

**MINUTES OF
LODGER'S TAX
COMMITTEE
MEETING
3/2/23**

Lodger's Tax Committee Meeting
409 West Wabash Street
Lordsburg, New Mexico 88045
Minutes of Meeting
March 2, 2023

Meeting was called to order at 5:04 p.m.

Welcome

Pledge of Allegiance

Present: Mayor Glenda F. Greene; Linda S. Farnsworth, City Clerk; Krystal Delao, Committee Member; Robert Arvizo, Committee Member; Marsha Hill, Committee Member and Linda Erikson, Committee Member

Absent: Nati Castro, Committee Member

Attendance: Nyla Walter, Hidalgo County Fair Board; Joni Kerr, Hidalgo County Fair Board; Roberto Gonzales, Tejano Fiesta; Brenda Hood, Heritage Society/Hidalgo County Herald

Approval of Committee Chair: Committee Member Robert Arvizo moved to approve Krystal Delao as Committee Chair, 2nd by Committee Member Linda Erikson. Committee was polled. Motion passed.

Approval of Agenda: Robert Arvizo moved to approve the Agenda as written, 2nd by Marsha Hill. Committee was polled. Motion passed.

New Business – Mayor Greene Comments: Mayor Glenda F. Greene welcomed the Committee Members and approached them as well as those in attendance to discuss what is covered under Lodger's Tax and what is not. The Mayor also stated that she would like the Committee to meet quarterly instead of once a year on Lodger's Tax requests as it would make room for other requests that come up through out the year. "It has been rough trying to keep this all legal and transparent – I appreciate you" the Mayor told the Committee.

Resolutions

Resolution № 2023-10 – Lodger’s Tax Open Meeting Act Marsha Hill moved to approve Resolution, 2nd by Linda Erikson. Board polled. Motion passed

Lodger’s Tax Funding Requests Review

1). Roberto Gonzales – Tejano Fiesta

Mr. Gonzalez requested 20% of all ticket sales for being Promoter of the Tejano Festival. Mr. Gonzales added that he needed to start booking bands now for the 2 day event. Marsha Hill moved to pay Mr. Gonzalez 25% of ticket sales because of all the hard work that goes into promoting the Tejano Fiesta, 2nd by Robert Arvizo. Committee Members were polled. All Aye. Motion passed.

2). Hidalgo County Fair Board

The Fair Board requested \$43,196.00 for the 2023 Fair. Nyla Walters, Board Member said that they are anticipating 250 overnight guests and that they are looking into including a carnival this year as well. She also noted that the Fair had over 2500 people in attendance last year. Mayor Greene told the Board that if they are able to find a carnival that the Board could approach the Lodger’s Tax Committee at one of their quarterly meeting to request more money for the carnival. Linda Erikson moved to approve the Fair Board’s request, 2nd by Krystal Delao. Committee was polled. Motion passed.

Krystal Delao Aye
Robert Arvizo Aye
Marsha Hill Abstain
Linda Erikson Aye

3). Edmund Saucedo – Hidalgo County Heritage Society

Hidalgo County Heritage Society requested \$50,000.00 to put a new arch in Shakespeare Cemetery. Brenda Hood spoke on behalf of the Heritage Society and stated that the original quotes included gates, which made the costs more, and that gates would not be included in this request. Ms. Hood was asked if they had spent the money that they received last year and she stated that they had until 6/30/23 to use that money. Linda Erikson moved to accept the request for \$50,000.00, 2nd by Robert Arvizo. Committee was polled. All Aye. Motion passed.

Krystal Delao Aye
Robert Arvizo Aye
Marsha Hill Nay
Linda Erikson Aye

4). Jessie Darnell 3 on 3

Jamie Diaz for Jessie Darnell 3 on 3 requested \$10,000.00. Marsha Hill moved to accept the requested amount, 2nd by Krystal Delao. Committee was polled. All Aye. Motion passed.

5). LEAP (Lordsburg Economic Advancement Project)

The LEAP Committee requested \$35,000.00 but with the request not being consistent on whether the requested amount was \$25,000.00 or \$35,000.00 according to attached form - Linda Erikson moved to accept the requested amount of \$25,000.00, 2nd by Marsha Hill. Committee was polled. All Aye. Motion passed.

6). Spirit of Hidalgo

The amount of \$6,000.00 was requested. However, there were questions on the attached application forms and no one was available to ask. Krystal Delao moved to deny the requested amount, 2nd by Robert Arvizo. Committee was polled. Motion for request was denied.

Krystal Delao Nay
Robert Arvizo Nay
Marsha Hill Abstain
Linda Erikson Abstain

7). Elks Lodge

The amount of \$7,577.50 was requested. Marsha Hill stated that she cannot support BINGO that even though it is a great event, it does not bring in people from out of town. Marsha Hill moved to only accept \$5,000.00 of the request, 2nd by Krystal Delao. Committee was polled. Motion passed.

Krystal Delao Aye
Marsha Hill Aye

Linda Erikson Abstain
Robert Arvizo Aye

8). Bubbles for Autism

The amount requested was \$500.00. Bubbles for Autism has now partnered with Maverick Movement. Marsha Hill stated that this is a worthwhile event but that no one comes and stays the night. It was also noted that the bubble machine was not covered under what could be purchased by Lodger's Tax funds. Linda Erikson moved to accept the \$500.00 request, 2nd by Robert Arvizo. Committee was polled. All Aye. Motion carried.

Adjourn

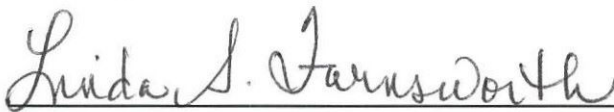
With nothing further to be discussed, a motion was made by Krystal Delao to adjourn, 2nd by Marsha Hill. Committee was polled. All Aye. Motion passed and meeting was adjourned at 6:05 p.m.

Approved this 20th day of July, 2023.





Krystal Delao – Chair person



Linda S. Farnsworth – City Clerk

**RESOLUTION
NO. 2023-10**

**LODGER'S TAX
OPEN
MEETINGS ACT**

Resolution No. 2023-10
Lodger's Tax Committee
Committee Meetings and Public Notice Required

Whereas, Section 10-15-1B, NMSA 1978, provides that “all meetings of a quorum of members of any board, commission or other policy-making body of any state agency, or any agency, or authority of any county, municipality, district or any political subdivision held for the purpose of formulating public policy, discussing public business of such board, commission or other public-making body, are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution or the provision of the Open Meetings Act”; and

Whereas, Section 10-15-3A, NMSA 1978, provides that “no resolution, rule, regulation, or ordinance or action of any board, commission, committee or other policy-making body shall be valid unless taken or made at a meeting held in accordance with the requirements of Section 10-15-1, NMSA 1978”; and

Whereas, Section 10-15-4, NMSA 1978, provides that “any person violating any of the provisions of Section 10-15-1, NMSA 1978, is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500.00) for each offense; and

Whereas, Section 10-15-1D, NMSA 1978, requires that “any meetings at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs, and at which a majority or a quorum of the governing body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public. The affected body shall determine at least annually in a public meeting what notice for a public meeting shall be reasonable when applied to such body.

NOW, THEREFORE, BE IT RESOLVED, by the , hereinafter “Lodger’s Tax Committee” of the City of Lordsburg, New Mexico, that:

1. **Regular Meetings.** Notice shall be given at least five (5) days in advance of any regular meeting of a quorum of the members of the Lodger’s Tax Committee, or other policy-making body held for the purpose of discussing public business or taking any formal action within the authority of such body. All requests for agenda items must be submitted to the Mayor or City Clerk 7 days before the meeting.
2. **Emergency Meetings.** Emergency meetings will be called only under unforeseen circumstances which demand immediate action to protect the health, safety, and property of citizens or to protect the public body from substantial financial loss. Emergency meetings may be called by the mayor or a majority of the members of the Lodger’s Tax Committee upon twenty-four (24)

hours notice, unless threat of personal injury or property damage requires less notice. The notice for all emergency meetings shall include an agenda for the meeting.

3. **Work Sessions.** A “work session” is any meeting of a quorum of the Lodger’s Tax Committee which does not involve any formal action by the governing body. Notice will be posted 72 hours prior to work session. Such sessions include, but are not limited to:
 - a. Discussion related to the formulation of public policy prior to the formal discussion or adoption of any resolution or ordinance pending before the Lodger’s Tax Committee; and
 - b. Discussion of internal administrative actions concerning the operations of the Lodger’s Tax Committee; and
 - c. Discussion, to gather information, between the Lodger’s Tax Committee in preparation for formal discussion or action;

Any person wishing to attend a work session of the Lodger’s Tax Committee which has not been closed pursuant to NMSA 1978 Section 10-15-1(H) and 10-15-1(1) and this Open Meetings Act Policy shall be allowed to attend and listen to the discussions.

4. **Closed Meetings.** Pursuant to NMSA 1978, Section 10-15-1(H) and (1), the Lodger’s Tax Committee upon its own motion may close a meeting to the public if the subject matter of such discussion or action is included in Subsection H of the Open Meetings act, NMSA 1978, Section 10-15-1, or if the need to close the meeting is required by other laws which specifically preserve the confidentiality of certain information that is to be considered at a closed meeting. If any meeting is closed pursuant to the exclusions contained in Subsection H of NMSA 1978, Section 10-15-1, and such closure:
 - a. If made in an open meeting, shall be approved by a majority vote of the quorum of the Lodger’s Tax Committee and the specific statutory or other authority for such closure, and the subject to be discussed, shall be stated with reasonable specificity in the motion calling for the vote on a closed meeting, and such vote shall be taken in an open meeting and the vote of each Committee Member shall be recorded in the minutes;
 - b. If called when the Lodger’s Tax Committee is not in an open meeting, such closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and stating with reasonable specificity the subject to be discussed, is given to the general public.

Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting, if the closed meeting was separately scheduled, shall

state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.

Except as provided in Section 10-15-1 (H) of the Open Meetings Act, any action taken as a result of discussions in the closed meeting shall be made by vote of the Lodger's Tax Committee in an open public meeting.

5. **Special Meetings** Special meetings may be called by the Mayor or a majority of the Lodger's Tax Committee upon three (3) days notice by publication or posting. The notice shall include the subject matter to be discussed. The agenda for the meeting will be available twenty-four (24) hours prior to the meeting.

6. The regularly scheduled meetings of the Lodger's Tax Committee will be held at **5:00 p.m. on the 15th day of each quarter, in the Council Chambers at 409 West Wabash Street, Lordsburg, New Mexico.** In the event that the Regular Lodger's Tax Committee meeting date falls on a legal holiday or the weekend, the Lodger's Tax Committee shall designate an alternate meeting date and/or change the meeting date and/or time to be published or posted as provided in this Resolution. In the event that a Regular meeting of the Lodger's Tax Committee is changed to a different location, advance notice of the meeting shall be published or posted as provided in the Resolution.

7. The notice requirements of Sections 1, 2, 3, 4, 5, and 6 of this Resolution are complied with if notice of the date, time, and place of any regular or special meeting are published or posted. Additionally, the notice shall contain information on how the public may obtain a copy of the agenda, said agenda to be available at least seventy-two (72) hours prior to the meeting. "Publish" means printing in a newspaper that is of general circulation within the municipality. If such newspaper is a non-daily paper which will not be circulated to the public in time to meet publication requirements, "publish" shall mean posting in five places within the municipality, and one of the public places where posting shall be made is the Office of the City Clerk, who shall maintain the posting for public inspection within the time limits specified. The five places notice shall be posted are:

- The Office of the City Clerk
- United States Post Office
- Hidalgo County Courthouse
- Lordsburg Housing Authority
- City of Lordsburg Website - cityoflordsburg.com

8. Pursuant to NMSA 1978, Section 10-15-1, a council member may participate in any open meeting called to take formal action by means of a conference telephone or other similar communications equipment. When it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.

a). In the event it becomes necessary in order to achieve a quorum for a Lodger's Tax Committee meeting, a member of the Committee who is not available to be present at the meeting shall be permitted to appear by telephone conference with compliance of all safeguards provided herein.

9. The Lodger's Tax Committee hereby authorizes the publication of the schedule of the regular meetings once or twice if required as a legal advertisement in a newspaper of general circulation in the City of Lordsburg.

10. In addition to the information specified above, all notices shall include the following language:

"If you are an individual with a disability who is in need of a reader, amplifier, qualified sign, language interpreter or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk at 575-542-3421 at least one (1) week prior to the meeting or as soon as possible. Public documents, including agendas and minutes, can be provided in various accessible formats. Please contact the City Clerk at 575-542-3421 if a summary or other type of accessible format is needed."

11. Notwithstanding any other provision of this Resolution, meeting locations, in-person meeting, posting requirements and any other deviation made necessary or advisable by any public health emergency or conditions, may be made while taking into account guidance provided by the New Mexico Attorney General's Office for Public Meetings during public health emergencies.

DONE AND PASSED this 2nd day of March, 2023


Committee Chair



Linda S. Farnsworth

Linda S. Farnsworth, City Clerk