

**MINUTES OF REGULAR MONTHLY MEETING
OF BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, NEW MEXICO
HELD TUESDAY, SEPTEMBER 14, 2010**

CALL TO ORDER

The Board of County Commissioners of San Miguel County held its regular monthly meeting on Tuesday, September 14, 2010, and during the meeting also convened as the County Board of Finance. The meeting was convened at 1:30 o'clock p.m., at the Commission Chambers, Second Floor, San Miguel County Courthouse, Las Vegas, New Mexico.

The agenda for the County Commission meeting was as follows:

ROLL CALL

Upon a call of the roll by the County Clerk, all Commissioners were present, as follows: Chairman David R. Salazar, Vice Chair June J. Garcia, and Members Albert J. Padilla, Marcellino A. Ortiz and Nicolas T. Leger.

PLEDGE OF ALLEGIANCE and SALUTATION TO THE NEW MEXICO STATE FLAG

APPROVAL OF AGENDA

Motion to approve agenda, by Commissioner Albert Padilla. Second by Commissioner Marcellino Ortiz. Motion carried. **(Throughout, unless otherwise indicated, all motions were adopted by unanimous vote).**

APPROVAL OF MINUTES:

Motion to approve minutes of special meeting held August 3, 2010, by Commissioner June Garcia. Second by Commissioner Albert Padilla. Motion carried.

Motion to approve minutes of regular meeting held August 10, 2010, by Commissioner Albert Padilla. Second by Commissioner Marcellino Ortiz. Motion carried.

Motion to approve minutes of special meeting held August 24, 2010, by Commissioner June Garcia. Second by Commissioner Albert Padilla. Motion carried.

INTRODUCTIONS

County Manager Les Montoya introduced Steve Sandy, President of Western States Medical, who gave the Commission an update and answered questions, concerning his efforts to establish ambulance air service in San Miguel County.

INTRODUCTION OF NEW EMPLOYEES:

County Manager Les Montoya introduced new Public Works employee Bobby Lovato, who was not present.

***PRESENTATION OF CERTIFICATE OF EXCELLENCE TO CANDACE ROYBAL,
2010 SAN MIGUEL/MORA COUNTY FAIR BLUE RIBBON RECIPIENT***

Commissioner Ortiz explained the accomplishments at the San Miguel County Fair by Candace Roybal for the past five years and presented her with a certificate of excellence.

On behalf of the Mora/San Miguel County 4H Clubs, Ms. Roybal thanked the Commission for all its support - past, present and future.

NEW BUSINESS:

SAN MIGUEL COUNTY BOARD OF FINANCE MEETING

1. COUNTY TREASURER'S MONTHLY REPORT

County Treasurer Alfonso E. Ortiz, Jr., reviewed and explained his Treasurer's report for the month of August, 2010.

Mr. Ortiz advised the Commission of the 175th anniversary of the City of Las Vegas and invited the Commissioners to attend the 1st annual Mayor's Charity Ball. Mr. Ortiz also informed the Commission that property taxpayers in the East Las Vegas School District would see a significant increase in their taxes for the up-coming tax year. He believes it may be due to the District's failure to impose its total tax rate last year, and a need to make it up this year. He said the increase should be only a one-time event, and that the property taxes for the East District should revert to normal rates the following year. Finance Supervisor Melinda Gonzales concurred with Mr. Ortiz.

Commissioner Leger asked the Treasurer several questions and expressed his concern in regard to the reported increase in taxes in the East Las Vegas School District.

No action taken. For information only.

Before moving to the next item, Chairman Salazar recognized Ms. Anna Rael from Senator Tom Udall's office, and Ms. Pamela Garcia from Representative Ben Ray Lujan's office, both of whom were in attendance.

2. INDIGENT CLAIMS FOR ALTA VISTA HOSPITAL IN THE AMOUNT OF \$55,617.57.

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 the Commission review and approve indigent claims for Alta Vista Hospital in the amount of **\$55,617.57**.

Motion to approve indigent claims for Alta Vista Hospital in the amount of **\$55,617.57**, by Commissioner Padilla. Second by Commissioner Garcia. Motion carried.

Commissioner Leger asked Richard Grogan, CEO of Alta Vista Regional Hospital, to address the issue of the status of collective bargaining at the Hospital. Commissioner Leger also asked Grogan to clarify and provide information concerning the running balance of indigent funds provided by San Miguel County.

Mr. Grogan said he could not answer, but offered to have CFO Leonard Tapia attend the next meeting to offer clarification and documented accounting information to the Commission. As to union matters, Grogan answered that the US Supreme Court had invalidated all decisions of the National Labor Relations Board that occurred before January 1, 2008, including the pending litigation between Alta Vista and the union.

Discussion ensued.

3. INDIGENT CLAIMS FROM CHRISTUS ST. VINCENTS IN THE AMOUNT OF \$13,466.77

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.

Commissioner Leger asked the representative who was present from Christus St. Vincent's Hospital to provide an accounting of indigent funds provided to the hospital by San Miguel County.

Ms. Gonzales requested approval of indigent claims for Christus St. Vincent's Hospital in the amount of **\$13,466.77**.

Motion to approve indigent claims for Christus St. Vincent's Hospital in the amount of **\$13,466.77**, by Commissioner Padilla. Second by Commissioner Ortiz. Motion carried.

4. DEPARTMENT OF FINANCE AND ADMINISTRATION (DFA) LETTER APPROVING THE FY10/11 BUDGET.

Finance Supervisor Melinda Gonzales informed the Commission that the Fiscal Year 2010/2011 budget d was submitted to DFA after approval by the Board of County Commissioners, and that DFA approved the budget, per letter of approval dated August 26, 2010. Ms. Gonzales noted the following points of significance in the letter from DFA: a reminder that all revenue sources be expended only for public purposes; a budget resolution is required to decrease the cigarette tax revenue and related expenditures in the general fund and the recreation fund; requiring careful monitoring to avoid financial problems in the future; and cash balances should not be used for recurring expenditures.

The above matter was presented for review and discussion only. No action was necessary other than the discussion of the letter, and it being made part of the official minutes of the governing body, according to Ms. Gonzales.

5. INDIGENT BURIAL CLAIMS

Finance Supervisor Melinda Gonzales advised the commission that the Finance Office received notice from the Office of the Medical Investigator (OMI), that OMI has three indigent/unclaimed bodies at their facility. The deceased were residents of San Miguel County. Rogers Mortuary was contacted and asked if they can retrieve the bodies so the county can have them properly cremated/buried. Rogers Mortuary will undertake this matter.

Ms. Gonzales requested approval and ratification of Indigent Burial Claims in the amount of **\$600.00 each** for three (3) unclaimed deceased individuals.

Motion to approve and ratify Indigent Burial Claims in the amount of **\$600.00 each**, by Commissioner Ortiz. Second by Commissioner Padilla. Motion carried.

6. BUDGET ADJUSTMENT RESOLUTION 2010-09-14-F1 REGARDING CIGARETTE TAX, EMS, RURAL FIRE ASSISTANCE AND EMNRD JOINT POWER AGREEMENT REVENUES AND EXPENDITURES

Finance Supervisor Melinda Gonzales informed the Commission that the budget adjustment consists of the reduction of cigarette tax revenues in the General Fund and the Recreation Fund and related expenses. This was requested by the Department of Finance and Administration, as the State of New Mexico will no longer be distributing Cigarette Tax revenues to local governments beginning in FY11. The budget adjustment also

consists of Rural Fire Assistance Grants (Agenda Item 17), Joint Power Agreement Funds (Agenda Item 19) and additional Emergency Medical Services Funding.

Ms. Gonzales requested approval of Budget Adjustments Resolution No. **2010-09-14-F1** regarding cigarette tax, EMS, Rural Fire Assistance and EMNRD Joint Power agreement revenues and expenditures.

Motion to approve Budget Adjustments Resolution No. **2010-09-14-F1**, by Commissioner Padilla. Second by Commissioner Garcia. Motion carried.

7. CASH BALANCE REPORT AS OF AUGUST 31, 2010

Finance Supervisor Melinda Gonzales presented to the Commission the August 31, 2010 cash balances for review.

No action taken. For information and review only.

8. ACCOUNTS PAYABLE LISTING AUGUST 2010

Finance Supervisor Melinda Gonzales submitted to the Commission the Accounts Payable Listing for August 2010, for expenditures made since the last regular meeting, and requested Commission approval.

Motion to approve Accounts Payable Listing for August 2010, by Commissioner Ortiz. Second by Commissioner Garcia. Motion carried.

CONCLUSION OF MEETING OF COUNTY COMMISSION SITTING AS THE BOARD OF FINANCE FOR SAN MIGUEL COUNTY.

SAN MIGUEL COUNTY COMMISSION REGULAR MEETING

9. SAN MIGUEL COUNTY ORDINANCE NO. 09-14-10, ADOPTING A COUNTYWIDE EMERGENCY COMMUNICATIONS AND EMERGENCY MEDICAL AND BEHAVIORAL HEALTH SERVICES TAX

County Manager Les Montoya advised the Commission that by Resolution adopted June 29, 2010, the County Commission proposed the passage of an ordinance adopting a countywide emergency communications and emergency medical and behavioral health services tax. The ordinance allows the question of the imposition of the tax to be placed on the ballot for the November 2, 2010, General election. If passed, the ordinance would allow the imposition of a gross receipts tax equal to one-fourth of one percent (.25%), to be dedicated to any one or all of the following: (1) operation of an emergency communications center, (2) operation of emergency medical services provided by the county, and (3) behavioral health services. If passed at the General election held November 02, 2010, the tax would become effective July 01, 2011. (Notice of the time and place of today's public hearing on adoption of the ordinance, including the title and

the entirety of the proposed ordinance, was published in the Las Vegas Optic on August 25, 2010, at least 14 days prior to today's meeting/hearing, as required by Section 4-37-7, NMSA 1978).

Chairman Salazar opened a public hearing and requested public comment three (3) times for those in opposition and for those in favor of Ordinance No. **09-14-10**.

No public comments were presented either in opposition or in favor of Ordinance No. **09-14-10, or otherwise**, and the public hearing was closed for comment by Chairman Salazar.

Motion to adopt Ordinance No. **09-14-10**, by Commissioner Garcia. Second by Commissioner Ortiz. Motion carried.

10. MEMORANDUM OF AGREEMENT BETWEEN THE FOURTH JUDICIAL DISTRICT ATTORNEY AND SAN MIGUEL COUNTY, BY WHICH THE DISTRICT ATTORNEY WILL PAY \$15,000.00 DIRECTLY TO SAN MIGUEL COUNTY FOR EXPENDITURE BY THE COUNTY FOR LEGAL SERVICES RENDERED BY THE COUNTY ATTORNEY, FOR THE 2010-2011 FISCAL YEAR

County Manager Les Montoya advised the Commission that for the last ten years the District Attorney has paid one-third of the annual compensation paid to the county attorney. This has been done by independent agreement between the District Attorney and the county attorney. For the current fiscal year, the District Attorney will reduce his contribution in half, and will pay only \$15,000.00 towards the annual compensation for the county attorney. But instead of paying the county attorney directly, as has been done during the last ten years, the District Attorney will pay his contribution to the county, which in turn will credit the same to the county's legal services budget line item, for payment to the county attorney. (By separate addendum, the County and the county attorney will amend the Professional Services Agreement for legal services, providing that the County will pay the entirety of the county attorney's annual compensation, to include the contribution by the District Attorney).

Mr. Montoya requested the commission approve Memorandum of Agreement between the Fourth Judicial District Attorney and San Miguel County, for the fiscal year 2010-2011.

Motion to approve MOA between Fourth Judicial District Attorney and San Miguel County, by Commissioner Padilla. Second by Commissioner Ortiz. Motion carried.

11. ADDENDUM TO PROFESSIONAL SERVICES AGREEMENT BETWEEN SAN MIGUEL COUNTY AND COUNTY ATTORNEY JESUS L. LOPEZ, BY WHICH THE COUNTY WILL PAY THE ENTIRETY OF THE COUNTY ATTORNEY'S ANNUAL COMPENSATION IN THE TOTAL AMOUNT OF \$97,500.00, PLUS GRT AT 7.8125%, BEGINNING JULY 01, 2010, AND THE DISTRICT ATTORNEY WILL CONTRIBUTE HIS SHARE THEREOF BY DIRECT PAYMENT TO THE COUNTY

County Manager Les Montoya advised the Commission that for the last ten years the District Attorney has paid one-third of the annual compensation paid to the county attorney. This has been done by independent agreement between the District Attorney and the county attorney, from year-to-year. For the current fiscal year, the District Attorney will reduce his contribution from \$30,000.00 to \$15,000.00, and the Addendum provides that the County will make up the difference, so that the county attorney's annual compensation remains the same, without any increase whatsoever, effective July 01, 2010, namely, \$97,500.00 plus GRT. (By separate Memorandum of Agreement between the District Attorney and the County, the District Attorney will pay his contribution directly to the County, and no separate agreement will exist between the DA and the county attorney).

Mr. Montoya requested the Commission approve Addendum to Professional Services Agreement between San Miguel County and County attorney Jesus L. Lopez.

Motion to approve Addendum to Professional Services Agreement between San Miguel County and County Attorney Jesus L. Lopez, by Commissioner Padilla. Second by Commissioner Ortiz. Motion carried.

12. DRAFT PROPOSED SOLAR ORDINANCE

Planning and Zoning supervisor Alex Tafoya advised the Commission that County staff has completed a draft proposed solar ordinance that is ready for review.

Mr. Tafoya briefed the commission on the proposed solar ordinance and requested the Commission (1) Review the draft solar ordinance and provide comment as necessary; and (2) provide direction as to how to proceed with the document.

Chairman Salazar requested the item be tabled to allow the Commission more time to review the proposed ordinance and ask more questions at a subsequent meeting.

Commissioner Leger asked if the County has in place an ordinance relating to solar energy, and Mr. Tafoya answered in the negative.

Discussion ensued.

Motion to table item # 12, by Commissioner Padilla. Second by Commissioner Ortiz. Motion carried.

13. SELECTION OF ENGINEERING SERVICES FOR RFP NO. 2011 CDBG GONALES RANCH COUNTY ROAD B-31-A

Planning and Zoning supervisor Alex Tafoya advised the Commission that San Miguel County received three (3) proposals in response to the County's Request for Proposals for RFP No. 2011 (CDBG Gonzales Ranch County Road B-31-A) The proposals were rated and Tafoya asked permission to enter into negotiations with the best rated offeror. After some discussion, Commissioner Ortiz moved to allow staff to negotiate with best rated offeror, Engineer's Inc., for approval of a contract award at a later meeting. The motion was seconded by Commissioner Garcia and carried.

14. RESOLUTION NO. 9-14-10-PZ FEDERAL EMERGENCY MANAGEMENT/FLOOD INSURANCE STUDY

Planning and Zoning supervisor Alex Tafoya advised the Commission that the Federal Emergency Management Agency has revised and updated a Flood Insurance Study and the Flood Insurance Rate Maps for San Miguel County. An appropriate floodplain ordinance must be adopted that meets or exceeds the minimum National Floodplain Insurance Program requirements. Current San Miguel County Floodplain Ordinance No. 93-02 is outdated and in need of revision.

Mr. Tafoya requested the Commission (1) Review Resolution No. 9-14-10-PZ and the proposed Ordinance No. SMC-10-12-10; and (2) adopt and approve Resolution No. 9-14-10-PZ .

Motion to adopt Resolution No. 9-14-10-PZ by Commissioner Garcia. Second by Commissioner Ortiz. Motion carried.

15. APPROVAL TO SPONSOR PLANS FOR PACKS PROJECT THROUGH THE NEW MEXICO DEPARTMENT OF HOMELAND SECURITY TO ENHANCE AWARENESS OF EMERGENCY PLANNING IN SAN MIGUEL COUNTY

Emergency Manager Dennis English advised the Commission that the New Mexico Department of Homeland Security asked the San Miguel County/Las Vegas Office of Emergency Management to participate in a project aimed at enhancing awareness within the elementary schools of San Miguel County.

Motion to approve participation in the Plans for Packs Project by Commissioner Garcia. Second by Commissioner Padilla. Motion carried.

(Upon the recommendation of the County Manager, Commissioner Ortiz moved and Commissioner Garcia seconded, to bring upon Agenda Items 28 and 29 for immediate consideration. The motion carried).

16. DWI DISTRIBUTION REVERSION FUNDING APPLICATION FY 10-11

DWI Coordinator Wendy F. Armijo advised the commission that during the April 16, 2009 DWI Grant Council Meeting, the DWI Grant Council gave approval to DFA to allow fiscal agents to receive in the FY10 and FY11 Grant, any distribution amount over the adjusted budget. As such, the San Miguel County DWI Program is able to apply for a total \$10,261 in Distribution Reversion funds, and Armijo asked authorization to apply for same. Whereupon, Commissioner Leger moved approval of **DWI DISTRIBUTION REVERSION FUNDING APPLICATION FY 10-11**. Second by Commissioner Garcia. Motion carried.

17. RESOLUTION 09-14-10 DWI, PROBATION AND SCREENING FEE SCHEDULES

DWI Coordinator Wendy F. Armijo and County Manager Montoya advised the Commission that the Resolution authorizes the County of San Miguel DWI Program to establish a Probationary Fee for the purpose of providing supervised DWI Compliance Monitoring and Trackinging and to set a fee for the purpose of administering the court mandated DWI Screening program.

Motion to approve **RESOLUTION 09-14-10 DWI** by Commissioner Ortiz. Second by Commissioner Leger. Motion carried.

18. APPROVAL AND SIGNATURE OF 2010 EMPG GRANT RECEIVED BY THE OFFICE OF EMERGENCY MANAGEMENT FROM THE NEW MEXICO DEPARTMENT OF HOMELAND SECURITY & EMERGENCY MANAGEMENT

Emergency Manager Dennis English advised the Commission that the Emergency Management Performance Grant (EMPG) is to be used for the salaries and benefits of the emergency manager and administrative assistant. The effective period of this grant is from July 1, 2010 to June 30, 2011.

Mr. English requested approval of grant and document signatures of County Manager Les Montoya and Finance Division Supervisor Melinda Gonzales, for grant amount of **\$53,466.00**.

Motion for approval by Commissioner Garcia. Second by Commissioner Ortiz. Motion carried.

19. APPROVAL OF RURAL FIRE ASSISTANCE GRANTS RECEIVED FROM THE ENERGY MINERALS AND NATURAL RESOURCES DEPARTMENT TO (4) FOUR VOLUNTEER FIRE DEPARTMENTS IN SAN MIGUEL COUNTY

Fire Chief Russell Pacheco asked that Wildland Coordinator Kenneth Medina present items #17 and #18 as he was instrumental in receiving these grants.

Wildland Coordinator Kenneth Medina advised the Commission that the EMNRD has granted the Sheridan, Tecolote and Sapello Volunteer Fire Departments a total of \$15,000.00 each and the Gallinas Volunteer Fire Department \$13,000.00 to be used for the purchase of Wildland Fire Equipment, and requested approval to allow the San Miguel County Finance Supervisor to be the authorized representative for signature on grant agreements.

Motion to approve EMNRD grants and allow Ms. Gonzales to be authorized signatory, by Commissioner Padilla. Second by Commissioner Ortiz. Motion carried.

20. APPROVAL OF RURAL FIRE ASSISTANCE GRANT AWARDED TO SAN MIGUEL COUNTY BY THE U.S. FISH AND WILDLIFE SERVICE IN THE AMOUNT OF \$20,000.00

Wildland Coordinator Kenneth Medina advised the Commission that the U.S. Fish and Wildlife Service has granted the San Miguel County Fire Department \$20,000.00 to be used for the purchase of wildland firefighting equipment and requested approval the Commission.

Motion to approve grant award in the amount of **\$20,000.00** by Commissioner Garcia. Second by Commissioner Padilla. Motion carried.

21. APPROVAL AND SIGNATURE OF JOINT POWERS AGREEMENT NO. 11-521-A09311-0075 BETWEEN EMNRD AND SAN MIGUEL COUNTY FOR THE PURCHASE OF A TYPE 6 WILDLAND FIRE ENGINE

Fire Chief Russell Pacheco advised the Commission that through JPA 11-521-A09311-0075 EMNRD has granted San Miguel County Fire \$107,000.00 to assist with the purchase of a Type 6 Wildland Fire Engine.

Motion for approval and signature of JPA **NO. 11-521-A09311-0075 BETWEEN EMNRD AND SAN MIGUEL COUNTY** by Commissioner Ortiz. Second by Commissioner Padilla. Motion carried.

22. ACCEPTANCE OF WARRANTY DEED FROM MARY LOUISE SHARTLE FOR PROPERTY/DONATION TO BE USED BY THE LA PLACITA VOLUNTEER FIRE DEPARTMENT

Fire Chief Russell Pacheco advised the Commission that Mary Louise Shartle has donated 1.00 acre of property in Gallinas for use by La Placita Fire Department as a radio communications tower site. The deed has been lawfully executed by Wade M. Shartle, as Trustee of the family trust and requested that the San Miguel County Commission accept the property/donation.

Commissioner Leger asked Mr. Pacheco that a letter be sent to Mrs. Shartle in appreciation of the donation.

Motion to accept warranty deed by Commissioner Ortiz. Second by Commissioner Garcia. Motion carried.

23. RATIFICATION OF FIRE PROTECTION GRANTS SUBMITTED BY THE LA PLACITA, SHERIDAN, TECOLOTE, EL PUEBLO AND CABO LUCERO VOLUNTEER FIRE DISTRICTS

Fire Chief Russell Pacheco advised the Commission that the La Placita, Sheridan, Tecolote, El Pueblo and Cabo Lucero Fire Departments each submitted Fire Protection Grant applications in the amount of \$100,000 and requested ratification of grant applications.

Motion to ratify grant applications in the amount of **\$100,000.00** by Commissioner Padilla. Second by Commissioner Garcia. Motion carried.

24. AGREEMENT #11-690-12415, AND CONTEMPORANEOUS PROVIDER AGREEMENT(S); BY AND BETWEEN THE NEW MEXICO CHILDREN, YOUTH AND FAMILIES DEPARTMENT AND SAN MIGUEL COUNTY, NEW MEXICO, SPECIFIC TO THE PROVISION OF A CONTINUUM OF SERVICES/ALTERNATIVES TO DETENTION, FOR SAN MIGUEL COUNTY YOUTH

Warden/Facility Administrator Patrick W. Snedeker advised the commission that agreement #11-690-12415, and Contemporaneous Professional Service Agreement(s), by and between the New Mexico Children, Youth and Families Department and San Miguel County, New Mexico are presented for San Miguel County Commission review and approval. The CYFD Agreement(s) are specific to provision of Continuum of services/alternatives to secure detention for San Miguel County youth.

Mr. Snedeker introduced Donna Armijo from the Juvenile Justice Continuum Board/Fourth Judicial District Attorney's office who addressed the commission concerning the services provided and in addition the three (3) programs created due to funding. Mrs. Armijo gave a short history of each program and its objectives.

Commissioner Leger requested a narrative that would explain more in detail the programs involved.

Warden Snedeker requested approval of **AGREEMENT # 11-690-12415** between CYFD and San Miguel County.

Motion to approve **AGREEMENT # 11-690-12415** between CYFD and San Miguel County by Commissioner Leger. Second by Commissioner Garcia. Motion carried.

25. OUT OF STATE TRAVEL REQUEST TO SAN DIEGO CALIFORNIA. SAN MIGUEL COUNTY DETENTION CENTER MR. JOHNNY MONTANO, AND MR. LORENZO MONTOYA, WILL BE ATTENDING THE DETENTION EQUIPMENT TRAINING PROGRAM/LOCKSMITHING SCHOOL. THE FIRST TRAINING COURSE OF INSTRUCTION IS DECEMBER 7TH THRU 9TH 2010. THE SECOND TRAINING COURSE OF INSTRUCTION IS SCHEDULED FOR THE SECOND WEEK IN MARCH 2011. (DATE IS YET TO BE SCHEDULED)

Warden/Facility Administrator Patrick W. Snedeker advised the Commission that Western Detention Equipment Training Program/Locksmithing School is available for attendance by San Miguel County Detention Center employees, Mr. John Montano and Mr. Lorenzo Montoya, who are assigned and work within the facility maintenance/physical plant area. Commission approval is requested for Mr. Johnny Montano and Mr. Lorenzo Montoya to attend this specialized training program.

Warden Snedeker answered Commissioners Leger's question as to the importance and safety for the training in question.

Finance Supervisor Melinda Gonzales advised of the IMUS fund which may be utilized for training purposes and proposed it be used for this request.

Motion to approve out of state training from the IMUS fund for the above individuals to attend Locksmithing School, by Commissioner Ortiz. Second by Commissioner Padilla. Motion carried.

26. PUBLIC WORKS DIVISION MONTHLY REPORT FOR THE MONTH OF AUGUST 2010

Interim Public Works Supervisor Daniel Encinias presented the monthly report as submitted, and answered questions from Commissioners.

Discussion ensued.

For informational purposes and discussion only. No action taken

27. AWARD OF CONTRACT FOR WELDING SERVICES TO DENNIS RIVERA WELDING SERVICES

Public Service Foreman Harold Garcia advised the Commission that San Miguel County recently issued a Request for Proposals for welding services. Two firms submitted a proposal. Staff evaluated the proposals and based on the criteria are making a recommendation for award of the welding services contract to Dennis Rivera, as the best and most qualified.

Motion to award welding services contract to Dennis Rivera, by Commissioner Ortiz. Second by Commissioner Padilla. Motion carried.

28. AGREEMENT WITH RIVERA WELDING SERVICES ON AN AS-NEEDED BASIS FOR SAN MIGUEL.

Public Service Foreman Harold Garcia advised the Commission that San Miguel County Public Works Division recently issued a Request for Proposals for welding services on an as-needed basis for San Miguel County. These services will include any welding needed at the Solid Waste Convenience Centers, Solid Waste Bins, Maintenance, etc.

Mr. Garcia requested approval of Welding Services Agreement with Rivera Welding Services for a period of 12 months, renewable annually for up to 3 years thereafter.

Motion to approve the Welding Services Agreement with Rivera Welding as noted above, by Commissioner Padilla. Second by Commissioner Ortiz. Motion carried.

29. RATIFICATION OF APPROVAL OF GRANT AMENDMENT NO. 1, GRANT NO. 08-3135-STB IN THE AMOUNT OF \$400,000.00, GRANT AMENDMENT NO. 1, GRANT NO. 09-3562-GF IN THE AMOUNT OF \$100,000.00, AND GRANT AMENDMENT NO. 1, GRANT NO. 09-3565-GF IN THE AMOUNT OF \$50,000.00. ALL THESE AGREEMENTS ARE BEING ADMINISTERED THROUGH THE NEW MEXICO ENVIRONMENT DEPARTMENT FOR THE SOLID WASTE BALING PROJECT

County Manager Les Montoya advised the Commission that San Miguel County was awarded the above-mentioned funds for the purpose of planning, designing, constructing, or equipping of the County's proposed Solid Waste Transfer Station/Baling Facility. Due to a policy change by the NM Department of Finance and Administration relating to the payment of third party vendors, an amendment to the current grant agreements is necessary.

Mr. Montoya requested the Commission ratify the approval of Grant Amendment No. 1, Grant No. 08-3135-STB in the amount of \$400,000.00, Grant Amendment No. 1, Grant No. 09-3562-GF in the amount of \$100,000.00, and Grant Amendment No. 1, Grant No. 09-3565-GF in the amount of \$50,000.00. All these agreements are being administered through the New Mexico Environment Department for the Solid Waste Baling Project.

Motion to ratify and approve Grant Amendment No. 1, Grant No. 08-3135-STB in the amount of \$400,000.00, Grant Amendment No. 1, Grant No. 09-3562-GF in the amount of \$100,000.00, and Grant Amendment No. 1, Grant No. 09-3565-GF in the amount of \$50,000.00, by Commissioner Padilla. Second by Commissioner Garcia. Motion carried.

30. CONSTRUCTION BID AWARD TO SANGRE DE CRISTO CONSTRUCTION LOW QUALIFIED BIDDER ON THE CINDER ROAD BICYCLE AND PEDESTRIAN PATHWAY PROJECT #ECO-4560(1), CNES 4118 (ARRA)

County Manager Les Montoya advised the Commission that bids for project were opened on August 12, 2010. Four Contractors submitted bids. The low qualified bid was submitted by Sangre de Cristo. The low base bid amount is \$750,952.77 including gross receipts tax. The bid and contract award have been approved by DOT, and the matter is ready for award, as recommended by the County's engineer.

Mr. Montoya requested the commission review bid documentation, consider approving award of base bid at \$750,964.26 including GRT, and alternate No. 1 in the amount of \$242,251.24, and alternate #2 in the amount of \$161,328.81; whereupon, a motion to that effect was made by Commissioner Garcia, seconded by Commissioner Ortiz, and duly approved by the Commission.

31. CAPITAL COOPERATIVE AGREEMENT FOR 2009 LEGISLATIVE APPROPRIATION FOR COUNTY OF SAN MIGUEL FIRST AMENDMENT TO CAPITAL COOPERATIVE AGREEMENT

County Manager Montoya explained the Agreement to the Commission and asked for approval for Project Control No. C7G455 in the amount of \$48,041.00, and Project Control No. C7G456 in the amount of \$20,021.00; whereupon Commissioner Padilla so moved, and Commissioner Leger seconded, and the motion carried.

32. CAPITAL COOPERATIVE AGREEMENT FOR 2009 LEGISLATIVE APPROPRIATION FOR COUNTY OF SAN MIGUEL CONTRACT NO. D12529/1 AMENDING THE 2008 CCA AND REAUTHORIZING TWO PROJETS BALANCES

County Manager Les Montoya requested the Commission review and re authorize two project balances in 2008 CCA for cattle guard road improvements to Mora County and acequias association in Ribera, in the amount of \$4,696.00 and \$ 50,000.00, respectively; whereupon a motion to that effect was made by Commissioner Padilla, seconded by Commissioner Garcia, and duly approved by the Commission.

33. SECURE RURAL SCHOOL ELECTION 2010-2011

County Manager Les Montoya advised the Commission in this matter and requested approval for 2010 payments under Public Law 110-343, and submission to DFA; whereupon a motion to that effect was made by Commissioner Ortiz, seconded by Commissioner Garcia, and duly approved by the Commission.

34. COUNTY MANAGER'S RECOMMENDATION TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUAL TO FILL THE VACANT POSITION OF CONVENIENCE CENTER OPERATOR AS PER THE RECOMMENDATION OF HAROLD GARCIA, PUBLIC SERVICE FORMAN.

PROBATIONARY EMPLOYEE

BOBBY J. LOVATO - CONVENIENCE CENTER OPERATOR - EFFECTIVE DATE OF HIRE: AUGUST 17, 2010 - PROBATIONARY SALARY: \$16,150.00

County Manager Les Montoya advised the commission that the Convenience Center Operator position became available due to the resignation of Pete Ortiz. Bobby Lovato is recommended as best qualified to fill this position.

Motion to approve and ratify the hiring of Bobby J. Lovato as a Convenience Center Operator by Commissioner Padilla. Second by Commissioner Ortiz. Motion carried.

35. SAN MIGUEL COUNTY MANAGER REQUEST TO APPROVE THE HIRING OF THE FOLLOWING INDIVIDUAL TO FILL THE VACANT POSITION OF DEPUTY WITH SAN MIGUEL COUNTY SHERIFF'S DIVISION AS PER THE RECOMMENDATION OF BENJIE VIGIL, SAN MIGUEL COUNTY SHERIFF.

PROBATIONARY EMPLOYEE

THEODORE CARR - DEPUTY - EFFECTIVE DATE OF HIRE: SEPTEMBER 25, 2010 - PROBATIONARY SALARY: \$28,025.00

County Manager Les Montoya advised the Commission that the Deputy position became available due to the resignation of Patrick Torres. Mr. Theodore Carr is a certified police officer and was a State Police Officer for several years.

Motion to approve and ratify hiring of Theodore Carr as a new Deputy with the San Miguel County Sheriff's Department, by Commissioner Ortiz. Second by Chairman Salazar. Motion carried.

36. PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF AUGUST 2010

County Manager Les Montoya advised the Commission of the personnel changes which have taken place in San Miguel County in the month of August 2010, and submitted 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 August 2010, by Commissioner Leger. Second by Commissioner Garcia. Motion carried.

37. AWARD BID FOR LEASE WITH OPTION TO PURCHASE ONE OR MORE CURRENT YEAR STANDARD PRODUCTION 197 HORSE POWER FRONT WHEEL LOADER

Interim Public Works Supervisor Daniel Encinias 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 on November, 2010. The loader is being utilized at the Gravel Crusher Site for the purpose of operations at the Crusher. San Miguel County invited bids for a lease with option to purchase the above-described loader. Two bids were submitted and they were opened on Wednesday, September 1, 2010. Two bids were received.

Mr. Encinias requested the Commission award the contract for this lease/purchase of a loader, to Adobe Truck & Equipment for \$1,956.03 per month for 84 months with a \$1.00 buyout at the end of term. Encinias noted that this was not the lower of the two bids, but that the other bid did not meet certain specifications as required by the County and, therefore, the Adobe bid is the lowest RESPONSIBLE bid. County Attorney Jesus Lopez advised the Commission for the record that the Procurement Code does not require the Commission award the contract to the lowest bidder, but requires that a contract award be made to the lowest RESPONSIBLE bidder, i.e., the bidder that meets all specifications and otherwise submits a responsible bid.

Motion to award the bid to the lowest responsible bidder, Adobe Truck & Equipment, in the amount of \$1,956.03 per month for 84 months, with \$1.00 buyout at the end of the lease/purchase term, for the subject heavy equipment, namely, one front-wheel loader, by Commissioner Padilla. Second by Commissioner Garcia. 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 or disposal 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 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, 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, 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 Garcia to retire into Executive/Closed Session at 4:35 p.m. to discuss the matters outlined above by the County Manager. Second by Commissioner Padilla. 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 Garcia made a motion to return to regular session at 5:35 P.M. Second by Commissioner Leger. 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 Garcia made motion to adjourn. Second by Commissioner Leger. Motion carried. The meeting ended at 5:36 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
monthly meeting held September 14, 2010.

David R. Salazar, Chairman

June J. Garcia, Vice-Chair

Nicolas T. Leger, Commissioner

Marcellino A. Ortiz, Commissioner

Albert J. Padilla, Commissioner

ATTEST

Melanie Y. Rivera, County Clerk

Minutes submitted by Javier L. Lopez