

**MINUTES OF THE SPECIAL MEETING OF THE BOARD OF COUNTY  
COMMISSIONERS OF SAN MIGUEL COUNTY, NEW MEXICO HELD TUESDAY,  
JULY 30, 2013, BEGINNING AT 9:00 AM**

**CALL TO ORDER AND ROLL CALL**

Chairman Nicolas T. Leger called the meeting to order at 9:00 am, at the Commission chambers on the 2<sup>nd</sup> floor of the San Miguel County Courthouse. Upon a call of the roll call all five commissioners were present and a quorum was duly established and noted as follows: Chairman Nicolas T. Leger, Vice Chairman Ron Ro. Ortega and Commissioners Marcellino A. Ortiz, Arthur J. Padilla and Gilbert J.B. Sena.

**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 AGENDA**

Agenda was approved as presented, there were no additions or deletions. Commissioner Padilla moved and Commissioner Sena seconded, approval of the Agenda as presented. Motion was carried unanimously.

**ITEM 1: RESOLUTION 2012-07-30-F1 FINAL FY12/13 BUDGET ADJUSTMENT**

Melinda Gonzales presented this item and informed the Commission this is the final budget resolution that can be made towards the FY12/13 budget. Melinda went over the changes to each fund.

After discussion Commissioner Ortega made a motion to approve the resolution with a second by Commissioner Padilla. The motion carried unanimously.

**ITEM 2: RESOLUTION 2013-07-30-F2 FY12/13 FOURTH QUARTER FINANCIAL REPORT**

Melinda Gonzales informed the Commission that their review and approval of the fourth quarter report is a new requirement for the FY13/14 budget submission. Melinda explained that a quarterly report is due at the end of each quarter and the format of the quarterly report is in the same format as the DFA budget forms. This allows the County and DFA to monitor our revenue and expenditures as projected. It is important to note that the ending cash balances from the FY12/13 fourth quarter report will tie into the FY13/14 final budget submission. These cash balances are reconciled cash balances but are unaudited numbers and are therefore subject to change based on reclassifications.

Commissioner Sena made a motion to approve the fourth quarter financial report and Commissioner Padilla seconded. The motion carried unanimously.

**ITEM 3: RESOLUTION 2013-07-30-F3, AUTHORIZING THE CREATION OF FUND 316**

Melinda Gonzales informed the Commission that based on a Homeland Security Review, each individual grant received from Homeland Security needed to be accounted for in its own separate fund. Based on this Fund 316 needs to be created to account for the balance of the EMW-2012-SS-0097 grant in the amount of \$1,828.76 which is to be used for interoperable communications. The funds are restricted and are only to be used in accordance with the grant agreement. Fund 316 will be entitled OEM-EMW-2012-SS-00097.

Commissioner Padilla made a motion to approve the resolution with a second by Commissioner Ortiz. The motion carried unanimously

**ITEM 4: RESOLUTION 2013-07-30-F4, AUTHORIZING THE CREATION OF FUND 317**

Melinda Gonzales informed the Commission that based on a Homeland Security Review, each individual grant received from Homeland Security needed to be accounted for in its own separate fund. Based on this Fund 317 needs to be created to account for the balance of the EMW-2011-EP-00051 grant in the amount of \$45,000 to be used for the purchase and installation of a generator for the City of Las Vegas Police Department. The funds are restricted and are only to be used in accordance with the grant agreement. Fund 317 will be entitled OEM-EMW-2011-EP-00051.

Commissioner Ortiz made a motion to approve the resolution with a second by Commissioner Ortega. The motion carried unanimously

**ITEM 5: RESOLUTION 2013-07-30-F5, AUTHORIZING THE CREATION OF FUND 318**

Melinda Gonzales informed the Commission that based on a Homeland Security Review, each individual grant received from Homeland Security needed to be accounted for in its own separate fund. Based on this Fund 318 needs to be created to account for the balance of the HMMHP0293120100 grant in the amount of \$15,000 to be used for the Emergency Response Plan. The funds are restricted and are only to be used in accordance with the grant agreement. Fund 318 will be entitled OEM-HMMHP0293120100.

Commissioner Sena made a motion to approve the resolution with a second by Commissioner Padilla. The motion carried unanimously

**ITEM 6: RESOLUTION 2013-07-30-F6, AUTHORIZING THE CREATION OF FUND 319**

Melinda Gonzales informed the Commission that based on a Homeland Security Review, that each individual grant received from Homeland Security needed to be accounted for in its own separate fund. Based on this Fund 319 needs to be created to account for the LPDM-PL-06-NM-2010-001-SMC to be used for a mitigation plan. The funds are restricted and are only to be used in accordance with the grant agreement. Fund 319 will be entitled OEM-LPDM-PL-06-NM-2010-001-SMC.

Commissioner Ortega made a motion to approve the resolution with a second by Commissioner Padilla. The motion carried unanimously.

**ITEM 7: RESOLUTION 2013-07-30-F7, FY13/14 FINAL BUDGET PROPOSAL**

Melinda Gonzales presented the FY13/14 San Miguel County Recapitulation, the FY13/14 DFA Final Budget along with the supporting documents such as a debt service schedule, salary schedules for employees and elected officials and an investment schedule. It was explained that there were differences from the FY13/14 Interim Budget to the Final Budget. The differences mainly had to do with differences in projected cash balances, increased state allotment revenue then what was originally projected, workers comp premium allocation differences amongst funds and so forth. Melinda also mentioned that the budget packet was finalized on July 27, 2013 and after discussions with the IRS auditors on July 29, 2013 an increase to the budget was requested due to potential liabilities tied to the IRS audit. Mainly due to the 218 Agreement. Discussion ensued and a motion was made to approve the budget along with an increase for the projected IRS review.

After discussion, Commissioner Sena made a motion to approve the budget as presented along with an increase for the projected IRS review. The motion was seconded by Commissioner Padilla. The motion carried unanimously.

**ITEM 8: TRAVEL TO AND MEETING AT THE SIGNED INTERSECTION OF COUNTY ROAD C-53-B AND C-53-D IN MAES AREA, AND THEN TO PROPERTY OF ROBERT SHIPP AND JANET HORTON, FOR ROAD VIEWING RE PETITION BY SHIPP & HORTON FOR ABANDONMENT AND VACATION OF A PART OF ROAD**

Chairman Leger proceeded to announce that the Commission would now travel to the Maes area of the County, at the location noted above, to conduct a viewing and inspection of the road in question, and there reconvene. (Leger also noted that he would not be in attendance, due to a prior commitment he could not avoid.)

Whereupon, the Commissioners and staff proceeded to the Maes area of San Miguel County, and reconvened at 11:30 a.m., at the designated intersection as noted in the title of this Agenda Item, with all Commissioners present, except for Chairman Nicolas T. Leger. Also in attendance were attorney Cullen Hallmark and his clients Robert Shipp and Janet Horton, and attorney Danelle J. Smith and her clients, including members of the Romero family who objected to the Shipp/Horton petition for abandonment. (Several other interested persons were also in attendance throughout the road viewing.)

The Commissioners, staff and all in attendance proceeded to view the subject county road, traveling northeast, and stopped at the following locations, and at each such stop the Commission entertained comment from the attorneys and all interested persons: The junction of C-53-A and C-53-E; the gate at entry to the Shipp/Horton property; at a second gate on said property; near the abandoned school house; and finally at the gate/fence to the Romero property.

At 1:22 p.m., upon concluding the road viewing and inspection, Vice Chairman Ortega entertained a motion that the hearing on the Shipp/Horton Petition to vacate and abandon the

subject road be continued at the regular monthly meeting of the County Commission on August 13, 2013.

Whereupon, Commissioner Arthur J. Padilla moved to continue the hearing at the regular monthly meeting to be held August 13, 2013, and upon a second by Commissioner Ortiz, the motion carried by unanimous vote of the Commission; and there being nothing further to come before the Commission, the special meeting ended.

**MOVED, SECONDED AND ADOPTED** this 10<sup>th</sup> day of September, 2013, as the minutes of the special meeting of the Board of County Commissioners of San Miguel County, New Mexico, held Tuesday, July 30, 2013.

---

Nicolas T. Leger, Chairman

---

Ron R. Ortega, Vice Chairman

---

Marcellino A. Ortiz, Member

---

Arthur J. Padilla, Member

---

Gilbert J. B. Sena, Member

Attest:

---

Melanie Y. Rivera  
San Miguel County Clerk

( S E A L )