

**MINUTES OF THE REGULAR MONTHLY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO,
HELD TUESDAY, OCTOBER 09, 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 2nd floor of the San Miguel County Courthouse. Upon a call of the roll by the Clerk, four of the 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 Marcellino A. Ortiz and Arthur J. Padilla.

(Chairman Leger noted the absence of Commissioner David R. Salazar, and advised all in attendance that Mr. Salazar regretted his absence, but unavoidable personal matters required his presence elsewhere.)

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 Padilla, and a second by Commissioner Ortiz, the Commission approved the minutes of its regular monthly meeting held September 11, 2012, with Chairman Leger noting the minutes should accurately reflect that he abstained from voting to approve the minutes of the Commission meeting held 14, 2012, as he was not present for said meeting; and upon a motion by Commissioners Padilla and a second by Commissioner Ortiz, the Commission approved the minutes of its special meeting held September 18, 2012. ***[Unless otherwise indicated, minutes are approved without change, correction or revision.]***

APPROVAL OF AGENDA

Upon the recommendation of County Manager Les Montoya, Commissioner Ortiz moved and Commissioner Padilla 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

The following persons addressed the Commission during the public input forum, and each spoke concerning the adoption of an ordinance relating to oil and gas exploration, and matters relating thereto, and where indicated, submitted written memoranda to the Commission: Meredith Britt, Ralph Laumbach, Catherine Kahn, Paula Hern (submitted petitions), Robert Pearson, Miguel Angel, Miguel Pacheco, Brad Turk (submitted written comments), Bob Wessely (submitted written comments), Bernadette Fernandez, Pat Leahan, who spoke also as a member of the oil and gas Task Force, and Sarah Moore.

INTRODUCTION OF NEW EMPLOYEE(S)

The County Manager introduced the following newly-hired county employees, all of whom were present and welcomed by the Commission: Chrissie Vigil, Sheriff's deputy, Joe M. Romero, Sheriff's deputy, Fabian Molina, transit operator with DWI Program, and Gloria Martinez, detention officer.

PRESENTATIONS

The Commission entertained the following presentations:

Rio Arriba County attorney Ted Trujillo addressed the Commission generally, concerning that county's experience in formulating an oil and gas ordinance, and concerning oil and gas exploration in Rio Arriba county. Trujillo said he was available to assist SMC staff at any time.

Las Vegas City councilman Joey Herrera spoke briefly concerning the City's recent endeavors relating to and oil and gas moratorium, and matters relating thereto; and Herrera pledged his cooperation with the County in the matter of oil and gas issues, and generally in all matters.

Both Trujillo and Herrera were thanked by the Commission, and mutual support and cooperation was pledged as concerns a working relationship with the City of Las Vegas.

AT 2:55 P.M., THE COMMISSION THEN CONVENED AS THE SAN MIGUEL COUNTY BOARD OF FINANCE, AS FOLLOWS:

ITEM 1: COUNTY TREASURER'S MONTHLY REPORT

County Treasurer Alfonso E. Ortiz, Jr., made his monthly presentation to the Commission, reporting generally concerning property tax collections and operations in his office. (Ortiz, in his role at Mayor of the City of Las Vegas, also pledged cooperation

with the County in all matters of mutual interest, and also said the City was supportive of the gross receipts tax question which appears on the General election ballot.)

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

Upon a presentation and recommendation by Finance Supervisor Melinda Gonzales, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of indigent fund payments to Alta Vista Regional Hospital in the amount of \$44, 271.75 (18 claims approved, and 4 disapproved); 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 CLAIMS/PAYMENTS (CHRISTUS ST. VINCENT)

Upon a presentation and recommendation by Finance Supervisor Melinda Gonzales, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of one indigent fund payment to Christus St. Vincent Hospital in the amount of \$141.98; Gonzales certifying that the claim met eligibility requirements and otherwise qualified for payment.

ITEM 4: APPROVAL OF INDIGENT BURIAL PAYMENT/ROGERS MORTUARY

Upon a presentation and recommendation by Finance Supervisor Gonzales, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of one indigent burial claim to Rogers Mortuary for the statutory maximum amount (\$1,200.00), Gonzales certifying that the claim was lawful and proper.

ITEM 5: RECOMMENDATIONS FOR LIEN/DELINQUENT SOLID WASTE ACCTS.

Upon a presentation by Finance Supervisor Gonzales, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of the imposition of property liens relative to 72 delinquent solid waste accounts, as recommended by Gonzales. (Upon an inquiry by Ortega, Gonzales noted that the procedure utilized by the County is a letter to the delinquent account holder allowing for 30 days to bring-up the account or make payment arrangements, and the imposition of the lien if there is no response to the letter.)

ITEM 6: APPROVAL OF ACCOUNTS PAYABLE/2013-3-1 THROUGH 2013-3-516

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 2013-3-1 through 2013-3-516, who certifies in the corresponding written document that all disbursements are lawful and proper.

ITEM 7: CASH BALANCE REPORT AS OF SEPTEMBER 28, 2012

Finance Supervisor Gonzales presented the Commission with the cash balance report as of September 28, 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 8: BUDGET ADJUSTMENT RESOLUTION NO. 2012-10-09-F1

Upon a presentation by Finance Supervisor Gonzales, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of the above-titled Resolution allowing budget adjustments as therein specified with particularity, including \$95,000 for the phone system loan, \$48,000 for the office of Emergency Management, and \$30,000 for the server room at the District Court.

**HAVING CONCLUDED ITS BUSINESS AS THE
COUNTY BOARD OF FINANCE, THE COMMISSION
PROCEEDED TO REGULAR ORDER, AS FOLLOWS:**

ITEM 9: APPROVAL OF ROSTER/COMMUNITY HEALTH COUNCIL

Upon a presentation by Yolanda B. Cruz of the SMC Health Council, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the Health Council membership roster.

ITEM 10: PRESENTATIONS/INDIVIDUAL MEMBERS OF OIL & GAS TASK FORCE

The following individual members of the SMC Oil & Gas Task Force made presentations and offered their individual comments concerning the draft ordinance under consideration by the Commission, and they all submitted their comments in writing, which written memoranda was received and noted by the Commission: Jeff Mills, Karin Foster, Kate Daniel and Pat Leahan (who spoke previously under the public input forum portion of the agenda.) Member Ernesto Borunda did not appear, but submitted written comments.

[The presentations were preceded by introductory remarks by Planning & Zoning Supervisor Alex Tafoya, who informed the Commission of the written comments submitted by some TF members.]

Chairman Leger, and the entire Commission, thanked the Task Force members for all their work and attention, and also noted that their input and advice will continue to be sought as the process moves forward.

ITEM 11: RESOLUTION/OCTOBER IS BREAST CANCER AWARENESS MONTH

Upon a motion by Commissioner Ortiz and a second by Vice Chairman Ortega, the Commission adopted the above-titled Resolution, recognizing October as breast cancer awareness month; and Chairman Leger noted the matter is of great importance and brings needed attention to a serious and devastating issue.

ITEM 12: RESOLUTION NO. 10-09-12-FAIR HOUSING/CDBG GRANT 2013

Upon a presentation by Planning & Zoning Supervisor Tafoya, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the above-titled Resolution adopting policies relative to fair housing, as required by the CDBG rules and regulations.

ITEM 13: RESOLUTION 10-09-12-RIBERA/SLUM & BLIGHT PROPERTY

Chairman Leger convened a public hearing for this Item of the Agenda, as required by HUD rules and regulations, and entertained public comment on the above-titled Resolution relating to the declaration of the Ribera Housing property as a slum and blight area in the county. No person appeared to speak, the Chairman noting that notice of the public hearing was published as required by law. Whereupon, at the conclusion of the public hearing, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of the aforesaid Resolution.

ITEM 14: RESOLUTION 10-09-12-GRT/COOPERATION WITH LAS VEGAS & PECOS

Upon a presentation by County Manager Les Montoya, Commissioner Padilla moved and Vice Chairman Ortega seconded, adoption of the above-titled Resolution pledging cooperation by the County with both the City of Las Vegas and the Village of Pecos, as concerns use and expenditure of gross receipts tax revenues, if the question is adopted by referendum at the General election to be held November 6, 2012, and otherwise pledging cooperation generally.

ITEM 15: RESOLUTION 10-09-12/DWI RED RIBBON WEEK

Upon a presentation by DWI Program employee Gina-Marie Medina, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of the above-titled Resolution declaring October 23 to 31, 2012, as Red Ribbon Week.

ITEM 16: APPROVAL OF INVITATION FOR BIDS FOR COMPUTER EQUIPMENT

Upon a presentation by Finance Supervisor Gonzales, Commissioner Padilla moved and Commissioner Ortiz seconded, authorization to staff to issue an invitation for bids for computer equipment.

[At 4:35 p.m. Chairman Leger recessed the meeting for ten minutes, asking that everyone return by 4:45 p.m., and at 4:50 p.m., the Commission meeting reconvened.]

ITEM 17: APPROVAL OF RFP FOR LEASE OF GRAVEL CRUSHER & EQUIPMENT

Upon a presentation by Public Service Foreman Harold Garcia, Commissioner Ortiz moved and Commissioner Padilla seconded, authorization to staff to issue a request for proposals for the lease of the SMC gravel crusher and equipment.

ITEM 18: APPROVAL OF INVITATION FOR BIDS/WATER STORAGE & HYDRANT

Upon a presentation by SMC Fire Chief Russell Pacheco, Commissioner Padilla moved and Commissioner Ortiz seconded, authorization to staff to issue an invitation for bids for construction of a water storage and fire hydrant system for the El Pueblo Fire Department.

(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 19: APPROVAL OF 2ND INVITATION FOR BIDS/DEBRIS REMOVAL

Upon a presentation by Emergency Manager Dennis English, Commissioner Padilla moved and Vice Chairman Ortega seconded, authorization for staff to issue a second invitation for bids for debris removal, English having noted that no bids were received by SMC in response to the first invitation issued in the matter.

ITEM 20: RATIFICATION OF FIRE DISTRICT GRANT APPLICATIONS

Upon a presentation by Fire Chief Pacheco, Vice Chairman Ortega moved and Commissioner Ortiz seconded, ratification of grant applications (already submitted) for grant funds for the Gallinas, Trementina, Pecos and Rowe Volunteer Fire districts, in the amounts noted in said applications for fire protection grant funds.

ITEM 21: RATIFICATION OF AMENDMENT/COOP PROJECT NO. D12825/1

Upon a presentation by Public Service Foreman Garcia, Commissioner Padilla moved and Vice Chairman Ortega seconded, ratification of the first amendment to the above-numbered cooperative project relating to guard rails in Los Vigiles, extending for one year the time for completion of the project. (Upon inquiry from Chairman Leger as to the reasons for the extension/delay, Garcia noted that no one is at fault, that the extension is reasonable under the circumstances.)

ITEM 22: CONTRACT AWARD/PROFESSIONAL SERVS.-SABINOSO ROAD PROJ.

Upon a presentation by Planning & Zoning Supervisor Alex Tafoya, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of negotiations and contract award for engineering and design services for the Sabinoso County Road (C-55-A) CDBG project, with the offeror whose proposal is most advantageous to SMC, and not otherwise.

ITEM 23: ADOPTION OF CDBG REQUIRED SECTION 3 PLAN (EXHIBIT 1-T)

Upon a presentation by Planning & Zoning Supervisor Tafoya, Commissioner Padilla moved and Commissioner Ortiz seconded, adoption of a Section 3 Plan (Exhibit 1-T) for all CDBG projects and funding, as required by CDBG rules and regulations.

ITEM 24: MOA/TRANSFER OF TITLE OF SENIOR CITIZEN CENTER VEHICLES

Upon a presentation by Planning & Zoning Supervisor Tafoya, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of a Memorandum of Agreement between SMC and the City of Las Vegas, relating to the transfer of Senior Citizen Program vehicle titles by the former to the latter, the City having recently assumed authority for the Program. (Commission action as aforesaid was preceded by inquiries by Chairman Leger and Vice Chairman Ortega, concerning Tafoya's indication that the City was reluctant to sign the MOA, with the County Manager assuring the Commission that the title transfers would not be undertaken unless and until the City approves the Memorandum of Agreement which will control the transfer.)

ITEM 25: APPROVAL OF INMATE JAIL MANAGEMENT SYSTEM

Upon a presentation by Warden Patrick W. Snedeker, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the agreement for an inmate jail management system with Justice Software. (Warden Snedeker noted the agreement is the result of a full procurement process heretofore undertaken by SMC.)

ITEM 26: INMATE CONFINEMENT AGREEMENT WITH COLFAX COUNTY

Upon a presentation by Warden Snedeker, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of an inmate confinement agreement between SMC and Colfax County, at \$80.00 per day per inmate, and a \$20.00 booking fee.

ITEM 27: WATER SUPPLY AGREEMENT/SMC-LAS VEGAS/SANTA FE COUNTY

Upon a presentation by Emergency Manager English, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of an emergency water supply agreement between Santa Fe County (supplier) and SMC/City of Las Vegas. (English explained the need for the agreement in the event of a severe water shortage in the area.)

ITEM 28: OUT-OF-STATE TRAVEL REQUEST BY MICHAEL GARCIA OF P&Z

Upon a presentation by Planning & Zoning Supervisor Tafoya, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of out-of-state travel (reimbursement) for P&Z employee Michael Garcia for FEMA training in Emmitsburg, Maryland, from November 5 to 8, 2012.

ITEM 29: PUBLIC WORKS DIVISION MONTHLY REPORT/SEPTEMBER, 2012

SMC Road Foreman Daniel Encinias made his monthly presentation to the Commission concerning activities in his department. There were no questions from Commissioners, though Vice Chairman Ortega commended Encinias and his department for good work in Los Vigiles relative to the road and guard rail there; and Ortega also informed the Commission that good staff work has resulted in trash containment in Gallinas, and Ortega thanked Encinias in this regard also.

ITEM 30: HARLAN ROAD IMPROVEMENTS AND MAINTENANCE

Commissioner Padilla introduced this Item, noting that Harlan Road is within his district and that he is desirous that the County take action to help the residents with at least a one-time up-grade of the road, which is in a state of severe disrepair.

A general discussion ensued, with the County Manager up-dating the Commission generally concerning the history of the Harlan Road problem, and informing the Commission that meetings have been held between SMC staff and residents. Chairman Leger noted why he has reservations in the matter, citing that the road is within a private subdivision, and that residents should take action under the subdivision covenants. County attorney Jesus Lopez also opined, briefly, concerning the lawful inability of the County to assist with repair of private roads, and that residents would need to reimburse the County for its costs and expenses, if road repair is undertaken by SMC.

Whereupon, it was the general consensus of the Commission, that further meetings be held with residents of the area, to explore what remedies are available to ameliorate the bad conditions existing at Harlan Road.

ITEM 31: SAFETY COMMITTEE QUARTERLY REPORT

SMC Human Resources Supervisor Kiki Arellano made her quarterly Safety Committee Report to the Commission, and both Chairman Leger and Vice Chairman Ortega thanked Arellano and staff generally, for continued awareness of and improvement in the area of work safety. (The Report is made for the information of the Commission, and no formal action is sought.)

ITEM 32: PERSONNEL ACTIONS/CHANGES FOR SEPTEMBER, 2012

Upon a presentation by Human Resources Supervisor Arellano, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of all personnel actions and changes made for the month of September, 2012.

ITEM 33: JOB DESCRIPTION/INFORMATION TECHNOLOGY SUPERVISOR

Upon a presentation by Finance Supervisor Gonzales, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of a job description for the newly created position of Information Technology Supervisor within the Finance Department, as previously approved by the Commission.

ITEM 34: EMPLOYMENT CONTRACT/WARDEN PATRICK W. SNEDEKER

Upon a presentation by the County Manager, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of a two-year contract of employment for Detention Center Warden Patrick W. Snedeker. (All Commissioners thanked and commended Warden Snedeker for his performance.)

ITEM 35: APPROVAL OF CASUAL EMPLOYMENT/ELECTION OFFICIALS

Upon the recommendation of the County Manager and County Clerk Melanie Y. Ribera, Commissioner Padilla moved and Commissioner Ortiz seconded, the employment (casual and temporary) of the following election officials for the General election to be held November 6, 2012, and for early and absentee voting prior thereto, each at a salary of \$10.00 per hour: Pauline Trujillo, Barbara Romero, Angela Sanchez, Joann Gonzales, Priscilla Marquez, Maylyna Rivera, Mary Griego, Deborah Chavez, and Lorella Gallegos-Romero.

ITEM 36: APPROVAL OF EMPLOYMENT/TREASURER'S OFFICE

Upon the recommendation of the County Manager and County Treasurer Ortiz, Commissioner Padilla moved and Vice Chairman Ortega seconded, the employment of Bertha Bustamante as Chief Deputy in the Treasurer's office, effective October 15, 2012, at a salary of \$33,118.90. (Bustamante is the Treasurer-elect who will assume office on January 01, 2013, having won the Primary election, and facing no opposition in the General election.)

ITEM 37: APPROVAL OF EMPLOYMENT/PUBLIC WORKS DIVISION

Upon the recommendation of the County Manager, Commissioner Padilla moved and Commissioner Ortiz seconded, the employment of Enrico Rubio as Equipment Operator II in the Public Works Division, effective October 20, 2012, as a probationary employee with a beginning salary of \$24,960.00.

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 **5:45 p.m.**, Commissioner Padilla 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 four 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. (As noted at the beginning of the Agenda, Commissioner Salazar was absent from the meeting.)

At **6:35 p.m.**, Commissioner Padilla moved and Vice Chairman Ortega seconded, 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 **6:37 p.m.** Vice Chairman Ortega moved

and Commissioner Padilla seconded, the adjournment of the meeting, the motion carried and the meeting was duly adjourned.

MOVED, SECONDED AND ADOPTED this 13th day of November, 2012, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held October 09, 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)