

**MINUTES OF THE REGULAR MONTHLY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO,
HELD TUESDAY, NOVEMBER 08, 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.

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

County Manager Les Montoya requested that Item 29 be removed from the Agenda, whereupon Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the Agenda as amended by the County Manager, and the motion carried. **(UNLESS OTHERWISE INDICATED, ALL FORMAL ACTION BY THE COMMISSION IS BY UNANIMOUS VOICE VOTE.)**

APPROVAL OF MINUTES

Chairman Salazar asked if there were any corrections to the minutes of the regular monthly meeting held October 11, 2011, and Commissioner Leger stated that under the Item relating to the resolution proposing a bicycle right-of-way ordinance, the correct name for the gentleman who addressed the Commission, is Dr. Joe Whiteman. There being no other corrections, Commissioner Padilla moved and Commissioner Ortega seconded, approval of the aforesaid minutes, as corrected, and the motion carried.

INTRODUCTION OF NEW EMPLOYEES

New employee Lorenzo Aragon, who was present, was introduced as a new Appraiser I at the Assessor's office, and he was welcomed by the Commission.

PRESENTATIONS

Two presentations were made to the Commission, as follows:

Ray Collins, who lost several family members in a tragic collision involving a driver who was DWI, made a presentation concerning the problem of DWI generally, and the problems associated with DWI, including prevalent alcohol and substance abuse. Collins urged the Commission to support efforts in the legislature to allow all counties the ability to exercise local option decisions regarding the liquor excise tax. SMC DWI Coordinator Wendy Armijo joined Collins in addressing the Commission, and both she and Collins indicated they work closely together to combat DWI. All Commissioners thanked Collins for his untiring efforts on this issue, and assured him that they too were supportive of legislative and other efforts to stamp-out DWI in New Mexico.

The second presentation was made by Dr. Jon Boren, Associate Dean and Director of the NM Cooperative Extension Program at the NM State University. He was joined by Dr. Jeff Bader, Northern area director of the Extension Program, and Samantha Ortiz, the SMC Extension Agent. All three related generally the nature of the Extension Program, and the services offered, and expressed their willingness to consider input from the Commission and other interested citizens. Commissioner Ron Ortega expressed his appreciation for their presence before the Commission, but also expressed his disappointment that they did not present a more comprehensive and focused plan and accountability concerning the goals and accomplishment of the Extension Program generally, and especially as it relates to SMC. Dr. Boren responded by indicating he was willing to work with the Commission and others in this regard, and proposed a meeting (workshop) with all concerned.

**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., did not appear to make his monthly presentation, and no presentation was made under this item.

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

INDIGENT CLAIMS FOR ALTA VISTA HOSPITAL FOR \$38,671.38 (ITEM 2)

Upon the recommendation of Finance Supervisor Melinda Gonzales, Commissioner Ortega moved and Commissioner Ortiz seconded, payment of indigent hospital claims to Alta Vista Regional Hospital in the amount of \$38,671.38, and the motion carried. (Gonzales represented to the Commission that all claims were duly processed by her office, and were lawful and proper.)

RESOLUTION 2011-11-08-F2 (ITEM 3)

Upon a presentation by Finance Supervisor Gonzales, the Commission approved the Resolution titled above, authorizing the execution and delivery of a loan agreement and intercept agreement by and between SMC and the NM Finance Authority for funding for construction of a new fire station in San Ignacio as part of the Sapello/Rociada Volunteer Fire Department. (The amount of loan is \$446,600.00, and the loan is scheduled for closing on December 9, 2011.) The motion for approval was made by Commissioner Padilla, seconded by Commissioner Leger, and duly approved.

BUDGET ADJUSTMENT 2011-11-08-F1 (ITEM 4)

Upon a presentation by Finance Supervisor Gonzales, the Commission approved the Resolution titled above, allowing the budget transfers noted in said Resolution, for the Office of Emergency Management , fire administration, and the El Pueblo, Trementina and Rowe fire districts. The motion for approval was made by Commissioner Ortiz and seconded by Commissioner Ortega, and was duly approved.

CASH BALANCE REPORT (ITEM 5)

Finance Supervisor Gonzales presented the Commission with the cash balance report as of October 28, 2011. (The matter is presented monthly and no formal action is sought from nor required by the Commission.)

ACCOUNTS PAYABLE LISTING (ITEM 6)

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 2012-4-1 through 2012-4-508.

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

RESOLUTION AND PROPOSED ORDINANCE FOR BICYCLE LANE (ITEM 7)

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 is attached to Resolution No. 11-08-11-BICYCLE LANE. Tafoya then invited the Commissioners' comments and direction.

Commissioner Leger then asked that John Arnold, president of Meadow City Roadrunners, a local bicycle club, be allowed to address the Commission. Whereupon Chairman Salazar invited Arnold to make his presentation. Arnold spoke generally concerning the need for a bicycle right-of-way ordinance, and that bicyclists are an integral part of the populace and need to be protected. He thanked the Commission for its attention. Arnold was followed by Jeff Strum of the Conchas Dam area, who told the Commission there are many bicycling enthusiasts in that area of the county, and that they too support the Commission taking action to enact an ordinance seeking to protect bicyclists.

Whereupon Commissioner Leger moved adoption of Resolution No. 11-08-11 BICYCLE LANE, proposing adoption of the ordinance attached thereto as Exhibit "A", but noting that the proposed ordinance should not be brought before the Commission for a public hearing until January, 2012. Upon a second by Commissioner Padilla, Leger's motion carried.

HAWK'S LANDING TYPE-3 SUBDIVISION PRELIMINARY PLAT APPROVAL (ITEM 8)

Planning & Zoning Supervisor Alex Tafoya advised the Commission as follows: (1) that Bonnie J. McGowan has made application for preliminary plat approval of her proposed type-3 subdivision in the Pecos area, (2) that no negative opinion have been received by any reviewing agency, and that the State Engineer issued a positive opinion as to water availability, (3) that the applicant has complied with all requirements of the County's subdivision ordinance, and of the NM Subdivision Act, (4) that the Commission should entertain public comment and take action approving or disapproving the application.

Whereupon Chairman Salazar invited public comment for or against the subdivision application and preliminary plat approval. No person requested permission to speak. Whereupon the Chairman invited the applicant and her counsel, Karl Sommer, to address the Commission. Attorney Sommer addressed the Commission briefly, noting that all requirements of law had been complied with, and urged approval.

County Attorney Lopez noted for the record that all requirements of the NM Subdivision Act, namely, Sections 47-6-11 and 47-6-14, NMSA 1978, and of the County's subdivision ordinance, were met by the applicant, and that there was no lawful reason why the preliminary plat should not be approved.

Whereupon Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the preliminary plat for the Hawk's Landing Type-3 Subdivision, No. SC 0083, and the motion carried.

NMAC 2012 LEGISLATIVE PRIORITIES & RESOLUTION 11-08-11-CM (ITEM 9)

Chairman Salazar recognized Commissioner Leger on this Item, and Commissioner Leger advised the Commission as follows: (1) that he represents SMC on the Board of Directors of the NM Association of Counties, (2) that the NMAC has endorsed the legislative priorities particularized in Resolution No. 11-08-11-CM, and the Association has asked the several counties to express their support for same, (3) that he urges adoption of the aforesaid Resolution, and that the legislative priorities therein listed are in the best interests of SMC and county government generally.

Whereupon discussion ensued and all Commissioners and the County Manager expressed their support for the Resolution. Commissioner Leger then moved, and Commissioner Padilla seconded, adoption of Resolution No. 11-08-11-CM, and the motion carried.

RESOLUTION RECOGNIZING LUNG CANCER AWARENESS MONTH (ITEM 10)

Chairman Salazar recognized Commissioner Leger to present this Item, and Commissioner Leger explained that lung cancer is a prevalent disease affecting both smokers and non-smokers, and that the intent of the Resolution is to instill awareness in the citizenry concerning lung cancer and its devastating consequences. (Commissioner Leger also noted that the disease was presently affecting one of his sister's, who was a life-long non-smoker, always in a non-smoking household.)

The County Manager followed-up, informing the Commission that the Resolution recognizes November 18 2011, as "We Your Pearls Day" and approves a walk along the Cinder Bicycle/Pedestrian pathway. All Commissioners then expressed their support for the Resolution, and Commissioner Padilla moved its approval. Upon a second by Commissioner Ortiz, the Resolution as aforesaid was duly adopted.

APPROVAL OF COMMISSION RE-DISTRICTING PLAN (ITEM 11)

Upon a presentation by County Clerk Melanie Y. Rivera, Commissioner Padilla moved, and Commissioner Ortega seconded, approval of County Commission Re-districting Plan A, as the most reasonable for San Miguel County's commission districts.

Before a vote was taken, Chairman Salazar entertained public comment, and the following persons addressed the Commission, both from the Conchas Dam area of the County: Victor Hart and Jeff Strum, and they both thanked the Commission for its attention and expressed their desire to work and cooperate with the Commission in the future concerning the needs of the easternmost part of the County.

Before a roll-call vote was taken, each Commissioner expressed one or more of the following sentiments: that no plan was perfect, that all plans affected all districts, that re-districting is always difficult and sometimes confusing, that the one-man, one-vote legal requirement necessitates re-districting every ten years, that public hearings were held in the matter and all interested persons were given an opportunity to express their concerns, and that Plan A is the least disruptive and most feasible.

Chairman Salazar then called for a roll call vote on the previous motion of Commissioner Ortiz and the second of Commissioner Ortega, to adopt Plan A as the re-districting plan for the five San Miguel County Commission districts. Whereupon the clerk called the roll and each Commissioner voted in the affirmative, and Plan A was duly adopted. (Commissioner Leger asked that the record reflect that he voted accordingly because that was the consensus of the Commission, and that the Notice of Public Hearings held in the matter be made part of the record.)

RESOLUTION 2011-11-08-CLERK DESIGNATING POLLING PLACES (ITEM 12)

County Clerk Rivera presented the above-titled Resolution for the Commission's approval, noting it designates SMC polling places for elections in the next calendar year, and that she may recommend amendments from time-to-time. Whereupon Commissioner Padilla moved and Commission Ortega seconded approval of Resolution 2011-11-08-CLERK, and the motion carried.

NEED FOR TWO ADDITIONAL SHERIFF'S DEPUTIES (ITEM 13)

Sheriff Benjie Vigil addressed the Commission and expressed the need in his department for two additional full-time deputies. He said it was his ultimate goal to make his department active on a round-the-clock basis.

All Commissioners expressed their support, but noted the scarcity of funding. Commissioner Ortega said the Sheriff's request was a particular priority for him, and he urged the County Manager and Finance Supervisor to make every effort to ensure that money is found to fund the Sheriff's request.

No formal action was taken on the matter, but the Commission and staff agreed that the Sheriff's request would be a priority and be looked at carefully at the mid-year budget review.

ACCEPT LOW BID AND AWARD CONTRACT FOR 50/50 GENERATORS (ITEM 14)

The County Manager informed the Commission that only one bid was received for purchase of back-up generators for electrical infrastructure for the county, as noted with particularity at last month's meeting; and that the single bid was from Cummins Rocky Mountain, in the amount of \$45,144.87. Montoya recommended that the bid be awarded to Cummins in the foregoing amount, and upon a motion by Commissioner Padilla and a second by Commissioner Ortiz, the motion carried and the bid award was made as aforesaid.

EMERGENCY MANAGEMENT GRANT AGREEMENT (ITEM 15)

The County Manager informed the Commission that the above-titled grant agreement allows funds in the amount of \$82,036.00 for purchase of the generators noted in Item 14 above, and permits adjustment of funding in this line item due to the increased purchase amount. Whereupon Commissioner Padilla moved and Commissioner Leger seconded, approval and acceptance of the aforesaid grant agreement with the NM Department of Homeland Security and Emergency Management. The motion carried.

PLUMBING SERVICES AGREEMENT WITH JEFFREY'S PLUMBING (ITEM 16)

Upon the recommendation of Public Works Foreman Harold Garcia, Commissioner Ortiz moved and Commissioner Ortega seconded, approval of a 12-month contract with Jeffrey's Plumbing for as-needed plumbing services for the county. The motion carried.

EMERGENCY SNOW REMOVAL SERVICES/ROCKY ROAD (ITEM 17)

Upon the recommendation of Public Works Foreman Garcia, Commissioner Leger moved and Commissioner Ortega seconded, approval of a 12-month agreement with Rocky Road Gravel Products for emergency snow removal. The motion carried.

EMERGENCY SNOW REMOVAL & RD. MAINTENANCE/EP CONST. (ITEM 18)

Upon the recommendation of Public Works Foreman Garcia, Commissioner Ortiz moved and Commissioner Ortega seconded, approval of agreement with EP Construction for emergency snow removal and road maintenance, as needed. The motion carried.

EMERGENCY SNOW REMOVAL & RD. MAINTENANCE/DURAN (ITEM 19)

Upon the recommendation of Public Works Foreman Garcia, Commissioner Ortiz moved and Commissioner Ortega seconded, approval of agreement with Duran's Sand and Gravel (Pecos area) for emergency snow removal and road maintenance, as needed. The motion carried.

ELECTRICAL SERVICES/VALDEZ ELECTRIC AND EGB ELECTRIC (ITEM 20)

Upon the recommendation of Public Works Foreman Garcia, Commissioner Ortega moved and Commissioner Padilla seconded, award of two separate contracts for electrical services on an as-needed basis – one with Valdez Electric of Las Vegas, and the other with EGB Electric of Pecos, both of whom submitted proposals in response to the County's RFP. The motion carried.

ELECTRICAL SERVICES/VALDEZ ELECTRIC (ITEM 21)

Upon the recommendation of Public Works Foreman Garcia, Commissioner Padilla moved and Commissioner Leger seconded, approval of contract with Valdez Electric, pursuant to and in accordance with the contract award made in the immediately preceding Agenda Item (No. 20). The motion carried.

ELECTRICAL SERVICES/EGB ELECTRIC (ITEM 22)

Upon the recommendation of Public Works Foreman Garcia, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of contract with EGB Electric, pursuant to and in accordance with the contract award made under Agenda Item 20 above. The motion carried.

BID AWARD FOR LEASE/PURCHASE OF MOTORGRADER (ITEM 23)

Before acting on this item, the Commissioners expressed their concern that all heavy equipment operators be properly trained and Commissioner Ortiz again noted that heavy equipment should at no time remain idle. Public Works Foreman Garcia assured the Commission that adequate training was in the works, and that equipment would not remain parked and idle.

Whereupon, upon the recommendation of Garcia, Commissioner Ortega moved and Commissioner Ortiz seconded, that bid award be made to the sole low and responsible bidder, Wagner Equipment Company, for the lease/purchase of one motor grader at \$1,650.06 per month for 84 months. The motion carried. (The county attorney noted that the procurement is possible because of new funds made available by previously approved refinancing of county debt, and has no bearing upon nor contravention of, the non-appropriation return of a motor grader some months ago.)

CONTRACT APPROVAL FOR LEASE/PURCHASE OF MOTORGRADER (ITEM 24)

Public Works Foreman Garcia explained that approval of this Item will effectuate the bid award made in the immediately preceding Agenda Item. Whereupon Commissioner Leger moved and Commissioner Padilla seconded, approval of contract agreement with

Wagner Equipment Company for the lease/purchase of one motor grader at \$1,650.06 per month for 84 months. The motion carried.

PUBLIC WORKS DIVISION MONTHLY REPORT (ITEM 25)

SMC Road Foreman Daniel Encinias made his monthly report to the Commission and stood for questions. No questions or concerns were expressed by Commissioners, and Commissioner Ortega thanked and commended the Road Department for their recent work in the Gallinas area.

This report is made monthly, and formal action from the Commission is neither sought nor required for this Item of the Agenda.

LEGISLATIVE PRIORITIES FOR 2012 LEGISLATIVE SESSION

The County Manager informed the Commission that it was both necessary and proper to determine the County's legislative priorities for the upcoming legislative session in January, 2012.

Whereupon Chairman Salazar entertained from the Commissioners their individual priorities and concerns. A lengthy discussion ensued among Commissioners and staff, each Commissioner expressing his individual priorities for his respective district, but all acceding that they must work harmoniously and decide unanimously upon the most urgent priorities for the good of the entire county.

After the aforesaid lengthy discussion, and upon the concurrence of the County Manager, Commissioner Padilla moved and Commissioner Leger seconded, that the following be the County's priorities for legislative funding at the subsequent session: (1) funds for road improvement, in the amount of \$500,000.00, (2) funds for law enforcement, for replacement of vehicles at the Sheriff's department, in the amount of \$250,000.00, (3) support for legislation allowing a local option increase in the liquor excise tax in counties other than the presently permitted Class A counties, and support for concurrent legislation allowing an increase in the liquor excise tax. The motion carried and the foregoing were adopted as the legislative priorities for SMC for the upcoming legislative session.

CANCELLATION OF RFP FOR RESTORATIVE JUSTICE SERVICES (ITEM 27)

Upon the recommendation of the County Manager, in the absence of Warden Snedeker, Commissioner Leger moved and Commissioner Ortiz seconded, that the request for proposals for restorative justice services, be canceled as in the best

interests of the county, for the reason that there were irregularities in the procurement process. The motion carried and the RFP was cancelled.

RATIFICATION OF PERSONNEL ACTIONS FOR OCTOBER, 2011 (ITEM 28)

Upon the recommendation of the County Manager, Commissioner Leger moved and Commissioner Padilla seconded, the ratification and approval of all personnel changes made and approved by the County Manager during and for the month of October, 2011, and the motion carried.

EMPLOYMENT OF DWI SAFE RIDE TRANSIT OPERATOR (ITEM 29)

This Item was removed from the Agenda at the inception of the meeting. (See Approval of Agenda, infra.)

RATIFICATION OF EMPLOYMENT/DETENTION OFFICERS (ITEM 30)

Upon the recommendation of the County Manager and Warden Patrick W. Snedeker, who was absent from the meeting, Commissioner Padilla moved and Commissioner Ortiz seconded, the employment of the following persons as detention officers at the SMC Detention Center, each at the salary and start date noted: Sueann Lovato and Manuel Silva, effective October 10, 2011, at a probationary salary of \$20,900.00. The motion carried.

RATIFICATION OF EMPLOYMENT/SHERIFF'S DEPUTIES (ITEM 31)

Upon the recommendation of the County Manager and the County Sheriff, Commissioner Padilla moved and Commissioner Ortiz seconded, the employment of Timothy Marquez as a sheriff's deputy at a probationary salary of \$27,550.00, beginning November 5, 2011, and Dennis Nelson, for the same position and same salary, beginning October 15, 2011. The motion carried.

RATIFICATION OF EMPLOYMENT/SHERIFF'S SECRETARY (ITEM 32)

Upon the recommendation of the County Manager and the County Sheriff, Commissioner Padilla moved and Commissioner Leger seconded, the employment of Monica Martinez-Hanna as a secretary with *casual employee status*, effective October 11, 2011, at the salary of \$10.00 per hour. The motion carried.

APPROVAL OF REVISED JOB DESCRIPTION/PROBATE CT. CLERK (ITEM 33)

Upon the recommendation of the County Manager, Commissioner Padilla moved and Commissioner Ortiz seconded, the approval of a revised job description for the position of deputy clerk of and for the SMC Probate Court. The motion carried.

EMPLOYMENT OF PROBATE COURT CLERK (ITEM 34)

Upon the recommendation of the County Manager and Probate Judge Horace Lucero, Commissioner Leger moved and Commissioner Ortiz seconded, the employment of Magdalena Sandoval as deputy clerk for the Probate Court, effective November 12, 2011, at a salary of \$7.50 per hour. The motion carried.

HAVING CONCLUDED THE FOREGOING REGULAR ORDER, THE COUNTY MANAGER 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 5:45 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 6:33 p.m. Commissioner Padilla 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 6:35 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 13th day of December, 2011, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held November 08, 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)