

**MINUTES OF THE REGULAR MONTHLY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO,
HELD TUESDAY, JANUARY 13, 2015, 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 Administration Building. 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 and Commissioners Marcellino A. Ortiz, Arthur J. Padilla, Gilbert J. B. Sena and Rock G. Ulibarrí.

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

Upon a motion by Commissioner Sena and a second by Commissioner Padilla, the Agenda was approved, without change. **[Unless otherwise indicated, the meeting agenda is approved without change or deletion.]**

APPROVAL OF MINUTES

Upon a motion by Commissioner Ortiz and a second by Commissioner Ulibarrí, the Commission approved the minutes of its regular monthly meeting held December 09, 2014, Commissioner Ulibarrí noting that he was not present at the meeting, nor a Commissioner at the time, and his action in seconding the motion was *pro forma* only; and upon a motion by Commissioner Ulibarrí and a second by Commissioner Padilla, the Commission approved the minutes of its special meeting (Detention Center Inspection) held January 08, 2015. **[Unless otherwise indicated, minutes are approved without change, correction or revision.]**

(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 public input forum began at 1:35 p.m., and the following five persons addressed the Commission, the subject of their comments indicated parenthetically following each name: **Bill Madison** (who submitted the article *High Volume Hydraulic Fracturing for Shale Gas Development* issued in 2014 by the New York Department of Health, and made an oral presentation urging protection and preservation of the environment); **Bernadette Fernandez**, who commended newly elected Commissioner Ulibarri, and asked Commissioners to protect the public health and environment; **Salvador Higgins** (against hydraulic fracturing, the need to protect water resources, and the weather prognostication of Las Cabañuelas); **Lavinia Fenzi**, who submitted and described the recent tourism and promotion brochure issued by the LVSM Chamber of Commerce; and **Ralph D. Laumbach**, who urged Commissioners to address economic development locally, and not be swayed by outside influences. *[An audio recording of all presentations is preserved by the County Clerk's office, and available for inspection and copying at any time during regular business hours; and written submissions made by speakers are received and preserved by county staff.]*

The public input forum ended at 1:49 p.m.

INTRODUCTION OF NEW EMPLOYEE

The County Manager introduced new county employee Juan G. Macias (Equipment Operator III, Public Works Division), who was not present but whose photograph was displayed via the overhead projection screens in the Commission chambers.

PRESENTATIONS

Recognition of former Sheriff Benjie Vigil

The Honorable Abigail Aragon, presiding judge of the Fourth Judicial District Court, accompanied by District Court Administrator Anna Lujan, presented a certificate of appreciation to out-going Sheriff Benjie Vigil, and commended Vigil for his diligence in assisting the District Court during his two terms as Sheriff. (Vigil was present and thanked Judge Aragon.)

Detention Center/Affiliates Report re Medicaid and ACA Screening

Warden Patrick W. Snedeker, joined by Judy Moore and Cynthia Higgins of Alta Vista Regional Hospital, and Elisia Gallegos of Health Care Partners, and Sarah Flores of the Detention Center, reported to the Commission relative to their on-going efforts to ensure that all inmates at the SMC Detention Center are eligible for health care coverage, whether through Medicaid or the Affordable Care Act.

The presenters reviewed the screening procedures utilized, and their efforts were applauded by the Commission.

Detention Center/Prison Rape Elimination Act

Warden Snedeker, joined by Sarah Flores of the Detention Center, and Lt. Pam Sandoval of the Las Vegas City Police Department, reported to the Commission on their on-going efforts to comply with the Prison Rape Elimination Act. They reported that a no-tolerance policy is in effect at the Detention Center, and that all policies and procedures are being rigorously followed to ensure compliance with the Prison Rape Elimination Act. (Commissioners commended the report, and thanked everyone for their diligence.)

AT 2:14 P.M., THE COMMISSION PROCEEDED TO REGULAR ORDER, AS FOLLOWS:

ITEM 1: ELECTION OF COMMISSION CHAIRMAN AND VICE CHAIRMAN

Election of Chairman

As required by law (Section 4-38-10, NMSA 1978), the Commission proceeded to elect a Chairman and Vice Chairman for 2015, and the following ensued:

Chairman Leger entertained nominations for the position of Chairman of the Commission, and Commissioner Ortiz nominated Commissioner Nicolas T. Leger. Whereupon Commissioner Ulibarrí nominated Commissioner Arthur J. Padilla for the position of Chairman of the Commission.

There being no other nominations, a roll call vote of the Commission was taken, and the vote was as follows: Voting for Commissioner Padilla were Commissioners Gilbert J. B. Sena, Commissioner Rock G. Ulibarri and Commissioner Padilla; and voting for Commissioner Leger were Commissioner Marcellino A. Ortiz and Commissioner Leger.

Thereupon, the vote was declared and Commissioner Arthur J. Padilla was duly elected Chairman of the County Commission for 2015, and he assumed the gavel. Padilla

proceeded to thank Commissioners and assure everyone that he would work diligently on behalf of San Miguel County.

(All Commissioners thanked Commissioner Leger for his service as Chairman, and Commissioner Sena noted that Leger had performed admirably, sometimes under very difficult circumstances.)

Election of Vice Chairman

The Commission then proceeded to elect a Vice Chairman for 2015, and the following ensued:

Chairman Padilla entertained nominations for Vice Chairman, and Commissioner Ulibarrí nominated Commissioner Gilbert J. B. Sena. No other nominations were made, and Chairman Padilla asked that the nomination be approved by acclamation.

Whereupon, a roll call vote was taken, and all Commissioners voted in favor of Commissioner Gilbert J. B. Sena as Vice Chairman for 2015, and Sena thanked all Commissioners.

ITEM 2: ADOPTION OF OPEN MEETINGS RESOLUTION FOR 2015

As required by law (Section 10-15-1 of the NM Open Meetings Act, NMSA 1978, as amended), Commissioner Leger moved and Vice Chairman Sena seconded, adoption of the Commission's Open Meetings Resolution for 2015, with the provision that regular monthly meetings convene at 2:00 o'clock p.m., rather than 1:30, and the motion carried by unanimous voice vote of all Commissioners. (Commissioner Ulibarrí said he hoped Commission meetings could soon be aired live on local radio.)

ITEM 3: ACCEPTANCE OF GRANT/MICROBIOLOGICAL TREATMENT FACILITY

Upon the recommendation of Planning & Zoning Supervisor Alex Tafoya, Commissioner Ulibarrí moved and Commissioner Leger seconded, acceptance of \$25,000.00 grant from the NM Finance Authority, to be used to develop a preliminary engineering report and rate study for the proposed microbiological treatment facility.

ITEM 4: PETITION NO. CR-14-002 FOR ADOPTION OF COUNTY ROAD

Planning & Zoning Supervisor Tafoya presented this Item, informing the Commission that Linda Wylie submitted a petition seeking to establish as a county road near the Pecos River Retreats. Tafoya noted that the distance of the proposed road was approximately 2000 feet; that road viewers were previously appointed by the Commission; that a public road viewing was held, and that two of the three road viewers attended and both recommended that the petition be denied, for the reasons noted in their written recommendations.

Whereupon, Chairman Padilla convened a public hearing on the Petition, and invited anyone opposing the Petition to address the Commission, and the following two persons spoke: County Public Works Supervisor Harold Garcia, who advised the Commission that his Department was presently overwhelmed with maintenance of existing county roads, and additional roads should not be adopted; and Sally Witters, who stated that the County should first seek to adequately maintain existing county roads before adopting additional roads.

No other persons sought to address the Commission in opposition to the Petition, and Chairman Padilla then invited anyone in attendance to speak in favor of the Petition. Thereupon, Petitioner Linda Wylie addressed the Commission, and reviewed all the reasons why the road should be recognized and adopted as a public road. Bill Madison also spoke, stating that based on his experience as a volunteer fire fighter in the area, maintenance of the road was needed to facilitate access to the area in case of fire or other emergency. (No other person sought recognition in favor of the Petition.)

[An audio recording of all public hearings and presentations (and of the entire meeting) is preserved by the County Clerk, and available for inspection and copying at any time during regular business hours; and written submissions made by speakers are received and preserved by County staff.]

Whereupon, Chairman Padilla concluded the public hearing and comment and direction from Commissioners ensued, as follows: Commissioner Ortiz stated it was difficult to assume new roads, when the County was struggling to maintain existing roads; Commissioner Ulibarrí noted that County road standards had not been met for the proposed road; Commissioner Leger said he was sympathetic to residents' concerns, but was also reluctant to assume new roads, when it was difficult for the County to maintain existing roads; Vice Chairman Sena agreed with prior comments by Commissioners, and added, as an example, that the Commission has recently declined maintenance work to the private road leading to the old Ribera School House; and Chairman Padilla said that he too sympathized with the residents, and noted that this is a continuing problem with old subdivisions. Padilla also suggested that efforts be made to secure legislative appropriations to address maintenance of roads in or near old subdivisions that were developed before more stringent standards were required by law.

Whereupon, at 3:10 p.m., Commissioner Leger moved and Commissioner Ortiz seconded, that the Petition submitted by Linda Wylie, No. CR-14-002, be denied, and the motion carried by unanimous voice vote of all Commissioners.

ITEM 5: APPOINTMENT OF COMMISSIONER TO ETZ AUTHORITY

Following a presentation by Planning & Zoning Supervisor Tafoya, Commissioner Ortiz moved and Commissioner Leger seconded, that Commissioner Rock G. Ulibarrí be appointed to the Extraterritorial Zoning Authority for San Miguel County and the City of Las Vegas, replacing former Commissioner Ron Ortega, and the motion carried by unanimous voice vote of all Commissioners.

ITEM 6: APPOINTMENTS TO THE PLANNING & ZONING COMMISSION

Following a presentation by Planning & Zoning Supervisor Tafoya, Commissioner Ulibarrí moved and Commissioner Leger seconded, that Dwight Torres and Patrick Galligan be re-appointed to the San Miguel County Planning and Zoning Commission, and the motion carried by unanimous voice vote of all Commissioners.

ITEM 7: APPROVAL OF ANNUAL JAIL INSPECTION REPORT

Following a presentation by Warden Patrick W. Snedeker, Commissioner Ortiz moved and Commissioner Sena seconded, that the Jail/Detention Center Inspection Report (following the inspection conducted by the County Commission on January 08 2015) be approved.

All Commissioners commended Warden Snedeker for the smooth and professional operation of the jail, and said they were particularly impressed with the cleanliness and maintenance of the facility.

ITEM 8: LEASE/PURCHASE OF 420F 4X4 BACKHOE

Upon the recommendation of Public Works Supervisor Harold Garcia, and the concurrence of the County Manager and Finance Supervisor, Commissioner Ulibarrí moved and Commissioner Ortiz seconded, the lease/purchase of one 420F 4x4 Backhoe for the Public Works Division, under state contract through Wagner-Caterpillar, for a total cost of \$83,541, at \$927.92 per month for 60 months, and the motion carried by unanimous voice vote of all Commissioners.

ITEM 9: PERMISSION TO INVITE PROPOSALS FOR HVAC SERVICES

Upon the recommendation of Public Works Supervisor Garcia, Vice Chairman Sena moved and Commissioner Ulibarrí seconded, that staff be authorized to request proposals for HVCA (heating, ventilation and air conditioning) services and equipment for county facilities.

ITEM 10: APPROVAL OF JOB DESCRIPTIONS/PUBLIC WORKS DIVISION

After a detailed explanation and review by the County Manager, and upon his recommendation, Commissioner Ortiz moved and Commissioner Ulibarrí seconded, approval of revised job descriptions for the following four Public Works Division positions: Division Foreman, Crusher Plant Operator III, Heavy Equipment Operator III, and Motor Grader Operator. (The County Manager advised the Commission that the job descriptions were revised with the intent of enhancing performance and accountability in each position; answering a query from Commissioner Ulibarrí, the Manager stated that of the four job descriptions, the only vacant position currently vacant is the position of Division Foreman; and the County Manager also informed the

Commission that he has not ruled out the possibility of private contracting for road maintenance.)

ITEM 11: PUBLIC WORKS REPORT FOR DECEMBER, 2014

Public Works Supervisor Harold Garcia made his monthly report to the County Commission, noting that a written report was previously submitted and included in Commissioners' meeting materials.

Commissioners had no comments or questions of Garcia, except that Chairman Padilla asked about the work progress at the Assessor's office, to which Garcia responded that extensive work has been undertaken to eliminate the odor, including the installation of fans, isolation of air pockets, and replacement of some carpeting with tile.

ITEM 12: APPROVAL/RATIFICATION OF PERSONNEL ACTIONS FOR DEC, 2014

Upon the recommendation of the County Manager, Commissioner Ortiz moved and Commissioner Ulibarrí seconded, approval of all personnel actions and changes made during the month of December, 2014. (Commissioner Ulibarrí asked about the several resignations at the Public Works Department, and the County Manager explained each, and Commissioner Ulibarrí thanked the Manager.)

ITEM 13: APPROVAL OF EMPLOYMENT/PUBLIC WORKS DIVISION

Upon the recommendation of the County Manager and Public Works Supervisor Garcia, Commissioner Sena moved and Commissioner Ulibarrí seconded, approval of employment of Lucy I. Salazar as a convenience center operator, effective February 03, 2015, as a probationary employee at a beginning salary of \$16,150.00. (Chairman Padilla abstained from voting on this Item.)

ITEM 14: APPROVAL OF EMPLOYMENT/FINANCE DIVISION

Upon the recommendation of the County Manager and Finance Division Supervisor Melinda Gonzales, Commissioner Ortiz moved and Commissioner Ulibarrí seconded, approval of employment of Leslie D. Vigil as Financial Specialist II, effective January 20, 2015, as a probationary employee at a beginning salary of \$33,250.00

ITEM 15: APPROVAL OF EMPLOYMENT/COUNTY CLERK'S OFFICE

Upon the recommendation of the County Manager and County Clerk Geraldine E. Gutierrez, Commissioner Ulibarrí moved and Commissioner Leger seconded, approval of employment of Lorella Gallegos-Romero as Bureau of Elections Clerk at the County Clerk's office, effective January 20, 2015, as a probationary employee at a beginning salary of \$20,900.00.

ITEM 16: APPROVAL OF EMPLOYMENT/DETENTION CENTER

Upon the recommendation of the County Manager and Warden Patrick W. Snedeker, Vice Chairman Sena moved and Commissioner Leger seconded, approval of employment of Nicholas Romero as a Detention Officer, effective January 5, 2015, as a probationary employee at a beginning salary of \$20,900.00.

ITEM 17: APPROVAL OF EMPLOYMENT/COUNTY CLERK'S OFFICE

Upon the recommendation of the County Manager and County Clerk Gutierrez, Vice Chairman Sena moved and Commissioner Leger seconded, the employment of Barbara Romero, Rita Sanchez and Priscilla Marquez as casual/temporary employees (absentee and early-voting election officials for February 03 2015 school board elections), at \$10.00 per hour, from January 09 to January 30, 2015.

**AT 3:53 P.M., HAVING CONCLUDED ITS REGULAR ORDER,
THE COUNTY COMMISSION CONVENED AS THE
COUNTY BOARD OF FINANCE, AS FOLLOWS:**

ITEM 18: COUNTY TREASURER'S QUARTERLY REPORT

County Treasurer Bertha Bustamante made her quarterly report to the Commission, and noted in particular that tax collections were at 56% for December 2014. Ms. Bustamante also informed the Commission that her office is running smoothly and that employee Anita Gonzales will soon receive an advanced certification.

The County Treasurer also asked Chairman Padilla to meet with her to sign the necessary documents for his facsimile signature on county warrants, and asked whether she could continue to make quarterly reports (rather than monthly) to the Commission. Chairman Padilla assured Bustamante that quarterly reports were entirely satisfactory.

ITEM 19: RESOLUTION 2015-01-13-F1, CREATING FUND 325

Upon the recommendation of Finance Supervisor Melinda Gonzales, Commissioner Leger moved and Commissioner Ulibarrí seconded, approval of the above-numbered Resolution creating Fund 325, to account for the funding grant (EMW-2014-SS-00030-S1/\$175,367.00) received from the NM Department of Homeland Security for Emergency Management.

ITEM 20: RESOLUTION 2015-01-13-F2 FOR FUND 325

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Leger moved and Commissioner Ortiz seconded, approval of the above-numbered Resolution budgeting the County budget the funds received into Fund 325, as approved in Item 19, above.

ITEM 21: INDIGENT BURIAL PAYMENT TO NELSON FUNERAL HOME

Upon the recommendation of Finance Supervisor Gonzales, Vice Chairman Sena moved and Commissioner Leger seconded, approval of payment in the amount of \$1,200.00 to Nelson Funeral Home for an indigent burial; Gonzales certifying that all statutory requirements were complied with under NM law.

ITEM 22: APPROVAL OF ACCOUNTS PAYABLE

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Ulibarrí moved and Vice Chairman Sena seconded, approval of the following Accounts Payable, Gonzales certifying by concurrent written instrument that all payments are lawful and proper: Items 2015-5-271 through 2014-5-308 and 2015-6-001 through 2015-6-266, reporting all payments from November 25 through December 22, 2014.

ITEM 23: CASH BALANCE REPORT AS OF DECEMBER 22, 2014

Finance Supervisor Gonzales informed the Commission of the County's cash balance as of December 22, 2014. The Item is presented for Commissioners' information, and formal Commission action is neither sought nor required.

ITEM 24: IMUS TRAINING APPROVAL/TASHA MARTINEZ

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Leger moved and Commissioner Ulibarrí seconded, approval of IMUS fund expenditures for education funding for Finance Division employee Tasha Martinez.

**HAVING CONCLUDED ITS
MEETING AS THE COUNTY BOARD OF FINANCE,
THE COMMISSION PROCEEDED AS FOLLOWS:**

At **4:00 p.m.**, the County Manager recommended that the Commission retire into executive/closed session to consider the following matters: Personnel matters and matters subject to the attorney client privilege pertaining to threatened or pending litigation in which SMC is or may become a participant, as permitted by Section 10-15-1(H)(2) and (7) of the Open Meetings Act, NMSA 1978, as amended.

Whereupon, at **4:01 p.m.**, Commissioner Leger moved and Commissioner Ortiz 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 **5:07 p.m.**, Vice Chairman Sena moved and Commissioner Ulibarrí seconded, that the Commission reconvene in public session, and the motion carried. Whereupon Chairman Padilla 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 **5:08 p.m.** Vice Chairman Sena moved and Commissioner Ulibarrí seconded, adjournment of the meeting, the motion carried and the meeting was duly adjourned.

MOVED, SECONDED AND ADOPTED this 10th day of February, 2015, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held January 13, 2015.

Arthur J. Padilla, Chairman

Gilbert J. B. Sena, Vice Chairman

Nicolas T. Leger, Commissioner

Marcellino A. Ortiz, Commissioner

Rock G. Ulibarrí, Commissioner

ATTEST:

Geraldine E. Gutierrez
San Miguel County Clerk

(S E A L)