



BOARD OF COUNTY COMMISSIONERS OF MORA COUNTY

Regular Meeting - August 15, 2024 – 9:00 a.m.

1. Call to Order

Chairman George Trujillo called the meeting to order at 9:03 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 Vivian Trujillo 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 Joseph Garcia stated the recommended changes. Item 6 be item 30, and closed session after item 12. Item 12 after item 10. We have a long agenda, so anyone doing public comment,

I recommend we keep it to three minutes. Typically, Mr. Kenneth Alcon has a lot of information, if he is here, we can keep it to like seven minutes because of time. Item 16 should say approval of two contracts between Mora County and our Architects.

Attorney Ernestine Cruz stated there was a revision to item 24, deleting the final portion of that item, which reads which reads and EDA grant funds, so it will now read approval of MOU between Mora County and North Central New Mexico Economic Development District to administer Capital Outlay funds. The EDA grant funds will be administered by North Central as well, but there's a separate template agreement that's utilized. Felicity asked to keep those two pools of funds separate. You ultimately will be tabling that item because there's more work that needs to be done with Felicity and you'll be able to consider both of those items next week, but for now, I wanted to make clear that EDA is not going to be included in that one agreement.

Commissioner John Trujillo made a motion to approve the agenda as amended. **Commissioner Veronica Serna** seconded the motion. *All in favor. Motion carried.*

5. Public Comment*

Mora Mainstreet Ilka Villareal announced the annual Fall Fest on Saturday, September 28th it will be held in the County parking lot at 10 am to 4pm. The MOU will be sent to the Manager for review.

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

Manager Garcia stated the Veterans are finalizing the design with Lloyd and Associates. I have asked that maybe Mr. Olivas, Mr. Garcia, and Mr. Pacheco, only those three, the Chairman and I will also be in this subcommittee that meet with the architects, so we can get things finalized.

7. Presentation by MCSO to Veteran's Committee Members

This item was not discussed during the meeting.

8. Presentation regarding HPCC Inspired Donation by Ernestina Cruz

Attorney Cruz shared a story about a young woman named Erica Flores, who is a curandera, artist, and death doula. Ms. Cruz purchased a piece of art created by Erica from wood found in Mora, post-fire, which she plans to donate the piece to the University of Notre Dame's Institute of Latino Studies to highlight the resilience and cultural heritage of Northern New Mexico. Continued discussion took place related to the art piece going to Mora

County. The hesitation to donate the piece to the County was mentioned due to the potential religious implications of the art piece. If the County wishes the piece be donated to them to display in the cultural center, it is possible.

9. Discussion: Project Status

a. EMS Facility and Communications Repeaters Alex Tafoya

Attorney Cruz stated I talked to Wayne Lloyd yesterday. He indicated that they're working closely with DFA to get final approval on the updated plans for the EMS building to include the two rooms on the top floor. They're just waiting on that response, and they'll be able to get that hopefully moving forward very quickly. The EMS funds are also going to be administered by North Central. So one question that I have for North Central is to see if those CDBG funds likewise need to be administered by North Central. I'll talk to Alex about what that process may be, because you don't want to have one pool of funds administered by North Central and then another pool of funds administered by the County.

Commissioner V. Serna stated I just wanted to mention we got an email last week from New Mexico Counties. I guess there's some more money for Mora County First Responders. I just don't know how much and how it was divvied up between EMS and whether it was fire and law enforcement as well, but as soon as we find out that may be an additional amount of money that needs to be included in that.

Chairman George Trujillo confirmed that the funds from New Mexico Counties for First Responders is for retention pay.

10. Discussion: Update from Forest Service Kenny Alcon

Kenny Alcon provided updates on upcoming events and projects. He announced two public outreach engagements scheduled for August 27th and 28th at Luna Community College and Mora High School. Notification will be provided upon final determination of venue. The purpose of these events is to inform the public about the Forest Service's work and gather input on the Environmental Assessment for restoration work in Hermit's Peak/Calf Canyon. Beginning in September through November, we're going to have what we're calling our formal scoping for our NEPA process. Additionally, he discussed the gravel haul contract for hauling gravel to Los Hueros and Los Febres roads, stating that 720 tons have been delivered to Los Hueros and the remaining 240 tons will be delivered to Los Febres Road. As of last Friday, 550 tons have been delivered to Los Hueros. Mr. Alcon also mentioned he is working to secure funding to assist Mora County with processing 4000 cords of wood located in El Alto. They are actively exploring potential funding sources within the Forest Service and hope to provide an update on their progress at the next Commission meeting.

11. Closed Session: Pending Litigation- John Paul Vigil matter and HPCC federal court case; threatened litigation: HPCC claim

Commissioner G. Trujillo asked for a motion to go into closed session to discuss threatened litigation with HPCC claim.

Commissioner J. Trujillo made a motion to go into 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. The Commission entered Closed Session at 9:32 a.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 J. Trujillo – yes. Commissioner V. Serna – yes. Commissioner G. Trujillo - yes. The Commission reconvened regular session at 11:01 a.m.

Commissioner G. Trujillo stated no action was taken or decisions made in executive session. Two items that were discussed were the threatened litigation of the HPCC claim and the pending litigation involving the FEMA base lawsuit that was filed in Federal Court.

(Item 8. Continued - Presentation regarding HPCC Inspired Donation)

Artist Erica Martinez stated she shares a personal connection to the San Florian. Martinez's sister survived the fire and she was involved in helping the community. This experience inspired the painting to honor the people of Mora for their resilience and strength. As a nurse, she understands firsthand the trauma that the community has endured and wanted to create something meaningful to commemorate their experience. She believes that the piece of wood used in the painting symbolizes the community's survival and resilience, as it was charred but still found a new purpose.

12. Discussion: Update from Thompson Consulting on SB6 projects

Attorney Cruz stated Mora County received approximately \$40 million in no interest loans from the State of New Mexico. The reason for that is, when you are working through the Public Assistance program through FEMA, the public entity needs to fund the work, and then you get reimbursed after FEMA has looked at the scope of work and ensured that procurement has been followed and that you have proceeded with adhering to all of their policies and procedures. Mora County does not have a pool of financial resources to be able to self-fund a recovery of this type. As a consequence, the State of New Mexico was forward thinking and said we need to help public entities, and that's when they adopted, last year, what's known as Senate Bill 6. It was a piece of Legislation wherein \$100 million was allocated for public entities to submit applications to DFA to then identify projects that have been approved by FEMA for work to proceed, so that the public entities could then have the cash on hand to move forward. There's a whole host of reasons why it's taken a while. First of all, you've never undertaken a recovery effort of this type, so you needed to hire a Disaster Recovery Team, and that is Thompson Consulting. At the time, you also were in a very fluid state where you had and always thankful for him doing this, Brad Sena, serving as your Interim County Manager for a period of time. So, you didn't have somebody within the Manager's office that could lead the charge. At that point, we're just keeping things afloat. So the agreement and understanding was that you would be essentially advertising the Disaster Recovery position so that the new Manager would have a direct connection with that team. At the same time, you were in the process of hiring your legal team with Singleton Schreiber, so a lot of these different pieces had to be put together so that you could be well equipped to move forward with getting this work done. What we have all collectively learned now that these team meetings have been taking place with Thompson Consulting and Singleton Schreiber is that it's no small effort at all. There's a lot of coordination that has to happen with FEMA. The County is ever grateful to Greg Gentles at DHSEM, who's providing guidance and assistance as well, but you need to make sure that you're following FEMA rules. Manager Garcia became acquainted with all of the work that had been done that predated him, and he can speak to this, but one of the key areas of concern that emerged for him when he was looking at the hydrology study is that there was not adequate drainage on the roads. And if the County had proceeded with the prior hydrology study and utilized the \$40 million on these roads, those roads would have been washed out with one or two flood events, and it would have been an incredibly problematic circumstance for the County to find itself in, to have utilized the \$40 million but then you have no road to show for it, because proper hydrology was not at play. Recognizing that very significant deficiency and the prior work that was done, there's been greater coordination that's taking place with the assistance of Singleton Schreiber and the team of experts that Singleton Schreiber has put together is led by Michael, who's here today, and I'm going to turn things over to him now so that he can explain the work that he's been doing to ensure that you have proper drainage on these roads. The hope is that coming out of this meeting and having a meeting next week that you all will be voting on, I don't know how many roads, but you all will decide that you can start moving forward under the Senate Bill 6, funding structure, and of course, Thompson will be taking the lead to ensure that you're getting reimbursed on these projects.

Alliance Construction Michael Martinez stated we've been assessing the roads for damage due to the fire, flooding, burn scar and locating future necessary culverts and things of that nature to create safe drainage for the residents of Mora County, we've assessed sixteen roads so far, and we have, out of the sixteen, ten of them that are

fully assessed, and out of the ten, we have five total GPS that's required by Gregory Gentles, so that you guys can move forward with making some decisions on how you want to move forward with roads.

Thompson Consulting Christine Pulver shared the Senate Bill 6 road projects. She stated we have a total of five projects that are funded through Senate Bill 6. One of those projects has been obligated. Four are in a pre-obligation process with FEMA. The project that has been obligated is 678073, and that has been obligated for \$11,350,000, it is the largest of the five projects with fourteen total roads included. The roads that are highlighted are included in the assessments done by Michael and Joseph and their team. The first project I had, B022 Camino de la Sierra and B030 Los Vallecitos, in addition B019 Encinal have all been assessed and are included in the obligated project. Michael, I did have a question about the road assessments that I received this morning. I had three roads included in there that probably have two or three names that they're used by, and the road named used in those assessments didn't match up with any of the road names in the Senate Bill 6 road projects that includes Taos Road, El Oro and El Aguila. Do those roads carry multiple names? The response is that the roads are not known by other names.

Christine Pulver continued with the road projects that haven't been obligated. More of the high priority roads coming through, not in this project here. We haven't talked about Los Alamitos or the Vigil Canyon as priorities. We did have Monte Aplanado included in 682994, and Monte Aplanado is continually identified as the biggest priority for the County that project was written to include five of the needed culverts, and we know that the drainage for that area needs far more. So there does need to be an amendment created for this project, as well as responding to the request for information that FEMA had on each of these projects.

Manager Garcia stated this is exactly why there's a delay, because the initial assessment was way off. Also, you mentioned the \$11 million that were obligated. That \$11 million is going to get eaten up by the first couple of roads. So even though those were designated as being obligated, we can't even get to three of them with that much money, we need a lot more than that.

Christine Pulver stated there needs to be an amendment written for each of the projects. We have much more control over the time it would take us to create the amended project, it is an unknown what it would take to have that amendment approved for FEMA. So on the Thompson side, I would say we could have that amendment written in about two weeks' time, although it is a fairly large project, but we know that the FEMA process is moving very slowly on this project right now. There is a back and forth with FEMA in this process. We can create a new scope of work, a new damage inventory. That's a quick turnaround, but it is working with fairly new FEMA staff so they're still moving into their positions. That is part of the slowdown we're experiencing in this season. You do have the \$40 million made available to you through the Senate Bill 6 funding mechanism, but that was in line with these projects that had been submitted to FEMA, the first project, largest one, fully obligated, so you are able to use the \$11 million in that way on that project. But, as we know, that is insufficient for actual repairs to those roads. Costs have changed, and the scope was insufficient. So we know we need to go back on that initial project to make an amendment. \$11.3 million is not enough to do those repairs on fourteen roads. Project 678073 was submitted without any culverts added, it was road surfaces only for those fourteen roads. While we know that work is vital, it would make me nervous for the County to start out laying the investments on drainage for that road when that hasn't been covered by a guaranteed obligation by FEMA.

Michael Martinez asked who is accountable for all of the delays?

Attorney Cruz stated my understanding of what was happening was that there was a lot of assistance that was being provided by FEMA in guiding the process as to what needed to be submitted for their consideration and approval. The County had the benefit of an assigned person from North Central who was working on site and helping to coordinate that process, I would say that this Commission trusted that the process that was being undertaken was one that was in compliance with what FEMA needed, based upon the guidance they were providing to this person that was assigned to Mora County. I don't think that anyone really knew at the time that it was not being built out in the way that it needed to, because this Commission would not have allowed for that plan to be put together, and instead, they trusted what was said early on which was that FEMA was going to provide the support that was needed to better assist public entities in the recovery effort. Unfortunately, the

Commission at that time, and the County, holistically, I would say, trusted that the proper support was being offered by FEMA, and it's not until the entire team had been assembled by the County, Thompson, Singleton, Schreiber, you all, and then the Manager being in place where he's looking more closely at all the work that had been done before, and looking at the H and H Study, and because he's from the area, and knowing the roads better than most, being able to say, well, that road probably has a lot more culverts than what's on this list. That's when all of this came to light.

Commissioner G. Trujillo stated can we forget about the past and can you, in two weeks get the following four roads approved so we can start work on them? Monte Aplanado Road, A005, Encinal Road, B019, El Oro Road A010 and Rio de la Casa Road, B028.

Christine Pulver stated I feel very confident saying yes on B019, and Encinal, because it is part of the obligated project. Monte Aplanado, and B028 needs to be moved to an obligated state, at the same time expand the scope of work on all of these projects. For unknown reasons to all of us at this point, this project 678073, had all culverts removed from the scope of work and then submitted to FEMA. We need to amend this project to have all of the needed culverts added in, given what we know now about the drainage needs for the hydrology of these areas, we need to add in drainage systems of the capacity that will keep those areas safe. I would give you a tiered list as my answer. B019 Encinal is going to be our most efficient process to move that one forward. A005 and B028, that's going to take a little more work, because we need to both expand the scope of work and move those projects to obligation. It will be most difficult for us on A010, El Oro because, to my knowledge, that has not been included in any of these packages.

Attorney Cruz stated you want to run all of this through FEMA to make sure that they've approved it and that you have been given the go ahead to proceed before you start any work. Secondly, once FEMA has reclassified the work based upon whatever process they undertake, we're going to have to send this back to DFA, because the way that you signed those agreements was these are the roads we're going to move forward, and now you're scoping them out very differently, so you're going to need to get approval from DFA to utilize the funds in a different way based upon this reclassification that's taking place. So, they'll have to be an amendment of some type. So, we need to make sure that those two things are happening before any work takes place. I think the starting point here, though, is identifying the priorities. You've identified four roads that you believe are important, I think it would be helpful to hear from the other Commissioners if they have any other ideas on other roads, because then that's what's going to make it onto the agenda for next week, for you to vote on prioritizing those roads so that Thompson then has clear direction on what they need to do with FEMA and then based upon how FEMA responds. We're going to have to work and coordinate with DHSEM to bridge that gap as well, Thompson will work with Greg Gentles, and then once we have that approval from FEMA, we'll give DFA a heads up so they know this is coming. We'll then have to turn to DFA and make sure that they're on board with regard to what you now want to do with those funds.

Commissioner G. Trujillo stated in my opinion, all roads need to be fixed. I identified these four roads simply because they're bus routes, and this is where all the complaints come from.

Christine Pulver stated we know that these 14 roads included in the obligated project, did need emergency road work back in 2022 they've likely needed additional emergency road work since then. The first round of work totaled at least \$3.2 million for the County, and we need to pursue that emergency work for reimbursement through FEMA, separate, from any Senate Bill 6 funding. We know that if all of these roads needed emergency road work, your Road Department was probably very busy in every other inch of the County, and that's a pretty large financial outlay for the County, and we would love to help you pursue reimbursement for that.

Attorney Cruz stated when coordinating any reimbursements, make sure that Britt is well informed on what's being done, because she may be doing work on the claim side, and you want to make sure that there's always coordination with her office first, before any direction is being provided to Thompson. Secondly, this is one of the primary reasons why Thompson was retained, is they have the expertise to be able to move forward with reimbursements, and I would say that if you can get a reimbursement by way of working with Thompson, absolutely move forward with that. As it relates to Thompson, however, your current contract indicates with

Thompson that they're only retained to work on Senate Bill 6 projects. So, if you intend to have Thompson do any additional work per their contract, there is a provision indicating that the Commission can adopt an addendum authorizing them to do additional work. I think now is the time to have Thompson draft that addendum, making clear what additional authorization will be provided to them. In consultation with Singleton Schreiber, it wasn't provided to them initially because your thought process when the contract was first awarded, was, let's focus on Senate Bill 6, they then will learn more about the County and what the needs are. You're identifying additional issues as you're becoming more adept on these topics, so now would be the time to have an addendum so that as long as everybody's on the same page, Thompson can go ahead and start seeking these reimbursements. Christine, if you can have your legal counsel draft an addendum and then circulate it to me, the Commission will be meeting on Tuesday. I would think that as early as Tuesday, you all, as a Commission, could review and approve that addendum. I will give Brit a heads up that this is something that's going to be taking place as the direction that the Commission is providing. You can have an agenda item directing Thompson to prioritize those four roads and to work with FEMA to make sure that they've provided all of the approvals so that those roads can be prioritized. The design build question can be addressed by Thompson in consultation with Greg Gentles. One thing that we also don't want to see happening is multiple people are asking different people the question. Thompson in coordination with Greg Gentles would be the best approach.

Michael Martinez stated something that needs to be considered in a design build is avoiding change orders, and if you don't do design build it will take a minimum of two years to get a design placed before you can even start.

Manager Garcia stated *for the record* I have been authorizing emergency work. For example, up there at Arthur Olivas place. If I can continue that type of emergency patchwork, I worry that that we won't get approved. I don't see why we wouldn't get approved, but I do worry about not getting reimbursed. I know its Category B, but I don't want FEMA to say we already paid money for that.

Robert Quintana stated in consideration of Monte Aplanado, A005 being put on the priority list, I would suggest that A004, Quintana Road, which is directly connected to and below the flow of water from A005, be added to the priority list.

Christine Pulver stated any of the roads on the screen now are the ones that could move the fastest. The problem with any of these projects is that all culverts and drainage was removed from the project before it was submitted to FEMA, and so that's the amendment that we need to go back and pursue, so we have complete road projects moving forward on this project. We need to bring back all of the drainage into each of these road projects. The yellow highlighted areas are roads that Michael and his team have already completed assessments on (see attached information).

Attorney Cruz stated Thompson, inherited a list that's not a workable list, and in a lot of ways, their hands are tied trying to make things work. At this point, it needs to be harmonized with what work you've been doing, Michael, and ultimately that now needs to be harmonized with what the Commission is prioritizing. The way this should have worked is you all, as a Commission, should have identified your priority roads and then done all of that work, sent it up to FEMA, and then those would have been the roads that you received the Senate Bill 6 funding for. Instead, it was done in reverse, and that's where things are getting complicated. I think that for purposes of today's meeting, to at least start moving some things forward, identifying your top five roads, and then giving direction to Christine and to Thompson on reworking things as best they can with FEMA to start moving them forward. Then scheduling the meeting with Singleton Schreiber, it'll have to be in closed session, because it's going to speak to the claim process, so that we can all get on the same page collectively about what the next steps are going to be for all of the other roads. I can reach out to DFA's legal counsel to let them know that this is an issue that we need to address and if they want to participate, invite them to sit in so that they can start mapping out what they're going to have to do. I think that the current agreement, as it is drafted, are just not workable, and we're going to have to find a way to maximize use of that \$40 million without being tied to those past agreements. Because the past agreements are just not workable.

Ms. Cruz further stated the Commission has identified six roads that they would like Thompson to prioritize so that they can start working through the FEMA process. Thompson will then have that direction to go work with

FEMA at the same time. What Thompson has told you today is that amongst that list of six roads, there's some that are going to move through the process quicker, so they're going to prioritize those roads that are going to move through the process quicker, and then they'll deal with the other ones. That's how they're going to prioritize it. Once they receive authorization from FEMA that those roads can move forward based upon the drainage issues that need to be addressed, and getting them obligated, we then will have to work with DFA to make sure that DFA is okay with what Mora County using the \$40 million for these particular projects. We're going to plant the seed with them early on, so that they know this is coming and they're not caught flat footed. Design build is the main thing that needs to be addressed. I will be sending an email to Greg Gentles, copying everybody, letting Greg know that there's been continued discussion about the roads. The key question here is design build, that's the primary area of concern, because the work that Thompson is going to end up doing as well with FEMA is going to have to have an answer to that question. Christine, you'll be copied to that email, but at the same time, to the extent you can get an answer to that question, please, do. The last point that I would make is, if it gets back to the Governor and to the Attorney General's Office, additional oversight and scrutiny is always welcomed, because this County, is working very hard to make sure that process is being followed. As it relates to these monies, I would say one last thing. Imagine you lost your home, and then you go over there, and they tell you, well, we don't think that you need a three bedroom, because, you know, a two bedroom would work best for you. That's basically what it would be like as a private individual. That's not happening with private individuals, but it's happening with you all as public entities, and that's the unfairness of this process.

Christine Pulver stated we will draft an addendum in consultation with Singleton Schreiber to work on the emergency road work. I will be in Mora County next week, and if that is the decision that the Commission would like to move, I could take advantage of that time to be as efficient as possible and could spend a day with John Romero to get all of the information and documentation needed for those applications.

Continued discussion took place regarding design build.

Attorney Cruz asked Christine to reach out to Greg, let him know that you attended today's meeting, and during today's meeting, Michael indicated that he's heard on three occasions that design build is allowed as long as the assessments are completed, and that the County intends to move forward in that direction and then get a confirming email to whoever needs to receive it at FEMA so that the County starts moving forward in that direction.

Ms. Cruz provided a summary so that everyone is all on the same page. Christine's been provided direction to make the confirmations that needs to be made regarding design builds, so that there's forward progress on that. Secondly, you will have a vote on Tuesday on the five roads that you're asking them to prioritize. You will have an addendum for consideration for the reimbursement on emergency work. Michael has asked for a meeting of everybody to come together, that will have to happen in Executive Session, so I recommend that that be scheduled sometime soon, we'll need to talk to Britt to find out when she's available so that she can be here for that meeting, because I do think it would be important for everybody to get together so that the next steps can be more carefully defined beyond the five roads that you've identified today.

Commissioner G. Trujillo asked for a motion to enter a 15-minute recess.

Commissioner V. Serna made a motion to enter a 15-minute recess. **Commissioner J. Trujillo** seconded the motion. *All in favor on a roll call vote:* Commissioner G. Trujillo – yes; Commissioner J. Trujillo - yes; Commissioner V. Serna – yes. The Commission entered into recess at 12:30 p.m.

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

Commissioner J. Trujillo made a motion to reconvene regular session. **Commissioner V. Serna** seconded the motion. *All in favor on a roll call vote:* Commissioner J. Trujillo – yes; Commissioner V. Serna - yes; Commissioner G. Trujillo – yes. The Commission reconvened regular session at 12:50 p.m.

Commissioner G. Trujillo asked for a motion to go into a lunch break and be back at 1:45 p.m.

Commissioner V. Serna made a motion to go into a lunch break. **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 into a lunch break at 12:51p.m.

Attorney Cruz stated the Commissioners may be seated at the same table as we're eating, but there will be no discussion in any County related business, and no decisions will remotely be made related to County business.

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

Commissioner J. Trujillo made a motion to reconvene regular session. **Commissioner V. Serna** seconded the motion. *All in favor on a roll call vote:* Commissioner J. Trujillo – yes; Commissioner V. Serna - yes; Commissioner G. Trujillo – yes. The Commission reconvened regular session at 2:03 p.m.

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

- a. **Elected Official(s): County Assessor – No Report. County Clerk – No Report.**

County Treasurer – Attorney Cruz stated I've been working with the Treasurer's office on the banking RFP. It's taken some additional effort to rewrite it, but it will soon be posted. The banking RFP naturally relates to two offices within Mora County, the first being the Treasurer's office, so there were specific requirements that they had about what needed to be included in the RFP, and then also the Finance office. I wanted to just be clear with you all, it could be two banking institutions, because sometimes some Counties decide they want to work with two.

Sheriff's Office – No Report.

- b. **EMS** – Report provided in the packet.

- c. **Planning & Zoning** – No Report.

- d. **County Manager – Manager Garcia** stated I wanted to ask you all about your ideas about the wood yard. I'll just share mine briefly. We're expecting about 4000 cords, and if you go out to bid for an entity to block and split the wood, that gets pretty pricey. I've seen estimates from \$150 to \$250 cord. I think if we ask for a bid to just block the wood, and then folks can pick it up, blocked, it's better, not as good as being split, but if they pick it up, blocked, it's easier to handle. I think we can save a lot of money by supplying blocked wood.

Continued discussion took place regarding what the next steps would look like.

Commissioner J. Trujillo stated I would put it out and see what response we get.

Commissioner V. Serna asked when we agreed to take these logs, what was our responsibility?

Commissioner G. Trujillo stated, they first came to us and said you guys want the wood and we said yes because the people need the wood. In my opinion everyone needs wood. Gino had an idea of letting people do their own cutting and cut for those who cannot cut their own. I suggest putting out a bid for blocking the wood only and see what happens.

Commissioner J. Trujillo suggested putting it out for bid for both blocking and splitting. This is the final determination suggested to the Manager.

- e. **Human Resources – DesMarie Romero** - Mrs. Romero presented the birthdays, anniversaries, employee transfers, employee promotions and new hires for the month of August. The open positions were also discussed. The full HR report is provided in the Commission packet. Help New Mexico has to place fifty-one individuals, age 14 to 18 or have graduated last May of 2024. They were asking the County how many positions we would like to have the young people help us with. It would be from September 3rd to November 30th. Help NM will be paying the individuals. Mrs. Romero thought maybe they can help with the wood process. It was determined by Help NM that that wouldn't be an issue.

Attorney Cruz stated the County would want to enter into an agreement with Help New Mexico regarding the parameters of that arrangement, so that you all could vote on it as a Commission that's very clearly delineating the responsibilities of both parties.

- f. **County Commission - Commissioner V. Serna** asked the status of the Personnel Handbook.

Attorney Cruz stated I have been talking to DesMarie about starting to schedule meetings so that we could get that moving forward. I've been working on it, but now it's time to start transitioning into the meetings that need to happen. We want to make sure that it's thoroughly vetted before it's presented to you in the form of an Ordinance. There needs to be the whole process on Public Hearing, and then after you go

through that, you have a formal vote, and then it becomes essentially a form of law for Mora County. I was going to ask DesMarie, since both her and Stephanie have been working on it and its employee related, if you wanted to briefly make mention of the upcoming employee event.

DesMarie Romero stated the Commission is going to have an employee appreciation barbecue at Morphy Lake on August 29th from 1:00 p.m.-5:30 p.m. We would like staff to go to this event. If employees choose not to participate, they will have to return to work or use their leave time. We are asking staff to RSVP by the 26th.

- g. Road & Solid Waste Department – Road Superintendent John Romero** stated we have an agreement with Forest Services for what they want to do on Luna Canyon. One's for Luna Canyon, and the other one Padillaville and I want to get them signed as soon as possible. Mora County is responsible for the labor and equipment. They will pay for the rest. Today we will complete the project in Los Hueros and Los Febres. We have been blading all of the roads with the flooding, especially El Alto. We are having a meeting tomorrow at 10:00 am to address those issues.

Commissioner G. Trujillo suggested following protocol when closing down roads. Also, we need to buy our own barrels and signage, so we are not having to borrow from DOT. My concern is that if we don't close the roads right, someone can get hurt.

Manager Garcia stated we are in the process of trying to purchase a dump truck and belly dump trailer.

John Romero stated now that Robert Lee has moved positions, I would like to hire a new CDL driver.

Solid Waste Supervisor Robert Lee discussed the need to increase prices for one-time permits at Solid Waste Department. The current prices are too low and the department is losing money. He asked the County Attorney if they need to amend the current ordinance to increase these prices or if a policy change would suffice.

Attorney Cruz stated I've spoken with Monica and the Manager regarding the Ordinance, and what we've discussed is reworking the Ordinance in totality so as to afford you greater flexibility on some of those areas where you feel that it would be easier to make an amendment by way of being authorized under the Ordinance to adopt the policy that would be subject to Commission approval. I need to receive direction from the County Commission regarding how much discretion you want to afford Solid Waste. I would suggest scheduling a meeting. Continued discussion took place related to the current status pricing listed on the Ordinance.

Attorney Cruz asked for the Commission thoughts on how they would like to see the Ordinance.

Commissioner V. Serna stated it's a public service, and if there is any profit to be made, I don't think it should be considered a profit. It should just be to cover the costs of the operational expenses, and we shouldn't be making profit, because that's not what we're in the business for.

Commissioner J. Trujillo stated my opinion is the fuel and labor cost.

Commissioner G. Trujillo stated we're thinking of getting stations in other areas of the County later on and we are trying to get money from FEMA in that route. Should that be considered in the Ordinance? Continued discussion took place related to potential future sites and the current process for dumping at the Solid Waste Departments.

Mr. Lee proposed several projects to improve the efficiency and maintenance of the scale. These projects include cleaning out the scale and surrounding area, developing a better drainage system, and replacing the worn-out scale cells. These improvements will help to prevent future damage to the scale and ensure its continued operation.

- h. Maintenance Supervisor – No report.**

i. IT Manager - No report.

j. Fire Administrator - No report.

k. DWI - No report.

- l. Disaster Recovery Construction Manager – Geno Maes** stated the floods have been a disaster for the County. We've been getting some signatures for landowner's right of entry so we can have the DOT, and

their contractor go out and fix some of the roadways. The DOT is willing to help the County and private yards with recovering from the flooding. We're also involved in trying to remodel office space, and we're just doing some demolition. We're not doing construction per se, because we don't have anybody as a contractor. I got prices from a couple of licensed contractors.

- m. **Commissioner G. Trujillo** stated Geno Maes is 30% disaster recovery and 70% facilities. He took over after Charlie Otero.
- n. **Emergency Manager – Eugene Pino** discussed the County's Hazard Mitigation Plan. Mr. Pino stated we received a draft a couple weeks ago. I read through it and didn't see any concerns. It meets all the criteria that FEMA has. I need to return a comment by today so if the Commission agrees, then I will send an email.

Attorney Cruz summarized an email from Ms. O'Connell regarding a draft plan. The plan is close to being complete, but there are still a few steps to be taken. The County will first review the draft and provide any feedback. Then, the plan will be posted to the County website for public comment. Finally, the planning team will conduct a final review, taking into account the public comments.

14. Discussion/Action - Expenditure Report/Budget Report Jesus Baquera, Finance Director

- a. **Expenditure Report - 2024 – Mr. Baquera** stated July, we paid \$1,156,165.60. There's a list of each check that we wrote. I didn't have time to see if I could get it in order. But hopefully by next month, we'll get it the way you want to see it.

Manager Garcia recommended approval.

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

- b. **Budget Report - 2024 - Mr. Baquera** stated you'll see a two-page report this time around, because I was told that it was too compact on one page. So, if you just look at your first page, your general fund spent 15.38% we should be at 8.3% so that is there because we pay up front for our New Mexico County's invoices, and that's about \$300,000 for Workman's Comp and all our insurances. So that will go down every month, and hopefully next month, we'll get back on track. Everybody else is below the 8.3%.

Manager Garcia recommended approval.

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

Item 29. Discussion/Action: Resolution Authorizing Sixth Withdrawal of SB 6 LGIP Interest

Manager Garcia recommended moving item 29 to before item 15. This is three months' worth, and I have been prudent, and this is interest money that we're utilizing. We haven't spent any of it in three months because, again, being prudent and how it's spent, and being very, very careful with it and just spending on necessary items, for example, equipment for the road department. A dump truck and trailer. I have been saving it to have enough to buy equipment. I recommend approval. The amount is \$550,000 for June, July and August. This money can be used to get us out of the big mess with the equipment we were in and get us out of the leases.

Commissioner J. Trujillo made a motion to approve. **Commissioner G. Trujillo** seconded the motion.

Commissioner G. Trujillo asked if there is any other discussion.

Commissioner V. Serna stated I think that money can be just left there till we need it, because it's our money anyway, and then when it's ready to get paid out, then you can draw it down to accumulate more interest.

Commissioner V. Serna opposed. *Two in favor. One opposed. Motion carried.*

Commissioner J. Trujillo made a motion to rescind the motion. **Commissioner G. Trujillo** seconded the motion. *Motion to rescind, carried.*

15. Discussion/Action-Resolutions Jesus Baquera, Finance Director

- a. **Budget Adjustment Request – Mr. Baquera** stated I am requesting the budget increase for the interest that we drew down for July, which is \$187,925.36.

Attorney Cruz stated I would like to make a recommendation on the budget adjustment resolution, I would recommend that you table it until Tuesday, because it's going to be a little bit confusing that you just authorized a withdrawal of three months, June, July, August, but this budget adjustment resolution only speaks to the amount from July. So, for purposes of a very clear record, I would say that you should start with the budget adjustment. You should frame this budget adjustment so that you're basically accounting for the full 550 and you're allocating it to the specific line items that you think you need to otherwise it doesn't flow right.

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.*

16. Discussion/Action: Approval of Contract between Mora County and Architect Wayne Lloyd & Associates

Manager Garcia stated we approved the agenda in the beginning to approve two contracts between Mora County and Architect Wayne Lloyd and Associates. I recommend approval.

Attorney Cruz explained the need for two separate contracts to utilize the available funding for the first-floor project. The first contract will use the EDA grant and match funds, while the second contract will use additional funds from the 2024 Capital Outlay and the GO bond. The \$550,000 from the GO bond is not grant money. Ms. Cruz recommend approving both contracts to move forward with the first-floor project.

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

17. Discussion/Action: Approval of Proposal for Final Phase of County Complex/Courthouse construction

Attorney Cruz provided an update on the construction project for the complex. Ms. Cruz has been appointed as the point of contact with Wayne Lloyd and has been attending meetings regarding the project. There is a need for additional funding to complete the second floor and other parts of the complex. Wayne Lloyd has identified several areas where additional funding could be used, such as asphalt work, furnishings, and finishing unfinished spaces. Ms. Cruz proposed a plan for obtaining funding through FEMA and DFA, as well as seeking support from Senator Campos. It is recommended that the County Commission approve this plan and move forward with the next steps. See Commission packet with the comprehensive plan.

Manager Garcia recommended approval.

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

18. Discussion: Retention of Legal Counsel to advise on Procurement Related Matters

Attorney Cruz stated I recommend Mora County consider the hire of a procurement attorney to assist the Thompson Consultants with the procurement process for Federal projects. The attorney would need to have experience in both New Mexico procurement law and FEMA procurement requirements. This would be a more effective and cost-efficient approach than having Thompson Consulting hire the attorney. The Procurement Council could provide additional support to the Finance office on internal procurement matters. It could also be a reimbursement expense for PA. Your staff would also benefit from legal counsel as they would provide oversight and support.

19. Discussion/Action: Addendum to County Manager's Contract Rescinding Severance Pay Provision

Attorney Cruz addressed a discrepancy in the County Manager's contract regarding severance pay. The contract originally included a provision for three months of severance pay, but the Commissioners did not intend to

approve this provision. Ms. Cruz is proposing an addendum to the contract that rescinds the severance pay provision, aligning it with the Commissioners' decision at the June 3rd meeting.

Manager Garcia recommended approval.

Commissioner J. Trujillo made a motion to approve. **Commissioner G. Trujillo** seconded the motion.

Commissioner G. Trujillo asked if there is any discussion.

Commissioner V. Serna stated that she would abstain as she abstained for the initial agreement and salary increase, but pointed out that the original contract for Mr. Garcia under Compensation it states, "The parties agree to performance evaluations(s) within the first 3-6 months of Mr. Garcia's employment. If Mr. Garcia receives a favorable evaluation from the County Commission, his salary may be increased by the commission subject to its own discretion and to an available budget, with said proposed increase commencing in the 2024-2025 Fiscal Year. Any increase in salary will need to be memorialized in an Addendum to this Employment Agreement and will be subject to Commission approval." However, she has not seen any evidence of such an evaluation and believes that Mr. Garcia has already received a salary increase without a formal evaluation. She is questioning the consistency of this process. Mr. Garcia started receiving the increase in April 2024.

Commissioner G. Trujillo stated *all in favor*. **Commissioner V. Serna** abstains from the vote. *Two in favor. One abstains. Motion carried.*

Attorney Cruz stated it was the meeting of Monday, March 25, 2024, scheduled at 4pm, agenda item number 5, Executive Session, Limited Personnel Matter Involving the Evaluation of County Manager, Joseph Garcia. It was in closed session, so I can't delve too deeply into the specifics as to what was discussed. You all met on that day for purposes of an evaluation, it was in closed session. Ultimately, it was not a formal evaluation, but there was discussion that took place, and it was agreed that, based upon that discussion, that you wanted to move forward with a salary increase. I do think should it be the pleasure of this Commission to extend Mr. Garcia's contract after December 7, 2024 you should engage in a formal evaluation process. The intent was to have a formal evaluation process on that day, it ended up being an informal evaluation process. My recommendation is that you should always have a formal process. I think it could potentially be described as the distinction as to what happened, Commissioner Serna, but that meeting did take place.

20. Discussion/Action: Approval of Purchase for IT Software and Hardware

Manager Garcia stated I recommend approval. Our IT specialist, Travis is recommending the purchase of the software. It's about \$35,000 worth, and we are well on our way to being self-sufficient.

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

21. Discussion/Action: Approval of Contract with Assistant County Manager

Manager Garcia recommended approval.

Attorney Cruz stated I would say the word Assistant and Deputy, are being utilized interchangeably. It's actually Deputy County Manager. That's the way the job description was crafted. You should move forward with approval. You'll recall that when the job description was approved, Commissioner Serna, you mentioned that some of the requirements of the Deputy were maybe a little bit higher than the requirements of the County Manager, so we agreed that we would be revising the job description. We've held off on actually doing that until that person was hired, so that there can be a collaborative meeting with the Deputy, Manager, DesMarie and myself, to discuss how work is being apportioned is accurately reflected based upon what they intend to do with the position. So that job description will be revised, and we'll share with you what that job description looks like once it's been updated. It's a one-year contract, subject to termination by way of the County Manager's decision. The contract mirrors the contract for your Road Superintendent, because your County Manager supervises those two positions. Ms. Cruz further stated under the section that talks about evaluation, it reads, Mr. Aragon will be subject to a performance evaluation consistent with the process outlined in the County's Personnel Handbook. The evaluation shall be performed by the County Manager who will serve as Mr. Aragon's direct supervisor.

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

22. Discussion/Action: Approval of Agreement with MISD regarding SRO

Attorney Cruz stated the first year that Mora County moved forward with the SRO relationship with the Independent School District was fiscal year 2024. They obtained funding last year. That was the first cycle. I believe the agreement last year, was in the amount of \$70,000. The Sheriff's office did not utilize all of that funding because they were basically at capacity with what they needed. So, this agreement largely tracks last year's agreement. The only difference is the amount that's going to be reimbursed to the Sheriff's office. I believe it's \$50,000 so it was reduced to be more in alignment with what was actually expended during the last fiscal year. By all accounts, the relationship with the school district is going really well. They're very happy with the services that are being delivered by the County Sheriff's office. This would be something that I would ask the Manager to recommend approval of.

Manager Garcia recommended approval.

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

23. Discussion/Action: Approval of Addendum to Fiscal Agent Agreement with Union County for MCSO Capital Outlay

Attorney Cruz stated Union County served as the County's fiscal agent for monies that were allocated to EMS, the Sheriff's office and the Road Department. The Sheriff's Office, also, in the last year, has hired an Administrative Assistant/Grants Administrator, Lori Montoya. The Sheriff's office to include Lori has a really good working relationship with Union County. The County Manager for Union County, Brandy Thompson, talked to the Sheriff, and it was agreed that she would be happy to continue assisting the Sheriff's office, in particular, with their Capital Outlay. There are two projects that are identified in the agreement, one in the amount of \$100,000 the other in the amount of \$175,000 the proposal is that the administrative fee be 2% which is the same amount that North Central would be requesting. I think as a matter of fairness, we're willing to compensate you something for your effort. So, it's very nominal, and the recommendation would be that this be approved, pursuant to the request of the Sheriff.

Manager Garcia recommended approval.

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

24. Discussion/Action: Approval of MOU Between Mora County and North Central New Mexico Economic Development District to Administer Capital Outlay & EDA Grant Funds

Manager Garcia recommended to table the item.

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

25. Discussion/Action: Approval of On Call Hire as Needed at Solid Waste

Manager Garcia stated I would like to do an emergency hire. An on call for Ocate, Watrous and Wagon Mound Solid Waste Departments. A lot of times those individuals are out and we have to close, which upsets the constituents or it causes short staffing at the Mora site. I need to hire someone right away as we advertise, and then we'll have them to use and see who applies for it. I want to do it that way, because if tomorrow we need somebody in Wagon Mound, then by the time, if we can't supply them with somebody to substitute there's trash all over the place. That's a problem.

Commissioner J. Trujillo made a motion to approve. **Commissioner V. Serna** seconded the motion stating I vote in favor; I just don't know that it's an immediate hire as of tomorrow. *All in favor. Motion carried.*

Attorney Cruz stated the process of advertising will be followed.

26. Discussion/Action: Approval of Bid for Gravel Pit

Manager Garcia stated we had Willie Olivas at \$2.50 and Pacheco at \$4.25 per yard. I recommend approval of Willie Olivas. Manager Garcia read the letter from Procurement Officer Adelita Encinas, “this letter is being presented to you for the recommendation to award the ITB Invitation to Bid for pit run material to Willie Olivas who met the requirements of the request.” The County will work on a contract with Mr. Olivas which entails the County will have access to this pit and set up our grizzly and our equipment and we will harvest the material.

Commissioner V. Serna stated *for the record* Tina, I know this is probably problematic, but, and I noticed this for all of those bids on 141, 22, NMAC, under bid openings. Item C, it says that opening of and recording bids and modifications shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bid presence on this context may include virtual presence the name of each bidder. I didn't notice date and time specified or location on any of the bids to open. Just before we move on, I just wanted to make sure that we're complying. It wasn't advertised for public on the invitation for bids. I'm anxious to move forward on these two, but if we don't do it right, I don't want it to be an issue later on.

Attorney Cruz stated I recommend to table the two items, pit run and propane until Tuesday, so that I can look more closely.

Manager Garcia recommended to table.

Commissioner J. Trujillo made a motion to *table*. Commissioner V. Serna seconded the motion. Commissioner G. Trujillo stated *for the record*, in my opinion it is a waste of time, I vote no. *Two in favor. One opposed. Motion carried.*

27. Discussion/Action: Approval of Bid for Propane

Manager Garcia recommended to table.

Commissioner J. Trujillo made a motion to *table*. Commissioner V. Serna seconded the motion. Commissioner G. Trujillo stated *for the record*, in my opinion it is a waste of time, I vote no. *Two in favor. One opposed. Motion carried.*

28. Discussion/Action: Approval of Bid for Semi-Truck

Manager Garcia stated I received some bids, but I have to make sure the way the company is submitting the bids. I recommend tabling.

Commissioner J. Trujillo made a motion to *table*. Commissioner V. Serna seconded the motion. Commissioner G. Trujillo stated I vote no. *Two in favor. One opposed. Motion carried.*

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

Manager Garcia recommended to table the item.

Commissioner J. Trujillo made a motion to *table*. Commissioner V. Serna seconded the motion. Commissioner G. Trujillo stated I vote no. *Two in favor. One opposed. Motion carried.*

30. (Initially item 6) Discussion/Action – Approval of Minutes

a. July 31, 2024 – Regular Meeting

Manager Garcia recommended approval.

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

b. July 11, 2024 – Special Meeting

Manager Garcia recommended approval.

Commissioner J. Trujillo made a motion to approve. **Commissioner G. Trujillo** seconded the motion. **Commissioner G. Trujillo** asked if there is any discussion.

Commissioner V. Serna stated because July 11th was a continuation of July 2nd, were they the same meeting?

Attorney Cruz stated there was the continuation of the July 2nd meeting and then you had a special meeting.

Commissioner G. Trujillo stated motion carried.

c. July 2, 2024 - Special Meeting

Commissioner J. Trujillo made a motion to approve. **Commissioner G. Trujillo** seconded the motion. **Commissioner G. Trujillo** asked if there is any discussion.

Commissioner V. Serna stated I am concerned about July 2nd because every item that we have to take an action on says all opposed, all in favor, and it doesn't say how we voted.

Commissioner G. Trujillo stated all in favor. Two in favor.

Commissioner J. Trujillo rescinded the motion. **Commissioner G. Trujillo** seconded the motion to rescind.

Manager Garcia recommended to table the item.

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

d. May 16, 2024 – Regular Meeting

Manager Garcia recommended approval.

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

31. Closed Session: Pending Litigation- John Paul Vigil matter and HPCC federal court case; threatened litigation: HPCC claim

Commissioner G. Trujillo asked for a motion to go into closed session to discuss pending litigation, John Paul Vigil matter and HPCC Federal Court Case threatened litigation HPCC claim.

Commissioner J. Trujillo made a motion to go into closed session. **Commissioner V. Serna** seconded the motion. *All in favor on a roll call vote:* Commissioner G. Trujillo – yes. Commissioner J. Trujillo– yes.

Commissioner V. Serna - yes. The Commission entered Closed Session at 4:31 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 G. Trujillo – yes. Commissioner J. Trujillo – yes.

Commissioner V. Serna - yes. The Commission entered regular session at 5:18 p.m.

Commissioner G. Trujillo stated no action was taken or decisions made in executive session. There was discussion regarding John Paul Vigil litigation and HPCC.

32. Next Regular Meeting – September 19, 2024

Commissioner G. Trujillo stated the next regular meeting will be held on September 19, 2024. The next special meeting will be held on Tuesday, at 2:00 pm.

33. Discussion: Other Informational Items

No other informational items were discussed.

34. Signing of Approved Documents

The Commission signed the approved documents.

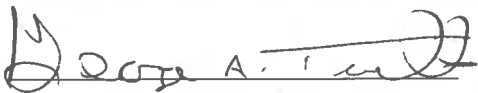
35. Adjournment

Commissioner G. Trujillo asked for a motion to adjourn.

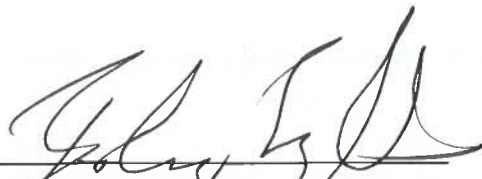
Commissioner V. Serna made a motion to adjourn. **Commissioner J. Trujillo** seconded the motion. *All in favor.*

Motion carried. The meeting adjourned at 5:23 p.m.

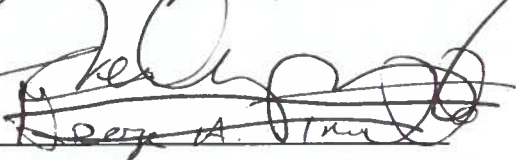
MORA COUNTY BOARD OF COMMISSION



George A. Trujillo, Chairman



John H. Trujillo, Vice-Chairman



Veronica M. Serna, Member



Carlos J. Arellano, County Clerk