

Special Meeting

April 19, 2024

1. Call to Order

Vice-Chairman John Trujillo called the meeting to order at 4:05 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 Elena Duran polled the board:

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

4. Approval of Agenda

Commissioner V. Serna stated I would like to recommend moving item number seven up on the agenda, before executive session.

County Attorney Ernestina Cruz stated that item is not ready for consideration today. The recommendation will be that it be tabled.

Commissioner G. Trujillo made a motion to approve as presented.

Commissioner V. Serna seconded the motion.

All in favor. Motion carried.

5. Executive Session: Pending Litigation Update- John Paul Vigil

Commissioner G. 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 4:07 p.m.

Commissioner J. Trujillo stated coming out of executive session at 5:38 p.m.

Commissioner V. Serna made a motion to reconvene regular session.

Commissioner G. Trujillo seconded the motion.

All in favor on a roll call vote:

Commissioner J. Trujillo – yes

Commissioner V. Serna – yes

Commissioner G. Trujillo – yes

Attorney Cruz stated the County Commission met in executive session to receive a pending litigation update in the John Paul Vigil matter. The Commissioner and I, along with the Manager, attended a day-long mediation, and that was the substance of the Executive Session, no decisions were made, and no action was taken.

6. Discussion/Action: Approval of Mediated Agreement in the John Paul Vigil matter

Attorney Cruz stated it was titled “discussion/action approval of mediated agreement in the John Paul Vigil matter”, there is no need for any action to be taken on that matter. I recommend that you just move forward with item number seven.

7. Discussion/Action - Resolution involving Gomez v. Mora County Default Judgment

Attorney Cruz stated item number seven is titled “discussion/action resolution involving Gomez versus Mora County Default Judgment”. This is an item that is going to require some additional attention from the Commission. I will be recommending to the County Manager that we schedule a site visit with the full Commission, so they have a clear understanding with regard to the action that needs to be taken related to the road log. This litigation commenced in 2009; filed by the plaintiffs against the Mora County Commission. At the time, the County Commission did not file a responsive pleading, and as a consequence, a default judgment was entered against Mora County. In 2016, the court made a final determination on that default judgment. As a consequence, the County has not updated the road log related to that decision of the court, pertaining to the abandonment of B030. To ensure that the County Commission is making an informed decision, I will ask for the site visit. I have done that previously with your Road Superintendent, John Romero, and we will be doing the same exercise with the Commission, the Manager, and the Administrative Assistant. Therefore, my recommendation at this time is that you table item number seven.

Commissioner V. Serna made a motion to *table* item number seven as recommended by the County Attorney.

Commissioner G. Trujillo seconded the motion.

All in favor. Motion carried.

8. Discussion/Action: Resolution Approving Mora County’s 2024 Road Log

Attorney Cruz stated what you have before you is a proposed resolution approving the road log. The County needs to provide a road log to the New Mexico DOT on an annual basis. There had been some unanticipated delays and a need for some additional site visits. Mr. Romero, with Monica Mondragon the Administrative Assistant in the Road Department, did a lot of work over the course of the last week to reconcile the various roads. What you have before you is the road log that has been finalized through the diligent efforts of Mr. Romero and Ms. Mondragon. Ms. Mondragon is new to this process, but she proved herself to be more than capable producing a good work product and is to be recognized for her efforts in this regard.

As it relates to B006, I want to make note of the fact that this road continues to be in pending litigation. The court has not made any determinations regarding this county road. As a result, the recommendation that we have received related to this road is that it needs to be identified in the same way that it was last year, and that is why you will see that B006 is categorized with the exact same language as last year and years prior to that as well. We know that there are members of the Commission that disagree with that length of the road. We also know that there are facts that suggest that the road has been a county road. By providing this road log, the County is going

to make clear to New Mexico DOT that this matter continues to be in litigation, it's yet to be resolved. The moment that the courts or the parties achieve a resolution, Mora County will provide an updated log to NMDOT, clarifying how that road is to be categorized going forward. Regarding B030, that road will remain on the road log in the same way that it's been classified in the past. B030 is the Gomez litigated matter that I referenced moments ago. The County Commission and the Manager along with Road Department personnel and myself will conduct a site visit so the Commission will make an informed determination as to how that road is to be classified going forward. The challenge here is that this is litigation that was filed well over 15 years ago. The County at the time did not update its road log, and we also do not have the clearest of final orders from the court. If we had the information in the way that you ordinarily would want to have it, I could have very easily drafted a resolution for you. I had to go up there with Mr. Romero, and I want to make sure that you're well informed about what you're going to be agreeing to by way of the resolution. So, we will leave B030 as it has been. We will try to get up there in the next few weeks and adopt a clarifying resolution. Once that has been done, we will likewise be informing NMDOT regarding any changes that have been made to that road. Those are the two roads that I needed to address. I think it would be helpful for the Commission to now hear from Mr. Romero and Ms. Mondragon regarding the process that they undertook over the course of the last week to clean up the rest of the road log consistent with direction that has been provided by NMDOT. I will turn things over to them at this point.

Administrative Assistant Road Department Monica Mondragon stated per NMDOT, we were asked to change all county roads to connect to a state highway. So, each lateral branch off county road is now considered A, B or C, and that way they all connect with the highway in that format.

Attorney Cruz stated for today's purposes, you have a very generic resolution. It's the resolution that had been prepared for the March 27 meeting, when you first identified the need for the extension, what we will be doing is considering a more comprehensive resolution, identifying the specific changes as they relate to the A, B and C classification, and also identifying any other changes that may have been made, so that you have a proper record going forward, memorialized in a resolution that reflects any changes that have been made to the road log. Ms. Mondragon has already got started on that resolution based upon the work that she and Mr. Romero performed over the course of the last week. My recommendation and the recommendation of the Manager is that you approve the resolution that's before you pertaining to the Mora County 2024 road log.

Attorney Cruz stated *for the record* this is the wording on the resolution, which was previously before you on the 27th, and it's the exact same language, it reads, a resolution approving Mora County 2024 Road log, whereas the Mora County Road department has performed and concluded a review and site-based reconciliation of the road log. Whereas pursuant to State Law, Mora County needs to provide a road log approved by the County Commission to the New Mexico Department of Transportation. Whereas the 2024 Road Log is attached herewith and there had been language referring to the 2023 Road log, so I'm removing that it won't read whereas the 2024 Road log is attached herewith and then it goes on to read, whereas the corrected road log for 2024 updating B006 and B030 will be presented to the Commission at a later date pending resolution of the John Paul Vigil litigation and following a site visit to B030. Now therefore, be it resolved that the Board of County Commissioners of Mora County as the duly authorized Governing Body for the County approves the 2024 Road log as described herein.

I am happy to include an additional whereas that will read, whereas the Road Department will present a comprehensive resolution to the Mora County Commission within two weeks

identifying with specificity any and all changes made to the 2024 Road log. With that my recommendation is that you approve the resolution.

Commissioner V. Serna made a motion to approve as presented.

Commissioner G. Trujillo seconded the motion.

All in favor. Motion carried.

9. Discussion: Other Informational Items

Attorney Cruz stated we need to schedule an executive session meeting where we're going to go into executive session to discuss pending threatened litigation involving the HPCC claim. We had previously talked about Tuesday. Can we talk about a date and time when we can schedule this so we can get the notice posted and the agenda posted as well? I would recommend taking a 10-minute break.

Commissioner V. Serna made a motion to take a 10-minutes break.

Commissioner G. Trujillo seconded the motion. *All in favor on a roll call vote:*

Commissioner J. Trujillo – yes

Commissioner V. Serna – yes

Commissioner G. Trujillo – yes

The time is 5:59 p.m.

Commissioner J. Trujillo stated entertain a motion to reconvene regular session after a 10-minute break.

Commissioner V. Serna made a motion to reconvene regular session after a 10-minutes break.

Commissioner G. Trujillo seconded the motion.

All in favor. Motion carried.

The Commission resumes regular session at 6:14 p.m.

Attorney Cruz stated I was able to get some confirmation regarding availability, the meeting can be scheduled for Wednesday at 1pm. Mrs. Casados, because we're working on a tight timeline, I would recommend that you just update the notice and make it an amended notice, and I can assist with posting the agenda before the 72-hour deadline.

10. Signing of Approved Documents

The Commission signed the approved documents.

11. Adjournment

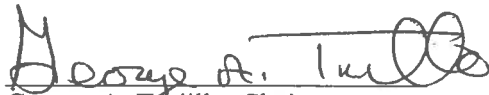
Commissioner V. Serna made a motion to adjourn the meeting.

Commissioner G. Trujillo seconded the motion.

All in favor. Motion carried.

The Meeting adjourned at 6:15 p.m.

MORA COUNTY BOARD OF COMMISSION


George A. Trujillo, Chairman


John H. Trujillo, Vice-Chairman


Veronica M. Serna, Member




Carlos U. Arellano, County Clerk

