

**MINUTES OF THE REGULAR MONTHLY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO,
HELD TUESDAY, JUNE 11, 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, four of the 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 and Arthur J. Padilla. (Commissioner Gilbert J. B. Sena was not in attendance.)

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 Commissioner Ortiz, the Commission approved the minutes of its regular monthly meeting held May 14, 2013; and upon a motion by Commissioner Ortiz and a second by Commissioner Padilla, the Commission approved the minutes of its special meeting held May 15, 2013. ***[Unless otherwise indicated, minutes are approved without change, correction or revision.]***

APPROVAL OF AGENDA

Upon a motion by Commissioner Ortiz and a second by Commissioner Padilla, the Commission approved the Agenda as presented by the County Manager, without change. ***[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: Catherin Kahn, concerning matters relating to the oil and gas ordinance and first responders in particular; Gabe Estrada,

concerning terrain management; Diana Presser, concerning a community rights ordinance for the county, an exemplar of which was submitted by her; and Catherine Montano, concerning matters relating to the oil and gas ordinance, and water contamination in particular. (An audio recording of the presentations is preserved and available for public inspection.)

INTRODUCTION OF NEW EMPLOYEE(S)

The County Manager introduced newly-hired county employee Jacob Martinez (Sheriff's deputy), who was present and welcomed by the Commission.

PRESENTATIONS

Two presentations were made, as follows:

Emergency Manager Dennis English addressed the Commission concerning the wildland fire in the Pecos area (Tres Lagunas fire), and at the request of Commissioner Ortiz, Fire Chief Russell Pacheco also addressed the matter, and the County's involvement in containing the fire. (All Commissioners expressed their concern and urged the County's personnel to continue to assist in all manner possible.)

The second presentation was made by Samantha Ortiz, the County's Extension Director, who outlined Extension Service accomplishments in recent months. (Vice Chairman Ortega asked about the nutritionist position, and Ortiz responded that the person had provided services in recent months, but that her contract had expired.)

AT 2:32 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 monthly presentation, and no questions were asked by any Commissioner.

ITEM 2: APPROVAL OF INDIGENT BURIAL PAYMENT TO ROGERS MORTUARY

Upon the recommendation of County Finance Supervisor Melinda Gonzales, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of indigent burial payment of \$1,200.00 to Roger's Mortuary.

ITEM 3: APPROVAL OF ACCOUNTS PAYABLE (2013-11-1/2013-1-654)

Upon the recommendation of Finance Supervisor Gonzales, Vice Chairman Ortega moved and Commissioner Padilla seconded, approval of the accounts payable listing noted above, with Gonzales verifying in concurrent written documentation, that all payments are lawful.

ITEM 4: CASH BALANCE REPORT AS OF MAY 30, 2013

Finance Supervisor Gonzales provided her monthly presentation as to the County's cash balance as of May 30, 2013, and no questions or concerns were expressed by any Commissioner. (The matter is presented for the information of the Commission, and no action is sought or required.)

ITEM 5: RESOLUTION 2013-06-11-F1 FOR CAPITAL ASSET REMOVAL

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of the above-titled Resolution, memorializing the capital assets which have been removed from the County's inventory, as required by and consistent with finance and accounting rules and regulations.

**HAVING CONCLUDED ITS BUSINESS AS THE
COUNTY BOARD OF FINANCE, AT 2:39 P.M. THE COMMISSION
PROCEEDED TO REGULAR ORDER, AS FOLLOWS:**

ITEM 6: DISASTER DECLARATION FOR TRES LAGUNAS WILDFIRE

Upon the recommendation of Emergency Manager Dennis English, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of Resolution No. SMC-06-11-13-OEM, being the disaster declaration for the Tres Lagunas Fire.

ITEM 7: RESOLUTION PROPOSING ORDINANCE RE MOBILE HOME MOVEMENT

Upon a presentation by the County Manager, and the recommendation of the Treasurer and Assessor, and after some discussion by and questions from the Commission, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of Resolution No. 06-11-13-MOBILE HOMES, proposing adoption of an ordinance relating to the payment of property taxes prior to the relocation of any mobile home. (The proposed ordinance will come before the Commission for adoption at the July 2013 meeting, after notice and hearing as required by law.)

ITEM 8: RESOLUTION PROPOSING NEW LEDA ORDINANCE

Upon a presentation by the County Manager, and after some discussion by and questions from the Commission, Vice Chairman Ortega moved and Commissioner Ortiz

seconded, approval of Resolution No. SMC-06-11-13-LEDA, proposing adoption of a new, revised and comprehensive ordinance for economic development under the Local Economic Development Act. (The proposed ordinance will come before the Commission for adoption at the July 2013 meeting, after notice and hearing as required by law.)

ITEM 9: ADMINISTRATIVE REGULATION RE EMPLOYEE USE OF INTERNET

Upon a presentation by the County Manager, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of Administrative Regulation No. 06-11-13-INTERNET USAGE POLICY, relating to employee access to and use of cyberspace on county computers.

ITEM 10: RESOLUTION FOR 2.3 MILLION FOR MONTEZUMA BRIDGE

Upon a presentation by the County Manager (and his recommendation), Commissioner Padilla moved and Commissioner Ortiz seconded, approval of Resolution No. 06-11-13-CM-TIGER, by which the County seeks a grant in the amount of \$2,373,282.24 from the U.S. Department of Transportation, to complete renovations at the Montezuma bridge, to include a pedestrian walk bridge in furtherance of the County's bicycle and pedestrian walkway plans.

ITEM 11: APPLICATION FOR 2.3 MILLION FOR MONTEZUMA BRIDGE

Upon a presentation by the County Manager and Planning and Zoning Supervisor Alex Tafoya, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval and ratification of the submittal of the grant application already made by staff (to meet deadlines), relating to the subject matter of Item 10 hereinabove.

ITEM 12: LOS PINONES SUMMARY SUBDIVISION APPLICATION NO. SC-0084

Planning and Zoning Supervisor Tafoya introduced this item and provided an overview of the referenced subdivision application, submitted for summary approval under the NM Subdivision Act and the County's Subdivision Ordinance. Patrick Romero then addressed the Commission and noted that he represented the subdivider. All Commissioners propounded questions to Romero, particularly concerning water storage for fire suppression, and concerning also the issue of adequate sewerage planning for the proposed subdivision.

Chairman Leger then suggested that several questions remained unanswered and required further study and presentation by staff and the developer, and the Chairman made inquiry whether anyone else in the audience desired to offer comment, and only citizen Gabe Estrada came forward, and addressed the matter of terrain management, and suggested that several questions needed to be answered in that regard.

Whereupon, Chairman Leger moved and Commissioner Ortiz seconded, that the public hearing on the subdivision application be continued until and at the July meeting of the Commission, and the motion carried, with all Commissioners present voting in the affirmative.

ITEM 13: DWI GRANT AGREEMENT NO. 14-D-J-G-26

Upon a presentation by DWI Coordinator Wendy Armijo, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of the referenced Grant Agreement, awarding to the County's DWI Program, funding in the amount of \$32,549.00, for treatment and prevention services.

ITEM 14: CONTRACT WITH ARCHITECTURAL RESEARCH CONSULTANTS

Upon a presentation by Planning & Zoning Supervisor Tafoya, Commissioner Padilla moved and Commissioner Ortiz seconded, authorization to staff to finalize and enter into agreement with Architectural Research Consultants for on-call professional services for updating of the County's Comprehensive Plan. (The firm was previously selected by the Commission pursuant to the procurement process, as authorized and required by the NM Procurement Code.)

ITEM 15: AGREEMENT WITH OLOS PARISH FOR USE OF PARKING AREAS

Upon a presentation by Human Resources Supervisor Kiki Arellano, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the on-going agreement with Our Lady of Sorrows parish for use of church property (for parking) at Valencia Street and at West National Avenue.

ITEM 16: AGREEMENT FOR INMATE EDUCATION WITH LUNA COMM. COLLEGE

Upon a presentation by Warden Patrick W. Snedeker, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of the continuing Memorandum of Agreement between SMC and Luna Community College, for educational services provided at LCC for detainees of the SMC Detention Center.

ITEM 17: AGREEMENT WITH LCC FOR DETENTION CENTER EDUCATION

Upon a presentation by Warden Snedeker, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of on-going contract between SMC and Luna Community College, for educational services provided at LCC for the Training Academy Program provided by the SMC Detention Center for detention officers.

ITEM 18: AGREEMENT WITH CYFD RE JUVENILE JUSTICE CONTINUUM BOARD

Upon a presentation by Warden Snedeker, Commissioner Ortiz moved and Commissioner Padilla seconded, approval of agreement between SMC and the NM

Children, Youth and Families Department, by which Yolanda Cruz will serve as coordinator for the Juvenile Justice Continuum Board (under the auspices of the County), and the following four offerors will provide program services: United World College, Somos Familia Family Institute, Ride to Pride, and New Mexico Highlands University.

[Vice Chairman Ortega was momentarily absent from the meeting, and did not participate nor vote concerning Item 18].

ITEM 19: INMATE CONFINEMENT AGREEMENT WITH CITY OF LAS VEGAS

Upon a presentation by Warden Snedeker, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of inmate confinement agreement (4th renewal) between SMC and the City of Las Vegas, at \$80.00 per day per inmate. (Vice Chairman Ortega made inquiry if payment from City was still a problem, and Warden Snedeker said it was no longer a problem, and that timely payment was made by the City.)

ITEM 20: INMATE CONFINEMENT AGREEMENT WITH HARDING COUNTY

Upon a presentation by Warden Snedeker, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of inmate confinement agreement (3rd renewal) between SMC and Harding County, at \$45.00 per day per inmate, and a \$20.00 booking fee.

ITEM 21: AGREEMENT WITH DEER OAKS FOR EAP EMPLOYEE COUNSELING

Upon a presentation by Human Resources Supervisor Arellano, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of professional services agreement with Deer Oaks EAP, for counseling services for county employees. (In response to inquiries from Chairman Leger, Arellano informed the Commission that several employees take advantage of the employee assistance services, and in response to an inquiry from Commissioner Padilla, Arellano explained the nature of the services provided; and Vice Chairman Ortega commended staff for making sure these services are provided.)

ITEM 22: AGREEMENT WITH SAFETY BUREAU FOR GRANT FUNDS (\$3,009.00)

In the absence of Sheriff Benjie Vigil, County Manager Montoya presented this item, asking the Commission to accept a grant to the Sheriff's office in the amount of \$3,009.00 from the NM Traffic Safety Bureau, to be used to purchase a vehicle video camera; and Vice Chairman Ortega moved approval, and upon a second by Commissioner Padilla, the motion was adopted and the grant accepted.

ITEM 23: AGREEMENT WITH GREER'S REPAIR FOR MECHANIC SERVICES

Upon a presentation by Public Works Supervisor Harold Garcia, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of agreement (4th and final renewal) with Greer's Repair and Welding Services for mechanic services, at \$55.00 per hour for services rendered as needed.

ITEM 24: CONTRACT AWARD FOR AS-NEEDED ENGINEERING SERVICES

Upon a presentation by Planning & Zoning Supervisor Tafoya, Commissioner Ortiz moved and Vice Chairman Ortega seconded, that staff be authorized to negotiate contracts for professional services (as-needed engineering services) with three separate firms, all previously selected pursuant to the procurement process (RFP), to wit, Engineers Inc., Miller Engineering, and Souder Miller & Associates. (Staff informed and assured the Commission that all three firms were reputable and that the County had not experienced any difficulty with any of them in the past, and that the five-member committee which evaluated the proposals recommended the three firms.)

ITEM 25: REJECTION OF BIDS FOR SKID STEER

Upon the recommendation of Planning & Zoning Supervisor Tafoya, Commissioner Padilla moved and Commissioner Ortiz seconded, that all bids received for a used skid steer be rejected because the bids exceeded the funds available for this procurement.

ITEM 26: 2013 EMERGENCY OPERATION PLAN FOR SAN MIGUEL COUNTY

Upon the recommendation of Emergency Manager English, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the revised Emergency Operation Plan for the San Miguel County/City of Las Vegas Office of Emergency Management. (English noted that FEMA and the Homeland Security Department both require that the Plan be updated every three years; and English also answered several questions posited by Commissioners, assuring them that the updated Plan was comprehensive and that all services noted therein are available, and that no service need be exhausted before another is invoked; that the services are all available and may be utilized for the particular emergency and situation.)

ITEM 27: UNCOLLECTIBLE BILLINGS AT DETENTION CENTER

Upon the recommendation of Warden Snedeker, Commissioner Padilla moved and Vice Chairman Ortega seconded, determination that \$607.00 owing from San Juan County for inmate detention at the SMC Detention Center, was lawfully uncollectible under Section 33-3-14, NMSA 1978.

ITEM 28: OUT-OF-STATE TRAVEL REQUEST/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 his attendance (to make presentation) at the Correctional Health Care Leadership Institute to be held in Las Vegas, Nevada, July 19 to 22, 2013.

ITEM 29: PERSONNEL ACTION/CHANGES FOR MAY, 2013

Upon a presentation by Human Resources Supervisor Arellano, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval and ratification of all personnel actions and changes made in the County for the month of May, 2013.

ITEM 30: MONTHLY REPORT OF PUBLIC WORKS DIVISION/MAY, 2013

County Road Foreman Daniel Encinias made his monthly presentation to the Commission and the following comments, questions and observations were made by him and Commissioners:

Encinias reported on recent flooding on some county roads, reported on the completion of work in Commissioner Padilla's district (San Ignacio area), and continuing public information on wash-board condition of many county roads.

In response to an inquiry from Chairman Leger, Encinias noted that the flooding he reported was not eligible for disaster assistance; and in response to an inquiry from Vice Chairman Ortega, Public Works Supervisor Garcia noted that repair work near the Montezuma Post Office (telephone company cable, etc.) would be completed by the telephone company and that Garcia would keep after the company to do so; and in response to another inquiry from Vice Chairman Ortega concerning stray dogs in the area of Camp Luna, Garcia noted that the County does not have the man-power or resources to actually "patrol" for stray dogs, that constituents should be advised to call the animal control officer when there is a problem. (County Manager Montoya also informed the Commission that he was in the process of renting a grader to the U.S. Forest Service for work at the Tres Lagunas fire area.)

ITEM 31: APPROVAL OF EMPLOYMENT/DETENTION OFFICER

Upon the recommendation of the County Manager and Warden Snedeker, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of employment of Jesse D. Robertson as a detention officer, effective June 10, 2013, as a probationary employee at a salary of \$20,900.00.

ITEM 32: APPROVAL OF EMPLOYMENT/PROBATE COURT CLERK

Upon the recommendation of the County Manager (on behalf of the Probate Judge), Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of

employment of Angelica Lyster as deputy clerk of the Probate Court, effective June 17, 2013, as a probationary employee at an hourly salary of \$7.50 per hour.

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 **4:30 p.m.**, Vice Chairman Ortega 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 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 **5:27 p.m.**, Commissioner Ortiz moved and Vice Chairman Ortega 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 **5:29 p.m.** Commissioner Ortiz moved and Commissioner Padilla seconded, adjournment of the meeting, the motion carried and the meeting was duly adjourned.

MOVED, SECONDED AND ADOPTED this 9th day of July, 2013, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held June 11, 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)