



CIBOLA COUNTY BOARD OF COMMISSIONERS

Daniel Torrez
Chairman

Robert Windhorst
1st Vice Chairman

Martha Garcia
2nd Vice Chairman

Christine Lowery
Commissioner

Ralph Lucero
Commissioner

Special Commission Meeting

Thursday, January 30, 2020

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. Commissioner's Report

Each Commissioner will have the opportunity to report feedback to the community regarding the district they represent.

7. Public Comment

The Public has the opportunity to provide comment on any subject during the public comment period. Speaker's comments will be limited to three minutes unless the Board of County Commissioners requests more information. The time limit is given in an effort to allow public input but also to move the agenda forward in a prompt yet efficient manner.

8. Minutes

- a. Minutes from December 3rd, 2019 Special Commission Meeting Minutes
- b. Minutes from January 9th, 2020 Special Commission Meeting Minutes

9. Reports

- a. Manager Report-Kate Fletcher-County Manager
- b. Finance Report-Paul Ludi-Finance Director

10. Presentation

- a. Update on Economic Development Project at Milan Industrial Park-Ronny Pynes

11. Public Hearing

- a. Proposed Ordinance 20-01 Cibola County Environment and Safety Ordinance
- b. Proposed Ordinance 20-02 Regulating the Burial on Private Property

12. New Business – Action May Be Taken

- a. Consideration of Ordinances 20-01 Cibola County Environment and Safety Ordinance
- b. Consideration of Ordinances 20-02 Regulating the Burial on Private Property
- c. Consideration of Resolution 20-16 Budget Adjustment # 6
- d. Consideration of Resolution 20-17 Recognizing as First Responders 911 Public Safety Telecommunicators of the Cibola Regional Communications Center
- e. Consideration of Resolution 20-18 FY 20 Second Quarter Financial Report-Year Ending June 30th, 2020
- f. Consideration of Mt. Taylor Winter Quad Alcohol Permit Application
- g. Consideration of a Payroll Increase for all Road Department Employees

13. Executive Session

Pursuant to Section 10-15-1 (H) (2) & (7) the following matter 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:

Real Property

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

- Motion and Roll Call Vote To Return To Regular Session
- 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 New Mexico Statutes Section §10-15-1.

14. New Business – Action May Be Taken

- a. Direction to Staff Regarding CGHC and Medical Office Property

15. Announcements

The Next Commission Regular Commission Meeting will be February 27th, 2020 at 5:00p.m. in the Cibola County Commission Chambers. Cibola County Offices will be closed Monday, February 17th, 2020 in observation of Presidents Day Holiday.

16. 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 Administration Building, 700 East 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 document 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.



8a.

Minutes

12.03.2019

Special Commission
Meeting Minutes

**Cibola County Commission
Workshop and Special Meeting
Tuesday December 3rd, 2019**

The Cibola County Commission held a Workshop and Special Meeting on Tuesday December 3rd, 2019 at 3:00 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

1. CALL TO ORDER

Chairman Torrez called the meeting to Order at 3:00pm.

2. ROLL CALL

Chairman Torrez does roll call 4-1 Commissioners Garcia arrived at 3:01 pm.

3. Pledge of Allegiance Recited by all.

4. Prayer Commissioner Lowery led us in prayer.

5. Approval of Agenda

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

6. Minutes

a) **Minutes from November 14, 2019 Canvassing Special Commission Meeting Minutes**

b) **Minutes from November 14, 2019 Special Commission Meeting Minutes**

Motion to approve both Minutes from November 14, 2019 Canvassing Special Commission Meeting Minutes, and Minutes from November 14, 2019 Special Commission Meeting Minutes made by Commissioner Windhorst, Second made by Commissioner Torrez 5-0 Affirmative

7. Workshop:

- a) Commission Input and Direction on Forecasting
 - a. 5 Year
 - b. 10 Year

8. Action May Be Taken

- a. **Direction to Staff to Publish Title and General Summary of Ordinance 20-001 Environment and Safety Ordinance.**
- b. **Direction to Staff to Publish Title and General Summary of Ordinance 20-002 Burial on Private Property**

Motion to Approve both items a. Direction to Staff to Publish Title and General Summary of Ordinance 20-001 Environment and Safety Ordinance, and b. Direction to Staff to Publish Title and General Summary of Ordinance 20-002 Burial on Private Property made by Commissioner Windhorst, Second made by Commissioner Lowery 5-0 Affirmative.

- c. **Consideration of an Addendum to the Road Runner Public Health Ongoing Contract**

Motion to Approve Addendum to the Road Runner Public Health Ongoing Contract made by Commissioner Windhorst, second made by Commissioner Lucero 5-0 affirmative.

9. Executive Session

Pursuant to Section 10-15-1 (H) (2) & (7) the following matter 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 Lucero Second made by Commissioner Windhorst at 4:35 p.m. 5-0 Affirmative

Real Property

- a) **Cibola General Hospital and Medical Office Property- 1016 E. Roosevelt Ave and 1423 E. Roosevelt Ave. Grants, NM 87020**
- Motion and Roll Call to Return to Regular Session made by Commissioner Lowery, Second made by Commissioner Garcia 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 New Mexico Statutes Section §10-15-1, made by Commissioner Lowery, Second made by Commissioner Lucero 5-0 Affirmative.

10. 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.**
No Action Taken

11. Announcements

The Next Commission Meeting will be a Special Commission Meeting held on Thursday, January 9th, 2020 at 5:00 p.m. in the Cibola County Commission Chambers. Cibola County Offices will be Closed Tuesday, December 24th, 2019 and Wednesday, December 25th, 2019 for the Christmas Holidays. Cibola County Offices will also be closed Tuesday, December 31st, 2019 and Wednesday, January 1st, 2020 for New Year's Holidays.

12. Adjournment

Commissioner Torrez called to adjourn the meeting at 4:55 p.m.



8b.

Minutes

01.09.2020

Special Commission
Meeting Minutes

Cibola County Commission
Special Meeting
Thursday January 9th, 2020

The Cibola County Commission held a Regular Meeting on Thursday January 9th, 2020 at 5:00pm 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

Kate Fletcher, County Manager

Michelle Dominguez, County Clerk

Marisa Baca, Filing/Recording

CALL TO ORDER

Commissioner Torrez, called the meeting to Order at 5:03 pm.

ROLL CALL

Commissioner Torrez does roll. call-5-0

Pledge of Allegiance

Recited by all. Led by Lucero.

4. Prayer

Commissioner Garcia led prayer.

5. Approval of Agenda

Motion to approve the agenda made by Commissioner

Windhorst, second by Commissioner Lowery 5-0 affirmative.

6. Restructure of Commission

Resolution 20-01- Restructure of the Cibola County Commission.

Nomination and Election of Cibola County Commission Chairman.

Windhorst - I have been very pleased with Daniel Torrez leadership and how he keeps the meeting moving along. Being able to be available during the day, so I nominated

Daniel Torrez. Lucero 2nd the nomination.

Commissioner Garcia – yes

Commissioner Lowery – yes

Commissioner Lucero – yes

Commissioner Windhorst – yes

Commissioner Torrez – yes

Torrez nominated by Windhorst, 2nd by Lucero. 5-0

Nomination and Election of 1st Vice County Commission Chairman.

Lucero – I motion to retain Mr. Windhorst as 1st Vice Chairman. Torrez, I 2nd that motion.

Commissioner Garcia, how do you vote? Garcia - looks like we are just going to have the same people in office. Torres - How do you vote?

Commissioner Garcia - No
Commissioner Lowery – Yes
Commissioner Lucero – Yes
Commissioner Windhorst – Yes
Commissioner Torrez – Yes
Windhorst Motion by Lucero 2nd by Torrez. 4-1

Nomination and Election of 2nd Vice County Commission Chairman
Lucero – I nominate Martha Garcia as 2nd Vice Chairman, 2nd by Windhorst.
Commissioner Garcia – yes
Commissioner Lowery – yes
Commissioner Lucero – yes
Commissioner Windhorst – yes
Commissioner Torrez – yes
Garcia Nominated by Lucero 2nd by Windhorst. 5-0

7. Consent Agenda – Action Mat Be Taken

- a. Consent Agenda: Beginning of Year Resolutions
- b. Consideration of resolution 20-02 Delegation of Authority to County Manager
- c. Consideration of resolution 20-03 Bank Depositories
- d. Consideration of resolution 20-04 Inspection of Records
- e. Consideration of resolution 20-05 Open Meeting Act (OMA)
- f. Consideration of resolution 20-06 Public Participation at Cibola County Commission Meetings
- g. Consideration of resolution 20-07 Parliamentary Procedures & Robert's Rules of Order
- h. Consideration of resolution 20-08 Signature Authority on Checks

Kate - This a clean-up, special meeting every year we must approve a lot of resolutions that we do on a yearly basis, with today being that day. With consent A, B, C, D, E, F, G we can approve them unless you are wanting to have a discussion throughout. Go ahead Mr. Chairman start your consent. Torres – commissioner, have you looked over the packet are you fine with how we are moving along, who signing? Lowery – Could you review who is the current signature authority is? Torres the five for the signature, Kate this is the commission, so Five signatures. So, the Treasure has authority, Torrez - we have all of them in order, right Kathy? The five that I have seen, Kathy – yes we do I just did a new one yesterday with LGIP, the money we moved from the CD we had with TBK bank, we got the investment together to transfer the money it to LGIP, since it had matured and was closing. I sent the money to LGIP. I made a temple, for two other CDs that will be coming up, that one I had to redo yesterday, I will be forwarding the treasures offices ones that I have on there is Paul Ludi, Danny since you are Chairman, Wendy since she does the journal entry, also I have myself, I am not sure if you are aware that I no longer have a Chief Deputy, I do have an Administrative Assistant Nancy Jewell. I put her on there for information only, that way if I am out of the office and I need to know something is going to be coming up they will email me and email her just for information, the rest are signatures.

Torrez A-G Motioned by Lucero 2nd by Windhorst 5-0

i. Consent Agenda: CDBG Resolution Required to be Updated Yearly

- a. Consideration of Resolution 20-09 Establishing A Local Residential Anti-Displacement, and Relocation Assistance plan and Certification (Housing and Community Act, CDBG), with exhibit 1-R
- b. Consideration of resolution 20-10, Establishing A Citizen Participation Plan,
- c. Consideration of Resolution 20-11, Establishing A Section 3 Plan with Exhibit 1-T
- d. Consideration of Resolution 20-12, Includes Resolution, Fair Housing Proclamation, and Self-Assessment

Kate - thank you commissioner Lowery for bring them to my attention, those are really good question as to why we have these in place before the new year, CDBG is a grant that we can apply for, there are a lot of regulations that we have to pass before we can get in the running. Judy would you like to explain.

Judy - these are just boiler plate forms that we are required to fill out for CDBG. They are requirement that must be passed every year. One of the questions asked, was about fair housing and the form filled out. I doubled checked my answer given to Kate with Evan, Evan was in concurrence with what I had told Kate that we are not in an urban area, that it mostly targeted toward urban areas. We smaller communities answer those question to the best we can, we do not have HUD housing in the area to answer those questions, or as you asked for to get those numbers because we are in such a small community.

Kate - These are resolutions we recommend passing, we are not going to be applying this year but that may change, we would like these resolutions to pass so we can move forward with the applications process.

Judy - even if we don't apply for CDBG construction funding, if we were in pinch and needing a planning grant, as you may know, we have a comprehensive plan expiring at the end of January, in order to do any other planning grants we would have to do a comprehensive plan again. Passing these resolution leaves, us open to be able to apply.

Torres 7. A-B Motioned by Windhorst 2nd by Torrez 5-0

j. Consent Agenda: DWI Resolution, M.O.U. and Statement of Assurances Required for DFALDWI FY 21 Grant Application

Kate- Thank you chairman, this is another one to review, DFA is the one that audit the DWI money, everything, they have to go through the recordings, they are auditors for that, so they are the ones that keep that in control. We need these to be able to continue with the program to continue working with DFA. So, I do recommend you pass these, thank you.

- a. Consideration of resolution 20-13 Authorizing Cibola County to Submit FY21 DWI Grant Application/Distribution Program and Delegating Authority to Cibola County Chairperson.

b. Statement of Assurance

c. Memorandum for Understanding Between County of Cibola DWI Program and NM Department of Finance.

Windhorst C. A-C Motioned by Windhorst 2nd by Lucero 5-0

k. Consideration of Resolution 20-14 Authorizing and Approving Submission of Completed application for Financial Assistance and Project Approval to NMFA

Kate - Thank you Mr. Chairman, some back history, the sheriff is needing radios, I'm sure you all have heard. Unfortunate he did not budget for that. So with that we have had a meeting and have discussed options and we have found options, I have asked Paul what we could do to use our LEPF funding, and to get a loan from NMFA, that is working, Paul has done that. I do want to let you know that there is good news with this, they do request our audit, I have received the okay to print yesterday on Monday, so that means the auditor are happy with it, unfortunately we cannot release it for five days, we are move along. With this perfect timing, I will not have to beg to much at NMFA because it will all be there.

Paul – The LEPF, Law Enforcement Protection Fund, A distribution thru the state, the Sherriff's Department get it every year when they apply, which they did this year. There is a base of \$20,000.00 dollars and then an additional \$600.00 for ever certified officer which can be verified thru the department of public safety registry, this current year we have received \$29,000.00 for LEPF funding. Planning wise, we are going to be on our fourth budget adjustment for LEPF budget, relining the budget would be a great application for using the LEPF funding. It will e a five-year loan for \$100,000.00 with an interest of .1%. I have put the schedule in your packets to show we would only be paying \$300.00 in interest over the five years. On top of that it will come right off the top of the distribution, NMFA work with DFA who does the distribution. It will be \$20,000.00 yearly to be payed for this grant. That is about the useful life on the radios, about five years we are thinking. We are thinking this would be a great way to spend this LEPF funds.

Kate -When talking about this managing and planning, and how there are options. We need to know about them, this is a good lesson for all of us. There are option out there, and it does matter about our audit and budget. Making sure we do not exceed. It does matter that we know what revenues we can use for certain things. Example, We do have to go, and if you approve this myself, and hopefully the Sherriff and Paul, will be able will have to go to NMFA, we will have to give a good argument on why we need this funding.

Paul last time we went for the fire station in Bluewater. We got grilled really bad, we had 19 audit findings. This new audit, like Kate has said is coming out which we can't talk about just yet, but we are happy that it will be available for us when we go to NMFA, we will have less explaining to do. So, they will be taking 20,000.00 off the top of the distribution, if we keep the same number of officers the sheriff will be get \$9,000.00 a year to spend from the LEPF.

Kate – it will not be coming from the general funds.

Lowery – With planning and if in five years we will need to purchase another set of radios what will be the plan then? Will that be a part of his budget?

Paul – What my plan is this year, is to get us on a national standard of budget reporting, I have given you a budget books, now with that I will be discussing with every department. A three-year plan or five-year plan, there mission, the vision, and their priorities in place. Example, I just heard from IT not the Sherriff that the Sherriff will be needing new laptops, this is something that I will be discussing with them for their budget.

Kate - We must keep trying, to keep helping/directing. It is a lot of trial and error,

Paul - we have to be consistent. A big part of planning is up to the departments. They are the ones that know that they are needing. We don't know what they are needing, so commutation is key, with us starting early this year with the budget. Trying to get a long-term plan, hoping that will address these issues.

Kate – No department has exceeded their budget as of now, which is very good, and we are already half ways thru the year.

Torres – Does the Sherriff communicate with you? Kate – No. Paul - not about the laptops. I just found that out thru IT.

Lucero – Milan got new computers this year, I don't know if they went thru Mr. Garcia or Mr. Alcon or someone else, got them the money for the computers and all the updated equipment for the police cars. Is there a way we can go approach it that route?

Kate - This is the capital budget, so this is the planning with ICIP. It really would not be fair we already have priorities on that list, the Sherriff has the opportunity to put his request on the ICIP list which he does have, we then prioritize, list, and then vote on the request. Which as you know we have a very bad road. That we are needing to move the Sheriff's department out of the detention area. For the future, absolutely that is another avenue, there are avenues everywhere.

Judy – then there is strategic planning as well, we have done the first part of strategic planning, we can now weed out more of the funding & avenues we can take in the next five to ten years of strategic planning.

Lucero – My concern is that anytime we have law enforcement out there they should be priority, especially when they are out there in the middle of nowhere all by themselves. I think that should one of our priorities this year.

Paul – that is one of the difficulties the Sherriff did not come participate in his budget preparation this year, that is what I am looking to do, trying to build, trying to be there to build on.

Kate – we need to know about the computer so we could put them on the budget. I am going to try to get it on the loan.

Paul – if there is priority on the budget preparation, if there is a disagreement between management and the departments we can try to hash it out before we come to governing bodies, but there is always the opportunity for the commissioners to vote.

Lucero - if the Sherriff does not come in and participate, doesn't want to do his job, we cannot place those officers in danger, just because he does not want to come in or have anything to do with this body, and request for stuff, it is not the officers fault, it is his fault.

Paul – we are projecting to have a lot of growth this year. We have started to see property taxes come in, now at the projection of 3.6 million this first half of the year. Are gross receipt are coming in strong. My recommendation to you above our current reserve requirements is to maintain a balance of three million dollar cash balance at the end of the

fiscal year to start with, that give us the operational expenses in case anything happens, so we do not have to get into our reserve.

Torrez – are we still on track for what we calculated for the end of the year?

Kate – Yes, we are, actually we are doing better. The numbers that we got; we are doing very well. I am listening to you and understand you. I feel that if we work together and try to communicate better, being there for the departments and we are here for them. Lucero, I don't see that we are not, we have reached out to him, and he just slaps it away.

Garcia – you have an application here for communications, radio equipment and the amount listed is that what we will need? Is the staff here the ones filling it out, without the confirmation on how many are needed?

Paul – no we have received the quote from the Sherriff Department, from Deanna, we have a accurate description for what is needed, and what the loan is based on.

Garcia – so what we see here is what they need. Paul- per the request of the department, it is not decided by us.

Motioned by Windhorst 2nd by Torrez 5-0

I. Consideration of appointment of County Member to the New Mexico Counties Board for Multiline Pool Voting Representatives and Alternates.

Kate- e and f are the board for multiline and workman's compensation, last year the board decided to merge, so that it is one. Last year you appointed me as the representative and commissioner Lowery as the alternate. We have a meeting in legislature session in a week, I am needing to know when to leave for the board which is separate from the representative. I have put my letter of interest in, since they are voting now for new board members, they are starting fresh now that they have merged. This is the request for you to appoint myself or who ever you would like to be the multiline/workman's compensation representative, this happens once a year.

Motioned b Garcia 2nd by Lucero to keep the same as last year. Kate representative/Lowery alternate. 5-0 for E.&F.

a. Annual Meeting Wednesday, January 16th, 2020 8:00 am

b. Eldorado Hotel, Santa Fe, NM

m. Consideration of Appointment of County Member to the New Mexico Counties Board for Worker's Compensation Voting Representatives an Alternates

a. Special Meeting Wednesday, January 16th, 2020 8:00 am

b. Eldorado Hotel, Santa Fe, NM

n. Consent Agenda: FY 2021 Grants EMS Fund Act Application

a. Superior Ambulance

b. Pine Hill EMS

c. Laguna EMS

d. Cubero EMS

Paul – what is happening here is each of our EMS companies are applying on behalf of their own station with the state. The money is not coming from our general funding. This is based on criteria from each EMS station, which they must put in the application. Depending on the funding available for these fire department. Thus, the different amounts for each EMS. This is state funding I recommend approving this.

Kate- The more revenue funds we have the less general fund we use. We did summarize a letter stating how much they are requesting and what they are using it for. All EMS are great to work with they do keep up their budget and make sure they are correct and that they are not miss using the funds.

Paul - a correction, the Cubero EMS they are applying for \$3,000.00 which is split \$1,000.00 for training and \$2,000.00 for supplies.

Lucero – what consists of supplies?

Kate – Medical supplies the sheet, bandages, the red duffle bags that they care everything in. those are all considered supplies.

Motioned by Lucero 2nd by Lowery 5-0

o. Consideration of Resolution 20-15 Opposing Placing Private Prison Legislation on the Governor's Call for the 2020 legislative session.

Kate – I have sent you all the email of the resolutions. I want to say thank you to representative Garcia, he has been a tremendous help with this the last couple of days. Other counties have put the same resolution in front of the commission, I know that Socorro has, and it has passed to oppose it. With that, the biggest thing here is that we work with a private prison. We contract with a private prison. US Marshalls and ICE contract with us because we are the flow thru, we are the local government. Federal and us ICE contract with us which we then contract with Corecivic. I know that representative Garcia may want to say something on this right now, thank you representative Garcia for wanting to add something.

Representative Garcia – thank you commissioners and manger for letting me speak on this. I spoke to Angelica Munoz on this bill. About what is happen in our community that we where not made aware of this, I asked her to reconsider because of it having such a big effect on our community, at the end of our conversation she told me she would be willing to not present the bill this year, but she would preset it next year. Kate, she said we would also have a meeting.

Garcia Yes, we will have a meeting with her. That gives us a year to work with the new board. She thinks she may not even have the votes required to pass the bill, but we do not know that, we can not assume that she does or doesn't have the votes to do so.

Kate – I think with this resolution and all the other resolution that will be going across the desk, that they will see we are serious, that we are concerned. That we will be losing employment. There will be 516 employees that work at Coercive, if this bill would go through Corecivc would not stay here, because they would not be able to house ICE detainee here which is the biggest contract with have with Corecivic not ICE, federal can not have a contract with a private entity which is why they go through us since we are the flow through. I know you have read it but that is the main part of it. With the help from Garcia, Alcon, and I know

Sanchez has seen this. We must do our homework, sometimes we must yell and talk about things or they will just slip by.

Garcia - at the end of the conversation she told me she would be calling me back today to re affirm that she would not be presenting this bill this year. This is a budget year, this will have to go in front of the governor which she may not have time, or where it will be on this. But we will be talking with her on this. This was brought up due to how the immigrants are treated, how they are split from their families which that is not the case. That is just media.

Lucero - From what I have heard about this issue is that there is a big prison down in Hobbs, which is nothing but federal inmates. And the way they are held is cruel from what I am understanding. The only thing that I see and liked in this was that they are giving over site to the state for these private prisons, that the attorney general could walk in there and check the prisons. That is the only one good idea on this, because we can not lose anymore jobs. We got the word today that tri-state will be done by December of this year.

Motioned by Garcia 2nd by Lowery 5-0

8. Executive Session

Pursuant to Section 10-12 (H) (2) & (7) the following matter 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: motioned by Lucero 2nd by Windhorst 5-0 at 5:48pm

Real Property

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

Motion to come out of Executive session by Windhorst 2nd by Lowery 4-0

closed session New Mexico State Statute Section 10-15-1

So moved by Torrez 2nd Windhorst 4-0

9. New Business – Action May Be Taken

- a. Direction to Staff Regarding CGHC and Medical Office Property
Torrez - No action was taken.

10. Announcements

a. The Next Commission Meeting will have to be a Special Commission Meeting. Held on January 30th, 2020 at 5:00pm in the Cibola County Commission Chamber Room 700 E. Roosevelt Ave, Suite 50

b. Cibola county office will be closed on January 20th, 2020 in observation of Martin Luther King Jr. Day.

10. Adjournment 7:26pm



9a.

Reports

Manager Report

No Documentation Currently



9b.

Reports

Finance Report



Cibola County Commission Meeting

Daniel Torrez, Chairman

Robert Windhorst, 1st Vice-Chair

Martha Garcia, 2nd Vice Chair

Christine Lowery, Commissioner

Ralph Lucero, Commissioner

Kate Fletcher, County Manager

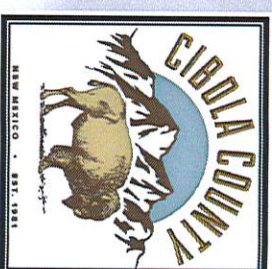
January 30, 2020



[illegible]

Finance Report

As of
December 31, 2019



Cibola County Updates

- DFA reporting month for 2nd quarter
- Secured NMFA loan for \$100,000 for Sheriff Radios
- Reconciled to the bank through December
- Bond Rating Re-establishment commences
- New Fund Needed – Census Bureau



Outside Agency Update – 2nd Qtr Report

- USDA
 - No financial reports
 - No supporting documentation
 - New Wildlife Specialist
 - 50% through budget
- Rockin' 66 Express
 - Internal Actual YTD expenses at end of 2nd qtr are not reconciled to supporting financial reports. We are currently looking into getting reports reconciled.
 - Outcomes and Progress have been submitted in the supporting documents.
 - Budget expended at 34% for state fiscal year
- Recycle Cibola
 - Year to Date actuals = \$1,910.23. Bank statements reconcile to what is reported.
 - Supporting documentation agrees with outcomes listed on this report
 - 47.5% of budget spent at 2nd quarter
- NMSU Extension
 - Financial Report - Spreadsheet sent with financial data
 - Supporting documentation with outcomes listed attached to this report
 - 47 % of budget expended at end of 2nd quarter.
- EDF
 - No submission at time of completion of this presentation



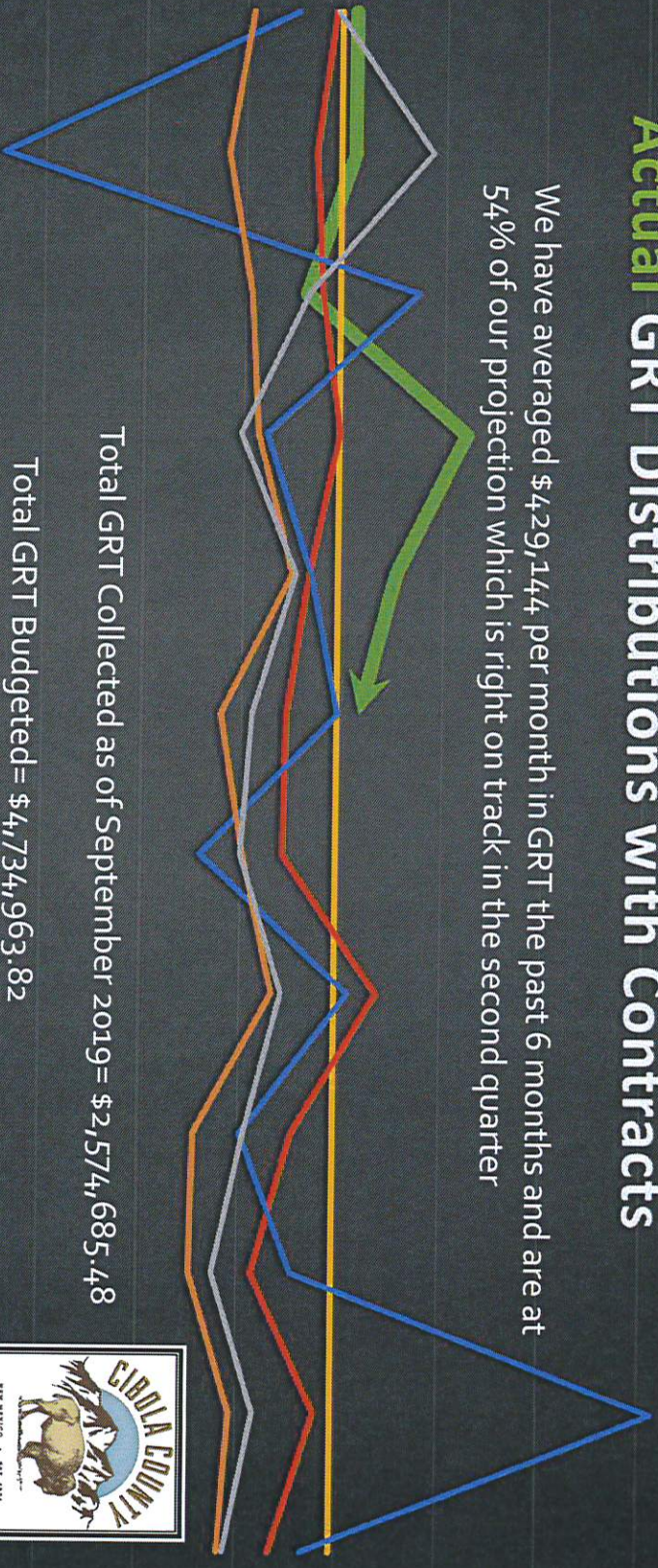


General Fund Budgets	YTD Adjusted Budget	YTD thru December 31	Percent of Budget Expended
Budgeted Revenues	\$8,212,286	\$2,825,316	34.4%
Transfers Out	\$2,641,450	\$1,426,200	54.0%
Transfers In	\$1,764,252	\$0	0.0%
Commissioner's Budget	\$776,570	\$375,338	48.3%
Probate Judge	\$34,340	\$16,108	46.9%
Bureau of Elections	\$339,625	\$97,564	28.7%
Manager's Budget	\$880,368	\$384,366	43.7%
Clerk's Budget	\$265,265	\$137,554	51.9%
Treasurer's Budget	\$372,934	\$123,349	33.1%
Assessor's Budget	\$516,466	\$252,807	48.9%
IT Data Processing	\$297,845	\$128,182	43.0%
Rural Address	\$269,762	\$54,205	20.1%
Sheriff's Budget	\$1,882,404	\$904,554	48.1%
Sanitation	\$164,000	\$113,886	69.4%
Vector Control	\$50,000	\$49,838	99.7%
Maintenance	\$474,115	\$178,148	37.6%
TOTAL EXPENDITURES=	\$6,323,694	\$2,815,898	44.5%

\$800,000
\$700,000
\$600,000
\$500,000
\$400,000
\$300,000
\$200,000
\$100,000
\$-

FY 16, 17, 18, 19 Actuals, FY 20 Projection & FY20 Actual GRT Distributions with Contracts

We have averaged \$429,144 per month in GRT the past 6 months and are at 54% of our projection which is right on track in the second quarter



Total GRT Collected as of September 2019= \$2,574,685.48

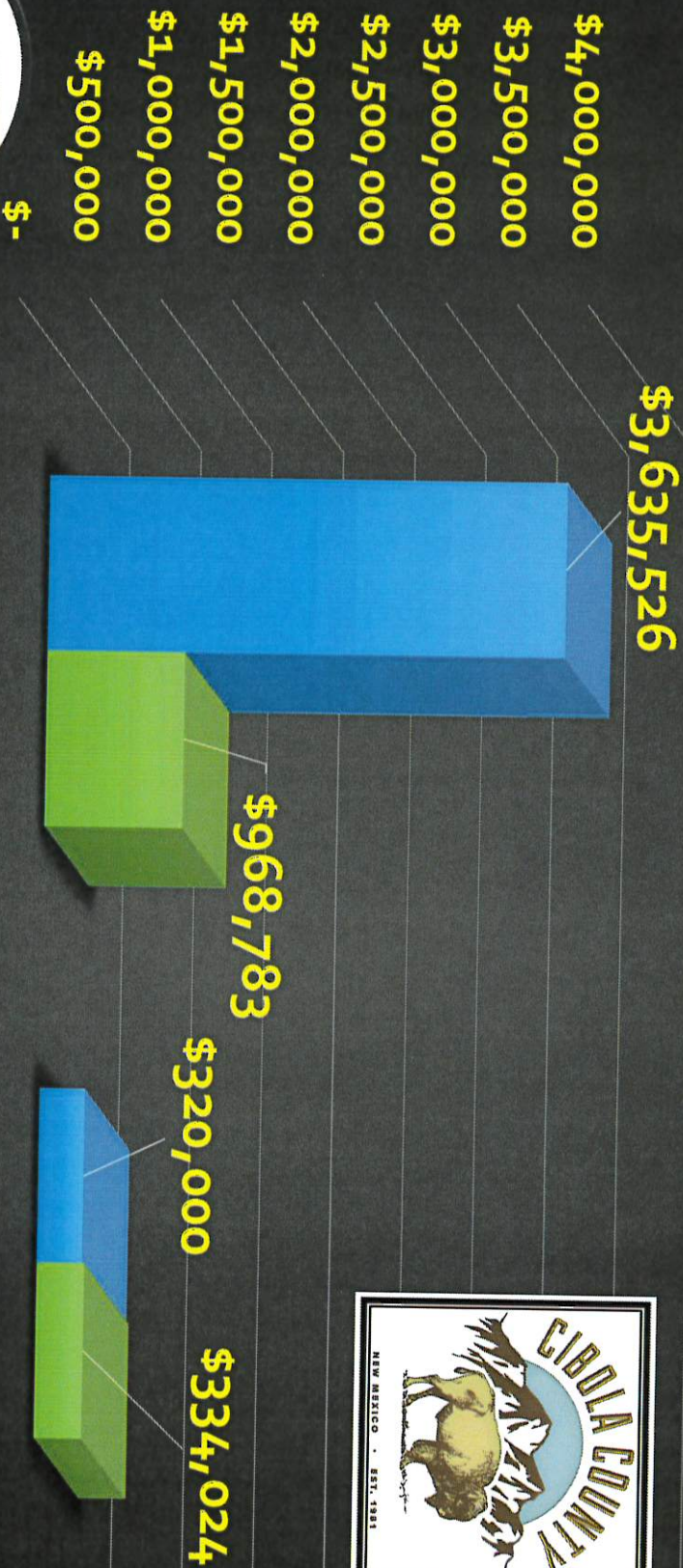
Total GRT Budgeted= \$4,734,963.82



	July	August	September	October	November	December	January	February	March	April	May	June
2020 YTD Actuals	\$409,931	\$409,719	\$362,588	\$522,200	\$452,945	\$417,303						
2020 Projected Budget	\$394,580	\$394,580	\$394,580	\$394,580	\$394,580	\$394,580	\$394,580	\$394,580	\$394,580	\$394,580	\$394,580	\$394,580
2019	\$388,766	\$370,384	\$377,648	\$395,792	\$366,307	\$344,509	\$341,921	\$436,280	\$353,013	\$314,669	\$378,007	\$334,204
2018	\$351,471	\$59,592	\$473,499	\$322,958	\$368,668	\$395,464	\$259,314	\$408,493	\$302,317	\$354,221	\$713,772	\$366,412
2017	\$306,500	\$282,632	\$306,500	\$314,399	\$349,336	\$279,518	\$301,963	\$332,692	\$255,527	\$253,096	\$293,126	\$283,063
2016	\$391,049	\$486,710	\$365,038	\$297,393	\$353,438	\$310,143	\$300,407	\$341,482	\$306,133	\$275,116	\$317,330	\$288,542



Property Taxes Collected as of December 31st



- Current Taxes
- Delinquent Taxes
- 2020 Budget ■ Dec. 31, 2019 Actuals



2nd Quarter Report as of December 31, 2019 YTD without BAR's



Active Funds	Investments	Beginning Cash as of July 1, 2019	Revenues	Transfers	Expenditures	Ending Cash Balance as of December 31, 2019
101 - INVESTMENT FUND	\$5,157,900.45	\$0.00	\$78,283.11	\$0.00	\$0.00	\$5,236,183.56
401 - GENERAL FUND	\$0.00	\$3,941,666.29	\$2,834,603.49	(\$1,426,200.00)	(\$2,815,150.00)	\$2,534,919.78
402 - ROAD	\$0.00	\$1,662,232.81	\$476,084.75	\$0.00	(\$2,054,578.44)	\$83,739.12
403 - FARM & RANGE	\$0.00	\$0.00	\$10,100.81	\$0.00	(\$6,309.64)	\$3,791.17
406 - INDIGENT	\$0.00	\$119,180.26	\$266,038.71	\$0.00	(\$532,926.07)	(\$147,707.10)
407 - SAN RAFAEL VFD	\$0.00	\$79,178.23	\$35,757.20	\$7,000.00	(\$13,232.53)	\$108,707.90
408 - BLUEWATER VFD	\$0.00	\$183,878.68	\$52,541.60	(\$17,994.00)	(\$10,680.83)	\$207,745.45
409 - LOBO CANYON VFD	\$0.00	\$115,071.22	\$35,787.61	\$4,096.00	(\$5,063.40)	\$148,891.43
413 - LAGUNA EMS	\$0.00	\$1,438.26	\$12,818.00	\$0.00	(\$1,250.39)	\$13,005.87
415 - PINEHILL EMS	\$0.00	\$417.01	\$22,647.20	\$0.00	\$0.00	\$11,241.01
416 - FENCE LAKE VFD	\$0.00	\$157,521.98	\$22,647.20	\$7,000.00	(\$5,351.50)	\$181,817.68
418 - CANDY KITCHEN VFD	\$0.00	\$48,722.36	\$54,182.40	(\$37,652.00)	(\$12,567.89)	\$52,684.87
419 - LAGUNA VFD	\$0.00	\$198,945.45	\$113,827.20	\$0.00	(\$3,912.41)	\$308,800.24
424 - CUBERO VFD	\$0.00	\$106,058.07	\$42,123.00	(\$6,589.00)	(\$4,526.21)	\$137,065.86
425 - CUBERO EMS	\$0.00	\$980.51	\$0.00	\$0.00	\$0.00	\$980.51
427 - EL MORRO VFD	\$0.00	\$49,564.28	\$22,647.20	\$7,000.00	(\$17,443.91)	\$61,767.57
428 - SUPERIOR AMBULANCE	\$0.00	\$75.03	\$3,248.00	\$0.00	\$0.00	\$3,323.03
435 - CONSOLIDATED DISPATCH	\$0.00	\$61.13	\$465,958.59	\$75,000.00	(\$445,058.10)	\$95,961.62
438 - DMI GRANT	\$0.00	\$0.00	\$12,748.44	\$3,000.00	(\$8,132.00)	\$7,556.44
439 - DMI DISTRIBUTION	\$0.00	\$106,100.00	\$131,415.00	(\$3,000.00)	(\$128,602.31)	\$105,912.69
440 - CDMV GRANT	\$0.00	\$0.00	\$0.00	\$200.00	(\$191.00)	\$9.00
475 - COUNTY FIRE PROTECTION	\$0.00	\$580,739.16	\$105,644.31	(\$42,000.00)	(\$3,258.05)	\$641,125.42
500 - CLERK RECORDING/FILING	\$0.00	\$82,033.76	\$19,185.00	\$0.00	(\$30,181.71)	\$71,037.05
504 - IGAS-PASS THRU	\$233,981.67	\$0.00	\$7,576,862.29	\$0.00	(\$6,436,597.50)	\$1,314,246.46
569 - 2014A BOND INCOME FUND	\$0.00	\$0.00	\$470,498.09	\$0.00	(\$21,660.39)	\$448,837.70
570 - 2014B BOND INCOME FUND	\$0.00	\$0.00	\$1,093,568.97	\$0.00	(\$241,535.31)	\$852,033.66
575 - NMFA LOANS	\$628,294.98	\$0.00	\$7,591.82	\$79,139.00	(\$8,705.32)	\$706,320.48
604 - FIRE MARSHAL	\$0.00	\$52,437.31	\$47,574.82	\$0.00	(\$43,133.30)	\$56,878.83
605 - LAW ENFORCEMENT PROTECTION	\$0.00	\$13,616.46	\$29,000.00	\$0.00	(\$31,416.26)	\$11,200.20
611 - FOREST SERVICE GRANT	\$0.00	\$12,390.42	\$91,148.92	\$0.00	\$0.00	\$103,539.34
612 - NEW MEXICO CLEAN & BEAUTIFUL	\$0.00	\$0.00	\$1,440.00	\$0.00	(\$216.50)	\$1,223.50
614 - DETENTION CENTER	\$0.00	\$0.00	\$433,652.55	\$1,300,000.00	(\$1,272,223.10)	\$461,429.85
615 - COMPLIANCE PROGRAM	\$0.00	\$0.00	\$1,551.00	\$0.00	(\$735.65)	\$815.35
620 - 1% REAPPRAISAL FUND	\$0.00	\$363,892.81	\$1,457.73	\$0.00	(\$21,870.72)	\$343,479.82
651 - CAPITAL OUTLAY PROJECTS	\$0.00	\$26,404.00	\$196,907.22	\$51,000.00	(\$186,907.72)	\$77,404.00
TOTALS=	\$6,020,177.10	\$7,902,605.49	\$14,757,719.93	\$0.00	(\$14,374,538.16)	\$8,285,787.26



Action Item
Needs Approval

Resolution #20-16A Schedule A

TYPE OF BAR LOCAL (L) OR STATE (S)	COUNTY DEPARTMENT	REVENUE EXPENDITURE (TO or FROM)	DFA ACCOUNT #	CIBOLA COUNTY ACCOUNT#	DESCRIPTION OF ACCOUNT	APPROVED BUDGET	ADJUSTMENT	ADJUSTED BUDGET	PURPOSE
L	LEPF	Expenditure		605-035-455-00248	Uniforms	\$19,250.00	(\$1,058.42)	\$18,191.58	Realign Budget Authority Within Budget
L	LEPF	Expenditure		605-035-455-00092	Safety Equip	\$7,941.87	(\$4,000.00)	\$3,941.87	Realign Budget Authority Within Budget
L	LEPF	Expenditure		605-035-455-00038	Prot. Clothing / Equip.	\$3,752.93	\$5,058.42	\$8,811.35	Realign Budget Authority Within Budget
L	Sheriff GF	Expenditure		401-005-408-00010	Milage & Per Diem	\$10,000.00	(\$4,502.40)	\$5,497.60	Realign Budget Authority Within Budget
L	Sheriff GF	Expenditure		401-005-408-00325	Trens & Extnrd of Prisoners	\$5,000.00	\$7,002.40	\$12,002.40	Realign Budget Authority Within Budget
L	Sheriff GF	Expenditure		401-005-408-00065	Group Ins.	\$283,400.00	(\$20,000.00)	\$263,400.00	Realign Budget Authority Within Budget
L	Sheriff GF	Expenditure		401-005-408-00011	Vehicle Expense	\$1,000.00	\$15,000.00	\$16,000.00	Realign Budget Authority Within Budget
L	Sheriff GF	Expenditure		401-005-408-00014	Record Books	\$12,000.00	(\$1,000.00)	\$11,000.00	Realign Budget Authority Within Budget
L	Sheriff GF	Expenditure		401-005-408-00098	Training & Staff Dev.	\$18,572.64	(\$4,000.00)	\$14,572.64	Realign Budget Authority Within Budget
L	El Micro VFD	Expenditure		427-018-464-00010	Milage & Per Diem	\$2,000.00	\$7,500.00	\$9,500.00	Realign Budget Authority Within Budget
L	El Micro VFD	Expenditure		427-018-464-00023	Uniforms	\$7,000.00	(\$1,000.00)	\$6,000.00	Realign Budget Authority Within Budget
L	Fire Marshal	Expenditure		604-018-461-00082	Repair to Building	\$25,000.00	(\$15,000.00)	\$10,000.00	Realign Budget Authority Within Budget
L	Fire Marshal	Expenditure		604-018-461-00069	Safety Equipment	\$3,000.00	\$500.00	\$3,500.00	Realign Budget Authority Within Budget
L	Fire Marshal	Expenditure		604-018-461-00013	Rental of Equip.	\$2,901.00	\$6,000.00	\$8,901.00	Realign Budget Authority Within Budget
L	Fire Marshal	Expenditure		604-018-461-00012	Equip. Maint. & Repair	\$12,000.00	\$1,500.00	\$13,500.00	Realign Budget Authority Within Budget
L	Laguna FD	Expenditure		419-018-430-00028	Contractual Services	\$280,000.00	(\$99,000.00)	\$181,000.00	Realign Budget Authority Within Budget
L	Laguna FD	Expenditure		419-018-430-00098	Capital Outly	\$0.00	\$4,000.00	\$4,000.00	Purchase Radio Equipment & Replace Fencing around Station 3
L	Sanitation	Expenditure		401-006-411-00153	Training	\$60,000.00	\$65,000.00	\$125,000.00	Purchase Radio Equipment & Replace Fencing around Station 4
L	Sanitation	Expenditure		401-006-411-00124	Special Fees	\$91,000.00	(\$270.00)	\$90,730.00	Realign Budget Authority to contract
L	Maintenance	Expenditure		401-010-403-00023	Contractual Services	\$35,000.00	(\$19,866.39)	\$15,133.61	Realign Budget Authority to cover contract to spray weeds and cover
L	Maintenance	Expenditure		401-010-403-00012	Repair to Buildings	\$120,000.00	(\$6,000.00)	\$114,000.00	Realign Budget Authority to cover contract to spray weeds and cover
L	Maintenance	Expenditure		401-010-403-00124	Equip. Maint. & Repair	\$0.00	\$20,323.00	\$20,323.00	Realign Budget Authority to cover contract to spray weeds and cover
L	Maintenance	Expenditure		401-010-403-00024	Contractual Services	\$10,000.00	\$5,543.39	\$15,543.39	Realign Budget Authority to cover contract to spray weeds and cover
L	Clean & Beautiful	Expenditure		612-045-456-00740	Grounds Maint. & Improvements	\$2,880.00	(\$2,880.00)	\$0.00	Realign budget to new descriptive accounts
L	Clean & Beautiful	Expenditure		612-045-456-00200	Operating Costs	\$0.00	\$1,152.00	\$1,152.00	Realign budget to new descriptive accounts
L	Clean & Beautiful	Expenditure		612-045-456-00201	Plants, Shrubs, Trees, Flowera	\$0.00	\$704.00	\$704.00	Realign budget to new descriptive accounts
L	Clean & Beautiful	Expenditure		612-045-456-00202	Anti Litter Campaign	\$0.00	\$1,024.00	\$1,024.00	Realign budget to new descriptive accounts
S	Census	Expenditure		610-045-456-00010	Subcontracts	\$0.00	\$3,000.32	\$3,000.32	Realign budget to new descriptive accounts
S	Census	Expenditure		610-045-456-00064	Milage & Per Diem	\$0.00	\$11,500.00	\$11,500.00	New Fund - Accounts for Census Grant
S	Census	Expenditure		610-045-456-00066	Media	\$0.00	\$17,600.00	\$17,600.00	New Fund - Accounts for Census Grant
S	Census	Expenditure		610-045-456-00068	Printing	\$0.00	\$12,200.00	\$12,200.00	New Fund - Accounts for Census Grant
S	Census	Revenue		610-045-405-53600	Census Bureau Grant	\$0.00	\$44,300.32	\$44,300.32	New Fund - Accounts for Census Grant
S	Bureau of Elections	Expenditure		401-003-405-00006	Postage	\$14,000.00	\$15,000.00	\$29,000.00	Unforeseen Election costs with postage
L	San Rafael	Expenditure		407-018-421-00082	Safety Equipment	\$38,067.00	(\$7,000.00)	\$31,067.00	Realign budget authority to spend budget approved Fire Chief distribution of 114% fire GRT to VFDs
L	San Rafael	Expenditure		407-018-421-00038	1/4 % Fire Protection Fund	\$0.00	\$7,000.00	\$7,000.00	Realign budget authority to spend budget approved Fire Chief distribution of 114% fire GRT to VFDs
S	DWI	Expenditure		433-060-489-00014	Enforcement Overtime	\$53,160.00	(\$2,500.00)	\$50,660.00	Cover Overtime incurred for DWI operations
S	General Fund	Expenditure		433-060-489-00505	CSSO Overtime	\$0.00	\$2,500.00	\$2,500.00	Cover Overtime incurred for DWI operations
S	General Fund	Expenditure		401-011-489-0906	Transfer In	\$0.00	(\$146,000.00)	(\$146,000.00)	Cover Deficit
S	Indigent	Expenditure		406-055-489-40109	Milage & Per Diem	\$0.00	\$146,000.00	\$146,000.00	Cover Deficit
S	Candy Kitchen VFD	Expenditure		418-018-429-00026	Equip. Maint. & Repair	\$900.00	\$460.00	\$950.00	Realign Budget Authority Within Budget
S	Candy Kitchen VFD	Expenditure		418-018-429-00012	Equip. Maint. & Repair	\$1,500.00	\$14,000.02	\$15,500.02	Increase to do additional repairs
S	Candy Kitchen VFD	Expenditure		418-018-429-00023	Repair to Building	\$1,500.00	\$7,000.00	\$8,500.00	Realign Budget Authority & Increase
S	Candy Kitchen VFD	Expenditure		418-018-429-00025	Utilities	\$10,000.00	\$7,510.00	\$17,510.00	Realign Budget Authority & Increase



X.

**Reports not
Presented**

Road Dept.

Cibola County Road Dept.

700 E. Roosevelt Suite 50

Grants NM 87020

505-285-2570 Phone 505-285 3656 Fax



Wednesday, January 15, 2020

To: Kate Fletcher - County Manager

Fr: Gary Porter - Public Works Director

Re: Monthly Report: 12/01/19 - 12/31/19 (December)

Regular Maintenance

Blade & Shape

<u><i>Road</i></u>	<u><i>Description</i></u>	<u><i>Miles</i></u>
<i>C6</i>	<i>Seboyeta-Bibo Roads</i>	<i>2.834</i>
<i>C63</i>	<i>Anaconda Road</i>	<i>3.931</i>
<i>C48A</i>	<i>Timberlake Road</i>	<i>10.000</i>
<i>C1</i>	<i>Marquez Road</i>	<i>12.000</i>
<i>C29A</i>	<i>Old Bluewater Lake Road</i>	<i>1.700</i>
<i>C40</i>	<i>Woodard Ranch Road</i>	<i>1.875</i>
<i>C35A</i>	<i>Moreno Hill Road</i>	<i>5.000</i>
<i>C49</i>	<i>Zuni Canyon Road</i>	<i>6.000</i>
<i>C33</i>	<i>Candy Kitchen Road</i>	<i>5.000</i>
<i>C29</i>	<i>Plano Colorado</i>	<i>1.000</i>
<i>Total Miles</i>		<i>49.340</i>

Special Projects

<i>C9</i>	<i>Water Canyon Rd. - Install and clean culverts.</i>
<i>C20</i>	<i>San Mateo - Patching, shoulder work.</i>
<i>C28</i>	<i>Bluewater Village - Transport old fire trucks to Mt. Road.</i>
<i>C17A</i>	<i>La Mosca Tank Rd.- Patching</i>
<i>C58</i>	<i>San Rafael - Patching, trim trees.</i>
<i>C17A</i>	<i>Mt. Taylor Addition (Frontage) - Add material and blade and shape.</i>
<i>C23</i>	<i>Ralph Card Rd. - Sweep, cut trees.</i>

C25B *Roberts Rd. - Sweep.*
C30 *Bluewater South - Shoulder work.*
 Training on new blades with Wagner.

Snow Removal

C18 *Horace Mesa.*
C18A *Lobo Creek Rd.*
C18B *La Jara Mesa.*
C19A *Cantina Homesites Rd.*
C19B *La Mosca Tank Rd.*
C59 *Dwight Small Rd.*
C7 *Cubero Loop.*
C14 *San Fidel.*
C49 *Zuni Canyon Rd.*
C15 *Rinconada Rd.*
C13 *San Jose Loop*
C48A *Timberlake Rd.*
C20 *San Mateo.*
C30 *Bluewater South.*



10a.

Presentation

Economic Development Project Update

Milan Industrial Park-Ronny Pynes



11a.

Public Hearing

Ordinance 20-001

Environment and Safety Ordinance



**CIBOLA COUNTY
ORDINANCE 2020-01**

**COMPREHENSIVE ENVIRONMENT AND SAFETY ORDINANCE
PROSCRIBING CERTAIN ENVIRONMENTAL HAZARDS AND NUISANCES BY
CHAPTER AND PRESCRIBING PENALTIES AND ABATEMENT**

WHEREAS, NMSA 1978, Section 3-18-1 (1972) provides that municipalities, and also counties pursuant to NMSA 1978, Section 4-37-1 (1995), have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

WHEREAS, Section 4-37-1 et seq. NMSA 1978 provides that counties may adopt ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants; and,

WHEREAS, the Cibola County Board of Commissioners has determined that the health, safety and general welfare of the residents of Cibola County would best be served by the adoption of this Ordinance.

NOW THEREFORE BE IT ORDAINED that the Cibola County Board of Commissioners does hereby establish this Comprehensive Environment and Safety Code consisting of relevant Chapters that may be subsequently added, deleted, or amended by following the process of passing an Ordinance.

ARTICLE I: GENERAL PROVISIONS

A. Short Title

This ordinance shall be known and may be cited as the “Cibola County Environment and Safety Code” and shall be referred to elsewhere as “this Ordinance”.

B. Jurisdiction

This Ordinance shall be enforceable in the unincorporated areas of the County.

C. Enforcement

The County Sheriff and the County Code Enforcement Officer are authorized to enforce and prosecute this Ordinance on behalf of the Cibola County Board of Commissioners. In addition, the Cibola County Fire Marshal is authorized to enforce and prosecute Chapter 4 of this Ordinance on behalf of the Cibola County Board of Commissioners.

D. Conflict

The regulations provided herein are held to be the minimum standards necessary to carry out the purposes of this Ordinance. This Ordinance is not intended to interfere with, or abrogate or annul any other valid state or federal law. In the event the provisions of this Ordinance conflict with other County rules, regulations or ordinances pertaining to the subject matter herein, the provisions of this Ordinance shall prevail.

E. Repealer

Ordinance 97-3 "The Outdoor Lighting Control Ordinance"; Ordinance 16-05 "Abatement of Dangerous or Abandoned Buildings, Structures, Mobile or Manufactured Housing, Wreckage and Debris"; Ordinance 16-04 "An Ordinance Prohibiting the Accumulation of Refuse, Solid Waste & Litter and Providing for Penalties, Civil Remedies, Severability, and Effective Date"; Ordinance 16-03 "An Ordinance Prohibiting Illegal Tire Dumpsites, the Importation of Scrap Tires into Cibola County and Providing for the Abatement of Illegal Tire Dumpsites" are hereby repealed and replaced by this Ordinance.

F. Savings Clause

If any article, section, paragraph, clause, word or phrase of this Ordinance is held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

ARTICLE II: DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivatives shall have the meanings stated herein:

ABATEMENT

Means to reduce in amount, degree or intensity or to eliminate.

ACCUMULATION

To gather or collect into a mound, heap, mass, or coverage; forming a steadily increasing quantity.

AGRICULTURAL USE

Means the beneficial use of scrap tires in conjunction with the operations of a farm or ranch that includes construction projects and aids in the storage of feed.

ARROYO

Includes any canyon, draw or wash or any other earthen channel with visible evidence of the occasional flow of water.

ASHES

Fire residue of any kind, including, but not limited to, fireplace ashes, barbecue grill briquettes, wood chips, wood stove ashes, campfire ashes, hot waste or other material susceptible to spontaneous combustion.

BUILDING CODE

The Uniform Building Code promulgated by the International Conference of Building Officials or any building code adopted by this jurisdiction.

CIVIL ENGINEERING APPLICATION

Means the use of scrap tires or other recycled material in conjunction with other aggregate materials in engineering applications.

CODE ENFORCEMENT OFFICER. The Code Enforcement Officer or equivalent and his or her designees, employees, or inspectors.

CONSTRUCTION OR DEMOLITION (C&D) DEBRIS

Materials generally considered water-insoluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt, roofing materials, pipe, gypsum wallboard, and lumber from the construction or destruction of a structure, and includes rocks, soil, tree remains, trees, and other vegetative matter that normally results from land clearing. If such debris is mixed with any other type of solid waste, it loses its classification as construction and demolition debris.

DAYS. All references to DAYS shall refer to calendar days.

DEBRIS

All waste building material, including, but not limited to, bricks, concrete blocks, shingles, roofing material, lumber, pipe, commercial construction wastes, and any other matter that is commonly known as "debris."

DISMANTLED OR PARTIALLY DISMANTLED VEHICLE

Any motor vehicle or trailer from which some parts or parts which are ordinarily a component thereof have been removed or are missing.

DISPOSE

Means to deposit scrap tires into or on any land or water.

FIRE MARSHAL. The Cibola County Fire Marshal or Fire Chief and his or her designee, employee, volunteer, or inspector.

GARBAGE

Includes all waste food, swill, carrion, slops, and all waste from the preparation, cooking and consumption of food and from the handling, storage and sale of food products and the carcasses of animals.

HAULER

Any person who collects refuse or debris from any property not owned by that person.

HAZARDOUS WASTE

Means the storage and/or dumping of scrap tires in a quantity and concentration that may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or that may pose a substantial present or potential hazard to human health or the environment, or as otherwise defined by the Hazardous Waste Act.

HAZARDOUS WASTE ACT

Means NMSA 1978 Section 74-4-1 *et seq.*

HOUSEHOLD

Means any single and multiple residence, hotel or motel, bunkhouse, ranger station, crew quarters, campground, picnic ground or day-use recreation area.

ILLEGAL DUMPING

Means disposal of scrap tires in a manner that violates Recycling and Illegal Dumping Act and/or this Ordinance.

ILLEGAL DUMPSITE

Means a place where illegal dumping has occurred except as stated in Subsection A of Section V of this Ordinance.

IMPORT

Means to carry, transport or bring scrap tires, for the purpose of disposal, from outside of the jurisdictional boundaries of Cibola County into the jurisdictional boundaries of Cibola County.

INOPERATIVE OR INOPERABLE MOTOR VEHICLE

A motor vehicle from or on which the engine or motor, the transmission or transaxle, drive shaft, differential, steering mechanism, axles, wheels, body, doors, windshield, headlights, taillights, or any other part of the vehicle is removed, damaged, wrecked, partially dismantled, or in such a state of disrepair that the vehicle cannot be either moved under its own power, driven, licensed or operated on a public road, street, highway, or any other public thoroughfare.

INSPECTOR. The Fire Marshal or Building Inspector any subsequently titled position charged with the responsibility of making inspections to enforce the provisions of the Uniform Building Code, the New Mexico Building Code or any Cibola County Building Regulations.

LIEN. Any unpaid assessment for costs associated with removal of any property as identified in this Ordinance, together with interest and penalties on all of the foregoing and cost in connection therewith, which is a lien on real property duly recorded in the land records of the County Clerk.

LANDFILL

A facility designed for the disposal of refuse and solid waste permitted in accordance with EID Regulation EID/SWMR-2 and this chapter.

LITTER

Any quantity of improperly discarded solid waste, decaying or nondecaying solid or semisolid waste, including but not limited to discarded furniture and appliances, overflowing residential and commercial trash cans, construction debris, fast-food packages, candy wrappers, cigarette butts, and/or plastic, glass, trash, debris, rubbish, refuse, garbage, or junk parts and scrap materials found in public areas or generated while traveling in a motor vehicle.

MOTOR VEHICLE

Means a vehicle or device that is propelled by an internal combustion engine or electric motor power that is used or may be used on the public highways for the purpose of transporting persons or property and includes any connected trailer or semitrailer.

OUTDOOR LIGHTING FIXTURE

Means an outdoor artificial illuminating device, whether permanent or portable, used for illumination or advertisement, including searchlights, spotlights and floodlights; whether for architectural lighting, parking lot lighting, landscape lighting, billboards or street lighting.

OWNER. The property owner, whether or not residing in the premises.

PERSON

Any individual, partnership, company, corporation, firm, association, trust, estate, state and federal agency, government instrumentality or agency, institution, county, city, town, village, or municipality or other legal entity, however organized.

PREMISES. An improved or unimproved structure, designed for private or commercial use.

PUBLIC AREA

Any land owned by the community or open to common use, such as streets, roads, sidewalks, alleys, arroyos, or other public ways, and any and all public parks, spaces, grounds, and buildings.

RECYCLING

Means any process by which recyclable materials are collected, separated or processed and reused or returned to use in the form of raw materials or products.

RECYCLING AND ILLEGAL DUMPING ACT

Means NMSA 1978 74-13-1 *Et Seq.*.

REFUSE

Includes garbage and rubbish.

RUBBISH

Includes, but is not limited to, all dismantled or partially dismantled motor vehicles, inoperable motor vehicles, dismantled or partially dismantled mobile homes or trailers, waste paper, metal, paper cartons, cardboard, tree branches, yard waste, wood, glass, plastic, discarded furniture, signs, and appliances or parts thereof, tin cans, dirt, ashes, bottles, liquid petroleum waste, such as motor oil and similar items, and all other unwholesome material of every kind, not including garbage.

SCRAP TIRE

Means a tire that is no longer suitable for its originally intended purpose because of wear, damage or defect.

SCRAP TIRE BALING

Means the process by which scrap tires are mechanically compressed and bound into block form.

SCRAP TIRE GENERATOR

Means a person who generates scrap tires, including retail tire dealers, retreaders, scrap tire processors, automobile dealers, automobile salvage yards, private company vehicle maintenance shops, garages, service stations and city, county and state government, but does not include persons who generate scrap tires in a household or in agricultural operations.

SCRAP TIRE HAULER

Means a person who transports scrap tires for hire for the purpose of recycling, disposal, transformation or use in a civil engineering application.

SHERIFF

The Cibola County Sheriff or his or her authorized deputies.

SHIELDED

Means a fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

SOLID WASTE

Means, but is not limited to, any garbage, litter, refuse, debris, rubbish, yard waste, appliances, inoperable vehicles, construction and demolition debris, or other discarded material originating from residential, industrial, or commercial sources.

TIRE

Means a continuous solid or pneumatic rubber covering that encircles the wheel of a motor vehicle;

TIRE DERIVED FUEL

Means whole or chipped tires that produce a low sulfur, high-heating-value fuel;

TIRE DERIVED PRODUCT

Means a usable product produced from the processing of a scrap tire but does not include baled tires;

TIRE RECYCLING

Means a process in which scrap tires are collected, stored, separated or reprocessed for reuse as a different product or shredded into a form suitable for use in rubberized asphalt or as raw material for the manufacture of other products; and

TIRE RECYCLING FACILITY means a place operated or maintained for tire recycling but does not include:

(1) retail business premises where tires are sold, if no more than five hundred loose scrap tires or two thousand scrap tires, if left in a closed conveyance or enclosure, are kept on the premises at one time;

- (2) the premises of a tire retreading business, if no more than one thousand scrap tires are kept on the premises at one time;
- (3) premises where tires are removed from motor vehicles in the ordinary course of business, if no more than five hundred scrap tires are kept on the premises at one time;
- (4) a solid waste facility having a valid permit or registration issued pursuant to the provisions of the Solid Waste Act or regulations adopted pursuant to that act or registration issued pursuant to the Environmental Improvement Act; or
- (5) a site where tires are stored or used for agricultural uses.

YARD WASTE

Vegetative matter resulting from landscaping, land maintenance and land-clearing operations.

CHAPTER 1 **LITTERING AND SOLID WASTE**

WHEREAS, the Cibola County Board of Commissioners finds that the unsightly and unhealthy conditions caused by littering, the improper disposal and dumping of refuse, the dumping of refuse upon public rights of way and public lands, the poor maintenance and repair of property, and the proliferation of unscreened salvage yards result in a significant detriment to the health, safety, and prosperity of Cibola County and its residents; and

WHEREAS, the Cibola County Board of Commissioners deems it necessary and desirable to prescribe standards to help maintain property values and the property tax base in Cibola County, and to provide an aesthetically pleasing community; those are necessary to supplement voluntary anti-litter and beautification measures to abate unsightly and unhealthy accumulations of debris and trash; and

WHEREAS, the Cibola County Board of Commissioners finds it necessary and desirable to prescribe regulation to guide the future growth and development of the County and to protect natural resources in accordance with the Cibola County Comprehensive Plan.

1.1 PROHIBITED ACTIVITIES

A. Accumulation and Disposal. It shall be unlawful to allow any solid waste, rubbish, refuse, or C&D debris to collect or accumulate on any property or other premises within the County.

- i. No person shall be permitted to accumulate any solid waste, litter or debris on property owned, leased or occupied by that person within two-hundred (200) feet of another occupied premises, except in covered water-tight containers made of metal or plastic.
- ii. Debris resulting from construction or demolition of structures may be collected within an active construction site only if the solid waste is contained in such a manner that it will not be carried or deposited by the elements upon any road,

sidewalk, parkway, sewer, ditch, arroyo, other public place, vacant lot, private property, or into any premises within the County.

- iii. No person shall discard solid waste, rubbish, or refuse anywhere outdoors within the boundaries of the County except at a time and place approved for collection of that person's solid waste under the terms of this chapter and regulations authorized by said sections or other provisions of this Code or ordinances of the County. No person shall place solid waste in the solid waste receptacle of another person, business or institution without permission.
- iv. All solid waste generated within or brought into the County is owned by and is the responsibility of the generator until such time as the waste is deposited in a landfill or approved solid waste facility or removed by a licensed private contractor, except where state or federal requirements prohibit transfer of ownership. Any person who removes solid waste from a property shall take ownership of the waste until it is taken to a convenience center, transfer station, or landfill.
- v. No person shall place solid waste, rubbish, or refuse on the premises of a Cibola County convenience center or landfill except during the regular posted operating hours.

B. Littering. No person shall throw, place, dump, or dispose of any solid waste, litter, or C & D debris on any road, street, gutter, sidewalk or alley, or on any public property or another's private property or dispose of in such a manner that it may be carried or deposited by the elements upon any road, street, sidewalk, alley, sewer, parkway or other public place or private property within the County.

C. Hazardous accumulations and conditions. It shall be unlawful for any person to allow the following conditions to exist on any premises he owns, rents or occupies unless a valid Junkyard License has been obtained pursuant to the provisions of NMSA 1978, Section 67-12-9:

- i. The existence of three or more or any combination of nonoperational motor scooters, motorcycles, cars, trucks, buses or other vehicles regulated by the New Mexico Department of Motor Vehicles, unless the vehicle owner, property owner, or property lessee can show substantial progress in restoration or repairs to the nonoperational vehicle in the last 30 days or purchase orders, invoices or estimates for repair work to be done in the next 30 days; provided, however, that this section shall have no application where:
 - a. A person is engaged in a New Mexico Department of Motor Vehicles licensed vehicle dismantling business and any nonoperational vehicles are enclosed by a fence of solid construction of wood, brick, metal, or other similar materials, not less than seven feet in height above the level of the ground and maintained in a slightly, safe and secure condition; or,

- b. Any inoperable vehicles are not visible to the public from any road or street abutting such property, or, if visible, any nonoperational vehicles are enclosed by a fence of solid construction of wood, brick, metal, or other similar materials, not less than seven feet in height above the level of the ground and maintained in a slightly, safe, and secure condition.

ii) The existence of nonoperational refrigerators or freezers or any other type of appliance, furniture, vehicle or other container that has a space large enough for a person of any age to enter into with a door, hatch, lid, or cover of any kind capable of closing or sealing which could prevent the escape of any person, not within a licensed sanitary landfill or a licensed commercial salvage business registered with the State of New Mexico.

iii) The existence of piles of rubbish, refuse, household trash, debris, grass, weeds, tree limbs, or any other type of material(s) which are or may be susceptible to infestation by rodents, reptiles, insects, or noxious weeds or any other type of animal or plant that is or can be injurious to people, animals or the environment, not within a licensed sanitary landfill or New Mexico Environment Department or other regulatory agency regulated facility.

1.2 CIVIL REMEDIES

A. Subject to any limitations or otherwise provided by law, the Sheriff or County Code Enforcement Officer is authorized, upon issuance of a warrant, to inspect any property where he has probable cause to suspect that unlawful accumulations of solid waste, litter or C & D debris may exist, and to enforce this chapter.

(1) If upon the basis of such inspections, observations or complaints, the Sheriff or County Code Enforcement Officer finds that Section 1.1 has not been complied with or that a violation exists, he/she shall notify the person in charge of the premises (whether owner, tenant, lessee, manager, or other person), where the unlawful refuse, solid waste, or litter accumulations exist, to properly correct such conditions within a designated period of time from 10 days up to 30 days.

(2) If the person or persons to whom the notice is sent fail(s) to take the specified action within a period of 30 days from receipt of notice, the County may issue a citation in Magistrate court.

(3) Upon the failure, neglect, or refusal of any person, owner, tenant, lessee, manager, or occupant to properly correct any such conditions as set forth herein within the time prescribed (or within five days of the return of such prescribed notice undeliverable if the notice is served by mail), the Board of County Commissioners may contract for the correction of unlawful accumulation or order its correction by the County, at the expense of the person, owner, tenant, lessee, manager, or occupant in charge of the property.

(3) The cost for correction shall be a lien upon the property and shall remain in full force and effect for the amount due plus interest at the legal rate from the date of filing of the lien until paid, and all other costs, including attorneys' fees. Costs for correction of unlawful accumulation of refuse, solid waste, or litter shall be determined on the basis of man-worked hours, equipment at a customary rental rate per day, plus any direct cost paid by the County to correct the accumulation.

- B. Nothing in Subsection A of this section shall be construed to require any notice before the filing of a Magistrate Court action for a civil or criminal violation of this section.
- C. If the Sheriff or State or County Fire Marshal finds that the unlawful accumulation of solid waste, litter or C & D debris presents a clear and present danger to the public health, safety and welfare, and immediate measures are required to alleviate this clear and present danger, the County Manager may waive notification period contained in 1.2(A)(1).
- D. The Board of County Commissioners may apply to the District Court for appropriate injunctive relief to compel compliance by any person within the provisions of this Ordinance.
- E. The County shall maintain files of the inspections, notices and actions taken pursuant to this Section. Costs incurred by the County in undertaking corrective actions shall be documented and the files shall be open for public review during normal business hours.

1.3 CRIMINAL PENALTIES

Any person violating or failing, or refusing to comply with the provisions of this Ordinance and the Codes adopted may be prosecuted in any court of competent jurisdiction within the County, and shall be punished by (1) a fine of not more than three hundred dollars (\$300) or imprisonment for not more than ninety (90) days, or both; (2) no more than one thousand dollars (\$1,000) for discarding or disposing of refuse, litter or garbage on public or private property in any manner other than by disposing it in an authorized landfill; (3) no more than five thousand dollars (\$5,000) for the improper or illegal disposal of hazardous materials or waste in any manner other than as provided for in the Hazardous Waste Act [Chapter 74, Article 4, NMSA 1978]; and in accordance with Section 4.37-3 NMSA 1978. Each violation shall constitute a separate offense. Each day an offense continues shall also constitute a separate offense. After the effective date of this Ordinance, all violations are subject to issuance of a citation.

CHAPTER 2 **TIRE IMPORTATION AND ILLEGAL TIRE DUMPING**

WHEREAS, the Board of County Commissioners has found that the illegal dumping and disposal of scrap tires has become an environmental, public safety, and health threat as well as blight on the landscape and that illegal tire dumping poses a substantial present or potential hazard to human health and/or the environment; and,

WHEREAS, the Board of County Commissioners has found that the greatest danger posed by illegal tire dumpsites is the possibility of a catastrophic fire occurring due to the large quantities of petroleum and other chemicals in tires since a burning tire pile creates thick, black, toxic smoke as well as large discharges of contaminated oil. The contaminated oil can enter surface water or groundwater, causing serious pollution problems. Once a tire pile is burning, the fire is extremely difficult to extinguish. Furthermore, the shape of a tire allows for easy entrance and containment of rainwater. This creates an ideal breeding habitat for mosquitoes.

2.1. PROHIBITED ACTS and CIVIL REMEDIES

- A. A person shall not store or use in a civil engineering application, except for agricultural use, more than one hundred scrap tires anywhere in Cibola County, unless the person has a valid permit or registration from the Environment Department.
- B. A person shall not operate or maintain a tire recycling facility unless the facility has a valid permit issued pursuant to the provisions of the Recycling and Illegal Dumping Act or is a facility where tires are stored and used for agricultural uses and complies with rules enacted pursuant to the Recycling and Illegal Dumping Act.
- C. A person shall not transport scrap tires for hire to a place other than a tire recycling facility unless the place is specifically excluded from the definition of a "tire recycling facility".
- D. A person shall not transport scrap tires for hire either for disposal or recycling purposes without being registered as a scrap tire hauler by the Environment Department pursuant to rules adopted in accordance with the Recycling and Illegal Dumping Act.
- E. No person who is not a registered scrap tire hauler in possession of a scrap tire manifest approved by the Environment Department who is delivering tires to a tire recycling facility with a valid permit issued pursuant to the Recycling and Illegal Dumping Act or to a facility that complies with rules enacted pursuant to that Act shall import tires into the County.
- F. A scrap tire generator shall not release scrap tires to a person other than a registered scrap tire hauler pursuant to the Recycling and Illegal Dumping Act.
- G. A person shall not engage in the open burning of scrap tires.
- H. A person shall not store or dispose of scrap tires or tire-derived products in a manner that creates a public nuisance, promotes the breeding or harboring of disease vectors, creates a hazardous waste or creates a potential for fire or other health or environmental hazards.
- G. Except for agricultural uses, a person shall not store scrap tires or tire-derived products for a period exceeding twelve months unless specifically authorized by the Secretary of the Environment.
- H. A scrap tire hauler shall not transport scrap tires without possessing a New Mexico scrap tire manifest approved by the Environment Department.
- I. A person shall not engage in, maintain or allow illegal dumping.

- J. The Board or the County Manager on behalf of the Board may bring an abatement action pursuant to the provisions of NMSA 1978 Section 30-8-8 (1963) to eliminate an illegal dumpsite.

2.2. CONTINUED FAILURE TO ABATE

Each day an offending condition remains unabated beyond the time allowed for abatement by an appropriate court shall constitute a separate violation of this Ordinance.

2.3 CRIMINAL PENALTIES

- A. Persons violating this Ordinance shall, upon conviction, be subject to a fine not to exceed three hundred dollars (\$300.00) and/or ninety (90) days in jail.
- B. Persons violating this Ordinance by illegally dumping scrap tires on public or private property shall upon conviction, be subject to a fine not to exceed one thousand dollars (\$1,000.00) and/or ninety (90) days in jail for each separate offense.
- C. Persons violating this Ordinance by illegally disposing of scrap tires in a quantity or manner that violates the Hazardous Waste Act, NMSA 1978 Section 74-4-1 *et seq.* shall upon conviction be subject to a fine not to exceed; five thousand dollars (\$5,000.00) and/or ninety (90) days in jail for each separate offense.
- D. The County will cooperate in prosecutions brought by the State under NMSA 1978, Section 74-13-16.

CHAPTER 3 **OUTDOOR LIGHTING CONTROL**

WHEREAS, The Night Sky Protection Act, NMSA 1978, Section 74-12-7(B) does not prohibit county ordinances that are equal to or more stringent than the provisions of that Act; and,

WHEREAS, the safety and welfare of County residents is enhanced by safe, low energy lighting that reduces glare and enhances the night sky.

3.1 MINIMUM REQUIREMENTS

- A. All outdoor lighting fixtures shall be shielded except incandescent fixtures of one hundred fifty watts or less and other sources of seventy watts or less unless the fixture is extinguished by an automatic shutoff device between the hours of 11:00 pm and sunrise.
- B. No mercury vapor outdoor lighting fixtures shall be sold or installed.

- C. No outdoor recreational facility, whether public or private, shall be illuminated after 11:00 pm except for a national or international tournament or to conclude any recreational or sporting event or other activity conducted, which is in progress prior to 11:00 pm at a ballpark, outdoor amphitheater, arena, or similar facility.

3.2 EXEMPTIONS. The following are exempt from the requirements of this Ordinance.

- A. Outdoor lighting fixtures on advertisement signs on interstates and federal primary highways.
- B. Navigational lighting systems at airports and other lighting necessary for aircraft safety.
- C. Outdoor lighting fixtures that are necessary for worker safety at farms, ranches, dairies, feedlots or industrial, mining or oil and gas facilities.
- D. Outdoor lighting fixtures for fire stations and community centers.

3.3 PENALTIES

- A. An offense, for the purpose of this Chapter, is defined as thirty (30) days from the date of a warning or adjudication of guilt. If the violation continues after the expiration of thirty (30) days following either of these triggering events, a subsequent offense will occur.
- B. For a first offense, the alleged violator will be warned in writing.
- C. For a second offense or subsequent offense, persons violating this ordinance shall, upon conviction, be subject to a fine of up to three hundred dollars (\$300.00).

CHAPTER 4
DANGEROUS OR ABANDONED STRUCTURES, MOBILE OR MANUFACTURED
HOUSING, WRECKAGE and DEBRIS

4.1 PURPOSE AND DECLARATION OF NUISANCE

- A. This Ordinance is designed to promote the public health, safety and general welfare; to secure safety from fire hazard and health hazards; and to promote the environment and preserve and improve the environmental quality of the county. This Ordinance is further designed to provide a just, equitable and practical method, to be cumulative with and in addition to any other remedy provided by the County, or otherwise available by law whereby dangerous or abandoned or ruined buildings, structures, mobile or manufactured housing, wreckage, rubbish, debris and other items creating a public nuisance may be required to be repaired, vacated or demolished and removed.
- B. All buildings or structures within the scope of this Ordinance which are determined after inspection by the county official to be dangerous as defined in this Ordinance and all abandoned buildings, structures, mobile or manufactured housing, wreckage, rubbish or debris as defined in this Ordinance is hereby declared to be a public nuisance and shall be

abated by repair, rehabilitation, demolition and/or removal in accordance with the procedures specified.

4.2 DANGEROUS BUILDING

For the purpose of this Ordinance, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that the conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

- A. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- B. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
- C. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than 1-1/2 times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
- D. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to an extent that the structural strength or stability thereof is materially less than it was before the catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
- E. Whenever any portion or member or appurtenance thereof is likely to fail, or become detached or dislodged, or to collapse and thereby injure persons or damage property.
- F. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of 1/2 of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for the buildings.
- G. Whenever any portion thereof has wrecked, warped, buckled or settled to an extent that walls or other structural portions have materially less resistance to wind or earthquakes than is required in the case of similar new construction.
- H. Whenever the building or structure, or any portion thereof, because of:
 - 1. Dilapidation, deterioration or decay;
 - 2. Faulty construction;
 - 3. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting the building;
 - 4. The deterioration, decay or inadequacy of its foundation; or
 - 5. Any other cause, is likely to partially or completely collapse.

- I. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- J. Whenever the exterior walls or other vertical structural members list, lean or buckle to an extent that a plumb line passing through the center of gravity does not fall inside the middle 1/3 of the base.
- K. Whenever the building or structure, exclusive of the foundation, shows 33% or more damage or deterioration of its supporting member or members, 50% damage deterioration of its non-supporting members, enclosing or outside wall or coverings.
- L. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:
1. An attractive nuisance to children;
 2. A harbor for vagrants; or criminals; or
 3. As to enable persons to resort thereto for the purpose of committing unlawful acts.
- M. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirements or prohibition applicable to the building or structure provided by the building regulations of the jurisdiction, as specified in the Building Code, or of any law or ordinance of this state of jurisdiction relating to the condition, location or structure of buildings.
- N. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50%, or in any supporting part, member or portion less than 66% of the:
1. Strength;
 2. Fire-resisting qualities or characteristics; or
 3. Weather-resisting qualities or characteristics required by law in the case of newly constructed building of like area, height and occupancy in the same location.
- O. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or, otherwise, is determined by the health officer to be insanitary, unfit for human habitation or in a condition that is likely to cause sickness or disease.
- P. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal to be a fire hazard.
- Q. Whenever any building or structure is in a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
- R. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period on excess of 6 months so as to constitute the building or portion thereof an attractive nuisance or hazard to the public.

4.3 INSPECTION and INTERPRETATION

- A. **Interpretation.** The County Fire Marshal (hereinafter referred to as county official) shall have the power to render interpretations of this Ordinance and to adopt and enforce rules and supplemental regulations in order to clarify the applications of its provisions. These interpretations, rules and regulations shall be in conformity with the intent and purpose of this Ordinance.
 - B. **Inspections.** The Fire Marshal and his/her designated inspectors, the County Sheriff and his/her deputies, or the Code Enforcement Officer and his/her designated inspectors are hereby authorized to make inspections and take action as may be required to enforce the provisions of this Ordinance.
- 1. **Right of entry.** When it is necessary to make an inspection to enforce the provisions of this Ordinance, or when the county official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violations of this Ordinance which makes the building or premises unsafe, dangerous, hazardous or otherwise a public nuisance, the county official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Ordinance, provided that if the building or premises are occupied that credentials be presented to the occupant and entry requested. If the building is unoccupied, the county official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If the entry is refused, the county official shall have recourse to the remedies provided by law to secure entry.
 - 2. **Liability.**
 - i. The county official charged with the enforcement of this Ordinance, acting in good faith and without malice in the discharge of the duties required by this Ordinance or other pertinent law or ordinance shall not thereby be rendered personally liable for damages that may accrue to persons of property as a result of an act or by reason of an act or omission in the discharge of these duties. A suit brought against the county official because of an act or omission performed by the building official or employee in the enforcement of any provision of any codes or other pertinent laws or ordinances implemented through the enforcement of this Ordinance or enforced by the county official shall be defended by the county until final termination of the proceedings, and any judgment resulting there from shall be assumed by this jurisdiction.
 - ii. This Ordinance shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the Ordinance enforcement agency or its parent jurisdiction be held as assuming any liability by reason of the inspections authorized by this Ordinance or any permits or certificates issued under this Ordinance.

4.4 CRIMINAL VIOLATIONS and PENALTIES

A. It shall be unlawful for any person, firm or corporation to maintain dangerous or abandoned buildings, structures, mobile or manufactured housing, wreckage, rubbish or debris or otherwise maintain a public nuisance in violation of this Ordinance.

B. It shall be unlawful for any person, firm, or corporation to fail to comply with any Resolution or Court Order issued pursuant to this Chapter of this Ordinance.

C. It shall be unlawful to disobey or deface a posted Notice as described by Section 4.6(B).

D. No person will obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or olds any estate or interest in any building which has been ordered demolished or removed under the provisions of this Ordinance; or with any person to whom the building has been lawfully sold, whenever the officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in the building or structure, or purchaser is engaged in the work of demolishing and removal of debris of any building, pursuant to the provisions of this Ordinance, or in performing any necessary act preliminary to or incidental to the work authorized or directed pursuant to this Ordinance.

E. Each violation of this Ordinance shall be punishable by a fine of no more than three hundred dollars (\$300) pursuant to NMSA 1978 Section 4-37-3 (1993).

4.5 NOTICE TO ABATE

A. **Commencement of proceedings.** When the county official has inspected or caused to be inspected any building or premises and has found and determined that the building or premise is dangerous or abandoned, contains wreckage, rubbish or debris or is otherwise a public nuisance the county official shall commence proceedings to cause the repair, vacation, demolition and/or removal of the premises in violation of this Ordinance.

E. **Notice.** The county official shall issue a notice directed to the record owner of the property. The notice shall contain:

a. The street address and a legal description sufficient for identification of the premises upon which the dangerous or abandoned building, manufactured or mobile home wreckage, rubbish or debris or public nuisance is located.

b. A statement that the county official has found the property contains on the premises a dangerous or abandoned building(s), manufactured or mobile home(s), wreckage, rubbish or debris with a brief concise description of the conditions found to render the building or premise a public nuisance.

c. A statement of the action required to be taken as determined by the county official.

- d. If the building official has determined that the building or structure must be repaired, the notice shall require that all required permits be secured therefore and the work physically commenced within the time (not to exceed 60 days from the date of the notice) and completed within the time as the building official shall determine is reasonable under all the circumstances.
 - e. If the county official has determined that the building or structure must be demolished, the notice shall require that the property be vacated within the time as the county official shall determine is reasonable (not to exceed 60 days from the date of the notice); that all required permits be secured therefore within 60 days from the date of the notice; and that the demolition and removal be completed within the time as the county official shall determine is reasonable.
- F. **Service of Notice.** Any notice including resolutions, and any amended or supplemental notice or resolution, shall be served upon the record owner and posted on the property; and one (1) copy thereof shall be served on each of the following if known to the county official or disclosed from official public records:
 - i. The holder of any mortgage or deed of trust or other lien or encumbrance of record; and
 - ii. The owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located.
 - iii. The failure of the county official to serve any person required herein to be served shall not invalidate any proceeding hereunder as to any person duly served or relieve any person from any duty or obligation imposed by the provisions of this section.
- G. **Method of service.** Service of the notice or resolution shall be made upon all persons entitled thereto either personally or by mailing a copy of the notice and order by certified mail, postage prepaid, return receipt request, to each person at their address as it appears on the last equalized assessment roll of the county or as known to the county official. If no address of any person so appears or is known to the county official, then a copy of the notice and order shall be so mailed, addressed to the person, at the address of the building involved in the proceedings. The failure of any person to receive the notice shall not affect the validity of any proceeding taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.
- H. **Proof of service.** Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice retained by the county official.

4.6

VOLUNTARY COMPLIANCE WITH NOTICE TO ABATE

- A. Any premises declared a public nuisance under this Ordinance shall be made to comply with one of the following:

- i. The building shall be repaired in accordance with the current building code or other current code application to the type of substandard conditions requiring repair; or,
- ii. The premises shall be demolished and debris removed by the property owner.

B. If, after sixty (60) days of notice being served pursuant to Section 4.5, work has not commenced to remove or repair the dangerous structure, and extension has not been granted, the County Official shall cause the premises described in the notice to be posted at each entrance thereto: DANGEROUS BUILDING. DO NOT OCCUPY. IT IS A MISDEMEANOR TO OCCUPY THIS BUILDING WITHOUT PERMISSION FROM THE COUNTY OR TO REMOVE OR DEFACE THIS NOTICE. [SIGNED COUNTY OFFICIAL OF CIBOLA COUNTY]. The findings of the County Official or the Commission's Resolution should be posted along with this Notice. No person shall remain or enter except that entry may be made to repair, remove or demolish the structure under permit or permission from the County. Such Notice shall continue to be posted unless and until the Commission fails to pass a Resolution contemplated by Section 4.7, the District Court orders otherwise, or repairs or demolition is accomplished.

- I. Upon receipt of an application from the person required to conform to the order and an agreement by the person that he or she will comply with the order if allowed additional time, the county official may, in his or her discretion, grant an extension of time, not to exceed an additional 120 days, within which to complete the repair, rehabilitation or demolition, if the county official determines that an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The County Official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises.

4.7 FAILURE TO COMPLY WITH NOTICE TO ABATE

- A. Failure of the record owner of the property to comply with any notice issued by the county official pursuant with Section 4.5 or with completion of voluntary abatement pursuant to Section 4.6 shall result in the county official to submit a report to the manager with the department's findings.
- B. In the event that the county official's findings determine that any building or structure is ruined, damaged and dilapidated, or a premise is covered with ruins, rubbish, wreckage or debris the Manager shall cause the matter to be presented to the Commission at a regularly scheduled Commission meeting.
- C. The findings of the county official shall be presented to the Commission who may then, by resolution, find that the dangerous or abandoned building, manufactured or mobile home, wreckage, rubbish or debris is a public nuisance to the health, safety and welfare of Cibola County and requires the renovation or the removal by the county of the building, structure, ruins, rubbish, wreckage or debris.

- D. A copy of the resolution shall be served upon the property owner(s) (such as mortgage company) and posted on the property; and one (1) copy thereof shall be served on each of the following if known to the county official or disclosed from official public records:
- a. The holder of any mortgage or deed of trust or other lien or encumbrance of record;
 - b. The owner or holder of any lease of record; and
 - c. The holder of any other estate or legal interest of record in or to the building or the land on which it is located.
 - d. If the owner, as shown by the above records cannot be served within the confines of Cibola County, a copy of the resolution shall be posted on the building, structure or premise and a copy of the resolution shall be published in a newspaper of general circulation at least 2 weeks prior to the meeting of the Commission.
 - e. The failure of the county official to serve any person required herein to be served shall not invalidate any proceeding hereunder as to any person duly served or relieve any person from any duty or obligation imposed by the provisions of this Ordinance.
- E. A copy of the Resolution shall be filed and recorded with the County Clerk. When the repairs ordered have been completed or the buildings, structures, or mobile homes demolished and removed, the county official shall file a new certificate with the County Clerk certifying that the premises have been abated and are no longer a public nuisance.
- F. Within ten (10) days of the receipt of a copy of the resolution or of the posting and publishing of a copy of the resolution, the owner or occupant or agent in charge of the building, structure or premise shall commence repairing the premise or removing the building, structure, wreckage, rubbish, or debris, or file a written objection to the County Manager requesting a public hearing before the Commission.

4.7 OBJECTIONS AND APPEALS

- A. **Objection.** Any aggrieved property owner or occupant may file a written objection to the notice issued by the county official. The objection shall be filed in the office of the County Manager.
- B. Upon the proper filing of a written objection, the Commission shall:
- a. Fix a date for a hearing on its resolution and the objection.
 - b. Consider all evidence for and against the removal resolution at the hearing under oath or affirmation.
 - c. Determine if its resolution should be enforced or rescinded.
- C. **Appeal.** Any person aggrieved by the determination of the Objection may appeal to the District Court as follows. The District Court will hear the matter as provided by law and enter judgment in accordance with its findings.
- a. Giving notice of appeal to the Manager within 30 days after the determination of the Objection is made by the Commission; and,
 - b. Filing a petition in the District Court within 30 days after the determination of the Objection is made by the Commission.

4.8 FAILURE TO COMPLY WITH RESOLUTION TO ABATE

- A. **Failure to Abate.** If the property owner or occupant or agent in charge of the building, structure or premises fails to commence removing the building, structure, ruins, rubbish, wreckage or debris within ten (10) days following the expiration of the time to Object to the Resolution (4.6 E and 4.7 A), or within ten (10) days following the expiration of time to appeal the determination of objection (4.7 C); or within ten (10) days of the upholding of the Resolution by the District Court unless the Court sets another timeframe, or, if completion of abatement is not accomplished within forty-five (45) days of commencement unless a different timeframe is set by the Commission, the Court, or written agreement between the parties, this Section will apply.
- B. **Abatement by County.** The County may institute any appropriate action to abate the building or premises as a public nuisance. If the Resolution required demolition, the county official may cause the building to be demolished and the materials, rubble and debris therefrom removed and the lot cleaned. The premises shall be left in a clean, level and safe condition if demolished. The work may be accomplished by personnel or by private contract under direction of the County Manager. If the Resolution required repair, the County will procure a licensed contractor to complete the work.
- C. **Costs.** The cost of the work will be paid from the demolition and removal account, and may be made a special assessment lien against the property involved.

4.9 DEMOLITION AND REMOVAL ACCOUNT

- A. **Generally.** The Cibola County Commission will establish a special revolving account to be designated as the demolition and removal account. Payments will be made out of the account upon the demand of the Manager or his or her designee to defray the costs and expenses which may be incurred by this jurisdiction in doing or causing to be done the necessary work of demolition and removal of abandoned buildings, manufactured or mobile homes, wreckage rubbish and debris from the premises.
- B. **Maintenance of Fund.** The Commission may at any time transfer to the repair and demolition account, out of any money in the general fund of this jurisdiction, the sums as it may deem necessary in order to expedite the performance of the work of demolition, and any sum so transferred shall be deemed a loan to the repair and demolition account and shall be repaid out of the proceeds of the collections hereinafter provided for. All funds collected under the proceedings hereinafter provided for shall be paid to the treasurer of this jurisdiction who shall credit the same to the demolition and removal account. Any donations received from private sources shall only be used for the intended purpose of the fund and shall not revert to the general fund for any reason.
- C. **Repayment of Fund.** All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the treasurer of the county, who shall credit the same to the demolition and removal account.

4.10 LIENS

- A. The reasonable cost of removal or repair shall constitute a lien against the building, structure, ruin, rubbish, wreckage or debris so removed, and against the lot or parcel of land from which it was removed.
- B. The lien shall be foreclosed in the manner provided in NMSA Section 3-16-1, et seq. and 4-37-1, et seq.
- C. The County Manager or his or her designee shall file in the office of the County Clerk any notice of property lien created by ordinance or under authority of law. The notice of lien shall include:
 - i. The number of the ordinance under which the lien is established;
 - ii. The fact that a lien is established;
 - iii. The general purpose of the lien;
 - iv. The name of the owner of the property against which the lien is established as determined from the records of the county assessor/ clerks;
 - v. The description of the property against which the lien is established;
 - vi. The amount of the lien;
 - vii. If the lien is for more than one period of time, the date for which the lien is established;
 - viii. The lien shall be attested in the name of the County Clerk under the seal of the county.
- D. The principal amount of any lien imposed for a county assessment shall bear interest at the rate of 12% per year or as provided by law from the date of filing the notice of the lien unless otherwise provided by law.
- E. After the filing of the notice of lien in the office of the County Clerk, the county shall have a lien upon the property described in the notice of lien. The filing of the notice of lien shall be valid notice of the existence of the lien and of the contents of the lien. No lien shall affect the title or rights to or in any real estate, of any purchaser, mortgagee in good faith or judgment lien creditor, without knowledge of the existence of the lien, unless the notice of the lien is filed in accordance with NMSA § 3-36-1 in the office of the County Clerk of the county in which the real estate affected thereby is situated. All county liens filed in conformity with NMSA §§ 3-36-1 et seq. and § 4-37-1 shall be first and prior liens on the property subject only to the lien of general state and county taxes. All foreclosure proceeding on delinquent liens shall follow the

statutory requirements as set forth in NMSA §§ 3-36-1 et seq. and as authorized by NMSA § 4-37-1.

F. The County Clerk may release a lien against any specific property by:

- i. Entering and signing a receipt of payment upon the notice of the lien filed in the office of the County Clerk; or
- ii. Issuing a separate receipt which recites that payment of the lien with any accrued interest and penalty has been made.

4.11. AUTHORITY FOR INSTALLMENT PAYMENT OF LIEN ASSESSMENTS WITH INTEREST

A. The Manager or his or her designee, in his or her discretion, may determine that assessments in amounts of \$500 or more shall be payable in not to exceed 5 annual installments.

B. The determination to allow payment of the assessments in installments, the number of installments, interest as provided by law shall be in writing and verified by the parties.

4.12 LIEN ON ASSESSMENT

A. Priority.

- i. Immediately upon its being placed on the assessment roll, the assessment lien shall be deemed to be complete, the several amounts assessed shall be payable, and the assessment shall be a lien against the lots or parcels of land assessed, respectively.
- ii. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state, county and property taxes with which it shall be upon a parity.
- iii. The lien shall continue until the assessment and all interest due and payable thereon are paid.

B. **Interest.** All assessments remaining unpaid after 30 days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of 12% per annum from and after the date or as provided by law.

4.13 COLLECTION OF ASSESSMENT AND FORECLOSURE

- A. The amount of the assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary property taxes.
- B. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to the assessment including foreclosure proceedings as provided by law.

CHAPTER 5

WATER CONSERVATION

WHEREAS, Counties shall consider ordinances and codes to encourage water conservation and drought management planning. NMSA 1978, Section 4-37-9.1; and,

WHEREAS, water resources in Cibola County, both ground and surface, are limited; and,

WHEREAS, at all times of the year and in all areas of the County, it is critical to conserve our water resources.

5.1 APPLICABILITY

Agricultural water users or agricultural water rights are excluded from the provisions of this Chapter.

5.2 PROHIBITED ACTIVITIES

- A. Watering of outdoor plants or landscapes between the hours of 11:00 AM and 6:00 PM between the months of May and September.
- B. Vehicle washing without the use of a shut-off hose nozzle.
- C. Operating a water system with a leak.
- D. Emptying a swimming pool more than once per year.
- E. Maintaining a swimming pool, spa, or hot tub without a cover to prevent evaporation.
- F. Planting sod or grass seed that contains Kentucky Bluegrass.
- G. Using water in a non-beneficial way.
- H. Allowing water to escape off the property where it originates.
- I. Providing unrequested water at an eating establishment.
- J. Changing towels or linens daily for the same guest at a lodging establishment unless requested by the guest.

5.3 ENFORCEMENT

- A. The Cibola County Sheriff and the County Code Enforcement Officer are authorized to enforce this Chapter.
- B. The County may issue a formal warning notice prior to filing a citation in Magistrate Court. The Notice should contain a timeframe for abatement of the prohibited activity, if applicable.

5.4 PENALTIES

- A. Persons violating this Chapter shall, upon conviction, be subject to a fine not to exceed three hundred dollars (\$300.00) and/or ninety (90) days in jail.
- B. All violations on a single date at a single address shall constitute one offense.
- C. Notwithstanding Section 5.4(A), a person who violates a provision of this Chapter shall be sentenced to a one hundred dollar (\$100.00) fine for the first offense and a two hundred twenty-five (\$225.00) fine for the second offense.

PASSED and **ORDAINED** this _____ day of _____, 2020.

Daniel Torrez, Chairman

Robert Windhorst, Vice Chair

Martha Garcia, Second Vice Chair

Christine Lowery, Member

Ralph Lucero, Member

ATTEST:

Michelle Dominguez
County Clerk



11b.

Public Hearing

Ordinance 20-002

Regulating Burial on Private Property



**CIBOLA COUNTY
ORDINANCE 2020-02**

**REGULATING THE INTERMENT OF HUMAN REMAINS UNDER CERTAIN
CIRCUMSTANCES AND PROVIDING PENALTIES**

WHEREAS, NMSA 1978, Section 3-18-1 (1972) provides that municipalities, and also counties pursuant to NMSA 1978, Section 4-37-1 (1995), have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

WHEREAS, Section 4-37-1 et seq. NMSA 1978 provides that counties may adopt ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants; and,

WHEREAS, the Cibola County Board of Commissioners has determined that the health, safety and general welfare of the residents of Cibola County would best be served by the adoption of this Ordinance.

NOW THEREFORE BE IT ORDAINED that the Cibola County Board of Commissioners does hereby establish this Ordinance Regulating the Interment of Human Remains and providing penalties for violation.

ARTICLE I: GENERAL PROVISIONS

A. Application

This ordinance applies only to the burial or disposal of human remains outside of formally designated cemeteries, either public or private.

B. Definition

“Human remains” or “remains” refers to a human body or skeletal remains. Cremated remains are excluded from this definition.

C. Jurisdiction

This Ordinance shall be enforceable in the unincorporated areas of the County.

D. Enforcement

The County Sheriff and the County Code Enforcement Officer are authorized to enforce and prosecute this Ordinance on behalf of the Cibola County Board of Commissioners.

E. Conflict

The regulations provided herein are held to be the minimum standards necessary to carry out the purposes of this Ordinance. This Ordinance is not intended to interfere with, or abrogate or annul any other valid state or federal law. In the event the provisions of this Ordinance conflict with other County rules, regulations or ordinances pertaining to the subject matter herein, the provisions of this Ordinance shall prevail.

F. Savings Clause

If any article, section, paragraph, clause, word or phrase of this Ordinance is held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

ARTICLE II: UNLAWFUL BURIAL and PENALTIES

A. It shall be unlawful to bury or cause to be buried or interred human remains within fifty (50) yards from either side of the bank or border of any stream, river or any body of water; less than ten (10) feet inside the property line; within twenty-five (25) feet of any road, right-of-way, public way or easement; or, without complying with the regulations contained herein.

B. Any person violating or refusing to comply with the provisions of this Ordinance may be prosecuted in any court of competent jurisdiction within the County, and shall be punished by a fine of not more than three hundred dollars (\$300) or imprisonment for not more than ninety (90) days, or both.

C. The County may apply for a permit to disinter and properly reinter the remains pursuant to NMSA 1978, Section 24-14-23.

ARTICLE III: REGULATIONS

A. Prior to interment of any human remains, a member of the family or other duly authorized person shall file with the County Clerk a copy of the deed demonstrating proof of ownership of the property where interment is to take place, or notarized permission of the owner to inter the remains; a copy of a map of the site, or preferably, the GPS coordinates of the site; along with a \$25.00 application fee.

B. If a map is submitted, it shall:

- a. Show the location of planned burial site(s).
- b. Show the location of any private roads or easements, or any County or State road, right-of-way, easement or other public way; and, any structure, well, or septic system within one hundred (100) feet of the proposed burial site.

- c. Show the location of any stream, river, creek or other body of water within seventy-five (75) yards of the burial site.
- d. Show a property line, if any, within twenty (20) feet of the burial site.
- e. Indicate if and how the burial site is to be marked.

C. Provided the Code Enforcement Officer or his or her designee establishes that the burial does not indicate violation of this Ordinance, an approval letter shall issue to the property owner and to the County Clerk. Upon receipt of the approval letter, the County clerk shall record the approval in a separate index for burial plots.

PASSED and **ORDAINED** this _____ day of _____, 2020.

Daniel Torrez, Chairman

Robert Windhorst, Vice Chair

Martha Garcia, Second Vice Chair

Christine Lowery, Member

Ralph Lucero, Member

ATTEST:

Michelle Dominguez
County Clerk



Cibola County Planning Department

700 Roosevelt Ave Suite 50

Grants, NM 87020

(505) 285-2555

Dedication of Burial Ground Family Cemetery Application

Permit# _____ **UPC#:** _____ **Community:** _____

Property Owner: _____

Applicants Representative: _____

Owners Mailing Address: _____

Phone: (____) _____ Cell: (____) _____ Email Address: _____

Site Physical Address: _____

I, _____ do hereby dedicate a portion of land as a Dedicated Burial Ground on my property. **(Legal Description and survey plat or GPS coordinates showing designated burial plot area attached).**

Property Owner(s) Signature Date: _____

Property Owner(s) Signature Date: _____

Legal Representative Signature Date: _____

(Note: The applicant's legal representative may sign the application if a notarized letter of authorization is submitted with the application or power of attorney).

Cibola County Requirements
for Private Burial Grounds

1. Completed Dedication of Burial Ground Application.
2. Copy of recorded Warranty Deed (shows proof of ownership). This may be obtained through the County Clerk's Office.
3. Copy of recorded Survey Plat, this may be obtained at the County Clerk's Office. If the survey plat was not recorded, it is still required. If a survey plat does not exist, the Deed showing proof of ownership may be used.
4. A site plan showing all improvements on the property i.e. buildings, driveways, well, septic tanks, etc., also including the burial site.
5. Signed and notarized Affidavit of Burial Site.
6. All documents must be filed with the Cibola County Clerk when application is approved.
7. There is a \$ 25.00 application fee. This is due at the time of submittal. All checks made payable to Cibola County.

SETBACKS

A burial site must be set at a minimum of 10 feet from any adjoining property or 25 feet from any road, right-of-way, public way or easements on the property.

A burial site must be set at a minimum of 50 yards from any water source. Including but not limited to irrigation ditches, streams, rivers, ponds, leach fields and wells (this also includes a neighbor's water source).

NOTE: If you are located in a subdivision, you should review your covenants to see if a burial plot is permitted on your property.

AFFIDAVIT OF BURIAL SITE

I, _____ do hereby state under oath, the following:
Property Owner(s) Name or Legal Representative

My family desires to bury a family member on land described. I want to dedicate the following Burial Site for a Family Cemetery and will abide by the following conditions:

AS EVIDENCE BY THE WARRANTY DEED AND SURVEYED LEGAL DESCRIPTION:

I agree that the plot designated for a family cemetery will maintain a minimum of 50 yards setback from any water source, which includes but not limited to a stream, pond, leach field, well or flood hazard area, including neighbor's water source.

I agree that the plot designation for a family cemetery is a minimum of 10 feet from any adjoining property and 25 feet from any road, right-of-way, public way or easement on the property.

Property Owner Signature

Property Owner Signature

Legal Representative

STATE OF NEW MEXICO)

) SS

COUNTY OF CIBOLA)

This instrument was acknowledged before me by _____

_____ on _____
Date

Notary Public

Date

My Commission Expires:



12 a.

New Business

Ordinance 20-001

Environment and Safety Ordinance

Please see item 11a. for documentation



12 b.

New Business

Ordinance 20-002

Regulating Burial on Private Property

Please see item 11b. for documentation



12 c.

New Business

Resolution 20-16

Budget Adjustment # 6

Cibola County Commission

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

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



Resolution No. 20-16 – BAR # 6

Fiscal Year 2020

WHEREAS, the Board of County Commissioners of the County of Cibola is the duly constituted governing body of the County and serves *ex officio* as the County Board of Finance with authority for establishing, monitoring, and adjusting the County's budget; and

WHEREAS, budget adjustments are required to establish correct beginning cash balances; allow for new transfers; to allow for budget increases and decreases to revenues and expenditures to offset any unanticipated revenues and/or expenditures; and to correct amounts when required; and

WHEREAS, the budget adjustments and the associated line items with amounts stated on the attached, *Schedule of Budget Adjustments 20-16A* is essential.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS of the COUNTY OF CIBOLA, STATE OF NEW MEXICO, ex officio COUNTY BOARD OF FINANCE that the adjustments included in this document are deemed necessary to the operations of the County for the 2020 fiscal year ending June 30, 2020.

PASSED, APPROVED and ADOPTED by the governing body at a regular meeting on the 30th day of January 2020.

THE BOARD OF COUNTY COMMISSIONERS:

Daniel Torrez, Chairman

Robert Windhorst, 1st Vice-Chair

Martha Garcia, 2nd Vice-Chair

Dr. Christina Lowery, Commissioner

Ralph Lucero, Commissioner

ATTEST:

Michelle E Dominguez, County Clerk

Department of Finance and Administration
Local Government Division
Financial Management Bureau
SCHEDULE OF BUDGET ADJUSTMENTS

ENTITY NAME: Cibola County
FISCAL YEAR: FY 2019-20
RESOLUTION # 20-16
BAR SCHEDULE 20-16 A

TYPE OF BAR LOCAL (L) OR STATE (S)	COUNTY DEPARTMENT	REVENUE TRANSFER (TO or FROM)	DFA ACCOUNT #	CIBOLA COUNTY ACCOUNT#	DESCRIPTION OF ACCOUNT	APPROVED BUDGET	ADJUSTMENT	ADJUSTED BUDGET	PURPOSE
L	LEPF	Expenditure		605-035-455-00248	Uniforms	\$19,250.00	(\$1,058.42)	\$18,191.58	Realign Budget Authority Within Budget
L	LEPF	Expenditure		605-035-455-00082	Safety Equip	\$7,941.87	(\$4,000.00)	\$3,941.87	Realign Budget Authority Within Budget
L	LEPF	Expenditure		605-035-455-00038	Prot. Clothing / Equip.	\$3,752.93	\$5,058.42	\$8,811.35	Realign Budget Authority Within Budget
L	Sheriff GF	Expenditure		401-005-408-00010	Mileage & Per Diem	\$10,000.00	(\$4,502.40)	\$5,497.60	Realign Budget Authority Within Budget
L	Sheriff GF	Expenditure		401-005-408-00035	Trans & Extrad of Prisoners	\$5,000.00	\$7,002.40	\$12,002.40	Realign Budget Authority Within Budget
L	Sheriff GF	Expenditure		401-005-408-00065	Group Ins.	\$283,400.00	(\$20,000.00)	\$263,400.00	Realign Budget Authority Within Budget
L	Sheriff GF	Expenditure		401-005-408-00011	Vehicle Expense	\$1,000.00	\$15,000.00	\$16,000.00	Realign Budget Authority Within Budget
L	Sheriff GF	Expenditure		401-005-408-00014	Record Books	\$1,000.00	(\$1,000.00)	\$0.00	Realign Budget Authority Within Budget
L	Sheriff GF	Expenditure		401-005-408-00098	Training & Staff Dev.	\$12,000.00	(\$4,000.00)	\$8,000.00	Realign Budget Authority Within Budget
L	Sheriff GF	Expenditure		401-005-408-00127	Uniforms	\$18,579.64	\$7,500.00	\$26,079.64	Realign Budget Authority Within Budget
L	El Morro VFD	Expenditure		427-018-464-00010	Mileage & Per Diem	\$2,000.00	(\$1,000.00)	\$1,000.00	Realign Budget Authority to continue construction
L	El Morro VFD	Expenditure		427-018-464-00023	Repair to Building	\$7,000.00	\$1,000.00	\$8,000.00	Realign Budget Authority to continue construction
L	Fire Marshal	Expenditure		604-018-461-00082	Safety Equipment	\$25,000.00	(\$15,000.00)	\$10,000.00	Realign Budget Authority Within Budget
L	Fire Marshal	Expenditure		604-018-461-00069	Dues, Fees, & Subscriptions	\$3,000.00	\$7,000.00	\$10,000.00	Realign Budget Authority Within Budget
L	Fire Marshal	Expenditure		604-018-461-00013	Rental of Equip.	\$0.00	\$500.00	\$500.00	Realign Budget Authority Within Budget
L	Fire Marshal	Expenditure		604-018-461-00012	Equip. Maint. & Repair	\$2,801.00	\$6,000.00	\$8,801.00	Realign Budget Authority Within Budget
L	Fire Marshal	Expenditure		604-018-461-00124	Contractual Services	\$12,000.00	\$1,500.00	\$13,500.00	Realign Budget Authority Within Budget
L	Laguna FD	Expenditure		419-018-430-00028	Capital Outlay	\$280,000.00	(\$69,000.00)	\$211,000.00	Purchase Radio Equipment & Replace Fencing around Station 3
L	Laguna FD	Expenditure		419-018-430-00098	Training	\$0.00	\$4,000.00	\$4,000.00	Increase online training
L	Laguna FD	Expenditure		419-018-430-00082	Safety Equipment	\$60,000.00	\$65,000.00	\$125,000.00	Purchase Radio Equipment & Replace Fencing around Station 4
L	Sanitation	Expenditure		401-006-411-09153	Special Fees	\$91,000.00	(\$270.00)	\$90,730.00	Realign Budget Authority to contract
L	Sanitation	Expenditure		401-006-411-00124	Contractual Services	\$73,000.00	\$73,270.00	\$146,270.00	Realign Budget Authority to contract
L	Maintenance	Expenditure		401-010-403-00023	Repair to Buildings	\$35,000.00	(\$19,666.39)	\$15,333.61	Realign Budget authority to cover contract to spray weeds and cover account deficits
L	Maintenance	Expenditure		401-010-403-00012	Equip., Maint. & Repair	\$120,000.00	(\$6,000.00)	\$114,000.00	Realign Budget authority to cover contract to spray weeds and cover account deficits
L	Maintenance	Expenditure		401-010-403-00124	Contractual Services	\$0.00	\$20,323.00	\$20,323.00	Realign Budget authority to cover contract to spray weeds and cover account deficits
L	Maintenance	Expenditure		401-010-403-00024	Grounds Maint. & Improvements	\$10,000.00	\$5,543.39	\$15,543.39	Realign Budget authority to cover contract to spray weeds and cover account deficits
L	Clean & Beautiful	Expenditure		612-045-456-07140	Operating Costs	\$2,880.00	(\$2,880.00)	\$0.00	Realign budget to new descriptive accounts
L	Clean & Beautiful	Expenditure		612-045-456-00200	Plants, Shrubs, Trees, Flowers	\$0.00	\$1,152.00	\$1,152.00	Realign budget to new descriptive accounts
L	Clean & Beautiful	Expenditure		612-045-456-00201	Anti Litter Campaign	\$0.00	\$704.00	\$704.00	Realign budget to new descriptive accounts
L	Clean & Beautiful	Expenditure		612-045-456-00202	Subcontracts	\$0.00	\$1,024.00	\$1,024.00	Realign budget to new descriptive accounts
S	Census	Expenditure		610-045-456-00010	Mileage & Per Diem	\$0.00	\$3,000.32	\$3,000.32	New Fund - Accounts for Census Grant
S	Census	Expenditure		610-045-456-00064	Outreach	\$0.00	\$11,500.00	\$11,500.00	New Fund - Accounts for Census Grant
S	Census	Expenditure		610-045-456-00066	Media	\$0.00	\$17,600.00	\$17,600.00	New Fund - Accounts for Census Grant
S	Census	Expenditure		610-045-456-00068	Printing	\$0.00	\$12,200.00	\$12,200.00	New Fund - Accounts for Census Grant
S	Census	Revenue		610-45-300-53800	Census Bureau Grant	\$0.00	\$44,300.32	\$44,300.32	New Fund - Accounts for Census Grant
S	Bureau of Elections	Expenditure		401-003-405-00006	Postage	\$14,000.00	\$15,000.00	\$29,000.00	Unforeseen Election costs with postage
L	San Rafael	Expenditure		407-018-421-00082	Safety Equipment	\$38,087.00	(\$7,000.00)	\$31,087.00	Realign budget authority to spend budget approved Fire Chief distribution of 1/4% fire GRT to VFDs
L	San Rafael	Expenditure		407-018-421-00038	1/4 % Fire Protection Fund	\$0.00	\$7,000.00	\$7,000.00	Realign budget authority to spend budget approved Fire Chief distribution of 1/4% fire GRT to VFDs
S	DWI	Expenditure		439-060-499-00014	Enforcement Overtime	\$53,160.00	(\$2,500.00)	\$50,660.00	Cover Overtime incurred for DWI operations
S	DWI	Expenditure		439-060-499-00505	CCSO Overtime	\$0.00	\$2,500.00	\$2,500.00	Cover Overtime incurred for DWI operations
S	General Fund	Expenditure		401-011-499-09406	Transfer Out	\$0.00	(\$148,000.00)	(\$148,000.00)	Cover Deficit
S	Indigent	Expenditure		406-055-499-40109	Transfer In	\$0.00	\$148,000.00	\$148,000.00	Cover Deficit
S	Candy Kitchen VFD	Expenditure		418-018-429-00026	Mileage & Per Diem	\$500.00	\$450.00	\$950.00	Realign Budget Authority Within Budget
S	Candy Kitchen VFD	Expenditure		418-018-429-00012	Equip., Maint. & Repair	\$1,500.00	\$14,000.02	\$15,500.02	Increase to do additional repairs
S	Candy Kitchen VFD	Expenditure		418-018-429-00023	Repair to Building	\$1,500.00	\$7,000.00	\$8,500.00	Realign Budget Authority & Increase
S	Candy Kitchen VFD	Expenditure		418-018-429-00025	Utilities	\$10,000.00	\$7,510.00	\$17,510.00	Realign Budget Authority & Increase

ATTEST: County Clerk Date Board Chairman Date



12 d.

New Business

Resolution 20-17

Recognizing Cibola Regional
Communications Center as First
Responders



**CIBOLA COUNTY
RESOLUTION 2020-17**

**A RESOLUTION RECOGNIZING AS FIRST RESPONDERS 911 PUBLIC SAFETY
TELECOMMUNICATORS OF THE CIBOLA REGIONAL COMMUNICATIONS
CENTER AND PROCLAIMING THE INFRASTRUCTURE OF PUBLIC SAFETY
FRAMEWORK AS CRITICAL**

WHEREAS, the Cibola County Board of Commissioners recognizes that Public Safety Telecommunicators are the critical infrastructure of the public safety framework and without them public safety may be compromised; and,

WHEREAS, the Cibola County Board of Commissioners recognizes that not only are Public Safety Telecommunicators first responders, they are the very much first responders, and that these selfless individuals make life saving split second decisions and that those decisions can make a difference in the outcome of the call; and,

WHEREAS, the Cibola County Board of Commissioners recognizes that, more extensively than any other public safety official, the Public Safety Telecommunicators not only have to know their own agency protocols, they must additionally know the response protocols for every response event type and response agency who utilize their expertise. Furthermore acknowledging the position of a Public Safety Telecommunicator, even as a beginning telecommunicator, serves in the public safety framework as a mid-level decision making position and that this is substantiated by independently making executive decisions regarding the allocation of communities' resources and doing so in a multi-jurisdiction county. Additionally, they serve as the community's public safety resource, collecting, analyzing, and distributing data to those public safety officials whom otherwise would not have access to the data; and

WHEREAS, the Cibola County Board of Commissioners recognizes that the Cibola Regional Communications Center (CRCC) Public Safety Telecommunicators go through an extensive background check, attend a mandated state training academy along with extensive and ongoing interdepartmental training. Additionally, telecommunicators are required to complete continuing education annually as well as advanced telecommunicator training; and,

WHEREAS, the Cibola County Board of Commissioners recognizes that our Public Safety Telecommunicators perform their duties with no formal protections or offers of individual sovereign immunity and that in the course of their good faith efforts, their public safety response that the communities rely so heavily is not recognized by the Federal Government as a protected classification. Despite all these requirements, stress, education, and training in public safety, the Federal Office of Management and Budget classifies the group of individuals as clerical staff, but we dissent; and,

WHEREAS, the Cibola County Board of Commissioners recognize that a Public Safety Telecommunicator is far from clerical and supports the national movement to re-classify Public Safety Telecommunicators as first responders and truly recognize the work they do. Additionally, the Cibola County Board of Commissioners supports the 911 Saves Act to properly classify the profession of 911 Telecommunicators; and,

WHEREAS, Cibola County Board of Commissioners hereby supports this special group of dedicated Public Safety Telecommunicators as first responders.

NOW THEREFORE BE IT RESOLVED that the Cibola County Board of Commissioners does hereby establish this Resolution recognizing 911 Public Safety Telecommunicators of the Cibola Regional Communications Center (CRCC) as first responders and the critical infrastructure of the public safety framework.

PASSED and **ORDAINED** this _____ day of _____, 2020.

Daniel Torrez, Chairman

Robert Windhorst, First Vice Chair

Martha Garcia, Second Vice Chair

Christine Lowery, Member

Ralph Lucero, Member

ATTEST:

Michelle Dominguez
County Clerk



12 e.

New Business

Resolution 20-18

FY20 Second Qtr. Financial Report

Cibola County Commission

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

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



Resolution No. 20-18

**FISCAL YEAR 2020 SECOND QUARTER FINANCIAL REPORT
YEAR ENDING JUNE 30, 2020**

WHEREAS, the Board of County Commissioners of the County of Cibola is the duly constituted governing body of the County and serves *ex officio* as the County Board of Finance with authority for establishing, monitoring, and adjusting the County's budget; and

WHEREAS, the second quarterly report has been reviewed and approved to ensure the reconciliation of cash balances used on the FY 2020 budget; and

WHEREAS, it is hereby certified that the contents in this report are true and correct to the best of our knowledge and that this report depicts all funds for fiscal year 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CIBOLA, STATE OF NEW MEXICO, EX OFFICIO COUNTY BOARD hereby approves the first quarterly report for FY 2020 hereinafter described as Attachment "A" and respectfully requests approval from the Local Government Division of the Department of Finance and Administration.

PASSED, APPROVED and ADOPTED by the governing body at its regular meeting on the 30th day of January 2020.

THE BOARD OF COUNTY COMMISSIONERS:

Daniel Torrez, Chairman

Robert Windhorst, 1st Vice-Chair

Martha Garcia, 2nd Vice-Chair

Dr. Christina Lowery, Commissioner

Ralph Lucero, Commissioner

ATTEST:

Michelle E Dominguez, County Clerk

2nd Qtr. Report as of Dec. 31, 2019 YTD with BAR's - Resolution 20-18 Attachment A



Active Funds	Investments	Beginning Cash as of July 1, 2019	Revenues	Transfers	Expenditures	Ending Cash Balance as of December 31, 2019
101 - INVESTMENT FUND	\$5,157,900.45	\$0.00	\$78,283.11	\$0.00	\$0.00	\$5,236,183.56
401 - GENERAL FUND	\$0.00	\$3,941,666.29	\$2,834,603.49	(\$1,573,907.10)	(\$2,815,150.00)	\$2,387,212.68
402 - ROAD	\$0.00	\$1,662,232.81	\$476,084.75	\$0.00	(\$2,054,578.44)	\$83,739.12
403 - FARM & RANGE	\$0.00	\$0.00	\$10,100.81	\$0.00	(\$6,309.64)	\$3,791.17
406 - INDIGENT	\$0.00	\$119,180.26	\$266,038.71	\$147,707.10	(\$532,926.07)	\$0.00
407 - SAN RAFAEL VFD	\$0.00	\$79,178.23	\$35,757.20	\$7,000.00	(\$13,232.53)	\$108,702.90
408 - BLUEWATER VFD	\$0.00	\$183,878.68	\$52,541.60	(\$17,994.00)	(\$10,680.83)	\$207,745.45
409 - LOBO CANYON VFD	\$0.00	\$115,071.22	\$35,787.61	\$4,096.00	(\$6,063.40)	\$148,891.43
413 - LAGUNA EMS	\$0.00	\$1,438.26	\$12,818.00	\$0.00	(\$1,250.39)	\$13,005.87
415 - PINEHILL EMS	\$0.00	\$417.01	\$10,824.00	\$0.00	\$0.00	\$11,241.01
416 - FENCE LAKE VFD	\$0.00	\$157,521.98	\$22,647.20	\$7,000.00	(\$5,351.50)	\$181,817.68
418 - CANDY KITCHEN VFD	\$0.00	\$48,722.36	\$54,182.40	(\$37,652.00)	(\$12,567.89)	\$52,684.87
419 - LAGUNA VFD	\$0.00	\$198,945.45	\$113,827.20	\$0.00	(\$3,972.41)	\$308,800.24
424 - CUBERO VFD	\$0.00	\$106,058.07	\$42,123.00	(\$6,589.00)	(\$4,526.21)	\$137,065.86
425 - CUBERO EMS	\$0.00	\$980.51	\$0.00	\$0.00	\$0.00	\$980.51
427 - EL MORRO VFD	\$0.00	\$49,564.28	\$22,647.20	\$7,000.00	(\$17,443.91)	\$61,767.57
428 - SUPERIOR AMBULANCE	\$0.00	\$75.03	\$3,248.00	\$0.00	\$0.00	\$3,323.03
435 - CONSOLIDATED DISPATCH	\$0.00	\$61.13	\$465,958.59	\$75,000.00	(\$405,058.10)	\$95,961.62
438 - DWI GRANT	\$0.00	\$0.00	\$12,748.44	\$3,000.00	(\$8,192.00)	\$7,556.44
439 - DWI DISTRIBUTION	\$0.00	\$106,100.00	\$131,415.00	(\$3,000.00)	(\$128,602.31)	\$105,912.69
440 - CDWI GRANT	\$0.00	\$0.00	\$0.00	\$200.00	(\$191.00)	\$9.00
475 - COUNTY FIRE PROTECTION	\$0.00	\$580,739.16	\$105,644.31	(\$42,000.00)	(\$3,258.05)	\$641,125.42
500 - CLERK RECORDING/FILING	\$0.00	\$82,033.76	\$19,185.00	\$0.00	(\$30,181.71)	\$71,037.05
504 - IGAS-PASS THRU	\$233,981.67	\$0.00	\$7,576,862.29	\$0.00	(\$6,436,597.50)	\$1,374,246.46
569 - 2014A BOND INCOME FUND	\$0.00	\$0.00	\$470,498.09	\$0.00	(\$21,660.39)	\$448,837.70
570 - 2014B BOND INCOME FUND	\$0.00	\$0.00	\$1,093,568.97	\$0.00	(\$241,535.31)	\$852,033.66
575 - NMFA LOANS	\$628,294.98	\$0.00	\$7,591.82	\$75,139.00	(\$8,705.32)	\$706,320.48
604 - FIRE MARSHAL	\$0.00	\$52,437.31	\$47,574.82	\$0.00	(\$43,133.30)	\$56,878.83
605 - LAW ENFORCEMENT PROTECTION	\$0.00	\$13,616.46	\$29,000.00	\$0.00	(\$31,416.26)	\$11,200.20
610 - CENSUS BUREAU	\$0.00	\$0.00	\$44,300.32	\$0.00	(\$44,300.32)	\$0.00
611 - FOREST SERVICE GRANT	\$0.00	\$12,390.42	\$91,148.92	\$0.00	\$0.00	\$103,539.34
612 - NEW MEXICO CLEAN & BEAUTIFUL	\$0.00	\$0.00	\$1,440.00	\$0.00	(\$216.50)	\$1,223.50
614 - DETENTION CENTER	\$0.00	\$0.00	\$433,652.95	\$1,300,000.00	(\$1,272,223.10)	\$461,429.85
615 - COMPLIANCE PROGRAM	\$0.00	\$0.00	\$1,551.00	\$0.00	(\$735.65)	\$815.35
620 - 1% REAPPRAISAL FUND	\$0.00	\$363,892.81	\$1,457.73	\$0.00	(\$21,870.72)	\$343,479.82
651 - CAPITAL OUTLAY PROJECTS	\$0.00	\$26,404.00	\$196,907.72	\$51,000.00	(\$196,907.72)	\$77,404.00
TOTALS=	\$6,020,177.10	\$7,902,605.49	\$14,802,020.25	\$0.00	(\$14,418,838.48)	\$8,285,787.26

ATTEST:

County Clerk

Date

Board Chairman

Date



12 f.

New Business

Mt. Taylor Winter Quad

Alcohol Permit Application

ALCOHOLIC BEVERAGE CONTROL | PUBLIC CELEBRATION PERMIT APPLICATION

FEE PER DAY: ☐ \$10.00 (DO NOT SUBMIT CASH) Date Application Filed: _____

A copy of all approved permits are sent to the Special Investigations Division of the Department of Public Safety, and DPS will request additional information, if needed.

LICENSE HOLDER INFORMATION: Check boxes that apply

Liquor License # _____ Type of License: ☐ Craft Distiller ☐ Small Brewer ☐ Winegrower

Business Name (DBA): _____ Owner Name: _____

Mailing Address: _____ City, State & Zip: _____

Phone No: _____ ext: _____ Person to ask for: _____

Email Address: _____

EVENT INFORMATION:

Type of Event: ☐ Indoor Event ☒ Outdoor Event ☐ Both ☐ All Ages Event -Wrist Bands ☐ Yes ☐ No

Type of Celebration: ☐ State Fair ☐ County Fair ☐ Community Fiesta ☐ Cultural / Artistic Performance ☒ Athletic

Name of Event: MT. Taylor Winter Quad

Physical Address of Event: 515 W High ST Grants NM 87000

Date of event (Day 1) 2-15-20 Time Event Begins: 8am Time Event Ends: 6pm

Time of Alcohol Service: Begins at: 11am Ends at: 5pm

Total No. of Attendees Expected at Event: 300 Total No. of Attendees Expected to Consume Alcohol: 150

Date of event (Day 2) _____ Time Event Begins: _____ Time Event Ends: _____

Time of Alcohol Service: Begins at: _____ Ends at: _____

Total No. of Attendees Expected at Event: _____ Total No. of Attendees Expected to Consume Alcohol: _____

Date of event (Day 3) _____ Time Event Begins: _____ Time Event Ends: _____

Time of Alcohol Service: Begins at: _____ Ends at: _____

Total No. of Attendees Expected at Event: _____ Total No. of Attendees Expected to Consume Alcohol: _____

SECURITY: No. of Security: 2

☐ Alcohol Server Certified employed by licensee Server Permit # _____ Expiration Date _____

☐ Alcohol Server Certified employed by licensee Server Permit # _____ Expiration Date _____

☒ Licensed Security Company Cibola County Undersheriff Phone No. _____

Describe Security Cibola County Undersheriff

NOTE: LICENSEE'S EMPLOYEE(S) ASSIGNED TO WORK SECURITY, MUST WORK THIS EXCLUSIVELY AND MAY NOT SERVE AT THE EVENT.

SPONSOR INFORMATION: Sponsor of Event: MT. Taylor Quad

Name of Contact: Isaac Atencio Phone: 505-290-3134

APPROVAL OF PROPERTY OWNER:

Print Name: _____ Signature: _____ Date: _____ Phone No.: _____

Name of Your Business & Location of Property: _____

LICENSE HOLDER & SERVER CERTIFICATION: I, _____ (Licensee) hereby certify that this application is signed by Licensee or authorized person under this License. I further certify that all persons providing the service of alcoholic beverages at the Event are currently Server Certified, that they are all my employees, and that ALL the information in this Application and the Attachments, is true and correct. Licensee Agrees that if any statements or representations herein are found to be false, the Director may refuse to issue additional permits. I understand that all fees submitted are non-refundable.

Licensee Name: (print) _____ Signature: _____ Date: _____

LOCAL GOVERNING BODY APPROVAL: Print Name: _____ Title: _____

Signature: _____ Date: _____ Phone: _____ Fax: _____

ABC USE ONLY: Application Must Include: Payment of Fees, per day (listed on top of page), Floor Plan - (w/photos) & Detailed Server List

FINANCE! Application Fee \$ _____ Received on: _____ Receipt No. _____

Clear of Citations/Holds: ☐ Yes ☐ No ☐ Approved ☐ Disapproved

Processed By: _____ Assigned Permit Number: _____ Approved Permit Sent on: _____



12 g.

New Business

Payroll Increase

Road Department Employees

Road Fund Salary Analysis

FUND #	DEPARTMENT	EMPLOYEE NAME	POSITION CLASSIFICATION	FTE OR PART	CURRENT PAY RATE	ANNUAL SALARY	FICA	(x .062)	MEDICARE (x .0145)	RETIREMENT	HEALTH INSURANCE EMPLOYER %	WORKERS COMP ASSESSMENT	RETIREE HEALTH CARE (x .0200)	OTHER	TOTAL	PAY PERIODS REMAINING	PROJECTED REMAINING BUDGET NEEDED
Flat Next Year Projected Budget																	
402	Road	Gary Porter	Publi Roads Superintendent	FTE	\$36.06	\$75,000.00		\$4,650.00	\$1,087.50	\$7,250.00	\$6,284.12	\$10.00	\$1,500.00	\$0.00	\$95,881.62	100.00%	\$95,881.62
402	Road	Wayne Vigil	Construction Foreman	FTE	\$19.00	\$39,520.00		\$2,450.24	\$573.04	\$3,873.66	\$18,439.34	\$10.00	\$790.40	\$0.00	\$65,655.98	100.00%	\$65,655.98
402	Road	Audrey Archunde	Secretary/Receptionist	FTE	\$16.64	\$34,611.20		\$2,145.89	\$501.66	\$3,391.90	\$6,294.12	\$10.00	\$692.22	\$0.00	\$47,631.20	100.00%	\$47,631.20
402	Road	Martin Urteste	Truck Driver 2	FTE	\$15.08	\$31,386.40		\$1,944.72	\$454.81	\$3,073.91	\$16,099.52	\$10.00	\$697.33	\$0.00	\$53,576.69	100.00%	\$53,576.69
402	Road	Richard Cerro	Heavy Equipment Diesel Mechanic	FTE	\$21.84	\$45,427.20		\$2,816.49	\$658.69	\$4,451.87	\$6,294.12	\$10.00	\$808.54	\$0.00	\$60,556.91	100.00%	\$60,556.91
402	Road	Aaron Wheeler	Gas Mechanic	FTE	\$16.00	\$33,280.00		\$2,063.36	\$482.56	\$3,261.44	\$18,412.63	\$10.00	\$665.60	\$0.00	\$58,175.59	100.00%	\$58,175.59
402	Road	Ernest Pohl	Heavy Equipment Operator 1	FTE	\$16.25	\$33,800.00		\$2,050.60	\$480.10	\$3,312.40	\$6,284.12	\$10.00	\$678.00	\$0.00	\$54,354.48	100.00%	\$54,354.48
402	Road	Vacant	Truck Driver 2	FTE	\$13.52	\$28,121.60		\$1,743.54	\$407.76	\$2,755.82	\$38.09	\$10.00	\$662.22	\$0.00	\$47,637.20	100.00%	\$47,637.20
402	Road	Eric Barcia	Truck Driver 2	FTE	\$13.00	\$27,040.00		\$1,676.48	\$392.08	\$2,548.92	\$13,944.00	\$10.00	\$540.80	\$0.00	\$33,639.35	100.00%	\$33,639.35
402	Road	Gabriel Breyer	Laborer	FTE	\$11.75	\$24,440.00		\$1,515.28	\$354.38	\$2,384.12	\$6,294.12	\$10.00	\$488.80	\$0.00	\$35,074.17	100.00%	\$35,074.17
402	Road	Rosario Galindo	Truck Driver 2	FTE	\$14.56	\$30,296.80		\$1,877.68	\$429.13	\$2,895.12	\$13,990.54	\$10.00	\$605.70	\$0.00	\$50,175.73	100.00%	\$50,175.73
402	Road	Phillip Yriguez	Laborer	FTE	\$11.75	\$24,440.00		\$1,515.28	\$354.38	\$2,385.12	\$11,457.68	\$10.00	\$488.80	\$0.00	\$40,661.26	100.00%	\$40,661.26
402	Road	George Romero	Laborer	FTE		\$461,982.40		\$28,650.43	\$6,698.16	\$45,270.36	\$137,359.28	\$130.00	\$9,238.85	\$0.00	\$689,279.47		\$689,279.47

15% Increase Impact this Next Year

402	Road	Gary Porter	Publi Roads Superintendent	FTE	\$41.47	\$86,250.00		\$5,347.50	\$1,250.63	\$8,452.50	\$8,284.12	\$10.00	\$1,725.00	\$0.00	\$109,319.75	100.00%	\$109,319.75
402	Road	Wayne Vigil	Construction Foreman	FTE	\$21.85	\$45,448.00		\$2,817.78	\$659.00	\$4,450.68	\$18,439.34	\$10.00	\$808.96	\$0.00	\$72,736.98	100.00%	\$72,736.98
402	Road	Audrey Archunde	Secretary/Receptionist	FTE	\$19.14	\$39,802.88		\$2,467.78	\$577.14	\$3,500.68	\$6,284.12	\$10.00	\$796.06	\$0.00	\$53,838.66	100.00%	\$53,838.66
402	Road	Martin Urteste	Truck Driver 2	FTE	\$17.34	\$36,071.36		\$2,236.42	\$523.03	\$3,534.99	\$16,099.52	\$10.00	\$721.43	\$0.00	\$59,198.76	100.00%	\$59,198.76
402	Road	Richard Cerro	Heavy Equipment Diesel Mechanic	FTE	\$25.12	\$52,241.28		\$3,272.86	\$757.50	\$5,119.65	\$6,284.12	\$10.00	\$1,044.83	\$0.00	\$68,998.33	100.00%	\$68,998.33
402	Road	Aaron Wheeler	Gas Mechanic	FTE	\$18.40	\$38,272.00		\$2,409.94	\$554.84	\$3,750.66	\$18,412.63	\$10.00	\$765.44	\$0.00	\$64,138.54	100.00%	\$64,138.54
402	Road	Ernest Pohl	Heavy Equipment Operator 1	FTE	\$18.69	\$38,870.00		\$2,405.07	\$563.82	\$3,809.26	\$13,670.38	\$10.00	\$777.40	\$0.00	\$60,410.59	100.00%	\$60,410.59
402	Road	Vacant	Truck Driver 2	FTE	\$15.55	\$32,339.84		\$2,005.07	\$468.83	\$3,169.30	\$6,284.12	\$10.00	\$646.80	\$0.00	\$38,678.03	100.00%	\$38,678.03
402	Road	Eric Barcia	Truck Driver 2	FTE	\$13.51	\$31,098.00		\$1,927.96	\$407.54	\$2,754.39	\$13,944.00	\$10.00	\$621.92	\$0.00	\$31,098.17	100.00%	\$31,098.17
402	Road	Gabriel Breyer	Laborer	FTE	\$14.95	\$28,106.00		\$1,742.57	\$407.54	\$2,754.39	\$6,294.12	\$10.00	\$586.55	\$0.00	\$39,453.21	100.00%	\$39,453.21
402	Road	Phillip Yriguez	Truck Driver 2	FTE	\$16.74	\$34,827.52		\$2,159.31	\$505.00	\$3,413.10	\$13,990.54	\$10.00	\$605.70	\$0.00	\$55,602.01	100.00%	\$55,602.01
402	Road	George Romero	Laborer	FTE	\$13.51	\$28,106.00		\$1,742.57	\$407.54	\$2,754.39	\$11,457.68	\$10.00	\$586.12	\$0.00	\$45,040.30	100.00%	\$45,040.30
																Budget Increase Needed	
																\$82,768.53	
																\$772,048.00	

The increase would be the same as adding a \$25 to \$26 Per Hour Position to the road department or adding two Laborer positions.

The increase should not affect the General Fund.

Revenues to be used for salaries and benefits

\$285,399.69 Motor Vehicle Road Fees - NMSA 67-3-28.2.E. The department may distribute up to one million dollars (\$1,000,000) per calendar year of the money in the local governments road fund to municipalities and counties that can demonstrate financial hardship, for use as all or a Gasoline Tax - NMSA 7-24A-3. A. The proceeds of a county or municipal gasoline tax shall be used for bridge and road projects or public transportation related trails and for expenses of purchasing, maintaining and operating transit operations and facilities, for the operation of a transit authority established by the Municipal Transit Law (3-52-1 to 3-52-13 NMSA 1978) or as provided in the County and Municipal Gasoline Tax Act; for operation of a vehicle emission inspection program or for road, street or highway construction, repair or maintenance in the county or municipality. The proceeds of a county or municipal gasoline tax may be pledged for the payment of bonds issued pursuant to the County and Municipal Gasoline Tax Act. A county or municipality may engage in the business of Forest Reserve - MMSA 6-11-3.Bmay be expended by the board of county commissioners upon roads within forest reserves in those counties and upon those other roads in the counties deemed by the boards of county commissioners to be necessary or convenient to the public.

\$415,256.84 GRT Hold Harmless 1/8 (.125 increment) dedicated by governing body to Road Fund for general purpose per ordinance.

\$222,775.53

\$1,103,034.35

Road Fund Salary Analysis

FUND #	DEPARTMENT NT	EMPLOYEE NAME	POSITION CLASSIFICATION	FTE OR CURRENT PART TIME	CURRENT T PAY RATE	ANNUAL SALARY	FICA .052	C x MEDICARE (C x .0145)	RETIREMENT	HEALTH INSURANCE EMPLOYER %	WORKERS COMP ASSESSMENT	RETIREE HEALTH CARE (C x .0200)	OTHER	TOTAL	PAY PERIODS REMAINING	PROJECTED REMAINING BUDGET NEEDED
--------	---------------	---------------	-------------------------	--------------------------	--------------------	---------------	-----------	--------------------------	------------	-----------------------------	-------------------------	---------------------------------	-------	-------	-----------------------	-----------------------------------

Current Projected Budget

402	Road	Gay Porter	Publi Roads Superintendent	FTE	36.06	75,000.00	4,650.00	1,087.50	7,550.00	6,284.12	10.00	1,500.00	0.00	95,891.62	40.38%	\$98,721.43
402	Road	Wayne Vigil	Construction Foreman	FTE	19.00	39,520.00	2,450.24	573.04	3,872.95	18,439.34	10.00	790.40	0.00	65,655.08	40.38%	\$26,144.92
402	Road	Audrey Archunde	Secretary/Receptionist	FTE	16.54	34,611.20	2,145.89	501.86	3,391.90	6,284.12	10.00	692.22	0.00	47,637.20	40.38%	\$19,288.10
402	Road	Martin Urboste	Truck Driver 2	FTE	15.88	31,386.40	1,944.72	454.81	3,073.91	16,099.62	10.00	627.33	0.00	63,576.69	40.38%	\$21,656.74
402	Road	Richard Carro	Heavy Equipment Diesel Mechanic	FTE	21.84	45,427.20	2,876.49	658.69	4,461.87	6,284.12	10.00	808.54	0.00	60,566.81	40.38%	\$24,455.68
402	Road	Aaron Wheeler	Gas Mechanic	FTE	16.00	33,280.00	2,063.36	482.56	3,261.44	18,412.63	10.00	665.60	0.00	58,175.59	40.38%	\$23,493.99
402	Road	Ernest Pohl	Heavy Equipment Operator 1	FTE	16.25	33,800.00	2,085.80	490.10	3,317.40	13,970.38	10.00	678.00	0.00	54,354.48	40.38%	\$21,950.85
402	Road	Vacant	Heavy Equipment Operator 1	FTE	16.64	34,611.20	2,145.89	501.86	3,391.90	6,284.12	10.00	692.22	0.00	47,637.20	40.38%	\$19,238.10
402	Road	Eric Barula	Truck Driver 2	FTE	13.52	28,121.60	1,743.54	407.76	2,765.92	38.09	10.00	562.43	0.00	33,639.35	40.38%	\$13,585.12
402	Road	Gabriel Begay	Truck Driver 2	FTE	13.00	27,040.00	1,676.48	392.08	2,395.12	5,870.59	10.00	540.80	0.00	48,253.28	40.38%	\$18,679.21
402	Road	Rosalio Galindo	Laborer	FTE	11.75	24,440.00	1,515.28	354.38	2,395.12	6,284.12	10.00	488.80	0.00	35,074.17	40.38%	\$14,164.57
402	Road	Phillip Yllueuz	Truck Driver 2	FTE	14.56	30,284.80	1,877.66	439.13	2,957.91	13,990.54	10.00	605.70	0.00	50,175.73	40.38%	\$20,263.28
402	Road	George Romero	Laborer	FTE	11.75	24,440.00	1,515.28	354.38	2,395.12	11,457.68	10.00	488.80	0.00	40,961.26	40.38%	\$16,420.90
						461,902.40	28,640.43	6,598.16	45,270.35	137,359.28	130.00	9,238.85	0.00	689,279.47		278,562.86

15% Increase Impact this Fiscal Year

402	Road	Gay Porter	Publi Roads Superintendent	FTE	36.06	\$86,250.00	\$5,347.50	\$1,250.63	\$8,452.50	\$6,284.12	\$10.00	\$1,725.00	\$0.00	\$109,319.75	40.38%	\$54,148.36
402	Road	Wayne Vigil	Construction Foreman	FTE	19.00	\$45,448.00	\$2,817.78	\$659.00	\$4,453.90	\$18,439.34	\$10.00	\$908.96	\$0.00	\$72,736.98	40.38%	\$29,374.55
402	Road	Audrey Archunde	Secretary/Receptionist	FTE	16.54	\$39,802.88	\$2,467.78	\$577.14	\$3,500.68	\$6,284.12	\$10.00	\$796.06	\$0.00	\$53,838.66	40.38%	\$21,742.54
402	Road	Martin Urboste	Truck Driver 2	FTE	15.88	\$36,071.36	\$2,236.42	\$523.03	\$3,554.99	\$16,099.62	\$10.00	\$721.43	\$0.00	\$59,196.76	40.38%	\$23,906.39
402	Road	Richard Carro	Heavy Equipment Diesel Mechanic	FTE	21.84	\$62,241.28	\$3,238.96	\$757.50	\$5,119.65	\$6,284.12	\$10.00	\$1,044.83	\$0.00	\$69,696.33	40.38%	\$27,742.75
402	Road	Aaron Wheeler	Gas Mechanic	FTE	16.00	\$38,272.00	\$2,372.86	\$554.94	\$3,750.66	\$18,412.63	\$10.00	\$765.44	\$0.00	\$64,136.54	40.38%	\$25,902.10
402	Road	Ernest Pohl	Heavy Equipment Operator 1	FTE	16.25	\$38,800.00	\$2,409.94	\$563.52	\$3,809.26	\$13,970.38	\$10.00	\$777.40	\$0.00	\$60,410.59	40.38%	\$24,396.58
402	Road	Vacant	Heavy Equipment Operator 1	FTE	16.64	\$39,802.88	\$2,467.78	\$577.14	\$3,900.68	\$6,284.12	\$10.00	\$796.06	\$0.00	\$53,838.66	40.38%	\$21,742.54
402	Road	Eric Barula	Truck Driver 2	FTE	13.52	\$32,339.84	\$2,005.07	\$468.93	\$3,169.30	\$38.09	\$10.00	\$646.80	\$0.00	\$51,093.17	40.38%	\$15,619.97
402	Road	Gabriel Begay	Truck Driver 2	FTE	13.00	\$31,096.00	\$1,927.96	\$450.89	\$3,047.41	\$5,870.59	\$10.00	\$621.92	\$0.00	\$39,453.21	40.38%	\$15,983.03
402	Road	Rosalio Galindo	Laborer	FTE	11.75	\$28,106.00	\$1,742.57	\$407.54	\$2,754.39	\$6,284.12	\$10.00	\$606.55	\$0.00	\$56,602.01	40.38%	\$22,454.66
402	Road	Phillip Yllueuz	Truck Driver 2	FTE	14.56	\$34,827.62	\$2,159.31	\$505.00	\$3,413.10	\$13,990.54	\$10.00	\$692.12	\$0.00	\$45,040.30	40.38%	\$18,189.35
402	Road	George Romero	Laborer	FTE	11.75	\$28,106.00	\$1,742.57	\$407.54	\$2,754.39	\$11,457.68	\$10.00	\$692.12	\$0.00	772,048.00		311,788.62
						\$31,233.76	\$2,596.49	7,702.89	\$2,060.91	137,359.28	130.00	10,624.68	0.00			

Budget Increase Needed \$33,425.75

\$311,788.62