

**MINUTES OF THE REGULAR MONTHLY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO,
HELD TUESDAY, MARCH 10, 2015, BEGINNING AT 2:00 P.M.**

CALL TO ORDER AND ROLL CALL

Chairman Arthur J. Padilla called the meeting to order at 2:00 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 Arthur J. Padilla, Vice Chairman Gilbert J. B. Sena, and Commissioners Nicolas T. Leger, Marcellino A. Ortiz and Rock G. Ulibarri.

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 Vice Chairman Sena and a second by Commissioner Ulibarri, 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 Ulibarri, the Commission approved the minutes of its special meeting held January 27, 2015; and upon a motion by Commissioner Ulibarri and a second by Vice Chairman Sena, the Commission approved the minutes of its regular monthly meeting held February 10, 2015. **[Unless otherwise indicated, minutes are approved without change, correction or revision.]**

(ALL MOTIONS MADE AND SECONDED ARE DULY APPROVED AND ADOPTED, AND FURTHER INDICATION OF SAID ACTION MAY OR MAY NOT BE INDICATED; AND ALL FORMAL ACTION IS BY UNANIMOUS VOICE VOTE, UNLESS OTHERWISE INDICATED.)

PUBLIC INPUT FORUM

The public input forum began at 2:05 p.m., and the following eight persons addressed the Commission, the subject of their comments indicated parenthetically following each name: **Luis Martinez** (requested maintenance of County Road B-47); **Jerry Garza** (requested attention to traffic control in community of Tecolote, in areas of church, community center and fire station); **Lorenzo Flores** (expressed support for funding for economic development on the west side of Las Vegas, and commended new direction of County Commission); **Jane Cumsdem** (expressed concern for health and health care, and expressed support and thanks for re-integration center); **Makani Nakasone** (expressed support for re-integration center); **Bernadette Fernandez** (expressed opposition to legislation seeking pre-emption of local government authority); **Bill Madison** (informed Commission of chemicals that are used in the fracking process and submitted handout from the California Environmental Working Group, and suggested residents be allowed to utilize their private material for county road work); **Arielle Hawney** (expressed support of Resolution opposing pre-emption legislation, and expressed support for the re-integration center). *[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 2:32 p.m.

INTRODUCTION OF NEW EMPLOYEES

The County Manager introduced new county employee Yolanda Cruz (DWI Program Coordinator), who was present and welcomed by the Commission.

PRESENTATIONS

Health Impact Assessment/Adult Reintegration Center

Warden Patrick W. Snedeker, joined by Pat Leahan, presented the final report of the health impact assessment for the proposed Northeast NM Adult Reintegration Center. Both Snedeker and Leahan, and all who worked on the project, were thanked and commended by the County Commission.

**AT 2:55 P.M., THE COMMISSION PROCEEDED
TO REGULAR ORDER, AS FOLLOWS:**

ITEM 1: RESOLUTION 03-10-15-PREEMPTION

Upon a presentation by Planning & Zoning Supervisor Alex Tafoya, Commissioner Ulibarri moved and Vice Chairman Sena seconded, approval of the above-numbered and titled Resolution, opposing legislation seeking to pre-empt local government in the regulation of agricultural, mining and oil and gas activities in New Mexico. (Copy of the Resolution to be transmitted forthwith to the Governor and area legislators.)

ITEM 2: RECOGNITION OF 90TH ANNIVERSARY OF CHAMBER OF COMMERCE

Upon a presentation and recommendation by Lavinia Fenzi, Executive Director of the Las Vegas San Miguel Chamber of Commerce, Commissioner Ulibarri moved and Commissioner Ortiz seconded, that the Commission adopt a proclamation recognizing and commending the Las Vegas-San Miguel Chamber of Commerce on its upcoming 90th anniversary.

ITEM 3: RESOLUTION 03-10-15-SAFETY AND JUSTICE CHALLENGE

Upon a presentation by Warden Snedeker and Dr. Andrew B. Israel, Dean of the School of Social Work at NMHU, Commissioner Leger moved and Vice Chairman Sena seconded, approval of the above-numbered and titled Resolution, permitting a grant application (alternatives to incarceration), to the MacArthur Foundation, the motion also providing that the San Miguel County Detention Center Citizen Advisory Committee and the Health Impact Assessment Project be included as additional participating parties.

ITEM 4: GRANT APPLICATION/HISTORICAL RECORDS GRANT PROGRAM

Upon the recommendation of Planning & Zoning Supervisor Tafoya, Commissioner Ortiz moved and Commissioner Leger seconded, approval and ratification of grant application to NM Historical Records Advisory Board, for funds to microfilm and preserve historic books and records.

**ITEM 5: APPLICATION FOR CONDITIONAL USE PERMIT BY PECOS VALLEY
MEDICAL CENTER FOR MONUMENT SIGN**

This Item was introduced by Planning & Zoning Supervisor Tafoya, who informed the Commission the Pecos Valley Medical Center (PVMC) made application for a conditional use permit to erect a monument sign for the Center, that the Planning & Zoning Commission held a hearing in the matter and recommended that the conditional use permit be granted.

Whereupon, Chairman Padilla convened a public hearing and the following persons addressed the Commission in support of the conditional use permit: Sigfried Olson, Executive Director of PVMC, and Alberto Lopez. No other person sought recognition either in support or opposition to the application for conditional use permit, and thereupon Chairman Padilla deferred to the Commission.

At 3:48 p.m., Commissioner Ortiz moved and Commissioner Leger seconded, that the conditional use permit sought by PVMC be granted, and that the record reflect as the Commission's findings, that all County requirements for such a permit were duly complied with by PVMC, and the motion carried by unanimous voice vote of all Commissioners.

ITEM 6: AWARD HVAC CONTRACT TO TRANE, INC.

Upon the recommendation of Public Works Supervisor Harold Garcia, Commissioner Ulibarri moved and Commissioner Ortiz seconded, award of 12-month contract to Trane Inc., for HVAC services for county facilities. (Garcia noted that the award is made following a procurement process, and that Trane was the sole bidder.)

ITEM 7: LOCAL GOV'T ROAD FUND PROJECTS FOR FY 2016/2017

Upon a presentation by Public Works Supervisor Harold Garcia, and the recommendation of County Manager Les Montoya, and at the urging of Chairman Padilla, the following three road projects were selected and designated for submission to the NM Department of Transportation for local government road funds for fiscal year 2016/2017: (1) Colonias Village Drainage and Road Improvements (Bus Route Funds); (2) Los Alamitos Road (A-6) Drainage and Road Surface Improvements (County Coop Funds); and (3) Ribera (CR B-41) Road Improvements (County Arterial Road Funds).

ITEM 8: PUBLIC WORKS DIVISION MONTHLY REPORT FOR FEBRUARY, 2015

Public Works Supervisor Garcia made his monthly report for February, 2015, noting that his written report was submitted to Commissioners in advance of the meeting. (No questions were asked by any Commissioner.)

ITEM 9: INVITATION FOR BIDS FOR COUNTY VEHICLES AND EQUIPMENT

Upon a presentation by Public Works Supervisor Garcia, and the recommendation of County Manager Montoya, Commissioner Ulibarri moved and Vice Chairman Sena seconded, that staff be authorized to issue an invitation for bids for the following county vehicles and equipment: 4 patrol vehicles for Sheriff's Department; 2 Detention Center transport vans; 3 ¾ ton pickups for Public Works Division; 2 roll-off trucks for Solid Waste Division; 1 solid waste packer truck; and 1 used roller for Public Works Division. (County Manager Montoya provided a detailed explanation to the Commission about his discussion with area legislators on the possibility of capital improvement road funds,

and a veto threat by the Governor; and noted that as a result of the foregoing, some of the equipment and vehicles may be funded by capital improvement legislative allocations, and to the extent of such funding, the invitation for bids will be adjusted accordingly, reducing the loan from the NM Finance Authority for the procurement which is the subject of the Agenda Item.)

ITEM 10: INVITATION FOR BIDS/DETENTION CENTER IMPROVEMENTS

Following a presentation by Warden Snedeker and architect Kevin Balciar, Commissioner Ortiz moved and Commissioner Ulibarri seconded, that staff be authorized to issue an invitation for bids for three capital improvement projects at the SMC Detention Center, namely, (1) a twelve-bed community based housing/reintegration center, (2) a physical plant/maintenance building, and (3) for inmate cell fire sprinkler installation, all to be funded (as previously determined by the County Commission) through a NM Finance Authority loan and legislative appropriations.

ITEM 11: INMATE CONFINEMENT CONTRACT WITH CITY OF SANTA ROSA

Upon the recommendation of Warden Snedeker, Commissioner Ortiz moved and Commissioner Ulibarri seconded, approval of an inmate confinement contract between SMC and the City of Santa Rosa, allowing for the latter's housing of inmate at the SMC Detention Center at \$80.00 per day per inmate, with an additional booking fee of \$20.00 per inmate.

ITEM 12: ACCEPTANCE OF GRANT/SHERIFF'S DEPARTMENT

Upon the recommendation of County Sheriff Gary Gold, Commissioner Ulibarri moved and Commissioner Ortiz seconded, approval and acceptance of Joint Law Enforcement Operations Task Force Grant from the U.S. Department of Justice, for the Sheriff's office, to be used for overtime compensation for investigating fugitive warrants and sex offender address verification.

ITEM 13: APPROVAL OF OUT-OF-STATE TRAVEL/SHERIFF'S DEPARTMENT

Upon the recommendation of County Sheriff Gary Gold, Commissioner Ortiz moved and Commissioner Ulibarri seconded, approval of out-of-state travel for Deputy Sheriff Sean Armijo, for attendance at "High-Risk Warrant Service" training course.

ITEM 14: RESOLUTION 03-10-15-SHERIFF-EXCESS PROPERTY

Upon the recommendation of County Sheriff Gary Gold, Vice Chairman Sena moved and Commissioner Ulibarri seconded, approval of the above-titled and numbered Resolution, authorizing disposition of one 2010 Crown Victoria automobile, as permitted by law and pursuant to the terms of the Resolution.

ITEM 15: RESOLUTION 03-10-15/RATIFYING DWI GRANT APPLICATION

Upon the recommendation of DWI Program Coordinator Yolanda Cruz, Commissioner Ortiz moved and Vice Chairman Sena seconded, ratification and approval of the grant application made to the Local DWI Grant Fund, for project year July 1 2015, through June 30, 2016, per the above-entitled and numbered Resolution, and the motion was duly approved by unanimous voice vote of all Commissioners.

ITEM 16: APPROVAL OF REVISED JOB DESCRIPTION/SHERIFF'S DEPARTMENT

Upon the recommendation of County Sheriff Gary Gold, Commissioner Ortiz moved and Vice Chairman Sena seconded, approval of a revised job description for the position of Office Manager at the Sheriff's Department.

ITEM 17: PROFESSIONAL SERVICES AGREEMENT/HOLCOMB LAW OFFICE

Upon a presentation by Human Resources Supervisor Kiki Arellano and the recommendation of the County Manager, Commissioner Ortiz moved and Commissioner Leger seconded, approval of Professional Services Agreement with Holcomb Law Office (Dina Holcomb, Esq.) for legal services related to labor relations and collective bargaining, for the period March 10 2015, through February 28, 2016, and the Motion was approved by unanimous voice vote of all Commissioners.

ITEM 18: APPROVAL OF PERSONNEL ACTIONS FOR FEBRUARY, 2015

Upon a presentation by Human Resources Supervisor Kiki Arellano, and the recommendation of the County Manager, Commissioner Ortiz moved and Commissioner Ulibarri seconded, approval of all personnel actions and changes made in the County during the month of February, 2015, and the motion carried by unanimous voice vote of the Commission.

ITEM 19: APPROVAL OF EMPLOYMENT/SHERIFF'S DEPARTMENT

Upon the recommendation of County Sheriff Gary Gold and the County Manager, Commissioner Ulibarri moved and Commissioner Ortiz seconded, approval of employment of Jonathan Crespín and Rodney Perea as Sheriff's deputies, effective March 16, 2015, as probationary employees at a beginning salary of \$23,750.00. (Both Crespín and Perea were introduced by Sheriff Gold, and welcomed by all Commissioners.)

ITEM 20: APPROVAL OF EMPLOYMENT/PUBLIC WORKS FOREMAN

Upon the recommendation of the County Manager, Commissioner Ortiz moved and Commissioner Leger seconded, approval of employment of Arnold M. Lopez as Public Works Foreman, as an at-will, exempt employee, effective March 16, 2015, at a salary of \$50,000.00, and the Motion carried by unanimous voice vote of all Commissioners.

ITEM 21: APPROVAL OF EMPLOYMENT/TRANSIT OPERATORS

Upon the recommendation of the County Manager, Commissioner Leger moved and Commissioner Ulibarri seconded, approval of employment of Manuel A. Duran and Manuel D. Valdez as transit operators for the Safe Ride Home Program and Veterans Transportation, effective January 28, 2015, at an hourly salary of \$12.00.

ITEM 22: APPROVAL OF 90-DAY PROFESSIONAL SERVICES AGREEMENT WITH ATTORNEY JESUS L. LOPEZ

Upon the recommendation of the County Manager, Commissioner Leger moved and Commissioner Ulibarri seconded, approval of a 90-day Professional Services Agreement with attorney Jesus L. Lopez, for legal services as provided in said Agreement.

ITEM 23: DISCUSSION ON IMPOSITION OF HOLD HARMLESS GROSS RECS TAX

In accordance with this Agenda Item, Commissioners and staff engaged in a lengthy discussion about the feasibility of imposing a “county hold harmless gross receipts tax” as authorized by law.

During the discussion, the County Manager and County Financial Adviser Paul Cassidy presented detailed oral and written reports concerning the “county hold harmless gross receipts tax,” and both answered questions from Commissioners.

Following the above discussion, at 5:25 p.m., the Commission took up the Agenda Item which follows.

ITEM 24: ADOPTION OF RESOLUTION NO. 03-10-15-GRT, PROPOSING AN ORDINANCE IMPOSING A GROSS RECEIPTS TAX OF TWO-EIGHTHS OF ONE PER CENT, TO BECOME EFFECTIVE JULY 01, 2015

At 5:26 p.m., upon the recommendation of the County Manager, Commissioner Leger moved adoption of Resolution No. 03-10-15-GRT, and upon a second by Commissioner Ulibarri, the Resolution was adopted by unanimous voice vote of all Commissioners. (All Commissioners noted their displeasure in having to impose a tax increase, but stated that the increase was absolutely imperative if the County is to continue providing essential services and road maintenance.)

**AT 5:28 P.M., HAVING CONCLUDED ITS REGULAR ORDER,
THE COUNTY COMMISSION CONVENED AS THE
COUNTY BOARD OF FINANCE, AS FOLLOWS:**

ITEM 25: RESOLUTION 03-10-15-HR/INSURANCE PREMIUMS UNDER ACA

Upon the recommendation of County Finance Supervisor Melinda Gonzales, Commissioner Leger moved and Commissioner Ulibarri seconded, approval of the above-numbered and titled Resolution, assuring the County's compliance with all requirements of the Affordable Care Act, and the Motion carried by unanimous voice vote of all Commissioners.

ITEM 26: RESOLUTION 2015-03-10-F1/CREATING FUND 751

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Ulibarri moved and Vice Chairman Sena seconded, approval of the above-numbered and titled Resolution, creating Fund 751, to account for funds received from the US Department of Justice Joint Law Enforcement Operations Task Force, as approved under Agenda Item 12, above.

ITEM 27: BUDGET ADJUSTMENT RESOLUTION NO. 2015-03-10-F2

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Leger moved and Commissioner Ortiz seconded, approval of the above-numbered and titled Resolution, making numerous budget adjustments to accurately reflect budget increases, decreases and adjustments in the following Funds: 231, 232, 412, 417 and 751, as set forth with particularity in the Resolution.

ITEM 28: AMENDMENT TO HVAC/WINDOW LOAN/NM FINANCE AUTHORITY

Finance Supervisor Gonzales informed the Commission of changes made to the loan agreement with the NM Finance Authority concerning the debt service for the HVAC and window loan for improvements at the County Administration Building. (Gonzales presented this Item for the information of Commissioners, and no action was taken by the Commission.)

ITEM 29: APPROVAL OF ACCOUNTS PAYABLE

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Ortiz moved and Commissioner Leger seconded, approval of the following Accounts Payable, Gonzales certifying by concurrent written instrument that all payments are lawful and proper: Items 2015-7-439 through 2015-7-501 and 2015-8-1 through 2015-8-207, reporting all payments from January 24 2015, through February 17, 2015.

ITEM 30: CASH BALANCE REPORT AS OF FEBRUARY 19, 2015

Finance Supervisor Gonzales informed the Commission of the County's cash balance as of February 19, 2015. The Item is presented for Commissioners' information, and formal Commission action is neither sought nor required.

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

At **5:41 p.m.**, 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, and matters pertaining to the discussion of the acquisition or disposal of real property, as permitted by Section 10-15-1(H)(2), (7) and (8) of the Open Meetings Act, NMSA 1978, as amended.

Whereupon, at **5:44 p.m.**, Vice Chairman Sena moved and Commissioner Ulibarri 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 **6:25 p.m.**, Vice Chairman Sena moved and Commissioner Ulibarri seconded, that the Commission reconvene in public session, and the motion carried; and it was announced that the Commission discussed and considered in executive session only those matters for which a motion for closure had been made, and no others; and there being no further business to come before the Commission, and no person seeking recognition by the Commission, at **6:26 p.m.** Vice Chairman Sena moved and Commissioner Ulibarri seconded, adjournment of the meeting, the motion carried and the meeting was duly adjourned.

MOVED, SECONDED AND ADOPTED this 14th day of April, 2015, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held March 10, 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)