CIBOLA COUNTY
BOARD OF COMMISSIONERS

Jack Moleres	Robert Armijo	Robert Windhorst
Chairman	1st Vice Chairman	2nd Vice Chairman

Daniel Torrez	Martha Garcia
Commissioner	Commissioner

Special Meeting
January 19th, 2018
5:00 p.m.
Cibola County Commission Chambers
700 E. 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. Resolution 18-01 –Restructure of the Cibola County Commission
      a) Nomination and Election of County Commission Chairman
      b) Nomination and Election of 1st Vice County Commission Chairman
      c) Nomination and Election of 2nd Vice County Commission Chairman

7. **Consent Agenda - Action May Be Taken**
   a. Consent Agenda: Beginning of Year Resolutions
      a) Consideration of Resolution 18-02, Delegation of Authority to County Manager
      b) Consideration of Resolution 18-03, Bank Depositories
      c) Consideration of Resolution 18-04, Inspection of Records
      d) Consideration of Resolution 18-05, Open Meetings Act (OMA)
      e) Consideration of Resolution 18-06, Public Participation at Cibola County Commission Meetings
      f) Consideration of Resolution 18-07, Parliamentary Procedures & Robert's Rules of Order
      g) Consideration of Resolution 18-08, Signature Authority on Checks
   b. Consent Agenda: CDBG Resolutions Required to Be Updated Yearly
      a) Consideration of Resolution 18-09, Establishing A Local Residential Anti-Displacement, And Relocation Assistance Plan and Certification (Housing And Community Development Act, CDBG), with Exhibit 1-R
      b) Consideration of Resolution 18-10, Establishing A Citizen Participation Plan,
      c) Consideration of Resolution 18-11, Establishing A Section 3 Plan with Exhibit 1-T
      d) Consideration of Resolution 18-12, Includes Resolution, Fair Housing Proclamation, and Self-Assessment

c. Consent Agenda: DWI Resolutions, M.O.U. and Statement of Assurances Required for DFA LDWI FY19 Grant Application
    a) Consideration of Resolution 18-13, Delegating Authority to Cibola County Chairperson
    b) Consideration of Resolution 18-14, Authorizing Cibola County to Submit FY19 DWI Grant Application
    c) Statement of Assurance
    d) Memorandum of Understanding Between County of Cibola DWI Program and NM Dept. of Finance (NMDFA)

8. New Business-Action May Be Taken

9. Announcements

The next Regular Commission Meeting will be held on Thursday, January 25, 2018 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

10. 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*

Resolution 18-01 Restructure of the Cibola County Commission



BOARD OF COUNTY COMMISSIONERS
RESOLUTION 18-01

RESTRUCTURE OF THE CIBOLA COUNTY COMMISSION

WHEREAS, the Cibola County Board of Commissioners met upon notice of meeting duly published at the Cibola County Administration Building, 700 East Roosevelt Ave., Suite 50, Grants, NM 87020, on January 19, 2018, at 5:00 p.m. as required by law; and,

WHEREAS, the County Board of Commissioners has considered the appointment of a Chair of the County Commission, a 1st Vice Chair, and a 2nd Vice Chair; upon motions duly made and seconded has voted by majority and appointed its Chair, 1st Vice Chair, and 2nd Vice Chair at its meeting.

NOW, THEREFORE, BE IT RESOLVED, the County Commission appoints and names as Chairs of the Commission:

_____, as Chair of the Commission;

_____, as First Vice Chair of the Commission;

_____, as Second Vice Chair of the Commission.

APPROVED, ADOPTED, AND PASSED on this 19th day of January, 2018.

BOARD OF COUNTY COMMISSIONERS

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Jack Moleres, Commissioner

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Robert Armijo, Commissioner

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Robert Windhorst, Commissioner

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Martha Garcia, Commissioner

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Daniel Torrez, Commissioner

ATTEST:

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Michelle E. Dominguez
Cibola County Clerk

Consent Agenda
a. Beginning Year Resolutions

BOARD OF COUNTY COMMISSIONERS
RESOLUTION 18-02

DELEGATION OF AUTHORITY TO THE COUNTY MANAGER TO ENTER INTO CERTAIN CONTRACTS AND SETTLEMENT AGREEMENTS

WHEREAS, the Cibola County Board of Commissioners met upon notice of meeting duly published at the Cibola County Administration Building, 700 East Roosevelt Ave., Suite 50, Grants, NM 87020, on January 19, 2018, at 5:00 p.m. as required by law; and,

WHEREAS, pursuant to NMSA 1978 Section 4-38-1 (1884) the powers of a county as a body politic and corporate shall be exercised by a board of county commissioners; and,

WHEREAS, NMSA 1978 Section 4-38-19 (B) (1973) provides that, "[a] board of county commissioners may employ and set the salary of a county manager to conduct the business of the county, to serve as personnel officer, fiscal director, budget officer, property custodian and to act generally as the administrative assistant to the board, aiding and assisting it in the exercise of its duties and responsibilities;" and,

WHEREAS, NMSA 1978 Section 13-1-125 (2007) exempts certain small purchases from the bidding requirements the Procurement Code so long as those purchase are made in compliance with regulations set forth by the County of Cibola; and,

WHEREAS, the Board of County Commissioners promulgated regulations which delineate the manner in which procurement of items of tangible personal property, services and construction are procured by the County with its adoption of Resolution 2016-44 the Purchasing Policy.

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Cibola County:

1. The authority to enter into contracts, for amount of Ten Thousand Dollars ($10,000.00) or less, for the procurement of items of tangible personal property, services and construction is delegated to the County Manager.

2. The authority to enter into legal settlement agreements for amounts of Ten Thousand Dollars ($10,000.00) or less is delegated to the County Manager.

3. All procurement shall be made pursuant to Resolution 2016-44 and the New Mexico Procurement Code NMSA 1978 Sections 13-1-28 *et. seq.*

4. Any contract or settlement agreement entered into pursuant to this resolution shall be presented to the Board at its next regular meeting after the date of execution by the County Manager.

This delegation of authority shall terminate on January 18, 2019.

APPROVED, ADOPTED, AND PASSED on this 19th day of January, 2018.

BOARD OF COUNTY COMMISSIONERS

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Jack Moleres, Commissioner

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Robert Armijo, Commissioner

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Robert Windhorst, Commissioner

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Martha Garcia, Commissioner

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Daniel Torrez, Commissioner

ATTEST:

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Michelle E. Dominguez
Cibola County Clerk



BOARD OF COUNTY COMMISSIONERS
RESOLUTION 18-03

BANK DEPOSITORIES

WHEREAS, the Cibola County Board of Commissioners met upon notice of meeting duly published at the Cibola County Administration Building, 700 East Roosevelt Ave., Suite 50, Grants, NM 87020, on January 19, 2018, 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 wish 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 19th day of January, 2018.

BOARD OF COUNTY COMMISSIONERS

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Jack Moleres, Commissioner

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Robert Armijo, Commissioner

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Robert Windhorst, Commissioner

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Martha Garcia, Commissioner

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Daniel Torrez, Commissioner

ATTEST:

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Michelle E. Dominguez
Cibola County Clerk

BOARD OF COUNTY COMMISSIONERS
RESOLUTION 18-04

INSPECTION OF PUBLIC RECORDS

WHEREAS, the Cibola County Board of Commissioners met upon notice of meeting duly published at the Cibola County Administration Building, 700 East Roosevelt Ave., Suite 50, Grants, NM 87020, on January 19, 2018, at 5:00 p.m. as required by law; and,

WHEREAS, Section 14-2-7 of the Inspection of Public Records Act (NMSA 1978, Section 14-2-1 to –12) states that each public body shall designate at least one custodian of public records who shall: Receive and respond to requests to inspect public records, provide proper and reasonable opportunities to inspect public records, and provide reasonable facilities to make or furnish copies of the Public Records during usual business hours; and,

WHEREAS, Article 9, Section 14 of the constitution of the State of New Mexico holds in part that, "the state nor any county, school district or municipality" shall, "make any donation to or in aid of any person, association or public or private corporation…"; and,

WHEREAS, the reproduction of public records by electronic or traditional means is an expense to the taxpayers of the County both financially and through the use of staff time; and,

WHEREAS, NMSA 1978, Section 14-2-9 (1993) provides that a Custodian of public records of the State or one of its political subdivisions, "(1) may charge reasonable fees for copying the public records, unless a different fee is otherwise prescribed by law; (2) shall not charge fees in excess of one dollar ($1.00) per page for documents eleven inches by seventeen inches in size or smaller; (3) may require advance payment of the fees before making copies of public records; (4) shall not charge a fee for the cost of determining whether any public record is subject to disclosure; and (5) shall provide a receipt upon request.

NOW, THEREFORE, BE IT RESOLVED, by the Cibola County Commission that the following Inspection of Public Record Procedure is hereby adopted.

Section I. Designation of Custodian of Public Records

The Cibola County Commission designates Natalie Grine, the Recording and Filing Chief Deputy Clerk as its custodian of public records.

Section II. Duties of the Public Records Custodian

A. Receive and respond to requests to inspect County Commission public records.
B. Provide proper and reasonable opportunities to inspect County Commission public records.
C. Provide reasonable facilities to make or furnish copies of County Commission public records during regular business hours.

Section III. Submission of Public Records Requests

A. Requests to inspect public records should be submitted to the records custodian, Natalie Grine, at 700 East Roosevelt Ave., Suite 50, Grants, New Mexico, 87020, (505) 285-2535, (505) 285-2562 (facsimile), ngrine@co.cibola.nm.us.
B. In accordance with the Inspection of Public Records Act, a person desiring to inspect public records may submit a request to the records custodian orally or in writing, though the procedures and penalties prescribed by the Act apply only to written requests.
C. A written request must contain the name, address and telephone number of the person making the request.
D. Written requests may be submitted in person, sent via US mail, by email, or by facsimile.
E. The request must describe the records sought in sufficient detail to enable the records custodian to identify and locate the requested records.

Section IV. Procedures for Inspection

A. The records custodian must permit inspection immediately or as soon as practicable, but no later than fifteen calendar days after the records custodian receives the inspection request.
B. If inspection is not permitted within three business days, the person making the request will receive a written response explaining when the records will be available for inspection or when the public body will respond to the request.
C. If any of the records sought are not available for public inspection, the person making the request is entitled to a written response from the records custodian explaining the reasons inspection has been denied. The written denial shall be delivered or mailed within fifteen calendar days after the records custodian received the request for inspection.
D. All Available records will be inspected at the Cibola County Clerk's Office located at 700 East Roosevelt Ave., Suite 50, Grants, New Mexico, 87020, (505) 285-2535, (505) 285-2562 (facsimile), between the hours of 8:00am and 4:30pm, Monday-Friday, excluding holidays.

Section V. Inspection Fees

If a person requesting inspection would like a copy (paper or electronic) of a public record, a reasonable fee may be charged as detailed in the list below, which the records custodian may request be paid before the copies are made. A receipt indicating that the fees have been paid for making copies of public records will be provided upon request to the person requesting the copies.

A. Photo Copies up to 11" by 17" (excluding Assessor's GIS copies)

a. $1.00/one-sided page
b. $1.50/two-sided page
c. $1.00/one-sided page in excess of 3 pages for Summary of Tax statements (Treasurer's Office)
d. $1.00/one-sided page in excess of 3 pages for Property Records Cards (Assessor's Office)

B. Large Documents/Plat Maps (excluding Assessor's Office GIS copies)

e. $3.00/copy larger than 11 x 17 up to 18 x 23
f. $5.00/copy size 18 x 24
g. $8.00/copy for any size plat map (fulfilled with County Clerk equipment)

C. Assessor's Office GIS copies and Electronic Data

a. Hard Copy Rates

Page Size	Black & White	Aerial/Color
A- 8 ½" x 11"	$1.00	$1.50
8 ½" x 14"	$2.00	$3.50
B- 11" x 17"	$3.00	$4.25
C- 17" x 22"	$3.50	$6.75
D- 22" x 34"	$4.25	$8.50
E- 34" x 44"	$8.50	$17.00
36" plus-per ft.	$2.50	$5.00

b. $15.00/hr. for custom mapping plus material rates per chart above.
c. $20.00/hr. for research and retrieval of general electronic data.
d. $10.00 for postage and material for general electronic data.
e. GIS data disk (includes postage and material)
    i. $150 for Parcel Data
    ii. $150 for Cibola County Roads
    iii. $350 for Address Points

D. Electronic Data (exists in electronic format at time of request)

a. $15 Set Up Fee and $20.00 per CD
b. No fee to email existing documents

E. Documents Scanned or Faxed

a. $2.50 per document scanned to electronic format plus electronic data fees per #4 above (for documents that do not exist in electronic format at time of request)
b. $2.50 per document faxed (for documents that exist in hard copy format at the time of request)
c. $2.50 per document faxed plus copy fees per #1 above (for documents that do not exist in hard-copy format at time of request)

F. Postage Fees

a. Actual fees associated with mailing request via USPS certified, return receipt.

Section VI. Application

This Resolution applies to all records in the County's possession for which fees and/or procedures have not been set by statute.

APPROVED, ADOPTED, AND PASSED on this 19th day of January, 2018.

BOARD OF COUNTY COMMISSIONERS

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Jack Moleres, Commissioner

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Robert Armijo, Commissioner

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Robert Windhorst, Commissioner

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Martha Garcia, Commissioner

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Daniel Torrez, Commissioner

ATTEST:

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Michelle E. Dominguez
Cibola County Clerk



BOARD OF COUNTY COMMISSIONERS
RESOLUTION 18-05

OPEN MEETINGS

WHEREAS, the Cibola County Board of Commissioners met upon notice of meeting duly published at the Cibola County Administration Building, 700 East Roosevelt Ave., Suite 50, Grants, NM 87020, on January 19, 2018, 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.

NOW, THEREFORE, BE IT RESOLVED, by the Cibola County Commission.

1. All meetings shall be held at the Cibola County Administration Building, 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 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 Administration Building, 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 Administration Building, 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 Administration Building, 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.

10. Cibola County Resolution 17-01 is hereby repealed with the adoption of this resolution.

APPROVED, ADOPTED, AND PASSED on this 19th day of January, 2018.

BOARD OF COUNTY COMMISSIONERS

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Jack Moleres, Commissioner

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Robert Armijo, Commissioner

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Robert Windhorst, Commissioner

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Martha Garcia, Commissioner

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Daniel Torrez, Commissioner

ATTEST:

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Michelle E. Dominguez
Cibola County Clerk

BOARD OF COUNTY COMMISSIONERS
RESOLUTION 18-06

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 Administration Building, 700 East Roosevelt Ave., Suite 50, Grants, NM 87020, on January 19, 2018, at 5:00 p.m. as required by law; and,

WHEREAS, NMSA 1978, Section 4-38-12 (1876) provides in pertinent part that Commission meetings "[ ] shall be public with open doors, and all persons conducting themselves in an orderly manner may attend their meetings, and they may establish rules and regulations to govern the transaction of their business;" 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 a 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.

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. 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 19th day of January, 2018.

BOARD OF COUNTY COMMISSIONERS

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Jack Moleres, Commissioner

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Robert Armijo, Commissioner

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Robert Windhorst, Commissioner

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Martha Garcia, Commissioner

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Daniel Torrez, Commissioner

ATTEST:

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Michelle E. Dominguez
Cibola County Clerk

BOARD OF COUNTY COMMISSIONERS
RESOLUTION 18-07

PARLIAMENTARY PROCEDURES & ROBERT'S RULES OF ORDER

WHEREAS, the Cibola County Board of Commissioners met upon notice of meeting duly published at the Cibola County Administration Building, 700 East Roosevelt Ave., Suite 50, Grants, NM 87020, on January 19, 2018, at 5:00 p.m. as required by law; and,

WHEREAS, the Board of County Commissioners will conduct their meetings using Robert's Rules of Order (10th ed.) as a guide to parliamentary authority, except as modified by this document; and,

WHEREAS, the Board of County Commissioner has five elected Commissioners, and collectively, set policy for Cibola County outside of incorporated areas; and,

WHEREAS, collectively, the Board of County Commissioners, through simple majority, elect a Chairperson, Vice-Chairperson, and Second Vice-Chairperson from among themselves, whose terms last until the first meeting of the next year; and,

WHEREAS, individually, the Board of County Commissioners are equal in their authority to represent the entire County; and,

WHEREAS, to give equal representation for all five members of the Commission is appropriate to adopt special rules modifying Robert's Rules of Order.

NOW, THEREFORE BE IT RESOLVED, the Board of County Commissioners incorporates the above recitals, to be made a part of this resolution with the same force and effect as the remainder of this document.

BE IT FURTHER RESOLVED, that the Board of County Commissioners adopt the following "Special Rules" modifying Robert's Rules of Order for the purpose of conducting business during the meetings of the Board:

1. The Chairperson may make motions and shall have the same voting rights, no less and no more, as any other member of the Board.
2. The Chairperson shall not have any administrative, procedural, contractual or similar authority different than any other member of the Board, except as provided by statute.

3. Should the Chairperson vacate the office of Chairperson, the Vice-Chairperson shall serve the remainder of the term, and the Second Vice-Chairperson shall serve as Vice-Chairperson for the remainder of the term.
4. Members of the Board are required to obtain the floor (i.e., must be recognized by the Chairperson) before making motions or speaking.
5. Any and all motions need to have a second before a vote may be taken.
6. Items appearing on the agenda of meetings of the Board shall be those necessary for the proper consideration and management of County business, as determined by the County Manager. Additionally, the County Manager shall place any item necessary for the proper consideration and management of County business requested by any individual member of the Board of County Commissioners on the agenda for the meetings of the Board.
7. The presiding Chairperson at a meeting of the Board is declared to be the lawful custodian of the building where the meeting is conducted pursuant to NMSA 1978, Section 30-20-13 (C) (1981).

APPROVED, ADOPTED, AND PASSED on this 19th day of January, 2018.

BOARD OF COUNTY COMMISSIONERS

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Jack Moleres, Commissioner

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Robert Armijo, Commissioner

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Robert Windhorst, Commissioner

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Martha Garcia, Commissioner

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Daniel Torrez, Commissioner

ATTEST:

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Michelle E. Dominguez
Cibola County Clerk



BOARD OF COUNTY COMMISSIONERS
RESOLUTION 18-08

SIGNATURE AUTHORITY ON CHECKS

WHEREAS, the Cibola County Board of Commissioners met upon notice of meeting duly published at the Cibola County Administration Building, 700 East Roosevelt Ave., Suite 50, Grants, NM 87020, on January 19, 2018, 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 19th day of January 2018.

APPROVED, ADOPTED, AND PASSED on this 19th day of January, 2018.

BOARD OF COUNTY COMMISSIONERS

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Jack Moleres, Commissioner

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Robert Armijo, Commissioner

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Robert Windhorst, Commissioner

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Martha Garcia, Commissioner

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Daniel Torrez, Commissioner

ATTEST:

_____

Michelle E. Dominguez
Cibola County Clerk

Consent Agenda
b. CDBG Resolutions

Cibola County Commission
Jack Moleres, Chairman
Robert Armijo, 1st Vice-Chair
Robert Windhorst, 2nd Vice-Chair
Daniel Torrez, Commissioner
Martha Garcia, Commissioner

Cibola County

700 East Roosevelt Ave, Suite 50
Grants, New Mexico 87020
Phone (505) 287-9431 – Fax (505) 285-5434

Valerie Taylor
County Manager

RESOLUTION # 18-09
CIBOLA COUNTY, NEW MEXICO

A RESOLUTION ESTABLISHING A LOCAL RELOCATION, RESIDENTIAL ANTI-DISPLACEMENT, AND RELOCATION ASSISTANCE PLAN AND CERTIFICATION
(HOUSING AND COMMUNITY DEVELOPMENT ACT, CDBG)

WHEREAS, The County of Cibola, New Mexico, hereinafter referred to as the locality, pursuant to Community Development Programs under the provisions of the Housing and Community Development Programs under the provisions of the Housing and Community Development Act of 1974, (public Law 93-383) and amendments thereto, and

WHEREAS, The Act requires compliance with the relocation requirements of the Uniform Relocation requirements of the Uniform Relocation and Real Property Acquisition Policies Act of 1970, hereinafter referred to as the Uniform Act, and implementing regulations issued by the Department of Housing and Urban Development (49 CFR Part 24) when the acquisition of real property occurs, and

WHEREAS, the locality wishes to provide a local policy covering all probable types of relocation which may be necessary in accomplishing CDBG related activities,

NOW, THEREFORE, BE IT RESOLVED that the Local Relocation, Residential Anti-displacement, and Relocation Assistance Plan & Certification as set forth in the attached Exhibit A, be herewith approved and adopted as the Policy of the County of Cibola, for CDBG purposes. **This Resolution supersedes Resolution No. 17-08.**

PASSED, APPROVED AND ADOPTED THIS 19TH DAY OF JANUARY, 2018.

THE BOARD OF CIBOLA COUNTY COMMISSIONERS

Jack Moleres, Commissioner

Robert Armijo, Commissioner

Robert Windhorst, Commissioner

Daniel Torrez, Commissioner

Martha Garcia, Commissioner

ATTEST:

Michelle E. Dominquez
Cibola County Clerk

Residential Anti-Displacement and Relocation Assistance Plan

I. Background/Introduction

Section 104(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5304(d)(4)), Section 105(b)(16) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)(16)), and implementing regulations at 24 CFR Part 42, specify that a grantee under the Community Development Block Grant (CDBG) must certify that it has in effect and is following a "residential Anti-displacement and relocation assistance plan" (Plan). As a CDBG grantee, **Cibola County** must certify to State of New Mexico Department of Finance and Administration Local Government Division that it has and is following such a Plan.

The Plan must include three components: 1) one-for-one replacement requirements for lower-income housing units, 2) relocation assistance, and 3) a description of the steps **Cibola County** will take to minimize displacement.

II. Activities Covered by the Plan

All activities involving the use of CDBG funds that cause displacement as a direct result of demolition or conversion of a lower-income dwelling are subject to the requirements specified in the Plan. Activities for which funds are first obligated on or after September 30, 1988 are subject to the requirements specified in the Plan, without regard to the source year of the funds.

III. Uniform Relocation Act

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) govern displacement that directly results from acquisition, rehabilitation, or demolition of real property when federal funds are used. Cibola County Residential Anti-displacement and Relocation Assistance Plan is in no way intended to supersede the URA. CDBG assisted activities may still be subject to the requirements of the URA.

IV. One-for-One Replacement Units

All occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than as lower-income dwelling units in connection with an assisted activity must be replaced with comparable lower-income units. Replacement lower-income dwelling units may be provided by any governmental agency or private developer and must meet the following requirements:

A. The units must be located within Cibola County to the extent feasible, the units shall be located within the same neighborhood as the units replaced

B. The units must be sufficient in number and size to house no fewer than the number of occupants who could have been housed in the units that are demolished or converted. The number of occupants who could have been housed in the units shall be in accordance with applicable local housing occupancy codes. The units may not be replaced with smaller units (e.g., a 2-bedroom unit with two 1-bedroom units), unless **Cibola County** has provided

information demonstrating that such a proposed replacement is consistent with the needs assessment contained State of New Mexico Department of Finance and Administration Local Government Division HUD-approved Consolidated Plan.

C. The units must be in standard condition and must at a minimum meet Section 8 Program Housing Quality Standards. Replacement lower-income units may include units brought from a substandard condition to standard condition if: 1) no person was displaced from the unit; and 2) the unit was vacant for at least 3 months before execution of the agreement between **Cibola County** and the property owner.

D. The units must initially be made available for occupancy at any time during the period beginning 1 year before the recipient makes public the information required under Section F below and ending 3 years after the commencement of the demolition or rehabilitation related to the conversion.

E. The units must be designed to remain lower-income dwelling units for at least 10 years from the date of initial occupancy. Replacement lower-income dwelling units may include, but are not limited to, public housing or existing housing receiving Section 8 project-based assistance

F. Before **Cibola County** enters into a contract committing it to provide CDBG funds for any activity that will directly result in the demolition of lower-income dwelling units or the conversion of lower-income dwelling units to another use, **Cibola County** must make public and submit in writing to State of New Mexico

Department of Finance and Administration Local Government Division the following information:

1. A description of the proposed assisted activity;
2. The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than for lower-income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data is not available at the time of the submission to State of New Mexico Department of Finance and Administration Local Government Division, the submission shall identify the general location on an area map and the approximate number of dwelling units by size, and information identifying the specific location and number of dwellings units by size shall be submitted and disclosed to the public as soon as it is available;
5. The source of funding and time schedule for the provision of replacement dwelling units;
6. The basis for concluding that each replacement unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the needs assessment contained in the State of New Mexico Department of Finance and Administration Local Government Division Consolidated Plan.

G. The one-for-one replacement requirements may not apply if HUD determines, based on objective data, that there is an adequate supply of vacant lower-income dwelling units in

standard condition available on a non-discriminatory basis within **Cibola County**. In making such a determination, State of New Mexico Department of Finance and Administration Local Government Division will consider such factors as vacancy rates, numbers of lower-income units in **Cibola County** and the number of eligible families on the Section 8 waiting list.

V. Relocation Assistance

Each lower-income person who is displaced as a direct result of CDBG assisted demolition or conversion of a lower-income dwelling shall be provided with relocation assistance.

Relocation assistance includes advisory services and reimbursement for moving expenses, security deposits, credit checks, other moving expenses, including certain interim living costs, and certain replacement housing assistance.

Displaced persons have the right to elect, as an alternative to the benefits described in this Plan, to receive benefits under the URA, if they determine that it is in their best interest to do so. The following relocation assistance shall be available to lower-income displacement persons:

A. Displaced lower-income persons will receive the relocation assistance required under 49 CFR 24, Subpart C (General Relocation Requirements) and Subpart D (Payment for Moving and Related Expenses) whether the person elects to receive assistance under the URA or the assistance required by CDBG regulations. Relocation notices must be distributed to the affected persons in accordance with 49 CFR 24.203 of the URA;
B. The reasonable and necessary cost of any security deposit required to rent the replacement dwelling unit and for credit checks required to rent or purchase the replacement dwelling unit;

C. Actual reasonable out-of-pocket costs incurred in connection with temporary relocation, including moving expenses and increased housing costs, if:

1. The person must relocate temporarily because continued occupancy of the dwelling unit constitutes a substantial danger to the health or safety of the person or the public; or
2. The person is displaced from a lower-income dwelling unit, none of the comparable replacement units to which the person has been referred qualifies as a lower-income dwelling unit, and a suitable lower-income dwelling unit is scheduled to become available through one-for-one replacement requirements

D. Replacement Housing Assistance. Displaced persons are eligible to receive one of the following two forms of replacement housing assistance:

1. Each person shall be offered rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost of utilities for a replacement dwelling to the "Total Tenant Payment", as determined under 24 CFR 813.107. All or a portion of this assistance may be offered through a certificate or housing voucher for rental assistance under the Section 8 program. Where Section 8 assistance is provided to the displaced person, the Cibola County must provide the person with
referrals to comparable units whose owners are willing to participate in Section 8

program to the extent that cash assistance is provided, it will be provided in installments.

2. In lieu of the housing voucher, certificate or cash assistance described above, the person may elect to receive a lump sum payment allowing them to secure participation in a housing cooperative or mutual housing association. This lump sum payment shall be equal to the capitalized value of 60 monthly installments of the amount that is obtained by subtracting the

   "Total Tenant Payment", as determined under 24 CFR 813.107, from the monthly cost of rent and average monthly cost of utilities at a comparable replacement dwelling unit. To compute the capitalized value, the installments shall be discounted at the rate of interest paid on passbook savings in a federally insured financial institution conducting business within **Cibola County**.

Displaced lower-income tenants shall be advised of their right to elect relocation assistance pursuant to the URA and the regulations at 49 CFR 24 as an alternative to the relocation assistance available under CDBG regulations.

VI. Eligibility for Relocation Assistance

A lower-income person is eligible for relocation assistance if they are considered to be a "displaced person" as defined in 24 CFR 42.305. A displaced person means a lower-income person who, in connection with an activity assisted under the CDBG program, permanently moves from real property or permanently moves personal property from real property as a direct result of demolition or conversion of a lower-income dwelling.

For purposes of this definition, a permanent move includes a move made permanently and:

A. After notice by the owner to move from the property, if the move occurs on or after the date of the submission of a request to **Cibola County** for CDBG assistance that is later approved for the requested activity; or

B. After notice by the owner to move from the property, if the move occurs on or after the date of the initial official submission to HUD of the consolidated plan under 24 CFR Part 91 describing the assisted activity; or

C. Before the dates described in A & B above, if **Cibola County** or State of New Mexico Department of Finance and Administration Local Government Division determines that the displacement was a direct result of conversion or demolition in connection with a CDBG assisted activity; or

D. By a tenant-occupant of a dwelling unit, if any one of the following three situations occurs:

   1. The tenant moves after execution of the CDBG agreement covering the acquisition, rehabilitation or demolition and the move occurs before the tenant is provided written notice offering the tenant the opportunity to lease and occupy a suitable, decent, safe and sanitary dwelling in the same building/complex upon completion of the project under reasonable terms and conditions, including a monthly rent and estimated average monthly utility costs that do not exceed the greater of the tenant's monthly rent before such agreement, or the total tenant

payment as determined under 24 CFR 813.107 if the tenant is lower-income, or 30 percent of gross household income if the tenant is not lower-income.

2. The tenant is required to relocate temporarily, does not return to the building/complex, and either is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, or other conditions of the temporary relocation are not reasonable.

3. The tenant is required to move to another dwelling unit in the same building/complex but is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move, or other conditions of the move are not reasonable.

If the displacement occurs on or after the appropriate date described in A & B above, the lower-income person is not eligible for relocation assistance if:

A. The person is evicted for cause based upon a serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable federal, State or local law, or other good cause, and **Cibola County** determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance;

B. The person moved into the property on or after the date described in A & B above after receiving written notice of the expected displacement; or

C. **Cibola County** determines that the displacement was not a direct result of the CDBG assisted activity and the State of New Mexico Department of Finance and Administration Local Government Division concurs with this determination.

VII. Minimizing Displacement

The CDBG regulations regarding the demolition or conversion of lower-income dwelling units are designed to ensure that lower-income persons are provided with adequate, affordable replacement housing. Naturally, involuntary displacement should be discouraged whenever a reasonable alternative exists. Involuntary displacement is extremely disruptive and disturbing, especially to lower-income persons who do not have the means to locate alternative housing.

There are various ways that displacement can be minimized. The following are steps that will be taken to minimize the involuntary displacement of lower-income persons when CDBG funds are involved:

A. Screening of Applications All CDBG applications will be reviewed to determine whether involuntary displacement is likely to occur. Those applications involving displacement will receive a lower priority recommendation for funding unless it can be shown that alternatives are not available.

B. Acquisition of Property Applicants who apply for CDBG funds to acquire property for the development of lower-income housing will be encouraged to purchase vacant land. In the case of in-fill and other projects where this is not feasible and the project involves potential displacement, the applicant shall agree to allow the displaced lower-income person(s) to occupy the new housing at an affordable rent.

Applicants who utilize CDBG funds to rehabilitate or convert a lower-income unit to a non-residential use will be required to supply replacement housing consistent with paragraph IV, as well as relocation assistance.

C. Cost of Relocation Assistance The cost of any required relocation assistance and the provision of replacement housing will be borne by the applicant and may be paid for out of CDBG funds awarded to the project.

VIII. Definitions

A. "Comparable replacement dwelling unit" means a dwelling unit that:
   1 Meets the criteria of 49 CFR 24.2(d)(1) through (6); and

   2 Is available at a monthly cost for rent plus estimated average monthly utility costs that does not exceed the "Total Tenant Payment" determined under 24 CFR 813.107 after taking into account any rental assistance the household would receive.

B. "Lower-income dwelling unit" means a dwelling unit with a market rental (including utility costs) that does not exceed the applicable Fair Market Rent (FMR) for existing housing and moderate rehabilitation established under 24 CFR Part 888.

C. "Standard condition" means units that at a minimum meet the Existing Housing Quality Standards of the Section 8 rental subsidy program.

D. "Substandard condition suitable for rehabilitation" means units with code violations that can be brought to Section 8 Housing Quality Standards within reasonable monetary amounts.

E. "Vacant occupiable dwelling unit" means a dwelling unit that is in a standard condition; a vacant dwelling unit that is in substandard condition, but is suitable for rehabilitation; or a dwelling unit in any condition that has been occupied (except by a squatter) at any time within the period beginning 3 months before the date of execution of the agreement by **Cibola County** covering the rehabilitation or demolition.

IX. Grievances

Cibola County will provide timely written answers to written complaints and grievances within 15 working days where practical. Action items:

A. Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.

B. Allow for appeal of a decision to a neutral authority.

C. File a detailed record of all complaints or grievances and responses in one central location with easy public access.

IX. Certification

Cibola County herewith certifies to follow the Anti-displacement relocation plan described above and adopt the plan by resolution annually.

Plan Adoption Date: 01/19/18

Adoption Instrument: Resolution 18-09

Certified By: _____ _____

Cibola County Commission Chair Date

Copy to Local Government Division with attachments

Cibola County Commission
Jack Moleres, Chairman
Robert Armijo, 1st Vice-Chair
Robert Windhorst, 2nd Vice-Chair
Daniel Torrez, Commissioner
Martha Garcia, Commissioner

Cibola County

700 East Roosevelt Ave, Suite 50
Grants, New Mexico 87020
Phone (505) 287-9431 – Fax (505) 285-5434

Valerie Taylor
County Manager

Cibola County
Resolution # 18-10

A Resolution Establishing A Citizen Participation Plan

WHEREAS, the Cibola County Board of Commissioners is duly-elected and governing body of Cibola County;

WHEREAS, the Board recognizes the need for citizen participation in the planning, implementation and assessment of the Community Development Block Grant Program (CDBG); and

WHEREAS, public involvement serves a key role in the development of projects for consideration by the Board.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Cibola County adopts and directs the County Manager to implement the attached Cibola County Public Participation Plan (Exhibit "A"). **This resolution supersedes Resolution 17-09.**

PASSED, APPROVED AND ADOPTED THIS 19TH DAY OF JANUARY, 2018.

THE BOARD OF CIBOLA COUNTY COMMISSIONERS

Jack Moleres, Commissioner

Robert Armijo, Commissioner

Robert Windhorst, Commissioner

ATTEST:

Michelle E. Dominquez
Cibola County Clerk

Daniel Torrez, Commissioner

Martha Garcia, Commissioner

Cibola County Commission
Jack Moleres, Chairman
Robert Armijo, 1st Vice-Chair
Robert Windhorst, 2nd Vice-Chair
Daniel Torrez, Commissioner
Martha Garcia, Commissioner

Cibola County

700 East Roosevelt Ave, Suite 50
Grants, New Mexico 87020
Phone (505) 287-9431 – Fax (505) 285-5434

Valerie Taylor
County Manager

CIBOLA COUNTY
RESOLUTION # 18-11

A RESOLUTION ESTABLISHING A SECTION 3 PLAN

WHEREAS, the Cibola County Board of Commissioners is duly-elected and governing body of Cibola County; and

WHEREAS, the Board recognizes the need for a Section 3 plan in the planning, implementation and assessment of the Community Development Block Grant Program (CDBG); and

WHEREAS, this act encourages the use of small local businesses in the hiring of low income residents of the community.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Cibola County Commissioners adopts and directs the Cibola County Manager to implement the attached Cibola County Section 3 plan.

PASSED, APPROVED AND ADOPTED this January 19th, 2018.

THE BOARD OF CIBOLA COUNTY COMMISSIONERS

Jack Moleres, Commissioner

ATTEST:

Robert Armijo, Commissioner

Robert Windhorst, Commissioner

Michelle E. Dominquez
Cibola County Clerk

Daniel Torrez, Commissioner

Martha Garcia, Commissioner

CIBOLA COUNTY SECTION 3 PLAN

The *County of Cibola* is committed to comply with Section 3 of the Housing and Urban Development Act of 1968. This Act encourages the use of small local businesses and the hiring of low income residents of the community.

The *County Of Cibola* has appointed Debbie Gomez as the Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, to officially serve as focal point for Section 3 complaints, and as the on-site monitor of prime contractors and sub-contractors to insure the implementation and enforcement of their Section 3 plans. The approval or disapproval of the Section 3 plan is the ultimate responsibility of the *County Of Cibola*. Documentation of efforts will be retained on file for monitoring by the state.

Therefore, the *County Of Cibola* shall:

1. Hiring
   a. Advertise for all County positions in local newspapers
   b. List all County job opportunities with the State Employment Service
   c. Give preference in hiring to lower income persons residing in the County. This means that if two equally qualified persons apply and one is a resident of the County and one is not, the resident will be hired
   d. Maintain records of County hiring as specified on this form

ANTICIPATED *Cibola County* HIRING 2018				
PLANNED 0			ACTUAL 0	
Job Classification	# of Positions to be Filled	# of Positions to be Filled by Lower Income City or County Residents	# of Positions Filled	Positions Filled by Lower Income City/County Residents

- Chart for Section 3 Plan **MUST** be filled out in its entirety.

2. Contracting

a. The *County Of Cibola* will compile a list of businesses, suppliers and contractors located in the *County Of Cibola*.

b. These vendors will be contacted for bid or quotes whenever the *County Of Cibola* requires supplies, services or construction.

c. Preference will be given to small local businesses. This means if identical bids/quotes are received from a small business located within the *County Of Cibola* and one from outside the *County Of Cibola*, the contract will be awarded to the business located within the community.

3. Training

The *County Of Cibola* shall maintain a list of all training programs operated by the *County Of Cibola* and its agencies and will direct them to give preference to *County Of Cibola* residents. The *County Of Cibola* will also direct all CDBG sponsored training to provide preference to *County Of Cibola* residents.

4. CDBG Contracts

All CDBG bid proposals and contracts shall include the following Section 3 language.

a. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 170lu. Section 3 requires that the greatest extent feasible, opportunities for training and employment be given lower income residents of the project areas, and contracts for work in connection with the project be awarded to business concerns residing in the project area.

b. The parties to this contract will comply with the provision of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR and all applicable rules and orders of the Department issued there-under prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

c. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under the Section 3 clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

d. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for, or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 135, and will not let any subcontract unless the subcontractor has first provided it with the requirements of these regulations.

e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders of the Department, issued thereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.

The *County Of Cibola* shall require each contractor to prepare a written Section 3 plan as a part of their bids on all jobs exceeding $100,000. All Section 3 plans shall be reviewed and approved by the City's Equal Opportunity Section 3 Compliance Officer and retained for monitoring by the state.

The *County Of Cibola* will maintain all necessary reports and will insure that all contractors and subcontractors submit required reports.

LOWER INCOME CLARIFICATION

A family who resides in *County Of Cibola* and whose income does not exceed the income limit for the size of family as per the attached Section 8 Income Limit for *Cibola County*. Information contained in our Section 3 Plan reflects the status of the City/County employees regarding lower income considerations based on their salary paid by the City/County.

_____
Commission Chairman

01/19/18
Date

Cibola County Commission
Jack Moleres, Chairman
Robert Armijo, 1st Vice-Chair
Robert Windhorst, 2nd Vice-Chair
Daniel Torrez, Commissioner
Martha Garcia, Commissioner

Cibola County

700 East Roosevelt Ave, Suite 50
Grants, New Mexico 87020
Phone (505) 287-9431 – Fax (505) 285-5434

Valerie Taylor
County Manager

Cibola County
Resolution # 18-12

A Fair Housing Resolution

A resolution of the Board of Commission of the County of Cibola, adopting a fair housing policy, making known its commitment to the principle of fair housing, and describing actions it shall undertake to affirmatively further fair housing.

WHEREAS; the Housing and Community Development act of 1974 as amended requires that all applicant for Community Development Block Grants funds certify that they shall affirmatively further fair housing; and

WHEREAS; the Civil Rights Act of 1968 (commonly known as the Federal Fair Housing Act) and the Fair Housing Amendments Act of 1988 declare a national policy to prohibit discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing or in the provision of brokerage services, on the basis of race, color, religion, sex, disability, familial status or national origin; and

WHEREAS; fairness is the foundation of the American system and reflects traditional American values; and

WHEREAS; discriminatory housing practices undermine the strength and vitality of America and its people;

NOW, THEREFORE, BE RESOLVED THAT A resolution of the Board of Commission of the County of Cibola, hereby wish all persons living, working, doing business in or traveling through Cibola County to know that: discrimination in the sale, rental, leasing, and financing of housing or land to be used for construction of housing, or in the provision of brokerage services on the basis of race, color, religion, sex, handicap, familial status or national origin is prohibited by Title VIII of the Fair Housing Act Amendments of 1988; and that it is the policy of the County of Cibola to implement programs, within the constraints of its resources, to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap, familial status or national origin; and within available resources the County of Cibola will assist all persons who feel they have been discriminated against in housing issues on the basis of race, color, religion, sex, handicap, familial status or national origin to seek equality under existing federal and state laws to file a complaint with the New Mexico Attorney General's Office or the U.S. Department of Housing and Urban Development; and that the County of Cibola shall publicize this Resolution and thereby encouraging owners of rental properties, developers, builders and others involved with housing to become

aware of their respective responsibilities and rights under the Fair Housing Amendments Act of 1988 and any applicable state or local laws or ordinances; and that the County of Cibola shall undertake the following actions to affirmatively further fair housing:

- Cibola County will advertise this resolution in a display in the local newspaper, The Cibola Beacon, in the Month of April 2018.
- Cibola County will display the resolution on the county website from April 2018.
- Cibola County will provide Fair Housing Awareness material at housing awareness event in October 2018.

PASSED, APPROVED AND ADOPTED THIS 19TH DAY OF JANUARY, 2018.

THE BOARD OF CIBOLA COUNTY COMMISSIONERS

Jack Moleres, Commissioner

Robert Armijo, Commissioner

Robert Windhorst, Commissioner

ATTEST:

Michelle E. Dominquez
Cibola County Clerk

Daniel Torrez, Commissioner

Martha Garcia, Commissioner

EXHIBIT 1-O-2
Fair Housing Self-Assessment

COMMUNITY OF: **COUNTY OF CIBOLA**

1. To the best of your knowledge has your community been involved in any complaints regarding discrimination the sale or rental of housing on the basis of race, color, religion, sex, national origin, familial status or handicap?

Yes **No**

2. If yes, give a brief description of the nature of any complaints and resolutions.

Yes No

3. Has your community adopted a Fair Housing Program to help local citizens be aware of their rights regarding fair housing under federal and state law, and in filing a complaint if discrimination is suspected?

Yes No

4. What do you perceive as the most potentially serious problem areas regarding discrimination in fair housing in your community?

Problem Area	Very Serious	Serious	Moderate	Not a Problem
Color				✓
Familial Status				✓
Handicap				✓
National Origin				✓
Race				✓
Religion				✓
Sex				✓

5. Does your community contain any subsidized housing units?

Yes No

6. As best as can be determined, do relevant public policies/practices regarding zoning and building codes have an adverse impact on the achievement of fair housing choice?

Yes **No**

7. Are you aware of any practices in the local real estate community as it relates to buying, selling and house rentals that may adversely affect the achievement of fair housing choice in your community?

Yes **No**

8. Do your community records contain data on the actual number and percentage of persons residing in the community by race, color, religion, sex, national origin, age, handicap and familial status, as well as income characteristics by group?

Yes **No**

9. Is information available to you that list major local employers by type and the number of people employed within your community by salary and racial group?

Yes **No**

10. Is there public transportation available in your community?

Yes No

11. Do your community records contain data on the total number of housing units in the community by type, and the number of vacant units?

Yes No

12. Does your community contain any housing for the handicapped such as group homes, independent living complexes, etc.?

Yes No

13. Has your community participated in the CDBG program prior to 1993?

Yes No

14. Has your community been involved with any other state or federal programs that required the reporting of specific fair housing information?

Yes No

_____ _____

Cibola County Commission Chair **Date**

EXHIBIT 1-O-1

Proclamation

WHEREAS, *fair and equal housing is a right guaranteed to all Americans; and*

WHEREAS, *the principle of fair and equal housing is a fundamental human entitlement; and*

WHEREAS, *all citizens have the right to live where they choose within their financial means; and*

WHEREAS, *people must not be denied housing because of race, color, religion, sex, national origin, handicap or familial status; and*

WHEREAS, *we must, as individuals, assure equal access to housing for all in our communities; and*

WHEREAS, *Cibola County acknowledges the importance of assuring fair and equal treatment to all citizens;*

NOW, THEREFORE *I,* _____, *Cibola County Chairman, do hereby proclaim January 19th, 2018 as:*

"Fair Housing Day"

Dated this 19th day of January, 2018

_____

Cibola County Chairman

Consent Agenda
c. DWI Resolutions

CIBOLA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. 18-13

AUTHORIZING CHAIRPERSON TO EXECUTE DOCUMENTATION FOR THE DWI GRANT AND DISTRIBUTION PROGRAM

WHEREAS, the Cibola County Board of Commissioners met upon notice of meeting duly published at the Cibola County Administration Building, 700 East Roosevelt, Suite 50, Grants, New Mexico 87020 on January 19th, 2018, at 5 p.m. as required by law; and,

WHEREAS, the Board of County Commissioners of the County of Cibola exercises the powers of the County as a body politic and corporate pursuant to NMSA 1978, Section 4-38-1(1884); and,

WHEREAS, the Board of County Commissioners is statutorily charged with examining and settling all accounts of receipts and expenses of the county and all accounts chargeable against the county pursuant to NMSA 1978, Section 4-38-16 (1876); and,

WHEREAS, the Board of County Commissioners is the body that is statutorily charged with making such orders concerning the property belonging to the county as it deems expedient pursuant to NMSA 1978, Section 4-38-13 (1876).

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Cibola that the Chairperson of the Commission is expressly authorized to execute the resolution on behalf of the County to submit an application to the DFA LGD to participate in the local DWI Grant and Distribution Program, Statement of Assurance of the local DWI Grant and Distribution Program, the Memrandoum of Understanding between the County and the DFA LGDregarding the Driving While Intoxicated Program, the DOH Assurances and Cooperative Agreement for the DWI Program, and all other documentation relative to obtaining the necessary funding for the DWI Program.

APPROVED, ADOPTED, AND PASSED on this 19th day of January, 2018.

BOARD OF COUNTY COMMISSIONERS

JACK MOLERES, COMMISSIONER

ROBERT ARMIJO, COMMISSIONER

ROBERT WINDHORST, COMMISSIONER

MARTHA GARCIA, COMMISSIONER

DANIEL TORREZ, COMMISSIONER

ATTEST BY:

MICHELLE E. DOMINGUEZ, COUNTY CLERK

Resolution for County as Fiscal Agent

COUNTY OF CIBOLA
Resolution No. 18-14

A RESOLUTION
AUTHORIZING THE COUNTY TO SUBMIT AN APPLICATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION TO PARTICIPATE IN THE LOCAL DWI GRANT AND DISTRIBUTION PROGRAM.

WHEREAS, the Legislature enacted Section 11-6A-1 through 11-6A-6 NMSA 1978 as amended to address the serious problems of Driving While Intoxicated in the State; and

WHEREAS, a program is established to make grant and distribution funding available to counties and municipalities for new, innovative or model programs, services or activities to prevent or reduce the incidence domestic abuse related to DWI, DWI, alcoholism and alcohol abuse; and

WHEREAS, the county DWI planning council and other governmental entities approval must be received in order to apply for grant and distribution funding; and

WHEREAS, the County along with participating agencies is making application to the Department of Finance and Administration, Local Government Division for program funding.

NOW THEREFORE, BE IT RESOLVED by the governing body of the County of Cibola that the County Chairperson on behalf of the County and all participating entities is authorized to submit an application for Local DWI FY18 Program funding under the regulations established by the Local Government Division.

APPROVED AND ADOPTED by the governing body at its meeting of January 19th, 2018.

_____
County Commission Chairperson

Attest:

_____
Tony Mace
Sheriff/CCLDWI Planning Council President

_____
Michelle E. Dominguez
Cibola County Clerk (SEAL)

Memorandum of Understanding

The County/City of_____DWI Program (hereinafter referred to as the "Program") and the New Mexico Department of Finance and Administration/Local Government Division/Driving While Intoxicated Program (hereinafter referred to as "Agency") hereby exchange the following assurances and enter into the following Memorandum of Understanding (MOU):

The Agency assures:

1. That Agency is in full compliance with the provisions concerning research activities in Section 2.52 of the Federal Confidentiality of Alcohol & Drug Abuse Patient Records regulations, 42 CFR Part 2, including Section 2.16.

2. That client identifying information will not be re-disclosed except back to the Program from which the information was obtained, or according to the terms of this MOU.

3. That in receiving, storing, processing, or otherwise dealing with any information from the Program about the clients in the Program, the Agency acknowledges it is bound by the provisions of the Federal Confidentiality of Alcohol and Drug Abuse Patient Records regulations, 42 CFR Part 2.

4. That the Agency shall undertake to resist any effort to obtain access to information pertaining to patients otherwise than as expressly provided for in the Federal Confidentiality of Alcohol & Drug Abuse Patient Records regulations, 42 CFR Part 2.

5. That the Agency is not a "covered entity" as defined by the Department of Health and Human Services Regulations entitled "Standards for Privacy of Individually Identifiable Health Information", 45 CFR Parts 160 and 164, implementing the Health Insurance Portability and Accountability Act of 1996 (HIPAA); (the HIPAA Regulations).

6. That the Agency shall never possess treatment or maintain any "individually identifiable health information" or transmit "protected health information" as defined by the HIPAA Regulations and in the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH Act).

The Program agrees to:

1. Upon request, provide the Agency or other parties authorized with client records for those clients provided services through the Local Government Division DWI Grant Program, for the purpose of conducting outcome monitoring research

activities, and evaluation of LDWI Program interventions.

2. If applicable, comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH Act) and the Department of Health and Human Services Regulation entitled "Standards for Privacy of Individually Identifiable Health Information", 45 CFR Parts 160 and 164, applicable to entities covered by HIPAA; (the HIPAA Regulations).

3. Report or transmit data to the Agency that deletes and contains no "individually identifiable health information" or "protected health information" as defined by the HIPAA Regulations and the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH Act).

Executed this_____day of_____20_____.

_____

Rick Lopez, Director
Department of Finance & Administration
Local Government Division
DWI Program
Bataan Memorial Building, Suite 201
Santa Fe, New Mexico 87501

_____

County Commissioner

_____

Date

Statement of Assurances

Local DWI Grant and Distribution Program

Project Year 18: July 1, 2018 – June 30, 2019

The applicant hereby assures and certifies compliance with the following statutes, rules, regulations, and guidelines associated with the acceptance and use of funds under the New Mexico Local DWI Grant and Distribution Program:

1. Compliance with the provisions of the New Mexico Local DWI Grant Program Act, Sections 11-6A-1 through 11-6A-6 NMSA 1978 as amended, the regulations, and the approved LDWI Guidelines.

2. The applicant has the responsibility and legal authority to receive and expend funds as described in the grant and distribution project description, as well as to finance the grantee share (if any) of costs of the project, including all project overruns.

3. Compliance with the State Procurement Code, with the exception of Home Ruled Governments, and submission of all related procurement documents to the Local Government Division for administrative review and approval, prior to execution, including, but not limited to: requests for professional services (RFPs); advertisements; minutes of pertinent meetings; contract selection and award criteria. All project-related services, activities or programs done through a service provider must be implemented through a professional services contract. Any project-related contract, subcontract, or agreement and related amendments, providing services to the grant or distribution program, must be submitted for administrative review by the Division prior to execution.

4. Adherence to all financial, accounting, and reporting requirements of the Department of Finance and Administration. Distribution programs will include with each quarterly narrative progress report the Grant Fund Agreement Exhibit F, The Local DWI Distribution Program Financial Status Report. Grant programs will include with each quarterly narrative progress report the Local DWI Program Request for Payment/Financial Status Report, Exhibit D. The said reports shall contain narrative and/or bulleted highlights of accomplishments and/or problems and delays encountered to date, a detailed budget breakdown of expenditures to date, a summary of any fees collected and/or expended, the Managerial Data Set, Planning Council meeting agendas and minutes, and such other information following the objectives of the county's evaluation as may be of assistance to the Division in its evaluation.

5. Compliance with the requirement to not budget, nor expend, any of the grant amount awarded or the amount distributed for **indirect administrative costs** incurred during the grant or distribution fiscal period. Requests for payment or financial status reports shall document all direct program administrative expenditures and in-kind/match administrative expenditures.

6. Compliance with the requirement to not budget, nor expend, greater than **ten percent** of the grant amount awarded or the amount distributed for **capital outlay** incurred during the grant or distribution fiscal period. Requests for payment or financial status reports shall specify all capital outlay expenditures. The ten **percent cap for capital outlay does not exist with detoxification funding grants.**

7. Compliance with all required reports, including but not limited to: the first quarter narrative and fiscal reports due on the last working day of October; the second quarter narrative and fiscal reports due on the last working day of January; and the third quarter narrative and fiscal reports due on the last working day of April; the fourth and the final quarter narrative and fiscal reports for the fiscal year due the 15th of July; required screening, treatment, and compliance monitoring protocols; required evaluation plans; required fiscal reports; required screening and tracking managerial data reports; and required annual reports.

8. Compliance with the current Local DWI Grant Program Screening Guidelines. To avoid any conflict of interest, or appearance of conflict of interest, screeners should not be affiliated with any contracted treatment agency. Clients will be given options for treatment and will not be *mandated* to treatment with the same agency that does the screening.

9. If applicable to the applicant, compliance with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Department of Health and Human Services regulation entitled "Standards for Privacy of Individually Identifiable Health Information", 45 CFR Parts 160 and 164, applicable to entities covered by HIPAA; (the HIPAA Regulations).

10. Any distribution program under run amount for the fiscal year must be returned to the Local DWI Grant Fund by September 30 of the following fiscal year. Failure to remit an under run to the Local DWI Grant Fund will cause suspension of grant reimbursements and/or future distributions until the remittance is made.

11. Grant program under runs revert to the Local DWI Grant Fund.

12. Compliance with all applicable conditions and requirements prescribed by the Division in relation to receipt/accountability of state General Funds.

13. The grant applicant will follow the scope of work for the grant program, as negotiated with the Local Government Division, and in accordance with the local planning council's approved plan. The applicant will submit any proposed modifications/amendments to the scope of work to the Division for its approval, prior to execution.

14. The distribution program applicant will follow the local planning council's application as

approved by DWI Grant Council in the application review process. The applicant will submit any proposed modifications/amendments to this proposal to the Division for its written approval, prior to execution of changes to programs.

15. Compliance with conflict of interest prohibitions whereby no member, officer, or employee of the grant or the distribution program, or its designee or agents, no voting member of the local planning council or of the governing body of the locality in which the program is situated, and no other public official of such locality who exercises any functions or responsibilities with respect to the program during his/her tenure (or for one year thereafter) shall have any interest, direct or indirect, in any contract or subcontract for work to be performed in the program. The grant and/or the distribution program shall incorporate, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purposes of these stated provisions.

16. Compliance with the maintenance of records as will fully disclose the amount and disposition of the total funds from all sources budgeted for the grant or distribution agreement period, the purpose of undertaking for which such funds were used and the amount and nature of all contributions from other sources, and such other records as the Division shall prescribe. Such records shall be preserved for a period of not less than seven (7) years following completion of all the conditions of the grant agreement and the distribution program administrative guidelines.

17. The applicant will provide access to authorized State officials and representatives of all books, accounts, records, reports, files, and other papers, things, or property pertaining to the project in order to make audits, examinations, excerpts and transcripts.

18. The applicant will provide DFA's auditor and evaluator timely access to all program records and information. Additionally, the applicant will assure that records of subcontractors working for the applicant are retained and made available to DFA's auditor and evaluator.

_____

Cibola County Commission Chairperson

_____ _____

Signature Date