

## Special Meeting April 9 and 10, 2024

### 1. Call to Order

**Chairman George Trujillo** called the meeting to order at 3:02 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 Amended Agenda (Amended on Friday, April 5, 2024, at 4:30 p.m.)

**County Manager Joseph Garcia** stated after item number five, we have Audrey Jaramillo from JAG the accounting group here to say a couple of comments. Item 15 b. should have read January 25 regular meeting, not special meeting as well as item 15 e. should have read, February 29, 2024, regular meeting not special meeting.

**Commissioner George Trujillo** stated I think we should go into executive session after item number four so we can listen to the Association of Counties.

**Manager Garcia** stated I think it would be best if JAG presents in executive session instead of open meeting.

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

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

### Executive Session

**Commissioner G. Trujillo** stated *for the record* we'll go into executive session after item four.

Commissioner G. Trujillo stated motion to go into executive session to discuss limited personnel matters, evaluation of County Manager and employee complaints and investigations, threatened litigation, HPCC claim overseen by Singleton Schreiber firm, outstanding tort claims and possible TROs, and pending litigation to include Isaac Martinez, John Paul Vigil, Geraldine Vigil Bartel's and Anthony J Vigil, matters. Can I get a motion?

**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 3:06 pm.

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

**Commissioner V. Serna** made a motion to reconvene regular session.  
**Commissioner J. Trujillo** seconded the motion. *All in favor on a roll call vote:*

**Commissioner J. Trujillo** - yes  
**Commissioner V. Serna** - yes  
**Commissioner G. Trujillo** – yes

**Commissioner G. Trujillo** stated reconvening regular session at 3:58 pm. No action was taken, or decisions made, only discussion with JAG.

**5. Discussion: Presentation of FY2023 Audit by Chris Garner**

**Executive Assistant Stephanie Casados** stated he called in earlier, he had wanted to be moved up on the agenda because he had to leave by four o'clock, therefore, he's not going to be able to present because he had to leave. He said he could probably possibly do it for the regular meeting.  
**Commissioner V. Serna** made a motion to *table* item five.  
**Commissioner J. Trujillo** seconded the motion. *All in favor. Motion carried.*

**6. Discussion/Action: Resolution regarding FY 2023 Audit**

**County Attorney Ernestina Cruz** stated the hope was to be able to hear from Chris Garner regarding the audit itself, but it's accessible online since early February. A letter was forwarded to the County that was addressed to Commissioner Serna, because I think DFA continue to believe that she was serving as the Chair, but it was copied to your Finance Director, Edna Sena, and the resolution indicates that on February 12 of 2024, DFA forwarded a letter to Mora County's Finance Director advising that the Local Government Division had completed its preliminary review of the published audit report for fiscal year 2023. The resolution goes on to note that on Tuesday, February 27 of 2024, the Finance Director forwarded DFA's letter regarding the published audit report to the County Manager. By way of that letter, DFA requires a resolution that acknowledges the fiscal year 2023 findings and accepts management's responses for correcting the findings. So that's why you have this resolution before you today. It was a correspondence acknowledging that there had been receipt an understanding initially of what those audit findings were. The Manager, upon learning about that letter, did coordinate a meeting. I was here the next day with the Treasurer's office, and with the Finance Director on February 28. We visited with everyone that was involved, because the audit findings will always have a section that indicates who's responsible for the finding. Oftentimes, it'll say Finance department, County Manager, other times it'll say Treasurer's Office. Other times, it'll say County Commission, and DFA wanted to know what this status was on the management response and the progress that had been made. The resolution itself had not yet been provided. Mrs. Casados reached out to Chris Gardner's office for a prior meeting, requesting that he make himself available to present; there was a scheduling conflict. The soonest we could get him available was today, but there's been an issue, obviously, with scheduling. With that being said, you do have a resolution that is due to DFA, so my recommendation is that you vote on it today. The reason why you're seeing it now and it was not included in the packet is because I have been in communications with Andrea Salazar, who is the State Auditor's legal counsel, about a finding that created concern, and we needed to get some guidance from the auditor's office as to how it could be addressed in this resolution. She and I had a phone conversation after I reached out to her, and then she said that

she had to do some additional work with her staff to get some answers to us, and today was the day at 11:30 that I was able to visit with her, and one the Chief Deputy Auditors.

The resolution indicates that Mora County acknowledges the fiscal year 2023 audit findings as published. You acknowledge them because they've been published, but you renew your concerns regarding the facts that are outlined in the conflict-of-interest related party finding, it's identified as finding 2023-005, and the reason why you have concerns is because no County Commissioner voted to approve the "sale of land" in which the related party individual may financially benefit and violated employee policy and procedures 11.8. I ordinarily do not participate in the audit process; it's never been something that's been requested of me. You were lucky that in this particular instance, we had a set of circumstances at play that I did participate. When an audit is concluded, there is what is called an exit interview, where the auditor visits with finance and also the manager's office ordinarily, and they also ask that a as I understand it, a Commissioner be in attendance. Edna Sena received that request. At the time your Interim County Manager was Brad Sena, he had a conflict so he could not attend, and when there were some of those gaps during his service, to make sure that nothing was slipping through, I would volunteer to participate in a meeting for informational purposes to make sure that he was well informed. That's what happened here. He was unable to attend the exit interview, therefore I participated via Zoom, and for the first time I learned of this audit finding, and I knew as the auditor was discussing this, that I would need to talk to the Manager because it was not a factually correct audit finding. The vote that was had was not for the Commission to vote on the sale of land that would benefit a related party, that was never on the agenda. That's not what was reflected in the minutes. Where this came from, I'm not sure. Once I realized that it was factually incorrect, I spent hours going through the record, compiling all of the exhibits drafting a letter to the auditor, that I got out to him the very next day, informing him of what actually happened. By way of that letter, I informed him that the Commission had instead of voting for the sale of land that would benefit a related party, the only thing that you voted for was in support of a recommendation coming out of your Planning and Zoning committee for a new dollar store. It was an approximate 80 page letter that was sent to the auditor making clear all of the facts citing all of the minutes, not just minutes for the meeting that you participated in, but also citing to the minutes of your Planning and Zoning committee showing that they had done their due diligence, they had received information, and they had done a comprehensive review to evaluate whether the dollar store would be for the benefit of Mora County, and you all did not make an independent assessment as to whether it should happen or not, you merely considered a recommendation from your committee, and two of the three Commissioners voted in favor of the new dollar store. So your resolution today, and I did again confer with legal counsel for the auditor, confirming that we could make clear within this resolution that you dispute that audit finding, and in addition to that, we do have to make reference to the management response. Management response, was provided by your Finance Director to the auditor by way of an email. The response was, "Mora County will review any Elected Official or Commission when a related party is involved in a transaction." Audits cannot be discussed publicly until they're released, this is why it had not been brought up to you for consideration. Had you seen this in an open meeting, I'm sure he would have addressed it, but you can't address an audit until it's been released. So that's why it wasn't in front of you during this time period of November or December of 2023. I make note in this resolution that this management response for finding 2023-005 conceded a finding that was not supported by the facts, and instead should have made clear that the reported "conflict of interest related party", had

not occurred as set forth in the audit. That would have been an appropriate response by management. To say that's not a correct audit finding the facts are incorrect, but instead by saying that management would review Elected Official and Commission when a related party is involved, that essentially served as a concession that something wrong had happened, when in fact management instead should have pushed back on that audit finding. I do also make note in your resolution, that legal counsel addressed the erroneous finding, in a comprehensive and detailed letter including exhibits on November 30 of 2023, a day following the exit interview with the auditor, and when this resolution is sent up, Manager and Mrs. Casados to DFAs Cordelia Chavez, I'm going to ask that you include a copy of that complete response, so that the record is made clear as to the actions that Mora County took.

So, what you're doing in the resolution is you are acknowledging the fiscal year 2023 audit findings. You accept management's responses for correcting set of findings with the exception of finding 2023-005, conflict of interest. I have been told that there are ways within which you can push back on an audit finding, but ordinarily, it happens before the exit interview. The cautionary note that has been shared with me by the Deputy Auditor and the legal counsel, is that the County needs to be very diligent about who you assign to be responsible for management's responses, because that ultimately binds you as a County. Moreover, they indicated that some of the larger counties will assign legal counsel to look at this language to make sure that something like this does not happen. As a consequence, my recommendation to you would be, instead of me stumbling into a meeting, because Brad Sena was unavailable, that you probably asked me to see management's responses before it is formally sent over via email by your finance person to the auditor, because at that point, once that email is drafted, and the send button has been sent, you're pretty much binding yourself to that finding, and in this instance, I don't believe that Brad Sena reviewed those management responses. I certainly did not review them, and I think ordinarily, the response that provided is provided as a good one, this is what we're going to do to fix this, but in this instance, where the facts were 100% out of bounds, it gets you in trouble very quickly.

**Manager Garcia** stated my recommendation is to approve the resolution and would further say maybe the attorney should be involved in the audit.

**Attorney Cruz** stated I would say the for the exit, because what was explained to me by the Deputy Auditor Ms. Salazar, was that there are a lot of communications that happen with the auditor and your finance person throughout the process, that's what's supposed to happen. They're supposed to be communicating, but the moment that your finance person is going to bind you to something that's going to come up on your audit, your Manager better be part of that meeting, and I would suggest that your County Attorney has an opportunity to review those audit findings as well, and if there needs to be direct one on one communication with each of the Commissioners to ask questions or to fill in some of the gaps because sometimes it's hard to remember everything that happens over a year, that can certainly take place as well. I would go on to add that nine days before the exit interview, I did receive a phone call from Chris Garner, it was a message that was left on my phone. I reached out to Edna and said, can you confirm that Chris Garner is the auditor because I wasn't going to pick up the phone and start answering questions unless I knew for certain that this person was your auditor, and he said I'm working on the audit, and there is an item where Mora County voted to include Clerk Carlos Arellano as a voting member on Planning and Zoning, and I said to Mr. Garner, that's absolutely not the case. There was an agenda item in March, you'll remember we talked about it and the fact that he could not serve as a voting member, but instead he can serve as an ex officio member, and as a consequence, you all did not

vote in support of that agenda item, and I told him, what you're telling me did not happen. I'm happy to send you the agenda and the minutes, which reflect that it did not happen, and I asked him how did something like this come to your attention, because I wanted to just be aware of how these issues come up, and he indicated that it had been an anonymous source. I didn't inquire any further, but what I made clear is the information that you were provided was incorrect. As a consequence of being able to have those open lines of communication, that item does not show up on your audit. When you think of audit, I'm certainly thinking about numbers, but when you're talking about something that's out of audit, and instead you're talking about what happened in the meeting, like Mr. Arellano can he be a voting member of Planning and Zoning, and that relates to minutes or something like this with Commissioner Trujillo they don't identify the Commissioner by name, but they're referring to him. Let's be open, let's be transparent, we're not hiding anything. The Commissioner they're referring to is Commissioner George Trujillo, that allegedly voted for the sale of land involving his sister. That's not at all what was ever on your agenda, and we need to be very clear about that. Had Mr. Garner picked up the phone and called me about this item in the same way he did about the Carlos Arellano question, I would have made clear to him that it's an incorrect finding. You all were not afforded that professional courtesy as it relates to this particular item.

Finally, the claim that a Commissioner can never vote on an item if it's going to ostensibly financially benefit, a family member is plainly incorrect. The Government Conduct Act in the State of New Mexico, makes clear that if the public benefit clearly outweighs the alleged personal benefit, an Elected Official can still vote on that item, and what we had here was a dollar store that presented to Planning and Zoning, saying let us come into your community, and one of the driving forces is this dollar store is going to be unlike any other dollar store in the country, it's also going to serve as a grocery store. We know that Mora County is essentially a food desert. That's referred to as a food desert when you don't have very many options to go grocery shopping, and if you have a food desert, that's going to be a major benefit to your community members. They have more options with regard to what they can purchase. You all as a County by way of your Planning and Zoning committee received an itemization of I think, in excess of 100 food items that are going to be available at this dollar store. I made clear to Mr. Garner by way of the letter that the public benefit to Mora County far exceeds the purported benefit to Chairman Trujillo's sister by way of the sale. Is she going to benefit from that, of course, there's going to be a transaction of money that's going to take place, but does the public benefit far outweigh the personal benefit? The answer is an absolute yes, and aside from pointing out the factual discrepancy that it wasn't sale of land, I also went a step further to highlight that the Government Conduct Act was not violated the law was not violated because of the law itself, and then also the guidance that comes from, then Attorney General Hector Balderas. I just want to make clear that this was a problematic finding, and that's why you need to adopt the resolution in this form.

**Commissioner J. Trujillo** stated I am listening to everything that is going on, on the auditor, where is he getting all of his facts? He's supposed to have hard evidence and what I'm hearing, is he's going on hearsay and metote. We're here to represent that County, not bullshit. You know what I mean? I don't like that. You know, we're here to be honest and he is pointing fingers and, and he can't even come forward to where he got the facts from. If you're going to accuse somebody of something, put the facts on the table.

**Clerk Arellano** stated honestly, it's all about becoming rich. That's what all this is all about. We're already rich. If we're standing on your two feet, you're rich, and that's as rich as you're going to

get. It is your health that we're concerned with and the public and that's why we were elected. That's why we were all elected. That's why Tina is hired, and Joseph was hired. We're here just to be here for the public, and everybody's concerned now with these millions of dollars that haven't even been put on the ground yet.

**Attorney Cruz** stated there's so much that you can do when an audit is at play and one of the things that I in talking to the Manager was recommending that we have a meeting with the auditor, just so that we're all very clear about what the proper process was. What I've been told is that being able to dial back, after you have an audit that's been published is very difficult. Which is why they say you should really be addressing this on the front end versus the tail end. So let's all get on the same page with them, so as to avoid this in the future, I would say you adopt the same protocol as the larger public entities and say, we're going to have as many people looking at these management responses before they're sent out, because if an error like this happens, it's problematic, and it's very difficult to address it. I guess the last thing that I would say, as a Commission as a whole, and Mr. Garcia himself as well, one of the things that I always say and that you agree with is that you as a County Government are always going to be transparent. You have nothing to hide, you're going to answer any questions. We welcome feedback from the public that may raise questions and concerns, feel free to raise your concerns, and then we'll respond to them, and as with all things in life, if I do something wrong, I'm going to acknowledge it, and I would recommend that you all do the same as well, but in this particular instance, because it wasn't presented to us on the front end, that put you all in a very difficult position, because you did not have the opportunity to address it. If somebody wants to call you anonymous, take it in, but then do your due diligence to explore it with us before you memorialize it on an audit, when the facts are simply incorrect, and it's unfortunate, but I think by way of this resolution, you have made clear that you do not agree with that audit finding. More importantly, the lines of communication with the auditor's office have been opened, so we're going to follow up to make sure something like this does not happen again. You will also have the internal controls that are necessary to ensure that one person working for Mora County does not in error, say something that is not factually supported.

**Commissioner V. Serna** stated I don't know why I was asked to attend.

**Commissioner G. Trujillo** stated maybe I did tell you to attend. I don't remember exactly, but there's a lot of rumors and things going on in Mora County since day one when I was elected. One of the things that actually bothered me, Mr. Garcia, and you might have to check into it. There was a lot of hay donated to the farmers of Mora, and none of that hay got to the farmers, it was sold to a private rancher. I think we need to look into that, we might have to hold an investigation into the allegations that have been brought to my attention, about all the resources that were given to the people when the fire was going on, and a lot of people didn't get it.

**Attorney Cruz** stated with regard to hey, I don't know if there was ever an item for the County to receive that type of support. I'll look through the agendas to see if that was ever something that the County directly received, if the County did not directly receive it, and it was maybe support coming from the Federal Government, and you're receiving complaints suggesting that the County was some way involved, I would say pass that information on to whatever entity was responsible. Whoever brought it in how it got here, report to them so that you can then express to your constituents, that you've passed that information along to the entity that was responsible for dispersing that resource.

**Manager Garcia** stated I recommend you approve.

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

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

**Executive Session**

**Commissioner G. Trujillo** stated do I have a motion to go into executive session to discuss limited personnel matters and litigation pertaining to John Paul Vigil?

**Commissioner V. Serna** made a motion to enter executive session.

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

**Commissioner J. Trujillo** - yes

**Commissioner V. Trujillo** - yes

**Commissioner G. Trujillo** – yes

*Entered executive session at 4:40 pm*

**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

**Commissioner G. Trujillo** stated reconvening regular session at 8:20 pm. No action was taken, or decisions made.

**Attorney Cruz** stated there was a need for the County Manager to step out of the meeting, which will require the Commission to recess the meeting and to resume the meeting tomorrow here at the Mora County Commission Chambers. A notice will be posted at the conclusion of today's meeting, reflecting that the resumed meeting will commence tomorrow, Wednesday, April 10, 2024, at 5:00 pm.

**Commissioner G. Trujillo** stated *for the record* we will start on item seven tomorrow. Can I get a motion to that effect?

**Commissioner V. Serna** made a motion to accept the recommendation.

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

**Commissioner G. Trujillo** stated this Commission is on recess till tomorrow at 5:00 p.m.

April 10, 2024 - 5:00 p.m.

**Commissioner G. Trujillo** stated entertain a motion to come back into regular session.

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

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

**Executive Session**

**Commissioner G. Trujillo** stated after a twenty hour and a half recess we are back in session, and we'll go to I am 16 executive session to discuss limited Personnel Matters- Evaluation of

County Manager and Employee Complaints/Investigations; Threatened Litigation (HPCC Claim overseen by Singleton Schreiber Firm, Outstanding Tort Claims, and possible TROs); and Pending Litigation, to include Isaac Martinez, John Paul Vigil, and Gerardine Vigil-Bartels/Anthony J. Vigil matters.

**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 G. Trujillo - yes**

**Commissioner J. Trujillo - yes**

**Commissioner V. Serna – yes**

*The Commission entered executive session at 5:05 pm*

**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 G. Trujillo - yes**

**Commissioner J. Trujillo - yes**

**Commissioner V. Serna– yes**

**Commissioner G. Trujillo** stated reconvening regular session at 7:58 pm. No action was taken, or decisions made. We did an evaluation on the County Manager.

**Attorney Cruz** stated we also did circle back to some of the litigating matters that are identified on that list, and we also addressed some employee complaints.

**7. Discussion: Presentation by Chief Procurement Officer and/or designee regarding Mora County's Evaluation Committee recommendation for Disaster Recovery RFP**

**Manager Garcia** stated what I have here are scoring sheets. I put together an evaluation committee as was stated in the RFP. Mrs. Casados, Mrs. Romero, Mr. Rinaldo Pino, Mr. Baquera, and Mr. Sena. They read all those proposals, and they came up with two for you all to consider. There were a total of six proposals. Stantec Consulting Services and Thompson Consulting Services are the two that I am presenting to you all for your approval. I can say that Thompson is already here on the ground, doing services. Stantec was here from what I understand. The offeror was Stantec, Thompson, Sulzer Group, Grant City, Intergrading Solutions and Building Empires. They were all accepted, I respected the committee's recommendation.

**Commissioner V. Serna** stated how much have you allocated?

**Manager Garcia** stated they will be paid \$40 million from the SB6 funds.

**Attorney Cruz** stated there will need to be clarifying language within the contract that for those projects that are currently going to be funded under Senate Bill 6, they can receive the compensation that's authorized by FEMA, the 5% that was identified by Commissioner Serna. You also need to anticipate, in their capacity as disaster recovery, there will be times where you may be asking them to prospectively identify projects that have not yet been obligated, in which case, the County does need to be prepared to pay them for those services that they're rendering. These would be projects that have not yet been funded by way of FEMA, or you're engaging in



preliminary discussions. You just need to anticipate that within your budget, you're going to have to have some funds set aside for that initial legwork that they're going to do before you have a formal FEMA project that 5% can compensate them for. On this particular item, number seven, it's discussion, and the next item that you have number eight is discussion action, and this is the recommendation of either the Chief Procurement officer whose Adelita Encinias and or a designee in this case, it's going to be your Manager. It's the recommendation through Mora County's evaluation committee regarding a conditional award of the disaster recovery RFP. Again, this is conditional, because it's contingent upon contract negotiations and final agreement as to what the terms are going to be. So, this is not at this point, a full and final award of the RFP. So, this is not at this point, a full and final award of the RFP.

**8. Discussion/Action: Recommendation of Chief Procurement Officer and/or designee, through Mora County's Evaluation Committee, regarding Conditional Award of Disaster Recovery RFP**

**Commissioner G. Trujillo** asked Manager Garcia for a recommendation.

**Manager Garcia** stated I would say Thompson, because they're on the ground, if I had to pick one. You guys still have the option of who you want to choose.

**Commissioner J. Trujillo** made a motion to hire Thompson Consulting Company for disaster recovery.

**Commissioner V. Serna** stated I'm going to abstain at this point because of some of the discussion we had earlier.

**Commissioner G. Trujillo** seconded the motion. *All in favor say aye. For the record, Commissioner V. Serna abstains. On a roll call vote:*

**Commissioner G. Trujillo** - yes

**Commissioner J. Trujillo** - yes

**Commissioner V. Serna** - abstain

**9. Discussion: 2024 Mora County Road Log**

**Attorney Cruz** stated I along with the Manager have been visiting with Mr. Romero, Road Superintendent. He has been in communication with DOT regarding what information needs to be memorialized in the road log. There's some additional work that needs to be done, in order to finalize the road log for consideration and vote by the Commission. The Manager, Mr. Romero and I, will be visiting with the DOT tomorrow, we will identify the next steps. The hope is that the road log will be ready for a vote; recognizing that there's some additional work that needs to be done. There have been some helpful suggestions coming from DOT regarding how the County can better identify and designate its roads. I anticipate that there will be some significant adjustments that will be made whether or not on this road log but for future logs as well, and with that being said for the benefit of the public, informing them that this is something that continues to be a work in progress and should soon be brought to conclusion for a vote this year. I acknowledge that there's a need for additional work on future road logs as well.

**10. Discussion/Action: Expenditure Report/Budget Report**

**a. Expenditure Report- February 2024**

**Manager Garcia** stated I recommend approval.

**Commissioner V. Serna** stated *for the record* it is \$11 million or \$1.1 million, I can't see it. It is \$1,100,000.

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

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

b. **Budget Report- February 2024**

**Manager Garcia** stated I recommend approval.

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

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

**11. Discussion/Action: Resolution for Budget Adjustment Request**

**Manager Garcia** stated that that number should read \$186,956.07 instead of \$165, 249, that was from a couple of meetings ago, and nothing happened on it. The increase is because of time, more interest accrued.

**Attorney Cruz** stated let's come back to the budget adjustments. After approval of Senate Bill 6, why don't you go to the next items that you had, and then you'll come back to that resolution.

**Manager Garcia** stated I recommend approval of this budget resolution other contractual services. The increase is \$165,249 the SB6 interest funds is \$186,956.07.

**Commissioner V. Serna** stated *for the record* what contractual service specifically you are looking at.

**Manager Garcia** stated we have to pay the attorney. We haven't paid her since last year, in a long time, and I have to get the exact bill. Also, to pay Microsoft. That amount is \$16,600.

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

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

**12. Discussion: FY 2025 Budget Process**

**Commissioner G. Trujillo** stated I think we should have a Work Session on the budget.

**13. Discussion/Action: Resolution Authorizing Fourth Withdrawal of Interest in the SB 6 LGIP Account**

**Manager Garcia** stated I'm going to ask you all to approve the resolution of \$186,956.07.

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

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

**14. Discussion: County Manager Report regarding LGIP Interest Disbursements and Dedicated Uses of Said Funds**

**Manager Garcia** stated December 19th, \$677,961 was a withdrawal of interest, February 9th \$273,000, and then today \$186,956.07. The first two that I mentioned we used to purchase the John Deere grader and the bulldozer. We paid for those in full, and they've been delivered. John Deere is going to come and give us instructions on them.

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

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

**Manager Garcia** stated I recommend you approve.

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

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

b. **January 25, 2024: Special Meeting (Regular Meeting as amended on item 4)**

**Commissioner V. Serna** made a motion to approve the recommendation with the amendment to change special meeting to regular meeting.

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

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

**Manager Garcia** stated I recommend you approve.

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

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

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

**Manager Garcia** stated I recommend you approve.

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

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

**e. February 29, 2024: Special Meeting**

**f. March 11, 2024: Special Meeting**

**Commissioner V. Serna** made a motion to *table* item 15. e. and f.

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

**16. Executive Session: Limited Personnel Matters- Evaluation of County Manager and Employee Complaints/Investigations; Threatened Litigation (HPCC Claim overseen by Singleton Schreiber Firm, Outstanding Tort Claims, and possible TROs); and Pending Litigation, to include Isaac Martinez, John Paul Vigil, and Gerardine Vigil-Bartels/Anthony J. Vigil matters**

Executive session was held throughout the meeting. See above.

**17. Discussion/Action: Authorization of County Manager to have full settlement authority, subject to subsequent commission approval of final settlement (if any), resulting from the John Paul Vigil mediation**

**Attorney Cruz** stated pursuant to the court's order in the John Paul Vigil litigation, the parties are going to participate in mediation, the mediation has been scheduled pursuant to the agreement of the parties. The parties that are involved in this litigation include plaintiff John Paul Vigil, defendant, Board of County Commissioners of Mora County and the intervenors are Agua Pura. All three of the named parties will be participating in mediation. As with all mediations that take place involving Mora County, you as a Commission designate a representative to have full settlement authority at the mediation. They do not make the final decision; they will make clear to the mediator that they have authority for purposes of the mediation but the final decision to approve the settlement needs to be made by the Commission because that is a duty and responsibility of you as Commissioners. With that being said, the recommendation before you at this time is that you authorize County Manager Joseph Garcia to serve as your designated representative that is consistent with the past mediation dating back to Michael Rivera who served as a designated representative in other litigated matters that you will also recall that Brad Sena served as your designated representative in Isaac Martinez mitigation as well. So that's the recommendation that's before you at this time.

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

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

**18. Discussion: Update on Pending RFPs**

**Manager Garcia** stated Adelita Encinas has been out and the pending ones are for propane and banking. So, she started working on those, but everything halted until she gets back.

**Attorney Cruz** stated there is also CHET; that was initially advertised that there was a procedural issue so that deadlines were changed. The RFP itself was published by the County last Friday. Mr. Toby Lovato is here, I want to thank you first, for the feedback that you provided on a draft RFP that has, in my view, a cleaner RFP than the one that was initially provided, in addition to cleaning up the language, being very specific as to the work that needed to be done. I assisted and I believe Adelita was involved as well, but if the work that was done by CHET and Mr. Lovato, was invaluable to make sure that it was very clearly specified what needed to be done. In addition to that, the Manager and I had an opportunity to visit the State Fire Marshal's Office, you will recall an individual by the name of Derek Rodriguez, he took out about an hour of his time to visit with us to talk about the RFP and we walked through provisions of the RFP to see if anything was missing. He provided us with helpful information on gaps that we needed to fill. As a consequence of that, I reached out to the Construction and Industries Division and made some other phone calls to make sure that we were including all of the requisite information that needed to be included. There is a deadline, I believe of this Friday for individuals who are interested, to submit questions about the RFP. The point of contact is the Chief Procurement officer, Adelita Encinas. She then will provide written responses to those questions. We recognize that she's out for personal reasons, so there's a little bit of a delay in answering those questions. We'll be posting to the website so that people know that there's going to be a bit of a delay. Nonetheless, those questions will be answered, and then the offerors have until Friday, April 26, to submit their response, the deadlines are all outlined the requirements with regard to the number of RFPs copies, responses that need to be provided as outlined in there as well. You will very soon after the RFP responses are provided, have an evaluation committee that will be comprised of individuals designated by your County Manager who will do the exact same thing that they just did with the disaster recovery RFP, you then will be presented with the options as to how you will be able to proceed.

There is a tank that was ordered, and there were some concerns that CHET had with regard to timelines regarding being able to move forward with the project. That's a topic that we did have an opportunity to visit with Mr. Rodriguez about. We're so focused on the RFP and getting it out that we don't know that this is something that has been communicated. I'll go ahead and address it. Mr. Rodriguez indicated to us that the grant has never been in jeopardy, because the requisite language that comes into play is whether the grant has been encumbered. The grant has already been encumbered because the water tank was purchased. So what he asked for was a written summary from the Manager regarding everything that we've presented to him verbally. I have that draft letter manager, I'll be sending it to you tomorrow so that you can sign it, and of course, I'm getting a copy to CHET so that they know what's been communicated. Those funds are not in jeopardy because they've already been encumbered because of the water tank.

Finally, with regard to the water tank. The Managers been in conversation with the manufacturer about when it can be delivered, and we'll be informing them about that timeline as we move forward.

**Commissioner V. Serna** stated how are things moving along for them as far as the rent? I understand they're paying rent to hold the tank until they can bring them back.

**Manager Garcia** stated I spoke with them and explained the situation, they were okay with it. I asked him to be lenient, if they could, on rent. I haven't heard anything back from him. So, the

plan is, if there is a little bit of rent due, they have never told me a specific amount, but if there is rent due then we'll have to address that. I would like to coordinate the delivery of the tank, with whomever the contractor is. As well as the crane. I've had the PO for the quote for a crane for some time now. I have not approved it because it makes no sense to get the tank here, pay that bill and then when did you know? It just doesn't make sense to duplicate things. So, the plan is when the contractor is ready for it, be in coordination with them and tell them to send a tank and crane here and get it all done in one fell swoop.

**19. Discussion: Other Informational Items**

**Commissioner G. Trujillo** stated we need to have a special meeting, the date to be determined.

**Manager Garcia** stated Forest Fitness, owner Jeremy Hanlon from Pecos made a deal, he offered us a deal to block and split 500 cords of wood that are out there now. For an average of \$40 a chord, they've already started it. So according to his calculations, for \$20,000, we should get 500 cords of wood, which is steal.

**Commissioner G. Trujillo** stated once we get 20-30 cords, maybe we can start. I know Stephanie has a list. I have a list of who needs wood, and maybe we can have people pick it up and then I will try and get some volunteers for whoever needs it delivered to their house.

**Manager Garcia** stated I had a meeting with the Road Department, we had to go over some things and get some things straightened up. It was brought to my attention by Walter Gonzales that it's not doing us any good to fix the roads. All the culverts along the County roads are clogged. I went up and visited some of them. It's coming in, the waters running into the bar ditches, and it's going to the culverts. They're clogged and it's going back on the road and creating ruts. So, they talked about getting a vector, vacuum truck.

**20. Signing of Approved Documents**

The Commission signed the approved documents.

**21. Adjournment**

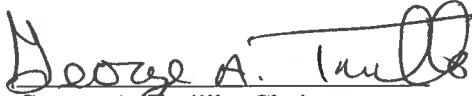
**Commissioner V. Serna** made a motion to adjourn the meeting.

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

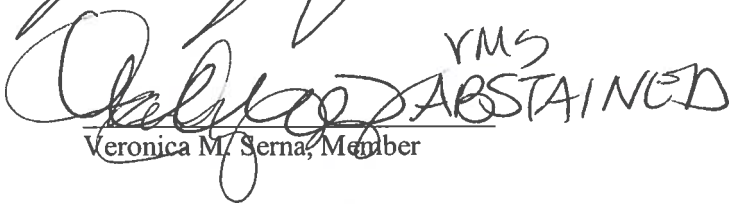
The meeting adjourned at 8:53 p.m.



**MORA COUNTY BOARD OF COMMISSION**

  
George A. Trujillo, Chairman

  
John H. Trujillo, Vice-Chairman

  
Veronica M. Serna, Member

*RMS*  
**ABSTAINED**



  
Carlos J. Arellano, County Clerk