

**Minutes  
Special Meeting  
December 21<sup>st</sup>, 2020**

The Village of Capitan Board of Trustees met in a Special Meeting via Telephone Conference, via Skype and in person on Monday, December 21<sup>st</sup>, 2020 at the Village Hall in Capitan, New Mexico at 4:30 PM.

Mayor Ron Lowrance skipped the moment of silence and led the assembly in the Pledge of Allegiance. Mayor Lowrance called the meeting to order at 4:50 PM.

**Roll Call:** Mayor Lowrance - present, Trustee Kearns – present via Skype, Trustee Johnson – present via Teleconference, Trustee McInnes – present via Skype, Trustee Shearer – not present. Stephanie Bason – Village Clerk and Angela Autrey – Administrative Floater - were also present. A list of others in attendance is attached.

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

Trustee Johnson moved to Approve the Agenda. Trustee McInnes seconded the motion. Roll Call: Trustee Johnson – yes, Trustee McInnes – yes

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

There was no public input.

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

Trustee McInnes' comments were indiscernible.

Trustee Johnson had no comments

Trustee Kearns comments were indiscernible.

Mayor Lowrance said he talked to Zach Cook about the \$206,000. IRS bill and Tai is also working on it. The Mayor is also going to form a letter because when someone calls they get hung up on. At this time, they are trying to find out how to get it cleaned up and paid for.

The Mayor said the other thing they have is this Tort. They are having a meeting with Rick Foley, the Village's attorney on the Tort Claim from the Livingstons on the RV Park. The Mayor will keep the Trustees informed.

**Old Business – Projects and Funding**

**Item #4 on the Agenda: Action – Approval of Change Order – Waterline Replacement Phase II.**

Trustee McInnes made a motion to Approve the Change Order – Waterline Replacement Phase II.

Trustee Kearns seconded the motion. The Mayor confirmed that the State required sleeves to be placed and they were not drawn on the plans so a change order was needed. \$116,000 request will be sent in to Capital Outlay to be authorized. Roll Call: Trustee Johnson – yes, Trustee Kearns – yes, Trustee McInnes – yes.

**Item #5 on the Agenda: Action – Approval of Task Order – Lift Station Improvements.**

Trustee Kearns made a motion to Approve Task Order – Lift Station Improvements. Trustee Johnson seconded the motion. Roll Call: Trustee Kearns – yes, Trustee McInnes – yes, Trustee Johnson – yes.

**New Business – Projects and Funding**

**Item # 6 on the Agenda: Discussion/Action – Application for CARES Funding.**

Trustee Kearns made a motion to Approve the Application for CARES Funding. Trustee Johnson seconded the motion. Mayor Lowrance explained this Application was for all the money the Village has had to spend due to Covid 19. Trustee McInnes made some comments but they were indiscernible. The Mayor said that the Village checked in to all that and the only way it can be done is through the State and that is what they are trying to do today. More comments were made but it was impossible to determine by whom and the comments were indiscernible. Mayor Lowrance addressed Trustee Johnson and said Trustee McInnes didn't think it was ok, the way the Village filled out the Application and that Trustee Kearns said to fill it out. Trustee Kearns made some more comments but they were indiscernible. Mayor Lowrance replied that Village staff has done due diligence on this and that is why it has been brought before the Trustees. More comments were made by Trustee Kearns but they were indiscernible. Other comments were made but by whom and the comments were indiscernible. Roll Call: Trustee Johnson – yes, Trustee Kearns – yes, Trustee McInnes – yes.

**Item #7 on the Agenda: Discussion/Action – Hazard Mitigation Plan Partnership – Lincoln County.**

Trustee McInnes made a motion to Approve the Hazard Mitigation Plan Partnership – Lincoln County. Trustee Kearns seconded the motion. Trustee Kearns made some comments but they were indiscernible. Roll Call: Trustee Johnson – yes, Trustee Kearns – yes, Trustee McInnes – yes.

**Correspondence:**

Trustee McInnes, Trustee Kearns and Trustee Johnson made some comments and had some questions about the Tort Claim against the Village by the Livingstons regarding the RV Park but they were indiscernible. Mayor Lowrance, in response made the following comments. This item will be part of any Agenda for large amounts of money and he wanted to put it out to the public now so the Village doesn't look like its being secretive. The Mayor said the discussion about the Tort claim had nothing to do with the city. This was to alert and inform the Trustees that the Village is discussing this with a lawyer and the lawyer may contact the Trustees. Mayor Lowrance explained that an application for cottages was filled out. The State condemned them so then they switched it to an RV Park. The Village can't shut it down because they have, from the State a Certificate of Occupation for an RV Park and he has a lawyer. After he was approved by the State he never came into the Village to get a permit for an RV Park and he doesn't intend to. The Village received a Tort Claim from the Livingstons that the Village needs to shut the RV Park down but this can't be done because the RV Park is authorized by the State to be open. The Village has an avenue of approach and that is what the Village's lawyer is working on. The attorney is with the New Mexico Municipal League at no cost to the Village. The Mayor said this doesn't need to be addressed in Executive Session at this time because this isn't against the Village and the Mayor believes the public needs to be aware of what is going on. Mayor Lowrance did say that if it goes to litigation then discussions will be held in Executive Session. The Mayor added that the State inspected the RV Park, everything was done legally and by the State's statutes so the State gave him a Certificate of Occupation, a COP which means he can run the business. He has been paying Lodgers Tax to the Village.

**Adjournment**

Mayor Lowrance Adjourned the meeting at 5:12 PM

  
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Ron Lowrance, Mayor, Village of Capitán

**Attest:**

  
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Stephanie Bason, Village Clerk

**Special Meeting**  
**Via Telephone Conference, Skype and in Person**  
**December 21, 2020**  
**4:30 PM**

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