

PUBLIC NOTICE

CALL TO ORDER

The Board of County Commissioners of San Miguel County held a Regular Meeting and a County Board of Finance Meeting on Tuesday, December 16, 2008, at 10:00 a.m. at the San Miguel County Commission Chambers, 500 West National, 2nd Floor., Las Vegas, New Mexico 87701 . The agenda for the County Commission meeting was as follows:

ROLL CALL

Chairman David R. Salazar, Vice-Chair June J. Garcia, Commissioner Hugh H. Ley, and Commissioner Kenneth C. Medina, were present.

Chairman David Salazar advised that Commissioner Albert J. Padilla would be absent.

The record will show a quorum was present.

PLEDGE OF ALLEGIANCE

Chairman David Salazar recognized newly elected County Commissioner for District 3, Mr. Marcellino A. Ortiz, who was present.

APPROVAL OF AGENDA

County Manager Les Montoya requested that items 17 and 18 be removed from the agenda.

Finance Division Supervisor Melinda Gonzales requested that item 28 be removed from the agenda.

Motion to approve agenda as modified, by Commissioner Kenneth Medina. Second by Commissioner Hugh Ley. Motion carried, as changed by the County Manager and Melinda Gonzales.

APPROVAL OF MINUTES: November 11, 2008 *

Motion to approve minutes for Regular Meeting held on November 11, 2008 by Commissioner Hugh Ley. Second by Commissioner June Garcia. Motion carried.

County Manager Les Montoya advised the Commission that the reason for starting the meeting at 10:00 a.m. was due to length of the meeting and the availability of the Legislators at 2:00 p.m.

INTRODUCTION OF NEW EMPLOYEES:

William Cruz
(Probationary Employee)

Deputy

County Sheriff's Department

Leonard Marquez
(Probationary Employee)

Animal Control Officer

Public Works Division

County Manager Les Montoya introduced new employees William Cruz and Leonard Marquez who were present.

***AWARD PLAQUES AND CERTIFICATES
TO THE ELECTED OFFICIALS
COMPLETING THEIR TERMS OF OFFICE***

Chairman Salazar recognized Commissioner Kenneth Medina and Commissioner Hugh Ley for all the hard work and dedication throughout the 8 years on the board of County Commissioners. Chairman Salazar also commented that the Board of Commissioners will continue its hard work and dedication for the community and continue to hire the best people qualified, with the direction of the County Manager.

Commissioner June Garcia thanked Commissioners Hugh Ley and Kenneth Medina for serving on the Board of Commissioners and dedication to their respective districts. Commissioner Garcia also thanked the Commissioners for welcoming her as an incoming Commissioner.

County Manager Les Montoya thanked Commissioners Hugh Ley and Kenneth Medina for their hard work and all their input and dedication to the County to make it what it is to this date.

County Attorney Jesus Lopez agreed with Mr. Montoya concerning the hard work and dedication of Commissioners Ley and Medina. Mr. Lopez stated Commissioners Ley and Medina are "exemplary Commissioners and set a standard", and are true examples of genuine public servants.

Finance Division Supervisor Melinda Gonzales also thanked Commissioners Ley and Medina for all the support and hard work, and said they would be greatly missed.

Vice-Chairman June Garcia presented a plaque and an American flag which was flown over the United States Capitol on November 20, 2008, to honor Commissioner Hugh Ley, District 2, and Commissioner Kenneth Medina, District 5. for years of service and dedication to the residents of San Miguel County.

Vice Chairman Garcia also presented a plaque to County Clerk Paul Maez, who was not present, in honor of his hard work and dedication to the residents of San Miguel County.

Commissioner Kenneth Medina advised the Commission that it was his pleasure to work with all people within San Miguel County, and of the ability to make things a reality with everyone's hard work. Commissioner Medina thanked everyone.

Commissioner Hugh Ley thanked all the elected officials and staff he has worked with to bring the County together and have the ability to agree to disagree but work together for the best interest of the community and San Miguel County.

***DISCUSSION WITH SAN MIGUEL COUNTY LEGISLATORS RE: 2009
LEGISLATIVE AGENDA
2:15 P.M.***

***PRESENTATION OF RESOLUTION NO. 12-16-2008-CM
COMMEMORATING THE LIFE AND LEGACY OF ALICE KING***

County Manager Les Montoya requested the Commission approve Resolution No. 12-16-2008-CM commemorating the life and legacy of Alice King.

Chairman David Salazar read the resolution before the County Commission.

Motion to approve Resolution No. 12-16-2008-CM by Commissioner Hugh Ley. Second by Commissioner Kenneth Medina. Motion carried.

***DISCUSSION BY CONCERNED CITIZENS
IN SAN MIGUEL COUNTY
CONCERNING RECENT WIND FARM PROPOSALS AND
RECOMMENDATIONS TO AMEND COUNTY WIND ORDINANCE***

County Manager Les Montoya introduced Gloria Gonzales who spoke on behalf concerned citizens concerning wind farm proposals and recommendations to amend County wind ordinance. Mrs. Gonzales presented concerns with the installation of wind farms. The main concerns are to keep wind farms away from the community. Mrs. Gonzales also advised the Commission concerning the impacts of erosion, bird migration, destruction of wildlife habitat, and lowering of property values.

Discussion ensued.

Mrs. Gonzales presented to the Commission a packet with all concerns and research concerning wind farms in rural communities. It was discussed that the Task Force be formed to review the County Wind Ordinance. This Task Force is to allow County Administration to present recommendations for Wind Ordinance revision

PRESENTATION OVERVIEW

**OF THE COLLABORATIVE OUTREACH PROGRAM
BETWEEN HEALTHCARE PARTNER'S SYSTEMS, LCC, UNM HEALTH
SCIENCES CENTER PROJECT ECOH
AND SAN MIGUEL COUNTY
BY MS. RITA TORRES, CEO AND
MS. CONNIE FRASSIER RN.,BS. PROGRAM ADMINISTRATOR**

Warden Snedeker asked that this presentation be made at next meeting.

NEW BUSINESS:

1. COUNTY TREASURER'S MONTHLY REPORT *

County Treasurer Alfonso Ortiz reviewed and discussed the County Treasurer's monthly report for the month of November 2008.

No action taken; for information only.

2. CERTIFICATES OF ELECTION FOR THE SAN MIGUEL COUNTY 2008 GENERAL ELECTION. THE CANVASS HAS BEEN COMPLETED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS AT NOVEMBER 7, 2008 *

County Manager Les Montoya advised the Commission that the following candidates appeared on the ballot for the November 4, 2008 General Election and received the most votes, and were therefore elected to office. Melanie Y. Rivera County Clerk, Alfonso E. Ortiz Jr., County Treasurer, Marcellino A. Ortiz, County Commissioner, District 2, David R. Salazar, County Commissioner District 4, and Nicolas T. Leger, County Commissioner, District 5.

Mr. Montoya requested each County Commissioner sign all of the Certificates of Election.

3. DISCUSSION OF RESOLUTION 06-10-2008-CM SUPPORTING DESIGNATION OF THE UPPER PECOS CANYON TO BE RECOGNIZED BY THE STATE AS A NEW MEXICO STATE PARK

County Manager Les Montoya advised the Commission that in June of 2008 the County Commission and many other agencies approached State Representatives and the Governor requesting support to designate the Upper Pecos Canyon as a New Mexico State Park. There was much support for this effort from State Officials. The County Commission would like to discuss this proposal with the intent of including this proposal as one of the Commission's Legislative Priorities.

Mr. Montoya requested that the Commission and Representatives Garcia and Vigil Review the resolution previously approved establishing County Commission support to lobby for the designation of the Upper Pecos Canyon area as a New Mexico State Park. Consider including this proposal as one of the Commission's Legislative Priorities for the 2009 Legislative Session.

Mr. Montoya handed out packets to be reviewed along with the discussion that included the Commissions legislative Priorities.

Discussion ensued

Representative Garcia thanked the County Commission for inviting Representative Vigil and himself and stated they would both work very hard to help San Miguel County with the Legislative Priorities and keep themselves available in any way possible.

Commissioner Ley commented on the issue with the state park and wanted to try to create the state park whether or not funding is secured.

Representative Garcia answered that all departments included will be apart of the decision and will work together to try make this request possible.

Representative Vigil requested that the County Commission along with the County Manager meet with him and Representative Garcia and discuss what can be in getting this item into legislation.

Discussion ensued.

No action taken: for discussion only.

4. RESOLUTION NO. SMC-FIRE-12-16-2008-REQUEST TO DISPOSE OF SURPLUS FIRE AND EMS EQUIPMENT *

Fire Chief Russell Pacheco advised the Commission the County Fire departments have excess fire and EMS equipment that is not being utilized and needs to be transferred or sold at public auction. This equipment is stored on fire department property and needs to be removed to improve the appearance of our fire stations.

Mr. Pacheco requested that the Commission consider the equipment as surplus property, and that it be removed from the County logs, then allow some to be transferred to interested government agencies and sell at public auction any leftover equipment.

Motion to approve Resolution No. SMC-FIRE-12-16-2008 to allow disposition of equipment at public auction and or transferred to interested government agencies by Commissioner Kenneth Medina. Second by Commissioner Hugh Ley. Motion carried.

5. RECOMMENDATION TO AWARD BID FOR PROPANE SALES TO SAN MIGUEL COUNTY FIRE DEPARTMENTS *

Fire Chief Russell Pacheco advised the Commission that the San Miguel County Fire Departments had requested to go out for bid for the propane to heat the fire stations to keep equipment from freezing in the winter months. The request for bids was published and bids were opened as scheduled. County Manager, Finance Supervisor and himself reviewed the bids and have decided to award the bid to Ferrellgas, at the bid base price given, \$1.193, which includes the current rate of \$.994 and the mark up of \$.199 and accept the price given for propane tank purchases for the fire districts that wish to own their tanks.

Motion to approve the bid award to Ferrellgas and accept the price quoted for the propane tanks by Commissioner Kenneth Medina. Second by Commissioner Hugh Ley. Motion carried.

6. LA PLACITA FIRE DEPARTMENT NEW FIRE TRUCK PURCHASE *

Fire Chief Russell Pacheco advised the Commission that La Placita Fire Department in May of 2007 ordered a fire truck from Artesia Fire. Grant 07-LG-1802 expired in June of 2008 before the truck was completed. After a lot of assistance from Les Montoya, County Manager, Melinda Gonzales, Finance Director, Alex Tafoya, Planning and Zoning Supervisor and all the finance staff, the grant was reauthorized and the truck was delivered and paid for on November 14, 2008.

No action taken; information only.

7. EXTENSION OF THE CONTRACT AGREEMENT, BY AND BETWEEN MORA COUNTY, NEW MEXICO AND SAN MIGUEL COUNTY, NEW MEXICO *

Warden/Facility Administrator Patrick W. Snedeker advised the Commission of the extension of the Contract Agreement by and between Mora County and San Miguel County for the housing and care of Mora County detainees at the San Miguel County Detention Center. A \$20 booking fee shall be charged for each individual booked into the San Miguel County Detention Center.

The cost of detaining an inmate at \$65 a day and other provisions shall remain pursuant to said contract.

Mr. Snedeker requested approval of the Extension Agreement, by and between Mora County and San Miguel County for the housing and care of Mora County detainees at the San Miguel County Detention Center.

Motion to approve Extension Agreement by and between Mora County and San Miguel County for the housing and care of Mora County detainees at the San Miguel County Detention Center by Commissioner Kenneth Medina. Second by Commissioner Hugh Ley. Motion carried.

8. EXTENSION OF THE CONTRACT AGREEMENT, BY AND BETWEEN TAOS COUNTY, NEW MEXICO AND SAN MIGUEL COUNTY, NEW MEXICO *

Warden/Facility Administrator Patrick W. Snedeker advised the Commission of the extension of the Contract Agreement, by and between Taos County and San Miguel County for the housing and care of Taos County detainees at the San Miguel County Detention Center. A \$20 booking fee shall be charged for each individual booked into the San Miguel County Detention Center. The cost of detaining an inmate at \$50 a day and other provisions shall remain pursuant to said contract.

Mr. Snedeker requested the Commission approve the Extension Agreement as presented.

Motion to approve the extension of the Contract Agreement, by and between Taos County and San Miguel County for the housing and care of Taos County detainees at the San Miguel County Detention Center by Commissioner Hugh Ley. Second by Commissioner Kenneth Medina. Motion carried.

9. MONTHLY REPORT IN THE PUBLIC WORKS DIVISION FOR THE MONTH OF NOVEMBER 2008 *

Works Division Supervisor Harold Garcia reviewed and discussed with the Board of Commissioners issues dealt with in the Public Works Division during the month of November 2008.

Discussion ensued

No action taken; For information purposes only.

County Manager Les Montoya, requested to break for lunch at 12:00 pm and return at 1:30 pm.

Motion to break for lunch by Commissioner Kenneth Medina. Second by Commissioner June Garcia. Motion carried.

Meeting reconvened at 1:30 pm.

Mr. Montoya requested to move to the finance portion of the meeting and move to items #29, .

10. ORDINANCE 2008-12-16-F1 ADOPTION OF ORDINANCE 2008-12-16-F1 AUTHORIZING ISSUANCE OF REVENUE BOND TO FINANCE CABO LUCERO VOLUNTEER FIRE DEPARTMENT FACILITY AND EQUIPMENT IMPROVEMENTS *

Finance Division Supervisor Melinda Gonzales advised the Commission of the Ordinance authorizing the issuance of San Miguel County, New Mexico Fire Protection Improvement Revenue Bonds, Series 2009, in the aggregate principal amount of one hundred sixty-seven thousand dollars; for the purpose of acquiring, constructing, equipping and improving fire protect equipment and facilities for the Cabo Lucero Volunteer Fire Department located in the County; and providing for the payment of such bonds from the distributions received by the County for the Cabo Lucero Volunteer Fire Department from the NM Fire Protection Fund.

Chris Muirhead of Modrall Sperling who will be handling the paper work on behalf of the USDA and San Miguel County spoke briefly about the bonds and explained to the Commission how they worked.

Discussion ensued.

Motion to approve and adopt Ordinance 2008-12-16-F1 by Commissioner Kenneth Medina. Second by Commissioner Hugh Ley. Motion carried.

11. LOAN RESOLUTION 2008-12-16-F2 *

Chris Muirhead of Modrall Sperling requested the Resolution of the Board of County Commissioners of the County of San Miguel authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving and/or extending its Fire Protection Services for the Cabo Lucero Fire District Facility.

Motion to adopt and approve Resolution 2008-12-16-F2 by Commissioner Hugh Ley. Second by Commissioner June Garcia. Motion carried.

County Attorney Jesus Lopez advised that after all documents were signed that he would have them recorded in the County Clerk's Office.

12. RESOLUTION NUMBER RES-12-16-08-PW-EXCESS PROPERTY AUTHORIZING THE BOARD OF COMMISSIONERS OF SAN MIGUEL COUNTY TO DECLARE CERTAIN PROPERTY EXCESS PROPERTY AND AUTHORIZING THE COUNTY MANAGER TO SELL SAID PROPERTY AS PROVIDED IN THE STATE STATUTES *

Public Works Division Supervisor Harold Garcia advised the Commission that San Miguel County has excess vehicles and equipment that are in disrepair and no longer needed for use by the County. The County is preparing to have these vehicles and equipment declared excess and auctioned off or bid for sale.

Mr. Garcia requested the Commission adopt Resolution Number RES-12-16-08-PW-EXCESS PROPERTY and authorize the County Manager to sell said property as provided in the State Statutes.

Motion to adopt Resolution Number 12-16-08-PW and authorize the County Manager to sell said property as provided in the State Statutes by Commissioner Kenneth Medina. Second by Commissioner Hugh Ley. Motion carried.

13. AGREEMENT BETWEEN SAN MIGUEL COUNTY AND ROCKY ROAD GRAVEL PRODUCTS FROM LAS VEGAS FOR EMERGENCY SNOW REMOVAL AND/OR ROAD MAINTENANCE *

Public Works Division Supervisor Harold Garcia advised the Commission that San Miguel County currently has an Agreement with Rocky Road Gravel Products for Emergency Snow Removal and/or Road Maintenance for various Districts identified within the County. This Agreement is on a 12-month basis renewable every year for up to 4 years. The first year is scheduled to expire on December 31, 2008.

Mr. Garcia requested the Commission approve the Agreement for Emergency Snow Removal and/or Road Maintenance with Rocky Road Gravel Products for a 12-month period beginning January 1, 2009 and terminating on December 31, 2009, with an option to renew this agreement in 12-month increments for up to 2 more years.

Motion to approve the Agreement for Emergency Snow Removal and/or Road Maintenance with Rocky Road Gravel Products from Las Vegas, New Mexico by Commissioner Hugh Ley. Second by Commissioner June Garcia. Motion carried.

14. 2ND YEAR AGREEMENT BETWEEN SAN MIGUEL COUNTY AND JA CONCRETE FROM PUEBLO, COLORADO FOR EMERGENCY SNOW REMOVAL AND/OR ROAD MAINTENANCE *

Public Works Division Supervisor Harold Garcia advised the Commission that San Miguel County currently has an Agreement with JA Concrete for Emergency Snow Removal and/or Road Maintenance for various Districts identified within the County. This Agreement is on a 12-month basis renewable every year for up to 4 years. The first year is scheduled to expire on December 31, 2008.

Mr. Garcia requested the Commission approve the Agreement for Emergency Snow Removal and/or Road Maintenance with JA Concrete for a 12-month period beginning January 1, 2009 and terminating on December 31, 2009, with an option to renew this agreement in 12-month increments for up to 2 more years.

Motion to approve the Agreement for Emergency Snow Removal and/or Road Maintenance with JA Concrete, Inc. from Pueblo, Colorado by Commissioner Kenneth Medina. Second by Commissioner Hugh Ley. Motion carried.

15. 2ND YEAR AGREEMENT BETWEEN SAN MIGUEL COUNTY AND DURAN SAND & GRAVEL, INC. FROM PECOS FOR EMERGENCY SNOW REMOVAL AND/OR ROAD MAINTENANCE *

Public Works Division Supervisor Harold Garcia advised the Commission that San Miguel County currently has an Agreement with Duran's Sand & Gravel for Emergency Snow Removal and/or Road Maintenance for various Districts identified within the County. This Agreement is on a 12-month basis renewable every year for up to 4 years. The first year is scheduled to expire on December 31, 2008.

Mr. Garcia requested the Commission approve the Agreement for Emergency Snow Removal and/or Road Maintenance with Duran Sand & Gravel, Inc for a second 12-month period beginning January 1, 2009 and terminating on December 31, 2009, with an option to renew this agreement in 12-month increments for up to 2 more years.

Motion to approve the Agreement for Emergency Snow Removal and/or Road Maintenance with Duran Sand & Gravel, Inc. from Pecos, New Mexico by Commissioner Hugh Ley. Second by Commissioner by Commissioner Kenneth Medina. Motion carried.

16. 2ND YEAR AGREEMENT BETWEEN SAN MIGUEL COUNTY AND EP CONSTRUCTION FROM LAS VEGAS FOR EMERGENCY SNOW REMOVAL AND/OR ROAD MAINTENANCE *

Public Works Division Supervisor Harold Garcia advised the Commission that San Miguel County currently has an Agreement with EP Construction for Emergency Snow Removal and/or Road Maintenance for various Districts identified within the County. This Agreement is on a 12-

month basis renewable every year for up to 4 years. The first year is scheduled to expire on December 31, 2008.

Mr. Garcia requested the Commission approve the Agreement for Emergency Snow Removal and/or Road Maintenance with EP Construction for a 12-month period beginning January 1, 2009 and terminating on December 31, 2009, with an option to renew this agreement in 12-month increments for up to 2 more years.

Motion to approve the Agreement for Emergency Snow Removal and/or Road Maintenance with EP Construction from Las Vegas, New Mexico by Commissioner June Garcia. Second by Commissioner Hugh Ley. Motion carried.

17. REQUEST FOR PROPOSALS FOR PROFESSIONAL CIVIL ENGINEERING SERVICES FOR ACQUISITION OF RIGHTS OF WAY, PLANNING, DESIGN, AND CONSTRUCTION OF ROADWAY DRAINAGE AND PAVING IMPROVEMENTS, INCLUDING SPECIFICATION PREPARATION AND CONSTRUCTION OVERSIGHT FOR VARIOUS COUNTY ROADS IN SAN MIGUEL COUNTY *

Public Works Division Supervisor Harold Garcia advised the Commission that San Miguel County received the Cooperative Agreements recently from the New Mexico Department of Transportation for the 2008/2009 Local Government Road Funds. These funds have been earmarked by the County Commission for the following County Roads: Sheridan (A-25-A), Harris Road (A-13-A) and San Juan (B-41-A). The following funds have been granted by NMDOT:

<u>Funding Description</u>	<u>State Amount</u>	<u>County Match</u>	<u>Total</u>
Co-op Funds:	\$ 60,978.00	\$ 20,326.00	\$ 81,304.00
School Bus Funds	\$ 71,571.00	\$ 23,857.00	\$ 95,428.00
County Arterial Funds	<u>\$118,830.00</u>	<u>\$ 39,610.00</u>	<u>\$158,440.00</u>
	\$251,379.00	\$ 83,793.00	\$335,172.00

Mr. Garcia requested the Commission authorize staff to advertise the Request for Proposals for Professional Civil Engineering Services for the Acquisition of rights-of-way, planning, design, and Construction of roadway drainage and paving improvements, including specification preparation and construction oversight for various County Roads in San Miguel County.

Motion to authorize staff to advertise the request for proposals for Professional Civil Engineering services, by Commissioner Hugh Ley. Second by Commissioner Kenneth Medina. Motion carried.

18. AWARD OF BID FOR FEMA PROJECTS FOR VARIOUS COUNTY ROADS IN SAN MIGUEL COUNTY *

Public Works Division Supervisor Harold Garcia advised the Commission that there are FEMA Funds that have been made available to San Miguel County for various County Roads that received damage during the rainstorms a few years ago. These projects were identified by San Miguel County and declared to be Federal Disaster areas by FEMA. The County recently invited bids so the necessary repairs are performed on these roads. A mandatory pre-bid meeting was held and two (2) Bids were received. Both Contractors Duran's Sand and Gravel and Pojoaque Pueblo Service Corporation have the proper licensing.

Mr. Garcia requested the Commission award contract to the low Bidder Duran's Sand & Gravel in the amount of \$116,138.00 and authorize staff to award the bid in order to meet the budget for these projects.

Motion to award contract to Duran's Sand & Gravel in the amount of \$116,138.00 by Commissioner Hugh Ley. Second by Commissioner June Garcia. Motion carried.

19. SOLAR ENERGY FACILITIES ORDINANCE IMPOSING MORATORIUM *

Planning and Zoning Supervisor Alex Tafoya advised the Commission that Resolution No. 11-11-08-SOLAR provides for adoption of an ordinance imposing a 120 day moratorium on submission, consideration, approval or denial of applications for conditional use permits for solar energy facilities within San Miguel County. Ordinance No. 12-16-08-ORD-SOLAR imposes such moratorium.

Discussion ensued.

Mr. Tafoya requested the Commission conduct a public hearing to consider the proposed adoption of Ordinance No. 12-16-08-ORD-SOLAR, an ordinance imposing a 120 day moratorium on submission, consideration, approval or denial of solar energy facilities within San Miguel County.

Chairman David Salazar opened a public hearing as requested.

Curtis Soloff spoke in favor of the ordinance and asked that the Commission allow the County Manager to develop a task force for information about this Ordinance.

No comment in opposition.

Chairman David Salazar closed the public hearing.

Discussion ensued

Motion to approve and adopt ordinance 12-16-08-ORD-SOLAR by Commissioner June Garcia. Second by Commissioner Hugh Ley. Motion carried.

20. RESOLUTION NO. 12-16-08-CM PARTNERSHIP WITH LUNA COMMUNITY COLLEGE AND SAN MIGUEL COUNTY TO FORM A

PARTNERSHIP TO COMPLETE AN ECONOMIC DEVELOPMENT ASSESSMENT FOR SAN MIGUEL COUNTY*

County Manager Les Montoya advised the Commission that the County, with other partners is developing a Wood Business Park for the purposes of trying to create jobs within the County. Luna Community College Small Business Development Program continues to support business development in the area. The two efforts operate without a Countywide Economic Development Plan. The proposed Assessment would serve as the basis for identifying the areas, assets, liabilities, opportunities, challenges and potential roles of the various entities in the area. This effort and the results would set the foundation for completing an Economic Development Plan for San Miguel County.

Mr. Montoya requested the Commission review the Resolution and consider approving thereby authorizing the County to prepare a Memorandum of Agreement what would stipulate the specific roles of the Partners and future Stakeholders who may join this effort.

Motion to approve Resolution No 12-16-08-CM and authorize entering into MOU with Luna Community College by Commissioner Hugh Ley. Second by Commissioner Kenneth Medina. Motion Carried.

21. MEMORANDUM OF UNDERSTANDING BETWEEN SAN MIGUEL COUNTY AND WEST LAS VEGAS SCHOOLS TO EXPEND 2007 LEGISLATIVE FUNDS TO PLAN, DESIGN, AND CONSTRUCT A DWI PARK IN SAN MIGUEL COUNTY *

County Manager Les Montoya advised the Commission that the County was appropriated \$23,800 to plan, design, and construct a DWI Park. It is being requested that West Las Vegas use these funds to plan, design and construct the DWI Park on the West Las Vegas Campus. The proposed MOU would allow West to use these funds to complete the project in San Miguel County. Department of Finance (DFA) would need to approve the MOU prior to authorizing use of said funds.

Mr. Montoya requested the Commission review the MOU and consider approving contingent upon the approval by the West Las Vegas School Board and DFA.

Motion to approve contingent upon approval by West Las Vegas School Board and DFA by Commissioner Kenneth Medina. Second by Commissioner Hugh Ley. Motion carried.

22. REQUEST FOR EDUCATION LEAVE AS PER SAN MIGUEL COUNTY POLICIES FOR ADMINISTRATIVE ASSISTANT KIKI ARELLANO BEGINNING JANUARY 12, 2009 AND ENDING ON MAY 8, 2009 *

County Manager Les Montoya advised the Commission of the request by Kiki Arellano to attend classes at Luna Community College beginning January 12, 2009 and ending on May 8, 2009.

Mr. Montoya requested approval in accordance with the San Miguel County Employee Educational and Assistance Training Policy.

Motion to approve educational leave for Kiki Arellano in accordance with the San Miguel County Employee Educational and Assistance Training Policy by Commissioner Kenneth Medina. Second by Commissioner Hugh Ley. Motion carried.

Les Montoya, County Manager

23. INDEPENDENT CONTRACTOR AGREEMENT WITH THE SAFETY INSTITUTE FOR 2009 *

County Manager Les Montoya advised the Commission that the Independent Contractor agreement with the Safety Institute is being submitted for renewal. The Safety Institute has been providing the Third Party Administration of the San Miguel County Drug & Alcohol Policy and Mobile on-site urine collection for Random Drug Testing, Breath Alcohol Testing and all Pre-Employment Drug Testing.

Mr. Montoya requested approval to renew the Independent Contractor Agreement with the Safety Institute for 2009.

Motion to approve and renew the Independent Contractor Agreement with the Safety Institute for 2009 by Commissioner Hugh Ley. Second by Commissioner June Garcia. Motion carried.

24. GOVERNING HOLIDAYS FOR THE CALENDAR YEAR 2009 *

County Manager Les Montoya advised the Commission of Resolution Number SMC-RES-12-16-2008-HR Governing Holidays for the Calendar year 2009.

Mr. Montoya requested approval of Resolution Number SMC-RES-12-16-2008-HR.

Motion to approve Resolution Number SMC-RES-12-16-2008-HR by Commissioner Hugh Ley. Second by Commissioner June Garcia. Motion carried.

25. COUNTY MANAGER'S PERSONNEL RECOMMENDATION TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUAL TO FILL THE CASUAL POSITION OF TAX PROCESSOR WITH THE SAN MIGUEL COUNTY TREASURER'S DIVISION AS PER THE RECOMMENDATION OF ALFONSO ORTIZ, COUNTY TREASURER *

RECOMMENDATION TO HIRE:

CASUAL EMPLOYEE

Sharon Martinez	Tax Processor	Salary: \$ 9.00 hr.
Effective:	December 8, 2008 through December 31, 2008	

County Manager Les Montoya advised the Commission that Ms. Sharon Martinez will be assisting with the processing of mail payments and also with clerical work.

Mr. Montoya requested the Commission approve and ratify the hiring of Ms. Sharon Martinez to fill the Casual Position in the San Miguel County Treasurer's Division.

Motion to ratify and hire Ms. Sharon Martinez to fill the Casual Position in the San Miguel County Treasurer's Division by Commissioner Kenneth Medina. Second by Commissioner Hugh Ley. Motion carried.

26. COUNTY MANAGER'S PERSONNEL RECOMMENDATIONS TO HIRE AND RATIFY THE FOLLOWING INDIVIDUALS TO FILL VACANT POSITIONS AT THE SAN MIGUEL COUNTY DETENTION CENTER AS PER THE RECOMMENDATION OF PATRICK SNEDEKER, WARDEN/FACILITY ADMINISTRATOR *

RECOMMENDATION TO HIRE:

PROBATIONARY EMPLOYEES

Gabriel Griego	Detention Officer	Salary: \$20,900.00 Annually
Melissa Nelson	Detention Officer	Salary: \$20,900.00 Annually
Christine Flores	Detention Officer	Salary: \$20,900.00 Annually
Loriann Garcia	Detention Officer	Salary: \$20,900.00 Annually

County Manager Les Montoya advised the Commission the Detention Officer Positions are vacant due to vacancies within the Detention Center.

Mr. Montoya requested the Commission approve the employment of the above Detention Officers.

Motion to hire and ratify the above Detention Officers by Commissioner Kenneth Medina. Second by Commissioner Hugh Ley. Motion carried.

27. PERSONNEL ACTIONS *

County Manager Les Montoya advised the Commission of the Personnel actions that have taken place in San Miguel County and submitted the same for ratification and approval by the San Miguel County Board of Commissioners.

Motion to approve personnel actions that have taken place in San Miguel County by Commissioner Hugh Ley. Second by Commissioner June Garcia. Motion carried.

SAN MIGUEL COUNTY BOARD OF FINANCE MEETING

28. INDIGENT CLAIMS FROM ALTA VISTA AND ST. VINCENT HOSPITAL *

Finance Division Supervisor Melinda Gonzales advised the Commission that the indigent applications are submitted to the Finance Office either directly from the hospital or from patients. Once the applications are completed the Finance office reviews to determine eligibility per the indigent guidelines. The Finance Office creates listings of claims for the individuals who meet the eligibility criteria and creates other listings of those who do not meet the requirements. Alta Vista \$89,350.00, and St. Vincents \$4,005.91.

Ms. Gonzales requested the Commission review and approve the indigent claims for Alta Vista for \$89,350.00, and St. Vincents for \$4,005.91.

Motion to approve indigent claims for Alta Vista in the amount of \$89,350.00 and to St. Vincents in the amount of \$4,005.91 by Commissioner Kenneth Medina. Second by Commissioner June Garcia. Motion carried.

29. CASH BALANCE REPORT *

Finance Division Supervisor Melinda Gonzales informed County Commissioners of the November 30, 2008 cash balances.

No action taken: information only.

30. ACCOUNTS PAYABLE LISTING *

Finance Division Supervisor Melinda Gonzales advised the Commission of the payments made since the last regular meeting.

Ms. Gonzales requested the Commission approve accounts payable.

Motion to approve accounts payable by Commissioner Kenneth Medina. Second by Commissioner Hugh Ley. 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)(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.**

County Manager Les Montoya recommended to retire into Executive/ Closed 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 Meetings Act, NMSA 1978.

Motion made by Commissioner Hugh Ley to retire into Executive/ Closed Session at 3:50 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 Meetings Act, NMSA 1978. Second by Commissioner June Garcia. Motion carried.

Roll call was taken before County Commission retired into Executive Session

Chairman David Salazar	Yes
Vice-Chair June Garcia	Yes
Commissioner Hugh Ley	Yes
Commissioner Kenneth Medina	Yes
Commissioner Albert Padilla	ABSENT

Unanimous vote to retire into executive session.

Commissioner Hugh Ley made a motion to return to regular session at 3:52 P.M. Second by Commissioner June Garcia. Motion carried.

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

ADJOURNMENT

Commissioner June Garcia made motion to adjourn. Second by Commissioner Hugh Ley. Motion carried. The meeting ended at 3:18 P.M.

Approved this _____ day of _____, 2008 as the official minutes of the Board of County Commissioners of San Miguel County, New Mexico, of its regular meeting held December 16, 2008.

David R. Salazar, Chairman

June J. Garcia, Vice-Chair

Nicolas T. Leger, Commissioner

Marcellino A. Ortiz, Commissioner

Albert J. Padilla, Commissioner

ATTEST

Paul Maez, County Clerk

Minutes Submitted by: Javier L. Lopez