



BOARD OF COUNTY COMMISSIONERS OF MORA COUNTY

Special Meeting

May 6, 2024

1. Call to Order

Chairman George A. Trujillo called the meeting to order at 1:02 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 Elena Duran 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 tabling item five A and B.

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

Commissioner G. Trujillo seconded the motion.

Commissioner V. Serna stated, I'm just concerned because I don't know if it's okay that we continue to do this. All minutes are open to public inspection. Draft minutes should be prepared within ten working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the policy making body.

County Attorney Ernestina Cruz stated, best practice is to approve the minutes at your next meeting. The next meeting that was supposed to happen would have been your regular

meeting. Those final minutes are just not ready for approval today. This is something that I've been discussing with you all, as a Commission, for over two years, we're just trying to streamline the process, it's not quite yet where it needs to be. This is not an issue with regard to the Clerk's office. At the last meeting, you approved a set of minutes and I had not reviewed them. I thought that it would be better for me to review these and provide you with feedback versus having you approve them today. It's your choice, you have the minutes in front of you. They're in format that's been provided by the Clerk's office for April 18, and April 19, you can approve them as presented by the Clerk's office today, or you can say that you want to table them so that you can then have me review them. They're lengthy minutes. As you can see the minutes for April 18th, there are a total of 23 pages long. So, it's not a quick edit, unfortunately.

5. Discussion/Action: Approval of Minutes

a. April 18, 2024- Regular Meeting

Commissioner J. Trujillo made a motion to *table* item five A and B

Commissioner G. Trujillo seconded the motion.

Commissioner V. Serna opposed. Motion carried.

b. April 19, 2024- Special Meeting

Item tabled see motion above.

6. Discussion/Action: Proclamation Declaring May Motorcycle Awareness Month

Manager Garcia stated I would recommend approval.

Commissioner V. Serna made a motion to approve item six.

Commissioner J. Trujillo seconded the motion. All in favor.

7. Discussion/Action: Contract(s) with Lloyd and Associates for Complex and/or Courthouse

Manger Garcia stated we have invited Lloyd and Associates to join us today. They may be on later.

Attorney Cruz stated the County has received a grant from the Administrative Office of the Courts to move forward with the build out of the Fourth Judicial District Court, here in Mora. The AOC has requested that the County enter into an agreement this month, for purposes of memorializing those funds. I know that in the past a Lloyd and Associates has indicated that the county should have separate contracts related to the plans that are being designed for distinct portions of the complex. Based upon the conversation that's going to happen today with Wayne, I anticipate that they're going to say that there's some need for cleanup on the courthouse plans. As a consequence, you, as a County, would need to have a separate contract with Wayne Lloyd and Associates so that you could be reimbursed under the AOC contract for those plans. My recommendation would be that you all authorize the County Manager to discuss with Wayne Lloyd, whether they need a separate contract for the plans related to the district courthouse and authorize the County Manager to sign any contract to that effect following review by the County Attorney.

Commissioner V. Serna stated she made a motion to accept the recommendation.

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

8. Discussion/Action: Recommendation for Conditional Award of CHET RFP

Manager Garcia presented the item.

Procurement Officer Adelita Encinias stated we have two proposals, MRT Construction and JJ Excavation. They all proposed; we graded them by the evaluation committee. We got the evaluation committee together by the choice of Mr. Garcia. We graded them accordingly, and we are awarding or asking the award to get MRT Construction with the bid. The bid amount was \$245,000, and JJ Excavation was \$839,091. It didn't fit in with our budget for the CHET installation so we're asking that we give the award to MRT Construction.

Attorney Cruz stated, you indicated that Mr. Garcia appointed the committee, pursuant to the RFP, he was authorized to appoint those committee members. Can you identify, for the benefit of the Commission and the public, who served on that committee?

Mrs. Encinias stated the committee consisted of DesMarie Romero, Stephanie Casados, Brad Sena, Rumaldo Pino and Kristofer Romero.

Attorney Cruz asked when did the committee get together to review the packets that were presented?

Mrs. Encinias stated we got together April 29, at two o'clock p.m. in the Commission Chamber to evaluate the RFPs.

Attorney Cruz asked who received the two packets that were presented?

Mrs. Encinias stated Seferina Romero received one of them, and she received it. It was opened on 4-29-24 at 9:26 a.m. and Brenda Casados witnessed as well as Seferina Romero, and we received the other one by Seferina Romero at 12:34 pm, so they were both witnessed by Seferina Romero and Brenda Casados.

Attorney Cruz stated in your capacity as the Procurement Officer, did you review the two packets to ensure that they provided the information that had been requested pursuant to the RFP? In addition to that, I wanted to ask what the process was for the evaluation. What exactly did your committee do?

Mrs. Encinias stated yes, we opened the RFP, as we went through each of them on the evaluation sheet. It has a list of the different items of how to grade. We first did the contractor experience, how much experience each proposal had the organizational references, mandatory specifications, letter of transmittal, campaign contribution disclosure. We didn't do the oral presentation being that it was time sensitive, we had to get this done. So that's how we came up with the grading system.

Attorney Cruz stated, can you explain to the Commission, what the organizational references were? What information did you receive?

Mrs. Encinias stated, yes, we got three references from JJ Excavation, but MRT did not send in any references, therefore, they got zero for the grading on theirs.

Attorney Cruz stated I make note of the organizational references because I do find that to be a good tool. Essentially, you're receiving information from past governmental entities or private entities that these contractors have worked with. You get a better sense as to how they work on projects of this type, and I think that that information was something that you all would have deemed to have been valuable. **Manager Garcia**, can you explain to the Commission whether you, too, found the process that was utilized to be in accordance with the RFP?

Manager Garcia stated, I wandered in and as they were working on it, and yeah, they were going according to that list, and she just read, and then I stepped out. So, I think they did well.

Attorney Cruz stated alright, with that being said, Commissioners, what you have before you is essentially a recommendation from an evaluation committee. It's not a final decision. I think that Ms. Encinias has explained to you the benefits behind working with one entity versus the other. A significant part of it relates to cost. Can you tell the Commissioners what the value was on your evaluation sheet for cost?

Mrs. Encinias stated so the JJ evacuation. Their total fee was \$839,091.94. So that was completely out of our budget for the fire department.

Attorney Cruz stated on your evaluation sheet, how many points you received for cost?

Commissioner V. Serna stated so either way they got 250 for being within the cost.

Mrs. Encinias stated yes, so either way they got 250 for being within the cost or nothing. So, JJ Excavation did not get anything, being that their cost is out of our budget.

Attorney Cruz stated why don't you show them your evaluation sheet so that they can take a look at that before they take their vote?

Manager Garcia recommended approval of the lower bidder of the MRT Construction.

Commissioner G. Trujillo made a motion to approve.

Commissioner J. Trujillo seconded the motion.

Attorney Cruz stated I would also add that based upon my understanding and visiting with you, following the evaluation process, that it wasn't just the cost that was the driver that the other considerations in the evaluation process weighed in favor of who you're recommending today.

Commissioner G. Trujillo stated all in favor. **Commissioner V Serna** stated, I'll oppose.

Commissioner V. Serna stated *for the record*, I just want to say that the other two Commissioners have repeatedly indicated that they'd like local contractors on the first one. The first RFP that we had was with a local contractor, for whatever reason, he was disqualified, and now we're choosing an out of state, or I'm sorry, out of town contractor.

Manager Garcia stated didn't you, Commissioner Serna, make the motion to not except the last one?

Commissioner Serna stated because of the technical issues, and you guys said that not enough people got to see it. I think the Chairman even said we should have even posted on Facebook, which I don't think is required, but I guess it was some issue that some local guys didn't get to bid on it, and I think that first process personally, I think, kind of tarnished them moving forward with the whole process.

Manager Garcia stated I did contact Mario Olivas. I also told him that it was open again, and also let Amos Espinoza know it was open, we let people know it was open.

Commissioner J. Trujillo stated one of the concerns on the first bidding process was there was only one contractor that bid there. So usually, when something like that happens, it usually goes up for a second so that the other contractors know. The second bid went out and this is what we got back on our second one, with enough time and enough notice and everything, and all the specs and qualifications are on that.

Commissioner V. Serna stated and the question that came up the previous time was engineering issues; did they resolve the engineering issues?

Attorney Cruz stated it's important to clarify the dynamic that took place when the first RFP came before you. The first RFP was problematic for a whole host of reasons. One topic of conversation that occurred early on was questions about whether others knew about this RFP being issued. I want to be clear that it's okay for you all as Commissioners to raise any question that you have in an open meeting. It's important that you get answers to those questions to ensure that you're in compliance with the law. What I made note of during that meeting was whether or not somebody has received notice or not is not a reason to re-advertise. You're not going to reopen the process just because somebody didn't know about it. It's their responsibility to log on to the website, find out if there's an RFP, to read the newspaper to find out if it's an RFP. You, as a county, are not going to reopen a process solely because somebody did not know about that opportunity. There was a robust conversation regarding the problems with regard to that RFP, one of them being that the recommendation that was coming was by way of a letter, when there had not been an attempt at competitive negotiation. This recommendation that you're going to be voting on today is based on a recommendation for a conditional award so that you can engage in those contract negotiations with the contractor that you intend to work with. So, that's to say that you'll be working through any questions regarding the contract, so it's conditional in that regard.

Secondarily, the RFP itself was not the type of RFP that you would hope for, related to this type of project. And again, I think it's important to thank Mr. Lovato for assisting in conjunction with CHET on clearing up what some of that language needed to be in the RFP. It's a much more detailed RFP as a consequence. We also reached out to neighboring counties, one being Rio Arriba County to be able to model after their RFP as well. This RFP does make note of the fact that there will be a mechanical engineer or any other professional as required by the Fire Marshal's office. The Manager and I did have an opportunity, leading up to the issuance of this RFP, to visit with Derek Rodriguez who works at the State Fire Marshal's office. He answered a whole host of questions over the course of an hour-long meeting to make sure that we covered all of the bases on the RFP itself. And, we also reached out to a CID, the Construction Industries Division, to make sure that we were conferring to make sure that nothing was missed.

Now that this contractor will be brought on board, the County will be able to work more closely with the State Fire Marshal's office to make sure that everything that needs to be done with regard to other professionals will be taken care of as well. With this current RFP, it is more detailed. It ensures that you're not missing anything regarding current requirements with your contractors. It was open to anyone, as is the case with any RFP. It's unfortunate that no local contractors chose to submit a response. Your committee has identified a top offeror based not only on cost, but contractor experience. Also based upon the particular contractor that sent in three references, not the MRT. They did review the evaluation and the criteria. You have the other criteria that was reviewed, the conditional work, since they did not submit organizational references, you can ask to reach out to the organizational references before that award is issued to make sure that you visit with them in advance.

9. Discussion/Action: Resolution Authorizing Fifth Withdrawal of SB 6 LGIP Interest

Manager Garcia stated I'm requesting authorization of the fifth withdrawal from the Senate Bill 6 loan interest.

Commissioner G. Trujillo stated you recommend we approve it?

Manager Garcia stated I do. The amount is \$180,543.29.

Commissioner J. Trujillo made a motion of approve.

Commissioner V. Serna seconded the motion.

Attorney Cruz stated with regard to this resolution, just so that we're clear regarding process, you're approving the withdrawal of \$180,543.29 in LGIP interest as of May 3, 2024. That's the amount that you have, as of that date which that was confirmed by Josephine Montoya at the Treasurer's office. At your upcoming meeting next Thursday, you will then have a budget resolution where the Manager and Mr. Baquera will explain how those funds will be utilized. That's when we'll have a vote on the budget resolution and is where you'll see where the monies are going.

Commissioner G. Trujillo called for a vote on the motion as follows: "All in Favor." Motion carried unanimously.

10. Discussion: Next Steps Involving SB 6 Funded Projects

Attorney Cruz stated you all made the formal award to Thomson Consulting. They signed on to the contract. You were assured that after that contract was executed, that the team that's working on the recovery effort would come together. That meeting took place on Friday. Britt Strottman, from Singleton Schreiber, participated remotely. Thompson Consulting had Jonathan Clark here in person, and other members of their team participated virtually. There was discussion regarding today's presentation, and then you all will be hearing more from Thompson at your regular

meeting. I would also make note of the fact that Britt Strottman and her team will be back in town during the week of May 20, and there will be continued in person work with the members of that team. So, you essentially have a general understanding as to what the next steps are going to be in terms of meetings and presentations. What we want to do now is turn things over to John Kropag so that he can give you a better sense as to what they're going to be doing between now and your regular meeting next week.

John Kropag stated, so just to kind of take a step back and make sure that we're all on the same page. So, the SB6 money, the process that has been laid out requires the submittal, the approval, and the obligation, the payment of the FEMA project worksheets. So that is the funding that goes into allowing these funds to be used. In order to do that, there are a few things that we need first, so that we can start moving forward and help us identify what is out there and how to move forward. One of those, we discussed last time, was obtaining the grants portal access. I know that we're working at trying to figure out who the proper Manager for that Grants Portal access is. We're looking to get the signed authorization form for DHSEM, that's on my desk right now. I committed on Friday to getting the template to you for that. I'm working on that; you'll have it by the end of the day today. Then once we have those two things that will give us the ability to then set up meetings with the team to start identifying what the status of the projects that are currently in grants portal are. It's our understanding that there are projects in there that are at the FEMA Region being processed but are being held up. Once we get that signed authorization, we'll get more info from them on what those issues are and what those holdups could potentially be, and then we want to make contact we have contact with DFA and DHSEM finance folks on the Senate Bill 6 sides to make sure they understand what our plan is. So, there's a six-month program for emergency work, which is debris removal temporary, is 18 months for permanent work. So, we want to make sure that those in those periods of performance can be extended indefinitely. As long as work is being done, as long as progress has been made, FEMA will approve those, but if you let those periods of performance lapse, then the eligibility and the funding ceases, so we want to make sure that we're identifying what those timing extensions are, and make sure that they're there. We will go through all of the steps as it says with FEMA costing the scope drafts, identifying how to put back and how to repair those damages that we're looking at.

Commissioner V. Serna stated, I understand we're still going to move forward with Senate Bill 6 money to make sure that we have enough money to cover the priority roads. I believe there's only about \$16 million left in the budget, and the last day to apply for that funding is now in June.

Attorney Cruz stated that's something that we did have an opportunity to discuss on Friday, Commissioner, the first step being obtaining access to the Grants Portal to better understand the projects as they're currently defined, so that Thompson can then identify other opportunities or needs for funding. So, the hope would be, John, that by the meeting that takes place next Thursday, you all would have a recommendation, at that point, if not sooner, as to additional funding that may be needed in order to move those projects forward. We know that you all have been talking generally about the use of LithTec. I believe that LithTec is not integrated into those prior plans that had been submitted last June. So again, getting access to the Grants Portal is the first step, and then the form that John indicated he's going to be sending to the Manager today for signature are the first two steps that need to take place. They do understand that there is an opportunity for

additional funding, and that's when it's going to be one of their focuses, aside from getting a handle on the existing projects.

Commissioner V. Serna stated, LithTec or whatever material is identified, the increase of that would have to be identified before June so that we could borrow more money on that, is that, correct?

Attorney Cruz stated, that would be my understanding, and that's why we ended up having the conversation that we did on Friday, really honing in on the fact that, of course, that Thompson needs to do a lot of work. They're committed to this, to get familiar with the projects, but then also identify those gaps that may have been in place so that they can be filled in as quickly as possible from a funding perspective.

Commissioner V. Serna stated, I have another question about the H&H study, is that going to cause an increase in each of the projects?

Manager Garcia stated, well if we use LithTec, yes.

Commissioner V. Serna stated because the H&H study also includes additional drainage. So that may be additional culverts and larger culverts.

Commissioner G. Trujillo stated I was thinking also, if we can't afford all the roads, I think we should just go with one or two. See how it works. I don't think we're going to have the money to do all the roads.

Manager Garcia stated, according to Steve Robinson, he told me he would request double the amount of money.

Commissioner G. Trujillo stated, that's FEMA, that's not SB6 money.

Attorney Cruz stated, you will be applying for it once Thompson has reviewed the projects and identified how to fill those gaps. So, LithTec was not built in early on. That may be one way within which to do it.

Commissioner G. Trujillo stated, we should do it quickly because in our meeting last week, City of Las Vegas is going after the money also.

Attorney Cruz noted you'll need to get access to the grant portal. First of all, I would say, just submitting an application at this point, knowing that you want to use LithTec and making the request for those funds at this point. So that there's no further delay.

John Kropag stated Mr. Garcia, you're listed as the primary point of contact in Grants Portal, just FYI. I don't know if you knew that.

Manager Garcia stated I don't, I've never logged on. I don't know when.

John Kropag stated, what we're looking at is trying to find out if someone within the County has access to Grant Portal and can allow us to create accounts under the Mora County name and then also establishing rights. I think Stephanie mentioned that you were looking at trying to identify who that person was.

Attorney Cruz stated, it would likely be Clarity Collins, so we'll just get on the phone with North Central to get that access.

Commissioner G. Trujillo stated, did they send you any information, Mr. Garcia, from North Central. I asked him to send all the information.

Manager Garcia stated, we haven't received anything. The last thing that I heard from them was that we have to go through their attorney to get anything.

John Kropag stated, I can reach out to Clarity. We have an established relationship.

Attorney Cruz stated, as it relates to the Senate Bill 6 funding, I would say Mr. Garcia, also talk to John about submitting an application. That's something that's separate from the Grants Portal. You'll be doing that through DFA.

Commissioner V. Serna stated I'm wondering if you can also help out John Romero with any other reimbursements that we are eligible for that are outside of Senate Bill 6. For example, I think there's a \$54,000 reimbursement that we're expecting. I don't know if we've already included Dr. Ziegler's invoices, because I think that was eligible, because it was water testing, and then the rent for the lease for the property. I think we should submit that because I believe that might be eligible, and the cost of the processing. If we could include all of those and start, getting those numbers sooner than later.

Attorney Cruz stated some of those conversations are being had with your Singleton Schreiber team, so they would be presented to you in Executive Session. But as it relates to the team of Singleton Schreiber and Thompson Consulting, there's already a good plan that's in place to ensure that the lines of communication are open, and efforts are not being duplicated. So, in that regard, I think that what we wanted to report to you for purposes of today, was that the first meeting which took place on Friday was a very productive one. And there's a good understanding as to how everyone's going to work together. And, of course, with Thompson being good about reaching out to Britt to make sure that anything that they're doing is not something that's already on the Singleton Schreiber "to do" list. And with that being said, I think that you have everything in alignment in the way that you need it to be at this point in time.

Commissioner J. Trujillo stated I know we've been talking about LithTec, and I agree with the Chair. We shouldn't do all the projects with LithTec, we can do the finished project with some other companies. I just want to say that the subgrade alone, and drainage are a lot of work. Before we do any type of finished project, it's going to be a year or two down before we even use the paper. Because for the drainage is, and everything that's going to be in place and raising of the roads and everything. It's going to be a lot. We have to make sure that our subgrade and our drainage is where they're supposed to before we do any finish project on the top.

John Kropag we have a good understanding of what our next steps are, the rest of it is a more detailed discussion that we can have on the 16th or when we come back after Britt. I have a good opportunity to go through exactly what the division of labor is and make sure that we're doing everything we can do to support the team.

Commissioner V. Serna stated, John, you probably have already touched base with Frank Gonzalez. If you can reach out to him and see if there's any other pending reimbursements that Mora County has not yet received that. I think that would be helpful for our budget.

11. Closed Session: Limited Personnel Matters including Employee Complaints and Threatened Litigation related to HPCC Claim 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. Serna – yes

Commissioner G. Trujillo – yes

The Commission entered executive session at 9:18 a.m.

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

Commissioner J. Trujillo made a motion to reconvene to 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 of the regular session at 9:53 a.m. No action was taken, or decisions made.

12. Discussion: Other Informational Items

Manager Garcia stated, the CHET topic, on item number eight, conditional means that we can notify the contractor to come in and then we talk to him about how it's going to happen.

Attorney Cruz stated we can talk about the specifics as it relates to the logistics. I'm here this morning so we can get on the phone with that contractor. We can bring Adelita in so that we can talk to her about some of the additional information that she wanted to cover on the conditional award. We can carve out what that next step in the process is going to look like, so that you can have a contract ready for approval by the Commission at the upcoming meeting on Thursday of next week.

Manager Garcia stated, Commissioner Serna, I made the comment, that she didn't vote for this, because not hiring local contractors. But couldn't you make a motion to hire someone local. If that's what you want?

Commissioner V. Serna stated, no, that was not the recommendation.

Manager Garcia stated, I just want to make sure that we don't have to go through this again, because of that. It's a little confusing on the RFP.

Commissioner G. Trujillo stated, when you think about it, we stress for local contractors or local vendors, but the law, a lot of times don't allow it because we got to go with a low bid. So, you know, it's just comments that we make sometimes just to make them or for whatever reasons, but sometimes we can't say no. No, my vote today was because he was a low bidder and that needs to be done. We did a new RFP, and I liked how the RFP was presented. And, I think it's a better process than what happened three months ago. That's my opinion. I remember when the Governor said, hopefully they hire Northern New Mexico contractors, which means all Northern New Mexico not only Mora contractors. So that's my opinion.

Attorney Cruz stated it's conditional as it relates to the contractor, because we need to go through the contract to make sure they know and understand what those requirements are, as it relates to the Commission. The Commission's vote is we're moving forward so long as there is agreement with that contract, and it meets with the requirements that are set forth by the County once it's

negotiated. And this particular award was not just that they were the lower bidder, there was a whole host of other factors that likewise came into play as well, in terms of how your committee evaluated them. Cost was not the only evaluation factor.

Commissioner G. Trujillo stated, I just got to report that there's no more wood. The guy is supposed to start processing sometime this week. So, we'll probably wait. We gave out 135 loads. We will still continue putting people on the list.

Attorney Cruz stated, you will be having your regular meeting next Thursday, and then we also discussed that there will be a meeting the following week with the Singleton Schreiber team. I also believe that you have a public hearing coming up on the budget.

Stephanie Casados stated, we haven't posted it yet. So, we're going to do it on the 14th.

Commissioner G. Trujillo stated, the Governor is going to allow the National Guard to come and help us deliver truckloads. So, once we have enough wood, Mr. Garcia can make the call to the Governor.

Commissioner V. Serna stated, General Aguilar mentioned that they're going to try to get funding to help pay the local firewood distributors so they could process it, so they don't lose out so much on their business.

So, they can bring in as many as we can.

Commissioner G. Trujillo stated, Eugene Pino is asking for donations from nonprofit organizations to help us process the wood.

Commissioner V. Serna stated, we've been talking about this for some time, and I haven't seen it on the agenda, did they resolve the pay for EMS.

Attorney Cruz stated, what was discussed previously with the Manager was EMS, and the Sheriff's Office, and the deadline to have that incentive pay on your agenda is June 30. It's something that we'll have on the agenda. There's an underlying reason why it has not shown up and I'll communicate that because it's an attorney client privileged communication via email to the Commissioners. So, you know why there's been a holding pattern. I cannot communicate that with EMS staff.

13. Signing of Approved Documents

The Commission signed approved documents.

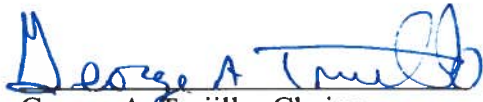
14. Adjournment

Commissioner G. Trujillo made a motion to adjourn.

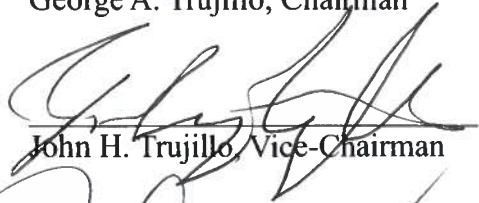
Commissioner V. Serna seconded the motion. All in favor. Motion carried.

Meeting adjourned at 10:03 a.m.

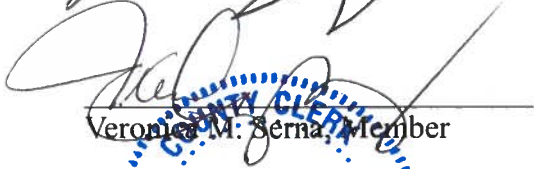
MORA COUNTY BOARD OF COUNTY COMMISSIONERS



George A. Trujillo, Chairman



John H. Trujillo, Vice-Chairman



Veronica M. Serna, Member

ATTEST



Carlos J. Arellano, County Clerk

