



COUNTY CLERK

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June J. Garcia
Vice-Chairman - District 1

Marcellino A. Ortiz
Commissioner - District 2

Albert J. Padilla
Commissioner - District 3

Nicolas T. Leger
Commissioner - District 5

Les Montoya
County Manager

MINUTES OF REGULAR MONTHLY MEETING OF SAN MIGUEL COUNTY BOARD OF COMMISSIONERS HELD TUESDAY, FEBRUARY 8, 2011, BEGINNING AT 1:30 P.M.

CALL TO ORDER

The San Miguel County Board of Commissioners held its regular monthly meeting on Tuesday, February 8, 2011, beginning at 1:30 p.m. The meeting took place at the County Commission Chambers, San Miguel County Courthouse, 2nd floor, 500 West National Ave., Suite 200, Las Vegas, New Mexico 87701.

ROLL CALL:

Upon a call of the roll, Chairman David R. Salazar, Vice-Chairman Nicolas T. Leger, and Commissioners Marcellino A. Ortiz, Ron R. Ortega and Arthur J. Padilla were all present and in attendance, and a quorum was duly noted by Chairman Salazar.

PLEDGE OF ALLEGIANCE AND SALUTATION TO NM STATE FLAG

Commissioners, staff and citizens in attendance joined in the pledge and salute.

APPROVAL OF AGENDA

Chairman Salazar noted he would move Items 5 and 6 of the Agenda to the beginning of the meeting, and upon a motion by Commissioner Padilla and a second by Commissioner Ortiz, the Agenda was approved by the Commission. **(Unless otherwise indicated, all motions are approved by unanimous voice vote of the Commission).**

APPROVAL OF MINUTES

Motion by Commissioner Padilla to approve the minutes of regular monthly meeting held December 14, 2010. Second by Commissioner Leger. Motion carried.

Motion by Commissioner Padilla to approve the minutes of the continued December meeting, held December 20, 2010. Second by Commissioner Ortiz. Motion carried.

Motion by Commissioner Padilla to approve the minutes of the regular monthly meeting held January 11, 2011. Second by Commissioner Leger. Motion carried.

INTRODUCTION OF NEW EMPLOYEES

Tasha Rae Martinez Financial Specialist II Finance Division
(Probationary Employee)

Yvette Rene Gomez Tax Processor II Treasurers Division
(Probationary Employee)

PRESENTATION FROM ALEX VALDEZ, CEO CHRISTUS ST. VINCENT TO ADDRESS CONCERNS ON SOLE COMMUNITY PROVIDER FUNDS AND TO PROVIDE INFORMATION ON HEALTH SERVICES PROVIDED BY CHRISTUS ST. VINCENT

Mr. Valdez was not in attendance.

COMMITTEES AND GROUPS (TASK FORCE) APPOINTED BY COUNTY COMMISSION

Upon prior request of Commissioner Ortega, the County Manager informed the Commission of the several functioning committees and groups appointed by the Commission to address sundry issues as charged by the Commission, and Montoya informed the Commissioners that a complete listing is available to them.

NEW BUSINESS:

SAN MIGUEL COUNTY BOARD OF FINANCE MEETING

1. COUNTY TREASURER'S MONTHLY REPORT

The County Treasurer was not in attendance.

2. BUDGET ADJUSTMENT 2011-02-08-F1 REQUESTING APPROVAL TO INCREASE FUND 304 (UNDERAGE DRINKING) AND FUND 315 (OFFICE OF EMERGENCY MANAGEMENT)

Finance Supervisor Melinda Gonzales advised the Commission that the budget adjustment for fund 304 is to account for Alcohol Literacy Challenge Grant in the amount of \$2,697.40, and the budget adjustment for fund 315 is to account for and reflect a \$175,000.00 2010 Homeland Security grant made to the County. Whereupon Commissioner Padilla moved approval of the budget adjustments, and upon a second by Commissioner Ortiz, the motion carried.

3. ACCOUNTS PAYABLE LISTING ITEMS 2011-7-1 THROUGH 2011-7-695

Finance Division Supervisor Melinda Gonzales advised the Commission of all payments made since the last regular meeting, and requested approval and ratification of same; whereupon Commissioner Padilla moved approval, and upon a second by Commissioner Ortega, the motion carried.

4. CASH BALANCE REPORT AS OF JANUARY 31, 2011

For their information, review and queries, Finance Division Supervisor Melinda Gonzales advised the Commissioners of the County's cash balance report, as of January 31, 2011.

5. RESOLUTION NO. 02-08-11, PROPOSING FINAL ADOPTION AND PASSAGE OF A WIND ENERGY FACILITY ORDINANCE AFTER PUBLIC NOTICE AND HEARING AS REQUIRED BY LAW. THE RESOLUTION RECITES THAT BY PRIOR RESOLUTION ADOPTED BY THE COUNTY COMMISSION ON NOVEMBER 9, 2010, A PROPOSED WIND ENERGY FACILITY ORDINANCE HAS BEEN CONSIDERED BY THE COMMISSION, AND THAT PUBLIC HEARINGS CONCERNING THE SAME WERE HELD ON DECEMBER 14 AND 20, 2010; THAT AT THE DECEMBER 20 MEETING THE COMMISSION MADE REVISIONS TO THE PROPOSED ORDINANCE, AND DIRECTED STAFF TO IMPLEMENT AND INCORPORATE SAID REVISIONS INTO A FINAL DRAFT ORDINANCE, AND THAT ONCE THAT WAS DONE, THE PROPOSED ORDINANCE BE BROUGHT BEFORE THE BOARD OF COMMISSIONERS FOR FINAL HEARING, ADOPTION AND PASSAGE, AS REQUIRED BY LAW

Planning and Zoning Supervisor Alex Tafoya presented Resolution No. 02-08-11 for approval by the Commission. Tafoya explained that attached to the Resolution as Exhibit "A" is the final draft proposed wind energy facility ordinance, which reflects and incorporates the revisions made to the proposed ordinance by the Commission at its continued meeting held December 20, 2010. Tafoya also informed the Commission that Resolution No. 02-08-11 directs the County Manager to publish the title and summary of the general subject matter of the proposed ordinance, and cause the same to be presented to the Commission for final passage and approval at its regular monthly meeting in March, 2011.

Discussion ensued among the Commissioners and staff, and several members of the audience, including Dale Harapat and Gloria Luz Gonzales, also made comments to the Commission; whereupon Commissioner Leger moved adoption of Resolution No. 02-08-

11, and upon a second by Commissioner Padilla, the motion carried and the Resolution was duly adopted.

6. PECOS VALLEY MEDICAL SERVICES (PVMC) EMERGENCY MEDICAL AND AMBULANCE SERVICES ANNUAL AGREEMENT

County Manager Montoya advised the Commission that the prior EMS Agreement expired December 31, 2010, and recommended that the same be extended for a three-month period, and reviewed at that time. (Sigred Olsen of the Pecos Valley Medical Center addressed the Commission, stating the extension was agreeable to her, and otherwise providing information to the Commission on ambulance service in the Pecos area).

Discussion ensued among the Commissioners, whereupon Commissioner Ortiz moved approval of the EMS Agreement for three additional months, and upon a second by Commissioner Padilla, the motion carried.

7. APPOINTMENT OF BOARD OF REGISTRATION

Upon the recommendation of Bureau of Elections Supervisor Paul Maez, pursuant to Section 1-4-34 of the Election Code, NMSA 1978, Commissioner Padilla moved and Commissioner Ortiz seconded the appointment of the following persons as the San Miguel County Board of Registration, for their respective political parties, and the motion carried:

Sam Lujan (Democrat)	Michael G. Spivey (Republican)
Berna Lujan (Democrat)	Susan J. Tsyitee (Republican)
Marcia Garcia (Democrat/alternate)	Rey Herrera (Republican/alternate)

8. CONTINUATION OF PUBLIC HEARING ON APPLICATION FOR CONDITIONAL USE APPROVAL TO CONSTRUCT AND MAINTAIN A 195' SELF-SUPPORT COMMUNICATIONS TOWER

Planning and Zoning Division Supervisor Alex Tafoya advised the Commission that this application was heard, in part, at the Commission's meeting in February, 2011, but was continued at that time to allow interested parties to familiarize themselves with the application, and to allow a site visit to the proposed tower location by county staff and interested parties.

Mr. Tafoya also informed the Commission that Verizon (applicant) representative Randy Pridgeon called to say he was unable to attend today's hearing, and asked that the hearing be continued so that he could be present to answer questions and otherwise protect the applicant's interests.

Whereupon Chairman Salazar opened the public hearing and invited all interested persons to offer comment to the Commission. The following persons addressed the Commissioners on the application: Joe Chavez, Tanya Chavez, Mike Pena, Mary Pena and Angela Sandoval.

Thereupon discussion ensued by the Commissioners and staff, whereupon Commissioner Ortega moved that the hearing be continued to the March regular meeting, and taken up at that time, allowing all interested parties, including Verizon's representative, to be in attendance. Upon a second by Commissioner Padilla, Ortega's motion carried.

9. APPOINTMENTS TO SAN MIGUEL COUNTY PLANNING AND ZONING COMMISSION

Planning and Zoning Division Supervisor Alex Tafoya advised the Commission that two vacancies exist on the County Planning and Zoning Commission, for Commission Districts 1 and 3, and asked the Commission to fill the vacancies.

Whereupon, Commissioner Ortega recommended Pat Galligan for appointment from District 1, and upon a motion by Commissioner Leger and a second by Commissioner Padilla, Mr. Galligan was appointed to the Planning and Zoning Commission and addressed the Commission, thanking Commissioners for their consideration. Thereafter Commissioner Padilla moved that Dwight Torres be appointed to the Planning and Zoning Commission for District 3, and upon a second by Commissioner Ortiz, the motion carried and Mr. Torres was duly appointed.

10. APPOINTMENT TO CITY-COUNTY EXTRA TERRITORIAL ZONING AUTHORITY

Planning and Zoning Supervisor Alex Tafoya advised the Commission that it is required to select from among its members a representative to replace former Commissioner Albert Padilla on the City-County Extra-Territorial Zoning Authority. Whereupon Commissioner Padilla moved that Commissioner Ortega be named and designated as the Commission's representative, and upon a second by Commissioner Leger, the motion carried and Commissioner Ortega was duly appointed to the City-County Extra Territorial Zoning Authority.

11. SMC ORDINANCE NO. 01-12-10-NATURAL RESOURCES (OIL AND GAS MORATORIUM)

Planning and Zoning Supervisor Alex Tafoya advised the Commission that it previously adopted SMC Ordinance No. 01-12-10-NATURAL RESOURCES, imposing a one-year moratorium on conditional use permits for oil, gas or geothermal exploration, extraction or drilling in San Miguel County. The Ordinance will soon expire and Tafoya asked the Commission whether it desired to extend the moratorium pending adoption of a new, comprehensive ordinance on this subject. Whereupon Commissioner Padilla moved that

staff proceed to present an extension of the ordinance as required by law, and upon a second by Commissioner Ortiz, the motion carried.

12. QUARTERLY REPORT FOR SECTION 8 HOUSING ADMINISTRATION FOR THE 2ND QUARTER OF FY 2010/2011

Section 8 Housing Administrator Christina Barajas advised the Commission that the quarterly report is being provided for Commissioners' information, review and questions, not for any formal action.

No questions were asked, and the Report was accepted by the Commission.

13. GRANT AGREEMENT 2010-SAN MIGUEL COUNTY-SHSGP-WITH THE NEW MEXICO DEPARTMENT OF HOMELAND SECURITY/EMERGENCY MANAGEMENT IN THE AMOUNT OF \$175,000.00 FOR PUBLIC SIREN WARNING SYSTEM, PUBLIC AWARENESS CAMPAIGN, SECURITY AND SURVEILLANCE SYSTEM FOR 4TH JUDICIAL DISTRICT COURT AND MANDATORY EXERCISE

Emergency Manager Dennis English advised the Commission that the County was awarded a Homeland Security grant in the amount of \$175,000.00 for the matters noted above in the heading for this Agenda Item, and asked the Commission to accept the grant and direct its inclusion in the County budget. Whereupon Commissioner Padilla moved acceptance of the grant and its inclusion in the budget, and upon a second by Commissioner Ortega, the motion carried.

14. DEPARTMENT OF FINANCE AND ADMINISTRATION (DFA) LOCAL DWI GOVERNMENT DIVISION FY 2011-12 DISTRIBUTION/GRANT PROPOSED BUDGET APPLICATION

DWI Coordinator Wendy Armijo asked permission to apply for grant funds in the amount of \$40,133.00 to be utilized for prevention, screening, compliance monitoring and tracking, and coordination of planning and evaluation, as per the recommendation of the DWI Council. Whereupon Commissioner Padilla moved that grant application be approved, and upon a second by Commissioner Leger, the motion carried.

15. RESOLUTION NO. 02-08-2011-DWI REQUESTING GRANT FUNDS AND DISTRIBUTION PROGRAM

DWI Coordinator Armijo asked approval of the above resolution allowing her program to participate in the grant and distribution program for FY 11-12, whereupon Commissioner Padilla moved adoption of Resolution, and upon a second by Commissioner Ortega, the motion carried.

16. MEMORANDUM OF UNDERSTANDING BETWEEN THE SMC DWI PROGRAM AND THE NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION/LOCAL GOVERNMENT DIVISION/DRIVING WHILE INTOXICATED PROGRAM

DWI Coordinator Wendy Armijo advised the Commission that the purpose of the subject MOU to assure that the DWI Program is in compliance with all imposed deadlines, whereupon Commissioner Padilla moved approval, and upon a second by Commission Ortiz, the Memorandum of Understanding was approved.

17. FY 11-12 LOCAL DWI (LDWI) GRANT AND DISTRIBUTION PROGRAM APPLICATION STATEMENT OF ASSURANCES

DWI Coordinator Wendy Armijo advised the Commission that the above statement of assurances is required for timely application to the DWI grant and distribution program, whereupon Commissioner Leger moved approval of statement of assurances, and upon a second by Commissioner Ortiz the motion carried.

18. DOH ASSURANCES AND COOPERATIVE AGREEMENT

DWI Coordinator Wendy Armijo advised the Commission that the subject Cooperative Agreement is required by law (Sections 43-3-10 to 43-3-15, NMSA 1978), whereupon Commissioner Padilla moved approval of the Agreement, and upon a second by Commissioner Ortega, the motion carried.

19. RATIFICATION OF CONTRACTUAL AMENDMENT-CYFD-SAN MIGUEL COUNTY, NEW MEXICO-CHILDREN OF ARRESTED PARENTS PROGRAM

Warden/Facility Administrator Patrick W. Snedeker asked approval of a contractual amendment by and between the New Mexico Children, Youth and Families Department and San Miguel County, New Mexico, for the children of arrested parents program at the San Miguel County Detention Center. The contractual amendment decreases the compensation value of the contract from \$25,000.00 to \$16,250.00, reduces program activities and terminates on June 30, 2011; whereupon Commissioner Padilla moved approved of the contractual amendment, and upon a second by Commissioner Ortiz, Padilla's motion carried.

20. PUBLIC WORKS DIVISION MONTHLY REPORT FOR THE MONTH OF JANUARY 2011

Minutes-Regular Meeting of 02-08-11
SMC-Commission

Road Foreman Daniel Encinias presented his monthly report for the information of the Commission, and stood for questions. Discussion ensued and several questions were propounded to Encinias by Commissioners. (This item is presented only for information, and no formal action was required by the Commission).

21. RATIFICATION OF SUBMITTAL OF A GRANT APPLICATION FOR A RECYCLING COALITION ARRA SPOKE GRANT PROGRAM APPLICATION

Public Service Foreman Harold Garcia advised the Commission the New Mexico Recycling Coalition has invited interested governmental entities to submit a grant application for development of recycling Spokes program, to be funded through Federal ARRA funds under the direction of the NM recycling coalition.

Discussion ensued.

Motion made by Commissioner Ortiz to ratify submittal of the grant application in the amount of \$190,265.00 for development of a recycling spokes program within San Miguel County and the City of Las Vegas. Second by Commissioner Ortega. Motion carried.

22. AWARD OF BID FOR THE LEASE OF A CURRENT YEAR STANDARD PRODUCTION JOYSTICK CONTROL STEERING MOTORGRADER

Public Service Foreman Harold Garcia advised the Commission that the San Miguel County Public Works Division currently has a 140H motorgrader under a 60-month lease-to-purchase agreement that expired on November 2010 (an extended month-to-month lease on this grader for up to 4 months is now active). The motorgrader is being utilized for the day-to-day operations of the road division. An invitation for bids was issued for the continued lease of this heavy equipment, and two bids were submitted, from Wagner Equipment Company and Tom Growney Equipment Company.

Garcia recommended that the contract be awarded to Wagner, representing to the Commission that Wagner submitted the lowest and most responsible bid in the amount of \$2,551.46 per month for the life of the contract of purchase. After an extended discussion by Chairman Salazar and other Commissioners and staff concerning the merits of using heavy equipment with a joystick, Commissioner Padilla moved that the contract award be made to Wagner Equipment Company in the amount of \$2,551.46 as the lowest and most responsible bid, and upon a second by Commissioner Ortiz, the motion carried and the contract was duly awarded as aforesaid.

23. 60-MONTH LEASE AGREEMENT BETWEEN SAN MIGUEL COUNTY AND WAGNER EQUIPMENT (CATERPILLAR) COMPANY FOR A 140M MOTORGRADER

Public Services Foreman Harold Garcia advised the Commission that San Miguel County opened bids for the lease-to-purchase of a motorgrader. Wagner Equipment (Caterpillar) Company was the lowest responsible bidder, as follows: Wagner Equipment Company for a period of 60 months with the option to purchase the motorgrader at the end of the lease period. Price of lease is \$2,551.46 per month. Whereupon Commissioner Padilla moved approval of contract award as aforesaid, and upon a second by Commissioner Ortega, the motion carried.

24. PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF JANUARY 2011

County Manager Les Montoya advised the Commission of personnel changes which have taken place in San Miguel County during the month of January 2011, and asked ratification of same; whereupon Commissioner Padilla moved approval of the personnel changes, and upon a second by Commissioner Ortiz, the motion carried.

25. SAN MIGUEL COUNTY MANAGER'S RECOMMENDATION TO APPROVE CHRISTINA BARAJAS, SECTION 8 ADMINISTRATOR, TO ATTEND CLASSES AT LUNA COMMUNITY COLLEGE

County Manager Les W. J. Montoya advised the Commission the description of classes that will be taken are in Managerial Accounting for manufacturing accounting, planning, control and decision making. This class will enable Christina to properly manage HUD funds for the San Miguel County Section 8 Program as well as manage the operational budget and the day to day operation of the Section 8 Housing Office.

The County Manager asked approval for Ms. Barajas to attend classes at LCC, per the County's policy and procedure for same, and Mr. Montoya informed the Commission of the nature and extent of the classes to be undertaken by Ms. Barajas. Whereupon Commissioner Padilla moved, and Commissioner Leger seconded, approval, and the motion carried.

26. OUT OF STATE TRAVEL REQUEST FOR VICE-CHAIRMAN NICHOLAS T. LEGER AND LES W.J. MONTOYA TO ATTEND THE 2011 NACO LEGISLATIVE CONFERENCE IN WASHINGTON D.C. MARCH 5-9, 2011

Upon being informed by the County Manager and Commissioner Leger concerning the importance of their attendance at the aforesaid conference, Commissioner Padilla moved approval of the requested out-of-state travel, and upon a second by Commissioner Ortiz, the motion carried. (Commissioner Ortega indicated that he looked forward to an informative report from Leger and Montoya upon their return).

27. REVIEW OF THE COUNTY SHERIFF'S PROPOSAL TO INCREASE COUNTY LAW ENFORCEMENT SERVICES IN SAN MIGUEL COUNTY

County Manager Les W.J. Montoya advised the Commission that Commissioner Ortega has indicated an interest in having a presentation made on the cost of operating the Sheriff's office round-the-clock, on a 24 hour, 7-day a week basis. In this regard, Sheriff Benjie Vigil was invited to make a presentation to the Commission today.

Whereupon both Sheriff Vigil and Undersheriff Roy Pacheco addressed the Commission, detailing their position and desires concerning the operation of the Sheriff's office around the clock, on a 24-hour basis. Discussion ensued among the Commissioners, staff and Sheriff Vigil and Undersheriff Pacheco.

Whereupon the County Manager recommended that a committee be appointed and designated to study this matter in depth, and report back to the Commission. Commissioners, the Sheriff and staff all expressed ideas on who should be appointed to the study committee. Whereupon Commissioner Ortega moved that such a committee be appointed by the Commission as soon as possible, and upon a second by Commissioner Ortiz, Ortega's motion carried.

28. REQUEST TO ADVERTISE FOR BIDS TO PURCHASE A CURRENT YEAR OR NEWER WILDLAND FIRE APPARATUS

Wildland Fire Coordinator Kenneth Medina requested permission to invite bids for the purchase of a wildland fire apparatus, funding for which will come from the NM Energy, Minerals and Natural Resources Department Forestry Division (Joint Powers Agreement 11-521-A09311 which was approved by the Board of County Commissioners of San Miguel County on the 14th day of September, 2010).

Whereupon Commissioner Padilla moved that Medina be authorized to invite bids as aforesaid, and upon a second by Commissioner Leger, the 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 Padilla to retire into Executive/Closed Session at 5:41 p.m. to discuss the matters outlined above by the County Manager. Second by Commissioner Ortiz.

Roll call was taken before County Commission retired into Executive Session, with all Commissioners voting in the affirmative to retire into executive/closed session pursuant to the above motion and second, as follows:

Chairman Salazar	Yes
Vice-Chair Leger	Yes
Commissioner Padilla	Yes
Commissioner Ortega	Yes
Commissioner Ortiz	Yes

Unanimous vote to retire into executive session.

Commissioner Ortiz made a motion to return to regular session at 7:28 P.M. Second by Commissioner Padilla. 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 Leger made motion to adjourn. Second by Commissioner Padilla. Motion carried. The meeting ended at 7:29 P.M.

Approved this _____ day of _____, 2011 as the Official Minutes of the Board of County Commissioners of San Miguel County, New Mexico, of its Regular Meeting held February 8, 2011.

David R. Salazar, Chairman

Nicholas T. Leger, Vice-Chair

Arthur J. Padilla, Commissioner

Marcellino A. Ortiz, Commissioner

Ron R. Ortega, Commissioner

ATTEST

Melanie Y. Rivera, County Clerk

Minutes Submitted by Michelle J. Padilla