

**MORA COUNTY BOARD OF COMMISSION
AUGUST 17, 2023
REGULAR MEETING**

1. Call to Order

Commissioner George Trujillo called the meeting to order at 9:00 am. Chair Trujillo stated he would like to start by having a moment of silence for Hawaii.

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

Commissioner G. Trujillo requested Mr. Montoya to lead the audience and Commission in the Pledge. All in attendance recited the Pledge and saluted the Flag of the State of New Mexico.

3. Roll Call

Deputy Clerk Garcia polled the board:

Commissioner George Trujillo - Present

Commissioner Johnny Trujillo - Present

Commissioner Veronica Serna - Present

Majority are present. Quorum has been met.

4. Approval of Agenda

Manager Montoya stated he recommends we approve the agenda contingent to inputs from county attorney. Commissioner Serna requested to move Item #10 to sooner in the meeting because they are here to present. Commissioner G. Trujillo requested to move Item #7 (Public Comment) to Item #5. Attorney Tina Cruz stated that is fine, she also stated they need to break into a brief Executive Session at approximately 9:20 am. Commissioner Serna requested to move Item #10 to Item #6.

Commissioner V. Serna made motion to approve agenda as amended.

Commissioner J. Trujillo seconds the motion.

All in favor, motion carried.

5. Public Comment (previously Item # 7)

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

Commissioner G. Trujillo indicated **2** were present for public comment.

Commissioner G. Trujillo introduced Mr. Larry Garcia. Mr. Garcia wanted to give an update on the bids, they are at a standstill, the committee still doesn't have money. Mr. Garcia would like to request the Commission and county officials to obtain Capital Outlay money and include the Veteran's Committee in that consideration. Mr. Garcia stated they did a clarification of responsibilities for the positions in the committee. Mr. Garcia requested that CR C001 be dedicated to three fallen soldiers, individuals who were KIA; he requested the Commission advise the process to get this done.

Commissioner G. Trujillo introduced Mr. John Thayer. Mr. Thayer would like to thank Mr. John Romero, Road Department, for the work they have done on County Road A013. There was a lot of work that needed to be done and he jumped on it. He shows his appreciation.

6. Discussion/Action – Approval of a Resolution Endorsing Equitable & Just Implementation of Justice40 Funding to Benefit Mora and San Miguel Counties (previously Item # 10)

Interim Manager David M. Montoya presented. See attached.

Commissioner V. Serna made motion to approve.

Commissioner J. Trujillo seconds the motion.

All in favor, motion carried.

7. Department Head/Elected Official Report(s) (previously Item # 5)

a. Elected Official(s)

Mr. Carlos Arellano presented, he stated our next election coming up is the Local Election and filing date is coming up on August 29, 2023. Mr. Arellano stated that Mrs. Vivien Trujillo and Ms. Elena Duran attended Election School this year in Albuquerque for the 2023 Regular Local Election. One thing that was discussed was that we may need security for the 2024 Election. Mr. Arellano stated the Regular Local Election this year will be slightly different than in the past. Commissioner G. Trujillo asked what elections were taking place, Mr. Arellano stated Soil & Water Conservation and School Board. Commissioner G. Trujillo asked about security, do we have to formally request this. Attorney Tina Cruz suggested for the Clerk's Office to meet with the Sheriff's Office to identify the scope of the security that would be needed so we can build out a plan, this may be something that may require multiple agencies. Mr. Arellano requested to have a Notary available for the full day on filing day (August 29 & September 5) as well as a deputy, so our staff doesn't get harassed as happened in the past. Commissioner G. Trujillo asked why we don't have more notaries in the county, we should look into getting our employees trained as notaries. Attorney Cruz stated this request is related to a complaint filed last election, which the Clerk's Office responded to, and nothing ever came of it. Attorney Cruz stated this puts the staff in a compromising position if they are notarizing the documents that the same staff is filing, so an individual not connected to the Clerk's Office would be a better option. Attorney Cruz also added that she is looking into the request regarding forms the Clerk's Office has and whether they should be handed out by the staff. She will be in contact with the Clerk's Office, if the documents are being placed on the website, we need to make sure the staff are providing the most up-to-date forms per current state guidelines. The forms we have available need to be reflective of the current state of the law, they would need to be updated periodically. Attorney Cruz stated one option would be letting members of the public know about legal resources, giving contact information out (NM Legal Aid, State Bar of NM, Legal Resources for the Elderly, etc.). So instead of our office providing the document we would be providing resources, so they are certain the document they are getting is compliant with the current law. She will meet with the Clerk's Office to further discuss.

b. Department Head(s)

Mr. Brad Sena presented, he stated there was a Planning & Zoning meeting yesterday. Mr. Sena stated one of the topics was getting this new DGS document written. Mr. Sena also stated they have 2 vacancies on the P&Z Committee. Commissioner G. Trujillo asked if Mr. Sena could send out a notice that he is looking for 2 members; Mr. Sena confirmed the request.

Mr. John Romero presented, stated there was flooding on County Roads A020, A040, and A023 yesterday. Mr. Romero stated the worst one is CR A020, Coyote Loop.

Commissioner J. Trujillo asked for Mr. Romero to let the public know where these are located and not just the road number so everyone knows the location of these roads.

Commissioner J. Trujillo asked if there is a plan, Mr. Romero stated he is planning on putting a larger culvert. Since this is a FEMA project, we cannot do more than what was already there before the flooding.

c. County Manager

Interim Manager David M. Montoya presented. He stated he is happy to report the county is one inspection away from getting a certificate of occupancy for the Watrous Community Center. Mr. Montoya stated both Mr. John Romero and Mr. John Trujillo played a huge part in getting this project done. Mr. Montoya also stated we are in the next stage of repairing the county roads as a result of the disaster of last year. They are currently working to clear about 50 culverts. Commissioner G. Trujillo asked when they will be starting repairs on CR A005, Mr. Montoya stated that road is at the top of the list. There will be an RFQ that will measure 4 things; price, start date, relevant past performance, and how much of their workforce is local. Mr. Montoya stated they will be hiring a series of county employees that are going to do nothing but monitor payroll and addresses of employees, to ensure those contractors are hiring and buying locally.

d. Human Resources

Mrs. DesMarie Romero presented. Mrs. Romero announced August Birthdays and Work Anniversaries for employees. Interim Manager David M. Montoya introduced Mrs. Romero, stating she just started working as HR Coordinator and comes with a wealth of experience and knowledge. Mr. Montoya stated he appreciates everything she is doing and for being an advocate for county employees.

e. Announcements (Announcements were made by Mrs. DesMarie Romero during the Human Resources section)

f. County Commission

Commissioner G. Trujillo presented, commented on Planning & Zoning meeting he attended yesterday. He stated that Nancy Quintana made a comment to the committee that he would like to repeat. Commissioner G. Trujillo stated 'We, in Mora County and the Planning and Zoning Committee, need to stop doing things troche moche' (slang for not doing things the right way). Commissioner G. Trujillo stated his father used to say that when he was growing up, that's the county's goal and his motto to start doing things the right way.

• **Executive Session – Limited Personnel Matters and Threatened/Pending Litigation**

Commissioner V. Serna made motion to convene into executive session at 9:25 am.

Commissioner J. Trujillo seconds the motion.

All in favor, motion carried.

Deputy Clerk Garcia polled the board:

Commissioner George Trujillo - Present

Commissioner Johnny Trujillo - Present

Commissioner Veronica Serna - Present

Commissioner J. Trujillo made motion to reconvene from executive session at 10:25 am.

Commissioner V. Serna seconds the motion.

All in favor, motion carried.

Deputy Clerk Garcia polled the board:

Commissioner George Trujillo - Present

Commissioner Johnny Trujillo - Present

Commissioner Veronica Serna - Present

Commissioner G. Trujillo advised decisions were not made while in executive session, discussed limited personnel matters and pending litigation were discussed; they discussed the hiring process of the County Manager related to background and reference checks and pending litigation related to the John Vigil lawsuit.

8. Discussion/Action – Minutes (previously Item # 6)

a. Emergency Meeting – July 22, 2023

Commissioner V. Serna made motion to approve.

Commissioner J. Trujillo seconds the motion.

All in favor, motion carried.

b. Regular Meeting – July 25, 2023

Commissioner V. Serna stated she has a question regarding the property owner of the Watrous Community Center. Mr. Carlos Arellano stated the Clerk's Office did some research and we are at a dead end regarding the property owner. Commissioner G. Trujillo stated he has a little bit of information, was told by several community members from Watrous that there was a school there that belonged to East Las Vegas that got torn down 20 years ago by Pat Ashe, so the Community Center belongs to the County (Mora) and the property. Mr. Arellano asked if it was deeded because we cannot find the documentation that it was deeded to Mora County. Commissioner G. Trujillo stated he was advised Carlos Lovato had donated the land to East Las Vegas and to Mora County. Commissioner V. Serna stated at one point it was really convoluted who the owner is, and we should work on that for more clarification. Attorney Cruz stated we can do a more comprehensive look and get those documents compiled. Interim Manager Montoya recommends we accept these minutes.

Commissioner V. Serna made motion to approve.

Commissioner J. Trujillo seconds the motion.

All in favor, motion carried.

c. Special Meeting – August 2, 2023

Attorney Tina Cruz stated these minutes needed to be finalized by yesterday which is why they are not in the packet. Staff has provided those minutes and she reviewed those minutes, and they are consistent with the actions that were taken that day.

Commissioner J. Trujillo made motion to approve.

Commissioner V. Serna seconds the motion.

All in favor, motion carried.

d. Special Meeting – August 7, 2023

Interim Manager Montoya recommends we approve those minutes.

Commissioner V. Serna made motion to approve.

Commissioner T. Trujillo seconds the motion.

All in favor, motion carried.

Attorney Cruz stated she spoke with the AG's Office and is working with the Clerk's Office to remedy the issue of posting the minutes (Draft and Final) online through TownCloud.

9. Discussion/Action – Approval of a Resolution to Apply for Financial Assistance with the United States Department of Economic Development to Finance the Construction of the Mora County Complex (previously Item # 8)

Interim Manager Montoya presented, recommended to pass this resolution.

Commissioner J. Trujillo made motion to approve.

Commissioner V. Serna seconds the motion.

All in favor, motion carried.

10. Discussion/Action – Approval of a Road Contract Review Committee (previously Item # 9)

Interim Manager Montoya presented, stated he has selected a number of community members and Mora County employees to be a part of this committee. Commissioner V. Serna asked if the Manager and the Procurement Officer will be part of this committee. Attorney Cruz stated they will be providing guidance and answering questions, but they won't be a part of the voting committee.

Commissioner J. Trujillo made motion to approve.

Commissioner V. Serna seconds the motion.

All in favor, motion carried.

11. Discussion/Action – Approval of Resolution Inventory Listing FY 2022-2023

Mrs. Sandra Romero presented. See attached. Mrs. Romero requested to update Triadic to include our inventory and an option to create labels (which is an option with Triadic at no extra cost).

Interim Manager Montoya recommends we accept the Inventory Listing presented.

Commissioner J. Trujillo made motion to approve.

Commissioner V. Serna seconds the motion.

All in favor, motion carried.

12. Discussion/Action – Expenditure Report/Budget Report

a. Expenditure Report – July 2023

Ms. Edna Sena presented, no questions from anyone. Interim Manager Montoya recommends to approve.

Commissioner J. Trujillo made motion to approve.

Commissioner V. Serna seconds the motion.

All in favor, motion carried.

b. Budget Report – July 2023

Ms. Edna Sena presented, no questions from anyone. Interim Manager Montoya recommends to approve.

Commissioner J. Trujillo made motion to approve.

Commissioner V. Serna seconds the motion.

All in favor, motion carried.

13. Discussion/Action – Resolutions

a. Discussion/Action – Approval of Resolution “Budget Adjustment” to Reimburse for Material and Maintenance

Ms. Edna Sena presented. See attached. Commissioner V. Serna stated she understood there was some damage done to the building. Interim Manager Montoya stated there was some damage, it is his understanding it was caused by Avery Built, the county would

have to pay for it. The cost to repair the building is \$840 and the process has already been started to repair this. Commissioner V. Serna asked why Mora County took on the responsibility of the damage when it was caused by one of the contractors. Interim Manager Montoya stated well, we can't get an occupancy permit for the building until we are able to have a clear inspection, this damage was the damage holding us back from getting our electrical approved. If we went back and forth with the contractor there's no way we would have gotten the occupancy permit in the time we were hoping to get it. Attorney Cruz stated she can draft a letter seeking reimbursement from Avery Built for the expense incurred. Interim Manager Montoya recommends we adopt this resolution.

Commissioner V. Serna made motion to approve.

Commissioner J. Trujillo seconds the motion.

All in favor, motion carried.

14. Executive Session – Limited Personnel Matters and Threatened/Pending Litigation

Commissioner J. Trujillo made motion to convene into executive session at 11:10 am.

Commissioner V. 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 V. Serna made motion to reconvene from executive session at 1:08 pm.

Commissioner J. 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 G. Trujillo advised decisions were not made while in executive session, personnel matters and potential & pending litigation were discussed.

Attorney Tina Cruz stated with regard to limited personnel matters the Commission spoke at some length regarding the manager position and the process going forward. We also had an opportunity to address a pending matter involving a former employee, that is in the investigation stage. In addition, we talked about hiring for various positions that is allowed under the NM Open Meetings Act and the pay associated with those positions as well. As it relates to threatened or pending litigation the Commission briefly spoke about the HPCC process that is ongoing, we talked about pending matters involving a litigated matter that has been brought by Isaac Martinez and a separate litigated matter brought by John Paul Vigil.

15. Discussion/Action – Conditional offer to hire County Manager subject to Mora County's Pre-Employment Background Check Process and Contract Negotiations – Tabled

Attorney Tina Cruz presented, she stated this item has been in queue for consideration for some time, you will recall that in June the Interim County Manager's position was filled with direction being provided to the, then temporary, HR coordinator advertising the position. Attorney Cruz

stated there were some delays in getting the item advertised so the expected hire date of the end of June was pushed back fairly significantly. They had to rearrange the advertising schedule and as a consequence the interviews were scheduled to take place August 2nd. Feedback had been provided regarding the agenda item, however, the final agenda that was posted did not reflect the interview process. We attempted to address and remedy that issue by way of an amendment to reflect that during Executive Session on August 2nd the interviews would be taking place. Those interviews were conducted, it was a late meeting, ending at 9:15 pm, and the Commission provided direction at that point that we would be considering the conditional offer at today's meeting. Since that time Attorney Cruz has been engaged in dialogue initiated by Mr. Dan Ruben, Attorney General's Office, regarding the notice that was provided to the public because the agenda of August 2nd only read County Manager position and did not reflect the additional language that needed to be integrated per her request, as a result they will need to re-do the process. Attorney Cruz stated they will be reaching out to the 3 candidates, identifying the time at which we could bring them back to conduct the interviews so that there's no question regarding the process that is being followed. What is paramount, as it relates to the county's rule on all things related to county government, is being open and transparent. When we find circumstances that are not perceived as being in compliance with that openness and transparency, we will hit that reset button and do things right. Attorney Cruz stated the Commission is not positioned to move forward and as a consequence she recommends this item be tabled.

Commissioner J. Trujillo made motion to table.

Commissioner V. Serna seconds the motion.

All in favor, motion carried.

16. Next Regular Meeting – September 21, 2023

Commissioner G. Trujillo stated we are having a Special Meeting on Monday, August 21, 2023, at 4:30 pm. Then our next Regular Meeting will be September 21, 2023, at 9:00 am.

Commissioner V. Serna stated we have not discussed the Interim Manager's extended contract. Attorney Cruz stated the reason why the extended contract was not on the agenda was because the Interim County Manager's contract was on the agenda for approval on Monday, that meeting did not move forward because there were two Zoom links that were provided, one was provided by way of the agenda but there was a different Zoom link that was utilized for the actual meeting. We realized within 10 minutes that the public was not participating, so the Commission could not vote to approve the contract on Monday as originally intended. The agenda for today's meeting had already been posted so there could not be revisions or amendments, based upon the 72-hour rule, which is why that contract will need to be considered at the upcoming meeting on Monday. Attorney Cruz stated sometime before the next Regular Meeting the Commission will be scheduling a meeting for the sole purpose of conducting interviews of the applicants and to make the hire, we don't yet know what that date is, once we have that date the public will be properly noticed.

17. Signing of Approved Documents

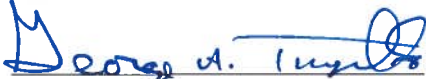
18. Adjournment


Commissioner J. Trujillo made motion to adjourn meeting at 1:17 pm

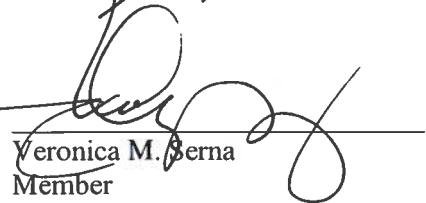
Commissioner V. Serna seconds the motion.

All in favor, motion carried.


MORA COUNTY BOARD OF COMMISSION


George A. Trujillo
Chairman


John H. Trujillo
Vice-Chairman


Veronica M. Berna
Member




Carlos J. Arellano
County Clerk