



CIBOLA COUNTY BOARD OF COMMISSIONERS

Daniel Torrez
Chairman

Martha Garcia
1st Vice Chairman

Christine Lowery
2nd Vice Chairman

Ralph Lucero
Commissioner

Robert Windhorst
Commissioner

**Regular Commission Meeting
Thursday, December 16th, 2021
5:00 p.m.**

Cibola County Commission Chambers

PURSUANT TO THE PUBLIC HEALTH ORDER DATED DECEMBER 10TH, 2021, ALL INDIVIDUALS ARE REQUIRED TO WEAR A MASK WHILE AT COUNTY FACILITIES.

ALL OTHER PUBLIC HEALTH ORDER COVID-19 REQUIREMENTS AND FIRE MARSHAL CAPACITY LIMITS APPLY.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Prayer**
5. **Approval of Agenda**

6. **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.

7. **Minutes**

- a. Minutes from November 18th, 2021, Regular Commission Meeting
- b. Minutes from November 22nd, 2021, Special Commission Meeting

8. **Reports**

- a. Budget and Finance Report- Kate Fletcher-County Manager & Paul Ludi-Finance Director
- b. Public Safety Building Scope of Work Update- Kate Fletcher-County Manager

9. **Public Hearing**

- a. Ordinance 2021-02 Local Economic Development Act (LEDA)

10. **New Business – Action May Be Taken**

- a. Consideration of Resolution 21-66 Premium Pay For Eligible County Employees
- b. Consideration of Ordinance 2021-02 Local Economic Development Act (LEDA)
- c. Consideration to use ARPA funds for a County-Wide Broadband Feasibility Study
- d. Consideration of Resolution 21-67 Supporting the 2022 Legislative Priorities of the NM Counties
- e. Consideration of Resolution 21-68 Requesting Legislature Redraw District 30 To Preserve Voice of Cibola County
- f. Consideration to approve requisitions over \$20,000
 - a. Finley Engineering-Broadband Feasibility Study-\$84,530

11. Executive 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:**

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

- a. Pending or threatened litigation 10-15-1 (H) (7)
 - 1. **Cibola County vs. Jaynes, Inc.**
 - 2. **Cibola County v. Amerisource Bergen, Cardinal Health, McKesson et al**
- b. Real Property 10-15-1 (H) (8)
- c. Personnel 10-15-1 (H) (2)
- d. other specific limited topics that are allowed or authorized under the stated statute;

· **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.**

12. New Business-Action May Be Taken

- a. Direction to Staff Regarding Cibola County v. Jaynes, Inc.
- b. Direction to Staff Regarding Cibola County v. Amerisource Bergen, Cardinal Health, McKesson et al

13. Announcements

The Next Commission Meeting will be a Special Commission Meeting which will be held on, Tuesday, January 11th, 2022, at 5:00p.m. The Cibola County Offices will be closed Thursday, December 23rd and Friday, December 24th, 2021, in observation of Christmas Holidays and Thursday, December 30th and Friday, December 31st, 2021, in observation of New Year's Holidays.

14. Adjournment



7a.

Minutes

11.18.2021

Regular Commission
Meeting Minutes

**Regular Commission
Meeting Thursday,
November 18th, 2021
5:00 p.m.**

The Cibola County Commission held a Special Meeting on Thursday November 18th, 2021 at 5:00 pm in the Cibola County Commission Center

Elected Officials Present Staff

Daniel Torrez, Chairman

Martha Garcia, 1st Vice Chairman

Christina Lowery, 2nd Vice Chairman

Ralph Lucero, Commissioner

Robert Windhorst, Commissioner

Paul Ludi, Finance Director

Michelle Dominguez, County Clerk

Marisa Baca, Filing/Recording

1. Call to Order

Chairman Torrez called the meeting to order at 5:00pm

2. Roll Call

5 – Present

3. Pledge of Allegiance

Led by Commissioner Windhorst

4. Prayer

Led by Commissioner Lucero

5. Approval of Agenda

Tabled items

9.) Presentation

10.) a. selection of Commission Redistricting Plan Based on the 2020 Federal Census

11.) Executive Session removed for agenda.

Motioned to approve by Lucero

Seconded by Windhorst

5 Affirmative

6. Public Comment - ONE ---Joan K

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.

7. Minutes

- a. Minutes from October 28th, 2021, Regular Commission Meeting
Motioned to approve by Commissioner Windhorst
Seconded by Commissioner Garcia
5 Affirmative
- b. Minutes from November 9th, 2021, Special Canvassing Commission Meeting
Motioned to approve by Commissioner Garcia
Seconded by Commissioner Lucero
5 Affirmative

8. Reports

- a. Budget and Finance Report-Paul Ludi-Finance Director

9. Presentation

Redistricting -Research and polling-Steve Cabiedes ----TABLED

10. New Business – Action May Be Take

- a. Selection of Commission Redistricting Plan Based on the 2020 Federal Census
TABLED
- b. Direction to Staff to Publish the Title and General Subject Matter of a Local Economic Development Act Ordinance
Motioned to approve by Commissioner Garcia
Seconded by Commissioner Lucero
5 Affirmative
- c. Consideration of Quad Event Alcohol Application Permit for February
Motioned to approve by Commissioner Windhorst
Seconded by Commissioner Lowery
5 Affirmative
- d. Consideration of Resolution 21-62 Transfer of Dump Truck to the City of Grants
Motioned to approve by Commissioner Lucero
Seconded by Commissioner Windhorst
5 Affirmative
- e. Consideration of Resolution 21-63 Authorizing the Auction of Vehicles and Equipment currently utilized by the Sheriff's Department
Motioned to approve by Commissioner Windhorst
Seconded by Commissioner Garcia
5 Affirmative
- f. Consideration of Resolution 21-64 FY22 Budget Adjustment Number 2
Motioned to approve by Commissioner Lowery
Seconded by Commissioner Windhorst
5 Affirmative
- g. Consideration to approve requisitions over \$20,000
 - a. 2021 Durango-Melloy Dodge-Manager's Dept.-\$32,480
 - b. Paramedic Level Cardiac Monitor-Fire Marshall-\$24,850.55Motioned to approve by Commissioner Lowery
Seconded by Commissioner Lucero
5 Affirmative

11. Executive Session-REMOVED

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

- **Motion and roll call vote to go into executive session and that, pursuant to New Mexico State Statute Section 10-15-1, only the following matters will be discussed in closed session:**

h. Pending or threatened litigation 10-15-1 (H) (7)

- i. **BOCC v. Jaynes**

i. Real Property 10-15-1 (H) (8)

j. Personnel 10-15-1 (H) (2)

k. other specific limited topics that are allowed or authorized under the stated statute;

- **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.**

12. Announcements

The Next Regular Commission Meeting will be on, Thursday, December 16th, 2021, at 5:00p.m. The Cibola County Offices will be closed Thursday, November 25th, and Friday, November 26th, 2021, in observation of Thanksgiving Holidays.

13. Adjournment

5:31pm

PASSED, APPROVED, and ADOPTED this 16th of December, 2021

BOARD OF COUNTY COMMISSIONERS

Daniel Torrez, Chairman

Martha Garcia, 1st Vice Chairman

Christine Lowery, 2nd Vice Chairman

Ralph Lucero, Commissioner

Robert Windhorst, Commissioner

ATTEST:

Michelle E. Dominguez, Cibola County Clerk

Date: _____

SEAL



7b.

Minutes

11.22.2021

Special Commission
Meeting Minutes

**Special Commission
Meeting Monday
November 22nd, 2021
3:00 p.m.**

The Cibola County Commission held a Special Meeting on Monday November 22nd, 2021 at 3:00 pm in the Cibola County Commission Center

Elected Officials Present Staff

Daniel Torrez Chairman

Martha Garcia, 1st Vice Chairman

Christine Lowery, 2nd Vice Chairman

Robert Windhorst, Commissioner

Ralph Lucero, Commissioner

Kate Fletcher, County Manager

Paul Ludi, Finance Director

Natalie Grine, Deputy Clerk

Michelle Dominguez, County Clerk

Marisa Baca, Filing/Recording

Denise Salcido, BOE

1. Call to Order

Chairman Torrez called the meeting to order at 3:00pm

2. Roll Call

5-Present

3. Pledge of Allegiance

Led by Commissioner Lucero

4. Prayer

Led by Commissioner Windhorst

5. Approval of Agenda

Motioned to approve by Commissioner Lucero Seconded by Commissioner Windhorst 5-Affirmative

6. Presentation

a. Redistricting-Research and Polling-Steve Cabiedes

7. New Business – Action May Be Taken

a. Consideration of Resolution 21-65 Adopting a County Commission Redistricting Plan Based on the 2020 Census

PLAN B

Motioned to approve by Commissioner Lucero

Seconded by Commissioner Torrez

1 NO - Lowery

4 Affirmative

8. Announcements

The Next Regular Commission Meeting will be on, Thursday, December 16th, 2021, at 5:00p.m. The Cibola County Offices will be closed Wednesday, November 24th Due to a Complex Wide Power Shut Off Needed For 1st Phase of HVAC Install and Thursday, November 25th, and Friday, November 26th, 2021, in observation of Thanksgiving Holidays.

9. Adjournment

3:58 pm

PASSED, APPROVED, and ADOPTED this 16th of December, 2021

BOARD OF COUNTY COMMISSIONERS

Daniel Torrez, Chairman

Martha Garcia, 1st Vice Chairman

Christine Lowery, 2nd Vice Chairman

Ralph Lucero, Commissioner

Robert Windhorst, Commissioner

ATTEST:

Michelle E. Domínguez, Cibola County Clerk

Date: _____

SEAL



8a.

Budget and Finance Report

As of November 30st, 2021-No Backup at this
time



Cibola County Commission Meeting December 16, 2021

Daniel Torrez, Chairman
Martha Garcia, 1st Vice-Chair
Christine Lowery, 2nd Vice Chair
Robert Windhorst, Commissioner
Ralph Lucero, Commissioner
Kate Fletcher, County Manager



Finance Report

As of November 30, 2021





Cibola County Updates



- Finance Reports & Budgets located on Finance Department webpage
- Manager's Office is reconciled to the bank through September 30th for Main Operating account but will catching up now after the audit. The Treasurer's Office has the Tax operating account reconciled through September 30th. They are waiting for TYLER to fix a 20 cent adjustment. We should all be caught up next month.
- NMFA Board in Santa Fe met today via zoom for our HVAC loan and Fire Vehicle loans.

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



FY 18, 19, 20, 21 Actuals, FY 22 Projection, & FY22 Actuals GRT Distributions with Contracts

Our contract amounts are automatically deducted before we receive our GRT distribution so I add them back in to get a truer picture on what we actually receive. The NEW Compensating tax is now included. The local distribution pursuant to 7-1-6.64 is no longer in effect.

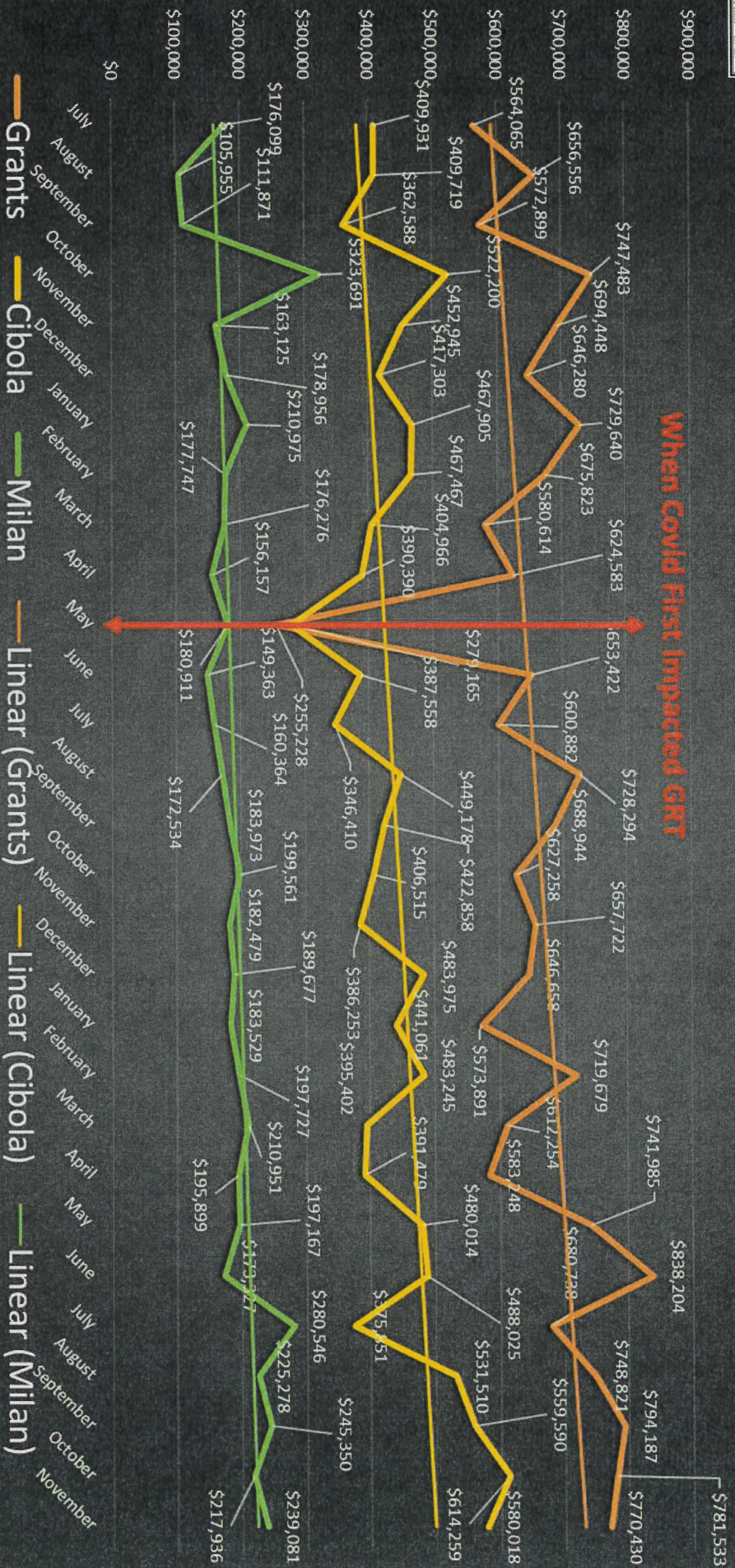
**WOW
AGAIN!!!!!!**

	July	August	September	October	November	December	January	February	March	April	May	June
2022 YTD Actuals	\$375,851	\$531,510	\$559,590	\$614,259	\$580,018	\$393,943	\$393,943	\$393,943	\$393,943	\$393,943	\$393,943	\$393,943
2022 Projected GRT	\$393,943	\$393,943	\$393,943	\$393,943	\$393,943	\$483,975	\$441,061	\$483,245	\$395,402	\$391,479	\$480,014	\$488,025
2021 YTD Actuals	\$346,410	\$449,178	\$422,858	\$406,515	\$386,253	\$417,303	\$467,905	\$467,467	\$404,966	\$390,390	\$279,165	\$387,558
2020 YTD Actuals	\$409,931	\$409,719	\$361,865	\$522,200	\$452,945	\$344,509	\$341,921	\$436,280	\$353,013	\$314,669	\$378,007	\$334,204
2019 YTD Actuals	\$388,766	\$370,384	\$377,648	\$395,792	\$366,307	\$395,464	\$259,314	\$408,493	\$302,317	\$354,221	\$713,772	\$366,412
2018 YTD Actuals	\$351,471	\$59,592	\$473,499	\$322,958	\$368,668							



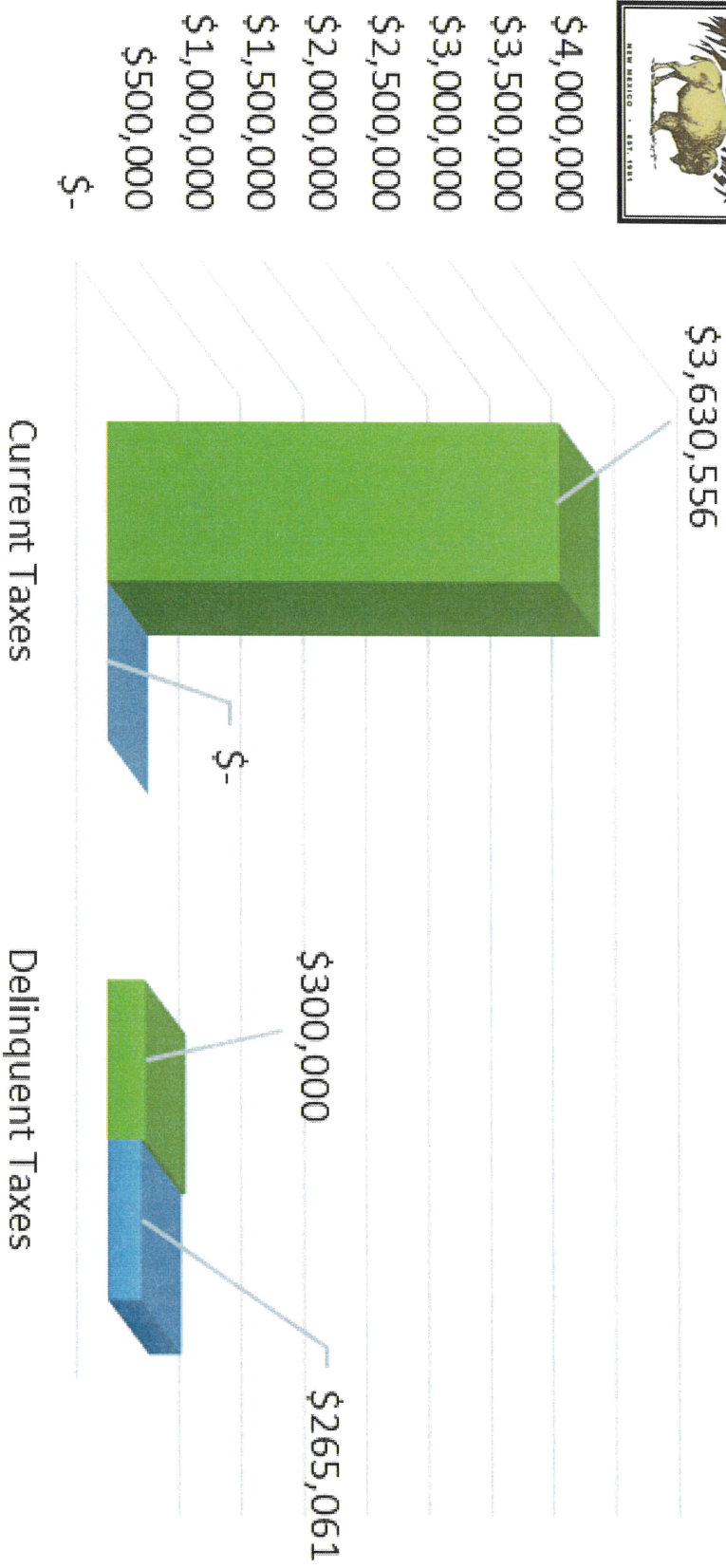
Comparison of Net GRT including Contracts (Intercepts) and effects of COVID on GRT

When Covid First Impacted GRT





Property Tax Collections



■ 2022 Budget Projection

■ November 30, 2021 Actuals



Cibola County Monthly Report - As of November 30, 2021

Active Funds	Beginning Cash Balance as of 7/1/2021	Beginning Investments as of 7/1/2021	YTD Revenues	YTD Transfers	YTD Expenditures	YTD Adjustments	Ending Cash & Investment Balances	Bond A, Bond B, General Fund & Road Reserves	Available Adjusted Ending Cash & Investment Balances
101 - INVESTMENT FUND	\$0.00	\$5,269,769.14	\$2,913.93	\$0.00	\$0.00	\$0.00	\$5,272,683.07	\$0.00	\$1,565,112.89
401 - GENERAL FUND	\$6,095,825.92	\$0.00	\$1,640,801.92	(\$1,203,778.35)	(\$2,875,342.54)	\$2,753,936.82	\$6,411,443.77	\$0.00	\$6,411,443.77
402 - ROAD	\$120,326.84	\$0.00	\$476,647.18	\$100,000.00	(\$496,772.00)	\$0.00	\$200,202.02	\$0.00	\$200,202.02
403 - FARM & RANGE	\$0.00	\$0.00	\$0.00	\$8,000.00	(\$7,104.12)	\$0.00	\$895.88	\$0.00	\$895.88
406 - INDIGENT	\$97,455.34	\$0.00	\$262,044.47	\$0.00	(\$8,023.89)	\$0.00	\$351,475.92	\$0.00	\$351,475.92
407 - SAN RAFAEL VFD	\$167,250.21	\$0.00	\$92,942.00	(\$39,471.00)	(\$52,496.34)	\$0.00	\$168,224.87	\$0.00	\$168,224.87
408 - BLUEWATER VFD	\$250,707.52	\$0.00	\$60,051.00	(\$18,687.00)	(\$6,830.70)	\$0.00	\$285,240.82	\$0.00	\$285,240.82
409 - LOBO CANYON VFD	\$171,589.67	\$0.00	\$2,946.00	\$43,525.00	(\$3,504.96)	\$0.00	\$214,555.71	\$0.00	\$214,555.71
413 - LAGUNA EMS	\$0.00	\$0.00	\$13,521.00	\$0.00	\$0.00	\$0.00	\$13,521.00	\$0.00	\$13,521.00
415 - PINEHILL EMS	\$8,778.78	\$0.00	\$11,014.00	\$0.00	\$0.00	\$0.00	\$19,792.78	\$0.00	\$19,792.78
416 - FENCE LAKE VFD	\$314,550.59	\$0.00	\$28,475.50	\$7,000.00	(\$3,556.22)	\$0.00	\$346,469.87	\$0.00	\$346,469.87
418 - CANDY KITCHEN VFD	\$48,986.33	\$0.00	\$76,791.00	(\$31,189.00)	(\$7,688.01)	\$0.00	\$86,900.32	\$0.00	\$86,900.32
419 - LAGUNA VFD	\$418,242.30	\$0.00	\$170,844.00	\$0.00	(\$79,337.34)	\$0.00	\$509,748.96	\$0.00	\$509,748.96
424 - CUBERO VFD	\$138,644.12	\$0.00	\$49,604.50	(\$6,787.00)	(\$41,844.63)	\$0.00	\$139,616.99	\$0.00	\$139,616.99
425 - CUBERO EMS	\$2,919.51	\$0.00	\$5,000.00	\$0.00	(\$100.00)	\$0.00	\$7,819.51	\$0.00	\$7,819.51
427 - EL MORRO VFD	\$226,848.60	\$0.00	\$28,475.50	\$7,000.00	(\$70,751.32)	\$0.00	\$191,572.78	\$0.00	\$191,572.78
428 - SUPERIOR AMBULANCE	\$176.53	\$0.00	\$10,259.00	\$0.00	\$0.00	\$0.00	\$10,435.53	\$0.00	\$10,435.53
435 - CONSOLIDATED DISPATCH	\$165,152.67	\$0.00	\$496,241.34	\$0.00	(\$430,109.23)	\$0.00	\$231,284.78	\$0.00	\$231,284.78
438 - DWIGRANT	\$0.00	\$0.00	\$0.00	\$120.00	(\$120.00)	\$0.00	\$0.00	\$0.00	\$0.00
439 - DWI DISTRIBUTION	\$195,169.27	\$0.00	\$92,353.60	(\$120.00)	(\$171,856.51)	\$0.00	\$115,546.36	\$0.00	\$115,546.36
475 - COUNTY FIRE PROTECTION	\$793,806.26	\$0.00	\$121,182.36	(\$42,000.00)	(\$4,387.36)	\$0.00	\$868,603.26	\$0.00	\$868,603.26
500 - CLERK RECORDING/FILING	\$66,393.78	\$0.00	\$18,742.00	\$0.00	(\$22,547.43)	\$0.00	\$62,588.35	\$0.00	\$62,588.35
569 - 2014A BOND INCOME FUND	\$0.00	\$0.00	\$523,784.05	\$0.00	(\$105,262.41)	\$0.00	\$418,521.64	\$0.00	\$418,521.64
570 - 2014B BOND INCOME FUND	\$0.00	\$0.00	\$1,373,489.53	\$0.00	(\$228,514.12)	\$0.00	\$1,144,975.41	\$0.00	\$1,144,975.41
575 - NMFA LOANS	\$0.00	\$66,602.04	\$173.07	\$100,608.00	\$0.00	\$0.00	\$167,383.11	\$0.00	\$167,383.11
603 - EMERGENCY MANAGEMENT	\$785.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$785.00	\$0.00	\$785.00
604 - FIRE MARSHAL	\$42,808.95	\$0.00	\$51,176.52	\$0.00	(\$66,862.73)	\$0.00	\$27,122.74	\$0.00	\$27,122.74
605 - LAW ENFORCEMENT PROTECTION	\$164.98	\$0.00	\$29,000.00	(\$19,999.00)	\$0.00	\$0.00	\$9,165.98	\$0.00	\$9,165.98
606 - NMDOT LOCAL GOV. TRANS. GRANT	\$902,500.00	\$0.00	\$0.00	\$0.00	(\$14,978.35)	\$0.00	\$887,521.65	\$0.00	\$887,521.65
607 - QUARTZ HILL PROJECT	\$0.00	\$0.00	\$221,973.14	\$0.00	(\$164,170.54)	\$0.00	\$57,802.60	\$0.00	\$57,802.60
609 - CARES ACT ELECTION'S GRANT	\$25,770.28	\$0.00	\$0.00	\$0.00	(\$24,806.07)	\$0.00	\$964.21	\$0.00	\$964.21
610 - CENSUS BUREAU	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
614 - DETENTION CENTER	\$116,577.75	\$0.00	\$1,462,467.19	\$1,100,000.00	(\$2,376,201.39)	(\$44,414.81)	\$258,428.74	\$0.00	\$258,428.74
615 - COMPLIANCE PROGRAM	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
620 - 1% REAPPRAISAL FUND	\$255,888.03	\$0.00	\$5,138.95	\$0.00	(\$130,929.50)	\$0.00	\$130,197.48	\$0.00	\$130,197.48
649 - AMERICAN RESCUE PLAN ACT	\$2,590,653.00	\$0.00	\$0.00	\$0.00	(\$16,026.97)	\$0.00	\$2,574,626.03	\$0.00	\$2,574,626.03
650 - NMFA COMP. & LEDA GRANT	\$0.00	\$0.00	\$0.00	\$8,566.00	(\$8,566.00)	\$0.00	\$0.00	\$0.00	\$0.00
651 - CAPITAL OUTLAY PROJECTS	\$32,787.65	\$0.00	\$4,422.88	(\$12,787.65)	(\$17,691.31)	\$0.00	\$6,731.37	\$0.00	\$6,731.37
TOTALS=	\$13,250,861.88	\$5,336,371.18	\$7,332,475.63	(\$0.00)	(\$7,436,382.19)	\$2,709,522.01	\$21,192,848.51	(\$3,707,570.18)	\$17,485,278.33

FY 22 Reserve Requirements Within our Investments



Total Investments 11/30/2021
\$5,272,683.07

General Fund Reserve	\$2,307,679.00	Will Fluctuate with Adjustments
Road Fund Reserve	\$158,828.92	Will Fluctuate with Adjustments
2014A Bond Reserve	\$524,481.26	Per the Tax Compliance Certificate
2014B Bond Reserve	\$742,400.00	Per the Tax Compliance Certificate
	\$3,733,389.18	Current Mandatory Reserve

Unassigned Investments
\$1,539,293.89



Monthly Multiple Choice

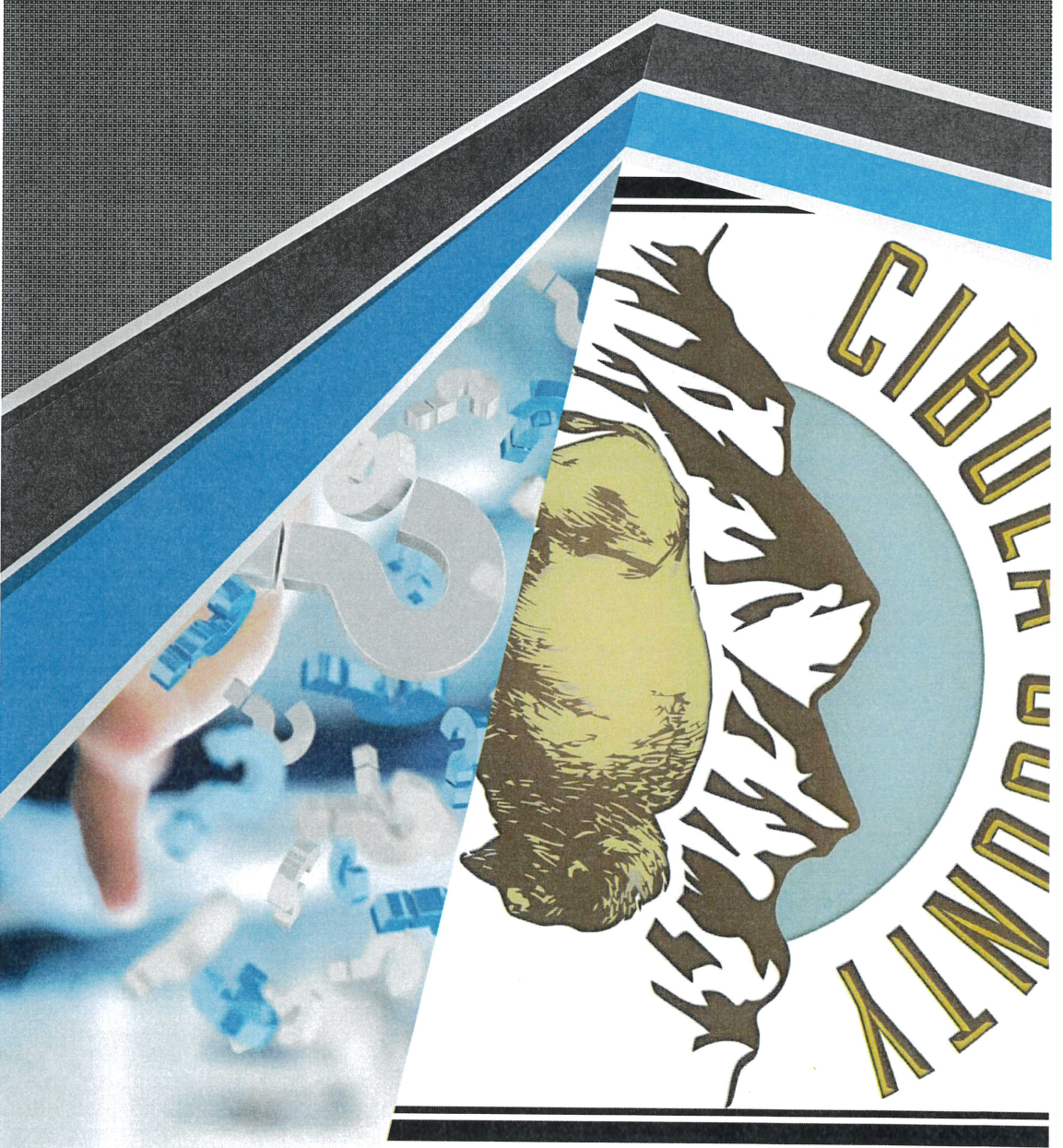
What are the County's reserve requirement for the state?

- A – General Fund (GF) is $\frac{3}{12}$ of budgeted expenditures and the Road Fund is $\frac{1}{12}$ of budgeted expenditures
- B – GF is $\frac{3}{12}$ of budgeted expenditures and the Road Fund is $\frac{3}{12}$ of budgeted expenditures
- C – GF is $\frac{1}{12}$ of budgeted expenditures only
- D – GF is $\frac{1}{12}$ of budgeted expenditures and the Road Fund is $\frac{1}{12}$ of budgeted expenditures

Answer: A – General Fund (GF) $\frac{3}{12}$ of budgeted expenditures and the Road Fund is $\frac{1}{12}$ of budgeted expenditures. This not a law, just a mandate by DFA in their memo's although they are allowing local governments to dip into the reserve this and last year due to COVID

Questions?

The End





8b.

Public Safety Building

Scope of Work Update



November 19, 2021

Judy Horacek
Cibola County
Government Relations/Projects
700 E. Roosevelt Ave. Suite 50
Grants, NM 87020
jphoracek@co.cibola.nm.us
P (505) 285-2557
F (505) 285-5434

RE: RFP No. 2021-003 Design & Construction Administration of Public Safety Building

Ms. Horacek,

Pursuant to your request, we welcome the opportunity to propose the following additional design services for the renovation of the National Guard Grants Armory for use as the Cibola County Public Safety Building. This fee proposal serves to supplement the Professional Services Agreement between Cibola County and Vigil & Associates.

ORIGINAL PROJECT DESCRIPTION:

Interior renovation of the approximately 20,000 SF Armory building for use by the Cibola County Sheriff Dept, with a staff of 22, the Dispatch Dept, with a staff of 15-17 and the EM Dept with a staff of 2. The intent is to minimize renovations to take advantage of the existing components to the greatest extent possible. Limited landscaping and outdoor utility work to be included as necessary.

SCOPE of ADDITIONAL SERVICES:

This additional service request is intended to supplement the design fee proposal submitted on 4/26/2021. After initial programming, user group and county administration interviews, as well as fact finding processes undertaken at the beginning of the design effort it was determined that the scope of work should be increased to ensure that user group needs are properly accommodated at the new facility. This scope increase will increase the amount of the building areas to be renovated as well as the depth of renovation in these areas. Also to be included are limited exterior design to include entry canopies, pavement replacement and minimal landscaping improvements. This will help ensure that the building as renovated, will serve the OEM, Sheriff Dept and 911 for many years to come. The above scope is per discussions with County Management and as approved by the Cibola County Commission. Basic Services rates are determined using the State of New Mexico Architect Rate Schedule.

Furniture, fixtures and equipment consultation services will be provided to include development of preliminary furnishings/equipment plans to be passed on to Cibola County selected vendors for further development. At this hand off point, Vigil & Associates role will be facilitation and coordination including meetings, selection and color assistance but will rely on selected vendors details and documents.

TERMS:

All other terms of the 4/26/21 fee proposal, executed professional services agreement and 5/14/21 notice to proceed are to remain in place.

FEES:

We propose to perform the "Scope of Services" described herein for the following-

Additional Basic Services		\$ 137,000.00
Furnishings/FF&E Consultation		<u>\$ 10,000.00</u>
	Subtotal	\$ 147,000.00
plus NMGR @ 7.875%		<u>\$ 11,576.25</u>
	Total	\$ 158,576.25

*Any additional services beyond this scope of work will be billed at either the architect/engineer's hourly rate schedule or via negotiated fee.

We appreciate the opportunity and look forward to continuing work with you on this project. Should you have any questions or comments, please do not hesitate to call.

Sincerely,



Vicente Castillo, A.I.A. LEED AP
Architect | Principal
Vigil & Associates Architectural Group



8z.

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



Monday, November 6, 2021

To: Kate Fletcher - County Manager

Fr: Edward Salazar - Road Superintendent

Re: Monthly Report: 11/01/21 - 11/30/21 (November)

Regular Maintenance

Blade & Shape

<u><i>Road</i></u>	<u><i>Description</i></u>	<u><i>Miles</i></u>
<i>C63</i>	<i>Anaconda Road</i>	<i>5.931</i>
<i>C49</i>	<i>Zuni Canyon Road</i>	<i>13.427</i>
<i>C5</i>	<i>Moquino-LaJoya Loop</i>	<i>4.126</i>
<i>C25</i>	<i>Bell Road</i>	<i>2.539</i>
<i>C2</i>	<i>Rio Puerco Road</i>	<i>3.234</i>
<i>C35</i>	<i>E. Homestead Road</i>	<i>9.064</i>
<i>C1</i>	<i>Marquez Road</i>	<i>16.208</i>
<i>C35F</i>	<i>Monday Road</i>	<i>1.491</i>
<i>C41</i>	<i>Pie Town Road</i>	<i>5.350</i>
<i>Total Miles</i>		<i>61.370</i>

Special Projects

<i>C32</i>	<i>Zuni Trail - Fix culvert.</i>
<i>C17</i>	<i>Mt Taylor Addition - Cut trees, mowing.</i>
<i>C20</i>	<i>San Mateo Rd. - Install culvert, cut trees.</i>
<i>C28</i>	<i>Bluewater Village - Repair shoulder, cut trees, clean guard rails.</i>
<i>C5</i>	<i>Moquino - La Joya Loop - Sweep, Put up signs, fix pot holes, install speed bumps.</i>
<i>C52</i>	<i>El Gallo Rd. - Put up signs.</i>
<i>C15</i>	<i>Rinconada Rd. - Clean cattle guards.</i>
<i>C1</i>	<i>Marquez Rd. - Fix culvert, sweep, clean guard rails.</i>
<i>C48A</i>	<i>Timberlake Rd. - Put up deleniators, fix culvert, haul Millings.</i>

C6 *Alamo Rd. - Fix Driveway, sweep.*
C41 *Pie Town Rd. - Remove & replace culvert.*
 Sign Maintenance.
 Patching at Front Office.

Forest Roads

FR 447 *Surface Blading & Ditch Maintenance - (11-10-21, 11-15-21, 11-16-21, 11-18-21)*

Cibola County Road Dept.

515 W. High Street

Grants NM 87020

505-285-2570 Phone 505-287-3656 Fax



FUEL REPORT - CIBOLA COUNTY ROAD DEPARTMENT

November 2021

UNLEADED						
UNIT #	VEHICLE #	COST/MILE	MPG	MILES	TOTAL GAL.	TOTAL COST
127	G-18473	0.33	10.40	143	13.748	\$ 47.00
128	G-18464	#VALUE!	#VALUE!	N/U	0.000	\$ -
130	G-15638	0.00	#DIV/0!	58	0.000	\$ -
131	G-29800	#VALUE!	#VALUE!	N/U	0.000	\$ -
133	G-23696	0.22	15.81	577	36.489	\$ 125.00
138	G-95862	0.24	16.55	1,405	84.873	\$ 330.64
139	G-57384	#VALUE!	#VALUE!	N/U	0.000	\$ -
140	G-57619	#VALUE!	#VALUE!	N/U	0.000	\$ -
141	G-57618	0.20	16.72	472	28.231	\$ 95.96
146	146	#VALUE!	#VALUE!	N/U	0.000	\$ -
147	G-66164	0.17	20.89	234	11.202	\$ 38.64
148	G-66165	0.15	22.75	1,006	44.220	\$ 151.11
150	G-70482	0.20	16.72	585	34.991	\$ 118.94
151	G-78718	0.27	12.63	1,936	153.249	\$ 530.54
152	G-64239	0.17	20.48	1,533	74.865	\$ 254.32
153	G-86952	#VALUE!	#VALUE!	N/U	0.000	\$ -
154	G-86953	0.22	15.29	312	20.399	\$ 69.34
155	G-86954	#VALUE!	#VALUE!	N/U	0.000	\$ -
156	Diesel Air Compressor	17.50	0.23	2	8.863	\$ 35.00
157	G-91750	0.19	18.07	2,329	128.881	\$ 434.39
TOTAL GAS					640.011	\$ 2,230.88

DIESEL FUEL						
UNIT #	VEHICLE #	COST/MILE	MPG	MILES	TOTAL GAL.	TOTAL COST
137	G-50237	0.33	11.88	367	30.895	\$ 122.00
209	G-18476	#VALUE!	#VALUE!	N/U	0.000	\$ -
212	G-30550	#VALUE!	#VALUE!	N/U	0.000	\$ -
213	G-30549	#VALUE!	#VALUE!	N/U	0.000	\$ -
214	G-38441	#VALUE!	#VALUE!	N/U		\$ -
215	G-67372	#VALUE!	#VALUE!	N/U	0.000	\$ -
216	G-67371	#VALUE!	#VALUE!	N/U	0.000	\$ -
217	G-70782	0.46	8.58	559	65.140	\$ 256.43
218	Distributor	#VALUE!	#VALUE!	N/U	0.000	\$ -
219	Water Truck	1.14	3.58	131	36.588	\$ 149.97
220	New Transport	0.74	5.38	1,393	259.081	\$ 1,037.78
221	New Dump Truck	0.67	6.19	862	139.216	\$ 574.56
222	New Dump Truck	0.71	5.61	640	114.130	\$ 454.63
305	305	10.19	0.39	20	51.752	\$ 203.74
306	306	12.05	0.34	4	11.758	\$ 48.20
307	307	#VALUE!	#VALUE!	N/U	0.000	\$ -
308	308	#VALUE!	#VALUE!	N/U	0.000	\$ -
309	309	0.00	#DIV/0!	7	0.000	\$ -
310	310	8.06	0.49	2	4.103	\$ 16.12
311	311	28.15	0.14	11	76.657	\$ 309.69
312	312	#VALUE!	#VALUE!	N/U	0.000	\$ -
313	313	#VALUE!	#VALUE!	N/U	0.000	\$ -
314	314	10.19	0.39	13	33.467	\$ 132.50
416	416	#VALUE!	#VALUE!	N/U	0.000	\$ -
417	417	#VALUE!	#VALUE!	N/U	0.000	\$ -
418	418	7.14	0.55	21	38.178	\$ 150.00
419	419	12.96	0.31	76	247.439	\$ 984.83
420	420	14.54	0.27	81	296.292	\$ 1,177.40
501	501	#VALUE!	#VALUE!	N/U	0.000	\$ -
525	525	#VALUE!	#VALUE!	N/U	0.000	\$ -
Extra Fuel	Front Office Truck 13245-G	#VALUE!	#VALUE!	N/U	18.501	\$ 8.50
Extra Fuel	Chain Saw	#DIV/0!	0.00	0	2.500	\$ 70.00
TOTAL DIESEL					1425.697	\$ 5,696.35

***N/U = NOT USED**



9a.

Public Hearing

Ordinance 2021-002-Cibola County Local
Economic Development Act (LEDA)



ORDINANCE NO. 2021-02

LOCAL ECONOMIC DEVELOPMENT ACT (LEDA) ORDINANCE

WHEREAS, the development of the local economy is vital to the well being of Cibola County and its residents; and,

WHEREAS, local communities may need to provide land buildings infrastructure and other financial incentives to compete with other states and locales in efforts to attract and retain businesses; and,

WHEREAS, the New Mexico State Legislature enacted NMSA 1978 Sections 5-10-1 to 5-10-17, entitled the Local Economic Development Act, which provides to local governments the authority to use public resources for economic development purposes; and,

WHEREAS, this Economic Development Ordinance is enacted pursuant to that statutory authority.

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE COUNTY OF CIBOLA, NEW MEXICO

Section 1. LOCAL ECONOMIC DEVELOPMENT

- 1.1 This Ordinance may be cited as the "Local Economic Development Ordinance."

Section 2. AUTHORITY

- 2.1 The Local Economic Development Plan Ordinance is enacted pursuant to the statutory authority conferred upon municipalities and counties to allow public support of economic development (NMSA 1978 Sections 5-10-1 to 5-10-17). This Ordinance is adopted as part of the County's economic development plan.

Section 3. PURPOSE

- 3.1 The purpose of the Local Economic Development Ordinance is to allow public support of economic projects to foster, promote and enhance local economic development efforts while continuing to protect against the unauthorized use of public money and

other public resources. Further, the purpose of the ordinance is to allow the County to enter into one or more joint powers agreements with other local governments to plan and support regional economic development projects.

3.2 Local Economic Development Act.

Local governments are allowed to provide direct or indirect assistance to qualifying business for furthering or implementing economic development plan and projects, furthermore local and regional governments have the authority to contribute assets to development projects; however, the imposition of a tax must be approved by the voters in referendum option. The County reserves the right to impose the maximum tax for eligible uses.

Section 4. DEFINITIONS AS USED IN THE LOCAL ECONOMIC DEVELOPMENT ORDINANCE

4.1 "**arts and cultural district**" means a developed district of public and private uses that is created pursuant to the Arts and Cultural District Act [15-5A-1 through 15-5A-7 NMSA 1978].

4.2 "**broadband telecommunications network facilities**" mean the electronics, equipment, transmission facilities, fiber-optic cables and any other item directly related to a system capable of transmission of internet protocol or other formatted data at current federal communications commission minimum speed standard, all of which will be owned and used by a provider of internet access services.

4.3 "**cultural facility**" means a facility that is owned by the state, a county, a municipality or a qualifying entity that serves the public through preserving, educating and promoting the arts and culture of a particular locale, including theaters, museums, libraries, galleries, cultural compounds, educational organizations, performing arts venues and organizations, fine arts organizations, studios and media laboratories and live-work housing facilities.

4.4 "**economic development project**" or "**project**" means the project of a qualifying entity for which public support may be provided pursuant to the Local Economic Development Act.

4.5 "**governing body**" means the Board of County Commissioners.

4.6 "**new full-time economic base job**" means a job:

- (a) That is primarily performed in New Mexico;
- (b) That is held by an employee who is hired to work an average of at least thirty-two hours per week or at least forty-eight weeks per year;

(c) That is:

- i. Involved, directly or in a supervisory capacity, with the production of a service; provided that the majority of the revenue generated from the service is from sources outside the state; or tangible or intangible personal property for sale; or,
- ii. Held by an employee who is employed at a regional, national or international headquarters operation or at an operation that primarily provides services for other operations of the qualifying entity that are located outside the state; and,

(d) That is not directly involved with natural resources extraction or processing, on-site services where the customer is present for the delivery of the service, retail, construction or agriculture except for value-added processing performed on agricultural products that would then be sold for wholesale or retail consumption. an individual, corporation, association, partnership or other legal entity.

4.7 “**person**” means an individual, corporation, association, partnership or other legal entity.

4.8 “**public support**” means the provision of assistance by the state to a local or regional government or the provision of direct or indirect assistance to a qualifying entity by a local or regional government for an economic development project. “public support”:

(a) includes the provision of:

- i. land, buildings or other infrastructure, by purchase, lease, grant, construction, reconstruction, improvement or other acquisition or conveyance;
- ii. the placement of new broadband telecommunications network facilities; provided that the facilities shall not serve a public facility or location that already meets federal communications commission baseline speed standards;
- iii. rights-of-way infrastructure, including trenching and conduit, for the placement of new broadband telecommunications network facilities;
- iv. public works improvements essential to the location or expansion of a qualifying entity;
- v. payments for professional services contracts necessary for local or regional governments to implement a plan or provide public support for a project;
- vi. direct loans or grants for land, buildings or infrastructure;

- vii. technical assistance to cultural facilities;
 - viii. loan guarantees securing the cost of land, buildings or infrastructure in an amount not to exceed the revenue that may be derived from an increment of the: 1) municipal gross receipts tax imposed at a rate not to exceed one-fourth percent and dedicated by the ordinance imposing the increment for projects; or 2) county gross receipts tax imposed at a rate not to exceed one-eighth percent and dedicated by the ordinance imposing the increment for projects;
 - ix. grants for public works infrastructure improvements essential to the location or expansion of a qualifying entity and grants or subsidies to cultural facilities;
 - x. land for a publicly held industrial park or a publicly owned cultural facility, by purchase; and
 - xi. the construction of a building for use by a qualifying entity; but
- (b) does not include the purchase, lease, grant or other acquisition or conveyance of water rights;

4.9 "**qualifying entity**" means a corporation, limited liability company, partnership, joint venture, syndicate, association or other person that is one or a combination of two or more of the following:

- a) an industry for the manufacturing, processing or assembling of agricultural or manufactured products;
- b) a commercial enterprise for storing, warehousing, distributing or selling products of agriculture, mining or industry, but, other than as provided in Paragraph (e), (f) or (i) of this subsection, not including any enterprise for sale of goods or commodities at retail or for distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities;
- c) a business, including a restaurant or lodging establishment, in which all or part of the activities of the business involves the supplying of services to the general public or to governmental agencies or to a specific industry or customer, but, other than as provided in Paragraph (e) or (i) of this subsection, not including businesses primarily engaged in the sale of goods or commodities at retail;
- d) an Indian nation, tribe or pueblo or a federally chartered tribal corporation;
- e) a telecommunications sales enterprise that makes the majority of its sales to persons outside New Mexico;

- f) a facility for the direct sales by growers of agricultural products, commonly known as farmers' markets;
- g) a business that is the developer of a metropolitan redevelopment project;
- h) a cultural facility; and
- i) a retail business;

4.10 "**regional government**" means any combination of municipalities and counties that enter into a joint powers agreement to provide for economic development projects pursuant to a plan adopted by all parties to the joint powers agreement.

4.11 "**retail business**" means a business that is primarily engaged in the sale of goods or commodities at retail and that is located in the unincorporated area of the county.

Section 5. RESTRICTIONS ON PUBLIC EXPENDITURES OR PLEDGES OF CREDIT

5.1 The County shall not provide public support for economic development projects as permitted pursuant to Article 9, Section 14 of the constitution of New Mexico except as provided in the Local Economic Development Act or as otherwise permitted by law.

5.2 The total amount of public money expended and the value of credit pledged in the fiscal year in which that money is expended by the County for economic development projects pursuant to Article 9, Section 14 of the constitution of New Mexico and the Local Economic Development Act shall not exceed ten percent of the annual general fund expenditures of the local government in that fiscal year. The limits of this subsection shall not apply to:

- a) the value of any land or building contributed to any project pursuant to a project participation agreement.
- b) revenue generated through the imposition of the municipal infrastructure gross receipts tax at a rate not to exceed one-fourth percent and dedicated to furthering or implementing economic development plans and projects as defined by the Local Economic Development Act or projects as defined in the Statewide Economic Development Finance Act; provided that no more than the greater of fifty thousand dollars (\$50,000) or ten percent of the revenue collected shall be used to promotion and administration of or professional services contracts related to the implementation of any such economic development plan adopted by the governing body.
- c) revenue generated through the imposition of a county infrastructure gross receipts tax at a rate not to exceed one-eighth percent and dedicated to furthering or

implementing economic development plans and projects as defined in the Local Economic Development Act or projects as defined in the Statewide Economic Development Finance Act; provided that no more than the greater of fifty thousand dollars (\$50,000) or ten percent of the revenue collected shall be used to promotion and administration of or professional services contracts related to the implementation of any such economic development plan adopted by the governing body.

- d) the proceeds of a revenue bond issue to which municipal infrastructure gross receipts tax revenue is pledged.
- e) the proceeds of a revenue bond issue to which county infrastructure gross receipts tax revenue is pledged; or,
- f) funds donated by private entities to be used for defraying the cost of a project.

5.3 The County shall create an economic development fund into which revenues generated for economic development projects to which the limits of Subsection 5.2 do not apply shall be deposited. The economic development fund and income from the economic development fund shall be deposited as provided by law. Money in the economic development fund may be expended only as provided in the Local Economic Development Act or the Statewide Economic Development Finance Act.

5.4 In order to expend money from an economic development fund for arts and cultural district purposes, cultural facilities or retail businesses, the governing body of a county that has imposed a municipal or county local option infrastructure gross receipts tax for furthering or implementing economic development plans and projects, as defined in the Local Economic Development Act, or projects, as defined in the Statewide Economic Development Finance Act, by referendum of the majority of the voters voting on the question approving the ordinance imposing the municipal or county infrastructure gross receipts tax before July 1, 2013 shall be required to adopt a resolution. The resolution shall call for an election to approve arts and cultural districts as a qualifying purpose and cultural facilities or retail businesses as a qualifying entity before any revenue generated by the municipal or county local option gross receipts tax for furthering or implementing economic development plans and projects, as defined in the Local Economic Development Act, or projects, as defined in the Statewide Economic Development Finance Act, can be expended from the economic development fund for arts and cultural district purposes, cultural facilities or retail businesses.

5.5 The governing body shall adopt a resolution calling for an election within seventy-five days of the date the ordinance is adopted on the question of approving arts and cultural districts as a qualifying purpose and cultural facilities or retail businesses as a qualifying entity eligible to utilize revenue generated by the Municipal Local Option Gross Receipts and Compensating Taxes Act or the County Local Option Gross Receipts and Compensating Taxes Act for furthering or implementing economic development plans and providing public support for and projects as defined in the

Local Economic Development Act or projects as defined in the Statewide Economic Development Finance Act.

- 5.6 The question shall be submitted to the voters of the municipality or county as a separate question at a regular municipal or county election or at a special election called for that purpose by the governing body. A special municipal election shall be called, conducted and canvassed as provided in substantially the same manner as provided by law for general elections.
- 5.7 If a majority of the voters voting on the question approves the ordinance adding arts and cultural districts and cultural facilities or retail businesses as an approved use of the local option municipal or county economic development infrastructure gross receipts tax fund, the ordinance shall become effective on July 1 or January 1, whichever date occurs first after the expiration of three months from the date of the adopted ordinance. The ordinance shall include the effective date.

Section 6. ECONOMIC DEVELOPMENT PLAN

6.1 The County shall adopt an economic development plan or a comprehensive plan that includes an economic development component. An economic development plan or comprehensive plan may include an analysis of the role of arts and cultural activities in economic development. The plan may be specific to a single economic development goal or strategy or may include several goals or strategies, including any goals or strategies relating to economic development through arts and cultural activities. Any plan or plan amendment shall be adopted by ordinance.

6.2 The economic development plan or the ordinance adopting the plan may:

- (a) Describe Cibola County's economic development and community goals, including any economic development goals with an arts and cultural component, and assign priority to and strategies for achieving those goals.
- (b) Describe the types of qualifying entities and economic activities that will qualify for public support.
- (c) Describe the criteria to be used to determine eligibility for public support and a qualifying entity to participate in an economic development project.
- (d) Describe the way a qualifying entity may submit an application for public support pursuant including the type of information required from the qualifying entity sufficient to ensure its solvency and ability to perform its contractual obligations, its commitment to remain in the community and its commitment to the stated economic development goals of the County.
- (e) Describe the process the County will use to verify the information submitted on an application for public support.

- (f) If an economic development project is determined to be unsuccessful or if a qualifying entity seeks to leave the area, describe the methods the County will use to terminate its public support and recoup its investment.
- (g) Identify revenue sources, including those of the County, that will be used to provide public support for economic development projects.
- (h) Identify other resources the County is prepared to offer qualifying entities, including specific land or buildings it is willing to lease, sell or grant a qualifying entity; community infrastructure it is willing to build, extend or expand, including roads, water, sewers or other utilities; and professional services contracts necessary to provide these resources.
- (i) Detail the minimum benefit the County requires from a qualifying entity, including the number and types of jobs to be created; the proposed payroll; repayment of loans, if any; purchase by the qualifying entity of County-provided land, buildings or infrastructure; the public to private investment ratio; and direct local tax base expansion.
- (j) Describe the safeguards of public resources that will be ensured, including specific ways the County can recover any costs, land buildings or other thing of value if a qualifying entity ceases operation, relocates, or otherwise defaults or reneges on its contractual or implied obligations to the County.

6.3 The economic development plan shall be printed and made available to the residents within the County.

Section 7. PROJECT EVALUATION

7.1 The County via the County Manager or his or her designee shall review each application for public support and any public support shall be approved by ordinance.

7.2 The County's evaluation of an application shall be based on the provisions of the economic development plan, the financial and management stability of the qualifying entity, the demonstrated commitment of the qualifying entity to the community, as cost-benefit analysis of the project and any other information the County believes is necessary for a full review of the economic development project application.

7.3 The County may negotiate with a qualifying entity on the type or amount of public support to be provided or on the scope of the economic development project.

Section 8. PROJECT PARTICIPATION AGREEMENT

8.1 Upon opting to provide public support for an economic development project, the County and the qualifying entity shall enter into a project participation agreement.

8.2 The County shall require a substantive contribution from the qualifying entity for each economic development project. Public support provided for an economic development project shall be in exchange for a substantive contribution from the qualifying entity. The contributions shall be of value and may be paid in money, in-kind services, jobs, expanded tax base, property or other thing or service of value for the expansion of the economy.

8.3 The qualifying entity shall provide security to the County for an economic development project. The security shall secure the qualifying entity's obligations based on terms stated in the project participation agreement and shall reflect the amount of public support provided to the qualifying entity and the substantive contribution expected from the qualifying entity.

8.4 The project participation agreement at a minimum shall set out:

- (a) The contributions to be made by each party to the participation agreement.
- (b) The security provided to the County for an economic development project by the qualifying entity in the form of a lien, mortgage or other indenture and the pledge of the qualifying business's financial or material participation and cooperation to guarantee the qualifying entity's performance pursuant to the project participation agreement.
- (c) A schedule for project development and completion, including measurable goals and time limits for those goals; and,
- (d) Provisions for performance review and actions to be taken upon a determination that project performance is unsatisfactory.

Section 9. PROJECT REVENUES

9.1 County revenues dedicated or pledged for public support for economic development projects shall be deposited in a separate account. Separate accounts shall be established for each separate project. Money in the special account shall be expended only for economic development project purposes, which may include the payment of necessary professional services contract costs.

9.2 The County shall provide for an annual independent audit in accordance with the Audit Act of each special fund and project account. The audit shall be submitted to the County and is a public record.

Section 10. PLAN AND PROJECT TERMINATION

10.1 At any time after approval of an economic development plan, the governing body may enact an ordinance terminating the economic development plan and dissolving or terminating any or all public support for economic development projects. An ordinance repealing an economic development plan shall not be effective unless the ordinance provides for satisfying existing contracts and the rights of the parties arising from those contracts.

10.2 Any unexpended and unencumbered balances remaining in any project fund or account upon repeal of a plan and termination of public support for or dissolution of a project may be transferred to the general fund of the County.

APPROVED, ADOPTED, AND PASSED on this _____ day of _____ 2021.

BOARD OF COUNTY COMMISSIONERS

Daniel Torrez, Chairperson

Martha Garcia, First Vice Chairperson

Christine Lowery, Second Vice Chairperson

Robert Windhorst, Commissioner

Ralph Lucero, Commissioner

ATTEST:

Michelle E. Dominguez
Cibola County Clerk



10a.

Resolution 21-66

Premium Pay For All County Employees



RESOLUTION 2021-66

DISTRIBUTING CORONAVIRUS STATE & LOCAL AMERICAN RESCUE PLAN RECOVERY FUNDS TO PAY FOR VACCINE INCENTIVE PROGRAM AND PREMIUM PAY FOR ESSENTIAL WORKERS

WHEREAS, the Board of County Commissioners of Cibola County, met upon notice of a duly published Regular Commission Meeting December 16, 2021, at 5:00 P.M. in the Cibola County Complex, 700 E. Roosevelt Ave. Grants, NM 87020

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

WHEREAS, NMSA 1978, Section 3-17-1 *et seq.* (1990) provides that municipalities may adopt laws not inconsistent with the laws of New Mexico for the purpose of providing for the safety, preserving the health, promoting the prosperity and improving the morals, order, comfort and convenience of the County and its inhabitants; and,

WHEREAS, the 10th Amendment to the Constitution for the United States is clear when stating, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the States respectively, or to the people []"; and,

WHEREAS, the states and their political subdivisions, the municipalities, have derived specific and reserved powers from the 10th Amendment of the Constitution for the United States, referred to as police powers of the State; and,

WHEREAS, under the 10th Amendment and subsequent state authorization, the municipalities have the duty to pass laws and regulations to protect the safety, health, welfare and morals for the benefit of their communities; and,

WHEREAS, the Cibola County Commission has a fiduciary responsibility under its statutory police powers to protect the health, safety and welfare of its residents, and the County reserves the right to take whatever actions necessary to do so; and,

WHEREAS, The American Rescue Plan has made available \$350 billion for eligible state, local, territorial and tribal governments to respond to the COVID-19 emergency and bring back jobs; and,

WHEREAS, the Coronavirus State and Local Fiscal Recovery Funds (“Fiscal Recovery Funds”)

provide a substantial infusion of resources to help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery; and,

WHEREAS, Article IV, Section 27; [n]o law shall be enacted giving any extra compensation to any public officer, servant, agent or contractor after services are rendered or contract made; nor shall the compensation of any officer be increased or diminished during his term of office, except otherwise provided in this constitution; and,

WHEREAS, the Cibola County Commission affirms that all eligible persons employed by Cibola County ("County employees"), due to the small size of labor force, regularly engage in a wide variety of job duties, cross training and back-up other County employees, so the end result is all eligible County employees are deemed essential workers; and,

WHEREAS, the Cibola County Commission desires to utilize the Fiscal Recovery Funds to distribute premium pay to all eligible County employees to pay these essential workers for the elevated health risks they face and continue to face during the public health emergency; and,

WHEREAS, all eligible County employees work in person, engaging in daily interactions with the public involving public utilities, maintenance or repair of public works, police and fire protection, and therefore each are deemed critical to protect the health and well-being of residents of Cibola County; and,

WHEREAS, the interim Final rule states: "(c) *Providing Premium Pay to Eligible Workers*. A recipient may use funds to provide premium pay to eligible workers of the recipient who perform essential work or to provide grants to eligible employers, provided that any premium pay or grants provided under this paragraph (c) must respond to eligible workers performing essential work during the COVID-19 public health emergency. A recipient uses premium pay or grants provided under this paragraph (c) to respond to eligible workers performing essential work during the COVID-19 public health emergency if it prioritizes low-and moderate-income persons. The recipient must provide, whether for themselves or on behalf of a grantee, a written justification to the Secretary of how the premium pay or grant provided under this paragraph (c) responds to eligible workers performing essential work if the premium pay or grant would increase an eligible worker's total wages and remuneration above 150 percent of such eligible worker's residing State's average annual wage for all occupations or their residing county's average annual wage, **whichever is higher**; and,

WHEREAS, the Cibola County Commission recognizes that the distribution of premium pay may result in some County employees receiving an increase in total pay above 150% of the state average annual wage of \$43,900, however the Cibola County Commission affirms that each of the affected positions contains job duties which typically require working abnormal hours, varied and skilled job requirements and prolonged exposure to public interaction and therefore there exists justification for the distribution of premium pay to these individuals as well; and,

WHEREAS, the Cibola County Commission has approved a fixed budget amount of Two hundred twenty-six thousand and five hundred dollars (**\$226,500.00**) for union and non-union as follows to receive a one-time lump sum premium pay distribution:

WHEREAS, the Fiscal Recovery Funds are permitted to be spent on providing incentives reasonably expected to increase the number of people who choose to get vaccinated, or that motivate people to get vaccinated sooner than they otherwise would have, so long as the costs are reasonably proportional to the expected public benefit; and,

NOW THEREFORE, be it resolved by the Board of County Commissioners that the following program rules shall apply:

1. Ineligible Employees – Elected officials are exempt for premium pay. Temporary employees, Volunteer Fire Fighters Any County employee hired after December 1, 2021 is exempt from this premium pay distribution.
2. Defining of Essential Worker - That all full-time and part-time Cibola County employees are defined as essential workers for the purpose of distributing Fiscal Recovery Funds as set forth below.
3. Award of Premium Pay – Subject to availability of Fiscal Recovery Funds in the budgeted amount of Two hundred twenty-five thousand dollars (\$225,000.00), each full-time and part-time County employee shall receive a One-Time, Non-Recurring lump sum payment that is based on anticipated direct and indirect exposure to COVID-19, as well as their existing base pay No payments distributed pursuant to this resolution shall be for services already provided to a County employee nor shall anything contained herein be construed as giving retroactive effect to the distribution of Fiscal Recovery Funds, as it is the express intent of this resolution to issue premium pay for services to be provided to Cibola County in the future. There shall be no deduction of employment benefits, from any award of premium pay, but applicable taxes will be withheld. The calculations for each position are attached and incorporated into this resolution by reference as Exhibit “A”.
4. Any employee hired after December 16, 2021 shall be exempt from the one-time lump sum premium pay disbursement so that best budgeting practices may be upheld, and the end result may reflect proper financial control of Federal grant monies received.

APPROVED, ADOPTED, AND PASSED on this 16th day of December 2021.

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CIBOLA

Daniel Torrez, Chair

Martha Garcia, 1st Vice-Commissioner

Christine Lowery, 2nd Vice-Chair

Robert Windhorst, Commissioner

Ralph Lucero, Commissioner

ATTEST:

Michelle E. Dominguez
Cibola County Clerk



10b.

Local Eco.
Development Act
(LEDA)

Please see Item 9a. Public Hearing for Backup



10c.

Use of ARPA Funds For Broadband Plan

Please see Item 10fa. for backup



10d.

Resolution 21-67

Supporting 2022 Legislative Priorities of NMC



Resolution No. 21-67

Resolution Supporting the New Mexico Counties 2022 Legislative Priorities

WHEREAS, in October 2021, the New Mexico Counties Board of Directors approved three legislative priorities for consideration by the New Mexico Legislature at its 2022 session; *and*

WHEREAS, NMC has requested that the Board of County Commissioners in each of the state's 33 counties discuss and approve support for NMC's legislative priorities as an important step in assuring maximum understanding of NMC's legislative priorities at the county level; *and*

WHEREAS, county support enables NMC to demonstrate strong local and statewide support to the state legislature for the following issues:

1. HB 2 Appropriations

Detention Reimbursement Fund

Restore the County Detention Facilities Reimbursement Act to the original appropriation of \$5 million. Currently the NM Legislature appropriates \$2.3 million even though the NM Sentencing Commission estimates the state owes counties over \$8 million a year for holding state prisoners.

Prisoner Transport and Extradition

Create a line item in the DFA budget with \$750,000 to reimburse counties that provide transportation for state prisoners. Statute requires the state to make such payment, however no money has been appropriated to counties for many years. Counties should not have to pay for state prisoner extradition.

RISE Funding

Make permanent and increase county participation in the RISE (Reach, Intervene, Support and Engage) Program. RISE is a partnership between the NM Behavioral Health Services Division and several county jails to reduce recidivism and help non-violent offenders get treatment to stay out of jail. As we start to see more concrete results, we hope to be able to add more counties and jails into that partnership.

2. Law Enforcement Protection Fund

The state imposes taxes on insurance policies every year to pay for things like improved fire services and protecting law enforcement officers, yet every year millions of dollars have been taken from those funds to help pay for other areas in state government. We recently fixed the

fire fund, now we need to keep the state from taking money from the LEPP. The \$5-\$6 million dollars that goes back into the GF should be going to local law enforcement agencies to enhance the efficiency and effectiveness of law enforcement services.

3. Courthouse Funding

Create a matching fund to help counties pay for construction and renovation of state district courthouses with an initial capital outlay request of \$50-\$100 million. This is another unfunded county mandate that we would like to alleviate in the future.

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CIBOLA

APPROVED, ADOPTED, AND PASSED on this 16th day of December 2021.

Daniel Torrez, Chair

Martha Garcia, 1st Vice-Chair

Christine Lowery, 2nd Vice-Chair

Ralph Lucero, Commissioner

Robert Windhorst, Commissioner

ATTEST:

Michelle E. Dominguez
Cibola County Clerk



Memorandum

Date: November 4, 2021
To: NMC Board of Directors, Commissioners, and Managers
From: Steve Kopelman, NMC Executive Director
Re: Protocol for Board of County Commission NMC 2022 Legislative Priority Endorsement

The New Mexico Counties (NMC) Board of Directors approved three legislative priorities for consideration by the New Mexico Legislature during the 2022 session. In preparation for the session and in an effort to promote communication among NMC and the 33 counties, we request that board members:

1. Present the NMC 2022 legislative priorities to their respective Board of County Commission (BCC) for support.
2. Send a signed copy of your BCC support (resolution template attached) for the NMC 2022 legislative priorities to awebb@nmcountries.org.

Please contact me if you have any questions about the priorities.

Sincerely,

Steve Kopelman
NMC Executive Director

444 Galisteo Street
Santa Fe, NM 87501

877-983-2101
505-983-2101
Fax: 505-983-4396

NMCounties.org



NMC 2022 Legislative Priorities

HB 2 Appropriations

Detention Reimbursement Fund

- Restore the County Detention Facilities Reimbursement Act to the original appropriation of \$5 million.
- Currently the NM Legislature appropriates \$2.3 million even though the NM Sentencing Commission estimates the state owes counties over \$8 million a year for holding state prisoners.

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- Create a line item in the DFA budget with \$750,000 to reimburse counties that provide transportation for state prisoners.
- Statute requires the state to make such payment, however no money has been appropriated to counties for many years.
- Counties should not have to pay for state prisoner extradition.

RISE Funding

- Make permanent and increase county participation in the RISE (Reach, Intervene, Support and Engage) Program.
- RISE is a partnership between the NM Behavioral Health Services Division and several county jails to reduce recidivism and help non-violent offenders get treatment to stay out of jail.
- As we start to see more concrete results, we hope to be able to add more counties and jails into that partnership.

Law Enforcement Protection Fund

- The state imposes taxes on insurance policies every year to pay for things like improved fire services and protecting law enforcement officers, yet every year millions of dollars have been taken from those funds to help pay for other areas in state government.
- We recently fixed the fire fund, now we need to keep the state from taking money from the LEPPF.
- The \$5-\$6 million dollars that goes back into the GF should be going to local law enforcement agencies to enhance the efficiency and effectiveness of law enforcement services.

Courthouse Funding

- Create a matching fund to help counties pay for construction and renovation of state district courthouses with an initial capital outlay request of \$50 to \$100 million.
- This is another unfunded county mandate that we would like to alleviate in the future.

444 Galisteo Street
Santa Fe, NM 87501

877-983-2101
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Fax: 505-983-4396

NMCOUNTIES.ORG



10e.

Resolution 21-68

Requesting Redraw of District 30



CIBOLA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION № 2021-68

**REQUESTING LEGISLATURE REDRAW DISTRICT 30 TO
PRESERVE VOICE OF CIBOLA COUNTY**

WHEREAS, the Board of County Commissioners met in a regularly scheduled meeting on December 16, 2021, at 5:00 p.m. in the Cibola County Administration Building 700 Roosevelt, Grants, New Mexico 87020; and,

WHEREAS, NMSA, 1978, Section 4-38-18 (1976) provides that a Board of County Commissioner has the duty and authority “[t]o represent the county and have the care of the county property and the management of the interest of the county in all cases where no other provision is made by law; and,

WHEREAS, in response to widespread and valid concerns about partisan gerrymandering, the New Mexico Legislature established the Citizen’s Redistricting Committee during the past legislative session. The committee is a politically balanced group of New Mexico citizens with the mandate of proposing new legislative maps that are developed without regard to partisan affiliations, while protecting communities of interest throughout our state.

WHEREAS, on Mar. 20, 2021, the legislature passed SB 304, which was signed by the Governor on Apr. 6, 2021, and creates an advisory commission to draw federal and state lines, with one member appointed by each legislative leader, two who aren’t registered with either major party appointed by the state ethics commission, and one retired state judge or justice serving as chair and appointed by the state ethics commission; and,

WHEREAS, the Citizen Redistricting Committee prepared district plans and evaluations pursuant to the Redistricting Act, Laws 2021, Chapter 79, Sections 2-10; and,

WHEREAS, on October 15, 2021, the Committee adopted nine district plans: three Congressional plans, three senate plans, and three Public Education Commission plans; and,

WHEREAS, on October 20, 2021, the Committee adopted three district plans for the New Mexico House of Representatives; and,

WHEREAS, the Legislature is at liberty to adopt, modify, or ignore any of the commission’s proposals; and,

WHEREAS, as part of its redistricting responsibilities, the Legislature is charged with

creating districts that are reasonably compact, that do not split voting precincts, and that attempt to preserve communities of interest and take into consideration political and geographic boundaries; and,

WHEREAS, communities of interest are a community or group of people who have common policy concerns and benefit from being maintained in a single district; and,

WHEREAS, rather than preserving the integrity of the County as did the previous Senate District 30, the three proposals dilute the voice of the community, fails to consider political and geographic boundaries, and is not reasonably compact; and,

WHEREAS, the revisions to Senate District 30 deprive Cibola County of its voice in the Legislature.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Cibola County that it hereby requests the New Mexico Legislature direct that Senate District 30 be redrawn to preserve the political and geographic boundaries of Cibola County, and to be compact.

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CIBOLA

APPROVED, ADOPTED, AND PASSED on this 16th day of December 2021.

Daniel Torrez, Chair

Martha Garcia, 1st Vice-Commissioner

Christine Lowery, 2nd Vice-Chair

Robert Windhorst, Commissioner

Ralph Lucero, Commissioner

ATTEST:

Michelle E. Dominguez
Cibola County Clerk



10f. (a)

Requisitions Over \$20,000

Finley Engineering-Broadband Feasibility Study

The seal of Cibola County, New Mexico, established in 1901. It features a bison in the foreground, a mountain range in the background, and the text "CIBOLA COUNTY" in an arch above the mountains, with "NEW MEXICO" and "EST. 1901" at the bottom.

PLEASE REMEMBER ANY REQUISITIONS OVER \$500.00 NOW REQUIRE 3 HARD QUOTES. ANY REQUISITION \$10,000.00 OR MORE WILL NEED TO GO ON THE AGENDA FOR COMMISSION APPROVAL. IF USING STATE CONTRACT PLEASE LIST CONTRACT # ABOVE AS WELL AS THE FIRST 4 PAGES OF THE STATE CONTRACT, OTHERWISE IT WILL BE SENT BACK



November 1, 2021

Ms. Anna Larson
Cibola County
Cibola County Planning & Floodplain Administration
700 Roosevelt Ave. Suite 50
Grants, NM 87020

Re: Cibola County Broadband Feasibility Study Proposal

Anna,

Per our conversations, the following is an approach to completing a Broadband Feasibility Study for Cibola County, New Mexico. We are an approved Consultant with the State of New Mexico for Broadband Planning Services, Agreement #10-00000-21-00080AD. We expect our work to be completed and issue our Feasibility report in early March 2022.

We understand that Cibola County does not want to be an internet service provider and is working to have the information in hand to assist providers in successful broadband funding applications for the unserved parts of Cibola County.

The approach we discussed involves Finley completing a review of the existing broadband providers in Cibola County and cost estimates to build broadband in the parts of Cibola County where investments are not already planned. CCG Consulting then completes product mix and price research, competitive analysis, stakeholder discussions, speeds tests for residential and business locations. With all the data CCG Consulting then takes the network build costs and other findings to produce the financial analysis and we jointly complete a final report for Cibola County.

With our team you will receive expert analysis from two independent firms working jointly to provide an actionable plan with a goal of better broadband for the citizens within Cibola County.

Once you have reviewed our proposal, we can discuss any further specific needs and requirements of a Feasibility Study for Cibola County. If our proposal meets your needs, we are ready to execute an agreement with Cibola County to proceed with the Feasibility Study.

Sincerely,

Andy Heins
Senior Consultant – Strategy and Operations
Finley Engineering

Our Approach

Together Finley Engineering and CCG Consulting have more combined experience assisting the widest variety of broadband operators build FTTH broadband networks. Our experience assisting clients with network funding applications, network deployments and network operations gives us a unique background to complete comprehensive broadband study's; our experience providing is based in real network deployments. No other combination of consultants has our depth and longevity of experience.

Finley Engineering has completed more than 40,000 miles of FTTx projects in the last 15 years, those projects have been for a wide variety of broadband network operators including electric cooperatives, cities, counties, municipal utilities, competitive providers, telecom companies and wireless ISP's. While all fiber projects use very similar equipment and materials; none of these projects are identical in nature due to many of the other non-technical factors regarding projects. Finley recognizes that each broadband network operator has different goals for their projects, tolerance to risks, capital budgets, existing technical expertise, and other decision-making points.

In addition to Design, Engineering and Project Management; Finley has also assisted multiple clients with Broadband Feasibility Studies over the last 5 years and assisted an equal number of clients with State and Federal grant funding applications and competitive bidding opportunities.

CCG Consulting has assisted more than 1,000 clients ranging from competitive fiber providers, telecom providers, cable companies, cooperatives, municipalities, and wireless companies.

Scope of Work

The Feasibility Study work that Finley Engineering and CCG Consulting will address the following:

- Competitive and needs analysis to understand the broadband needs of your citizens and to make a realistic estimate of market demand for broadband services.
- Pre-Engineering to estimate the cost of building the network.
- Financial analysis estimating the incremental revenues and expenses from each of the opportunities as well as an analysis showing the profitability of each option.
- A review and update the existing broadband competitive market within Cibola County.
- A report that will tell you what we did and what we found.

Why Choose our Team

We think there are a number of reasons why CCG Consulting and Finley Engineering are the best team for providing the answers you are looking for:

- We don't think there is another engineering firm in the country with the experience of Finley Engineering. We've been in business designing networks since 1953 and are likely to have more experience than any other consulting engineers you may talk with.
- CCG Consulting is the largest broadband consultant in terms of clients and has helped over 1,100 clients since their business was founded in 1997.
- Finley Engineering and CCG partner regularly on feasibility studies like this one and we have partnered on nearly 40 similar feasibility studies since 2017. We work well as a team, and we have refined the process of looking at the feasibility of building and operating a wide variety of broadband networks.
- CCG has a lot of experience in working with municipalities and has over 450 municipal clients, many which have gone through a similar feasibility study. We are certain that we have more municipal clients that have built and are operating fiber networks than any other consultant.
- We think the biggest advantage of using the combination of Finley and CCG is that you are getting opinions and recommendations from two of the most experienced firms in the industry as opposed to an opinion from only one firm. We provide feedback to each other, and this gives the final report more credibility, which in turn gives the County more confidence in moving forward.
- Both of our firms are vendor neutral. That means we don't have any preconception about the right solution for you. It almost sounds trite, but we've learned that no two clients are the same and we strive to find the right solution for you rather than trying to make you fit into a pre-conceived solution in a box - something some of our competitors do.
- One thing you get from us will be a written report in plain English. We understand the audience for a written report is not just those who may be technical staff, but also the politicians and the public. We write for those audiences and do our best to keep jargon out of our writing. Doug Dawson of CCG is an accomplished writer and publishes the industry's only daily blog written for small ISPs and municipalities.
- CCG staff has considerable experience in the operations side of broadband businesses. Most of their consulting work is involved with helping clients be more efficient in their businesses. This has allowed CCG to look deep inside the processes at hundreds of small ISPs and that experience allows us to find the best industry practices. Many other consultants only 'consult' and don't have this deep and broad operational experience.
- Finley has a deep level experience in helping clients apply for and win broadband grants at both the federal and state level; including CAF II, State Broadband grants, FCC Broadband Experiment, RUS Broadband Loan/Grant programs, RDOF and others.
- CCG specializes in helping companies fund new ventures. This starts with the financial models that are banker ready. Numerous lenders and bond houses have said that the CCG models are the best they have ever seen. Doug Dawson also has a track record of getting projects financed, he understands both the bond process and the banking process that would be used by any commercial provider.

Market Research of Existing Broadband *(Completed by CCG)*

Product and Price Research.

We know that prices for broadband and other triple play products vary by community. We think it's important to understand the products and prices available in the market today. We generally undertake this in several ways. We first do standard research such as web searches to see if we can determine what existing service providers charge and the services they offer. We will also talk to service providers that are often willing to share their pricing with us.

We realize in today's market that many service providers don't have fixed prices. Instead, they negotiate prices individually with customers and offer various promotions, so there might be a wide range of different prices being charged in the market today for the same products. Further, with bundling it's often difficult or impossible to understand what an ISP is charging for a single product in the bundle.

Understanding market pricing is also complicated by the fact that some of the larger service providers often have deceptive billing practices. They often break out pieces of their charges and make them look like taxes or fees, when in fact these extra charges are all revenues. We see this with both telcos and cable companies in many markets. Our goal with this research is to find out as much as we can about what residents and business are really paying for broadband, as opposed to the advertised prices from service providers, which are generally deceptively low.

Speed Tests

We understand that the county already has access to speed test data that could be adequate for this study. We've found it important to gather speed test data by ISP as a way to understand the actual performance of ISPs in the county – as opposed to what they say to the FCC or the public about their performance. If the speed test data you have is sufficient, we won't undertake our own speed test and won't bill you for this task.

Speed tests are becoming a standard component of broadband studies because it's clear that the FCC broadband data, particularly in rural areas is often vastly overstated. There are numerous grant programs that will allow you to challenge the bad FCC data if you can provide an alternative look at broadband speeds.

We will establish a web site and ask your help to ask citizens to take the speed test. We ask questions about what speeds they pay for, how much they pay, and compare that to the speeds on the speed test.

Interviews with Stakeholders

We can interview up to fifteen key stakeholders in the community. We would ask your help to identify them. This could be key businesses, key government stakeholders like the schools, or health care providers. It could include others like farmers or anybody else in your community that we think needs better broadband. CCG Consulting has conducted thousands of similar interviews and we know how to tailor the questions we ask to fit each stakeholder. These interviews are more in-depth than surveys and tell us a lot about how the current state of broadband affects the community.

These interviews would be conducted by telephone and typically last about 30 minutes each (a few last

longer). We will ask your help to identify the best contacts as the various stakeholders. In our experience we've learned that we will need your help to let these entities know that we will be contacting them – otherwise many of them will be reluctant to talk to a consultant they never heard of or to disclose things that might end up in a public report. We always give stakeholders the opportunity to keep their responses to us confidential if they don't want us to discuss their responses in the written report.

Residential Survey

We are proposing to create an online survey. The primary reason we do residential surveys is to understand the residential interest in better broadband. CCG has been conducting residential surveys for over twenty years. There are a few factors that are vital to create an accurate and believable survey. First, the questions asked must be unbiased and can't lead respondents into answering in a given way. CCG has administered hundreds of similar surveys and we can help you to prepare survey questions that are not biased, and for which you can then believe the answers.

Another important factor is to limit the number of questions. There is a well-known phenomenon called survey fatigue and a large percentage of people will hang up or walk away from a live survey if they feel it's taking too long. An online survey should not last for more than ten minutes, and hopefully less time. We will rely on the county to get the word out to citizens to take the survey. We can discuss techniques that other clients have taken to get a good response to surveys.

Business Survey

We ask business to tell us their broadband story. We want to know if their current broadband is adequate, and if not, what kinds of problems are they having. We also want to know what they might be able to do better if they got better broadband.

We also suggest that you put this survey online but will also provide a printed version that could be circulated in business districts. We've found that there are generally a few ways in every community to distribute the surveys and we will ask your help to distribute the questionnaire for smaller businesses.

GAP Analysis *(Completed by CCG)*

A gap analysis looks in detail at the broadband situation in the county. The gap analysis has several goals:

- First, we gather as much information about the county as possible to see what the rest of the world thinks about your broadband. For example, what does the FCC think the broadband situation is in the county? What is being reported to Congress about the County. Knowing these facts are important because incorrect facts about the state of rural broadband in the county can block the county from eligibility from some grant programs.
- Second, we will do our best to help you set the record straight. Between the engineering estimate, our discussions with ISPs, the speed tests, the surveys, and the interviews with stakeholders we can help you paint the truthful picture of rural broadband. This analysis provides the kind of analysis that you or an ISP will need to successful get grant funding.
- Finally, we will look at all of the other gaps like the gaps in broadband affordability, or homes without computers or computer training. There is a lot of grant money to help in these areas as well as grant funding for building networks. We want to give you the facts needed to seek this additional grant funding.

Pre-Engineering *(Completed by Finley)*

Finley Engineering will complete pre-engineering work; our FTTH network design will utilize the existing Cibola County GIS data.

We recommend doing high level engineering with the goal of understanding the overall cost of building a fiber/broadband network. This sort of engineering is mostly done from our offices and involves only a few days of field work. In this high level engineering our goal is to estimate a high-level network cost to make sure we have estimated sufficient dollars for the overall project. Our goal in network design is to get as close as we can to the cost of the network while remaining slightly conservative to allow for variances.

The preliminary high-level design and estimate is not wasted work because we undertake the analysis in such a way that this would then be the beginning point for final field engineering should you decide to move forward.

We will evaluate all the services and assets needed to build and operate the network. This would include such things as the electronics needed to light the network, the drops and electronics needed to serve customers, the electronics needed to provide the triple play service and SCADA device connectivity. Finally, we will look at issues such as whether you need to build a new location to house the electronics, primary and backup power requirements, as well as the cost of ancillary equipment including vehicles, computers, furniture, software, etc.

We always build in a construction contingency, and we vary this between 5% and 10% percent of the project depending upon how good we feel about all of the assumptions used in the study.

We also do something in our business plans (described below) that many other consultants don't do. We know that assets have to be replaced. For example, vehicles rarely last more than five years. The core electronics are going to be obsolete within 7-10 years. The fiber is likely to have a lifespan which exceeds 30 years but there will still have to be repairs made every year. We make sure that we build replacement costs into the forecast so that you can always make sure that you will have sufficient cash in future years.

The deliverable for preliminary engineering is to produce a detailed narrative and cost estimate for each study scenario. The specific deliverables include:

- The cost to build broadband assets in different areas of Cibola County (such as fill in areas around Continental Divide Electric and unserved areas), based upon recent actual construction costs from other projects in the area. Our review of broadband options will include fiber and possibly fixed wireless options which private broadband providers might consider for providing service.
- The cost of the electronics needed to light the network and provide the desired services.
- The cost of ancillary assets needed to be in the business such as a building, vehicles, computers, and the electronics needed to provide the triple play services.
- We will prepare a GIS FTTH network designs in unserved areas of Cibola County showing realistic fiber sizes, equipment and PON cabinet locations and proposed splice points. We will develop a cost of the network for these representative areas and use the results to develop costs on a County wide basis, we will also provide a written narrative detailing our assumptions and our results.

Financial Feasibility *(Completed by CCG)*

Operating Models

Our first step when doing a feasibility study is to discuss the operating models, you'll want us to study. We can easily consider multiple option. Following are a few of the options we can study:

- Single Provider ISP. We know the county has no interest in being an ISP. This main purposes of this study option is to understand what it takes for a single ISP to profitably operate in the rural areas. One key aspect of this analysis is that we will be able to quantify the amount of grants needed for an ISP to want to serve the rural areas. We know that it solutions often come from multiple ISPs each serving a portion of a county, but this look at a single ISP provides the needed metrics for any ISP to consider. The main purpose of this analysis is to present the facts needed to lure one or more commercial ISPs to serve the county.
- Partnership Options. There are numerous ways that commercial ISPs and governments can create a partnership. The different arrangements mostly differ by the amount of money and contribution that the government is willing to make. Note that the possible influx of huge federal funding changes the dynamics of all of these partnerships if the federal and state government pick up a bulk of the cost of building a network.
 - Local Government Grants. The primary option we'll consider if to see if it might be needed for the county to offer a local grant to go along with federal and state grants. With ARPA money this might be easier than normal, but we've also seen counties use general funds or even float bonds to help find a broadband solution.
 - Other Options. While you don't want to be an ISP, we are still willing to quantify other partnership models if that makes sense. There are a wide variety of partnerships that include some contribution and maybe even ownership by the county. We will discuss the various options with you and will look at any partnerships that make sense. This includes the idea of offering open access to lure multiple ISPs to compete on a fiber network.

Financing Options

We also routinely consider multiple ideas on how ISPs might be able to fund the network. As you might expect, the emphasis right now is on grant funding and the report will look at all of the creative ways that ISPS are finding the needed grant money.

Financial Feasibility

The primary purposes of our business models is to demonstrate to ISPs that they can be successful in operating in the rural parts of the county. People are often surprised to find out that ISPs have not done this analysis, but they are missing a lot of the key pieces like the cost of building a network and a look at how many residents might buy broadband. CCG Consulting has prepared hundreds of financial business plans for clients. We have studied and helped implement almost every conceivable type of competitive communications network and venture. Through years of this experience, we have refined our business plan models such that they are thorough, focused and grounded in experience. Our business plans are not pie-in-the-sky since we have extensive experience of how companies function after they build the network.

The financial business plan will include in-depth detail relative to the organization, operating costs, overheads, equipment and materials required to operate the proposed business. This is a normal product of our business plan models due to the way we develop our plans. We build our business plans from the

'bottom up' and we make detailed projections for the required staffing, capital and equipment needed to meet the plan objectives. Consider the question of the proper level of staffing. We will not only suggest the right number of employees for the business, but we are going to suggest specific titles and salaries that we think are appropriate for your region.

We normally build our models to coincide with the expected length of the debt to be sure that there are no underlying assumptions that eventually mean trouble. Our models are banker-ready and will be sufficient to seek financing for a fiber project or to use for seeking grants. Many bankers have remarked that ours are the best telecom business plan they have ever seen. All of CCG's business plans provide monthly level of detail for the first two years of operation. Subsequent years are provided on an annual basis. Our models are so detailed and easy to use that many of our clients often utilize our models as budgetary and ongoing management control tools. The models include the full set of normal financial statements.

The most important variable in rural business plans is a calculation of the amount of grant funding needed to make a business plan viable. Our analysis will calculate the amount of grants needed for various scenarios so that ISPs can understand the range of grants needed and the other factors that affect the amount of needed grant.

Another important variable in any financial model is the penetration rate, or the percentage of customers that select a new fiber business. We look at potential penetration rate in a few different ways:

- We'll use the market research to estimate market demand. This will provide a starting point for what we call a base study.
- CCG also has vast experience in working in hundreds of markets and we can probably make a pretty decent educated guess of penetration rate based upon the size of the market, the broadband available today, and the specific incumbent providers.
- One of the most useful outputs of our studies is that we will calculate the breakeven penetration rate. This is the number of customers that are needed for the business plan to be cash self-sufficient, meaning that revenues cover all costs including operating expenses, debt, and ongoing operating capital.
- Finally, we will undertake a sensitivity analysis on the penetration rate so that you can understand the impact of having the market rate vary by 1%, 5% and 10% upward or downward from the penetration rate used in the base study.

We also will perform a sensitivity analysis on other important variables so that you can understand the range of results you might see in actual practice. We know that changes in key variables like broadband prices, interest rates on debt, or the cost of the network will have a big influence on the financial results. Once we've created a few base studies we will kick the tires on the key variables so that you can understand how they affect financial performance.

CCG is somewhat unique among telecom consultants in that we specialize in helping projects find funding. Doug Dawson at CCG has been successful over the years in helping to fund numerous fiber and other telecom projects. We've found that getting projects funded is the hardest step in launching a fiber business and many otherwise feasible projects have languished due to the inability to raise the needed funding. Because of this expertise, our assumptions used for the cost of debt are detailed and realistic.

Our financial format creates GAAP accounting financial reports. This means that in addition to looking at capital and operating costs that we also calculate depreciation and amortization expense, look at the cash needed to float accounts payable, etc.

Our business plans differ from many consultants in that we always account for maintenance and replacement of electronics and other assets over time. Working with hundreds of clients has allowed CCG to understand how long fiber assets actually last (which is often quite different than the expected asset lives as predicted by the typical industry depreciation rates). We will predict the future needs to retire and replace assets to make sure that there is sufficient cash for future operations.

Understanding the Existing Competitive Market *(Completed by Finley & CCG)*

One of the aspects of the competitive market is understand existing products and prices, which is covered by the market analysis above where CCG will investigate prices and also look at customer bills.

Another important aspect of understanding the broadband market is understanding the broadband speeds that are available in the area today. We will look at that in two ways:

- The market research tasks above include the creation of a speed test site for citizens to take speed tests.
- Finley engineering is also going to look at the facilities and network of current providers.
- Finley will contact the existing service providers which will talk with us about their network and plans for broadband expansion.
- Between the two approaches we will create what we think is a realistic broadband map for your service area.

We will also tackle the competitive analysis by talking to all of the broadband providers in the area. We will want to know about any upgrades they've made in recent years, particularly since your last study. We're going to want to know about any plans they have for future upgrades.

Written Report *(Completed by Finley and CCG)*

Our quote includes a detailed report that details what we have found, recommendations for future work and options for broadband deployment; our report can also be a great tool for education of the County Commission, and also citizens about broadband. The report will look in depth at a wide range of different topics of your choosing.

Our report will include basic information such as:

- An executive summary of what our analysis means.
- A description of the market research that was done and the results we obtained.
- A description of the engineering assumptions made in the analysis and the results we obtained.
- The assumptions used in the financial analysis and the results we obtained.
- An in-depth discussion about grant funding and helping ISPs pay for a new network.
- A list of specific recommendations based on what our analysis tells us.
- A list of ideas and next steps for moving forward after you get our analysis.

The written report will be authored by Doug Dawson of CCG Consulting. Doug writes these reports in plain English with the target audience being your Commission and your citizens – we do our best to avoid industry jargon whenever possible. Doug has a casual writing style that the public seems to like.

Doug also has been writing a daily telecom blog since 2013 called Pots and Pans by CCG, found at <https://potsandpansbyccg.com/>. You can see more of Doug's writing style and also the wide range of topics that are covered by CCG.

Presentation of Results *(Completed by Finley and CCG)*

Our proposal includes a presentation of our findings Cibola County. Both CCG Consulting and Finley Engineering will present our findings to the Cibola County Commission, key stakeholders or the combination that works best for you. It's likely that some or all of these presentation will be virtual.

We expect to make several visits to the Cibola County as part of this project as follows:

- An engineering kick-off meeting by Finley Engineering to look in detail at local fiber assets, construction issues, Make Ready evaluation, etc.
- An online presentation of the results of our analysis prior to on-site presentation of results.
- A final in-person presentation of results. Our pricing includes an estimate of travel expenses. We bill actual travel expenses, without mark-up. We also can do the final presentation by phone or video conference – something that many of our clients do to save money.

Broadband Feasibility Study Deliverables

The Feasibility Study that Finley Engineering and CCG Consulting complete will address the following: the specific activities for the Scope of Work are detailed later in our proposal:

- Competitive and needs analysis to understand the broadband needs of Cibola county in order to make a realistic estimate of market demand for broadband services.
- Pre-Engineering of technology solutions to estimate the cost of building broadband networks in Cibola County.
- Financial analysis estimating the incremental revenues and expenses from each of the opportunities as well as an analysis showing the profitability of each option.
- A review of the existing broadband competitive market within your service territory.
- A report that will tell you what we did and what we found.

FTTH Feasibility Study Pricing Proposal

Technical Analysis	\$5,320
Gap Analysis	\$3,000
Market Research	\$9,000
Current Use Analysis	\$5,000
Broadband Network Design and Cost Estimate	\$20,750
Financial Models	\$13,500
Funding Solutions	\$3,500
Develop Strategic Plans	\$6,500
Written Strategic Plan	\$11,185
Presentation of Results	\$2,350
Travel-Onsite-Incidental Expenses	\$4,425
<u>Total</u>	<u>\$84,530</u>



State of New Mexico
General Services Department
State Purchasing Division

Agreement Cover Page

Awarded Vendor:
0000151527
Finley Engineering Company, Inc.
PO Box 148
Lamar, MO 64759

Email: a.heins@finleyusa.com
Telephone No.: 417-682-5531

Ship To:
All State of New Mexico agencies, commissions,
institutions, political subdivisions and local public
bodies allowed by law.

Invoice:

As Requested

For questions regarding this agreement please contact:
Anna Sandoval Vigil (505) 660-5408

Agreement Number: **10-00000-21-00080AD**

Payment Terms: **Net 30**

F.O.B.: **Destination**

Delivery: **Per Agreement**

Procurement Specialist: **Travis Dutton-Leyda** *JDZ*

Telephone No.: **505-795-1076**

Email: **travis.dutton-leyda@state.nm.us**

Title: Broadband Planning, Grant Writing, and Infrastructure

Term: August 1, 2021 thru August 1, 2025

The attached Agreement is made subject to the "terms and conditions" as indicated.

STATE OF NEW MEXICO

DEPARTMENT OF INFORMATION TECHNOLOGY

INFORMATION TECHNOLOGY AGREEMENT

CATEGORY1: Broadband Planning Services

CATEGORY2: Grant Writing Services

Agreement No.10-00000-21-00080AD

THIS INFORMATION TECHNOLOGY AGREEMENT (this "Agreement") is made by and between the State of New Mexico (the "State"), **Department of Information Technology**, hereinafter referred to as "Procuring Agency" and **Finley Engineering Company, Inc.**, hereinafter referred to as "Contractor" and collectively the parties are hereinafter referred to as the "Parties." This Agreement must be approved by the Department of Information Technology ("DoIT").

WHEREAS, pursuant to the Procurement Code, NMSA 1978 13-1-28 *et seq.*; and Procurement Code, NMAC 1.4.1 *et seq.*; Contractor has held itself out as an expert in implementing the Scope of Work attached hereto and Procuring Agency has selected Contractor as the offeror most advantageous to the State; and

WHEREAS, all terms and conditions of the **RFP No. 10-00000-21-00080 Broadband Planning, Grant Writing, and Infrastructure** and Contractor's response to such document(s) are incorporated herein by reference; and

THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES:

ARTICLE 1 – DEFINITIONS

- A. "Acceptance," "Accept" or "Accepted" means the approval, following Quality Assurance, of all the Deliverables by Procuring Agency's ELR ("ELR").
- B. "Agency CIO" means Procuring Agency's Chief Information Officer.
- C. "Application Deployment Package" or "ADP" means Contractor's centralized and systematic delivery of business critical applications, including the source code (for custom software), documentation, executable code and the deployment tools necessary to successfully install application software fixes, including Contractor's Software related additions, modifications, or deletions.
- D. "Business Days" means Monday through Friday, 7:30 a.m. (MST or MDT) to 5:30 p.m. except for Federal and State holidays.
- E. "Change Request" means a written document utilized by either Party to request changes or revisions in the Scope of Work – Exhibit A, attached hereto.
- F. "Confidential Information" means any communication or record (whether oral, written, electronically stored or transmitted, or in any other form) that consists of: (1) confidential Procuring Agency or client information as the term is defined in State and/or Federal statutes or regulations; (2) all non-public State budget, expense, payment and other financial information; (3) all attorney-client privileged work product; (4) all information

copy, soft copy, electronic format, hardware, firmware, software or manifested in any other form, whether solid, liquid or vapor, that consists of, or is directly or indirectly related to, Know How, trade secrets, copyrightable material, patent protected or protectable inventions and/or information, U.S. and foreign patent applications and patents, service marks, trademarks, and trade names, any of which is conceptualized, created or developed by either one or both of the Parties. For the purposes of this Agreement each Party will have exclusive ownership rights and control over Intellectual Property that the Party owns or controls prior to the commencement of this Agreement ("Pre-Owned IP"). Intellectual Property that Contractor creates during the course of Contractor's performance of work hereunder will be deemed work made for hire ("Work Made for Hire"). Procuring Agency will be considered to be the creator and sole and exclusive owner of all Work Made for Hire. Contractor agrees that Contractor will not make any application for nor any other claim of ownership regarding any Work Made For Hire or any of the Procuring Agency's Pre-Owned IP. Together, any and all combinations of Procuring Agency's Pre-Owned IP and Work Made for Hire will comprise "Agency IP."

- W. "Independent Verification and Validation ("IV&V")" means the process whereby Procuring Agency retains an independent expert to evaluate, verify and issue a written validation opinion concerning Contractor's performance of the Project and to determine Contractor's compliance with the requirements stated in the Scope of Work, whether with respect to evaluating certain stages of the Deliverables, or to evaluating the body of the Deliverables as a whole, or both.
- X. "Know How" means the idea(s), technical information and knowledge including, but not limited to, documents, computer storage devices, drawings, flow charts, plans, proposals, records, notes, memoranda, manuals and other tangible items containing, relating to, or causing the enablement of the Work Made for Hire and the Intellectual Property developed hereunder.
- Y. "Payment Invoice" means each of Contractor's detailed, certified and written requests for payment concerning the Deliverables that Contractor renders to Procuring Agency. Each Payment Invoice must identify each Deliverable for which the Payment Invoice is submitted and must include the price stated in the Scope of Work (Deliverables section), and in Article 3, below, as well as Contractor's actual charge, for each Deliverable.
- Z. "Performance Bond" means a surety bond which guarantees against Contractor's Default as well as Contractor's full performance of its obligations hereunder.
- AA. "Project" means the sum of Contractor's efforts necessary to produce and deliver the Deliverables to Procuring Agency according to the Scope of Work.
- BB. "Project Manager" means a Qualified Person appointed by Procuring Agency who oversees and manages Contractor's efforts to produce and deliver the Deliverables to Procuring Agency.
- CC. "Qualified Person" means a person who has demonstrated experience performing and completing activities and tasks similar to the Project.
- DD. "Quality Assurance" or "Quality Assurance Review" means the planned and systematic pattern of rules, measures, procedures and process established by Procuring Agency to ensure that each Deliverable conforms to the requirements stated in the Scope of Work.
- EE. "Representative" means one or more substitute person(s) for a title or role, e.g. Project Manager or Contract Manager, when the Party's primary contact person is unavailable.



Cibola County, NM

Detail vs Budget Report

Account Summary

Date Range: 07/01/2021 - 12/06/2021

Account	Name	Encumbrances	Fiscal Budget	Beginning Balance	Total Activity	Ending Balance	Budget Remaining	% Remaining
649 - AMERICAN RESCUE PLAN ACT								
Expense								
649-200-400-00100	Broadband	0.00	1,400,000.00	0.00	0.00	0.00	1,400,000.00	100.00 %
649-200-400-00101	Water & Sewer Infrastructure	8,986.99	250,000.00	0.00	9,026.97	9,026.97	231,986.04	92.79 %
649-200-400-00102	Planning	0.00	40,000.00	0.00	0.00	0.00	40,000.00	100.00 %
649-200-400-00103	Drainage	0.00	693,653.00	0.00	0.00	0.00	693,653.00	100.00 %
649-200-400-00104	Contracts	0.00	7,000.00	0.00	7,000.00	7,000.00	0.00	0.00 %
649-200-400-00105	Public Safety	103,298.14	200,000.00	0.00	0.00	0.00	96,701.86	48.35 %
	Expense Totals:	112,285.13	2,590,653.00	0.00	16,026.97	16,026.97	2,462,340.90	95.05 %
	649 - AMERICAN RESCUE PLAN ACT Totals:	112,285.13	2,590,653.00	0.00	16,026.97	16,026.97	2,462,340.90	95.05 %
	Report Total:	112,285.13	2,590,653.00	0.00	16,026.97	16,026.97	2,462,340.90	95.05 %