

**REGULAR MEETING  
JANUARY 11, 2005  
MINUTES**

The Board of County Commissioners of San Miguel County held a Regular Meeting on Tuesday, January 11, 2005 at 1:30 p.m. at the Las Vegas City Schools, Administration Building, Central Office Board Room, 901 Douglas Ave., Las Vegas, New Mexico. Immediately following the Regular Scheduled Meeting, a County Board of Finance Meeting followed. The agenda for the meeting was as follows:

**CALL TO ORDER**

Chairman LeRoy H. Garcia called the meeting to order at 1:35 p.m.

**ROLL CALL**

Chairman LeRoy H. Garcia, Vice-Chairman Hugh H. Ley, Commissioner Susano Ortiz, Commissioner Kenneth C. Medina, and Commissioner David Salazar were present.

The record will show a quorum was present.

**PLEDGE OF ALLEGIANCE**

The Board of County Commissioners and County Attorney Jesus Lopez welcomed Commissioner David Salazar. Discussion ensued.

**APPROVAL OF AGENDA**

County Manager Les Montoya submitted the agenda as prepared.

Motion made by Vice-Chairman Hugh H. Ley to approve agenda as prepared. Second by Commissioner Kenneth C. Medina. Motion carried.

**APPROVAL OF MINUTES – December 14, 2004**

County Attorney Jesus Lopez and County Manager Les Montoya had no recommended changes to the minutes of December 14, 2004.

Motion made by Commissioner Kenneth C. Medina to approve minutes of December 14, 2004 as presented. Second by Vice-Chairman Hugh H. Ley. Motion carried.

**SURVEY RESULTS FROM THE CONCERNED CITIZENS OF WAGON MOUND AND MORA COUNTY, SOFIA MARTINEZ, PRESIDENT**

Sofia Martinez, President of Concerned Citizens from Mora County gave a presentation regarding the protection of the village against the importation of special waste from across the country to Wagon Mound and Mora County. Discussion ensued.

Ms. Martinez went over the results of the survey taken from Mora County residents regarding solid waste issues and also requested the Commission's support against the importation of special waste from across the country to Wagon Mound and Mora County. Discussion ensued.

**NEW BUSINESS:**

**1. SELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR THE 2005 CALENDAR YEAR FOR THE BOARD OF COUNTY COMMISSIONERS FOR SAN MIGUEL COUNTY**

Commissioner Kenneth C. Medina nominated Commissioner LeRoy H. Garcia as Chairman for the Board of County Commissioners.

Motion made by Commissioner Kenneth C. Medina to nominate Commissioner LeRoy H. Garcia as Chairman for the Board of County Commissioners. Second by Vice-Chairman Hugh H. Ley. Motion carried.

Chairman LeRoy H. Garcia nominated Commissioner Hugh H. Ley as Vice-Chairman for the Board of County Commissioners.

Motion made by Chairman LeRoy H. Garcia to nominate Commissioner Hugh H. Ley as Vice-Chairman for the Board of County Commissioners. Second by Commissioner David Salazar. Motion carried.

**2. OPEN MEETINGS RESOLUTION FOR 2005**

County Manager Les Montoya submitted Open Meetings Resolution 2005 for approval.

County Attorney Jesus Lopez informed the Commission the New Mexico Open Meetings Act requires that each public body adopt annually a resolution relating to its meetings and notice to the public concerning its meetings.

Chairman LeRoy H. Garcia noted for the record that any County employee from any of the Departments with any issue should go directly to the County Manager and not to the Commission. Discussion ensued.

Motion made by Vice-Chairman Hugh H. Ley to approve Open Meetings Resolution for 2005 as presented. Second by Commissioner Susano Ortiz. Motion carried.

**3. PRESENTATION OF NEW COUNTY LOGO**

County Manager Les Montoya submitted the new County Logo for review and consideration to be recognized as the Official Logo for San Miguel County. Discussion ensued.

Motion made by Vice-Chairman Hugh H. Ley to approve the new County Logo as presented. Second by Commissioner David Salazar. Motion carried.

**4. COUNTY TREASURER'S MONTHLY REPORT**

County Treasurer Alfonso Ortiz went over the distribution report for the month of December 2004 and expressed his gratitude to all who have helped him through his transition. Discussion ensued.

Mr. Ortiz also stated that he needed the Commission's help in the reorganization of his office which currently has three employees. Discussion ensued.

**5. FUNDING APPLICATIONS FOR VARIOUS FIRE DISTRICTS FOR APPROVAL AND SIGNATURE BY BOARD OF COUNTY COMMISSIONERS**

Fire Marshal Dan Wright submitted funding applications for Gallinas, Conchas Dam, Tecolote and Cabo Lucero fire districts for approval.

Mr. Wright stated that the fire districts that provide Emergency Medical Support to the Community receive funding from the EMS Fund Act.

Motion made by Vice-Chairman Hugh H. Ley to approve the applications as presented. Second by Commissioner Kenneth C. Medina. Motion carried.

**6. APPOINTMENTS TO THE PLANNING AND ZONING COMMISSION**

Planning & Zoning Supervisor Alex Tafoya informed the Commission that the terms of three (3) Planning and Zoning Commission members expired on December 31, 2004, therefore, it is necessary to appoint members to fill the terms for Commission Districts # 2 , # 4 and # 5. Discussion ensued.

Commissioner David Salazar recommended Richard Rivera for District # 4. Commissioner Ley and Commissioner Medina will get back to Mr. Montoya at a later date with their recommendations. Discussion ensued.

**7. PETITION TO ESTABLISH AND MAINTAIN A PUBLIC ROAD**

Planning & Zoning Supervisor Alex Tafoya informed the Commission that the County received a petition from the residents from the Vista Del Valle Subdivision area in the vicinity of Pecos and requested that the County establish and maintain Camino de Pinones Road, which is within the Vista Del Valle Subdivision.

Mr. Tafoya gave the Commission background information on the Subdivision and pointed out the road which the residents want maintained and established which is (approximately 3/10 of a mile) on a plat subdivision. Discussion ensued.

Mr. Tafoya requested authorization from the Commission to schedule and conduct a road viewing. Discussion ensued.

Steve Broderson requested consideration from the Commission to establish and maintain the 3/10 of a mile road within the Vista Del Valle Subdivision. Discussion ensued.

Motion made by Vice-Chairman Hugh H. Ley to authorize staff to schedule and conduct a road viewing. Second by Commissioner Kenneth C. Medina. Motion carried.

**8. CARETAKER AGREEMENT – RIBERA HOUSING PROPERTY**

County Manager Les Montoya submitted Caretaker Agreement – Ribera Housing Property for review and approval and informed the Commission that the County has a “caretaker” of the Ribera Housing Property. The employee is allowed to live in one of the residential units in exchange for the duties performed as caretaker.

Motion made by Vice-Chairman Hugh H. Ley to approve the Caretaker Agreement as presented. Second by Commissioner Kenneth C. Medina. Motion carried.

**9. MONTHLY REPORT FOR THE PUBLIC WORKS DIVISION FOR THE MONTH OF DECEMBER 2004**

The Commission went over some requests with Public Works Supervisor Harold Garcia. Discussion ensued.

**10. RENEWAL OF THE MORA COUNTY CONTRACT FOR INMATE CONFINEMENT**

Warden/Facility Administrator Patrick W. Snedeker submitted the Contract for Inmate Confinement between Mora County and San Miguel County for approval. Discussion ensued.

Mr. Snedeker informed the Commission that the contract was renewed and approved by Mora County Commission on December 14, 2004. Discussion ensued.

Motion made by Vice-Chairman Hugh H. Ley to approve Contract for Inmate Confinement between Mora County and San Miguel County as presented. Second by Commissioner Kenneth C. Medina. Motion carried.

Chairman LeRoy H. Garcia thanked Mr. Snedeker for attending the Taos Commission Meeting. Discussion ensued.

Chairman LeRoy H. Garcia requested to take a 10 minute break.

The record will show the time is 2:55 p.m.

Motion made by Vice-Chairman Hugh H. Ley to approve taking a ten minute break as recommended. Second by Commissioner Kenneth C. Medina. Motion carried.

Chairman LeRoy H. Garcia called meeting back to order at 3:05 p.m.

**11. DISCUSSION AND CONSIDERATION TO APPOINT COMMISSIONER HUGH H. LEY AS THE COUNTY OF SAN MIGUEL OFFICIAL VOTING MEMBER REPRESENTATIVE OF THE NMCIA MULTI-LINE POOL AND APPOINT LES MONTOYA AS THE DULY APPOINTED ALTERNATE**

Chairman LeRoy H. Garcia explained the procedure on how a representative of the NMCIA Multi-Line Pool is selected. Discussion ensued.

Commissioner Garcia stated that the Multi-Line Pool is accepting nominations from member counties for advisory body to the Multi-Line pool Board. Discussion ensued.

Commissioner Garcia recommended that Vice-Chairman Hugh H. Ley be nominated to run for the position of representative of the NMCIA Multi-Line Pool. Discussion ensued.

Motion made by Chairman LeRoy H. Garcia to nominate Vice-Chairman Hugh H. Ley to run for the position of representative of the NMCIA Multi-Line Pool. Second by Commissioner Kenneth C. Medina. Motion carried.

**12. NOMINATION OF COUNTY DETENTION CENTER WARDEN PATRICK SNEDEKER TO FILL A SEAT ON THE LAW ENFORCEMENT AND DETENTION ADVISORY COMMITTEE (LEDAC)**

The Board serves as an advisory body to the Multi-Line Pool Board LEDAC is comprised of four Sheriff's and three Detention Center Administrators and two of three seats are open.

Motion made by Commissioner Kenneth C. Medina to nominate Detention Center Warden Patrick Snedeker to run for the Law Enforcement and Detention Advisory Committee (LEDAC). Second by Commissioner Susano Ortiz. Motion carried.

**13. INDEPENDENT CONTRACTOR AGREEMENT WITH THE SAFETY INSTITUTE**

County Manager Les Montoya submitted Independent Contractor Agreement with the Safety Institute for approval.

The Safety Institute has been providing the third party administration of the San Miguel County Drug and Alcohol Policy and Mobil on-site urine collection for random drug testing breathe alcohol testing and pre-employment drug testing.

Motion made by Commissioner Kenneth C. Medina to approve Independent Contractor Agreement with the Safety Institute as presented. Second by Vice-Chairman Hugh H. Ley. Motion carried.

**14. COUNTY MANAGER'S PERSONNEL RECOMMENDATIONS TO HIRE AND TO RATIFY THE FOLLOWING EMPLOYEES TO FILL THE POSITIONS AT THE SAN MIGUEL COUNTY DETENTION CENTER**

County Manager Les Montoya submitted the following recommendations for hire and ratifications to fill the positions at the San Miguel County Detention Center:

Probationary Employees

Aaron Smith	Detention Officer	Salary:\$17,843.28 Annually
Mathew Hendrickson	Detention Officer	Salary:\$17,843.28 Annually

Motion made by Commissioner Kenneth C. Medina to approve recommendations and ratifications as requested by the County Manager. Second by Vice-Chairman Hugh H. Ley. Motion carried.

**15. COUNTY MANAGER'S PERSONNEL RECOMMENDATIONS TO HIRE THREE CASUAL EMPLOYEES AS PER THE RECOMMENDATION OF ALFONSO ORTIZ, COUNTY TREASURER. THESE EMPLOYEES WILL BE PLACED IN THE COUNTY TREASURER'S DEPARTMENT TO ADDRESS THE PROBLEM OF THE UNPROCESSED MAIL PAYMENTS.**

County Manager Les Montoya submitted the following recommendations for hire as per recommendation of the County Treasurer Alfonso Ortiz:

Casual Employees

Pamela Sena                 \$9.00 Hourly  
Date of Hire:                January 10, 2005

Adonellia Menzor         \$9.00 Hourly  
Date of Hire:                January 10, 2005

Motion made by Commissioner David Salazar to approve County Manager's recommendations as per County Treasurer Alfonso Ortiz recommendations. Second by Commissioner Susano Ortiz. Motion carried.

Chairman LeRoy Garcia instructed the County Manager Les Montoya to advise County Treasurer Alfonso Ortiz to send the people home that volunteered to place the books in order in the basement due to liability issues. Commissioner Garcia also instructed Mr. Montoya to send out letters informing the Elected Officials that volunteers cannot work at the Courthouse. Discussion ensued.

**16. PERSONNEL ACTIONS**

County Manager Les Montoya submitted Personnel Actions that have taken place in San Miguel County for ratification and approval.

Motion made by Commissioner Kenneth C. Medina to approve Personnel Actions as presented. Second by Vice-Chairman Hugh H. Ley. Motion carried.

**17. SAN MIGUEL COUNTY BOARD OF FINANCE MEETING**

Chairman LeRoy H. Garcia announced that the Board of County Commissioners would meet as the Board of Finance for San Miguel County.

**18. RESOLUTION 1-11-2005-F1 APPROVING MID-YEAR BUDGET ADJUSTMENTS**

Finance Division Supervisor Melinda Gonzales submitted Resolution No. 1-11-2005-F1 Mid-Year Budget Adjustments for approval. Discussion ensued.

Ms. Gonzales went over the budget adjustments with the Commission. Discussion ensued.

Motion made by Commissioner Kenneth C. Medina to approve Resolution No. 1-11-2005-F1 as presented.

Commissioner Kenneth C. Medina amended his motion tabling Resolution No. 1-11-2005-F1 to be discussed in Executive Session. Second by Vice-Chairman Hugh H. Ley. Motion carried.

**19. RESOLUTION 1-11-2005-F2 APPROVING SOLE-COMMUNITY PROVIDER FUNDING**

Finance Division Supervisor Melinda Gonzales submitted Resolution No. 1-11-2005-F2 for review and approval. Discussion ensued.

Ms. Gonzales informed the Commission that the County had received Sole Community Provider funding requests for fiscal year 2005-2006 from the following hospitals:

Alta Vista Regional Hospital	\$822,207.00
St. Vincent Hospital	<u>\$ 88,242.00</u>
	\$ 883,230.00

Ms. Gonzales recommended approving St. Vincent Hospital for the amount of \$88,242.00 which would end up costing the County \$22,060.00 and Alta Vista requested an extension until February. Discussion ensued.

Motion made by Commissioner Susano Ortiz to approve Resolution No. 1-11-2005-F2 as presented. Second by Vice-Chairman Hugh H. Ley. Motion carried.

**20. INDIGENT CLAIMS**

Finance Division Supervisor Melinda Gonzales submitted Indigent Claims for review and approval. Discussion ensued.

Chairman LeRoy H. Garcia recommended discussing Indigent Claims in Executive Session.



**21. CASH BALANCE REPORT**

Finance Division Supervisor Melinda Gonzales went over the Cash Balance Report. Discussion ensued.

No action taken; for information only.

**22. ACCOUNTS PAYABLE LISTING**

Finance Division Supervisor Melinda Gonzales submitted Accounts Payable Listing for approval and certified each expenditure as a true and legitimate expense.

Motion made by Vice-Chairman Hugh H. Ley to approve Accounts Payable Listing as presented. Second by Commissioner Susano Ortiz. Motion carried.

**Executive/Closed Session**

- A. Personnel Matters as permitted by Section 10-15-1(H) (2) of the New Mexico Open Meetings Act, NMSA 1978.**
- B. 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)(8) of the New Mexico Open Meetings Act, NMSA 1978.**
- C. Matters pertaining to the discussion of the acquisition of real property, as permitted by Section 10-15-1 (H)(8) of the Open Meeting Act, NMSA 1978.**

Les Montoya, County Manager recommended to retire into Executive Session to discuss Personnel Matters, as permitted by Section 10-15-1(H) (2) of the New Mexico Open Meetings Act, NMSA 1978, 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) (7) of the New Mexico Open Meetings Act, NMSA 1978 and matters pertaining to the discussion of the acquisition of real property, as permitted by Section 10-15-1 (H)(8) of the Open Meeting Act, NMSA 1978.

Motion made by Commissioner Susano Ortiz to retire into Executive Session at 3:40 p.m. to discuss Personnel Matters, as permitted by Section 10-15-1(H) (2) of the New Mexico Open Meetings Act, NMSA 1978, 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) (7) of the New Mexico Open Meetings Act, NMSA 1978 and matters pertaining to the discussion of the acquisition of real property, as permitted by Section 10-15-1

(H)(8) of the Open Meeting Act, NMSA 1978. Second by Vice-Chairman Hugh H. Ley. Motion carried.

Roll call was taken before County Commission retired into Executive Session.

Chairman LeRoy H. Garcia	yes
Vice-Chairman Hugh H. Ley	yes
Commissioner Kenneth C. Medina	yes
Commissioner Susano Ortiz	yes
Commissioner David Salazar	yes

Unanimous vote to retire into executive session.

The record will show no action was taken in Executive Session, and matters discussed in the closed meeting were limited only to those specified in the motion for closure.

Chairman LeRoy H. Garcia called meeting back to order at 5:15 p.m.

Motion made by Commissioner David Salazar to approve Resolution No. 1-11-2005-F1 Mid-Year Budget Adjustments as requested by staff to include personnel salary increases as directed by the County Commissioners. Second by Vice-Chairman Hugh H. Ley. Motion carried.

Motion made by Vice-Chairman Hugh H. Ley to approve Indigent Claims with denial of Health Centers request. Second by Commissioner David Salazar. Motion carried.

## **ADJOURNMENT**

Motion made by Commissioner Kenneth Medina to adjourn. Second by Vice-Chairman Hugh H. Ley. Motion carried.

The record will show the time is 5:18 p.m.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2005 as the Official Minutes of the Board of County Commissioners of San Miguel County, New Mexico.

\_\_\_\_\_  
LeRoy H. Garcia, Chairman

\_\_\_\_\_  
Hugh H. Ley, Vice-Chairman

\_\_\_\_\_  
David Salazar Commissioner

\_\_\_\_\_  
Kenneth C. Medina, Commissioner

\_\_\_\_\_  
Susano Ortiz, Commissioner

**ATTEST**

\_\_\_\_\_  
Paul Maez, County Clerk

\_\_\_\_\_  
Minutes Submitted by:  
Geraldine E. Gutierrez

