

**MORA COUNTY BOARD OF COMMISSION
FEBRUARY 1, 2024
SPECIAL MEETING**

1. Call to Order

Commissioner J. Trujillo called the meeting to order at 4:16 p.m.

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

All in attendance recited the Pledge of Allegiance and Saluted to the Flag of NM.

3. Roll Call

Commissioner George Trujillo – Present via telephone

Commissioner John Trujillo – Present

Commissioner Veronica Serna – Present

4. Approval of Agenda

Commissioner V. Serna stated I'd like to recommend that we move item 13 other informational items, up to item five.

Manager Garcia stated Mr. Chairman, may I just say what if we change that to 4a so that I don't get confused with the numbers.

Commissioner V. Serna made a motion to approve the agenda as amended.

Commissioner G. Trujillo seconded the motion.

All in favor. Motion carried.

4a. Attorney Cruz stated the county has received a number of agreements for grants that involve the volunteer fire departments. as Commissioner, Serna indicated, we have Bobby Cordova and Gabriel Cordova, who are attending. I guess one of the questions that first comes to mind relates to the timeline. How soon do you need to receive these agreements?

Gabriel Cordova stated, Good afternoon, everyone, my name is Gabriel Cordova, I am with the State Forestry Division and the Volunteer Fire Assistance Coordinator. So, the purpose of the grant and the timeline, the sooner we could get that document signed, I could submit that back to our legal department and we could get the contract in motion. And a little faster to move towards that notice to proceed letter going out to you guys.

Attorney Cruz stated thank you, Mr. Cordova. The reason why I asked that question is the only body that can approve contracts involving the Mora County is the county commission. So, we would need to present the various contracts as action items for approval by the Commission. The next meeting that is going to be held is later in the month. So, we'll need to talk to the Commission about scheduling an earlier meetings. So that was my primary question. Manager. If you have any other questions, feel free.



Manager Garcia stated Mr. Chairman, Miss Cruz, I know I don't have any questions. We get those approved for a special meeting. What would you recommend Miss Cruz?
Attorney Cruz stated Yes, I'm thinking a special meeting next week. I think. In total, there are 8 to 10 different agreements that have been circulated. So, I will review them. If I have any questions, I'll reach out to Mr. Cordova or Mrs. Cordova and get some answers to those questions. But the agreements seemed fairly straightforward.

Further discussion took place.

Commissioner Serna stated Mr. Chairman, if I may, just for the record, just reiterate the conversation that Bobby Cordova and I had yesterday. These are considered high risk grants. Because of our current financial audit situation. The most recent one has not been released yet. But based on our last audit, these grants are considered high risk. So, we will have to stay on top of them and comply with all the requirements on the grants.

Gabriel Cordova stated so I can give you guys a little bit of description on my portion of the grant. I know Bobby is our federal compliance coordinator. But with you guys being high risk, the things that I will need from each fire department individually so the grant is purchased protecting personal protective equipment, firefighting equipment, single items that are \$5,000 or more are not allowed to be purchased. And fire boots cannot be purchased as well. And due to you guys being high risk, we will need to be provided with at least two quotes from different vendors. And with the similar items that don't have to be the same net name brand. So, if you want to purchase like a byline pack, they can be different brands and just as long as they are similar. And then I will give you guys approval, which vendor you can utilize for that as well. And then we will be providing a high risk, quote sheet that will only be provided to us as well. So, with that being said, that's pretty much all I have. For you guys. If you guys have any questions, feel free to ask.

Further discussion took place.

Commissioner V. Serna stated, Bobby and Gabriel, if I may Mr. Chairman, would it be possible for you the two of you to meet with our county manager and probably whoever is going to be administering that grant in person sometime, right after we get those grants, the grant agreement signed, just so that we know exactly how to report and what you expect to see on those reports. And just to help our people become familiar with those forms.

Mr. Cordova stated, yes, we can make that happen.

Further discussion took place.

5. Discussion/Action: Resolution Authorizing Increase of Pay, Consistent with the Existing Budget, for Certain Employees

Attorney Cruz stated, Mr. Chairman, members of the commission, you have a resolution before you that is titled resolution authorizing increase of pay consistent with the existing budget for certain employees. The manager has now been in the position for approximately two weeks. One of the tasks that he performed was a review of the existing budget to identify those employees that are currently receiving salaries that are



under the budgeted amount. So, the request that is being set forth within this resolution does not increase salaries beyond the existing budget. It just gets employees to the budgeted amount in certain instances, in reviewing the budget, and I will say that the manager worked in coordination with the HR Coordinator, and then after they did their initial review, they asked me to sit in on some conversations where we had dialogue regarding what it was that the manager wanted to recommend. The following positions are currently positions for the salary is under budget. There's the Human Resources coordinator, a deputy assessor position, a deputy position within the Mora County Sheriff's Office, the planning and zoning director, DWI coordinator, solid waste operator in the Wagon Mound location, and the solid waste operator at the Watrous location. All are currently working below the budgeted amount. The manager upon identifying those positions that are under budget, for those that do not fall under his purview as a supervisor, he then went to visit with the Assessor. He also had an opportunity to, as I understand it, find out more regarding the MCSO position. So, within the resolution, you'll see that the deputy assessor position is not currently subject to a salary increase because the individual who currently works in that position needs to obtain some additional certifications. So, it was not recommended that that employee be elevated to the budgeted amount until those certifications have been obtained. With regard to the MCSO deputy position, that individual is working for a under budgeted amount because the employee has not yet obtained the certification through the New Mexico Law Enforcement Academy, which is why they're below. The moment that this individual gets certified, they will be elevated to the budgeted amount. The DWI coordinator position is currently vacant. The deadline for applications is Friday, February 9; this Friday. At that point, the HR coordinator in collaboration with the manager will work to do the requisite interviews, and then they'll be able to hire somebody for the position. They can then determine what the requisite rate of pay should be for that position, recognizing it'll be a new hire, determining what their level of experience is and making a decision as to what the rate of pay should be at that point. So that particular position is not being recommended for a shift in pay because you don't have somebody working in that position at present. The solid waste operator Wagon Mound has been employed with the County since 2003. So, he's been with the county for 21 years now. The individual who works as the solid waste operator in Watrous, has been employed with the County since 2022. So, there is a big difference in terms of years of service. Those are all the background facts that the HR Coordinator and the manager presented to me and in drafting the resolution, this is what the manager is now proposing. He is proposing that the Human Resources Coordinator, who currently works at a rate of pay of \$22.65 per hour, be elevated to the budgeted amount of \$25. That the Planning and Zoning Director who currently works for a rate of pay of \$18.50 per hour, be elevated to the budgeted amount of \$22.50. And then finally, the solid waste operator, who works in Wagon Mound, and who has been employed with the county for 21 years, be elevated from the current rate of pay of \$14 per hour to the budgeted amount of \$18 per hour. With regard to both of these solid waste operators, you need to know that they're not full-time



employees. And I'm sure many of you already know that they work, essentially an amended type of schedule. So that's what's being recommended as it relates to the other positions. The other position that could ostensibly be subject to an increase, that the manager would be authorized to consider a raise of up to 10%, which is the allowed amount under the personnel handbook for the individual who works as solid waste operator in Watrous who's been employed with the county for a year and a half, right. So, the manager can make that determination on his own under the policy and visiting with the employee reviewing past performance. Everything that you naturally would expect when considering a salary increase. And then of course, that the manager will set the salary for the DWI coordinator in accordance with the budget based upon the applicant's experience, qualifications and interviews. The resolution touches upon each of those positions that would be subject to getting the employees to the budgeted amount. For the two employees that are not yet in a place where they can be elevated in pay, the deputy assessor and the deputy, there are things that they can do to be eligible for a salary increase; and once that happens, there could be a separate resolution, if needed, at that point in time for your consideration. So that's what's before you. I'm happy to answer any questions. I know, the HR Coordinator is here as well, and we can walk you through the process if you have a need for additional information regarding what they did.

Further discussion took place.

Commissioner G. Trujillo made a motion to approve.

Commissioner V. Serna seconded the motion.

All in favor. Motion carried.

6. Discussion/Action: Resolution Authorizing and Approving Creation of Second Custodian Position

Attorney Cruz stated what you have before you now is a motion, not a motion a resolution, excuse me authorizing and approving creation of second custodian position. Under the current budget for fiscal year 2024, Mora County identified one custodian position, and one maintenance position. In the past, however, the employee who is currently designated for the maintenance position, has been performing the duties of a custodian. So, they're working under a job description for maintenance on paper, but what they're actually doing on the ground is the work of a custodian. And there's a problem in that, because you always want to make sure that whatever duties you've assigned to the employee, they're actually performing those duties in accordance with their job description. When you look at the budget, that employee is being paid as maintenance. But in terms of the work that individual is doing, it's the work of a custodian. In order to address and remedy that issue, the manager is recommending that the individual who is currently employed under the category of maintenance be designated custodian. You're being asked at this point in time to create a second custodian position. And this is an individual that's been working in this capacity as I understand it, for at least Mrs. Romero a couple of years, is that right, for a couple of years? This individual has been working as a custodian, but they have the wrong job description in file. So, you're not creating the



new position entirely, they're already doing that work. And what will end up happening with regard to the maintenance position is it will now become vacant; and depending on whether there's a budget, the manager can then advertise to fill the maintenance position. If there's not enough funding in the existing budget, well, then it can be built out in the upcoming fiscal year. The rate of pay for the individual that's currently classified maintenance, if you agree with this recommendation, will now be a custodian will remain the same rate of pay. It's the same rate of pay, so there's no shift in the rate of pay. And if you agree to the recommendation from the manager on this resolution, of course, the manager's office will then coordinate with human resources in the finance department to ensure that the correct classification is being documented, and to ensure that the job duties are clearly memorialized in the employee's personnel file.

Further discussion took place.

Commissioner V. Serna made a motion to approve.

Commissioner G. Trujillo seconded the motion.

All in favor. Motion carried.

7. Discussion/Action: Resolution Authorizing Newly Created Position in the Mora County Sheriff's Office Titled "Administrative Assistant/Finance and Grants Specialist"

Sheriff Padilla stated as we had discussed in prior conversation about us receiving, from the law enforcement recruitment fund, \$393,750. With this type of fund, this will allow us to create this position and to pay for this type of position to work in collaboration with our finance director, and as well as our HR Director, and keeping these grants up to date, filing all the proper documentation that is necessary on them. And also making sure that everything continues to go smooth within reporting, and also with DFA right, as following proper procurement as well. Because when it comes to DFA, if we're not following it, and we're not going step by step with them, you know, we'll lose. So, it's only our capital outlay, right, just due to the fact that right now we're receiving a large amount of money that's coming in, and we're dealing with a lot of other projects that are going on as well. So, with this extra money that is coming in, this will allow me to continue the flow of things going smoothly. And we'll be able to, again, continue to move in the right direction as well. This position will also again, they'll be working, side by side with our finance director and our HR person. And hopefully, you'll create less of a burden for me, I won't have to be dealing with the finance person at all, I'll be able to continue doing my duties as the sheriff to continue serving the constituents in the right manner, and just continue doing what I have to do. And bringing in the money. But again, also, I'll have this individual to help me out to oversee it and her or him whoever it might be, would work side by side with the finance director again. I would oversee it if need to be. But I won't be there as frequently as I am right now.

Further discussion took place.

Commissioner G. Trujillo made a motion to approve.

Commissioner V. Serna seconded the motion.



All in favor. Motion carried.

8. Discussion/Action: Resolution Authorizing Mora County Sheriff's Office to issue Retention Pay

Sheriff Padilla stated so this is our second year. So, this first allotment of money was going to be from House Bill 68. This was going to be what Ms. Cruz had spoken about very briefly about the first allotment of money that came in for the recruitment and retention fund. This will allow us to give the remainder of the money for the second year to the new hires that were hired to the Mora County Sheriff's Office and this resolution brought forth to you is for the amount of \$3,500 for the second year. This will be broken up amongst the amount of hires that are currently right there.

Further discussion took place.

Commissioner G. Trujillo made a motion to approve.

Commissioner V. Serna seconded the motion.

All in favor. Motion carried.

9. Discussion/Action: Extension of Contract with Bohannon Huston, to include "cap" increase.

Attorney Cruz stated Burt Thomas, is online as well. So Bohannon Houston has, of course, been under contract with the county for three years under a four-year contract, and the contract will now be subject for renewal in March. It's set to expire March 18, 2024. Under the 2021 contract, the first two years of the contract were in the amount of \$2 million. After the second year, the contract was subject to renewal in accordance with the contract itself. With the Procurement Code, what is allowed under both the contract and state statute is an increase cap in the amount of \$500,000. So, the first increase of \$500,000 occurred last year when you renewed. This will be your final renewal in the amount of another \$500,000 in accordance with the contract in the state statute. Naturally, there will need to be an RFP or whatever procurement process is going to be utilized. I would say the manager should start looking at that in the fall of this year; so, procurement and start building out the document the announcement you're getting the applicant. Ideally, what you would like to see is that you're having a vote on this, I would say by January, so that if there is a transition in who you hire, there's an opportunity for the two entities to confer. If there's not a transition as to who's hired and at least gives a signal to Bohannon Houston regarding what their continuing role is going to be. But yes, absolutely, you want to make sure that what does stay on the radar is the fact that this contract will be up March 18, 2025. So, you need to have a plan in place to ensure that continuity.

Further discussion took place.

Commissioner V. Serna made a motion to approve.

Commissioner G. Trujillo seconded the motion.

All in favor. Motion carried.



10. Discussion/Action: Resolution Authorizing Investment of Senate Bill 6 Loan Monies in Local Short Term Investment Fund Operated by the New Mexico State Treasurer's Office

Attorney Cruz stated the resolution that's before you is a resolution, which is near identical to the resolution that you adopted in the summer of last year, when the county received the first for zero interest loans. Through Senate Bill 6, the Commission decided that it would like to safeguard those funds with the State Treasurer's Office. Since that time, the county submitted an additional request for loan funding to DFA and the State of New Mexico and DFA has approved a fifth loan. That fifth loan is going to be processed very soon as I understand it. So, it's currently before DFA awaiting approval by the Secretary of the department. Once the agreement has been formally executed by DFA. The funds will then become available to the county and in order to get a jumpstart so that you're prepared to safeguard those funds once they become available. In consultation with the manager, it was decided that you all should be voting upon this present resolution; the main differences that identifies the new loan number, as you see in the "now therefore" section at page 29 of your packet. This loan is in the amount of \$11,350,958.38. So once these funds become available, they'll be deposited in the State Treasurer's short term investment fund. The same exact requirements that were in place under the prior interim county manager are in place. You will allow the deposit to be made. If there's going to be a withdrawal, it will need to be presented by way of a resolution and only upon presentation of that resolution to the Commission for consideration.. So that's what's before you at this time. Again, it's in harmony with the prior resolution. And it essentially enables the manager to make sure those funds are safeguarded in a quick and efficient manner. And, more importantly, you're accruing interest very quickly because you're making that deposit without having to wait for the commission to vote on this at a later date.

Commissioner V. Serna stated Mr. Chairman, I just asked him for clarification, and I know that it's our practice to do it the way we've been doing it. And I think it's absolutely correct, it's just the language doesn't seem to, to concur with the way we've been doing it, it states here. The following officers and their successors are authorized to order the deposit or withdrawal of monies in the local short term investment fund. And then it says, down here, that the county commission authorizes the county manager, interim county manager, and/or finance director from our county to deposit monies in the account. The people elected, a treasurer, who is tasked to do that responsibility and in accordance with a commission on this, but these people can't do the actual deposits or withdrawals, it has to be the treasurer. They're doing it, it's just not stated in the resolution. As long as we coordinate together, and it happens. I mean, I think it might be okay. However, it does say the treasurer is responsible for the collection of taxes, penalties, and interest under the property tax code. The Treasurer also supervises the deposit safekeeping and investments of all county funds. So, in complying with the treasurer responsibility, and because he's an elected official, I think we just need to work together and make sure that we follow that.



Attorney Cruz stated, So I don't know that the resolution is problematic in that maybe the language can be cleaned up. But I believe that we received a draft of a resolution from the treasurer's office. So, in some ways, it was modeled after that.

Commissioner Serna stated we've been coordinating with each other. It's just not stated in the resolution. But just for the record, I wanted to stay right. So that everyone understood they did elect a Treasurer, and that is the treasurer's responsibility. And we will continue working that way. And I think it's been harmonious all along. But just for clarification.

Attorney Cruz stated, the way it's currently written, it says the officers and successors authorized to order the deposit or withdrawal of monies from the account are the county manager, interim county manager and or finance director. I think in terms of how that draft was sent to us and the way this was ultimately put together. The county manager would order, by way of talking to the treasurer's office, you can deposit this now in this account or if there's going to be a withdrawal, here's the resolution that authorizes you to make the withdrawal.

Further discussion took place.

Commissioner G. Trujillo made a motion to approve.

Commissioner V. Serna seconded the motion.

All in favor. Motion carried.

11. Discussion/Action: Resolution Approving County Manager Recommendation to Safeguard County Complex Construction Funding in an Interest-Bearing Account

Attorney Cruz stated, Manager Garcia, as we talked about earlier today, in reviewing the agenda, a resolution has not been presented to the Commission on this item. We know what you would like to see happen, but there was some additional research that needed to take place before you could make a final recommendation on this item. This will need to be tabled for now. But the overarching point that the manager made is an important one. He went back and started reconciling various accounts. And, as it related to the county complex construction funding, he's talking about both the GO bond, which I believe is in the amount of \$1.9 million, and then the Franken settlement proceeds in the amount of \$775,000. That money is currently sitting in your general account. And it's only accruing .25% interest. You could ostensibly place it in the state treasurer account, where you would be seeing the rate of return of 5%.

Further discussion took place.

Commissioner V. Serna made a motion to table.

Commissioner J. Trujillo seconded the motion.

All in favor. Motion carried.

Attorney Cruz stated I would just quickly add, because we're going to be moving into executive session now, that the regular meeting, which is scheduled to take place on February 15, will be taking place later in the month. And that's something that's going to be subject to discussion by the manager along with the commissioners to identify the date



for the rescheduled meeting because there's a scheduling conflict as I understand it. For the benefit of the public, we're letting them know that that meeting will not take place as scheduled.

12. Executive Session: Limited personnel matters to include employee complaints and investigations; Threatened litigation including possible temporary restraining orders; and pending litigation to include matters involving Isaac Martinez and John Paul Vigil.

Commissioner G. Trujillo made a motion to convene into executive session at 5:58 p.m.

Commissioner J. Trujillo seconds 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 V. Serna made a motion to reconvene from executive session at 7:29 p.m.

Commissioner J. Trujillo seconds the motion.

All in favor on a roll call vote.

Deputy Clerk Duran polled the board:

Commissioner George Trujillo – Left after executive session.

Commissioner John Trujillo - Yes

Commissioner Veronica Serna – Yes

13. Discussion: Other Informational Items

14. Adjournment

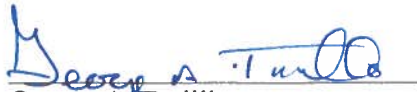
Commissioner V. Serna made a motion to adjourn at 7:31 p.m.


Commissioner J. Trujillo seconded the motion.

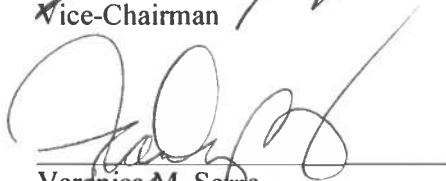
All in favor. Motion carried.




MORA COUNTY BOARD OF COMMISSION


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Chairman


John H. Trujillo
Vice-Chairman


Veronica M. Serna
Member




Carlos J. Arellano
County Clerk

