

Cibola County Commission
Regular Meeting
Thursday February 28th, 2019

The Cibola County Commission held a Regular Meeting on Thursday February 28th, 2019 at 5:00 pm in the Cibola County Commission Center

Elected Officials Present Staff

Daniel Torrez, Chairman
Robert Windhorst, 1st Vice Chairman
Ralph Lucero, 2nd Vice Chairman
Martha Garcia, Commissioner
Christine Lowery, Commissioner

Kate Fletcher, County Manager
Paul Ludi, Finance Director
Michelle Dominguez, County Clerk
Denise Salcido, Filing/Recording

A. CALL TO ORDER

Chairman Torrez, called the meeting to Order at 5:00 pm.

B. ROLL CALL

Chairman Torrez does roll call-5-5 Commissioners in attendance.

C. Pledge of Allegiance Recited by all.

D. Prayer Commissioner Windhorst led us in prayer.

E. Approval of Agenda

Motion to approve the agenda made by Commissioner Lucero, second by Commissioner Windhorst 5-0 affirmative.

F. Public Comment

Mayor Hicks- Wanted to discuss the three JPA's for the Library, Animal Control and Senior Center. There were changes made to them and he is now asking they be tabled for now.

Arbon Mitchell- Tribal partnership specialist for the Bureau of Census. There is a Census study every 10 years. He wants to establish a partnership with the County for the 2020 Census. The Census helps County get federal funds. There will mean more jobs for the County with the recruitment.

Carl Wifaset- District Court they want to partner with the County. He's here to let the County know they are open to having Dispatch use Courthouse Space but they have operational and ethical concerns.

G. Minutes

- a. **Minutes from January 24th, 2019 Regular Commission Meeting**
- b. **Minutes from January 31st, 2019 Special Commission Meeting**

Motion to approve both items a. Minutes from January 24th 2019 Regular Commission Meeting and b. Minutes from January 31st 2019 Special Commission Meeting made by Commissioner Windhorst, Second by Commissioner Lowery 5-0 affirmative

H. Reports

- a. **Finance Report-Paul Ludi-** Will forego his report this meeting to make time for the public comment.
- b. **Sheriff's Report- Sheriff Tony Mace-** He has been in law enforcement for over 20 years. He has dealt with many issues with firearms and has seized firearms from felons. There are current laws that allow for that he considers them reasonable sound and necessary. Does not find the current laws in the legislature sound or necessary. The laws already in the book cover address everything that is being proposed. The new laws being proposed today are over reaching and all law enforcement from the local and federal level to enter homes without a warrant and remove firearms without statements. These laws will make it a criminal offense for anyone to own them and make criminals out of the innocent hard working people. They do not protect the law abiding citizens only the criminal element. HB 83 risk protection order law allows law enforcement to seize firearms and protection orders deemed extreme risk. HB8 requires background check for sale or transfer of firearms. Majority of sales on firearms already require background checks. This bill also makes people criminals for wanting to sell their property. These bills are intended to restrict law abiding citizens from owning firearms. Criminals do not follow the laws. He took an oath to protect to Constitution and the laws of the United States of America. By introducing this resolution he is upholding his oath as a sheriff of the people of Cibola County. Our voices and being heard in Santa Fe or in the legislature.

I. Public Comment for New Business item A. Consideration of Resolution 19-22 Declaring Cibola County a Second Amendment Sanctuary County

Mayor Hicks- He was a United States Marine and he took oath to uphold the Constitution. The City is also considering this resolution on Monday night. The people sitting in Santa Fe seem to forget the oath. There needs to be a sit down with each one and remind them of their oath.

Damon Lance Shoup- Senate Bill 8 talk about a natural citizen. He teaches a youth organization how to shoot firearms. They can't always afford their own guns. Under this bill the club is not natural citizen it is a club. All the transfers he does with his students will have to have background checks done. They are all under 18 so they will come back denied.

Dan Stokes- Traveled to 50 countries in his life that don't have 2nd Amendment rights that's not something we want here. Alcohol abuse is responsible for more deaths than firearms. There is no a national registry for alcohol abuse or a 10 day waiting period to buy.

Thomas Manrupt- lived in New Mexico for 10 years, prior to that lived in Baltimore Maryland. He served 27 years as a police officer. He swore to defend the Constitution he still takes it very seriously. He asks for this to be approved. States with the most restricted gun laws in this country have the most homicide rates.

Rebecca Calvert- From Rio Arriba County. Hunted for the first time in Cibola County. Used her boyfriend's gun with the new law they could have both been charged with misdemeanors for sharing a firearm. Tonight you have a chance to stand with your Sheriff and pass this resolution.

James Doug- Please approve this resolution and stand with the Constitution.

Ronnie Pynes- Wants to thank Sheriff Tony Mace. He supports this resolution.

David Laughlin- He is a gun store owner in the County. He also took his oath he is a fellow engineer. We have had background checks for decades. People who get background checks are not criminals. In 2016 there was 144,000 background checks denied, 44 prosecutions and 4 convictions. Over 98% of background checks are false positives denials are false positives. Some background checks break the law, he cannot do background checks on mussel loaders.

Randy Ryan- since 1999 he has done about 1000 background checks and not one has been denied, because criminals don't go to him to buy firearms. He's also a concealed carry instructor, who also does women only courses. They handle different types of firearms to see what works for them. With this new law all the people in his classes will be considered criminals.

Aaron Dean- He is also a veteran that took an oath to protect the constitution. He supports this resolution.

Tony Boyd- his family has lived here since 1959. He grandfather served in WWII and his father in Korean War he did not serve in a war but he did serve in the US Air Force. He took an oath to protect the Constitution and this country against all enemies. He's taken his oath with Fire Department and EMT he has a concealed carry license. He supports this resolution.

J. New Business- Action May Be Taken

a) Consideration of Resolution 19-22 Declaring Cibola County a Second Amendment Sanctuary County

Motion to approve Resolution 19-22 Declaring Cibola County a Second Amendment Sanctuary County made by Commissioner Windhorst, Second by Commissioner Torrez 4-1

affirmative. Commissioners Torrez, Windhorst, Lucero and Garcia voted yes, while Commissioner Lowery voted no.

Commissioner Garcia's comments on the Resolution- I took my oath it says "I solemnly swear that I support the Constitution of the United States and the Constitution and the laws of the State of New Mexico, and that I will faithfully and impartially discharge the duties of Cibola County Commissioner of which I am about to enter to the best of my ability so help me God". This is the oath that I took. And what you have placed before us tonight a Resolution that say that I will uphold the Constitution of the United States and that's what I have taken my oath on. Furthermore it says I will support the Constitution and the laws of New Mexico. The laws that are in place as of this moment that's what I have to support and uphold the law. Furthermore it says that I will do what I can to the best of my ability to take all the positions that I have and that is what I have been doing for the last two in a half years. I have a year and about ten months left in this firm and I will continue to do what I can to uphold and do the job that I have entered, and that is what I have been doing along with my fellow commissioners. When I took my oath I was sincere about it and will continue to be sincere about it. There's no doubt in my mind where I stand with this. Furthermore I would like to say as a member of a Native American community The Navajo Nation I have to know that I have parents I have people that have put their lives on the line. Furthermore it was my people that help prepare the way to victory in WWII the famous Navajo Nation code talkers. I have family that are warriors that are long time hunters that have used weapons, whether it from arrows or from guns or from whatever means. To provide and support their families for many years. I have a son that is a firearm instructor and does instruct youth at all levels. I talked to him and we discussed this. He said that it is the Second Amendment and it is up to us to uphold that and be honest on how we uphold that so that we do no abuse that. Once we start abusing that then somebody is going to come in and tell us no that's not the right way to do it. But it seems like everybody in this room understands that and wants to move forward and protect out rights based on that. I don't think that anybody that's here has used firearms or any other methods against any other person and that's not the purpose that we are here for to protect that right that would be wrong. Because I'm here and know that our Sheriff is here to protect them and serve the public to protect to safety of the public and that's what you need. That's what all law enforcement is here for is to protect the welfare of our constituents in the County here and that's what we stand behind. We each have a responsibility as an elected official by taking this oath that's what we do. Not only the Constitution of the United States but the Constitution and laws of New Mexico and to the position that we will serve to the best of our ability and that means that we have to do it for all our constituents within the County that's where I stand and I want you to know that based on the Resolution that has been placed before us I am supporting that.

Chairman Torrez called for a ten minute break at 6:10 PM

Chairman Torrez called to return from break at 6:20 PM

b) Consideration of Resolution 19-21 Budget Adjustment Number 5

Motion to approve Consideration of Resolution 19-21 Budget Adjustment number 5 made by Commissioner Garcia, Second by Commissioner Windhorst 5-0 affirmative

c) Consideration of Resolution 19-20 2019 Annual Certified County Maintained Mileage Report

Motion to approve Resolution 19-20 2019 Annual Certified County Maintained Mileage Report made by Commissioner Windhorst, Second by Commissioner Lucero 5-0 affirmative

d) Consideration of Amended Resolution 18-57 Second Amendment to LGD Road Fund Cooperative Agreement SB-7606 (198) 19-Increase of Grant amount from \$474,667 to an additional \$474,667 for total grant amount of \$949,334

Motion to approve Amended Resolution 18-57 Second Amendment to LGD Road Fund Cooperative Agreement SB-7606 (198) 19-Increase of grant amount from \$474,667 to an additional \$474,667 for total grant amount of \$949,334 made by Commissioner Windhorst, Second by Commissioner Torrez 5-0 affirmative

e) Consideration for the Road Department to Enter into a Lease Agreement with Wagner Equipment Company to Lease 2 Motor Graders

Motion to approve for the Road Department to enter into a Lease Agreement with Wagner Equipment Company to lease 2 Motor Graders made by Commissioner Torrez, Second by Commissioner Garcia 5-0 affirmative

f) Consideration of Appointment of Board Registration for the 2019 Voter Registration Maintenance for Clerk's Office

Motion to approve Appointment of Board Registration for the 2019 Voter Registration Maintenance for Clerk's Office made by Commissioner Lowery, Second by Commissioner Windhorst 5-0 affirmative

g) Discussion and consideration to Relocate Consolidated Dispatch from 515 W High Street to 700 E. Roosevelt Suite 60

No action taken just a discussion for the possibility to relocate Consolidated Dispatch from 515 W High Street to 700 E. Roosevelt Suite 60

h) Consideration of 3 JPA's between the City of Grants and Cibola for: Animal Control, Library and Senior Center

Motion to table 3 JPA's between the City of Grants and Cibola for: Animal Control, Library and Senior Center made by Commissioner Lucero, Second by Commissioner Garcia 5-0 affirmative

i) Consideration of Requisitions over \$20,000 for Purchase of Fire Marshal's new vehicle. RCI Inventory Management, UNM Health Sciences Center, MES Supplies for Cubero Fire Dept., Artesia Fire Dept. Equip. for Cubero Fire Dept. and Trust Pharmacy Invoices.

Motion to approve Requisitions over \$20,000 for Purchase of Fire Marshal's new vehicle. RCI Inventory Management, UNM Health Sciences Center, MES Supplies for Cubero Fire

Dept., Artesia Fire Dept. Equip. for Cubero Fire Dept. and Trust Pharmacy invoices made by Commissioner Lucero, Second by Commissioner Windhorst 5-0 affirmative.

K. Executive Session

Motion and roll call vote to go into Executive Session and that , pursuant to New Mexico State Statute Section§10-15-1 and only the following matters will be discussed in closed session made by Commissioner Lowery, second by Commissioner Windhorst 5-0 affirmative at 7:08 p.m.

Real Property

- a) 114 McBride Road Complex

Motion and roll call vote to return to Regular Session and that matters discussed in Closed Session were limited to those specified in motion for closure, and that no final action was taken, as per

NM Statute's Section §10-15-1 was made by Commissioner Windhorst, second by Commissioner Lowery all commissioners agree 5- 0 affirmative at 7:20 p.m.

L. Announcements

The next Regular Commission Meeting will be held on Thursday, March 28th 2019 at 5:00p.m. in the Cibola County Commission Chambers

M. Adjournment

Chairman Torrez adjourned the meeting at 7:21 P.M.

PASSED, APPROVED, and ADOPTED this 28th day of March 2019

BOARD OF COUNTY COMMISSIONERS

Daniel Torres, Chairman

Robert Windhorst, 1st Vice Chairman

ABSENT

Ralph Lucero, 2nd Vice Chairman

Christine Lowery, Commissioner

ABSENT

Martha Garcia, Commissioner

ATTEST:

Michelle E. Dominguez, Cibola County Clerk

Date: March 28, 2019

SEAL