

# CIBOLA COUNTY BOARD OF COMMISSIONERS

Robert Windhorst  
Commissioner

Robert Armijo  
Commissioner

Jack Moleres  
Commissioner

Daniel Torrez  
Commissioner

Martha Garcia  
Commissioner

**Special Meeting**  
**January 5, 2017 at 5:00 p.m.**  
**Cibola County Commission Chamber**  
**700 East Roosevelt Ave, Suite 50**

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Prayer**
5. **Approval of Agenda**
6. **Restructure of Commission:**
  - a. Nomination and Election of County Commission Chairman
  - b. Nomination and Election of 1<sup>st</sup> Vice County Commission Chairman
  - c. Nomination and Election of 2<sup>nd</sup> Vice County Commission Chairman
7. **New Business-Action May Be Taken**
  - a. Consideration of Resolution 17-01, Open Meetings Act
  - b. Consideration of Resolution 17-02, Bank Depositories
  - c. Consideration of Resolution 17-03, Public Comment
  - d. ~~Consideration of Resolution 17-04, Bank Depositories~~
  - e. Consideration of Resolution 17-05, Check Signatures
  - f. Consideration of Resolution 17-06, County Policies
8. **Announcements**

The next Regular Commission Meeting will be held on Thursday, January 26, 2017 at 5:00 p.m. immediately following the Board of Finance Meeting in the Cibola County Commission Chamber Room, 700 East Roosevelt Ave, Suite 50

➤ The Grand Opening will be on Friday, January 6, 2017 at 10:30 am
9. **Adjournment**

*“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 Cibola County Commission Chamber 700 E. Roosevelt Ave. Suite 50, Grants, NM 87020, phone (505)287-9431 at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Cibola County Administration if a summary or other type of accessible format is needed.”*



**BOARD OF COUNTY COMMISSIONERS  
RESOLUTION № 17-01**

**OPEN MEETINGS ACT**

**WHEREAS**, the Cibola County Board of Commissioners met upon notice of meeting duly published at the Cibola County Commission Chamber, 700 East Roosevelt Ave, Grants, NM, on January 5, 2017, at 5:00 p.m. as required by law; and,

**WHEREAS**, Section 10-15-1 (B) of the Open Meetings Act (NMSA 1978, Section 10-15-1 to - 4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission or their policy-making body of any state or local public agency held for the purpose of formulating public policy, or for the purpose of taking any action within the authority of such body, are declared to be public meetings open to the public at all times; and,

**WHEREAS**, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and,

**WHEREAS**, Section 10-15-1 (D) of the Open Meetings Act requires the Cibola County Commission to determine annually what constitutes reasonable notice of its public meetings; and

**WHEREAS**, the Board of County Commissioners wishes to hold its regular meetings on the fourth Thursday of every month, at 5:00 p.m.; and

**NOW, THEREFORE, BE IT RESOLVED**, By the Cibola County Commission.

1. All meetings shall be held at the Cibola County Commission Chamber 700 E. Roosevelt Ave. Suite 50, Grants, NM 87020 as detailed below or as indicated on the meeting notice.
2. Unless otherwise specified, regular meetings shall be held once a month on the fourth Thursday of each month at the Commission Chamber 700 E. Roosevelt Ave. Suite 50, Grants, NM 87020 at 5:00 p.m. The agenda will be available at least seventy-two (72) hours prior to the meeting.

3. Special meetings may be called by the Chair or a majority of the members upon seventy-two (72) hours notice. The notice shall include an agenda for the meeting and shall be available to the public at least seventy-two (72) hours before any special meeting.
4. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of the citizens or to protect the public body from substantial financial loss. The Board of County Commissioners will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairman or a majority of the members upon twenty-four hours notice, unless protecting Cibola County from substantial financial loss or a threat to the health, safety and property of the citizens requires less notice. The notice shall include an agenda for the meeting. Within ten (10) days of taking action on an emergency matter, the Chairman, on behalf of the Board, shall report to the New Mexico Attorney General's Office the action taken and the circumstance creating the emergency unless the made pursuant to a declaration of state or national emergency.
5. For the purposes of regular meetings and special meetings described in paragraphs 2 and 3 of this resolution, notice requirements are met if the date, time, place and a copy of the agenda is placed on the Cibola County website at <http://www.cibolacountynm.com>. Notice should be posted at the Cibola County Commission Chamber 700 E. Roosevelt Ave. Suite 50, Grants, NM 87020. Copies of the agenda notice shall also be mailed, faxed or emailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.
6. For the purposes of emergency meetings described in paragraph 4 of this resolution, notice requirements are met if notice of the date, time, place and agenda is provided by telephone, facsimile or email to newspapers of general circulation in the County and is placed on the Cibola County website at <http://www.cibolacountynm.com>. Notice should be posted at the Cibola County Commission Chamber 700 E. Roosevelt Ave. Suite 50, Grants, NM 87020. Copies of the agenda notice shall also be mailed, faxed or emailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.
7. In addition to the information specified above, all agendas shall include the following language:

*"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 Cibola County Commission Chamber 700 E. Roosevelt Ave. Suite 50, Grants, NM 87020, phone (505)287-9431 at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various*

*accessible formats. Please contact the Cibola County Administration if a summary or other type of accessible format is needed.”*

8. The Cibola County Board of County Commissioners may close a meeting to the public only if the subject matter of such discussion or action is exempted from the Open Meeting requirement under Section 10-15-1 (H) (1 through 10) of the Open Meetings Act.
  - A. If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the County Commission taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.
  - B. If a closed meeting is conducted when the Board of County Commissioners is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity is given to the members of the general public.
  - C. Following completing of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.
  - D. Except as proved in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a close meeting shall be made by vote of the Board of County Commissioners in an open public meeting.
9. A member of the Cibola County Board of County Commissioners may participate in a meeting by means of a conference telephone or other similar communications equipment when it is difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time, and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.

**APPROVED, ADOPTED, AND PASSED** on this 5<sup>th</sup> day of January, 2017.

**BOARD OF COUNTY COMMISSIONERS**

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ROBERT WINDHORST, COMMISSIONER

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ROBERT ARMIJO, COMMISSIONER

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JACK MOLERES, COMMISSIONER

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DANIEL TORREZ, COMMISSIONER

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MARTHA GARCIA, COMMISSIONER

ATTEST BY:

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MICHELLE E. DOMINGUEZ, COUNTY CLERK



**BOARD OF COUNTY COMMISSIONERS  
RESOLUTION 17-02**

**BANK DEPOSITORIES**

**WHEREAS**, the Cibola County Board of Commissioners met upon notice of meeting duly published at the Cibola County Commission Chamber, 700 East Roosevelt Ave, Grants, NM, on January 5, 2017, at 5:00 p.m. as required by law; and,

**WHEREAS**, the Cibola County Board of Commissioners also constitutes the Board of Finance ex-officio with the authority to approve financial matters of the County including the selection of depository institutions for County funds; and,

**WHEREAS**, the Board of County Commissioners wishes to distribute, as available, these funds in a fair and impartial manner according to investment guidelines as set forth by the State of New Mexico; and,

**WHEREAS**, Cibola County has four (4) banking and investment institutions that qualify as depositories for the investment of these funds.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Cibola County Commission hereby designates Grants State Bank, Wells Fargo Bank, State of New Mexico Investment Pool, and U.S. Bank as depositories for County investment funds.

**APPROVED, ADOPTED, AND PASSED** on this 5<sup>th</sup> day of January, 2017.

**BOARD OF COUNTY COMMISSIONERS**

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ROBERT WINDHORST, COMMISSIONER

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ROBERT ARMIJO, COMMISSIONER

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JACK MOLERES, COMMISSIONER

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DANIEL TORREZ, COMMISSIONER

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MARTHA GARCIA, COMMISSIONER

ATTEST BY:

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MICHELLE E. DOMINGUEZ, COUNTY CLERK



**CIBOLA COUNTY  
BOARD OF COUNTY COMMISSION  
RESOLUTION № 17-03**

**PUBLIC PARTICIPATION AT A CIBOLA COUNTY COMMISSION MEETINGS**

**WHEREAS**, the Cibola County Board of Commissioners met upon notice of meeting duly published at the Cibola County Commission Chamber, 700 East Roosevelt Ave, Grants, NM, on January 5, 2017, at 5:00 p.m. as required by law; and,

**WHEREAS**, the County Commission recognizes that public access to the proceedings and decision-making processes of the meetings of the Board of County Commissioners is crucial to the functioning of democracy; and

**WHEREAS**, the County Commission further recognizes that meetings held by the Commission to discuss public business, particularly when conducted with the public taxpayers' money, are the taxpayers' business; and

**WHEREAS**, the County Commission recognizes that, with limited exceptions, the Open Meetings Act generally prohibits a public body from conducting public business in secret or in closed meetings, and requires that such business be conducted by the public body acting as a whole at meetings open to all persons who wish to attend and listen; and

**WHEREAS**, Article 2 Section 17 of the New Mexico Constitution guarantees that “[e]very person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press;” and,

**WHEREAS**, the Board of County Commissioners welcomes public comment at its regular meetings in order to encourage freedom of speech in the County and as a valued tool to communicate with its constituents even though the Courts have held that the New Mexico Open Meetings Act “[ ] does not require the commissioners to allow the public to speak at its meetings, but instead, only requires them to allow the public to attend and listen.” See, Mesa v. White, 197 F.3d 1041, 1046 (10th Cir. 1999); and,

**WHEREAS**, the Board has traditionally reserved a public comment period as a designated public forum at a selected time during the Commission Meeting, a non-public forum held to manage the business of County Government; and,

**WHEREAS**, the County Commission must balance the desire to afford members of the public a full and complete opportunity to address the Commission with the



Commission's need to conduct the people's business in an orderly and efficient manner; and,

**WHEREAS**, there is a need for the Commission to set content neutral rules for the public comment period that will allow individuals the ability to make their comments in a meeting environment that fosters respect for the time and views of all attendees, while also being narrowly tailored to promote orderly and efficient meetings of the Board.

**NOW, THEREFORE, BE IT RESOLVED** by the Cibola County Commission that each member of the public wishing to address the Commission shall be given an opportunity to address the Commission during the public comment period at regular meetings.

**NOW THEREFORE, BE IT FURTHER RESOLVED** that the Board of County Commissioners adopts the following rules for its public comment period:

I. So that freedom of speech is unrestricted:

A. Anyone will be allowed an opportunity to speak during the public comment period at the conclusion of the Board's public hearing meetings.

B. Speakers may discuss any subject during the public comment period.

II. In order to promote orderly efficient meetings respectful of everyone's time:

A. All individuals will be limited to a two (2) minute comment period.

B. No individual will be permitted to speak more than one (1) time; no rebuttals to the comments of others will be permitted.

C. The public comment period will be on the Commission's agenda before all County or Public business items.

D. Comments, applause and other interruptions from the audience are not allowed.

III. In order to promote orderly meetings so that attendees feel safe and secure in their attendance:

A. Threatening/abusive comments that disrupt the meeting will not be allowed.

B. All speakers must address the Board of County Commissioners and speak from the podium.

**NOW THEREFORE, BE IT FURTHER RESOLVED** that this resolution does not in any way diminish the Chair's authority to conduct meetings consistent with the rules and powers granted to the Chair by virtue of this Board's adoption of Roberts Rules of Order or any special rules.

**APPROVED, ADOPTED, AND PASSED** on this 5<sup>th</sup> day of January, 2017.

**BOARD OF COUNTY COMMISSIONERS**

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ROBERT WINDHORST, COMMISSIONER

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ROBERT ARMIJO, COMMISSIONER

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JACK MOLERES, COMMISSIONER

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DANIEL TORREZ, COMMISSIONER

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MARTHA GARCIA, COMMISSIONER

ATTEST BY:

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MICHELLE E. DOMINGUEZ, COUNTY CLERK



**BOARD OF COUNTY COMMISSION  
RESOLUTION № 17-05**

**SIGNATURE AUTHORITY ON COUNTY CHECKS**

**WHEREAS**, the Cibola County Board of Commissioners met upon notice of meeting duly published at the Cibola County Commission Chamber, 700 East Roosevelt Ave, Grants, NM, on January 5, 2017, at 5:00 p.m. as required by law; and,

**WHEREAS**, the Chairperson of the Cibola County Commission delegates to all Commissioners authority for signature of County checks, under Section 4-45-4, NMSA 1978, whose signatures appear below, and as shown hereon; and,

**WHEREAS**, this delegation and the authorization of signatures on checks shall continue until replaced by future designations. This designation of signatures may be affixed to the form contract of deposit signature card of any financial institution issuing County checks, and shall incorporate the terms thereof, and all laws of the State of New Mexico and regulations of the Local Government Division of the Department of Finance and Administration, as if fully set out herein, and when so affixed, shall constitute full and sufficient authorization of the banking institution to honor signatures upon such checks.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Commissioners approve signature authority on checks on this 5<sup>th</sup> day of January 2017.

**APPROVED, ADOPTED, AND PASSED** on this 5<sup>th</sup> day of January, 2017.

**BOARD OF COUNTY COMMISSIONERS**

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ROBERT WINDHORST, COMMISSIONER

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ROBERT ARMIJO, COMMISSIONER

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JACK MOLERES, COMMISSIONER

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DANIEL TORREZ, COMMISSIONER

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MARTHA GARCIA, COMMISSIONER

ATTEST BY:

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MICHELLE E. DOMINGUEZ, COUNTY CLERK



**BOARD OF COUNTY COMMISSIONERS  
RESOLUTION № 17-06**

**COUNTY POLICIES**

**WHEREAS**, the Cibola County Board of Commissioners met upon notice of meeting duly published at the Cibola County Commission Chamber, 700 East Roosevelt Ave, Grants, NM, on January 5, 2017, at 5:00 p.m. as required by law; and,

**WHEREAS**, the Cibola County Board of Commissioners is the duly elected governing body of Cibola County with the authority and responsibility for establishing and enforcing County policies; and,

**WHEREAS**, the Cibola County Board of Commissioners deems it appropriate to continue said responsibility with County policies presently in effect; and,

**WHEREAS**, the Board of Commissioners recognizes that additional policies and/or possible revisions of existing policies could well be required in the future.

**NOW, THEREFORE, BE IT RESOLVED**, that the Cibola County Board of Commissioners officially adopts all County Policies presently in effect;

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Board, as deemed necessary, will revise said policies and/or adopt additional policies by following established New Mexico State Statutes.

**APPROVED, ADOPTED, AND PASSED** on this 5<sup>th</sup> day of January, 2017.

**BOARD OF COUNTY COMMISSIONERS**

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ROBERT WINDHORST, COMMISSIONER

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ROBERT ARMIJO, COMMISSIONER

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JACK MOLERES, COMMISSIONER

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DANIEL TORREZ, COMMISSIONER

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MARTHA GARCIA, COMMISSIONER

ATTEST BY:

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MICHELLE E. DOMINGUEZ, COUNTY CLERK