

**MINUTES OF REGULAR MONTHLY MEETING  
OF SAN MIGUEL COUNTY BOARD OF COMMISSIONERS HELD  
November 09, 2010**

**CALL TO ORDER**

The San Miguel County Board of Commissioners held its regular monthly meeting on November 9, 2010 at 1:30 p.m., and during the meeting the Commission sat and convened as the County Board of Finance.

The meeting was held at the San Miguel County Commission Chambers, County Courthouse, 2<sup>nd</sup> Floor, 500 West National Ave., Suite 200, Las Vegas, New Mexico 87701.

The agenda for the County Commission meeting was as follows:

**ROLL CALL**

Upon a call of the roll by the County Clerk, all Commissioners were present, as follows: Chairman David R. Salazar, Vice Chair June J. Garcia, and Members Albert J. Padilla, Marcellino A. Ortiz and Nicolas T. Leger.

**PLEDGE OF ALLEGIANCE**

**SALUTATION TO THE NEW MEXICO STATE FLAG:**

**“I *salute* the flag of the State of New Mexico and the Zia Symbol of perfect friendship among United Cultures.”**

**APPROVAL OF AGENDA**

Motion to approve agenda by Commissioner Albert Padilla. Second by Commissioner Marcellino Ortiz. Motion carried. **(Throughout, unless otherwise indicated, all motions were adopted by unanimous vote).**

**APPROVAL OF MINUTES:** Special Meeting September 2, 2010 (Backup), Regular Meeting September 14, 2010 (Backup)

Motion to approve minutes of Special Meeting held September 2, 2010 by Commissioner Garcia. Second by Commissioner Padilla. Motion carried.

Motion to approve minutes of Regular Meeting held September 14, 2010 by Commissioner Ortiz. Second by Commissioner Ortiz. Motion carried.

**INTRODUCTION OF NEW EMPLOYEES:**

County Manager Les Montoya introduced the following employees to the Commission.

<b>Margarito Encinias</b> (Probationary Employee)	Deputy	Sheriff's Division
<b>Larry Romero</b> (Probationary/Part Time Employee)	Veterans Transit Operator	DWI Division
<b>Rochelle Vigil</b> (Casual Employee)	Tax Processor	Treasurer Division
<b>Michael Garcia</b> (Probationary Employee)	Land Development Specialist 1	Planning & Zoning

***PRESENTATION OF DWI PLANNING COUNCIL MEMBERSHIP  
"CERTIFICATE OF APPRECIATION"  
FOR COMMISSIONER ALBERT J. PADILLA, DISTRICT 3,  
WENDY F. ARMIJO, DWI COORDINATOR***

DWI Coordinator Wendy Armijo presented a Certificate of Appreciation to Commissioner Padilla on behalf of the DWI Council in appreciation of his time and effort.

**NEW BUSINESS:**

**SAN MIGUEL COUNTY BOARD OF FINANCE MEETING**

**1. COUNTY TREASURER'S MONTHLY REPORT  
(Backup)**

County Treasurer Alfonso E. Ortiz, Jr., reviewed and explained his Treasurer's report for the month of October, 2010.

Mr. Ortiz also answered questions from the Commission.

No Action taken. For information only.

**2. INDIGENT CLAIMS FOR ALTA VISTA HOSPITAL IN THE AMOUNT OF \$43,803.17 AND \$26,858.61**

**(Backup) (Backup) (Backup) (Backup) (Backup)**

Finance Supervisor Melinda Gonzales advised the Commission that 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. The first set of claims, in the amount of \$43,803.17, were presented during the October 19, 2010 meeting but no action was taken.

Commissioner Leger asked if an accounting summary was received and Ms. Gonzales answered that a meeting has been set up to discuss the accounting of funds in question, the outcome of which meeting will be reported to the Commission.

Motion to approve indigent claims for Alta Vista Hospital in the amounts of **\$43,803.17** and **\$26,858.61** with the exception of file #1156, by Commissioner Padilla. Second by Commissioner Ortiz. Motion carried, with Commissioner Leger voting no.

**3. INDIGENT CLAIMS FROM CHRISTUS ST. VINCENT'S IN THE AMOUNT OF \$2,837.12**

**(Backup) (Backup)**

Finance Supervisor Melinda Gonzales advised the Commission that the finance office has received, reviewed and processed the indigent claims submitted for Christus St. Vincent, and requested approval. 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.

Motion to approve Indigent Claims from Christus St. Vincent's in the amount of **\$2,837.12**, by Commissioner Padilla. Second by Commissioner Garcia. Motion carried.

**4. ORDINANCE 2010-11-09-F1 REGARDING THE AUTHORIZATION AND ISSUANCE OF THE SAN MIGUEL COUNTY, NEW MEXICO GROSS RECEIPTS TAX REFUNDING REVENUE BONDS, SERIES 2010, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED SIX MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$6,500,000)**

**(Backup)**

Finance Supervisor Melinda advised the Commission that the Ordinance was proposed by Resolution 2010-10-19-F2, which was approved at the last commission meeting held on October 19, 2010. The proposed ordinance will permit the subject revenue bonds to be refinanced, with the said obligation payable solely from infrastructure gross receipts taxes and county capital outlay gross receipts taxes imposed by the county pursuant to Sections 7-20E-19 and 7-20E-21, NMSA 1978.

Ms. Gonzales introduced financial advisor Kit Caldwell from Southwest Securities who explained to the Commission the purpose and effect of the Ordinance.

Bond counsel Peter Franklin of the Modrall law firm also explained the purpose and effect of the Ordinance.

Whereupon, Chairman Salazar noted that the proceedings before the Commission were being conducted as a formal public hearing after notice and publication of the proposed ordinance, and the Chairman proceeded to invite anyone in attendance to offer comment on the ordinance. No one requested recognition, whereupon Ms. Gonzales requested approval of **ORDINANCE 2010-11-09-F1**.

Motion to approve **ORDINANCE 2010-11-09-F1** by Commissioner Ortiz. Second by Commissioner Garcia. Motion carried.

**5. BUDGET ADJUSTMENT RESOLUTION 2010-11-09-F2 REGARDING THE RURAL BUSINESS ENTERPRISE GRANT (Backup)**

Finance Supervisor Melinda Gonzales advised the Commission that the budget adjustment is to account for the remaining unspent portion of the RBEG in the amount of **\$455,000**. The grant is for the design and construction of the Spec Building at the Wood Business Park.

Ms. Gonzales requested Commission review and approval of **BUDGET ADJUSTMENT RESOLUTION 2010-11-09-F2**.

Motion to approve **BUDGET ADJUSTMENT RESOLUTION 2010-11-09-F2** by Commissioner Padilla. Second by Commissioner Ortiz. Motion carried.

**6. CASH BALANCE REPORT AS OF OCTOBER 31, 2010 (Backup)**

Finance Supervisor Melinda Gonzales reviewed and discussed with the Commission the October 31, 2010 cash balances.

No action taken. For information purposes only.

**7. ACCOUNTS PAYABLE LISTING ITEMS 2010-1-4 THROUGH 2010-531-4 (Backup)**

Finance Supervisor Melinda Gonzales reviewed with the Commission the report of all payments made since the last regular meeting.

Ms. Gonzales requested the Commission review and approve **Accounts Payable Listing as submitted.**

Motion to approve **Accounts Payable Listing** by Commissioner Padilla. Second by Commissioner Ortiz. Motion carried.

## SAN MIGUEL COUNTY REGULAR MEETING

**8. RESOLUTION NO. 11-09-10-WIND ENERGY FACILITY ORDINANCE, WHICH PROPOSES THE ADOPTION OF A COMPREHENSIVE ORDINANCE RELATING TO AND REGULATING WIND ENERGY FACILITIES IN SAN MIGUEL COUNTY THE RESOLUTION PROVIDES THAT THE PROPOSED ORDINANCE, WHICH IS ATTACHED TO THE RESOLUTION AS EXHIBIT "A", COME ON FOR PUBLIC HEARING AND ADOPTION AT THE DECEMBER 14, 2010 REGULAR MONTHLY MEETING OF THE COUNTY COMMISSION. THE RESOLUTION ALSO DIRECTS THAT THE COUNTY MANAGER PUBLISH THE TITLE AND GENERAL SUMMARY OF THE SUBJECT MATTER OF THE PROPOSED ORDINANCE, IN THE LAS VEGAS OPTIC, AT LEAST 14 DAYS BEFORE THE DECEMBER 14 MEETING/HEARING OF THE COMMISSION**

**(Backup)**

Planning and Zoning Supervisor Alex Tafoya advised the Commission that the ordinance proposed by the Resolution is the product of many months of work by a Task Force appointed by the County Commission. The proposed ordinance was crafted by the Task Force and County staff, after many meetings and input from many interested persons. The County Commission itself has devoted much attention and time to the development of the ordinance, and at several meetings, the Commission has entertained public comment concerning wind energy facilities. The Commission also visited the wind energy farm in Guadalupe County, to view first-hand the workings and operation of a wind energy facility. The County Manager and P&Z Supervisor and their staffs, have assisted the Task Force and the Commission in formulating the ordinance which is proposed for adoption by the Resolution.

Mr. Tafoya requested the Commission Adopt Resolution No. 11-09-10-WIND ENERGY FACILITY ORDINANCE, proposing adoption of the proposed ordinance at the December 14, 2010, regular monthly meeting, after notice and hearing as required by law.

Chairman Salazar explained that the Commission is following the process required by law and made it clear that the Commission is not adopting an ordinance but only a resolution advising the public that it is the intent of the Commission to adopt an ordinance at the next regular meeting on 12-14-2010 as mentioned above.

Motion to approve **RESOLUTION NO. 11-09-10-WIND ENERGY FACILITY ORDINANCE** by Commissioner Padilla. Second by Commissioner Ortiz. Motion carried.

**9. CLOSE-OUT PUBLIC HEARING ON TECOLOTE CDBG NO. 09-C-NR-I-01-G-09  
(Backup)**

Planning and Zoning Supervisor Alex Tafoya advised the Commission that San Miguel County is required to hold a public hearing on the close-out of the Tecolote CDBG Project as part of the close-out process.

Mr. Tafoya requested the Commission conduct a public hearing on the close-out of Tecolote CDBG Project No. 09-C-NR-I-01-G-09; Mr. Tafoya gave a short presentation on the project use of funds and work completed.

Chairman Salazar opened a public hearing for those wanting to comment on the Tecolote CDBG project.

Fire Chief Russell Pacheco spoke on behalf of the community of Tecolote, saying all are appreciative of what the county has done for the community.

No other comment was offered or made and public hearing was closed for comment.

Chairman Salazar and the Commission thanked everyone involved in the Tecolote project.

The Commission approved the closeout, per motion by Commissioner Ortiz, second by Commissioner Garcia, and unanimous vote of the Commission.

**10. UNIVERSITY OF NEW MEXICO BUREAU OF BUSINESS AND ECONOMIC RESEARCH FINAL DRAFT OF THE ASSESSMENT OF SAN MIGUEL COUNTY ECONOMY**

**(Backup) (Backup)**

County Manager Les Montoya advised the Commission and summarized that Luna Community College and San Miguel County initiated the effort to complete this study. Las Vegas/San Miguel Economic Development Corporation administrated the completion of the Assessment. UNM completed the assessment and is now prepared to present findings of the completed assessment.

It was determined by the Commission that Molly Bleacher and Dr. Jeffery Mitchell return at a later meeting to present the assessment to the Commission and other involved entities for a better understanding of the research and findings.

No action taken. Further presentation to be made at a subsequent meeting.

**11. NEW MEXICO TRAFFIC SAFETY PROJECT, OPERATION DWI, OVER-TIME PAY. THE FUNDS ARE FOR OCTOBER 1, 2010 TO SEPTEMBER 30, 2011, IN THE AMOUNT OF \$12,300.00**

**(Backup)**

County Manager Les Montoya advised the Commission that above monies are to pay the Sheriff's deputies over-time to enforce the traffic laws on the state highways and county roads in San Miguel County and that the Sheriff's office had received this grant for the past fifteen years.

Commissioner Leger asked Sheriff Vigil if he could obtain and present a report to the Commission that would identify what counter measures are used.

Motion to approve New Mexico traffic Safety project, Operation DWI, over-time pay in the amount of \$12,300.00 by Commissioner Garcia. Second by Commissioner Ortiz. Motion carried.

**12. PUBLIC WORKS DIVISION MONTHLY REPORT FOR THE MONTH OF OCTOBER 2010**

**(Backup)**

Interim Public Works Division Supervisor Daniel Encinias explained, reviewed and discussed with the Commission the San Miguel County Public Works Division monthly report on any maintenance including blading of county roads and/or special projects with county roads that were addressed during the preceding month.

For information only. No action taken.

**13. APPROVAL OF A 12-MONTH ELECTRICAL SERVICES CONTRACT WITH DE SENA ELECTRIC**

**(Backup)**

Public Service Foreman Harold Garcia advised the Commission that San Miguel County currently has a one (1) year Electrical Service Contract with DeSena Electric for "as needed" electrical services. The agreement is a 12-month agreement and is renewable for an additional 12-month period, and can be renewed for an additional 3 years.

Mr. Garcia requested Commission approval of the 2nd year Agreement with DeSena Electric for a period of 12 months.

Motion for approval of the 2nd year Agreement with DeSena Electric for a period of 12 months, by Commissioner Padilla. Second by Commissioner Garcia. Motion carried.

**14. APPROVAL OF A 12-MONTH HEATING VENTILATION AND COOLING (HVAC) SERVICES CONTRACT WITH PRECISION HEATING AND COOLING**

**(Backup)**

Public Service Foreman Harold Garcia advised that San Miguel County currently has a one (1) year Heating Ventilation and Cooling (HVAC) Service Contract with Precision Heating and Cooling for “as needed” HVAC Services. This Agreement is a 12-month agreement, and is renewable for an additional three years.

Mr. Garcia requested the Commission’s approval of the 2nd year Agreement with Precision Heating and Cooling for a term of 12 months.

Motion to approve the 2nd year Agreement with Precision Heating and Cooling for the period of 12 months by Commissioner Ortiz. Second by Commissioner Padilla. Motion carried.

**15. LOW ALTITUDE TACTICAL/NAVIGATION (LATN) PUBLIC COMMENT\U.S. AIR FORCE PROPOSAL OF ENVIRONMENTAL ASSESSMENT**

**(Backup)**

County Manager Les Montoya advised that Cannon Air Force Base is accepting public comment regarding Low Altitude. Tactical Navigation Training in Northeast New Mexico and South Eastern Colorado

The Commission discussed the issue and determined it would be best to invite a representative from Cannon Air Force Base at a later regular scheduled meeting to answer any questions and concerns on the issue mentioned above.

**16. SAN MIGUEL COUNTY MANAGER REQUEST TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUAL TO FILL THE VACANT POSITION OF VETERANS TRANSIT OPERATOR WITH THE SAN MIGUEL COUNTY DWI DIVISION AS PER THE RECOMMENDATION OF WENDY ARMIJO, SAN MIGUEL COUNTY DWI COORDINATOR**

**PROBATIONARY PART TIME EMPLOYEE**

**LARRY ROMERO - VETERANS TRANSIT OPERATOR - EFFECTIVE DATE OF HIRE: OCTOBER 25, 2010 - HOURLY SALARY: \$10.00**

**(Backup)**

County Manager Les Montoya advised the Commission that the position of Veterans Transit Operator has been vacant due to the termination of Kenneth Maestas. Larry Romero was interviewed and he is qualified to fill the vacant position.



Motion to approve and ratify the hiring of Larry Romero as the new Veterans Transit Operator with the San Miguel County DWI Division, by Commissioner Padilla. Second by Commissioner Garcia. Motion carried.

**17. SAN MIGUEL COUNTY MANAGER'S REQUEST FOR APPROVAL TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUAL TO FILL THE VACANT SEASONAL POSITION OF TAX PROCESSOR WITH SAN MIGUEL COUNTY TREASURER'S DIVISION AS PER THE RECOMMENDATION OF ALFONSO E. ORTIZ JR, COUNTY TREASURER**

**PART TIME PROBATIONARY EMPLOYEE**

**ROCHELLE VIGIL - TAX PROCESSOR - EFFECTIVE DATE OF HIRE: OCTOBER 25, 2010 - HOURLY SALARY: \$9.00**

**(Backup)**

County Manager Les Montoya advised the Commission that Mr. Alfonso E. Ortiz Jr., County Treasurer, interviewed five applicants for the Seasonal Tax Processor position and Rochelle Vigil was the best qualified to fill the vacant position and requested Commission approval for the hiring of Ms. Vigil.

Motion to ratify the hiring of Rochelle Vigil to fill the Seasonal Tax Processor position, by Commissioner Garcia. Second by Commissioner Padilla. Motion carried.

**18. SAN MIGUEL COUNTY MANAGER'S REQUEST TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUALS TO FILL THE VACANT POSITIONS OF DETENTION OFFICER AT THE SAN MIGUEL COUNTY DETENTION CENTER AS PER THE RECOMMENDATION OF PATRICK SNEDEKER, WARDEN/FACILITY ADMINISTRATOR**

**PROBATIONARY EMPLOYEES:**

**DOMINGO MADRID - DETENTION OFFICER - DATE OF HIRE: NOVEMBER 1, 2010 - PROBATIONARY SALARY: \$20,900.00**

**ALEX SANCHEZ - DETENTION OFFICER - DATE OF HIRE: NOVEMBER 1, 2010 - PROBATIONARY SALARY: \$20,900.00**

**LEVI MARTINEZ - DETENTION OFFICER - DATE OF HIRE: NOVEMBER 1, 2010 - PROBATIONARY SALARY: \$20,900.00**

**FABIAN MOLINA - DETENTION OFFICER - DATE OF HIRE: NOVEMBER 8, 2011 - PROBATIONARY SALARY: \$20,900.00**

**(Backup)**

County Manager Les Montoya advised the Commission that the Detention Officer positions became vacant due to several employees resigning from their positions.

Mr. Montoya requested the Commission approve and ratify the hiring of the above mentioned individuals to fill the vacant positions of Detention Officer.

Motion to approve and ratify the hiring of the above mentioned individuals to fill the vacant positions of Detention Officers, by Commissioner Ortiz. Second by Commissioner Padilla. Motion carried.

## **19. PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF OCTOBER 2010**

### **(Backup)**

County Manager Les Montoya advised the Commission of the personnel changes which have taken place in San Miguel County for the month of October 2010 and requested ratification and approval by the San Miguel County Board of Commissioners.

Motion to ratify and approve the personnel changes that have taken place during the month of October 2010, as presented by the County Manager, by Commissioner Padilla. Second by Commissioner 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 or disposal of real property, as permitted by Section 10-15-1(H)(8) of the Open Meetings Act, NMSA 1978.**
- D. Matters pertaining to the discussion of bargaining strategy preliminary to collective bargaining negotiations, as permitted by Section 10-15-1(H)(5), 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, 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, and matters pertaining to the discussion of bargaining strategy preliminary to collective bargaining negotiations, as permitted by section 10-15-1(H)(5), NMSA 1978.

Motion made by Commissioner Ortiz to retire into Executive/Closed Session at 3:30 p.m. to discuss the matters outlined above by the County Manager. Second by Commissioner Padilla. Motion carried as follows:

Roll call was taken before County Commission retired into Executive Session

Chairman David Salazar	Yes
Vice-Chair June Garcia	Yes
Commissioner Albert Padilla	Yes
Commissioner Nicolas T. Leger	Yes
Commissioner Marcellino A. Ortiz	Yes

Unanimous vote to retire into executive session.

Commissioner Padilla made a motion to return to regular session at 3:54 P.M. Second by Commissioner Leger. 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 Garcia made motion to adjourn. Second by Commissioner Padilla. Motion carried. The meeting ended at 3:55 P.M.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2010, as the official Minutes of the Board of County Commissioners of San Miguel County, New Mexico, of its regular monthly meeting held November 9, 2010.

\_\_\_\_\_  
David R. Salazar, Chairman

\_\_\_\_\_  
June J. Garcia, Vice-Chair

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Nicolas T. Leger, Commissioner

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Marcellino A. Ortiz, Commissioner

\_\_\_\_\_  
Albert J. Padilla, Commissioner

***ATTEST***

\_\_\_\_\_  
Melanie Y. Rivera, County Clerk

\_\_\_\_\_  
Minutes submitted by Javier L. Lopez