

**MORA COUNTY BOARD OF COMMISSION
JUNE 27, 2023
SPECIAL MEETING**

1. Call to Order

Commissioner G. Trujillo called the meeting to order at 4:32 pm.

2. Roll Call

Deputy Clerk Duran polled the board:

Commissioner George Trujillo - Present

Commissioner Johnny 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 G. 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

Commissioner Serna made motion to approve agenda.

Commissioner Trujillo seconds the motion.

All in favor, motion carried.

5. Public Comment

Jacob Regensberg – Mr. Regensberg stated at the last Commission Meeting he attended the Commission stated they want to borrow \$30 million to fix the building. He stated he has the study that was done on the building. The County paid HB Construction to fix the problems that were found, he would like to know how those problems were fixed. He stated on the report he has it says there is a problem with the foundation that needed to be addressed. He also stated in the report it states the septic tank from the Senior Center runs underneath the South end of the building, he stated he thinks the building could cave in at some point. Commissioner G. Trujillo stated they will look at the report and get back to him.

Joseph Weathers- Mr. Weathers stated he is coming to the Commission as the Chairman of the Northern Area Workforce Development Board, He stated this board administers the workforce innovation act money for the department of labor. He stated he is the Chairman of the 10 Northern Counties. He stated what they do is give job experience and help with continuing education. The Board is asking all the bigger counties for \$10,000 and the smaller counties for \$5,000 for the discretionary fund. This allows them to provide more services to the counties. He stated he will give more information to the County Manager.

6. Executive Session

Commissioner J. Trujillo made motion to convene into executive session at 4:41 pm.

Commissioner V. Serna seconds the motion.

All in favor, motion carried.

Deputy Clerk Duran polled the board:
Commissioner George Trujillo - Yes
Commissioner Johnny Trujillo - Yes
Commissioner Veronica Serna - Yes

Commissioner J. Trujillo made motion to reconvene from executive session at 5:13 pm.
Commissioner V. Serna seconds the motion.

All in favor, motion carried.

Deputy Clerk Duran polled the board:
Commissioner George Trujillo - Yes
Commissioner Johnny Trujillo - Yes
Commissioner Veronica Serna - Yes

Commissioner G. Trujillo advised decisions were not made while in executive session, personnel matters about the County Manager were discussed.

7. Discussion/Action: Approval of Employment Agreement with David M. Montoya, Interim County Manager (May 26, 2023 – June 25, 2023)

Attorney Cruz stated this item ideally would have been presented for approval earlier in Mr. Montoya's initial term as Interim County Manager, unfortunately there was a transition in the HR department that required some of the background check work to be performed later in the process than we hoped for. **Attorney Cruz** stated this item was supposed to be on the June 20th Meeting but there was some misunderstanding. The Contract was for a 30-day period, it ended Jun 25th at 11:59 pm. Consequently, the position has been vacant for about a day and a half. Our intent was to have a meeting on Monday but there were some issues relating to posting on to the website. It is this Commissions direction to staff and to herself as County Attorney and she is reciprocating the direction to everyone, the Opens Meetings Act resolution needs to be followed. The OMA resolution indicated that any time there is a Notice of Meeting it needs to be posted on the County's website and within the buildings. **Attorney Cruz** stated Ms. Muniz was unable to post the meeting on the website for the Mondays meeting which is why we are having the meeting today. Openness and transparency with the public is important, she wants everyone to understand the logistics of what has taken place, as it relates to the background check and vetting process. Mr. Montoya did everything that was required of him.

Commissioner J. Trujillo made motion to approve.

Commissioner G. Trujillo seconds the motion.

Commissioner V. Serna stated she does not like the practice of retroactive contracts, she does not support that.

Attorney Cruz stated she also has an issue with retroactive contracts, that is not best practice. As a Commission you made a determination, in order to move forward with the recovery process, we needed to have a County Manager in order to move that process forward. Further discussion to took place.

Commissioner G. Trujillo stated when former manager, Geno Martinez, left unexpectedly, he left without turning in keys or anything and his two employees followed him. He, as Chairman, with the advice of the Attorney, needed to move forward. He stated it was an emergency and did what had to be done. **Commissioner G. Trujillo** thanked Mr. Montoya and **Attorney Cruz**.

For the record, Commissioners George Trujillo – Yes

Commissioner Johnny Trujillo – Yes

*Commissioner Veronica Serna – No
Two in favor, one abstains, Motion carried.*

8. Discussion/Action: Approval of Employment Agreement with David M. Montoya, Interim County Manager (June 27, 2023 – August 4, 2023)

Attorney Cruz stated Mr. Montoya's initial employment of 30 days expired on Sunday June 25th. The Contract before the Commission today is for June 27, 2023 – August 4, 2023. Mr. Montoya has been in this position for 1 month now. The County is in the process of advertising the position to hire a permanent County Manager. That has taken some time because to process the PO for the newspaper it needs to come from the Managers office. The issue has been addressed and the process is moving forward. In the meantime, work needs to continue in the Managers office. The new contract is for a longer period, it is a \$13,000 contract.

Commissioner J. Trujillo made motion to approve.

Commissioner G. Trujillo seconds the motion.

For the record, Commissioners George Trujillo – Yes

Commissioner Johnny Trujillo – Yes

Commissioner Veronica Serna – No

Two in favor, one abstains, Motion carried.

Interim County Manager stated the last County Commission Meeting got a little heated and that is not how he wants things to go moving forward. He stated he brought in a CPA to put some financial controls into the County, not just for the disaster relief but also how we do business on a day-to-day basis. He stated like the personal attacks that were made against him in public comment, this CPA got a phone call that said if you take a contract from Mora County, we'll release compromising personal information about you. He stated he can only wonder about the desperation of someone that would do something like that to someone that is trying to move this County forward. He stated they are talking to the State Auditor about three different investigations they would like to see happen. Further discussion took place.

9. Discussion/Action: Approval of Minutes from May 30, 2023 – Special Meeting

Commissioner V. Serna stated there is a conflict on item 23 of these minutes. She stated it says the Finance Director is authorized to sign but they mentioned the Finance Director, County Manager and the Chairman are authorized to sign.

Attorney Cruz stated the Commission can entertain a motion to amend the minutes to reflect what was authorized.

Commissioner J. Trujillo made motion to approve with amendments.

Commissioner V. Serna seconds the motion.

All in favor, motion carried.

10. Discussion/Action: Resolution Authorizing Investment of Monies in Local Short Term Investment Fund operated by the New Mexico State Treasurer's Office

Interim Manager Montoya stated he recommends moving the money related to the Disaster Relief and Recovery under the protection of the State Treasurer. He stated he believes this is a good place to keep it, the money will earn interest and will be accessible to us.

Commissioner J. Trujillo made motion to approve.

Commissioner V. Serna seconds the motion.

All in favor, motion carried.

11. Discussion/Action: Resolution Designating the Location of Polling Places for all Statewide Elections Conducted in 2023 through 2025 and to Appoint the Board of Registration Members for Mora County

County Clerk Arellano stated the only change made to this Resolution is the voting site in Ocate, we changed it from the Community Center to the Fire Department due to internet issues at the Community Center.

Commissioner J. Trujillo made motion to approve.

Commissioner V. Serna seconds the motion.

All in favor, motion carried.

12. Discussion/Action: Memorandum of Understanding Between Mora Chamber of Commerce and County of Mora regarding Mora Fiestas in July 2023

Interim Manager Montoya presented to the Commission. He stated they met with the Chamber of Commerce regarding the Fiestas and what the plans are. He stated he is happy about what they are putting together. Further discussion took place.

Commissioner J. Trujillo made motion to approve.

Commissioner V. Serna seconds the motion.

All in favor, motion carried.

13. Discussion/Action: Memorandum of Understanding between Mora Creative Council and Mora County for Mora – Fall Festival 2023

Attorney Cruz presented to the Commission, see attached.

Commissioner J. Trujillo made motion to approve.

Commissioner V. Serna seconds the motion.

All in favor, motion carried.

14. Discussion/Action: Professional Services Contract between Mora Creative Council and Mora County

Interim Manager Montoya presented to the Commission. He recommended the Commission approve this item.

Commissioner G. Trujillo stated for the record, the Creative Council is helping with the Memorial for the Veterans and we appreciate that.

Commissioner G. Trujillo made motion to approve.

Commissioner V. Serna seconds the motion.

All in favor, motion carried.

15. Discussion/Action: Agreement between Owner and Architect involving Mora County and Lloyd and Associates for the Mora County EMS Building Project (CDBG)

Attorney Cruz stated this is an item that's been presented to the Commission by Alex Tafoya. She stated it is an agreement involving the County of Mora and Lloyd and Associates for the Mora County EMS project. See attached. Attorney Cruz recommended the Commission authorize Interim Manager Montoya proceed with this agreement.

Commissioner V. Serna made motion to approve.

Commissioner J. Trujillo seconds the motion.

All in favor, motion carried.

16. Discussion/Action: Approval of Recommendation by Alexander Tafoya to award bid to Advanced Communication and Electronics, Inc. for the Communications Repeaters projects involving EMS (CDBG Grand No. 20-C-RS-I-01-G-02)

Attorney Cruz presented to the Commission. See attached. She recommended the Commission move forward with this.

Commissioner V. Serna made motion to approve.

Commissioner J. Trujillo seconds the motion.

All in favor, motion carried.

17. Discussion/Action: Addendum No. 1 to Agreement between Mora County and Lloyd & Associates authorizing additional architectural design services to proceed with Grand No. 22-ZG1023-9 involving the Mora County Recreational/Community Center

Attorney Cruz presented to the Commission, she stated the County already has an agreement with Lloyd and Associates for work they are performing. Mr. Tafoya and Lloyd and Associates reached out to DFA and asked if they can add this new project to the existing contract. DFA informed them that it would be allowed. Further discussion took place. Attorney Cruz stated she still has further questions for Mr. Tafoya and once those are answered she recommends they authorize Interim Manager Montoya to execute any requisite addendums on behalf of Mora County.

Commissioner V. Serna made motion to approve.

Commissioner J. Trujillo seconds the motion.

All in favor, motion carried.

18. Discussion/Action: Mora County DWI Program FY 2024 Prevention Services Proposal

Attorney Cruz stated items 18-22 were presented at the last meeting but there was some cleaning up that had to be done on these before they were approved. She recommends the Commission authorize the Interim County Manager to sign off on these agreements once they have been finalized. She stated she should have them completed within the next day or two. These items can be addressed by separate motion.

Commissioner V. Serna made motion to approve.

Commissioner J. Trujillo seconds the motion.

All in favor, motion carried.

19. Discussion/Action: Consideration and Approval of Mora County DWI Program Compliance Officer/Screening Agreement

Commissioner V. Serna made motion to approve.

Commissioner J. Trujillo seconds the motion.

All in favor, motion carried.

20. Discussion/Action: Project Agreement Between Mora County and Mora Valley Community Health Services

Commissioner V. Serna made motion to approve.

Commissioner J. Trujillo seconds the motion.

All in favor, motion carried.

21. Discussion/Action: Shared Facility Agreement (Lease Renewal) with the New Mexico Economic Development Department

Commissioner J. Trujillo made motion to approve.

Commissioner V. Serna seconds the motion.

All in favor, motion carried.

22. Discussion/Action: Mora Senior Citizen Center Operating Agreement for FY 2024

Commissioner J. Trujillo made motion to approve.

Commissioner V. Serna seconds the motion.

All in favor, motion carried.

23. Discussion/Action: Resolution approving David M. Montoya's submission of loan applications on May 26, 2023, with the New Mexico Department of Finance and Administration, and signature on HPCC Loan Agreements #23-ZH9020-MORAC-01, #23-ZH9020-MORAC-02, #23-ZH9020-MORAC-03, and #23-ZH9020-MORAC-04 dated June 5, 2023

Attorney Cruz stated one of the priorities for Mora County and members of this Commission is to ensure transparency with regard to all things that take place within County Government. Because there were questions related to the appointment of Mr. Montoya, we want to ensure that the submission of the loan applications and the signature on the loan agreements on June 5, 2023, was authorized. She stated the Commission took a vote on May 26, 2023, to appoint Mr. Montoya, on day one he stepped in and submitted those loan applications. Attorney Cruz recommends the Commission to approve the Resolution.

Commissioner J. Trujillo made motion to approve.

Commissioner V. Serna seconds the motion.

All in favor, motion carried.

24. Discussion/Action: Amended Offer to Purchase Real Estate involving the CHET Volunteer Fire Department and Sanchez Estate and Family

Attorney Cruz stated in September of 2022 the CHET Fire Department presented to the Commission about an opportunity to purchase land adjacent to their Fire Station. They needed assistance to formalize the agreement. She stated the Commission agreed to approve an offer letter to purchase the property. It was sent to the Sanchez Family, during that time they had a death in the family, everything was put on hold to give the family the proper time to grieve. Mrs. Sanchez has contacted them and let them know she is ready to move forward. An amended offer of purchase needs to be forwarded to the estate and surviving family members so it can be processed. Attorney Cruz stated she recommends the Commission approve her sending the offer of purchase to the Sanchez's Attorney.

Commissioner V. Serna made motion to approve.

Commissioner J. Trujillo seconds the motion.

All in favor, motion carried.

25. Discussion/Action: Approval of Recommendation of Sandra Romero (Procurement Officer) to Award Bid to Fire Tank Pros, the sold bidder, for the Golondrinas VFD Water Tank

Attorney Cruz stated items 25 and 26 are similar. There were minor issues with these that needed to be addressed. Sandra Romero asked to put these items on this months agenda for the Commission to consider. Mrs. Romero and Attorney Cruz both recommend to approve.

Commissioner V. Serna made motion to approve.

Commissioner J. Trujillo seconds the motion.

All in favor, motion carried.

26. Discussion/Action: Approval of Recommendation of Sandra Romero (Procurement Officer) to Award Bid to National Storage Tank, Inc., the sold bidder, for the CHET VFD Water Tank

Attorney Cruz stated she and Mrs. Romero both recommend to approve.

Commissioner J. Trujillo made motion to approve.

Commissioner V. Serna seconds the motion.

All in favor, motion carried.

27. Discussion/Action: Resolution authorizing the execution and delivery of a Loan Agreement and Intercept Agreement by Mora County, New Mexico and the New Mexico Finance Authority involving the Sierra Bonita-Rincon Volunteer Fire Department

Attorney Cruz stated this is a loan agreement that has gone through NM Finance Authority, they have outside legal council that prepares all the requisite legal documents. She stated she has seen the documents, they are standard but luminous. This is time sensitive once approved. Attorney Cruz recommends the Commission approve this Resolution.

Commissioner V. Serna made motion to approve.

Commissioner J. Trujillo seconds the motion.

All in favor, motion carried.

28. Discussion: Emergency Procurement to Repair/Restore the following County Roads: A-005 (Monte Aplanado), A-042 (Morphy Canyon), B-028 (Rio de La Casa), and B-019 (Encinal Road)

Interim Manager Montoya stated last week they had a meeting with FEMA and State Home Land Security Department to discuss different Categories for Construction that are FEMA reimbursable. He stated Category B is for Emergency Repair and Category C is Permanent Mitigation Infrastructure. They discovered the previous Contractor did not do a very good job on the Category C projects so they have to go back through all of those and add mitigation factors in addition to these new projects. Further discussion took place.

Interim Manager Montoya recommends hustling on the Category B Projects to make the roads passable and get as many projects going in Category B and take our time with the Category C Projects

Executive Session

Commissioner V. Serna made motion to convene into executive session at 6:31 pm.

Commissioner J. Trujillo seconds the motion.

All in favor, motion carried.

Deputy Clerk Duran polled the board:

Commissioner George Trujillo - Yes

Commissioner Johnny Trujillo - Yes

Commissioner Veronica Serna - Yes

Commissioner V. Serna made motion to reconvene from executive session at 8:06 pm.

Commissioner J. Trujillo seconds the motion.

All in favor, motion carried.

Deputy Clerk Duran polled the board:

Commissioner George Trujillo - Yes

Commissioner Johnny Trujillo - Yes

Commissioner Veronica Serna - Yes

Commissioner G. Trujillo advised no decisions were made while in executive session.

Attorney Cruz stated that the Interim County Manager did step out of Executive Session while the Commission discussed the upcoming hiring of a permanent County Manager.

29. Discussion/Action: Approve Submission of Letter by County Attorney to New Mexico Counties Authorizing Litigation by Mora County involving the State of New Mexico Regarding Retroactive Health Plan Assessments and Insolvency of the Health Insurance Fund

Attorney Cruz stated the attorneys at NM Counties are in the process of drafting a Lawsuit involving the State of NM related to a retroactive health plan assessment. NM Counties has approached the various Counties that are part of their pool to determine if they want to be part of this litigation. Attorney Cruz recommends the Commission to authorize her to send a letter to NM Counties advising that Mora County does want to be a Plaintiff in the litigation against the State of NM.

Commissioner J. Trujillo made motion to approve.

Commissioner V. Serna seconds the motion.

All in favor, motion carried.

30. Discussion/Action: Resolution regarding Second Amended Mora County Holiday Calendar for 2023

Interim Manager Montoya stated he would like to give the County Employees a long Holiday weekend for all they have been through and all their hard work. He recommends we observe Indigenous People's Day on July 3rd so the Employees can spend extra time with their families.

Commissioner V. Serna and J. Trujillo made motion to approve.

Commissioner G. Trujillo seconds the motion.

Commissioner V. Serna stated she would like to make it clear we are swapping out a day in October for July 3rd.

All in favor, motion carried.

31. Discussion: Department Head/Elected Official Report(s), limited to, County Commission and/or Interim County Manager

Attorney Cruz stated the Interim Manager was informed that there were additional Retention and Recruitment Funds that needed to be utilized by the Sheriffs Office. He has been in contact with Sheriff Padilla about utilizing these funds before the deadline of June 30th. The Sheriff is moving forward with this.

Commissioner V. Serna stated they were contacted by some constituents from Watrous regarding the Capital Outlay Funding for the Watrous Center. She stated everything should be cleared up before June 30th and they are not letting that go.

32. Next Regular Meeting – July 20, 2022

33. Signing of Approved Documents

34. Adjournment

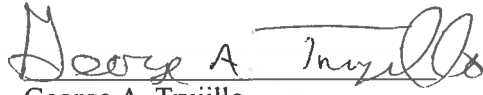
Commissioner V. Serna made motion to adjourn meeting at 8:29 pm


Commissioner J. Trujillo seconds the motion.

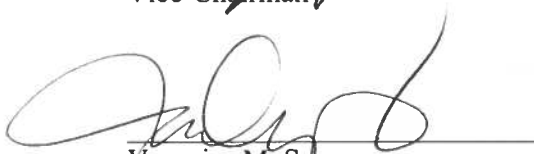
All in favor, motion carried.




MORA COUNTY BOARD OF COMMISSION


George A. Trujillo
Chairman


John H. Trujillo
Vice-Chairman


Veronica M. Serna
Member




Carlos J. Arellano
County Clerk