

**MINUTES OF THE POSTPONED REGULAR MONTHLY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO,
HELD TUESDAY, DECEMBER 20, 2011, BEGINNING AT 1:30 P.M.**

CALL TO ORDER AND ROLL CALL

In the absence of Chairman David R. Salazar, Vice Chairman Nicolas T. Leger called the meeting to order at 1:40 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, four of the five Commissioners were present, and a quorum was duly established and noted as follows: Vice Chairman Nicolas T. Leger, and Commissioners Marcellino A. Ortiz, Arthur J. Padilla and Ron R. Ortega. (Chairman David R. Salazar was absent due to an illness in his family, and all Commissioners and staff expressed their thoughts and best wishes for Salazar and his family.)

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 recommended the following changes to the Agenda: That an emergency matter be added as the last item, relating to the approval of a resolution designating signatories on documents to be delivered to Cat/Wagner, that Items 18 and 19 be alternated, that Item 20 be removed entirely, and that the presentation relating to the Septage Waste Management Study be omitted.

Whereupon Commissioner Padilla moved and Commissioner Ortega seconded, approval of the Agenda as amended by the County Manager.

(ALL MOTIONS MADE AND SECONDED ARE DULY APPROVED AND ADOPTED WITHOUT FURTHER INDICATION OF SAID ACTION; AND ALL FORMAL ACTION IS BY UNANIMOUS VOICE VOTE, UNLESS OTHERWISE INDICATED.)

APPROVAL OF MINUTES

Upon inquiry from Vice Chairman Leger, there being no changes to the minutes of the regular meeting held November 08, 2011, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the aforesaid minutes, and the motion carried.

INTRODUCTION OF NEW EMPLOYEES

New Sheriff's deputies Dennis Nelson and Timothy Marquez, who were present, were introduced and welcomed by the Commission.

PRESENTATIONS

Three presentations were made to the Commission, as follows:

Cindy Collins and Bill Taylor, representing Main Street Las Vegas, made an informative presentation concerning the goals and accomplishments of the organization, and they asked the Commission to consider making a financial contribution to Main Street. All Commissioners commended the Organization and indicated the request for funds would be reviewed during the County's mid-year budget analysis.

Commissioners Leger and Ortega expressed concern and dismay, however, at recent events relating to a dispute between the Las Vegas/San Miguel Chamber of Commerce, and a business collaborative, concerning the latter's submission of a request for state funding. Both Commissioners indicated that the dispute is contrary to the County's urging that all business entities work harmoniously and cooperatively, and not hurt each other's efforts. Leger and Ortega also noted that they would seriously scrutinize any future funding for the Chamber, and were concerned about the funding commitment already made by the County, and that these matters may be taken up by them at a future meeting of the County Commission.

The second presentation was by residents of the Country Acres Subdivision. Representatives Anthony Baca and Brian Villanueva appeared on behalf of the residents, and requested additional maintenance and attention for the roads within the Subdivision. All Commissioners expressed their desire to properly maintain the roads, as did the County Manager. (Upon direction from Commissioner Ortega, the county attorney reviewed briefly the status of the pending litigation involving a site at the Subdivision, and he indicated it would be sometime before that litigation is finally determined.)

The third presentation was by Gabe Estrada, who requested that the Commission take formal action (at a later time), opposing any further efforts to add additional land to federal wilderness designation and status. After his presentation, all Commissioners thanked Estrada for his presentation and concern, and Vice Chairman Leger indicated that at such time as the matter may be presented formally, that all sides be allowed to present their views.

(A fourth presentation, though not on the Agenda, was made by Alex Aragon, who asked that the Commission consider more maintenance at Williams Road in north Las Vegas.)

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

COUNTY TREASURER'S MONTHLY REPORT (ITEM 1)

County Treasurer Alfonso E. Ortiz, Jr., made his monthly report, and indicated collections and other matters in his office were running as expected, and without problems. He did indicate a desire for an updated computer system. (The Treasurer's presentation was made before the Gabe Estrada presentation, above, and the Treasurer indicated he asked Mr. Estrada for permission to precede him.)

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 \$49,258.39 (ITEM 2)

Upon the recommendation of Finance Supervisor Melinda Gonzales, Commissioner Padilla moved and Commissioner Ortiz seconded, payment of indigent hospital claims to Alta Vista Regional Hospital in the amount of \$49,258.39, and the motion carried. (Gonzales represented to the Commission that all claims were duly processed by her office, and were lawful and proper.)

INDIGENT BURIAL CLAIMS (ITEM 3)

Upon a presentation by Finance Supervisor Gonzales, Commissioner Padilla moved and Commissioner Ortega seconded, payment of two indigent burial claims, one for \$600.00 for a cremation, and the other in the amount of \$1,200.00 for a burial. (Gonzales noted both claims were supported by affidavits of indigency, and are lawful and proper under applicable statutes.)

COOPERATIVE PROJECT AGREEMENT (ITEM 4)

Upon a presentation by Finance Supervisor Gonzales, the Commission approved a cooperative project agreement between SMC and the NMDOT in the amount of \$119,000.00, for design, planning and construction of a guardrail and material upon .40 miles of County Road A-11-A in Montezuma, near the United World College. The motion for approval was made by Commissioner Padilla and duly seconded by Commissioner Ortega, and carried.

RESOLUTION 2011-12-13-F1 (ITEM 5)

Upon the recommendation of Supervisor Gonzales, Commissioner Padilla moved and Commissioner Ortiz seconded, approved of the above-titled Resolution creating a separate fund to account for HSIP and state funds for the cooperative project therein identified.

BUDGET ADJUSTMENT RESOLUTION 2011-12-13-F2 (ITEM 6)

Upon the recommendation of Supervisor Gonzales, Commissioner Padilla moved and Commissioner Ortega seconded, approval of the above-titled Resolution, which provides for budget increases and creates a new budget, ALL AS SET FORTH WITH PARTICULARITY IN SAID RESOLUTION.

RESOLUTION 2011-12-13-F3 (ITEM 7)

Upon the recommendation of Supervisor Gonzales, Commissioner Ortiz moved and Commissioner Ortega seconded, approval of the above-titled Resolution, which authorizes SMC to apply for a loan from the New Mexico Finance Authority, in the amount of \$45,000.00, to be used toward the purchase of a water tender by La Placita Fire District.

INVITATION FOR BIDS FOR TELEPHONE SYSTEM (ITEM 8)

Upon the recommendation of Supervisor Gonzales, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the issuance of an invitation for bids for a telephone system for SMC. (In answer to questions posed by Commissioners Leger and Ortega, Gonzales indicated the existing telephone system may be antiquated, and the invitation will serve to upgrade the system and reduce costs.)

CASH BALANCE REPORT AS OF NOVEMBER 30, 2011 (ITEM 9)

Finance Supervisor Gonzales presented the Commission with the cash balance report as of November 30, 2011. (The matter is presented monthly and no formal action is sought from nor required by the Commission.)

ACCOUNTS PAYABLE LISTING (ITEM 10)

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 2012-5-1 through 2012-5-494, who certifies in the written document that all expenditures are lawful and proper.

APPROVAL OF FY AUDIT FOR 2010-2011 (ITEM 11)

Upon the recommendation of Supervisor Gonzales, Commissioner Padilla moved and Commissioner Ortega seconded, approval and acceptance of the audit of the County's

financial statements for the fiscal year beginning July 1, 2010 and ending June 30, 2011, as required by Section 12-6-5, NMSA 1978, as amended.

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

RESOLUTION SMC-12-20-11-EM, DECLARING DISASTER (ITEM 12)

Upon the recommendation of County Manager Les Montoya, Commissioner Ortiz moved and Commissioner Ortega seconded, adoption of the above-titled Resolution, declaring a disaster in SMC due to recent snow- and rain-fall, allowing SMC to apply for emergency funds for road repairs.

RESOLUTION 12-13-11-HR, RELATING TO HOLIDAYS FOR 2012 (ITEM 13)

Upon the recommendation of Manager Montoya, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the above-titled Resolution, establishing the Holiday schedule for SMC employees for 2012.

ADMIN. REGULATION 12-13-11, RELATING TO CELLULAR PHONES (ITEM 14)

Upon the recommendation of Manager Montoya, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the above-title Regulation governing and relating to the use of county-issued cellular phones by county employees.

APPLICATION TO NM HISTORICAL RECORDS ADVISORY BD. (ITEM 15)

Planning & Zoning Supervisor Alex Tafoya advised the Commission that grant funds are available through the NM Historical Records Advisory Board, for preservation of public records. He asked the Commission to authorize him to make application for such funds in the amount of \$8,500.00, and the same was granted upon a motion by Commissioner Padilla and a second by Commissioner Ortega.

CDBG GRANT AMENDMENT FOR GONZALES RANCH PROJECT (ITEM 16)

Supervisor Tafoya advised the Commission that the above-titled CDBG grant amendment for Project No. 11-C-NR-I-01-G-28, increasing the project funds from \$50,000.00 to \$60,612.42, has been submitted and was executed by Chairman Salazar, and he asked for ratification of said submittal and signature. Whereupon Commissioner Padilla moved and Commissioner Ortiz seconded, ratification as aforesaid.

NM DOT PROJECT AGREEMENT FOR OVERTIME PAY (ITEM 17)

Sheriff Benjie Vigil asked the Commission to approve the above noted Agreement whereby the NMDOT has granted to SMC \$2,710.00 to be used for overtime pay for enforcement of traffic laws on county roads. Whereupon Commissioner Padilla moved approval, and Commissioner Ortega offered a second.

ACCEPTANCE OF GRANT FOR COMMUNICATIONS EXERCISE BY EM (ITEM 18)

Emergency Manager Dennis English advised the Commission that the NM Department of Homeland Security has made an award in the amount of \$24,663.50 to SMC/City of Las Vegas for the purpose of conducting an operational based communication exercise. English requested approval of said award, whereupon Commissioner Padilla moved and Commissioner Ortiz seconded, approval.

PROFESSIONAL SERVICES FOR COMMUNICATIONS EXERCISE (ITEM 19)

Relating to the communications exercise identified in Item 18, above, English requested approval to procure the professional services of B-Sting Venture, LLC, as the best and most qualified offeror, to provide the services for said exercise. Whereupon Commissioner Padilla moved approval, and Commissioner Ortega seconded.

(AS NOTED AT THE INCEPTION OF THE MINUTES, UNDER APPROVAL OF AGENDA, ALL MOTIONS MADE AND SECONDED ARE DULY APPROVED AND ADOPTED, WITHOUT FURTHER INDICATION OF SAID ACTION; AND ALL FORMAL ACTION IS BY UNANIMOUS VOICE VOTE, UNLESS OTHERWISE INDICATED.)

OUT-OF-STATE TRAVEL REQUEST (ITEM 20)

This item was removed from the Agenda, as per the recommendation of the County Manager. (See Approval of Agenda, above, at inception of Minutes.)

JOB DESCRIPTION FOR NIMS COORDINATOR/EM OFFICE (ITEM 21)

Upon the recommendation of Emergency Manager Dennis English, the job description for the position of NIMS Coordinator, was approved, upon the motion of Commissioner Padilla and the second of Commissioner Ortiz, the motion noting that the job description should include a clause that the position is dependent on the availability of funds.

INVITATION FOR BIDS FOR PROPANE PURCHASE FOR FIRE DIST. (ITEM 22)

Upon the recommendation of Fire Chief Russell Pacheco, Commissioner Padilla moved and Commissioner Ortega seconded, granting approval to staff to invite bids for the purchase of propane gas for the several county fire districts.

JOB DESCRIPTION CHANGE FOR WILDLAND FIRE COORDINATOR (ITEM 23)

Upon the recommendation of Chief Pacheco, Commissioner Ortega moved and Commissioner Ortiz seconded, a change in the job description and title for the county's Wildland Fire Coordinator. (The new title will be Wildland Fire Technician, and the duties will include acting as liaison to the Forestry Division.)

INVITATION FOR BIDS FOR FIRE STATION IN SAN IGNACIO (ITEM 24)

Upon the recommendation of Fire Chief Pacheco, Commissioner Padilla moved and Commissioner Ortiz seconded, granting approval to staff to invite bids for the construction of a new fire station in San Ignacio, which will be a sub-station of the existing fire district in that area.

DWI GRANT AGREEMENT AMENDMENT/FUNDING REVERSION (ITEM 25)

Upon the recommendation of DWI Coordinator Wendy Armijo, Commissioner Ortiz moved and Commissioner Ortega seconded, approval of DWI Grant Agreement Amendment No. 1, which allows the DWI Program to utilize \$19,416.00 in additional funds, the same being funds which were unexpended and reverted.

RESTORATIVE JUSTICE PROGRAM PROVIDER (ITEM 26)

Upon the recommendation of Warden Patrick W. Snedeker, Commissioner Ortega moved and Commissioner Padilla seconded, that the professional services contract for a Restorative Justice Program Provider be awarded to the United World College, as the most qualified offeror. (The Program is administered through the Juvenile Justice Continuum Board, under the auspices of the County Commission, and the award is made pursuant to a request for proposals duly issued heretofore.)

INMATE CONFINEMENT AGREEMENT/MORA COUNTY (ITEM 27)

Upon the recommendation of Warden Snedeker, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of First Renewal Agreement between SMC and Mora County, for the latter's confinement of prisoners at the SMC Detention Center, at \$80.00 per day, plus a booking fee of \$20.00.

INMATE CONFINEMENT AGREEMENT/TAOS COUNTY (ITEM 28)

Upon the recommendation of Warden Snedeker, Commissioner Ortiz moved and Commissioner Padilla seconded, approval of Agreement between SMC and the Town of Taos, for the latter's confinement of prisoners at the SMC Detention Center, at \$65.00 per day, plus a booking fee of \$20.00.

ROADWAY BEAUTIFICATION CONTRACT WITH NMDOT (ITEM 29)

Upon the recommendation of Warden Snedeker, Commissioner Ortega moved and Commissioner Ortiz seconded, approval of a contract between SMC and the NMDOT allowing SMC Detention Center inmates to work on roadway beautification, per the terms and conditions of the contract.

UNCOLLECTIBLE BILLINGS AT SMC DETENTION CENTER (ITEM 30)

Warden Snedeker presented to the Commission his uncollectible outstanding invoices for inmate confinement at the SMC Detention Center, in the amount of \$24,761.00, and asked the Commission to declare the same uncollectible, to be reported accordingly on the County's financial statements.

Whereupon Commissioner Ortega made inquiry of the Warden and the County Attorney, concerning the legal propriety of declaring said billings as uncollectible, and asked for an explanation regarding the matter. Both Warden Snedeker and County Attorney Jesus L. Lopez addressed the matter, the latter noting that the billings are uncollectible because of jurisdictional disputes as to what entity is lawfully required to pay for a particular inmate's confinement, and not because of any bookkeeping errors or irregularities.

Commissioner Padilla then moved to declare the aforesaid billings as uncollectible and allow the same to be reported accordingly on the County's financial statements, and Commissioner Ortega – saying he was satisfied with the explanations given, as noted above – seconded Padilla's motion.

CONTRACT AWARD TO TRANE FOR HVAC SERVICES (ITEM 31)

Public Works Supervisor Harold Garcia informed the Commission that staff issued a request for proposals for HVAC services, for repair and maintenance of the County's heating, ventilation and air conditioning systems; that the lowest and most responsible offeror was Trane; and that the contract award should be made to Trane, all in accordance with the procurement process.

Whereupon Commissioner Padilla moved and Commissioner Ortiz seconded, that the Trane business firm be awarded the HVAC contract as recommended by Garcia.

CONTRACT APPROVAL WITH TRANE FOR HVAC SERVICES (ITEM 32)

Public Works Supervisor Harold Garcia asked the Commission to approve the HVAC contract (for repair and maintenance of the County's heating, ventilation and air conditioning systems), to the Trane Company, as the lowest and most responsible bidder, as per the contract award made under Item 31, above.

Commissioner Ortega noted that the actual contract with Trane did not appear in the Commissioners' pre-meeting packet, and that he would like to review it before taking further action. Whereupon Commissioner Padilla moved and Commissioner Ortiz seconded, that this Item be tabled until the next meeting of the Commission, thus allowing Commissioners an opportunity to review the subject document.

MONTHLY REPORT BY PUBLIC WORKS DIVISION (ITEM 33)

SMC Road Foreman Daniel Encinias presented his monthly report to the Commission and stood for questions. (The report is presented monthly, and no formal action is sought from the Commission, other than to elicit from Commissioners' their concerns and constituent input regarding county roads and public works.)

APPROVAL OF CONTRACT WITH THE SAFETY INSTITUTE (ITEM 34)

Upon the recommendation of the County Manager, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the annual contract with The Safety Institute, which provides drug testing for the County.

EMPLOYMENT OF DWI SAFE RIDE TRANSIT OPERATORS (ITEM 35)

Upon the recommendation of the County Manager and the DWI Coordinator, Commissioner Padilla moved and Commissioner Ortega seconded, approval and ratification of the employment of Sharon Montoya and Lee Einer for the positions of transit operators for the DWI Safe Ride Home Service program, effective November 30 and December 07, 2011, respectively, at a salary of \$10.00 per hour.

EMPLOYMENT OF EQUIPMENT OPERATOR II (ITEM 36)

Upon the recommendation of the County Manager, Commissioner Ortiz moved and Commissioner Ortega seconded, the employment of Aaron Montoya as Equipment Operator II with the Public Works Division, effective December 27, 2011, as a probationary employee, at a salary of \$20,900.00 per annum.

EMPLOYMENT OF CRUSHER PLANT EQUIPMENT OPERATOR II (ITEM 37)

Upon the recommendation of the County Manager, Commissioner Ortega moved and Commissioner Ortiz seconded, the employment of Melvin Silva as crusher plant Equipment Operator II, effective December 27, 2011, as a probationary employee at a salary of \$20,900.00 per annum.

EMPLOYMENT OF ADMIN. ASST./PUBLIC WORKS DIVISION (ITEM 38)

Upon the recommendation of the County Manager, Commissioner Padilla moved and Commissioner Ortiz seconded, the employment of Samantha Sandoval as a casual, temporary employee for the position of administrative assistant with the Public Works Division, effective December 5, 2011, at a salary of \$10.00 per hour.

RATIFICATION OF PERSONNEL ACTIONS FOR NOVEMBER, 2011 (ITEM 39)

Upon the recommendation of the County Manager, Commissioner Padilla moved and Commissioner Ortega seconded, approval of all personnel actions made and undertaken for the County during the month of November, 2011.

RESOLUTION AUTHORIZING SIGNATORIES FOR CAT/WAGNER (ITEM 40)

Upon the recommendation of the County Manager, Commissioner Padilla moved and Commissioner Ortega seconded, approval of the Resolution ratifying the signature of Public Works Supervisor Harold Garcia on the lease-purchase agreement and related documents concerning the recent procurement of heavy equipment by SMC.

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 5:10 p.m., Commissioner Padilla moved and Commissioner Ortega seconded, that the Commission retire into executive/closed session to consider the matters noted and recommended by the County Manager, as noted above. Upon a call of the roll by the Clerk, all four Commissioners in attendance 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 6:55 p.m. Commissioner Padilla moved and Commissioner Ortiz seconded, that the Commission reconvene in public session, and the motion carried. Whereupon Vice Chairman Leger 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 6:57 p.m. Commissioner Ortiz moved and Commissioner Padilla seconded, the adjournment of the meeting, the motion carried and the meeting was duly adjourned.

MOVED, SECONDED AND ADOPTED this 10th day of January, 2012, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held December 20, 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)