

**REGULAR MEETING
SEPTEMBER 12, 2005
MINUTES**

The Board of County Commissioners of San Miguel County held a Regular Meeting and a County Finance Meeting on Monday, September 12, 2005 at 1:30 p.m. at the Las Vegas City Schools Administration Building, Central Office Board Room, 901 Douglas Ave., Las Vegas, New Mexico 87701. Immediately following the Regular Scheduled Meeting, a County Board of Finance Meeting followed. The minutes for the meeting are as follows:

CALL TO ORDER

Chairman LeRoy H. Garcia called the meeting to order at 1:30 p.m.

ROLL CALL

Chairman LeRoy H. Garcia, Vice-Chairman Hugh H. Ley and Commissioner David R. Salazar were present. Commissioner Kenneth C. Medina and Commissioner Susano Ortiz were absent.

The record will show a quorum was present.

APPROVAL OF AGENDA

County Manager Les Montoya recommended to remove item 25 (Memorandum of Agreement between SMC DWI Planning Council/NMSP District II) and item 43(Resolution 9-12-2005-F3 Authorizing the Distribution for the Sole Community Supplemental Funding) from the agenda.

County Attorney Jesus Lopez recommended to change wording on Item 27(Action to be taken on District Court Annex Bid award) to add to line No. 2 after bid (exceeded the project budget) and after budget (but was within 10%).

Motion made by Vice-Chairman Hugh H. Ley to approve agenda as amended. Second by Commissioner David R. Salazar. Motion carried.

APPROVAL OF MINUTES – Special Meeting July 26, 2005, Regular Meeting August 9, 2005 and Special Meeting August 23, 2005.

County Attorney Jesus Lopez and County Manager Les Montoya had no recommended changes to the minutes of Special Meeting July 26, 2005, Regular Meeting August 9, 2005 and Special Meeting August 23, 2005.

Motion made by Commissioner David R. Salazar to approve minutes of Special Meeting July 26, 2005, Regular Meeting August 9, 2005 and Special Meeting August 23, 2005 as presented. Second by Vice-Chairman Hugh H. Ley. Motion carried.

Chairman LeRoy H. Garcia requested that everyone take a moment of silence in observance of the victims of the Katrina Hurricane disaster and in memory of Gillie Lopez who passed away and to keep Harry Mendoza in their prayers for his health.

PLEDGE OF ALLEGIANCE

INTRODUCTION OF NEW EMPLOYEES

County Manager Les Montoya introduced the following new employee:

Lee Ann Muniz Convenience Center Operator Public Works Division
(Probationary Employee)

NEW BUSINESS:

1. COUNTY TREASURER'S MONTHLY REPORT

County Treasurer Alfonso Ortiz went over the County Treasurer's Monthly Report for the month of August 2005. Discussion ensued

No action taken for information only.

2. PUBLIC HEARING FOR POSSIBLE COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT

Planning & Zoning Supervisor Alex Tafoya informed the Commission that the Planning and Zoning Office is beginning the process of receiving public comment in regard to projects that may be eligible and considered for a 2006 Community Development Block Grant application.

Mr. Tafoya also informed the Commission this is the third public hearing for possible projects that could be considered or be eligible for the Community Development Block Grant Project.

Mr. Tafoya went over each of the three national objectives and general criteria which a CDBG application must at least meet one of the objectives. Discussion ensued.

Mr. Tafoya informed the Commission that the following are possible CDBG Projects:

Solid Waste Disposal Facility
Juvenile Detention Center
Tecolote Road Improvements
Country Acres Subdivision Roads
Ribera Housing Property
Coruco Bridge and Road

Mr. Tafoya requested the Commission conduct a public hearing and accept public comment regarding possible projects and select a project.

Chairman LeRoy H. Garcia asked for any public comments on the projects proposed or any new projects that the public may want to include.

No one came forward

Chairman LeRoy H. Garcia asked for any public comments for or against the proposed projects.

No one came forward.

Commissioner Salazar expressed his support for the Tecolote Road Improvements. Discussion ensued.

Mr. Montoya informed the Commission that the Tecolote Road Project would be a good choice because it meets and exceeds the requirements. Discussion ensued.

Motion made by Commissioner David Salazar to approve the Tecolote Road Improvement Project for the 2006 Community Development Block Grant application. Second by Vice-Chairman Hugh H. Ley. Motion carried.

3. RUBEL ALLEMAND APPLICATION FOR SUMMARY SUBDIVISION

Planning & Zoning Supervisor Alex Tafoya informed the Commission that Rubel Allemand, John Allemand and Martin Allemand, Anton Chico Route, Box 58, Las Vegas, New Mexico, submitted an application for a Summary Subdivision for a Type Five Subdivision.

Mr. Tafoya informed the Commission that the parcel of land is located on the east side of US Highway 84 approximately six (6) miles south of the Romeroville exit.

The Allemand's are proposing to create three (3) lots that are each ten (10) acres in size and one (1) remaining lot that is approximately 91.6 acres in size.

Mr. Tafoya went over the agency comments and stated that the State Engineer issued a negative opinion for this subdivision. Discussion ensued.

County Attorney Jesus Lopez informed the Commission that the applicant made a lawful application for a subdivision and under the Subdivision Act because it is a Type Five Summary Subdivision the Commission could have summarily approved or denied the subdivision without the sought opinions from other State agencies.

Mr. Lopez recommended that the subdivision not be denied at this time because based on the information the Commission has, the denial could be construed as arbitrary and capricious and recommended this item be tabled, and the public hearing continued, until he and Mr. Tafoya meet with the State Engineer's Office.

Carlos Vigil from El Puente Engineering addressed the Commission and stated that he feels that the Allemand's have met all requirements for the subdivision and requested approval of the subdivision. Discussion ensued.

Chairman LeRoy H. Garcia requested public comment from persons that were in favor of the subdivision.

The followings persons were in favor of the subdivision:

Rubel Allemand
Mack Crow
John Allemand

Chairman LeRoy H. Garcia requested public comments from persons that were against the subdivision.

The followings persons were against the subdivision:

Jill Montoya
Andrea Montoya-Gurule

Vice-Chairman Hugh H. Ley requested to have a work session regarding the usage of water in subdivisions to update the subdivision regulations. Discussion ensued.

Motion made by Commissioner David R. Salazar to continue this public hearing and to table this matter until Mr. Tafoya, Mr. Montoya and Mr. Lopez meet with the State Engineer's Office regarding the water issue. Second by Vice-Chairman Hugh H. Ley. Motion carried.

4. ROAD VIEWING OF LA LIENDRE ROAD

Planning & Zoning Supervisor Alex Tafoya informed the Commission that the Public Works Division determined that continued maintenance of La Liendre Road is a burden on the County's financial resources.

Mr. Tafoya requested the Commission authorize staff to set up a road viewing of the La Liendre Road.

Mr. Tafoya informed the Commission that several residents from La Liendre Road area were at today's meeting to express their concerns regarding the road.

Public Works Supervisor Harold Garcia stated that there are not sufficient funds in the County budget to continue the maintenance of La Liendre Road and requested that the road be vacated.

Mr. Garcia showed the Commissioners pictures of the road and all the work that is needed to bring the road up to code.

Chairman LeRoy H. Garcia recommended that the road viewers evaluate La Liendre Road and bring back their recommendations to the Commission as to whether the road should remain as a County road or be abandoned.

The following residents expressed their concerns regarding La Liendre Road:

Dr. Gwen Teekell, MD.
Alex Carone
Pat Melton
Jean Brittingham
Rusty Read
Joe Starzl

County Manager Les Montoya suggested other alternatives that would be viable other than bringing the road in question up to code.

County Manager Les Montoya and County Attorney Jesus Lopez explained what process would take place when the road viewers would evaluate the road and bring in their recommendations. Discussion ensued.

Vice-Chairman Hugh H. Ley requested clarifications on what happens if the road is abandoned. Discussion ensued.

Motion made by Commissioner David R. Salazar to authorize a road viewing of La Liendre road. Second by Vice-Chairman Hugh H. Ley. Motion carried.

Chairman LeRoy H. Garcia requested to take a five (5) minute break.

Chairman LeRoy H. Garcia called the meeting back to order at 2:55 p.m.

5. 2006 LEGISLATIVE PRIORITIES DISCUSSION

County Manager Les Montoya advised the Commission that the 2006 Legislative Session is only a few months away and it is necessary to determine the County's priorities for legislative funding requests so that the County can begin to prepare.

Chairman LeRoy H. Garcia suggested that this item be tabled until the other two (2) Commissioners are present.

Mr. Montoya stated that he preferred that this item not be tabled because of time issues. Discussion ensued.

After much discussion it was decided that the County's priorities for 2006 legislative funding requests are as follows:

Commissioner David R. Salazar	County Road B26-A Blanchard Road
Chairman LeRoy H. Garcia	County Road A-11 8 th Street
Vice-Chairman Hugh H. Ley	La Joya del Padre Road
Public Works	Two (2) mowers
Vice-Chairman Hugh H. Ley	Public Works Maintenance Facility
County Manager Les Montoya	County Courthouse remodeling
Chairman LeRoy H. Garcia	El Llano bridge reconstruction
	A 19 El Cabo Lucero road
Chairman LeRoy H. Garcia	Pot hole repair vehicle
	El Corruco Bridge construction

The Commission agreed that the main priority is the County Courthouse remodeling (2nd floor renovation).

Motion made by Vice-Chairman Hugh H. Ley to approve the 2006 County's priorities for legislative funding request as discussed making the County Courthouse remodeling (2nd floor renovation) the priority. Second by Commissioner David R. Salazar. Motion carried.

Chairman LeRoy H. Garcia requested that Mr. Montoya get a proposal to request funding for the renovation of the County Courthouse so he may take it to Washington.

6. RESOLUTION APPROVING SAN MIGUEL COUNTY AS A MEMBER OF THE NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT

Planning & Zoning Supervisor Alex Tafoya submitted for approval Resolution No. 09-13-05-NCNMEDD.

Mr. Tafoya informed the Commission that the North Central New Mexico Economic Development District is requesting that San Miguel County renew its membership with the District.

Motion made by Vice-Chairman Hugh H. Ley to approve Resolution No. 09-13-05-NCNMEDD as presented. Second by Commissioner David R. Salazar. Motion carried.

7. 2005 SPECIAL APPROPRIATIONS FOR NON-CONSTRUCTION PROJECT

Planning & Zoning Supervisor Alex Tafoya informed the Commission that the County received 2005 Legislative funding for six (6) non-construction projects in the amount of \$198,500.00 and in order to utilize the funds the Commission must approve and accept the grant agreement.

Motion made by Vice-Chairman Hugh H. Ley to approve the grant agreement for the amount of \$198,500.00 as requested. Second by Commissioner David R. Salazar. Motion carried.

8. 2005 SPECIAL APPROPRIATIONS FOR CONSTRUCTION PROJECT

Planning & Zoning Supervisor Alex Tafoya informed the Commission that the County received 2005 Legislative funding for five (5) construction projects totaling \$1,145,000.00 and in order to utilize the funds the Commission must approve and accept the grant agreement.

Motion made by Vice-Chairman Hugh H. Ley to approve the grant agreement for the amount of \$1,145,000.00 as requested. Second by Commissioner David R. Salazar. Motion carried.

9. 2005 SPECIAL APPROPRIATIONS FOR AN EMERGENCY PROJECT

Planning & Zoning Supervisor Alex Tafoya informed the Commission that the County received 2005 Legislative funding for one (1) emergency project in the amount of \$25,000.00 and in order to utilize the funds the Commission must approve and accept the grant agreement.

Mr. Tafoya stated that monies would be used to purchase an equipped ambulance for the Pecos Valley Ambulance Service.

Motion made by Vice-Chairman Hugh H. Ley to approve the grant agreement for the amount of \$25,000.00 as requested. Second by Commissioner David R. Salazar. Motion carried.

10. RFP FOR ARCHITECTURAL SERVICES, FOR THE FACILITY MASTER PLAN, AT THE SAN MIGUEL COUNTY DETENTION CENTER-SUBMISSION OF BEST SERVICE PROPOSAL FOR COUNTY COMMISSION APPROVAL TO ENTER INTO CONTRACT NEGOTIATION

Warden Patrick W. Snedeker informed the Commission the RFP for Architectural Services, for the Facility Improvement Master Plan at the San Miguel County Detention Center was advertised. The best service proposal, NCA Architects, PA; is submitted for County Commission approval to enter into contract negotiation.

Motion made by Commissioner David R. Salazar to approve to enter into contract with NCA Architects, PA. as requested. Second by Vice-Chairman Hugh H. Ley. Motion carried.

11. ACTION TO BE TAKEN ON DISTRICT COURT ANNEX BID AWARD

County Manager Les Montoya informed the Commission that bids were opened on August 10, 2005 for construction of a District Court Annex. Three bids were received and one bid was determined as a non responsive bid.

Mr. Montoya stated the bids received were from Franken Construction Company in the amount of \$3,391,000.00, Rio Vista Construction in the amount of \$3,670,00.00 and from Jim Sena Construction in the amount of \$3,320,000.00. The non responsive bid was from Pascetti Steel.

Mr. Montoya stated that the architect determined that the Jim Sena Construction bid was the most responsive and responsible bid, and the lowest bid, and determined that the County should consider negotiating the bid amount. The low bid was Sena Construction and the bid exceeded the project budget but was within 10% of the project budget.

Mr. Montoya informed the Commission that the County immediately received three (3) protests; the three (3) contractors protested each others' bid.

Mr. Montoya stated that with the assistance of County Attorney Jesus Lopez the protests were reviewed and a determination was issued denying each protest.

Mr. Montoya also stated that certified written notices of his protest determinations were mailed to each contractor; therefore, the contractor has thirty (30) days from the date the determinations were filed in the County Clerk's Office, to file a lawsuit with the District Court and request a stay on the procurement process. This thirty (30) day period ends on September 19, 2005.

Mr. Montoya, along with the architect and Harold Garcia met with Mr. Jim Sena to attempt to negotiate his company's bid downward.

Mr. Sena provided written notice to the County that he was willing to reduce the original bid amount by \$61,500.00

On September 8, 2005 Mr. Montoya called the architect and advised him to notify Mr. Sena that the County was requesting that \$100,000.00 be reduced from the original bid amount and that an answer to this request must be provided by Friday, September 9th, 2005 at 5:00 p.m.

As of September 12, 2005 Mr. Montoya has not heard from Jim Sena Construction Company regarding this request.

Mr. Montoya made a recommendation that the County Commission award the contract for the Courthouse Annex project to Jim Sena Construction Company should the Sena base bid amount be reduced to \$3,220,000.00 by September 16, 2005 @ 5:00 p.m., and should Jim Sena not agree, all bids should be rejected including the Sena bid as of September 16, 2005 and Mr. Montoya should then be authorized to again initiate the bid process to build the new District Court Annex.

County Attorney Jesus Lopez noted for the record that the Jim Sena Construction bid was the low bid, but because the bid exceeded the project budget but was within the 10% of the budget, Mr. Montoya and the architect are lawfully able to negotiate with the contractor. Discussion ensued.

Mr. Lopez stated the motion should read that Jim Sena Construction should be awarded this project on the condition that he comes down on his base bid by \$100,000.00, by Friday, September 16, 2005 @ 5:00 p.m. by advising the County Manager. If the County Manager is not advised by the given time the County Manager may reject all bids including the Sena bid and County Manager is authorized to again initiate the bid process to build the new District Court Annex.

Motion made by Commissioner David Salazar to award the contract to Jim Sena Construction Company, Inc, for the Courthouse Annex construction project on the condition that he comes down \$100,000.00 on his base bid of 3,320,000.00 by Friday, September 16, 2005 @ 5:00 p.m., by advising the County Manager. If the County Manager is not advised by the given time the County Manager may reject all bids including the Sena bid and County Manager will be authorized to again

initiate the bid process for the new District Court Annex. Second by Vice-Chairman Hugh H. Ley. Motion carried.

12. AFFORDABLE HOUSING ACT RESOLUTION NO. 9-12-05-PZ

Planning & Zoning Supervisor Alex Tafoya informed the Commission that the Affordable Housing Act (6-271-NMSA 1978) provides that Counties and Municipalities can provide housing assistance grants to qualified non-profit organizations after enactment, by the County or Municipality, of an ordinance that complies with rules promulgated by the New Mexico Mortgage Finance Authority Affordable Housing Act Rules.

Mr. Tafoya requested the Commission to review and adopt Resolution No. 9-12-05-PZ authorizing the County Manager to prepare an ordinance in compliance with the Affordable Housing Act and the New Mexico Mortgage Finance Authority Affordable Housing Act Rules.

Motion made by Vice-Chairman Hugh H. Ley to approve Resolution N. 9-12-05-PZ as presented. Second by Commissioner David Salazar. Motion carried.

13. GRANT AWARD FROM EMNRD NUMBER 06-521-04-GC-0010 TO PURCHASE PERSONAL PROTECTIVE EQUIPMENT IN THE AMOUNT OF \$16,667.00

Fire Marshal Dan Wright informed the Commission that the Gallinas Fire Department applied for the grant in the amount of \$16,667.00 with the Department paying \$1,667.00 in matching and receiving \$15,000.00 from ENMRD.

Mr. Wright requested the Commission accept and sign the Grant Award Agreement.

Motion made by Vice-Chairman Hugh H. Ley to approve Grant Award Agreement from EMNRD Number 06-521-04-GC-0010 as requested. Second by Commissioner David R. Salazar. Motion carried.

14. EMS PROTOCOLS RESOLUTION NO. SMC-RES-0912-2005-FM

Fire Marshal Dan Wright informed the Commission that San Miguel Fire and EMS Association adopted the State EMS Guidelines and protocols as the standard for the County fire Service and requests that it be adopted as a County standard by the Board of County Commissioners. Discussion ensued.

Mr. Wright submitted for approval EMS Protocols Resolution No. SMC- RES-0912-2005-FM.

Commissioner Ley asked Mr. Wright what was his plan to train and secure compliance regarding the EMS protocols. Mr. Wright informed the Commission that he has meeting scheduled to set up a training program. Discussion ensued.

Motion made by Vice-Chairman Hugh H. Ley to approve EMS Protocols Resolution No. SMC-RES-0912-2005-FM as requested. Second by Commissioner David R. Salazar. Motion carried.

15. MONTHLY REPORT FOR THE PUBLIC WORKS DIVISION FOR THE MONTH OF AUGUST 2005

Public Works Division Supervisor Harold Garcia went over the monthly report for the month of August 2005 and answered questions from the Commission. Discussion ensued.

No action taken; for information only.

16. RESOLUTION NO. RES -9-12-05-PW-EXCESS PROPERTY AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY TO DECLARE CERTAIN PROPERTY AS PROVIDED IN THE STATE STATUTES

Public Works Division Supervisor Harold Garcia submitted for approval Resolution No. Res-9-12-05-PW-Excess property authorizing the Board of County Commissioners of San Miguel County to declare certain property as obsolete and excess provided in the state statutes.

Mr. Garcia informed the Commission that on May of this year the excess property was put out for bid and there were three (3) successful bidders and two of the bidders picked up their property but one of the bidders did not pick up his property and has not paid for what was bid for.

Mr. Garcia requested approval from the Commission to re-advertise and re bid the items that were not picked up from the last auction.

Tony Ortega explained to the Commission as to why he had not picked up all the equipment that he had bid for at the last auction and requested to allow him three (3) weeks to pay the remaining balance. Discussion ensued.

Mr. Harold Garcia informed the Commission that this was not the first time that the County had issues with Mr. Ortega complying with the conditions set forth for sale of excess property. Discussion ensued.

After much discussion Chairman LeRoy H. Garcia informed Mr. Ortega that the Commission would allow him three (3) weeks to pay the remaining balance in

two (2) lump sum payments, with the first payment due on September 16, 2005 and final payment due on September 30, 2005.

Commissioner Garcia also stated that if Mr. Ortega does not comply with the conditions set forth, the Commission would authorize Mr. Harold Garcia to re-advertise to re-bid the equipment.

The Commission authorized Harold Garcia to add a 1975 Ford 4x4 VIN E 24HHW46771 from the Pecos Volunteer Fire Department to the excess vehicles and equipment listing.

Motion made by Commissioner David Salazar to approve Resolution No. 09-12-05-PW-EXCESS property authorizing the Board of County Commissioners of San Miguel County to declare certain property excess and obsolete as provided in the State Statutes with the condition that Mr. Ortega be allowed three (3) weeks to pay the remaining balance in two (2) lump sum payments, with the first payment due on September 16, 2005 and final payment due on September 30th, 2005. If conditions are not met, the Commission would authorize Mr. Harold Garcia to re-advertise to re-bid the excess equipment. Second by Vice-Chairman Hugh H. Ley. Motion carried.

17. AWARD OF BID FOR CONSTRUCTION TO BE PERFORMED WITHIN THE VILLAGE OF LEYBA ALONG COUNTY ROAD B-30-A THROUGH THE FEMA DISASTER PROJECT

Public Works Division Supervisor Harold Garcia informed the Commission that Bids for construction of the project were advertised, with two (2) responsive bidders submitting their bids. Rocky Road Gravel Products submitted a bid in the amount of \$136,371.88. Duran's Sand & Gravel submitted a bid in the amount of \$84,746.12. The Engineer's estimate for this project was \$94,504.06.

Mr. Garcia's recommendation was to award to the low bidder which was Duran's Sand and Gravel in the amount of \$84,746.12 as recommended by the County Engineer.

Motion made by Commissioner David R. Salazar to award bid to Duran's Sand and Gravel for the Village of Leyba along County Road B-30-A Project in the amount of \$84,746.12. Second by Vice-Chairman Hugh H. Ley. Motion carried.

18. CAPITAL COOPERATIVE AGREEMENT FOR 2005 LEGISLATIVE APPROPRIATIONS(S) FOR SAN MIGUEL COUNTY

Public Works Division Supervisor Harold Garcia submitted for approval Capital Cooperative Agreement for 2005 Legislative Appropriation(s) for San Miguel County.

The following road appropriated funds are as follows:

El Ancon	\$20,000.00
El Cerrito	\$75,000.00
El Llano	\$50,000.00
Las Dispensas	\$40,000.00
Tecolote	\$30,000.00
Leyba (Gonzales Ranch area)	\$20,000.00
Lovato	\$20,000.00
Sena	\$20,000.00
Camp Luna – Vista de Vegas	\$70,000.00
La Joya del padre Road – Pecos	\$ 50,000.00
Sacatosa (Gonzales Ranch area)	\$50,000.00
Tyson Road (Village of Rowe)	\$50,000.00
Conchas	\$50,000.00
Ribera Bridge (Corruco area)	\$50,000.00
El Cerrito	\$50,000.00
Camp Luna 0 Luna drive	\$50,000.00
Villanueva	\$50,000.00
TOTAL	\$795,000.00

Motion made by Vice-Chairman Hugh H. Ley to approve Cooperative Agreement for execution and submittal to the New Mexico Department of Transportation, Local Government Unit in Santa Fe as requested. Second by Commissioner David R. Salazar. Motion carried.

19. CALL FOR BIDS FOR PURCHASING, DELIVERY AND PLACING OF BASE COURSE FOR THE FOLLOWING VILLAGES/COUNTY ROADS

Public Works Division Supervisor Harold Garcia requested authorization to submit bid package for the purchasing, delivery, and placing of Base Course Materials on County roads.

The following is a list of County Roads being included with the Bid Advertisement:

- El Ancon (County Road B-41-F)**
- Leyba (Gonzales Ranch area) County Road B-36**
- Sena (County Road B-58),**

**Pecos Area at La Joya del Padre
La Sacatosa (Gonzales Ranch area) County Road B-28-B,
Gonzales Ranch Road (County Road B-31-A)
Village of Rowe is at Tyson Road
Village of Villanueva (County Road B-29)**

Motion made by Vice-Chairman Hugh H. Ley to authorize staff to advertise bid package as requested. Second by Commissioner David R. Salazar. Motion carried.

**20. REVISED JOB DESCRIPTION FOR THE SAN MIGUEL COUNTY
PUBLIC WORKS DIVISION FOR THE FOLLOWING POSITIONS:**

**BLADING CREW SUPERVISOR
SPECIAL ROAD CREW SUPERVISOR
HEAVY EQUIPMENT OPERATOR III
HEAVY EQUIPMENT OPERATOR II
MAINTENANCE DIVISION SUPERVISOR**

Public Works Division Supervisor Harold Garcia submitted for approval a revised job description for the above positions.

Motion made by Vice-Chairman Hugh H. Ley to approve the revised job descriptions for the San Miguel County Public Works as requested. Second by Commissioner David Salazar. Motion carried.

Chairman LeRoy H. Garcia requested that Mr. Garcia apply for a fence coop to put up a fence on 8th Street extension. Discussion ensued.

**21. REVISED JOB DESCRIPTION-DETENTION OFFICER/MAINTENANCE
TECHNICIAN**

Warden Patrick W. Snedeker submitted for review and approval the revised Job Description for Detention Officer/Maintenance Technician. Discussion ensued.

Motion made by Vice-Chairman Hugh H. Ley to approve the revised Job Description for Detention Officer/Maintenance Technician as presented. Second by Commissioner David Salazar. Motion carried.

22. RFP FOR CONTRACTED FOOD SERVICE OPERATION, AT THE SAN MIGUEL COUNTY DETENTION CENTER-SUBMISSION OF BEST SERVICE PROPOSAL FOR COUNTY COMMISSION APPROVAL TO ENTER INTO CONTRACT NEGOTIATIONS

Warden Patrick W. Snedeker informed the Commission the RFP for contracted Food Service Operations at the San Miguel County Detention Center was advertised, and ABL Management Inc. was determined to be the best and most responsible offer.

Mr. Snedeker requested approval to enter into contract negotiations with ABL Management, Inc.

Chairman LeRoy H. Garcia asked if it would be feasible to hire a County employee to run the County Detention Center Food Service Department

Mr. Snedeker and Mr. Montoya response to Commissioner Garcia's question was that contractual services were more feasible and cost effective. Discussion ensued.

Motion made by Commissioner David R. Salazar to approve contract negotiations with ABL Management, Inc as requested. Second by Vice-Chairman Hugh H. Ley. Motion carried.

23. RFP FOR INMATE TELEPHONE SERVICE/WINDOWS BASED JAIL/MANAGEMENT SYSTEM, AT THE SAN MIGUEL COUNTY DETENTION CENTER-SUBMISSION OF BEST SERVICE PROPOSAL FOR COUNTY COMMISSION APPROVAL TO ENTER INTO CONTRACT NEGOTIATION

Warden Patrick Snedeker informed the Commission that RFP for inmate telephone service/windows based jail management system, at San Miguel County Detention Center was advertised, and Evercom-Systems, Inc, was determined to be the best and most responsible offer.

Warden Patrick W. Snedeker submitted for approval to enter into contract negotiations with Evercom-Systems, Inc. for inmate telephone service/windows based jail management system.

Motion made by Vice-Chairman Hugh H. Ley to approve to enter into contract negotiations with Evercom-Systems, Inc. for inmate telephone service/windows based jail management system as requested. Second by Commissioner David Salazar. Motion carried.

24. RESOLUTION SMC NO 08-29-2005-S8-1 TO RATIFY THE SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP) FOR FISCAL YEAR ENDING JUNE 30, 2005 MANDATED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Section 8 Housing Director Gilbert Almanza, Jr. submitted for approval Resolution SMC No. 08-29-2005-S8-1 to ratify the Section 8 Management Assessment Program (SEMAP) for fiscal year ending June 30, 2005 mandated by the Department of Housing and Urban Development.

Motion made by Vice-Chairman Hugh H. Ley to approve Resolution No. 08-29-2005-S8-1 to ratify the Section 8 Management Assessment Program (SEMAP) for fiscal year ending June 30, 2005 mandated by the Department of Housing and Urban Development as presented. Second by Commissioner David Salazar. Motion carried.

25. RESOLUTION SMC NO. 09-12- 2005-5-S8-2 TO RATIFY PAYMENT STANDARDS MANDATED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, SAID STANDARDS ENSURE THE INTEGRITY OF THE SAN MIGUEL COUNTY SECTION 8 HOUSING AUTHORITY

Section 8 Housing Director Gilbert Almanza, Jr. submitted for approval Resolution SMC No. 09-12-2005-S8-2 to ratify payment standards mandated by the Department of Housing and Urban Development, said standards ensure the integrity of the San Miguel County Section 8 Housing Authority.

Motion made by Vice-Chairman Hugh H. Ley to approve Resolution No. 09-12-2005-S8- to ratify payment standards mandated by the Department of Housing and Urban Development, said standards ensure the integrity of the San Miguel County Section 8 Housing Authority as presented. Second by Commissioner David Salazar. Motion carried.

26. RECLASSIFICATION AND APPROVAL OF JOB DESCRIPTION OFFICE MANAGER/DISPATCHER SHERIFF'S OFFICE

County Manager Les Montoya submitted for approval job description to reclassify position from exempt status to a classified status.

Motion made by Commissioner David R. Salazar to approve job description to reclassify position of Office Manager/Dispatcher from exempt status to a classified status. Second by Vice-Chairman Hugh H. Ley. Motion carried.

27. MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FOURTH JUDICIAL DISTRICT COURT AND SAN MIGUEL COUNTY FOR THE LAWFUL EXPENDITURE AND ACCOUNTING OF \$150,000.00 APPROPRIATED BY THE NEW MEXICO LEGISLATURE TO THE FOURTH JUDICIAL DISTRICT COURTHOUSE IN SAN MIGUEL COUNTY

County Manager Les Montoya submitted for approval a Memorandum of Understanding (MOU) between the Fourth Judicial District Court and San Miguel County for the Lawful expenditure and accounting of \$150,000.00 appropriated by the New Mexico Legislature to the Fourth Judicial District Court for the Courthouse Annex project.

Motion made by Vice-Chairman Hugh H. Ley to approve the Memorandum Of Understanding (MOU) between the Fourth Judicial District Court and San Miguel County for the Lawful expenditure and accounting of \$150,000.00 appropriated by the New Mexico Legislature to the Fourth Judicial District Court for the Courthouse Annex Construction Project. Second by Commissioner David Salazar. Motion carried.

28. DISASTER DECLARATION RESOLUTION NO. SMC-09-12-05-CM

County Manager Les Montoya submitted for approval Disaster Declaration Resolution No. SMC-09-12-05-CM.

Mr. Montoya informed the Commission that the Disaster Declaration was associated with heavy rains that occurred in San Miguel County during the week of August 29th through September 2, 2005.

Motion made by Commissioner David R. Salazar to approve Disaster Declaration Resolution No. SMC-09-12-05-CM as presented. Second by Vice-Chairman Hugh H. Ley. Motion carried.

29. MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN MORA COUNTY AND SAN MIGUEL COUNTY AUTHORIZING THE USE OF A \$20,000.00 LEGISLATIVE APPROPRIATION (SAPN 05-1129-GF) TO PURCHASE SOLID WASTE EQUIPMENT AND SPLITTING UP THE APPROPRIATION ON A 50/50 BASIS

County Manager Les Montoya submitted Memorandum of Understanding (MOU) between Mora County and San Miguel County authorizing the use of a \$20,000.00 Legislative Appropriation (SAPN 05-1129-GF) to purchase solid waste equipment and splitting up the appropriation on a 50/50 basis.

County Manager Les Montoya informed the Commission the County of San Miguel was provided a Legislative Appropriation in the amount of \$20,000.00.

The appropriation reads to authorize \$20,000.00 to San Miguel and Mora Counties for the purpose of purchasing solid waste equipment. Discussion ensued.

Motion made by Commissioner David R. Salazar to approve Memorandum of Understanding (MOU) between Mora County and San Miguel County authorizing the use of a \$20,000.00 Legislative Appropriation (SAPN 05-1129-GF) to purchase solid waste equipment and splitting up the appropriation on a 50/50 basis. Second by Vice-Chairman Hugh H. Ley. Motion carried.

30. OUT OF STATE TRAVEL FOR COMMISSIONER LEROY H. GARCIA TO ATTEND THE NATIONAL ASSOCIATION OF COUNTIES (NACO) AUDIT COMMITTEE MEETING OCTOBER 27, 2005

County Manager Les Montoya requested approval from the Commission for out of state travel for Commissioner LeRoy H. Garcia. Mr. Garcia will be attending the audit meeting which will be held in Washington, D.C.

Motion made by Vice-Chairman Hugh H. Ley to approve out of state travel for Commissioner LeRoy H. Garcia as requested. Second by Commissioner David Salazar. Motion carried.

31. COUNTY MANAGER'S PERSONNEL RECOMMENDATION TO PROMOTE THE FOLLOWING INDIVIDUAL TO THE POSITION OF CHIEF OF SECURITY AT THE SAN MIGUEL COUNTY DETENTION CENTER AS PER THE RECOMMENDATION OF PATRICK SNEDEKER, WARDEN/FACILITY ADMINISTRATOR

County Manager Les Montoya submitted the following recommendations to promote the following individual to position of Chief of Security at the San Miguel County Detention Center as per the recommendation of Patrick Snedeker, Warden/Facility Administrator:

Full Time Classified Employee

Johnny Lujan	Chief of Security
Date of Promotion:	September 12, 2005
Salary:	\$35,000.00 Annually

Motion made by Vice-Chairman Hugh H. Ley to approve recommendation to hire Johnny Lujan as Chief of Security as per the recommendation of Patrick Snedeker, Warden/Facility Administrator. Second by Commissioner David Salazar. Motion carried.

32. COUNTY MANAGER'S PERSONNEL RECOMMENDATION TO HIRE THE FOLLOWING INDIVIDUAL TO THE POSITION OF HEAVY EQUIPMENT OPERATOR I/ANIMAL CONTROL AS PER THE RECOMMENDATION OF HAROLD GARCIA, PUBLIC WORKS DIVISION SUPERVISOR

County Manager Les Montoya submitted the following recommendations to hire the following individual as per the recommendation of Harold Garcia, Public Works Supervisor:

Probationary Employee

Nash Roybal Heavy Equipment Operator I/Animal Control
Effective date: September 24, 2005
Salary: \$17,640.00

Motion made by Commissioner David R. Salazar to approve recommendations to hire Nash Roybal as per the recommendation of Harold Garcia, Public Works Supervisor. Second by Vice-Chairman Hugh H. Ley. Motion carried.

33. COUNTY MANAGER'S PERSONNEL RECOMMENDATION TO HIRE AND RATIFY THE FOLLOWING INDIVIDUAL TO THE POSITION OF HEAVY EQUIPMENT OPERATOR I AS PER THE RECOMMENDATION OF HAROLD GARCIA, PUBLIC WORKS DIVISION SUPERVISOR

County Manager Les Montoya submitted the following recommendations to hire the following individual as per the recommendation of Harold Garcia, Public Works Supervisor:

Probationary Employee

Tommy Smith Heavy Equipment Operator I
Effective date: September 24, 2005
Salary: \$16,640.00

Motion made by Vice-Chairman Hugh H. Ley to approve recommendations to hire Tommy Smith as per the recommendation of Harold Garcia, Public Works Supervisor. Second by Commissioner David R. Salazar. Motion carried.

34. COUNTY MANAGER’S PERSONNEL RECOMMENDATION TO HIRE THE FOLLOWING INDIVIDUAL TO THE POSITION OF CONVENIENCE CENTER OPERATOR I AS PER THE RECOMMENDATION OF HAROLD GARCIA PUBLIC WORKS DIVISION SUPERVISOR

County Manager Les Montoya submitted the following recommendations to hire the following individual as per the recommendation of Harold Garcia, Public Works Supervisor:

Probationary Employee

Juan Diego Encinias Convenience Center Operator
Effective date: September 24, 2005
Salary: \$6.50 Hourly

Motion made by Commissioner David R. Salazar to approve recommendations to hire Juan Diego Encinias as per the recommendation of Harold Garcia, Public Works Supervisor. Second by Vice-Chairman Hugh H. Ley. Motion carried.

35. COUNTY MANAGER’S PERSONNEL RECOMMENDATION TO HIRE AND TO RATIFY THE FOLLOWING EMPLOYEES TO FILL THE POSITIONS AT THE SAN MIGUEL COUNTY DETENTION CENTER.

County Manager Les Montoya submitted the following recommendations for hire and ratifications to fill the positions at the San Miguel County Detention Center:
Probationary Employees:

Lynette Santillanes	Detention Officer	Salary: \$17,843.28 Annually
Lupe Sanchez	Detention Officer	Salary: \$17,843.28 Annually
Christopher Crespín	Detention Officer	Salary: \$17,843.28 Annually
Lynnsey Valencia	Detention Officer	Salary: \$17,843.28 Annually
Roseanne Garcia	Detention Officer	Salary: \$17,843.28 Annually
Valerie Valencia	Detention Officer	Salary: \$17,843.28 Annually

Motion made by Vice-Chairman Hugh H. Ley to approve recommendations to hire as per the recommendation of Harold Garcia, Public Works Supervisor. Second by Commissioner David R. Salazar. Motion carried.

36. PERSONNEL ACTIONS

County Manager Les Montoya submitted Personnel Actions that have taken place in San Miguel County for ratification and approval.

Motion made by Commissioner David Salazar to approve Personnel Actions as presented. Second by Vice-Chairman Hugh H. Ley. Motion carried.

37. SAN MIGUEL COUNTY BOARD OF FINANCE MEETING

Chairman LeRoy H. Garcia announced that the Board of County Commissioners would meet as the Board of Finance for San Miguel County.

Chairman LeRoy H. Garcia requested to take a five (5) minute break.

Chairman LeRoy H. Garcia called meeting back to order at 4:35 p.m.

38. AMENDED RESOLUTION 2005-7-26-F1 REGARDING THE FINAL BUDGET ADJUSTMENT

Finance Division Supervisor Melinda Gonzales submitted for approval Amended Resolution No. 2005-7-26-F1 regarding the final budget adjustment.

Motion made by Commissioner David Salazar to approve Resolution No. 2005-7-26-F1 regarding the final budget adjustment as requested. Second by Vice-Chairman Hugh H. Ley. Motion carried.

39. FINANCIAL RESOLUTION NO. 9-12-2005-F2

Finance Division Supervisor Melinda Gonzales submitted for approval Financial Resolution No. 9-12-2005-F2.

Ms. Gonzales went over the miscellaneous budget adjustments.

Motion made by Vice-Chairman Hugh H. Ley to approve Resolution No. 9-12-2005 as presented. Second by Commissioner David Salazar Motion carried.

40. ORDINANCE 9-12-2005-F1, AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE COUNTY AND THE NEW MEXICO FINANCE AUTHORITY EVIDENCING A SPECIAL LIMITED OBLIGATION OF A PRINCIPAL AMOUNT OF \$1,763,889 TOGETHER WITH INTEREST AND ADMINISTRATIVE FEES THEREON, FOR THE PURPOSE OF DEFRAYING THE COST TO MAKE VARIOUS RENOVATIONS AND CAPITAL IMPROVEMENTS TO THE COUNTY CORRECTIONAL FACILITY

Finance Division Supervisor Melinda Gonzales submitted for approval Ordinance 9-12-2005-F1, authorizing the execution and delivery of a loan agreement between the County and the New Mexico Finance Authority evidencing a special, limited obligation of a principal amount of \$1,763,889 together with interest and administrative fees thereon, for the purpose of defraying the cost to make various renovations and capital improvements to the County Correctional Facility.

Motion made by Commissioner David Salazar to approve Ordinance 9-12-2005-F1, authorizing the execution and delivery of a loan agreement between the County and the New Mexico Finance Authority evidencing a special, limited obligation of a principal amount of \$1,763,889 together with interest and administrative fees thereon, for the purpose of defraying the cost to make various renovations and Capital Improvements to the County Correctional Facility as presented. Second by Vice-Chairman Hugh H. Ley. Motion carried.

41. LETTER FROM THE DEPARTMENT OF FINANCE AND ADMINISTRATION GRANTING APPROVAL OF THE FY05/06 BUDGET

Finance Division Supervisor Melinda Gonzales informed the Commission that the State statute requires budgets approved by the Department of Finance and Administration to be made a part of the minutes of the governing body.

Ms. Gonzales made reference to the letter dated August 11, 2005 from State of New Mexico Department of Finance and Administration Local Government Division approving the budget.

No action taken; for information only.

43. INDIGENT CLAIMS

Finance Division Supervisor Melinda Gonzales submitted Indigent Claims for payment.

Motion made by Commissioner David Salazar to approve Indigent Claims as requested. Second by Vice-Chairman Hugh H. Ley. Motion carried.

44. CASH BALANCE REPORT

Finance Division Supervisor Melinda Gonzales went over the Cash Balance Report. Discussion ensued.

No action taken; for information only.

45. ACCOUNTS PAYABLE LISTING

Finance Division Supervisor Melinda Gonzales submitted Accounts Payable Listing for approval and certified each expenditure as a true and legitimate expense.

Motion made by Commissioner David R. Salazar to approve Accounts Payable Listing as presented. Second by Vice-Chairman Hugh H. Ley. 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) and 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 Meeting Act, NMSA 1978.**

County Manager Les Montoya recommended to retire into Executive 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 Vice-Chairman Hugh H. Ley to retire into Executive Session at 4:55 p.m. 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. Second by Commissioner David R. Salazar. Motion carried.

Roll call was taken before County Commission retired into Executive Session.

Chairman LeRoy H. Garcia	yes
Vice-Chairman Hugh H. Ley	yes
Commissioner Kenneth C. Medina	absent
Commissioner Susano Ortiz	absent
Commissioner David Salazar	yes

Unanimous vote to retire into executive session.

Chairman LeRoy H. Garcia called the meeting back into public session at 5:45 p.m.

The record will show no action was taken in Executive Session, and matters discussed in the closed meeting were limited only to those specified in the motion for closure.

ADJOURNMENT

Motion made by Commissioner David R. Salazar to adjourn. Second by Vice-Chairman Hugh H. Ley. Motion carried.

The record will show the time is 5:46 p.m.

Approved this _____ day of _____, 2005 as the Official Minutes of the Board of County Commissioners of San Miguel County, New Mexico.

LeRoy H. Garcia, Chairman

Hugh H. Ley, Vice-Chairman

David R. Salazar Commissioner

Kenneth C. Medina, Commissioner

Susano Ortiz, Commissioner

ATTEST

Paul Maez, County Clerk

Minutes Submitted by: Geraldine E. Gutierrez

