

Item #1 Approval of the Agenda

Item #2 Mayor and Trustee
Comments

Item #3 Public Input

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**Draft Minutes
Regular Trustee Meeting
February 13th, 2024
6:00 P.M**

The Village of Capitan Board of Trustees met for a regular meeting on Tuesday February 13th, 2024 at the Village Hall in Capitan, New Mexico at 6:00 PM.

Mayor ProTem Cleckler Called the meeting to order at 6:01 PM

Roll Call: Mayor Davalos – Absent, Mayor ProTem Cleckler – Here, Trustee Shearer – Here, Trustee Hair – Here, Trustee Menix – Here, The Village Clerk Angela Autrey, Fire Chief Kevin Kennedy, Water Department Steve Osborne, Street Department Johnathan LaMay, Chief of Police Randy Spear and other employees listed on the sign in sheet were also present the Finance Officer LeAnne Brasher was absent. A list of public people who attended are attached.

Item #1 Approval of the Agenda

Trustee Shearer motioned to amend the agenda to remove item number 3, to pull everything from the consent agenda and do them one by one, and to move item number's 11 and 12 to make them item number's 3 and 4. Trustee Menix seconded the motion. All in favor.

Discussion: No discussion was made on this item.

Roll Call: Trustee ProTem Cleckler – Yes, Trustee Menix – Yes, Trustee Hair – Yes, Trustee Shearer – Yes. All in favor.

Trustee Menix – Can I make a comment really quick? There have been several people ask that we speak up. That it gets hard for people to hear in the back. My voice projects but apparently, it's still not projecting loud enough.

Item #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.

Any action taken as a result of the closed session will be brought back into the open session.

Trustee Hair made a motion to close the open session and go into closed session. Trustee Menix seconded this motion. All in favor

Discussion: There was no discussion of this item.

Roll Call: Trustee ProTem Cleckler – Yes, Trustee Hair – Yes, Trustee Shearer – Yes, Trustee Menix – Yes
All in favor.

Trustee Shearer made a motion to come out of the executive session and go back into open session. Trustee Menix seconded the motion.

Roll Call: Trustee ProTem Cleckler – Yes, Trustee Menix – Yes, Trustee Shearer – Yes, Trustee Hair – Yes
All in favor.

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Discussion: Trustee Shearer attested that the only thing that was discussed in the closed session was the pending and threatened litigation on the agenda.

Trustee Menix- Do you want to make a motion or?

Trustee Shearer – Sure, I'll make a motion to direct staff and the Village Attorney to execute all documents necessary to close the case listed as Lincoln County Cause Number D-1226-CV-2024-00009 Spear v. Davalos.

Trustee Menix – I'll second.

Discussion: There was no discussion of this item.

Roll Call: Trustee Menix -Yes, Mayor ProTem Cleckler – Yes, Trustee Hair- Yes, Trustee – Shearer – Yes. All were in favor.

Item #3 Discussion/Action – Approval of Appointment of Angela Autrey as Clerk for the Village of Capitan.

Trustee Menix moved to approve the appointment. Trustee Hair seconded the motion.

Discussion: There was no discussion on this item.

Roll Call: Trustee Menix – Yes, Trustee Shearer – Yes, Trustee Hair – Yes, Mayor ProTem – Cleckler – Yes. All In favor.

Item #4 Discussion/Action – Approval of Randy Spear as ~~Interim~~ Chief of Police for the Village of Capitan.

Trustee Shearer moved to approve the appointment. Trustee Minex seconded the motion.

Discussion: There was no discussion on this item.

Roll Call: Mayor ProTem Cleckler – Yes, Trustee Menix – Yes, Trustee Hair – Yes, Trustee Shearer – Yes. All in favor.

At this time the following were sworn into office by the Municipal Judge, Lilly Bradley, for the Village of Capitan: Angela Autrey, Clerk for the Village of Capitan. Randy Spear, for the Chief of Police.

Item #5 Mayor and Trustee Comments –

Trustee Shearer – I would like to thank Angela and Mary for putting together the Smokey Bear gift bags for the Legislature. They were all very excited about their Smokey Bear stuff. I also wanted to congratulate the Library on receiving \$78,000 in capital outlay.

Trustee Hair – I have a quick question on sharing of websites. We have previously discussed that on the Smokey Bear Website, that we would put the Village of Capitan on there, the Museum as well.

Trustee Shearer – Just links?

Trustee Hair – Yes, just the links for everything put in. So that way, as the website is set up, the Village would then put in that website for the Smokey Bear Day Event since it's a big event. Does this need to be an agenda item?

Trustee Shearer – Probably. Shirley, doesn't that affect your 5013c status or anything, does it?

(Item #5 Continued)

Shirley Pavlovic – No, it's fine.

Trustee Hair – I will request that, that will be an agenda item.

Trustee Menix – Mr. Kennedy, I'd like to ask, could you please give me what your roll is in the City as far as your job? What's your job description?

Kevin Kennedy – Well my titles are, Emergency Manager, Fire Chief, Chief Procurement Officer, and Safety Officer.

Trustee Menix – Okay, are you Project Manager as well?

Kevin Kennedy – Yes, I am.

Trustee Menix – Okay. So, I'd like to ask you, in the grant, that I didn't get prior to voting for us to pass the grant for the Depot. Why you have in that grant \$20,000 for you to receive on top of the payment you already receiving from the City?

Kevin Kennedy – Well, because that's what they do. They put your wage in that grant. The grant pays for the project management.

Trustee Menix – But it's an expense we have to pick up.

Kevin Kennedy – No, it's not.

Trustee Menix – That's what it says on the grant, it says "A match". It says we have to match the \$250,000. And it says \$20,040 to Kevin Kennedy, and it says \$17,219.90 to earth work.

Kevin Kennedy – Okay, so that's going to be the time that I put in. See if you notice down the line the \$30,000 for Jonathan and the boys to do the dirt work, right?

Trustee Menix – Right

Kevin Kennedy – Okay, that's all what we are contributing to the grant. That is the match of the grant.

Trustee Menix – So, you're getting \$20,000 extra on top of your pay?

Kevin Kennedy – Oh, no!

Trustee Menix – That's what I'm asking. I'm confused, that's what I'm asking. We didn't get the grant ahead of time. That's why I'm asking the questions.

Kevin Kennedy – We couldn't give you the grant ahead of time because we weren't done with it.

Trustee Menix – I knew you weren't, that's why I'm asking you the questions tonight because I didn't have the grant ahead of time.

Kevin Kennedy – Okay. The match that we put in, goes towards points to receiving the grant. Because the more money that the local government puts in, the more points you receive to get the grant.

Mayor ProTem Cleckler – So, we are matching the \$37,000? Of the \$287,000?

Kevin Kennedy – Johnathan and myself are going to be doing in kind work so that is a match. There is no match for this, so the portion we can put in for this that we will probably put in anyway, goes for points to receiving the money.

Trustee Menix – Thank you for the clarity.

Mayor ProTem – I have nothing at this time.

Item #6 Public Input –

Steve Osborn – My name is Steve Osborn, I have to tell you. I fully support Angela Autrey and you appointing and approving her appointment. But, I am not pleased at all at the way you handled Al Cavazos, in terminating him. Al brought a lot to the table with his financial background, and all of his legal aspects. I am very disappointed. I don't think you did right. You did that on a basis on being compliant. Then you sat here this evening and you pre-discussed, before the meeting, the agenda. Are we going to follow the rules, or not?

Mayor ProTem Cleckler – I do believe what we discussed was, trying to follow the rules on it. We didn't discuss how we were voting on it.

Steve Osborn – But you discussed it privately. Your saying that you want to be open and honest to people in Capitán. You stand up there in violation of Open Meetings Act and discussed how you were going to do the agenda before the meeting.

Trustee Shearer – Thank you for pointing that out. We will try not to do anything like that again.

Consent Agenda Items removed:

Item # 7 Discussion/Action - Approval Minutes: Special Meeting January 23rd, 2024.

Trustee Hair motioned to approve the minutes. Trustee Menix seconded the motion with corrections made. Motion approved 3 to 1.

Discussion:

Mayor ProTem Cleckler – I do have one amendment. On the Mayor ProTem, it has on there that I voted Yes, and I abstained.

Janiece Wall – I will correct that.

Trustee Shearer – There were a number of mistakes. I don't want to go through and try to correct them all. I think we have Kevin saying, "I know who I am". And the numbers are not correct. So, I'm going to have to vote no. I don't want to put something on record that's not accurate.

Trustee Menix – I did discuss to Angela about my concerns about the length of them and she explained to me why. We had a discussion about that because I was concerned about 24 pages. I told her, I was willing to support the decision. At this point in time, she's looking into other options so they can be reduced down.

Roll Call: Mayor ProTem Cleckler – Yes, Trustee Menix – Yes, Trustee Shearer – No, Trustee Hair – Yes. Approved 3 to 1

Item #8 Discussion/Action – Approval of January 2024 Bills Paid.

Trustee Hair moved to approve. Trustee Minex seconded the motion. Vote 2 Yes, 2 No
Motion died.

Discussion:

Trustee Shearer – I have a question. Why do we have another bill for the Coppler Law Firm? Can I have a printed copy of the agenda? I have to look back and forth between these 24 pages of minutes.

Village Clerk Autrey – Honestly, I'm not sure if that's rolled over or something.

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Trustee Shearer – It looks like it was paid in January, it said \$2,200. It seems to me like we've spent about \$10,000 on that law firm and I don't think we've gotten anything out of it. If we had spent that money paying GreenTree, we'd almost be paid up.

Village Clerk Autrey – I didn't have much involvement with them. So, I'm not sure exactly what it was for.

Trustee Shearer- Yea, it says January 17th.

Public Ms. Strickland – Bobbi, I'm sorry, we can't hear a word you are saying.

Trustee Shearer- I'm sorry, the Coppler Law Firm. I'm questioning why we have another bill from the Coppler Law Firm in Santa Fe regarding GreenTree. I voted against that, every time it's come up.

Mayor ProTem Cleckler – Any more on bills paid?

Trustee Shearer – No, but I will vote no.

Public – I'm sorry, should this say Bills Paid January 2024 not 2023?

Trustee Shearer – Oh, that's a good catch.

Mayor ProTem Cleckler – Do we have a motion on bills paid?

Trustee Hair- I move that we approve the January 2024 bills paid.

Trustee Menix- I'll second it.

Roll Call: Mayor ProTem Cleckler – No, Trustee Menix – Yes, Trustee Hair – Yes, Trustee Shearer – No. Vote 2 Yes, 2 No. Motion Died.

Item #9 Discussion/Action – Remove Al Cavazos Off as Signatory on the Bank.

Trustee Shearer moved to approve the removal. Trustee Menix seconded the motion. All approved.

Discussion: There was no discussion of this item.

Roll Call: Mayor ProTem Cleckler – Yes, Trustee Menix – Yes, Trustee Hair – Yes, Trustee Shearer – Yes. All approved

Item #10 Discussion/Action – Add Brian Cleckler as Signatory on the Bank.

Trustee Shearer motioned to approve. Trustee Hair seconded the motion. All approved.

Discussion: There was no discussion of this item.

Roll Call: Mayor ProTem Cleckler – Yes, Trustee Menix – Yes, Trustee Hair – Yes, Trustee Shearer – Yes. All approved.

Item #11 Discussion/Action – Approval of Resolution 2024-01 Governing Body Meeting and Public Notice.

Trustee Shearer moved to approve. Trustee Hair seconded the motion. All approved.

Trustee Shearer – This has the same issue that I pointed out last month. Paragraph 4 it says, (Trustee Shearer read the paragraph). This is not a resolution. This is advice from the Attorney Generals office. It's inserted in the middle of this.

Village Clerk Autrey – They put that in, for COVID.

(Item #11 Continued)

Trustee Shearer- I know, but it needs to be written... Like down here it says, "Additionally, we are assuming the public body's staff also would be working remotely". If we're signing this resolution. Who is "we" in that sentence?

Village Clerk Autrey- Because they were working remotely at the time.

Trustee Shearer – This entire section needs to be written as a resolution that we are doing, not as advise for the AG like an email just plugged into the middle of this thing. It needs to be fixed. I thought the motion was to send it to the Attorney and have it fixed.

Village Clerk Autrey- We did.

Trustee Shearer – (Looks at the Village Attorney) Did you miss that? Can you please fix paragraph 4? I'd be willing to come back and approve it if we can amend it next month with a fixed paragraph.

Attorney Zach Cook – You mean to approve it tonight and then....

Trustee Shearer – And then come back.

Attorney Zach Cook – Yes, ma'am.

Mayor ProTem Cleckler – Do I have a motion?

Trustee Shearer – I'll reluctantly move to approve.

Trustee Hair – I'll second.

Trustee Shearer - Are you reluctant also?

Trustee Hair – I don't like voting on something that we haven't seen the final product of.

Trustee Shearer – Well, we've seen it twice.

Trustee Hair – I understand but we will have rewording of it.

Trustee Shearer – We are adopting it with what's there.

Trustee Hair – I get it.

Roll Call: Mayor ProTem Cleckler – Yes, Trustee Menix – Yes, Trustee Hair – Yes, Trustee Shearer – Yes. All approved

Item #12 Discussion/Action – Approval of Resolution 2024-02 Public Input Policy.

No motion. Approval Died.

Trustee Shearer – I will continue to vote against it. I do not believe in restricting the ability of the public to speak at these meetings. I don't like it. I don't like when it's done at the Legislature. And I'm not willing to vote for it here.

Item #13 Discussion/Action – Discuss and Set Budget Workshop Date and Time.

Mayor ProTem Cleckler motioned to set aside dates 20th of February, 5th and 19th of March at 6:00 p.m. for the budget workshop. Trustee Shearer seconded the motion. All approved.

Mayor ProTem Cleckler – I think we need this ASAP. I would like to set up maybe 1 every 2 weeks for three months. That way we can get going on budgets and next years and get everybody on the same page on what we can do.

Trustee Shearer- That's fine with me. I'm not available the 21st and 22nd. I could do Tuesday the 20th.

Trustee Menix – I'm good for the 20th.

Trustee Hair – I'm good for the 20th.

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Mayor ProTem Cleckler – 6:00 p.m. is fine.

Trustee Hair – One of the things that you can think of as you are setting this up. If you are wanting it every two weeks, my suggestion would be that one of the sessions an hour before the regular meeting.

Trustee Shearer - Is an hour enough time?

Mayor ProTem Cleckler – Does that work with LeAnne, getting ready for the meeting? If we do every two weeks.

Trustee Shearer – Will Tuesday's work for you?

Mayor ProTem Cleckler – I can make it work, it's fine.

Trustee Shearer – The 19th is a holiday, but the following week we could do it on Monday.

Trustee Menix- I could do Monday's too.

Trustee Hair - Tuesday's works better for me, with other meetings that I've got that I have responsibility's for. Is there any conflict with that?

Trustee Shearer – We can do the 5th. One week before our regular meeting.

Trustee Hair – What I believe what Trustee Cleckler was discussing, was that we have one every two weeks. I'm just suggesting that we have this first one, then make it part of the regular process. That an hour before the Council meetings, we will have a budget meeting. If that will work and not be a conflict.

Trustee Shearer – I really think the first few, we need to give ourselves more than an hour.

Trustee Menix- I think that's a good idea.

Village Clerk Autrey- You are going to overflow into the meetings when you first start.

Trustee Shearer – Can we do the 5th and the 19th and our regular meeting on the 12th?

Village Clerk Autrey- That would probably be better.

Trustee Menix – I can do that.

Village Clerk Autrey – 6:00?

Trustee Menix – I was just thinking of people that work that if they wanted to come.

Mayor ProTem Cleckler – That puts us through March.

Trustee Shearer – That's three. Then on the 12th if we need it we could set the rest of them.

Trustee Menix- On the 12th can we put that on the agenda to set more?

Trustee Shearer – Yea, when the Mayor is back.

Village Clerk Autrey – So you want, the 20th at 6:00; the 5th at 6:00; the 19th at 6:00 and Tuesday the 12th, that meeting you want to set up more dates?

Mayor ProTem Cleckler – I move that we set up those dates for a budget meeting.

Trustee Shearer – Second.

Roll Call: Mayor ProTem Cleckler – Yes, Trustee Menix – Yes, Trustee Hair – Yes, Trustee Shearer – Yes. All approve.

Item #14 Presentation – Presentation of Smokey Bear Day, Hometown Association – Shirley Pavlovic.

Shirley Pavlovic – Hi, I'm Shirley Pavlovic. I'm the treasurer of Smokey Bear's Hometown Association, and I'm coming before the Council and to our Honorable Mayor who's not here tonight, to request some support for the Smokey Bear Days. One of the things I am asking is

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that you support the closing of Smokey Bear Blvd. during the event for the safety purposes. I'm also requesting the use of some Village property. The first area are 3 parking spaces in front of Smokey Bear Historical Park. On the survey, it's still belonging to the Village. Even though these parking spaces are in front of the park. The second area I'm requesting to use is the community park/playground that is located behind the Smokey Bear Historical park. Part of that area belongs to the Park; the other part belongs to the Village and I am requesting use of the Village property as well as using the Park property. Area 3 is the vacant property beside the old Train Station. The fourth area is the paved area in front of the old fire station. I don't know that we will need all of these extra areas for the event, but we are thinking of parking and if we have an overflow of vendors, food truck, and that kind of thing. So, that is why I am making these requests to you for the use of the Village property.

Trustee Shearer – I move for approval.

Mayor ProTem Cleckler – It's a discussion only.

Trustee Menix – Can we get that on our agenda to approve?

Mayor ProTem Cleckler – Thank you Shirley.

Item #15 Presentation – Presentation of ViaVista Mapping on the Work They Have Already Done for the Cemetery.

Village Clerk Autrey- They were unable to be here tonight due to the weather where they were at. So, I'm sorry about that.

Mayor ProTem Cleckler – Okay.

Trustee Shearer – Does this money need to come out of the general fund? Is the Cemetery fund exhausted?

Village Clerk Autrey – No.

Mayor ProTem Cleckler – Didn't we already approve to pay them?

Village Clerk Autrey – Johnathan can still speak on that.

Item #16 Discussion/Action – Request for New Funding for ViaVista Mapping to Finish Mapping the New Part of the Cemetery – Johnathan LaMay.

Trustee Menix moved to approve the funding. Trustee Hair seconded the motion. All approved.

Discussion:

Johnathan LaMay- This is part of the new Cemetery. What we approved before was the old part. This is for mapping out the new part of the Cemetery.

Trustee Shearer – The old part, did it come out well? Is it what you expected?

Johnathan LaMay – They are done with the sounding and finding the unmarked graves. So, they are done with all the field work. Now they just have to go back and put those others in.

Trustee Menix – Thank you for sending out the email Angela. Would you, next time they come? I would like to see that but, I was out of town.

Village Clerk Autrey- It's really cool to see.

Trustee Menix – I would like to see that.

Johnathan LaMay – If this is approved, they will be here tomorrow. They have already done the map for the new part, just in case so. They will be here tomorrow.

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Trustee Menix - Oh, okay. I won't get to see them in action then.

Johnathan LaMay – They haven't done the new part of the Cemetery yet.

Trustee Menix – Oh, they haven't done the new part yet.

Johnathan LaMay - They won't be sounding that because there shouldn't be graves out there.

Trustee Menix – I move that we give the funding for the cemetery mapping.

Trustee Hair – I'll second.

Roll Call: Mayor ProTem Cleckler – Yes, Trustee Menix - Yes, Trustee Hair - Yes, Trustee Shearer – Yes. All approve.

Item #17 Discussion/Action – Approval of Appointment for Legal Services RFP 2024-01. – Kevin Kennedy.

Trustee Shearer moved to appoint Lincoln County Attorney Zach Cook. Trustee Menix seconded the motion. Approved 3 to 1

Kevin Kennedy - Good evening. Okay, a little history on this. Our auditor advised us that we would have to do an RFP for all professional services. According to the statute from the procurement code which is 13-1-150 multi-term contracts. Contracts for professional services will not exceed 4 years. Including extensions and removals. When we have an engineering firm. Every 4 years, we have to go out for an RFP to get it out there. We went out for engineering this last time and we got one proposal back. So, that one was easy. RFP's are a good mechanism for spreading the wealth. If you will, because that is what procurement is all about in the State. To make it fair for all of the contractors out there and to be able to bid on these jobs. Professional Services, includes the services of architects, archeologist, engineering, surveyors, landscape architect and lawyers. So, that's why we are doing this. The auditor said we would have a finding if we didn't. That's why we went out for RFP. Just to let you know, the award shall be made to the responsible offer or offer's who proposal is most advantageous to public body.

Trustee Shearer – Responsive offer. Not responsible, responsive, isn't it?

Kevin Kennedy – It says responsible offer.

Trustee Shearer – I think that's a typo.

Kevin Kennedy – This is more of a request for qualifications. In professional services you try to get the qualifications that you need to do the job. Money plays a part in it but, it's not the ending rule and the most important part. The qualifications are. Okay, by code we published in a couple of papers. We published in the Roswell Daily Record, and we published in the Albuquerque Journal. There are no local papers within our area. So, we had to these places. The responses that we got, was one from Virginia, one from Indiana, one from Santa Fe, one from Albuquerque and one from Ruidoso. So, we got quite a few responses. A lot of what these companies do, they hire a company to look for RFP's to tell them, hey, there is an RFP out there. That's why we get people from Indiana, and Virginia because this company, told these people to respond. We sent them a packet and they never did give their proposal. Why they didn't respond, I don't know. We received two proposals at Village Hall by 2:00 p.m. on January 30th. One for Zach Cook, from Ruidoso. One from Walsh, Gallegos, Trevino, Kyle & Robinson out of Albuquerque. On January 31st – February 5th, I distributed the proposals to the evaluation

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team of three individuals known as Evaluator #1, #2, and #3. The evaluator did make an unbiased evaluation of the proposals received. Those were in your packet. It did indicate that Walsh, Gallegos, was the most qualified by quite a bit. So, that is the recommendations of the staff to go forward.

Trustee Shearer – Can we see the proposals.

Kevin Kennedy – You can see the proposals.

Trustee Shearer – I'd like to see the proposals.

Kevin Kennedy – Okay, I offered those. It's here in the letter. Do you want to see it? Brian came in this afternoon and looked at them.

Trustee Shearer – Well, I just got back into town.

Kevin Kennedy – Okay, not a problem.

Trustee Shearer – I have a question. This RFP says, "Village Council will award the contract to the individual or firm of the one whose proposal is most advantageous to the Village considering the evaluation factors listed in the General requirements and Paragraph "C" of this RFP. Right?

Kevin Kennedy – Right.

Trustee Shearer – So, paragraph "C" has thirteen items. Evaluation Criteria. I don't see those thirteen items in your evaluation sheet. The only thing I see is in paragraph "B". So, I'm very curious of you recommending an Albuquerque Firm, if number 3 is mileage expense for performing legal services, and number 4 is Per-diem for travel to perform legal services.

Kevin Kennedy – According to the proposal, they do not charge per-diem.

Mayor ProTem Cleckler – They charge \$.67 per mile to come down, and while they are traveling, they charge lawyer fees.

Kevin Kennedy – Right.

Trustee Shearer – I didn't see those in your criteria. So, it seems like we would be paying a lot to have someone travel down from Albuquerque.

Kevin Kennedy - With the technology that we have today, they can be on that TV like you were last time.

Trustee Shearer – Yea, but we know that that doesn't work very effectively. And if we have to go into executive session, how do we do that? We have to have them come down.

Kevin Kennedy – Take the TV with you.

Trustee Shearer – These ranking sheets were pretty widely varied. One evaluator gave somebody zero points and another gave them full points.

Kevin Kennedy - Okay

Trustee Shearer – They don't seem unbiased. I noticed one person said like, one of the criteria was litigation experience. Right? Can you tell me where in the RFP you asked them to detail litigation experience? I mean, that was worth 10 points. Where in the RFP, where in these 13 items do you ask for litigation experience?

Kevin Kennedy – (pause) It mentions in the mandatory requirements that litigation experience is necessary.

Trustee Shearer – But it doesn't say for them to outline their litigation experience. That's why we have such a wide variation I think, in these rating sheets.

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Kevin Kennedy – Okay

Trustee Shearer – So, it doesn't seem like this is a good procurement.

Kevin Kennedy – Okay. Do you want to do it?

Trustee Shearer – I'm having a hard time with these wide variations in scores among the evaluators.

Mayor ProTem Cleckler – Question. You just ask her if she wanted to do the Procurement. Isn't that your job?

Kevin Kennedy - That is my job, yes. I could use some assistance from some of you that have done it before.

Trustee Shearer – I thought you had taken Procurement classes.

Kevin Kennedy – I did.

Trustee Shearer – And you are the Chief Procurement Officer.

Kevin Kennedy – Yes.

Trustee Shearer – Who wrote this RFP?

Kevin Kennedy – I did.

Trustee Shearer – Did you use a sample somewhere, or did you just write it?

Kevin Kennedy – I used three different ones from three different Villages and compiled all of the information that I wanted.

Trustee Shearer – Well, it just doesn't seem like the ranking sheets match the procurement. Match the RFP. There are 13 items in paragraph "C" and there are a number of items in paragraph "B" and your ranking sheet has 4 items. What is accessibility and flexibility?

Kevin Kennedy – You call them when you need them.

Trustee Shearer – So, it's your opinion that, having someone on the phone is fine. Does this firm represent any other municipalities? This Albuquerque firm. Do they represent any other municipalities?

Mayor ProTem Cleckler – In the proposal, they had Vaughn down as a reference. The city of Vaughn.

Trustee Shearer – Do they represent Vaughn?

Kevin Kennedy – I guess so.

Trustee Shearer – Did they put in their proposal that they represent Vaughn?

Mayor ProTem Cleckler – I believe, they handled a legal case but I don't know.

Trustee Shearer – This says, have you ever represented a Municipality or State government before, if yes. What entities, agencies or government did you represent?

Kevin Kennedy – Yea, and they answered that question.

Trustee Shearer – What did they answer?

Kevin Kennedy – Vaughn

Trustee Shearer – They answered, Vaughn?

Kevin Kennedy – Yes

Trustee Shearer – So, they've represented one.

Mayor ProTem Cleckler – I have a question. Their lead person on that, Gallegos, are they in New Mexico or Texas?

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Kevin Kennedy – New Mexico. You have one Gallegos lady in Albuquerque and one is in Austin.

Trustee Menix – I actually, when I got to thinking about it. Lincoln County News, correct me if I'm wrong, aren't they online? Or Ruidoso News? Don't they put their newspaper online.

Kevin Kennedy – I don't know.

Mayor ProTem Cleckler – They do.

Trustee Menix – That was one of my questions. How come it was not put out locally. We have lots of lawyers around here. Number two, what happened to Las Cruces, Alamogordo all of these other places who are closer. I have a real problem with somebody from Albuquerque. I'm sorry.

Trustee Shearer – I do too. I don't think that works for us.

Kevin Kennedy – It's up to you guys.

Trustee Hair – With this being presented to us. What would be the impact of a protest? So, we put it out, you give it to us and we are going to vote on it and we don't choose one at this particular time. Are there any consequences to the Village?

Kevin Kennedy – Yes, they could protest and could end up in litigation.

Mayor ProTem Cleckler – So do we have legal counsel now?

Trustee Shearer – The criteria is, most advantageous to the Village, right? That's the criteria in the statute? Zach, how long have you been the Village Attorney?

Attorney Zach Cook – 20 years

Trustee Shearer – Yet, some people ranked you low on experience.

Attorney Zach Cook – That's okay.

Trustee Shearer – I think the most advantageous thing for the Village is to have a Lincoln County Attorney.

Trustee Menix – I agree.

Trustee Shearer – I'm going to move to accept the proposal from the Lincoln County Attorney.

Trustee Menix – I will second that.

Mayor ProTem Cleckler – Any more discussion on that?

Roll Call: Mayor ProTem Cleckler – Yes, Trustee Menix – Yes, Trustee Hair – No, Trustee Shearer – Yes. Approved 3 to 1

Item #18 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.

No motions on the table. Did not pass.

Kevin Kennedy – The total project cost for this, which is Mt. Capitan Road Waterline Replacement – Phase II. The job has been engineered for two years so it's ready to go. A lot of funding sources won't give you money unless you show them that this job is shovel ready. The cost of the job is 2.086 million. The match on this will be, \$189,636. The loan would be the same. It's a 20% total. 10% match, 10% loan. There is a possibility where we can combine the match and loan, to have a loan for those two amounts. I checked into some federal matching grants, which they don't have. We will talk to the USDA about getting us the match but it's a

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50% match on their loan. So, any way you look at it, we will be paying \$100,000. So, let me specify something, if our audits aren't done by the 29th of March, there will be no sense even putting in for this grant. Because, I will have to pull the plug on it. We will not be able to, I found that out the hard way last year.

Trustee Shearer- Because we lost 2.2-million-dollar grants, because of the audits.

Mayor ProTem Cleckler – Last year?

Trustee Shearer – Last year.

Kevin Kennedy – We lost a 1.8 last year because of the audits.

Trustee Shearer – Okay

Tiffany Menix – Is it correct, we are still paying for \$100,000 from the 2015? Is that correct?

Kevin Kennedy – Yes, there is still one loan on the books from the Colonias back in 2015.

Tiffany Menix – Okay. Second of all, did you have to write a grant for this, or is this a Resolution? Is there more paperwork to this?

Kevin Kennedy – No, this is it. I haven't started the application.

Tiffany Menix- Okay, alright like I said, I'm learning.

Kevin Kennedy – I didn't want to waste my time.

Trustee Shearer – This is for water.

Kevin Kennedy - Yes

Trustee Shearer – You say we still have one outstanding. At the end of fiscal year 2023 the water department had \$165,000 in restricted funds. That was, I believe set aside to service that then?

Kevin Kennedy - I don't know. I thought it was going to come out of General funds.

Trustee Shearer- Well the bank statements you guys gave us showed \$37,000 in the water fund. So, I'm wondering where the \$165,000 in restricted funds has gone.

Village Clerk Autrey – It's in the CD's. That's the one that they had set aside that they switched twice. One year it was in the water, one year it was in the General. Why they switched it, I don't know. They didn't have permission to do that. That is what Pam had told us. Then we came to ya'll to tell us where it needed to be.

Trustee Shearer – Okay, that's \$165,000 restricted. And then the water department also had \$111,000 in investments. Okay, we were told that we had 2 \$500,000 CD's for the General fund. And then \$314,000 in Money Market.

Village Clerk Autrey- \$308,000

Trustee Shearer- So, where is the \$165,000 in that?

Village Clerk Autrey- I don't know, I'd have to sit down and look at it.

I think we have it in the Money Market.

Trustee Shearer- Okay. So, if the water money is actually in the investments, then we only have 1.3 million in reserves in the general fund.

Village Clerk Autrey – You'll have to ask LeAnn on that.

Trustee Shearer – I can do math. The other thing is, at the end of fiscal year 2023. The waste water fund, had \$500,000. Where is that money?

Village Clerk Autrey – We haven't broken it all out.

Trustee Shearer- It's in the General fund?

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Village Clerk Autrey – No, in water.

Trustee Shearer – But there is only \$37,000 in the water fund.

Village Clerk Autrey – I'm telling you, that's not right. The bank statements are right. But the thing you are going by, is not.

Trustee Shearer – The bank statements are right. I'm looking at the bank statements.

Village Clerk Autrey – We still need to break out the waste water, out of the water. Right. I don't know how to explain it to you until we have a budget workshop.

Trustee Shearer - If there is only \$37,000 out of there, how do you take \$500,000 out of it?

Village Clerk Autrey - The water?

Trustee Shearer – Uh Huh. Water Department, \$37,187.

Village Clerk Autrey – When we took out the water, we did not take out the full amount from General. We just opened the water account to get it in a fund. Okay, to start that for the auditor. We had to open an account to get it started. We didn't put in the whole amount.

Trustee Shearer – Okay, so, the general fund currently has \$500,000 in it.

Village Clerk Autrey - Yes.

Trustee Shearer – It owes \$500,000 to waste water.

Village Clerk Autrey – Those are in the CD's.

Trustee Shearer – So, the 1.3 million in CD's is not General funds reserve. Somewhere around \$665,000 of that is water.

Village Clerk Autrey – The money market.

Trustee Shearer – We have 2....

Village Clerk Autrey - We have 3 CD's

Trustee Shearer – We have 3 CD's. \$500,000; \$500,000; and the money market is \$300,000.

Village Clerk Autrey - There is more than that in them. There is 3 CD's.

Trustee Shearer – I've got them right in front of me.

Village Clerk Autrey – Okay, the money market is at WAFD.

Trustee Shearer – The money is \$314,000, \$318,000 somewhere around there.

Village Clerk Autrey – There should be 3 CD's that are currently at Citi Bank.

Trustee Shearer – There's 3 CD's. 1.3 million. No, there's 2 CD's and a money market.

Village Clerk Autrey – You are missing a CD. I'm sorry.

Trustee Shearer – There is \$111,000 with water. There're 4 total investments. Two for half a million, money market for \$314,000 and one for \$111,000. \$111,000 is water, and that was in the budget, and that leaves 1.3 million if you are telling me that the \$500,000 for the waste water is in there, and \$165,000 in restricted funds are in there. Then we only have about \$700,000 in general funds reserves.

Village Clerk Autrey – I'd have to look at it. I can't do math in my head right now.

Trustee Shearer – Okay, I understand. This is what really concerns me because we don't have the reserves showed on the budget report.

Village Clerk Autrey – I'm not saying the budget report is correct. I don't like her budget report.

Trustee Shearer – We are being asked to make decisions about money. About applying for grants and matching funds and we don't have an accurate.... It's not just little amounts. We're talking about \$665,000. This gives me great heartburn.

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Kevin Kennedy - I would like to make a suggestion for the staff to think about. What we need to do is plan the grants throughout the year, and put the matches in the line item, with the grants that we are going to have. That way we know exactly what we have to spend. Have a reserve line item for grant matching.

Trustee Shearer – Let me ask Angela a quick question. Do you know if we've received the small savings assistance fund yet?

Village Clerk Autrey- No, not yet.

Trustee Shearer – Okay, by Statute it has to be done March 1st. So, I guess we'll know shortly. Because we budgeted \$300,000. I don't have any idea if that is what it's going to come in at.

Village Clerk Autrey- It should be.

Trustee Shearer- The Statute says between February 1st and March 1st. I noticed you moved \$43,000 to the Smokey Bear Enterprise Fund.

Village Clerk Autrey – Yes. That's where it should have been. What we are trying to do is, everything from 2021, when we went back and started everything. Trying to get everything back into QuickBooks, we opened the funds. Smokey Bear, Water, and everything like that, to get the separate fund accounts because they had it all into one account. So, we were trying to separate them out. That's what we've been working on. Trying to get the correct numbers.

Trustee Shearer – Okay, but as you get closer to those correct numbers, you are going to realize that we only have about \$700,000 in reserves in the General.

Village Clerk Autrey – We've been working with the accountant to get those numbers. That's what's taking us so long. That's what we are doing.

Trustee Shearer – Where are the revenues from the sewer fees going right now?

Village Clerk Autrey – Into water right now. We haven't broken them out.

Trustee Shearer – Well it's very hard to say we can come up with the matching funds when we are unable to determine how much money we have.

Kevin Kennedy – I can understand that. I can write them and tell them, this is what we owe.

Trustee Menix- We all think that we need the infrastructure done. The problem is, we just don't know where we are at. I have looked at stuff, and these girls are about sick of me coming in, telling them, I need some more. I just can't really figure it out. When you look at the 2020 audit, the biggest thing is, aside being over budget, they are like, you've got to quit spending over budget. You've got to do your budget and stay within your budget. I'm pretty sure we are going to find out, in 21, 22 and 23 we've over spent our budget. And we are still going to get those findings.

Trustee Shearer – And we are doing it this year again.

Trustee Menix – Yes, we are going to be over budget again this year from what I can tell. We've got to get the spending under control and get it down to where we are staying in budget before we can really do anything else until we know exactly where all of our money is. I've spent countless hours. I know Brian probably has, Sherry probably has. That's why we need budget meetings to get this figured out. Put our heads together and try to figure out what's going on, and where we are at and we are at the mercy of the audits. The auditor. But I think she is almost done with 20-21, am I correct Angela? Is that what she's telling you, and then they said that 22 and 23 would come pretty quick after that.

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Village Clerk Autrey – We are working with the accountant right now.

Trustee Menix – Okay, but until we do that, I'm just reluctant to spend any money.

Kevin Kennedy – Just bear in mind that, you are going to be receiving money for Tiger Drive. Which is 1.3 million. So, our match on that is \$72,000.

Trustee Shearer - That's not in the budget.

Kevin Kennedy – I don't know.

Trustee Shearer – You have until March 28th to submit this?

Kevin Kennedy – No, I have to submit it by March 8th.

Mayor ProTem – March 28th if we don't have our audit in.

Trustee Shearer – All 3 audits done by March 28th.

Kevin Kennedy - We have to have at least 2.

Mayor ProTem – Two out of the 3 we owe?

Kevin Kennedy - Two out of the 3 and an extension on the other. So, that's not going to happen.

Mayor ProTem - That's not going to happen.

Kevin Kennedy – I would not feel bad about saying no to this. I really wouldn't. I don't want to waste my time.

Trustee Shearer – I'm less concerned about your time, I'd like to get the money if we thought we could get the match. I would hate to pass up the opportunity to get a Colonias grant, but I can't get my hands around the money in the bank.

Kevin Kennedy – I understand, and that's the way I figured it but, I had to try.

Trustee Menix - We want the community to realize, we know we need lots of work done in infrastructure. Then again, we need to know what our bottom line is. We just can not keep spending money without knowing the bottom line. Period. That's where I'm at.

Trustee Hair – This is for the waste water, right?

Steve Osborn – No, it's water on Mt. Capitan Rd.

Trustee Shearer – The matching funds would come out of the Water fund. It's appropriate. If we could just figure out where all of that money is. I think one of those CD's is going to have to go to Water.

Kevin Kennedy - Well, we were thinking it was going to come out of Water that they were going to start hauling but, they haven't started hauling yet. I think that's what they were thinking.

Trustee Shearer – Well, you know what they say about counting your chickens.

Mayor ProTem - Well, I need to ask is there a motion to approve this resolution?

Trustee Shearer – I regretfully, I wish I could because I don't want to pass up a grant. I think we could get a Colonias grant.

Kevin Kennedy – We could, if the audits were done. I would be really confident.

Mayor ProTem - We are pushing if for one but to have two, it's going to be hard.

Trustee Shearer - I don't even know where those restricted funds are at this point. I think we've got restricted funds set aside for debt service but are in the investments somewhere.

Mayor ProTem - Adjourned.

Adjournment:

Meeting adjourned at 7:09 PM.

**Brian Cleckler, Mayor ProTem, Village of
Capitan**

Attest:

Angela Autrey, Village Clerk

#4

**DRAFT Village of Capitan Agenda
Budget Workshop
February 20, 2024
114 Lincoln Ave.
6:00 P.M.**

The Village of Capitan Board of Trustees met for a Budget Workshop meeting on Tuesday February 20th, 2024 at the Village Hall in Capitan, New Mexico at 6:00 PM.

Mayor ProTem Cleckler Called the meeting to order at 6:05 PM

Roll Call: Mayor Davalos – Absent, Mayor ProTem Cleckler – Here, Trustee Shearer – Absent, Trustee Hair – Here, Trustee Menix – Here, The Village Clerk Angela Autrey, Finance Officer LeAnne Brasher and Chief Randy Spear were present.

Item #1 Approval of the Agenda

Trustee Hair motioned to approve. Trustee Menix seconded the motion. All in favor
Discussion:

Trustee Hair – I move that we approve.

Trustee Menix- Can I ask a couple of questions before we get started on this? I'm just curious, when is our next years budget due?

Finance Officer Brasher – The interim is due by June 30th. The final is due by July 31st.

Trustee Menix – Have you started on that yet?

Finance Officer Brasher – I've been trying to get to it. I did start. I've already talked to most of the department heads. They need to come in with me because, I think we need to expand our line items. They need to have their input. That's one of the things that I learned at that finance class, that I need to have their input on how they want to see their budget.

Public Francis Traylor – I thought they did that last year.

Finance Officer Brasher – They semi did but, then we ended up having to cut things. They had input in the beginning, but then it was changed.

Public Francis Traylor – Do you think they will have more revenue next year?

Finance Officer Brasher – I'm hoping, because I still have to do that three-year projection.

Trustee Menix – I didn't know you had to do that. I have another question. Can these be forwarded to us?

Village Clerk Autrey – Yes, I have the links that I am going to forward to you all after this. This is just to get us started.

Finance Officer Brasher – You can also go on the NMFAA website. They also have tutorial videos there through YouTube also.

Trustee Menix – My question is. Would it be better if we watch these and came back with questions? Or are you able to stop it and go in case there's a question?

Finance Officer Brasher – This is basically the beginning process of, how you go about putting the budget together. You have to know what fund, you have to know what your budget line items will be.

Trustee Menix – I didn't know if it would be better to watch them at home and then come back with questions. For time factor and what was best for you guys.

Village Clerk Autrey – In the three days that we had to prepare for this one, because I didn't think about us being gone Monday, and LeAnne was gone that day. We just didn't have a lot of time to get everything together.

Trustee Menix- I don't mind watching them at home if that's more valuable for you guys. Or would you rather us sit here. What do you feel Sherry?

Trustee Hair- Personally, I've gone through these because I came in and talked to LeAnne beforehand. Not recently, this has been several months back in October, to get a better understanding. Our school budgets are very similar to this because they are under State regulations as well. In my mind, watch it here, ask some questions as we go through it. Ask them at the end. That would probably be the smoothest thing.

Trustee Menix – Okay, because you have already watched it. Have you watched already Brian?

Trustee Cleckler – No.

Trustee Menix – Okay, I'm just trying to make this simplest, there's not very many people here. Everybody wants to go home, I'll watch this at home and then come back and ask questions.

Public Francis Traylor – Is it better to come in and ask questions, or email them to you?

Finance Officer Brasher – Email is actually probably best. To be able to answer the questions. That way we have it all documented. Personally yes, email is best.

Trustee Menix- What is your opinion Brian?

Trustee Cleckler – Let's go ahead and watch it and see where we are at.

Trustee Menix – Okay, then I second.

Roll Call: Trustee Cleckler – Yes, Trustee Menix – Yes, Trustee Hair – Yes. All in favor

Item #2 Discussion – DFA and LGBMS Budget Training.

Due to the time of the Budget workshop:

Trustee Hair motioned to move the Budget Workshop time to 4:30. Trustee Menix seconded the motion. All in favor.

Discussion:

<https://youtu.be/wOasJyCXOd4?si=RBWnPc4UZkQ-Wrbb>

Finance Officer Brasher – This video is what they call the Crosswalk Tutorial. They are teaching the beginnings of how to start putting a budget together.

(The video was started)

(About 15 mins into the video, it was agreed that it was too difficult to try watching it in the meeting room. Discussion resumed.)

Trustee Menix – Are there accounts that we need to know about? She (referring to the video) was saying there might be special accounts. Are there ones that we have, that we need to know about?

Trustee Cleckler – Do we have a budget that we could look at of ours, so we can see?

Public Francis Traylor – You know what LeAnne. Why don't you take your chart of accounts and start with the revenues, and tell them which one's that you get for revenue. Maybe that will help them out.

Finance Officer Brasher – (Brings out a binder of information) On the general fund, which is no department needed – un restricted cash. That is going to be the money that comes from the previous years budget. That gets reconciled after your 4th quarter has been approved. After the 4th quarter has been approved, those ending numbers has now become...

Trustee Cleckler – The first quarter?

Finance Officer Brasher – 4th quarter doesn't come until after interim. You kind of know where the unrestricted cash is going to come forward but sometimes they change a little bit. That's what your unrestricted cash is. Then you have investments. Those would be added onto the budget. Anything that says, "no department needed", that's income. (going through pages of information) Down here, it's still your general fund but, you are going to 1001 which is your Government Body. You are going to have your Elected Officials salaries, office supplies, travel, training etc.

Public Francis Traylor – Those are all grouped together, right LeAnne?

Finance Officer Brasher – This is how big the general is. You have general administration, Clerk, Mayor, Governing Council, Finance, Parks and Rec., all departments.

Trustee Cleckler – When we will get the budget it will say 1001 and that is salaries for Governing Body. That's everybody's salary but it's just one-line item because everybody is grouped in there.

Finance Officer Brasher – No, it's completely separated. The Governing Body is 1001, and you do their budget. Here is the Mayor, 1007, then you do their budget.

Public Francis Traylor – LeAnne, you can choose the 11,000 and what is the other number? 1001 and then their code?

Finance Officer Brasher – Your fund is going to be 11000, General Operating fund. Then it goes to your department. Department 1001 is the Governing Body. From there it goes to 51010, which is the salaries of the elected officials. That's all entities.

Trustee Cleckler – I understand. As more detailed you get, it all starts in the same one and then it starts breaking it out.

Finance Officer Brasher – Right, then you have to detail it. Correct. That's why I was talking with the supervisors. We need to have a little more detail than what we've been having in the past. I'm not sure if I'm using the right words, that it breaks it out more by line item.

Trustee Menix – Like with Randy, you want him to break it down into? What's a couple of line items?

Finance Officer Brasher – Office supplies, Field supplies, Uniforms, Utilities.

Trustee Cleckler – So are you wanting them to give you an idea of what that cost is? To help you out?

Finance Officer Brasher – No, I want them to put their budgets together.

Trustee Cleckler – I totally agree with that.

Finance Officer Brasher – And I want to add more line items because we have maintenance and repairs on the buildings. I want to categorize it a little bit more.

Public Francis Traylor – Like program budget-based accounting. Do you have a code? Like Parks and Recs., do they have a code that tells you that its for their supplies.

Finance Officer Brasher – Yes. So, after your general budget comes your corrections budget. Which is pretty much the same thing with the codes. A specific amount has to go back into the Office of the Administrative Courts. They've put it together where judicial and automation fees were separated, now they are making us put them together and send them one check. We don't get to keep that money.

Village Clerk Autrey- They are about to take all of that away.

Trustee Menix – Take away?

Village Clerk Autrey- We won't get to charge it any more.

Finance Officer Brasher – We will not get to charge the person that comes to court. On corrections, automations, and judicial right?

Village Clerk Autrey – They are trying to get rid of Municipal Courts.

Trustee Menix – Would they go to District Court?

Trustee Cleckler – Magistrate. That's what they told us.

Finance Officer Brasher – So, after corrections, we have the fire fund. The fire fund is strictly money that comes from Home Land Security. Each municipality, I think it depends on how many volunteer's you have or actual employees that you have with the Fire Department, you get a certain percentage. The Fire Martial Allotment, is what it's called. The Fire Department have their own moneys that they receive from the State, and that's what we work that budget off of. That money does not belong to the Village of Capitan, only to the Fire Department. They do get donations once in a while. What fire did they recently fight? Well, Keven put's in his time, and we get a little stipend back from that which all goes to the Fire Fund. Then you have the LEPPF. Which is the Law Enforcement Protection Fund. That money comes from the State. That money can only be used for specific items.

Trustee Cleckler – Is this the one for Phil?

Chief of Police Spear – No, this is a different one. This one is for like the units I bought and all of the stuff that goes inside of them. It's not really supplies. It's equipment. I can buy anything except a building and office furniture and stuff like that. Computers I can buy, equipment, travel and training can go to it.

Finance Officer Brasher- Unfortunately I don't have a copy right now, but what you were talking about is called the Law Enforcement Recruitment and Retention. That's a three-year grant. We've already done the first year which was \$78,000? 22-23, 23-24 is \$37,000, 24-25 will be \$18,500. So, it's split each year.

Chief of Police Spear – It will be coming up again whenever the DFA gets the rules put out here pretty quick because there was, if I remember right, \$27,000,000 put back into that fund.

Trustee Cleckler – That's just to recruit a new officer, right?

Finance Officer Brasher – Recruitment and retention. So, Phillip was recruited and now we get to use that to retain him.

Chief of Police Spear – Last year they kept changing the rules mid-stream on that thing. I knew it was going to be a nightmare for LeAnne, trying to keep up with it, because they were changing the rules every week. They couldn't make up their mind on how we could spend this money.

Trustee Menix – Now do we know how to spend it?

Finance Officer Brasher – They had changed it after we had already done the budget and finalized it. They were like, "Oh, no. We don't want it to go here anymore. You have to do your adjustments and now we want it over here."

Chief of Police Spear – She had put in for a bunch of equipment for Phil, that it said we could do. Then they came back and said, you can not do that.

Finance Officer Brasher – We spoke to Giovanna and she said, you've already done it. Just leave it the way it is. So, we did.

Trustee Hair – I am finding that there is liquidity in the numbers. You've got the State always shifting around what they are doing. At the same time, you have to know where to allocate things. It takes time for input to go in, and then be reflected on the next budget.

Finance Officer Brasher – Then there is Lodgers Tax. (she signals to Trustee Cleckler). You know about Lodgers Tax. The money that comes in from Lodgers Tax, has to stay with Lodgers Tax. What ever is collected, has to be disbursed within two years or the State wants it. It doesn't make a lot. They have not said anything about wanting the last year.

Trustee Cleckler – And you can only use it a certain way.

Finance Officer Brasher – If it has anything to do with advertising, there is a quote that has to go on to every add, "Sponsored by the Village of Capitan's Lodgers Tax."

Trustee Menix – That's used a lot.

Finance Officer Brasher – They've done a lot this past fiscal year.

Trustee Menix – A gal said something to me, and said they are doing something in Ruidoso and she said, "Well, I'm going to go to the Lodgers Tax and ask for advertising money."

Trustee Cleckler – Basically, the money that the Lodgers bring in, what ever you advertise has to bring people into the community that can stay at the lodging facilities so you can get their tax. You can't just be coming to eat lunch at Oso Grill. If you are not staying here then...

Finance Officer Brasher – Prosper for the community. Then you have the Street Department. This one is a little tricky. The Street department gets a percentage of gross receipts tax. That money goes to the Street Department. The Street Department can not make money. In the Street Department, they will have a small income because they do culvert work. All he can charge for is the actual cost for the culvert and the cost of what it's going to be for their salary. If it takes them 2 hours, they will charge 2 hours plus the cost of the culvert.

Trustee Hair – And any kind of base rock?

Finance Officer Brasher – Yes, if they have extra materials for it.

Trustee Cleckler – Basically, it can't cost the Village money, but the Village can't make any money off of it.

Finance Officer Brasher – Right, we can't make money off of it. Out of that money is for their field supplies, their salaries, etc. There are cases where the general account can transfer money

into the street department because they can not make money. On occasion, like when they bought the backhoes, the Street Department does not have that kind of money, so in the American Rescue Fund (with COVID), I can't remember what that was called. It had money, so we got the money to pay for the Street Department backhoe.

Public Francis Trailer – LeAnne, I remember the general fund loaned money to the water department or something like that last year. I remember it on your sheet, remember when we were working on it. It was like \$40,000.

Finance Officer Brasher- That's what Bobbi wanted to budget. So, that the gross receipts tax was not going into the water and the sewer fund. Remember when we were doing that? I have her paperwork in my book. She wanted to allocate more of the gross receipts into the general account, but we can't do that unless the ordinance gets changed regarding our gross receipts tax.

Public Francis Trailer- I remember asking, when you do your loans, are they permanent loans?

Finance Officer Brasher – No, it has to be paid back.

Public Francis Trailer – So, like on Smokey Bear, the money that's put into that. Do they pay it back?

Finance Officer Brasher- No, Smokey Bear is different. Thank God for Peggy, because she has really brought that store way up. I know that one month it didn't really profit, but when you look at the overall. The unrestricted cash, what the income was and what the expenses were. It was still in a positive number.

Public Francis Trailer – You guys are doing that like a supplement.

Finance Officer Brasher- We shouldn't have to supplement that anymore because they are doing that well. The previous year they loaned them....

Village Clerk Autrey- \$20,000 or something like that. They didn't even touch some of that.

Trustee Hair – I know that we had \$10,000 that we put in at one point in time.

Finance Officer Brasher – Over the last several years they probably have given them like, \$55,000. Now we don't have to.

Trustee Cleckler – That was a question that I had because, the one meeting before the election or maybe it was after, they did the improvements to the Smokey Bear. Al said that the money set aside, Smokey Bear did so good that they didn't even need to use that.

Finance Officer Brasher – It was already budgeted. So, that money for those repairs, already came out of the budget.

Trustee Cleckler – I thought he said that, I could be wrong, that Smokey Bear was doing so good that they didn't have to use that money.

Finance Officer Brasher – The previous year they wanted to transfer \$20,000 and we did not end up transferring that money.

Trustee Cleckler – It was never transferred. It was just there just in case.

Finance Officer Brasher- They never needed it. Then you have your Capital projects. Which is going to be anywhere from Streets, Water, Sewer, etc.

Trustee Menix – I know it's not exactly capital but maybe, just a question that come up. When we get ready to do Smokey Bear, and Tiger Drive. And we have a \$72,000 match, is that going to be like the one for the Depot? Or are we actually going to have to come up with the \$72,000.

Finance Officer Brasher – We have to come up with the \$72,000. So, Tiger Dr., that's going to be part of the Street Department but it's going to have to be supplemented through general fund because we don't have any in kind on it. I'm going to use the Street Department. So, in kind is where the Street Department can come in and use their equipment and hours and that becomes part of the in kind. This is not an in kind. This is a match. A match means that we have to come up with the \$72,500. We did get over a million dollars for it.

Trustee Menix – Can we get a copy of that grant, so that we can read it. So, we can know what's going on? You can get it to us later.

Finance Officer Brasher – Yes

Trustee Cleckler- This is a project that is getting ready to start?

Finance Officer Brasher – We can't start it until school is out. But we already have the money from the State.

Trustee Cleckler- We budget the \$72,000 already...

Finance Officer Brasher – We have not. This is brand new. Because you are not supposed to budget your projects until you actually receive the funds.

Trustee Cleckler – So, will this be in this year's budget or next year's budget?

Finance Officer Brasher- If they start in May, it will be this year's budget. But, if they don't start until July, it will be next years budget.

Trustee Cleckler- The fiscal year. I didn't know if the grant was this year, we already had to have that money there.

Finance Officer Brasher- I'll have to report the money if we've already received it.

Trustee Cleckler – We are going to have to have our match. So, does that money have to be there before the grant has started or when the project is finished?

Finance Officer Brasher – I still have to budget for the match also.

Trustee Menix – So, even if you have to budget for the match, can you budget into next year?

Finance Officer Brasher- It depends on when they start.

Trustee Menix – I know you said that, but who determines when it starts? Maybe that's how I should have asked that question.

Finance Officer Brasher- It's the State right or is it Dennis Engineering?

Chief of Police Spear – Dennis Engineering is doing it but I think it went through the State.

Trustee Hair – The state has the contractor go in and do the projects. The State will regulate how we are doing things. They never start on time.

Trustee Menix- So, it's not up to us to determine when it starts. Okay, we don't get to have a say.

Finance Officer Brasher – Now we have your water funds. The water fund has to stand alone. It can make money. Again, you have unrestricted cash, income, and expenses. We break down the water administration fees, new taps, new lines and then you have your expenses. The water has to stand on it own. It can't loan money, or It can but it has to be paid back.

Village Clerk Autrey – Honestly, I don't think they can. Maybe to sewer I would think.

Finance Officer Brasher- I don't think it can loan to the general account.

Village Clerk Autrey- I think the general can loan to the water.

Trustee Cleckler- Can the general give to the water? Does it have to be a loan?

Finance Officer Brasher – It would have to be a loan.

Trustee Cleckler- But general can give money to streets?

Finance Officer Brasher- Yes, right because the water, sewer and the trash are their own entity's, I think would be the best way to explain it. In an entity, the money is supposed to stay there in that particular entity. The solid waste, the sewer, is all basically the same. Then you have the Cemetery, which is separate. The Cemetery has money that is collected from plots, opening and closing of graves. That's their basic income. Then there are expenses such as paying for water and miscellaneous things like a new garbage can.

Trustee Cleckler – Who pays for the upkeep of the Cemetery? Parks and Rec., does it right?

Finance Officer Brasher – Parks and Rec and the Street Department.

Trustee Cleckler- But that doesn't come out of the Cemetery budget, that comes out of the Street.

Finance Officer Brasher – Out of the Street Department or the Parks and Rec. Parks and Recs used to take care of it, now its back to the Street Department taking care of it. They go and they mow.

Trustee Hair- Isn't it the Water Department who goes in and digs the graves?

Finance Officer Brasher – No, the Street Department is doing it now. They use to.

Trustee Hair – Can we circle back to the Water? One of the things we need as a board to consider, the Water Department can make money. Steve Brought up in an earlier meeting, that our water tap fees are way out of line to similar municipalities. So, we need to gage, do we go in and increase those water taps? Or do we charge for what's an empty lot, but there is water available to them? Most municipalities charge water to that particular. We just need to stay on top of it, is the point that I am trying to make. We are going in and not going forward and not circling back to it because it was a proposal.

Trustee Cleckler – I was at that meeting.

Trustee Menix- I was at that meeting and they said no, you can not charge for unused lots.

Trustee Cleckler- I thought that on raising the fees, there were going to come back on a later date.

Trustee Hair- That's what I'm saying.

Trustee Menix- I think that we need to do that, but I think that it needs to be a gradual increase. I don't know the prices, but it should be this much of a raise and then after so long.... That way some people don't get sticker shock.

Trustee Cleckler- I agree. It was there and then it was gone.

Trustee Hair- That's where, looking at the future for what can happen for these different departments. Not only do they need to be responsible for their own budget, but they need to go in and list things on a project list. As an example, with the water department, they have a project where they have to go in and replace the lining of the lagoons we have because they

deteriorate. They need to project so that we know that's coming up. There needs to be project management.

Trustee Cleckler- On the budget needs to be a list of what they need, and if the linings only last three years, and it's the third year this year. And even have a wish list that they would like.

Trustee Menix- You can't go from \$500 to \$1,500. It's sticker shock.

Trustee Cleckler- Well, you guys approved the raises. But if you approve the raises and we have the cost of everything else, and then we are paying the employees more. The cost has to go up. Simple as that. If not, it's just costing the Village more money.

Trustee Hair- When we saw the initial information on the water rates, it was like, "Woah, wait we can't do that because that's going to be a shock." That's how we got the suggestion from Doc Fraley to go in and look at 10%. At least that brings us back into alignment because, if we didn't get aligned we wouldn't get funding from the State.

Trustee Menix- I don't know if this is being done, but at one time the water bill went up \$.50 every year or whatever, so we were staying in that. Is that in the ordinance?

Village Clerk Autrey – It was.

Finance Officer Brasher – According to our ordinances, every fiscal year, it's supposed to be raised by the CPI rate. But over I don't know how many years....

Village Clerk Autrey- The last two that I know of.

Finance Officer Brasher – The council has denied it. Not to raise it.

Trustee Menix- Do we have any idea what the CPI rates are?

Finance Officer Brasher- Yes, Charlene gets the CPI rates based on the size of the pipe.

Trustee Menix – How often?

Finance Officer Brasher- Once a year.

Trustee Menix – So, can you get us that kind of information?

Finance Officer Brasher - I think she gets that either May or June.

Village Clerk Autrey – Most all of the Municipalities around the State do it that way.

Trustee Menix- I know that it's something that we need to look at so, it's not the sticker shock of, we are going to raise your bill \$25.

Finance Officer Brasher – We haven't raised it in so many years.

Trustee Menix- Trust me I sat through all of those meetings. I'm just saying that we need to be looking at that.

Finance Officer Brasher- When that does come out. Charlene does a presentation on that. She has at printout and everything. It's been quite a few years.

Trustee Menix – If it's something we can get and look at, then we can say what's doable.

Trustee Hair – In a municipality we know that there are certain things we need to do at certain times. We know we've got the budget but there are things we need to be looking at on an annual basis.

Trustee Menix – If we had a list that says, this comes up in June, this comes up in July, this comes up in August. We can look at it and know what is coming up and we need to start thinking about it. Have a budget workshop to discuss it and find out how we are going to do it. That would be so helpful.

Trustee Hair- The problem we have right now. This budget workshops are very good. The complications with it, is that it takes up their time, and we are paying them overtime.

Trustee Menix – Maybe if it's just a hand-written thing, and when we've got it done....

Village Clerk Autrey- It's not a problem. We used to have one in the office.

Trustee Menix- I know lots of places do that. They have a yearly list of what to do at what times so that you are looking at that ahead of time.

Finance Officer Brasher – There is a sheet that I have to go off of. Because, I've got to do payroll taxes, I've got to do the information for you guys for the power point. There is a list of everything that I have to do a report every month.

Trustee Menix- I guess my thing is, every year that have to be done at a certain time no matter what. You don't even have to put the year. Just say yearly June, this is due, July, this is due, August, this is due. Then we know, those are the things we need to be looking at.

Finance Officer Brasher – Sure, like the interim is due by June 30th, 4th quarter is due July 31st, 1st quarter is due by the end of October.

Trustee Menix- Right, those are every year, you don't have to put the year on it. Like this CPI is due in June.

Public Francis Trailer – You can have contracts that have to be renewed. That's what we used to have.

Trustee Cleckler- That would be good because, like on the last meeting, I didn't realize until the next day, our lawyer contracts weren't up until July. If I would have known that, I would have made a motion to postpone it. In a meeting if we have a deadline in front of me when it's supposed to be. We could say, let's discuss this a little more.

Finance Officer Brasher - Like in May. We have a 3-year contract with an auditor, we have to start the process of sending out letters.

Trustee Cleckler – You mean like, Pam Rice.

Finance Officer Brasher – Well yes, there is a list the Office of the State Auditor has and we have to go by that list. We can't go find somebody.

Trustee Cleckler- Is she up in May?

Finance Officer Brasher - No, we did 3 years with her.

Public Francis Trailer- Most of the auditors are multi year.

Village Clerk Autrey- We can use them up to 8 years. We have to get another one after that.

Trustee Cleckler- Have you heard anything on the audit?

Village Clerk Autrey- She is supposed to be getting us a list. If there is anything she's needing.

Trustee Cleckler- So, she's looked at it at least?

Village Clerk Autrey- Yea, she's looking at it. She hasn't got us a list yet. So, we are hoping that maybe that's a good thing.

Finance Officer Brasher – We are keeping our fingers crossed.

Trustee Cleckler – I know, once it leaves you guys, you know. It's out of your hands

Finance Officer Brasher- So now what you have is your other enterprises. All of the budget items and line items, I want to re iterate, each one of these, I have to use their numbers. I can't just go willy nilly deciding what numbers. In one of the meetings I said, with Carr Riggs and

Ingram, for the 22 and 23 also, they are going to have somebody come in to help me. That we are going to structure QuickBooks with this so that it will make it so much easier to put the information in and it won't take so much time to break down the information. There are like 200 to 400-line items. Which one should I really be choosing? They are going to help out with that once everything is done. It will make the reporting so much easier. Smokey Bear Enterprises, the same structure. The unrestricted cash, the income, the expenses and so forth. Yes, they can receive loans but they can't give loans. The very last one is what they call the trust and agency. Which is the security deposits of the water customers. This money does not belong to us. This money belongs to the customer. When a customer leaves and they are in good standing and they don't owe any money. They get their deposit back. If a customer leaves and they owe money, we have that security deposit and deduct it from that security deposit. Home owners have \$100, if you are renter it's \$250. We keep the individual's money for 3 years. After three years, if they are in good standing we return the deposit.

Trustee Cleckler- I need to see if I have any money coming back.

Finance Officer Brasher- I don't know what else to explain.

Trustee Menix – That was great for tonight. I got a lot.

Trustee Cleckler- Where are we looking at for the next meeting? What are your ideas?

Finance Officer Brasher- I'm working on January now. To get that going, I don't think I'll have February ready. I'm going to try.

Trustee Cleckler – Can we have some stuff to start looking at where we are going on next years budgets. Even if you could crop a page. I understand it's a huge process. Even if you can give us an update on, (Street department has this and that, or I haven't heard from Randy) just an update on where the departments are so that we know where to look.

Finance Officer Brasher – For the next budget. The 24-25? I haven't had the time to sit down with each individual supervisor. When you go to build your budget, and you can watch some of those YouTube trainings, they will tell you that you will need to get a 3-year projection. When you get that 3-year projection, you can go and start building your budget.

Trustee Hair- It a strategic plan what you are initially talking about. One of the things as the department heads become more responsible for their own budget. Then what really should happen is they are defending what is on the budget. Not necessarily you, because they are knowing where things need to be spent. I think that that would be where we need to direct ourselves to. In addition to, once we get an agenda and if we have questions, rather than waiting until the meeting occurs. Why not send questions like hey, during the meeting I would like to see this and this? That way, they are better prepared, rather than trying to pull a rabbit out of a hat. And you know, I don't have the budget right there in front of me.

Trustee Menix – That's where when we get the budgets, if we can meet before. Then we can eliminate a lot of questions before, that would be perfect.

Trustee Cleckler – If I ask what's going on. Then you know if I ask it in a meeting, then you'll have it right there.

Finance Officer Brasher – If we do budget workshops, it actually eliminates the budget overview during the meetings.

Trustee Hair- If a trustee has a question about something, it seems to me more fair to the staff and clearer to the public, if that question is prepared for. If it's something that is in the budget, say we meet 30 minutes, it's still not clear, or still have problems, you still bring it up because it's an agenda item. However, it will make the meetings more effective.

Public Francis Trailer – Anytime you can give LeAnne a heads up like in an email. A lot of the time's there is just too much going on. Give her an email that way she could have it ready and be able to explain it before. Then she has time to research things.

Trustee Hair – Tiffany may come up with a question, and I haven't looked at it that way before, it's something we can address and answer hey, I've never looked at it that way. It makes it more effective.

Public Francis Trailer – Something I want to suggest LeAnne. When you work with the departments, you can have them project their people. How many people they have to project their salaries.

Trustee Hair- I'm going to circle back to the Street department. When you said that they get a percentage of the GRT. Is that consistent?

Finance Officer Brasher – It's only the percentage of the Gross Receipts.

Trustee Hair- Is it like a 10%?

Finance Officer Brasher – If you look at the ordinances, it's in the ordinances.

Trustee Hair – If it meets the ordinances, you could go in and say, we may have a bad spring. We are going to have lots of roads that are going to be washed out. So, we need to consider increasing that percentage maybe.

Finance Officer Brasher- You have to go through the ordinances.

Trustee Cleckler – You are talking about raising the percentage of the gross receipts. But if we do that, then we are taking away from other departments right?

Trustee Menix – Where else do the gross receipts go?

Finance Officer Brasher- The gross receipts go to the general account, the street department, the water, and the sewer department. Remember, I showed you the book with the break down.

Trustee Menix- Are the percentages divided up differently then?

Finance Officer Brasher – Yes

Public Francis Trailer – You guys were asking about the small city's assistance.

Finance Officer Brasher- That cheat sheet I gave you. That explains what it is. It's not a grant. It's a fund.

Trustee Cleckler – This goes into the general fund?

Finance Officer Brasher- That goes into the general account.

Trustee Menix – Are you good for tonight? (asking the other trustees)

Village Clerk Autrey – One thing that I would like to request, and I understand if you don't want to but, Randy, LeAnne and I are, I don't know how it got changed but, we're salary. We're not doing overtime, we are flexing our time out. We are going to go back to salaried.

Trustee Cleckler – That has to go through us, right?

Village Clerk Autrey – Like I said, I don't know how it got changed in the first place. I'm just kind of letting you know that we will bring it up. But in order for us to do some of these meetings, to cut down on the overtime, if we could do them a little earlier. That would help a lot.

Trustee Cleckler – That's fine.

Trustee Menix – So, we can do them at 5:00 or 4:30?

Village Clerk Autrey- For the workshops at least. So, the guys can come.

Trustee Menix- Will you put that on the agenda, for us to change the times?

Village Clerk Autrey- We have two more.

Trustee Menix – Well we have one more before the meeting. Can we change it to 4:30 now?

Village Clerk Autrey- If you don't mind because we haven't put the agenda out.

Trustee Cleckler- Do we need to make a motion?

Trustee Hair – Let's make it as normal as possible. We need a motion. I think we need a second, and I think we need to vote. That way it's in the minutes.

Trustee Menix- It wasn't on the agenda that's why I'm asking.

Village Clerk Autrey- Being that this is referring to the workshop, it should be fine.

Trustee Hair- I would like to motion that we move the budget meetings to 4:30.

Trustee Menix – I second.

Trustee Cleckler – Any discussion?

Roll Call: Trustee Cleckler – Yes, Trustee Minex – Yes, Trustee Hair – Yes. All in favor.

ADJOURNMENT

Trustee Hair - I motion to adjourn the meeting.

Trustee Menix – I second.

Trustee Cleckler- I adjourn the meeting.

Trustee Cleckler adjourned the meeting at 7:21 p.m.

ATTEST:

/s/ Angela Autrey

Angela Autrey, Village Clerk

4

**Draft Minutes
Budget Workshop Meeting
March 5th, 2024
4:30 P.M**

The Village of Capitan Board of Trustees met for a regular meeting on Tuesday March 5th, 2024 at the Village Hall in Capitan, New Mexico at 4:30 PM.

Mayor Davalos Called the meeting to order at 4:42 PM

Roll Call: Mayor Davalos – Here, Trustee Cleckler – Here, Trustee Shearer – Here, Trustee Hair – Here, Trustee Menix – Here.

The Village Clerk Angela Autrey, Fire Chief Kevin Kennedy, Street Department Johnathan LaMay, Chief of Police Randy Spear and the Finance Officer LeAnne Brasher were also present.

Due to an audio recorder malfunction, the minutes are only the approvals of the discussion and actions of the meeting.

Item #1 Approval of the Agenda

Trustee Hair motioned to approve the agenda. Trustee Cleckler seconded the motion. All in favor.

Discussion: No discussion was made on this item.

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

Item #2 Discussion/Action – Adopt Resolution 2024-09 Sponsorship for a Transportation Project Fund and Project Match Commitment. – Kevin Kennedy

Trustee Shearer motioned to approve the resolution on the basis of next years budget. Trustee Hair seconded the motion. All in favor.

Discussion:

Kevin Kennedy stated that it will be a good fund for small villages like us with only a 5% match. The project will have lealer of almost 5 miles of chip seal. The application for this resolution is due, March 7th. He would like, in the future, to have a line item for grant matches.

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

Item #3 Discussion/Action – Adopt Resolution 2024-10 Application for the 2024-2025 New Mexico Department of Transportation Local Government Road Fund Program for Street and Drainage Improvements Within Capitan, New Mexico. - Kevin Kennedy

Trustee Shearer motioned to approve the resolution with the stipulation of next year's budget. Trustee Menix seconded the motion. All in favor.

Discussion:

Kevin Kennedy said this resolution is a LGRF, Local Government Road Fund. It is a staple we have used for many years. It will be for a top seal consisting of asphalt and polymers between the Co. Op and MAP. With a 25% match. Johnathan LaMay stated that, hopefully most of the work is going to be in-kind work with no cash out of budget.

Trustee Cleckler – Yes, Trustee Hair – Yes, Trustee Shearer – Yes, Trustee Menix – Yes.

Item #4 Discussion – Budget Workshop

Next budget workshop will be May 19th at 4:30 p.m.

Adjournment:

Meeting adjourned at 5:30 PM.

Trustee Menix motioned to adjourn. Trustee Cleckler seconded the motion.

Minerva Davalos, Mayor

Attest:

Angela Autrey, Village Clerk

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#1531144 Backhoe maintenance	-392.20	Street
	Check	01/04/2024	1630	PO#W3210 Inv#1553137 Backhoe maintenance	-392.20	Water
AC PRINT & DESIGN LLC						
	Check	01/17/2024	7690	PO#ADM7227 Inv#36663 Envelopes	-387.33	General
	Check	01/17/2024	1643	PO#ADM7227 Inv#36663 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#HUBARD PD Inc.#287568 - 4 Defibrillators	-3,916.00	Law Enf
American Water Works Association						
	Check	01/24/2024	1650	Inv#SO135783 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 Hosting Service	-75.54	Water
Baker Utility Supply						
	Check	01/04/2024	1633	PO#W3217 Inv#317843 & Inv#317845 Poly Pipe & Box Top Screws, Insert Silienc, Hymax2 cr	-1,426.87	Water
BANKCARD DEPOSITOR 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	-\$3.94	Split
C & JS Tire and Auto Service Inc.						
	Check	01/24/2024	7703	PO#ST5363 Inv#1-36620 Tire Tube Installation	-156.67	Street
Card Service Center						
	Check	01/25/2024	ACH	Dec 2023 monthly services	-328.81	Water
	Check	01/25/2024	ACH	Dec 2023 monthly services	-3,036.25	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#001-0999312-000 Motor Grader	-2,633.97	Street
Cintas						
	Check	01/04/2024	7675	Inv#9253844631 Water cooler agreement	-60.00	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#69964312 Company#0501 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 HW21200621 S2700.00 March \$900	-3,600.00	Street
	Check	01/24/2024	1652	Inv#9518 Llt Sation Project SAP 21-E2338 STB	-2,104.06	Water
	Check	01/24/2024	1653	Inv#9493 H-695-POD 7 Well 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	1641	Acct#3305 December 2023 Poly Cars		-18,602.40	Trash
	Check	01/17/2024	1642	Acct#226 - December '14, 23 Ionage & Roll Off		-46.99	Trash
	Check	01/31/2024	ACH	check printing		-331.78	Water
Jared's Garage, LLC	Check	01/24/2024	7707	PO#PD2302 Inv#PS-4.1 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		-1,247.98	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
LegalShield	Check	01/04/2024	7677	December 2023 monthly service		-159.50	Split
Lincoln County Mercantile	Check	01/04/2024	1133	PO#PR8116 Inv#B150174		-8.08	Parks & Rec
	Check	01/04/2024	7671	December 2023 monthly service		-295.81	Split
	Check	01/17/2024	1136	Inv#S25432 monthly service		-35.00	Smokey Be:
Mountain Alarm Systems	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	CaseID#000108668 Quincy Boyd		-187.85	Employee
	Liability Check	01/17/2024	7683	CaseID#000106668 Quincy Boyd 1/1/24 to 1/14/24 Payroll Period		-187.85	Employee
	Liability Check	01/30/2024	7714	CaseID#000108659 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	Check	01/17/2024	7656	Acct#472302 December 2023 monthly service		-16,087.55	Split
	Check	01/10/2024	1656	2024 Annual Dues - Steve Osborn		-532.00	Water
	Check	01/10/2024	ACH	December 2023 Gross Receipts Tax - Water, Sewer & Trash		-3,064.57	Water, Sew
NEW MEXICO TAXATION AND REVENUE	Check	01/10/2024	ACH	December 2023 Gross Receipts Tax		-398.45	Smokey Be:
NEW MEXICO TAXATION AND REVENUE CRS SBE	Check	01/10/2024	ACH	December 2023 Water Conservation fee		-129.15	Water
Otero County Electric Co-op, Inc.	Check	01/24/2024	1139	Acct#365501 - 12/1/23 to 1/1/24 monthly service		-287.24	Smokey Be:
PERA Contribution	Check	01/24/2024	1647	Acct#1539401 - Acct#1345501 - Acct#388501 - Acct#388401 - Acct#330501 - Acct#370201 -		-6,302.17	Water
	Check	01/24/2024	7708	Acct#2565500 & Acct#399902 & Acct#294701 & Acct#357902 & Acct#313801 - 12/1/23 to 1/1		-1,316.74	Split
	Liability Check	01/03/2024	ACH	Payroll Period 12/18 to 12/31 - Sam Hanna, Brett McInnes & Phillip Wall		-924.72	Law enf
PITNEY BOWES RESERVE ACCOUNT	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 1/8/24 to 1/28/24 Sam Hanna, Brett McInnes & Phillip Wall		-1,327.26	Law enf
	Check	01/18/2024	7699	Postage		-500.00	General
Roswell Daily Record	Check	01/18/2024	1645	postage		-500.00	Water
	Check	01/24/2024	7706	PO#ADM7234 Acct#03102126 Request for Proposal		-61.74	General
	Check	01/17/2024	7698	Cust#CAP1900 - Inv#ETSMN000181 Annual Sleuth Maintenance		-1,907.00	Court

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

	Memo			Amount
	Type	Date	Num	
TDS	Check	01/17/2024	7693	-47.95
	Check	01/24/2024	7710	-74.50
	Check	01/24/2024	1649	-74.50
The Postal Annex	Check	01/25/2024	7712	-51.93
Thryv	Check	01/17/2024	7694	-25.67
U. S. Geological Survey	Check	01/24/2024	1648	-3,356.50
Unifirst	Check	01/04/2024	1632	-62.25
	Check	01/04/2024	7678	-143.56
	Check	01/24/2024	1651	-123.35
	Check	01/24/2024	7711	-377.56
United States Treasury	Liability Check	01/03/2024	ACH	-10,103.02
	Liability Check	01/17/2024	ACH	-61.20
	Liability Check	01/17/2024	ACH	-9,546.84
	Liability Check	01/30/2024	ACH	-10,760.50
USA Blue Book	Check	01/04/2024	1628	-600.31
Verizon Wireless	Check	01/03/2024	1634	-67.57
	Check	01/03/2024	7679	-257.49
	Check	01/03/2024	7680	-486.95
	Check	01/03/2024	1635	-64.41
Village of Capitan	Check	01/04/2024	7672	-45.24
Wells Fargo Financial Leasing	Check	01/18/2024	1137	-35.00
	Check	01/18/2024	1644	-35.00
	Check	01/22/2024	7701	-13,411.00
	Check	01/25/2024	7713	-38,403.00
Windstream	Check	01/04/2024	7673	-329.27
	Check	01/17/2024	7696	-256.82
	Check	01/24/2024	1138	-149.08
WX Septic Services, LLC	Check	01/24/2024	7704	-293.20
	Check	01/24/2024	1646	-293.20
	Check	01/24/2024	7705	-243.04
Zia Natural Gas Company	Check	01/17/2024	1637	-112,226.05
	Check	01/17/2024	7694	-1,097.27
	Check	01/17/2024	1134	-76.08
	Check	01/17/2024	1636	-596.59

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 I...	10040 · Fire dept - ...	X	6850 · 80 · Ve...		132.99
Check	01/24/2024	1322	PO#FD3057 I...	10040 · Fire dept - ...	X	6850.17 · Equi...		309.43
Good Earth Products, Inc Check	01/24/2024	1323	PO#FD3048 I...	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 I...	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 I...	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

Transaction List by Vendor
February 2024

	Type	Date	Num	Memo	Amount
4 Rivers Equipment	Check	02/06/2024	1660	Inv#1564363 Indeco Model IHCT5 Plate C	-9,616.00 Water
Affac	Liability Chec	02/01/2024	7715	Acc#D2L61 January 2024 monthly service	-1,403.07 Split
Alamo Auto Supply	Check	02/01/2024	1655	PO#WWW4072 Inv#01MY2280 - 2023 Chevy	-2,900.79 Sewer
	Check	02/01/2024	1656	PO#3226 Inv#01MY2280 - 2023 Chevy PL	-2,900.79 Water
Andy's Parts and Service, LLC	Check	02/14/2024	7739	January 2024 monthly services	-975.75 Split
	Check	02/14/2024	1670	January 2024 monthly services	-415.48 Water
Badger Meter	Check	02/22/2024	1675	Inv#0149685 Beacon Mobile Hosting for	-75.62 Water
Baker Utility Supply	Check	02/05/2024	1659	PO#W3223 Inv#318418 Steel Couplings	-336.00 Water
	Check	02/22/2024	1674	PO#W3225 Inv#319002 Brass Fittings	-46.04 Water
Bob Reed Pest Control, Inc.	Check	02/22/2024	7750	2/20/2024 monthly Pest Control	-53.94 Split
	Check	02/22/2024	1143	2/20/2024 monthly Pest Control	-32.37 SBE
Card Service Center	Check	02/22/2024	ACH	January 2024 Monthly Services	-2,935.75 Split
CARR RIGGS & INGRAM	Check	02/22/2024	7746	Inv#17868312 Bookkeeping for FY21 & FY	-1,012.21 General
Caterpillar Financial Services Corp.	Check	02/14/2024	7733	Cont#001-0998312-000 Motor Grader leat	-2,633.97 Street
Cintas	Check	02/22/2024	7749	Inv#9258158714 Water Cooler Lease	-60.00 General
Coppler Law Firm, P.C.	Check	02/22/2024	7744	Inv#12408 - Misc. and Greentree	-1,430.78 General
D & D Water Tech	Check	02/22/2024	1676	PO#W3227 Inv#2407 Sodium Hypochlorite	-360.44 Water
Dennis Engineering Company	Check	02/14/2024	7738	Project HW2L200621 S22330.67 & Projec	-29,774.22 Street
	Check	02/22/2024	7752	Inv#9546 Project LP20043 Tiger Dr. \$352.	-37,130.63 Street
DIAGNOSTIC TECHNOLOGY CENTER INC.	Check	02/05/2024	1657	PO#ww4068 Inv#1223.14 Fecal Coliform t	-84.14 Sewer
	Check	02/05/2024	1658	PO#WWW4070 Inv#0124.20 Fecal Coliform	-73.57 Sewer
Freda Howard McSwane, PC	Check	02/15/2024	7740	PO#ADM7238 Inv#100 Spear v Davalos -	-179.05 General
Goodman Factors	Check	02/22/2024	7745	Inv#205674 & 205677 Fuel	-3,180.75 Split
Greentree Solid Waste Authority	Check	02/05/2024	7718	February 2024 dumpsters	-213.39 Split
	Check	02/28/2024	1679	Acc#3305 January 2024 Poly Carts	-18,602.40 Solid Waste
JOHN HANCOCK	Liability Chec	02/14/2024	ACH	Payroll Period 1/29/24 to 2/11/24	-1,022.30 Split
	Liability Chec	02/27/2024	ach	Payroll Period 2/12/24 to 2/25/24	-872.16 Split
LegalShield	Liability Chec	02/01/2024	7716	Group#0139546 January 2024 monthly se	-159.50 Split
Lincoln County Mercantile	Check	02/05/2024	1662	PO#W3222 Inv#A153374 Safety Glasses	-132.14 Water
	Check	02/05/2024	7719	January 2023 monthly service	-383.04 Split

Transaction List by Vendor
February 2024

	Type	Date	Nun	Memo	Amount
Monster Industrial Supply	Check	02/14/2024	7736	PO#ST5370 Inv#1-6838 Clutch Assembly	-199.95 Street
	Check	02/22/2024	1142	PO#SBE-C73 Inv#626780 Serviced & Tes	-186.48 SBE
Mountain Alarm Systems	Check	02/22/2024	7743	PO#ADM7240 Inv#626779 - Programmed	-213.13 General
	Check	02/22/2024	1144	Inv#626478 Monthly Alarm Monitoring	-35.00 SBE
New Mexico Child Support State Dist Unit	Liability Chec	02/14/2024	7729	CaseID#000108668 Payroll Period 1/29/24	-187.85 Employee
	Liability Chec	02/27/2024	7757	Case#000108668 Quincy Boyd	-187.85 Employee
NEW MEXICO GENERAL SERVICES DEPARTMENT	Liability Chec	02/07/2024	7728	Cus#C-M0011-75203 & C-M0011-56105.	-18,985.99 Split
	Check	02/22/2024	7742	PO#ADM7241 - Inv#6757 - Angela Autrey	-25.00 General
New Mexico Municipal League	Check	02/22/2024	1673	Cus#1684 Member ID#VOCA - Annual M	-637.43 Water
New Mexico One Call - NM811	Check	02/22/2024	1673	Cus#1684 Member ID#VOCA - Annual M	-637.43 Water
NEW MEXICO TAXATION AND REVENUE	Check	02/08/2024	ACH	January 2023 Gross Receipts - Water, Se	-3,367.36 Water,Sewer Trash
	Check	02/08/2024	ACH	January 2023 Gross Receipts Tax	-208.33 SBE
NEW MEXICO TAXATION AND REVENUE CRS SBE	Check	02/08/2024	ACH	January 2024 Water Conservation fee	-153.55 Water
	Check	02/26/2024	1146	Acc#395501 - 1/1/24 to 2/1/24 monthly st	-278.55 SBE
Otero County Electric Co-op, Inc.	Check	02/26/2024	1678	1/1/24 to 2/1/24 monthly service	-1,999.35 Water
	Check	02/26/2024	7756	1/1/24 to 2/1/24 monthly service	-1,353.97 Split
Paychex of New York, LLC	Check	02/01/2024	ACH	Inv#202402100 Year End Processing of W-	-414.89 General
PERA Contribution	Liability Chec	02/15/2024	ACH	Pay period date 1/29 to 2/1/1	-1,455.54 Law Enf
	Liability Chec	02/28/2024	ACH	Payroll Period 2/12 to 2/25 Sam Hanna, Bi	-1,252.09 Law Enf
PowerPlan	Check	02/14/2024	7732	PO#ST5335 Inv#1555150 & credit inv#151	-1,487.44 Street
QA Balance Services Inc.	Check	02/22/2024	1671	PO#3230 Inv#15162 Yearly Calibration S	-315.00 Water
State of New Mexico	Liability Chec	02/08/2024	ACH	01-406545-002 January 2024 Payroll	-4,219.36 Split
	Check	02/14/2024	7730	Acc#8224300160013451 - 2/26/24 to 3/1/24	-47.95 Street
TDS	Check	02/14/2024	7737	Acc#8224300160013477 2/21/24 to 3/20/24	-74.50 General
	Check	02/14/2024	1669	Acc#8224300160013477 2/21/24 to 3/20/24	-74.50 Water
Tegrity Data Systems	Check	02/14/2024	7734	PO#PD2303 - LEPF - five office computer	-4,871.00 LEPF
	Check	02/22/2024	7747	PO#ADM7232 Inv#2810 - Firewall Filtering	-400.00 General
The Title Company	Check	02/22/2024	7748	Inv#2813 Monthly Management for March	-777.60 General
	Check	02/22/2024	1672	Inv#2813 Monthly Management for March	-777.60 Water
Thyrv	Check	02/12/2024	1666	Earnest Money for Randle Road Project	-500.00 Water
Unifirst	Check	02/22/2024	7751	Acc#801078794 Yellow Pages advertising	-25.67 General
	Check	02/05/2024	7724	Inv#2880099552 & Inv#2880102351 Unifo	-269.61 Split

Transaction List by Vendor
February 2024

	Type	Date	Num	Memo	Amount
United Salt Corporation	Check	02/05/2024	1865	Inv#2880099552 & Inv#2880102351	-122.20 Water
	Check	02/22/2024	7741	PO#ST5362 Inv#90996980 - 24.750 Tons	-2,846.25 Street
United States Treasury	Liability Chec	02/07/2024	ACH	85-6000109	-61.20 Trustees
	Liability Chec	02/14/2024	ACH	85-6000109	-8,468.30 Split
	Liability Chec	02/27/2024	ACH	85-6000109 Pay Period 2/12/24 to 2/25/24	-8,269.60 Split
Verizon Wireless	Check	02/05/2024	1663	Acc#817505654-00001 January 2024 moi	-64.57 Water
	Check	02/05/2024	7720	Acc#817505654-00001 January 2024 moi	-456.80 Split
	Check	02/05/2024	7721	Acc#817505654-00003 January 2024 moi	-243.10 Split
	Check	02/05/2024	1664	Acc#817505654-00003 January 2024 moi	-67.91 Water
	Check	02/05/2024	7722	Acc#817505654-00004 January 2024 moi	-54.18 Law Enf
ViaVista Mapping	Check	02/14/2024	1668	PO#CYE-50 Inv#W-20240212 second pay	-7,416.00 Cemetery
Village of Capitlan	Check	02/26/2024	7753	2469 - Fire Dept 2nd Dist	-101,894.00 Fire Dept
Wells Fargo Financial Leasing	Check	02/05/2024	7723	Con#603-0285575-000 Inv#50283380751	-329.27 General
	Check	02/14/2024	7735	Con#603-027783-000 PD Copier Lease	-256.82 Law Enf
WEX Bank	Check	02/05/2024	7717	January 2024 monthly service - Fuel	-128.73 General
Windstream	Check	02/12/2024	7754	Acc#100195345 - 2/13 to 3/12 monthly se	-380.85 General
	Check	02/12/2024	1677	Acc#100195345 - 2/13 to 3/12 monthly se	-380.84 Water
	Check	02/12/2024	1145	Acc#100195345 - 2/13 to 3/12 monthly se	-207.52 SBE
	Check	02/26/2024	7755	Acc#100311812 - 2/13 to 3/12 monthly se	-365.64 Law Enf
Xerox Financial Services	Check	02/05/2024	1661	Con#010-0139652-001 Inv#5269483 Jani	-284.51 Water
Zach Cook, LLC Attorney at Law	Check	02/07/2024	7727	Inv#568 January 2024 monthly services	-5,453.00 General
Zia Natural Gas Company	Check	02/05/2024	1141	Acc#2210241 - 12/23/23 to 1/30/2024 m	-95.57 SBE
	Check	02/14/2024	1667	12/30/23 to 1/30/24 monthly service	-658.96 Water
	Check	02/14/2024	7731	12/30/23 to 1/30/24 monthly service	-1,330.62 Split

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

Type	Date	Num	Memo	Account	Cir	Split	Debit	Credit
Bob Reed Pest Control Inc Check	02/22/2024	1332	2/20/23 mont...	10040 · Fire dept - ...		6850.45 · Rep...		26.97
CF Services Check	02/14/2024	1331	PO#FD3063 L...	10040 · Fire dept - ...		6850.75 · Vehi...		407.22
DG Auto Repair Check	02/05/2024	1326	PO#FD3056 L...	10040 · Fire dept - ...		6850.17 · Equi...		1,921.00
Golden West Industries Supply Check	02/05/2024	1328	PO#FD3049 L...	10040 · Fire dept - ...		6850.16 · Safet...		938.40
Holiday day Inn Express Check	02/17/2024	CC	PO#FD3068 -...	10040 · Fire dept - ...		6850.60 · Train...		178.51
Check	02/17/2024	CC	PO#FD3068 -...	10040 · Fire dept - ...		6850.60 · Train...		178.51
La Fonda on the Plaza Check	02/09/2024	ACH	Kevin Kenned...	10040 · Fire dept - ...		6850.60 · Train...		324.34
Latigo Electric LLC Check	02/05/2024	1327	PO#FD3058 L...	10040 · Fire dept - ...		6850.45 · Rep...		737.10
Lowe's Home Center Check	02/02/2024	ACH	PO#FD3062 L...	10040 · Fire dept - ...		6850.15 · Equi...		64.85
McDonald's Restaurant Check	02/09/2024	ACH	Kevin Kenned...	10040 · Fire dept - ...		6850.60 · Train...		12.60
Otero County Electric Co-op Inc Check	02/26/2024	1335	Act#399702 &...	10040 · Fire dept - ...		-SPLIT-		221.85
Stephens Mobile Auto Check	02/22/2024	1333	PO#FD3066 ...	10040 · Fire dept - ...		-SPLIT-		1,858.91
the Home Depot Check	02/02/2024	ACH	PO#FD3061 L...	10040 · Fire dept - ...		6850.15 · Equi...		42.17
Tractor Supplu Co. Check	02/02/2024	ACH	PO#FD3060 L...	10040 · Fire dept - ...		6850.16 · Safet...		312.83
Village of Capitan- Water Check	02/05/2024	1329	12/19/23 to 1/...	10040 · Fire dept - ...		-SPLIT-		290.97
Whole Hod Cafe Check	02/08/2024	ACH	Kevin Kenned...	10040 · Fire dept - ...		6850.60 · Train...		35.22
Windstream Check	02/26/2024	1334	Acct#100389...	10040 · Fire dept - ...		6850.55 · Tele...		242.24
Zia Natural Gas Company Check	02/14/2024	1330	Acct#221025...	10040 · Fire dept - ...		-SPLIT-		282.93

VILLAGE OF CAPITAN
PO BOX 246
CAPITAN, NM 88316
PHONE 505-354-2247 FAX 505-354-2713

#7

APPLICATION FOR:
(circle one)

1) Annexation

4) Water Connections

2) Replat

5) Vacation of Roadway or Easement

3) Subdivision

6) Other -Specify: _____

Owner/Applicant Charles Stetson

Mailing Address 135 Mulligan Dr Alto NM 88312

Telephone (Home) 575-446-8980 (Business) _____

If Business Applicant, Business Name _____

Type of Business _____

Present Land Use (Attach photographs of site)

Residential

Location of Property and Street Address, if applicable 109 Aspen Dr
Capitan NM 88316

Legal Description of Property (Attach additional sheet, if necessary)

Mesa Verde Acres SD, Lot 18, Unit 3

Reason for Application (Attach additional sheet(s), i.e. Medical reports, if necessary)

Split of parcel of land separated by
Montez Dr.

1. This application must be accompanied by a professionally prepared map of the property in question, or copy thereof, along with proof of ownership. The required map can be a plat map prepared by a registered surveyor, or a copy of an approved subdivision map, or any other professionally prepared map of the site. Proof of ownership can be a recorded deed, real estate contract, or other such proof as may be filed in the deed records of the Lincoln County Clerk.
2. This application must be returned to the Village Clerk no later than five (5) days prior to the next scheduled meeting date of the Planning Commission.
3. Applications for Annexation require additional information on the sheet which will be provided.

Acknowledgement

I, the undersigned Applicant, acknowledge that I have been informed of the date, time and location of the next scheduled meeting of the Planning Commission and the Village Board of Trustees which I or my agent must attend in order to fulfill the requirements of this Application. I understand that failure to appear will void this Application.

CSM
Applicant signature

16 JAN 24
Date

Do not write below this line – for Village use only

Application Complete gW (Clerk's initials)

The next scheduled meeting of the Planning Commission is 3-5-24

The next scheduled meeting of the Board of Trustees (after Planning Commission meeting date) is 3-12-24

Application
Page 3

Application: ☒ Approved ☐ Denied If denied, reasons for denial _____

If denied, certified notice mailed on _____

Planning Board

Debra M. Wilson
Chairman

Basil Costantini
Secretary

3/6/24
Date

Water Board

Chairman

Date

Secretary

Village of Capitan

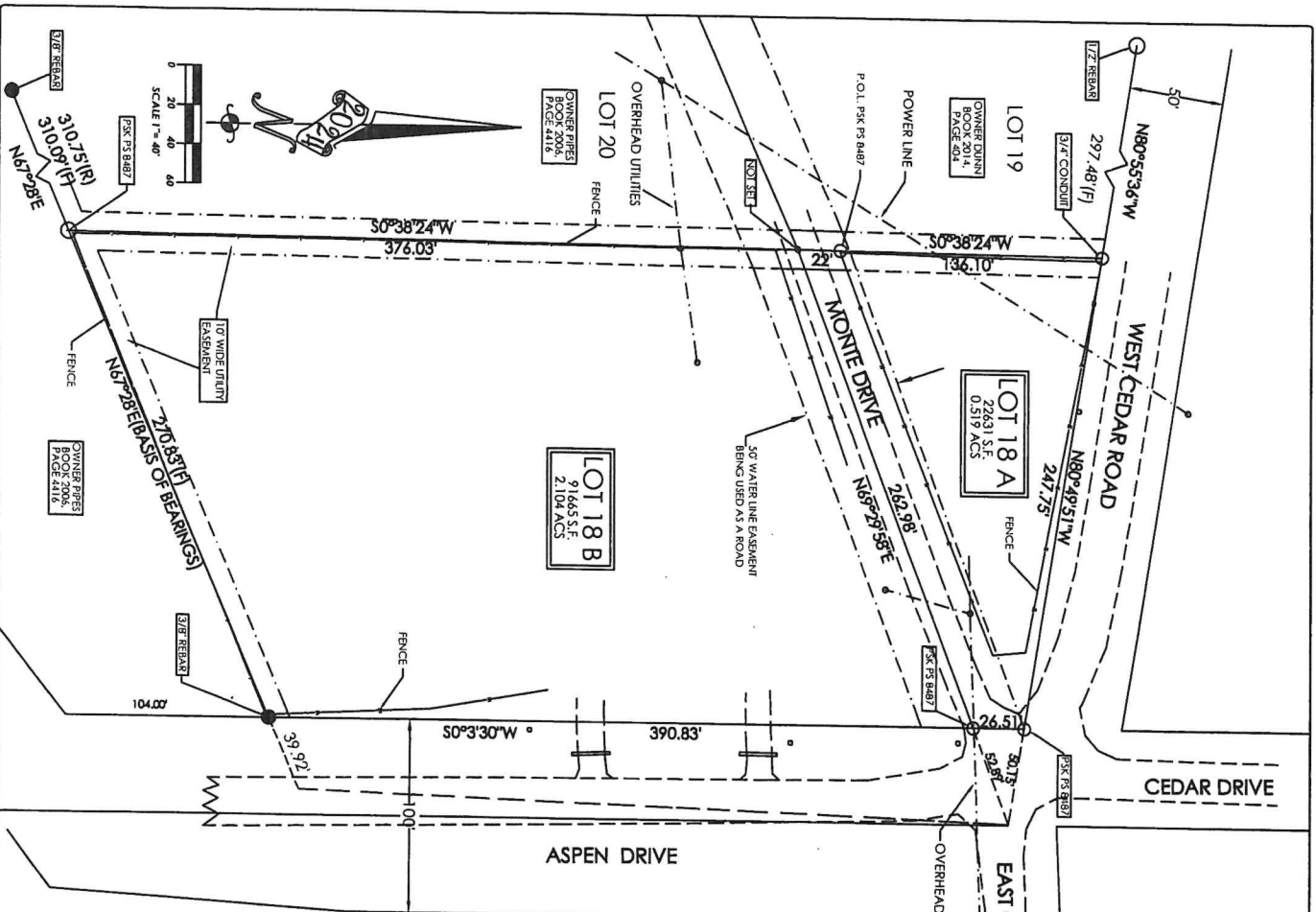
Mayor

Date

Attest:

Village Clerk

A REPLAT OF TRACT 18, MESA VERDE SUBDIVISION, UNIT 3, CAPITAN, NEW MEXICO.



NOTES:

- 1) SURVEY IS BASED ON CORNERS FOUND IN PLACE AND PREVIOUS SURVEY WORK BY RUDOSO LAND SURVEYING, INC.
- 2) CORNERS SHOWN ARE FROM FIELD MEASUREMENTS NOTED TO THIS SURVEY.
- 3) (P) = FIELD DISTANCE, (R) = RECORD DISTANCE
- 4) P.S.K. = PLASTIC SURVEY TAPE, S.K. = METAL SURVEY TAPE
- 5) THE PURPOSE OF THIS REPLAT IS TO DIVIDE LOT 18 INTO 2 LOTS TO BE KNOWN AS 18A AND 18B, MESA VERDE ACRES, UNIT 3, CAPITAN, NEW MEXICO.

- DOCUMENT USED IN THE PREPARATION OF THIS REPLAT:
- A) WARRANTY DEED FROM PARALLEL TO STETSON RECORDED IN BOOK 2013, PAGE 7007, RECORDS OF LINCOLN COUNTY, NEW MEXICO.
 - B) PLAT OF MESA VERDE ACRES UNIT 3, RECORDED IN CABINET "C", SLIDE 130, RECORDS OF LINCOLN COUNTY, NEW MEXICO.
 - C) REPLAT OF 101, 102, 103, 108 AND 109, MESA VERDE ACRES UNIT 3, RECORDED IN CABINET "B", SLIDE 124, RECORDS OF LINCOLN COUNTY, NEW MEXICO.
 - D) LOT LINE ADJUSTMENT SURVEY PLAT RECORDED IN CABINET "H", SLIDE 640, RECORDS OF LINCOLN COUNTY, NEW MEXICO.
 - E) BOUNDARY SURVEY PLAT RECORDED IN CABINET "H", SLIDE 397, RECORDS OF LINCOLN COUNTY, NEW MEXICO.

I, **WILLIAM A. SPARKS**, NEW MEXICO PROFESSIONAL SURVEYOR NO. 8487, DO HEREBY CERTIFY THAT THIS SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND WERE MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF NEW MEXICO. I CERTIFY THAT I AM A LICENSED SURVEYOR IN THE STATE OF NEW MEXICO AND THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WILLIAM A. SPARKS
NEW MEXICO
1-10-2024
DATE



KNOW ALL MEN BY THESE PRESENTS THAT CHARLES STETSON IS THE OWNER AND PROPRIETOR OF LOT 18, MESA VERDE SUBDIVISION, UNIT 3, CAPITAN, LINCOLN COUNTY, NEW MEXICO, AND THAT THIS PLAT WAS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER.

CHARLES STETSON _____ DATE _____

STATE OF NEW MEXICO)
COUNTY OF LINCOLN)
THE FOLLOWING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 2024
BY CHARLES STETSON,
WITNESS MY HAND AND SEAL ON THIS DAY AND YEAR
LAST WRITTEN ABOVE.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

AN EASEMENT IS HEREBY RESERVED FOR ALL EXISTING OVERHEAD/UNDERGROUND UTILITIES ON THE LAND SHOWN HEREON.
NO CHANGES HAVE BEEN MADE IN ANY EXISTING UTILITY EASEMENTS.

THIS PLAT APPROVED BY THE FOLLOWING UTILITIES:

WINDSTREAM COMMUNICATIONS _____ DATE _____

CIERO COUNTY ELECTRIC COOP _____ DATE _____

2A NATURAL GAS _____ DATE _____

THIS PLAT IS APPROVED BY THE VILLAGE OF RUDOSO UNDER THE SUMMARY PROCEDURE ON THIS _____ DAY OF _____, 2024.

VILLAGE OF CAPITAN MANOR _____

ATTEN: VILLAGE OF CAPITAN CLERK _____

PLANNING ADMINISTRATOR _____

THE LINCOLN COUNTY ASSESSOR'S OFFICE CERTIFIES THAT THIS PLAT HAS BEEN FILED THROUGH THE CURRENT TAXABLE YEAR FOR THE PARCEL(S) SHOWN ON THIS PLAT.

WALTER HILL _____ DATE _____
COUNTY ASSESSOR

INDEXING INFORMATION FOR COUNTY CLERK
STETSON PROPERTY MESA VERDE ACRES UNIT 3
OWNER OF PROPERTY SUBMISSION
LPG: 4015051142823 OWNER # 553750



2907 1/2 SUNDOWN DRIVE
RUDOSO, N.M. 86445 PH: 257-3818
rudosolandsurveying@gmail.com
SCALE 1" = 40' JOB # 2213
DATE 1-9-2024 PLAT B-1861
DRAWN BY W.A.S. SHEET 1 OF 1

Village of Capitan
Building Permit Application

Please check the appropriate type for which you are applying.

☒ Residential ☐ Commercial ☐ Other: _____
☐ Water Connection: Reason for water connection: _____

Description of Work

☒ New Construction ☐ Addition ☐ Alterations/Repairs ☐ Mobile/Manufactured Home ☐ Variance
☐ Portable Building ☐ Storage Container ☐ Other: TWO MODULAR DUPLEXES

Please provide the following information

443 W. 2ND STREET / DOCRAY ADDITION / 19,11 / CAPITAN / _____
Project/Physical Address Subdivision Name Lot Number Township Range Section

Provide written directions to the project site from Village Hall 114 Lincoln Ave.

TURN RIGHT ONTO 2ND STREET
DRIVE TO END OF 2ND STREET
PROPERTY IS ON YOUR LEFT

Contractor Information

DEVELECO LLC / GB98 392916
Name NM State License Number
3301 CANYON RD / LOS ALAMOS / NM / 87544 / 5054125708
Address #30 City State Zip Phone/Cell

Property Owner or Homeowner Information

JAMES AND JANET HALL
Name
100 QUAIL RUN LN / ALTO / NM / 88312 / 5054123091
Address/PO Box City State Zip Phone/Cell

Please Read and Sign the Following: (Contractor and Homeowner)

I hereby acknowledge by signing below that I have read this application and state that the above information is correct. I agree to purchase a building permit from the New Mexico Construction Industries/Regulation and Licensing Department and comply with the requirements of the New Mexico Building Code.

JAMES L. HALL / [Signature] / 2/29/2024
Homeowner Printed Name Homeowner Signature Date
MARCUS HALL / [Signature] / 2/29/24
Contractor Printed Name Contractor Signature Date

FOR VILLAGE USE ONLY

[Signature] / 3-5-24 / 3-12-24
Application Complete Clerks Next schedule meeting of the Planning Board Nexted scheduled meeting of the Board of Trustees (after Planning Board Meeting Date)
[Signature] / [Signature] / 3-5-24
Approved by Planning Board Signature #1 Approved by Planning Board Signature #2 Date

Code Enforcement Officer Printed Name Code Enforcement Signature Date



TRANSFER ON DEATH DEED

JAMES WILLIAM HALL and JANET RUDBERT HALL, a married couple, whose address is 129 Monterrey Drive, White Rock, NM, 87547, as owners, transfer upon the death of both of them to MELINDA HALL HACKER whose address is PO Box 942, Carrizozo, NM, 88301, the following described real property in Lincoln County, New Mexico. THIS TRANSFER ON DEATH DEED IS REVOCABLE. IT DOES NOT TRANSFER ANY OWNERSHIP UNTIL THE DEATH OF BOTH OWNERS. IT REVOKES ALL PRIOR BENEFICIARY DESIGNATIONS BY THIS OWNER FOR THIS INTEREST IN REAL PROPERTY.

ALL OF LOT 19 AND WESTERLY 5 FEET OF LOT 11, BLOCK 2, DOCKRAY ADDITION, CAPITAN, LINCOLN COUNTY, NEW MEXICO, AS SHOWN BY THE PLAT THEREOF FILED IN THE OFFICE OF THE COUNTY CLERK OF LINCOLN COUNTY, NEW MEXICO.

AND

A TRACT OF LAND 19 FEET BY 127 FEET, BETWEEN AND ABUTTING LOTS 11 AND 19, BLOCK 2, AND A TRACT OF LAND 68 FEET BY 100 FEET JUST SOUTH OF LOT 19, BLOCK 2 DOCKRAY ADDITION, CAPITAN, LINCOLN COUNTY, NEW MEXICO.

SUBJECT TO ALL RESERVATIONS, RESTRICTIONS, EASEMENTS AND COVENANTS OF RECORD.

Witness our hands and seals this 7 day of November, 2018.

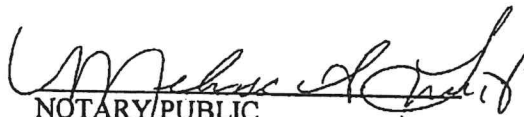

JAMES WILLIAM HALL


JANET RUDBERG HALL

ACKNOWLEDGMENT

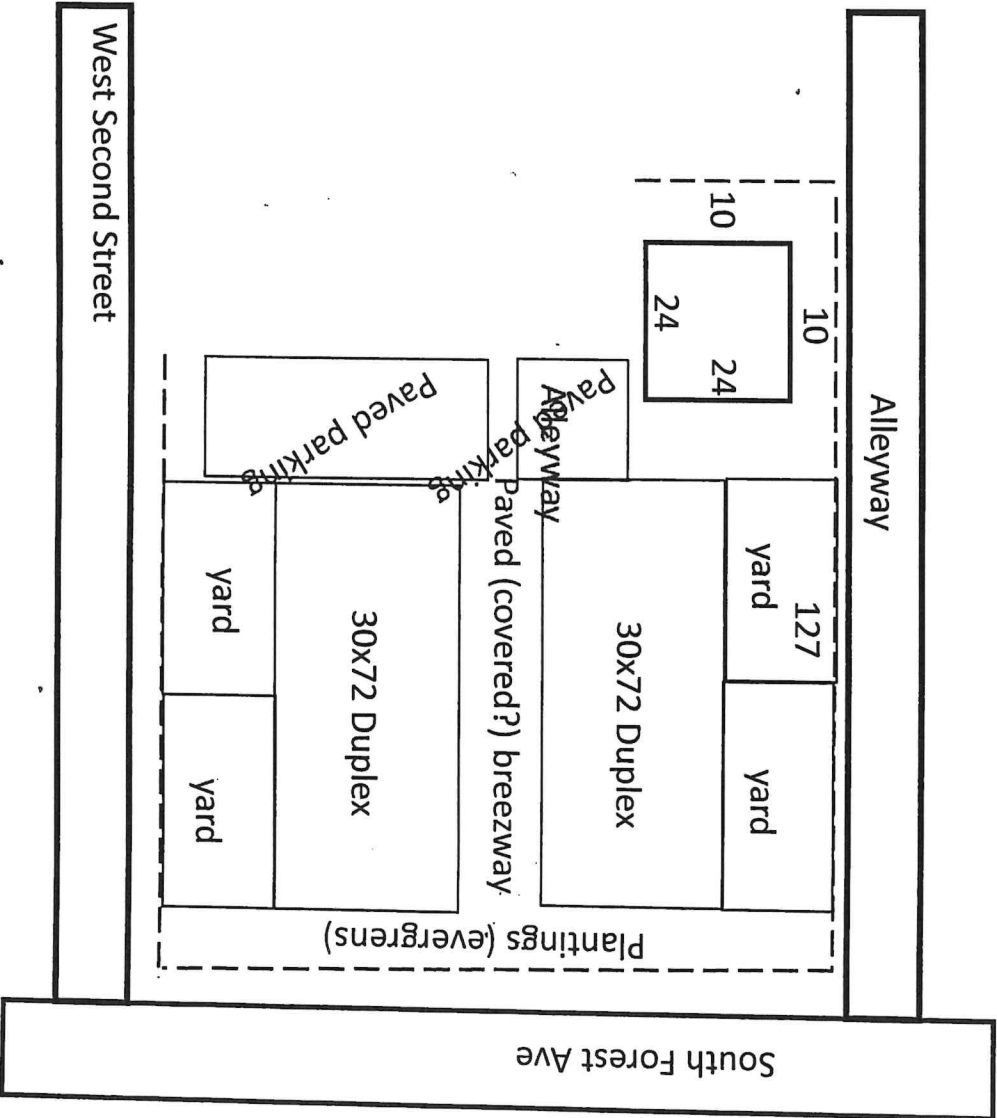
STATE OF NEW MEXICO)
) ss.
COUNTY OF LOS ALAMOS)

This instrument was acknowledged before me this 7th day of November, 2018, by JAMES WILLIAM HALL and JANET RUDBERG HALL.


NOTARY PUBLIC

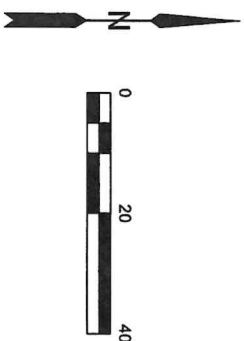
My Commission Expires: 03/15/2022





SITE DEVELOPMENT PLAN

LEGAL DESCRIPTION: Lot 19, Block 2, Dockray Addition, The Westerly 5 feet of Lot 11, Block 2, Dockray Addition and a tract of land 19x127' lying between and abutting Lots 11 and 19 and a tract of land 68x100 feet lying just south of Lot 19, Block 2, Dockray Addition, Capitlan, Lincoln County, New Mexico.



CERTIFICATE:

I, DENNIS E. RICH, NEW MEXICO PROFESSIONAL SURVEYOR NUMBER 20544, HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL GROUND SURVEY CONDUCTED BY ME OR UNDER MY SUPERVISION, THAT I AM RESPONSIBLE FOR THE ACCURACY OF THIS SURVEY, AND THAT THE LAND DESCRIBED HEREON IS MY KNOWLEDGE AND BELIEF, AND THAT THIS LAND HAS BEEN FIELD SURVEYED, WHICH IT IS BASED MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO.

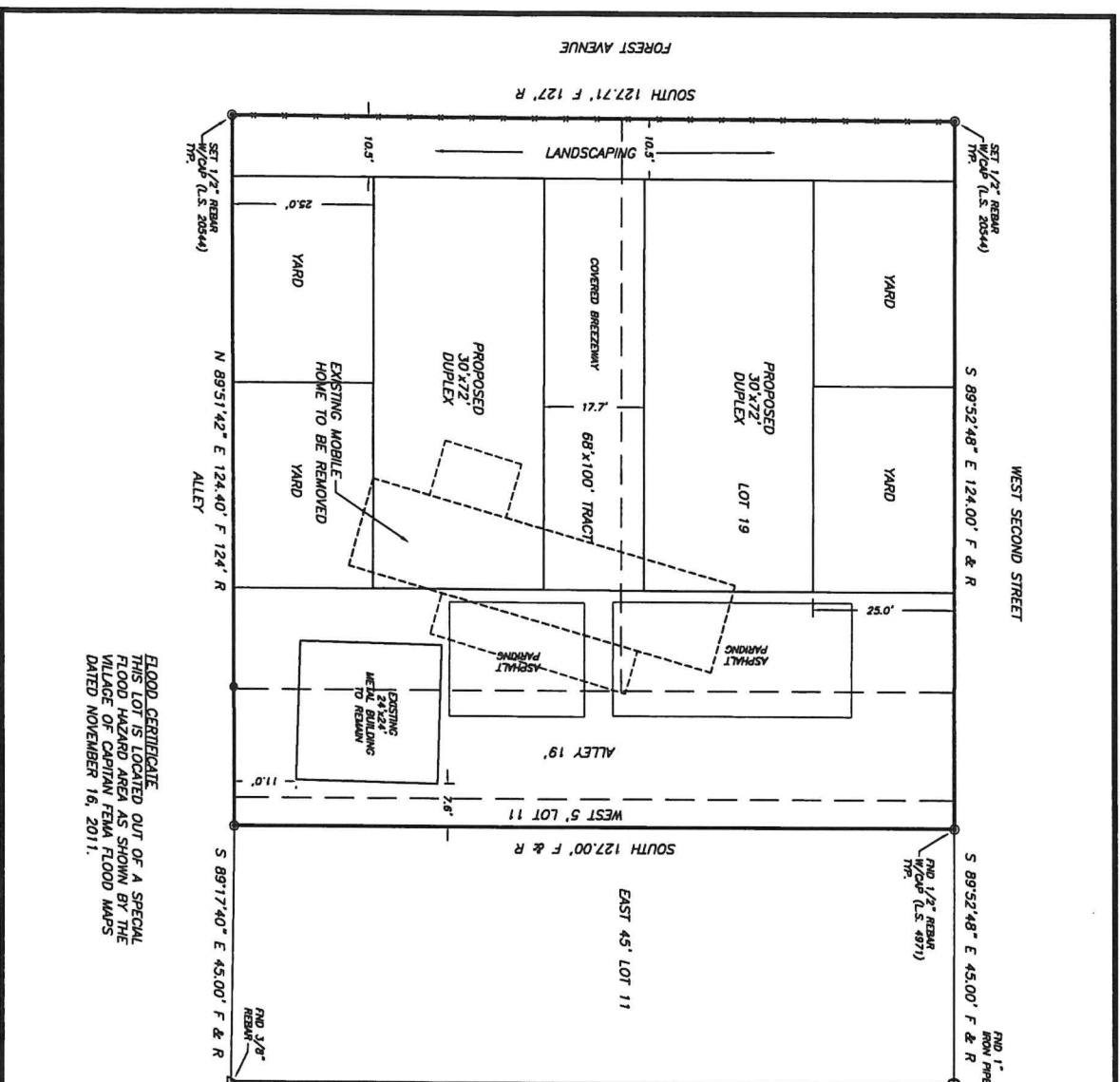
THIS IS A BUILDING PERMIT PLAT FOR PROPOSED IMPROVEMENTS ON AN EXISTING TRACT OF LAND. THIS IS NOT A BOUNDARY SURVEY AS DEFINED BY THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO.

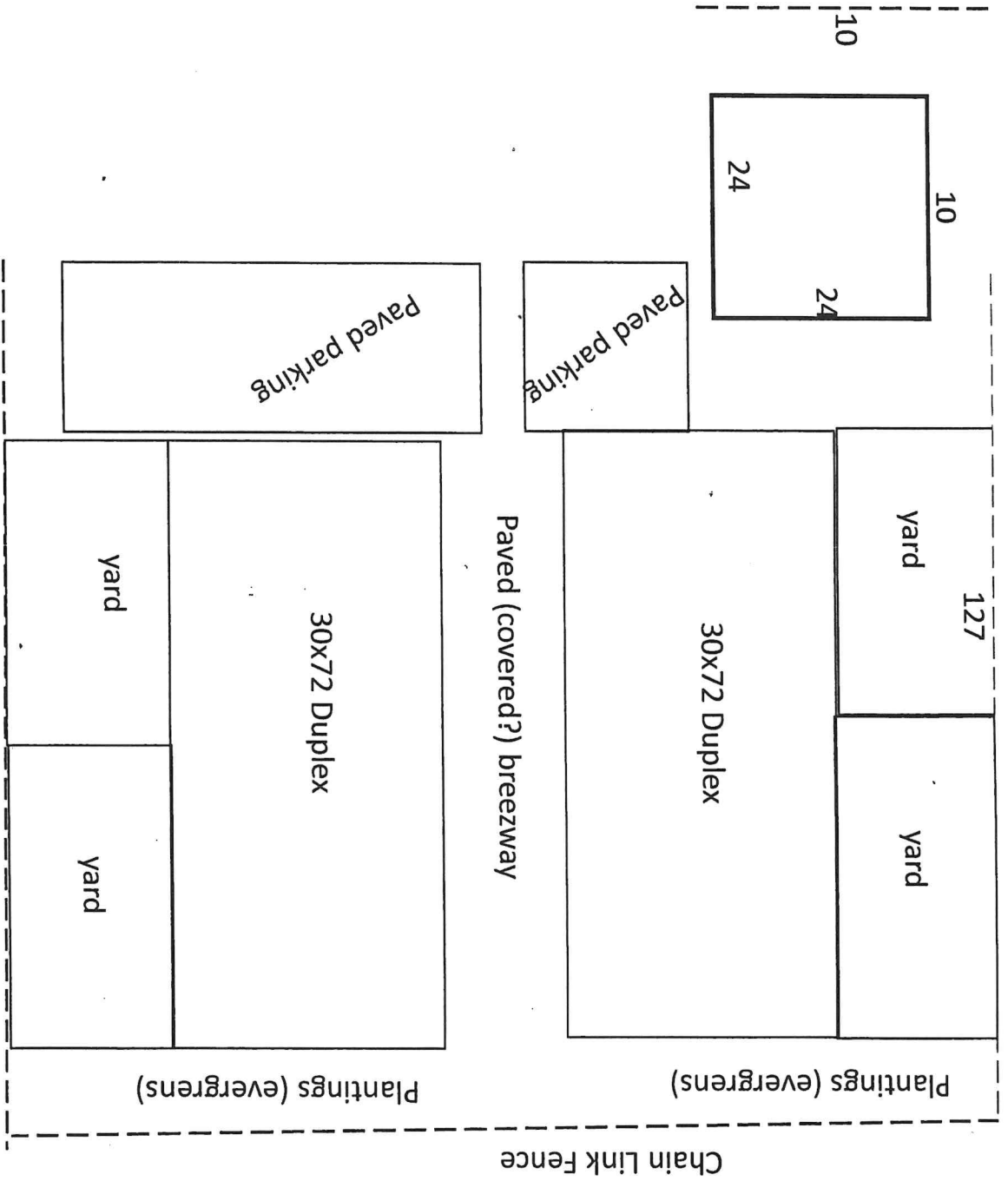
JANUARY 18, 2024
DATE OF SURVEY

Dennis E. Rich
DENNIS E. RICH, NMPS NO. 20544

DRAWN BY DER	DATE 02/28/24	SIERRA BLANCA LAND SURVEYS P.O. BOX 575 229 HAILSTORM ROAD CAPITAN, NM 88316 (575) 937-5996 NMPLS # 20544
SCALE 1"=20'	SHEET 1 of 1	
JOB NUMBER 23-287		

FLOOD CERTIFICATE
THIS LOT IS LOCATED OUT OF A SPECIAL
FLOOD HAZARD AREA AS SHOWN BY THE
VILLAGE OF CAPITAN FEMA FLOOD MAPS
DATED NOVEMBER 16, 2011.



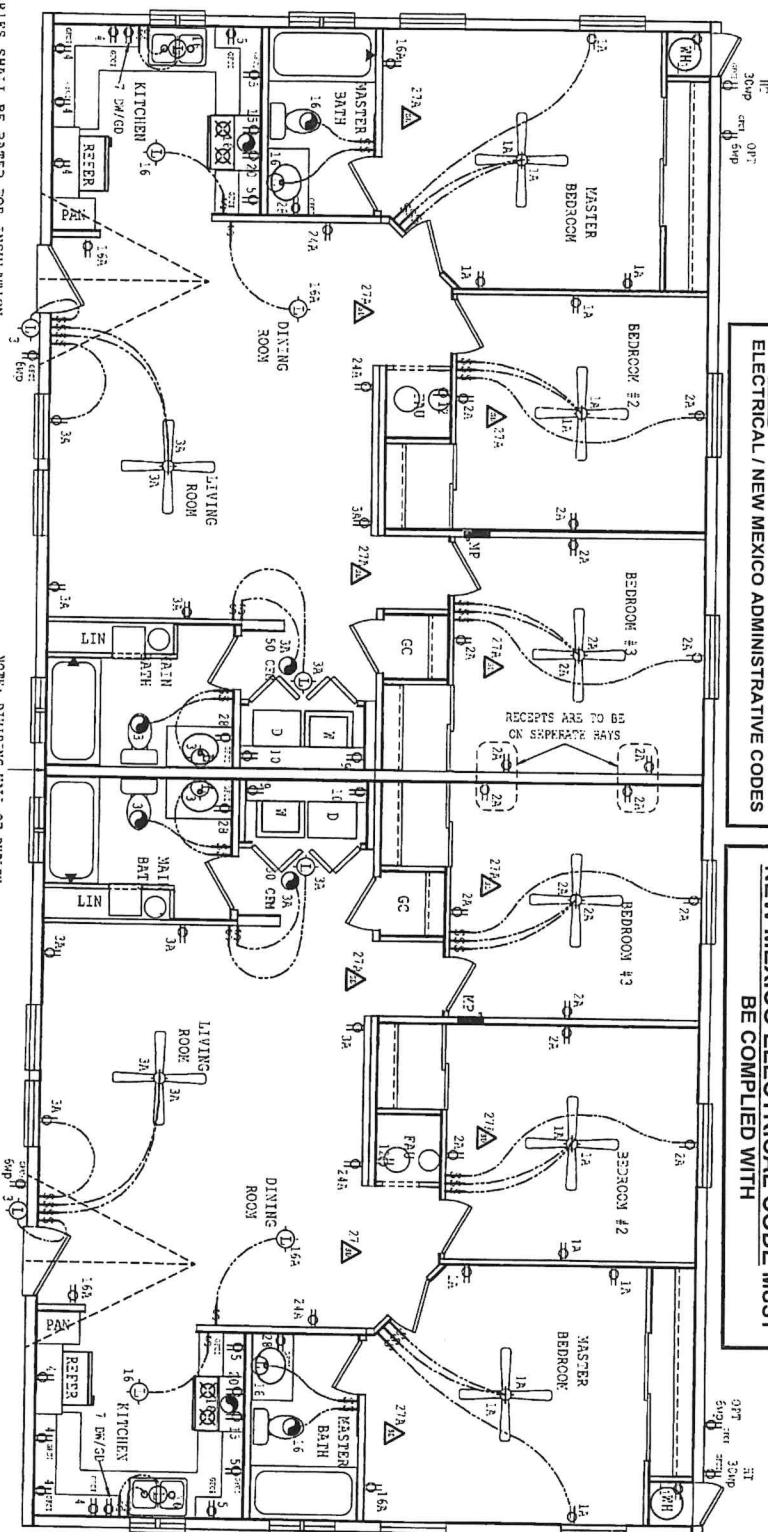


RECEIVED
11/03/2018 3:11:42 PM

NOTE
ELECTRICAL CONTRACTOR MUST COMPLY WITH ALL
2017 NATIONAL ELECTRICAL / NEW MEXICO
ELECTRICAL / NEW MEXICO ADMINISTRATIVE CODES

NOTE
ALL SECTIONS OF THE
NEW MEXICO ELECTRICAL CODE MUST
BE COMPLIED WITH

B



NA - ELECTRICAL
GENERAL NOTES:

1. RECESSED LUMINAIRES SHALL BE RATED FOR INSULATION OF 40 LUMENS PER WATT BULBS.
2. A MINIMUM OF 50% LUMINAIRES SHALL BE HIGH EFFICACY. SHALL BE FLUORESCENT OR COMPACT FLUORESCENT.
3. AT LEAST 3/8" OF EXTERIOR LUMINAIRES SHALL BE ON MOTION SENSORS, DAYLIGHT SENSORS, AND/OR TIMERS.
4. TV JACKS, PHONE JACKS, INFO JACKS, AND GENERAL RECEPTACLES/LIGHTING MAY BE ADDED/RELOCATED WITHOUT REQUIRING RE-APPROVAL.
5. AN "A" FOLLOWING THE CIRCUIT NUMBER DENOTES DINING ROOMS, SITTING ROOMS, PATIOS, PORCHES, DECKS, BATHROOMS, SLEEPERS, RECREATION ROOMS, CLOSETS, HALLWAYS, LANDING AREAS OR SIMILAR ROOMS. SEE 2014 NEC ARTICLE 210.12 REFER TO SALES ORDER FOR SPECIAL ELECTRICAL ITEMS.
6. ELECTRICAL SUPPLY LESS THAN 100VAC.
7. SPECIFIC APPLIANCE WIRING AND BREAKERS SHALL BE PER MINIMUM GENERAL LIGHTING WIRE/BREAKER SIZING AS FOLLOWS:
15 AMP BREAKER = 12ga WIRE (PER NM AMENDMENTS)
20 AMP BREAKER = 12ga WIRE

NOTE: DIVIDING WALL OF DUPLEX

10. 125 VOLT, 15 AMP AND 20 AMP RECEPTACLES INSTALLED IN RECREATION ROOMS SHALL BE LISTED AS WEATHER RESISTANT. SEE 2014 NEC, ARTICLE 406.8
11. 125 VOLT, 15 AMP AND 20 AMP RECEPTACLES INSTALLED IN THE HOME SHALL BE LISTED AS TAMPER RESISTANT. SEE 2011 NEC, ARTICLE 406.11.
12. BY REAR CONDUIT TO BE INSTALLED IN THE WATER HEATER COMPARTMENT, EXTEND THROUGH THE ROOF AND FLOOR WITH CAP AT EACH END.
13. A MINIMUM OF ONE COMMUNICATIONS OUTLET (INFO JACK) SHALL BE INSTALLED. REFER TO SALES ORDER FOR LOCATION 2011 NEC 400.156 REFER TO ALT. ELECTRICAL PLAN FOR CIRCUIT IDENTIFICATION
14. AND SYMBOL LEGEND.
15. 2014 NEC, ARTICLE 210.52(E)(1).
16. INSTALL #6 GROUND WIRE TO BOND MAIN PANEL TO CHASSIS. ON FRAMELESS UNITS, COIL WIRE BELOW FLOOR FOR SITE COMPLETION.
17. ACCESSIBLE ATTIC SPACES SHALL HAVE AT LEAST ONE SWITCHED LIGHTING OUTLET LOCATED INSIDE ATTIC AND ADJACENT TO ATTIC POINT OF ENTRY.
18. RANGE HOOD IS HARDWIRED.

CAVEO
INDUSTRIES INC.
COPYRIGHT © 2018

MODEL:	DESCRIPTION:
DX32726A	ELECTRICAL PLAN
DATE: 16AUG18	ISSUED: 3/7/6-1-0
PLANT: 01 SPEC: 99301000	LL: 30
DRAWN: REVISIONS	QU ROCHER
DATE:	

Item #9

Discussion/Action-

Approval to Add

Smokey Bear Link to Be
Placed on the Village of
Capitan Website.



#10

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 80th 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.

sidwellportico | Ma

AGREEMENT TO PROVIDE KENNEL FACILITIES
AND HUMANE CARE FOR ANIMALS
BETWEEN THE VILLAGE OF CAPITAN
AND THE HUMANE SOCIETY OF LINCOLN COUNTY

THIS AGREEMENT, dated this day March 1, 2024, by and between the Village of Capitan, New Mexico, hereinafter referred to as "Capitan" and the Humane Society of Lincoln County, a New Mexico not-for-Profit Corporation hereinafter referred to as "Humane Society."

WITNESSETH:

WHEREAS, CAPITAN has the responsibility to protect and maintain the safety and welfare of its citizens, including the need to obtain services and facilities necessary to safely and humanely shelter animals for the purpose of animal control; and

WHEREAS, HUMANE SOCIETY is ready, willing and able to render the necessary services and provide facilities required for safe and humane care and control of animals which are the responsibility of Capitan.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1.Term. The term of this Agreement shall be for a period of one year, beginning July 1, 2024, and ending June 30, 2025, irrespective of the date of signing, unless sooner terminated under section 15 hereof. This agreement may be renewed as provided for under section 3 herein.

2.Compensation. For the services to be provided to Capitan by the Humane Society, Capitan agrees to pay the sum of Fifteen Thousand Dollars (\$25,000.00) for the one-year period covering this Agreement. Said amount shall be paid upon receipt of invoice from the Humane Society, along with a current agreement between both parties.

3.Renewal. The term of this Agreement may be extended for three additional (1) year terms. Sixty (60) days prior to the close of any term of this Agreement which is subject to extension. Capitan shall give the Humane Society notice of its desire to renew or not to renew this Agreement. If both parties desire to renew, the appropriate officer of Humane Society shall countersign the notice, and the Agreement shall be renewed for an additional one-year term. The parties shall agree in writing to any adjustment in compensation for services provided herein.

*Agreement between Village of Capitan and
Humane Society of Lincoln County*

4. Indemnification. Humane Society agrees to hold harmless, indemnify, and defend Capitan and its "public employees" as defined in the New Mexico Tort Claims Act, 1978 NMSA, Section 41-4-1 through 41-4-29, against and from any and all claims, losses, demands, judgments, damages, liabilities, lawsuits, expenses, fees of attorneys, costs or actions of any kind or nature, whether from death, bodily injury or damage to property arising from or out of connected with, resulting from or related to Humane Society's activities in connection herewith, including, but not limited to, the operation of the Animal Shelter or Humane Society's use or occupancy of any motor vehicle, including but not limited to, any negligence or intentional acts or omissions of the Humane Society's officers, employees, servants, agents, representatives, customers, invitees, patrons, contractors, subcontractors, successors, assigns, or suppliers, as well as all of the persons doing business with or receiving services from Humane Society. The Humane Society's agreement to hold harmless, indemnify, and defend Capitan shall not be affected or terminated by cancellation, expiration of the term or renewal period or any other termination of this Agreement.

By entering into this Agreement, Capitan and its "public employees," as defined in the New Mexico Tort Claims Act, *supra*, do not waive sovereign immunity, do not waive any defenses and do not waive any limitations of liability pursuant to law. No provision in this Agreement modifies or waives any provisions of the New Mexico Tort Claims Act, *supra*.

It is specifically agreed between the parties executing this Agreement that it is not intended by any of the provisions or any part of this Agreement to create in the public or any member thereof a third-party beneficiary or to authorize anyone not a party to this Agreement to maintain any suit for wrongful death, bodily or personal injury, damage to property, or any other matter, whatsoever, pursuant to the provisions of this Agreement.

5. Responsibilities of the Parties. Capitan shall not be obligated for shelter maintenance, improvements, feeding, cleaning, utilities, or Humane Society's personnel in connection with the operation of the Animal Shelter. Humane Society is an independent contractor by performing these services for Capitan and is not an employee of any federal, state or local governmental body and is not an agent of Capitan. Humane Society employees shall not be considered Capitan employees and, as such, shall not accrue leave, retirement, insurance, or any other benefits afforded to employees of Capitan as a result of this Agreement.

6. Requirements of Humane Society. The Humane Society agrees to provide a properly trained director and adequate staffing for operation of the Animal Shelter. The Animal Shelter shall be clean and well-maintained at all times, and be operated consistent with industry standards.

7. Custody of Sheltered Animals. Except as otherwise provided herein, all animals which are brought to the Animal Shelter by Capitan employees, or any person

*Agreement between Village of Capitan and
Humane Society of Lincoln County*

designated by Capitan to render such services, shall remain under the jurisdiction of Capitan until redeemed by the owner, euthanized, or released to the Humane Society for adoption. Except for quarantined animals and detained animals as defined in paragraph 9(C) and (D) below, all untagged animals that remain in the Animal Shelter for a period of seventy-two (72) hours or five days (120) hours for tagged animals, excluding Saturdays, Sundays and holidays, shall, at the end of said period, be deemed to be the property of the Humane Society for the Humane Society to adopt out or euthanize, in its sole discretion.

8. Allocation of Animals for Accounting Purposes. Animals brought to the Humane Society by Capitan or its employees, or its residents, will be allocated to Capitan for the purposes of accounting. When animals are received during business hours or after hours by general public, municipal and county, the Humane Society shall require these members of the public or those working under Capitan entity to produce a valid driver's license and list a local and/ or home street address. All who bring animals to the Shelter are to fill out an intake form and must write the address or area where animal was found. Only those animals found within the city limits of Capitan shall be allocated to Capitan. If animals were found outside the city limits, then it shall be allocated to the County. Animals from governmental jurisdiction not participating in the operation of the Humane Society shall be the sole responsibility of the Humane Society should it decide to accept the animals.

9. Designated Areas for Confinement. Humane Society agrees to maintain within the Animal Shelter separate areas for:

- A. Adoptable Animals**- which are defined as animals which were owned or were not claimed after being found astray and not vicious, and which the Humane Society determines, in its sole discretion, are deemed suitable for placement with persons who may wish to adopt said animals:
- B. Quarantined Animals**- which are defined as:
 - 1. Those animals which have made an actual puncture or tear of the skin inflicted by teeth. Such animals are to be confined or disposed of in the manner provided by County ordinances and according to State law; or
 - 2. Those animals declared to be under quarantine or observation by the Capitan and/or District Health Officer. Such declaration of quarantine or observation is to be based on a finding by any of the above-named authorities of any existence or danger of existence of rabies in a particular area of the County and such animals are to be handled or disposed of in the manner provided by County Ordinances and according to State law.
- C. Stray Animals**- are defined as animals which are found off the premises of the Owner and not under the direct control, custody, charge or possession of the Owner or Keeper and are without proof of current Vaccination against rabies, or the owners of which are not known. Specifically excluded from the definitions herein are any animals detained because of actions Initiated by the Humane Society.

*Agreement between Village of Capitan and
Humane Society of Lincoln County*

D. ***Detained Animals***- defined as those animals that do not fit any of the aforementioned definitions and that have been placed at the Animal Shelter by Capitan or its "public employees" pursuant to the enforcement of any and all local laws, statutes, ordinances, county codes, state laws, or pursuant to the order of the Court.

10. **Hours of Operation.** The Capitan Animal Control Officer will have keyed access to impound facilities at the Animal Shelter at all times for the purpose of impounding animals for care and housing during hours when the Animals Shelter is not open for business. Humane Society agrees to provide care for impounded animals seven (7) days per week. The Animal Shelter will be open to the public for adoptions and redemption of animals and to conduct business five (5) days per week, with a minimum of five (5) hours of operation per day, inclusive of Saturdays. The hours of operation shall be provided to the public and shall be adhered to unless the Humane Society Animal Shelter is closed for a recognized holiday or for an emergency.
11. **Collection and Disposition of Transport Fees.** A detailed accounting shall be maintained at all times of impound fees collected pursuant to City Ordinance or state law.
12. **Reimbursement of Extenuating Expenditures.** In circumstances where animals are impounded by an order of the Court at Humane Society's Animal Shelter for time limitations which extend beyond the normal maximum requirement for impounding, Humane Society may petition the Court or the animal's owner for reimbursement of such extenuating expenses.
13. **Audits.** Humane Society shall maintain detailed accounts and records, including number of animals served, budgets, operational expenses, income generated from all sources inclusive of fines collected, and any other financial records adequate to identify and account for all operational aspects of the business. These records shall be made available for audit purposes to Capitan or its authorized representative upon reasonable notice to Humane Society. Humane Society agrees to maintain and make available records for the prior three (3) years from the demand for audit.
14. **Termination.** This Agreement may be terminated if:
 - A. Humane Society does not comply with one or more provisions of this Agreement. In that case, Capitan may, at its discretion, give written notice to the Humane Society that it shall have seven (7) days from the date of said notice to come into compliance with the provision or provisions in question. If Humane Society does not come into compliance with the requirements of the provisions referred to in said notice, Capitan may, at its option, immediately cancel this Agreement; or
 - B. Either party may, upon giving the other thirty (30) days written notice, cancel this Agreement.

*Agreement between Village of Capitan and
Humane Society of Lincoln County*

15. **Non-Assignability.** Responsibilities under this Agreement shall not be assigned or delegated without the written consent of both parties.

16. **Notices.** Any notice required to be given pursuant to the terms of this Agreement shall be in writing and shall be sent by certified mail as follows:

If to Capitan, addressed to:

Village of Capitan
ATTENTION: Minerva Davalos-Mayor
PO BOX 1380
Capitan, New Mexico 88316

If to Humane Society, address to:

Humane Society of Lincoln County
Attention: President of Board of Directors
PO Box 2832
Ruidoso, NM 88355

17. **Attorney's Fees.** In the event any party hereto resorts to legal action against another party to enforce the terms and provisions of this Agreement, the prevailing party of such action will be entitled to recover the costs of such action, including, without limitation, the reasonable fees and costs so incurred.

18. **Governing Law.** This Agreement shall be governed by the laws of the State of New Mexico and the County of Lincoln.

*Agreement between Village of Capitan and
Humane Society of Lincoln County*

Executed as of the date first above mentioned

SEAL

Attest:

Angela Autrey, Village Clerk


Village of Capitan

By _____
Minerva Davalos, Mayor

Humane Society of Lincoln County

By _____


Abel Guzman, Executive Director

By _____


Shannon Lefebvre, Treasurer BOD