

**Minutes  
Regular Meeting  
April 13<sup>th</sup>, 2021**

The Village of Capitan Board of Trustees met in a Regular Meeting via Skype and in Person on Tuesday, April 13<sup>th</sup>, 2021 at the Village Hall in Capitan, New Mexico at 4:30 PM.

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

Mayor Lowrance called the meeting to order at 4:33PM.

**Roll Call:** Mayor Lowrance – present, Trustee Johnson – present, Trustee Shearer – present, Trustee Kearns – present, Trustee McInnes – present, Stephanie Bason – Village Clerk, Grace Centrella – Finance Officer, J. Leinneweber – Administrative Assistant, Angela Autrey – Clerks’ Assistant (formerly known as Admirative Floater), Steve Osborn – Water Utilities Supervisor and Kevin Kennedy – Fire Chief were also present. A list of others in attendance is attached.

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

Trustee McInnes made a motion to Approve the Agenda. Trustee Shearer seconded the motion. All were in favor, motion carried.

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

A member of the public questioned why Items 14 and 15 on the Agenda had Discussion/Action but at the end of the subjects listed were the words Discussion Only. The Mayor explained he had got it approved by the Trustees to add Discussion/Action for Old and New Business items on the agenda. This is in case anything came up on projects/grants, important bills to be paid, after the Agenda was posted they could be added to one of these Items on the Agenda and could be addressed and action taken in a timely manner by the board instead of scheduling a Special Meeting or waiting until the next Trustee Meeting. The words Discussion Only after the topics listed on today’s Agenda indicate that no action is needed on these topics just discussion.

A Member of the public asked, regarding Item #9 Renewal of the Humane Society Contract, if the rates were being raised. The Mayor replied no but he wants to meet with the Humane Society to make sure the Village isn’t being charged for all of the 88316 zip code since it covers an area much larger than the Village of Capitan’s village limits.

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

Trustee Johnson said she noticed how nice the Cemetery is looking. She said the girls’ offices in Village Hall are also looking very nice as well as the public areas.

Trustee Shearer asked if there were any proposed dates in May to hold Budget Workshops for fiscal year 2021/2022? The Trustees agreed to hold a Budget Workshop on Thursday, May 6<sup>th</sup> at 4:30. Grace will be on vacation from May 26<sup>th</sup> thru June 3<sup>rd</sup>. The Mayor said that once the bank statements are reconciled then the Audit for FY 2019/2020 can be completed. The Mayor said the State is aware that Scott, the Village’s Auditor is late with the Village’s Audit and that the Village is on the at-risk list.

**Item #3 on the Agenda: Mayor and Trustee Comments. (continued)**

Scott has written a letter explaining to the State why the Village is late with its Audit. Trustee Shearer wants the Audit done as soon as possible.

Trustee Shearer said once the Budget is done she would like the Trustees to revisit, at the next meeting, the rate of the Village's retirement match for the Village employees since it was started at a bare minimum match until the Trustees knew where the Budget was and it looks like the Budget is ok. She would like the employees get more.

Trustee McInnes said he has 4 items, the first is he noticed on the Village website that public documents after August 2019 have been removed. He looked at Ruidoso and the City of Hobbs and they still have documents on their website going back to 2014. He doesn't see any reason why they should be gone since it's free to view them from the website verses \$0.25 per page to request them thru the Inspection of Public Records Act (IPRA).

Next Trustee McInnes wanted to bring up the recent vandalism in the Village. The Mayor asked that this topic not be discussed due to an ongoing investigation. Trustee McInnes just wanted to suggest that the Village needs a night patrol officer. The Mayor said that an evening patrol is being done but wanted to make no further comments on the subject.

Thirdly Trustee McInnes wanted to know why all the Department Heads do not receive the Agenda, he noticed the only one who receives it is Water. J. Leineweber advised the Board that the others hadn't wanted it and that Steve Osborn had specifically requested to receive it.

Fourthly Trustee McInnes said he thinks the Board needs to have an "Executive Session over personnel matters". He pointed out that the Board hasn't had one and he thought the ordinance said the Board must have one every year. The Mayor said he'd check on that.

Trustee Kearns wanted to verify with Trustee McInnes that the public records on the website don't go back very far. Trustee McInnes said yes there is nothing on the calendar of public records on the website after August 2019.

Trustee Kearns said he noticed the Planning Meeting Agenda that he had asked for last month had been included in the Trustee Packet and he appreciated having that included and thanked J. for that. Trustee Kearns said he knows these people and when he's reading the Agenda he "can almost see them in his mind's eye."

The Mayor said that last week they had the final walk thru on the project and are in the process of closing that out.

Regarding the Smokey Bear 4<sup>th</sup> of July Parade, last year the permit was pulled. The Village will apply again for this year. In case the permit is denied or pulled again there will be an alternate route on Village streets instead of State Highways which will not require a permit from the State. He thought down 2<sup>nd</sup> Street up Stanton to 4<sup>th</sup>, then down 4<sup>th</sup>. The Trustees agreed the Parade will be held on Saturday, July 3<sup>rd</sup> so it will not interfere with Church on Sunday especially if the alternate Parade route is used.

The Mayor said Tiger Drive is coming up before the Planning Board at their next meeting then it will come before the Trustees. Trustee Kearns asked if the Plat Map will be included in the Trustee Packets. Stephanie replied that it would but it would have to be shrunk from its original size. A full-size Plat Map is available at Village Hall for inspection should anyone wish to.

The Mayor said the Smokey Bear Museum and Gift Shop has one person working there now and he would like to post for a "fill in" position at minimum wage. This will ensure that the shop can stay open even if the current employee is unable to make it in and it will not have an impact on the Budget.

**Item #3 on the Agenda: Mayor and Trustee Comments. (continued)**

The Mayor said the Village has been asked by the Library to recognize some people that have done an exceptional job at the Not 2 Shabby Shop and the Post Office. They would like to do it at the council meeting. The Mayor would like to open it up for any organization to recognize people. He thinks it is a good idea to have the ceremony at Village Hall and the Library would like the Mayor to present the awards. Trustee Kearns thought it would be a good idea to hold the ceremony at the end of the Trustee Meeting, more “pomp and circumstance” at a Board Meeting. The Mayor said they could discuss the details at the upcoming Budget Workshop on the 6<sup>th</sup>, then add the Ceremony to the Agenda for the May 11<sup>th</sup> Meeting to vote to hold it immediately following the May 11<sup>th</sup> Meeting at Village Hall.

**Item #4 on the Agenda: Approval of Minutes – Regular Meeting March 9<sup>th</sup>, 2021.**

Trustee Shearer made a motion to Approve the Minutes – Regular Meeting March 9<sup>th</sup>, 2021. Trustee McInnes seconded the motion. All were in favor. The motion carried.

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

Trustee McInnes made a motion for the Approval of Bills Paid for March 2021. Trustee Shearer seconded the motion. **Roll Call:** Trustee Johnson – yes, Trustee Shearer – yes, Trustee McInnes – yes, Trustee Kearns – yes.

**Item #6 on the Agenda: Action – Approve the Resignation of Janis Shaver as Village of Capitan Court Clerk/License & Permit Clerk.**

Trustee Kearns made a motion to Approve the Resignation of Janis Shaver as Village of Capitan Court Clerk/License & Permit Clerk. Trustee McInnes seconded the motion.

Discussion: Trustee Shearer said “We greatly appreciate all the work.”

The Mayor said Janis gave him “some good insight on a lot of stuff” and “they talked about a lot of things, but she’s moving on to bigger and better things.” **Roll Call:** Trustee Johnson – yes, Trustee Shearer – yes, Trustee McInnes – yes, Trustee Kearns – yes.

**Item #7 on the Agenda: Action – Approve Hiring of Angela Autrey as Village of Capitan Court Clerk/License, Permit & Human Resources Clerk.**

Trustee Shearer made a motion to Approve Hiring of Angela Autrey as Village of Capitan Court Clerk/License, Permit & Human Resources Clerk. Trustee Johnson seconded the motion.

Discussion: The Mayor asked Angela when she will be certified and if her certificates had been included in the Trustees’ packets. They were not so Angela provided them. Angela takes her last exam on April 21<sup>st</sup> and will be certified on April 23<sup>rd</sup>. Angela’s courses are through UNM called POMS it’s available through the whole state of New Mexico and its free.

Trustee McInnes asked if money could be taken from the Village Clerk’s position and given to the Court Clerk because now she is taking on what traditionally has been the Village Clerk’s duties avoiding budgetary impact. The Mayor informed the Trustees that this move will save the Village about \$500.00 a year. J. confirmed this. The Mayor asked if that information was in the packet? J. said it was not and at the request of Trustee McInnes a hand out was provided to the Trustees showing it would save the Village \$520.00 a year.

Trustee Shearer confirmed that Stephanie isn’t fully giving up Human Resources, statutorily it belongs to the Clerk and she would just be getting help?

**Item #7 on the Agenda: Action – Approve Hiring of Angela Autrey as Village of Capitan Court Clerk/License, Permit & Human Resources Clerk. (continued)**

Stephanie replied yes that the Village for a long while hasn't been doing performance evaluations and things that would justify the Trustees giving the employees salary increases. It's a protection for the Council as well as the employees because there is a lot of Human Resources that gets pushed aside due to the demands and attention the grants/projects require, neglecting the Village Employees a "key component to the operations".

Trustee Shearer sees that Angela has really stepped up in helping with many things like the budget and feels the salary is justified.

Trustee Johnson agreed and pointed out that some entities do have just a grant person and there is a lot to it and that Insurance and PERA are not simple. **Roll Call:** Trustee Shearer – yes, Trustee Johnson – yes, Trustee McInnes – no, Trustee Kearns – yes.

**Item #8 on the Agenda: Action – Approve the Temporary Appointment by The Mayor of LeAnne Brasher as Acting Clerks' Assistant (formerly known as the Administrative Floater Position).**

Trustee Shearer made a motion to Approve the Temporary Appointment by The Mayor of LeAnne Brasher as Acting Clerks' Assistant (formerly known as the Administrative Floater Position). Trustee Kearns seconded the motion.

Discussion: Trustee McInnes expressed ethical concerns over LeAnne living with another employee of the Village and thought it doesn't promote a healthy working relationship within the Village. Trustee McInnes asked if in LeAnne's Letter of Resignation she said she was leaving Capitan all together. The Mayor replied that things change and both points were noted. Trustee McInnes asked why does the Village need another person in admin and asked what Temporary means in this context? The Mayor replied that it is a part-time position and the Village is posting for the position.

The Mayor went on to say with a project closing and all the other things going on that temporarily appointing someone now ensures that the Village operations can continue to function with little interruption.

Trustee Kearns pointed out that the Village has hiring practices and protocols and regulations and that the Trustees should just follow those protocols and he was anxious to move forward.

The Mayor said this is a temporary appointment while the process of hiring someone for the position moves forward. **Roll Call:** Trustee Johnson – yes, Trustee Shearer – yes, Trustee McInnes – no, Trustee Kearns – yes.

**Item #9 on the Agenda: Discussion/Action – Approve Renewal of Humane Society Contract.**

The Mayor invited Abel Guzman of the Humane Society to come forward and address the Board. Able said he wanted to clarify for the Board the Humane Society's intake procedures. When an animal is dropped at the facility there is a sheet to be filled out. He gave the example that if the Village of Capitan Animal Control Officer brings in an animal then it is charged to the Village of Capitan. If the Sheriff's Department brings in an animal it is charged to the Sheriff's Department, never to the Village of Capitan. Additionally, the Village is not being charged for the entire 88316 zip code. The Humane Society doesn't go by the home address of the person or persons that bring in the animal since many times they are here on vacation, just visiting and do not live in the area or even the state.

**Item #9 on the Agenda: Discussion/Action – Approve Renewal of Humane Society Contract.**  
**(continued)**

Abel said when animals are brought in they determine where the animal was picked up then they determine which Village or if it was picked up on County Land and charge it to the appropriate entity. Copies of the intake forms are kept on file and can be sent on an Excel sheet for the Village to review. Trustee Kearns said he would like to see that.

The Mayor asked if that could be sent then reviewed by the Trustees and voted on at the next meeting. Trustee Shearer asked that the vote not be rolled over to the next meeting. She said she really appreciates the work the Humane Society does and would like to approve the contract now.

Trustees Johnson and McInnes voiced their agreement.

Trustee Shearer made a motion to Approve Renewal of Humane Society Contract. Trustee McInnes seconded the motion. **Roll Call:** Trustee Johnson – yes, Trustee Shearer – yes, Trustee McInnes – yes, Trustee Kearns – yes.

**Item #10 on the Agenda: Discussion/Action – Approve Purchase of Replacement High Pressure Pump for Mobile Sewer Jett Rodding Machine to Clear Main Sewer Lines, Cost \$6,587.**

Trustee McInnes made a motion to Approve Purchase of Replacement High Pressure Pump for Mobile Sewer Jett Rodding Machine to Clear Main Sewer Lines, Cost \$6,587. Trustee Shearer seconded the motion.

Discussion: The Mayor invited Steve Osborn to come forward and address the Board. Steve said these are the main components of the Jett Rodding Machine. It runs off a diesel engine, it's a high-pressure pump puts out 2000 psi. It must be high enough to be able to cut roots growing in the sewer. The price is high but compared to \$30,000 to \$100,000 dollars for a new Jett Rodding Machine he feels purchasing a replacement pump at \$6,587 is the way to go.

Trustee Shearer agreed. **Roll Call:** Trustee Shearer – yes, Trustee Johnson – yes, Trustee McInnes – yes, Trustee Kearns – yes.

**Item #11 on the Agenda: Discussion/Action – Approve Application for Summary Review Combining Three (3) Lots into one Lot. Lots 7, 8 and 9 on Straightway Road – Kenny Espinosa.**

Trustee Shearer made a motion to Approve Application for Summary Review Combining Three (3) Lots into one Lot. Lots 7, 8 and 9 on Straightway Road – Kenny Espinosa. Trustee McInnes seconded the motion. **Roll Call:** Trustee Johnson – yes, Trustee Shearer – yes, Trustee McInnes – yes, Trustee Kearns – yes.

**Item # 12 on the Agenda: Discussion/Action – Approve Resolution 2021-06 Village Participation in Public Employees Retirement Association (PERA).**

Trustee Shearer made a motion to Approve Resolution 2021-06 Village Participation in Public Employees Retirement Association (PERA). Trustee McInnes seconded the motion.

Discussion: Trustee Shearer said it looks like it has the proper language. Stephanie replied that it does and Trustee McInnes agreed. **Roll Call:** Trustee Johnson – yes, Trustee Shearer – yes, Trustee McInnes – yes, Trustee Kearns – yes.

**Item # 13 on the Agenda: Discussion/Action – Approve to Update Signatories on Safe Deposit Box Account with Stephanie Bason, Village Clerk/Treasurer and Grace Centrella, Village Finance Officer/Deputy Clerk.**

Trustee Kearns made a motion to Approve to Update Signatories on Safe Deposit Box Account with Stephanie Bason, Village Clerk/Treasurer and Grace Centrella, Village Finance Officer/Deputy Clerk. Trustee Shearer seconded the motion.

Discussion: Trustee Shearer asked what is in the safety deposit box? The Mayor replied there was a letter from Kevin Kennedy and other items, discs. Stephanie says they dated from 2006 and they were video cassettes.

Trustee Johnson thought they were video recordings of the Village files. Trustee Shearer asked the question does the Village really need a safety deposit box and should the account be closed. Stephane advised the Board that the Village had just paid for another year, \$40.00 since the renewal had come due and they didn't have access to see what it contained prior to the renewal. Stephanie thought we could either place other documents, important documents like warranty deeds in the safety deposit box. Trustee Shearer pointed out that those documents are on file at the County and could always be obtained from them.

Trustee Johnson said all important documents are kept in fire safe file cabinets and didn't think the Village needed to keep the safety deposit box.

Trustee Shearer suggested placing the approval to close the Safety Deposit Box Account on the next Trustee Meeting Agenda. **Roll Call:** Trustee Johnson – yes, Trustee Shearer – yes, Trustee McInnes – yes, Trustee Kearns – yes.

**Item # 14 on the Agenda: Discussion/Action – Old Business Projects and Funding**

**a. Main Road Phase III – Street Department Hiring 2 Part-Time Temps. Discussion Only**

The Mayor advised the Board that the Street Department was hiring 2 part-time temps for traffic control on Main Road. Due to the amount of traffic on Main road this is what is need to safely complete the paving of Main Road. This is included in the Main Road Phase III project budget and will have no impact on the Village's budget. The Mayor said they will be needed from April thru part of June.

**Item # 15 on the Agenda: Discussion/Action – New Business Projects and Funding.**

**a. November 2021 Municipal Elections. Discussion Only**

This needs to be corrected then discussed at a later meeting.

**b. Village of Capitan Sewer Rates – Current rates are at least 30% below average rates throughout the State. Discussion Only**

The Mayor invited Steve Osborn to address the Board on this issue since he has been researching what the Village is charging compared to what other entities are charging. Steve said the New Mexico Environment Department (NMED) does a survey every year on the minimum rates per 6,000 gallons on water and sewer rates. Steve says the Village is very close on the water, right in the middle of the range. On sewer rates, originally it looked like the Village was 60% below what others were charging but he has discovered that there are extra charges showing on the bills for sewer rates. He is not sure why it's showing separate but the combined amounts look closer to what the others charge.



**b. Village of Capitan Sewer Rates – Current rates are at least 30% below average rates throughout the State. Discussion Only. (continued)**

The Village is more at 20 to 30% below the others in the State when it comes to sewer. Steve said the while the Village does do a yearly Consumer Price Index (CPI) adjustment on water rates the Village has not done this on sewer rates and the Village should take a look at that. There are funds available through the Department of Finance (DFA) for planning grants, called Local Government Planning through the New Mexico DFA. It's possible to use the funds to do a rate study. The study considers the average income of the residents, and on the commercial side considerations of size of motels, small versus larger properties. It needs to be equitable for everybody. Water usage is considered for sewer rates as well. These planning grant funds are \$50,000 loans and can be awarded quickly, within a month or two.

Trustee Shearer is interested in Water, "what is the sweet spot" as far as number of taps? She said for years there was a moratorium on new water connections and the Village didn't allow any extraterritorial connections. Trustee Shearer believes that without enough connections it impairs the ability to run the system correctly. The Village is not doing enough connections to support the system.

Steve said he has put in his budget funds for a water hydrologist to determine where the Village is on its water rights and to find out how many more can the system handle with our water rights and these planning grants could cover the cost of the studies.

The Mayor, in discussions with other mayors has learned the State may be coming after water rights and that they need to be looked at so they can be retained.

Trustees Shearer and Johnson both agreed that the Village needs to look at approving extraterritorial taps around the community and knowing the "sweet spot" will help to determine that.

Trustee Johnson agreed that it really needs to be opened up and a study would help.

Trustee McInnes agreed.

The Village will proceed with applying for a Planning Grant.

The Mayor had something additional to discuss under New Business. He went on the record saying he is getting a lawyer to write up a Resolution to send to the Governor regarding the State placing 49<sup>th</sup> in education for 20 years. He will get it on the Agenda for next month, the Trustees can read it before then and decide if they will sign on with the Mayor. The Mayor wants to do something for the children. It is an important issue for the Mayor. Trustee Kearns thinks the sentiment is extremely important. The Mayor said the Trustees can take a look at the Resolution and if any decide not to sign, he'll understand.

**CORRESPONDENCE**

There was no discussion regarding Correspondence.

**ADJOURNMENT**

Mayor Lowrance Adjourned the meeting at 5:25 P.M.

  
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Ron Lowrance, Mayor, Village of Capitán

**Attest:**

  
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**Stephanie Bason, Village Clerk**



**4:30 PM**

[illegible]