



BOARD OF COUNTY COMMISSIONERS OF MORA COUNTY

Regular Meeting (Rescheduled) - June 27, 2024 – 9:35 a.m.

1. Call to Order

Chairman George Trujillo called the meeting to order at 9:42 a.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

4. Approval of Agenda

County Manager Joseph Garcia stated we can do one of three things, we can just zoom through this meeting as quickly as possible, because we have our attorneys that are in from different parts of the country. It would be nice if we could get them started between 10:30 and 11 o'clock at the latest.

Commissioner George Trujillo stated I am going to suggest we table item, 6 item 15, item 16, item 26, item 27, item 33, item 35 and item 36.

Attorney Ernestine Cruz stated item 35 can be struck because it is a duplicate item.

Commissioner John Trujillo made a motion to approve.

Commissioner George Trujillo seconded the motion. Any other discussion?

All in favor. Two ayes. One opposition. Commissioner Veronica Serna opposed. Motion carried.

5. Public Comment*

Ed Martinez spoke during public comment. Mr. Martinez stated I have come to the Board representing the Acequias de El Alto de Los Martinez', for a second time in our attempt in discussing the efforts that we have taken in attempt to protect our acequias. On May 16, I presented to the Board of Commissioners, our concerns on the proposed crusher by Rancho Escondido's as it relates to our ditches. On June 10th, I sent by mail to the New Mexico Environmental Department Air Quality Bureau, a letter concerning our concerns and I copied to the Mora County Planning and Zoning Department. On June 13, I mailed Naomi Montoya, the contact persons from Rancho Escondido LLC, a letter requesting interaction, including a copy that we send to NMED, their quality Bureau. On June 17, the Acequias de Alto de Los Martinez 'formally requested technical assistance in hydrological studies from the New Mexico acequia Association. On June 18, I emailed a letter to most members of the Planning and Zoning Committee, the letter that we had sent to the Air Quality Bureau. Today, June 27, work on the quarry continues. Large piles of rock can be seen from Highway 518. With equipment functioning, the sorting and piling of rock. We will now read the letter that I sent to the Air Quality Bureau. The Acequias de Alto de Los Martinez' branches, both paths to the restricted area where the processing plant is to be located with a very close to the 12-acre space identified as a processing area. The above areas, the

restricted areas were heavily burned during the Calf Canyon/Hermits Peak fire. The acequias provide drinking water, water for lifestyle garden plots, row crops and alpha fields, grazing pastures and seepage water are the aquifers for the local water's wells, as well as the community water wells in the area. There are over 80 pieces of land that have water rights and utilize ditch rights from both branches of the acequias. The restricted area is defined as the entire land plot through which both branches of the acequias flow, limiting the access for early maintenance and routine cleaning. The floods expected in the coming years will adversely affect the process in place, as they are in the flow path of the floodwaters, presently ash and debris end up in the ditches. Oils and chemicals from processing plants will follow the path of the ditches along the ashes and debris during the fall. The mitigation efforts which is important here being carried out by the association through NRCS. To protect the acequias from future flooding at the head gates will place a bigger burden on the processing plants because floodwaters will be directed away from the ditches and into the forested areas. The acequia watershed is not to be used for commercial use and is a concern specifically with the proximity of the acequias and the water requirements of the processing plant. The large quantity of material estimated to be removed in proximity of water is a concern. I appreciate your consideration of the above concerns as a resident Mora community, the members of the Acequias de El Alto de Los Martinez', I asked you to reevaluate the application, as submitted by Rancho Escondido LLC. Thank you.

Manager Garcia stated if there's anyone else that's going to speak to this issue, there's going to be a time and a place for the Planning and Zoning. Really now's not the time to hear anything like that. It has to go through Planning and Zoning, has to go through that process. Then we can deal with the Commission later but for now, the proper steps have to be taken. So, it's irrelevant at this point.

Rowan Stanland spoke during public comment. Ms. Stanland stated Planning and Zoning did receive the Environmental Impact Assessment and business license application from Rancho Escondido on June 6.

Manager Garcia stated Mr. Chairman, if I may, we really don't have time for this. This has to be presented to Planning and Zoning first. It was to follow a process.

Commissioner G. Trujillo stated we will let the people speak.

Ms. Stanland stated the type of business listed in the application is property restoration resulting in construction aggregates. Rancho Escondido intends to operate a gravel quarry and Crusher, but this fact is not included anywhere in their application. On page two of the Environmental Impact Assessments, they list the other permits they have applied for including NMED air quality and New Mexico mine registration, which was issued to Rancho Escondido on April 25 and list the production capacity at 300 tons per day. The coring and crushing application from Air Quality Bureau was submitted on May 10, with the intent to reapply on June 20, per the public notice that is currently posted up the quarry. Upon receiving a strongly misrepresented application a public hearing, and Planning and Zoning committee were scheduled on June 19, with the intent to approve this application, the public hearing was canceled because only seven days' notice was given instead of the required 15 days. Five minutes prior to the scheduled time of the hearing, Mr. Garcia announced that the meeting was canceled because of a protester. I do not believe that a protester was responsible for scheduling the public hearing. We are very

concerned that Mora County is not aware of what is required to approve a conditional use permit in accordance with the DGS or how to schedule a public hearing in accordance with the Open Meeting act. Both require 15 days' notice for a public hearing and only seven days was given. Additionally, the DGS states in Article four section two paragraph C, applicants for a conditional use must receive a conditional use permit before any construction begins. We know that construction has begun. The quarry is visible from 518 and has been for over six months. According to the DGS a gravel crusher in this location is a prohibited use. The location of the quarry is directly above a shallow aquifer, which will endanger the neighboring community and private wells. The quarry is less than one half mile from both the Cleveland and Del Rio community wells. The quarry is within 100 feet of the Acequias de Alto de Los Martinez and within 300 feet of Rio de la Casa. The crusher will produce noxious dust which will emanate off site. The existing quarry is within the FEMA floodway, according to Mora County flood map. I asked Mr. Sena to verify if the location was in the flood zone, and he said that based on the map included in their application that it wasn't. We asked that the location be considered as a whole area of operations. Not a single point the area of operations is 20 acres.

Lisa Styles spoke during public comment. Ms. Styles stated my comment today comes in the form of questions, because I do not know of another effective avenue to make inquiries and receive answers from my county officials. My emails have gone unanswered and requests to meet in person have been dismissed. So firstly, I would like to know the best way for constituents to be heard by our county officials outside of the three minutes at our public meetings. Secondly, also for the record, I would like to know if all Mora County officials are required to follow the DGS when making decisions regarding development within the county or is there another guiding document in use. And lastly, Attorney Cruz, there is an outstanding IPRA request for the county audit information from April 19, 2024. I believe that violates the Freedom of Information Act. We are told that you are responsible for not releasing this information. I was just wondering if you could tell us anything about that. If anybody on the panel could answer those questions, I'd appreciate it and thank you for your time.

6. Discussion/Action – Approval of Minutes

- a. May 16, 2024- Regular Meeting**
- b. May 22, 2024 - Public Budget Hearing**
- c. May 23, 2024-Special Meeting**
(Item 6, *tabled* during item 4., approval of agenda)

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

Larry Garcia, Veterans Memorial Committee Member presented the item. Mr. Garcia stated we haven't had too much progress up to today. We have had our regular special meeting, which was this month, and we've had a couple of work sessions. Our discussions have been on budget and bid proposals. We've met with the architects a couple of times, once on Zoom and in person, and it looks like we're pretty much moving along. Hopefully in the next couple of months, I don't know when exactly, we'll be getting our funding from capital outlay, but we'll be moving on that. Once we get that we'll probably hopefully get our bids out. We also planned our flag retirement ceremony on the 21st. The ceremony along with Veterans Resource Fair went very well. It was very successful. There were approximately eight vendors present there, and we had numerous guests attending. Next item is we'll be flying our US flag and our New Mexico flag and POW flag in front of the library for the Fourth of July

weekend. We do continue to appreciate your help, all of you. You've given us 100% support for our project. We have cleared the emblems through DOD and Washington for their approval. So that's already complete. In conclusion, I would like to give a vote of confidence to Stephanie and DesMarie because they have been very proficient and very expedient in their work.

8. Discussion: Presentation on United States Forest Service Updates Kenneth Alcon

Not Present. No discussion or action taken.

9. Discussion/Action: 2024 Fourth Quarter MCC/Mora Mainstreet report Ilka Villarreal

RuthAnn Griego/Ilka Villarreal presented the item. Mrs. Griego stated we're here to cover the end of our quarter for the contract for the 23/24 fiscal year, and what the funds have brought to the County. We are currently still working on the USDA funds, which are the matching funds for the capital outlay. We're going to go ahead and work on our part and close out so that we have the items that would match that capital outlay appropriation when the county is ready to move forward to submit the documentation to the State, so we can move forward with the facade improvement of the library. We also received a Resilience Alliance grant, which was to manage a volunteer project this year. It was for \$3,500. The \$100,000 creative industry grant, which was what the eight Mora Market Saturdays was put on, we're still in the process of closing out that grant, but along with that grant, we were able to purchase those tables and the tents and the trailer for events that go on within the county. The summer camps that we've been having, we had to 2 fly fishing camps at Morphy Lake, which, between those and the field days, we've had probably about 90 kids who have participated. The fly-fishing camps are a big benefit to our community of Mora as we partner with New Mexico Fly Fish, and they provide. The value of the fly-fishing rods are about \$75, and each of the kids that attends get one of those for free. We supported the local business Hatches through a Mainstreet design request. So, they kind of gave us ideas as to how they could utilize their American Express grant and did a schematic design. So, they're pretty much finished if you've noticed the front got painted and he put new signage and windows and doors and stuff. Infrastructure development. That's part of wanting to foster community pride and usability of public spaces. That's what we're looking forward to doing with the front of the library with the tables and chairs. So, there's a welcoming space for people to come and sit and be in a well-kept area.

**10. Discussion/Action: Approval of Letter of Support for Health Council from Mora County
Commission Valerie Benjamin**

Valerie Benjamin presented the item. Mrs. Benjamin stated before you is a letter lending support to our Health Council. This letter is basically a letter that we took the liberty of drafting on your behalf in support of the Mora Health Council, and all we need is approval of this letter.

Attorney Cruz stated I'll review it, and then if there's a need to reach out to you directly with some questions so that we can make some revisions if necessary.

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

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

11. Discussion: Project Status

a. EMS Facility and Communications Repeaters Alex Tafoya

Mr. Alex Tafoya not present, a report was provided to the Commission.

Manager Garcia stated I met with the architects on EMS and that's a go. There were a couple of changes that don't require anything at all from the committee. We are waiting for the RFP that's going to be crafted by the architects and we'll put that out to begin construction very soon. As soon as the architects give us the RFP, and they are working on that. There was a question of bedroom space, but after meeting with the architects, they were able to put together a plan that will suffice for the bedroom. So that's taken care of.

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

a. Elected Official(s):

County Assessor – No Report

County Clerk – No Report

County Treasurer – No Report

Sheriff's Office – **Sheriff Americk Padilla** presented the report. Mr. Padilla stated to get you guys up to speed on a little bit of what's been going on within the County. Our call volume skyrocketed. We've been dealing a lot more with domestics, a lot more battery cases, a lot more cases involving physical altercations with one another. We're just going to continue doing what we're doing. We're going to continue to be out there and do our due diligence and continue to be proactive. You're going to see a lot more activity out of us. We're going to be out there for the summer months, enforcing a little bit more, seatbelts, speeding, DWIs. So, you can probably see more checkpoints throughout the County. Right now, you guys are pretty well aware of all the flooding and everything that's been going on with in our County as well as San Miguel County. We house all the individuals that get placed under arrest in San Miguel County, as of right now. We're kind of trying not to incarcerate as many individuals due to the water shortage, if it's not like a super violent crime or something major, the officers are going to be using a lot more discretion.

Commissioner G. Trujillo stated have you met with the Chamber of Commerce on the Fiestas in Mora County?

Sheriff Padilla stated yes, I know they've been in conversation with the Undersheriff as well, and we've been discussing where it's going to take place, what time. It was brought to my attention that we're going to have two spots. I guess we're going to have one spot here where it usually has been held, and then there's going to be another spot across the road as well. It's up to them and up to the Commission on how they want to proceed with that.

Commissioner V. Serna stated in the event that we have a flood event, is there a plan for that?

Sheriff Padilla stated we have something in place. I know we've been working with myself and Undersheriff and Emergency Manager, Mr. Pino, on if flooding does occur. If we have a flooding incident that occurs, it's going to be basically mop up. Right now, with the amount of water and the amount of debris that comes with those floods, there's basically nothing that's going to be able to stop it, we'll basically assess the situation after, hopefully, there's no casualties.

Commissioner G. Trujillo stated I think we should have a meeting next week with all the stakeholders that are probably going to be involved if there is an emergency.

Commissioner J. Trujillo stated hopefully there's no floods to come. I saw the destruction that's been going on and what's happening. I've been out there where we had to rescue people that were

stranded for four or five days. It's a really big issue, and my advice to the people is to be ready at all times, especially during the rains and monsoon season.

Sheriff Padilla stated we had two uncertified deputies that were going to be attending the Academy in Santa Fe this coming Monday. One individual is no longer going to be participating, but we have one that's going to be going. Her name is Daniela Polaka. She's already passed everything necessary to get to this point.

b. Department Head(s)

1. EMS- No Report

2. Planning and Zoning Department- No Report

3. Road and Solid Waste Department – Road Superintendent John Romero presented the report. Mr. Romero stated three weeks ago, I had a meeting with New Mexico DOT and Railroad, and they want to widen the crossing on county road C0 24. They've had two incidents so, they're going to go with the 30-foot-wide crossing, and they are going to put an arm to block the traffic signals. This is going to happen November, and there's no cost to the County, the State's paying for everything there, all we have to do is approve their traffic control plan, because they're going to shift to the south side, they're going to do a temporary crossing. So, they can work on the original crossing. The plan should be ready by September, and they hope to get started by November 1st. We're working on our project in El Alto Talco; we're halfway done there. The guys are putting in culverts today so we can get the belly dump in there. We cleaned the debris around the bridges. We have been busy.

Fire Administrator, Kristofer Romero presented the report. Mr. Romero stated for the flooding, my fire crews are ready to go and assist anything we need from them. I would like to introduce our Wildland Coordinator, Daniel Garcia. He is part of the fire crew now. He will be assisting me on the wildland side, any paperwork, he will be taking charge of that now.

c. County Manager – Manager Garcia presented the report. Mr. Garcia stated I've mentioned the EMS we are working on the Veterans. I'm still working on the insurance for the buildings, due to the fire we had, and I'm still working hard on getting the employees over, hopefully to the new courthouse instead of renting mobile unit. So, I'll keep you all abreast of that. Other things I have to discuss are further down the agenda.

Commissioner V. Serna stated I noticed that there's a lot of new employees who have filled the positions that were recently created. The question I have is who sets their salaries?

Manager Garcia stated those salaries are set by HR and were in accordance with two other similar ones. We're working on a salary schedule with the attorney, and I can speak to that in executive session. We're getting near equivalencies from different counties, and that's how we're going about it.

Commissioner V. Serna stated I don't have a problem with their salaries. It's just that based on 4-38-18 NMSA A, it says that the Commission is supposed to set salaries, and the other concern I have is that if there are salaries that are increased beyond 10%, that needs to also be approved by the Commission.

Manager Garcia stated what we can do is before we hire anyone else, we have a few that we still need to fill. We'll pass it to the Commission and see what you think. See if you agree to do that. I can tell some of them that we've hired are matches so that saves us a lot.

d. Human Resources

Human Resources Coordinator DesMarie Romero stated Mora County hired a temporary Deputy Clerk, temporary Election Clerk, a temporary Deputy Assessor and a Disaster Recovery Road Operator. You guys have met the Wildland Coordinator. The Sheriff's Office also hired a Deputy Sheriff. We had two employees from the MVD resign. At this point we had to hire a temporary MVD Clerk and a temporary MVD Manager. We have advertised for those positions they have closed. We are going to do the interviews next week. We also hired a Maintenance and Facility Supervisor and an IT Manager. New promotions or job transfers, Jeffrey Vargas, he was a Sheriff Deputy who is now the Sergeant. Jesus Baquera came on as a temporary Chief Financial Officer, he is now our Finance Director. The job openings that we still have available are an EMT-B part-time and a Deputy County Manager full-time. June 5th and 6th New Mexico Counties held an OSHA ten course for our employees. Ten employees took the course which were maintenance staff, solid waste, road department and two individuals from the sheriff's office which was good for Mora County they also came out in the New Mexico Counties flyer for the week when James Chavez has held the course for our employees.

Manager Garcia stated Mr. Chairman, I have a comment for Commissioner Serna. If you have information for us for example, the setting the salaries or hourly wages for any employees, please alert us, we're doing the best we can. Let us know prior and we can involve everyone, we're just doing the best we can with comparable wages so let us know if you know anything prior that would help us a lot.

Commissioner V. Serna stated actually for the most part I think that you guys can go ahead and research that it just has to come to the Commission for approval.

e. Announcements

Commissioner G. Trujillo stated we have a Special Meeting on Wednesday at 4:00.

f. County Commission

No Report.

13. Discussion/Action - Expenditure Report/Budget Report Jesus Baquera, Chief Financial Officer

a. Expenditure Report - 2024

Finance Director Jesus Baquera presented the item. Mr. Baquera stated there was a \$891,132.06.

Manager Garcia recommends approval.

Commissioner J. Trujillo made a motion to approve.

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

b. Budget Report - 2024

Finance Director Jesus Baquera presented the item. Mr. Baquera stated I'm looking for anything less than 8.3%, and there is nothing on my report that's less than 8.3. We got the loan fund at 9.8, and we got the agency funds at 9.73. Everybody else is above that.

Manager Garcia recommends approval.

Commissioner V. Serna made a motion to approve.

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

14. Discussion/Action-Resolutions Jesus Baquera, Chief Financial Officer

a. Budget Adjustment Request

Finance Director Jesus Baquera presented the item. Mr. Baquera stated there is a budget adjustment request for \$186,925.65, that was the interest earned on our SB 6 loan for the month of May. We're bringing it into the general fund. That is money that the County Manager has earmarked. He hasn't told me what it's earmark, but he told me he's claiming it. So that's his money.

Commissioner V. Serna stated so you don't have the specific areas identified under contractual services?

Mr. Baquera stated I'd have to research it to be exact. I'll get back to you. On a side note, we are going with new auditors, Beasley Mitchell and Company. I am in the process of getting this Office of State Auditors approval contract there. They're earmarked to be here in September to do the field work, and today is the last day of the fiscal year because we don't work on Fridays. So, we're in the process of closing the fiscal year. We have to take turns in closing triadic. The Treasurers has to do their stuff first. Then Finance can do the close on the finance side.

Commissioner J. Trujillo made a motion to approve.

Commissioner G. Trujillo seconded the motion. Any other discussion?

All in favor. Two ayes. One opposition. Commissioner Veronica Serna opposed. Motion carried.

15. Discussion/Action: SRO Agreement with MISD and Mora County

(Item 15 tabled during item 4., approval of agenda)

16. Discussion/Action: Contract for CHET Water Tank Installation with Top Offeror

(Item 16 tabled during item 4., approval of agenda)

17. Discussion/Action: Approval of Grant Agreement #A23H4157 Vehicle Purchase and Equip for Senior Center

Manager Garcia recommends approval.

Commissioner J. Trujillo and Commissioner V. Serna made a motion to approve.

Commissioner G. Trujillo seconded the motion. *All in favor.*

Commissioner V. Serna stated I understand that we are about \$10,000 short for that bus?

Mr. Baquera stated we had to pitch in \$5,000 for the bus. There is a legislative bill that allows for a match.

Motion carried.

18. Discussion/Action: Approval of Issuance of RFP for Propane Services

Manager Garcia stated I recommend the approval of the issuance of an invitation to bid for propane services.

Commissioner J. Trujillo made a motion to approve.

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

19. Discussion/Action: Approval of Issuance of RFP for Banking Services

Manager Gacia stated I recommend approval for banking services.

Commissioner J. Trujillo made a motion to approve.

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

20. Discussion/Action: Approval of Issuance of RFP for Road Materials and Gravel Pit

Manager Garcia stated it's the current contract we have with Mr. Molinar. That contract is up and I need permission to issue or maybe an invitation to bid for road materials.

Commissioner J. Trujillo made a motion to approve.

Commissioner V. Serna seconded the motion.

Attorney Cruz stated I would clarify that based upon what the Manager just indicated. It may be an RFP or an invitation for bid, but essentially, it's going to be a form of procurement that's going to be issued, and that's what you'll be voting on today.

All in favor. Motion carried.

(39. Closed Session: Threatened Litigation re HPCC Claim with Singleton Schreiber)

Commissioner J. Trujillo made a motion to enter Closed 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 Closed Session at 10:49 a.m.

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 we are back in Regular Session at 2:15 p.m. No action was taken or decisions made.

21. Discussion/Action: Thompson Consulting Contract Tasks and Direction from County

Manager Garcia stated I just think we'll just discuss all this on the meeting we're going to have next week.

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

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

22. Discussion/Action: Approval of Professional Services Agreement Contract for Emergency Manager

Manager Garcia stated I will recommend approval of that. That has to do with Gino Pino's contract. After we learned after recently that his position does not qualify for one. For example, a first responder would qualify to continue working after retirement, that position of Emergency Manager did not qualify. The way to keep Mr. Pino is it's necessary for us. Let's just continue with the contract like we have. So, I'm asking for approval of a contract for another year, beginning the new fiscal year.

Commissioner V. Serna made a motion to approve.

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

23. Discussion/Action: Approval FY24-FY25 Mora County DWI Program Prevention Services Agreement Geraldine Vigil, DWI Coordinator

DWI Coordinator Geraldine Vigil presented the item. Ms. Vigil stated I'm here to ask approval for the three contracts that we have with the DWI program. The first one is with Mr. Frank Margolis. He is our prevention specialist, and he collaborates with us to campaign for the Social Health Marketing Campaigns, such as a book, Above the Influence and his contract is a 12-month agreement to not exceed the amount of \$7,000. Our second contract is with Miss Yolanda Medina. She is our compliance officer and screener. She works with the Magistrate Courts District Attorney's Office and the DWI offenders in Mora. She has a contract of a 12-month agreement not to exceed the amount of \$30,550 and our third contract is with Mora Valley Community Health Services, and they provide outpatient treatment and counseling, and offenders are referred to Mora Valley. This contract is also a 12-month agreement and not to exceed the amount of \$50,000. We also got administrative approval from Anthony Pratt, DFA.

Manager Garcia stated I recommend approval; I do have a question on Mrs. Medina's contract. If she's a contractor, for example, like Mr. Pino is, I have to look into that and see if she falls under the same guidelines, as Mr. Pino does as a contractor, with the office space, etc.

Attorney Cruz stated because of the nature of the contract, Mrs. Medina would need to be identified, similar to Mr. Pino, as an independent contractor with the same types of requirements that are imposed upon him. So that particular contract would require discussion with Mrs. Medina, so she understands why it is that it needs to be identified as an independent contractor contract. I would say that, at a minimum with regard to Mrs. Medina's contract, that you table it. You can have it ready for a vote on Tuesday.

(The recording does not reflect a motion for item 23)

24. Discussion/Action: Approval of Mora County DWI Program Compliance Agreement Geraldine Vigil, DWI Coordinator

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

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

Commissioner V. Serna stated let me clarify this. So, we are just approving the two contracts.
Motion carried.

25. Discussion/Action: Approval of Project Agreement Between Mora County Commission & Mora Valley Community Health Services Geraldine Vigil, DWI Coordinator
(The recording does not reflect a motion for item 25)

26. Discussion/Action: Approval of Professional Services Contract with Extreme Power Electric FY 2024
(Item 26, *tabled* during item 4., approval of agenda)

27. Discussion/Action: Approval of Professional Services Contract with Extreme Power Electric FY 2025
(Item 27, *tabled* during item 4., approval of agenda)

28. Discussion/Action: Approval of Job Description for Accounting Technician

HR Coordinator DesMarie Romero presented the item. Mrs. Romero stated you guys will find that there's an Accountant Technician Job Description in your packet. This individual is going to be support for Mr. Baquera's area, he reviewed the Job Description, and then he sent me the changes which then I talked to the Manager about, and then we added them to your packet for your review and approval.

Attorney Cruz stated during the meeting, I reviewed the statutory provision that was cited by Commissioner Serna, and she's correct that it does provide for the Commission the ability to approve a salary, I think there are a couple of things that need to be pointed out regarding that statute. First salary is distinct from a rate of pay. So, the statutory provision does not talk about the Commission approving rate of pay, it talks about salary, what's the difference? The difference is a significant one, and that salary is typically defined as what an individual earns throughout the course of the year versus what your hourly rate of pay is, but more importantly, I think what I wanted to point out was that the statutory language it's talked about as statutory interpretation. If you see the word may, in a statute, it's discretionary, which means the Commission has the option to set a salary or not. If, by contrast, the word is shall, that's mandatory language, which means that the Commission has to set the salary and it's not optional. In this statute, the word may is used, which means it's not required of the Commission, but you have the discretion to do it. So, it's within your authority to decide if you want to set the salary or not. But it's not the law that you have to set the salary, because the word shall is not used. So, I just wanted to point out those two points as they relate to that statute, first of all, the distinction between salary and rate of pay hourly rate of pay as an example. And then secondarily, the fact that the statute itself does not mandate that you have to set the salary, it gives you the discretion, discretion, meaning the option to set the rate of pay. So, it's within your discretion.

Commissioner V. Serna stated in other places that I've worked, when the President or the Manager, whoever it was, approved the rate of pay it was because they had already approved a pay schedule, which was already in place, depending on what position they were coming in for, and what their increases would be, Mora County doesn't have that.

Attorney Cruz stated it's something that we've been talking about at some length, the fact that within your personal handbook, there's reference to the fact that you should be essentially doing an annual review of those pay schedules. And it's a topic of conversation that Brett had mentioned earlier, that has been talked about with Jade, as she's, you know, going through these salary schedules with other counties. One of the things that we have had to talk about peripherally is that you all as a county, should, at this point, probably be hiring or having a process at a minimum for HR on an annual basis looking very closely at what those pay ranges look like. And it can be presented to you all as a commission for your review and consideration, because I do think as a governing body, it is important that you're involved in that process, certainly. But I just wanted to make clear that the language within that particular statute doesn't specifically apply because we're not talking about hourly rate of pay, that statute talks about salary. But then secondarily, just calling your attention to the fact that it's not mandatory or required lot

of discretionary one. And you all, as a commission, get to decide if that's the type of authority you want to exercise as it relates to salary positions.

Commissioner V. Serna stated so the other question I have is what does our handbook say? Because anything beyond 10% increase requires the Commission's approval. If the handbook says that anything is beyond 10%, well, the rate of pay is 100%.

Continued discussion took place regarding the topic of pay rate.

Mrs. Romero stated it was already in the budget, that rate for that individual which they would have, of course, come with an associate's degree, or a bachelor's degree, would be \$25 an hour, which is already in the budget that was approved. So that was the accountant technician.

Manager Garcia stated I recommend approval.

Commissioner V. Serna made a motion to approve the county manager's recommendation at \$25 an hour.

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

29. Discussion/Action: Approval of Job Description for Code Enforcement Compliance Officer

HR Coordinator DesMarie Romero presented the item. Mrs. Romero stated the job description for the code enforcement compliance officer, this individual would be part of the planning and zoning department. Brad also reviewed this job description, made changes, and then I sent them over for your packet and for you all to review.

Manager Garcia stated I recommend approval.

Commissioner J. Trujillo made a motion to approve.

Commissioner V. Serna seconded the motion.

Commissioner V. Serna stated is this all going to fall under Planning and Zoning or Law Enforcement? Also, what is the salary and where will the position be housed?

Mrs. Romero stated it's going to fall under planning and zoning, and Brad did mention to me that there is a series of code enforcement classes that the individual would take to get a certification to be a code enforcer. The salary is \$20 per hour.

All in favor. Motion carried.

30. Discussion/Action: Approval of Job Description for Rural Addressing Technician

HR Coordinator DesMarie Romero presented the item. Mrs. Romero stated this individual will assist Brad also with the 911 addresses. He again reviewed this and made changes necessary and then we brought it to the Board.

Manager Garcia stated I recommend approval.

Commissioner J. Trujillo made a motion to approve.

Commissioner V. Serna seconded the motion.

Commissioner V. Serna stated again, I have the same questions for this position as the last?

Mrs. Romero stated there is a desk in Brads office with the salary at \$18 per hour.

All in favor. Motion carried.

31. Discussion/Action: Approval of Job Description for Safety Coordinator & Risk Manager

HR Coordinator DesMarie Romero presented the item. Mrs. Romero stated the job description for the safety coordinator Risk Manager. This one is listed as part time in our handbook 35 hours and under is considered part time. Again, we don't have that much space, but it's very important that we have a safety coordinator and Risk Manager with my job title it is risk manager as well, but I have not been able to fulfill that duty with everything HR related, and I would really like us to be in a direction of having the safety committee risk manager just so that way our claims are lower than what they are right now. This individual will be in charge of SDS sheets, having safety committee meetings monthly, going out when there's an incident that happens.

Commissioner G. Trujillo stated I also want to recommend they have a meeting with all the employees regarding safety during the different seasons.

Commissioner J. Trujillo stated is there any random drug screening in place?

Mrs. Romero stated we just have the preemployment drug screening and if an employee gets into an accident.

Manager Garcia stated I recommend approval.

Commissioner V. Serna made a motion to approve.

Commissioner J. Trujillo seconded the motion.

Commissioner V. Serna stated for clarification, this would be a position that gets paid what, and would be overseen by HR and is there a budget to sustain the position long term?

Mrs. Romero stated Yes, and the hourly rate is \$25 per hour and yes it's in the budget.

All in favor. Motion carried.

32. Discussion/Acton: Approval of Resolution for a Loss Prevention Committee

HR Coordinator DesMarie Romero presented the item. Mrs. Romero stated here is a resolution, allowing us to have a safety committee. This resolution is a sample that Mr. Chavez also sent me that New Mexico counties use for counties when they are going to have a safety committee that has to get approved by the Board of Commissioners. The only modification that was made to this sample is where we would have no more than five members on number six, and they would serve for one year term on this committee. Also, once we put a safety committee into place, there is a program that New Mexico counties use, and it's called RAP, which is Risk Awareness Program. It's a really great program.

Attorney Cruz stated one point of clarification. The resolution that I have in front of me says that members of the committee shall be nominated by management. I guess if you could just make the inclusion that nominated by management and appointed by the Commission so that ultimately, it's fair that it comes to the Commission for final vote. I think that's paragraph six.

Commissioner J. Trujillo made a motion to approve.

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

33. Discussion/Approval: Approval of Resolution for Solid Waste Ordinance and Price Changes
(item 33 was tabled during item 4., approval of agenda)

34. Discussion/Action: Approval for Road Department to Purchase a Semi-Truck

Road/Solid Waste Administration Assistant Monica Mondragon presented the item. Ms. Mondragon stated before you is a quote from Roberts Truck Center. We currently lease a truck that I pay rent to every 10 days, roughly, anywhere from \$1,100 to \$1,400 every 10 days. We've spoken about this before because it is draining our GL. So, we figured, if we purchase a semi instead of paying that much rent. I have reached out to several companies regarding the road department's needs. This was probably the only company that sent over a quote.

Commissioner V. Serna stated so because it is over the \$60,000 threshold it should have gone out for bid.

Manager Garcia stated we actually did reach out, we had talked to Mr. Baquera, and we were hoping to find one under the threshold, and we couldn't of course.

Attorney Cruz stated you don't need to table it. You don't need to take a vote on it, because it's not going to read like this on the next agenda. You're authorizing the manager and the procurement office to move forward with the procurement process, and then it'll come back once they go through the proper bidding because of the \$60,000 threshold, and what the manager can do is communicate to this entity that the process needs to be followed and this is what they would need to do to participate. That would be the appropriate way to handle that.

35. Discussion/Action: Approval of 2024 Road Log Finalization
(item 35 removed from the agenda during item 4., approval of agenda)

36. Discussion/Action: Approval of 2024 Road Log Resolution
(item 36 tabled during item 4., approval of agenda)

37. Discussion: Letter Presented to John N Romero from the White House Recognizing Hard Work During Hermits Peak/ Calf Canyon Fires

Attorney Cruz presented the item. Ms. Cruz stated this is one of those special circumstances within which you as leaders within the county and you as members of public get to celebrate and recognize the hard work of an individual who has worked tirelessly, diligently and with the greatest concern and care for the members of the public within Mora County. Monica Mondragon is the Assistant to the Road Department and to Solid Waste, and she brought this letter to our attention and naturally the Commissioner wanted to present this formally to Mr. Romero at a Commission meeting. It's on White House Washington letterhead, dated May 13, 2024, and it reads as follows: "Dear John, thank you for taking the time to explain to us how

you are working to manage the ongoing effects of the 2022 wildfires on the watershed in northern New Mexico. I valued meeting you and appreciate that you decided to come out of retirement to support community recovery. Your expertise is clearly essential to aiding recovery efforts, and the citizens of the region are fortunate to benefit from your many years of public service. I hope that our paths will cross again soon. In the meantime, many thanks for welcoming our team and helping us to learn how we can do more to achieve positive results together. Sincerely, Liz Sherwood Randall, Assistant to the President, Homeland Security Adviser, Deputy National Security Adviser. This letter is formally presented to you.

38. Discussion: Presenting awards from New Mexico Counties Equipment Roadeo

Ms. Mondragon presented the item. Ms. Mondragon stated they competed in the following events which was the motor grader the front wheel loader, the backhoe, the mini excavator and the track skid steer the following went, which was Zaryen Griego, JJ Vigil, Robert Lee, Robert Bob, Estevan Sena, John Walter Gonzales and Johnny Trujillo. Zaryen placed first place in the motor grader, with a time of one minute and nineteen seconds. Zaryen placed third on the John Deere loader, Robert Lee placed first on the backhoe and Mr. John Walter Gonzalez placed second on the motor grader, with a time of one minute and twenty-one seconds, two seconds behind Zaryen. JJ placed fourth in the motor grader and then Commissioner Johnny Trujillo placed top 10 in all events, but not top three. There were pictures attached of them with their trophy.

Commissioner J. Trujillo stated I just want to say as a group, we placed second out of thirty-three counties. We were just under by two points to take that traveling trophy. Let the guys know that it was everybody, we came that close.

39. Closed Session: Threatened Litigation re HPCC Claim with Singleton Schreiber

40. Next Regular Meeting – July 18, 2024

Commissioner G. Trujillo stated the next regular meeting will be held on July 18, 2024.

41. Discussion: Other Informational Items

No other informational items were presented.

42. Signing of Approved Documents

The Commission signed the approved documents.

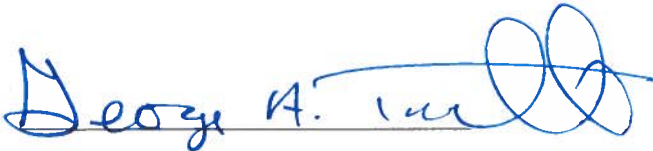
43. Adjournment

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 3:07 p.m.

MORA COUNTY BOARD OF COMMISSION



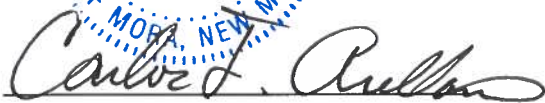
George A. Trujillo, Chairman



John H. Trujillo, Vice-Chairman



Veronica M. Serna, Member



Carlos J. Arellano, County Clerk