



Village of Wagon Mound  
Special Meeting Agenda

**Tuesday, September 19, 2023 – 1:30PM**

Presiding Mayor Andres Martinez

\* - Indicates an action item

During this meeting the Mayor and Council may convene into Executive Session  
as allowed by Section, 10-15-1, H 1-10. NMSA 1978

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- I. Call to Order and Pledge of Allegiance
- II. Roll Call: Mayor Andres Martinez, Mayor Pro Tem Eldie R. Cruz, Councilor Paul A. Miera, Councilor Gabriel J. Maestas, and Councilor Claudia M. Martinez.
- III. \*Approval of Agenda
- IV. Business Matters
  1. Discussion: Pending litigation – Yates Ranch Property LLP; Jay Land Ltd. Co. v. Village of Wagon Mound, et al.
  2. \*Discussion/Approval/Disapproval: Review and acceptance of FY22 Annual Audit completed by Southwest Accounting Solutions.
  3. \*Discussion/Approval/Disapproval: Resolution 2023-10 approving the FY22 audit.
  4. \*Discussion/Approval/Disapproval: Resolution 2023-11 approving New Mexico Department of Transportation FY24 TPF Program Match Waiver Request.
- V. Adjourn



I. Call to Order and Pledge of Allegiance

II. Roll Call: Mayor Andres Martinez, Mayor Pro Tem Eldie R. Cruz, Councilor Paul A. Miera, Councilor Gabriel J. Maestas, and Councilor Claudia M. Martinez.

III. \*Approval of Agenda

**Motion to approve the agenda was made by Councilor C Martinez, seconded by Mayor Pro Tem Cruz. (Vote 4-0) Motion carried with all in favor.**

IV. Business Matters

1. Discussion: Pending litigation – Yates Ranch Property LLP; Jay Land Ltd. Co. v. Village of Wagon Mound, et al.

- Mayor Martinez recommended the Governing Body convene into executive session to discuss the pending litigation in accordance with NMSA 1978 Section 10-15-1, H-7.

**Motion to convene into executive session was made by Councilor C Martinez, seconded by Mayor Pro Tem Cruz. (Vote 4-0) Motion carried with all in favor.**

**ROLL CALL: Councilor Maestas – yes; Mayor Pro Tem Cruz – yes; Councilor C Martinez – yes; Councilor Miera - yes**

At 1:32pm the Governing Body entered into executive session.

At 3:07pm Mayor Martinez recommended adjourning executive session and reconvening the regular session meeting. The Mayor stated during the executive session only the pending litigation was discussed and no action was taken.

**Motion to reconvene the regular session meeting was made by Mayor Pro Tem Cruz, seconded by Councilor Maestas. (Vote 4-0) Motion carried with all in favor.**

**ROLL CALL: Councilor Maestas – yes; Mayor Pro Tem Cruz – yes; Councilor C Martinez – yes; Councilor Miera - yes**

2. \*Discussion/Approval/Disapproval: Review and acceptance of FY22 Annual Audit completed by Southwest Accounting Solutions.

- The Village auditor, Geoff Mamerow of Southwest Accounting Solutions, provided his report via phone. He stated the Village received an Unmodified Opinion, and he believes the Village is in good shape with good staff and governance. Mr. Mamerow stated the Housing Authority has received a Disclaimer Opinion. He stated he cannot speak to this finding because he is not their auditor, but he stated they have some issues they need to work through. He stated those that review financial statements will understand that this is not the Village itself, and therefore, it will not be held against the Village. He stated the Housing Authority has caused the audit to be submitted late two years in a row, and the Disclaimer does not look great.
- Mr. Mamerow stated the Village received two findings. He stated the first is because the audit was submitted late due to the Wagon Mound Housing Authority (WMHA) submitting their audit late. He stated the Village's audit cannot be submitted without the Housing Authority's audit being included in the report. He stated the second finding is one of the most minor findings. He stated some bank institutions are trying to get around covering public monies by collateralizing them through various means, and the Village's bank is one of them.

- Mr. Mamerow stated the Village did much better on the utilities funds as a whole. He stated his opinion is that the Village has managed to navigate a little bit of turmoil with the late audit submission, but continues to do well due to the staff and governance.
- Clerk Treasurer Amber Anguiano provided the Governing Body with a letter from the DFA. She stated the letter is requesting a response from the Village Council given the audit has been submitted late two consecutive years. She stated they want an explanation why this has happened as well as the actions taken to ensure it doesn't continue to happen. Amber stated the findings include the Housing's findings, and she stated she and Colleen will be working together to write a resolution and response to be approved at the October meeting.
  - Amber stated the 4<sup>th</sup> Quarter Budget Report will only be approved if the audit is in compliance. She stated the audit was finally submitted, and she received the acceptance letter from the DFA at the end of August. She stated the Village has received Fire Fund monies, but the Law Enforcement Protection funds have not been issued. Amber stated the main concept of the response will be that the Village is moving in the direction of releasing operational jurisdiction of WMHA to Northern Regional Housing Authority (NRHA).
  - Mayor Martinez stated the failure of NRHA to submit the audit on time along with their audit findings has resulted in the HUD Division Director in Albuquerque to come down on them, and they are required to provide documentation of a plan to address their poor performance.
  - Amber stated the Village has hounded NRHA for the FY21 and FY22 audits, and she believes the Village needs to continue hounding NRHA to try to get them to submit the FY23 on time. She stated the need to initiate discussions regarding releasing operations to them.
  - Mayor Martinez stated he had made the Village's intentions clear previously.
  - Deputy Clerk Colleen Engelhardt stated she is recommending the Village maintain contact with the HUD Division Director as well as maintaining regular communication with the board to put pressure on them to put pressure on NRHA. She stated a board member should be attending Council meetings to report to Council.
  - Mayor Pro Tem Cruz stated it may be helpful to provide documentation of correspondence with NRHA to the DFA.

**Motion to approve and accept the FY 22 Annual Audit completed by Southwest Accounting Solutions was made by Councilor C Martinez, seconded by Councilor Miera. (Vote 4-0) Motion carried with all in favor.**

3. \*Discussion/Approval/Disapproval: Resolution 2023-10 approving the FY22 audit.

**Motion to approve Resolution 2023-10 was made by Councilor Maestas, seconded by Mayor Pro Tem Cruz. (Vote 4-0) Motion carried with all in favor.**

4. \*Discussion/Approval/Disapproval: Resolution 2023-11 approving New Mexico Department of Transportation FY24 TPF Program Match Waiver Request.


- Deputy Clerk Colleen Engelhardt stated the Village was awarded the full funding request for the S. Catron Ave Improvements project in the amount of \$400K. She stated this project will combine NMDOT Coop funds with NMDOT TPF funds to plan, design, and construct the sidewalk running in front of the housing units on S Catron to the rodeo grounds entrance and to pave the final portion of S Catron leading into the rodeo grounds. She stated the Village's match on the TPF funds is 5% so the Village is responsible for \$20K. Colleen stated if the match waiver is granted, the Village will not be responsible for paying the 5% match.


**Motion to approve Resolution 2023-11 was made by Mayor Pro Tem Cruz, seconded by Councilor C Martinez. (Vote 4-0) Motion carried with all in favor.**

V. Adjourn

Motion to adjourn was made by Councilor Miera, seconded by Councilor C Martinez. (Vote 3-0)  
Motion carried with all in favor. The meeting adjourned at 3:28PM.

Approved and attested this 17<sup>th</sup> Day of October 2023.

  
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Andres Martinez, Mayor

Attest:   
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Amber L. Alcon, Clerk Treasurer

(SEAL)

