

**REGULAR MEETING  
JANUARY 8, 2008  
MINUTES**

The Board of County Commissioners of San Miguel County held a Regular Meeting and a County Board of Finance Meeting on Tuesday January 8, 2008 at 1:30 p.m. at the Board Room of the Donaldo A. Martinez Administration Building of the West Las Vegas Schools, 179 Bridge Street, Las Vegas, New Mexico 87701. The agenda for the meeting was as follows:

**CALL TO ORDER**

Chairman Hugh H. Ley called the meeting to order at 1: 30 p.m.

**ROLL CALL**

Chairman Hugh H. Ley, Vice-Chairman Kenneth C. Medina, Commissioner David R. Salazar, Commissioner June J. Garcia and Commissioner Albert J. Padilla were present.

The record will show a quorum was present.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA:**

County Manager Les Montoya submitted the Agenda.

Motion made by Commissioner David Salazar to approve the agenda as prepared. Second by Commissioner Albert Padilla. Motion carried.

**APPROVAL OF MINUTES:** Regular Meeting December 11, 2007.

Motion made by Commissioner David Salazar to approve the minutes for Regular Meeting held on December 11, 2007. Second by Commissioner June Garcia. Motion carried.

**INTRODUCTION OF NEW EMPLOYEES:**

Tobias Medina (Probationary Employee)	Heavy Equipment Operator III	Public Works Division
James Lopez (Probationary Employee)	Heavy Equipment Operator II	Public Works Division
Frank Gonzales (Probationary Employee)	Convenience Center Operator	Public Works Division

**PRESENTATION ON RETIREMENT  
TO  
TONY BAROS**

**PRESENTATION FOR EMPLOYEE OF THE YEAR  
PUBLIC WORKS DIVISION  
TO  
BILLY ARAGON**

**NEW BUSINESS:**

**1. SELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR THE 2008 CALENDAR YEAR FOR THE BOARD OF COUNTY COMMISSIONERS FOR SAN MIGUEL COUNTY\***

County Manager Les Montoya informed the Commission Section 4-38-10, NMSA1978, required that the first meeting of each year the Commission chose one of their members Chairman.

Mr. Montoya recommended County Commission to consider nominating a Chairman and Vice-Chairman for the 2008 Calendar year.

**2. OPEN MEETINGS RESOLUTION FOR 2008\***

County Manager Les Montoya informed the Commission the New Mexico Open Meetings Act requires that each public body adopt annually a resolution relating to its meeting and to make notice to the public concerning its meetings.

Mr. Montoya recommended to adopt Open Meetings Resolution for 2008.

**3. BALLAS SUMMARY SUBDIVISION SC-0076 APPLICATION/PUBLICIZING\***

Planning and Zoning Supervisor Alex Tafoya informed the Commission Victor and Joann Ballas have submitted an application for the Type Five Summary Subdivision consisting of four parcels of land, each parcel being approximately 49 acres in size more or less. The proposed subdivision is located  $\frac{3}{4}$  of a mile from the Village of Las Tusas. San Miguel County Subdivision Regulations require that the Board of County Commissioners review the application materials and preliminary plat, conduct a public hearing and approve, approve with condition or disapproving the application. The County Commission may table a request for plat approval only if the preliminary plat application is incomplete or if the County Commission has insufficient information upon which to act.

Mr. Tafoya submitted review of the application and preliminary plat; conduct a public hearing and accept public comment on the application and preliminary plat; and consider approval of the application and preliminary plat.

Motion made by to review the application and preliminary plat; conduct a public hearing and accept public comment on the application and preliminary plat; and consider approval of the application and preliminary plat.

**4. COUNTY TREASURER'S MONTHLY REPORT\***

San Miguel County Treasurer Alfonso Ortiz, Jr. was not present due to inclement weather to report for the month of December 2007.

No action taken. For information purposes only.

**2. REQUEST FOR OUT OF STATE TRAVEL TO SAN ANTONIO, TEXAS FOR GILBERT ALMANZA JR. SECTION 8 HOUSING ADMINISTRATOR TO ATTEND THE SOUTHWEST NAHRO WINTER COMMITTEE MEETINGS\***

Section 8 Housing Administrator Gilbert Almanza Jr. informed the Commission as the Vice-President of Members Services for New Mexico NAHRO, and as member of the Executive Committee; Mr. Almanza is requesting to be allowed to attend the Southwest NAHRO Winter Committee Meetings.

Motion made by Commissioner June Garcia to approve Out of State Travel for Gilbert Almanza Jr. Second by Vice-Chairman Kenneth C. Medina. Motion carried.

**3. RIBERA HOUSING PROPERTY\***

Planning and Zoning Supervisor Alex Tafoya informed the Commission at the November 13, 2007 County Commission meeting, the Board of County Commissioners accepted the letter from the San Miguel Assisted Living Community withdrawing their application for the housing assistance grant being the Ribera Housing Property. Direction was given to County staff to amend the County's Affordable Housing Ordinance so that it complies with revised NM Affordable Housing Act Rules. County Staff was also directed to contact the artist group that has expressed written interest in the property. The artist group has advised they are still interested in acquiring the property. The infrastructure assessment report is now in draft form with the final report to be completed by December 18, 2007 pending review and comment by the Santa Fe Community Housing Trust.

Mr. Montoya recommended the property be advertised for sale. If that process takes its course, they would be back with recommendation to sell; as opposed to granting the property through the Affordable Housing Ordinance.

Mr. Ley asks what requirements will be attached to the use of the money should the property be sold.

Mr. Montoya informed Mr. Ley the money would be invested in low income housing as directed by HUD.

Mr. Lopez informed the Commission any proceeds should be used for low income but was not sure guidelines were in place to regulate use of the proceeds. .

Discussion ensued.

Mr. Tafoya submitted for consideration of the following: (1) The final Infrastructure Assessment is scheduled to be completed by December 18, 2007; (2) There are two parties interested in the

property with one of the parties actually submitting a cash offer on the property; (3) The property itself does not necessarily have to be used for low income housing purposes; The proceeds of a public sale have to be used for low income housing purposes. In the event the property is awarded as a housing assistance grant, it would then have to be used for low income housing purposes as per the Affordable Housing Act Rules. Recommendation to the County Commission is to: (1) allow County staff to place the property for sale by public auction upon receipt of the final infrastructure assessment report. The public sale process will take approximately 30 to 45 days;

and (2) in the meantime have County staff complete the revisions to the Affordable Housing Ordinance and submit such revised Ordinance to the NM Mortgage Finance Authority for review and comment.

Motion made by Commissioner David Salazar to place the property for sale by public auction. Second by Vice-Chairman Kenneth C. Medina. Motion carried.

**4. 2008 COMMUNITY BLOCK GRANT APPLICATION-TECOLOTE ROAD PROJECT\***

Planning and Zoning Supervisor Alex Tafoya informed the Commission at the September 2007 County Commission meeting, the Village of Tecolote Road Improvement Project was selected for a 2008 Community Development Block Grant Application. Mr. Tafoya informed the Commission a letter requesting a waiver would be submitted, with the intent to be approved so the County's Application would be accepted.

Mr. Tafoya informed the Commission the County needs application letter signed along with the applicant Disclosure Update Report and Federal Assurance Signature page for numerous compliance Acts.

Mr. Tafoya submitted for approval, Resolution No. 12-11-07-CDBG authorizing Commission Chairman to sign the application letter. The amount requested for Phase II Tecolote Road paving Improvements totaling, \$500,000.00. Phase Project amount is \$353,938.00 based on Engineers Construction received for both Full and Phase Project.

Motion made by Commissioner David Salazar to authorize Commission Chairman to sign the application and letter. Second by Commissioner Albert Padilla. Motion carried.

**5. CONTRACT FOR INMATE CONFINEMENT, TOWN OF TAOS, NEW MEXICO AND SAN MIGUEL COUNTY, NEW MEXICO\***

Warden/Facility Administrator Patrick W. Snedeker informed the Commission the contract for Inmate Confinement, by and between the Town of Taos, New Mexico and San Miguel County, New Mexico for the housing and care of Town of Taos adult prisoners, at the County Detention Center is presented. The cost of housing an inmate is \$65 per day. The contract has been approved by the Town of Taos.

Mr. Snedeker submitted for approval of the contract as submitted.

Motion made by Vice-Chairman Kenneth C. Medina to approve the contract as submitted. Second by Commissioner June Garcia. Motion carried.

**6. EXTENSION OF THE CONTRACT FOR INMATE CONFINEMENT MORA COUNTY, NEW MEXICO AND SAN MIGUEL COUNTY, NEW MEXICO\***

Warden/Facility Administrator Patrick W. Snedeker informed the Commission the extension of the contract for Inmate Confinement by and between Mora County, New Mexico and San Miguel County, New Mexico is presented. The contract provides for the housing, custody, and care of Mora County, New Mexico adult prisoners at the San Miguel County Detention Center. The cost for detaining an inmate is \$65 a day and other provisions of the contract remain the same.

Mr. Snedeker informed the Commission the extension Agreement has been approved by the Board of Commissioners of the Mora County.

Mr. Snedeker submitted for approval the extension of the contract.

Motion made by Commissioner David Salazar to approve the extension of the contract. Second by Commissioner Albert Padilla. Motion carried.

**7. MONTHLY REPORT IN THE PUBLIC WORKS DIVISION FOR THE MONTH OF NOVEMBER 2007\***

Public Works Division Supervisor Harold Garcia informed the Commission of information on issues dealt within the Public Works Division for the month of November 2007.

Mr. Garcia informed the Commission on the status on the Grip II projects.

Mr. Garcia informed the Commission the Road Maintenance Plan was near completion. A Draft Plan was delivered to Mr. Garcia.

Commissioner Hugh Ley asked if Mr. Garcia's employees have reviewed the Draft Road Maintenance Plan. Mr. Garcia indicated they had not, it was recommended he, a Committee including Commissioner Salazar and Padilla work to review the Draft prior to submitting to the Commission at the next meeting.

Discussion regarding expenditures of Grip funds ensued.

Mr. Montoya informed the Commission an expenditure report can be prepared and published when the projects are completed, the report can then be distributed. Montoya recommended forming a committee with a couple of Commissioners and the staff to review the plan prior to the next Commissioner meeting.

No action taken. For information purposes only.

**8. PUBLIC WORKS/ROAD DIVISION BLADING CREW SUPERVISOR JOB DESCRIPTION\***

Public Works Division Supervisor Harold Garcia informed the Commission the San Miguel County Board of Commissioners held a Special Work Session last month for the purpose of discussing issues pertaining to the Public Works Division. Part of the direction to the County Manager and Public Works Division Supervisor was to review the Blading Crew Supervisor Job Description and make necessary changes to this job description that will allow for additional supervision of the Heavy Equipment Operator III (motor grader) positions in the Road Division. Direction was also given to budget an additional Heavy Equipment Operator III position in the Road Division.

Mr. Garcia submitted for approval the Job Description for Blading Crew Supervisor in the Public Works/Road Division.

Motion made by Vice-Chairman Kenneth C. Medina to approve the Job Description for Blading Crew Supervisor in the Public Works/Road Division. Second by Commissioner Albert Padilla. Motion carried.

**9. PUBLIC WORKS ROAD/SOLID WASTE DIVISION CREW SUPERVISOR JOB DESCRIPTION\***

Public Works Division Supervisor Harold Garcia informed the Commission the San Miguel County Board of Commissioners held a Special Work Session last month for the purpose of discussing issues pertaining to the Public Works Division. Part of the direction to the County Manager and Public Works Division Supervisor was to review the Public Works Road Foreman Job Description and make necessary changes to this job description that will allow for additional supervision of the Road/Solid Waste Division Crew Supervisor in the Public Works Division. Direction was also given to budget an additional Heavy Equipment Operator III position in the Road Division.

Mr. Garcia submitted for approval the Job Description presented.

Motion made by Commissioner David Salazar to approve the Job Description presented. Second by Commissioner June Garcia. Motion carried.

**10. ANIMAL CONTROL SERVICES AGREEMENT WITH THE CITY OF LAS VEGAS\***

Public Works Division Supervisor Harold Garcia informed the Commission San Miguel County entered into an Animal Control Services Agreement several years ago for the purpose of providing shelter within the City Animal Shelter. The City has once again acted on the agreement

for continued services with San Miguel County. San Miguel County will continue paying a fee for \$10,000 annually for the use of the City Animal Shelter.

Mr. Garcia recommended approval of the Agreement for Animal Control Services with the City of Las Vegas.

Motion made by Vice-Chairman Kenneth C. Medina to approve the Agreement for Animal Control Services with the City of Las Vegas. Second by Commissioner June Garcia. Motion carried.

**11. AGREEMENT BETWEEN SAN MIGUEL COUNTY AND JA CONCRETE, INC. FROM PUEBLO, COLORADO FOR EMERGENCY SNOW REMOVAL AND/OR ROAD MAINTENANCE\***

Public Works Division Supervisor Harold Garcia informed the Commission San Miguel County recently advertised a Request for Proposals for Emergency Snow Removal and/or Road Maintenance for various Districts identified within the County. A total of four proposals were submitted for the services identified in the proposal. JA Concrete was one of these Contractors submitting a proposal.

Mr. Garcia submitted the agreement for Emergency Snow Removal and/or Road Maintenance with JA Concrete for a 12-month period beginning December 14, 2007 and terminating on December 31, 2008, with an option to renew this agreement in 12-month increments for up to 4-years.

Motion made by Vice-Chairman Kenneth C. Medina to approve Agreement for Emergency Snow Removal and/or Road Maintenance with JA Concrete, Inc. from Pueblo, Colorado. Second by Commissioner David Salazar. Motion carried.

**12. AGREEMENT BETWEEN SAN MIGUEL COUNTY AND EP CONSTRUCTION FROM LAS VEGAS FOR EMERGENCY SNOW REMOVAL AND/OR ROAD MAINTENANCE\***

Public Works Division Supervisor Harold Garcia informed the Commission San Miguel County recently advertised a Request for Proposals for Emergency Snow Removal and/or Road Maintenance for various Districts identified within the County. A total of four proposals were submitted for the services identified in the proposal. EP Construction was one of these Contractors submitting a proposal.

Mr. Garcia submitted for approval the Agreement for Emergency Snow Removal and/or Road Maintenance with EP Construction for a 12-month period beginning December 14, 2007 and terminating on December 31, 2008, with an option to renew this agreement in 12-month increments for up to 4-years.

Motion made by Vice-Chairman Kenneth Medina to approve the Agreement for Emergency Snow Removal and/or Road Maintenance with EP Construction. Second by Commissioner David Salazar. Motion carried

**13. AGREEMENT BETWEEN SAN MIGUEL COUNTY AND DURAN SAND & GRAVEL, INC. FROM PECOS FOR EMERGENCY SNOW REMOVAL AND/OR ROAD MAINTENANCE\***

Public Works Division Supervisor Harold Garcia informed the Commission San Miguel County recently advertised a Request for Proposals for Emergency Snow Removal and/or Road Maintenance for various Districts identified within the County. A total of four proposals were submitted for the services identified in the proposal. Duran Sand & Gravel Products was one of these Contractors submitting a proposal.

Mr. Garcia submitted for approval of Agreement for Emergency Snow Removal and/or Road Maintenance with Duran Sand & Gravel, Inc. from Pecos, New Mexico.

Motion made by Vice-Chairman Kenneth Medina to approve the Agreement for Emergency Snow Removal and/or Road Maintenance with Duran Sand & Gravel. Second by Commissioner June Garcia. Motion carried.

**14. AGREEMENT BETWEEN SAN MIGUEL COUNTY AND ROCKY ROAD GRAVEL PRODUCTS FROM LAS VEGAS FOR EMERGENCY SNOW REMOVAL AND/OR ROAD MAINTENANCE\***

Public Works Division Supervisor Harold Garcia informed the Commission San Miguel County recently advertised a Request for Proposals for Emergency Snow Removal and/or Road Maintenance for various Districts identified in the proposal. Rocky Road Gravel Products was one of these Contractors submitting a proposal.

Mr. Garcia submitted for approval the Agreement for Emergency Snow Removal and/or Road Maintenance with Rocky Road Gravel Products for a 12-month period beginning December 14, 2007 and terminating on December 31, 2008, with an option to renew this agreement in 12-month increments for up to 4-years.

Motion made by Vice-Chairman Kenneth C. Medina to approve the Agreement for Emergency Snow Removal and/or Road Maintenance with Rocky Road Gravel Products. Second by Commissioner David Salazar. Motion carried.

**15. LEASE AGREEMENT WITH SAN MIGUEL COUNTY'S TRUJILLO COMMUNICATION SITE AND THE LAS VEGAS CITY SCHOOLS\***

Safety Coordinator Dennis English informed the Commission San Miguel County owns the Trujillo Communication Site which the Las Vegas City Schools lease a repeater on the equipment at this site for communication purposes.



Mr. English submitted for approval and signature.

Motion made by Vice-Chairman Kenneth C. Medina to approve and authorize signature of the lease agreement. Second by Commissioner June Garcia. Motion carried.

**16. HOME LAND SECURITY GRANT APPLICATION\***

Fire Chief Russell Pacheco informed the Commission concerning Firefighter Safety research and development assistance to Firefighters Grant Program Fire Prevention and Safety Application.

Mr. Pacheco submitted to ratify the Grant Application.

Motion made by Vice-Chairman Kenneth C. Medina to approve and ratify Grant Application. Second by Commissioner June Garcia. Motion carried.

**17. BID TO BE AWARDED TO L.N. CURTIS & SONS\***

Fire Chief Russell Pacheco informed the Commission the Cascade System is a unit for compressed air fill up and is used for the Fire Departments to fill up SCBA tanks.

Mr. Pacheco recommended award to the lowest bidder L.N. Curtis & Sons.

Motion by Commissioner June Garcia to award bid to the lowest bidder L.N. Curtis & Sons. Second by Vice-Chairman Kenneth C. Medina. Motion carried.

**18. REQUEST FOR EDUCATION LEAVE AS PER SAN MIGUEL COUNTY POLICIES FOR ALEX TAFOYA, PLANNING AND ZONING DIVISION SUPERVISOR\***

County Manager Les Montoya informed the Commission Planning and Zoning Supervisor Alex Tafoya is requesting permission to attend a three week on-line computer educational class offered by the University of Phoenix.

Mr. Tafoya is requesting permission to attend a three week on-line computer classes. Should Mr. Tafoya successfully complete the classes, he is requesting authorization for reimbursement of the classes.

Mr. Montoya submitted for approval and in accordance with the San Miguel County Employees Educational and Assistance Training policy.

Motion made by Vice-Chairman Kenneth C. Medina to approve Educational Leave as requested. Second by Commissioner June Garcia. Motion carried.

**19. REQUEST FOR EDUCATION LEAVE AS PER SAN MIGUEL COUNTY POLICIES FOR ADMINISTRATIVE ASSISTANT KIKI ARELLANO\***

County Manager Les Montoya informed the Commission Administrative Assistant Kiki Arellano requesting permission to attend classes (3) at Luna Community College beginning January 14, 2008 and ending on May 9, 2008.

Mr. Montoya submitted for approval and in Accordance with the San Miguel County Employees Education and Assistance Training Policy to allow to attend classes (3) at Luna Community College.

Motion made by Commissioner David Salazar to approve educational leave as requested. Second by Commissioner Albert Padilla. Motion carried.\*

**20. BEST OBTAINABLE PRICE, AWARD TO CONSTRUCT COUNTY COURTHOUSE AND COUNTY MANAGER PARKING LOT IMPROVEMENTS AS REQUESTED\***

County Manager Les Montoya informed the Commission the mentioned parking lot required several attempts to obtain bids/quotes.

Mr. Montoya submitted for approval to award contract to perform said work to Sangre de Cristo Gravel Products based on best obtainable price submitted on November 20, 2007. The County Courthouse Parking Lot is \$85,800.00 plus gross receipt tax of \$5,469.75 totaling \$91,269.75. The County Manager Parking Lot is \$41,400.00 plus gross receipt tax of \$2,639.25 totaling \$44,039.25, to include condition to complete project within 45 days after award with consideration only for inclement weather.

Motion made by Commissioner Albert Padilla to award the bid to Sangre de Cristo Gravel Products for the amount quoted. Second by Commissioner David Salazar. Motion carried.

**21. AMENDMENT TO EXTEND AMBULANCE SERVICE WITH PECOS VALLEY MEDICAL CENTER FOR AN ADDITIONAL YEAR ALL TERMS OF AGREEMENT TO REMAIN THE SAME\***

County Manager Les Montoya informed the Commission Ambulance Service Agreement requires annual renewal.

Mr. Montoya informed the Commission Pecos Valley Medical Services would like their contract be renewed and also requested additional funding be provided.

Mr. Montoya submitted the Amendment with all terms remaining the same, and requested consideration to approve as submitted thereby extending the Agreement on January 1, 2008.

Motion made by Chairman Hugh Ley to approve Addendum. Second by Vice-Chairman Kenneth C. Medina. Motion carried.

**22. FISCAL YEAR 2009 APPROPRIATIONS REQUEST FORM TO THE OFFICE OF UNITED STATES REPRESENTATIVE TOM UDALL\***

County Manager Les Montoya informed the Commission San Miguel County is requesting Federal Appropriation for Detention Center Facility Hardening, \$1,066,00. Northeast New Mexico Adult Reintegration Center \$3,689,515. Northern New Mexico Wood Business Park \$2,000,000.

Mr. Montoya submitted for approval in accordance with the San Miguel County Grant Policy.

Motion made by Commissioner June Garcia to ratify funding request. Second by Vice-Chairman Kenneth C. Medina. Motion carried.

**23. RESOLUTION NO. 12-11-07-OEM ESTABLISHING A JOINT OFFICE OF EMERGENCY MANAGEMENT FOR THE COUNTY OF SAN MIGUEL AND THE CITY OF LAS VEGAS\***

County Manager Les Montoya informed the Commission the County of San Miguel will now take on the administration operation and fiscal agent responsibilities for the office of Emergency Management for the County and City effective January 1, 2008.

County Manager informed the Commission has authorized the County to take responsibility to serve as Administrative Office of the office of Emergency Management for San Miguel County. The City of Las Vegas has acted in that capacity since the inception of the program as funded by Federal Government. The proposal was submitted to the City of Las Vegas Manager and the Las Vegas Chief of Police. Both departments reviewed the proposal and responded with a letter agreeing with the proposal.

Mr. Montoya informed the Commission Mr. Dennis English assisted in the preparing of information submitted to the City. Mr. English has been cleared by the State as a qualified person to take on the Management of OEM.

Chief of Police Gary Gold was present for questions. Mr. Gold advised the City will work closely with the County to take on the responsibilities, and he supports the County taking on the role, and feels the County did a good job in preparing to take on this responsibility.

Lieutenant Eugene Garcia was present for questions.

Mr. English and Mr. Montoya submitted the Resolution for review and consideration to approve, thereby establishing the County as Administrator, Operator, and Fiscal Agent for the Las Vegas/San Miguel Office of Emergency Management.

Motion made by Commissioner Albert Padilla to approve Resolution No. 12-11-07-OEM thereby setting direction for County to take on responsibilities and request approval by the City of Las Vegas. Second by Vice-Chairman Kenneth C. Medina. Motion carried.

**24. SAN MIGUEL COUNTY/CITY OF LAS VEGAS JOINT POWERS AGREEMENT COMBINING EMERGENCY MANAGEMENT EFFORTS TO ORGANIZE , FUNCTION, JOINTLY DIRECT, PROVIDE PHYSICAL MANAGEMENT, AND FUND TO ENHANCE CIVIL PREPAREDNESS, RESPONSE, AND RECOVERY ACTIVITIES NECESSITATED BY EMERGENCY AND DISASTER EVENTS\***

Safety Coordinator Dennis English informed the Commission the City had determined appropriate to delegate these responsibilities to San Miguel County. San Miguel County is prepared to take on the responsibilities and the proposed JPA will effectuate the change.

Mr. English informed the Commission of the guidelines of the City of Las Vegas and San Miguel County on contributions, costs, and equipment. The guidelines have been approved through the Finance Department and the DFA.

Mr. English submitted the Joint Powers of Agreement, and supporting documentation for consideration to approve, and in support of Resolution No. 12-11-07-OEM.

Motion made by Commissioner David Salazar to approve Joint Powers Agreement. Second by Commissioner June Garcia. Motion carried.

Mr. Montoya publicly thanked Lieutenant Eugene Garcia for all the work he has conducted as the Coordinator for the office of Emergency Management, and keeping the County involved.

Lieutenant Eugene Garcia publicly thanked the Board of Commissioners for their time and effort.

**25. INDEPENDENT CONTRACTOR AGREEMENT WITH THE SAFETY INSTITUTE FOR 2008\***

County Manager Les Montoya informed the Commission the Independent Contractor Agreement with the Safety Institute is being submitted for renewal.

The Safety Institute has been providing the third party administration of the San Miguel County Drug and Alcohol Policy and Mobile On-Site Urine Collection for random drug testing, breathe alcohol testing and pre-employment drug testing.

Mr. Montoya recommended approval of the renewal of the Agreement as presented.

Motion made by Commissioner David Salazar to approve Agreement as presented Second by Commissioner Albert Padilla. Motion carried.

**26. GOVERNING HOLIDAYS FOR THE YEAR 2008\***

County Manager Les Montoya informed the Commission of Resolution No. SMC-RES-12-11-2007-HR Governing Holidays for the year 2008, presented to County Commission for approval

Mr. Montoya recommended approval of the Resolution No. SMC-RES-12-11-2007-HR.

Motion made by Vice-Chairman Kenneth C. Medina to approve Resolution No. SMC-RES-12-11-2007-HR. Second by Commissioner David Salazar. Motion carried.

**27. COUNTY MANAGER'S PERSONNEL RECOMMENDATIONS TO HIRE AND TO RATIFY THE FOLLOWING INDIVIDUALS TO FILL THE POSITIONS AT THE SAN MIGUEL COUNTY DETENTION CENTER**

**RECOMMENDATION TO HIRE:**

**PROBATIONARY EMPLOYEES**

Fernando Garcia	Detention Officer	Salary: \$19,950.00 Annually
Brian Bernal	Detention Officer	Salary: \$19,950.00 Annually
Theresa Ortega	Detention Officer	Salary: \$19,950.00 Annually
Christopher Romero	Detention Officer	Salary: \$19,950.00 Annually

County Manager Les Montoya informed the Commission vacant positions need to be filled immediately due to employees resigning their positions.

Motion made by Vice-Chairman Kenneth C. Medina to hire and ratify the above employees to fill positions at the San Miguel County Detention Center. Second by Commissioner Albert Padilla. Motion carried.

**28. COUNTY MANAGER'S PERSONNEL RECOMMENDATIONS TO HIRE THE FOLLOWING INDIVIDUAL TO FILL THE FULL TIME CLASSIFIED POSITION OF CONVENIENCE CENTER OPERATOR WITH THE PUBLIC WORKS DIVISION AS PER THE RECOMMENDATION OF HAROLD GARCIA, PUBLIC WORKS DIVISION SUPERVISOR\***

**RECOMMENDATION TO HIRE:**

**PROBATIONARY EMPLOYEES**

Frank Gonzales	Convenience Center Operator	Salary: \$16,150.00 Annually
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County Manager Les Montoya informed the Commission position was vacant due to the termination of David Benavidez who was placed at the Village of Pecos Convenience Center.

Mr. Montoya submitted for approval to hire and ratify the above employee.

Motion made by Chairman Hugh Ley to hire and ratify the employee to fill the position at the Public Works Division. Second by Commissioner David Salazar. Motion carried.

**29. COUNTY MANAGER'S PERSONNEL RECOMMENDATIONS TO HIRE THE FOLLOWING INDIVIDUAL TO FILL THE FULL TIME CLASSIFIED POSITION AT DETENTION CENTER WITH THE SAN MIGUEL COUNTY DETENTION CENTER AS PER THE RECOMMENDATION OF PATRICK SNEDEKER, WARDEN/FACILITY ADMINISTRATOR\***

**RECOMMENDATION TO HIRE:**

**PROBATIONARY EMPLOYEE**

Kenneth C. Medina Jr.                      Detention Officer                      Salary: \$19,950.00 Annually

Chairman Hugh Ley asked Vice-Chairman Kenneth C. Medina if he would abstain from voting on the issue. Vice-Chairman Kenneth C. Medina said he would abstain.

Motion made by Commissioner David Salazar to hire Kenneth C. Medina Jr. to fill position at the San Miguel County Detention Center. Second by Commissioner June Garcia.

Chairman Hugh Ley called for a roll call vote so the vote is recorded.

Chairman Hugh Ley-No  
Vice-Chairman Kenneth C. Medina-Abstain  
Commissioner David Salazar-Yes  
Commissioner June Garcia-Yes  
Commissioner Albert Padilla-Yes

Motion carried.

**30. PERSONNEL ACTIONS\***

County Manager Les Montoya informed the Commission of personnel actions that have taken place in San Miguel County are submitted for ratification and approval by the San Miguel County Board of Commissioners.

Mr. Montoya submitted for approval the personnel actions that have taken place within San Miguel County.

Motion made by Vice-Chairman Kenneth Medina to approve the personnel actions that have taken place within San Miguel County. Second by Commissioner Albert Padilla. Motion carried.

## **SAN MIGUEL COUNTY BOARD OF FINANCE MEETING**

### **31. AUTOMATED CLEARING HOUSE PREAUTHORIZED SERVICES AGREEMENT BETWEEN SAN MIGUEL COUNTY AND THE BANK OF LAS VEGAS\***

Finance Division Supervisor Melinda Gonzales informed the Commission the payroll section has been able to get things up and running in order to offer employees direct deposit. This agreement is necessary in order for the bank to accept and process the transactions.

Ms. Gonzales recommended approval of the agreement on behalf of San Miguel County.

Motion by Commissioner June Garcia to allow Finance Supervisor, Melinda Gonzales to sign the agreement on behalf of San Miguel County. Second by Vice-Chairman Kenneth C. Medina. Motion carried.

### **32. BUDGET FINANCIAL RESOLUTION 2007-12-11-F1\***

Finance Division Supervisor Melinda Gonzales informed the Commission on miscellaneous budget adjustments.

Ms. Gonzales informed the Commission there was two items: (1) \$30,000.00 grant received last fiscal year for Community Wildfire Protection Plan, (2) CYFD \$50,000.00 appropriation grant received for the visitation program for the children of incarcerated parents at the Detention Center.

Ms. Gonzales recommended approval of Resolution 2007-12-11-F1.

Motion made by Commissioner David Salazar to approve Resolution 2007-12-11-F1. Second by Vice-Chairman Kenneth Medina. Motion carried.

**33. FINANCIAL RESOLUTION 2007-12-11-F2; INTENT TO ADOPT ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND INTERCEPT AGREEMENT BETWEEN THE COUNTY AND THE NEW MEXICO FINANCE AUTHORITY (NMFA), EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE COUNTY TO PAY A PRINCIPAL AMOUNT OF \$1,496,727 TOGETHER WITH INTEREST AND ADMINISTRATIVE FEES THEREON FOR THE PURPOSE OF REFINANCING THE COUNTY'S 2003 LOAN FROM ZIONS BANK AND TO FUND A LOAN AGREEMENT RESERVE ACCOUNT; AND AUTHORIZING AND DIRECTING THE PUBLICATION OF A NOTICE OF MEETING TO CONSIDER FINAL PASSAGE OF AN ORDINANCE AUTHORIZING THE LOAN AGREEMENT AND INTERCEPT AGREEMENT IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE COUNTY\***

Finance Division Supervisor Melinda Gonzales informed the Commission during the Regular Commission meeting of September 11, 2007, the Board of County Commissioners approved a NMFA loan application in the amount of \$4,500,000. The loan application was for the refinancing of the Zion Bond as well as a loan for a rock crusher, the design and construction of a public works facility and the cost of renovating the San Miguel County Courthouse. The NMFA Board approved the loan on September 27, 2007. This is the next step in obtaining the loan.

Ms. Gonzales informed the Commission the principal amount has changed from \$3,800,428 to \$3,265,814.

Ms. Gonzales recommended approval of the Financial Resolution 2007-10-18-F2.

Motion made by Commissioner David Salazar to approve Financial Resolution 2007-10-18-F2. Second by Commissioner June Garcia. Motion carried.

**34. INDIGENT CLAIMS \***

Finance Division Supervisor Melinda Gonzales informed the Commission of Indigent Claims submitted and reviewed by the Finance Office.

Ms. Gonzales submitted for approval of Indigent Fund payments to Alta Vista Hospital in the amount of \$93,273.24 includes retaining cost of \$931.25. St. Vincent's Hospital in the amount of \$496.00. Other claims were still in Mr. Gonzales office for processing.



Motion made by Vice-Chairman Kenneth Medina for approval for Alta Vista Hospital in the amount of \$93,273.24, and St. Vincent's Hospital in the amount of \$496.00. Second by Commissioner David Salazar. Motion carried.

**35. CASH BALANCE REPORT\***

Finance Division Supervisor Melinda Gonzales informed the Commission of the November 30, 2007 cash balances.

No action taken; for information only;

**36. ACCOUNTS PAYABLE LISTING\***

Finance Division Supervisor Melinda Gonzales submitted Accounts Payable Listing for payments since the last regular meeting.

Ms. Gonzales submitted for approval the Accounts Payable Listings.

Motion made by Commissioner David Salazar to approve Accounts Payable. Second by Commissioner Albert Padilla. Motion carried.

**Executive/Closed Session**

**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)(7) and 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 Meetings Act, NMSA 1978**

County Manager Les Montoya recommended to retire into Executive/ Closed 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 and matters pertaining to the discussion of the acquisition of real property, as permitted by Section 10-15-1-(H)(8) of the Open Meetings Act, NMSA 1978 Motion made by Commissioner David Salazar to retire into Executive/ Closed Session at 3:05 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 and matters pertaining to the discussion of the acquisition of real property, as

permitted by Section 10-15-1(H)(8) of the Open Meetings Act, NMSA 1978. Second by Commissioner June Garcia. Motion carried.

Roll call was taken before County Commission retired into Executive Session at 3:05 P.M.

Chairman Hugh H. Ley	yes
Vice-Chairman Kenneth C. Medina	yes
Commissioner David Salazar	yes
Commissioner June Garcia	yes
Commissioner Albert Padilla	yes

Motion made by Commissioner David Salazar to return from Executive Session. Second by Commissioner June Garcia. Motion carried.

The Commission returned to public session at 3:37 P.M. and Chairman Hugh H. Ley noted for the record that only those matters specified in the motion for closure were discussed in executive session.

#### **ADJOURNMENT**

Motion made by Commissioner June Garcia to adjourn. Second by Vice-Chairman Kenneth C. Medina. Motion carried.

The record will show the time is 3:38 p.m.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2007 as the Official Minutes of the Board of County Commissioners of San Miguel County, New Mexico.

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Hugh H. Ley, Chairman

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Kenneth C. Medina, Vice-Chairman

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David R. Salazar Commissioner

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June J. Garcia, Commissioner

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Albert J. Padilla, Commissioner

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**ATTEST**

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Paul Maez, County Clerk

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Minutes Submitted by: Michelle J. Padilla