

ORIGINAL

**RIO ARRIBA COUNTY BOARD OF COUNTY
COMMISSIONERS MEETING
THURSDAY, SEPTEMBER 26, 2024, 10:00 AM
1122 INDUSTRIAL PARK ROAD
ESPANOLA, NEW MEXICO 87532**

I. CALL TO ORDER

A meeting of the Rio Arriba County Board of County Commissioners was called to order by Commission Bustos, at 10:00 AM, on Thursday, September 26, 2024, at 1122 Industrial Park Road, Espanola, New Mexico 87532.

II. ROLL CALL

COMMISSIONERS PRESENT

Commissioner Moises A. Morales
Commissioner Brandon M. Bustos

COMMISSIONERS ABSENT

Commissioner Alex M. Naranjo, Chair

OTHERS PRESENT

Jeremy Maestas, County Manager
Linda Padilla, Deputy County Manager
Sarah Archuleta, County Clerk
Sheila Vigil, Rio Arriba County
Randy Morfin, Roads Department
Diahann Jacquez, Finance Director
Higinia Cordova, Assistant Finance Director
Ms. Madrid, Human Resource Department
Dennis Gallegos, Road Superintendent
Adan Trujillo, County Attorney
Sheriff Billy Merrifield
Bonnie Brown Cordova, Grants & Contracts
Gabriel Boyle, Planning and Zoning Director
Gianna Hamilton, Assistant Planner, Planning and Zoning
Michelle Martinez, Principal, Alcalde Elementary School
Peter Mosey, Applicant
Marvin Salazar, Applicant
Elizabeth Martin, Stenographer

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Deputy County Manager Linda J. Padilla

IV. INVOCATION

The invocation was given by County Manager Jeremy Maestas

V. COMMISSIONER GREETINGS AND OPENING REMARKS

Commissioners Bustos and Morales welcomed everyone to the meeting.

VI. COUNTY MANAGER GREETING AND OPENING REMARKS.

Manager Maestas welcomed everyone to the meeting.

VII. APPROVAL OF TODAY'S AGENDA

Manager Maestas said he would like to move item X B (4) up to after item X A (1). Manager Maestas recommended approval of the agenda as amended.

MOTION A motion was made by Commissioner Morales, seconded by Chair Bustos, to approve the agenda as amended.

VOTE The motion passed on a voice vote.

VIII. OLD BUSINESS

A. APPROVAL OF MINUTES

1. **REGULAR MEETING IN TIERRA AMARILLA - AUGUST 23, 2024**
2. **SPECIAL MEETING ESPANOLA - AUGUST 27, 2024**

Manager Maestas recommended approval of both sets of minutes.

MOTION A motion was made by Commissioner Morales, seconded by Chair Bustos, to approve both sets of minutes as presented.

VOTE The motion passed on a roll call vote as follows:

Commissioner Morales, yes; Chair Bustos, yes.

IX. PUBLIC COMMENT

Dale Salazar. Mr. Salazar said he has concerns about the RFP that is to be

approved today. He reviewed the invitation to bid. He feels it should not be approved today. This is a clear case of price gouging by this company to the County. This is for base course mix. He was the only bidder on the previous RFP for base course mix. His bid was denied. Why was it not approved? This is a rebid today. This will cost the County over \$600,000 more than what he proposed in April. He is also upset that his bid was not accepted when it would have saved the taxpayers money.

X. PRESENTATIONS

1. RETIREMENT RECOGNITION AWARD FOR RANDY MORFIN

Ms. Madrid said Mr. Morfin has given the County 30 years of service. He began working here in 1994 and has held various positions within the County. For the past 17 years, he has been the Road Supervisor. He is now retiring. Thank you for all your years of service and we wish you well on your retirement.

Mr. Gallegos said he met Mr. Morfin when he started with the County. Through the years he has taught him a lot. He is a better supervisor and operator for working with Mr. Morfin. Mr. Morfin will be missed. He has yet to see anyone here at the County who can run a dozer like he can. He is exceptional. I wish you the best of luck in your new chapter. I hope God blesses you.

Mr. Gallegos presented a plaque from the County to Mr. Morfin.

Manager Maestas said he wanted to take this opportunity to thank Mr. Morfin for the years of service to the County. Thank you on behalf of the County. Enjoy your retirement and come back and visit any time.

Chair Bustos said thank you for your years of service. If you want to come back, the door is wide open to you.

Commissioner Morales said thank you for your years of service. Enjoy your life.

4. PROCLAMATIONS

A. PROCLAMATION NO. 2025-02 NATIONAL GEAR UP WEEK IN THE COUNTY OF RIO ARRIBA

Councilor Sam LeDoux presented Proclamation No. 2025-02, giving background information on the program and details of the services provided

Manager Maestas read the Proclamation.

Commissioner Morales said thank you for all you are doing.

Chair Bustos said he commends you for the great things you are doing for kids in the valley and for the schools

**B. PROCLAMATION NO. 2025-03
SUPPORTING LIGHTS ON AFTER SCHOOL PROGRAM IN RIO
ARRIBA COUNTY**

Manager Maestas presented the Proclamation saying that the Principle from Alcalde Elementary, Ms. Martinez, asked us to pass this Proclamation.

Manager Maestas read the Proclamation.

Commissioner Morales said thank you very much.

Chair Bustos said thank you for all you do for our kids.

B. ACTION ITEMS

1. FINANCIAL MATTERS

A. BUDGET REPORT FOR AUGUST 2024

Ms. Jacquez presented the Budget Report for August 2024.

B. CASH REPORT FOR AUGUST 2024

Ms. Jacquez presented the Cash Report for August 2024.

Manager Maestas recommended approval of the Cash Report.

MOTION A motion was made by Chair Bustos, seconded by Commissioner Morales, to approve the Cash Report for August 2024.

VOTE The motion passed on a roll call vote as follows:

Commissioner Morales, yes; Chair Bustos, yes.

C. VOUCHERS FOR PERIOD OF 8/01/2024- 08/31/2024

Ms. Jacquez presented the Vouchers for the period of 8/01/2024 - 8/31/2024

Manager Maestas recommended approval of the Vouchers report.

MOTION A motion was made by Commissioner Morales, seconded by Chair Bustos, to approve the Vouchers report.

VOTE The motion passed on a roll call vote as follows:

Commissioner Morales, yes; Chair Bustos, yes.

2. RESOLUTIONS

**A. RESOLUTION 2025-022
BUDGET INCREASE DECREASE**

Ms. Cordova presented the Resolution.

Manager Maestas recommended approval of the Resolution.

MOTION A motion was made by Chair Bustos, seconded by Commissioner Morales, to approve Resolution 2025-022.

VOTE The motion passed on a roll call vote as follows:

Commissioner Morales, yes; Chair Bustos, yes.

5. OUT-OF-STATE TRAVEL

**A. CELL PHONE EVIDENCE DECEMBER 3,4, & 5 2024, LAS
VEGAS, NEVADA, FOR MANUEL ROMERO AND
MATTHEW JACOBS**

Sheriff Merrifield presented the out-of-state travel request.

Manager Maestas recommended approve of the request.

MOTION A motion was made by Chair Bustos, seconded by Commissioner Morales, to approve the request.

VOTE The motion passed on a roll call vote as follows:

Commissioner Morales, yes; Chair Bustos, yes.

6. BIDS AND RFPS

A. IFB 24-08 BASE COURSE MATERIALS RE-BID

Ms. Cordova said due to Mr. Salazar's complaint, she understands his

frustration. Unfortunately, the Director of the Department wanted to rebid this for more details. Rio Arriba County has every right to pull a bid and rebid it. Mr. Salazar was informed.

Manager Maestas said the Procurement Statute was followed.

Ms. Cordova said yes. He was informed of the rebid. Mr. Gallegos spoke with him. He put in a bid and it was not accepted. He has been awarded a bid subsequently.

Ms. Cordova presented the IFB saying 2 bids were opened and assessed. Both bids were acceptable and met the criteria. The award was to GM Emulsion.

Manager Maestas recommended approval of the IFB.

MOTION A motion was made by Commissioner Morales, seconded by Chair Bustos, to approve the IFB.

VOTE The motion passed on a roll call vote as follows:

Commissioner Morales, yes; Chair Bustos, yes.

B. IFB 24-09 HOT/COLD MIXED BITUMINOUS PAVEMENT (ASPHALT)

Ms. Cordova said 1 bid was received, opened and assessed. The award was to GM Emulations.

Manager Maestas recommended approval of the IFB.

MOTION A motion was made by Commissioner Morales, seconded by Chair Bustos, to approve the IFB.

VOTE The motion passed on a roll call vote as follows:

Commissioner Morales, yes; Chair Bustos, yes.

MOTION A motion was made by Commissioner Morales, seconded by Chair Bustos, to recess the meeting.

VOTE The motion passed on a roll call vote as follows:

Commissioner Morales, yes; Chair Bustos, yes.

Chair Bustos recessed the meeting at 10:35 am.

C. HEARINGS

Chair Bustos opened the Hearings at 10:35 am.

1. **PUBLIC HEARING CASE NO. C024-005 CONDITIONAL USE PERMIT BRAZO FUERTE FARM LLC (PETER MOSEY) IS REQUESTING APPROVAL OF A CANNABIS GROWING OPERATION AT THE FOLLOWING DESCRIBED LOCATION: 87 PRIVATE FR. 1693B OJO CALIENTE, NM 87549**

Ms. Hamilton gave the staff report.

Commissioner Morales asked if the water is coming from the utility in Santa Fe.

Ms. Hamilton said yes. The documents are in the packet.

Commissioner Morales said the public has lots of questions about water usage for these grows and not enough water for the ranchers.

Mr. Mosey, the applicant, was sworn in.

Mr. Mosey gave his statement and an overview of his request and his compliance.

Chair Bustos asked for a show of hands as to who was present in favor of the request and who was against the request.

No hands were raised against the request. Three hands were raised in favor of the request.

Christina Reichelt Ms. Reichelt was sworn in. Ms. Reichelt said she was totally in support of their grow operation. She just read that the big growers are approved, but are producing without staying within the guidelines. These folks do it the right way and should be rewarded.

Kathy Benhaven. Ms. Benhaven was sworn in. Ms. Benhaven said they are my neighbors and are phenomenal neighbors. They are trying to make a good living in a good way. They are using their own water and catchment system for rain.

Emmy Treu. Ms. Treu was sworn in. Ms. Treu said these people are doing it right. A lot of us need this medically. They are growing something that is medical. It is

grown responsibly and correctly. This is an example of how it should be done.

Sheriff Merrifield said he is not against what you are doing. He likes to hear you are in compliance. Compliance is a big thing now. When you are given permits we need to go out and look at these locations ahead of time. Some of these are already growing. We get the calls to check to see who is in compliance. The State has only 1 person. Make sure we check this before it comes to the Commission.

Mr. Boyle said as to the grower mentioned by the Sheriff, we were unaware that he was operating and he was unaware of the Ordinance. He is in compliance at this time.

Ms. Hamilton said staff recommends approval with the following conditions: that they maintain a Rio Arriba County registration annually and that they submit receipts to the Planning and Zoning Department.

Manager Maestas recommended approval with the conditions as stated by staff.

MOTION A motion was made by Commissioner Morales, seconded by Chair Bustos, to approve the request.

VOTE The motion passed on a roll call vote as follows:

Commissioner Morales, yes; Chair Bustos, yes.

2. PUBLIC HEARING CASE NO. VR24-001 MARVIN SALAZAR IS REQUESTING APPROVAL OF A 6' REAR SETBACK FOR A 30' X 20' METAL STORAGE SHED ON A CONCRETE FOUNDATION AT THE FOLLOWING DESCRIBED LOCATION: 29A PRIVATE DR. 1332 ESPANOLA NM 87532

Ms. Hamilton gave the staff report.

Chair Bustos asked for a show of hands as to who was present against the request and who was present in favor of the request.

One hand was raised in favor of the request. No hands were raised against the request.

Mr. Salazar was sworn in.

Mr. Salazar gave his statement and an overview of where the shed would be located and that it would be used for his wife, who has cancer, to be able to have a safe

place to do certain exercises.

Julian Valdez: Mr. Valdez was sworn in. Mr. Valdez said Mr. Salazar's property is next to my property. The shed is closest to my property. He doesn't have anything against the 6-foot set back. It is the only place to put it. There will be no impact to his property in a negative way. He has been a realtor here for 20 years.

Ms. Hamilton said staff does not recommend approval based on noncompliance standards 1, 2, 4, 6 and 8.

Manager Maestas said he does not recommend approval.

MOTION A motion was made by Commissioner Morales, seconded by Chair Bustos, to approve the request.

VOTE The motion passed on a roll call vote as follows:

Commissioner Morales, yes; Chair Bustos, yes.

MOTION A motion was made by Commissioner Morales, seconded by Chair Bustos, to reconvene the meeting in open session.

VOTE The motion passed on a roll call vote as follows:

Commissioner Morales, yes; Chair Bustos, yes.

The meeting reconvened in open session at 11:04 pm.

XI. EXECUTIVE SESSION

A. PER ARTICLE 15, SECTION 10-15-1 OF THE NEW MEXICO STATE STATUTES OPEN MEETINGS ACT

Manager Maestas said there was no need for an Executive Session.

XII. COUNTY MANAGER'S REPORT

Manager Maestas thanked Mr. Morfin for his service and wished him well in his retirement.

Manager Maestas said he wanted to recognize our road employee, Johnny Montoya, who is always at work after 5:00 pm and on the weekends. As an exempt employee, he does not get overtime. We had an issue in the Medanales area. He came at 8:00 pm or 9:00 pm from Canjilon and cleaned it up so people could get home. He is committed

to the community and the people here. That means a lot. We applaud him and Mr. Gallegos for their hard work.

Manager Maestas continued saying, as to the Post office in Chimayo, there have been a lot of discussions on social media. Using the Benny Chavez Center did not go through. Community members that go to Senior Center decided they did not want that. It is up in the air. The cleanup has started at the old site. They are making progress. Maybe Gabe can take a ride out there and assess the progress for the next Commission meeting. We had to close the Health and Human Services building due to a severe water leak. Today the water was restored. We are still repairing the road.

Commissioner Morales asked about fixing the bridges in Canjilon.

Manager Maestas said we do intend to look at the possibility of installing a bridge in the Medanales area. He is not familiar with Canjilon.

Mr. Gallegos said we did have some flooding in Medanales this past weekend and we did suggest to the County Manager to put a bridge in. We need to get with an engineer to get a design and then go out to find a grant to pay for it. We are working on it.

Chair Bustos said on County Road 99, the residents on that road have not gotten a bridge yet. He was told that the bridge is sitting at Alcalde

Mr. Gallegos said we used that in Los Pinos. We can go back out and re-measure to make sure it is within the County. We can then see what we can do if it is within the County.

Chair Bustos said please do look into that. There are concerns about the Fire Department getting there if there is a fire.

Manager Maestas said one of the issues we are seeing throughout the County is the amount of silt coming down the rivers. It is causing serious issues for constituents of the County. Medanales is a prime example. We just recently dealt with something like that in Cordova. The County cannot use its equipment to clean it out because if it shifts the direction of the water flow there are serious consequences. That work is left up to the Office of the Engineer. Every time we reach out to them, they finger point. We have to send an email to Senator Jaramillo and Representative Herrera to see if we can promote additional funding with our lobbyist to help us. There are serious issues. We need to address that.

Manager Maestas said we are getting ready for election time and will be providing as much support to the Clerk as we can to ensure success.

XIV. ANNOUNCEMENTS

A. REGULAR COUNTY COMMISSION MEETING FOR OCTOBER WILL BE HELD IN TIERRA AMARILLA NM ON FRIDAY, OCTOBER 25, 2024, AT 10:00 AM.

Manager Maestas reviewed the announcements

XV. MEETING ADJOURNMENT

MOTION A motion was made by Chair Bustos, seconded by Commissioner Morales, to adjourn the meeting

VOTE The motion passed on a roll call vote as follows:

Commissioner Morales, yes; Chair Bustos, yes.

There being no further business before the Commission, the meeting adjourned at 11:19 am.

Alex M. Naranjo, Chairman, District II

Brandon M. Bustos, Commissioner District I

Moises Morales, Commissioner, District III

ATTESTED TO BY:

Sarah Archuleta, County Clerk