

**MORA COUNTY BOARD OF COMMISSION
JANUARY 31, 2023
SPECIAL MEETING**

1. Call to Order

Commissioner George Trujillo called the meeting to order at 9:00 a.m.

2. Roll Call

Clerk Arellano polled the board:

Commissioner George Trujillo - Present

Commissioner John Trujillo - Present

Commissioner Veronica Serna - Present

Majority are present. Quorum has been met.

3. Pledge of Allegiance and Salute to the Flag of the State of New Mexico

Commissioner George Trujillo led the audience and Board in the Pledge. All in attendance recited the Pledge and saluted the Flag of the State of New Mexico.

4. Approval of Agenda

Attorney Cruz recommended to move Item #12 to a later date.

Commissioner George Trujillo recommended to move Item #23 to a later date.

Commissioner Veronica Serna made a motion to approve agenda with changes.

Commissioner John Trujillo seconds the motion.

All in favor, motion carried.

5. Public Comment

Commissioner George Trujillo indicated **one person** was present for public comment.

Interim Manager Barela indicated **no one** was on Zoom for public comment.

Mr. Jude Regensberg presented. Mr. Regensberg stated he wanted to discuss the Mora County Road Log. Last year the approval was accelerated due to funding deadlines. Mr. Regensberg has let the commission know there are deficiencies and an audit needs to be done. He went on to state: We all know the fire destroyed a lot of roads, however, this keeps getting put aside and it is not going away. There is one county road that has received extra attention since last year, a county road that benefits a current commissioner's relative. Why was this road singled out for the benefit of a relative's business? Mr. Regensberg asked what the county's maintenance standards are for county roads. Commissioner George Trujillo stated they will look into it.

6. Discussion – Presentation – Presentation by Acting Manager of Forest Service Pecos/Las Vegas Ranger District (USDA Forest Service) Paul Hancock, District Ranger (previously Item #7)

Mr. Paul Hancock stated he wanted to reintroduce himself to newcomers, he has been working with the county on the recovery efforts for the past four weeks. Rio de la Casa road is first priority allotment to get fencing back up, then water development for this same area. Mr. Hancock is working with both San Miguel and Mora counties in recovery efforts. Working on hazard tree removal for safety to get the public back on roads and to make fuel wood available.

Reforestation is also in the works, need to wait for seedlings to become available. There are some projects that are going to take a lot longer than others, such as the bridge restoration in the Gallinas watershed area which could take a couple of years minimum. Further discussion took place.

7. **Discussion – Presentation – Hazard Mitigation Presentation** (previously Item #6)
Mr. Edward Eugene Rios presented. See attached.

8. **Discussion/Action – Minutes**

a. **December 21, 2022 – Special Meeting**

Commissioner John Trujillo made a motion to approve.

Commissioner Veronica Serna seconds the motion.

All in favor, motion carried.

b. **December 29, 2022 – Special Meeting**

Commissioner John Trujillo made a motion to approve.

Commissioner Veronica Serna seconds the motion.

All in favor, motion carried.

c. **January 6, 2023 – Special Meeting**

Commissioner Veronica Serna made a motion to approve.

Commissioner John Trujillo seconds the motion.

All in favor, motion carried.

9. **Department Head/Elected Official Report(s)**

a. **Elected Official(s)**

Mr. Carlos Arellano stated he has nothing to present for the Clerk's Office. Attorney Cruz stated she wanted to thank Mr. Arellano and his staff. Last year was a challenge due to the fire and since then they have been working diligently to get back on track with the minutes.

Mrs. Josephine Montoya presented for Treasurer's Office. Mrs. Montoya stated that Conrad Montoya from the State of New Mexico is here going through delinquent accounts and will try and set up a sale within the next month.

b. **Department Head(s)**

EMS Department – see attached.

Mr. John Romero (Road Dept/Solid Waste) presented. Mr. Romero (JR) stated there is a land owner in Monte Aplanado who wants a cattle guard removed. Commissioner John Trujillo (JT) asked what kind of condition the cattle guard is in. JR stated it is in good condition, the issue is that the cattle guard is in a location at the corner of the property it makes it difficult for the propane business to get their truck around that bend. JR suggested the land owner relocate his gate. Commissioner George Trujillo stated in his experience you do not remove a cattle guard that's in place if it is not damaged. JR did state that there is a cattle guard in Rio de la Casa road that is collapsing and needs to be replaced soon. Commissioner JT suggested we use riprap (protects the soil surface against erosion in areas of concentrated flow). Commissioner Veronica Serna stated CR

A011 (Las Aguitas Raod) will be improved and paid for by FEMA after the debris removal project is done.

Commissioner George Trujillo asked what the schedule was to blade roads. JR stated his first priority is school bus routes. He stated he gets on his employees to make sure these roads are bladed first. JR stated he has 2 blades full time and 1 blade part time. JR stated he has a part-time employee who also works at the school. Commissioner JT stated that the road department appears to be short staffed and this is something we have to look at. These roads need to be maintained 24/7 to keep them up to code, because one rainfall after a blade, the road will go back to what it was because of the material that's there. Commissioner JT stated he knows JR is overwhelmed, however, he wants to see a maintenance plan on the roads because he's getting calls from people who are saying no one from the Road Department has been there. Needs verification to let the commission know the road department was there along with a brief description of what was done. JR stated he has the employees fill out a paper and put in the folder every month and will ask Ms. Geraldine Vigil to create a spreadsheet to keep track. Commissioner JT also stated the Montoso Road was impassable and it was difficult if not impossible for emergency services to get to residents at the end of the county road. JR stated they have been on that road once last year, no other maintenance has been done since. Commissioner JT stated the bottom of the road was maintained due to the floods. JR added that beaver dams were also a part of the flooding problem. JR stated 4 wheel drive is needed. Commissioner George Trujillo asked that each of them speak one at a time so he can understand what is being said. Commissioner JT asked what it would take to put this road up to code. JR stated this will be a big expense and what they are doing now is making sure the road is passable. Commissioner George Trujillo asked JR when he's going to work on the road log for this year. JR stated nothing has changed and he will update the road log as such, he also stated they have a machine that will measure the length of the roads. Commissioner George Trujillo stated that before he left that was purchased. JR stated it is in his possession (it was found, so it had been misplaced at some point), however, it was never put on a vehicle to be utilized. JR stated he will start in Chacon and make his way down to the east part of the county. Commissioner George Trujillo asked how he is going to determine the width of the road. JR stated fence to fence or bar ditch to bar ditch if there is no fence. JR stated he has an issue with the Rio de la Casa road and residents moving their fence out making the county road narrower and we're letting them get away with it. Commissioner George Trujillo started to say we are going to have to... before JR stated it is creating a hazard. Commissioner George Trujillo stated we need to address the issue in Rio de la Casa and requested Attorney Cruz to look into this. Attorney Cruz stated this has been shared with her and the commission needs to decide if they want to start notifying the property owners. She will need the names of the property owners and which properties are of concern. Commissioner George Trujillo stated there is another road across from Allsup's that is a safety issue, this needs to get addressed as well. Commissioner JT stated the issue with the fences, if we don't do something about the easement on the width (culverts are 20' -24') we need at least 5 feet on each side to maintain them, if we can't get equipment in there that culvert that we just placed will get saturated and will never be able to be used so it is money lost. Commissioner JT also stated what are we going to do about snow removal, where are we going to put the snow, so with them encroaching on the easements its going to be an expense and harder for the

county to maintain then we have to go back to litigation that the property line has to be moved. So when we do an easement we need to make sure it stated 30' from center of road or from fence to fence. The blade man goes out there and the road is only 12 feet wide and they can't turn around until a mile or two down the road, properties are encroaching more and more on the roadway we need to come to an agreement or understanding. Attorney Cruz stated she will be working with Mr. JR to provide an update where the encroachment is taking place then they will communicate with the land owner, often times they will not respond in a timely fashion and remove the encroachment in which case we will need to move forward with the litigation. We want to afford the landowners the opportunity to remedy the encroachment created by their own reconstruction and then if they're not going to be amendable to making those changes then we will have to litigate. Mr. Carlos Arellano asked if there was a way the county could ask each landowner to give 8 feet for construction of road because of the disaster. Because if we keep letting them do this the road will get more narrow and cause more accidents. Attorney Cruz stated that could cause a patchwork along the road due to some landowners agreeing and other landowners not. It will be on a road by road, case by case basis. A review of the road has to take place. Last year around this time the commission adopted a resolution that the road log needs to be reconciled and that commenced then the fire took place. Attorney Cruz asked if Ms. Barela can get a copy of that resolution to provide to Commissioner George Trujillo for his reference and to Mr. JR as a reminder with regard as to the direction of the commission. Commissioner JT stated we need to consider if the first responders are able to get to some places in a timely manner and the need to turn around one to two miles down the road is an issue, which is going to be on our hands. Commissioner GT stated he agrees with him.

c. County Manager

Ms. Temarah Barela presented. Gave update on Veteran's Memorial, Administrative Building, Watrous Community Center, and EMS Base. Commissioner George Trujillo asked Mr. Larry Garcia is he recommends moving forward. Mr. Garcia stated he thinks this needs to move forward, have had enough delays. Ms. Barela stated 2 positions have been filled at the Road Department/Solid Waste, there are still 2 openings in EMS. Ms. Barela stated there is a program to get people CDL Certified through Luna Community College. See attached.

Commissioner Veronica Serna asked Mr. Romero if we are getting the CDL classes paid for through that program. Ms. Barela stated yes they can apply on an individual basis to apply for assistance. Commissioner George Trujillo asked if there was a deadline to acquiring a CDL upon being hired. Mr. Romero stated it is a 6-month program and it depends on how motivated they are and how much initiative they take. Mr. JR stated he has helped them get online for resources to help them with the test. There was one employee who got his CDL, not through the county, did it on his own. Commissioner George Trujillo asked what the process he has for hiring people. He said one guy asked for a job 3 or 4 times and I told him to get an application and he applied. He has 2 full-time CDL drivers and 1 part time CDL Driver, has 9 total employees for Road Department and Solid Waste. Commissioner JT feels he needs to have a couple more CDL Drivers as least. If someone is out for the day it delays the whole day's worth of projects. Ms. Barela stated the position has been open for quite some time and we have no one who applies.

- d. **County Commission**
Commissioner Veronica Serna presented. See attached.
- e. **Human Resources** (nothing presented)
- f. **Announcements** (nothing presented)

10. Discussion/Action – Expenditure Report/Budget Report

a. Expenditure Report – December 2022

Commissioner Veronica Serna made a motion to approve.

Commissioner John Trujillo seconds the motion.

All in favor, motion carried.

b. Budget Report – December 2022

Commissioner John Trujillo made a motion to approve.

Commissioner Veronica Serna seconds the motion.

All in favor, motion carried.

11. Discussion/Action – RESOLUTION – Budget Adjustment Request (2022-002)

Commissioner Veronica Serna made a motion to approve.

Commissioner John Trujillo seconds the motion.

All in favor, motion carried.

12. Discussion/Action – RESOLUTION – Restricting Forest Service’s controlled burns in Mora County

Attorney Cruz recommended to move to a later date. *See* Item 4 above reflecting the vote.

13. Discussion/Action – RESOLUTION – Supporting the New Mexico Counties 2023

Legislative Priorities (2022-003)

Ms. Temarah Barela presented. See attached.

Commissioner John Trujillo made motion to approve.

Commissioner Veronica Serna seconds the motion.

All in favor, motion carried.

14. Discussion/Action – Consideration of Approval of Recommendation to approve Mora County Planning & Zoning Committee By Laws

Mr. Brad Sena presented. Attorney Cruz stated we need to make the tone of the document gender neutral as opposed to being gender specific. See attached.

Commissioner Veronica Serna made motion to approve with amendments.

Commissioner John Trujillo seconds the motion.

All in favor, motion carried.

15. Discussion/Action – Consideration of Approval of Recommendation to appoint five members to the Planning and Zoning Committee

Mr. Brad Sena presented. Mr. Sena stated he received 6 letters of interest for the position, at this time he would like to make the following recommendation for 5 new members:

Joseph Garcia – 2 year term

Gilbert Quintana – 2 year term

Richard Bustos – 2 year term

Jacob Jude Regensberg – 2 year term

Paula Garcia – 1 year term

Mr. Sena stated there are also 2 current members in the committee:

Nancy Cruz

Breana Tafoya

Commissioner Veronica Serna stated there were some discrepancies with the term amounts, Attorney Cruz made suggestions and Mr. Sena will update at the next meeting. See attached.

Commissioner John Trujillo made a motion to approve.

Commissioner Veronica Serna seconds the motion.

All in favor, motion carried.

16. Discussion/Action – Consideration of Approval to appoint new members to the Special Projects Committee

Commissioner George Trujillo stated the following are new members:

John Sanchez

John Paul Vigil

Geno Maes

Johnny Espinoza

To replace Anita Laran, Barbara Bradshaw, Joey Casados and Paula Garcia.

Commissioner Veronica Serna also appointed the following members due to 2 members resigning:

LaDonna Laran

Martin Duran

Commissioner John Trujillo made a motion to approve.

Commissioner Veronica Serna seconds the motion.

All in favor, motion carried.

17. Discussion/Action – Consideration of Appointment of County Representatives to fill Vacancies to Serve as Voting Members on NERTPO

Ms. Temarah Barela stated John Romero is an existing member of this committee, appointed Geraldine Vigil to be a new voting member of this committee.

Commissioner Veronica Serna made a motion to approve.

Commissioner John Trujillo seconds the motion.

All in favor, motion carried.

18. Discussion/Action – Ratification of US Government Lease for Real Property – FEMA Space at the Mora County Complex

Ms. Temarah Barela presented. FEMA requested a space for the claims office for locals, which is in the final stages. Attorney Cruz stated she recommends for future planning it would be beneficial to the county to have someone who is an expert in real estate matters be part of the process of leasing space.

Commissioner John Trujillo made a motion to approve.

Commissioner Veronica Serna seconds the motion.

All in favor, motion carried.

19. Discussion/Action – Consideration of Approval of Professional Service Agreement, Mora County Lobbyist – Dr. Frank Sanchez

Attorney Cruz presented. Ms. Cruz recommends that the commission realign these contracts to be approved in the fall so there is adequate time to get prepared for the legislative session.

Commissioner John Trujillo made a motion to approve.

Commissioner Veronica Serna seconds the motion.

All in favor, motion carried.

20. Discussion/Action – Consideration of Approval of Professional Service Agreement, Mora County Lobbyist – Tara Hendrick

Attorney Cruz presented. Ms. Cruz recommends that the commission realign these contracts for approval in the fall so there is adequate time to get prepared for the legislative session.

Commissioner John Trujillo made a motion to approve.

Commissioner Veronica Serna seconds the motion.

All in favor, motion carried.

21. Discussion/Action – Protest of Application CR-6405 filed with the Office of the State Engineer for Permit to Appropriate Groundwater in the Canadian River Underground Water Basin of the State of New Mexico, Mora County

Attorney Cruz presented and stated Ms. Paula Garcia brought this to her attention. The deadline to file is February 5 to protest. A similar process will take place as did for the reseeding protest Ms. Cruz filed recently.

Commissioner John Trujillo made a motion to approve.

Commissioner Veronica Serna seconds the motion.

All in favor, motion carried.

22. Discussion – Report on goals and objectives of Veteran’s Memorial, Larry Garcia

Mr. Larry Garcia presented and requested that they be on the agenda for the monthly commission meetings, any member can provide an update on the project. Mr. Garcia is hopeful they can finish Phase 1 soon. Attorney Cruz stated she will be working with the committee regarding operating principles, fundraising, and overall management of meetings. She wants to offer any assistance to make sure they move forward with this project. Ms. Cruz gave a brief history of veterans in her family. Mr. Garcia stated they hold a couple of meetings a month and invite any member of the commission to attend. Commissioner George Trujillo stated he supports this committee and is in contact with Senator Campos for the remaining funding and is hopeful they will get what they need to move forward.

23. Discussion/Action – Consideration of Approval to appoint new members to the Veteran’s Committee

Commissioner George Trujillo recommended to move to a later date. *See* Item 4 above reflecting the earlier vote.

24. Executive Session

- a. **Limited Personnel Matters as allowed pursuant to Section 10-15-1(H)(2) to include the hiring process involving the County Manager, assignment of the Interim County Manager, and complaint by an individual public employee;**

- b. Attorney-Client Privileged matters pertaining to threatened or pending litigation pursuant to Section 10-15-1(H)(7) to include: County Road B-006 Litigation involving John Paul Vigil and Agua Pura Water Association; Opioid Litigation; Jennings v. Mora County Litigation; Isaac Martinez v. Mora County; Mora County v. Franken Construction; and threatened litigation involving the Hermits Peak Calf Canyon Fire**

Commissioner John Trujillo made a motion to convene into executive session at 12:16 pm.

Commissioner Veronica Serna seconds the motion.

All in favor, motion carried.

Deputy Clerk Garcia polled the board:

Commissioner George Trujillo - Present

Commissioner John Trujillo - Present

Commissioner Veronica Serna - Present

Commissioner Veronica Serna made motion to reconvene from executive session at 4:07 pm.

Commissioner John Trujillo seconds the motion.

All in favor, motion carried.

Deputy Clerk Garcia polled the board:

Commissioner George Trujillo - Present

Commissioner John Trujillo - Present

Commissioner Veronica Serna - Present

Commissioner George Trujillo advised decisions were not made while in executive session, personnel matters and potential & pending litigation were discussed. Commissioner George Trujillo also stated the commission spoke with another attorney regarding the Calf Canyon/Hermit's Peak Fire without Attorney Cruz present.

25. Discussion/Action – Designated Representative with Full Settlement Authority for Mediation in the Jennings Matter

Attorney Cruz presented and recommended to designate Interim County Manager Temarah Barela to represent Mora County at the mediation.

Commissioner John Trujillo made a motion to approve.

Commissioner Veronica Serna seconds the motion.

All in favor, motion carried.

26. Adjournment

Commissioner Veronica Serna made a motion to adjourn meeting at 4:08 pm

Commissioner John Trujillo seconds the motion.

All in favor, motion carried.

MORA COUNTY BOARD OF COMMISSION

George A. Trujillo
Chairman

John H. Trujillo
Vice-Chairman

Veronica M. Serna
Member

ATTEST:

Carlos J. Arellano
County Clerk