

**MINUTES OF THE REGULAR MONTHLY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO,
HELD TUESDAY, APRIL 10, 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 Ortega and a second by Padilla, the Commission approved the minutes of its regular meeting held March 13, 2012. [Unless otherwise indicated, minutes are approved without change, correction or revision.]

APPROVAL OF AGENDA

Upon a motion by Commissioner Salazar and a second by Commissioner Padilla, the Agenda was approved. [Unless otherwise indicated, the meeting agenda is approved without change or deletion.]

(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.)

PUBLIC INPUT FORUM

Only Pecos resident Daniel Fisher requested permission to address the Commission under the Public Input Forum of the meeting. Mr. Fisher made a detailed presentation concerning his allegations that vicious dogs in his neighborhood had attacked and severely injured his dog; that neither the animal control officer nor law enforcement officers are taking sufficient action to address the problem, and to restrain the vicious dogs; that his neighbors have pursued criminal charges against him, but that he is the victim. He requested assistance, and Chairman Leger advised Fisher that he should meet with the County Manager, who also indicated his willingness to meet with Fisher to address his concerns.

PRESENTATIONS

The Commission entertained the following presentations:

FAMILY & COMMUNITY HEALTH COUNCIL:

Yolanda Cruz, accompanied by NMHU student intern Britney Cantrell, informed the Commission about the Council's undertakings, goals and concerns, including funding cuts, reduction to part-time status, small grants from UNM, child nutrition, teen pregnancy targeting young men (Wise Guy Program), diabetes rate in the county, and sundry other matters.

Chairman Leger and Commissioner Ortega commended Cruz, with Ortega noting that he had recently attended a Health Fair and was impressed with the presence made there by Cruz and Cantrell.

SAN JOSE DRAINAGE DITCH:

Facundo B. Valdez, chairman of the San Jose Community Ditch Association, made a presentation concerning the history and status of the San Jose Ditch. Valdez said his main purpose in appearing before the Commission was to state for the record that the ditch abuts the county road in San Jose, past the community post office on the abandoned old U.S. 85 (formerly Route 66), and that the ditch runs parallel with said county road for an approximate distance of 300 feet, providing drainage from the village into the Pecos River.

The County Manager concurred with the above statement and description made by Mr. Valdez.

[Dr. Andrew Egan of NMHU was scheduled to make a presentation concerning the Gallinas Watershed Restoration Collaborative, but did not appear.]

**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, and low at this time of year. Ortiz noted that all was running smoothly in his office. There were no questions, and Chairman Leger thanked Ortiz for his presentation.

ITEM 2: RENEWAL OF CONTRACT FOR FISCAL YEAR AUDIT

Upon the recommendation of Finance Supervisor Melinda Gonzales, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the contract renewal with the auditing firm of Clifton Larson Allen, for the County's fiscal year 2012 audit. (Chairman Leger informed the Commission that he attended the exit conference for the last fiscal year audit, and that the auditors gave the County an unqualified opinion and were very complimentary of Ms. Gonzales and her staff.)

ITEM 3: APPROVAL OF ACCOUNTS PAYABLE

Upon a motion by Commissioner Salazar and a second by Commissioner Padilla, the Commission approved the County's disbursements as recommended by Finance Supervisor Gonzales, inclusive of Items 2012-8-1 through 2012-8-540, who certifies in the corresponding written document that all disbursement are lawful and proper.

ITEM 4: CASH BALANCE REPORT AS OF MARCH 29, 2012

Finance Supervisor Gonzales presented the Commission with the cash balance report as of March 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, AT 2:20 P.M. THE COMMISSION
PROCEEDED TO REGULAR ORDER, AS FOLLOWS:**

ITEM 5: RENEWAL OF CONTRACT WITH CORPS OF ENGINEERS/CONCHAS

Upon the recommendation and presentation of Sheriff Benjie Vigil, Commissioner Padilla moved and Commissioner Salazar seconded, renewal of the annual agreement

with the U.S. Corps of Engineers, by which the Corps allots funds to the Sheriff's office for overtime compensation at the Conchas Lake area – the amount of the current allotment being \$16,480.00.

ITEM 6: JOB DESCRIPTION FOR DEPUTY COUNTY CLERK

Upon the presentation and recommendation of County Clerk Melanie Y. Rivera, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the job description for the deputy clerk position which will be assigned election duties.

ITEM 7: PRIMARY LEASE WITH EDC/FOR SUB-LEASE TO FRUGAL CASKETS

County Manager Les Montoya explained the background and history for this Item, and informed the Commission that under the subject primary lease, the County will lease the particular parcel and spec building at the Wood Business Park, to Las Vegas/San Miguel Economic Development, Inc., ("EDC"), which in turn will lease the premises to Frugal Caskets, a small, upcoming business – all in accordance with the County Ordinances previously approved under the Local Economic Development Act.

Whereupon Vice Chairman Ortega opened-up the discussion by making inquiry of EDC President Matt Martinez, whether EDC was ready and able to undertake the project, as provided in the primary lease, and the sub-lease to Frugal Caskets, and otherwise work toward developing the Wood Business Park.

Martinez then addressed the Commission and indicated that despite problems and shortcomings in the past, he and the entire EDC board are committed to fulfilling their obligations for development of the WBP.

Commissioner Salazar, who is also a member of the EDC Board, then informed the Commission and those in attendance that he believed EDC was now up to the task, and should be allowed to prove that they (EDC) can fulfill their obligations in this matter.

Chairman Leger concluded the discussion by indicating that he is relying on the recommendation made by Commissioner Salazar in the matter, and is willing to allow EDC to proceed. Leger also emphasized that economic development is particularly important at the present time, because Las Vegas is declining as the economic hub for northeastern New Mexico, and government employment in the area will continue to decline.

Whereupon Vice Chairman Ortega moved, and Commissioner Padilla seconded, approval of the Primary Lease which is the subject of this Agenda Item.

ITEM 8: FINAL SEPTAGE WASTE MANAGEMENT STUDY

This presentation was initiated by Planning & Zoning Supervisor Alex Tafoya, who was followed by Clayton TenEyck of Molzen Corbin and Associates, the engineering firm which is undertaking the septage waste management study for the County.

TenEyck made an extensive presentation, following-up on the recommendations made by the Commission as a result of a previous presentation and draft submitted by him. Importantly, TenEyck noted that the County (through his firm) had responded to all recommendations and concerns made by the NM Environment Department, and is now awaiting final approval of the Management Study by the Environment Department.

All Commissioners asked questions and offered their thoughts on the progress of the management study, and said they were anxious to see its completion and eventual implementation.

Whereupon Vice Chairman Ortega moved and Commissioner Padilla seconded, approval of the Septage Waste Management Study submitted and reviewed at today's meeting.

ITEM 9: RES. FOR EXTENSION OF OIL & GAS MORATORIUM

Planning & Zoning Supervisor Tafoya made a presentation in this matter, informing the Commission that the existing moratorium for oil and gas applications would expire in May, 2012, and it was necessary to extend the moratorium for an additional period while the County continues its work toward developing a comprehensive ordinance relating to oil and gas exploration and extraction in San Miguel County. Tafoya noted that the Task Force had worked diligently toward development the subject ordinance, and that now staff and legal counsel were continuing in that effort, and that a comprehensive ordinance should be ready in the near future for review by the Task Force and the Commission.

Tafoya recommended, therefore, that the Commission adopt Resolution 04-10-12-Natural Resources, directing that the Ordinance imposing a moratorium in this matter be extended for an additional period of time, and that such Ordinance come before the Commission for adoption after notice and hearing as required by law.

Whereupon Chairman Leger expressed his belief that the moratorium should be continued for eight (08), rather than six (06) months – allowing a sufficiently reasonable time to finalize a comprehensive ordinance. Leger made inquiry of the county attorney in this regard, who responded that the County's actions in developing a comprehensive ordinance have at all times been diligent and expeditious, that the issues are complex and extensive, that another 8 months is reasonable and proper, and that he and staff will be working expeditiously to finalize a draft ordinance for consideration and adoption by the Commission as soon as possible.

Whereupon Chairman Leger moved that Resolution 04-10-12-NATURAL RESOURCES, proposing that the oil & gas moratorium ordinance be extended for eight

(08) months following its present expiration date, be approved. Leger's motion was seconded by Commissioner Padilla, and upon a call of the question, all five Commissioners voted in the affirmative and the motion was duly adopted.

ITEM 10: RATIFICATION OF HOMELAND SECURITY GRANT APPLICATION

Upon the recommendation of Emergency Manager Dennis English, Commissioner Padilla moved and Commissioner Ortiz seconded, ratification of the grant application made by English for a grant fund of \$79,398.80. (Due to submission deadlines, the application was previously filed by English, and the Commission's action ratified same.)

ITEM 11: REJECTION OF PROPOSALS FOR GUARDRAIL SAFETY PROJECT

Upon the recommendation of the County Manager, Vice Chairman Ortega moved and Commissioner Padilla seconded, that this Item – relating to planning and design services for a safety guardrail project in Los Vigiles – be tabled. The motion was approved and the matter was tabled until such time as the Manager is prepared to bring it before the Commission.

ITEM 12: AUTHORITY TO NEGOTIATE WITH MOST QUALIFIED ENGINEERING FIRM FOR IMPROVEMENT FOR COUNTY ROAD NEAR EL CORRUCO

Upon a presentation and recommendation by Public Works Supervisor Harold Garcia, Commissioner Ortiz moved and Vice Chairman Ortega seconded, that County staff be authorized to enter into negotiations with Engineers, Inc., for planning, design and environmental professional services for the Corruco Road (B-41-E) improvements. (Garcia informed the Commission that three proposals were submitted in response to the RFP issued by the County in this matter, and that the evaluation committee rated the three and determined that the proposal submitted by Engineers, Inc., was the most responsible and most advantageous for the County.)

ITEM 13: APPROVAL OF CONTRACT WITH SUMMIT FOOD SERVICES

Upon the recommendation of Warden Patrick W. Snedeker, Vice Chairman Ortega moved and Commissioner Padilla seconded, approval of the contract with Summit Food Service Management, Inc., for the provision of food and commissary services at the Detention Center. (Both Chairman Leger and Vice Chairman Ortega made inquiry concerning why pricing was lower than in previous years, and Finance Supervisor Gonzales replied that this was, of course, favorable to the County, and was the result of healthy competition among the vendors and free market factors.)

ITEM 14: APPROVAL OF INVITATION FOR BIDS FOR JANITORIAL SUPPLIES AT SMC DETENTION CENTER

Upon the recommendation of Warden Snedeker, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of an invitation for bids for janitorial supplied and laundry products at the Detention Center.

Upon inquiry from Chairman Leger, staff responded that the invitation was occasioned because costs in this line item would soon exceed \$20,000.00, thus requiring a formal invitation for bids under the Procurement Code, rather than the less informal solicitation of quotes.

(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 15: REQUEST FOR OUT-OF-STATE TRAVEL/EMERGENCY MANAGEMENT

Upon the recommendation of Emergency Manager English, Commissioner Padilla moved and Commissioner Salazar seconded, approval of out-of-state travel for administrative assistant Connie Abila, to one of three yet-undetermined destinations, for a required conference/workshop relating to homeland security and emergency management issues.

ITEM 16: PUBLIC WORKS DIVISION MONTHLY REPORT

[This Item is presented for information and questions from the Commission, and formal action is neither sought nor required.]

Road Foreman Daniel Encinias made his monthly presentation to the Commission, concerning work, activities and progress at the Road Department. Commissioner Salazar made inquiry concerning the status of cattle guards (to replace gates) upon the road from El Corruco to El Pueblo (Daniel Garcia property), and both the County Manager and Encinias assured Salazar and the Commission that they would look into the matter and report back to the Commission at the earliest practicable time.

Vice Chairman Ortega reminded his fellow Commissioners that a special meeting/work session should be held soon, devoted to road matters and concerns. The County Manager then stated that he was planning such a work session, and would address the matter later in the meeting.

ITEM 17: REPORT OF ATTENDANCE AT NACO CONF. IN WASHINGTON, D.C.

Vice Chairman Ortega, County Manager Montoya and Finance Supervisor Gonzales recently attended a NACO national conference in Washington, D.C., and made an informative report to the Commission and to the public, as follows:

Montoya expressed his concerns that PILT (payment in lieu of taxes) funds are diminishing, and this will have a serious impact on county finances; that they visited with the Congressional delegation and expressed the County's funding requests; that funding for the Ribera housing demolition was discussed and sought, as was funding for bridge replacement in Montezuma.

Gonzales informed the Commission that she learned a great deal, and thanked the Commission for allowing her the opportunity to attend the NACO conference.

Finally, Vice Chairman Ortega said the Conference was a great learning experience and that the three of them took their visit and attendance very seriously. Ortega also commended both Montoya and Gonzales for being very prepared in their presentations to the Congressional delegation.

Ortega emphasized that it was apparent at the Conference that economic development is the overriding issue throughout the country, and that San Miguel County is "leaps and bounds" ahead of most other local governments in this regard. Ortega also said that he was particularly impressed with advice given by a Texas Congresswoman at one of the seminars, that every funding request should be evaluated in terms of whether it is an "expense" or an "investment" – and that this is a useful yardstick that he will utilize in the future.

Ortega concluded by saying the trip was entirely successful and that he was hopeful they had "set the stage" to secure needed funds for San Miguel County.

ITEM 18: SAFETY COMMITTEE QUARTERLY REPORT

Human Resources Supervisor Kiki Arellano made a presentation concerning safety activities and accomplishments, and was thanked by the Commission. (Commissioner Ortiz asked Ms. Arellano if she was willing to travel county roads in relation to safety issues, and she replied in the affirmative.)

ITEM 19: APPROVAL OF PERSONNEL ACTIONS FOR MARCH, 2012

Upon the recommendation of the County Manager, Commissioner Salazar moved and Commissioner Padilla seconded, approval of personnel actions and changes made during March, 2012.

ITEM 20: REVISED JOB DESCRIPTION/PUBLIC WORKS DIV. SUPERVISOR

Upon the recommendation of the County Manager, Commissioner Salazar moved and Commissioner Padilla seconded, approval of the revised job description for the position of Public Works Division Supervisor.

ITEM 21: REVISED JOB DESCRIPTION/PUBLIC WORKS FOREMAN

Upon the recommendation of the County Manager, Commissioner Salazar moved and Commissioner Padilla seconded, approval of the revised job description for the position of Public Works Foreman.

ITEM 22: RATIFICATION OF EMPLOYMENT/WILDLAND FIRE TECHNICIAN

Upon the recommendation of the County Manager, Commissioner Padilla moved and Commissioner Salazar seconded, employment of Kenneth C. Medina as an exempt employee in the position of Wildland Fire Coordinator, at a salary of \$16.00 per hour, beginning April 02, 2012.

ITEM 23: RATIFICATION OF EMPLOYMENT/DETENTION CENTER

Upon the recommendation of the County Manager and Warden Snedeker, Commissioner Padilla moved and Commissioner Ortiz seconded, employment of James Duran as a detention officer with probationary status, at a beginning salary of \$20,900.00, effective March 19, 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 4:29 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 particularized 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 6:22 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 6:24 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 8th day of May, 2012, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held April 10, 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)