01/17/2024	7691	PO#HUBBARD PD Inco#287568 - 4 Defibrillators	-3,916.00	Law Enf
American Water Works Association	Check	01/24/2024	1650	Inv#SO135763 Annual Membership Steve Osborn 3/1/24 to 2/28/25	-263.00	Water
Andy's Parts and Service, LLC	Check	01/17/2024	1640	Dec 2023 monthly service	-895.40	Water
	Check	01/17/2024	7689	December 2023 monthly service	-193.01	Split
Badger Meter	Check	01/24/2024	1654	Inv#80146891 Dec 2023 Beacon Mobile Hosing Service	-75.54	Water
Baker Utility Supply	Check	01/04/2024	1633	PO#W3217 Inv#317643 & Inv#317645 Poly Pipe & Box Top Screws, Insert Silencer, Hymax2 cr	-1,426.87	Water
BANKCARD DEP-MERCH FEES	Check	01/05/2024	ACH	Dec 2023 monthly service credit card machine	-57.95	General
Bob Reed Pest Control, Inc.	Check	01/17/2024	1135	1/16/24 monthly Pest Control	-32.37	Smokey Be
	Check	01/17/2024	7685	1/16/24 monthly Pest Control	-53.94	Split
C & JS Tire and Auto Service Inc.	Check	01/24/2024	7703	PO#ST5363 Inv#136520 Tire lube installation	-156.67	Street
Card Service Center	Check	01/26/2024	ACH	Dec 2023 monthly services	-328.61	Water
	Check	01/26/2024	ACH	Dec 2023 monthly services	-3,038.25	Split
CARR RIGGS & INGRAM	Check	01/24/2024	7709	Inv#17850070 Bookkeeping for FY21 & FY22	-3,409.56	General
Caterpillar Financial Services Corp.	Check	01/17/2024	7695	Cont#001-0989312-000 Motor Grader	-2,633.97	Street
Cintas	Check	01/04/2024	7675	Inv#9253844631 Water cooler agreement	-80.00	General
	Check	01/17/2024	7692	Inv#5191501784 First Aid Supplies	-817.38	Split
Classic Industries, Inc	Check	01/29/2024	1140	PO#SBE-C72 Inv#11-23603-F Caulking of gaps between logs on entire Building	-3,535.16	Smokey Be
CNA Surety	Check	01/17/2024	7687	Bond#69864312 Company#0601 NM Dishonesty	-384.00	General
Coppler Law Firm, P.C.	Check	01/17/2024	7697	Client#4209.01 Greentree Solid Waste Inv#12366	-2,209.97	General
D & D Water Tech	Check	01/04/2024	1629	PO#W3221 Inv#23108 Sodium Hypochlorite Solution	-360.44	Water
Dennis Engineering Company	Check	01/17/2024	7688	Inv#9479 Project HWL200621 \$2700.00 Match \$900	-3,600.00	Street
	Check	01/24/2024	1652	Inv#9318 Lift Sallion Project SAP 21-E2338 STB	-2,104.06	Water
	Check	01/24/2024	1653	Inv#9493 H-685-POD 7 Wall Compliance & 25 cents owed from Inv#9443 Water Asset Managi	-2,260.38	Water
Greentree Solid Waste Authority	Check	01/04/2024	7674	December 2023 dumpsters	-247.49	Split

Village of Capitan - Collective Funds  
Transaction List by Vendor  
January 2024

	Type	Date	Num	Memo		Amount	
HARLAND CLARKE CHECKS	Check	01/17/2024	1647	Acct#3305 December 2023 Poly Cans		-16,602.40	Trash
	Check	01/17/2024	1642	Acct#226 - December 14, 23 Ionage & Roll Off		-48.99	Trash
	Check	01/31/2024	ACH	check printing		-331.78	Water
Jared's Garage, LLC	Check	01/24/2024	7707	PO#PD2302 Inv#PS-41 Battery for the Speed Trailer		-170.00	Law Enf
JOHN HANCOCK	Liability Check	01/02/2024	ACH	12/18/23 to 12/31/2023 Payroll Period		-1,247.96	Split
	Liability Check	01/17/2024	ACH	Payroll Period 1/1 to 1/14		-1,307.34	Split
	Liability Check	01/30/2024	ACH	Payroll Period 1/15 to 1/28		-1,668.14	Split
LegalsShield	Check	01/04/2024	7677	December 2023 monthly service		-156.50	Split
Lincoln County Mercantile	Check	01/04/2024	1133	PO#PR6116 Inv#B160174		-8.08	Parks & Rec
	Check	01/04/2024	7671	December 2023 monthly service		-295.81	Split
Mountain Alarm Systems	Check	01/17/2024	1136	Inv#625432 monthly service		-35.00	Smokey Be
Munbiling	Check	01/04/2024	1631	Inv#5306 Software 1/1/24 to 3/31/24 QT1		-554.21	Water
New Mexico Child Support State Dist Unit	Liability Check	01/02/2024	7670	Caseld#000108668 Quincy Boyd		-187.85	Employee
	Liability Check	01/17/2024	7683	Caseld#000108668 Quincy Boyd 1/1/24 to 1/14/24 Payroll Period		-187.85	Employee
	Liability Check	01/30/2024	7714	Caseld#000108668 Quincy Boyd Payroll Period 1/15/24 to 1/28/24		-187.85	Employee
New Mexico Dept of Workforce Solutions	Check	01/22/2024	ACH	Fourth Quarter 2023 Unemployment Tax		-127.76	Split
NEW MEXICO GENERAL SERVICES DEPARTMENT							
New Mexico Rural Water Association	Check	01/17/2024	7666	Acct#472302 December 2023 monthly service		-16,087.55	Split
NEW MEXICO TAXATION AND REVENUE							
NEW MEXICO TAXATION AND REVENUE CRS SBE	Check	01/10/2024	ACH	December 2023 Gross Receipts Tax - Water, Sewer & Trash		-3,064.57	Water, Sew
New Mexico Taxation and Revenue Dept.	Check	01/10/2024	ACH	December 2023 Gross Receipts Tax		-398.45	Smokey Be
Otero County Electric Co-op, Inc.	Check	01/10/2024	ACH	December 2023 Water Conservation fee		-129.15	Water
PERA Contribution	Check	01/24/2024	1139	Acct#385501 - 12/1/23 to 1/1/24 monthly service		-287.24	Smokey Be
	Check	01/24/2024	1647	Acct#1539401 - Acct#1345501 - Acct#388501 - Acct#330501 - Acct#370201 -		-6,302.17	Water
	Check	01/24/2024	7708	Acct#2565500 & Acct#398902 & Acct#94701 & Acct#357902 & Acct#313901 - 12/1/23 to 1/1		-1,316.74	Split
PITNEY BOWES RESERVE ACCOUNT	Liability Check	01/03/2024	ACH	Payroll Period 12/18 to 12/31 - Sam Hanna, Brett McInnes & Phillip Wall		-924.72	Law enf
	Liability Check	01/22/2024	ACH	Payroll Period 1/1/24 to 1/14/24 Sam Hanna, Brett McInnes & Phillip Wall		-1,182.40	Law enf
	Liability Check	01/31/2024	ACH	Pay Period 1/8/15/24 to 1/28/24 Sam Hanna, Brett McInnes & Phillip Wall		-1,327.26	Law enf
Roswell Daily Record	Check	01/18/2024	7699	Postage		-500.00	General
	Check	01/18/2024	1645	postage		-500.00	Water
Sleuth	Check	01/24/2024	7706	PO#ADM7234 Acct#03102126 Request for Proposal		-61.74	General
	Check	01/17/2024	7698	Cus#CAP1900 - Inv#ETSMN0000181 Annual Sleuth Maintenance		-1,907.00	Court

Village of Capitan - Collective Funds  
Transaction List by Vendor  
January 2024

	Type	Date	Num	Memo	Amount	
TDS	Check	01/17/2024	7693	Acc#8224300160013451 - 1/16/24 to 2/15/24 monthly service	-47.95	Street
	Check	01/24/2024	7710	Acc#8224300160013477 - 1/21/24 to 2/20/24	-74.50	General
	Check	01/24/2024	1649	Acc#8224300160013477 - 1/21/24 to 2/20/24	-74.50	Water
The Postal Annex						
	Check	01/25/2024	7712	PO#ADM7236 Train Depot Plans	-51.93	General
Thryv						
	Check	01/17/2024	7694	Acc#801076794 Advertising monthly service	-25.67	General
U. S. Geological Survey						
	Check	01/24/2024	1648	Inv#91133321 Cust#000008150 Joint Funding Agreement #24RGJFA11 Oct - Dec 2023	-3,356.50	Water
Unifirst						
	Check	01/04/2024	1632	Inv#2880092623 Uniforms	-62.25	Water
	Check	01/04/2024	7678	Inv#2880092623 Uniforms	-143.56	Split
	Check	01/24/2024	1651	Inv#2880094586 & 2880097274 Uniforms	-123.35	Water
	Check	01/24/2024	7711	Inv#2880094586 & 2880097274 Uniforms	-377.56	Split
United States Treasury	Liability Check	01/03/2024	ACH	85-6000109 Payroll Period 12/18 to 12/31	-10,103.02	Split
	Liability Check	01/17/2024	ACH	85-6000109 Trustee Payroll 12/8/23 to 1/7/24	-61.20	Trustees
	Liability Check	01/17/2024	ACH	85-6000109 Payroll Period 1/1/24 to 1/14/24	-9,546.84	Split
	Liability Check	01/30/2024	ACH	85-6000109 Payroll Period 1/15/24 to 1/28/2024	-10,760.80	Split
USA Blue Book						
	Check	01/04/2024	1628	PO#W3218 Inv#00219905 & Inv#00221168	-600.31	Water
Verizon Wireless						
	Check	01/03/2024	1634	Acc#817505654-00003 monthly service 1/1/23/23 to 12/22/23	-67.57	Water
	Check	01/03/2024	7679	Acc#817505654-00003 monthly service 1/1/23/23 to 12/22/23	-257.49	Split
	Check	01/03/2024	7680	Acc#817505654-00001 monthly service 1/1/23/23 to 12/22/23	-485.95	Split
	Check	01/03/2024	1635	Acc#817505654-00001 monthly service 1/1/23/23 to 12/22/23	-64.41	Water
	Check	01/04/2024	7672	Acc#817505654-00004 - 1/23 to 12/22 Vehicle SIM cards	-45.24	Law Enf
Village of Capitan						
	Check	01/18/2024	1137	Business License for year 2024	-35.00	Smokey Be
	Check	01/18/2024	1644	Business License for year 2024	-35.00	Water
	Check	01/22/2024	7701	Transfer into Lodger's Tax Account	-13,411.00	Lodger's Ta
	Check	01/25/2024	7713	Transfer into Smokey Bear Ent. Account	-38,403.00	Smokey Be
Wells Fargo Financial Leasing						
	Check	01/04/2024	7673	Cont#603-0285575-000 Copier Lease 12/14/23 to 1/19/24	-329.27	General
	Check	01/17/2024	7696	Cont#603-0277783-000 PD Copier Lease	-256.82	Law Enf
Windstream						
	Check	01/24/2024	1138	Acc#100195391 - 1/13/24 to 2/1/24 monthly service	-148.08	Smokey Be
	Check	01/24/2024	7704	Acc#100195345 - 1/13/24 to 2/1/24 monthly service	-293.20	General
	Check	01/24/2024	1646	Acc#100195345 - 1/13/24 to 2/1/24 monthly service	-293.20	Water
	Check	01/24/2024	7705	Acc#10031812 - 1/13/24 to 2/1/24 monthly service	-243.04	Law Enf
WX Septic Services, LLC						
	Check	01/17/2024	1637	Project SAP 21-E2338 STB \$73491.37 & March \$38734.68	-112,226.05	Water
Zia Natural Gas Company						
	Check	01/17/2024	7684	11-29-23 to 12-30-23 monthly service	-1,097.27	Split
	Check	01/17/2024	1134	11-29-23 to 12-30-23 monthly service	-76.08	Smokey Be
	Check	01/17/2024	1638	11-29-23 to 12-30-23 monthly service	-566.59	Water

Village of Capitan - Fire Dept  
Transaction List by Vendor  
January 2024

Type	Date	Num	Memo	Account	Clr	Split	Debit	Credit
Bob Reed Pest Control Inc Check	01/17/2024	1320	1/16/24 mont...	10040 · Fire dept - ...	X	6850.45 · Rep...		26.97
Card Service Center Check	01/25/2024	ACH	Amazon - Inv...	10040 · Fire dept - ...	X	6850.20 · Misc...		124.46
CF Services Check	01/17/2024	1321	PO#FD3055 L...	10040 · Fire dept - ...	X	6850 · 80 - Ve...		132.99
Check	01/24/2024	1322	PO#FD3057 L...	10040 · Fire dept - ...	X	6850.17 · Equi...		309.43
Good Earth Products, Inc Check	01/24/2024	1323	PO#FD3048 L...	10040 · Fire dept - ...		6850.18 · Field...		800.44
Otero County Electric Co-op Inc Check	01/24/2024	1325	Acct#399702 ...	10040 · Fire dept - ...	X	-SPLIT-		329.67
ULINE Check	01/04/2024	1316	PO#FD3053 L...	10040 · Fire dept - ...	X	6850.15 · Equi...		543.05
Village of Capitan- Water Check	01/17/2024	1319	11/27/23 to 1...	10040 · Fire dept - ...	X	-SPLIT-		290.97
Windstream Check	01/24/2024	1324	Acct#1003893...	10040 · Fire dept - ...		6850.55 · Tele...		196.84
WS Darley & Co Check	01/17/2024	1318	PO#FD3052 L...	10040 · Fire dept - ...	X	6850.18 · Field...		511.27
Zia Natural Gas Company Check	01/17/2024	1317	11-29-23 to 1...	10040 · Fire dept - ...	X	-SPLIT-		243.68

## **Item #7** Consent Agenda

**C.** Approval to remove Al Cavazos Off as Signatory on the Bank.

**D.** Approval to Add Brian Cleckler as Signatory on the Bank.





## **RESOLUTION 2024-01**

### **GOVERNING BODY MEETINGS AND PUBLIC NOTICE**

**WHEREAS**, Section 10-15-1 et seq. NMSA 1978, the Open Meetings Act, states that all meetings of a quorum of members of any board, commission or other policy-making body of any public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of that body, are public meetings open to the public at all times; exceptions to this declaration are strictly limited; and

**WHEREAS**, the Open Meetings Act also provides that no resolution, rule, regulation, ordinance or action of any board, commission, committee or other policy making body is valid unless taken or passed at a meeting held in accordance with the requirements of that Act; and

**WHEREAS**, The Open Meetings Act also requires that meetings subject to that Act at which the discussion or adoption of any proposed resolution, rule, regulation, or formal action occurs shall be held only after reasonable notice to the public; and

**WHEREAS**, the Open Meetings Act also requires the public body to determine annually what constitutes reasonable notice of its public meetings; and

**WHEREAS**, any person violating any of the above cited provisions of the Open Meetings Act is guilty of a misdemeanor and may be punished by a fine of \$500.00 for each offense.

**NOW THEREFORE, BE IT RESOLVED** by the Governing Body of the Village of Capitan:

1. Regular meetings are normally held on the second Tuesday of each month at 6:00 PM Mountain Time. A notice of the meeting and the agenda will be posted and made available at least seventy-two (72) hours before the meeting from the Village Clerk at 114 South Lincoln Avenue, Capitan, New Mexico.
2. The Mayor or a majority of the members of the Board of Trustees may call a special meeting with notice and agenda posted and made available to the public 72 hours before the meeting.
3. The mayor or a majority of the members of the Board of Trustees may call an emergency meeting where unforeseen circumstances demand Immediate action to protect the health, safety and property of citizens or to protect the Village of Capitan from financial loss. The Mayor and Trustees will avoid emergency meetings whenever possible. Emergency meetings may be called by the Mayor or a majority of the Trustees. At least twelve (12)

hours' notice shall be given in advance of the meeting unless the circumstances require less notice. If an emergency action is taken it must be reported to the Office of the Attorney General within 10 days unless a state or national emergency has been declared.

4. The Office of the Attorney General's Open Government Division (OGD) advises all public entities subject to the OMA to first and foremost follow the guidance of the Department of Health and other health officials to ensure the health and safety of both members of the entity and the public. Accordingly, the most prudent thing to do to ensure compliance with OMA would be to postpone/cancel a public meeting. If, however, a board or commission has a time-sensitive matter to attend to it may proceed with a virtual meeting, provided its notice of meeting contains detailed information (password, phone number, etc.) about how members of the public may attend and listen via telephone, live streaming or other similar technologies. More specifically, if a public body decides to proceed with a virtual meeting it should:
  - At the start of the meeting, the chair should announce the names of those members of the public body participating remotely.
  - All members of the public body participating remotely must identify themselves whenever they speak and must be clearly audible to the other members of the public body and the public.
  - Members of the public should be afforded remote access, via live stream or other similar technology, if possible, or call-in number for listening by phone.
  - Chair should suspend discussion if the audio or video is interrupted.
  - All votes of the public body must be by roll call vote.

Additionally, we are assuming the public body's staff also would be working remotely; otherwise, the staff at least theoretically would have the ability to set up a physical location for the public to listen in. In sum, we believe OMA would require that public bodies cancel or reschedule their meetings whenever possible and opt for a virtual format only as a matter of last resort during the pendency of the public health emergency.

5. The notice requirements in Section 1,2, and 3 of this resolution will be complied with, by the posting at six (6) public places in the Village, which includes Village Hall at 114 South Lincoln Avenue, Capitan, New Mexico and the village website: [villageofcapitan.org](http://villageofcapitan.org).
6. A public body may recess and reconvene a meeting to a day subsequent to that stated in the meeting notice if, prior to recessing, the public body specifies the date, time and place for continuation of the meeting and, immediately following the recessed meeting, posts notice of the date, time and place for the reconvened meeting on or near the door of the place where the original meeting was held and in at least one other location appropriate to provide the public notice of the continuation of the meeting. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting.

7. Each notice shall include an agenda for the meeting or in the case of telephonic notice, where permitted, shall say how members of the public may obtain copies of the agenda. All notices shall also include the following language: *If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Village Clerk at 575-354-2247 at least one (1) week prior to the meeting or as soon as possible.*
8. The Board of Trustees may close a meeting to the public only if the subject matter of discussion or action is included in Subsection H of Section 10-15-1 NMSA 1978.
  - A. If a meeting is closed during an open meeting, the closure must be approved by a majority vote of a quorum of the Board of Trustees taken in the open meeting. The motion for closure and the subjects to be discussed with reasonable specificity.
  - B. A closed meeting called for when the Board of Trustees is not in an open meeting, shall not be held until public notice, appropriate under the circumstances, is given to the members and to the general public. The notice shall state the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity.
  - C. Only those subjects announced or voted upon prior to closure may be discussed in a closed meeting. Following the completion of each closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting after a separately scheduled closed meeting, shall state whether the matters discussed in the closed meeting were limited to those specified in the motion or notice of closure.
  - D. Except as permitted in Section 10-15-1 (H) of the Act. Any action taken as a result of discussions in a closed meeting shall be made by vote in an open meeting.

EFFECTIVE: January 1<sup>st</sup>, 2024

*PASSED, ADOPTED AND APPROVED* this 13<sup>th</sup>, day of February 2024

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Minerva Davalos, Mayor, Village of Capitán

ATTEST:

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Angela Autrey, Village Deputy Clerk

## **RESOLUTION 2024-02 PUBLIC INPUT POLICY**

**WHEREAS**, the Mayor and Trustees of the Village of Capitan have determined a need for a policy for allowing citizens who attend the meetings of the Council to have a specific time to address the Mayor and Trustees.

**WHEREAS**, it was decided to have the following suggestions incorporated in the public input policy:

- Public comment will be taken after the agenda is approved.
- Each individual will have two (2) minutes to speak and cannot assign any remaining time to someone else.
- Each person will stand at the podium, give their name before addressing the council.
- If a group would like to address the council, an appointed spokesperson, will give their name, name of group, number of members and will speak for the group and will have the allotted (2) minutes for comments.

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Village of Capitan to adopt a Public Input Policy incorporating the above statements.

**ADOPTED AND APPROVED** by the Governing Body of the Village of Capitan at the regular meeting this 13th Day of February, 2024.

\_\_\_\_\_  
Minerva Davalos, Mayor, Village of Capitan

ATTEST:

\_\_\_\_\_  
Angela Autrey, Village Deputy Clerk

**Item #7** Discussion/Action – Discuss and Set Budget  
Workshop Date and Time.





#8

February 6, 2024

P.O. Box 223  
Capitan, NM 88316

Dear Madam Mayor and Honorable Trustees,

Smokey Bear's Hometown Association would like to make the following requests for Smokey Bear Days 2024. We are asking that you support the closing of Highway 380, aka as Smokey Bear Blvd., during the celebration.

Also, we would like to request the use of some Village of Capitan property during the Smokey Bear Days event. A map is attached to this letter for clarification and your review. The areas are numbered on the map 1-4. Surveys indicate that these areas are Village property.

Area 1 is three parking spaces in front of Smokey Bear Historical Park. Area 2 is the Community Park that is located behind the Smokey Bear Historical Park. Area 3 is the vacant property beside the old train depot and area 4 is the paved area in front of the old fire station.

It may not be necessary to use all of these areas, but the Association wants to be prepared for overflow situations with vendors, parking, etc. that may develop during Smokey Bear's 80<sup>th</sup> Birthday Celebration.

Thank you for taking the time to review and consider these requests. If additional information is needed, please contact Shirley Pavlovic at 575-937-3551.

Best Regards,

Shirley L. Pavlovic

Treasurer, Smokey Bear's Hometown Association.



SBHA Map 1 2024 Smokey Bear Day 3+4, 2024

- Layers
- Legend
- Export
- Print
- Share
- Map Query
- Point Select
- Line Measure
- Point Markup
- Street View
- Pictometry
- Help

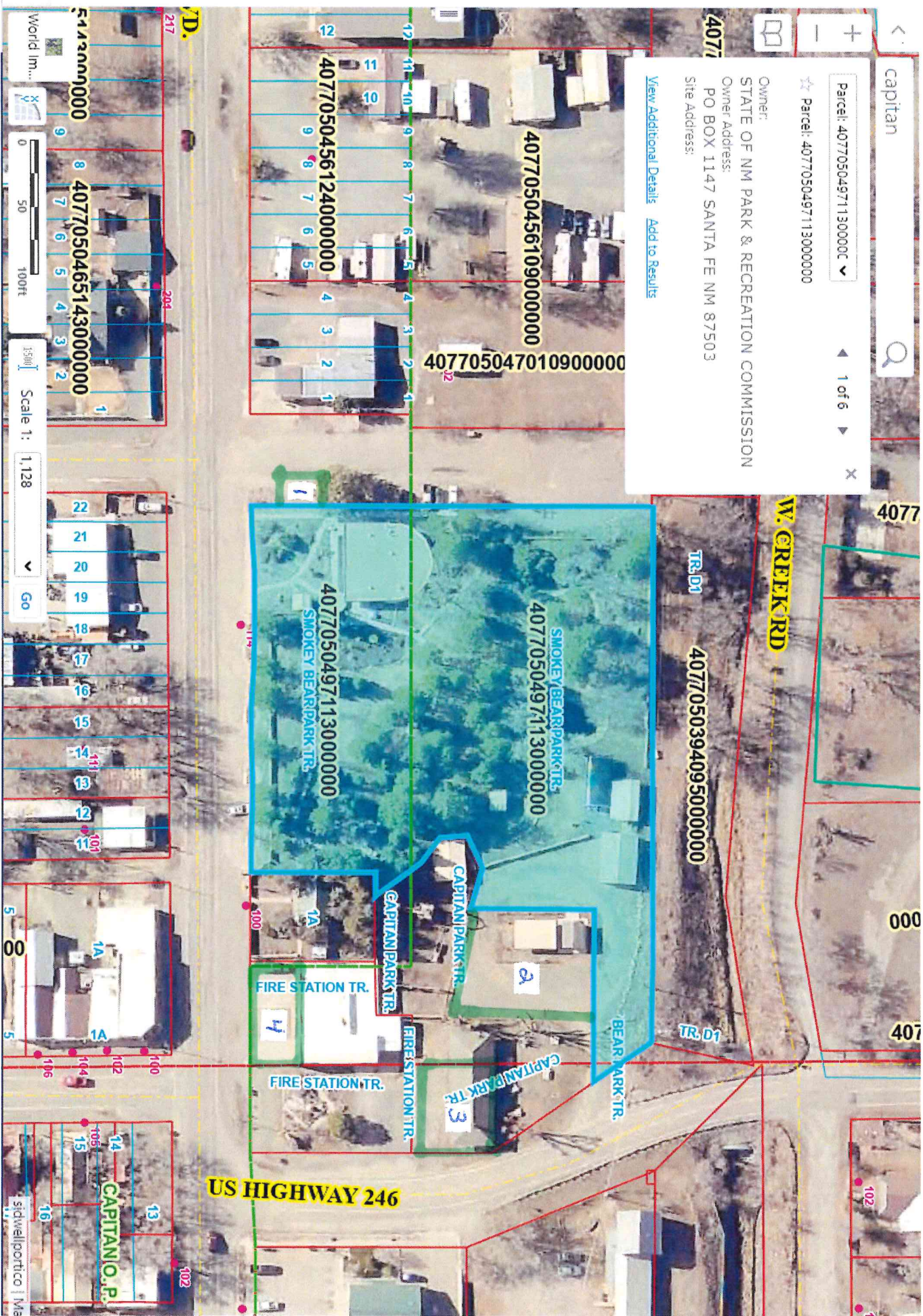
capitan

Parcel: 407705049711300000

☆ Parcel: 4077050497113000000

Owner:  
STATE OF NM PARK & RECREATION COMMISSION  
Owner Address:  
PO BOX 1147 SANTA FE NM 87503  
Site Address:

[View Additional Details](#) [Add to Results](#)



World Im... 0 50 100ft Scale 1: 1,128 Go



**Johnathan LaMay**

---

**From:** ViaVista Mapping <cemeterymapping@viavistamapping.com>  
**Sent:** Tuesday, February 6, 2024 1:13 PM  
**To:** Johnathan LaMay  
**Subject:** CAPITAN CEMETERY - PINNING OF NEW SECTION

#9

Dear Johnathan,

Following up on our conversation yesterday, February 5, 2024, we would be happy to provide services to design and pin the new section of Capitan Cemetery as follows:

**SCOPE & DELIVERABLE:** The new section located at the south end of the cemetery property measures approximately 2.5 acres. ViaVista Mapping will provide the client with a preliminary pinning map of the optimized layout for burials in the designated new section. The design and layout of additional burial spaces will be consistent with the overall arrangement of burials in the currently active portion of the cemetery. Client will review the proposed pinning map and communicate any changes needed and/or approval to ViaVista Mapping within 48 hours. Once the pinning map has received final approval, ViaVista Mapping will place aluminum survey pins using high-accuracy GPS equipment.

**PRICING:** \$5,500 to be invoiced and payable upon completion of pin placement.

Let us know via email if you and the Village approve this expansion of scope for the current cemetery mapping project. If we receive your formal approval via email by Wednesday, February 14, 2024, we will complete the pinning along with our current field collection on-site work to be completed by February 20, 2024.

Please let us know if you have any questions.

Kind Regards,

**Scott Field**  
Field Operations  
828-273-3516

**Christina Field**  
GIS/WebMap Specialist  
704-995-9205



<https://viavistamapping.com/>

# ANGELA AUTREY

132 Crest View Rd.  
Capitan, NM. 88316

(575)354-2887  
(575)937-5008

aautrey@villageofcapitan.org

## EDUCATION

3 Years of Municipal Clerk Training with UNM and the NM Municipal League, RLE Election School 1 & 2 with UNM & the NM Municipal League, Procurement Training through NM Edge, Member of The NM Government Finance Association/ HR studies with Palms & Associate and UNM/ Albuquerque, NM Human Resources Training.

4 Years Magistrate Court Clerk Training.

Central Christian Academy  
Roswell, NM High School Diploma, May of 1985-1989, Honor Roll Every Semester, of Every year attended, Student Council Member 3yrs. 4.0 GPA while playing basketball, volleyball, softball, & cheerleading, Took some college courses in high school, Graduated a Year early

## SKILLS

Typing,  
Product Identification,  
Customer Service,  
Storage Organization,

## EXPERIENCE

*July 2020 – Current*

Administrative Floater • Village of Capitan • **Learned each position so that I can fill in whenever needed and much more. April of 2021 became Human Resource Officer and Court Clerk. In April of 2022 became Deputy Clerk as well as the above titles.**

*W.I.T. Enterprises August of 1994 – Current*

Executive Administrative Secretary • **Organize and maintain documents management systems by coordinating, archiving, and purging files. Tracked and submitted employee time sheets to accounting dept. for payroll processing. Increased accuracy by verifying data while processing incoming & outgoing checks & wire transfers. Prepared packages for shipment by generating invoices & setting up currier deliveries. Handled management of communication to executives by taking and making telephone call, reviewing prioritizing mail. Composing and typing correspondence. Coordinating project materials by managing physical and digital files, monitoring spread sheets and updating reports. Interred invoice data into company data base and updated details, including customer contacts & delivery dates to keep information current.**

#

11

**Problem Resolution,  
 Merchandizing,  
 Customer Satisfaction,  
 Clerical,  
 Processing Mail,  
 Work Ethic,  
 Administrative Tasks,  
 Conflict Resolution,  
 Verbal and Writing  
 Communication,  
 Decision Making,  
 Handling Payments,  
 Reliable & Trustworthy,  
 Microsoft Office,  
 Computer Skills,  
 Report Writing,  
 Coordination,  
 Accounts Payable &  
 Receivable,  
 Data Base Entry,  
 Training & Coaching,  
 Schedule Management,  
 Banking Operations,  
 Billing & Invoicing,  
 Compliance,  
 Document Editing,  
 Personal Information  
 Systems,  
 Employee Engagement,  
 Scanning & Copying,  
 Staff Compensation,  
 Team Collaboration,  
 Leadership  
 Development,  
 Training Development,  
 Professional & Mature,  
 Employee Handbook  
 Development,  
 Transcribing,  
 Correspondence,  
 Payroll Administration,  
 Analytical,  
 Multitasking,  
 People Skills,  
 Background Checks,  
 Basic Math,  
 Cost Reductions,  
 Public Policy,  
 Office Management,  
 Team Building,  
 Legal Documents,**

*Bill Hanson April 2011- August 2018*

Lincoln County DWI ADE Court Clerk • • Lincoln County DWI Grant Coordinator

**Tract exhibits admitted during court hearings and updated documentation. Examined legal Documents& assured adherence to laws and court procedures. Preformed calculations, analyzing prison time assigned in sentencing, applying jail time served as credit to report on time line for incarceration, parole eligibility & release. Tracked cases & managed electronic and physical records. Creating new case files, entering filings, hearings, trails and judgements. Closing cases when complete.**

*Ruidoso Magistrate Court April 2011 – August 2018*

**Magistrate Court Clerk II Tracked Exhibits admitted during court hearings and updated documentation. Updated and maintained court calendar, responded to inquiries about court procedures, and resolved scheduling conflicts with attorneys.**

**Answered in person and telephone request for information about warrants, citations and other court document questions. Conducted roll calls, polled jurors, and sworn in interpreters, defendants, and jury members. Prepared correspondence, bench warrants, cancellations and court orders for Magistrate Judge.**

**Received and submitted payments for fees and fines. Accurately tracking amounts, issuing receipts and updating computer systems. Produced and filed more than 30 court reports a week with unparalleled accuracy. Wrote error- free and professional correspondence on behalf of court system. Prepared and issued summons, complaints warrant, and other documents necessary for daily courtroom operations.**



**Critical Thinker,  
Docket Preparation,  
Basic Life,  
Support Knowledge,  
Court Procedures,  
Map Reading Abilities,  
Dispute Resolution,  
Active Listing,  
File Management,**

**Friendly, Positive  
Attitude,  
Leadership.**

Volunteer Sierra Blanca Little League/Capitan LL/  
Ruidoso, NM. March 1996 – July 2006

**Baseball Coach/ Board member/ Umpire**

Kathy's Cleaning Service 2005-2007

**Cleaning Crew Member**

Wal Mart Super Center March 1987-June 1990

**Customer Service Specialist Head Cashier**

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**Item #12** Discussion/Action – Approve Mayoral Appointment of Randy Spear as Interim Chief of Police for the Village of Capitan.

## Schedule of events for RFP 2024-01 Professional Legal Services

#13

January 16 and 17, 2024 - RFP published in Albuquerque Journal and Roswell Dailey Record

January 30, 2024 - Proposals received at Village Hall by 2:00 pm:

Received two proposals

1. Zach Cook LLC Ruidoso NM ( Received January 25, 2024 at 1030 personal delivery)
2. Walsh, Gallegos, Travino, Kyle & Robinson Albuquerque NM (Received January 29, 2024 at 1230 Fed Ex).

January 31, 2024 – February 5, 2024: Distributed proposals to evaluation team consisting of three individuals known as Evaluator #1, #2 and #3. The evaluators did make an unbiased evaluation of the proposals received.

February 06, 2024 – Results from evaluation team given to Mayor to announce recommendation to Village council.

*Minerva Dávalos*

Proposals are available at Village Hall for perusal.

February 13, 2024 – Village council awards contract to Offeror.

RFP administered by Kevin Kennedy CPO

#1 Cook

G. EVALUATION

The following is a summary of evaluation factors with point value assigned to each. These, along with the general requirements, will be used in the evaluation of Offeror proposals.

FACTOR	MAXIMUM POINTS AVAILABLE
MANDATORY SPECIFICATIONS	
4) Legal malpractice insurance	<del>Pass/Fail</del>
5) Provide evidence of admittance to the New Mexico Bar.	<del>Pass/Fail</del>
7) Campaign Contribution Disclosure Form	<del>Pass/Fail</del>
DESIRABLE SPECIFICATIONS (20-page limit)	
1) Government Experience	<del>30 points</del> 20
2) Litigation Experience	<del>10 points</del> 5
3) Accessibility/Flexibility	20 points 20
4) Cost	40 points 30
Total Possible Points	100 points
PREFERENCE SPECIFICATIONS	
1) Resident Business Preference	<del>YES/NO</del>
2) Resident Veteran Business Preference	75 <del>YES/NO</del>

#1 Walsh Gallegos

G. EVALUATION

The following is a summary of evaluation factors with point value assigned to each. These, along with the general requirements, will be used in the evaluation of Offeror proposals.

FACTOR	MAXIMUM POINTS AVAILABLE
MANDATORY SPECIFICATIONS	
4) Legal malpractice insurance <i>\$5m</i>	<u>Pass/Fail</u>
5) Provide evidence of admittance to the New Mexico Bar.	<u>Pass/Fail</u>
7) Campaign Contribution Disclosure Form	<u>Pass/Fail</u>
DESIRABLE SPECIFICATIONS (20-page limit)	
1) Government Experience	<u>30</u> points
2) Litigation Experience	<u>10</u> points
3) Accessibility/Flexibility	<u>20</u> points <i>18</i>
4) Cost	<u>40</u> points
Total Possible Points	100 points
PREFERENCE SPECIFICATIONS	
1) Resident Business Preference	YES <u>NO</u>
2) Resident Veteran Business Preference <i>women Owned</i>	YES <u>NO</u>

98



Evaluator #2

Cook

# G. EVALUATION

The following is a summary of evaluation factors with point value assigned to each. These, along with the general requirements, will be used in the evaluation of Offeror proposals.

FACTOR	MAXIMUM POINTS AVAILABLE
MANDATORY SPECIFICATIONS	Y
4) Legal malpractice insurance	Pass/Fail
5) Provide evidence of admittance to the New Mexico Bar.	Pass/Fail
7) Campaign Contribution Disclosure Form	Pass/Fail
DESIRABLE SPECIFICATIONS (20-page limit)	
1) Government Experience	20 30 points
2) Litigation Experience	2 10 points
3) Accessibility/Flexibility	10 20 points
4) Cost	20 40 points
Total Possible Points	52 100 points
PREFERENCE SPECIFICATIONS	
1) Resident Business Preference	N YES/NO
2) Resident Veteran Business Preference	N YES/NO

G. EVALUATION

The following is a summary of evaluation factors with point value assigned to each. These, along with the general requirements, will be used in the evaluation of Offeror proposals.

FACTOR	MAXIMUM POINTS AVAILABLE
MANDATORY SPECIFICATIONS	Y
4) Legal malpractice insurance	Pass/Fail
5) Provide evidence of admittance to the New Mexico Bar.	Pass/Fail
7) Campaign Contribution Disclosure Form	Pass/Fail
DESIRABLE SPECIFICATIONS (20-page limit)	
1) Government Experience	30 points
2) Litigation Experience	10 points
3) Accessibility/Flexibility	20 points
4) Cost	40 points
Total Possible Points	85 points
PREFERENCE SPECIFICATIONS	
1) Resident Business Preference	Y YES/NO
2) Resident Veteran Business Preference	N YES/NO

Evaluation #3

Walsh Gallegos

# G. EVALUATION

The following is a summary of evaluation factors with point value assigned to each. These, along with the general requirements, will be used in the evaluation of Offeror proposals.

FACTOR	MAXIMUM POINTS AVAILABLE
MANDATORY SPECIFICATIONS	
4) Legal malpractice insurance	P Pass/Fail
5) Provide evidence of admittance to the New Mexico Bar.	P Pass/Fail
7) Campaign Contribution Disclosure Form	P cannot find <del>Pass/Fail</del>
DESIRABLE SPECIFICATIONS (20-page limit)	
1) Government Experience	30 points
2) Litigation Experience 40 years 30	10 points
Team of six attorneys - 3 with Litigation experience 10	20 points
3) Accessibility/Flexibility	20 points
4) Cost \$ 40,939 40	40 points
Total Possible Points	100 points
	100
PREFERENCE SPECIFICATIONS	
1) Resident Business Preference	<del>YES</del> /NO
2) Resident Veteran Business Preference	YES/ <del>NO</del>

Evaluator #3

Zach Cook LLC

# G. EVALUATION

The following is a summary of evaluation factors with point value assigned to each. These, along with the general requirements, will be used in the evaluation of Offeror proposals.

FACTOR		MAXIMUM POINTS AVAILABLE
MANDATORY SPECIFICATIONS		
4) Legal malpractice insurance	P	Pass/Fail
5) Provide evidence of admittance to the New Mexico Bar.	P	Pass/Fail
7) Campaign Contribution Disclosure Form	P	Pass/Fail
DESIRABLE SPECIFICATIONS (20-page limit)		
1) Government Experience	capitan, Ruidoso, Ruidoso Downs, GSWA 20 years 20	30 points
2) Litigation Experience	No Response 0	10 points
3) Accessibility/Flexibility	No Response 0	20 points
4) Cost	\$60,000 27	40 points
Total Possible Points		100 points
		47
PREFERENCE SPECIFICATIONS		
1) Resident Business Preference		YES/NO
2) Resident Veteran Business Preference		YES/NO

**REQUEST FOR PROPOSALS  
FOR  
LEGAL SERVICES**

**RFP NUMBER: 2024-01**

The Village of Capitan will receive sealed proposals for Legal Services for the Village of Capitan until January 30, 2024 at 2:00 pm at the Office of the Village of Capitan (address in section “E”). Proposal specifications may be obtained in person from the Office of the Village of Capitan or mailed or emailed to offeror by contacting Kevin Kennedy at [kkennedy@villageofcapitan.org](mailto:kkennedy@villageofcapitan.org). The successful proposal will be awarded by the Village Council during their meeting at 6:00 pm February 13, 2024. The Village Council reserves the right to reject any or all proposals, in the case of ambiguity or lack of clarity, to determine the best proposal, or to reject the same. Questions concerning these specifications may be directed to Kevin Kennedy, Project Manager at 575-354-2247 or [kkennedy@villageofcapitan.org](mailto:kkennedy@villageofcapitan.org)

A. REQUEST FOR SEALED PROPOSALS: Pursuant to Section 13-1-111, et. Seq., NMSA, 1978 Compilation, the Village of Capitan, New Mexico is hereby requesting sealed proposals (RFP’s) from qualified individuals and/or firms to provide legal services to the Village of Capitan, New Mexico. Legal services for the Village government will report to the Village Council, Mayor and Village Clerk. The successful firm will sign a contract for legal services with the Village for two years, beginning at time of award, with the option to extend annually for a period not to exceed four years. The contract between the successful firm and the Village will allow either party to terminate the agreement by giving the other party a thirty (30) day written notice.

B. MANDATORY REQUIRMENTS FOR THE REQUEST FOR PROPOSALS: Submitting firms must have a qualified attorney or firm who are members of the New Mexico Bar and who are licensed to practice law in the State of New Mexico (provide evidence). Offeror must provide evidence of legal malpractice insurance. Campaign contribution disclosure form must accompany proposal. Offeror must be capable of providing legal research, analysis, advice, contract negotiation support, general representation and litigation. Legal representation includes immediately representing the Village in all pending litigation. Accessibility and flexibility of offeror must be addressed in proposal.

C. EVALUATION CRITERIA: The following questionnaire must be completed by all submitting firms, as these questions will provide the basis for selection of a Village attorney. This is mandatory

1. Rate per hour for services.
2. Billing time increments.

3. Mileage expense charges for performing legal services where the Village attorney must utilize their private vehicle:
4. Per-diem charge, if applicable, for travel to perform legal services .
5. Name of the attorney who will represent the Village of Capitan as the Village attorney:
6. Name and address of the firm:
7. What date did you enter the New Mexico Bar:
8. Number of years of experience as an attorney in New Mexico and any other state:
9. Have you ever represented a municipal, county or state government before: If yes, what entities, agencies or government organization did you represent:
10. Any specialized courses, schools, or seminars concerning local government representation:
11. Are you presently representing any local, state or federal agency at this time, and if so, what agency and in what capacity:
12. Do you have any known conflicts of interest if you were appointed Village attorney? If you answer yes, please explain what it might be:
13. Do you have any relatives who are presently elected officials or Village Councilors that may have an effect on the state nepotism statute, Section 10-1-10, NMSA, 1978 Compilation, and if so, who and what office do they hold:



D. CONFLICTS OF INTEREST AND NEPOTISM: Conflicts of interest and nepotism are of concern to the Village Council when making a selection for Village attorney. Although neither will stop a firm from being considered and/or selected, it will be necessary for the Council to determine what, if any, negative effect this will have on the position and the services provided in general.

E. RECEIPT OF SEALED PROPOSALS: Firms must submit three (3) copies of their proposal either mailed or delivered to the Village of Capitan mailing address: P.O Box 1380 Capitan NM 88316 or Physical address: 114 Lincoln Ave. Capitan NM 88316, no later than January 30, 2024. Sealed proposals must be clearly marked Legal Services, RFP-2024-01. The evaluators shall review the sealed proposals as provided for in Section 13-1-117, NMSA, 1978 Compilation, and will forward the results of the evaluation to the Village council which will award the contract to the individual or firm whose proposal is most advantageous to the Village considering the evaluation factors listed in the General requirements and Paragraph "C" of this RFP.

F. QUESTIONS: Questions regarding this RFP should be directed to Kevin Kennedy, Project Manager, [kkennedy@villageofcapitan.org](mailto:kkennedy@villageofcapitan.org) or (575) 354-2247.

## G. EVALUATION

The following is a summary of evaluation factors with point value assigned to each. These, along with the general requirements, will be used in the evaluation of Offeror proposals.

FACTOR	MAXIMUM POINTS AVAILABLE
MANDATORY SPECIFICATIONS	
4) Legal malpractice insurance	Pass/Fail
5) Provide evidence of admittance to the New Mexico Bar.	Pass/Fail
7) Campaign Contribution Disclosure Form	Pass/Fail
DESIRABLE SPECIFICATIONS (20-page limit)	
1) Government Experience	30 points
2) Litigation Experience	10 points
3) Accessibility/Flexibility	20 points
4) Cost	40 points
Total Possible Points	100 points
PREFERENCE SPECIFICATIONS	
1) Resident Business Preference	YES/NO
2) Resident Veteran Business Preference	YES/NO

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# Village of Capitan

P.O. Box 1380 Capitan NM 88316

Phone: 575-354-2247 Fax: 575-354-2713

## VILLAGE OF CAPITAN RESOLUTION NO. 2024-07

### **AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY FOR THE COLONIAS INFRASTRUCTURE FUND**

**WHEREAS**, the Village of Capitan ("Governmental Unit") is a qualified entity under the New Mexico Finance Authority Colonias Infrastructure Act, Sections 6-30-1 through 6-30-8, NMSA 1978 ("Act"), and the Village of Capitan ("Governing Body") is authorized to borrow funds and/or issue bonds for financing of public projects for benefit of the Governmental Unit; and

**WHEREAS**, the New Mexico Finance Authority ("Authority") has instituted a program for financing of projects from the Colonias Infrastructure fund created under the Act and has developed an application procedure whereby the Governing Body may submit an application ("Application") for financial assistance from the Authority for public projects; and

**WHEREAS**, the Governing Body intends to undertake design, construction and improvements of the Mt. Capitan Road Waterline Replacement – Phase II for the benefit of the Governmental unity and its citizens; and

**WHEREAS**, the application prescribed by the Authority has been completed and submitted to the Governing Body and this resolution approving submission of the completed Application to the Authority for its consideration and review is required as part of the Application.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE  
VILLAGE OF CAPITAN.**

Section 1. That all action (not consistent with the provision hereof) heretofore taken by the Governing Body and the officers and employees thereof directed toward the Application and the Project, be and the same is hereby approved and confirmed.

[Type here]

Home of Smokey Bear

Section 2. That the submission of the application requesting funding from the Colonias Infrastructure Fund, be and the same is hereby ratified, approved and confirmed.

Section 3. That the officers and employees of the Governing Body are hereby directed and requested to submit the completed Application to the Authority for its review, and are further authorized to take such other action as may be requested by the Authority in its consideration and review of the Application and to further proceed with arrangements for financing the Project.

Section 4. That we understand Colonias funds may consist of a 90% Grant (approximately \$1,706,727.28); 10% Loan (approximately \$189,636.36) and, in addition, require a 10% Cash Match (approximately \$189,636.36). The 10% Loan component and 10% Cash Match will come out of the general fund. If available and approved, a request to roll the cash match into additional loan will be requested.

APPROVED AND ADOPTED THIS 13<sup>th</sup> DAY OF FEBRUARY 2024

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Minerva Davalos, Mayor

ATTEST:

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Angela Autrey, Deputy Clerk

[Type here]

Home of Smokey Bear