

**MINUTES
OF
REGULAR
MEETING
March 15, 2023**

City of Lordsburg
409 West Wabash Street
Lordsburg, New Mexico 88045
Minutes of Regular Meeting
March 15, 2023

Meeting was called to order at 12:17 a.m.

Welcome

Pledge of Allegiance

Present: Mayor Glenda F. Greene; Martha Salas, Finance Director; Linda S. Farnsworth, City Clerk; Councilor Rodney Plowman; Councilor Roxann Randall; Councilor Julie Montenegro; Councilor Martin Neave and Mayor Pro-Tem Alfredo Morelos, Jr.

Absent: Manuel D.V. Saucedo

Attendance: Emily Gojkovich, Tisha Green, Gabriel Ortega; Dusti Conover, Code Enforcement Officer; Stephanie Helbig, Animal Control Officer; Givish Jerry and Raymond Doyle and all that viewed via ZOOM.

Approval of Agenda: Councilor Montenegro moved to approve the Agenda with the omission of Old Business a). Discussion/Action – Cross Commission Agreement, 2nd to approve by Mayor Pro-tem Morelos with correction to Agenda. All Council present were polled. Motion passed.

Finance Statement for February 2023 and Bank Statement

a). Martha Salas, Finance Director addressed the Council regarding the Financial Reports for the month of February, 2023. Ms. Salas stated that the Audit for last fiscal year will be released next month. Mayor Pro-Tem Morelos moved to accept the reports, 2nd by Councilor Plowman. All Council present were polled. Motion passed.

b). Bills paid for the month of February 2023 – Ms. Salas asked if the format she presented is acceptable as the bills have already been paid so no approval is necessary as it is informational. The Council was pleased with the format.

c). Resolution No. 2023-11 – Budget Adjustment. Mayor Pro-Tem Morelos moved to accept the Budget Adjustment, 2nd by Councilor Montenegro. City Clerk polled Council. Motion passed.

Councilor Plowman – Aye

Councilor Randall – Aye

Councilor Montenegro – Aye

Councilor Neave – Aye

Mayor Pro-Tem Morelos – Aye

Councilor Saucedo – Absent

New Business

a). Tejano Fiesta

a). Discussion on the Tejano Fiesta Budget took place. Mayor Pro-Tem Morelos moved to table the discussion until more information could be obtained, 2nd to table by Councilor Montenegro. All Council present were polled. Motion passed to table discussion on the Tejano Fiesta Budget.

b). Discussion was made regarding how many days the Tejano Fiesta should run. Again, Mayor Pro-Tem Morelos moved to table the discussion until next month. 2nd by Councilor Montenegro to table. All Council present were polled. Motion passed to table discussion on how many days the Tejano Fiesta should be.

c). Discussion was made on whether or not the City should pay for the Hotel room for the performers of the Tejano Fiesta. Per Martha Salas, Finance Director, the City paid out over \$2,500.00 on hotels alone. Councilor Montenegro said that she felt that the performers are already paid and that the hotel costs should be on the performers. Mayor Pro-Tem Morelos moved to table all discussion on the Tejano Fiesta until the next meeting, 2nd by Councilor Montenegro to table. All Council present were polled. Motion passed to table further discussion.

b). Lodger’s Tax Committee Recommendations (referred to as “Committee”)

1). Tejano Fiesta – The Committee recommended that Roberto Gonzales receive 25% of all ticket sales as Promoter of the Fiesta. Councilor Montenegro moved to approve the 25% of all ticket sales, 2nd by Councilor Neave. All Council present were polled. Motion passed.

2). LEAP (Lordsburg Economic Advancement Project) – The Committee recommended \$25,000.00 allocation. Emily Gojkovich with LEAP explained some of the projects envisioned such as downtown walking tours with a revamped kiosk

and website. Councilor Montenegro moved to accept \$25,000.00 allocation, 2nd by Mayor Pro-Tem Morelos. All Council present were polled. Motion passed.

Councilor Plowman – Aye

Councilor Randall – Abstain

Councilor Montenegro – Aye

Councilor Neave – Aye

Mayor Pro-Tem Morelos – Aye

Councilor Sauced – Absent

3). Bubbles for Autism – The Committee recommended \$500.00 allotment. It was noted that the bubble machine was not accepted as part of the allotment. Councilor Plowman moved that the City allot \$1,000.00 instead of \$500.00, 2nd by Mayor Pro-Tem Morelos. All Council present were polled. Motion passed.

4). Elks Lodge – The Committee recommended \$5,000.00 allotment. No Bingo ads were included in the amount. Mayor Pro-Tem Morelos moved to give the Elks an additional \$1,000.00 making the total allotment \$6,000.00, 2nd by Councilor Plowman. All Council present were polled. Motion passed.

5). Spirit of Hidalgo-The Committee had questions about the request of \$6,000.00 and with no one present to answer questions, the Committee's recommendation was \$0. Councilor Plowman moved that allotment for Spirit of Hidalgo be tabled until Spirit of Hidalgo goes before the Committee and answers their questions, 2nd by Mayor Pro-Tem Morelos to table payment. All Council present were polled. Motioned passed to table.

6). Jessie Darnell 3 on 3 – The Committee recommended the \$10,000.00 requested by Jamie Diaz. Mayor Pro-Tem Morelos moved that the City allot the \$10,000.00, 2nd by Councilor Montenegro. All Council present were polled. Motion passed.

7). Hidalgo County Fair Board – The Committee recommended \$47,196.00 requested by the Hidalgo County Fair Board. Councilor Plowman moved that the City allot the \$47,196.00 to the Hidalgo County Fair Board, 2nd by Mayor Pro-Tem Morelos. All Council present were polled. Motion passed.

8). Hidalgo County Heritage Society – The Committee recommended \$50,000 requested by the Heritage Society. Brenda Hood representing the Heritage Society told the Council that they have not spent the \$10,000.00 received from last years allotment, but that it will be spent by 6/30/23. She also stated that the Heritage Society has already raised approximately \$35,000.00. Councilor

Montenegro moved that the City allot \$50,000.00 to the Hidalgo County Heritage Society, 2nd by Councilor Plowman. All Council present were polled. Motion passed.

c. Solid Waste Collection Services – Residential

The City would like to request proposals for Solid Waste Collection Services on individual residential receptacles instead of dumpsters. The cost of a new garbage truck to pick up these receptacles would be in the \$300-400 Thousand range. Mayor Pro-Tem Morelos moved to look into the costs for a possible proposal, 2nd by Councilor Neave. All Council present were polled. Motion passed.

Old Business

a). Livestock Ordinance No. 2023-01 – Councilor Montenegro moved to approve Ordinance No. 2023-01, 2nd by Mayor Pro-Tem Morelos. Clerk polled Council. Motion passed.

- Councilor Plowman Aye
- Councilor Randall Aye
- Councilor Montenegro Aye
- Councilor Neave Aye
- Mayor Pro-Tem Morelos Aye
- Councilor Saucedo Absent

Resolutions

a). Resolution No. 2023-12 – City of Lordsburg to commit to the Development of an Asset Management Plan. Per Mayor Greene, this Resolution is needed to move forward on our Colonias Application. Mayor Pro-Tem Morelos moved to approve Resolution No. 2023-12, 2nd by Councilor Randall. Clerk polled Council. Motion passed.

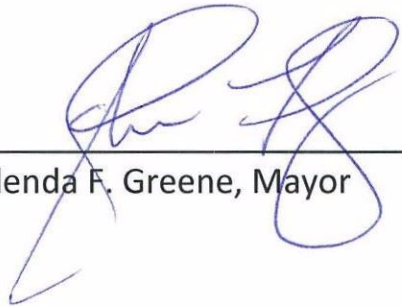
- Councilor Plowman Aye
- Councilor Randall Aye
- Councilor Montenegro Aye
- Councilor Neave Aye
- Mayor Pro-Tem Morelos Aye
- Councilor Saucedo Absent

Adjourn

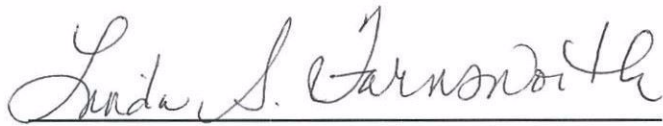
With nothing further to be discussed, a motion was made by Mayor Pro-Tem Morelos, 2nd by Councilor Neave. All Council present were polled. Motion passed and meeting was adjourned at 12:56 p.m.

Approved this 19th day of April, 2023.





Glenda F. Greene, Mayor



Linda S. Farnsworth, City Clerk

**RESOLUTION
NO.
2023-11
BUDGET
ADJUSTMENT**

**City of Lordsburg
Resolution No. 2023-11**

**A RESOLUTION MAKING BUDGET ADJUSTMENTS AND REQUESTING APPROVAL FROM THE
DEPARTMENT OF FINANCE AND ADMINISTRATION – LOCAL GOVERNMENT DIVISION**

WHEREAS, the City Council of the City of Lordsburg, New Mexico meeting in regular session on the 15th day of March 2023 requests the following budget changes be approved by the Department of Finance and Administration – Local Government Division for fiscal year 2022-2023; and

WHEREAS, the following changes are requested for the continued operations of the City:

Council & DFA Approval

General Fund- Municipal Bldg.- Telephone 010-411-6320	(11000-4007-57160)	800
General Fund- Expenditures- Other Miscellaneous 010-415-6600	(11000-4007-57999)	15,000
Recreation Fund- Lighting- 013-415-6250	(21700-4003-57170)	10,000
General Fund-Health & Welfare- Supplies 010-410-6310	(11000-4101-56999)	1,500

WHEREAS, such changes will in no way affect the financial position of the City of Lordsburg.

NOW, THEREFORE, BE IT RESOLVED that a copy of this Resolution be transmitted to the State of New Mexico – Department of Finance and Administration – Local Government Division and it is respectfully requested herewith, that authorization from said agency be provided to this budget change.

DONE this 15th day of March, 2023.



Glenda F. Greene, Mayor



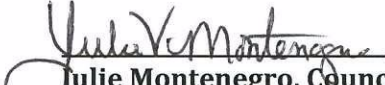
Alfredo Morelos, Mayor Pro Tem



Rodney Plowman, Councilor




Manuel D.V. Saucedo, Councilor



Julie Montenegro, Councilor



Roxann Randall, Councilor



Martin Neave, Councilor




Linda Farnsworth, City Clerk

**RESOLUTION
NO.
2023-12
COUNCIL
COMMITTS TO
DEVELOPMENT OF
AN ASSET MGMT
PLAN**

RESOLUTION 2023-12

A RESOLUTION BY THE BOARD OF DIRECTORS OF THE GOVERNING BODY OF THE CITY OF LORDSBURG, NEW MEXICO, WHEREBY THE BOARD COMMITS TO THE DEVELOPMENT OF AN ASSET MANAGEMENT PLAN.

WHEREAS, the governing body of the City of Lordsburg, New Mexico acknowledges the need to establish control over its fixed assets for the primary purpose of safeguarding them and establishing accountability for their custody and use.

WHEREAS, the governing body will identify an internal team that will be assembled to develop and implement the Asset Management Plan.

WHEREAS, the governing body will provide the results of the initial Asset Management IQ test contained in the EFC Manual,

WHEREAS, the governing body will provide a schedule of the sequence of events proposed to implement the Asset Management Plan with a timeline, such as a Gantt chart; and

WHEREAS, the Council will be seeking funding for this asset management plan through the New Mexico Finance Authority, Local Government Planning Fund.

WHEREAS, the Council will implement the Asset Management Plan within three years.

WHEREAS, the city council affirms that the Asset Management Plan will cover the principals of the Asset Management as described in the A.M. Kan Work Manual to implement the asset management plan.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Lordsburg, that an asset management plan be developed and implemented.

PASSED, APPROVED AND ADOPTED ON THIS 15th DAY OF March 2023.



Judith S. Garrison
City Clerk

[Handwritten Signature]
Mayor

ORDINANCE

NO.

2023-01

DOMESTIC

LIVESTOCK

ORDINANCE

CITY OF LORDSBURG
ORDINANCE NO. 2023-01
AN ORDINANCE ESTABLISHING REGULATIONS FOR DOMESTIC LIVESTOCK

WHEREAS, keeping livestock within the municipal boundaries of the City of Lordsburg (the “City”) can create strong odors, involve the use of significant amounts of energy and water, and create health risks to people and animals; and

WHEREAS, the City is authorized and desires to adopt rules regulating the manner of keeping domestic livestock; and

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of Lordsburg as follows:

A. Restrictions.

1. No person shall keep any domestic livestock including but not limited to horses, mules, donkeys, burros, cattle, swine, goats, sheep, or large birds such as emu or ostrich within the limits of the municipality.

B. Exceptions.

1. Each household may keep up to 8 (eight) domestic egg laying fowl, excluding geese and Guinea Birds, one of which may be a rooster (chicken) or a drake (duck).

2. Fowl must be securely contained within a fenced yard or coop and not allowed off the homeowner’s/renter’s property at any time. Each coop must be of adequate size and type for the number of fowl housed. Duck coops must provide four (4) square feet of coop space per animal. Chicken coops must provide one (1) square foot of coop space per animal. Each coop must provide shelter from seasonal weather extremes by including a floor, a roof, and four sides to provides cover from wind, rain, cold, sun, etc. Each coop must be kept free of noxious odors. Fowl must be provided food and clean water at least daily.

3. Birds of any species and sex must not be of any nuisance or dangerous, i.e. prone to chasing or flogging with wings or using of natural or artificial spurs. Any bird found to be making a nuisance or disturbing the peace, must be disposed by the owner within ten (10) days.

4. Absolutely no gamebird breeds, wild species (pheasant, quail, etc.), fighting fowl breeds, Guinea Birds, geese, or Pea Fowl will be kept.

5. Livestock that is kept on any state or federal lease allotment that encroaches into city limits will be allowed per that lease.

6. Dwarf breeds of swine, referred to as “micro pigs,” and dwarf breeds of goats, such as Pygmy or Nigerian breeds, will be evaluated on a case-by-case basis, by an Animal Control Officer. Under no circumstances will breeding or selling of such animals be allowed. No more

than two (2) animals of any dwarf species may be kept. All safety, containment, housing, and odor control stipulations will apply.

C. Fines.

1. The homeowner/renter will be fined \$50 per animal for the first violation, \$75 per animal for the second violation, \$100 per animal for the third violation, etc.

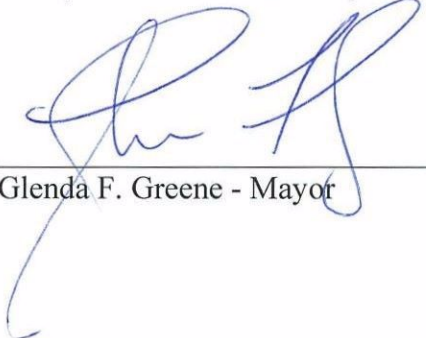
2. The homeowner/renter shall rehome animals in excess of limit, or disallowed animal within ten (10) days. Under no circumstances will any Animal Control Officer take surrender of any livestock or fowl.

D. Repealer.

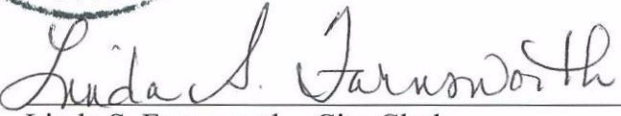
1. Any provisions of any City ordinance inconsistent with this ordinance are hereby rescinded.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Lordsburg, New Mexico, this 15th day of March, 2023.





Glenda F. Greene - Mayor



Linda S. Farnsworth - City Clerk

NOTICE OF INTENT
CITY OF LORDSBURG
ORDINANCE No 2023-01

INTENT TO ADOPT AN ORDINANCE ESTABLISHING REGULATIONS FOR DOMESTIC LIVESTOCK WITH LANGUAGE MODIFICATIONS AND REPEALING AND REPLACING ORDINANCE 2003-05. BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LORDSBURG, NEW MEXICO.

SECTION 1 - ADOPTION BY REFERENCE

Replacing Ordinance No. 2003-05 with language modifications

SECTION 2 – EFFECTIVE DATE

Consideration of the final adoption of such proposed Ordinance will not take place until at least two weeks subsequent to the date of this notice and only at a public meeting called and held in accordance with Section 3-17-3, NMSA 1978. Consideration of said Ordinance is currently scheduled for and will not take place prior to March 15, 2023.

/s/ Linda S. Farnsworth
City Clerk

Publish February 24, 2023 and March 3, 2023

**INFORMATIONAL
ONLY**

**SERVICE
ANIMAL
DEFINITION**



ADA.gov

U.S. Department of Justice
Civil Rights Division

Service Animals

The ADA explains what businesses and state/local governments must do to make sure that they do not discriminate against a member of the public with a disability who uses a service animal.

Generally, businesses and non-profits that are open to the public as well as state/local governments must allow service animals to go most places where the public can go. This is true even if they have a “no pets” policy.

About Service Animals

Service animals are:

- ✓ Dogs
- ✓ Any breed and any size of dog
- ✓ Trained to perform a task directly related to a person's disability

Service animals are not:

- ⊗ Required to be certified or go through a professional training program
- ⊗ Required to wear a vest or other ID that indicates they're a service dog
- ⊗ Emotional support or comfort dogs, because providing emotional support or comfort is not a task related to a person's disability

More about the difference between emotional support animals and service animals

If the dog's mere presence provides comfort, it is not a service animal under the ADA. But if the dog is trained to perform a task related to a person's disability, it is a service animal under the ADA. For example, if the dog has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, the dog is a service animal.

Examples of Service Animal Tasks

A person who uses a wheelchair may have a dog that is **trained to retrieve objects for them.**

A person with depression may have a dog that is **trained to perform a task to remind them to take their medication.**

A person with PTSD may have a dog that is **trained to lick their hand to alert them to an oncoming panic attack.**

A person who has epilepsy may have a dog that is **trained to detect the onset of a seizure and then help the person remain safe during the seizure.**

Where Service Animals Can Go

Generally, service animals are allowed to be with their person, even in places that don't allow pets. For example, service dogs can go into:

- Restaurants
- Shops
- Hospitals
- Schools
- Hotels

EXAMPLE: A restaurant offers indoor and outdoor seating. A woman arrives at the restaurant with her service dog and asks to sit inside. The restaurant cannot require the woman to dine outside because of her service dog.

The ADA also applies to certain types of housing, including:

- Housing at public and private universities
- Public housing programs run by state, county, and city governments
- Emergency shelters

Other laws apply to housing

The **Fair Housing Act** applies to many types of housing, both public and privately owned, including housing covered by the ADA. Under the Fair Housing Act, there may be different rules that apply when a resident or applicant with a disability uses a service animal or other animal to assist with their disability. The U.S. Department of Housing and Urban Development is responsible for administering the Fair Housing Act. Learn more at the [U.S. Department of Housing and Urban Development](#) or [contact your Regional Fair Housing and Equal Opportunity Office](#).

Other laws apply to airplanes

The Air Carrier Access Act, not the ADA, protects the rights of people with disabilities in air travel. For information or to file a complaint, contact the U.S. Department of Transportation, Aviation Consumer Protection Division: 202-366-2220.

Other rules apply to employment

The Equal Employment Opportunity Commission (EEOC) is responsible for administering the ADA in employment settings.

Asking if a Dog is a Service Animal

If you are working at a business or state/local government facility and it is unclear to you whether someone's dog is a service dog, **you may ask for certain information using two questions.**

You may ask:

- Is the dog a service animal required because of a disability?
- What work or task has the dog been trained to perform?

You are *not* allowed to:

- Request any documentation that the dog is registered, licensed, or certified as a service animal
- Require that the dog demonstrate its task, or inquire about the nature of the person's disability

Because service animals are not required to wear vests, a dog that is wearing a vest is not necessarily a service animal. The dog still needs to be trained to perform a task for a person with a disability to be a service animal.

When a Service Animal Can Be Kept Out

A business or state/local government does not need to allow a service animal if the dog's presence would fundamentally alter the nature of the goods, services, programs, or activities provided to the public.

What does *fundamentally alter* mean?

In most settings, a service animal will not fundamentally alter the situation. But in some settings, a service dog could change the nature of the service or program. For example, it may be appropriate to keep a service animal out of an operating room or burn unit where the animal's presence could compromise a sterile environment. But in general, service animals cannot be restricted from other areas of the hospital where patients or members of the public can go.

Learn more about when a service animal can be kept out in [questions 23-26 in FAQs about service animals and the ADA](#).

Asking Someone to Remove Their Service Animal

A business or state/local government can ask someone to remove their service animal if:

- The dog is not housebroken.
- The dog is out of control, and the person cannot get the dog under control.

What does *out of control* mean?

Learn more in [question 27 in FAQs about service animals and the ADA](#).

State and Local Laws

State/local governments can:

- ✔ Require service dogs to be licensed and vaccinated, if all dogs are required to be licensed and vaccinated
- ✔ Offer *voluntary* service dog registration programs

State/local governments can't:

- ✘ Require certification or registration of service dogs
- ✘ Ban a service dog based on its breed

Learn More About the ADA and Service Animals

The following technical assistance documents provide more helpful information about service animals:

- [Frequently Asked Questions about Service Animals and the ADA](#)
- [ADA Requirements: Service Animals](#)

Related Content

[ADA Requirements: Service Animals](#)

Frequently Asked Questions about Service Animals and the ADA