

**MINUTES OF THE REGULAR MONTHLY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO
HELD TUESDAY, SEPTEMBER 13 2011, AT 1:30 P.M.**

CALL TO ORDER AND ROLL CALL

Chairman David R. Salazar called the meeting to order at 1:30 p.m., at the Commission chambers on the 2nd floor of the San Miguel County Courthouse. Upon a call of the roll by the Clerk, all Commissioners indicated their presence as follows: Chairman David R. Salazar, Vice Chairman Nicolas T. Leger, and members Marcellino A. Ortiz, Arthur J. Padilla and Ron R. Ortega.

Chairman Salazar noted a quorum was present and continued with the meeting.

PLEDGE OF ALLEGIANCE AND SALUTATION OF NM FLAG

Joined by staff and all in attendance, the Commissioners pledged allegiance to the U.S. flag and offered their salutation to the NM state flag.

APPROVAL OF AGENDA

County Manager Les Montoya recommended that Item 19 be removed from the Agenda, and Commissioner Padilla moved approval of the Agenda, with the deletion of Item 19. Upon a second by Commissioner Ortega, the Agenda was approved as aforesaid. **(Unless otherwise indicated, all formal action by the Commission is by unanimous voice vote, after a motion has been made and duly seconded.)**

APPROVAL OF MINUTES

Upon motion of Commissioner Padilla, and a second by Commissioner Ortega, the minutes of the Commission's meeting of July 28 2011, were duly approved; and upon a motion by Commissioner Ortiz and a second by Commissioner Ortega, the minutes of the Commission's meeting of August 09 2011, were duly approved; and upon a motion by Commissioner Padilla and a second by Commissioner Ortiz, the minutes of August 11 2011, were duly approved. (Commissioner Leger abstained from voting on approval of minutes for the two meetings at which he was not in attendance.)

NEW BUSINESS:

SAN MIGUEL COUNTY BOARD OF FINANCE MEETING

1. ADOPTION OF ORDER RATIFYING AND IMPOSING PROPERTY TAX RATES FOR SAN MIGUEL COUNTY FOR 2011, AS DETERMINED BY THE NM DEPARTMENT OF FINANCE AND ADMINISTRATION

County Assessor Elaine Estrada appeared before the Commission to present the property tax rates as determined by the NM Department of Finance and Administration. She informed the Commission that state law requires that the Commission adopt the rates determined by DFA, and impose the same for 2011. Whereupon Commissioner Padilla moved and Commissioner Leger seconded, adoption of the order presented by the Assessor, imposing property tax rates for 2011 in San Miguel County, as determined by DFA, and the motion carried. (Both the Assessor and County Finance Supervisor Melinda Gonzales advised the Commission that they reviewed the tax rates and the same are correct.)

2. COUNTY TREASURER'S MONTHLY REPORT

County Treasurer Alfonso E. Ortiz, Jr., appeared before the Commission and presented his monthly report detailing tax revenues for San Miguel County, and their disbursement to local public agencies, as required by law. (The report is made monthly for the information of the Commission and public, and formal action concerning same is neither required nor taken by the Commission.)

3. INDIGENT CLAIMS FOR ALTA VISTA HOSPITAL IN THE AMOUNT OF \$58,489.82.

Upon the recommendation of County Finance Supervisor Melinda Gonzales, Commissioner Ortega moved, and Commissioner Ortiz seconded, indigent fund payments to Alta Vista Regional Hospital in the amount of \$58,489.82, and the motion carried. (Ms. Gonzales represented to the Commission that all payments were lawful, and that each claim qualified under the County's guidelines.)

4. INDIGENT CLAIMS FOR CHRISTUS ST. VINCENTS HOSPITAL IN THE AMOUNT OF \$566.00

Upon the recommendation of County Finance Supervisor Melinda Gonzales, Commissioner Padilla moved, and Commissioner Ortega seconded, payment of indigent funds to Christus St. Vincent Hospital in the amount of \$566.00, and the motion carried. (Gonzales represented to the Commission that all payment were lawful, and that each claim qualified under the County's guidelines.)

5. LETTER DATED AUGUST 17, 2011 AND SIGNED BUDGET REQUEST RECAPITULATION

Finance Supervisor Gonzales advised the Commission that the County's budget for FY 2011-2012, was approved by the Local Government Division of the NM Department of Finance and Administration. She also advised the Commission that Section 6-6-5, NMSA 1978, requires that notice of approval by the LGD of DFA be made part of the minutes of today's Commission meeting, and for this reason is advising the Commission in the matter. Whereupon, Chairman Salazar noted that the notification from the LGD would be made an integral part of the record (minutes) of today's meeting, also noting that no formal action is required in this regard.

6. CASH BALANCE REPORT AS OF AUGUST 31, 2011

Finance Supervisor Gonzales informed the Commission of the County's cash balance as of August 31, 2011, and in response to a question by Commissioner Leger, also advised the Commission that nothing extraordinary is apparent, and that revenues and expenditures are proceeding normally. (This item is presented monthly by the Finance Supervisor, for the information of the Commission, and no formal action is either sought from nor required by the Commission.)

7. ACCOUNTS PAYABLE LISTING ITEMS 2012-1-2 THROUGH 2012-1-537

County Finance Supervisor Gonzales recommended approval of the accounts payable listing noted above, and upon a motion by Commissioner Padilla and a second by Commissioner Ortiz, the identified accounts payable listing was duly approved.

**HAVING CONCLUDED ITS BUSINESS AS
THE BOARD OF FINANCE, THE COMMISSION
PROCEEDED TO REGULAR ORDER, AS FOLLOWS:**

8. GENERAL DISCUSSION AND CONSIDERATION CONCERNING A COUNTY ORDINANCE REQUIRING MOTORISTS TO ALLOW A RIGHT-OF-WAY OR FREE ACCESS OF AT LEAST FIVE FEET TO BICYCLISTS ON COUNTY ROADS.

Commissioner Leger presented this matter, addressing the Commission as follows: In ever-increasing numbers, citizens are riding bicycles for exercise and recreation. The lack of bicycle lanes or paths along roads in San Miguel County (and most counties), requires bicyclists to ride alongside the road, and this often presents serious safety concerns. A local county ordinance requiring motorists to allow a right-of-way of at least five feet to bicyclists on county roads is a possible means of promoting public safety for both bicyclists and motorists, and the idea is proposed for general discussion and consideration by the County Commission. Commissioner Leger also noted that at the last legislative session, a state-wide law requiring a bicyclist right-of-way passed both houses of the legislature, but was vetoed by the Governor.

Whereupon, a robust discussion ensued by and between Commissioners and staff, the general tenor of which was whether the Commission should impose mandatory or directory requirements concerning the matter of a right-of-way for bicyclists on county roads. All Commissioners were supportive of protecting the bicycling public, but expressed individual concerns about enforcement, public awareness, and other issues.

At the conclusion of the discussion, the Commission determined that its consensus was that the County take some affirmative action on this issue, but determine at a later meeting exactly what formal action will be adopted. In this regard, staff advised the Commission that it would explore the various alternatives available to the Commission, and present options and further research in the matter, at the next regular meeting of the Commission.

Whereupon Commissioner Leger moved that the aforesaid recommendation by staff be the next order of business on this issue. Leger's motion was duly seconded by Commissioner Padilla, and carried.

9. San Miguel Family & Community Health Council Roster

Community Health Council Director Yolanda Cruz appeared before the Commission and presented that organization's membership roster for approval. Whereupon Commissioner Padilla moved and Commissioner Leger seconded, approval of the roster as presented, and the motion carried.

10. COUNTY COMMISSION REDISTRICTING PLANS

County Clerk Melanie Y. Rivera, joined by Bureau of Elections supervisor Paul Maez, appeared before the Commission to address the issue of re-districting of county commissioner districts as required by law, pursuant to the decennial census.

Rivera and Maez presented the Commission with the re-districting options available, noting that they had explored all possibilities, and worked closely with Michael Sharp of Research and Polling, previously retained by the Commission as the consultant in this matter.

Whereupon a robust discussion ensued, each Commissioner expressing his views and concerns about the re-districting plans presented, and about re-districting generally. The general tenor of the Commissioners' discussion was that re-districting should be accomplished as required by law, but with as little disruption of existing districts as possible. Another overriding concern expressed by the Commissioners, was that the citizenry be afforded an opportunity to be heard in the matter, and also advised fully of any proposed changes to existing districts.

The County Clerk then advised the Commission that the next step in this process will be to hold public meetings throughout the county, to seek input from the citizenry, and concurrently advised the public of the intended changes. All Commissioners and Manager Montoya concurred with the Clerk that public meetings should proceed as an integral part of the re-districting process, and both Rivera and the Manager advised the Commission that they would proceed accordingly.

11. SAN MIGUEL COUNTY RESOLUTION RECOGNIZING OCTOBER 10, 2011 “PAINT THE COUNTY PINK DAY” IN REGOGNITION OF BREAST CANCER AWARENESS MONTH

County Manager Montoya presented this item to the Commission, noting that the Resolution is endorsed by the New Mexico Association of Counties, and simply but importantly, brings attention to breast cancer, designating October as Breast Cancer Awareness Month. Whereupon, Commissioner Ortiz moved, and Commissioner Ortega seconded, adoption of the aforesaid Resolution, and the motion carried.

12. ROAD ADDED TO THE RURAL ADDRESSING LOG

County employee Gene Gonzales, appearing for Computer Information Specialist Mario Vasquez, recommended that County Road B26A be named and designated as PEAK VIEW ROAD, pursuant to the request and petition of three residents who reside along said road. Gonzales said the petitioners complied with County requirements and the request is otherwise in order and proper.

Whereupon Commissioner Leger moved and Commissioner Padilla seconded, that County Road B26A be designated and named as PEAK VIEW ROAD, and that the same be added as so designated, to the County’s E-911 road list. The motion carried.

13. PUBLIC HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR PLANNING FUNDS.

Planning & Zoning Supervisor Alex Tafoya, who also handles CDBG grants for the County, explained to the Commission that this item requires a public hearing, for the purpose of receiving public comment concerning the County’s CDBG grant application for planning funds. (Tafoya noted that public notice of today’s hearing as aforesaid, as required by applicable rules and regulations, was duly published and disseminated.)

Whereupon Vice Chairman Leger, in the temporary absence of Chairman Salazar, convened the required public hearing and invited anyone in attendance to address the Commission. (The Vice Chairman made the request three times.) No one came forward to address the Commission, whereupon Vice Chairman Leger proceeded to entertain discussion by the Commissioners. After all Commissioners and staff offered comment and recommendations concerning their priorities for fund application, a motion was entertained by the Vice Chairman.

Thereupon Vice Chairman Leger moved, and Commissioner Padilla seconded, that the CDBG grant application which is the subject of today’s public hearing, be made for funds to complete the Valley and Pecos Valley Sub-area development and long-term plans, as already begun by the County. The motion carried.

14. COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT - PROJECT NO. 11-C-NR-I-01-G-28

Alex Tafoya advised the Commission that the CDBG grant agreement which is the subject of this agenda item, was received by the County and executed by Chairman Salazar, pursuant to time constraints imposed by the public agency which controls the grant funds. Therefore, Tafoya requested that the Commission ratify the Chairman's previous execution of the grant agreement, and Commissioner Ortiz made a motion to that effect. Upon a second by Commissioner Padilla, the motion carried, and the execution by Chairman Salazar was duly approved and ratified.

15. PETITION TO ADOPT DAHLIA ROAD

Planning & Zoning supervisor Alex Tafoya informed the Commission that this item presents a petition asking that the County adopt as a county road, a road which begins at Highway 84, on the Guadalupe/San Miguel county line, a distance of 2.2 miles west to the residence of Helen Quintana. Tafoya noted that the Commission had previously appointed road viewers who conducted the requisite road viewing and recommend adoption of the road in question as a county road.

Whereupon the Chairman opened a public hearing for comment on the petition. Cecilia Quintana, one of the petitioner's and a resident of the area, addressed the Commission and expressed her hope that the road would be accepted as a county road. No other person sought to address the Commission on this matter.

Commissioner Padilla then moved that the road, commonly known as Dahlia Road, as described above, be adopted as a public county road. Commissioner Ortiz offered a second to the motion, which carried.

16. APPLICATION TO VACATE PLAT - GEORGE AND SUSAN HOLMES

Planning & Zoning Supervisor Tafoya advised the Commission that the applicants, whose names appear above under this item, seek a vacation of their plat within the Big Mesa Addition Subdivision at Conchas Dam.

Tafoya noted that the application is in order and meets all requirements imposed by the County for a plat vacation. He recommended approval. Also addressing the Commission, and recommending vacation of the plat, was Will Plotner of Rio Rancho, NM, representing the applicants.

Whereupon, noting that all County's requirements had been met, Commissioner Padilla moved, and Commissioner Salazar seconded, that the subject plat be vacated. The motion carried.

17. POSSIBLE TENANT - USDA RBEG "SPEC" BUILDING

Both P&Z Supervisor Tafoya and County Manager Montoya informed the Commission as follows: San Miguel County has received letters of interest from two (2) small emerging private businesses interested in occupying a building that would be constructed with USDA RBEG funds, such building to be located at the Wood Business Park. The letters of interest, business plans and economic data information sheets of each potential business were reviewed by the RBEG committee. It has been determined Meadow City Manufacturing, Inc., is the best potential business to locate in the building.

Tafoya and Montoya then requested that the Commission authorize staff and the RBEG committee to begin the process of negotiating the particulars with Meadow City Manufacturing in regard to locating at the Wood Business Park, and Commissioner Ortega moved to adopt the staff recommendation. Upon a second by Commissioner Leger, the motion carried and staff was authorized to proceed as previously noted.

18. RESOLUTION NO. 09-13-11-CITIZEN PARTICIPATION PLAN, CDBG GUIDLINES

P&Z Supervisor Tafoya advised the Commission that Developing a citizen participation plan is a Federal requirement for grantees receiving Community Development Block Grant funds. He said the plan must be adopted annually by Resolution, and for this purpose presented the Resolution which is the subject of this agenda item.

Whereupon Commissioner Leger moved, and Commissioner Ortega seconded, adoption of Resolution No. 09-13-11-Participation Plan, and the motion carried.

19. REQUEST TO ADVERTISE FOR BIDS FOR THE MORA/SAN MIGUEL ELECTRIC COOP BACK-UP GENERATORS

As noted at the beginning of the Minutes, this item was removed from consideration for today's meeting.

20. EMERGENCY MANAGERS PERFORMANCE GRANT IN THE AMOUNT OF \$45,036.00 INCREASE THE AWARD AMOUNT BY \$10,000.00 FOR INSTALLATION COST FOR BOTH GENERATORS

Upon the recommendation of the County Manager, Commissioner Padilla moved, and Commissioner Ortiz seconded, that this item be tabled upon a subsequent meeting of the Commission. The motion carried and the matter was tabled. (The subject matter of the tabled item is as follows: This grant was requested in order to assist the Mora/San Miguel County Cooperative Inc which is a non-profit organization by obtaining back-up generator equipment for their district offices. (Pecos/Mora). This increase will allow \$10,000.00 for installation costs for both generators).

21. APPROVAL AND SIGNATURE OF APPLICATION FOR 2012 FIRE PROTECTION GRANT FOR THE VOLUNTEER FIRE DISTRICTS

County Fire Chief Russell Pacheco explained to the Commission that the several Volunteer Fire Districts have prepared an application for a 2012 Fire Protection Grant. The grant application must have the signature of the Fiscal Agent and be submitted by September 15, 2011. If granted the award will be used towards the purchase of fire apparatus, PPE, communication equipment, or another justified need. Pacheco then requested approval of the application and of the fiscal agent signature.

Whereupon Commissioner Ortiz moved, and Commissioner Ortega seconded, approval of the application and fiscal agent signature, and the motion carried.

22. MOA BETWEEN THE SAN MIGUEL COUNTY DWI PROGRAM AND THE LAS VEGAS POLICE DEPARTMENT

DWI Coordinator Wendy Armijo explained to the Commission that the San Miguel County DWI Planning Council and the Las Vegas City Police Department will collaborate efforts to reduce Drinking and Driving in San Miguel County. The County DWI Program, through receipt of Community DWI (CDWI) Grant funds will provide the Las Vegas City Police Department with a total of two thousand, three hundred and sixty seven dollars (\$2367.00) for the purpose of providing the following DWI enforcement activities: Two Saturation Patrols and one DWI Checkpoint.

Armijo then requested approval of the foregoing MOA, and upon a motion by Commissioner Ortega and a second by Commissioner Padilla, the MOA was duly approved.

23. PUBLIC WORKS DIVISION MONTHLY REPORT FOR THE MONTH OF AUGUST

County Road Foreman Daniel Encinias made his monthly report to the Commission and entertained questions from several Commissioners. The report is presented monthly, and no formal action is either sought or required.

24. AWARD OF REQUEST FOR PROPOSAL FOR HAULING SERVICES FOR THE PUBLIC WORKS ROAD DIVISION WITHIN VARIOUS COUNTY ROADS AS MAY BE IDENTIFIED BY SAN MIGUEL COUNTY

County Road Foreman Daniel Encinias informed the Commission that San Miguel County advertised for request for proposal for hauling services for Public Works Road Division within various county Roads as may be identified by San Miguel County on August 17th, 2011. There was only one (1) contractor, Rocky Road Gravel Product, that submitted a proposal, and Encinias recommended that a contract be awarded to Rocky Road.

Whereupon Commissioner Padilla moved and Commissioner Leger seconded, that the aforesaid contract award be made to Rocky Road Gravel Product, the sole offeror/bidder. The motion carried.

25. RATIFICATION OF RESOLUTION NUMBER SMC-RES-09-13-11-LGRF-SB/PW PARTICIPATION IN THE LOCAL GOVERNMENT ROAD FUND PROGRAM ADMINISTERED BY THE NEW MEXICO DEPARTMENT OF TRANSPORTATION, AND RATIFICATION OF THE COOPERATIVE AGREEMENT BETWEEN NMDOT AND SAN MIGUEL COUNTY FOR THESE FUNDS

County Road Foreman Encinias advised the Commission as follows: That the New Mexico Department of Transportation submitted a Cooperative Agreement to San Miguel County for execution of the 2012-2013 Local Government Road Funds. This agreement is in the amount of \$54,318.00 with a required 25% match by San Miguel County of \$18,106.00 for a combined total of \$72,424.00.

For the foregoing reasons, Encinias recommended approval of the subject Resolution. Whereupon Commissioner Leger moved and Commissioner Padilla seconded, approval of Resolution No. 09-13-11-GRF-SB/PW, and the motion carried.

26. RATIFICATION OF RESOLUTION NUMBER SMC-RES-09-13-11-LGRF-CAP PARTICIPATION IN THE LOCAL GOVERNMENT ROAD FUND HARDSHIP MATCH WAIVER PROGRAM ADMINISTERED BY THE NEW MEXICO DEPARTMENT OF TRANSPORTATION, AND RATIFICATION OF THE COOPERATIVE AGREEMENT BETWEEN NMDOT AND SAN MIGUEL COUNTY FOR THESE FUNDS

County Road Foreman Encinias advised the Commission as follows: That the New Mexico Department of Transportation submitted a Cooperative Agreement to San Miguel County for execution of the 2012-2013 Local Government Road Funds. This agreement is in the amount of \$96,805.00 with a required 25% match by San Miguel County of \$32,268.00 for a combined total of \$129,973.00. A resolution for this agreement is required that includes consideration for application for a Hardship Waiver of the 25% County Match requirement, and Encinias recommended approval of the subject Resolution.

Whereupon Commission Ortega moved and Commissioner Ortiz seconded, approval of Resolution SMC-RES-09-13-11-LGRF-CAP, and the motion carried.

27. RATIFICATION OF RESOLUTION NO. SMC-RES-09-13-11-LGRF-COOP PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND HARDSHIP MATCH WAIVER PROGRAM ADMINISTERED BY NEW MEXICO DEPARTMENT OF TRANSPORTATION, AND RATIFICATION OF THE COOPERATIVE AGREEMENT BETWEEN NMDOT AND SAN MIGUEL COUNTY FOR THESE FUNDS

County Road Foreman Encinias advised the Commission as follows: That adoption of Resolution SMC-RES-09-13-11-LGRF-COOP will allow county participation in the local government road fund hardship match waiver program administered by NMDOT.

Whereupon Commissioner Padilla moved and Commissioner Leger seconded, adoption of the foregoing Resolution, and the motion carried.

28. REQUEST FOR PROPOSALS FOR ELECTRICAL SERVICES

Public Service Foreman Harold Garcia advised the Commission that San Miguel County currently has an agreement for Electrical Services with De Sena Electrical Services which is up for renewal or termination. He also advised that Staff is at this time requesting the contract not be renewed and is requesting authorization to proceed with the attached Request for Proposals for Electrical Services. These services would be for all County-owned facilities including the County Detention Facility.

Whereupon Commissioner Padilla moved and Commissioner Ortiz seconded, that the County not renew its contract with De Sena Electrical Services and, instead, that the County seek proposals for these services. The motion carried.

29. REQUEST FOR PROPOSALS FOR HEATING, VENTING, AND AIR-CONDITIONING (HVAC) SERVICES

County Public Service Foreman Harold Garcia advised the Commission that San Miguel County currently has an agreement for Heating, Venting, and Air-Conditioning (HVAC) Services with Precision Heating & Cooling which is up for renewal or termination.

Garcia also advised the Commission that Staff is at this time requesting the contract not be renewed and is requesting authorization to proceed with the attached Request for Proposals for HVAC Services. These services would be for all County-owned facilities including the County Detention Facility.

Whereupon Commissioner Leger moved and Commissioner Padilla seconded, that the County issue a request for proposals for the aforesaid services, and make a contract award at a later time to the most responsible offeror. The motion carried.

30. WELDING SERVICES AGREEMENT

Public Service Foreman Garcia advised the Commission that San Miguel County currently has a one (1) year Welding Service Contract with Rivera Welding for “as needed” Welding Services. This Agreement is a 12-month agreement and is renewable for an additional 12-months an additional 3 years. Garcia also advised the Commission that staff is requesting Commission approval of the 2nd year agreement with River Welding.

Whereupon Commissioner Ortega moved and Commissioner Ortiz seconded, that the County’s contract with Rivera Welding be renewed for a second year, as recommended above. The motion carried.

31. MOBILE HOME SPACE AGREEMENT BETWEEN PECOS INDEPENDENT SCHOOLS AND THE SAN MIGUEL COUNTY SHERIFF'S DEPARTMENT

Section 8 Housing Administrator Christina Barajas advised the Commission as follows: The San Miguel County Sheriff's Department has a deputy who currently resides in a County owned Mobile Home on the Pecos Independent Schools Property. The County leases the property of the Pecos School District for the amount of \$150.00 a month for a term of 12 months or an annual payment of \$1,800.00. The mobile home in question will be inspected by the San Miguel County Housing Authority two (2) times per year to ensure the Housing Quality Standards are acceptable. An inspection on the residence was done on May 16, 2011 and included as back-up and no problems.

Commissioner Ortega asked if this dwelling was connected to the County’s Section 8 Housing Program, and if that is why Ms. Barajas made the presentation. County Manager Les Montoya advised Commissioner Ortega that the premises are in no way connected to the Section 8 Program, that he simply assigned the matter to Ms. Barajas.

Whereupon Commissioner Padilla moved and Commissioner Ortega seconded, approval of the aforesaid lease, and the motion carried.

32. 3RD AND FINAL EXTENSION AGREEMENT FOR INMATE TELEPHONE SERVICES - SAN MIGUEL COUNTY, NEW MEXICO AND SECURUS TECHNOLOGIES, INC.

Warden Patrick Snedeker advised the Commission as follows: The 3rd Extension Agreement, by and between San Miguel County, New Mexico and Securus Technologies; for the provision of inmate telephone services at the San Miguel County Detention Center; is presented for Commission review and approval. The system provides for a secure call processor, collect call inmate telephones, visitation/telephone monitoring capacity and PIN identification management, commissary order by phone, and inmate account debited telephone access. A space rental fee in the amount of \$2,530.00 is received on a monthly basis.

Upon the recommendation of Warden Snedeker as aforesaid, Commissioner Ortiz moved and Commissioner Ortega seconded, approval of the 3rd extension agreement with Securus Technologies, and the motion carried.

33. RE-BID - DETENTION CENTER HVAC IMPROVEMENT PROJECT

Warden Patrick Snedeker advised the Commission that a sole bid was received for the HVAC replacement project at the Detention Center, but that the bid, by Franken Construction, exceeds the project budget. He recommended, therefore, that the bid be rejected, and the procurement be re-advertised, and upon a motion by Commissioner Padilla and a second by Commissioner Ortega, the sole bid was rejected, for exceeding the funds available for this project, and staff was directed to re-advertisement (re-bid) this HVAC project.

34. PROJECT COORDINATOR- LAS VEGAS JUVENILE JUSTICE CONTINUUM BOARD

Warden Snedeker advised the Commission that the Las Vegas Juvenile Justice Continuum Board has recommended Yolanda Cruz to fill the position of Coordinator for the LVJJC Board Program, for which the County serves as fiscal agent.

Whereupon Commissioner Padilla moved and Commissioner Ortega seconded, approval of Yolanda Cruz for the position of Coordinator for the LVJJC Board, and the motion carried. (Chairman Salazar commended Ms. Cruz for her diligence and noted that she will do a good job in her new position.)

35. DETENTION CENTER BILLING - OUTSTANDING BALANCES - NOT COLLECTIBLE

Warden Snedeker advised the Commission as follows: A listing has been compiled of detention center outstanding balances specific to the housing/care of other public agency detainees; that are determined uncollectible. The enumerated public agency locations are unidentifiable within terms of collecting payment(s) submitted and/or have cited NMSA 33-3-14 confinement in county other than in which crime committed; expense borne by county; as valid justification for non-payment. The Warden also advised the Commission that he seeks approval to write off the designated outstanding balances, as enumerated, as uncollectible, and that the San Miguel County Manager, the Finance Division Supervisor, and the San Miguel County Attorney, have reviewed the matter and are in concurrence.

Whereupon Commissioner Padilla moved and Commissioner Ortega seconded, that the Commission adopt the Warden's recommendation and that the aforesaid outstanding payments be declared uncollectible and not pursued further. The motion carried.

36. 2ND AND FINAL RENEWAL AGREEMENT FOR THE SOFTWARE AGGREMENT FOR AN AUTOMATED FACILITY MANAGER/OFFENDER MANAGEMENT SYSTEM BY AND BETWEEN SAN MIGUEL COUNTY, NEW MEXICO AND JUSTICE SOFTWARE, INC.

Warden Snedeker presented for review and approval, the 2nd Renewal Agreement, by San Miguel County, New Mexico and Justice Software, Inc. for automated Facility Manager/Jail Management systems at the San Miguel County Detention Center.

Whereupon Commissioner Leger moved and Commissioner Ortiz seconded, approval of the aforesaid renewal agreement with Justice Software, and the motion carried.

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

PROBATIONARY EMPLOYEES:

**KARL SENA - DETENTION OFFICER - DATE OF HIRE: SEPTEMBER 12, 2011
- PROBATIONARY SALARY: \$20,900.00**

Upon the recommendation of the County Manager and Warden Snedeker, Commissioner Padilla moved and Commissioner Leger seconded, the employment of the above individuals for the positions and at the salaries noted. The motion carried.

38. SAN MIGUEL COUNTY MANAGER REQUEST TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUAL AS A SEASONAL EMPLOYEE WITH THE SAN MIGUEL COUNTY PUBLIC WORKS DIVISION AS PER THE RECOMMENDATION OF HAROLD GARCIA, SAN MIGUEL COUNTY PUBLIC SERVICE FORMAN.

SEASONAL EMPLOYEE:

JULIA ORTIZ - ADMINISTRATIVE ASSISTANT - EFFECTIVE DATE OF HIRE: SEPTEMBER 7, 2011 TO NOVEMBER 25, 2011: - HOURLY SALARY: \$10.00

Upon the recommendation of the County Manager and Public Service Foreman Garcia, Commissioner Ortiz moved and Commissioner Padilla seconded, the employment of the foregoing individual for the position and at the salary noted. The motion carried.

39. NM DEPARTMENT OF TRANSPORTATION INTERSTATE/ EXCHANGE LIGHTING AGREEMENT FOR I-25 AND NM 283 INTERSECTION AT I-25/ ROMEROVILLE INTERCHANGE (TWO SEPARATE AGREEMENTS)

The County Manager explained to the Commission that the NM Department of Transportation (DOT) seeks to enter into the above agreement for the installation of two lights at the locations noted. Montoya noted that the design and installation of the lights will be borne by DOT, but thereafter all maintenance, upkeep and payment of utility cost will be borne by the County; that these are the terms proposed by DOT.

Whereupon a lengthy discussion ensued by and between the Commissioners, and staff, concerning the wisdom of entering into the agreements, and concerning generally the cost of the lights in the future and the ability of the County to bear the costs. (All Commissioners agreed that solar power lighting would be most appropriate.)

After a full discussion as noted above, the consensus of the Commission was that it should proceed with acceptance of the two lights and enter into the agreements for this purpose, and Commissioner Leger so moved. Upon a second by Commissioner Padilla, the motion carried and the agreements with DOT were duly approved.

40. PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF AUGUST 2011.

The County Manager advised the Commission that Personnel changes which have taken place in San Miguel County for the month of August 2011 are submitted for ratification and approval by the San Miguel County Board of Commissioners.

Whereupon Commissioner Ortega moved and Commissioner Ortiz seconded, approval of the personnel changes as recommended by the County Manager, and the motion carried.

41. LAS VEGAS JUVENILE JUSTICE CONTINUUMM BOARD CYFD CONTRACT AMMENDMENT, COORDINATOR POSITION SUB-CONTRACT, NEW MEXICO HIGHLANDS UNIVERSITY PROGRAMS/ SERVICES SUB-CONTRACT

For review and approval by the County Commission, Warden Snedeker presented A CYFD amendment Contract specific to the LVJJCB Program for Fiscal Year 2012, is presented along with a contemporaneous LVJJCB Coordinator Sub-Contract, and a contemporaneous NMHU Program/Services Sub-Contract.

Whereupon Commissioner Ortega moved and Commissioner Ortiz seconded, the approval of the aforesaid contract amendment as recommended by Warden Snedeker, and the motion carried.

42. JOB DESCRIPTION HUMAN RESOURCE ADMINISTRATIVE ASSISTANT

County Manager Montoya advised the Commission concerning the above job description as follows: Additional job duties assigned. Revision of job description is necessary to include additional responsibilities in administration and record keeping for County Safety Program, County Workers Compensation Claims and Tort Claim Notices. The County Manager then recommended approval of the job description as aforesaid.

Whereupon Commissioner Padilla moved and Commissioner Ortega seconded, approval of the new job description noted above by the County Manager, and the motion carried.

43. JOB DESCRIPTION HUMAN RESOURCE DIVISION SUPERVISOR

The County Manager advised the Commission as follows concerning the job description which is the subject of this Agenda Item: Creation of a Human Resource Division Supervisor Position responsible for administrating County Human Resource Office, to include Human Resource Administration, Workers compensation, County Safety Programs and Tort Claim Notices.

The County Manager then recommended approval of the new job description, and upon a motion by Commissioner Ortiz and a second by Commissioner Ortega, the motion carried and the new job description was approved.

44. RESOLUTON -09-13-11 SEPTEMBER PREPAREDNESS MONTH

In the absence of Emergency Manager Dennis English, the County Manager recommended that the foregoing Resolution be adopted, declaring and promoting the month of September, 2011, as preparedness month.

Whereupon Commissioner Padilla moved and Commissioner Leger seconded, the adoption of the the foregoing Resolution, and the motion carried.

At this time the County Manager recommended that the Commission retire into executive/closed session, for the purpose of considering the following matters:

- 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.**

Whereupon, at 4:55 o'clock p.m., Commissioner Padilla moved and Commissioner Leger seconded, that the County Commission retire into executive/closed session for the purpose of considering the matters outlined above, as recommended by the County Manager, and upon a call of the roll by the Clerk, each Commissioner voted and answered in the affirmative, and the Commission proceeded into executive session as permitted by law.

ADJOURNMENT

At 6:05 o'clock p.m., the Commission returned to public session and Chairman Salazar noted for the record that only those matters for which the motion for closure was made, were considered or discussed by the Commission in executive session.

There being no further business to come before the Board of Commissioners, at 6:07 o'clock p.m., Commissioner Padilla moved and Commissioner Leger seconded, that the Commission adjourn, the motion carried, and the meeting was duly adjourned.

MOVED, SECONDED AND ADOPTED this 11th day of October, 2011, as the official minutes of the regular monthly meeting held and conducted by the Board of County Commissioners on September 13, 2011, in Las Vegas, New Mexico.

David R. Salazar, Chairman

Nicolas T. Leger, Vice Chairman

Marcellino A. Ortiz, Member

Arthur J. Padilla, Member

Ron R. Ortega, Member

Attest:

Melanie Y. Rivera
San Miguel County Clerk

(S E A L)