



Town of Mesilla, New Mexico

BOARD OF TRUSTEES (BOT)
TOWN OF MESILLA
REGULAR MEETING MINUTES
MONDAY, APRIL 25, 2022
AT 6:00 P.M.

TRUSTEES: Nora Barraza, Mayor
Stephanie Johnson-Burick, Mayor Pro Tem
Biviana Cadena, Trustee
Veronica Garcia, Trustee
Adrianna Merrick, Trustee

STAFF: Rani Bush, Town Clerk/Treasurer
Kevin Hoban, Fire Chief
Joe Padilla, Community Development Coordinator
Enrique Salas, Marshal
Gloria Maya, Recorder

PUBLIC: Gabriel Holguin Anthony Lucero
Charles Wendler A. German
Ralph Geck Susan Krueger
Ashley Curry George P.
Shyla Moreno Jeff McBride
Frank Torres

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 Johnson-Burick, Trustee Cadena, Trustee Garcia, Trustee Merrick.

3. CHANGES TO THE AGENDA & APPROVAL

Trustee Merrick stated the item she requested to be placed on the agenda was not.

Mayor Barraza responded the call is for the established agenda; this concern can be brought up during Board of Trustee comments.

Trustee Merrick stated she had questions regarding the court's finances.

Mayor Barraza responded it can be discussed when the item is brought forth.

Trustee Garcia asked for discussion of the postponed item and her request of placing an item on the agenda.

Mayor Barraza responded they will be brought forth during trustee comments.

Trustee Garcia made a motion to pull New Business item 9a until attorney is present.

Mayor Barraza asked if she is making a motion to approve the agenda with item 9a being removed.

Trustee Garcia asked if she could add a discussion as to why their request was not added to the agenda.

Mayor Barraza responded she will address their concern during trustee comments. Agenda items must be posted 72 hours prior to the meeting.

Trustee Garcia asked if she could make a motion to add an item to the next meeting agenda.

Mayor Barraza responded she can make a request, but it cannot be a motion. Mr. Cervantes is scheduled to be at the May 9th Board Meeting. We have followed the appeal process; applicant has been notified, by mail, that he has 30 days to appeal to District Court. We will not hear this case again.

Trustee Garcia stated she did not know there was a timeline to put it back on the agenda.

Mayor Barraza responded that is on regular agenda items, not an appeal item. She stated if there is not a second there will not be a meeting tonight.

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

Trustee Merrick asked items done improperly cannot be brought back for discussion.

Mayor Barraza responded it depends which item; the attorney is tentatively scheduled to attend the May 9th meeting.

Trustee Merrick asked so he can answer any of our questions.

Mayor Barraza responded yes.

Roll Call Vote: Motion passed (**summary:** Yes =3; No=1).

Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes

Trustee Garcia No

Trustee Merrick Yes

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

Mr. Wender read letter regarding National Day of Prayer.

Ms. Krueger: What I would like to ask the Board of Trustees to do is to enforce the Historic Preservation ordinance. Now, this ordinance which is now Chapter 18.33 replaced completely the Iguado Plan because the Iguado Plan is not and was not enforceable and the town was called to task on that. So, we worked with the SHIPO (the State Historic Preservation Office) to develop this ordinance. However, and for whatever reason,

the former community development director maybe was afraid of it. But only used it here and there. Now however, it is incumbent upon you as trustees and you Mayor as our CEO to see that this is not only used but enforced. Thank you very much.

Mr. Lucero: So, I am extremely disheartened, disheartened because we have elected officials who refuse to obey the ordinances and follow the rules and regulations that the town has adopted. Clearly there have been personal opinions and I can't change you guys minds. It's disheartening to know you have an opportunity to serve the Town of Mesilla and to do it in a clear and trustworthy obligation. It's not being done. You know me we try to come before you and to do everything you guys have asked, we exceeded that. At the very beginning when we were working with you all we asked do we have to pay for the plans to be drawn out and it was told that we didn't. But we went and hired an architect to do so. We went through the whole process of talking to El Paso Electric, I talk to Rod for the water. We met the density; we even went beyond that and followed the Comprehensive Plan. And yet it still, I don't know, boggles my mind that it can't be right. And you know it's hard for me to even look and see you guys can look me back and still tell me that we're in the wrong. It's disheartening that we have these elected officials. Unfortunately, I voted that way. You guys have the opportunity here to serve and I feel you aren't doing that. I guess it is what it is.

Mayor Barraza: Thank you, Anthony

Mr. Geck: Passed out flyer I don't attend these meetings very often, but I do review the agenda from time to time. The one that caught my attention was Case # 061333. And may I remind you that at least three of you remember this petition. Please look at the pictures I handed to you. Is this what you really want Mesilla to look like? Remember this should be part of Historical Residential. Right there where you are looking at there are a total of eleven units. He doesn't call it Calle de Colon he calls it Calle de Renta; Rentfrow. Some of these rental units are being rented out as Airbnb's. Rentals are typically for six months or more. There are more people coming and going. People of Mesilla do not come to the meetings because they feel their voice is not heard. We are having these rentals all around us and worst, yet they are right next door. It causes stress and I heard there is disillusion and yes even depression. This needs to be revised and approved by you, the trustees. This is the wrong road to take. This said property, there are homes all around. (Inaudible) He understands you are still allowing rentals to be built. If someone wants to build rentals let them build them in their backyard. You are ruining Mesilla. We have more and more rentals. Don't be deceived by the word Casita, Vacation Homes; rentals by any other name are still rentals.

Susan Krueger: What I would like to ask the Board of Trustees to do is to enforce the Historic Preservation ordinance. Now, this ordinance which is now Chapter 18.33 replaced completely the Yguado Plan because the Yguado Plan is not and was not enforceable and the town was called to task on that. So we worked with the SHIPO (the State Historic Preservation Office) to develop this ordinance. However, and for whatever reason, the former community development director maybe was afraid of it. But only used it here and there. Now however, it is incumbent upon you as trustees and you Mayor as our CEO to see that this is not only used, but enforced. Thank you very much.

Mr. Holguin: Madam Mayor and trustees, my name is Gabriel Holguin and I am a trustee for the City of Anthony. I came to visit for, visit sister municipalities. It is evident that items that were requested weren't placed on the agenda. I just want to echo what happened in my municipality. My items weren't included in my agenda, and it resulted in the meeting being adjourned, the creation of a special meeting. I just want to tell the trustees; you guys need to stand up and I'm here for whatever you guys need. Thank you.

Mayor Barraza: Thank you and welcome. I think you're probably one of the youngest council persons I know of. Okay, any other comments. Okay, hearing or seeing none, we'll move on to the next item.

5. PRESENTATION

a) Bike Month Proclamation – May 2022

Ms. Curry and guests read proclamation making May 2022 Bike Month.

Ms. Bush read proclamation making the May 6th National Day of Prayer.

6. 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 *)

Mayor Pro Tem Johnson-Burick made an amendment to the minutes.

Motion: To approve consent agenda, Moved by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Merrick.

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

Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Merrick Yes

- a) ***BOT MINUTES** –Minutes of Special Meeting, April 5, 2022. *Approved by consent agenda*
- b) ***BOT MINUTES** – Minutes of Regular Meeting, April 11, 2022. *Approved by consent agenda*
- c) ***PZHAC Case #061361** - 2631 Calle Tercera submitted by Francisco Torrez to construct a rock wall on south end of the property. **Zoned: Historical Residential (HR)** *Approved by consent agenda*
- d) ***PZHAC Case #061369** - 2958 La Mesilla Circle submitted by Robert Hamilton and Kathleen Foreman to remove garage door and replace with French doors and add two windows. **Zoned: Historical Residential (HR)** *Approved by consent agenda*
- e) ***PZHAC Case #061373** - 2823 Erminda submitted by Gloria Basden to repaint exterior of the home with elastomeric paint color will not change. **Zoned: Historical Residential (HR)** *Approved by consent agenda*
- f) ***PZHAC Case #061374** - 2850 Boldt submitted by Belen A. Soto to seal parapets on home. **Zoned: Historical Residential (HR)** *Approved by consent agenda*

7. EXECUTIVE SESSION

- a) Discussion of limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2) – Public Works Department.

Motion: To close Regular Meeting and open Executive Session, Moved by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Merrick.

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

Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Merrick Yes

Entered Executive Session 6:31 p.m.

Motion: To close Executive Session and open Regular Meeting, Moved by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Garcia.

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

Mayor Pro Tem Johnson-Burick Yes
Trustee Cadena Yes
Trustee Garcia Yes
Trustee Merrick Yes

Entered Regular Meeting at 6:38 p.m.

8. OLD BUSINESS

a) **For Approval:** Resolution 2022-03: Acceptance and Approval of the FY 2021 Audit by Beasley, Mitchell and Co.

Mayor Barraza stated since the item is not in litigation the board cannot go into closed for discussion. The auditors stated that during the revenue test work for the court it was discovered that 36 items totaling \$2,794 could not be traced back to the books. She reviewed the process being followed internal control over the court cash collections.

Trustee Merrick stated so she will not get answers to her questions.

Mayor Barraza responded we followed the auditors' recommendations. Once we are notified that there will be litigation, we can go behind closed doors.

Mayor Pro Tem Johnson-Burick asked if Trustee Merrick could meet with Mayor Barraza and could it be referred to as personnel matters in order to go into closed session.

Mayor Barraza responded the individual is no longer working for the town. The town has corrected the problem. Magistrate Court dismissed the case, looking at other options.

Trustee Merrick stated this does not look like a good thing.

Mayor Barraza responded the board will be informed if it goes into litigation.

Trustee Cadena reviewed what she understood happened and the standards and procedures being done so that will not happen again.

Mayor Barraza responded that applies to all cash collections.

Trustee Cadena asked so that will not happen again.

Mayor Barraza stated she cannot promise it will not happen again, but we have implemented all the tools to try to prevent it from happening again.

Marshal Salas stated allegations were made it has been sent to District Court.

Mayor Pro Tem Johnson-Burick stated she was shocked to hear that Magistrate Court dismissed the case.

Motion: To approve Resolution 2022-03: FY 2021 Audit by Beasley, Mitchell and Co., Moved by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Garcia.

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

Mayor Pro Tem Johnson-Burick Yes
Trustee Cadena Yes
Trustee Garcia Yes
Trustee Merrick Yes

9. NEW BUSINESS

a) **For Discussion:** Appeal Process *Postponed*

10. BOARD OF TRUSTEE COMMITTEE REPORTS

Trustee Merrick: MPO meeting

Mayor Pro Tem Johnson-Burick: MPO meeting, next meeting May 11th

Mayor Barraza: MPO meeting, RTD meeting on Wednesday.

11. BOARD OF TRUSTEE/STAFF COMMENTS

Marshal Salas introduced Deputy Hernandez.

Ms. Bush stated she attended the NMML meetings in Santa Fe.

Trustee Garcia: She is going to respond to some of the following to the people that talked. Mr. Geck, we do listen to the residents, and we did change the ordinance because of your petition. I was on that committee, and we changed it, we downsized it. We met everything that was requested on that. Mayor Pro Tem Johnson-Burick was on that committee as well. We changed it because of it. We do follow the ordinances; we have to obey by the ordinance. I understand you don't want any apartments or any condos or Airbnb's, whatever they're called. I get that but if they are entitled to the ordinance to build, we have to obey by the ordinance. It is our oath to do it; we have to. That's not something, if a resident tells us they don't want it but it meets the ordinance we have to go by it. That's just the way it is. We did change the ordinance because of your petition. We did address it. Second thing is yes we do get the reputation that we do not listen to our residents but I'm sorry we do. We hear them, we email them back, we do everything we can to help them. If it's wrong let's make it right. Let's work together not against each other. That's my comments for the, you know, if you don't want buildings don't sell your property. I'm not planning to sell mine, that I will say. It's been 3 or 4 generations where I live. I'm not planning to sell. No matter what happens, no matter what the case is, I'm not planning to sell. I heard that next to my house they are going to subdivide and yes they are going to build. If it meets the ordinance, I may be against it, I may not like it but if it meets the ordinance. My view will be changed as well, it's just a matter of time just to let you know. Also, I can ask for a report on everybody's pay. I was at the Post Office the other day and I heard somebody got a pay increase without the approval of the board. So, if you can send me an email or put it on the next meeting, everyone's pay increase or what their pay rate is. I would like to see what we approved on our budget. If there is a pay increase, rumors are rumors I get that part, but I just want to smash it before the pay raise, approval. My other question is the COVID Relief Fund, did we get the second half.

Mayor Barraza: We have not. I know we gave our staff ...

Trustee Garcia: A bonus

Mayor Barraza: We do not call it a bonus.

Trustee Garcia: You call it; what did you call it.

Mayor Barraza: Pay Enhancement.

Trustee Garcia: Pay Enhancement I do apologize. I know we forgot, I forget Officer Danny and I was hoping that Cynthia's other half we can give it to Officer Danny. If that is possible.

Mayor Barraza: He is on contract, so he is not eligible.

Trustee Garcia: Okay, and it is true that Cynthia took her half before she left.

Mayor Barraza: She will have to check with staff to find out.

Trustee Garcia: Can that be addressed to the board if that is true? I think that is all the questions I have. I don't know the process obviously of how to put something on the agenda so if we can address that. I could not find, if two trustee ask for something. Trustee Merrick had hers, I had mine. So I don't know, I did email asking for explanation, she didn't get that back either. I understand you were out of town on a training, I totally agree with that. But I didn't get a response, I wish I did. You know, I wish I did and we could of avoid the thing so now we are asking questions after questions, which we have a right to do. She appreciates it if you would have gotten back to her, communicating. And then, and the last thing, Rod, do you know when they decide if we got approval for the

Mayor Barraza: You need to address it to me.

Trustee Garcia: You can come back, I'll remember.

Mayor Barraza: Mayor Pro Tem Johnson-Burick.

Mayor Pro Tem Johnson-Burick: Three comments, I failed to mention when we were talking about MPO, she will not be in attendance at the May 11th meeting, I will be traveling to Norman, Oklahoma to see my niece graduate with her Bio Medical Degree in Engineering, just a proud auntie. I appreciate Rani get the packets out in such a timely manner, it's very nice. I greatly appreciate it. And then lastly, I wanted to address something that was on the minutes because more of a point of clarification and to try to alleviate any kind of misinterpretation on misinformation out there the way it was stated and probably the way it was interpreted. It was stated and it has nothing to do ... with the minutes. It was stated "it was highly inappropriate for a trustee to say that legal opinion would not change her vote which puts the town in a position for a lawsuit." So, to clarify, because I stated that, and that is not accurate what I was referring to was a legal opinion based on the two-thirds majority vote, not the case being heard. So, I want to make sure that, again to avoid any kind of misinterpretation. Along with those lines it is within Robert's Rules to discuss opposition support, during discussion make you voice known as to why you're gonna vote the way you are. That's why we're up here, that's why its transparent. I just kinda wanted people to know that was acceptable. According to Robert's Rules. Thank you, Madam Mayor.

Mayor Barraza: thank you, Mayor Pro Tem. Trustee Cadena

Trustee Cadena: I do want to know; I think the Councilman from Anthony was making a point about how you, about adding things to the agenda. Do you have an answer for that?

Mayor Barraza: I do. I will address when it's my comments.

Trustee Cadena: I appreciate the public input for sure. We absolutely have an occasion for open views. I have not had a chance to look through the Planning and Zoning ordinances. You know the ordinances are the rule of law they are the ones we should follow. You need to change the ordinance and not the process. We cannot

ignore (inaudible). So again Mr. Lucero is here for (inaudible) time since his case was heard. I still have questions about that particular case and not necessarily just the vote count, but even coming out from Planning and Zoning 2-2 because there are five people on Planning and Zoning. How did something come out 2-2 and then get denied? She doesn't know what happened there. She did not review that specifically. I'm just saying, this case has been discussed at least since February 9th. That is when it was submitted to Planning and Zoning. There has been a lot of discussion regarding this case by, made Mr. Lucero, Mrs. Krueger; things that I see from the minutes, and I missed the meeting but through the minutes inconsistency from the Planning and Zoning and as how they addressed it. So, disheartening is the right word because here we are April 25th, months later from the original application. So, I would, I think that yes there is a process for the appeal, but if the process wasn't following in the first place; if the process wasn't the right process it might be heard again because that is what we are questioning not the fear... the application wasn't in the packet, the 2-2 vote from the Planning and Zoning, it doesn't make sense to me Mayor.

Mayor Barraza: There were only four people at the meeting.

Trustee Cadena: I know but wasn't one of them a chairman?

Mayor Barraza: Chairman votes.

Trustee Cadena: I didn't see that in the ordinance/minutes at all. So, they vote, when there is only four people so that makes it- they vote to break a tie, but they don't vote. Everything's approved on 4-0 from the Planning and Zoning. It is not approved 5-0...like they vote every single time.

Mayor Barraza: There is a five member P&Z board and when someone is not there it can be a 2-2 vote.

Trustee Cadena: Ok that's not what I read in the 18.18.060, she did not see where the chairman votes. And I don't understand the inconsistency a chairman does every vote except for this case. Every time it was unanimous it was 5-0, 3-2 makes sense to me but 2-2 makes no sense to whether the chair. If the chair wasn't there it could rectify... So, going through that it does not say the... it seems to me that the chairman should vote where there is a tie.

Mayor Barraza: And so, a chairman can vote because they are not elected officials, they are appointed. It is a committee commission and so chairs have always voted in Planning and Zoning, and I will ask the attorney to clarify that.

Trustee Cadena: The problem I have with that the letter above where it says granted from the majority that means that every tie is.....that's not written here, it does have Board of Trustees...and I didn't think the (inaudible) vote. Because they break the tie, how are they going to vote.

Mayor Barraza: If there are four members and there is a 2-2 vote the motion dies, just like everything else. She will have to look at it.

Trustee Cadena: I'm just saying, there is enough inconsistency in this case, not based just on the appeal process but based on the inconsistency of the process, this case should be relooked at. (Inaudible) And I don't think...are we supposed to take if it is not there...take as it if it was there, you know what I mean, somethings are taken under of assumption. (Inaudible) not following to the letter.

Mayor Barraza: And I think with the newly elected officials that you are going to attend; those are the questions we can ask at that time, and they can clarify for you most definitely. And will continue to do (inaudible)

Trustee Cadena: I would appreciate that. I think...the point is it says the Planning and Zoning are to list the reason and they are not. They should list a reason, we should be looking at the reason the Planning and Zoning is a commission, we are elected officials (inaudible) We should write ordinances that fit, should sort of have that. But commissioners from me reading the ordinances should follow the town code and if they are not following the town code, they should tell us why they are not following the town code and we should hold them to that. We could take the town code and propose a change but commissioners in their job description, in my opinion (inaudible) I would like to know how long they have been there, when they were appointed. Look at that and may be reappoint commissioners on Planning and Zoning. Things are not being followed. And that sets us apart about being fair and justice to our residents. That's where there is inconsistency and people feel we're not listening and it can get us in trouble.

Mayor Barraza: Thank you

Trustee Merrick: So, I just want to be clear I am not trying to be confrontational I am a very open person. I listen to everybody, my mind can be changed, I am not set in my ways. I understand what people want, the change they want but I do also understand that yes, I may not know this entire book, but I can look and do research. With this Lucero case it's hard for me to understand what I am reading; it is not clear to me. When I go to the training, I ask a lot of people. In this situation what happens, am I right or am I wrong, what can I do. So, I try to research as much as possible and do the right thing. And I feel that the votes that we did weren't correct and that's the only thing, and I'm fighting it. There are certain things that aren't covered in our ordinance, and it says to refer to Robert's Rules and I know that Robert's Rules aren't adopted yet. And we haven't adopted our town code which we should have at the beginning of the year which that is fine. Again, we all make mistakes and I understand that. I'm fine with making mistakes, I'm fine with someone messing up, I just want to correct it. And I don't put any harsh blame on anybody, let's just fix it. So, with that being said in Robert's Rules I feel our last meeting when we voted on this Lucero case which was my first time voting I believe the mayor voted first when she's supposed to be the tie breaker, but she voted first; so, we did that incorrectly. We made a mistake, let's just fix it. In our second vote in here it says it is a dilatory motion: a motion is dilatory if it seeks to obstruct or thwart the will of the assembly as clearly indicated by the existing parliamentary situation. I feel that Trustee Garcia asked can we get legal and you were denied. She asked if this we could please postponed it and she was denied, what this comes down to is listening to residents. And you asked if this could wait until I have a fair, full board, I agree with that but yet we were denied without even being able to make a motion which I don't think is correct. Again, I am not putting blame on anybody. I want to work together. I want to make this correct. I want to make sure we continue to do this correctly. Maybe I need to sit down with people to go through this as well. I'm sorry this is taking so long. I'm trying to find as many as I can to make sure we do it correctly and so it doesn't happen again. We all are clear and on the same page. Secondly Mr. Geck, I understand your concern about building, just having pure rentals and Airbnb's, but from my point of view I want to understand, and you haven't been at the meetings before. In order to preserve our history for future generations we need to make sure there is a way to prosper here and unfortunately one way is by opening businesses like Airbnb's and rentals. I know about rentals because my grandpa has rentals, he has rented to people who become permanent residents of Mesilla. They can't afford to buy a house here, I bought mine for way too much money. But we need to make sure that the families that are here to keep industries going and we can preserve that. We need to make sure that they are here to continue their generation can prosper here. There will be no green belt if it is not worked. There will not be businesses if they are not profitable. The other thing is our roads, we need a lot of work on everything, our water system. I'm a part of MPO I've seen it, we have a lot of work to do. And we cannot do that without funds and unfortunately a lot of it comes from GRTs. Yes, we beg for money, we have a plan to get more money right Mayor. We want to make sure we are successful town and if we aren't this town disappears, we won't have any history. And we'll have people from California offering me \$1million and I'm going to say why not. Because what am I going to do I can't... We need to make sure we are all successful, everyone in Mesilla. I want to make sure that I do hear you. If you want to talk more, I am more than willing to talk. Again, I am not dead I want to make sure we do what is best for this town. If you have concerns let me know. I am an open book. You can ask me anything, you can come to my house. Just let me know and I will try to get the best solution for everybody. I want to make it clear to our board and our mayor as well. I am here to make this a

smooth, successful transition to make sure our town is prosperous. And I understand it's been confrontational lately especially with the Lucero case. We need to do our best to do the right thing for everybody in this town.

Mayor Barraza: Thank you. I'm going to hand out the registration form for the Zoning Officials conference that is coming up. Just let Rani know if you are interested, a preliminary program is attached to that. Okay, just to let everyone know there is a fire, it's pretty well contained now at the Bosque State Park. It occurred last night or in the middle of the night. Our fire department along with the county has been out there along with the state park officials. Marshal, do you know how many acres have burned?

Marshal Salas: No, I do not know.

Mayor Barraza: They've been out there all and there is supposed to be a team out there tonight to make sure it doesn't take off again...any hot spots. She told Chief to go home and get some rest, she commends our fire department. She is so proud of them. The weekend of 7th and 8th is fiesta weekend. Dorothy is working diligently on the fiesta. She has everything pretty well ready to go. This is her first Cinco de Mayo fiesta; she definitely has put her whole heart and soul into it. I am working with Comcast trying to see, Rani and I met with the Comcast representative last week trying to see about extending internet to the westside of town. We're still at the preliminary stage with them. The Easter Bunny on the Plaza was very successful kids were very excited. It was a beautiful afternoon, that's why she was late getting to MPO. The other thing I have noticed during our meetings is the trustees texting. I don't know if you are texting to each other, I highly recommend you don't be doing that. I don't know how many times I have mentioned it before about the Open Meetings Act. And if it continues, I will definitely call the Attorney General's office to do an investigation on violation of the Open Meetings Act. In terms of who got a raise, can you please tell me who was the person who got a raise.

Trustee Garcia: I want to see the numbers.

Mayor Barraza: I would rather that you share with us on who so we can look at that file rather than make assumptions.

Trustee Garcia: I'm not trying to make an assumption, that's why I want to see the numbers. That's why I am not saying names, I do not want to mention names. I don't want to be accused of saying somebody's name. That's why I would rather see what we approved; I have the budget.... I just want to see the dollar amount of the staff.

Mayor Barraza: The only reason someone would get an increase... And it really upsets me that if I have staff that is going out there, gossiping.

Trustee Garcia: Oh, it wasn't a staff member, I was at the Post Office.

Mayor Barraza: How would they know if we don't know. The only way anybody would get an increase is if they have their 5 years, every 5 years on their anniversary.

Trustee Garcia: That would be in the approved budget.

Mayor Barraza: That is correct. That is the only way anyone would get an increase. So, we approved Gloria getting a stipend by helping out Rani.

Trustee Garcia: Yea, I know the 5 year one. The handbook says every 5 years. But we put it in the budget, like their anniversary. So, we approve the budget that way.

Mayor Barraza: So, it's very hard for me to go with hearsay.

Trustee Garcia: Exactly

Mayor Barraza: So that's why I would rather you tell us who it is. If you don't feel comfortable telling us, contact Rani and she can look it up in the file. That would be the best way, right Rani, so she can tell you who and you can look at their file on the worksheet.

Trustee Garcia: I just want to compare it with the budget that we approved. That's basically what I want to do because if we didn't approve a 5% increase it needs to come to the board.

Mayor Barraza: We know that.

Trustee Garcia: I just want to make sure.

Mayor Barraza: I don't think we have sided from that. Gloria, can you think of anyone that got an increase without us going to the board.

Ms. Maya: (inaudible)

Mayor Barraza: Just a regular increase without the 5-year anniversary.

Ms. Maya: Ben Azcarate, Ryan Nanez, Kevin.

Mayor Barraza: 5-year coming up.

Trustee Garcia: He got it. Was that approved on our budget for the 5% increase. That's a new one for me.

Mayor Barraza: If it's not, in our handbook it says every five years, we just approved that the end of December. First it was every five and ten years, that's what our Personnel Handbooks says. Now it was approved for a 5% increase every five years as of January or whenever it was approved. So, anybody with a five-year anniversary will get an increase.

Trustee Garcia: Was that in our budget? Was it brought to the board? He was in the budget.

Mayor Barraza: If it's not he is still entitled to it because you approved the Personnel Handbook.

Trustee Garcia: We need to approve the budget as well.

Mayor Barraza: That's correct.

Trustee Garcia: It's sort of vice versa. So, we approved the handbook...

Mayor Barraza: I'm not here to have a discussion...come and visit with me. It is just getting too complicated. I don't know what exactly you are looking for.

Trustee Garcia: A pay increase without the board approval.

Mayor Barraza: If you tell us who the person is, that would help us out.

Trustee Garcia: Why don't you give me numbers?

Mayor Barraza: Gloria would need to do it and right now she is swamped. And we are getting ready to the budget anyway. Right Rani, we'll get it to you.

Trustee Garcia: If I can get it earlier that would be great since I am requesting it. Since we are the Board of Finance. So, if I see a pay increase, I will address it. Thank you

Mayor Barraza: Okay, so address the appeal process I did put it on the agenda as you requested the only thing I did not put on there was the Lucero case. The Lucero case, as I have mentioned to you before it has gone through the process. It was denied due to the lack of two-thirds which requires three trustees to vote in favor of it; and it was denied based it was a two-one vote. I did not vote on that case, I recused myself if you recall. And so, it was a 2-1 vote, it requires in the affirmative to pass. A certified letter was sent out to the Lucero's letting them know there's another process; go to District Court to appeal the process of the Board of Trustees. That's the next process...the next step in the appeal process, taking it to District Court. I am not taking anymore questions. As I have mentioned before I was working with the attorney trying to set up a date, and I mentioned to you that he was out of town. I was working with his paralegal, and she said May 9th tentatively, it is on his calendar. He has been out of town doing depositions. She did visit with him Saturday at an event as you have Trustee Garcia and Russell, who spoke to him at Salud regarding the appeal. Didn't have all the information. He is putting something together for us in writing regarding that. Ride to School Day, terms of office – don't know what my little note says. I will check with staff to see who got a raise. Between trying to get the budget together and stuff. I will visit with you tomorrow. The appeal process that is in effect. I think that is all I have. Mayor Pro Tem. On the P&Z there are five members on the P&Z and when one is gone...it is the majority. I think that is all I have.

Mayor Pro Tem Johnson-Burick: Looking at being on the plaza at 12:00 p.m. both days, fiesta.

Mayor Barraza: Sunday is Mother's Day... there are a lot of activities going on that weekend. We will definitely have competition. I feel confident we'll have a successful fiesta. Thank you all for being here.

12. ADJOURNMENT

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

MEETING ADJOURNED AT 7:28 P.M.

APPROVED THIS 9th DAY OF MAY, 2022.



Nora L. Barraza
Mayor

ATTEST:



Rani Bush
Town Clerk/Treasurer

