

**MORA COUNTY BOARD OF COMMISSION
MARCH 29, 2023
SPECIAL MEETING**

1. Call to Order

Commissioner George Trujillo called the meeting to order at 4:00 pm.

2. 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.

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

Commissioner Veronica Serna made motion to approve the agenda.

Commissioner Johnny Trujillo seconds the motion.

All in favor, motion carried.

5. Public Comment

Commissioner George Trujillo indicated 1 was present for public comment and no one was on Zoom for public comment.

Mr. Joseph Weathers commented, he stated was sincerely disappointed that the dissolution of the resolution regarding the 2nd amendment was passed. Mr. Weathers requested that the commission call another meeting to dissolve the resolution. Mr. Weathers also suggested the commission create a committee that meets regularly regarding current issues and will address these issues. Stated that there was a time Ronald Reagan was President, him and his wife created a slogan, 'Say No to Drugs.' Commissioner George Trujillo apologized for not adding that resolution to the agenda, this will be addressed at the regular meeting. Commissioner George Trujillo stated he has an appointment scheduled next week with all 3 agencies to create a committee to address these issues.

6. Discussion/Action – RESOLUTION – Mora County Road Log 2023

Commissioner George Trujillo stated the Road Superintendent was not present and there are issues that still need to be fixed. Commissioner George Trujillo asked if there was a deadline to submit. Ms. Temarah Barela stated there is a deadline of April 1, 2023. George requested to ask for an extension due to issues that need to be addressed and should have been fixed 20 years ago. Attorney Tina Cruz stated there has been conversation in the past to work on fixing these issues. Attorney Cruz stated the dept has not had an opportunity to really dive into this project. Attorney Cruz recommends the commission approve this road log and inform DOT that there is a need for revision and the county is working for a requisite for revisions, and also created a resolution to



that effect and the fire is a reason for the delay. George stated he totally disagrees with blaming the fire, someone isn't doing their job, and this should have been done a long time ago, 2 years in a row is not an excuse. Cruz stated the road dept was charged with auditing the issue and she knows they have been busy, that's what she understands to be the issue. George asked if he could help to get this done. Cruz stated they could sit down to develop an action plan to there is a timeline and some accountability, then we will be able to move forward in the right direction. Mr. John Romero walked in, stating he was busy. George stated the road log should have been done, Mr. Romero stated he should have done it in January. There is a deadline of April 1st and don't think they will meet that deadline. Mr. Romero suggested they submit it as is and attach a note that they are working on correcting the issues. Mr. Joseph Garcia (Zoom) stated they were tasked with working on the road log and they found records to be altered and they presented their findings but that's as far as P&Z committee went. George requestee Brad to assist Mr. Romero. Attorney Cruz stated she is not sure what the impact would be if they did not approve, but from last year they made it very clear that deadline had to be adhered to. Recommends to approve the log as it has been presented today, she will draft a letter for Mr. Martinez to review and send to DOT tomorrow to have an action plan ready for this commission. Having a clean, clear and accurate road log is critical, will help ensure that litigation is limited in the future.

Commissioner Veronica Serna made motion to approve with amendments to follow based on recommendation of the county attorney.

Commissioner Johnny Trujillo seconds the motion.

All in favor, motion carried.

7. Discussion/Action – RESOLUTION – Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the NM Finance Authority

Mr. Mickey Richardson presented, stating they need a new Type 6 Engine. Delivery of truck will take 2 years upon approval of this application request. Ms. Temarah Barela (acting manager) recommended the commission approve. See attached.

Commissioner Johnny Trujillo made motion to approve.

Commissioner Veronica Serna seconds the motion.

All in favor, motion carried.

8. Discussion/Action – Recommendation to Board of County Commission to Approve RFP for Special Legal Counsel Services for Investigation/Litigation regarding damages arising from the Hermit's Peak/Calf Canyon Fire

Mr. Steve Kopelman (Zoom) presented. See attached.

Attorney Tina Cruz commented, made minor suggestion to verbiage.

Commissioner Veronica Serna made motion to accept with amendments to follow based on recommendation of the county attorney.

Commissioner Johnny Trujillo seconds the motion.

All in favor, motion carried.

9. Discussion/Action – Recommendation to Board of County Commission to Approve of Protest Board – Jude Regensberg, Member; Joseph Garcia, Member; Scott Zunker, Alternate; & Todd Cole, Alternate



Ms. Rosalee Trujillo presented, stated that this same protest board has been used the entire time she has been in office, this action is to reinstate the current members to be in compliance. Ms. Temarah Barela agreed with the recommendation. Ms. Trujillo also stated she had to lift the cap that was set many years ago for residential buildings at \$100K, this was recommended by the Property Tax Division; and the 3% tax increase will also hit all the structures. This is something that had to be done, with the cap being lifted everyone would get the 3% tax increase applied. Ms. Trujillo also stated the burned structures due to the Hermit's Peak/Calf Canyon fire in 2022 has been taken off the property value. If anyone has an issue, they can file a protest which the Assessor will review and submit to the protest board if need be. Estimated value goes out April 1, 2023.

Commissioner Johnny Trujillo made motion to approve.

Commissioner Veronica Serna seconds the motion.

All in favor, motion carried.

10. Discussion/Action – Recommendation to Board of County Commission to approve the position for a Code Enforcement Officer

Mr. Joseph Garcia via Zoom stated Mr. Brad Sena will be presenting. Mr. Sena stated this discussion has been on the P&Z Committee for several years now. We have ordinances and we just don't have anyone to enforce them. At the last P&Z Committee meeting it was recommended to approve this position. Who would fill this position and where the funding comes from has not been discussed yet. For now, Mr. Sena would like to request you to approve the position then we can look at funding, possibly a grant. Attorney Tina Cruz suggested it be an employee of the county so they are protected under the Tort Claims Act and the Civil Rights Act of NM, also they would need to operate/require a vehicle, so these coverages need to be in place. Commissioner Johnny Trujillo suggested the person to occupy this position should be trained in law enforcement. Commissioner Veronica Serna stated since there are flood zones, we will need someone to enforce specific restrictions for building in these areas. Mr. Garcia did state the Code Enforcement Officer should be law enforcement certified, they should also report to Mr. Sena since this is directly under his scope. Maybe not a gun carrying position but will get certified to carry a badge. Attorney Cruz suggested verifying NM Counties with respect to policy provisions for this position, will make sure all bases are covered with this recommendation.

Commissioner Johnny Trujillo made motion to approve based on the recommendation of the attorney.

Commissioner Veronica Serna seconds the motion.

All in favor, motion carried.

11. Discussion/Action – Recommendation to Board of County Commission to appoint Mora County Clerk, Carlos Arellano to the Planning & Zoning Committee as a voting member – **Tabled**

Mr. Brad Sena presented, stated that Mr. Carlos Arellano has served on the P&Z Committee before and has a wealth of knowledge. On behalf of the P&Z Committee he would like to make a recommendation to appoint him to the Committee. Attorney Tina Cruz stated that Mr. Arellano does come with a wealth of knowledge, and he is engaged, and he is somebody that would be a benefit to this committee, however, the only issue that relates to this request is that there is a statutory provision under New Mexico law that pertains to planning commissions, 4-57-1 of the NMSA. The final sentence of this statute pertains to this request, stating that ex-officio



participation is limited to non-voting member status only. There is a process to allow ex-officio members to participate in this committee and be a voting member by extracting and consolidating these provisions and adopted as a final ordinance to allow administrative officials to serve; Mr. Arellano can be allowed attend the meetings within the discretion of Chair Garcia to provide his perspective, however, this would be as a non-voting member. Mr. Arellano commented and stated that this is a committee and not a commission and he should be allowed to participate as a voting member. Mr. Sena stated that they are currently using the DGS, this refers to the committee as being a Planning & Zoning Advisory Committee. Referring to their group as a committee and not a commission is up for debate; under 4-57-2 of the NMSA. Mr. Sena asked Attorney Cruz the difference between a P&Z Advisory Committee and a Planning Commission. Attorney Cruz stated she cannot advise what the intent of the document was because the DGS is so dated there is not an updated working document available. Mr. Arellano stated at the time the Committee was created it was for advice only, they advise the commission, and the commission makes the decision. Attorney Cruz stated in the statute the role their committee is playing follows the provisions of being a Commission. Commissioner George Trujillo stated if Mr. Arellano was added to the committee, they would have an even number of members. Commissioner George Trujillo stated he agreed that it is a committee and not a Commission, his only issue is that there will be an even number of members. Commissioner George Trujillo asked Mr. Sena if he could reach out to Paula Garcia since she has not been attending any meetings, Mr. Sena stated he will try to contact her. Mr. Arellano stated there needs to be some clarification in the way the group is labeled. Attorney Cruz recommends developing a formal ordinance, she recommends having the Planning & Zoning group finalize an ordinance for a vote by the Commission following public comment, suggested it should be set up as a planning commission since they will make recommendations as they did in the past, most notable is to have a document in place that has been voted on by the Commission following Public Comment.

Commissioner Johnny Trujillo made motion to table based on the information that the attorney presented to be in accordance with New Mexico Law.

Commissioner George Trujillo seconds the motion.

All in favor, motion carried.

12. Executive Session – **Struck from Agenda**

Attorney Cruz stated to make note that this item was on the agenda, however, they did not go into Executive Session for this meeting.

13. Adjournment

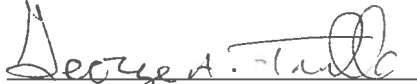
Commissioner Veronica Serna made motion to adjourn meeting at 5:25 pm

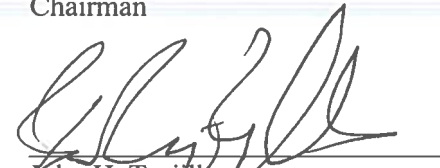
Commissioner Johnny Trujillo seconds the motion.


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

