

SAN MIGUEL COUNTY COMMISSION MINUTES
for August 18, 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, August 18, 2009, at 1:30 p.m. at the Board Room of the Donaldo A. Martinez Administration Building, West Las Vegas Schools, 179 Bridge St., Las Vegas, New Mexico 87701. The agenda for the County Commission meeting was as follows:

ROLL CALL

PLEDGE OF ALLEGIANCE

SALUTATION TO THE NEW MEXICO STATE FLAG

APPROVAL OF AGENDA

Motion made by Commissioner Albert Padilla to approve agenda as prepared. Second made by June Garcia. Motion carried.

APPROVAL OF MINUTES: July 14, 2009 and Special Meeting July 21, 2009

Motion made by Commissioner June Garcia to approve minutes for the July 14, 2009 Commission meeting. Second by Commissioner Marcellino A. Ortiz. Motion carried.

Motion made by Commissioner Albert Padilla to approve the minutes for the Special Meeting of July 21, 2009. Second Marcellino A. Ortiz. Motion carried.

INTRODUCTION OF NEW EMPLOYEES:

Michael Padilla (Probationary Employee)	Deputy	County Sheriffs Division
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Inez Bolivar (Probationary Employee)	Deputy	County Sheriffs Division
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County Manager Les Montoya introduced Mr. Michael Padilla and Ms. Inez Bolivar to the San Miguel County Sheriffs Division. Mr. Montoya also introduced Mr. Anthony Jaramillo to the Public Works Department.

County Manager Les Montoya advised the Commission that public input was requested by Ms. Catherine Montano on recertification on WIPP.

Chairman David Salazar approved to add Ms. Montano before the finance agenda.

NEW BUSINESS:

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

County Treasurer Mr. Alfonso Ortiz advised the Commission of the monthly report for the month of July 2009. Informational report from State Taxation and Revenue Department.

For information purposes only. No question or discussion.

2. PUBLIC HEARING-CLEAN WATER STATE REVOLVING FUND APPLICATION FOR WASTE WATER COLLECTION AND TREATMENT SYSTEM FOR WOOD BUSINESS PARK

Planning and Zoning Supervisor Alex Tafoya advised the Commission that initial application has been submitted to New Mexico Environment Department for loan funds and grant funds totaling \$500,000 for the waste water collection and treatment system needed at the Northern New Mexico Wood Business Park. The Environment Department has advised the County that the project is eligible for potential funding and a full application is required. The application requires that a public hearing be conducted regarding the need for the project.

Mr. Vernon Miller from Miller Engineering presented a brief explanation description of the waste water system.

Chairman David Salazar opens public hearing.

3. RESOLUTION AUTHORIZING ASSIGNMENT OF OFFICIAL REPRESENTATIVES AND SIGNATORY AUTHORITIES

Background Information: San Miguel County is eligible to submit application for funding to the NM Environment Department Construction Programs Bureau Clean Water State Revolving Fund (CWSRF) for the waste water treatment and collection system at the Northern New Mexico Wood Business Park. The application requires a resolution authorizing assignment of official representatives and signatory authorities.

Action Requested of Commission: Approve and Adopt Resolution No. 08-18-09-CWSRF, said Resolution authorizing official representatives and signatory authorities.

Staff Recommendation: Approve and Adopt Resolution No. 08-18-09-CWSRF.

Presenter: Alex Tafoya, Planning and Zoning Supervisor

4. **ADOPTION OF RESOLUTION PROPOSING ENACTMENT OF ORDINANCE AUTHORIZING SAN MIGUEL COUNTY TO ENTER INTO A LOAN AGREEMENT WITH THE NEW MEXICO ENVIRONMENT DEPARTMENT FOR THE PURPOSE OF OBTAINING WASTEWATER CONSTRUCTION LOAN FUNDS IN A PRINCIPAL THE LOAN FUNDS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, MODIFYING AND OTHERWISE IMPROVING THE WASTEWATER FACILITIES OF THE COUNTY'S WATER AND WASTEWATER CONVEYANCE AND TREATMENT SYSTEM; DECLARING THE NECESSITY FOR THE LOAN; PROVIDING THAT THE LOAN WILL BE PAYABLE AND COLLECTIBLE SOLELY FROM THE NET REVENUES OF THE SYSTEM; PRESCRIBING OTHER DETAILS CONCERNING THE LOAN AND THE SECURITY THEREFORE; AND IF NECESSARY, DECLARING AN EMERGENCY; AND AUTHORIZING COMMISSION CHAIRMAN TO EXECUTE DOCUMENTS AND PAPERS.**

Background Information: Upon adoption of the above described ordinance at the September meeting, the NMED will make a \$95,000.00 loan available to the County as noted above, and the loan will trigger a one-time federal grant of funds to the County in the amount of \$405,000.00 under the American Recovery and Reinvestment Act of 2009 (ARRA), to be used also for the wastewater facility.

Action Requested of the Commission: Adopt Resolution proposing enactment of proposed Ordinance.

Staff Recommendation: Same as Action Requested, noted above.

Presenter: County Manager Les Montoya

5. **RESOLUTION ADOPTING SAN MIGUEL COUNTY INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP) 2011-2015**

Background Information: At the July 14, 2009 County Commission meeting, the Board of County Commissioners approved projects listed in the ICIP 2011-2015 and selected the top five (5) priorities. Adoption of the ICIP by resolution is required.

Action Requested of Commission: Approve and adopt Resolution No. 08-11-09-ICIP.

Staff Recommendation: Approve and adopt Resolution No. 08-11-09-ICIP

Presenter: Alex Tafoya, Planning and Zoning Supervisor

- 6. FY 2009-2010 EMPG-SAN MIGUEL GRANT FROM THE NEW MEXICO DEPARTMENT OF HOMELAND SECURITY/EMERGENCY MANAGEMENT. THE GRANT IS IN THE AMOUNT OF \$53,241 WITH AN EFFECTIVE DATE OF JULY 1, 2009 AND A TERMINATION DATE OF JUNE 30, 2010**

Background Information: This grant is the Emergency Management Performance Grant which covers 50% of the Emergency Managers salary and 25% of the Office of Emergency Managements Administrative Assistant salary and benefits.

Action Requested of Commission: Approve and accept the grant.

Staff Recommendation: Approve and accept the grant.

Presenter: Dennis English, Emergency Manager

- 7. MUTUAL AID AGREEMENT BY AND BETWEEN HARDING COUNTY, NM AND SAN MIGUEL COUNTY, NM SPECIFIC TO MUTUAL AID FOR FIRE DISTRICTS/DEPARTMENTS**

Background Information: This Mutual Aide Agreement is required by the State Fire Marshall's Office and is to establish the terms and conditions under which the parties will provide mutual assistance through the fire districts/departments.

Action Requested of Commission: Approval and signature.

Staff Recommendation: Approval and signature.

Presenter: Russell Pacheco, Fire Chief

- 8. GOVERNMENT SERVICES GRANT AGREEMENT NO. 10-521-2303-0045 BETWEEN THE ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT (ENMRD) AND SAN MIGUEL COUNTY FOR A WILDLAND FIRE COORDINATOR**

Background Information: On September 11, 2008 the job description for the Wildland Fire Coordinator was approved by the San Miguel County Commission. Through the grant process we have been awarded funds for that position.

Action Requested of Commission: Approval and signature.

Staff Recommendation: Approval and signature.

Presenter: Russell Pacheco, Fire Chief

9. OUT OF STATE TRAVEL TO EMMITSBURG, MD FOR GALLINAS FIRE DEPARTMENT VOLUNTEER LAWRENCE MONTOYA TO ATTEND THE NATIONAL EMERGENCY TRAINING CENTER

Background Information: Mr. Montoya was nominated by the Gallinas Fire Chief Geroge Asi, Jr. to attend VIP: Leading Community Fire Prevention class for directive on public awareness and prevention.

Action Requested of Commission: Approve travel request.

Staff Recommendation: Approve travel request.

Presenter: Russell Pacheco, Fire Chief

10. PUBLIC WORKS DIVISION MONTHLY REPORT FOR THE MONTH OF JULY 2009

Background Information: 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 county roads that are addressed.

Action Requested of Commission: For information purposes only

Staff Recommendation: For information purposes only

Presenter: Daniel Encinias, Interim Public Works Division Supervisor

11. MEMORANDUM OF UNDERSTANDING – SAN MIGUEL COUNTY DETENTION CENTER AND LUNA COMMUNITY COLLEGE – GED/LITERACY IMPROVEMENT/WORK READINESS CLASS(ES).

Background Information: The Memorandum of Understanding Agreement, by and between the San Miguel County Detention Center and Luna Community College; for the provision of GED/Literacy Improvement/Work Readiness Class(es); for county detention center detainees, for FY 2010; is presented for commission review and approval.

Action Requested of Commission: Review and approval of the Memorandum of Understanding Agreement; as presented.

Staff Recommendation: Approval

Presenter: Patrick W. Snedeker, Warden/Facility Administrator

**12. CONTRACTUAL AGREEMENT – LUNA COMMUNITY COLLEGE-
NEW MEXICO ASSOCIATION OF COUNTIES – SAN MIGUEL
COUNTY DETENTION CENTER – NM DETENTION CENTER
TRAINING ACADEMY PROGRAM**

Background Information: The Contractual Agreement by and between Luna Community College and the New Mexico Association of Counties, along with the San Miguel County Detention Center; for the provision of a NM Detention Center Training Academy Program, for FY 2010; is presented for commission review and approval.

Action Requested of Commission: Review and approval of the Agreement; as presented.

Staff Recommendation: Approval

Presenter: Patrick W. Snedeker, Warden/Facility Administrator

**13. MEDICAL MANAGEMENT CONTRACT RENEWAL - INMATE
HEALTHCARE SERVICES AND HEALTHCARE MANAGEMENT
SERVICES.**

Background Information: The renewal Agreement, for the provision of inmate healthcare services and healthcare management services, at the San Miguel County Detention Center by and between the County of San Miguel, NM and Health Care Partners Foundation Inc., is presented for commission review and approval. This is the 1st year renewal of the Agreement, with a four-year contract term.

Action Requested of Commission: Review and approval of the Agreement, as presented.

Staff Recommendation: Approval.

Presenter: Patrick W. Snedeker, Warden/Facility Administrator

**14. AGREEMENT #10 - 690-10482, AND CONTEMPORANEOUS
PROFESSIONAL SERVICE PROVIDER AGREEMENT(S); BY AND
BETWEEN THE NM CHILDREN, YOUTH, AND FAMILIES
DEPARTMENT AND SAN MIGUEL COUNTY, NM, SPECIFIC TO
PROVISION OF A CONTINUUM OF SERVICES/ALTERNATIVES TO
DETENTION, FOR SAN MIGUEL COUNTY YOUTH**

Background Information: Agreement #10-690-10482, and Contemporaneous Professional Service Agreement(s); by and between the NM Children, Youth, and Families Department and San Miguel County, NM; are presented for San Miguel County review and approval. The Agreement and Professional Service Provider services are specific to

provision of a continuum of services/alternatives to detention programs; for San Miguel County Youth.

Action Requested of Commission: Review and approval, as presented.

Staff Recommendation: Review and approval.

Presenter: Patrick W. Snedeker, Warden/Facility Administrator

15. SAN MIGUEL COUNTY VETERAN'S TRANSPORTATION SERVICE POLICY

Background Information: The County of San Miguel intends to implement thus provide San Miguel County Veteran residents with a transportation service for the purpose of obtaining medical care. The policy established insures proper procedure for operation, maintenance, control, and accountability in the operation of the County owned van for transportation of veterans in association with the delivery of medical care at the Department of Veteran's Affairs (VA) Medical Centers.

Action Requested of Commission: Approval of the San Miguel County Veteran's Transportation Service Policy.

Staff Recommendation: County Commission approval of the said San Miguel County Veteran's Transportation Service Policy.

Presenter: Wendy F. Armijo, DWI Coordinator

16. (FY 2009-10) NM TRAFFIC SAFETY COMMUNITY DWI (CDWI) GRANT AGREEMENT

Background Information: The San Miguel County DWI Planning Council receives Community DWI (CDWI) Grant funds as a result of DWI offender convictions fees collected by San Miguel County local court systems. The purpose of CDWI funding is to implement programs and/or services that will reduce the incidence of DWI crashes and fatalities in New Mexico/San Miguel County. In doing so, the DWI Planning Council has unanimously agreed to utilize the stated funds for the operation of a year round FREE Safe-Ride-Home service. The application to do so has been approved by the governing agency, Traffic Safety Bureau.

Action Requested of Commission: The DWI Planning Council requests approval to of the said conditions stated in the FY (2009-10) CDWI Grant Agreement.

Staff Recommendation: To accept and approve CDWI Grant Funding Agreement FY (2009-10).

Presenter: Wendy F. Armijo, DWI Coordinator

17. 2009 PAYMENTS TO STATE ELECTION FORM, SECURE RURAL SCHOOLS ACT

Background Information: Submitting 2009 payments to State Elections Form Election for payment of Public Law 110-343 Secure Rural Schools Act.

Action Requested of Commission: Approve, election of state payment @85% Title II payment at 8% and Title III at 7%.

Staff Recommendation: Approve election of Secure Rural Schools Act funding in the percentages submitted.

Presenter: Les Montoya, County Manager

18. RESOLUTION NUMBER 08-18-09 P.W./S.W. APPROVING A SPECIAL APPROPRIATION PROJECT OF \$400,000 TO PLAN, DESIGN, PURCHASE, CONSTRUCT AND EQUIP A SOLID WASTE BALER AND TRANSFER STATION

Background Information: San Miguel County received a Special Project Appropriation in the amount of \$400,000.00 for to Plan, Design, Purchase, Construct, and Equip a Solid Waste Baler and Transfer Station at the County Public Works Facility in San Miguel County

A Resolution is required and submittal to the NM Environment Department accepting the \$400,000.00 Special Legislative Project Appropriation. It is also required the County assign a Grantee Representative and Signatory Authority for any drawdown's that will take place in this appropriation. County Finance Supervisor Melinda Gonzales and County Manager Les Montoya will be designated accordingly.

Action Requested of Commission: Adoption, Approval, and Passing of Resolution Number 08-18-09 P.W./S.W. for a Special Appropriation Project of \$400,000 for the purpose to plan, design, purchase, construct and equip a Solid Waste Baler and Transfer Station.

Staff Recommendation: Adopt Resolution Number 08-18-09 P.W./S.W.

Presenter: Les Montoya, County Manager

19. COUNTY MANAGER'S RECOMMENDATION TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUALS TO FILL THE VACANT POSITIONS OF DEPUTY WITH THE SAN MIGUEL COUNTY SHERIFF'S DIVISION.

PROBATIONARY EMPLOYEES:

MICHAEL PADILLA - DEPUTY - DATE OF HIRE: AUGUST 1, 2009 - PROBATIONARY SALARY: \$28,500.00

INEZ BOLIVAR - DEPUTY- DATE OF HIRE: JULY 25, 2009 - PROBATIONARY SALARY: \$23,750.00

Background Information: Mr. Michael Padilla is a New Mexico certified Police Officer he has sixteen years of experience with the Las Vegas City Police Department. Mr. Padilla also holds several certificates of awards pertaining to Law Enforcement. Ms. Inez Bolivar, Detention Officer at the SMC Detention Center requested a transfer to the Sheriff's Department. Ms. Bolivar is not certified at this time but she will be trained and prepared to attend New Mexico basic Police Academy in Santa Fe to obtain her certification.

Action Requested of Commission: Approval to ratify the hiring of Mr. Michael Padilla and Ms. Inez Bolivar to fill the two vacant Deputy positions with the San Miguel County Sheriff's Division.

Staff Recommendation: Approval to ratify the hiring of Mr. Michael Padilla and Ms. Inez Bolivar to fill the two vacant Deputy positions with the San Miguel County Sheriff's Division.

Presenter: Les Montoya, County Manager

20. COUNTY MANAGER'S REQUEST TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUALS TO FILL THE VACANT POSITIONS AT THE SAN MIGUEL COUNTY DETENTION CENTER.

PROBATIONARY EMPLOYEES:

JESSE BACA - DETENTION OFFICER - DATE OF HIRE: JULY 20, 2009 - PROBATIONARY SALARY: \$20,900.00

AARON MONTOYA - DETENTION OFFICER - DATE OF HIRE: JULY 27, 2009 - PROBATIONARY SALARY: \$20,900.00

LORENZO MONTOYA - DETENTION OFFICER/MAINTENANCE TECHNICIAN - DATE OF HIRE: AUGUST 3, 2009 - PROBATIONARY SALARY: \$21,850.00

STEPHANIE SANCHEZ - DETENTION OFFICER - DATE OF HIRE: AUGUST 3, 2009 - PROBATIONARY SALARY: \$20,900.00

GEORGE CRUZ - DETENTION OFFICER - AUGUST 10, 2009 - PROBATIONARY SALARY: \$20,900.00

Background Information: Detention Officer Positions are vacant due to several employees resigning their positions or being terminated.

Action Requested of Commission: Approval to ratify the hiring of the Detention Officers to fill the vacant position.

Staff Recommendation: Approval to ratify the hiring of the Detention Officers to fill the vacant positions.

Presenter: Les Montoya, County Manager

21. PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF MAY 2009.

Background Information: Personnel changes which have taken place in San Miguel County for the month of May 2009 are submitted for ratification and approval by the San Miguel County Board of Commissioners

Action Requested of Commission: To ratify and approve the personnel changes that has taken place during the month of June 2009.

Staff Recommendation: To ratify and approve the personnel changes that have taken place during the month of June 2009.

Presenter: Les Montoya, County Manager

Catherine Montano presentation

SAN MIGUEL COUNTY BOARD OF FINANCE MEETING

22. BUDGET ADJUSTMENT RESOLUTION 2009-08-18-F1

Background Information: The county budgeted for State Allotments for the Volunteer Fire Departments and the Fire Chief. The budgets were conservative based on an understanding the allotments would be reduced due to state budget cuts. The county received the State Allotments after the final budget was approved and the State Allotments exceed the amounts budgeted. The budget adjustment resolution increases revenue and expenditures accordingly. There was also a change in the Fire Chief's, Gallinas VFD and Trementina VFD non State Allotment beginning cash balances that were resolved during the reconciliation process which allows for additional resources (cash) to be appropriated.

Action Requested of Commission: Review and approval.

Staff Recommendation: Approval

Presenter: Les Montoya

23. INDIGENT CLAIMS FOR ALTA VISTA IN THE AMOUNT OF \$30,061.03 AND INDIGENT CLAIMS FOR CORPUS ST. VINCENT IN THE AMOUNT OF \$3,816.26

Background Information: The finance office has received, reviewed and processed the indigent claims submitted. All claims that meet the guidelines are listed on the Approved Indigent Claims Listing approval sheet and all claims that do not meet the guidelines are listed on the Denied Indigent Claims Listing.

Action Requested of Commission: Review and approval

Staff Recommendation: Approval.

Presenter: Les Montoya, County Manager

24. APPEAL OF DENIED INDIGENT CLAIM #1022

Background Information: On July 14, 2009, indigent claim #1022 was presented to the commission with the recommendation to deny based on the individual exceeding the income guidelines. The claim is in the amount of \$2,427.81 to Alta Vista Hospital.

Action Requested of Commission: Review the appeal letter and approve or disapprove the claim.

Staff Recommendation: Review

Presenter: Les Montoya

25. APPEAL OF DENIED INDIGENT CLAIM #1029

Background Information: On July 14, 2009, indigent claim #1029 was present to the commission with the recommendation to deny based on the claim exceeding the 90 day limit. The claim is in the amount of \$8,623.86 to Corpus St. Vincent Hospital.

Action Requested of Commission: Review the appeal letter and approve or disapprove the claim.

Staff Recommendation: Review

Presenter: Les Montoya, County Manager

26. CASH BALANCE REPORT

Background Information: Inform County Commissioners of the July 28, 2009 cash balances.

Action Requested of Commission: None, information only;

Staff Recommendation: None;

Presenter: Melinda Gonzales, Finance Division Supervisor

27. ACCOUNTS PAYABLE LISTING *

Background Information: Report to the County Commission payments since the last regular meeting.

Action Requested of Commission: Approval of accounts payable;

Staff Recommendation: Approval;

Presenter: Melinda Gonzales, Finance Division Supervisor

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.**

ADJOURNMENT

***Documentation included in Agenda Binder**

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