

MINUTES
Regular MEETING
HIDALGO COUNTY BOARD OF COUNTY COMMISSIONERS

June 12, 2019 at 5:30 P.M.

BE IT REMEMBERED that the Hidalgo County Board of County Commissioners met in regular session on June 12, 2019 at the hour of 5:30 P.M. at the Hidalgo County Chambers at 305 Pyramid Street, Lordsburg, New Mexico, for the purpose of conducting any and all business to come properly before the Board.

The following were present:

Tisha Green, County Manager
Melissa K. De La Garza, County Clerk
Priscilla Maxwell, Dispatch Supervisor
Tracy Chavez, HCSO
Tommy Chavez, HCFD
Carmen Acosta, Probate Judge
Warren Walter, County Sheriff
Scott Richins, Rural Addressor
Jennifer Medina, Diamond A Ranch
Hector Molina, HCRD

Mr. & Mrs. Stephen Gault
Marsha Hill, LHC, C of C
Bill Fraley, Self
Algernon D' Amanessa, Las Cruces Sun News
Patricia Saucedo, DWI Coordinator
Trina Kellogg, Self
Brenda Hood, Hidalgo Herald
David Whipple, HC Fire/EMS
Neomi Parra, DPNM

CALL TO ORDER: Chairman Anthony J. Mora called the meeting to order at 5:30 P.M. and led the Pledge of Allegiance.

Roll Call: Chairman Anthony J. Mora, Present
Commissioner Joel Edwards, Present
Commissioner John Hatch, Present

Approval of Agenda-Commissioner Hatch moved to approve the agenda as presented. Commissioner Edwards seconded the motion, motion passed.

Approval of Minutes

Regular Meeting, May 8, 2019-discussion/action

Commissioner Edwards moved to approve the minutes of Regular Meeting, May 8, 2019. Commissioner Hatch seconded the motion, motion passed.

Special Meeting, May 22, 2019-discussion/action

Commissioner Edwards moved to approve the minutes of Special Meeting, May 22, 2019. Commissioner Hatch seconded the motion, motion passed.

Public Hearing

Trina Kellogg-suggested that the Board give a duty or responsibility to someone such as the manager or road supervisor within the road policy. She also suggested for the residents to be notified if a road is going to be vacated. Lastly, to post notices in three of the most public places along the requested road, perhaps public places such as stores, and schools.

Meira Gault-suggested more time be given for the public to review and put on the County's website and in the newspaper. This will provide time for comments to be given back to the manager before the policy is finalized.

Levi Klump-has not seen the policy but would like to review it.

Hidalgo County Road Policy Public Comment-discussion

County Manager Tisha Green stated for the public to feel free to email suggestions and recommendations.

Intent to repeal-Ordinance 97-12 relating to Collective Bargaining for Hidalgo County- Public comment-discussion

County Manager Tisha Green stated an ordinance was adopted in 1997 relative to collective bargaining in Hidalgo County. In 2013, there was a collective bargaining agreement that was signed by employees and management. At that time, the County was to select a local labor board. A three-member board was needed in order to be active. Due to only two members on the board, it was never an active board. Therefore, there is no active labor board. This is a violation of Ordinance 97-12. Violating this ordinance, could result in a finding against Hidalgo County signed by a district court judge. At this time cm is asking the Board to consider repealing the ordinance, so this can be corrected. Another ordinance can be adopted in the future if necessary.

Repeal Ordinance 97-12 Relating to Collective Bargaining for Hidalgo County-discussion/action

Commissioner Edwards moved to repeal Ordinance 97-12. Commissioner Hatch seconded the motion, motion passed.

Resolutions and Agreements

Resolution 2019-23 Board of Registration-discussion/action

County Clerk Melissa De La Garza stated this is a resolution for the Board of Registration to confirm the members on that Board. Commissioner Hatch moved to approve Resolution 2019-23. Commissioner Edwards seconded the motion, motion passed.

Rescind Resolution 2019-18-NMFA Refunding Resolution-discussion/action

County Manager Tisha Green stated the refinancing of the detention center loan that will give a cost savings over the next fourteen years. This was approved in April, but the loan amount has changed so this needs to be rescinded, so this can move forward. Commissioner Edwards moved to rescind Resolution 2019-18. Commissioner Hatch seconded the motion, motion passed.

Resolution 2019-24-NMFA Refunding Resolution for Detention Loan PP-2167-discussion/action

County Manager Tisha Green stated she respectfully requested approval for this resolution with the refunding of the detention center loan with the corrected loan amount. Commissioner Hatch moved to approve Resolution 2019-24. Commissioner Edwards seconded the motion, motion passed.

Resolution 2019-25 NMDOT Cooperative Resolution-discussion/action

County Manager Tisha Green stated this is a formality that is done after an offer is made by NMDOT. This year the County applied for coop funds in the amount of \$40,000, which will be a twenty-five percent match of \$10,000. This is project development, design and survey McCants Drive to Gold Hill Road. Commissioner Edwards moved to approve Resolution 2019-25. Commissioner Hatch seconded the motion, motion passed.

Resolution 2019-26 SWRPO Project Resolution-discussion/action

County Manager Tisha Green stated there was a solicitation for road projects through NMDOT. As part of the SWRPO, the County submitted a project and the cost is approximately \$900,000. If selected the County would have to commit to five percent, which would equate to around

\$40,000. This needs to be done in case this is approved. Later a waiver can be applied for if awarded. Commissioner Hatch moved to approve Resolution 2019-26. Commissioner Edwards seconded the motion, motion passed.

Resolution 2019-27 Polling Places-discussion/action

County Clerk Melissa De La Garza stated that in the odd numbered years the Board is to set the polling place locations for the upcoming primary and general elections. Commissioner Edwards moved to approve Resolution 2019-27. Commissioner Hatch seconded the motion, motion passed.

Limited License and Hold Harmless Agreement-Elbrock Waters-discussion/action

County Manager Tisha Green stated this is a request from Elbrock Waters. It is for a driveway and has been verified by the road supervisor. Commissioner Hatch moved to approve the Limited License and Hold Harmless Agreement. Commissioner Edwards seconded the motion, motion passed.

DWI Grant Agreement #20-D-G-13-discussion/action

Patricia Saucedo approached the Board to be the fiscal agent again and if so, the Board would be willing to approve the final amount of \$24,000 for the DWI grant. Commissioner Edwards moved to approve the DWI Grant Agreement #20-D-G-13 for the amount of \$24,000. Commissioner hatch seconded the motion, motion passed.

USDA Work and Financial Plan Agreement number 19-73-35-233-RA-discussion/action

County Manager Tisha Green stated this is the annual agreement that the County agrees to pay \$30,000 for rodent control. This comes from farm and range funding. Commissioner Hatch moved to approve this agreement. Commissioner Edwards seconded the motion, motion passed.

Addendum to Detention Center Medical Services Contract-discussion/action

County Manager Tisha Green stated that there is an amendment to the service agreement for the medical services at the detention center. The request is an increase of \$3,500 annually to help break even since it was previously underbid. The previous amount was \$330,000 and will now be \$333,500. Commissioner Edwards moved to approve this correction. Commissioner Hatch seconded the motion, motion passed.

Memorandum of Understanding between New Mexico Department of Public Safety and Hidalgo County-discussion/action

Tracy Chavez stated these are the agreements done every new grant period for Stonegarden. Commissioner Edwards moved to approve this Memorandum of Understanding. Commissioner Hatch seconded the motion, motion passed.

Memorandum of Understanding between City of Lordsburg Police Department and Hidalgo County-discussion/action

Commissioner Hatch moved to approve this Memorandum of Understanding between the City of Lordsburg Police Department and Hidalgo County. Commissioner Edwards seconded the motion, motion passed.

Memorandum of Understanding between Hidalgo County, Grant County and Luna County for Cross Commissioning of deputies-discussion/action

County Sheriff Warren Walter stated these counties would be using their own Stongarden grant. Commissioner Hatch moved to approve this agreement. Commissioner Edwards seconded the motion, motion passed

MISCELLANEOUS

Letter to Coronado Forest-PLAC-discussion/action

Meira Gault stated that in the last PLAC meeting the forest service was present and suggested another way to get access. Diamond A Ranch does not like forest-to-forest access. The letter is asking them about the three roads that access the forest.

Time would be granted for them to explore these options. Commissioner Edwards moved to approve sending this letter. Commissioner Hatch seconded the motion, motion passed.

Appoint Protest Board-discussion/action

County Manager Tisha Green stated that every two years there should be a protest board appointed. Each member is to serve two years. A solicitation was done in the newspaper asking for anyone willing to sit on the protest board. Mr. Ed Kerr and Mr. Bill Walter are willing to sit on the board. The Manager requested suggestions from the Board for the two other members. Commissioner Edwards moved to nominate Mr. Vance Lee and Mr. Bob Hill to serve on this board. Commissioner Hatch seconded the motion, motion passed. Two other members are appointed from the NM Taxation and Revenue department.

Permission for out of state travel-Fire Marshall-discussion/action

David Whipple requested permission to travel to Houston to purchase a medical rescue truck. The truck needs to be seen and told which tools/accessories are needed on it, to fit the County's needs. Mr. Whipple and Tom Chavez will be traveling to do this. Commissioner Edwards moved to approve the out of state travel for the Fire Marshall. Commissioner Hatch seconded the motion, motion passed.

Liquor Licenses approval for the period of July 1, 2019-June 30, 2020-discussion/action

County Clerk Melissa De La Garza stated the two liquor licenses for the County were about to expire and needed their annual renewal. Commissioner Hatch moved to approve the renewals. Commissioner Edwards seconded the motion, motion passed.

Set date of public hearing for transfer of stock ownership of liquor license-discussion/action

County Manager Tisha Green stated notification was received from the licensing department and a public hearing is required within forty-five days. The earliest date would be July 10, 2019 at the regular meeting. Commissioner Edwards moved to approve the date of July 10, 2019 at the regular meeting.

Closure of Sunshine Haven Nursing Home-discussion

Chairman Mora stated this is a big topic for this community. The reason this is on the agenda is to let the public know that the Commission has made every attempt, to reach out, has contacted the Governor's office, Lieutenant Governor's office, Senators and Representatives. Department of Aging is talking about post closure plans. Commissioner Mora stated that he is not sure of what can be done besides contacting our legislative representatives. He allowed the public to comment.

Neomi Parra-stated she has been in contact with the Lieutenant Governor to see what can be done to hold this company accountable for the closure of the elderly's homes that dwell in this community. Mrs. Parra read a letter from Rosemary Alvarez Olivas. Mrs. Parra states this is enough from private companies coming in to our community and taking advantage of the elderly.

Jason Watkins-stated he witnessed the Lieutenant Governor kicked out of the Sunshine Haven Nursing Home. He was also kicked out at the same time and is no longer allowed on the property. Mr. Watkins has been posting video and transcripts for transparency. Sunshine

Haven had a Facebook page and one of the residents plead for help, later that comment was deleted. Mr. Watkins is concerned for the safety of the residents.

Chairman Mora-stated all he got was post closure plans when talking to all the right people. Any community effort made will be supported.

Round Table Discussion

Jason Watkins-stated he has been working on a story about Hidalgo Medical Services and is getting ready to share with the community. He wants to make the Board of County Commissioners and HMS board aware because this could potentially affect the County. The CEO of HMS, Dan Otero has been sexually harassing employees and then retaliating against them when they file a complaint. Mr. Watkins stated he had just been let go as a patient at HMS because he is trying to get ahold of Dan Otero and hold him accountable. As of now if there are women being harassed, the County Commission now knows about it and the County is renting the property to HMS, the County could be liable by woman who are being harassed by this man.

EXECUTIVE SESSION-

Commissioner Edwards moved to go into executive session to discuss Limited Personnel Matters as authorized pursuant to NMSA 1978 Section 10-15-1(H) 7-Opioid Litigation-Hidalgo County Commission
Commissioner Hatch seconded the motion, motion passed.

ROLL CALL VOTE: Chairperson Mora: Aye

Commissioner Edwards: Aye

Commissioner Hatch: Aye

MOVED, SECONDED, AND CARRIED UNANIMOUSLY TO GO INTO EXECUTIVE SESSION AT 6:29 P.M.

RECONVENE

Commissioner Hatch moved to return to open session and affirmatively stated that only those matters of which the meeting was closed were discussed in executive session. Commissioner Edwards seconded the motion, motion passed.

ROLL CALL VOTE: Chairperson Mora: Aye

Commissioner Edwards: Aye

Commissioner Hatch: Aye

MOVED, SECONDED, AND CARRIED UNANIMOUSLY TO RECONVENE AT 7:13 P.M.

Commissioner Edwards moved that Hidalgo County enter into the opioid litigation with Socorro County and the other counties. Commissioner Hatch seconded the motion, motion passed.

CERTIFICATION OF PAYROLL

Commissioner Hatch moved to approve the certification of payroll. Commissioner Edwards seconded the motion, motion passed.

CERTIFICATION OF ACCOUNTS PAYABLE

Commissioner Edwards moved to approve the certification of accounts payable. Commissioner Hatch seconded the motion, motion passed.

ADJOURNMENT:

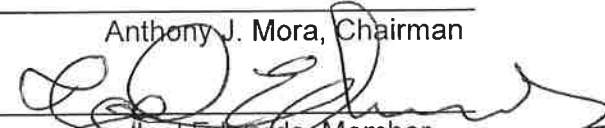
There being no further business before the Board, Commissioner Hatch moved to adjourn. Commissioner Edwards seconded the motion, motion passed. The meeting adjourned at 7:15 P.M.


ATTEST:

HIDALGO COUNTY BOARD
OF COUNTY COMMISSIONERS



Melissa K. De La Garza, County Clerk

Anthony J. Mora, Chairman


Joel Edwards, Member


John Hatch, Member

APPROVED:
7.10.2019