

Town of Mesilla, New Mexico

THE BOARD OF TRUSTEES (BOT) OF THE TOWN OF MESILLA WORK SESSION MEETING AT THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA

MONDAY, JULY 8, ~ 4:00 P.M.~

WORKSESSION MINUTES

TRUSTEES: Russell Hernandez, Mayor
Adrianna Merrick, Mayor Pro Tem
Biviana Cadena, Trustee
Stephanie Johnson-Burick, Trustee
Gerard Nevarez, Trustee

STAFF: Ben Azcarate, Interim Marshal
Edward Salazar, Community Development Coordinator
Greg Whited, Fire Chief
Gloria S Maya, Town Clerk/Recorder

PUBLIC: Jimmy Nevarez Heather Nevarez
Jimmy Nevarez III Catharine Walkinshaw
Eric Walkinshaw Susan Krueger
Mary H Ratje Ceelia Vigil
Crystal Whited Andy Embury

a) PRESENTATION: Fire Chief: Fireworks Ordinance Updates

a. DISCUSSION: Changes to Fireworks Ordinance 9.10.170

Fire Chief Whited presented the updates to the Fireworks Ordinance.

Trustees expressed concerns with regards to what can be sold, what is allowed, enforcement, permits and keeping residents informed.

b) PRESENTATION: Community Development: Planning & Zoning Preservation

a. DISCUSSION: Changes to Historic Preservation 18.33

Mayor Hernandez and Mr. Salazar reviewed Historic Preservation 18.33.

Trustees expressed concerns and questions.

c) PRESENTATION: Community Development:

a. DISCUSSION: Changes to Planning & Zoning Commission 18.06

Mayor Hernandez and Mr. Salazar reviewed Planning and Zoning Commission 18.06.

Trustees expressed concerns and questions.

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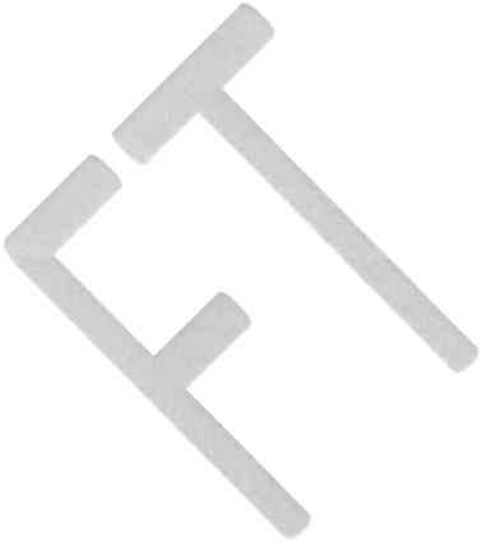
d) PRESENTATION: Community Development: Short Term Rental Ordinance
a. DISCUSSION: Additions of Short-Term Rental Ordinance

To be brought forth at the next meeting

e) PRESENTATION: Mayor/Town Clerk Treasurer: Handbook
a. DISCUSSION: Updated Personnel Rules & Regulations

No Discussion

Adjourned at 5:40 p.m.



1 **THE BOARD OF TRUSTEES (BOT) OF THE TOWN OF MESILLA**
2 **PUBLIC HEARING FOR A LIQUOR LICENSE APPLICATION AT THE MESILLA**
3 **TOWN HALL, 2231 AVENIDA DE MESILLA**

4
5 **MONDAY, JULY 8, ~ 5:30 P.M.~**

6 **PUBLIC HEARING MINUTES**

7
8 **TRUSTEES:** Russell Hernandez, Mayor
9 Adrianna Merrick, Mayor Pro Tem
10 Biviana Cadena, Trustee
11 Stephanie Johnson-Burick, Trustee
12 Gerard Nevarez, Trustee

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14 **STAFF:** Ben Azcarate, Interim Marshal
15 Edward Salazar, Community Development Coordinator
16 Greg Whited, Fire Chief
17 Gloria S Maya, Town Clerk/Recorder

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19 **PUBLIC:** Jimmy Nevarez Heather Nevarez
20 Jimmy Nevarez III Catharine Walkinshaw
21 Eric Walkinshaw Susan Krueger
22 Mary H Ratje Ceclia Vigil
23 Crystal Whited Andy Embury
24 Melanie Goodman Gary Tindal
25 Maria Massey Maia Baca
26 Bill & Janice Cook Lori Miller
27 Bonnie Poloner

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29
30 **1. PLEDGE OF ALLEGIANCE**

31 Mayor Hernandez led the Pledge of Allegiance.

32
33 **2. ROLL CALL & DETERMINATION OF A QUORUM**

34 **Roll Call.**

35 **Present:** Mayor Hernandez, Mayor Pro Tem Merrick, Trustee Johnson-Burick, Trustee Nevarez

36
37
38 **Motion: To enter Public Hearing, Moved by Mayor Pro Tem Merrick, Seconded by Trustee Nevarez.**

39
40 **Motion passed unanimously.**

41
42 **3. Public Hearing:**

- 43 a) **CASE: LIQUOR ESTABLISHMENT LICENSE #1241: HEART OF THE DESERT: 1701**
44 **CALLE DE MERCADO, STE (NEW LICENSE LOCATION).** New Mexico Regulations &
45 Licensing Department has received an application for a wine grower off-site liquor license
46 **ZONE: COMMERCIAL**

47 Ms. Ratje stated Heart Of The Desert were excellent renters and very professional.

48
49 **Motion: To close Public Hearing, Moved by Trustee Nevarez, Seconded by Mayor Pro Tem Merrick.**

1 **Motion passed unanimously.**

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3 **Closed Public Hearing at 5:53 p.m.**

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5 **4. ADJOURNMENT**

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7 **Adjourned at 5:53 p.m.**

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1 **THE BOARD OF TRUSTEES (BOT) OF THE TOWN OF MESILLA**
2 **REGULAR MEETING AT THE MESILLA TOWN HALL,**
3 **2231 AVENIDA DE MESILLA**

4 **MONDAY, JULY 8, ~ IMMEDIATELY FOLLOWING PUBLIC HEARING~**
5 **MINUTES**

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8 **TRUSTEES:** Russell Hernandez, Mayor
9 Adrianna Merrick, Mayor Pro Tem
10 Biviana Cadena, Trustee
11 Stephanie Johnson-Burick, Trustee
12 Gerard Nevarez, Trustee

13
14 **STAFF:** Ben Azcarate, Interim Marshal
15 Edward Salazar, Community Development Coordinator
16 Greg Whited, Fire Chief
17 Gloria S Maya, Town Clerk/Recorder

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19 **PUBLIC:** Jimmy Nevarez Heather Nevarez
20 Jimmy Nevarez III Catharine Walkinshaw
21 Eric Walkinshaw Susan Krueger
22 Mary H Ratje Ceclia Vigil
23 Crystal Whited Andy Embury
24 Melanie Goodman Gary Tindal
25 Maria Massey Maia Baca
26 Bill & Janice Cook Lori Miller
27 Bonnie Poloner

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29
30 **1. PLEDGE OF ALLEGIANCE**

31 Mayor Hernandez led the Pledge of Allegiance.

32
33 **2. ROLL CALL & DETERMINATION OF A QUORUM**

34 **Roll Call.**

35 **Present:** Mayor Hernandez, Mayor Pro Tem Merrick, Trustee Johnson-Burick, Trustee Nevarez

36
37 **3. CHANGES TO THE AGENDA & APPROVAL**

38 Mayor Hernandez requested removing item 4c from the consent agenda and removing items 6b and 6d from
39 the agenda.

40
41 Trustee Johnson-Burick requested that the Job Descriptions be approved individually.

42
43 **Motion: To approve agenda as amended, Moved by Trustee Johnson-Burick, Seconded by Trustee**
44 **Nevarez.**

45
46 **Motion passed unanimously.**

47
48 **5. APPROVAL OF CONSENT AGENDA:** (The Board will be asked to approve by one motion the
49 following items of recurring or routine business. The Consent Agenda is marked with an asterisk *)

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

1
2 Trustee Johnson-Burick stated a misquote on page 092 item 5 line 15. Correct statement should read, it has
3 not been recommended that the vendors have been approached as what to sell and not to sell.

4
5 **Roll Call Vote: Motion passed (summary: Yes-4)**

6 Mayor Pro Tem Merrick Yes
7 Trustee Cadena Yes
8 Trustee Johnson-Burick Yes
9 Trustee Nevarez Yes

10
11 a) ***BOT MINUTES** – Minutes of BOT, 06.25.2024 *Approved by consent agenda w/correction*

12
13 b) **APPROVAL: PZHAC SIGN #061845** – 2355 Calle de Guadalupe, submitted by Mi Corazon
14 Encantado. Requesting approval to install a wall sign by the front door of her business. ZONE:
15 Historical Commercial (HC). *Approved by consent agenda*

16
17 c) **APPROVAL: PZHAC SIGN #061853** – 2030 Calle de Parian, submitted by Maia L Baca.
18 Requesting approval to install a hanging sign in the front entrance of her business. ZONE: Historical
19 Commercial (HC). Removed from consent agenda

20 Mayor Hernandez stated PZHAC approved sign #061853 with conditions.

21
22 **Motion: To approve PZHAC Sign #061853 – 2030 Calle de Parian, submitted by Maia L Baca.**
23 **Requesting approval to install a hanging sign in front of the entrance of her business. Zone: Historical**
24 **Commercial (HC) w/conditions, Moved by Trustee Johnson-Burick, Seconded by Mayor Pro Tem**
25 **Merrick.**

26
27 **Roll Call Vote: Motion passed (summary: Yes-4)**

28 Mayor Pro Tem Merrick Yes
29 Trustee Cadena Yes
30 Trustee Johnson-Burick Yes
31 Trustee Nevarez Yes

32
33 d) **PUBLIC INPUT ON CASES** – The public is invited to address the Board as allowed by the chair.
34 Ms. Krueger expressed her concerns.

35
36 **6. ACTION AND CONSIDERATION**
37 **NEW BUSINESS**

38 a) **APPROVAL: LIQUOR ESTABLISHMENT LICENSE #1241: Heart of the Desert, 1701**
39 **Calle de Mercado Suite #1. Zone: Commercial**

40 **Motion: To approve Liquor Establishment License #1241: Heart of the Desert, 1701 Calle de Mercado**
41 **Suite #1. Zone: Commercial. Moved by Trustee Johnson-Burick, Seconded by Mayor Pro Tem Merrick.**

42
43 **Roll Call Vote: Motion passed (summary: Yes-4)**

44 Mayor Pro Tem Merrick Yes
45 Trustee Cadena Yes
46 Trustee Johnson-Burick Yes
47 Trustee Nevarez Yes

1 **b) APPROVAL: PZHAC BUSINESS #1229** – 2450 Calle de Principal, submitted by Armijo Felix.
2 Requesting approval to operate a short-term rental business if approved to build 30x36 ft building.
3 ZONE: Historical Commercial (HC). *Removed from agenda*

4
5 **c) APPROVAL: PZHAC BUSINESS #1245** – 2030 Calle de Parian, submitted by Maia L Baca.
6 Requesting approval to operate a retail business, Flippin’ Vintage. Relocating from Truth of
7 Consequences, NM. ZONE: Historical Commercial (HC).

8 **Motion: To approve PZHAC BUSINESS #1245 – 2030 Calle de Parian, submitted by Maia L Baca.**
9 **Requesting approval to operate a retail business, Flippin’ Vintage. Relocating from Truth of**
10 **Consequences, NM. ZONE: Historical Commercial (HC), Moved by Mayor Pro Tem Merrick, Seconded**
11 **by Trustee Johnson-Burick.**

12
13 **Roll Call Vote: Motion passed (summary: Yes-4)**

14 Mayor Pro Tem Merrick Yes
15 Trustee Cadena Yes
16 Trustee Johnson-Burick Yes
17 Trustee Nevarez Yes

18
19 **d) APPROVAL: PZHAC CASE #061823** – 2450 Calle de Principal, submitted by Felix Armijo.
20 Requesting approval to build a 30 x 36 ft structure for the purpose of operating short-term rental
21 business. ZONE: Historical Commercial (HC). *Removed from agenda*

22
23 **e) APPROVAL: PZHAC CASE #061850** – 2550 Calle de San Albino, submitted by Irma Chavez-
24 May. Requesting approval to install 6 ft coyote fence. ZONE: Historical Residential (HR)

25
26
27 **Motion: To approve PZHAC Case #061850 – 2550 Calle de San Albino, submitted by Irma Chavez-May.**
28 **Requesting approval to install 6 ft coyote fence. ZONE: Historical Residential (HR), Moved by Mayor**
29 **Pro Tem Merrick, Seconded by Trustee Johnson-Burick.**

30
31 **Roll Call Vote: Motion passed (summary: Yes-4)**

32 Mayor Pro Tem Merrick Yes
33 Trustee Cadena Yes
34 Trustee Johnson-Burick Yes
35 Trustee Nevarez Yes

36
37 **f) APPROVAL: RESOLUTION 2025-01: Destruction of Records**

38 **Motion: To approve Resolution 2025-01: Destruction of Records, Moved by Mayor Pro Tem Merrick,**
39 **Seconded by Trustee Johnson-Burick.**

40
41 **Roll Call Vote: Motion passed (summary: Yes-4)**

42 Mayor Pro Tem Merrick Yes
43 Trustee Cadena Yes
44 Trustee Johnson-Burick Yes
45 Trustee Nevarez Yes

46
47 **g) APPROVAL: RESOLUTION 2025-02: Capital Asset Plan**

48 **Motion: To approve Resolution 2025-02: Capital Asset Plan, Moved by Mayor Pro Tem Merrick,**
49 **Seconded by Trustee Cadena.**

50
51 **Roll Call Vote: Motion passed (summary: Yes-4)**

52 Mayor Pro Tem Merrick Yes

1 Trustee Cadena Yes
2 Trustee Johnson-Burick Yes
3 Trustee Nevarez Yes

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5

6 **h) APPROVAL: CONTRACT AGREEMENT: Pharmaceutical Services**

7 **Motion: To approve Contract Agreement: Pharmaceutical Services, Moved by Trustee Johnson-Burick,**
8 **Seconded by Mayor Pro Tem Merrick.**

9

10 **Roll Call Vote: Motion passed (summary: Yes-4)**

11 Mayor Pro Tem Merrick Yes
12 Trustee Cadena Yes
13 Trustee Johnson-Burick Yes
14 Trustee Nevarez Yes

15

16 **i) APPROVAL: CONTRACT AGREEMENT: DCA Community Center Rental**

17 **Motion: To approve Contract Agreement: DCA Community Center Rental, Moved by Mayor Pro Tem**
18 **Merrick, Seconded by Trustee Cadena.**

19

20 **Roll Call Vote: Motion passed (summary: Yes-4)**

21 Mayor Pro Tem Merrick Yes
22 Trustee Cadena Yes
23 Trustee Johnson-Burick Yes
24 Trustee Nevarez Yes

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27 **j) APPROVAL: 2025-2026 SALARY GRADES**

28 **Motion: To approve 2025-2026 Salary Grades, Moved by Mayor Pro Tem Merrick, Seconded by Trustee**
29 **Johnson-Burick.**

30

31 Mayor Hernandez stated that upon approval by the trustee's retro pay will be issued in the next pay period.

32

33 **Amended Motion: To approve 2025-2026 Salary Grades and retro pay – July 1st, Moved by Mayor Pro**
34 **Tem Merrick, Seconded by Trustee Nevarez.**

35

36 **Amended Roll Call Vote: Motion passed (summary: Yes-4)**

37 Mayor Pro Tem Merrick Yes
38 Trustee Cadena Yes
39 Trustee Johnson-Burick Yes
40 Trustee Nevarez Yes

41

42 **Original Motion Roll Call Vote: Motion passed (summary: Yes-4)**

43 Mayor Pro Tem Merrick Yes
44 Trustee Cadena Yes
45 Trustee Johnson-Burick Yes
46 Trustee Nevarez Yes

47

48 **k) APPROVAL: JOB DESCRIPTIONS: FINANCE DEPARTMENT**

49 **Motion: To approve Deputy Clerk Job Descriptions: Finance Department, Moved by Trustee Johnson-**
50 **Burick, Seconded by Mayor Pro Tem Merrick.**

1 **Roll Call Vote: Motion passed (summary: Yes-4)**

2 Mayor Pro Tem Merrick Yes

3 Trustee Cadena Yes

4 Trustee Johnson-Burick Yes

5 Trustee Nevarez Yes

6

7 **Motion: To approve Deputy Treasurer Job Descriptions: Finance Department, Moved by Mayor Pro**
8 **Tem Merrick, Seconded by Trustee Johnson-Burick.**

9

10 **Call Vote: Motion passed (summary: Yes-3; No-1)**

11 Mayor Pro Tem Merrick Yes

12 Trustee Cadena Yes

13 Trustee Johnson-Burick No

14 Trustee Nevarez Yes

15

16 **Motion: To approve Grant Administrator Job Descriptions: Finance Department, Moved by Trustee**
17 **Johnson-Burick, Seconded by Mayor Pro Tem Merrick.**

18

19 **Roll Call Vote: Motion passed (summary: Yes-4)**

20 Mayor Pro Tem Merrick Yes

21 Trustee Cadena Yes

22 Trustee Johnson-Burick Yes

23 Trustee Nevarez Yes

24 **Motion: To approve Town Clerk/Treasurer Job Descriptions: Finance Department, Moved by Trustee**
25 **Johnson-Burick, Seconded by Mayor Pro Tem Merrick.**

26

27 **Call Vote: Motion passed (summary: Yes-4)**

28 Mayor Pro Tem Merrick Yes

29 Trustee Cadena Yes

30 Trustee Johnson-Burick Yes

31 Trustee Nevarez Yes

32

33 **Motion: To approve Utility Clerk Job Descriptions: Finance Department, Moved by Mayor Pro Tem**
34 **Merrick, Seconded by Trustee Johnson-Burick.**

35

36 **Call Vote: Motion passed (summary: Yes-4)**

37 Mayor Pro Tem Merrick Yes

38 Trustee Cadena Yes

39 Trustee Johnson-Burick Yes

40 Trustee Nevarez Yes

41

42 **D) APPROVAL: JOB DESCRIPTIONS: MARSHAL DEPARTMENT**

43 **Motion: To approve Codes/ACO Job Descriptions: Marshal Department, Moved by Mayor Pro Tem**
44 **Merrick, Seconded by Trustee Cadena.**

45

46 **Call Vote: Motion passed (summary: Yes-4)**

47 Mayor Pro Tem Merrick Yes

48 Trustee Cadena Yes

49 Trustee Johnson-Burick Yes

50 Trustee Nevarez Yes

1 **Motion: To approve Deputy 1 Job Descriptions: Marshal Department, Moved by Mayor Pro Tem**
2 **Merrick, Seconded by Trustee Johnson-Burick.**

3

4 **Call Vote: Motion passed (summary: Yes-4)**

5 Mayor Pro Tem Merrick Yes

6 Trustee Cadena Yes

7 Trustee Johnson-Burick Yes

8 Trustee Nevarez Yes

9

10 **Motion: To approve Deputy 2 Job Descriptions: Marshal Department, Moved by Mayor Pro Tem**
11 **Merrick, Seconded by Trustee Johnson-Burick.**

12

13 **Call Vote: Motion passed (summary: Yes-4)**

14 Mayor Pro Tem Merrick Yes

15 Trustee Cadena Yes

16 Trustee Johnson-Burick Yes

17 Trustee Nevarez Yes

18

19 **Motion: To approve Deputy 3 Job Descriptions: Marshal Department, Moved by Trustee Johnson-**
20 **Burick, Seconded by Mayor Pro Tem Merrick.**

21

22 **Call Vote: Motion passed (summary: Yes-4)**

23 Mayor Pro Tem Merrick Yes

24 Trustee Cadena Yes

25 Trustee Johnson-Burick Yes

26 Trustee Nevarez Yes

27

28 **Motion: To approve Lieutenant Job Descriptions: Marshal Department, Moved by Trustee Johnson-**
29 **Burick, Seconded by Mayor Pro Tem Merrick.**

30

31 **Call Vote: Motion passed (summary: Yes-4)**

32 Mayor Pro Tem Merrick Yes

33 Trustee Cadena Yes

34 Trustee Johnson-Burick Yes

35 Trustee Nevarez Yes

36

37 **Motion: To approve Sergeant Job Descriptions: Marshal Department, Moved by Mayor Pro Tem**
38 **Merrick, Seconded by Trustee Johnson-Burick.**

39

40 **Call Vote: Motion passed (summary: Yes-4)**

41 Mayor Pro Tem Merrick Yes

42 Trustee Cadena Yes

43 Trustee Johnson-Burick Yes

44 Trustee Nevarez Yes

45

46 **Motion: To approve Marshal Job Descriptions: Marshal Department, Moved by Mayor Pro Tem**
47 **Merrick, Seconded by Trustee Johnson-Burick.**

48

49 Mayor Pro Tem Merrick abstained from voting.

50

51 **Call Vote: Motion passed (summary: Yes-3; Abstained-1)**

1 Mayor Pro Tem Merrick Abstained
2 Trustee Cadena Yes
3 Trustee Johnson-Burick Yes
4 Trustee Nevarez Yes

5

6 **m) APPROVAL: JOB DESCRIPTIONS: FIRE DEPARTMENT**

7 **Motion: To approve Fire Captain Job Descriptions: Fire Department, Moved by Trustee Johnson-**
8 **Burick, Seconded by Mayor Pro Tem Merrick.**

9

10 **Call Vote: Motion passed (summary: Yes-4)**

11 Mayor Pro Tem Merrick Yes
12 Trustee Cadena Yes
13 Trustee Johnson-Burick Yes
14 Trustee Nevarez Yes

15

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17 **n) APPROVAL: JOB DESCRIPTIONS: PUBLIC WORKS**

18 **Motion: To approve Custodial/Janitorial Job Descriptions: Public Works Department, Moved by Mayor**
19 **Pro Tem Merrick, Seconded by Trustee Johnson-Burick.**

20

21 **Call Vote: Motion passed (summary: Yes-4)**

22 Mayor Pro Tem Merrick Yes
23 Trustee Cadena Yes
24 Trustee Johnson-Burick Yes
25 Trustee Nevarez Yes

26

27 **Motion: To approve Grounds 1 Job Descriptions: Public Works Department, Moved by Mayor Pro Tem**
28 **Merrick, Seconded by Trustee Johnson-Burick.**

29

30 **Call Vote: Motion passed (summary: Yes-4)**

31 Mayor Pro Tem Merrick Yes
32 Trustee Cadena Yes
33 Trustee Johnson-Burick Yes
34 Trustee Nevarez Yes

35

36 **Motion: To approve Grounds 2 Job Descriptions: Public Works Department, Moved by Mayor Pro Tem**
37 **Merrick, Seconded by Trustee Johnson-Burick.**

38

39 **Call Vote: Motion passed (summary: Yes-4)**

40 Mayor Pro Tem Merrick Yes
41 Trustee Cadena Yes
42 Trustee Johnson-Burick Yes
43 Trustee Nevarez Yes

44

45 **Motion: To approve Grounds 3 Job Descriptions: Public Works Department, Moved by Mayor Pro Tem**
46 **Merrick, Seconded by Trustee Johnson-Burick.**

47

48 **Call Vote: Motion passed (summary: Yes-4)**

49 Mayor Pro Tem Merrick Yes
50 Trustee Cadena Yes
51 Trustee Johnson-Burick Yes

1 Trustee Nevarez Yes

2

3 **Motion: To approve Public Works Director Job Descriptions: Public Works Department, Moved by**
4 **Mayor Pro Tem Merrick, Seconded by Trustee Johnson-Burick.**

5

6 **Call Vote: Motion passed (summary: Yes-4)**

7 Mayor Pro Tem Merrick Yes

8 Trustee Cadena Yes

9 Trustee Johnson-Burick Yes

10 Trustee Nevarez Yes

11

12 **Motion: To approve Water 1 Job Descriptions: Public Works Department, Moved by Mayor Pro Tem**
13 **Merrick, Seconded by Trustee Johnson-Burick.**

14

15 **Call Vote: Motion passed (summary: Yes-4)**

16 Mayor Pro Tem Merrick Yes

17 Trustee Cadena Yes

18 Trustee Johnson-Burick Yes

19 Trustee Nevarez Yes

20

21 **Motion: To approve Water 2 Job Descriptions: Public Works Department, Moved by Mayor Pro Tem**
22 **Merrick, Seconded by Trustee Johnson-Burick.**

23

24 **Call Vote: Motion passed (summary: Yes-4)**

25 Mayor Pro Tem Merrick Yes

26 Trustee Cadena Yes

27 Trustee Johnson-Burick Yes

28 Trustee Nevarez Yes

29

30 **Motion: To approve Water 2/Lead Job Descriptions: Public Works Department, Moved by Mayor Pro**
31 **Tem Merrick, Seconded by Trustee Johnson-Burick.**

32

33 **Call Vote: Motion passed (summary: Yes-4)**

34 Mayor Pro Tem Merrick Yes

35 Trustee Cadena Yes

36 Trustee Johnson-Burick Yes

37 Trustee Nevarez Yes

38

39 **o) APPROVAL: JOB DESCRIPTIONS: COMM & ECON DEVELOPMENT**

40 **Motion: To approve Community & Economic Director Job Descriptions: Comm & Econ Department,**
41 **Moved by Mayor Pro Tem Merrick, Seconded by Trustee Johnson-Burick.**

42

43 **Call Vote: Motion passed (summary: Yes-4)**

44 Mayor Pro Tem Merrick Yes

45 Trustee Cadena Yes

46 Trustee Johnson-Burick Yes

47 Trustee Nevarez Yes

48

49 **Motion: To approve Community Events Coordinator Job Descriptions: Comm & Econ Department,**
50 **Moved by Mayor Pro Tem Merrick, Seconded by Trustee Johnson-Burick.**

51

1 **Call Vote: Motion passed (summary: Yes-4)**

2 Mayor Pro Tem Merrick Yes

3 Trustee Cadena Yes

4 Trustee Johnson-Burick Yes

5 Trustee Nevarez Yes

6

7 **Motion: To approve Historic Preservation Specialist Job Descriptions: Comm & Econ, Moved by Mayor**
8 **Pro Tem Merrick, Seconded by Trustee Johnson-Burick.**

9

10 **Call Vote: Motion passed (summary: Yes-4)**

11 Mayor Pro Tem Merrick Yes

12 Trustee Cadena Yes

13 Trustee Johnson-Burick Yes

14 Trustee Nevarez Yes

15

16 **7. PUBLIC INPUT – The public is invited to address the Board as allowed by the chair.**

17 Ms. Ratje expressed concerns regarding questionable people, yards, loose dogs, and the safety of the
18 neighborhoods.

19

20 Mr. Nevarez expressed concerns regarding fireworks.

21

22 Ms. Walkinshaw appreciated the meeting held by Mayor Hernández.

23

24 Mr. Nevarez II stated he did not notice any incidents on the 4th of July.

25

26 **8. CLOSED EXECUTIVE SESSION**

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

28 - **Open Position Marshal's Department**

29 - **Open Position Public Works Department**

30 - **Open Position Finance Department**

31 - **Open Position Community & Economic Development Department**

32

33 **Motion: To enter Closed Executive Session, Moved by Mayor Pro Tem Merrick, Seconded by Trustee**
34 **Johnson-Burick.**

35

36 **Motion passed unanimously.**

37

38 **Entered Closed Executive Session at 7:04 p.m.**

39

40 **Motion: To enter Regular Meeting, Moved by Mayor Pro Tem Merrick, Seconded by Trustee Nevarez.**

41

42 **Motion passed unanimously.**

43

44 **Entered Regular Meeting at 7:39 p.m.**

45

46

47 **APPROVAL:** Any actions that may arise as a result of discussions in closed session.

48 - Marshal Department

49 **Motion: To approve appointment of Ben Azcarate to the position of Marshal, Moved by Trustee Cadena,**
50 **Seconded by Trustee Nevarez.**

51

52 Mayor Pro Tem Merrick abstained from voting.

53

1 **Call Vote: Motion passed (summary: Yes-3)**

2 Mayor Pro Tem Merrick Abstained

3 Trustee Cadena Yes

4 Trustee Johnson-Burick Yes

5 Trustee Nevarez Yes

6

7 **Motion: To approve appointment of Tress Diaz to the position of Lieutenant, Moved by Mayor Pro Tem**
8 **Merrick, Seconded by Trustee Cadena.**

9

10 **Call Vote: Motion passed (summary: Yes-4)**

11 Mayor Pro Tem Merrick Yes

12 Trustee Cadena Yes

13 Trustee Johnson-Burick Yes

14 Trustee Nevarez Yes

15

16 **Motion: To approve appointment of Lourdes Hernandez to the position of Deputy 2, Moved by Mayor**
17 **Pro Tem Merrick, Seconded by Trustee Cadena.**

18

19 **Call Vote: Motion passed (summary: Yes-4)**

20 Mayor Pro Tem Merrick Yes

21 Trustee Cadena Yes

22 Trustee Johnson-Burick Yes

23 Trustee Nevarez Yes

24

25 **Motion: To approve appointment of Ryan Nanez to the position of Deputy 2, Moved by Mayor Pro Tem**
26 **Merrick, Seconded by Trustee Nevarez.**

27

28 **Call Vote: Motion passed (summary: Yes-4)**

29 Mayor Pro Tem Merrick Yes

30 Trustee Cadena Yes

31 Trustee Johnson-Burick Yes

32 Trustee Nevarez Yes

33

34 **Motion: To approve appointment of Jonathan Reyes to the position of Deputy 2, Moved by Mayor Pro**
35 **Tem Merrick, Seconded by Trustee Cadena.**

36

37 **Call Vote: Motion passed (summary: Yes-4)**

38 Mayor Pro Tem Merrick Yes

39 Trustee Cadena Yes

40 Trustee Johnson-Burick Yes

41 Trustee Nevarez Yes

42

43 **Motion: To approve appointment of Brandon Baca to the position of Deputy 1, Moved by Mayor Pro**
44 **Tem Merrick, Seconded by Trustee Cadena.**

45

46 **Call Vote: Motion passed (summary: Yes-4)**

47 Mayor Pro Tem Merrick Yes

48 Trustee Cadena Yes

49 Trustee Johnson-Burick Yes

50 Trustee Nevarez Yes

51

52 - Public Works Department

1 **Motion: To approve appointment of Lorenzo Astorga to the position of Public Works Director, Moved**
2 **by Mayor Pro Tem Merrick, Seconded by Trustee Cadena.**

3
4 **Call Vote: Motion passed (summary: Yes-4)**

5 Mayor Pro Tem Merrick Yes
6 Trustee Cadena Yes
7 Trustee Johnson-Burick Yes
8 Trustee Nevarez Yes

9
10 **Motion: To approve appointment of Manuel Hernandez to the position of Water 2/Lead, Moved by**
11 **Mayor Pro Tem Merrick, Seconded by Trustee Cadena.**

12
13 **Call Vote: Motion passed (summary: Yes-4)**

14 Mayor Pro Tem Merrick Yes
15 Trustee Cadena Yes
16 Trustee Johnson-Burick Yes
17 Trustee Nevarez Yes

18
19 **Motion: To approve appointment of Dorothy Villa to the position of Custodial/Janitor, Moved by Mayor**
20 **Pro Tem Merrick, Seconded by Trustee Cadena.**

21
22 **Call Vote: Motion passed (summary: Yes-4)**

23 Mayor Pro Tem Merrick Yes
24 Trustee Cadena Yes
25 Trustee Johnson-Burick Yes
26 Trustee Nevarez Yes

27
28 - Finance Department

29 **Motion: To approve appointment of Ashley Padilla to the position of Deputy Treasurer, Moved by Mayor**
30 **Pro Tem Merrick, Seconded by Trustee Cadena.**

31
32 **Call Vote: Motion passed (summary: Yes-3; No--1)**

33 Mayor Pro Tem Merrick Yes
34 Trustee Cadena Yes
35 Trustee Johnson-Burick No
36 Trustee Nevarez Yes

37
38 **Motion: To approve appointment of Briana Gomez to the position of Deputy Clerk, Moved by Mayor**
39 **Pro Tem Merrick, Seconded by Trustee Cadena.**

40
41 **Call Vote: Motion passed (summary: Yes-4)**

42 Mayor Pro Tem Merrick Yes
43 Trustee Cadena Yes
44 Trustee Johnson-Burick Yes
45 Trustee Nevarez Yes

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47 - Community & Economic Development Department

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50 **9. BOARD OF TRUSTEE COMMITTEE REPORTS**

51 Mayor Hernandez: MOLI Training July 18th & 19th - Albuquerque

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10. BOARD OF TRUSTEE/STAFF COMMENTS

Marshal Azcarate department update
Fire Chief Whited department update
Trustees expressed concerns and stated it was a good firework display.
Mayor Hernandez asked the trustees to notify staff if they are planning to attend NMML Annual Conference.

11. ADJOURNMENT

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

MEETING ADJOURNED AT 8:03 P.M.

APPROVED THIS 22nd DAY OF JULY, 2024

Russell Hernandez
Mayor

ATTEST:

Gloria S. Maya
Town Clerk/Treasurer



Community Development <comdev@mesillanm.gov>

Proposed short term rental ordinance

1 message

Melanie Goodman <melaniegoodman2@gmail.com>

Sun, Jul 7, 2024 at 7:51 PM

To: Russell Hernandez <mayor@mesillanm.gov>, Community Development <comdev@mesillanm.gov>, Mesilla Town Clerk/Treasurer <clerktreasurer@mesillanm.gov>, adriannam@mesillanm.gov, Stephanie Johnson-Burick <stephaniejb@mesillanm.gov>, Biviana Cadena <bivianac@mesillanm.gov>, gerardn@mesillanm.gov, yolandal@mesillanm.gov, davies@mesillanm.gov, ericg@mesillanm.gov, ericw@mesillanm.gov, Lori Miller <lldustymiller@gmail.com>

Dear Mayor, Trustees and Members of the Planning and Zoning Commission,

Please include these comments in the official minutes for the various July 8, 2024, meetings.

On July 2 we attended a meeting of short-term rental property owners with Mayor Hernandez during which we had an opportunity to present our concerns over the draft short term rental (STR) ordinance being considered by Town of Mesilla officials. We greatly appreciate the time Mayor Hernandez dedicated to listening and discussing this topic with us.

First and foremost, we wanted to share with you that as owners we love that we can offer visitors a unique and special lodging experience. The extra income we make allows us to maintain our historic adobe home. We also believe that it is important for the Town of Mesilla to be able to benefit from the GRT and lodger's tax revenue from STRs like ours which have provided a positive boost to Mesilla's local tourism-based economy for years. Our guests drink, dine and shop locally which in turn greatly helps other small businesses in Mesilla.

We respectfully request you take into consideration some of our feedback below.

- The current ordinance duplicates that of the Village of Ruidoso, a resort town (gambling, horseracing, skiing, etc.) which is not at all comparable to Mesilla in terms of population character or geographic size.
- The business monthly data that the policy would require represents an overreach of our private business records and singles out STR businesses over other types of businesses operating in Mesilla.
- While we support registration fees for STRs, these fees are excessive in both amounts and in number. We feel they should be more reasonable and the process for registering and renewing be less cumbersome and confusing. For example, Las Cruces has a more reasonable fee of \$50.
- The requirement to notify neighbors seems duplicative once an STR is registered with the Town. Also currently other home businesses don't have to inform any neighbors of the businesses next to them.

In summary, we ask that you withhold voting on the ordinance until it can be modified into a simpler and more streamlined policy that more effectively addresses mutual goals and concerns of local government and STR owners. We feel that is best accomplished by involving the community in the process. We want to be your partners, are a resource to you in this matter and should have a voice. We feel that by establishing a diverse ad hoc committee that can work together with the Mayor and Town Staff, everyone wins.

Thank you for the opportunity to share this feedback and for your consideration.



Proposed short term rental ordinance for Mesilla

1 message

Catharine Walkinshaw <catharinewalkinshaw@gmail.com>

Wed, Jul 3, 2024 at 7:08 PM

To: Russell Hernandez <mayor@mesillanm.gov>, Community Developement <comdev@mesillanm.gov>, Mesilla Town Clerk/Treasurer <clerktreasurer@mesillanm.gov>, adriannam@mesillanm.gov, Stephanie Johnson-Burick <stephaniejb@mesillanm.gov>, Biviana Cadena <bivianac@mesillanm.gov>, gerardn@mesillanm.gov, yolandal@mesillanm.gov, davies@mesillanm.gov, ericg@mesillanm.gov, ericw@mesillanm.gov, Lori Miller <ldustymiller@gmail.com>

Dear Mayor Hernandez; Mr. Salazar; Trustees Merrick, Johnson-Burick, Cadena, Nevarez; and, Planning and Zoning Commissioners Lucero, Salas, Gallegos, Walkinshaw, and Miller,

Please include these comments in the official minutes for the various July 8, 2024, meetings.

A group of short term rental owners including myself met with Mayor Hernandez on July 2, 2024, to discuss concerns with the current draft of the short term rental ordinance being voted on at the July 8, 2024, PZHAC meeting and discussed at the Board of Trustees July 8, 2024, work session.

I am asking that the PZHAC do not vote to forward this ordinance as currently written. There are several mistakes and omissions (listed below), which need to be corrected and clarified first. It is premature to approve it in its current version. In addition, the Mayor committed to form an Ad/Hoc committee (made up of town staff, str owners, residents who are not str owners, and businesses) to review and modify this ordinance. This must be done before this ordinance can be approved and codified into Mesilla's Municipal Code.

Specific items that are concerns with this ordinance include:

The cap of 100 str units seems to be an arbitrary figure. What is it based on? It does not address the issue of density whereby a residential block could have several str units, a concern I've heard from residents.

The business monthly data that this ordinance requires is an overreach of review of our private business records. No other business within Mesilla is required to provide this level of data.

The fees proposed to be charged to short term rental businesses are excessive for Mesilla. Are these annual or one-time costs? It isn't clear from the ordinance as written. Perhaps these high fees would make sense in Santa Fe or Taos, but they are excessive for our area. In contrast, Las Cruces charges \$50 per year for short term rental permits. Most str owners in Mesilla are primarily "mom and pop" businesses who are not making huge profits but rather using the income to supplement fixed incomes and/or help with remodeling costs of our historic structures. These fees are higher than any other Mesilla business.


The requirement to notify neighbors is not fully explained. What form is this (letter, flyer, phone call)? Is it one time or annual? How will addresses or phone numbers be obtained? In addition, neighbors should not have the ability to restrict what a person can do on their own property.

There are some mistakes in this draft such as in two places it refers to Codes 1-6, but does not define where or what those codes are.

In conclusion, as the Mayor told us at the July 2nd meeting, this ordinance is important and necessary, but it's critical to take the time to make it accurate, simple, effective, and applicable to Mesilla's uniqueness. It should meet the needs and goals of this community, including the tourists, businesses, and residents.

I have also attached a digital copy of a current, independent study I gave to the Mayor at the July 2nd meeting. It details the economic impact of short term rentals within New Mexico in 2023. There are statistics for Dona Ana County (contributed \$21.3 million to the county). The economic benefits from short term rentals in Mesilla are significant especially because there is only 1 boutique hotel with limited rooms within the town limits. Short term rentals provide a place for tourists to stay in our community and these visitors spend money in Mesilla businesses generating direct and indirect benefits. This ordinance, as written, is heavily oriented towards regulation and perceived burdens short term rentals have on our community and downplays their positive impact. A more balanced ordinance is needed.

Sincerely,
Catharine Walkinshaw
2134 Calle de Principal
Mesilla, NM 88046
575 932 8313

 **NMSTRA economic impact study 2023.pdf**
4381K



STR Draft ordinance

1 message

Trina Witter <trina.witter@gmail.com>

Mon, Jul 8, 2024 at 11:14 AM

To: Russell Hernandez <mayor@mesillanm.gov>, Biviana Cadena Trustee <bivianac@mesillanm.gov>, Jerry Nevarez <gerardn@mesillanm.gov>, Adrianna Merrick <adriannam@mesillanm.gov>, Stephanie Johnson Burick <stephaniejb@mesillanm.gov>, Yolanda Lucero <yolandal@mesillanm.gov>, Eric Walkinshaw <ericw@mesillanm.gov>, Davie Salas <davies@mesillanm.gov>, Eric Gallegos <ericg@mesillanm.gov>, Lori Miller <ldustymiller@gmail.com>
Cc: Edward Salazar Community Development <comdev@mesillanm.gov>, Gloria Mesilla Town Clerk <clerktreasurer@mesillanm.gov>, Eric Liefeld <eric.liefeld@gmail.com>

Dear Mayor, Trustees, and Commissioners,

Please include this letter as part of the official minutes for the PZHAC meetings BOT meetings held on July 8, 2024.

I'm writing to ask the PZHAC to table their vote on the proposed STR ordinance and not recommend it be forwarded as it is currently written to the BOT. The ordinance as written is confusing, public input has not been incorporated, and this effort is being rushed through by the town.

I'm writing to ask the Board of Trustees to recommend that an ad hoc committee be established with participation from all stakeholders (including STR owners) before an ordinance is considered that impacts the rights of business owners.

Respectfully,

Trina Witter & Eric Liefeld
PO Box 1780
Mesilla, NM
88046

TOWN OF MESILLA ORDINANCE 2024 – XX

AN ORDINANCE OF THE TOWN OF MESILLA TITLE 18.53 ZONING- SHORT-TERM RESIDENTIAL RENTALS OVERLAY ZONE.

WHEREAS, The Governing Body of Town of Mesilla is implementing a short-term residential rental overlay zone to reflect rules and regulations in operating a short-term residential rental; and

WHEREAS, the Governing Body of the Town of Mesilla has determined that these requirements are necessary to benefit the community and visitors in providing lodging facilities,

WHEREAS, The Governing Body of the Town of Mesilla has determined these requirements are necessary to prevent a burden on town services and impacts on residential neighborhoods posed by short-term residential rentals; and

WHEREAS, The Planning and Zoning Historical Appropriateness Commission and the Governing Body have conducted a duly advertised public hearing to consider this ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Town of Mesilla is hereby implementing these regulations as follows:

A. PURPOSE

The Governing Body of the Town of Mesilla finds and declares as follows:

1. Short-term residential rentals provide a community benefit by expanding the number and type of lodging facilities available to visitors.
2. Short-term residential rentals are not commercial but are strictly a residential use of the property under the Town of Mesilla Municipal Code.
3. The provisions of this section are necessary to ~~prevent a burden~~ regulate on town services and impacts on residential neighborhoods posed by short-term residential rentals.

B. APPLICABILITY OF REQUIREMENTS

This zone overlay applies to all ~~non-commercial~~ residential property within the town regardless of the zoning district. These requirements shall apply to dwelling units that are rented at some time during the year for a short duration that are not part of a commercial business enterprise such as hotels, motel or commercial lodging.

C. TOTAL ALLOWABLE SHORT-TERM PERMITS

The total number of allowable STR permits shall be regulated not to exceed ~~???~~100 percent of the total housing listing units within Mesilla the Zone.

D. DEFINITIONS

For the purposes of this section, the following words and phrases shall have the meaning respectively ascribed to them by this subsection:

1. **Local contact person** means an owner, representative of the owner or local property manager who lives in the Town of Mesilla or within proximity of the town limits such that they are available to respond within an hour or less to tenant and neighborhood questions or concerns and is authorized to respond to any violation of this section and take remedial action.
2. **Managing Agency** means a person, firm or agency licensed with the New Mexico Real Estate Commission representing the owner of the residential rental, or person/agency owning the residential unit.
3. **Operator** means the person who is proprietor of a residential rental, whether in the capacity of owner, lessee, sub-lessee, or mortgage in possession.
4. **Owner** means as defined in section 1-2 of this section.
5. **Remuneration** means compensation, money, rent, or other consideration given in return for occupancy, possession or use of real property.
6. **Payment** means the consideration charged, whether or not received, for the occupancy of space in a residential rental, valued in money, whether to be received in money, goods, labor, or otherwise, including all receipts, cash, credits, property and services of any kind of nature, without reduction thereof whatsoever.
7. **Short-term residential rental** means a dwelling unit or bedroom(s) within a dwelling unit including either single-family detached or multi-family attached unit, rented for the purpose of overnight lodging for a period not less than one night nor more than 29 consecutive days to the same person or persons.
8. **Sleeping Unit** as defined by the International Building Code, 2024, section 202 Definitions, means a room or space in which people sleep, which can also include permanent provisions for living, eating, and either kitchen or sanitation facilities, but not both.
9. **Third-Party Internet listing services** means an internet-based (online) platform that connects owners of short-term residential rentals to potential renters by way of a website and in exchange for a service fee. Third-party listing agent shall not mean local contact person or managing agency or agent as defined in this section.

E. SHORT-TERM RESIDENTIAL RENTAL PERMIT REQUIRED.

No owner of a residential dwelling unit shall rent the unit for a short term without having a current valid short-term residential rental permit issued by the Town of

Mesilla. Short-term residential rental permits are issued to the owner for a period of one year and are non-transferable.

1. Nothing contained within this section shall be construed to abridge the ability of bona fide neighborhood covenants and/or deed restrictions to be more restrictive than the regulations within this section. Such covenants and deed restrictions shall not be enforceable by the Town but remain the responsibility of the property owners to ensure compliance within the applicable neighborhood.
2. Large scale events (i.e., exceeding maximum allowed occupancy) such as parties, weddings, fundraisers and conferences, are prohibited in residential only zones. Historical Commercial and Commercial are allowed if property is deemed residential as well.
3. No more than one STR permit shall be issued per property except in multi-family single lot subdivisions.
- ~~4. The owner must provide proof that the STR is not prohibited by a Homeowner's Association Condition Covenants and Restrictions or any other community standard/guidelines, applicable to the proposed STR. A letter from the Homeowner's Association would satisfy this requirement.~~
5. The owner shall sign an indemnification and hold harmless agreement in a form approved by the Town Attorney, agreeing to indemnify, save, protect, hold harmless, and defend the Town of Mesilla, its officers, employees and agents from any liability in any way arising out of the use of the STR including, without limitation, from the STR Guests.
6. All marketing and advertising of an STR, including any listing on a Hosting Platform, shall clearly list the town issued STR permit number.
- ~~7. The minimum age of a STR tenant shall be 25 years old.~~
8. The town will post STR contact information on the town website for the public to access.
9. The owner shall authorize any Hosting Platform on which their STR is listed to provide the town with the operator listing and other information to demonstrate compliance with all provisions of this title.

F. APPLICATION REQUIREMENTS

The dwelling unit owner or managing agency shall apply to the town for a short-term residential rental permit and supply, at a minimum, the following information:

1. The maximum number of occupants and vehicles that the dwelling unit can accommodate.
 - a. The parking calculation shall be based upon a minimum of one parking space provided per sleeping unit. A parking fee shall be imposed if there is no private parking provided. Parking requirements must be clearly stated on listing and on the property.
 - b. The occupancy shall be determined by the floor area of each sleeping unit, number of restrooms per dwelling unit, infrastructure suitable to

service the occupants and shall be in accordance with habitable and occupancy codes.

2. The name, address, email address and contact telephone number (including 24-hour emergency contact number) of the owner of the residential rental for which the permit is to be issued.
3. A tax ID number issued by the New Mexico Taxation and Revenue Department registered to the proposed STR.
4. A business license is required for anyone conducting business within the Town of Mesilla. MTC 5.05.030.
5. A site plan to include designated off-property parking.
6. Floor plan of the STR and location in reference to the property and/or existing structures on the property.
7. Notification to adjacent property owners shall be required for all STR rental permits. Notification fee of \$25 will be imposed if Town of Mesilla staff notifies all property owners within 100 feet of the intent to use their property as a short-term residential rental. Property owners may opt out of this fee if their managing agent performs this task certifying compliance with this notification.
8. The owner or managing agent/agency shall attest that they have met these requirements as part of the initial rental registration and each successive renewal registration. The form utilized to attest to these requirements shall be part of the registration form provided by the town and be authenticated by a public notary.
9. Owner authorization agreement, allowing agency to represent their interest.
10. Application updates regarding ownership, changes in the structure, parking area, contact person information shall be an amendment to the existing registration and a \$10 fee shall be assessed.
11. If the listing is not the primary residence of the owner, an additional Affordable Housing Fund Fee will be imposed.
12. Fees. Fees are set forth in appendix A to this code. The initial application fee should be sufficient to cover the cost of processing the application, reviewing the information submitted, and issuing the permit.

G. ISSUING OF PERMIT

- A. The Town Clerk or delegated **staff** shall review the initial application within 10 days. Renewal notifications for all permits shall occur 30 days prior to the renewal date.
- B. Once the application review is completed, the Town Clerk or **delegated staff** shall notify the applicant of the decision, **approved or denied whether or not the issue** of the permit based on compliance with this section. If approval is granted, the town will issue a short-term residential rental permit specifying the maximum number of cars and the maximum number of occupants allowed. Failure to renew the permit within the 30 day after the applicable March 15, shall subject the owner to payment of late permit renewal penalty fee.

- C. An application for a permit or renewal application shall be denied if:
1. All applicable fees and taxes have not been paid, including Lodger's tax as provided under MTC 3.20 or
 2. Outstanding property nuisance or building code violations exist on property. ~~;~~ ~~or~~
 3. ~~the owner of the property is not compliant with subsection (h)(5) herein and has exceeded the number of adjudicated citations afforded under that section.~~
- D. The Town of Mesilla recommends all property owners to purchase short-term rental insurance.
- E. Failure to comply with code requirements of this section may result in revocation of the permit for a 12-month time period at the discretion of the planning director.
- F. If the dwelling unit owner plans to discontinue short-term residential rental of the property, a statement to that effect shall be filed with the town and the permit revoked.

TENANT NOTIFICATION REQUIREMENTS

- A. Each short-term residential rental unit shall ~~have a clearly visible and legible notice posted~~ **supply** by the owner or managing agency or agent within the unit on or adjacent to the interior of the front door containing the following information:
1. A copy of the short-term residential permit.
 2. The name of the managing agency, agent, property manager, local contact person or owner of the unit, and a telephone number at which the party can be reached on a 24-hour, seven days a week basis.
 3. The maximum number of occupants three years of age and older permitted to stay in the unit.
 4. The number of maximum vehicles allowed to be parked on the property.
 5. The number of on-site parking spaces and the parking rules and location(s).
 6. The specific procedures regarding the disposal of trash and refuse.
 7. A notification that a tenant may be cited and fined for creating a disturbance and/or for violating other provisions of the MTC.
 8. Notice that noise provisions contained in the MTC section 9.10.070 will be enforced.
 9. Notice of outdoor lighting provisions and regulations contained in MTC 18.50.050.
 10. The 911 address for the property.
 11. Notice of animal leash laws contained in section MTC 6.05 (prohibited acts; animal nuisance; vicious or dangerous animals) will be enforced.
 12. Notification of MTC 8.10 Smoke-Free Regulations.

- B. Exterior advertising or signage on short-term residential rentals units which indicate availability, phone numbers or other type of information is prohibited. For the purpose of this section, signage shall only be permitted if it includes the name of the dwelling unit and does not include advertisement of the property.

HOSTING PLATFORM RESPONSIBILITIES

- A. Hosting platforms shall not process or complete any Booking Transactions for any STR, unless the STR has a valid current STR permit issued by the Town of Mesilla. Hosting platforms are required to list the STR permit number and expiration date.
- B. Within forty-five (45) days of effective date of this Ordinance, Hosting Platforms with listings located in the town shall provide to the town contact information of the Hosting Platforms.
- C. A Hosting Platform with listings located in the town shall provide to the town on a monthly basis, in a format specified by the town, the STR permit number of each listing, the name of the person responsible for each listing, the address of each such listing, and for each Booking Transaction that occurs within the reporting period, the number of days booked, and the total price paid for each rental.]
- D. Hosting Platforms shall remove any listings of STRs, including those on the town's Prohibited Building List, from the platform upon notification of the town.
- E. Hosting Platforms shall be responsible for collecting all applicable lodging tax and submitting the same to town. The owner shall remain responsible for collection and remittance of the lodging tax in the event that the Hosting Platform fails to fulfill its obligations under this section to collect and/or remit to the town or the Hosting Platform and the owner enter into agreement regarding the fulfillment of this subsection.
- F. All Hosting Platforms operating in the town must comply with all Federal, State, or Local laws.

SEVERABILITY

If any provision or clause of this Ordinance or the application thereof to any person or circumstances is held to be unconstitutional or to be otherwise invalid by any court competent jurisdiction, such invalidity shall not affect other sections provisions, or clauses, or applications, and to this end the provisions, sections, and cluses of the ordinance are declared to be severable.

ENFORCEMENT & PENALTIES

- A. In addition to any other penalties or fines authorized by the Town of Mesilla Municipal Code, the owner of a short-term residential rental unit shall be required to pay a penalty as set forth in the fee schedule to this code in order to obtain, retain or renew a short-term residential rental permit.

1. Each day that an owner rents a unit for a short term without first obtaining a short-term residential rental permit is considered a separate violation of the Town of Mesilla Municipal Code as provided for in sections 1-6.
2. The town code enforcement officer or other designated town employee or representative shall take action to correct the violation as provided for in this code or state statute.
3. The first suspected or observed violation of this section by the town may result in an initial warning notice requesting registration of the unregistered short-term residential rental unit in accordance with the provisions of this code without subject to penalty. Should the property owner fail to comply after receiving such initial notice from the town, penalties may be assessed as provided elsewhere in this code in sections 1-6, including the assessment of a registration fee twice the listed amount.

Appendix A

| | |
|--------------------------|------------|
| BUSINESS LICENSE | \$35 |
| SHORT-TERM RENTAL PERMIT | \$250 |
| ZONING PERMIT INSPECTION | \$40 |
| FIRE INSPECTION | \$40 |
| AFFORDABLE HOUSING FUND | \$100 |
| LATE RENEWAL PENALTY FEE | \$50/MONTH |

THIS ORDINANCE SHALL BE RECORDED UPON ADDOPTION AND BECOME EFFECTIVE 30 DAYS THEREAFTER.

PASSED, APPROVED AND ADOPTED on this _____ day of _____ 2024.

 Gloria S Maya
 Town Clerk/Treasurer

 Russell Hernandez
 Mayor