

**REGULAR MEETING
NOVEMBER 13, 2007
MINUTES**

The Board of County Commissioners of San Miguel County held a Regular Meeting and a County Board of Finance Meeting on Tuesday November 13, 2007 at 1:30 p.m. at the Board Room of the Donaldo A. Martinez Administration Building of the West Las Vegas Schools, 179 Bridge Street, Las Vegas, New Mexico 87701. The agenda for the meeting was as follows:

CALL TO ORDER

Chairman Hugh H. Ley called the meeting to order at 1: 30 p.m.

ROLL CALL

Chairman Hugh H. Ley, Vice-Chairman Kenneth C. Medina, Commissioner David R. Salazar, Commissioner June J. Garcia and Commissioner Albert J. Padilla were present.

The record will show a quorum was present.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA:

County Manager Les Montoya suggested that the Commission remove Presentation on Fatal Vision Instrument Computer Software Program by Alecia Rodriguez, DWI Prevention Specialist from the agenda.

Motion made by Commissioner David Salazar to remove Presentation on Fatal Vision Instrument Computer Software Program by Alecia Rodriguez, DWI Prevention Specialist from the agenda. Second by Vice-Chairman Kenneth Medina. Motion carried.

County Manager Les Montoya then submitted the Agenda as amended.

APPROVAL OF MINUTES: Regular Meeting October 18, 2007.

Motion made by Vice-Chairman Kenneth Medina to approve the minutes for Regular Meeting held on October 18, 2007. Second by Commissioner June Garcia. Motion carried.

INTRODUCTION OF NEW EMPLOYEES:

The following new employees were introduced by the County Manager:

Connie Abila (Probationary Employee)	Financial Specialist	Finance Division
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**INTRODUCTION OF
“NEW MEXICO FOREST AND WATERSHED RESTORATION
INSTITUTE”
BY DR. KEN SMITH, FWRI DIRECTOR AND RON ORTEGA, FWRI
FORESTER**

FWRI Director Dr. Ken Smith informed the Commission he received a letter stating that San Miguel County was preparing to develop the Community Wildfire Protection Plan. Dr. Ken Smith thought it was a good time to reintroduce themselves to the Commission.

For information only. No questions or discussion.

**PRESENTATION ON SAFE ROUTES TO SCHOOLS PROGRAM
BY
MS. JESSICA FROST, COORDINATOR OF THE NEW MEXICO
DEPARTMENT OF TRANSPORTATION, MS. LESAH SEDILLO,
PLANNER FOR THE NORTHEASTERN NEW MEXICO REGIONAL
PLANNING ORGANIZATION AND MS. MICHELLE ARAGON OF
THE LAS VEGAS CITY SCHOOLS**

Safe Routes to Schools Programs Coordinator Jessica Frost informed the Commission the County is submitting a Phase I application to encourage kids to bike and walk to school due to the obesity crisis in school kids.

Las Vegas City Schools Michelle Aragon informed the Commission schools will have a two mile radius for students to bike or walk to school.

For information only. No questions or discussion.

NEW BUSINESS:

1. COUNTY TREASURER’S MONTHLY REPORT*

San Miguel County Treasurer Alfonso Ortiz, Jr. presented the Treasurer’s Monthly Report for the month of October, 2007.

For information only. No questions or discussion.

**2. PROPOSED ORDINANCE RELATING TO THE MOVEMENT OF
MANUFACTURED HOMES ***

San Miguel County Treasurer Alfonso Ortiz, Jr. informed the Commission the proposed Ordinance is being promoted in most of the Counties in New Mexico by the Treasurers. Mr. Ortiz feels that a significant amount of taxes is being lost due to the movement of Manufactured Homes without payment of property taxes due.

Commissioner David Salazar inquired if a hearing would be needed should the Ordinance be adopted.

County Attorney Jesus Lopez elaborated on the legal steps needed to adopt the proposed Ordinance.

Discussion ensued.

Mr. Ortiz submitted for approval of the proposed Ordinance.

Commissioner June Garcia was in favor of the proposed Ordinance

For Informational purposes only.

3. PROJECT AGREEMENT (OPERATION DWI) 08-AL-K8-087*

San Miguel County Undersheriff Joe Robert Urban informed the Commission the above project is monies given to our department by New Mexico Department of Transportation. Doing these overtime projects saves lives and prevents accidents.

Mr. Urban submitted for approval of Project Agreement (Operation DWI) 08-AL-K8-087.

Motion made by Vice-Chairman Kenneth Medina for approval of Project Agreement (Operation DWI) 08-AL-K8-087. Second by Commissioner David Salazar. Motion carried.

4. PROJECT AGREEMENT (SELECTIVE TRAFFIC ENFORCEMENT STEP) 08-PT-06-087*

San Miguel County Undersheriff Joe Robert Urban informed the Commission the above project is monies given to our department by New Mexico Department of Transportation. Doing these overtime projects saves lives and prevents accidents.

Mr. Urban submitted for approval of Project Agreement (Selective Traffic Enforcement Step) 08-PT-06-087.

Motion made by Vice-Chairman Kenneth Medina for approval of Project Agreement (Selective Traffic Enforcement Step) 08-PT-06-087. Second by Commissioner June Garcia . Motion carried.

5. RIBERA HOUSING PROPERTY –APPLICATION FOR HOUSING ASSISTANCE GRANT AND AMENDMENTS TO THE AFFORDABLE HOUSING ACT RULES*

Planning and Zoning Supervisor Alex Tafoya informed the Commission at the December 12, 2006 County Commission meeting, the Board of County Commissioners tabled action on the possible award for a housing assistance grant until such time that an infrastructure assessment of the Ribera Housing Property be completed. This action followed a Compliance Review conducted by the New Mexico Mortgage Finance Authority of an application for a housing assistance grant submitted to the County. The Compliance Review noted several findings which MFA determined

that the application was not in full compliance of the Affordable Housing Act Rules. The applicant has ten (10) months to respond and address the findings noted in the Compliance Review and has

not done so. In addition, the 2007 New Mexico State Legislature revised and amended the Affordable Housing Act Rules. San Miguel County will need to amend and revise its own Affordable Housing Ordinance to comply with the new Rules. Meanwhile, the County needs to proceed with efforts to dispose of the Ribera property as per HUD direction and authorization.

County Manager Les Montoya recommended the County no longer consider the application based on the letter received, and direct staff to amend Affordable Housing Ordinance and upon completion, request proposals from entities that are willing to obtain that property under the amended Affordable Housing Ordinance.

Discussion ensued.

County Attorney Jesus Lopez informed the Commission a letter was submitted and targeted a legislator.

County Manager Les Montoya stated for the record this is the same tone they have had at meetings.

Chairman Hugh Ley recommended to accept the withdrawal of the application, and table formal action for 30 days.

Mr. Tafoya submitted the following for consideration: (1) bring this item back to the table; (2) deny award of the housing assistance grant to the San Miguel Assisted Living Community; (3) upon receipt of the infrastructure assessment of the property, County staff be authorized to proceed with placing the Ribera Housing property up for sale by means of public auction as provided by New Mexico State Statute; and (4) staff be directed to amend the County's Affordable Housing Ordinance to comply with the revised and amended Affordable Housing Act Rules upon adoption of said Rules by MFA.

Motion made by Commissioner David Salazar to accept the withdrawal of the application by San Miguel Assisted Living Community. Second by Commissioner June Garcia. Motion carried.

Motion made by Commissioner David Salazar to table formal action concerning the Ribera Housing property for 30 days. Second by Vice-Chairman Kenneth Medina. Motion carried.

6. 2007 LEGISLATIVE SPECIAL APPROPRIATIONS AGREEMENT*

Planning and Zoning Supervisor Alex Tafoya informed the Board of County Commissioners that San Miguel County has received a 2007 Legislative Special Appropriations Agreement for three (3) projects totaling \$128,333.34. In order to access the funds it is necessary to approve and accept the grant agreement.

Mr. Tafoya submitted for authorization for Chairman Hugh Ley to sign the agreement.

Motion made by Vice-Chairman Kenneth Medina to authorize Chairman Hugh Ley to sign the Legislative Special Appropriations Agreement. Second by Commissioner Albert Padilla. Motion carried.

7. PROFESSIONAL SERVICES AGREEMENT, SAN MIGUEL COUNTY DETENTION CENTER, NEW MEXICO HIGHLANDS UNIVERSITY SCHOOL OF SOCIAL WORK, FAMILY VISITATION AND CHILD RESOURCE ADVOCACY PROGRAM *

San Miguel County Detention Center Warden Patrick W. Snedeker informed the Commission the San Miguel County Detention Center received a \$50,000.00 legislative grant, administered by the NM Children, Youth and Families Department, specific to a Family Visitation and Child Resource Advocacy Pilot Program. In response to the Detention Center request for professional services proposal(s); the New Mexico Highlands University School of Social Work has submitted a proposal specific to the development and administration of such a Family Vision and Child Resource Advocacy Program at the San Miguel County Detention Center.

Associate Dean of the New Mexico Highlands University School of Social Work Dr. Andrew Israel was present to convey interests on this program.

Dr. Israel spoke briefly on the services that will be provided at the San Miguel County Detention Center.

Mr. Snedeker submitted for approval the Professional Services Agreement.

Motion made by Vice-Chairman Kenneth Medina to approve the Professional Services Agreement as submitted. Second by Commissioner June Garcia. Motion carried.

8. SAN MIGUEL COUNTY EXCESS PROPERTY REQUEST*

San Miguel County Manager Les Montoya informed the Commission concerning a mobile home located at Conchas Dam that was damaged and is not worth the cost to repair and unsafe for occupancy. San Miguel County is the owner of the property, and is requesting to identify the property as excess and have it bid on and removed.

Mr. Medina stated for the record that the estimated damages to the mobile home were approximately \$8,000.00. The mobile home had never been skirted and was not paid attention to.

Mr. Montoya submitted to pass the resolution that declares mobile home as excess property and authorize County staff to place mobile home out for public auction.

Motion made by Commissioner Albert Padilla to identify the property as excess and have it bid on and removed. Second by Vice-Chairman Kenneth Medina. Motion carried.

9. MONTHLY REPORT IN THE PUBLIC WORKS DIVISION FOR THE MONTH OF OCTOBER 2007*

San Miguel County Manager Les Montoya informed the Commission on issues dealt with in the Public Works Division for the month of October 2007.

For information only. No questions or discussion.

10. SNOW REMOVAL SCHEDULE*

San Miguel County Manager Les Montoya informed the Commission a Snow Removal Schedule has been prepared and was presented to the County Commission at last months' Commission meeting. Some input from Commissioners was given regarding several areas that weren't identified in the schedule. The Schedule has been revised and is being presented to the County Commission.

Mr. Montoya submitted for approval the Snow Removal Schedule as presented.

Motion made by Vice-Chairman Kenneth C. Medina to approve selected company and agreement. Second by Commissioner David Salazar. Motion carried.

11. RESOLUTION NO. 11-13-07PW, SRTS, DECLARING THE ELIGIBILITY AND INTENT OF SAN MIGUEL COUNTY TO SUBMIT AN APPLICATION TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR USE OF SAFE ROUTES TO SCHOOL FUNDS*

San Miguel County Manager Les Montoya informed the Commission San Miguel County was recently notified of the opportunity to apply for a Planning Grant through the New Mexico Department of Transportation Safe Routes to School Program. This grant is available to local Governments with the support of a local School District. Las Vegas City Schools has offered their support on application for this grant. Once the Planning Grant is issued and a plan has been prepared, the County can then apply for funds to develop a Safe Route to School that is currently being considered within Cinder Road.

Mr. Montoya submitted for approval of Resolution No. 11-13-07-PW-SRTS declaring the eligibility and intent of San Miguel County to submit an application to the New Mexico Department of Transportation.

Motion made by Commissioner June Garcia to approve Resolution and give direction to staff to apply for the funds outlined in the Safe Routes to Schools Program through the New Mexico Department of Transportation. Second by Vice-Chairman Kenneth Medina. Motion carried.

12. RURAL ECONOMIC ACTION PARTNERSHIP RESOLUTION NO. 11-13-07-CM AND FUNDING APPLICATION (REAP) FOR FUNDING TO COMPLETE, IMPROVEMENTS AND PROVIDE FOR DEVELOPMENT AT THE NORTHERN NEW MEXICO WOOD BUSINESS PARK*

San Miguel County Manager Les Montoya informed the Commission that the State Economic Development Department provides funding assistance through the REAP for Economic Development Projects. The County and LVSMED would like to apply through this program to search for funding sources to complete site improvements at the Wood Business Park.

Mr. Montoya informed the Commission the County is working with the Las Vegas/San Miguel Economic Development Corporation to obtain funds to develop the park. Additional funding is needed to complete the various projects.

Executive Director of the Las Vegas/San Miguel Economic Development Corporation Sharon Caballero was present to answer any questions.

Mr. Montoya submitted approval of application and authorization submission of application.

Motion made by Commissioner David Salazar to approve the application and authorize to submit application. Second by Commissioner June Garcia. Motion carried

13. REQUEST AUTHORIZATION TO ADVERTISE REQUEST FOR PROPOSALS TO LEASE AND/OR PURCHASE PROPERTY TO BE USED FOR A ROCK CRUSHING SITE AT WHICH ROCK MATERIAL WILL BE CRUSHED AND SCREENED FOR USE ON COUNTY ROADS*

San Miguel County Manager Les Montoya informed the Commission that as directed, staff is pursuing establishing a Crusher/Screening operation for the purpose of producing surface materials for County roads. The lease or acquisition of property will be required for this operation. The RFP solicits property owners to submit proposals offering property for this purpose to the County.

Mr. Montoya submitted to consider making changes and/or approve thereby authorizing advertisement of RFP.

Motion made by Commissioner Albert Padilla to approve, thereby authorizing advertisement of RFP. Second by Commissioner David Salazar. Motion carried.

14. COURTHOUSE AND COUNTY MANAGER PARKING LOT PAVING PROJECT BID REJECTION FROM SANGRE DE CRISTO GRAVEL PRODUCTS AND CONSIDERATION TO AWARD TO LOWEST QUOTE ON THE THIRD ATTEMPT TO OBTAIN QUOTES*

San Miguel County Manager Les Montoya informed the Commission that the project was awarded to Sangre de Cristo Gravel Products contingent on licensing and time restrictions. The company withdrew their bid on October 24. Based on this the County obtained quotes for a third time, and the low bid is _____.

Mr. Montoya is negotiating with Crespín Paving due to the high bid. There is also a third attempt bidder located outside of the area that may be interested in submitting a bid. As of present time, there is no bid to award, and Mr. Montoya is working on finding the best obtainable price.

For information only. No questions or discussion.

15. CAPITAL COOPERATIVE AGREEMENT 2007 LEGISLATIVE APPROPRIATIONS FOR SAN MIGUEL COUNTY VARIOUS ROAD IMPROVEMENT PROJECTS*

San Miguel County Manager Les Montoya informed the Commission of Legislative Funding Agreements to authorize funding for various County road and drainage improvements totaling \$1,055.00

Mr. Montoya submitted for review of agreements authorizing County Chairman to execute and return to NMDOT.

Motion made by Commissioner David Salazar to approve agreements and authorize County Chairman to execute and return to NMDOT. Second by Vice-Chairman Kenneth Medina. Motion carried.

16. COUNTY MANAGER'S PERSONNEL RECOMMENDATIONS TO HIRE AND TO RATIFY THE FOLLOWING INDIVIDUAL TO FILL THE POSITIONS AT THE SAN MIGUEL COUNTY DETENTION CENTER*

RECOMMENDATION TO HIRE:

PROBATIONARY EMPLOYEE

Joseph Romero	Detention Officer	Salary: \$19, 950.00 Annually
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Motion made by Vice-Chairman Kenneth Medina to hire and ratify the above employee to fill position at the San Miguel County Detention Center. Second by Commissioner David Salazar. Motion carried.

17. COUNTY MANAGER'S PERSONNEL RECOMMENDATIONS TO HIRE THE FOLLOWING INDIVIDUAL TO FILL THE CASUAL POSITION OF OFFICE ASSISTANT WITH THE SAN MIGUEL COUNTY TREASURER'S OFFICE*

RECOMMENDATION TO HIRE:

CASUAL EMPLOYEE

Angelica Lujan	Office Assistant	Salary \$9.00 Hourly
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County Manager Les Montoya informed the Commission that Ms. Lujan will be working with the new tax year in processing the heavy work load of property tax payments.

Motion made by Commissioner David Salazar to hire and ratify the above casual employee. Second by Commissioner Albert Padilla. Motion carried.

18. PERSONNEL ACTIONS*

County Manager Les Montoya informed the Commission of personnel actions that have taken place in the month of October for San Miguel County.

Mr. Montoya submitted for approval the personnel actions that have taken place within San Miguel County.

Motion made by Vice-Chairman Kenneth Medina to approve the personnel actions that have taken place within San Miguel County. Second by Commissioner David Salazar. Motion carried.

SAN MIGUEL COUNTY BOARD OF FINANCE MEETING

19. BUDGET FINANCIAL RESOLUTION 2007-11-13-F1*

Finance Division Supervisor Melinda Gonzales informed the Commission on miscellaneous budget adjustments.

Ms. Gonzales submitted for approval Resolution 2007-11-13-F1.

Motion made by Vice-Chairman Kenneth Medina to approve Resolution 2007-11-13-F1. Second by Commissioner David Salazar. Motion carried.

20. INDIGENT CLAIMS*

Finance Division Supervisor Melinda Gonzales informed the Commission of Indigent Claims submitted and reviewed by the Finance Office.

Ms. Gonzales submitted for approval of Indigent Fund payments to Alta Vista Hospital in the amount of \$62,530.63, including \$3,422.80 for San Miguel County Detention Center inmates. St. Vincent's Hospital claims are pending additional information.

Motion made by Commissioner David Salazar for approval for payment to Alta Vista Hospital in the amount of \$62,530.63. Second by Commissioner June Garcia. Motion carried.

21. CASH BALANCE REPORT*

Finance Division Supervisor Melinda Gonzales informed the Commission of the October 1, 2007 cash balances.

No action taken; for information only;

22. ACCOUNTS PAYABLE LISTING*

Finance Division Supervisor Melinda Gonzales submitted Accounts Payable Listing for payments since the last regular meeting.

Ms. Gonzales submitted for approval the Accounts Payable Listings.

Motion made by Vice-Chairman Kenneth Medina to approve Accounts Payable. Second by Commissioner David Salazar. Motion carried.

Executive/Closed Session

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)(7) 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 Meetings Act, NMSA 1978**

County Manager Les Montoya recommended to retire into Executive/ Closed 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 Commissioner Albert Padilla to retire into Executive/ Closed Session at 2:55 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 Salazar. Motion carried.

Roll call was taken before County Commission retired into Executive Session at 2:55 P.M.

Chairman Hugh H. Ley	yes
Vice-Chairman Kenneth C. Medina	yes
Commissioner David Salazar	yes
Commissioner June Garcia	yes
Commissioner Albert Padilla	yes

Motion made by Commissioner Albert Padilla to return from Executive Session. Second by Commissioner David Salazar. Motion carried.

The Commission returned to public session at 4:00 P.M. and Chairman Hugh H. Ley noted for the record that only those matters specified in the motion for closure were discussed in executive session.

ADJOURNMENT

Motion made by Commissioner David Salazar to adjourn. Second by Vice-Chairman Kenneth Medina. Motion carried.

The record will show the time is 4:00 p.m.

Approved this _____ day of _____, 2007 as the Official Minutes of the Board of County Commissioners of San Miguel County, New Mexico.

Hugh H. Ley, Chairman

Kenneth C. Medina, Vice-Chairman

David R. Salazar Commissioner

June J. Garcia, Commissioner

Albert J. Padilla, Commissioner

ATTEST

Paul Maez, County Clerk

Minutes Submitted by: Michelle J. Padilla