

**REGULAR MEETING
JULY 18, 2006
MINUTES**

The Board of County Commissioners of San Miguel County held a Regular Meeting and a County Finance Meeting on Tuesday, July 18, 2006 at 1:30 p.m. at the Board Room of the Donaldo A. Martinez Administration Building of the West Las Vegas Schools, 179 Bridge Street, Las Vegas, New Mexico 87701. Immediately following the Regular Scheduled Meeting, a County Board of Finance Meeting followed. The minutes for the meeting are as follows:

CALL TO ORDER

Chairman LeRoy H. Garcia called the meeting to order at 1:30 p.m.

ROLL CALL

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

The record will show a quorum was present.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

County Manager Les Montoya submitted for approval the agenda as prepared.

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

APPROVAL OF MINUTES Regular Meeting of June 13, 2006.

County Manager Les Montoya and County Attorney Jesus Lopez had no recommended changes to the minutes of Regular Meeting held June 13, 2006.

Motion made by Vice-Chairman Hugh H. Ley to approve the minutes of Regular Meeting held June 13, 2006. Second by Commissioner Susano Ortiz. Motion carried.

INTRODUCTION OF NEW EMPLOYEES

County Manager Les Montoya introduced the following new County employees:

Christina Barajas Housing Specialist Section 8 Housing Program
(Probationary Employee)

Dolores Hayden Deputy Clerk County Clerk’s Office
(Probationary Employee)

NEW BUSINESS:

PRESENTATION ON THE OVERVIEW OF THE NORTH CENTRAL PROGRAMS AND THE OVERVIEW OF THE NORTHEASTERN REGIONAL PLANNING ORGANIZATION EFFORTS BY ARTURO ARCHULETA, DIRECTOR AND MARIANA PADILLA, PLANNER

Arturo Archuleta, Director and Mariana Padilla, Planner from the North Central New Mexico Economic Development District gave a presentation on the overview of the North Central Economic Development Programs and the overview of the Northeastern Regional Planning Organization Efforts. Discussion ensued.

END OF THE YEAR AND 4TH QUARTER PROGRAM REPORT FROM SAN MIGUEL COUNTY COOPERATIVE EXTENSION SERVICES BY JEANNIE MCKINLEY

Jeannie McKinley from the San Miguel County Cooperative Extension Services presented the End of the Year and 4th Quarter Program Report. Discussion ensued.

Chairman LeRoy H. Garcia requested that Ms. McKinley set up a meeting within the next thirty- (30) days with Commissioner Salazar to see about starting a 4-H Club in the Valley area.

1. APPROVAL AND EXECUTION OF QUITCLAIM DEED IN FAVOR OF RICHARD L. RUDOLPH AND MADELINE L. RUDOLPH, HUSBAND AND WIFE, FOR A 1.83 ACRE PARCEL IN THE ROCIADA AREA OF SAN MIGUEL COUNTY

Attorney Nicolas Leger representing Richard and Madeline Rudolph gave a brief background history regarding the property. Mr. Leger informed the Commission that in 1938 Niconor and Antonia Rudolph conveyed the subject land to the Board of Education of San Miguel County, the old County school system; in 1964 the City of Las Vegas Board of Education conveyed the same parcel to the Board of County Commissioners of San Miguel County; and in 1976, the City of Las

Vegas Board of Education conveyed the same property to Richard and Madeline Rudolph. Later, in 2001, Mr. And Mrs. Rudolph deeded the property to their daughter Dorothy Rudolph Wester. There has never been a transfer of title from San Miguel County to either the City Schools or the Rudolph's. The parcel had been transferred to the County when the School District sold the property to Richard and Madeline Rudolph in 1976. Since 1976, the Rudolph's have had title to the property, and been in possession. At this time, the Rudolph's are seeking to clear the title to the property and remove the cloud, which exists upon the title by virtue of the County and City deeds.

Mr. Leger requested the Commission approve and execute the quitclaim deed from the Board of County Commissioners of San Miguel County to Richard I. Rudolph and Madeline L. Rudolph, husband and wife.

Motion made by Commissioner Susano Ortiz to execute the quitclaim deed from the Board of County Commissioners of San Miguel County to Richard I. Rudolph and Madeline L. Rudolph, husband and wife as requested. Second by Commissioner David Salazar. Motion carried.

**2. SAN MIGUEL COUNTY LODGER'S TAX ADVISORY BOARD
RECOMMENDATION FOR LODGERS'S TAX APPROPRIATIONS 2006-07.**

Glen Post of the San Miguel County Lodger's Tax Advisory Board submitted to the Commission a letter of recommendation to fund nine (9) proposals totaling approximately \$63,800.00. The funding will support promotion, advertising and improving recreation facilities in San Miguel County.

These entities must meet guidelines for funding of monies.

Chairman LeRoy H. Garcia requested that these entities submit to San Miguel County a copy of the advertisements promoting San Miguel County, and include participation results on each function supported by this funding.

Chairman LeRoy H. Garcia also requested San Miguel web site be designed by a San Miguel County resident.

Motion made by Vice-Chairman Hugh H. Ley to have The Chamber of Commerce-San Miguel Web site redesigned, perfectly by a San Miguel County resident and to fund the various entities in the amount included be approved. Second by Commissioner David R. Salazar. Motion carried.

3. COUNTY TREASURER'S MONTHLY REPORT

County Treasurer Alfonso Ortiz went over the monthly report for the month of June 2006. Discussion ensued.

Chairman LeRoy H. Garcia asked Mr. Ortiz for a report on how much monies he has brought in this year compared to monies brought in last year.

Mr. Ortiz asked Ms Melinda Gonzales if she would answer the question.

Ms. Gonzales will submit a report at the next meeting.

No action taken; for information only.

4. MONTHLY REPORT FOR THE PUBLIC WORKS DIVISION FOR THE MONTH OF JUNE 2006

Public Works Supervisor Harold Garcia submitted the monthly report for the month of June 2006, and answered any questions from the Commissioners.

No action taken; for information only

5. CONTRACT FOR ELECTRICAL SERVICES-DE SENA ELECTRIC

Public Works Supervisor Harold Garcia submitted for approval a contract for Electrical Services with De Sena Electric

Mr. Garcia informed the Commission that Proposals were reviewed on Wednesday, February 15, 2006. San Miguel County Public Works and Detention Facility advertised for proposals for electrical services and received two proposals - De Sena Electric and The Electric Horseman. Staff ranked these proposals and is prepared to make a recommendation to enter into an agreement with the most qualified business. De Sena Electric is the most qualified to provide "as needed" electrical services to San Miguel County.

Staff is recommending authorization to enter into an agreement for a period of one year (12 months) with De Sena Electric effective July 1, 2006 and terminating on June 30, 2007, with the option to renew the agreement for additional 12-Months; thereafter for up to three years (3).

Motion made by Commissioner David R. Salazar to enter into an electrical agreement for the San Miguel County Public Works and the Detention Facility with De Sena Electric. Second by Commissioner Susano F. Ortiz. Motion carried.

6. ACCEPTANCE OF DRAINAGE EASEMENT THROUGH PRIVATE PROPERTY FOR WESTSIDE IMPROVEMENT PROJECT WITHIN THE BIG MESA SUBDIVISION IN CONCHAS

Public Works Division Supervisor Harold Garcia has been working with Engineer Miller in obtaining a Drainage Easement through private property belonging to

James Lukes within the Big Mesa Subdivision in Conchas. This easement is for the purpose of creating a drainage outfall for several County Roads within the Big Mesa Subdivision. The landowner in the subdivision has agreed to grant San Miguel County the necessary easement to perform the drainage through his property in order to comply with the drainage needed within several County Roads in that area.

Motion made by Commissioner Kenneth C. Medina to accept the Drainage Easement through private property within the Big Mesa Subdivision. Second by Vice-Commissioner Hugh H. Ley. Motion carried

7. AWARD OF BID FOR CONSTRUCTION OF CONCHAS WESTSIDE DRAINAGE PHASE III ROAD IMPROVEMENT PROJECT.

Public Works Division Supervisor Harold Garcia stated that San Miguel County had advertised for Bids on the Construction of Drainage and Base Course Improvements within the West Side of the Big Mesa Subdivision in Conchas.

Public Works Division Supervisor Harold Garcia stated two (2) bids were received: Jag's Construction for \$200,000.00 and Southwest Construction from Melrose, NM for \$150,000.00. County Engineer Miller reviewed Bids. Both Bids were over budget.

Based on the recommendation by County Engineer Miller we are asking for approval of the Bid and authorized negotiations with Southwest Construction contingent on funding.

San Miguel County Attorney Jesus Lopez stated Bids must be within 10% of the project budget. Chairman LeRoy H. Garcia stated all Bids Should be rejected for Conchas. County Attorney Jesus Lopez requested all Bids be rejected for Conchas and be modified and re-advertised.

Motion made by Commissioner Kenneth C. Medina to reject all Bids for construction of Conchas Westside Drainage Phase III Road Improvement Project. Second by Vice-Chairman Hugh H. Ley. Motion carried

8. AWARD OF BID FOR CONSTRUCTION OF LOS ALAMITOS PHASE II ROAD IMPROVEMENTS PROJECT

Public Works Division Supervisor Harold Garcia stated San Miguel County advertised to accept bids for Construction of Los Alamitos Phase II Road Improvements Project and again the Bid received was over budget.

San Miguel County Manager Les Montoya asked for the Bid to be rejected.

Chairman LeRoy H. Garcia requested the specifications be modified to re-advertised.

Motion made by Vice-Chairman Hugh H. Ley to reject Bid for Construction of Los Alamitos Phase II Road Improvements Project with intends to re-advertise. Second by Commissioner David R. Salazar. Motion carried.

9. AWARD OF BID FOR CONSTRUCTION OF LAS DISPENSAS PHASE I ROAD IMPROVEMENT PROJECT

Public Works Division Supervisor Harold Garcia stated two (2) Bids were received for the construction of Las Dispenses Phase I Road Improvement Project, one being from Sierra Transit Co. was the lowest Bid and within budget at \$89,328.00. We recommend Bid be awarded to Sierra Transit for the construction of Las Dispenses Phase I Road Improvement Project.

Motion made by Commissioner Susano F. Ortiz to award Bid for the Las Dispenses Phase I Road Improvement Project to Sierra Transit for \$89,890.44. Second by Commissioner David R. Salazar. Motion carried.

10. AWARD OF BID FOR CONSTRUCTION OF STORRIE PROJECT PHASE III ROAD DRAINAGE AND PAVING IMPROVEMENT PROJECT

Public Works Division Supervisor Harold Garcia stated two (2) Bids were received for the Construction of Storrie Project Phase III Road Drainage and Paving Improvement Project. The lowest Bid was from Sierra Transit Company at \$86.890.44. Recommendation was made to award Bid to Sierra Transit.

Commissioner Kenneth C. Medina asked if the bridge would be included in the Paving Improvements of County Road C-22-C (Storrie Project). Mr. Harold Garcia stated it was not included. It could be added to the next Phase of the Project.

Motion made by Commissioner Kenneth C. Medina to award Bid for Construction of Storrie Project Phase III Road Drainage and Paving Improvement Project to Sierra Transit. Second by Vice-Chairman Hugh H. Ley. Motion carried.

11. CALL FOR BIDS FOR PURCHASING, DELIVERY AND PLACING OF BASE COURSE FOR THE FOLLOWING VILLAGES/COUNTY ROADS:

- **SAN MIGUEL COUNTY ROAD A-30 (SAN GERONIMO AREA)**
- **SAN MIGUEL COUNTY ROAD B-27 (CHAPPEL AREA)**
- **SAN MIGUEL COUNTY ROAD B-36 (LEYBA AREA)**
- **SAN MIGUEL COUNTY ROAD B-31-A (GONZALES AREA)**

Public Work Division Supervisor Harold Garcia prepared and submitted a Bid package to the commission for authorization to advertise for the purchasing, delivery and placing of base course for the following county roads:

- San Miguel County Road A-30 (San Geronimo Area)
- San Miguel County Road B-27 (Chappel Area)
- San Miguel County Road B36 (Leyba Area)
- San Miguel County Road B-31-A (Gonzales Area)

Motion made by Vice-Chairman Hugh H. Ley asked to add the Los Alamitos Road Project to this request for work and Package Bid. Second by Commissioner Kenneth C. Medina. Motion carried.

12. REVIEW OF ZONING-DEVELOPMENT PERMITS

Planning & Zoning Supervisor Alex Tafoya submitted a review of Zoning-Development Permits for Fiscal year July, 2005 to June, 2006 for San Miguel County. A total of 183 Zoning –Development permits were issued in San Miguel County totaling \$13,646,583.72. Mr. Tafoya submitted a breakdown of types of projects as follows:

- 42 permits – new built homes
- 65 permits – manufactured or mobile homes
- 76 permits –other types of construction i.e. garages, remodeling, sheds or foundations.

Mr. Tafoya handed out another report showing other permits issued for other Areas not included in the above report for review by the Commission showing other growth in the County.

Chairman LeRoy H. Garcia asked Mr. Tafoya if he thought the fees for permits should be increased. Mr. Tafoya stated the cost is consistent with State fees.

Mr. Tafoya stated the Census Data and the Comprehensive Plan for San Miguel County show a population growth during a 10-year span (2004-14). Seven hundred-Seventy Five (775) housing units would be needed to house this population growth.

Chairman LeRoy H. Garcia asked if anyone is fined for not getting a permit before building. Mr. Tafoya stated they are not and explained when they come in to get a letter for electrical services then we find out that they do not have a permit.

Chairman LeRoy H. Garcia asked County Attorney Jesus Lopez if he thought there should be a penalty for not having a permit before doing any construction.

County Attorney Jesus Lopez said, "Yes."

Mr. Tafoya will bring a report on such penalties to the next meeting.

Commissioner David R. Salazar and Vice-Chairman Hugh H. Ley expressed concern regarding water wells due to exemptions and subdivision of land throughout the County.

County Attorney Jesus Lopez stated the County has no control over water wells; only the State Engineer has control.

Discussion ensued – No action taken; for information only

13. INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP) 2008-2012

Planning and Zoning Supervisor Alex Tafoya requested to accept public comment regarding possible projects that should be included in the Infrastructure Capital Improvement Plan process for planning years 2008-2012.

No one came forward

14. RESOLUTION 7-18-06-E-911-07 ADDING ADDITIONAL ROADS TO THE OFFICIAL SAN MIGUEL COUNTY ROAD LOG

Computer Information Specialist Mr. Mario Vasquez presentation for approval the request of the County resident that the name of a private road – Prairie Hill Road – be added to Resolution 7-18-06-E-911-07 to the official San Miguel Road List.

Motion made by Commissioner Kenneth C. Medina to add the name of Prairie Hill Road to the official San Miguel County Road List. Second by Commissioner David R. Salazar. Motion carried.

15. RESCIND FIRE RESTRICTIONS – RESOLUTION SMC NO. 07-18-06-2006-FM

Fire Marshal Dan Wright requested approval of resolution to rescind the County fire restrictions due the onset of the Monsoon season.

Motion made by Vice-Chairman Hugh H. Ley to rescind Fire Restrictions for San Miguel County. Second by Commissioner David R. Salazar. Motion carried.

16. REQUEST FOR OUT OF STATE TRAVEL FOR PUBLIC WORKS

DIRECTOR, HAROLD GARCIA, TO ATTEND NATIONAL ASSOCIATION OF COUNTIES ANNUAL CONFERENCE IN CHICAGO, ILLINOIS.

County Manager Les Montoya requested approval for out of state travel for Public Works Director Harold Garcia to attend National Conference of Counties Annual Conference in Chicago, IL on the days of August 4, 2006 through August 8, 2006.

Motion made by Commissioner Kenneth C. Medina to approve out of state travel for Public Works Director Harold Garcia to attend National Association of Counties Annual Conference in Chicago, IL. Second by Vice-Chairman Hugh H. Ley. Motion carried.

17. COUNTY MANAGER’S PERSONEL RECOMMENDATIONS TO HIRE AND TO RATIFY THE FOLLOWINNG EMPLOYEES TO FILL THE POSITIONS AT THE SAN MIGUEL COUNTY DETENTION CENTER

County Manager Les Montoya submitted the following individuals for hire at the San Miguel County Detention Center as per recommendation of Patrick Snedeker, Warren/Facility administrator.

Recommendation to hire and ratify the following probationary employees:

Americk Padilla	Detention Officer	Salary: \$17,843.28 Annually
Morris Padilla	Detention Officer	Salary: \$17,843.28 Annually
George Cruz	Detention Officer	Salary: \$17,843.28 Annually
Stephanie Gonzales	Detention Officer	Salary: \$17,843.28 Annually

Motion made by Vice-Chairman Hugh H. Ley to hire and ratify the above named probationary Individuals as Detention Officers. Second by Commissioners David R. Salazar. Motion carried.

18. COUNTY MANAGER’S PERSONNEL RECOMMENDATIONS TO HIRE AND TO RATIFY THE FOLLOWING EMPLOYEE TO FILL THE POSITION OF HOUSING SPECIALIST WITH SAN MIGUEL COUNTY SECTION 8 HOUSING PROGRAM AS PER THE RECOMMENDATION OF GILBERT ALMANZA, SECTION 8 HOUSING ADMINISTRATOR

PROBATIONNARY EMPLOYEE

Christina Barajas Housing Specialist Salary: \$17,680.00 Annually

Motion made by Vice-Chairman Hugh H. Ley to hire and ratify Probationary Employee Christina Barajas, Housing Specialist, Section 8 Housing. Second by Commissioner Kenneth C. Medina. Motion carried.

19. COUNTY MANAGER’S PERSONNEL RECOMMENDATIONS TO HIRE AND TO RATIFY THE FOLLOWING EMPLOYEE TO FILL THE POSITION OF DEPUTY CLERK WITH THE SAN MIGUEL COUNTY CLERK’S OFFICE AS PER THE RECOMMENDATION OF PAUL MAEZ, SAN MIGUEL COUNTY CLERK

PROBATIONARY EMPLOYEE

Dolores Hayden Deputy Clerk Salary: \$20,000.00 Annually

Motion made by Vice-Chairman Hugh H. Ley to hire and ratify Probationary Employee Dolores Hayden, Deputy Clerk, San Miguel County Clerk’s Office. Second Commissioner Susano F. Ortiz. Motion carried.

20. PERSONNEL ACTIONS

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

Motion made by Vice-Chairman Hugh H. Ley to approve and ratify Personnel Actions as requested. Second by Commission Kenneth C. Medina. Motion carried.

21. 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.

22. FINANCIAL RESOLUTION 2006-07-18-F1 FISCAL YEAR AUDIT REPORT

Finance Division Supervisor Melinda Gonzales presented the Fiscal Year 2003-2004 Audit Report. Ms Gonzales stated a new format would be implemented. Ms. Gonzales stated this Audit Report was due in the State Auditor’s Office in November, 2004. Discussion ensued.

San Miguel County Attorney Jesus Lopez stated this Audit was so late that he had to intervene and threatened Fidel A. Bernal, Certified Public Accountant, with legal action.

County Manager Les Montoya stated the County has its preliminary approval of our 2006-2007 Operating Budget from DFA.

Ms Gonzales stated that New Mexico statute states the Governing Board must approve and Adopt the budget – Resolution No. 226-07-10-F1.

Motion made by Vice-Chairman Hugh H. Ley to Approve and Adopt the budget – Resolution No. 226-07-10-F1, Second by Commissioner Susano F. Ortiz. Motion carried.

23. FINANCING STRUCTURE FOR THE LEASE OF A TANKER FOR THE GALLINAS VOLUNTEER DEPARTMENT.

Finance Division Supervisor Melinda Gonzales stated the County issued a Request for Proposals for the financing of a tanker for the Gallinas Fire Department. Ms Gonzales said the County received only one proposal from The Bank of Las Vegas.

Motion made by Commissioner David R. Salazar to enter into a Lease Agreement with the Bank of Las Vegas for the financing of a tanker for the Gallinas Fire Department. Second by Commissioner Susano F. Ortiz. Motion carried.

24. LEASE AGREEMENT WITH XEROX TO BE FINANCED BY MUNICIPAL CAPITAL COOPERATION

Finance Division Supervisor Melinda Gonzales requested seven (7) copiers throughout the County to be replaced due to their conditions. These copiers will be running into the last year of a five- year lease agreement. Xerox Cooperation who has a GSA contract has given the County a proposal to replace the current copiers and pay off our existing lease agreement.

Chairman LeRoy H. Garcia asked if Ms. Gonzales could order at least one color printer for the County. Ms Gonzales stated the dollar amount would change. County Manager Les Montoya informed Chairman Garcia that the County already has a color printer.

Motion made by Vice-Chairman Hugh H. Ley to grant Xerox Cooperation a Lease Agreement for the purchase of the copiers. Second by Commissioner Kenneth C. Medina. Motion carried.

25. INDIGENT CLAIMS

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

Motion made by Commissioner Kenneth C. Medina to approve Indigent Claims as requested. Second by Commissioner David R. Salazar. Motion carried.

26 CASH BALANCE REPORT

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

No action taken; for information only.

27. ACCOUNTS PAYABLE LISTING

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

Motion made by Commission Kenneth C. Medina to approve Accounts Payable Listing as presented. Second by Vice-Chairman Hugh H. Ley. Motion carried.

Executive/Closed

- 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)(7) 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 Meetings Act, NMSA 1978.**

Chairman LeRoy H. Garcia stated that they would not go into Executive Session.

Chairman LeRoy H. Garcia stated a Special Meeting would be held on July 28, 2006 at the Finance Division Office at 12 noon concerning the Budget.

ADJOURNMENT

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

The record will show the time is 4:41 p.m.

Approved this _____ day of _____, 2006 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 R. Salazar Commissioner

Kenneth C. Medina, Commissioner

Susano Ortiz, Commissioner

ATTEST

Paul Maez, County Clerk

Minutes Submitted by: Dolores S. Hayden

