

**MINUTES OF THE SAN MIGUEL COUNTY  
BOARD OF COMMISSIONERS FOR  
REGULAR MONTHLY MEETING HELD APRIL 13, 2010  
CALL TO ORDER**

The Board of County Commissioners of San Miguel County held a regular monthly meeting and Board of Finance meeting on Tuesday, April 13, 2010, beginning at 1:30 p.m. at the San Miguel County Commission Chambers, County Courthouse, 2<sup>nd</sup> floor, 500 West National Ave., Suite 200, Las Vegas, New Mexico 87701. The agenda for the County Commission meeting was as follows:

**ROLL CALL**

Chairman David R. Salazar, Vice-Chair June J. Garcia, Commissioner Albert J. Padilla, Commissioner Marcellino A. Ortiz, and Commissioner Nicolas T. Leger were all present, and a quorum was duly established.

**PLEDGE OF ALLEGIANCE**

**SALUTATION TO THE NEW MEXICO STATE FLAG**

**APPROVAL OF AGENDA**

Chairman David Salazar asked that Item 10 be advanced as Item 1, and motion made by Commissioner Padilla to approve the agenda as revised by the Chairman. Second by Commissioner Ortiz, and motion carried.

**APPROVAL OF MINUTES:**

Motion made by Commissioner June Garcia to approve the minutes for the special meeting held January 22, 2010. Second by Commissioner Albert Padilla. Motion carried.

Motion made by Commissioner Marcellino A. Ortiz to approve the minutes for the special meeting held February 1, 2010. Second by Commissioner Albert Padilla. Motion carried.

Motion made by Commissioner Marcellino A. Ortiz to approve the minutes for the special meeting held on March 2, 2010. Second by Commissioner Albert Padilla. Motion carried.

Motion made by Commissioner June Garcia to approve the minutes for the regular meeting held on March 16, 2010. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**INTRODUCTION OF NEW EMPLOYEES:**

The following new employees were introduced by the County Manager:

Charles Chuck Griego (Probationary Part-Time Employee)	DWI Tracker	DWI Division
Mark Dominguez	Equipment Operator II	Public Works Division

(Probationary Employee)

**PROCLAMATION FOR NATIONAL COUNTY GOVERNMENT MONTH IN SAN MIGUEL COUNTY APRIL 2010, AND SAN MIGUEL COUNTY SPONSOR'S BUSINESS AFTER HOURS TO PROMOTE COUNTY GOVERNMENT MONTH APRIL 29, 2010**

Commissioner June Garcia advised the Commission that the National Association of Counties is the only national organization that represents county governments in the United States, and that San Miguel County and the National Association of Counties are working together to restore the partnership among all levels of government to better serve American communities.

Motion made by Commissioner Albert Padilla to approve the Proclamation. Second by Commissioner June Garcia. Motion carried.

**PRESENTATION OF CERTIFICATE RECOGNIZING PARTICIPATION IN THE 2010 NEW MEXICO STATE SPELLING B. CHAMPIONSHIP TO MS. DEAWNA D. TAPIA**

Chairman David Salazar presented a certificate recognizing Ms Deawna D.Tapia. Ms. Tapia represented San Miguel County in the New Mexico State Spelling Bee.

**PRESENTATION OF CERTIFICATES AND YEARS OF SERVICE PINS TO SAN MIGUEL COUNTY ELECTED OFFICIALS**

The following elected officials were presented service pins for their years of dedication to San Miguel County:

Sheriff Benjie Vigil-twenty-three years of service  
County Assessor Elaine Estrada-twenty years of service  
County Treasurer Alfonso E. Ortiz-five years of service  
Probate Judge Horace Lucero-seven years of service  
County Clerk Melanie Y. Rivera-fourteen years of service

**NEW BUSINESS:**

**SAN MIGUEL COUNTY BOARD OF FINANCE MEETING**

- 1. INDIGENT CLAIMS FOR ALTA VISTA HOSPITAL IN THE AMOUNT OF \$45,486.96**

Finance Division Supervisor Melinda Gonzales advised the Commission that her office has received, reviewed and processed the indigent claims submitted. All claims that meet the guidelines are listed on the Approved Indigent Claims Listing approval sheet and all claims that do not meet the guidelines are listed on the Denied Indigent Claims Listing. Ms. Gonzales asked approval of indigent claims.

Commissioner Nicolas T. Leger asked Alta Vista Hospital administrator Richard Grogan if he had a response to the Commission's previous request that the County be allowed a representative on the Hospital's Board of Directors.

County Manager Les Montoya advised that he received a letter from Mr. Grogan, on today's date. Mr. Montoya read the letter aloud, by which Mr. Grogan advised the County Commission that its request for a designee on the Board of Directors was denied.

Discussion ensued, including a statement made by Mr. Grogan. Commissioner Leger expressed his disappointment and dissatisfaction with the position taken in this matter by the Hospital, and urged that Hospital reconsider its position.

Motion made by Commissioner Marcellino A. Ortiz to approve indigent claims submitted for approval by the Finance Department. Second by Commissioner Albert Padilla. Motion carried.

## **2. INDIGENT CLAIMS FOR CHRISTUS ST. VINCENT HOSPITAL IN THE AMOUNT OF \$14,999.45**

Finance Division Supervisor Melinda Gonzales advised the Commission that her office has received, reviewed and processed the indigent claims submitted for Christus St. Vincent Hospital. All claims that meet the guidelines are listed on the Approved Indigent Claims Listing approval sheet and all claims that do not meet the guidelines are listed on the Denied Indigent Claims Listing.

Darlene Webber and Melissa Borrego from Christus St. Vincent Hospital were present to answer any questions.

Melissa Tanuz with Christus St. Vincent Hospital spoke briefly concerning the Hospital's procedures and generally concerning San Miguel county patients.

Ms. Gonzales asked approval of indigent claims for Christus St. Vincent Hospital.

Motion made by Commissioner Albert Padilla to approve payment of indigent claims for Christus St. Vincent. Second by Commissioner June Garcia. Motion carried.

## **3. INDIGENT APPEAL FOR CHRISTUS ST. VINCENT HOSPITAL IN THE AMOUNT OF \$10,000**

Finance Supervisor Melinda Gonzales advised the Commission that in February 2010, the Finance Office submitted the subject claim with a recommendation for denial based on the applicant being over income levels. His income has since changed and he is requesting the Commission consider this information and approve his claim.

Ms. Gonzales asked for direction concerning this claim.

Commissioner June Garcia made a motion to apply the County's regulations concerning income levels for indigent claims, and deny the appeal and payment of the claim. Second by Commissioner Albert Padilla, and motion carried.

**4. INDIGENT BURIAL CLAIM IN THE AMOUNT OF \$850.00, GONZALES FUNERALS AND CREMATIONS**

Finance Supervisor Melinda Gonzales advised the Commission that the Finance Office received a Certificate for Indigent Burial or Cremation from Gonzales Funerals & Cremations. The certificate indicates the cost of those services was in the amount of \$1,200, as follows: \$950 was tied to the cost of burial and cremation, and \$250 was tied to the cost of opening/closing the grave.

Ms. Gonzales asked approval of \$850 of these claims because the applicable statute allows \$600 for burial and/or cremation and allows another \$600 for the opening/closing of graves. Since the cost of the burial exceeded the \$600, the Finance Office is only requesting reimbursement of \$600 for the burial and \$250 for the opening/closing of the grave.

Motion made by Commissioner Marcellino A. Ortiz to approve burial claim as outlined above by Ms. Gonzales. Second by Commissioner Albert Padilla. Motion carried.

**5. RECOMMENDATION TO RETAIN MEYNERS AND COMPANY, LLC TO PERFORM THE AUDIT SERVICES FOR FISCAL YEAR ENDING JUNE 30, 2010**

Finance Division Supervisor Melinda Gonzales advised the Commission that the County issued a request for proposals for professional audit services for the fiscal year ending June 30, 2010. Only one firm responded, Meyners and Company, and Ms. Gonzales asked that the contract for audit services be awarded to that firm, all subject to approval by the office of the NM State Auditor.

Motion made by Commissioner June Garcia to award the professional services contract to Meyners and Company, LLC, as recommended by Ms. Gonzales, and pursuant to the procurement process initiated by the RFP issued by the County. Second by Commissioner Nicolas T. Leger. Motion carried.

**6. BUDGET ADJUSTMENT RESOLUTION 2010-04-13-F1**

Finance Supervisor Melinda Gonzales advised the Commission that staff is requesting an increase of \$15,000 to the Tecolote Volunteer Fire Department Budget to account for a grant approved during the last Commission meeting. Staff is also requesting an increase of \$2,000 in the Lodgers' Tax Fund for promotional activities.

Discussion ensued.

Ms. Gonzales asked approval of the budget adjustment resolution explained above.

Motion made by Commissioner Albert Padilla to approve budget adjustment resolution 2010-04-13-F1. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**7. LISTING OF EXCESS PROPERTY TO BE AUCTIONED, DESTROYED OR SOLD FOR SCRAP METAL**

Finance Supervisor Melinda Gonzales advised the Commission that during the return move to the Courthouse, the Finance Office requested from all county offices, identification of items that were no longer needed, to be disposed of as excess and obsolete property, as provided by law. The items to be sold include 1 safe, 17 desks, 1 metal file, 1 small coffee table and 2 small rolling file cabinets. The items to be destroyed (based on condition) include 1 small coffee table, 5 chairs, 1 file cabinet, 1 sorter for copier and assorted desk parts. The items to be sold for scrap metal include 25 file cabinets and 2 metal desks.

Ms. Gonzales asked approval of the Resolution providing for disposal of the aforesaid tangible personal property, as provided by law.

Motion made by Commissioner Albert Padilla to adopt Resolution. Second by Commissioner June Garcia. Motion carried.

**8. APRIL 2, 2010 CASH REPORT**

For its information and review, Finance Supervisor Melinda Gonzales advised the Commission of the April 2, 2010 cash balances. No questions or concerns were expressed.

**9. ACCOUNTS PAYABLE LISTING**

Finance Division Supervisor Melinda Gonzales advised the Commission of all payments made since the last regular meeting, and asked approval of the accounts payable listing.

Motion made by Commissioner Marcellino A. Ortiz to approve accounts payable listing. Second by Commissioner June Garcia. Motion carried.

**10. COUNTY TREASURER'S MONTHLY REPORT**

San Miguel County Treasurer Alfonso E. Ortiz, Jr., presented the Treasurer's Monthly Report for the month of March 2010.

For information only. No questions or concerns were expressed.

## SAN MIGUEL COUNTY COMMISSION REGULAR MEETING

### 11. PROPOSED REVISION TO WIND ENERGY FACILITY ORDINANCE

Planning and Zoning Supervisor Alex Tafoya advised the Commission that the Task Force working on the proposed wind energy ordinance has revised existing Ordinance No. SMC-10-14-03-ORD, relating to renewable energy facilities that use wind as an energy source. The revised Ordinance is being presented to the Board of County Commissioners, not for any kind of formal action, but for informal initial review and comment.

County Attorney Jesus L. Lopez reviewed for the Commission and the public the general procedure and legal process for the imminent consideration and adoption of the proposed ordinance, and noted that the formal process had not yet been initiated; that the process will begin when the Commission adopts a resolution proposing the adoption of the ordinance.

Chairman David Salazar invited the public for to offer comments, recommendations or objections concerning the draft ordinance, and asked that comments be limited to three minutes per person. The following individuals offered comments:

Rebecca Wiseman	Melanie Lohmann
Gloria Luz Gonzales	Roberto Rios
Deborah Seevey	Sarah Moore
Keely Meagan	John Offerson
Mark Jacobson	Bill Madison
Eric Meyerhoffer	Bud Bradford
Rock Ulibarri	Catherine Montano
Estevan Maldavin	Amanda Hargess
Adam Caldwell	Sharon Franklet
Miguel Pacheco	Gerard Padilla
Lisa Quintana	

A discussion ensued by the Commissioners, staff and the public.

County Manager Les Montoya recommended that staff work on addressing the issues that were presented, incorporate any revisions upon which there appeared to be agreement, and present a revised draft to the Task Force for review, and thereafter begin the formal hearing process for adoption of the new ordinance. In this regard, the County Manager recommended that no action be taken on the resolution proposing adoption of the ordinance; that such resolution be brought

before the Commission at such time as he and staff are satisfied that the draft is ready for formal consideration and action.

Chairman David Salazar, on behalf of the entire Commission, concurred with the County Manager's recommendations, as noted above, and no further action was taken in this matter.

Chairman David Salazar called a recess at 4:35 p.m.

The meeting reconvened at 5:00 p.m.

## **12. CRUSHER GRAVEL SURFACE-QUARRY OPERATION**

Planning and Zoning Supervisor Alex Tafoya advised the Commission that on March 24, 2010, the San Miguel County Planning and Zoning Commission heard Application No. CU-0227, said application submitted by the Public Works Division for a conditional use permit to establish and operate a crusher gravel surface-quarry mining operation. The P & Z Commission took action to approve the application as per Resolution No. PZ-234 and recommends approval of the application for conditional use permit and preliminary plat approval. The Sand and Gravel Mining Ordinance requires that the Board of County Commissioners also hear the application and take action to approve or deny the plat and development plan.

Public Works Division Foreman Harold Garcia made a short presentation.

Discussion ensued.

Chairman David Salazar opens public hearing at this time.

Resident Catherine Montano advised the Commission that she is disturbed with the plans for the medite property.

Las Dispensas resident Brad Turk advised the Commission he is proud of what the County is doing.

There being no further comment by anyone in attendance, Chairman David Salazar closed public hearing, whereupon P & Z supervisor Tafoya recommended that the Commission adopt the resolution approving the plat and development plan, as recommended by the Planning and Zoning Commission. Motion made by Commissioner Albert Padilla to approve the final plat and development plan. Second by Commissioner Marcellino A. Ortiz. Motion carried.

## **13. OIL AND GAS ORDINANCE TASK FORCE APPOINTMENTS**

Planning and Zoning Supervisor Alex Tafoya advised the Commission that San Miguel County has accepted letters of interest from individuals who wish to be appointed to and serve on the County's Oil and Gas Ordinance Task Force. The County received letters from fourteen (14)

individuals, which were then reviewed by a committee composed of county staff and one (1) County Commissioner.

Mr. Tafoya recommended the appointment of the following individuals to the task force charged with formulating a draft ordinance for oil and gas exploration in San Miguel County, each person representing the organization or interest indicated:

Karin Foster, Independent Petroleum Association of New Mexico; John Michael Richardson, Petroleum and Mineral Land Services; Jeffrey Mills, NMED, Las Vegas, NM; and Ken Benston, Ph.D., NMHU.

Citizen representatives: J. David Blagg, General Contractor, Sapello, NM, Ernesto Borunda, retired, Bernal, NM, and Larry Web, Newkirk, NM.

County Representatives: Nicolas T. Leger, County Commissioner, Les Montoya, County Manager, and Alex Tafoya, Planning and Zoning Supervisor.

Motion made by Commissioner Albert Padilla to approve recommended appointments to the Oil and Gas Ordinance Task Force. Second made by Commissioner Marcellino A. Ortiz. Motion carried.

#### **14. APRIL IS FAIR HOUSING MONTH**

Planning and Zoning supervisor Tafoya advised the Commission that April is Fair Housing Month in New Mexico.

Mr. Tafoya recommended adoption of the Proclamation Designating April as Fair Housing Month.

Motion made by Commissioner Marcellino A. Ortiz to adopt Proclamation. Second by Commissioner Albert Padilla. Motion carried.

#### **15. FAIR HOUSING POLICY**

Planning and Zoning Supervisor Alex Tafoya advised the Commission that DFA-Local Government Division recommends that the Fair Housing Policy be reviewed and approved annually to ensure the County is up-to-date with such policy and in compliance with the various funding sources that are administered by DFA-Local Government Division, such as the Community Development Block Grant program.

Mr. Tafoya recommended adoption of the Fair Housing Policy.

Motion made by Commissioner June Garcia to adopt the Fair Housing Policy. Second made by Commissioner Albert Padilla. Motion carried.

**16. PARAMETRIX INC., PROFESSIONAL SERVICES AGREEMENT, ANNUAL EXTENSION**

Planning and Zoning Supervisor Alex Tafoya advised the Commission that San Miguel County's professional services agreement with Parametrix, Inc., for engineering, planning and environmental services has a term of four years renewable on a yearly basis. To continue utilizing such professional services, it is necessary to renew the agreement for a second year. Mr. Tafoya recommended renewal of the professional services agreement by and between San Miguel County and Parametrix, Inc., for a second year

Motion made by Commissioner Albert Padilla to renew the professional services agreement for a second year. Second by Commissioner Marcellino A. Ortiz. Motion carried

**17. UPDATE ON FIRE DEPARTMENT PROJECTS**

Fire Chief Russell Pacheco advised the Commission as follows: La Placita VFD (repeater for communications), Cabo Lucero and Sapello/Rociada VFD (purchase of fire apparatus), and Sapello/Rociada fire station (addition). The presentation was made to inform the Commission, and no action was either required or taken.

**18. FIREFIGHTING TRAINING TO BE GIVEN TO SAN MIGUEL COUNTY FIRE DISTRICTS**

Wildland Fire Coordinator Kenneth Medina, Jr., advised the Commission that there will be a Wildland Refresher Course, Arduous Pack Test and Wildland Firefighter Training given to the San Miguel County Fire Districts during the months of April and May, 2010. For information only. No questions or discussion.

**19. REQUEST FOR OUT OF STATE TRAVEL TO LAS VEGAS, NV JUNE 6-12, 2010 FOR NMTF1 LOGISTICS CLASS**

Emergency Manager Dennis English advised the Commission that the Emergency Manager has previously been approved by the County Commission to be a member of the New Mexico Task Force 1 Urban Search and Rescue Team. In that capacity, he will attend a week-long class which will cover logistics handling, which area is within his job duties and description. All travel expenses will be reimbursed by FEMA.

Mr. English asked for approval of his requested out-of-state travel.

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

**20. PUBLIC WORKS DIVISION MONTHLY REPORT FOR THE MONTH OF MARCH 2010**

County Manager Les Montoya advised the Commission that the San Miguel County Public Works Division submits a report to the County Commission on a monthly basis on any maintenance, including blading of County roads and/or special projects with County roads that are addressed.

For informational purposes only.

**21. MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN FOURTH JUDICIAL DISTRICT COURT AND SAN MIGUEL COUNTY TO FINANCE CONSTRUCTION OF JURY BOX IN DISTRICT COURT BUILDING, COURTROOM 3**

County Manager Les Montoya advised the Commission that that District Court is requesting that a jury box be added to Courtroom 3. District Court has funds to pay for construction of the jury box. The MOU establishes administrative understanding to insure construction and payment of all costs involved.

Mr. Montoya submitted the MOU for approval.

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

**22. BID AWARD FOR THE DISTRICT COURTHOUSE JURY BOX CONSTRUCTION PROJECT DIVISION 3 COURTROOM GROUND FLOOR**

County Manager Les Montoya advised the Commission that the District Court has provided funding for the project and the County covered the design work. Bids were opened on April 9, 2010.

County Manager advised the Commission that project amount including gross receipts tax is \$54,640.64 from the lowest bidder, Franken Construction; and he recommended award of the contract to Franken in such amount.

Motion made by Commissioner Albert Padilla to award contract to Franken Construction Company, for the project and in the amount recommended by the Manager. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**23. CITY OF LAS VEGAS NOTIFICATION OF ANNEXATION OF AREA INCORPORATED INTO THE CITY OF LAS VEGAS MUNICIPAL LIMITS/ A TOTAL OF 153.043 ACRES**

County Manager Les Montoya advised the Commission that the City Council on March 29, 2010 incorporated the area into the City of Las Vegas municipal boundaries. The area extends the City limits approximately 1 mile north of existing limits on Hot Springs Blvd., and to the east of Hot Springs Blvd., and on State Road 65 north to the northern boundaries of the New Mexico Behavioral Health Institute.

For information only. No questions or discussion.

**24. RESOLUTION NO. 04-13-2010 SMC-BALER AUTHORIZING THE EXECUTION OF GRANT AGREEMENT NUMBER 09-3562-STB SOLID WASTE BALER (\$50,000) BETWEEN SAN MIGUEL COUNTY AND THE NEW MEXICO ENVIRONMENT DEPARTMENT SOLID WASTE BUREAU**

Public Services Foreman Harold Garcia advised the Commission that San Miguel County recently received Grant Agreement Number 09-9562-STB for a solid waste baler in the amount of \$50,000 through the New Mexico Environment Department Construction Programs Bureau. This Grant is for “design, construction, purchase and installation of a solid waste baler at the County Public Works facility in San Miguel County.

Mr. Garcia asked for adoption of Resolution No. 0-13-2010 SMC-BALER authorizing Grant Agreement Number 09-9562-STB between San Miguel County and the New Mexico Environment Department Solid Waste Bureau, as noted above.

Motion made by Commissioner Marcellino A. Ortiz to adopt Resolution No. 04-13-2010 SMC-BALER. Second by Commissioner Albert Padilla. Motion carried.

**25. WILDLAND FIRE COORDINATOR CURRENTLY WORKING ON BURN ORDINANCE FOR SAN MIGUEL COUNTY**

Wildland Fire Coordinator Kenneth Medina, Jr., advised the Commission that as per the Community Wildfire Protection Plan the Wildland Fire Coordinator is currently working on a burn ordinance to protect the Wildland and citizens of San Miguel County.

For information only. No questions or discussion.

**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 Nicolas T. Leger to retire into Executive/Closed Session at 6:10 p.m. to discuss the matters outlined above by the County Manager. Second by Commissioner Albert Padilla, and a roll call vote was taken as follows:

Chairman David Salazar	Yes
Vice-Chair 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 June Garcia made a motion to return to regular session at 6:15 P.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 Marcellino A. Ortiz made motion to adjourn. Second by Commissioner Albert Padilla. Motion carried. The meeting ended at 6:53 P.M.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2010 as the official minutes of the Board of County Commissioners of San Miguel County, New Mexico, of its regular meeting held April 13, 2010.

\_\_\_\_\_  
David R. Salazar, Chairman

\_\_\_\_\_  
June J. Garcia, Vice-Chair

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Albert J. Padilla, Commissioner

\_\_\_\_\_  
Marcellino A. Ortiz, Commissioner

\_\_\_\_\_  
Nicolas T. Leger, Commissioner

ATTEST

\_\_\_\_\_  
Melanie Y. Rivera, County Clerk

\_\_\_\_\_  
Minutes Submitted by: Michelle J. Padilla