

**MINUTES**  
**REGULAR MEETING**  
**HIDALGO COUNTY BOARD OF COUNTY COMMISSIONERS**

September 13, 2017 at 9:00 A. M.

**BE IT REMEMBERED** that the Hidalgo County Board of County Commissioners met in regular session on September 13, 2017, at the hour of 9:00 A.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 elected officials, staff, and public were present:

Bob Hill, County Manager	Albert Davalos, self
Melissa K. De La Garza, County Clerk	CPT. Anthony Kessel, NM National Guard
David Whipple, Fire/EMS	Carmen Acosta, Probate Judge
Dave Carbine, GIS	CPT. Brendon Hischar, NM National Guard
Priscilla Maxwell, Dispatch Supervisor	Jennifer Medina, Animas Foundation/Diamond A Ranch
Tracy Chavez, HCSO	Meira Gault, Midbar Ranch
Buddy Jenson, PLAC	Bill Walter, Self
Clarence Rudiger, Road Dept. Supervisor	Dolly Ward, HCDC
Alice Webb, Lordsburg Hidalgo Library	Katharine Perez-Lockett, NMDOH
Syeda T. Nargis, NMDOH	Lisa Graham, TWC
Beth Cox, SWCHI	Levi Klump, self
Jody Hatch, County Assessor	Roger Payne, self

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

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

**APPROVAL OF AGENDA:**

County Manager Bob Hill stated that on the agenda to move at the direction of legal counsel item IV C into executive session--that is the appropriate place rather than on the agenda as per direction on legal counsel. Commissioner Shannon stated even though county funds have been spent regarding this matter, public funds have been spent and it still needs to be in executive session.

Commissioner Mora motioned to approve the agenda as changed and to move item IV C to IV F -executive session. Commissioner Stewart seconded the motion, motion passed.  
Commissioner Shannon opposed.

**APPROVAL OF MINUTES**

Commissioner Shannon Moved to approve the minutes of Regular Meeting August 9, 2017 and Special Meeting August 17, 2017. Commissioner Mora seconded the motion, motion passed.

**Guests**

**Presentation by Syeda T. Nargis, NMDOH Zika Outreach Coordinator**

The mosquito that carries this virus has been found here in Hidalgo County. Nargis discussed such items as what the Zika virus is, how it spreads, signs and symptoms, treatment,

prevention, and who should be tested for the virus infections. Nargis and Katharine Perez-Lockett showed a video on these concerns. Brochures and posters were left for distribution.

## Resolutions & Agreements

### **Resolution 2017-21 Supporting the 2018 Legislative Priorities of the NM Association of Counties**

**Tyler Massey, County Treasurer presented the five 2018 Legislative Priorities of NMAC which are:**

**Extend 2014 HB16 Liquor Tax Distribution Sunset**-was extended and it came with a sunset clause, NMAC supports permanently establishing the liquor tax distribution. Commissioner Shannon stated the word permanently bothered her. Massey stated that the word permanently increases the distribution merely means it is not going to have a sunset.

**The Local Election Act**- supports legislation that would enact the Local Election Act, aligning the date for local, non-partisan elections with taxation authority, to the same day in the odd-numbered year.

**Tax Reform**- Support legislation that protects county revenue and does not have a negative impact on county government. NMAC strongly believes that Counties must be at the table for and fully participate in all tax reform efforts; strive to minimize tax policy that places counties and other local governments in conflict; and opposes any efforts that reduce the state's hold harmless distribution to counties or that reduces county GRT authority.

**Protecting County Funding of Healthcare**-Support the significant involvement of county policy makers in federal, state, and local healthcare, human services, and Medicaid planning, funding and service delivery decision-making and oppose human services, and Medicaid planning, funding and service delivery decision-making, and oppose any measure that would further shift federal and state healthcare costs to county government.

**Forfeiture Act Reform**-Support legislation that would correct the unintended consequences of the 2015 amendments to the NM Forfeiture Act to address federal equitable sharing, storage of abandoned property, and expand local authority to seize and dispose of forfeited property while preserving due process protections.

Commissioner Mora moved to approve Resolution 2017-21 supporting the 2018 Legislative Priorities of the NMAC with the stipulation on the verbiage of the word permanently on the Extend 2014 HB16 Liquor Tax Distribution Sunset. Commissioner Shannon seconded the motion, Commissioner Stewart: For

Commissioner Shannon: For

Commissioner Mora: For

The Board voted unanimously for these, motion passed.

### **Resolution 2017-22 Optional prepayment of property taxes in monthly payments**

Tyler Massey, County Treasurer property tax payments are generally made in two installments one in November and one in April. Every year taxpayers state it hits them hard around Christmas time. The law does state that the treasurer can only take two installments. Massey stated this is an outreach approach, if a taxpayer wants to make payments, starting in March 2018 the bill can be broken down into nine monthly payments. Commissioner Shannon stated so nothing changes, if three payments re missed, a taxpayer is not penalized. Massey stated taxpayers are not penalized the amount is simply due and interest may accrue in December. Commissioner Mora Resolution 2017-22 Optional prepayment of property taxes in monthly payments. Commissioner Shannon seconded the motion, motion passed.

### **Resolution 2017-23-Time extension for CAP-1-17(452)**

County Manager Bob Hill stated these are extensions to CAP; there is actually two subsequent resolutions that will follow-the Co-op and School Bus. The County has appropriations for doing project on C001, which is nine miles of chip seal. Due to the County's situation with road

funding, the County is opting not to take advantage of it this year, until a better picture of what funding sources look like because there is a twenty-five percent match that goes along with this. This is a request to extend utilization of those funds through December 2018. Commissioner Shannon questioned how the county knows that this cost, which we have to understand via this resolution, will not increase, because it states Hidalgo County shall pay all costs, which exceed the total amount. How does the County know that in this much time these expenses will not have increased significantly assuming that they would? County Manager Bob Hill stated the county would work with the contractor so that the work that is done stays within the limits of the funding available. Commissioner Shannon second question is that if by the time this extension is due, if no money is available to do this job, is this just done away with or is the County penalized. County Manager stated he does not have the exact answer but he would say the County is not penalized other than the fact that the money that is appropriated is not used. Commissioner Mora moved to approve Resolution 2017-23 Time extension for CAP-1-17(452). Commissioner Shannon seconded the motion, motion passed.

#### **Resolution 2017-24-Time extension for SP-1-17(952)**

Chairperson Stewart stated this goes along with the above discussion on C001, from mile marker zero to mile marker nine. Commissioner Shannon moved to approve Resolution 2017-24 Time extension for SP-1-17(952). Commissioner Mora seconded the motion, motion passed.

#### **Resolution 2017-25-Time extension for SB-7730(905)17**

Chairperson Stewart stated this resolution goes along the same lines for C001. Commissioner Mora moved to approve Resolution 2017-25 Time Extension for SB-7730(905)17. Commissioner Shannon seconded the motion, motion passed.

#### **Resolution 2017-26-Budget Increase: Road Department, Indigent Care Fund, & Detention Center**

Chairperson Stewart read Whereas, The Hidalgo County Commission requests to increase our INDIGENT 608 (DFA 220) expenditure budget by \$16,100 to cover the cost of County Supported Medicaid and Safety Net Pool for the 2017-2018 FY. The Hidalgo County Commission requests to increase our ROAD 402 (DFA 204) expenditure budget by \$16,750 to cover salaries not included in our original budget. The Hidalgo County Commission requests to transfer \$150,000 into our DETENTION 226 (DFA 226) fund to cover two months of operating. Commissioner Shannon questioned \$150,000 out of the General fund to put into the detention center-what is the amount of the indigent fund amount right now? Tisha Green answered the indigent fund is at \$58,728.43. Commissioner Shannon stated a portion of this money \$16,100 is going to go into Medicaid and Safety Net? Tish Green stated \$6,900 would go into the County Supported Medicaid and about \$9,200 in to Safety Net Pool. Commissioner Shannon stated this money is not coming out of the General fund. Tisha Green stated not at this time. Commissioner Shannon the same with the Road Department just the line items of salaries are increasing. Tisha Green stated not only the salaries but also the benefits have increased. Chairperson Stewart brought out to the Boards attention that this \$150,000 is to cover two months of operating for the detention center. Commissioner Shannon moved to approve Resolution 2017-26-Budget Increase \$16,100 for Indigent fund, \$16,750 for the road department, and \$150,000 for the detention center. Commissioner Mora seconded the motion, motion passed.

#### **Resolution 2017-27-Order Setting Property Tax Rates-2017 Property Tax Year**

Jody Hatch, County Assessor stated this is just formality to impose the tax rates set forth on the net taxable value of all units as attached. Jody Hatch stated there was a very slight increase-everything stayed about the same. Commissioner Mora moved to approve Resolution 2017-27

Oder Setting Property Tax Rates-2017 Property Tax Year. Commissioner Shannon seconded the motion, motion passed.

### **MISCELLANEOUS**

#### **HMS update on Senior Center air conditioning unit-Edith Lee**

Edith Lee stated last month you all approved the Infrastructure Capital Improvement Plan for the Ena Mitchell Center. Dan Otero, CEO presented on behalf of my absence. Apparently, there were some additional questions about the air conditioning. The county did replace the unit in the fall of 2016. The reason it stayed on the capital improvement plan was that it is such a big-ticket item-It takes so long to get any type of capital improvement. The recommendation by the HMS director was to keep it on there because air uptakes still need to be installed in the dry goods area. Chairperson Stewart thanked Edith for the clarification since the Board was told the air condition was not adequate.

#### **Memorandum of Agreement with NM Army National Guard for repairs on County Roads C001-C006-discussion/action**

Capt. Tony Kessel and Captain Brendon Hischar discussed this repair project on a few County roads the National Guard has selected to repair/upgrade. In order for this project to proceed the County will have to sign this memorandum of agreement with Sheriff Walter, due to law enforcement indicating that improved county roads in southern Hidalgo County will be beneficial to perform duties near the border. Chairperson Stewart directed this matter to the landowners who were present. Mr. Levi Klump asked if there would be costs that the County would have to incur. Capt. Kessel stated absolutely not the funding comes from the National Guard Bureau to provide training to soldiers and the State of New Mexico has decided to utilize engineering assets to improve the quality of service that law enforcement can provide. Capt. Kessel stated they are merely asking for public support-for a service for the county free of charge. It enhances their training for federal and state missions. Tricia Elbrock asked if this is approved after the roads are complete, who is going to maintain the roads. Kessel stated that this project is a one-time maintenance, so after the project is complete the maintenance goes back to the County to ease some of the burden off county maintenance. Meira Gault asked why do you think there will be any issues with the landowners if the roads belong to the County. Is the improvement calling for structural disturbances? Capt. Hischar answered that their mission is horizontal construction, so they can do as little or as much road improvement as you want at a very basic level. However much the landowners and County is willing to allow the National Guard to do. They can do more than beyond the sides of the road. So, what the Guard is asking for right now is to improve the surface of the road for their training value and for the public benefit. Mrs. Gault asked the question is whom do you ask permission from to do how much-is it the landowners or is it the County? Captain Hischar answered it is both permission is need from the County to work on the road surface and then if something off the road surface is needed then it would be whomever owns that land. Mrs. Gault stated the right-away easements give permission and you do not have to ask permission from landowners. Commissioner Shannon asked what kind of experience the men have on roadwork. Capt. Hischar stated that they are a horizontal construction unit so every soldier on this attends an army course where they learn the principles of road construction and how to operate road equipment. Commissioner Shannon also asked why a large convoy of equipment was going out to Road Forks. Capt. Hischar stated they moved the convoy in hopes of this agreement being approved. Commissioner Shannon also asked what the main deterrent was for Commodore Road. Capt. Kessel stated he had not been provided anything solid- and could possibly because of the environmental impact some repairs would have. Mrs. Gault is willing to donate water, base coat, whatever she has because she wants to support this project. County Manager stated this is a positive thing the National Guard has selected Hidalgo County. Clarence Rudiger, road supervisor stated they have equipment that the County does not have-by using existing material that is there, pull it up and compact it this will make it last longer. This will help will the County

has to blade the roads. Commissioner Stewart stated for a couple years that the county does not have the money to do this, maybe with the calls to the legislatures--this maybe where this money came up from--this is an opportunity for the County to benefit. Commissioner Mora stated he has a few concerns--first of all everything has been on short notice from the beginning rushed decisions are sometimes resulted from this. Commissioner Mora believes this is a good program but what he does not see scopes for each road when he looks at the memorandum. He says perhaps they should meet with landowners and get their approval. County Manager Bob Hill stated this is simple maintenance what the road department does. Capt. Kessel stated this project could last up to twelve months in Hidalgo County to improve the quality of the roads. Tricia Elbrock stated that most of the landowners are here that it is going to affect and most are here to support this. Any help on this road is appreciated and nothing is long term and needs to be maintained. Commissioner Mora moved to approve the Memorandum of Agreement for County Road Improvements and asked the National Guard to respect the landowner's requests and work within the parameters set by the road department. Commissioner Shannon seconded the motion, motion passed. Capt. Kessel stated the agreement has to be between the Sheriff and the County and the County and the National Guard.

**Clarification on Hidalgo County Detention Center legal matter/deductible payment-  
County Manager-moved to executive session**

**Policy & Procedure review and approval**

**i. Hidalgo County Personnel Policy Section 6. Conditions of Employment  
6.1-6.4 & 6.5-6.11-discussion/action**

Commissioner Mora stated sections 6.1 and 6.4 are up for review. On Section 6.1, second paragraph where it states A reviewer signature is mandated upon review and final rating of an evaluation. Next is 6.1 A. After studying this has been changed and could be changed some more. After review take out transferred or promoted employees and just start with newly hired employees. Stewart 6.3 is not in changes so it is not here. Mora recommends to completely remove Section 6.2 which is award recognition process and Section 6.4 movement from one salary grade to another because there are no salary grades. Until salary grades are scheduled and addressed it should be removed. Commissioner Shannon moved to approve the changes discussed that are shown from Commissioner Mora as just presented. Commissioner Mora seconded the motion, motion passed.

Commissioner Mora stated he wanted to discuss 6.5-6.11 Transfers, Promotions A. It already mentions that somebody who is newly transferred or promoted gets a ninety day written performance that is why he took it out of section 6.4.

On Section 6-A he has no recommendation yet but wants to talk about employees being transferred to another department at a higher rate of pay and maintaining that rate of pay and following with the normal increases as any other employee. Also, an employee with a lower rate of pay going into a department with a higher rate of pay that something put in this policy that the pay would be adjusted, reviewed and approved by the Commission. This should clarify all the situations we have been presented with in the first eight months of his term.

**ROUNDTABLE DISCUSSION**

**Commissioner Shannon-stated the budget is still showing \$13,662.08 in the Gila Neblett Fire Fund.**

**David Whipple-stated it was completed on the local level. As of yesterday, a letter was received from the state fire marshal's office stating the money will be returned tomorrow.**

**EXECUTIVE SESSION-Commissioner Shannon moved to go into executive session and stated**

- i. **Limited Personnel Matters as authorized pursuant to NMSA 1978 SECTION 10-15-1 (H) (2)- Detention Center Administrator Contract, Detention Center, Manager's Office**

**Commissioner Mora seconded the motion.**

Roll Call Vote: **Chairperson Stewart: Aye**  
**Commissioner Shannon: Aye**  
**Commissioner Mora: Aye**

MOVED SECONDED AND CARRIED UNANIMOUSLY TO GO INTO EXECUTIVE SESSION AT 10:52 A.M.

**REVCONVENE** Commissioner Shannon moved to reconvene at 1:01 P.M. Commissioner Mora seconded the motion.

Roll Call Vote: Chairperson Stewart: Aye  
Commissioner Shannon: Aye  
Commissioner Mora: Aye

**Action taken/not taken in Executive Session**

Chairperson Stewart stated the Board hired Mr. Alberto Davalos as the detention center administrator. His contract was negotiated. On the Manager's office, the Board has decided to release Mr. Hill of his contract effective today. Commissioner Mora stated the Board will honor all terms and conditions as mentioned in the contract.

**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 made the motion 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 1:03 P.M.

ATTEST:

HIDALGO COUNTY BOARD  
OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Melissa K. De La Garza, County Clerk

\_\_\_\_\_  
Marianne Stewart, Chairman

APPROVED:  
\_\_\_\_\_

\_\_\_\_\_  
Anthony J. Mora, Member

\_\_\_\_\_  
Darr R. Shannon, Member