

**MINUTES OF THE REGULAR MONTHLY MEETING  
OF THE BOARD OF COUNTY COMMISSIONERS OF  
SAN MIGUEL COUNTY, NEW MEXICO,  
HELD TUESDAY, SEPTEMBER 11, 2012, BEGINNING AT 1:30 P.M.**

**CALL TO ORDER AND ROLL CALL**

Chairman Nicolas T. Leger called the meeting to order at 1:30 p.m., at the Commission chambers on the 2<sup>nd</sup> floor of the San Miguel County Courthouse. Upon a call of the roll by the Clerk, all five County Commissioners were present, and a quorum was duly established and noted as follows: Chairman Nicolas T. Leger, Vice Chairman Ron R. Ortega, and Commissioners David R. Salazar, Marcellino A. Ortiz and Arthur J. Padilla.

**PLEDGE OF ALLEGIANCE AND SALUTATION OF THE NM FLAG**

Joined by staff and all in attendance, the Commissioners pledged allegiance to the U.S. flag and offered their salutation to the NM state flag.

**APPROVAL OF MINUTES**

Upon a motion by Commissioner Salazar, and a second by Commissioner Padilla, the Commission approved the minutes of its regular monthly meeting held August 14, 2012. ***[Unless otherwise indicated, minutes are approved without change, correction or revision.]***

**APPROVAL OF AGENDA**

Upon the recommendation of County Manager Les Montoya, Commissioner Padilla moved and Commissioner Salazar seconded, approval of the Agenda as presented. ***[Unless otherwise indicated, the meeting agenda is approved without change or deletion.]***

***(ALL MOTIONS MADE AND SECONDED ARE DULY APPROVED AND ADOPTED WITHOUT FURTHER INDICATION OF SAID ACTION; AND ALL FORMAL ACTION IS BY UNANIMOUS VOICE VOTE, UNLESS OTHERWISE INDICATED.)***

**PUBLIC INPUT FORUM**

Upon the invitation of Chairman Leger, in accordance with the public input portion of the meeting, the following persons addressed the Commission, and each presented comment and opinion relating to oil and gas exploration issues, and the ordinance to be

formulated by the Commission in the months ahead: Lee Einer, Niki Sebastian, Paula Hern, Diana Presser, Sarah Moore, Miguel Pacheco, Percine Gardner, B. F. Winkel, Corelie Sammeth, Allison Lovekin, Dianne Lindsay, Donna Chamberlain and Julie Olague.

Chairman Leger thanked everyone for their presentations, and also noted that the Commission would soon be holding special meetings/hearings to entertain robust public comment on the issue of oil and gas exploration and the formulation of an ordinance relative thereto; and Vice Chairman Ortega said he was interested in hearing from everyone and invited all to call him, and he provided his telephone number.

### **INTRODUCTION OF NEW EMPLOYEE(S)**

The County Manager introduced newly-hired employee Amanda Padilla, who will assume the position of deputy clerk for the Probate Court, and Chairman Leger welcomed her to County employment. (Ms. Padilla was not present.)

### **PRESENTATIONS**

The Commission entertained the following presentations:

Sheriff Benjie Vigil presented Deputy Sheriff Genovevo Gonzales, noting he was retiring after 12 years and 8 months of exemplary service. Whereupon Commissioner Padilla presented Gonzales with a plaque, and all Commissioners congratulated Gonzales.

### **AT 2:15 P.M., THE COMMISSION THEN CONVENED AS THE SAN MIGUEL COUNTY BOARD OF FINANCE, AS FOLLOWS:**

#### **ITEM 1: COUNTY TREASURER'S MONTHLY REPORT**

Neither the County Treasurer nor his designee were in attendance, and this presentation was not made.

#### **ITEM 2: APPROVAL OF INDIGENT CLAIMS/PAYMENTS (ALTA VISTA HOSP.)**

Upon a presentation and recommendation by Finance Supervisor Melinda Gonzales, Commissioner Salazar moved and Commissioner Padilla seconded, approval of indigent fund payments to Alta Vista Regional Hospital in the amount of \$77,799.44; Gonzales certifying that all claims recommended for approval, met eligibility requirements and otherwise qualified for payment under the County's Indigent Fund guidelines.

#### **ITEM 3: APPROVAL OF INDIGENT BURIAL PAYMENT/ROGERS MORTUARY**

Upon a presentation and recommendation by Finance Supervisor Gonzales, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of two indigent burial claims to Rogers Mortuary for the statutory maximum amounts, Gonzales certifying that the claims were lawful and proper.

**ITEM 4: BUDGET ADJUSTMENT RESOLUTION 2012-09-11-F1**

Upon a recommendation of Finance Supervisor Gonzales, Commissioner Salazar moved and Commissioner Padilla seconded, approved of the above-titled Resolution, making Fund 404 and Fund 750 budget adjustments in the amounts (increases) of \$11,308.00 and \$6,977.50, respectively.

**ITEM 5: APPROVAL OF ACCOUNTS PAYABLE/2013-2-2 THROUGH 2013-2-550**

Upon a motion by Commissioner Padilla and a second by Vice Chairman Ortega, the Commission approved the County's disbursements as recommended by Finance Supervisor Gonzales, inclusive of Items 2013-2-2 through 2013-2-550, who certifies in the corresponding written document that all disbursements are lawful and proper.

**ITEM 6: CASH BALANCE REPORT AS OF AUGUST 31, 2012**

Finance Supervisor Gonzales presented the Commission with the cash balance report as of August 31, 2012, and noted that the report is in order, and contained no extraordinary matters of which the Commission should be concerned. (The Item is presented monthly and no formal action is sought from nor required by the Commission.)

**ITEM 7: ACCEPTANCE OF LETTER FROM DFA/LGD RE 2012-2013 FY BUDGET**

Upon the recommendation of Finance Supervisor Gonzales, Chairman Leger accepted and made part of the record, the letter from DFA/LGD, approving the County's budget for FY 2012-2013, with all the recapitulations and stipulations therein contained. (Gonzales read the letter to the Commission.)

**HAVING CONCLUDED ITS BUSINESS AS THE  
COUNTY BOARD OF FINANCE, AT 2:22 P.M. THE COMMISSION  
PROCEEDED TO REGULAR ORDER, AS FOLLOWS:**

**ITEM 8: RESOLUTION 09-13-12-SEPTEMBER PREPAREDNESS MONTH**

Emergency Manager Dennis English addressed the Commission and read aloud the above-titled Resolution, reminding all in attendance about the anniversary of 9/11. Chairman Leger also made brief remarks relative to the anniversary, as did Vice Chairman Ortega. Whereupon, Commissioner Ortiz moved and Commissioner Padilla seconded, approval of the above-titled Resolution.

#### **ITEM 9: RESOLUTION SUPPORTING NMAC 2013 LEGISLATIVE AGENDA**

A presentation in this matter was made by Chairman Leger, who serves on the Executive Committee of the New Mexico Association of Counties. Leger reviewed the six recommendations the NMAC intends to make at the upcoming legislative session, and asked the Commission to formally endorse the recommendations by adopting the above-titled Resolution.

Chairman Leger answered questions from Commissioners Salazar, Padilla and Ortega, and the Commission having indicated its support, Commissioner Padilla moved and Commissioner Salazar seconded, adoption of the above-titled and –numbered Resolution.

#### **ITEM 10: RESOLUTION 09-11-12 RE CDBG ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN AND CERTIFICATION**

Upon a presentation by Planning & Zoning Supervisor Alex Tafoya, Commissioner Salazar moved and Commissioner Ortiz seconded, approval of the above-titled Resolution, as required by HUD.

#### **ITEM 11: RESOLUTION 09-11-12-CITIZEN PARTICIPATION PLAN**

Upon a presentation by Planning & Zoning Supervisor Tafoya, Commissioner Ortiz moved and Commissioner Salazar seconded, approval of the above-titled Resolution, as required by HUD.

#### **ITEM 12: RESOLUTION 09-11-12-CM-AMTRAK**

County Manager Les Montoya made a brief presentation recommending approval of the above-titled Resolution supporting the continuing operation of AMTRAK through San Miguel County. All Commissioners propounded questions to Montoya, and expressed their views in the matter, stating generally that the continuation of AMTRAK was important to the area. Whereupon, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the above-titled Resolution.

### **ITEM 13: RESOLUTION 09-11-12-PROCUREMENT**

Upon a presentation by Planning & Zoning Supervisor Tafoya, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the above-titled Resolution, as required annually by HUD regulations, for continued funding of CDBG projects.

[At 2:47 p.m., Chairman Leger noted that Vice Chairman Ortega had temporarily absented himself from the Commission Chambers, and was not present for the vote on Item 13]

### **ITEM 14: GRANT AWARD/NM HIST. RECORDS ADVISOR. BD. (\$8,500.00)**

Upon a presentation by Planning & Zoning Supervisor Tafoya, Commissioner Padilla moved and Commissioner Salazar seconded, acceptance and ratification of the above-described grant award, Chairman Leger commending Tafoya and noting that the preservation of public records is vitally important. (Vice Chairman Ortega was still absent from the chambers, and did not participate in this vote.)

[At 2:54 p.m., Chairman Leger noted that Vice Chairman Ortega had returned to the Commission Chambers]

### **ITEM 15: CONTRACT WITH TAOS COUNTY FOR INMATE CONFINEMENT**

Upon a presentation by Warden Patrick W. Snedeker, Commissioner Padilla moved and Commissioner Padilla seconded, approval of the above inmate confinement agreement between SMC and Taos County. (The motion and vote were preceded by questions from Vice Chairman Ortega concerning confinement agreements generally, and the difference in per diem paid by the several counties in particular; and Ortega announced that the questions were answered to his satisfaction by both Warden Snedeker and the County Manager.)

### **ITEM 16: APPROVAL OF AGREEMENT BETWEEN SMC & AFSCME COUNCIL 18**

Upon a presentation by the County Manager and a brief presentation by Chris Armijo of the American Federation of State, County and Municipal Employees (AFSCME), Commissioner Ortiz moved and Commissioner Ortega seconded, approval of the agreement between SMC and the two affected bargaining units at the Sheriff's Department and Detention Center. (Brief comments were made by all Commissioners, commending everyone involved in the development of the Agreement, and expressing their hopes that employer-employee relations would be positive.)

### **ITEM 17: ADMINISTRATIVE REGULATION 09-11-12-HOTWORKS**

Upon a presentation by the County Manager, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of the above-title Resolution relating to safety standards for work involving open flames or sources of heat.

***(AS NOTED AT THE INCEPTION OF THE MINUTES, UNDER APPROVAL OF AGENDA, ALL MOTIONS MADE AND SECONDED ARE DULY APPROVED AND ADOPTED, WITHOUT FURTHER INDICATION OF SAID ACTION; AND ALL FORMAL ACTION IS BY UNANIMOUS VOICE VOTE, UNLESS OTHERWISE INDICATED.)***

#### **ITEM 18: FY 13 FIRE PROTECTION GRANT/CABO LUCERO FIRE DISTRICT**

Upon a presentation by SMC Fire Chief Russell Pacheco, Commissioner Padilla moved and Commissioner Salazar seconded, approval and ratification of Pacheco's grant application for Fire Protection Grant funds for the Cabo Lucero Fire District, to be used for procurement of a training library and sand table (for exercise simulations). Upon a query from Chairman Leger, Pacheco noted that these acquisitions – and any others by the several county fire districts – are shared by all fire departments, as needed and requested.

#### **ITEM 19: RATIFICATION OF FY 13 DWI REVERSION GRANT APPLICATION**

Upon a presentation by DWI Coordinator Wendy Armijo, Commissioner Padilla moved and Commissioner Salazar seconded, approval and ratification of the above-titled Resolution allowing the DWI Program to make application for reversion funds in the amount of \$20,664.00.

#### **ITEM 20: SALE OF COUNTY-OWNED MOBILE HOME**

The County Manager informed the Commission that a county-owned mobile home was offered for public sale, as previously authorized by the Commission; that Anthony Martinez was the highest bidder at \$8,650.00; and that the Commission should accept the Martinez bid as reasonable and responsible, and authorize the sale to him, with the condition that the proceeds to dedicated for use at the County Fair Grounds.

Whereupon, Commissioner Ortiz moved and Commissioner Salazar seconded, approval of the County Manager's recommendations as aforesaid, inclusive of the stipulation that the sale proceeds be used for and dedicated to the County Fair Grounds.

## **ITEM 21: INVITATION FOR BIDS FOR EMERGENCY SNOW REMOVAL**

Upon a presentation by Public Works Supervisor Harold Garcia, Commissioner Padilla moved and Vice Chairman Ortega seconded, authorization for the issuance of an invitation for bids for contractors' offers for snow removal along county roads and facilities, a long-time practice which has proved beneficial to the County.

## **ITEM 22: INVITATION FOR BIDS FOR TIRE PURCHASE**

Upon a presentation by Public Works Supervisor Garcia, Commissioner Padilla moved and Vice Chairman Ortega seconded, authorization for the issuance of an invitation for bids for the purchase of tires for county equipment and vehicles. (The County Manager, Finance Director and attorney – and Garcia – all spoke concerning the need and reasons for this procurement process, noting that tire purchases exceed \$20,000.00; and expressed their hopes that the intended procurement will be advantageous to the County.)

## **ITEM 23: OUT-OF-STATE TRAVEL REQUEST BY EMERGENCY MANAGER**

Upon a presentation by Emergency Manager English, Commissioner Padilla moved and Commissioner Salazar seconded, approval of out-of-state travel for EM employee Arturo Marlow, for training in Emmitsburg Maryland, from January 6 to 11, 2013.

## **ITEM 24: JOB DESCRIPTION/DETENTION LT./INMATE TRANSPORTATION SUP.**

Upon a presentation by Warden Snedeker, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of a job description for the newly created position of Detention lieutenant, with duties for inmate transportation, courts and judicial services supervisor.

## **ITEM 25: PUBLIC WORKS DIVISION MONTHLY REPORT**

Public Works Foreman Daniel Encinias made his monthly presentation concerning work and progress in his department, and also provided the Commission with a schedule of up-coming road work. Whereupon questions and comments were propounded by Commissioners as follows: Commissioner Ortiz thanked Encinias and his department, saying "you've come a long way"; Commissioner Salazar asked about a project in Rivera and Encinias indicated it had been completed; Vice Chairman Ortega made inquiries about Romero road near Armijo Elementary, and a discussion ensued whether the same is or is not a public road, or simply a path or "short-cut" made by pedestrians and drivers, and Encinias said he would look into the matter further; and Commissioner Padilla expressed his desire for at least a one-time road maintenance at the Harlan subdivision, reminding everyone of the bad conditions of the roads there, and the residents' concerns previously expressed to the Commission, and Padilla asked that his request be considered in the near future..

## **ITEM 26: PERSONNEL ACTIONS FOR AUGUST, 2012**

Upon a presentation by Human Resources Supervisor Kiki Arellano, Commissioner Ortiz moved and Commissioner Salazar seconded, approval of all personnel actions and changes made in the County for and during the month of August, 2012. (Vice Chairman Ortega asked Arellano her opinion concerning employee relations and morale generally, and Arellano responded that it was positive.)

## **ITEM 27: EMPLOYMENT OF SHERIFF'S DEPUTIES**

Upon the recommendation of the County Manager and Sheriff Benjie Vigil, Commissioner Padilla moved and Commissioner Salazar seconded, the employment of Chrissie Vigil as a Sheriff's deputy, effective September 01, 2012, as a probationary employee with a beginning salary of \$23,750.00; and the employment of Joe M. Romero, also as a Sheriff's deputy, effective September 08, 2012, as a probationary employee with a beginning salary of \$23,750.00.

## **ITEM 28: EMPLOYMENT OF DETENTION CENTER ADMIN. SECRETARY**

Upon the recommendation of the County Manager and Warden Snedeker, Commissioner Salazar moved and Commissioner Padilla seconded, the employment of Gloria Martinez as Detention Officer/Administrative Area Secretary, at the Detention Center, effective September 17, 2012, as a probationary employee with a beginning salary of \$17,100.00.

## **ITEM 29: EMPLOYMENT OF SMC DETENTION OFFICER**

Upon the recommendation of the County Manager and Warden Snedeker, Commissioner Ortiz moved and Vice Chairman Ortega seconded, the employment of Lee Engel as a detention officer, effective September 10, 2012, as a probationary employee with a beginning salary of \$20,900.00.

## **ITEM 30: EMPLOYMENT OF DWI TRANSIT OPERATOR**

Upon the recommendation of the County Manager and DWI Coordinator Wendy Armijo, Commissioner Padilla moved and Commissioner Salazar seconded, the employment of Fabian Molina as a transit operator for the Safe Ride Home Service, as a temporary/part-time employee, effective September 07, 2012, at an hourly rate of \$12.00 per hour.

Chairman Leger asked DWI Coordinator Wendy Armijo about the Safe Ride Home Service program, and Armijo responded that it is working well, and that several recently implemented changes have made the program more effective; and Vice Chairman



Ortega made inquiry about the service area of the program, and Armijo described the area of service (5 mile radius from Las Vegas), and the reasons for the limitation.

---

**HAVING CONCLUDED THE FOREGOING REGULAR ORDER, THE COUNTY MANAGER RECOMMENDED THAT THE COMMISSION RETIRE INTO EXECUTIVE/CLOSED SESSION TO CONSIDER THE FOLLOWING MATTERS:**

Personnel matters, matters subject to the attorney client privilege pertaining to threatened or pending litigation in which SMC is or may become a participant, matters pertaining to the discussion of the acquisition or disposal of real property, and matters pertaining to the discussion of bargaining strategy preliminary to collective bargaining negotiations, all as permitted by Section 10-15-1(H)(2), (5), (7) and (8) of the Open Meetings Act, NMSA 1978, as amended.

Whereupon, at **3:55 p.m.**, Commissioner Salazar moved and Commissioner Ortiz seconded, that the Commission retire into executive/closed session to consider the matters noted and recommended by the County Manager, as particularized above. Upon a call of the roll by the Clerk, all five Commissioners in attendance answered in the affirmative on the motion to retire into executive/closed session, and the Commission proceeded to close the meeting as permitted by law.

At **5:15 p.m.** Vice Chairman Ortega moved and Commissioner Salazar seconded, that the Commission reconvene in public session, and the motion carried. Whereupon Chairman Leger noted for the record that the Commission considered and discussed in executive/closed session only those matters and subjects for which the motion for closure was made.

There being no further business to come before the Commission, and no person seeking recognition by the Commission, at **5:17 p.m.** Commissioner Ortiz moved and Commissioner Salazar seconded, the adjournment of the meeting, the motion carried and the meeting was duly adjourned.

**MOVED, SECONDED AND ADOPTED** this 09<sup>th</sup> day of October, 2012, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held September 11, 2012.

---

Nicolas T. Leger, Chairman

---

Ron R. Ortega, Vice Chairman

---

David R. Salazar, Member

---

Marcellino A. Ortiz, Member

---

Arthur J. Padilla, Member

ATTEST:

---

Melanie Y. Rivera  
San Miguel County Clerk

( S E A L )