



**BOARD OF TRUSTEES
TOWN OF MESILLA
REGULAR MEETING**

MONDAY, AUGUST 24, 2020 AT 6:00 P.M.

VIA TELECONFERENCE 1-346-248-7799

MEETING ID 983-7900-0389

PASSWORD 971704

TRUSTEES: Nora Barraza, Mayor
Carlos Arzabal, Mayor Pro Tem
Jesus Caro, Trustee
Veronica Garcia, Trustee
Stephanie Johnson-Burick, Trustee

STAFF: Cynthia Stoechner-Hernandez, Town Clerk/Treasurer
Kevin Hoban, Fire Chief
Edward Lerma, Marshal
Rod McGillivray, Public Works Director
Dorothy Sellers, Community Events Coordinator
Gloria Maya, Recorder

1. PLEDGE OF ALLEGIANCE

Mayor Barraza led the Pledge of Allegiance.

2. ROLL CALL & DETERMINATION OF A QUORUM

Roll Call.

Present: Mayor Barraza, Mayor Pro-Tem Arzabal, Trustee Caro, Trustee Garcia, Trustee Johnson-Burick.

Mayor Barraza thanked everyone for their cooperation during these virtual meetings which have not been easy. Thank Ms. Stoechner-Hernandez for getting things done for these meetings.

3. CHANGES TO THE AGENDA & APPROVAL

Motion: To approve agenda, Moved by Mayor Pro-Tem Arzabal, Seconded by Trustee Garcia.

Roll Call Vote: Motion passed (summary: Yes =4).

Mayor Pro-Tem Arzabal Yes

Trustee Caro Yes

Trustee Garcia Yes

Trustee Johnson-Burick Yes

4. PUBLIC INPUT – The public is invited to address the Board for up to 3 minutes.

Public input in writing shall be received at cynthias-h@mesillanm.gov an hour before the meeting begins on the day of the meeting and will be read into the record. You

will also be given an opportunity to speak during this time by pressing *9 while in the teleconference. You will be prompted when to begin speaking.

No public input

5. *APPROVAL OF CONSENT AGENDA:

(The Board will be asked to approve by one motion the following items of recurring or routine business. The Consent Agenda is marked with an asterisk *):

Trustee Johnson-Burick understood Mr. Rivera had made 70 to 80 welfare checks on students: not 70% to 80%.

Mayor Barraza noted the change will be made to the minutes.

Motion: To approve consent agenda, Moved by Mayor Pro-Tem Arzabal, Seconded by Trustee Garcia.

Roll Call Vote: Motion passed (summary: Yes =4).

Mayor Pro-Tem Arzabal Yes

Trustee Caro Yes

Trustee Garcia Yes

Trustee Johnson-Burick Yes

- a) ***BOT Minutes** – Minutes of a Work Session & Regular Meeting on August 10, 2020. *Approved by consent agenda*
- b) ***PZHAC Case 061085** – 2852 Erminda Street, submitted by Eric and Cindy Van Pelt; a request for a zoning permit to allow the construction of a pergola over a patio at the rear of a dwelling at this address. **Zoned: Historical Residential (HR).** *Approved by consent agenda*

6. NEW BUSINESS:

- a) **Resolution 2020-18:** A resolution adopting a policy for the Mesilla Marshal's Department regarding wearable body camera and/or in-car audio/video equipment. – **Edward Lerma, Marshal.**

Mayor Barraza stated SB8 was passed during the legislative session. This becomes mandatory in September.

Marshal Lerma stated bill requires law enforcement officer to record every and any contact. Officers are on 12-hour shifts. The cameras he found only have the capacity of 10 hours so it is outlined in the resolution when the cameras will be turned on and off. He reviewed the policy. The storage timeframe will be 180-days instead of the 120-day required by the state.

Mayor Barraza stated the resolution was reviewed by the attorney.

Trustee Garcia asked how the cameras will be handled with minors.

Marshal Lerma responded the camera will be on with every and any contact.

Trustee Garcia stated her concern with minors being recorded and HIPPA regulations.

Marshal Lerma responded medical staff will be informed about the recording taking place so precautions can be taken with regards to other patients. HIPPA does not come into play with it involves an arrest.

Mayor Barraza asked there is no law that extends to juveniles being recorded.

Marshal Lerma responded the act, which we will follow, reads every and any contact.

Trustee Garcia stated this is mandated by the state and understands it must be approved. She is just concerned when it comes to minors. She asked if anyone could get copies of recording.

Mayor Barraza stated if there is further legal action information must be accessible but not just anyone can get a copy of a recording.

Trustee Garcia asked if the record is available to anybody.

Marshal Lerma responded yes with stipulations as it falls under IPRA. When we receive a request for recording, we will review the recordings and decide. IPRA's of recordings involving juveniles and sex crimes will be denied.

Trustee Garcia asked if the state will be funding the storage of these recordings.

Marshal Lerma responded he understands they will not provide funding for storage.

Mayor Barraza responded Marshal Lerma and Ms. Stoechner-Hernandez are looking into servers that we have which may have the capacity needed. The storage is going to be costly.

Ms. Stoechner-Hernandez responded one of the quotes received does have the capacity to store data needed. The other quote is to connect the Public Safety Building to the server at the Town Hall to give them additional storage capacity. The cost for this will be around \$10K which can be done.

Mayor Barraza responded this is something that will need to be done there is no alternative. She checked with the New Mexico Municipal League and all we will get reimbursement from is the body cameras.

Mayor Pro Tem Arzabal asked if there is a conflict of interest when we asked our town attorney to review the resolution when he was the senator that sponsored the bill.

Mayor Barraza responded Mr. Darden, who contracts with Mr. Cervantes, reviewed the resolution.

Motion: To approve Resolution 2020-18: A resolution adopting a policy for the Mesilla Marshal's Department regarding wearable body camera and/or in-car audio/video equipment, Moved by Mayor Pro-Tem Arzabal, Seconded by Trustee Johnson-Burick.

Roll Call Vote: Motion passed (summary: Yes =4).

Mayor Pro-Tem Arzabal Yes

Trustee Caro Yes

Trustee Garcia Yes

Trustee Johnson-Burick Yes

7. BOARD OF TRUSTEE COMMITTEE REPORTS

Mayor Pro Tem Arzabal: CEO meeting scheduled for September 2nd at 2:00 p.m.

Trustee Garcia: MPO meeting scheduled for September 3rd

Trustee Johnson-Burick: MPO meeting held on August 12th; BPAC meeting scheduled for September 3rd; correction - MPO meeting scheduled for September 9th

Mayor Barraza: at the MPO meeting there was an amendment to increase the budget for the University Avenue project. The project is hoping to start in 2022-2023.

Trustee Johnson-Burick responded it was a resolution amending the 2020-2025 TIP.

Mayor Barraza: MPO meetings, Mayor Caucus meetings, OEM meetings, LCPS School Board meeting

8. BOARD OF TRUSTEE/STAFF COMMENTS

Marshal Lerma commended Deputy Madson and Lieutenant Salas on an exemplary job done regarding the stolen vehicle and the arrest which was done with out the assistance of the Dona Ana County Sheriff's Department.

Mr. McGillivray stated the trail project is ahead of schedule and is on budget.

Mayor Pro Tem Arzabal stated the plaza and the parks are looking great thanks to the Public Works Department. He thanked the board for participating in the school board meeting regarding the SRO. He asked what the town can do to show their support for the businesses which some feel we are not doing.

Ms. Sellers responded she forwards information as she receives it to the businesses. She and the town are here to help the businesses. She spoke to Ms. Switzer to discuss ways bring more business to the town.

Mayor Barraza stated Ms. Sellers is highly proactive and does an excellent job providing information on state funding available for businesses. Through social media she promotes the businesses.

Ms. Stoechner-Hernandez stated we are contracted with the county to run the CARES program. The county is reaching out to businesses in the county to apply for funding; they will receive grant money from them.

Mayor Barraza stated if there are businesses that are not aware of what is out there; we need to know who they are so we can meet with them.

Mayor Pro Tem Arzabal recommends having a meeting for the businesses so we can let them know what we are doing to help them.

Mayor Barraza responded we are processing applications within 2 days. Ms. Sellers can set up a Zoom meeting for the businesses giving them the opportunity to voice concerns.

Ms. Sellers stated she will arrange that.

Mayor Barraza recommends sending an eblast to the businesses.

Trustee Garcia stated she wants to give a shout-out to Deputy Nanez who together with Pepsi, got backpacks donated and distributed to students at Zia Middle School. She understands he is now working on getting backpacks donated for Mesilla Elementary students.

Trustee Johnson-Burick stated she also feels the businesses need to know how and what the town is doing to support them. She thanked LCPS school board members, Mr. Jaramillo, and Ms. Cooper for supporting the students and the Town of Mesilla. She is so disappointed with the way President Dallman and Ms. Tenorio voted.

Mayor Pro Tem Arzabal asked why the tie was not broken.

Mayor Barraza responded Ms. Flores left the meeting, leaving 4 members. Marshal Lerma and herself participated via zoom; Trustee Johnson-Burick and Trustee Garcia participated the other mode. The board members were informed that we were present to answer questions they may have had or to be given the opportunity to comment; we were never call upon. One school board member expressed the concern of the officer wearing a gun around the students. President Dallman's concern was the environment and the working relationship with students. We met with Dr. Trujillo, Mr. Jacquez and Mr. Gregory prior to the school board meeting to answer any questions they had. They were also taken aback on the school board's vote.

Marshal Lerma stated he is in shock over Ms. Tenorio suggestion that officers should disarm themselves at the schools which is not consistent with school shootings. Ms. Dallman had indicated to Mayor Barraza that this was a fiduciary decision and not one based on whatever reason they came up with. But they mentioned nothing that this was fiduciary or that there was a problem with the budget. Their complaint was there are no students on campus currently. My question is what about the staff; can you put a price on a human life.

Mayor Barraza stated she wished they had been given the opportunity to speak. School officials came to us first, several years ago, about implementing SROs and SCO on school campuses. Law enforcement cannot cross boundaries; Las Cruces Police Department cannot place officers on our campuses as well Town of Mesilla Marshal Department cannot place officers in the City of Las Cruces. Therefore, LCPS came up with funding for a SCO at 1.75 and an SRO at 1.75 to pay salaries and fringe benefits. The Town of Mesilla, in-kind, would provide the training, vehicles, uniforms, and equipment. The City of Las Cruces who has money did not bill the LCPS for a few months; we are not in that kind of financial situation. The town has 1 officer for each 12-hour shift. We do not have the manpower or are able to fund these positions. Reiterated they were not given the opportunity to speak. We, as well as others, wrote letters with concerns and in support of funding those positions. She also sent a letter saying how disappoint she was that the 2 board members, who represent the Town of Mesilla, voted against funding the positions. Ms. Dallman was more concerned with the incident statistics of Zia Middle School and Rio Grande Prep. Ms. Tenorio was concerned the affect it would have on the families when a law enforcement officer shows up at their homes. She asked them to reconsider these positions. She told them they are not going to find another Mr. Rivera. Mr. Rivera has the experience in handling Special Needs students; he is certified to teach EMT classes as well. He is familiar with the families and the students. She was asked if when schools open if the town would be willing to meet, I responded yes as we are here for the safety of students in this community. Something else to think about is Mr. Rivera may find another job and may not be willing to return. The salary is also not like a law enforcement officer. Ms. Dallman responded that she is protecting the budget and that she will bring it back to the table once the students come back.

Mayor Pro Tem Arzabal stated he has heard great things about Mr. Rivera. The school board separated the items which was not right.

Mayor Barraza stated she felt we were not as important as Las Cruces Police Department. She and Marshal Lerma were interviewed by KVIA 7. We will continue to pursue this. She asked Ms. Stoenner-Hernandez when the Public Hearing is for the Columbarium.

Ms. Stoenner-Hernandez responded the Public Hearing is scheduled for September 14th.

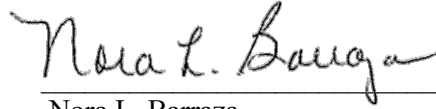
Mayor Barraza stated she told Father Christopher that he may be contacted by some of the trustees regarding the Columbarium. At the meeting of September 14th there will be a Public Hearing and the First Reading; at the September 21st meeting we will have a Second Reading and possibly approval of the revision to allow Columbarium in the Town of Mesilla.

9. ADJOURNMENT

The Town of Mesilla Trustees unanimously agreed to adjourn the meeting. (Summary: Yes-4)

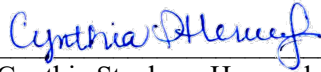
MEETING ADJOURNED AT 6:56 P.M.

APPROVED THIS 14th DAY OF SEPTEMBER, 2020.



Nora L. Barraza
Mayor

ATTEST:



Cynthia Stoehner-Hernandez
Town Clerk/Treasurer

