

**5th May, 2020**

**The Regular Meeting of the Board was held at 9:00 a.m. in the Commissioner's Chambers, with the following present/or virtually due to New Mexico COVID-19 orders: Bill Lee - Commissioner; Billy Moore - Commissioner; Tommy Nelson - Commissioner; Doug Decker - County Attorney; Anthony Dimas - County Manager; Janessa McMahon - Executive Assistant; Sara Saucedo - Finance; Muriel Plummer - Grants; Karneel Bennett - Clerk's Office - Monitor.**

**The meeting was convened at 9:00 am and called to order by Commissioner Moore. Roll call was taken.**

**Commissioner Lee - present; Commissioner Nelson - present; Commissioner Moore - present.**

**The Pledge of Allegiance was led by McKinley County Commissioner Billy Moore.**

CONSENT AGENDA: This item is placed on the agenda so that the Commission can designate by unanimous consent those routine items that they wish to be approved by one motion. If a Commissioner or if a citizen so requests, it will be heard individually as a separate item. Motion to approve items 1 through 3 on the consent agenda.

1. APPROVAL of minutes:
  - a. **Special Meeting minutes** of April 20, 2020.
  - b. **Regular Meeting minutes** of April 21, 2020.
  - c. **Special Emergency Meeting minutes** of April 30, 2020.
  
2. REVIEW AND APPROVE: Payment of bills from April 16, 2020 - April 29, 2020 in the amount of \$557,279.85.
  
3. REVIEW AND APPROVE: Adult Inmate/Detainee Other Health Care Claims:
  - a. AlignMD of New Mexico - One (1) Adult Inmate Medical Claim for September 2019 in the amount of \$406.40.
  - b. Rehoboth McKinley Christian Health Care - Two (2) Adult Inmate Medical Claims for January/April 2020 in the amount of \$1,283.20.
  - c. Request for Indigent Burial - One (1) As presented in Agenda Packet.

Commissioner Lee made a motion to approve line items 1 through 3 on the consent agenda. Commissioner Nelson seconded the motion. Motion Carried.

Commissioner Moore "Said I", Commissioner Lee "Said I", Commissioner Nelson "Said I". None - Opposed.

**PRESENTATIONS AND DISCUSSION ITEMS:** These items are placed on the agenda so that staff can give Commissioners updates on any information or receiving reports that needs to be shared; and those items from other organizations that are informational only and *require no action*.

**ACTION ITEMS:**

4. **REVIEW AND APPROVE:** The essential form of an MOU with the Fish & Wildlife Service regarding a supplemental EIS on the Mexican Grey Wolf 10-J Rule with McKinley County as a Cooperating Agent; and, delegate authority for the County Manager to finalize and sign the MOU along with other documents needed as a Cooperating Agency: Douglas Decker, Attorney; McKinley County.

Commissioner Nelson made a motion to approve the essential form of an MOU with the Fish & Wildlife Service regarding a supplemental EIS on the Mexican Grey Wolf 10-J Rule with McKinley County as a Cooperating Agent; and, delegate authority for the County Manager to finalize and sign the MOU along with other documents needed as a Cooperating Agency. Commissioner Lee seconded the motion. Motion Carried.

Commissioner Lee "Said I", Commissioner Nelson "Said I", Commissioner Moore "Said I". None - Opposed.

5. **REVIEW AND APPROVE:** The essential form of the General Terms & Conditions for a three (3) year Agreement with Department of Army to receive payment for the County Manager to finalize and sign the MOU along with other documents as needed on the same subject matter: Douglas Decker, Attorney; McKinley County, and James Maiorano, Undersheriff; McKinley County.

Commissioner Lee made a motion to approve the essential form of the General Terms & Conditions for a three (3) year Agreement with Department of Army to receive payment for the County Manager to finalize and sign the MOU along with other documents as needed on the same subject matter. Commissioner Nelson seconded the motion. Motion Carried.

Commissioner Moore "Said I", Commissioner Nelson "Said I", Commissioner Lee "Said I". None - Opposed.

6. **REVIEW AND APPROVE:** Resolution No. MAY-20-039, Capital Outlay Project with NMDOT Control No. C6182646 in the amount of \$150,000.00 for Superman Canyon Road: Muriel Plummer, Grants Manager, McKinley County.

Commissioner Nelson made a motion to approve Resolution No. MAY-20-039, Capital Outlay Project with NMDOT Control No. C6182646 in the amount of \$150,000.00 for Superman Canyon Road. Commissioner Lee seconded the motion. Motion Carried.

Commissioner Lee "Said I", Commissioner Nelson "Said I", Commissioner Moore "Said I". None - Opposed.

7. **REVIEW AND APPROVE:** Resolution No.'s MAY-20-036,037,038: Sara Saucedo, Finance Director; McKinley County.
  - a. MAY-20-036: Increase budgeted transfers, revenues, and expenses for additional money needed to buy supplies and pay for expenses related to the COVID-19 Public Health Emergency.
  - b. MAY-20-037: Increase budgeted transfers to replenish cash used to cover unexpected expenses and building repairs that have occurred this fiscal year.
  - c. MAY-20-038: The FY'21 Interim Budget to be submitted to DFA by June 1,2020.

Commissioner Lee made a motion to approve line items (a) MAY-20-036, (b) MAY-20-037 and (c) MAY-20-038. Commissioner Nelson seconded the motion. Motion Carried.

Commissioner Moore "Said I", Commissioner Lee "Said I", Commissioner Nelson "Said I". None - Opposed.

**Closed Session:**

8. EXECUTIVE SESSION: To discuss items under NMSA 1978 10-15-1(H) of the Open Meetings Act; and other laws including the Audit Act, NMSA 1978 section 12-6-5:
  - a. Three (3) items under §(H)(8) of the Open Meetings Act – the Disposition or Acquisition of Real Property:
    - i. Thoreau Cell Tower Site
    - ii. Wyatt Street Property
    - iii. An Interest in Prewitt Property
  - b. Audit Act, NMSA 1978 section 12-6-5 Special Audit.
  - c. Action in Open Meeting if needed.
    - i. REVIEW AND APPROVE: Resolution No. MAY-20-035, Approving a Land Lease Agreement and Memorandum of Land Lease with NCWPCS MPL 30-year Site Tower Holdings, LLC; and, delegate authority for the County Manager to finalize and sign the Memorandum of Land Lease along with other documents as needed on the same subject matter until final approval by the State Board of Finance: Douglas Decker, Attorney; McKinley County.
    - ii. REVIEW AND APPROVE: Resolution No. MAY-20-040, Approving a Land Sale; and approving the form of the Purchase Agreement with Derrick Bonney for the property at 313, 315, and 317 Wyatt St. Gallup, NM commonly referred to as The Mother Goose Property; and, delegate authority for the County Manager to finalize and sign the final Purchase Agreement along with other documents as needed on the same subject matter until final approval by the State Board of Finance: Douglas Decker, Attorney; McKinley County.
    - iii. REVIEW AND APPROVE: Amendment 1 to Easement, Use and Option Agreement: Douglas Decker, Attorney McKinley County, and possibly Barry Ingold and Glenda Lanik.

Commissioner Nelson made a motion to go into Executive Session at 9:28 am. Commissioner Lee seconded the motion. Roll Call was taken.

Commissioner Lee - Yes  
Commissioner Nelson - Yes  
Commissioner Moore - Yes

Commissioner Nelson made a motion to come out of Executive Session at 10:29 am. Commissioner Lee seconded the motion. Roll Call was taken.

Commissioner Lee - Yes  
Commissioner Nelson - Yes  
Commissioner Moore - Yes

**Action in Open Meeting:**

For the record a statement was made that the only items discussed during the closed session were as listed for item 8 paragraphs (a), and (b).

After item 8 paragraph (c) was discussed in the open meeting. Commissioner Lee made a motion to approve line item 8. (c)(i) Resolution MAY-20-035, 8. (c)(ii) Resolution MAY-20-040, and 8. (c)(iii) Amendment 1 to Easement, Use and Option Agreement. Commissioner Nelson seconded the motion. Motion Carried.

Commissioner Lee "Said I", Commissioner Nelson "Said I", Commissioner Moore "Said I". None - Opposed.

Commissioner Lee made a motion for action on item 8(b) - to serve the 180 day notice to RMCH to terminate the lease agreement, if RMCH chooses to immediately cooperate with the County's requests to comply and work with the information as requested for auditors and agrees to new lease negotiations that may litigate this, move to serve the 180 day notice effective as soon as possible. Commissioner Nelson seconded the motion. Motion Carried.

Commissioner Moore "Said I", Commissioner Nelson "Said I", Commissioner Lee "Said I". None - Opposed.

9. **DISCUSS, REVIEW, AND APPROVE: ORDINANCE 2020-APR-003**  
An Ordinance requiring the use of masks in public due to COVID-19 to aid in stopping the community spread of the COVID-19 Virus; OR, any variation of Ordinance, Resolution, or Declaration as discussed; or, no action.

Commissioner Lee made a motion to approve Ordinance 2020-APR-003 Regarding the use of Masks/Face Coverings in Public Due to COVID-19 to Aid in Stopping the Community Spread of the COVID-19 Virus; as discussed. Commissioner Nelson seconded the motion. Motion Carried.

Commissioner Moore "Said I", Commissioner Lee "Said I", Commissioner Nelson "Said I". None - Opposed.

**Announcements:**

- a. **Monthly Calendar**
- b. **Next Commission Meeting**

McKinley County Board of Commissioner Regular Meeting  
May 19, 2020  
9:00 a.m. - Regular Meeting  
3<sup>rd</sup> Floor - McKinley County Board of Commissioners Chamber

With no other business to come before the Board, Commissioner Nelson made a motion to adjourn. Commissioner Lee seconded the motion. Motion Carried.

Commissioner Nelson "Said I", Commissioner Lee "Said I", Commissioner Moore "Said I". None - OPPOSED.

Meeting was adjourned at 10:39 a.m. on May 5, 2020.

*Billy Moore*

BILLY MOORE  
COMMISSIONER

*Bill Lee*

BILL LEE  
COMMISSIONER

*Tommy Nelson*

TOMMY NELSON  
COMMISSIONER

*Harriett K. Becenti*

Harriett K. Becenti  
McKinley County Clerk's

KBennett

