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Board of County Commissioners of Mora County Special Meeting - Tuesday, July 2, 2024, at 9:30 am

1. Call to Order

Chairman George Trujillo called the meeting to order at 9:53 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. A quorum was present.

4. Approval of Agenda

Attorney Ernestine Cruz stated there are a few items that need to be stricken from the agenda. Item number 9, that's an item that has not been fully vetted and is not ready for consideration today. Next, item number 16, the thought was to be able to provide and lend support to the residents of Las Vegas in consideration of the severe flooding conditions. It's understood that they don't need that type of support at this point in time. Item number 24 will need to be tabled for a later meeting. Item number 25 is an item that's already been addressed so it was included in error. Item number 27 can be stricken. Finally, there's not a need for closed session, so that item does not need to be include in today's agenda and can be stricken as well. My recommendation is that we will touch upon the items that I've visited with you about and then I would request that in consideration of those items that we take a recess until you can come back together on Monday, either first thing in the morning or late in the afternoon to complete the items on the agenda and you can issue a notice indicating that the meeting will resume on Monday.

Commissioner J. Trujillo made a motion to approve as amended. Commissioner V. Serna seconded the motion.

Commissioner G. Trujillo asked if there are any questions.

Commissioner V. Serna stated what do you mean they'll be considered Monday?

Attorney Cruz stated I indicated that the Commission will recess at the conclusion of going through the highlighted items. Then when you resume on Monday, you will consider the items. The highlighted items are the ones the chairman will be addressing. I would briefly add that you had a late start time for today's meeting because there was a team meeting that took place with Thompson and Singleton Schreiber that went a little bit later than we anticipated. So we had to take a break and that explains why we're getting started a little bit later today.

Commissioner G. Trujillo stated *all in favor. Motion carried.*

 Discussion/Action: Approval of Minutes – Commissioner G. Trujillo stated item 5 will be discussed on Monday.

- a. April 30, 2024-Budget Work Session
- b. May 16, 2024- Regular Meeting
- c. May 22, 2024- Public Budget Hearing
- d. May 23, 2024-Special Meeting
- e. May 30, 2024- Special Meeting
- f. June 13, 2024- Election Canvass Meeting
- 6. Discussion/Action: Thompson Consulting Contract Tasks and Direction from County

Manager Garcia stated we just discussed with Thompson, their tasks that we're expecting them to do, and I think it was understood. Unless they have anything else to add to it.

Attorney Cruz stated the Manager has been working with Thompson on the various tasks that have been assigned to them early on, to provide some context for purposes of the minutes. Mora County issued an RFP for a disaster recovery team, I believe in early March, the evaluation committee reviewed the offeror packets in April and then in the month of April, the Commission then took action to hire the company that you wanted to work with. There were contract negotiations that took place during the month of April and by early May, you had a contract that was in place. Thompson came on board as your disaster recovery consultant in early May. The purpose behind that retention is the fact that this is an extraordinary set of circumstances that Mora County finds itself in. You have never had to deal directly with FEMA, on a disaster of this scope resulting from the Hermit's Peak Calf Canyon fire, and you needed to outsource the work that needs to be done in order to coordinate with FEMA. Your committee worked diligently to identify the best qualified offeror and it was determined that Thompson was the offer. In May, there were a number of meetings that took place the Singleton Schreiber, Thompson, DHSEM, FEMA, a lot of coordination in order to ensure that Thompson was getting up to speed on the various Senate Bill 6 projects for which they have been retained to assist the County. They've become familiarized with the FEMA portal with the various projects they've been working somewhat peripherally at this point in time with Michael Martinez, to better understand how these roads need to be scoped out in terms of the scope of work and I think at this point in time, based upon the really productive meeting that took place earlier today, come up with a strategy within which the county can move forward with utilizing the Senate Bill 6 funds. Today is a very important day. July 2, 2024 will be the start point in earnest within which Mora County gets to formally announce that it's moving forward with utilizing the Senate Bill 6 funding that has been provided by the New Mexico State Legislature and of course, a critical law that was signed into place by Governor Michelle Lujan Grisham. Senator Pete Campos, has been a leader on this Legislation as other Legislators have as well. He and the State Legislature would be credited with being forward thinking and recognizing that counties and public entities don't have the money to fund the recovery effort and they needed to get that funding somewhere. The State wisely chose to issue interest free loans to enable public entities such as Mora County to be able to fund these projects. State Legislature certainly has to be credited for this critical legislation. Likewise, Governor Michelle Lujan

Grisham needs to be recognized for her leadership and her thoughtfulness in recognizing that that law needed to be signed and those funds needed to be made available to public entities. It took a while for Mora County to get to this place, because there's been a whole set of circumstances that you needed to get in alignment in order to move forward but the County as quickly as it could, have got the team that it needed in place in order to move forward. The team includes Thompson as the disaster recovery team, Singleton Schreiber, Britt Strotman and Brian Colon. I know that the constituents have been asking, when the County is going to be moving forward with utilizing these funds, repairing the roads. A lot of this work is work that the public doesn't often hear, because we're having meetings and taking care of things in the way that we need to. This is the first public meeting where the public is hearing that you're moving forward, a plan is being developed, and you're going to be having a meeting next Thursday, where Thompson is going to be presenting which roads they believe can be put out to bid and then they're also going to be seeing what additional amendments might need to be requested through FEMA, they're expert in that, and they're going to lead the way in dealing with FEMA. It's no small task, because you're dealing with the overall operations of the County, and then you're also having to take care of the recovery efforts. I hope that provides a good summary as to where we're at today as an important day indicated and your staff, and you all as leaders are to be celebrated for pushing things forward, and finally getting the County to this place. Manager you might want to recommend a motion at this point that your Commission formally vote they're ready to move forward with utilizing the Senate Bill 6 funds.

Manager Garcia recommended approval.

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

7. Discussion/Action: Approval of New Operating Agreement for Grant Agreement # A23H4157

Stephanie Romero stated that is the one for the senior van. It had been signed in the past but we're not able to locate the documents, so they just asked that we sign it again.

Manager Garcia recommended approval.

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

8. Discussion/Action: Resolution Approving Donation by MCSO of Conex Box to the Village of Wagon Mound

Commissioner G. Trujillo stated this item will be recessed and discussed on Monday, July 8, 2024.

- 9. Discussion/Action: Resolution Authorizing Pay Increases for MCSO Personnel
 Item 9 was struck from the agenda during item 4, approval of agenda.
- 10. Discussion/Action: Approval of Letter of Support for Health Council from Mora County Commission Manager Garcia stated Valerie Benjamin was supposed to speak at the last meeting, this is just the letter of support. I recommend approval.

Attorney Cruz stated I would recommend approval without the signature page, because there's a section that talks about legal sufficiency. This isn't really a legal document so I can't sign this. I think you can sign off on the first page, which is the letter of support but the second page I recommend it be signed.

Manager Garcia stated I recommend it get approved without the signatures they are asking for that is titled approved as to legal sufficiency. Exclude that.

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

11. Discussion/Action: Approval of Mora County DWI Program Compliance Agreement (Independent Contractor)

Manager Garcia stated we discussed this with Mrs. Medina, who has been the DWI Coordinator for all these years. Because she is a private contractor, we can't provide an office for her. However, we've seen where the agreement says that we have to offer a 10%, in kind service.

Attorney Cruz stated this item appeared on the last agenda and I indicated that we needed to make some revisions to the agreement because Mrs. Medina is in fact an Independent Contractor and cannot be assigned an office here at the County, cannot have an office phone, cannot have an email address assigned to her. We've been addressing this issue with other positions throughout the course of last year in order to address some of the legal implications that come from having had that practice in place previously. Mr. Garcia and I did have an opportunity to visit yesterday with Mrs. Medina, to address the logistics of what her work day will look like going forward and the fact that it would need to be an Independent Contractor Agreement. Mrs. Medina has to be credited for being fair and reasonable on those conversations. She understood the need for this to be classified as an Independent Contractor Agreement. The topics of concern that came up is that as the Compliance Officer/Screener that works directly with the court, whenever you're talking about DWI, that oftentimes does involve HIPAA medical records, so she cannot retain those records at her home or her own personal office as an Independent Contractor. The agreement does make reference to the fact that those documents will continue to be retained here at Mora County, and they will be in Mora County's possession, she will have access to those records here at the County office as she needs to review them in order to work closely with the court, she will need to continue to meet with the clients that are assigned to her and what the County will do, is provide space for her to have those in person meetings. She cannot have those meetings at home because that would be a problematic circumstance for her to find herself in because she needs to have access to the file or she's visiting with the clients. So those meetings will continue to take place here but she will not have an office specifically assigned to her. She will not have a computer or telephone specifically assigned to her and she likewise will not have a personal email address assigned to her as yolandamedina@countyofmora.com. Instead, there will be a DWI Compliance Officer email address, and those emails will be processed in that way. She indicated that she's happy to continue to be of service and assistance to the County so much that she made note of a final report that she's in the process of

completing for submission to DFA. So that Mora County will continue to be in compliance with its obligations under the agreement that it has with the State of New Mexico.

Manager Garcia made a recommendation of approval.

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

12. Discussion/Action: Approval of Contract for Road Superintendent FY2025

Manager Garcia recommended approval.

Commissioner J. Trujillo made a motion to approve. Commissioner V. Serna seconded the motion.

Commissioner G. Trujillo asked if there is any discussion.

Attorney Cruz stated you'll recall that in past years, Mr. Romero was the Road and Solid Waste Superintendent. He has been inundated with so much work related to the roads and he's focused diligently tirelessly and given so much to the County to make sure that the roads are properly addressed and maintained and everything else that comes along with the wildfire recovery effort. Manager Garcia recognized that, because of that overload of work, it would be a good idea to separate the responsibilities of Road Superintendent and Solid Waste Director. So item number 12, goes in conjunction with item number 13, which is a request for approval of a job description for Solid Waste Director so that you'll have a standalone employee responsible for Solid Waste. Mr. Romero will be exclusively dedicated to the Road Superintendent.

Veronica Serna stated and that is pre-selected?

Manager Garcia stated I don't think it has been pre-selected.

Attorney Cruz stated I can address that. He's been temporarily assigned to provide assistance with that work. When I learned about that temporary assignment, I did visit with the Manager to say, let's get a job description approved, to ensure separation of duties. Then once you all as a Commission, should that be your pleasure today, approve the Solid Waste Director, the individual that's been asked to provide that temporary oversight will continue to provide that temporary oversight. But you will now have a job description that DesMarie can rely upon. It will be advertised, anybody that applies will be given due on fair consideration. There will be an interview selection committee, who will then conduct interviews and select the top candidate.

Chairman G. Trujillo stated all in favor. Motion carried.

13. Discussion/Action: Approval of Job Description for Solid Waste Director

Manager Garcia recommended approval of the job description so we can advertise for the position.

HR Coordinator DesMarie Romero stated the Solid Waste Director was in the new budget. I believe it was budgeted for \$30 an hour. Not that they're going to receive that. We'll follow policy, we will advertise for two weeks and then we will conduct interviews after that, as long as we have the pool of applicants. If we don't, we'll have to re advertise for an additional week.

Commissioner J. Trujillo made a motion to approve. Commissioner V. Serna seconded the motion.

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

Commissioner V. Serna stated so that comes out to about \$63,400, plus benefits, which comes to what about 20 25%? That's been budgeted for?

Manager Garcia stated it's determined, like she just mentioned we budgeted for, that doesn't mean there's going to be anywhere near that, but yes, we budgeted for that.

Attorney Cruz stated the temporary request for the employee to provide oversight for the Solid Waste Department, while Mr. Romero is attending to roads would fall under the category on all job descriptions, which reads performs other duties as required. So it was again, not a formal assignment to the position, but more of a recognition that Mr. Romero was needing some additional assistance, so this individual who has a lot of experience and Solid Waste was asked to fulfill that supervisory type capacity on a very short term basis until this item could get up to you for consideration.

Commissioner G. Trujillo stated all in favor. Motion carried.

14. Discussion/Action: Approval of Job Description for Special Projects Manager

Manager Garcia stated nobody has been pre-selected so I'm going to recommend approval of this job description.

HR Director DesMarie Romero stated I'm still waiting to get the rate of pay and then I'll add it to this job description. There's a lot of projects, this individual will oversee those projects to make sure everything's going right.

Commissioner J. Trujillo made a motion to approve. Commissioner V. Serna seconded the motion.

Commissioner G. Trujillo asked if there is any discussion.

Commissioner V. Serna stated since no salary has been designated for this particular position, obviously hasn't been put in the budget yet. So does that mean we're not going to fill that position this fiscal year? Since it's not in the budget?

Manager Garcia stated that's not what it means actually, Mr. Chairman, we do have a Project Manager that was already budgeted for, but we've given them a lot more to do. So that's why we're doing this, instead of just piling on work.

Commissioner V. Serna stated so what position is that, that we already have?

HR Coordinator DesMarie Romero stated it is Disaster Recovery Construction Manager.

Commissioner V. Serna stated that was supposed to be one of the FEMA positions, right?

Attorney Cruz stated you have the Disaster Recovery Construction Manager. This is a bit distinct from that. Mora County is in the process of working to secure funding for the build out of the complex, and there's a whole host of grants that are at play. We also have awards from as an example the Administrative Office of the Courts, there's going to be a lot of activity that's taking place with regard to construction very soon. In addition to that, we know the issues that have been here in this building, with the fire that is now necessitating and requiring staff to

be well relocated, which means that you need to have somebody who can lead oversight of these projects as they're getting built out and coordinating, not only with the architect, but also with the contractors that are coming in to do the construction as well. One observation that has been made over the course of the last few years is that you had a contract with Mr. Charlie Ortero who was doing a lot of that work. One observation that the Manager made, when he came on board, was that there wasn't really a good cost control with regard to the work that he was being performed and by creating this type of position, you have a better method within which to manage the overall expense regarding that interfacing that needs to take place between the County, your architects and your contractors.

Manager Garcia stated we were receiving invoices from Mr. Otero, and he was asked to participate with a Special Projects Committee. I was taking a look at his invoices \$8,000 for coming to have a Special Projects meeting. We do need somebody, not necessarily to take his place, but to take care of all the other projects we have going on, instead of just one specific project for him that was costing us a fortune.

Commissioner V. Serna stated are you cognizant of the study that they did on for the complex before we started building on it again, the issues that they identified and people that were involved in those issues. I'll send you the report to review it.

Attorney Cruz stated I think the issue at that point was that the County needed to have an Owner's Representative to ensure that the County's interests were well protected as that construction was moving forward.

Chairman G. Trujillo stated all in favor. Motion carried.

15. Discussion/Action: Approval of Job Description for Economic Development Director

Manager Garcia stated that goes to the grant that was put in place before I came on at \$1.2 million or something. Commissioner V. Serna stated this position will oversee the \$3 million?

Manager Garcia stated she's saying for this economic person to oversee the \$3 million that we got for construction. I think an Economic Director should be in charge of Economic Development, but not construction.

Attorney Cruz stated the Manager, and I have had some constructive conversations regarding the County's need for an Economic Development Director, we know that at some level, a lot of this work has been attended by Mora Creative Council as it relates to Mora Main Street and things of that nature. I think the County is in a position where it can bring the position of this type, in house. Now that you've received the Economic Development grant through the Federal Government, you're going to have to set up space within the complex that is going to promote rural economic development. You just don't have that person right now. You have it very peripherally in your Planning and Zoning Department by receiving those licenses, but you don't have somebody that can support, sustain, and assist those businesses on a day to day basis.

Manager Garcia recommended a motion to approve.

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

Commissioner G. Trujillo asked if there is other discussion.

Commissioner V. Serna stated I have a question regarding salary. This is going to be based off of the grant? The other thing I want to remind you, I know that we have committed to the 770, some thousand-dollar match, but you might want to check in with the Legislative bill that provides some match for grants. That may relieve us from that match.

Attorney Cruz stated it was one of the requirements in order to be able to apply for the grants and one of the requirements after it was vetted through the initial stages was that the Commission would need to commit to a \$750,000 match. The County had to be very specific regarding where that money was coming from, and in the letter that was signed, was very clear that the \$750,000 would be coming from the settlement involving the Frankin Litigation.

Manager Garcia stated I accepted those grants, and I have an email saying yes, for both construction and DFA, it's better to accept them and then we could change things as we were not bound to exactly the way but as long as the focus stays on the economic development.

Attorney Cruz stated to Commissioner Serna's point, I recall, one of the meetings that we had with DFA, that there had been mention of what Commissioner Serna's referencing, which is that the State does have some funding, or they can provide, essentially, the resources that are needed, so that public entities don't have to provide match funds, you can ask for that money from the State. So that's what you need to be looking into. So if you can find out from the State that they have that ability to basically give you those match funds, you then don't have to pay out the 750. But then you can dedicate that 750 to another purpose as an example, you can then dedicate that to the AOC Grant. So exploring the possibility of offsetting that match requirement is a really good idea.

Chairman G. Trujillo stated all in favor. Motion carried.

16. Discussion/Action: Resolution Authorizing Purchase of Water for Donation to the City of Las Vegas and Disposition of said Water

Item 16 was struck from the agenda during item 4, approval of agenda.

- 17. Discussion/Action: Contract for CHET Water Tank Installation with Top Offeror Item 17 will be discussed on Monday, July 8, 2024.
- 18. Discussion/Action: Approval of Professional Services Contract with Extreme Power Electric FY2024

 Attorney Cruz stated the contractor Mr. Martinez with Extreme Power brought to the County's attention that his contract was not renewed in fiscal year 2024. And as a consequence of that, I sat down and spoke with Mr.

 Baquera and asked him what we would need to do to ensure that you had record that, in fact, the County intended to pay for the work that he was doing within 2024. The timing is less than ideal it goes back to the fact that you do need to have a monitoring system of your contracts. Mr. Baquera did request that there be a separate standalone agreement for fiscal year 2024 and that is why it is presented to you in that format today.

Manager Garcia recommended approval.

Commissioner J. Trujillo made a motion to approve. Commissioner V. Serna seconded the motion.

Commissioner G. Trujillo asked if there is any discussion.

Commissioner V. Serna stated we are renewing this at the end of the previously agreed on contract from the year before? The response was, yes.

Chairman G. Trujillo stated all in favor. Motion carried.

19. Discussion/Action: Approval of Professional Services Contract with Extreme Power Electric FY 2025

Attorney Cruz stated items number 19 and 20 can be read hand in hand, you now need to have an agreement with an electrician to be able to provide services during fiscal year 2025. One thing that was raised is that sometimes you may reach out to a contractor and they're not immediately available and you have an emergency. It would be helpful to have more than one contractor in the event one's not available and you have an emergency situation you can call the other. A question was raised if the County solicit bids to find out whether other contractors were interested. Ms. Cruz stated I reached out to Mr. Baquera Finance Director and Adelita Encinias Procurement Officer and made that inquiry of them, and they indicated that because the contracts are written in a way that cumulatively it will not exceed \$60,000, there's not a need to get a quote. They were comfortable with presenting these two contracts as they're currently drafted. Items number 19 and item 20.

Commissioner V. Serna stated Tina, we have to be very careful of not artificially dividing contracts for the same service because that is a procurement violation.

Attorney Cruz stated the language in the contract indicates that cumulatively, between both of them, it will not exceed \$60,000, that includes gross receipts tax. So the responsibility of the procurement office is to monitor and to make sure that both of these contractors based on the work they're doing, it's contemplated to be \$60,000 total, for both of them not \$60,000 each, it's cumulative.

Manager Garcia recommended approval.

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

20. Discussion/Action: Approval of Professional Services Contract with VDV Electric FY2025 Manager Garcia recommended approval.

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

21. Discussion/Action: Approval of Road Fund Cooperative Agreement Control No. L400678

Admin. Assistant to Road/Solid Waste Dept. Monica Mondragon stated we received our TPS for fiscal year 2025 that needs approval to move forward on. In the packet it includes each one of those TPS from John Herrera and Monica Duran from DOT.

Attorney Cruz recommended resuming item 21, 22 and 23 on Monday which will allow for a request for the name of the roads to be added to the agreements. No action was taken at this time.

- 22. Discussion/Action: Approval of Road Fund Cooperative Agreement Control No. L400671

 Item 22 will resume on Monday. No action was taken at this time.
- 23. Discussion/Action: Approval of Road Fund Cooperative Agreement Control No. L400664

 Item 23 will resume on Monday. No action was taken at this time.
- 24. Discussion/Action: Resolution Approving Mora County's Updated 2024 Road Log
 Item 24 was tabled from the agenda. This item will be discussed on Thursday's meeting.
- 25. Discussion/Action: Approval of issuance of Invitation for Bid for Semi-Truck

 Item 25 was already approved at the last meeting and was struck from the agenda during item 4, approval of agenda.
- 26. Discussion/Action: Approval of Issuance of Invitation for Bid for Road Materials and Gravel Pit Manager Garcia recommended approval. The current one expired on June 31st. So we're up for renewal on that. Commissioner V. Serna made a motion to approve. Commissioner J. Trujillo seconded the motion. All in favor. Motion carried.
- 27. Discussion/Action: Approval of a Design for the Courthouse/Administrative Complex Item 28 was struck from the agenda during item 4, approval of agenda.
- 28. Closed Session: Threatened Litigation HPCC Claim (Singleton Schreiber)

 Closed Session was not needed at this meeting as indicated in item 4, approval of agenda.
- 29. Discussion: Other Informational Items

Commissioner V. Serna stated I just wanted to ask if we can include on the next agenda, EMS and any issues that are going on with their budget. I understand there may be some confusion about what was spent out of their budget that wasn't related to the EMS building.

Manager Garcia stated I can address there was like \$11,600 charge that was against EMS by the former finance person. We're identifying why that was spent, where it was spent and then they just need to be reimbursed for that it was transferred back into that internally with Mr. Baquera's.

Commissioner G. Trujillo stated the next meeting will be Monday, July 8, 2024 at 4:00 p.m. I just want to say *for the record* by me talking to Las Vegas City Councilman Michael Montoya, he was really happy and grateful for the offer of water. I was going to suggest to this Commission that we donate 1000 cases. He advised me that there was 30 semis in line of cases of water. He said maybe further on down the line, or even a later, he said to thank the Commissioners, Tina and Manager.

Kris Romero Fire Administrator stated he is going to donate \$200 worth of water out of his Fire Administrator budget.

Attorney Cruz stated Chairman, you could entertain a motion to go into recess with the meeting resuming on Monday at 4:00 p.m. In compliance with the Open Meetings Act, Mrs. Casados will post a notice reflecting the time that the meeting will be resumed, in addition to that, as another announcement. I mentioned earlier that you

all as a Commission will be scheduling a meeting next Thursday to address the rollout of the projects pertaining to Senate Bill 6, and there will be some other related items on the agenda, I'm sure and I'll be visiting with the Manager as to what that will look like.

Commissioner G. Trujillo asked for a motion to go into a recess until Monday, at 4:00 p.m.

Commissioner J. Trujillo made a motion to go into recess. 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 a recess at 11:00 a.m.

30. Signing of Approved Documents

The Commission signed the approved documents.

31. Adjournment

The meeting did not adjourn. The Commission made a motion to recess, see above.

MORA COUNTY BOARD OF COMMISSION

deorge A. Trujmo, Chan man

John H. Trujillo, Vice-Chairman

Veroniea M. Serna, Member

Carlos J. Arellano, County Clerk

