

**MINUTES OF THE REGULAR MONTHLY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO,
HELD TUESDAY, MAY 08, 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 Salazar and a second by Padilla, the Commission approved the minutes of its regular monthly meeting held April 10, 2012; and upon a motion by Commissioner Ortiz and a second by Commissioner Padilla, the Commission approved the minutes of its special meeting (budget hearing) held April 23, 2012.. [Unless otherwise indicated, minutes are approved without change, correction or revision.]

APPROVAL OF AGENDA

Upon a recommendation by County Manager Les Montoya that Item 8 of the agenda be advanced as Item 1-A, Commissioner Salazar moved and Commissioner Padilla seconded, approval of the Agenda, as modified by the County Manager. [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

Upon inquiry by Chairman Leger, the County Manager advised the Commission that no person sought recognition under the public input forum of the Agenda, and the Chairman made additional inquiry of those in attendance, and no one came forward.

INTRODUCTION OF NEW EMPLOYEE(S)

The County Manager introduced newly-hired employee Kenneth Medina, who will assume his former position as the County's Wildland Fire Technician. Medina, who was present, was welcomed by the Commission.

PRESENTATIONS

The Commission proceeded with the following presentations:

EL VALLE DE SAN MIGUEL FLYING DIAMOND SCHOLARSHIPS:

Chairman Leger acknowledged the recipients of the noted scholarships, and Finance Supervisor Melinda Gonzales briefly described the history of the scholarship fund. The Chairman noted that the scholarship recipients were not in attendance, but announced their names and wished them all well on behalf of the entire Commission.

GALLINAS WATERSHED RESTORATION COLLABORATIVE:

Dr. Andrew Egan appeared on behalf of the Collaborative and made a detailed presentation of the efforts being undertaken for both protection and restoration of the Gallinas watershed. Egan acknowledged the joint support of all members of the Collaborative, and answered inquiries by Commissioners.

All Commissioners, joined by the County Manager, expressed their desire to make the work of the Collaborative a County priority, for which funds should continue to be earnestly committed.

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 that his office was running smoothly. There were no questions, and Chairman Leger thanked Ortiz for his presentation.

[Treasurer Ortiz, who is also Mayor of the City of Las Vegas, took a few moments to express his support for the work of the Gallinas Watershed Collaborative, as described above, noting that he too believes substantial public funds should be allotted to the Collaborative, as the issue of water quality and availability is the primary issue facing area residents.]

ITEM 1-A: OUT-OF-STATE TRAVEL REQUEST BY TREASURER'S OFFICE

Upon a presentation by the County Treasurer, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of out-of-state travel for Treasurer Ortiz and his chief deputy, for their attendance at the NACO conference in Pittsburg, PA, from July 12 to 18, 2012. [This Item appears as Item 8 hereinbelow, but was advanced upon approval of the Agenda, as noted above.]

ITEM 2: APPROVAL OF INDIGENT CLAIMS/PAYMENTS

Upon a presentation and recommendation by Finance Supervisor Melinda Gonzales, Commissioner Padilla moved and Commissioner Ortega seconded, approval of indigent fund payments to Alta Vista Regional Hospital in the amount of \$60,703.45, and to Christus St. Vincent in the amount of \$7,713.15; Gonzales certifying that all claims met eligibility requirements and otherwise qualified for payment under the County's Indigent Fund guidelines.

ITEM 3: APPROVAL OF INDIGENT BURIAL CLAIM

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Padilla moved and Commissioner Ortega seconded, approval of payment of \$1,200.00 to Nelson's Mortuary for indigent burial costs, Gonzales noting that said payment was lawful and that the burial met the statutory requirements.

ITEM 4: BUDGET ADJUSTMENT NO. 2012-05-08-F1

Upon the recommendation and presentation of Finance Supervisor Gonzales, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the above-titled Budget Adjustment Resolution, allowing the following budget increases: (A) \$72,424 for the Colonias road project, (B) \$385,417 for the NM Finance Authority loan for courthouse, Detention Center and HVAC improvements, (C) \$22,600 for purchase of two shelter equipment trailers through the office of Emergency Management, (D) \$316,109.59 for the Conchas fire district fund, and \$62,154.11 for La Placita fire district fund, and (E) \$7,411 for the Pecos Volunteer fire district fund.

ITEM 5: APPROVAL OF ACCOUNTS PAYABLE

Upon a motion by Commissioner Ortiz and a second by Commissioner Ortega, the Commission approved the County's disbursements as recommended by Finance Supervisor Gonzales, inclusive of Items 2012-10-1 through 2012-10-551, who certifies in the corresponding written document that all disbursements are lawful and proper.

ITEM 6: CASH BALANCE REPORT AS OF APRIL 26, 2012

Finance Supervisor Gonzales presented the Commission with the cash balance report as of April 26, 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 2:30 P.M. THE COMMISSION PROCEEDED TO REGULAR ORDER, AS FOLLOWS:

[Upon the recommendation of the County Manager, the Commission concurred by consensus that a special meeting be held on May 23, 2012, beginning at 8:30 a.m., to consider the preliminary budget for FY 2012-2013.]

ITEM 7: ACCEPTANCE OF GRANT TO SHERIFF'S OFFICE

Upon the recommendation and presentation of Sheriff Benjie Vigil, Commissioner Padilla moved and Commissioner Salazar seconded, acceptance of a recurring annual grant from the NM Department of Transportation to the Sheriff's office for overtime pay (100 Days and Nights of summer), in the amount of \$2,475.00.

ITEM 8: TREASURER'S OFFICE REQUEST FOR OUT-OF-STATE TRAVEL

[This Item was taken-up as Item 1-A, above.]

ITEM 9: RESOLUTION NO. 05-08-12-LED (MTZ. & SONS, LLC)

Upon a presentation by the County Manager and Planning & Zoning Supervisor Alexander Tafoya, Commissioner Salazar moved and Commissioner Ortega seconded, approval of Resolution No. 05-08-12-LED, proposing the adoption of a county ordinance (No. 06-12-12-LED) – after notice and hearing as required by law – approving Martinez & Sons, LLC, as a local economic development project for secured financial assistance.

ITEM 10: PUBLIC HEARING AND ADOPTION OF ORDINANCE NO. 05-08-12-NATURAL RESOURCES, EXTENDING THE OIL & GAS MORATORIUM

Upon a background-presentation by Planning & Zoning Supervisor Tafoya, Chairman Leger convened a public hearing on proposed Ordinance No. 05-08-12-NATURAL RESOURCES, extending for eight (08) months the moratorium on the County's acceptance or consideration of applications for conditional use permits for oil and gas exploration.

Thrice, Chairman Leger invited all in attendance to come forward to offer their comments, opinions or data concerning the proposed ordinance, for or against, or otherwise. No person came forward, and the Chairman so noted.

Chairman Leger then concluded the public hearing and called for the question on the adoption of the proposed ordinance. Whereupon, Commissioner Padilla moved and Commissioner Salazar seconded, approval and adoption of Ordinance No. 05-08-12-NATURAL RESOURCES, and upon a call of the roll at 2:35 p.m., all Commissioners voted in the affirmative, and the Ordinance was duly approved, adopted and ordained.

ITEM 11: INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FOR 2014-2018

Planning & Zoning Supervisor Tafoya made a presentation in this matter, informing the Commission as follows: County staff have compiled a list of 85 capital improvement projects totaling \$59,000,000.00, and the same are presented to the Commission for leisurely review; at a later time the Commission will be asked to rank the projects and select the top five for requested funding; and the matter is presented at this time for review by the Commissioners, for discussion and action at a subsequent meeting.

ITEM 12: CONTRACT 2012-1262/AGING & LONG TERM CARE GRANT

Upon the recommendation of Planning & Zoning Supervisor Tafoya, Commissioner Ortiz moved and Commissioner Padilla seconded, acceptance of the above described grant in the amount of \$50,000.00 from the NM Aging and Long Term Division, allowing the County to act as fiscal agent for acquisition of vehicles by the Las Vegas and Pecos Senior Citizens Centers.

ITEM 13: SUB-GRANT FROM NM DEPT. OF HOMELAND SECURITY

Upon the recommendation of Emergency Manager Dennis English, Commissioner Padilla moved and Commissioner Salazar seconded, acceptance of the above-titled grant in the amount of \$48,000.00 for acquisition of two mobile trailers with sheltering equipment, all funded through the NM Homeland Security Grant Program.

Vice Chairman Ortega made inquiry concerning whether information required from the County to qualify for this or other similar grants, may infringe privacy or other citizen

rights, or whether too many “strings are attached” to the grants, and English assured the Vice Chairman and the Commission that the grants are secured, and made, in accordance with law, and he is unaware of any such infringement, and that the County, as grantee, simply expends the funds as provided in the grant.

ITEM 14: APPROVAL TO INVITE BIDS FOR FIRE APPARATUS

Upon a presentation and recommendation by County Fire Chief Russell Pacheco, Commissioner Padilla moved and Commissioner Ortiz seconded, approval and authorization to invite bids for the purchase of a fire apparatus mobile pump testing trailer, with available funds of \$85,000.00.

[At 3:05 o'clock p.m., upon the suggestion of Chairman Leger, Commissioner Padilla moved and Commissioner Ortiz seconded, that Item 21 of the Agenda be advanced and considered at this time, in deference to the persons in attendance, who may need to leave the meeting without further delay.]

ITEM 21: ACCEPTANCE OF DONATION OF LAND FOR FIRE SUB-STATION

Fire Chief Pacheco made a brief presentation, noting that a sub-station is desired and has been approved (by the State Fire Marshal) for the Rencona area, as a part of the Rowe Fire District. Pacheco noted further that the matter before the Commission is acceptance of a donation of 1 acre of land for the sub-station site.

Following Pacheco's presentation, Del Nordman spoke in support of the sub-station, noting there is great public support for the sub-station, and a great need as well. Also appearing before the Commission was Rowe Fire Chief Anthony Ortiz, who supports the sub-station and noted 15 volunteers have been organized, and 35 families will be served.

Commissioner Padilla then made several inquiries, especially concerning whether the one-acre donation was sufficient for the sub-station and for expansion. Upon being assured that the site was sufficient, Commissioner Padilla moved acceptance of the conveyance/donation, and Commissioner Ortega seconded the motion.

Commissioner Ortiz, who represents the area where the sub-station will be located, commended all in attendance for their hard work, and said he was entirely supportive.

ITEM 15: SUB-CONTRACT/LV JUVENILE JUSTICE CONTINUUM BOARD

Upon the recommendation of Warden Snedeker, accompanied by Yolanda Cruz, Commissioner Ortega moved and Commissioner Ortiz seconded, approval of the Agreement between SMC and the CYFD, for the Las Vegas Juvenile Justice Continuum Board for a term beginning July 01, 2012, and ending December 31, 2012.

(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 16: CONTRACT FOR JUVENILE CONFINEMENT/TAOS COUNTY

Upon the recommendation of Warden Patrick W. Snedeker, Commissioner Padilla moved and Commissioner Ortega seconded, approval of contract for confinement of juveniles at the Taos County Juvenile Detention Center, at a cost of \$120.00 per juvenile per day, and a \$10.00 booking fee.

ITEM 17: BID AWARD FOR HEAVY EQUIPMENT (BACKHOE)

Upon the recommendation of Public Works Division Supervisor Harold Garcia, Commissioner Padilla moved and Commissioner Ortega seconded, award of bid to Wagner Equipment Company for the lease/purchase of one 4X4 backhoe under an 84-month lease-to-purchase, at \$797.63 per month; Garcia representing to the Commission that the Wagner bid was the lowest and most responsible bid, as required by law.

ITEM 18: APPROVAL OF LEASE FOR PROCUREMENT MADE UNDER ITEM 17

This Item, relating to the actual contract approval for the procurement made under Item 17 above, was tabled upon motion by Commissioner Padilla and a second by Commissioner Salazar. (The matter was tabled upon the recommendation of Supervisor Garcia, who will present the necessary documents to the Commission at its next meeting.)

ITEM 19: BID AWARD FOR SERVICES & SUPPLIES AT DETENTION CENTER

Upon the recommendation of Warden Snedeker, Commissioner Ortiz moved and Commissioner Padilla seconded, formal bid award to Brady Industries of Albuquerque, for janitorial supplies and laundry products, and to Pro-Clean, also of Albuquerque, for dish washing supplies and machine rental, all for the SMC Detention Center. (Warden Snedeker assured the Commission that the aforesaid bids were the best and most responsible, and most advantageous to the County, as required by law.)

ITEM 20: BID AWARD FOR SAN IGNACIO FIRE STATION (\$256,275.00)

Upon the recommendation of Fire Chief Russell Pacheco, who represented to the Commission that the bid was the lowest responsible bid as required by the NM Procurement Code, NMSA 1978, Commissioner Padilla moved and Vice Chairman Ortega seconded, award of bid to Benjie Regensberg in the total amount of

\$256,275.00, for construction of the San Ignacio Fire Station, with contract documents to be presented for approval by the Commission at its next meeting.

ITEM 21: ACCEPTANCE OF LAND FOR FIRE SUBSTATION

[This item was advanced on the Agenda, and formal action taken on same, immediately following Item 14, above.]

ITEM 22: WILDLAND FIRE REPORT

SMC Wildland Fire Technician Kenneth Medina made a brief presentation to the Commission concerning his activities in preventing Wildland fires, and answered several inquiries posed by Commissioners.

ITEM 23: PUBLIC WORKS DIVISION MONTHLY REPORT FOR APRIL, 2012

For the information of the Commission, with no formal action sought or required, County Road Foreman Daniel Encinias made his monthly presentation of activities at the Road Department, and he answered several questions posed by Commissioners.

ITEM 24: PERSONNEL ACTIONS/CHANGES FOR APRIL, 2012

Upon a presentation by Human Resources Supervisor Kiki Arellano, and upon the recommendation of the County Manager, Commissioner Salazar moved and Vice Chairman Ortega seconded, approval of all personnel changes and actions taken by the Manager during the month of April, 2012.

ITEM 25: RATIFICATION OF EMPLOYMENT/DETENTION CENTER

Upon the recommendation of the County Manager and Warden Snedeker, Commissioner Ortiz moved and Commissioner Salazar seconded, employment of Jose B. Ortiz and Margarito Ulibarri as detention officers, on probationary status, at a beginning salary of \$20,900.00 each, effective April 23, 2012 as to both.

ITEM 26: RATIFICATION OF TEMPORARY ELECTION EMPLOYEES

Upon the recommendation of the County Manager and County Clerk Melanie Y. Rivera, Commissioner Salazar moved and Vice Chairman Ortega seconded, the temporary, casual employment of the following individuals as election clerks for the upcoming June, 2012, Primary election, all at \$10.00 per hour, with an effective date of hire of May 7 or May 19, 2012, as determined by the Clerk, to wit: Pauline Trujillo, Barbara Romero, Angela Sanchez, Joann Gonzales, Priscilla Marquez, Marlyna Rivera, Victoria Gallegos, Mary Griego, Deborah Chavez and Lorella Gallegos-Romero.

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 4:02 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 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 5:29 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 5:31 p.m. Vice Chairman Ortega moved and Commissioner Ortiz seconded, the adjournment of the meeting, the motion carried and the meeting was duly adjourned.

MOVED, SECONDED AND ADOPTED this 12th day of June, 2012, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held May 08, 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)