

COUNTY OF MORA
BOARD OF COMMISSION
REGULAR MEETING
JULY 10, 2018

1. CALL TO ORDER

Commissioner Garcia called the meeting to order at **9:05 a.m.**

2. PLEDGE OF ALLEGIANCE AND SALUTE TO THE FLAG OF THE STATE OF NEW MEXICO

All in attendance recited the pledge of allegiance and Saluted the Flag of the State of New Mexico.

3. ROLL CALL

Commissioner Paula A. Garcia	-	Present
Commissioner George A. Trujillo	-	Excused
Commissioner Alfonso J. Griego	-	Present

4. APPROVAL OF AGENDA

County Manager, Elmer Martinez requested the Minutes for May 8, 15 and June 7 be added to item # 5, Approval of Minutes, and item # 5 b. be removed from the agenda.

Commissioner Griego ***made a motion to approve as amended.*** Commissioner Garcia ***second the motion. All in favor. Motion carried.***

5. APPROVAL OF MINUTES

a. May 8, 2018- Regular Meeting

Commissioner Griego ***made a motion to approve.*** Commissioner Garcia ***second the motion. All in favor. Motion carried.***

b. May 15, 2018- Special Meeting

Commissioner Griego ***made a motion to approve.*** Commissioner Garcia ***second the motion. All in favor. Motion carried.***

c. June 7, 2018- Special Canvass Meeting

Commissioner Griego ***made a motion to approve.*** Commissioner Garcia ***second the motion. All in favor. Motion carried.***

d. June 12, 2018- Regular Meeting

Commissioner Griego ***made a motion to approve.*** Commissioner Garcia ***second the motion. All in favor. Motion carried.***

e. June 18, 2018- Special Meeting

Commissioner Griego *made a motion to approve*. Commissioner Garcia *second the motion*.
All in favor. Motion carried.

6. PUBLIC COMMENT

No Public Comment.

7. REPORTS

a. Elected Official Report

1. **County Clerk- Carlos J. Arellano**
No Report
2. **County Assessor- Paul M. Duran**
No Report
3. **County Sheriff- Greg Laumbach**
No Report

b. Financial Report- Doris Casados, Finance Director

Finance Director, Doris Casados presented the Financial Report.

c. Receivables Report/Treasurer's Report- Florence Romero, Treasurer

Treasurer, Florence Romero, presented the Receivables Report.

Mrs. Romero stated on June 29, 2018 the State of New Mexico, had an auction for properties with delinquent taxes in Mora County. There were 40 delinquent properties that were put up for auction. 30 were removed after payment or agreement was made. 8 properties were sold during the auction.

d. EMS/Ambulance Receivables Monthly Report- Brenda Casados, EMS Director

EMS/Ambulance Director, Brenda Casados presented the receivables monthly report for the month of June. There was a total of 28 calls which includes Wagon Mound and I-25. Many of the calls on I-25 had multiple patients, the EMT's have been doing really well in transporting 3 or more at a time. The new EMT's will be ready to go on their own soon. The reports for June have been submitted to PRC, August 1, 2018 will be the one year reporting and they should be complete. The auditors recommended that they develop a write off policy for the bills that are none billable and those that are no effort paid.

Commissioner Garcia stated, **FOR THE RECORD** they are requesting a draft write off policy for adoption at the next meeting. Commissioner Garcia also wanted to note the ongoing support for the Ambulance Service.

e. Department Reports

1. **Road Department- Johnny Espinoza, Superintendent**

Road Department Superintendent, Johnny Espinoza gave his report. Mr. Espinoza stated they have been working on their project roads, which consist of Monte Aplanado, Rainsville, Ocate and part of Tramperos Road. The problem that continues is the washboard roads due to lack of moisture. They have been putting 8 inches of material and they are still experiencing washboard roads. The road department is now fully staffed.

Road material is coming from Olivas pit and it is now under advertisement for bid. They are no longer doing the recycling of cardboard, they are accepting batteries and scrap metal.

Mr. Espinoza suggested the Ordinance for the amount of disposing a tire be changed now that the Solid Waste department has a tire shredder. After the tire is cut down, it is considered trash and they don't get charged for it. They can cut about 70 tires in an hour and a half.

The Solid Waste department is experiencing issues with the dumping of oil. Thermal Fluid picks up the oil and finds that it is polluted, when this happens the company charges the County an additional \$ 1.00 a gallon. The County usually gets charged around \$ 400.00 to dump clean oil.

2. Planning and Zoning- Rumaldo Pino, Director

No Report

3. Fire Administrator- Peter Martinez

Fire Administrator, Peter Martinez gave his report. Mr. Martinez stated there is a fire at the Turkey Mountains, it is at 5,950 acres and 24% contained, with 119 personnel. This fire was threatening the cell towers and repeaters, equipment estimating \$10 million worth of equipment.

There is another fire in the Taos area, the Sardinia's Fire which is 2300 acres, 40% contained and 169 personnel and yesterday the personnel was dropped to 65.

The Morris Creek fire in Cimarron is at 1,600 acres and is 50% contained. There have been some fires in the Wagon Mound and Watrous area. All fires were caused by lightning. There were no issues with fireworks during the Fourth of July.

Mr. Martinez was able to obtain a fire truck from an Arizona National Forrest department. The 2003 type 6 fire truck broke and will be replaced with a fire truck that is 300 gallons more than the previous fire truck. The truck runs about \$150,000 but was given to the Mora Fire Department.

The Santa Fe National Forrest has reopened, they are still on stage 2 which means no fires, but it is open for the public.

Today there is a CWPP meeting at the Buena Vista Fire Department at 3:00 p.m.

County Attorney, Michael Aragon stated **FOR THE RECORD** that he would like to personally thank the Mora Fire Department for their quick response time to an incident that occurred at his residence.

f. Manager's Report- Elmer J. Martinez, County Manager

County Manager, Elmer Martinez gave his report. Mr. Martinez stated the RFP for Architecture services for the Senior Center is out and there is funding to start the project. They have had seven responses for architectural services, all good applicants. They have been rated and ranked by Procurement Office, Edna Sena and Alexandria with the Senior Center, and himself and are reviewing the applicants and have short listed the three. In the upcoming weeks they will be conducting interviews and will then write a recommendation of their choosing for architectural services. If everything goes as planned construction can start as early as December.

Tourism Tour is going on right now. The stake holder is meeting at 1:00 p.m., today at the Los Moras Growers Co-Op.

Manager Martinez introduced the new MVD employee, Elizabeth Maestas. He is asking that people be patient, Mora County has to comply with the States rules, there are tests she has to pass and the system has been down. Upon her completion of the last exam she will be able to start processing transactions.

The Personnel Policy that was presented in Wagon Mound was revised and merged with another Policy. It is in hopes that it will be ready in time for the next regular commission meeting for approval.

The Oil and Gas Ordinance is coming up for approval, a Special Meeting will be held on Thursday, July 12, 2018. Dr. Robert Freilich will be available by phone.

8. EXPENDITURE REPORT- JUNE 2018

Finance Director, Doris Casados presented the Expenditure Report for June 2018
Commissioner Garcia recommended the Commission consider paying attention to the detail with the reports while reviewing for approval. There was one Expenditure that was called into question this past month, to her understanding it has since been corrected. County Manager stated the expenditure from the fire fund was reversed.

Commissioner Griego ***made a motion to approve as presented.*** Commissioner Garcia ***second the motion. All in favor. Motion carried.***

Manager Martinez commented on a reoccurring matter. He stated that Ben Sanchez is still listed as the County Manager on the Expenditure Report. Mr. Martinez wanted it to reflect **ON THE RECORD** for managers in the future, he thinks that position and that person should receive all due respect from all departments and that is something that he would ask from the public that they support that. Mr. Martinez stated that he has asked for this to be corrected in the past and it has not happened. He has shown respect to all persons that he is working with and feels like he hasn't got that respect in return.

9. DISCUSSION/REVIEW/ACTION-RESOLUTION(S)

a. Budget Transfers

1. 1010400-County Commission \$ 983.00

Commissioner Griego *made a motion to approve as presented.* Commissioner Garcia *second the motion. All in favor. Motion carried.*

2. 1010410- Manager \$ 1.00

Commissioner Griego *made a motion to approve as presented.* Commissioner Garcia *second the motion. All in favor. Motion carried.*

3. 1010420- Building & Grounds \$ 96.00

Commissioner Griego *made a motion to approve as presented.* Commissioner Garcia *second the motion. All in favor. Motion carried.*

4. 1010440- Bureau of Elections

Commissioner Griego *made a motion to approve as presented.* Commissioner Garcia *second the motion. All in favor. Motion carried.*

5. 1010490- Probate Judge \$ 2.00

Commissioner Griego *made a motion to approve as presented.* Commissioner Garcia *second the motion. All in favor. Motion carried.*

6. 1011100- Planning & Zoning- \$ 1.00

Commissioner Griego *made a motion to approve as presented.* Commissioner Garcia *second the motion. All in favor. Motion carried.*

7. 5000510- Ambulance \$ 35,352.00

Commissioner Griego *made a motion to approve as presented.* Commissioner Garcia *second the motion. All in favor. Motion carried.*

b. Temporary Budget Transfer

1. 2180265- SAP \$ 186,487.00

Commissioner Griego *made a motion to approve as presented.* Commissioner Garcia *second the motion. All in favor. Motion carried.*

10. INFORMATION- COUNTY COMPLEX REPORT- COMMISSIONER PAULA GARCIA

Commissioner Paula Garcia gave her report on the Mora County Complex. Ms. Garcia stated there are two tracks happening. The GRT Phase is under construction she participated in a construction phase meeting last week, she was informed that they are on schedule for completing the GRT phase and there were some scope of work swap between the GRT phase and the Courthouse phase. One of the items they were working on was a beam to help support the second floor for where the files are going to go for the Courts. It was better to do that for this phase because it is on the bottom floor. It is proceeding according to schedule. There seems to be good communication between the architect and the construction firm and the construction manager.

On the other tract they are also working on the Courthouse phase. There was a meeting on the Courthouse phase which was for 100% design development, there was a report on that status and the drawings have been provided to Mora County, it is scheduled for completion around December. AOC is prepared to start making their lease payment in January. There is an item on the agenda relating to the financing, it's for the loan to cover the Courthouse. Everything is moving according to plan.

County Manager Martinez stated the scope of work shuffle that was discussed, the three beams were installed to support the file structure for the Court House phase. The other thing that is happening is the Coring for the drain system has been dug out and they will begin to install drains, which was also part of the Court House phase, which will be spent out of GMP money and will be reversed when they go into the Court House phase. The sprinkler system will also be addressed during the same phase. Mr. Martinez stated sheetrock should be going up soon. Most of the plumbing is done. It is estimated at the end of August for the County Offices to be moved into the Complex.

The leach field is subject to removal, they won't do that yet, and they need to make sure they meet the environmental standards. The GRT phase is running on schedule. The Court House phase has been submitted for building permit.

County Attorney Michael Aragon stated there was a hearing held on July 2, 2018, the subcontractors that were brought in by Franken Construction, as necessary defendants, filed a motion to compel our arbitration pursuant to their subcontract agreements with Franken Construction. That hearing was held and heard and the judge held that they did not have to compel arbitration and the motion to dismiss was denied. This means the lawsuit can proceed.

11. DISCUSSION/REVIEW/ACTION- PHASE I FACILITY IMPROVEMENTS KK & R RECYCLING SERVICES- FRANCISCO CHAVEZ/TIM HAGAMAN

County Manager Elmer Martinez stated this item is to get authorization to proceed with the development of a Project Participation Agreement with KK & R's Recycling Service, LLC for future approval by the County Commission.

Tim Hagaman stated they are looking to propose an Ordinance to make an application to the County in exchange for how the recycling will benefit the County. They would comply with the anti- donation clause. He has been providing Francisco Chavez with technical services so he can take his company to the next level of recycling, he has been working with small business development to help with a plan so he can take on some debt service in regards to purchasing the equipment he will need.

Francisco Chavez introduced himself and gave a background on his KK & R Recycling business.

Gilbert Quintana, resident of Mora County spoke on the subject of the potential recycling business. Mr. Quintana stated it sounds like a good step in the right direction and he gives his full support. He expressed his want to be part of the project to assist in any way possible.

Nancy Quintana, resident of Mora County spoke on the subject of the potential recycling business. Mrs. Quintana stated she supports the project and thinks it is a good idea. She stated she is neighbors with Francisco and she wanted to know if he will be putting some kind of

structure up so that the recycled material will be contained. She is also in progress of starting a business and she had concerns on how his business could potentially affect her bed and breakfast business.

County Attorney Michael Aragon spoke on Mrs. Quintana's concerns. Aragon stated at this point the County is in the early stages of planning, nothing has been formalized, what he would suggest to Mr. and Mrs. Quintana is to consider the right to remedy under nescience that would be remedied in civil court. Attorney Aragon stated, he doesn't feel like this would be an issue where the Commission would get involved, especially at this stage.

12. DISCUSSION/REVIEW/ACTION- RESOLUTION APPROVING 2020-2024 MORA COUNTY INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP)- ELMER J MARTINEZ, COUNTY MANAGER

Manager Martinez stated the department of Finance and Administration/Local Government Division requires Counties adopt an ICIP. The project was prioritized at the Wagon Mound meeting. The process this project went through is provided in the packet, and was based on the Commission input. The Mora County Complex, the Gravel Pit, the Ambulance shelter, the Watrous Community Center, the Theatre and the St. Vrain Mill were the items to be considered.

Commissioner Griego *made a motion to approve as presented.* Commissioner Garcia *second the Motion. All in favor. Motion carried.*

13. DISCUSSION/REVIEW/ACTION-RESOLUTION APPROVING THE 2020-2024 MORA COUNTY INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP) FOR THE MORA SENIOR CENTER- ELMER J. MARTINEZ, COUNTY MANAGER

Manager Martinez stated the Department of Finance and Administration/Local Government Division requires that Counties adopt a local ICIP. At a Commission meeting on June 12, 2018, the County Commission heard a presentation on potential projects to be considered for the ICIP. The attached projects were selected for submittal of its Senior Center 2020-1024 ICIP.

Commissioner Griego *made a motion to approve as presented.* Commissioner Garcia *second the Motion. All in favor. Motion carried.*

14. DISCUSSION/REVIEW/ACTION-CLASS ACTION OPT-IN TO RECOVER PILT (PAYMENT IN LIEU OF TEXAS) UNDERPAYMENTS FOR FY 2015-2017- ELMER J. MARTINEZ, COUNTY MANAGER

Manager Martinez stated there is a lawsuit under Kane County Utah V United States, claiming that all units of local government received underpayment in fiscal years 2015-2017 from PILT. The lawsuit seeks to recover money that the Court has determined each class member is owed. To obtain the money Mora County would have to opt into the lawsuit. He got some information as to what it would cost the County to file suit. The County is owed \$9,398, legal cost would run \$3,218 which means the county would gain around \$6,000.

Commissioner Griego *made a motion to approve as presented.* Commissioner Garcia *second the Motion. All in favor. Motion carried.*

15. DISCUSSION/REVIEW/ACTION- RESOLUTION APPROVING A LOAN WITH THE NM FINANCE AUTHORITY FOR THE COURTHOUSE PHASE OF THE COUNTY COMPLEX- ELMER J MARTINEZ, COUNTY MANAGER

Manager Martinez stated, before the Commission is a loan agreement with New Mexico Finance Authority for the Court House Phase of the County Complex, to include the Assignment of Leases, Rents and Profits.

Mora County has been approved for the New Mexico Finance Authority for a loan in the amount of \$2,460,710 to fund the Court House Phase of the Complex construction. Repayment of the loan will be accomplished with the lease payment from the Administrative Offices of the Courts. Approval of the Resolution will authorize the Commission Chair to sign the loan Agreements and assignment of Leases, Rents and Profits.

Commissioner Griego *made a motion to approve as presented.* Commissioner Garcia *second the Motion. All in favor. Motion carried.*

16. DISCUSSION/REVIEW/ACTION- AUTHORIZATION TO PUBLISH WITH INTENT TO ADOPT AN ORDINANCE ENACTING 1/12TH PERCENT GROSS RECEIPTS TAX FOR THE SAFETY NET CARE POOL AS REQUIRED BY THE STATE OF NM TO SUPPORT THE STATE MEDICAID PROGRAM- ELMER J. MARTINEZ, COUNTY MANAGER

Manager Martinez stated the Ordinance is to obtain authorization to publish with intent to adopt an Ordinance enacting a 1/12th percent gross receipts tax for the Safety Net Care Pool as required by the State of New Mexico to provide support for the State's Medicaid Program.

Mora County has been paying its share into the Safety Net Care Pool but did not implement the allowable tax of 1/12th percent to offset the County's cost of participation in the program. The Commission asked to consider the matter and authorize staff to proceed with publication with the intent to adopt said ordinance with implementation to occur on January 1, 2019.

Commissioner Garcia stated **FOR THE RECORD** Safety Care Net Pool was enacted by the Legislature to help pay for the Medicaid expansion. When the State was coming up short because the Governor doesn't believe in tax increases, apparently, but when it came time to pay for Medicaid they had the Counties increase their taxes. They will increase taxes as long as they are not the ones increasing their tax. To raise about \$80 million for the Safety Care Net Pool the State enacted a Statute that forced the Counties to pay a 1/12th equivalent. Mora County has paid its share, the Ordinance should have been enacted a long time ago. It has been paid out of the indigent fund so that is what the problem is with the Counties indignant fund, they are paying for the Medicaid 1/ 16th equivalent, there sending that to the State and the 1/12th and are only collecting 1/8th on balance they are spending more on the indignant fund to pay for these two things than we are taking in in GRT so that makes the indignant fund solvent. If anyone ever asks who was responsible for this tax increase, Commissioner Garcia would say to

talk to Governor Martinez. The Governor and the Legislature are the ones who forced the Counties to increase the taxes.

Commissioner Griego ***made a motion to approve as presented.*** Commissioner Garcia ***second the Motion. All in favor. Motion carried.***

17. EXECUTIVE SESSION

Commissioner Griego ***made a motion to convene into Executive Session.*** Commissioner Garcia ***second the Motion.***

The purpose of Executive Session is to discuss Personnel issues and pending or threatening litigation.

All in favor on a roll call vote:

Commissioner Paula A. Garcia	-	Yes
Commissioner George A. Trujillo	-	Yes (via Phone)
Commissioner Alfonso J. Griego	-	Yes

Entered into Executive Session at 10:53 a.m.

Commissioner Griego ***made a motion to convene into Regular Session.*** Commissioner Garcia ***second the Motion.***

All in favor on a roll call vote:

Commissioner Paula A. Garcia	-	Yes
Commissioner George A. Trujillo	-	Yes (via Phone)
Commissioner Alfonso J. Griego	-	Yes

Reconvene into Regular Session at 12:30 p.m.

No decisions were made only discussion on Personnel matters and pending or threatening litigation.

Commissioner Trujillo was part of Executive Session and is now EXCUSED.

TJB

8. EXPENDITURE REPORT-JUNE 2018

Commissioner Griego *made a motion to rescind item # 8.* Commissioner Garcia *second the motion. All in favor. Motion carried.*

18. NEXT COUNTY COMMISSION MEETING

No discussion on next County Commission Meeting

19. SIGNING OF APPROVED DOCUMENTS

All approved documents were signed

20. ADJOURNMENT

Commissioner Griego *made a motion to adjourn.* Commissioner Garcia *second the motion. All in favor. Motion carried.*
Meeting adjourn at 12:50 p.m.

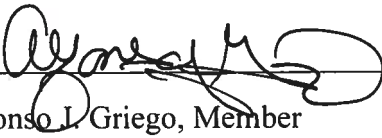
MORA COUNTY BOARD OF COUNTY COMMISSIONERS



Paula A. Garcia, Chairman



George A. Trujillo, Vice Chair



Alfonso J. Griego, Member

ATTEST:



Carlos J. Arellano

County Clerk

