

**MINUTES OF THE REGULAR MONTHLY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO,
HELD TUESDAY, March 13, 2012, BEGINNING AT 1:30 P.M.**

CALL TO ORDER AND ROLL CALL

Chairman Nicolas T. Leger 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 County Commissioners were present, and a quorum was duly established and noted as follows: Chairman Nicolas T. Leger, Vice Chairman Ron R. Ortega, and Commissioners David R. Salazar, Marcellino A. Ortiz and Arthur J. Padilla.

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 MINUTES

Upon a motion by Commissioner Padilla and a second by Ortiz, the Commission approved the minutes of its regular meeting held February 14, 2012; Commissioner Ortega noting that the name *Robert* should be changed to *Don* Smith under Item 12, and the county attorney assuring the Commission that the change would be made and reflected in the recorded minutes.

Upon a motion by Commissioner Ortega and a second by Commissioner Padilla, the Commission approved the minutes of its special budget meeting held February 28, 2012.

APPROVAL OF AGENDA

County Manager Montoya informed the Commission that he desired to remove Item 17 from the Agenda, and upon a motion by Commissioner Salazar and a second by

Commissioner Padilla, the agenda was adopted with the aforesaid deletion recommended 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.)

INTRODUCTION OF NEW EMPLOYEES

The following new employees, who were all present, were introduced by the County Manager and welcomed by the Commission: Robert Baca at the Public Works Division, Rudy Ortega at the Assessor's office, and Jennifer Bellin with the DWI Program.

PUBLIC INPUT FORUM

Chairman Leger, Vice Chairman Ortega and the County Manager explained that the public input item of the Agenda is a new item, intended to encourage public participation and input at Commission meetings. Vice Chairman Ortega also suggested that the County Manager disseminate public information concerning the new agenda item, so that citizens know they are both welcomed and encouraged to attend the Commission's meetings.

No person appeared or sought recognition under this Item of the Agenda.

PRESENTATIONS

The Commission entertained a brief presentation by Maria Vigil, Program Manager of the Total Community Approach (TCA) Project, who was joined by DWI Coordinator Wendy Armijo. Commissioners made inquiries of Ms. Vigil, wished her well and offered the County's assistance in her endeavors.

[Yolanda B. Cruz did not appear to make her scheduled presentation concerning the SMC Family & Community Health Council.]

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

ITEM 1: COUNTY TREASURER'S MONTHLY REPORT

County Treasurer Alfonso E. Ortiz Jr. made his monthly report, noting that revenues were normal and as expected. He noted as a salient issue, that penalty and interest amounts dictated by statute are high and impose a hardship on those who get behind in their property tax payments. After some discussion between Ortiz and Commissioners Leger and Ortega, and the County Manager, it was agreed that Mr. Ortiz would first

pursue any remedy or relief through the Treasurer's Affiliate of the NM Association of Counties.

ITEM 2: INDIGENT CLAIMS FOR ALTA VISTA HOSPITAL FOR \$23,545.96

Upon the recommendation of Finance Supervisor Melinda Gonzales, Commissioner Salazar moved and Commissioner Padilla seconded, payment of indigent hospital claims to Alta Vista Regional Hospital in the amount of \$23,545.96, and the motion carried. (Gonzales represented to the Commission that all claims were duly processed by her office, and were lawful and proper.)

ITEM 3: CLAIM FOR INDIGENT BURIAL

Upon a presentation by Finance Supervisor Gonzales, Commissioner Padilla moved and Commissioner Salazar seconded, payment ratification of an indigent burial claim to Rogers Mortuary in the amount of \$1,200.00. (Gonzales represented to the Commission that the claim was duly processed by her office, and was lawful and proper.)

ITEM 4: CLAIM FOR INDIGENT CREMATION

Upon a presentation by Finance Supervisor Gonzales, Commissioner Padilla moved and Commissioner Ortiz seconded, payment to Berardinelli Funeral Services for an indigent creation, in the amount of \$600.00. (Gonzales represented to the Commission that the claim was duly processed by her office, and was lawful and proper.)

ITEM 5: LOAN AGREEMENT WITH NM FINANCE AUTHORITY

Finance Supervisor Gonzales advised the Commission that Resolution No. 2012-03-13-F1, presented by her under this Item, effectuates the loan in the amount of \$45,675.00 from the NM Finance Authority to SMC, for purchase of a water tender for La Placita Fire District, all as more particularly discussed, considered and acted upon by the Commission at its last regular monthly meeting. Whereupon, Commissioner Padilla moved, and Commissioner Salazar seconded, approval of the aforesaid Resolution and the motion carried.

ITEM 6: BUDGET ADJUSTMENT 2012-03-13-F2 (LA TEWA & CORRUCO RDS.)

Finance Supervisor Gonzales advised the Commission that the above-titled Resolution increases the Local Government Road Fund for the above roads due to the state not requiring a 25% match from SMC, and allowing 100% funding, increasing the funding for the roads to a total of \$63,673 (La Tewa) and \$129,073 (El Corruco). Whereupon Commissioner Salazar moved and Commissioner Padilla seconded, approval of the above-titled budget adjustment request.

ITEM 7: APPROVAL OF ACCOUNTS PAYABLE

Upon a motion by Commissioner Ortiz and a second by Commissioner Padilla, the Commission approved the County's disbursement as recommended by Finance Supervisor Gonzales, inclusive of Items 2012-8-1 through 2012-8-569, who certifies in the corresponding written document that all disbursement are lawful and proper.

ITEM 8: CASH BALANCE REPORT AS OF FEBRUARY 29, 2012

Finance Supervisor Gonzales presented the Commission with the cash balance report as of February 29, 2012, and noted that the report is in order, and contained no extraordinary matters of which the Commission should be concerned. (The item is presented monthly and no formal action is sought from nor required by the Commission.)

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

ITEM 9: RIBERA HOUSING WATER DEVELOPMENT PLAN

After a presentation by the County Manager and Planning & Zoning Supervisor Alex Tafoya – and some discussion by the Commission - Commissioner Ortega moved and Commissioner Ortiz seconded, adoption and approval of a water development plan for the Ribera Housing property, owned by SMC. (The Plan was developed by staff and a professional consultant, and will be submitted to the NM State Engineer, demonstrating the County's planned beneficial use of the 8-acre feet of water allowed for and associated with the property.)

ITEM 10: MARTINEZ & SONS APPLICATION UNDER LEDA AND LEDA ORD.

The County Manager introduced this Item, noting that an application was submitted by Martinez & Sons, LLC (meat processing services), for designation by the County as a qualifying entity under the NM Local Economic Development Act, and under the County's LEDA Ordinance. The Manager introduced Tim S. Martinez of Martinez & Sons, who made a presentation to the Commission, outlining his application and explaining the benefits the new business would bring to the area.

All Commissioners commended Martinez and he answered several queries, whereupon Commissioner Padilla moved and Commissioner Salazar seconded, that the Martinez application for qualification and assistance under LEDA and the County's Local

Economic Development Ordinance (No. 06-12-07-SMC-LEDA), be approved; and Commissioner Padilla then moved, and Commissioner Salazar again seconded, that the County Manager be authorized to initiate the process, by ordinance, to designate the Applicant (Martinez & Sons, LLC), as a qualifying entity, and for approval of a project participation agreement. Both motions carried.

ITEM 11: EXTENSION OF INMATE CONFINEMENT AGREEMENT (ESPANOLA)

Upon a presentation by Warden Patrick W. Snedeker, and a brief presentation by Espanola City Manager James Lujan, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the inmate confinement agreement between SMC and the City of Espanola, extending same for another year, at \$65.00 per day per prisoner, and a \$20.00 booking fee.

ITEM 12: SHERIFF'S OFFICE LAW ENFORCEMENT FUND APPROVAL

After a brief presentation by Deputy Sheriff Gene Gonzales, and answers provided to the Commission by Finance Supervisor Gonzales, Commissioner Padilla moved and Commissioner Salazar seconded, approval of a \$25,000.00 recurring fund made to the Sheriff's office by the State, and utilized for payment of a loan for vehicle purchases, ammunition and training.

ITEM 13: RESOLUTION REQUESTED BY PNM RE SAN JUAN CO. GENERATOR

The County Manager introduced this Item, noting that PNM had requested that the County adopt a resolution (No. SMC-03-13-12-PNM-BART), supporting the plan developed by the NM Environment Department for haze emissions at PNM's generating plant in San Juan County, rather than the requirements imposed by the U.S. Environment Protection Agency.

Ernest C de Baca, representing PNM, made a presentation to the Commission and responded to several queries from Commissioners. Discussion ensued, with all Commissioners expressing concerns, whereupon Chairman Leger moved that the matter be tabled. The Chairman's motion died for lack of a second.

Whereupon, Vice Chairman Ortega moved, and Commissioner Padilla seconded, that the proposed Resolution (noted above), be approved with the following revision: that the second to the last paragraph be stricken. Chairman Leger then asked Ortega if he would amend his motion to also delete from the Resolution the finding that the state plan meets federal hazing standards. Upon concurrence from Ortega, and from Commissioner Padilla, who seconded Ortega's previous motion, the motion (as amended) was voted upon and approved unanimously.

[At 3:25 p.m., Chairman Leger called a recess, and the meeting was reconvened at 3:45 p.m.]

ITEM 14: APPROVAL OF CONTRACT FOR SPEC BUILDING

Upon a presentation by Planning & Zoning Supervisor Alex Tafoya, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the construction contract between SMC and New Image Construction, for the SPEC building at the Wood Business Park. (The contract award was made at the February 2012 regular meeting, after competitive bidding undertaken pursuant to the NM Procurement Code.)

ITEM 15: OIL AND GAS ORDINANCE TASK FORCE

The County Manager informed the Commission that it was his recommendation, and that of Planning & Zoning Supervisor Tafoya, that the work of the Task Force previously appointed by the Commission to develop an ordinance relating to oil and gas exploration in the County, be temporarily suspended; and that further development of the subject ordinance be undertaken by County staff and legal counsel.

The Manager further informed the Commission that his recommendation was premised on a staff decision that the Task Force – though diligent and deliberative - was not moving along with sufficient speed; that the oil and gas moratorium will expire in the near future; and that a substitute ordinance needs to be developed and adopted within a reasonable time, so that the moratorium can be lifted, although a reasonable extension of the moratorium will probably be required in the very near future.

Whereupon Chairman Leger stated that he concurred with the recommendations of the Manager, and with the rationale upon which those recommendations were based. The Chairman also stated that he has been an active participant of the Task Force, and could declare without reservation that the Task Force has acted diligently and that its membership is composed of sincere and dedicated citizens who have at heart only the best interests of San Miguel County.

The Chairman thanked the entire Task Force for its work thus far, and noted that some members were in attendance at today's meeting – and he expressed the Commission's thanks to them personally.

Chairman Leger then announced that the Manager and P&Z Supervisor Tafoya had developed a plan of action and timeline for the development of the new oil and gas ordinance, and reviewed the same with some particularity. In this regard, he informed the Commission that the plan includes further review by the Task Force of the draft ordinance which will be developed, and that in this regard the Task Force will be reactivated in the near future, as the ordinance is developed.

In concluding his remarks, Chairman Leger stated that his primary concern at this point is that the process proceed expeditiously with the development and ultimate adoption of a comprehensive and well-founded ordinance, so that the existing moratorium may be lifted within a reasonable time.

Whereupon Vice Chairman Ortega inquired whether formal action was required in this matter, or whether the Commission could simply assent to the declarations made by Chairman Leger. It was the consensus of the Commission - all Commissioners so indicating – that the aforesaid announcements made by Chairman Leger represented the position of the entire Commission, and should be implemented, and that no further formal action was required in the matter.

Finally, Chairman Leger also noted that a vacancy exists on the Task Force, due to the recent passing of Kim Kirkpatrick – and he recommended that Kate Daniel be named and designated to fill the vacancy. Whereupon Commissioner Padilla moved and Commissioner Salazar seconded, appointment of Kate Daniel to the Task Force as aforesaid.

ITEM 16: APPROVAL OF FINAL PLAT FOR HAWK’S LANDING SUBDIVISION

P&Z Supervisor Tafoya made a brief presentation in this matter, noting that the final plat submitted for approval, meets all requirements of the County’s Subdivision Ordinance, and informing the Commission that the same should be approved. Some discussion ensued concerning the escrow agreement for completion of Subdivision improvements, and inquiries from Vice Chairman Ortega were answered by both Tafoya and the subdivider Bonnie McGowan.

Whereupon Commissioner Ortiz moved and Commissioner Padilla seconded, that the final plat for the above-titled subdivision, No. SC-0083, be approved, and the motion carried; followed by another motion by Commissioner Padilla and a second by Commissioner Ortega, that the related escrow agreement for improvements, be approved. That motion also carried.

Commissioner Ortiz, who represents the Pecos area where the subdivision is located, suggested that next time the Commission holds a meeting in Pecos, the Commissioners and staff should visit and tour the subdivision, which he said is a model development. All Commissioners indicated their approval of the recommendation made by Commissioner Ortiz.

ITEM 17: REQUEST FOR OUT-OF-STATE TRAVEL FOR MICHAEL GARCIA

[Upon the County Manager’s request, this item was removed from the Agenda - See Approval of Agenda, infra]

ITEM 18: RESOLUTION 03-13-12-RBEG/USDA ENTERPRISE GRANT FUNDS

Upon the recommendation of P&Z Supervisor Tafoya, Commissioner Padilla moved and Commissioner Ortega seconded, adoption of the above-titled Resolution, authorizing staff to make application for USDA rural business enterprise grant funds to promote sustainable economic development in SMC.

(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.)

ITEM 19: RESOLUTION 03-13-12-PW/ROAD LOG SUBMITTAL TO NM DOT

Upon the presentation and recommendation of Public Works Division Supervisor Harold Garcia, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the County's current road log, and submittal of same to the NM Department of Transportation.

ITEM 20: 2012-13 LOCAL GOVERNMENT ROAD FUND PROJECT REQUESTS

Upon a presentation by Public Works Division Supervisor Garcia, joined by the County Manager, Commissioner Ortega moved and Commissioner Padilla seconded, that the following three projects be submitted as the County's requests, to the NM Department of Transportation under the Local Government Road Fund for FY 2012-13: (1) County Road B-27/Chappelle, for hot mix patch asphalt and single penetration chip seal, at a funding request of \$107,320.67, (2) Williams Drive, for hot mix pot hole repairs, single penetration chip seal, clearing of drainage (bar ditches), and installation of 18' culverts at driveways, at a funding request of \$127,414.64, and (3) purchase of 17 county-specified cattle guards for installation at various county road locations, at a funding request of \$119,378.67.

ITEM 21: OUT-OF-STATE TRAVEL REQUEST FOR CO. MANAGER & H. GARCIA

Upon a presentation by Public Works Division Supervisor Garcia, Chairman Leger moved and Commissioner Salazar seconded, approval of out-of-state travel for both the County Manager and Garcia, to attend the Waste Expo in Las Vegas, Nevada, from April 30 to May 02, 2012.

ITEM 22: PUBLIC WORKS DIVISION MONTHLY REPORT

Road Foreman Daniel Garcia made his monthly presentation to the Commission, concerning work, activities and progress at the Road Department, and the Commission thanked him for his presentation and progress at the Road Department. [This item is presented for information and questions from the Commission, and formal action is neither sought nor required.]

ITEM 23: PERSONNEL ACTIONS FOR FEBRUARY, 2012

Upon a presentation by Human Resources Supervisor Kiki Arellano, Commissioner Ortega moved and Commissioner Padilla seconded, approval and ratification of all personnel actions taken in and by the County for the month of February, 2012.

ITEM 24: REJECTION OF BID FOR GENERATOR INSTALLATION/RE-BID

Upon a presentation and recommendation of Emergency Manager Dennis English, Commissioner Padilla moved and Commissioner Salazar seconded, that the sole bid for installation of back-up generators for Mora/San Miguel Electric Co-op district offices in Mora and Pecos, be rejected, for the reason that the bid exceeded the project fund; and authorizing staff to issue another invitation for bids.

ITEM 25: RESOLUTION 03-13-2012-S8-1 FOR PREFERENCE LISTING

Section 8 Housing Administrator Christina Barajas made the presentation in this matter, noting that the above-titled Resolution for preference listings is required by HUD, which oversees the County's housing program, and that the listing meets all HUD requirements and takes into account the particular needs and demographics of San Miguel County residents.

Vice Chairman Ortega propounded several questions to Ms. Barajas and stated he was entirely satisfied with her responses, and otherwise satisfied in the matter. Whereupon Commissioner Ortiz moved and Commissioner Salazar seconded, approval of the above-title Resolution for preference listings at the SMC Section 8 Housing Program.

ITEM 26: OUT-OF-STATE TRAVEL REQUEST/WENDY ARMIJO

Upon her request and presentation, Commissioner Padilla moved and Commissioner Ortega seconded, approval of out-of-state travel for DWI Coordinator Wendy Armijo, for a Lifesavers conference in Orlando, Florida, from June 14 to 16, 2012.

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 4:59 p.m., Commissioner Padilla moved and Commissioner Salazar 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 five Commissioners in attendance answered in the affirmative on the motion to retire into executive/closed session, and the Commission proceeded to close the meeting as permitted by law.

At 6:24 p.m. Commissioner Salazar moved and Commissioner Padilla seconded, that the Commission reconvene in public session, and the motion carried. Whereupon 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 6:25 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 10th day of April, 2012, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held March 13, 2012.

Nicolas T. Leger, Chairman

Ron R. Ortega, Vice Chairman

David R. Salazar, Member

Marcellino A. Ortiz, Member

Arthur J. Padilla, Member

ATTEST:

Melanie Y. Rivera
San Miguel County Clerk

(S E A L)