

Mora County
Board of County Commission
Special Meeting
August 29, 2018
3:00 p.m.
Mora Schools Boardroom, Mora NM

1. The meeting was called to order by Paula Garcia, Chair of the County Commission at 3:18 p.m.
2. Pledge of Allegiance and the Salute to the Flag of the State of New Mexico were recited by those in attendance.
3. Roll was called by the Interim County Manager, Frances Muniz
 - Commissioner Garcia – Present
 - Commissioner Trujillo – Present via-telephone
 - Commissioner Griego – Present

There was a quorum present.

4. Approval of the Agenda - Commissioner Garcia asked if there were any changes to be made to the agenda or whether it should be approved as presented. County Attorney Aragon requested that two items be added for “information” those were: Information on the Mora Volunteer Fire Department and the Wildland Fire expenditures. *Commissioner Garcia asked if there were any other changes being none, she asked for a motion to approve the agenda as amended. Commissioner Trujillo made the motion to approve the agenda as presented; second by Commissioner Griego. All in favor motion carried and approved.*
5. Morphy Lake Road Project – Commissioner Garcia requested that Attorney Aragon give the report on this project. He stated by saying this was a first for Mora County, stating that the County had never been approached by a Contractor before they started work and that he was impressed with Moltz Construction and Mr. Troy McDaniels, the representative of Moltz Construction. Attorney Aragon Stated that for the record that Moltz Construction would be bringing in \$80,000 in GRT’s to the County and along with that they wanted to negotiate with the County to maintain CR A005 & A006 (California Road a one-mile loop) which would be used while construction was being done on Morphy Lake Project. He stated that they used the formula for the School Bus Routes and came up with the figure of \$7,500 compensation for maintaining the roads to their original state. He stated that he wanted to thank Moltz for being proactive and he recommends that the County Enter into the MOU with Moltz Construction.

Commissioner Garcia called on a few members of the Acequia:

- Arnold Trujillo – Stated that he wanted to share his appreciation and gratitude as well as expressing his thanks for working on the California road which always seems be forgotten. There is enough width and with some grader work it can widened.

- Joe Gene Pacheco – Commissioner of Acequia de la Isla it is a beautiful lake and it needs some work and it looks like its going to get done. It is important for the whole community and people come from all around to use it. One of the most important things is the narrow road and some say it is County some say its state; however, he stated the road to Morphy lake is very narrow and he wanted to make sure that is a priority.

Commissioner Garcia gave her thanks to Mr. Pacheco stating that she knows he has placed a lot of hard work and dedication to getting this project going.

Commissioner Garcia also stated that a request to the legislature was made las year to redo the road completely, she made a joke stating that she knew that he was good friends with Senator Compos and she thought that he could grease the wheels for the County politically for that.

She also stated that she wanted to suggest there be and ‘educational plaque’ as you enter the lake stating that it is an acequia project and that acequia people built it and maintain it.

Commissioner Trujillo stated that he wanted to thank everyone involved for fixing Morphy lake and he wanted it to get done fast “so we can go fishing.”

Commissioner Garcia verbally reviewed the recommendation by the County Attorney to approve the MOU between Mora County and Moltz Construction for \$7,500 in reimbursement for materials. *Commissioner Garcia asked if there was any further discussion being none, she asked for a motion to approve the MOU between Mora County and Moltz Construction. Commissioner Trujillo made a motion to approve the MOU with Moltz; it was second by Commissioner Griego. All in favor, motion carried and approved.*

6. Work Session/Mora VFD – Commissioner Garcia stated that there were guests from the State Fire Marshalls office who were here to speak to that. Bureau Chief John Kondratic with the Fire Service Support Bureau was here along with Inspectors Randy Varella and Derrick Rodriguez of the State Fire Marshalls office. He stated that he was just here to find out the status of the Mora VFD and to listen to what the Commission had to say.

Mr. Kondratick gave a brief overview of what his department does. The disperse fire funds throughout the State for apparatus and fire suppression suppression equipment and to assist any fire department and answer any questions. The main reason they were here today was to find out the Status of the Mora VFD and answer any questions that they could.

Attorney Aragon welcomed Mr. Kondratick and expressed thanks on behalf of the Commission for answering questions over the phone. Attorney Aragon also stated that it was brought to his attention before the meeting had convened that the Mora VFD had been placed on probation. Mr. Kondratick stated that currently they were doing some financial audits and no definite conclusions had been made right know. Attorney Aragon stated that if there was anything that the County can do to help expediate the audit, Frances Muniz the interim County Manager is at your disposal.

Mr. Aragon then introduced the County’s private investigator, Mr. Doug Shawn who is in the gallery as well. Mr. Shawn has taken the lead on a lot of the investigation and has compiled a lot of excellent reports and we will be happy to share them with you.

Mr. Aragon stated that he had received an email from Don Griego who stated that there was an issue with gaining access to the station and he was wondering if that had been settled yet? Mr. Kondratik stated that we would be going over today.

Commissioner Garcia asked if Mr. Kondratik could explain how the funding stream works and how the fire funds are appropriated to the fire departments and what kinds of restrictions were applied to that funding as well as the requirements that are required for the VFD's to report to you. How do you (your departments) relate to the VFD's in general. Mr. Kondratik stated that Chapter 53 of the Administrative Code discusses how money/funds are distributed. There is a formula that has been developed using the ISO score – ISO basically where a private company comes in and does a survey and evaluates the water system, fire department equipment and the number of stations and they calculate a score from 1 to 10 with one being excellent and ten being not so good. As they use that score we evaluate the number of main stations and sub stations and a formula is developed to calculate the amount of funds that a fire department is due. We do distributions on a quarterly basis and this formula is used for all department and there are no special considerations and that how the determination of funds is distributed. After the money is distributed they make sure the money sent is used for the proper equipment etc....and audits are conducted to ensure that the money is used properly.

Commissioner Garcia asked Mr. Kondratik to explain when does your office get involved in approving expenditures is it when they're going to bond out based on their revenue stream? Usually early in the process they have inspectors who have different territories and they keep in contact with the departments who let them know that they have an apparatus or piece of equipment they want to acquire and then they work with them to make sure they have enough money or work on a plan to make sure they can purchase what they need. There is also a fire grant fund that is another source of income and we will work with NMFA to obtain loans to pay for those projects.

Another simple question is what kinds of restrictions tie in to your funding. Mr. Kondratik stated that the restrictions are based on the administrative code and are basically operations and equipment used for fire prevention and suppression, there is a pretty exhaustive list that basically ties in to operations of a fire department. So, it cannot be used to pay staff - Commissioner Garcia asked Mr. Kondratik. Can it be used to pay utilities? Yes, upgrades can be paid as well. Who is responsible for monitoring the NIFERs Reports? The inspectors keep a log of all the departments along with their status and after about 90 days is when they start contacting the departments. Commissioner Garcia asked if they get behind on their reporting what are the consequences of that? Mr. Kondratik stated at 90 days they get an email; 120 days they get a letter and after that they are on probation and they try to make face to face contact and they work on getting current it can lead up to probation. He stated that they like to work with the departments on compliance as it can impact the fire fund, fire grant and can exempt fire departments from obtaining funding.

Commissioner Garcia thanked Chief Kondratik and the Bureau for training a few months ago as the departments were trained on how to do the reports and she appreciated it. She asked if there were any other questions – Attorney Aragon asked whether this was more of a forestry regarding

RMPs. Mr. Kondratick stated that he would not be in a position to answer that and it is a totally separate system from the way the State Fire Marshalls office operates.

At that point Commissioner Garcia asked if the Commission would like to adjourn in to executive session. ***Commissioner Griego made the motion to retire into executive session; Commissioner Trujillo second the motion; Commissioner Garcia stated that no actions would be taken and only personnel and pending and/or threatened litigation would be discussed. All those in favor with a roll call vote. Motion carried and approved.***

Roll was called by Interim Manger Muniz:

- Commissioner Garcia - yes
- Commissioner Trujillo - yes
- Commissioner Griego – yes

Commissioner Trujillo stated that he would like to have Commissioner Garcia state that the Fire Marshall and his staff along with Doug Shawn and the President of the Fire Chiefs Association would be present in Executive Session.

The Commission retired into executive session at 4:40 p.m.

Motion to return from executive session was called by ***Commissioner Trujillo; second by Commissioner Griego; all in favor- motion carried and approved.***

Roll call by Interim County Manager Muniz:

- Commissioner Garcia – Excused, feeling ill
- Commissioner Trujillo – yes
- Commissioner Griego – yes

The Commission returned from Executive session at 5:20 it should be noted for the record that Commissioner Garcia excused herself as she was feeling ill.

There were no decisions made in executive session and only personnel and pending or threatened litigation was discussed.

Commissioner Trujillo gave the floor to Attorney Aragon who stated the following: Recommendation based on discussion that were presented in executive session. We (County) was tendered a report from PRC State Fire Marshall division, Derrick Rodriguez that the Mora VFD has been served with a 90-day probation violation the for a NIMFER's violation. It appears that the Mora VFD has not reported since April 30, 2018. Members of the State Fire Marshalls office were her to conduct an inspection it was also mentioned that Dennis Romero has resigned as Chief and there was an election and the Chief elected was Peter Martinez and Deputy Chief was Michael Lujan there have been several efforts to reach Mr. Martinez to conduct the necessary inspection and there has been no response and it appears that Mr. Martinez is willfully avoiding contact with the State Fire Marshalls Division. Attorney Aragon asked if they (State Fire Marshall's office agreed with this assessment) all three answered yes. Attorney Aragon stated that what he would recommend to the Commission based on the effect to the health and safety of the Community would

be to is that Chief Peter Martinez be removed as chief of the Mora VFD and that a replacement be selected by Interim County Manager, Frances Muniz immediately preferably within the next 7 days and that the contact information be updated with the State Fire Marshall and that the State Fire Marshall be granted what ever access is necessary to conduct their inspection. I'd also like to place on the record that we were presented with an inspection of the Mora VFD conducted in 2013 there were a number of deficiencies brought to our attention and based on those deficiencies and recommendations I feel it is imperative the State Fire Marshall conduct the inspection as soon as possible. That would be my recommendation to the commission at this point. I don't believe this an action item as it has to do with personnel issues and with the Commissions permission this is my recommendation to the interim County Manager.

Attorney Aragon stated that he would make like to phrase this in the form of Directive to remove Peter Martinez as Chief of the Mora VFD and appoint someone in his place. Commissioner Trujillo stated as it a personnel issue there is no need to put this to a vote. Ms. Muniz was issued the directive to replace Peter Martinez as Mora Fire Chief.


There were no more questions or comments. *Commissioner Trujillo asked for a motion to adjourn; second by Commissioner Griego; All in favor motion carried and approved.*

Meeting adjourned at 5:40 p.m.

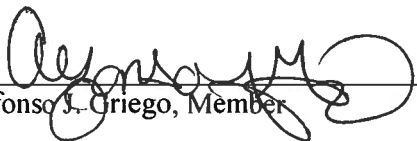
Mora County Board of Commission:



Paula A. Garcia, Chair



George A. Trujillo, Vice Chair



Alfonso J. Griego, Member


Attest: 

Carlos J. Arellano, County Clerk

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