

MINUTES of the SPECIAL MEETING
of the BOARD of COUNTY COMMISSIONERS
of SAN MIGUEL COUNTY, NEW MEXICO
HELD SEPTEMBER 21, 2023 AT 5:00 PM

FEMA HPCC Fires – Claims Update

1. CALL TO ORDER

The San Miguel County Board of Commissioners held a special meeting on Thursday, 21 September 2023. Chairman Harold Garcia called the meeting to order at 5:03 PM at the Ballroom of NM Highlands University at 800 National Avenue on the NMHU Campus Student Services Building, Las Vegas, New Mexico 87701.

2. ROLL CALL

Upon roll-call by Chief Deputy Jacob Gonzales: Chairman Harold Garcia - present, Vice-Chairman Martin Sena - present, Commissioner Janice Varela - absent, Commissioner Max Trujillo - absent, and Commissioner Kenneth Medina - present.

The record will show a quorum is present.

3. PLEDGE OF ALLEGIANCE

Commissioner Max Trujillo led the meeting attendees in the Pledge of Allegiance, and:

4. SALUTATION TO THE NEW MEXICO STATE FLAG:

“I salute the flag of the State of New Mexico and the Zia Symbol of perfect friendship among United Cultures.

5. APPROVAL OF AGENDA

Manager Joy Ansley asked for approval of the agenda – no changes needed.

Motion to approve Agenda made by Commissioner Kenneth Medina. Second by Commissioner Max Trujillo. Motion carried.

NEW BUSINESS

6. INFORMATIONAL DISCUSSION WITH FEMA REGARDING HERMIT'S PEAK/CALF CANYON CLAIMS OFFICE

Angela Gladwell, Director of FEMA HPCC Claims Office, spoke on the rules and regulations determined for FEMA by the September Emergency Declaration signed into law September 30, 2022. On August 29th final regulations were determined for the legislation – interim legislation was enacted and public comment was taken into account for writing the operations and rules for the legislated funding.

Enhancements declared: compensation for reforestation and vegetation was removed thus allowing for full compensation; and policy order was issued for reforestation compensation including best practices order allowing for \$9K per acre, and lost business operations. * Real property loss is being studied and an economic impact study will be used to determine compensation for lost real property. * Mental and behavioral health can be compensated due to the trauma of loss and abandonment. * Other permissions allow for donations extended to November 14, and for expert opinions on claim valuations submitted. Timeline has been extended for ability for taxpayers/citizens to re-open claims to reflect new additions to their prior claim. * The rules are written in simple language to allow for taxpayers to not hire attorneys if they so choose. The claims office will not pay attorney fees. * Benefits will be paid directly to the claimant. * Public Infrastructure projects need to be sent to FEMA Public Assistance Offices, if PAO determines the claim is not payable under their rules, the Claims office will then cover. * As of September 15, 2023 the Claims office has received 2,497 notices of claim against HP/CC disasters and covered \$70.7M in payments to claimants. * FEMA is paying for 5-years of Flood Protection Coverage. The Claims office is looking to disperse over \$100M in payments of this year, and over \$1B in disbursements by January 1, 2025. \$64.5M has been approved for public infrastructure repair/build-out. * Feedback and transparency is the Claims Office objective and is working with the Advocates Office. Monthly town-halls are being conducted with the next one being mid-October in Las Vegas. SBA loans can be paid off by the FEMA Claims Office on behalf of the lien-holder. * 65% of the claims office are local hires. * Ms. Gladwell speculates total payoff will take up to 5 years+.

Commission Queries:

Concern about SBA loans: US Inspector General was given \$2M for fraud investigation for loan disbursement. * Less than 20 claims for home replacement have been received. 30 mobile home claims for replacement have been received. The Claims team has completed many assessments and reviews of these claims. The problem is that many claimants have not come to the Claims Office to review and complete the process to affirm the claim. John Sharp stated 30 claims for smoke damage and is in QC review.

Concern about immediacy in claim distribution: Accelerate payment process for home replacement? Ms. Gladwell's office is reaching out but needs the community to step in and ensure that the claims file is complete to expedite payment. \$43 million has been disbursed to individuals.

Concern about the looming Federal Government Shutdown: HPCC and supporting contracts have been funded and will not cease if there is a shutdown.

Ms. Ali Rye, Deputy Secretary of NM Dep't of Homeland Security, spoke on the coordination between NMDHS and FEMA Claims regarding the cascading impacts realized after the initial disaster [fire]. Equipment reimbursements are available to the County. The top of the mountain and beginning of the watershed(s) must be immediately restored to minimize continued cascading effects. H&H and other feasibility studies are being reviewed and monitored for restoration of the watersheds. Assessments and final determinations on restoring these mountaintop and watershed restorations are being conducted by NMDHS and supporting agencies, and will seek input from the County when plans are being finalized.

Concerning loss of property tax revenue: Ms. Gladwell suggests a separate meeting to review expert economic testimony providing direction to filing lost tax revenue as a loss claim.

The pressing concern from Ms. Gladwell is the need to get claimants in to the claims office to ensure their file is complete and on the beltway for payment. An outreach strategy is being compiled and enacted to get these nearly 2,500 claims processed and closed by utilizing radio KFUN and KNMX for interviewing and ad placement.

Concern about disaster relief funding (DRF): a hold has been put on the public assistance fund for Disaster Relief Funding – SMC has about \$9M for Category C - Roads and Bridges in the pipeline. There should be no impact to funding as SB-6 will be the stop-gap funding mechanism. This DRF Public Funding is used for all national declared disasters.

Concern about stray animals that were impacted or abandoned due to the fire/disasters after the pandemic pet craze: Mr. David Gervino stated there are several agencies including USDA that can research plans of action to confront these feral packs of dogs that have been roaming the county since the covid-19 pandemic and exacerbated by the fires/floods.

Mr. John Sharp, Claims Reviewer, stated SMC has five notice of loss applications, and that six plans need to be updated to coincide with the final rule act. This applies to the over-use of the crusher; and Storrie canal project. These will be funded through Public Assistance Funding, and these reviews undergo legal and process review. The canal is owned by Storrie Water Users Group which is eligible for PA funding, and an MOU between SMC and Canal Project in order for the county to be reimbursed for repair to the canal.

Concern about Rio Tinto Mining Co. (owned by subsidiaries owned by the Chinese government) and Comexico offering “free” mineral assessment on burn-scar property: Commission feels this is a predatory move and would like to minimize the legal precedent being attempted by the mining company assertions. Rio Tinto operates on shady lines and we do not want private taxpaying citizens having wool pulled over their eyes for their property.

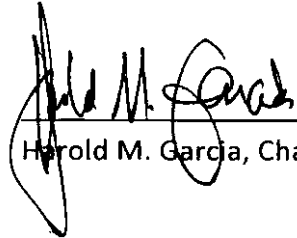
Mr. Stephen Salas, Constituent Services with Senator Ben Ray Lujan’s office stated the Senator’s office is in league to provide assistance to the taxpayers filing claims by assisting in explanation of the rules enacted by FEMA and the administration to expedite claims processing in SMC.

Concern about homeowner’s insurance rising costs and blanket denial from insurance companies for homes/property in the burn zone: Claims for increase in insurance cost is being finalized and options being sought to remedy this travesty brought upon citizens by corporate underwriters.

ADJOURNMENT

Motion to adjourn Special Meeting made by Vice Chairman Martin Sena. Second by Commissioner Janice Varela. Motion carried. Adjourned at 6:36 PM.

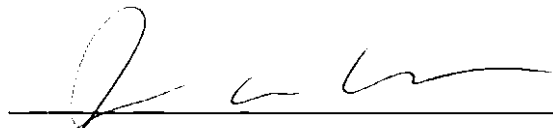
Approved this 10th day of October 2023 as the Official Minutes of the Board of County Commissioners of San Miguel County New Mexico of its *Special Meeting* held the 21st of September 2023 at the Ballroom of the New Mexico Highlands University, Student Services Building at 800 National Ave., Las Vegas, New Mexico.



Harold M. Garcia, Chairman District 1



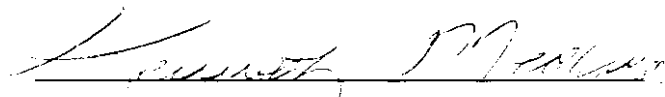
Martin Sena, Vice-Chairman District 4



Janice C. Varela , Commissioner District 2

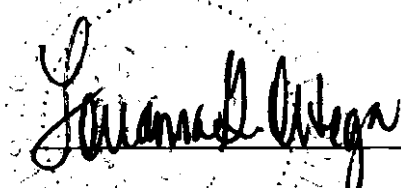


Max Trujillo, Commissioner District 3

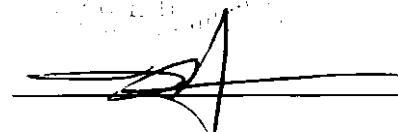


Kenneth C. Medina, Commissioner District 5

ATTEST:



Louanna G. Ortega, San Miguel County Clerk



Minutes submitted by Jacob P. Gonzales

NOTICE TO PEOPLE WITH DISABILITIES

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter or any form of auxiliary aid or service to attend or participate in the hearing(s) or meeting(s), please contact the San Miguel County Managers Office at (505) 425-9333 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the county at the above number if a summary or other type of accessible format is needed.