

**MINUTES OF THE REGULAR MONTHLY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO,
HELD TUESDAY, SEPTEMBER 10, 2013, 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 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 Commissioner Sena, the Commission approved the minutes of its regular monthly meeting held August 13, 2013; and upon a motion by Commissioner Padilla and a second by Commissioner Ortiz, the Commission approved the minutes of its special meeting held July 30, 2013. ***[Unless otherwise indicated, minutes are approved without change, correction or revision.]***

APPROVAL OF AGENDA

County Manager Les Montoya recommended that Item 16 be removed from the Agenda, and upon a motion by Commissioner Padilla and a second by Commissioner Sena, Item 16 was removed from the Agenda; and upon a motion by Commissioner Padilla and a second by Commissioner Ortiz, the Commission approved the Agenda as presented by the County Manager, without Item 16. ***[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)

There were no newly-hired county employees for introduction to the Commission.

PRESENTATIONS

Two presentations were made, as follows:

Beginning at 1:40 p.m., Samantha Ortiz, County Extension Agent, made a presentation to the Commission (and also introduced the San Miguel/Mora Fair Queen). Ms. Ortiz noted the various activities being undertaken by the Extension Service, and in answer to a question from Commissioner Padilla, said she would make inquiries concerning any studies or course of action which could be taken to ensure that grass, rather than weeds, flourishes in the plains and pasture lands following heavy and frequent rains.

Beginning at 1:51, Andres Aragon of the Mora/San Miguel County Farm and Livestock Bureau, made a presentation concerning the introduction of the Mexican wolf into the area. Aragon distributed data and printed material to the Commissioners, detailing his presentation, and urging the adoption of a resolution in opposition of the introduction of the Mexican wolf. Chairman Leger noted that before any such resolution is considered by the Commission, both sides need to be heard. (Commissioner Sena noted that the Mexican wolf has migrated north of Interstate-40; Vice Chairman Ortega made inquiry concerning upcoming public hearings on the issue; and Commissioner Padilla asked Aragon about the potential danger of the Mexican wolf.)

AT 2:23 P.M., THE COMMISSION PROCEEDED TO REGULAR ORDER, AS FOLLOWS:

ITEM 1: APPROVAL OF PROPERTY TAX RATES FOR 2013

Upon a presentation and recommendation by County Assessor Elaine Estrada, Commissioner Sena moved and Commissioner Padilla seconded, approval of the property tax rates for San Miguel County for 2013, as set and determined by the NM Department of Finance and Administration.

ITEM 2: NMAC RESOLUTION FOR 2014 LEGISLATIVE PRIORITIES

Paul Gutierrez, Executive Director of the New Mexico Association of Counties, appeared before the Commission to urge adoption of Resolution CM-09-10-13, identifying and supporting the Legislative priorities of the NMAC for 2014. Upon a motion by Commissioner Padilla and a second by Commissioner Sena, the aforesaid Resolution was duly adopted by unanimous vote of the Commission. (Both Chairman

Leger and Assessor Estrada commended Gutierrez for his work at the NMAC, and wished him well in his new endeavor in Washington, D.C.)

ITEM 3: FUND ALLOCATION AGREEMENT BETWEEN SMC & EDC FOR 2013-14

Upon the recommendation of County Manager Les Montoya, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of the fund allocation agreement by which the County will provide \$5,000.00 in support for the Las Vegas/San Miguel Economic Development Corporation, for the fiscal year 2013-2014.

ITEM 4: MOA BETWEEN SMC AND CITY OF LAS VEGAS RE HEALTH COUNCIL

Upon the recommendation of the County Manager, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the Memorandum of Agreement between SMC and the City of Las Vegas, by which SMC will provide funding in the amount of \$5,000.00 to the City, for the latter's administration of (fiscal agent) services provided by the San Miguel County Family and Community Health Council for FY 2013-2014.

ITEM 5: DISTANCE ADJUSTMENT FOR COUNTY ROAD A-26-A IN LA MANGA

Upon a presentation and recommendation by Public Works Supervisor Harold Garcia, Commissioner Sena moved and Commissioner Padilla seconded, action approving adjustment of the mileage for County Road A-26-A in La Manga, from .30 miles to .50 miles, the actual distance maintained by the County.

ITEM 6: APPROVAL OF LEASE AGREEMENT FOR PUMPER FOR GALLINAS FD

Upon the recommendation of Fire Chief Russell Pacheco, and the concurrent recommendation of County Finance Supervisor Melinda Gonzales and County Attorney Jesus L. Lopez, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of a lease purchase agreement with Southwest Capital Bank of Las Vegas, for purchase by the Gallinas Fire District of a pumper, under the terms and conditions of said lease purchase agreement, to be paid by the Fire District's allotment of fire protection excise funds.

ITEM 7: AMENDMENT TO SITE LEASE FOR PECOS AREA COMMUNICATIONS

Upon the recommendation of County Fire Chief Pacheco, Commissioner Sena moved and Commissioner Padilla seconded, approval of amendment to the site lease between SMC and Tesuque Radio Company, for the dispatch changes for communications in the Pecos area, as specified with particularity in the Amendment to the site lease.

ITEM 8: ANIMAL CONTROL SERVICES AGREEMENT WITH "AWC"

Upon a presentation and recommendation of Public Works Supervisor Harold Garcia, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of the

Agreement for animal control services between SMC and the entity which has succeeded the City of Las Vegas in operating the municipal animal shelter, namely, The Animal Welfare Coalition of Northeastern New Mexico (“AWC”). (The terms of the Agreement are the same as those previously applicable to the City, to wit, payment of \$23,000.00 per annum, for up-to 22 animals monthly, with provision made for payment for animals exceeding that number.)

ITEM 9: ADDENDUM TO SOLID WASTE AGREEMENT WITH GUADALUPE COUNTY

Upon the recommendation of the County Manager, Commissioner Sena moved and Commissioner Ortiz seconded, approval of Addendum to Memorandum of Agreement between SMC and Guadalupe County (by which the latter provides solid waste services in the Tecolotito area of SMC), by which Addendum, payment to Guadalupe County is increased by \$3,000.00, from \$18,000.00 to \$21,000.00 annually.

ITEM 10: AWARD FOR YOUTH SPORTS DEVELOPMENT SERVICES

Upon the recommendation of Warden Patrick W. Snedeker, Commissioner Sena moved and Commissioner Padilla seconded, award of contract to Hip-Hop Ball Foundation for provision of youth sports development services through the Juvenile Justice Continuum Board, as an ancillary service for the SMC Detention Center. (The procurement is the result of an RFP issued for the services, and a determination that the proposal awarded was the best responsible offer.)

ITEM 11: AWARD OF BID FOR PRINTING OF SOLID WASTE BILLING

Upon the recommendation of Finance Director Melinda Gonzales, Commissioner Ortiz moved and Vice Chairman Ortega seconded, award of contract to DATAMATX for the printing of solid waste collection bills. (DATAMATX was the only offeror who responded to the invitation for this procurement, and has been the service provider for the preceding four years; and the new contract will increase the price to the County by 9.8%, deemed both reasonable and fair by the Finance Department.)

ITEM 12: AWARD OF CONTRACT FOR AS-NEEDED ARCHITECTURAL SERVICES

Upon the recommendation of Planning & Zoning Supervisor Alex Tafoya, Commissioner Padilla moved and Commissioner Ortiz seconded, award of contracts to Lee Gamalsky and Soleil West, for as-needed architectural services. (Gamalsky and Soleil West were determined by the evaluation committee to be the best offerors, pursuant to the procurement process undertaken in this matter by the County.)

ITEM 13: PECOS CANYON FIRE DISTRICT GRANT APPLICATION/RATIFICATION

Upon the recommendation of Fire Chief Pacheco, Commissioner Padilla moved and Vice Chairman Ortega seconded, ratification and approval of the application submitted

by the Pecos Canyon Volunteer Fire District, for a Fire Protection Grant for FY 14 in the amount of \$88,764.00 (to be matched by \$22,192.00 from the County).

Chairman Leger and all Commissioners asked about the general operation of the fire districts in the County, and impressed on Chief Pacheco the need for all districts to apply for Fire Protection Grants.

ITEM 14: RESOLUTION 09-10-13-SEPTEMBER PREPAREDNESS MONTH

Upon a presentation by Emergency Manager Dennis English, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the above-numbered and titled Resolution, declaring September "Preparedness Month," for the purpose of promoting awareness for the protection of lives and property.

ITEM 15: FLOODING RESOLUTION NO. SMC-09-10-13-OEM

Upon a presentation by Emergency Manager Dennis English, Commissioner Padilla moved and Commissioner Sena seconded, approval of the above-numbered and titled Resolution, declaring a disaster resulting from flooding damage to roads, drainage, ditches and bridges during the heavy rains of August 7 to 9, 2013, affecting County Roads CR-55-A (Sabinoso) and CR-23 (Las Vegas area).

ITEM 16: ADDENDUM TO LEASE WITH EL CENTRO FAMILY HEALTH CENTER

[This Item was removed from the Agenda, at the beginning of the meeting, under Approval of Agenda, above.]

ITEM 17: RESOLUTION 09-10-13-FAIR HOUSING CDBG

Upon the recommendation of Planning & Zoning Supervisor Alex Tafoya, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of the above-numbered and titled Resolution, required by CDBG rules and regulations.

ITEM 18: RESOLUTION 09-10-13-PROCUREMENT POLICY/CDBG

Upon the recommendation of Planning & Zoning Supervisor Tafoya, Commissioner Sena moved and Commissioner Padilla seconded, approval of the above-numbered and titled Resolution, required by CDBG rules and regulations.

ITEM 19: RESOLUTION 09-10-13-CITIZEN PARTICIPATION PLAN/CDBG

Upon the recommendation of Planning & Zoning Supervisor Tafoya, Commissioner Sena moved and Vice Chairman Ortega seconded, approval of the above-numbered and titled Resolution, required by CDBG rules and regulations.

ITEM 20: RESOLUTION 09-10-13-RESIDENTIAL ANTI-DISPLACEMENT/CDBG

Upon the recommendation of Planning & Zoning Supervisor Tafoya, Commissioner Ortiz moved and Commissioner Sena seconded, approval of the above-numbered and titled Resolution, required by CDBG rules and regulations.

ITEM 21: RESOLUTION 09-10-13-NERTPO-PW FOR STIP PROGRAM

Upon the recommendation of Public Works Supervisor Garcia, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the above-numbered and titled Resolution, evincing San Miguel County's intent to participate in the federal funded Surface Transportation Improvement Program (STIP) administered by the NM DOT.

ITEM 22: PUBLIC WORKS DIVISION REPORT FOR MONTH OF AUGUST, 2013

Road Foreman Daniel Encinias (joined by Public Works Supervisor Harold Garcia), made the monthly report concerning activities and works in the Road Department, noting in particular recent problems with bears raiding dumpsters throughout the county.

After the presentation, Vice Chairman Ortega expressed his appreciation and congratulations to county staff for the good work done with the guard rail near the United World College. Ortega called the work "a top-notch project."

ITEM 23: APPROVAL OF PERSONNEL ACTIONS FOR AUGUST, 2013

Upon a presentation by Human Resources Supervisor Kiki Arellano, Commissioner Padilla moved and Commissioner Sena seconded, approval and ratification of all personnel changes and actions undertaken in the County during the month of August, 2013. (Chairman Leger asked about the high turnover in detention officers, and Warden Snedeker responded, saying the number has been higher than usual, but is not unusual in the field; that there are no problems in particular causing the departure of detention officers, who seek better-paying employment.)

ITEM 24: APPROVAL OF EMPLOYMENT/DETENTION CENTER

Upon the recommendation of the County Manager and Warden Snedeker, Commissioner Sena moved and Commissioner Padilla seconded, approval of employment of Sidney W. Ortiz as a detention officer, beginning August 5, 2013, as a probationary employee, at a salary of \$20,900.00

ITEM 25: APPROVAL OF EMPLOYMENT/COUNTY TREASURER'S OFFICE

Upon the recommendation of the County Manager and County Treasurer Bertha Bustamante, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of employment of Justin E. Garcia as chief deputy in the Treasurer's office, effective September 30, 2013, as an exempt employee at a salary of \$34,000.00

ITEM 26: APPROVAL OF EMPLOYMENT/COUNTY CLERK'S OFFICE

Upon the recommendation of the County Manager and County Clerk Melanie Y. Rivera, Commissioner Sena moved and Vice Chairman Ortega seconded, approval of employment of Diego F. Romero as a deputy clerk in the County Clerk's office, as a probationary employee, effective September 16, 2013, at a salary of \$23,750.00.

**AT 4:21 P.M., HAVING CONCLUDED ITS REGULAR ORDER,
THE COUNTY COMMISSION CONVENE AS THE
COUNTY BOARD OF FINANCE, AS FOLLOWS:**

ITEM 27: COUNTY TREASURER'S MONTHLY REPORT

County Treasurer Bertha Bustamante made her monthly report to the Commission, recapitulating taxes collected and allocations made to political subdivisions, and noted in particular that her office collected delinquent taxes from one individual taxpayer, for 2009, in an amount exceeding \$170,000.00.

ITEM 28: DFA/LOCAL GOVERNMENT DIV. LETTER OF BUDGET APPROVAL

County Finance Supervisor Melinda Gonzales informed the Commission that the Local Government Division of the NM Department of Finance and Administration (DFA), has issued its letter approving the final budget for SMC for Fiscal Year 2013-2014. Pursuant to Section 6-6-5, NMSA 1978, the letter of approval is required to be made part of the record/minutes of the County Commission, and advises the Commission, *inter alia*, that all expenditures shall be made according to law, and that Local Government Division approval is required for all transfers between funds and for all budget increases. (The Item was presented for the information of the Commission, as required by law, and no action is required by the Board of Commissioners.)

ITEM 29: INDIGENT CLAIMS FOR ALTA VISTA REGIONAL HOSPITAL

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Sena moved and Commissioner Ortiz seconded, approval of indigent claim payments to Alta Vista Regional Hospital in the amount of \$6,751.61; Gonzales certifying that all claims met the eligibility requirements of County policy.

ITEM 30: INDIGENT CLAIMS FOR CHRISTUS ST. VINCENT HOSPITAL

Upon the recommendation of Finance Supervisor Gonzales, Vice Chairman Ortega moved and Commissioner Padilla seconded, approval of indigent claim payments to Christus St. Vincent Hospital in the amount of \$9,182.45; Gonzales certifying that all claims met the eligibility requirements of County policy.

ITEM 31: CASH BALANCE REPORT AS OF AUGUST 29, 2013

Finance Supervisor Gonzales informed the Commission of the County's cash balance as of August 29, 2013. (The Item is presented for the Commissioners' information, and formal Commission action is neither sought nor required.)

ITEM 32: BUDGET ADJUSTMENT RESOLUTION 2013-09-10-F1

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Ortiz moved and Commissioner Sena seconded, approval of the above-numbered Resolution, increasing the budget for the Gallinas Volunteer Fire Department in the amount of \$318,476.35, being the loan funds advanced for purchase of a pumper (and to retire an existing loan in the amount of \$94,796.35), as noted and approved in Item 6 above of this Agenda.

ITEM 33: APPROVAL OF ACCOUNTS PAYABLE (2014-2-1 THROUGH 2014-2-448)

Upon the recommendation of Finance Supervisor Gonzales, Vice Chairman Ortega moved and Commissioner Padilla seconded, approval of Accounts Payable for August, 2013 (Items 2014-2-1 through 2014-2-448); 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 4:32 P.M. THE COMMISSION
PROCEEDED TO RETIRE INTO EXECUTIVE SESSION
AS THE BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, NEW MEXICO,
UNDER THE FOLLOWING ORDER AND PROCEDURE:**

The County Manager recommended that the Commission retire into executive/closed session to consider the following matter: 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 **4:33 p.m.**, Commissioner Padilla moved and Commissioner Sena 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 **6:03 p.m.**, Commissioner Padilla 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 subject 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 **6:04 p.m.**, Commissioner Padilla moved and Vice Chairman Ortega seconded, adjournment of the meeting, the motion carried and the meeting was duly adjourned.

MOVED, SECONDED AND ADOPTED this 08th day of October, 2013, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held September 10, 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)