

PUBLIC NOTICE

CALL TO ORDER

The Board of County Commissioners of San Miguel County held a Regular Meeting and a County Board of Finance Meeting on Tuesday, January 13, 2009, at 1:30 p.m. at the San Miguel County Commission Chambers, 500 West National, 2nd Floor, Las Vegas, New Mexico 87701 . The agenda for the County Commission meeting was as follows:

ROLL CALL

Chairman David R. Salazar, Vice-Chairman June J. Garcia, Commissioner Albert Padilla, Commissioner Nicolas T. Leger, and Commissioner Marcellino A. Ortiz were present.

The record will show a quorum was present.

PLEDGE OF ALLEGIANCE

Commissioner David Salazar informed the Commissioners and the public the next meetings will be held at the West Las Vegas Administration Building due to construction, until further notice.

Chairman David Salazar congratulated newly elected County Commissioners Mr. Marcellino A. Ortiz, and Mr. Nicolas T. Leger.

APPROVAL OF AGENDA

County Manager Les Montoya requested that item 6 be moved to item 4 on the agenda.

Motion made by Commissioner June Garcia to approve agenda as modified. Second by Commissioner Albert Padilla. Motion carried.

APPROVAL OF MINUTES: December 16, 2008 *

Motion made by Commissioner Albert Padilla to approve minutes for Regular Meeting held on December 16, 2008. Second by Commissioner June Garcia. Motion carried.

NEW BUSINESS:

- 1. SELECTION OF CHAIRMAN AND VICE-CHAIR, BOARD OF COUNTY COMMISSIONERS, SAN MIGUEL COUNTY 2009 ***

County Manager Les Montoya advised the Commission that Section 4-38-10, NMSA 1978, requires that at the first meeting of each year the Commission choose one of their members Chairman and Vice-Chair.

Commissioner Albert Padilla nominated Chairman David Salazar for the 2009 calendar year.

Motion made by Commissioner Albert Padilla to nominate Chairman David Salazar for Chairman. Second by Commissioner June Garcia. Motion carried.

Commissioner Marcellino A. Ortiz nominated Commissioner June Garcia for Vice-Chair for the 2009 calendar year.

Motion made by Commissioner Marcellino A. Ortiz to elect Commissioner June Garcia as Vice-Chair. Second by Commissioner Albert Padilla. Motion carried.

2. ADOPTION OF OPEN MEETINGS RESOLUTION FOR 2009 *

County Manager Les Montoya advised the Commission that the New Mexico Open Meetings Act, Sections 10-15-1, et seq. NMSA 1978, requires that the County Commission adopt, at least annually, a resolution setting forth notice and other requirements relating to its meetings.

Mr. Montoya submitted Open Meetings Resolution for 2009, setting forth notice, publication, and other requirements relating to Commission meetings.

Motion made by Commissioner Albert Padilla to adopt Open Meetings Resolution for 2009, setting forth notice, publication, and other requirements relating to its meetings. Second by Commissioner Marcellino A. Ortiz. Motion carried.

3. COUNTY TREASURER'S MONTHLY REPORT AND PRESENTATION ON STATUS TO NEW MEXICO TAXATION AND REVENUE DEPARTMENT BY SAN MIGUEL COUNTY *

San Miguel County Treasurer Alfonso Ortiz, Jr. presented the Treasurer's Monthly Report for the month of December 2008.

For information only. No questions or discussion.

Mr. Ortiz informed the Commission of the offsets found within the Treasurer's Office that are currently being addressed.

Taxation and Revenue Department Field Supervisor Mr. Eddie Quintana was present to answer any questions, and stated that a firm figure of taxes owed to the state would be forthcoming.

4. PROJECT AGREEMENT (09PT-06-087), SELECTIVE TRAFFIC ENFORCEMENT S.T.E.P., \$3,526 *

San Miguel County Sheriff Benjie Vigil advised the Commission that the above project is money given to our department to work overtime. This money is from the New Mexico Department of Transportation, Safer New Mexico. We have been receiving these grants for the last ten years. Doing this type of overtime projects has saved many lives and more awareness to our communities in San Miguel County.

Mr. Vigil submitted for approval project agreement 09PT-06-087.

Motion made by Commissioner Albert Padilla to approve project agreement (09PT-06-087), selective traffic enforcement. Second by Commissioner June Garcia. Motion carried.

5. APPROVAL OF PROFESSIONAL SERVICES CONTRACT BETWEEN NICK J. MICHALSKI AND THE SAN MIGUEL COUNTY ASSESSOR'S OFFICE *

County Assessor Elaine Estrada advised the Commission the Professional Service Contract between Nick J. Michalski and the San Miguel County Assessor's Office is to train appraisal staff and provide technical assistance in implementation of current and correct values for non-residential vacant land and improved commercial properties for the 2009 assessment year. The contract will began January 20, 2009 and ends on June 30, 2009.

Ms. Estrada commended Mr. Michalski for the training of her staff and progress in the Assessor's office.

Chairman David Salazar commends Ms. Estrada for the leadership and progress in the Assessor's office.

Ms. Estrada submitted for approval the Professional Service Contract .

Motion made by Commissioner Albert Padilla to approve the contract. Second by Commissioner Marcellino A. Ortiz. Motion carried.

6. PENDARIES VILLAGE COMMUNITY ASSOCIATION APPLICATION FOR PARTIAL PLAT VACATION *

Planning and Zoning Supervisor Alex Tafoya advised the Commission San Miguel County has received from Pendaries Village Community Association, an application for partial plat vacation. County Subdivision Ordinance provides that the Board of County Commissioners shall approve or deny the plat vacation at a public meeting. Notice of such public meeting has been sent to property owners and interested parties, and published as required by law.

Mr. Tafoya advised that the purpose of that plat vacation is that the Pendaries Village Community Association would like to consolidate small lots to at least three to four acre sizes, and to provide access to various lots for building purposes.

Mr. Tafoya submitted for review the application; and requested public comment to determine if application has adverse impact.

Danelle Smith was present to discuss the application on behalf of the applicant.

County Attorney Jesus Lopez advised the Commission that a public hearing needed to be held on this issue.

Chairman David Salazar opened a public hearing. No public comment in favor of or in opposition. Public hearing closed.

Motion made by Commissioner Albert Padilla to approve the application. Second by Commissioner Marcellino A. Ortiz. Motion carried.

7. APPOINTMENT TO EXTRA-TERRITORIAL ZONING AUTHORITY COMMISSION *

Planning and Zoning Supervisor Alex Tafoya advised the Commission that the Extra-Territorial Zoning Authority consists of members of the Las Vegas City Council and the Board of County Commissioners. Former Commissioner Kenneth C. Medina served on the ETZ Zoning authority. The term of Mr. Medina expired December 31, 2008, therefore, his term on the ETZ Zoning Authority has also expired. A vacancy now exists.

Discussion ensued.

Mr. Tafoya submitted to appoint a County Commissioner to replace former Commissioner Medina to serve on the ETZ Zoning Authority.

Commissioner Nicolas T. Leger requested his appointment to replace former Commissioner Kenneth Medina.

Motion made by Commissioner Albert Padilla to appoint County Commissioner Leger to replace former Commissioner Kenneth Medina. Second by Commissioner Marcellino A. Ortiz. Motion carried.

8. PLANNING AND ZONING COMMISSION APPOINTMENTS *

Planning and Zoning Supervisor Alex Tafoya advised the Commission that current terms of Planning and Zoning Commission members who represent County Commission District 2, District 4 and District 5 expired on December 31, 2008. It is necessary to appoint members to fill the vacancies on the Planning and Zoning Commission. Generally the term of Planning and Zoning Commission members are consistent with the term of the respective County Commissioner.

Commissioner Nicolas T. Leger submitted Mr. Ernesto Salazar for District 5.

Commissioner Marcellino A. Ortiz had an individual in mind but had not yet contacted the person.

Commissioner David Salazar submitted Mr. Richard Rivera for District 4.

Mr. Tafoya advised the Commission to appoint Ernesto Salazar for District 5 and Richard Rivera for District 4. Mr. Tafoya will submit for District 2 at the next meeting.

Mr. Tafoya submitted to appoint individuals to serve on the Planning and Zoning Commission to represent Commission District 2, Commission District 4, and Commission District 5.

Motion made by Commissioner Albert Padilla to appoint Richard Rivera for Commission District 4, and Ernesto Salazar for Commission District 5 to serve on the Planning and Zoning Commission. Second by Commissioner June Garcia. Motion carried.

9. INSURANCE SERVICE OFFICE REQUIRES THAT THE ROCIADA FIRE STATION BE EXPANDED TO MEET THE MAIN STATION REQUIREMENTS
*

Fire Chief Russell Pacheco advised the Commission the Sapello/Rociada Fire Department has been working and saving monies for an addition to the Rociada Fire Station building to meet ISO requirements for main station status. The plans have been completed and are before the State Fire Marshal for review and approval. Once approved the Sapello/Rociada Fire Department wishes to go out for bid on the addition. The additional cost is estimated at \$175,000. The Fire Department has saved enough monies to complete the additional project.

Mr. Pacheco asked for authority for Sapello/Rociada Fire Department to advertise for bids on the addition to the Rociada Station once the plans are approved by the State Fire Marshal's Office.

Motion made by Commissioner Albert Padilla to authorize Sapello/Rociada Fire Department to advertise for bids on the addition to the Rociada Station once the plans are approved by the State Fire Marshal's Office. Second by Commissioner Marcellino A.Ortiz. Motion carried.

10. GRANT AGREEMENT BETWEEN THE ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT AND SAN MIGUEL COUNTY FOR THE LA PLACITA RURAL VOLUNTEER FIRE DEPARTMENT *

Fire Chief Russell Pacheco advised the Commission the La Placita Volunteer Fire Department received a grant for \$8,000 from the Energy Minerals and Natural Resources Department in 2007. We have requested an extension on the grant to allow for the equipment to be delivered and invoiced. The Energy, Minerals and Natural Resources Department has granted an extension until March 1, 2009. This will allow the La Placita Fire Department to receive and submit all necessary documentation for reimbursement.

Mr. Pacheco submitted to accept grant agreement to initiate the grant extension for the La Placita Fire Department until March 1, 2009 to complete the purchase requirements and submit all the documents for reimbursement.

Motion made by Commissioner Albert Padilla to accept and sign agreement. Second by Commissioner June Garcia. Motion carried.

11. SAPELLO/ROCIADA FIRE STATE FIRE DEPARTMENT PLANS FOR A NEW FIRE STATION IN SAN IGNACIO *

Fire Chief Russell Pacheco advised the Commission that the Sapello/Rociada Fire Department has acquired a tract of land in the San Ignacio area for the purpose of building a new fire station. At this time we would like to inform the Commission that plans have been completed for the building and are being reviewed by the State Fire Marshal. We will be applying for grants and loans to complete this project which will include three new fire apparatus to respond in this area. The cost is estimated at around \$850,000. We will work to obtain grant monies and enter a loan with either DFA or USDA.

Mr. Pacheco asked for permission to proceed upon authorization from the State Fire Marshal to apply and obtain grant/loans to pay for the building and the equipment needed for this project.

Motion made by Commissioner Albert Padilla to proceed upon authorization from the State Fire Marshal to apply and obtain grant/loans to pay for the building and the equipment needed for this project. Second by Commissioner June Garcia. Motion carried.

12. OUT OF STATE TRAVEL REQUEST CHIEF OF SECURITY, MAJOR JOHN LUJAN AND DETENTION LIEUTENANT, MR. ANTONIO PADILLA, SAN MIGUEL COUNTY DETENTION CENTER*

Warden/Facility Administrator Patrick W. Snedeker advised that San Miguel County Detention Center Chief of Security, Major John Lujan, and Detention Lieutenant, Mr. Antonio Padilla, shall attend the Taser International, Less than Lethal, Electronic Disabling Device, Instructor Certification course of instruction, in Scottsdale, Arizona the dates of February 23-24, 2009. The course of instruction shall certify the attendees to carry and properly utilize, as well as provide instructor credentialing, to certify additional Detention Staff in utilization of the Taser Electronic Disabling Device.

San Miguel County Detention Center Major John Lujan and Lieutenant Antonio Padilla were present to answer any questions.

Major John Lujan explained the importance of the training.

Discussion ensued, including concerns and cautions by Chairman Salazar and Vice-Chair Garcia.

Mr. Snedeker submitted for review and approval the Out of State Travel Request as presented.

Motion made by Commissioner Albert Padilla to approve Out of State Travel Request. Second by Commissioner Nicolas T. Leger . Motion carried.

13. OUT OF STATE TRAVEL REQUEST FOR PATRICK W. SNEDEKER, WARDEN/FACILITY ADMINISTRATOR, SAN MIGUEL COUNTY DETENTION CENTER*

Warden/Facility Administrator Patrick W. Snedeker advised the Commission that Ms. Rita Torres, CEO of Health Care Partners Systems, LLC, has been selected to be a seminar presenter at the National Commission on Correctional Health Care Updates at the Correctional Healthcare National Conference April 4-7, 2009 in Las Vegas, Nevada. Patrick W. Snedeker shall be the Co-Presenter for the presentation entitled Successful Legislative Solutions for Marketing Healthcare Affordable.

CEO of Health Care Partners, Systems, LLC, Rita Torres, was present to answer any questions.

South Care Partners Valerie Maestas was present to answer any questions.

Mr. Snedeker submitted for review and approval the Out of State Travel Request as submitted.

Motion made by Commissioner June Garcia to approve the Out of State Travel Request as submitted. Second by Commissioner Albert Padilla. Motion carried.

14. MONTHLY REPORT IN THE PUBLIC WORKS DIVISION FOR THE MONTH OF DECEMBER 2008*

Public Works Division Supervisor Harold Garcia advised the Commission on issues dealt with in the Public Works Division for the month of December 2008.

For information only. No questions or discussion.

15. REQUEST FOR SEALED PROPOSALS FOR PROFESSIONAL SERVICES FOR ARCHITECTURAL DESIGN SERVICES FOR THE SAN MIGUEL COUNTY PUBLIC WORKS/SOLID WASTE TRANSFER STATION *

Public Works Division Supervisor Harold Garcia advised the Commission that San Miguel County received an appropriation of \$400,000 from the 2008 New Mexico Legislature for the purpose of planning, designing, equipping, and constructing a Solid Waste Transfer Station and Baling Facility. These funds are being administered through the NM Environment Department Construction Programs Bureau. The Solid Waste Bureau has mandated that San Miguel County advertise a Request for Proposals for Architectural Design Services for this project.

Mr. Garcia asked authorization for staff to proceed with the advertisement of a Request for Sealed Proposals for Professional Architectural Services to Plan and Design a Solid Waste Transfer Station and Baling Facility for San Miguel County.

Motion made by Commissioner Albert Padilla to authorize staff to proceed with the advertisement for Request for Sealed Proposals for Professional Architectural Services to Plan and Design a Solid Waste Transfer Station and Baling Facility for San Miguel County. Second by Commissioner Marcellino A. Ortiz. Motion carried.

16. AWARD BID FOR THE PURCHASE OF A NEW CURRENT YEAR STANDARD PRODUCTION CRUSHER/SCREENING PLANT FOR THE SAN MIGUEL COUNTY GRAVEL CRUSHER OPERATION *

Public Works Division Supervisor Harold Garcia advised the Commission that San Miguel County has a budget set aside of \$1 million for the purpose of developing a Gravel Crusher Operation. Some of the funds will be utilized for purchasing heavy equipment and a gravel crusher. An invitation for bids for the purchase of a new, current year, standard production crusher/screening plant for this operation was advertised and bids were opened on Wednesday, November 5, 2008.

Discussion ensued.

Mr. Garcia recommended that contract be awarded to low bidder Golden Equipment Company, in the amount of \$648, 013.00.

Motion made by Commissioner Marcellino A. Ortiz to award the contract to low bidder Golden Equipment Company for the purpose of purchasing a new 2008 Cedar Rapids Impact Crusher/screening Plant for \$648,013. Second by Commissioner June Garcia. Motion carried.

17. AWARD BID FOR THE PURCHASE OF BELLY DUMP FOR THE SAN MIGUEL COUNTY GRAVEL CRUSHER OPERATION *

Public Works Division Supervisor Harold Garcia advised the Commission that San Miguel County has a budget set aside of \$1 million for the purpose of developing a Gravel Crusher Operation. Some of the funds will be utilized for purchasing heavy equipment and a gravel crusher. An invitation for bids for the purchase of belly dump(s) for this operation was advertised and bids were opened on Wednesday, November 5, 2008. Two bids were received.

Mr. Garcia submitted to award contract to A6 Equipment from Las Vegas, New Mexico, the low bidder, in the amount of \$20,500.00.

Motion made by Commissioner June Garcia to award the contract to A6 Equipment, Inc. from Las Vegas, New Mexico for a 2000 Western 40' Single Gate Belly Dump Trailer for \$20,500.00. Second by Commissioner Albert Padilla. Motion carried.

18. AWARD BID FOR THE PURCHASE OF A USED 1999 YEAR MODEL OR NEWER HYDRAULIC TAIL TRAILER(S) FOR THE SAN MIGUEL COUNTY GRAVEL CRUSHER OPERATION *

Public Works Division Supervisor Harold Garcia advised the Commission that San Miguel County has a budget set aside of \$1 million for the purpose of developing a Gravel Crusher Operation. Some of the funds will be utilized for purchasing heavy equipment and a gravel crusher. An invitation for bids for the purchase of a used 1999 year model or newer hydraulic tail trailer(s) for this operation was advertised and bids were opened on Wednesday, November 5, 2008. Two bids were received.

Mr. Garcia submitted to award contract to A6 Equipment, Inc. from Las Vegas, New Mexico, the low bidder, in the amount of \$27,800.00.

Motion made by Commissioner Albert Padilla to award the contract to A6 Equipment, Inc. from Las Vegas for the purpose of purchasing a used 1999 Ledwell Hydraulic Tail Trailer for \$27,800.00. Second by Commissioner Marcellino A. Ortiz. Motion carried.

19. AWARD BID ON THE LEASE WITH OPTION TO PURCHASE NEW CURRENT YEAR, STANDARD PRODUCTION 200 HORSEPOWER BULLDOZER *

Public Works Division Supervisor Harold Garcia advised the Commission that an invitation for bids for the lease with option to purchase a bulldozer was advertised and bids were opened on Wednesday, November 5, 2008.

Mr. Lopez informed the new Commissioners of the substantial sums of lease purchase agreements, and the non-appropriation clause contained in same.

Discussion ensued.

Mr. Garcia recommended to award contract to Wagner Equipment Co. out of Albuquerque, the low bidder, in the amount of \$2,990.00 per month.

Motion made by Commissioner Albert Padilla to award the contract to the Wagner Equipment Co. for the purpose of leasing with the option to purchase a Caterpillar Model: D6T XL DS Track Type Tractor. This lease will be for a period of 60 months at \$2,999.00 per month. Second by Commissioner Marcellino A. Ortiz. Motion carried.

20. AGREEMENT FOR THE 60-MONTH LEASE WITH OPTION TO PURCHASE A CAT D6T-XL BULLDOZER *

Public Works Division Supervisor Harold Garcia advised the Commission that an invitation for bids was recently advertised for the purpose of purchasing and/or leasing a 200 HP bulldozer, that will be leased for a period of 60-months with the option to purchase at the end of this lease.

Mr. Garcia submitted for approval by the County Commission the Lease Purchase Agreement for a CAT D6T-XL Bulldozer with Wagner Equipment Co, the low bidder in the amount of \$2,999.00 per month.

Motion made by Commissioner June Garcia to approve in the amount of \$2,999.00 per month the Lease Purchase Agreement for a CAT D6T-XL Bulldozer with Wagner Equipment Co, in the amount of \$2,999.00 per month. The Lease Purchase Agreement is being submitted for reference. Second by Commissioner Marcellino A. Ortiz. Motion carried.

21. REJECT BIDS FOR SAN MIGUEL COUNTY ROAD IMPROVEMENTS: SHERIDAN ROAD AND VILLAGE OF SAN JUAN *

Public Works Division Supervisor Harold Garcia advised the Commission that San Miguel County received Local Government Road Funds and Severance Tax Funds for San Miguel County Road Improvements: Sheridan Road and Village of San Juan. The County advertised for bids and bids were opened on Monday December 22, 2008. Six Bids were received. All bids were over budget.

Discussion ensued.

Mr. Garcia asked the Commission to reject all bids.

Motion made by Commissioner Albert Padilla to reject all bids. Second by Commissioner June Garcia. Motion carried.

22. MEMORANDUM OF UNDERSTANDING BETWEEN THE BOARD OF TRUSTEES OF LUNA COMMUNITY COLLEGE, AND THE BOARD OF COUNTY COMMISSIONERS FOR THE PURPOSE OF SECURING A GLOBAL AND FACTUAL ASSESSMENT OF THE ASSETS, LIABILITIES, OPPORTUNITIES AND CHALLENGES FOR THE ENTIRE LOCAL COMMUNITY TO SET FOUNDATION FOR ALL LOCAL PUBLIC AGENCIES TO COME TOGETHER TO DEVELOP AN EFFECTIVE ECONOMIC DEVELOPMENT PLAN FOR THE AREA*

County Manager Les Montoya advised the Commission that many successful communities possess an Economic Development Plan as the basis for selling their community and for job creation. San Miguel County does not possess such a plan. It is the intention of Luna Community College and San Miguel County to develop an Economic Development Plan for the area. Taking this step will enable the local agencies to identify efforts that may assist development and job creation for the area. The proposed MOU will set the stage from this effort to commence in our area. The effort will open opportunity for additional partnerships.

Discussion ensued.

Mr. Montoya submitted the MOU for approval.

Motion made by Commissioner Albert Padilla to approve the Memorandum of Agreement as presented. Second by Commissioner June Garcia. Motion carried.

USDA Rural Development Director Andres Aragon advised the Commission funding is available through his agency.

23. STATE OF NEW MEXICO CHILDREN, YOUTH AND FAMILIES DEPARTMENT AND SAN MIGUEL COUNTY, AS CONTRACTOR, TO PROVIDE PROGRAM SERVICES WITHIN SAN MIGUEL COUNTY; COST EFFECTIVE SERVICES, AND TEMPORARY, NON-SECURE ALTERNATIVES TO DETENTION IN SAN MIGUEL COUNTY FOR JUVENILES IN SAN MIGUEL COUNTY *

County Manager Les Montoya advised the Commission that local Children, Youth and Families personnel and NMHU staff have been working to secure these funds and provide the needed services in the County. The effort was successful in obtaining a \$90,000 grant to provide said services. The County was approached to serve as the contracting agency, and after review and discussions it was determined it would be beneficial for all concerned to recommend serving in this capacity. The scope of work is identified. In-kind contributions as match have been identified.

Mr. Montoya submitted the agreement for approval. The County Detention Center Warden, Finance Division Supervisor and the County Manager will work to oversee the work of the local collaborative to carry out the services as identified in the agreement.

Motion made by Commissioner Albert Padilla to approve the agreement and provide authorization for the County to work as contractor to carry out said services. Second by Commissioner June Garcia. Motion carried.

24. WIND FACILITIES ORDINANCE AMENDMENT TASK FORCE DESIGNATION; GLORIA LUZ GONZALES, ELLEN DREW, LUISA QUINTANA, ANDRES ARAGON AND JOE C de BACA *

County Manager Les Montoya advised the Commission that on December 9, 2008, the County Commission requested formation of a task force to review the County's existing Wind Facilities Ordinance and consider amendments to existing ordinance.

Mr. Montoya advised that Gloria Luz Gonzales provided a list of names for the task force and recommended Gloria Luz Gonzales, Ellen Drew, Luisa Quintana and Andres Aragon. Joe C de Baca declined.

Gloria Luz Gonzales also recommended Debra Seavey.

Luisa Quintana inquired about the development issues and the Task Force.

Commissioner Nicolas T. Leger submitted Mr. Arthur Vargas for membership on the Task Force.

Mr. Montoya submitted for approval of the names submitted to constitute the County Task Force for this initiative.

USDA Rural Development Director Andres Aragon advised the Commission he will bring resources from USDA.

Motion made by Commissioner Albert Padilla to approve the above names to constitute the Task Force to work with County Staff to propose Wind Facilities Ordinance revisions beneficial to County residents. Second by June Garcia. Motion carried.

25. REQUEST FOR OUT OF STATE TRAVEL FOR COUNTY MANAGER LES MONTOYA AND COUNTY COMMISSIONER JUNE GARCIA TO ATTEND THE NATIONAL ASSOCIATION OF COUNTIES (NACO) LEGISLATIVE CONFERENCE IN WASHINGTON D.C. *

County Manager Les Montoya informed the Commission the conference attendees, if approved, will leave on March 6, 2009 and return on March 10, 2009. NACO provides various courses, and presentations on issues affecting County Government. Displays and introduction to new equipment, material, and methods are also presented.

Mr. Montoya asked approval for him and Commissioner Garcia to attend this out-of-state conference.

Motion made by Commissioner Albert Padilla authorizing above travel to attend this out of state conference. Second by Commissioner June Garcia. Motion carried.

26. COUNTY MANAGER'S PERSONNEL RECOMMENDATION TO HIRE THE FOLLOWING INDIVIDUAL TO FILL THE VACANT POSITION OF DEPUTY AS PER THE RECOMMENDATION OF BENJIE VIGIL, COUNTY SHERIFF *

RECOMMENDATION TO HIRE:

PROBATIONARY EMPLOYEE

Donald Lyles Deputy Salary: \$ 28,500 Annually
Effective: January 19, 2009

County Manager Les Montoya informed the Commission Donald Lyles is being recommended to fill the vacant position of Deputy with the San Miguel County Sheriff's Department. Mr. Lyles has several years of experience and is a certified Law Enforcement Officer through the State of New Mexico.

Mr. Montoya submitted for approval to hire Mr. Donald Lyles as a new Deputy with the San Miguel County Sheriff's Division.

Motion made by Commissioner Albert Padilla to hire Mr. Donald Lyles as a new Deputy with the San Miguel County Sheriff's Division. Second by Commissioner Marcellino A. Ortiz. Motion carried.

27. COUNTY MANAGER'S PERSONNEL RECOMMENDATION TO HIRE PAUL MAEZ AS THE NEW BUREAU OF ELECTIONS SUPERVISOR AS PER THE RECOMMENDATION OF MELANIE Y. RIVERA, COUNTY CLERK *

RECOMMENDATION TO HIRE:

PROBATIONARY EMPLOYEE

Paul Maez Bureau of Elections Supervisor Salary: \$46,713.40 Annually
Effective: January 19, 2009

County Manager Les Montoya informed the Commission that Paul Maez is being recommended to fill the position of Bureau of Elections Supervisor.

Mr. Montoya submitted for approval to hire Paul Maez as the new Bureau of Elections Supervisor, contingent upon availability of funding.

Motion made by Commissioner Albert Padilla to hire Paul Maez as the new Bureau of Elections Supervisor, contingent upon availability of funding. Second by Commissioner Marcellino A. Ortiz. Motion carried.

28. COUNTY MANAGER'S PERSONNEL RECOMMENDATION TO HIRE THE FOLLOWING INDIVIDUAL TO FILL THE VACANT POSITION OF CONVENIENCE CENTER OPERATOR WITH THE SAN MIGUEL COUNTY PUBLIC WORKS DIVISION AS PER THE RECOMMENDATION OF HAROLD GARCIA, PUBLIC WORKS SUPERVISOR *

RECOMMENDATION TO HIRE:

PROBATIONARY EMPLOYEE

Marvin Salazar Convenience Center Operator Salary: \$16,150.00 Annually
Effective: January 24, 2009

County Manager Les Montoya informed the Commission that Mr. Marvin Salazar is being recommended to be hired to fill the vacant position of Convenience Center Operator at the Camp Luna Site.

Mr. Montoya submitted for approval the hiring of Marvin Salazar to fill the vacant position of Convenience Center Operator.

Motion made by Commissioner June Garcia to hire Marvin Salazar to fill the vacant position of Convenience Center Operator. Second by Commissioner Marcellino A. Ortiz. Motion carried.

29. COUNTY MANAGER'S PERSONNEL RECOMMENDATIONS TO HIRE AND RATIFY THE FOLLOWING INDIVIDUALS TO FILL VACANT POSITIONS AT THE SAN MIGUEL COUNTY DETENTION CENTER AS PER THE RECOMMENDATION OF PATRICK SNEDEKER, WARDEN/FACILITY ADMINISTRATOR *

RECOMMENDATION TO HIRE:

PROBATIONARY EMPLOYEES

Pedro Martinez	Detention Officer	Salary: \$20,900.00 Annually
Christopher Romero	Detention Officer	Salary: \$20,900.00 Annually
Jason Garcia	Detention Officer	Salary: \$20,900.00 Annually

County Manager Les Montoya informed the Commission that Detention Officer positions are vacant due to vacancies within the Detention Center.

Mr. Montoya requested the Commission approve the employment of the above Detention Officers.

Motion made by Commissioner June Garcia to hire and ratify the above Detention Officers. Second by Commissioner Albert Padilla. Motion carried.

30. PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF DECEMBER 2008 *

County Manager Les Montoya informed the Commission of personnel actions that have taken place in San Miguel County, and asked for ratification and approval by the San Miguel County Board of Commissioners.

Motion made by Commissioner Albert Padilla to approve Personnel actions that have taken place in San Miguel County, as presented by the County Manager. Second by Commissioner June Garcia. Motion carried.

SAN MIGUEL COUNTY BOARD OF FINANCE MEETING

31. FUEL USAGE REPORT *

Finance Division Supervisor Melinda Gonzales informed the Commission that on a monthly basis the Finance Department is monitoring the gas usage for each of the departments. If the department is exceeding the average monthly allotment, Finance Department sends notice to the department to plan for overages within their current budget.

For information only. No questions or discussion.

32. ALTA VISTA 2009/2010 SOLE COMMUNITY PROVIDER FUNDING REQUEST *

Finance Division Supervisor Melinda Gonzales informed the Commission that each year hospitals participating in the Sole Community provider funds submit requests for Sole Community Provider Funding. The funding is partially paid through the County indigent fund with the other portion paid through a federal match which is administered by the State of New Mexico. The Alta Vista hospital is requesting \$2,670,164 with an estimated cost to the County of \$801,049.

Ms. Gonzales advised the staff is requesting that the Commission review the request and consider approving a lower dollar amount based on projected funding. Based on the projected gross receipts tax revenues for FY 09/10, the recommended amount to approve is \$2,046,630 with an estimated cost to the County of \$613,989, for Alta Vista Hospital.

Motion made by Commissioner June Garcia to review and approve the lower recommended amount set forth above. Second by Commissioner Albert Padilla. Motion carried.

33. CHRISTUS ST. VINCENT 2009/2010 SOLE COMMUNITY PROVIDER FUNDING REQUEST *

Finance Division Supervisor Melinda Gonzales informed the Commission that each year hospitals participating in the Sole Community Provider Funds submit requests for Sole Community Provider Funding. The funding is partially paid through the County Indigent Fund with the other portion paid through a federal match which is administered by the State of New Mexico. The Christus St. Vincent Hospital is requesting an amount of \$158,523 with an estimated cost to the County of \$46,011. The total amount requested reflects a 5% increase from the FY 08/09 approved amount.

Ms. Gonzales submitted for review and approval to lower recommended amount.

Motion made by Commissioner Albert Padilla to review and approve lower recommended amount. Second by Marcellino A. Ortiz. Motion carried.

34. INDIGENT CLAIMS FROM ALTA VISTA AND ST. VINCENT HOSPITAL *

Finance Division Supervisor Melinda Gonzales informed the Commission that Indigent Fund applications are submitted to the Finance Office either directly or from the hospital or from patients. Once the applications are completed the Finance office reviews to determine eligibility per the Indigent Fund guidelines. The Finance Office creates listings of claims for the individuals who meet the eligibility criteria and creates other listings of those who do not meet the requirements.

Ms. Gonzales informed the Commission the indigent for Alta Vista Regional Hospital is in the amount of \$43, 327.11 and the indigent for St. Vincent's Hospital in the amount of \$10, 136.31.

Ms. Gonzales submitted for review and approval the indigent applications.

Motion made by Commissioner Marcellino A. Ortiz to approve indigent applications. Second by Commissioner June Garcia. Motion carried.

35. CASH BALANCE REPORT *

Finance Division Supervisor Melinda Gonzales informed the Commission of the December 31, 2008 cash balances.

For information only. No questions or discussion.

36. ACCOUNTS PAYABLE LISTING *

Finance Division Supervisor Melinda Gonzales informed the Commission of the report of payments since the last regular meeting.

Ms. Gonzales submitted for approval all accounts payable.

Motion made by Vice-Chairman June Garcia to approve Accounts Payable. Second by Commissioner Albert Padilla. 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)(7) 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 June Garcia to retire into Executive/ Closed Session at 5:07 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 Albert Padilla. Motion carried.

Roll call was taken before County Commission retired into Executive Session

Chairman David Salazar	Yes
Vice-Chairman June Garcia	Yes
Commissioner Albert Padilla	Yes
Commissioner Nicolas T. Leger	Yes
Commissioner Marcellino A. Ortiz	Yes

Unanimous vote to retire into executive session.

Commissioner Albert Padilla made a motion to return to regular session at 5:37 P.M. Second by Commissioner Marcellino A. Ortiz. Motion carried.

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

ADJOURNMENT

Commissioner June Garcia made motion to adjourn. Second by Commissioner Marcellino A. Ortiz. Motion carried. The meeting ended at 4:30 P.M.

Approved this _____ day of _____, 2009 as the official minutes of the Board of County Commissioners of San Miguel County, New Mexico, of its regular meeting held January 13, 2008.

David R. Salazar, Chairman

June J. Garcia, Vice-Chairman

Nicolas T. Leger, Commissioner

Marcellino A. Ortiz, Commissioner

Albert J. Padilla, Commissioner

ATTEST

Melanie Y. Rivera, County Clerk

Minutes Submitted by: Michelle J. Padilla