

MINUTES
REGULAR MEETING
HIDALGO COUNTY BOARD OF COUNTY COMMISSIONERS
January 11, 2018

BE IT REMEMBERED that the Hidalgo County Board of County Commissioners met in regular session on January 11, 2018 at the hour of 9:00 A.M. at the Hidalgo County Chambers at 305 Pyramid St., Lordsburg, New Mexico, for the purpose of conducting any and all business to come properly before the Board.

The following elected officials, staff, and public were present:

Tisha Green, County Manager	Alyssa Esquivel, Chief Deputy
Priscilla Maxwell, Dispatch	Tracy Chavez, HCSO
Dave Carbine, GIS	Ed Kerr, Self
Kanzas Massey, Three Mile Hill Ranch	Brent BeDillion, SunZia
Calista Kerr, KK and Rouse Ranches	Fred Anzaldna, A.T. Disposal
Roger Payne, Self	Patricia Saucedo, DWI
Meira Gault, PLAC	Alice Webb, Library
Katy Estrada, Self	Marsha Hill, LHC C of C
Levi Klump, Self	Missy Klump, Self
Hector Maese, USBP	John Hackworth, USBP
Jody Hatch, Assessor	

CALL TO ORDER: Chairperson Stewart called the meeting to order at 9:00 A.M. and led the Pledge of Allegiance.

Roll Call: Chairperson Marianne Stewart, Present
Commissioner Anthony J. Mora, Present
Commissioner Darr R. Shannon, Present

Section of 2018 Commission Chairperson

Commissioner Shannon moved to selected Commission Mora as the new chairperson for the year of 2018. Commissioner Stewart seconded the motion, motion passed.

APPROVAL OF AGENDA:

Commissioner Shannon asked to move item II-A to VI-A under Miscellaneous. Commissioner Stewart seconded the motion, motion passed.

APPROVAL OF MINUTES:

Commissioner Shannon moved to approve the following minutes for:
Special Meeting, November 15, 2017
Regular Meeting, December 13, 2017
Special Meeting, December 29, 2017
Commissioner Stewart seconded the motion, motion passed.

RESOLUTIONS and AGREEMENTS

Resolution 2018-01- Notice of Public Meetings

Commissioner Stewart moved to approve Resolution 2018-01 Notice of Public Meetings which will be held on the second Wednesday of each month at 9:00 am to give the manager's office staff a chance to take care of the business that was accomplished in the meeting. Commissioner Shannon seconded the motion, motion passed. In addition, Commissioner Shannon suggested to move to approve Resolution 2018-01 Notice of Public Meetings which includes the information that Commissioner Stewart gave regarding the second Wednesday of each month at 9:00 a.m. Commissioner Stewart seconded the motion, motion passed.

Resolution 2018-02- Open Meetings Act

Commissioner Shannon moved to approve Resolution 2018-02 as presented. This the schedule of the meetings and times. Commissioner Stewart seconded the motion, motion passed.

Resolution 2018-03- Bank Designation

Commissioner Stewart moved to approve Resolution 2018-03 Western Bank as Hidalgo County's Bank. Commissioner Shannon seconded, motion passed.

Resolution 2018-04- Recording Fee

Commissioner Shannon moved to approve Resolution 2018-04 Recording Fee as presented. Commissioner Stewart seconded the motion, motion passed.

Resolution 2018-5- Mileage and Per Diem

Tisha Green stated as per State Statute--the 30 cents per mile within State Statute its states for A state agency, the County should pay up to 80% of the January 1 of the previous year--IRS rate, but a local body can choose not to, but the County is okay to stay at keeping it at the 30 cents it has been. Mrs. Green stated that on the Per Diem rates the ones that changed are the out-of-state areas from \$110 to \$115, and on page 2 the rate for local non-salaried public officers it changed from \$75 to \$95. Commissioner Stewart moved to approve Resolution 2018-5. Commissioner Shannon seconded the motion, motion passed.

Resolution 2018-6- Liquor License Fee

Commissioner Shannon moved to approve Resolution 2018-6 Liquor License Fee in the amount of \$250. Commissioner Stewart seconded the motion, motion passed.

Resolution 2018-7- Holidays January 12, 2018- January 1, 2019

Tisha Green mentioned this is a mirrored schedule of what the State does. Mrs. Green mentioned that she requested recommendations from employees. One recommendation was to follow what the State does. The Courthouse officials suggested to use Presidents Day as a floating holiday for Christmas Eve. Another recommendation was to follow what the City of Lordsburg to accommodate the Transfer Station. If the City is not off when the County is then an issue arises of who is there to open for their dump loads. Commissioner Stewart asked what days the City have that doesn't coincide with the County. Mrs. Green stated that the City observes Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, they use for the day after Thanksgiving, Thanksgiving Day, and the City gives an additional holiday for Christmas Eve. Chairperson Mora asked Mrs. Green if the County needs to have a workshop or if they can declare the choice now. Mrs. Green mentioned it's up to the Board what they want to declare as for holidays and move forward. Commissioner Shannon moved to approve Resolution 2018-7 Holiday schedule as presented that mirrors last years. Motion dies due to lack of a second. Commissioner Stewart suggested that the Board should give Christmas Eve off as a Holiday. Commissioner Shannon disagreed that they should get rid of the day after Thanksgiving and move it for Christmas Eve. Chairperson Mora stated he would rather get input from the workforce. Mrs. Green mentioned she received input, and the information she received is that there's not much business that comes in at all on Christmas Eve. Commissioner Stewart moved to approve to go with schedule except for designating Christmas Eve as a holiday. Chairperson Mora seconded the motion, motion passed. Commissioner Shannon did not vote.

Resolution 2018-8- Hidalgo County Fees

Commissioner Stewart moved to approve Resolution 2018-8 Hidalgo County Fees Schedule. Commissioner Shannon seconded the motion, motion passed.

Resolution 2018-9- DWI Grant Application

Commissioner Shannon moved to approve Resolution 2018-9 DWI Grant Application as presented. Commissioner Stewart seconded the motion, motion passed.

Resolution 2018-10- Supporting the Effort to Restore Water Rights and Create New Water for the State of New Mexico

Commissioner Shannon read Resolution 2018-10 to Support the Effort to Restore Water Rights and Create New Water for the State of New Mexico. Commissioner Stewart moved to approve Resolution 2018-10 Supporting the Effort to Restore Water Rights and Create New Water for the State of New Mexico with the corrections noted. Commissioner Shannon seconded the motion, motion passed.

Resolution 2018-11- Property Valuation expenditure increase

Jody Hatch explained that Martin Neave has received his Appraiser certification, and she is requesting permission from the Board of County Commissioners to transfer \$4,250 from unallocated Property Valuation Fund. Commissioner Shannon moved to approve Resolution 2018-11 allowing a total increase of \$4,250 into 405-301-203 DFA account. Commissioner Stewart seconded the motion, motion passed.

A.T. Disposal contract modification request

Tisha Green mentioned Fred Anzaldua from A.T. Disposal, whom is present, is asking for a \$20 increase to cover hauling expenses. Mrs. Green stated that the County does have a 5-year contract since August 2015, and the County will amended the contract if the request is passed. Commissioner Shannon asked Mr. Anzaldua what expense have increased. Mr. Anzaldua stated labor of the trucks have increased, oil changes and tire repair. Commissioner Stewart moved to approve fee increase for A.T. Disposal and requested to modify that it says it's for trip and not for ton. Commissioner Shannon seconded the motion, motion passed.

Holcomb Law Office- Professional Service Agreement

Tisha Green asking Holcomb Law Office to remained as our professional service for collective bargaining services for future reference on contract. Commissioner Shannon moved to approve the Holcomb Law Office professional service agreement at the rate of \$185 per hour and if the County does not need, the County will still have her on contract. Commissioner Stewart seconded the motion, motion passed.

Limited License and Hold Harmless Agreement- Levi Klump

Levi Klump is requesting permission to build a livestock fence on either side of C-001 of section 35, where it crosses through his private property. Commissioner Shannon asked Mr. Klump why are you asking for permission if this is your private land. Mr. Klump stated that in 1976-1977 the State Highway Department obtained easements. Since the County took over the road, the County took over the easement. Commissioner Stewart moved to approve the Limited License and Hold Harmless Agreement for Levi Klump. Commissioner Shannon seconded the motion, motion passed.

Road Use Management Agreement- SunZia

Brent BeDillion is requesting an agreement with County Road A020 and its usage off of Highway 70 from there, across the railroad tracks and then down to their right away line for it to connect with their access roads. Mr. BeDillion provided a draft agreement that would lay out all requirements for SunZia that they have to buy which include heavy haul usage of this road. For this road our design firm engineer the confirmed that it can handle the additional traffic. If it can't then SunZia would be held responsible to work for the County to improve the road to a state where it can handle traffic without affecting the terms. Commissioner Stewart asked SunZia if the only road was identified was County Road A020. Mr. BeDillion actually stated that this was the only road their traffic utilized. Commissioner Shannon asked where this road A020 is exactly located. Mr. BeDillion stated that is road comes off of Highway 70. Commissioner Stewart moved to approve road usage agreement for SunZia. Commissioner Mora seconded, motion passed. Commissioner Shannon voted nay on this.

MISCELLANEOUS

PLAC Chair Request- Meria Gault

Meria Gault stated that she is here to clear the air from the last two meetings. Her goal today was to make sure that the PLAC will continue. Mrs. Gault mentioned from the last meeting there was some signs from the County Commission that the PLAC was not

functioning the right way. Mrs. Gault requested all three County Commissioners to come to the PLAC meeting on January 24th to see what you want from us. The second request is to see if the PLAC needs to go thru the open meeting act, and also the by-laws. Chairperson Mora stated to Mrs. Gault that she is requesting to have a meeting on the 24th of January and to see if the PLAC needs to follow the open meeting act. Chairperson Mora asked Mrs. Green to research Mrs. Gault request of the open meeting act. Commissioner Stewart stated that she cannot make it to the meeting on the 24th due to the legislative meeting in Santa Fe. Chairperson Mora stated that he will be in Santa Fe as well. Commissioner Shannon mentioned it's most likely that we Commissioners will not be here in Lordsburg due to the legislative meeting. Mrs. Gault asked for the Commissioners to give her an alternate date when they can attend. She believes this is important for the people. Chairperson Mora stated that this was item II. A that was moved down to Miscellaneous A.

Public Land Advisory Committee- discussion/action

Chairperson Mora mentioned that after reviewing and looking at the structure of everything, He still recommends a five person committee and the bylaws need to be revised. In his opinion its a win-win by the Commission, and the committee because the Commission approves the bylaws, there are some issues with purpose of the bylaws and in conjunction with Ordinance 94-1. Chairperson Mora stated Ordinance 94-1 gives the County the ability to form committees and so in that he took at search out of that ordinance and his recommendations are by no means for himself to have input to build the PLAC. Chairperson Mora stated that there needs to be a process that process would give County Manager Tisha Green being the first filter she gets most of the communication from federal and government agencies that are wanting to do anything in our County. Therefore, she receives the information, and she discusses with the Commission to see if that is an issue that the Commission would want to give to the PLAC. Then, once the Commissioners give the okay for that issue, then that issue will go to the PLAC. That would be identified as deliverables. What is expected out of the PLAC will be letters, feedback, data, and any information that will help the Commission. Chairperson Mora stated he doesn't want to see more than five member board but not less than three, and hopes to make the board functional.

Commissioner Stewart mentioned when she Mr. Hill and Judy Keeler sat down went through the bylaws, they did not change the purpose of that, but talked about the functioning and the dissemination of information that the PLAC gives, which they found out the public is not informed. Commissioner Stewart mentioned that she, Mr. Hill and Mrs. Keeler listed several ways that the public could be informed, and they asked if the minutes could be in the paper. The other thing the PLAC had these meetings and the PLAC took motions and took action and all these minutes were kept in Mrs. Keeler's house and these minutes weren't available-no information was made available to the public. Now, Mrs. Keeler bought the minutes to the Clerk's Office to be kept. Mrs. Gault mentioned that she was not the one that wrote the minutes but she believed that Mrs. Keeler was sending them in an email form to the Manager. Mrs. Gault stated that her point about the PLAC, sometimes there are deadlines for the agencies and sometime there is no time. Chairperson Mora mentioned that if the PLAC and the Commission could come together and outline the bylaws.

Commissioner Shannon stated that she went to many PLAC meetings and Commodore Road was mentioned over and over in these meetings. Mrs. Gault had concerns but those concerns were never brought which Mrs. Gault stated openly in an open meeting that you were worried about was Commodore Road was going to be cut off from the public but Mrs. Gault never

came to the Commission. Instead Mrs. Gault was doing the work herself trying to figure this out. The PLAC is supposed to advise the Commissioners of any issues, we, as Commissioners or whoever the Commissioners are in the future should be the ones who influenced these government agencies. Chairperson Mora stated that are partial ideas on this purpose and some the process that he figured out today that there is more to these bylaws that need to take care of to identify. Commissioner Shannon moved to approve Chairperson Mora's statement-the committee will serve as representation for Hidalgo County Commission on issues involving state, federal land that directly impacts the County's health safety and welfare of its citizens. The Committee will be assigned issues to address, after the County Manager has filtered information and confirmed with the Commission that the committee is a resource and should be engaged to attend meetings or compile information that provide the County Commission with knowledge, to make sound decisions or qualified determinations in providing feedback on these issues. Once an issue is assigned to the committee, an expectation will be made as to what should be delivered. This could include but is not limited to letters, opinions or substantiated data. An expected date should be determined for the deliverables. In this motion we would recommend going to a five person committee, and the selection process should be as described as agricultural, mining, recreation and business should be represented. The Board would recommend no less than three from agricultural, one from business, and one from any other areas. Work on the bylaws so this board can function. Commissioner Stewart seconded the motion, motion passed. Chairperson Mora asked if the other Commissioners wanted to set a date to meet with the PLAC. Commissioner Shannon suggested to meet after the March 14 meeting. Chairperson Mora mentioned he will get with Mrs. Green to schedule the meeting.

Round Table Discuss

Levi Klump believes that the PLAC is important resource to the County Commission. Mr. Klump is in favor for keeping the PLAC as an extra resource. Mr. Klump wanted to address the easements and right-of-ways on C001. Mr. Klump informed the Commission that the State Highway Department never obtained easements on portions of that road. The road was actually diverted but they did obtain easements where it was diverted. There was no question of prior ownership.

Ed Kerr wants to thanked the Commission for resolving this issue or starting the process of the issue. He is here for the PLAC as an advisory committee and it's good to see this point forward. Mr. Kerr has gained much knowledge and perception about the agency's what they're up to but that they're working. Mr. Kerr mentioned that the PLAC is very valuable from that perspective as a citizen of the county.

David Carbine mentioned that in 1995 the road of Klump property of Highway 338 was deeded to the County on that road way.

Kanzas Massey thanked the Commissioner on taking on the PLAC and moving forward, she had served on a Board. Mrs. Massey believes that the PLAC is here to represent the grass- roots, and thanked Commissioner Shannon and Mrs. Gault for all their efforts as a businesswoman, and Mrs. Massey thanked them for all their energy.

Commissioner Shannon stated that the Commissioners here values the agriculture the world in our County more than any of you will ever realize, we tell people all the time when you are never here we work for you, you don't work for us, we need to spend your money as you work hard to provide the taxes that you pay for your land and that allows us to operate a

county we've value that beyond measure. We value agriculture it's the main reason our tax reasoning for our existence we care about the public land issues beyond. I do everything I can to help I am

willing to work with anyone and so you just need to be rest assured. However this got discombobulated and we just need to move forward with this.

Chairperson Mora mention that the County received this thank you poster from the Hidalgo Youth Rodeo Associates, and he values the hard work from these kids.

EXECUTIVE SESSION TO:

i. Threatened or pending litigation as authorized pursuant to NMSA 1978 SECTION 10-15-1(H)(7)- Dispatch

Commissioner Shannon moved to go into executive session. Commissioner Stewart seconded the motion, motion passed.

Roll Call Vote:

Commissioner Mora: Aye

Commissioner Shannon: Aye

Commissioner Stewart: Aye

MOVED, SECONDED AND CARRIED UNANIMOUSLY TO GO INTO EXECUTIVE SESSION AT 10:32 A.M.

RECONVENE

Commissioner Shannon moved to return to open session and affirmatively stated that only those matter of which the meeting was closed were discussed in executive session. Commissioner Stewart seconded the motion. Motion passed.

Roll Call Vote:

Commissioner Mora: Aye

Commissioner Shannon: Aye

Commissioner Stewart: Aye

MOVED, SECONDED AND CARRIED UNANIMOUSLY TO RECONVENE EXECUTIVE SESSION AT 11:10 A.M.

ACTION TAKEN/ NOT TAKEN IN EXECUTIVE SESSION

Commissioner Shannon moved to give County Manager Tisha green permission to move forward with further investigation regarding the litigation matter. Commissioner Stewart seconded the motion, motion passed.

CERTIFICATION OF PAYROLL/ACCOUNTS PAYABLE

Commissioner Shannon moved to approve certification of payroll. Commissioner Shannon seconded the motion. Motion passed. Commissioner Stewart moved to approve accounts payable. Commissioner Shannon seconded the motion, motion passed.

ADJOURNMENT:

There being no further business before the Board, Commissioner Mora moved to adjourn. Commissioner Shannon seconded the motion. Motion passed. The meeting adjourned at 11:11 A.M.

ATTEST:

HIDALGO COUNTY BOARD
OF COUNTY COMMISSIONERS

Alyssa Esquivel, Chief Clerk

Anthony J. Mora, Chairperson

APPROVED:

Darr R. Shannon, Member

Marianne Stewar, Member