

**MINUTES OF THE REGULAR MONTHLY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO,
HELD TUESDAY, DECEMBER 09, 2014, 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 AGENDA

Upon a motion by Commissioner Padilla and a second by Commissioner Ortiz, the Agenda was approved, without change, except that County Manager Les Montoya informed the Commission that the correct date for the Minutes of the Special Meeting of the County Commission (to be approved under the next Item) is November 07, not November 03, 2014. **[Unless otherwise indicated, the meeting agenda is approved without change or deletion.]**

APPROVAL OF MINUTES

Upon a motion by Commissioner Sena and a second by Commissioner Padilla, the Commission approved the minutes of its special meeting (General election canvassing) held November 07, 2014; and upon a motion by Commissioner Padilla and a second by Vice Chairman Ortega, the Commission approved the minutes of its regular monthly meeting held November 12, 2014. ***[Unless otherwise indicated, minutes are approved without change, correction or revision.]***

(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 public input forum began at 1:37 p.m., and the following two persons addressed the Commission, the subject of their comments indicated parenthetically following each name: **Bill Madison** (against hydraulic fracturing, and noting that he would appear again before the Commission to ask for a fracking ban as soon as data is available to show that fracking is detrimental to the environment, health and safety); and **Salvador Higgins** (against hydraulic fracturing, the need to protect water resources, and the weather prognostication of Las Cabañuelas). *[An audio recording of all presentations is preserved by the County Clerk's office, and available for inspection and copying at any time during regular business hours; and submissions made by speakers are received and preserved by county staff.]*

The public input forum ended at 1:44 p.m.

PRESENTATIONS

Recognition of Outgoing Elected Officials

Outgoing elected county officials were recognized by the County Commission, and a U.S. flag and plaque were presented to each. They included Assessor Elaine Estrada, Sheriff Benjie Vigil, Commissioner Ron R. Ortega, and Clerk Melanie Y. Rivera. All but Rivera were in attendance and spoke briefly, thanking the Commission and staff. Commissioners, in turn, thanked the officials and wished them well.

A Day in the Life of a Firefighter

Pecos Canyon Fire Chief Eric Roybal and Assistant Chief Laurie Vigil made a power point presentation entitled "A Day in the Life of a Firefighter," and both were thanked by Commissioners, who expressed their support for firefighters in the County.

LV/SMC Economic Development Corporation

William Hendrickson, newly appointed Executive Director of the Las Vegas/San Miguel County Economic Development Corporation, informed the Commission of the goals and mission of EDC, and also introduced EDC Board members Wayne Sonchar, Larry Rose and Chris Wolf, who were in attendance.

Recognition by PROTECT San Miguel County

The organization known as PROTECT San Miguel County, represented by Brad Turk and Leslie Hamilton Turk, and others, thanked Commissioners and staff for their hard work and dedication in formulating and adopting an oil and gas ordinance, and presented to each Commissioner a mounted photograph taken by Brad Turk from Hermit's Peak. Commissioners, in turn, thanked them for their support and hard work during the long process of developing an oil and gas ordinance.

AT 2:25 P.M., THE COMMISSION PROCEEDED TO REGULAR ORDER, AS FOLLOWS:

ITEM 1: 2015 LEGISLATIVE FUNDING REQUESTS

Upon a presentation and recommendation by County Manager Les Montoya, Vice Chairman Ortega moved and Commissioner Padilla seconded, approval of the 2015 Legislative funding requests by San Miguel County, totaling \$3,843,000, as listed in the Memorandum presented by Montoya to the Commission, with the addition of a water truck and roller for the Road Department.

ITEM 2: COURTHOUSE PARKING AREA CONCEPTUAL EVALUATION/COST

[Chairman Leger stated that he owns property near the courthouse which is under consideration as part of this Agenda Item and, therefore, would recuse himself from participation, and would also absent himself from the Commission chambers during consideration of Item 2; whereupon Leger left the Chambers and Vice Chairman Ortega assumed the gavel.]

Thereafter, the County Manager informed the Commission that he, staff and the County's consulting engineers, Miller Engineering, continued to develop a plan for expansion of available parking around the courthouse/administration building complex. The Manager then introduced Verlyn Miller and John Jácquez of Miller Engineering, and Jácquez made a detailed presentation of parking and land-acquisition options, which presentation included projected overhead layouts.

Whereupon Commissioners made inquiries and discussed the matter of expanded parking and land acquisition, and at 2:54 p.m. Commissioner Padilla moved and Commissioner Ortiz seconded, that Option No. 7, as recommended by Miller Engineering and staff, be adopted as the long-range plan for expanded parking and land acquisition, with an estimated total cost of \$323,856 (\$2,655 per parking space), and the motion carried by unanimous voice vote of the four Commissioners participating. (Following the vote, the County Manager noted that he will meet with neighborhood residents and City of Las Vegas officials concerning the County's plan for

parking expansion; that the plan is long-range and conceptual at this time; and that he has not yet identified a funding source.)

ITEM 3: ROAD VIEWING AT MONTE VISTA SUBDIVISION

[At 3:05 p.m., after the conclusion of Agenda Item 2, above, Chairman Leger returned to the Chambers and resumed the gavel.]

Upon the recommendation of Planning and Zoning Supervisor Alex Tafoya, Commissioner Padilla moved and Commissioner Sena seconded, the appointment of road viewers for Petition CR 14-003, seeking the establishment of a county road within the Monte Vista Subdivision, a/k/a the Don Gallegos Subdivision.

ITEM 4: APPOINTMENT OF FAMILY & COMMUNITY HEALTH COUNCIL

Upon the recommendation of Dr. Barbara A. Perea Casey, Chair of the San Miguel Family and Community Health Council, Commissioner Sena moved and Commissioner Padilla seconded, that the following persons be appointed to the Board of Directors of the Family and Community Health Council, and the motion carried by unanimous voice vote of all Commissioners: Dr. Barbara A. Perea Casey, Kimberly J. Valdez Blea, Muina Arthur, Dr. Margaret Vazquez Geffroy, Monique Gerdes, Patricia Leahan, Elaine Luna, Rosalie Martinez, Therese Melton, Mary Ringer, Rhonda Clark, Louise Hoogerhuis, Hyacenth Sedillo, Diane Spencer, Frankie Valencia, Amanda Vigil and Chris Wolf.

ITEM 5: ACCEPTANCE OF PROJECT AGREEMENT/SAFE RIDE HOME FUNDING

Upon the recommendation of the County Manager, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval and acceptance of Project Agreement No. 15-CD-05-087 in the amount of \$11,927, for Safe-Ride-Home services in the DWI Program.

ITEM 6: APPROVAL OF IFBs/EMERGENCY MANAGEMENT OFFICE

Upon the recommendation of Emergency Manager Dennis English, Commissioner Padilla moved and Vice Chairman Ortega seconded, authorization for staff to issue an invitation for bids for a countywide mass notification alert system, in accordance with the NM Procurement Code.

ITEM 7: ACCEPTANCE OF GRANT/EMERGENCY MANAGEMENT OFFICE

Upon the recommendation of Emergency Manager English, Commissioner Ortiz moved and Vice Chairman Ortega seconded, acceptance of grant from the NM Department of Homeland Security in the amount of \$175,367, for purchase of equipment for a Hazmat entry team.

ITEM 8:PROCUREMENT APPROVAL WITH ALLIANCE SOLUTIONS/EMERG MANG

Upon the recommendation of Emergency Manager English, Commissioner Sena moved and Vice Chairman Ortega seconded, authorization for the Emergency Management Office to negotiate an agreement with Alliance Solutions Group for services in connection with a pipeline rupture exercise in SMC, all in accordance with the previous procurement award made by the County Commission at its regular monthly meeting on November 12, 2014.

ITEM 9: MOA FOR MASS NOTIFICATION ALERT SYSTEM/EMERGENCY MANGT.

Upon the recommendation of Emergency Manager English, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of the Memorandum of Agreement between local public agencies for participation in the countywide mass notification alert system, to be administered by the SMC/City of LV Emergency Management Office.

ITEM 10:APPROVAL FOR DISP.OF EXCESS PROPERTY/DETENTION CENTER

Upon the recommendation of Warden Patrick W. Snedeker, Commissioner Padilla moved and Commissioner Sena seconded, approval of Resolution No. SMC-RES-12-9-2014-Detention Center, allowing the disposition of one 1990 Dodge ½ ton pick-up truck as obsolete and excess property, such disposition to be made as provided by law.

ITEM 11: CONTRACT FOR INMATE CONFINEMENT/MORA COUNTY

Upon the recommendation of Warden Snedeker, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval (fourth-year renewal) of inmate confinement agreement between SMC and Mora County, for the housing of Mora County inmates at the SMC Detention Center, at \$80.00 per day per inmate, plus a \$20.00 booking fee per inmate.

ITEM 12: CONTRACT FOR INMATE CONFINEMENT/TOWN OF TAOS

Upon the recommendation of Warden Snedeker, Commissioner Sena moved and Vice Chairman Ortega seconded, approval (third-year renewal) of inmate confinement agreement between SMC and the Town of Taos, for the housing of Taos inmates at the SMC Detention Center, at \$65.00 per day per inmate, plus a \$20.00 booking fee per inmate.

ITEM 13: CONTRACT FOR CONFINEMENT OF SMC JUVENILES/TAOS COUNTY

Upon the recommendation of Warden Snedeker, Commissioner Sena moved and Vice Chairman Ortega seconded, approval (third-year renewal) of agreement between SMC and Taos County, for the confinement of SMC juveniles at the Taos County Juvenile Detention Facility, at \$120.00 per day per juvenile, plus a \$10.00 booking fee for each juvenile. (Commissioners and Warden Snedeker engaged in a robust discussion about

alternatives to juvenile incarceration, and the high cost of confinement; and County Finance Supervisor Melinda Gonzales noted that SMC expends approximately \$80,000.00 per year for juvenile confinement.)

ITEM 14: APPROVAL TO DISCHARGE UNCOLLECTIBLES/DETENTION CENTER

Upon the recommendation of Warden Snedeker, Commissioner Sena moved and Commissioner Padilla seconded, approval to discharge uncollectible billings owing from other counties for confinement of prisoners at the SMC County Detention Center, in the total amount of \$13,955.00, SMC choosing to defer to the other counties interpretation of and reliance upon NM statutes relating to costs for prisoner incarceration. (The five counties are Bernalillo/\$4,060, Santa Fe/\$8,380, Curry/\$260, Doña Ana/\$1,055, and Valencia/\$200.)

ITEM 15: PUBLIC WORKS REPORT FOR NOVEMBER, 2014

Beginning at 3:39 p.m., Road Foreman Rudy Salazar and Public Works Division Supervisor Harold Garcia made their monthly report to the Commission, noting that a written report was previously submitted and included in Commissioners' meeting materials.

Whereupon, County Commissioners offered the following comments, and asked the following questions:

Vice Chairman Ortega: Thanked staff for repairing/installing the road lights in the Camp Luna area.

Commissioner Sena: Thanked Salazar and Garcia for hard work of staff and mentioned that a culvert near Sacatosa (Gonzales Ranch area) is in need of repair or replacement, and that County Road B-28 (Gonzales Ranch) is in dire need of maintenance. (Harold Garcia noted that B-28 is a FEMA disaster road and will be worked on soon.)

Commissioner Padilla: Thanked staff for hard work.

Chairman Leger: Expressed concerns from constituents that grader operators are simply pushing road material into adjoining bar ditches, and not crowning the roads; and that all three motor graders owned by the County should be operating at all times, and none should be idle. (Harold Garcia noted that efforts are being made to provide more training for road crew for operation of motor graders, and that two new equipment operators should allow all three graders to be operational at all times; and County Manager Montoya informed the Commission that he has directed that appropriate personnel changes be made within the road crew to ensure that best operators are assigned to heavy equipment.)

ITEM 16: APPOINTMENT OF GERALDINE E. GUTIERREZ AS COUNTY CLERK

At 3:52 p.m., upon the written recommendation of out-going County Clerk Melanie Y. Rivera, as imparted to the Commission by the County Manager, Commissioner Padilla moved and Commissioner Sena seconded, that Chief Deputy County Clerk Geraldine E. Gutierrez be named and appointed San Miguel County Clerk, effective January 01, 2015, for the remainder of the Rivera's four-year term, and the motion carried unanimously. (All Commissioners expressed their congratulations to Gutierrez, who thanked the Commission and said she would do her best to diligently discharge her duties as County Clerk.)

ITEM 17: APPROVAL OF ASSESSOR'S OFFICE PERSONNEL ACTIONS

Upon the recommendation of County Assessor-Elect Patricia D. Gallegos, Commissioner Sena moved and Commissioner Padilla seconded, approval of the following personnel actions in the Assessor's office: (1) Elaine Estrada will assume the position of Chief Deputy Assessor, at an annual salary of \$41,627.33, and (2) Stephanie Leger will continue in her position as First Deputy Assessor, at an annual salary of \$35,889.00, and the motion carried by unanimous voice vote of all Commissioners. (At the inception of this Item, Chairman Leger inquired of the County Attorney whether it was necessary for Chairman Leger to abstain or otherwise recuse himself, inasmuch as Stephanie Leger was his sister, to which the County Attorney responded that it was neither necessary nor required by law.)

ITEM 18: APPROVAL OF BUSINESS ASSOCIATE AGREEMENT WITH THE NMAC

Upon the recommendation of the County Manager, Commissioner Ortiz moved and Commissioner Sena seconded, approval of the Business Associate Agreement with the New Mexico Association of Counties, relating to confidentiality and disclosure of information under the Health Insurance Portability and Accountability Act (HIPPA).

ITEM 19: APPROVAL OF AGREEMENT WITH WHITE SANDS DRUG & ALCOHOL

Upon the recommendation of the County Manager, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of the Independent Contractor Agreement between SMC and White Sands Drug & Alcohol Compliance, for drug and alcohol testing for SMC employees and applicants.

ITEM 20: APPROVAL OF HOLIDAY CALENDAR FOR 2015

Upon the recommendation of the County Manager, Commissioner Ortiz moved and Commissioner Sena seconded, approval of Resolution No. SMC-RES-12-09-2014-Holidays, designating holidays to be observed by SMC during the calendar year 2015.

ITEM 21: MOU WITH CITY OF LAS VEGAS FOR USE OF RECREATION CENTER

Upon the recommendation of the County Manager, Commissioner Sena moved and Commissioner Ortiz seconded, approval of the Memorandum of Understanding between SMC and the City of Las Vegas, for use by County employees of the Abe Montoya Recreation Center. (Upon inquiry from Commissioners, the County Manager and Human Resources Supervisor Kiki Arellano noted that many employees make use of the Recreation Center, and that the MOU is beneficial to County officials and employees.)

ITEM 22: APPROVAL OF SAMBA SAFETY MATER SERVICE AGREEMENT

Upon the recommendation of the County Manager, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the agreement between SMC and Samba Safety for the latter's provision of services in conducting pre-employment criminal background checks for county employment applicants.

ITEM 23: APPROVAL OF PERSONNEL ACTIONS FOR NOVEMBER, 2014

Upon a presentation by Human Resources Supervisor Kiki Arellano, and the recommendation of the County Manager, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of all County personnel actions and changes made in November, 2014, as reflected in the written report submitted to the Commission.

ITEM 24: APPROVAL OF EMPLOYMENT/DETENTION CENTER

Upon the recommendation of Warden Snedeker and the County Manager, Commissioner Padilla moved and Commissioner Sena seconded, approval of employment of Harry Desile as a Detention Officer at the SMC Detention Center, effective November 10, 2014, at a beginning salary of \$20,900, as a probationary employee.

ITEM 25: APPROVAL OF EMPLOYMENT/PUBLIC WORKS DIVISION

Upon the recommendation of Public Works Supervisor Garcia and the County Manager, Commissioner Sena moved and Commissioner Padilla seconded, approval of employment of Juan G. Macias as an Equipment Operator III, effective December 22, 2014, as a probationary employee at a beginning salary of \$23,750.

**AT 4:11 P.M., HAVING CONCLUDED ITS REGULAR ORDER,
THE COUNTY COMMISSION CONVENED AS THE
COUNTY BOARD OF FINANCE, AS FOLLOWS:**

ITEM 26: RESOLUTION 2014-12-09-F1, CREATING FUND 231

Upon the recommendation of Finance Supervisor Melinda Gonzales, Commissioner Padilla moved and Commissioner Sena seconded, approval of the above-numbered Resolution creating Fund 231, to account for funding received for disaster flooding which occurred in August, 2014.

ITEM 27: RESOLUTION 2014-12-09-F2, CREATING FUND 232

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of the above-numbered Resolution creating Fund 232, to account for funding received for disaster flooding which occurred in September, 2014.

ITEM 28: RESOLUTION 2014-12-09-F3/LOAN AGREEMENT RE DETENTION CNTR

At 4:15 p.m., upon the recommendation of Finance Supervisor Gonzales, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of Resolution 2014-12-09-F3, approving the action and authorizing the documents noted in said Resolution relating to the \$695,288 loan from the New Mexico Finance Authority for planning, design, construction and equipment for the community-based housing structure planned for the SMC Detention Center, and the motion carried by unanimous voice vote of all Commissioners.

ITEM 29: BUDGET ADJUSTMENT RESOLUTION 2014-12-09-F4

Upon the recommendation of Finance Supervisor Gonzales, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of the above-numbered Resolution transferring certain road funds from Fund 206, to newly created (Items 26 and 27 above) Funds 231 and 232, as set forth with particularity in said Resolution.

ITEM 30: APPROVAL OF ACCOUNTS PAYABLE

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Sena moved and Commissioner Ortiz seconded, approval of the following Accounts Payable, Gonzales certifying by concurrent written instrument that all payments are lawful and proper: Items 2015-5-1 through 2015-5-270, reporting all payments from November 1 through November 24, 2014.

ITEM 31: CASH BALANCE REPORT AS OF NOVEMBER 25, 2014

Finance Supervisor Gonzales informed the Commission of the County's cash balance as of November 25, 2014. The Item is presented for Commissioners' information, and formal Commission action is neither sought nor required. (Following presentation of this

Item, Chairman Leger informed the Commission and all in attendance that he was pleased to report that he attended the exit conference with the County's auditors, and that the County received the best opinion possible, an unmodified opinion, and Leger and all Commissioners commended the County Manager and Finance Supervisor.)

**HAVING CONCLUDED ITS
MEETING AS THE COUNTY BOARD OF FINANCE,
THE COMMISSION PROCEEDED AS FOLLOWS:**

At **4:20 p.m.**, the County Manager recommended that the Commission retire into executive/closed session to consider the following matters: Personnel matters and matters subject to the attorney client privilege pertaining to threatened or pending litigation in which SMC is or may become a participant, and matters pertaining to the discussion of the acquisition or disposal of real property as permitted by Section 10-15-1(H)(2), (7) and (8) of the Open Meetings Act, NMSA 1978, as amended.

Whereupon, at **4:21 p.m.**, Commissioner Padilla moved and Commissioner Sena 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 **5:08 p.m.**, Commissioner Padilla 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 **5:09 p.m.** Commissioner Sena moved and Commissioner Ortiz seconded, adjournment of the meeting, the motion carried and the meeting was duly adjourned.

MOVED, SECONDED AND ADOPTED this 13th day of January, 2015, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held December 09, 2014.

Nicolas T. Leger, Commissioner

Marcellino A. Ortiz, Commissioner

Arthur J. Padilla, Commissioner

Gilbert J. B. Sena, Commissioner

Rock G. Ulibarrí, Commissioner

ATTEST:

Geraldine E. Gutierrez
San Miguel County Clerk

(S E A L)