

**MINUTES OF THE REGULAR MONTHLY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO,
HELD TUESDAY, JANUARY 08, 2013, 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 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 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 December 11, 2012. ***[Unless otherwise indicated, minutes are approved without change, correction or revision.]***

APPROVAL OF AGENDA

Upon the recommendation of County Manager Les Montoya, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the Agenda. ***[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

The following persons addressed the Commission, all speaking relative the formulation of an ordinance relating to oil and gas, and expressing their opposition to fracking, or their desire that CELDF be retained by the County, or that the County accede to the

litigation demands of CELDF: Bernard Shaw, Lee Einer, Catherine Montano, William Madison, Coralie Sammett, Marta Bruce and Ralph D. Laumbach.

INTRODUCTION OF NEW EMPLOYEE(S)

The County Manager introduced newly-hired county employee Anthony Leyba (Wildland Fire Technician), who was present and welcomed by the Commission.

Chairman Leger also took a moment to welcome and recognize newly-elected Commissioner Gilbert G. B. Sena.

PRESENTATIONS

Only one presentation was made, by Johna Gonzales, Taos County Juvenile Detention Administrator. Gonzales made a comprehensive presentation concerning the incarceration of juvenile inmate at the Taos facility. (SMC maintains a contract with Taos for incarceration of SMC juveniles, and the Commission – and Vice Chairman Ortega in particular – requested the presentation to ensure that the Taos facility is meeting juveniles’ needs, and not simply “warehousing” them.)

Chairman Leger and Vice Chairman Ortega both asked questions, and commended Ms. Gonzales for her presentation; and the County Manager announced that a tour of the Taos facility was in the offing, and he would advise Commissioners of an exact date in the near future.

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

ITEM 1: COUNTY TREASURER’S MONTHLY REPORT

County Treasurer Bertha Bustamante made her first monthly report and presentation to the Commission, reporting generally concerning property tax collections and operations in her office. She also said all mail-in payments had been timely processed during regular work hours, and no over-time would be required or allowed for Treasurer’s office staff.

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

Upon a presentation and recommendation by Finance Supervisor Melinda Gonzales, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of indigent fund payments (10 claims) to Alta Vista Regional Hospital in the amount of \$45,411.99; 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 ACCOUNTS PAYABLE/2013-6-1 THROUGH 2013-6-467

Upon a motion by Commissioner Padilla and a second by Vice Chairman Ortega, the Commission approved the County's disbursements as recommended by Finance Supervisor Gonzales, inclusive of Items 2013-6-1 through 2013-6-467, who certifies in the corresponding written document that all disbursements are lawful and proper.

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

Finance Supervisor Gonzales presented the Commission with the cash balance report as of December 27, 2012. Upon a query from Chairman Leger, Gonzales noted that the report is in order, and contained no extraordinary matters of which the Commission should be concerned, and that budget expenditures are where they should be for mid-fiscal year. She added that all expenditures are in line with projections, though some minor adjustments will need to be made for the Detention Center. Gonzales also informed the Commission that mid-year budget hearings will be held beginning January 11, 2013. (This Item is presented monthly and no formal action is sought from nor required by the Commission.)

(In a related matter, Vice Chairman Ortega noted there has been a change in administration at the Alta Vista Hospital, and that the new CEO should be invited to address the Commission. Gonzales informed Ortega and the Commission that such would be arranged, and that both Alta Vista and Christus St. Vincent officials would be meeting soon with County staff to up-date the guidelines for eligibility for indigent fund claims.)

**HAVING CONCLUDED ITS BUSINESS AS THE
COUNTY BOARD OF FINANCE, AT 2:30 P.M. THE COMMISSION
PROCEEDED TO REGULAR ORDER, AS FOLLOWS:**

ITEM 5: ELECTION OF CHAIRMAN AND VICE CHAIRMAN FOR 2013

Upon the call of Chairman Leger, Commissioner Padilla nominated Commissioner Nicolas T. Leger to be Chairman of the Commission for 2013, and Commissioner Ron R. Ortega to be Vice Chairman. No other nominations were made by any Commissioner, whereupon Commissioner Padilla moved and Commissioner Sena seconded, that Leger and Ortega be elected Chairman and Vice Chairman, respectively, and the motion carried unanimously.

Both Chairman Leger and Vice Chairman Ortega proceeded to thank their fellow Commissioners, and assured everyone they would continue to work diligently to

discharge their duties on behalf of the entire Commission and the people of San Miguel County.

ITEM 6: APPROVAL OF OPEN MEETINGS RESOLUTION FOR 2013

Upon a presentation by County Manager Les Montoya, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval and adoption of the Commission's Open Meetings Resolution for 2013, as required by Section 10-15-1, et seq., of the Open Meetings Act, NMSA 1978, as amended.

ITEM 7: RESOLUTION FOR CDBG SABINOSO ROAD PROJECT APPLICATION

Upon a presentation by Planning & Zoning Supervisor Alex Tafoya, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of Resolution No. 01-08-13-C-55-A-CDBG-2013, authorizing submission of a CDBG application for the Sabinoso road and drainage project.

ITEM 8: INVITATION FOR BIDS FOR SOLID WASTE BILLING SERVICES

Upon a presentation by Finance Supervisor Gonzales, Commissioner Padilla moved and Commissioner Ortiz seconded, approval to invite bids or request proposals for services in connection with solid waste billing. (The action was preceded by Commissioners' inquiries and answers by Gonzales, as to the need for the services, and what they would entail.)

ITEM 9: BID AWARD FOR PURCHASE OF DESKTOP COMPUTERS

Upon a presentation by Finance Supervisor Gonzales, Commissioner Padilla moved and Vice Chairman Ortega seconded, that Ace Computers of Arlington, Illinois, be awarded bid award for the County's purchase of a minimum of 19 desk-top computers, at \$1,457.00 each – Gonzales informing the Commission that the Ace bid was the lowest and most responsible bid; that the only other bid was submitted by Core Education, and it did not meet specification. (Upon inquiries from Vice Chairman Ortega and Commissioner Padilla, Gonzales advised the Commission that computers would be covered by standard warranties, and that placement of computers would be determined appropriately by IT personnel.)

ITEM 10: BID AWARD FOR SNOW REMOVAL AND EMERGENCY ASSISTANCE

Upon a presentation and recommendation by Public Works Foreman Harold Garcia, Commissioner Ortiz moved and Commissioner Padilla seconded, that contracts for emergency snow removal and road maintenance be awarded to Rocky Road Gravel Products, Xtreme Builders, LLC, and Hays Plumbing & Heating – all pursuant to and in

accordance with the public procurement process heretofore undertaken by the County. (Prior to the Commission's formal action as aforesaid, Garcia answered queries from Vice Chairman Ortega and Commissioner Ortiz concerning (1) that contractors would be available to do work anywhere in the county, and (2) that all firms that could have been interested in submitting bids were aware of the invitation issued by the County.)

ITEM 11: AGREEMENT FOR SNOW REMOVAL/EMGY.WK. (XTREME BUILDERS)

Upon the recommendation of Chairman Leger, the Commission took-up this Item concurrently with Items 12 and 13, and in one single motion, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of contracts for emergency snow removal and road maintenance with Rocky Road Gravel Products, Xtreme Builders, LLC, and Hays Plumbing & Heating, as previously awarded under Item 10, above.

ITEM 12: AGREEMENT FOR SNOW REMOVAL/EMGY.WK. (HAYS PLUMB & HTG.)

[See action taken under Item 11, above].

ITEM 13: AGREEMENT FOR SNOW REMOVAL/EMGY.WK. (ROCKY ROAD)

[See action taken under Item 12, above].

ITEM 14: ACCEPTANCE OF EMERGENCY PREPAREDNESS GRANT (\$15,000.00)

Upon a presentation by Emergency Manager Dennis English, Commissioner Padilla moved and Commissioner Ortiz seconded, acceptance of a federal grant to SMC in the amount of \$15,000.00, for hazardous material emergency preparedness.

The above action was preceded by a discussion among Commissioners, and with English, concerning emergency preparedness generally, and concerning the protocol for notification in the event of an emergency, including hazardous material spills. In this regard, Commissioner Padilla expressed his concern that all five Commissioners be notified immediately of all risks and perils – big or small; that such protocol was necessary so that all Commissioners could quickly respond to citizens' calls and inquiries. (English deferred to the County Manager, who together with Chairman Leger, assured Commissioner Padilla and all Commissioners, that immediately upon being notified of any emergency – big or small – they would notify all Commissioners.)

(Vice Chairman Ortega informed the Commission that he had recently undertaken training by Emergency Management personnel, that it was helpful and comprehensive, that all Commissioners should do the same, and that the training was especially helpful concerning matters relating to the incident command system, as expressed by Commissioner Padilla.)

ITEM 15: APPROVAL OF OUT-OF-STATE TRAVEL FOR ENGLISH & MARLOW

Upon a presentation by Emergency Manager English, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of out-of-state travel for English and his assistant, in Alabama from May 6 to 9, 2013. (English informed the Commission that all expenses (except meals) would be paid by FEMA.)

Following the above formal action, discussion ensued among Commissioners, the County Manager and English, concerning the possibility that budgetary constraints may require the elimination of the NIMS Coordinator in the EM office. Whereupon Vice Chairman Ortega expressed concern that the out-of-state travel approved under this Item may have been premature. Ortega's concern was answered two-fold, as follows: (1) The County Manager informed Ortega and the Commission that he would be better prepared at the budget hearings to assess whether the NIMS position would need to be eliminated, and the Commission should defer questions and decisions in the matter until that time, and (2) English informed the Vice Chairman and the Commission that if the position is eliminated, he would cancel the out-of-state travel, as the seminar is intended to train two individuals, acting in a dual-capacity, in tandem.

(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: IMUS TRAINING REQUEST FOR TASHA MARTINEZ

Upon a the recommendation of Finance Supervisor Gonzales, Commissioner Padilla moved and Commissioner Sena seconded, approval for Finance Department employee Tasha Martinez to attend classes and enroll in course work (from Jan. 14 to May 10, 2013), to further her education, under the provisions and allotment of the County's education incentive program commonly referred to as IMUS training.

ITEM 17: MONTHLY REPORT BY PUBLIC WORKS DIVISION FOR DEC., 2012

Public Works Foreman Harold Garcia stood for questions concerning issues within the Public Works and Road Departments, noting he had submitted a written report.

Whereupon, the following comments and queries were made by Commissioners:

Vice Chairman Ortega: (1) Regarding guard rail on road by United World College, to which Garcia responded that environmental clearance had been secured and the DOT would soon give its approval to the County's issuance of an invitation for bids for the project, which is for County Road A-11 at Los Vigiles; (2) regarding excessive wear and tear of county road which accesses the Scientology compound in east SMC, to which both Garcia and the County Manager responded that the road has been taken of, and

that they regularly communicate with resident Carlos Trujillo, who expressed the concern to Vice Chairman Ortega.

Commissioner Padilla: Commended county personnel for their quick response to the recent snow drifts.

Commissioner Ortiz: Commended county personnel for their prompt response time with the newly-acquired equipment; and also made inquiry concerning the progress of the Corruco road project, to which Garcia responded that project was complete, that a site-inspection was scheduled for the following day (Jan. 9, 2013), to accept and close-out the project.

Commissioner Sena: Expressed his thanks to road department personnel on behalf of citizen Solomon Archuleta, for road work on a county road near Archuleta's residence.

ITEM 18: APPROVAL & RATIFICATION OF PERSONNEL ACTIONS/CHANGES

Upon a presentation by Human Resources Supervisor Kiki Arellano, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval and ratification of all personnel actions and changes made in the County during the month of December, 2012.

ITEM 19: APPROVAL OF EMPLOYMENT/DWI PROG.(ADMIN.ASST./SCREENER)

Upon the recommendation of the County Manager and DWI Coordinator Wendy Armijo, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of employment of Lynette J. Vincent as DWI Administrative Assistant/Screeener, as a probationary employee, effective January 22, 1013, at a beginning salary of \$19,760.00

ITEM 20: APPROVAL OF EMPLOYMENT/DWI PROG.(PREVENTION SPECIALIST)

Upon the recommendation of the County Manager and DWI Coordinator Wendy Armijo, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of employment of Rosalie M. Martinez as DWI Prevention Specialist, as a probationary employee, effective January 22, 2013, at a beginning salary of \$27,664.00.

ITEM 21: APPROVAL OF EMPLOYMENT/CLERK'S OFFICE ELECTION OFFICIALS

Upon the recommendation of the County Manager and SMC Clerk Melanie Y. Rivera, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of casual employment of school board election officials at \$10.00 per hour, effective January 11 through February 1, 2013, as follows: Joann Gonzales, Marlyna Rivera and Rita Sanchez.

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 **3:32 p.m.**, Commissioner Padilla moved and Vice Chairman Ortega 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 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 **5:42 p.m.**, Commissioner Ortiz 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 **5:43 p.m.** Commissioner Ortiz moved and Commissioner Sena seconded, adjournment of the meeting, the motion carried and the meeting was duly adjourned.

MOVED, SECONDED AND ADOPTED this 12th day of February, 2013, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held January 08, 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)