

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

CALL TO ORDER AND ROLL CALL

Chairman Nicolas T. Leger called the meeting to order at 1:35 p.m., at the Council Chambers of the Village of Pecos, 54 Main Street, Pecos, New Mexico. 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

The Commission approved prior-meeting minutes, as follows: (1) Minutes of regular monthly meeting of October 09, 2012, upon a motion by Commissioner Padilla and a second by Commissioner Ortiz, with Commissioner Salazar abstaining, (2) special meeting/public hearing held October 11, 2012, upon a motion by Commissioner Ortiz and a second by Vice Chairman Ortega, with Commissioner Salazar abstaining, (3) special meeting/public hearing of October 15, 2012, upon a motion by Commissioner Padilla and a second by Vice Chairman Ortega, with Commissioner Salazar abstaining, and (4) special meeting (election canvass) of November 08, 2012, upon a motion by Commissioner Salazar and a second by Vice Chairman Ortega. ***[Unless otherwise indicated, minutes are approved without change, correction or revision.]***

APPROVAL OF AGENDA

Upon the recommendation of County Manager Les Montoya, Commissioner Ortiz moved and Commissioner Salazar seconded, approval of the Agenda as presented, the County Manager noting that Pablo Sedillo asked to address the Commission at the inception of the meeting. ***[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

Immediately prior to the public input forum, Chairman Leger recognized Pablo Sedillo, long-time field representative for U.S. Senator Jeff Bingaman, who thanked the Commission and staff on behalf of Senator Bingaman. Sedillo noted the retirement of Senator Bingaman and reviewed his record and accomplishments.

Whereupon, at the invitation of Chairman Leger, in accordance with the public input portion of the meeting, the following persons addressed the Commission, and each presented comment and opinion relating to oil and gas exploration issues, and the ordinance to be formulated by the Commission in the months ahead: Bernard Schaer, who presented an on-line petition against hydraulic fracturing, Cordia Sommeth, who submitted written data on the issue, Paula Hern, who submitted additional petitions against fracturing, Dianne Lindsay, Goose Feathers, Nancy Nanberger, Teth Degange, Patrick Holden, and Frank Adelo, who submitted a letter from the Upper Pecos Water Assn. (Chairman Leger noted that all submissions would be made part of the on-going record in the matter of the formulation of an oil and gas ordinance.)

PRESENTATIONS

The Commission entertained the following presentations, beginning at 2:12 p.m.:

- (1) Amy Quirke of Rowe, spoke about her bakery and food processing business, and her desire to expand same, and work with the County in furtherance of her business expansion.
- (2) Adrian Ortiz of the NM Workforce Solutions Division, made a presentation concerning the duties of that public agency, and the sundry assistance which it provides to state and local government agencies, and the public generally.
- (3) Planning & Zoning staffer Michael Garcia was recognized for his certification as a zoning official, and Chairman Leger commended him.
- (4) John Bemis, Secretary of the NM Department of Energy, Minerals and Natural Resources Department, addressed the Commission, concerning the duties of the Oil Conservation Commission, and generally concerning matters relating to the oil and gas industry and the role of his Department. Bemis then introduced Gabrielle A. Gerholt, general counsel for the Oil Conservation Commission, who also explained the role and statutory duties of that agency. (Both Bemis and Gerholt entertained questions propounded by Commissioners and the County Manager.)

**AT 3:27 P.M., THE COMMISSION THEN CONVENED AS THE
SAN MIGUEL COUNTY BOARD OF FINANCE, AS FOLLOWS:**

ITEM 1: COUNTY TREASURER'S MONTHLY REPORT

Neither the County Treasurer nor his designee were in attendance. However, Finance Director Melinda Gonzales informed the Commission that the Treasurer asked her to impart for him that his office was operating well, and that tax revenues were being collected as expected.

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

Upon a presentation and recommendation by Finance Supervisor Melinda Gonzales, Commissioner Salazar moved and Commissioner Ortiz seconded, approval of indigent fund payments to Alta Vista Regional Hospital in the amount of \$45,397.43; 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 MORTUARY

Upon a presentation and recommendation by Finance Supervisor Gonzales, Commissioner Ortiz moved and Commissioner Salazar seconded, approval of one indigent burial claim to Nelson Funeral Home, for the statutory maximum amount, Gonzales certifying that the claim was lawful and proper.

ITEM 4: BUDGET ADJUSTMENT RESOLUTION 2012-11-13-F1

Upon a recommendation of Finance Supervisor Gonzales, Commissioner Padilla moved and Commissioner Salazar seconded, approval of the above-titled Resolution, allowing budget increases for the Wildland coordinator grant (\$25,000), DWI reversion fund (\$20,664), and Fund 315 for OEM (\$37,604 and \$98,038.22).

ITEM 5: APPROVAL OF ACCOUNTS PAYABLE/2013-4-1 THROUGH 2013-4-556

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 2013-4-1 through 2013-4-556, who certifies in the corresponding written document that all disbursements are lawful and proper.

ITEM 6: CASH BALANCE REPORT AS OF OCTOBER 31, 2012

Finance Supervisor Gonzales presented the Commission with the cash balance report as of October 31, 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 3:31 P.M. THE COMMISSION
PROCEEDED TO REGULAR ORDER AS FOLLOWS:**

ITEM 7: EXTENSION SERVICE WORK PLAN FOR FISCAL YEAR 2012-2013

County Extension Agent Samantha Ortiz presented her work plan for 2012-13, and thanked the Commission for encouraging her to undertake the task – saying she benefitted by establishing goals and objectives for her program. Commissioner Salazar urged Ms. Ortiz to reach-out to the Valley community and the agricultural group which has been formed there, and Ortiz assured Salazar that she would. Vice Chairman Ortega thanked Ms. Ortiz and assured her the Commission was very supportive of all her efforts – that it is good to have a plan in place, but that it is now up to Ms. Ortiz to deliver on that plan.

ITEM 8: RES.11-13-12-CM/SEPTEMBER (LUNG CANCER AWARENESS MONTH)

Chairman Leger introduced this Item and noted the importance of awareness concerning cancer in any form, and its causes. Whereupon, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the above-titled Resolution, and the same was approved.

ITEM 9: RES.11-13-12-SECTION 3 (CDBG REQUIRED RESOLUTION)

In the absence of Planning & Zoning Supervisor Alex Tafoya, County Manager Montoya presented this Item, noting the Resolution was required by CDBG. Whereupon, Vice Chairman Ortega moved and Commissioner Ortiz seconded approval, and the Resolution was duly adopted and approved.

ITEM 10: COUNTY'S LEGISLATIVE AGENDA/PRIORITIES FOR 2013 SESSION

The County Manager introduced this Item, noting the Legislature session would convene in the near future, and that the Commission should establish its priorities for capital improvement funding requests. The Manager noted that the Commission should be guided by recent directives/recommendations by state government, that funding

requests would be looked at favorably, if they are for regional improvements, or for continuing projects which need to be concluded.

A lengthy discussion ensued, all Commissioners expressing their concerns and priorities, and posing questions to the County Manager. Whereupon, after a half hour of discussion and deliberation, Commissioner Padilla moved and Commissioner Salazar seconded, that the following three items constitute the Commission's priority list for capital improvement funding requests at the up-coming Legislative session: (1) completion of the walkway/bicycle pathway on Cinder Road, (2) acquisition of a solid waste disposal and processing grinder, and (3) various county road improvements, as delineated in the list submitted to the Commission.

ITEM 11: INVITATION FOR BIDS FOR MICROFILMING OF RECORD BOOKS

Upon a motion by Commissioner Salazar and a second by Commissioner Padilla, the Commission approved issuance of an invitation for bids for services to microfilm record books maintained by the County (to be paid with an \$8,500.00 grant recently received from the NM Historical Records Advisory Board.)

ITEM 12: INVITATION FOR BIDS FOR USDA RBEG GRANT (MTZ.&SONS)

Upon a presentation by the County Manager, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of the issuance of an invitation for bids for one pick-up and one dump trailer, to be owned by the County but utilized by Martinez & Sons Meat Processing, pursuant to a grant from the U.S. Department of Agriculture.

ITEM 13: RATIFICATION/GRANT APPLICATION FOR COMMUNITY RESILIENCE

Upon a presentation by Emergency Manager Dennis English, Commissioner Ortiz moved and Commissioner Padilla seconded, approval of the above-titled grant application for community awareness, particularly among public school students, English noting the maximum amount of the grant would be \$35,000.00.

Prior to the formal action, Vice Chairman Ortega expressed his concerns that too much time and effort is being spent on awareness of emergency and catastrophic issues, but that not enough effort is being devoted to preventive action; that the threat of a catastrophic fire at the Gallinas Water Shed is real; and that efforts should be made to implement measures to deal with the devastating threat. (Both the County Manager and English expressed their concerns in the matter, noting the particular grant application for community awareness was limited in scope, and that they too shared Vice Chairman Ortega's concerns.)

ITEM 14: APPROVAL OF GRANT APPLICATION FOR HAZMAT PREPAREDNESS

Emergency Manager Dennis English sought approval for grant application in the amount of \$15,000.00 for the County/City emergency operation plan, and upon a motion by Commissioner Salazar and a second by Commissioner Padilla, approval was granted.

ITEM 15: AWARD PROPOSAL FOR PEST CONTROL AND VECTOR SERVICES

Upon a presentation and recommendation of Public Works Supervisor Harold Garcia, Commissioner Padilla moved and Vice Chairman Ortega seconded, award of pest control and vector control services to BOTH Diamond Pest Control and Roadrunner Public Health, Inc., for as-needed services, to be divided between them, the two firms being the only bidders for the requested services.

ITEM 16: AWARD CONST. PROJ./EL PUEBLO FIRE DIST. (HYDRANT SYSTEM)

Upon a presentation and recommendation of County Fire Chief Russell Pacheco, Commissioner Padilla moved and Commissioner Ortiz seconded, award to New Image Construction (the lowest responsible bidder) for construction of the water storage and hydrant system project at El Pueblo Fire Department, in the total project amount of \$90,500.00. [Commissioner Salazar was temporarily absent for this Item.]

ITEM 17: AGREEMENT WITH NM ENERGY, MINERALS AND NATURAL RESOURCES DEPT. RE \$25,000.00 FOR WILDLAND COORDINATOR

Upon a presentation and recommendation of Fire Chief Pacheco, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval and acceptance of grant award in the amount of \$25,000.00 for a Wildland coordinator, said award made by the NM Department of Energy, Minerals and Natural Resources. [Commissioner Salazar was temporarily absent for this Item.]

(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 18: GRANT AWARD FOR MITIGATION PLAN/EMERGENCY PREPAREDNESS

Upon a presentation and recommendation by Emergency Manager English, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval and acceptance of grant award in the amount of \$130,718.12 (No. LPDM-PL-06-NM-2012-001), from the NM Department of Homeland Security, to be used to complete the

County/City mitigation plan, as identified in the grant award. [Commissioner Salazar was temporarily absent for this Item.]

ITEM 19: INVITATION FOR BIDS FOR ALL-HAZARDS MITIGATION PLAN

[Commissioner Salazar returned to the meeting, and was in attendance for all subsequent Agenda Items.] Upon a presentation and recommendation by Emergency Manager English, Commissioner Salazar moved and Commissioner Padilla seconded, authorization for an invitation for bids for professional services to complete the County/City all-hazard mitigation plan.

ITEM 20: GRANT AGREEMENT/EMERGENCY MANAGEMENT PROJS. FOR 2012

Upon a presentation and recommendation by Emergency Manager English, Commissioner Padilla moved and Commissioner Salazar seconded, approval of the grant award from the NM Department of Homeland Security, in the amount of \$37,604.00, for the projects specified in the award, to wit, interoperable communication at Las Vegas Police Department, table-top exercise, body armor, and emergency water distribution system. [Vice Chairman Ortega was temporarily absent for this Item.]

ITEM 21: DWI GRANT AGREEMENT/AMENDMENT 1 (REVERSION FUNDING)

Upon a presentation by DWI Coordinator Wendy Armijo, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of Reversion Funding Amendment 1 for the DWI Program, in the amount of \$20,664.00 for FY 2012-2013.

ITEM 22: PUBLIC WORKS DIVISION MONTHLY REPORT

[Vice Chairman Ortega returned to the meeting, and was present and in attendance for all remaining Agenda Items.] Public Works Foreman Daniel Encinias (joined by Public Works Supervisor Garcia) made his monthly presentation concerning work and progress in his department.

Whereupon questions and comments were propounded by Commissioners as follows, and discussion ensued as to each: (1) Chairman Leger, that road material generated by the County crusher operation be utilized whenever feasible; (2) Commissioner Padilla, concerning the status of the RFP for the lease of the crusher operation, with Garcia responding that same was in progress; (3) Commissioner Salazar concerning status of San Geronimo road, with Encinias responding that he would soon address the work, which involved 4/10 of a mile; (4) Chairman Leger, concerning Sabinoso road, with the County Manager noting the same was being worked-up as a CDBG project; (5) Vice Chairman Ortega, concerning three culverts at the County Acres Subdivision, and that people there be informed of status of pending case, with Encinias noting that he is working on the culvert installation, and the County Manager noting that a meeting will be held soon to inform residents of the pending litigation and its impact on work in their

area; and Ortega concerning soil tests for road projects, with Garcia providing a lengthy explanation of same; and (6) Commissioner Ortiz regarding the soil tests for the Corruco Road Project, with Garcia informing him that Hays had provided the required tests and verification, as required by the Commission at its last meeting.

ITEM 23: PERSONNEL ACTIONS FOR OCTOBER, 2012

Upon a presentation by Human Resources Supervisor Kiki Arellano, Commissioner Salazar moved and Commissioner Padilla seconded, approval of all personnel actions and changes made in the County for and during the month of October, 2012.

ITEM 24: EMPLOYMENT OF DETENTION OFFICER

Upon the recommendation of the County Manager and Warden Patrick W. Snedeker, Commissioner Salazar moved and Commissioner Padilla seconded, employment of Pedro Martinez as a detention officer, at a salary of \$20,900.00, effective October 10, 2012, as a probationary employee. (Chairman Leger made inquiry of Human Resources Supervisor Arellano concerning the correct hiring date, and Ms. Arellano said she thought it was October 10, rather than September 10, as indicated on the agenda.)

ITEM 25: EMPLOYMENT OF SHERIFF'S DEPUTY

Upon the recommendation of the County Manager and Sheriff Benjie Vigil, Commissioner Padilla moved and Commissioner Salazar seconded, employment of Jayme C. Vigil as a Sheriff's deputy, effective October 27, 2012, at a salary of \$23,750.00, as a probationary employee.

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 **5:07 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 **6:12 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 **6:13 p.m.** Commissioner Ortiz moved and Commissioner Salazar seconded, the adjournment of the meeting, the motion carried and the meeting was duly adjourned.

MOVED, SECONDED AND ADOPTED this 11th day of December, 2012, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held November 13, 2012, in Pecos, New Mexico.

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)