

MINUTES
REGULAR MEETING
HIDALGO COUNTY BOARD OF COUNTY COMMISSIONERS
OCTOBER 11, 2017

BE IT REMEMBERED that the Hidalgo County Board of County Commissioners met in Regular Session on October 11, 2017 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, Manager's Office
Tracy Chavez, Sheriff's Dept.
Alice Webb, Library Director
Dan Otero, HMS
Maria Sanchez, Sheriff's Dept.
Office Edith Lee, HMS
Adam Riex, USBP
Adam Kopelicle, USBP
Albert Davalos, HCDC

Alyssa Esquivel, Chief Deputy Clerk
Priscilla Maxwell, Dispatch
Dave Carbine, Rural Addressor
Clarence Rudiger, Road Dept.
Jody Hatch, County Assessor
Joe & Janet Rollings, Public
Joey Whitted, USBP
Serena May, HCDC
Ed Kerr, Kerr Cattle, LLC

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

Roll Call: Chairperson Marianne Stewart, Present

Commissioner Anthony J. Mora, Present

Commissioner Darr R. Shannon, Present

APPROVAL OF AGENDA:

Commissioner Mora moved to approve the agenda. Commissioner Shannon seconded the motion, motion passed.

APPROVAL OF MINUTES:

Commissioner Shannon moved to approve the minutes for Special Meeting, September 1, 2017; Special Meeting, September 6, 2017; Regular Meeting, September 13, 2017; Special Meeting, September 20, 2017. Commissioner Mora seconded the motion, motion passed.

II. RESOLUTION & AGREEMENTS

LIMITED LICENSE AND HOLD HARMLESS AGREEMENT- KERR CATTLE, LLC

Ed Kerr requested a hold harmless agreement for installing a livestock pipeline use under the County Road six miles south of town on the Old Animas Highway. Commissioner Shannon moved to approve the Limited License and Hold Harmless Agreement by Kerr Cattle Company, LLC for a pipeline about 4.8 miles south of town according to the map. Commissioner Mora seconded the motion, motion passed.

NEW MEXICO STATE LIBRARY CAPITAL APPROPRIATION PROJECT- GOB- A5110

Alice Webb requested the County Commissioners to sign the Capital Appropriation Project, and once it is signed, the County Library will be funded in the amount of \$9,666.18 until June 30, 2021. Commissioner Mora moved to approve the New Mexico State Library Capital Appropriation Project GOB-A5110. Commissioner Shannon seconded the motion, motion passed.

RESOLUTION 2017-28- BUDGET INCREASE- GRANT FUND

Tisha Green explained that the County needs to budget what was just approved for the New Mexico Library Capital Appropriation Project. Commissioner Shannon moved to approve Resolution 2017-28 Budget increase fund item 218-302 in the amount of \$9,667. Commissioner Mora seconded the motion, motion passed.

AGING AND LONG TERM SERVICES- OPERATING AND USE AGREEMENT FOR SENIOR CENTER CAPITAL OUTLAY AWARD

Edith Lee mentioned with the Capital Outlay Award with the agreements and requirements, HMS will be getting a walk-in freezer and two vehicles to be purchased for the Senior Center. Mr. Otero wanted clarification on the timing of the signature-if it's for approval or review. Tisha Green stated this is for approval. There is no deadline just as soon as possible. Commissioner Shannon moved to approve the Operating and Agreement for Senior Center Capital Outlay Award for HMS. Commissioner Mora seconded the motion, motion passed. Commissioner Shannon would like to give much appreciation to our interim County Manager making sure she discovered that this needed to be addressed.

RENEWAL APPLICATION FOR RIGHT OF WAY NMNM086767

Clarence Rudiger explained this right of way is a renewal of a piece of BLM easement that goes up to Robert Evans Ranch. This is just a renewal of the twenty-five year lease that is due to expire January 15, 2018. Commissioner Mora moved to approve the Renewal Application for Right Of Way NMNM086767. Commissioner Shannon seconded the motion, motion passed.

III. MISCELLANEOUS

INTERNAL BUDGET ADJUSTMENT REQUEST- HIDALGO FIRE

Tracy Chavez requested to move money from the Hidalgo Fire Capital Purchases line item into Training, Maintenance and Mileage Reimbursement. Commissioner Shannon moved to approve the Internal Budget Adjustment Request for Hidalgo Fire in the amount of \$10,750. Commissioner Mora seconded the motion, motion passed.

COMMUNITY WILDFIRE PROTECTION PLAN- DAVID WHIPPLE

David Whipple explained that he updated the Community Wildfire Protection Plan with the help of a

contractor through a grant with New Mexico State Forestry and Bureau Land Management, and needs approval from the County Commission so it can be sent to the New Mexico State Forestry. Some of the accomplishments in the update are the County now has a certified wildland trainer, every fire department has water storage, a pump and a fire hydrant at the every fire station. Commissioner Mora moved to approve the Community Wildfire Protection Plan. Commissioner Shannon seconded the motion, motion passed.

AMBULANCE WRITE OFFS

David Whipple mentioned there are two Write-Offs for the County, which are actually two different companies. The first company is NRA which they are the oldest company. Mr. Whipple explained that National Recovery Agency only collected maybe about 1% of collections. Mr. Whipple stated that EMS Billing is the newest and second company write-offs for them for Fiscal year 2017 are \$98,976.57. Commissioner Mora moved to approve two write-offs; one for the amount of \$263,304.63 that will be for collectibles that have expired due to the Statute of Limitations concerning the National Recovery Agency. Commissioner Shannon seconded the motion, motion passed. Commissioner Mora moved to approve the second motion for the write-off for collectibles concerning EMS billing services and that is for contractual reasons that the County can no longer collect those fees in the amount of \$98,976.57. Commissioner Shannon seconded the motion, motion passed.

APPROVAL OF LIMITED LEGAL SERVICES AWARD

Tisha Green mentioned that the County solicited proposals for limited legal services to include bankruptcy services. The proposals were due by September 22, 2017 for a one year contract with four year possible renewals. The County did open them on October 6th and the County did evaluate them on October 9th. Ms. Green mentioned the three entities that were submitted: Holt Mynatt Martinez P.C., Virtue Najjar Long Komer, and Modrall Sperling. Of the three entities, the highest score was Holt Mynatt Martinez P.C. and Ms. Green asked the Commissioners to move forward to award Holt Mynatt Martinez, P.C. Commissioner Shannon moved to approve the Limited Legal Services Award to the selection by the scoring committee which would be Holt Mynatt Martinez, P.C. Commissioner Mora seconded the motion, motion passed.

PRIVATE PROPERTY ROAD MAINTENANCE REMOVAL REQUEST- RUDIGER

Private Citizen Clarence Rudiger requested for the roads on his private property road to be taken off the County Maintenance list. He is fortunate to have equipment to self-maintain. Commissioner Shannon inquired if this property on both sides belongs to Mr. Rudiger and does this road go anywhere else to someone else's property? Mr. Rudiger stated it does belong to one other person but that part of the property is leased but he maintains the road for the owner. Mr. Rudiger stated that he does not have a registered easement. Commissioner Shannon's concern is for the County to be consistent with everything done in the past and need to start working on getting right-of-ways for all roads that the County maintains. Since public money has been spent on this road in the past she believes it still needs to go through the reviewing process from local people. Commissioner Mora would like to see a public hearing held before a road is removed from maintenance. Mr. Rudiger stated that according to policy if there is no easement recorded, the County is to cease maintenance on the road until given a right-of-away. Commissioner Stewart stated that the County wants easements on all maintained roads. The County cannot go in and tell everybody the County is no longer maintaining the road. It is a process that is being brought into effect. Mr. Rudiger stated he needs direction and also recommends public help. The Board is not opposed to this but just wants consistency and a formal way of starting the process. Commissioner Mora moved to table this decision on Mr. Rudiger's road request and also recommended this as an agenda item for the next meeting to address all the roads with easements, as well as reviewing the policy on stopping maintenance, abandoning roads and taking on new roads. Commissioner Shannon seconded the motion, motion passed.

REQUEST FOR ROAD MAINTENANCE- SILVER SPRINGS ROAD IN THE SUNDANCE SUBDIVISION

Joe Rollings is requesting the County to maintain the last 400 yards on Silver Springs Road. He stated that the County already maintains a mile and half. Mr. Rollings explained that he would understand if the County Commissioners would want to table this or if the board chooses to not maintain. If maintenance is dropped, Mr. Rollings strongly suggests for the County to put up a sign stating the lack of maintenance on the road for the public to be aware. Commissioner Mora moved to table this road request and to make sure this will be a formal request and would like to know more on the usage of this road and by whom. Commissioner Shannon seconded the motion, motion passed.

MCCANTS/ POWER PLANT MILLINGS PROJECT- ROAD DEPARTMENT

Tisha Green stated that the City of Lordsburg needs the assistance of the County to set out the millings on McCants Road and Power Plant. The County can not apply for any NMDOT projects for new construction with the current roads. The City's portion would be that they would roll out the screened millings. The County's portion would be that they would assist the City as far as using the dump trucks. This would at least get the County roads up to where it's not new construction. Clarence Rudiger stated his only concern is the washouts and does not know if the dump trucks can get to them. Commissioner Stewart stated that this matter needs to be acted on soon. Commissioner Shannon stated for Mr. Rudiger to go ahead and start the project and manage the budget. Commissioner Mora moved to approve McCants/ Power Plant Millings Project with the City of Lordsburg and have Mr. Rudiger's crew assist. Commissioner Shannon seconded the motion, motion passed.

PERMISSION TO FILL VACANT POSITIONS WITHIN THE FOLLOWING DEPARTMENTS:

i. Transfer Station ii. Road Department iii. Dispatch

iv. Detention

Tisha Green mentioned that back during budget time as per direction of DFA, the Commission put a freeze on hiring. Ms. Green stated that there were a couple of instances with the Detention, that permission was sought from the Commission to move forward with hiring two temporary employees. Permission was also granted to transfer an employee from the Transfer Station to the Road Department. However, there has never been any type of formal decision made as far as allowing to hire for any vacancies at this point. Ms. Green listed the following departments that have vacancies: one in Transfer Station, one in the Road Department, one in Dispatch, three in Detention, and a Temporary Mower position. Ms. Green stated that these positions were budgeted for these are the ones that are requesting permission from the Commission to fill vacant positions. It would be the recommendation of the County Manager's Office to follow suit with what is being done in detention by hiring temporary positions, even though an employee can last no longer than nine months. If kept after the nine months, an employee has to continue on as a permanent employee. With the County's financial situation, Ms. Green believes it would be in the best interest of the County to move forward with hiring temporary positions. If it's clearly stated by the Commission to allow departments to fill any vacancies as they become vacant. Some departments are hesitant as to hiring a temporary position because they feel that people aren't going to apply for these temporary positions. In Detention alone the County received thirteen applications for temp positions. People are willing to come and work for the County for up to nine months--in doing so they receive a larger paycheck, and are not upset about the fact that they're not going to receive health insurance or retirement at this point. This also pushes these employees to work harder for the possibility of becoming a permanent employee.

Priscilla Maxwell stated that it takes the Dispatch Department a month or two for training process and it takes a good six months to grasp everything. In a year the employee needs to go get certified, so she

needs to get clarification after the nine months does she have to let them go? Ms. Green explained depending on their work skill, the budget and if an opportunity is available to stay after the nine months.

Alberto Davalos stated that he feels comfortable with the temporary positions. Let the temporary employees work for nine months. This gives him time to see if they are willing to stick it out. Commissioner Shannon stated that she does care about the departments, but as Commissioners they have got to maintain fiscal solvency and responsibility which is her ultimate goal. The Board sees so many employees quitting after three or five months no matter how much training they have and the County is spending tons of money on PERA as one item only. Commissioner Shannon thinks this is absolutely the way to go. Ms. Maxwell asked for clarification on advertisement again after the nine months. Ms. Green explained that yes, that it will have to be advertised at the end of nine months to make sure the money is in the budget for the position. Clarence Rudiger mentioned that he needs more clarification on his department on the temporary position that has been already interviewed for. Ms. Green stated that it is a question they have as well and she does not know if that's something she needs to speak with legal counsel. Mr. Rudiger was given permission to move forward with the interview process and hire since it was advertised as full-time permanent position, since the previous County Manager gave approval when the Commission had frozen hiring. Now does the County follow through with the interview process or re-advertise it? Should the job be offered and just let that person know it is a temporary position. The mowing position will be a causal position. Commissioner Shannon moved to approve to fill any vacancies in the following departments: one temporary position in the Road Department plus the causal mower, one temporary position in Dispatch and three temporary positions in Detention. Commissioner Mora seconded the motion, motion passed.

DETENTION UPDATE

i. REQUEST TO MODIFY WORK PERIOD

Alberto Davalos, detention administrator stated that he would like to discuss the 12 hour schedule. Right now the way it is it causes some problems on the last day of the schedule since it creates overtime problems. So Davalos is requesting for the 84-hr schedule in writing. This would allow him to cut some overtime. Currently, an employee works eight hours on their last day. As soon as he fills in the three temporary position it will not create any overtime problems or man power shortages. Tisha Green stated that Mr. Davalos needs direction from the Commission to go ahead and proceed with researching this scheduling further. Commissioner Mora moved to give approval to continue the research and to possibly hold public hearings. Commissioner Shannon seconded the motion, motion passed.

Update: Mr. Davalos stated it has been four weeks since he has been administrator and has had zero incidents. Mr. Davalos stated right now there are forty-one inmates total. Fifteen are state, fifteen are from Otero County, and eleven are U.S. Marshal inmates. Out of the forty-one inmates six are female. Mr. Davalos discussed the revenue the county would be receiving from Otero County. Mr. Davalos mentioned that the detention officers have been consistently training every day. He also has inmates cleaning the yard and helping in the kitchen. Mr. Davalos hopes to get an inmate work program. Commissioner Mora asked Mr. Davalos for a documented update on the programs he is working on. Commissioner Shannon stated that if a City inmate goes to the doctor to be sure and bill the City. Commissioner Stewart stated she wanted to make sure Mr. Davalos had the Intergovernmental Services Agreement for the City as well as the Jail Assessment. Commissioner Stewart stated that she appreciated Mr. Davalos for coming in to the Detention Center and Tisha Green helping him as well.

ROUND TABLE

Commissioner Stewart thanked the U.S. Border Patrol for their presence and being here at the meeting.

Meira Gault-discussed the economic review for the Gila National Forest plan she has been scrambling to write something for about it. She really would like the Commissioners to look over the plan and tell her if she needs to add something. It is not specific enough economically to our County. Commissioner Shannon mentioned that what the Gila Forest does for our County is it allows a venue for our people to have fishing and hunting recreation, and just to be able to enjoy the Gila National Forest which is extremely important to the citizens of this County. Meira stated perhaps they can just support the other counties because she doesn't know how it affects the County economically besides the ripple effect. Meira Gault asked Ms. Green if the County gets any money from the Gila National Forest or the Coronado. Ms. Green stated she will look into that. Mrs. Gault stated that she will bring it up to the PLAC.

EXECUTIVE SESSION- TO DISCUSS:

Commissioner Shannon moved to go into executive session for:

- i. Limited Personnel Matters as authorized pursuant to NMSA 1978 SECTION 10-15-1 (H) (2) -Detention Center Administrator Contract- 9/13/17 ratification
- ii. Limited Personnel Matters as authorized pursuant to NMSA 1978 SECTION 10-15-1 (H) (2) -County Manager Contract- 9/13/17 ratification
- iii. Limited Personnel Matters as authorized pursuant to NMSA 1987 SECTION 10(H) (2)
-County Manager Contract
- iv. Threatened or pending litigation as authorized pursuant to NMSA 1978 SECTION 10-15-1(H) (7) - Dispatch
- v. Threatened or pending litigation as authorized pursuant to NMSA 1978 SECTION 10-15-1(H) (7) -Detention
- vi. Threatened or pending litigation as authorized pursuant to NMSA 1978 SECTION 10-15-1(H) (7) - Board of County Commissioners

Commissioner Mora seconded the motion, motion passed.

ROLL CALL VOTE: Chairperson Stewart: Aye

Commissioner Shannon: Aye

Commissioner Mora: Aye

MOVED, SECONDED, AND CARRIED UNANIMOUSLY TO GO INTO EXECUTIVE SESSION AT 11:53 A.M.

Reconvene

MOVED, SECONDED, AND CARRIED UNANIMOUSLY TO RECONVENE AT 12:05 P.M.

P.M.

ROLL CALL VOTE: Chairperson Stewart: Aye

Commissioner Shannon: Aye

Commissioner Mora: Aye

ACTION TAKEN/ NOT TAKEN IN EXECUTIVE SESSION

Limited Personnel Matters as authorized pursuant to NMSA 1978 Section 10-15-1 (H) (2) - Detention Center Administrator Contract- 9/13/17 ratification. Commissioner Mora moved to ratify and approve the detention administrator's contract between Hidalgo County and Alberto Davalos which would be effective on

9/13/17. Commissioner Shannon seconded the motion, motion passed.

ROLL CALL VOTE:

Chairperson Stewart: Aye

Commissioner Shannon: Aye

Commissioner Mora: Aye

Limited Personnel Matters as authorized pursuant to NMSA 1978 Section 10-15-1(H) (2) - County Manager Contract- 9/13/17. Commissioner Shannon moved to ratify and terminate the contract between Hidalgo County and Robert Hill, and the Board has appointed Tisha Green as an interim County Manager as of 9/13/17 Commissioner Mora seconded the motion, motion passed.

ROLL CALL VOTE:

Chairperson Stewart: Aye

Commissioner Shannon: Aye

Commissioner Mora: Aye

Limited Personnel Matters as authorized pursuant to NMSA 1978 10-15-1(H) (2) County Manager Contract. No Motion. Dies due to lack of motion.
Threatened or pending litigation as authorized pursuant to NMSA 1978 10-15-1(H) (7) Dispatch. No Motion. Dies due to lack of motion.
Threatened or pending litigation as authorized pursuant to NMSA 1978 10-15-1(H) (7) Detention. No Motion. Dies due to lack of motion.
Threatened or pending litigation as authorized to pursuant to NMSA 1978 Section 10-15-1(H)(7) Board of County Commission. No Motion. Dies due to lack of motion.

CERTIFICATION OF PAYROLL

Commissioner Shannon moved to approve the Certification of Payroll. Commissioner Mora seconded the motion, motion passed.

CERTIFICATION OF ACCOUNTS PAYABLE

Commissioner Mora move to approve the Certification of 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 12:05 P.M.

ATTEST:

HIDALGO COUNTY BOARD OF
COUNTY COMMISSION

Alyssa Esquivel, Chief Clerk

Marianne Stewart, Chairperson

APPROVED:

Darr R. Shannon, Member

Anthony J. Mora, Member

