

Cibola County Commission
Regular Meeting
Thursday February 27th, 2020

The Cibola County Commission held a Regular Meeting on Thursday February 27th, 2020 at 5:00 pm in the Cibola County Commission Center

Elected Officials Present Staff

Daniel Torrez, Chairman
Robert Windhorst, 1st Vice Chairman
Martha Garcia, 2nd Vice Chairman
Ralph Lucero, 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-5-0 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 Windhorst, second by Commissioner Lucero 5-0 affirmative.

F. Discussion

a) **City of Grants- Future Projects**

G. Commissioner's Report

Lucero- Nothing to Report

Lowery- From District 1 some of the wells in Seboyeta and San Mateo do not replenish quick enough in the Summertime. Wants to suggest having a small one day conference just to identify the issues for Cibola County, and have them meet eligible speakers who know how to do problem solving to identify next steps. Because the water issue is going to get worse not better because we are still in our drought. Second is there a process to follow on the referrals

that were made to the road committee. Wants to know how we work with the COR of civil engineers because they have been mentioned in District 1. Interested in preparation to introduce the Cibola County Environment and Safety Ordinances and what kind of plan we have going forward for our small Villages. Really concerned about the level of the wells, because the new wells had to be dug deeper because we cannot reach the ground water.

Garcia- The water issue regarding the well that's located at Pine Hill school campus, well number one has been fixed. Wants to thank the County for standing by in case we needed them. The well is over 45 years old there were some issues. Received some additional funding this past legislative session to address the well 2 that is also on Pine Hill campus, that should take care of the water needs. Have been having Census 2020 meetings in Fence Lake and Candy Kitchen. People are being informed and seeing where they can participate to get things going for themselves. Because it will address some things that we have in area such as roads and water issues. Happy to report on the road issues tat we have staff, the road departments and other people involved have been going out there and inspecting the signs.

Windhorst- several months ago it was brought to my attention that a constituent within my District was requesting an important road to be adopted as a County maintained road. We had different meetings with staff and the County Manager and it was decided to continue on the path of granting this adoption for Farm Rd in Bluewater. They are in the process of getting written permission from other families that use this road. I drove over this road and found it to be an important back road to the dam. We are in process to properly add this road to the County maintenance list. Also attended the Northwest New Mexico Regional Solid Waste board meeting thanks them for providing the dumpsters for the cleanups. Also serves on Cibola General Hospital board and attended meeting Monday. Also attended two dinners to recruit two new physicians to our community. Met with a business owner in the District to talk about the issue of not having access to previously accessible forest land to produce pellets. Unless this ban caused by a lawsuit to protect the mexican spotted owls is lifted we will lose a good source of jobs. As Spring approaches, we have requests for Cleanups. Milan will have one the last Saturday of March, Grants will have one on April 4th and Cubero will have one on April 11th.

Torrez- Nothing to Report

H. Public Comment

John Fetch-

I. Minutes

a) Minutes from January 30th, 2020 Special Commission Meeting Minutes

Motion to approve Minutes from January 30th, 2020 Special Commission Meeting Minutes made by Commissioner Garcia, Second made by Commissioner Windhorst 5-0 Affirmative

J. Reports

a) Manager and Treasurer Report- Kate Fletcher-County Manager, Kathy Gonzales-Treasurer- Kate- Have some good news, this year we have 5 findings on our audit and

are opinion is modified/qualified and our State Auditor removed us off the at risk list. These are the findings we have 2019-002 **Capital Assets, Property taxes receivables, Financial close and reporting**, 2019-004 **Write-offs of property taxes receivables, penalties and interest** and 2019-005 **Firearms room inventory controls**. We only have one new finding 2019-004.

Kathy- This statement is off of the auditors report. (During the audit, we became aware of a potential fraud risk relating to unaccounted write-offs of property taxes receivable. As part of our audit approach, we requested from the Treasurer's office a report of overrides showing write-offs of property taxes receivable and penalties and interest on balances. Weeks later on the day of the exit conference, we received a reconciliation of \$189,605 in write offs for fiscal year 2019 and reports, which were inaccurate). First of all we know there was no money missing, this is not a repeated finding in our department. After reviewing this report, we worked hard to reconcile all justified write offs, with the help of the Finance Department and County Manager. The report included: The ten year drop off, penalty & interest corrections from Taxation and Revenue and the removal of penalty and interest due to the Notice of correction from the County Assessor's office. We reconciled 4179,810.78 as justified accounts with documentation and \$9,794.22 is unjustified. We have submitted the report with all documentation to the Office of the State Auditors. We have been notified that we have a special investigator that has been assigned to this report. Criteria- the statute states in order to maintain "adequate accounting records" as required by 2.2.210 D NMSA, a monthly reconciliation of property tax is required to endure the assessment, collection and adjustments are properly applied. NM Constitution Article IX, Sections 14 States: Neither the state, nor the county, pledge its credit r make any donations or in aid of any person, associations or public. A donation within the meaning of this provision is a "gift" n allocation or appropriation of something of value without consideration, commonly referred to as the "Anti- Donation Clause". This means we can not and we will not remove any penalty or interest off any accounts without the documentation I just read. This is our resolution and what we learned. We recognize this finding, we have learned that we cannot remove any Penalty and Interest off any property tax accounts per State Statute. We have updated our Standard of operating Procedures to train our current and future employees to follow the correct procedure according to State Statute. At this time I have put in place weekly reports on Penalty an Interest that have been established and we will closely monitor, my self the Treasurer and my Chief Deputy Johnny Pino. The Treasurers Office has learned a lot during this last audit. Transparency is vital and we are going to move on from this. I did talk to our Tyler Technology Software company they are willing to come onsite to do a training for my staff again. This will not happen again.

- b) **Finance Report- Paul Ludi- Finance Director-** We submitted our second quarter report on time to DFA we met our statutory requirement again. I was informed by the Fire Marshall that we received over \$500,000 in new grant money for our fire departments. As Kate mentioned before we are off the New Mexico State Auditor at risk list. That means that we can possibly be our own fiscal agent now that we are showing fiscal

responsibility. Wendy has reconciled to the bank with our accounting software through December 31st. The Treasurer and myself have reviewed it and the reconciliations look good. Submitted budget request forms to all departments. We currently working on getting our Bond rating back it is being reviewed by Moody's and our bond advisor. Have been receiving a lot of calls from investment firms requesting information on the County as we do not currently have a rating. Would like to welcome the New Deputy Treasure Johnny Pino. Mr. Allen in our IT Department would like to inform you that Jason and himself have completed TYLER migration to new virtual servers in January. That includes Incode, Recorder, Treasurer and Assessor. That will bring long term performance and stability improvements to all major computer programs that the county relies on. Sheriff's radio NMFA loan of \$100,000 will close in mid March if the governing body approves the resolution. We have averaged \$434,656 per month in GRT the past 7 months and are at 69% or our projection which is better than expected. Property taxes through January 31st have reached \$2,157,351 which is 59% of our budgeted projection. Delinquent payments are coming in strong we are currently at \$377,506 which is 118% higher than projected. All of our departments in general fund are currently in budget.

K. New Business- Action May Be Taken

a) Consideration of Resolution 20-19 Budget Adjustment #7

Motion to Approve Resolution 20-19 Budget Adjustment #7 made by Commissioner Windhorst, Second made by Commissioner Lucero 5-0 Affirmative

b) Consideration of Resolution 20-23 NMFA Loan and Intercept Agreement for Sheriff's Radio

Motion to Approve Resolution 20-23 NMFA Loan and Intercept Agreement for Sheriff's Radio made by Commissioner Lowery, Second made by Commissioner Windhorst 5-0 Affirmative

c) Consideration of Resolution 20-21 Imposing a Liquor License Tax and Providing a remedy for collection

Motion to Approve Resolution 20-21 Imposing a Liquor License Tax and Providing a remedy for collection made by Commissioner Garcia, Second made by Commissioner Windhorst 5-0 Affirmative

d) Consideration of Resolution 20-22 Supporting the eligibility and intent of Cibola County to submit an Application to NMDOT for the Local Government Transportation Fund

Motion to Approve Resolution 20-22 Supporting the eligibility and intent of Cibola County to submit an application to NMDOT for the Local Government Transportation Fund made by Commissioner Lowery, Second made by Commissioner Windhorst 4-1 Commissioner Lucero Voted no.

e) Consideration of Roads for Addition to or Abandonment for the County Road Maintenance List

Motion to Approve Roads for Addition to or Abandonment for the County Road Maintenance List and table Farm Rd made by Commissioner Lucero, Second made by Commissioner Windhorst 5-0 Affirmative.

f) Consideration of Claim of Exemption 7-Dedication of a new Easement for an existing road and vacation of easements that are no longer in use.

Motion to Approve Claim of Exemption 7-Dedication of a new Easement for an existing road and vacation of easements that are no longer in use made by Commissioner Windhorst, Second made by Commissioner Lucero 5-0 Affirmative.

g) Consideration of Award of Legal Services Contract

Motion to Approve Award of Legal Services Contract made by Commissioner Garcia, Second made by Commissioner Lucero 5-0 Affirmative

h) Consideration of Out of State travel for the Assessor's office staff to attend Tyler Connect 2020 Conference April 26th-April 29th in Orlando FL, and EagleView training March 9th-12th in Phoenix, AZ

Motion to Approve Out of State travel for the Assessor's office staff to attend Tyler Connect 2020 Conference April 26th-April 29th in Orlando FL, and EagleView training March 9th-12th in Phoenix, AZ made by Commissioner Lowery, Second made by Commissioner Garcia 4-1 Commissioner Windhorst voted no

i) Consideration to Procure Appraisals for 515 W High Street, Smiths 700 E. Roosevelt Suite 10 and 114 McBride-Detention Center

Motion to Approve to Procure Appraisals for 515 W High Street, Smiths 700 E. Roosevelt Suite 10 and 114 McBride-Detention Center made by Commissioner Lucero, Second made by Commissioner Windhorst 5-0 Affirmative

j) Consideration of Cost Share Agreement between Bernalillo County and Cibola County to house Juvenile Offenders FY21

Motion to Approve Cost Share Agreement between Bernalillo County and Cibola County to house Juvenile Offenders FY21 made by Commissioner Lucero, Second made by Commissioner Lowery 5-0 Affirmative

k) Consideration to approve requisitions over \$20,000

a) Purchase of dump truck- Road Department

Motion to Approve Requisitions over \$20,000 Purchase of dump truck-Road Department made by Commissioner Windhorst, Second made by Commissioner Lowery 5-0 Affirmative

L. 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 Windhorst, second by Commissioner Garcia 5-0 affirmative at 7:10 p.m.

Personnel

- a) Paul Ludi- Finance Director
- b) Gary Porter- Road Superintendent

Real Property

- a) Cibola General Hospital and Medical Office Property- 1016 E. Roosevelt Ave. and 1423 E. Roosevelt Ave., Grants, NM 87020
- b) US Army National Guard Recruit Building 2001 E. Santa Fe Ave., Grants, NM 87020

Motion and roll call vote to return to Regular Session made by Commissioner Windhorst, Second made by Commissioner Lucero at 8:04 p.m. 5-0 Affirmative

Motion and roll call vote 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 made by Commissioner Garcia, Second made by Commissioner Windhorst 5-0 Affirmative

M. New Business- Action May Be Taken

- a) **Directions to Staff Regarding Salary Increase for Paul Ludi- Finance Director**
- b) **Directions to Staff Regarding Salary Increase for Gary Porter- Road Superintendent**
Motion to Approve A.) Directions to staff regarding Salary Increase for Paul Ludi-Finance Director and B.) Directions to staff regarding Salary Increase for Paul Ludi-Finance Director made by Commissioner Lucero, Second made by Commissioner Lowery 5-0 Affirmative

- c) **Direction to Staff Regarding CGHC and Medical Office Property**
No Action taken

- d) **Direction to Staff Regarding Resolution 20-20 Requesting transfer of property ownership from NM National Guard to Cibola County**
Motion to Approve Direction to staff regarding Resolution 20-20 Requesting transfer of property ownership from NM National Guard to Cibola County made by Commissioner Windhorst, Second made by Commissioner Garcia 5-0 Affirmative

N. Announcements

The next Regular Commission Meeting will be March 26th, 2020 at 5:00 p.m. in the Cibola County Commission Chambers. There will be a Special Commission Canvassing Meeting for the Municipal Elections on March 11th, 2020 at 3:00 p.m. in the Cibola County Commission Chambers.

O. Adjournment

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

PASSED, APPROVED, and ADOPTED this 26th day of March 2020

BOARD OF COUNTY COMMISSIONERS

Daniel J. Torrez

Daniel Torrez, Chairman

Voted yes Telephonically
Robert Windhorst, 1st Vice Chairman

Voted yes Telephonically
Martha Garcia, 2nd Vice Chairman

Ralph Lucero
Ralph Lucero, Commissioner

Voted yes Telephonically
Christine Lowery, Commissioner

ATTEST:

Michelle E. Dominguez
Michelle E. Dominguez, Cibola County Clerk

Date: 04/27/20

