



BOARD OF COUNTY COMMISSIONERS OF MORA COUNTY
Special Meeting – August 6, 2024 – 4:30 p.m.

1. Call to Order

Chairman George Trujillo called the meeting to order at 4:30 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 Danae Pino polled the board: **Commissioner George A. Trujillo** – Present; **Commissioner John H. Trujillo** – Present; **Commissioner Veronica M. Serna** – Present. A quorum is present.

4. Approval of Agenda

Manager Garcia recommended table item 11 and scratch item 10. **Commissioner George Trujillo** recommended moving item 7 after approval of agenda. **Commissioner J. Trujillo** made a motion to approve as amended. **Commissioner V. Serna** seconded the motion. *All in favor. Motion carried.*

5. Discussion: County Roads vs Right-of-Way; Court Case Regarding CR A005 Jashe Alcon (this item was discussed after item #4., approval of agenda)

Mr. Jashe Alcon – Mr. Alcon stated he is a licensed land surveyor who is experienced in dealing with property deeds and surveys. Overall, he is advocating for more legal and sustainable approach to County Road maintenance and improvements with a strong emphasis on the concept of right of way being crucial, and the County's current approach to paving roads is inefficient and ineffective, as evidenced by the poor conditions of existing roads. Continued discussion took place between the Commission and Mr. Alcon.

6. Discussion/Action: Approval of Minutes

a. May 6, 2024-Special Meeting

Commissioner V. Serna made a motion to approve. **Commissioner J. Trujillo** seconded the motion. *All in favor. Motion carried.*

b. May 16, 2024-Regular Meeting

Commissioner J. Trujillo made a motion to table. **Commissioner G. Trujillo** seconded the motion. *All in favor. Commissioner V. Serna opposed. Two aye, one opposed. Motion carried.*

c. June 13, 2024-Election Canvass Meeting

Commissioner J. Trujillo made a motion to approve. **Commissioner V. Serna** seconded the motion. *All in favor. Motion carried.*

d. June 27, 2024- Regular Meeting

Commissioner J. Trujillo made a motion to table. **Commissioner G. Trujillo** seconded the motion. *All in favor. Commissioner V. Serna opposed. Two aye, one opposed. Motion carried.*

e. July 2, 2024-Special Meeting

Commissioner J. Trujillo made a motion to table. **Commissioner V. Serna** seconded the motion stating I haven't seen those set of minutes. *All in favor. Motion carried.*

f. July 11, 2024-Special Meeting

Attorney Ernestine Cruz stated with regard to the minutes of July 2 and July 11, they are not two separate meetings. The July 2nd meeting was recessed and then it resumed on July 11, its one set of minutes. The necessary corrections will be reflected on the agenda of the next meeting.

7. Discussion: Update from Mora County Sheriff - Americk Padilla, Sheriff

No discussion took place.

8. Discussion: Purchases by IT Department and Future Improvements - Travis Vigil, IT Manager

Mr. Vigil stated the request is for approval for funding to purchase the equipment for magnetic locks on all the doors, a camera system for certain departments and networking equipment that is outdated for the server room. The total price is between \$70,000 to \$75,000. Quotes from various vendors were provided to the Commission. Continued discussion took place.

9. Discussion/Action: Recommendation to Proceed with Procurement Process for Wood Processing

Manager Garcia stated we are at a juncture where we need to come up with an idea to process the wood. Several ideas were presented on how to proceed with handling the processing of the wood. The final outcome was it was suggested that the County consider hiring non-county employees, such as professionals, to process the wood on the property. To mitigate risks, these individuals would need to provide liability insurance and Workers' Compensation coverage. Concerns related to anti donation were discussed and addressed with mention by the County Manager that the only method of money that can be used for this project is the interest money. Manager Garcia will work on a solution and come back to the Commission with the next steps.

Commissioner Serna stated I understand he had a meeting with FEMA or the HPCC people regarding wood processing.

Mr. Garcia stated I met with FEMA and Forestry and FEMA (Jay and Jennifer Carbajal) said that they have already given money to buy wood and that they are out of it. They said they did their part. In other words, they are not going to help with that. So, we are pretty much on our own.

Attorney Cruz stated that the concern was the liability issue by having the individuals come on to the property and process the wood on their own is going to be a liability issue for the County.

10. Discussion: Special Event Permits from Planning & Zoning Brad Sena, Planning and Zoning

Item number 10 was scratched from the agenda during item number 4 approval of agenda.

11. Discussion/Action: Approval of Employment Contract Between the Village of Wagon Mound and Paul Martinez

Item number 11 was tabled during item number 4 approval of agenda.

12. Discussion/Action: Authorizing County Manager and Finance Director to sign the Match Fund Grant Document in the amount of \$750,000 from NMDFA identified as Appropriation 24- Board of County Commissioners Special Meeting Tuesday, August 6, 2024, at 4:30 pm Page 1 Z-15044-

MG25-064 for costs to match EDA FY23 Disaster Supplemental for Mora County Complex Improvements

Manager Garcia stated that is the appropriation for the grant waiver. I recommend approval.

Commissioner J. Trujillo made a motion to approve. **Commissioner V. Serna** seconded the motion. *All in favor. Motion carried.*

13. Discussion/Action: Resolution Authorizing Withdrawal of Funds from the Local Short Term Investment Fund Operated by the New Mexico State Treasurer's Office

Attorney Cruz suggested a comprehensive review of meeting agendas and minutes from November 16th to the present. This is due to a similar resolution being tabled multiple times since then. The review is recommended to ensure that any new resolution accurately reflects the previously considered one, including its specific categories.

Manager Garcia recommended tabling the item. **Commissioner V. Serna** made a motion to table. **Commissioner J. Trujillo** seconded the motion. *All in favor. Motion carried.*

14. Discussion/Action: Approval of Contract Between Mora County and San Juan County for Housing of Juvenile Detainees

Attorney Cruz previously expressed concerns about two specific provisions in the contract. After consulting with the San Juan County Attorney's office, it was learned that the contract is standardized for all Counties with minimal variations. As a result, no edits can be made to this contract. Ms. Cruz recommended approving the contract as is. There is a plan to propose the desired changes for future contract iterations.

Manager Garcia recommended approval. **Commissioner J. Trujillo** made a motion to approve. **Commissioner V. Serna** seconded the motion. *All in favor. Motion carried.*

15. Discussion/Action: Approval of MOU with North Central New Mexico Economic Development District to Administer EDA Grant

Manager Garcia initially proposed that North Central Economic Development handle only one of the grants. However, after the County Attorney suggested that North Central administer all grants related to the complex, Garcia agreed. The County Attorney recommended further discussion between the Manager, Legal Counsel, and North Central Economic Development to determine the best approach for administering the EDA grants and potential future Capital Outlay grants. Ultimately, the decision was made to table until more information is gathered.

Manager Garcia recommended tabling the item. **Commissioner J. Trujillo** made a motion to *table*. **Commissioner V. Serna** seconded the motion. *All in favor. Motion carried.*

Commissioner V. Serna requested Capital Outlay grants be added to the next agenda to ensure the County doesn't lose that funding.

Attorney Cruz recommended rescinding the motion so we can talk to North Central and find out if they want to consolidated EDA and Capital Outlay.

Commissioner J. Trujillo made a motion to rescind the motion. **Commissioner V. Serna** seconded to rescind the motion. *All in favor. Motion carried.*

16. Discussion/Action: Approval of Settlement Agreement from New Mexico Counties regarding portables (previously executed by Manager Joseph Garcia)

Attorney Cruz stated I emailed Manager Garcia regarding the signed settlement agreement with New Mexico Counties regarding the portables. I previously emphasized that any contract, settlement, or agreement signed on behalf of the County requires prior Commission approval. The Commission is the Governing Body authorized to approve such agreements and therefore this item had to come to Commission for approval.

Manager Garcia recommended approval. **Commissioner J. Trujillo** made a motion to approve. **Commissioner V. Serna** seconded the motion. *All in favor. Motion carried.*

17. Discussion: Road work on C-004 and C-008, to include discussion of coordination with agency partner and funding requested from Mora County to Contractor Luis Pacheco

Manager Garcia stated road work is being done on the Los Hueros and Los Febres Road. This was something that I arranged with the US Forestry, Mr. Shaun Sanchez. They are paying for the trucking to take material to Los Hueros and Los Febres, that's a huge savings for us. What I was looking for approval is, it's under the \$60,000 threshold but Attorney Cruz thought it a good idea to get approval from the Commission to purchase material. Today we received bids on the gravel pit. There were two people who proposed. From now on, instead of purchasing material from Mr. Pacheco, we will purchase from the person who came in with the lower bid. We are going to approve that. Just letting you guys know what we are doing over there.

Commissioner V. Serna asked how the US Forest Service made the decision to work on those roads instead of the many disaster roads that haven't been worked on.

Manager Garcia explained the reason the US Forest Service decided to work on those roads rather the other roads is because he asked Shaun Sanchez, Santa Fe National Forest Service Supervisor, if there was any help for that and he said, yes. Mr. Sanchez arranged it and he made a contract with Mr. Pacheco on their own as the Forest Service. The road had not had work done on them for several years. The County will buy material from Louis at a rate of \$5 per yard at a total of 960 yards to be used on those roads. It's less than \$4500 for the material. He stated he appreciates Shaun Sanchez and the Forestry to haul that, to pay for it. They did an independent contract with their contracting agents and all.

Commissioner V. Serna stated that Mr. Garcia should work this hard for the other roads.

Manager Garcia stated that he does but ours is just as important as the others but he does work very hard.

Attorney Cruz stated it was mentioned to Mr. Garcia to add this item to the agenda for several reasons related to transparency. This agenda item aims to provide a public explanation for the selection of the roads. The Manager lives and utilizes the roads in the area where the material is being delivered to, C004 and C008, there is a concern that the public might perceive undue influence due to the Manager's residence. I wanted the Manager to explain why these two particular roads were identified as needing road work because I would assume that somebody would come forward and say that because he lives there, he utilized his position for his own benefit. Because he lives in the community and is invested in the community, there are going to be actions and activities that will be undertaken that could very well benefit his personal lived existence. The other reason I recommended that this item be on the agenda is Louis Pacheco has been mentioned in communication with the Manager. I seemed to recall that at some point, Vice-Chair Trujillo mentioned to me that he was going to be leaving his employment with San Miguel County and he was going to be working with a Louis Pacheco. I asked the Manager if this was

the same Louis Pacheco that I think Vice-Chair Trujillo works for and he said, yes, this is the same Louis Pacheco. So then I said we absolutely need to address this in an open meeting as well to make clear that any decisions made related to the \$4500 procurement were processed through the procurement office, that process was followed. Again, this all predated me learning about this so I just want to ensure transparency, that had there been a need to vote on this procurement, Vice-Chair Trujillo would not have participated in that vote because of his employment relationship. He would have recused himself and he likewise would have stepped out of the commission meeting so that there would be no concern regarding his dual role of being a commissioner and also working for Louis Pacheco. If you, Manager or Vice-Chair, want to say something to this particular agenda item, please feel free to do so.

Manager Garcia stated these roads have been in poor condition for over 20 years, while not destroyed by flood events like the others were, they suffered significant damage due to heavy traffic during the fire. I don't believe repairs to the roads would have qualified for FEMA like the others were but definitely qualified because of the fire traffic therefore the US Forest Service agreed to assist with road repairs.

Vice-Chair Trujillo stated, I wanted to thank you, Manager, for reaching out to Mr. Sanchez. We need all the help we can because all the roads need work. I didn't know what was going on but for you reaching out to the Forestry, thank you, because now those roads are getting material out there for the people that need it and there and there's a lot more material that needs to go out.

Attorney Cruz stated my recommendation with regard to a situation of this type in the future, would be that the Manager indicated he had mentioned it at prior meetings, so that there's no ambiguity or confusion if there is work that's going to be done that in some way the Manager has a direct personal connection to, the best practice would be to present it as a discussion action item, so that the Commissioners can know and understand what's happening, and then there's no explanation that needs to be made because the Commission has either voted to approve or has not voted in support. And that's a way within which to ensure that you all as a Commission are well informed, and also to ensure that the Manager is making disclosure on the front end to avoid any questions in future matters that are similar to this.

18. Discussion/Action: Approval of Mora County Active Shooter Response Policy

Attorney Cruz stated this item was requested by the Sheriff, due to the two recent threats to the FEMA office and subsequent lockdowns, the Sheriff has requested a conversation with the Commission to discuss the creation of an Active Shooter Response Policy. The Sheriff suggests forming a committee which would consist of multiple departments, to draft the policy.

Manager Garcia recommended we put together a committee. **Commissioner J. Trujillo** made a motion approve. **Commissioner V. Serna** seconded the motion. Commissioner Serna recommended involving an individual from the School District to participate in the committee as they are in close proximity to the courthouse and should be involved. **Commissioner G. Trujillo** stated all *in favor*. *Motion carried.*

19. Closed Session: Pending Litigation involving John Paul Vigil matter; Pending and Threatened Litigation involving HPCC Claim

Commissioner G. Trujillo asked for a motion to enter closed session. **Commissioner V. Serna** made a motion to enter closed session. **Commissioner J. Trujillo** seconded the motion. *All in favor on a roll*

call vote: Commissioner John Trujillo – yes; Commissioner Veronica Serna - yes; Commissioner George Trujillo – yes. **Commissioner G. Trujillo** stated the time is 5:55 p.m.

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 John Trujillo – yes; Commissioner Veronica Serna - yes; Commissioner George Trujillo – yes. **Commissioner G. Trujillo** stated for closed session, no action was taken or decisions made. Only discussion regarding the John Paul litigation. We did not discuss the HPCC Claim; the time is 6:26 p.m.

20. Discussion: Other Informational Items

Commissioner G. Trujillo stated the next meeting is on Tuesday.

21. Signing of Approved Documents

The Commission signed the approved documents.

22. Adjournment

Commissioner G. Trujillo asked for a motion to adjourn. **Commissioner J. Trujillo** made a motion to adjourn. **Commissioner V. Serna** seconded the motion. *All in favor. Motion carried.* The meeting adjourned at 6:27 p.m.

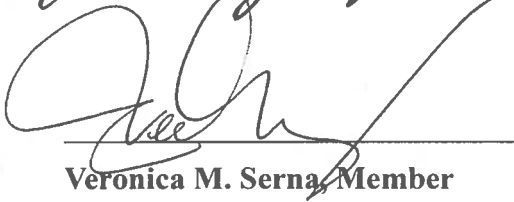
MORA COUNTY BOARD OF COMMISSION



George A. Trujillo, Chairman



John H. Trujillo, Vice-Chairman



Veronica M. Serna, Member

ATTEST:



Carlos J. Arellano, County Clerk

