

Cibola County Commission
Regular Meeting
Thursday October 24th, 2019

The Cibola County Commission held a Regular Meeting on Thursday October 24th, 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-4-1
Commissioner Garcia arrived at 5:14 p.m.

C. Pledge of Allegiance Recited by all.

D. Prayer Commissioner Lowery led us in prayer.

E. Approval of Agenda

Motion to approve the agenda made by Commissioner Windhorst, second by Commissioner Lucero 4-0 affirmative.

F. Commissioner's Report

Commissioner Lowery- Martha Garcia and I attended the Silver City Wilderness Economic Conference at the beginning of October. One thing that I am bringing away with it is that in our plans often times we forget the entrepreneur and how they require a support system. Senator Hinerich is notable for his support of Wilderness areas and public land. He put out in his notice this week his assessment of the Silver City Conference and he too is working on supporting the Entrepreneur. This is something we really need to pay attention to as we consider Economic Development in the County. We did have a cleanup in San Fidel Commissioner Windhorst was

also there. There was tons of gravel laid on San Fidel Loop but now it is just moved off to the side and you can feel the wash board road again.

Commissioner Lucero- No Report this month

Commissioner Windhorst- Had a good time in San Rafael Christine Lowery works like a field hand. We filled the dumpsters and everyone was happy with the results. We are planning on having a cleanup in San Rafael Next week. Waiting until Monday for the final word. Solid Waste Authority has been busy using all their dumpsters at the Western Refinery. Also have been working with one of our Federal Representatives Xochitl Torres-Small and others about the situation with the Mexican Spotted Owl and the Lumber Industry. Also how it affects our area we got 50 jobs in danger of being lost if the judges ruling is not overturned. So she is coming this weekend and will be meeting with the owners of Mt Taylor Millworks and see what we can do to turn that around. A little concerned last Thursday the Village of Milan had a meeting they had an MOU with Bright Green Corporation they own the green houses by the gold course and they wanted 600 acres of the 900 acres that Milan is in possession of. That 900 acres is something we have wanted to develop some manufacturing on through a refinery or something else. We have had a gentleman that was hired that has already finished phase one and thought we were in the process of phase 2. Found out that the money for that that was coming from Capital Outlay never came so as a result nothing is being done. We need to get back on track with this study and get it finished so that we can bring more money to this area.

Commissioner Torrez- Just wants to thank the road department. All the roads are done in the district and they did a good job. Also along with Commissioner Windhorst we have a cleanup planned in San Rafael next Saturday and Sunday.

G. Public Comment

Gerald Hinke- Lives in Candy Kitchen has been associated with this County for 50 years. One of two people that put the Grants Ranger district together. Forest Service career has taken him from here to Washington DC and back to Albuquerque. Here to talk about a news release from USDA it is a grant proposal for \$50million dollars. Tried to apply for it 3 years ago but was denied because this grant has to go through a state agency. Could not get a state agency to own up to their responsibility. Sent the grant proposal into the Secretary of Agriculture knowing that I did not follow the process because I could not get a state agency to follow the process through. Have contacted about 5 or 6 state agencies to find out information on the grant. Got a letter back saying the process was not followed so it was denied. This is for a project outside the County but will affect this County. Seeking \$3million from this grant for is to improve Ramah Lake in McKinley County for recreation and wildlife, for public purposes. We want to improve the lake with this money. Visited with McKinley County Commission got their approval and they will support the project. Has to be in by the 27th of November. Requesting a letter to put in the package by this County Commission to support this project.

Ronny Pynes- Back after about four months ago when he requested for consideration to put on the monthly agenda the topic about a possible shooting range. Which has been discussed and

discussed, does not see it on the agenda but wants to make sure that this is not forgotten. Would appreciate it if we could pursue this.

Chris Meech- On behalf of a company called BHM Rentals. BHM is a local company owned by Walter Meech, Larry Baca and Carl Hoffman. BHM has successfully built and leased a number of buildings including the offices of the New Mexico Motor Vehicle Division and the Offices of the National Resources Conservation Services. BHM had submitted a proposal for construction of the new Magistrate Courthouse, on land which it has available and is located on the intersection of Roosevelt and Mesa. BHM spent a considerable amount of time and expenses preparing this proposal for the project. It is our understanding that the AOC has identified for selection a competing proposal which would locate this Courthouse on land currently owned by the County. We feel this is unfair to the private entities which submitted the proposals as well as all private landowners in a three mile radius of the District Court who are now in competition with the County. Furthermore I need to ask whether the County has actually sold this location to the bidder or is committed to selling. If the County is not entered into a fully enforceable purchase agreement with the bidder we do not understand how this bid could be legitimate nor enforceable. There are a number of questions that need to be answered as to how this bid process works and the County's participation.

H. Minutes

a. Minutes from September 26th, 2019 Regular Commission Meeting

Motion to approve both Minutes from September 26th, 2019 Regular Commission Meeting made by Commissioner Lucero, second made by Commissioner Windhorst 5-0 affirmative.

I. Reports

- a. Manager Report- Kate Fletcher, County Manager-** Would like to answer Chris Meech's question. There has not been any contract signed or any direction to sell land at this time. They came to us as a County and said they were interested in these three areas. At that time I had to take it to the Commission and they directed me to get a land appraised and that is where we are at. We don't have any control over what the AOC has done with their purchasing process. AOC has not reached to us they have a contractor doing that job and they are the only ones that have reached out to us. Have had some road projects that are complete and they worked very hard. We have agreements through out the year that we need signed. We received an agreement for next year the cost per bed per juvenile is going to go up from \$165 a day to \$225 a day. We are averaging around 449 beds a year. So we are going o go up about \$45,000. If a juvenile needs special attention 24 hours a day it will be \$300 a day. We have an early meeting on the 14th and will be presenting a resolution for my recommendation for you to approve. The board of directors from NMC has voted and approved the priorities for the legislature this year. Will be sending out a priority list for you to see. They just requested that we do a resolution basically approving their priorities so we can all be on one page. Counties together can do huge things at the Legislative session. Some priorities are HB appropriation, prisoner transportation, EMS

funding, Law Enforcement protection fund, Behavioral Health and PERA. We have the 2020 Legislative session coming up. It is now open to register. We had a safety inspection through NMC. Every year they come along and make sure we are adhering to all the safety rules. We did very well better than we have done in the past. There are always things we need to address and Dustin is working on that. No major deficits they were all minor. We received funding from a court case of PILT. The formulas were incorrect Counties received extra funding this year. We received \$48,704 it was one of the highest amounts. Wanted to give you a update on what's going on. We have had bad luck with the air condition and heating services. We are in talks with the contractors we will be getting money back for what we have done. We have paid after warranty \$108,000 to keep these units fixed. We have through four pumps because they are too small for this building. Judy went to an infrastructure training in Las Cruces. Judy talked with other counties about the gun range and came back with some ideas. We have one Fire Department on probation. Which means they cannot spend any money until they do their reporting. We did get a letter from the Fire Marshall since they are three months behind on reports, Dustin has been talking to the Fire Marshall. When you are on probation you cannot spend any money, you can only spend your budget on utilities. Will be out next week for the board of director's conference.

- b. **Finance Report- Paul Ludi, Finance Director-** Auditors are doing the audit now. Wendy is the point of contact and is working with all the departments. We are working on all the signors with TBK Bank. We established an advisory investment committee we have passed an investment policy as well. In that policy we need to follow the open meeting's act, and we have some investments maturing. November 21st is one of our larger ones its our cedar's account. That holds our bond reserve requirements and our local government division requirements. That's going to need to be updated we're also going to have to invest a little bit more than what's in there now. That is something we need to discuss as a committee in public, we are trying to plan on November 5th. We are reconciled through August 31st, Wendy does reconciliation. we are working on September to finish that up now. This is a DFA reporting month for the first quarter. The Clerk's office has early voting going on Monday through Friday 8am to 5pm, Saturday November 2nd, 2019 is the last day to early vote in the clerk's office from 10am to 6pm. On Tuesday November 5th, 2019 is election day from 7am to 7pm this election includes the soil and water districts, the school board members, school bond question and the Sunday alcohol sales question. You may not be able to vote on all of these depending on what precinct you are in. Kate discussed the PILT and I would also like to point out we've got the Department of Finance and Administration annual budget conference coming up on November 14th and 15th. Commissioner Lowery has registered, Wendy Self and myself and I believe Dave Pato may attend as well. This is a great conference very well rounded and Judy Horacek will also attend concerning the classes for ICIP, Risk Management and Budget 101 for counties, municipalities and special districts. As we start tracking our vacancy savings again and our salaries and benefits we noticed there is still some discrepancies

occurring with our payroll company. There seems to be employees assigned to incorrect funds so I think may be possibly affecting my analysis, for the Commission, managers, general fund, assessor's and fund 439 the DWI's budget for salaries and benefits. Have been working with Debbie in HR so were going to talk to the payroll company and this squared away. Just wanted to show how each department is doing right now, spending down on their budgets for the first quarter. As you can see the Commissioner's are at the highest at 53%, but what that is really entailing is that there is a lot of incumbencies for the library and insurances. They haven't actually spent all of this. The manager's budget is at 8%. This is our Gross receipts tax we are currently right on track with my projection at 25% of the projected GRT collected in the 1st quarter. The new GRT has the \$9000 that's come in from Legislation, one of the things that fell off my radar is we need to get an ordinance to dedicate this Gross Receipts Tax. Right now it is going into the General Fund. Property Taxes as of September 30th we do not have current taxes yet. We are doing great with delinquent taxes. Put the DFA approved cash balances when we report. We have our auditors here so we are cleaning up but it is a process. We are finding expenditures that we have to move out. We are reviewing all the financial reports, we found some expenses for LEPP that weren't allowable so we are shifting those to General Fund. Balances will change for the audit, this is a regular thing. In January DFA sends out a letter saying these are your cash balances, once you have got the final numbers and audited number we can do a budget adjustment to correct anything changed during reconciliation.

J. Public Hearing-

- a. **Annual Performance Review of the Fence Lake Community Association Local Economic Development (LEDA) Project- Jill Andrews, Fence Lake and/or Eileen Yarbrough, CCEDF-**

K. New Business- Action May Be Taken-

- a) **Consideration of Fence Lake Annual Performance Review Pursuant to Cibola County Ordinance 2017-02 11.2**

Motion to Approve Fence Lake Annual Performance Review Pursuant to Cibola County Ordinance 2017-02 11.2 made by Commissioner Garcia, second made by Commissioner Windhorst 5-0 affirmative

- b) **Consideration of Resolution 2019-61 Nominal Purchases Policy**

Motion to Approve Resolution 2019-61 Nominal Purchases Policy made by Commissioner Windhorst, second made by Commissioner Torrez 5-0 affirmative

- c) **Consideration of Resolution 19-63 Establishing the 2020 Holiday Schedule**

Motion to Table Resolution 19-63 Establishing the 2020 Holiday Schedule made by Commissioner Lowery, second made by Commissioner Windhorst 5-0 affirmative with the change of Columbus Day to Indigenous People Day

d) Consideration of Resolution 19-64 The Local Government Transportation Project Funds (LGTPF) Agreement-Control #LP60001-CR18b

Motion to Approve Resolution 19-64 The Local Government Transportation Project Funds (LGTPF) Agreement-Control #LP60001-CR18b made by Commissioner Windhorst, second made by Commissioner Lowery 5-0 affirmative

e) Consideration of Resolution 19-65 Cibola County Tax Abatement Policy under GASB Statement 77

Motion to Approve Resolution 19-65 Cibola County Tax Abatement Policy under GASB Statement 77 made by Commissioner Windhorst, second made by Commissioner Torrez 5-0 affirmative

f) Consideration of Resolution 19-66 Budget Adjustment 5

g) Consideration of Resolution 19-67 Budget Adjustment 4

Motion to Approve both f. Resolution 19-66 Budget Adjustment 5 and g. Resolution 19-67 Budget Adjustment 4 made by Commissioner Garcia, second made by Commissioner Lucero 5-0 affirmative

h) Consideration and Discussion Regarding the Formation of a Youth Explorer Program in Cibola County

Motion to Approve the Formation of a Youth Explorer Program in Cibola County made by Commissioner Torrez, second made by Commissioner Windhorst 5-0 affirmative

i) Consideration of Resolution 19-68 Appointment of 2 County Valuation Protest Board Members and 2 Alternates

Motion to Approve Resolution 19-68 Appointment of 2 County Valuation Protest Board Members and 2 Alternates made by Commissioner Lucero, second made by Commissioner Windhorst 5-0 affirmative

Board Members are Heather Porter with Alternate Candas Jaramillo and Joann Lovato-Legler with Alternate Joe Murrieta

L. Executive Session

Pursuant to Section §10-15-1 (H) (2) & (7) the following matters may be discussed in closed session:

- Motion and roll call vote to go into executive session and that, pursuant to New Mexico State Statute Section §10-15-1, only the following matters will be discussed in closed session: made by Commissioner Windhorst, second made by Commissioner Lucero 5-0 affirmative at 6:50p.m.

Real Property

- a) Cibola General Hospital and Medical Office Property- 1016 E. Roosevelt Ave and 1423 E. Roosevelt Ave, Grants, NM 87020

Threatened/ Pending Litigation

- a) Opioid Litigation
- b) Cibola County v. TRD

Motion and roll call vote to return to Regular Session made by Commissioner Lowery, second made by Commissioner Lucero 5-0 affirmative at 7:58p.m.

Motion that matters discussed in Closed Session were limited to those specified in Motion for Closure, and that no final action was taken, as per New Mexico Statutes Section §10-15-1 was made by Commissioner Lowery, second made by Commissioner Windhorst 5-0 affirmative

M. New Business Action May Be Taken

- a) Consideration of Actions Taken with Respect to Specific Provisions of the Lease Agreement as it Relates to a Spend-Down Proposal and Representation on the Board
- b) Consideration of Actions Taken with Respect to Opioid Litigation
- c) Consideration of Actions Taken with Respect to Cibola County v. TRD

N. Announcements

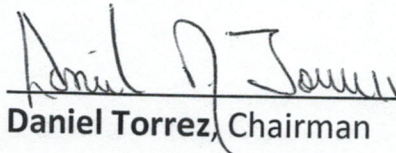
The Next Commission Meeting will be a Special Commission Meeting held on Thursday, November 14th, 2019 at 5:00p.m. in the Cibola County Commission Chambers. Cibola County Offices will be closed Monday, November 11th, 2019 in observation of Veteran's Day Holiday

O. Adjournment

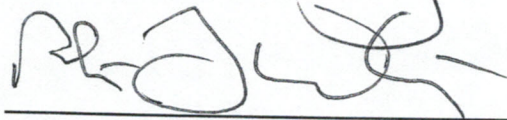
Commissioner Torrez adjourned the meeting at 8:03 p.m.

PASSED, APPROVED, and ADOPTED this 14th day of November 2019

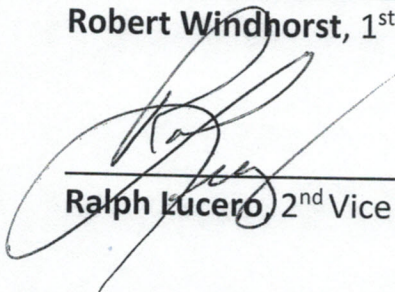
BOARD OF COUNTY COMMISSIONERS



Daniel Torrez, Chairman



Robert Windhorst, 1st Vice Chairman



Ralph Lucero, 2nd Vice Chairman

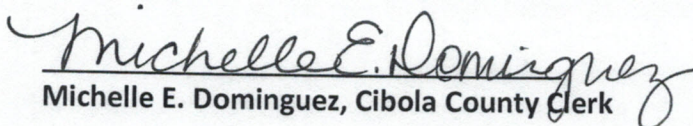
ABSENT

Martha Garcia, Commissioner

ABSENT

Christine Lowery, Commissioner

ATTEST:



Michelle E. Dominguez, Cibola County Clerk

Date: 11/14/19

