

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

December 9, 2015 at 1:00 P.M.

**BE IT REMEMBERED** that the Hidalgo County Board of County Commissioners met in regular session on December 9, 2015 at 1:00 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 elected officials, staff, and public were present:

Bob Hill, County Manager  
Roland Lassiter, HCDC  
Connie Derr, AFS CME  
Maria Sanchez, HESD  
Jose Garden, U.S Border Patrol  
Hector Maese, U.S. Border Patrol  
David Whipple, Fire/EMS  
Tyler Massey, Treasurer  
Jody Hatch, Assessor  
Edgar Gomez, HCSO  
Clarence Rudiger, Road Department

**CALL TO ORDER:** Chairperson Shannon called the meeting to order at 1:00 P.M. and led the Pledge of Allegiance.

**Roll Call:** Chairperson Darr R. Shannon, Present  
Commissioner Richard A. Chaires, Present  
Commissioner Marianne Stewart, Present

**APPROVAL OF AGENDA:**

County Manager Hill requests to change section two title to "Colonias Public Hearing Update". Also change item A to "Public Input Update" County Commissioner Stewart moved to approve the agenda. Commissioner Chaires seconded the motion, motion passed.

**APPROVAL OF MINUTES:**

Commissioner Stewart moved to table the minutes for Regular Meeting November 18, 2015. Commissioner Chaires seconded the motion, motion passed.

**II. GUESTS:**

**A. AMERICORPS/YVC PRESENTATION AND INTRODUCTION- FELICIA BARKER, AMERICORPS LEADER**

Felicia Barker introduced AmeriCorps/YVC group being a civil society funded by the U.S Federal Government with the goal of helping others in need throughout the community. Felicia introduced the members of the group that are in High School. Ages 11- 18 are the YVC group members. Felicia explained how if the community needs help with any

projects to let the AmeriCorps/YVC know and the members will be more than happy to help out.

**B. 2015 NMAC ROADSHOW HIDALGO PRESENTATION- STEVE KOPELMAN, NMAC EXECUTIVE DIRECTOR AND SHARON STOVER, NMAC PRESIDENT/LOS ALAMOS COUNTY CLERK**

Los Alamos Clerk Stover introduced herself and the 2015 NMAC Roadshow. Stover gave information on the County and City employers throughout the state. New Mexico counties vary in population from 707 (Harding County) to 673, 460 (Bernalillo County). Stover introduced the Mission statement of the NMAC which is "To strengthen New Mexico counties' ability to govern their own affairs and to improve the well-being and quality of life of their constituents." Executive Director, Kopelman discusses the burdens placed on the county governments. Kopelman discussed how many miles of roads that exist within the City and County. Counties have so many unfunded mandates however; counties are responsible for most payments of its members. The biggest funds are the county jails. Kopelman discussed how county jails have become defiant mental health hospitals throughout the nation which are being pushed down onto county governments. Supporting county governments is the FOCUS of the NMAC. Kopelman discussed the external/internal organizational charts and the members of the NMAC offices. Self-insurance pools are ran by the NMAC. Clerk Stover stated to the Commissioners that NMAC wants to hear directly from the county employees--if they have any questions or concerns. Stover stated how Tyler Massey was elected to be the President of NMAC and that there is a vacant Vice President position. The six NMAC Policy Statements that are, County Government, Economic Development, Elections and Accountable Government, Energy, Environment, and Natural Resources, Healthcare and Human Services, Infrastructures, Justice and Public Safety, and lastly Taxation and Revenue. NMAC articulated each section to congressional and state members. NMAC also provides Policy Committees and Task Forces. Criminal Justice Reform Policy Committee is chaired by herself, Sharon Stover and the NMAC General Counsel Grace Philips. Sandoval County Commissioner, Glenn Walters and the NMAC Lobbyist, Brian Moore chair economic Development & Infrastructure Policy Committee. Healthcare Policy Committee chaired by Santa Fe County Commissioner, Liz Stefanics and NMAC Executive Services Manager, Susan Mayes. Cibola County Commissioner, Lloyd Felipe, Sr. and NMAC Intergovernmental Relations Director, Joy Esparsen chair the Native American Policy Committee. James Duffey the Chaves County Commissioner and NMAC Intergovernmental Relations Director chairs Public Lands & Natural Resources Policy Committee. The Tax Policy Committee Chairperson is Debbie O'Malley who is Bernalillo Commissioner and Santiago Chaves, the NMAC Finance & Administration Director. Kopelman discusses the EMS Task Force and the SJM 4 Task Force and how they represent all the counties and that they provide online trainings or personal trainings. Kopelman explains how last year there were important bills that were passed. SJM 4 dealt with individuals who were in jail that have serious behavioral health issues. This task force had doctors and psychiatrics to help these individuals with treatment. He explains how in smaller counties these individuals can be sent to a bigger county to get the treatment needed in order to function. Kopelman discussed the different Federal Legislative Initiatives as well for those in need. MAP-21 (Moving Ahead for Progress) Reauthorization is incorporated with the roads and he mentions the amount of miles within the roads. Stover discussed the County Employee Voluntary Benefits Program where no one can be denied the coverage and there is no cost to the county to provide these benefits to their employees. Stover provides packets to the Commissioners with contact information that NMAC provides. Commissioner Chaires mentions that Hidalgo Count's biggest problem is the annual increasing premiums for insurance.

## **II. COLONIAS PUBLIC HEARING UPDATE**

### **A. PUBLIC INPUT UPDATE**

Emily Gojkovich presented the potential projects for the Power Plant Road, Animas Road, and a recycling program. Unfortunately, the recycling cannot be used under the Colonia's. The Colonia's requirements are a 10% match and a 10% loan component. Commissioner Stewart discusses the Power Plant Road, that the County portion of that road is in bad shape and how the traffic will increase once the road is worked fixed. County Manager Hill explains the different streets around the road. Commissioner Chaires questioned if the City will fix the City side of the roads. City and County costs were discussed. Clarence Rudiger, Road Supervisor discussed how maintenance on the roads while under construction and the most cost efficient way to fix the roads. Commissioner Stewart discussed the Animas Road and the Recycling project with recycling bins. County Manager Hill discussed the cost and different locations to place the recycling bins within the County. Chairperson Shannon and Emily discussed the loan component and how the amount can be requested but it is not guaranteed. A budget analysis will also need to be provided. Mr. DeFoor introduced himself and discussed the finance on the roads. Mr. DeFoor discussed the problems of South Animas Street and he personally attests that the street has been dissected East and West. He speaks for the other residents in the area and is especially concerned about the school bus traveling this road. Mr. DeFoor has visited with City officials and County officials about the maintenance of the road. He understands the funding involved for both City and the County. He explains that with less than \$300 a month the County can work together with the City to make a vast improvement in this area. Mr. DeFoor advises the commission to consider this. Commissioner Chaires stated to Mr. DeFoor that the Commission has already discussed this project and that it just needs to be finalized. Chairperson Shannon discussed how she wanted the city to pay their part of the loan component and now the city has agreed to pay their part.

### **B. SELECTION OF COLONIAS INFRASTRUCTURE FUND PROJECT FOR 2016 FUNDING CYCLE- DISCUSSION/ACTION**

Commissioner Chaires asked how many projects can be picked. County Manager Hill explained that the Commission can add more projects if they desire to. Emily Gojkovich stated that there can be more than one application at the same time for Colonias projects. Commissioner Chaires recommendations are the Power Plant Road and the continuation of Animas Road. Chairperson Shannon stated that the Animas street project part belongs to the County and City. Mr. DeFoor described how the bridge has been washed out and needs to be under construction as well. Mr. DeFoor requested that the commissioners consider extending the project and include the bridge into the project. The bridge is unsafe for individuals driving along it. Emily suggests to get a cost estimate that includes the bridge and to include it all in the Resolution. County Manager Hill discussed the different portions that are in the City and County and which parts include the bridge. Chairperson Shannon asked for the amount of the street part. The County Manager responded \$587,000.00 and based on corrections will go to a quarter mile of the bridge. County Manager Hill discussed how part of the project is to decide to submit an application for funding for next year for another project that could be a part of Animas Street. Chairperson Shannon wants to use Animas Road part to start where the cities part ends to cover the bridge and the dirt road. County Manager explained how the project starts on the other side of the road. Commissioner Stewart states the project will end up is at Harden Street and the next funding possibility will start from there and go farther south as much as the monies will allow. Emily explained how there is potentially three projects, a road project for Animas road, Power Plant road, and a Bridge project for Animas street. Emily explained that all three application can be turned in and can be funded. Chairperson Shannon wants to choose Animas Road project then continue

South and ask the City to pay that part of the loan component. Chairperson Shannon requested to get ahold of individuals who want to be a part of the project on the bridge. The next meeting will be on December 15, 2015 at 3:00 P.M. Commissioner Chaires moved to approve the selected 2016 funding site of continuation of Animas Street Phase two, the Power Plant Road to McCants, and the bridge on Animas Street. Commissioner Stewart seconded the motion, motion passed.

**C. RESOLUTION 2015-44- RESOLUTION AUTHORIZING APPROVAL FOR SUBMITTING APPLICATION FOR 2016 COLONIAS INFRASTRUCTURE FUND**

Commissioner Stewart moved to approve Resolution 2015-44, Commissioner Chaires seconded the motion, motion passed.

**IV. RESOLUTIONS AND AGREEMENTS**

**A. AMENDED RESOLUTION 2015-38- RESOLUTION SUPPORTING THE 2016 LEGISLATIVE PRIORITIES OF NMAC**

Chairperson Shannon opposed to support the Amended Resolution, Commissioner Stewart agreed to abide with the original resolution. Commissioner Stewart moved to not approve Resolution 2015-38. Commissioner Chaires seconded the motion, motion passed.

**B. RESOLUTION 2015-40- RESOLUTION AUTHORIZING AND EXECUTION AND DELIVERY OF A COLONIAS INFRASTRUTURE PROJECT FUND LOAN/GRANT AGREEMENT FOR \$587,281 INCLUDING AN INTERCEPT AGREEMENT FOR \$58,728**

Commissioner Chaires moved to approve Resolution 2015-40 for the amount of \$578,281 including the intercept of \$58,728. Commissioner Stewart seconded the motion, motion passed. Regarding this Resolution, the County Manager asked for a vote of the commission individually. All three commissions agreed unanimously.

**C. JUVENILE DETENTION CENTER CONTRACT AMENDMENT BETWEEN MCKINLEY COUNTY AND HIDALGO COUNTY FOR MCKINLEY COUNTY TO HOUSE HIDALGO COUNTY JUVENILES**

County Manager Bob Hill explained that information came from McKinley County as an amendment indicating that the prices have increased of housing juveniles. It states he rates for housing juveniles from Hidalgo County would be \$175 per day for juvenile and become effective on November 1, 2015. Commissioner Stewart discussed how McKinley County should only be used if Dona Ana or Luna County is full with juveniles and McKinley County should be the last option. The previous amount for juveniles was \$108 a day. Commissioner Chaires moved to approve the agreement between McKinley County to house Hidalgo County juveniles for the amount of \$175 a day. Commissioner Stewart seconded the motion, motion passed.

**D. DESIGNATION OF PUBLIC RECORDS CUSTODIAN(S)- DISCUSSION/ACTION**

Count Manager Hill discussed the public record request that the County has an obligation to identify the public records custodian. The process has fallen into the Manager to make a formal notification or if there is someone else who wants to be identified as the record custodian. County Manager explains how there has been times where it was assigned to the County Clerk. Commissioner Chaires requested to change the wording of the document. Chairperson Shannon requested to change wording on requesting copies and fees to where "a fee will be charged" County Manager Hill requested to leave the wording as is in case of certain situations. Chairperson Shannon also requested an electronic fee. Commissioner Stewart agreed for the County Manager to be the custodian as was done in the past. Commissioner Stewart moved approve the

designate of the public records custodian to the County Manager. Commissioner Chaires seconded the motion, motion passed.

**a. RESOLUTION 2015-45 PROCEDURES FOR INSPECTION OF PUBLIC RECORDS**

Commissioner Chaires moved to table the item until further information is provided. Commissioner Stewart seconded the motion, motion passed.

**V. MISCELLANEOUS**

**A. PERMISSION FOR OUT-OF-STATE TRAVEL- MANAGERS OFFICE STAFF-DISCUSSION/ACTION**

County Manager Hill discussed how his staff is requesting permission to attend a 2015 Tax Update class entering the New Year for a Tax seminar in El Paso, TX on December 10, 2015. Commissioner Chaires moved to approve the out of state travel for the Managers Office. Commissioner Stewart seconded the motion, motion passed.

**B. ANNUAL LEAVE PAYOUT REQUEST-DISCUSSION/ACTION**

County Manager Hill states that this is a request from individuals—In the past, employees were eligible to have over 80 hours of accrued leave as of December 4, 2015. The intent of this is to have individuals not be away from work for an extended time because of excessive time of annual leave. Approximately a dozen individuals fit into this criterion. In terms of finance, the cost to pay these out is a maximum of \$5,340.97 for all the individuals requesting this. Commissioners are worried that these individuals would look at this as a Christmas bonus. Chairperson Shannon explains that this money is not in the budget. County Manager stated that only employees who have been with the County for seven years or over fit into this category. Three employees have requested the annual leave payout request. Chairperson Shannon agreed that a person needs time off from work, but that there can be certain circumstances that can happen if the individual is off. Chairperson Shannon does not approve this item because it is not in the budget. Commissioner Chaires suggested that the annual leave payout may possibly be done on the employee's anniversary date. This request should be considered at the next budget meeting.

**C. HIDALGO COUNTY BILLBOARD**

Commissioner Stewart chose to demolish the County billboard. County Manager Hill has a couple of bids for the demolition of the billboard and explains it still needs work done.

**a. DEMOLITION-DISCUSSION/ACTION**

The estimates are \$1,000 and \$575. Chairperson Shannon feels that the road department can fix the problem. Clarence Rudiger agreed to the road department fixing the billboard.

**b. NEW CONSTRUCTION- DISCUSSION/ACTION**

County Manager discussed the price for the rental and an estimate to reconstruct would be around \$4,000. One bid to reconstruct is Mr. Rudiger's son. Chairperson Shannon decides to put it under a new line item called "Building Maintenance" Commissioner Chaires moved to approve Animas Valley Excavation for \$4,500 and for it to come out of Building Maintenance line item. Commissioner Stewart seconded the motion, motion passed.

**D. REXANN LEARY LOT AND BUILDING DONATION PROPOSAL- RICHARD CHAIRES- DISCUSSION/ACTION**

Commissioner Chaires discussed how Rexann Leary is proposing to donate the lot to the County. The early expense would pay for all preparation. Chaires explained how it is a good idea for the parking lot during times such as jury duty. The information will be taken to the Assessor to be presented. Commissioner Chaires moved to approve Rexann Leary's Lot proposal. Commissioner Stewart seconded the motion, motion passed.

## **E. MANAGER CONTRACT- DISCUSSION/ACTION**

County Manager Hill requested the revised version of contract. Chairperson Shannon stated the main concern the manager had was the use of the County vehicle. County Manager Hill reviewed the agreement and discussed his significant concerns. County Manager Hill explained that there are new items on the proposed that were not on the original contract. Here is a list of County Manager's Concerns:

Page 1. A new item C. County manager stated to the Board that there is an option for a multi-year contract and depending on the budget for multiple years. Commissioner Shannon inquired how if the budget was only year-to-year. County manager stated that a Renewal option-may also be in place. This new contract is based on the fiscal year.

Item 2. Duties and authority with and for the Commission- Section 5 County manager inquired if the Leave/ accrual and credit annual vacation within 3 weeks of term agreement-3 weeks of leave to use up until June 30? Commissioner Shannon stated after June 30 it would move up to 4 weeks.

Item D. have unused leave without limit.

Section 6. Vehicle use allowance-violation of contract to use county vehicle-Commissioner Shannon needs clarification from attorney-County manager states vehicle was never abused or taken home on a daily basis. This vehicle was returned back to the detention center.

Section 8 item A. County manager stated this was removed and combined with B—some components were removed-Bob Hill's interpretation is if the county manger wanted professional development the county manager would have to pay for fees taking the courses.

Item E. was completely removed--- employer requires employee to be an active member in local civil clubs and organizations Commissioner Shannon stated nothing complied with that in our area, so it was removed.

Sec. 9 Wording aspect on Item A. Mr. Hill question the verbiage-- Is the employee going to be terminated by a firing squad or hung? He stated the individual is not terminated but the employment itself is terminated. Termination shall occur when the majority of the governing body votes to terminate the *employment* of Mr. Hill not Mr. Hill himself.

Commissioner Shannon said this is a duplicate of Mr. Lassiter's contract due to number C having to be stated in the contracted.

Number 9 Item H-County Manager the proposed contract added this to the agreement that the employee could be terminated in 30 days without justification. Item B. becomes meaningless-for no reason the contract ends this would allow nothing because its excluded. County Manager Bob Hill does not agree to these two items.

Section 12 performance evaluation- changed from annual to quarterly evaluations.

Section 13 hours of work-new addition-indicated because of the time committed liberty to establish an appropriate work schedule with the approval of the Board.

Section 20-general provisions-item A. integration line number 4-- parties by written agreement can be amended.

County Manger stated this proposed agreement looks like a whole NEW agreement. Chairperson Shannon requests to not take any action on the contract. NO ACTION TAKEN.

**F. SET DATE FOR NEXT REGULAR BOARD OF COUNTY COMMISSIONER'S MEETING- DISCUSSION/ACTION**

County Manager discussed how it is coming to the end of the year the next meeting should be set in January. The date for the next regular meeting will be held on January 13, 2016, at 4:00 P.M. Commissioner Chaires moved to approve this date for the next meeting. Commissioner Stewart seconded the motion, motion passed.

**G. ROUND TABLE DISCUSSION**

Connie Duran, the executive director of ASEN for the union that represents the public safety officers discussed the collective bargain agreement. It was a two year process with this contract and stretched out with the county incorporating \$40,000 with all the add-ons. Moving forward, Duran wants to negotiate with the staff for the contract that they want to improve with Sherriff Walter. She discussed their goal as a union to insure the good terms and conditions of the employees. In 2016, they want to work together with the Legislature.

Border Patrol Jose Gardea discussed the pursuit that they were involved in and explains the issue was taken care of and that they were able to locate the vehicle and keep everyone safe.

**H. EXECUTIVE SESSION- TO DISCUSS:**

Commissioner Chaires moved to go into Executive session on the below items, Commissioner Stewart seconds the motion.

**a. LIMITED PERSSONAL MATTERS AS AUTHORIZED PURSUANT TO NMSA 1978 SECTION 10-15-1(H)(2)- MANAGER'S OFFICE**

Chairperson Shannon explains how County Manager will state his concerns with the County attorney.

**b. COLLECTIVE BARGAINING AS AUTHORIZED PURSUANT TO NMSA 1978 SECTION 10-15-1 (H)(5)- COMMISSION**

Chairperson Shannon questions approving the agreement, and reads the agreement aloud. She explains how all three commissioners agree to this item. Starting on the next pay period it will be effective.

**I. ACTION TAKEN/NOT TAKEN IN EXECUTIVE SESSION**

**VI. CERITFCATION OF PAYROLL-CERTIFICATION OF ACCOUNTS PAYABLE**

Commissioner Chaires moved to approve the Certification of Payroll. Commissioner Stewart seconded the motion, motion passed. Commissioner Chaires moved to approve Accounts Payable. Commissioner Stewart seconded the motion, motion passed.

**ADJOURNMENT:**

There being no further business before the Board, Commissioner Chaires moved to adjourn. Commissioner Stewart seconded the motion. Motion passed. The meeting adjourned at 5:01 P.M.

ATTEST:

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Estrella Gonzalez, Deputy Clerk

APPROVED:  
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HIDALGO COUNTY BOARD  
OF COUNTY COMMISSIONERS

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Darr R. Shannon, Chairperson

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Richard A. Chaires, Member

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Marianne Stewart, Member