

**REGULAR MEETING
APRIL 12, 2005
MINUTES**

The Board of County Commissioners of San Miguel County held a Regular Meeting on Tuesday, April 12, 2005 at 1:30 p.m. at the Las Vegas City Schools Administration Building, Central Office Board Room, 901 Douglas Ave., Las Vegas, New Mexico. Immediately following the Regular Scheduled Meeting, a County Board of Finance Meeting followed. The agenda for the meeting was as follows:

CALL TO ORDER

Chairman LeRoy H. Garcia called the meeting to order at 1:30 p.m.

ROLL CALL

Chairman LeRoy H. Garcia, Vice-Chairman Hugh H. Ley, Commissioner Susano Ortiz, Commissioner David R. Salazar and Commissioner Kenneth C. Medina were present.

The record will show a quorum was present.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

County Manager Les Montoya submitted the agenda as prepared.

Motion made by Vice-Chairman Hugh H. Ley to approve agenda as prepared. Second by Commissioner Kenneth C. Medina. Motion carried.

APPROVAL OF MINUTES – Regular Meeting February 8, 2005, Special Meeting February 15, 2005 and Special Meeting March 21, 2005.

County Attorney Jesus Lopez and County Manager Les Montoya had no recommended changes to the minutes of Regular Meeting of February 8, 2005, Special Meeting of February 15, 2005 and Special Meeting of March 21, 2005.

Motion made by Commissioner Kenneth C. Medina to approve minutes of February 8, 2005, Special Meeting February 15, 2005 and Special Meeting March 21, 2005 as presented. Second by Vice-Chairman Hugh H. Ley. Motion carried.

INTRODUCTION OF NEW EMPLOYEES

County Manager Les Montoya introduced the following new employees:

Anna Ortega Radio Dispatcher County Sheriff's Office
(Probationary Employee)

Marie Kavanaugh Financial Specialist II Finance Division
(Probationary Employee)

INTRODUCTION OF NEWLY ELECTED 4-H OFFICERS, LEIGHA GALLEGOS, PRESIDENT, SHAY ZAMORA, VICE-PRESIDENT, CELINA ORTEGA, SECRETARY, BIANCA MARTINEZ, TREASURER AND KIMBERLY KOONTZ, PARLIAMENTARIAN

Chairman LeRoy H. Garcia introduced and welcomed the new County Extension Agent Patrick Padilla.

County Extension Agent Patrick Padilla introduced the newly elected 4-H Officers. Discussion ensued.

INTRODUCTION OF MR. PAUL GRAY, DISTRICT IV ENGINEER WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION.

The Commission introduced and welcomed Mr. Paul Gray, District IV Engineer with the New Mexico Department of Transportation.

NEW BUSINESS:

1. PAUL GRAY, DISTRICT FOUR ENGINEER, NEW MEXICO DEPARTMENT OF TRANSPORTATION (DOT) RECOMMENDATION REGARDING PEDESTRIAN BRIDGE MONTEZUMA, NEW MEXICO.

Mr. Gray went over the options and alternatives regarding the rehabilitation of the existing bridge (County Road A-12) located near the United World College which is primarily used for pedestrian purposes. Discussion ensued.

Mr. Gray also brought up liability issues regarding the bridge and suggested maybe signage should be posted advising the public if they do use the bridge it would be at their own risk. Discussion ensued.

County Manager Les Montoya explained what avenues were presently being pursued for funding by the County and stated that an application was recently submitted under the Highway Safety Improvement Program which would include this bridge project which is a safety issue, also the project was included as part of the DOT's STIP Plan.

County Manager Les Montoya requested approval from the Commission to consider alternative No. 2 and No. 4.

Vice-Chairman Hugh H. Ley questioned the County match for this funding.

Mr. Gray explained that Alternative No. 2 is a \$550,000.00 project with \$200,000.00 match.

Chairman LeRoy H. Garcia made a motion to approve Alternative No. 2 and Alternative No. 4 as recommended and gave direction to the County Manager to work on these alternatives. Second by Vice-Chairman Hugh H. Ley. Motion carried.

2. COUNTY TREASURER’S MONTHLY REPORT

County Treasurer Alfonso Ortiz went over the County Treasurer’s Monthly Report for the months of February 2005 and March 2005. Discussion ensued.

3. PUBLIC HEARING ON THE APPLICATION MADE BY ABBEY BEVERAGE COMPANY, LLC, WHOSE ADDRESS IS 235 DON GASPAR, SANTA FE, NEW MEXICO 87501, FOR A NEW SMALL BREWER LIQUOR LICENSE, FOR PREMISES TO BE LOCATED AT 143 COWLES HIGHWAY, PECOS, NEW MEXICO.

Planning & Zoning Supervisor Alex Tafoya informed the Commission that back in September, 2004 the Pecos Benedictine Monastery and Monks of Christ in the Desert submitted application for conditional use permit to establish and operate a small brewery to bottle beer and water.

Mr. Tafoya stated that the Planning & Zoning Commission approved a conditional use permit for the Abbey Beverage Company to establish and operate a bottling water, herbal beverage and beer making brewery on the property of the Pecos Benedictine Monastery. Abbey Beverage Company submitted an application to the Alcohol and Gaming Division for a Small Brewer License and the application was given “Conditional” preliminary approval and is subject to approval by San Miguel County.

Mr. Tafoya requested the Commission review the application; conduct a public hearing on the application and accept public comment.

Chairman LeRoy H. Garcia requested that any persons from the audience that are in favor of the Application for the Small Brewer License to come forward.

The following persons came forward to speak in favor of the Application for Small Brewer License:

Brother William of Abiquiu's Monastery of Christ of the Desert
Brad Kraus, Master Brewer from Santa Fe

Chairman LeRoy H. Garcia requested any persons from the audience that were against the Application for the Small Brewer License to come forward.

No one came forward.

Vice-Chairman Hugh H. Ley made a motion to approve application made by Abbey Beverage Company, LLC for a new Small Brewer Liquor License to be located at 143 Cowles Highway, Pecos, New Mexico. Second by Commissioner Susano Ortiz. Motion carried.

4. COMMUNITY DWI (CDWI) GRANT AMENDMENT

DWI Coordinator Wendy Armijo requested approval from the Commission for the Project Agreement Amendment # 05-CD-05-087 between the New Mexico Department of Transportation and the County of San Miguel.

Ms. Armijo presented Commissioner Garcia with a certificate and plaque for his service to the DWI Council.

Ms. Armijo informed the Commission that the Community DWI (CDWI) Grant Fund allocated for FY 2004-05 \$8,000.00 to the New Mexico State Police Department District II for the purpose of conducting additional DWI Saturation's DWI Checkpoints and DWI School prevention/educational presentations. Ms. Armijo informed the Commission that the NMSP District requested permission to utilize \$5,000.00 of the funds allocated to purchase an IR 8000 (Breathalyzer) therefore having to create an amendment to the contract agreement which would then provide for an increase to the original budget from \$8,730.00 to \$13,730.00. Discussion ensued.

Motion made by Commissioner Kenneth C. Medina to approve the Project Agreement amendment #05-CD-05-087 between the New Mexico Department of Transportation and the County of San Miguel. Second by Vice-Chairman Hugh H. Ley. Motion carried.

5. (FY 2005-06) NM DEPARTMENT OF TRANSPORTATION, COMMUNITY DWI (CDWI) GRANT APPLICATION

DWI Coordinator Wendy Armijo requested approval from the Commission for the submission of the Community DWI (CDWI) grant application for FY 2005-06.

Ms. Armijo informed the Commission that the DWI Planning Council received Community DWI grant funding for the last seven years. The funding is a result of

court fees collected from DWI convictions within San Miguel County and its purpose is to undertake activities that would impact the DWI problem through the use of prevention/education and enforcement. The total appropriation in CDWI funds for FY 2005-06 is \$25,280.00. Discussion ensued.

Motion made by Commissioner Kenneth C. Medina to approve the submission of the Community DWI (CDWI) grant application for FY 2005-06. Second by Vice-Chairman Hugh H. Ley. Motion carried.

6. APPROVAL AND EXECUTION OF WARRANTY DEED FROM THE BOARD OF COUNTY COMMISSIONERS TO CORNELIA DEES COMPTON AND NORMAN COMPTON, HUSBAND AND WIFE, FOR A TRACT OF LAND CONSISTING OF 0.75 ACRES, MORE OR LESS

County Fire Marshal Dan Wright informed the Commission that in March of 2003 Cornelia Dees Compton and Norman Compton donated land to San Miguel County for a fire station and the deed provided that if a fire station was not built within two years the property would revert back to the grantors.

Mr. Wright stated that the Compton's intent is to convey the same property back to the Pecos Canyon Volunteer Fire Department, Inc., a tax exempt 501(3) C corporation, which would be used for the Cabo Lucero Fire Department at a later date. Discussion ensued.

County Fire Marshal Dan Wright requested approval to execute the warranty deed in favor of Cornelia Dees Compton and Norman Compton.

Motion made by Commissioner Kenneth C. Medina to approve request to execute the Warranty Deed in favor of Cornelia Dees Compton and Norman Compton. Second by Commissioner David Salazar. Motion carried.

7. PETITION TO ESTABLISH AND MAINTAIN A PUBLIC ROAD

Planning & Zoning Supervisor Alex Tafoya informed the Commission that on February 15, 2005, the County conducted a road viewing of 0.3 of a mile of road being the Camino de Pinones from the Old Denver Highway to the intersection with Camino Rael Loop within the Miller Subdivision also known as the Vista del Valle Subdivision. The road provides access to the Vista del Valle Subdivision and the Vista del Cielo Subdivision.

Mr. Tafoya stated that two (2) of the road viewers recommended that the road not be adopted and one road viewer recommended that the road be adopted.

Mr. Tafoya requested that the Commission review the comments and recommendations of the road viewers; accept public comment; adopt or not adopt the road.

Chairman LeRoy H. Garcia stated that the County would not approve any new roads because the County does not have the resources to take new roads and said that he does not want to give people false hope.

Steve Broderson, representative of the families who use the road addressed the Commission and stated that the developers won't do anything to bring the road up to par. Discussion ensued.

After much discussion regarding the ownership of said road and covenants, County Attorney Jesus Lopez stated ownership must be determined because the County couldn't take a road without the permission of the owner. Mr. Lopez stated that the developer must comply with the covenants and if they don't the County could help the residents put pressure on the developers to comply with the covenants.

Mr. Lopez reassured the public that he would work very closely with Mr. Tafoya regarding this matter.

Vice-Chairman Hugh H. Ley requested that Mr. Tafoya research the ownership of the said road.

Motion made by Commissioner David Salazar to deny adoption of road as a County road as recommended by the road viewers. Second by Commissioner Susano Ortiz. Motion carried.

8. APPROVAL AND EXECUTION OF PURCHASE AND SALE AGREEMENT, AND LEASE AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS AND HEALTH CENTERS OF NORTHERN NEW MEXICO (HCNNM) FOR THE CLINIC IN SAN MIGUEL

County Attorney Jesus Lopez reminded the Commission that at previous meetings the Commission had discussed the dilemma faced by the Health Centers of Northern New Mexico not being eligible to receive capital outlay monies for renovation of the clinic in San Miguel. Money has been previously appropriated for the renovation of the clinic, but could not be utilized because only political subdivisions or other governmental entities are lawfully entitled to utilize capital outlay appropriations.

Mr. Lopez stated that HCNNM would convey the Clinic property to San Miguel County and concurrently the County would lease the Clinic back to HCNNM for a period ten (10) years, which has been unofficially approved by New Mexico Department of Finance and Administration. Mr. Lopez stated that the documents require official approval from DFA before anything can be done.

Mr. Lopez stated that HCNNM would secure under the lease agreement full coverage insurance to protect the County from any risk for which the County would be liable under the Tort Claims Act.

Vice-Chairman Hugh H. Ley voiced his concerns about setting precedent and asked if San Miguel County would be the first County to approve this type of request and Mr. Lopez stated that San Miguel County was not the first County.

Mr. Burke said that Taos County had approved this contract.

Mr. Lopez assured the Commission that the paperwork was correct and legal, also stated that it was a policy decision. Discussion ensued.

Commissioner David Salazar made a motion to approve and execute the purchase and Sale Agreement, and Lease Agreement between the Board of County Commissioners and Health Centers of Northern New Mexico (HCNNM), for the Clinic in San Miguel as presented. Second by Commissioner Susano Ortiz. Motion carried.

Dan Burke, a representative of HCNNM gave a brief description of his group's services. Discussion ensued.

Chairman LeRoy H. Garcia reminded Mr. Burke that HCNNM had turned their back on the County's request a few years ago and despite that the County had honored HCNNM request. Discussion ensued.

Commissioner Kenneth Medina made a motion to take a five minute break. Second by Vice-Chairman Hugh H. Ley. Motion carried.

Chairman LeRoy H. Garcia called the meeting back to order at 3:10 p.m.

9. RESOLUTION AND PROCLAMATION CALLING FOR AN ELECTION ON JUNE 28, 2005 ON THE QUESTION OF WHETHER BEER AND WINE LICENSES SHALL BE ALLOWED IN SAN MIGUEL COUNTY

County Manager Les Montoya submitted Resolution and Proclamation calling for an Election on June 28, 2005 on the question of whether beer and wine licenses shall be allowed in San Miguel County.

The proposed Resolution and Proclamation calls for an election and directs the County Clerk to do all things necessary to hold the election. June 28, 2005 is the earliest the special election can be held because the Pecos School District will hold a bond election on May 10, 2005 and the special election cannot be held within 42 days of any other election, including school district elections.

Motion made by Vice-Chairman Hugh H. Ley to approve Resolution and Proclamation calling for an election on June 28, 2005 on the question of whether beer and wine licenses shall be allowed in San Miguel County. Second by Commissioner Kenneth C. Medina. Motion carried.

10. RESOLUTION AUTHORIZING THE SIGNING AND SUBMITTING OF A CDBG PLANNING GRANT APPLICATION

Planning & Zoning Supervisor Alex Tafoya submitted Resolution No. 4-12-05-CDBG authorizing the chairperson of the Board of San Miguel County Commissioners of San Miguel County, New Mexico to sign an application for grant funds from the State of New Mexico Community Development Block Grant Program for approval.

Mr. Tafoya informed the Commission that the County was eligible to submit an application for CDBG Funds for Planning Grant and before the application can be submitted it must first be approved and adopted by resolution by the Board of County Commissioners. Discussion ensued.

Motion made by Commissioner Susano Ortiz to approve Resolution No. 4-12-05-CDBG as presented. Second by Vice-Chairman Hugh H. Ley. Motion carried.

County Manager Les Montoya stated that the reason San Miguel County is eligible to apply for these grants is because an updated San Miguel County Comprehensive Plan is in place.

11. GLENWOOD SUBDIVISION REQUEST TO REPAIR ROADS

Planning & Zoning Supervisor Alex Tafoya informed the Commission that he had received a petition from residents of the Glenwood Subdivision requesting that the County repair the roads within the Subdivision. Mr. Tafoya stated that the road log indicates that the roads within the Glenwood Subdivision are not County roads.

Mr. Tafoya said that homeowners are trying to form a tax-exempt, non-profit organization, so they can receive funds to maintain their own roads. Discussion ensued.

Mr. Tafoya requested the Commission review the request and consider authorizing a road viewing.

Chairman LeRoy H. Garcia recommended to wait until the residents form the organization and said he didn't want the County to maintain any private roads.

County Attorney Jesus Lopez stated that developers are not keeping their word and this is a continuing problem. Mr. Lopez stated that these developers developed these subdivisions with great promises such as roads and never came through. Mr. Lopez stated these matters do not concern the Board of County Commissioners and is a private matter, yet people are desperate for some maintenance on their roads.

Mr. Lopez stated that the remedy would be for landowners to sue the developers and go to court and any judge would make the developers enforce these covenants.

Mr. Lopez stated that Mr. Tafoya was required by law to bring such petitions to the Commission. Discussion ensued.

Motion made by Chairman LeRoy H. Garcia to reject request to review and consider authorizing a road viewing. Second by Commissioner David Salazar. Motion carried.

Commissioner Kenneth C. Medina suggested the County do a one time maintenance on the road while the residents formed their organization.

Mr. Lopez stated the only way the County could work on these roads is if the residents would pay for the work. Mr. Lopez also stated that Public Works Supervisor Harold Garcia and County Manager Les Montoya would have to come up with a cost schedule. Mr. Lopez stated that it would be legal but does not know if it would be a good idea because then they would be setting a precedent.

Vice-Chairman Hugh H. Ley asked the County Attorney Jesus Lopez to clarify the statutes regarding the ability to petition the County regarding road matters and if the statute could be changed. Mr. Lopez stated that the statute could not be changed because it was a State Statute. Discussion ensued.

12. BIRDS OF A FEATHER SUBDIVISION IMPROVEMENTS-REDUCTION OF THE AMOUNT OF IRREVOCABLE COMMERCIAL LETTER OF CREDIT

Planning & Zoning Supervisor Alex Tafoya informed the Commission that the County currently holds an Irrevocable Commercial Letter of Credit from Century bank for improvements to the Birds of a Feather Subdivision and this Letter of Credit provides a financial guarantee for subdivision improvements in the amount of \$539,337.38

Mr. Tafoya informed the Commission that Bonnie McGowan of Birds of a Feather Subdivision is requesting that San Miguel County authorize Century Bank to reduce the amount of the Letter of Credit by \$60,474.00.

Mr. Tafoya also stated that on March 2, 2005 Public Works Supervisor Harold Garcia and he met with Ms. McGowan at the subdivision to inspect the completed work to date.

Mr. Tafoya requested authorization that Chairman LeRoy H. Garcia sign the San Miguel County's Acceptance of Work and release in the amount of \$50,689.20 reflecting the installation of the well and 80% completion of the roads and that roads should be properly crowned for drainage purposes and the bar ditches should receive additional work.

Motion made by Vice-Chairman Hugh H. Ley to approve the San Miguel County's Acceptance of Work and release the amount of \$50,689.20 reflecting the installation of the well and 80% completion of the roads. Second by Commissioner David Salazar. Motion carried.

13. BID AWARD FOR SAN JUAN COMMUNITY CENTER

County Manager Les Montoya requested approval to award bid to Rivercrest Construction in the amount of \$14,500.00.

San Miguel County opened bids on Friday, February 18, 2005 for the interior improvements to the San Juan Community Center. There were three (3) bids submitted. The low bid was submitted by Rivercrest Construction for the amount of \$14,500.0 This project is funded by Severance Tax Bond Special Appropriation.

Motion made by Vice-Chairman Hugh H. Ley to approve to award bid to Rivercrest Construction in the amount of \$14,500.00. Second by Commissioner Kenneth C. Medina. Motion carried.

14. JUSTICE ASSISTANCE GRANT PROGRAM INTERLOCAL AGREEMENT

Planning & Zoning Supervisor Alex Tafoya informed the Commission that the Bureau of Justice Assistance advised the County that the County is eligible to submit a joint application with the City of Las Vegas for a Justice Assistance Grant (JAG) in the amount of \$28,539.00.

Mr. Tafoya stated that the application was due on March 31, 2005 and the application required that an executed Interlocal Agreement between the City and the County whereby the City would agree to pay the County a total of \$14,269.00 of JAG funds and the County would agree to use said funds for the Law Enforcement Program until September 30, 2009.

Mr. Tafoya requested the Commission review the Interlocal Agreement; confirm the action taken and ratify the signed agreement.

Vice-Chairman Hugh H. Ley asked who would have control of this money and County Manager Les Montoya informed him that the County Manager and County Sheriff would have control of this money.

Motion made by Vice-Chairman Hugh H. Ley to ratify and approve the Interlocal Agreement as presented. Second by Commissioner Kenneth C. Medina. Motion carried.

15. APRIL AS “FAIR HOUSING MONTH”

Planning & Zoning Supervisor Alex Tafoya submitted for adoption a Proclamation designating April as Fair Housing Month.

Mr. Tafoya informed the Commission that April is Fair Housing Month in New Mexico and CDBG guidelines require grant recipients to adopt April as Fair Housing Month.

Motion made by Vice-Chairman Hugh H. Ley to approve Proclamation designating “April as Fair Housing Month” as requested. Second by Commissioner Susano Ortiz. Motion carried.

16. PROCLAMATION DECLARING APRIL 2005 “FAIR HOUSING MONTH”

Section 8 Housing Administrator Gilbert Almanza, Jr. submitted Proclamation declaring April 2005 as “Fair Housing Month” for approval.

Motion made by Vice-Chairman Hugh H. Ley to approve Proclamation declaring “April as Fair Housing Month” as requested. Second by Commissioner Susano Ortiz. Motion carried.

17. REQUEST FOR OUT-OUT-STATE TRAVEL TO FORT WORTH TEXAS FOR GILBERT ALMANZA JR., EXECUTIVE DIRECTOR TO ATTEND A CONFERENCE ON HUD SECTION 8 HOUSING MANAGER

Section 8 Housing Administrator Gilbert Almanza, Jr. requested approval to attend a conference in Fort Worth, Texas on May 2 through May 6, 2005 on HUD Section 8 Housing to acquire some formal training on responsibilities of a Section 8 Manager.

Motion made by Commissioner Kenneth C. Medina to approve out of state travel for Section 8 Administrator Gilbert Almanza as requested. Second by Vice-Chairman Hugh H. Ley. Motion carried.

18. MONTHLY REPORT FOR THE PUBLIC WORKS DIVISION FOR THE MONTH OF FEBRUARY AND MARCH 2005

Public Works Division Supervisor Harold Garcia went over the monthly reports for the months of February and March 2005. Discussion ensued.

Mr. Garcia updated the Commission on the work on the Dispensas road. Discussion ensued.

19. PROJECT AGREEMENT #05-PT-63-087 PROJECT TITLE: SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP)

County Sheriff Chris Najjar submitted Project Agreement #05-PT-63-087 Project Title: Selective traffic Enforcement Program (STEP) for approval.

Motion made by Vice-Chairman Hugh H. Ley to approve Project Agreement #05-PT-63-087 Project Title: Selective traffic Enforcement Program (STEP) as presented. Second by Commissioner Kenneth C. Medina. Motion carried.

20. 2005 LAW ENFORCEMENT FUND GRANT IN THE AMOUNT OF \$24,800.00

County Sheriff Chris Najjar submitted 2005 Law Enforcement Fund Grant in the amount of \$24,800.00 for approval. This grant is being used to pay a Finance Authority loan for the purchase of Sheriff's patrol cars.

Motion made by Commissioner David Salazar to approve 2005 Law Enforcement Fund Grant as presented. Second by Commissioner Susano Ortiz. Motion carried.

Vice-Chairman Hugh H. Ley asked what the progress was on the Deputy Sheriff for Pecos, New Mexico. Discussion ensued.

21. BIDS FOR THE ROWE FIRE STATION CONSTRUCTION

Fire Marshal Dan Wright informed the Commission that Rowe Fire Station had gone out to bid on a new fire station and the both bids exceeded the amount of money budgeted for the project.

Mr. Wright requested approval to reject both bids so they can contact the architect and attempt to redesign the station where it would fall within the budget available.

Motion made by Commissioner Kenneth C. Medina to approve to reject both bids as requested. Second by Vice-Chairman Hugh H. Ley. Motion carried.

Commissioner Ley requested that all fire chiefs follow a process to go through Mr. Wright first with anything that has to be approved by the Commission. Discussion ensued.

County Manager Les Montoya reinforced the direction to Mr. Wright to let all fire chiefs know that they must follow a process, i.e. that anything that needs to be approved by the Commission must first go through him. Discussion ensued.

22. APPROVAL OF ASSISTANCE TO FIREFIGHTERS GRANT OBTAINED BY ILFELD VOLUNTEER FIRE DEPARTMENT IN THE AMOUNT OF \$34,313.00

Fire Marshal Dan Wright informed the Commission that Ilfeld Fire Department applied for a grant from the Department of Homeland Security and was successful and they have the \$3,813.00 in matching in their budget.

Mr. Wright requested acceptance of the grant on behalf of the Fire Department so the funds can be expended.

Motion made by Vice-Chairman Hugh H. Ley to accept grant on behalf of the Fire Department so the funds can be expended as requested. Second by Commissioner Kenneth C. Medina. Motion carried.

23. CITY OF LAS VEGAS INMATE CONFINEMENT CONTRACT

Warden/Facility Administrator Patrick W. Snedeker submitted the contract for Inmate Confinement between the City of Las Vegas and San Miguel County for approval. The contract was approved by the City of Las Vegas on February 16, 2005.

Motion made by Commissioner Kenneth C. Medina to approve City of Las Vegas Inmate Confinement Contract as requested. Second by Vice-Chairman Hugh H. Ley. Motion carried.

24. ADMINISTRATIVE ASSISTANCE/SECRETARY JOB DESCRIPTION

Warden/Facility Administrator Patrick W. Snedeker submitted a revised job description for Administrative Assistance/Secretary for review and approval.

Motion made by Vice-Chairman Hugh H. Ley to approve revised job description for Administrative Assistance/Secretary as presented. Second by Commissioner Kenneth C. Medina. Motion carried.

25. COUNTY MANAGER’S PERSONNEL RECOMMENDATIONS TO HIRE AND TO RATIFY THE FOLLOWING EMPLOYEES TO FILL THE POSITIONS AT THE SAN MIGUEL COUNTY DETENTION CENTER

County Manager Les Montoya submitted the following recommendations for hire and ratifications to fill the positions at the San Miguel County Detention Center:

Probationary Employees

Leona Lucero	Detention Officer	Salary: \$17,843.28 Annually
Clarence Padilla	Detention Officer	Salary: \$17,843.28 Annually
Linda Vigil	Detention Officer	Salary: \$17,843.28 Annually
Richard Martinez	Detention Officer	Salary: \$17,843.28 Annually
Justin Lawrence	Detention Officer	Salary: \$17,843.28 Annually
Louis Gonzales	Detention Officer	Salary: \$17,843.28 Annually
Joseph Chavez	Detention Officer	Salary: \$17,843.28 Annually
Pete Lesperance	Detention Officer	Salary: \$17,843.28 Annually
Carmen Martinez	Correction Medical Officer	Salary: \$18,720.00 Annually
Joanie Espinoza	Food Service Worker	Salary: \$14,588.00 Annually

Motion made by Vice-Chairman Hugh H. Ley to approve recommendations and ratifications as requested by the County Manager. Second by Commissioner Kenneth C. Medina. Motion carried.

26. COUNTY MANAGER’S PERSONNEL RECOMMENDATIONS TO HIRE AND RATIFY THE FOLLOWING INDIVIDUAL AS PER THE RECOMMENDATION OF ALBERT PADILLA, COUNTY ASSESSOR TO FILL THE POSITION OF APPRAISER II AT THE SAN MIGUEL COUNTY ASSESSOR’S OFFICE.

County Manager Les Montoya submitted the following recommendations for hire as per recommendation of the County Assessor Albert Padilla:

Probationary Employee

Margie Saiz Appraiser II \$9.00 per hour

Date of Hire: April 18, 2005

Motion made by Commissioner David Salazar to approve County Manager’s recommendations as per County Assessor Albert Padilla recommendations. Second by Commissioner Susano Ortiz. Motion carried.

27. COUNTY MANAGER’S PERSONNEL RECOMMENDATIONS TO HIRE AND RATIFY FINANCIAL SPECIALIST II POSITION IN THE FINANCE DIVISION.

County Manager Les Montoya submitted the following recommendations for hire and ratification:

Probationary Employee

Marie Kavanaugh Financial Specialist II \$25,000.00

Date of Hire March 28, 2005

Motion made by Vice-Chairman Hugh H. Ley to approve County Manager’s recommendation. Second by Commissioner Kenneth C. Medina. Motion carried.

28. PERSONNEL ACTIONS

County Manager Les Montoya submitted Personnel Actions that have taken place in San Miguel County for ratification and approval.

Motion made by Vice-Chairman Hugh H. Ley to approve Personnel Action as presented. Second by Commissioner Kenneth C. Medina. Motion carried.

29. REVISION TO COUNTY ATTORNEY EMPLOYMENT CONTRACT WITH SAN MIGUEL COUNTY. REVISING EXISTING AGREEMENT TO INCREASE COMPENSATION FROM \$55,000.00 TO \$60,000.00

County Manager Les Montoya submitted revision to County Attorney’s employment contract to increase compensation from \$55,000.00 to \$60,000.00 for review and approval.

Motion made by Commissioner David Salazar to approve Revision to County Attorney’s Employment Contract as presented. Second by Vice-Chairman Hugh H. Ley. Motion carried.

30. RENEW EMPLOYMENT CONTRACT FOR COUNTY MANAGER AND ADJUST COMPENSATION FROM \$60,900.00 TO \$65,900.00.

County Manager Les Montoya submitted contract for renewal for County Manager and to adjust compensation from \$60,900.00 to \$65,900.00 for review and approval.

Motion made by Vice-Chairman Hugh H. Ley to approve renewal of contract for County Manager and adjustments of compensation from \$60,900.00 to \$65,900.00. Second by Commissioner David Salazar. Motion carried.

31. SAN MIGUEL COUNTY BOARD OF FINANCE MEETING

Chairman LeRoy H. Garcia announced that the Board of County Commissioners would meet as the Board of Finance for San Miguel County.

32. RESOLUTION 4-12-2005-F1 BUDGET ADJUSTMENTS

Finance Division Supervisor Melinda Gonzales submitted Resolution No-12-2005-F1 for review and approval and went over the budget adjustments. Discussion ensued.

Motion made by Commissioner Kenneth C. Medina to approve Resolution 4-12-2005-F1 Budget Adjustments as presented. Second by Vice-Chairman Hugh H. Ley. Motion carried.

Vice-Chairman Hugh H. Ley suggested that at the next meeting the fire chiefs bring all the fire apparatus that have been purchased to be displayed. Discussion ensued.

The Commission gave direction to the County Manager Les Montoya to make arrangements with the City of Las Vegas to close down the park to display all the new county vehicles and fire apparatus that have been purchased recently. Discussion ensued.

33. INDIGENT CLAIMS

Finance Division Supervisor Melinda Gonzales submitted the Indigent Claims for review and approval.

Chairman LeRoy H. Garcia made a recommendation to table and discuss in executive session.

Motion made by Commissioner Kenneth C. Medina to approve to table Indigent Claims to be discussed in executive session. Second by Commissioner Susano Ortiz. Motion carried.

34. CASH BALANCE REPORT

Finance Division Supervisor Melinda Gonzales went over the Cash Balance Report. Discussion ensued.

No action taken; for information only.

35. ACCOUNTS PAYABLE LISTING

Finance Division Supervisor Melinda Gonzales submitted Accounts Payable Listing for approval and certified each expenditure as a true and legitimate expense.

Motion made by Vice-Chairman Hugh H. Ley to approve Accounts Payable Listing as presented. Second by Kenneth C. Medina. Motion carried.

County Attorney Jesus Lopez requested that Item C be deleted from Executive Session.

Executive/Closed Session

- A. Personnel Matters as permitted by Section 10-15-1(H) (2) of the New Mexico Open Meetings Act, NMSA 1978.**
- B. Matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which SMC is or may become a participant, as permitted by Section 10-15-1(H)(8) of the New Mexico Open Meetings Act, NMSA 1978.**
- C. Matters pertaining to the discussion of the acquisition of real property, as permitted by Section 10-15-1 (H)(8) of the Open Meeting Act, NMSA 1978.**

Les Montoya, County Manager recommended to retire into Executive Session to discuss Personnel Matters, as permitted by Section 10-15-1(H) (2) of the New Mexico Open Meetings Act, NMSA 1978, matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which SMC is or may become a participant, as permitted by Section 10-15-1(H) (7) of the New Mexico Open Meetings Act, NMSA 1978.

Motion made by Commissioner Kenneth C. Medina to retire into Executive Session at 4:26 p.m. to discuss Personnel Matters, as permitted by Section 10-15-1(H) (2) of the New Mexico Open Meetings Act, NMSA 1978, matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which SMC is or may become a participant, as permitted by Section 10-15-1(H) (7) of the New Mexico Open Meetings Act, NMSA 1978. Second by Commissioner David Salazar. Motion carried.

Roll call was taken before County Commission retired into Executive Session.

Chairman LeRoy H. Garcia	yes
Vice-Chairman Hugh H. Ley	yes
Commissioner Kenneth C. Medina	yes
Commissioner Susano Ortiz	yes

Approved this _____ day of _____, 2005 as the Official Minutes of the Board of County Commissioners of San Miguel County, New Mexico.

LeRoy H. Garcia, Chairman

Hugh H. Ley, Vice-Chairman

David R. Salazar Commissioner

Kenneth C. Medina, Commissioner

Susano Ortiz, Commissioner

ATTEST

Paul Maez, County Clerk

Minutes Submitted by:
Geraldine E. Gutierrez

