MORA COUNTY BOARD OF COMMISSION MAY 18, 2023 REGULAR MEETING

1. Call to Order

Commissioner George Trujillo called the meeting to order at 9:01 am.

2. Pledge of Allegiance and Salute to the Flag of the State of New Mexico (previously Item #3) Commissioner George Trujillo requested Mr. Larry Garcia lead the audience and Board in the Pledge. All in attendance recited the Pledge and saluted the Flag of the State of New Mexico.

3. Roll Call (previously Item #2)

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

Commissioner Veronica Serna recommended moving Items #18 & #19 after Item #11, also requested to make a correction to the title of Item #8 from Rural Partners Network Resolution to CDBG Resolution for Economic Development Application.

Commissioner Johnny Trujillo made motion to approve agenda as amended.

Commissioner Veronica Serna seconds the motion.

All in favor, motion carried.

5. Public Comment

Commissioner George Trujillo indicated 2 were present for public comment.

Attorney Cruz indicated no one was on Zoom for public comment.

Mr. Charles Curtain commented, thanked the board for recent road work for B019 and B022, he stated the upper portion hasn't had gravel or sand put on the last section of County Road B022 yet so yesterday with the big rain his 4-wheel drive tractor couldn't get traction. He stated that if there were an emergency with any of the residents up that road, they wouldn't be able to get through the way it is right now. Commissioner George Trujillo stated we will take care of it today.

Mr. Eric Zabukovec (DHSEM) presented to discuss the status of the public assistance projects and what's going on with recent damages arising from last year's fire and flooding event. Currently we are in the process of obtaining hydrology reports to show the upstream and downstream effects of the water, we want to upsize some culverts on the damaged roads, unfortunately that's not quite there yet and this is a requirement from FEMA to do any hazard mitigation proposals. Want to upgrade roads to a place where they will not be susceptible to rain or wash out events with the upcoming monsoon season. He has 5 projects, 4 of which need these H&H studies (hydrology reports) to move forward with obligations. Mr. Zabukovec stated they

have the hazard mitigation reports ready to go, however we need the H&H studies to go further. Once we have those in hand saying its ok to upsize the culverts or add additional culverts on certain roadways that are more susceptible to the floods that arose from the burn scars we can move forward. This is a requirement by FEMA and the Stafford Act. Public assistance should be treated like a marathon not a sprint, some things take time. Mr. Zabukovec stated he has been working close with John Romero, Road Superintendent, was advised to go ahead and do patchwork for the roads that need it. Once we have those mitigation proposals FEMA is ready to go. Further discussion took place.

Commissioner Veronica Serna asked if they will need a special audit done if the proposal isn't done before July 1, 2023. She stated maybe we should request the funding come out after the fiscal year starts. Commissioner George Trujillo stated that we are going to have to upgrade our culverts, Mr. Zabukovec agreed. Mr. Carlos Arellano asked who was doing the H&H studies, Mr. Zabukovec stated Bohannan Huston. Mr. Zabukovec said as of yet he has not received any status update. The responsibility falls on the county, the agency doing the H&H studies should be providing Mora County with the data and updates. He stated public assistance projects are very specific and the requirements have to be met, need back-up documentation. FEMA has accepted the acequias as flood control in Category D as permanent projects. The state has a little bit of discretion in this but the federal has all the discretion. The National Guard has not provided one piece of paper to advise who was present helping with the sandbag efforts, this could stall the request. The Attorney General will audit every line item, if we cannot provide the background, they can take those funds away.

Commissioner Veronica Serna stated she would like Mr. Zabukovec to comment on the 404 projects. Commissioner George Trujillo said, 'not to be rude Ronnie, but you had a meeting yesterday and you didn't invite me or any of the commissioners.' Commissioner Veronica Serna stated it's not her responsibility to advise the commissioners of the meetings, County Manager Geno Martinez was aware of the scheduled meeting. Commissioner George Trujillo asked Mr. Zabukovec to get ahold of him directly when they are planning on having a meeting. Mr. Zabukovec stated the 404 projects are not public assistance. Further discussion took place. Attorney Tina Cruz requested Mr. Zabukovec to send any communication he has had with the National Guard to Temarah Barela, so we can follow up on our end. Close to \$2.5 million available, however, we won't get this if the National Guard doesn't take care of the paperwork.

6. Discussion - Veteran's Committee Update

Commissioner George Trujillo introduced Mr. Larry Garcia to present. Mr. Garcia stated that Mr. Julian Olivas is now officially on board as the secretary of the committee. Mr. Garcia stated the committee voted and gave Mr. Geno Martinez the authority and will take the lead on the bidding process, will be calling a special meeting when he gives the ok. Mr. Garcia stated the application for the program through Mr. Raul Hurtado has been submitted as of two weeks ago, maybe Mr. Hurtado can give an update in the near future. Ms. Anita Moss is working on a pamphlet. Mr. Garcia stated Julian Olivas volunteered on his own to purchase flags for distribution, as well as himself and Mr. Jim Cassidy to be used during the parade and put up in front of the library. Ms. Moss, via Zoom, gave updates on Memorial Day events. Mr. Garcia stated that the emblems they submitted got approved, we are using 5 emblems total. The purple heat seal is pending. We are also planning a flag retirement, any flags that are torn or faded or not in good condition, they will be having a flag ceremony. Ms. Moss stated flags can be dropped off at the LCC location in Mora and the ceremony date is to be determined. Commissioner George Trujillo stated he doesn't have

an answer about the bids, he hasn't had a chance to discuss with Mr. Martinez, he will contact him as soon as he hears something. Attorney Cruz requested Mr. Garcia send a list of the dates of events so staff can post this on our website and Facebook so the community is informed.

7. Discussion – Rural Partners Network presentation

Mr. Raul Hurtado presented, with Rural Partners Network. Is working on CDBG Economic Development Program to request funding in the amount of \$500,000. Wood harvesting and processing equipment for 3 local businesses. Commissioner George Trujillo asked how anyone else can join this project. Mr. Hurtado stated there was a public meeting with local businesses in December 2022. They talked about the eligibility programs and requirements, at that meeting these 3 businesses spoke up that they have the ability to start this project. He stated this is the first project of many to come. Environmental studies are not required for this project. There is a great need in the landscape for projects like this. Commissioner Johnny Trujillo asked what the timeframe we have to work with is, Mr. Hurtado stated because it is economic development it should be a quicker process, however, it's about 3-6 months. Each business will have to provide a 1:1 match, DFA will be awarding \$500,000 to Mora County for these 3 businesses, each business will be required to provide \$166,000 match. Attorney Cruz stated that Mr. Rivera was on Zoom to add a comment. Mr. Rivera stated these businesses are for-profit companies, the arrangement between them and the land owners is up to the business owner and the land owner. This program will create 15 jobs locally. Commissioner Johnny Trujillo asked Mr. Rivera since the county will be making the purchase for the equipment is there a liability. Mr. Hurtado stated that since they are providing a 1:1 match there will be no liability. Mr. Steve Lacey, DFA, (via Zoom) presented, stated they are excited about this program. Since these companies will not be able to do the job without equipment, DFA has an opportunity to put money into the project. He stated we need to do everything we can to support Mora County, we need to knock a lot of those trees down, we have a good plan to do it. He appreciates their interest and forbearance in getting this done. He stated that they will disperse, as opposed to reimburse, funds for this project, Mora will never be out money.

8. Discussion/Action - CDBG Resolution for Economic Development Application (previously titled: Rural Partners Network Resolution)

Mr. Raul Hurtado presented, requesting the board to authorize county to submit to New Mexico DFA for this CDBG economic project. The final resolution will be submitted to the manager to be routed to Commissioner Chair Trujillo for signature by close of business on Monday. Attorney Cruz stated she has not had an opportunity to review it, this does not restrict the commission from moving forward to approve and proceed with signatures on Monday.

Commissioner Veronica Serna made motion to approve pending amendments by county attorney.

Commissioner Johnny Trujillo seconds the motion.

All in favor, motion carried.

9. Discussion/Action – Approval of Credit Card acceptance and processing policy as per DFA's requirements

Ms. Edna Sena presented. See attached. Attorney Cruz asked if the policy is going to be the administrative code provisions that are attached, Ms. Sena said yes that's correct. Attorney Cruz suggested to add to the title 'Policy Adopted by Mora County' so its clear you're not just

referring to a code but you're saying this is our actual policy. Attorney Cruz stated she can add that language and forward via email, if they agree, they could make that recommendation.

Commissioner Veronica Serna made motion to approve.

Commissioner Johnny Trujillo seconds the motion.

All in favor, motion carried.

10. Discussion/Action - Approval of FY24 Interim Budget

Ms. Edna Sena presented. See attached. Ms. Sena stated this is due to DFA by June 1st. Commissioner George Trujillo asked where the \$2.00/hour raise for the employees came from, Ms. Sena stated that came from the LGRF money, Local Government Road Fund, federal funding we received which is used for operating costs. Commissioner George Trujillo asked what happens next year, Ms. Sena stated we will be ok next year even without the funding.

Commissioner Veronica Serna made motion to approve.

Commissioner Johnny Trujillo seconds the motion.

All in favor, motion carried.

11. Discussion/Action - Approval of Auditor's FY23 contract

Ms. Edna Sena presented. Ms. Sena stated we've been working with Patio Brown & Hill for the past 3 years as the county's auditor. Ms. Sena recommends to approve the current auditor's contract for the following year. Commissioner George Trujillo stated he suggests that the county look for a new auditor for next year. Attorney Cruz stated that is a good practice to change auditors every 4 years.

Commissioner Johnny Trujillo made motion to approve.

Commissioner Veronica Serna seconds the motion.

All in favor, motion carried.

12. Discussion/Action – Expenditure Report/Budget Report (previously Item #18)

a. Expenditure Report - April 2023

Commissioner Johnny Trujillo made motion to approve.

Commissioner Veronica Serna seconds the motion.

All in favor, motion carried.

b. Budget Report – April 2023

Commissioner Veronica Serna made motion to approve.

Commissioner Johnny Trujillo seconds the motion.

All in favor, motion carried.

13. Discussion/Action – Resolutions (previously Item #19)

a. Budget Adjustment Request

Commissioner Veronica Serna made motion to approve.

Commissioner Johnny Trujillo seconds the motion.

All in favor, motion carried.

• Commissioner George Trujillo requested 10 minute recess at 10:15 am.

Commissioner Veronica Serna made motion to approve.

Commissioner Johnny Trujillo seconds the motion.

All in favor, motion carried.

• Commissioner George Trujillo requested to reconvene from recess at 10:30 am.

Commissioner Veronica Serna made motion to approve.

Commissioner Johnny Trujillo seconds the motion.

All in favor, motion carried.

14. Discussion/Action – Lease Agreement between Mora County and Tapetes de Lana (Chief Theater) (previously Item #12)

Attorney Tina Cruz presented. Ms. Cruz stated there was a request from the DFA for a new lease agreement. The agreement was approved by both Tapetes de Lana and Mora County. There was an understanding there will be an addendum reflecting that the cultural center will also be included in this lease. Commissioner Veronica Serna stated the commissioner hasn't had a chance to review the lease. Ms. Cruz stated the only change was the addition of the cultural center.

Commissioner Veronica Serna made motion to approve.

Commissioner Johnny Trujillo. seconds the motion.

All in favor, motion carried.

15. Discussion/Action – Capital Outlay Grant Agreement Between Mora County and Mora Main Street (previously Item #13) – (Tabled)

Attorney Tina Cruz presented. Ms. Cruz stated last year the commission was presented with a capital outlay agreement that would provide certain funding to Main Street and voted to approve this agreement as presented, then it was disclosed that there may be a financial obligation that would be forthcoming to the county, so the county rescinded that vote in approval. Since then Ms. Cruz has been communicated with former Commissioner Mr. Maestas who is with the Creative Council. Mr. Maestas indicated to her the following: 'The capital outlay funds are \$56K & \$17K and there will be no financial obligation for the project and that the Creative Council is willing to pay for whatever obligation there was to the county.' Ms. Cruz stated they just need to include an addendum that the Creative Council will pay the 20%. This request is just for approval to draft the addendum.

Commissioner Veronica Serna made motion to table.

Commissioner Johnny Trujillo seconds the motion.

All in favor, motion carried.

16. Discussion/Action – Memorandum of Agreement between Mora County and Mora Creative Council (Independent Fundraising Initiative in support of the Veteran's Memorial) (previously Item #14)

Attorney Cruz introduced Mr. Larry Garcia to present. Mr. Garcia stated that the Creative Council could address this item. Attorney Cruz stated, according to the Creative Council, there was an administrative fee and felt they shouldn't have to incur these fees since they are helping the Veteran's Memorial. The Creative Council has agreed to reduce its administrative fee to 3% and they might be able to do some independent grant writing for funds through that route. For any grand writing the fee will go up to 5%. Attorney Cruz recommends to approve the agreement.

Commissioner Veronica Serna made motion to approve.

Commissioner Johnny Trujillo seconds the motion.

All in favor, motion carried.

17. Discussion/Action – Ordinance – An Emergency Ordinance declaring hazardous fire conditions and imposing restrictions on open fires, smoking, fireworks use and sales and other ignition sources (previously Item #15) (Tabled)

Attorney Cruz presented, stated there is a need for a more restricted ordinance to ensure there are greater protections, essentially the same protections that were in place at about this time last year. Commissioner George Trujillo asked what kind of restrictions we are going to impose. Attorney Cruz suggested tabling the item for now since the ordinance was not included in the online packet. Stated it would be helpful to hear from Manager Martinez and Mr. Montoya (Fire Administrator) for their reasoning on this request. Commissioner George Trujillo requested to get Mr. Montoya, Ms. Rosalee Trujillo stated he was not in his office. Commissioner Veronica Serna asked if this was the exact same ordinance as the one imposed last year. Mr. Montoya arrived, Commissioner George Trujillo asked what the details of the restrictions were. Mr. Montoya stated it was the same as before no open flames, chainsaw restrictions and welding were added, no fireworks, and no smoking outside of vehicle. Attorney Cruz read last year's restrictions. Attorney Cruz suggested to table this item to include language that is more specific to the restrictions mentioned. Sheriff Americk Padilla commented on Commissioner Johnny Trujillo's question asking what the penalties would be, Sheriff Padilla stated he is going to be within state statute, Attorney Cruz stated the maximum fine is up to \$300. Attorney Cruz stated they can also include that the Sheriff's Office will be enforcing this ordinance, just needs to be cleaned up. Commissioner Veronica Serna asked if, and when, we get a Code Enforcement Officer they can be the one enforcing these ordinances, Attorney Cruz stated yes that could fall under that person.

Commissioner Veronica Serna made motion to table. Commissioner Johnny Trujillo seconds the motion.

All in favor, motion carried.

- 18. Discussion/Action Minutes (previously Item #16)
 - a. April 13, 2023 Special Meeting

Commissioner Veronica Serna made motion to approve.

Commissioner Johnny Trujillo seconds the motion.

All in favor, motion carried.

b. April 17, 2023 – Budget Work Session

Commissioner Johnny Trujillo made motion to approve.

Commissioner Veronica Serna seconds the motion.

All in favor, motion carried.

c. April 20, 2023 – Regular Meeting

Commissioner Johnny Trujillo made motion to approve.

Commissioner Veronica Serna seconds the motion.

All in favor, motion carried.

d. May 1, 2023 – Budget Public Hearing

Commissioner Johnny Trujillo made motion to approve.

Commissioner Veronica Serna seconds the motion.

All in favor, motion carried.

e. May 5, 2023 – Special Meeting

Commissioner Veronica Serna made motion to approve.

Commissioner Johnny Trujillo seconds the motion.

All in favor, motion carried.

Commissioner George Trujillo stated that he commends the Clerk's Office, Carlos Arellano's Staff, for doing the work they do and getting the minutes caught up.

19. Department Head/Elected Official Report(s) (previously Item #17)

a. Elected Official(s)

Assessor's Office – Ms. Rosalee Trujillo presented, stated she closed her protests, there were only 22 protests by constituents, stated they can only give so much of a break, the constituent still owns the land the trees are on that were burned, but they are giving a break for burned trees with help from Mr. Paul Duran. Ms. Trujillo stated there are a lot of mobile homes coming in, there should be a set-up fee for mobile homes coming into the county. Commissioner Veronica Serna asked if there are mobile homes coming in that she doesn't know about, Ms. Trujillo stated that the movers are pretty good about getting the necessary paperwork for moving mobile homes into the county, also dealerships are advising her office of mobile homes planning on going to Mora County. Ms. Trujillo also made note that the Mora County Assessor Annual Report, Valuation Maintenance Plan and Reappraisal Plan, was included in this meeting and submitted to the state. Commissioner Veronica Serna asked about the fee for all the mobile homes coming into the county. Commissioner George Trujillo asked if Ms. Trujillo has worked with the Creative Council regarding the Mora Fiestas. Ms. Trujillo stated she has been working with them and has taken care of the disbursement of the rest of the funds for the Fiestas to be used. Sheriff Americk Padilla asked Ms. Trujillo if she has received any WHIP money for the hazardous waste trucks passing through the county. Ms. Trujillo stated those are all assessed through the State of NM.

Clerk's Office – Mr. Carlos Arellano commented about the audit on Wednesday from the State of New Mexico (Secretary of State) regarding storage of machines, they need to be monitored per state requirement at all times and be temperature controlled. Commissioner George Trujillo asked if where the machines are at now is where the Clerk's offices are going to be, Mr. Arellano stated he was not aware that the offices were going to be there, his staff was made aware. Mr. Arellano stated he didn't agree with this plan, he doesn't like being in an enclosed area, no windows, the way the office is currently. Mr. Arellano also stated that there is not enough room in this new proposed space. Commissioner Veronica Serna stated that maybe the offices could be moved to an area that windows can be incorporated. Commissioner Serna stated that Mr. Arellano has that luxury to not be in the office since he is an elected official, she wants to make a decision based on all employees who work in the office.

Sheriff's Office – Sheriff Americk Padilla presented, stated they are going to be a lot more vigilant and present around all roads in Mora County. Sheriff Padilla stated there are going to be a lot more checkpoints and with the warmer weather there will be a lot more people driving around. Commissioner Veronica Serna requested that the Sheriff's Office and EMS be separate when it comes to disbursement of monies, Commissioner George Trujillo asked Attorney Cruz to look into that.

b. Department Head(s)

Fire Administrator – Mr. David Montoya presented, stated they have several sandbags, working with residents to help the people who are really affected by flooding, then will be open for everyone. Commissioner Veronica Serna asked who is responsible for the sandbagging machine, Mr. Montoya stated the Road Department. Mr. Montoya stated we

- don't have the personnel to run the machine, last year it was the National Guard who was assisting with those efforts. Mr. Arellano stated there is a group at Highlands who can come help out with that. Mr. John Romero (Road Superintendent) stated that the machine hasn't been used since last year and it is currently packed with sand. Commissioner George Trujillo stated that machine has to be cleaned on a daily basis. Mr. Romero stated there is no warranty on the machine.
- Eric Zabukovec commented per request from Commissioner Veronica Serna. Stated that paperwork has not been submitted when then National Guard worked the sandbag machine last summer. Without this paperwork the county will not get reimbursed for that. Commissioner Veronica Serna stated this is causing a deficit in the Assessor's budget. Mr. Zabukovec stated he will work with Temarah to get this taken care of.
- Treasurer's Office Mr. Rumaldo Pino stated they are finishing up with the 2nd half of the taxes, deadline was May 10th, he also stated they will be having a property auction for delinquent properties on May 31, 2023; this information is on the Assessor's page on the county website and goes over all this information. Mr. Pino stated they are continuing to work on the reconciliation. Commissioner George Trujillo asked if people have to register, Mr. Pino stated that yes they do register and the auction will be held in the Commissioner Chambers, Commissioner Veronica Serna asked about the issue on the news with the signatories. Attorney Cruz stated that any elected official can be the designated signatory. Attorney Cruz stated they need to have a meeting to change the current signatories to reflect the Treasurer as one of the signatories. Mr. Pino stated he is already set up at the bank and can start signing this afternoon. Mr. Pino stated they brought this up to the auditors in September 2022 and they were advised they did not have to change anything since other counties are doing the same, however, his staff went to a conference and were advised this is a statute that the Treasurer has to be the designated signatory. Attorney Cruz stated Mr. Pino should start signing this afternoon since that is the direction the stated advised to go.

Road Department/Solid Waste - Mr. John Romero presented. Mr. Romero stated they got a new operator and there is lots of work to do. He also stated the lease agreement for the new grader hasn't been finalized, the other grader has a bad oil leak and other issues. Attorney Cruz stated she will work with the Manager to get this lease agreement finalized. Mr. Romero also stated he has not had time for the road log, Attorney Cruz suggested a work session to accomplish this. Commissioner Veronica Serna stated this was due April 1, 2023. Sheriff Padilla stated through the 1033 project we can justify this as an emergency if he doesn't have the right equipment due to the disaster we went through. We should look into acquiring this equipment, we just need transportation to get here. Commissioner George Trujillo stated to go ahead and get them here. Mr. Romero stated he is putting in culverts that are smaller, Commissioner George Trujillo said he's going to have to do it again, Mr. Romero stated he is using what they have available at the yard. Mr. Romero stated that FEMA won't reimburse us if we use bigger culverts. Commissioner George Trujillo stated he shouldn't go smaller. Commissioner Veronica Serna stated she heard that Mr. Randy Espinoza is dumping wood chips on the Tramperos Road. Attorney Cruz asked if they have talked to him in writing, Mr. Romero stated he has tried to go to his house and he's not available. Commissioner George Trujillo stated that the last road superintendent sent Mr. Espinoza a letter in the past addressing this, Attorney Cruz requested this letter for the next time they meet.

- c. County Manager No one present from Manager's Office
- d. Human Resources

Attorney Cruz presented on behalf of Ms. Temarah Barela. See attached.

- e. Announcements None
- Finance Ms. Edna Sena stated the \$2.00 raise will go into effect mid-August or early September. Ms. Sena commented on the Code Enforcement position, she spoke with Mr. Brad Sena (Planning and Zoning Director), who said he is ok with the additional duties, he will get certified.
- EMS Attorney Cruz read report on behalf of Ms. Brenda Casados. See attached.
 Commissioner George Trujillo congratulated the graduates and instructors.
- f. County Commission

Commissioner Veronica Serna presented. See attached.

20. Executive Session

Commissioner Johnny Trujillo made motion to convene into executive session at 12:29 pm.

Commissioner Veronica 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 Veronica Serna made motion to reconvene from executive session at 1:50 pm.

Commissioner Johnny Trujillo seconds the motion.

All in favor, motion carried.

Deputy Clerk Duran polled the board:

Commissioner George Trujillo - Present

Commissioner Johnny Trujillo - Present

Commissioner Veronica Serna - Present

Commissioner George Trujillo advised decisions were not made while in executive session, potential & pending litigation were discussed.

21. Next Regular Meeting - June 15, 2023

Commissioner George Trujillo stated that the next Regular meeting needs to be changed to Tuesday, June 20, 2023 at 9:00 am. Commissioner G. Trujillo also stated there is going to be a Special Meeting next Thursday, May 25, 2023 at 2:00 pm for Attorney Interviews and also there is going to be a Work Session Meeting on June 5, 2023 at 4:30 pm.

22. Signing of Approved Documents

23. Adjournment

Commissioner Veronica Serna made motion to adjourn meeting at 1:53 pm **Commissioner Johnny Trujillo** seconds the motion.

All in favor, motion carried.

MORA COUNTY BOARD OF COMMISSION

George A. Trujillo Chairman

John H. Trujille Vice-Chairman

Veronica M. Serna

Member

Carlos J. Arellano County Clerk