

CALL TO ORDER

The Board of County Commissioners of San Miguel County held a Regular Monthly Meeting and a County Board of Finance Meeting on Thursday, March 26, 2009, at 1:30 p.m. at the Board Room of the Donaldo A. Martinez Administration Building, West Las Vegas Schools, 179 Bridge Street., Las Vegas, New Mexico 87701 . The agenda for the County Commission meeting was as follows:

ROLL CALL

Chairman David R. Salazar, Vice-Chairman June J. Garcia, Commissioner Albert Padilla, Commissioner Nicolas T. Leger, and Commissioner Marcellino A. Ortiz were present.

The record will show a quorum was present.

PLEDGE OF ALLEGIANCE

SALUTATION TO THE NEW MEXICO STATE FLAG

APPROVAL OF AGENDA

County Manager Les Montoya requested to move item # 10 to item #3. Mr. Montoya acknowledged the presence of our Legislators. Representative Richard Vigil, Representative Thomas Garcia and Senator Pete Campos were asked to attend the meeting to give a brief summary regarding the recent Legislative Session.

Chairman David Salazar recognized Pamela Garcia. Ms. Garcia is working with Congressman Ben Lujan. An office has been opened at Highlands University in the Purchasing Building.

Motion made by Commissioner Marcellino A. Ortiz to approve agenda as modified. Second by Commissioner Albert Padilla. Motion carried.

APPROVAL OF MINUTES: February 10, 2009 *

Motion made by Commissioner Albert Padilla to approve minutes for Regular Meeting held on February 10, 2009. Second by Commissioner June Garcia. Motion carried.

Senator Pete Campos spoke on the State Budget.

Representatives Richard Vigil and Thomas Garcia spoke concerning Legislative session.

NEW BUSINESS:

1. COUNTY TREASURER'S MONTHLY REPORT AND PRESENTATION ON STATUS TO NEW MEXICO TAXATION AND REVENUE DEPARTMENT BY SAN MIGUEL COUNTY *

San Miguel County Treasurer Alfonso Ortiz, Jr. presented the Treasurer's Monthly Report for the month of February 2009.

For information only. No questions or discussion.

2. LAW ENFORCEMENT PROTECTION FUND*

Sheriff Benjie Vigil advised the Commission concerning funds that the Sheriff's Department receives each year from the Local Government Division (LGD), determined by the number of certified deputies and population in the County. The funds are used only for equipment.

Mr. Vigil asked for approval of the funds.

Motion made by Commissioner Albert Padilla to approve the Law Enforcement Protection Fund. Second by Commissioner Marcellino A. Ortiz. Motion carried.

3. NORTHERN NEW MEXICO WOOD BUSINESS PARK SUBDIVISION*

Planning and Zoning Supervisor Alex Tafoya advised the Commission that the San Miguel County Planning and Zoning Commission, after reviewing Subdivision Application No. SC-0079 and conducting a public hearing on the application, adopted Resolution No. PZ-226, which Resolution recommends to the Board of County Commissioners, with findings of fact, approval of the preliminary plat for the Wood Business Park.

Mr. Tafoya informed the Commission he received no negative comments on the application.

Discussion ensued.

Engineering Consultant Vernon Miller was present to answer any questions.

Chairman Salazar opens a public hearing.

Sharon Vander Meer of EDC advised the Commission the development will bring jobs to the rural community.

Las Vegas Peace and Justice member Mr. Curtis Sola thanked Commissioner Ortiz. Mr. Sola expressed his water concerns.

San Miguel County Public Works Division Supervisor Harold Garcia informed the Commission he is in favor of this development.

Santa Fe Trail Events Center owner Mr. Kenny Zamora inquired about the time line for this development. Mr. Zamora expressed concerns about graffiti and fires.

Adjoining property owner Anita Roy expressed her concerns about the dust emissions from the proposed gravel crusher.

Adjoining property owner Catherine Duke expressed that she had environmental concerns with the development.

County Manager Les Montoya addressed some of the concerns. A grant was received from the USDA for expanding. This will allow local businesses to start or expand.

Mr. Tafoya submitted the following for approval: (1) review of the preliminary plat application and agency's comments; (2) hear the presentation from County staff in regard to application; (3) conduct public hearing and accept public comment and testimony on the application; and (4) accept Resolution No. PZ-226 and approve the preliminary plat.

Motion made by Commissioner Albert Padilla to accept Resolution No. PZ-226 and approve the preliminary plat. Second by Commissioner Marcellino A. Ortiz. Motion carried.

4. USDA APPLICATION-COURTHOUSE RENOVATION*

Planning and Zoning Supervisor Alex Tafoya advised the Commission that San Miguel County previously submitted an application to USDA Rural Development Community Facility Program requesting funding assistance for renovation of the second floor of the Courthouse. Due to repayment schedule of the loan portion of the funding, the County did not accept the grant. USDA has advised that additional funds are available for such projects that are ready to go and has requested that the County consider updating its previous application and re-submit the application for funding consideration.

Mr. Tafoya requested authorization for County staff to update and re-submit the previous application indicating Courthouse Renovation; and authorize the County Manager and County Commission Chairman to sign application forms as appropriate.

Motion made by Commissioner June Garcia to revise application and re-submit; authorize County Manager and County Commission Chairman to sign application forms as appropriate. Second by Commissioner Albert Padilla. Motion carried.

5. PROFESSIONAL SERVICES AGREEMENT(S), PROGRAM AND SERVICES PROVIDERS, EXECUTED AGREEMENT NO. 09-690-9116, NM CHILDREN, YOUTH AND FAMILIES DEPARTMENT AND SAN MIGUEL COUNTY, NM*

Warden/Facility Administrator Patrick Snedeker advised the Commission Agreement No. 09-690-9116, between the NM Children, Youth and Families Department and San Miguel County, NM specific to provision of a continuum of services/alternatives to detention, for San Miguel County youth was approved by the San Miguel County Commission on January 13, 2009. Pursuant to a valid RFP process, program and service providers have been identified, and professional service agreement(s) have been entered into.

Mr. Snedeker informed the Commission the two service agreements are the Las Vegas Juvenile Justice Collaborative Board Coordinator position which is Dr. Erica Durkus. The second agreement is Families That Care.

Mr. Snedeker requested ratification of the program and service providers, along with associated professional services agreement(s).

Motion made by Commissioner Albert Padilla to approve ratification. Second by Commissioner Marcellino A. Ortiz. Motion carried.

6. AWARD OF BID FOR THE CONSTRUCTION OF THE SAN JUAN ROAD IMPROVEMENT PROJECT *

Public Works Division Supervisor Harold Garcia advised the Commission that San Miguel County recently invited bids for the construction of the San Juan Road Improvement Project. Improvements for this project include blading and shaping of the road surface, improvement of the bar ditches, and base course. There are also two low water crossings that will be improved. Seven (7) Contractors submitted bids.

The lowest bid was in the amount of \$80,988.40, submitted by Rocky Road Gravel Products.

Mr. Garcia asked that contract be awarded to Rocky Road Gravel Products as recommended by the County Engineer, in the amount of \$80,988.40.

Motion made by Commissioner Marcellino A. Ortiz to award bid to Rocky Road Gravel Products as recommended by the County Engineer in the amount of \$80,988.40. Second by Commissioner June Garcia. Motion carried.

7. IDENTIFICATION OF THREE (3) ROAD IMPROVEMENT PROJECTS FOR SUBMITTAL TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR ALLOCATION OF LOCAL GOVERNMENT ROAD FUNDS FOR FISCAL YEAR 2009-2010*

Public Works Division Supervisor Harold Garcia advised the Commission that the New Mexico Department of Transportation recently notified San Miguel County of the opportunity to apply for Local Government Road Funds through the Co-op, School Bus, and County Arterial Programs. These funds have been made available to San Miguel County in the past wherein San Miguel County has successfully been awarded funds. The program will fund 75% of funds through the Department of Transportation with a required match of 25% from San Miguel County.

Vice-Chair June Garcia stated for the record that El Camino be put on the list for future funding.

Mr. Garcia submitted for review the list of Road Projects identified by staff, consider the three projects recommended by staff, and ratify the three road projects submitted by staff. These roads include 1) Harris Road, 2) Storrie Project Road, and 3) Chapell Road.

Motion made by Commissioner Marcellino A. Ortiz to ratify the list of roads submitted by staff for funding to the New Mexico Department of Transportation as prioritized by the County Commission. Second by Commissioner Albert Padilla. Motion carried.

8. ADOPTION OF 2009 SAN MIGUEL COUNTY ROAD LOG*

Public Works Division Supervisor Harold Garcia advised the Commission that the New Mexico Department of Transportation requires San Miguel County to adopt the County Road Log on an annual basis in order to qualify for funds from the New Mexico Department of Transportation.

The only change made by Mr. Garcia would be the removal of County Road C10. County Road C10 is being maintained by Harding County.

Mr. Garcia requested adoption of the County Road Log for 2009.

Motion made by Commissioner Albert Padilla to adopt the County Road Log. Second by Commissioner June Garcia. Motion carried.

9. NORTHERN NEW MEXICO WOOD BUSINESS PARK (NNWBP) COVENANTS, CONDITIONS, RESTRICTIONS AND POLICIES*

County Manager Les Montoya advised the Commission that the Draft Covenants are submitted for review by the Commission. The Draft document was prepared by LV/SM Economic Development Inc. and County Staff. These Covenants are proposed to serve as the guiding documents for development purposes at the NMWBP. The Covenants once approved will be enforced by EDC. Preparation of the document was done by both EDC Attorney and Mr. Lopez, County Attorney.

Chairman Salazar suggests that the Commission allow the public time to receive a copy from Manager's office for input on concerns.

Mr. Montoya asked for direction to proceed with advertisement of covenants along with a 30 day period to allow for public comment. Mr. Montoya will then return the comments at the May meeting. The Commission agreed by general concensus.

10. GRANT AGREEMENT WITH STATE OF NEW MEXICO DEPARTMENT OF VETERANS SERVICE*

County Manager Les Montoya advised the Commission the County agreed to purchase a bus to transport Veterans to medical appointments. The County is to provide operating costs to provide said services.

County Manager Les Montoya informed the Commission this Grant Agreement was originally appropriated for the City of Las Vegas but for various reasons the City declined. The van would

be owned by the County and the maintenance would be the responsibility of the County. The County would also be responsible to provide drivers.

Northern New Mexico Veterans Community Development Corporation members Mr. Macario Gonzales and Victor Cordova were present to answer any questions.

Mr. Macario Gonzales advised the Commission that Mr. Cordova and he are prepared to provide two certified drivers. The drivers would be two volunteers from the Veterans Organization.

Mr. Victor Cordova expressed his gratitude to the County for wanting to take on the task of transporting veterans to medical appointments.

Discussion ensued.

Mr. Montoya submitted the Grant Agreement for approval.

Motion made by Commissioner Albert Padilla to approve Agreement with commitment to carry out services with the available funding. Second by Commissioner Marcellino A. Ortiz. Motion carried.

11. MEMORANDUM OF UNDERSTANDING , DEPARTMENT OF FINANCE AND ADMINISTRATION EL VALLE WATER ALLIANCE AND SAN MIGUEL COUNTY TO COMPLETE A REGIONAL CIRCUIT RIDER MANAGEMENT AND OPERATIONS PROGRAM IN SAN MIGUEL COUNTY*

County Manager Les Montoya advised the Commission that the Alliance and County have discussed working together to create and maintain efficient systems in San Miguel County. The funding provided by DFA provides the funding to set up an organizational structure to carry out the task of creating and monitoring efficient water systems in San Miguel County.

Mr. Ramon Lucero was present to answer any questions.

Mr. Lucero advised the Commissioner the stimulus package the State is giving to the County is in the amount of \$350,000.00. This is to allow the County to hire a general manager, a certified operator and a bookkeeper.

Mr. Montoya asked for review and ratification of the agreement.

Motion made by Commissioner Marcellino A. Ortiz to approve and ratify the executed agreement. Second by Commissioner Albert Padilla. Motion carried.

12. COUNTY MANAGER'S PERSONNEL RECOMMENDATIONS TO HIRE THE FOLLOWING INDIVIDUAL TO FILL VACANT POSITION WITH THE SAN MIGUEL COUNTY SECTION 8 HOUSING PROGRAM AS PER THE RECOMMENDATION OF GILBERT ALMANZA, SECTION 8*

RECOMMENDATION TO HIRE:

PROBATIONARY EMPLOYEE

Tami Hernandez Housing Specialist Salary: \$ 17,100 Annually

County Manager Les Montoya informed the Commission the Housing Specialist position became available on February 16, 2009. Position was advertised in-house but there was no interest. The position was also advertised in the local paper and on the County's Web Site. Several applications were received. Four applicants were interviewed and Ms. Hernandez was the best qualified to fill this vacant position.

Mr. Montoya submitted for approval to hire Ms. Tami Hernandez as the new Housing Specialist with the San Miguel County Section 8 Housing Program.

Motion made by Commissioner June Garcia to hire Ms. Tami Hernandez as the new Housing Specialist with the San Miguel County Section 8 Housing Program. Second by Commissioner Nicolas T. Leger. Motion carried.

SAN MIGUEL COUNTY BOARD OF FINANCE MEETING

13. BUDGET ADJUSTMENT 2009-03-25-F1*

Finance Division Supervisor Melinda Gonzales informed the Commission on Miscellaneous Budget Adjustments.

Ms. Gonzales submitted the same for review and approval.

Motion made by Commissioner Albert Padilla to approve budget adjustments. Second by Commissioner June Garcia. Motion carried.

14. THE FINANCIAL STATEMENT FOR FY 07/08 WITH THE INDEPENDENT AUDITOR'S REPORT *

Finance Division Supervisor Melinda Gonzales informed the Commission the County received a letter dated February 10, 2009 stating that the Fiscal Year 2007-2008 audit has been completed. The County received an unqualified opinion. The audit is being presented to the County Commission for approval as required by law.

Discussion ensued, and Commissioner Leger commended Ms. Gonzales for the good audit.

Ms. Gonzales submitted for review and approval of the Financial Statement for FY 07/08 with the Independent Auditor's Report.

Motion made by Commissioner Albert Padilla to approve the Financial Statement (audit). Second by Commissioner Marcellino A. Ortiz . Motion carried.

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)(7) 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 Albert Padilla to retire into Executive/ Closed Session at 4:03 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

Chairman David Salazar	Yes
Vice-Chairman June Garcia	Yes
Commissioner Albert Padilla	Yes
Commissioner Nicolas T. Leger	Yes
Commissioner Marcellino A. Ortiz	Yes

Unanimous vote to retire into executive session.

Commissioner Nicolas T. Leger made a motion to return to regular session at 5:14P.M. Second by Commissioner Albert Padilla. Motion carried.

The record will show that no action was taken in the Executive Session, and matters discussed in the closed meeting were limited to those specified in the motion for closure.

ADJOURNMENT

Commissioner June Garcia made motion to adjourn. Second by Commissioner Nicolas T. Leger. Motion carried. The meeting ended at 5:15 P.M.

Approved this _____ day of _____, 2009 as the official minutes of the Board of County Commissioners of San Miguel County, New Mexico, of its regular meeting held March 26, 2009.

David R. Salazar, Chairman

June J. Garcia, Vice-Chairman

Nicolas T. Leger, Commissioner

Marcellino A. Ortiz, Commissioner

Albert J. Padilla, Commissioner

ATTEST

Melanie Y. Rivera, County Clerk

Minutes Submitted by: Michelle J. Padilla