

**MINUTES OF REGULAR MONTHLY MEETING
OF SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
HELD OCTOBER 19, 2010**

CALL TO ORDER

The San Miguel County Board of Commissioners held its regular monthly meeting on October 19, 2010 at 9:00 a.m., and during the meeting sat and convened a the County Board of Finance.

The meeting took place 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

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

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

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

APPROVAL OF MINUTES: Emergency Meeting September 9, 2010 (Backup)

Motion to approve minutes for emergency meeting held September 9, 2010 by Commissioner Garcia. Second by Commissioner Ortiz. Motion carried.

INTRODUCTION OF NEW EMPLOYEES:

Theodore Carr
(Probationary Employee)

Deputy

Sheriff's Division

County Manager Les Montoya introduced Theodore Carr, who was not present.

***PRESENTATION OF QUARTERLY-LIQUOR EXCISE TAX FUNDS
AWARD PROGRESS REPORT
BY ANNA LUJAN, PROGRAM MANAGER,
4TH JUDICIAL DISTRICT COURT***

Ms. Lujan reviewed for the Commission the quarterly progress report for the liquor excise tax fund.

***PRESENTATION OF HEALTH COUNCIL ROSTER AND UPDATE ON HEALTH
COUNCIL ACTIVITIES***

Ms. Yolanda Cruz explained to the Commission the Health Council Roster along with past and present involvement activities and, in addition, a slide show was presented on past Health Council activities.

NEW BUSINESS:

SAN MIGUEL COUNTY BOARD OF FINANCE MEETING

**1. COUNTY TREASURER'S MONTHLY REPORT
(Backup)**

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

Mr. Ortiz also answered questions from the Commission.

No Action taken. For information only.

2. INDIGENT CLAIMS FOR ALTA VISTA HOSPITAL IN THE AMOUNT OF \$44,353.17

(Backup) (Backup)

Finance Division 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 if a representative from Alta Vista Hospital was available for questions, whereupon Mr. Leonard Tapia of Alta Vista Hospital presented himself before the Commission. Commissioner Leger asked Tapia several questions concerning the Hospital's accounting and reporting practices for indigent funds received from San Miguel County and expended by the Hospital. Tapia responded but Commissioner Leger commented that the responses were not adequate, and expressed concern about the Hospital's accounting practices relating to the indigent fund, noting that the Hospital is dealing with taxpayers' money.

Finance Supervisor Melinda Gonzales explained to the Commission the process utilized by her office concerning the accounting of indigent funds, and discussion ensued by the Commissioners, with Commissioner Leger concluding by stating that he was not satisfied that the Hospital was properly accounting for indigent funds.

Commissioner Garcia made a motion to approve indigent claims in the amount of \$44,353.17 for Alta Vista Hospital, with the exception of file # 1156. The motion died for lack of a second, and payment of the claims was not approved.

3. INDIGENT CLAIMS FROM CHRISTUS ST. VINCENTS IN THE AMOUNT OF \$19,540.64

(Backup)

Finance Supervisor Melinda Gonzales advised the Commission that the finance office has received, reviewed and processed the indigent claims submitted by Christus St. Vincent. 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.

Melissa Tanuz from Christus St. Vincents explained to the Commission the Hospital's procedures for processing indigent fund claims.

Motion to approve indigent claims to Christus St. Vincents in the amount of \$19,540.64, by Commissioner Ortiz. Second by Commissioner Leger. Motion carried.

4. BUDGET ADJUSTMENT RESOLUTION 2010-10-19-F1 REGARDING ROAD FUND, DWI, AND FIRE ADJUSTMENTS

(Backup)

Finance Division Supervisor Melinda Gonzales reviewed for the Commission the budget adjustments relating to the following: * Funding from a Homeland Security Grant for a declared disaster in the amount of **\$316,005.00** * Funding for carryover road grant balances in the amount of **\$250,000.00** * Funding for the Local Government Road Funds in the amount of **\$199,640.00** * DWI Distribution Allotment approved by the Department of Finance and Administration in the amount of **\$10,621.00*** Funding for a Rural Fire Assistant Grant for the Fire Chief's Fund in the amount of **\$20,000.00**.

Ms. Gonzales requested approval of budget adjustment Resolution No. **2010-10-19-F1 for above funds**.

Motion to approve budget adjustment Resolution No. **2010-10-19-F1**, by Commissioner Padilla. Second by Commissioner Ortiz. Motion carried.

5. RESOLUTION 2010-10-19-F2 DECLARING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS TO CONSIDER FOR ADOPTION AN ORDINANCE AUTHORIZING ISSUANCE AND SALE OF UP TO \$6,500,000 OF GROSS RECEIPT TAX REFUNDING REVENUE BONDS

(Backup)

Finance Division Supervisor Melinda Gonzales explained to the Commission that the County currently has three New Mexico Finance Authority loans that can be refinanced at a lower interest rate. The first loan has a current principal balance of \$1,570,263 and is titled 2003 Bond Series NMFA Loan. The second loan has a current principal balance of \$1,351,766 and is titled 2008 NMFA Refinance Loan. The third loan has a current principal balance of \$3,075,556 and is titled 2008 NMFA Capital Improvement Loan.

Ms. Gonzales introduced Chris Murihead from the Modrall Sperling law firm and Kit Caldwell from Southwest Securities. They explained to the Commission the purpose and intent of the Resolution, which proposes adoption of an ordinance allowing the refinancing of the above described loans, after notice and hearing as required by law.

Motion to approve Resolution No. **2010-10-19-F2** by Commissioner Padilla. Second by Commissioner Ortiz. Motion carried.

6. RESOLUTION 2010-10-19-F3 AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND INTERCEPT AGREEMENT BETWEEN SAN MIGUEL COUNTY, NEW MEXICO (THE “GOVERNMENTAL UNIT”) AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF \$90,371.00, TOGETHER WITH INTEREST THEREON, FOR THE PURPOSE OF PURCHASING AND EQUIPPING TWO POLICE VEHICLES FOR USE BY THE GOVERNMENTAL UNIT

(Backup)

Finance Division Supervisor Melinda Gonzales advised that the Board of County Commissioners authorized her office to submit an application for financial assistance to the New Mexico Finance Authority for the purpose of purchasing law enforcement vehicles for the Sheriff's Office. The application was approved by the New Mexico Finance Authority in the amount of \$90,371.00.

Ms. Gonzales requested approval of Resolution **No. 2010-10-19-F3** authorizing execution of loan agreement.

Motion to approve Resolution **No. 2010-10-19-F3** authorizing execution of loan agreement, by Commissioner Ortiz. Second by Commissioner Garcia. Motion carried.

7. CASH BALANCE REPORT AS OF SEPTEMBER 30, 2010

(Backup)

Finance Supervisor Melinda Gonzales presented to the Commission the September 30, 2010, cash balances for review.

No action taken. For information and review only.

8. ACCOUNTS PAYABLE LISTING SEPTEMBER 2010

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

Motion to approve Accounts Payable Listing for September 2010, by Commissioner Garcia. Second by Commissioner Padilla. 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. JOINT FUNDING AGREEMENT (JPA) WATER AVAILABILITY,
QUANTITY, IN SAN MIGUEL COUNTY WITH THE UNITED STATES
DEPARTMENT OF INTERIOR U.S. GEOLOGICAL SURVEY (USGS)**

(Backup)

County Manager Les Montoya advised the Commission that the U.S. Geological Survey and San Miguel County/City of Las Vegas entered into a partnership to complete a water availability, quantity and quality study in San Miguel County. The agreement provides for an expenditure of \$50,000.00 to be provided by USGS and \$50,000.00 to be provided by San Miguel County, the County and City each contributing equally to the latter.

Mr. Montoya introduced Ann Marie Matherne and Ann Stewart from U.S. Geological Survey who explained the process for the assessment and how it will be addressed.

Mrs. Matherne answered sundry questions from Commissioners pertaining to the assessment.

Mr. Montoya requested the Commission review proposed JPA and consider approving thereby authorizing the County Manager to execute, and budget accordingly.

Discussion ensued.

Motion to approve Joint Powers Agreement between USGS and San Miguel County by Commissioner Padilla. Second by Commissioner Ortiz. Motion carried.

**10. RATIFICATION OF ENGINEERING SERVICES CONTRACT
BETWEEN SAN MIGUEL COUNTY AND ENGINEER'S INC., FOR RFP NO.
2011 CDBG GONZALES RANCH COUNTY ROAD B-31-A**

(Backup)

Planning and Zoning Supervisor Alex Tafoya advised the Commission that at its September 14, 2010, Commission meeting, the Board of Commissioners selected Engineer's Inc., as the engineer for the 2011 CDBG Gonzales Ranch County Road B-31-A project and authorized staff to enter into contract negotiations with Engineer's Inc. Contract negotiations have been completed and Engineers' Inc. has indicated that professional engineering services for the project grant funding application can be completed at a cost of \$20,818.55, plus applicable gross receipts tax. The contract agreement has been signed by Engineer's Inc., and the County, as aforesaid.

Mr. Tafoya requested the Commission ratify the action taken by County staff in executing the contract between Engineer's Inc., and San Miguel County, as reflected above.

Motion to ratify RFP No. 2011 CDBG Gonzales Ranch County Road B-31-A, by Commissioner Padilla. Second by Commissioner Garcia. Motion carried.

11. SAN MIGUEL COUNTY FLOOD PLAIN ORDINANCE NO. SMC-10-19-10 (Backup) (Backup)

Planning and Zoning Supervisor Alex Tafoya advised the Commission that on September 14, 2010, the Board of County Commissioners approved and adopted Resolution directing the County Manager to do all things necessary and proper to adopt a San Miguel County Flood Plain Ordinance as provided by the Federal Emergency Management Agency. The title and general summary of the proposed Ordinance has been advertised in a newspaper of general circulation as required by law, at least two weeks before today's meeting.

Mr. Tafoya requested the Commission (1) review San Miguel County, New Mexico Flood Plain Ordinance No. SMC-10-19-10; and (2) conduct a public hearing on the proposed Ordinance; and (3) adopt San Miguel County, New Mexico Flood Plain Ordinance No. SMC-10-19-10.

Chairman Salazar opened a Public Hearing and requested public comment (3) three times for those in favor and for those in opposition of Ordinance **No. SMC-10-19-10**.

No public comments were presented either in opposition or in favor of Ordinance **No. SMC-10-19-10**, or otherwise, and the public hearing was closed for comment by Chairman Salazar.

Motion to adopt Flood Plain Ordinance **No. SMC-10-19-10** by Commissioner Padilla. Second by Commissioner Ortiz. Motion carried.

12. APPOINTMENTS TO EXTRA-TERRITORIAL ZONING COMMISSION (Backup)

Planning and Zoning Supervisor Tafoya advised the Commission that the current Joint Powers Agreement between San Miguel County and the City of Las Vegas that established extra-territorial zoning provides for an Extra-Territorial Zoning Commission. The terms of the two individuals who represent San Miguel County on the Extra-Territorial Zoning Commission have expired. It is necessary to either re-appoint or appoint new individuals to serve on the Commission. The term as per the Joint Powers Agreement is a two (2) year term.

The Commission was advised that Mr. Leroy Garcia is interested in continuing to serve on the ETZ Commission.

Commissioner Leger asked that Mr. Gilbert Sena be contacted to verify if he is willing to continue to be a member of the ETZ Commission, and act accordingly thereafter.

Motion to re-appoint Leroy Garcia to the current Extra-Territorial Zoning Commission as representative of the County and to contact Mr. Gilbert Sena to determine if he is willing to continue as a member, by Commissioner Padilla. Second by Commissioner Garcia. Motion carried.

13. RATIFY DISASTER ASSISTANCE PROGRAM GRANT AGREEMENT RECEIVED FROM THE NEW MEXICO DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

(Backup)

Emergency Manager Dennis English advised that the disaster agreement is for the cost of the repairs for damage sustained from the floods that occurred in June of 2010. The NMDHSEM has agreed to provide San Miguel County with 75% of the estimated cost for repairs at \$316,005.00, and the county's match being 25%, or \$105,335.00

Mr. English requested the Commission ratify Disaster Assistance Program Grant Agreement.

Motion to ratify and approve Disaster Assistance Program Grant Agreement, by Commissioner Padilla. Second by Commissioner Ortiz. Motion carried.

14. RATIFY EXECUTION OF AGREEMENT FOR ENGINEERING SERVICES BETWEEN ENGINEERS INC AND SAN MIGUEL COUNTY

(Backup)

Emergency Manager Dennis English advised that the agreement with Engineers Inc is for services for the repair of damage to infrastructure sustained during the flood disaster in June of 2010. The professional services agreement is in the amount of \$36,936.65.

Mr. English requested the Commission ratify Agreement for Engineering Services between Engineers Inc. and San Miguel County.

Motion to ratify Agreement for Engineering Services between Engineers Inc. and San Miguel County, by Commissioner Padilla. Second by Commissioner Ortiz. Motion carried.

15. APPROVAL AND SIGNATURE OF LETTER OF UNDERSTANDING BETWEEN THE SAN MIGUEL COUNTY/LAS VEGAS OFFICE OF EMERGENCY MANAGEMENT AND THE NEW MEXICO CIVIL AIR PATROL TO UTILIZE THEIR RESOURCES DURING DISASTERS

(Backup) (Backup)

Emergency Manager Dennis English advised the Commission that the Letter of Understanding piggy-backs off of a current memorandum of understanding between the Civil Air Patrol and the NM Department of Military Affairs for use of resources during the times of emergency or disaster.

Mr. English requested approval and signature of LOU between San Miguel County/Las Vegas Office of Emergency Management and the New Mexico Civil Air Patrol.

Motion to approve and execute aforesaid LOU, by Commissioner Garcia. Second by Commissioner Padilla. Motion carried.

16. PUBLIC WORKS DIVISION MONTHLY REPORT FOR THE MONTH OF SEPTEMBER 2010

(Backup)

Interim Public Works Division Supervisor Daniel Encinias explained, reviewed and discussed with the Commission the San Miguel County Public Works Division monthly report on any maintenance of county roads and/or special projects that were undertaken.

For information only. No action taken.

17. RECOMMENDATION TO ENTER INTO CONTRACT NEGOTIATIONS WITH ENGINEERING SOLUTION & DESIGNS AND PARAMETRIX FOR THE CONSULTING AND PLANNING SERVICES FOR THE SOLID WASTE BALER FACILITY PROJECT

(Backup)

Public Services Foreman Harold Garcia advised the Commission that San Miguel County is currently building the Solid Waste Baling and Transfer Station at the new Public Works Facility located at the Northern New Mexico Wood Business Park. Funds for this project were made available through several special appropriations, including those earmarked for consulting and professional services. Mr. Garcia explained the breakdowns as follows:

**SAN MIGUEL COUNTY SOLID WASTE BALING FACILITY
SPECIAL APPROPRIATION BUDGET**

PROJECT #	AMOUNT	EARMARKED
SAP 09-3565-GF	\$ 50,000.00	Construction
SAP 08-3135-STB Construction	\$ 400,000.00	Solid Waste Building
SAP 09-3562-STB	\$ 50,000.00	Other Prof. Services
SAP 09-3564-GF	\$ 100,000.00 (\$50,000.00) (\$50,000.00)	Other Prof. Services Equipment
TOTAL FUNDING	\$ 600,000.00	

Mr. Garcia also explained that \$100,000.00 is set aside for professional services that will be used towards this effort, some of which will be utilized for permitting the facility if need be.

Mr. Garcia requested that staff be authorized to enter into negotiations with Engineering Solution and Designs for the professional consulting services for the County's Implementation of Baling, Transportation, and possibly Recycling through collaboration with County Staff and the Task Force Committee.

Mr. Garcia also advised that staff is also requesting permission to enter into negotiations with Parametrix for the purpose of working on the planning phase for the project.

Motion to authorize staff to enter into negotiations with Engineering Solutions and Designs and with Parametrix, as described above, by Commissioner Ortiz. Second by Commissioner Padilla. Motion carried.

18. PLUMBING SERVICES AGREEMENT WITH JEFFREY'S PLUMBING SERVICES

(Backup)

Public Services Foreman Harold Garcia advised the Commission that San Miguel County currently has a one (1) year plumbing service contract with Jeffrey's Plumbing for "as needed" plumbing services. This Agreement is a 12-month agreement and is renewable for an additional 12-months, for up to 3 years.

Mr. Garcia requested Commission approval of the 2nd year Agreement with Jeffrey's Plumbing and Heating.

Motion to approve 2nd year Agreement with Jeffrey's Plumbing and Heating, by Commissioner Padilla. Second by Commissioner Garcia. Motion carried.

19. ANIMAL CONTROL SERVICES AGREEMENT BETWEEN THE CITY OF LAS VEGAS AND SAN MIGUEL COUNTY

(Backup)

Public Services Foreman Harold Garcia advised the Commission that the City of Las Vegas staff and San Miguel County staff have been collaborating over the past few months regarding a possible Animal Control Services Agreement between the two entities wherein the City provides animal sheltering services for the County at their Animal Shelter located at 1700 North Grand Avenue. A recent agreement was reached between both entities. This agreement is for \$20,000.00 annually with the City allowing the County up to 22 animals monthly. Any additional animals brought to the Shelter will be assessed based on the cost per animal as outlined in the Animal Control Ordinance of the City of Las Vegas. The agreement will terminate at the end of the fiscal year on June 30, 2011.

Mr. Garcia requested the Commission review the proposed Animal Control Ordinance and authorize San Miguel County Chairman David R. Salazar to execute the Agreement on behalf of San Miguel County for submittal to the City of Las Vegas for execution by them.

Motion to approve agreement mentioned above between the City of Las Vegas and San Miguel County, by Commissioner Ortiz. Second by Commissioner Garcia. Motion carried.

20. RESOLUTION NUMBER RES-10-19-10-PW-EXCESS PROPERTY AUTHORIZING THE BOARD OF COMMISSIONERS OF SAN MIGUEL COUNTY TO DECLARE CERTAIN PROPERTY EXCESS PROPERTY AND AUTHORIZING THE COUNTY MANAGER TO SELL SAID PROPERTY AS PROVIDED IN THE STATE STATUTES

(Backup)

Public Services Foreman Harold Garcia advised the Commission that San Miguel County has excess metal (pro-panel material) that is in disrepair and no longer needed for use by the County. The County is preparing to have metal declared excess and auctioned off or bid for sale.

Mr. Garcia requested the Commission adopt **Resolution No. RES-10-19-10-PW-EXCESS PROPERTY** and authorize the County Manager to sell said property as provided by law.

Motion to adopt **Resolution No. 10-19-10-PW-EXCESS PROPERTY**, by Commissioner Padilla. Second by Commissioner Ortiz. Motion carried.

21. BID REQUEST FOR SALE OF EXCESS COUNTY PROPERTY

Public Services Foreman Harold Garcia advised that there are several pieces of metal tin (pro-panel metal) located at the Public Works Facility from a recent construction project at the Solid Waste Transfer Station. This material is no longer needed and is being recommended by staff to be sold as excess property. An invitation for bids will be issued for sale to highest bidder and Garcia asked for authorization to proceed; whereupon Commissioner Leger moved to authorize staff to proceed as aforesaid, second by Commissioner Garcia. Motion carried.

22. SAN MIGUEL COUNTY DETENTION CENTER IMPROVEMENTS - WOMEN'S UNIT - RECOMMENDATION TO AWARD BID TO ENVIRONMENTAL CONSTRUCTION & SAFETY SERVICES, INC.

(Backup)

Warden/Facility Administrator Patrick W. Snedeker advised the Commission that sealed bids were solicited, specific to San Miguel County Detention Center Improvement(s), within the facility women's housing unit, for installation of stainless steel water closet(s)/fixtures and industrial washer/dryer unit(s). Bids were received from three (3) offerors. The best, qualified, and lowest bid, (in the amount of \$30,553.00 + tax) was

submitted by Environmental, Construction & Safety Services, Inc., of Santa Fe, NM. Commission review and approval is sought, to enter into a contractual agreement, with Environmental, Construction & Safety Services, Inc., for above described project at detention center.

Motion to enter into a contractual agreement, with Environmental, Construction & Safety Services, Inc., as aforesaid, by Commissioner Leger. Second by Commissioner Ortiz. Motion carried.

23. ACTION TO RESCIND AWARD OF CONTRACT TO CASE/ADOBE FOR A FRONT-WHEEL LOADER, AND FURTHER ACTION TO REJECT BOTH BIDS, FROM CASE/ADOBE AND CAT/WAGNER, AND DIRECT THAT ANOTHER INVITATION FOR BIDS FOR A FRONT-WHEEL LOADER BE ISSUED

County Manager Les Montoya advised the Commission that at its September 14 2010, meeting, the Commission made a contract award to Case/Adobe for the lease/purchase of a front-wheel loader. (No contract has been executed or even tendered by the County). Since that award was made, Cat/Wagner has filed a procurement protest in the matter. The County Manager and attorney met with staff to address the protest and the contract award, and has determined that it is in the best interest of the County to reject both bids, and direct that another invitation be issued for this procurement. Section 13-1-131 of the Procurement Code, NMSA 1978, allows the county to reject all bids when it is in the best interest of the county, and this determination has been made by the County Manager, and should also be made by the Commission. Because an award was made to Case/Adobe at the September 14 meeting, that award must first be rescinded, followed by action to reject both bids and direct that an invitation for bids be reissued. (The foregoing action by the Commission will render moot the procurement protest submitted by Cat/Wagner).

Mr. Montoya requested that the Commission take formal action as follows: (1) rescind action taken at the September 14, 2010, meeting awarding the lease/purchase contract for the front-wheel loader to Case/Adobe; (2) reject all (both) bids submitted, i.e., from Case/Adobe and Cat/Wagner; and (3) direct that an invitation for bids be re-issued for this procurement.

Motion to (1) rescind action taken at the September 14, 2010, meeting awarding the lease/purchase contract for the front-wheel loader to Case/Adobe; (2) reject all (both) bids submitted, i.e., from Case/Adobe and Cat/Wagner; and (3) direct that an invitation for bids be re-issued for this procurement by Commissioner Leger. Second by Commissioner Ortiz. Motion carried.

**24. EMPLOYMENT CONTRACT JAIL ADMINISTRATOR PATRICK SNEDEKER
(Backup)**

County Manager Las Montoya advised the Commission of the recommendation to approve employment contract with Patrick Snedeker as the County Jail Administrator effective October 19, 2010, for a term of twoyear, at an annual salary of \$70,875.00.

Mr. Montoya requested review and approval of Jail Administrator's contract.

Motion to approve employment contract with Patrick Snedeker as Jail Administrator by Commissioner Ortiz. Second by Commissioner Leger. Opposed by Commissioner Padilla. Motion carried, with Commissioner Padilla voting no.

25. SAN MIGUEL COUNTY MANAGER'S RECOMMENDATION TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUALS AS THE OFFICIAL ABSENTEE/EARLY VOTING BOARD FOR THE UPCOMING NOVEMBER 2, 2010 GENERAL ELECTION.

CASUAL EMPLOYEE'S

JOANN GONZALES -DATE OF HIRE: OCTOBER 4, 2010 TO NOVEMBER 1, 2010 - HOURLY SALARY: \$10.00

PAULINE TRUJILLO - DATE OF HIRE: OCTOBER 4, 2010 TO NOVEMBER 1, 2010 - HOURLY SALARY: \$10.00

ANGELA SANCHEZ - DATE OF HIRE: OCTOBER 4, 2010 TO NOVEMBER 1, 2010 - HOURLY SALARY: \$10.00

BARBARA ROMERO - DATE OF HIRE: OCTOBER 4, 2010 TO NOVEMBER 1, 2010 - HOURLY SALARY: \$10.00

PRISCILLA MARQUEZ - DATE OF HIRE: OCTOBER 4, 2010 TO NOVEMBER 1, 2010 - HOURLY SALARY: \$10.00

VICTORIA GALLEGOS - DATE OF HIRE: OCTOBER 16, 2010 TO NOVEMBER 1, 2010 - HOURLY SALARY: \$10.00

MARY GRIEGO - DATE OF HIRE: OCTOBER 16, 2010 TO NOVEMBER 1, 2010 - HOURLY SALARY: \$10.00

DEBORAH CHAVEZ - DATE OF HIRE: OCTOBER 16, 2010 TO NOVEMBER 1, 2010 - HOURLY SALARY: \$10.00

GERALDINE MADRID - DATE OF HIRE: OCTOBER 16, 2010 TO NOVEMBER 1, 2010 - HOURLY SALARY: \$10.00

(Backup)

County Manager Les Montoya advised that the Absentee/Early Voting Board will be housed in the San Miguel County Clerk's office for a period of 21 days and the Alternate Site Workers will be housed at the San Miguel Senior Citizen Center for a period of 11 days.

Mr. Montoya requested the Commission approve and ratify the hiring of the Absentee/Early Voting Board and the Alternate Site Workers noted above.

Motion to approve and ratify the hiring of the Absentee/Early Voting Board and the Alternate Site Workers listed above, by Commissioner Garcia. Second by Commissioner Ortiz. Motion carried.

26. SAN MIGUEL COUNTY MANAGER REQUEST TO APPROVE AND RATIFY 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

MARGARITO ENCINIAS - DEPUTY - EFFECTIVE DATE OF HIRE: OCTOBER 16, 2010 - PROBATIONARY SALARY: \$27,550.00

(Backup)

County Manager Les Montoya advised the Commission that the deputy position became available due to the resignation of Patrick Torres and Michael Padilla. Mr. Margarito Encinias served as a sergeant with the San Miguel County Sheriff's Department from February 1993 to June 2007. Margarito will have to attend a three week course to reactivate his certification.

Mr. Montoya requested the Commission approve and ratify the hiring of Margarito Encinias as a new deputy with the San Miguel County Sheriff's Division.

Motion to approve and ratify the hiring of Margarito Encinias as a new deputy with the San Miguel County Sheriff's Division, by Commissioner Garcia. Second by Commissioner Leger. Motion carried.

27. SAN MIGUEL COUNTY MANAGER'S RECOMMENDATION TO HIRE THE FOLLOWING INDIVIDUAL TO FILL THE VACANT POSITION OF LAND DEVELOPMENT SPECIALIST I WITH THE SAN MIGUEL COUNTY PLANNING & ZONING DIVISION AS PER THE RECOMMENDATION OF ALEX TAFOYA, PLANNING & ZONING SUPERVISOR

PROBATIONARY EMPLOYEE

MICHAEL GARCIA - LAND DEVELOPMENT SPECIALIST I - DATE OF HIRE: OCTOBER 30, 2010 - PROBATIONARY SALARY: \$29,000.00

(Backup)

County Manager Les Montoya advised that the Land Development Specialist I position was advertised and 7 applicants were interviewed out of the 26 applications that were received to fill the vacant position. After the interviews were held the committee reviewed and discussed the applications and it was determined that Michael Garcia was the top applicant, and is therefore recommended.

Mr. Montoya requested the Commission approve the hiring of Michael Garcia to fill the vacant position of Land Development Specialist I.

Motion to approve the hiring of Michael Garcia to fill the vacant position of Land Development Specialist I, by Commissioner Padilla. Second by Commissioner Garcia. Motion carried.

28. SAN MIGUEL COUNTY MANAGER'S REQUEST TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUAL TO FILL THE VACANT POSITION OF DETENTION OFFICER AT THE SAN MIGUEL COUNTY DETENTION CENTER AS PER THE RECOMMENDATION OF PATRICK SNEDEKER, WARDEN/FACILITY ADMINISTRATOR

PROBATIONARY EMPLOYEE:

JOHNNY R. ROMERO - DETENTION OFFICER - DATE OF HIRE: OCTOBER 18, 2010 - PROBATIONARY SALARY: \$20,900.00

(Backup)

County Manager Les Montoya advised that Johnny Romero will fill a full time detention officer position that is vacant due to a resignation.

Mr. Montoya requested the Commission ratify the hiring of Johnny Romero as a Detention Officer.

Motion to ratify the hiring of Johnny Romero as a Detention Officer, by Commissioner Padilla. Second by Commissioner Garcia. Motion carried.

29. PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF SEPTEMBER 2010

(Backup)

County Manager Les Montoya advised the Commission of the personnel changes which have taken place in San Miguel County for the month of September 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 September 2010, by Commissioner Padilla. Second by Commissioner Garcia. Motion carried.

30. SAN MIGUEL COUNTY COMMISSIONER MARCELLINO A. ORTIZ APPOINTMENT TO THE SAN MIGUEL COUNTY DWI PLANNING COUNCIL EFFECTIVE NOVEMBER 1, 2010

Mrs. Armijo requested appointment of Commissioner Marcellino A. Ortiz to the San Miguel County DWI Planning Council.

Motion to approve appointment of Commissioner Marcellino A. Ortiz to the San Miguel County DWI Planning Council, by Commissioner Padilla. Second by Commissioner Garcia. Motion carried.

31. FY 10-11 DISTRIBUTION REVERSION FUNDING GRANT AGREEMENT

DWI Coordinator Wendy 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, San Miguel County DWI Program is able to apply for a total \$10,261 in Distribution Reversion funds, and she requested such authorization.

Motion to approve **FY 10-11 Distribution Reversion Funding Grant Agreement** subject to the availability of funding, by Commissioner Leger. Second by Commissioner Garcia. Motion carried.

32. FY 10-11 CDWI CONTRACT AGREEMENT

Mrs. Armijo requested approval of **FY 10-11 CDWI Contract Agreement**.

Motion to approval of conditions and terms set forth in **FY 10-11 CDWI Contract Agreement** by Commissioner Ortiz. 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 to retire into executive session for the reasons noted by the County Manager, by Commissioner Padilla. Second by Commissioner Garcia, whereupon 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.

Commission returned into public session at 11:49 a.m., the Chairman noting that only those matters noted in the motion for closure were discussed in executive session, and no other or different matters were discussed.

Whereupon, the Commissioners recessed for lunch, to return at 1:30 p.m. to continue the regular monthly meeting, Item 33 still pending, and set aside for discussion during the afternoon session.

33. DISCUSSION REGARDING DEVELOPING WIND FACILITY BUFFER ZONE IN SAN MIGUEL COUNTY

County Manager Les Montoya advised that the County Commission requested information regarding the development of a development buffer zone in San Miguel County along the Pecos and Gallinas Rivers, for wind energy facilities, and that this agenda item was included for that purpose.

James Phillips, who is the DIS operator for the County Assessor's office, gave a presentation explaining line of sight and wind buffer zones in the Gallinas and Pecos River corridors from different distances, and discussion ensued by Commissioners, staff and public in attendance.

After discussion and public comment, the Commissioners indicated generally that they would not pursue the idea of buffer zones along the Pecos and Gallinas River corridors, and no formal action was taken.

ADJOURNMENT

Motion to adjourn by Commissioner June Garcia. Second by Commissioner Albert Padilla. Motion carried.

The meeting was adjourned at 4:20 P.M

Approved this _____ day of _____, 2010, as the official Minutes of the regular monthly meeting of the Board of County Commissioners of San Miguel County, New Mexico, held October 19, 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 Javier L. Lopez

