

**MINUTES OF THE REGULAR MONTHLY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO,
HELD TUESDAY, JANUARY 10, 2012, 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, four of the five County Commissioners were present, and a quorum was duly established and noted as follows: Chairman David R. Salazar, and Commissioners Marcellino A. Ortiz, Arthur J. Padilla and Ron R. Ortega. (Vice Chairman Nicolas T. Leger was absent, and Chairman Salazar noted that Mr. Leger had recently undergone surgery; and all Commissioners expressed their best wishes to Commissioner Leger.)

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

Upon a motion by Commissioner Ortiz and a second by Commissioner Padilla, the agenda was adopted without change, upon the recommendation of County Manager Les Montoya.

(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 a motion by Commissioner Ortega and a second by Commissioner Padilla, the Commission approved, without change, the minutes of its regular meeting held December 20, 2011.

INTRODUCTION OF NEW EMPLOYEES

The following new county employees, all employed at the Public Works Division, were introduced to the Commission and to the public: Samantha Sandoval, Melvin Silva, Aaron J. Montoya, and Philip Ulibarri; as were Sharon Montoya and Lee Einer, new employees at the DWI Program; and Louanna Sanchez, newly employed as a deputy clerk with the Probate Judge/Division.

PRESENTATIONS

A presentation was made to the Commission by Clayton TenEyck and Maritza Macias-Corral, of Molzen Corbin, concerning the San Miguel County Septage Waste Management Study, relating to the collection and disposal of waste in San Miguel County, outside and apart from the limits of the municipality. (Ms. Macias-Corral assisted Mr. Ten Eyck, but did not make a presentation herself.)

TenEyck made a comprehensive presentation which included a power point illustration, which emphasized throughout that his firm was unable to retrieve historical data to support its conclusions; that they were, therefore, reasonable projections.

All Commissioners asked questions and commented on the importance of the issues being discussed and presented, and among the salient points made were the opinion expressed by Commissioner Ortiz that the county is in dire need of a system, that the regional concept should be explored, as noted by Commissioners Ortega and Salazar, and that the benefit to the consumer should always be paramount, as noted by Commissioner Padilla.

At the conclusion of the presentation and questions from Commissioners, and upon the concurrence of the County Manager, Commissioner Ortega moved that the *Septage Management Study for San Miguel County, NM, dated January 10, 2012*, be adopted, approved and accepted, that staff be directed to compile additional data and information, upon which to determine whether the regional approach in this area is the most feasible. Ortega's motion was seconded by Commissioner Padilla, and duly carried.

THE COMMISSION THEN PROCEEDED TO CONSIDERATION AND ACTION ON THE FOLLOWING TWO STATUTORILY MANDATED ITEMS, RELATING TO ITS ORGANIZATION AND THE OPEN MEETINGS ACT:

SELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2012 (ITEM 1)

As required by Section 4-38-10, NMSA 1978, the Commission proceeded to select from among its members, a chairman and vice chairman for the 2012 calendar year. Chairman Salazar said it was his pleasure to nominate for chairman, Commissioner Nicolas T. Leger. Commissioner Ortiz seconded the nomination, and there being no other nominations, the Commission voted unanimously to elect Leger as chairman.

Whereupon, Commissioner Padilla nominated Commissioner Ron R. Ortega to serve as vice chairman, and the nomination was duly seconded by Commissioner Ortiz. There being no other nominations, the Commission voted unanimously to elect Commissioner Ortega as vice chairman.

In the absence of Chairman Leger, outgoing Chairman Salazar passed the gavel to Vice Chairman Ortega, who thereafter proceeded to chair the Commission meeting.

[The following transpired later in the meeting, but is included here for easy reference and relevance:

Vice Chairman Ortega expressed his appreciation and thanks to Commissioner Salazar for his leadership and many years of service to the people of San Miguel County. Ortega was followed by all Commissioners, who expressed their respect for Salazar, and also thanked him for his diligence, honesty and impartiality. Also expressing their appreciation to Salazar, and remarking on his leadership and commitment to the betterment of San Miguel County, were County Manager Les Montoya, Finance Supervisor Melinda Gonzales, Planning & Zoning Supervisor Alex Tafoya, and County Attorney Jesus Lopez, who were joined by Pablo Sedillo of Senator Jeff Bingaman's office, and Gabe Estrada.

Commissioner Salazar thanked all in attendance for their kind words, and said it was his honor to serve as chairman, and to be a member of the Commission. Salazar first noted that although he still has a year remaining in his term, it was his desire to give-up the chairmanship so that continuity and an easy transition could be made early. Salazar also noted that the Commission works very well together, and that it has always been his primary goal to ensure that the Commission sets policy and makes ultimate decisions for the betterment of the people of San Miguel County, without interfering with the day-to-day operation of the county, which should always be entrusted to staff.

Manger Montoya concluded the remarks by informing the Commission that he received an email from Commissioner Leger, who asked that Montoya express Leger's thanks to the Commissioners for their trust and support, and that he looked forward to a good and productive year for San Miguel County].

ADOPTION OF OPEN MEETINGS RESOLUTION FOR 2012 (ITEM 2)

As required by Section 10-15-1, *et seq.*, NMSA 1978, as amended, Vice Chairman Ortega brought on for consideration, the Open Meetings Resolution for 2012. Ortega asked the county attorney to explain the Resolution, and the county attorney proceeded to do so, informing the Commission that the New Mexico Open Meetings Act requires that at least annually, the Commission set forth by Resolution all matters relating to its meetings, and the notice requirements for such meetings.

Whereupon Commissioner Padilla moved and Commissioner Salazar seconded, adoption of the Open Meetings Resolution for 2012, and the motion carried.

THE COMMISSION THEN CONVENEED AS THE

SAN MIGUEL COUNTY BOARD OF FINANCE, AS FOLLOWS:

COUNTY TREASURER'S MONTHLY REPORT (ITEM 3)

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.

Ortiz also took the opportunity to remind the public that the NM Property Tax Division is being aggressive concerning delinquent property tax accounts, and that everyone should strive to ensure that their property is not at risk for public sale due to delinquent property taxes. The Treasurer also answered questions posed by Commissioner Padilla relative to the property tax base and property values, indicating they showed no signs of instability.

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 \$10,961.27 (ITEM 4)

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 \$10,961.27, and the motion carried. (Gonzales represented to the Commission that all claims were duly processed by her office, and were lawful and proper.)

INDIGENT CLAIMS FOR CHRISTUS ST. VINCENT FOR \$24,012.30 (ITEM 5)

Upon a presentation by Finance Supervisor Gonzales, Commissioner Ortiz moved and Commissioner Padilla seconded, payment of indigent hospital claims to Christus St. Vincent in the amount of \$24,012.30, and the motion carried. (Gonzales represented to the Commission that all claims were duly processed by her office, and were lawful and proper.)

APPROVAL OF INDIGENT BURIAL CLAIM (ITEM 6)

Upon a presentation by Finance Supervisor Gonzales, Commissioner Padilla moved and Commissioner Ortiz seconded, ratification of a prior claim and payment for an indigent burial, and previously presented by Gonzales, who informed the Commission that her office received the required affidavit supporting the claim.

LOAN AGREEMENT BETWEEN SMC & NM ENVIROMENT DEPT. (ITEM 7)

The above titled loan agreement was approved by previous action of the Commission (Ordinance 10-14-09-Wastewater Loan Funds), and the agreement is now presented for approval, providing for a loan amount of \$93,464.61, relating to the installation of evaporative ponds and related improvements at the Wood Business Park. Upon a

motion by Commissioner Padilla and a second by Commissioner Ortiz, the loan agreement was duly approved.

CASH BALANCE REPORT AS OF DECEMBER 30, 2011 (ITEM 8)

Finance Supervisor Gonzales presented the Commission with the cash balance report as of December 30, 2011; and upon inquiry from Vice Chairman Ortega, Gonzales noted that the report is in order, and contained no extraordinary matters of which the Commission should be concerned. (The matter is presented monthly and no formal action is sought from nor required by the Commission.)

APPROVAL OF ACCOUNTS PAYABLE LISTING (ITEM 9)

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 2012-6-1 through 2012-6-517, who certifies in the written document that all expenditures are lawful and proper.

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

Upon the prerogative of the presiding officer, Vice Chairman Ortega, Item 12 of the Agenda was brought on for consideration, with the concurrence of the Commission, Ortega noting that he did not want to inconvenience or delay the many citizens in attendance concerning the matter.

PETITION TO ESTABLISH PUBLIC RDS. AT GLENWOOD ESTATES (ITEM 12)

Planning and Zoning Supervisor Alex Tafoya introduced this Item, presenting to the Commission an overview of the chronology of the matter, and the issues before the Commission today. Tafoya noted that neither the City of Las Vegas nor the Department of Transportation responded to invitations from the County, to meet and discuss the road problems at the Glenwood Estates.

Tafoya then reviewed for the Commission the recommendations of the Road Viewers, who all expressed reservations about the County taking on any roads as public county roads, within the Glenwood Estates Subdivision.

Whereupon, Vice Chairman Ortega proceeded to entertain comment from all in attendance concerning the Petitions to establish one or more public roads within the subdivision. The following persons appeared and addressed the Commission, in support of the request (petitions) to have the County declare one or more roads, public

roads: Martin Pacheco, Casey Baca, Floyd Pacheco (who also submitted photographs), Edna Martinez, Gilbert Valdez, Mike Montano and Hazel Mascarenas.

There being no other persons who desired to address the Commission on the matter, Ortega invited County Public Works Supervisor Harold Garcia to address the Commission. Whereupon Garcia urged the Commission to not accept any of the Subdivision roads as public roads. Garcia outlined in detail the reasons why it would be extraordinarily difficult for the County to take on any new roads, emphasizing that it is hard-pressed to maintain existing roads.

(Upon inquiry by Vice Chairman Ortega as to the status of the two Petitions, one to establish Harland Road as a county road, and the other asking that all Subdivision roads be so established, the county attorney noted that substance should prevail over form, and that both Petitions were properly under consideration by the Commission.)

Commissioner Padilla then addressed the Commission and those in attendance, noting that he represents the area in question and is concerned for the safety of the affected residents. Padilla urged his fellow Commissioners to provide some form of relief which would alleviate the poor road conditions in the Subdivision. In response, all Commissioners expressed their concern and desire to help, but repeated the rationale mentioned by Harold Garcia, as to the impossibility of taking on any more roads than the County already has a difficult time maintaining.

Whereupon Commissioner Padilla made a motion to accept Harlan Road, within the Subdivision, as a county road, and that upon doing so, the same be upgraded as soon as possible. Padilla's motion died for lack of a second, Vice Chairman Ortega having thrice entertained a second to the motion.

RESOLUTION CM-1-10-2012 SUPPORTING LEGISLATIVE FUNDING (ITEM 10)

Yolanda Cruz of the SMC Health Council appeared to present this item. After answering several inquiries from the Commission, Cruz noted that the Resolution simply expresses support for public health services in New Mexico. Whereupon, Commissioner Padilla moved, and Commissioner Ortiz seconded, adoption of the above-titled Resolution.

MOA FOR WATERSHED RESTORATION PLAN (ITEM 11)

County Manager Montoya explained this Item, noting that the Memorandum of Agreement allows the three affected public agencies, SMC, the City of Las Vegas, and Highlands University, to act jointly to secure professional services for a water restoration plan for the Gallinas Watershed.

Vice Chairman Ortega announced his recusal from consideration of or participation in this matter (Item 11), noting that he is employed with the Watershed Restoration Institute at New Mexico Highlands University, and desired to avoid even the appearance of impropriety. (Ortega participated no further in the matter, and passed the gavel to Commissioner Salazar for further proceedings concerning Item 11.)

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

PETITION TO RE-ESTABLISH PUBLIC RD. AT GLENNWOOD ESTATES (ITEM 12)

[This Item was taken-up as the first item under the Commission's regular order, as set forth with particularity hereinabove.]

PROPOSED ORDINANCE NO. SMC-01-10-12-BICYCLE LANE (ITEM 13)

The County Manager noted that this Item was of particular interest and concern to Commissioner Leger, its primary proponent. Because of Leger's absence today, Montoya suggested that the Item be tabled until Commissioner Leger was in attendance.

The Commissioners all concurred with Montoya's suggestion, and upon a motion by Commissioner Salazar and a second by Commissioner Ortiz, Item 13 – the proposed ordinance relating to a bicycle land on county roads – was tabled until the next regular meeting.

PECOS WILDERNESS DESIGNATION (ITEM 14)

In introducing this item, Vice Chairman Ortega stated the matter was brought to the Commission's attention at the last meeting, and that the Commission was desirous of hearing more about the issue from interested persons and, in particular, from the office of U.S. Senator Jeff Bingaman. Ortega then recognized Pablo Sedillo of Senator Bingaman's staff.

Sedillo addressed the Commission, noting that Senator Bingaman has not introduced any legislation to add acreage to the Pecos Wilderness; that the Senator is interested in hearing from all interested persons, and will consider the views of all concerned; and that if legislation is drafted, it will be in the Senator's committee of jurisdiction, Energy and Natural Resources, which Senator Bingaman chairs. Sedillo informed the Commissioners and the public that they would be kept abreast of any progress in the matter.

Following Sedillo's presentation, Gabe Estrada addressed the Commission, expressing his views in opposition to adding any further land to the Pecos Wilderness. Estrada provided the Commission with hand-outs in the matter, and invited Commissioners to attend relevant meetings held by the Tierra y Montes Conservation authority.

Vice Chairman Ortega sought the consensus of the Commission, and all agreed that information should be provided to the Commission as it becomes available, and that Senator Bingaman's staff should continue to up-date the Commission as the matter progresses.

SERVICE AGREEMENT BETWEEN SMC AND B-STING VENTURES (ITEM 15)

Emergency Manager Dennis English presented this Item, and asked the Commission to approve the above-titled service agreement, the procurement for which was previously made by the Commission. Whereupon Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the aforesaid Agreement, and the motion carried.

INVITATION FOR BIDS FOR CO-OP BACK-UP GENERATOR (ITEM 16)

Emergency Manager English presented this Item, and upon his recommendation, Commissioner Salazar moved and Commissioner Padilla seconded, approval of the issuance of an invitation for bids for the subject back-up generators for the Mora/San Miguel Electric Co-op offices in Pecos and Mora.

APPROVAL OF CONTRACT WITH TRANE FOR HVAC SERVICES (ITEM 17)

Upon the recommendation of Public Works Supervisor Garcia, Commissioner Ortiz moved and Commissioner Salazar seconded, approval of the twelve-month HVAC service agreement with Trane.

(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.)

MONTHLY REPORT BY PUBLIC WORKS DIVISION (ITEM 18)

In the absence of County Road Foreman Daniel Encinias, Harold Garcia presented this Item, for the information of the Commission, and for which no formal action is required. No concerns were expressed by any Commissioner, but Vice Chairman Ortega expressed his thanks and appreciation to Garcia for his forthright and candid remarks made earlier concerning the Glenwood Estates Subdivision roads. Ortega noted that Garcia handled the matter courteously and with due regard to the interests and concerns of all interested persons.

SAFETY COMMITTEE QUARTERLY REPORT (ITEM 19)

Human Resources Supervisor Kiki Arellano made the presentation under this Item, and answered questions posed by Commissioners Ortega and Salazar. The County Manager also brought the Commission up-to-date in the area of safety and matters relating thereto. (The Item was presented for the information of the Commission, and no formal action was sought.)

SECTION 8 HOUSING QUARTERLY REPORT (ITEM 20)

Section 8 Housing supervisor Christina Barajas presented this matter and stood for questions. No questions were propounded to Barajas, but Vice Chairman Ortega noted that the Commission needs to be kept abreast of all development in this critical component in county government. (The Item was presented for the information of the Commission, and no formal action was sought.)

GRANT APPLICATION TO U.S. DEPT. OF AGRICUTURE (ITEM 21)

Fire Chief Russell Pacheco presented this Item, and informed the Commission that the above-titled grant application would be made on behalf of the Sheridan Fire District, for expansion of its facility, to provide for water storage. Whereupon Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the grant application.

APPROVAL OF POSITION ADVERTISEMENT AT DETENTION CENTER (ITEM 22)

Warden Patrick W. Snedeker, accompanied by Yolanda Cruz, requested the Commission's approval to issue a job invitation for the position of Abuse/Family Centered Program provided, and authorized by the Commission previously. Whereupon Commission Padilla moved and Commissioner Salazar seconded, approval of the job advertisement/invitation.

RFP FOR FOOD SERVICES AT DETENTION CENTER (ITEM 23)

Warden Snedeker requested permission to issue a request for proposals for a food service provided, to include commissary services, at the Detention Center. Snedeker explained that the existing provider's contract expires in March, and the RFP is needed to continue service. Whereupon Commissioner Padilla moved and Commissioner Ortiz seconded, authorization to issue the subject RFP for food services at the SMC Detention Center.

EMPLOYMENT OF MAINTENANCE TECHNICIAN/PUBLIC WORKS (ITEM 24)

Upon the recommendation of the County Manager, Commissioner Padilla moved and Commissioner Salazar seconded, that this Item be tabled until a future meeting. The motion carried.

EMPLOYMENT OF DETENTION OFFICER (ITEM 25)

Upon the recommendation of Warden Snedeker and the County Manager, Commissioner Salazar moved and Commissioner Padilla seconded, the employment of David Zamora as a detention officer at the SMC Detention Center, as a probationary employee, at a salary of \$20,900.00, effective January 9, 2012.

EMPLOYMENT OF EQUIPMENT OPERATOR II (ITEM 26)

Upon the recommendation of the County Manager, Commissioner Ortiz moved and Commissioner Salazar seconded, the employment of Phillip Ulibarri as an Equipment Operator II, as a probationary employee, at a salary of \$20,900.00, effective January 3, 2012.

RATIFICATION OF EMPLOYMENT ACTIONS FOR DECEMBER, 2011 (ITEM 27)

Human Resources Supervisor Kiki Arellano made the subject presentation. There were no questions for Ms. Arellano, and upon the recommendation of the County Manager, Commissioner Padilla moved and Commissioner Ortiz seconded, the approval and ratification of all employment actions taken by the County Manager, or at his direction and with his approval, for the month of December, 2011.

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 5:53 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 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 7:35 p.m. Commissioner Padilla moved and Commissioner Salazar seconded, that the Commission reconvene in public session, and the motion carried. Whereupon Vice Chairman Ortega 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 7:37 p.m. Commissioner Padilla moved and

Commissioner Ortiz seconded, the adjournment of the meeting, the motion carried and the meeting was duly adjourned.

MOVED, SECONDED AND ADOPTED this 14th day of February, 2012, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held December 10, 2012.

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)