

**MINUTES OF THE REGULAR MONTHLY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO,
HELD TUESDAY, MAY 14, 2013, 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, 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 Marcellino A. Ortiz, Arthur J. Padilla and Gilbert J. B. Sena.

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 April 16, 2013. ***[Unless otherwise indicated, minutes are approved without change, correction or revision.]***

APPROVAL OF AGENDA

Upon a motion by Commissioner Padilla and a second by Vice Chairman Ortega, the Commission approved the Agenda as presented by the County Manager, without change. ***[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 two persons addressed the Commission, and their comments are preserved verbatim in the audio recording of the meeting, and made an integral part of these minutes: Sarah Moore and Julia Oligue. (Vice Chairman Ortega remarked that

all persons addressing the Commission should refrain from personal attacks and show respect and decorum.)

INTRODUCTION OF NEW EMPLOYEE(S)

The County Manager introduced newly-hired county employee Jacob Martinez (Sheriff's deputy), who was not present, and Jesus Tafoya (convenience center operator), who was present, and they were welcomed by the Commission.

PRESENTATIONS

Two presentations were made, as follows:

After a brief introduction by Vice Chairman Ortega, Alan May, Director of the USDA Wildlife Services, proceeded to make an informative presentation relative to the problem of feral hogs, their entry into the area, and efforts to eradicate them. (All Commissioners expressed concern and propounded questions to May, who said he and his staff were available at all times to answer questions and provide assistance.)

The second presentation was by Chief Judge Abigail Aragon of the Fourth Judicial District Court, who thanked the Commission, County Manager Les Montoya and Public Works Supervisor Harold Garcia, for their continued assistance in all matters relating to the Judicial Complex, and the server room in particular.

AT 2:13 P.M., THE COMMISSION CONVENED AS THE SAN MIGUEL COUNTY BOARD OF FINANCE, AS FOLLOWS:

ITEM 1: COUNTY TREASURER'S MONTHLY REPORT

County Treasurer Bertha Bustamante made her monthly presentation, and no questions were asked by any Commissioner.

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

Upon a presentation 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 \$10,990.50; Gonzales certifying to the Commission 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 TO ROGERS MORTUARY

Upon a presentation and recommendation by Finance Supervisor Melinda Gonzales, Commissioner Padilla moved and Commissioner Sena seconded, approval of an

indigent burial payment to Rogers Funerals and Cremations, in the maximum amount of \$1,200.00; Gonzales certifying that the claim recommended for approval met eligibility requirements and otherwise qualified for payment under the statutory provisions relating to indigent burials.

ITEM 4: MODIFICATION OF NAME AND USE OF FUND 993

Upon a presentation and recommendation of Finance Supervisor Melinda Gonzales, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of Resolution No. 2013-05-14-F2, modifying the name and use of Fund 993, henceforth to be renamed USDA-Vehicle Reserve Fund, to be used for USDA money received for lease of vehicles for Martinez & Sons meat processing plant.

ITEM 5: BUDGET ADJUSTMENT RESOLUTION NO. 2013-05-14-F1

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Sena moved and Commissioner Ortiz seconded, approval of the above-titled Resolution, transferring \$1,342.00 from Fund 996 to Fund 220, for purchase of a vehicle for the Treasurer's office.

ITEM 6: APPROVAL OF ACCOUNTS PAYABLE/2013-10-1 THROUGH 2013-10-499

Upon a motion by Vice Chairman Ortega and a second by Commissioner Ortiz, the Commission approved the County's disbursements as recommended by Finance Supervisor Gonzales, inclusive of Items 2013-10-1 through 2013-10-499, who certifies in corresponding written documentation that all disbursements are lawful and proper.

ITEM 7: CASH BALANCE REPORT AS OF APRIL 30, 2013

Finance Supervisor Gonzales made a brief presentation to the Commission concerning the status of the budget and cash balance report as of April 30, 2013.

ITEM 8: NM FINANCE AUTHORITY LOAN APPLICATION/SHERIFF'S VEHICLES

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of application to New Mexico Finance Authority for loan of \$47,000.00 to be used to purchase vehicles for the Sheriff's office, which will be paid with funds received from the Law Enforcement Protection Fund.

ITEM 9: RESOLUTION 2013-05-14-F3/SAN IGNACIO FIRE STATION

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of above-titled Resolution, authorizing balance of loan from NM Finance Authority for construction of the San Ignacio fire station, to be used for purchase of a fire pumper for that fire district.

**HAVING CONCLUDED ITS BUSINESS AS THE
COUNTY BOARD OF FINANCE, AT 2:32 P.M. THE COMMISSION
PROCEEDED TO REGULAR ORDER, AS FOLLOWS:**

ITEM 10: AWARD OF 2013 EL VALLE DE SM FLYING DIAMOND SCHOLARSHIPS

The Commission presented El Valle de San Miguel Flying Diamond scholarships to the following recipients, with Commissioners Ortiz and Sena making the presentations: Alma Edith Lucero, Desiree Gonzales, Dylan Michael Trujillo, Michelle Renee Tapia, Benedict Salinas and Marisol Rivera; and those recipients in attendance were commended by all Commissioners, who wished them the best of luck in their educational pursuits.

ITEM 11: FIRE RESTRICTIONS IMPOSED BY NM STATE GOVERNMENT

County Fire Chief Russell Pacheco informed the Commission that the NM Energy, Minerals and Natural Resources Department has imposed fire restrictions throughout NM for areas under the jurisdiction of state government. He also informed the Commission that the County's ordinance allows each fire district to impose fire restrictions as the need arises during dry and drought conditions. (This Item was presented for the information of the Commission, and no action was requested of the Commission.)

Chairman Leger urged that public service announcements be promoted in the media, advising of the extreme fire danger; Vice Chairman Ortega also expressed his desire that the Fire Chief do as much public outreach as possible; and Commissioner Padilla said that forest thinning, where allowed and practicable, should be explored.

ITEM 12: APPOINTMENT OF JASON G. MOORE TO WORKFORCE DEVEL. BD.

Commissioner Sena recommended that Jason G. Moore be appointed as the County's representative on the Northern Area Local Workforce Development Board, and introduced Moore, who was present in the audience. Whereupon, Commissioner Padilla moved and Commissioner Sena seconded, Moore's appointment as aforesaid, and the motion carried unanimously. Moore then addressed the Commission, expressed his thanks and said he was committed to working diligently on the Workforce Development Board.

ITEM 13: SEPTAGE SITE ASSESSMENT BY CONSULTANT MOLZEN CORBIN

County Manager Les Montoya introduced this Item, and recounted for the Commission the efforts which have been undertaken for long-range planning relative to solid waste

collection and disposal. Montoya noted that sometime ago the Commission retained the professional services of Molzen Corbin, and that the firm continues to provide guidance and assessment relative to the County's long-range plans in this area.

Montoya then introduced Doug Albin of Molzen Corbin, who proceeded to make a presentation concerning, in particular, the firm's assessment of several sites for a permanent septage site for the county, and he noted that the site assessed as best suited is the County's property in the Rowe area. (Property previously donated to the County by NAPS, consisting of approximately 60 acres.)

Whereupon, the following questions and concerns were posed to Albin by Commissioners: Chairman Leger asked about funding sources which may be available for the septage project; Vice Chairman Ortega made inquiry concerning the capacity of the planned septage facility (20 years), and whether a regional concept was in the works (the plan is for a regional facility); Commissioner Padilla asked whether a private contractor could undertake the project (yes, but probably at a higher cost than if the county does it); and Commissioner Ortiz inquired about water use for the project (use will be minimal, according to Albin).

No action was taken by the Commission concerning this Item, which was presented for the Commissioners' information, to be followed by further presentations by staff and the consultant.

ITEM 14: NAMING OF ROAD PURSUANT TO RESIDENTS' PETITION

Upon the recommendation of Computer Information Specialist Mario Vasquez, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of Resolution No. 05-14-13-E-911, naming the road therein designated as Bobcat Trail Road.

ITEM 15: DECLARATION OF EXCESS PROPERTY/DETENTION CENTER

Upon the recommendation of Warden Patrick W. Snedeker, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of Resolution No. SMC-RES-05-14-2013-DETENTION CENTER, declaring one food service grill/stove as excess property and authorizing its sale as provided by law.

ITEM 16: REJECTION OF BIDS FOR TREASURER'S OFFICE VEHICLE

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Padilla moved and Commissioner Ortiz seconded, rejection of all bids for a utility vehicle for the Treasurer's office, for the reason that all bids exceeded available funds for this procurement.

ITEM 17: REJECTION OF BID FOR MICROFILMING COUNTY RECORDS

Upon the recommendation of the County Manager (in the absence of Planning and Zoning Supervisor Alex Tafoya), Commissioner Padilla moved and Commissioner Sena seconded, rejection of the sole bid for microfilming of county records, for the reason that the bid exceeded available funds for this procurement.

ITEM 18: AWARD OF LANDSCAPING PROPOSAL & AUTHORITY TO NEGOTIATE

Upon the recommendation of the County Manager (and the Evaluation Team which reviewed and evaluated proposals), Commissioner Padilla moved and Commissioner Sena seconded, that the courthouse landscaping project be awarded to Parson Lawn and Landscaping as the best and most advantageous proposal, and that staff be authorized to proceed to negotiate a contract with Parson for the best obtainable price.

ITEM 19: BID AWARD FOR PROCUREMENT OF CATTLEGUARDS

Upon the recommendation of Public Works Division Supervisor Harold Garcia, Commissioner Padilla moved and Vice Chairman Ortega seconded, that Xtreme Builders bid for the fabrication and procurement of steel grill cattle guards be accepted as the lowest and most responsible bid, at \$6,474.02 per cattle guard (inclusive of gross receipts tax), and including delivery of the cattle guards; to be paid through a 2013 Local Government Road Fund Cooperative Agreement in the amount of \$64,753.00.

ITEM 20: RATIFICATION OF DWI (CDWI) GRANT APPLICATION FOR FY 2013-14

Upon the recommendation of DWI Coordinator Wendy Armijo, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval and ratification of application for funds (\$15,125.00) for fiscal year 2013-2014, for preventative and educational services.

ITEM 21: APPROVAL OF AGREEMENT RE JUVENILE JUSTICE CONTINUUM BD.

Upon a presentation and recommendation by Warden Snedeker, joined by Yolanda Cruz of the Juvenile Justice Continuum Board, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of agreement between CYFD and SMC (Las Vegas Juvenile Justice Continuum Board), for sub contract agreement for a Continuum Board coordinator position and program service provider agreements. (Upon inquiry by Vice Chairman Ortega, both Warden Snedeker and Ms. Cruz explained the purpose and functions of the Juvenile Justice Continuum Board.)

ITEM 22: OUT-OF-STATE TRAVEL AUTHORIZATION/FIRE DIVISION

Upon the request of County Fire Chief Russell Pacheco, Commissioner Padilla moved and Commissioner Sena seconded, approval of out-of-state travel for the Chief and four volunteer fire firefighters (two from Sapello Fire Department and two from La Placita

Fire Department), to Seminary, Mississippi, for inspection of two water tenders, from May 20 to 24, 2013.

ITEM 23: OUT-OF-STATE TRAVEL AUTHORIZATION/NACO CONFERENCE

Upon the recommendation of the County Manager (in the absence of the County Treasurer), Commissioner Sena moved and Vice Chairman Ortega seconded, approval of out-of-state travel for Jennifer LaFebre of the Treasurer's office, for her attendance at the NACO conference in Fort Worth, Texas, July 19 to 22, 2013.

ITEM 24: OUT-OF-STATE TRAVEL AUTHORIZATION/NACO CONFERENCE

Upon the recommendation of the County Manager, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of out-of-state travel for the County Manager and up to two Commissioners (though it appeared only one would attend), for attendance at the NACO conference in Fort Worth, Texas, July 19 to 22, 2013.

ITEM 25: PUBLIC WORKS DIVISION MONTHLY REPORT

County Road Foreman Daniel Encinias made his monthly presentation to the Commission concerning work done in his Department, and stood for questions.

Commissioners commented as follows:

(1) Chairman Leger inquired about plans to work on the Sabinoso road, and the County Manager informed the Chairman that application had been made for a federal grant to blade the road and apply base course.

(2) Vice Chairman Ortega told Encinias that people in the Country Acres area appreciate the work that has been done there, and also stressed that work was needed along the shoulders past Red's junk yard, to which the County Manager replied that work (funds) was possible next fiscal year, and Public Works Supervisor Garcia indicated that interim work and solutions would be addressed as soon as possible, which might include work with the motor grader and bar ditches.

(3) Commissioner Sena thanked Encinias for the public service announcement informing the public that wash board condition of many county roads is the result of the severe drought.

ITEM 26: PERSONNEL ACTIONS AND CHANGES FOR APRIL, 2013

Upon a presentation by Human Resources Supervisor Kiki Arellano, Commissioner Sena moved and Vice Chairman Ortega seconded, approval of all personnel changes and actions taken in the County during and for April, 2013.

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 **4:07 p.m.**, Commissioner Padilla moved and Vice Chairman Ortega 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 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 **4:25 p.m.**, Vice Chairman Ortega moved and Commissioner Sena 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 **4:27 p.m.** Commissioner Ortiz moved and Commissioner Padilla seconded, adjournment of the meeting, the motion carried and the meeting was duly adjourned.

MOVED, SECONDED AND ADOPTED this 11th day of June, 2013, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held May 14, 2013.

Nicolas T. Leger, Chairman

Ron R. Ortega, Vice Chairman

Marcellino A. Ortiz, Member

Arthur J. Padilla, Member

Gilbert J. B. Sena, Member

ATTEST:

Melanie Y. Rivera
San Miguel County Clerk

(S E A L)