

**MINUTES OF REGULAR MONTHLY MEETING OF
SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
HELD TUESDAY, APRIL 12, 2011, BEGINNING AT 1:30 P.M.**

CALL TO ORDER

The San Miguel County Board of Commissioners held its regular monthly meeting on Tuesday, April 12, 2011, beginning at 1:30 p.m. The meeting convened at the County Commission Chambers, San Miguel County Courthouse, 2nd floor, 500 West National Ave., Suite 200, Las Vegas, New Mexico 87701.

ROLL CALL:

Upon a call of the roll, Chairman David R. Salazar, Vice-Chairman Nicolas T. Leger, and Commissioners Marcellino A. Ortiz and Ron R. Ortega were present, and a quorum was duly noted by Chairman Salazar. (Commissioner Arthur J. Padilla was not in attendance, and Chairman Salazar noted that his absence was due to a death in the family).

PLEDGE OF ALLEGIANCE AND SALUTATION TO NM STATE FLAG

Commissioners, staff and citizens in attendance joined in the pledge and salute.

APPROVAL OF AGENDA

Motion made by Commissioner Ortega to approve the agenda presented by the County Manager. Upon a second by Commissioner Ortiz, the motion carried. **(Unless otherwise noted, all motions were adopted and approved by unanimous voice vote of the Commission).**

APPROVAL OF MINUTES

Motion made by Commissioner Ortiz to approve the minutes of the regular monthly meeting held March 15, 2011. Second by Commissioner Ortega. Motion carried.

INTRODUCTION OF NEW EMPLOYEES:

The County Manager introduced the following new county employees:

Michael Padilla (Probationary Employee)	Deputy	Sheriff's Division
Allison Audra Estrada (Probationary Employee)	DWI Administration Asst.	DWI Division
Max Valdez (Probationary Employee)	Transit Operator/Safe Ride Home Veterans Service	DWI Division
Antonio Coca (Probationary Employee)	Transit Operator/Safe Ride Home Program	DWI Division
Fernando Roybal (Probationary Employee)	DWI Prevention Specialist	DWI Division

PRESENTATION OF THE 3RD QUARTER LIQUOR TAX FUND BY ANNA LUJAN

Ms. Lujan made a brief presentation, advising the Commission generally concerning the utilization of the Fund. No action was taken, and the presentation was for informational purposes only.

PRESENTATION RE: THE LAS VEGAS FIRST ENTREPRENEURAL NETWORKING PROGRAM BY ALANA BAKER AND JAY MOORE

Ms. Baker, later joined by Mr. Moore, made a presentation concerning the Program, and its efforts to coordinate economic development in San Miguel County; and also requested a funding contribution from the County in the amount of \$25,000.00. Discussion ensued, including several questions from Commissioners, who took no action on the matter and advised Baker and Moore to continue their efforts and later made another presentation and report to the Commission.

PRESENTATION OF CERTIFICATE OF CERTIFIED FLOOD PLAIN MANAGER TO MICHAEL GARCIA, CODE ENFORCEMENT OFFICER

Alex Tafoya advised the Commission that Mr. Garcia was one of five in New Mexico who was successful in passing the examination for certified floor plain manager. Mr. Garcia spoke briefly and was commended by the Commissioners.

SAN MIGUEL COUNTY BOARD OF FINANCE MEETING

1. COUNTY TREASURER'S MONTHLY REPORT

San Miguel County Treasurer Alfonso E. Ortiz, Jr., was not present. Tax Processor III Jennifer LeFebre presented the Treasurer's Monthly Report for the month of March 2011. This monthly report is presented for information only, and no action is sought from nor required of the Commission.

2. INDIGENT CLAIMS FOR ALTA VISTA HOSPITAL IN THE AMOUNT OF \$104,097.14 WERE TABLED DURING THE MARCH COMMISSION MEETING. ALTA VISTA HAS BEEN REQUESTED TO ATTEND THE MEETING AND TO PROVIDE INFORMATION REGARDING THE USE OF THE SOLE COMMUNITY PROVIDER FUNDS

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.

Alta Vista Hospital's chief financial officer Leonard Tapia was in attendance, as previously requested by the Commission. Tapia made a presentation concerning the Hospital's use and expenditure of indigent fund moneys, and answered questions from the Commission. Commissioner Leger expressed to Tapia his displeasure and frustration with the lack of information the Hospital is providing to the County, and cautioned Tapia that if the Hospital is not more forthcoming in the near future, he will suggest or explore other avenues to secure more complete information from the Hospital concerning its use and expenditure of indigent fund moneys, which Commissioner Leger noted are taxpayer funds..

Whereupon, Commissioner Leger moved approval of previously tabled indigent claims for Alta Vista Hospital in the amount of \$104,097.14, and upon a second by Commissioner Ortiz, the motion carried.

3. INDIGENT CLAIMS FOR ALTA VISTA HOSPITAL IN THE AMOUNT OF \$25,432.07

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.

Motion made by Commissioner Ortiz to approve Indigent Claims for Alta Vista Hospital in the amount noted above for this Agenda Item. Second by Commissioner Ortega. Motion carried.

4. INDIGENT CLAIMS FOR CHRISTUS ST. VINCENT'S HOSPITAL IN THE AMOUNT OF \$5,883.73

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.

Motion made by Commissioner Leger to approve the indigent claims for Christus St. Vincent's Hospital in the amount noted above for this Agenda Item. Second by Commissioner Ortega. Motion carried.

5. CASH BALANCE REPORT AS OF MARCH 31, 2011

Finance Division Supervisor Melinda Gonzales advised the Commission of the County's cash balance report as of March 31, 2011, and entertained questions.

For informational purposes only.

6. ACCOUNTS PAYABLE LISTING ITEMS 2011-1-9 THROUGH 2011-9-591

Finance Division Supervisor Melinda Gonzales advised the Commission of all payments made by the County during the month of March 2011.

Motion made by Commissioner Ortega to approve accounts payable listing as submitted by Ms. Gonzales. Second by Commissioner Leger. Motion carried.

REGULAR MEETING OF BOARD OF COMMISSIONERS

Having concluded its business as the County Board of Finance, the County Commission proceeded to regular order under its Agenda for its regular monthly meeting, as follows:

- 14.** Upon the suggestion of the County Manager, Item 14 of the Agenda, relating to fire protection and a state of emergency because of dry conditions, was taken up by the Commission at this time, as the first item of regular order, as follows:

Dennis English of the County's Office of Emergency Management appeared before the Commission, joined by County Fire Chief Russell Pacheco. They advised the Commission that fire danger throughout the county was severe and extreme, due to extremely dry and windy conditions, combined with a severe drought. They were joined by several volunteer firefighters, who also expressed their concern to the Commission.

Pacheco advised the Commission that he would immediately impose Level III fire restrictions under the County's fire ban ordinance, and the Commission expressed its concurrence with the Fire Chief's action, each Commissioner expressing his grave concerns about the fire danger.

Commissioner Leger then asked the county attorney if the situation as presented by English, Pacheco and the other fire personnel, lawfully permitted the Commission to immediately, and without further notice, take up the matter of declaring an emergency in San Miguel County relating to fire danger, and its threat to health and safety; whereupon the county attorney advised that the matter could lawfully be taken up immediately as an emergency, without further notice.

Commissioner Leger then moved, and Commissioner Ortega seconded, that the Commission immediately declare and announce a state of emergency throughout San Miguel County due to extreme drought and wind conditions which could result in fire, and directing the County Manager and all personnel to undertake all appropriate and necessary action. Leger's motion carried and a state of emergency was declared, and the County Manager was directed to draft an appropriate written declaration for circulation to the Commission and entry in the records of the County Commission.

7. JUNE 6-7, 2011-NATIONAL COMMISSION ON CORRECTIONAL HEALTH CARE SURVEY FOR HEALTH SERVICES ACCREDITATION-SAN MIGUEL COUNTY DETENTION CENTER

Warden Patrick W. Snedeker advised the Commission generally about the National Commission on Correctional Health Care (NCCHC), a private, non-profit organization that has developed national standards for providing health services in correctional facilities, and grants accreditation to facilities that comply with its published standards. San Miguel County Detention Center has voluntarily requested that the National Commission on Correctional Health Care conduct an on-site survey to verify the facility's compliance with the 2008 NCCHC Standards for Health Services in jails. The National Commission on Correctional Health Care will conduct a survey at this facility on June 6-7, 2011.

Rita Torres, President-CEO-Health Care Partners Foundation, Inc., advised the Commission that this accreditation has only been achieved by about five (5) facilities.

For informational purposes only.

8. SOMOS FAMILIA-FAMILY INSTITUTE, INC.-SOLEIL WEST ARCHITECTURE FIRM-PROPOSAL FOR ARCHITECTURAL/ENGINEERING DESIGN AND CONSTRUCTION DOCUMENTS-VETERANS TRANSITIONAL HOUSING/REINTEGRATION CENTER PROJECT

Warden Patrick W. Snedeker advised the Commission Somos Familia Family Institute, Inc. has entered into a professional services agreement with Soleil West Architecture Firm for the preparation and architectural/engineering design and construction documents, for a veterans' transitional housing/reintegration center project, within Las Vegas, New Mexico and San Miguel County, New Mexico. The resultant design product represents a cooperative program between Somos Familia-Family Institute and the San Miguel County Detention Center and will assist in the application process for Community Block Grant funding.

Tim Gallegos, Executive Director of Somos Familia-Family Institute, Inc., made a presentation concerning a related veterans shelter which is being planned.

Informational presentation only.

9. ORDINANCE NO. SMC-04-12-11-NATURAL RESOURCES

Planning and Zoning Supervisor Alex Tafoya advised the Commission that on March 15, 2011, the Board of County Commissioners adopted a resolution which directed the County Manager to do all things necessary and proper for the lawful passage of an ordinance imposing and extending an additional one year moratorium on the approval of conditional use permits or other permits for oil, gas and geothermal drilling, exploration and extraction in San Miguel County. Notice of the proposed adoption of Ordinance No. SMC-04-12-11-NATURAL RESOURCES has been published as required by law.

Chairman Salazar proceeded to conduct a public hearing on the proposed ordinance, and invited public comment, beginning at 4:09 p.m. Only Pat Galligan requested permission to address the Commission. After inviting comment from anyone else in attendance, and noting that no other person appeared or requested recognition, Chairman Salazar closed the public comment portion of the hearing at 4:11 p.m., and invited action by the Commission. Whereupon, Commissioner Leger moved, and Commissioner Ortiz seconded, adopted of Ordinance No.SMC-04-12-11-NATURAL RESOURCES, and upon a call of the roll, all Commissioners voted in the affirmative and the Ordinance was duly approved, adopted and ordained.

10. RESOLUTION NO. 04-12-11-SOLAR ENERGY FACILITY ORDINANCE

Planning and Zoning Supervisor Alex Tafoya advised the Commission, that staff has developed a proposed Solar Energy Facility Ordinance which was previously presented to the Board of County Commissioners on September 14, 2010, for the Commissioners' general information and review. The proposed ordinance is once again being presented for review and comment. Also being presented is Resolution No. 04-12-11-SOLAR ENERGY FACILITY ORDINANCE, proposing adoption of said solar energy facility ordinance, after notice and hearing as required by law.

Whereupon, Commissioner Leger moved, and Commissioner Ortega seconded, adoption of Resolution No. 04-12-11-SOLAR ENERGY FACILITY ORDINANCE, and the motion carried.

11. ADDENDUM TO LEASE AGREEMENT-SAN MIGUEL COUNTY AND EL CENTRO FAMILY HEALTH

Planning and Zoning Supervisor Alex Tafoya advised the Commission that the lease agreement between San Miguel County and El Centro Family Health needs to have a stipulation in the lease agreement that indicated the lease is subject to approval by the New Mexico Board of Finance. An Addendum to the lease agreement is being submitted for approval, for the aforesaid limited purpose. Whereupon Commissioner Ortega moved approval of the addendum, and upon a second by Commissioner Ortiz, the motion carried.

12. INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP) 2013-2017

Planning and Zoning Supervisor Alex Tafoya advised the Commission that San Miguel County has started the process of preparing its Infrastructure Capital Improvement Plan for 2013-2017. Comments in regard to projects to be included in the Plan have been received and a list of projects has been prepared.

Mr. Tafoya submitted to the Commission a list of proposed/possible projects and asked that the Commissioners review the same, provide comments at a later time, and eventually approve the five highest priority projects; but noted that the matter did not require any formal action at this time, and was presented only for the Commissioners' information and review.

13. SEPTIC WASTE MANAGEMENT STUDY-AWARD OF PLANNING ENGINEERING SERVICES

Planning and Zoning Supervisor Alex Tafoya advised the Commission that San Miguel County issued request for proposals for planning and engineering services for the Septic Waste Management Study, which study will be funded by a planning grant from the New Mexico Finance Authority. Proposals were received, reviewed and scored as per set criteria by a review committee that worked independently of each other. The three (3) companies that scored the highest were then interviewed by the review committee. Molzen Corbin and Associates scored the highest total score.

Mr. Tafoya requested that the Commission (1) authorize County staff to enter into contract negotiations with Molzen Corbin and Associates, and (2) should contract negotiations be successful, then authorize the County Commission Chairman, the County Manager, Finance Supervisor and County Attorney to execute the contract so that the project can begin.

Motion made by Commissioner Leger to adopt and approve the aforesaid recommendation by Mr. Tafoya, and upon a second by Commissioner Ortega, the motion carried.

14. OFFICE OF EMERGENCY AND FIRE CHIEF REPORT ON EXTREME AND DANGEROUS CONDITIONS IN SAN MIGUEL COUNTY

This matter was taken up and considered by the Commission as the first order of business, and appears above preceding Item 7.

15. PUBLIC WORKS DIVISION MONTHLY REPORT FOR THE MONTH OF MARCH 2011

Road Foreman Daniel Encinias presented his monthly report for the information of the Commission, and stood for questions. Discussion ensued and several questions were propounded to Encinias by Commissioners. (This item is presented only for information, and no formal action was required by the Commission).

16. RESOLUTION NO. SMC-RES-04-12-11-PW/EXCESS PROPERTY, DECLARING CERTAIN PERSONAL PROPERTY OF THE COUNTY OF SAN MIGUEL, NEW MEXICO, TO BE OBSOLETE, WORN-OUT OR UNUSABLE TANGIBLE PERSONAL PROPERTY AND DIRECTING AND AUTHORIZING THE COUNTY MANAGER TO DISCARD SAID PROPERTY AS PROVIDED IN THE STATE STATUTES

Public Service Foreman Harold Garcia advised the Commission San Miguel County has a double-wide office and cinder block garage located at the former Public Works Division yard located at 1224 Railroad Avenue, Las Vegas, New Mexico. These buildings are considered to be beyond repair for continued use by San Miguel County. The office building will be appraised, and Garcia recommended approval of Resolution No. 04-12-11-PW/EXCESS PROPERTY, for sale and disposition of the property described by him as aforesaid. Whereupon, Commissioner Leger moved approval, but cautioned that property should not be sold to anyone who will not dispose of it properly, and upon a second by Commissioner Ortega, the motion carried and the aforesaid Resolution was duly adopted.

17. PERMISSION TO HIRE FRANK ROYBAL FOR THE VACANT COMPUTER TECHNICIAN POSITION AT A RATE OF \$32,000.00 PER YEAR WITH AN EFFECTIVE DATE OF HIRE AS OF APRIL 28, 2011

Upon the recommendation of Finance Division Supervisor Melinda Gonzales, the person noted above was employed at the salary and for the position noted, upon a motion by Commissioner Ortiz and a second by Commissioner Ortega, and the unanimous vote of the Commission.

18. AMBULANCE SERVICE AGREEMENT WITH SUPERIOR AMBULANCE SERVICE INC. AND SAN MIGUEL COUNTY FOR THE SOUTHERN AND WESTERN PORTIONS OF THE COUNTY

County Manager Les W.J. Montoya informed the Commission that the Pecos Valley Medical Service provided written notice January 2011 of its intent to discontinue providing ambulance service in the Pecos area, and he has negotiated with Superior Ambulance for continued and uninterrupted provision of ambulance services. Montoya presented an addendum to the existing contract with Superior Ambulance, to be approved as an emergency procurement, allowing Superior to provide ambulance services in the Pecos area. Whereupon Commissioner Ortiz moved and Commissioner Ortega seconded approval of the emergency procurement (Addendum to parent contract with Superior Ambulance), and the motion carried.

19. SAN MIGUEL COUNTY MANAGER'S REQUEST TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUALS TO FILL THE VACANT POSITIONS AS DETENTION OFFICERS AT THE SAN MIGUEL COUNTY DETENTION CENTER AS PER THE RECOMMENDATION OF PATRICK SNEDEKER, WARDEN/FACILITY ADMINISTRATOR

PROBATIONARY EMPLOYEES:

ROBERTO ORTIZ-DETENTION OFFICER-DATE OF HIRE: MARCH 21, 2011-PROBATIONARY SALARY: \$20,900.00

JOSEPH SENA-DETENTION OFFICER-DATE OF HIRE: APRIL 4, 2011-PROBATIONARY SALARY: \$20,900.00

Upon the recommendation of the County Manager, Commissioner Ortega moved, and Commissioner Ortiz seconded, the ratification and approval of the employment of the above individuals for the position and at the salary indicated. The motion carried.

20. PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF MARCH 2011

County Manager Les Montoya advised the Commission of personnel changes which have taken place in San Miguel County during the month of March 2011, and asked ratification of same; whereupon Commissioner Leger moved approval of the personnel changes, and upon a second by Commissioner Ortega, the motion carried.

21. REQUEST TO AWARD BID TO LTG FIRE & EMERGENCY FOR THE PURCHASE OF A CURRENT YEAR OR NEWER, WILDLAND FIRE APPARATUS

Wildland Fire Coordinator Kenneth Medina advised the Commission that the County invited bids for the purchase of a wildland fire apparatus, as specified in the invitation for bids, and that LTG Fire and Emergency submitted the lowest responsible bids, meeting all specifications. (Medina noted that another bid was lower but did not meet specifications and staff determined, therefore, that it was not a responsible bid). Whereupon Commissioner Ortiz moved award of contract of purchase for the fire apparatus to LTG Fire and Emergency in the amount of \$159,920.00, and upon a second by Commissioner Ortega, the motion carried.

Executive/Closed Session

- A. Personnel Matters, as permitted by Section 10-15-1(H) (2) of the New Mexico Open Meetings Act, NMSA 1978.**
- B. Matters subject to the attorney client privilege pertaining to threatened or pending litigation in which SMC is or may become a participant, as permitted by Section 10-15-1(H)(7) of the New Mexico Open Meetings Act, NMSA 1978.**

C. Matters pertaining to the discussion of the acquisition of real property, as permitted by Section 10-15-1(H)(8) of the Open Meetings Act, NMSA 1978.

County Manager Les Montoya recommended to retire into Executive/ Closed Session to discuss Personnel Matters, as permitted by Section 10-15-1(H) (2) of the New Mexico Open Meetings Act, NMSA 1978, matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which SMC is or may become a participant, as permitted by Section 10-15-1(H) (7) of the New Mexico Open Meetings Act, NMSA 1978, 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 collective bargaining strategy preliminary to collective bargaining negotiations, as permitted by Section 10-15-1(H)(5) of the Open Meetings Act, NMSA 1978, as amended.

Motion made by Commissioner Ortega to retire into Executive/Closed Session at 5:16 p.m. to discuss the matters outlined above by the County Manager. Second by Commissioner Ortiz.

Roll call was taken before County Commission retired into Executive Session, with all Commissioners voting in the affirmative to retire into executive/closed session pursuant to the above motion and second, as follows:

Chairman Salazar	Yes
Vice-Chair Leger	Yes
Commissioner Padilla	Yes
Commissioner Ortega	Yes
Commissioner Ortiz	Yes

Unanimous vote to retire into executive session.

Commissioner Leger made a motion to return to regular session at 7:05 p.m. Second by Commissioner Ortega. 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 Leger made a motion to adjourn. Second by Commissioner Salazar. Motion carried. The meeting ended at 7:06 P.M.

Approved this _____ day of _____, 2011 as the Official Minutes of the Board of County Commissioners of San Miguel County, New Mexico, of its Regular Meeting held April 12, 2011.

David R. Salazar, Chairman

Nicholas T. Leger, Vice-Chair

Arthur J. Padilla, Commissioner

Marcellino A. Ortiz, Commissioner

Ron R. Ortega, Commissioner

ATTEST

Melanie Y. Rivera, County Clerk

Minutes Submitted by Michelle J. Padilla