

**MINUTES OF THE REGULAR MONTHLY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO,
HELD TUESDAY, OCTOBER 11, 2011, BEGINNING 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 five Commissioners were present, and a quorum duly established and noted as follows: Chairman David R. Salazar, Vice Chairman Nicolas T. Leger, and Commissioners Marcellino A. Ortiz, Arthur J. Padilla and Ron R. Ortega.

Chairman Salazar noted the absence of County Manger Les Montoya, and announced that acting Manager Melinda Gonzales, the County's Finance Supervisor, would act in Montoya's place and stead during the meeting.

PLEDGE OF ALLEGIANCE AND SALUTATION OF THE 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

Chairman Salazar entertained a motion for approval of the Agenda, whereupon Commissioner Ortega requested that a citizens' group be allowed to make a presentation concerning a county road, after Item 7 of the Agenda. Commissioner Ortiz then moved approval of the Agenda, as amended by Commissioner Ortega, and upon a second by Commissioner Padilla, the motion carried. **(UNLESS OTHERWISE INDICATED, ALL FORMAL ACTION BY THE COMMISSION IS BY UNANIMOUS VOICE VOTE.)**

APPROVAL OF MINUTES

Upon a motion by Commissioner Padilla and a second by Commissioner Ortega, the minutes of the Commission's special meeting of September 13 2011, were duly approved; and upon a motion by Commissioner Padilla and a second by Commissioner Ortiz, the minutes of the Commission's regular monthly meeting held September 13 2011, were duly approved.

INTRODUCTION OF NEW EMPLOYEES

New employee Julia Ortiz, Administrative Assistant at the Public Works Division, was introduced to the Commission and those in attendance. Ortiz, who was present, was welcomed by the Commission.

PRESENTATIONS

The only presentation made to the Commission was by Brad Turle, representing the Task Force appointed by the Commission to develop an ordinance relating to oil and gas exploration. Turle, a member of the Task Force, informed the Commission that he appeared on behalf of the Task Force, to express thanks and appreciation to the Commission and staff for its interest in developing a comprehensive ordinance relating to oil and gas. Commissioner Leger, who is a member of the Task Force, also spoke and advised the Commission that the Task Force is working diligently to develop a sound and comprehensive ordinance.

THE COMMISSION THEN CONVENED AS THE SAN MIGUEL COUNTY BOARD OF FINANCE, AS FOLLOWS:

COUNTY TREASURER'S MONTHLY REPORT (ITEM 1)

County Treasurer Alfonso E. Ortiz, Jr., appeared before the Commission and advised the Commission generally concerning taxes collected and the state of revenues at his office.

This item is presented monthly as an informational matter, and no action is sought from nor required by the Board of Commissioners.

INDIGENT BURIAL CLAIMS (ITEM 2)

Upon a presentation by Finance Supervisor Melinda Gonzales, the Commission increased the maximum allowable payment for indigent burials, from \$600.00 to \$1,200.00, as permitted by law. The increase and change in policy was made upon a motion by Commissioner Padilla and a second by Commissioner Ortega.

RESOLUTION 2011-10-11-F3 (ITEM 3)

Upon a presentation by Finance Supervisor Gonzales, the Commission approved the Resolution titled above, allowing the County to make application to the NM Finance Authority for the refinancing of the County's Valencia Street building, and the resultant freedom of funds for the payment of the HVAC system at the Detention Center, and the refurbishing of windows throughout the courthouse. The Resolution was approved upon a motion by Commissioner Leger and a second by Commissioner Padilla.

BUDGET ADJUSTMENT 2011-10-11-F1 (ITEM 4)

Upon a presentation by Finance Supervisor Gonzales, the Commission approved the Resolution titled above, allowing budget transfer in the General Fund and the Property Tax Fund. The Resolution allowing the budget adjustments was approved upon a motion by Commissioner Padilla and a second by Commissioner Ortega.

IMPOSITION OF LIEN FOR DELINQUENT SOLID WASTE ACCTS. (ITEM 5)

Upon a presentation by Finance Supervisor Gonzales, the Commission approved the imposition of property liens in, to and upon the land and real estate of those persons who are seriously delinquent in the payment of their solid waste collection fees, as listed by Ms. Gonzales. The approval was granted upon a motion by Commissioner Ortiz and a second by Commissioner Ortega. (Commissioner Leger inquired of Ms. Gonzales whether the imposition of liens was resulting in an increase in payment of delinquent accounts, and Ms. Gonzales answered in the affirmative, noting that many delinquent accounts are either brought up-to-date or the payers make arrangements to bring their accounts current.)

CASH BALANCE REPORT (ITEM 6)

Finance Supervisor Gonzales presented the Commission with the cash balance report as of September 29, 2011. (The matter is presented monthly and no formal action is sought from nor required by the Commission.)

ACCOUNTS PAYABLE LISTING (ITEM 7)

Upon a motion by Commissioner Padilla and a second by Commissioner Ortiz, the Commission approved the County's disbursements as recommended by Finance Supervisor Gonzales, inclusive of Items 2012-3-1 through 2012-3-442.

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

CITIZENS' PRESENTATION RE COUNTY ROAD 49A-11-A (ITEM 7-A)

This matter was introduced by Commissioner Ortega, who added the item to the Agenda at the beginning of the meeting, as approved by the Commission. (See Approval of Agenda, infra.) Commissioner Ortega noted that a group of citizens residing in his Commission district desired to address the Commission regarding County Road 49A-11-A, in the area of Los Vigiles.

Whereupon Chairman Salazar invited the citizens to appear and make their presentations. The following persons appeared before the Commission and urged that the subject road be maintained with more frequency, each detailing the condition of the road and the need for immediate maintenance: Max Salazar, Velma Salazar, Gloria Lujan, Barbara Troge and Ernesto Lujan.

The citizens' concerns were addressed by Chairman Salazar, who noted that the Commission welcomed their input, and would direct staff that the road be attended to as soon as possible. In this regard, Road Foreman Daniel Encinias advised the Commission concerning his Department's efforts at the road, and assured the Commission that he would attend to the road as soon as possible.

Commissioner Ortega also thanked the citizens' and expressed his concern generally for the condition of the road in question. He too urged that the road be properly maintained, as did all Commissioners.

RESOLUTION RE BICYCLE LANE RIGHT-OF-WAY (ITEM 8)

Planning & Zoning Supervisor Alex Tafoya informed the Commission that per its directive at the last regular monthly meeting, he drafted a proposed ordinance providing for a right-of-way for bicyclists on county roads. Tafoya further advised the Commission that the draft ordinance was attached to Resolution No. 10-11-11-BICYCLE LANE. Tafoya then invited the Commissioners' comments and direction.

Whereupon Chairman Salazar noted that neither the Resolution nor the draft ordinance were included in his pre-meeting packet, and he had seen neither. The other Commissioners expressed the same concern, and said they would prefer to review the documents thoroughly before proceeding further. For these reasons, Commissioner Leger moved that this Item be tabled. Upon a second by Commissioner Padilla, Leger's motion carried.

Commissioner Leger then asked that Dr. Gil White be recognized for a brief presentation of the issue of bicycle right-of-way lanes, and Chairman Salazar allowed the presentation. Dr. White was introduced by Commissioner Leger, who noted he was an avid bicyclist and supporter of bicycling. Dr. White then proceeded to address the Commission, thanking the Commissioners for their interest in and support of bicyclist's rights, and noting in particular the health advantages of bicycling.

ADDENDUM TO MOU WITH GUADALUPE COUNTY (ITEM 9)

Public Service Foreman Harold Garcia recommended to the Commission that it adopt the Addendum allowing Guadalupe County to maintain 1.4 miles of Dahlia Road in San Miguel County, west of the county line, at its sole cost and expense. Upon inquiry from Commissioner Ortega, county attorney Jesus L. Lopez advised the Commission that the Addendum was in all respects lawful and proper, and simply adds the subject road to the underlying Memorandum of Understanding previously entered into by Guadalupe and San Miguel County.

Whereupon Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the Addendum, and the motion carried.

BID AWARD FOR RECYCLING CONTAINERS (ITEM 10)

Upon the recommendation of Public Service Foreman Garcia, Commissioner Padilla moved and Commissioner Ortega seconded, that the County accept the bid from MCT Industries for purchase of recycling containers under the fund award made by the NM Recycling Coalition in the amount of \$103,650.00. The motion carried.

In answer to an inquiry from Commissioner Ortiz, Garcia informed the Commission that the bid award was for purchase of the containers only. (Garcia also noted that the MCT bid was the sole bid, that it was a responsible bid, that it was reviewed and approved by the NM Recycling Coalition, and that other public entities will be allowed to purchase similar goods under the bid award, per the “piggy-back” provisions of the NM Procurement Code.)

SALE OF EXCESS AND OBSOLETE PROPERTY (ITEM 11)

Upon the recommendation of Public Service Foreman Garcia, Commissioner Padilla moved and Commissioner Ortiz seconded, adoption of Resolution RES-10-11-11-PW-EXCESS PROPERTY, permitting the sale at public auction of the excess and obsolete county tangible personal property identified in the Resolution.

Commissioner Leger cautioned that staff should be careful that property is not purchased by anyone who has a history of causing unsightly and unsafe storage or hoarding of property on their premises. Garcia assured the Commission that this was the county’s regular course of practice.

MONTHLY REPORT FROM PUBLIC WORKS DIVISION (ITEM 12)

County Road Foreman Daniel Encinias appeared before the Commission and made his monthly presentation advising the Commission generally about activities in his department. During the presentation, Chairman Salazar expressed his concern that road graders not remain idle, but be put to work as often as possible; Commissioner Padilla expressed his concern about road maintenance at Gallegos Road on 8th Street extension, and discussion ensued on the matter, including a general discussion by Commission, staff and the county attorney concerning the extra-territorial zone and county roads. Both Encinias and Harold Garcia assured the Commission that they would look into the Gallegos Road matter, and report to the Commission at a later time.

HAULING SERVICES AGREEMENT (ITEM 13)

Upon the recommendation of Road Foreman Encinias, Commissioner Ortiz moved and Commissioner Ortega seconded, approval of the hauling services agreement with Rocky Road, for a period of 12 months beginning November 1, 2011, on an as-needed basis. (Encinias noted that the agreement is the result of the procurement process; that

Rocky Road was the sole offeror in response to the RFP previously issued by the County; and that the Commission made the bid award to Rocky Road at a previous meeting.)

EMERGENCY MANAGEMENT DIVISION LOGO (ITEM 14)

Upon the recommendation of Emergency Manager Dennis English, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the logo to be utilized by the County's Emergency Management office. Commissioner Ortega made inquiry of English as to whether the City of Las Vegas was satisfied with the logo, and the precedence of the County's title in the logo. English answered that the City was completely satisfied and in accord with the logo.

RATIFICATION OF BID INVITATION FOR GENERATORS (ITEM 15)

Emergency Manager English advised the Commission that this item was inadvertently removed from last month's agenda; that notwithstanding the inadvertent removal of the item from the previous agenda – due to timelines and deadlines - he proceeded with the invitation for bids for purchase of back-up generators for electrical infrastructure for the county; that he requested, therefore, that his actions and the invitation for bids be now ratified.

Whereupon Commissioner Ortega moved and Commissioner Ortiz seconded, ratification of the invitation for bids issued by the County, through the office of Emergency Management, as aforesaid. The motion carried.

POSITION ADVERTISEMENT RE JUVENILE JUSTICE BOARD (ITEM 16)

Upon the recommendation of Warden Patrick W. Snedeker, joined by Yolanda Cruz of the Juvenile Justice Continuum Board, Commissioner Padilla moved and Commissioner Ortega seconded, approval of the advertisement seeking applications for the position of Restorative Justice Program Provider. (Commissioner Ortega noted that the documentation for this item was absent from his pre-meeting computer information.)

SECTION 8 ANNUAL UTILITY ALLOWANCE DETERMINATION (ITEM 17)

Upon the recommendation of Section 8 Housing Administrator Christina Barajas, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of Resolution SMC-10-11-11-UTILITY ALLOWANCE, by which the Commission makes its

annual determination for cost and payment of utility allowances in the County's Section 8 Housing Program, as required by HUD.

RATIFICATION OF REVERSION FUNDING APPLICATION (ITEM 18)

Upon the recommendation of DWI Coordinator Wendy Armijo, Commissioner Padilla moved and Commissioner Leger seconded, the ratification of the DWI Program's application for reversionary funds in the amount of \$19,416.00, to be utilized by the Program as provided by law and budget.

PERSONNEL ACTIONS FOR THE MONTH OF SEPTEMBER, 2011 (ITEM 19)

In the absence of County Manager Les Montoya, Human Resources Supervisor Kiki Arellano made this presentation and stood for questions. Whereupon Commissioner Padilla moved and Commissioner Ortega seconded, the ratification and approval of all personnel actions taken by the County during the month of September, 2011.

RATIFICATION OF EMPLOYMENT (ITEM 20)

DWI Coordination Armijo informed the Commission that this Item should have been removed from today's agenda, and asked that it be deleted. Whereupon Commissioner Padilla moved and Commissioner Ortiz seconded, the removal of Item 20 from the Agenda, relating to a hiring with the Safe Ride Home Service program.

RATIFICATION OF EMPLOYMENT (ITEM 21)

Melinda Gonzales informed the Commission that Derrick Duran was being recommended for the position of detention officer, with probationary-entry status, at a salary of \$20,900.00, beginning September 26, 2011. Ms. Gonzales advised the Commission that this was the recommendation of both the County Manager and Warden Snedeker. Whereupon Commissioner Ortega moved and Commissioner Padilla seconded, the employment of Derrick Duran as aforesaid.

RATIFICATION OF EMPLOYMENT (ITEM 22)

Melinda Gonzales informed the Commission that Lorenzo Aragon was being recommended by County Assessor Elaine Estrada, for the position of Appraiser I, with probationary-entry status, at a salary of \$23,750.00, beginning September 26, 2011. Whereupon Commissioner Padilla moved and Commissioner Ortiz seconded, the employment of Lorenzo Aragon as aforesaid.

[During the course of the meeting, Commissioner Ortega made inquiry of the county attorney, whether the absence of documentation in the Commissioners' pre-meeting packet, for some of the foregoing items, had any legal consequence or effect, or otherwise affected the Commission's ability to proceed. County Attorney Lopez assured the Commission that the absence of certain documentation was inadvertent and due to

a change in secretary at the County Manager's office, and that the absence of the documentation/paper-work had absolutely no impact on the Commission's ability to proceed with its meeting and take formal action on any matter appearing on the agenda.]

HAVING CONCLUDED THE FOREGOING REGULAR ORDER, ACTING COUNTY MANAGER MELINDA GONZALES RECOMMENDED THAT THE COMMISSION RETIRE INTO EXECUTIVE/CLOSED SESSION TO CONSIDER THE FOLLOWING MATTERS: Personnel matters, matters subject to the attorney client privilege pertaining to threatened or pending litigation in which SMC is or may become a participant, matters pertaining to the discussion of the acquisition or disposal of real property, and matters pertaining to the discussion of bargaining strategy preliminary to collective bargaining negotiations, all as permitted by Section 10-15-1(H)(2), (5), (7) and (8) of the Open Meetings Act, NMSA 1978, as amended.

Whereupon, at 3:57 p.m., Commissioner Padilla moved and Commissioner Ortiz seconded, that the Commission retire into executive/closed session to consider the matters noted and recommended by Ms. Gonzales, as noted above. Upon a call of the roll by the Clerk, all five Commissioners answered in the affirmative on the motion to retire in executive/closed session, and the Commission proceeded to close the meeting as permitted by law.

At 4:15 p.m. Commissioner Leger moved and Commissioner Ortiz seconded, that the Commission reconvene in public session, and the motion carried. Whereupon Chairman Salazar noted for the record that the Commission considered and discussed in executive/closed session only those matters and subjects for which the motion for closure was made.

There being no further business to come before the Commission, and no person seeking recognition by the Commission, at 4:17 p.m. Commissioner Padilla moved and Commissioner Leger seconded, the adjournment of the meeting, the motion carried and the meeting was duly adjourned.

MOVED, SECONDED AND ADOPTED this 8th day of November, 2011, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held October 11, 2011.

David R. Salazar, Chairman

Nicolas T. Leger, Vice Chairman

Marcellino A. Ortiz, Member

Ron R. Ortega, Member

Arthur J. Padilla, Member

ATTEST:

Melanie Y. Rivera
San Miguel County Clerk

(S E A L)