

SAN MIGUEL COUNTY COMMISSION MINUTES
for May 5, 2009

CALL TO ORDER

The Board of County Commissioners of San Miguel County held a Regular Monthly Meeting and a County Board of Finance Meeting on Tuesday, May 5, 2009, at 1:30 p.m. at the Board Room of the Donaldo A. Martinez Administration Building, West Las Vegas Schools, 179 Bridge Street, Las Vegas, New Mexico 87701. The agenda for the County Commission meeting was as follows:

No roll call was taken, however, Chairman David R. Salazar, Vice-Chair June J. Garcia, Commissioner Albert Padilla, Commissioner Marcellino A. Ortiz and Commissioner Nicolas T. Leger, were present.

The record will show a quorum was present.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

County Manager Les Montoya advised the Commission to move item # 3 to item #1 and move item #5 to item # 2.

Motion by Commissioner Marcellino A. Ortiz to move item #3 to item #1 and move item #5 to item #2. Second by Commissioner Albert Padilla. Motion carried.

APPROVAL OF MINUTES: April 14, 2009 *

Motion made by Commissioner June Garcia to approve minutes for Regular Meeting held on April 14, 2009. Second by Commissioner Albert Padilla. Motion carried.

INTRODUCTION OF NEW EMPLOYEE:

Tami Hernandez Housing Specialist Section 8 Housing Program
(Probationary Employee)

County Manager Les Montoya introduced Ms. Tami Hernandez to the Board of Commissioners.

PRESENTATION BY ROBERTSON HIGH SCHOOL FFA CLUB ON WIND FARMS
GARY LEGER, ADVISOR

Mr. Gary Leger advised the Commission the FFA has been State champions 4 out of the last five years. The students presented pros and cons regarding Invenergys proposal to set up a wind farm in San Miguel County.

**PRESENTATION ON COMMUNITY HEALTH IMPROVEMENT PLAN (CHIP) BY
YOLANDA CRUZ, REQUESTING INPUT**

Ms. Yolanda Cruz advised the Commission the Community Health Improvement Plan focuses on interpersonal violence, teen pregnancy and Diabetes and obesity.

Department of Health representative Patricia Gallegos was present. Ms. Gallegos advised the Commission concerning her program.

Supporting Housing Coordinator for Behavioral Health Collaborative Janie McGuigan was also present and presented information on future funding.

**UPDATES TO THE SAN MIGUEL COUNTY 4-H PROGRAMS, AGRICULTURE
PROGRAMS AND UPCOMING EVENTS FROM OCTOBER 1ST, 2009 TO THE END
OF APRIL 2009 BY SAMANTHA ORTIZ, SAN MIGUEL COUNTY AG/4-H
EXTENSION AGENT**

San Miguel County AG/4-H agent Samantha Ortiz advised the Commission that Ms. Ortiz currently has 105 members enrolled in 4-H. Ms. Ortiz has been in contact with Las Vegas City School Board member Elaine Luna to implement a program with Dream Makers, an afterschool program to teach about agriculture and science.

NEW BUSINESS:

**1. COUNTY TREASURER'S MONTHLY REPORT AND PRESENTATION ON
STATUS RE NEW MEXICO TAXATION AND REVENUE DEPARTMENT BY
SAN MIGUEL COUNTY ***

County Manager Les Montoya advised the Commission on the County Treasurer's monthly report for the month of April 2009. Informational report from State Taxation and Revenue Department was also presented.

No action taken; for information only.

**2. 2009 RECOVERY ACT JUSTICE ASSISTANCE GRANT (JAG) PROGRAM
AWARD ***

County Manager Les Montoya advised the Commission of the funds that the Sheriff's Department and the Las Vegas City Police receive together from the Justice Assistance Grant (JAG) which will be \$41,856.85 to be used only for equipment.

Sheriff Vigil will utilize the Grant for a 2009 Ford van to transport prisoners, decals for the Ford van, leg restraints, and nine X26 Tasers with Air Cartridges for officers.

Commissioner Nicolas T. Leger recommended that the Commission approve the Grant with the exception of the tasers, due to the fact that the officers have not had training and there is no policy in place concerning the use of tasers.

Mr. Montoya submitted for approval of the grant funds.

Motion made by Commissioner Nicolas T. Leger to approve Recovery Act Justice Assistance Grant (JAG) Program Award with the exception of the purchase of tasers. Second by Commissioner Albert Padilla. Motion carried.

3. APPROVAL OF THE 2009 VALLE DE SAN MIGUEL FLYING DIAMOND RECIPIENTS *

County Manager Les Montoya advised the Commission that El Valle de San Miguel Flying Diamond Scholarship was announced on March 13, 2009 with a deadline of April 17, 2009. Twenty Four applications were received. The El Valle de San Miguel Scholarship Committee met on April 20, 2009 to review the applications consistent with the scholarship application guidelines and out of the twenty four applicants twelve of them are being recommended by the Scholarship Committee to be awarded the Scholarship. The amount of the Scholarship will be \$800. The amount will be paid in two payments of \$400 for the Fall Semester and \$400 for the Spring Semester of 2010. Below is the list of names of the recipients being recommended for the 2009 El Valle de San Miguel Flying Diamond Scholarship:

Chairman David Salazar commended Loretta Medina for the hard work she does.

The Board of Commission issued the scholarships to the individuals who were present, as follows:

- | | | | |
|-----------------------|----------------------|-----------------------|-----------------------|
| 1. Jessica Bleas | 4. Kimberly Mejillas | 7. Lisa Marie Sanchez | 10. Amanda L. Padilla |
| 2. Giovannie Gallegos | 5. Adrian Rivera | 8. Christopher Tafoya | 11. Ben Vigil |
| 3. Roxanna Gonzales | 6. Alexandra Rivera | 9. Natalie A. Vigil | 12. Judy A. Vigil |

4. SOLEIL WEST CONTRACT FOR ARCHITECTURAL SERVICES AS-NEEDED *

Planning and Zoning Supervisor Alex Tafoya advised the Commission that on April 14, 2009, the Board of County Commissioners authorized County Staff to enter into contract negotiations with three companies that scored the highest in response to the RFP issued by the County for Architectural Services as-needed. Soleil West Architects in one of the three companies and has submitted a contract for review and approval.

Mr. Tafoya submitted for review and approval the contract between San Miguel County and Soleil West which authorizes Commission Chairman David R. Salazar and Finance Supervisor Melinda Gonzales to sign the contract on behalf of the County.

Motion made by Commissioner Marcellino A. Ortiz to approve the contract and authorize Commission Chairman and Finance Supervisor to sign contract. Second by Commissioner Albert Padilla. Motion carried.

5. PROPOSED REVISIONS TO ORDINANCE NO. SMC-09-10-03-ORD, ALSO CALLED THE WIND ENERGY FACILITY ORDINANCE *

Planning and Zoning Supervisor Alex Tafoya advised the Commission that he provided for information and review the proposed revisions to Ordinance No. SMC-09-10-03-ORD, the Wind Energy Facility Ordinance. Not all Wind Task Force Members have completed their review of the proposed revisions.

Discussion ensued.

Mr. Tafoya submitted as follows: (1) review and comment on proposed Ordinance: (2) direct County staff to invite public comment on proposed Ordinance: (3) direct County staff to bring Ordinance to June Commission meeting along with Resolution proposing adoption of the Ordinance at the July Commission meeting.

Mr. Tafoya advised the Commission to post the proposed revisions on the website for public comment, possibly revise the Proposed Revisions accordingly and adopt Ordinance at the July meeting.

Discussion ensued.

Chairman David Salazar informed the Commission that it should hold a public hearing so that the public has the opportunity to comment.

Louisa Quintana was present to ask the Commission for a designee from the Board of Commissioners for the Task Force to represent San Miguel County.

Task Force member Ms. Eileen Mulvihill expressed her concerns on Wind Energy.

Landowner Mr. Gilbert Ortiz informed the Commission both sides of the issue should be discussed to find a solution to the problem.

El Valle resident Killy Miglas asked the Commission to give plenty of notice for the meeting so as many people can attend as possible.

County Manager suggested written comments get sent to Task Force and the Task Force will bring comments to the table and the Board of County Commissioners will go over the comments.

Discussion ensued.

Villanueva resident Amanda Harjis speaks in favor of the Ordinance.

Invenergy representative R. Jacobson advised the Commission to hear both sides of the viewpoint.

Discussion ensued.

Commissioner Nicolas T. Leger made a motion to allow Mr. Montoya to accept recommendations from the wind energy advocates for membership on the Task Force.

Motion made by Commissioner Nicolas T. Leger to allow County Manager to suggest names for the Task Force from wind energy advocates. Second by Commissioner Marcellino A. Ortiz. Motion carried.

Bernal resident Bret Bradford advised the Commission that nobody should get “shut-out.”

Mesa resident John Alverson advised that the Ordinance be put on the website to make comments.

County Taxpayer Drew Gillette spoke in support of the Ordinance.

6. AWARD BID FOR THE ADDITION TO THE ROCIADA FIRE STATION IN THE AMOUNT OF \$151,904.00 TO IMAGE CONSTRUCTION*

Fire Chief Russell Pacheco advised the Commission that in order for the Insurance Service Offices to classify the Sapello/Rociada Fire Station as a main station they were required to make an addition to the current building. International Design Studios was hired to develop plans for the addition. An advertisement for bid was published in the Santa Fe New Mexican and Las Vegas Optic in March of 2009. A total of (4) bids were received and reviewed on April 8, 2009 with the lowest being New Image Construction for the amount of \$151,904.00.

Mr. Pacheco submitted to award contract to New Image Construction in the amount of \$151,904.00. Project budget amount is \$165,000.00.

Motion made by Commissioner Albert Padilla to award contract to New Image Construction in the amount of \$151,904.00. Second by Commissioner June Garcia. Motion carried.

7. PARKING AGREEMENT BETWEEN SAN MIGUEL COUNTY AND OUR LADY OF SORROWS PARISH TO UTILIZE PARKING AREA OFF OF MONTEZUMA AND NATIONAL AVENUES*

Safety Coordinator Amber M. Trujillo advised the Commission that San Miguel County and Our Lady of Sorrows Parish had entered into a Parking Agreement in May of 2008 for use of the parking area off of Valencia Street. Our Lady of Sorrows Parish is asking San Miguel County to remove vehicles and move them to a parking area off of National Avenue that belongs to Our Lady of Sorrows Parish. The County will be placing gravel in the parking area and will be responsible for cleaning and maintenance of this area instead of paying Our Lady of Sorrows Parish for the use of this property.

Ms. Trujillo submitted to approve Parking Agreement between San Miguel County and Our Lady of Sorrows Parish, as noted above.

Motion made by Commissioner Marcellino A. Ortiz to approve Parking Agreement between San Miguel County and Our Lady of Sorrows Parish. Second by Commissioner Albert Padilla. Motion carried.

8. NATIONAL RIFLE ASSOCIATION LAW ENFORCEMENT FIREARM INSTRUCTOR SCHOOL, CANON CITY, COLORADO, AUGUST 10-14, 2009, DETENTION LIEUTENANT MR. ANTONIO PADILLA*

Warden/Facility Administrator Patrick W. Snedeker advised the Commission that approval is sought for Out of State Travel for SMCDC Lieutenant Mr. Antonio Padilla to attend the National Rifle Association, Law Enforcement Firearm Instructor School, located in Canon City, Colorado, the dates of August 10-14, 2009. Completion of the Law Enforcement Firearm Instructor Certification School shall enable the San Miguel County Detention Center to properly present safe and effective firearm training (handgun/shotgun), to Detention Center Officers.

Mr. Snedeker submitted for approval of the Out of State Travel Request, NRA Law Enforcement Firearm Instructor School.

Motion made by Commissioner Albert Padilla to approve the Out of State Travel Request. Second by Commissioner Marcellino A. Ortiz. Motion carried.

9. MONTHLY REPORT IN THE PUBLIC WORKS DIVISION FOR THE MONTH OF APRIL 2009*

Public Works Division Supervisor Harold Garcia advised the Commission that the San Miguel County Public Works Division submits a report to the County Commission on a monthly basis on any maintenance including blading of County roads and/or special projects with Public Works that are addressed.

No action taken. For information purposes only.

10. AUTHORIZING STAFF TO ENTER INTO NEGOTIATIONS FOR EXECUTION OF A PROFESSIONAL SERVICE AGREEMENT FOR ARCHITECTURAL

DESIGN SERVICES FOR THE SAN MIGUEL COUNTY SOLID WASTE TRANSFER STATION AND BALING FACILITY*

Public Works Division Supervisor Harold Garcia advised the Commission that San Miguel County has an '08 Legislative Appropriation in the amount of \$400,000.00 for the purpose of planning, design, construction, and purchase of Baler Equipment for the County's Solid Waste and Baling Facility that will be located at the new Public Works Division Facility located at the Northern NM Wood Business Park. The County recently solicited for Professional Architectural Design Services for the Design of this facility. A total of five (5) proposals were submitted from interested Architectural Firms, these firms included the following Firms: Lengyel & Associates of Santa Fe, Soleil West of Albuquerque, James C. Lewis of Albuquerque, Modulus Architects of Albuquerque, and Brawley and Company LLC of Albuquerque.

Mr. Garcia submitted for authorization to enter into negotiations and execute a Professional Services Agreement with the highest ranked and most qualified Architectural Firm.

Motion made by Commissioner Albert Padilla to enter into negotiations with the highest ranked Architectural Firm as well as execution of a Professional Services Agreement for the design services of the Solid Waste Transfer Station and Baling Facility. Second by Commissioner Marcellino A. Ortiz. Motion carried.

11. AWARD OF BIDS ON SALE OF COUNTY EXCESS SURPLUS PROPERTY*

Public Works Division Supervisor Harold Garcia advised the Commission that San Miguel County has vehicles and equipment that were declared Excess property by the County Commission and were advertised for sale recently. There were two bidders who submitted bids for this excess property; Mr. Tony Ortega and Mr. Joseph Gomez.

Discussion ensued.

Mr. Garcia submitted to allow sale of excess property to the highest bidders, Mr. Tony Ortega and Mr. Joseph Gomez.

Motion made by Commissioner Albert Padilla to award bid of sale of excess property contingent upon Mr. Tony Ortega and Mr. Joseph Gomez providing proof of lawful place of storage for said property purchased by them. Second by Commissioner Marcellino A. Ortiz. Motion carried.

12. MEMORANDUM OF AGREEMENT BETWEEN THE COUNTY OF SAN MIGUEL AND THE CITY OF LAS VEGAS/REDUCTION OF HIGHWAY TRAFFIC CRASHES INVOLVING ALCOHOL *

DWI Coordinator Wendy Armijo advised the Commission the DWI Program received CDWI funds in the amount of \$20,189.00. The Memorandum of Agreement is an agreement by which the County of San Miguel and the City of Las Vegas will implement a program to address DWI issues in the community.

Ms. Armijo submitted for approval the Memorandum of Agreement between the County of San Miguel and the City of Las Vegas.

Motion made by Commissioner June Garcia to approve the MOU. Second by Commissioner Albert Padilla. Motion carried.

13. (FY09-10) NM DEPARTMENT OF TRANSPORTATION, COMMUNITY DWI (CDWI) GRANT APPLICATION*

DWI Coordinator Wendy Armijo advised the Commission that the County received the funds in the amount of \$20,189.00 and will be utilizing those funds to continue the DWI Safe Ride Home Program.

Ms. Armijo submitted for approval the Community DWI (CDWI) Grant Application.

Discussion ensued.

Motion made by Commissioner Albert Padilla to approve MOA. Second by Commissioner June Garcia. Motion carried.

14. NORTHERN NEW MEXICO WOOD BUSINESS PARK (WBP) COVENANTS, CONDITIONS, RESTRICTIONS AND POLICIES DRAFT *

County Manager Les Montoya advised the Commission said policies are necessary to set policy for Lease and/or Sale of property at the WBP and develop parcels of land within the park when a lot has been leased and/or sold. Policies were advertised for public comment and changes were made where appropriate. Policies were first disclosed to County Commission and the public on March 26, 2009.

Mr. Montoya submitted for consideration action to approve the covenants, conditions and restrictions for the Wood Business Park thereby setting policies for use of the land at the WBP.

Motion made by Commissioner Nicolas T. Leger to approve the covenants, conditions and restrictions for the Wood Business Park as recommended. Second by Commissioner June Garcia. Motion carried.

15. MEMORANDUM OF UNDERSTANDING FOURTH JUDICIAL DISTRICT COURT AND SAN MIGUEL COUNTY TO BUILD AND PAY FOR COSTS TO CONSTRUCT AND EQUIP THE COURTHOUSE BUILDING SECURITY WORKSTATION*

County Manager Les Montoya advised the Commission that improvements to building a security work station is being requested by District Court Staff. District Court is providing funding to pay for improvements. MOU establishes the mechanism for the Court to pay the costs associated with the improvements. The project involves site modeling, and was awarded to Lumar Construction on April 14, 2009.

Mr. Montoya submitted for approval of MOU, thereby establishing funding source to pay for these improvements.

Motion made by Commissioner Marcellino A. Ortiz to approve the MOU. Second by Commissioner Albert Padilla. Motion carried.

16. COUNTY MANAGER'S PERSONNEL RECOMMENDATIONS TO HIRE THE FOLLOWING INDIVIDUAL TO FILL VACANT POSITION OF CONVENIENCE CENTER OPERATOR WITH THE SAN MIGUEL COUNTY PUBLIC WORKS DIVISION AS PER THE RECOMMENDATION OF HAROLD GARCIA, PUBLIC WORKS DIVISION SUPERVISOR *

RECOMMENDATION TO HIRE:

PROBATIONARY EMPLOYEE

Victoria Lucero Convenience Center Operator Salary: \$16,150.00 Annually
(Probationary Employee)

County Manager Les Montoya advised the Commission if approved, Ms. Lucero will be placed at the Kearney Convenience Center.

Motion made by Commissioner June Garcia to employ above individual. Second by Commissioner Marcellino A. Ortiz. Motion carried.

17. COUNTY MANAGER'S PERSONNEL RECOMMENDATIONS TO HIRE THE FOLLOWING INDIVIDUAL TO FILL VACANT POSITION OF CONVENIENCE CENTER OPERATOR WITH THE SAN MIGUEL COUNTY PUBLIC WORKS DIVISION AS PER THE RECOMMENDATION OF HAROLD GARCIA, PUBLIC WORKS DIVISION SUPERVISOR*

RECOMMENDATION TO HIRE:

PROBATIONARY EMPLOYEE

Paul D. Sandoval Convenience Center Operator Salary: \$16,150.00 Annually

County Manager Les Montoya advised the Commission if approved, Mr. Sandoval will be placed at the Camp Luna Center.

Motion made by Commissioner June Garcia to employ above individual. Second by Commissioner Marcellino A. Ortiz. Motion carried.

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

RECOMMENDATION TO HIRE:

PROBATIONARY EMPLOYEE

Elfigo Sandoval Detention Officer Salary: \$20,900.00 Annually

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

Motion made by Commissioner Marcellino A. Ortiz to employ above individual. Second by Commissioner June Garcia. Motion carried.

19. PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF APRIL 2009 *

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

Motion made by Commissioner Nicolas T. Leger to approve personnel actions that have taken place in San Miguel County as presented by the County Manager. Second by Commissioner June Garcia. Motion carried.

SAN MIGUEL COUNTY BOARD OF FINANCE MEETING

20. INDIGENT CLAIMS *

Finance Division Supervisor Melinda Gonzales advised the Commission of indigent claims submitted and reviewed by the Finance Office.

Ms. Gonzales requested the Commission review and approve the indigent claims in the amount of \$3,010.13 for Alta Vista, \$12,827.91 for St. Vincents.

Motion made by Commissioner Albert Padilla to approve indigent claims. Second by Commissioner Marcellino A.Ortiz. Motion carried.

21. BUDGET ADJUSTMENT 2009-05-05-F1 *

Finance Division Supervisor Melinda Gonzales advised the Commission that in order to aid in the procurement process, there are times that we utilize existing contracts of another qualifying entity. In this particular instance, in order to be able to utilize contracts established through CES, the County must enter into an agreement. At this point in time, the County Clerk is interested in purchasing a copier through this agreement.

Ms. Gonzales submitted for approval of Miscellaneous Budget Adjustments.

Motion made by Commissioner Albert Padilla to approve Miscellaneous Budget Adjustments. Second by Commissioner Marcellino A. Ortiz. Motion carried.

22. RECOMMENDATION OF MEYNERS & COMPANY, LLC TO PERFORM THE AUDIT SERVICES FOR FISCAL YEAR ENDING JUNE 30, 2009 *

Finance Division Supervisor Melinda Gonzales advised the Commission that on February 27, 2009, the County received notice from the Office of the State Auditor providing authority to seek proposals for the compliance and financial audit in accordance with the Procurement Code. The deadline to submit a recommendation is June 1, 2009. Last fiscal year the County sought request for proposals for auditing services, and Meyners & Company, LLC was the sole responder.

Ms. Gonzales requested that Meyners & Company be awarded contract for fiscal year audit.

Motion made by Commissioner Nicolas T. Leger to approve above recommendation. Second by Commissioner June Garcia. Motion carried.

23. CASH BALANCE REPORT *

Finance Division Supervisor Melinda Gonzales informed County Commissioners of the April 23, 2009 cash balances.

No action taken: information only.

24. 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 made by Commissioner Albert Padilla to approve accounts payable. Second by Commissioner Marcellino A. 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)(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.**

No Executive Session was held.

ADJOURNMENT

Motion made by Commissioner Albert Padilla to adjourn. Second by Commissioner June Garcia. Motion carried. The meeting ended at 5:40 P.M.

Approved this _____ day of _____, 2009 as the official minutes of the Board of County Commissioners of San Miguel County, New Mexico, of its regular meeting held May 5, 2009.

David R. Salazar, Chairman

June J. Garcia, Vice-Chair

Albert J. Padilla, Commissioner

Marcellino A. Ortiz, Commissioner

Nicolas T. Leger, Commissioner

ATTEST

Melanie Y. Rivera, County Clerk

Minutes Submitted by: Michelle J. Padilla