

**MORA COUNTY BOARD OF COMMISSION  
DECEMBER 7, 2023  
SPECIAL MEETING**

**1. Call to Order**

**Commissioner G. Trujillo** called the meeting to order at 4:04 p.m.

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

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

**3. Roll Call**

**Deputy Clerk Duran** polled the board:

**Commissioner George Trujillo - Present**

**Commissioner John Trujillo – Present**

**Commissioner Veronica Serna – Present**

*Majority is present. Quorum has been met.*

**4. Approval of Agenda**

**Commissioner G. Trujillo** stated we have a quorum; we'll go to item number four approval of agenda. He then stated before I asked for a motion, I'd like to amend the agenda and bring item 11 after item four. He asked if there were any other amendments for discussion.

**Attorney Cruz** stated "Chairman, I believe that item 11 would go under item four and then item 12 would likewise follow."

**Commissioner J. Trujillo** made a motion to approve the agenda as amended.

**Commissioner V. Serna** seconded the motion.

*All in favor. Motion carried.*

***11. Executive Session: Limited Personnel Matters to including Hiring Process for the County Manager, Contract Negotiations and Background Check Process and Employee Complaints and/or Investigations***

**Commissioner V. Serna** made motion to convene into executive session at 4:06 p.m.

**Commissioner J. Trujillo** seconded the motion.

*All in favor, motion carried.*

**Deputy Clerk Trujillo** polled the board:

**Commissioner George Trujillo - Yes**

**Commissioner John Trujillo - Yes**

**Commissioner Veronica Serna - Yes**

**Commissioner V. Serna** made motion to reconvene from executive session at 5:31 p.m.

**Commissioner J. Trujillo** seconded the motion.

*All in favor, motion carried.*

**Deputy Clerk Trujillo** polled the board:  
**Commissioner George Trujillo - Yes**  
**Commissioner John Trujillo - Yes**  
**Commissioner Veronica Serna – Yes**

**Commissioner G. Trujillo** stated the Commission was back in session at 5:31p.m. After a 45-minute Executive Session no action was taken, or decisions made.

***12. Discussion/Action: Approval of Contract for County Manager Position between Mora County and Joseph Garcia***

**Interim County Manager Brad Sena** recommends the Commission approve this item. **Attorney Cruz** stated the following: as was presented previously, this contract largely tracks previous contracts for the position of county manager and does not include very significant changes. There's a negotiation process that takes place and the negotiation process, of course, does allow prospective employees to advance their position. Mr. Garcia's to be credited that he was fair and reasonable throughout that discussion on the contract. There is a severance provision within the contract that allows for one month's severance pay in the event that the employment relationship is severed without cause. Mr. Garcia again was very open-minded and reasonable in the discussions that took place, recognizing that Mora County does have a limited budget, and he did not ask for more. And as I indicated to you as commissioners, he's to be credited and commended for that reasonable approach within the negotiation process. There's also a slight shift in terms of the evaluation process as it relates to a potential increase in pay in the upcoming fiscal year. He will be evaluated a little bit earlier, so as to allow for any requisite budget adjustments in March or April. Those are the substantive changes in the contract. Otherwise, Mr. Garcia was treated equally and in the same way past applicants had been treated as well.

**Commissioner J. Trujillo** made a motion to approve.

**Commissioner G. Trujillo** seconded the motion.

**Commissioner V. Serna** stated for the record, I will abstain from voting in an abundance of caution, because as I've stated before, Mr. Garcia is my first cousin.

**Attorney Cruz** stated I can speak to this as well. We know that there's a familial relationship. Mr. Garcia and Commissioner Serna are first cousins. The public should know that this is not a nepotism issue. State law does not prohibit the hiring of an individual that is related in the way that Mr. Garcia is related to Commissioner Serna. Likewise, there's been discussion regarding the policy requirements that are set forth under Mora County policy and the personnel handbook does not prohibit the hiring of someone like Mr. Garcia based upon that familial relationship. The Commissioner has exercised her discretion out of an abundance of caution to avoid any concerns, but I just want to be very clear that from a legal perspective, it's not an issue as it relates to your hire.

- 5. Discussion/Action: A Resolution Authorizing Premium Pay to County Employees**  
**Attorney Cruz stated** items number five, six and seven can be tabled because there's a need for further dialogue with your County Manager.  
**Commissioner J. Trujillo** made a motion to table.  
**Commissioner V. Serna** seconded the motion.  
*All in favor. Motion carried.*

- 6. Discussion/Action: A Resolution Authorizing Withdrawal of Interest Proceeds Related to Senate Bill 6 Loans**  
**Commissioner J. Trujillo** made a motion to table.  
**Commissioner V. Serna** seconded the motion.  
**All in favor. Motion carried.**

- 7. Discussion/Action: Budget Resolution**  
**Commissioner J. Trujillo** made a motion to table.  
**Commissioner V. Serna** seconded the motion.  
**All in favor. Motion carried.**

**Commissioner G. Trujillo** stated, can you explain why, Tina.  
**Attorney Cruz** stated as follows: Mr. Chairman, when this agenda was being put together the primary objective, because the background check process, had been completed with regard to Mr. Garcia, was to be able to move forward with the hiring process. In the meantime, there are a number of issues that have needed attention. They were included in an effort to try to have the requisite documents ready for the commission. But this agenda was put together on Monday, and the turnaround was too tight. So, we're going to utilize the time tomorrow to visit with Mr. Garcia regarding these items. We'll be talking to the key staff members that are involved regarding these items as well. We will then come forward with the draft documents for your consideration likely at a special meeting next week. The item, with regard to the SB6 loans on the interest, that requires dialogue with DFAs legal counsel. That conversation should be happening soon. It's anticipated that the meeting will be happening on Monday on Tuesday of next week. But there's a need to, again, sit down and visit with Mr. Garcia and the key staff members so that we can all be on the same page regarding whether that's a little bit too aggressive, but we'll try to have all these items for you by that time.

- 8. Discussion/Action: Approval of Issuance of Request for Proposals for Disaster Consultant for the Hermit's Peak/Calf Canyon Wildfire Recovery Effort**  
**Commissioner G. Trujillo** stated, Mr. Garcia do you recommend we approve item 8.  
**Manager Garcia** stated, I recommend you approve it.  
**Commissioner V. Serna** made a motion to approve.

**Commissioner J. Trujillo** seconded the motion.  
**All in favor. Motion carried.**

- 9. Discussion/Action: Request by Singleton Schreiber, counsel in the HPCC Claim/Litigation Process, to enter into Subcontract with Cruz Law Office, LLC**  
**Manager Garcia stated,** I recommend you approve it.  
**Commissioner J. Trujillo** made a motion to approve.  
**Commissioner V. Serna stated,** I have a couple questions before we do that, first of all, Tina, I was going to ask are you going to be another attorney with him to split the 15% that they're getting paid? Or how's that subcontract going to work?  
**Attorney Cruz stated,** so let me just very comprehensively address the historical background as succinctly as I can. When the fire first occurred, there was conversation about the need for the county to retain legal counsel, because this is a massive disaster that the county is dealing with. I am primarily a plaintiff's attorney. This is the primary governmental client that I have. So, I thought that I would likely throw my name in the hat as any other firm with the plaintiff's background would likely do. So, what I advised the commission about early on was that because I would be interested in having another contract with the county, I should not be involved in the RFP because that would be a direct conflict of interest, and unfair to all of the offerors. So, the commission agreed with that and decided to retain the services of Steve Koppelman, who is an attorney and the past executive director of New Mexico Counties, who has experience with all things related to counties throughout the state of New Mexico. He served in that capacity for a number of years, and the Commission decided to retain Mr. Koppelman services. He worked directly with Sandra Romero on the RFP. I was not involved in the RFP, there was a firewall, if there was ever a need for communication that was between Steve Koppelman and Sandra Romero. I was not involved in that process, when the time came to evaluate the applicants, the firms that submitted their offers, I, likewise, was not involved in any of that process. I've been entirely removed from that process. I also know and recognize that there may be questions about my wanting to be involved in a second contract. So, I always err on the side of caution, and I fully vetted the issue. I researched it myself under New Mexico's Rules of Professional Conduct. It's not an issue. Having been a civil defense attorney in the past, what typically happens is you have a contract with a client and if they want you to do additional work, you get another contract. So that's no different than what we have here. In addition to that, I reached out to a former disciplinary counsel at the State Bar of New Mexico. His name is Bill Slease. He oversaw all disciplinary related issues within the disciplinary office, and he offers advice to attorneys. I presented this question to him in no small part because he previously represented counties when he was in private practice. I explained to him that I am the county attorney for Mora County, and there will be an opportunity at some point to submit a response to an RFP, which would be the equivalent of getting another contract with a client. I also explained I will be entirely disassociated and removed from the RFP process. Do you perceive that to be a conflict? And his answer was no. So, I fully vetted

the issue have been entirely removed from the process. The way that Steve Kopelman crafted your RFP, there's a provision which allows for a subcontractor. Singleton Schreiber would like to have me serve as a subcontractor. It would not be an additional request from the county; it would be a relationship between my office and Singleton Schreiber's office. But under the contract that they signed with you all, they need to get your authorization in order to move forward with having that discussion with my office. It will not increase the percentage that is going to be allocated under that existing contract with Singleton Schreiber. I haven't reviewed that contract, but I understand that the agreement is they would receive 15% of whatever is recovered for Mora County. So, my conversations with Singleton Schreiber would essentially be that I would receive a percentage of the 15%. So, it's not 15% plus whatever my office would receive, it's 15%, based upon the existing contract. There's no revision to the contract that's currently at play.

**Commissioner G. Trujillo stated**, in my opinion, I think it will be an asset for Schreiber, to hire you as a subcontractor. And you also Tina have been an asset to Mora County, because you've been here since the fire started. So, you have a lot of information that they're going to look for. So, thank you for them allowing you to do this, because it's helping us; it's helping the county, in my opinion.

**Commissioner V. Serna stated**, and I appreciate your explanation, because I think it's good for the public to hear how it's all going to work out.

**Attorney Cruz stated**, again, it's not changing the existing contract, you already signed a contract with Singleton. It was my hope that Brian Colon would be able to log on. I'll just explain what conversations we've had up to this point. They recognize the value of having the person that's been directly involved in representation of the county. They also recognize the value that I have been practicing for 22 years; 10 of those years representing public entities as a civil defense attorney, and the last 12 years representing plaintiffs in civil litigation. So, they understand the value of having somebody with that sort of broad-based experience. I will also say that they likely, if I was them this is how I would feel, that it's going to be a very positive relationship between the attorneys because I know Brian Colon well; we were in the same law school class and we have worked on different projects in the past and will be able to ensure that we're collaborating in a very positive way for the benefit of the county. More importantly, and this was important to me to be able to share this, for purposes of the minutes is, now, when this contract is negotiated between my office and the Singleton Schreiber firm, I am basically going to be in the same space as them, which means I don't get compensated for my work until the county gets compensated because you have a contingency fee agreement. So, you all as a county government, because of that contractual relationship, will no longer be paying me an hourly rate to be able to help with this, which is an added benefit to you all as a county.

**Commissioner G. Trujillo stated**, thank you Tina, I will second the motion.

**All in favor. Motion carried.**

**10. Discussion/Action: Approval of Minutes for (a) October 19, 2023, Regular Meeting.**

**Attorney Cruz stated**, Mr. Chairman, all these minutes were identified so that the commission would know what is outstanding. Typically, these minutes have typically been approved at regular meetings. But on occasion, they will show up on a special meeting agenda. They will be ready for approval at the meeting that's going to be scheduled next week. Item 10 needs to be tabled.

**Manager Garcia** recommends to table this item.

**Commissioner V. Serna** made a motion to approve.

**Commissioner J. Trujillo** seconded the motion.

**All in favor. Motion carried.**

**(b)October 31, 2023, Special Meeting;**

**(c) November 13, 2023, Canvass Meeting;**

**(d) November 13, 2023, Special Meeting;**

**(e) November 16, 2023, Regular Meeting; and**

**(f) November 20, 2023, Special Meeting**

**Attorney Cruz stated**, Mr. Chairman, there have been some slight delays because of staffing related issues and the election that happened. But the county has made great strides to ensure that these minutes are being approved in a timely fashion. I know that Mr. Rubin is participating with the Attorney General's office. There had been some questions regarding the posting of minutes after they've been approved. Stephanie Casados is to be recognized for uploading a whole series of minutes onto the website. She went and got training on the website. The minutes going forward are going to be posted after they've been formally approved and then also when they're in draft form, they'll be posted as well. Once these minutes are ready to be posted on to the website, they'll be posted in draft form and then once you approve them formally, the formally approved minutes will be substituting the draft. That's something that I've discussed with Mr. Rubin and something that I'll be talking to Mrs. Casados about in terms of process. Some of the delays are sort of a staffing issue. But now that we have the manager and, because you have Mrs. Casados being thorough and detailed, those issues have been addressed.

**Commissioner G. Trujillo stated**, before I go to item 13, I would like to thank Brad Sena for being our manager for the last three months. Thank you, Brad. Excellent work.

**Brad Sena stated**, Thank you for the opportunity.

**Commissioner G. Trujillo stated**, I also like to welcome Mr. Garcia, would you like to say a few words.

**Manager Garcia stated**, I appreciate the opportunity. Thank you, Miss Cruz, for all the work you did. And again, it's been transparent. I'm here to do the best job I can. This is your county. So onward, we have a lot of work to do.

Further discussion took place.

**11. Executive Session: Limited Personnel Matters to including Hiring Process for the County Manager, Contract Negotiations and Background Check Process and Employee Complaints and/or Investigations.**

Addressed earlier in the meeting after item 4.

**12. Discussion/Action: Approval of Contract for County Manager Position between Mora County and Joseph Garcia**

Approved earlier in the meeting after item 4.

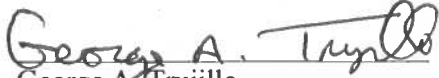
**13. Adjournment**

Commissioner V. Serna made a motion to adjourn at 5:53 p.m.

Commissioner J. Trujillo seconded 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

ATTEST:



  
Carlos J. Arellano  
County Clerk

