

## Regular Meeting March 27, 2024

### 1. Call to Order

**Chairman George Trujillo** called the meeting to order at 3:32 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 the Flag of the State of New Mexico.

### 3. Roll Call

**Deputy Clerk Vivian Trujillo** polled the board:

Commissioner George A. Trujillo	-	Present
Commissioner John H. Trujillo	-	Present
Commissioner Veronica M. Serna	-	Present

### 4. Approval of Agenda

**County Manager Joseph Garcia** stated I recommend table item 10. a.- e.

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

**Commissioner V. Serna** seconded the motion. *All in favor. Motion carried.*

### 5. Public Comment\*

**Kathy Martinez** spoke during public comment. Ms. Martinez stated I am here for the storage units that are going up in El Alto, directly in front of my grandmother's house. There are some questions that I would like to ask. Were the proper procedures followed? When was it permitted? What's the due process?

**Manager Garcia** stated I received a call from your brother Robert. He had a complaint that there was a storage facility going up in front of the house. I explained the process that was followed by our Planning and Zoning department. I explained to him that the applicants, Jessica and Garrick Martinez applied for it, and it went through the Planning and Zoning Committee. Your brother was notified. He told me he was notified in writing, but he couldn't attend because of his mother. **Planning and Zoning Director, Brad Sena** stated they did obtain a building permit for their building for their storage units. The next step was to have the public hearing and everybody within 1200 feet was notified.

**Robert Martinez** spoke during public comment. Mr. Martinez stated I believe that due process was not followed. This building was erected and put up sometime before July 9 of 2023. We were not notified in a timely manner; this building went up way before we were notified. So that is the biggest complaint that we have. We didn't have knowledge of it; we got a letter in February. We dismissed it due to health reasons, and caregiving. This building's been up for almost a year, and we finally get some kind of a legal notice, and because we missed it by one day, they said, "it's too late, it's a done said deal". My understanding is that yeah, Zoning and Planning, they did their job. Okay. They passed it, but he says there's still a chance to protest it, because the Commission needs to approve it. I'm asking the Commission to at least table this until further investigations because the due process was not followed.

**County Attorney, Ernestine Cruz** stated the Manager's office was approached by the Martinez's seeking to have an item on the agenda, but it was ill defined, and now that they've described what it is that they're seeking, we can certainly get back to them regarding what that process is. That's not to say that they have not missed a deadline, because I don't know the full totality of the circumstances and the underlying facts. I would need to visit with Mr. Sena to get a better understanding as to what those facts are, before I could definitively say what the process going forward might look like. I don't want to give you false hope that this is something that's appealable if a deadline has been passed, but I would ask the Commission... (statement was not completed) Chairman, members of the Commission, I can at your direction, visit with Mr. Sena, and I can certainly also reach out to the Martinez's to make sure that we have a complete understanding of everything that took place. I can likewise visit the Manager, and we can proceed with this.

Further discussion took place.

**6. Discussion: Quarterly Report Presentation of Activities of Mainstreet Ilka Villarreal**

**Mainstreet President, Ilka Villarreal** presented the quarterly report. Ms. Villarreal stated I would like to express some of the highlights of what we've been doing this first quarter of 2024. Mainly it's been organizing our board. We have two projects that are going to take place in front of the library. One is with the capital outlay through New Mexico Main Street, and the other one is a wayfinding and community space. There was also a volunteer management project where I will go and engage the community and request support in our activities and different parts of these projects. The main thing that we've been working on this quarter has been getting ready for the Mora Market that is going to take place in May and June. The objective of this market is not only for having crafts people present and showcase your products, but also to showcase Mora historic preservation. The other thing I wanted to mention was that last year, Hatchas restaurant received the historic small restaurants grant, this was the second restaurant in New Mexico. This was a competition all over the United States. We are encouraging the businesses that are here to help us revitalize the economy and make it a beautiful place to visit and enjoy. The Commissioners will also receive the accreditation report that was sent by New Mexico Mainstreet with recommendations. I want to express my great appreciation for the County support in getting this ready.

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

**Manager Garcia** presented the update. Mr. Garcia stated I have an email from Mr. Larry Garcia that reads as follows "My apologies for not being able to attend Wednesday's Commission meeting. Our last meeting was on March 12th and our scheduled meeting is on April 9th at 1pm. There are four positions within our committee that terms will be expiring. Election will take place for Chairman, Secretary, Parliamentarian and Public Relations Liaison. We were invited to participate at the annual Easter egg hunt and community resource booths at Coyote Creek State Park. The turnout was excellent. Lots of happy kids and families. We are still planning the annual retirement flag ceremony. The date of the ceremony will be on the same date that the VFW and the Veterans Services will host their resource date and the date is June 21st from 10 to 2. To conclude, the Veterans Committee continues to request a meeting with Lloyd and Associates. The Mora County Veterans Memorial Committee continues to thank our County Commissioners for their continued support of our memorial project. Thank you, Larry Garcia."

**8. Discussion: Project Status**

**a. EMS Facility and Communications Repeaters Alex Tafoya**

Mr. Tafoya is not present. Report included in packet.

**Attorney Cruz** stated Mrs. Casados coordinated a meeting with DFA to confirm that the request for an extension had been received and was being processed. In attendance at that meeting was Mrs. Casados, the EMS Director and Alex Tafoya. The individual that presented on behalf of DFA did indicate that the request had been submitted and received, but there had been a delayed response because they've been handling a lot of requests for extension. The individual did make clear that DFA is very supportive of Mora County, and that the request was going to be approved and that the County should be receiving that confirmation soon. I would recommend to the Manager's office that they monitor the email correspondence or mail over the next two weeks, and if you have not received anything within that time, just follow up, but it's essentially granted. It's just a processing issue at this point.

**b. Special Projects Committee Paul Cassidy**

**Special Projects Committee Chair, Paul Cassidy** presented the project status. Mr. Cassidy stated the Special Projects Committee (SPC) last met on February 21<sup>st</sup>. On March 20<sup>th</sup>, the SPC meeting was cancelled. March 18<sup>th</sup>, the SPC Chair was notified of a proposed CDBG grant potential for the EMS facility. The architects made a budget and it's determined that \$704,000 budget would be very helpful to finish out the site work related to EMS. I was notified on March 18<sup>th</sup> by architect Wayne Lloyd of receipt of engineering proposals for drainage and related services for the recreation, veterans, and plaza projects. That's important to complete the next step, which is the bid package to get it down the line further so that the SPC can assist the Commission in revealing the site plan.

**9. Discussion/Action: Approval of Manager to Sign CDBG Grant Extension**

**Attorney Cruz** stated the question presented for you by way of this action item relates to any documents that are going to be forthcoming from DFA that will require a signature and what you would be doing by way of this item is authorizing the County Manager to sign any requisite documents related to that extension that we discussed earlier by way of Commissioner Serna.

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

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

**10. Discussion/Action: Approval of Minutes**

**a. November 20, 2023 - Special Meeting**

**b. January 25, 2024-Special Meeting**

**c. February 1, 2024-Special Meeting**

**d. February 9, 2024- Special Meeting**

**e. February 29, 2024- Regular Meeting**

**Attorney Cruz** stated item number 10. b should have read regular meetings. So that amendment is required, and when I got started with moving forward with the edits, which had already commenced, I had COVID earlier in the month. So that pushed things back on my end. So that's why you're going to have to consider them at the next meeting.

**Commissioner G. Trujillo** called for a motion to table item 10. a-e.

**Commissioner J. Trujillo** made a motion to table item 10. a.-c.  
**Commissioner V. Serna** seconded the motion. *All in favor. Motion carried.*

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

**a. Elected Official(s): County Assessor, County Clerk, County Treasurer, and Sheriff's  
County Assessor – No Report**

**County Clerk – Deputy Clerk/Bureau of Elections, Vivian Trujillo** presented the Clerk's report. Mrs. Trujillo stated March 11<sup>th</sup> was election filing day. There are 3 positions within our County; County Commissioner District 3, John Trujillo seeking reelection, County Treasurer Rumaldo Pino, seeking reelection, County Clerk, I filed. No opposition for those positions. The other 2 that were filed within our County were a State Senator, Dr. G. Michael Lopez and State Representative Diego Olivas. Those are the 5 positions for the Mora County ballot. We have been in communication with cybersecurity personnel from Santa Fe, to discuss how we can do better with cyber security for our County and for our office. They asked us if we would consider switching from .com to .gov. I will work with the Manager on how to proceed with that.

**County Treasurer – No Report**

**County Sheriff – No Report**

**b. Department Head(s)**

**1. EMS; - No Report**

**2. Planning and Zoning Department; and**

**Planning and Zoning Director, Brad Sena** presented the report. Mr. Sena stated the Planning and Zoning Committee will be meeting April 10<sup>th</sup> at 11am.; the second Wednesday of the month. I have put out an advertisement for the Lodgers Tax Committee, and also for the Road Viewers Committee for County Road C-007 in Wagon Mound. The deadlines for both of those committees are April 5<sup>th</sup>, which is on a Friday. The Road Viewers Committee has three members. Only 1 member can be an adjoining property owner, the other 2 cannot. They just submit a letter of interest to me, and then I make the recommendation for the committee to be appointed by the County Commission. The 3 committee members along with Ms. Cruz and the Manager go out and analyze the site and see the width and length of the road and have another meeting with the committee, and then the recommendation to the Commission.

**Attorney Cruz** stated I believe we have two meetings, a presentation on the petition as well as a site visit. Following that meeting, the committee got together because there was some additional research that the Planning and Zoning Committee had to do in collaboration with the Road Department. Part of that had to deal with a discussion regarding costs and expenses. The committee wanted to have additional information regarding how much that project would encumber the County in terms of finances. The committee at that point voted. In my capacity, as the Chair of the committee, I was not a voting member, I merely led the meeting and helped direct the committee as to how they can move forward with their process. Your Road View Committee Policy allows for either the County Attorney or the County Manager to Chair the meeting. During part of the public notice that comes along with the road viewer committee notice is there's an opportunity for the public to present and to be heard through a meeting. The committee receives public comment for consideration, relying upon the public comment, the

presentations from staff, the in-person observations that are made at the site, the committee then makes a recommendation that is presented to the Commissioners for final consideration.

**3. Road and Solid Waste Department**

**Road Superintendent, John Romero** presented the report. Mr. Romero stated. The roads are a muddy mess. The crew has been doing some work on all the roads. Monte Aplanado, Tramperos and Chacon are being worked on today. Further discussion took place.

**c. Fire Administrator**

**Fire Administrator, Kristopher Romero** presented the report. Mr. Romero stated the only thing I had to report was about the water tank. I believe we're moving forward with it and possibly putting it up for bid on Friday. Is that correct?

**Attorney Cruz** stated the RFP that will be issued on Friday is going to be at the level that it needs to, so that individuals who intend to respond have a fully detailed and comprehensive RFP that's going to result in greater benefit to CHET when that project is finally brought to conclusion. I understand that Mrs. Encinias contacted the Las Vegas Optic today to advertise on Friday, and the RFP will be posted to the website on Friday.

**Mr. Romero** stated I brought to Mr. Garcia's attention about a letter for the project that's going on in Watrous for the septic tank. Ms. Tina, is there any way we could write a letter to move forward with this project? Do you think that will be helpful for us to get the proper paperwork in place? Due to the Fire Department being built on a county road instead, we don't have a deed to tie it in. The personnel that were trying to insert a new separate septic tank does not have the proper paperwork to get the permits.

**Attorney Cruz** stated I would recommend that the Commission provide me with the direction to work with your County Manager and Mr. Romero to determine what process could be implemented to provide any requisite documentation.

Further Discussion took place.

**d. County Manager**

**Manager Garcia** stated we did hire a new CFO; he'll be here tomorrow. Triadic will be here as well, they were at the Treasurer's office all day today, and tomorrow. We'll have our new CFO, Mr. Becerra, here in the morning, trying to make sense of all the finances. We hired the Jaramillo Accountant Group, they've been hard at work, trying to reconcile all of our finances. They've shared some of that with us, I've shared it with you all through email. Once we get all this in order, I think we'll have more to report at the next meeting.

**e. Human Resources**

Report provided in the Commission packet (see attached report).

**f. County Commission**

**Commissioner J. Trujillo** asked if anyone had an update regarding the wood.

**Manager Garcia** stated I did contact the Manager in Taos and ask them about how they processed and got the wood to the folks, and they utilized the land grant. The land grant was able to orchestrate how to get it to the people, so I don't think that's something that we have access to here. We do have a land grant, but I don't think it's active.

Further discussion took place.

**Commissioner G. Trujillo** stated we will work on it and come up with a plan on how to proceed.

**g. Announcements**

**Deputy Clerk/Bureau of Elections, Vivian Trujillo** stated the Clerk's office will be closed April 10<sup>th</sup> through April 12<sup>th</sup>, staff will be attending Election School in Albuquerque.

**12. Discussion/Action: Resolution Approving of E911 Address Verification Fees Brad Sena, Planning and Zoning**

**Planning & Zoning Chair, Joseph D. Weathers** presented the item. Mr. Weathers stated we're presenting to you a resolution of a fee to be allocated for the E-911 addresses right now. This is coming from the Planning and Zoning. Right now, we're charging zero. So, what we're asking is for an increase to \$3 for the E-911. I know there's a concern that \$3 is a lot of money, but most of these E-911 addresses are for the FEMA claims and most of these folks are getting reimbursements for smoke damage, which starts at I believe \$35 a square foot so I don't believe that the County should be... entitlement but a reasonable fee be charged and that was the wishes of our committee. We are asking that \$2 go to the General Fund and \$1 go to the line-item fund of the Planning and Zoning.

**Manager Garcia** stated I recommend that you accept this and approve it.

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

**Commissioner V. Serna** seconded the motion. *All in favor. Motion carried.*

**Commissioner G. Trujillo** asked for a motion for a 15-minute recess.

**Commissioner J. Trujillo** made a motion to take a 15-minute recess.

**Commissioner V. Serna** seconded the motion. *All in favor. Motion carried.*

*The Commission entered recess at 4:56 p.m.*

**Commissioner V. Serna** made a motion to reconvene regular session after a short recess.

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

*The Commission reconvened regular session at 5:15 p.m.*

**13. Discussion/Action: Resolution Approving Mora County's 2024 Road Log**

**Attorney Cruz** stated Mr. Romero at this time, does not have an administrative support staff member. So, he was not able to present you with a road log that has the correct dates listed. For purposes of your resolution, the correct dates will be listed indicating adoption as of today's date, March 27, 2024, that's on the cover page. In addition to that, at the top of each page of this road log, there is the date of 2023 certified county-maintained mileage report, so that will be changed as well to reflect 2024. The other notable change that Mr. Romero has made to this log will be found on page 3, road B-006, El Camino del Monte. You'll see a handwritten note there, and it reads from State Road 121, Northwest 1.57 miles. Instead of it reading 2.70, it will now read 1.57. That's the only change that has been proposed to this log.

**Commissioner V. Serna** stated *for the record* I just wanted to say that Mr. John Paul Vigil had several years ago brought to my attention the Tramperos road. It says it's 4.3 miles here, he says that that's incorrect. I don't know what he used to measure it, but I just wanted to say that for the record, we need to get that road re measured, and get that mileage corrected.

**Attorney Cruz** stated my understanding is that Mr. Romero measured the entire length of that road, I believe, because when I did the inspection with Mr. Vigil back in November of 2021, he

was basically measuring from the entrance that one of the inferring points of Tramperos to the other point where you're able to see from highway to highway. If there's that additional portion that was explained, you can adopt this road log as it is currently presented with direction to the Road Superintendent to confirm Tramperso and if he confirms it based upon what's been described by the Chairman, then you're fine, but if there is a discrepancy, it can be changed. I would think that there is no discrepancy but based upon what Commissioner Serna raised, I think that of an abundance of caution there's no harm verifying.

**Commissioner G. Trujillo** stated I would like to have a meeting and go line item by line item and maybe even include the DOT.

**Jude Regensberg** stated *for the record* I submit known problems, they are as follows: 1. County Road A-045 reported mileage of 6.1 miles, the ending description of County Road A-045 is ambiguous. This has led to private property owners installing locked gates which in turn has started the litigation process for access with property owners on the Montoso Mesa, Ocate Mesa and Los Frebres Mesa. 2. County Road B-030, recorded mileage of 2.0 miles, no references made to the closure of a certain portion of County Road B-030, by court order please see D-30-CV-200900039, 4th Judicial Court. 3. County Road C-018 reported width of 40.10 feet, a cattle guard plate in place on County Road C-018 measures 25 feet in width, where is the remaining 15 feet on County Road C-018? This is the tenth year of addressing the Board of County Commissioners with discrepancies of the road logs.

Further discussion took place.

**Attorney Cruz** stated my thought would be that you would want to have this log in draft form presented to your Commission in either January or February, so that they can provide feedback, engage in an open dialogue regarding any questions or concerns that they have, so that your Road Department can then present the final draft for consideration in March so that you're meeting the requisite timeline in place by DOT.

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

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

**14. Discussion/Action: Expenditure Report/Budget Report Edna Sena, Finance Director**  
**a. Expenditure Report - 2024 b. Budget Report - 2024**

**Commissioner V. Serna** made a motion to *table* item 14. a. and b.

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

**15. Discussion/Action: Resolution Regarding Fiscal Year 2023 Audit**

**Attorney Cruz** stated I heard from Auditor Chris Garner early this morning, he left a message indicating that he was not going to be available today. So as a consequence, you need to table this item until he can make himself available. There is an issue with regard to one of the audit findings that was incorrectly identified in the audit, factually. I have reached out to the State Auditor's Office to ascertain how we can appropriately go about addressing that particular audit finding. Last week, I was in communication with the State Auditor's General Counsel, Andrea Salazar and she is working to get additional information from the auditor staff to make sure that the County is addressing that audit finding in a way that does not violate the rules and follows process but more importantly, also shines a light upon an incorrect factual narrative. We're going to make sure that process is followed because that's important, and I'm waiting to hear back from Ms. Salazar to determine what those next steps are.

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

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

**16. Discussion/Action: Resolution Approving Creation of New Position Titled "Maintenance and Facilities Supervisor" and Job Description**

**Manager Garcia** stated we need approval so we can move forward on this. This is for the next fiscal year so we can include it in our budget. I know Commissioner Serna has mentioned the need for a facilities Manager, and I agree. We have a lot of items that could be fixed. We have to maintain all our facilities, if not, they just start falling apart. We have several issues, and I don't want to keep relying on contractors. I recommend approval.

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

**Commissioner V. Serna** seconded the motion. *All in favor. Motion carried.*

**Attorney Cruz** stated there's some minor things within the job description that need cleanup, I think the essence of it is on point, just some small items that need to be adjusted, otherwise, this is ready for you all to vote on. The friendly amendment would be that you authorize the Manager to work with the HR Coordinator and Legal Counsel to clean up the job description.

**17. Discussion/Action: Resolution Approving Pursuits of Federal Funding for the EV Charging Grant**

**Attorney Cruz** stated Ms. Fonseca reached out to the Manager and advised him of this opportunity for an electronic vehicle charging station grant, by way of this resolution, you would be authorizing North Central to draft the grant application and you would also be authorizing the County Manager to sign any documents in connection with the grant as well.

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

**Commissioner V. Serna** seconded the motion. *All in favor. Motion carried.*

**18. Discussion/Action: Resolution Approving Mora County's Direct Payment for the Swift Water Training**

**Attorney Cruz** stated the resolution before you is one of necessity, the swift water training is something that you need to have your First Responders undergo to ensure that the members of the public are properly safeguarded against flood conditions. The concern here is that if you accept \$35,000, from FEMA, to perform the Swiftwater training, it could ostensibly preclude you as a County Government, from receiving full compensation for what you're going to need in order to address Swiftwater rescue. As such, the recommendation from your legal counsel Singleton Shriver and your County Attorney is that it would be wise for you to take that initial expense on and make sure your first responders are properly trained, hope that FEMA will be able to address that problematic language as it relates to partial payments so that you don't have to worry about it in the future, but you just don't have the time to wait. What the FEMA lawyer indicated is that updating that release takes time because of the federal bureaucracy. Communicating with Sheriff Padilla, I understand that he has been in contact with the individual that's going to provide the training, and he can do so in a couple of weeks, you just need to authorize your County Manager to cover that expense.

**Manager Garcia** stated I recommend approval.

**Commissioner V. Serna** made a motion to approve as recommended by Manager Garcia.

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



**19. Executive Session: Employee Complaints/Investigations; Threatened Litigation (Discussion of outstanding Tort Claims and possible TROs); Pending Litigation (Isaac Martinez, John Paul Vigil, Gerardine Vigil-Bartels and Anthony J. Vigil) matters**

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

Commissioner J. Trujillo made a motion to enter executive session.

Commissioner V. Serna seconded the motion. *All in favor on a roll call vote:*

Commissioner J. Trujillo - yes

Commissioner V. Serna - yes

Commissioner G. Trujillo - yes

The Commission entered executive session at 6:21 p.m.

Commissioner G. Trujillo asked for a motion to reconvene regular session.

Commissioner J. Trujillo made a motion to reconvene regular session.

Commissioner V. Serna seconded the motion. *All in favor on a roll call vote:*

Commissioner J. Trujillo - yes

Commissioner V. Serna - yes

Commissioner G. Trujillo - yes

The Commission reconvenes regular session at 7:38 p.m.

Commissioner G. Trujillo stated after executive session, no action was taken, or decisions made. *For the Record* Manager Garcia had to leave the meeting.

**20. Next Regular Meeting: April 18, 2024**

Commissioner G. Trujillo stated the next regular meeting is April 18, 2024, and we are having a Special Meeting on Thursday, April 4<sup>th</sup> at 4:00 p.m.

**21. Discussion: Update on Pending RFP's**

Attorney Cruz stated the CHET RFP is going to be advertised beginning on Friday, and it will be posted to the County's website. I believe it's going to be open for a period of 4 weeks, and then next Friday, the County will be posting its RFP related to propane. I'm working with Ms. Encinias on that; that RFP will be forthcoming as well.

**22. Discussion: Other Informational Items**

Dialogue took place regarding setting up a work session to discuss the road log. Attorney Cruz and the Managers office will coordinate a meeting with DOT.

**23. Signing of Approved Documents**

The Commission signed the approved documents.

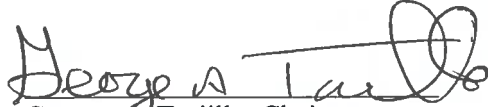
**24. Adjournment**

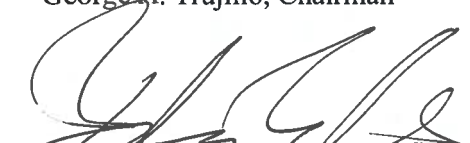
Commissioner V. Serna made a motion to adjourn.


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

The meeting was adjourned at 7:48 p.m.

MORA COUNTY BOARD OF COMMISSION

  
George A. Trujillo, Chairman

  
John H. Trujillo, Vice Chairman

  
Veronica M. Serna, Member

ATTEST:

  
Carlos J. Arellano, County Clerk

