

**MINUTES OF THE REGULAR MONTHLY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO,
HELD TUESDAY, JULY 10, 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 Vice Chairman Ortega, the Commission approved the minutes of its regular monthly meeting held June 12, 2012. ***[Unless otherwise indicated, minutes are approved without change, correction or revision.]***

APPROVAL OF AGENDA

Upon the recommendation by County Manager Les Montoya, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of the Agenda as presented. ***[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

No person appeared seeking recognition to address the Commission.

INTRODUCTION OF NEW EMPLOYEE(S)

The County Manager introduced newly-hired employee Ramon Trevizo, who will assume the position of convenience center operator, and Trevizo was present and welcomed by the Commission.

PRESENTATIONS

The Commission entertained the following presentations:

PROGRESS REPORT/JUVENILE DRUG COURT

Anna Lujan, Program Manager of the Juvenile Drug Court for the Fourth Judicial District, made her semi-annual progress report to the Commission, noting that the Program was running smoothly and that continued funding was secured for the ensuing fiscal year.

VIETNAM VETERANS (CHAPTER 1063)

Victor Cordova, president of Chapter 1063 of the Vietnam Veterans of America, made a presentation directed at inquiries concerning the status of the Veterans' van owned by the County and previously utilized to provide medical transportation for veterans. Discussion ensued, including status reports from the County Manager and Finance Supervisor Melinda Gonzales.

After discussion by the Commission, and questions to Mr. Cordova, Chairman Leger expressed the consensus of the Commission, that Cordova present a plan of action to the County Manager, for use and operation of the county-owned vehicle. Cordova agreed to meet with the Manager and present such a plan, whereupon the same will be presented to the Commission.

FIREWISE PROGRAM/NM STATE FORESTRY

Dan Ware, Fire Prevention and Outreach Program Manager for the NM Forestry Division, made an informative presentation (including power point slides) concerning the Firewise Program operated by the Forestry Division, and intended to bring public awareness and prevention of fire danger.

Chairman Leger commended Ware and expressed support for the Firewise Program. Vice Chairman Ortega expressed concerns about the need by the Program (and similar state and federal efforts), to work more closely and cooperatively with residents, who are most familiar with the proper methods and procedures for fire prevention. (Ware assured the Commission that he would seriously consider the concerns expressed, and report the same to his superiors.)

HEAVY EQUIPMENT ROADEO TROPHY PRESENTATION

Upon a brief presentation by Public Works Supervisor Harold Garcia, the Commission recognized and commended county employee Melvin Silva, for securing the first-place win in the loader competition of the recently held Rodeo sponsored by the New Mexico Association of Counties.

Commissioner Arthur Padilla presented Silva with a trophy, and the entire Commission offered congratulations and commendations to Silva. (Padilla noted, in particular, that he was present at the Rodeo competition, and that it was an exception event, for which Harold Garcia should be congratulated.)

**AT 2:27 P.M., THE COMMISSION THEN CONVENED AS THE
SAN MIGUEL COUNTY BOARD OF FINANCE, AS FOLLOWS:**

ITEM 1: COUNTY TREASURER'S MONTHLY REPORT

In the absence of County Treasurer Alfonso E. Ortiz, Jr., Deputy Treasurer Jennifer LaFebre made the monthly presentation for the Treasurer's office, informing the Commission of collections and disbursements. There were no questions, and the matter is presented monthly for the information of the Commission and the public.

ITEM 2: APPROVAL OF INDIGENT CLAIMS/PAYMENTS (ALTA VISTA HOSP.)

Upon a presentation and recommendation by Finance Supervisor Melinda Gonzales, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of indigent fund payments to Alta Vista Regional Hospital in the amount of \$44,481.41; Gonzales certifying that all claims recommended for approval, met eligibility requirements and otherwise qualified for payment under the County's Indigent Fund guidelines.

ITEM 3: APPROVAL OF INDIGENT BURIAL PAYMENT/NELSON FUNERAL HOME

Upon a presentation and recommendation by Finance Supervisor Gonzales, Commissioner Ortiz moved and Commissioner Padilla seconded, approval of an indigent burial claim to Nelson Funeral Home, in the statutory maximum amount of \$1,200.00, Gonzales certifying that the claim was lawful and proper.

ITEM 4: CASH BALANCE REPORT AS OF JUNE 27, 2012

Finance Supervisor Gonzales presented the Commission with the cash balance report as of June 27, 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.)

ITEM 5: ACCOUNTS PAYABLE (ITEMS 2012-12-68 THROUGH 2012-12-686)

Upon a motion by Vice Chairman Ortega and a second by Commissioner Padilla, the Commission approved the County's disbursements as recommended by Finance Supervisor Gonzales, inclusive of Items 2012-12-68 through 2012-12-686, who certifies in the corresponding written document that all disbursements are lawful and proper.

**HAVING CONCLUDED ITS BUSINESS AS THE
COUNTY BOARD OF FINANCE, AT 2:32 P.M. THE COMMISSION
PROCEEDED TO REGULAR ORDER, AS FOLLOWS:**

ITEM 6: PROJECT PARTICIPATION AGREEMENT AND INTERGOVERNMENTAL AGREEMENT RE MARTINEZ AND SONS MEAT PROCESSING, LLC

The County Manager made a brief background presentation concerning this Item, and noting the several instruments and documents which had been previously approved by the Commission as required by law, all related to state funding allotted to Martinez & Sons Meat Processing, LLC, under the NM Local Economic Development Act, and the County's corresponding ordinance.

Whereupon Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the Project Participation Agreement between San Miguel County and Martinez & Sons, LLC, and the same was approved; and thereupon Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the related Intergovernmental Agreement between the County and the NM Economic Development Department, and the same was also approved.

ITEM 7: LETTER OF CONDITIONS/RURAL BUSINESS ENTERPRISE GRANT

Upon a presentation by Planning & Zoning Supervisor Alex Tafoya, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval and execution of Letter of Intent to Meet Conditions, for submission to the USDA, for a \$50,000.00 grant made to Martinez & Sons, LLC, relating to the meat processing plant to be developed south of Las Vegas.

ITEM 8: PROFESSIONAL SERVICES AGREEMENT/CLERK-NM CLERK'S LLC

Upon a presentation by County Clerk Melanie Y. Rivera, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of Professional Services Agreement between the Clerk and NM Clerk's, LLC, a professional firm which will provide technical assistance to the Clerk's office. (The Clerk noted that she has budgeted the necessary funds, and no budget increase is occasioned by the professional services agreement.)

ITEM 9: EMPLOYMENT OF LOUANNA SANCHEZ/CLERK'S OFFICE

Upon the recommendation of County Clerk Rivera, Commissioner Padilla moved and Vice Chairman Ortega seconded, the employment of Louanna Sanchez as Bureau of Elections deputy clerk in the County Clerk's office.

ITEM 10: RESOLUTION 07-10-12/SHERIFF'S OFFICE EXCESS PROPERTY

Upon a presentation by Undersheriff Theodore Carr, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of the above-titled Resolution, allowing the County to offer for sale, at public auction, one 1992 Dodge Ram Charger, and one 2003 Ford Crown Victoria, as provided by law – the same being obsolete personal property.

ITEM 11: PUBLIC HEARING AND PROJECT SELECTION FOR CDBG FOR 2013

At 2:45 p.m., upon a presentation by Planning & Zoning Supervisor Alex Tafoya, Chairman Leger convened a public hearing for deliberation upon and selection of projects for CDBG funding for the year 2013. Tafoya proceeded to inform the Commission that he had earlier in the day been informed by CDBG officials that additional public notice (posting) is required for the subject public hearing, and that it may be prudent to delay the hearing until the additional required notice is disseminated by the County (together with notice by publication in the local newspaper).

Whereupon, at 2:50 p.m., Commissioner Padilla moved and Commissioner Ortiz seconded, that the subject public hearing be suspended, postponed or tabled until such time as the required public notice is given, and the matter again brought before the Commission – and the motion carried unanimously.

ITEM 12: RESOLUTION NO. 07-10-12-GRT PROPOSING AN ORDINANCE ADOPTING A COUNTYWIDE GROSS RECEIPTS TAX

After presentations by both the County Manager and County attorney, and discussion by and among the Commissioners, at 3:20 p.m. Commissioner Salazar moved and Commissioner Padilla seconded, approval of the above-titled Resolution, proposing adoption of an ordinance allowing for a countywide gross receipts tax, as provided by law, and causing the question thereon to be placed on the ballot at the General election to be held November 6, 2012 – and the motion carried unanimously. (All Commissioners expressed their desire that the particulars concerning this matter be fully presented at the August meeting, so that the public is fully informed - Vice Chairman Ortega emphasizing that absolute transparency should be the County's goal.)

ITEM 13: RESOLUTION NO. 07-10-12-CM/SUPPORTING TOWN OF SPRINGER

Upon a brief presentation by the County Manager, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the above-titled Resolution, supporting the

efforts by the Town of Springer for re-establishment of the NM Boys' School in that community.

ITEM 14: RES. NO. 07-10-12-MODULAR BUILDING (CHAPELLE WATER ASSN.)

Upon a brief presentation by the County Manager, Commissioner Salazar moved and Vice Chairman Ortega seconded, approval of the above-titled Resolution, allowing use of a county-owned modular building by the Chapelle Mutual Domestic Water Users Association. (Upon inquiry by Commissioner Padilla, the County attorney informed the Commission that the use is allowed by Section 4-38-13.1, NMSA 1978, and that the Agreement contains provisions protecting the County from liability.)

ITEM 15: RES. NO. 07-10-12-ICIP FOR INFRASTRUCTURE CAPITAL IMPV. PLAN

Upon a brief presentation by Planning & Zoning Supervisor Tafoya, Commissioner Salazar moved and Commissioner Ortiz seconded, approval of the above-titled Resolution which memorializes the previous action taken by the Commission in establishing and designating the top five priority projects for Infrastructure Capital Improvement Project (ICIP) funding.

(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: RES. NO. 07-10-12-FARMERS' ELECTRIC COOPERATIVE FRANCHISE

Upon the recommendation of the Planning & Zoning Supervisor Tafoya, Commissioner Padilla moved and Commissioner Salazar seconded, approval of the above-titled Resolution granting (extending) for one year, a utility franchise to Farmers' Electric Cooperative. (Vice Chairman Ortega was temporarily absent at the time this Item was presented, but resumed his place at the dais immediately following action on the Item.)

ITEM 17: RES. NO. PW-07-10-12-LGRF-CAP-4-13(405)/HARDSHIP WAIVER

Upon a presentation by Public Works Supervisor Harold Garcia, Commissioner Padilla moved and Commissioner Salazar seconded, approval of the above-titled Resolution requesting a hardship waiver for the subject CAP project(s), in the amount of \$32,821.00.

ITEM 18: RES. NO. PW-07-10-12-LGRF-SP-4-13(955)/HARDSHIP WAIVER

Upon a presentation by Public Works Supervisor Garcia, Commissioner Ortiz moved and Commissioner Salazar seconded, approval of the above-titled Resolution requesting a hardship waiver for the subject CAP project(s) in the amount of \$16,188.00.

ITEM 19: AWARD OF TELEPHONE BID TO REAL TIME NETWORKS

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Padilla moved and Vice Chairman Ortega seconded, award of a five-year agreement for county telephone services, to Real Time Networks, in the amount of \$117,385.00 for the five-year period – Gonzales advising the Commission that the proposal submitted by Real Time Networks was deemed the most responsible and advantageous, by the evaluation committee, as required by the NM Procurement Code.

ITEM 20: BID AWARD/GONZALES RANCH CR B-31-A (CDBG)

Upon the recommendation of Planning & Zoning Supervisor Tafoya, Commissioner Ortiz moved and Vice Chairman Ortega seconded, bid award to Lumar Construction of Mora, New Mexico, for the Gonzales Ranch County Road B-31-A CDBG project – Tafoya noting that County staff and County engineer's determined that the Lumar bid in the amount of \$281,019.00, was the lowest responsible bid, as required by the NM Procurement Code. (In answer to an inquiry by Vice Chairman Ortega, Tafoya informed the Commission that any excess project funds would be properly utilized for additional project work, via a project alternate which was also bid upon by Lumar, without expanding the scope of the project, as allowed by the Procurement Code.)

ITEM 21: COOPERATIVE AGREEMENT/LCC-SMCDETENTION (NURSING PROG.)

Upon a presentation by Warden Patrick W. Snedeker, and additional presentations by Debbie Johnson (medical provider at the SMC Detention Center), and Connie Reichert (director of nursing services at LCC), Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of the Cooperative Agreement between the County and Luna Community College, by which LCC nursing students provide services at the Detention Center and receive hands-on training and experience. (Vice Chairman Ortega commended the Warden, Johnson and Reichert for their informative presentations, and for the success of the cooperative program.)

ITEM 22: ANIMAL CONTROL SERV. AGREEMENT(PECOS/SAN MIGUEL COUNTY)

Upon a presentation by Public Works Supervisor Garcia, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval the Animal Control Services Agreement between the County and the Village of Pecos.

ITEM 23: MOA WITH NM GAME & FISH RE SOLID WASTE CONTAINERS

Upon a presentation by Public Works Supervisor Garcia, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval the Memorandum of Agreement between the County and the NM Department of Game and Fish, by which the latter will provide funding to the County for the purchase of 30 roll-off solid waste containers, each at a cost of \$7,200.00.

ITEM 24: CONTRACT EXTENSION WITH GREER'S REPAIR AND WELDING

Upon the recommendation of Public Works Supervisor Garcia, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of a one-year contract with Greer's Repair and Welding, for heavy equipment mechanical services.

ITEM 25: WATER SUPPLY AGREEMENT WITH EL VALLE WATER ALLIANCE

Upon a presentation by Emergency Manager Dennis English, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the above-titled Water Supply Agreement, by which El Valle Water Alliance will make water available to the County in times of emergency. (Alliance President Ramon Lucero also appeared and made a brief presentation in support of the Agreement.)

ITEM 26: OUT-OF-STATE TRAVEL APPROVAL FOR WARDEN SNEDEKER

Upon a presentation by Warden Snedeker, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of out-of-state travel for the Warden, for attendance at a conference in Colorado Springs, CO, from August 6 to 8, 2012.

ITEM 27: OUT-OF-STATE TRAVEL APPROVAL FOR LT. STEVEN GARCIA

Upon a presentation by Warden Snedeker, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of out-of-state travel for Detention Center Lieutenant Steven Garcia, for attendance at a conference in Gunnison, CO, from August 27 to 30, 2012.

ITEM 28: LODGERS' TAX FUNDING GRANTS FOR 2012-2013

Upon the recommendation of the County Manager, as recommended by the County's Lodgers' Tax Advisory Board, Commissioner Ortiz moved, and Vice Chairman Ortega seconded, approval of Lodgers' Tax funding for the 2012-13 FY, as follows: \$250.00 for the San Miguel/Mora Fair Board queen event, \$1,000.00 to Casa de Cultura for the Ain't Got No Frijoles festival, \$3,000.00 to Music from Angel Fire for music concerts, \$6,000.00 to the San Miguel County Fair Board for facility upgrades, \$12,000.00 to the Las Vegas/San Miguel Chamber of Commerce for advertising, and \$14,550.00 to the Pecos Business Association, for advertising, all as permitted by the Lodgers' Tax Act. (The County Manager noted that all disbursement will be reduced to a written agreement by which they are properly accounted by the grantees.)

ITEM 29: JOB DESCRIPTION FOR SECTION 8 HOUSING SPECIALIST

Upon a presentation by Section 8 Housing Administrator Matthew Griego, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the job description for the position of Section 8 Housing Specialist – Griego noting for the Commission that the job description is in conformity with efforts to comply with all mandates from HUD. (In answer to a query from Vice Chairman Ortega, Griego noted that the person presently occupying the position in the Section 8 Housing office will not be displaced by virtue of adoption of the job description.)

In answer to an inquiry from Chairman Leger, the County Manager and Administrator Griego informed the Commission that the County has made great progress to be removed from “troubled-status”, and that HUD is planning a final review in August, 2012, and it is anticipated that all prior problems will be deemed and determined as resolved and corrected.

ITEM 30: FUNCTIONAL COMMUNICATION EXERCISE UPDATE

For the information of the Commission (with no action sought nor required), Emergency Manager Dennis English made a presentation about recent exercises conducted by his office relating to functional communications, and related matter. English also informed the Commission of up-coming exercises, and invited all to attend.

[At 4:20 p.m., Chairman Leger temporarily absented himself from the Commission chambers, whereupon Vice Chairman Ortega assumed the duties of presiding officer]

ITEM 31: PUBLIC WORKS DIVISION MONTHLY REPORT FOR JUNE, 2012

County Road Foreman Daniel Encinias made his monthly presentation and stood for questions, whereupon Commissioner Padilla asked about work at Placita de Rociada, and recent flooding at Los Alamos Road. Both Encinias and the County Manager responded, informing Commissioner Padilla and the entire Commission about the work planned in those areas. (Commissioner Salazar thanked Encinias and Public Works Foreman Garcia for their efforts to provide the Commission with a schedule of anticipated and planned work, and timelines relating thereto.)

ITEM 32: APPROVAL OF PERSONNEL ACTIONS FOR JUNE, 2012

Upon the recommendation of the County Manager, Commissioner Salazar moved and Commissioner Padilla seconded, approval and ratification of all personnel changes made in the County for June, 2012.

ITEM 33: APPROVAL OF EMPLOYMENT/COUNTY ASSESSOR’S OFFICE

Upon the recommendation of the County Manager and County Assessor Elaine Estrada, Commissioner Padilla moved and Commissioner Ortiz seconded, probationary employment of Rudy Ortega as Personal Property/Mapping Clerk at the Assessor's office, effective July 7, 2012, at a salary of \$22,800.00.

ITEM 34: APPROVAL OF EMPLOYMENT/COUNTY SHERIFF'S OFFICE

Upon the recommendation of the County Manager and Sheriff Benjie Vigil, Commissioner Ortiz moved and Commissioner Salazar seconded, probationary employment of Jonathan Bernal as a Sheriff's deputy, effective June 25, 2012, at a salary of \$28,500.00.

ITEM 35: APPROVAL OF EMPLOYMENT/DWI PROGRAM

Upon the recommendation of the County Manager and DWI Coordinator Wendy Armijo, Commissioner Salazar moved and Commissioner Ortiz seconded, probationary employment of Darrel Cruz as a transit operator with the DWI Safe Ride Home Service, effective June 15, 2012, at an hourly salary of \$12.00 per hour.

ITEM 36: APPROVAL OF EMPLOYMENT/COUNTY TREASURER'S OFFICE

Upon the recommendation of the County Manager and County Treasurer Alfonso E. Ortiz, Jr., Commissioner Salazar moved and Commissioner Padilla seconded, the probationary employment of Kimberly Mejillas as Tax Processor I at the Treasurer's office, effective June 18, 2012, at a salary of \$25,194.00.

ITEM 37: APPROVAL OF EMPLOYMENT/SMC DETENTION CENTER

Upon the recommendation of the County Manager and Warden Snedeker, Commissioner Padilla moved and Commissioner Salazar seconded, the probationary employment of Michael Miller as a detention officer at the SMC Detention Center, effective June 18, 2012, at a salary of \$20,900.00, and the probationary employment of Sean Armijo to the same position at the same status and salary, effective June 25, 2012.

(County Manager Montoya announced to the Commission that John Lujan resigned his position as Chief of Security at the Detention Center, and that Antonio Padilla has been appointed to replace him; and that Theresa Maldonado resigned her position as secretary at the Sheriff's office, and that Iris Vigil has been appointed to replace her.)

[At 4:33 p.m. Chairman Leger returned to the Commission chambers, and resumed his duties as presiding officer]

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 4:34 p.m., Commissioner Salazar moved and Commissioner Padilla 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 4:58 p.m. Vice Chairman Ortega moved and Commissioner Ortiz 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 4:59 p.m. Commissioner Padilla moved and Commissioner Salazar seconded, the adjournment of the meeting, the motion carried and the meeting was duly adjourned.

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