

Mora County Board of Commission
November 16, 2023
Special Meeting

1. Call to Order

Commissioner George A. Trujillo called the meeting to order at 9:00 am.

2. Roll Call

Deputy Clerk Duran polled the board:

Commissioner George A. Trujillo - Present

Commissioner John H. Trujillo – Present

Commissioner Veronica M. Serna – Present

Quorum has been met.

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

All in attendance recited the Pledge of Allegiance and saluted the Flag of the State of New Mexico.

4. Approval of Agenda

County Attorney, Ernestina Cruz stated there is one slight amendment to item number 9. C. The date identified as November 6 of 2012 is a typographical error; it needs to be 2023.

Commissioner George Trujillo asked if there is a motion to approve the agenda as recommended by Interim Manager Brad Sena and amended by the attorney.

Commissioner Veronica Serna made a motion to approve as recommended.

Commissioner John Trujillo seconded the motion.

All in favor. Motion carried.

5. Public Comment*

Commissioner George Trujillo asked if anyone is present for public comment.

No public comment.

6. Discussion: Banking Relationship with Southwest Capital (Presented by Anthony Ortiz)

Southwest Capital, Anthony Ortiz presented the item. Mr. Ortiz introduced himself and stated, I am the Controller and Senior Accountant for Southwest Capital Bank and I wanted to be here today because I feel like we have an opportunity, first of all to thank you for decades long relationship that we have had with you as your community bank, and also want to just take an opportunity to talk about the state of the bank as it is today and also acknowledge some of the challenges we have had in recent years and where we are today as your community bank. Today we are a very strong bank, safe and sound; unfortunately, there has been some rumors in the community, especially in recent years that the bank was going out of business, that the bank was no longer going to be present in this community and no longer operating in Northern New Mexico and that is false.

In 2019 the bank was put on a consent order from FDIC because of some loans that were challenged at the time, we immediately complied with the order and since that time we have made some drastic changes to our lending practices and the management of the bank has changed entirely. Today if you look at some public information that is available, such as our call report, you will see that we are profitable, again we are safe, we are sound and we did receive that confirmation from the FDIC after our most recent examination which was last fall, and the consent order has been removed.

Mr. Ortiz stated we are stronger today because of the challenges we have experienced, and we are very proud of the work we continue to do, not only in Northern New Mexico but also in Albuquerque.

We have been visiting with our customers here and want to touch base with them and want to remind them we would like to remain your community bank.

Joining me today is our Market President, David Valdez, I would like to give him the opportunity to introduce himself, as well.

Market President, David Valdez introduced himself. Mr. Valdez stated I serve Mora County and San Miguel County. I am a Commercial Lender and Market President, we're here to help the community in its needs.

Mr. Ortiz stated, at this time I would like to give the Commissioners an opportunity to ask questions and to set the record straight as status of our community bank.

Commissioner Veronica stated *for the record* your deposits are insured for \$250,000.00.

Mr. Ortiz stated, for the consumer, yes, many of you may be aware of the \$250,000.00 FDIC insurance for the County specifically, as well as any other public entity, we have an obligation to State Statute to pledge collateral of your deposit at 50%, so every quarter, we work with the State and provide some analysis based on requirements they have.

Commissioner John Trujillo stated, at this moment, I would like the Treasurer's office to ask any questions they may have.

Deputy Treasurer, Josephine Montoya stated, I would like to thank you guys, they came down and took us to lunch as a show of appreciation. I appreciate you guys, you are on the phone whenever I call, always willing to help with any issues, especially Anthony.

Mr. Ortiz stated, we remain committed as your community bank we continue to offer free services to the county if you guys have any needs the branch is here.

Further discussion took place.

7. Discussion: Update by the Mora County Veterans Memorial Committee

Veterans Memorial Committee Member, Larry Garcia presented the update. Mr. Garcia stated I would like to tell you we appreciate having Stephanie Casados, she has been excellent in helping us, also DesMarie. I want to present the activities we have had with Veterans Day; the Veterans Memorial Committee was involved with activities at the school. The student council was very organized, along with Ms. Melinda Leyba and the staff from the school. They gave us lunch and following we had a good parade with donations of candy from the Creative Council, approximately \$100.00 and other community people donated as well. The kids really enjoyed it and had questions for the Veterans, there were approximately 25 Veterans that attended. Last month, Max Garcia and Joe Gene presented a letter to the Commission, requesting designation of the County roads A011 and A012 El Carmen and El Oro Road, do we need your approval to continue and start planning our signs and design, do we need a vote from you to proceed with this?

County Attorney, Ernestina Cruz stated, the issue of the designation on the roads has been presented to the Commission a few times now. At the last meeting where we left off is that Mr. Max Garcia indicated that they were going to do some additional research in providing information to us so we can craft a resolution and look at what signage might be needed so that we can work with the Road Department. What I would recommend is, send me an email when you have compiled that information and I can coordinate with the Managers office, so we can get this on the agenda for consideration by the Commission; at this point we are just waiting on the additional information by the committee.

Commissioner Veronica Serna stated, would it behoove us to approve a resolution.

Ms. Cruz stated, it would be helpful to do it by way of resolution because of the resolution you all adopted a year and a half ago indicating that if anything is happening with roads, there will always be a resolution adopted so that you all can have a clear record that you can then turn to for purposes of the road log; so if you're going to be re-designating a road by way of changing the name, it would be smart of this Commission to do so by way of resolution. That resolution, for those that did not participate in that dialogue a year and a half ago, resulted from the fact that there were some issues with the road log and we wanted to ensure that any time there were any changes to the log, going forward, it would be by way of resolution so there is a clear record that you can then point to as it related to any modification of mileage, titling the roads and things of that nature.

Mr. Larry Garcia stated what we discussed at our last regular meeting on Tuesday about having continuity and I believe once we have a County Manager, he can help us with the RFP. We have had our County Architect review the 100% plan and specifications so we can come up with some kind of resolution. We really need some direction on this, we as a committee do not have that experience in doing RFPs and all those requests, again we are only an advisory committee and don't have as much authority as you do. I reciprocate you and beg you to help us out at the Legislative Session to help us get some Capital Outlay money, we really need some help. If we do not get more funding we're doomed, we just can't proceed; we have been doing this for four years and we can't do a project without sufficient funding.

Commissioner George Trujillo stated, Mr. Garcia got a letter to the Commission on what you guys need.

Mr. Garcia stated a letter was presented at the last meeting.

Commissioner George Trujillo stated, get the letter to me and I will get the letter to the right person.

8. Discussion: Project Status

a. EMS Facility (Alex Tafoya)

Mr. Alex Tafoya presented the project status update. Mr. Tafoya stated I have two items to speak on, one is the communication repeaters portion of the CDBG project. Advanced Communication tells me that they are waiting for the equipment to arrive and once they have the shipping information, they will let us know, most likely they won't do the installation until the spring because of the upcoming winter months.

Regarding the EMS facility portion of the CDBG project, we're in the environmental review process; 30 letters were sent out as part of the agency consultation process, and we have received five responses. In about two weeks, those agencies that have not responded will be sent a second request. I will get the letters prepared and sent over to Stephanie Casados so she can arrange for the Commission Chairman, Mr. Trujillo sign them. I would like to say that

Stephanie is doing a really nice job in cooperating with a few things I have asked her to do; she's keeping an environmental review file and she's really been helpful.

Commissioner John Trujillo stated, on all the repeaters, is it all new equipment, including the foundation.

Mr. Tafoya stated they will be set on the existing foundation. They will install an update on the top of the existing tower.

Commissioner George Trujillo stated, do we have contracts with the landowners on these sites.

Mr. Tafoya stated, yes, I am going to assume that the County does because the County has access to all the towers.

Clarity Collins stated yes, we do have contracts with the landowners with one contract for Roybal Peak expiring this year.

Commissioner John Trujillo asked David Montoya if he has the costs for the towers.

Fire Administrator, David Montoya stated we only pay for Roybal Peak and the other towers we do not pay for.

b. Special Projects Committee (Paul Cassidy)

County Attorney, Ernestina Cruz stated, Mr. Cassidy is unable to present today because he is participating in a Residential Search Committee with Highlands University, I did speak to him in anticipation of today's meeting and he did forward a written report, which I can read *for the record*.

Mr. Cruz read as follows:

Tina, my update for the Commission meeting, copying others who may have updates to my notes:

1. As the Commission is aware, the County applied for an AOC grant for District Court facilities, approximately 10,000 square feet in the County Complex, subject to a legislature committee meeting approving the County's project was ranked number one; the grant is for \$3,033,053.00, which will be matched by a similar amount from Mora County, there is a need to seek capital outlay funding for the required match.

County Attorney, Ernestina Cruz made a quick point of clarification.

Ms. Cruz stated, it was actually a budget committee through AOC which ranked the projects and for purposes of the record, AOC has approximately \$25,000,000.00 that they have received for courthouse projects throughout the State as a result of litigation involving Otero County, \$12,000,000.00 of that \$25,000,000.00 has to be dedicated to the Otero County Complex, so the remaining 13 is available for District courthouses so if you are asking as a County Government for funding in excess of a million dollars, a feasibility study did need to be presented and we were able to put that study together, in no small part, because of the Chairman's good direction, when he wants something done, he lets you know, right.

We got that done within four days, which was a massive undertaking because it included getting plans put together by the architect, it included a meeting, a walk through, it included putting together a written report to AOC and of all of the Counties in New Mexico that submitted a request, Mora County is the County that is the top ranked project, so the hope is, the budget committee within the Supreme Court will ultimately approve the recommendation. I believe the County is well positioned to receive that funding, in the meantime, as Paul has indicated, the County will need to have the match funds of \$3,000,000.00 because the total

project is six million plus dollars, but I wanted to clarify that it's not the Legislature that is approving this it is within AOC. You all will need to do something separate as it relates to the Legislature for the match money.

Commissioner Veronica Serna stated, it is because Tina's strong application and the language that was used, I think demonstrated the extreme need for Mora County.

Commissioner George Trujillo stated, when the Chairman wants something done, it gets done because of people like Tina getting it done.

The Commission thanked the County Attorney.

County Attorney, Ernestina Cruz stated, I think one thing the Commission needs to know and the public needs to know is that one thing that is talked about often in the legal community is legal deserts. I serve on the Access to Justice Commission, the Supreme Court Justice, I am the Co-Chair, and one thing they often talk about is legal deserts, there are Counties in the State of New Mexico where there is not a single attorney and it creates an issue in the local community because you don't have legal services and we coined, for purposes of this application, the concept of a judicial desert because Mora County is the only County in the 33 Counties in the State of New Mexico that does not have a District Court and if individuals within this County want to go to the self-help center of the court, they have to go all the way to Las Vegas to seek assistance and that is fundamentally problematic. People should be able to go to their local County, walk into the courthouse and do what they need to do and the fact that you don't have that resource for the County and that AOC recognized that need and wants to ensure that your courthouse is build out, is really an important development for Mora County.

Ms. Cruz stated, returning to Mr. Cassidy's report:

2. NNMEDD has applied for a \$3,000,000.00 grant for courthouse improvement, it will require a \$750,000.00 match, which the County has legal settlement funds. The County Commission approved the match at the October 19 meeting and awaiting results on the request; Clarity Collins has a report on this.

Clarity Collins presented the report. Ms. Collins stated the grant application is up for review today, we should hear a "soft answer", we won't hear a good solid answer until January, but our chances are very good.

Ms. Cruz continued Mr. Cassidy's report:

3. The County has \$3,000,000.00 in Recreational grant; design program is underway by Lloyd and Associates and review by the County Commission and Special Projects Committee. Project costs have increased substantially since the award; projects are controversial and under discussion; awaiting a plan to review as County Architect was asked to review FEMA and the temporary portable request and AOC grant.

4. The County has approximately \$1.9 million of unspent GO bond and legal settlement for a phase of the project to get remaining staff in the County Complex, the County received a

construction bid of \$4.9 million for construction, County Architect is continuing to negotiate; not sure how to fund differences in unexpected cost.

5. FEMA plans to place two temporary portables on County Complex property. The County is arranging and paying for a contract to assist with providing electric services in the amount of \$70,000.00. A FEMA lease County agreement was received, this Wednesday, for review by the County and its Commercial Lease Consultant, John Shepler, the amount of the lease will be negotiated by Mr. Shepler's assistant, it will be a three-year lease with a one-year firm commitment; Lloyd and Associates have been supporting this on behalf of the County.

6. The County has approximately \$1.2 million appropriation to construct an EMS facility on the County Complex site; Lloyd and Associates has been working on this for some time, incredibly slow to site it properly; we are awaiting an update.

7. The County's Place Making Committee/Housing Development and Infrastructure continue to work with many local residence and friends, assisting, including Collaborative Visions, Mainstreet, North Central, DHSEM, RCAC, FEMA, Economic Development Committee has been funded for a study for a Plaza Nueva project. The Housing Committee is seeking funding for a Comprehensive Affordable Housing Study.

9. Discussion/Action: Approval of Minutes

a. October 19, 2023

b. October 31, 2023

Interim County Manager, Brad Sena recommends to table item 9 a. and b.

Commissioner Veronica Serna made a motion to *table* 9 a. and b. minutes as recommended by the Interim County Manager.

Commissioner John Trujillo seconded the motion.

All in favor. Motion carried.

c. November 6, 2023

Commissioner George Trujillo asked if there is a recommendation by Interim Manager, Brad Sena.

Mr. Sena recommends approving the minutes for November 6, 2023.

Commissioner Veronica Serna made a motion to approve and stated *for the record* the date was correct on the actual minutes.

Commissioner John Trujillo seconded the motion.

All in favor. motion carried.

10. Discussion/Action: Resolution Authorizing Re-Investment of CDs with Community 1st Bank

Deputy Treasurer, Josephine Montoya stated, I asked to be put on the agenda because the bank requires minutes and approval to reinvest the CDs, we currently have with Community 1st Bank; we currently have two CDs that have matured and need to be reinvested. After speaking with Yvette Williams, President, and CEO of Community 1st Bank, she is willing to honor a 5% reinvest for the year. You should have a resolution in front of you showing the reinvestment of these CDs from now until next year.

County Attorney, Ernestina Cruz stated Ms. Montoya reminded me there was a need for a resolution so we coordinated, I asked if she could work with Community 1st to identify what the interest rate would be, initially it was 4.75%, she wrote back to Mrs. Montoya and she agreed to 5%. The amounts for the CDs are included in the resolution.

Commissioner George Trujillo asked if there is a recommendation from Interim County Manager, Brad Sena.

Mr. Sena recommends the resolution be approved.

Commissioner Veronica Serna made a motion to approve.

Commissioner John Trujillo seconded the motion.

All in favor. Motion carried.

County Treasurer Report - Deputy Treasurer, Josephine Montoya asked if they could do the Treasurer report at this time.

Mrs. Montoya stated, taxes went out we are currently in the rush of tax season. We had an issue with a 40-thousand-gallon water tanker that needed to get paid for CHET Fire Department. National Water Storage had been in contact with Linda and Jack from CHET Fire Department; they kept telling them they were no longer taking business checks and we needed to do an ACH wire transfer. We have emails in place, so we did an ACH, I got the okay from Seferina with payroll. I sent the money and right as it hit the bank somebody went and pulled it out and the bank was able to stop it with Southwest Capital Bank, they were able to catch that it was a fraudulent transfer, and they were able to send it back to us. We were able to get a hold of the actual company and she said, we do accept checks. So, what we need to do moving forward is find a better process for ACH transactions. They tried to steal \$67,000.00. The first check went through with no issues, it was during the second portion payment that's where they hacked the lady's email and were able continue.

County Attorney, Ernestina Cruz stated, I think there would be very exceptional circumstances where an ACH should be utilized and I think the standard protocol when you're dealing with a public entity is an understanding that there are very regimented processes that need to be followed and fraud of that type is not a rarity, you can get into a situation very quickly. There needs to be very specific processes that are followed before an ACH is processed because of an email request. We will talk about what those processes should look like moving forward.

11. Discussion/Action: Contract for Inmate Confinement between Mora and San Miguel Counties

County Sheriff, Americk Padilla presented the item. Mr. Padilla stated, currently we had a contract with San Miguel County Detention Center, the contract included 10 beds that were put aside for us for any inmates, now with the new contracts there were small changes in reference to money, before we had agreed to paying \$90 an inmate plus medical expense. The only thing that changed in the contract is that they are going to increase the day-to-day billing. The \$20 booking fee will stay the same; now we will be paying \$125.00. San Miguel County has the facility that the County has utilized for many years, as of right now, that is where we are still at and where we would hope to continue to utilize.

County Attorney, Ernestina Cruz stated, this contract is for adult incarceration; juveniles are transported to San Juan County. I would quickly make note that this contract was presented to me by the Sheriff on Friday and I prepared some revisions that I sent over to San Miguel County and the response that I received was that this form of contract had already been approved by their County Commission and their County Commission is not going to be meeting soon so the revisions that I proposed could not be adopted. This would not be a formal contract that I would

not recommend approving “on its face” because it is a little sloppy, and my work product is not a sloppy work product, but those things that needed to be cleaned up are negligible for the most part.

In this situation you need San Miguel County and a place to house the inmates and if you don’t have this agreement approved by December 1, you have a massive problem, and unfortunately, we just do not have the time to engage in that negotiation on the clean-up details. With that being said, this is an agreement that would withstand the necessary requirements and I will recommend approval, again reinforcing that we need a better system and protocol to monitor contracts moving forward.

Ms. Cruz stated the contract is for a period of four years, with a termination clause of 30 days; we could ask for an addendum to add Civil Rights language, by on a whole, the County is still protected. While you will be approving this contract, I want to point out some of the very minor amendments you’re going to have to take care of; at page 11 of your packet it’s the notice provision at paragraph 15, it does identify David Montoya as the Interim Manager, so you’ll strike through that and write in, Brad Sena, and the signature page it identifies Commissioner Serna as the Chairperson so we’ll strike through that and indicate member and under Chairman Trujillo, under his name we will write in Chairman so it is clear the capacity at which you are signing this particular document and likewise at the signature page where there is reference to David Montoya we will strike thorough that and write Brad Sena’s name and he will sign off in his capacity as County Manager.

Commissioner George Trujillo stated, you heard the recommendation from Tina; can I get a motion?

Commissioner Veronica Serna made a motion to accept the recommendation by Tina Cruz with the recommended changes.

Commissioner John Trujillo second the motion.

All in favor. Motion carried.

12. Discussion: Elected Official and Department Head Report(s)

a. Elected Official(s): County Assessor, County Clerk, County Treasurer, and Sheriff’s Office

County Sheriff, Americk Padilla presented the Sheriff’s report. Mr. Padilla stated we’re handling calls and giving our best to the community regardless of the shortage of staff. I have mentioned in previous presentations that we were staffed with a K9 individual; the ball was rolling with that; he is no longer with the department. We are actively looking for someone to fill that position. I know the Under Sheriff is working with other entities that provide that type of service; I am hoping by next year we will have a definite answer on having the K9 program up and running.

Deputy Moises Coca is now a fully certified class level 3 vin inspector, now he can provide services through the Sheriff’s department. Communications, we have been working on tirelessly, with David Montoya, Clarity, EMS, Fire, hopefully we can come up with a plan and get the communications where they need to be. They want us to start going to annual trainings; we are currently looking to hire more deputies; the Sheriff’s department has been able to purchase new units with the Capital Outlay money the department received.

Mr. Padilla stated an update on the SRO for those that do not know, we have a School Resource Officer at the school, Mr. Omar Cortes, he’s been extremely busy, and I commend

him for the work he is doing; he has been providing training to the staff. There is additional training that an SRO needs to take to be a fully certified SRO. There are many levels that are going to be required of him, he begins the first level in January in Colorado. There will be another one in July, this is through the National Association of School Resource Officers which is topic specific; he will receive his basic certification in December and the National Conference is held in July in Arizona and he will be receiving his advanced certification over the summer; in addition to that National School Safety conference will provide training for the supervisors as well.

I along with HR Romero and David Montoya conducted a fire drill; it went well. It helped us gain an understanding on what we have to work on to have a safer process moving forward. We have been in communication with another agency down south regarding policy and procedure. We are going to be working with Attorney Cruz on getting a new policy in place.

County Clerk Report – County Clerk, Carlos Arellano presented the Clerk report. Mr. Arellano stated, our office did canvass and finalized the election; everything went well. I would like to ask if we would be allowed to put the blank deeds in the hall for the constituents to access.

County Attorney, Ernestina Cruz stated, I don't recall who it was that raised it within your office, but they said there was a presentation at one of the seminars where Clerks offices were being told, you should not be handing out forms, and that is what started this dialog with your office. I did go to your office and obtained every form from the folders that are currently being held in the Clerk's office to review them and part of what I shared is that some of these forms are a little dated. I did express some generalized concern regarding handing out the forms that would have been consistent with the recommendation that was made at the training. On October 17th I sent an email reflecting various legal services that are available, suggesting that if people come in, they can turn them in that direction. Something else I communicated with the staff is if you still want to have the forms outside of your office, having a form that says the clerk's office does not provide legal advice that the forms are provided as a courtesy but you're not recommending any one form for one specific purpose and the individual should consult with a lawyer and here's the list. Further discussion took place.

- b. Department Head(s): EMS, Planning and Zoning, Road, and Solid Waste Department**
EMS Report – EMS Director, Brenda Casados presented the EMS Department report. Ms. Casados stated, you have been provided with my report, are there any questions. Our collections are a little bit higher than what they had been, this month we were able to collect \$14,000; our GRT is a little better, our total collections are \$48,067; our expenses were at \$32,000. Working with the billing company there are still issues with patience's not signing the authorization to bill the insurance, so what I am doing is backing that up and researching so the patient can be billed. I am sending letters of request to the patient myself, with some return. Yesterday, we had our quarterly pharmaceutical inspection, we are 100% compliant in all areas. This month has been crazy, we have had nothing but dual calls; I want you to be aware that I have had to send out a second unit. I know it is strenuous on our EMS budget, but we must serve our community in whatever capacity we need to. I would also like to congratulate Ms. Lianna Casados for obtaining her National License as an EMT; she has dual

licensure now and she can provide services anywhere in the United States. I also have an EMT in training, Ms. Antoinette Sanchez, she is just waiting on final testing to obtain her license.

c. Human Resources

Human Resources Coordinator, DesMarie Romero presented the Human Resources report. Ms. Romero stated the Mora County Offices will be closed next Thursday and Friday in observance of Thanksgiving. Mrs. Romero presented the birthdays and anniversaries of the employees for the month of November. In the handbook we have an employee recognition program; for the third quarter, Mr. Sena recognized two employees, which was Vivian Trujillo with the Clerk's office and Zaryen Griego with the Road Department, for their hard work and dedication to the County.

We finished Open Enrollment last month and this month we have Colonial Life Insurance, we have at least 65% of employees and Elected Officials who have signed up for the benefits; the rep will be here tomorrow to reach out to the remaining people who haven't signed up yet. We have had a very successful Open Enrollment; every employee is signed up for basic life and if they wanted to pick up any additional insurance, they had the opportunity to do so. We will be working on the handbook, which is a big project.

Fire Administrator/Emergency Manger Report – Fire Admin./EM, David Montoya presented the report. Mr. Montoya stated, on the fire side, we had two structure fires, in El Carmen and at the County line, it was in Taos County, but we got paged out to that one; it was a small barn that burned. Then we had another fire up in Buena Vista; a prescribed burn that got out of hand. Golondrinas is also doing their water storage system, I have given Mr. Sena all the documentation; they didn't have to RPF their work because it is under the \$60,000, but they RFP the tanks about a year ago. In the future we will have Rainsville and LMC and Sierrea Bonita doing it as well.

Planning & Zoning Report – Planning & Zoning Director, Brad Sena presented the report. Mr. Sena stated I issued five new business licenses, they have been mostly for hauling material, and trucking businesses. In December all business licenses will expire and renew in January; there are about 280 business licenses. I issued a few building permits and letter of compliance.

d. County Manager

Interim County Manager, Brad Sena presented the Managers report. Mr. Sena stated I have assisted with different departments. MVD is now in compliance, Taxation and Revenue had some requirements and we met those requirements.

e. County Commission

No Report.

f. Announcements

No Announcements.

13. Discussion/Action: Expenditure Report/Budget Report

a. Expenditure Report – October 2023

Finance Director, Edna Sena, presented the report. Ms. Sena stated, I am presenting to you the expenditure report for October; the amount is \$367,887.71. This amount includes utilities, contract fees, supplies and maintenance for the month. Ms. Sena recommends the Commission approve the expenditures for the month of October.

Interim Manager, Brad Sena stated, I recommend you approve the report as recommended by Ms. Sena.

Commissioner John Trujillo made a motion to approve.

Commissioner Veronica Serna seconded the motion.

All in favor. Motion carried.

b. Budget Report – October 2023

Finance Director, Edna Sena, presented the report. Ms. Sena stated, this is a budget report as of October 31st, we're four months into the fiscal year, and the funds in the general fund are in good standing as far as the budget percentage. The Road Department is at 44%; it's in bad shape. The only thing holding up that percentage is the full-time positions, but all the other GLs in the Road Department are looking rough, the department is in dire need of a budget adjustment to cover expenses; there are a lot of unpaid invoices. I think we need to schedule a work session to discuss the Road Department budget. The rest of the departments are within budget for this time of year. I recommend you approve the expense budget as of October 31st.

Interim Manager, Brad Sena recommends approval of the report as recommended by Ms. Sena.

Commissioner John Trujillo made a motion to approve.

Commissioner Veronica Serna seconded the motion.

All in favor. Motion carried.

14. Discussion/Action: Resolution regarding Budget Adjustment Request

Finance Director, Edna Sena presented the resolution. Ms. Sena stated, I am presenting a resolution to you for a budget adjustment request. This is a requirement that DFA has to report on the loan agreements. I want to explain that these are the amounts that are budgeted for moving forward; it's for expenses. I am requesting you approve the resolution so I can proceed with making the necessary adjustments.

Interim Manager, Brad Sena recommends you approve the report as recommended by Ms. Sena.

Commissioner John Trujillo made a motion to approve.

Commissioner Veronica Serna seconded the motion.

All in favor. Motion carried.

15. Discussion: Update by Finance Department regarding Audit

Finance Director, Edna Sena, presented the update regarding the audit. Ms. Sena stated, the auditors requested the financial statements, the reconciliations, and another sample items. So far,

we have one potential finding, it was the SB6 loan, it wasn't being recorded in the budget, so it was a potential finding, but I think I was able to take care of that. The other potential violation was the lobbyist; that's going to be a violation unless she can provide proof from July 2022 to June 2023 that she was certified and registered with the Secretary of State. They looked for her certification and couldn't find that she was registered.

County Attorney, Ernestina Cruz stated I reached out to the Secretary of State's office and have done some additional research, I likewise, recently had an opportunity to visit with Ms. Hendrick to explain to her what is needed and there will be some additional follow up.

Ms. Sena stated we're still working on submitting a few things to the auditor. I am having to submit the USDA loan statements from the fire departments, which I am having a hard time getting from USDA. I think we are almost to close out the audit for this year and we should be on time.

16. Discussion/Action: Resolution Authorizing Withdrawal of SB6 Loan Funds from the LGIP Account with the State Treasurer's Office for Authorized FEMA Public Assistance Related Projects

Clarity Collins presented the resolution. Ms. Collins stated, the resolution that is for your consideration today is a resolution to withdraw a small amount from the LGIP in the amount of \$126,272.00, this would be to fund four positions in the Road Department until the end of the fiscal year. The positions are urgent to make sure the activities in the Road Department are reimbursable. The scope that is being executed by the Road Department is reimbursable and falls within the scope of our FEMA projects, however, how it's being procured in the record keeping associated with it, has a lot of room for improvement, it's a critical issue that I hope to address through the resolution. This would allow us to put some controls in place for a Construction Manager, Recovery Finance Specialist and two Road Operator positions.

County Attorney, Ernestina Cruz stated in light of the concern related to the benefits related to the position, this resolution will not be ready for a vote today. You need to include the total packet that relates to the salary. If you want to, this resolution can be updated by Monday and there can be a very short meeting to get this approved, that way it is still in alignment for the timeline that we hoped for.

Commissioner John Trujillo made a motion to *table*.

Commissioner Veronica Serna seconded the motion.

All in favor. Motion carried.

17. Discussion/Action: Resolution Authorizing New Application for SB6 Loan Funding

County Attorney, Ernestina Cruz stated, I want to say that this resolution is in harmony with the resolution the Commission adopted in June when you decided to place these funds in the LGIP, it's important that the record reflect that anytime there is going to be a withdraw, there will be a resolution such as this that is presented to you all as a Commission, that identifies with specificity, the amount that is being withdrawn and the purpose for which those funds will be dedicated; in addition the resolution you have before you today does identify which loan these funds are coming from that way we're able to establish with certainty how it is that these funds

are being withdrawn. This is the first time that you're going to be making a withdraw from the LGIP. Further discussion took place.

Clarity Collins presented the item. Ms. Collins stated we have a project that is all the way through obligation it is now available for an SB6 loan, in the amount of \$11,350,958.63.

Commissioner George Trujillo asked if there is a recommendation by Interim Manager, Brad Sena.

Mr. Sena recommends the resolution authorizing new application for SB6 loan funding be approved.

Commissioner Veronica Serna made a motion to approve as presented.

Commissioner John Trujillo seconded the motion.

All in favor. Motion carried.

18. Discussion/Action: Status of Road Equipment Leases and/or Purchases and Recommendation from Staff on how to Proceed

Clarity Collins presented the item. Ms. Collins stated this item is regarding the equipment purchases. This item has been discussed before and now we need your direction and support on what we need to do with the challenge we are in. The previous County Manager purchased two pieces of equipment, outside of the procurement processes, so now we need some direction from the Commission on what we do next. The payments on the equipment have been coming out as ACH's and we need to figure out how to fix that because there wasn't a purchase order on that; we have the equipment; we don't have the PO. That was for two pieces of equipment, we have three more, that David Montoya signed purchase agreements for, one of them is a dozer that is being delivered today and the other two are graders, and essentially, David agreed to purchase these through CES which may cause issues with FEMA reimbursement. Ideally, any kind of purchase should go out through RFP, and it didn't. We possibly have an opportunity to remedy that by changing it from CES to sole source which would be in alignment with federal procurement, it's still going to present a lot of challenges because the agreements were made three months ago and the POs have not been issued. State statute specifically precludes equipment purchases under emergency procurement, which is not an allowable emergency procurement.

The second issue is the purchase of this scale of equipment is very unusual under FEMA's structure. You're going to go out for bid with all of these contractors and they will all have their own equipment, so it's a hard "uphill sale" to get FEMA to reimburse this and we have a late DI request with the State for the purchase of emergency equipment we are waiting on FEMA and we have not got that authorized at this point; reimbursement on this purchase is pretty low, one because the procurement process wasn't followed and the second is because it doesn't fit into the FEMA scope of work. All together we're talking about a million dollars in equipment purchases, two of them, we might have the opportunity to back out of, and Tina would have to advise if that is something we can do. I am here seeking your directions.

County Attorney, Ernestina Cruz stated, I would like to have an opportunity to sit down and visit with Clarity, we have the meeting on Monday, that way I can more thoroughly review the process that was undertaken. I have some initial thoughts, but I don't want to speak to them until I

more carefully looked over all of this, because I do see there are ways in which to address some of the concerns; I am not sure if all of the concerns necessarily rise to the level of “a procurement violation”. I would much rather look at it so I can properly advise you on what the next steps should be.

Commissioner John Trujillo made a motion to *table*.

Commissioner Veronica Serna seconded the motion.

All in favor. Motion carried.

Commissioner George Trujillo asked for a motion to go into a 10-minute recess.

Commissioner Veronica Serna made a motion to go into a 10-minute recess.

Commissioner John Trujillo seconded the motion.

All in favor. Motion carried.

Commissioner George Trujillo asked for a motion to reconvene regular session after a 10-minute recess.

Commissioner Veronica Serna made a motion to reconvene regular session after a 10-minute recess.

Commissioner John Trujillo seconded the motion.

All in favor on a roll call vote:

Deputy Clerk, Duran polled the board:

Commissioner George Trujillo - Yes

Commissioner John Trujillo - Yes

Commissioner Veronica Serna - Yes

Entered regular session at 1:01 pm

19. Discussion: Status of prior Fiscal Agent Agreement with San Miguel County involving CDBG Project

County Attorney, Ernestina Cruz presented the status update. Ms. Cruz stated, as you’ll recall in a prior meeting, I made mention that San Miguel County has previously been serving as fiscal agent for Mora County on three separate projects, including the existing CDBG project, those agreements expired at the end of June with two projects being fulfilled. Alex Tafoya reached out to DFA and was informed that Mora County no longer needs a fiscal agent on the CDBG project. I reached out to Patrick Shaffer, legal counsel for DFA asking to receive confirmation from his office regarding the representation that was made by staff at DFA to Alex Tafoya so we have that added layer of confirmation that the fiscal agent is not needed; in the event I hear back, that a fiscal agent is needed, we will address that immediately.

20. Discussion: Road Viewer’s Committee involving County Road C-027

County Attorney, Ernestina Cruz presented the item. Ms. Cruz stated, Mr. Sena and I will be looking at the potential list of people who can serve on this committee so we can get it assembled. This one is a bit more complicated because we are talking about a more isolated area within the

County and harmonizing it with the policies, but it is something that he and I are going to be wrapping up soon.

21. Discussion: Update regarding inquiry about Robert and Betty Martinez Quitclaim Deed and request for transfer of property from Mora County

County Attorney, Ernestina Cruz presented the item. Ms. Cruz stated the issue that has been at play in regard to this particular request is that some of the documents were not very clear, and I have been working with the title company to get those documents. I understand from Mrs. Martinez from prior email communications that you do have some of these documents that we can look at. What I will be doing is coordinating with you so we can get copies of those documents.

Mrs. Betty Martinez stated, I am married to Robert Martinez who inherited the piece of property that is located on the corner of the highway on the road to Ledoux and in the 1950's Joe and Agnes gave a little piece of property; 32 by 60 feet, 100 square feet, to the American Legion so the fire department that they ran it at the time could do something there. The American Legion gave quitclaim title back to Agnes after Joe had died in the early 90's. Somehow, we think Mora County owns that little piece of land that came along when the fire department was taken over by Mora County, now we want to sell the piece of land around it. Territorial Title Company of Las Vegas needs the County Commission to give quitclaim to that little piece of land that hasn't been used in 60-70 years. We are just trying to meet the title company's needs.

Ms. Cruz stated I will take a look at the documents and inform the Commission what the next steps will be.

22. Discussion: Update regarding CHET Request for Proposal regarding Water Tank

County Attorney, Ernestina Cruz presented the item. Ms. Cruz stated, I did speak to this when the Fire Administrator was presenting earlier. There was outreach to the Fire Marshall's office, we're going to be getting additional answers to the questions as to overall process and will then be able to move forward with this.

(Item 25) Discussion: Other Informational Items

Commissioner George Trujillo stated, before we move on to the next item, I would like to recognize Captain Robert Zabriskie, who needs to speak to us.

Mr. Zabriskie stated we just finished the initial site visit, everything went well based on the site walk through with the contractor, all the work was accepted and was fully execute to standard; we have three areas that need to be resolved, one is the reflectors that were requested at the Santa Creek location, those reflectors will be provided for safety. The second item at the 434 location, there's a little more digging of the dirt out from the downstream near the culvert, the contractor will "knock that out" before they demobilize. The third is, there are several traffic cones, safety items, traffic mitigation stuff that have to be removed before they can formally demobilize and say the project is closed, so at this time, my plan right now for the Corp of Engineers is to assemble not only the updated design documents to capture any design changes throughout the execution project, but also to capture the contract and provide a formal letter of completion from our District Commander Lieutenant Colonel, Jerry Hasbro, along with the geoboard maintenance

manual for the debris flow netting up at Rio de la Casa; that will be packaged together and formally be presented to the Commission.
Further discussion took place.

- 23. Executive Session: Limited Personnel Matters may include employee complaints and/or related investigations (may involve outside counsel, Nancy Long), the hiring process for the County Manager to include background check, contract negotiations and other matters related to the hiring; Threatened and Pending Litigation to include possible TROs and Injunctive Relief in two matters & HPPC, Isaac Martinez and John Paul Vigil Litigation**

Commissioner George Trujillo asked for a motion to enter executive session.

Commissioner John Trujillo made a motion.

Commissioner Veronica Serna seconded the motion.

All in favor on a roll call vote:

Deputy Clerk, Duran polled the board:

Commissioner George Trujillo	-	Yes
Commissioner John Trujillo	-	Yes
Commissioner Veronica Serna	-	Yes

Commissioner George Trujillo stated *for the record*, the new hire, County Manager will be joining us in executive session during the discussion on, hiring process for County Manager to include background check, contract negotiations and other matters related to the hiring.

Entered executive session at 1:21 pm

Commissioner George Trujillo asked for a motion to reconvene regular session after executive session.

Commissioner Veronica Serna made a motion.

Commissioner Trujillo seconded the motion.

All in favor on a roll call vote:

Deputy Clerk, Duran polled the board:

Commissioner George Trujillo	-	Yes
Commissioner John Trujillo	-	Yes
Commissioner Veronica Serna	-	Yes

Commissioner George Trujillo stated we will reconvene into regular session at 4:07 pm., and stated no actions taken or decisions made. The only items that were discussed were the items identified on the agenda.

- 24. Next Regular Meeting: December 21, 2023**

Commissioner George Trujillo stated the next regular meeting will be held on December 21st. The Commission will have a Special Meeting on Monday the 20th at 4:30 pm.

25. Discussion: Other Informational Items

See above.

26. Adjournment

Commissioner George Trujillo asked for a motion to adjourn.

Commissioner Veronica Serna made a motion to adjourn.

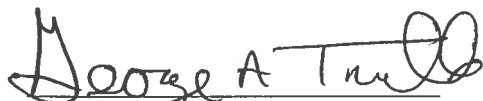
Commissioner Trujillo seconded the motion.

All in favor. Motion carried.

The meeting adjourns at 4:08 pm.



MORA COUNTY BOARD OF COMMISSION



George A. Trujillo
Chair



John H. Trujillo
Vice-Chair

Veronica M. Serna
Member

ATTEST



Carlos J. Arellano
County Clerk