



## **CIBOLA COUNTY BOARD OF COMMISSIONERS**

Christine Lowery  
Chair

Ralph Lucero  
1<sup>st</sup> Vice Chair

Daniel Torrez  
2<sup>nd</sup> Vice Chair

Martha Garcia  
Commissioner

Robert Windhorst  
Commissioner

### **Special Commission Meeting**

**Monday, May 6, 2024**

**5:00 p.m.**

### **Cibola County Commission Chambers**

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Prayer**
5. **Approval of Agenda**
6. **Actions Item**

- a) Consideration of Resolution 2024-29, Requesting Modification of Ambulance Certificate Issued to the City of Grants until Grants Fulfills its Commitment to Provide Backup Ambulance Services

7. **Announcements**

- a) The Next Regular Commission Meeting will be Thursday, May 23<sup>rd</sup>, 2024, at 5:00p.m.

8. **Adjournment**

*Note: This agenda is subject to change up to 72 hours prior to the scheduled meeting date and time as deemed necessary by the County Manager. To inquire about agenda changes, please contact the Grants/Project Manager, Judy Horacek, at 505.285.2557 or [judy.horacek@co.cibola.nm.us](mailto:judy.horacek@co.cibola.nm.us). If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the County Manager at least one (1) week prior to the meeting or as soon as possible.*



**CIBOLA COUNTY  
BOARD OF COUNTY COMMISSIONERS  
RESOLUTION 2025-29**

**REQUESTING MODIFICATION OF AMBULANCE CERTIFICATE ISSUED TO THE CITY OF GRANTS  
UNTIL GRANTS FULFILLS ITS COMMITMENT TO PROVIDE BACKUP AMBULANCE SERVICES**

**WHEREAS**, the Board of County Commissioners met in a special meeting on May 6, 2024, at 5:00 p.m. in the Cibola County Administration Building 700 Roosevelt, Grants, New Mexico 87020; and,

**WHEREAS**, NMSA, 1978, Section 4-38-18 (1976) provides that a Board of County Commissioner of Cibola County ("County") has the duty and authority "[t]o represent the county and have the care of the county property and the management of the interest of the county in all cases where no other provision is made by law; and,

**WHEREAS**, the County is a body corporate and politic existing by and under the Constitution and Laws of the State of New Mexico; and,

**WHEREAS**, the Board of County Commissioners of Cibola County recognizes the vital importance of timely and efficient ambulance services to all residents of the county, irrespective of whether they live in the incorporated or unincorporated areas of the County; and,

**WHEREAS**, the City of Grants has demonstrated an intent to assume the provision of ambulance services within its jurisdiction, impacting the provision of emergency medical services in the unincorporated parts of Cibola County; and,

**WHEREAS**, there was widespread community support for the City of Grants' application for an ambulance certificate, including by the County of Cibola, based on representations made by the City that it would serve as a backup to Superior Ambulance when Superior is unable to respond to calls promptly; and,

**WHEREAS**, during the Grants City Council meeting on October 25 2023, the City of Grants affirmed that it would only serve as a backup service, with Superior Ambulance remaining as the primary ambulance provider and its services would only "enhance" the current provider; and,

**WHEREAS**, despite these assurances, the City of Grants, after securing the ambulance certificate, unilaterally declared itself the primary provider of ambulance services within its

jurisdiction, thereby altering the previously agreed-upon arrangement, stating in an April 11, 2024 letter to Superior Ambulance that “[w]e will request assistance from Grants based Superior Ambulance within the city of Grants, city limits if multiple calls come in at one time, Grants Fire and Rescue is not available or calls that may exceed our medical capabilities,”; and

**WHEREAS**, the City did not meet with the County prior to having unilaterally declared itself the primary provider of ambulance services within the City; and,

**WHEREAS**, the City had been extended an invitation to discuss its intent with respect to the provision of ambulance services, and has been formally invited to this evening’s Commission meeting; and,

**WHEREAS**, Superior Ambulance has expressed its intent to continue operating in Cibola County, but has stated that it cannot financially sustain its operations in the unincorporated parts of the County without also providing services to the City of Grants as the primary responder; and

**WHEREAS**, since, according to its February 23, 2024 Certificate of Public Convenience and Necessity, the City of Grants may only serve patients in the City of Grants, many communities in the unincorporated areas of the county including but not limited to San Mateo, Blue Water and San Rafael, will be without ambulance service if Superior Ambulance ceases to operate.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Cibola County hereby expresses its concern about the impact of the City of Grants’ assumption of ambulance services on residents in the unincorporated parts of the County; and,

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Cibola County hereby expresses its concern about the impact of the City of Grants’ assumption of ambulance services on residents in the unincorporated parts of the County; and,

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Board of County Commissioners of Cibola County requests that the New Mexico Public Regulation Commission (PRC) modify the ambulance certificate issued to the City of Grants to make plain that the certificate was issued to the City to provide backup service to Superior Ambulance, as originally agreed upon by the City and Superior; and,

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Board of County Commissioners of Cibola County hereby directs its County Manager, County Attorneys, and staff to take all such action as may be necessary to protect and preserve the provision of ambulance services to the residents of both the incorporated and unincorporated areas of Cibola County; and,

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that a copy of this resolution be transmitted to the New Mexico Public Regulation Commission, the City of Grants, and Superior Ambulance, as well as any other relevant parties.

**APPROVED, ADOPTED, AND PASSED** this May 6, 2024, by the Board of County Commissioners of Cibola County.

**BOARD OF COUNTY COMMISSIONERS**

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Christine Lowery, Chair

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Ralph Lucero, 1<sup>st</sup> Vice-Chair

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Daniel J. Torrez, 2<sup>nd</sup> Vice Chair

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Martha Garcia, Member

\_\_\_\_\_  
Robert Windhorst, Member

ATTEST BY:

\_\_\_\_\_  
Michelle E. Dominguez, County Clerk



DOCKET 24-00033-TR-M

CERTIFICATE/PRC NO. 58320



NEW MEXICO  
PUBLIC REGULATION COMMISSION

**CERTIFICATE OF PUBLIC  
CONVENIENCE AND NECESSITY**

**CITY OF GRANTS D/B/A  
GRANTS FIRE AND RESCUE DEPARTMENT  
620 W. HIGH STREET  
GRANTS, NEW MEXICO 87020**

**AUTHORITY: AMBULANCE SERVICE**

**DESCRIPTION:**

A Certificate of Public Convenience and Necessity to provide ambulance service as defined by the Ambulance Standards Act, the Motor Carrier Act and the Motor Carrier Rules, transporting sick or injured from points and places within the City of Grants to points and places in the State of New Mexico.

**STATIONING POINTS:**

Equipment to be stationed at 700 Truman Ave., Grants, New Mexico.

This Certificate is issued to the carrier above pursuant to the Ambulance Standards Act. Witness the signature and seal of the Commission at Santa Fe, New Mexico, this 23<sup>RD</sup> day of February, 2024.

**NEW MEXICO PUBLIC REGULATION COMMISSION**



/s/ Patrick J. O'Connell, electronically signed  
PATRICK J. O'CONNELL, COMMISSIONER

/s/ Gabriel Aguilera, electronically signed  
GABRIEL AGUILERA, COMMISSIONER

/s/ James F. Ellison Jr, electronically signed  
JAMES F. ELLISON JR., COMMISSIONER

Certificate processed by the Office of General Counsel by ministerial action pursuant to Commission Resolution 4-19-23.



# NEW MEXICO PUBLIC REGULATION COMMISSION

## RESOLUTION 4-19-23

### *A RESOLUTION TO ADOPT THE USE OF MINISTERIAL ACTION TO APPROVE UNCONTESTED APPLICATIONS, APPROVE TEMPORARY AUTHORITY TO CERTIFIED AMBULANCE CARRIERS, AND IMMEDIATELY SUSPEND MOTOR CARRIERS THAT FAIL TO MAINTAIN FINANCIAL RESPONSIBILITY OR VIOLATE A PRESCRIBED SAFETY REQUIREMENT*

**WHEREAS** the Commission is responsible for issuing operating authorities for motor carriers operating in the State of New Mexico, NMSA 1978, Section 65-2A-4(A)(1);

**WHEREAS** the Commission is required to simplify to the extent possible the process for approving applications, NMSA 1978, Section 65-2A-5(B);

**WHEREAS** the Commission is authorized to grant an application by ministerial action if the application complies with the provisions of the Motor Carrier Act and the rules of the Commission regarding fitness, ability, financial responsibility, safety, and no objection, protest, or request for hearing is filed during the notice period, NMSA 1978, Section 65-2A-5(D);

**WHEREAS** "A ministerial act is an act which an officer performs under a given state of facts, in a prescribed manner, in obedience to a mandate of legal authority, without regard to the exercise of his own judgment upon the propriety of the act being done." *New Energy Econ., Inc. v. Martinez*, 2011-NMSC-006;

**WHEREAS** the Commission is required to immediately suspend, without notice or a public hearing, the operating authority of a motor carrier for a failure to continuously maintain the prescribed forms and amounts of financial responsibility, NMSA 1978, Section 65-2A-27(A);

**WHEREAS** the Commission is authorized to immediately suspend, without notice or a public hearing, the operating authority of a motor carrier for a violation of a prescribed safety requirement if the violation endangers the public health or safety, NMSA 1978, Section 65-2A-27(B);

**WHEREAS** the Commission finds that the issuance of temporary authority to certified ambulance carriers enabling them to continue service uninterrupted pending review of an application for reissuance of authority is necessary to protect the public health and safety and should be dealt with immediately;

**THEREFORE, BE IT RESOLVED**, that the Commission hereby directs the Office of General Counsel to ensure that the following prescribed ministerial actions are executed in coordination with the Director of the Transportation Division in accordance with these terms:

- ◆ Approve uncontested applications for motor carrier operating authority when the Director of the Transportation Division certifies that such approval is in compliance with the Motor Carrier Act and Commission Rules, consistent with all requirements wherein the Commission would otherwise approve the application, and the docket contains no timely objections filed pursuant to NMSA 1978, Section 65-2A-13;

- ◆ Approve uncontested applications for temporary authority for certified ambulance carriers to continue service pending review of an application for reissuance of authority when the Director of the Transportation Division certifies that the ambulance service has met the requirements of NMSA 1978, Section 65-2A-11;



◆ Immediately suspend the operating authority of a motor carrier when the Director of the Transportation Division certifies that the motor carrier does not maintain the requisite forms and amounts of financial responsibility, as demonstrated by a 'Form K' (Notice of Expiration or Cancellation of Insurance). Pursuant to Section 65-2A-27(D), a suspended motor carrier may apply for reinstatement once the conditions of violation are addressed; and,

◆ Immediately suspend the operating authority of a motor carrier when the Director of the Transportation Division certifies that the motor carrier was provided written notice of specific violation(s) of legally prescribed safety requirement(s) and the motor carrier has either failed or refused to immediately remedy the situation, resulting in an imminent threat to the public health and safety. Pursuant to Section 65-2A-27(D), a suspended motor carrier may apply for reinstatement once the conditions of violation are addressed.

**ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this 19<sup>th</sup> day of April 2023.**

**NEW MEXICO PUBLIC REGULATION COMMISSION**

/s/ Gabriel Aguilera, electronically signed

**GABRIEL AGUILERA, COMMISSIONER**

/s/ James F. Ellison, Jr., electronically signed

**JAMES F. ELLISON, JR., COMMISSIONER**

/s/ Patrick J. O'Connell, electronically signed

**PATRICK J. O'CONNELL, COMMISSIONER**







April 11, 2024

Chris Archuleta  
Chief Executive Officer  
Superior Ambulance Service, Inc.  
[Achris7427@aol.com](mailto:Achris7427@aol.com)

Re: City of Grants

The purpose of this letter is to be transparent in regards to the intentions of the City of Grants, Grants Fire and Rescue in regards to the transportation of patients within the city limits of Grants.

Grants Fire and Rescue has obtained a Certificate of Public Convenience and Necessity, Certificate/PRC NO. 58320.

Effective July 1, 2024 Grants Fire and Rescue will be responding to and transporting emergency calls within the city limits of Grants.

We will request assistance from the Grants based Superior Ambulance within the city of Grants, city limits if multiple calls come in at one time, Grants Fire and Rescue is not available or calls that may exceed our medical capabilities.

Grants Fire and Rescue would like a Cooperative Mutual Aid Agreement with Superior Ambulance to provide the citizens of Grants with patient care in a timely and professional manner without interruption.

Respectfully,

Fire Chief  
Mike Maes  
[firechief@grantsnm.gov](mailto:firechief@grantsnm.gov)  
Cell (505) 290-3709  
Office (505) 287-7927

City Manager Andrew Valencia

Mayor Erik Garcia

Administrative Assistant Jessica Venable.