

**SAN MIGUEL COUNTY COMMISSION MINUTES**  
**for June 16, 2009**

**CALL TO ORDER**

The Board of County Commissioners of San Miguel County held a Regular Monthly Meeting and a County Board of Finance Meeting on Tuesday, June 16, 2009, at 1:30 p.m. at the Board Room of the Donaldo A. Martinez Administration Building, West Las Vegas Schools, 179 Bridge St., Las Vegas, New Mexico 87701. The agenda for the County Commission meeting was as follows:

**ROLL CALL**

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

Commissioner Nicolas T. Leger was not present due to a mediation meeting.

The record will show a quorum was present.

**PLEDGE OF ALLEGIANCE**

**SALUTATION TO THE NEW MEXICO STATE FLAG**

**APPROVAL OF AGENDA**

County Manager Les Montoya requested to remove item # 26 and item #29. Mr. Montoya also requested to add Emergency Item Resolution regarding voting machine debt as item #1.

County Attorney Jesus Lopez stated for the record that the New Mexico Board of Finance will be meeting June 23, 2009, and is going to renegotiate lease/purchase agreements with all 33 Counties for lease/purchase of voting machines and equipment, referring to the emergency item noted above. Such approval of Resolution is required at this time.

Motion made by Commissioner Albert Padilla to approve agenda as presented including Emergency Resolution regarding lease/purchase agreements for voting machines and equipment. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**APPROVAL OF MINUTES:** May 5, 2009 and Budget Workshop May 15, 2009 \*

Mr. Jesus Lopez requested to table the minutes for the Budget Workshop meeting that was held on May 15, 2009.

Motion made by Commissioner Marcellino A. Ortiz to table the minutes for the Budget Workshop meeting. Second by Commissioner Albert Padilla. Motion carried.

Motion made by Commissioner Albert Padilla to approve minutes for Regular Meeting held on May 5, 2009. Second by Commissioner June Garcia. Motion carried.

**INTRODUCTION OF NEW EMPLOYEES:**

Paul Sandoval                                      Convenience Center Operator                                      Public Works Division  
(Probationary Employee)

Bernadine Lujan                                      Tax Processor                                      Treasurer's Division  
(Casual Employee)

**PRESENTATION TO HAROLD GARCIA, PUBLIC WORKS DIVISION  
SUPERVISOR, PUBLIC WORKS AFFILIATE PRESIDENT FIRST ANNUAL PUBLIC  
WORKS AFFILIATE EQUIPMENT RAODEO**

Vice-Chair June Garcia recognized Joseph Roybal and Louie Baca for placing at the equipment raodeo. Mrs. Garcia presented them with a t-shirt plaque to be displayed at the Public Works Division.

**PRESENTATION BY CATHERINE F. MONTANO  
RE: DR. RICHARD PHILLIPS REPORT AND CONSTITUTION LAW  
ON THE RIGHTS OF THE PEOPLE**

Anti-Nuclear Activist Catherine Montano presented pictures and spoke about the dangers of nuclear waste that is being transported throughout New Mexico, and requested funding assistance for her trip to Washington, D.C. where she will present her case.

**PRESENTATION BY PATRICK W. SNEDEKER, WARDEN AND RITA TORRES,  
CEO, HEALTHCARE PARTNERS  
RE: ANNUAL REVIEW INFORMATIONAL PRESENTATION**

Warden Patrick W. Snedeker introduced CEO, Healthcare Partners Rita Torres. Ms. Torres advised the Commission that due to the collaborative partnerships, the cost of healthcare at the San Miguel County Detention Center is below the 2004 level in Healthcare costs at the facility.

Ms. Torres advised the Commission San Miguel County has been nationally recognized by the National Accreditation Conference. San Miguel County is preparing for Accreditation status.

**NEW BUSINESS:**

- 1. EMERGENCY RESOLUTION NO. 06-16-09-CLERK \***

County Clerk Melanie Y. Rivera advised the Commission that in 2006 the State Legislature moved to an all paper ballot election. The County owns 67 voting machines. Twenty of those machines are covered under contract with DFA and the other machines are already paid for. The machines are obsolete and will be destroyed. The renegotiations of the two lease/purchase agreements are the subject of the Resolution. One balance is \$19,000.00 and the other balance is \$13,796.56 for a total of \$32,796.56 that the State will renegotiate with the County.

Mrs. Rivera submitted for approval of Resolution No. 06-16-09-CLERK, allowing renegotiation of the lease/purchase agreements with the NM Board of Finance.

Motion made by Commissioner Marcellino A. Ortiz to approve Resolution No. 06-16-09-CLERK. Second made by Commissioner June Garcia. Motion carried.

**2. 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 E. Ortiz, Jr. presented the Treasurer's Monthly Report for the month of May 2009, and informational report from State Taxation and Revenue Department.

For information only. No questions or discussion.

**County Manager Les Montoya introduced Mr. Roberto Rios, Executive Director of the Las Vegas/San Miguel County Economic Development Corporation Mr. Roberto Rios who welcomed any interaction between him and the Commissioners.**

**3. U.S. ARMY ENGINEER DISTRICT (CONCHAS PARK) CONTRACT IN CONCHAS LAKE DAM \***

Sheriff Benjie Vigil advised the Commission that the Sheriff's Department receives funds each year from the Army Corps of Engineers. The sum of \$16,480.00 is the amount for the year.

Mr. Vigil submitted for approval of funds from the Army Corps of Engineers.

Motion made by Commissioner Albert Padilla to approve the funds from the Army Corps of Engineer for use at Conchas. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**4. NEW MEXICO TRAFFIC SAFETY PROJECT, SELECTIVE TRAFFIC ENFORCEMENT (S.T.E.P.) 100 DAYS AND NIGHTS OF SUMMER \***

San Miguel County Sheriff Benjie Vigil advised the Commission of funds from New Mexico Traffic Safety that the San Miguel County Sheriff's Department receives every year to do traffic enforcement on the highways and County roads in San Miguel County to prevent injuries and save lives.

Mr. Vigil submitted approval of funds from New Mexico Traffic Safety.

Motion made by Commissioner Marcellino A. Ortiz to approve funds from New Mexico Traffic Safety. Second by Commissioner Albert Padilla. Motion carried.

**5. RECOMMENDATION TO APPROVE PREVIOUS PROTEST BOARD MEMBERS FOR SAN MIGUEL COUNTY FOR A NEW TWO YEAR TERM \***

County Manager Les Montoya advised the Commission that the Protest Board shall be approved by the County Commission. Protests to tax assessments can be filed up to July 1, 2009.

County Manager presented on behalf of Elaine Estrada, the County Assessor to approve Protest Board Member recommendations; Jose B. Duran, Rolando Medrano and consider alternates, Rubel Vigil and Ruben Trujillo.

Motion made by Commissioner June Garcia to approve Protest Board member recommendations as noted above. Second by Commissioner Albert Padilla. Motion carried.

**6. 2009-10 SAN MIGUEL COUNTY LODGERS' TAX APPROPRIATIONS AS RECOMMENDED BY THE SAN MIGUEL COUNTY LODGERS' TAX ADVISORY BOARD \***

County Manager Les Montoya advised the Commission that proposals were reviewed by the LTAB on May 29, 2009, and recommendations by the LTAB were made after review, scoring and interviews of the respective offerors, as follows:

Recommendation to approve funding for Ride to Pride for advertising in the amount of \$1,000.00, Las Vegas/San Miguel Chamber of Commerce for advertising and special events in the amount of \$20,435.00, Music from Angel Fire for advertising and promoting special events in the amount of \$3,000.00 and the County Fair for advertising in the amount of \$1,000.00.

Vice-Chair June Garcia requested to add the Las Vegas Fourth of July fiestas Committee in the amount of \$1,000.00 for the Fourth of July events.

Discussion ensued.

County Manager Les Montoya submitted review of the recommendations and recommended to award the proposals to concur with the LTAB recommendation for use of funds.

Motion made by Commissioner June Garcia to approve LTAB recommendations and approve for \$1,000.00 appropriations for fiscal year 2009-10 including Las Vegas Fourth of July fiestas. Second by Commissioner Albert Padilla Motion carried.

**7. APPLICATION FOR PRELIMINARY PLAT APPROVAL-VISTA HERMOSA SUBDIVISION A TYPE 3 SUBDIVISION LOCATED IN THE VICINITY OF PECOS, NEW MEXICO AND CONSISTING OF THIRTEEN (13) RESIDENTIAL LOTS EACH APPROXIMATELY 0.75 ACRES IN SIZE AND ONE (1) LOT FOR COMMERCIAL PURPOSES CONSISTING OF APPROXIMATELY 2.41 ACRES IN SIZE \***

Planning and Zoning Supervisor Alex Tafoya advised the Commission that Planning and Zoning Commission recommends preliminary plat approval subject to conditions and recommendations in regard to fire truck and emergency access and language to be included on the final plat, the disclosure statement and the covenants and well agreement as concerns Lot 1, the proposed commercial lot.

Mr. George T. and M. Mercedes Roybal, and son Glenn G. Roybal were present to answer any questions.

Chairman David Salazar opens a public hearing.

No public input received.

Chairman David Salazar closes public hearing at this time.

Mr. Tafoya submitted to review application No. SC-0078: conduct public hearing and accept testimony and evidence in regard to the application; approve the preliminary plat subject to the conditions and recommendations of the Planning and Zoning Commission.

Motion made by Commissioner Albert Padilla to review application: conduct public hearing and accept testimony and evidence; approve the preliminary plat as per conditions and recommendations of the Planning and Zoning Commission. Second by Commissioner June Garcia. Motion carried.

**8. PETITION TO DISCONTINUE ROAD AS PUBLIC ROAD (COUNTY ROAD B-41-E) \***

Planning and Zoning Supervisor Alex Tafoya advised the Commission that San Miguel County has received a Road Petition from Daniel Garcia, Jr. and the other residents in the vicinity of County Road B-41-E requesting that San Miguel County discontinue as a public road an approximate one (1) mile portion of the existing 4.42 mile County Road B-41-E. In order to proceed with the petition request, it is necessary to schedule a public road viewing.

Ms. Tafoya submitted to authorize County Staff to schedule a public road viewing and bring back a recommendation.

Motion made by Commissioner June Garcia to authorize a public road viewing. Second by Commissioner Albert Padilla. Motion carried.

#### **9. PETITION TO ADOPT ROAD AS COUNTY ROAD \***

Planning and Zoning Supervisor Alex Tafoya advised the Commission that residents of the Don Gallegos Subdivision have submitted a Road Petition form requesting that San Miguel establish Don Gallegos Circle as a public road. In order to proceed as provided under State Statute, it is necessary to schedule a public road viewing of the road.

Mr. Tafoya submitted review of the Road Petition; authorize County Staff to schedule a public road viewing to be conducted by the County road viewers.

Motion made by Commissioner Albert Padilla to review the Road Petition and authorize a public road viewing. Second by Commissioner Marcellino A. Ortiz. Motion carried.

#### **10. PROPOSED RESOLUTION ADDRESSING EXTENDED IDLING BY COMMERCIAL DIESEL TRUCKS \***

Planning and Zoning Supervisor Alex Tafoya advised the Commission that Executive Order 2006-69, Climate Change Action provided for various State Agencies to develop recommendations and guidelines to address the risk of climate change. The New Mexico Environment Department was charged with the development of regulations and guidelines to address the issue of truck stop electrification for anti-idling capability as well as a public education and outreach program. The Environment Department has determined that such matters are best handled at the local level and provided a model ordinance for consideration.

Discussion ensued.

Mr. Tafoya submitted for review the model ordinance for information purposes and requested authorization to respond to Environment Department in formal manner by adopting Resolution No. 06-16-09-ANTI-IDLE.

Motion made by Commissioner Albert Padilla to approve Resolution No. 06-16-09-ANTI-IDLE. Second by Commissioner June Garcia. Motion carried.

**11. INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP) FOR 2011-2015**  
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Planning and Zoning Supervisor Alex Tafoya advised the Commission it is time to begin the process of updating the County's Infrastructure Capital Improvements Plan (ICIP) for 2011-2015. All State Agencies, including the New Mexico Legislature, use the ICIP to help determine if a project should be funded. The ICIP must be submitted to DFA-Local Government Division by September. This will be the first step toward approval of the ICIP.

Discussion ensued.

Mr. Tafoya submitted for review of the projects listed and ask the public for suggestions on projects to be included in the ICIP.

No action was required and no public input was provided.

**12. CONTRACT FOR ARCHITECTURAL SERVICES AS-NEEDED BY AND BETWEEN SAN MIGUEL COUNTY AND GREGORY T. HICKS & ASSOCIATES \***

Planning and Zoning Supervisor Alex Tafoya advised the Commission that on April 14, 2009, the Board of County Commissioners authorized County Staff to enter into contract negotiations with three companies that scored the highest in response to the RFP issued by the County for Architectural Services "As-Needed". The company Gregory T. Hicks & Associates is one of the three companies and has submitted a contract for review and approval.

Mr. Tafoya submitted for review and approval of the contract by and between San Miguel County and Gregory T. Hicks & Associates, and to authorize Commission Chairman David R. Salazar and Finance Supervisor Melinda Gonzales to sign on behalf of the County.

Motion made by Commissioner June Garcia to review and approve Contract and authorize Chairman David Salazar and Finance Director Melinda Gonzales to execute contract. Second by Commissioner Albert Padilla. Motion carried.

**13. CONTRACT FOR ARCHITECTURAL SERVICES AS-NEEDED BY AND BETWEEN SAN MIGUEL COUNTY AND VIGIL & ASSOCIATES ARCHITECTURAL GROUP \***



Planning and Zoning Supervisor Alex Tafoya advised the Commission that on April 14, 2009, the Board of County Commissioners authorized County Staff to enter into contract negotiations with three companies that scored the highest in response to the RFP issued by the County for Architectural Services “As-Needed”. Vigil & Associates Architectural Group, one of the three companies was selected and has returned the agreement to the County for approval.

Mr. Tafoya submitted for (1) review of the agreement; (2) if acceptable, then approve the agreement between County and Vigil and Associates; and (3) authorize Commission Chairman David R. Salazar to sign agreement on behalf of the County.

Motion made by Commissioner Albert Padilla to approve the agreement and authorize Commission Chairman David R. Salazar to sign agreement on behalf of the County. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**14. AGREEMENT FOR ENGINEERING SERVICES AS-NEEDED BETWEEN COUNTY AND ENGINEERS INC. \***

Planning and Zoning Supervisor Alex Tafoya advised the Commission that on April 14, 2009, the Board of County Commissioners authorized County Staff to enter into contract negotiations with three companies that scored the highest in response to the RFP issued by the County for Engineering Services “As-Needed”. Engineers Inc., one of the three companies was selected and has returned the agreement for County approval.

Mr. Tafoya submitted for (1) Review of the agreement; (2) if acceptable, then approve the agreement between County and Engineers Inc. (3) authorize Commission Chairman David R. Salazar to sign agreement on behalf of the County.

Motion made by Commissioner Albert Padilla to approve the agreement and authorize Commission Chairman David R. Salazar to sign the agreement. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**15. AGREEMENT FOR ENGINEERING SERVICES AS-NEEDED BETWEEN SAN MIGUEL COUNTY AND MILLER ENGINEERING \***



Planning and Zoning Supervisor Alex Tafoya advised the Commission that on April 14, 2009, the Board of County Commissioners authorized County Staff to enter into contract negotiations with three companies that scored the highest in response to the RFP issued by the County for Engineering Services "As-Needed". Miller Engineering Consultants, one of the three companies was selected and has returned the agreement for County approval.

Mr. Tafoya submitted for (1) review the agreement; (2) if acceptable, then approve the agreement between the County and Miller Engineers; and (3) authorize Commission Chairman David R. Salazar to sign agreement on behalf of the County.

Motion made by Commissioner June Garcia to approve the agreement and authorize Commission Chairman David R. Salazar to sign agreement. Second by Commissioner Albert Padilla. Motion carried.

**16. RESOLUTION SMC NO.6-16-2009-S8 TO RATIFY INCOME LIMITS MANDATED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, SAID INCOME LIMITS ENSURE THE INTEGRITY OF THE SAN MIGUEL COUNTY SECTION 8 HOUSING AUTHORITY \***

Section 8 Housing Administrator Gilbert Almanza Jr. advised the Commission that the Department of Housing and Urban Development mandates payment standards, setting subsidy limits to landlords. The San Miguel County Section 8 Housing Authority must abide by these payment standards to ensure that the allotted subsidy is not misappropriated and is used efficiently and effectively.

County Attorney Jesus Lopez stated that Mr. Almanza is required to insert the effective date for the change which is July 1, 2009.

Mr. Almanza submitted for approval of Resolution Number 06-16-2009-S8.

Motion made by Commissioner Marcellino A. Ortiz to approve Resolution No. 06-16-2009-S8 with the effective date. Second by Commissioner Albert Padilla. Motion carried.

**17. MUTUAL AID AGREEMENT BY AND BETWEEN QUAY COUNTY, NM AND SAN MIGUEL COUNTY, NM SPECIFIC TO MUTUAL AID FOR FIRE DISTRICTS/DEPARTMENTS \***

Fire Chief Russell Pacheco advised the Commission this Mutual Aid Agreement is required by the State Fire Marshall's Office and is to establish the terms and conditions under which the parties will provide mutual assistance through the Fire Districts/Departments.

Mr. Pacheco submitted to approve the Agreement.

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

**18. MONTHLY REPORT IN THE PUBLIC WORKS DIVISION FOR THE MONTH OF MAY 2009 \***

County Manager Les Montoya advised the Commission that the San Miguel County Public Works Division submits a report to the County Commission on a monthly basis on any maintenance including blading of County roads and/or special projects with County roads that are addressed.

For information only. No questions or discussions.

**19. AWARD OF BID FOR THE CONSTRUCTION OF THE SHERIDAN ROAD IMPROVEMENT PROJECT \***

County Manager Les Montoya advised the Commission that San Miguel County recently advertised for the Construction of the Sheridan Road Improvement Project. There were four bids submitted for this project.

Mr. Montoya submitted to award bid to Rocky Road Gravel Products as recommended by the County Engineer, as the lowest and most responsible bid.

Motion made by Commissioner Albert Padilla to award bid to Rocky Road Gravel Products. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**20. EXTENSION OF CONTRACT WITH GREER'S REPAIR AND WELDING FOR HEAVY EQUIPMENT AND LIGHT-DUTY DIESEL POWERED MECHANIC SERVICES FROM THE PERIOD OF JULY 1, 2009 THRU JUNE 30, 2010 \***

County Manager Les Montoya advised the Commission that the San Miguel County Public Works Division has had Heavy Equipment Diesel Mechanic Services for the past 12 months with Greer's Repair and Welding. This was based on the Request for Bids put together in 2005 and awarded to Greer's for one-year with the option to extend for an additional 12-months for up to 4 years. We are entering into the 4<sup>th</sup> year of these services to be effective July 1, 2009 thru June 30, 2010.

Mr. Montoya submitted for extension of the contract with Greer's Repair and Welding for Heavy Equipment and Light-Duty Diesel Powered Mechanic Services for an additional 12 months.

Motion made by Commissioner Albert Padilla to approve extension of the contract. Second by Commissioner June Garcia. Motion carried.

**21. AWARD BID ON CONSTRUCTION OF THE PUBLIC WORKS FACILITY AT THE NORTHERN NEW MEXICO WOOD BUSINESS PARK \***

County Manager Les Montoya advised the Commission that San Miguel County recently advertised for bids for the construction of the Public Works Facility at the Northern New Mexico Wood Business Park. Construction will include the Administrative Offices, the Public Works Mechanic Shop and Storage, and some of the ground work. A total of \$1.2 million is available for this project.

Mr. Montoya submitted to award contract to the lowest bidder, La Cueva Construction in the amount of \$1,190,400.00 with the recommendation to negotiate alternate #1 (Paving) as recommended by the Architect.

Motion made by Commissioner Marcellino A. Ortiz to award bid to the lowest bidder, La Cueva Construction, in the amount of \$1,190,400.00. Second by Commissioner Albert Padilla. Motion carried.

**22. AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 COOPERATIVE PROJECT AGREEMENT FOR THE CINDER ROAD**

**PEDESTRIAN AND BICYCLE PATH IMPROVEMENTS IN THE AMOUNT OF \$937,015 \***

County Manager Les Montoya advised the Commission that San Miguel County and the City of Las Vegas recently applied for Economic Stimulus funds through the American Recovery and Reinvestment Act (ARRA) for the construction of the Cinder Road Pedestrian and Bicycle Path Improvements. We were recently notified San Miguel County will be receiving \$937,015 in Stimulus Funds through the American Recovery and Reinvestment Act (ARRA) for this project. This project must be shovel ready within 90 days after the appropriation of fund is made to San Miguel County. The Cooperative Agreement for these funds between San Miguel County and the New Mexico Department of Transportation has been submitted to the County for execution.

Mr. Montoya submitted for approval of the A.R.R.A. 2009 Cooperative Agreement with the New Mexico Department of Transportation in the amount of \$937,015 for the development of the Cinder Road Pedestrian and Bicycle Path Improvements.

Motion made by Commissioner June Garcia to approve the Agreement. Second by Commissioner Albert Padilla. Motion carried.

**23. FY 2009-10 DEPARTMENT OF FINANCE AND ADMINISTRATION (DFA) LOCAL GOVERNMENT DWI GRANT AGREEMENT \***

DWI Coordinator Wendy Armijo advised the Commission the County of San Miguel continues to receive DWI operational Distribution and Grant funding as a result of County funds generated from County Liquor Excise Taxes. A projected \$179,541 is to be received in Distribution funds for FY 09-10 and a total of \$38,000 has been awarded in Grant funds for a total award of \$217,541. The program will utilize the stated grant funds for the operation of the following program components: Prevention, Screening, Compliance Monitor & Tracking and Coordination Planning and Evaluation.

Ms. Armijo submitted for approval of the stated conditions set forth in the FY 09-10 Grant Agreement.

Motion made by Commissioner Albert Padilla to approve FY 09-10 DWI Grant Agreement. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**24. SAN MIGUEL COUNTY DETENTION CENTER POLICY AND PROCEDURE #052300, #052301, USE OF FORCE; INCLUDING USE OF ELECTRONIC RESTRAINT DEVICE (TASER) \***

Warden/Assistant Facility Administrator Patrick W. Snedeker advised the Commission he and Chief of Security, Major John Lujan and Detention Lieutenant and Emergency Response Team Commander, Mr. Antonio Padilla, were certified by Taser International, Inc., in the instruction, use, and carrying of the Taser electronic control device in Scottsdale, Arizona, February 23-25, 2009. San Miguel County Detention Center Policy and Procedure, #05230 and #052301, Use of Force, has been revised to include the electronic control device Taser and delineates requirements for usage/activation of such unit, as well as reporting requirements, and equipment storage, care and maintenance requirements.

Member of the San Miguel Citizens Advisory Committee Ms. Pat Leahan spoke on behalf of the Policy and Procedures.

Citizens Advisory Committee member Bob Pearson advised the Commission Tasers should not be used promiscuously.

Citizen Advisory Committee Mr. Steve Flores commended the Warden for involving the Committee and moving forward in a positive way.

Discussion ensued.

Mr. Snedeker submitted for review and approval of revised SMCDC Policy/Procedure #052300/#052301, Use of Force.

Commissioner Marcellino A. Ortiz requested to table the Policies and Procedures.

Motion made by Commissioner Marcellino A. Ortiz to table the revised SMCDC Policy/Procedure #052300, #052301, Use of Force. Second made by Commissioner June Garcia. Motion carried.

**25. INSTITUTE FOR THE PREVENTION OF IN CUSTODY DEATH INSTRUCTOR CERTIFICATION COURSE \***

Warden/Facility Administrator Patrick W. Snedeker advised the Commission out of State travel is requested for San Miguel County Detention Center Assistant Facility Administrator and Chief of Security, Major John Lujan to attend the Institute for the Prevention of in Custody Death Instructor Certification course of Instruction in Scottsdale, Arizona on the dates of August 3-4, 2009. The course of instruction shall provide a turn-key officer level training program, allowing the Detention Center to instruct/train our officers and others in strategies to avoid and prevent sudden and in-custody deaths; including proper identification of sudden death behaviors, actions to be taken in such situation, and proper management of such incidents.

Mr. Snedeker submitted for approval of out of State travel request for such Instructor Certification Course.

Motion made by Commissioner Marcellino A. Ortiz to approve the out of State travel. Second by Commissioner June Garcia. Motion carried.

**26. EVERCOM SYSTEMS, INC. INMATE TELEPHONE SERVICE PROVIDER, SAN MIGUEL COUNTY DETENTION CENTER AMENDMENT TO MASTER SERVICES AGREEMENT JUSTICE SOFTWARE, INC. AUTOMATED JAIL MANAGEMENT SYSTEM (FACILITY MANAGER) PROVIDER, SAN MIGUEL COUNTY DETENTION CENTER \***

Warden/Facility Administrator Patrick W. Snedeker advised the Commission Evercom Systems, Inc. has provided the Inmate Telephone Service/Automated Facility Management System, at the San Miguel County Detention Center. Evercom Systems, Inc. has sold/assigned the automated Jail Management System (Facility Manager) to Justice Software, Inc. Evercom Systems, Inc. shall continue to provide Inmate Telephone Service(s) at the San Miguel County Detention Center, pursuant to an Amendment to Master Services Agreement document. Both documents have been reviewed/ approved by San Miguel County Attorney, Mr. Jesus Lopez.

Mr. Snedeker submitted for review and approval of the Evercom Systems, Inc. Amendment Agreement and the Justice Software, Inc. Software and Support Agreement.

Motion made by Commissioner June Garcia to approve the Agreement. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**27. CONTRACTUAL AGREEMENT SAN MIGUEL COUNTY, NM AND NEW MEXICO HIGHLANDS UNIVERSITY, LAS VEGAS JUVENILE JUSTICE CONTINUUM BOARD, GENDER SPECIFIC, RESTORATIVE JUSTICE PROFESSIONAL SERVICES \***

Warden/Facility Administrator Patrick W. Snedeker advised the Commission the contractual agreement by and between San Miguel County, NM and New Mexico Highlands University specific to the Las Vegas Juvenile Justice Continuum Board, and the provision of Gender Specific and Restorative Justice Professional Services is presented for Commission review and approval. This Agreement relates to and does serve to implement an Agreement between San Miguel County, NM and the NM Children, Youth and Families Department, for a grant totaling \$90,000.00 as adopted by the San Miguel County Commission on January 13, 2009.

Co-Coordinator of the Las Vegas Juvenile Justice Continuum Board Donna Armijo was present to answer any questions.

Mr. Snedeker submitted for approval of the Agreement.

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

**28. FIRST AMENDMENT TO AGREEMENT NO. 09-690-9116, NM CHILDREN, YOUTH & FAMILIES DEPARTMENT & SAN MIGUEL COUNTY \***

Warden/Facility Administrator Patrick W. Snedeker advised the Commission this is the first Amendment to Agreement No. 09-690-9116 specific to FY 2010. Agreement No. 09-690-9116 between the NM Children, Youth and Families Department and San Miguel County, New Mexico specific to provision of a continuum of services/alternatives to detention for San Miguel County youth who are arrested and referred to juvenile probation/parole and/or at risk of referral is presented for Commission approval.

Co-Coordinator of the Las Vegas Juvenile Justice Continuum Board Donna Armijo advised the Commission funds were reduced by \$70,000.00 due to the late start of this program.

Mr. Snedeker submitted for approval of the Amendment.

Motion made by Commissioner June Garcia to approve the Amendment. Second by Commissioner Albert Padilla. Motion carried.



**29. AGREEMENT BETWEEN STATE OF NEW MEXICO CHILDREN, YOUTH AND FAMILIES DEPARTMENT AND SAN MIGUEL COUNTY, CHILD RESOURCE ADVOCACY/FAMILY VISITATION PROGRAM AT THE SAN MIGUEL COUNTY DETENTION CENTER \***

Warden/Facility Administrator Patrick W. Snedeker advised the Commission the NM Children, Youth and Families Department has provided Grant Funding in the amount of \$25,000.00 to San Miguel County and its Detention Center for provision of a Child Resource Advocacy/Family Visitation program. The NMHU School of Social Work is providing development and administrative oversight for the program, including School of Social Work Masters Degree level student interns, who shall act as Child Resource Advocates. The LV Community Based Adolescent/Family services program is providing the LISW Clinical Supervision component of the program.

Associate Dean of NMHU School of Social Work Dr. Andrew Israel was present and spoke.

Mr. Snedeker submitted for approval of the CYFD Contract Agreement, the NMHU Memorandum of Understanding Agreement, and the Adolescent/Family Services Professional Services Agreement, specific to the Child Resource Advocacy/Family Visitation Program.

Motion made by Commissioner June Garcia to approve the CYFD Contract Agreement, the NMHU Memorandum of Understanding Agreement and the Adolescent/Family Services Professional Services Agreement, specific to the Child Resource Advocacy/Family Visitation Program. Second by Commissioner Albert Padilla. Motion carried.

**30. OUT OF STATE TRAVEL TO ATTEND ANNUAL NATIONAL ASSOCIATION OF COUNTIES CONFERENCE (NACO) \***

County Manager Les Montoya asked the Commission for authorization for out of State travel for Commissioner June Garcia, Treasurer Alfonso Ortiz, DWI Coordinator Wendy Armijo, and County Manager Les Montoya to attend the NACO Annual Conference in Nashville, Tennessee July 23, 2009 to July 28, 2009.

Motion made by Commissioner Albert Padilla to approve request for travel. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**31. COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT CDBG PROJECT NO. 09-C-NR-I-01-09 AWARDED \$429,594.24 TO SAN MIGUEL COUNTY TO COMPLETE PHASE II OF THE TECOLOTE ROAD AND DRAINAGE PROJECT \***

Planning and Zoning Supervisor Alex Tafoya advised the Commission that the CDBG Council supported County Application to complete Tecolote Phase II Project. The Board approved the County application and Local Government formulated the Grant Agreement for execution by the Board of County Commissioners.

Motion made by Commissioner Albert Padilla to approve and authorize County Commission Chairman to execute the Agreement. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**32. COUNTY MANAGER'S PERSONNEL RECOMMENDATION TO HIRE THE FOLLOWING INDIVIDUAL TO FILL VACANT POSITION OF TAX PROCESSOR WITH THE SAN MIGUEL COUNTY TREASURER'S OFFICE AS PER THE RECOMMENDATION OF ALFONSO E. ORTIZ JR., COUNTY TREASURER \***

**RECOMMENDATION TO HIRE:**

**CASUAL EMPLOYEE**

Bernadine Lujan (Casual Employee)	Tax Processor	Salary: \$9.00 hourly
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Mr. Montoya submitted for approval to hire and ratify the hiring of the above individual.

Motion made by Commissioner Albert Padilla to hire and ratify the hiring of Mrs. Bernadine Lujan. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**33. 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 EMPLOYEE**

Steven Patron	Detention Officer	Salary: \$20,900.00 Annually
Denise Patron	Detention Officer	Salary: \$20,900.00 Annually
Robert Sandoval	Detention Officer	Salary: \$20,900.00 Annually

Mr. Montoya submitted for approval to hire and ratify the hiring of the above Detention Officers, due to vacancies at the Detention Center.

Motion made by Commissioner June Garcia to hire and ratify the hiring of the above Detention Officers. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**34. PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF MAY 2009 \***

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 Marcellino A. Ortiz. Motion carried.

**SAN MIGUEL COUNTY BOARD OF FINANCE MEETING**

**35. INDIGENT CLAIMS**

County Manager Les Montoya advised the Commission of indigent claims submitted and reviewed by the Finance Office.

Mr. Montoya submitted for approval of claims.

Motion made by Commissioner June Garcia to approve indigent claims. Second by Commissioner Albert Padilla. Motion carried.

**36. RESOLUTION NO. 2009-06-16-F1 \***

County Manager Les Montoya informed the Commission the County will begin to accept stimulus funds through the American Recovery and Reinvestment Act. The County will be required to account for these funds separately from other funds, and, a new fund needs to be created for this purpose. The Finance Office is recommending that Fund 235 be created and entitled the American Recovery and Reinvestment Act (ARRA) Fund and will solely be used to account for ARRA Funds.

Mr. Montoya submitted for approval of Resolution No. 2009-06-16-F1.

Motion made by Commissioner June Garcia to approve Resolution No. 2009-06-16-F1. Second by Commissioner Marcellino A. Ortiz. Motion carried.

### **37. CASH BALANCE REPORT \***

County Manager Les Montoya informed the Commission of the May 31, 2009 cash balances.

For information only. No questions or discussion.

### **38. ACCOUNTS PAYABLE LISTING \***

County Manager Les Montoya informed the Commission of the report of payments since the last regular meeting, and submitted for approval all accounts payable.

Motion made by Commissioner Albert Padilla to approve Accounts Payable. Second by Commissioner Marcellino A. Ortiz. Motion carried.

County Manager recognized Field Representative for Tom Udall Anna Rael-DeLay.

County Attorney Jesus Lopez advised for the record Mr. Giuliani was not following Sheriff Benjie Vigil out the door for comments, the main story was the Road Project for Sheridan.

### **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 Marcellino A. Ortiz to retire into Executive/Closed Session at 5:06 p.m. to discuss the matters outlined above by the County Manager. Second by Commissioner June Garcia. Motion carried.

Roll call was taken before County Commission retired into Executive Session

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

Unanimous vote to retire into executive session.

Commissioner June Garcia made a motion to return to regular session at 5:45 P.M. Second by Commissioner Albert Padilla. 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 Marcellino A. Ortiz made motion to adjourn. Second by Commissioner Albert Padilla. Motion carried. The meeting ended at 5:46 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 June 16, 2009.

\_\_\_\_\_  
David R. Salazar, Chairman

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June J. Garcia, Vice-Chair

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Nicolas T. Leger, Commissioner

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Marcellino A. Ortiz, Commissioner

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Albert J. Padilla, Commissioner

**ATTEST**

\_\_\_\_\_  
Melanie Y. Rivera, County Clerk

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Minutes Submitted by: Michelle J. Padilla