

PUBLIC NOTICE

***MINUTES OF REGULAR MONTHLY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, NEW MEXICO
HELD TUESDAY, AUGUST 10, 2010***

CALL TO ORDER

The San Miguel County Board of Commissioners held a regularly scheduled monthly meeting on August 10, 2010, at 1:30 p.m., and during the meeting also convened as the County Board of Finance.

The meeting was held at the San Miguel County Commission Chambers, County Courthouse, 2nd 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 Nicolas T. Leger, and Commissioner Marcellino A. Ortiz were all present.

All Commissioners being in attendance, a quorum was established.

PLEDGE OF ALLEGIANCE

SALUTATION TO THE NEW MEXICO STATE FLAG:

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

APPROVAL OF AGENDA

County Manager Les Montoya presented the agenda to the Commission and requested approval.

Motion to approve agenda as submitted by County Manager Les Montoya, by Commissioner June Garcia. Second by Commissioner Marcellino Ortiz. Motion carried.

APPROVAL OF MINUTES: Special Meeting May 4, 2010, Special Meeting June 23, 2010, Regular Meeting June 29, 2010, Regular Meeting July 13, 2010 and Special Finance Meeting July 27, 2010.

Motion to approve minutes of Special Meeting held May 4, 2010, by Commissioner Albert Padilla. Second by Commissioner June Garcia. Motion carried.

Motion to approve minutes of Special Meeting held June 23, 2010, by Commissioner June Garcia. Second by Commissioner Marcellino Ortiz. Motion carried.

Motion to approve minutes of Regular Meeting held June 29, 2010, by Commissioner Marcellino Ortiz. Second by Commissioner Albert Padilla. Motion carried.

Motion to approve minutes of Regular Meeting held July 13, 2010, by Commissioner Albert Padilla. Second by Commissioner June Garcia. Motion carried.

SAN MIGUEL COUNTY BOARD OF FINANCE MEETING

1. COUNTY TREASURER'S MONTHLY REPORT

(Backup)

County Treasurer Alfonso E. Ortiz, Jr., reviewed the County Treasurer's monthly report for the month of July, 2010.

Mr. Ortiz congratulated the Commission and the employees for the wonderful Public Works facility and the improvements it will offer.

Chairman Salazar thanked Mr. Ortiz for his hard work and concern for the taxpayers.

No action taken. For information purposes only.

2. INDIGENT CLAIMS FOR ALTA VISTA HOSPITAL IN THE AMOUNT OF \$53,348.54

(Backup) (Backup) (Backup)

Finance Supervisor Melinda Gonzales advised the Commission that the finance 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 requested approval for indigent claims for Alta Vista Hospital in the amount of **\$53,348.54**.

Commissioner Nicolas Leger asked why Alta Vista CEO Richard Grogan was not present, as previously requested by the Commission.

Ms. Gonzales advised that a Hospital representative was present and said she was informed that Mr. Grogan was on vacation.

Commissioner Leger noted his previous requests that Mr. Grogan be present to discuss with the Commission issues relating to the Hospital and its employee union.

Chairman Salazar and Commissioner Leger both formally requested that Mr. Grogan be present for the next regular meeting.

Motion by Commissioner Nicolas Leger to approve indigent claim to Alta Vista Hospital in the amount of **\$53,348.54**. Second by Commissioner Marcellino Ortiz. Motion carried.

3. RESOLUTION NO. 2010-08-10-F1 AUTHORIZING APPLICATION TO NMFA TO PURCHASE LAW ENFORCEMENT VEHICLES, SHERIFFS DIVISION

(Backup) (Backup) (Backup)

Finance Supervisor Melinda Gonzales requested approval of **RESOLUTION NO. 2010-08-10-F1** authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority for the purpose of purchasing three (3) law enforcement vehicles for the Sheriff's office. The money to be pledged for the payoff of the loan will be the Law Enforcement Protection Fund (LEPF). The County has been receiving \$24,200 a year in funding, which may change based on the number of deputies who are certified at the time of LEPF funding application.

Commissioner Albert Padilla questioned the need for three (3) new vehicles when Sheriff Vigil has more vehicles than employees.

Ms. Gonzales advised that Sheriff Vigil plans to replace the 2003 year vehicles and that they will be auctioned off or used for parts upon the purchase of new vehicles.

Motion to approve **RESOLUTION NO. 2010-08-10-F1** authorizing application to NMFA to purchase law enforcement vehicles, by Commissioner June Garcia. Second by Commissioner Nicolas Leger. Motion carried, with Commissioner Albert Padilla voting in the negative.

4. ADDENDUM TO LEASE AGREEMENT FOR THE APACHE SPRINGS TOWER SITE

(Backup) (Backup)

Finance Supervisor Melinda Gonzales advised the Commission that the County entered into a lease agreement with the James Henry Trigg Revocable Trust in order to lease property for the Apache Springs Tower Site. The term of the lease is for twenty years beginning June 1, 2007. The County has been informed that the property has been transferred to Mary Louise Trigg, individually.

Ms. Gonzales requested approval of Addendum to Lease Agreement for the Apache Springs Tower Site, substituting the Lessor, from the revocable trust, to Mary Louise Trigg, individually.

Motion to approve Addendum to Lease Agreement for the Apache Springs Tower Site, by Commissioner Marcellino Ortiz. Second by Commissioner June Garcia. Motion carried.

5. HOUSTON-GALVESTON AREA COUNCIL (HGAC) INTERLOCAL CONTRACT FOR COOPERATIVE PURCHASING

(Backup)

Finance Supervisor Melinda Gonzales advised that the Fire Marshal has requested that we update our interlocal contract with HGAC. As allowed by Section 13-1-129 of the Procurement Code, NMSA 1978, as amended, the County will use this contract in order to procure items under an existing contract. Prior to approving any purchase the Finance Office will ask HGAC to verify quotes received from vendors to determine if they are valid and responsible, and meet the terms of the contract.

Commissioner Leger asked if the County has used this process previously, and Ms. Gonzales answered that it has been used within the past few years for the purchase of County fire trucks.

Motion to renew interlocal contract with Houston-Galveston Area Council (HGAC) for cooperative purchasing, by Commissioner Albert Padilla. Second by Commissioner Marcellino Ortiz. Motion carried.

**6. JULY 30, 2010 CASH BALANCE REPORT
(Backup)**

Finance Supervisor Melinda Gonzales presented the July 30, 2010, cash balance report as submitted.

Commissioner Leger asked if any changes were made to the cash balances and figures discussed in the last special finance meeting.

Ms. Gonzales answered that the cash balance is for the end of the month and did not affect what was presented at the special finance meeting.

No action taken. For information only.

**7. ACCOUNTS PAYABLE LISTING JULY 2010
(Backup)**

Finance Supervisor Melinda Gonzales submitted to the Commission the Accounts Payable Listing for July, 2010, and requested Commission approval.

Motion to approve Accounts Payable Listing for July, 2010, by Commissioner June Garcia. Second by Commissioner Albert Padilla. Motion carried.

REGULAR MEETING

**8. ROAD NAME CHANGES E-911 ADDRESSING
(Backup)**

Computer Information Specialist Mário H. Vásquez presented the Commission with the following road name changes, and submitted the reasons for the name-change requests in the respective districts:

District 2:

- Holder Lane to Rainbow Trout Lane - This road was not named correctly when the E911 project started. The registered plat has this road listed as Rainbo Trout Ln. (Pecos Canyon - Hidden Haven Subdivision). There are nine residents that live off the road and six residents have signed the Road Name Petition.
- Via Serano Way to Purple Thistle Ln - Residents request the change along the County Road B65 Corridor. There are six residents that live off the road and three residents have signed the Road Name Petition.

District 3:

- Villa Sangria - Two residents request their driveway to be named. The driveway is located off Seventh Street across NM Highway 518 from Glenwood Estates.

District 5:

- County Road C48A to Corazon Rd - Residents request to change the County Road name to reflect the historical village of Corazon, NM. There are eight residents that live off the road and four residents have signed the Road Name Petition.

Mr. Vásquez advised the Commission concerning the procedure for a road name change.

Discussion ensued.

Motion to approve **RESOLUTION NO. 08-10-10 E911-01 re road name changes**, by Commissioner Albert Padilla. Second by Commissioner Marcellino Ortiz. Motion carried.

9. RESOLUTION NO. 08-10-10-PZ PROPOSING ADOPTION OF SAN MIGUEL COUNTY WIND ENERGY FACILITY ORDINANCE (Backup) (Backup)

Planning and Zoning Supervisor Alex Tafoya advised the Commission that at its August 3, 2010 County Commission meeting, the Board of County Commissioners continued its deliberation and consideration of a resolution proposing adoption of a wind energy facility ordinance, but took no action on the Resolution.

Chairman Salazar announced that the Commission did not want to act hastily concerning a wind energy facility ordinance; that the Commission should act cautiously and carefully. Chairman Salazar then invited the County Manager to address the Commission concerning an idea that was proposed to the Manager concerning buffer zones for wind energy facilities.

County Manager Les Montoya informed the Commission that he visited with a resident who suggested the Commission take a different approach concerning buffer zones, namely, that such zones be created in environmentally sensitive areas of the county, especially along the Pecos and Gallinas Rivers.

Mr. Montoya suggested that this major policy change in the proposed ordinance be considered in more detail by the Commission, by the Task Force and by the public.

Discussion ensued among the County Commissioners and the County Attorney, but no action was taken.

County Manager Les Montoya asked that Gloria Luz Gonzales speak on behalf of the task force with any input on the suggested recommendation.

Ms. Gonzales stated that the suggested idea was a great idea for the County and would be for the good of all and supported the concept generally.

Chairman Salazar stated that in light of this new concept, the Resolution proposing a wind energy facility ordinance should be tabled, whereupon Commissioner Ortiz moved to table **RESOLUTION NO. 08-10-10-PZ PROPOSING ADOPTION OF A SAN MIGUEL COUNTY WIND ORDINANCE. The motion was seconded by Commissioner Padilla, and passed.**

**10. FINAL PLAT - VISTA HERMOSA SUBDIVISION
(Backup)**

Planning and Zoning Supervisor Alex Tafoya advised the Commission that on June 16, 2009, the Board of County Commissioners approved the preliminary plat for the Vista Hermosa Subdivision located off State Highway 50 in the vicinity of Pecos, New Mexico. On July 16, 2010, the Planning and Zoning office conducted an inspection of the Subdivision and determined that the infrastructure improvements have been completed, and the final plat is now ready for approval.

Mr. Tafoya submitted a copy of the final plat to the Board of Commissioners to review and requested approval of the final plat for Vista Hermosa Subdivision.

Mr. Tafoya reviewed and discussed all improvements with the Commission.

Commissioner Nicolas Leger asked Mr. Tafoya if the final plat was in conformity with all County requirements and in compliance with the preliminary plat, and Mr. Tafoya answered in the affirmative.

Motion to approve **FINAL PLAT-VISTA HERMOSA SUBDIVISION** by Commissioner Marcellino Ortiz. Second by Commissioner Albert Padilla. Motion carried.

**11. EL VALLE SUB-AREA PLAN PRESENTATION
(Backup) (Backup)**

Planning and Zoning Supervisor Alex Tafoya advised the Commission that the El Valle Sub-Area Plan is in its final revision and is ready to be presented to the County Commission for final review and introduced Mariana Padilla of Parametrix, who prepared the plan. Ms. Padilla made her presentation to the Commission.

Ms. Padilla informed the Commissioners that the Plan was developed during the last year and passed out a handout to the Commission that contained additional information that was not included in the presentation.

Mrs. Padilla explained to the Commission that the purpose of the plan is to address the policies and objectives of the current County Comprehensive Plan and not to replace the County comprehensive plan but to supplement it.

Discussion ensued, including several questions by Commissioner Leger.

Motion to approve El Valle Sub-Area Plan by Commissioner Albert Padilla. Second by Commissioner Marcellino Ortiz. Motion carried.

Chairman Salazar called a short recess at 3:33 PM.

The meeting reconvened at 3:43 PM.

County Manager Montoya asked that agenda item No. 21 be considered next.

12. HEALTHCARE PARTNERS FOUNDATION, INC. - SAN MIGUEL COUNTY DETENTION CENTER - 2ND RENEWAL - INMATE HEALTHCARE SERVICES AND HEALTHCARE MANAGEMENT SERVICES AGREEMENT

(Backup)

Warden Snedeker presented for approval the 2nd renewal of the Inmate Healthcare Management Services Agreement, by and between Healthcare Partners Foundation, Inc. and the San Miguel County Detention Center; and Healthcare Partners President Rita Torres reviewed the annual report which highlights accomplishments and goals.

Discussion ensued, including questions by Commissioners Leger, Garcia and Ortiz.

Motion to approve the Inmate Healthcare Services and Healthcare Management Services Agreement, by Commissioner Marcellino Ortiz. Second by Commissioner Albert Padilla. Motion carried.

13. DESIGNATION OF CERTIFYING ENVIRONMENTAL OFFICIAL (CDBG)

(Backup)

Planning and Zoning Supervisor Tafoya advised the Commission that potential grant applicants for projects to be funded by Community Development Block Grant (CDBG) funds are required to designate a Certifying Environmental Official to be responsible for the environmental review process associated with a proposed grant application.

Mr. Tafoya requested the Commission designate himself as Certifying Environmental Official for the 2011 CDBG Gonzales Ranch road and drainage application and authorize Commission Chairman David R. Salazar to sign the Designation of Certifying Environmental Official.

Motion to designate Alex Tafoya as Certifying Environmental Official and authorize Commission Chairman Salazar to sign the Designation, by Commissioner Albert Padilla. Second by Commissioner Marcellino Ortiz. Motion carried.

14. ROAD VIEWING AND RECOMMENDATION OF COUNTY ROAD C-53-B MAES, SAN MIGUEL COUNTY

(Backup)

Planning and Zoning Supervisor Alex Tafoya advised the Commission that San Miguel County conducted a road viewing of County Road C-53-B for the purpose of determining whether the County road should be vacated and abandoned as a County road. The road viewers are

recommending that the County road be vacated and abandoned as a County road, for a distance of 3.42 miles.

Mr. Tafoya requested that the Commission (1) review the road viewer's recommendations; (2) conduct a public hearing and accept public comment; and (3) take action on the road viewers' recommendations to vacate and abandon C-53-B.

Mr. Tafoya read into the records written statements submitted to his office by area residents concerning the question before the Commission, and answered questions from Commissioners.

Chairman Salazar then invited public comment from any interested person, whereupon Manuel Garcia addressed the Commission and requested that the road remain open.

(County Attorney Jesus Lopez administered the witness oath to all persons intending to speak on the matter).

Nancy Greenberg also addressed the Commission and explained her reasons for requesting that the road remain a county road.

Chairman Salazar asked for further public comment, whereupon Ms. Linda Purdy addressed the Commission. Upon inquiry by Chairman Salazar, no other person rose to address the Commission in this matter, but the Chairman proceeded to entertain further comment, in rebuttal, from Manuel Garcia.

No other persons seeking recognition, Chairman Salazar invited comment from Public Works Supervisor Daniel Encinias, who served as a road view in this matter. Mr. Encinias recommended that the road in question be vacated and abandoned as a county road.

Nancy Greenberg again addressed the Commission.

County Attorney Jesus Lopez advised the Commissioners that the issue before them was controlled by Section 67-5-4, NMSA 1978, and explained the if the road in question is no longer needed for public use, or if the cost of maintaining the road outweighs its need, then the Commission may lawfully vacate and abandon the road, after recommendations by road viewers.

County Manager Les Montoya recommended vacation and abandonment of the road, as also recommended by the road viewers, whereupon Commissioner Ortiz moved that County Road C-53-B be vacated and abandoned as a county road, pursuant to the recommendations of the road viewers. His motion was seconded by Commissioner Garcia, and was duly passed and adopted, with Commissioner Leger voting in the negative.

(The County Manager asked that Item 29 be considered next).

15. ANNUAL REPORT ON THE LEASE OF THE TRI-COUNTY FAMILY JUSTICE CENTER BUILDING

(Backup)

Public Works Foreman Harold Garcia informed the Commission that San Miguel County received legislative funding several years ago for the purpose of purchasing and/or constructing a building for the purpose of housing the Tri-County Family Justice Center, and the County purchased a newly constructed building on Ridge Runner Road and has entered into a lease agreement with the Tri-County Family Center in the amount of \$39,000.00 annually. The lease provide that lease payments would be made through in-kind services which include maintenance and upkeep of the building along with services to the public through the Tri-County Family Justice Center.

Director of the Family Justice Center Terry Peirce advised the Commission that the location is working great and is more centralized. Mrs. Pierce also informed the Commission concerning her staff, partnerships with other entities, and services provided.

Mr. Garcia informed the Commission that an invitation for an open house will be coming up in the near future.

No action taken. For information only.

16. RECOMMENDATION TO APPROVE CHRISTINA BARAJAS ADMINISTRATIVE ASSISTANT WITH THE FIRE CHIEF AND EMERGENCY MANAGEMENT OFFICES TO ATTEND CLASSES AT LUNA COMMUNITY COLLEGE

(Backup)

Emergency Manager Dennis English advised the Commission that if approved Ms. Barajas will be taking business accounting classes at Luna Community College on Tuesdays and Thursdays through the employees' educational training/assistance policy.

Mr. English requested the Commission approve Ms. Barajas to attend classes at Luna Community College.

Motion to approve Ms. Barajas to attend classes at Luna Community College by Commissioner June Garcia. Second by Commissioner Albert Padilla. Motion carried.

17. PUBLIC WORKS DIVISION MONTHLY REPORT FOR THE MONTH OF JUNE 2010

(Backup)

Interim Public Works Division Supervisor Daniel Encinias reviewed and discussed with the Commission the monthly report and answered questions from the Commission.

No action taken. For information only.

18. SAN MIGUEL COUNTY RESOLUTION NUMBER 08-10-10 SP/PW PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND HARDSHIP MATCH WAIVER PROGRAM ADMINISTERED BY NMDOT 2010-2011

(Backup)

Interim Public Works Division Supervisor Daniel Encinias advised the Commission that San Miguel County applied for and was awarded 2010-2011 Local Government Road Funds through the Co-Op Program in the amount of \$63,257.00 to be funded in proportional share by the parties as follows:

- a. New Mexico Department of Transportation's share shall be 75% (\$47,443.00)
- and
- b. San Miguel County's proportional matching share shall be 25% (\$15,814.00)

Staff has identified Storrie Project as the Co-op Project. The Engineer's Opinion of Probable Construction Cost for this project is estimated at \$101,490.64.

NMAC 27.3.8 allows Public Entities who are experiencing financial hardship to apply for a Match Waiver of all or part of the above mentioned Public Entity Match. San Miguel County qualifies for the match waiver because of limited county funds for road construction projects and matching requirement set asides, according to Encinias.

Mr. Encinias requested adoption, approval, and passage of Resolution Number 08-10-10 SP/PW for the LGRF Project for year 2010-2011.

Motion to adopt, approve and pass Resolution Number 08-10-10 SP/PW, by Commissioner Albert Padilla. Second by Commissioner Marcellino Ortiz. Motion carried.

19. SAN MIGUEL COUNTY RESOLUTION NUMBER 08-10-10 CAP/PW PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND HARDSHIP MATCH WAIVER PROGRAM ADMINISTERED BY NMDOT COUNTY ARTERIAL 2010-2011 (Backup)

Public Works Division Supervisor Daniel Encinias advised that San Miguel County applied for and was awarded 2010-2011 Local Government Road Funds through the County Arterial Program in the amount of \$118,019.00 to be funded in proportional share by the parties as follows:

- a. New Mexico Department of Transportation's share shall be 75% (\$88,514.00)
- and
- b. San Miguel County's proportional matching share shall be 25% (\$29,505.00)

Staff has identified Bid Lot 3 of Harris Road as the County Arterial Project. The estimated cost for this project is \$110,101.33.

NMAC 27.3.8 allows Public Entities who are experiencing financial hardship to apply for a Match Waiver of all or part of the above mentioned Public Entity Match. San Miguel County qualifies for the Match Waiver because of limited county funds for road construction projects and matching requirement set asides, according to Encinias.

Motion to adopt, approve and pass Resolution Number 08-10-10 CAP/PW, by Commissioner Albert Padilla. Second by Commissioner Marcellino Ortiz. Motion carried.

20. SAN MIGUEL COUNTY RESOLUTION NUMBER 08-10-10 SB/PW PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND HARDSHIP MATCH WAIVER PROGRAM ADMINISTERED BY NMDOT SCHOOL BUS 2010-2011 (Backup)

Interim Public Works Division Supervisor Daniel Encinias advised that San Miguel County applied for and was awarded 2010-2011 Local Government Road Funds through the School Bus Program in the amount of \$84,911.00 to be funded in proportional share by the parties as follows:

- a. New Mexico Department of Transportation's share shall be 75% (\$63,683.00) and
- b. San Miguel County's proportional matching share shall be 25% (\$21,228.00)

Staff has identified San Pablo Project as the School Bus Project. The Engineer's Opinion of Probable Construction Cost for this project is estimated at \$101,257.89.

NMAC 27.3.8 allows Public Entities who are experiencing financial hardship to apply for a Match Waiver of all or part of the above mentioned Public Entity Match. San Miguel County qualifies for the Match Waiver because of limited county funds for road construction projects and matching requirement set asides, according to Encinias.

Motion to adopt, approve and pass Resolution Number 08-10-10 SB/PW, by Commissioner Marcellino Ortiz. Second by Commissioner Albert Padilla. Motion carried.

(County Manager Les Montoya explained to Commissioner Ortiz how the budget is worked out for the projects in question).

21. REJECTION OF ALL BIDS FOR PURCHASE AND INSTALLATION OF A SPEC BUILDING AT THE WOOD BUSINESS PARK (Backup)

Public Service Foreman Harold Garcia advised the Commission that bids were invited for a second time for the purchase and installation of a spec building at the Wood Business Park, to be used for small business development. As with the bids received the first time around, all bids submitted in response to the second invitation also far exceeded the budget for this project.

Mr. Garcia requested the Commission reject all bids submitted for the Spec Building at the Wood Business Park, so that the County may proceed to purchase the spec building in the open market at the best obtainable price, as permitted by Section 13-1-131 of the Procurement Code, NMSA 1978.

Discussion ensued.

Motion to reject all bids submitted for the Spec Building at the Wood Business Park, so that the County may proceed to purchase the spec building in the open market at the best obtainable price, as permitted by Section 13-1-131 of the Procurement Code, NMSA 1978, by Commissioner Marcellino Ortiz. Second by Commissioner June Garcia. Motion carried.

22. INVITATION FOR COMPETITIVE SEALED BIDS FOR LEASE WITH OPTION TO PURCHASE ONE OR MORE NEW, CURRENT YEAR, STANDARD PRODUCTION 197 HORSE POWER FRONT-WHEEL LOADER(S)

(Backup)

Public Service Foreman Harold Garcia advised the Commission that the San Miguel County Public Works Division currently has a 938 Front-Wheel Loader under a 60-month Lease-to-Purchase Agreement scheduled to expire in November, 2010. The Loader is being utilized at the Gravel Crusher Site for the purpose of operations at the Crusher. The County has been leasing heavy equipment for the past 10 years, this arrangement works well, according to Garcia.

Mr. Garcia requested the Commission authorize staff to proceed to issue an Invitation for Competitive Sealed Bids with changes to the current Lease period from 60-months (5-years) to 84 months (7-years). This will allow for a lower monthly lease rate and will allow the use of a Front-Wheel Loader for an additional 2 years which is sufficient time for San Miguel County with this type of equipment.

Motion to approve the aforesaid recommendation of Harold Garcia, by Commissioner Albert Padilla. Second by Commissioner June Garcia. Motion carried.

23. SWANSON SERVICES CORPORATION - COMMISSARY CONTRACT ADDENDUM.

(Backup)

Warden Patrick Snedeker advised the Commission that Swanson Service Corporation is the inmate commissary services provider at the San Miguel County Detention Center, and presented an addendum to the Swanson contract for Commission review and approval. The addendum provides commissary banker system software, equipment, and services, to include a lobby area cashier (deposit to resident account cash, credit/debit cards), a booking area cashier (cash security at reception), an auto cash system (electronically transferred funds), and a smart card system (issuance of remaining funds upon release).

Warden Snedeker requested the Commission review and approve the Contract Addendum, as presented.

Motion to approve Swanson Services Corporation-Commissary Contract Addendum, by Commissioner Marcellino Ortiz. Second by Commissioner Albert Padilla. Motion carried.

24. LUNA COMMUNITY COLLEGE - SAN MIGUEL COUNTY DETENTION CENTER - NURSING PRACTICUM PROGRAM AGREEMENT

(Backup) (Backup) (Backup)

Warden Patrick Snedeker advised the Commission that a Nursing Practicum Program Agreement, by and between Luna Community College and the San Miguel County Detention Center, is presented for review and approval. The Agreement provides for a nursing student internship/field experience program, at the San Miguel County Detention Center.

Warden Snedeker requested that the Commission review and approve the Agreement as presented.

Motion to approve the Luna Community College- San Miguel County Detention Center- Nursing Practicum Program Agreement, by Commissioner Albert Padilla. Second by Commissioner Marcellino Ortiz. Motion carried.

25. CONTRACT FOR ADULT INMATE CONFINEMENT - VALENCIA COUNTY, NEW MEXICO - SAN MIGUEL COUNTY, NEW MEXICO

(Backup) (Backup)

Warden Patrick Snedeker presented to the Commission the Contract for Inmate Confinement, by and between Valencia County, NM and San Miguel County, NM, for the housing and care of Valencia County Prisoners, at the San Miguel County Detention Center. The cost to Valencia County shall be \$65.00/inmate/day, plus a \$20.00 booking fee.

Warden Snedeker requested that the Commission review and approve the Agreement as presented.

Motion to approve Contract for Adult Inmate Confinement- Valencia County, New Mexico- San Miguel County, New Mexico, by Commissioner Albert Padilla. Second by Commissioner Marcellino Ortiz. Motion carried.

26. CAPITAL COOPERATIVE AGREEMENT FOR 2009 LEGISLATIVE APPROPRIATIONS FOR SAN MIGUEL COUNTY\ \$10,000 FOR COUNTY ROAD C-50-C IN TRUJILLO, SAN MIGUEL COUNTY

(Backup)

County Manager Les Montoya advised the Commission that the 2009 Legislative Appropriation funding Agreement is to complete road improvements on County road C-50-C in the amount of \$10,000, as funded.

Mr. Montoya requested the Commission review and approve the agreement and authorize Chairman Salazar to execute the same, whereupon Commissioner Padilla moved to approve the Manager's recommendation, and the motion was duly seconded by Commissioner Ortiz, and passed.

27. CAPITAL COOPERATIVE AGREEMENT FOR 2009 LEGISLATIVE APPROPRIATIONS FOR SAN MIGUEL COUNTY (SB182 REVISION LANGUAGE)

(Backup)

County Manager Les Montoya advised the Commission that the agreement being submitted for approval documents a reduction in funds in the amount of \$45,336.00 from the original 2009 funding Agreement of \$555,000.00

Motion to approve Capital Cooperative Agreement for 2009 Legislative Appropriations for San Miguel County (SB182 Revision Language) by Commissioner Marcellino Ortiz. Second by Commissioner Albert Padilla. Motion carried.

**28. PERSONNEL ACTIONS OR CHANGES FOR THE MONTHS OF JULY 2010
(Backup)**

County Manager Les Montoya advised the Commission of personnel changes which have taken place in San Miguel County for the month of July, 2010, and submitted the same for ratification and approval by the San Miguel County Board of Commissioners.

Motion to ratify and approve the personnel changes that have taken place during the month of July, 2010, as reported by the Manager, by Commissioner June Garcia. Second by Commissioner Albert Padilla. Motion carried.

**29. SAN MIGUEL COUNTY MANAGER'S RECOMMENDATION TO APPROVE
THE EMPLOYEE ASSISTANCE PROGRAM EAP SERVICES AGREEMENT
(Backup)**

County Manager Les Montoya advised the Commission that the Employee Assistance Program is offered by the New Mexico General Services Department and Risk Management Division. The Employee Assistance Program provides free 24-hour, 7 day a week emergency on-call services and confidential assessment, short-term counseling, prevention, education, and referral services for employees and their dependents. This benefit is provided through Deer Oaks EAP Services.

Mr. Montoya requested the approval of the Employee Assistance Program Services Agreement.

Motion to approve the Employee Assistance Program Services Agreement, by Commissioner Marcellino Ortiz. Second by Commissioner Albert Padilla. 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.**

D. Matters pertaining to the discussion of bargaining strategy preliminary to collective bargaining negotiations, as permitted by section 10-15-1(H)(5), NMSA 1978.

County Manager Les Montoya recommended that the Commission 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, matters pertaining to the discussion of the acquisition or disposal of real property, as permitted by Section 10-15-1-(H)(8) of the Open Meetings Act, NMSA 1978, and matters pertaining to the discussion of bargaining strategy preliminary to collective bargaining negotiations, as permitted by section 10-15-1(H)(5), NMSA 1978.

Motion made by Commissioner Albert Padilla to retire into Executive/Closed Session at 5:44 p.m. to discuss the matters outlined above by the County Manager. Second by Commissioner June Garcia. Motion carried as follows:

Roll call was taken before County Commission retired into Executive Session

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 public session at 6:55 P.M. Second by Commissioner Marcellino Ortiz. 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

Chairman David Salazar made motion to adjourn. Second by Commissioner Albert Padilla. Motion carried. The meeting ended at 6:57 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 August 10, 2010.

David R. Salazar, Chairman

June J. Garcia, Vice-Chair

Nicholas T. Leger, Commissioner

Marcellino A. Ortiz, Commissioner

Albert J. Padilla, Commissioner

ATTEST

Melanie Y. Rivera, County Clerk

Minutes submitted by Javier L. Lopez