

**MINUTES OF THE REGULAR MONTHLY MEETING  
OF THE BOARD OF COUNTY COMMISSIONERS OF  
SAN MIGUEL COUNTY, NEW MEXICO,  
HELD TUESDAY, AUGUST 13, 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 2<sup>nd</sup> 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 Sena, and a second by Vice Chairman Ortega, the Commission approved the minutes of its regular monthly meeting held July 9, 2013; and upon a motion by Commissioner Ortiz and a second by Commissioner Sena, the Commission approved the minutes of its special meeting held July 2, 2013. ***[Unless otherwise indicated, minutes are approved without change, correction or revision.]***

**APPROVAL OF AGENDA**

Upon a motion by Commissioner Sena and a second by Commissioner Ortiz, 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**

No person sought recognition to address the Commission.

## **INTRODUCTION OF NEW EMPLOYEE(S)**

The County Manager introduced newly-hired county employees Novella Montoya and Stephanie Sandoval (DWI Program), who were present and welcomed by the Commission.

## **PRESENTATIONS**

Three presentations were made, as follows:

Richard Trujillo of the State Engineer's office, and Mora County Commissioner Paula Garcia addressed the Commission concerning issues relating to water availability generally, and efforts being made to address water-shortage in the area.

Fourth Judicial District Court administrator Anna Lujan made a brief presentation concerning the Drug Court program administered through her office, and noting that 20 adults and 7 juveniles had been served by the Program, which is funded in part with liquor excise tax funds awarded to the County.

The third presentation was made by newly-appointed District IV Highway Engineer David Trujillo, who was joined by Antoinette Tripp of his office. Both said they were eager to work with County staff on all mutual issues, and Ms. Tripp noted that it was always easy (and a pleasure) to work with SMC personnel.

### **AT 1:58 P.M., THE COMMISSION CONVENED AS THE SAN MIGUEL COUNTY BOARD OF FINANCE, AS FOLLOWS:**

#### **ITEM 1: COUNTY TREASURER'S MONTHLY REPORT**

County Finance Supervisor Melinda Gonzales made a brief presentation on behalf of County Treasurer Bertha Bustamante, who was not in attendance.

#### **ITEM 2: INDIGENT CLAIMS FOR ALTA VISTA REGIONAL HOSPITAL**

Upon the recommendation of Finance Supervisor Gonzales, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of indigent claim payments to Alta Vista Regional Hospital in the amount of \$5,798.09; Gonzales certifying that all claims met the eligibility requirements of County policy.

#### **ITEM 3: INDIGENT BURIAL PAYMENTS TO ROGERS MORTUARY**

Upon the recommendation of Finance Supervisor Gonzales, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of two indigent burial payments (each in the amount of \$1,200.00) to Rogers Mortuary; Gonzales certifying to the

Commission the both payments were lawful under the statute relating to indigent burials.

**ITEM 4: APPROVAL OF RESOLUTION 2013-08-13-F1 (SHERIFF'S VEHICLE LOAN)**

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of the above-titled Resolution, authorizing the loan agreement with the NM Finance Authority in the amount of \$47,356.00 for purchase of a sport utility vehicle for the Sheriff's Department.

**ITEM 5: APPROVAL OF BUDGET ADJUSTMENT RESOLUTION 2013-08-13-F2**

Upon the recommendation of Finance Supervisor Gonzales, Vice Chairman Ortega moved and Commissioner Sena seconded, approval of the above-titled Resolution authorizing budget increases for the Pecos Volunteer Fire Department and Fund 750, and transfer \$8,575.00 from Fund 996 to Fund 906 (re Sabinoso Engineering Design), all as noted with particularity and specificity in the aforesaid Resolution No. 2013-08-13-F2.

**ITEM 6: APPROVAL OF ACCOUNTS PAYABLE (2014-1-1 THROUGH 2014-1-426)**

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Sena moved and Vice Chairman Ortega seconded, approval of Accounts Payable for July, 2013 (Items 2014-1-1 through 2014-1-426); Gonzales certifying by concurrent written instrument, that all payments are lawful and proper.

**ITEM 7: CASH BALANCE REPORT AS OF JULY 31, 2013**

Finance Supervisor Gonzales informed the Commission of the County's cash balance as of July 31, 2013. (The Item is presented for the Commissioners' information, and formal Commission action is neither sought nor required.)

**HAVING CONCLUDED ITS BUSINESS AS THE  
COUNTY BOARD OF FINANCE, AT 2:08 P.M. THE COMMISSION  
PROCEEDED TO REGULAR ORDER, AS FOLLOWS:**

**ITEM 8: PRELIMINARY DRAFT OF OIL AND GAS ORDINANCE**

Chairman Leger introduced this Item, noting that the Commission had previously expressed its requirements and standards to be included in the oil and gas ordinance to be drafted by attorney/consultant Robert H. Freilich; and that Dr. Freilich has submitted his preliminary draft, for review by the Commission. Leger noted the draft needs to be reviewed carefully by all Commissioners and staff, and that the same will

be taken-up at the September meeting, to ensure that Dr. Freilich's work is in accordance with the requirements and standards previously adopted by the Commission; and that no action would be taken on the draft at today's meeting. (County Manager Les Montoya provided a brief summary of the timeline he envisions for final adoption of the oil and gas ordinance; and Commissioner Ortiz suggested that at least one public hearing in the process be held in Pecos.)

**ITEM 9: CONTINUANCE OF HEARING ON PETITION NO. CR-2013-001, TO VACATE A PORTION OF COUNTY ROAD C-53-D, IN THE MAES AREA**

Chairman Leger provided a brief overview of this Item, noting that the Commission had previously considered the recommendations of the road viewers appointed in this matter, and entertained evidence and testimony, and visited the road site in question, and was fully apprised concerning the issues. The Chairman then sought the pleasure of the Commission.

Whereupon, Vice Chairman Ortega stated that he had no doubt that the road in question was a public road and that it was needed by the public. Commissioner Sena followed, stating that he too believed the road in question is needed by the public and should continue as a public road, and Sena then moved that the Petition by Robert Shipp and Janet Horton, for vacation and abandonment of the road, be denied. Sena's motion was seconded by Commissioner Padilla, who expressed the same sentiments previously made by Commissioner Sena.

The aforesaid motion by Commissioner Sena, as seconded by Commissioner Padilla, was duly approved by unanimous vote of the Commission.

**ITEM 10: ICIP PUBLIC HEARING FOR 2015-2019 PROJECTS FOR SMC**

Planning & Zoning Supervisor Alex Tafoya introduced this Item, regarding project to be included in the County's Infrastructure Capital Improvements Plan for 2015-2019, noting in particular that a public hearing should be conducted by the Commission to accept comment regarding projects to be included in the ICIP.

Whereupon, Chairman Leger convened a public hearing and entertained comment from anyone in attendance, and the following persons (all County staff) addressed the Commission: Warden Patrick Snedeker, who urged the inclusion of an inmate community housing area at the Detention Center; Public Works Supervisor Harold Garcia, who urged inclusion of a solid waste grinder; Road Foreman Daniel Encinias, who urged inclusion of a solid waste grinder, and improvements at Magnolia Road in Garita; and County Manager Les Montoya, who urged inclusion of a computer system for the county in the ICIP.

No other person sought recognition, and at 2:24 p.m. Chairman Leger concluded the public hearing, and sought the pleasure of the Commission, suggesting that Item 35 of the Agenda (relating to CDBG projects) be advanced and considered concurrently with

the Item under consideration relating to ICIP projects. Whereupon, Commissioner Padilla moved and Commissioner Sena seconded, that Agenda Item 35 be considered presently, and the motion carried.

Whereupon, a lengthy discussion ensued concerning CDBG projects, and at 3:06 p.m. Chairman Leger moved that the Sabinoso Road project be selected as the CDBG project for 2014, and upon a second by Commissioner Ortiz, Leger's motion was approved by unanimous vote of the Commission.

Thereafter, and concurrently with this Agenda Item, at 3:09 p.m., Chairman Leger moved and Commissioner Ortiz seconded, that the following projects be selected as the ICIP projects for 2015-2019, and the motion was adopted by unanimous vote of the Commission: solid waste grinder; computer system; community based housing area at the Detention Center; road improvements at Country Acres Subdivision; and the Sabinoso Road project.

#### **ITEM 11: REJECTION OF 2013-2014 LODGERS' TAX PROPOSALS**

County Manager Les Montoya introduced this Item, informing the Commission that the Lodgers' Tax Advisory Board has recommended that all proposals submitted for funding through the Lodgers' Tax, be rejected, for sundry reasons, including the impact of the Tres Lagunas fire on the Pecos economy; and that a second request for proposals be authorized and issued.

Whereupon, Commissioner Sena moved and Commissioner Ortiz seconded, rejection of all proposals submitted for 2013-2014 Lodgers' Tax funding, and authorization to issue a second RFP, and the motion carried.

#### **ITEM 12: RESCISSION OF LANDSCAPING AWARD, AND AWARD TO WESTWIND**

Upon the recommendation of the County Manager, Vice Chairman Ortega moved and Commissioner Sena seconded, that the prior action of the Commission awarding the courthouse landscaping project to Parson Lawn & Landscaping, be rescinded and set aside, and that the project be awarded to the only other offeror, Westwind Landscape Construction, subject to negotiation by County staff, and the motion carried.

#### **ITEM 13: AGREEMENT FOR INMATE HEALTH CARE SERVICES**

Upon the recommendation of Warden Patrick W. Snedeker, Commissioner Ortiz moved and Commissioner Sena seconded, that the 1<sup>st</sup> renewal agreement between SMC and Health Care Partners, for inmate health care services at the Detention Center, be approved, and the motion carried. (Upon inquiry by the Commission, the Warden noted the Agreement is for \$312,000.00, at \$26,000.00 per month.)

**ITEM 14: DISASTER DECLARATION RESOLUTION NO. SMC-08-13-13-OEM**

Upon the recommendation of Emergency Manager Dennis English, Commissioner Sena moved and Vice Chairman Ortega seconded, approval of the above-numbered Resolution, making a disaster declaration as a result of recent flooding of county roads, and seeking financial assistance from state agencies, as noted in the Resolution.

**ITEM 15: CO-OP AGREEMENT WITH DOT – RES. NO. 08-13-13-SB-7747(935) 14**

Upon the recommendation of Public Works Supervisor Harold Garcia, Commissioner Sena moved and Commissioner Ortiz seconded, approval of the above-numbered Resolution, for public right-of-way funding (\$54,687.00) and county match (\$18,229.00), as noted with particularity in the Cooperative Agreement.

**ITEM 16: CO-OP AGREEMENT WITH DOT – RES. NO. 08-13-13-SP-4-14 (905)**

Upon the recommendation of Public Works Supervisor Garcia, Commissioner Ortiz moved and Commissioner Sena seconded, approval of the above-numbered Resolution, for public right-of-way funding (\$48,125.00) and county match (\$16,042.00), as noted with particularity in the Cooperative Agreement.

**ITEM 17: CAP AGREEMENT WITH DOT – RES. NO. 08-13-13-CAP-4-14 (455)**

Upon the recommendation of Public Works Supervisor Garcia, Commissioner Sena moved and Vice Chairman Ortega seconded, approval of the above-numbered Resolution, for public right-of-way funding (\$97,835.00) and county match (\$32,612.00), as noted with particularity in the CAP Agreement.

**ITEM 18: STIP PROGRAM – RES. NO. 08-13-13-NERTPO-PW**

Upon the recommendation of Public Works Supervisor Garcia, Commissioner Sena moved and Vice Chairman Ortega seconded, approval of the above-numbered Resolution, expressing the County's intention to participate in the federally funded Surface Transportation Improvement Program (STIP) administered by the NM DOT.

**ITEM 19: HARDSHIP/WAIVER RESOLUTION NO. PW-08-13-13-LGRF-SP-4-14-(905)**

Upon the recommendation of Public Works Supervisor Garcia, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of the above-numbered Resolution, requesting a waiver of the County's match for the project approved under Item 16, above.

**ITEM 20: HARDSHIP/WAIVER RESOLUTION PW-08-13-13-LGRF-CAP-4-14(455)**

Upon the recommendation of Public Works Supervisor Garcia, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of the above-numbered

Resolution, requesting a waiver of the County's match for the project approved under Item 17, above.

**ITEM 21: FIRE PROTECTION GRANT/CABO LUCERO FIRE DISTRICT**

Upon the recommendation of County Fire Chief Russell Pacheco, Commissioner Sena moved and Vice Chairman Ortega seconded, authorization to County staff, to submit an application for FY 14, for a fire protection grant for the Cabo Lucero Fire District.

**ITEM 22: ACCEPTENCE OF JAG FUNDS (\$6,250.00) FOR SHERIFF'S OFFICE**

Upon the recommendation of the County Manager (in the absence of Sheriff Vigil), Vice Chairman Ortega moved and Commissioner Sena seconded, acceptance of JAG funds for the Sheriff's office in the amount of \$6,250.00, for equipment and training.

**ITEM 23: AGREEMENT WITH MANAGEMENT ASSOCIATES, INC.**

Upon the recommendation of the County Manager (and a presentation by Human Resources Supervisor Kiki Arellano), Commissioner Sena moved and Commissioner Ortiz seconded, approval of the Professional Services Agreement between SMC and Management Associates, Inc., for all matters relating to collective bargaining and labor negotiations.

**ITEM 24: ANIMAL CONTROL AGREEMENT WITH CITY OF LAS VEGAS**

Upon the recommendation of Public Works Supervisor Garcia, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of Animal Control Agreement with the City of Las Vegas, by which SMC will pay the City \$20,000.00 per annum for impoundment of animals at the City's animal shelter, for up-to 22 animals monthly, with an additional cost for animals exceeding that number, all as specified with particularity in the Agreement.

**ITEM 25: AGREEMENT FOR INMATE TELEPHONE SERVICES**

Upon the recommendation of Warden Snedeker, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of the 1<sup>st</sup> extension Agreement with Securus Technologies, Inc., for the provision of inmate telephone services at the Detention Center.

**ITEM 26: INMATE CONFINEMENT AGREEMENT WITH UNION COUNTY**

Upon the recommendation of Warden Snedeker, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of the inmate confinement agreement between SMC and Union County, by which the latter will pay to SMC, \$80.00 per day, per inmate, plus a booking fee of \$20.00.

**ITEM 27: MOA WITH LV CITY SCHOOLS FOR EMERGENCY USE OF FACILITIES**

Upon the recommendation of Emergency Manager Dennis English, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of a Memorandum of Agreement with the Las Vegas City Schools, for use of school facilities by governmental entities during emergencies, as specified in the MOA.

**ITEM 28: APPROVAL OF YOUTH SPORTS AS NEW SERVICE WITH LVJJCB**

Upon the recommendation of Warden Snedeker, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of the Youth Sports Development Services Program, as a new and additional service to be offered by the Las Vegas Juvenile Justice Continuum Board.

**ITEM 29: ROWE FIRE STATION IMPROVEMENTS/AUTHORITY TO INVITE BIDS**

Upon the recommendation of Fire Chief Pacheco, Commissioner Sena moved and Commissioner Ortiz seconded, authorization to staff to invite bids for the Rowe Fire Station improvement project (back filling, leveling and paving).

**ITEM 30: INVITATION FOR BIDS/CABO LUCERO FIRE DISTRICT METAL BUILDING**

Upon the recommendation of Fire Chief Pacheco, Commissioner Ortiz moved and Vice Chairman Ortega seconded, authorization to staff to invite bids for purchase of a metal building for the Cabo Lucero Fire District.

**ITEM 31: ADMINISTRATIVE DIRECTIVE RE DUTIES OF EMERGENCY MANAGER**

Upon the recommendation of Emergency Manager Dennis English, Commissioner Sena moved and Vice Chairman Ortega seconded, approval of Administrative Directive required by the NM Department of Homeland Security, identifying the day-to-day duties of the Emergency Manager.

**ITEM 32: IMUS TRAINING REQUEST FOR EMPLOYEE TASHA MARTINEZ**

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Ortiz moved and Commissioner Sena seconded, approval of IMUS training during work hours (12:30 to 1:45 p.m. every Monday and Wednesday, from August 19 to December 13, 2013), for Finance Department employee Tasha Martinez.

**ITEM 33: APPROVAL TO SEEK GRANT FUNDING FOR WATER FILTRATION**

Upon the recommendation of Emergency Manager English, Commissioner Sena moved and Vice Chairman Ortega seconded, authorization to staff to seek any available grant funding for a regionalized water filtration program.



### **ITEM 34: OUT-OF-STATE TRAVEL APPROVAL FOR CONNIE ABILA**

Upon the recommendation of Emergency Manager English, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of out-of-state travel for OEM Administrative Assistant Connie Abila, for her attendance at a mandatory training conference in San Francisco, California, as per the Emergency Performance Grant.

### **ITEM 35: 2014 CDBG PRIORITY PROJECT**

This Item was considered, and formal action taken thereon, concurrently with Item 10 of this Agenda, above.

### **ITEM 36: PUBLIC WORKS DIVISION MONTHLY REPORT FOR JULY, 2013**

Road Foreman Daniel Encinias and Public Works Supervisor Harold Garcia made a report to the Commission concerning work undertaken by their respective Divisions in the month of July, 2013, Encinias noting that flooding (especially in the Sabinoso area) had consumed much personnel time and effort. Encinias proceeded to make a power point presentation of photographs of flooding in several areas of the County, including Conchas, Sabinoso, Gonzales Ranch, San Rafael and Storrie Project.

Thereupon, Commissioners thanked Encinias and Garcia, and offered the following comments and observations:

Commissioner Padilla: Asked about progress at Los Alamitos Road, to which Encinias responded that the County's engineer will inspect the area for additional work. Encinias said the road is now passable, though flooding removed much material.

Vice Chairman Ortega: (1) Asked about the start-date for the Montezuma guard rail project, to which Garcia responded that contractor was required to select a new sub-contractor (and this caused a little delay), but the project should begin in a week or so, and should be completed within 30 days; (2) Asked about signage on Gallegos Road, as it goes to Prims Wrecking site, but noted that DOT officials had previously answered questions in this regard (that it was DOT's responsibility to provide signage on this state road).

Commissioner Sena: Expressed his thanks to all staff for their hard work throughout the month, especially in handling the extensive flooding in many areas of the County.

Chairman Leger: Expressed his appreciation (for himself and Commissioner Padilla, who had a sore throat and hoarse voice), for all the hard work undertaken by personnel, especially during the recent flooding.

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**ITEM 37: PERSONNEL ACTIONS/CHANGES FOR JULY, 2013**

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Upon a presentation by Human Resources Supervisor Kiki Arellano (and the recommendation of the County Manager), Commissioner Sena moved and Commissioner Ortiz seconded, approval and ratification of all personnel actions taken and changes made in the County during the month of July, 2013.

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**ITEM 38: APPROVAL OF EMPLOYMENT/DWI PROGRAM**

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Upon the recommendation of DWI Program Coordinator Wendy Armijo and the County Manager, Commissioner Ortiz moved and Commissioner Sena seconded, approval of the employment of Stephanie L. Sandoval as DWI Administrative Assistant/Screeener, effective July 22, 2013, as a probationary employee, at \$9.50 per hour.

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**ITEM 39: APPROVAL OF EMPLOYMENT/DWI PROGRAM**

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Upon the recommendation of DWI Program Coordinator Wendy Armijo and the County Manager, Commissioner Sena moved and Vice Chairman Ortega seconded, approval of the employment of Novella C. Montoya as DWI Tracker/Screeener/Prevention Specialist, effective July 22, 2013, as a probationary employee, at an annual salary of \$27,664.00.

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**ITEM 40: APPROVAL OF EMPLOYMENT/DETENTION CENTER**

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Upon the recommendation of Warden Snedeker and the County Manager, Commissioner Ortiz moved and Commissioner Sena seconded, approval of the employment of Joseph S. Gutierrez as a detention officer, effective July 22, 2013, as a probationary employee, at an annual salary of \$20,900.00.

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**ITEM 41: APPROVAL OF EMPLOYMENT/DWI PROGRAM**

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Upon the recommendation of DWI Program Coordinator Wendy Armijo and the County Manager, Commissioner Sena moved and Vice Chairman Ortega seconded, approval of the employment of Jeanette M. Nolan as Transit Operator for the DWI Safe Ride Home Service, effective August 19, 2013, as a probationary employee, at an hourly salary of \$12.00.

**UPON CONCLUSION OF THE FOREGOING REGULAR ORDER, THE COUNTY MANAGER INFORMED THE COMMISSION THAT HE HAD NOTHING TO PRESENT IN EXECUTIVE SESSION.**

Chairman Leger then entertained a motion to adjourn, noting the Commission had concluded all business on its Agenda.

Whereupon, at 4:31 p.m., Commissioner Ortiz moved and Vice Chairman Ortega seconded, that the meeting be adjourned, and the motion carried by unanimous voice vote.

**MOVED, SECONDED AND ADOPTED** this 10<sup>th</sup> day of September, 2013, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held August 13, 2013.

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Nicolas T. Leger, Chairman

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Ron R. Ortega, Vice Chairman

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Marcellino A. Ortiz, Member

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Arthur J. Padilla, Member

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Gilbert J. B. Sena, Member

ATTEST:

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Melanie Y. Rivera  
San Miguel County Clerk

( S E A L )