

**Minutes
Regular Meeting
November 10th, 2020**

The Village of Capitan Board of Trustees met in a Regular Meeting via Telephone Conference and in person on Tuesday, November 10th, 2020 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 4:32 PM.

Roll Call: Mayor Lowrance – present, Trustee Kearns – present, Trustee Johnson – present, Trustee Shearer – present, Trustee McInnes – present. Stephanie Bason – Village Clerk, Grace Centrella – Finance Officer, J. Leineweber – Administrative Assistant, Janis Shaver – Court Clerk, Angela Autrey – Administrative Floater and Steve Osborn – Water Utilities Supervisor were also present. A list of others in attendance is attached.

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

Trustee Shearer made a motion to Approve the Agenda. Trustee Johnson seconded the motion. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes, Trustee McInnes – yes.

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

No Public Comments

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

Trustee Johnson had no comments at this time

Trustee Shearer said members of the public have made complaints to her about the system we use to facilitate the telephone conferencing that the public uses to participate in the meetings. They have been asking if the Village could move to using Zoom for the meetings.

It was agreed Zoom is easy to use.

Stephanie has already looked into using Zoom for future meetings.

Trustee Johnson asked why the public couldn't attend the meetings in person if they wore masks.

The Mayor advised that the current health orders from the State wouldn't allow more than 5 people to gather in a room, the Mayor and the Trustees make up the 5 people allowed so there wasn't any more space available for the public to attend in person.

The Mayor and Trustees agreed they would love for more of the public to attend the meetings.

Trustee McInnes had no comments other than to agree that replacing the current system with Zoom is a good idea.

Mayor Lowrance asked the Trustees how they would feel about receiving their meeting packets via e-mail if the Village provided them with an iPad or tablet.

Trustee Shearer said she doesn't need an iPad, she's fine with just receiving the packets via e-mail.

Trustee Kearns said to just e-mail his packets as well.

Some Trustees said they would need a tablet.

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

Mayor Lowrance said the costs of the iPads or tablets would be less than \$5,000 and therefore would not require Trustee approval.

All agreed that receiving the packets via e-mail would save paper and time and look forward to receiving them via e-mail.

Stephanie said she will check with each Trustee to see who will require a tablet.

The Mayor advised the Trustees that Tai had been in Village Hall meeting with Finance and going over the FundView system. He said Tai found some discrepancies in July and August having to do with “bulk input” and that Tai will reconsolidate that data. Once July, August and September are reconsolidated the system will work as promised.

Trustee Shearer said things are looking a lot better, that the “Bills Payable” is telling her everything she needs to know.

Trustee Kearns said the Bills Paid information in the packet is an improvement over what he has been seeing in the last couple years. He went on to say he likes the flow and information in the packets and liked the logical sequence of the documentation and how it was put together with the reader in mind and he appreciated that very much. Trustee Kearns also observed that everyone was doing a good job of wearing their masks.

Stephanie advised the Mayor and Trustees that Janice Leinneweber the Administrative Assistant to the Clerk puts the meeting packets together.

Trustee McInnes said he appreciates that the Bills Paid section included the bank details.

Item # 4 on the Agenda: Consent Agenda: Approval of Minutes: Regular Meeting October 13th, 2020.

Trustee Shearer made a motion for Approval of Minutes: Regular Meeting October 13th, 2020. Trustee McInnes seconded the motion. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes, Trustee McInnes – yes.

Item #5 on the Agenda: Discussion/Action – Approval of Bills Paid for October, 2020.

Trustee McInnes made a motion to Approve the Bills Paid for October, 2020. Trustee Shearer seconded the motion. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes, Trustee McInnes – yes.

Item # 6 on the Agenda: Discussion/Action – Approval of wage increase to an Annual Salary of \$52,000.00 for Stephanie Bason, Village Clerk and Certified Procurement Officer.

Trustee Shearer made a motion to Approve the wage increase to an Annual Salary of \$52,000.00 for Stephanie Bason, Village Clerk and Certified Procurement Officer with the notation that this is a budget reduction. Trustee McInnes seconded the motion. The Mayor said that staff has been working extra hard to figure all this stuff out and that he thinks they have a handle on it, finally. He said they have their Procurement Certification and that the Mayor had told Stephanie and Grace that once they received their Certification he would pay them to the amount of the jobs they left to take the positions here at the Village of Capitan. The Mayor believes they are well worth it. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes, Trustee McInnes – yes.

Item # 7 on the Agenda: Discussion/Action – Approval of wage increase to an Annual Salary of \$41,600.00 for Grace Centrella, Village Deputy Clerk/Finance Officer and Certified Procurement Officer.

Trustee Shearer made a motion to Approve the wage increase to an Annual Salary of \$41,600.00 for Grace Centrella, Village Deputy Clerk/Finance Officer and Certified Procurement Officer noting that this is a budget decrease and that the staff is really doing a good job. Trustee Johnson seconded the motion. Trustee Kearns had some questions regarding the wage increase for the Administrative Assistant to the Clerk. It was determined to take up that discussion when the Trustees get to Item # 8 on the Agenda. The Mayor again mentioned that he had told Grace and Stephanie that once they obtained their Certification he would increase their pay. Trustee Kearns said he thought they had voted on the increase for Grace and that the Trustees had moved on to Item #8, he's ready to vote on Item # 7. Trustee McInnes stated that he has spent some time at Village Hall and that he has faith in Stephanie and Grace. They've had a bit of a learning curve, once they get into the swing of things he thinks they will do well. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes, Trustee McInnes – yes.

Item # 8 on the Agenda: Discussion/Action – Approval of wage increase to \$18.00 per hour for Janice Leinneweber, Administrative Assistant to the Village Clerk.

Trustee Shearer made a motion to Approve the wage increase to \$18.00 per hour for Janice Leinneweber, Administrative Assistant to the Village Clerk noting that this is budget neutral. Trustee McInnes seconded the motion. Trustee Kearns asked if this is now coming out of a different fund. Trustee Johnson confirmed that her pay would come out of General. The Trustees confirmed that General Administration Salaries, Part Time Positions is a line item within a fund and this is where the pay for the Administrative Assistant to the Clerk comes out of. Trustee Kearns stated that her pay will increase to \$18.00 per hour but her hours would be reduced and he thought that was good and thought when next they do the budget she might get more hours. Roll Call: Trustee Kearns– yes, Trustee Johnson – yes, Trustee Shearer – yes, Trustee McInnes – yes.

Mayor Lowrance made a comment regarding Items 9 thru 12. He said that while the copies of the Building Permits in the Trustee packets were not signed by Members of the Planning Advisory Board, the originals did have the appropriate signatures for recommendation to the Board of Trustees and that the reason the copies in the Trustee packets were unsigned was because it was more expediate at the time the packets were being sent out.

Item # 9 on the Agenda: Discussion/Action – Application for Permit for New Construction at 116 Carole Drive – Arthur Mendoza and Tina L. Martinez.

Trustee Shearer made a motion to Approve the Application for Permit for New Construction at 116 Carole Drive – Arthur Mendoza and Tina L. Martinez. Trustee McInnes seconded the motion. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes, Trustee McInnes – yes.

Item # 10 on the Agenda: Discussion/Action – Application for Permit for New Construction at 119 Little Smokey Rd. – James Schauble.

Trustee Johnson made a motion to Approve the Application for Permit for New Construction at 119 Little Smokey Rd. – James Schauble. Trustee McInnes seconded the motion. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes, Trustee McInnes – yes.

Item # 11 on the Agenda: Discussion/Action – Application for Permit for New Construction at 165 Crestview Rd – Carl Dietzman.

Trustee Shearer made a motion to Approve the Application for Permit for New Construction at 165 Crestview Rd – Carl Dietzman. Trustee Johnson seconded the motion. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes, Trustee McInnes – yes.

Item # 12 on the Agenda: Discussion/Action – Application for Permit for Car Port Building and Goat Building at 116 West Deer Trail – William and Charlene McKinney.

Trustee Shearer made a motion to Approve the Application for Permit for Car Port Building and Goat Building at 116 West Deer Trail – William and Charlene McKinney. Trustee McInnes seconded the motion. After a brief discussion regarding the statute for animals in this area of the Village all agreed that yes, the goats could be kept at this property. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes, Trustee McInnes – yes.

Item # 13 on the Agenda: Discussion – 1st Quarter Financials for FY 2020/2021.

Trustee Johnson asked whether the Village had any CDs (Certificate of Deposits). It was determined that the Village currently has two and were located in the Investments Section of the Financials. Trustee Shearer had a question regarding the income listed for the first quarter in the General Fund of \$478,113 against the projected annual income of \$711,860, she wanted to know how much of that first quarter income was a one-time injection of cash that usually comes in at the beginning of the fiscal year and how much of it would be recurring from Gross Receipt Tax (GRT) revenue. Also, she wanted clarification of the \$308,000 representing the CDs, did the amount represent interest earned for the CDs or the principal amount of the CDs. The Board was informed the \$308,000 represents the principal amount of the CDs and not the interest. The Trustees were made aware that the Financials may be off a bit including the revenue which is currently under reported due to the discrepancies that Tai had found in FundView. Finance will be able to provide more accurate numbers once Tai has finished making the necessary corrections and adjustments to FundView. Trustee Shearer reminded everyone that she had requested an adjustment of \$50,000.00 at the last meeting that may not be showing everywhere it should. The Trustees will revisit the First Quarter Financials once FundView has been correctly updated which is almost complete. The Trustees recognized that not having accurate up to date Financials will have an impact on their discussion of Item #14. Trustee McInnes pointed out that by comparing excel spreadsheets representing the last five years of the revenue from the GRT they would see there hasn't been much change. Stephanie advised the Board that September's revenues were actually up a bit. It was agreed that it is better to have turned in the Quarterly "as is" on time and make the necessary adjustments as soon as possible which Grace is currently working on. Stephanie has made the State aware that corrections to the First Quarter Financials are coming and the State is good with that. Trustee McInnes asked about Budget Adjustment Resolutions (BARs), Stephanie advised him there would be several, some for the many projects the Village has going on at this time. Rather than just having one ready for the meeting when there will actually be multiple BARs needed, it would be better to have all that are required at one time.

Item # 14 on the Agenda: Discussion – Village Employee Retirement Plans - Determine the Following: Vesting Period, Employer Match and will Part Time Employees be eligible for a Match on Deferred Compensation/ Retirement Plans.

Trustee McInnes thought the 457b plan would work best and that the participation of part-time employees be optional as they might prefer an increase in their income rather than a match to a retirement contribution. He understands that the ordinance pertaining to benefits for part-time employees states they are “pro-rata” meaning in proportion to.

Trustee Shearer said she too is inclined to go with the 457b plan. She also said she understands there is enough in the budget to cover a match through the end of this Fiscal Year but that the Village could be looking at a tax increase and she is against that and would vote against a tax increase. Trustee Shearer would like to look at the budget and other ways to come up with the funds for the retirement plans. She thinks starting with a 457b plan at the 3% match would at least get the employees started on their retirement plans and to take another look at the budget, maybe even at mid-year to see if the match can be increased. Trustee Shearer observed it is hard to make a decision without accurate revenue data. Trustee Johnson agreed that the 3% match is a good and safe place to start. She feels the budget could safely handle this match for now. All agreed they would love to be able to raise the match and look forward to getting to that point but at least with this the employees can start with a plan immediately. Trustee Kearns asked if we have compared our match to other municipalities. The Mayor responded that he found other municipalities match for 457bs and 401ks at 6% and the PERA match at 18%. The Mayor brought up the Vesting Period. The Trustees agreed that a match of 3% with a 6-month vesting period for the 457b plan is best. They sighted the fact that most of the employees have been here at least a year and many for much longer and considering the Village could only offer a 3% match at this time, they did not feel waiting longer than 6 months to be fully vested in their plan was fair. Stephanie said, with consideration of the Police Department, the two patrolmen what were hired, came from the County and the County matches 15%. Stephanie thought it is important to consider what they gave up, the PERA Plan that was offered by the County. \$11,000 is currently in the budget for two (2) Police Officers at the 15% match. The Code Enforcement/Animal Control Officer is also interested in participating in PERA but was not included in the 2020/2021 Budget for a retirement match. Stephanie went on to say she feels very strongly about getting this started for the employees. Steve Osborn was promised a retirement plan when he was hired last December and other employees have been with the Village a very long time without a plan. She wanted to go on record that she would like this to happen as soon as possible considering she has received a salary increase and this matter remains undecided and not in effect.

Trustee Shearer suggests at the next meeting, with accurate budget information regarding revenues, that they dig in and see where cuts can be made and moneys moved without increasing taxes to cover an increased match amount.

Trustee Johnson observed that in the past, when planning the Budget, it is never taken to the very edge, that there has always been a surplus at the end of the year.

Also discussed was the status of Smokey Bear Enterprise, what it is earning in revenues and is it self supporting? Also has there been any developments with an online store?

The Mayor confirmed the Trustees will go with a 457b plan at a 3% match and a vesting period of 6 months.

Trustee Johnson said seemed good to her.

There were no further comments from the other Trustees, The Mayor moved on to Item #15.

Item # 15 on the Agenda: Approval – Resolution 2020-25 Public Input Policy.

Trustee Shearer made a motion to Approve Resolution 2020-25 Public Input Policy. Trustee McInnes seconded the motion. The Mayor observed that this was an annual update of the Public Input Policy, as are the remaining items on the Agenda.

Trustee Shearer explained this is done annually to stay in compliance with the State's Open Meetings Act.

Trustee Kearns felt the Public Input Policy is really great. He did point out that if there were more than 10 people that wished to make a comment at any one meeting, there could be trouble since more than 10 would go over the 30 minutes allocated to the Public Comments section of the Agenda at Trustee Meetings per the Public Input Policy.

The Mayor felt the issue could be addressed during the Meeting if it came up. All agreed.

Stephanie revisited item #14 advising the Mayor and the Trustees that there is a deadline for deciding on a PERA Plan for the Police Department. It is Thursday 11/12/2020 after which the Village would be charged \$50 per day. In light of this the Village will continue with the current plan, PERA Plan 2 for the two, (2) Police Officers until the next Trustee Meeting so the daily penalty could be avoided and, doesn't require a vote since this was already approved by the Trustees in the 2020/2021 Budget.

The Mayor made a point of order to go back to discussing Item #15. There was no further discussion.

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

Item # 16 on the Agenda: Approval – Resolution 2020-26 Governing Body Meetings and Public Notice.

Trustee Shearer made a motion to Approve Resolution 2020-26 Governing Body Meetings and Public Notice. Trustee McInnes seconded the motion. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes, Trustee McInnes – yes.

Item # 17 on the Agenda: Resolution 2020-27 Procedures For Requesting Inspection of Public Records.

Trustee Shearer made a motion to Approve Resolution 2020-27 Procedures For Requesting Inspection of Public Records. Trustee Johnson seconded the motion. Trustee Kearns confirmed that there are really no changes in these Resolutions, they are just voted on annually to be in compliance with the State's Open Meetings Act.

Trustee Shearer raised her objection to the public having to pay if they are just inspecting public records or making their own copies and that \$1 per page was designed to deter the public from requesting copies of the records.

Janis Shaver pointed out that the State's Inspection of Public Records Act (IPRA) allows State Entities to charge up to \$1 and has been adopted by the Trustees in the past.

J. Leineweber advised the Trustees that if copies are requested a representative of the Village will make the copies, not the requester.

Trustee Shearer amended her original motion to Approve Resolution 2020-27 Procedures for Requesting Inspection of Public Records removing the cost of \$1 per page copied, replacing it with .20 per page copied. Trustee Kearns seconded the motion. After additional discussion it was determined that .25 per page copied was fair as it is the price currently charged by the Village to individuals requesting copies of their own documents.

Item # 17 on the Agenda: Resolution 2020-27 Procedures For Requesting Inspection of Public Records.
(continued)

The Mayor said the motion was amended to Approve Resolution 2020-27 Procedures for Requesting Inspection of Public Records changing the cost per copy to .25. The Mayor asked for a roll call. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes, Trustee McInnes – yes.

The Mayor said since they “didn’t table it” he would say that “item #17 with the amendment is motioned and seconded”, since they “already had a discussion, he “needs a roll call on that.” Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes, Trustee McInnes – yes.

Item # 18 on the Agenda: Resolution 2020-28 Holiday Calendar 2021.

Trustee Johnson made a motion to Approve Resolution 2020-28 Holiday Calendar 2021. Trustee McInnes seconded the motion. Roll Call: Trustee Kearns – yes, Trustee Johnson – yes, Trustee Shearer – yes, Trustee McInnes – yes.

Adjournment:

Mayor Lowrance Adjourned the meeting at 5:43 PM



Ron Lowrance, Mayor, Village of Capitán

Attest:



Stephanie Bason, Village Clerk

4:30 PM

[illegible]