



CIBOLA COUNTY BOARD OF COMMISSIONERS

Christine Lowery
Chair

Ralph Lucero
1st Vice Chair

Daniel Torrez
2nd Vice Chair

Martha Garcia
Commissioner

Robert Windhorst
Commissioner

Special Commission Meeting Wednesday, July 10, 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. **New Business-Action May Be Taken**
 - a. Consideration of Resolution 2024-40 Directing County Administration to Take Such Actions as are Necessary to Ensure the Continued Provision of Emergency Medical Services to the Unincorporated Areas of the County.
7. **Announcements**
 - a) The Next Regular Commission Meeting will be Thursday, July 25, 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. 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 NO 2024-40**

**DIRECTING COUNTY ADMINISTRATION TO TAKE SUCH ACTIONS AS ARE NECESSARY TO
ENSURE THE CONTINUED PROVISION OF EMERGENCY MEDICAL SERVICES TO THE
UNINCORPORATED AREAS OF THE COUNTY**

WHEREAS, the Board of County Commissioners met in a special meeting on July 10, 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 secured a certificate to operate an ambulance service in Grants, and requested to be dispatched as the primary responder to EMS calls within the City of Grants; and,

WHEREAS, Superior Ambulance sought and secured a suspension of its ambulance service in Cibola County as a result of the City’s actions; and,

WHEREAS, Superior Ambulance’s suspension of its ambulance service in Cibola County has resulted in the absence of emergency medical services in the unincorporated parts of Cibola County; and,

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Cibola County hereby authorizes and directs its County Manager, County Attorney, and staff to take such actions as are necessary to protect and preserve the provision of ambulance services to the residents in the unincorporated areas of Cibola County, including but not limited to establishing

an ambulance enterprise fund, onboarding temporary staff, taking such actions as are necessary to bill for the provision of such services, and submitting and securing from the New Mexico Department of Transportation, Transportation Regulation Bureau, the temporary authority to operate a temporary ambulance service.

APPROVED, ADOPTED, AND PASSED this July 10, 2024, by the Board of County Commissioners of Cibola County.

BOARD OF COUNTY COMMISSIONERS

Christine Lowery, Chair

Ralph Lucero, 1st Vice-Chair

Daniel J. Torrez, 2nd Vice Chair

Martha Garcia, Member

Robert Windhorst, Member

ATTEST BY:

Michelle E. Dominguez, County Clerk

EXHIBIT 1

AFFIDAVIT OF NEED FOR EMS SERVICE

**STATE OF NEW MEXICO
COUNTY OF CIBOLA**

AFFIDAVIT OF DUSTIN MIDDLETON

I, Dustin Middleton, being duly sworn, depose and state as follows:

1. I am the Cibola County Emergency Manager, duly appointed and acting within my official capacity.
2. I have personal knowledge of the facts set forth herein and, if called upon to testify, I could and would competently testify thereto.
3. The County, as a body corporate and politic under the Constitution and Laws of the State of New Mexico, has the duty to ensure the provision of essential services to all residents of the county.
4. The County acknowledges the critical importance of timely and efficient ambulance services to all residents, regardless of whether they reside in incorporated or unincorporated areas.
5. The City of Grants obtained a certificate to operate an ambulance service within its boundaries and requested to be dispatched as the primary responder to EMS calls within the City limits.
6. Subsequently, Superior Ambulance suspended its ambulance service in Cibola County.
7. The suspension of Superior Ambulance's service has resulted in the absence of emergency medical services in the unincorporated parts of Cibola County.
8. In light of the foregoing, I, as the Cibola County Emergency Manager, affirm the urgent need for the County to assume responsibility for Emergency Medical Services in the unincorporated areas, in order to safeguard the health and safety of its residents.

Further affiant saith not.

Dustin Middleton
Cibola County Emergency Management Officer

**STATE OF NEW MEXICO
COUNTY OF CIBOLA**

Subscribed and sworn to before me this ____ day of July, 2024, by Dustin Middleton.

Notary Public

My commission expires: _____

(Seal)

EXHIBIT 2

STATEMENT REGARDING NONEXISTENCE OF SERVICE IN UNINCORPORATED AREA OF CIBOLA COUNTY

I, Kate Fletcher, in my capacity as County Manager of Cibola County, hereby state the following:

1. The County of Cibola acknowledges the critical need for emergency medical services (EMS) in both incorporated and unincorporated areas.
2. Following actions by the City of Grants to secure exclusive rights within its jurisdiction, Superior Ambulance has suspended its provision of ambulance services in unincorporated areas of Cibola County.
3. The suspension of Superior Ambulance's services has left the unincorporated areas of Cibola County without essential EMS coverage, endangering the health and safety of our residents.
4. There currently exists no motor carrier providing EMS in the unincorporated areas.
5. Therefore, in light of this critical situation, the County is compelled to take immediate action to ensure the provision of EMS to all residents, including those residing in the unincorporated areas.
6. It is imperative that steps be taken swiftly to address this gap in service to protect the welfare of our community members.

Given under my hand this 10 day of July, 2024.

Kate Fletcher
Cibola County Manager

NEW MEXICO DEPARTMENT OF TRANSPORTATION

APPLICATION FOR TEMPORARY AUTHORITY



Transportation Regulation Bureau
Room 130, P.O. Box 1149
Santa Fe, New Mexico 87504-1149

Application for Temporary Authority

\$100.00__

BUSINESS

Name: _____

D/B/A ("Doing Business As"): _____

Physical Address _____

Mailing Address (if different from above) _____

Phone Number: _____

APPLICANT

Name: _____

Relationship to Business: Owner Partner Manager Other _____

Email: _____

Phone Number(s): _____

Address: _____

Per 18.3.2.10 Attach the following Exhibits:

Exhibit 1- Affidavits from one or more persons having urgent need of the service;

Exhibit 2- A statement regarding either the nonexistence of, or inadequate service provision by, motor carriers authorized to provide the needed service in that territory.

WARNING: Pursuant to NMSA 1978, §65-2A-33, willfully making a false statement of material fact in this application is a felony,

NEW MEXICO DEPARTMENT OF TRANSPORTATION

APPLICATION FOR TEMPORARY AUTHORITY

OATH OF APPLICANT

I certify that I am authorized to make this application on behalf of this business.

I certify that the facts, statements and representations contained in this application and any associated attachments are true and correct to the best of my knowledge.

I certify that this business is fit & able to provide the transportation services for which authorization is sought herein.

I hereby swear and affirm that I have read and understood the Motor Carrier Act, Chapter 65, Article 2A NMSA 1978 and the associated Motor Carrier Rules and agree on behalf of this business to operate in compliance with all applicable federal and state laws.

Printed Name: _____

Signed: _____

STATE OF _____

COUNTY OF _____

The person listed above personally appeared before the undersigned Notary Public in & for said County, in said State, who, being by me first duly sworn, says that he/she is authorized to make this application and that the facts, statements & representations contained in the application and attachments are true and correct to the best of his/her knowledge, information & belief.

Sworn & subscribed before me on this day of ,20__

(SEAL)

Notary Public

My Commission expires:
