

# MORA COUNTY BOARD OF COMMISSION

## SEPTEMBER 12, 2019

### 1. CALL MEETING TO ORDER:

Commissioner Maestas called meeting to order at 8:59 a.m.

### 2. ROLL CALL:

Clerk Arellano polled the board

Commissioner Maestas ---- Present

Commissioner Serna ---- Present

Commissioner Griego ---- Present Via- Phone

All present and accounted for. Commissioner Maestas stated that Commissioner Griego is under the weather so if there is a decision to be made, they will call him back to get his vote.

### 3. PLEDGE OF ALLEGIANCE AND SALUTE THE STATE FLAG:

Clerk Arellano led the board and audience in the pledge and salute.

### 4. APPROVAL OF THE AGENDA:

Commissioner Maestas requested to move item #9 County Interim Manager to item #6 and direct County Attorney to negotiate with Joy Ansley for the position in Executive Session.

Commissioner Serna made the motion to direct the County Attorney to negotiation with Ms. Ansley.

Commissioner Maestas second.

***Majority has it. Motion carried.***

Commissioner Maestas stated that Mr. Pino has a family emergency so if Item 7B-4 and 7C be moved up after now item #6.

Commissioner Serna made the motion to approve the amended agenda.

Commissioner Maestas second the motion.

***All in favor. Motion carried.***

5. PUBLIC COMMENT:

**Joe Gene Pacheco** is present today to requested that the Board to approve the Veteran Memorial at the Complex. He explained that he has been in contact with Senator Compos to receive funding for the project.

**Commissioner Maestas** requested the Mr. Pacheco to please present the project plan and designs as to the total space needed and where they plan placing it before the board could discuss and approve.

**Duane Martinez** is present today to inquire about the El Alto road he stated that this road has been in very bad condition from Hwy 434 to Hwy 518.

**Commissioner Maestas** stated this road has been worked on and will be worked on but their other county roads that need fixing just as much as El Alto road.

**Lina Roybal** requested for her time to be reserved until after item #17.

**Raymond Pacheco** requested for his time to be reserved after Item #17

**Commissioner Maestas** stated that that item is toward the last of the agenda and will be after a lengthy executive session there is a lot to discuss is they would like to reserve that time they could leave their phone number with Mrs. Trujillo that way they could leave and be called before this item comes up.

**Anita Moss** is present today to go over several items she has been involved with the first one is the Survey for the RTD project they would bring Public transportation to and from the Penasco area in one direction and to the Las Vegas area in the other direction. She stated that they have about 120 surveys done so far but would like to reach 200 surveys done before the time is up if anyone is interested, they could go onto our web site [OurMora.org](http://OurMora.org). Her other item is the Fall Festival they are in process of scheduling vendors and activities for that day. Last year they had over 1000 visitors and expect more this year. Mainstreet committee are requesting a meeting with the commission and the County Manager for October 8<sup>th</sup> if possible.

**Commissioner Maestas** stated that they could set a work session meeting.

**6. DISCUSSION/REVIEW/ACTION – County Manager Position**

Commissioner Maestas stated that this item is to be discussed and done in executive session.

**7. ELECTION OFFICIAL(S)/ Department Head Report**

**7B-4 Planning and Zoning:**

**Mr. Pino** stated that the committee met on August 20<sup>th</sup> they elected officers: Joseph Garcia as Chairman and Gilbert Quintana as Vice-Chairman. They discussed the Hemp industry and drafted a resolution to be sent to the County Attorney. He has issued a lot of E11 addresses for the residents to be complaint with the Real ID licenses. He has also signed several boundary surveys that needed to be recorded.

**Commissioner Maestas** requested that Mr. Pino give a number of amounts he process in a month.

**7C Interim Manager Report.**

**Mr. Pino** stated that since he has been Interim Manager, he has made copies of keys to each office for each staff member to that office and also a key for the front door to the complex one per office.

**Commissioner Maestas** wanted for Mr. Pino to explain the reason for keys being made to keep transparencies when the Contactor turn over the key to the building, they only handed one set for each office until the final turnover is done but there have been several issues that made us make copies.

**Mr. Pino** mentioned that a discussion with Mr. Bobby Dalton from the Multi-Line examiner NMMC about a claim against Mora County that does not pertain to the County. He stated that a meeting with Mr. James Gallegos form DOT, Mr. Johnny T Romero, and Commissioner Serna to discuss County Road A-001 Cebollita the replacing of the Cattle Guard to fix the slope and County Road C-030 El Alto road and what material will be needed and what DOT will provide to make this road up to code.

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Commissioner Serna made the motion to enter into executive session by roll call to discuss personnel matters and pending litigation at 9:33 am.

Commissioner Maestas second the motion.

Clerk Arellano polled the board.

Commissioner Maestas ---- yes

Commissioner Serna ---- yes

Commissioner Griego ----- Excused

***Majority has it. Motion carried.***

Commissioner Maestas brought the Board back into Regular Session at 1.22 p.m.

Negotiation were had with Ms. Ansley were met.

Commissioner Serna made the motion to appoint Ms. Ansley as Interim County Manager as of Today Sept. 12, 2019.

Commissioner Griego second the motion.

Clerk Arellano polled the board.

Commissioner Maestas ---- yes

Commissioner Serna ---- yes

Commissioner Griego ----- Excused

***Majority has it. Motion carried.***

**8. APPROVAL OF AUGUST 2019 MINUTES:**

**A. August 8, 2019 – Regular Meeting**

Commissioner Serna made the motion to approve Aug. 8, 2019 minutes as presented.

Commissioner Maestas second the motion.

***Majority has it. Motion carried.***

**B. August 16, 2019 – Special Meeting**

Commissioner Serna made the motion to approve Aug. 16, 2019 minutes as presented.

Commissioner Maestas second the motion.

***Majority has it. Motion carried.***

**C. August 26, 2019 – Special Meeting**

Commissioner Serna made the motion to approve Aug. 26, 2019 minutes as presented.

Commissioner Maestas second the motion.

***Majority has it. Motion carried.***

**9. ELECTED OFFICIAL(S)/ DEPARTMENT HEAD REPORTS:**

**1. County Clerk- Carlos Arellano**

***Mr. Arellano*** reported about the filing date for the Local Election was on August 27, 2019 there were 29 candidates. On Sept 3, 2019 was the last day to withdraw and had 3 candidates withdrew. Early/Absentee voting will start on Oct. 8, 2019 hours will be as follows Monday thru Friday from 8 am to 5 pm open thru the lunch hour. There will be only one Saturday Nov. 2, 2019 from 10 am till 6 pm. Then Election day is Nov. 5, 2019 from 7am till 7pm.

**2. County Assessor – Rosalee Trujillo**

Not Present. No report was reported.

**3. County Sheriff- Amos Espinoza**

***Under Sheriff Americk Padilla*** reported that the Wagon Mound Bean Day was a success with only one incident in the rodeo grounds and was dealt with. The Department has been really busy with day to day matters, they have lost a few deputies but have been able to still cover our County. One unit is in the shop for small repairs. Officer Omar Cortez will be Graduating the Academy at the end of October and we will be sending two more officers in January 2020. We have been trying to recruit new officers but find it hard compete with other counties pay rates.

***Commissioner Maestas*** stated that the New Mexico State Police have been covering our County when the Sheriff Department is not operating. He requested that there be better communication when drills are had within the County today's active shooter drill at the school was confusing not just

for the school but for other events held today, the state auction and this meeting.

**4. County Treasurer – Florence Romero**

Not Present. Submitted report to Finance Director. To be presented when he presents his report.

**5. County Probate Judge- Joanne Padilla- Salas**

Not Present. Submitted report is in the packet.

*Commissioner Serna* read the report the Judge has had 29 new probates this year, she has closed several probates for prior years. She has changed her hour of operation from Friday's to Wednesday afternoons. She is available to come in if an appointment is requested.

**A. 1. EMS/Ambulance – Benda Casados**

Not Present. Submitted report to Finance Director Tim Montgomery. Mr. Montgomery went over the numbers of the monies that she has received for billing either by phone calls or by mail. He wants to give her kudos for her diligent time to recover these monies.

**2. Finance – CFO Tim Montgomery**

Mr. Montgomery went over all the departments percentages for a total balance of 83.59% for this time of the 2019/2020 Fiscal year. **SEE ATTCHMENT.** He also went over the Treasurer report.

**3. Fire Administrator- David Montoya**

Not Present. No report submitted.

**4. Planning and Zoning – Rumaldo Pino**

Done.

**5. DWI – Yolanda Medina**

Mrs. Medina requested that she be allowed to report for her item on the agenda.

**6. NMSU Extension Agent – Suzanne DeVos Cole**

Not Present. No report Submitted.

**7. Road/Solid Waste Departments – Jerry Martinez.**

**Mr. Martinez** went over his report on the amount his department has used be it fuel, oil or parts. He reported on the monies received from one-time permits, collections on solid waste past due accounts and the sale of scrap metal. He reported on the maintenance of the yard and the equipment. He went over the county road that the department has worked on he submitted pictures of the different issues his department has dealt with; first ones are the Watrous fire dept. dump site that they burnt as a one-time deal. Second was the issue of the de-tour in El Alto road and all the traffic troubles it had. Third the material from the current pit the county is using. Fourth is the placement of the culverts in the different roads and his department has designated an area in the yard for the rest of the culverts. Lastly is the locked, misplaced posted signs or gated road throughout the county.

**Commissioner Maestas** directed Mr. Martinez to open all the locked, miss posted sign, and closed roads. Put cameras in the trouble areas to prosecute any illegal activity according to State Statue 67-7-1 that allows the County to post notice to the land owners that this is a County Road.

**10. DISCUSSION/REVIEW/ACTION – EXPENITURE REPORT AUGUST 2019 –  
TIM MONTGOMERY FINANCE DIRECTOR:**

**Mr. Montgomery** went over the expenditure list for August 2019. Commissioner Serna made the motion to approve the expenditure list as presented.

Commissioner Maestas second the motion.

**Majority has it. Motion carried.**

**11. DISCUSSION -CHIEF THEATER CAPITAL OUTLAY PROJECT – TIM  
MONTGOMERY:**

**Mr. Montgomery** stated that the capital outlay monies for this project came in but since this project is a non-profit organization these monies

come with a lot of restrictions as to how it can be spent. He is requesting more time to meet with all parties involved to find out how to proceed.

**12. DISCUSSION/REVIEW/ACTION – MORA COUNTY IT SERVICES RFP – EDNA SENA:**

*Ms. Sena* went over the Viewing Committee recommendation for the RFP IT services at the rate of \$80.00 per hour from the one RFP submitted by Joseph Lopez.

Commissioner Serna made the motion to table this item so it could be voted by a full board.

Commissioner Maestas second the motion.

*Majority has it. Motion carried.*

**13. DISCUSSION/REVIEW/ACTION – MORA COUNTY LEGAL SERVICES RFP- EDNA SENA:**

*Ms. Sena* went over the Viewing Committee recommendation for the Legal Service RFP. There were two submitters they recommend Barela & Gutierrez Law Firm out of Corrales. They have lower rate on both per diem and mileage.

Commissioner Serna made the motion to table this item so it could be vote by a full board

Commissioner Maestas second the motion.

*Majority has it. Motion carried.*

**14. DISCUSSION/REVIEW/ACTION- MORA COUNTY ROAD DEPARTMENT ROAD MATERIAL RFP – EDNA SENA:**

*Ms. Sena* went over the Viewing Committee recommendation for the RFQ for road material. There were two submitted and the committee went with Oak Valley since they have the lowest quote per ton.



Commissioner Serna made the motion to table this item so it could be vote by a full board

Commissioner Maestas second the motion.

***Majority has it. Motion carried.***

**15. DISCUSSION/REVIEW/ACTION – MORA DWI PROGRAM APPROVE PREVENTION SPECIALIST CONTRACT – YOLANDA MEDINA**

***Mrs. Medina*** went over her report, the prevention specialist was advertised in the Las Vegas Optic. There were four applicants the committee reviewed and interviewed and recommended Mrs. Bernadette Cowell. She is here today to request the Board approval of this contract to have Mrs. Cowell starting date on Monday Sept. 16, 2019.

Commissioner Serna made the motion to approve contract as presented.

Commissioner Maestas second the motion.

***Majority has it. Motion carried.***

**16. DISCUSSION – MORA COUNTY CAPITAL BOND PRESENTATION - BARBARA BRADSHAW:**

***Ms. Bradshaw*** gave the public and the board a background of the County complex and a committee was formed to see what kind of funding could be found to complete the complex. She reminded the board and public that the original GO Bond will retire in 2021. She went over all the difference on the assess value and real value and how the county could impose up to a 4.9% tax bond increase. She stated that phases 1- 4 have been almost complete with the exception of the punch list. So the main focus will be on phase 5 to get all county offices in the complex. She would like to request the board and herself have more discussion on this matter to start the looking into another GO Bond question to the public. She had several questions on as to the statue limitation be applied.

**County Attorney Aragon** stated that he spoke to Sheehan and Sheehan about the setback for the Sub-contractor had filed a suit on the original contractor and the Court of appeals has not ruled on the suit.

**Ms. Bradshaw** inquired if the county could enter into arbitrations or remediation? She also inquired about Capital Outlay monies.

**County Attorney Aragon** stated that the county is in remediation it should be completed by August 2020 and a trial date of February 2021. As to the Capital Outlay monies it would be up to the Board as to how proceed with.

#### **17.DISCUSSION – MORA COUNTY PUBLIC & COUNTY ROADS – JERRY**

##### **MARTINEZ ROAD SUPERVISOR & MICHAEL ARGAON COUNTY ATTORNEY:**

**Mr. Martinez** gave some history on county road b-005 known as Arizona road which was Garcia road back in the day. It was a bus route at one time since there were serval families that live up that way since then it has not been maintained. He had his staff go and fix it, and bring it up to par. He stated it will be on the county log as B-005 Garcia road.

**Mr. Regensberg** commended about the proper procedure be done before and work be done to any County roads be added to the county log.

**Commissioner Maestas** stated this road was never closed and it is considered a County road so there for it will be added to the log.

**Mr. Regenberg** stated that he has a lot of knowledge history for or from the County to help the Board if they would allow him to pass it on.

**County Attorney Aragon** requested all question be held until he has finished his presentation on the Pacheco Road.

**Commissioner Maestas** stated that for the record that the chair will not recognize any questions while County Attorney if presenting.

**County Attorney Aragon** began with a recorded plat from Elvira Pacheco on Feb. 27, 2003 that shows this road going through the property. The question is it a public road or a county road. After an extensive search with Interim County Manager, Commissioner Serna, Clerk Staff and himself we

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were not able to find any documentation the showed this road being a County Road nor it being a Public Road. He stated for the record the he did find minutes from July 13, 2004 the he will read off of, District Attorney Frank Martinez stated that he spoke to both Raymond and Joseph Pacheco about the cattle guard and this road being a private road and the bus could not pass through there anymore. DA Martinez also stated he spoke Vincent Pacheco and James Martinez and how the bus would pick up the kids for years. DA Martinez stated that from the research he done he could not determine if it was a public road or a county road and left it up to the Commission to decide. Commissioner Espinoza stated that the road had been maintained for years by the Road department. He had a letter from Tony Martinez stating the as a grader operator he had bladed the road for years. Commissioner Martinez made the motion to approve it to be county road, Commissioner Regensberg second the motion. All in favor. Motion carried.

**County Attorney Aragon** did find a Lawsuit between Mora County and the Pacheco Family back in 2004, he did find that the suit was dismissed due lack of prosecution on the Pacheco family back in 2005. He stated due the lack of proper documentation showing it as a public road. He stated he did acquire a letter from Ms. Charlotte Heatherton who represented the Pacheco family at that time stating that this road was a Public road not a County Road. He stated that he has been over and overs the documents and will stand by his recommendation to this board is to mark it as County Road A-002.

**Mrs. Roybal** stated that how can the County mark it as A-002 if there is no such number on the County Road log. She also requested information as to how can she be asset taxes if it were to be considered a County road, she does have property on both sided of this road. She wants it to be known that no one has ever closed this road nor have there ever been a lock gate it has been known as a public road for years and years.

**Commissioner Maestas** replied that this board is going to mark it as county road A-002 on the recommendation from the County Attorney Aragon. They will mark it as such for the road department to be able to recognize it.

**Commissioner Serna** made the motion to approve to mark it as County Road A-002 on the County Road log.

**Commissioner Maestas** second the motion.

Majority has it. Motion carried.

**Mr. Rengensberg** state that he does recall a road viewing committee being used for this road and the board should do more research to make sure it be done the proper way.

**County Attorney Aragon** stated that for the record he has heard of said viewing committee but no documentation has been found so until these documentation be presented, he stands by his recommendation to the board.

**18. DISCUSSION/REVIEW/ACTION - MORA COUNTY HEALTH COUNCIL**

**APPROVE COORDINATOR CONTARCT – PAM GARCIA:**

No one present. No paper work submitted.

Commissioner Serna made the motion to table this item.

Commissioner Maestas second the motion

**All in favor. Motion carried.**

**19. NEXT COUNTY COMMISSIONER MEETING:**

**Commissioner Maestas** stated that there is to be a Special Meeting on Sept. 26 2019 here in this room at 9 am. He stated that the next Regular Meeting be held in October 19, 2019 held in Wagon Mound City Hall at 9 am.

**20. INFORMATION – WHITE’S PEAK LITIGATION:**

**County Attorney Aragon** stated this litigation has been ruled in our favor and made Stanley Ranch open all road in and around the White’s peak area. We got copies of the site survey that was entered into evidence for the case that

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showed all roads in that area. He stated it would be nice to hang a copy in the complex as history.

**21.ADJOURN:**

Commissioner Serna made the motion to adjourn at 3:54 pm

Commissioner Maestas second the motion.

***Majority has it. Motion carried.***

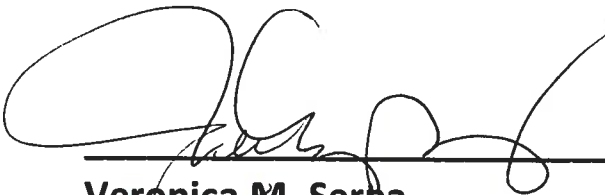


**MORA COUNTY BOARD OF COMMISSION  
SEPTEMBER 12, 2019**



Lionor F. Maestas

Chairman



Veronica M. Serna

Vice-Chairman



Alfonso J. Griego

Member



Carlos J. Arellano

County Clerk